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PROCEEDINGS AND DEBATES OF THE 91^{st} CONGRESS, SECOND SESSION

SENATE—*Thursday, April 23, 1970*

The Senate met at 12 o'clock meridian and was called to order by Hon. SPESSARD L. HOLLAND, a Senator from the State of Florida.

The Reverend Delvin D. Elwell, pastor, First Baptist Church, Hinton, W. Va., offered the following prayer:

Our Father in Heaven, through whose power men in generations past obtained liberty, we are mindful of the heritage which is ours, not of our deserving but by Thy providence. We are grateful for the privilege of living and serving in this great land and for those democratic principles which have made our Nation great.

We acknowledge that Thou art a sovereign God and that even mighty men and nations must bow before Thee.

Grant, we pray, spiritual wisdom to these public servants so that they may properly determine Thy will and the right action to take as crucial decisions come before them.

Help us to be worthy to stand in this place and with steadfast courage fulfill the tasks which Thy will demands.

We pray in the name of our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 23, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SPESSARD L. HOLLAND, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLAND thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 20, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT ON ADMINISTRATION OF THE NATURAL GAS PIPELINE SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 20, 1970, the Secretary of the Senate, on April 21, 1970, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I herewith transmit to you the second Annual Report on the administration of the Natural Gas Pipeline Safety Act of 1968. This report has been prepared in accordance with Section 14 of the Act, and covers the period of January 1, 1969, through December 31, 1969.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1970.*

REPORT ON OFFICE OF ECONOMIC OPPORTUNITY COMMUNITY ACTION PROGRAM GRANTEES ANNUAL SALARY REPORT FOR FISCAL YEAR 1969—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 20, 1970, the Secretary of the Senate, on April 21, 1970, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Pursuant to Section 610–1(b) of the Economic Opportunity Act of 1964, as amended, the Director of the Office of Economic Opportunity has submitted a list of the names of officers or employees whose compensation is subject to the limitation set forth in Section 610–1(a) and who were receiving, at the end of the last fiscal year, salary at a rate of $10,000 or more per year, together with the amount of actual compensation paid to each person and the amount of such compensation paid from funds advanced or granted pursuant to the Act. I am transmitting the report to the Congress herewith.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1970.*

DISASTER ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 20, 1970, the Secretary of the Senate, on April 22, 1970, received the following message from the President of the United States, which was referred to the Committee on Public Works:

To the Congress of the United States:

The spirit of neighborliness, the readiness to extend a helping hand in time of trouble, is one of the great traditions of this country. In the early years of our history, good neighbors were essential in coping with the hardships of pioneer life. They are equally essential in meeting the challenges of life today.

The spirit of the good neighbor was particularly evident in 1969 when natural disasters struck this country in unprecedented numbers and with unprecedented force. Twenty-nine major disasters and an untold number of smaller disasters were responsible for over 300 deaths and an estimated $2 billion in property damage in the last calendar year. Events such as the California floods and Hurricane Camille with the Virginia floods were exceptionally destructive.

Private voluntary agencies have traditionally played a crucial role during times of disaster. State and local governments are key factors in any successful disaster relief effort. Thus the Federal role is only one part of the overall response of the Nation. But it is a very important part of that response. Under the Federal Disaster Acts of 1950, 1966, and 1969 and their amendments and under provisions in many other statutes, the Federal government works to help individuals through relief and rehabilitation efforts and to assist State and local governments by restoring public facilities essential to community life. In 1969 the Federal government allocated $150 million for assistance from the President's Disaster Relief Fund—the largest sum for any one year in history. Significant additional funds were spent on disaster assistance under other Federal programs. A report on our 1969 experience is being provided to the Congress.

We are confident that the general framework of our present program provides an effective mechanism for channeling Federal disaster assistance to individuals and communities. Rather than depending on a specialized disaster assistance agency, the present system makes maximum use of existing agencies, centrally coordinated by the Office of Emergency Preparedness, to perform tasks in time of emergency which are similar to those which they perform in normal circumstances. Our present arrangements also encourage constructive and cooperative efforts among individuals, local communities, the States and the Federal Government.

At the same time, however, we have learned that a number of improvements are in order within the existing framework. The last Presidential special mes-

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sage on the subject of disaster assistance was written 18 years ago. Since that time, this program has grown in a piecemeal and often haphazard manner, involving over 50 separate Congressional enactments and executive actions. This slow development process has created a complex program, one which has a number of gaps and overlaps and needs increased coordination. It is time for new legislation and executive action to make our Federal disaster assistance program more effective and efficient.

LEGISLATIVE PROPOSALS

To extend and to improve the assistance which the Federal Government can provide in time of major disasters, I am asking the Congress to enact the Disaster Assistance Act of 1970. This legislation contains a number of specific proposals, the most important of which are the following:

REVENUE MAINTENANCE

When a community experiences a major disaster, the physical impact is obvious. What the television camera does not capture, however, is the loss of property tax revenue which occurs when a substantial portion of a community's property tax base is destroyed and its essential services are disrupted.

To ease this difficulty, *I recommend that the Congress enact a property tax revenue maintenance plan.* Under this plan, the Federal government would be authorized to lend money at favorable interest rates to local governments to make up their loss of property tax revenues following a major disaster.

PERMANENT REPAIR

I am asking the Congress for expanded Federal authority to permanently repair or fully replace essential public facilities damaged by disasters. This authorization would provide a more effective and practical approach to the replacement of damaged public facilities which are vital to community life. This Administration would give preference to local employees and contractors in repair and rebuilding work.

ECONOMIC DEVELOPMENT ASSISTANCE

I am also asking the Congress to amend the Public Works and Economic Development Act of 1965, so that the Economic Development Administration would provide staff support, technical advice and financial assistance to those communities affected by major disasters. Such assistance is vital in recovery efforts, particularly when the community is attempting to begin long-range rebuilding or redevelopment efforts.

DISASTER LOANS

I am proposing legislation to improve the disaster loan programs of the Small Business Administration and of the Farmers Home Administration. These loans are among our principal sources of assistance to stricken individuals. The recommended changes would provide for improved refinancing, payment deferral, and forgiveness arrangements and would assure disaster loans to older citizens. My proposed amendment would allow the FHA and SBA to provide faster service and would therefore promote speedier recovery following disasters.

UNEMPLOYMENT COMPENSATION

I am also recommending that the Congress extend for two years the expanded unemployment compensation provisions of the Disaster Relief Act of 1969. These provisions make temporary income available as promptly as possible to help individuals who are unemployed as the result of a major disaster. Such assistance to individuals was a new feature in the 1969 Act. Before last year, only those unemployed persons who could qualify for compensation under the normal unemployment insurance programs could receive income protection following a disaster. The two-year extension which I recommend would provide time to fully evaluate the new provisions and to consider appropriate legislation.

HOUSING

Hurricane Camille provided the greatest test of the Federal government's ability to provide temporary housing to victims of a major disaster. We believe we met that test; at the direction of the Office of Emergency Preparedness, the Department of Housing and Urban Development was able to place more than 5,000 mobile homes in the disaster area. We also believe, however, that the language of the law which authorizes such activities is confusing.

Two separate provisions in two different laws are now directed to temporary emergency housing. In order to simplify the legislative provisions that apply to this problem, *I propose that the provisions for temporary housing in PL 81–875 be amended so that they incorporate many of the broad principles of PL 91–79, without sacrificing flexibility.* A clarified version of this law would allow the government to provide temporary housing or other emergency shelter—including leased mobile homes or other readily fabricated dwellings.

DEBRIS REMOVAL

One of the serious problems encountered in Hurricane Camille related to the removal of debris from private property. Current legislation in this area is confusing and difficult to administer. *I am therefore proposing corrective legislation that would simplify and speed debris removal from private property when it is in the public interest.* Again, preference would be given to local employees and contractors.

DISASTER PREVENTION

In March and April 1969 this Administration conducted a massive flood prevention program in the upper Midwest and New England. This program—Operation Foresight—was immensely successful; it prevented widespread human suffering and an estimated $200 million in damages, at a cost of $20 million. The success of this disaster prevention effort suggests that we can do a great deal to avoid or limit the effects of expected disasters. *Accordingly, I am proposing legislation which would extend the Federal government's authority to assist State and local governments in disaster prevention and damage reduction activities.*

PLANNING ASSISTANCE

The Disaster Relief Act of 1969 authorized one-time matching grants to help States formulate better plans for coping with disasters. Almost half of the States have already indicated that they will join us in this effort and we expect that others will soon follow their lead. *I now recommend that the Congress expand this provision of the 1969 law in order to help States review and update these plans on a continuing basis.*

In addition to the major initiatives outlined above, the legislation prepared by the Administration includes a number of other changes designed to extend the scope and improve the effectiveness of Federal assistance.

ADMINISTRATIVE ACTIONS

Legislative changes are not the only improvements which are presently required. Our experience indicates that changes in administrative procedures can be equally important in providing a more effective assistance program.

COORDINATION

To improve coordination of Federal Disaster Assistance efforts, both among Federal agencies and among Federal, State, and local officials, I am establishing a National Council on Federal Disaster Assistance. The Council will be composed of senior officials from Federal agencies concerned with disaster assistance and will be chaired by the Director of the Office of Emergency Preparedness.

To further improve coordination of disaster assistance activities in the field, I have also directed that the Regional Directors of the Office of Emergency Preparedness be included as ad hoc members of the newly formed Federal Regional Councils. This improvement will be supplemented by other actions to improve coordination among all levels of government, including the Office of Emergency Preparedness regional planning conferences with State officials with the first such conference this month on the West Coast.

In addition to improving coordination and developing more comprehensive plans, we need better procedures for continuous communication with State and local governments on such matters as disaster legislation. The Council of State Governments and such organizations as the International City Management Association, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors are assisting us in this effort.

Improvements in disaster assistance also require an improved program of research and evaluation, the results of which are readily available to all who can benefit from them. I have therefore directed the Office of Emergency Preparedness to act as a central clearing house for all Federal research which is related to disasters.

ASSISTANCE TO INDIVIDUALS

An important objective, particularly in large-scale disasters, is that of informing individuals of the assistance which is available and of the places where it can be obtained. To meet this problem, we are expanding our information efforts and keying those efforts to the needs of the individual citizens of the community, particularly those who are poor.

Whenever a disaster occurs, those who

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live in the area desperately want to be in touch with their friends and relatives who live elsewhere. Rescue workers also need better communication facilities within such areas. I have therefore asked the Office of Emergency Preparedness to provide better emergency communication services to stricken regions during times of disaster.

Just as we make it easier for individuals to get information, so we should make it easier for them to get assistance. It should not be necessary for individuals to travel from one place to another and then to still another location in order to obtain the help which various agencies of the Federal government are providing. *Accordingly, we are developing plans to provide "one-stop" service to individuals in disaster areas.* Representatives of the principal Federal agencies and of the Red Cross, as well as caseworkers and legal advisors, will all be available at a single assistance center.

DISASTER ASSISTANCE TEAMS

Disaster stricken communities frequently lack trained personnel who can help them make the best possible use of the assistance which is available to them from many sources. To meet this need, I have directed the Office of Emergency Preparedness to form *Federal disaster assistance teams to help local communities coordinate the overall assistance effort.* These teams will be supervised by a Federal Disaster Assistance Coordinator who will act as an on-the-spot representative of the President in any particular disaster area.

DISASTER INSURANCE

Our experience with disasters in 1969 clearly demonstrated the need for expanded insurance coverage for property owners. The national flood insurance sections of the Housing and Urban Development Act of 1968 presently permit Federal insurance assistance in flood-prone areas and we are now implementing that program on an accelerated basis. *I am also directing that a comprehensive study of property insurance coverage for disaster situations be undertaken and that specific recommendations be provided me by the end of this year.* This study should take into account the views of the State insurance authorities, the insurance industry, lending institutions, and the general public.

CIVIL DEFENSE

The disaster assistance activities of State and local governments often are closely related to their civil defense responsibilities. The relationship between the Federal government's disaster assistance and civil defense activities should now be carefully reviewed. Accordingly, I have asked that such a study be carried out and that its recommendations be given to me by December 31, 1970. It is important that any changes in this sensitive area be made only after a careful review, one which gives special attention to the impact of any suggested change upon national security.

As we move into a new decade, one of the nation's major goals is to restore a ravaged environment. But we must also be ready to respond effectively when nature gets out of control and victimizes our citizens.

With the improvements I have recommended to the Congress and those which I am instituting by Executive action, the disaster assistance program of the Federal government will continue to provide outstanding public service in times of crisis. This program manifests the extraordinary humanitarian spirit of our nation. The changes I have proposed would enable it to reflect that spirit even more effectively.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1970.*

REPORT ON FEDERAL DISASTER RELIEF ACTIVITY IN CALENDAR YEAR 1969—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 20, 1970, the Secretary of the Senate, on April 22, 1970, received the following message from the President of the United States, which, with accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

Natural disasters—in unprecedented numbers and scope—presented a grim challenge to this nation in 1969. The exceptional response to this challenge by the United States government is something in which all Americans can take pride. The story of that response is detailed in the report which I am today transmitting to the Congress.

This report of Federal activities in 1969 under authority of the Federal Disaster Act (Public Law 875, 81st Congress, as amended) is required by Section 8 of that law and has been provided by the Director of the Office of Emergency Preparedness. The report also describes activities carried out under authority of the Federal Disaster Act of 1969 (Public Law 79, 91st Congress). The funds which supported these activities are specifically appropriated to the President for the purpose of relieving suffering and repairing damage when disasters strike.

There were 29 major disasters during 1969—the largest number since the program began in 1950. Two of these—the California floods and Hurricane Camille—were exceptionally destructive. The number and extent of major disasters in 1969 required a massive Federal effort; a total of $148,970,000 was allocated from the President's Disaster Fund, the largest amount since the enactment of Public Law 81-875. Despite these increased demands, the Federal response was most prompt and effective and those who participated in it deserve our commendation.

Under the leadership of the Office of Emergency Preparedness, the Administration is developing a stronger and more comprehensive disaster assistance program. An important part of this strengthened program is outlined in my disaster assistance message to the Congress. That message discusses both the legislation which will be submitted—the Disaster Assistance Act of 1970—and the improvements which are being made by executive action. I am confident that our strengthened program will improve cooperation with State and local governments and with private and voluntary organizations. More important, these steps would enable the Federal government to continue to meet its responsibilities to individuals who are victimized by these unhappy events.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1970.*

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 20, 1970, the Secretary of the Senate received the following messages in writing from the President of the United States, which were referred to the appropriate committees, as follows:

On April 21, 1970:

Sundry nominations; referred to the Committee on Commerce.

On April 22, 1970:

The nomination of Gen. Earle Gilmore Wheeler, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general; referred to the Committee on Armed Services.

(For nominations received, see the end of Senate proceedings of today.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 20, 1970, the Secretary of the Senate on April 21, 1970, received a message from the House of Representatives announcing that the House had passed a bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which was considered as having been read twice, and referred to the Committee on Finance.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Joseph F. Weis, Jr., of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania;

Howard B. Turrentine, of California, to be a U.S. district judge for the southern district of California;

Warren K. Urbom, of Nebraska, to be a U.S. district judge for the district of Nebraska;

James L. Oakes, of Vermont, to be U.S. district judge for the district of Vermont;

Andrew W. Bogue, of South Dakota, to be U.S. district judge for the district of South Dakota;

Wilbur F. Pell, Jr., of Indiana, to be a U.S. circuit judge, seventh circuit;

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas;

Robert E. Hauberg, of Mississippi, to be

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U.S. attorney for the southern district of Mississippi;

D. Dwayne Keyes, of California, to be U.S. attorney for the eastern district of California;

Robert L. Meyer, of California, to be U.S. attorney for the central district of California;

John A. Birknes, Jr., of Massachusetts, to be U.S. marshal for the District of Massachusetts;

Anthony T. Greski, of New Jersey, to be U.S. marshal for the district of New Jersey;

William B. Henderson, of Kentucky, to be U.S. marshal for the western district of Kentucky; and

Joseph W. Keene, of Louisiana, to be U.S. marshal for the western district of Louisiana.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on April 17, 1970, the President had approved and signed the following acts:

S. 2363. An act to confer United States citizenship posthumously upon L.Cpl. Andre L. Knoppert; and

S. 2595. An act to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

THE DRAFT—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HOLLAND) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Armed Services:

To the Congress of the United States:

The draft has been with us now for many years. It was started as a temporary, emergency measure just before World War II. We have lived with the draft so long, and relied on it through such serious crises, that too many of us now accept it as a normal part of American life.

It is now time to embrace a new approach to meeting our military manpower requirements. I have two basic proposals.

- —The first deals with the fundamental way this nation should raise the armed force necessary to defend the lives and the rights of its people, and to fulfill its existing commitments abroad.
- —The second deals with reforming the present recruitment system—part volunteer, part drafted—which, in the immediate future, will be needed to maintain our armed strength.

TO END THE DRAFT

On February 21, I received the report of the Commission on an All-Volunteer Armed Force, headed by former Defense Secretary Thomas S. Gates. The Commission members concluded unanimously that the interests of the nation will be better served by an all-volunteer force than by a mixed force of volunteers and draftees, and that steps should be taken in this direction.

I have carefully reviewed the report of the Commission and have discussed the subject with many others knowledgeable in this field. The preeminent consideration in any decision I make involving the American Armed Forces must be the security of the United States. I have had to weigh carefully our responsibilities in Vietnam and our overall foreign policy would be affected by ending the draft. I also had to consider the budgetary impact, and the possible effect on our economy.

On the other hand, we have all seen the effect of the draft on our young people, whose lives have been disrupted first by years of uncertainty, and then by the draft itself. We all know the unfairness of the present system, no matter how just we try to make it.

After careful consideration of the factors involved, I support the basic conclusion of the Commission. I agree that we should move now toward ending the draft.

From now on, the objective of this Administration is to reduce draft calls to zero, subject to the overriding considerations of national security.

In proposing that we move toward ending the draft, I must enter three cautions: First, the draft cannot be ended all at once. It must be phased out, so that we can be certain of maintaining our defense strength at every step. Second, existing induction authority expires on July 1, 1971, and I expect that it will be necessary for the next Congress to extend this authority. And third, as we move away from reliance on the draft, we must make provisions to establish a standby draft system that can be used in case of emergency.

To move toward reducing draft calls to zero, we are proceeding with a wide array of actions and proposals:

- —This administration proposed, and the Congress has approved, a six percent across-the-board pay increase for Federal employees, retroactive to the first of this year. This raises the pay of members of the Armed Forces by $1.2 billion a year.
- —I shall propose an additional 20 percent pay increase for enlisted men with less than two years of service, to be effective January 1, 1971. This action, if approved by the Congress, will raise the annual pay of enlisted men with less than two years of service by $500 million a year, and is a first step in removing the present inequity in pay of men serving their first two years in the Armed Forces. The cost for Fiscal Year 1971 will be $250 million.
- —In January 1971 I shall recommend to the Congress, in the Fiscal Year 1972 budget, an additional $2.0 billion for added pay and other benefits—especially for those serving their first two years—to help attract and retain the personnel we need for our Armed Forces.
- —I have today directed the Secretary of Defense to give high priority to the expansion of programs designed to increase enlistments and retentions in the services. Further, I have directed that he give me a report every quarter on the progress of this program. Other agencies have been directed to assist in the effort.
- —I am also directing the Secretary of Defense to review the policies and practices of the military services to give new emphasis to recognition of the individual needs, aspirations and capabilities of all military personnel.

No one can predict with precision whether or not, or precisely when, we can end conscription. It depends, in part, on the necessity of maintaining required military force levels to meet our commitments in Vietnam and elsewhere. It also depends on the degree to which the combination of military pay increases and enhanced benefits will attract and hold enough volunteers to maintain the forces we need, the attitude of young people toward military service, and the availability of jobs in the labor market.

However, I am confident that, barring any unforeseen developments, this proposed program will achieve our objective.

The starting pay of an enlisted man in our Armed Forces is—taking the latest raise into account—less than $1,500 a year. This is less than half of the minimum wage in the private sector. Of course, we should add to this the value of the food, uniforms and housing that is provided free. But it is hardly comparable to what most young men can earn as civilians. Even with special allowances, some married enlisted men have been forced to go on welfare to support their families.

The low pay illustrates another inequity of the draft. These men, in effect, pay a large hidden tax—the difference between their military pay and what they could earn as civilians. Therefore, on the grounds of equity alone, there is good reason to substantially increase pay.

While we focus on removing inequities in the pay of men serving their first few years in the military, we must not neglect the career servicemen. They are the indispensable core of our Armed Forces. The increasing technological complexity of modern defense, and the constantly changing international situation, make their assignments ever more difficult—and critical. We shall continue to make every effort to ensure that they are fairly treated and justly compensated.

There is another essential element—beyond pay and benefits, beyond the best in training and equipment—that is vital to the high morale of any armed force in a free society. It is the backing, support and confidence of the people and the society the military serves. While government can provide the economic justice our men in arms deserve—moral support and backing can come only from the American people. At few times in our history has it been more needed than today.

The consideration of national security contains no argument against these historic actions; the considerations of freedom and justice argue eloquently in their behalf.

TO REFORM THE DRAFT

As we move toward our goal of ending the draft in the United States, we must deal with the draft as it now exists. This nation has a right to expect that the responsibility for national defense will be shared equitably and consistently by all segments of our society. Given this basic principle, I believe that there

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are important reforms that we must make in our present draft system.

It is my judgment, and that of the National Security Council, that future occupational, agricultural and student deferments are no longer dictated by the national interest. I am issuing today an Executive Order to direct that no future deferments shall be granted on the basis of employment. Very few young men at age 19 are in such critical positions that they cannot be replaced. All those who held occupational deferments before today, as well as any who may be granted such deferments from pending applications filed before today, will be deferred as they were previously.

This same Executive Order will also eliminate all future paternity deferments—except in those cases where a local draft board determines that extreme hardship would result. All those who held paternity deferments before today, as well as any who may be granted deferments from pending applications filed before today, will be deferred as long as they are living with and supporting child dependents.

I am also asking the Congress today to make some changes in the Military Selective Service Act of 1967.

The first would restore to the President discretionary authority on the deferment of students seeking baccalaureate degrees. If the Congress restores this authority, I shall promptly issue a second Executive Order that would bar all undergraduate deferments, except for young men who are undergraduate students prior to today. These young men would continue to be eligible for deferment under present regulations during their undergraduate years. This Executive Order would also end deferments for young men in junior college, and in apprentice and technical training programs, except for those who entered before today. Men participating in such programs before today would continue to be deferred until they complete them.

Should Congress pass the legislation I have requested, those young men who start college or enter apprentice or other technical training today or hereafter, and subsequently receive a notice of induction, will have their entry into service postponed until the end of the academic semester, or for apprentices and trainees, until some appropriate breaking point in their program.

Even if college deferments are phased out, college men who through ROTC or other military programs have chosen to obligate themselves to enter military service at a later date would be permitted to postpone their active duty until completion of their study program.

In each instance, I have spoken of the phasing out—not the elimination—of existing deferments. The sudden elimination of existing deferments would disrupt plans made in good faith by individuals, companies, colleges and local school systems on the basis of those deferments.

My second legislative proposal would establish a direct national call, by lottery sequence numbers each month, to improve the operation of the random selection system. We need to ensure that men throughout the country with the same lottery number have equal liability to induction.

Under the present law, for example, a man with sequence number 185 may be called up by one draft board while a man with a lower number in a different draft board is not called. This can happen because present law does not permit a national call of young men by lottery sequence numbers.

Some local draft boards may not have enough low numbers to fill their assigned quota for the month. As a result, these local boards are forced to call young men with higher numbers. At the same time, other draft boards throughout the country will have more low numbers than necessary to fill their quotas.

I am recommending to the Congress an amendment to suspend this quota requirement while the random selection system is in effect. If the Congress adopts this amendment, I will authorize the Selective Service System to establish a plan under which the draft call each month will be on a national basis, with the same lottery sequence numbers called throughout the country. This will result in a still more equitable draft system.

As long as we need the draft, it is incumbent upon us to make it as fair and equitable as we can. I urge favorable Congressional action on these legislative proposals for draft reform.

CONCLUSION

While I believe that these reforms in our existing draft system are essential, it should be remembered that they are improvements in a system to be used only as long as conscription continues to be necessary.

Ultimately, the preservation of a free society depends upon both the willingness of its beneficiaries to bear the burden of its defense—and the willingness of government to guarantee the freedom of the individual.

With an end to the draft, we will demonstrate to the world the responsiveness of republican government—and our continuing commitment to the maximum freedom for the individual, enshrined in our earliest traditions and founding documents. By upholding the cause of freedom without conscription we will have demonstrated in one more area the superiority of a society based upon belief in the dignity of man over a society based on the supremacy of the State.

RICHARD NIXON.

THE WHITE HOUSE, *April 23, 1970.*

WORLD WEATHER PROGRAM PLAN FOR FISCAL YEAR 1971—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HOLLAND) laid before the Senate the following message from the President of the United States, which, with the accompanying document, was referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with Senate Concurrent Resolution 67 of the 90th Congress, I am forwarding to you the second Annual Plan for United States' Participation in the World Weather Program. This report reviews the progress made during the past year and describes the activities planned by the Federal agencies for the coming fiscal year.

Progress in the World Weather Program has been significant. Of particular import is that, through the United States' effort in space, we have seen the development and testing of an instrument which is capable of measuring globally from a satellite the temperature distribution of our total atmosphere. This represents a giant stride forward. It holds promise of providing data from over the oceans and other remote areas, heretofore unavailable, which are essential for providing weather predictions to our people.

On another front, it is most encouraging to note the progress in international cooperation in this area. Nations have joined hands in moving forward with a program to assist developing countries in improving their meteorological services. And the nations of the world are coming together this month to decide on the next major steps in the research activities of the World Weather Program.

The World Weather Program focuses on the important problem of understanding our global atmosphere. Whether we are attempting to assess the impact of pollutants on the quality of our environment, or trying to improve the accuracy and time range of weather prediction, these activities are vital to the people of the United States—to their safety and to their economic well-being.

RICHARD NIXON.

THE WHITE HOUSE, *April 23, 1970.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1963. An act for the relief of Wu Hip; and

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes.

The message also announced that the House had passed the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1193) to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely, with amendments, in

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which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3253) to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 12605) to amend section 613 of the Merchant Marine Act, 1936, as amended, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes;

H.R. 4172. An act to authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes;

H.R. 9854. An act to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes;

H.R. 15207. An act to provide for a modification of the project for Denison Dam (Lake Texoma), Red River, Tex., and Okla., authorized by the Flood Control Act of 1938, and for other purposes;

H.R. 16417. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; and

H.J. Res. 1069. Joint resolution extending for four years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin dvision, Rogue River Basin project, Oregon, and for other purposes;

H.R. 4172. An act to authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes; and

H.R. 9854. An act to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 15207. An act to provide for a modification of the project for Denison Dam (Lake Texoma), Red River, Tex., and Okla., authorized by the Flood Control Act of 1938, and for other purposes; to the Committee on Public Works.

H.R. 16417. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 1069. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; to the Committee on Rules and Administration.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3743—INTRODUCTION OF THE ADMINISTRATION BILL TO DISCONTINUE THE DISPOSAL OF POLLUTED DREDGE SPOIL IN THE GREAT LAKES

Mr. COOPER. Mr. President, on April 15, the President sent to the Congress of the United States a message dealing with the problem of the disposal of dredged spoil in the Great Lakes, which evidences again his deep interest in the quality of the environment. I am sure his attention to this problem, and the action he has proposed, is welcomed indeed by those who have long been concerned about the consequences of dumping in the Great Lakes, and especially by representatives of the eight States where life is so intimately connected to the Great Lakes.

The President's message has been followed with proposed legislation, and a transmittal letter to the Vice President from the Department of the Army, which have been referred to the Senate Committee on Public Works. As the ranking Republican member of the full committee and of the Subcommittee on Flood Control—Rivers and Harbors, I am very glad to have the privilege today of introducing the administration bill. Joining with me as sponsors of the bill are a number of members from the Great Lakes States and of the Committee on Public Works, including the minority leader, Senator SCOTT, of Pennsylvania, the assistant minority leader, Senator GRIFFIN, of Michigan, who spoke in the Senate on this subject on April 15, and Senator RALPH SMITH, of Illinois, who I know has played an important part in developing this proposal.

The President has properly called attention to the important task of "restoration of these magnificent waters," and his action is a most constructive step in the effort to protect, preserve and restore the Great Lakes. In the terms of his message, the bill we are introducing today would:

Discontinue disposal of polluted dredged materials into the Great Lakes by the Corps of Engineers and private interests as soon as land disposal sites are available.

Require the disposal of polluted dredged spoil in containment areas located at sites established by the Corps of Engineers and approved by the Secretary of the Interior.

Require States and other non-Federal interests to provide one-half the cost of constructing containment areas and also provide needed lands and other rights.

Require the Secretary of the Army, after 1 year, to suspend dredging if local interests were not making reasonable progress in attaining disposal sites.

The President has also given attention to the broader problem of dumping in the oceans, which has recently been the subject of increased public attention and, in fact, the subject of hearings on March 5 before the Air and Water Pollution Subcommittee of the Senate Committee on Public Works. We are glad that he has directed the Council on Environmental Quality to work with the Departments of the Interior, the Army, other Federal agencies, and State and local governments on a comprehensive study of ocean dumping, to be completed this year.

Mr. President, the problems of dredging to maintain navigation, and of proper disposal of the resulting dredge spoil, have been a concern of the Committee on Public Works, and received a great deal of attention during the last year by the Subcommittee on Air and Water Pollution—although I would assume that this bill, directed as it is to the authority of the Corps of Engineers, will be considered first by the Subcommittee on Rivers and Harbors. Senate Report No. 91-351 on S. 7, which has become the Water Quality Improvement Act of 1970—Public Law 91-224—discusses the Committee's approach to the problem at that time on pages 26 and 27, and later at page 30. Specifically, the Water Quality Improvement Act of 1970 includes in subsection 21(d) a provision, similar to a portion of the administration proposal with respect to the Great Lakes, authorizing the Chief of Engineers to permit the use of spoil disposal areas by Federal licencees or permittees, and to make an appropriate charge for such use.

Mr. President, the problems of disposal of dredge spoil, and of ocean dumping, are difficult and do not lend themselves to quick or easy or inexpensive solutions. I think it is recognized that this proposal, welcome as it is, is an interim solution, proposing deposition of the polluted material from 35 Great Lakes harbors in contained areas along the shore during the next 10 years, at a construction cost of $70 million, one-half borne by the Federal Government, and at an estimated operation and maintenance cost of $5 million annually. It is essential that adequate treatment of municipal waste be achieved as rapidly as possible, so that the streams flowing into these harbors no longer deposit the

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pollution which now contaminates the sediment which must be dredged in order to maintain navigation. I assume that land disposal sites may be hard to find, and that this practice could not be continued indefinitely. I say this because, while I expect the committee to give prompt consideration to this measure, I recognize that the problems of dredging, of disposal of spoil and of ocean dumping will continue, and our work is only fairly beginning.

Mr. President, the President's message on waste disposal appeared in the Congressional Record for April 15, 1970, on page 11791. I ask unanimous consent that there be printed at this point in the Record the fact sheet that accompanied the message, the text of a transmittal letter from the Secretary of the Army, the summary report of the Corps of Engineers on dredging and water quality problems in the Great Lakes, and the text of the administration bill.

The ACTING PRESIDENT pro tempore (Mr. Holland). The bill will be received and appropriately referred; and, without objection, the bill and other material will be printed in the Record, as requested by the Senator from Kentucky.

The bill (S. 3743) to provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes, introduced by Mr. Cooper (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

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S. 3743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That open water disposal of dredged spoil from authorized Federal navigation projects and all other sources in any of the Great Lakes and their connecting channels shall be discontinued, where such spoil has been dredged from an area which the Secretary of the Interior has determined, after consultation with the governor or governors concerned, to be significantly polluted. Such disposal shall be discontinued as soon as the Secretary of the Army determines that dredged spoil disposal sites are available. The Secretary shall undertake to establish the contained spoil disposal facilities authorized in section 2 of this Act at the earliest practicable date, taking into account the views and recommendations of the Secretary of the Interior as to those areas which, in his judgment, are more urgently in need of such facilities.

Sec. 2. The Secretary of the Army is authorized to construct, operate, and maintain, subject to the provisions of section 3 below, contained spoil disposal facilities of sufficient capacity to meet the requirements of this Act for a period not to exceed ten years. Before establishing each such facility, the Secretary of the Army shall obtain and consider the views and recommendations of the Secretary of the Interior with respect to the effect of the proposed facility on the quality of the water and land resources involved, and on other environmental values.

Sec. 3. Prior to construction of any such facility, the appropriate non-Federal interest or interests shall agree in writing to (a) furnish all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility; (b) contribute to the United States 50 per cent of the construction costs, such amount to be payable either in cash prior to construction, in installments during construction, or in installments, with interest at a rate comparable to that for other interest bearing functions of Federal water resource projects, over a period not to exceed ten years, as determined by the Secretary of the Army; (c) hold and save the United States free from damages due to construction, operation, and maintenance of the facility; and (d) except as provided in Section 5, maintain the facility after completion of its use for disposal purposes in a manner satisfactory to the Secretary of the Army.

Sec. 4. The Secretary of the Army shall suspend or terminate dredging at Federal navigation projects, and shall prohibit dredging by Federal licensees or permittees, if he determines, at any time after one year after the date of enactment of this Act, that non-Federal interests involved have not taken reasonable steps toward meeting the requirements of section 3 of this Act.

Sec. 5. The participating non-Federal interest or interests shall retain title to all lands, easements and rights-of-way furnished by it pursuant to Section 3. A spoil disposal facility owned by a non-Federal interest or interests may be conveyed to another party only after completion of the facility's use for disposal purposes and after the transferee agrees in writing to use or maintain the facility in a manner which the Secretary of the Army, after consultation with the Secretary of the Interior, determines to be satisfactory.

Sec. 6. Any spoil disposal facilities constructed under the provisions of this Act shall be made available to Federal licensees or permittees upon payment of an appropriate charge to be fixed by the Secretary of the Army. Fifty per cent of such charge shall be remitted by the Secretary of the Army to the participating non-Federal interest or interests.

Sec. 7. The Chief of Engineers, under the direction of the Secretary of the Army is hereby authorized to extend to all navigable waters, connecting channels, tributary streams, and allied waters of the United States, a comprehensive program of research, study and experimentation relating to dredged spoil. This program shall be carried out in cooperation with other Federal and State agencies, and shall include, but not be limited to, investigations on the characteristics of dredged spoil, alternative methods of its disposal, and its effects on receiving waters.

Sec. 8. The provisions of this Act in no way affect other current cost-sharing requirements relating to spoil disposal in the interest of navigation on projects authorized, or proposed for authorization, for construction by the Department of the Army.

Sec. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The material, presented by Mr. Cooper, is as follows:

Fact Sheet—President's Message on Waste Disposal

I. PROPOSED LEGISLATION

The Great Lakes Disposal Bill would:

1. Discontinue open water disposal of polluted dredge spoil from authorized Federal navigation projects and all other sources in the Great Lakes and their connecting channels as soon as disposal sites are available. The Secretary of the Interior, in consultation with the Governors, will determine the areas where dredge spoil is polluted.

2. Authorize the Secretary of the Army to construct, operate, and maintain contained disposal facilities for a period not to exceed ten years. Before establishing such facilities, the Secretary of the Army must consider the views of the Secretary of the Interior on the effect of the proposed facility on water quality and other environmental values.

3. Require States or other non-Federal interests to provide needed lands, easements and rights-of-way and one-half the cost of constructing containment areas.

4. Require the Secretary of the Army to suspend or terminate dredging or prohibit dredging by Federal licensees and permittees if he determines, one year after enactment of this Act, that the non-Federal interests have not taken reasonable steps toward providing funds and land, or land rights.

5. Permit Federal licensees or permittees to use the containment areas for disposing dredged spoil by paying a fee equal to the cost of providing the facility. One-half of this fee would be returned to the local interests.

6. Authorize the Corps of Engineers to extend to all navigable and allied waters a program of research, study, and experimentation related to dredge spoil.

II. THE PROPOSED PROGRAM

1. The proposed program is based on a comprehensive study by the Department of the Army on the effects on the Great Lakes of depositing dredge spoil. This study was conducted in cooperation with the Department of the Interior, including thhe Federal Water Pollution Control Administration, other Federal agencies, several universities, and technical consulting companies. An eminent group of consultants interpreted the results of this study by concluding that deposition of polluted dredged spoil in the Great Lakes is "presumptively undesirable," and that in the long run the ecology of the Great Lakes would be affected adversely.

2. The study included an investigation of many alternative methods of spoil disposal including treatment in sewage plants, aeration, burning, and deposition on upland and in contained areas along shore. Of these, the best alternative for an interim period of about 10 years is the deposition of the polluted material in contained areas along the shore.

3. First priority under the program will be given to the 35 most polluted harbors.

4. The construction of facilities in these 35 harbors will cost $70 million: $35 million Federal and $35 million State and local costs. Cost of operation and maintenance will be increased $5 million annually due to the added handling cost of the dredged spoil.

III. THE OCEAN DUMPING PROBLEM

1. A study performed by the Department of Health, Education and Welfare indicates ocean disposal of solid wastes during 1968 as follows:

a. Atlantic Coast—24 million tons.

b. Gulf Coast—16 million tons.

c. Pacific Coast—8 million tons.

2. Attention has recently been directed to the dumping of sewage sludge, cellar dirt, dredged mud and chemicals in the New York Bay area. The results of an intensive study to determine the effects on the ecology of this area will not be completed until early next year. An interim study indicates this dumping has had an adverse effect on bottom marine life in this area, although its impact has not been fully evaluated.

3. Current disposal methods and technology are not adequate to deal with wastes of this volume immediately. There are an ever decreasing number of appropriate sites for land-fill disposal. Current incineration practices are costly and create air pollution problems. There have been jurisdictional problems in transporting wastes to inland sites. Other technologies and alternatives, such as composting, creation of artificial islands, transporting material to fill in strip mines or to create artificial reefs, baling of wastes, and incineration at sea have not been sufficiently developed and tested.

4. A study will be conducted under the direction of the Chairman of the Council on Environmental Quality to recommend:

Further research needs;

Legislative changes, if necessary;

A comprehensive approach to the problem of ocean dumping, including an evaluation of all the proposed and other alternatives.

DEPARTMENT OF THE ARMY,
Washington, D.C. April 14, 1970.

HON. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: Transmitted herewith for appropriate reference is a copy of the Corps of Engineers report titled "Dredging and Water Quality Problems in the Great Lakes" and a draft of legislation "To provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes." The draft bill, which derives from the conclusions and recommendations contained in the report, was described by President Nixon in his message of 15 April to the Congress, as a major step forward in cleaning up the Great Lakes.

It has been known for some time that as a result of inadequate treatment of municipal and industrial wastes and of uncontrolled sources of agricultural and other pollution, the sediments deposited in dredged channels and harbors of the Great Lakes have become polluted to varying degrees. It is the considered judgment of a distinguished Board of Consultants convened to assist in the preparation of the report referred to above, that disposal of heavily polluted dredgings must be considered "presumptively undesirable" because of its long-term adverse effects on the ecology of the Great Lakes.

In view of this judgment, the draft legislation provides that open water disposal of dredged spoil removed from areas which the Secretary of the Interior determines, after consultation with the governor or governors concerned, to be significantly polluted, shall be discontinued when the Secretary of the Army determines that dredged spoil disposal sites are available. It is the initial objective of this legislation to terminate at the earliest practicable date the open lake disposal of dredged spoil from those 35 Great Lakes harbors which the Federal Water Pollution Control Administration, in connection with above-mentioned report, identified as the most heavily polluted of the 118 harbors on the Great Lakes.

In furtherance of these objectives, the draft legislation authorizes construction, operation, and maintenance of spoil disposal facilities by the Secretary of the Army. In establishing spoil disposal facilities, the Secretary of the Army would be directed to obtain and consider the views and recommendations of the Secretary of the Interior. These views and recommendations would concern such matters as location of disposal areas and methods of disposal so as to minimize damages to fish and wildlife habitat and impact on the environment, and would be given great weight in the Department's decision processes.

The bill would require participating non-Federal interests to provide land areas necessary for the facilities, and to maintain the facilities after disposal is completed in a manner satisfactory to the Secretary. Participating non-Federal interests would also pay half the construction cost of the facilities, either in cash at time of construction or in installments, with interest, within ten years. Interest will be at a rate similar to that prescribed for other water resource functions. No facilities will be constructed to meet more than ten years of estimated disposal requirements. This ten-year period is specified in recognition of the development within that period of the facilities necessary to treat at their sources the industrial and municipal wastes which are presently deposited in channels and harbors in the Great Lakes.

The authority for, and the cost-sharing terms of, the spoil disposal facilities provided for in the draft legislation, are intended to be separate from and supplementary to any other cost-sharing requirements relating to disposal areas and diking that have been established for existing navigation projects in the Great Lakes area. The objectives of this proposed legislation are primarily water quality improvement and environmental protection, rather than navigation improvements, and the construction cost-sharing arrangement proposed, accordingly, corresponds roughly to the Federal grant assistance available for waste treatment projects under the Clean Water Restoration Act of 1966.

Under the proposal, dredged spoil from non-Federal project sources could be disposed of in the facilities authorized in this legislation upon payment of fees to the United States and the cooperating local interests. The fees, designed to recover a fair share of the costs of installing and maintaining the facilities, would not be charged the cooperating interests should they deposit spoil from their own projects.

It is essential that the non-Federal interests, who are the principal beneficiaries of Federal navigation projects in the Great Lakes area, take timely steps toward furnishing the sites for these disposal areas, providing their share of the construction costs, and otherwise meeting their requirements as set forth in the Act. To assure that construction of these spoil disposal sites will progress as quickly as possible, the bill provides that after one year after enactment, the Secretary of the Army shall suspend or terminate dredging on Federal navigation projects, or prohibit further dredging by Federal licensees or permittees, if he determines that the concerned non-Federal interests have not taken reasonable steps toward meeting their requirements under the Act.

Finally, the legislation would authorize extension to all navigable waters of the research program on dredged spoil that has been conducted for the Great Lakes. A variety of problems in dredged spoil disposal exists in other localities, and it is proposed to seek solution to the most pressing of these in an orderly manner in cooperation with appropriate Federal and State agencies.

Apart from the authorities sought in this draft legislation, the Department of the Army intends to advance the bill's basic objectives in the interim by reducing to absolute minimum the dredging required to maintain navigation in the Great Lakes and their connecting channels, and by taking preliminary steps to identify potential spoil disposal sites for which construction would be authorized by the bill.

The President has directed that, upon enactment of this legislation, the Department of the Army report periodically to the Council on Environmental Quality on the progress being made, or the obstacles being encountered, in achieving the objectives of this proposal.

The ultimate Federal costs for the disposal facilities authorized in this legislation are presently estimated to be $35 million for construction and $50 million for ten years additional hauling and handling.

In view of the high public interest that has developed in the problems of spoil disposal in the Great Lakes, authority to provide contained facilities is urgently needed. Accordingly, favorable and early consideration by the Congress is recommended.

The Bureau of the Budget advises that enactment of this legislation would be in accord with the program of the President.

There is enclosed the detailed statement of the effects of the legislation on the environment as required by Section 102(2)(c) of the National Environmental Policy Act of 1969.

Sincerely,
(Signed) STANLEY R. RESOR,
Secretary of the Army.

REPORT OF THE CORPS OF ENGINEERS ON DREDGING AND WATER QUALITY PROBLEMS IN THE GREAT LAKES, SEPTEMBER 1969

1. *Authority.* This report, together with the 12-volume detailed report on Dredging and Water Quality Problems in the Great Lakes, prepared by the Buffalo District Engineer, is in response to a request made by the Bureau of the Budget in connection with its review of the Corps of Engineers-Civil budget estimate for Fiscal Year 1967. At that time it was directed that a study and experimental research program be conducted to determine the need for and efficacy of alternate methods of dredged spoil disposal in the Great Lakes. The report was prepared with the assistance of the Great Lakes Regional Office of the Federal Water Pollution Control Administration and has been coordinated with the eight Great Lakes States and the Department of the Interior. Their comments have been included in the detailed report.

2. *Background.* As a result of soil erosion, wastes discharges and littoral drift, sediment loads wash into various authorized harbors and channels of the Great Lakes. Periodically this material is removed by the Coprs of Engineers by dredging to maintain the previously established navigation depths. About 10.8 million cubic yards of material are dredged each year from the harbors by the Corps. Approximately 63% of this volume is from Lake Erie harbors and in the case of this lake the dredging constitutes about 8% of the sediment and dissolved solids reaching Lake Erie. In the other lakes the dredging constitutes a smaller proportion. In all, some 115 harbors must be dredged more or less frequently. Most of the dredged materials are transported by self-propelled hopper dredges and dump-barges, the material being moved from the channels and harbors on the fringes of the lakes to the open lakes.

About a hundred selected deep water disposal areas are located near enough to the harbors to minimize hauling costs, yet far enough away to avoid interference with water intakes, beaches, or other facilities. As population and industrial development have increased along the Lakes, the sediments that must be dredged from the harbors and channels have become increasingly polluted. As a result, most of the sediments dredged at the commercially important harbors have become contaminated by inadequately treated pollutants from municipal, industrial and agricultural sources. The Federal Water Pollution Control Administration, various public officials and others have expressed concern over the cumulative adverse effects associated with open Lake disposal of these polluted dredged materials. The standards set for water pollution control by the states and approved by FWPCA, which generally require secondary or comparable treatment by municipal and industrial plants along the Great Lakes, are apparently several years from providing adequate treatment of wastes. Means of controlling pollutants from agricultural sources are not yet prescribed.

3. *Canadian Dredging Operations.* The question of the relationship of the dredging operations at Canadian harbors is also being considered in connection with studies now being conducted by agencies of Canadian Government. Since the average annual volume of materials being dredged and disposed of in open water areas, some 1.7 million cubic yards, is small in comparison with the volumes dredged at United States harbors, they consider that their dredging operations are not a major source of pollution.

4. *Non-Federal Dredging Operations.* In order to use the harbors and channels constructed and maintained by the Corps of Engineers, private industry or port authorities maintain access from slips and docks to the Federal channels. The amount of non-Federal dredging necessary to accomplish such maintenance is about 20% of the Corps volume. Whatever criteria of dredged spoil control

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are applied to Corps dredging should be applied to non-Federal dredging associated with the use of the navigation channels.

5. *The Problems.* The basic problems posed by the study were:

a. What is the effect on the Great Lakes environment from open lake disposal? What alternatives to open lake disposal of dredged spoil are available? What are the alternative costs and the effectiveness of such alternatives in removing pollutants from the lakes?

b. Should an interim alternate disposal program, to be used until pollutants are effectively controlled at their sources, be adopted? Are the costs of such an alternate program justified in terms of the resulting improvement in the lake environment?

c. If an alternate disposal program is to be adopted what Federal/non-Federal cost-sharing and cooperation should be recommended to the Congress for authorization?

6. *Conduct of the Study.* In conducting the study requested of the Corps of Engineers, a wide variety of alternate disposal methods and modifications to present dredging techniques were investigated and analyzed. In addition, the technical services of other Government agencies, including FWPCA, as well as a group of recognized consultants, certain universities and specialized private firms were utilized to assure consideration of other fields of interest associated with or affected by the dredging operations. In reviewing available information on the subject, including that produced by the Pilot Study, it must be recognized that there is a scarcity of credible data concerning the physical, chemical and biological characteristics at the harbors and lake disposal environments. The conclusions arrived at by the District Engineer in connection with the study are contained in Section 12 of his report.

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7. *Views of States.* The states are of the opinion that alternate methods of disposing of polluted dredged spoil are necessary. Some states consider this to be entirely a Federal responsibility. Other states have indicated a willingness to cooperate in financing in the same manner as for local flood protection projects by furnishing necessary lands. A more detailed statement of the states' views is contained in Section 11 of the detailed report.

8. *View of Department of Interior.* The Assistant Secretary of the Interior for Water Quality and Research recently expressed these views with respect to the report.

"Our Great Lakes are a priceless natural resource, and we must push with all possible speed to stop and to counteract the continuing degradation of this resource.

To that end, your draft report has shown beyond the shadow of doubt that diked or other on-land disposal of such dredge spoil is a very effective pollution control measure. It remains for the Corps of Engineers to pursue this far wiser course with all diligence and in full keeping with the spirit of Executive Order 11288. Rest assured that this Department will cooperate with you to the fullest to implement without further delay a maximum program of diked disposal."

The Assistant Secretary also points out that in their analysis of available information there were several instances when they would not arrive at the same opinions and conclusions reached in the report of the District Engineer and that generally the report was unsympathetic with the effect that dredging operations may have on the pollution problem which exists in the Great Lakes.

9. *Discussion.* The data derived from the studies of this Pilot Program indicate that materials dredged from 35 of the Great Lakes harbors contain significant amounts of pollutants mixed in with the relatively benign silts and sands carried by the stream and lake currents. At these harbors serving the large cities and their associated industries about 80% of the total Great Lakes annual dredging is performed. The quantities and types of pollutants vary from harbor to harbor, and within a specific harbor area also. Concerted efforts of sampling and analysis of the effects of open lake disposal of the polluted dredge materials generally failed to detect the impact of such disposal on the lake environment. The difficulty ensues because whatever changes are occurring in the lake environment, they represent the gradual cumulative effects of many varying operations, no one of which can be separately measured, quantified and analyzed at any particular time. Thus the cessation of open lake disposal, which in Lake Erie amounts to moving into the lake about 8% of the solids which reach the lake naturally, cannot be related to any specific improvement in the quality of the lake waters, and as a result no specific improvement in municipal water treatment costs, fish and wildlife, or recreation can be calculated. In some few cases it is possible that open lake disposal will improve the lake bottom conditions where such conditions presently are badly degraded. The District Engineer made extensive and detailed studies on alternate methods of disposal and constructed and used such alternate methods in disposing of up to 25% of the polluted dredged material during the two-year Pilot Program. Accurate data on costs and effectiveness of the cheapest alternative to open lake disposal are provided in the report. Placement of the dredged material in diked disposal areas was proved to be effective for containment of the pollutants and also the least costly alternative. The costs for such diked areas are generally two to five times the present costs of open lake disposal.

The pollutants which are mixed in with the silts and sands to be dredged have a variety of sources. In the highly industrialized large cities, the bulk of the pollutants come from inadequate sewage treatment plants. Additional pollutants come from farm, highway and street runoff. The harbor and channels dredged on a periodic basis provide settling basins for the pollutants. Once a dredge has picked up the material and temporarily removed it from the water, the opportunity obviously exists to place the material elsewhere than in the lake water, and in the process perform a pollution abatement function. This pollution abatement function should be performed for the most part by industrial and municipal sewage treatment plants, standards for which have been set and approved by law. Until such sewage treatment plants become effective the Corps dredging program, if it permanently removed the pollutants from the water, could be credited with partially fulfilling on an interim basis the sewage treatment plant function. Although obviously not a substitute for adequate treatment, the monetary credit that could be attributed to the removal of pollutant solids by dredging based on the percent of solids to be removed by treatment and the costs of treatment, is about $2 to $3 per cubic yard of dredged material where such material contains about 10% pollutants. This does not suggest that dredged material be run through a sewage treatment plant, but only that it be recognized that the dredging program can partially meet water quality standards established by law until such standards are achieved by the required sewage treatment plants yet to be built. On the assumption that a significant reduction in pollution at its source would take place in about 10 years, at which time the bulk of dredged materials could then be moved to the open lakes, estimates show that costs of providing the least costly alternative disposal areas at the 35 harbors presently considered to be polluted would be about $70,000,000 for construction of diked disposal areas with an annual added increase of $5,000,000 for the more expensive handling operation of placing the material within the diked areas during the 10-year period.

The report indicates that lesser programs for only the most polluted harbors could be developed, at lower costs of course. In a sense the lesser programs are a way of expressing the priorities of action which could be implemented dependent on funding available for a diked program. For most of the 35 harbors the added cost for confining the dredged materials in diked disposal areas ranges from about $1 to $5 per cubic yard averaging $1.30 per cubic yard. Thus a diked disposal area program, although not justifiable in terms of the direct tangible benefits accruing to the lake environment, is roughly equivalent in terms of costs or removal of pollutant solids to that of the treatment plants required to meet water quality standards. Construction of the diked disposal area program at all 35 harbors would require about 3 construction seasons, after funds have been made available.

10. *Cost Sharing and Cooperation of non-Federal Agencies.* During the past years the Federal policy concerning the furnishing of lands for disposal areas and the construction of retention areas has varied. At many of the earlier projects disposal areas and dikes, where needed, were a part of the Federal cost. Such requirements were readily available and the cost of such facilities was nominal. During more recent years the provision of lands for disposal areas as well as diking such areas has been included in the requirements of local cooperation prescribed for navigation projects authorized by Congress. Since the navigation system of harbors in the Great Lakes and throughout the country has developed over a period of many years, the requirements of local cooperation vary widely depending on the Federal policy that existed at the time of authorization. Many have no requirements whereas others authorized recently include the requirement that local interest furnish the necessary disposal areas.

The control of pollution is a responsibility of local government in conformance with standards established by the individual states and with approval and assistance of the Federal Government. The above discussion pointed out that significant amounts of pollution exist in the harbor sediments of some 35 of 115 Great Lakes harbors. The criteria for defining the amount of pollution that is significant or insignificant have not been established with any degree of precision. Because the individual states have established the water standards for their waters, it appears that the Corps would be best advised to obtain from the state pollution control agency for each of its harbors a judgment on the degree of pollution of the navigation channel sediments and a recommendation on whether or not such pollution warrants the requirement for a diked disposal area.

The costs of an interim diked disposal program can generally be broken down into: cost of lands and access rights thereto; costs of preparing the site by building dikes and other retaining structures; and costs of moving the dredged material from the dredge to the containment site. To be equitable to both local and Federal taxpayers, a consistent cost sharing policy is desirable. Therefore, general legislation is required to provide consistency. It is evident that the cost and acquisition of lands should be a local responsibility and the increased costs of moving the dredged material to the containment site should be Federal. Recognizing that some benefits, though difficult to evaluate, accrue to the owners of filled-in-land, that much controversy will result as to which lands should be used (which can best be resolved by local government), and that such disposal areas will also be used by non-Federal agencies or industry as well as the Corps, it appears that the cost of the site preparation phase of the program should be borne in whole or in part by local agencies. Since it is not practicable to be sure of equitability in all cases, proposed for the consideration of the Congress is a 50–50 cost sharing on those portions of the diking required for construction and maintenance of the Federal project.

11. *Conclusions*. Based on the results of the study and the carefully considered opinions of the board of consultants, I conclude that:

a. The accelerated mechanical movement of significantly polluted materials from harbor areas to deep waters of the Great Lakes contributes to a cumulative, long-range degradation of lake water quality. Such degradation cannot be quantified, and in some particular cases may not exist.

b. An opportunity exists in the dredging program to perform a pollution abatement function. Accomplishment of the work would be consistent with established standards of waste treatment requiring the removal of solid wastes from sewage effluents. Although not a substitute for treatment of pollution at its source, the dredging procedures, if they permanently removed pollutant solids, could be credited with partial interim achievement of the required but not yet provided treatment.

c. The cheapest effective method of disposal, as an alternate to open-lake disposal, is the use of diked containment areas near the navigation projects. Lands are difficult to acquire and the alternate disposal procedure increases costs several-fold over open-lake disposal. To provide the alternate areas for all 35 Great Lakes harbors currently considered to be polluted would require an investment of about $70,000,000 for providing retention facilities for a 10-year period of operation. Such an investment should be specifically authorized by Congress, allowing for probable changes in degrees of pollution that will exist at various harbors, and with the understanding that the 10-year program is based on the assumption that effective treatment facilities will change the need for containment of dredged spoil in about 10 years. The 35 harbors can be programmed in order of priority in accordance with available funding. After funds are available about 3 construction seasons of dike construction time would be needed.

d. The state water pollution control agency should be the agency to establish the criteria for determining the significance of channel sediment pollution and make recommendation to the Corps of Engineers on the need for undertaking alternate methods of disposing of dredged materials.

e. Non-Federal agencies should be required to furnish lands for disposal sites, access thereto, and pay 50% of the costs of diking or other means of containment at all harbors of the Great Lakes where pollution conditions warrant. Congressional authority for the imposition of this cost-sharing is required.

f. From the results of the studies completed to date and a review of available literature on the subject, it is obvious that further research and study in this field are necessary and should be continued as a part of the maintenance activities on the navigation projects. These studies are urgently required to evaluate more conclusively the impact of the various disposal procedures on the environment of the Great Lakes.

g. Pending approval and the provision of funds for accomplishment of the program, the disposal of polluted dredge spoils will be confined to such diked areas as presently exist, such areas as may be provided under the authority of the existing projects on the basis of minimizing operation and maintenance costs, and in such additional areas as may be furnished by local interests at their expense.

h. The added cost of dredging operations (exclusive of the construction of containment areas) resulting from the utilization of any alternate disposal procedures should be a Federal cost.

i. All non-polluted material should continue to be disposed of in open waters of the Great Lakes.

j. The long-range solution of resolving the pollution problem as it relates to dredging operations is the control of pollution at its sources. 12. *Recommendations*. In furtherance of the national objective of improving water quality through the prevention, control and abatement of water pollution from Federal Government activities, as directed by Executive Order 11288, I recommend the following actions be taken:

a. That the Secretary of the Army approve this report and forward it to the Bureau of the Budget and to Congress.

b. That legislation be enacted, draft of which is being submitted under separate cover, which will require local interests to furnish lands acceptable to the Chief of Engineers for the disposal sites free of cost to the United States and also to pay 50% of the cost of diking or other means of containment at all harbors of the Great Lakes where pollution conditions warrant, as determined by the state pollution control agency.

F. J. CLARKE,
Lieutenant General, USA, Chief of Engineers.

SUPPLEMENTAL REPORT ON DREDGING AND WATER QUALITY PROBLEMS IN THE GREAT LAKES

ENVIRONMENTAL IMPACT

This supplemental report is submitted in conformance with Section 102(2)(C) of the National Environmental Policy Act of 1969. The broad purposes of the attached Corps of Engineers report, written prior to the Act, are those of the Act, Section 2.

Using a systematic and interdisciplinary approach the Corps of Engineers, with the assistance of the Department of Interior, a board of eminently qualified consultants, and various Universities, assessed the impact of the construction and maintenance of navigation projects on the environment of the Great Lakes. Although environmental amenities and values are extremely difficult to quantify, the great intangible values of high quality water in the Great Lakes were carefully considered and were significant in the decision making reflected below.

(i) *Impact On Environment*. The Corps of Engineers in dredging authorized harbors and channel projects in the Great Lakes has generally disposed of most of the dredged material in the open waters of the Lakes. The detailed study of these procedures concluded (see attached report) that much of the dredged material is polluted by man's industrial, agricultural and domestic activities and when placed in the lakes could have a long range, cumulative, detrimental effect on lake water quality with ensuing undesirable impacts on the environment. The proposed actions would permanently remove polluted dredged material from the lake waters by disposing of the material in containment areas to reduce or eliminate the undesirable environmental impact of the present Corps of Engineers dredging procedures. The proposed actions would perform a partial pollution abatement function for a period of ten years until such time as pollutants presently reaching lake and harbor waters are expected to be controlled at their sources.

The actions proposed will still impact on the local environment at the proposed contained disposal sites. Site selection in upland areas or along shore or in shallow waters requires careful study to assure that one type of environmental enhancement does not produce another type of degradation. Therefore, disposal site selection, construction, and use will be carefully coordinated by the Secretary of the Army through the Corps of Engineers with non-federal participating agencies and the Department of Interior. By careful site selection, beneficial land fills for commercial, industrial, public, or wildlife uses may be developed. Site selection also must give appropriate emphasis to the least total economic cost in terms of land acquisition, construction of containment structures and the disposal operation.

(ii) *Adverse Environment Effects*. The adverse environmental effects that would result by implementing the proposed procedures of dredged material disposal are minimal. The basic purpose of the proposals is to eliminate the pollutional effects of present methods by adopting procedures that would not create other environmental problems. Careful implementation of the proposed procedures will accomplish this purpose.

(iii) *Alternatives to the proposed actions are:*

(1) Continue to dispose of most dredged material in the open waters of the Great Lakes. This is the least cost procedure for maintaining the harbors and channels to the depths authorized and directed by the Congress. This alternative would accept the detrimental environmental impact of present procedures until pollution sources were controlled and dredged material was no longer significantly polluted.

(2) Discontinue the dredging of the Great Lakes harbors and channels. The harbors and channels would within one or two years fill in to such an extent that severe economic hardship would be created at all large Great Lakes ports and extend throughout this region. As the harbors and channels filled in to natural depths, they would no longer serve as settling areas for polluted materials and such materials would then flow into the lakes.

(3) Remove the pollutants from the dredged material prior to open lake disposal. This alternative was tested as part of the reported study and proved to be much more expensive but not more effective than the proposed action.

It must be recognized that within the procedures proposed many alternatives exist with respect to site selection, dredging methods, and conveyance of dredged material to the disposal site. In each polluted harbor or channel project, the most economical and effective methods must be adopted once the proposed authorities and funds are provided.

(iv) *Short-term versus long-term effects*. The proposed procedures are based on the conclusion that short term economic advantages of open lake disposal are overweighted by the need for the long term protection of the Great Lakes environment.

(v) *Irreversible Commitments*. The proposed actions allow for considerable detailed study and coordination prior to implementation in each case. An irreversible commitment would occur after a site had been put into use for disposal of the dredged materials, quantities of which are as high as 1,000,000 cubic yards per year at major harbors such as Cleveland and Toledo. Once these areas were in use for disposal purposes for the proposed 10 year period, they would be converted into new fills that would take time to consolidate before being available for other beneficial purposes. This emphasizes again the need for careful disposal area site selection in order to meet the purposes of the proposed actions.

Coordination. The report on the detailed analyses that accompanies this evaluation of dredging and water quality problems in the Great Lakes, has been coordinated with the eight Great Lakes States and pertinent Federal Agencies. Volume I of the report includes State and Agency comments as a result of this coordination. A series of public meetings at various cities in the Great Lakes area during the Spring of 1969 as well as widely dis-

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tributed brochures were used to advise the public on the study conclusions and findings.

Coordination through the International Joint Commission continues with the Canadians with respect to an overall program of pollution abatement in the boundary waters.

DUMPING IN LAKE MICHIGAN: THE PRESIDENT'S PROGRAM

Mr. SMITH of Illinois. Mr. President, I am pleased to join the distinguished senior Senator from Kentucky and ranking minority member of the Committee on Public Works (Mr. COOPER) and the distinguished assistant minority leader (Mr. GRIFFIN) in the sponsorship of S. 3743, President Nixon's program to prevent the dumping of dredged materials into the Great Lakes. The record of leadership compiled by these respected Senators augurs well for the prompt consideration of the President's program and prompt action on this important legislation.

Mr. President, the dredging of shipping channels in the Great Lakes is an important factor in the maintenance of a healthy, vital, economic climate in my own State of Illinois. The people of Illinois know the value of Great Lakes commerce to the State's economy. Many of their jobs depend on shipping and lake-related industries. Yet they have again and again demanded the cessation of the open-lake dumping of dredged materials—not because they want to see the shipping industry come to a halt in the Great Lakes region, but because they believe that shipping and industry can continue to prosper without continuing to pollute.

The people of Illinois look to their public officers to accomplish the goal of progress without pollution by strict enforcement of antipollution regulations. They expect action, not words, directed toward pollution abatement. They insist upon the creation of programs "with the teeth in them"—and the dollars in them—to do the job. They deserve nothing less.

In my opinion, President Nixon's proposals constitute recognition of the principle that public works projects, no matter how desirable, must not be permitted to pollute and despoil. They further recognize the sound principle that if Government aims to eliminate pollution, it should first guarantee that its own activities do not pollute. These are the very principles to which I pledged myself in a statement on the floor of the Senate on April 15. In that statement, I said:

> From this day on, I shall use my office as Senator to oppose each and every new Federal public works project for the State of Illinois, if plans for those projects do not include an adequate concern for the ecological effects of their execution. In other words, I am serving notice here and now to every State and local government officer, and to every interest group, that Ralph Smith will do his best to see that no more Federal dollars are spent on new public works projects in Illinois unless those projects include completely adequate safeguards to control pollution and other detrimental ecological effects of the projects.

Mr. President, in some ways President Nixon's proposals do not go as far as I have suggested in visits with him and letters to him over recent months. Nevertheless, I am proud to cosponsor the President's bill as a history-making first step. I hope to present some amendments of my own when the bill is considered in committee, but they will supplement, rather than supplant, the President's very meaningful, very worthy, proposals.

S. 3744—INTRODUCTION OF THE ADMINISTRATION BILL TO EXTEND FOR 1 YEAR THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. COOPER. Mr. President, the Senate received on Monday, April 20, a letter from the Secretary of Commerce transmitting a draft of legislation to extend for 1 year the authorizations for titles I through IV of the Public Works and Economic Development Act of 1965.

I am very glad to introduce the administration proposal as the ranking minority member of the Committee on Public Works, to which it has been referred, together with Senator BAKER, who is the ranking minority member of the Subcommittee on Economic Development.

I ask unanimous consent that the letter of transmittal, a statement of purpose and need which accompanied the letter, and the text of the bill be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore (Mr. HOLLAND). The bill will be received and appropriately referred; and, without objection, the bill and other material will be printed in the RECORD, as requested by the Senator from Kentucky.

The bill (S. 3744) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971, introduced by Mr. COOPER (for himself and Mr. BAKER), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 105 of the Public Works and Economic Development Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

(b) Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

(c) Section 302 of the Public Works and Economic Development Act of 1965 is amended by striking out "for the fiscal year ending June 30, 1970" and inserting in lieu thereof "per fiscal year for the fiscal years ending June 30, 1970, and June 30, 1971".

(d) Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

The material, presented by Mr. COOPER, is as follows:

SECRETARY OF COMMERCE,
Washington, D.C., April 17, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971." together with four copies of a statement of purpose and need in support thereof.

We have been advised by the Bureau of the Budget that enactment of this legislation would be in accord with the program of the President.

Sincerely,

——— ———,
(For the Secretary of Commerce).

STATEMENT OF PURPOSE AND NEED

The proposed bill is to renew and extend authorizations of funds for Titles I through IV of the Public Works and Economic Development Act of 1965, as amended, through June 30, 1971.

The continuing growth of the national economy is showing an impact on many lagging areas of the Nation, but a large number of areas are still in need of Federal financial aid to combat severe unemployment and low-income problems in fiscal year 1971. These areas are caught in a downward cycle of privation and are unable to build the public facilities essential to attract private industry and stimulate economic growth.

In an effort to help these areas, the Public Works and Economic Development Act of 1965 authorizes a grant and loan program for public works and development facilities needed to create a climate conducive to the development and operation of private enterprise. The appropriations authorization for the grant program, contained in Title I, section 105 of the Act, and the appropriations authorization for the loan program, contained in Title II, section 201(c) of the Act, expire June 30, 1970.

An extension of the authorization of funds for this program through June 30, 1971, is sought to enable EDA to continue to fund needed public works and development facilities.

Section 202 of the Act authorizes (1) business development loans for the purchase or development of land and facilities, including machinery and equipment for industrial or commercial usage and (2) working capital guarantees made in connection with projects assisted by such loans. The purpose of this program is to provide a direct stimulus to industrial and commercial development in these lagging areas. The appropriations authorization for this program, contained in Title II, section 201(c) expires on June 30, 1970.

The extension of this authorization is sought through June 30, 1971, to continue the business loan and working capital guarantee program as a means for providing continued assistance to private sector development in these depressed areas.

The technical assistance and research program authorized by Title III of the Public Works and Economic Development Act of 1965 is an effective means of giving motivation and support to institutions and groups instrumental in fostering the economic development process, as well as providing preliminary feasibility studies and planning assistance to more adequately assure the success of programs and projects. In addition, the research program authorized by Title III enables the Department to formulate and evaluate its policies and to establish long-term goals and priorities. The appropriations authorization for the technical assistance and research program, contained in Title III, section 302, expires June 30, 1970.

An extension of the authorization of funds for this program through June 30, 1971, is sought to enable EDA to continue this much needed economic development support program.

Public works and development facility grants and loans, business loans and working capital guarantees to be provided to economic development centers are authorized in

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section 403. An economic development center must have a population not exceeding 250,000 persons and must be geographically and economically related to the economic development district so that it may contribute significantly to the alleviation of poverty in depressed areas. The purpose of this program is to develop new industrial and commercial centers in such areas. The appropriations authorization for this program, contained in Title IV, section 403(g), expires June 30, 1970.

An extension of this appropriations authorization is sought to enable the continuance of this assistance which is essential to rational, effective areawide economic development.

S. 3745—INTRODUCTION OF THE ADMINISTRATION BILL—DISASTER ASSISTANCE ACT OF 1970

Mr. COOPER. Mr. President, yesterday the President sent to the Congress a message on Federal disaster assistance, both outlining administrative actions he has taken, and making legislative proposals. As the Senate did not meet yesterday, the President's message was received by the Senate earlier today.

It is a humane message, building upon our tradition of extending a helping hand to neighbors in time of trouble. His proposals will advance the great and often critical help which timely Federal efforts can give when storm, flood or earthquake strike.

The message recognizes the importance of coordinating Federal efforts, of bringing assistance promptly and effectively to areas hit by disaster—always difficult at a time of confusion and disruption—and of seeing to it that individuals and families and local officials have access to the assistance we intend be available to them in a way that is convenient, equitable, understandable and, hopefully, uncomplicated.

The Senate Committee on Public Works has exercised jurisdiction in this field for many years and, while not all of the provisions of law touching on emergency and disaster assistance have passed through our committee, the basic legislation has been our responsibility. I think it fair to say that the present system of Federal disaster assistance developed largely at the initiative of the Congress, with additions usually following a major occurrence as needs became apparent. I consider it noteworthy, therefore—and as evidence of the President's concern for human values, of the spirit in him of the good neighbor—that we have this special Presidential message directed to improving Federal disaster assistance. It is the first such message in many years and, I believe, the most comprehensive statement by the White House on the subject.

Last fall, following Hurricane Camille, the Senate Committee on Public Works established a Special Subcommittee on Disaster Relief. Its chairman is Senator Bayh, who has made proposals, introduced legislation, conducted hearings, and devoted much effort to this subject for several years. His faithful and persistent work in this area is recognized and, indeed, the subcommittee begins, on Monday, its Washington hearings on this subject following the field hearings earlier this year in Biloxi, Miss., and Roanoke, Va. The administration proposals will, I am sure, make a significant contribution to the committee's work in this field.

Mr. President, as the ranking minority member of the full Committee on Public Works, I am very glad to introduce, with Senator Dole, the ranking minority member of the Disaster Relief Subcommittee, and with Senator Randolph, chairman of the full committee, together with Senator Bayh, chairman of the Disaster Relief Subcommittee, the bill submitted by the President. I do so today so that it may be printed in time to be available at the committee hearings beginning on Monday. I have no doubt that a number of Senators may wish to become cosponsors of the administration disaster relief bill, and at a later time will ask unanimous consent to add as sponsors those who wish to do so.

Mr. President, I ask unanimous consent that there be printed in the Record at this point the fact sheet which accompanied the President's message, a section-by-section analysis of the administration bill, and the Executive order of April 22, 1970, establishing the National Council on Federal Disaster Assistance.

The ACTING PRESIDENT pro tempore (Mr. Holland). The bill will be received and appropriately referred; and, without objection, the material will be printed in the Record, as requested by the Senator from Kentucky.

The bill (S. 3745) to amend existing Federal disaster assistance legislation, and for other purposes, introduced by Mr. Cooper (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

The material, presented by Mr. Cooper, is as follows:

Disaster Assistance Legislation Fact Sheet

1. *Revenue Maintenance.*—The Federal Government would be authorized to lend money at favorable interest rates to local governments to make up their loss of property tax revenues following a major disaster. Such a program would permit continuation of essential public services and thereby enable local governments to respond to public needs with full vitality at the time when such vitality is most needed. The interest rate on such loans would be determined by the Secretary of the Treasury. It would be based on the current average market yield on those outstanding marketable obligations of the United States which have remaining periods to maturity of 10 to 12 years. This level could be reduced by up to 1%.

2. *Permanent Repairs.*—Existing disaster assistance legislation permits only emergency repairs or temporary replacement of damaged essential public facilities. This authorization would allow permanent repairs or full replacement in conformity with existing codes and standards. It would therefore provide an effective and practical approach to the replacement of damaged public facilities which are vital to community life.

3. *Economic Development Assistance.*—The Economic Development Administration would be able to provide staff support, technical advice, and financial assistance to those communities affected by major disasters. These forms of assistance are vital in recovery efforts, particularly when the community is attempting to begin long-range rebuilding or redevelopment efforts.

4. *Disaster Prevention.*—The Office of Emergency Preparedness would be authorized to take preparedness or preparatory action "in circumstances which clearly indicate the imminent occurrence of a major disaster." This arrangement is expected, in some instances, to reduce damage and destruction and to contribute to a more rapid and effective response following a disaster.

5. *Disaster Loans.*—Disaster loans by the Small Business Administration and the Farmers Home Administration are the principal sources of assistance to stricken individuals. Disaster loans under this legislation would have improved refinancing and payment deferral arrangements; forgiveness in major disaster areas would be increased from $1,800 to $2,500 and disaster loans to older citizens would be assured. The interest rate on such loans would be set by the Secretary of the Treasury. It would be based on the current average market yield on U.S. obligations with remaining periods to maturity of 10 to 12 years. This level could be reduced by up to 1%. These changes are expected to allow faster service by FHA and SBA, and promote speedier recovery following disasters.

6. *Unemployment Compensation.*—This provision would extend for two years the provisions of the Disaster Relief Act of 1969, and would make temporary income available as promptly as possible to mitigate the hardships of individuals unemployed as a result of a major disaster. Before 1969, only those unemployed who could qualify for compensation under the normal unemployment insurance program received income protection following a disaster. The two-year extension would provide time to evaluate the new provisions and to pass appropriate legislation.

7. *Housing.*—The provision for temporary housing in PL 81–875 would be amended to incorporate several features of PL 91–79, while retaining the flexibility necessary to provide an adequate response to natural disasters. One such feature would be the authority to charge appropriate rentals taking into consideration the hardship involved and the financial ability to pay.

8. *Debris Removal.*—The Federal Government would be able, when it is in the public interest, to remove debris from private property. State or local governments would be required to arrange authorization for removal of debris from private property and to indemnify the Federal Government against liability claims.

9. *Planning Assistance.*—The Disaster Relief Act of 1969 authorized a one-time grant to States for disaster planning. This legislation would expand that provision of the 1969 law and would permit the use of Federal matching funds for maintaining and updating of States disaster plans.

10. *Miscellaneous.*—The Disaster Relief Act of 1969 (PL 91–79) expires on December 31, 1970. Items 5 through 9 represent extensions or modifications of provisions included in PL 91–79. Two additional authorities contained in PL 91–79, those concerning timber sale contracts and appointment of a Federal coordinating officer, would also be extended by this legislative proposal.

Disaster Assistance Act of 1970, Section-by-Section Analysis

Sec. 1. Provides that the Act may be cited as the "Disaster Relief Act of 1970."

Sec. 2(a). Amends the definition of the term "major disaster" in PL 81–875 to require that Governors certify a need for "Federal disaster assistance" rather than just assistance under PL 81–875. The amendment also deletes a reference to the Board of Commissioners of the District of Columbia since that Board no longer exists.

Sec. 2(b) and (c). Amends the definition of the term "State" to include the District of Columbia and deletes the reference to the District of Columbia in the definition of "local government."

Sec. 2(d). Revises Section 3(d) of PL 81–

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875 to provide that Federal contributions for permanent repair or replacement of essential public facilities of State and local governments shall not exceed the net cost of restoring such facilities to their pre-disaster capacity in conformity with current codes and specifications. This section has been further amended to permit appropriate rental charges for temporary housing taking into consideration the hardship and the financial ability of the occupant to pay.

Sec. 2(e). Revises Section 4 of PL 81–875 to authorize agreements with private relief organizations to distribute needed supplies in disaster areas in accordance with nondiscrimination provisions of Federal law.

Sec. 3. Extends and modifies certain provisions of the Disaster Relief Act of 1969 (PL 91–79).

Sec. 3(a) and (b). Amends the disaster loan authorities of the Small Business Administration and the Farmers Home Administration by (1) standardizing the interest rates on loans and authorizing such loans even though assistance may be available from private sources, (2) making such loans not to exceed the current repair or replacement cost of the disaster loss, in conformity with current codes and specifications, (3) providing, in cases in which refinancing of existing loans is required, that the amount of the refinancing shall not exceed the amount of the physical loss sustained, and (4) in cases of hardship, raising the forgiveness feature of disaster loans from $1800 to $2500 in major disaster areas.

Sec. 3(c). Amends Section 8(c) of PL 91–79 to eliminate the date for completion of State plans and provides that plans developed under this section shall be applicable to local governments as well as individuals.

Sec. 3(d). Further amends Section 8 of PL 91–79 by authorizing matching grants to States up to $25,000 per annum for purposes of improving, maintaining, and updating State disaster assistance plans.

Sec. 3(e). Revises Section 14 of PL 91–79 to make clear that contractors may remove debris from private property in community areas including rural areas. This subsection also provides that State and local governments arrange to provide blanket authorizations for the removal of such debris and that the Government be indemnified against claims arising from such removal.

Sec. 3(f). Repeals Section 15 of PL 91–79 which defines "major disaster" for purposes of the Act as a disaster which occurred after June 30, 1967, and on or before December 31, 1970. However, the repealing amendment provides that project claims resulting from disasters declared prior to the date of enactment of this Act shall be disposed of in accordance with the provisions of PL 91–79.

The Section further provides that Sections 2, 4, 10, and 11 of PL 91–79 shall not be in effect after December 31, 1970. Section 2 provides for a 50 percent Federal contribution for the permanent repair or reconstruction of non-federal aid highways and is not necessary in view of a revised standard or repair for public facilities eligible for assistance under PL 81–875. Section 4 with respect to public land entryman is considered to be a duplication of existing authority and is deleted. Section 10 which provides for temporary housing has been deleted in favor of a modified temporary housing provision in PL 81–875. Section 11 provides for the distribution of food stamps and commodities in areas where low income households would be unable to purchase sufficient quantities of nutritious food. The Department of Agriculture advises that it can undertake this type of program under existing authority and that Section 11 is not necessary. The Section further provides that unemployment compensation benefits authorized by Section 12 of PL 91–79 shall continue in effect only until December 31, 1972. It is expected that a more satisfactory arrangements for providing these benefits will be adopted prior to the 1972 expiration date. All other sections of PL 91–79 would remain in effect.

Sec. 4. Would authorize the Secretary of Commerce to designate areas which have suffered a major disaster to be "redevelopment areas" eligible for grant and loan assistance under the Public Works and Economic Development Act of 1965.

Sec. 5. Authorizes 15-year Federal loans by prescribed formula to local governments in cases in which disaster damage has resulted in a substantial loss of property tax revenue. Payments on interest and principal may be deferred during the first three years of the term of the loan. This section also provides for the creation of a separate loan fund for the purpose.

Sec. 6. Permits the President to take effective action to avert or lessen the effects of a catastrophe which threatens to become a major disaster. It is not necessary for the President to declare a "major disaster" before assistance can be provided under this section.

Sec. 7. The President would be authorized to assign advisory personnel to the chief executive officer of a State or local government in order to assure full utilization of disaster relief and assistance resources and programs.

Sec. 8. Forbids discrimination on the grounds of race, color, or national origin in Federal disaster assistance programs and authorizes the President to take the necessary action to insure compliance.

Sec. 9. Authorizes the President to utilize the resources of Federal departments and agencies for use in disaster relief, with or without reimbursement, as he deems appropriate. Similar authority was granted by PL 81–875 but not by PL 89–769 or PL 91–79.

Sec. 10. Authorizes the establishment by Federal agencies of advisory groups to assist in carrying out the provisions of law relating to Federal disaster preparedness and assistance and authorizes use of funds for that purpose.

Sec. 11. Adopts for purposes of this Act, PL 89–769, and PL 91–79, the following definitions contained in PL 81–875: "major disaster", "United States", "State", "Governor", "Local government", and "Federal agency." It also authorizes Federal agencies to liberalize contracting and employment practices in accordance with authority now contained in Section 7 of PL 81–875.

Sec. 12. Adopts the language of PL 81–875 providing that authority and funds shall supplement rather than substitute for other authority conferred or funds provided, and adds the limiting language of PL 89–769 prohibiting duplication of assistance for a single loss.

Sec. 13. Authorizes appropriations.

EXECUTIVE ORDER—ESTABLISHING THE NATIONAL COUNCIL ON FEDERAL DISASTER ASSISTANCE

Whereas the Congress has enacted a number of statutory provisions authorizing Federal assistance to areas devastated by large-scale disasters; and

Whereas the Federal Disaster Act (P.L. 81–875), the Federal Disaster Relief Act of 1966 (P.L. 89–769), and the Disaster Relief Act of 1969 (P.L. 91–79) are, pursuant to delegations of authority by the President, administered by the Director of the Office of Emergency Preparedness; and

Whereas the Departments of Defense, the Interior, Commerce, Agriculture, Labor, Health, Education, and Welfare, Housing and Urban Development, and Transportation, and the Small Business Administration and the Office of Economic Opportunity, also administer important disaster assistance programs; and

Whereas a prompt and effective Federal response to a major disaster requires coordinated action by all of the Federal agencies involved; and

Whereas Federal coordination will be served by the establishment of a National Council on Federal Disaster Assistance:

Now, Therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. *Establishment of Council.* (a) There is hereby established the National Council on Federal Disaster Assistance (hereinafter referred to as the "Council") which shall be composed of the Director of the Office of Emergency Preparedness, who shall be the Chairman of the Council, and policy level representatives of the Departments of Defense, the Interior, Agriculture, Commerce, Labor, Health, Education, and Welfare, Housing and Urban Development, and Transportation, and of the Small Business Administration and the Office of Economic Opportunity, and such other members as the President may from time to time designate.

(b) Representatives of other Federal departments or agencies, officials of State and local governments, and private citizens may be invited by the Chairman to participate in the deliberations of the Council.

Section 2. *Functions of the Council.* The Council shall advise and assist the Director of the Office of Emergency Preparedness in:

(a) Insuring that Federal agencies furnish necessary assistance following a large-scale disaster on a priority basis to the Federal Coordinating Officer appointed by the President to operate under the Director, Office of Emergency Preparedness, pursuant to Section 9 of the Disaster Relief Act of 1969;

(b) Developing policies and programs to provide a strong and integrated total Federal disaster assistance effort;

(c) Stimulating cooperation and the sharing of data, views, and information concerning disaster assistance among Federal agencies, State and local governments, and private organizations having disaster assistance responsibilities and interests;

(d) Facilitating cooperation among Federal, State, and local governments with special concern for the maintenance of local initiative and decision making with respect to emergency restoration and rebuilding programs;

(e) Promoting the participation of Federal agencies in providing Federal assistance for rebuilding efforts;

(f) Encouraging research on means of preventing disasters and ameliorating the effects of those that occur;

(g) Reviewing, from time to time, the effectiveness of the Federal disaster assistance programs and suggesting needed changes.

Section 3. *Assistance to the Council.* Consistent with law, the Office of Emergency Preparedness shall provide staff and other assistance to the Council, and Executive departments and agencies shall furnish to the Council such available information as the Council may require in performance of its functions.

Section 4. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency or officer, or any function vested by law in, or assigned pursuant to law to, any Federal agency or officer, to the authority of the Council or of any other agency or officer or as abrogating any such function in any manner.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1970*.

Mr. DOLE. Mr. President, as the ranking Republican member of the special Subcommittee on Disaster Relief of the Senate Public Works Committee, I join others in introducing legislation containing 10 specific proposals recommended by the President to improve the Federal response to major natural disasters.

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The subcommittee recently held hearings in Biloxi, Miss., and Roanoke, Va., to evaluate the Federal role in providing assistance to those affected by Hurricane Camille.

We found that Federal agencies moved quickly to provide the assistance available at that time. The Disaster Relief Act of 1969 added new types of assistance which had to be phased and programed into relief efforts. Although by definition a disaster involves losses, confusion, and unusual hardship, deficiences were found in the framework of our Federal effort. This was especially true on the Gulf Coast where the destruction wrought by hurricane Camille was of unbelievable proportions. Yesterday, the President sent to Congress the first presidential message since 1951 recommending legislative proposals to "make our Federal disaster-assistance program more effective and efficient."

The concern demonstrated by President Nixon's message is especially appropriate this week. Over the weekend, tornadoes and violent winds struck parts of the South and Midwest. In Texas, tornadoes cut across a 200-mile area leaving 26 people dead and hundreds injured. Five persons were killed by a tornado which twisted across northwestern Mississippi, Sunday. The tornado injured more than 70 persons and 300 homes were damaged. At the time tornadoes were damaging Texas and Mississippi, floods were threatening Minot, N. Dak., because of heavy snows.

Although there has been a rapid response to these disasters by governmental and private relief agencies, the President's message contained several far-reaching and much-needed legislative proposals, as well as administrative changes that will improve our performance.

FUTURE DISASTERS

Prior to 1966, when the first comprehensive disaster relief act was enacted, disaster laws were largely the result of congressional response to a particular major disaster. Today we realize the need to plan for future disasters.

DISASTER PREVENTION

Part of planning for future disasters is prevention of future disasters. Last year the administration undertook a commendable initiative labeled "operation foresight." Temporary flood control measures were taken in the upper Midwestern States which demonstrated that by an expenditure of $20 million of prevention, it was possible to save $200 million in damages. In California alone, it is estimated that the $0.9 billion spent for flood control projects in that State saved $1.6 billion in public and private damage. It is estimated that because of the absence of engineered flood control works costing $250 million in New Orleans and Plaquemines Parish, 100,000 lives would have been lost and there would have been approximately $2 billion in property damage if Camille had struck 35 miles westward. The extension of the Federal Government's authority to assist State and local governments in disaster prevention and damage reduction will provide direct savings to both the public and private sectors.

STATE PLANNING

In our hearings, it was evident that there was wide variance among the States on the quality of procedures devised for response to natural disasters. As part of an effort to plan for future disasters, the Disaster Relief Act of 1969 authorized one-time matching grants to encourage States to formulate contingency disaster plans. While there has been a substantial response by the States, their plans must be continuously reviewed and updated. The President's request for additional authorization for matching grants recognizes this fact.

REVENUE MAINTENANCE

One of the most severe problems in the areas hit by Camille was the loss of property tax base and widespread destruction of essential services. We heard numerous representatives of city and county governments testify that, unless they received financial assistance from the State or Federal Government, they would be unable to meet fixed obligations and restore public services. In such cases, the State also suffered sales tax and income tax losses and, therefore, had diminished capability to assist local government. The President's proposals for a property tax revenue maintenance plan to provide loans to local governments at favorable interest rates would assist in the provision of necessary funds.

PERMANENT REPAIRS

The rebuilding of a community struck by a natural disaster is often a slow and demanding process. When public facilities have been damaged or destroyed, it is even more difficult.

One of the recurring difficulties in past disaster relief efforts has been the strict interpretation by GAO of the existing law providing for emergency repairs and temporary replacement of damaged public facilities. Such a limited Federal contribution discourages the improvement or replacement of facilities. Rather than building a better bridge, the community finds tiself bound to the old structure, or even worse, due to cost fluctuation. The administration's liberalization of this provision should allow the community not only to rebuild but to improve and upgrade its facilities.

LONG-RANGE RECOVERY

With a disaster, there is also an opportunity to rebuild a better community and provide greater opportunity for all of its citizens. The one agency in our Government that was created to assist in long-range economic planning is the Economic Development Administration. The President has requested legislation to broaden the responsibilities of that agency and make its staff and financial resources available for long-range rebuilding and redevelopment in major disaster areas.

HOUSING

Central to any disaster relief program must be the assistance available to the individual victim of the disaster. The disaster victim is most frequently in severe need of temporary housing. The 1969 act provided for temporary housing which was furnished after Camille to over 5,000 families. Despite these commendable statistics, numerous witnesses appeared before our committee to complain that they were unfairly treated. To improve the administration of temporary housing, the President has recommended clarification of the law. This change will provide flexibility and allow the Government to house disaster victims more efficiently and expeditiously under varying circumstances.

DISASTER LOANS

If the individual is to rebuild his home and business, it must be possible for him to obtain loans at favorable interest rates. The SBA and FHA loan programs have worked as well as any disaster relief assistance. However, there are problems that must be dealt with. The refinancing of disaster loans and the deferral arrangements have been liberalized and the forgiveness has been increased from $1,800 to $2,500. A provision that is particularly important is the guarantee that older citizens are able to obtain a home loan. We found retired people living on a fixed income who after paying off their home mortgage were unable to qualify for a loan to rebuild.

DEBRIS REMOVAL

As the President pointed out, one of the serious problems encountered in hurricane Camille related to the removal of debris from private property. I am told that although it has been over 3 months since our committee was in Mississippi, substantial debris remains on private property or individuals have not been reimbursed for removal. I applaud the President's proposal and anticipate a more expeditious and fair procedure in future disasters.

UNEMPLOYMENT COMPENSATION

Although unemployment is initially inevitable in a disaster area, after reconstruction begins there is often a sharp increase in employment. Nevertheless, it is often a time-consuming process for business and industry to resume normal operations, and the individual unemployed because of the disaster must bear an additional burden. While the program has had a signficant impact on such disaster areas as Mississippi, the States must define who is eligible under this program for assistance. For those not covered under unemployment compensation, other programs must be utilized for the maintenance of income during such periods.

ADMINISTRATIVE ACTIONS

By the administrative action taken by the President, he recognized the need for substantial changes in programs that would benefit the individual disaster relief victim.

A common complaint was the failure of Government agencies to coordinate their efforts. Hopefully, the National Council on Federal Disaster Assistance, and membership of the OEP on the Federal regional councils, will mean better communications in Federal programs. Close cooperation with State and local governmental organizations should give each a better understanding of the tasks being performed by the other.

To assist the individual in obtaining information at what is usually a very frustrating and discouraging time, President Nixon has established a "one-stop" service. Transportation is often

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difficult and all forms of assistance should be available at one location.

The disaster teams created to "help local communities" should be of great assistance. Oftentimes the local government officials and especially the individual citizens are initially not familiar with the intricacies of the disaster law and procedures. A disaster team would be on the spot to help immediately after or during the disaster.

Two important areas were not covered by the President's message. Property insurance coverage is a major problem in various parts of our country. Without that coverage, it is often impossible for an individual or business to rebuild. Because of the broad implications, the President has appointed a task force to study comprehensive property insurance coverage for disaster situations. We hope they can devise an all-risk insurance that will be fair to the insurers as well as the insured.

Of course, no review of disaster legislation is complete without examining the structure of our disaster relief agencies. The question of the relationship of OEP to OCD and their respective roles in natural disaster arose frequently in our hearings. I am hopeful the President will be able to rationalize what appears to be a hodgepodge of agencies with competing constituencies often working at cross purposes. I concur with the decision to postpone reorganization in order to consider the national security implications of such action, but I urge an early decision. The public will not long tolerate a system which encourages such obvious contradictions. The President's message, the legislation and administrative actions will go a long way in bringing order to the chaos of major natural disasters.

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Mr. SPARKMAN subsequently said: Mr. President, there is at the desk a message from the President of the United States and also a suggested bill introduced by the Senator from Kentucky (Mr. COOPER). That bill is one that overlaps in its various subject matters the jurisdiction of more than one committee.

I have discussed this with the Parliamentarian and with the chairman of the Public Works Committee.

The bill basically belongs to the Public Works Committee. But there are parts of it which belong to the Committee on Banking and Currency. For instance, disaster loans, small business loans and housing.

I have suggested to the chairman of the Committee on Public Works, the distinguished Senator from West Virginia (Mr. RANDOLPH), that the bill be referred to his committee and that it hold hearings on it and decide what it wants to do with it, but before reporting it to the calendar that the whole matter be referred to the Committee on Banking and Currency for consideration and recommendation.

Mr. RANDOLPH. Mr. President, I am responding to the observations of the able Senator from Alabama (Mr. SPARKMAN) with reference to S. 3745, the administration disaster relief legislation introduced by the Senator from Kentucky (Mr. COOPER), who is the ranking minority member of the Committee on Public Works. The understanding between the Public Works Committee and the Banking and Currency Committee, as explained by the Senator from Alabama, its chairman, is correct.

Mr. President, pending in the Public Works Committee is S. 3619 disaster relief legislation, which was introduced on March 20, 1970, by the Senator from Indiana (Mr. BAYH), a member of the committee and chairman of the Special Subcommittee on Disaster Relief. That measure will be heard and testimony will be taken on April 27, 28, and 29.

It would be my intention to consider the provisions of the administration bill introduced by the Senator from Kentucky (Mr. COOPER) at those hearings. I join him in the introduction of that legislation, not that I subscribe, of course, to that measure, or any other measure in detail at its introduction. I believe we can consider that measure along with the measure S. 3619 already introduced by the Senator from Indiana (Mr. BAYH), and 26 other Senators. I am also one of the cosponsors of that legislation.

My desire is to facilitate that comity and understanding which has always existed between the Committee on Banking and Currency and the Committee on Public Works with reference to disaster relief legislation.

It is important also to say that there may be, after the hearings in our subcommittee on the legislation but before the measure is reported from the Committee on Public Works—in other words, after the markup has occurred—reasons why the Committee on Banking and Currency might ask that a portion of the subject matter be referred to it. I doubt that this will occur, but it could occur. Properly, the Committee on Banking and Currency will want to review the hearings which the Public Works Committee will have held by that time.

I am delighted to know that the Senator from Alabama has arranged for members of his staff to sit in with the Public Works Subcommittee when it hears not only the legislation, S. 3619, but also the bill, S. 3745, introduced this afternoon.

I assure the Senator from Alabama and the members of his committee that there will be every desire, and every determination to work together, as in the past, to bring to this body legislation which has been considered by all members within the committees that have not only an interest but also a jurisdictional problem which must be equated.

Once more, I thank the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I thank the distinguished Senator from West Virginia for his cooperation. Let me say to him that I did not in any way question reference of the bill to the Public Works Committee. I said that is where it basically belongs even though there are three features in it that particularly belong to the Committee on Banking and Currency.

Mr. President, the Senator from Indiana (Mr. HARTKE) wants to file a conference report—call up a conference report. He tells me it will take just about 2 minutes. I therefore yield to him for that purpose.

AMENDMENTS TO HOUSE-PASSED WELFARE BILL BY PROGRESSIVE REPUBLICANS

Mr. JAVITS. Mr. President, the administration's far-reaching proposal for a basic reform of the welfare system is before us, with the President's backing. It is an historic initiative which holds forth the promise of a national standard of assistance for the poor, of substantial fiscal relief for the States and localities, and a step up in efforts—such as day care and child development that will help to reduce welfare dependency. It deserves our support as far as it goes.

But, as has been said so often, the administration's proposal is only a beginning.

I submit that it is the responsibility of the Senate, now that we have a bill from the other body, to insure the best start than can be realistically obtained in this Congress so that this crucial legislation will establish the basis for an adequate provision for the poor as a basic policy of this Nation.

In order to establish these principles on a firm foundation, I shall seek the support of my Republican colleagues and others for a series of amendments to the welfare bill which I shall introduce next week, and will hope that they will provide a bi-partisan basis for efforts to improve upon the administration's initiative.

I will introduce amendments to:

First. Provide the basis for increases in the $1,600 payment and eligibility standard beginning in calendar year 1973, the second full year of operation, and subsequent years on the basis of the poverty level redefined to more adequately reflect the amount which a poor family actually requires to meet food and nonfood costs.

The President himself has acknowledged that the $1,600 level, even with the addition of food stamps, will not bridge the poverty gap.

In calendar year 1973, the eligibility and payment standard would be raised to an amount equal to 50 percent of the poverty level as then determined. Under my amendment, the poverty level would be determined on the basis of the "low-cost" food plan determined by the Department of Agriculture as the amount needed for a nutritious diet rather than the—as now—inadequate "economy food budget" prescribed for only temporary or emergency use. The application of this new criteria would result in an eligibility and payment standard of $2,400 for a family of four in calendar year 1973. Food stamps would provide additional benefits.

By keying the family assistance eligibility and payment standard to a more realistic poverty index, my amendment would provide the basis for greater coverage of the poor for more adequate cash payments and for increased assumption by the Federal Government of the costs of welfare. States and localities thereby would be free to use their resources on those efforts in education, health, economic development, manpower and other areas which will seek to reduce welfare dependency.

We must then move from this beginning calendar year 1973 by raising the standard by 10 percent each year, until a standard at the poverty level and a full Federal assumption is reached.

Second. Provide an incentive for all States to raise their levels of supplementation by providing immediately for Federal sharing in State supplemental payments on a variable basis, ranging from 50 percent to 83 percent, depending upon State fiscal capacity, rather than on the 30-percent basis prescribed for all States under the House bill. Under this formula, which is to be used to determine the extent of Federal sharing in medicaid payments, most of the States that have the lowest payments would be provided greater sharing to raise those payments. This amendment will provide additional fiscal relief to the States.

Third. Require a level of supplementation by low-payment States so that in all States poor families would receive a specified additional amount to supplement the basic family assistance payment of $1,600 in the early years of operation of the plan.

Fourth. Exempt mothers with school-age children from the work requirement of the bill. We must give mothers on welfare the respect to which they are entitled. We must rely upon their own desire to provide for their children, upon a constructive incentive system, upon a meaningfully developed manpower and training program, and upon expanded child-care facilities to spell the difference between our new efforts to help the poor and those previous efforts which have, despite requirements similar to those in the House bill, failed to eliminate the rise in welfare dependency. I consider a mandatory work requirement as applied to mothers of school-age children undesirable as a matter of policy, unrealistic in terms of availability of child-care facilities, and unnecessary in light of our experience under existing requirements.

Fifth. Insure that each child receiving child care under the administration's commendable plans also receive the education, health, nutritional, and related services necessary to help such a child achieve his full potential. While the report on the House bill directs that such services be provided and while the administration has indicated its intention to do so, specific language must be included to preclude the possibility that sometime in the future limited Federal resources and increased emphasis on the working needs of the mother may prompt the evolution of a separate and inferior custodial system of child care under the Family Assistance Act.

Sixth. Direct the Secretary of Health, Education, and Welfare to establish reporting procedures and annually submit to the Congress a detailed report indicating child-care needs and the extent to which existing facilities are adequate to those needs.

Seventh. Provide allowances for child-care costs to mothers who choose to participate in training.

Eighth. Authorize the provision of child-care services for mothers who wish to accept or continue work on a part-time, as well as a full-time, basis.

Ninth. Direct the Secretary of Health, Education, and Welfare to establish a program to provide technical assistance and information to encourage the meaningful involvement of business, industry, and labor in the development of child-care facilities.

Mr. President, in addition to offering these and other amendments I shall support proposals advanced by Senator McGovern to provide for joint administration of food stamp and family assistance programs and of Senator Ribicoff to include individuals and childless couples in the Family Assistance Title if they are not covered in programs for the aged, blind, and disabled.

Mr. President, I am authorized to state that I make these proposals on behalf of the Senator from Massachusetts (Mr. Brooke) and myself. We hope to include the names of other Senators as cosponsors by next week.

It is my hope that a number of my Republican colleagues and Senators on the other side of the aisle, who also believe that these amendments contain elements that should be included in this crucial welfare reform, will join with us and that together we can assure that this great, historic legislation will become law before Congress adjourns this year.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. Mr. President, I have not had an opportunity to study the amendments. However, I will do so.

I do want to say that I support fully the proposal and intend to give such support as I am able to give to this new initiative of the President to change the welfare plan in the proposal pending in the Senate.

Mr. JAVITS. Mr. President, I am deeply grateful to the Senator from Kentucky. I join the Senator from Kentucky in paying tribute to the President for the fine and historic initiative taken in this field.

S. 3746—INTRODUCTION OF NATIONAL ABORTION ACT

Mr. PACKWOOD. Mr. President, back in February I introduced S. 3501, to legalize abortion in the District of Columbia. This bill was designed to take government out of the business of enforcing compulsory pregnancy and place the decision as to termination of an unwanted pregnancy where it rightfully belongs—with the pregnant woman.

When this bill went in, I indicated my hope that legal restrictions of the termination of an unwanted pregnancy would be removed in all the 50 States. At that time, I limited by bill to the District because I had some questions as to the legality of Federal jurisdiction over abortion, an area which has generally been left to the States. Having continued my research on this point, I am now convinced that a sound constitutional basis does exist for the enactment of a Federal statute legalizing abortion.

I am sure you will agree, Mr. President, that one of our most precious and basic constitutional guarantees is the right to privacy. Restrictive abortion laws—because they amount to compulsory pregnancy—blatantly deny a woman's most intimate right, the right to control her own fertility. The bill I introduce today, the National Abortion Act, is designed to guarantee and protect this fundamental constitutional right.

This National Abortion Act would legalize abortion and end compulsory pregnancy nationwide, it is an attempt to bring some order and logic into an area of law which in its confusion, vagueness, and unequal enforcement has, I believe, been cruel and discriminatory in its effects and therefore a serious burden to society.

It seems highly illogical, at this point in time, when there is so much concern over population growth, that the state should still be in the business of enforcing what biologist Garrett Hardin has called compulsory pregnancy. In this session of Congress alone, we have seen the introduction of a sizable number of bills aimed at studying the problems of population growth and at finding solutions to them.

Yet at the same time that we are discussing ways of preventing too many births, we are saying to desperate women who do not want to bear a child, "We shall punish you for your mistake by making you carry that child to term, no matter how careful you were in your efforts to avoid pregnancy, no matter how it will undermine your present family situation, no matter what happens to the unwanted child." I submit there is simply no sense to such a contradictory attitude.

There are those who oppose making it easier to obtain an abortion because they see it as a license to promiscuity. But surveys have shown that the majority of those who seek or have abortions are married women, often pregnant because of the failure of a contraceptive. A survey by Dr. Charles Westoff and Dr. Larry Bumpass revealed that among married women who do not intend to have any more children, one-third admit they have already had one unwanted child and 60 percent have had a failure in timing a pregnancy, less than one-quarter of all U.S. couples who have reached what they consider to be the end of their childbearing can be considered as completely successful so far in planning their fertility. With the failure rate of current contraceptive technology, there would still be several hundred thousand unwanted pregnancies each year among married women using contraceptives.

Furthermore, there are still several million American women who do not have access to family-planning services. We have been guilty in the past of failing to provide adequate medical services to these poor in our midst. Yet if through ignorance or lack of availability of services they become pregnant, we then insist they must become even more deeply mired in poverty by the addition of an unwanted birth.

There is no question but that in our hypocrisy or indifference we have made abortion much more available to the middle class than to the poor. Statistics

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available from New York City show that in the early sixties, 93 percent of therapeutic abortions—that is, those done in hospitals—were performed on white patients, 91 percent in private rooms. The ratio of in-hospital abortions to live births in New York City was approximately 1 to 360 for private patients and something like 1 to 10,000 in municipal hospitals. At the same time, the women whose deaths were associated with abortion in New York City in a typical year were 56 percent black, 23 percent Puerto Rican, and 21 percent white.

Congresswoman SHIRLEY CHISHOLM has found the same antiblack, antipoor policies existing in the District. While private hospitals were performing about 300 abortions monthly, D.C. General, the city's only public hospital, permitted only 27 abortions during the entire fiscal year 1969.

The poor, then, to escape compulsory pregnancy are largely forced to seek relief through illegal abortion. It is estimated that there are as many as 1 million illegal abortions a year in this country. Perhaps one-half are done by doctors, the others by those unscrupulous enough to make a profit out of such human misery, or by the woman herself. Deaths from botched procedures have been cut to perhaps 500 to 1,000 a year because of antibiotics, but the consequences of illegal abortions are still the leading cause of pregnancy-related deaths in this country. And there is still a widespread incidence of infection and permanent sterility from such bungling. Furthermore, the statistics do not cover the maiming of the spirit because of the humiliation and terror experienced by those seeking to terminate an unwanted pregnancy.

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Our present system has also placed an unfair burden on doctors as they seek to apply their medical skill. Federal District Judge Gerhard Gesell has ruled recently that the provision in the District of Columbia statute which says that abortion may be done for "preservation of the mother's life or health" is unconstitutionally vague. This is typical of the provisions faced by doctors as they seek to abide by their States' legal codes. What is preservation of life—is it a mere matter of breath or is it something broader? Is preservation the same as saving life? Does the threat to life have to be imminent—and how imminent?

As a result of such criteria, vague yet carrying criminal sanctions, most doctors have naturally tended to be highly conservative in their interpretations, and most often the response has been a refusal. It has also been found that abortion policies vary not only from hospital to hospital but also from service to service within the same hospital, and even from doctor to doctor on the same service of the same hospital. How is the patient, particularly the poor patient, to find her path through such intricacies? And why should the doctor be expected to resolve such semantic and legal difficulties?

A doctor should be free, as in other matters involving his professional skill, to treat his patient in the light of his training, his judgment, and his assessment of the needs and total welfare of his patient, without having to arbitrarily refuse the requested treatment or to resort to subterfuges if he feels an abortion would be in her best interests.

There is an accelerating trend in this country toward reform or repeal of the abortion laws on the books, either through challenge in the courts or through the legislative process. California's supreme court last year threw out the State abortion statute and the U.S. Supreme Court refused to hear the appeal; a three-judge Federal panel in Milwaukee has declared Wisconsin's abortion law an unconstitutional violation of the right to privacy as guaranteed by the ninth amendment; and a Michigan district court has struck down that State's abortion law as unconstitutionally vague. Suits challenging the constitutionality of abortion restrictions are pending in several other States. In the legislative arena, Hawaii and New York have made abortion a medical matter between the doctor and his patient; Maryland is presently considering such a standard, and other States are moving toward action. For that reason, some may even question the need for a national policy on this matter, such as I am proposing today.

Experience seems to be demonstrating, however, that mere reform or liberalization does not solve the basic problem. Difficult criteria must still be weighed by doctors and hospitals. And in practice, reform has meant by and large that the poor and minority still have little access to abortion.

Furthermore, when some States act and others do not, when there are varying degrees of liberalization, there is a fear that the States with the most open policy will be beseiged by women from other States seeking abortions. Opponents of a loosening of restrictions hold up the specter of hospitals inundated with such women, literally preventing the hospitals from carrying on its other functions. This National Abortion Act would free States from the fear of this eventuality.

In any discussion on abortion—on the right of a woman to control her own fertility—the most fervent opposition comes in regard to the rights of the fetus. I do not dismiss this question lightly. But in discussions on the rights of the fetus, there is a conspicuous lack of consensus. Some religions oppose any relaxation of restrictions on abortion while a number of others have endorsed the principle of reform. The American Baptist Convention and the Universalist/Unitarian Church have come out for total repeal. Public opinion polls demonstrate that a majority of people, including a majority of Catholics, feel abortion should not be a matter of law.

Under this national act, no woman would be forced or even encouraged to have an abortion against her beliefs. No doctor would have to perform an abortion against his personal moral principles. But those with different religious or moral convictions would no longer be forced into compulsory pregnancies.

Let me bring up another point here—the origin of abortion laws. Contrary to popular belief, the legal structures against abortion are of comparatively recent origin. Until the early 19th century—at common law both in England and the United States—abortion before quickening was not illegal at all. Restrictions against abortion were not imposed until the early 1800's—but not to protect morals or the "soul" of the fetus, but rather because of the great danger of infection in any surgical procedure at the time. Abortions were allowed only where necessary to save the life of the mother—that is, where the risk of infection was outweighed by the risk of carrying that particular pregnancy to term. Today deaths from hospital abortions are virtually nonexistent, but meantime the statutes written to meet the needs of a bygone era have become frozen into our system of law. Mr. President, just look at the irony of this situation. The laws on our books were originally devised to protect women from a serious health hazard. They have now come full circle—under proper conditions, the health hazard is gone. But the laws remain on the books, infringing on millions of women's right to privacy, right to follow their own ethical convictions, right to control their own fertility. The injustice of this situation can no longer be ignored or tolerated.

I submit, Mr. President, that it is timely and right to change these laws. The right to privacy demands no less of us.

So I am introducing this National Abortion Act for your consideration. By it, burdens of guilt and suffering would be lifted from countless women; doctors would be freed to practice their profession in this area according to their best knowledge and skill; the problem of unwanted and unloved children would be eased; a discriminatory practice afflicting the poor could be abolished; the state would be taken out of the business of enforcing compulsory pregnancy and—most importantly—each woman would regain her right to control her own fertility.

The National Abortion Act will, I fervently hope, take abortion out of the realm of inconsistency and emotionalism and into the form of a rational and humane national policy.

The ACTING PRESIDENT pro tempore (Mr. HOLLAND). The bill will be received and appropriately referred.

The bill (S. 3746) to authorize abortions in the United States, introduced by Mr. PACKWOOD, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

POSTPONEMENT OF HEARINGS ON ARCHES AND CAPITOL REEF BILLS

Mr. BIBLE. Mr. President, I have today postponed hearings previously set for May 6 on two bills introduced by Senator FRANK E. MOSS, of Utah, which would reduce the size of the expanded Capitol Reef and Arches National Monuments and elevate both Monuments to national park status—S. 531 and S. 532.

The subcommittee has scheduled hearings on these and two other Utah bills introduced by Senator Moss on May 5 and 6. The great interest evidenced in these bills, and in S. 26, to revise and extend the boundaries of Canyonlands National Park and S. 27, to establish the Glen Canyon Recreation Area in the States of Utah and Arizona, indicate to me that we cannot possibly give all of the bills full consideration in the 2 days we have set aside for them, so we will concentrate on the Canyonlands and Glen Canyon bills, and hope to hear the other two bills at some later date. Departmental reports have already been received on S. 27, and we understand that reports on S. 26 will be received shortly. No departmental reports are in on S. 531 and S. 532.

SMALL BUSINESS COMMITTEE PUBLICATION REFLECTS RECENT CHANGES IN STRUCTURE OF AMERICAN BANKING

Mr. BIBLE. Mr. President, as chairman of the Committee on Small Business, I am pleased to announce the availability and issuance by the committee of a study on "Recent Changes in Banking Structure in the United States."

This survey was performed by the Federal Reserve System at the committee's request, and updates two previous reports on concentration and banking structure of September 10, 1952, and January 5, 1962.

The past 8 years have witnessed dramatic changes in the way the business of banking is carried out in the United States. For example, holding companies have recorded advances that must be termed as startling in both their speed and extent.

Registered holding companies, which own 25 percent of two or more banks, numbered 41 at the end of 1961, and they held a total of 427 subsidiary banks. By the end of 1969, however, the number of multibank holding companies had increased to 86 and the number of affiliated banks had risen to 724.

Known single-bank holding companies increased in number from 550 in 1965 to 890 at the end of 1969. In that same period, the precentage of U.S. deposits held by one-bank holding companies rose from 4.5 percent to 43 percent.

Together with approximately 14½ percent of bank deposits controlled by registered bank holding companies at the end of 1969, holding company vehicles of one sort or another thus held a predominant share of the money deposited in the U.S. banking system.

SOME DOWNWARD TRENDS IN CONCENTRATION

Other banking trends—some traditional, and others more novel—are also measured in this study. Perhaps most visibly to the public, the number of Americans per banking office—counting branches—declined from 7,500 to 6,200 in the last 8 years. It is likely that this was accompanied by a proportionate increase in convenience for the average person with banking business. The Federal Reserve also found that the number of banks increased by 207 between 1961 and 1968, in contrast to a net decrease of 647 between the years of 1952 and 1960.

In the area of deposits, also, there was a downtrend in this area of concentration during the 1960's, compared to a slight increase during the 1950's.

SIGNIFICANCE OF THIS REPORT

What is the point of having these studies made by the Small Business Committee?

In my judgment, there are two justifications. The first reason is that banking structure affects the rates of interest and other conditions pursuant to which millions of individual small businessmen in communities across the country may borrow and otherwise obtain capital to meet the terms of competition in their local markets.

We are beginning to receive hard evidence which confirms what has previously been widely sensed:

> As banking concentration increases, businesses pay higher interest rates, and as the size of the borrower increases, the effect of concentration on loan rate diminishes—"Bank Structure and Performance" by Professors Guttentag and E. S. Herman, New York Universitiy, 1967.

This means that, as banking concentration increases, smaller firms pay more to borrow than their larger competitors.

The second and larger rationale of these studies is that capital is the lifeblood of our free enterprise system, and the banking mechanism is quite close to being its heart. In large ways and small ways the decisions on how capital shall be allocated, and to whom, become decisive influences on what economic activity will or will not take place; which enterprises will grow, and which will not; which will remain independent, and which will be merged out of existence. This is particularly true at the early stages in the life of a new small firm.

If Congress wishes our system of economic opportunity to survive, it is obliged to understand development in the banking structure.

IMPLICATIONS OF BANK HOLDING COMPANY GROWTH FOR SMALL BUSINESS

There is a current well-publicized example—the phenomenon of one-bank holding companies, which I have mentioned. Their spectacular growth during the 1962–70 period is documented by this report. Their percentage of banking deposits have grown more than tenfold in the last 5 years.

The pace of this development is indicated by the obsolescence of recent estimates of bank holding company size. A study by the House Banking and Currency Committee, published in February 1969, credited one-bank holding companies with about 25% of banking deposits—"Report on the Growth of Unregistered Bank Holding Companies," House Committee on Banking and Currency, committee print.

The 1970 report of the Joint Economic Committee, issued as recently as March 25 of this year, sets their percentage of commercial bank deposits at one-third. However, this Federal Reserve Study submitted to the Small Business Committee establishes that one-bank holding companies now account for at least 43 percent of U.S. deposits.

One-bank holding companies, therefore, control over $180 billion in deposits. Their affiliates are engaging in at least 20 different financial activities and 99 different nonfinancial activities. They are operating across State lines subject only to the most basic legislative mandates of another and simpler era.

What are the implications of these developments for the free enterprise system? We have seen a pause in the expansion of these companies while regulatory legislation is considered by the 91st Congress. It may be noted that the Federal Reserve System has been advocating such legislation for the past 15 years. The Joint Economic Committee has gone so far as to say:

> If such an economic pattern should develop in the United States (to its fullest extent) no business of any consequence could continue to compete and remain healthy without associating themselves with one of these giant financial conglomerates—"1970 Joint Economic Committee Report," H. Rept. 91–972, p. 34.

I feel it is certainly time for the Congress to carefully consider, on the basis of the up-to-date information on bank holding company activity, what legislation may now be called for in this field from the small business point of view.

It is thus quite appropriate that the Committee on Banking and Currency has decided to hold hearings on bank holding company legislation beginning on May 12. I hope that the material in our study is helpful to the committee at that time in focusing on the small business implications of this legislation which I have described.

This 1970 report on bank structure contains a wealth of data, much of it assembled for the first time. The committee, and the Congress, are indebted to the Federal Reserve and its staff in preparing this work, and we take pleasure in presenting it to the public. We hope that it will be useful to those who share the concern that banking structure be responsive to the needs of the Nation's 5½ million small businessmen whose fortunes and families are often dependent on banking services because they have less access to more sophisticated means of fulfilling their financial needs.

The study is in the form of a committee print and may be obtained in the committee offices at 424 Senate Office Building, Washington, D.C. 20510.

SENATOR NELSON—GREAT JOB AS ORIGINATOR OF EARTH DAY

Mr. PROXMIRE. Mr. President, April 22—Earth Day—a day for America to respond to the clarion call to action in meeting a vast environmental crisis threatening our world. Earth Day marks the beginning of an historic venture involving Americans of all ages, philosophies and backgrounds in the crucial fight to protect our environment and our very lives. The tremendous support for Earth Day activities demonstrates that the issue of environmental quality has at last assumed its rightful place in the forefront of our national conscience.

This national environmental educational effort was proposed by my distinguished fellow Senator from Wisconsion, Gaylord Nelson. More than anyone else, Gaylord Nelson is responsible for the creation of Earth Day. The very concept of Earth Day sounded like a far-out

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idea when he first suggested it, but he developed the idea and made it a smashing success. More than 10,000 high schools and 2,000 colleges are participating in this week's activities. Thousands of sermons all over the country have enthusiastically endorsed Earth Day and its goals.

As national cochairman of the Teach-In Committee for Earth Day, he is presently engaged in a speaking tour across the country to emphasize the enormity of our environmental problems and to propose far-reaching solutions to the crisis. He is scheduled for 17 speeches in cities in every part of our Nation. He will deliver his powerful message of concern for our environment to college students, labor groups, high schools, and State legislatures.

During Earth Week, Senator NELSON launched a series of six speeches at universities across the country with addresses at the teach-ins at the University of Wisconsin at Madison, the University of Wisconsin at Milwaukee, and Marquette University. His extensive tour will take him to college campuses in Pittsburgh; Madison, N.J.; New Haven, Conn.; College Park, Md.; Bloomington, Ind.; Los Angeles; and Denver.

In addition, he is speaking to the State Legislatures of Pennsylvania and Massachusetts in connection with their environmental educational activities; to the United Auto Workers at their convention in Atlantic City; tc the Iowa Press Association in Des Moines; and to the American Pharmaceutical Association in Washington, D.C.

He is also delivering the keynote address to the students of Bethesda-Chevy Chase High School at their teach-in.

Senator NELSON's tremendous efforts on behalf of Earth Day are the culmination of many years of involvement and achievement in preserving the quality of life. He has long been one of our Nation's leading environmentalists, and has been instrumental in making the people of America aware of the pollution and destruction of their natural heritage. As a progressive Governor of Wisconsin, Senator NELSON initiated many outstanding programs to protect the State's natural resources and environment.

When he became Senator in 1962, GAYLORD NELSON carried with him into the national sphere this pioneering spirit of concern for the quality of life. He introduced the first nationwide detergent bill as his first piece of legislation in his first speech on the floor of the Senate.

My colleague was among the first to grasp the importance of the environment as an issue of national concern. In 1962, he proposed that President Kennedy undertake a nationwide tour devoted to preservation of the environment. The President endorsed NELSON's idea and made the trip in August of 1963.

The Senate record of GAYLORD NELSON is replete with landmark efforts to insure the quality of our environment. His concerted drive to prohibit the unnecessary use of DDT was begun in 1965, and has led to executive and congressional action on pesticides. GAYLORD NELSON has authored and cosponsored much important legislation to guarantee the protection of our beautiful natural lands.

He was the first U.S. Senator to propose legislation to create an ecological research program in the Federal Government, and was an early supporter of establishing the Council on Environmental Quality in the White House.

Senator NELSON's 1970 legislative program for protecting our environment clearly demonstrates the depth of his concern and extent of his commitment. His environmental agenda for the 1970's includes 18 major bills introduced in this Congress, eight of them since January 1970.

The cornerstone of his environmental agenda is a proposed constitutional amendment which would guarantee every person "the inalienable right to a decent environment." GAYLORD NELSON has continued his determined effort to prevent the destruction of fish, wildlife, and man himself by pesticides, and has introduced legislation which will ban eight of the most persistent, toxic varieties.

Other specific legislative proposals this year include controls on detergent pollution, a disposal fee for throw-away packaging, and proposed reductions on automobile fumes. These efforts are extremely worthwhile. I am delighted to be counted as a cosponsor of the Detergent Pollution Control Act that will set national pollution control standards on all detergent ingredients.

His environmental agenda also includes legislation to expand the educational aspect of the battle against environmental destruction and to halt the pollution of the sea from massive oil spills and the dumping of solid wastes into our oceans and the Great Lakes.

He has also proposed creating a transportation for people fund and a community environment service to deal with the critical need for improving the environment of our cities.

We are now moving toward passage of much of GAYLORD NELSON's far-sighted legislation. His ideas are truly ideas whose time has come.

My Wisconsin colleague has been talking about conservation and environmental problems for all of the past decade. But we tend to forget how long it took the rest of our national leadership to catch up with him. As recently as the 1968 election campaign not a single candidate for President or Vice President made a major speech on the environment. It is a measure of Senator NELSON's vision and leadership that our national leaders are only just now recognizing and attempting to cope with an issue that GAYLORD NELSON has been talking about for years.

GAYLORD NELSON's outstanding efforts in the field of environmental protection have pioneered much of the important work accomplished by Congress and the public in this vital area. He has devoted himself with inexhaustible energy to meeting the many interrelated ecological problems threatening this earth. He has been in the forefront of the efforts to guarantee all Americans the most basic of all rights—the very right to life itself, and to emphasize "quality in life instead of mere quantity."

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BIBLE). The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be permitted to proceed for an additional 2 minutes on another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF WILLIAM T. EVJUE, LAST OF PERSONAL JOURNALIST CRUSADERS

Mr. PROXMIRE. Mr. President, early this morning William T. Evjue, publisher of the Madison, Wis., Capital Times, died. Mr. Evjue, for whom I worked when I was reporting on the Capital Times, was an extraordinary person.

Bill Evjue was the last of the crusading personal journalists, and what a great one he was. He made the Capital Times a fighting champion of the public interest. No man did more to make and keep Wisconsin State government honest and responsive to public need. He led all the rest in fighting and beating McCarthyism.

Under Bill Evjue, the Capital Times was constantly on the side of the little people who are being pushed around. No paper ever fought harder or better against the idiocy of war and the mindless pollution of our environment.

And, of course, above all Bill Evjue was a very human person. He could be wrong. He could be stubborn. He could blow up with white-hot anger. And he did. But however wrongheaded or stubborn or angry, he was always on the side of the angels. Never could it be said with more truth. He was one of a kind—a very rare one indeed. There will never, ever be another like him.

POLLUTION OF THE SEAS

Mr. HOLLINGS. Mr. President, just a few years ago the scientists told us that we were ruining our world with pollution; but not many of us listened.

We were too concerned with the problems of everyday life to give much more than a passing thought to the shape of our environment. I was certainly no different than anyone else. While in my native city of Charleston, the harbor was polluted by municipal sewage, we shrugged off the eventual consequences. Now, things are different. We listen to those scientists because we are finally beginning to realize what they are saying. And the reason is as close as the nose on your face. Americans have been aroused against pollution because they have begun to see it, smell it, and taste it. It assails their lungs to and from work. It burns their eyes and dirties their clothes. In short, our enjoyment of life has become hampered and dampened by all the dirt around us.

As chairman of the Senate Subcommittee on Oceanography, I have been privileged—if that is the word to use—to become increasingly aware of the dangers caused by the filth we are dumping into our streams and rivers. My committee is alarmed because much of this dirt

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eventually finds its way into the sea. And I am afraid that in our zeal to get rid of the garbage which surrounds us on land, we will go on polluting the sea more and more.

The world we live in is a water world. Fully seven-tenths of the earth's surface is water. In fact, the continents of earth are like large ocean liners on the surface of this huge sea. Left alone, nature can take care of itself. But where man and water come together, the damage begins. The recent Stratton Commission report tells us:

> Recent analytical refinements have established beyond doubt that man-made pollution already has affected the entire ocean.

I may emphasize that that is in the past decade. The fact is that the Stratton Commission reported this 2 years ago, long before antipollution became fashionable. And the National Council on Marine Resources and Engineering Development said that "contamination of the ocean has begun" and in many places the ocean's "ecological balance is endangered." The assault on our seas is extremely vicious along the coast, in the estuaries, marshlands, lagoons, natural harbors and beaches. Into these vital areas we are pouring pollution from our chemical factories and heat from electric generating plants. We are throwing garbage and raw sewage into the sea. Add to this the runoff of insecticides, herbicides, fertilizer, silt, fallout from air pollution and deliberate at-sea dumping of waste and you can begin to understand the magnitude of the problem.

The problem we face in the coastal zone of the United States is compounded by population—75 percent of our population lives in the States bordering the seas and the Great Lakes, and by the year 2000, when our population may be over 325,000,000, it is estimated that 90 percent of the population will live in those 30 coastal States.

That population is demanding electricity at a rate that doubles every 10 years.

Thus, on the Chesapeake Bay they may need one atomic generating plant by 1972; two by 1980; four by 1990, and so on.

The coastal zone is seen by power companies as a place to locate, where cooling waters can be obtained.

But can those waters sustain the thermal impacts and the radiation that occur in the cooling process, and still sustain the characteristic biological life of the area?

Or are there beneficial effects that might be available—year-round production of oysters instead of an 8-month growing period in the temperate waters of Long Island Sound?

That growing population and concentration in the coastal zone means that we shall have sharply increased municipal sewage to dispose.

Some of the fish being caught in the New York Bight, and near the Orange County, Calif., sewage outfall have already been shown to have developed cancer, once thought not to be present in fish, and to have developed genetic mutations, such as poorly developed tails, and jaws that would not close properly, thereby affecting their ability to feed.

I mention these facts because I am convinced that the oceans offer us a major challenge in the years ahead. The challenge is not if we will exploit the resources of sea, but how shall we do it. Shall we allow our seas to become polluted as we have our Great Lakes? I hope not. We have seen what decades of indifference have caused us on the dry land.

When Americans tackled the job of exploiting this Nation for its natural resources, there was virtually no concern for protecting the land or water. When we needed lumber, we stripped the forests without any replanting. When we needed coal or steel, we mined with a vengeance, leaving huge and ugly scars upon the face of the land. But we cannot afford to be so callous anymore, especially as we begin to reap the benefits of the sea. We have seen in our feeble efforts so far that we have not attempted to preserve this tender balance of ecology.

Some of our coastal areas have been practically fished out of existence, like those for haddock and menhaden.

We must not allow this to happen. The one, the only concern, is that life itself on this planet does hinge upon how man learns to live with the oceans, and whether he is going to survive at all.

We must continue to explore man's impact on the environment. We must be discerning between those activities that cause degrading of the environment and those that may have beneficial or useful effects. A basic issue in our whole concern is survival—survival not only of man, of the birds, fish and mammals, but also of bacteria and fungi and the other little creatures that are a vital part of the complex ecosystem on which we depend for life.

Pollution of the ocean is long lasting. Rivers may be able to cleanse themselves in time, but pollutants which sink to the bottom of the oceans can remain there for thousands of years, affecting permanently the delicate life cycles of even the smallest organisms. We have already seen the effect of DDT on sea creatures and fish-eating birds.

We have all been shocked by oil spills such as the ones near Santa Barbara and in the Gulf of Mexico. The results of these spills on aquatic life have been very serious. And with the demand for petroleum obviously increasing, accidents of this nature can be expected to continue unless proper safeguards are assured.

We have been talking about big-time pollution, such as oil spills and sewage. But everyone who has been to the beach for a holiday has only to walk along the shore to see little bits and pieces of man-made pollution—beer cans, cigarette filters which defy decomposition, glass, and the ever-present paper products without which, apparently, the modern family could not hope to exist happily.

Our committee has just returned from field hearings on the coastal zone of Virginia. And only last week, President Nixon spoke out against the pollution of the oceans and coastal waters of the United States. Earlier in our hearings, we criticized the Secretary of Interior for failing to move promptly against polluters.

His failure, for example, in the Gulf of Mexico disaster has put him in the position of asking for a 119-count criminal indictment against an oil company.

We do not want suits and indictments.

We want to protect our world. We want the Federal Government, through the Secretary of the Interior, to move promptly.

To move promptly is to move properly. There is evidence that change is sweeping through the halls of the Interior Department.

The United States, as the world's leading industrial nation, is the world's biggest polluter of the oceans. As such, we owe a duty to mankind to provide the leadership in controlling this pollution. Man's future, I believe, will be strongly linked to the seas. Shall we go on spending billions of dollars to explore the Sea of Tranquillity and, at the same time, deny the pennies necessary to discover and preserve the seven seas here on earth?

As chairman of the Senate Subcommittee on Oceanography, let me emphasize two things. First, in responding to the charge of developing an oceans program for the U.S. Government, our search is not for how many uses, but our primary concern is to protect and preserve from abuses, the seven seas. And, finally, in this new-found zeal of man to rid his habitat of waste and dirt, let us put the Nation on notice that the oceans will not be used as a garbage dump.

CONFLICT OF WHOSE INTEREST?

Mr. DOLE. Mr. President, last night the executive committee of WETA, Washington's education television station, upheld the firing of newsman William Woestendiek because his wife works for Mrs. Martha Mitchell.

Committee members said Mr. Woestendiek did his job well, but, because of his wife's new job, he had a conflict of interest.

Mr. President, that kind of reasoning is unbelievable in 1970 in the United States of America, where a woman is no longer chattel but her husband's equal, with the right to pursue her own career.

Today, wherever we look, we see women at work in jobs that conceivably could conflict with their husband's, if WETA's line of reasoning is valid—that whatever a wife does affects her husband's perspective and reflects on his professional integrity.

I would like to cite a few cases of this, some of which might have been mentioned before, but all of which are valid.

The executive producer of the Walter Cronkite news is one Les Midgley. Mr. Midgley is the husband of Betty Furness and was her husband during the period she was Lyndon Johnson's outspoken consumer counsel. Should he have been fired from the Walter Cronkite show?

The bigots at WETA have not mentioned it, but one of their own, Walterene

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Swanston, is the wife of a member of the staff of the junior Senator from California. Should Mrs. Swanston be fired?

King Features Columnist Marianne Means, during the Johnson administration was married to a member of the White House staff, Emmett Riordan. Nobody ever suggested that King Features should drop Miss Means.

During the 1968 elections, four wives of very prominent newsmen, Mrs. Drew Pearson, Mrs. Eric Severeid, Mrs. David Brinkley, and Mrs. Joseph Alsop were active in the Humphrey-Muskie campaign. Should their husbands have been fired?

Mr. Max Kampelman, board chairman of WETA and moderator of one of WETA's news programs, was an integral part of the Humphrey-Muskie campaign. Should he disqualify himself?

Columnists and Commentators Frank Mankiewicz and Tom Braden both have political backgrounds. Mr. Braden was a Democratic candidate for Lieutenant Governor in California and Mr. Mankiewicz was Robert Kennedy's press secretary. Should they be fired?

Or should the Los Angeles Times fire one of its editors, Mr. Ed Guthman, because he too worked for Robert Kennedy?

Of course, all this is nonsense, and we know it. So do the people at WETA.

What they have really said and what they really mean is clear. It is this: "If you work for WETA, do not let any hint of Republican ties show. It is not politics that is bad; it is only the Republicans."

Mr. President, I resent the implication, I resent the pressures, I resent the blatant dishonesty. And, regardless of party, it should not pass unchallenged. It is not the party that matters; it is the principle.

What is an anti-Republican bias today could be anti-Democrat tomorrow. If any newsman is to be censored and banned for his wife's political ties, then press freedom is truly in trouble.

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THE SO-CALLED POPULATION EXPLOSION

Mr. DOLE. Mr. President, there has been a great deal said this week about the problem of our environment. Among the phrases we have heard a lot about during the celebration of Earth Day has been "population explosion."

I am sure many of our ills will be blamed on this population explosion and I am equally sure a good portion of what is said will be highly emotional.

There is no question but what we have serious problems involving our environment. Our pollution problems are many and complex. Our industrial society has provided us with the good life—and has left a pretty terrible mess that has to be cleaned up.

But, factually speaking, this is not the fault of the so-called population explosion. As Mr. Ben Wattenberg points out in the April 11 issue of the New Republic, there really is no such thing as the population explosion in the United States—at least, as compared with other nations of the world.

I do not agree with everything Mr. Wattenberg says, particularly some of his political comments, but I do feel his factual and statistical analyses have a great deal of merit.

Mr. Wattenberg notes that in all the rhetoric about environment and population, a set of critical facts are ignored and critical premises in the argument remain largely unchallenged. He states it this way:

> The critical facts are that America is not by any standard a crowded country and that the American birth rate has recently been at an all-time low.
>
> The critical premise is that population growth in America is harmful.

Mr. Wattenberg then backs up this statement with some facts which appear worth the attention of my colleagues. He says:

> In not stating the facts and in not at least challenging the premises, politicians and planners alike seem to be leaving themselves open to both bad planning and bad politics. This happens by concentrating on what the problem is not, rather than on what the problem is. Let's, then, first look at the facts. The current population of the United States is 205 million. That population is distributed over 3,615,123 square miles of land, for a density of about 55 persons per square mile. In terms of density, this makes the United States one of the most sparsely populated nations in the world. As measured by density, Holland is about 18 times as "crowded" (at 975 persons per square mile), England is 10 times as dense (588 persons per square mile), scenic Switzerland seven times as dense (382), tropical Nigeria three times as dense (174) and even neighboring Mexico beats us out with 60 persons per square mile. The US, by international standards, is not a very "crowded" country.
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> But density in some cases can be very misleading in trying to judge "crowdedness." The Soviet Union, for example, is less dense than the US (29 per square mile), but has millions of square miles of uninhabitable land, just as does Brazil and Australia, two other nations also less densely populated than the US.
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> Of course, the US also has large areas of land that are equally uninhabitable: the Rockies, the Western deserts, parts of Alaska and so on.
>
> But while it is of interest to know that America has some land that is uninhabitable, what is of far more importance is that we have in the United States vast unused areas of eminently habitable land, land that in fact was inhabited until very recently. In the last eight years one out of three counties in America actually *lost* population. Four states have lost population: North and South Dakota, West Virginia, and Wyoming; and another two states, Maine and Iowa, gained less than one percent in the eight years. Furthermore, three out of five counties had a net out-migration, that is, more people left the county than came in.
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> These counties, the net-loss counties and the net-out-migration counties, are the areas in America where the current hoopla about the population sounds a bit hollow. These are the areas, mostly rural and small town, that are trying to attract industry, areas where a smokestack or a traffic jam signifies not pollution but progress, areas that have more open space around them for hunting and fishing than before, and areas where the older people are a little sad because, as they tell you, "the young people don't stay around here anymore."
>
> This human plaint tells us what has been happening demographically in the United States in recent years. It has not been a population explosion, but a population redistribution. And the place people have been redistributing themselves to is a place we call "suburb":

AMERICAN POPULATION BY RESIDENCE

	Population (percent)		Increase
	1950	1968	1950-68
Residing in central city	35	29	6 million.
Residing in suburb	24	35	32 million (!).
Residing in small cities, towns and rural.	41	36	9 million.
Total	100	100	47 million.

> In less than two decades the proportion of Americans living in suburbs has gone from less than a quarter to more than a third.
>
> But even the total increase in population—rural, city, and suburb—is misleading. The big gains in population occurred ten and fifteen years ago; today growth is much slower. Thus, in calendar year 1956, the US population grew by 3.1 million, while in calendar year 1968 population went up by 2.0 million—and in a nation with a larger population base.
>
> What has happened, simply, is that the baby-boom has ended. When the GIs came home after World War II, they began begetting large quantities of children, and Americans went on begetting at high rates for about 15 years. The best index of population growth in the US is the fertility rate, that is, the number of babies born per thousands women aged 15–44. In 1940, the fertility rate was 80, just a few points above the 1936 Depression all-time low of 76. Ten years later, in 1950, the baby-boom had begun and the fertility rate had soared to 106, an increase of 32 percent in just ten years. It kept climbing. In 1957, it reached 123, up more than 50 percent in two decades.
>
> But since 1957, the rate has gone steadily down: to 119 in 1960, to 98 in 1965, to 85.7 in 1968, not very much higher now than in Depression times. The estimated fertility rate for 1969 was down slightly to 85.5 and there is no reason now to think it will go up, although, as we shall see, it may sink further.
>
> When measured by another yardstick, the "percent national population growth" (birth plus immigration less deaths), the American population is now growing by about 1.0 per cent per year; just a decade ago it was growing by 1.8 percent per year. That may not sound like much of a difference, .8 percent, but in a nation of 200 million people it means 16 million fewer people over a single decade!

Mr. President, I have called this portion of Mr. Wattenberg's article to the attention of the Senate because I feel it is of great importance. It is important because it casts a clear, bright light into an otherwise pretty murky area of discussion.

It is equally important because it attempts to deal in a cold and logical manner with a problem that has become emotion-charged.

I do not in any way play down the importance of Americans becoming more in tune with nature. I do not challenge for 1 minute the need for Americans to respond to a call for cleanliness in their environment as well as in their persons.

I do not even challenge the idea that some parts of our country, some parts of some of our cities, are becoming overcrowded.

It is essential that we focus full attention on the problems of racial antagonisms, of pollution, of conservation, of our cities and our suburbs, and of developing our future economy so as not to destroy our good life itself.

But I feel this whole subject should be

dealt with on the basis of facts and not emotion.

The **PRESIDING OFFICER.** Is there further morning business?

THE PRESIDENT SHOULD ACT NOW ON TRUCK STRIKES AND LOCKOUTS

Mr. SMITH of Illinois. Mr. President, the national contract under which 450,000 teamsters and thousands of trucking companies across the country had been operating expired March 31. Negotiations between the International Brotherhood of Teamsters and company representatives on new contract provisions continued through April 2, when a tentative agreement between the parties was announced. That agreement provided for a wage increase of $1.10 per hour over 3 years, plus fringe benefits. The Teamsters Union, a party to the tentative agreement, is about to mail ratification ballots to its membership.

Before those ballots could be mailed and tallied, however, certain local teamster unions and certain members struck trucking companies to protest the tentative agreement. Adding fuel to the strike fire, the Illinois Motor Truck Association and two Chicago area locals negotiated a separate agreement that included a wage increase from $1.65 per hour and fringe benefits of 42 cents per hour over a 3-year period. Only 8,000 drivers and a relatively small number of trucking companies were directly affected by that agreement, but drivers in a number of large cities across the Nation began to walk off the job to demand a national agreement in line with the Chicago agreement. Further, the remaining Chicago area trucking associations closed down to demonstrate their unwillingness to follow the first association's lead. More than 32,000 Chicago area drivers were put out of work by the lockout. Since then additional thousands have either struck or been locked out.

The simple truth is, national transportation paralysis is just days away. Strikes and shutdowns have spread across the country, directly affecting the jobs of tens of thousands in the trucking industry, and perhaps hundreds of thousands more in the short-inventory industries that rely on trucked-in supplies. If these work stoppages continue and spread, even over a short time, the paychecks of millions of workers, in and out of trucking, will be imperiled. Even more important, the health and safety of the Nation will certainly be endangered.

Truck transportation is the principal conveyance for foods of every kind, for drugs and medical supplies, for fuels and other essentials. In fact, more than three-quarters of the volume of the Nation's commerce moves by truck at one stage or another.

The crippling effects of trucking work stoppages are already becoming apparent. Housewives are already finding fresh food and vegetables out of stock at supermarkets and grocery stores. Manufacturers are without materials, and suppliers are frustrated in their attempts to deliver goods. Layoffs across a broad spectrum of industries are already in effect. The work stoppages show signs of rapid spreading. The latest Weekly Truck Tonnage Index, reflecting transfers at 400 terminals in 34 metropolitan areas, shows a calamitous decline of more than 40 percent over a single week alone. This afternoon, that index is expected to show further constriction of the Nation's trucking arteries.

Mr. President, I must say that I am more than a little disappointed with the present "hands off" attitude evident in Washington. The President has the tools to use against the spread of strikes and lockouts that compromise national health and safety. The President himself recognized the unique relationship between the transportation industry and national health and safety when he transmitted his Emergency Public Interest Protection Act to the Congress in late February. He said then, "The Nation cannot tolerate protracted work stoppages in its transportation industries." With the outcome of the teamsters' ratification vote at least 2 or 3 weeks away, and wildcat strikes and lockouts spreading, the Nation could be an idle, hungry, and endangered one, even before it knows whether the tentative agreement has been accepted. If that agreement should be rejected, there would be more of the same.

I believe in the collective bargaining process and the right of unions to strike.

I sympathize with the position of the teamsters. I sympathize with the position of the truckers. But I am infinitely more concerned about the stake of the public in this crisis situation—a crisis which may soon be at least as severe as was threatened by the recent possibility of a railroad strike.

Faced with wildcat railroad strikes, the President acted. Faced with wildcat trucking strikes and walkouts, I believe he should again act. I commend the Illinois State Chamber of Commerce for its call to action in this crisis. The time to prevent an emergency is now. The President has the authority to act. I urge him to do so.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Peril U.S. Truck Accord," written by James Strong and published in today's issue of the Chicago Tribune, and an editorial entitled "Truck Strike Strangling Nation," published in the St. Louis Globe-Democrat of April 17, 1970.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Apr. 23, 1970]

PERIL U.S. TRUCK ACCORD

(By James Strong)

(Drivers balk, move to seek a new deal, call conference in Washington.)

Teamster leaders thruout the nation will meet in Washington early next week to scuttle the national freight agreement covering 450,000 truck drivers from New York to California, a top union source disclosed yesterday.

Two key officials from each of 350 teamster locals involved in the national talks will be summoned to the union's international headquarters to repudiate the agreement and urge Frank E. Fitzsimmons, acting president of the International Brotherhood of Teamsters, to reopen wage talks with the trucking industry.

NEW LOCKOUTS FEARED

The move could trigger nation-wide lockouts by the 12,000 trucking firms involved in the negotiations and, with the current strike-lockout situation in Chicago, force President Nixon to consider invoking national emergency provisions of the Taft-Hartley law.

"The national agreement is dead," the teamster official said. "In checking with locals around the country two weeks ago, only two officers told me they could sell the package to their members. They can't now."

PERILED BY PACT HERE

The tentative agreement reached April 9 in Washington between the Teamsters and Trucking Employers Inc. (TEI) set wage hikes for the next three years at $1.10 an hour and $3 in additional fringe benefits. The action touched off wildcat strikes in key trucking centers, except New York.

The entire national agreement was put in jeopardy earlier this month when leaders of eight local teamsters unions and the independent Chicago Truck Drivers union remained adamant in their demands of $1.65 an hour and $10 a week in pensions and health-welfare payments over the next three years.

When negotiations started, both on the local level and in national talks the truck drivers sought $3 an hour pay hikes and $22.50 in fringe benefits in three years.

NO MEETINGS SET HERE

The drivers' union in Chicago, so far, have been unable to force their demands on five of six major trucking associations, but the unions claimed to have signed more than 2,000 firms with 20,000 drivers to contracts dictated by the unions. Firms refusing to sign have locked out drivers or have been struck.

Charles L. Bowen, assistant regional director of the federal mediation service, said no meetings are scheduled in the Chicago dispute, which is being negotiated separately from the national talks, but added that he was hopeful some talks could be arranged.

Many trucks continued to roll in the city yesterday despite the strike-lockout situation but layoffs and economic setbacks were encountered by both large and small businessmen unable to receive materials or deliver finished products.

The association which locked out drivers are the Cartage Exchange of Chicago, Central Motor Freight, Motor Carriers Labor Advisory council, the Northern Illinois and the Indiana Truckers associations. A sixth employers' group, the Illinois Motor Truck Operators association, signed with the unions and were operating.

PROTEST STRIKES CALLED

At least seven members of the teamsters ruling body, the general executive board, have been confronted with wildcat strikes and scattered violence in their home areas in protest to the controversial contract. This includes the Detroit local of Fitzsimmons, who is substituting for the imprisoned James R. Hoffa in the national negotiations.

Ray Schoessling, president of the 200,000-member Chicago Teamsters Joint Council 25, openly broke with Fitzsimmons last week and indorsed the Chicago drivers' demands. Other leaders confronted by disgruntled teamsters included Harold Gibbons in St. Louis, Mo.; William Presser, in Cleveland; Robert Holmes in Detroit, Mich.; and Einar Mohn and Joseph Diviny in California.

In 1967 teamster and independent drivers unions in Chicago led by Louis F. Peick, secretary-treasurer of Teamsters local 705, and Edward Fenner, executive director of the independent drivers refused to go along with the national agreement reached by Fitzsimmons and ratified by a narrow majority.

Their action upset the pact and forced a renegotiation of the entire contract along the pattern set by Peick and Fenner.

50,000 COVERED HERE

Peick and Fenner have remained aloof of the national talks and insist that the local cartage drivers here have entirely different problems, economic goals, and working conditions and their contracts should be negotiated separately.

Nearly 50,000 drivers are covered by contracts involving the eight teamsters locals and independent drivers from Gary to Waukegan and west to Joliet and Elgin.

William Joyce, secretary-treasurer of Teamsters local 710, is negotiating for an additional 10,000 long-distance drivers and 5,000 dock workers employed here.

Chicago is currently faced with a prolonged strike-lockout situation, assuming President Nixon does not act, because of the hesitancy of industry negotiators to discuss issues until some accord is reached on the national level.

[From the St. Louis Globe-Democrat, Apr. 17, 1970]

Truck Strike Strangling Nation

President Nixon had better not wait much longer to intervene in the truck strikes around the nation, including the Local 600 walkout here, or the nation's economy will be badly hurt.

In the St. Louis area, the Local 600 strike is reported costing about $1,200,000 a day in wages and probably many times this much in sales.

Many big plants in the area are either closing down or laying off large numbers of employes as shortages of all kinds develop.

In the Chicago area where Teamster locals are staging walkouts, many firms are being shut down as well. American Motors Corp. announced an almost complete closing of its operations in Kenosha, Wis., and Brampton, Ontario, because of a parts shortage caused by the truck strikes.

International Harvester Co. and Admiral Corp. also joined the lengthening list of firms that have had to close their doors due to a shortage of vital components.

The President just cannot allow local trucking bosses to close down the country in order to get a wage increase even more inflationary than the one already negotiated by the national Teamster organization.

Things have come to a pretty sad state when the Missouri highway patrol has to guard a convoy of trucks going through St. Louis in the same way frontiersmen guarded wagon trains from the Indians.

And why should any company owning a truck have to put a sign on the back of it saying it is operating "by permission of Local 600"?

Also why should truckers who are on strike get food stamps, subsidized by taxpayers who are being so gravely hurt by the walkout?

The head of Local 600 (Donald Lane, claims he has no contract offer to submit to the 9,500 members of his union. But the fact is, the International Brotherhood of Teamsters national headquarters sent a telegram to Local 600 informing the union that a tentative agreement with the trucking employers had been reached on April 2 and directed its officers to keep its members working.

But Lane and union leaders in other parts of the country want to compel trucking employers to pay more than the $1.10 increase over a three-year period negotiated by their national officers, which by July 1, 1972, would bring a teamster's wage to $5.03 an hour.

In addition to this hefty wage increase, the agreement would increase health and welfare benefits, boost pension payments, up vacation pay and give truckers an added holiday.

The time has come for the President to stop these wildcat truck strikes before they can inflict still more disastrous damage to the nation and put tens of thousands more people out of work.

Mr. PERCY. Mr. President, I take this occasion to commend once again my distinguished colleague from Illinois for pointing out a very serious problem, which has not been given full attention by public officeholders. Again he has demonstrated that his own intimate knowledge of the commercial, business, and consumer aspects of our lives in the State of Illinois and the great Midwest is of invaluable help in his service as a Senator.

His many years as Speaker of the House of Representatives in Springfield and the many years of devoted attention that he has given to problems affecting consumer interests as well as the business interests of management and labor have caused him many times to inject his thinking at a crucial point into the many complicated problems we have faced affecting the economy of the State of Illinois and the well-being of all of its people. I think he has demonstrated this morning his intimate knowledge of some of the great problems we face, in again offering his valuable and invaluable services, I might say, to help break the logjam and help bring about better understanding, and serve the public interest by so doing.

PRESIDENT NIXON'S FORTHRIGHT REPORT ON THE VIETNAM WAR

Mr. GRIFFIN. Mr. President, in his address to the Nation Monday night on the war in Vietnam, President Nixon demonstrated once again that the United States is ready to go more than half way in its quest for peace and is willing to take acceptable risks to achieve peace with honor.

It was a confident, reassuring statement which keeps faith with his commitment to end our military participation in Vietnam in an orderly fashion.

Above all else, the President made it clear that his policy in Vietnam is working—and succeeding—despite the lack of cooperation from the other side.

The proof of the success can be measured in objective terms—115,500 troops withdrawn in the first year of his administration and a plan to pull out another 150,000 troops over the next year.

Mr. President, I am sure the American people welcome this encouraging report—as they welcome the President's willingness to take them into his confidence on the issue of the Vietnam war.

This is the fourth time President Nixon has made such a progress report to the Nation; it was optimistic in some respects and frankly disappointing in others, but it was, above all, candid and forthright.

On the question of negotiations and the matter of enemy activity, the President acknowledged realistically, as he has before, some discouraging facts.

But in a third critical area, the training of South Vietnamese to assume the major burden of the war, the President described the progress as greater than expected. Because of this program it has been possible to make a longer range projection of his plan to end our participation. In addition to the planned withdrawal of an additional 150,000 troops, the President was able to say that all American combat forces "can and will" be withdrawn from that part of the world.

Of course, legitimate debate and criticism are always in order on this subject, but I hope the President's latest report will put an end to much of the petty carping and quibbling we have been hearing regarding the President's earnest desire—and intention—to end the war. In what he has undertaken and the way he has undertaken it I am confident the President has the backing of the people.

Mr. President, I ask unanimous consent that the text of the President's address be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Statement By the President of an Update Report on Vietnam

Good evening, my fellow Americans.

I have requested this television and radio time to give you a progress report on our plan to bring a just peace to Vietnam.

When I first outlined our program last June, I stated that the rate of American withdrawals from Vietnam would depend on three criteria—progress in the training of the South Vietnamese, progress in the Paris negotiations, and the level of enemy activity.

Tonight I am pleased to report that progress in training and equipping South Vietnamese forces has substantially exceeded our original expectations last June.

Very significant advances have also been made in pacification.

Although we recognize that problems remain, these are encouraging trends.

However, I must report with regret that no progress has taken place on the negotiating front. The enemy still demands that we unilaterally and unconditionally withdraw all American forces, that in the process we overthrow the elected government of South Vietnam and that the United States accept a political settlement that would have the practical consequence of the forcible imposition of a Communist government upon the people of South Vietnam.

That would mean humiliation for the United States. This we cannot and will not accept.

Let me now turn to the third criteria for troop withdrawals—the level of enemy activity. In several areas since December, that level has substantially increased.

In recent months Hanoi has sent thousands more of their soldiers to launch new offensives in neutral Laos in violation of the Geneva Accords of 1962 to which they were signatories.

South of Laos, almost 40,000 Communist troops are now conducting overt aggression against Cambodia, a small neutralist country that the Communists have used for years as a base for attacks upon South Vietnam in violation of the Geneva Accords of 1954 to which they were also signatories.

This follows the consistent pattern of North Vietnamese aggression in Indochina. During the past eight years they have sent tens of thousands of troops into all three countries of the peninsula and across every single common border.

Men and supplies continue to pour down the Ho Chi Minh trail; and in the past two weeks, the Communists have stepped up their attacks upon allied forces in South Vietnam.

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However, despite this new enemy activity, there has been an overall decline in enemy force levels in South Vietnam since December.

As the enemy force levels have declined and as the South Vietnamese have assumed more of the burden of battle, American casualties have declined.

I am glad to be able to report tonight that in the first three months of 1970 the number of Americans killed in action dropped to the lowest first quarter level in five years.

In June, a year ago, when we began troop withdrawals, we did so on a "cut and try" basis—with no certainty that the program would be successful. In June we announced withdrawal of 25,000 American troops; in September another 35,000 and then in December 50,000 more. These withdrawals have now been completed and as of April 15, a total of 115,500 men have returned home from Vietnam.

We have now reached a point where we can confidently move from a period of "cut and try" to a longer-range program for the replacement of Americans by South Vietnamese troops.

I am, therefore, tonight announcing plans for the withdrawal of an additional 150,000 American troops to be completed during the spring of next year. This will bring a total reduction of 265,500 men in our Armed Forces in Vietnam below the level that existed when we took office fifteen months ago.

The timing and pace of these new withdrawals within the overall schedule will be determined by our best judgment of the current military and diplomatic situation.

This far-reaching decision was made after consultation with our commanders in the field and it has the approval of the Government of South Vietnam.

Now viewed against the enemy's escalation in Laos and Cambodia, and in view of the stepped-up attacks this month in South Vietnam, this decision clearly involves some risks.

But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia, or in Laos.

I repeat what I said November 3rd and December 15th. If I conclude increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

My responsibility as Commander in Chief of our Armed Forces is for the safety of our men, and I shall meet that responsibility. The decision I have announced tonight to withdraw 150,000 more men over the next year is based entirely on the progress of our Vietnamization program.

There is a better, shorter path to peace—through negotiations. We shall withdraw more than 150,000 over the next year if we make progress on the negotiating front.

Had the other side responded positively at Paris to our offer of May 14 last year, most American and foreign troops would have left South Vietnam by now.

A political settlement is the heart of the matter. That is what the fighting in Indochina has been about for the past 30 years.

We have noted with interest the recent statement by Soviet Deputy Foreign Minister Malik concerning a possible new Geneva Conference on Indochina.

We do not yet know the full implications of this statement. It is in the spirit of the letters I wrote on April 7, to signatories of the 1962 Geneva Accords urging consultations and observance of the Accords. We have consistently said we were willing to explore any reasonable path to peace. We are in the process of exploring this one.

But whatever the fate of this particular move we are ready for a settlement fair to everyone.

Let me briefly review for you the principles that govern our view of a just political settlement.

First, our overriding objective is a political solution that reflects the will of the South Vietnamese people and allows them to determine their future without outside interference.

I again reaffirm this Government's acceptance of eventual, total withdrawal of American troops. In turn, we must see the permanent withdrawal of all North Vietnamese troops and be given reasonable assurances they will not return.

Second, a fair political solution should reflect the existing relationship of political forces within South Vietnam. We recognize the complexity of shaping machinery that would fairly apportion political power in South Vietnam. We are flexible; we have offered nothing on a take-it-or-leave-it basis.

And third, we will abide by the outcome of the political process agreed upon. President Thieu and I have repeatedly stated our willingness to accept the free decision of the South Vietnamese people. But we will not agree to the arrogant demand that the elected leaders of the government of Vietnam be overthrown before real negotiations begin.

Let me briefly review the record of our efforts to end the war in Vietnam through negotiations.

We were told repeatedly in the past that our adversaries would negotiate seriously—

If only we stopped the bombing of North Vietnam.

If only we began withdrawing our forces from South Vietnam.

If only we dealt with the National Liberation Front as one of the parties to the negotiations.

If only we would agree in principle to remove all our forces from Vietnam.

We have taken all these steps.

The United States, over a year and a half ago, halted all bombing of North Vietnam. Long ago we agreed to negotiate with the National Liberation Front as one of the parties. We have already withdrawn 115,500 American troops. Tonight I have announced a decision to reduce American force levels by a quarter of a million men from what they were fifteen months ago. We have offered repeatedly to withdraw all of our troops if the North Vietnamese would withdraw theirs. We have taken risks for peace that every fair and objective man can readily recognize.

Still there is no progress at the negotiating table.

It is Hanoi and Hanoi alone, that stands today blocking the path to a just peace for all the peoples of Southeast Asia.

When our astronauts returned safely to earth last Friday, the whole world rejoiced with us. We could have had no more eloquent demonstration of a profound truth—that the greatest force working for peace in the world today is the fact that men and women everywhere regardless of differences in race, religion, nationality, or political philosophy, value the life of a human being. We were as one as we thought of those brave men, their wives, their children, their parents.

The death of a single man in war, whether he is an American, a South Vietnamese, Viet Cong, or a North Vietnamese, is a human tragedy. That is why we want to end this war and achieve a just peace. We call upon our adversaries to join us in working at the conference table toward that goal.

No Presidential statement on Vietnam would be complete without an expression of our concern for the fate of the American prisoners of war.

The callous exploitation of the anxieties and anguish of the parents, the wives and the children of these brave men, as negotiating pawns, is an unforgivable breach of the elementary rules of conduct between civilized nations. We shall continue to make every possible effort to get Hanoi to provide information on the whereabouts of all prisoners; to allow them to communicate with their families; to permit inspection of prisoners of war camps; and to provide for the early release of at least the sick and the wounded.

My fellow Americans, five years ago American combat troops were first sent to Vietnam. The war since that time has been the longest and one of the most costly and difficulty conflicts in our history.

The decision I have announced tonight means that we finally have in sight the just peace we are seeking. We can now say with confidence that pacification is succeeding. We can now say with confidence that the South Vietnamese can develop the capability for their own defense. And we can say with confidence that all American combat forces can and will be withdrawn.

I could not make these statements tonight had it not been for the dedication, bravery and sacrifice of hundreds of thousands of young men who have served in Vietnam. Nor could I have made it had it not been for the perseverence of millions of Americans at home.

When men write the history of this nation they will record that no people in the annals of time made greater sacrifices in a more selfless cause than the American people sacrificed for the right of eighteen million people in a faraway land to avoid the imposition of Communist rule against their will and for the right of these people to determine their own future free of any outside interference.

The enemy has failed to win the war in Vietnam because of three basic errors in their strategy.

They thought they could win a military victory. They have failed to do so.

They thought they could win politically in South Vietnam. They have failed to do so.

They thought they could win politically in the United States. This proved to be their most fatal miscalculation.

In this great free country of ours, we debate—we disagree, sometimes violently, but the mistake the totalitarians make over and over again, is to conclude that debate in a free country is proof of weakness. We are not a weak people. We are a strong people. America has never been defeated in the proud 190-year history of this country, and we shall not be defeated in Vietnam.

Tonight I want to thank the American people for the support which you have given so generously to the cause of a just peace in Vietnam.

It is your steadiness and your stamina that the leaders of North Vietnam are watching tonight. It is these qualities, as much as any proposals, that will bring them to negotiate.

It is America's resolve, as well as America's reasonableness, that will achieve our goal of a just peace in Vietnam and strengthen the foundations of a just and lasting peace in the Pacific and throughout the world.

Thank you and good night.

THE B-1 MANNED BOMBER

Mr. THURMOND. Mr. President, in late May or early June the U.S. Air Force plans to let contracts for engineering development of its next strategic bomber which will be known as the B-1.

The development of this important weapon system has been well planned and studied for some 8 years and the Air Force will enter this program with a high degree of assurance that this aircraft will meet the high performance needed in our deterrent forces.

The development of the B-1 rests on the question of whether or not this country will need a strategic bomber in the late 1970's and beyond. This is a conceptual question and not a technical one. It is directly related to our national strategy.

Mr. President, each Member of the

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Congress knows the Nixon administration is embarked on a course which involves substantial changes in our national strategy. This change is taking form slowly but definitely points toward our reliance on viable and highly mobile strike forces which would deter a potential enemy.

To make this strategy sound this Nation must maintain a long-range bomber strike force. Presently we have the B-52 and the FB-111 in this role as the old B-58 has recently been phased out.

The B-1 will replace the B-52 which is not equipped to handle the complex technology needed in the 1970's and 1980's to assure our Nation of a strong strategic bomber deterrent. This proposed bomber will be able to deliver large nuclear and nonnuclear payloads over distances in excess of 6,000 miles and will have a higher and longer standoff capability than the slower and larger B-52.

The design provides for the four-engine B-1 to penetrate the sophisticated defenses postulated for the 1980's, a key factor in the survival of any future long-range bomber. The aircraft will also have a greater prelaunch survivability through wider dispersal than the B-52's which require long, well-equipped airfields as launching bases.

The key to the need for this new bomber may be summed up in one word—deterrence. This point was ably made recently by Lt. Gen. Otto J. Glasser, the Air Force's Deputy Chief of Staff for Research and Development. General Glasser stated:

> The new bomber is to serve as an integral element of the Assured-Destruction capability of the United States. It will be able to flush on warning from dispersed airfields, or through dispersal to survive any undetected attack, and have a high probability of survival during penetration for precise delivery of weapons on preplanned targets.

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Mr. President, throughout the entire history of this great Nation we have never had enemy bombs fall on this continent. While we have had to fight on many foreign shores to assure the safety of our people and our land, a point in time has now been reached where potential enemies have the ability to strike and destroy our Nation.

In order to assure our continued deterrence against such a strike we must have a balanced deterrent force. Such a force includes many elements, but chief among them would be a strategic bomber with the capability of the B-1.

In order that Congress and the American people might have the benefit of some of the reasoning behind our need for the B-1, I ask unanimous consent that the April 1970 article by John L. Frisbee, senior editor of the Air Force/Space Digest, entitled "The B-1—Blue Chip in the Deterrent Stack," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Air Force/Space Digest, April 1970]

THE B-1—BLUE CHIP IN THE DETERRENT STACK

(By John L. Frisbee)

The B-1, USAF's heavy-bomber candidate to replace the B-52, was conceived in 1963 as AMSA (Advanced Manned Strategic Aircraft). Ever since, there have been almost continuous attempts to destroy it in embryo.

The B-1 has been attacked on grounds of nonutility, marginal utility, and disutility. Its critics have ranged from Whiz Kids to members of Congress to intellectuals of the campus, the think-tanks, and the mass media. Their analytical methods cover the spectrum from slipstick and computer to gut reaction. Notably—almost uniquely—the opposition has included no military men of renown from any of the services. The B-1 has been more than thrice-blessed by the Joint Chiefs of Staff.

Not even the most dedicated B-1 opponent has questioned the ability of the US aerospace industry, with the technology of the 1970s, to build a better bomber than the B-52, basically a product of the early 1950s. Rather, B-1 critics have questioned the rationale underlying the requirement. Their key question has evolved from, "Will we need *this* bomber ten years hence?" to "Will we need *any* bomber by the end of the decade?"

So far, a majority of legislators have answered "Yes" to both questions, or has at least been unwilling to say "No" to either. And so the B-1 has survived. In mid-May a prime contractor will be selected to produce five prototype and two test models. If all schedules are met, the first true strategic bomber to be developed in this country in nearly two decades will fly in 1974. This says much for the viability of a concept that has been under siege for seven years.

But the B-1's greatest battle is yet to come—the fight for a go-ahead on production. If that battle is won, the new bomber could begin to join SAC's operational forces in 1978. By that time, the newest B-52s—the G and H models—will be from sixteen to eighteen years old. Their maintenance and modification costs, though not precisely predictable, are bound to be extraordinarily high.

The B-52 could, certainly, be kept operational for another ten years—perhaps longer—if we were willing to pay the cost. But how effectively it could penetrate Soviet defenses a decade from now is quite another question.

Visualize the odds against the B-36 (the newest of which would have been sixteen years old in 1970) in penetrating today's Soviet defenses. The performance gap between the B-36 and the B-52H is comparable to that between the B-25H and the B-1. And a weapon system that will not perform creditably *in* war is not a credible deterrent *to* war.

This brings us back to the key question, "Will we need *any* bomber by the end of the 1970s?" It is primarily a conceptual—not a technical—question. The answer will be affected by economic considerations (how soon and how many), but, fundamentally, a decision must be based on need.

The question of need has to be examined in the context of US defense strategy, which is in a state of transition. During most of the past decade, our strategy has been to deter nuclear war by Assured Destruction—the ability of US strategic forces to survive an enemy attack, and in retaliation cause unacceptable damage to the aggressor. A corollary of Assured Destruction has been Damage Limitation, or the capacity to hold down the level of damage an attacker could inflict on this country. Damage Limitation received considerably less attention than Assured Destruction. Until recently, we have not had the technical means to defend against enemy missiles or to construct bomber defenses that promised to stop a high percentage of attacking aircraft.

Assured Destruction was achieved through a combination of land-based missiles, sea-based missiles, and bombers. As the missile forces grew in size and reliability, the bomber was thought by earlier Administrations to contribute less and less to deterrence. Bombers took several hours longer than missiles to reach their targets. The bomber was believed easier to defend against, and to some it appeared needlessly duplicative of the destructive capacity of the missile forces.

Nevertheless, a reduced number of bombers was retained in the deterrent forces as insurance and because of certain characteristics unique to the bomber. It could, for example, be used effectively in a show of force, as in the Cuban missile crisis. It could carry much larger weapons than missiles, and was acknowledged to be useful against very hard targets that could not be destroyed by smaller warheads delivered less accurately by missiles. In this respect it provided a Damage Limitation dividend, as a counterforce system to be employed against hardened enemy missiles that might be held in reserve after an initial attack. The bomber also could be launched on ambiguous warning and recalled if the warning proved to be false. And the continued existence of US bombers forced the USSR to invest heavily in air defense systems, presumably diverting resources that might otherwise be used to build stronger offensive forces. Finally, the bomber force was regarded as a hedge against Soviet technological breakthroughs that might cancel or reduce the value of our missile forces.

All of these reasons for keeping the bomber alive and well were valid. And they will remain valid, along with other bomber contributions to deterrence, which will be noted later.

Nevertheless, many—probably a majority—of those who believe the bomber only marginally useful were convinced that a relatively low level of U.S. Assured Destruction capability (perhaps twenty to twenty-five percent of the Soviet population and industry) was enough to deter nuclear war regardless of how many Americans might die in a Soviet attack on this country. Therefore, they questioned the need for *any* bombers and rejected the requirement for a new bomber to replace the B-52. This rejection has come to a head at a time when the bomber has, in fact, assumed more, rather than less, importance. The reasons relate both to strategy and to conceptual changes caused by technology.

For many months the Nixon Administration has been conducting an exhaustive study of national-security policy and strategy. There have been vague but persistent rumors that the President intended to revive a strategy resembling the "Massive Retaliation" of the Eisenhower-Dulles years, through it was difficult to understand the feasibility of such a strategy in view of the size and sophistication of Soviet strategic forces.

The first comprehensive, but still general statement of the new Administration's defense policy was contained in President Nixon's "State of the World" message to Congress—United States Foreign Policy for the 1970s: A new strategy for peace. Many questions were left unanswered, but the message roughed in a nuclear strategy that is neither Massive Retaliation nor Assured Destruction at a minimum level.

Several passages in the President's message are pertinent to the future makeup of our strategic forces. (*Italics have been added.*)

"The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States *and its allies* under the weight of strategic military superiority. We must assure that all potential aggressors see unacceptable risk in contemplating a nuclear attack *or nuclear blackmail or acts which could escalate to strategic nuclear war,* such as a Soviet attack on Europe.

"For the foreseeable future Europe must be the cornerstone of the structure of a durable peace.

* * *

"Our NATO allies . . . view the U.S. commitment to deter Soviet aggression as being based mainly *on our maintenance of a powerful strategic posture.*

* * *

"The United States will keep all its treaty commitments. We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region [referring to Asia] as a whole.

* * *

"[*And in the section on General-Purpose Forces*]: The prospects for a coordinated two-front attack on our allies by Russia and China are low because of the risks of nuclear war and the improbability of Sino-Soviet cooperation. *In any event, we do not believe that such a coordinated attack should be met by U.S. conventional forces.*"

A U.S. strategic posture adequate to prevent other countries from imposing their will not only on us, but on our allies, must meet two tests if it is to be credible to a potential aggressor. First, it must leave no doubt in his mind that the U.S. would emerge from a nuclear exchange with some relative advantage over the attacker, in a position to defend itself against third nations, and able to recover more rapidly than could the attacker. Second, other nuclear powers must believe it a reasonable possibility that the U.S. would take some form of positive strategic action against them if they were to threaten really vital U.S. external interests. Such a U.S. force should have a stabilizing influence because of its multiple deterrent effect and since it could not be used rationally to initiate unprovoked aggression.

The strategy outlined in the President's message will require relatively large and versatile strategic forces, including a bomber that can retain its effectiveness well into the future. Also, some of the Soviet technological advances that the bomber has helped insure against have actually occurred. Since they threaten principally the effectiveness of U.S. strategic missiles, they have the effect of enhancing the value of the bomber as a deterrent system. For example, the security of our land-based missiles is sensitive to the accuracy and warhead yield of enemy missiles. The unexpectedly rapid expansion of the Soviet missile force—particularly of the very accurate SS–9, which can carry a twenty-megaton warhead or three five-megaton weapons—is a real and present threat to American ICBMs.

The invulnerability of our sea-based missiles is sensitive to enemy antisubmarine warfare. In his Fiscal Year 1971 Posture Statement, Defense Secretary Melvin R. Laird stated that our Polaris submarines are still invulnerable, but that he could not guarantee continued invulnerability beyond the next five to seven years. For that reason, advanced developmental work was proposed on the Underseas Long-Range Missile System (ULMS), which would enable our missile-carrying submarines to operate in a vastly larger ocean area and still hit targets in the USSR or China.

The now-modest Soviet ABM system has an undetermined growth potential, and hence poses a future threat of uncertain proportions to both land-based and sea-based missiles. While ULMS will increase the Soviet problem of *detecting* US missile submarines, the longer flight time of ULMS probably will simplify the Soviet ABM *defense* problem so far as submarine-launched missiles are concerned.

In view of these Soviet counterforce developments, it would be a dangerous risk to allow the bomber element of the US strategic forces to deteriorate through obsolescence.

One of the bomber's greatest values as a deterrent has been given all too little attention. The bomber, in combination with missile forces, creates an almost impossible timing problem for an enemy planning an attack on the US. Put yourself in the shoes of the Soviet tactician considering a first strike to disarm the United States. The situation might look something like this:

Any one of the three US strategic systems, if used independently of the others, can cause an unacceptable level of damage to the USSR. For a surprise attack on the US, I must, therefore, plan it so that his missiles and bombers are reduced in effectiveness to a point where my defenses can handle them. It's particularly important that I get his bombers, since I want to hit only military targets. The bombers, because of their accuracy and high-yield weapons, have by far the best capability to hit my own hardened or mobile military targets in return. If I knock out the US bombers, the American President's options are reduced pretty much to attacking my cities with missiles. It then becomes a war against populations—a hard choice for any President. He may prefer to negotiate with us. How shall I plan my attack?

Now, U.S. officials have said that they will not fire their missiles at my country until one of my warheads has actually exploded over U.S. territory. It's reasonable to assume they mean this. Launching missiles on warning that may be ambiguous—perhaps even false—is simply too risky for them.

I'll use my land-based ICBMs with high-yield warheads against the hardened U.S. land-based missiles. My submarine-launched missiles (SLBMs) are shorter range, less accurate, and have smaller warheads, but they will do very well to destroy his bombers if I can catch them on the ground.

The U.S. Ballistic Missile Early Warning System (BMEWS) gives the Americans about twenty minutes' warning of attack by my ICBMs. Other U.S. warning systems can pick up my SLBMs five to ten minutes before impact on SAC bases.

I'm going to optimize my surprise attack so my ICBMs will *arrive* over the enemy's missile silos at the same time my SLBMs hit his bomber bases. But wait a minute. That won't work. His radars will pick up my ICBMs even before I launch my SLBMs from a few hundred miles off the U.S. coast. He'll flush his bomber force under positive control and, after my missiles have exploded over U.S. territory, he'll give his bombers a go-ahead. And his surviving missiles, too.

Let's try it the other way. I'll optimize my attack against his bombers. I'll have to launch SLBMs and ICBMs for simultaneous *detection* by the U.S. so as to not flush his bombers on warning. But that won't work either. If all goes very well for me, U.S. radars will detect my SLBMs five to seven minutes from the most exposed SAC bases. Simultaneously, his BMEWS radars will see my ICBMs about twenty minutes' flight time away from U.S. missile sites. That leaves the Americans twenty minutes to alert their National Command authority and maybe fifteen minutes after my first SLBM detonates over a SAC base to make a final decision, transmit orders, and launch their ICBMs.

Let's leave the Soviet planner with this dilemma. It will get worse for him when our satellite warning systems are perfected and when the B–1 becomes operational, with its faster reaction time, ability to disperse widely—even to highways if necessary—vastly improved penetration capability, and varied load of standoff and gravity weapons.

Several leading B–1 opponents have suggested that our need for a bomber may be obviated if the US adopts a policy of launching missiles on warning of an attack. That proposition can be put in a different way. If we do not have a bomber with a credible ability to penetrate Soviet defenses, *we would have to* launch missiles on warning, accepting the horrifying possibility, however remote, that the warning might be fallacious. That is a sobering thought.

Another plus for the strategic bomber is its usefulness in limited conventional warfare, as the B–52s have proved in Vietnam. Where heavy, concentrated firepower is needed, there is no substitute for the big bombers. The B–52s have had no fighters to contend with and very little ground-to-air opposition. But equally ideal conditions will not always be present. The B–1's supersonic speed, low-altitude capability, and advanced electronics will allow us to continue to use heavy bombers in a far less permissive conventional-war environment if future contingencies demand it.

But the B–1, a sophisticated and expensive aircraft, can be justified only if it makes a major contribution to the primary task of our strategic forces—deterrence of attack on the US and our allies.

The fundamental question, "Will we need *any* bomber by the end of the 1970s?" has been answered affirmatively by the Nixon Administration. So, it appears, has the next logical question, "Will we need *this* bomber—the B–1?" An economy-minded Administration is not likely to endorse a nearly $2 billion investment in developing and testing the prototype of a system unless it believes that system essential to national security. A reversal by DoD is unlikely unless there should be a gross reduction in the Soviet/Chinese threat, perhaps as a product of the SALT talks. The decisive arena has shifted from DoD (until two years ago strongly anti-B–1) to Congress (until two years ago overwhelmingly pro-B–1).

In his "State of the World" message, President Nixon said:

"Because planning mistakes may not show up for several years, deferral of hard choices is often tempting. But the ultimate penalty may be disastrous. The only responsible course is to face up to our problems and to make decisions in a long-term framework."

There is no decision on weapon systems to which that warning applies more pointedly than to the B–1.

SECRETARY LAIRD'S ADDRESS ON THE STRATEGIC BALANCE

Mr. THURMOND. Mr. President, the Honorable Melvin R. Laird, Secretary of Defense, addressed the annual luncheon of the Associated Press on April 20 at the Waldorf Astoria Hotel in New York City on the subject of the strategic balance. His remarks concerning our national security are of great significance to the American people and to the Congress.

Mr. President, it was made crystal clear by Secretary Laird that the Soviets have been engaged in a tremendous effort since 1965 to change the strategic balance of power in their favor. On the other hand during this time frame, the United States has maintained an even level of strategic nuclear offensive forces as a deterrence. The United States has taken no action to increase the total of approved strategic offensive delivery vehicles in the past 5 years. My distinguished colleagues, we must concern ourselves with where this Soviet momentum will carry them.

Mr. President, I would like to quote a paragraph from Mr. Laird's speech which clearly reveals the acceleration of the Soviet buildup in nuclear strategic forces. The threat our Nation faces is evident in his remarks.

Mr. Laird said:

> Thus, in the space of five years—from 1965 to 1970—the Soviet Union has more than tripled its inventory of strategic offensive nuclear weapon launchers from about 500 to about 1700—which includes some 200

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heavy bombers in both totals—and continues the momentum of a vigorous construction program. In that same period, the Soviet Union has virtually quadrupled the total megatonnage in its strategic offensive force. The United States, on the other hand, in the same time period, made no increase in its established level of 1710 strategic nuclear missile launchers and reduced its heavy bomber strength of 780 by over 200. In that same period the United States also reduced its megatonnage by more than 40%.

These are only some of the alarming facts presented in Mr. Laird's appraisal of the Soviet threat. I recommend that my distinguished colleagues review this address and its implications. I am confident that a study of the substance supporting his remarks will indicate that further positive action is necessary for our own security.

Mr. President, I ask unanimous consent that the address of the Secretary of Defense, which was delivered at the annual luncheon of the Associated Press, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD, SECRETARY OF DEFENSE

I was particularly pleased when your President, Paul Miller of Gannett Newspapers, called me on a Saturday morning several months ago to invite me to speak to the Annual Luncheon of the Associated Press on the subject of the strategic balance. I told him that I regarded this forum as particularly appropriate to express my views on the need to make available to the American people additional information regarding national security.

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When I assumed office 15 months ago, I immediately established as a top priority goal the restoration of credibility in the Department of Defense. Since then we have attempted to follow President Nixon's stated desire to make more information available to the American people.

The editors of the Associated Press and all members of the communications media in this country have a deep interest in this subject. I pledge to you that we shall continue to devote maximum attention to reducing and hopefully eliminating overclassification in the Department of Defense. And, we will provide all the information we can within the limits of national security, consistent with the safety and legal rights of our citizens.

This open news policy has brought about significant progress in at least five major areas where information was previously withheld from the American people.

1. Previous policy was to restrict public discussion of Prisoners of War matters. Present policy is to foster public discussion and to focus worldwide attention on the plight of our prisoners of war in order to gain humane treatment for them and to obtain their release.

2. Previous policy was to withhold from the public information on chemical warfare and biological research matters. Present policy is to keep the public informed about our new policies in these two areas, the reasons for these new policies, and the steps being taken to implement them.

3. Previous practices on reporting the costs of major weapons systems led to a major credibility problem in the Department of Defense. Our new policy of full disclosure on major weapons costs will help to restore the Department's credibility and will assist us in gaining better control of costs and in developing better management practices.

4. For several years, the American people were denied knowledge about our activities in Laos. Today, the American people are being informed about what we are doing and what we are not doing in Laos.

5. In the past, overuse of classification denied to the American people pertinent information on the nature and scope of the strategic nuclear threat. In my view, there is still too much classification, but we have tried and will continue to make more and more information available on this subject which is so crucial for the future security of our country.

In my remarks today I will attempt to shed more light on the crucial subject of the strategic threat. In particular, I want to discuss with you editors the nature and scope of the growing Soviet threat, recognizing full well that, in Vienna, our negotiators have just begun round two of the Strategic Arms Limitation Talks, commonly called SALT.

I hope for success at SALT. I want to emphasize that point. I also want to emphasize that our top military leadership hopes for success at SALT. Where the security of the United States is involved, it is this objective—insuring national security—which is most important. A lower cost means to achieve that objective, lower compared to what otherwise may be required—if it can be achieved within tolerable risks—is obviously most desirable to all Americans, civilian and military.

The budget we have recommended to Congress for the next fiscal year demonstrates how deeply the Nixon Administration is committed to progress at SALT. We have called this year's defense budget a transitional budget. It is transitional because in terms of military capability, it is basically a status quo, stand-pat budget. We have postponed basic national security decisions in the strategic field in order to give maximum opportunity for SALT to be successful, and to foster a meaningful beginning for the era of negotiation President Nixon and the American people seek.

The objective of the Nixon Administration is to restore and maintain peace. With regard to SALT, the President's actions and words document this Administration's accent on negotiation rather than confrontation.

In my Defense Report to Congress in February, I expressed concern that the United States, by the mid-1970's, could find itself in a second-rate strategic position with regard to the future security of the Free World.

Today, in keeping with our policy of maximum information, I intend to present additional reasons for this concern.

It is important to discuss the growing strategic threat because it is essential for the American people to understand the complex issues involved, if we are to insure our national security interests through the decade of the 1970's. The American people need to understand the reasons President Nixon is pursuing the course he has recommended in this year's transitional budget.

As Secretary of Defense, I must face the fact that we are taking a risk by postponing hard decisions which the increasing Soviet threat poses for us. I recognize that in the interests of lasting peace, some risks must be taken. But, it is my judgment that as the American people are provided additional information, such as we are discussing here today, they will agree that we are literally at the edge of prudent risks. And the inescapable conclusion will be that if the Soviet strategic offensive buildup continues, the risk to our nation will become too great to sustain without major offsetting actions.

Therefore, what I particularly want to focus on today is the basic asymmetry between what the United States has been doing and what the Soviet Union has been doing in the field of strategic nuclear weapons in recent years.

In a word, for the past five years, the United States has virtually been in neutral gear in the deployment of strategic offensive forces, while the Soviet Union has moved into high gear in both deployment and development of strategic nuclear weapons. In the 1965–67 time period, the United States decided on a level of strategic nuclear forces, including Multiple Independently Targeted Reentry Vehicles (MIRVs), which was deemed adequate to preserve our deterrent posture for the threat of the 1970's which was projected then. No basic change has been made in the force level decisions established in the mid-1960's.

The Soviet Union, by contrast, has engaged in a major effort since 1965 to change the balance of power. The United States then, unlike the situation today, clearly occupied a superior position.

Except for the minimum "hedge" that SAFEGUARD will provide, we have not responded to the Soviet strategic offensive buildup with new deployment programs. We did not respond in past years because the United States deliberately chose to assume that the Soviet buildup at most was aimed at achieving a deterrent posture comparable to that of the United States. We have not responded this year because, as I have said, we fervently hope that SALT can render such a response unnecessary.

As much as we might wish it otherwise, however, we must concentrate our attention on what the Soviet Union is actually doing. In the current situation of a diminishing U.S. deterrent and Soviet momentum, we simply cannot base our plans and programs on what we hope the Soviet Union may do either unilaterally or in SALT. The Soviets have a momentum going both in strategic weapons deployments and in strategic weapons developments. If their strategic posture could be expected to stay at the operationally deployed posture which exists today, I believe we would have a tolerable situation. What must concern us, however, is the momentum the Soviets have established both in deployments and developments and where that momentum may carry them.

Let me explain in more detail the basic problem.

The most crucial aspect of national security is the strategic balance between nations that have competing interests in the world. The strategic balance has a direct effect on relations between the superpowers. It has an indirect effect on other nations both in terms of their own relations with each other and in terms of their relations with the superpowers. As one example, a situation of clear superiority on the part of the Soviet Union would have profound implications for any future political or military confrontation between NATO and the Warsaw Pact. In fact, a clear strategic superiority on the part of the Soviet Union would affect our interests and our obligations throughout the world.

In our continuing debate on defense matters, it has been said many times that the driving force behind the so-called strategic arms race is the "action-reaction" phenomenon. The recent ABM–MIRV discussions in this country illustrate this. The argument is made, for instance, that the deployment of defensive missiles by one side tends to generate increased offensive deployments by the other side.

I certainly agree that one side's actions definitely can influence what the other side does. But just as weapons in themselves are not the cause of wars, neither are a country's actions in weapons deployment—in themselves—the driving force in a so-called arms race. The fundamental driving force in an arms race is what one country perceives as possible objectives of another country's actions.

Let me explain it this way. Our goal is a stable peace. Our strategic policy to achieve that goal is deterrence. As publicly stated, the basic rationale for United States weapons deployment in the strategic field has been and remains deterrence. Our actions of the past several years underscore the fact that deterrence is our fundamental policy and that we seek no more than a posture of effective deterrence.

Because we in the United States seek a posture of deterrence to protect our interests and those of our allies, we obviously could recognize as legitimate a Soviet desire for a comparable deterrent to protect its interests.

I know that the actions of the Soviet Union in recent years have raised questions in the minds of some of you editors and others about the true objectives they are pursuing.

As I have said many times, I do not believe that it is appropriate for me, as Secre- of Defense, to attempt to assess the strategic intentions of another country. However, under my responsibilities, I must be concerned about present and potential strategic capabilities.

You representatives of a free press understand fully the national security price an open society must pay when competing with adversaries who cloak their plans in secrecy and attempt to hide both their objectives and their hardware behind the mantle of a closed society. The whole world knows what we in the United States have and what we plan in the national security field. Meaningful essentials are laid bare in an open forum—in official statements, in Congressional hearings, in the give and take of Congressional and public debate and in the reports of a free and competitive press. I would not have it any other way.

Let me emphasize again my conviction that the American people have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country. In particular, too much has been withheld in the past about what has been going on in the closed societies of the Soviet Union and Communist China.

As we all pray for success in Vienna, let me point out that, in my view, the American people will support an arms limitation agreement only if they are confident they have the relevant facts about the strategic balance.

The facts I am about to present are not taken from external Soviet discussions of their strategic forces. They do not come from press conferences in Moscow, from testimony in the Kremlin, from news stories in Pravda, or from published annual Defense Reports by Marshal Grechko.

Rather, the information I am presenting to you is based on our own observations of what the Soviets are doing—and on our belief that this information and these facts should not be withheld from the American people and should be made available to others in the world.

Let us examine what has happened in the past five years to shift the relationship between U.S. and Soviet strategic forces and to provide an accelerated momentum to the Soviets in the strategic field:

In 1965, the Soviet Union had about 220 launchers for the relatively old-fashioned missiles—SS-6's, SS-7's and SS-8's—somewhat similar to our TITAN. We had 54 TITANs in the inventory at that time.

Today, these two forces remain essentially the same. So in this category of old-fashioned multimegaton weapons the Soviets had and still maintain a better than 4-1 advantage.

In 1965, the Soviet Union had *no* relatively small ICBM launchers comparable to our MINUTEMAN. By 1965, we had 880 MINUTEMAN missiles operational and had established that the total force level for MINUTEMAN would be 1,000 launchers. In the 1965–67 time period, the United States finalized plans to convert a portion of the established MINUTEMAN force to a MIRV MINUTEMAN III configuration.

Today, the Soviet Union has over 800 such launchers operational, and a projected force that could exceed 1,000 launchers within the next two years. These launchers include both the SS–11 and SS–13 missiles. Concurrently, flight testing of an improved SS–11 missile continues. Thus, at present construction rates, the Soviets will achieve parity in MINUTEMAN-type launchers within the next two years or so and could move into a substantial lead in this category by the mid–1970's if they continue to deploy these missiles. The previously scheduled U.S. program to MIRV a substantial part of MINUTEMAN continues in progress.

In 1965, there were no operational launchers for the large Soviet SS–9 missile which, in its single warhead version, can carry up to 25 megatons.

Today, I can report to you that there are some 220 SS–9's operational with at least 60 more under construction. Testing of an SS–9 multiple reentry vehicle—the triplet version—continues. The U.S. has no counterpart to this program involving large missiles. So, in this area, the Soviets have and will maintain a monopoly.

In 1965, neither a depressed trajectory ICBM nor a Fractional Orbital Bombardment System existed in either the Soviet or U.S. inventory.

Today, the Soviets have tested both configurations and could have an operational version already deployed. The United States has developed nothing comparable to these systems.

In 1965, the Soviet Union had about 25 launchers for Submarine Launched Ballistic Missiles (SLBMs) on nuclear submarines, and about 80 more on diesel submarines. Most were designed for surface launch only. The U.S. had 464 SLBM launchers operational on 29 submarines in 1965 and Congress had authorized the last of the 41 nuclear-powered submarines in our POLARIS Force in the previous fiscal year.

Today, the Soviets have over 200 operational launchers on nuclear submarines for submerged launch SLMBs and about 70 operational launchers on diesel submarines. In the next two years, the Soviets are expected to have some 400–500 operational launchers on POLARIS-type submarines, and at present construction rates—6–8 submarines a year—could match or exceed the number in the U.S. force by 1974–75. United States POLARIS submarines still number 41 and no increase is projected in current plans. Conversion of 31 of our POLARIS submarines to the MIRVed POSEIDON missile is planned, and eight conversions have already been authorized by Congress.

In 1965, there was no development underway of a so-called Undersea Long-Range Missile System (ULMS) in the United States and there appeared to be none in the Soviet Union.

Today, the United States is spending relatively small sums in the research and development area on preliminary investigations of such a system. I can also report to you today that the Soviet Union, on the other hand, already is testing a new, long-range missile for possible Naval use.

In 1965, the Soviet heavy bomber force consisted of slightly over 200 aircraft, about 50 of which were configured as tankers. The U.S. heavy bomber force strength was about 780 in 1965.

Today, the Soviet heavy bomber force is slightly under 200, with about 50 still configured as tankers. U.S. heavy bomber strength has declined to about 550 today.

In 1965, we estimated that the Soviet Union had a complex of ABM launchers being constructed around Moscow as well as a number of radars under construction which could provide early warning acquisition and tracking functions for ABM use.

Today, we believe that 64 Moscow ABM launchers are operational together with sophisticated early warning radars and tracking capabilities. ABM testing for new and/or improved systems continues. Today, the first two SAFEGUARD sites have been authorized, but will not be operational before 1974–75. This modified deployment schedule is considerably behind the schedule Congress has approved in 1967 for the planned SENTINEL area defense, which called for initial capability in 1972, and nation-wide coverage in 1975.

Thus, in the space of five years—from 1965 to 1970—the Soviet Union has more than tripled its inventory of strategic offensive nuclear weapon launchers from about 500 to about 1700—which includes some 200 heavy bombers in both totals—and continues the momentum of a vigorous construction program. In that same period, the Soviet Union has virtually quadrupled the total megatonnage in its strategic offensive force. The United States, on the other hand, in the same time period, made no increase in its established level of 1710 strategic nuclear missile launchers and reduced its heavy bomber strength of 780 by over 200. In that same period the United States also reduced its megatonnage by more than 40%.

To repeat: The United States has taken no action to increase the total of approved strategic offensive delivery vehicles in the past five years in response to the rapid growth in Soviet strategic delivery vehicles. We have, of course, maintained certain options and other steps have been taken to preserve our deterrent in the face of this increase.

Two programs that have been the subject of intense public discussion are, of course, our MIRV and Safeguard systems.

Let me emphasize that MIRV is needed to preserve our deterrent. Many people do not fully understand why it is necessary for us to continue the previously planned, Congressionally-approved and funded deployment of MIRV systems. The point is made that the current number of strategic nuclear weapons on alert in our force is sufficient for immediate retaliatory use in a crisis. Because MIRVing would more than double the number of deliverable weapons, the conclusion is drawn that this is unnecessary.

This conclusion could be valid, if we assumed that the Polaris, Minuteman, and Bomber forces all would survive a surprise attack and that the Soviet Union would not deploy an extensive ABM system. However, as was pointed out in my Defense Report in February, the rapidly-growing Soviet strategic offensive forces could seriously threaten both the U.S. Minuteman and strategic bomber forces by the mid-1970's.

Assuming we do not take additional actions to offset the expanding threat—and this apparently is what some people urge—I must, as Secretary of Defense, face the disquieting possibility that in the mid-to-late 1970's we would no longer be able to rely on either the Bomber or Minuteman force to survive a surprise attack. In such a situation, we would be left with only the Polaris/Poseidon deterrent force in our strategic arsenal for high confidence retaliatory purposes. This would pose intolerable risks for American security.

Thus, the critical choice in the face of that situation is this:

1. Do we rely on the fraction of the 656 current weapons that will be at sea on our Polaris force if we do not convert to Poseidon and do not defend our land-based strategic forces?

2. Or, do we continue the previously established program to convert 31 Polaris submarines to the long-approved Poseidon MIRV program—which would provide approximately the same number of sea-based retaliatory weapons on alert that we currently have today in the sea-based and land-based retaliatory forces combined, but with much reduced megatonnage?

Pending a successful outcome in the Stra-

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tegic Arms Limitation Talks, therefore, prudence dictates that we must continue our approved program to MIRV current forces.

Moreover, as the experience of the past five years demonstrates, it would be dangerous and imprudent to place unquestioned reliance on the invulnerability of any single strategic system for more than five to seven years into the future.

This is why we must also, at the very least, preserve an option to defend a portion of our land-based retaliatory forces. That is a major part of what the proposed minimal addition to the SAFEGUARD Defensive program is designed to do. I will come back to that.

Because we want to give the Strategic Arms Limitation Talks every chance of succeeding, we are deliberately accepting certain risks by postponing hard choices related to strategic offensive weapons. These risks are acceptable only in the context of proceeding with the MIRV deployments that have been programmed and approved for several years and the SAFEGUARD increment we are recommending this year.

A second and equally important reason for MIRV is that it helps preserve our deterrent by increasing confidence in our ability to penetrate Soviet strategic defensive forces which, by the mid-to-late 1970's, also could be quite formidable. In addition to the extensive air defense capabilities they already possess, the Soviets are pursuing a vigorous anti-ballistic missile research and development program designed to improve the present operational system or to develop substantially better second-generation ABM components.

We now have evidence that the Soviet Union is testing an improved long-range ABM missile. They are also expanding their radar surveillance coverage. We cannot rule out the possibility that they have or will give the extensively deployed SA-5 surface-to-air missile system an ABM role. We believe such a role is technically feasible for this system.

With regard to SAFEGUARD, which I mentioned previously, let me say this. In addition to other objectives, the reoriented SAFEGUARD program, initiated last year, is designed to provide protection for our land-based deterrent forces, the MINUTEMAN and Bombers. As you know, the President directed that each phase of the SAFEGUARD deployment is to be reviewed each year to ensure that we are doing as much as necessary but not more than that required by the threat. The increments of SAFEGUARD proposed so far will provide protection for a portion of our land-based deterrent, and permit flexibility with regard to our future course of action.

Without approval by Congress of the Modified Phase II SAFEGUARD protection proposed by the President, we would be forced to recommend going forward this year with other strategic nuclear offensive force programs.

All of my comments so far have, of course, been focused on the more immediate and troublesome threat posed by the Soviet strategic force buildup. The nuclear weapons program of Communist China also concerns us and directly relates to the need for preserving timely SAFEGUARD options as we move toward the mid-1970's. Time does not permit a discussion of this issue and the interrelationship of maintaining adequate strategic offensive and defensive forces to meet both the Soviet and Communist Chinese threats.

Where does all this leave us, and what is President Nixon attempting to do with the decisions he has incorporated in his Fiscal Year 1971 transitional defense budget?

Clearly, this Administration has not accelerated the previously planned deployment of offensive systems during our 15 months in office. On the contrary, we have slowed it down. The only major change we have made has been modification of the previously approved SENTINEL ABM deployment; and that change was a slowdown, not a speedup. We slowed the original deployment plan Congress approved, keyed it to the emerging threat on an annual review basis, and reoriented it to provide more timely protection needed for our land-based deterrent forces.

If the programmed forces established by the last Administration some years ago and approved by Congress were deemed appropriate and necessary for the security of the United States in the 1970's against the then projected threat, I am at a loss to understand how critics can claim that the Nixon Administration has escalated the arms race. The record clearly shows that we have not done so. We have chosen instead to defer major new weapons decisions as long as possible pending developments in the Strategic Arms Limitation Talks. In continuing the MIRV and ABM programs, we are simply going ahead with programs on which our deterrent policy was formulated by previous Administrations, even before the current momentum of Soviet strategic programs became clear.

With regard to the important talks which have just resumed in Vienna, the President has stated that every U.S. system is negotiable. To those who argue that the U.S. should take specific, and perhaps unilateral, action at the start of these negotiations, I would reply that the place to resolve these issues is at the conference table with the Soviets. Let us try to find out at the conference table the meaning of the Soviet Union's increased weapons deployments and let us conduct these important negotiations with full recognition of these continuing Soviet deployments.

My appraisal today has covered some of the available evidence of the Soviet military buildup. I am not unmindful, how, of possible other directions of Soviet policy that could be relevant to our security. There have been reports that Soviet economic problems may place pressure upon their leadership to devote major attention to internal matters, thus reducing the recent emphasis on a continued military buildup.

As Secretary of Defense, I will continue to hope that the shift in national priorities we have instituted in America will be duplicated in the Soviet Union. But until evidence of that shift is discernible in weapons deployment activities, I have no alternative but to base my actions and recommendations on the evidence available, much of which I have shared with you editors today and, through you, with the American people.

WITHDRAWAL OF TROOPS FROM VIETNAM

Mr. PERCY. Mr. President, I concur wholeheartedly with the comments of the distinguished assistant minority leader.

In his report to the Nation on Vietnam on April 20, 1970, President Nixon gave the American people some good news.

He said that he will continue the withdrawal from Vietnam of American troops over the next year, and he set the number of additional troops to be withdrawn at 150,000. Under the plan, the total to be withdrawn by the Nixon administration by the spring of 1971 will be 265,000.

He said that he will be able to withdraw American troops at an even faster rate if there is progress in negotiations.

He said that he is ready to negotiate a political settlement fair to all parties.

He said that he is confident all American combat forces can and will be withdrawn.

This is very good news for the American people. For those who have supported the program of Vietnamization, there must be satisfaction that the President will continue that program. For those who have been skeptical of Vietnamization, preferring greater effort in the political field, there must be satisfaction that the President expressed his unequivocal desire for a political settlement. President Nixon said, "A political settlement is the heart of the matter."

I welcome the President's announcement that he will persevere in the withdrawal of American forces, and I welcome his renewed commitment to seeking a negotiated settlement. Both policies must be pursued together if America's involvement in Vietnam is to be brought to an end.

In my judgment, the maximum rate of withdrawal of American forces possible, consistent with the safety and security of remaining American forces, is essential and necessary to assure that the government and people of South Vietnam will assume an ever-increasing share of the burden of their own self-defense. This should also encourage the government of South Vietnam to become increasingly responsive to the very real needs and desires of the South Vietnamese people.

EARTH DAY

Mr. PERCY. Mr. President, yesterday several million Americans paused to celebrate Earth Day.

I hope that this signifies more than just another important, even red letter, day on our national calendar. I hope that the events of yesterday mark the beginning of a dedication on a year-round basis to an idea and an ideal.

I hope that the rhetoric we heard yesterday does not subside into a dim echo but instead becomes a rolling thunder that cannot be stilled and must be heeded.

I do not have any idea of how many people were involved in yesterday's ceremonies and speeches and demonstrations. I do not believe anybody can make more than a rough guess. I do know that the National Education Association estimates some 10 million schoolchildren took part. I know there were hundreds of thousands of people gathered at the Washington Monument and in the streets of our other great cities.

I also know that a great deal of what was said yesterday was almost supercharged with emotional impact. The future of our planet—unless we act with vigor and with purpose—is, indeed, not bright.

But, Mr. President, I do not think the predictions of doom need come to pass. In fact, I do not believe they will.

For one thing, man is that unique being—an animal with the power to think. And with this power to reason comes the power to act in a rational manner when called upon to do so. I do not think man will abandon his rationality and continue to plunge madly into the dark.

Coincident with this power to reason is man's ability to plan. Perhaps it takes a great crisis or the foreshadow of impending disaster to force man to use this reasoning ability, but when put to the task he has repeatedly over the centuries demonstrated that he can.

Already, Mr. President, there is ample evidence of man's determination to end his war against nature. The Congress has not been idle. Within the limits of possibility over the past few years we have attempted to provide the tools with which damage can be undone and future damage prevented.

And the Nixon administration, too, has demonstrated its capacity to think in terms of the future, and to plan so that we may better be able to meet that future.

I call to mind the President's state of the Union message which devoted itself in large part to be a state of the environment message. This, it will be recalled, was followed up by a long, carefully thought out and logically stated message on the environment itself.

Lest yesterday's speeches be allowed to diminish the facts, I would like to summarize the 37 points which President Nixon made in his speech on the environment:

Water Pollution

1. Authorization of $4 billion to cover the Federal share of $10 billion needed for construction of municipal waste treatment plants. To be allocated at a rate of $1 billion per year over the next four years, with a reassessment in 1973 of further needs for 1973 and subsequent years.

2. Establishment of Environmental Financing Authority to ensure that every municipality can finance its share of treatment plant construction costs.

3. Revision of statutory formula governing allocation of grants for treatment plant construction, to permit construction of plants where need is greatest and where greatest improvements in water quality will result.

4. Requirement that treatment plants be built to prescribed design, operation and maintenance standards, and be operated only by certified operators.

5. Requirement that municipalities impose users fees on industrial users sufficient to meet costs of treating industrial wastes.

6. Requirement of comprehensive river basin plans, to assure that construction of municipal treatment plants is complemented by abatement of all other sources of water pollution.

7. Encouragement of construction of large-scale, regional treatment facilities.

8. Extension of Federal-State water quality standards to include precise effluent standards for all industrial and municipal sources.

9. Provision that violation of established water quality standards is sufficient cause for court action.

10. Revision of Federal enforcement procedures to permit swifter court action against those in violation of water quality standards.

11. Provision that violation of established water quality standards is subject to court-imposed fines of up to $10,000 per day.

12. Authorization for the Secretary of the Interior to seek immediate injunctions where severe water pollution threatens imminent danger to health or irreversible damage to water environment.

13. Extension of Federal pollution control authority to include all navigable waters, both inter- and intrastate, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

14. Tripling of Federal operating grants to state pollution agencies—from $10 million now to $30 million in 1975.

AIR POLLUTION

15. Publication of new, more stringent motor vehicle emissions standards for 1973 and 1975.

16. Revision of auto emissions enforcement procedures, to ensure that all new autos are in compliance with Federal standards.

17. Authorization for the Secretary of Health, Education and Welfare to regulate gasoline composition and additives.

18. Initiation of a research and development program to produce an unconventionally-powered, low-pollution auto within five years.

19. Initiation of testing and evaluation programs to assist private developers of unconventional, low-pollution autos.

20. Establishment of national air quality standards, with the states preparing abatement enforcement plans to meet national standards.

21. Accelerate designation of interstate air quality control regions.

22. Establishment of national emissions standards for pollutants that are extremely hazardous to health and for specified classes of new facilities.

23. Extension of Federal air pollution control authority to both inter- and intrastate situations.

24. Provision that violation of air quality standards and national emissions standards are subject to court-imposed fines of up to $10,000 per day.

SOLID WASTE MANAGEMENT

25. Re-direction of solid waste research toward techniques for re-cycling materials and producing packaging materials that are easily degradable.

26. Council on Environmental Quality to develop bounty payment or similar system to insure prompt scrapping and re-cycling of junk automobiles.

27. Council on Environmental Quality to work with appropriate industry and consumer groups to develop other incentives or regulations for re-cycling or easier disposal of consumer goods.

INDUSTRIAL INVOLVEMENT

28. Establishment of National Industrial Pollution Control Council.

29. Priority treatment for patent applications which could aid in curbing environmental abuses.

PARKS AND RECREATION

30. Full funding of the $327 million available under the Land and Water Conservation Fund.

31. Review of all Federally-owned real estate to identify properties that can be converted to public recreational use, or sold, with proceeds used to acquire additional recreational areas.

32. Relocation of Federal installations that occupy locations that could better be used for other purposes.

33. Provision that the Land and Water Conservation Fund is maintained or increased as a source of funds for purchase of lands in future years.

34. Authorization for the Department of the Interior to convey surplus real property to State and local governments for park and recreational purposes at public benefit discounts of up to 100 percent.

35. Revision of budget accounting procedures to encourage Federal agencies to make more efficient use of their properties.

36. Assistance to State and local governments for making constructive recreational use of idled farmlands.

37. Authorization of long-term contracts with owners of idled farmlands for reforestation and other improvements for public recreational use.

It will be noted that many of these points involve action which the President himself is undertaking, or directing agencies in the Federal Government to take. But many more of these points involve a responsibility which is being placed squarely on the shoulders of Congress. We have demonstrated in the past our ability to shoulder these responsibilities; it is my sincere hope that political considerations will be shunted aside so that we may discharge our duty in this matter once again in the spirit of Earth Day.

I think that above all else the spirit of Earth Day is one of thoughtfulness.

It involves a rededication to the ideal that man is a rational being, capable of improving his life on this planet without destroying the planet in the process.

Earth Day is more than a call to action. It is a call to thoughtful, logical and foresighted action.

Working together, the Nixon administration and this Congress can achieve that goal. Working at odds with each other, I doubt we can.

Mr. President, I had the great privilege yesterday morning of addressing a large, overflow audience of students who assembled at 9 o'clock on the Circle campus at the University of Illinois.

Within the past few days, I also had the honor and privilege of addressing groups of 4-H students in Normal, Bloomington, and students and faculty members and editors of southern Illinois newspapers at their meeting in Carbondale, Ill.

I ask unanimous consent that the address I delivered at the University of Illinois campus be printed at this point in the Record.

There being no objection the address was ordered to be printed in the Record, as follows:

Address of Senator Percy

Today, Earth Day, is a day without precedent. You and I are here because we share something—something precious—and yet we realize that we must take extraordinary and unprecedented measures to preserve that something—our home—the planet earth.

Each of us knows only too well the crisis we are faced with, and each of us knows only too well that the time we have left to deal with this crisis is fast expiring.

Let me state plainly, this is a major crisis we face. Our very existence is in the balance. If we do not meaningfully deal with, and solve, these problems, then we won't have to worry about the other problems that face us.

So today, we are meeting together, and groups like this are meeting all over this nation. We are all concerned about what is being done to our environment, and we must start now to do what is necessary to save ourselves and our world from self-destruction.

From the earliest times, man has believed that he was a contestant in a struggle of domination between himself and nature. He took a land, green and fertile, he took the air, pure and fresh, he took the water, blue and teeming with life, and he decided that he had to "civilize" this wilderness.

He did civilize and tame nature. Man won the contest, and nature was defeated. One of the results of this victory was a new word which we all know, a word we use to describe this civilization of ours. That word is, of course, pollution. It has become such a popular word that it has quite a variety of adjectives preceding it. There is air pollution, water pollution, noise pollution, ther-

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mal pollution, solid waste pollution, and even thought pollution.

Air pollution probably concerns us most, because though the air we breathe is most immediately necessary to life, it is also unspeakably filthy. In 1967, 133 million tons of contaminates were spewed into our atmosphere. In 1969, this increased to 142 million tons—more than our annual tonnage of steel produced. More than half of this aerial contamination consists of carbon monoxide, most of it from cars, trucks, and buses with internal combustion engines.

Water pollution has been a problem recognized for many years. Lake Erie is virtually a dead sea, and Lake Michigan could suffer a similar fate. Every river system in America suffers from some degree of pollution. The Cuyahoga River of Ohio, for example, catches fire periodically. Even the oceans are not too big to be immune from dangerous pollution. A recent study discovered a five square mile area of water off the New York shore where no living organisms could be found. Thor Heyerdahl noted that when he sailed in the Kon Tiki 20 years ago, the ocean waters were beautifully pure. However, in his latest trip in the Ra, he found garbage and debris floating in the middle of the ocean.

Solid waste disposal is an ever increasing problem. A year's rubbish from 10,000 persons covers an acre of ground 7 feet deep. Our total solid waste production each year amounts to over 3.5 billion tons—enough to fill the Panama Canal four times over. We are fast approaching the point of smothering in our own garbage. In fact, if the per capita rate stays the same, the total annual production of combustible waste alone will rise from 193 million to 175 million tons by the year 2000, which will be enough to bury all of Washington, D.C. in 30 feet of trash.

Thermal pollution treatens the life of some marine species by adding abnormally high-temperature water, threatening the plant and animal marine life, the purity of our water, the livelihood of fishermen, and ultimately the food source for millions of people the world over.

At this time, there are seven nuclear plants planned for the Lake Michigan shore. I do not believe we should go ahead with these potential polluters until we know for sure what the consequences of their operation will be, and until we are assured that these consequences will not threaten our lake and the life that depends on it.

Noise pollution!—well, if you have ever stopped to actually listen, just listen to the sounds of the city, the horror of noise pollution is evident enough to you. This is not only unpleasant, it is unhealthy. Functional hearing problems are increasing as the pure and simple result of too much noise. Can we still remember what peace and silence sound like?

But these forms of pollution are well known to you.

There is another dimension to pollution, however, that is too often overlooked. I am speaking of the environment of the homes in our cities. When parents discover their children confronted by rats in their homes, as big as cats, they realize they are living with the most devastating, all pervasive, form of pollution that breeds despair.

To many, this form of pollution is the most urgent, but it seems to be getting far too little attention.

A few years ago, it seemed that everyone was anxious to get the rats out of our city's homes. Under public pressure, Congress authorized $20 million to be spent for each of the years 1968 and 1969 for rodent control. When this was done, everyone seemed to focus their attention elsewhere. Some people couldn't, though. The people who still shared their beds and their food and their lives with rats couldn't pretend the problem was solved, for indeed it wasn't. In 1968, the Congress just didn't get around to appropriating the $20 million, and in 1969, only $15 million was appropriated. Of the originally authorized $40 million, only $15 million was ever actually spent.

If the public's attention span is so short that this was allowed to happen without an agonized response, then what can we expect to happen with the other proposals for pollution control? Our sense of values and our sense of morality should be outraged at this lack of total commitment. Pollution is an all encompassing issue that cries out for no less than full, and immediate commitment.

We must consider the problems of rats in the homes as much a problem of pollution as we do the pollution of the air. For they are both forms of pollution, and they both have a common basis for our disgust and ultimate rejection as a part of our lives. What concern can an individual have for clean air, lakes or rivers who lives amidst human debris and filth on every side?

It is not just too bad that a child of a poor family must share his home with rats, it is immoral.

It is not just too bad that our air and water and land are polluted, it is immoral.

This is the basic question here today; this is the point we must realize. Pollution, of our homes, of our cities, of our nation, is basically the inevitable consequence of neglect, and for this neglect to go on unchecked would be immoral.

The heritage that was ours was a land of beauty and wonder. We are the age that has the choice of either destroying it, or preserving it. The choice is ours. In making that choice, we must ask ourselves whether we have the right to deny to our descendants that which was cherished and passed on to us by our forefathers. In any decision we make that affects our environment, we must realize that there is a definite morality which must dictate our actions.

We cannot, we must not, look on pollution as a matter of expediency, or comfort. It is a matter of life and death.

Here, though, is where this issue becomes difficult for each of us. Because this is an issue of morality, there are certain inescapable consequences. We must each realize that we have an individual responsibility. And because of this responsibility, each of us must come to realize that we will have to make a personal commitment, and each of us will have to make significant sacrifices.

Each of us must become our brother's keeper. Littering must be recognized as a sin against humanity. No one must be allowed to mindlessly throw trash or even a cigarette butt—an object so small—on the ground. There are over 400 thousand tons of cigarette butts littering our landscape every year! We must rethink all of our actions in this light, that we have no right to foul our common home.

We must also realize that we are going to have to rethink our standards of luxury and necessity. For instance, our use of electricity ought to be reconsidered.

The utilities fill our needs for electricity. We cannot, on the one hand, condemn utilities for making efforts to provide us with electricity, and then turn around and fill our houses with endless electrical gadgets. We demand from the utilities that they always supply us with enough electricity to run our electric toothbrushes, our electric knives, our electric blankets, our electric can openers, and all the other modern conveniences of our society. But we never stop to consider that because of our excessive electrical demands, the utilities must keep building and operating polluting power plants. The first step to help clean up pollution caused by overworked power companies is to reduce electrical demands that every home makes, and we should begin to seriously consider this fact now.

In the last analysis, it is people who cause pollution. And right now, there are too many people. By the year 2000, the population of the world will have doubled to 7 billion, and in those thirty years, the United States will add another 100 million people, while the population of Chicago will rise to 10 million. It is time now to grapple with the difficult question of family size. This is especially difficult because of the questions of privacy and personal choice involved. However, this will have to be weighed individually against the consideration of the common good. Since scientists tell us that a birthrate of 2 children per family would be necessary to hold the line against further population increases, each couple must ask themselves what sacrifices they are obligated to make, whether after a certain point, adoption might be a logical step rather than adding another birth.

All of the questions I have raised will have to be answered individually. The collective response of the community will determine the extent of success or failure that will be ours.

There is also a responsibility of the business community. It is no less an issue of survival to them. That community will also have to consider the moral questions involved, and will have to balance progress against survival.

In the past, many businesses, along with everyone else, acted without consideration to the environment as did government regulatory agencies. I can find few instances where such agencies even showed superficial concern about the environment. However, business was second only to the scientific community in realizing how seriously our environment was deteriorating, and business began to devote some of its earnings to protecting and developing the environment long before public interest, such as is evident today, ever was imagined. Only far too late in the day has the issue of the environment caught the public's attention as a whole. Now, public opinion is putting added pressures on the business community to safeguard the environment.

I believe that corporations, owned by millions of citizen-stockholders should be vigorously urged to make environmental protection a basic consideration in any corporate decision.

It must be their responsibility to do all they can to insure that the concerns of the environment as well as the concerns of their stockholders should both be given their utmost attention. Those who own stock would like to realize a profit on their investment, but they are also citizens who want to do what they can to save our environment. Consumers want their products at the lowest possible price but also they realize the necessity of including in the product price an allowance for all necessary steps to be taken by a business to preserve our most precious heritage.

Government, too, is responsible to a large extent for pollution. Cities and municipalities have been, and many still are, discharging hundreds of millions of gallons of raw sewage into this nation's waterways every day. The Army Corps of Engineers, Great Lakes Naval Training Station and Fort Sheridan are among the major pollutors of Lake Michigan. I applaud the President for recently adding $200 million to the military budget for pollution control and taking the same amount out of the budget for the ABM.

It is both easy and inaccurate to blame just one section of our community for our environmental problems. Industry, government, and most of all, individual citizens are responsible. If we are to survive, we must realize that each of us, and each segment of our society, must make intense and unprecedented efforts to stop the polluting that each of us creates. We must start now, right now, to clean up this mess, to change our habits of over consuming and mindless littering, to make this land of ours into a place where, once again, man can glory in the wonder and beauty of nature.

I mentioned before that air pollution, as we all know, is one of the forms of pollution that most concerns us. In the large cities of this nation, estimates as to the amount of air pollution caused by car engines run as high as 80%. Obviously, if we could eliminate automobile discharges as a form of air pollution, a giant step would be taken toward achieving clean, pure, fresh air.

The auto industry has for years been devoting time and money to research and development of a cleaner internal combustion engine and to alternative power sources such as the external combustion engine.

As a matter of fact, the automobile industry currently spends about $150 million annually for research and technology into controlling emission pollution, or about $15 per car per year.

In the area of style and design changes, the auto industry annually spends more than $1 billion annually, which amounts to about $140 per car per year.

In the past, the money that the auto industry spent to investigate how to clean up the air might have been sufficient.

Now, however, we acknowledge that pollution must be stopped and stopped now. With this as a basic supposition, we can then look at priorities. Which is more important, a new car with attractive styling changes, or a new non-polluting engine? In answering this question we must consider the moral implications of our answers.

Admittedly, this is a very difficult decision to make, because not only is the question of pollution on the line, but the economy of this nation is also involved. The problem is a sophisticated one, and demands a sophisticated answer. We must be wary of solutions which are too quick and too easy. However, we must not let the enormity of the problem discourage us from suggesting sincere solutions, for there is no longer any excuse not to begin to do what is necessary, now.

I believe that both the automobile industry and the American public must come to grips with what the problem is, and determine to do what is necessary to solve it. This will require money, and lots of it. An amount of money proportionate to the problem should be committed to research and development of an alternative power source that does not pollute. An obvious example here is the steam engine, or Rankine Cycle Propulsion System which the Senate Commerce Committee stated is "a satisfactory alternative to the present Internal Combustion Engine in terms of performance, and a superior engine in terms of emissions."

If the automobile industry were to switch over to a radical new power system such as this, it is estimated that the cost would be in the neighborhood of $2 billion. This seems a great deal of money, but we should keep in mind that the money spent in one year on style changes is more than a billion dollars a year.

Considering the immense problem we are faced with, we have to come up with some new, bold, different ideas. Perhaps one such idea would be for the automobile industry to consider spending as much money on the development and eventual changeover to a system such as the external combustion engine as they now spend on style changes. This of course would mean very little money available for style changes. Perhaps it might even mean that the auto industry join together and declare a moratorium for several years on all non-essential style changes, and pledge that the money normally used for these purposes be spent on urgent research and development programs. Then we might be a great deal closer to the goal of clean air for our lungs.

Such a step would be radical and unprecedented. It would mean that additional billions would be available for the immense task with which we are faced. It would mean that little or no federal tax money would be needed.

But if the consumer is not willing to sacrifice such luxuries as style changes in cars so that he can breathe clean air, then we are just paying lip service to the problem of pollution.

I believe that it is not too much to ask. To not strike meaningfully at the root of the problem will result in just patchwork attempts to alleviate a spreading cancer. If this is too much to ask, then we may as well all go home, and sit on our hands, and wait for the inevitable end.

The problem of environmental pollution is great and immediate and unprecedented. It is immoral to allow this problem to continue. We must, then, take the great, immediate, and unprecedented steps that the morality of survival demands.

We must each, as individuals, as communities, as corporations, as a nation, make those painful decisions that are required. As individuals, you must ask yourselves the following type of questions: will you make a personal commitment to stop pollution as well as demand it of corporations? Are you willing to ride a bike to the library or to the store instead of driving? Will you cut down on your use of electric appliances? Will you stop littering the ground and demanding a differently styled car each year?

Before we throw trash on the ground, or buy an electrical gadget, or demand a differently styled car every year, we must, in the words of Rene Dubos, give due consideration "to the wind and the stars, to the flowers and the beasts, to smiling and weeping humanity."

SENATOR MAGNUSON'S PLAN FOR A WORLD ENVIRONMENTAL INSTITUTE

Mr. MANSFIELD. Mr. President, the senior Senator from Washington (Mr. MAGNUSON) has been a leader in the struggle for a better environment here in the United States. His low-emission vehicle procurement bill was the first major antipollution measure to be passed by the Senate this year. His National Transportation Act has been the subject of hearings before the Commerce Committee, which he chairs, and promises to provide transportation systems in the future that are compatible with environmental and social needs. He has also established an Environmental Subcommittee on the Commerce Committee, and that subcommittee—chaired by the able Senator from Michigan (Mr. HART)—has held important hearings on pesticide and herbicide use that led directly to restrictions being placed on the most dangerous of these chemicals.

Recently, Senator MAGNUSON has made a dramatic new proposal in the field of environmental quality, a proposal that would enlist the support of all nations in a cooperative effort to deal with international problems of pollution and ecology. He has called for the creation of a World Environmental Institute in a Senate resolution that he plans to introduce shortly. As a cosponsor of that resolution, I hope that all Members of the Senate will become attuned to Senator MAGNUSON's thinking on this matter and will press for early consideration of his proposal.

The World Environmental Institute that Senator MAGNUSON envisions would have two major functions. First, it would serve as an international "clearinghouse" on environmental knowledge and studies; and second, it would serve as a global research center for international environmental problems.

The details of the institute, its need and its justification, are outlined in an excellent speech that Senator MAGNUSON made last week at the International Geoscience Electronics Symposium here in Washington. The Senator won the pledge of the scientists he addressed to help him in his effort to create this institute. This is a tribute both to his commitment and to the essential worthiness of his proposal.

In order to give the Senate the benefit of Senator MAGNUSON's thinking on this matter, and in order to encourage my colleagues to add their names to those of the 30 cosponsors of Senator MAGNUSON's resolution, I ask unanimous consent that the full text of Senator MAGNUSON's recent speech be printed at this point in the RECORD.

There being no objection the speech was ordered to be printed in the RECORD, as follows:

A WORLD VIEW OF THE ENVIRONMENT

(Remarks of Senator WARREN G. MAGNUSON before the second annual International Geoscience Electronics Symposium, Washington, D.C., April 16, 1970)

I am deeply honored by your welcoming me to this International Symposium, and I in turn would like to re-extend the welcome of the United States to those of you who have come here from foreign lands. I know your Symposium will be a success; for you have assembled here a vast amount of talent, experience, and achievement from many nations.

Problems of the environment are an appropriate focal point for this Symposium, not only because the United States is experiencing a period of intense environmental awareness but also—as our visitors can tell us—because the United States has no monopoly on environmental problems or environmental concern. Few, if any, environmental ills are unique to a particular country. With the exception of isolated species of wildlife whose existence is threatened, most environmental problems—like pollution—are common to all industrialized nations, regardless of their size or form of government.

We are all familiar, for example, with the problems of the United States and other Western nations; but it is interesting to note that the Soviet Union is undergoing environmental difficulties similar to our own. Poluants from pulp mills are quicky destroying beautiful Lake Baikal, and a recent accident in a chemical plant is known to have killed millions of fish in an important Soviet river. And while we in the United States are still in the "talking stage" with respect to noise pollution, the Soviets have already taken action: cars and trucks are no longer permitted to drive through Moscow during the hours when most Muscovites are asleep. Perhaps these developments foretell a new contest to replace the arms race and the space race: an "environment race" between the East and the West to see who will have the cleanest air and water and the quietest streets. This would be a healthy and welcome form of competition indeed.

Yet the problems of environmental quality are global in scope and extend far beyond the industrialized nations of the East and West. Rapid population growth and economic development efforts make the environment a problem for the modernizing nations of the

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world as well—regardless of their political systems or their foreign policy. The Ganges River in India is more polluted than the Rhine; DDT is spread far more thickly in the tropics than in North America. *Any* nation that hopes to increase its Gross National Product, its per capita consumption, or other indices of economic growth is faced with an inescapable dilemma about the impact of such development on its environment.

With this realization in mind—that environmental problems are rooted in the growth of population and technology, not in ideology—I want to share with you tonight a special hope, a hope that I believe is more than just a dream. It is a hope born of concern for the dozens of modernizing nations for whom environmental quality is a necessarily low priority today but for whom the experience of the industrialized nations could provide valuable assistance in making economic growth and environmental quality compatible. These nations have seen, and desire, the glamorous fruits of industrialization; and most of them have not yet paused to consider questions of ecology that we ignored ourselves for generations. A cooperative international effort could clarify the choices these nations face and could help them avoid the costly mistakes that we made in similar stages of our own development.

But my hope is born of other, more ominous concerns about the international aspects of environmental quality; concern about DDT being found in the fat of Antarctic penguins; concern about the oil globules that now dot the surface of the oceans; concern about the steady build-up of carbon dioxide in the Earth's atmosphere. These findings indicate that international cooperation on environmental problems would be more than helpful—it may hold that key to survival for all of mankind.

I know that it isn't fashionable today to raise the issue of survival when speaking of the environment. We are told not to be alarmists, not to jeopardize public support for environmental programs by raising unjustified fears. But the rate at which the nations of the world are pumping poisons into the air, the water, and the soil makes survival a very real issue in the long run. No portion of the complex chain-of-life on this planet can die without threatening all other forms of life; the "death" of the oceans, for example, might seal the fate of mankind.

The issue that this raises is stark: no nation can survive while other nations perish; no country can prosper while other countries pollute the ocean and the atmosphere. Ultimately, for man to continue his existence on this planet, international cooperation and understanding will have to prevail. A pragmatic concern for survival will force us to achieve what an idealistic concern for peace and friendship never could: the realization that we are all brothers, destined to perish or prosper together as a species.

Adlai Stevenson, an American who was really a citizen of the world, summed up this realization long ago. He wrote that:

> "We all travel together, passengers on a little spaceship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and the love we give our fragile craft."

Ironically, we had to launch spaceships of our own before we saw what Stevenson had seen: Earth is a spaceship herself, on which every member of the human race travels together through the solar system and the infinite universe. An Apollo astronaut on the lunar surface can block out the vision of our distant planet simply by lifting his thumb. When he looks at Earth, he can see no national boundaries, no capitals, no place names, no armies. All he can see is a tiny, shining ball suspended in the black void of outer space.

Most of us will never stand on the moon. That makes our task even more difficult than the astronauts'. We must learn to see Earth as the astronauts have seen it, yet we must do so without ever leaving the ground. If we can achieve this vision—and we *must* achieve it—we will concentrate less on the issues that divide mankind and more on those matters that emphasize our common problems and our inter-dependence. We will realize that pollution of the Yangtze, the Ghanges, the Rhine, or the Dnieper is no less important to our continued existence than pollution of the Missouri and the Potomac. We will learn that DDT is no less hazardous to us all if it is sprayed on the Indian subcontinent instead of on the United States. And we will see that *all* wastes and poisons from around the world mingle together in our common environment—the air, the water, and the soil—to form a blanket of danger that envelops the guilty and innocent alike.

When we achieve this understanding, we have only two alternatives available: action or despair. To despair is to forget mankind's greatest virtues: his ability to cooperate, his ability to pass knowledge between peoples and between generations, his ability to establish goals for himself and to work until those goals have been met. Even with the aid of these abilities, however, action will not be easy. We will have to overcome centuries of mistrust, generations of conflicting ideologies, and years of suspicion and fear. But we will never be alone: no nation, no government can ignore the issue of survival.

Fortunately, there are many international organizations working today to bring about controls on pollution and harmful substances—the United Nations, NATO, and the Organization for Economic Cooperation and Development, to name only a few. These groups are attempting to establish international treaties, inspection procedures, and environmental police powers. Their success—and the success of many similar organizations—is essential to all men.

But these organizations, important as they are, cannot provide one vital function that must be performed: the gathering and dissemination of environmental information to *all* nations of the world. Since each of us has a stake in the environmental quality of other nations, we cannot afford to work only through existing international organizations that include some nations and exclude others. NATO by definition involves only one community of nations; the United Nations excludes the largest country in the world.

In addition, each of the existing organizations on the world environmental front is *political* in nature and is involved in disputes between different nations and blocks of nations. Even though politics will play an important part in environmental treaties and arbitrations, politics must *not* be allowed to interfere with the free flow of information and knowledge between all nations and all people. The world pool of knowledge and talent is a resource that belongs, like the air and water, to all mankind. No nation should be denied access to this pool because of political disputes with other nations. In fact, the solution to international environmental disputes may hinge on the sharing of knowledge and technology by all nations alike. This knowledge includes more than conventional environmental techniques—the technology of mass transportation, housing development, and automobile safety are clearly related.

So tonight, I am proposing for the first time that a *new* international organization be created. This organization, which might be called the World Environmental Institute, would serve as a central information center for all nations of the world. Every nation—regardless of its form of government or its international and domestic policies—could consult the Institute for expert advice on all forms of environmental problems. The Institute would serve both as a research center and as the repository of that worldwide pool of knowledge and talent. Through the use of computers, any country could obtain a thorough guide to the scientists and scientific studies around the world that relate to a particular environmental problem.

Under the auspices of the Institute, a continual exchange of scientists and technological information between the countries of the world would be possible on a non-political basis—not simply on the unilateral scale of today but on a multilateral level never dreamed of before. Task forces could be set up—consultants who would work as a team and on request visit the distant parts of the globe to undertake special projects. A constant flow of specialists between the Institute and other public and private research centers throughout the world would insure a balance in the Institute's personnel and purpose.

The Institute would be an international organization similar in spirit and purpose to the Olympic Games; but, like the Games, it would not heal the political divisions of the world, even with respect to environmental problems. International environmental disputes would continue to rage, with British soot falling on Swedish forests and with an Egyptian dam upsetting the ecology of the Mediterranean. The Institute would not attempt to arbitrate such disputes—that is the function of organizations like the United Nations. But the Institute would attempt to provide as much and as accurate information as possible to all those concerned and to the international organization within which such conflicts will be resolved. The Institute, let me emphasize again, would have no police powers—it would be like a reference book available to any and all nations with environmental difficulties.

It is not my intention to supplant the work of those hundreds of research institutions where scientists are now at work on complex ecological problems. On the contrary, the World Environmental Institute would serve as an index to these men and their work—helping to speed the flow of knowledge between those few who discover and those millions who need. The Institute will be an exchange, a reference center, a "clearing house" on environmental information—not a monolithic super-bureaucracy. It will be founded on a simple ideal: that the stock of knowledge about environment problems ought to be held in common by all men and that all men should have access to such knowledge whenever they desire it.

Surely the time has come for the United States to take the lead and to propose creation of the Institute to the nations of the world. The time has come for us to realize that world leadership and world prestige are based on the power of ideas, not on the power of weapons. And the time has come for knowledge—that most precious of man's many resources—to be liberated from the prisons of nationalism and the shackles of the Cold War.

In the next few days, I will introduce a Senate Resolution designed to accomplish these aims. The Resolution will express the sense of the Senate that the United States should begin now to explore, both formally and informally, the attitudes of leaders around the world with respect to the creation of the World Environmental Institute. The Resolution will further urge that the Institute proposal be placed on the agenda of the World Environment Conference scheduled by the United Nations for Stockholm in 1972 and that nations who are not members of the U.N.—like Red China—be extended specific invitations to participate in that Conference. In addition, I personally stand ready to meet with foreign leaders and scien-

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tists in this country and abroad to promote the creation of the Institute.

Perhaps the plan I have laid before you is only a dream; perhaps, despite my hopes, the centuries of nationalism cannot be washed away by all the polluted waters of the world. Perhaps mankind cannot muster the will and the energy to insure his own survival. But as a Nobel Prize-winning novelist once wrote, man is not yet a finished creation: he is a challenge of the spirit. Response to that challenge of the spirit is the measure of man.

Survival is a challenge. Cooperation is a challenge. Peace is a challenge. A world view of the environment is a challenge. We may not meet these challenges, but we must try. For our response to these challenges will determine not only how we are remembered by future generations—it will determine whether or not there will be future generations to remember us at all.

Mr. KENNEDY subsequently said: Mr. President, yesterday, as America observed Earth Day, many proposals were put forth in many parts of the country to help solve the evils that pollution has done to our environment. I think yesterday's observance will bring many Americans to a greater realization that we must act to preserve and improve the environment of this Nation.

And, at this time, as we study the effects of Earth Day, I would also like to call to the attention of the Senate a proposal put forth by the senior Senator from Washington, Senator MAGNUSON. In an address on April 16 before the second annual International Geoscience Electronics Symposium, Senator MAGNUSON made some very constructive proposals on the larger question of international cooperation to prevent pollution. His address deserves the careful consideration of all of us.

I understand that the majority leader, Senator MANSFIELD, has introduced this address into the RECORD. I would like to ask as well that the RECORD include a copy of an editorial from the Boston Globe of April 20 which examines and commends Senator MAGNUSON's proposal.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COURAGE ON POLLUTION

Sen. Warren G. Magnuson (D.-Wash.) proposes that the United States take the lead in the establishment of a "World Environmental Institute" to conduct research and store knowledge on a problem that knows no national boundaries.

It is our obligation to support the proposal, which should not, for the most compelling of political and moral reasons, be dismissed as merely another idealistic, do-gooder scheme.

For the United States, because of its not-altogether-blessed status as the world's most prosperous nation, is, in fact, the world's biggest polluter.

It is to a measurable degree the demand for the consumer luxury of air-conditioning that produces New York's Summer brownouts. They take their name more from the color of the sky than from the dimming of the lights in August.

The power plants (Mayor Lindsay is trying to do something about this, as are authorities in Boston) belch sulfurous fumes into the sky in order to manufacture the current to run the machines that clean the air. This cycle is increasingly futile.

Fly over the Bronx-Westchester line some bluebird-April day and look south, where you might expect to see the world's most magnificent city. You can't even see Central Park.

The ocean is dying where New York barges its sludge. Lake Erie is dead, and Michigan salmon are declared inedible. It is, largely, American DDT that is found in the too-fragile shells of osprey eggs that do not hatch and in the livers of polar bears and penguins.

Most tragically, it is petroleum to run the automobiles and the power plants of the United States that threatens the beaches and rocky foreshores of the world.

In his address that announced his proposal to the second International Geoscience Electronics Symposium, Sen. Magnuson stressed the international aspect.

"The world pool of knowledge on environmental problems," he said, "is a resource that belongs, like the air and the water, to all mankind.

"No nation should be denied access to this pool because of political disputes with other nations. Pollution of the Yangtze, the Ganges, the Rhine or the Dnieper is no less important to our continued existence than pollution of the Missouri or the Potomac.

"No nation can survive while other nations perish; no country can prosper while other countries pollute the ocean and the atmosphere. We are all brothers, destined to perish or prosper together as a species."

The senator wants the institute open to all nations, regardless of foreign or domestic policies, and he insists that the institute would be totally non-political.

Pollution, however, is already a political issue because the economic realities of the American consumer society render it political. This country has been accused, and can expect to be accused with increasing frequency and uncomfortable accuracy, of spoiling the earth in its attempt to subdue it and meet the insatiate demands of its citizens' rising economic expectations.

There is no indication that these demands and the technological capacity to meet them are going to disappear in the immediate future. Troreau's bean patch simply does not turn Reuther's auto workers' wives on.

In this sense, the United States and all the industrial societies have a great deal of rethinking to do about the meaning of progress and the purpose of life and the courses they choose to pursue happiness.

In time, the rethinking will be done. Meanwhile, the world needs to know that this country is responsibly aware of the situation it largely has created and is actively in pursuit of means by which the blessings and the consequences of technological advance can be reconciled.

Sen. Magnuson has proposed a way. That it will, inevitably, be subject to politicking, much of it designed to embarrass this country, should not deter conservationists. Ecology is more than an issue to distract people from immediate concerns.

Just as it took courage to admit, as most people now do, that the war in Vietnam was damaging our interests, it will take courage to confess our share in the despoliation of the world. Our sin is apparent from Pitcairn to Portland.

SAFEGUARD—1970

Mr. MANSFIELD. Mr. President, an excellent paper on the present range of arguments concerning the Safeguard ABM system has been prepared by George W. Rathjens, Ph. D., and Herbert F. York, Ph. D. Drs. Rathjens and York have long experience within the Government as well as in private life in defense armaments and technology. I believe it is the most succinct synopsis and analysis of the current arguments seeking to justify deployment of the Safeguard ABM.

I ask unanimous consent that the paper be printed in the RECORD at this point.

There being no objection the paper was ordered to be printed in the RECORD, as follows:

COMMENTS ON SAFEGUARD—1970

(By George W. Rathjens and Herbert F. York, April 5, 1970)

SUMMARY

The Administration's case for Safeguard as a defense for Minuteman is far weaker than it was a year ago. The actual technical situation has not changed materially but it is now conceded that if Soviet missile forces grow as projected in intelligence estimates, even the full Phase II of Safeguard would be inadequate to defend our Minuteman force against a pre-emptive attack. The defense would be effective only if the Soviet Union were to tailor its threat to match Safeguard's limited capabilities. Safeguard as a defense of Minuteman now looks so bad on cost effectiveness grounds, even to the Administration, that it can not be defended on its own merits. It is now being rationalized on the grounds that since we need an anti-Chinese defense anyway, the defense of Minuteman can be justified as an addition.

There is no need to go ahead with Minuteman defense at this time. We could safely wait a year to see how the "threat" is developing, and then make decisions, if necessary, to buttress our retaliatory strength. Options other than Safeguard would be less costly, more effective, and, even with a year's delay, available on a shorter time scale than Safeguard. Cancelling Safeguard (and deferral for a year or so of decisions to go ahead with additional offensive forces as well) would be highly desirable both because of dollar savings and because the prospects for a successful SALT outcome would be enhanced.

The arguments that Safeguard is needed to cope with a possible Chinese attack and that it could do so infallibly are both wrong. We can and should rely on deterrence vis-a-vis China (while at the same time trying to bring China into the world community). Safeguard is unlikely to be available by the time the Chinese have their first ICBM's. When it is available, the Chinese are likely to have capabilities for penetrating it. Certainly it would be foolhardy for the United States, in a belief in Safeguard's infallibility, to take actions some years hence that might lead to a Chinese attack.

Any attempt to maintain even a moderately effective defense in the face of an evolving Chinese "threat" is to commit ourselves to a program that will require continuous improvement and massive expansion. The money being asked for this year should be recognized as but the ante in a program that will involve the expenditure of billions each year with no end in sight and no increase in our security.

Not only should there be no expansion of Safeguard, the program should be cancelled forthwith. With Safeguard having been approved last year by a single vote it is clear that the collective view of the Senate was that the case for even Phase I was very marginal. Those Senators who had doubts about the proposal last year, but who voted for it, will find many of their doubts resolved this year in favor of cancellation. The Administration has now gone most of the way in conceding the validity of the opposition's arguments of a year ago. This is apparent from a careful reading of Defense Department statements of this year. It will become more apparent with questioning of Administration witnesses.

(1) DEFENSE OF MINUTEMAN

The Administration now recognizes that the radars are the Achilles' heel of the Safeguard defense of Minuteman.

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There are two problems with the radars: they are relatively soft targets (perhaps able to withstand 1/10 the blast overpressure that Minuteman missile sites can withstand); and they are very expensive (of the order of $200 million each).

Because they are so soft, weapons with relatively poor yield-accuracy combinations will be able to destroy them. This means that the Soviet SS–11 missiles, of which there are very large numbers, would suffice. Also, if the Soviet Union should develop a MIRV capability for its SS–9 missile, that missile could carry large numbers of warheads of yield adequate to destroy the Safeguard radars. The defense cannot function at all if the Missile Site Radars (MSR's) are destroyed. Therefore, a large fraction of the defensive interceptors must be deployed so they can protect the MSR's. Because the range of the Sprint interceptor missiles is only about 25 miles, interceptors that are deployed so that they can defend the MSR's will be unable to defend many of the Minutemen in any given complex (the complex at Great Falls is about 200 miles across). Interceptors deployed to defend the more remote Minutemen would be unable to protect the MSR's. In addition, controlling the interceptors remote from the radar could be something of a problem.[1]

These problems could be very largely alleviated if it were feasible to employ a number of redundant radars at each Minuteman base. However, the very high cost of the radars makes this unattractive. Opposition witnesses suggested that the system might be greatly improved by developing and utilizing a radar specifically engineered for hard-point defense. However, the Administration brushed aside such suggestions. Thus, Dr. Foster, the Director of Defense Research and Engineering said:

"Each year we have looked for a cheap radar that could defend hard sites, and each year we have tried to think of a way of having a lot of radars that could do the job. And then we have come down on the decision that you really have to have a radar that can cope with all of the kinds of things that the enemy might throw at those hard points that you are trying to defend, and that is not a cheap radar. It is a rather expensive radar.

"This radar, from Raytheon, costs about $40 million.[2] Now you could get a radar for $10 million, but it would not do the kind of things that we think the radar has to do if it is to accomplish this mission." (ref. 3, p. 194)

and Secretary Packard:

"There has been talk about the possibility of using smaller harder radars for the defense of Minuteman. There are some areas where smaller and harder radars might be utilized, but this question has in fact been investigated. It is our conclusion, after looking at all aspects of the matter, that we need the kind of capability that the Missile Site Radar we are recommending here has, and we need the size in order to achieve that capability." (ref. 3, p. 1681–1682)

The Administration is now actively facing up to the fact that an effective defense against a heavy threat cannot be based on the MSR.

Thus this year we have Dr. Foster saying:

"If the Soviet threat to Minuteman should increase beyond levels that could be handled by the Phase II Safeguard multi-purpose defense, we might wish to augment the system by deploying several terminal defense radars in each Minuteman field. For this reason we have budgeted for development of a new radar, smaller and less expensive than the MSR. The new radar, although less capable than the MSR, could be deployed in greater numbers to improve defense survivability." (ref. 4, p. 2)

The Administration now concedes that Safeguard, including the full Phase II deployment, will be quite inadequate if Soviet forces grow as projected.

Secretary Laird now says:

"We are now faced with the following possibilities concerning Minuteman:

"(a) That the Soviets do not increase the deployment of the SS–9 and the SS–11, do not develop a MIRV for the SS–9, and do not improve ICBM accuracy. Under these circumstances there is no need for a defense of the Minuteman force.

"(b) That the Soviets stop building ICBM's beyond those now operational or started; they do not develop a MIRV for the SS–9; but they do improve the accuracy of their entire ICBM force. Under these circumstances, the force could constitute a threat to the Minuteman force and Safeguard would be quite effective against that threat.

"(c) That the Soviets deploy a MIRV on the SS–9, improve their ICBM accuracy, and do not stop building ICBM's at this time, but continue building them at their present rate. We would then be faced in the mid-70's with a threat which is much too large to be handled by the level of defense envisioned in the Safeguard system without substantial improvement and modification. (ref. 5, p. 48)

"To be perfectly candid, Mr. Chairman, it must be recognized that the threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle. That is one reason we have decided to pursue several courses which should lead to less expensive options for the solution to this problem than expanding Safeguard to meet the highest threat level." (ref. 5, p. 49)

The contingency suggested in paragraph b of the quotation above implies a less active Soviet program than even the "Low-Force-Low Technology" estimate of the intelligence community. That estimate, according to Secretary Laird, credits the Soviet Union with possibly "hard target multiple RV's as early as mid-1972", and with a "hard target kill capability [that] would be considerable" (ref. 5, p. 104). It is not much of an exaggeration to say that the only circumstance, by the Administration's own admission, under which Safeguard would be effective would be one where the Soviet Union could be induced to tailor its strategic force to match the meager capabilities of Safeguard! Such a Soviet force posture might result if the SALT negotiations were successful, but otherwise seems exceedingly unlikely. Contrast this situation to that of a year ago when the Administration was claiming that Safeguard was needed in case the SALT negotiations failed. Secretary Packard:

"It provides a hedge against failure of arms control. If the Soviets refuse a workable agreement, then this country will be able to move to a protection of its second-strike force, if the Soviets continue to install more effective weapons." (ref. 1, p. 263)

Also contrast this with the Administration contention that Safeguard would be effective against a Soviet missile threat *including* one that involved not only increased accuracy but also MIRV's and increased numbers of SS–9's. Secretary Laird last year:

"The relative effectiveness of Safeguard option 2A in defending our Minuteman force can be measured in terms of the threat I mentioned earlier; namely, the large Soviet SS–9 type missile equipped with three independently targetable 5-megaton warheads with an accuracy of one-quarter of a mile. With a force of 420 of these missiles on launchers and an assumed failure rate of 20 percent, the Soviets could place over the Minuteman fields about 1,000 warheads. Without any ABM defense, it is possible that only about 50 Minutemen would survive. (A mixed force made up of fewer large missiles but including a number of highly accurate small missiles could produce similar results.) With Safeguard Phase I, perhaps two or three times as many Minutemen would survive and with Safeguard option 2A perhaps five or six times as many." (ref. 2, p. 27–28)

and Dr. John Foster:

"We think on the basis of those kinds of calculations that we can on an economic and practical basis, defend the Minuteman field against anything the Soviets will throw at us.[3] (ref. 3, p. 225)

Because Safeguard is patently an uneconomic approach to defense of Minuteman, the Administration is now rationalizing its deployment as a desirable add-on to a nationwide defense that should be deployed against China anyway.

Secretary Laird:

"We have further decided to continue deployment of Safeguard because the additional cost needed to defend a portion of Minuteman is small if the full area defense is bought." (ref. 5, p. 49)

Secretary Packard has estimated the costs for Safeguard Phase I to be $4.5 billion and for the modified Phase II (i.e. adding more interceptors and the defense at Whiteman Air Force Base) to be $5.9 billion (ref. 6, p. 16). From Secretary Laird's statement that with Phase I at least 10–20% of the Minutemen would have a heavy defense (ref. 2, p. 46) one might reasonably infer that at most 150 to 225 would be defended by Sprints in the case of Phase I. These figures are obviously *an upper limit* on the number that could be saved no matter what the weight of attack (provided it is of a quality such that it can penetrate the Spartan defenses). Thus, the minimum cost per Minuteman saved will be $20–30 million with the Phase I deployment. Perhaps 50% more Minutemen could be saved *as an upper limit* with the expansion to include Whiteman. In that case the minimum costs would run about $20–25 million per Minuteman. Compare these costs with those for buying additional Minutemen (6 or 7 million each for *super-hard silos* [ref.

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[1] The problems of the defense of remote Minutemen were not well developed in last year's debate. In March Secretary Laird claimed with reference to Safeguard Phase I, "A heavy cover would be provided to roughly one-third of our Minutemen missile force" (ref. 1, p. 180). The use of the figure 1/3 implied that virtually all of the Minutemen at Grand Forks and Malstrom would be defended. Opposition witnesses pointed out that if the remote missiles were defended the same interceptors could not be used to defend the MSR's. There is an additional problem in that the MSR would be unable to "see" the remote Sprint missiles until they were well above the ground (for those as far as 80 miles away the altitude would be several miles above the horizon). This problem arises because of the earth's curvature and because radars do not work well against targets that are only a degree or two above the horizon.

Presumably in recognition of these problems Mr. Laird changed his position regarding the coverage for Minuteman that could be provided by Safeguard. Thus he said in May "We would have heavier protection for at least 10 to 20% of our Minuteman force". (ref. 2, p. 46)

There is no admission in the record that with this reduction in the number of missiles defended by Sprints there would be a reduction in Safeguard effectiveness.

[2] The cost of an MSR installed with the associated data processing equipment is now estimated at $150–200 million.

[3] Just how practical and economic the presently proposed defense is likely to be can be illustrated by some simple calculations.

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2, p. 46] plus perhaps 2 million for missile), or with the cost of additional Polaris boats. (The whole Polaris force cost only about twice the cost of Safeguard Phase I.)

Looked at another way the Soviet problem of overwhelming Safeguard would be simple indeed, particularly if they have MIRV's. The SS–9 should be able to carry a dozen or so warheads of yield adequate, even without accuracy improvement, to destroy the MSR. A few months' production of SS–9's would suffice to exhaust the Phase I defenses and probably less than a year's production would exhaust the modified Phase II defenses.

This rationalization is fantastic particularly considering that there is not now a commitment to the full 12 site program, and there may never be. As will be apparent subsequently, the rationalization for a nationwide Safeguard, i.e. full Phase II, is about as weak as that for defense of Minuteman. If one truly regarded the Chinese rationale as primary, the order of implementation of the Safeguard program would be far different than the Administration plans. The first two sites deployed will provide coverage over only about 7% of the population and will be the least effective of the twelve in defending U.S. population. Two sites deployed for optimum defense of population would provide coverage over an area containing ten times as many people. Grand Forks and Malstrom would be the last sites deployed if we were primarily interested in population defense against China. Considering that, and the fact that there is considerable likelihood that we will never go through with a full Phase II deployment, virtually the full cost of the first two sites, and Whiteman as well, must be charged to defense of Minuteman.

Secretary Laird now concedes that we could have much greater confidence in the deterrent capability of the Polaris-Poseidon fleet alone than he was prepared to admit a year ago.

In the Administration's first rationalization of Safeguard they were scarcely willing to admit the deterrent role of Polaris. With criticism and under questioning, they eventually did so. Even then, however, they suggested that Polaris might be vulnerable to Soviet ASW effort to a degree inconsistent with reasonable technical judgment. Following further criticism they now take a more realistic view. The technical situation remains essentially as it was a year ago, but there is considerable difference in Administration statements as the following examples illustrate. Note particularly in 1969 Secretary Laird indicated serious concern after *1972–73*, but that this year he suggests *some* increase in Polaris vulnerability after the mid-1970's. March 30, 1969 Secretary Laird:

"The next question: Is there any reason to believe that our Poseidon force will be vulnerable to preemptive attack during the early 1970's?

"If this particular question is limited to the period through 1972–73, I would say I believe that our force will remain very free from attack. If you go beyond that time period, I would have to question that seriously . . . ." (ref. 3, p. 192)

February 20, 1970 Secretary Laird:

"According to our best current estimates, we believe that our Polaris and Poseidon submarines at sea can be considered virtually invulnerable today. With a highly concentrated effort, the Soviet Navy today might be able to localize and destroy at sea one or two Polaris submarines. But the massive and expensive undertaking that would be required to extend such a capability using any currently known ASW techniques would take time and would certainly be evident.

"However, a combination of technological developments and the decision by the Soviets to undertake a worldwide ASW effort might result in some increased degree of Polaris/Poseidon vulnerability beyond the mid-1970's. I would hope that Polaris would remain invulnerable at least through the 1970's. But, as a defense planner, I would never guarantee the invulnerability of *any* strategic system beyond the reasonably foreseeable future, say 5–7 years." (ref. 5, p. 40)

The Administration suggests that the alternative to expanding the Safeguard deployment is to decide now to build new offensive systems thereby exacerbating the arms race. The argument is inconsistent with lead time realities.

We need *not* make decisions at this time to deploy any new offensive systems if Safeguard is held to Phase II or cancelled. The defense at Whiteman Air Force Base will not be operational until 1975 at the earliest (and the other sites probably won't be either). Additional Minutemen could be deployed in considerably less time. This, Secretary Packard concedes:

"We think it (deployment of additional Minutemen) would take three or four years, including all of the administrative lead time)." (ref. 3, p. 1741)

The deployment of additional Minutemen at a time when they may be obsolescent because of MIRV development is hardly very attractive, but neither is spending billions on an ineffective defense of those we have. However, if one insists on increasing the number of Minutemen that would survive a Soviet first strike in the second half of the decade, clearly deploying more is an option that is preferable to defense. It would be considerably cheaper. It would be considerably more effective in increasing the number of surviving Minutemen we would have in the event of an attack against the force. This would be particularly so if they could be superhardened as may well be possible. And, what is most important, *no decision would have to be made now*. We could wait at least a year, and more likely two, while we tried to negotiate an end to the arms race. If at that time the construction of more Minutemen was indicated, we could begin and they would be operational as soon as Safeguard would be.

Realistically, we could also wait a year or so and then build more Poseidon submarines if it appeared necessary. They too would be more cost-effective, and they could probably also be operational by the time Safeguard would be.

Thus, Secretary Laird is being disengenuous when he says:

"In summary, our decision now to proceed with further deployment of Safeguard gives us another year in which to pursue SALT without ourselves exacerbating the arms control environment through actions on offensive systems." (ref. 5, p. 50)

(2) DEFENSE AGAINST CHINA

Safeguard is unlikely to be operational by the time a "Chinese Threat" develops.

According to Secretary Laird the Chinese may have an initial operational capability (IOC) with ICBM's by early 1973 though more likely in 1975 or 1976 (ref. 5, p. 109). The last of the twelve Safeguard sites could be installed by the late 1970's (ref. 6, p. 17).[4] Obviously as a defense against China Safeguard won't be much good until completed since if a few large cities are undefended they could be attacked even if the remainder of the defense were operational. If present plans are implemented there would be at least several years during which the Chinese would have an operational ICBM force when the large cities of California and those of the south would be undefended. *The President's statement that Safeguard could provide a "virtually infallible" defense against China (ref. 7) is technically unrealistic and dangerous.*

A single Chinese weapon of the yield they have already tested, 3 megatons, and which is suitable for their ICBM's (ref. 4, p. 4) could inflict well over a million fatalities if delivered on a large American city and a force of 25, even if only 40% reliable could inflict 11–12 million fatalities (ref. 5, p. 43). A defense might well reduce the number of Chinese weapons that could be delivered but it is totally unrealistic to expect none to get through, and it is quite likely that several will. There are a number of reasons for this: the radars might be blacked out, the Chinese might concentrate their attack against one or two areas, they might use penetration aids that would be highly effective, and the defense might just fail catastrophically.

The President's statement is a dangerous one in four respects:

(1) It was claimed that the anti-Chinese defense was needed so that we could credibly deter China from aggressive behavior vis-a-vis its neighbors. The clear implication is that with Safeguard in place the United States might take actions that it could not prudently take in the absence of defense. This suggests that millions of American lives might be lost if a future president, in an unwarranted belief in Safeguard's "infallibility", should take actions which might trigger a Chinese nuclear attack against us.

(2) The statement suggests an aggressive approach to dealing with China, not consistent with the Administration's otherwise constructive moves in this area.

(3) The statement, like the whole Safeguard proposal, will cause a reduction in confidence of the American public and the world in the U.S. Government as the incredibility of the argument becomes apparent.

(4) The statement suggests that the President is being dangerously isolated from responsible technical opinion on questions that seriously affect the security of the nation.

The Administration's attempt to buttress its case for an anti-Chinese defense by arguing that deterrence may not work vis-a-vis China is unconvincing.

Secretary Laird has argued (ref. 5, p. 43–45) that deterring China may not be feasible because such a large fraction of Chinese population is rural and because we must have enough weapons after war with China to deter the Soviet Union.

It is true that only a small percentage of Chinese population is in large cities but most of the industry and the technical and political leadership is concentrated there. A modest number of weapons delivered against the large cities would, therefore, probably destroy the government if not a large percentage of the people. But even aside from that, rural China is very vulnerable and this the Secretary has not recognized. Some ⅔ of China's population is concentrated in only about ⅙ of its area. Considering that, China would be very vulnerable to a fall-out attack. This will be especially so since outside the cities fall-out shelter potentialities are likely to be poor and stockpiles of food and medical supplies inadequate. A few hundred B–52's if loaded with high yield, surface burst weapons could probably destroy both China's urban *and* rural population. Thus, we can deter China without compromising in any way our missile capabilities. Moreover, considering China's poor air defenses virtually all our bombers would probably survive a single attack or even several round trips against China. Thus, our bomber capabilities vis-a-vis the USSR would be reduced only slightly should we ever execute a strike against China designed to destroy her totally.

The Administration's claim that the Chinese are unlikely to develop effective penetration aids by the time Safeguard is fully deployed or soon thereafter (ref. 6, p. 9) is unrealistic.

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[4] Last year Secretary Laird suggested that the full Safeguard deployment could be completed by mid-1976 (ref. 2, p. 28, 85). Secretary Packard more cautiously suggested 1977 (ref. 1, p. 295).

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Secretary Packard argues that the Chinese lack complex range instrumentation and skilled technical people that would be required to design and test penetration aids in which they could have confidence (op. cit.). In making the argument he totally misses the point that it is *we* who must have confidence that Chinese penetration aids will *not work* if we are to behave as if our defenses were "infallible"—not China that must have confidence that they will work. The Chinese could not attack the United States whether they had effective penetration aids or not without inviting the total destruction of China. Thus, the only rational purpose that a Chinese ICBM capability can serve vis-a-vis the U.S. is as a deterrent to us. For that purpose it is *our* view of Chinese penetration aid effectiveness that will be relevant. We cannot be sure they will not work.

In denigrating Chinese penetration aid potentialities Secretary Packard is probably wrong on technical grounds as well. He cites the fact that it has taken us ten years to develop high-confidence penetration aids, and uses this to buttress his argument that "Safeguard Phase II is expected to have a capability more than adequate to cope with the Chinese threat in the late 1970's" (ref. 5, p. 9). In so arguing, he completely misreads the history of technological emulation, and that is that once a new device or technology has been developed somewhere in the world others can repeat the development at much less cost and in a much shorter time than the original pioneers. There are countless examples of this but perhaps few that are as relevant and dramatic as the development of thermonuclear weapons. The intervals between a first nuclear explosion and a first themonuclear explosion were 7.3 and 2.7 years for the United States and China respectively. Belief that the Chinese cannot develop high quality penetration aids in a much shorter time than it has taken us is wishful thinking. If they test their first ICBM in, say, 1974, we must expect them, by the time Safeguard is fully deployed, to have penetration aids as effective as those we now have; and against such penetration aids the Safeguard area defense would be ineffective.

While the weapons enthusiasts may have schemes in mind for upgrading Safeguard so that it would be effective against an evolving Chinese capability, there is no realistic basis for Secretary Packard's contention that we could do so without a general thickening of the system (ref. 6, p. 10). The best hope of providing a reasonably effective defense against a late 1970 Chinese capability, and *it would not be "infallible"* would be to begin building *now* a defense very much like the kinds we have considered for defense of population and industry against the Soviet Union, i.e. terminal type defenses for all large American cities, and a nationwide fallout shelter program. A realistic anti-Chinese defense implies an unending program requiring the expenditure of probably five to ten times the amounts projected for Safeguard and it implies a defense to which the Soviet Union would probably react by further expanding its strategic offensive forces.

(3) DEFENSE OF BOMBERS

With the erosion of its Minuteman and anti-Chinese rationales for Safeguard, the Administration is likely to play up the defense of bombers, but it has yet to explain why such a defense is necessary.

Leaving aside entirely the extreme unlikelihood of the Soviet Union being able to destroy the Polaris force simultaneously with an attack against our ICBM's and bombers, the Administration still has not explained how the Soviet Union could confidently attack the latter two forces. If an attack were designed so that Soviet missiles would impact simultaneously on both our missile and bomber bases, we would have 15 to 30 minutes warning of the launch of Soviet ICBM's before impact. If the bombers are in a reasonable alert status a very large fraction should be air borne before the arrival of either Soviet ICBM's or SLBM's over the bomber bases. On the other hand, the Soviet Union could hardly defer launching its ICBM's against our Minuteman bases in an attempt to deliver a surprise SLBM attack against the bombers. Were they to do so, they would have to expect that the bulk of the Minuteman force would be launched between the time they destroyed our bombers and the time their ICBM's would arrive over our Minuteman bases.

Even if fully implemented Safeguard Phase II will provide very little defense for bombers against a Soviet SLBM attack.

While there has been little if any discussion of a possible MIRV program for Soviet SLBM's, it would be surprising if such a program did not develop if other MIRV programs continue. If the Soviet SLBM's use either MIRV's or high quality penetration aids, the Safeguard area defenses may be quite inadequate. Those air bases not defended by Sprints will have very little protection. The Administration has indeed proposed terminal defenses at the bomber bases (ref. 2, p. 78). Yet, MSR's and Sprints will be located near at most ¼ of the main operating bomber bases (ref. 3, p. 1749) that are near enough to our coasts to make a surprise SLBM attack feasible. To provide even a moderately effective defense for bombers would require increasing greatly the planned numbers of MRS's and Sprints.

(4) DEFENSE AGAINST ACCIDENTS

The Administration still argues that Safeguard would be useful in coping with the arrival over the U.S. of one or a few accidentally launched missiles. Yet, it does not explain how the command and control problem would be solved.

If Safeguard is to be effective in dealing with accidents, it must be usable at all times. This almost certainly implies delegation to launch down to very low command echelons including possibly even to the computers. Administration spokesmen continue to be obscure about this point, presumably either because they do not want to upset the public or because they have not yet decided on the command and control philosophy that will prevail.

(5) COSTS AND SCHEDULES

Not surprisingly Safeguard costs have escalated and the deployment schedules have slipped during the last year.

Last year it was claimed that the full Safeguard Phase II (including RDT & E but excluding AEC costs and annual operating costs) would be $9.1 billion (ref. 2, p. 29). Ten months later the corresponding figure is $10.7 billion (ref. 6, p. 17), an increase of over 17%.[4] And the program has slipped somewhere between 6 months and 10 months during the last year. (Secretary Laird admits to six or seven months slippage [ref. 8, p. 8] but Secretary Packard admits to 8 to 10 months [ref. 6, p. 6].)

The latter's explanations regarding slippage and increases in costs are interesting. He attributes 3 months' slippage to delay in getting Congressional approval for the Safeguard last year, but asserts that the remainder is "deliberate, to allow a more economical and less compressed construction schedule (5 to 7 months)" (ref. 6, p. 6). Curiously, later on Secretary Packard attributes 6% of the 17% increase in costs to the stretch-out of deployment (ref. 6, p. 18). (Of the remaining 11%, 4% he claims is due to inflation and 7% to design changes and more detailed estimates.)

We stretch out programs so that they will be more economical, but they cost more because we stretch them out!

(6) SAFEGUARD—SOVIET REACTIONS AND SALT

Now that expansion beyond Phase I is contemplated, the Administration's contention that Safeguard is unlikely to lead to an expansion in Soviet Strategic capabilities is even less convincing this year than it was last year.

If we are to have a defense that will be significantly effective in coping with an evolving Chinese ICBM force, the defense too must evolve. Unless that is contemplated there would be no sense whatever in starting on an anti-Chinese defense program. Yet, if we do try to build a defense that will be effective a decade hence, it will almost necessarily have to be a "thick" one, and deployment of large numbers of MSR or similar type radars will have to begin soon. With such moves, the Soviet Union is likely to further expand its offenses to offset its *extrapolations* of what that deployment may portend in the way of a large-scale nationwide ABM system. That would certainly be the American reaction were we to see a similar deployment in the Soviet Union.

A similar reaction is likely to follow a serious effort to defend bomber bases. A number are near enough to larger cities so that MSR's used for defense of the base could also be used to defend a city, and in some cases the bases and cities are so close to each other that the same Spirit interceptors could be used to defend both. If we don't put in MSR's and Sprints near the bases we won't have much of a defense. If we do, the Soviet Union is likely to perceive a need to expand its offenses to offset the implied city defense capability.

Defense of Washington will almost certainly lead to whatever Soviet targeting they feel is required, and if need be to increases in overall force levels, just as the Soviet defenses of Moscow have resulted in heavier American targeting of that city.

The Administration has argued that a full-scale Safeguard will be less likely to stimulate a Soviet response than Sentinel would have been because the radars will be more remote from large cities. However, if the map prepared by the Administration is even approximately correct MSR's will be deployed within 50 or 100 miles of a number of large American cities: Seattle, San Francisco, Los Angeles, Dallas, Kansas City, Detroit, Washington, Baltimore, and Boston. Sprints 50 miles from such cities could not defend them. However, the Sprints can be added relatively quickly if the radars are available and close enough to control them. Again, a Soviet reaction is likely. We may believe we have deployed the radars too far from cities to be useful for terminal defense, but will they? Would we discount MSR's 50 or 100 miles from large Soviet cities? Not likely.

The argument that we need Safeguard so that we will have a strong hand in the SALT negotiations is far weaker this year than last.

It is now admitted that Safeguard cannot cope with the kind of Soviet threat that is to be expected if the SALT talks fail, and it is rationalized on economic grounds as an add-on to a nationwide anti-Chinese defense. Under the circumstances, neither the anti-Chinese part of Safeguard nor the Minuteman defense is a very impressive card in the SALT negotiations. The former is hardly negotiable with the Russians; and the latter is so ineffective that it is hardly likely to impress the Soviet Union as something which they should pay a price to have us forego.

REFERENCES

(1) Strategic and Foreign Policy Implications of ABM Systems, Hearings before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations, United States Senate, Ninety-first Congress, First Session, March 6, 11, 13, 21, 26, and 28, 1969.

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[4] If costs continue to rise at this rate we will be at the $25–$40 billion level by the time the full Phase II deployment could be implemented.

(2) Safeguard Antiballistic Missile System. Hearings before Subcommittees of the Committee on Appropriations, House of Representatives, Ninety-first Congress, First Session, May 22, 1969.

(3) Authorization for Military Procurement, Research and Development, Fiscal Year 1970, and Reserve Strength. Hearings before the Committee on Armed Services, United States Senate, Ninety-first Congress, First Session, March 19, 20, 25, 26, 27; April 1, 2, 3, 15, 16, 17, 22, 23, 29, 30; May 13, 14, 15; June 3, 4, 1969.

(4) Statement by Dr. John Foster, Director, Defense Research and Engineering, on FY 71 Modified Phase II Safeguard Program, 24 February 1970.

(5) Statement of Secretary of Defense Melvin R. Laird before a Joint Session of the Senate Armed Services Committee and the Senate Subcommittee on Department of Defense Appropriations on the Fiscal Year 1971 Defense Program and Budget, February 20, 1970.

(6) Statement of Deputy Secretary of Defense David Packard to Committee on Armed Services, United States House of Representatives, March 9, 1970.

(7) President Nixon's News Conference of January 30, 1970.

(8) Secretary of Defense Melvin R. Laird's News Conference of February 24, 1970.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations for the U.S. circuit court, the U.S. district court, U.S. attorneys, and U.S. marshals. I do so with the understanding that they were reported unanimously by the committee earlier today, and they have been cleared on both sides.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

U.S. CIRCUIT COURT

The assistant legislative clerk read the nomination of Wilbur F. Pell, Jr., of Indiana, to be a U.S. circuit judge, seventh circuit.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. DISTRICT COURT

The assistant legislative clerk proceeded to read sundry nominations to the U.S. district court.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ATTORNEYS

The assistant legislative clerk proceeded to read sundry nominations of U.S. attorneys.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARSHALS

The assistant legislative clerk proceeded to read sundry nominations of U.S. marshals.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

NAMING OF FEDERAL OFFICE BUILDING AND U.S. COURTHOUSE IN CHICAGO, ILL.

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3253.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate the amendments of the House of Representatives to the bill (S. 3253) to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969, which were to strike out all after the enacting clause and insert:

> That the Federal Office Building and United States Courthouse at 219 South Dearborn Street in Chicago, Illinois, shall be renamed the "Everett McKinley Dirksen Building" in memory of the late Everett McKinley Dirksen, a distinguished Member of the United States House of Representatives from the State of Illinois from 1933 to 1949 and of the United States Senate from 1950 to 1969. Any reference to the Federal Office Building and United States Courthouse at 219 South Dearborn Street in Chicago, Illinois, in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such building as the "Everett McKinley Dirksen Building".

And amend the title so as to read: "An act to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the 'Everett McKinley Dirksen Building'."

Mr. YOUNG of North Dakota. Mr. President, I move that the Senate concur in the amendments of the House with an amendment which I send to the desk on behalf of myself and Senators HRUSKA, MANSFIELD, SCOTT, MUNDT, BURDICK, and CURTIS.

The PRESIDING OFFICER (Mr. SPONG). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK read as follows:

> SEC. 2. Upon a determination that a local educational agency lacks the fiscal capacity to provide an adequate free public education for children of persons who live and work on Federal property, and if such children constitute not less than 25 percent of the total enrollment, the Secretary of Health, Education, and Welfare shall from sums already available make emergency payments for the current school year to such local educational agency as may be necessary to provide a free public education for such children: *Provided*, That the total of such payments shall not exceed $2,500,000 and shall not exceed the average per-pupil cost to such agency for all children eligible to receive a free public education from such agency, less Federal and State payments to such agency for free public education.

Mr. YOUNG of North Dakota. Mr. President, this amendment has been cleared by the leadership, the distinguished Senator from Montana (Mr. MANSFIELD) our majority leader is also a cosponsor of it and has a deep interest in its provisions. Also, the minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), is a cosponsor.

The amendment has the approval of the Subcommittee on Appropriations on Education, chaired by the Senator from Washington (Mr. MAGNUSON), and the ranking Republican, the Senator from New Hampshire (Mr. COTTON).

It also has the approval of the chairman of the Public Works Subcommittee handling the bill, the Senator from North Carolina (Mr. JORDAN), and the ranking member, the Senator from Kentucky (Mr. COOPER).

The amendment has been discussed with the leadership in the House—that is, the distinguished chairman and ranking member of the House Appropriations Committee and the distinguished chairman and ranking member of the House Public Works Committee. We are assured of their full cooperation and consideration.

Mr. President, the amendment which we are offering would authorize the Secretary of Health, Education, and Welfare to provide 100 percent funding for fiscal 1970 for the education of so-called 3-A children under Public Law 874, the aid to impacted areas program.

This amendment is designed to assist only those school districts which face a critical fiscal situation of an emergency nature.

It authorizes the expenditure of not to exceed $2.5 million out of existing appropriations for this purpose.

I am assured by Assistant Secretary of Health, Education, and Welfare, James F. Kelly, that this emergency expenditure would either come out of carryover funds or funds appropriated to the Department of Health, Education, and Welfare for other purposes but not already obligated.

It thus would have no effect on other school districts currently receiving assistance under Public Law 874.

At this time we are aware of two specific school districts—one in Nebraska

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and one in North Dakota—which would benefit from this amendment.

Officials of the Department of Health, Education, and Welfare estimate, however, that it would not include more than 10 school districts, the balance of which have not yet been identified.

The amendment authorizes an expenditure out of existing appropriations of not more than $2.5 million for this purpose.

The $2.5 million figure is an outside estimate and it would not be necessary to spend this full amount unless all the school districts Department of Health, Education, and Welfare officials estimate might be involved are identified.

No one can possibly question the obligation of the Federal Government to provide full entitlement for the education of so-called 3-A children of military families.

The 3-A category only includes children whose parents live or work on Federal property.

The military bases or installations on which these families reside are tax exempt.

Neither the States nor local subdivisions, including school districts, realize any tax revenue from these bases.

There is no property tax, real or personal; they pay no sales taxes on purchases made on the bases through facilities such as commissaries, post exchanges, base exchanges, gasoline stations, liquor stores, or the like.

The military personnel which are assigned to these bases have no choice with respect to their assignment.

They serve at these bases for specified, limited tours of duty.

In many cases the father is either just returning from Vietnam or Southeast Asia or will soon be sent there.

Because of the nature of these assignments, the Federal Government does provide Government housing on the bases for a large number of its personnel.

Certainly providing for the education of the children of the families of military personnel should be of the highest priority.

I have two such bases in my State—the Grand Forks Air Force Base, located near Grand Forks, N. Dak., and the Minot Air Force Base, located near Minot, N. Dak.

In both instances, the public school systems of the cities operate the schools on the bases.

One school district in particular—the Grand Forks school district—faces a very critical financial situation.

In fact, on March 10, 1970, the board of education for the Grand Forks public school district informed the Department of Health, Education, and Welfare that with the resumption of classes after the Easter recess the school district could not accept nonresident students—this specifically included Air Force dependents—unless they paid nonresident tuition for the balance of the year.

Much as the Grand Forks school district regretted having to do this, they simply could no longer afford providing quality education to these military dependents for less than 100 percent entitlement under Public Law 874.

Subsequently, an injunction against the school district was sought by a group of parents of these children.

The injunction remains in effect, and under it the Grand Forks public school district is continuing to educate these children. The injunction, however, may only be of a temporary nature.

Mr. President, providing 100 percent entitlement for 3-A children does not represent a windfall to the school district.

This is merely a tax replacement payment for the cost to the school district for providing education for these children.

These school districts can no longer afford to continue providing quality education for these children at a considerable financial loss to them.

No one denies that the financing of this education is a responsibility of the Federal Government.

If the public school districts are no longer able to absorb these costs and, as I have indicated, this has already become the situation in at least one district in my State, the alternative would be for the Department of Health, Education, and Welfare to operate such schools.

This would include elementary, junior high, and high schools on the various bases.

This can be done under section 6 of Public Law 874.

Should it become necessary for the public school districts to discontinue educating these children, thus requiring the Government to undertake their education, I think we should all be aware of where the funds for such a program would come from and what the cost would be.

Mr. President, the funds to operate Government schools under section 6 would come off the top of moneys appropriated for Public Law 874 before any other allocations are made.

Section 6 school operations have first claim to the full extent they are needed on any Public Law 874 funds appropriated.

As to the cost of such a program, school administrators inform me that it is their estimate that it would cost the Federal Government twice as much to operate these schools under section 6 as it now costs the local school districts to provide education to these very same children.

To put it simply—if a school district is now entitled to $2 million per year as full entitlement for 3-A children, the section 6 approach would cost the Federal Government $4 million annually.

Further, Mr. President, such a school system would not—in the opinion of Department of Defense officials, Health, Education, and Welfare officials, and local school officials—provide as good an education as is presently being provided by the local school districts.

As I have indicated, Mr. President, our amendment would only authorize the Secretary of Health, Education, and Welfare, to make payments representing full entitlement for fiscal 1970 for those school districts which face a fiscal crisis—or catastrophe.

The payments made under this authorization would be over and above funds they are receiving now—but not to exceed full entitlement.

Further, the amendment does not increase appropriations for this purpose.

It merely authorizes the Secretary of Health, Education, and Welfare to spend not more than $2.5 million to meet these critical problems. It would continue the high quality education being provided by local school districts and make it unnecessary for the Federal Government to take over and operate the schools.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. BURDICK. Mr. President, as a cosponsor I rise in support of the amendment.

I would like to add a few words to what my colleague has said about the amendment. The amendment has two essential parts. It applies to the public education of children of parents who live and work on Federal property, and if such children constitute not less than 25 percent of the total enrollment, the triggering portion of the amendment is set into effect.

When that is found by the Secretary of Health, Education, and Welfare, he then shall have the authority to make sums available as emergency payments for the current school year to such local education agency as may be necessary to provide a free public education for such children.

This is most necessary at this time in the State of North Dakota, particularly in Grand Forks, where we have the Grand Forks Air Base.

There is a virtual emergency existing at this moment. The school districts are facing a financial crisis, and even the good relations which have existed between the personnel of the base and the people of the city of Grand Forks, have been affected by an amount of friction which has already occurred.

This legislation is a must. I again say that I strongly support this amendment and I hope that the Senate approves it at this time.

Mr. HRUSKA. Mr. President, as one of the cosponsors and as a strong supporter of the Young amendment, I rise in support thereof.

The Senator from North Dakota (Mr. YOUNG) has made a splendid presentation of the situation which exists, and the serious and grave consequences which will result unless emergency action is promptly taken. This amendment seeks to provide emergency relief for the current school year to several school districts eligible to receive funds under Public Law 874.

The disbursements currently able to be made under this act for the 1969–70 school year are grossly inadequate in certain districts: the amounts appropriated for fiscal year 1970 do not enable them to continue in operation for the balance of the current school year.

Two of the school districts involved are:

First. Grand Forks, N. Dak., where it was necessary to resort to a Federal court order to force the schools to remain open.

Second. Bellevue, Nebr., adjacent to

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Offutt Air Force Base, where great difficulty is being encountered in keeping the schools open.

Earlier this week, 164 teachers out of a total of 450 were notified by the Bellevue school board that contracts would not be renewed. In addition, 97 teachers have submitted resignations due to uncertainties of funding. There are possibly six or eight additional school districts which are similarly affected.

The school board, the school officials and the people of Bellevue have struggled valiantly, with patience and restraint, to find some reasonable solution to the crisis. They have now reached "the end of the road." There are no other avenues of relief for this current school year, except that provided in the proposed amendment.

Mr. President, I ask unanimous consent that there appear in the CONGRESSIONAL RECORD at this point, a table showing pertinent statistics relating to the Bellevue school district and the funds available for its operation.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Data on Bellevue schools

Average Daily Attendance, Bellevue school district	10,197
"A" students (those with parents living and working on Federal installations) (43 percent of total)	4,356
"B" students (those with parents working on Federal installations) (35 percent of total)	3,617
Students with parents not working for Federal Government (22 percent of total)	2,224
1970 entitlement under existing law:	
"A" students	$2,076,256
"B" students	861,201
Total entitlement	2,937,457
Available under 1970 appropriations	2,261,841
Deficiency for entitlement	−675,616
Total school budget for the 1960–70 school year	6,385,776
Estimated maximum amount available to Bellevue under the proposed amendment	474,000

Mr. HRUSKA. Mr. President, it is clear that quick action is needed to relieve the crisis for the balance of this school year. The pending amendment will supply it. While this will not be a permanent solution to the problem, it will ease the immediate situation. Additional measures will need to be enacted to provide for the coming school year of 1970–71.

The amendment contains adequate limitations to assure that only the most severely affected districts will be recipients of these emergency payments. The payments would come from sums already available, so that new appropriations would not be required.

The amendment applies only to those heavily impacted districts where at least 25 percent of the total enrollment of the school are children of persons who live and work on Federal property. The total of payments authorized to be made under this amendment is limited to $2½ million. The amendment will not affect the disbursement of funds to other federally impacted school districts under Public Law 874.

I urge approval of the amendment because the circumstances are serious. In fact, consequences would be dire, indeed, without it. There is a grave responsibility on the Congress to take this action. The alternative is to disrupt the school year's work and credit for over 10,000 pupils in the Bellevue school system, and some 11,600 pupils in the Grand Forks, N. Dak., district. In several other school districts as well, the consequences would be exceedingly serious.

It would be unconscionable to allow this to happen, especially, since this approach would not impair or reduce any other disbursements already provided under the program. Furthermore, a relatively small amount is involved.

Mr. President, a canvass has been made of the leadership on this side of the Capitol as well as in the other body. A careful canvass has been made of the committee chairmen and others interested in the pending bill, as well as in the subject matter of this amendment. We have been assured that they are all sympathetic with the objectives of this amendment. We have been assured that they will do their very best to bring about prompt approval of this amendment.

It is my hope that this result will follow. It is my further hope that the amendment will be promptly approved and that the bill as amended will be processed as expeditiously as possible.

The matter has been thoroughly discussed with the officials of the Office of Education in the Department of Health, Education, and Welfare. The Assistant Secretary-Comptroller of the Department, Mr. James F. Kelly, along with other high ranking officials have been consulted, and cooperated fully in the preparation of this amendment. They have also indicated their full support and approval thereof.

This is very gratifying. The situation is a complex one because of the pending legislation on the impact aid program itself for the school year ahead. Also, the hearings are now in progress on the appropriations bill for the coming school year. Every effort will be made to resolve the situation as quickly and as effectively as the parliamentary situation and the rules and the practices of the Congress can be complied with.

Mr. YOUNG of North Dakota. Mr. President, I move that the Senate concur in the House amendments with the amendment of the Senator from North Dakota.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to.

Mr. HRUSKA. Mr. President, I move that the vote by which the amendments were agreed to be reconsidered.

Mr. YOUNG of North Dakota. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, I had to leave the Chamber at the time the amendment dealing with the situation for military families in Bellevue, Nebr., and Grand Forks, N. Dak., was considered.

As one of the sponsors of the amendment, which was unanimously adopted by the Senate, I want to say that I am pleased that this body faced up to its responsibility; that these military families, who have been living under great difficulties, now stand a fairly good chance—if the House concurs—to have corrected an inequity which has been detrimental not only to the family unit but also to the military service as a whole.

So I am very happy, as one of the cosponsors of the resolution, to join in the remarks made by the distinguished senior Senator from North Dakota (Mr. YOUNG) and the distinguished junior Senator from the same State (Mr. BURDICK), the distinguished Senator from Nebraska (Mr. HRUSKA) and others, and to express my thanks to the Senate for considering this legislation and passing it so expeditiously. I would also express the hope that the House will do the same.

Mr. YOUNG of North Dakota. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NINETY-EIGHTH ANNUAL ARBOR DAY

Mr. HRUSKA. Mr. President, in the tremendous outpouring of public response and cooperation on Earth Day yesterday, another venerable observance of equal importance may have been overlooked by some who are interested in conserving the Nation's great natural heritage.

The observance of which I speak is the 98th annual Arbor Day. While Arbor Day is observed in every State in the Union and in many foreign countries, it is a most important celebration to Nebraska because Nebraska is the State in which it originated.

Nebraska statute has established Arbor Day on April 22 and decreed it a legal holiday. It is celebrated no less vigorously in Florida and West Virginia, which have two Arbor Days each year, and in Utah.

Whether Arbor Day is officially observed on April 22, or on other dates as it may be in other States, I think it is important to remind this body that millions of people do observe this occasion every year.

It is also important to point out that in an age when we are increasingly concerned about the dissipation of our natural resources, we would do well as a Nation to reemphasize the basic values which motivated J. Sterling Morton to establish the first Arbor Day in 1872 in Nebraska.

Mr. Morton, newspaper publisher, horticulturist, and public servant, conceived the idea of Arbor Day in Nebraska City, Nebr., where he had moved from Michigan. Disturbed by Nebraska's miles of treeless plains, he inspired fellow Nebraskans to devote one day each spring to mass tree-planting.

Within 16 years after his mass tree-planting day had become an official State observance, more than 600 million trees had been planted and 100,000 acres of forest had been created on the once-barren Nebraska prairies.

The idea of Arbor Day spread quickly and within a few years, more than 35 States conducted their own observance. Today, every State observes the holiday, and in addition it is commemorated in England, Canada, Australia, British West Indies, South Africa, New Zealand, France, Mexico, Norway, Russia, Japan, and China.

J. Sterling Morton went on to serve his State as secretary of the Nebraska Territory and president of the State board of agriculture, and his Nation as Secretary of Agriculture under President Grover Cleveland. But, with all his excellent contributions to his State and Nation, he is best remembered for the conservation instincts which he instilled into a Nation of abundance in its early years.

Nebraska City, Nebr., the home of Arbor Day, is planning a massive celebration May 1–3 for this year's observance. Among the many events scheduled will be a tree planting by the National Guard in memory of the late Ray Thurman, a former Guard company commander. A similar planting at the VFW Home will honor each veteran killed in a war.

It will be my honor to attend the Nebraska City celebration, along with many other State officials and dignitaries from all over the State.

I am pleased to report, Mr. President, that the Senate Judiciary Committee today has reported to the floor House Joint Resolution 251, which authorizes the President to proclaim the last Friday of April each year as National Arbor Day. I urge the Senate to approve this resolution, enabling the President to elevate this important Arbor Day function to the national status which it so well deserves.

We, in Nebraska, are proud of Arbor Day and we observe it vigorously. Several other States follow suit. But, too often, the observances have fallen into a status of a formality which cannot be ignored but is not actively observed.

We are now in a period in this Nation when we are more and more concerned that our resources will be drained off and lost to future generations. I commend to those who are so concerned, the example of J. Sterling Morton. If more of us would take his positive approach to solving our resource problems, we might soon discover that we were indeed beginning to solve them.

Two fine newspapers, the New York Times and the Lincoln, Nebr., Sunday Journal & Star, last weekend took note of the importance of Arbor Day. I ask unanimous consent to have the articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Lincoln (Nebr.) Journal and Star, Apr. 19, 1970]

J. STERLING MORTON'S IDEA AN ECOLOGICAL STEP—ARBOR DAY ROOTS DEEP IN STATE

(By Opal Y. Palmer)

Arbor Day is observed around the world by millions each year.

To many J. Sterling Morton's Arbor Lodge is synonymous with the concept. Today the lodge is a state park with its own arboretum, the family stables, a formal garden and a 2,000-tree pine grove planted by Morton in 1892.

This park contains a three-room cabin grown into a 52-room mansion on the site of his original squatter's claim.

. . . When the noted agriculturist brought his bride, Caroline Joy, from Michigan to Nebraska in 1855 their destination was a 160-acre claim in the Nebraska Territory near the brawling river bluffs town of Nebraska City.

Morton's land was fertile but practically treeless although many trees grew on the river bluffs. After building an L-shaped house, he began planting trees. His site was probably the first in any prairie state to be landscaped. He set shade trees, planted an orchard and later landscaped with vines, shrubs and flower beds.

J. Sterling Morton emphasized tree planting through oratory, journalism and politics. He spoke on the subject at the First Territorial Fair in 1859 and at the dedication of the University of Nebraska in 1871. He used his pen in a tree campaign in the Nebraska City News.

After Nebraska statehood in 1867, Morton encouraged farmers—through publications and personal contact—to plant orchards. He employed political influence to get trees planted in honor of notables visiting the state.

At the 1872 annual meeting of the Nebraska Board of Agriculture of which he was a member, Morton presented a resolution that April 10 be set aside for tree planting and that it be called Arbor Day.

The resolution was adopted. But in 1885 the state legislature made Arbor Day a legal holiday and set the official date on April 22, J. Sterling Morton's birthday.

Other states followed Nebraska's example. It was almost as though an old Indian legend were in operation, where one tree whispered the message to another. For today, every state except Alaska observes a tree-planting day.

Nebraska's act inspired Illinois to proclaim an Arbor Day in 1888.

When the white man arrived, half of the area which is now Illinois was wooded. Early settlers permitted forests to burn unchecked and ravaged trees for industry. Conservationists seized on Morton's Arbor Day idea in an attempt to repair the damage with systematic planting.

C. A. Hammond, secretary of the Illinois State Horticultural Society, encouraged citizens in a public statement to plant "one or more specimens of all our native trees" in a public park for every town and village. He recommended special trees for Arbor Day planting "for school and church yards, along roadsides, and in cemeteries."

As is true with many good causes, there was some dissension. Citizens objected to roadside plantings on the grounds that the shade would prevent the rapid drying up of mud after rains.

Jabez Webster of Centralia, Illinois, welcomed Arbor Day because: "In our great country, in the scramble for the almighty dollar, we have almost lost sight of the beautiful in nature."

The 1,200-acre Morton Arboretum is situated at Lisle, Ill., west of Chicago. The aboretum, which contains about 4,800 species and varieties of plants and trees, is open to the public year round.

MORTON AG SECRETARY

Other countries have adopted the Arbor Day practice. By 1961, a tree-planting day had been set aside in England, Canada, Australia, British West Indies, South Africa, New Zealand, France, Mexico, Norway, Russia, Japan and China.

Morton was defeated for governor three times. However he served his state in many official capacities and was secretary of agriculture under president Grover Cleveland beginning in 1893.

Joy Morton, J. Sterling Morton's son, deeded sixty-five of the original acres to the state in 1923 as a memorial.

Thousands of nature lovers stop each year at Arbor Lodge to delight in the blossoms and pattern gardens, the heritage of a pioneer generation.

[From the New York Times, Apr. 19, 1970]

WHAT BECAME OF ARBOR DAY?

(By Richard Reinhardt)

Two great holidays of American origin outshine all others in their freedom from chauvinism, sectarianism and commercial exploitation.

One is Thanksgiving, a feast of brotherhood and gratitude based upon a long and honorable historic tradition. The other is a neglected, ridiculed, almost forgotten festival called Arbor Day, which celebrates human kinship with the living earth. Of all our major anniversaries, Arbor Day is the least known and least respected, although it probably is the most significant of all holidays in an era of destructive technology, irretrievable waste and the dark stain of poisons in the air and water.

Unlike the general run of civic and religious celebrations, Arbor Day was the deliberate creation of one man, a Nebraska newspaper publisher named Julius Sterling Morton. It was Morton's happy notion, inspired by ancient European and Middle Eastern folkways, to devote a day each spring to mass treeplanting. During his long career as a horticulturist, editorial writer and politician, he succeeded in spreading this idea to several dozen states and a handful of foreign countries.

Morton first gave evidence of his zeal for forestry in 1854, when he moved from his boyhood home in Michigan to the treeless prairies of Nebraska. Taking squatter's rights on 160 acres of naked loam on the west bank of the Missouri River, he built a four-room house for his young wife and almost immediately began planting slips and seeds. Within a few years he had surrounded the cottage with a jungle of shade trees, shrubbery and vines and was using the columns of his Nebraska City News to urge his neighbors to get busy with their own landscaping projects.

With his friend, Robert W. Furnas, who had started a large orchard in nearby Brownville, Morton toured eastern Nebraska to encourage farmers to plant fruit trees. It was largely to the credit of these two men that the area became an important fruit-growing region.

But Morton's enthusiasm for vegetation went far beyond uses of commercial agriculture. He saw by treeplanting as a communal function with social and educational values. He hounded churches, schools and clubs to undertake planting projects, and he came up with the suggestion that Nebraska towns should set out young trees to commemorate such notable events as the visit of a distinguished guest, the dedication of a public building, or the anniversary of a respected leader.

For four years—1858 to 1861—as secretary of the Nebraska Territory, and later as president of the State Board of Agriculture, Morton had frequent occasion to promulgate

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both his simple, Jeffersonian faith in the nobility of small farmers and his love of trees. He seldom passed up an opportunity to state the case:

"If every farmer in Nebraska will plant out and cultivate an orchard and a flower garden, together with a few forest trees, this will become mentally and morally the best agricultural state in the Union."

This message with its calm faith in the ultimate virtue of hugging close to the earth was balm to the homesteaders of that raw territory, where nature was harsh, tillage was difficult and failure was common. When Morton published a resolution in 1872, calling on this courageous fellowship of farmers to conduct a state-wide day of tree-planting in early April, the Nebraskans responded by planting something over a million trees.

Two years later Morton's friend, Robert Furnas, who had been elected Governor of the state, proclaimed April 8 the official Arbor Day. With this authoritative blessing, the holiday blossomed into Nebraska's favorite public event. Over the next 16 years, the people of the state planted more than 600 million trees and created 100,000 acres of forest on the once-open plains. The Nebraska legislature in 1885 made Arbor Day a legal holiday, setting it on the date of Sterling Morton's birthday, April 22.

Arbor Day spread with marvelous speed. Kansas, Tennessee, Minnesota and Ohio quickly adopted the idea. By 1890, 35 states had established some kind of Arbor Day, each one picking a date that was appropriate to the local climate.

Few states kept Arbor Day with as much enthusiasm as did Nebraska, but few dared to ignore the occasion. Then as now, the word "conservation" was a shibboleth. The United States rapidly was changing from a rural nation of small farmers into an urban nation of factory workers, and this sentimental rural, earth-centered ceremony seemed to provide a link with the past and a promise for the future. Cynical legislators saw this harmless holiday as a sop for the worriers who were already complaining about disappearing forests and lost wilderness. Arbor Day? Why not? How much easier it would be to plant a few new trees once a year than to forbid the wanton cutting of virgin timber.

What has happened to Arbor Day? On paper it is flourishing. Every state in the union gives it some form of official sanction. two states (Nebraska and Utah) make it a legal holiday, and two other states (Florida and West Virginia) celebrate it twice a year. Elementary school classes everywhere set out arborvitae trees along the parking strip. Ladies clubs adorn the facades of telephone exchanges and state and Federal tree nurseries ship out millions of seedlings to be planted in windbreaks, woodlots and erosion barriers.

But these demonstrations of amateur agriculture do not add up to a great national sentiment for the stewardship of the earth. They are only ludicrous parodies of a pioneer ritual that was intended to seal a yearly covenant with nature and to inculcate in young and old a reverance for the earth and a sense of personal responsibility for its perpetual renewal.

The spirit is gone dormant. Arbor Day is a sham. It goes on, year after year, but it no longer seems important.

Part of the trouble is that Arbor Day began in a struggling, frontier society that has disappeared. Once the buffalo grass had been plowed under and "village adornment societies" had done their work of planting cotton woods and elms on the residential streets of the Great American Desert, Arbor Day lost its compelling urgency.

Then, too, America has become an urban nation. Our tastes are more sophisticated. Family picnics at the country fairgrounds no longer amuse us. On holidays we drive 300 to 400 miles to go watersking. Arbor Day smacks of the rural past. It reminds us of lukewarm lemonade, speeches on the courthouse steps, Main Street, outhouses, dialect jokes and other crudities we have outgrown.

The saddest reason for the decline of Arbor Day is that many Americans have lost their easy confidence in the positivist principles that guided Sterling Morton and thousands of tree-planting committees since his time. Recent history has given ample evidence that the good, the true and the beautiful do not inevitably triumph. The faith of a Nebraska editor in the ultimate progress of civilization through the promulgation of shade trees and flower gardens now seems blissfully naive. We have learned that trees grow in slums and in concentration camps and on battlefields. How can we pretend that planting trees will guarantee a general improvement in the moral quality of mankind?

The questions is why do we bother to keep Arbor Day on the calendar? In its present form, it is a mockery of the very principles it espouses. It would be worth keeping only if it could be revived and reestablished as a national day of homage to the earth. If that should happen, Arbor Day could become the most important holiday in the year.

There are reasons to think this observance would be welcomed by most Americans. The harshness of frontier life has, in a sense, returned to this richly favored continent. In the midst of luxuriant technological development, we find ourselves looking forward into a wasteland as dark and dry as any that confronted a starving immigrant on the Great Plains. Once again, we are confronted by the frailty and finite limits of the natural environment.

It would do us spiritual and practical good to have a day in which to demonstrate that we are not helpless to save ourselves from this crisis, to show that, as a nation, we are capable of owing as well as reaping, of healing as well as hurting, of creating as well as destroying. Arbor Day would be a pledge to our children that we will not let the world go to waste; that there will, indeed, be blue skies, greenery and clear water, and that trees will endure.

To serve this object, Arbor Day must become a legal, national holiday. Past efforts to accomplish this have failed, but it is time to make the effort again. Even if it is impossible to find a date to suit all climates, a date could be chosen that will satisfy a majority of states. April 22, Morton's birthday, might well be as suitable as any.

When a date has been chosen, Arbor Day could be called each year by Presidential proclamation, as is Thanksgiving. The President could appoint a national committee to advise him on programs of environmental concern that can be undertaken as Arbor Day projects. The committee could coordinate state and local projects so that the impact of Arbor Day would be immediate, conspicuous and exemplary.

Above all, the pattern of Arbor Day activities must change to suit the mood and manners of today. This holiday is too important to be laid out and embalmed in a 19th-century costume. Arbor Day needs a fresh array of ceremonial symbols, an infusion of new ideas.

ORDER OF BUSINESS

Mr. **HRUSKA**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. YOUNG of Ohio). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BROOKE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PRESIDENT NIXON MAKES MAJOR CONTRIBUTION TO STRATEGIC RESTRAINT

Mr. **BROOKE**. Mr. President, the beginning of the strategic arms limitation talks is an event of utmost importance. The success of these vital negotiations will depend on the willingness of both the Soviet Union and the United States to accept certain mutual restraints in the interest of their common security. It is important for both Americans and Soviets to develop greater appreciation of each other's purposes. And in our quest for joint limitations on strategic arms, we need to couple a heightened sense of urgency with a sober understanding that there is still time to ward off a new spiral in the nuclear competition.

The Soviet Union, speaking through a historic Pravda article of March 7, struck precisely this balance.

> Despite the difficulties—

Wrote Pravda—

> it is obvious that there is still time and there are still possibilities for reaching an understandng which all states await and by which they will gain . . . If both sides intend to hold honest talks without striving to obtain any unilateral military advantages and if the negotiations proceed from the need to insure equal security for both sides . . . , then one can count on achieving agreed solutions.

Much the same tone was sounded by the Soviet Party leader, Mr. Brezhnev, on the eve of the Vienna talks:

> If the U.S. government really wants a strategic arms limitation treaty, . . . prospects for the negotiations may be viewed positively. The Soviet Union in any case, will do all within its power to see that these talks prove useful.

These observations are a constructive prelude to the substantive discussions now getting underway.

All of us know the deep suspicion with which each country has come to view the other. Just as Americans have been apprehensive about the Soviet Union's true purposes, so the Soviet Union has been prone to doubt America's genuine interest in arms control.

It is essential that Moscow understand that the United States is indeed dedicated to agreed and verifiable arms limitations which will serve the interests of both our peoples. By now I hope the Soviet negotiators in Vienna are already reporting to their Government the obvious fact that the United States has prepared for these negotiations in the most comprehensive and serious manner. The intensive work and evident good will of the American delegation will, I trust, have impressed itself upon Deputy Foreign Minister Semenov and his colleagues.

In this connection the United States has undertaken a major act of strategic restraint which should be emphasized. It is an act grounded on President Nixon's admirable and decisive commitment to mutual deterrence as the fundamental

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rationale for American strategic forces. Over a year ago, the President set forth his awareness that, in today's world, mutual security depends on mutual deterrence. He made clear that neither the Soviet Union nor the United States could safely attempt to deny the other the capacity to retaliate. Any such effort would be futile, since both countries will take whatever action is required to maintain a confident second-strike capability. Thus, programs which seem to jeopardize either side's retaliatory forces are guaranteed to stimulate compensating changes or increases in those forces.

On this central insight President Nixon has based his search for mutual arms control. It required the reorientation of America's planned ABM program toward a principal focus on defense of the U.S. deterrent forces, recognizing that no defense of American cities was feasible against the size and character of nuclear attack which the Soviet Union can mount. Whatever our views of the proposed Safeguard deployment, we should not lose sight of this important shift in the program.

Of still greater significance has been an unpublicized change in the plans for the U.S. MIRV program. Those of us who have worked for many months to support a mutual ban on MIRV testing and deployment have stressed the hazard that such systems pose for mutual deterrence. We have stressed that such weapons could ultimately destabilize the balance of power by posing an intolerable threat to hardened missile sites. At the same time, however, it has been stressed that the first generation U.S. MIRV systems are too inaccurate and too low yield to pose a threat to hard targets.

To perfect highly precise MIRV systems with adequate yield to destroy hardened missile silos would require a concentrated development program over a period of several years and costing tens of millions of dollars. Unfortunately, from the very beginning, discussions of the U.S. MIRV program have been ambiguous. While primary attention has been given to the function of ABM penetration for retaliatory purposes, there have been frequent allusions to possible applications of MIRV against hard targets. Preliminary studies of such applications were in fact begun some years ago, before President Nixon explicitly defined American strategic policy as one of mutual deterrence.

These studies account for much of the anxiety over MIRV deployment. For example, on January 16, 1968, the Department of Defense publicly indicated that—

> Each new MIRV missile warhead will be far more accurate than any previous or existing warheads. They will be far better suited for destruction of hardened enemy missiles than any existing warhead.

As recently as last October 7, the Air Force Chief of Staff, Gen. John Ryan, alluded to such advanced MIRV systems in testimony before the House Appropriations Committee:

> We have a program we are pushing to increase the yield of our warheads and decrease the circular error probable so that we have what we call a hard target killer which we do not have in the inventory at the present time.

It is wholly understandable that such statements would alarm those responsible for the protection of Soviet strategic forces. It is also quite clear that such programs would be incompatible with the judicious strategic policy adopted by President Nixon. It is for that reason essential to make absolutely clear a far-reaching commitment which the President has now undertaken.

In the course of numerous exchanges which the President and I have had on the dangerous implications of MIRV technology, Mr. Nixon has indicated his specific decision not to pursue the program to which General Ryan referred.

In a letter of December 29, 1969, the President reiterated his basic commitment to maintain our deterrent, but not to engage in programs which threaten any nation with a first strike. The President indicated:

> There is no current U.S. program to develop a so-called hard-target MIRV capability. The particular program to which General Ryan referred did not receive Department of Defense approval for funding in the forthcoming Defense budget.

I cannot exaggerate the importance of the President's decision to abandon the proposed program to perfect a hard-target MIRV capability. The scope of this commitment to avoid destabilizing technology is underscored by the parallel decision not to press forward with a program to improve the guidance and accuracy of the Poseidon missile system.

Mr. President, certainly these measures of restraint do not mean that we should proceed with the planned deployment of less accurate MIRV systems in the coming years. In my opinion, such weapons are not yet required and will not be until there is a substantial expansion of Soviet ABM capabilities. Much to be preferred would be a joint arrangement in SALT by which both countries refrain from proliferating ABM systems and introducing multiple-target capabilities into their offensive missile forces. We must continue to seek a ban on MIRV testing and deployment.

But I believe it is of critical importance that the United States is exercising restraint on advanced development of even more dangerous MIRV weapons. It is another indication of Mr. Nixon's earnest desire to find a mutually acceptable basis for stabilizing the strategic balance and for enhancing the security of both our nations.

My purpose in making these comments today is to highlight a hopeful and forward-looking action by the American Government. In the initial days of the SALT discussions in Vienna, this signal contribution to mutual security should be reassuring to the Soviet Union. The Soviet leaders can be confident that their forces are not in imminent danger from the relatively crude American MIRV systems which are being developed. They should also find assurance in the knowledge that any specific development program to produce a true hard-target capability in the U.S. MIRV systems would take years and would be highly visible through the elaborate test programs required, not to mention the congressional and public reviews which such a proposal would arouse. I do not believe that, on present evidence, the Congress would authorize such a dangerous and unwarranted development.

By the same token, this act of restraint is an invitation to the Soviet Union. The United States is profoundly concerned about potential hard-target applications of the Soviet SS-9 missiles, which already are deployed in substantial numbers. It would be most conducive to progress in the SALT negotiations if the Soviets were equally prepared to provide credible assurances that the SS-9 and other Soviet weapons were not being refined for possible use against U.S. missile sites. I remain convinced that the most promising approach to such mutual guarantees would be an end to MIRV testing and a prompt suspension of further deployments of offensive and defensive missiles on both sides, as the Senate recommended in its overwhelming approval of Senate Resolution 211 2 weeks ago.

Surely the Soviet Union must share our perception that security can only suffer from a continued arms race. And surely a comparable Soviet willingness to undertake concrete acts of restraint would be the most hopeful augury for rapid progress in Vienna.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. HOLLAND) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO PROVIDE FOR REIMBURSEMENT OF THE TREASURY BY THE PANAMA CANAL COMPANY

A letter from the President, Panama Canal Company, transmitting a draft of proposed legislation to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama (with an accompanying paper); to the Committee on Armed Services.

PROPOSED LEGISLATION TO REVISE THE PROMOTION SYSTEM FOR CERTAIN OFFICERS OF THE RESERVE COMPONENTS OF THE ARMY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10 and 32, United States Code, to revise the promotion system for certain officers of the Reserve components of the Army (with accompanying papers); to the Committee on Armed Services.

REPORT ON PROPOSED FACILITIES PROJECTS FOR AIR NATIONAL GUARD AND AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard and Air Force Reserve subsequent to 30 June 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF SECRETARY OF DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a secret report relating to funds obligated in the chemical warfare and biological research program (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AMEND THE MILITARY SELECTIVE SERVICE ACT OF 1967

A letter from the Director, National Headquarters, Selective Service System, transmitting a draft of proposed legislation to amend the Military Selective Service Act of 1967 to provide authority for the President to phase out undergraduate student defer-

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ments, and to modify the method of allocating quotas and calls (with an accompanying paper); to the Committee on Armed Services.

PROPOSED LEGISLATION TO FURTHER THE REDUCTION OF DRAFT CALLS IN THE ARMED FORCES OF THE UNITED STATES

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to further the reduction of draft calls in the armed forces of the United States by increasing the pay rates of certain enlisted members of the uniformed services (with an accompanying paper); to the Committee on Armed Services.

REPORT OF FEDERAL CONTRIBUTIONS PROGRAM EQUIPMENT AND FACILITIES

A letter from the Director of Civil Defense, transmitting, pursuant to law, the report of Federal contributions program equipment and facilities for the quarter ended March 31, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF ARMY CONTRACTS FOR MILITARY CONSTRUCTION AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of Department of Army contracts for military construction awarded without formal advertisement for the period July 1 through December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF U.S. SOLDIERS' HOME

A letter from the Secretary of the Army, transmitting, pursuant to law, the annual report of the U.S. Soldiers' Home for fiscal year 1969 (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION AUTHORIZING DIRECT LOANS TO VETERANS FOR SPECIALLY ADAPTED HOUSING

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code (with an accompanying paper); to the Committee on Banking and Currency.

PROPOSED LEGISLATION TO INCREASE TAX ON MOTOR VEHICLE FUELS SOLD IN THE DISTRICT OF COLUMBIA

A letter from the assistant to the Commissioner, Executive office, Government of the District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to provide for a tax on motor vehicle fuels sold within the District of Columbia, and for other purposes" (with an accompanying paper); to the Committee on the District of Columbia.

PROPOSED SMALL BUSINESS TAXATION ACT OF 1970

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to ease the tax burdens of small businesses, and for other purposes (with accompanying papers); to the Committee on Finance.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve military supply systems in the Far East, Department of Defense, dated April 21, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on further improvement needed in the management of magnetic tapes by Goddard Space Flight Center, National Aeronautics and Space Administration, dated April 22, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION FOR THE PROTECTION OF PUBLIC LANDS FROM FIRES

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts (with an accompanying paper); to the Committee on Interior and Insular Affairs.

ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Mr. Howe Fook Tang from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on September 1, 1969; to the Committee on the Judiciary.

WILLIAM B. RICHARDSON v. DAVID M. KENNEDY

A letter from the Assistant Attorney General, Department of Justice, transmitting, for the information of the Senate, the fact that a citizen taxpayer has instituted an action in the U.S. District Court for the Western District of Pennsylvania, challenging the constitutionality of Public Law 90–206, under which the rate of payment of compensation to Members of Congress has been determined; to the Committee on Post Office and Civil Service.

PROSPECTUS TO AMEND CERTAIN PUBLIC BUILDING PROJECTS

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which contains proposed amendments to 15 authorized public buildings projects (with accompanying papers); to the Committee on Public Works.

REPORT ON REVISED ESTIMATE OF COST OF COMPLETING THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on a revised estimate of the cost of completing the National System of Interstate and Defense Highways prepared for the purpose of apportioning Interstate System funds authorized for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974 (with an accompanying report); to the Committee on Public Works.

PROPOSED DISASTER ASSISTANCE ACT OF 1970

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a draft of proposed legislation to amend existing Federal disaster assistance legislation, and for other purposes (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLAND):

A concurrent resolution of the Legislature of the State of Oklahoma; to the Committee on Agriculture and Forestry:

"H. CON. RES. 1057

"A concurrent resolution memorializing the Congress of the United States to provide that Federal statutory and other regulations over small meat slaughterers shall not be such as would preclude their continuing in the operation of their business; and directing distribution

"Whereas, recent federal legislation has threatened the continued existence of many small meat slaughtering businesses across the State of Oklahoma; and

"Whereas, such legislation by exempting from antemortem and postmortem examinations for each animal only those custom slaughtering businesses which do not sell or buy carcasses or meat food products places an undue burden on such businesses; and

"Whereas, many custom slaughtering businesses must, in order to stay in business, operate the logical auxiliary business, that of a meat market; and

"Whereas, such legislation could be interpreted to require such additional facilities or modification of existing facilities of the small slaughtering businesses as would not be economically feasible for such businesses; and

"Whereas, the small slaughtering businesses of this state perform a vital and important service to many of the citizens of this state; and

"Whereas, such businesses have many differences from the larger companies such as not requiring minimum orders and serving rural Oklahoma with limited capital which justify legislaton concerning such businesses to take their particular circumstances into account so that they may continue to serve the people of this state.

"Now, therefore, be it resolved by the House of Representatives of the 2nd session of the 32nd Oklahoma Legislature, the Senate concurring therein:

"Section .. That the Congress of the United States be and hereby respectfully is urged to maintain federal statutes and regulations over small meat slaughtering businesses and is urged to avoid those which, without permitting alternative measures capable of adequately protecting the consumer, would be so harsh as to preclude continued operation of such businesses.

"SECTION 2. That duly authenticated copies hereof be forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States and to each member of the Oklahoma delegation in Congress.

"Adopted by the House of Representatives the 5th day of March, 1970.

"REX PRIVETT,
"Speaker of the House of Representatives.

"Adopted by the Senate the 15th day of April, 1970.

"TOM PAYNE,
"Acting President of the Senate."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Agriculture and Forestry:

"H. CON. RES. 11

("Requesting action to increase the Federal milk subsidy for Hawaii under the National School Lunch Act for schools and other related program)

"Whereas, it is the declared policy of Congress to safeguard the health and well-being of the Nation's children and encourage the domestic consumption of nutritious agricultural commodities and other foods, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation and expansion of nonprofit school-lunch programs; and

"Whereas, the National School Lunch Act and the Special Milk Program for schools and children's centers under the United States Department of Agriculture operate in cooperation with State and local educational agencies to provide a cash reimbursement to provide wholesome milk based on tested nutritional research at a low cost to children between the ages of five and seventeen inclusive in public or nonprofit private schools of high-school grade or under, settlement houses, homes for children, and summer camps; and

"Whereas, this Federal assistance enables

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educational agencies to lower the price of milk to children, and areas of severe need, can cover the entire cost of milk served; and

"Whereas, a 1967 study on the cost of milk production in Hawaii reveals that, in comparison to California, the cost to produce 100 pounds of milk is 67 percent higher, feed costs are 56 percent higher, labor costs are 57 percent higher, roughage costs per ton are 96 percent higher, and the cost of concentrates per ton is 44 percent higher; and

"Whereas, the retail price of fresh milk per one-half gallon in Hawaii has increased from 64.6 cents in 1968 to 65.3 cents in 1969, both prices being 10 or more cents above the national retail price average for one-half gallon of fresh milk; and

"Whereas, the increased price of milk has had a significant effect on sales in Hawaii under both the National School Lunch and Special Milk Programs where the daily milk consumption in gallons has not correspondingly increased with increased school enrollments and in fact caused a drastic drop in the daily consumption of milk in the Special Milk Program from 1,708 gallons during the 1966–1967 school year to 986 gallons the following year; and

"Whereas, although Hawaii has been receiving a subsidy reimbursement of 4 cents per one-half pint of milk under both the National School Lunch Program and Special Milk Program, it is clearly evident that Hawaii is in a unique isolated situation from sources of supply that our milk prices are directly affected by high freight and feed costs as well as a recognized 15 percent higher cost of living; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, United States Senator Hiram L. Fong, United States Senator Daniel K. Inouye, United States Representative Spark M. Matsunaga, United States Representative Patsy T. Mink, and Mr. Clifford M. Hardin, Secretary of Agriculture, be, and hereby are, requested to promulgate any necessary administrative policies or enact any necessary legislation in order to increase the federal milk subsidy under the National School Lunch Program and Special Milk Program of the United States Department of Agriculture for Hawaii from 4 cents per one-half pint of fresh milk to 6 cents per one-half pint of fresh milk; and

"Be it further resolved that duly certified copies of this Resolution be transmitted to Richard M. Nixon, President of the United States; to Spiro T. Agnew, Vice-President of the United States; to John W. McCormack, Speaker of the United States House of Representatives; to each member of Hawaii's delegation to the United States Congress; and to Mr. Clifford M. Hardin, Secretary of the United States Department of Agriculture."

Resolution of the Senate of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions memorializing the President of the United States and the Congress to control the importation of men's wearing apparel and textile goods from foreign countries employing cheap labor

"*Whereas,* The importation of unlimited quantities of men's wearing apparel and textile goods from countries employing cheap labor constitutes a serious economic threat to the apparel and textile industry of the Commonwealth, an industry vital to the state's economy; and

"*Whereas,* A sensible and equitable policy should be adopted and strictly adhered to by the federal government in order to protect and promote the standard of living of thousands of American wage earners whose livelihood is directly or indirectly affected by governmental directives regarding unrestricted quantities of imported apparel and textile goods and materials; now, therefore, be it

"*Resolved,* That the Massachusetts Senate respectfully urges the President of the United States and the Congress to take any action that may be necessary to protect the men's apparel and textile industry of the Commonwealth by invoking reasonable and equitable controls on the importation of men's apparel and textiles from countries employing cheap labor; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, March 30, 1970.

"NORMAN L. PIDGEON,
"*Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth.*"

A resolution of the Senate of the State of Hawaii; to the Committee on Foreign Relations:

"S. RES. No. 149

"Resolution requesting the President and Congress to adopt a policy which would bring the war in Vietnam to an end immediately

"Whereas, the war in Vietnam inflicts great harm on the people of America and the people of Vietnam each day it is permitted to continue; and

"Whereas, the greatest threat to our country today comes not from abroad but from the neglect of our problems at home; and

"Whereas, each day of war costs more lives plus money and energy which should be expended to help solve our growing problems of youth, poverty, racism, crime, health, education, environmental pollution, and housing; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the President of the United States and the Congress of the United States be requested to adopt a policy calling for (1) an immediate ceasefire in Vietnam to end the killing, (2) the setting of a target date for the withdrawal of all American troops in 1970, (3) further strenuous efforts to negotiate a political settlement, (4) the withdrawal of all support from the Saigon government if it hampers or sabotages peaceful negotiations, and (5) all possible use of the facilities and services of the United Nations to guarantee peace in Southeast Asia; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate Pro Tempore, the Speaker of the United States House of Representatives, Senator Hiram L. Fong, Senator Daniel K. Inouye, Representative Spark M. Matsunaga and Representative Patsy T. Mink.

"We hereby certify that the foregoing Resolution was this day adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"DAVID C. MCCLUNG,
"*President of the Senate.*
"SUILU HIRAI,
"*Clerk of the Senate.*"

A concurrent resolution of the Legislature of the State of Oklahoma; to the Committee on the Judiciary:

"H. CON. RES. No. 1039

"A concurrent resolution memorializing the Congress of the United States to refer to the States for ratification a proposed amendment to the United States Constitution providing for the merit selection and retention of all Federal judges; and directing distribution

"Whereas, the Constitution of the United States provides that the judges of courts of the United States shall be appointed by the President, with the advice and consent of the Senate, and shall hold their offices during good behavior; and

"Whereas, the basic purpose underlying this system of appointments is to insure the independence and integrity of the judiciary; and

"Whereas, an independent judiciary not only is essential in maintaining the validity of the principle of separation of powers but also is vitally important in preserving and protecting the freedoms, privileges and rights of individuals as established and ordained by the Constitution; and

"Whereas, the separation of powers principle was conceived as a protection against dangerous concentrations of governmental power and tempered by the "checks and balances" device to give each of the three separate branches of government certain powers with respect to the others, serving thus to promote balance or unity of operation in the Federal government and preventing either stalemate or arrogations of power; and

"Whereas, abuses of the judicial power or misfeasances and malfeasances of judicial office can be reached only through the impeachment process, which seldom has been invoked in respect to the Federal judiciary because of its cumbersome nature; and

"Whereas, the maintenance of an independent judiciary is not indispensably related to a system of virtual lifetime appointments, since this objective has been secured equally or even more effectively through merit systems of judicial selection and retention developed and successfully utilized in various states of the Union; and

"Whereas, in such systems retention is determined by the electorate at periodic intervals in noncompetitive, nonpartisan elections, with merit and competence being the guiding criteria throughout the entire process of selection and retention; and

"Whereas, the institution of such a system of merit selection and retention of the Federal judiciary would enhance the independence of the judiciary by making partisan considerations of even less consequence in judicial selection and retention; and

"Whereas, while preserving presidential appointments and senatorial confirmations of the Federal judiciary, this proposed system would, by subjecting these officers and their records to periodic examination by the electorate, be a progressive move toward further democratization of the American governmental process and assure in fact that ours is a government of laws and not of men.

"Now, therefore, be it resolved by the House of Representatives of the 2nd session of the 32nd Oklahoma Legislature, the Senate concurring therein:

"Section 1. That the Congress of the United States be and hereby respectfully is urged to adopt and submit to the several states for their ratification an amendment to the United States Constitution providing for the selection and retention of Federal judges on a merit basis, following systems utilized successfully in several states of the Union whereby such Federal judges, after appointment by the President and confirmation by the Senate, would submit themselves to the electorate of their districts at periodic noncompetitive, nonpartisan elections for the purpose of determining their continuance in office.

"Section 2. That duly authenticated copies hereof be forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States, to each member of the Oklahoma delegation in Congress and to the presiding officers of the legislative bodies in the several states.

"Adopted by the House of Representatives the 15th day of April 1970.

"REX PRINETT,
"*Speaker of the House of Representatives.*

"Adopted by the Senate the 9th day of April 1970.

"FINIS SMITH,
"*President pro tempore of the Senate.*"

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; ordered to lie on the table:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions memorializing the Congress of the United States to take certain action in remembrance of the Katyn Forest Massacre

"*Whereas,* This year marks the thirtieth anniversary of the Katyn Forest Massacre—the Soviets' cold-blooded murder of 15,000 POW Polish officers captured in the communist rape of Poland in September, 1939; and

"*Whereas,* Mass graves of these officers were discovered near Katyn, USSR; and

"*Whereas,* Citizens of Polish origin and descent have greatly contributed to the progress of the United States in time of war and in peace, are loyal, industrious and law-abiding and have distinguished themselves in the field of public service in our states and our nation and have served and lost their lives in the defense of our country; therefore be it

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States to remember this Katyn Forest Massacre by enacting legislation providing for the erection of a monument, the issuance of a postage stamp and an exhibition of Katyn documents in the possession of the United States; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, March 31, 1970.

"WALLACE C. MILLS,
"*Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"*Secretary of the Commonwealth.*"

A resolution adopted by the Federal Bar Association, Colorado chapter, of Aurora, Colo., praying for the enactment of legislation to provide special incentives and continuation pay for military lawyers; to the Committee on Armed Services.

A resolution adopted by the town of Brookline, Mass., praying for an end to the war in Vietnam; to the Committee on Foreign Relations.

The petition of Orville L. Cain, of Grass Valley, Calif., praying for a redress of grievances; to the Committee on the Judiciary.

A resolution adopted by the City Council of Philadelphia, Pa., praying for an increase in pay to all postal employees; to the Committee on Post Office and Civil Service.

A resolution adopted by the city of Youngstown, Ohio, praying for the enactment of legislation to a proper redistribution of income to the municipalities; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, with an amendment:

S. 3435. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy (Rept. No. 91–768).

By Mr. SPARKMAN (for Mr. TOWER), from the Committee on Banking and Currency, without amendment:

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro (Rept. No. 91–769).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 1706. An act to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga. (Rept. No. 91–770); and

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes (Rept. No. 91–771).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 93. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases (Rept. No. 91–774);

S. 417. A bill to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba (Rept. No. 91–775); and

S. 2323. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 079626) (Rept. No. 91–776).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3222. A bill to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness (Rept. No. 91–772); and

H.R. 11372. An act to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes," approved June 18, 1956 (70 Stat. 290) (Rept. No. 91–773).

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, without amendment:

S. 887. A bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes (Rept. No. 91–793);

S. 3153. A bill to authorize the Secretaries of the Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs (Rept. No. 91–795); and

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs (Rept. No. 91–794).

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1498. A bill to provide for the conveyance of so-called scattered tracts in Oklahoma, acquired under the act of June 26, 1936 (49 Stat. 1967) (Rept. No. 91–796).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 58. A bill providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes (Rept. No. 91–777);

S. 2253. A bill to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore (Rept. No. 91–779);

S. 3279. A bill to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes (Rept. No. 91–780); and

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915, establishing a program for the preservation of additional historic properties throughout the Nation, and other purposes (Rept. No. 91–781).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 3007. A bill to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit (Rept. No. 91–782).

By Mr. NELSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 1751. A bill to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians (Rept. No. 91–786).

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona (Rept. No. 91–788).

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, with amendments:

S. 434. A bill to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes (Rept. No. 91–789).

By Mr. TALMADGE, from the Committee on Finance, without amendment:

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans (Rept. No. 91–783).

By Mr. TALMADGE, from the Committee on Finance, with amendments:

S. 3348. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes (Rept. No. 91–784); and

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree (Rept. No. 91–785).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 251. A joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day" (Rept. No. 91–778).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 1461. A bill to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States (Rept. No. 91–790).

Mr. HRUSKA. Mr. President, on behalf of the Senate Judiciary Committee, I wish to report S. 1461, as amended, which has the purpose of improving and expanding the operation of the Criminal Justice Act of 1964.

The purpose of the 1964 act was to make more effective the constitutional right to counsel in Federal criminal cases by providing compensated counsel and other defense services to those who cannot afford to obtain their own. The act has been in effect for nearly 5 years, and the experience gained demonstrated its

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great success as well as the need for both its expansion and improvement. S. 1461 meets this need.

Mr. President, S. 1461 is a milestone in the efforts of the Congress, the bench and the bar to bring the Federal law enforcement system closer to the ideal of assuring every citizen the full benefits of the sixth amendment.

I will have additional comments on this bill when it is considered on the Senate floor.

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 369. Resolution to print as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "The Cost of Clean Air" (Rept. No. 91–797);

S. Res. 370. Resolution to print as a Senate document a report from the Secretary of Health, Education, and Welfare, entitled "Progress in the Prevention and Control of Air Pollution" (Rept. No. 91–798);

S. Res. 371. Resolution to print as a Senate document a report from the Secretary of Transportation entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands" (Rept. No. 91–801);

S. Res. 372. Resolution to print as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "National Emission Standards Study" (Rept. No. 91–802);

S. Res. 384. Resolution to authorize additional expenditures for the Committee on the Judiciary;

S. Res. 390. Resolution authorizing the printing of additional copies of the committee print entitled "The Soviet Approach to Negotiation: Selected Writings" (Rept. No. 91–800); and

S. Res. 391. Resolution authorizing the printing of additional copies of the committee print entitled "Peking's Approach to Negotiation: Selected Writings" (Rept. No. 91–799).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 389. Resolution authorizing the printing of additional copies of the 1969 report of the Special Committee on Aging (Rept. No. 91–791).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 376. Resolution authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer (Rept. No. 91–792).

APPOINTMENT OF JAMES EDWIN WEBB AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION—REPORT OF A COMMITTEE (S. REPT. NO. 91–787)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original joint resolution (S.J. Res. 193) to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution, and submitted a report thereon, which report was ordered to be printed and the joint resolution was placed on the calendar.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. COOPER (for himself, Mr. Randolph, Mr. Baker, Mr. Boggs, Mr. Dole, Mr. Griffin, Mr. Javits, Mr. Packwood, Mr. Percy, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mr. Smith of Illinois, and Mr. Young of Ohio):

S. 3743. A bill to provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Cooper when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. COOPER (for himself and Mr. Baker):

S. 3744. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971; to the Committee on Public Works.

(The remarks of Mr. Cooper when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. COOPER (for himself, Mr. Dole, Mr. Randolph, and Mr. Bayh):

S. 3745. A bill to amend existing Federal disaster assistance legislation, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Cooper when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. PACKWOOD:

S. 3746. A bill to authorize abortions in the United States; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Packwood when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. BIBLE (by request):

S. 3747. A bill to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates;

S. 3748. A bill to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia; and

S. 3749. A bill relating to crime in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ANDERSON:

S. 3750. A bill to modify the boundaries of the Santa Fe, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COOK:

S. 3751. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day; to the Committee on Commerce.

(The remarks of Mr. Cook when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PEARSON:

S. 3752. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of consumer commodities, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Pearson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McGEE:

S. 3753. A bill to provide improved benefits to postal employees; to the Committee on Post Office and Civil Service.

By Mr. MONDALE (for himself, Mr. McCarthy and Mr. Nelson):

S. 3754. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Mondale when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FONG:

S. 3755. A bill to authorize housing loans under title V of the Housing Act of 1949 to lessees of nonfarmland in rural areas; to the Committee on Banking and Currency.

S. 3756. A bill for the relief of Setsuko Kurihara; to the Committee on the Judiciary.

(The remarks of Mr. Fong when he introduced S. 3755 appear later in the Record under the appropriate heading.)

By Mr. SAXBE (for himself, Mr. Cook, Mr. Mondale, Mr. Bayh, and Mr. Percy):

S. 3757. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Commerce.

(The remarks of Mr. Saxbe when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GOODELL (for himself and Mr. Javits):

S. 3758. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Goodell when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BYRD of Virginia (for himself and Mr. Spong):

S. 3759. A bill to remove the present $1 million limitation which prevents the Secretary of the Navy from settling and paying the claim of the Chesapeake Bay Bridge and Tunnel District arising out of collision of the U.S.S. *Yancey* with the bridge-tunnel span; to the Committee on the Judiciary.

(The remarks of Mr. Byrd of Virginia when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JORDAN of North Carolina:

S.J. Res. 193. Joint resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution; placed on the calendar.

(See reference to the above joint resolution when reported by Mr. Jordan of North Carolina, which appears under the heading "Reports of Committees.")

S. 3751—INTRODUCTION OF A BILL TO AMEND THE UNIFORM TIME ACT OF 1966

Mr. COOK. Mr. President, the 89th Congress enacted the Federal Uniform Time Act of 1966. The legislation divided the United States into eight standard time zones. It further provided that on the last Sunday in April the time is advanced 1 hour until the last Sunday in October. In effect, Congress has given us 6 months of daylight saving time.

The issue of uniform time and daylight saving time has been debated many times in the past. I have no quarrel with the general principle of a uniform time in this commercial and industrial era. However, there are equally important needs in this country which must also be considered.

For example, my own State of Kentucky is geographically located at the far western end of the eastern time zone. Further compounding this problem, a

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portion of Kentucky quite logically belongs in the central time zone. This situation causes peculiar hardships and difficulties, especially during the months of May and October.

In both suburban and rural sections of Kentucky, our young children have to walk on dangerous streets and highways to catch school buses in the early darkness of the fall months. There is no reason to expose them to this hazard the entire school year.

The forgotten man in our country, the farmer, also suffers under the hardships of these black mornings. Many a farmers has wryly stated that "chickens and cows don't observe daylight saving time." Unfortunately, the farmer has to start working when the needs of his livestock and crops require it—rather than by the artificial time on his clock.

Mr. President, I do not propose a repeal of the Federal Uniform Time Act because it does have some merit. What I propose is to amend the 1966 act so that daylight saving time prevails only in that period from Memorial Day to Labor Day. My bill would not repeal uniform time, but merely make it more sensible. It would reduce daylight saving time from the present 6 months to little more than 3 months. It would protect our school children who must now travel the highways during the dark, fall mornings. If passed, it would also provide the farmer an additional 3 months to farm according to nature.

Mr. President, on December 16, 1969, the distinguished Congressman from Kentucky's Fifth Congressional District, the Honorable Tim Lee Carter, introduced H.R. 15276 in the House. Because of both the need for such change in the law and the favorable reception it received, I am offering it for consideration in the Senate.

The PRESIDING OFFICER (Mr. Young of Ohio). The bill will be received and appropriately referred.

The bill (S. 3750) to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day, introduced by Mr. Cook, was received, read twice by its title and referred to the Committee on Commerce.

S. 3752—INTRODUCTION OF A BILL TO AMEND THE FAIR PACKAGING AND LABELING ACT

Mr. PEARSON. Mr. President, the Fair Packaging and Labeling Act of 1966, often referred to as the Truth in Packaging Act, really has not worked. It was enacted into law to reduce confusion in the marketplace. Its stated purpose was to facilitate value comparisons for the average consumer. Yet, proliferation in package sizes and diverting promotional practices from coupons to "cents off" arrangements to "giant economy" sizes, have made the consumer's task of finding the best buy for his money an unnecessary difficult exercise.

The bill I am introducing today would provide for direct comparison of values by requiring packaged consumer commodities within the purview of the Fair Packaging and Labeling Act to be priced on a per unit basis. For example, an 89-cent commodity would also be marked as 14 cents per pound or per ounce, pint or other common unit of measure.

This bill, Mr. President, is the result of hearings recently concluded by the Consumer Subcommittee of the Commerce Committee, where we heard testimony indicating that even after passage of the Act, a group of college educated shoppers, under testing conditions, were unable to select the best per unit buy roughly 40 percent of the time. We can only guess what the percentage might be for those less educated consumers who face a critical need to stretch their food dollars.

The approach of this bill, Mr. President, differs from the one we adopted in 1966, and to which I dissented in committee. The thought then adopted was that value comparison could be facilitated by reducing the proliferating numbers of package sizes. However, despite the efforts of the various agencies during two administrations, this proliferation exists today in many product categories. In other words, facilitating value comparisons by reducing proliferation in package sizes through voluntary agreements tinged with antitrust implications has proved to be not only contrary to open and innovative marketing, but plainly unworkable. Accordingly, this bill, based on our experience, would more effectively implement our original policy by providing, in a simple and direct manner, what has been thus far available to the consumer only indirectly and after complex and tedious calculations.

Mr. President, price is obviously not the only factor involved in purchasing. People buy for a variety of complex and unknown reasons. Unit pricing would only make clearer one of those factors. Selection on the basis of quality or convenience will continue to be important, perhaps more important than before. But with unit pricing, with a forthright statement as to how much one is buying for what price, the factor of price could at least be dealt with easily and with confidence.

This bill, Mr. President, recognizes the problem of the small retail grocer. The mom and pop stores, understandably, would face an administrative burden in implementing unit pricing. Moreover, the importance of familiar and convenient neighborhood grocery stores is evident to all of us. Accordingly, they are exempt from the operation of this bill.

Also, this bill provides that the unit price may be displayed either on the package of the commodity or, alternately, in close proximity to it—on the shelf, for example. This language was adopted, Mr. President, to allow retail grocers some measure of flexibility in administering unit pricing. While computerized labeling and fully automated handling may be commonplace in the future, at this particular time it is important, in my opinion, to offer the retail chain outlets the opportunity to freely develop competitive methods of unit pricing.

Mr. President, unit pricing is both timely and inevitable. It has, for years, been stamped on meat and poultry products. It is presently being used to varying degrees by several large retail chains, such as Safeway, Kroger, and Jewel. It was recently recommended in a National Chamber of Commerce report. And, in all likelihood, it soon will be required in several States.

Moreover, Mr. President, in this inflationary period, it is most timely to recognize not only the economic hardships of individual consumers of all income classes, but also to recognize that consumers account for two-thirds of all spending in the United States. Our annual food budget approaches $120 billion. The importance of unit pricing—which, according to estimates, could result in increased savings of up to 10 percent of our annual food budget—should be especially recognized.

Finally Mr. President, other provisions of this bill would clarify various aspects of existing law. It provides that the accurate statement of identity will apply to pictures or vignettes which often appear on labels. It indicates that coupons are also to be covered by the "cents off" regulations under section 5(c)(2) of the act. Further, it broadens the definition of "consumer commodity" to include those commodities customarily used in or around the household with the exception of durable goods not normally consumed during the first year of use.

The PRESIDING OFFICER (Mr. Saxbe). The bill will be received and appropriately referred.

The bill (S. 3751) to amend the Fair Packing and Labeling Act to require the disclosure by retail distributors of unit retail prices of consumer commodities, and for other purposes, introduced by Mr. Pearson, was received, read twice by its title, and referred to the Committee on Commerce.

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S. 3754—INTRODUCTION OF A BILL TO DESIGNATE THE KETTLE RIVER A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. MONDALE. Mr. President, the Departments of Agriculture and Interior released, on March 29, the criteria for the selection and management of wild, scenic, and recreational rivers to be added to the national wild and scenic rivers system.

The guidelines adopted by the Secretaries of the two Departments supplement policies set forth in the National Wild and Scenic Rivers Act of 1968, Public Law 90–542, to preserve and protect outstanding freeflowing rivers and immediate adjacent lands. The wild rivers guidelines read:

> To provide river-related outdoor recreation opportunities in a closely-adjacent primitive setting. Land access generally is restricted to trails or infrequent roads, and public use and other resource management facilities must harmonize with their surroundings.

As I reviewed these guidelines, I became impressed that the Kettle River, one of Minnesota's fine untouched and beautiful rivers, meets the criteria for the wild rivers classification.

I am, therefore, introducing legislation to designate the Kettle River, in the

State of Minnesota, as a component of the national wild and scenic rivers system. Community involvement will be sought in considering this legislation. Interested citizens and the surrounding towns should be consulted on the nature of any program affecting the Kettle River.

The Kettle River is located in east-central Minnesota. In a State which is becoming increasingly urbanized, the Kettle Basin is roughly 60 to 75 miles from the Twin Cities and about 50 miles from Duluth. It lies between two major metropolitan areas which generate increasing demand for access to water and outdoor recreation—trails, canoeing, and fishing.

Thus, more than half of the population of Minnesota—over 2 million people—could reach this fine wild, scenic, and recreational river by an hour's drive over a good interstate highway.

During the 1960's, the Minnesota Department of Conservation authorized the Kettle as a canoe route. This designation tells us much of the potential of the Kettle for river-related outdoor recreational opportunities in a primitive setting.

The Kettle River is a fascinatingly wild and picturesque river. The constantly changing topography and forest cover provide an ever-changing scene. The river has rapids interspaced with long pools providing a challenge, as well as a chance for relaxation and quiet reflection, to its visitors.

The glacial geology of the area, as reflected in the river, is also a point of interest. Moraines, glacial outwash plains, gorges, kettle holes, and caves exist along the river, primarily the result of glacial activity.

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The area is rich in history. Remains of the lumbering activity of the 1850's and 1860's; quarrying at Banning and Sandstone; forest fires and the birth of St. Croix State Park add great historical interest to the river corridor.

Wide varieties of wildlife roam the river corridor. Deer, beavers, muskrats, herons, and hawks all make their homes within the river basin.

Fishing is excellent, especially for walleyes, sturgeon, and small mouth bass. Northern pike, red horse, suckers, and even trout, mainly in the Pine River and Willow River tributaries, are also fished in the river.

The Kettle River has its headwaters in Carlton County and flows in a generally north to south direction, passing through Pine County and into the St. Croix River some 53 miles away. It flows through and over several types of surface and subsurface geology.

Along the northern part of the river, for the first 6 miles, the river flows through an area of glacial moraine. Pools and rapids are closely spaced and do not exceed 50 yards in length. The rapids are very difficult to canoe even in high water. The river banks are gravel with heavy forests of small aspen and birch and with an occasional stand of larger Norway pine, white pine, and black spruce. The magnificent forest growth extends very near the water's edge enclosing the river.

Starting at mile 6.9 a large open field on the left bank signifies a change in the river's characteristics. The mouth of the Kettle widens so that pools and rapids become longer (100 yards) and deeper. Rapids are more easily traversed because of the gravel bottom, and the banks of the river are higher and grassy, leveling out on top.

From mile 10 to 13 the river broadens out among islands, grass areas with low banks of sand and gravel. Distinguishing the main channel is difficult. Maple and Elm are the dominant species of hardwoods, but there are a few pine visible. At mile 12.8 the Moose River joins the Kettle contributing a great deal of water which could be the reason for the strange behavior of the Kettle River directly above.

Below the confluence with the Moose River, the Kettle becomes entrenched and narrows down once more. Pine are intermingled with hardwoods, farmland extends down to the edge of the river. The open woods, caused by grazing, are peaceful and scenic. There are no rapids in this stretch.

Beginning at mile 21, the Kettle River widens to more than 150 feet with the average depth about 4 feet. The banks slope up and away from the river and are covered with pine and hardwoods. At mile 23.9 a short set of rapids with a speed pitch occurs and running them in high water is possible. A magnificent rock outcrop stands more than 10 feet above the water on the right bank, and there is a camp site on top of the rock outcrop. Directly below these rapids, Interstate 35W crosses the river, but there is no road access to the river. Downstream, high hills begin to appear and the river's characteristics remain much the same until entering Banning State Park.

The Kettle River flows through Banning State Park in a gorge approximately 130 feet deep, which forms the Hells Gate Rapids. These rapids are about 1 mile long and consist of four major drops of about 5 feet each. There is no portage and running the rapids is exciting and challenging. The river remains entrenched for more than 100 feet until it reaches the remains of the Kettle River Dam 33 miles from its northern beginning.

Below the Kettle River Dam, the river passes through several short rapids of moderate difficulty and through numerous pools, one of which is more than 20 feet deep. At mile 36.1 skillful, swiftly flowing rapids about one-half mile long appear.

From mile 37 to 46 the river once again becomes more than 200 feet wide and placid: flood plains develop on both sides with open hardwood forests. At this point the lower Kettle River Rapids begin. These rapids are moderate in difficulty and very popular with canoeists. They are, however, wide and shallow and, like other Kettle rapids, cannot be run in low water.

The Kettle basin is largely in the central and northern part of Pine County, but headwaters are partly in Carlton County and to a lesser degree in Aitkin and Kanabec Counties. There are some farms, but roughly two-thirds of the basin is forested. Pine County, in 1964, included nearly 2,000 farms, predominantly in the southern part, outside the Kettle basin. Forest industries are important but there is no national forest.

There are several communities near the river—Sandstone and Moose Lake each have populations of about 1,500 persons. Barnum and Willow River, each less than 500, and Kettle River, about 230. In addition to the St. Croix State Park near the mouth of the river, Banning State Park, a tract of about 2,700 acres, near Sandstone, was added in 1963. There are three small municipal parks with a few picnic tables; one or more of these parks provide access to the Kettle. There are two monuments to historic events, surrounded by numerous trout streams, northern pike spawning areas, and five official fish and game areas.

By nature it is an excellent recreation area, not yet overdeveloped. Pine County, in the mid-1960's, contained five hotels, six motels, and 19 resorts. The area is thinly populated and has not begun to reach its recreational potential.

There are 17 homes located along the river's edge, although only five may be seen from the river. Two of the five are old farmsteads while the remainder are homes which have penetrated the wilderness setting. Fourteen bridges and two trestles cross the river.

There are developed access points at miles 21, 33, 40.5, and 47; however, access is also possible at other bridge crossings. There are no developed camp sites on the Kettle River.

Approximately 26 miles of the Kettle River are already in public ownership of one form or another. The General C. C. Andrews State Forest abuts on the east side of the river from mile 13 to mile 15.2. The undeveloped Banning State Park abuts both sides of the river from mile 24.2 to mile 30.8. The Sandstone Game Refuge abuts the east side of the river from mile 31.5 to mile 40.5.

Chengwatan State Forest and St. Croix State Park abut the river from mile 42.6 to mile 51. Other stretches of the river are within the municipalities of Kettle River, Rutledge, and Sandstone. Finally, the State and county own small parcels of and on the river which have not been declared parks, game refuges, et cetera.

This description can hardly touch upon the actual beauty of the Kettle, but it is a truly magnificent river which deserves the protection of the wild rivers system.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 3753) to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system, introduced by Mr. MONDALE, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3755—INTRODUCTION OF A BILL TO AUTHORIZE HOUSING LOANS TO LESSEES OF NONFARM LAND IN RURAL AREAS

Mr. FONG. Mr. President, I introduce, for appropriate reference, a bill to amend title V of the Housing Act of 1949 authorizing rural housing loans to lessees of nonfarm tracts in rural areas. The present law authorizes the Secretary of Agriculture to make such loans to, first, owners of farms in fee simple; second, owners in fee simple of nonfarm tracts; third, lessees of farm tracts.

My proposed amendment, Mr. President, will authorize the Farmers Home Administration to permit rural housing loans to lessees on nonfarm leaseholds, which is not now permitted under the existing law.

It will make eligible a new class of residents in rural areas of less than 5,500 population to apply for housing loans. This is to include nonfarming lessees of Hawaiian Homes Commission land in the State of Hawaii and lessees of tribal interests on Indian reservation land.

Many in this class of rural residents find difficulty in owning fee simple title. Their first choice of dwellings on fee simple land is scarce. Because of the scarcity of such land, they become owners of leasehold interests—their next best choice for homesites. This kind of land is available. This is particularly true in Hawaii, where the land is limited and the cost is extremely high.

Under the Farmers Home Administration rural housing loan program, the leasehold interest would have to be at least 50 years or 50 percent longer than the amortization period of the loan—amortization period might run up to 33 years—or at the discretion of the Secretary of Agriculture any period sufficiently beyond the repayment period of the loan to provide adequate security and a reasonable probability of accomplishing the objectives for which the loan is made.

Mr. President, the Farmers Home Administration has pointed out that there is a great need for housing loans in rural areas where only 30 percent of the Nation's population lives, but more than half of the substandard housing exists. My proposed amendment will help to meet this urgent need of rural residents who are now excluded from rural housing loans, and will permit the Department of Agriculture to finance housing developments in the Nation's rural areas.

The **PRESIDING OFFICER** (Mr. Saxbe). The bill will be received and appropriately referred.

The bill (S. 3755) to authorize housing loans under title V of the Housing Act of 1949 to lessees of nonfarm land in rural areas, introduced by Mr. Fong, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3758—INTRODUCTION OF A BILL REQUIRING ADVANCE NOTICE OF FEDERAL EMPLOYMENT CUTBACKS

Mr. GOODELL. Mr. President, today I am pleased to introduce in the Senate for myself and my colleague from New York (Mr. Javits), a bill providing a 120-day prior-notice requirement on any planned cutback actions of executive agencies affecting Federal civilian employment.

This bill is the same bill introduced last month by Representative Daniel Button for consideration by the House.

I share with Congressman Button and other Members of the New York delegation concern over Federal cutbacks and closedowns made without prior disclosure to Congress and employee organizations.

Mr. President, I have advocated many changes in Federal Government policies and programs in order to cut out wasteful spending and to readjust the Federal budget to reflect a reordering of national priorities. I shall continue to work for change to bring about these objectives. Changes in Government programs, however, do not have to cause disruptions in employment and community economic stability.

The legislation I am introducing today, as well as additional legislation on economic conversion which I have cosponsored, are ways to minimize and eliminate employment hardship and to prevent slowdown in local economies due to needed changes in Government programs.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

The **PRESIDING OFFICER** (Mr. Saxbe). The bill will be received and appropriately referred.

The bill (S. 3758) to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes, introduced by Mr. Goodell, for himself and Mr. Javits, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 3758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 29 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 2955. Advance notice to Congress of certain proposed actions of executive agencies affecting Federal civilian employment

"Whenever it is determined by appropriate authority that any administrative action, order, or policy, or series of administrative actions, orders, or policies, shall be taken, issued, or adopted, by or within any executive agency, which will effectuate the closing disposal, relocation, dispersal, or reduction of the plant and other structural facilities of any installation, base, plant, or other physical unit or entity of that executive agency and which—

"(1) will necessitate, to any appreciable extent, a reduction in the number of civilian employees engaged in the activities performed in and through those facilities of that agency, without reasonable opportunity for their further civilian employment with the Government in the same commuting area; or

"(2) will necessitate, to any appreciable extent, the transfer or relocation of civilian employees engaged in the activities performed in and through those facilities of that agency, in order to provide those employees with reasonable opportunity for further civilian employment with the Government outside the same commuting area; or

"(3) both;

the head of that executive agency shall transmit to the respective Committees on Post Office and Civil Service of the Senate and House of Representatives and to employee organizations having exclusive recognition, at least one hundred and twenty days before any such action, order, or policy is initiated, written notice that such action, order, or policy will be taken, issued, or adopted, together with such written statement, discussion, and other information in explanation thereof as such agency head considers necessary to provide complete information to the Congress with respect to that action, order, or policy. In addition, the agency head shall provide to such committees such additional pertinent information as those committees, or either of them, may request."

(b) The table of sections of subchapter II of chapter 29 of title 5, United States Code, is amended by adding at the end thereof—

"2955. Advance notice to Congress of certain proposed actions of executive agencies affecting Federal civilian employment.".

ADDITIONAL COSPONSORS OF BILLS

S. 1466

Mr. PERCY. Mr. President, on behalf of the Senator from Arizona (Mr. Goldwater), I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. Cannon), the Senator from South Carolina (Mr. Hollings), and the Senator from Utah (Mr. Moss), be added as cosponsors of S. 1466, to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

The **PRESIDING OFFICER** (Mr. Saxbe). Without objection, it is so ordered.

S. 1812

Mr. KENNEDY. Mr. President, on behalf of the Senator from New Mexico (Mr. Anderson), I ask unanimous consent that, at the next printing, the name of the Senator from Connecticut (Mr. Dodd) be added as a cosponsor of S. 1812, to amend title XVIII of the Social Security Act so as to include chiropractic services among the benefits provided under subpart (B) of this title.

The **PRESIDING OFFICER** (Mr. Young of Ohio). Without objection, it is so ordered.

S. 2208

Mr. BIBLE. Mr. President, on behalf of the Senator from California (Mr. Cranston), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 2208, to authorize the Secretary of the Interior to conduct a study into the feasibility and desirability of a national lakeshore on Lake Tahoe.

The **PRESIDING OFFICER** (Mr. Saxbe). Without objection, it is so ordered.

S. 3389, S. 3390, S. 3391

Mr. HARRIS. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Jackson), I ask unanimous

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consent that at the next printing, the name of the Senator from Utah (Mr. MOSS) be added a. a cosponsor of the three following bills—S. 3389, to provide for the protection, development, and enhancement of the public recreation values of the public lands; S. 3390, to amend the act of September 19, 1964 (78 Stat. 986), entitled the "Classification and Multiple Use Act," and S. 3391, to amend the act of September 19, 1964 (78 Stat. 989), as amended, entitled the "Public Land Sale Act."

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3410

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Idaho (Mr. CHURCH) and the Senator from California (Mr. CRANSTON), be added as cosponsors of S. 3410, the National Environmental Laboratory Act of 1970.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3595

Mr. BIBLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of S. 3595 to establish a Commission on Security and Safety of Cargo.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3687

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added a a cosponsor of S. 3687, the National Water Quality Standards Act of 1970.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3739

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Wisconsin (Mr. NELSON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Illinois (Mr. PERCY) be added as cosponsors of S. 3739, to amend the Small Business Act to increase the availability of management counseling to small business concerns.

The PRESIDING OFFICER (Mr. BIBLE). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 61—CONCURRENT RESOLUTION SUBMITTED AUTHORIZING THE PRINTING OF THE COMPILATION ENTITLED "FEDERAL AND STATE STUDENT AID PROGRAMS" AS A SENATE DOCUMENT

Mr. PELL submitted the following concurrent resolution (S. Con. Res. 61); which was referred to the Committee on Rules and Administration:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs," prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there be printed sixty-two thousand two hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, four thousand copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House Document Rooms.

SENATE RESOLUTION 392—RESOLUTION SUBMITTED AUTHORIZING THE PRINTING OF THE THESIS ENTITLED "PRIVATE LAND CLAIMS IN THE SOUTHWEST" AS A SENATE DOCUMENT

Mr. ANDERSON submitted the following resolution (S. Res. 392); which was referred to the Committee on Rules and Administration:

S. RES. 392

Resolved, That, with the permission of the copyright holder, J. J. Bowden, his thesis entitled "Private Land Claims in the Southwest" be printed with illustrations as a Senate document; and that there be printed seven hundred additional copies of such document for the use of the Committee on Interior and Insular Affairs.

SENATE RESOLUTION 393—RESOLUTION SUBMITTED TO PRINT ADDITIONAL COPIES OF THE HEARINGS ON THE INTERGOVERNMENTAL REVENUE ACT OF 1969 AND RELATED LEGISLATION

Mr. MUSKIE submitted the following resolution (S. Res. 393); which was referred to the Committee on Rules and Administration:

S. RES. 393

Resolved, That there be printed for the use of the Committee on Government Operations one thousand eight hundred additional copies of the hearings before its Subcommittee on Intergovernmental Relations during the Ninety-first Congress, first and second sessions, on the Intergovernmental Revenue Act of 1969 and related legislation.

SENATE RESOLUTION 394—RESOLUTION REPORTED AUTHORIZING PRINTING OF A REVISED EDITION OF THE "ELECTION LAW GUIDEBOOK" AS A SENATE DOCUMENT—REPORT OF A COMMITTEE (S. REPT. NO. 91-803)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 394); and submitted a report thereon, which resolution was placed on the calendar, and the report was ordered to be printed:

S. RES. 394

Resolved, That a revised edition of Senate Document Numbered 76 of the Ninetieth Congress, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed three thousand additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 395—RESOLUTION REPORTED AUTHORIZING RETROACTIVE COMPENSATION FOR CERTAIN SERVICES PERFORMED DURING JANUARY 1970—REPORT OF A COMMITTEE (S. REPT. NO. 91-804)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 395); and submitted a report thereon, which resolution was placed on the calendar, and the report was ordered to be printed:

S. RES. 395

Resolved, That payments of retroactive compensation authorized by law for service performed in the month of January 1970 which are chargeable to funds authorized for expenditure through January 31, 1970, by various Senate resolutions, shall be charged to funds authorized by Senate resolutions for expenditure by the committees concerned at the time such payment is made, wherever possible, without regard to the expenditure limitations contained in the Senate resolution which expired on January 31, 1970.

SENATE RESOLUTION 396—RESOLUTION REPORTED TO PAY A GRATUITY TO SUE ELLEN TYSER—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 396); which resolution was placed on the calendar:

S. RES. 396

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Sue Ellen Tyser, widow of Henri Louis Tyser, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 397—RESOLUTION REPORTED TO PAY CERTAIN PERSONS GRATUITIES—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 397), which resolution was placed on the calendar:

S. RES. 397

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Freddie Cullum and Louis D. Cullum, brothers; and to Willie Mae Guyton, Iola C. Lewis, and Rosa L. Brodie, sisters of Willie Cullum, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum to each equal to one-fifth of six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 398—RESOLUTION REPORTED TO PAY A GRATUITY TO KENNITH J. NEWMAN—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administra-

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tion, reported the following original resolution (S. Res. 398); which was placed on the calendar:

S. Res. 398

Resolved, That, in lieu of the authorization contained in Senate Resolution 296, agreed to December 11, 1969, the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate to Kennith J. Newman, brother of James H. Newman, an employee of the Senate at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

NOTICE OF HEARINGS ON MEAT INSPECTION

Mr. JORDAN of North Carolina. Mr. President, hearings on amendments to the Meat Inspection Act will resume Monday, April 27. The Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture and Forestry will hear further testimony on S. 3512, S. 3592, and S. 3603 at 10 a.m., room 324, Old Senate Office Building.

NOTICE OF HEARINGS ON ONE-BANK HOLDING COMPANIES

Mr. SPARKMAN. Mr. President, I wish to announce that the Senate Committee on Banking and Currency will hold hearings on S. 1052, to amend the Bank Holding Company Act of 1956 and to provide for a comprehensive study of banking laws and regulations by a National Commission on Banking; S. 1211, providing for the regulation of tender offers and exchange offers for, and certain acquisitions of, the equity securities of certain regulated bank holding companies, single-bank holding companies, and banks insured by the Federal Deposit Insurance Corporation; S. 1664, with amendments, to broaden the definition of bank holding companies, and for other purposes; H.R. 6778, to amend the Bank Holding Company Act of 1956, and for other purposes; and any other bills or amendments referred to the committee prior to and during the hearings.

The hearings will begin on Tuesday, May 12, 1970, at 10 a.m., in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Hugh H. Smith, assistant counsel, Committee on Banking and Currency, 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

NOTICE OF HEARINGS ON EDUCATION BILLS

Mr. PELL. Mr. President, recent messages from the President of the United States on both higher education and the impacted aid program have generated a great deal of comment from those most affected by these programs at both the national and local level.

The impacted aid recommendations would, if enacted, change the whole thrust of that major prop of Federal elementary and secondary education support while the higher education proposals would shift the Federal scheme of student assistance from that of a recognized responsibility to one of somewhat benign neglect.

Recognizing that major changes in Federal legislation, such as those I have alluded to, cannot be effected without in depth study, the Subcommittee on Education of the Committee on Labor and Public Welfare will be in separate hearing over the next 2 months on these two matters. Initially, I should like to announce that on April 28 we will have before us Under Secretary of Health, Education, and Welfare John Venneman and Commissioner of Education James E. Allen, Jr., to discuss the administration's impacted-aid proposals. On May 6, Secretary Finch will be before us to discuss the administration's higher education proposals. Following these dates we will be hearing from other interested parties.

Indeed, anyone who wishes to make his views known to the subcommittee should contact my staff on extension 7666.

ANNOUNCEMENT OF HEARINGS ON PATIENT CARE AT A TYPICAL VA GENERAL HOSPITAL

Mr. HARRIS. Mr. President, on behalf of the junior Senator from California (Mr. Cranston), chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, I wish to announce hearings by that subcommittee on Tuesday, April 28, at 9:30 a.m. in the New Senate Office Building. The hearing will be a continuation of that subcommittee's continuing oversight and investigation into the quality of medical care available in Veterans' Administration hospitals and other health facilities. This will be the seventh such hearing to date over the last several months by the subcommittee.

Next week's hearing will focus in depth upon the delivery of patient care in one particular Veterans' Administration facility: the Wadsworth VA Hospital in Los Angeles, Calif., an 1,100-bed general hospital. I believe that the problems being encountered there are fairly typical of those present at many, many Veterans' Administration hospitals throughout the Nation, including those affiliated with major medical schools. In this instance, the Wadsworth VAH has a close affiliation with the UCLA School of Medicine.

The subcommittee will attempt to develop at the hearing a graphic picture of the patient care provided on a daily basis at the ward level by house staff and nurses. It will also receive testimony regarding a pattern over the past several years at that hospital of deferring needed purchase of equipment and supplies, needed renovation of the physical plant, hiring of needed staff, adequate funding of special medical programs and programs created by new legislation, and absorption from the overall patient care budget of costs of necessary expenses in all of the above categories, as well as from many others—such as salaries and expenses—which have been a victim of budget cuts and fiscal austerity. Those scheduled to testify are:

First. Dr. J. Gary Davidson, research associate in hematology, Wadsworth Veterans' Administration Hospital, accompanied by Dr. Bernhard Votteri, third-year resident in medicine.

Second. A representative of the California Nurses Association.

Third. Dr. Baldwin Lamson, director of hospitals and clinics, UCLA School of Medicine.

ANNOUNCEMENT OF RESUMPTION OF HEARINGS ON S. 3354, A BILL TO ESTABLISH A NATIONAL LAND USE POLICY

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), I ask unanimous consent to have printed in the Record a statement by him, as chairman of the Committee on Interior and Insular Affairs.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Jackson. Mr. President, hearings on S. 3354, a bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a National Land Use Policy, will be resumed on April 28 and 29, 1970, in Room 3110, New Senate Office Building. The hearings both days will begin at 10:00 A.M. and will consist of both morning and afternoon sessions. At these hearings the Committee will take testimony from the Nixon Administration; spokesmen for State government and industrial, professional, and conservation interests; and members of the public. These are the final hearings scheduled on the bill.

I am gratified with the results of the Committee's hearing on March 24, at which we received testimony from Governor Sargent of Massachusetts, Professor Lynton Caldwell of the University of Indiana and prominent representatives of the design and planning professions. These witnesses were very helpful in focusing attention on some of our Nation's critical land use problems and suggesting some possible solutions to them. At the forthcoming hearings, we hope to discuss specific provisions of the bill and methods of implementing its policy aims.

All Americans are concerned about environmental quality. As land is the basic environmental resource, it must be used wisely if environmental quality is to be achieved. By establishing a National Land Use Policy, S. 3354 proposes to focus attention in all segments of society on the ways we can enhance our environment and accommodate growth through thoughtful use of our land resources.

I am pleased to announce the forthcoming hearings.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND FOR COMMITTEES TO FILE REPORTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until noon on Monday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that all committees be authorized to file reports, including minority, individual, supplemental, and additional views.

The PRESIDING OFFICER (Mr.

YOUNG of Ohio). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Because of an oversight on my part, when the Senate adjourned last Monday I forget to make the request which the distinguished senior Senator from Massachusetts has just made. Consequently, there is no new legislation on the calendar. But for the information of the Senate, in the interim between Monday and Thursday, a number of veterans' bills were approved by the Committee on Finance, a couple of medal bills by the Committee on Banking and Currency, a large number of bills by the Committee on Interior and Insular Affairs, and a large number of bills by the Committee on the Judiciary, as well as some nominations which were taken care of today.

I have talked with representatives of the calendar committee on the other side, and with the leadership, and they have given me reasonable assurance that it would be possible to take up many of those on Monday which we had anticipated taking up today had the Senator from Montana made the proper request.

When those are disposed of, it is anticipated, and it is very likely, that the Senate will proceed to the consideration of Calendar No. 769, S. 3706, a bill to provide financial assistance for and establishment of a national rail-passenger system, and so forth.

So I make this statement, with the concurrence of the leadership on the other side, so that Senators may be aware that there will be a good deal of legislation on Monday; and that insofar as I am concerned, is what the legislation will be for that day. Following that, the pending business will be the railroad bill.

I thank the Senator from Massachusetts.

ORDER FOR ADJOURNMENT UNTIL MONDAY, APRIL 27, 1970

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for an adjournment to Monday at 11:30 a.m.)

THE MESSAGE FROM THE PRESIDENT ON THE SELECTIVE SERVICE SYSTEM

Mr. KENNEDY. Mr. President, just a few hours ago the President sent to Congress a message on the Selective Service System. I ask unanimous consent that that message be printed in the RECORD in its entirety at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the Congress of the United States:

The draft has been with us now for many years. It was started as a temporary, emergency measure just before World War II. We have lived with the draft so long, and relied on it through such serious crises, that too many of us now accept it as a normal part of American life.

It is now time to embrace a new approach to meeting our military manpower requirements. I have two basic proposals.

The first deals with the fundamental way this nation should raise the armed force necessary to defend the lives and the rights of its people, and to fulfill its existing commitments abroad.

The second deals with reforming the present recruitment system—part volunteer, part drafted—which, in the immediate future, will be needed to maintain our armed strength.

TO END THE DRAFT

On February 21, I received the report of the Commission on an All-Volunteer Armed Force, headed by former Defense Secretary Thomas S. Gates. The Commission members concluded unanimously that the interests of the nation will be better served by an all-volunteer force than by a mixed force of volunteers and draftees, and that steps should be taken in this direction.

I have carefully reviewed the report of the Commission and have discussed the subject with many others knowledgeable in this field. The preeminent consideration in any decision I make involving the American Armed Forces must be the security of the United States. I have had to weight carefully how our responsibilities in Vietnam and our overall foreign policy would be affected by ending the draft. I also had to consider the budgetary impact, and the possible effect on our economy.

On the other hand, we have all seen the effect of the draft on our young people, whose lives have been disrupted first by years of uncertainty, and then by the draft itself. We all know the unfairness of the present system, no matter how just we try to make it.

After careful consideration of the factors involved, I support the basic conclusion of the Commission. I agree that we should move now toward ending the draft.

From now on, the objective of this Administration is to reduce draft calls to zero, subject to the overriding considerations of national security.

In proposing that we move toward ending the draft, I must enter three cautions: First, the draft cannot be ended all at once. It must be phased out, so that we can be certain of maintaining our defense strength at every step. Second, existing induction authority expires on July 1, 1971, and I expect that it will be necessary for the next Congress to extend this authority. And third, as we move away from reliance on the draft, we must make provisions to establish a standby draft system that can be used in case of emergency.

To move toward reducing draft calls to zero, we are proceeding with a wide array of actions and proposals:

This Administration proposed, and the Congress has approved, a six percent across-the-board pay increase for Federal employees, retroactive to the first of this year. This raises the pay of members of the Armed Forces by $1.2 billion a year.

I shall propose an additional 20 percent pay increase for enlisted men with less than two years of service, to be effective January 1, 1971. This action, if approved by the Congress, will raise the annual pay of enlisted men with less than two years of service by $500 million a year, and is a first step in removing the present inequity pay of men serving their first two years in the Armed Forces. The cost for Fiscal Year 1971 will be $250 million.

In January 1971 I shall recommend to the Congress, in the Fiscal Year 1972 budget, an additional $2.0 billion for added pay and other benefits—especially for those serving their first two years—to help attract and retain the personnel we need for our Armed Forces.

I have today directed the Secretary of Defense to give high priority to the expansion of programs designed to increase enlistments and retentions in the services. Further, I have directed that he give me a report every quarter on the progress of this program. Other agencies have been directed to assist in the effort.

I am also directing the Secretary of Defense to review the policies and practices of the military services to give new emphasis to recognition of the individual needs, aspirations and capabilities of all military personnel.

No one can predict with precision whether or not, or precisely when, we can end conscription. It depends, in part, on the necessity of maintaining required military force levels to meet our commitments in Vietnam and elsewhere. It also depends on the degree to which the combination of military pay increases and enhanced benefits will attract and hold enough volunteers to maintain the forces we need, the attitude of young people toward military service, and the availability of jobs in the labor market.

However, I am confident that, barring any unforeseen developments, this proposed program will achieve our objective.

The starting pay of an enlisted man in our Armed Forces is—taking the latest raise into account—less than $1,500 a year. This is less than half of the minimum wage in the private sector. Of course, we should add to this the value of the food, uniforms and housing that is provided free. But it is hardly comparable to what most young men can earn as civilians. Even with special allowances, some married enlisted men have been forced to go on welfare to support their families.

The low pay illustrates another inequity of the draft. These men, in effect, pay a large hidden tax—the difference between their military pay and what they could earn as civilians. Therefore, on the grounds of equity alone, there is good reason to substantially increase pay.

While we focus on removing inequities in the pay of men serving their first few years in the military, we must not neglect the career servicemen. They are the indispensable core of our Armed Forces. The increasing technological complexity of modern defense, and the constantly changing international situation, make their assignments ever more difficult—and critical. We shall continue to make every effort to insure that they are fairly treated and justly compensated.

There is another essential element—beyond pay and benefits, beyond the best in training and equipment—that is vital to the high morale of any armed force in a free society. It is the backing, support and confidence of the people and the society the military serves. While government can provide the economic justice our men in arms deserve—moral support and backing can come only from the American people. At few times in our history has it been more needed than today.

The consideration of national security contains no argument against these historic actions; the considerations of freedom and justice argue eloquently in their behalf.

TO REFORM THE DRAFT

As we move toward our goal of ending the draft in the United States, we must deal with the draft as it now exists. This nation has a right to expect that the responsibility for national defense will be shared equitably and consistently by all segments of our society.

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Given this basic principle, I believe that there are important reforms that we must make in our present draft system.

It is my judgment, and that of the National Security Council, that future occupational, agricultural and student deferments are no longer dictated by the national interest. I am issuing today an Executive Order to direct that no future deferments shall be granted on the basis of employment. Very few young men at age 19 are in such critical positions that they cannot be replaced. All those who held occupational deferments before today, as well as any who may be granted such deferments from pending applications filed before today, will be deferred as they were previously.

This same Executive Order will also eliminate all future paternity deferments—except in those cases where a local draft board determines that extreme hardship would result. All those who held paternity deferments before today, as well as any who may be granted deferments from pending applications filed before today, will be deferred as long as they are living with and supporting child dependents.

I am also asking the Congress today to make some changes in the Military Selective Service Act of 1967.

The first would restore to the President discretionary authority on the deferment of students seeking baccalaureate degrees. If the Congress restores this authority, I shall promptly issue a second Executive Order that would bar all undergraduate deferments, except for young men who are undergraduate students prior to today. These young men would continue to be eligible for deferment under present regulations during their undergraduate years. This Executive Order would also end deferments for young men in junior college, and in apprentice and technical training programs, except for those who entered before today. Men participating in such programs before today would continue to be deferred until they complete them.

Should Congress pass the legislation I have requested, those young men who start college or enter apprentice or other technical training today or hereafter, and subsequently receive a notice of induction, will have their entry into service postponed until the end of the academic semester, or for apprentices and trainees, until some appropriate breaking point in their program.

Even if college deferments are phased out, college men who through ROTC or other military programs have chosen to obligate themselves to enter military service at a later date would be permitted to postpone their active duty until completion of their study program.

In each instance, I have spoken of the phasing out—not the elimination—of existing deferments. The sudden elimination of existing deferments would disrupt plans made in good faith by individuals, companies, colleges and local school systems on the basis of those deferments.

My second legislative proposal would establish a direct national call, by lottery sequence numbers each month, to improve the operation of the random selection system. We need to ensure that men throughout the country with the same lottery number have equal liability to induction.

Under the present law, for example, a man with sequence number 185 may be called up by one draft board while a man with a lower number in a different draft board is not called. This can happen because present law does not permit a national call of young men by lottery sequence numbers.

Some local draft boards may not have enough low numbers to fill their assigned quota for the month. As a result, these local boards are forced to call young men with higher numbers. At the same time, other draft boards throughout the country will have more low numbers than necessary to fill their quotas.

I am recommending to the Congress an amendment to suspend this quota requirement while the random selection system is in effect. If the Congress adopts this amendment, I will authorize the Selective Service System to establish a plan under which the draft call each month will be on a national basis, with the same lottery sequence numbers called throughout the country. This will result in a still more equitable draft system.

As long as we need the draft, it is incumbent upon us to make it as fair and equitable as we can. I urge favorable Congressional action on these legislative proposals for draft reform.

CONCLUSION

While I believe that these reforms in our existing draft system are essential, it should be remembered that they are improvements in a system to be used only as long as conscription continues to be necessary.

Ultimately, the preservation of a free society depends upon both the willingness of its beneficiaries to bear the burden of its defense—and the willingness of government to guarantee the freedom of the individual.

With an end to the draft, we will demonstrate to the world the responsiveness of republican government—and our continuing commitment to the maximum freedom for the individual, enshrined in our earliest traditions and founding documents. By upholding the cause of freedom without conscription we will have demonstrated in one more area the superiority of a society based upon belief in the dignity of man over a society based on the supremacy of the State.

RICHARD NIXON.

THE WHITE HOUSE, *April 23, 1970*.

Mr. KENNEDY. Mr. President, I commend the President for what I think is a splendid message to Congress in terms of selective service reform. Since 1966, and perhaps even before, a number of Members of Congress have urged many of the recommendations that now have the support of President Nixon and this administration. Perhaps the most comprehensive review of the Selective Service System was made by the Burke Marshall Commission, which made many of the recommendations which, I am glad to see, have been adopted in this message of the President.

In particular, Mr. President, I feel that the position that the President has taken on abolishing occupational deferments is a courageous position. He has requested the power from Congress to abolish educational deferments, which I think is also a courageous position. He is attempting to broaden the pool from which the random selection would be made, by moving the selection process from local draft boards to a national pool, which, in turn, would eliminate some of the present inequities under the random selection system. I think he deserves credit for this.

The tone of this message, Mr. President, is to reduce compulsion by developing a system by which we select some Americans and call them to the defense of our country, but placing the greatest emphasis possible on voluntarism. I think this is a commendable approach of the President. As he has indicated in his message:

> No one can predict with precision whether or not, or precisely when, we can end conscription.

But he is certainly, by this message, I think, taking a giant step forward in reducing the compulsive aspects of our Selective Service System.

He outlines in this message some of his proposals: First of all, to increase the pay of the recruits who come into the Armed Forces, for just a 2-year period, in the next fiscal year, by $500 million. He then suggests that he will recommend to Congress in fiscal year 1972 some $2 billion in added pay and other benefits. I would hope those other benefits would include the educational benefits, as I think we know how valuable these are to returning servicemen.

He also stresses and directs the Secretary of Defense to give high priority to the expansion of programs designed to increase enlistments and retentions in the services. I would hope that within that request would be included the kinds of programs, such as the Project 100,000 developed by Secretary McNamara, which was designed to assist young people who might have missed actual induction because of either physical or mental deficiencies by perhaps 1 or 2 percentage points, when they took the examination to enter the Armed Forces, but were volunteering and actually wanted to serve. The service takes these young people, gives them some additional training and some additional education, and then the volunteers serve in the Armed Forces. I understand that program has been successful.

So there have been efforts made in the past, and I am sure Secretary Laird can come up with additional means by which to permit and encourage young people to enter the Armed Forces who, for one reason or another, may not be able to enter at the present time. Certainly we do not want to lower our standards for recruitment, but no doubt there are circumstances and situations in which there can be a greater degree of flexibility, thereby bringing additional young people into the Armed Forces.

So all in all, Mr. President, although I would have liked to have seen some additional reforms in terms of the procedures followed by local boards to give a greater amount of due process to those who, for one reason or another, might have to appeal their draft board's decisions, we will have, actually, less reasons for appeals procedures once we eliminate educational paternity, and occupational deferments. I think therefore there is less urgency in these other reforms, although I would personally like to see some of the other recommendations of our Subcommittee on Administrative Practice and Procedure considered by the administration.

The other area of possible reform is conscientious objection. I would hope, when the Armed Services Committee considers the whole question of conscientious objectors, that we would be able to at least return to the Supreme Court interpretation under the Seeger case, which I do feel provides the most responsible definition of a conscientious objector, and I am sure the armed services would, in addition, consider whether we could get to selective conscientious objectors. I have my own

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reservations now about allowing selective conscientious objection, but I feel some worthwhile suggestions have been made. President Kingman Brewster at Yale, for example, offered a rather ingenious recommendation in terms of the selective conscientious objector, which I would lean toward at the present time, but which I think needs additional study.

But all in all, Mr. President, this is a commendable message by the President, and I would urge all my colleagues to read it, and hope that, with this kind of guidance, the Armed Services Committee in the Senate can move expeditiously to give to the President the power that he has requested.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. SPARKMAN. I want to say that I am glad to hear the remarks the Senator has just made with reference to selective service. I gathered from some of the reports that I read and heard over the radio that it is possible that changes will take place that might lead within a few years to an all-volunteer army. At least, that has been recommended, as I understand.

Does the Senator have any comment on that?

Mr. KENNEDY. The President had indicated during the course of his campaign that he supported an all-volunteer army. The Gates Commission, which was established under the direction of the President, recommended that we approach an all-volunteer army.

I think that this message leaves open the question of whether we are going to be able to reach an all-volunteer army in the near future. When we take this message in terms of the current military needs—for example, as I understand, a force level now of approximately 3.2 million men—even under this approach, I think it would be extremely difficult to reach an all-volunteer army. But if we were to reduce the Armed Forces needs from 3.2 million to post-Vietnam, which has been estimated at 2.7 million, and which some others have suggested could be reduced even below 2.5 million, I think that under this force level we would probably come almost to the point of a volunteer army.

The Gates Commission believes that we would, and the President's proposed pay increases moves us close. But I think that under the present circumstances, with present demands in terms of Vietnam and immediate post-Vietnam, it will be difficult to reach it. But at least we are reducing the compulsion and increasing the voluntarism in an important way.

That is an important underlying and fundamental theme of this message for which I think the President deserves commendation.

Mr. SPARKMAN. The Gates Commission recommended we reach the point of an all-volunteer army by July 1, 1971. I understand that that goal is not viewed with any prospect of it happening, but that we are tending in that direction and might reach it over the years.

I think it is appropriate at this time to say this: I always have been impressed with the manner in which the Navy treated its personnel, all of whom have been, with few exceptions, volunteers. Certainly that is true in ordinary peacetime; it would not hold true, I suppose, in wartime. First of all, they allowed a Navy person to retire after 20 years of service. But while that man was in the Navy, he was taught a useful trade.

I was impressed with the fact that a young fellow, 17 years of age, would serve in the Navy and retire at 37. He would have a good trade and in addition would have his retirement, and he was in a very much better condition than a person who had gone into the Army.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I ask unanimous consent that I may be permitted to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. I recall that in 1942, when a bill relating to the services was pending in the House of Representatives, I offered an amendment which would allow a person in the Army to retire under the same conditions—that is, in 20 years. I believe that is still the law. It became uniform then in the services. But the Army never has been successful in giving the same type of training to its young men that the Navy has—certainly, not to the same extent. I am sure there are reasons for it. But I believe that a great deal could be accomplished in getting volunteers if we came to something such as that.

Mr. KENNEDY. The Senator from Alabama always has made extremely useful observations. I share the understanding of the present training programs by the U.S. Navy and the splendid work that has been done under them. Unfortunately, with the requirements of those who serve in the Army as private first class or in the infantry, it is much more difficult than it is in the Navy to give them that kind of training.

Mr. SPARKMAN. In this day of electronics, however, it is becoming more so.

Mr. KENNEDY. I think the comments of the Senator from Alabama are valid and useful. The Navy certainly has done outstanding work.

As the Senator from Alabama perhaps realizes, one of the real additional problems of our times is that in some instances the Navy spends tens of thousands of dollars to train some personnel and then they will leave the service and work in the civilian field. Perhaps in terms of the total economy this is an advantage, but in terms of service to the Navy, it places an additional burden on them.

I think the Senator is correct in his observation.

Mr. President, I ask unanimous consent that the Senator's time be extended by 3 minutes.

The PRESIDING OFFICER. Without objecton, it is so ordered.

Mr. SPARKMAN. I noted with interest what the Senator said about the very difficult problems of conscientious objectors.

In 1940, when I was a member of the Military Affairs Committee in the House of Representatives, when we wrote the Draft Act, we provided for special treatment for men who were members of some organizations whose tenets taught against war. When the time came to renew that in 1941, I offered an amendment which I felt was good—I still feel it is good—which was adopted, to extend the right of conscientious objection to the conscience of the individual, regardless of his being a member of those organizations. Frankly, I do not know whether that is still part of the law, but I did feel it was good then. I offered the amendment, and it was written into the law in 1941.

Mr. KENNEDY. Although, obviously, I was not in the Senate at that time, I think that the sensitivity which was reflected by the Senator from Alabama then is most commendable. Put against the background of the war, it was an extremely courageous position for him to assume. I think all of us are aware of how difficult it is at any time to balance the sincerely held conscientious beliefs of young individuals who, from religious or deeply held moral beliefs, have reservations about service in the Armed Forces with what our responsibilities are in providing for an armed force in this country. This is an extremely difficult balance to strike, particularly through legislation.

I am sure the contributions made by the distinguished Senator from Alabama were extremely important in working this out.

Mr. SPARKMAN. An example would be a member of the Quaker Church. We know that the Quaker Church has tenets against war. But they have a much easier time establishing conscientious objection than would a member of my church, the Methodist Church, because our church does not have those tenets.

Mr. KENNEDY. I thank the Senator for his comments. I think they have been very useful.

Mr. President, I yield the floor.

MOTOR VEHICLE SAFETY—CONFERENCE REPORT

Mr. HARTKE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. ALLEN). The report will be read for the information of the Senate.

The bill clerk read the report.

(For conference report, see House proceedings of April 20, 1970, pages 12423–12424, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HARTKE. Mr. President, in order for my colleagues to be informed of the

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action taken by the House and Senate conferees on this bill, I should like to present the following statement and ask unanimous consent to have it printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR HARTKE EXPLAINING CONFERENCE ACTION ON H.R. 10105

AUTHORIZATION

The Committee adopted the following dollar amounts as authorization for the Department's motor vehicle safety program:

1970, $23 million.
1971, $40 million.
1972, $40 million.

Because the Administration will begin planning for its 1972 budget next fall, the conferees thought it advantageous to include a fiscal year 1972 authorization amount in this bill. Since the Department did not request or provide justification of appropriations for fiscal year 1972, the Committee set the authorization amount at 40 million dollars for both 1971 and 1972. However, the identical amounts for these two years are not intended to be a prohibition on the necessary growth of the safety program but rather reflect the Committee's best estimate of need at this time. The Department is invited to inform the Commerce Committees if it finds that its needs for the motor vehicle safety program for fiscal year 1972 can be justified at an amount higher than $40 million.

The Committee deleted the provision in section 121(c) which would have made available in 1970 2.8 million dollars for employment of additional personnel in the National Highway Safety Bureau to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966. This deletion was made because fiscal year 1970 had nearly ended at the time of the Committee's action, and the fiscal year 1970 appropriations had already been enacted.

The Committee's action is not meant to suggest that the Committee is no longer concerned about the level of staffing in the National Highway Safety Bureau. To the contrary, the Committee believes that this is one of the Bureau's most critical needs as was shown during the authorization hearings in 1969.

The Committee is hopeful that recent actions by the Department of Transportation will be satisfactory to meet manpower needs. In the fiscal year 1970 appropriations, there was an increase of 56 staff positions provided for the National Highway Safety Bureau, reaching a total of 518 positions. With the reorganization of the Bureau into a major operating element in the Department of Transportation, a step which the Committee heartily approves, the staff positions previously allocated to the Federal Highway Administration to provide support services for the Bureau were transferred to the Bureau's staff, making a total for fiscal year 1970 of 589 staff positions. The Committee understands that for fiscal year 1971 the Department is requesting an additional 254 positions for the National Highway Safety Bureau, reaching a total of 843.

In view of these steps the Committee believes that it is not necessary, as it appeared at this time last year, to specifically allocate a portion of the authorization for appropriations solely for the purpose of hiring additional staff. However, the Committee intends to continue its oversight and review of Bureau operations to make certain that this trend is not reversed or slowed down.

DEFINITION OF MOTOR VEHICLE EQUIPMENT

The Senate-passed bill had expanded the definition of "motor vehicle equipment" to authorize the setting of standards not only for motor vehicles and motor vehicles equipment but for automotive safety accessories and equipment such as motorcycle goggles, tire repair equipment and tire inflation equipment. The House conferees agreed with the thrust of the Senate amendment but they expressed concern that the Senate definition might be interpreted to include items which had only tangential relationship to automotive safety such as shoes or gloves. To clarify the intention of the conferees not to include such tangential items, the Senate amendment was limited to accessories intended for use "exclusively" to safeguard motor vehicles, drivers, passengers and other highway users from risk of accident, injury or death.

PROSPECTIVE PURCHASERS—CONSUMER INFORMATION

The Committee amended the provisions of section 112(d) of the Act concerning consumer information to make it clear that manufacturers would be required to provide consumer information to prospective purchasers as well as to owners. Thus, the bill requires that the information be given to each prospective purchaser at each location where any such manufacturer of vehicles or items of equipment are offered for sale by a person with whom the manufacturer has a contractual, proprietary, or other legal relationship. The information must, as a minimum, include printed material which can be retained by the prospective purchaser or sent to him by mail at his request. For the purchaser, the printed material must be placed in the motor vehicle or attached to or accompany the item of equipment.

The Committee recognizes the great difficulty and complicated task facing the Department and the manufacturers in developing comparable technical safety information which is useful for consumers. Nevertheless, the Committee believes that these requirements are essentials of the Safety Act. The Committee was impressed with the first effort made by the Department to collect and organize the vast amount of consumer information submitted by the manufacturers in December 1969 and urges the Secretary to continue and perfect the document entitled "Performance Data for new Passenger Cars and Motorcycles". Because of the importance of disseminating this information for all makes and models of vehicles sold in the United States, the Committee urges the Secretary to disseminate this booklet as widely as possible and require manufacturers to make it available at each dealership.

It has come to the Committee's attention that despite the promulgation of the first consumer information regulations on January 1, 1970, the vast majority of motor vehicle dealers have not been volunteering the information to consumers. In other words, the dealers are not posting the information at the dealerships or in other ways attempting to inform the consumer about the availability of this information. The Department of Transportation made a survey of dealers to determine the extent to which they made the consumer information available during the first months of 1970. The survey showed that only 1.8% of the dealers had the information on display although 85% were able to produce the information when specifically requested to do so by the survey team.

The Committee expects that the Department will, under the new language of this bill, issue regulations which specifically show the steps the manufacturers, distributors and dealers are expected to take in assuring that consumers are fully informed and have access to the consumer information provided in accordance with section 112(d) of the Act.

DEFECT NOTIFICATION AND RECALL

The Committee considered the addition to the bill of the Senate language which would have specifically required motor vehicle and tire manufacturers to remedy without charge the vehicle or equipment determined to be defective or not in compliance with Federal vehicle safety standards. However, the Committee did not believe it necessary at this time to adopt the Senate language. It is the Committee's understanding that it has to date been the general practice for the industry to remedy without charge any vehicle or equipment about which safety defect notification (concerning a defect or violation of standard) has been sent to owners. The Committee agrees that it is implicit in present law, in the requirements for notification of owners, that the manufacturer must remedy the defect or violation without charge.

Thus, the Committee emphasizes that this action is in no way intended to suggest that the Committee does not expect all manufacturers to remedy defective and non-complying vehicles and equipment without charge. It is obvious that unless the manufacturers accept this responsibility, there is little likelihood that owners will bring their vehicles to dealers for correction. It would be an intolerable situation if the manufacturers, after notifying owners that the product they manufactured was defective or in violation of a safety standard and in need of correction, would not also effect the correction without charge.

The Committee is not interested in needlessly adding legislative language to the National Traffic and Motor Vehicle Safety Act. However, the Committee fully intends to carefully watch the performance of all manufacturers and the extent to which they cooperate with the Department of Transportation in carrying out the intent of the Act. If it should come to the attention of the Committee that the manufacturers are not recalling any vehicle or equipment which is defective or in violation of the Federal standards and remedying these without charge, we will not hesitate immediately to initiate legislation which would require manufacturers to recall and remedy such vehicles and equipment, to be penalized by the Government for failure to do so immediately, and to require payment of punitive damages to owners whose vehicles contain safety defects or fail to comply with safety standards.

The Committee believes that the National Traffic and Motor Vehicle Safety Act is of vital importance to the Nation, and expects that its benefits will be even more evident in reducing the death and injury rate within the next several years. Assurance that defective or unsafe vehicles are not travelling on the highways is a critical part of the Act, and the Committee expects that the Department of Transportation and the automotive industry will work jointly to assure that the millions of vehicles on the highways are in the safest possible condition at all times.

TIRE DEFECT NOTIFICATION

The bill requires tire manufacturers, as vehicle manufacturers are already obligated under present law, to provide defect notification of defective or noncomplying tires. As Senate Report 91–559 makes clear, the motor vehicle manufacturers will continue to be responsible for safety defect notifications to owners of original equipment tires sold with new motor vehicles, while the tire manufacturers under this bill will be responsible for notification to owners of aftermarket tires

The bill also requries the motor vehicle and tire manufacturers to maintain records of the names and addresses of first purchasers so that the company is able to provide notification as the present law requires by certified mail. Language adopted by the conferees authorizes the Secretary to establish procedures under which distributors and dealers must assist manufacturers in securing the names and addresses of first purchasers on the condition that such procedures do not affect the basic obligation

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of the manufacturer to keep records. The purpose of this provision is to assure that dealers and distributors, whose efforts are important and necessary in securing the names and addresses of first purchasers, will cooperate fully with the manufacturers. However, the Committee also expects the Department in its regulations to take care not to compromise the competitive position of these small businessmen in their dealings with the manufacturers, and expects that the Department will penalize manufacturers if the lists of purchasers are in any way used for commercial purposes by the manufacturers to the detriment of independent distributors or dealers.

FACILITIES

The Committee gave thorough consideration to the need for research and development facilities as well as Bureau compliance testing facilities. The Committee believes that the provisions in the bill as reported by the conferees will provide the Department with the maximum flexibility in rapidly designing and constructing the needed facilities. Thus, the bill, as reported, provides an unlimited authorization for the Secretary of Transportation to plan, design and construct facilities suitable to conduct research, development and compliance and other testing in traffic safety.

The burden now rests with the Secretary of Transportation to provide the Senate and House Committees and the Senate and House Public Works Committees with an appropriate prospectus of his plans for requesting appropriations for design and construction of these facilities. The Conference Committee is cognizant of the great need for testing facilities both for the purpose of developing standards and other research information as well as for assuring compliance with these standards. The conferees pledged that they will provide every assistance to the Secretary in securing passage of the resolutions called for in H.R. 12105 to expedite appropriations by the Congress. The conferees are anxious to assist the Secretary in dramatically reducing the enormous death and injury toll and stand ready to act on his own requests as soon as they are forwarded to the Congress.

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Mr. PROUTY. Mr. President, as one of the conferees on the amendments to the National Traffic and Motor Vehicle Safety Act of 1966, I am pleased that we were able to reach substantial agreement with the managers for the other body.

Mr. President, I believe that these amendments represent another step forward to solving one of our Nation's most serious problems. Yesterday as we all celebrated Earth Day, the value of human life and the concern that we all have for living was utmost in all our minds. Deaths from motor vehicle accidents, Mr. President, day in and day out snuff out lives for thousands of Americans. We all know the statistics which remind us that last year alone over 56,000 lives were lost because of motor vehicle accidents.

We all know that there are over 70,000 accidents a day.

We all know that the economic cost to the Nation is over $16 billion a year.

Nevertheless, Mr. President, we sometimes become callous to these statistics and relax in our efforts to insure traffic safety.

There are three basic elements in any traffic accident: people, vehicles, and the highway. Over the past decade we have made great strides in improving the safety of our Nation's highways. The Interstate Highway System has certainly averted many accidents.

Beginning in 1966, we in Congress enacted legislation designed to make the vehicles we use safer. I, for one, am convinced that we have made considerable progress in that area. The 1970 motor vehicle is in fact a safer vehicle than its counterpart of 10 years ago. I am also convinced that the amendments to the Motor Vehicle and Highways Safety Act of 1966, which were agreed to by the House and Senate conferees, represent another step toward our developing the safest possible motor vehicle. For example, Mr. President, we have provided for the establishment of research and test facilities by the Federal Government which would be used to insure that the manufacturer of motor vehicles and tires complies with standards set by the Federal Government. Those facilities would also be used to conduct tests for devising ways and means for improving the structure, the design, and the material used in motor vehicles so that they would be able to save additional lives.

Also, Mr. President, these amendments expand the definition of motor vehicle equipment so as to include such safety related items as motorcycle helmets. State after State has continued to pass legislation to require motor cyclists to use safety helmets. Unfortunately, some of the helmets made for such use are not designed or manufactured in such a way so as to insure the maximum possible protection. Our amendments would enable the Secretary of Transportation to set standards in this very important area so that fewer deaths would occur. In addition, Mr. President, the act is expanded so that the Secretary of Transportation can look at another group of vehicles which often contribute to death and accidents. The Secretary is directed to study ways and means of improving the safety of the farm tractor. When his report is completed, I am certain that Congress may wish to further amend this act.

Mr. President, since 1966 real progress has been made. The Department of Transportation has issued 29 motor vehicle safety standards alone since 1967 and have proposed an additional 95. Some of the results obtained by those standards are clearly indicated by the hard data gathered in the last 3 years.

For example, fatality statistics for the 1966 to 1969 interval show a definite improvement in safety. Although the absolute number of deaths per year continued upward, the increase slowed from a 6.8 percent per year to only 2.1 percent per year.

In addition, hard data gathered in the 3 years since the safety legislation was enacted show conclusively that crash survivability is a successful concept for highway safety. The data were gathered from various crash experience and actual accident records:

No fatal injuries at crash speeds up to 60 miles per hour when occupants wore lap and shoulder safety belts.

Motorcycle fatalities down 30 percent due to protective crash helmets.

The rate of fatal head injuries due to contact with new high penetration resistant windshields is 32 percent less than the rate in crashes involving pre-1966 cars.

No fatal or dangerous injuries to drivers in crash impacts at 50 miles per hour with new energy-absorbing steering columns.

This downward trend should continue to improve based on the very positive steps taken by the Department of Transportation during the past year. For example, in 1969 alone the following steps were taken:

First fines levied at vehicle manufacturers for not complying with vehicle safety standards.

State programs approved by the Secretary, thus providing a blueprint for progress by the 50 States, the District of Columbia, and Puerto Rico in implementing the highway safety program standards.

Shift from piecemeal project-by-project approval of Federal grant-in-aid assistance to States to an annual work-plan concept whereby an entire year's State safety program will be funded when approved.

Issue of first consumer information regulations requiring automobile and motorcycle manufacturers to provide prospective purchasers information on such important safety features as stopping distance, acceleration, and tire reserve load.

Initiation of rulemaking procedures to require all cars be equipped with passive occupant restraint system, such as the air bag, in order to increase crash survivability.

Issue of detailed manuals to help States and communities implement the 16 Federal standards established under the Highway Safety Act.

Some 1,200 new findings on the real causative factors behind crashes submitted by 15 medical engineering accident investigation teams.

Moreover, Mr. President, the Secretary of Transportation moved the National Highway Safety Bureau to the same level as other modal administrations reporting directly to him. This action gave a greater voice to the entire area of highway safety.

Mr. President, the only disappointment I have in the agreement reached by the conferees is that the funds necessary for research and compliance testing facilities must be given approval by two committees in the House and two committees in the Senate. The managers for the other body would not recede on this item, and while I, for one, feel that it is an unnecessary incumbrance on getting the job done, I am convinced that all of the committees involved will expedite any request by the Secretary.

Now, Mr. President, while I feel that these amendments represent another step toward obtaining the safest possible motor vehicle, I want to point out that we still have a long way to go. The motor vehicle can be made to be safer, and those of us in Congress are dedicated to achieving that goal.

Mr. President, I want to close by mentioning the final element in any automobile accident. That element is the driver. We must at all levels of government take a hard look at ways and means for improving driver performance because all of us agree that driver error constitutes the greatest single cause of automobile accidents. Somehow all of us must keep in mind that automobile accidents represent the leading killer for those in the 5 to 35 age group. For all Americans motor vehicle accidents constitute the fourth greatest cause of death. As we put renewed emphasis on a clean environment and the need for preserving human life, we must continue to give a high priority to reducing deaths on the highway.

Mr. HARTKE. Mr. President, I move that the Senate further insist on its amendment.

The motion was agreed to.

EARTH DAY

Mr. RANDOLPH. Mr. President, in West Virginia there are two universities and 19 colleges. Yesterday, and the days preceding what we know as "Earth Day," there were 19 institutions in West Virginia which, through student leadership, conducted programs on the challenge to the environment as well as the threat of degradation and the desecration and the deterioration of the earth in which we live.

It was my privilege to address several of these groups at West Virginia colleges. And I noted particularly the student leadership with respect to the concern and the desire not to march in the street, or wave the flag, but to counsel with others on these pressing problems that have to do with the enhancement of the values of the American way of life.

I sense that in this crusade, the zeroing in on environmental matters, there was cooperation between the citizens within the community and the students on the campus of those communities.

In my home town of Elkins, W. Va., at Davis-Elkins College, the program was one of student leadership, but with citizen participation. The people from downtown came up the hill to work on this matter with the concerned students, as I have said, on these programs to alleviate the conditions which frankly are not only burdensome but also which must not be tolerated in the United States of America.

We certainly need not only a recycling of the waste material so that it may be used again, but we also need a recycling of the human spirit in regard to these matters.

It is encouraging that it is possible for me to report from my State on the active participation of students. As I indicated, students from 19 of the 21 colleges and universities participated. I assume that the students from the other two colleges will come forward with programs within the next few days to give us unanimity of action. It is my hope that the action which has been taken has not been overcharged with emotion but will continue to be carried forward in constructive and meaningful programs.

Our concern with problems of the environment should continue and the decade of the 1970's should be the "Age of Ecology."

TRIBUTE TO SENATOR FULBRIGHT, CHAIRMAN OF THE FOREIGN RELATIONS COMMITTEE

Mr. SPARKMAN. Mr. President, I had really intended to make my remarks on this matter tomorrow. However, the Senate will not be in session tomorrow. So, I will make my remarks a little ahead of time.

On tomorrow the distinguished Senator from Arkansas, the chairman of the Foreign Relations Committee, will become the holder of the record with respect to the tenure of that office. He will have been in the office of chairman of the Committee on Foreign Relations for longer than any other man in history. And there have been some who have held that office for a rather long time.

Senator Sumner, of Massachusetts, was chairman of the committee for 10 years, from March 4, 1861, to March 4, 1871.

Senator Shelby M. Cullom, of Illinois, was chairman of the committee for more than 11 years, having served from December 18, 1901, until March 4, 1913.

Senator Fulbright has already exceeded the record of service of Senator Sumner. And in length of service and tenure, Senator Fulbright will have tomorrow exceeded the service of Senator Cullom.

There have been, as I say, some who have had rather extensive tenure of office—Senator Connally, of Texas, Senator Pittman, of Nevada, Senator Borah, of Idaho, Henry Cabot Lodge, of Massachusetts, James Mason, of Virginia.

There have been some two dozen or more committee chairmen over the years.

Bill Fulbright was named chairman of the Foreign Relations Committee on February 6, 1959. And he has served continuously as its chairman since that time. So, as of tomorrow, he will have held the post of chairman of the Foreign Relations Committee for longer than any other man in the history of the Foreign Relations Committee.

Mr. President, Bill Fulbright first served in the House of Representatives. There he was the author of the Fulbright resolution. In a short time he came to the Senate and, more or less naturally, became a member of the Foreign Relations Committee because of the great interest he had shown in international affairs.

He also served on the Banking and Currency Committee. When I came to the Senate and was first assigned to the committees in January 1947, I was assigned to the Banking and Currency Committee. And I had the pleasure of sitting just below him for 12 years. In the meantime, I, too, had become a member of the Foreign Relations Committee. But he was a good bit ahead of me.

As time went on and seniority played its part, I reached the point of sitting next to him. So I have often said that I sat next to Bill Fulbright for the nearly 24 years that I have been a Member of the Senate.

On the Banking and Currency Committee and on the Foreign Relations Committee, I thought at times that it was pretty much like the old saying, "So often a bridesmaid, but never a bride." But I did eventually become chairman of the Banking and Currency Committee some time after Senator Fulbright had left that committee.

I pay tribute to Bill Fulbright not only for the length of service he has had, but also for the tremendous service he has rendered his country.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from Alabama in paying tribute and I express my own high personal esteem for the distinguished Senator from Arkansas, the chairman of the Foreign Relations Committee. As has been pointed out, he has been the chairman of that committee for the longest time ever.

Bill Fulbright and I came to Congress and sat together in the House of Representatives almost 28 years ago. In fact, the first man I met on the floor was Bill Fulbright, who had resigned from the presidency of the University of Arkansas to run for the House.

I had just retired temporarily from the faculty of the University of Montana—temporarily I say because I did not return for the next 28 years. It is understood that that is considered only temporary.

However, I got to know Bill Fulbright. As I said, he was the first man I met when I went into the House Chamber. I sat next to him on the Foreign Affairs Committee in the House. He was my senior then. And today I sit under him in the Committee on Foreign Relations of the Senate.

I have a pretty good idea of what could be called the ups and downs of Bill Fulbright, of what he has gone through, of his remarkable stamina and resiliency. He has always been honest and frank—for some people, perhaps, too honest and too frank; without enough doubletalk, or enough weaseling, or enough edging away.

I have watched Bill Fulbright carefully. I have watched him in his service to his own State, his service on the committee, and on the floor of the Chamber.

In all of the time that has passed since we first met so many years ago, I have yet to see the day when Bill has had to take second place to anyone. I consider it a high privilege to have been associated with him and to be associated with him today, to call him friend, and to be the recipient of his advice and counsel down through the years. It has been a deep honor.

Mr. SPARKMAN. Mr. President, I thank the Senator from Montana for his remarks.

I call attention to the fact that in the committee I sit between Bill Fulbright and Mike Mansfield, but it has not always been that way. I used to sit between Bill Fulbright and Wayne Morse, and sometimes I had a little rough going sitting there.

But I do want to say that Bill Fulbright has always handled that committee with the greatest of courtesy, fairness, and consideration for everyone, with a respect for the views of everyone, whether he agreed with them or not.

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By the way, there is another honor Bill Fulbright holds, which the Senator from Montana may not have thought of. Russell Long once introduced me as the most senior junior Senator in Congress. I said to him I appreciated that introduction but I did not deserve it. I do not hold that honor. The most senior junior Senator in the Senate is Bill Fulbright and he is still the junior Senator.

I appreciate the opportunity to have served with him, under him, and to have worked with him.

Several Senators addressed the Chair.

Mr. SPARKMAN. Mr. President, I yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, I ask unanimous consent that the Senator may have sufficient time to complete these remarks, so far as they may be completed in a single day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I thank the Senator for yielding to me at this time particularly. As successor to Theodore Francis Green, the chairman emeritus in the Committee on Foreign Relations, and one who held his own outstanding record for longevity, I take particular delight in paying tribute to my chairman, Senator Fulbright. Long before I was a Member of this body I had admired him and my admiration has grown on coming here.

It is often said no man is a hero to his valet. There are very few valets in the world today, but as a junior member of a committee one sometimes approaches that role. In this regard, our chairman is very much a hero in my eyes, and in the very real sense of the word when "hero" combines the quality of courage with integrity.

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From a professional point of view, as I believe the only former American Foreign Service officer ever to have served in the Senate, I would doff my hat to the chairman for his in-depth of knowledge of the history and background of foreign affairs, for his diplomacy, and for his awareness of the problems that our diplomatists face abroad.

I am happy, indeed, that this well justified tribute is being made to Senator Fulbright at this time.

Mr. CASE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I do not know who started this exercise, but it may have been the committee staff. We are grateful to whoever started it.

Mr. SPARKMAN. Mr. President, will the Senator yield at that point?

Mr. CASE. I yield.

Mr. SPARKMAN. Several months ago in a meeting of the Committee on Foreign Relations, during an open hearing, it was casually brought up that on April 24 the Senator from Arkansas would reach that point. We had quite a discussion of it there in committee. Incidentally, it was brought about because of the name of the man we were approving as Ambassador was a kinsman of Shelby Cullom. I said at that time that when April 24 rolled around, I wanted to be sure to call this matter to the attention of the Senate.

Mr. CASE. I thank the Senator, and I thank him for taking the lead in this matter, because we can now say what we otherwise seldom have a chance to say about a man who has added so much to the richness of life in the Senate and in our committee. He makes service for all of us on the committee a delight. It is so nice to be able to say something and to be understood by a man whose intellect is just as good as your own, if not twice as good as your own, without having to explain something 10 times. Just because he has contributed so much to our esthetic pleasure, I want to pay this tribute.

All kinds of qualities go with him. He has a touch of impatience once in a while, which he keeps within tolerable bounds, not strict bounds, that adds spice to his leadership. He is impatient with the excesses of verbosity to which we are all inclined.

Seriously, and all I have said is serious, his leadership of this committee is a little offbeat and provides that kind of stimulation to the thinking of this body on questions that certainly equal, and perhaps exceed, all others in importance at this time.

Any contribution any of us have made will likely prove twice as important and twice as significant because he has helped us, because he has led us, has prodded us, and has encouraged us.

I want to thank him, Mr. President, through you, for what he has meant to me personally as well as all those who serve under him.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I am the newest member of the Committee on Foreign Relations. When I first became a member of the committee, which I had tried to join for a long time, the Senator from Arkansas, as chairman, perhaps may have greeted that event with mixed emotions not knowing how I would perform. I did not know him any too well at that time. I consider it one of the real highlights of my career in this body that I did finally "make," as the saying goes, the Committee on Foreign Relations, and that I had to work with Bill Fulbright. I count him as a friend. I speak with absolute assurance when I say that he counts me as a friend. In our case that is extremely important.

He is a man of very, very deep insight. As the Senator from New Jersey properly said, he has an unusually fine intellect, and—notwithstanding the touch of impatience—he does want to hear the facts. He masters his own impatience and that is the true measure of a man. He has also the great ability, which I admire so much, to be able to say, I am persuaded. To me those are among the significant words in our language.

Finally, there is his truly historic service. I think this is very important to emphasize for us on the Committee on Foreign Relations.

Some people in this country call Bill Fulbright irresponsible and the reason is that he does not hesitate to take an extremely independent position which walks off the beaten path. If ever there was a time in the history of our country and in the history of the world when this absolutely irreconcilable spirit of questioning was in need, it is now. It is precisely because he will not accept the yoke of conformity that he is such a magnificent chairman of the committee.

I hope very much that these short remarks are listened to. The Senator from Arkansas has been the chairman of this great committee longer than anyone else in the history of the committee. We who serve on the Committee on Foreign Relations have a great diversity of views and we respect him not only as a chairman, but as a person and as a friend. The path on which he beckons this country will lead to the promise of constructive achievement in terms of justice and well-being in the world, with a far less doctrinaire approach to problems than shown so far, with deep understanding and friendship for all people in the feeling we are going to have to live with them, and we cannot live with them if we are afraid to try new ways.

So, Mr. President, I join with my colleagues in honoring Bill Fulbright. I hope very much that he may exceed the longevity of Senator Green of Rhode Island and that we may have the benefit of his integrity, friendship, and leadership for decades to come.

Mr. President, I suggest—and I do this symbolically; perhaps the Senator from Alabama (Mr. Sparkman) can introduce it into the Record—that there be placed in the Record a list of the chairmen of the Committee on Foreign Relations, with the term of office, which is official evidence of the fact that the Senator from Arkansas is the chairman who has served the longest.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the Record a list of all the chairmen who have served in that capacity in the Committee on Foreign Relations, as was suggested by the Senator from New York (Mr. Javits).

There being no objection the list was ordered to be printed in the Record, as follows:

Chairmen of the Committee on Foreign Relations

[Senator, Congress, and date]

James Barbour, Virginia: 14th, 1816–1817.

James Barbour, Virginia; Nathaniel Macon, North Carolina (2d session): 15th, 1817–1819.

James Brown, Louisiana; James Barbour, Virginia (2d session): 16th, 1819–1821.

Rufus King, New York; James Barbour, Virginia (2d session): 17th, 1821–1823.

James Barbour, Virginia: 18th, 1823–1825.

Nathaniel Macon, North Carolina; Nathan Sanford, New York (2d session): 19th, 1825–1827.

Nathaniel Macon, North Carolina; Littleton W. Tazewell, Virginia (2d session): 20th, 1827–1829.

Littleton W. Tazewell, Virginia: 21st, 1829–1831.

Littleton W. Tazewell, Virginia; John Forsyth, Georgia (2d session): 22d, 1831–1833.

William Wilkins, Pennsylvania; Henry Clay, Kentucky (2d session): 23d, 1833–1835.

Henry Clay, Kentucky; James Buchanan, Pennsylvania (2d session): 24th, 1835–1837.

James Buchanan, Pennsylvania: 25th, 1837–1839.

James Buchanan, Pennsylvania: 26th, 1839–1841.

William C. Rives, Virginia; William S. Archer, Virginia (3d session): 27th, 1841–1843.

William S. Archer, Virginia: 28th, 1843–1845.

William Allen, Ohio; Ambrose H. Sevier, Arkansas (2d session): 29th, 1845–1847.

Ambrose H. Sevier, Arkansas; Edward A. Hannegan, Indiana (2d session and part of 1st beginning Mar. 14, 1848): 30th, 1847–1849.

Thomas H. Benton, Missouri (special session); William R. King, Alabama (1st session); Henry S, Foote, Mississippi (2d session); 31st, 1849–1851.

Henry S. Foote, Mississippi (special session); 32d, 1851–1853.

Henry S. Foote, Mississippi (special session); James M. Mason, Virginia; 32d, 1851–1853.

James M. Mason, Virginia; 33d, 1853–1855.

James M. Mason, Virginia; 34th, 1855–1857.

James M. Mason, Virginia; 35th, 1857–1859.

James M. Mason, Virginia; 36th, 1859–1861.

Charles Sumner, Massachusetts; 37th, 1861–1863.

Charles Sumner, Massachusetts; 38th, 1863–1865.

Charles Sumner, Massachusetts; 39th, 1865–1867.

Charles Sumner, Massachusetts; 40th, 1867–1869.

Charles Sumner, Massachusetts; 41st, 1869–1871.

Simon Cameron, Pennsylvania; 42d, 1871–1873.

Simon Cameron, Pennsylvania; 43d, 1873–1875.

Simon Cameron, Pennsylvania; 44th, 1875–1877.

Simon Cameron, Pennsylvania (special session); Hannibal Hamlin, Maine; 45th, 1877–1879.

William W. Eaton, Connecticut; 46th, 1879–1881.

Ambrose E. Burnside, Rhode Island (1st special session); George F. Edmunds, Vermont (2d special session); William Windon, Minnesota: 47th,1871–1883.

John F. Miller, California: 48th, 1883–1885.

John F. Miller, California: 49th, 1885–1887.

John Sherman, Ohio: 50th, 1887–1889.

John Sherman, Ohio: 51st, 1889–1891.

John Sherman, Ohio: 52d, 1891–1893.

John T. Morgan, Alabama: 53d, 1893–1895.

John Sherman, Ohio: 54th, 1895–1897.

William P. Frye, Maine (acting, special session); Cushman K. Davis, Minnesota: 55th, 1897–1899.

Cushman K. Davis, Minnesota: 56th, 1899–1901.

William P. Frye, Maine (acting, special session); Shelby M. Cullom, Illinois: 57th, 1901–1903.

Shelby M. Cullom, Illinois: 58th, 1903–1905.

Shelby M. Cullom, Illinois: 59th, 1905–1907.

Shelby M. Cullom, Illinois: 60th, 1907–1909.

Shelby M. Cullom, Illinois: 61st, 1909–1911.

Shelby M. Cullom, Illinois: 63d, 1911–1913.

Augustus O. Bacon, Georgia: 63d, 1913–1915.

William J. Stone, Missouri: 64th, 1915–1917.

William J. Stone, Missouri: 65th, 1917–1919.

Henry Cabot Lodge, Massachusetts: 66th, 1919–1921.

Henry Cabot Lodge, Massachusetts: 67th, 1921–1923.

Henry Cabot Lodge, Massachusetts (died Nov. 9, 1924): 68th, 1923–1925.

William E. Borah, Idaho: 69th, 1925–1927.

William E. Borah, Idaho: 70th, 1927–1929.

William E. Borah, Idaho: 71st, 1929–1931.

William E. Borah, Idaho: 72d, 1931–1933.

Key Pittman, Nevada: 73d, 1933–1934.

Key Pittman, Nevada: 74th, 1935–1936.

Key Pittman, Nevada: 75th, 1937–1938.

Key Pittman, Nevada: 76th, 1939–1941.

Walter F. George, Georgia (excused from chairmanship June 31, 1941); Tom Connally, Texas: 77th, 1941–1943.

Tom Connally, Texas: 78th, 1943–1945.

Tom Connally, Texas: 79th, 1945–1947.

Arthur H. Vandenberg, Michigan: 80th, 1947–1949.

Tom Connally, Texas: 81st, 1949–1951.

Tom Connally, Texas: 82d, 1951–1953.

Alexander Wiley, Wisconsin: 83d, 1953–1955.

Walter F. George (Georgia: 84th, 1955–1957.

Theodore Francis Green, Rhode Island: 85th, 1957–1959.

Theodore Francis Green, Rhode Island (resigned chairmanship Feb. 6, 1959); J. W. Fulbright, Arkansas: 86th, 1959–1961.

J. W. Fulbright, Arkansas: 87th, 1961–1963.

J. W. Fulbright, Arkansas: 88th, 1963–1965.

J. W. Fulbright, Arkansas: 89th, 1965–1967.

J. W. Fulbright, Arkansas: 90th, 1967– .

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I would join my colleagues in commending without reservation one of the most courageous Members it has ever been my privilege to work with.

Many years ago the distinguished Chairman of the Foreign Relations Committee said it was time for us to start thinking about the unthinkable, and based on the record, that may have been the most important statement of our time.

From the standpoint of my personally working with him over the years on this committee, I have come to learn that he has one of the finer intellects it has been my privilege to know. People say, "You have changed some of your thinking. All should have the right to change, but I have broadened.

Other things are now equally important to what I thought in the past was perhaps most important. To the able and courageous Senator from Arkansas, it is with great respect that I owe much of that thinking, that broadening, to the way he runs the committee, and to him.

The distinguished Senator from Arkansas, more than any other American, has asked quietly, and despite bitter criticism, What is the price, and is it all worth the cost, these foreign adventures which are bleeding the American economy to death and, what is far more important, exacting as price the lives of many young Americans.

If it is right, then so be it. We who have the decision to make in our hearts and minds are grateful that we have a colleague who constantly urges us to weigh the high cost as against what can be achieved. I salute him for that.

Finally, Mr. President, it was many years ago that I became disturbed about how much of the foreign policy of the United States was conducted in secrecy. As a former member of the executive branch, and a former member of the National Security Council, I knew something about this. But it was not when I came to the Senate, rather when I went on the Foreign Relations Committee, that I began to really understand how the foreign policy of the United States was conducted; again, thanks to the work of this committee and its chairman.

Mr. President, we all know that in recent months we have been deescalating a war in public, but escalating a war in secret.

In due time this great country will recognize the contribution being made by this independent and thoughtful gentleman who is doing his best to see the people get the facts, important facts that have to do with the survival and prosperity of the Nation. I am honored to be on his committee. It is thought provoking, stimulating, and challenging. There is no committee in the Congress contributing more to the welfare of the country.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, it has been a great honor to know Senator FULBRIGHT, as a colleague in the Senate for 17 years. And, it has been a special privilege and an opportunity to serve under his leadership for over 3 years on the Foreign Relations Committee.

I think on this day of his diverse qualities, but it seems to me very appropriate that the Senator from Arkansas has diverse qualities. We can recall that he was a great halfback on the Arkansas football team. We know him as a scholar and as an intellectual. He can be very graceful in his speech and writings, but those of us who have served with him on the Foreign Relations Committee know that, if it is necessary, he has all the skill of a county attorney in the Ozarks of Arkansas.

I read about him before I came to the Senate, when, as a Member of the House of Representatives, he introduced the Fulbright resolution which laid down the broad framework of foreign policy for this country in the aftermath of World War II.

Then in the Senate, he was the one who initiated the program of exchange for students and scholars known as the Fulbright program, which has made such a positive contribution to international understanding and good will. He has proposed for many years that the foreign aid program should be administered through a multilateral organization. Two years ago, he was the one who proposed the national commitments resolution to strengthen constitutional processes used in the formulation of foreign policy.

I believe that his present service in the Senate may be his greatest in a distinguished career. He has insisted that the Congress, and particularly the Senate, exercise its responsibility—its joint responsibilty—in the field of foreign policy with the President of the United States. And most important of all, at this time, he has insisted that before our country shall be taken into war or take new directions that involve our security or foreign policy, the Congress of the United States shall join with the Executive in the making of such decisions.

So today I am glad that I can speak about his accomplishments, and glad that I have had the opportunity to serve with him. I pay my tribute to him and also to Mrs. Fulbright.

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Mr. HARRIS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I am happy to yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I had occasion not long ago to read a fairly recent biography of the distinguished Senator from Arkansas, and in connection with it, read, as a portion of that book, some of the highlights, selected speeches of the Senator, including not only his more recent speeches, with which many of us are more familiar, but earlier speeches, including his speech on the occasion of the Senate's rejection of the Bricker amendment.

I think that particular speech is as fine an exposition of the relative powers and responsibilities of the Senate and the President in regard to the making of treaties and the conduct of foreign affairs as has been written since the Federalist Papers themselves. I was very much impressed again, Mr. President, in reading through that and all the other speeches there collected with the great intellect, clarity of thinking, and the wonderful command of the English language shown in the excellent writings of the distinguished Senator from Arkansas.

I shall not detain the Senate longer, except to say that I warmly endorse the other words which have been said by Senators on this occasion.

Mr. SPARKMAN. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I add my voice to those who have spoken in congratulation to the Senator from Arkansas on his many years of tireless and diligent work on the Foreign Relations Committee.

As one who arrived in the Chamber during the course of another speech, I have not heard all that has been said. Particularly, I did not hear it stated precisely how long the Senator has served on the committee, but I think I can recall, because I believe on my first day in the Senate the Senator from Arkansas was assigned to the Committee on Foreign Relations, and that was about 21 years ago.

I once had the privilege of serving on the committee with the Senator, and later under his leadership; and I must say that it is a very thankless and frustrating job. One can vote to do what he can to help others with their problems, but it is not within the power of this committee or of this country to make people use wisely the things that we are able to provide to them or do for them. When one has to study not merely the problems of one country, but the problems of 100 countries, and try to act wisely with respect to our relationships to those countries, it really consumes one's full time—more than one's full time, to be entirely fair about the matter—and it is not the kind of work that tends to get one reelected in his home State. It is something that he must do in addition to staying in touch with his constituents.

I can recall times when I gave my chairman considerable headaches, and times when he gave me some; but I am positive that he was in complete good faith and sincerity in pursuing his duty as he saw it, just as he is today, and that there is no one in the Senate more conscientious and more dedicated to the cause of world peace, nor is there any man in the Senate more completely independent, both of his colleagues and of the executive branch of the Government, than the Senator from Arkansas.

He has given the very best that he had to offer his country over a great number of years, and I join my colleagues in saluting him for the great contribution that he has made, as well as for the endless and painful efforts that he has devoted, year after year, through long hours day after day, to trying to help advise this Nation upon the wisest course, and trying to see that decisions which he regarded as being in error were corrected.

So I salute the distinguished chairman of the Committee on Foreign Relations, a Senator whom I am proud to call a member of the Finance Committee as well.

Mr. SPARKMAN. Mr. President, I yield to the Senator from Wyoming.

Mr. McGEE. Mr. President, I join those who have been saluting the chairman of the Committee on Foreign Relations today.

I do not know of a more exciting term of years with such responsibilities as the years which Senator FULBRIGHT's command of the committee has covered. The speed of change, the closeness of the issues on decisions that defy simple right and wrong answers or good and bad solutions, and the emotions of the times, have all combined to make a chairmanship on that committee in these days as trying as I could imagine any chairmanship in this body could ever be. As a member of his committee—to be sure, the lowest in the pecking order, but still a serving member of the committee—I personally salute my chairman for his patience, his understanding, his energy, and most of all his imaginativeness, at a time when we are desperately searching, not for his answer or my answer alone, but for the wisest answers that we can come up with. I would not want this occasion to go by without this personal salute from me.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the distinguished Senator from Illinois.

Mr. PERCY. I am very grateful to the distinguished and beloved chairman of the Committee on Banking and Currency for this colloquy. I would feel very remiss if I did not comment, and I have patiently waited for the colloquy to get down to my level of seniority, because of the high seniority of those who have preceded me.

Most of the speakers today have been members of the Committee on Foreign Relations. I think we ought to have someone speak who aspires some day to be on that committee, and I hope the number of years in the future that will require will not be so great that I shall not have the opportunity to serve under the chairmanship of the distinguished Senator from Arkansas.

I speak as a near neighbor in the New Senate Office Building, where I have been the recipient, as has my staff, since we moved into that office, of the Senator's southern hospitality. We have shared not only the refreshments offered as a welcome when we moved in, but also the only color television set I know of on that floor. When matters of earth-shaking importance would occur, we have congregated around Senator FULBRIGHT's television set.

Just four things occur to me that I think are particularly representative of the Senator from Arkansas.

First, I think the distinguished Senator offers tremendous hope to youth all over the country. He may be senior in the Senate, and he may be very senior in service, now, as chairman of this distinguished committee, but he has touched young people. He has made them feel that the Government is really responsible, and that senior Members of the Senate can express and articulate many of the deep-seated feelings that they have; and that is not just the young people of his State, but young people all over the country.

When I had the honor of addressing the students at the University of Arkansas, I mentioned a number of things that brought forth favorable responses, and some that brought forth unfavorable responses, that were hard for them to hear. But when I mentioned the name of their distinguished Senator, the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT), we received a standing ovation, as an indication of the affection and high regard in which he is held by the young people of his State.

Second, he has demonstrated and proved that government can be made responsive to the strong feelings of people.

Third, he has demonstrated the independence of the Senate. He has demonstrated that we have a form of government which has three separate and distinct branches, and whether it is pressure from the executive branch under the control of his own party's leadership, or the leadership of the opposition party, there is no partisanship in the independent expressions of feelings and attitude of Senator FULBRIGHT, nor in his sense of purpose and conviction in carrying out those feelings.

Finally, I think we should not leave unmentioned the very difficult vote he placed with respect to the confirmation of the nomination of an Associate Justice of the Supreme Court. That was a difficult decision for many of us—for all of us, possibly. But I think that in his way he searched his own conscience and his own judgment and decided to cast his vote on the side of his own judgment and his own conscience, without giving in to the many pressures that prevailed. In the spirit of the independence of the Senate and the right of every Senator to stand up and vote his conscience as best he sees it, in his own judgment, he once again demonstrated the best traditions of the U.S. Senate.

I am honored, indeed, to pay tribute to my friend and my neighbor in the New Senate Office Building, Senator FULBRIGHT.

Mr. SPARKMAN. I ask unanimous

consent to have printed in the RECORD an article entitled "Fulbright Sets Record as Foreign Relations Chairman," written by Elizabeth Wharton, and published in the Washington Star of Sunday, April 19.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FULBRIGHT SETS RECORD AS FOREIGN RELATIONS CHAIRMAN

(By Elizabeth Wharton)

Whenever J. William Fulbright speaks, half of his listeners purr. The other half feel their hackles rise.

"I'm abrasive, I know," he says. "I don't know why that is."

Next Friday, the Arkansas Democrat will have been chairman of the Senate Foreign Relations Committee longer than anyone in history—11 years and 77 days.

In an interview, Fulbright said his greatest fear is that "if we make too big a mess of things, you'll have a right-wing takeover here just as has occurred in so many countries all over the world.

"All I try to do is meet each day as I can and, hopefully, to save this country from going down the wrong road," he said.

Fulbright also expressed his philosophy on a number of other subjects:

The U.S. role in the world—"it should be a modest one—we have so much to be modest about."

Super-patriotism—"A substitute for thought."

His battles with former President Johnson—"I never have liked these things to be on a personal basis—I was giving him what I thought was good advice."

Vice President Agnew's attacks on him—"I'm both offended by the crudeness of his expressions and at the same time complimented by the fact that he thought there was sufficient significance to warrant his special attention."

Fulbright also considers it "just a shame that President Nixon didn't move to close the war out" when he took office.

"Now he's going to have to sooner or later, but it's going to cost an enormous amount of money and deaths and so on, and he's going to wind up about the same way . . . ."

BREAKING RECORD

Fulbright is breaking the record of Sen. Shelby M. Cullom, an Illinois Republican who served as committee chairman from Dec., 18, 1901, until March 4, 1913.

Fulbright's nationally televised committee hearings on Vietnam in 1966 and 1968, and the second Tonkin Gulf investigation, were largely responsible for building anti-war sentiment and making public dissent respectable during the Johnson years.

But the resulting controversy also has tended to obscure his innovative moves in other areas during his chairmanship.

In 1959, while birth control was still a dirty word in many circles, Fulbright urged that some foreign aid funds be earmarked for population control assistance to overcrowded countries. The AID agency now spends up to $100 million a year for that purpose.

He was the first, in 1960, to propose channeling U.S. foreign aid through multi-nation agencies, rather than distributing it to individual countries on the handout basis—the approach now being recommended by a presidential task force.

Fulbright's investigation of lobbyists for foreign governments (including such political "untouchables" as the United Jewish Appeal) led to a tightening of registration and reporting requirements.

In 1966, he conducted a series of hearings on "U.S. policy toward mainland China," in which a number of "old China hands"—former State Department experts—testified on possible moves to begin normalizing relations. The moves now are beginning to be put into effect.

Fulbright steered to Senate ratification such landmark treaties as the atomic test ban agreement, the nuclear non-proliferation pact and the less-publicized but significant agreement to increase consular representation between the United States and the Soviet Union.

For the interview, Fulbright sat at a crowded but uncluttered desk in his walnut-paneled office. There was a large American flag on a brass staff by the window behind him, and a few miniature Democratic donkeys on a bookcase near the door.

Fulbright, who was 65 April 9, was dressed in his usual impeccably conservative suit, vest and tie.

How does he assess those 11 years and 77 days, and what are his hopes for the future?

"Well, they've been very strenuous years. I thought there was a great prospect for a new era in America, with the young president, you know, beginning with President Kennedy . . . but you know what happened to that . . .

"All I try to do is to meet each day as I can and, hopefully, to save this country from going down the wrong road. I mean, whenever I'm able to ascertain whatever I think the direction is. I think we've overdone the militarism. Their own figures indicate to me we've grossly overdone the militarism.

"The expenditures have drained the substance of the country, and I think this has a relation even to such things as the strike of the mailmen. Their wages have been eroded to where they are perfectly justified in their complaints, and then the government reacts to meet those complaints too slowly and so you get this kind of illegal strike . . . and other people are going to say, 'Well, we'd better strike.' These things are cumulative you know.

"But this is anarchy. This is dangerous—you look around the world at Greece and Peru and Pakistan and others—they all end up in the hands of the military. And when you look at the size of the military establishment here . . . this isn't any reflection on any particular military man's mind, he's not grasping, but it's built into the situation. This is what happened in these other places. Why should we be immune?

"So, the real immediate task is to preserve our system with all its faults, I think. When the revolutionaries destroy the system, invariably they end up with an extreme right wing. The people who make the revolution usually end up in the hoosegow and have their heads cut off. They don't benefit, nobody benefits. It's almost always destructive and the conditions are worse than they were, so I'm not a revolutionary at all . . . the number one objective at a time of great stress like this is to preserve the system through which you can work for revolutionary improvements. This is going to be a great challenge for it to survive—a terrific challenge."

What would he like to be remembered for 100 years from now?

"Oh, I don't have any great urge for immortality . . . I doubt if I'll be remembered for anything . . . all I'm concerned with is doing the best I can and trying to get the war over and trying to make it possible for a free system to survive."

Fulbright's critics claim he is leading the country back into an era of isolationism. What is his view of the U.S. role in the world?

"Isolationist is merely a pejorative term that people use, hopefully to discredit you . . . I don't know of anybody who is an isolationist in the sense that they want to come home and have nothing to do with the world. . . .

"Our role in the world should be a modest one—we have, as they say, so much to be modest about. It's a big country, but it has big problems, and I don't think it has the background, experience or the capacity to organize everybody else's business. I certainly don't subscribe to the view that we should respond to every country's request. . . .

"This is in a sense an outgrowth of the so-called Truman Doctrine at the time when . . . there was good apprehension that Stalin would move to overrun all of Europe. This would have been a catastrophic change in the whole balance of power, and under the impact of that, precipitated by the withdrawal of the British from Greece, the Truman Doctrine was announced as a temporary, stop-gap measure. I guess it was justified, but the trouble was that people like Rusk (former Secretary of State Dean Rusk) took it seriously as if we had been designated by the Lord to go about and convert evrybody all over the world. This is a romantic and utterly unrealistic policy. We not only can't do it but the world doesn't want us to do it. . . ."

TONKIN RESOLUTION

If he had the past 11 years to live over again, what would he do differently?

(Fulbright is a quiet man. He almost never raises his voice above normal conversational tones, and he never doodles or fidgets. But at this point he picked up a paper clip and began twisting it.)

"Well, if I knew at the time what I know now, I most certainly would have made an all-out fight against the adoption of the Gulf of Tonkin resolution. . . . I object to it because the basis for it was a misrepresentation. In other words, what they alleged as the grounds for passing it didn't happen. It was a misrepresentation . . . the President (Johnson) was urging all during that (discussion) that he didn't want a wider war. The resolution was to be used to stop the war, not to authorize its expansion. That was also a misrepresentation of the President's state of mind, of what he was thinking, of what his intentions were. . . .

"The President lost touch with reality because he was such an efficient manager of the Senate. Having been majority leader and having been the protege of Sam Rayburn, he knew how to subvert the Congress and he neutralized and nullified its influence. He didn't have the judgment on his own to make the right decisions and he lost contact with the Senate that might have helped him if he had allowed it to. But he manipulated it, he used his influence to overpower it. . .

"If he had come on the other hand and asked for a declaration of war . . . and had not alleged these other things but said it is in our interest to go to war over there, on the basis of the need to stop communism and so on, now what would have been the situation if he had put it on that basis and followed the constitution and asked the Senate to declare war? And given the reasons, real reasons, not phony and false reasons?

"Well, you would have had a terrific debate, wouldn't you? You would have had a real debate and you wouldn't have been carried away by emotions. My guess is that after debate the decision would have been no, it is not in our interest to fight a land war 10,000 miles away. . .

"Instead of getting in the war, we would have stayed out. This is a major thing, just think of the difference it would have made. . ."

Was it true he had attempted a reconciliation with Johnson?

"I wrote to him when he was in the hospital, that's right. I never had liked these things to be on a personal basis . . . I thought I was giving him good advice, with the friendliest nature . . . Mike Mansfield (now Democratic leader) did, too. I am abrasive, I know. I assume Mike is not as abrasive in the way he expresses himself. Very often, I know, he said in substance the same things that I said. But they seem to take offense when I say it—I don't know why that is so."

Does it disturb Fulbright that some elements of the "silent majority" have attempted to picture themselves as the only true patriots?

"No, this is not new. It is the usual substitute for thought. I mean, to think and understand our policies and determine where our national interests lie is a difficult thing, a painful thing . . . it is easiest to wrap a flag around you and shout patriotism and the other shibboleths that accompany this type of thing."

Vice President Agnew seems to have selected Fulbright as a prime target for criticism. How does he feel about that?

"When anyone—the vice president or just a man in the street—thinks ill of you and says so, it is not pleasant. On the other hand, the fact that the Vice President of the United States would select me to give special attention to indicates that he must have thought that what I was saying, what I stood for, had some significance . . . So I'm both offended by the crudeness of his expressions and at the same time complimented by the fact that he thought there was sufficient significance to warrant his special attention. He was out to make an impression, to paint a picture with a broad brush and not to be too meticulous about the truth . . ."

How about President Nixon and the Vietnamization policy?

"It is just a shame that the President didn't move to close the war out when he took office. It wasn't his war, and he could have moved to close it out. Now, he's going to have to sooner or later, but it's going to cost an enormous amount of money and deaths and so on and he's going to wind up about the same way. . . . That's the shame of it, and it's just too bad."

Mr. SPARKMAN. Mr. President, I merely wish to add, in concluding the remarks of those who serve closely with BILL FULBRIGHT and other good friends who have spoken: These thoughts have come from the hearts of those who work closely with him, day in and day out. I suppose no other committee is called upon to do more work.

I should like to offer this word of advice to my friend and chairman: If Betty or anyone else ever gets critical of you, keep this RECORD and show them what those who know you most closely think of you.

Mr. FULBRIGHT. Mr. President, I am overwhelmed by the kind words that have been said here today. In the position I have held during this long period, I have become quite unaccustomed to any such compliments, in or out of the Senate. I am not well equipped to respond adequately.

But I do appreciate very much indeed, the Senator from Alabama for having taken the lead in drawing attention to my length of service as chairman of the Committee on Foreign Relations, as well as in the Senate, and also the kind words of the members of the committee and others who have spoken here today.

It has been an extremely interesting experience. The Senator from Alabama has already mentioned it, but again I cannot refrain from calling attention to the unique relationship we have had. Senator SPARKMAN was a Member of the House when I first came there. He has had a very long and distinguished career in Congress—longer than I have—but I came to the Senate before he did, which is the reason why I have been just above him in seniority on the Committee on Foreign Relations and on the Committee on Banking and Currency. I have enjoyed our long association immensely. His good judgment, his thorough calm, and his wise counsel have meant a great deal to me during my service on both of those committees.

One other Senator from Arkansas, Senator Ambrose Sevier, was chairman of the Committee on Foreign Relations from 1847 to 1849. He is the only other Senator from Arkansas who has been chairman of the committee. I might add, however, other Arkansans have been members of the committee.

The Committee on Foreign Relations has been in existence since 1816, a period of 154 years. It is one of the oldest standing committees in the Senate. In the early days it did not have the continuity it has today. The committee was merely appointed for a single Congress, and the following Congress could appoint an entirely new committee. It did not have continuity.

At the time Ambrose Sevier served as chairman, there were only five members on the committee. The matter of continuity is a more recent development.

Since I became a member of the committee, I have served under four chairmen—Senator Connally, Senator Vandenberg, Senator George, and Senator Green. They all were distinguished senior members of the Senate. During their service and mine we have been in extremely difficult and interesting times.

I did not become a member of the Committee on Foreign Relations when I first came to the Senate. I served on other committees such as Education and Labor, and for a short period of time, on the Judiciary Committee. I became a member of the Foreign Relations Committee in 1949.

There were a number of Senators ahead of me on the committee. Because of the hazards of elections and several unfortunate deaths such as that of Brien McMahon of Connecticut, who died prematurely, my progress on the committee was more rapid than might have been expected. One interesting sidelight concerns former Senator CLAUDE PEPPER. He was senior to me and had been a former professor of mine when I was at the University of Arkansas, back in 1924. We all know what happened to Senator PEPPER. He ran for the Presidency in 1948 and then was defeated for the Senate. However, he came back to Congress as a Representative, and he is a Representative today. He would have been chairman today had his continuity in the Senate not been interrupted. The vagaries of political life lead to some rather unexpected results.

I do not want to delay the Senate. I know that everyone is anxious to conclude. But I do wish to respond to some of the remarks that have been made about what we have done during these years in the Committee on Foreign Relations.

One of my principal objectives in recent years has been, as was said by the senior Senator from New York (Mr. JAVITS), to reassert what I believe to be the responsibility of the committee, as the agent of the Senate—to reassert its constitutional responsibility. In this respect, I confess that I am a strict constructionist. I want to live up to the Constitution. I want the Senate to play its proper role in our system, not only because the Constitution is a sound document but because the framers of the Constitution were very wise men. I also believe that the collective judgment of a hundred men from all 50 States has great value in basic decisions.

Of course 100 Members of the Senate, collectively, or through their committees, cannot become involved with every daily decision dealing with our foreign policy. We cannot be involved in tactical decisions such as whether 1,000 men should go into a particular paddy. But on questions of large strategy—of whether it is in the national interest to be waging a war 10,000 miles away, then I think this body is more likely to reach a sound and wise decision for the country as a whole than is a bureaucrat or a small select group of officers in the executive branch.

The commitments, resolutions, and other things that I have tried to promote—and the Foreign Relations Committee and the Senate has joined in these efforts—are of vast importance, I think, to the future of the country. I believe very much in the democratic process, and essential to the democratic process is the debate and discussion of 100 men with a background of experience, representing their constituents from all parts of the country and reflecting these varied viewpoints. From such debate and discussion, I think we are more likely to get wise decisions as to the general direction of our policy as distinguished from daily conduct of operations. Of course some of the daily conduct of operations has great bearing upon direction and larger strategic decisions.

As an illustration, the question of whether or not we should give assistance today or tomorrow to a country like Cambodia may look like a small thing. But it can well set the direction and larger strategic consequences, if it results in involvement and in the escalation of the war itself. Some small decisions may bring a whole new element into the war.

I recall that when we got into the war in Vietnam, we were told, with respect to the Gulf of Tonkin incident, that all that a congressional resolution would do would be to make a very small gesture of unity which would result in preventing the spread of that war. We were told that this was the way to stop the war from widening. The war was a very minor affair so far as we were concerned in August of 1964. At that time we had less than 20,000 people in that area.

The war was not really escalated until February of the following year. At the time the Gulf of Tonkin resolution was passed we were not supposed to have combat troops in Vietnam. We were told they were only advisers and assistants. But, in any case, I think the committee and the Senate learned a lesson and know now how important it is that we assert our proper constitutional role of giving advice to the Executive.

Every President needs it. They will

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all benefit from it. Hopefully, they will take our advice seriously. It is not lightly or frivilously given.

Recently, when the Senate voted 72 to 6 for the Brooke-Cooper resolution, I was convinced, and still am, that history will say that was a wise piece of advice, and that the President would be well advised to pay attention to what the opinions of 72 Senators were as to what would be the right course to follow.

Fortunately, he has not rejected it. I think that he spoke too soon when he said the resolution was irrevelant. I do not think he meant to say "irrelevant", but that he meant to say "redundant." But I think the Senate is doing a great job.

I am proud to be a Member of this body and of the Committee on Foreign Relations. The committee's hearings are of a highly educational nature and of great importance to the understanding by the people of this country of the difficult and complex problems which confront them.

As long as we have a democracy—I certainly hope we will have it forever—I think it is essential that congressional committees play their part.

From time to time I have witnessed a tendency on the part of some Members of this body to feel that the President has the sole responsibility in the field of foreign policy, and that our duty is only to review and to agree with him.

I must say, with all deference, that I think this attitude is simply a failure to recognize the meaning of the Constitution. If we are going to take that attitude, there would be no need for a Senate. We would soon become no more than a ceremonial body, such as the House of Lords has now become in Great Britain.

I reject subservience to the Executive in the field of foreign policy as the proper role of the Senate. The concept of bipartisanship tended to downgrade the role of the Senate. I do not think that was the intent of proponents of bipartisanship. When I first came to the Senate, and during World War II, the idea grew up that there should be greater bipartisanship in the Senate, which is, in a sense, a perfectly proper concept. We do not want to play politics with foreign policy in the narrow sense. We use that terminology only for domestic matters. Nevertheless, if the concept of bipartisanship is used to mean that the Senate should stifle all discussion and exposition of its views which may differ from those of the administration, then I think it is a very faulty concept. I do not think it serves the country well or serves even the Executive if the Senate declines seriously to debate and make decisions on matters of great national importance, especially when decisions involve the kind of problems we face now with wars, which are, as the Senator from Missouri stated so well, beating our country to death. I shall not pursue that, but I am very grateful indeed to the senior Senator from Alabama and all my colleagues, and especially to the members of the Committee on Foreign Relations, who have spoken here today. It is very encouraging to have some words of approval come in my direction because, as I say, we get plenty of the other kind from outside agencies.

Foreign policy is a controversial subject. It is one which nearly everyone feels he is entitled to discuss.

Mr. President, I serve on the Finance Committee with the distinguished Senator from Louisiana (Mr. Long), who is now in the Chamber. It is true that many of our constituents do not like the subject of taxes, but they also do not feel competent to pass sentence on the complexities of many of the tax bills that come before the Senate. I have had little criticism of my votes in that field, certainly less than I have received regarding foreign policy. Everyone considers himself an authority on foreign policy. Everyone is willing to express himself in this very controversial area.

One reason is that it involves directly the lives of so many people, especially the lives of our young men, and the vast expenditures of money required. Thus, naturally, it is an area in which there is great controversy.

Mr. President, once more, I thank very much the distinguished Senator from Alabama and other Senators who have today expressed themselves.

I appreciate it very much.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 2306) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

The message also announced that the House insisted upon its amendments to the bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Johnson of California, Mr. Foley, Mr. Hosmer, and Mr. Burton of Utah were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendments to the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Johnson of California, Mr. Foley, Mr. Hosmer, and Mr. McClure were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions"; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Pucinski, Mr. William D. Ford of Michigan, Mr. Ayres, and Mr. Quie were appointed managers on the part of the House at the conference.

ORDER OF BUSINESS

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Saxbe). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966

Mr. HARRIS. Mr. President, on behalf of the Senator from Georgia (Mr. Talmadge), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 515.

The PRESIDING OFFICER (Mr. Saxbe) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRIS. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Ellender, Mr. Talmadge, Mr. McGovern, Mr. Aiken, and Mr. Young of North Dakota conferees on the part of the Senate.

INDIAN HEALTH IS A NATIONAL SHAME

Mr. HARRIS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The PRESIDING OFFICER (Mr.

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Percy). Without objection, it is so ordered.

Mr. HARRIS. Mr. President, Senators are aware that America, generally, faces a well-documented health crisis, characterized by a severe and growing shortage of health personnel and by such alarming facts as those which show that America stands twelfth or worse among nations in infant mortality and compares even less favorably with other nations in average life expectancy.

If America, generally, faces a health crisis, think, then, how much more acute that crisis presently is for American Indians, Eskimos, and Aleuts.

One who is not familiar with the sad state of the health of American Indians might consider the administration's proposed increase of $11,688,000 for the Indian Health Service for 1971, over the amount appropriated last year, a significant step forward. Given increased costs, however, that amount of money—providing a proposed budget total of $113,217,000—will only allow the Indian Health Service to continue the present level of its tragically inadequate health care.

Most Americans have begun to recognize the injustices suffered by American Indians in the past. But more and more Americans must also begin to realize that injustices and broken promises are still suffered by American Indians—that present and past injustices have produced terribly damaging and lingering impact.

The level of health of American Indians, Eskimos, and Aleuts lags 20 to 25 years behind the health advances of the general population in America—and we have seen that this, itself, is highly unsatisfactory. The average age of death for American Indians is 44 years of age, about one-third less than the national average of 64. American Indians are 8 times as likely to suffer from tuberculosis as the rest of us, and deaths due to influenza and pneumonia are nearly 2½ times higher for American Indians. There are 3½ times as many homicides and 2 times as many suicides among American Indians as there are among the general population.

If one is an American Indian, he is 10 times more likely to suffer from rheumatic fever, strep throat, and hepatitis. The incidence of otitis media, a middle ear disease which leaves hearing impaired, is far more prevalent among American Indians than among any other people in our society.

Twenty-eight percent of all Indian homes still lack running water and an adequate means of waste disposal. The average American Indian family of five or six members still lives in a one- or two-room house, and only about 24 percent of the dental care needs of American Indians are being met.

In September of last year, representatives from several tribes came to Washington to seek increased funds for Indian health. The story they told was shocking and almost unbelievable, confirming the facts and figures which I have just related.

That story has not basically changed since September of last year and will not change unless our commitment is greater than that demonstrated by the proposed 1971 administration budget. Statutory increases in salaries and rising costs for contract medical care will alone absorb most of the increase provided for in the 1971 budget.

Because of personnel shortages, it is not uncommon for one nurse in an Indian hospital to be responsible for more than one floor. Members of a patient's family, untrained in medical care, often have to be called upon to assist.

Physicians in Indian hospitals frequently have an impossible patient load, and those physicians going to field stations or clinics see as many as 80 patients a day. One physician at an Indian hospital in Oklahoma has a patient load which allows him only 3 minutes per patient per day. The result is long lines and degrading treatment.

The Indian Health Service estimates that outpatient visits for the past 2 years have increased 6 to 7 percent a year, but there has been no provision for any staff increase in the past 2 years. In fact, since expenditure controls were implemented in 1968, there has been a decrease in personnel working in the Indian Health Service—218 vital positions in the hospital health activity of the Service have been lost.

It is estimated by the Indian Health Service that, in order to meet the staffing requirements for Indian hospital facilities, 225 to 250 employees are needed for each 100 average daily patients hospitalized, and that 120 employees are required for each 100,000 outpatient visits. In fact, however, in 1968 the Indian Health Service was staffed with only 165 employees for each 100 average daily patients and with only 47.8 employees for each 100,000 outpatient visits.

Along with shortages of personnel, most of the Indian hospitals have serious drug shortages. Last month, an Indian hospital in Oklahoma chosen at random was telephoned by my office to determine its needs for drugs and supplies.

The administration of the hospital reported:

> We have in the past run out of essential antibiotics—penicillin, ampicillin injectible, tranquilizers, such as the anti-depressant, librium, and analgesics (pain relievers), as well as Darvon and aspirin on occasions. At the present time we are completely out of Fiorinal—dentists use this for pain from extractions.
>
> Essidrix, which is a diuretic most essential for removal of fluid from the body, is often not in stock. From time to time, we have run out of birth control pills.
>
> At the present time there are no baby vitamin drops and they have not had any for at least one month. On occasions we have run out of cough syrup. Also, a very inexpensive item, sodium salicylate, used for rheumatoid arthritis is often out of stock as well as Indocin which is a more expensive drug used for rheumatoid arthritis.
>
> The hospital stockroom would need $18,000 in order to bring their stock up to a safety stock. These items are surgical items such as sutures, examination gowns, gloves, x-ray film, band-aids, bandages, paper towels, and other items. In the past we have had to give diabetics reuseable syringes because they did not have disposable syringes.
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> Our basic problem is that we cannot obtain sufficient supplies so as not to run out before we can get funds to replenish the supply.
>
> At present we have a shortage of approximately twenty-one people in the hospital and the lack of help has required a lot of unpaid overtime on the part of the whole staff in order to care for the sick.

Earlier reports from other hospitals in Oklahoma indicated that testing for tuberculosis had from time to time been discontinued because necessary supplies were not available. Last year, influenza shots could not be given to more than 600 Indian students at Chilocco Indian School because the vaccine was not available. Almost all of the hospitals were sometimes either low in supply or out of many of the basic and needed drugs.

With the tremendous increase in medical costs, the increases in the Indian Health Service appropriations have not really resulted in increases in the level of care. In 1968, the appropriation was $84,862,000; in 1969, the appropriation was $91,710,000; in 1970, the appropriation was $101,529,000; and in 1971, the budget request is $113,217,000. This is a percentage increase from 1968 to 1971, of approximately 33 percent, yet the cost of providing the same medical care by the Indian Health Service has increased approximately 34 percent during the same period.

There is little hope that any significant changes will occur in the shameful statistics I have recited or that the pathetic lack of personnel and drugs in the Indian hospitals will be materially improved unless there is a substantial increase in funds.

As the Indian members of the National Council on Indian Opportunity stated February 16, 1970:

> In light of the dire need for all health facilities and health needs, it is criminal to impose a personnel and budget freeze on Indian health programs. Even without a freeze, Indian hospitals are woefully understaffed and under supplied, even to the extent of lacking basic equipment and medicine. We deplore the budget decisions that have caused this state of inadequacy.

The crisis we are facing will not be solved by the level of commitment we have thus far been willing to make. Because the situation is as grave as it is, established not only by statistics, but also by the strong words of tribal representatives and by my own personal research to which I have referred, I think a thorough investigation should be made of all Indian health facilities and programs, not for the purpose of determining what is necessary to continue operating at our present inadequate levels, but to determine how we can bring the level of health care of American Indians up to a decent level.

I do not advocate some long, drawn-out study. American Indians and their needs have been studied to death. It is time for action, and no field of concern requires more urgent action than the health of American Indians. It would be an easy matter to call Indian Health Service and other officials before the Subcommittee on Interior of the Senate Appropriations Committee and learn almost overnight the detailed justifications for greatly increased appropriations for this purpose. I urge that this be done.

The jurisdictional disputes between the Indian Health Service and the U.S.

Public Health Service must end. American Indians are American citizens and are entitled to all the services of their Government. Indian health services must be extended into the communities where Indian people live, rather than, as is often true, just at far away hospital locations. Indian hospitals should be governed by Indian hospital boards with actual, not just advisory, authority. And a national health insurance system for all, Indians and non-Indians, must be established. The National Council on Indian Opportunity stressed these recommendations.

Emphasizing, as I do, that nothing less than a quantum jump upward in appropriations for Indian health will suffice to meet the crying needs, I want to point out some obvious steps which can be taken immediately to improve the 1971 administration budget. I trust and hope that, before the 1971 budget is finally processed by Congress, the Appropriations Committee will have an opportunity to secure the necessary information and figures to add other and more substantial items to it.

First, additional personnel in the Indian health field is an extremely pressing need. Last year, in the closing days of the session, the Senate adopted an amendment which I offered to add $2 million to the supplemental appropriations bill for Indian health programs, in addition to $1 million already contained in the bill for that purpose.

The conference between the House and Senate reduced this $3 million figure to $2,048,000, of which $1,048,000 was to be used to provide 300 desperately needed additional positions in Indian hospitals. Instead, the administration used these funds to extend last year's Federal pay raise to Indian health service personnel. Obviously, this should have been done, but not at the expense of Indian health. The personnel shortage, therefore, continues and worsens.

Moreover, even though Congress last year clearly recognized the need for these 300 additional positions, the administration budget for 1971 does not contain funds for such additional Indian health positions. Funds are requested for 178 new positions, but of this number 100 would staff new facilities and 40 would be positions in nutrition and mental health programs. These new positions are needed, but additional such staffing does nothing to alleviate the basic shortage in personnel generally. One Oklahoma hospital alone has a shortage of 21 employees who are critically needed.

I believe the case for at least these additional 300 positions has been overwhelmingly proved. To many American Indians it is a life and death matter, and I think it is clearly our duty to respond to the plain facts. Testimony which has already been presented to the Senate Appropriations Subcommittee established that, because of the shortage of personnel, treatment of the health problems of many Indians is being "deferred." It is intolerable that because of a lack of funds some Indian hospitals have had to adopt a policy of treating only the most serious health problems, those which cannot be ignored and which require immediate treatment.

To provide the 300 positions for fiscal year 1971 would only cost approximately $2,514,000, a small sum in relation to the need and to the resources of this Nation.

Second, funds should be increased to provide the basic and needed drugs for Indian hospitals. The appalling set of conditions which I have outlined ought not to be allowed to continue for one additional day. The severity of these problems was recently called to the attention of the President in a letter signed by 90 Members of Congress, myself included. Shortly thereafter, the President released $957,000, which had been held in reserve from the 1970 Labor-HEW appropriation for this purpose.

Notwithstanding the fact that the need for at least this $957,000 in additional funds to help meet the shortage of critical drugs and supplies was thus established, even this inadequate amount of $957,000 was nevertheless not carried forward in the 1971 administration budget. I therefore strongly recommend that this serious defect in the budget be corrected.

Third, I recommend that the appropriation to improve the sanitation facilities for Indian communities be increased, rather than decreased, from $19,120,792 for 1970 to $17,950,000 for 1971, as the administration budget recommends.

The undisputed fact that lack of safe water and adequate waste facilities contributes greatly to gastroenteritis, which is second among the reportable diseases for Indians, and to amoebic and bacillary dysentery, which is 35 times worse among American Indians than in the general population, demands that we give these problems high priority. Twenty-five percent of all patients discharged from Indian hospitals last year were treated for infectious diseases which could be traced to poor sanitation.

The death rate for American Indian infants 1 through 11 months of age is 3 times the death rate of the same age groups in the general population, and this sad situation is largely attributable to poor living conditions.

I recommend an increase of $5 million for the sanitation program for fiscal year 1971.

A fourth recommendation is that the U.S. Government begin really to attack the tragic situation in regard to Indian mental health services. Much has been written to explain how the pressures of the reservations, with ways often at variance from those of the white man's world, have led to mental health problems in the Indian population far in excess of those of other citizens on a proportionate basis, but next to nothing has been done about treating them.

The high rate of suicide and homicide, as well as the problem of alcoholism, are all symptoms of the deeper failures in American policy toward American Indians; we must correct these failures and not just treat the symptoms. But we must also give greater and immediate attention to the problems of mental health. Only $984,000 is provided for this purpose in the 1971 administration budget. An increase of only $404,000 is requested, but the Indian Health Service estimates that before a good program can be offered an additional $1 million would be needed. The enormity of this problem justifies at a minimum an increase of $1 million to provide additional mental health care.

Fifth, we need to increase the funds for community health representatives. There is no way to meet the alarming shortage of health personnel in America, generally, except by greatly increasing the use of paramedical and subprofessional people. This is especially true in the Indian Health Service. While community health representatives cannot take the place of professionals, nor fully answer the great need for increased professional personnel, they can take up a great deal of the slack. Moreover, community health representatives can help to humanize Indian health programs, make them more responsive to the needs of the people whom they seek to serve, and help bring such services to the people.

It is sad enough that this program only provided for training 125 community health representatives in 1970. It is even sadder that the 1971 administration budget reduces this figure to 100 trainees for 1971; $282,000, added to the 1971 administration budget, would enable training to continue for all those presently in training and permit the addition of another 25 trainees. These numbers, spread out all over the United States, and serving the entire Indian population are pitifully low, and I hope they can be greatly expanded. There is not enough human warmth and sensitivity in most Government programs which deal with American Indians, and that is true of the Indian Health Service which is greatly overworked and understaffed. American Indians want to have a greater say in these programs and a greater part in carrying them out. That is why I have so vigorously advocated the establishment of Indian hospital boards, and it is a strong additional reason for greatly increasing the number of community health representatives as well.

Mr. President, these specific recommendations are much too modest and are mere stopgap measures.

I have already communicated these views and recommendations to the Interior Subcommittee of the Senate Appropriations Committee. I present them here, so that, hopefully, other Senators may become more aware of these critical health needs and join in efforts to meet them.

I commend the Appropriations Committee for all it has done in the past. I know that the requests made to it and the calls on the budget generally are enormous, but I know of no needs more urgent, no claims more valid, no conditions more shocking than those in the field of Indian health.

The late Robert F. Kennedy, who did so much to further the cause of the American Indian, Eskimo and Aleut, frequently quoted the words of Camus, who wrote:

> Perhaps we cannot prevent this from being a world in which children are tortured. But we can reduce the number of tortured children. And if you don't help us, who else in the world can help us do this?

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The American Indian, the first American, is the last American in health. Except with compensatory attention to his health, housing, employment, education and income needs, coupled with full assurance at last of his right to self-determination, these health needs cannot fully be met. But we can make a start, and we must do what we can.

Thousands of little Indian children will continue to suffer the personal, social and economic crippling of bad health unless we help. We can reduce the number. And, if we do not help, who will?

THE PRESIDENT'S WELFARE BILL

Mr. **LONG**. Mr. President, the Committee on Finance has just begun its consideration of the President's welfare bill, H.R. 16311. This bill has been hailed by the administration as a workfare bill instead of a welfare bill. It is said that the emphasis is on welfare reform and work incentives. Based on our committee's first look at the bill, it looks like a reenactment of the work incentive program Congress wrote into law in 1967—which I had the privilege to sponsor in the Senate—and an expansion of welfare to make 15 million people eligible for welfare payments, in addition to the 10 million now on the rolls.

A great deal has been said about the need to provide incentives for welfare recipients to work, and I think we would all agree that a person's total income should rise as his earned income rises, so that he does not have an incentive to stop working or reduce the amount he earns in order to increase his total family income.

I am in agreement with the President that present law needs some revision if we are to meet this goal. But Senators should be aware that the welfare bill before the Finance Committee today does not solve the problem—it just makes it cost $4 billion more. Under the bill, a fully employed father of a family of four with low earnings could increase his family's total income if he quit work, or if he reduced his earnings.

Let me cite a few specific examples. A typical aid to families with dependent children payment for a family of four today in many States is $250 a month, or $3,000 a year. A father in a family of four who earns $2,000 annually will be eligible under the bill for welfare payments of $960, bringing his total income up to $2,960. This is less than what he would get if he were totally unemployed. In other words, he can increase his family's income $40 a year by quitting work entirely.

But that would not be his best move. For, by working part time, he could increase his family's income substantially by reducing his earnings to $1,000 a year. Instead of $2,960, his family's income would jump to $3,813—$853 more than if he continued working full time.

That, Mr. President, is an obviously ridiculous situation, for if a man works and makes $2,000 a year, he does not receive substantial assistance. He receives a payment of $853 a year more by working part time compared to what he would receive if he were working full time.

Mr. President, in April of last year, the Washington Post reported on a conference held by the National Welfare Rights Organization in Washington. I would like to quote from it because in that conference they discussed the provisions we had passed in the Senate, and which became law, to try and provide work for people who are capable of working. That was directed at mothers who could work, as well as others. Let me read a quotation from the Washington Post as of that time:

> At one conference session yesterday, for example, participants got a two-hour course on how they could avoid job training or work under the city's new Work Incentive Program if they wished to stay at home with their children.
>
> Steven Wexler, a lawyer on the National Welfare Rights Organization staff, told them how they could "exhaust appeal after appeal to stay out of the work program, designed to train and place welfare clients in jobs.
>
> "You can stay out of the program until Hell freezes over if you know how to do it," he said.

I hate to say it, but the Department of Labor made a contract for about $430,000 to that same organization which shows people how not to go to work. It is still being helped with Federal aid, so it can show able-bodied people how they can avoid going to work, as Congress intended they should as a condition of receiving welfare assistance.

The examples of the work disincentive features under the bill show just how important the provisions are to these people.

The estimates submitted by the Department of Health, Education, and Welfare admit that the cost of the present welfare program for families is going up at a rapid rate and will continue to do so for the foreseeable future. However, they assume that once the welfare bill is enacted, the number of families receiving welfare will decline rapidly from year to year. Today, about 1.8 million families are receiving welfare. By 1972, the first year the bill goes into effect, this is estimated to increase to 2.2 million families. The Department of Health, Education, and Welfare assumes that 1.5 million families will be added to the rolls in 1972, but that the number of families will decline by a quarter of a million a year so that by 1976, only 2.7 million families will be receiving welfare. I find it difficult to believe that the enactment of this bill will result in a continual decrease in families on welfare when it provides major incentives not to go to work, or to quit full-time work and work only part-time and achieve greater total income.

The cost estimates of the Department of Health, Education, and Welfare are related to their estimates of the numbers of families receiving welfare. While they admit that the cost of aid to families with dependent children will rise from $2.9 billion in 1972 to $5 billion in 1976—almost twice the 1972 figure—they assume that declining welfare rolls will keep the cost of payments to families under the bill at an almost even level year after year. The cost of welfare payments to families under the bill, says the administration, will be $4.7 billion in 1972. Five years later, that cost is predicted to be only $4.9 billion. This prediction is made notwithstanding the fact that under this bill families can increase their total income by quitting full-time employment and working only part time, and in many cases they can increase their income by quitting full-time employment and being unemployed full time. Once the working poor understand this, why should they continue to work when they can make more money by not working?

Mr. President, the Committee on Finance is going to have to look at this bill carefully so that we can help the President achieve his goal of turning welfare into workfare as far as can be done, and make this a decent program—one that will dignify employment, rather than unemployment. We will be questioning the Secretary of Health, Education, and Welfare closely next week, and with a view toward making the bill what it is supposed to be.

Along this line, Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a feature article that appeared in the Washington Star on Tuesday, April 21, 1970. I will read the headline, which shows the problem: "Mother of Five Can't Afford to Keep Working."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOTHER OF FIVE CAN'T AFFORD TO KEEP WORKING

(By Harvey Kabaker)

When you boil it all down, Mrs. Marie Beverly can't afford to keep working.

Since her husband left two weeks ago, it seems her $1.80-an-hour cashier's job in a Peoples Drug Store won't support her five children and stay the marshal at the door.

So with great reluctance, on the advice of the D.C. Welfare Department and her lawyer, she intends to quit working for a few months and apply for public assistance. And she most likely will move into public housing.

Mrs. Beverly, attractive at 37 and scarcely showing any sign of strain, spoke yesterday in her far Southeast apartment of her plan for self-help.

She said all she needs is a cash grant for two months' rent, until her 18-year-old daughter, Veronica, graduates from high school in June and begins a full-time job. Food stamps and Medicaid would supplement their incomes, and they could get by, she believes.

Her story of the past week might have been composed by critics of the present welfare system in America:

During several stops at various offices, it was always another office that might help, and one official even gave her the brush-off, before she finally encountered a Welfare Department supervisor sensitive to her plight, and aware of the built-in problems of government procedures.

ENCOURAGED TO STOP

Hardest for Mrs. Beverly to accept was that the system encourages the poor to stop working and move into public housing, because rents are cheaper and the income is higher.

"I was really hurt when they said I would have to quit my job to get public assistance," she said. If she could keep working, by July they could subsist on the $50 a week extra her daughter will earn, she predicted.

At the same time, the family would keep the bright, well-kept four-bedroom apartment they have had since 1967—after a two-year wait.

But the welfare people already are applying subtle pressure for her to move into a cheaper place: The monthly rent of $154 is too great a proportion of her $250 net income, or even the combined $475 she and her

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daughter will net beginning in June, the supervisor fears.

If Mrs. Beverly decides to apply for the aid to dependent children money, she'll get $317 a month, still not enough to keep the apartment. If she can be placed in a training program, as the supervisor has urged, Mrs. Beverly will get another $75, plus free day care for Valerie, 5, who won't go to school until the fall.

YIELDING TO SUPERVISOR

Yesterday, learning that the training program probably would include refresher courses for a high school equivalency exam, Mrs. Beverly, who finished only elementary school in rural Virginia, began to accept the welfare supervisor's point of view.

Her lawyer thinks the public cost of $308—April and May rent—would be cheaper than the tax-free $317 a month the family will get from the Welfare Department for several months while Mrs. Beverly is in training. The welfare supervisor thinks the training will help Mrs. Beverly get a better job later, since she already is motivated to get off welfare within a few months.

Normally, the rent grant would be made from a $70,000 fund the department allots for emergencies every month. But Mrs. Beverly's husband has already drawn from the fund, the department found, and she may not do so herself this year.

All of this might not have come about, if the Nixon administration's welfare reform plan, passed last week by the House, were in effect. The program for the first time would benefit the working poor by giving cash grants without requiring the head of the household to be unemployed.

These figures were calculated for Mrs. Beverly's situation: The federal government would contribute $57 a month, and the D.C. government would pay another $121, to add to her $312 salary (before taxes).

HER GROSS INCOME

Her gross income, then, would be $490 a month, and she would be working. If her daughter chose to keep her own salary, the allotment would be unaffected (present law requires a reduction in the welfare payment if a minor is working).

The Senate Finance Committee has scheduled hearings on the bill next month, and liberals are expected to push for increased allotments.

But none of this will affect Mrs. Beverly, who must appear tomorrow in landlord-tenant court, may have problems with bill collectors trying to satisfy a note she co-signed with her husband and, reluctantly, will apply for public housing by the end of the week.

Mr. LONG. Mr. President, in this article it is explained how welfare workers have advised this very fine Negro mother here in Washington how she must not work so she can increase her income, because if she continues to work she will have a lower income. This mother points out that if someone would give her help for 2 or 3 months, until her oldest daughter graduates from high school, that daughter will go to work and help supplement that family income and they would not require welfare assistance. Notwithstanding that fact, she is being urged to go onto welfare and to move out of private housing into public housing, subsidized with Government money, quit her job, live on welfare—all at the advice of the Department of Welfare.

That type of thing is just exactly the opposite of what we ought to be doing.

This is an oversight in the law that ought to be corrected. We ought to be moving in the direction of giving this woman such help as she may need to stay at work, rather than providing her a 50-percent increase in her income if she quits working. In my judgment, it is utterly ridiculous to proceed in such a fashion. This is the kind of ridiculous situation we ought to try and correct.

The bill before the Committee on Finance is not much better. It, too, would provide an incentive for many low-income working people to quit work, rather than try a little harder to improve their condition and that of their families.

Mr. President, I also ask unanimous consent to have printed in the RECORD at this point two tables, both of which show the earnings disincentive effect of H.R. 16311 compared to the situation under present law.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—EFFECT OF H.R. 16311 IN A STATE THAT BASES AFDC PAYMENTS ON A NEEDS STANDARD OF $3,000 FOR A FAMILY OF 4, AND WHICH AIDS FAMILIES IN WHICH THE FATHER IS UNEMPLOYED

Family of 4 headed by	Income under present law	Income under H.R. 16311
1. Mother, earnings of $2,000, work expenses $30 per month	[1] $2,267 [3] 2,000	[2] $960 [4] 1,187
Total under present law	4,267	2,000
Total under H.R. 16311		4,147
2. Unemployed father, no earnings	[1] 3,000	[2] 1,600 [4] 1,400
Total under H.R. 16311		3,000
3. Unemployed father, part-time earnings of $1,000, work expenses $15 per month	[1] 2,753 [3] 1,000	[2] 1,460 [4] 1,353 [3] 1,000
Total under present law	3,753	
Total under H.R. 16311		3,813
4. Employed father, earnings of $2,000, work expenses $30 per month	[3] 2,000	[2] 960 [3] 2,000
Total under H.R. 16311		2,960

[1] AFDC.
[2] FAP.
[3] Earnings.
[4] State supplement.

TABLE 2.—EFFECT OF H.R. 16311 IN A STATE THAT BASES AFDC PAYMENTS ON A NEEDS STANDARD OF $2,200 FOR A FAMILY OF 4, AND WHICH DOES NOT AID FAMILIES IN WHICH THE FATHER IS UNEMPLOYED

Family of 4 headed by	Income under present law	Income under H.R. 16311
1. Mother, earnings of $2,000, work expenses $30 per month	[1] $1,467 [3] 2,000	[2] $960 [4] 387
Total under present law	3,467	[3] 2,000
Total under H.R. 16311		3,347
2. Unemployed father, no earnings	None	[2] 1,600 [4] 600
Total under H.R. 16311		2,200
3. Unemployed father, part-time earnings of $1,000, work expenses $15 per month	[3] 1,000	[2] 1,460 [4] 553 [3] 1,000
Total under H.R. 16311		3,013
4. Employed father, earnings of $2,000, work expenses $30 per month	[3] 2,000	[2] 960 [3] 2,000
Total under H.R. 16311		2,960

[1] AFDC.
[2] FAP.
[3] Earnings.
[4] State supplement.

Mr. LONG. This is the highlight of the problem: Do we want to pass a bill which develops the course of public welfare in such a way as to provide fantastic, illogical incentives for people to quit work, or do we want to pass a bill which helps those who have need and have a problem—a bill which encourages them to find constructive employment for their own advantage, and to move up the economic ladder?

Mr. President, I really do not believe that anyone ever explained these illogical situations to the President of the United States when this bill was sent to Capitol Hill with the blessings of the White House. It is my judgment that the President, looking at the same facts, will agree with the kind of solutions that we on the Finance Committee hope to recommend, so that we will have a program that would subsidize the working poor, rather than taking them off the job, or at least away from prospective jobs, and that would provide an incentive for them to continue to improve themselves until they no longer require welfare assistance from their government.

Insofar as the bill before the committee moves in the wrong direction, it is my hope that we can develop a bill which will move in the right direction. May I say in that connection, Mr. President, that it has been very disappointing and frustrating, under two administrations, now, to find that we in the Senate and we on the Finance Committee in particular provided a work incentive program to put people to work for their own betterment, only to find that the administration—and I am now speaking of the previous administration, and I am not blaming the President, but I am blaming those holdovers in the Department of Health, Education, and Welfare, and in Labor who are handling the program in the fashion they are handling it—proceeded to frustrate the intention of that program. They declined to spend the money that was appropriated to be spent in work training, and in providing day care for children so that mothers could work. Instead, they frittered away government money hiring professional troublemakers and professional agitators to show people how not to go to work.

Those who have the present responsibility, such as Secretary Finch, can point out, and very correctly, that they did not start this kind of mischief in the way of poor administration, but it is continuing under their administration, and they cannot blame it on the other fellow any longer. It is time they should start making the program work, for if they spend their money to frustrate the existing work program, we can have little confidence that they will wisely spend money we provide in the future to make their own programs work.

Therefore, Mr. President, I pledge my own efforts to see that we work out a good bill, to help preserve the national interest and the interests of all concerned, and at the same time enact a bill that would ultimately reduce the welfare burden on the taxpayers of this country.

I believe that the technicians over in the Department of Health, Education, and Welfare should sharpen their pencils and redo their estimates of the effects of the bill before our Finance Committee hearings begin next year. I point out, Mr. President, that in recent years we on the Finance Committee have been much more accurate in predicting the costs of these HEW programs than has the Department. For example, the cost of medicare was predicted on the basis that it would exceed existing costs for similar services by 20 percent, and the actual cost has been far in excess of that. So where we have pointed out that realism and commonsense would dictate that a program will cost more than the Department was estimating, we are in a position to tell them that history has proved us correct, and that we would hope that in the future they would try to be more realistic, and that when they send us a program whereby a person could increase his income by 50 percent by working only part time instead of full time, that they recognize it would greatly increase the burden of welfare, and that commonsense would so dictate.

So, Mr. President, it is my hope that we can move ahead expeditiously with this bill. It is my hope we can pass it in this Congress. But I would hope that the Senate again this time, as it has in the past, would take a major bill as passed in the House of Representatives, under conditions that did not permit amendments to be offered, and provide the amendments and improvements to such a bill that logic and commonsense would dictate.

XUM

S. 3757—INTRODUCTION OF A BILL TO EXEMPT OVERNIGHT PADDLEWHEEL RIVER STEAMBOATS FROM THE SAFETY-AT-SEA ACT

Mr. SAXBE. Mr. President, unless the 91st Congress acts, 159 years of passenger service on the Mississippi River and its tributaries will be legislated out of existence November 2, 1970.

The *Delta Queen*, the last overnight paddlewheel passenger steamboat in operational condition in the United States must stop serving Americans who want to catch the flavor of the great steamboat tradition that developed commerce in mid-America unless she is exempted from certain provisions applicable to deepwater vessels. I am particularly interested in the continued operation of the *Delta Queen* since her home port is Cincinnati, Ohio.

The safety-at-sea law, Public Law 89–777, which this bill amends was passed in 1966. It condemns America's last overnight passenger riverboat to an existence as a dockside museum, or even worse to be modified as a day excursion boat carrying many passengers packed together on all decks without any overnight accommodations. This condemnation must occur unless we act here in the Congress of the United States because the *Delta Queen*'s construction cannot meet the requirements of the safety-at-sea law which were designed to protect Americans from substandard foreign-flag deep-draft operators.

There are many reasons why the *Delta Queen* should continue to operate in overnight river passenger service. She regularly plies the Mississippi, Ohio, Tennessee, and Cumberland Rivers, never more than a few minutes from shore. Her safety record is unblemished. In 1926 when the *Queen* was launched she was the most expensive, $875,000, most luxurious, and safest paddlewheel riverboat ever built. Every compartment and room is equipped with full coverage sprinkler systems maintaining constant pressure.

Unlike ocean vessels most of the *Delta Queen*'s staterooms open directly to the outside decks. There are no long enclosed corridors where passengers or crew members could be trapped. In an emergency everyone can reach outside deck areas in seconds.

Further, many major improvements have been made that substantially contribute to the *Delta Queen's* safety. Oil-fired galley stoves were removed immediately after passage of the 1966 law and replaced with electrical equipment. Fire-retardant coatings were applied to crew quarters, all master lounge areas and many individual passenger staterooms. New and additional communications equipment, firefighting equipment and emergency devices have been voluntarily added. A stepped-up program of crew fire drill training was initiated by the company immediately after message of the 1966 law and since then the Coast Guard inspections have been more frequent and more effective in preparing the crew to cope with an emergency.

It is impossible at this time to replace the *Delta Queen*. The money is not available in today's market at reasonable rates. Shipbuilding costs are prohibitive. Consideration has been given to rebuilding the *Delta Queen* but it is impossible to meet the requirements of the present law because no wood may be used and requirements on stairway, steamplants and electrical machinery as well as hull design are different. Practically every piece of the *Delta Queen* would have to be rebuilt in order to make it conform to the deep-draft safety standards. This cost would be astronomical and the net result would be an architectural monstrosity.

I have been assured by the owners of the *Delta Queen*, Overseas National Airways, that they will voluntarily make many additional safety improvements in the boat. Their plans include augmentation of the fire sprinkler system as well as new detection and firefighting improvements. They plan to dry-dock the *Queen* and make major structural improvements in her plating and framing. One of the most important improvements will be a diesel-powered variable-speed bowthruster which will allow better maneuverability in midstream or docking. In short, the owners of the *Delta Queen* intend to do everything possible to meet or exceed present safety standards. All safety changes would be at substantial expense to the owner. Such expense could not be economically justified without the knowledge that the *Delta Queen* would be allowed to operate for several years. If the *Queen* remains in operation her owners feel that she would develop an increasing demand for riverboat passenger service. The company then plans to construct and operate new boats to meet this demand. All new boats will meet or exceed the requirements of the present Safety-At-Sea Act.

However, it is apparent that no amount of modification can realistically bring the *Delta Queen* under Public Law 89–777. For this reason a permanent exemption from the law is the only appropriate means to preserve this historic riverboat in operating condition, and give some assurance of future safe riverboat passenger service.

Mr. President, my distinguished colleague from Kentucky, Senator COOK, and I introduce, for appropriate reference, a bill to exempt certain overnight paddlewheel river steamboats operating on inland rivers from the safety-at-sea law. Joining us in the introduction of this legislation is our distinguished colleague from Tennessee, Senator BAKER, who earlier introduced S. 3737, a bill directed at the same subject.

The PRESIDING OFFICER (Mr. PERCY). The bill will be received and appropriately referred.

The bill (S. 3757) to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers, introduced by Mr. SAXBE, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. LONG. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. LONG. Mr. President, the Senator is to be congratulated for introducing this bill.

As a practical matter, the very thing that makes the *Delta Queen* desirable for passenger traffic is not that it gets there faster, not that it is safer, but that it restores an era that passed perhaps a hundred years ago. The boat, for example, has a virtually all-mahogany interior. The mahogany staircase would have to go if the *Delta Queen* is to be replaced and made to meet the standards that we require of vessels plying the high seas.

I traveled on that steam paddlewheeler about 21 years ago, and enjoyed it immensely. I was in the company of other Senators who were inspecting the flood-control situation on the Mississippi River at that time, and all of us fondly remember the luxurious accommodations of the boat, which had all the markings of the old river steamboats. We would certainly not like to see it taken from service, because I am sure it would mean as much to others as it meant to us to travel on it.

The boat is safer today than it was when I traveled on it 21 years ago, and there has been no accident or mishap to anyone because of any safety defect in the boat since that time. As I understand it, those who own the boat are proposing to install an additional quarter of a million dollars worth of safety devices, so that for the future it would be safer than it ever has been for the 40 years in the past. I understand that there has never been an accident in that time.

Unfortunately, the boat is affected by

a bill which we passed directed toward navigation on the high seas. It is true that the *Delta Queen* has lifejackets under every bunk, so that if there were an accident, one could don a lifejacket.

Mr. SAXBE. And it has lifeboats.

Mr. LONG. As a practical matter, if the boat sprang a leak, the bank is only a hundred yards away; and all that would be necessary would be to give the boat a full right or left rudder and run it aground on a sandbar. So that the dangers one would fear are nonexistent.

Of course, one can never tell whether there will be an accident at some point in the future. It may be that that boat, like any other, might run into a barge carrying explosive chemicals, or something of that sort. If that type of commercial accident should happen, there could perhaps be a disaster, just as there would be if two boats meeting all the safety standards should meet.

Mr. SAXBE. It has not happened in 40 years.

Mr. LONG. In 40 years nothing of that sort has happened. As the Senator has explained, the boat would be safer than it ever has been in the last 40 years, under the bill the Senator is introducing.

As chairman of the Subcommittee on Merchant Marine of the Committee on Commerce, I say to the Senator with confidence that had we been aware of this problem when the bill was passed which makes it necessary to retire this boat from service, we would have provided some sort of grandfather clause to provide for this fine old boat, which is about 40 years old but looks like those which would be 140 years old if they were still available, to remain in service.

I think the Senator will find that every chamber of commerce and every civic organization up and down the Mississippi River, the Ohio River, and the Missouri River, upon becoming aware of the facts, would express themselves to us by saying that we should by all means save the *Delta Queen*.

I am happy that the Senator is introducing this measure.

Mr. SAXBE. I thank the Senator from Louisiana, because he has stated very directly the fact that when this bill was passed in 1966, there was no intention to throw the *Delta Queen* off the Mississippi River. As he has pointed out, lifeboat drill on a river boat is really rather ridiculous, because if there were a fire, they need only run it aground and run off on the bank.

In introducing this bill, we want to give these communities on the river an opportunity to retain this nostalgic reminder of the day when the riverboat was king of the river and when that was the primary means for all of central United States—what is known as the United States—to market their goods. There are several other smaller boats, some that are barges and some that are showboats that can be moved around; but this is the only remaining riverboat that supplies overnight accommodations and still gives people the opportunity to visit the far reaches of the Tennessee River and the Kentucky lakes, as well as north to the head of navigation.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I know that this may seem like a rather mundane measure to bring before the Senate; but it is a bill—and one of the few bills, I believe—that would cost the Federal Government absolutely nothing. As a matter of fact, the corporation that owns the *Delta Queen* is a taxpaying corporation in the United States.

Mr. President, those who never have seen a paddle steamboat in mid-America really have missed something. In 1962 it was my pleasure, when I was county executive in Louisville and Jefferson Counties, to buy a steamboat for our community. We bought a steamboat at public auction, and we renamed it the *Belle of Louisville*. It is an excursion boat, and it carries a thousand people.

Every year, on the Tuesday before the Derby—next week, that race has been changed to Thursday rather than Tuesday—every year for the past 6 years before the Kentucky Derby on Saturday, there is an old-fashioned steamboat race on the Ohio River, over a 12-mile course, between the *Delta Queen*, out of Cincinnati, and the *Belle of Louisville*. Over 200,000 people gather on each side of the Ohio River to see this reenactment of what young children used to read in Mark Twain and all the stories of the past about the nostalgic history of the river.

Although its home port is Cincinnati, the *Delta Queen* takes excursions during the year down to New Orleans. They go down to New Orleans for the Mardi Gras. They get back to Louisville in time for the Derby. During the course of the summer, they take excursions up to Pittsburgh, down the Ohio River, into the Kentucky lakes. Late in the fall they take a trip up to Minneapolis-St. Paul. It is probably one of the most beautiful vessels one could ever see. This is in a day when one can no longer get on a train and go anywhere—and in my part of the country, one cannot, although one can still do so on the east coast of the United States. But one can no longer get on a train and go anywhere through the central United States.

I might say, for the benefit of those who are not familiar with the reasons for the act of 1966, that it was because of the horrible fire on the *Yarmouth Castle* in the Caribbean. It was one of the old vessels, and it was full of wood. It caught on fire, and it was far out at sea and was not available to rescue very many of the passengers on the vessel.

I may say that the Senator from Ohio is wrong. No serious fires delayed the river boat. The Coast Guard sees to it that the steamboat *Belle of Louisville* has fire drills every week. But I will say to him that he is right in one respect, that the *Belle of Louisville*, which takes over 300,000 people a year on excursions, on occasions during the rather fast storms that can come up along the Ohio River, with winds from 75 to 80 miles an hour, the *Belle of Louisville*, which is, of course, a short draft vessel, merely pulls over to the side of the river and is held to the banks and waits for the storm to pass, and then proceeds on its way.

I might say, too, that the history of the *Delta King* is interesting. The *Delta King* is a sister ship of the *Delta Queen*. Both boats were night packets on the Sacramento River and passed between San Francisco and Sacramento.

During World War II, the *Delta Queen* was used by the U.S. Navy which took it up to Tacoma, Wash., where it operated between ports in the Navy shipyards up there.

After World War II was over, the *Delta Queen* was purchased by people in Cincinnati, Ohio, who took off its paddlewheel, boarded up the sides of the vessel, and towed it all the way from the west coast through the Panama Canal and into New Orleans.

I am delighted that the Senator has introduced the bill. I am happy to be a cosponsor, and I think that everyone that has anything to do with the Ohio River, the Mississippi River, or the Missouri River, all the States all the way north to Minneapolis-St. Paul, as well as all the States going all the way down to New Orleans, feel that they have a vital interest in maintaining a part of American history, especially at a time when, somehow or other, we seem so anxious to fly so far ahead of history, that to see us go by default in the case of the *Delta Queen* would be a horrible mistake.

Mr. LONG. Mr. President, in Louisiana, we have, as does Kentucky, some magnificent antebellum homes. Unfortunately, because those fine old edifices were not built to modern standards, they were built for the most part of wood and were pegged together rather than nailed together, and, of course, they did not have sprinklers or firefighting equipment in those homes, there were fires in some instances. The rivers have climbed their banks and proceeded to form new channels which have taken away many of those magnificent antebellum homes. However, I am glad to say that we do have a few left, and they are beautiful sights which everyone loves to see.

Mr. President, those who ride on the *Delta Queen* find it a meaningful experience to be on that magnificent old boat as it steams on the river. It is something that warms the heart and brings back memories of previous days. So that not just those who have occasion to take a trip on the *Delta Queen* would benefit by the passage of this bill but those who live along the river in Louisville, Baton Rouge, New Orleans, and so forth, would also be beneficiaries of the bill, to continue the *Delta Queen* in service for the future.

I regret that I have never seen the steamboat race between the *Belle of Louisville* and the *Delta Queen* to which the Senator from Kentucky refers, but, perhaps, if this bill passes, I may yet have the opportunity to witness it.

Mr. COOK. I want to thank the distinguished Senator from Louisiana for his kind remarks. Truly this is a matter of being able, by a simple procedure—as I said to the Senator from Illinois—to pass a bill that will cost the Federal Government and Congress absolutely nothing in order to preserve an era of history.

It would be most unfortunate for this country if that opportunity should be lost.

XUM

Mr. PERCY. Mr. President, on the basis of the knowledgeable representations which have been made today, the uniqueness of a bill that will not cost the Federal Government any money, and the further fact that we have all just returned, on yesterday, from engaging and participating with millions of other Americans in commemorating Earth Day, that our environment must be preserved, I cannot imagine anything that we could do in the Senate that would be more in keeping with our objectives, rather than just to file away copies of speeches and bring them out again next year, than to do something like this today that would be constructive.

ADDITIONAL COSPONSOR

I cannot imagine anything more fitting than to preserve a vessel that would help thousands of Americans better appreciate what can be possible when we navigate our streams, and reinforce in them the desire to make our streams and rivers clean and preserve the fine heritage given to us by our forefathers.

Mr. President, I therefore ask unanimous consent that my name be added as a cosponsor of the bill.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. ON MONDAY, APRIL 27, 1970

Mr. HARRIS. Mr. President, notwithstanding the preceding order, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11:30 o'clock a.m. on Monday next.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

XUM

ORDER FOR RECOGNITION OF SENATOR BAKER ON MONDAY NEXT

Mr. HARRIS. Mr. President, I ask unanimous consent that on Monday next, immediately after the convening of the Senate, and after the prayer, the distinguished Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CURRENT CRISIS IN INDOCHINA

Mr. HARRIS. Mr. President, since I introduced Senate Resolution 383 for myself and the distinguished senior Senator from Kansas (Mr. PEARSON) on April 2, the current crisis in Indochina has intensified. In addition to increased fighting between Communist and non-Communist forces throughout the Indochina Peninsula, long-held national and racial enmities have again surfaced, resulting in additional needless slaughter and adding another difficult-to-resolve dimension to an already confused and complex situation.

Developments off the battlefields also give cause for great concern. Transcripts of a portion of the hearings on U.S. commitments conducted by the distinguished senior Senator from Missouri (Mr. SYMINGTON) have finally become available. They reveal to the country that the so-called neutral status of Laos has been at best a polite fiction for more than 5 years. Today we learned that the administration has agreed to send several thousand rifles to Cambodia, which is a most disturbing development.

There is another course of action open to us, if we will seize the initiative. That is the policy suggested in Senate Resolution 383. This resolution, if adopted, would express the sense of the Senate that affirmative U.S. action is needed to bring the hostilities in Indochina to an end, and, further, that a comprehensive multilateral conference of all interested parties, with the end of true neutralization of all of Indochina, would be the most promising form such affirmative action could take.

I ask unanimous consent that the names of the distinguished junior Senator from South Dakota (Mr. McGOVERN) and the distinguished junior Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of Senate Resolution 383 at its next printing, which brings the total number of cosponsors of the resolution to 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I am under no illusions that such a conference would be easy to bring about or that it would inevitably produce substantial results and neutralization of Laos, Cambodia, and Vietnam. But we will never know what is possible unless we make a serious attempt to find out, including consideration of changes in U.S. policy which might be necessary to bring all the interested parties to the conference table in Geneva or some other suitable place.

Events of the past week illustrate both the potential of such an approach and some of the difficulties which need to be overcome. Soviet Ambassador Yakov Malik's support of a new Geneva Conference as the only way to "bring about a new solution and relax tension on the Indochina peninsula," was a clear indication of interest, despite subsequent backtracking somewhat. On Saturday, Secretary Rogers said that the United States was pressing the Soviet Union to see if they had any specific proposals concerning a new conference. While I am pleased that the administration is showing interest in the idea proposed in Senate Resolution 383, I am afraid that it has been too passive, preferring to wait for initiatives from others, rather than attempting to break the logjam itself.

We need movement in our policy, if we want to bring hostilities in Indochina to an end. I believe the course charted by Senate Resolution 383 would offer the best chance for movement in the right direction. I am pleased to announce these additional cosponsors.

Mr. President, I yield the floor.

EUROPEAN TRAINS PROSPER AS U.S. TRAINS DIE

Mr. ALLOTT. Mr. President, the Denver Post of April 15 contained an important article pertaining to railroads in the United States and Europe.

The article was filed from Paris by Warren Trabant and it confirms something that American specialists in transportation—and American tourists abroad—have been saying for some time.

That is, European railroads are showing continued steady improvement, while American railroads continue to suffer a variety of ailments, and continue to provide passenger service that is not attracting passengers.

Various European nations are proving that passenger rail service can be a success even in modern industrial nations which enjoy good roads and convenient air service. The Europeans are showing that rail passenger service can coexist with competnig forms of passenger transportation.

I commend this article to the attention of the Senate, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EUROPEAN TRAINS PROSPER AS U.S. TRAINS DIE

(By Warren Trabant)

PARIS.—European railways are announcing faster and more comfortable trains at about the same rate American railways abandon them.

Recently, just as the California Zephyr was making one of its final runs, the French railways announced it would, in a few years, be setting passengers down in Lyon two hours after leaving Paris. (The present running time is 3 hours 50 minutes.)

It is possible today to beat air travel from city center to city center on the famous "Capitole"—the fastest train in Europe. It runs the 250 miles between Paris and Limoges in 2 hours 45 minutes at an average speed of 85 miles an hour.

The "Societe National Chemin de Fer," France's state-owned railroad, has just completed a study of turbo trains that will travel up to 185 miles an hour. In cooperation with builders of new super highways, they are rerouting the old roadbeds, cutting almost 60 miles of track between Paris and Lyon. The plan calls for an investment of $220 million.

TRAINS ON TIME

Trains are completely international in Europe and almost always on time. Every afternoon at exactly 2:45 a train leaves the North Station of Paris with cars for Berlin, Copenhagen, Warsaw and Moscow. The Moscow car, Russian owned and operated, is much like an old American pullman, completely staffed with a Russian crew.

French express trains run with great precision. In 1969, 95.1 per cent arrived on time or less than 15 minutes late.

There are 28 special daytime trains connecting the major cities of Europe. Called Trans European Express (TEE), they consist of four to eight lightweight, roomy, tastefully decorated cars including a club car and restaurant. It is possible to set your watch with the arrivals and departures, as they pull in at a station for exactly a 60-second stop.

TEEs average better than 60 miles an hour. On certain stretches they hit 100 m.p.h. Each bears its own romantic name: Rheingold, Le Cisalpin, L'Oiseau Blue, etc. The routes range from 700 miles (Bremen to Milan—12 hours 39 minutes) to as short a run as 220 miles (Zurich to Munich—4 hours 20 minutes).

Meals on TEEs are superior to those on average trains. Each serves the specialities of the country of origin. The seats are wide and roomy.

MOST SPECTACULAR

The most spectacular is the "Mistral" running from Paris to Nice. It averages 74 miles an hour, making the 670-mile run in 9 hours 5 minutes. Aside from an excellent restaurant and bar, it carries a gift shop, newsstand, secretary, barber and beauty parlor.

A good selection of night trains crisscross Europe, as well. Most are comfortable with roomy first-class sleeping compartments, less roomy but practical second-class space. Many offer "couchette" accommodations, made up from day coaches in which each compartment contains six or eight bunks. A blanket and pillow are provided, but passengers sleep in their clothes as they do not separate sexes. The advantage is economy; they cost about one third as much as first class.

Certain trains include automobile carriers. For little more than it would cost to drive, you can start driving when 100 miles or more away from the heavy traffic.

A new train between Paris and Rome has introduced the "all in" fare. Called the "Palatino," it leaves Paris at six p.m., arrives in Rome at 9:30 a.m. the next morning. Dinner and breakfast are included in the fare. It's a delightful trip, especially from the breakfast car as the train rolls through Lombardy and Tuscany toward Rome.

LESS ROMANTIC

The famous old "Orient Express"—no longer luxurious or glamorous, but still international—leaves Paris at 10 p.m. with cars marked Munich, Salzburg, Vienna, Bucharest, Sofia and Belgrade. Breakfast is served in bed, if you wish.

There is still an excitement in the bustling, noisy railway stations of Europe that no airport can match. Although the trains are no longer as romantic as described by the filmmakers and novelists of the '20 and '30s, they still offer some exciting scenery, interesting people and adventurous travel.

The clean, comfortable TEEs are soundproofed, but conversations can be heard for several seats away. Friendships can be made at the bar or during a relaxed meal over a bottle of good wine and a glass of Napoleon brandy. The atmosphere of the train contrasts to that of a plane—there is freedom of movement that makes it possible to choose a dinner companion rather than accept the person assigned to the next seat.

TOURIST BENEFIT

Tourists can benefit as well with a money-saving "Eurail Pass." For as little as $110, one can travel first class an unlimited number of miles in 21 days on the railroads of 13 European countries. A 20-day trip by train, for example, from Paris to Copenhagen, to Naples and back, including stops in 10 major cities (a distance of over 3,000 miles) would cost only $140 (for a one-month pass) plus perhaps $10 to $20 for sleeping accommodations. The cost without a Eurail pass would be close to $300.

MODERN TRANSIT MARKETING

Mr. ALLOTT. Mr. President, the concept of modern transit marketing is one about which very little valuable material has been written.

Therefore, I was extremely pleased to read a new booklet entitled "Transit Marketing in Chicago" by George Krambles, Superintendent of Research and Planning of the Chicago Transit Authority.

Working with the full cooperation of CTA's outstanding Chairman George De Ment, Mr. Krambles, who is an internationally known expert on these concepts, has developed some very practical and workable ideas for encouraging patronage of rapid transit lines.

The ideas have been largely put to work in several recently completed rapid transit projects in the Chicago area, all of which were assisted financially by the Federal Government, through the Urban Mass Transportation Administration.

Because I have long contended that the money we have spent on the Skokie, Englewood, Dan Ryan and Kennedy lines in Chicago is among the best investment in transit DOT has made since the beginning of the urban transit program, I found this statement by Mr. Krambles to be further confirmation of my belief in this regard.

Mr. President, I ask unanimous consent that the text of "Transit Marketing in Chicago" be printed in the Record.

There being no objection, the text of the booklet was ordered to be printed in the Record, as follows:

Transit Marketing in Chicago

(By George Krambles)

In transit, an ideal market-oriented planning effort increases ridership and simultaneously reduces unit cost.

Transit is a service industry with high capital content in its equipment and high labor content in its product. The possibility of reducing labor content per vehicle hour is small. On buses the limit may have already been reached. Trains, even with automation, will be at the limit when policing and maintenance manhours begin to overtake operator manhours; a point that does not seem very far off.

Transit must increase its labor rates in parallel with the whole economy or not have an adequate labor force, yet may not increase its fares without serious sociological impact.

Useful service output per hour of transit equipment and manpower must be increased therefore to minimize subsidy from outside the farebox.

The approach to increasing productivity adopted for the new Chicago projects is that of increasing average speed so that more passenger miles are served for each hour of work of man or machine. Not only may unit costs thus be minimized, but existing riders are benefitted and new riding is generated by the improvement in competitive qualities of transit. Intermodal journeys are a vital ingredient in accomplishing these goals.

A glance backward through time shows how this policy developed. In 1948, buses (and streetcars) in Chicago generated about 2.7 million fares on an average weekday. Rapid transit brought in a little less than 400 thousand fares. Twenty years later, buses were bringing in only about 1.2 million fares—a loss of more than half, but rapid transit had no loss. In the downtown area rapid transit has for 15 years served more people than have buses. 70% of the people downtown each day use the L-subway.

Over the last 20 years continuous changes were made to both the bus and rapid transit systems to adapt to changing land use, and to optimize the Authority's position in the face of the injection into the city of at least $3 billion in new urban highway and personal automobiles.

To service newly developing areas, the number and length of bus routes was increased, expanding route mileage by 30%. Buses replaced fixed track streetcars. All surface vehicles were replaced by new ones.

There was constant attack on problems of vehicle design, performance and operation and continuous effort in traffic engineering, but speed, dependability and regularity in bus operation have shown discouraging little improvement.

In the same 20 years rapid transit was not expanded in coverage. To the contrary, without reducing coverage, 11 miles of weak branches were taken out of service; the number of cars required was reduced about 30%, and the number of stations was reduced 42%. By this process, plus the introduction of 'A' and 'B' express service, however, the average distance between stops of trains, and hence average speed, was substantially increased.

It has only been possible so far to replace about 80% of the rapid transit car fleet, but even so through the combination of better cars and wider stop spacing average speed was raised 30%. Furthermore, because of the exclusive right-of-way of the rapid transit system, and using modern line supervision technology, the all-weather dependability and regularity of rapid transit service was greatly improved.

We believe the public is better served when opportunity for the use of rapid transit is maximized. Speed and dependability only obtainable from that mode is vital if we are to serve a growing share of the market.

In planning for the new Chicago transit projects it was therefore the aim to shift passenger-miles from buses, averaging 12 to 14 mph, to rapid transit averaging 25 to 32 mph. Rapid transit is made conveniently accessible to a greater number of multi-modal riders by having buses complement, rather than compete with, rapid transit.

The basic change in the rapid transit system is its extension farther from the city center, although still well within city limits. In the bus system the accompanying change is that appropriate routes focus into, rather than continuing to parallel, rail lines.

The flat geography of Chicago led to a rather unimaginative gridiron street pattern. Surface transit followed the arterial street pattern with a network of very long north-south and east-west routes. Aiming at the concentrated needs of the central business district, the rapid transit and suburban railroads followed a radial course as did expressways, when they were built.

To make every station in the new Chicago transit projects an intermodal interchange point, parts of the historic grid of parallel bus routes are rearranged to form neighborhood-oriented radial networks, each focussing at an appropriate intermodal transfer station. As a result, within a year it is expected that some 26,000 *new* rides daily will be generated and at least another 140,000 per day will have changed their mode of travel to ride the new lines for a shorter journey time.

Fifty-four bus route changes were made to contact the new stations. For example, seven CTA bus lines are routed to the 95th station, while ten are routed to the Jefferson Park station. Formerly, only two served each location.

Bus routes changed to feed the new rapid transit lines are in many cases shortened yielding important incidental improvement in dependability and regularity. For example, no longer will service on North Michigan Avenue be disrupted by a ball game break in the peak of the afternoon rush. Service on Milwaukee Avenue north of Jefferson Park won't be short-changed, as it was in the past, by congestion on Washington Street or a parade downtown.

Off-street bus turnarounds are provided for intermodal transfer at the most important stations on the new projects. At others, buses stop in front of station accesses provided on each side of the expressway overpass, or passengers use marked crosswalks protected by traffic signals.

The current series of projects began with an extension of the Englewood line only about one quarter mile in length. The major aspect of this project was to provide an adequate intermodal transfer station facility, not possible at the original terminal because of street access and property limitations. Much attention was given to improved amenities for passengers and to better handling of trains as compared to the previous terminal which had been "temporary" for 60 years!

The Dan Ryan line is an extension of the present Lake rapid transit route from Chicago's historic Loop via expressway median strip to the south side of the city. A trip over the 20.5 miles between Harlem/Lake and 95/Dan Ryan is made in only 41 to 45 minutes with 'A' and 'B' express service. The new route is the first rapid transit through service between the south and west sides of the city and eases the travel burdens of many who are employed outside the central business district.

The 95th street terminal represents a unique solution for a major transfer facility, being contained wholly within the expressway right-of-way. It is built over the outside slopes adjacent to the shoulders of the roadways, and on a new bridge across the highway 300 feet north of 95th street. CTA, Suburban and Greyhound buses circulate around the station providing passengers direct access to the rapid transit facilities. At 69th station a similar exclusive bus bridge was built.

Even the car storage yard and maintenance shop at the end of the line was squeezed into expressway median space.

The Kennedy line is an extension of the West-Northwest rapid transit route about five miles northwest from Logan Square. About ¾ of the extension is in expressway median and the remainder is in subway. 'A' and 'B' skip-stop express service is being operated. Under this plan, used on most Chicago rapid transit lines, stations with heavy traffic are designated 'AB' stations; lighter stations are successively 'A' or 'B' stations and alternate 'A' and 'B' trains make the corresponding skip-stops. As applied to the Kennedy extension the plan doubles the average distance between station stops and decreases travel time 20%.

The most extensive and comprehensive intermodal interchange on Chicago's new projects is at Jefferson Park station, which is served by a dozen city and suburban bus routes, the Chicago & North Western Railway as well as, of course, rapid transit trains to the city center and beyond to two important west suburban destinations. Here the railroad lies between the rapid transit in the Kennedy median and Milwaukee Avenue. The bus terminal is on land connected to the railroad and rapid transit platforms by a pasageway under the railway and over the southbound expressway lane. There are two separate bus loops, each with eight lanes.

Ultimate extension of rapid transit to the passenger terminals at O'Hare International airport was anticipated in the planning for the Kennedy project, as it was in the design of the expressway itself. However, the short supply of both city and federal funding and the urgency of spending what was available to meet the highest priority transit needs throughout the city made Jefferson Park the logical terminal at this stage. Although the North Western Railway, which claimed that rapid transit to O'Hare would irreparably damage its suburban service through rider diversion, threatened to block the whole project until CTA agreed not to operate in the median beyond Jefferson Park, the decision to build rail only that far had already been reached.

However, under a project sponsored by the Mayor's Office of Cultural and Economic Development, the immediate need for direct service from O'Hare to Jefferson Park is being tested by an entirely new non-stop bus route, thus adding our highest level of intermodal link.

Greyhound buses, which originate in its downtown station (with grade-separated access) now emerge from the expressway to use Jefferson Park, Skokie Swift and 95th as satellite stations. Some suburban buses terminate at 95th or Jefferson Park instead of continuing into slow-moving central area streets.

One type of intermodal interface yet to be developed on the Dan Ryan and Kennedy extensions is Park 'n' Ride. With the exception of the Englewood project, there is no new parking available initially on the new Chicago projects. It is planned that this deficiency should be overcome in a next phase with modest parking lots at key stations, and a later phase with high capacity facilities at terminals, which by that time are likely to be farther out than the present ones.

Additional car requirements imposed by the Dan Ryan and Kennedy extensions are being met by an order of 150 stainless steel cars now being delivered. These silver sky liners are notable for the panoramic windows usually found only in special sightseeing equipment.

In the Northwest Passage project, the Clinton 'L' station of the Lake-Dan Ryan route is being linked with the terminal of the North Western Railway by a shortcut passageway with escalators. This will afford suburban railroad passengers broad distribution throughout the central business district and beyond into the south and west sides of Chicago.

The construction of each of the major projects was completed within three years from approval of the respective grants by the federal government.

ILL–UTG, project, HUD approval, in service

First, Englewood, 5/6/66, 5/6/69.
Fourth, Dan Ryan, 3/13/67, 9/28/69.
Second, Kennedy, 3/13/67, 2/1/70.
Third, Northwest Passage, 6/23/67, Est. 5/11/70.
Fifth, 150 cars, 6/12/68, Est. 6/ /70.

This accomplishment is made more remarkable by the fact that all of the projects were in progress at the same time.

An important part of the preliminary planning work for all the projects was the series of traffic estimates and related cost/benefit studies. Although there had been several line relocation projects through the years, the last previous rapid transit extension within Chicago was completed in 1907, so there was no clear precedent to guide traffic estimates. Nevertheless the results to this writing indicate reasonable expectation of meeting the traffic projections.

The Dan Ryan extension after about six months of service is providing about 82,000 rides per weekday, which is 86% of the one-year goal.

The Kennedy extension after less than three months is now about 53,000 per weekday, which is 76% of the one-year goal.

Planning of the new Chicago projects was a comprehensive coordinated effort of the City of Chicago, the Chicago Area Transportation Study, the Northeastern Illinois Planning Commission and the Chicago Transit Authority. Construction was sponsored by the City of Chicago and the U.S. Department of Transportation under urban mass transportation programs initiated in the last few years.

The combination of these diverse viewpoints, we believe, has led to even better utilization of the best qualities of each mode of travel to provide the urban transportation system needed for Chicago in the 1970s.

TRIBUTE TO CONGRESSIONAL SECRETARIES ON OCCASION OF NATIONAL SECRETARY WEEK

Mr. ALLOTT. Mr. President, as I have been reminded—constantly, not to mention aggressively—by a slew of constituents right in my own office, this is National Secretary Week.

Thus I come to this Chamber today to profess my profound appreciation for God's handiwork in creating the secretary, and to urge all Senators to join me in a special salute to the Capitol Hill variety of that species.

I urge this for two reasons.

First, it is prudent to salute them. There are more of them than there are of us. The spirit of women's liberation is abroad in the land and, for all we know, some of those demure creatures in the offices have been out practicing karate in their copious spare time, the better to avenge themselves for centuries of what today is called male chauvinism.

Second, we should love, honor, and cherish our secretaries during National Secretary Week, and maybe even into the middle of next week, because they are such cheerful and vital parts of any functioning office.

So to those who say "Three cheers for secretaries!" I say "Yea, verily," type it in triplicate, and file under the appropriate headings.

DENVER—LEADING TRAINING CENTER FOR PILOTS OF MODERN JET AIRCRAFT

Mr. ALLOTT. Mr. President, I am pleased and proud to note that Denver, Colo., is serving as a leading training center for pilots learning to fly the most modern jet aircraft.

The training takes place at an installation run by United Air Lines. An interesting article concerning this center appeared in the Washington Star on March 25, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 25, 1970]

UAL PILOT CENTER: CREWS OF 22 AIRLINES TRAINED AT DENVER

(By Dean C. Miller)

NEW YORK.—Japanese pilots go to school in Denver to brush up on their skills and to learn how to fly the big new jets.

The $30-million United Air Lines flight training center at Stapleton Airport is something like a United Nations with wings. Business executives and corporate pilots from the Congo, West Germany and Pittsburgh go there to learn to fly the Learjet and other company-sized planes. Dancer Danny Kaye and Golfer Arnold Palmer, who fly their own planes for business reasons, also drop in for brush up work or just to kibitz with Glenn Allred, manager of airline and corporate flight training activities for United.

"We think this is a growing segment of the airlines business," said Allred in a recent trip to New York, "and we're out to get business."

MAJOR TRAINING CENTER

Last year the UAL center trained the crews of 22 other airlines, including 11 foreign carriers. It put 175 corporate pilots from 52 companies, 10 from overseas, through the paces of handling a Learjet. Another 107 flight personnel from 87 companies underwent special training. Companies like Anheuser Busch, Boise Cascade, Federated Department Stores and Trimof Fertilizers of Johannesburg, South Africa, put in time at the UAL center and get paid for it.

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United collected $2 million in training fees from outside companies aside from giving $22 million worth training to its own crews. United captains must take refresher courses every six months.

"We're projecting a $3-million intake from other companies this year," said Allred, a pilot for 29 years.

One reason for the optimism is the need for training on the big new Boeing 747. Three Japan Air Lines crewmen began 747 training at the center on March 23 and other JAL crews will follow. Braniff also will get its 747 training at the UAL center.

Tuition is expensive, about $11,000 per man on the 747. That is figured on the basis of a three man crew, training for 28 days and getting 32 hours of simulator time and six of actual flight time. Simulator time goes for $360 per hour. It soars to $3,200 per hour when the students actually fly the big bird.

TUITION IS EXPENSIVE

Expenses also run high. Insurance on the $22-million plane is expensive. Instructor time, fuel, cost of the plane itself, maintenance crews and the like run into big money.

Even training on the 737 doesn't come cheap. It costs $800 per hour. Learjet lessons go for $500 per hour.

To offer training in so many different planes requires a tremendous amount of equipment at the center. UAL has $25 million invested in its 16 all-jet simulators, nine cockpit procedure trainers in addition to a standby fleet of 12 planes.

"When you consider that an airline spends about $10,000 training each pilot, and another $90,000 keeping him brushed up during his career," said Allred, "you get an idea of why we think we're in a growth business. Consider all the companies which are going in for flying and you know you are."

ONE-THOUSAND-DAY DELAY IN TRIAL OF H. RAP BROWN

Mr. ALLOTT. Mr. President, on July 24, 1967, H. Rap Brown made an incendiary speech in Cambridge, Md. He urged burning down America, and suggested that his listeners might begin the job right there in Cambridge. That night rioting and arson did $300,000 worth of damage in Cambridge. In August 1967, Mr. Brown was indicted by a Dorchester County grand jury on charges of incitement to riot, incitement to arson, and arson.

Last Monday, there was another development in the interminable process of trying to bring Mr. Brown to trial in nearby Maryland.

The development was another failure to get the trial underway. This would hardly be news—such failures are depressingly common—but it is worth noting for one reason.

This delay came exactly 1,000 days since H. Rap Brown made his famous visit to Cambridge back in 1967.

Yesterday the trial was postponed again—for the eighth or ninth time—depending on whose count you accept—until at least next Monday. Then, or some time thereafter, a three-judge panel from the Fourth Circuit will hear arguments on the defense contention that the State of Maryland is violating Mr. Brown's rights.

Mr. President, I am not concerned about the details of the arguments being advanced over the years by the prosecution or the defense. I am concerned with the way the current state of our judicial system causes a case such as this to be strung out over many years.

For over 1,000 days Mr. Brown's team of lawyers has managed to spare him the inconvenience of coming to trial. This has been the special handiwork of Mr. William M. Kunstler, who divides his time between inciting crimes and defeating attempts to prosecute persons accused of crimes.

For a number of weeks there has been much disingenuous talk from Kunstler about how anxious he was to find a Maryland community suitable for a trial. But the other day, Mr. Kunstler revealed what has been apparent to the trained observer right along—Mr. Kunstler said that even if he knew where Mr. Brown is hiding, he would not bring his client into court.

Kunstler thinks the climate of opinion in Maryland is so corrupted and threatening that it would be risky to the physical safety of Mr. Brown to ask him to enter the State.

This is patent nonsense. But it is part of the current strategy to get the case shifted from a State court to a Federal court. The case is now tenuously lodged in a Baltimore Federal court, pending a ruling by a Federal judge as to whether it shall remain there or go back to a State court in Ellicott City. Senators recall that it landed in Ellicott City after it was moved from Bel Air, where it arrived after being moved from Cambridge.

Approximately 5 weeks ago I spoke to the Senate about the tortured attempts to bring Mr. Brown to justice. At that time I voiced the fear that radical Leftists may have hit upon a new way of avoiding trial and punishment for their sundry forms of misbehavior. The new tactic is stunningly simple: They refuse to come to trial or, failing that, they turn the courtroom into a circus and refuse to allow the trial to proceed.

This last was the technique adopted by Mr. Kunstler's defendants in the Chicago conspiracy trial. It worked so well that seven of the conspirators are roaming the country giving lectures, publishing books, inciting riots, and making money fist over glove.

So far it appears that Mr. Brown will not have to go to all the trouble of disrupting a courtroom. On the evidence of the past 1,000 days, Mr. Brown may never see the inside of a courtroom.

Many bad consequences can result if radical defendants are allowed to escape trial and punishment. For example, this may have unfortunate consequences with regard to police behavior.

Let us be very candid. The last 5 years have been very difficult years for policemen. They have been confronted with extremely explosive mob situations—some of which have posed military problems rather than police problems.

Further, there have been instances when the police have used excessive force in dealing with these situations. When this has happened the good name of the American policeman has suffered, and so has respect for the enforcement of law.

There are several possible explanations for these few instances of police excesses, but one thing is clear. The police often feel that the individuals who are making their lives so unpleasant and so dangerous will never be punished by the due process of law.

Mr. President, it is very dangerous for any part of the citizenry to become convinced that persons who flagrantly break the law are going to indefinitely delay any day of reckoning in court. It is doubly dangerous when the police become convinced that this is so.

When this happens, the police feel a strong temptation to take on the punishing function of the law. This is an intolerable usurpation of a function which properly belongs to persons and institutions other than the police.

To say that the policeman's temptation is understandable is not to say that it is pardonable for the policeman to yield to that temptation. Yielding to that temptation is an unconscionable violation of police professionalism, and a grave threat to law and order.

Nevertheless, we all should be worried when we see an instance such as the case of Mr. Brown, wherein the fears of the police seem to be confirmed.

There is great concern in some circles that the youth of the Nation will get the impression that the "system" does not work. In some circles there is even a tendency to violence on the part of young people when they believe the "system" is not working.

It is important to remember that there are other Americans beside young people who have moments when they doubt whether the "system" will work. And it is important to remember that frustration can lead to violence among various groups of Americans when they feel that some part of the "system"—for example, the courts—is not functioning.

For this reason let us hope that the depressing example of the Brown episode soon becomes the encouraging example of a trial conducted according to due process.

FUTURE OF THE U.S. SPACE PROGRAM

Mr. ALLOTT. Mr. President, on April 18 on his way to Honolulu, President Nixon discussed the future of the U.S. space program at length with Dr. Thomas O. Paine, the NASA Administrator. Excerpts of the President's views expressed during this conversation have appeared in the press in the last few days, but so that these views are placed in proper context, I ask consent to have printed in the RECORD the complete statement by Dr. Paine on his conversation with the President.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. THOMAS O. PAINE, NASA ADMINISTRATOR, APRIL 19, 1970

During the flight to Honolulu yesterday I had an opportunity to spend an hour and a half with President Nixon talking about the future of the U.S. space program. The President has authorized me to tell you about the conversation, and I would like to share a few of his thoughts with you tonight.

The President reiterated his strongest support for a vigorous, on-going program and

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particularly in manned space flight. We will press on, he said, in the exploration of the moon and eventually explore the planets.

There will be those, the President said, who will seize upon this accident as an opportunity to call for a slowdown or a turning back; but, he said, we are not the kind of people whose purpose is diverted by adversity or setback. We have set a good course, a forward course, he added, and we will not falter in our resolve.

During the past few months I have visited a number of countries on the President's behalf to express to scientific and space leaders the President's strong desire for all nations to share in the exploration of space. I briefed the President on my recent trips to Bonn, London, Ottawa, Canberra, and Tokyo, and he was pleased to hear that other nations were considering new ways to cooperate with us in very tangible ventures. He told me that we should continue these efforts and that he was particularly gratified by the messages of good will and support that he received from scores of nations during the Apollo 13 mission.

I told the President of our plans for a thorough review of the Apollo 13 accident. He once again expressed his confidence in, and his admiration for, the NASA organization, and he said that these men and women, joining with our colleagues in other Government agencies, in industrial plants, and on college campuses would find a solution, fix the problem, and set forth again.

I told the President that I cannot yet set a firm schedule for the Apollo 14 mission and as soon as the Apollo 13 review board has completed its review of the accident and we know that we are ready to apply the lessons of Apollo 13 to the next mission, fix the equipment, and understand the procedures, we will announce the launch date for Apollo 14.

Finally, the President was pleased to see an enthusiastic flight crew in Hawaii, but they are tired, and he told me to go easy on the debriefings and to give Jim and Fred and Jack some well-deserved rest and relaxation. The President generously offered the use of Government facilities for this purpose, and I expressed my deep appreciation for his thoughtfulness, and I have passed this on to the Apollo 13 crew.

We in NASA heartily agree they have earned all the vacation we can give them.

Mr. ALLOTT. Mr. President, I am pleased to read this report of the conversation between the President and Dr. Paine. I am especially pleased to note Dr. Paine's report that other nations are now considering ways to increase cooperation with the United States in space exploration.

Such added cooperation is much to be desired. In this regard, I would like to call to the attention of the Senate a most interesting comment from an editorial in the distinguished British weekly, the Economist, dated April 13:

> During the long hours, the world, listening to reports of deteriorating conditions inside the spaceship, hearing the edge creep into Lovell's professionally cool voice, has had plenty of time to think about whether the Americans should any longer be left to carry the whole burden of pioneering space, or whether they do not need at least a token moral support from other countries to encourage them in what they are doing—something more positive than taking their television programs from space, and placing rescue ships at the American's disposal. That answer, at least, ought not to be in doubt.

This statement by the Economist does, I believe, add emphasis to the point that the U.S. space program benefits many nations and peoples—it is truly an effort for all mankind—and thus the United States might feel more willing and able to bear the cost of this wonderful program if it received some more support from other nations.

Mr. President, when the Apollo 13 mission made its safe return to earth last week, I issued a statement expressing some of my thoughts on the space program—its past, its present, its purposes, and its future. I have been associated intimately with the program since I first became a member of the Committee on Appropriations, in 1959.

Mr. President, I ask unanimous consent that the statement which I made last week may be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Success of Apollo 13

The safe return of astronauts Lovell, Haise, and Swigert was a joyous event for all Americans, and for prayerful people the world over.

It is simply not possible to find words adequate to the task of praising these men. Suffice it to say that they gave the world a glimpse of the greatness of real men locked in combat against a hostile environment.

I think it is appropriate to pause a moment today and examine once again the many benefits we—and the world—derive from our vigorous program of manned space exploration.

Bismarck was so bewildered by the American ability to get into tight scrapes—and then escape unharmed—that he was moved to declare: "God must love drunks, babies and the United States."

Well, surely God was looking after the astronauts. But they were also looking after themselves.

They displayed one absolutely American virtue—splendid Yankee know-how. Faced with the desperate necessity to improvise breathing equipment, they used odds and ends—including the plastic wrapper from a piece of clothing—to construct a gadget that does add new luster to the idea of a "Rube Goldberg invention."

There is a big moral in this small facet of Apollo 13. It is quite possible that we learned as much about space, and space craft, from this difficult Apollo 13 mission than we have learned from any other to date.

Apollo 13, far from being the failure, is a many-faceted triumph. This is not really surprising. The social return from space exploration has always been enormous.

The yield in scientific knowledge about our universe is beyond the dreams of all prior generations of scientists. Our dedicated pursuit of this knowledge reaffirms our dedication to the principles of enlightened respect for truth.

Further, Americans are increasingly well-aware of how much they have gained from technological spin-offs from the space program. One can hardly overestimate the myriad social benefits these have brought.

But perhaps we have not given sufficient attention to another kind of benefit we—and other peoples—receive from the space effort. Beyond the intellectual and material gains from the space program there is a moral and spiritual gain.

This gain is hard to express, and impossible to quantify, but it is nevertheless very real. It is a gain for the American community, and for the world community.

I would venture to guess that the flight of Apollo 13 has given to Americans—and to the world—something more precious than we ever thought could be brought merely from a voyage of exploration.

What these three astronauts brought us was new knowledge of the most precious sort. They brought new knowledge of the human spirit.

By their own bravery they showed the world again what resources the individual has when faced with an extreme challenge.

By the splendid moral support they received from all the world's peoples, they demonstrated the common humanity which transcends—and will outlive—the political divisions that divide the planet.

The outpouring of prayers and concern from around the world has been astonishing, gratifying, and instructive. It has demonstrated another ancillary value of the space effort. It has shown how the personal heroism of a relatively few men, supported by the technological competence and steadfast backing of a great nation, can win the admiration of men and women everywhere.

The multi-national gathering of rescue ships in the Pacific, and anywhere else they are needed, has produced a temporary comity among nations.

Of course, this comity is a gossamer thing. It cannot erase the real differences that now divide the family of man. But any moment of harmony and common concern in this troubled world is precious, and anything that produces such a moment is to be cherished by all mankind.

The space programs has allowed all human beings to feel and demonstrate once again the common ties of sympathy that unite mankind. The numbing fear and desperate hope which the world felt while the astronauts fought their fight were, in their very humanness, powerful reminders of the common humanity of all peoples.

Back at the beginning of the 1960's there was much talk about the bold exploration of "new frontiers." The words belong to John F. Kennedy. The space program which he did so much to advance is a clear commitment to the idea of exploring new frontiers. Indeed, rarely has there been such a successful translation of political rhetoric into practical and successful programs.

Theodore Roosevelt understood this. His call for Americans to lead the "strenuous life" represented his understanding of the fact that national greatness depends on a citizenry that hungers for challenges.

John F. Kennedy understood this. His constant emphasis of national "vigor" represented his understanding of the fact that a nation that does not thrive on vigorous exertions will not thrive at all.

There will undoubtedly be some men of small soul and constricted vision who cannot comprehend the moral significance of the space program. They will look at this most recent triumph of the human spirit and wonder merely if it is not slowing the march of urban renewal, or some other personally favored enterprise.

Perhaps these persons can be reached with this single argument. Of course we face many challenges here on earth. Of course they will not be solved without a large and steady commitment. And even with such a commitment, the tests will be severe and the sacrifices painful.

But none of this will be possible—not the commitment, not the steadfastness, not the capacity for sacrifice—if we lose our appetite for rigorous exertions.

For this reason we must not panic in the face of Apollo 13's difficulties. We must not be led to abandon manned space flights.

Yesterday a Navy jet and an Air Force jet collided in midair over North Carolina. Six men died in this accident. Such accidents are not common, but nor are they unknown. No one is complacent about them. But no one thinks accidents can be entirely eliminated from the many flight training programs and regular operations of all the parts of the armed services which use aircraft.

Hazards—and even death—are grim, but

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accepted features of life in the air age. But, it is interesting to note that we do not hear people asking that we abandon the use of airplanes every time there is an airborne mishap. Yet in recent days we have heard talk to the effect that the difficulties experienced by Apollo 13 constitute a good reason for putting an end to manned space flights.

Our three astronauts have survived a narrow brush with death. Yet the only time they showed even a flicker of emotion was when, upon separating from the service module, they saw the extent of the damage their equipment has suffered.

These are cool men, confident men, men enjoying a spiritual self-sufficiency that embodies all the classic heroic virtues. We do not honor them, we do not serve the nation, when we engage in a lot of nervous nattering about putting an end to manned space flights simply because three heroes were called upon to display heroism.

From the space program Americans gain a re-affirmation of their continuing capacity for great exertions and splendid achievements. They gain a chance to demonstrate and pay tribute to the most noble qualities of the human soul—ingenuity, comradeship and courage.

Hemingway defined courage as "grace under pressure." By this defintion—by any definition—the three astronauts have written a bright new chapter in the history of American courage.

S. 3759—INTRODUCTION OF A BILL TO REMOVE LIMITATION TO PERMIT THE SECRETARY OF THE NAVY TO SATISFY CLAIMS IN CONNECTION WITH CHESAPEAKE BAY BRIDGE-TUNNEL ACCIDENT

Mr. BYRD of Virginia. Mr. President, I introduce a bill and ask that it be appropriately referred. I offer this legislation for myself and for my distinguished colleague from Virginia (Mr. SPONG). Identical legislation will be introduced by all Members of the Virginia delegation in the House of Representatives.

The legislation concerns the accident of a naval vessel on January 21, 1970, which collided with the Chesapeake Bay Bridge Tunnel and did substantial damage to that bridge-tunnel. There is no doubt that the Government has a liability and an obligation in regard to this matter. It will be handled in the appropriate and customary manner.

However, this legislation is necessary because at the present time there is a limitation of $1 million as to the amount for which the Secretary of the Navy may settle claims affecting naval vessels. The damage to the Chesapeake Bay Bridge-Tunnel by this accident has not been permanently established but it is estimated to be about $2.7 million.

The purpose of the legislation is to remove the limitation so as to permit the Secretary of the Navy, after all the facts have been established, to take action to satisfy justified claims against the Government.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 3758), to remove the present $1 million limitation which prevents the Secretary of the Navy from settling and paying the claim of the Chesapeake Bay Bridge and Tunnel District arising out of the collision of the U.S.S. *Yancey* with the bridge-tunnel span, introduced by Mr. BYRD of Virginia, for himself and Mr. SPONG, was received, read twice by its title, and referred to the Committee on the Judiciary.

AUTHORIZATION FOR PRESIDENT TO PROCLAIM THE LAST FRIDAY OF APRIL 1970 AS "NATIONAL ARBOR DAY"

Mr. HARRIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 251 to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HARRIS. Mr. President, I wish to state to Senators that this matter has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The question is on third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 251) was ordered to a third reading, was read the third time, and passed.

DRAFT AND THE VOLUNTEER ARMED FORCE

Mr. PERCY. Mr. President, at the request of the distinguished Senator from Kansas (Mr. DOLE), I ask unanimous consent that a speech by him on the President's message on the draft and the volunteer armed force be printed in the RECORD.

There being no objection, the statement by Senator DOLE was ordered to be printed in the RECORD, as follows:

DRAFT AND THE VOLUNTEER ARMED FORCE

(By Mr. DOLE)

During his campaign for the Presidency, Richard Nixon announced his support for the concept of a volunteer Army. Soon after taking office, he appointed a Commission to study the feasibility of creating such a force. On February 21, the Gates Commission reported that the interests of the Nation would be best served by the creation of an all-volunteer force.

During the time the Commission was studying this question, President Nixon forwarded several recommendations for changes in the draft system. The Congress responded to the need for immediate action and passed legislation restoring to the President the discretionary authority to determine the relative order for induction within specific age groups.

Today, President Nixon took another important step to remove the unfairness and discrimination in our present draft system. Because of our commitment in Southeast Asia, he declined to abolish the draft, but stated that it was "the objective of this administration" to reduce draft calls to zero. To achieve this objective, the President recommended a combination of financial incentives and improved enlistment procedures. Of particular note was the President's directive to give new emphasis to the needs, capabilities and aspirations of all military personnel. Too often, the individual's needs and desires are disregarded, which ultimately effects the reenlistment rate.

Although the President proposes continuation of the draft, he has recommended significant changes in the present system. Employment and paternity deferments will be abolished by Executive order. At the same time, the President's request for discretionary authority to grant student deferments will insure that all young men are treated equally.

His second legislative proposal to abolish quotas and establish a direct national call will guarantee that the system applies equitably nationwide.

Of course, we would all like to see the need for a draft and voluntary army cease to exist. But the realities of world politics will not permit this. The President has recognized these realities as well as the discouragement and disillusionment felt by many young people toward the present system. I am hopeful that this message, along with the actual performance of the President, will demonstrate his commitment to youth and the vitality of our institutions.

ADDITIONAL STATEMENTS OF SENATORS

GO FLY A KITE?

Mr. MATHIAS. Mr. President, I am very much pleased that the Secretary of the Interior has added his support to the campaign to repeal one of the District of Columbia's most inane laws, the prohibition against flying kites in the city of Washington.

The freedom to go fly a kite is one of the traditional rites of spring in most parts of the world—but not in the city of Washington. This ridiculous prohibition, ensconced in the District of Columbia Code for over 60 years, deprives Washington residents of one of the most innocent of outdoor pleasures. It threatens to make misdemeanants of young children. It distracts the District of Columbia Police and the Park Police from the serious business of combating crime. Recently, it has even tied up the time and efforts of a number of lawyers.

The kiteflying ban ought to be repealed. Language to this effect has been included in the Senate version of S. 2601, the omnibus District of Columbia crime control bill now in conference. I am much pleased that Secretary Hickel has endorsed the Senate action as being fully consistent with his drive to open up our national and local parks for all the people.

While the right to fly a kite is hardly the most serious issue confronting us in the District of Columbia crime conference, I hope that we can reach prompt agreement on the Senate position.

AMERICAN PRISONERS OF WAR

Mr. BYRD of West Virginia. Mr. President, the United States has again shown its resolve to bring, as soon as possible, a permanent peace to Vietnam. President Nixon's announcement of the withdrawal of 150,000 additional troops from Vietnam during the next 12 months should be an explicit indication to the Government of North Vietnam and the Vietcong of our sincere intention to bring peace to Vietnam.

I continue to be concerned over the American men held prisoners in North Vietnam. Repeatedly, the American Government has asked the North Vietnamese and the Vietcong to respect existing international legal and moral standards in their treatment of the unfortunate

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American prisoners now their captives. In response, the other side has demanded that the United States withdraw all its troops from Vietnam before negotiations on the prisoner-of-war issue could commence.

Mr. President, the fact is that, with the announcement just made by the President, the United States will have withdrawn a total of 265,500 American troops by April 1971. What this means is that the United States will have reduced its forces by almost one-half of the maximum troop level reached in April of 1969.

It is time now for the North Vietnamese and the Vietcong to indicate, with a proper response, that their desire for peace is also sincere.

I can think of no better way for the other side to do this than to release immediately the seriously ill and wounded Americans held prisoners. The South Vietnamese have been releasing the seriously ill North Vietnamese POW's for years. Surely, no military advantage can be gained by keeping these men as hostages.

Furthermore, it would be appropriate at this time for the North Vietnamese and the Vietcong to begin immediate negotiations for the mutual exchange of prisoners and to open their prisoner-of-war camps to international inspection so that we and the world can be assured that our men are receiving adequate food and medical care. Hanoi could easily release an accurate list of all Americans held captive, and they could allow these men to communicate with their families on a regular basis.

Mr. President, I hope the other side will now show at least a modicum of sincerity by acceding to the wishes expressed over the years by the Vatican, the United Nations, and the International Red Cross. Similar pleas have come from the prisoners' families, who have traveled to all parts of the world in vain, from foreign governments and from the great humanitarian organizations of the world. To date, all these appeals have been met by stubborn refusals.

The President of the United States has taken a forward step to end the conflict in Vietnam. He is steadily withdrawing American troops on an orderly basis. I commend the President for these efforts to bring peace to Vietnam.

However, Mr. President, we cannot rest 1 minute while there are Americans held prisoner. I have today written to the President urging him to intensify our Government efforts in Paris, and through private channels on behalf of those Americans now held captive.

Mr. President, the United States has declared its intentions. We have made a commitment to withdraw a total of 265,500 American troops by April of next year. If the North Vietnamese and the Vietcong are men of conscience, let them now respond. If they are not, let the whole world bear witness.

BROKEN PROMISES OF NORTHEAST AIRLINES

Mrs. SMITH of Maine. Mr. President, the record of Northeast Airlines is one of years of broken promises to the people of Maine. Repeatedly Northeast Airlines has welshed on its promises to expand and improve air service to Maine.

Because it has welshed on its promises, I have refused to join other Members of the Maine congressional delegation and other congressional delegations from New England to support Northeast's applications for routes outside of Maine.

For a long time, I felt like a lone "voice in the wilderness" in my refusal to support Northeast's applications. But, in time, growing numbers of officials began to see through Northeast as I did, and as thousands of air travelers in Maine and northern New England long have.

Among those who have publicly expressed disenchantment and resentment at Northeast Airlines is the Maine Sunday Telegram. Because of its excellent and blunt to-the-point editorial in its April 19, 1970, issue, I ask unanimous consent that the editorial be printed in the RECORD, and I pointedly call the attention of the Civil Aeronautics Board to it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Maine Sunday Telegram, Apr. 19, 1970]

CURE NEEDED FOR MAINE'S AWFUL AIR SERVICE

Next Wednesday in Washington the Civil Aeronautics Board will consider whether Maine will get a different airline. Northwest Airlines wants to take over and merge with Northeast Airlines, the carrier which "serves" Maine today.

Our interest is whether the proposed merger will provide an air service for Maine which is as bad, worse or better than the "service" we now get from Northeast.

Northwest is not promising us much. That at least is a change from Northeast, which promised lavishly when it was ogling to get the longdistance run to Florida, Bermuda, etc., but has since welshed on many of those promises to expand and improve air service to Maine.

Northwest promises Maine that if they come here they will "continue the service as presently provided by Northeast."

That service is best described by a three-letter word, BAD.

The Greater Portland Chamber of Commerce told CAB Northeast's service had been "erratic and deteriorating."

The Chamber showed CAB dismal evidence that daily round trips by Northeast at Portland had been reduced from 12.4 in November 1969 to 8.6 in March 1970. This is a reduction of 31 per cent.

Now, Northwest states it does not intend to increase or improve service between Maine and Boston, New York, Philadelphia and Washington.

Furthermore, Northwest will abandon non-change flights from Maine to Florida, for which there were 17,550 passengers in 1968. Northeast instead offers as a substitute, service to Minneapolis, for which there were only 1250 passengers in 1968. Northwest will NOT restore service to Augusta-Waterville or Lewiston-Auburn, on which Northeast reneged. Northwest is likely to abandon service to the 150,000 people in the Presque Isle area.

Maine may gain nothing by this proposed merger, by which an international carrier will give us skimpy short haul service.

CAB should refuse to grant permission for Northwest to absorb Northeast if the best Northwest promises to Maine is to continue the "erratic and deteriorating" service our state gets from Northeast.

CAB should, at minimum, insist that Northwest deliver on the promises made to Maine by Northeast, but never kept. Better still, CAB should encourage a competent regional carrier, such as Alleghany, to bring excellent short haul service to Maine.

We urge the Maine Congressional delegation now go to work with CAB and insist upon better service for Maine, as a condition of any new arrangement.

Linwood F. Wright, Director of the Department of Aeronautics for the State of Maine told the blunt truth to the CAB examiner this week when he said:

"Mr. Examiner, the public convenience and necessity of air travellers to, and from, and within Maine have been flaunted by Northeast Airlines and neglected by CAB for the past 15 years. Instead of receiving a satisfactory level of air service we have received broken promises and suspensions of service."

The needs of Maine will be met, said Mr. Wright "only if the CAB directs Northwest to provide and maintain the required level of service, and periodically reviews in public hearings the service and performance of Northwest on the routes serving the State of Maine."

CAB, unless it too wants to earn the reputation of a regulatory agency which is a 'patsy' for the industry it is supposed to police, would do well to judge this case from the view of the public, whom it is in existence to represent, rather than from the view of the airlines, whom it is in business to "keep up to snuff."

Talk of "keeping up to snuff," we turned to the air schedules of thirty years ago. And we found that back in 1939 the Boston-Maine Airline provided five flights daily between Portland and Boston. In 1970, guess how many flights Northeast provides? Still Five flights—when the weather is fair and the Yellowbird feels up to it.

How's that for "keeping pace with the American public's expanding need for air service," Mr. CAB examiner?

NAPA AIR POLLUTION CONTROLS

Mr. PEARSON. Mr. President, our country is at last awakening to the dangers posed to our environment by continuing air and water pollution. This week, which will be known forevermore as "Earth Week," has brought an impressive demonstration of public concern with the problem of pollution. Millions of Americans have gathered in "teach-ins" all across the country to discuss how we can protect our threatened environment. Government and industry must redouble their antipollution efforts if they are to meet their responsibility to enhance the quality of American life. One industrial group, the National Asphalt Pavement Association, adopted voluntary air pollution controls 5 years ago, and like many other socially concerned business operations continues today to urge its member firms to make every effort to meet their obligations to help preserve the endangered character of our ecology.

Mr. President, as we consider the various legislative proposals designed to control pollution that will be coming before this body in the months ahead, let us also pause to remember that a number of industries have already been accelerating their efforts in this field and have much to offer us in the way of experience and research. As explained in a recent letter which I received from Mr. George M. Myers, a fellow Kansan of outstanding reputation and national president of NAPA, his industry has established, for example, a special environmental quality committee to upgrade the character of the industry's voluntary air pollution controls and to gather data which will be of use to all of us who are active in this field. Other industries, too, are active in this regard and all deserve our commendation.

Mr. President, I ask unanimous consent that Mr. Myers' letter outlining his industry's antipollution efforts be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASPHALT PAVEMENT
ASSOCIATION,
Riverdale, Md., March 25, 1970.

HON. JAMES B. PEARSON,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PEARSON: Recent issues of the *Congressional Record* make reference to the 1970's as the Environmental Decade. We at the National Asphalt Pavement Association share the government's concern for improving the quality of our ecology. We enclose a copy of voluntary air pollution controls adopted by our industry in 1965, well before the beginning of the current degree of public concern for an improved environment. With five years behind us upon which to reflect, we feel that even our model codification of voluntary restraints requires adjustment. We are moving toward that end by assigning a special Environmental Quality Committee to study the matter prior to our taking further action. Our new task force will study water pollution, noise abatement and land usage as well as further work on air pollution.

We plan to continue our precedent of sharing otherwise marketable technological information. Moreover, our lead has been shared with our counterparts in the Netherlands and Japan and could have great international implications in keeping with the President's proposal for a third dimension of NATO (the Committee on the Challenges of Modern Society) and would also be beneficial to other international councils.

We pledge our collective energy to do our part as an industry in helping to improve the quality of American life. We place ourselves at your disposal should you require the benefit of our experience and research. We do hope that in the same fashion that we as an Association led our industry into action on behalf of the general public, we may be of service to you in your deliberations in successfully combating this grave national problem.

Very sincerely yours,
GEORGE M. MYERS,
President.

SENATE-HOUSE CONFEREES AGREE ON VITAL AIRPORT/AIRWAYS PROGRAM — STOL AIRCRAFT BREAKTHROUGH COMES NEARER—PARADE ARTICLE PROVIDES PROOF OF PROGRESS

Mr. RANDOLPH. Mr. President, we have experienced the advent of the jumbo jets and their high speeds—their fast traveling between distant cities and between continents. Yes, they provide fast traveling, indeed—but, too often only while airborne.

Ben Kocivar, writing in the April 19, 1970, issue of the Parade supplement to many Sunday newspapers, reminded us that we suffer through long delays in traffic to arrive at the airport and in waiting for takeoff from overcrowded runways. And, furthermore, at a busy destination airport, there are often delays on landing, on achieving a gate for deplaning, in baggage handling, and in proceeding by taxi or limousine into the city.

CONGRESSIONAL ACTION TAKEN

Mr. President, I believe a major step was taken last Tuesday toward providing a means for correction of many of the vexing and frustrating delays air travelers have been experiencing. My reference is to the significant development which took place April 21 when the Senate-House conferees agreed to file a conference report on the differences between the Senate-passed and the House-passed versions of H.R. 14465, providing Federal assistance for expansion of the Nation's airports and airways, and to amend the tax laws to provide financing for the much needed airport/airways expansion program. We owe a debt of gratitude to the Commerce Committees of the two bodies, and to the House Ways and Means Committee and Senate Finance Committee as well—and especially to the conferees from those committees. They worked long, patiently, and effectively to develop and finally concur on the provisions for authorizing and financing the vital expansion of the Nation's airport/airways system.

It should not be many days before final action will be taken on this act by Congress and by the President in signing it at the White House. There must follow compliance and months of perfecting implementation, mainly by the Federal Aviation Administration, the commercial airlines, units of general aviation, the airports, and the Treasury Department which will manage the airport/airways trust fund. Doubtless, there will be more frustrations and impatience during the early period of FAA administration and while the trust fund is being built up as a competent source of the main financing of expansion and maintenance of the airports and airways system. But, surely a much brighter and, hopefully, safe and happier future is ahead for that system and for the millions upon millions of Americans and travelers from foreign lands who use it.

The airport/airways program to be authorized in the new law will be a national program. It must not be keyed to the solution of the problems of the big jets and the metropolitan airports alone. The problems created by the jumbo jets in transcontinental and transoceanic service at major international airports must have attention—but so must there be solutions for the medium- and short-range airlifts, especially in the overcrowded eastern seaboard corridor, both as relate to commercial and general aviation.

Mr. President, I have been discussing in this forum and I have been encouraging here and throughout America for several years the better development—indeed, the perfection of a special or supplemental airport/airways system to accommodate both commercial and general aviation STOL aircraft.

Earlier, I mentioned Ben Kocivar's article for Parade magazine supplements to many of last Sunday's newspapers, headed: A Revolution in Air Travel: Let's Fly Downtown. He referred, of course, to STOL, meaning short takeoff and landing—a new breed of airliner which he predicts is just around the corner in spite of the fact that—

STOL AIRCRAFT BREAKTHROUGH

> Supersize jets are getting all the publicity these days—but the STOLs will revolutionize air travel in their own way. All they need for takeoff is a 2000-foot strip and usually you don't have to go miles out of the city to find room. . . . Thanks to STOL, the airport will be available near the center of the city.
>
> STOL is almost upon us. A Civil Aeronautics Board Examiner, after two years of consulting place makers, airlines and city groups, has decided it's necessary and possible to develop a new kind of air service in the Northeast. It will be called "Metroflight" and its first 8 cities may be Boston, Hartford, New York, Newark, Trenton, Philadelphia, Wilmington and Washington.

I am reminded, Mr. President, that I spoke in the Senate on September 27, 1967, of a speech made earlier by Arthur D. Lewis, then senior vice president of Eastern Airlines, in which he said that the airline industry will have to get behind new short-haul concepts. I pointed out that Mr. Lewis had declared:

> The airline industry must move aggressively to develop STOL aircraft and STOL landing strips. . . . Ultimately, Eastern's shuttle and other similar short-haul operations must be performed by efficient STOL airplanes.

I also emphasized in that September 27, 1967, speech in this forum that the then Director of FAA Aircraft Development Activities had declared that STOL aircraft are both technically and economically practicable—those which, the FAA official declared:

> Become airborne in less than 1,500 feet of runway, compared to more than 5,000 feet needed by jets; and those with design concepts for planes to carry up to 120 passengers, cruise at 500 miles per hour, and land at speeds as slow as 60 miles an hour.

On June 21, 1968, in reporting in this forum that STOL aircraft test flights over the Northeast Corridor were planned to begin the following August, I said:

> The Washington Evening Star reported yesterday (June 20, 1968) that demonstration flights are to be conducted for test operation of STOL aircraft over the congested northeast corridor of the United States. The McDonnell Douglas Corp. has built the 188 STOL which reportedly can take off on 1,000 feet of runway and land on 500 feet on a standard day. This is a significant engineering achievement. I commend the manufacturer and Eastern Airlines for having moved with such progress as to be prepared to begin a 7-week demonstration.

In the September 9, 1968, issue of the RECORD, I had inserted as part of a further discussion of STOL developments the following from an August 14, 1968, editorial in the Seattle, Wash., Post-Intelligencer:

> A 12-passenger commercial aircraft with short, stubby wings under the main wings and with extra large flaps rolls down the runway at 60 miles per hour and lifts off the ground only 10 seconds later after a 600-foot run. The scene is New York City's LaGuardia Airport and the occasion was the opening last week of the first short takeoff and landing strip for commercial airplanes in the United States. Such a strip is

> called STOL—and in the run of years immediately ahead, hopefully, it will be called a major remedy for much of our critical airport congestion. The new airstrip at LaGuardia is 1,095 feet long as compared with 4,000 feet for the shortest regular runway at the airport. The STOL-plane, as it is called, lands and takes off at a speed of 60 to 70 mph, compared with 105 mph for other planes of its size. By taking off on its own short runway, a STOL-plane not only leaves a regular runway clear for conventional planes, but also provides more airspace because it flies out and in under a totally separate pattern. Airline officials predict . . . that within two years STOL-planes will be developed capable of carrying up to 100 passengers and cruising at speeds over 300 mph.

Furthermore, Mr. President, an article in the New York Times of Friday, September 6, 1968, underscores and, in fact, expands on the comments of the editor of the Seattle Post-Intelligencer, the two leading paragraphs being as follows:

> Plans to build a 32-to-36 passenger short-takeoff-and-landing (STOL) plane for service late in 1970 have been announced by General Aircraft Corporation of El Segunda, California.
>
> The GAC–100 four-engine turboprop will be designed primarily to serve communities with airports too small for modern jets. It may also come in handy on high-density routes such as Boston-New York-Washington because it can operate from close-in air strips shorter than 2,000 feet, bypassing congested metropolitan airports and their access highways.

Speaking September 19, 1968, in the Senate, I again addressed the subject and noted that on the day before, Charles Yarborough, aviation specialist and staff writer for the Washington Star, undated events and demonstrated how much closer to reality is the STOL aircraft to scheduled airline service than was even dreamed of a year earlier. I quoted the following from his article:

> An airplane that is up, off, turned and gone while a big jet is taxiing out to wait in line flew its own "road map" out of National Airport today (Sept. 18, 1968). It was a demonstration of what may be a big factor in solving today's problems of airport congestion and delay. The aircraft was a four-engine turboprop McDonnell Douglas 188, known in Europe as the French-built Breguet, probably the world's most advanced STOL—short takeoff and landing. Eastern Airlines, McDonnell, Douglas, and the Federal Aviation Administration are running evaluation tests with the airplane, simulating air shuttle scheduling.

On January 29, 1969, I reported:

> Today, I am elated by one ray of hope for a potential major breakthrough—not a claimed total solution, but a development capable of generating a very real impact for good on congested airways and overcrowded airport landing areas. I refer to the report made yesterday by an Eastern Airlines executive to the Aero Club of Washington on a protracted experiment—which he termed an unqualified success. It was a report on the flying of short-take-off-and-landing aircraft equipped with modern navigation gear. Those tests in the super-saturated northeastern air traffic corridor, mainly over Eastern's shuttle route between Washington and New York, proved to the company's officials, according to vice president A. Scott Crossfield, that the STOL can relieve congested airways and increase airline revenues. He reported that his firm believes this potentiality is so real, in fact, that its engineers are already drawing up specifications for a STOL plane to be built for scheduled carrier service over segments of Eastern's franchise routes.
>
> We have read much, and I have discussed on previous occasions in this forum, the fact that Eastern Airlines and the McDonnell-Douglas aircraft manufacturing organization used their version of the French-designed Breguet 941 STOL plane in the experiments. It is a 64-passenger craft that made more than 350 landings and takeoffs at Washington, New York, and Boston airports during the 7-week trial period. Takeoff required only approximately 500 feet of runway—and landings very little more, according to Mr. Crossfield's report.
>
> Impressive were these additional important facts reported by the Eastern Airlines vice president:
>
> The specifications for the new STOL which Eastern will order will include capacity for 125 passengers and flight speed of more than 250 miles an hour, to be maneuverable at speeds as low as 70 miles an hour.
>
> Although a jet-powered DC–9 can make the trip from Washington to New York in 31 minutes of flying time, the airways have become so congested that the average trip time now is 70 minutes. Such wasted flying time cost the Eastern system up to $1 million a week last summer, Mr. Crossfield said. The experimental STOL plane used took 58 minutes to make the New York-Washington trip without wasting any flying time. The proposed new 125-passenger, 250-miles per hour or over STOL's would be expected to do even better.
>
> If airports are properly developed to accommodate STOL aircraft on a permanent basis, and if navigational problems and landings can be worked out in the airways system, Eastern officials believe the new plane would be capable of leading to a doubling of the landing capacity of airports by utilizing taxiways and the ends of unused runways. But, as Mr. Crossfield pointed out, STOL could not alleviate congestion if it uses the same navigational equipment as other conventional aircraft and if it is forced to use the same air corridors as the conventional craft.
>
> According to today's Washington Post account of Mr. Crossfield's report on the experimental STOL, it had an onboard computer-controlled system which indicated to the pilot where he was on a map. And the system was claimed to be accurate within 25 feet of altitude and 100 feet of latitude. By using the new device, in addition to existing navigational aids, the Eastern plane was able to make its own corridors, avoiding congested routes and reducing flying time.
>
> The special computer-controlled system used in the STOL experiment is manufactured by Decca in England. Mr. Crossfield reported that it also was used in a DC–9 which made 1,500 runs off the regular air corridors and was so effective that Eastern is considering installing it on all shuttle flights. He indicated that there is evidence to support a belief that eventually a navigation system like or similar to the Decca equipment could make arrival times so accurate that a pilot could reserve his landing time through the airport tower with a 30 second or better accuracy.
>
> It is heartening to read in the Washington Post account today that the navigational system and the same STOL plane currently are being tested by American Airlines and that both American and Eastern officials have indicated that it might be possible to offer scheduled STOL service by the mid-1970's.

This could have a very real and helpful impact on the fight against air traffic and airport takeoff and landing congestion—and could influence legislative solutions for the airport/airways crisis.

PARADE ARTICLE SIGNIFICANT

Mr. President, I believe the foregoing chronology of events makes more meaningful and understandable Mr. Kocivar's up-to-date and optimistic Parade article on the future of the STOL, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Parade Magazine, Apr. 19, 1970]

A REVOLUTION IN AIR TRAVEL: LET'S FLY DOWNTOWN

(By Ben Kocivar)

A merchant in the heart of New York City will phone a customer in downtown Boston, 188 miles away, and tell him, "I'll be in your office in a little over an hour." An ardent young man in Portland, Ore., will call his fiancée in Seattle, 145 miles distant, in late afternoon to announce, "I'll pick you up for dinner at 6:30."

Fast traveling? Yes, and most of us are accustomed to it these days—but only while airborne. Time and again you suffer through long delays in traffic to get to the airport and in waiting for takeoff from overcrowded runways. Then, at a busy destination airport, there are often delays in landing, and in proceeding by taxi or limousine into the city.

ACCESSIBLE AIRPORTS

But cheer up. Soon, like the merchant in New York and the young Portland man, people in hundreds of U.S. cities will be able to count on a speedy arrival—because they won't have to put up with those ordeals at each end of a trip. Thanks to "STOL," the "airport" will be available near the center of the city.

STOL stands for "short takeoff and landing" and designates a new breed of airliner that's just around the corner. Supersize jets are getting all the publicity these days but the STOLS will revolutionize air travel in their own way. All they need for takeoff is a 2000-foot strip and usually you don't have to go miles out of the city to find room for one of those, as you do for the 10,000-foot strips the jets require.

STOL is almost upon us. A Civil Aeronautics Board examiner, after two years of consulting plane makers, airlines and city groups, has decided it's necessary and possible to develop a new kind of air service, in the Northeast. It will be called "Metroflight" and its first eight cities may be Boston, Hartford, New York, Newark, Trenton, Philadelphia, Wilmington and Washington.

IS IT REALLY NEW?

Doesn't this promise of fast, short-jump air service have the ring of something not so new? Haven't we had helicopters hopping from the top of the Pan Am Building in New York to various airports? Isn't there already a network of some 200 commuter airlines in the short-hop business all over the country?

The answer to both questions is, "Yes, but."

Helicopters are expensive to buy and operate. On the other hand, they can use smaller, cheaper landing pads than STOLs. And, commuter planes have to work in and out of many airports already jammed with big jet airliners. They help a passenger make plane connections faster than he could by car but if he wants to get downtown there's still that long drive from the airport.

The new promise lies in spotting the short STOL strips conveniently along the Hudson River in Manhattan and at downtown sites in other cities. In New York, this would put the downtown "airport" right handy to railroad, subway, bus terminal and the fast-moving West Side Highway.

New York is considered a kingpin in the new system, not only because of its size, but because when air traffic backs up at the three airports serving it the jam-up reaches all the way to Los Angeles, Paris and other far-off cities. Reasons? (1) A plane delayed in or over New York can't meet its schedule at other airports. (2) A serious boxup in the air over New York keeps New York-bound planes from even taking off from St. Louis, Bermuda or Miami because there is no point in getting airborne if there is no place to land.

While New York is vital to make the metroflight service work in the Northeast, other cities are moving ahead. And even the Russians are developing STOL planes for faster service between big and small cities.

A number of cities already have downtown airports. Boston, Hartford, Washington, Chicago and Cleveland are among these. All they need are small strips in suburban areas to make the system feasible. Even at today's busy airports, the ability of the STOL plane to fly from short strips and to make quick turns in flight without using up lots of airspace makes it practical to build special STOL runways in unused areas of big airports. But the major benefit will come from downtown strips.

Noise? The new planes are quieter than conventional planes and helicopters, and tests flown along the Hudson River revealed that many people didn't know the plane was flying by unless they saw it.

Air pollution? The promise is that there will be less air pollution than from the comparable number of autos needed to move the same number of people.

COST AND SAFETY

Cost? About the same as downtown-to-downtown service by the combination of plane and cab. Less than it costs to drive and park a car from an outlying suburb to downtown. A big plus is the new freedom in hopping off to another place from downtown.

Safety? It will be at least as safe as other air travel, which is already safer than the same trip by auto.

The most significant saving is going to be time. Today, even with 500-mph jets in service it takes as long to go from downtown New York to downtown Washington as it did 20 years ago. Add a chunk of frustration to the trip as you often sit at the runway waiting for ten to 30 other planes to take off ahead of you.

Only tomorrow will prove the promise but the implications of this new Metroflight system are impressive.

The business advantages are obvious.

Socially, it means you will be able to hop into town to a concert or show from 100 miles away as casually as you now drive 20. It means technical experts and medical specialists will be able to spread their skills among more communities. Patients needing heart surgery or other critical care will be moved faster and more safely to specialized centers. Shoppers will be able to find a change of pace and fashion without taking a week to do it.

It also means that getting to your relaxing retreat in the country or the shore will no longer take a big chunk out of your time and energy.

It's going to take more than new planes and new short airstrips. It will also take a new system of air traffic control and new sophisticated area navigation guidance to keep all the airborne vehicles separated. Actually, this new traffic control is in the works and is part and parcel of the decision to go ahead with the system. Tests flown by Eastern and American airlines with a converted French military STOL indicate that the system can be made to work on a large scale in the next few years even though many problems must be resolved.

AIRLINES ARE EAGER

Meanwhile, the Federal Aviation Administration and Pan Am have urged that downtown-to-downtown service, even in a limited way, should be started immediately. And Pan American and a number of small commuter lines have offered to start as soon as they can get a go-ahead. There is much to be learned and more economically by starting in a small way than by waiting until 100- to 150-passenger STOL machines are ready.

The first planes used would probably be DeHavilland Twin-Otters. These are 18-passenger, conventional looking twin-engine turboprop planes. There are hundreds in use already around the world. There are some other small STOLs in use like the nine-passenger Britten-Norman that could also start now.

But the *big* breakthrough can come in three years when a new generation of planes and large, more economical helicopters could be available for this special service. They are already designed and the names of manufacturers and airlines interested in this next step read like the Who's Who of the aviation industry.

EXCITING DESIGNS

The machines are jet powered. The designs are way out. They include planes with special high-lift wings with giant flaps, planes with engines and wings that tilt up for takeoff and convertiplanes that go up straight and then fold their helicopter rotors and fly on small wings when they move forward.

What is it like to fly a STOL? I have flown several different ones and it is more fun and has more flying sensation than riding in a shiplike giant jet airliner. You fly low enough to see what's happening on the ground below and on short trips you don't have time to be bored. Present STOLs fly at about 150 mph; future ones will be pressurized and able to fly at over 400 mph and 20,000 feet high on longer trips.

So, fasten your seatbelts and get ready for Metroflight—the next big revolution in air travel.

AMENDMENT OF FEDERAL MEAT INSPECTION ACT

Mr. BELLMON. Mr. President, the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry held hearings on April 16 to consider three bills which would amend the Federal Meat Inspection Act. The subcommittee will resume its hearings on Monday, April 27.

One of the bills under consideration by the subcommittee is S. 3603, a bill introduced by the Senator from Maryland (Mr. MATHIAS) for the purpose of allowing meat and meat food products produced under a State meat inspection system that has been certified by the Federal Government as "at least equal to" the Federal meat inspection system, to move in interstate commerce. I believe this bill would rectify a serious discriminatory situation that now exists, and one which will become increasingly discriminatory as more and more States upgrade their meat inspection programs and are certified by the Federal Government as the equal of the Federal meat inspection system.

Under present law, the States will have had—by December 15 of this year—3 years in which to bring their State meat inspection programs into compliance with Federal law and regulations. During the past 28 months, the activity on the part of the States in meeting their obligations under the Wholesome Meat Act of 1967 has been commendable, and such activity indicates that there is no lack of awareness on the part of the States of their responsibilities under the law. Already, three States—Maryland, Florida, and California—have been certified by the U.S. Department of Agriculture as being "at least equal to" the Federal standards of meat inspection. Forty-six States have been given to December 15 of this year to bring their systems and plants up to Federal standards. Only one State, North Dakota, has been unable to move as rapidly as the law requires, and has been taken over by the Federal authorities.

S. 3603 would, in my opinion, correct the discriminatory situation which I referred to a moment ago, in that it would allow a State, after becoming equal to the federal system, to enjoy the same privilege as those plants under the federal system—that privilege being the movement of product in interstate commerce. Under present law, plants operating under a State inspection program are deprived of moving their products in interstate commerce even after the State system and all the plants in that system have been approved by the U.S. Department of Agriculture as being "at least equal to" the Federal program. The U.S. Department of Agriculture has, in past years, supported this type of legislation, and such support has been documented by the distinguished Senator from Florida (Senator HOLLAND), CONGRESSIONAL RECORD, volume 114, part 17, page 22523.

However, in testimony last week before the Subcommittee on Agricultural Research and General Legislation, the witnesses for the Department of Agriculture stated that this legislation is "premature." I fail to understand the Department's reasoning here, in that it is the USDA which has the authority to certify a State inspection system as being "at least equal to" the federal system; should the Department, in its survey of the States for certification, determine that a State has not met the Federal standards, then it does not have to grant the State "at least equal to" certification. On the other hand, should the State system be certified as the equal of the federal system, why should not these States be allowed to move their meat and meat products produced in interstate commerce? The product would be wholesome, it would have been produced under strict standards of sanitation, it would be correctly labeled, and it would carry a State-Federal inspection legend that would give the necessary assurance of protection to the consumer.

I find the Department's policy of precluding the interstate shipment of this product difficult to justify when one realizes that more than 1 billion pounds of imported meat will reach our shores this year from foreign plants, which plants have not had the benefit of the close inspectional surveillance that our own State plants are subjected to.

It is my understanding that the USDA has 14 roving meat inspectors in approximately 40 foreign countries in which more than 1,100 plants are producing meat for export to this country. The USDA approves only the system under which these meat products are produced, and makes periodic checks at the plant level. This meat may be shipped

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thousands of miles to reach our shores and then be allowed to travel in interstate commerce. I find it difficult to equate, in terms of consumer protection, that meat produced under a foreign system which does not have the benefit of our own inspection system, can be allowed the privilege of moving in interstate commerce whereas the meat produced in our own State inspected plants, which undergoes continuous inspection, cannot move across a State line.

To deprive our own plants and States of the privilege of selling their products across State lines after those plants and the States have met with the requirements of equality under Federal law is, in my opinion, an inequity of great magnitude.

ECONOMIC CONSEQUENCES OF THE VIETNAM WAR

Mr. FULBRIGHT. Mr. President, in recent months some of the most responsible and successful businessmen in our country have become deeply disturbed by the continuation of the war in Vietnam. These men who bear a great responsibility for the success of our private enterprise economy now recognize that the war in Vietnam is undermining and destroying the integrity of our private enterprise system, and they are demanding that the war be brought to a close.

We have had testimony before the Committee on Foreign Relations by some of the leading businessmen and economists. A most important example of this concern by the business community is contained in the "Message From Management" of the First Security Corp. of Salt Lake City, Utah. The First Security Corp. consists of a system of banks serving Western States under the direction of Marriner S. Eccles, chairman of the board, and George S. Eccles, president and general manager. Many of my colleagues will remember Mr. Marriner S. Eccles, a longtime business leader of our Nation, and certainly one of the greatest.

The statement taken from the "Message From Management" reads as follows:

> At this time, we feel that it is completely proper within our sphere of responsibility to point out the economic consequences of the Vietnam War. It distorts the American economy. It is the primary contributor to inflation. It draws on billions of resources which could be put to work solving the critical social and economic problems facing the nation. Our essential priorities are: end the Vietnam War, control inflation, begin to deal effectively with our very pressing domestic problems—poverty, hunger, crime, housing, education, pollution, transportation, etc. They are all interlocked and cannot be brought under control until the Vietnam War is ended. Until that time, the amount of money available to meet these numerous domestic problems will be inadequate. This makes the ending of the Vietnam War imperative at the earliest possible date.

ENVIRONMENTAL CONTROL

Mr. PEARSON. Mr. President, I ask unanimous consent to have printed in the RECORD a "Memorandum on Environmental Control" which I feel might be helpful to some. The memorandum, without going into great detail, gives a rundown on some of the problems of pollution, what has already been done and is being done to combat them, what the Nixon administration has done and has proposed, and what further actions could be taken in the future.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON ENVIRONMENTAL CONTROL

(By U.S. Senator JAMES B. PEARSON)

"Everyone talks about the environment, but nobody does anything about it."

This is one way we might update that popular old complaint about the weather. But while such an expression might become timely and unpopular, it would hardly be true. *More is being done today than at any time in human history to understand our natural and man-made environments and bring man and nature into a more harmonious relationship.*

Millions of people—particularly the young—observed Earth Day in this country on April 22. The environmental programs were held on 2,500 campuses and in 10,000 high schools. This occasion could have great significance in mustering continued support for the national drive against air, water, and land pollution.

WHAT IS THE PROBLEM?

For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable byproduct either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected—not from malign intention, but from failure to take into account the full consequences of our actions.

Water pollution has three principal sources: municipal, industrial and agricultural wastes. All three must eventually be controlled if we are to restore the purity of our lakes and rivers.

Of these three, the most troublesome to control are those from agricultural sources: animal wastes, eroded soil, fertilizers and pesticides. Effective control will take time, and will require action on many fronts: modified agricultural practices, greater care in the disposal of animal wastes, better soil conservation methods, new kinds of fertilizers, new chemical pesticides and more widespread use of pest control techniques.

Air is our most vital resource, and its *pollution* is our most serious environmental problem. Factories, furnaces, autos, burning dumps, power generating stations and many of our daily activities create air pollution. Every city of 50,000 (and many cities that are smaller)—whether they know it or not—have air pollution problems.

When air pollution is severe, it triggers illness and may bring premature death to thousands of people. Even "ordinary" levels of air pollution can make you cough, sneeze, wheeze and suffer. Short range discomfort may be followed by long range disease. Both emphysema and lung cancer are more prevalent in areas of high air contamination. Existing technology for the control of air pollution is less advanced than that for controlling water pollution, but there is a great deal we can do within the limits of existing technology—and more we can do to spur technological advance.

"Solid wastes" are the discarded leftovers of our advanced consumer society. Increasing in volume, they litter the landscape and strain the facilities of municipal governments. New packaging methods, using materials which do not degrade and cannot easily be burned, create difficult new disposal problems. Though many wastes are potentially re-usable, we often discard today what a generation ago we saved. Most bottles, for example, now are "non-returnable." We reprocess used paper less than we used to, not only adding to the burden on municipal sanitation services but also making wasteful use of scarce timberlands. Often the least expensive way to dispose of an old automobile is to abandon it—and millions of people do precisely that, creating eye-sores for millions of others.

Increasing population, increasing mobility, increasing incomes and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up.

What Has Been Done and What Is Being Done?

My recognition of the problem concerning the pollution of our planet is not new.

When I first came to the United States Senate some nine years ago as a Member of the Government Operations Committee, I joined with another young Senator by the name of Edmund Muskie, and, together, as a Democrat and a Republican, we wrote the first clean air and pure water legislation. Since then we have passed many laws, and, as a result, many new arms of the Federal Government have been created to deal with this problem.

There are many Departments and agencies of the Federal Government which are working in the area of *water pollution*. I will mention only two most directly involved: In HEW, the Bureau of Water Hygiene establishes criteria and recommends standards of water quality for protection of the Nation's health, and develops and conducts a program of technical assistance to public and nonprofit institutions operating public water supply systems and use of water resources.

In the Interior Department, the Assistant Secretary for Water Quality and Research is responsible for carrying out the duties of the Secretary for the control, prevention, and abatement of water pollution. Also under Interior is the Federal Water Pollution Control Administration, created by the first major piece of legislation dealing with water pollution, the Water Quality Act of 1965. Under this Act, which passed the Congress unanimously, all States, territories, and other affected jurisdictions were given the option of preparing water quality standards for their interstate streams, rivers, lakes, and coastal waters or of possibly having the Federal Government do it for them.

All 50 States and the other jurisdictions involved elected to draft their own water quality standards, which, under the law, were subject to the approval of the Secretary of the Interior. Approvals of the standards by the Secretary are practically complete.

A standard package from a State contains three main elements: (1) The use to be made of a particular stretch of a river, lake, or coastal water, such as swimming, drinking water, industrial use, or a combination of these uses; (2) A scientific determination of the specific characteristics or criteria which would permit the appropriate uses agreed on by the State and the Federal Government. Limits on such pollutants as bacteria, toxic materials, and taste- and odor-producing substances in the water are set by the standards; and (3) A step-by-step plan for construction by cities and industries of waste-treatment facilities and use of other measures to meet the water quality requirements. Once standards submitted by a State have been approved by the Secretary of the Interior, they become Federal standards as well, and are therefore subject to Federal enforcement action.

In 1966, the Clean Waters Restoration Act was passed. But we failed to keep the promises of this act to ourselves. This act provided matching grants to local governments up to $1¼ billion in 1971 for treatment

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plant construction. However, Federal appropriations for constructing municipal treatment plants have totaled only about ⅓ of authorizations. Municipalities themselves have faced increasing difficulty in selling bonds to finance their share of the construction costs.

The question of *air pollution* has been one that has required more research than that of water pollution. In July, 1955, the Congress passed legislation authorizing a Federal program of research in air pollution and technical assistance to State and local governments. This legislation established the policy—still in effect—that State and local governments have a fundamental responsibility to deal with community air pollution problems, and the Federal Government has an obligation to provide leadership and support. Between 1955 and 1963, progress was made toward improving scientific knowledge about the nature and extent of the air pollution problem, including its impact on health, techniques for controlling large sources of pollution, and needs for better techniques in many cases.

In December, 1963, Congress passed the Clean Air Act to help States and local governments join with the Federal Government in a more vigorous attack on this problem. The Clean Air Act authorized two major Federal activities: (1) grants made directly to States and local agencies to assist them in working up, establishing, and improving control programs; and (2) Federal action to abate interstate air pollution, a situation obviously beyond the reach of individual States and cities. Amendments to the 1963 Act were passed in 1965, under which national standards for controlling motor vehicle pollution were promulgated for initial application in the 1968 motor vehicle model year. However, air pollution problems—despite the national and local effort—grew and worsened.

In 1967, the Air Quality Act was passed, calling for a coordinated attack on air pollution on a regional basis and giving something of a blueprint for action at all levels of government and industry. The Department of HEW was given the responsibility for carrying out the intentions of all these air pollution control Acts. In January, 1967, there was set up in HEW the National Center for Air Pollution Control, and it later became the National Air Pollution Control Administration. The mission of this Air Pollution Control Administration is to conduct a national program for the prevention and control of air pollution to promote the public health and welfare.

State and local governments are now spending approximately $50 million a year, including Federal funds, for air pollution control programs. This is in contrast with about $12 million spent annually prior to the enactment of the 1963 Clean Air Act. As of January, 1969, grant support from the Federal Government was going to about 175 State, regional, and local agencies, and many new agency applications for assistance have come in since that time.

It was in 1965 that the Government's attention was focused on the problem of *solid waste disposal* when, on October 20 of that year, the Solid Waste Disposal Act of 1965 became law. This law charged and authorized the Secretary of HEW to initiate and conduct a broad program in the solid wastes fields, including the following activities: (1) To promote the coordination of research and studies relating to the operation and financing of solid waste disposal programs; (2) to cooperate with and give financial assistance to public and private agencies in the conduct of such activities; (3) to make grants to States and interstate agencies for making surveys of this problem; and (4) to collect and make available the results of solid wastes research. After a reorganization of HEW in 1968, there is now a Bureau of Solid Waste Management under the Environmental Control Administration of HEW.

The Secretary of the Interior was given the same authorization as the Secretary of HEW under the Solid Waste Disposal Act "with respect to problems of solid waste resulting from the extraction, processing, or utilization of minerals or fossil fuels where the generation, production, or reuse of such waste is or may be controlled within the extraction, processing, or utilization facility or facilities and where such control is a feature of the technology or economy of the operation of such facility or facilities." A memorandum of understanding between the Departments of the Interior and HEW outlines the responsibility of the two agencies, defines and describes the principal areas of program interest, and clearly establishes a mutually-acceptable working relationship.

So, you can see that, while the public interest has only recently been captured by the question of environmental control, the Federal Government has not been sitting idly by.

Just last session of Congress, several major pieces of legislation were passed dealing with environmental quality and productivity.

P.L. 91–190, the National Environmental Policy Act, declared that it is the policy of the U.S. Government to create and maintain conditions under which man and nature can exist in productive harmony. Also, it created in the Office of the President a permanent Council on Environmental Quality, the principal function of which is to recommend environmental policies to the President and to assist him in the preparation of an annual environmental report to be submitted to the Congress beginning in July of this year.

P.L. 91–137 amended the 1963 Clean Air Act, extending for one year research grants of $45 million in air pollution resulting from fuel combustion.

But the Nixon Administration has not been in any way pleased with the results that have been forthcoming from action and involvement in the problems of pollution by the Federal Government.

Therefore, when President Nixon made the salvation of the environment the central theme of his State of the Union Address in January of this year, he said:

"The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land, and our water?"

On February 10, the President followed this up by sending a major message to the Congress on environmental control. He requested several new laws be passed in this field, but he also announced what he had done by way of powers already vested in him.

He announced the following actions which he had already carried out or had ordered to be carried out:

(1) Phasing out the use of DDT and other hard pesticides;

(2) Federally assisted treatment plants will be required to meet prescribed design, operation, and maintenance standards, and to be operated only by State-certified operators;

(3) Municipalities receiving Federal assistance in constructing plants will be required to impose reasonable users' fees on industrial users sufficient to meet the costs of treating industrial wastes;

(4) Development of comprehensive river basin plans will be required at an early date, to ensure that Federally assisted treatment plants will, in fact, contribute to effective clean-up of entire river basin systems;

(5) Wherever feasible, communities will be strongly encouraged to cooperate in the construction of large regional treatment facilities, which provide economies of scale and give more efficient and more thorough waste treatment;

(6) The Secretary of HEW, on February 10, published a notice of new, considerably more stringent motor vehicle emission standards he intends to issue for 1973 and 1975 car models—including control of nitrogen oxides by 1973 and of particulate emissions by 1975;

(7) Ordered the start of an extensive Federal research and development program in unconventional vehicles, to be conducted under the general direction of the Council on Environmental Quality;

(8) As an incentive to private developers, ordered that the Federal Government should undertake the purchase of privately produced unconventional vehicles for testing and evaluation;

(9) Ordered a re-direction of research under the Solid Waste Disposal Act to place greater emphasis on techniques for re-cycling materials, and on development and use of packaging and other materials which will degrade after use—that is, which will become temporary rather than permanent wastes;

(10) Asked the Council on Environmental Quality to take the lead in producing a recommendation for a bounty payment or other system to promote the prompt scrapping of all junk automobiles;

(11) Asked the Chairman of the Council on Environmental Quality to work with the Cabinet Committee on the Environment (set up last year by the President), and with appropriate industry and consumer representatives, toward development of such incentives and regulations for submission to the Congress;

(12) By Executive Order, directed the heads of all Federal agencies and the Administrator of General Services to institute a review of all Federally-owned real properties that should be considered for other uses. Special emphasis will be placed on identifying properties that could appropriately be converted to parks and recreation areas, or sold, so that proceeds can be made available to provide additional park and recreation lands;

(13) Established a Property Review Board to review the GSA reports and recommend to the President what properties should be converted or sold;

(14) Will shortly ask a group of the Nation's principal industrial leaders to join in establishing a National Industrial Pollution Control Council; and

(15) Ordered the U.S. Patent Office to give special priority to the processing of applications for patents which could aid in curbing environmental abuses.

Also, the Nixon Administration has used a 70-year-old law to move against major polluters—including giant U.S. Steel—in the Chicago area. So far, 13 corporations have been indicted or charged with violation of the statute.

The Federal Aviation Agency, long at loggerheads with the airlines over jet engine pollution, has forced an agreement with the carriers on engine changes. Under the agreement the airlines will have to modify all jet engines to curb pollution.

Interior Secretary Walter J. Hickel has asked the Department of Justice to inquire into possibilities of legal action against oil companies involved in pollution off our coasts.

Also, the Administration refused permission to build a giant new jetport in Florida because of the probable damage to Everglades Park and its wildlife. Previous Administration had gone along with the project.

WHAT THE NIXON ADMINISTRATION PROPOSES

In addition to what the Administration has already done, in the February 10 environmental message, the President asked Congress for comprehensive legislation to carry forward the battle against pollution. A few days later, a series of seven Administration anti-pollution bills, of which I am one of the cosponsors, was introduced into the Congress. Although there are many important elements in all of the proposals, I would like to highlight several of particular interest.

After a thorough study, taken at the President's direction, the Administration has recommended several significant amendments to the Federal Water Pollution Control Act of 1965, in order to achieve a more satisfactory operation of the Federal-State partnership set forth in that act. In four separate bills—S. 3468, S. 3470, S. 3471, and S. 3472—the President proposes (a) to modify the policy, abatement and enforcement provisions of the act; (b) to improve the Federal-State program development provisions of the act; (c) to accelerate and improve the municipal waste treatment grant provisions; and (d) to add a new and innovative Federal Environmental Financing Authority to assure the ability of States and local communities to construct proper waste treatment facilities.

A common thread runs through all of these water bills—to create a comprehensive and modern water quality program that recognizes the interrelationship of all water resources. In several areas the authorization and granting provisions of the bills are directed to achieving this broadened scope.

S. 3466 is the Nixon Administration bill to amend the Clean Air Act. The President has recognized that while the basic operative provisions of this Act were substantially modified in the Air Quality Act of 1967, several provisions of the existing Act are in need of revision. In addition, the program experience under this Act has revealed areas where new provisions are necessary. Among the many proposals, the President has proposed that the Secretary of HEW be given explicit authority to inspect assembly line vehicles for compliance with emission standards set by regulations under existing law.

Under this bill, in an attempt to decrease the time-consuming and procedural complexity involved in the setting of regional ambient air standards under the present law, the President has proposed that such standards setting be shortened by 6 months or more through the establishment, by the Secretary, of national ambient air quality standards for any pollutant or combination of pollutants which endanger the public health or welfare. The President has also asked for necessary adjustments in the general Federal enforcement provisions that include, among others, a provision that enables courts to assess penalties up to $10,000 per day for violations continuing after the expiration of the period set for compliance in the notice of the Secretary in the administrative abatement proceeding.

S. 3469 will be known as the Wastes Reclamation and Recycling Act of 1970. This bill authorizes the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, and it extends the provisions of the Solid Waste Disposal Act of 1965.

S. 3467 amends the Land and Water Conservation Fund Act of 1965 to provide that the $200 million minimum which is now deposited in the Fund in each fiscal year (through fiscal year 1973) shall be increased by an amount equal to the net proceeds placed in the Fund from the sale of surplus real property and related personal property in excess of the presently-budgeted level of $54.7 million in any one year. Under present law there is deposited in the Fund each year revenues from the motorboat fuel tax, entrance and user fees from Federal recreation areas, and the sale of surplus real property and related personal property. This fund is used to promote outdoor recreational facilities and parks, and the bill would increase the amount in the fund.

On April 15, the President proposed to Congress the establishment of large "containment areas," into which the dredged pollutants in the Great Lakes would be pumped and allowed to dry. This will be one of the major tests of the President's anti-pollution campaign. After a time, the White House theory goes, the containment areas could be converted into parks, housing tracts, industrial sites or even airports. Under the President's plan, the cost of such a program—estimated at $70 million for the 35 most polluted harbors of the Great Lakes—would be shared equally by the Federal Government and the State and local governments.

His proposal for the Great Lakes would (1) discontinue disposal of polluted dredged materials into the Great Lakes by the Corps of Engineers and private interests as soon as disposal sites on land are available; (2) require the disposal of polluted dredged spoil in containment areas located at sites established by the Corps of Engineers and approved by the Secretary of the Interior; (3) require States and other nonfederal interests to provide half the cost of constructing containment areas and also provide needed lands and other rights; and (4) require the Secretary of the Army, after one year, to suspend dredging if local interests were not making reasonable progress in attaining disposal sites. The threat of suspension of dredging is seen by some authorities as a goad to local officials to act quickly to find containment areas. The alternative is the prospect of having harbors and rivers choked by debris.

WHAT MORE CAN BE DONE

In addition to what has already been accomplished by the Federal Government, by the Nixon Administration, and in addition to what the President has recommended be done, many other steps can be taken in the future. Some of these include the following:

(1) A constitutional amendment which will recognize and protect the inalienable right of every person to a decent environment;

(2) Phase out the internal combustion automobile engine by January 1, 1978, unless it can meet national emission standards by that time;

(3) Eliminate persistent, toxic pesticides—the "chlorinated hydrocarbons"—by 1972;

(4) Set strict anti-pollution standards on detergents, including a ban on their phosphorous "builders" that have contributed so much to the pollution of our lakes all across the Nation;

(5) to dramatically reduce pollution from jet aircraft, establish a deadline of December 1972, for the installation of smokeless combustors on their engines;

(6) Eliminate bottles, jars, and cans from the American landscape through a combination of effluent charges, development of reusable or degradable containers, and packaging standards;

(7) Establish and protect the right of every citizen to plan his family. The funds and coordination must be made available for conducting necessary research into population problems and providing family planning services;

(8) Involve the citizen in environmental decisionmaking through new mechanisms, including establishment of new channels and forums for public participation, creation of a citizen environmental advocate agency, and creation of an environmental overview committee in Congress;

(9) Launch a broad-scale effort to halt the pollution of our sea. Municipalities and industries could be required to halt their wholesale dumping of wastes into the ocean environment, and we could declare a moratorium on new leases or permits for oil production and other activities on the undersea Outer Continental Shelf until criteria are established for its protection;

(10) Establish an environmental education program which will make the environment and man's relationship to it a major interdisciplinary subject at every level of public education;

(11) Utilize the billions of dollars a year that could be made available on completion of the Interstate Highway System to provide new transportation alternatives, including mass transit, in our polluted, congested, highway-choked urban areas;

(12) Delineate and implement a national policy on land use that will halt the chaotic, unplanned combination of urban sprawl, industrial expansion, and air, water, land, and visual pollution;

(13) Establish a national minerals and resources policy; and

(14) Create a nonpartisan national environmental political action organization, with State and local organizations providing the foundation.

I feel that some of these steps could and should be taken immediately—such as the national environmental education program. Some others have already been introduced into the Congress as legislation; some others are a bit drastic, unless all else fails.

In addition to the Administration package of bills, there are at least 22 bills and resolutions pending in the Senate and over 100 bills and resolutions pending in the House of Representatives which deal with some aspect of environmental control.

I am extremely encouraged with the progress that is beginning to be made.

There are more people in the White House now working on the environment than on any single issue—and that includes Vietnam. Spending on the Vietnam War is at the rate of $25 billion annually, but the total spending on pollution control in the United States is almost that much—between $20 billion and $40 billion annually. Because national defense is solely the responsibility of the Federal Government, spending on the Vietnamese war is all Federal and can be pinpointed. Pollution abatement and improvement of environmental quality are a joint responsibility of State, local and Federal Government and industry. Therefore, actual spending in this area must be the total spent by the various levels of Government—State, local, and Federal—plus all the amounts spent by industry because of State or Federal law or local ordinances.

The United States has invested over $100 billion—almost as much as we've spent on foreign aid—for sewage lines and treatment plants alone, most of it since World War II. Since the early 1950's, almost every U.S. city has undertaken a major sewage construction program.

Administration officials attribute the Nixon Administration's commitment and sense of urgency to act on environmental pollution to the "public ken" and the Nation's youth. Because of this, I salute those who took part in the April 22 activity. One reason the Government has failed in the past is that it did not have the public so soundly behind it.

Billions of dollars and many years will be spent before this problem is controlled. But I believe it will be controlled and eventually eliminated. The doomsday prophets are in for a bitter disappointment.

We are not going to choke to death on soot;

We are not going to suffocate from lack of oxygen;

And we are not going to drown in a sea of rising beer cans.

We have now earnestly joined the fight—and we will win!

THE GENERAL ACCOUNTING OFFICE INVESTIGATORS

Mr. FULBRIGHT. Mr. President, the General Accounting Office is one of the

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most efficient agencies in our Government, and the one especially created to be of assistance to the Congress. Mr. Elmer B. Staats, the Comptroller General, is an experienced and efficient man, and all of us are in his debt. He has a fine staff of dedicated public servants, and they have done an especially good job in uncovering the questionable payments made to the members of the Philippine Government.

I ask unanimous consent that Mr. Causey's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 13, 1970]

GAO Investigators Outfox Agencies

(By Mike Causey)

Smoke screen artists at the Pentagon and State Department are still baffled as to how the General Accounting Office came up with solid dollar figures on American government contributions for Philippine troops fighting in Vietnam.

The fact is that despite backstage string-pulling, and liberal use of the "secret" rubber stamp, State and Defense were outfoxed, royally, by the GAO, the watchdog agency that works for Congress.

Late last year, Sen. Stuart Symington (D-Mo.) began a probe into reports that the U.S. was making "quid pro quo" payments to the Republic of the Philippines, to help support that nation's Vietnam troop contingent, the Philippine Civic Action Group (PHILCAG), which had 2,200 officers and men in Vietnam.

The U.S. government grudgingly admitted the payments in secret testimony to a Senate Foreign Relations subcommittee. When the censored version came out, however, the Philippine government, facing a national election, denied "any kind" of U.S. support for its Vietnam contingent.

At that point, Symington ordered the hard-digging General Accounting Office into the act. GAO is, at least in theory, supposed to have access to all financial records of all federal agencies.

But both State and Defense, the two federal departments most directly involved in the affair, balked at the GAO investigation. Comptroller General Elmer B. Staats, who runs GAO, reported both used a "time-consuming screening process" to block information. They resorted to the old trick of delaying information, and of reluctantly giving only exactly what was asked for, rather than volunteering to help the congressional agency. Staats was so frustrated that he later told Symington "there is the possibility that the agencies may have withheld information which is pertinent to our study."

The breakthrough in the GAO vs. State-Defense investigation might never have come, had not Staats been a seasoned veteran of the bureaucracy. The U.S. government (after the Philippine denial) said it may have made some payments, but records could not be located. Everyone was very value about the whole thing.

Staats got to thinking. He reckoned that if this government had been paying another government, the checks must be floating around somewhere. The problem—since Uncle Sam pays a lot of people—was where.

Staats ordered his auditors to look in the basement of GAO's downtown office, where the Treasury Department maintains a small unit. Guess what they found?

You were right if you said cancelled checks, representing part of the $35 million for logistical support and another $3.6 million in direct payments. The checks were written by Defense and made payable to the Philippines' Secretary of National Defense. Most of them—written between October, 1966, and January, 1970—were deposited in the Philippine Veteran's Bank, Camp Aguinaldo branch.

Armed with the photostats of the checks, Symington confronted some very red-faced Defense and State Department officials.

Now he's asking why the payments were made, why no accounting of them was kept (because officials could not seem to lay their hands on the documents) and finally, why GAO had such a hard time getting at the truth?

GAO auditors turn up in the most unlikely places, and agencies that want to fool them had better do a little spring cleaning—with special attention to those unmarked boxes in the basement.

"CIVILIZATION"—A BRITISH EXHIBITION AT NATIONAL GALLERY OF ART

Mr. PELL. Mr. President, in this day and age when only the sensational and the outrageous seem to command any type of attention, it is most heartening to see that there does appear to be a place in our national life style for a discussion of values, the study of history, quiet contemplation of beauty, and the understanding that man does not simply pollute his planet but also brings to it ideas and artifacts of excellence which please the mind and eye.

We have in our own Capital many museums and galleries which greatly enhance our quest for meaningful leisure. A simple listing of these institutions would indicate that their spheres of interest are wide. What is more important is that they are widely patronized, whether for the review of mechanical creations or the contemplation of the art of yesterday and tomorrow.

I specifically call to the attention of the Senate the phenomenal success which is now being experienced by the National Gallery of Art which is sponsoring the exhibition of a British film series, originally created for television, entitled "Civilization." This film is not a stale compendium of facts or straight photographs of old masters, but rather a lively journey through Western culture utilizing color, music, and some very erudite and witty commentary by Sir Kenneth Clark of Saltwood, England.

Interestingly enough, this program was originally offered to the national commercial television networks, but was passed up with the thought that such a series would not be economically feasible. Nevertheless, the National Gallery of Art took what in the vernacular would be called a flyer and decided to present "Civilization." The rest is, as they say, history. The gallery was besieged by requests for tickets—on the first Sunday approximately 10,000 people queued up for 300 seats—and had to schedule many more showings than they had anticipated. Indeed, the screening was so successful, with 150,000 people attending, that a second full series was scheduled and is now in progress. And to make this success story a real fairy tale the commercial value of this program was at last recognized and it is my understanding that "Civilization" will now be shown by one of the major networks.

The success of "Civilization," besides being a personal one for the National Gallery and its brilliant young director, J. Carter Brown, of Rhode Island, it also enhances my belief that there is a place in our country for truly enlightening cultural activity; that there is a hunger for visual and aural experience which does not bombard the senses and that the quest for knowledge is one which is held by many throughout the land. The cultural level of our populace has been denigrated ad nauseam—the experience with "Civilization" gives the lie to this type of downgrading.

Mr. President, many newspaper articles and editorials have spoken with praise about this film. I ask unanimous consent that a sampling of them be printed in the Record.

There being no objection, the sampling was ordered to be printed in the Record, as follows:

[From Vogue, Jan. 15, 1970]

People Are Talking About Lord Clark of Saltwood and "Civilization"

With mock humility and profound erudition, Lord Clark invented what he calls an "intellectual soap opera" for television: his thirteen-part series, *Civilization*, a magnificant traipse through Western Civilization in colour and with music that was written never more than ten years before or after the scene it accompanies. Amusing and deliberate, Lord Clark talks throughout the programs making small jokes, great generalizations, and entertaining his audiences with scholarly observations. After its run on BBC–TV last year. *Civilization* has been the hot free ticket given out by the Metropolitan Museum of Art and New York University in New York and by the National Gallery of Art in Washington, D.C. By now CBS–TV may have bought it, perhaps to make up for *The Secret Storm*. While in New York recently, Lord Clark received an honorary Doctor of Fine Arts degree from New York University at a special convocation. A life peer, Kenneth Clark has had a succession of high posts which included Keeper at the Ashmolean Museum at Oxford, from which he was graduated, Director of the National Gallery in London, and Surveyor of the King's Pictures. At Saltwood in Kent, where he was photographed for Vogue in front of his castle, he has kept on with his writing, there wrote part of the commentary for *Civilization*. Lord Clark said that the BBC asked him to lunch and while they were eating smoked salmon, someone said the word "civilization," and he immediately felt a call. The BBC expected him to say "no" to another proposition: he said "no" to it but said he would do a series on civilization, which rather put the BBC out. For the next two years he travelled with two producers and a crew photographing art and architecture from the Dark Ages to the Impressionist period, but leaving out Spain, its Moors, and the German Romantics. Almost everything else, however, is on film, marvelous, chatty, a window opened by a man whose mind is an orchard of plums.

[From the Washington Post, Nov. 2, 1969]

Our Civilization Under the Glass

(By Meryle Secrest)

"His biographer once asked the Duke of Urbino what is necessary to rule a kingdom. The Duke replied, 'Essere umano; to be human.' "

So says Sir Kenneth Clark in an intensely human, immensely informed discourse on Western man. "Civilisation," a 13-part series of one-hour films narrated by Clark and originally made for British TV, will be shown Sundays at the National Gallery of Art, beginning today.

At one point, the narrator discusses what the term civilization means to him:

"I have tried throughout this series to de-

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fine civilization in terms of creative power and the enlargement of human faculties; and from that point of view, slavery is abominable. So, for that matter, is abject poverty."

The series, when shown in Britain, attracted a wide following and universal admiration; not only for its grandeur of sweep but the erudition, clarity, imagination and wit with which it has been carried out by its author and chief narrator, Sir Kenneth Clark.

Clark begins with the thesis that one can learn most about a civilization through its arts: "If I had to say which was telling the truth about society, a speech by a Minister of Housing or the actual buildings put up in his time, I should believe the buildings."

Through a highly effective combination of art, architecture, the filming of locations all over Europe, newsreels, political satire, music, poetry and history, Sir Kenneth develops a panoramic view of the history of Western man that takes one, in its 13th and final sequence, up to the present day.

Beyond this point, Clark refuses to speculate. However, the novelist J. B. Priestley, who wrote an otherwise favorable review of the series, suggested that Sir Kenneth could have concluded with a 14th program on the dehumanizing aspects of present-day society.

"He might have added that there seem to be among us now . . . creatures from other planets . . . They want to put an end to the human race. So they are building larger and larger . . . intricate machines, ready to take us over soon. At the same time they are working hard to persuade us that we are machines and second-rate at that."

Priestley believes that the series is in itself a contribution to civilization.

"It represented a bold step in civilizing television itself," he writes.

An ironic note is that "Civilisation" has not yet come to the American television screen, although one of the commercial networks is said to be interested in it.

So, in this country, what was designed to be shown on the color TV screen has to be presented as a film; as a public service by a cultural institution.

The National Gallery of Art is showing the series without charge on Sundays at 5:30 p.m. through Dec. 14. The opening film will be seen today at 5:30 p.m., 6:30 p.m. and 7:30 p.m. and again at 2:30 p.m. on Saturday, Nov. 8. On succeeding Sundays, two films will be seen and performances will be repeated on demand.

Credit for the fact that Washington is seeing this series (similar showings are being held concurrently in New York) goes to J. Carter Brown, director of the National Gallery, who is intensely interested in films about art. His own film, "The American Vision," made a few years ago, is a brilliant example of the genre.

Credit also goes to the gallery's new assistant administrator, Howard Adams.

"I had the good fortune to be having dinner one evening with Mary Lasker," he said. "She had just returned from London and was talking about this fantastic series she had seen. So I got in touch with the BBC next day."

The National Gallery of Art knew of the existence of the series, since it had supplied color transparencies to the BBC for the films. The National Gallery is interested in developing its own series, modeled on "Civilisation" but less grand in scope. It would focus on individual artists.

"We would like to find a way to create a series of smaller vignettes of film interpretation of the great artists which could become part of a great film library on the arts," Adams says.

In narrating "Civilisation," Clark's great gift is that he is not only enormously well read, but also can knit together disparate elements to make a coherent whole. He can look at a carving in the nave of Chartres cathedral and make you see how it personifies the spirit of an age.

He pulls out a few sentences from the dazzling storehouse of his mind and makes the listener immediately curious to know more about the subject.

His lectures are of the kind one would hope to find in a graduate seminar. Yet his thesis is so winningly illustrated and clearly and persuasively developed that the viewer does not need special knowledge to be challenged by the ideas.

In an age of specialization, when most people seem to be focusing on a narrow and narrower fragment of the whole, Sir Kenneth Clark proves that it is still possible to see the history of civilization in terms of a single, unifying vision.

If one has any quarrel with the series at all, it is that painting, sculpture, architecture, music, philosophy and even poetry do very well as sources of references. But literature seems to get the short end of the stick.

But perhaps this is the weakness of the television medium itself; it cannot project what is seen by the inner eye.

Priestley is perhaps right in pointing out that Clark has not taken into account the enormous strides man has made into the exploration of inner space; that is to say, what has been learned about the unconscious in the last 100 years.

And there are some aspects of our visual heritage whose absence from the series is inexplicable: Venice and the court at Versailles, under Louis XIV, for instance.

Clark, who was knighted by Queen Elizabeth, is the son of a well-to-do thread manufacturer who was brought up with the idea that "to look at pictures and admire them was a reasonable activity."

At Oxford, he wrote a book on Gothic revival in his last year. His wife relates: "He told me about it when we were walking out. I didn't like to admit I didn't know what Gothic revival was in case I lost my place in the queue."

Clark began by wanting to be an artist. But in an interview printed in The Listener, the BBC magazine, he states that he gave it up because "I'd just this much sense: if an Englishman can write a bit and paint a bit, if he has any sense he'll be a writer, because that's our medium."

At the age of 30, he was made director of London's National Gallery. Twelve years later he retired to become Slade Professor at Oxford University.

In 1953, he became chairman of the Independent Television Authority and when he retired as chairman in 1957, he lectured on art for the next eight years for the ITV.

He is an authority on the Italian Renaissance and has written a book on the subject. He has another on Ruskin and a book on the nude in art that has become a classic.

This book arose out of a series of lectures he gave at the National Gallery of Art in Washington in 1953.

People like to remind Sir Kenneth Clark that, about three years ago, he expressed the gloomy view that television was likely "to exclude solemn topics, that can only be stated in measured terms."

He then thought that television tended "to cut off its audience from some of the greatest achievements of the human spirit."

It is fitting that he has magnificently disproved his own theories. As a great humanist, he led us to contemplate those values upon which a civilization worthy of the name has to depend. In his concluding film, "Heroic Materialism and the Awakened Conscience," Clark says:

"At this point I reveal myself in my true colors, as a stick-in-the-mud. I hold a number of beliefs that have been repudiated by the liveliest intellects of our time.

"I believe that order is better than chaos, creation better than destruction . . . On the whole I think that knowledge is preferable to ignorance and I am sure that human sympathy is more valuable than ideology.

". . . And I think we should remember that we are part of a great whole, which for convenience we call nature. All living things are our brothers and sisters. Above all, I believe in the God-given genius of certain individuals, and I value a society that makes their existence possible."

[From the National Observer, Dec. 22, 1969]

Art Film at National Gallery Draws Largest Crowd Since "Mona Lisa"

Washington, D.C.—An educational film originally made for British television has turned into the sleeper of the year in two U.S. museums.

When officials of the National Gallery of Art here scheduled the 13-part film, Civilisation, for a seven-week run, two parts at a time, they modestly hoped it would fill the gallery's 300-seat auditorium on Sunday afternoons. The first afternoon, 24,000 people showed up, thousands of them waiting outside in the rain for hours. Officials quickly decided to show the film one segment a week on an expanded five-times-a-day, seven-day-a-week schedule.

Now in its seventh week Civilisation continues to draw the largest crowds to the gallery since the Mona Lisa was here six years ago. Among the 14,000 a week to queue up have been Government workers on their lunch breaks and peace marchers in town for the Nov. 14 mobilization. Museum officials are at a loss to explain the series' popularity except to ascribe it to word-of-mouth advertising and "the power of a very fine cultural film."

Civilisation features gorgeous footage of some of the greatest works of art in the Western world. But its real attraction is the running commentary delivered from the banks of the Seine, from Ravenna, from Monticello, and from dozens of other locations in 11 countries by art historian Sir Kenneth Clark. A humanist as well as scholar, Sir Kenneth argues in the film that the race has taken giant steps toward civilization in periods when men have striven for "something extra," whether the all-embracing love preached by St. Francis of Assisi or the intellectual order worshipped by the Eighteenth Century rationalists.

Each segment of the series takes up one period—the Renaissance, the Reformation, the Romantic Era—and explores it in terms of its artistic accomplishments, which Sir Kenneth regards as more trustworthy than the pronouncements of its statesmen.

The National Gallery obtained the film after a friend of director J. Carter Brown saw the series on the BBC. Because Sir Kenneth had delivered a series of lectures at the gallery in 1953, the BBC readily agreed to make the film available. Under the sponsorship of the Metropolitan Museum of Art and New York University, the film is also being shown in New York City, where four extra showings a week have been added.

So far there are no plans to show civilisation anywhere else in the United States. But one major television network is investigating the possibility of putting it on the air.

In the meantime the National Gallery will continue to pack them in, but a spokesman admits that, in a nice sort of way, the film has become something of a nuisance.

With the series here one-half complete, gallery officials last week expressed the hope that the audience may soon begin to dwindle. "After all," one spokesman said, "even Hair can't go on drawing huge crowds forever."

[From the Washington Post, Nov. 4, 1969]

Civilisation

(By Phil Casey)

The National Gallery of Art, which apparently figured it had a nice, quiet cultural festival on its hands, was wrong as it could be.

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About 10,000 extra persons showed up and wanted to sit down in the gallery's 303-seat auditorium Sunday night to watch showings of the first program in a 13-part series of films and narration called "Civilisation".

J. Carter Brown, director of the National Gallery, noting immediately that he had a popular hit on his hands, decreed there shall be frequent showings of each of the films daily and Sunday, so that some of the thousands who want to see the series can see it.

Brown, who is getting the series free from the BBC, wishes that TV, either educational or network, would buy the series and show it to all of the people who apparently are eager to see it.

He has no control over that, but he can show the films as frequently as possible, and he is doing that, ever since he came face to face with what happened Sunday night.

"Civilisation" is a series of 13 one-hour films narrated by Sir Kenneth Clark and made originally for British TV. The plan had been to show the series only on Sundays and Saturdays, but Brown has given up that dream and he's glad Civilisation is such a hit.

This week, through Friday, the first program will be shown daily at 10:30 a.m. and 2:30 p.m. Then, on Saturday, the program will be shown at 10:30 a.m. 12:30 p.m. and 2:30 p.m.

On Sunday, programs two and three in the 13-part series will be shown together. Each show consists of two one-hour films. The shows begin at 12:30 p.m., 5:30 p.m. and 7:30 p.m.

These programs will be shown through the following week: at 10:30 a.m. and 2:30 p.m., Monday through Friday, and at 10:30 a.m. 12:30 p.m. and 2:30 p.m. on Saturday, Nov. 15.

The gallery will advertise a schedule of all programs and showings from now on. There is no charge. Free numbered tickets will be available in the gallery each day for the shows that day.

Last Sunday was an astounding day at the gallery. Normally, for a Sunday at this time of year, about 8,000 persons are counted visiting the gallery. On this occasion there were 22,000 persons, and Brown has a deep impression that about half of them wanted to go to the movie.

[From Newsweek, Dec. 15, 1969]

The Grand Tour

"One has to face it," said British art historian Sir Kenneth Clark not long ago. "TV is an entertainment medium. I heartily sympathize with the viewers. I always switch off very serious programs." The next thing anyone knew, Sir Kenneth had produced and narrated for BBC television a series of thirteen 50-minute films on the history of Western civilization from the fall of the Roman Empire through the nineteenth century, ordinarily a very sober subject indeed. But in Clark's able hands, his basically serious subject was transmitted into high entertainment so smoothly that some 1.5 million fascinated English families tuned in the series week after week.

Now Clark's films—all in color—are being shown to jam-packed audiences in New York City's Town Hall and Washington's National Gallery, and there is a good prospect that one of the big U.S. commercial networks—which seemed to evince little interest in the series at first—may be showing it early next year. "It's the hottest show in town," says Carter Brown, director of the gallery, who was nearly bowled over when thousands of people queued up for the 300 seats in the museum's theater one Sunday afternoon. "It's even beating out 'I Am Curious (Yellow)'."

Chatty: Much of the reason for the series' box-office success is the 66-year-old Clark himself. He not only planned and wrote the scripts for all of the films, but also stars in each one as a witty, chatty and grandly intelligent tour guide with a sure dramatic touch. In the opening film, "The Skin of Our Teeth," the camera leads the viewer to the top of Skellig Michael, a jagged rock with the wind whistling around it that rises out of the sea off the coast of Ireland. There, Clark explains, a handful of Celtic Christians huddled in their stone huts through the Dark Ages, and civilization itself seemed to hang on by its fingertips. But Clark has a profound sense of humanity, its grandeur and its ironies. "Charlemagne never learned to write," he notes dryly after crediting the great conqueror with saving Western civilization. "He just never got the hang of it."

Some further observations from Clark's film history:

"In the nineteenth century people used to think of the invention of printing as the lynchpin in the history of civilization. Well, fifth-century Greece and twelfth-century Chartres and fifteenth-century Florence got on very well without it . . . Still, on balance, I suppose that printing has done more good than harm."

"New York . . . took almost the same time to reach its present condition as it did to complete the gothic cathedrals. At which point a very obvious reflection crosses one's mind; that the cathedrals were built to the glory of God, New York was built to the glory of mammon; money, gain, the new God of the nineteenth century."

The idea for the series came first from David Attenborough, head of BBC–TV, three years ago, as the BBC was preparing to start transmitting in color. "My simple ambition," says Attenborough, "was to set on the screen the loveliest things to look at and to hear." The BBC approached Clark, who had already prepared 60 programs for them. "In the course of the conversation," Clark recalls, "They used the word 'civilization.' When I heard that word, it seemed to me that that might be worth trying. That's all there was to it."

The BBC assigned Clark two producers and a three-man camera crew to make the series. For two years they traveled 80,000 miles in eleven countries, filming paintings, sculptures, churches, palaces and landscapes. By coincidence, the crew arrived in Paris in May of 1968 when hundreds of Sorbonne students went to the barricades. "It made it very interesting," says Clark, "being there shooting a piece on the French Revolution while a real revolution was going on."

What the series adds up to is a wide-angle view of Western civilization accompanied by Clark's personal, witty and ever trenchant commentary. "I suddenly realized when I was writing," he explained last week, "that these were the things that I have always believed, but was too timid to say out loud. One of the nice things about growing older is that you gain the courage of your convictions."

Now the courage is spreading to U.S. TV. "It's an extraordinary effort, and Clark emerges as a major television personality, a cross between Maurice Evans and Alistair Cooke," says Mike Dann, senior vice president in charge of programing for CBS. "We're looking for a place to put it on Sunday afternoons." After the pro football season, of course.

SOME COMMENTS FROM "CIVILIZATION" BY SIR KENNETH CLARK

The Middle Ages: "The old idea that he [Charlemagne] saved civilization isn't so far wrong because it was through him that the Atlantic world reestablished contact with the ancient culture of the Mediterranean world."

The Renaissance: "Well, it is certainly correct to say that we are more graceful than other animals, and we don't feel much like immortal gods at the moment. But in 1400 the Florentines did."

The enlightenment: "The smile or reason may seem to betray a certain incomprehension of the deeper human emotions; but it didn't preclude some strongly held beliefs—belief in natural law, belief in justice, in toleration, in humanitarianism. Not bad."

[From the Staten Island Advance, Nov. 2, 1969]

Civilization Parades for Film Maker

(By Barry Leo Delaney, curator of art, Staten Island Museum)

Something to watch for in the near future is a new film series written and narrated by Kenneth Clark (Lord Clark of Saltwood) entitled "Civilization." Although the art of the film is normally outside the scope of this column, this particular group of 13 filmed programs from the British Broadcasting Corp. is, I believe, an important exception.

The subject that Lord Clark has chosen to treat in this series is nothing less than the last 1,600 years of Western European civilization, together with its colonial expansion and development in the Americas over nearly five centuries. The forces and events that have shaped our present-day society are analyzed in these films through an examination of the great artistic achievements of the past.

The concepts presented are modestly described by Lord Clark as "a personal view." In addition to being one of the world's foremost art historians, Lord Clark has had extensive experience in the fields of film and television. Between 1934 and 1941 he was the director, and later chancellor, of the film division, house publicity, in the British Ministry of Information.

He was also chairman of the Independent Television Authority in Great Britain from 1954 to 1957. For nearly 40 years he has held numerous important museum posts in England, including that of director of the National Gallery in London during the decade between 1934 to 1945. He has also been the author of several books on the history of art.

This impressive background has now been brought to bear on what is surely one of the most outstanding series of educational films that has ever been produced. "Civilization" was first shown on the BBC television last spring and is now being previewed in the United States at New York University's Town Hall in midtown Manhattan. The film showings are being jointly sponsored here under the auspices of NYU and the Metropolitan Museum of Art, through the benefaction of Charles B. Wrightsman—a trustee of both institutions—and with the cooperation of Time-Life Films, distributors in this country for the BBC.

The present audience is an invited one, consisting primarily of members and patrons of the Metropolitan and the faculty, students and alumni of the university. The demand for the free tickets was so overwhelming that extra showings have had to be scheduled. Even so, virtually all of the seats for the six screenings each week on successive Tuesdays and Wednesdays through Dec. 9 have now been promised.

There seems little doubt, however, that these films are ultimately destined for some more widespread public distribution, perhaps on one of the major television networks, and probably within the next year or so. Furthermore, the series will almost certainly be made available to high schools and colleges. It is likely that everyone will have some opportunity to see these films eventually. A companion volume is also already on the presses.

To make the series Lord Clark traveled some 80,000 miles in Europe and America with a team of technicians, shooting thousands of examples of architecture, sculpture, painting, and allied arts. The production team wandered from Istanbul in Turkey to our own state of Virginia, recording the greatest artistic achievements of our civilization. All of this was accomplished within two years.

The first 50-minute film is entitled "The Skin of our Teeth." It picks up the thread of western history where it was broken off after the decline of Greco-Roman civilization, starting in the 4th century A.D. In this picture the precarious survival of our western civilization after the fall of the Roman Empire is traced until its stabilization under Charlemagne (742–814), king of the Franks, and first of the so-called Holy Roman emperors. The title was suggested by the contention that civilized man survived during this period only just by the skin of his teeth.

In the narration Kenneth Clark proposes that there is a decided difference between a culture and a civilization. He contrasts the energy and will of the barbarian invaders from the north with the original stability and permanence of the old Roman Empire. He touches lightly upon how confidence in the seemingly solid, but actually very fragile, Roman civilization was gradually undermined. Finally, as we all know, it crumbled and fell.

The result was four centuries of chaos. The Vikings, for example, may have had a unique culture, but it is questionable whether they ever had a civilization. Under Charlemagne the Atlantic world re-established contact with the ancient civilizations of the Mediterranean region, and western civilization began anew.

The remaining 12 films examine this civilization. In the end, there will doubtlessly be many nagging implications for our time. In the middle of the 20th century we are asking ourselves, "Can Man survive?" let alone his civilization. Can we learn to control our own technology or will it destroy us?

Art may not be able to provide the answer to these questions, but it is often able to diagnose some of the ills. One is reminded of the work of the late Edward Hopper (1882–1967) where man's loneliness and isolation from his fellow men is so frequently a theme. The painting "Western Motel" of 1957 is characteristic. (It is now on loan from the Yale University Art Gallery to the Metropolitan for the exhibition "New York Painting and Sculpture: 1940–70.")

The boredom and despair of the lone central figure in the anonymous motel room is an indictment against the transitory and unsettled nature of much of modern Western civilization.

[From the Washington Star, Nov. 13, 1969]

BOUQUETS AND BRICKBATS

One of the characteristics differentiating man from beast is an intelligent interest in the past.

Accordingly, the National Gallery of Art is to be applauded for making it possible for Washingtonians to see the British Broadcasting Corporation's excellent thirteen-part documentary, "Civilisation," which charts the cultural accomplishments of man over the past two millennia.

By the same token, it is some sort of commentary on the three major networks and their sponsors that Sir Kenneth Clark's production, which was considered eminently suitable for general audiences in Britain, should be regarded over here as not America's cup of tea.

The implication, of course, is that the series is too high-brow—or that Americans are too low-brow—to make such a long series either interesting or commercially feasible. The television moguls, of course, may be correct.

But the 10,000 people who showed up Sunday in quest of the 303 seats available obviously disagree. The crush was so great that the gallery, which had planned free Sunday showings through December 14, has decided to provide multiple daily screenings through that date.

Get on down there. It beats "Laugh-In."

[From The Washington Star, Nov. 13, 1969]

THE RAMBLER PONDERS "CIVILIZATION"

(By John Sherwood)

"If I had to say which was telling the truth about society, a speech by a minister of housing or the actual buildings put up in his time, I should believe the buildings."—Sir Kenneth Clark.

With the above in mind, the Rambler passed by the Rayburn Building with head bowed and one eye closed because his thoughts were on a visit to Chartres Cathedral, and sights like the grand House Office Building are very bad indeed for visions like Chartres.

He was going to see an hour-long movie, and it was free. But it was being shown in the National Gallery of Art, which meant that culture might be involved, and since the Rambler doesn't generally go for public culture he walked in feeling a little uncomfortable.

The color film was the second in a 13-part series produced by the British Broadcasting Corp., and it seems it is the biggest smash hit here since Mona Lisa came to town. Entitled "Civilisation," it takes on one immense subject and the Rambler wondered how much different he would come out from the man who went in.

"We thought that we would show maybe one of the films, or perhaps at the most two," explained the Gallery's Bill Morrison. "But the response has been unbelievable. "We're on No. 2 now, showing it several times throughout the day, and expect to be showing the whole thing into 1970. If only it could somehow be shown on TV."

Sitting down in the 300-seat theater the Rambler was taken right into a cathedral of the Middle Ages in the No. 2 program, called "The Great Thaw." Soon a man appeared on the screen talking about the 11th century's "outpouring of energy" and describing it as "a Russian spring."

It was Sir Kenneth Clark, narrator and writer of the mammoth documentary that dares to cover the trek from the bleak Dark Ages of Europe to the New York cathedral skyscrapers built "to the glory of Mammon—money, gain, the new god of the 19th century."

The Rambler liked the man on the spot and immediately agreed with a written description of him: "He is the perfect intellectual pin-up—subtly suited in autumn colors, tie carefully chosen to go with the silk handkerchief—his rosy complexion and silver hair are those of some endearing though awe-inspiring uncle. He is shrewd, sarcastic and witty; he is also kind . . ."

There was a point he made, going from one great Gothic cathedral to another, that the Rambler thought was especially fine because it was the kind of thing that separated the brilliant production from one of those TV features on the royal palaces.

He showed a figure of a saint who had been martyred because she refused to worship idols. Now, alas, he said, here she was a saintly relic turned into an idol herself.

Charting the ideas and events that have led Western civilization from the collapse of Greece and Rome to our own century, Clark, in this episode, which is being shown through this week, was taken most by Chartres Cathedral.

There was no fancy camera work, but the eye looked lovingly upon the carvings and the stained glass as chants illuminated the narrative. The buildings were put up by man to God, but it seemed to the Rambler as if God had a hand in the creation. Certainly no man could do the same today.

The packed theater was suspended in the glory of Chartres. There was no talking. No fussing about. No chomping of popcorn and sticky candy. The gentle voice of Clark carried them through as if they were special guests on a very special, magical mystery tour.

Most of the priceless objects that adorned Chartres in the 12th century are gone now, but Morrison piped up to tell the Rambler that the Gallery had a French Romanesque chalice that was used at Chartres by four generations of French kings.

It was in the Widener Collection, and the Rambler asked to see it. Morrison led the way to a remote room on the lower level and there, behind a glass case, sat one of the finest chalices in the world. It is priceless and it is something to watch for a very long time.

Commissioned about 1140, it was first used by Abbot Suger, the most powerful political figure in France at the time. It has a fluted bowl, a single piece of carved sardonyx which dates back to ancient Rome. On the base of it are gold-embossed medallions.

The Rambler was aware of his heavy breathing while looking at the chalice, and the film he had just seen had brought it all the more to life.

* * * * *

Unable to leave the Gallery without stopping by to visit an old friend who wears a halo over his head, the Rambler headed for the self-portrait of French impressionist Paul Gauguin and thought of the legend behind those sullen eyes and longed for a thatched hut in the South Pacific.

The walk down the steps of the Gallery was slippery in the soft rain and, once outside, the Rambler looked around in vain, with his mind still swimming among the towers of Chartres.

He tried to avoid the Rayburn House Office Building on his return voyage, but something drew him there.

My God, it's so awful.

It is a checkered vest with popped buttons and a fat, stale cigar with the paper band still on. God does not figure in it at all.

[From the Washington Post, Nov. 10, 1969]

AROUND TOWN—"CIVILIZATION"

If there is one thing the National Gallery of Art needs less than another, it is probably an enlargement of the line already waiting for tickets to see the British Broadcasting Corporation film called "Civilisation." We have no wish to add to the Gallery's problems, yet we cannot refrain from telling readers they ought to run, not walk, to the nearest Gallery entrance. "Civilisation" is a series of 13 one-hour motion pictures in color narrated by Sir Kenneth Clark and made originally for British TV. This first of that series, shown last week three times a day, gratis, in the gallery's lecture hall, is nothing less than superb in every respect.

The photography of classical and medieval works of art and architecture is almost flawless in its brilliance and beauty. And Sir Kenneth Clark's commentary on the tissue margin by which the civilization responsible for those glorious achievements escaped extinction must be characterized as supremely civilized—or, as he no doubt would prefer it, supremely civilised. He takes his hearers gently by the hand and leads them through a creative evolution in a manner that is at once scholarly and simple.

The National Gallery is, of course, a thoroughly appropriate place for the showing of these films. We cannot help wishing, however, that they could be shown as well on television networks so that people all over the country could view them and glimpse the wonders of which man has proved himself capable. In this time when so many—and so many of the young in particular—are experiencing a sense of despair about Western culture and the values of civilization, and are so recklessly ready to tear down all that has been built up in the past, this record of man's accomplishments, of man's

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limitless reach for beauty and for creativity, has something to say of immense significance.

"Civilisation," Sir Kenneth Clark says, rests upon a "sense of permanence." The past affords a lamp for the future. If it is wise for men to be dissatisfied, it is folly for them to lose hope.

[From the Mamaroneck (N.Y.) Daily Times Nov. 3, 1969]

"Civilization" Film Series To Go on View

Thomas P. F. Hoving, director of the Metropolitan Museum of Art, and James M. Hester, president of New York University have announced special showing in New York of one of the most distinguished color-film series ever produced, on Tuesdays and Wednesdays, as of tomorrow, through Dec. 10. Admission is free.

The series, entitled "Civilization," was written and narrated by Kenneth Clark (Lord Clark of Saltwood) and prepared for British Broadcasting Corporation television.

The films will be shown under joint auspices of the Museum and the University at Town Hall, NYU's midtown cultural arts center, to an invited audience consisting principally of friends and patrons of the Museum, and faculty, students and alumni of the University. Special showings have also been scheduled at Town Hall for metropolitan area high school students.

The demand for tickets has been so great that extra showings of the series have been added to the two showings originally scheduled. More than 11,000 recipients of invitations have responded with requests for more than 40,000 tickets.

Lord Clark, the renowned art historian, presents in the series a personal view of the forces and events that have shaped present-day Western civilization as seen in the artistic achievements of the past 16 centuries. On Tuesday, Nov. 18, he will speak in person at the 5:30 and 8:30 p.m. showings.

To make the film, Lord Clark and a team of technicians devoted two years and traveled some 80,000 miles in Europe and America to shoot thousands of examples of sculpture and architecture, theater and paintings, books and artifacts. The production team traveled from the Hebrides to the Mediterranean, from Istanbul in the east to Virginia in the west, to film such significant artistic achievements as the interior of Chartres Cathedral and the ceiling of the Sistine Chapel.

ILLEGAL WORK STOPPAGES

Mr. BELLMON. Mr. President, millions of Americans have watched over the past few weeks as illegal work stoppages occurred in two essential services of the Federal Government. I refer to the postal workers strike and the so-called sick out of the air traffic controllers. This has been a time of trial, and I applaud those who have brought our country through this period. I am hopeful that methods have been developed to deal effectively with crises of a similar nature should they arise in the future.

During the 3-week period of March 25 to April 17, the Nation's air traffic control system was seriously disrupted by an illegal strike called by the Professional Air Traffic Controllers Association. As a result, air commerce was seriously disrupted; business suffered economic losses; military training, a vital part of national defense, was hindered; and the personal travel plans of countless Americans were rudely shattered.

It is to the credit of the U.S. Government that it stood firm in this critical period. The issue was clear: An illegal strike against our Government. Both John A. Volpe, the Secretary of Transportation, and John H. Shaffer, the Administrator of the Federal Aviation Administration, were steadfast in their determination to uphold the law. The Nation should be grateful for men of this caliber who are courageous in the face of adversity and who were able to act decisively and responsibly in this unprecedented crisis.

The Nation also owes a great debt of gratitude to the "silent majority" of the Federal Aviation Administration's air traffic controllers. Eighty percent of these men stayed at their posts throughout the strike. These controllers, along with their dedicated and skilled colleagues who maintain the ATC electronic equipment, kept the system operating safely with remarkable efficiency and established an impressive record of safety. The National Transportation Safety Board noted that there were no reports of near collisions or unsafe air traffic control practices. Fortunately, the Federal Aviation Administration had the foresight to establish a central flow control facility in Washington which acted as a nerve center for handling understaffed air traffic control facilities.

There are others who also deserve commendation for their cooperation in softening the impact of this illegal strike. The airlines, for example, canceled some 50 percent of their passenger flights during one period in the busy Chicago, New York, Washington triangle. There were extensive delays to flights in all parts of the country although the South and Southwest were the least affected. It is not possible at this time to assess the total impact on the airlines, but, unquestionably the financial loss was enormous. Nevertheless, the scheduled air carriers unhesitatingly canceled flights in order to relieve the impact on the air traffic control system.

The military services also were extremely helpful in easing the impact of the strike. During 1 week the Air Force canceled some 30 percent of their normal training flights. Throughout all the military command nonessential training was canceled in an all-out effort to cooperate with the FAA.

The largest segment of aviation, general aviation, representing such diverse private flying as corporate, business, personal, air taxi, and so forth, also lent an important helping hand. Many of their flights were rerouted so as to avoid congested areas.

Mr. President, the most regrettable thing about this whole matter is that it was precipitated without justifiable reason. We all recognize the vitally important role occupied by the air traffic controller in our Nation's aviation industry. I am especially cognizant of this fact because of the location of the FAA Aeronautical Center in Oklahoma City, where controllers are trained, not only to serve the airports of this country but for many other countries as well.

Congress certainly recognizes this role and has acted accordingly. After a 5-year period without an increase in the air traffic controllers work force, Congress authorized an additional 1,500 controllers beginning with the 1968 fiscal year. Another 2,000 were authorized for fiscal year 1969, and an additional 3,800 for fiscal year 1970. If the fiscal 1971 request is approved, by the end of that fiscal year the FAA will have added more than 9,500 controllers, which means that the work force will have been doubled since the beginning of fiscal year 1968.

The Department of Transportation and the FAA, mindful of the intent of Congress, have been making a special effort to lighten the burdens of air traffic controllers and to improve their working conditions.

The additional controllers are being placed into the system as rapidly as they can be trained and assigned. The FAA also has been undertaking to reduce the amount of overtime required of air traffic controllers. During a 4-week period in January, for example, 67 percent of the work force worked less than 41 hours per week, 4.5 percent worked 41 to 44 hours, 28 percent 45 to 49 hours, and only .5 percent 50 to 54 hours.

Also, in order to increase compensation for about half of the journeyman controllers, the FAA last year obtained Civil Service Commission approval to increase them one grade in the Federal pay scale. After this increase the pay of controllers in the top grade ranged from $15,812 to $20,555, plus premium pay for night, holiday and Sunday work.

Another sign of progress is the fact that the FAA is engaged in the greatest program of equipment improvement and modernization in the history of aviation. The agency is now proceeding with the implementation of a computer-based semiautomated air traffic control system and expects to have it fully operational in all of the domestic air route traffic control centers and the 60 busiest towers by 1974.

Additional improvements will be forthcoming from the implementation of the recommendations of the Corson committee, appointed by Secretary Volpe to assess the needs for establishment of a fully adequate and smoothly functioning air traffic control system.

Mr. President, Secretary Volpe and FAA Administrator Shaffer are to be complimented for their sincere desire to provide this system with the necessary manpower, equipment, training and supportive services to insure the safe, efficient operation of our Nation's airports.

These officials deserve the support of Members of Congress in their continuing efforts to achieve these goals. We also should direct our thinking to the steps that must be taken to avoid the recurrence of the serious situation that prevailed only a few weeks ago. We must practice better planning for the location and construction of new airports, so that potential air traffic jams can be prevented. Perhaps we need to begin to disperse some of the traffic at existing terminals, in order to relieve some of the crush at New York, Chicago, and other busy airports. We should give careful consideration to legislation which is designed to assist air traffic controllers in the difficult job they have to do.

Mr. President, I am confident that

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with as much traveling as we have to do, the Congress will be sympathetic to these needs and will work actively to bring about a safe and stable air control system for our growing Nation.

PRESERVATION OF BOSTON LANDMARKS

Mr. BROOKE. Mr. President, attachment to historic sites is deeply engrained in the human experience. But nowhere, it seems, is the urge to preserve more actively pursued than among the good people of Boston. Where else could a copper teakettle win a victory over urban renewal?

The growth of history and tradition, the creation of national legends, continue to fascinate us all. But I believe that the effort to preserve our landmarks and our customs can prove to be equally fascinating. For this reason I ask unanimous consent that two brief articles pertaining to the preservation of historic Boston landmarks be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

IF YOU CAN'T SAVE A LANDMARK, MOVE IT

BOSTON, MASS., April 10, 1970.—Remember the mouse that roared? He's alive and well in Boston, where he owns a tiny quick lunch place known as the Oriental Tea Company.

His name is Nathan Sharaf, and his roar still echoes through the offices of the Boston Redevelopment Authority which not long ago tried to bulldoze Nate from his beloved turf in back of the old City Hall. The reason it didn't was that Sharaf used his noodles: instead of invoking images of a big, cold and indifferent bureaucracy driving small business out of an area marked for urban renewal, he played the BRA's civic conscience like an instrument. Drive me out, he seemed to say, and you will have to answer to the historians.

At issue was not Sharaf's trade of hungry pols and bankers but his old store's giant, steaming copperplated kettle hanging over the sidewalk of Court Street. The kettle, valued at $10,000, is the oldest animated trade sign in the U.S. It is so big that, in 1873, the City Recorder wouldn't quite accept the claim that its water contents were "227 gallons, 2 quarts, 1 pint and 2 gills." He did, however, record that it had a proven capacity to hold eight young boys and a 6 ft. tall man.

In 1965, when plans were activated to turn Boston's seedy old Scollay Square district into what is now the 61 acre, $230 million Government Center, Sharaf's Oriental Tea Company was told to move. Its property, on the periphery of the sprawling Government Center complex, was taken by the BRA into public domain and was to be assigned to a private developer, City Bank & Trust Co. But seeing as how the restaurant had been at the spot for 97 years, the BRA promised Sharaf "just and proper compensation" as well as assistance in finding a new spot elsewhere in town.

Sharaf, who had purchased the Oriental Tea Company in 1945, wasn't interested. He insisted that if he couldn't stay at 57 Court St., he'd insist on staying within the perimeter. Until then, he wouldn't budge.

While he was gearing to do battle with the bureaucracy, the bureaucracy was itself having problems. Midway between the soon-to-be-demolished Tea Company and the historic, brick Sears Crescent, the well-spring of the pre-Civil War Abolitionist Movement, stood a sliver of a building dating back to 1835. Actually, to be more precise, a building *facade*, behind which lay a roofless, cut-up ruin filled with a useless collection of junk. This building was the so-called "Sears Block" which also had been scheduled for demolition.

Then, BRA project director Esther Maletz remembered Nate Sharaf, holding the bulldozers at bay with his sandwich board.

Before Miss Maletz approached the restaurateur, she spoke with architect John P. Bennett of the firm Stahl/Bennett Inc., which had been engaged by a group of private investors to rehabilitate the Crescent. The land on which the Crescent, the Sears Block *and* the Oriental Tea Company stood bore the designation of Parcel 10, and since the BRA, as policy, preferred to have the same architects handle entire land parcels at a time, why not introduce Bennett, etc. et al. to Sharaf?

Although Stahl/Bennett and the Crescent developers later parted company the architects were retained by City Bank & Trust, and this gave John Bennett the inspired idea of treating the Sears Block as a continuation of the proposed bank's facade; steam-cleaning the sooty granite blocks of the corner "building" to blend into the pre-cast concrete panels of the abutting bank project.

Nate Sharaf, who by now already could see his beloved kettle hanging 30 ft. up the street, was delighted. But then, Bennett and a fellow architect, Franklin B. Mead, took a good hard look behind the facade and just about threw up their hands in despair. "It was unbelievable," Bennett recalls. "We knew we'd have to gut the interior and start from scratch."

Sharaf, of course, was willing. He would even make do with less, figuring to abandon the coffee shop concept for a jiffy-stand-up bar operation—without seats, grills, steamtables, sinks, etc.—using only plastic and paperware, pre-wrapped sandwiches and the like.

"The notion of a 600 sq. ft. restaurant excited us," Mead says. "But what none of us figured on at the time were the fire laws." Following the 1943 Cocoanut Grove holocaust in which hundreds perished, Boston enacted the country's toughest fire regulations. Among them, a place the size of Sharaf's vest-pocket luncheonette would need at least two fire exits and, considering the three stories above, two stairwells.

"The only trouble here was that the stairwells alone would chew up 600 sq. ft.," Bennett says.

At this point, Stahl/Bennett decided to apply a little political muscle to the BRA. They suggested to Miss Maletz that if the agency were really as concerned about landmark preservation as its speech-making officials claimed to be, then certainly it could "arrange" to have the Sears Crescent developers give up a 10-foot strip of property and thus give Sharaf one of his two stairwells. The second stairwell, reasoned Mead, actually already existed next door, in the proposed bank building. The BRA, by now caught up with something approaching patriotic fervor, went along on both scores. They made an "arrangement" with the Crescent owners and agreed to let the bank's fire egress be shared by Sharaf—through the simple expedient or adding a door leading into the mini-restaurant.

Now came the crunch. Sharaf was willing to ante up $80,000. But to do the job right, figured Stahl/Bennett, would take at least $180,000. Even so, that estimate proved to be unduly optimistic. Contractors, called in to bid on the job, wouldn't touch it for less than $250,000. "They were obviously petrified of what had to be done," remembers Bennett. "They clearly lacked confidence."

So, back to the drawing board; and out went the elevator—temporarily—and many other refinements, and in came Kirkland Construction Co. of Cambridge. They agreed to do the work on a time and materials basis rather than for a lump sum. "But then Nate started asking for so many improvements," Mead points out, "that the budget climbed right back up to $180,000."

It ended up costing Sharaf $200,000.

Does he have any regrets? "None," he says, now that the giant kettle is blasting away again. Business is fabulous: jammed into those 600 sq. ft., some 2,100 downtown Bostonians are gobbling up over $750 worth of food a day—"at least $300 more than we had any right to expect." Upstairs, he's planning to build a private dining club for footsore businessmen who prefer not to gulp their way through a stand-up quickly, and above the club, he intends to build office suites for those who want a clear and unobstructed view of Boston's stunning new City Hall.

Sharaf, whose other cafeteria-type restaurants in Back Bay and on Beacon Hill serve some of the most honest portions in town, continues to play it straight. "Of course," he says, "when we're ready to rent I'll have to tell prospective tenants that their windows might get a bit steamed up when the wind blows the wrong way."

LANDMARKS

Since 1941, the number of U.S. cities enacting so-called "Landmark Laws" in an effort to slow down the urban renewal bulldozer have gone from two to nearly 70. Most of these laws were passed too late because there was too little left.

By 1969, nearly half of America's 6,400 "important" landmarks had been dispatched in the name of progress. And in their place rose much of today's ubiquitous, characterless downtown construction.

Uncounted are the many thousands of lesser-known historic buildings that nobody knew about. They either failed to draw the attention of the many Landmark Commissions that were being formed in various towns and cities or they lay well outside those sections that were subsequently designated by Congress as historic districts. Or, more inexcusably, they simply failed to fit what architectural gadfly Ada Louise Huxtable of the *New York Times* likes to call "the predictable core development formula for profitable urban blight."

Gone are such reminders of America's architectural past as H. H. Richardson's Marshall Field store in Chicago, Frank Lloyd Wright's Larkin Building in Buffalo, McKim, Meade & White's Pennsylvania Station in New York, and the entire St. Louis riverfront.

It was to thwart such a tragedy in America's oldest major city that Boston's Mayor Kevin H. White on November 25, 1968, announced a plan to save from extinction the city's Quincy Market District. This six-acre area is better known to tourists as the Faneuil Hall Markets due to the close proximity of that well-known "Crade of Liberty" (see below).

What made the announcement important was not the sheer size of the project—currently the largest restoration project under way in the country—but the bold unorthodoxy of snatching from the jaws of limbo 428,000 sq. ft. of usable and productive space. The men responsible for the project don't talk of "historic preservation." They speak of "urban retrieval," of plugging into the 20th Century scene an entire section of a city that, to all intents and purposes, had long ceased to be relevant to a mechanized society. And just so that there would be no mistaking his backing as mere municipal altruism or sheer politicking (the Mayor aspires to be governor in 1970) White presented his plan as a pragmatic business proposition. He implied that whoever would be chosen to develop the property would make money—lots of it—and to make the job more attractive, the city would be willing to arrange for special leases and tax shelters.

Behind White's announcement lay over two years of intensive planning and research. It began, as these things usually do, with a

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phone call between two prime movers—architect Frederick A. Stahl and preservationists Roger S. Webb. (Although Stahl/Bennett Inc. works extensively in modern high-rise office building development, its 39-year-old president is heavily committed to the past glories of U.S. architecture: he lives in a refurbished Victorian house on the far side of Beacon Hill and serves as a "working trustee" of the Society for the Preservation of New England Antiquities. Webb, an MBA from Harvard, heads Architectural Heritage Inc., a non-profit group of consultants whose horizons extend well beyond the New England scene.)

Both were struck by the same notion at more or less the same time. To what extent, they wondered, was the Boston Redevelopment Authority concerned with that small parcel of now-seedy market buildings midway between its two most ambitious undertakings, the $230-million Government Center and the $125-million Waterfront Redevelopment Project? The answer: BRA was concerned but, without funds or plans, powerless to do more than arrest the decay that was overtaking the public areas of the market district—once regarded as the very model of 19th Century urban planning.

Stahl, Webb and a number of other interested parties next collared Edward J. Logue, then BRA's controversial administrator (and now head of New York State's powerful $6 billion Urban Developmnet Corporation). Logue, intrigued by the notion of private sector involvement and with the support of then-Mayor John F. Collins, quietly commissioned Architectural Heritage and SPNEA to study the potential for private redevelopment of property jointly owned by the City and the BRA. It provided partial ($30,000) funding, with Webb's people raising the remaining $20,000 needed to complete the massive (5-volume) study. By the time the research had been completed, both Logue and Collins were out of office. But the impetus withstood partisan politics, and early in 1968, Collins' successor, Kevin White, and his first BRA administrator, Hale Champion, made the first of what would be several pilgrimages to the fount of federal funding, the Department of Housing & Urban Development. They would successfully plead the project's case by citing Title I of the liberalized Housing Act of 1949 and a document bearing the imprimatur of Lyndon Johnson's Great Society—the 1966 Demonstration Cities and Metropolitan Development Act.

Interestingly, the money came through during the last four days of the Johnson Administration, courtesy Sen. Edward M. Kennedy and House Speaker John McCormack. So far the BRA has received two separate grants totaling $2.1 million—closing the gap between the appraised value of a refurbished, rentable market complex ($8.5 million) and the estimated restoration cost ($10.6 million). More may be needed. Soaring construction rates since the study was completed could well force the planners to revise their estimates by adding another $1.9 million.

In responding as it did back in 1966, the BRA was merely acknowledging a cross-current in urban renewal which surfaced during the Kennedy years but did not actually make itself felt until President Johnson invoked "Creative Federalism." There was a feeling among enlightened city dwellers throughout the country that not everything old was necessarily bad; that all the stainless steel and glass of the new cityscape could and should be contrasted with more durable and therefore older architecture; and that if preservation had to rate low on the urban priority list, then perhaps government would be willing to play silent partner to energetic private interests. What these people were after was not just money but an urban coalition of private and public sectors, a "creative bureaucracy" that could change on a do-it-ourselves and pay-as-we-go basis.

In one way or another, the coalition gambit could be made to work. In San Francisco, it ripped out a rotting section of the waterfront and produced Ghirardelli Square and The Cannery, a $10 million private rehab that has since served as the prototype for similar mercantile projects in other cities. In Chicago, there is now Piper's Alley; in St. Louis, Gaslight Square; in Pittsburgh, Shadyside; and in Denver, Larimer Square. The coalition has even gone subterranean as in Underground Atlanta. And in New York the coalition is now planning the most ambitious proposal yet—a $40 million effort to retrieve Lower Manhattan's South Street Seaport.

In all of these projects as in Faneuil, there is nothing remotely resembling the Rockefeller grandiosity of Colonial Williamsburg where—according to critic Ada Louise Huxtable—"the art of scholarly self-delusion reaches the extravagantly, $79 million sublime." What bothers Mrs. Huxtable isn't so much the abundance of money as the total lack of perspective. "What preservation is all about," she says in scornful reference to those cities that would seek to package the past in Saran-wrapped museum-districts, is "the retention and active relationship of the buildings of the past to the community's functioning present. You don't erase history to get history," she says. "A city's character and quality are products of continuity. It is not recaptured in quarantine."

Historian Lewis Mumford puts it another way. To arrest municipal decay, you don't unleash the bulldozer. You practice what he calls Conservative Surgery—the "removal of dead urban tissue with the smallest possible injury to the rest of the organism, and then resorting to a blood transfusion of new enterprises both economic and social, conceived on a human scale and directed to clearly defined human needs."

That's what the Stahl, Webb et al. proposal is all about. And it will first become evident in the spring and summer of 1970 when workers will start refacing the handsome granite walls of the principal market buildings—the initial step to a project that may take up to $12.5 million and four years to complete. Of the project, architect Stahl says "it will again prove that urban retrieval and commercial development can coexist—at a profit."

For ground plans, Stahl's consulting architects are going back 146 years to the original work by architect Alexander Parris (1780–1852) who first produced the entire district for his patron, Boston Mayor Josiah Quincy (thus the appellation of "Quincy Markets"). According to project architect James Howland Ballou, "we'll be restoring the district to its 1824 grandeur, or as close to it as we can possibly come." Ballou explains that while the 535-ft.-long, two-story granite Greek Revival market house is fully intact, the two flanking rows of granite-faced, slate-roofed four-story buildings are not. "Originally, there were 47 of these buildings. Now there are 45 left."

Interior work will not begin until the present occupants, the produce markets, have been relocated to a new market district in nearby Chelsea, by which time a developer will have been selected. However, Ballou's staff is already working up detailed plans for converting the existing space. Says project manager Roger P. Lang, "The warehouse block concept is ideally adaptable to a great many contemporary uses without disfiguring history or ignoring basic tenant needs. The adjacent building units function like a horizontal skyscraper. Parris has made our job really quite simple!"

"The use concept," according to Webb, "involves more than just businessmen looking for attractively-priced office space. We envision a diverse area composed of retail, office and residential tenants, living and working alongside the relocated pushcart market, with its street vendors who have long given the area a distinct Old World character." Thus the automobile will be banished from the streets that will be repaved with cobblestones and red brick, and pedestrians, an almost extinct species of city dweller, will be welcomed back.

Meanwhile, Stahl's architects and Webb's technical consultants are, in the words of Roger Lang, "trying everything in sight of reason, and beyond, to restore Alexander Parris' vision within the limits of contemporary materials, techniques, unions and inflation." Among the techniques Lang lists "field measurements, archival research and occasional seances with Mr. Parris." Adding to the planners' difficulty of retrieving the past is the knowledge that they are working with more than a commercially hot property. They are entrusted with one of the nation's most valuable historic assets.

Here is where it all began—1776 and all that. Actually, it began in 1742 when a French Huguenot merchant named Peter Faneuil (name which Bostonians today insist rhymes with "flannel") offered to build for his adopted town "at his own cost and charge a noble and compleat edifise for a market."

Though it falls outside of the legal purview of the planners, Faneuil Hall is clearly the crown jewel, the magnet that will insure a brisk pedestrian traffic flow. Here, in the hall that bears the distinct hand of an even more famous architect, Charles Bulfinch, John Adams his fellow colonists into revolution against the Crown. A scant block away, Adams' followers brewed the Boston Tea Party. Two blocks away was to be the scene of the equally infamous Boston Massacre.

Still, no real estate developer—especially in this tight money market—is going to commit upwards of $10 million to indulge the city's historic whims or the aesthetic passions of a handful of preservationists. What developers will want to know is what will it cost and how big will be the return?

For that reason, much of the painstaking historic research that characterizes the study is apt to be skimmed over. As a breed, developers don't care much for redeeming social significance. Instead, they're apt to be poring over the fourth and fifth volumes of the study, in which the development strategy is carefully spelled out in terms of "preferred procedure." The BRA is to select the developer on the basis of submissions to be received late this fall. The developer then enters into a simultaneous net lease for a 40 or 60 year period, with the City of Boston Real Properties Board for the dominant market building and the BRA for the two flanking rows. The lease stipulation gives the joint lessors maximum control over the development process.

Once completed, the project will pay the City an established annual minimum tax payment (in lieu of real estate taxes) plus a percentage of the developer's profits. Roger Webb explains that the percentage payment may be based on a sliding scale so that the developer will pay less to the City during the early formative stages than he would later when the project is well established and capable of supporting a larger burden. This arrangement allows the lessors to share the wealth with the developer.

As an alternative or fall-back proposition, should no takers present themselves, the City and the BRA are prepared to invoke Chapter 121A of the Housing Act and set up a tax shelter. This would mean the developer would have to operate as a limited dividend partnership (in which earnings are limited to a 6% return or equity) or as a non-profit corporation. "But we don't expect it will ever have to come to that," says architect Stahl.

He figures conversion costs at $15–22 a square foot, which is highly competitive with new office construction in Boston. Rental, he believes, will also be competitive ($7–10 a square foot).

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"We won't lack for tenants," he says confidently. "There are hundreds of businessmen who will prefer to work in the unique spaces here." For businessmen tired of conventional high-rise towers, "unique" means timber ceilings, exposed brick walls, a vibrant pedestrian mall seen through small-paned glass windows—and all the convenience of modern office environment.

The BRA will start taking applications this summer and intends to name its developer by November 1. Construction of interiors will start early in 1971 for a mid-1973 occupancy.

THE NEED FOR UNIFORM COST ACCOUNTING STANDARDS

Mr. PROXMIRE. Mr. President, the Subcommittee on Production and Stabilization of the Committee on Banking and Currency has recently completed hearings on S. 3302, which would require defense contractors to follow uniform cost accounting standards on Government contracts in excess of $100,000. Admiral Rickover has testified before the subcommittee that the adoption of uniform cost accounting standards could save the Federal Government as much as $2 billion a year in lower procurement costs. Admiral Rickover is a noted expert on defense procurement and has been right many times in the past.

The hearings held by the subcommittee were in response to an excellent report issued by the General Accounting Office on the feasibility of uniform cost accounting standards. The GAO concluded that uniform cost accounting standards were both feasible and desirable and that the Government would save substantial sums of money if they were put into effect. Most of the professional accounting groups supported the GAO findings.

Additional support on the need for uniform cost accounting standards may be found in an excellent article by Robert N. Anthony in the May–June issue of the Harvard Business Review. Mr. Anthony brings a life time of expertise and special knowledge to the subject. He was formerly the Assistant Secretary of Defense, Comptroller, from 1965 to 1968. He has an extensive background in accounting, and his book entitled "Management Accounting: Text in Cases" is the definitive work in the field. He is presently serving as a professor of management control at the Harvard Business School.

Mr. Anthony has written a lucid and closely reasoned article on the need for uniform cost accounting standards. He argues that the lack of meaningful cost accounting standards gives defense contractors too much flexibility in determining or estimating their costs on Government contracts. I recommend a close reading of the article to anyone interested in the subject.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

What Should "Cost" Mean?

(By Robert N. Anthony)

(Note.—The Comptroller General of the United States recently produced a report which accepted the feasibility of developing cost concepts and standards, and the matter is now before Congress. The author of this article maintains that the time is ripe to end the confusion over what "cost" means in business situations. This is especially important in contractual arrangements where costs of materials or services are a factor. The author gives his ideas on what the bases of the standards should be, how the task should be approached, and how the undertaking should be organized.

(Mr. Anthony has long been concerned with problems of cost, as a teacher, government executive, member of professional groups, and consultant. He is Ross Graham Walker Professor of Management Control at the Harvard Business School, and was Assistant Secretary of Defense, Comptroller, from 1965 to 1968. As a consultant, he advises many companies and trade associations, as well as the General Accounting Office. His many books include *Management Accounting: Text and Cases,* now in its fourth edition and in several translations.)

Suppose the president of a widget company says, "Last year our cost of manufacturing widgets was $1.80 each." The ordinary person may think he has learned a concrete piece of information from this statement.

Anyone who understands the vagaries of cost accounting knows differently. He knows that "cost" in this context has no generally accepted meaning, that two manufacturers of physically identical widgets who use different, but acceptable, methods of measuring cost could differ in their reported costs of making widgets by 100% or more. The informed person therefore realizes that he cannot understand a number that purports to be the cost of a widget unless he knows a great deal about the particular cost accounting system from which it was derived.

Some persons say this situation is inevitable, in view of the complicated nature of business. Others say it is desirable: manufacturers should be encouraged to exercise their own best judgment in measuring cost. Still others, including me, find it neither inevitable nor desirable. They find it deplorable.

The increasing number of responsible persons who find it deplorable has generated activity on several fronts to develop cost standards. The activity involves accounting groups, the General Accounting Office, and the Senate Banking and Currency Committee, which plans hearings on the subject. (I shall have some suggestions as to how cost concepts can best be formulated.)

CORRECTION OF INADEQUACIES

For reasons discussed in the next section, I shall limit myself here to the meaning of "cost" in this situation:

Two parties facing each other across a table are negotiating a contract. Mr. A has agreed to manufacture some articles or perform some services for Mr. B. They have agreed on the specifications and delivery schedule of the articles or services. They also have agreed that the purchaser (B) will pay the supplier (A) for the cost of manufacturing the articles or providing the services, plus a profit. The problem is: What should "cost" mean in this situation?

There are several conceivable ways of answering this question, but in most situations only one way is both fair and practical. Let us look at the possibilities:

1. The parties could leave "cost" undefined, in the belief that there exists a body of generally accepted cost accounting principles defining it. They would be wrong.

2. At the opposite extreme, they could try to imagine all the cost accounting problems that might arise in the course of manufacturing the articles or providing the services, and agree on how each of them is to be resolved. The end product of such an approach would be a cost accounting manual.

But it is not generally practical to write a manual for a specific contract, except for a very simple job; the circumstances, and the possible ways of treating each circumstance, are too numerous. Moreover, the negotiations would be extraordinarily time-consuming.

3. The buyer could permit the manufacturer to define cost to mean what the manufacturer says it means, no more and no less. Even Alice would not accept this White Queen approach, and it is preposterous to expect that a hardheaded buyer would agree to it.

It is, nevertheless, an approach advocated by a number of people for contracts in which they sit on one side of the negotiating table and a government representative sits on the other side, as indicated by this excerpt from a letter written to the General Accounting Office by a trade association representative: "We do not believe that the adoption of Uniform Cost Accounting Standards would be practical for government or industry. Each industry already has developed, and is utilizing, the most appropriate accounting systems and procedures for its needs."

4. They could negotiate de novo a set of standards that would provide at least the general direction of solutions that arose in measuring the cost of the contract. This would be very inefficient. Since most problems that arise in measuring costs have arisen thousands of times before, working out solutions from scratch for each new contract is a waste of everyone's time.

5. They could agree to use a set of standards that has been developed by someone else for contracts of the type being negotiated, or perhaps a set of standards for contracts in general. This is the only fair and practical solution. Neither the first nor the third alternative is fair to the purchaser, and neither the second nor the fourth is practical.

An agreed-on definition of cost that is applicable to a number of situations is what is meant by the term "cost standards." (Incidentally, the phrase "cost standards" should not be confused with "standard costs." Standard costs are a device used for internal control, which is intended to express what costs *should be,* not what they *are.*

Several such definitions already exist. Section XV of the Armed Services Procurement Regulations (ASPR) is one; it helps to define cost in negotiations when one of the participants is the government. Many trade associations have developed standards for defining costs applicable to their industries.

But these existing sets of standards have serious deficiencies, and the time has come to attempt the construction of a set of standards that will define cost whenever one party to a contract agrees to pay to the other party an amount based on the cost of performing the contract.

The time is propitious because of the interest in this problem that has been generated by a study conducted by the General Accounting Office (GAO) as required by Public Law 370 of the 90th Congress. This law only required the GAO to report on the "feasibility" of applying "uniform cost accounting standards" to negotiated defense contracts. (In the quoted phrase, "uniform" is clearly redundant, and I shall omit it henceforth. Can anyone give an example of a nonuniform cost standard?)

The Comptroller General made his report on January 19, 1970. He stated that it is feasible to develop and use cost standards for defense contracts. He could scarcely have concluded otherwise, for it is inconceivable that the two parties to a contract could communicate with one another in the absence of such standards. They communicate now, and have for years, using the previously mentioned ASPR standards.

But these standards are inadequate. The Comptroller General summarized their inadequacies this way: (a) in some crucial matters, ASPR instructs the parties to use "generally accepted accounting principles," whereas relevant principles do not exist; (b) in other matters, ASPR is silent or vague as to which of several possible cost constructions may be used in a given set of circumstances.

Admittedly, some persons oppose any effort to develop better cost standards. Analysis of their arguments shows that they are not questioning the desirability of standards per se. What they are really worried about is that the standards may be *bad* standards; that is, that the group responsible for developing them will not do a good job.

This, it seems to me, is an untenable position, for such a possibility exists in any proposal to change the status quo. Instead of merely expressing opposition, these critics could make a constructive contribution if they focused their energies on ensuring that the effort to develop standards is well conceived, well organized, and well manned.

HOW BROAD THE STANDARDS?

The first question to be resolved is how broad the standards should be. There are two extremes:

They could define "cost" in whatever context it is used.

They could define cost as used in "all negotiated prime contract and subcontract defense procurements of $100,000 or more," which is the language of P.L. 90-370.

In my view, one extreme is unmanageably broad and the other is unnecessarily narrow. That is why the question at the beginning of this article was framed in such a way that it applies to all negotiated contracts where the payment is in part based on cost, but only to such contracts.

PROBLEM CATEGORIES

If the group concerned set out to develop all-inclusive cost standards, it would have to cover at least these five contexts:

1. There is the situation I described, where the problem is to measure the total (i.e., "full") costs incurred in performing a contract.

2. There is the problem of defining the costs that company management should weigh in deciding between proposed alternative courses of action. These are often labeled "decision making" costs. In contrast with the first type, these are not incurred costs, but estimates, of future costs. Neither are they necessarily full costs, but differential or incremental costs.

3. There are the costs considered in setting selling prices for other than cost-type contracts. Some persons regard pricing as one type of decision-making problem, while others regard it as a special case in the measurement of costs incurred. In view of this disagreement it would be arbitrary to classify the costs relevant for pricing as coming within either the costs-incurred or the decision-making categories.

4. There are the costs involved in measuring inventory amounts on the balance sheet and cost of sales on the income statement. Perhaps the principles governing measurement of costs for financial statements are so similar to those in the first category that this is not really a separate category. Such a conclusion is, however, premature.

5. There are the costs used as a basis for influencing the actions of managers and measuring their performance. They may be called "management control" costs. They properly involve motivational considerations, so they differ in some respects from those in the other categories. As with the previous category, further analysis may show that these differences are not significant enough to warrant the creation of a separate category.

To summarize this list, there are at least two quite different kinds of costs: total, incurred costs and differential, future costs. There may also be other important categories, depending on whether the principles relevant to costs for pricing, costs for financial statements, and costs for management control are essentially the same as those in one or the other of the categories listed.

Some very broad comments about cost can be made that apply to all these categories. This, for example, is the approach taken in William J. Vatter's *Standards of Cost Analysis*.[1] A study of this excellent report shows, however, that statements made at this level of generality provide only what Vatter himself describes as "first steps" in approaching any of the classes of problems I described.

The cost concepts study sponsored by the American Institute of Certified Public Accountants, AICPA—and described in the February 1969 issue of *The Journal of Accountancy*—appears to take the same broad approach as does Vatter.

CHOOSING A CATEGORY

If the contexts in which cost is used are too diverse to allow tackling them simultaneously, which one should be selected as the focus for a program to develop standards? Of the two main categories—a focus on total costs that have been incurred versus a focus on estimates of differential costs *to be* incurred—the former is clearly the more desirable.

In internal decision making, company management can specify the definition of cost it thinks best. Some cost constructions are more useful than others, and management should welcome advice on what constructions are most useful for purposes of decision making. But it should be free to accept or reject this advice; there is no compelling reason why some outside agency should impose its views on the company in the guise of a set of standards.

On the other hand, A and B, the negotiators in the episode at the beginning of this article, *must* have some standards. Without them, A and B have no practicable way of reaching a meeting of minds as to what the contract means by the word "cost," once the parties have agreed that reimbursement is to be based in part on cost. This area is the one on which the standards-development effort should be focused.

The effort should not be limited to developing cost standards for defense contracts. Those responsible will render a greater service to the business community if they view their job as relating to all cost-type contracts. For what difference is there, in principle, between costs that are relevant to a defense contract and those relevant to a nondefense contract? The defense establishment consumes 8% of our gross national product, and its contracts cover nearly every conceivable kind of product and service.

Defense contracts do, however, have a few peculiarities. DOD has rules for reimbursing contractors for some items that may not fit within a general definition of costs incurred on a contract—principally those known as "independent research and development costs" and "bid and proposal costs." Provision in the standard for such items, if they indeed turn out to be exceptions (and it would be premature to so classify them before cost standards have been developed), could easily be treated as special cases, applying only to defense.

A set of standards is useful in most contracts involving payments based on cost. The standards would in no way prevent the parties, whether or not it is a government negotiation, from defining cost in a different way if they mutually agree to do so.

Many construction contracts, for instance, specify the use of 2'' × 2'' lumber. There is a standard for 2'' × 4'' lumber which, among other characteristics, defines it as having dimensions of at least 1½'' × 3½'' under certain circumstances and at least 9/16'' × 9/16'' under other circumstances. It is normally not done, but the parties can, if they wish, change this definition and require that the lumber actually measure 2'' × 4'', or any other dimension they specify.

The problem of defining cost obviously is vastly more complicated than that of defining the dimensions of lumber. Cost standards would therefore not be anywhere near as specific as those for lumber or those for similar criteria worked out by the U.S.A. Standard Institute. I stress this point because many persons have a mistaken impression about it.

Parameters of analysis: The question posed in the "A and B negotiate" episode was worded so as to restrict the analysis in certain dimensions. For one, it is deliberately limited to the problem of reimbursable costs.

Costs are used for other purposes, in connection with contract work, such as measuring performance while the work is going on. But performance measurement involves several problems that need not be faced in measuring the costs to be reimbursed. For example, in the Defense Department a controversy currently goes on as to the proper timing of material charges for performance measurement purposes: Should they be reported when material is acquired or when it is consumed? This question of timing does not even arise in the cost reimbursement area; if an item of material is used on a contract, it is unquestionably a cost of that contract, regardless of when it is acquired or used.

The question early in the article was stated so as to exclude also the problem of developing standards for cost estimates that are often used by negotiating parties in deciding on the work to be done under a contract. They are important in negotiated fixed-price contracts as well as cost-type contracts.

These cost estimates should be influenced by the standards in the sense that the buyer ought to insist that the cost constructions used in the estimates are consistent with the standards applicable to the measurement of costs incurred. The job of making the estimates, however, involves certain considerations (some of them quite complicated) that are not present in the measurement of costs incurred.

For example, the standards for measuring costs incurred should indicate what kind of effort constitutes direct labor, and what, if any, fringe benefits should be included in the price of each hour of direct labor. *Estimates* of this labor cost should ordinarily be constructed in the same terms; but the estimator must also make certain assumptions about future wage rates, future labor productivity, and the number of hours required to produce the article. It does not appear feasible, as a part of the initial effort to develop standards, to work out standards governing the choice of these assumptions.

The contracting parties may also be involved in change orders, repricing formulas, renegotiation provisions, termination costs, and similar complications. All involve the measurement of costs actually incurred, as distinguished from estimates of costs to be incurred, and therefore the standards should apply to them.

For these reasons, then, the approach suggested at the beginning of this article seems to be the most feasible and the most useful. By limiting the focus to developing standards for costs incurred, we can avoid the complications involved in developing standards for other kinds of cost. By broadening it from defense contracts to all negotiated contracts, we gain in breadth of coverage with no significant increase in effort.

FIRST THINGS FIRST

The formulation of cost standards resembles the efforts of the Accounting Principles

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[1] Report to the Comptroller General of the United States (Washington, General Accounting Office, August 1969).

Board (APB) of the American Institute of Certified Public Accountants to develop standards for financial accounting. Its experience teaches an important lesson; namely, that the undertaking should consist of two sequential stages:

The development of a few underlying, basic concepts.

The development of standards based on those concepts.

(A third possible stage, the development of detailed rules and procedures, is not property a part of the effort, of course.)

When the APB began its work in 1959, it decided that its opinions should rest on a foundation of broad principles. It therefore encouraged research that could be used as a basis for formulating principles. The work culminated in "A Tentative Set of Broad Accounting Principles for Business Enterprises."[2]

The APB did not accept the principles proposed in that study, but neither could its members agree on any alternative set of principles. So the APB proceeded to formulate standards for specific topics, without the conceptual underpinning that a statement of broad principles would have provided. There was some justification for this approach; certain problems required immediate resolution, and it may not have been feasible to hold up action on them until an agreement on broad principles could be reached.

Whatever justification there was at the time, we know by hindsight that the subsequent APB opinions, and the discussions leading to them, have suffered greatly from the absence of an agreed-on conceptual foundation. As a leading practitioner comments:

"The APB . . . has been so busy 'putting out fires' and dealing with a large and ever-increasing backlog of current problems that it has never established an adequate basis upon which to build. This deficiency results not only in the waste of a great deal of time in debating each subject on a more-or-less isolated basis but also in makeshift conclusions which could in the end defeat the entire effort to improve accounting principles. . . . This approach can be compared to building a room for a house without having either a foundation or plans for the house."[3]

In 1968, the APB began another effort to decide on broad concepts, so the importance of doing so is still recognized. In the meantime, whoever is responsible for developing cost accounting standards can learn from the experience. The individual standards must be derived from a conceptual foundation, and the first task is to build it.

BUILDING THE FOUNDATION

What should the conceptual foundation look like? Its general nature is, I believe, quite easy to sketch out. Cost measures the use of resources. To return to my original example:

When B agrees to pay A an amount based on cost incurred, he has in mind that A will use certain resources in the time period covered by the contract, and that this use will be measured by a dollar amount known as cost.

Some of this use of resources can be directly related to the contract, and B expects to pay the cost of these resources. Some are used jointly for contract work and noncontract work, and B expects to pay a "fair share" of the cost of these resources. The sum of these two elements he regards as the cost of performing the contract. (He may specify that he will pay for these costs only to the extent that they are reasonable.)

This suggests that the conceptual foundation should spell out in broad terms the answers to two questions:

1. What are the total costs incurred by an organization in an accounting period?

2. How should this total be divided among the several cost objectives of that period? (A cost objective is anything to which costs are assigned. We are here interested in a contract as one cost objective.)

COSTS INCURRED IN A PERIOD

The concepts governing measurement of the total costs incurred in an accounting period are financial accounting concepts. If the APB had adopted a complete and acceptable set of broad principles, the cost accounting effort would require no further work with respect to this question. It seems highly unlikely that the APB will answer this question in the near future. If it does not, the new group must develop these concepts.

This job involves wrestling with only a relatively few topics. A measure of agreement already exists on at least some of them, and the task is therefore to find words to express the concepts unambiguously. There is general agreement, for example, that the accrual concept should govern measurement of costs, but no generally accepted unambiguous statement exists on what should be meant by the accrual concept. For writing such a statement, the literature can be used as a basis for discussion.[4]

The principal aspects of the main question to be considered are:

The types of resources that are properly included in the costs of an accounting period.

How these resources should be priced.

In regard to resources that provide services to more than one accounting period, how the amount applicable to a single period should be measured.

In addition, attention should be given to the terms "materiality" and "consistency." Moreover, since most cost-type contracts contemplate that reimbursement will be limited to "reasonable" cost, rather than cost in an unqualified sense, "reasonable" needs to be defined.

There is, finally, the special problem of the cost of capital. Although capital has a cost, it is not recognized as such under currently accepted financial accounting principles. Interest, which is the cost of *debt* capital, is recognized for some purposes, but there is no formal recognition in the accounts of the cost of *equity* capital.

This situation has led to confusion and inequity in contract costing. Under ASPR (paragraph 15–305.17), interest is an unallowable cost. If, however, a contractor leases an asset, the lease payment generally includes an allowance for the cost of capital—both debt capital and equity capital—and such a lease payment is often an allowable cost.

The cost of a building constructed by a contractor's own work force may include an allowance for interest, but it rarely includes an allowance for the cost of equity capital. If a third party constructed the building for the contractor's account, the cost would normally include the cost of capital.

It is inappropriate here to suggest a solution to this problem, but it surely is one to which special attention must be given.

ASSIGNMENT OF COSTS

The second question, the assignment of total costs to cost objectives, is the province of cost accounting. In this area APB opinions give no substantial guidance. The closest authoritative precedent is ASPR, and this is useful in providing a structure for the conceptual problem. In rough outline this structure is:

Costs are divided into direct costs and indirect costs.

Direct costs are assigned to cost objectives.

Each cost objective is assigned a "fair share" of the indirect costs.

This structure suggests two main considerations, investigation of which can provide the conceptual foundation necessary for the construction of individual standards:

The *first* consideration has to do with how direct costs should be defined. The definition should, I believe, encompass more costs than those that clearly can be traced to a cost objective, because they exclude most kinds of fringe benefits, overtime, labor that is closely but not unequivocally related to a cost objective, many aspects of material cost, and many services.

Some of these cost elements should be included within the definition of direct costs, leaving the indirect cost category as small as possible, for the more costs that reasonably can be assigned directly, the more confidence that the total costs are indeed equitable. So the answer to this question is by no means as simple as it may appear.

The way to approach this problem, I believe, is to break it into: (a) What physical inputs should be costed as direct? (b) How are these inputs to be priced?

The latter is the more difficult. Consider, for example, two pieces of timber of identical size which required an identical amount of effort to grow, harvest, and transport to where they are to be used. Log X is in some significant sense "better" than Log Y; it has fewer defects or a better grain. If Log X is used on Contract A and Log Y, on Contract B, it seems reasonable to some persons that more than half the cost of the two logs should be assigned to Contract A. Others believe that the same amount of cost should be assigned to each contract.

This is a basic conceptual disagreement that must be resolved. The treatment of overtime and material waste and spoilage are other topics that have this same characteristic.

The *second* consideration has to do with the concepts governing the assignment of indirect costs to contracts. Although some persons find the idea of "fair share" or "equity" a less than satisfactory basis for approaching this question, no one, as far as I know, has proposed a better one.

If those responsible cannot come up with a better approach (and I doubt that they can), they will presumably use the foundation that is already familiar to cost accountants: costs are initially collected in relatively homogeneous pools, and the total of each of these pools is then divided among the cost objectives on some equitable basis. So there needs to be one set of criteria for specifying what is meant by a "homogeneous pool" and another set for deciding among the possible ways of allocating the total of each pool to cost objectives.

In the report to the Comptroller General which I mentioned, Vatter classifies cost pools as people-oriented, payroll-oriented, materials-oriented, machine-oriented, or uncorrelated with any of the others. This classification provides a good starting point in approaching the question of homogeneity. It should not be difficult to frame a general concept of the meaning of homogeneity, together with a *de minimis* qualification that limits the creation of separate pools in situations where the effort to do so is not worthwhile.

A decision on the concepts governing the method of allocating the total cost accumulated in a pool to the relevant cost objectives is much more difficult to reach. The literature suggests a number of alternatives,

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[2] Robert T. Sprouse and Maurice Moonitz, *Accounting Research Study No. 3* (1962).

[3] George R. Catlett, "Better Objectives Needed to Improve Accounting Principles," *The Journal of Accountancy,* October 1969, p. 62.

[4] See W. A. Paton and A. C. Littleton, *An Introduction to Corporate Accounting Standards* (Madison, American Accounting Association, 1940); the Sprouse-Moonitz study, op. cit.; and the subsequent study for the APB by Paul Grady, *Accounting Research Study No. 7* (1965).

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including benefits received, correlation with individual input elements, correlation with total input cost, correlation with outputs, relative use of facilities, and degree of control by cost objective. These must in some way be sorted out.

There are several possible ways of doing this. One is to arrange the methods of allocation in a hierarchy according to their conceptual desirability and specify that a particular method should be used only when a more desirable one is not feasible.

The concept might state, for example, that the costs in a pool should be allocated to cost objectives in proportion to the benefits received, if it is feasible to do so. If this is not feasible, another criterion should govern, then another, until one is left with a pool of costs for which no logical basis for allocation exists. (Such a pool would contain at least part of the element often labeled "general and administrative costs.")

In the absence of a logical basis for allocating such costs, the method of allocation is necessarily arbitrary. The relevant concept is therefore also arbitrary. But this is nothing to be concealed or be ashamed of; it is simply inherent in the situation.

The set of basic concepts emerging from this analysis should be relatively brief, a few thousand words at most (which is much shorter than Section XV of ASPR). There will nevertheless be much sweat, some tears, and possibly even some blood shed by members of the group responsible for this effort. The job of selecting the best ideas is a formidable exercise in logic tempered by the realities of practice, and the job of expressing those ideas in unambiguous language is almost as difficult.

But unless this job is completed before the work of setting standards on individual elements of cost begins, the undertaking is likely to be a patchwork of loosely related, sometimes conflicting, statements, which is one of the troubles with the present state of affairs.

APPROACH TO PROCEDURE

This is what I have in mind by the term "concepts": they are broad, they are few in number, and they govern the standards to be developed for individual elements of cost—but they do not themselves deal with those elements. Once these concepts have been agreed to, the task of developing cost standards can begin. Probably this work could be divided according to the principal elements of cost, although other methods of breaking it down may turn out to be preferable.

Whatever the basis for selecting topics, the research and analysis leading to a recommendation on each topic should seek to:

Define alternative circumstances that warrant different methods of cost assignment.

State the method (or methods) that is appropriate under each of these circumstances.

Take one of the most difficult problems as an example: the amount of depreciation cost assigned to an accounting period can be determined on a straight-line basis, a units-of-production basis, an accelerated basis, or an annuity basis. The standard on depreciation should spell out either the circumstances under which each of these methods is appropriate, or, as a minimum, the circumstances under which each is inappropriate.

At best, cost accounting standards are guides to practice; they cannot provide detailed solutions to all problems. They can and must narrow the choice of alternatives, but they cannot eliminate the necessity for making judgments among alternatives according to the circumstances in a specific situation. The real world is too complicated for that.

ORGANIZING FOR THE TASK

Next, there is the question of how to go about it. In other words, what organization should be responsible, and what procedures should it follow? Here are some considerations bearing on these questions:

The organization must be a continuing one, for the formidable task has no foreseeable end. While results in development of the broad cost concepts can be produced in two years or so, devising standards consistent with those concepts is a much more time-consuming job. It has no foreseeable end because any set of standards will doubtless require modification as circumstances change.

One organization should be responsible for both aspects of the undertaking. Otherwise, human nature is such that the standards-setting group would probably start by a re-examination of the cost concepts, which might well take as much time as the concepts formulation in the first place.

The organization must be authoritative Experience has demonstrated that recommendations of an individual or an ad hoc committee, however brilliant or logical they may be, have little practical impact. Authority can be derived either from legislative fiat or from the prestige of the organization, although each of these sources of authority offers disadvantages.

Authority, incidentally, is a necessary, but not a sufficient, condition. A poor set of standards is unlikely to gain permanent acceptance even though it is promulgated with substantial authority.

Standards can be developed for contracts in general, in which case they could be applied to government contracts as a special case, or to defense contracts as an even more special case. Alternatively, standards can be developed for defense contracts, or for government contracts, and then extended to other types of contracts.

I have given the argument for the first approach: essentially the same standards should apply to most contracts, and it is therefore artificial to select a special category for attention. The argument for the second approach is the practical one that Congressional interest, and hence public interest, is aroused about the problem of defense contracts, and this interest might dissipate if the problem were tackled in broader terms.

With respect to defense contracts, there is a basic conflict of interest between the parties. The contractor wants the standards to be few and general, giving him the maximum amount of latitude in choosing the most advantageous cost alternative in a particular circumstance. The government, on the other hand, wants the standards to be specific in order to minimize the judgments required in auditing cost reimbursements.

(Some, by the way, deny the existence of this conflict. They assert that a contractor, even in the absence of standards, will voluntarily measure costs according to what is fair, even when this is inconsistent with his interests. This is a naive point of view, and it is surprising that knowledgeable men appear to expect that other knowledgeable men will give credence to it.)

The task of devising standards is expensive. Counting the work done in the public accounting firms and the salaries of those who spend a substantial amount of time on the effort, the work of the APB costs more than a million dollars a year. The cost concepts effort should be even more expensive per year than that unless it is strung out over an unacceptably long period of time.

The organization must be able to attract competent people. The task requires experts who have a profound understanding not only of accounting, but also of the realities of business—plus an ability to think conceptually and write precisely. Such people are scarce and are well paid in their current jobs. Much thought needs to be given to the inducements that would lead them to undertake this novel and potentially frustrating effort.

If the job of developing standards is carried out under the aegis of a professional organization, it may take a long time. The standard for 2″ × 4″ lumber I mentioned took 7 years to develop.[5] The APB has issued only 15 opinions in the 10 years of its existence. Some of them supersede others, and it has not yet covered all the important topics even once.

Some persons fear that standards developed unilaterally by a government agency might be more restrictive than the situation warrants. The accounting standards developed by the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Power Commission, and the state public utility regulatory agencies are examples of overly restrictive standards. On the other hand, those of the Securities and Exchange Commission are by no means too restrictive; and the regulations of the Internal Revenue Service, though restrictive, are in my view not overly restrictive. This concern is therefore not necessarily justified.

PRIVATE OR PUBLIC

With these considerations in mind, we are in a better position to weigh the decision whether the work should be carried out under private or public auspices.

A private-sector effort: The business community undoubtedly would like to see this effort undertaken by a group in the private sector analogous to the APB. But the considerations of authoritativeness, permanence, and financing lead me to the reluctant conclusion that such an approach is unlikely to succeed.

The APB, in its work on financial accounting principles, has had two great advantages that no other private organization seems likely to match in developing cost accounting standards:

1. The APB is authoritative. It can enforce its pronouncements through sanctions applicable to all members of the AICPA. The other leading organizations—the National Association of Accountants, the Financial Executives Institute, and the American Accounting Association—have no way whatsoever of ensuring compliance with their pronouncements.

2. The APB can raise substantial sums of money from the profession, since the development of financial accounting standards is now recognized by the public accounting firms to be very much in their own interest. No other private group has corresponding sources of support for the development of cost concepts and standards.

As for the AICPA itself, it is unlikely that it could succeed in this endeavor. It would have no way of obtaining adherence to cost standards comparable to the sanctions it can apply to information on published financial statements, and it has no obvious new source of financial support that would at least double the money it now raises.

Congress, moreover, which will undoubtedly have the final say on how the job gets done, would be unwilling to rely on a private organization unless it was convinced that the group would be permanent, well financed, and authoritative; that it adequately represented the interests of both government and business; and that it had safeguards against dilatory tactics.

I cannot visualize a private-sector effort that would satisfy these conditions. Indeed, the generally negative testimony of trade association representatives before the Senate Banking and Currency Committee in 1968 and negative responses to the General Accounting Office's request for comments on the feasibility of cost standards indicate that substantial segments of the business com-

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[5] According to *The Wall Street Journal*, December 2, 1969.

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munity are unwilling to meet these conditions.

A government effort: It seems likely, therefore, that the organization will be set up within the framework of the federal government. This can be done in either of two ways:

1. Congress could direct the Comptroller General to undertake the task. (The Bureau of the Budget, the other possibility among existing organizations, has not been as close to the problem, nor does it have the nucleus of a staff.) The Comptroller General might then set up a cost standards board, similar to the APB. He probably would obtain nominations for membership on this board from the accounting profession, business organizations, government organizations, and the academic community.

The board would specify the research that should be undertaken, and it would eventually make recommendations on cost concepts and standards to the Comptroller General. The ground rule might be that the Comptroller General would normally accept these recommendations, but he could modify or reject them for substantial cause.

2. An independent organization could be created, consisting of a small group of commissioners supported by an appropriate staff.[6] It would be appointed by the President (probably in consultation with the Comptroller General as the representative of the legislative branch in these matters) and financed with appropriated funds. Its pronouncements on standards would be authoritative since they presumably would be binding for government contracts, and might well be made applicable to the cost-measurement systems prescribed by various regulatory agencies.

Such a body could easily evolve into the "accounting court" which Leonard Spacek, Chairman of Arthur Andersen & Company, has long advocated.[7] After cost standards are developed, questions of interpretation will arise, and the board would provide a logical mechanism for resolving such questions. With such a procedure, there would also be a greater likelihood that the standards are kept in tune with changing circumstances.

The choice between these alternatives is by no means clearcut. An independent commission would give greater status to the effort, and it also would be more acceptable to those segments of the business community that are worried about the impartiality of an effort lodged within the General Accounting Office.

On the other hand, a commission is an unknown quantity. With appointees of the right caliber, it could do a better job than an existing organization, but if its members are second-rate, nothing useful would happen. It will not be easy to find high-salaried men who are willing to risk their careers in a much lower-paying job. Perhaps a part-time commission is the answer, though this device is rarely used in the federal government.

However established, the organization needs an adequate staff both to undertake research and to arrange for outside parties to do research. Such a staff would also operate the mechanism for circulating drafts of proposed concepts and standards for comment, and it would analyze and summarize the comments for the board or commission.

CONCLUDING NOTE

Too often, as I have tried to show, the word "cost" has a vague and ill-defined meaning, which can be troublesome particularly in contracts where cost is part of the reimbursement. An increasing number of persons for whom the meaning of cost is important have come to realize that standardization of meanings is a feasible goal.

These persons—in the business sector, in government agencies, and in Congress—understand that what must be done is to establish an authoritative, well-financed group which is charged with development of cost concepts and standards. So far the activity is just talk, but in the not-distant future the creation by the mutually interested parties of such a body may become a reality.

Inaction would be very disadvantageous to business. Congress might be persuaded to take no action, either on the false premise that there is no problem or on the promise that the business community will do the job in some unspecified way.

If Congress does not act, and if the subsequent voluntary effort is half-hearted and dilatory, in a few years the problem will make the headlines once more, and we will then almost surely see a unilateral government effort, probably with only insignificant participation by business.

APRIL 22—QUEEN ISABELLA DAY—EARTH DAY

Mr. PASTORE. Mr. President, the month of April continues to add days and dates immortal in the history of America. In this month of challenging space and conserving the earth—we might well harken back to our beginnings.

It is only natural that Americans—hanging on the fate of Apollo 13 and the peril of the astronauts—should think back to another daring exploration—the discovery of America itself.

April 17, 1970, will forever be cherished as the day of happy recovery of our space explorers—in answer to the prayers of the entire world.

And April 17 happens to be the anniversary of the contract of exploration between Christopher Columbus and Queen Isabella of Spain.

For it was on that very day and date in the year 1492 that the royal agreements were signed and sealed—and Columbus could begin to assemble his fleet of three ships and his crew of 88.

It was his reward for his years of persistence in "selling" his idea that the earth was round—that the East could be reached by sailing West—and that untold riches awaited those with courage to sail the uncharted seas.

It was sort of a birthday gift, for within a week, on April 22, 1492, Isabella would celebrate her 41st birthday.

Historians have called Isabella "the godmother of America"—and there is a growing movement that her part in the discovery of America should be recognized in a general observance of her birthday.

Among such items of observance is a proclamation of the Honorable Joseph A. Doorley, Jr., Mayor of the city of Providence, so designating April 22 as Queen Isabella Day "so that schools and citizens should appropriately observe this significant event in the history of the world."

I ask unanimous consent that the mayor's proclamation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Mr. President, we find that history has a tendency to repeat itself—as we recall the trials and triumphs of the Great Discoverer—succeeding in his quest beyond all mishap and even mutiny.

It is a centuries-old document of human courage—justifying Columbus' faith in himself and Isabella's faith in Columbus—to risk the then princely—or queenly—sum of $8,000 in an adventure that has so affected the destiny of mankind.

It will pose again the question whether the discovered continents were not a liability rather than a profit for Spain as she poured her manpower into immigration and development of the distant lands—Spain was gradually sapping her inner strength and losing her dominance in the world.

There might be a lesson for America to conserve her own strengths—her manpower and material resources—against a day of reckoning in a competitive world.

It will help us to understand the problems that beset the head of government in a world that grows too close for comfort even as it grows greater—and faces new dangers as its destiny takes on new dimensions of space—new dimensions of survival.

It is a good omen that survival and conservation bestir America on Queen Isabella's anniversary—that her birthday is also Earth Day.

It means America's solemn resolution that, looking back over these 500 post-Columbus years, we are determined to conserve the glorious promise of the past—that America shall have an imperishable tomorrow of beauty, liberty, opportunity, sanity, equity, and security.

EXHIBIT 1

CITY OF PROVIDENCE,
Providence, R.I.

PROCLAMATION

Whereas, April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension, and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization, and

Whereas, in her own time, Isabella was a queen noted for her clear intellect, energy, virtue and patriotism, and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration.

Now, therefore, I, Joseph A. Doorley, Jr., Mayor of the City of Providence, do hereby proclaim April 22, 1970 as Queen Isabella Day in Providence and urge that all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

In witness whereof, I, Joseph A. Doorley,

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[6] This commission would function in a manner similar to the board proposed by Robert M. Trueblood to replace the APB; see his article, "Ten Years of the APB; Trueblood One Practitioner's Appraisal," *The Journal of Accountancy*, January 1970, p. 6.

[7] See, for example, his *A Search for Fairness in Financial Reporting to the Public* [Chicago, Arthur Andersen & Company, 1969], pp. 27-38.

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Jr., hereunto set my hand and caused my seal to be affixed this 15th day of April 1970.

JOSEPH A. DOORLEY, JR.

NATIONAL SECRETARIES WEEK

Mr. SMITH of Illinois. Mr. President, April 19 through April 25 is National Secretaries Week. Yesterday, April 22, was Secretaries Day. The purpose of setting aside this specific week and day is to draw attention to the role which professional secretaries play as management's good right arm. In business, in industry, in education, in the professions, and certainly in government, secretaries provide invaluable and absolutely essential assistance. I am certain that my colleagues here in the Senate could not function even for a day without the splendid, unselfish, and extremely skillful assistance which their secretaries provide daily.

No longer is a secretary simply a clerk or a stenographer. She has become a true professional, trained and required to think, as well as have at her command a wide range of office skills. With the development of new and complicated office machinery, a secretary is often required to be a mechanical technician as well as a stenographer and typist. Perhaps the best definition of a secretary is an executive assistant with mature office skills who assumes responsibility without direct supervision, exercises initiative and judgment, and, perhaps most importantly makes meaningful decisions within the scope of her defined authority.

Over the years, a very distinct improvement in the standards of secretarial assistance has been evident to all of us. By improving the working environment and raising salaries, secretaries in the past 10 years have risen in stature to where now, according to the National Secretaries Association, the average secretary has 13 years of formal education. By 1980, it is expected that this will rise to 14 years, and an associate degree in secretary science will be commonplace.

For all the people of Illinois and all the Nation, I extend to our secretaries our deepest thanks and congratulations for a job well done.

QUEEN ISABELLA DAY

Mr. MUSKIE. Mr. President, Governor Kenneth M. Curtis of Maine recently proclaimed April 22 as Queen Isabella Day in honor of the 519th anniversary of the birth of Queen Isabella of Spain. I ask unanimous consent that the Governor's Proclamation be reprinted in the RECORD at this point.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

STATE OF MAINE.

PROCLAMATION

Whereas, April 22, 1970, marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for clear intellect, energy, virtue and patriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim Wednesday, April 22, 1970, as Queen Isabella Day in the State of Maine, and urge all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Ninth day of April, in the Year of Our Lord, One Thousand Nine Hundred and Seventy, and of the Independence of the United States of America, the One Hundred and Ninety-fourth.

KENNETH M. CURTIS.

POLLS OF ATTITUDES OF VIETNAMESE PEOPLE

Mr. FULBRIGHT. Mr. President, during a hearing on March 19, when the Committee on Foreign Relations heard testimony from Mr. Edward Nickel, Director of the Joint United States Public Affairs Office in Vietnam, questions were raised concerning the taking of polls of attitudes of the Vietnamese people. Mr. Nickel was under instructions not to discuss this subject, but I have since received from the U.S. Information Agency copies of the polls that have been taken from 1965 to 1970. Unfortunately, they are classified and cannot be made available to the general public. I see no reason for classifying them and have asked the Director of the USIA to review this entire question.

In view of the general interest in this subject, I ask unanimous consent to have printed in the RECORD an exchange of correspondence between myself and Mr. Shakespeare. I hope that future USIA polls in Vietnam will be made available to the public.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

MARCH 31, 1970.

Mr. FRANK J. SHAKESPEARE, Jr.,
Director, U.S. Information Agency,
Washington, D.C.

DEAR MR. SHAKESPEARE: As you know, there was considerable discussion during the Committee's recent meeting to hear Mr. Edward J. Nickel concerning U.S.I.A. or other government sponsored polls taken in Vietnam and elsewhere. I hope that your Agency will supply the Committee with the polls which were requested prior to and during the course of the hearing.

The March 20 issue of the Baltimore Sun, copy of which is attached, reports that the chief information officer for the U.S.I.A. stated that there was an agreement between the U.S.I.A. and the House Subcommittee on Foreign Operations and Government Information of the Government Operations Committee concerning the public release of polls. If there is such an agreement, I would appreciate your providing this Committee with the details and also information on whether or not the Committee on Foreign Relations and the House Committee on Foreign Affairs were consulted prior to the time that agreement was reached.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

USIA AIDE REFUSES SENATE DATA ON VIET OPINION POLL

(By Gene Oishi)

Washington, March 19—The United States Information Agency refused today to give the Senate Foreign Relations Committee any information on public opinion polls it has taken in Vietnam.

Edward J. Nickel, director of the USIA's joint United States public-affairs office in Saigon, said he had been forbidden by his superiors to give information on polls because of "the possible security involved."

APPLIES LEVERAGE

Senator J. William Fulbright (D. Ark.), committee chairman, pointedly reminded Mr. Nickel that his committee has the authority to hold up the USIA's budget, then went on to assail the USIA for supporting the South Vietnamese effort to "indoctrinate and brainwash" the Vietnamese people.

Mr. Nickel testified that he runs a $10.8 million-a-year operation in Vietnam, with much of his office's effort going toward giving technical and financial assistance to the South Vietnamese Ministry of Information.

His own salary is $45,473, not including a car and housing, he said.

USIA's operation in Vietnam—which includes radio and television broadcasts, airdrops of leaflets and publication of newspapers and magazines—is in addition to the propaganda operations of the United States military, Mr. Nickel testified.

GREATEST ANNOYANCE

Senator Fulbright was mostly angered, however, by Mr. Nickel's refusal to provide information on the poll in an open hearing.

"You don't consider the USIA a sensitive operation as the CIA, do you?" Mr. Fulbright asked. "You have no authority to engage in any covert operations, do you?"

The witness answered, "No, sir," to both questions, but still declined to give any further information.

Eugene Rosenfield, chief public information officer for the USIA, when reached by telephone at USIA headquarters, said that Mr. Nickel had acted in accordance with an agreement reached in 1962 between the agency and Representative John E. Moss (D., Calif.), chairman of the subcommittee on foreign operations and government information.

IN PRIVATE ONLY

According to the agreement, the USIA is to provide all polling information to appropriate committees—including the Senate Foreign Relations Committee—but only in executive sessions, Mr. Rosenfeld said.

Under USIA policy, he said, poll results are made public two years after they are taken, but only if national security is not involved.

U.S. INFORMATION AGENCY,
Washington, D.C., April 6, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your letters of March 10 and 31, 1970 requesting the results of our research into the attitudes of the Vietnamese people.

I am enclosing classified copies of the surveys conducted in Viet-Nam from 1965 to 1970. Interviewing and data processing were handled by the Center for Vietnamese Studies, the Saigon associate of Gallup International, Inc. USIA American personnel assigned to the Joint U.S. Public Affairs Office (JUSPAO) analyzed the data provided by the Center.

These studies are made for our specialized operational needs. The survey findings are interpreted in the light of the inevitable bias associated with any effort to poll attitudes in war-time Viet-Nam. Interviews can only be conducted in relatively secure areas and respondents are likely to avoid candid

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replies to certain questions. Nevertheless, the surveys do provide some parts of a pattern of public opinion to guide us in our programs. But public disclosure of these findings would give a distorted picture to someone not familiar with the entire operation.

I am also enclosing for your information an explanation of USIA policy concerning the availability of its foreign public opinion surveys and supplemental information. This Agency reached an understanding in 1963 with Representative John E. Moss, Chairman of the Subcommittee on Foreign Operations and Government Information of the Committee on Government Operations, regarding the classification of our surveys and release of polling data to Committees of the Congress. This was an outgrowth of the unauthorized release of classified USIA polls which became a major factor in the 1960 Presidential campaign.

I find no definite indication that the Committee on Foreign Relations and the Committee on Foreign Affairs were consulted prior to the formalization of this understanding. However, our General Counsel, Charles D. Ablard, discussed the matter with Mr. Stanley Plesent, who was the General Counsel at the time of that understanding with Representative Moss, who says it is his recollection that there were discussions with staffs and members of both Committees. In any event, since 1963 both Committees have been provided public opinion poll data and there has been no breach of security on information provided the Congress about these surveys.

I must emphasize both the limited application of the Vietnamese surveys and their classified nature. Unauthorized release of this material would seriously compromise national security.

I hope this letter and the enclosed material are responsive to your questions. Please do not hesitate, however, to call on my office if you would like to have any further information.

Sincerely,

FRANK SHAKESPEARE.

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ATTACHMENT A.—USIA POLICY CONCERNING AVAILABILITY OF ITS FOREIGN PUBLIC OPINION POLLS

In 1963 the Agency reached an understanding with Representative John E. Moss, Chairman of the Subcommittee on Foreign Operations and Government Information of the Committee on Government Operations, concerning the availability and classification of such surveys. This was an outgrowth of the release of classified USIA polls during the 1960 campaign which became a major factor in the election. Below is the statement of the policy adopted in 1963 which remains in effect today.

1. Foreign public opinion polls bearing the classification "Confidential" and the contracts under which such polls were taken will, upon request by the Chairman of the appropriate Committees or Subcommittees of the Congress, be made available to the requesting Chairman and the ranking Minority Member of such Committees or Subcommittees. This availability will be made with the understanding that the material furnished will not appear in the records of the Committees or Subcommittees nor in any way be made public.

2. Polls bearing the classification "Confidential" will be declassified automatically two years after their completion unless at that time the interests of national security require them to remain classified. The declassified polls will be available at any time upon request of Members of Congress or the Press.

3. Polls bearing the designation "Official Use Only" will, upon request by the Chairman of the appropriate Committees or Subcommittees of the Congress, be made available to the Members of such Committees or Subcommittees. This availability will be made with the understanding that the material furnished will not appear in the records of the Committees or Subcommittees nor in any way be made public. One year from the completion of these polls, they will be available at any time upon request of Members of Congress or the Press.

4. Since USIA lacks authority to disseminate classified material originating in other Agencies of Government, documents in which such classified material is integrated with our polls will not be made available. The polls contained in such documents will be isolated from the other classified material and treated in accordance with points 1, 2 and 3 above.

ATTACHMENT B. SUPPLEMENTAL INFORMATION

1. The sampling pattern used by the Center for Vietnamese Studies has varied depending on the study's design. This in turn has been dictated by the individual study's purposes. Both sampling plan and study purposes are described in each of our reports.

2. You will note from the reports that our study specifications have not enabled us to report the data according to a District and Provincial pattern.

3. In view of certain inevitable biases associated with any effort to poll attitudes in wartime Viet-Nam, it could be highly misleading to accept the results of any single question taken by itself as a precise reflection of the thinking of the entire public being sampled. Patterns of responses should be taken into account.

4. We do not have in our files in separate form the questionnaires with which the Center worked. Please note, however, that the tables which accompany our reports do indicate every question which was asked.

5. CORDS also conducts a program to measure attitudes related particularly to the pacification and development program in the Provinces; however, JUSPAO has no responsibility for, nor substantive involvement in these studies.

6. Attitudinal surveys such as those attached are presently being fielded in Viet-Nam as part of a continuing program to assist operating officials to measure the attitudes of the South Vietnamese people.

7. Public opinion surveys as conducted by USIA have two primary purposes: (1) Agency programming and policy officers require accurate information on certain aspects of the climate of opinion in the countries in which our program are fielded, and (2) the Agency also requires accurate readings of foreign attitudes over a broad range of subjects to fulfill its function as psychological advisor to the Executive.

8. The current cost per interview in a survey of 40 questions, taken of a modified probability sample of the general population in some key capital cities, is as follows: Manila, $10 . . . Bangkok, $16 . . . Tokyo, $5.50 . . . New York, $18 . . . London, $11 . . . Saigon, $9.50 . . . Danang/Hue, $15.

U.S. SENATE,
Washington, D.C.

Mr. FRANK SHAKESPEARE,
Director,
U.S. Information Agency,
Washington, D.C.

DEAR MR. SHAKESPEARE: I have your letter of April 6 concerning the U.S.I.A. polls that have been taken in Vietnam. I appreciate your cooperation in providing the Committee with the polls that have been taken in Vietnam, as well as the background information enclosed with your letter.

After reviewing these polls, I am still unable to see any need for putting a security classification on them. For an agency which is supposedly devoted to promoting the free and open exchange of ideas and information, the suppression of polls not relating to military operations or similar matters seems most unusual and uncalled for. I hope that this entire question will be reviewed.

As to the matter of an agreement with the Subcommittee on Foreign Operations and Government Information of the House Committee on Government Operations, I wish to make it clear that this Committee is not in any way bound by such an agreement. I might add that the members of the Committee staff who were here at that time have stated that they are not aware of any consultations with either members, or the staff, of this Committee about the matter.

You may recall that during the hearing on March 19 I also raised the question about U.S.I.A. polls in other countries concerning United States Vietnam policy. I would appreciate your furnishing the Committee with any analyses made during the last three years concerning foreign attitudes about our policy in Vietnam.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

MONTGOMERY COUNTY CITIZENS OPPOSE DISTRICT OF COLUMBIA CRIME BILL

Mr. ERVIN. Mr. President, I have on several occasions expressed my strong opposition to H.R. 16196, the District of Columbia omnibus crime bill, now pending before a Senate-House conference committee. In my judgment, this legislation contains many unconstitutional and unwise provisions.

I am gratified to know that a number of citizens and groups of citizens, both in the District of Columbia and throughout the country, are expressing their opposition to this kind of legislation. An example of this increasing public opposition is a resolution recently adopted by a group of Montgomery County citizens. I ask unanimous consent that a letter from the president of the Alliance for Democratic Reform of Montgomery County, Md., and an accompanying resolution opposing H.R. 16196 adopted by that group be printed in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

ROCKVILLE, MD.,
April 15, 1970.

Hon. SAMUEL J. ERVIN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: The Alliance for Democratic Reform of Montgomery County, Maryland, a reform Democratic club of over 300 members, has passed the attached resolution. We share your concern that the House version of the District of Columbia Crime Bill is indeed a blue-print for a police state.

We are all concerned with ways to effectively eliminate crime from our society. You, however, are particularly to be commended for your efforts to insure that Congressional action in this area does not erode the basic Constitutional rights of American citizens.

Sincerely yours,

RAYMOND E. VICKERY, Jr.,
President, Alliance for Democratic Reform.

ALLIANCE FOR DEMOCRATIC REFORM RESOLUTION OF THE DISTRICT OF COLUMBIA CRIME BILL

Be it resolved that the Alliance for Democratic Reform (ADR) wishes to make known its opposition to certain provisions contained in the proposed District of Columbia Crime Bill now before the Senate House Conference Committee. Although ADR favors in principle any proposal which conclusively attacks the crime problem locally and/or nationally, it believes that any bill to that end must be drawn so as to prevent incursions from being made into the constitutional liberties guaranteed our citizens. Specifically, the ADR objects to such provisions as "no-knock," wire-tapping, and preventive detention provisions or any broad grants of sweeping police power to Government that tend to weaken in any way the presumptions of innocence upon which our system of justice is founded. ADR believes that unless the views previously outlined by Senator Ervin of North Carolina on the District of Columbia Crime Bill prevail in conference, the Bill should be defeated.

TARIFF PREFERENCES FOR DEVELOPING COUNTRIES

Mr. JAVITS. Mr. President, on February 26, the Acting Assistant Secretary for Congressional Relations of the Department of State wrote to me and other Members of Congress summarizing the status of the U.S. tariff preferences proposal designed to grant generalized tariff preferences for all developing countries including Latin America. Earlier, I had conferred with Under Secretary Samuels and other responsible officials of the State Department regarding the administration's thinking on this subject.

The State Department's briefing paper of February 26 did not address itself to some of the questions that have been troubling me. As a result, I requested the State Department to provide additional information particularly as it relates to the economic value of the American proposal to the developing world. The State Department has now responded to my inquiry and I believe that Members of Congress will be interested in this reply.

I ask unanimous consent that the State Department's letter of April 15 to me and its earlier briefing paper of February 28 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., April 15, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of April 2, 1970 concerning generalized tariff preferences for the developing countries.

As you know, on October 31 President Nixon announced that the United States would press in world trade forums for the establishment of a liberal system of generalized tariff preferences for all developing countries including Latin America. Shortly thereafter, we submitted to the OECD and to UNCTAD a paper describing the type of preference system the US would like to see adopted by the prospective preference granting countries. We have made clear to the other developed countries and to the potential beneficiary countries that the President's decision was made after long and careful consideration of all the factors involved. We have also made clear, of course, that extension of preferences by the United States would require Congressional action.

We have emphasized to both the potential preference granting countries and the potential preference receiving countries that we seek a genuinely progressive and meaningful system, one which will help developing countries to increase their export earnings and thus contribute to balanced development and economic growth and one which will go as far as possible in eliminating the discrimination arising from existing selective preferential trading arrangements. We propose to reduce our duties to zero on manufactured and semi-manufactured products, excepting only textiles, shoes, and petroleum and petroleum products, and on a selective list of agricultural products. We propose to use the standard escape clause and adjustment assistance as safeguards for domestic industries and workers.

We have conducted some internal computer studies in an effort to estimate the economic value of our proposal to the developing countries and the impact of preferences on US trade and the domestic economy. Any study of this kind has obvious limitations. It involves the application of static analysis to a dynamic problem and simplifying assumptions concerning, for example, trade coverage and import and price elasticities of demand. Nor can it take fully into account the most recent trade trends since the latest available data are about two years old. The state of the US economy is, of course, another key variable. While we hope to be able to improve our studies, I can give you a brief summary of our preliminary conclusions.

In most general terms, assuming a meaningful system such as the one the United States has proposed is implemented and that dependent areas are not eligible as beneficiaries, our studies suggest that within a period of about three years imports from developing countries of manufactures and semi-manufactures (excepting textiles, shoes, petroleum and petroleum products) into the United States might increase by as much as $350–400 million. Of this amount about 60 to 65 percent would represent imports formerly supplied by developed countries, and about 35 or 40 percent would be new trade. In other words, the amount of additional imports resulting from a generalized preference system should be less than one half of one percent of total US imports.

At the same time, since the United States, provides about 30 percent of total world exports of manufactures and semi-manufactures to developing countries, we could expect those countries to spend a great deal of their new foreign exchange earnings on US products. Given this "feed-back," the net effect of preferences on our balance of payments should be quite small. There would, of course, be other effects, many of them positive. Preferential imports should, for example, result in lower prices to the consumer and, through competition, to a more efficient allocation of resources. The precise effect on domestic employment would be difficult to assess. As noted above, the standard escape clause and adjustment assistance would be available to protect domestic workers and industries. Furthermore, the President has proposed in the Trade Bill for 1970 that the escape clause and adjustment assistance provisions be modified to make them more effective.

As noted above, we are interested in establishing a preference system which is meaningful for the developing countries, and it was for this reason the President announced his determination to press for the adoption by all industrialized countries of a liberal system of generalized preferences. While the effect on our economy should be very small, especially when viewed in the context of a GNP of over $900 billion, the benefits to the developing countries should be considerable. Our preliminary studies indicate that additional annual imports from all developing countries into all 18 potential donor countries could amount to $1 billion or more within the first three years. While this certainly would not solve all of the developmental problems of the LDCs, it should be a healthy first step toward promoting industrial diversification and self-help which is so important in economic development.

I hope that this information is helpful. Should you have any additional questions, please feel free to call me or Mr. Philip H. Trezise, Assistant Secretary for Economic Affairs.

Sincerely,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

BRIEFING MEMORANDUM—GENERALIZED TARIFF PREFERENCES FOR DEVELOPING COUNTRIES (LDC's)

Our proposal to extend generalized tariff preferences to the LDCs, based on the President's decision of October 31, has been disseminated to all interested Governments by the Organization for Economic Cooperation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD). It has been explained to foreign government officials by our Embassies, our Missions in Paris, Brussels, and Geneva, and by Department officers. In keeping with the President's decision we are seeking agreement on a common scheme of generalized tariff preferences for all LDCs which incorporates the main elements of our proposal. We have, of course, made it clear that our action will require enabling legislation by Congress.

We have been discussing intensively with the other major developed countries (DCs) a common preference scheme along the lines of our proposal. The European Communities (EC) have indicated a willingness to explore ways of bringing their scheme closer to ours on the key question of the safeguard (escape clause) mechanism. The LDCs are generally favorable to our scheme but are reluctant to take sides publicly. Their attitude seems to be that the various proposals are generally responsive to their repeated demands for preferences and that early implementation is the most important objective. Some have suggested that efforts be made to harmonize the schemes *after* they have been in operation for some time and their relative effectiveness tested.

COMMON ELEMENTS

There are certain elements in the various proposals which are, or are close to being, identical. These are:

(1) *Beneficiaries.*—There is general agreement among the DCs that the lists of beneficiary countries should be as uniform as possible, although it is recognized that complete uniformity is not possible or necessary.

(2) *Zero duties.*—In general, there is agreement that duties on all manufactured and semi-manufactured products, other than those items specifically excepted, would go to zero. Tariff reductions on selected agricultural and fishery products would vary but since these items are few in number and would have a very limited trade significance, this departure from the zero duty rule is not of great consequence. (The selected agricultural and fishery products on which the United States would grant preferences were shown on a Positive List attached to the U.S. preferences proposal. We recently submitted a supplement to our Positive List, Attachment One, to the OECD.)

(3) *Duration.*—All are agreed that the scheme will run initially for ten years.

(4) *Special Preferences* which now are granted to certain LDCs by the EC and the UK would automatically cease to exist for products covered by the generalized preference scheme since duties on these items would go to zero.

DISSIMILAR ELEMENTS

(1) The main difference in the schemes relates to the question of *safeguard procedures.* We intend to use our standard escape clause procedures and the UK, Scandinavia, and probably Canada would employ similar systems. Japan would use a tariff quota system as would the EC. EC represent-

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atives say they would enforce the tariff quota limits only on certain sensitive items and would permit imports of other items at preferential rates beyond the limits unless problems affecting domestic industry arise. The so-called sensitive items would be roughly equivalent to our exceptions list with the important exception that under the EC scheme all imports, including imports of sensitive items, would come in duty-free within the quota limits whereas under our scheme no concessions would be afforded items on our exceptions list. If the EC could *de jure* commit itself to a test of injury for the non-sensitive items (similar to our escape clause procedures) the EC and US schemes would be close to uniformity on this important point.

(2) The US *exceptions list* covers three sensitive product categories—textiles, shoes, and petroleum and petroleum products. This covers over 40% of dutiable imports from the LDCs in manufactured and semi-manufactured goods. The British have proposed an exceptions list somewhat similar to ours in content but less comprehensive than ours. The Scandinavian proposal has no exceptions list. The EC and Japan also have no exceptions lists but would limit preferential imports by tariff quotas. Attached is a list of the US tariff item numbers, with summary descriptions, for the footwear and textile products which would be excepted from preferences (Attachment Two). Identification of the petroleum and petroleum products to be excepted has not yet been completed.

(3) With respect to *reverse preferences* now granted by certain LDCs to the EC and the UK, we have taken the position that the DCs concerned should volunteer to forego these preferences since the LDCs might hesitate to take the initiative to renounce them for fear of retaliation by the DCs. The EC disagrees with this, and argues that under the Yaounde Convention the LDCs have the clear option of cancelling reverse preferences, but the Community does not. The UK also has shown no disposition to announce a willingness to forego all reverse preferences. We consider it important that these reverse preferences be eliminated since they discriminate against our exports as well as exports of other countries, including Latin America.

NEXT STEPS

While there is substantial common ground in the various proposals, we have not yet achieved our goal of a common scheme. Consequently, we intend to intensify our efforts to persuade other DCs to adopt our scheme and, concurrently, to seek more active support from the LDCs. This would involve another round of high-level representations both here and abroad, probably before the next UNCTAD meeting on preferences scheduled for March 31–April 17. After such representations and after the LDC reactions from the March UNCTAD meeting are evaluated, we should be better able to decide what modifications, if any, are required in our approach.

KEEPING PROMISES TO AMERICA'S CHILDREN

Mr. McGOVERN. Mr. President, for a quarter of a century we have been promising food to America's schoolchildren.

Last Christmas Eve, the White House promised that each needy child would be receiving free or reduced price lunches in school by Thanksgiving, 1970.

Rodney E. Leonard, former administrator of these food programs, has written an article, "Keeping Promises," that indicates just how difficult it will be to fulfill that pledge. The article, published in the March issue of P.I.C. News, spells out the size of the job that must be done by Federal, State, and local governments between now and November. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KEEPING PROMISES

(By Rodney E. Leonard)

(NOTE.—Mr. Leonard is the former Administrator for Consumer and Marketing Services, U.S. Department of Agriculture, and author of a recently published report, "Why Child Nutrition Programs Fail.")

The White House's Christmas gift to the nation was the promise of a school lunch for all needy children by Thanksgiving of 1970.

It was the latest in 24 years of promises to hungry children.

Jean Mayer, the President's advisor on Nutrition, said the United States has 6.6 million needy children. The latest government figures available, supplied by the President's Commission on Income Maintenance, estimate 8.6 million.

But, never mind. Those interested in providing food for children waited for the fiscal 1971 budget to see if the gift was real.

It is and it isn't. The something in the package is an I.O.U.

A detailed analysis of the budget, which the President presented on February 2, indicates that unless the states or the Congress cough up an additional $200–$400 million there will be nearly as many empty plates next Thanksgiving as there were this past November.

The new budget projects an increase of 2.8 million in the number of children participating in the National School Lunch Program over those participating in fiscal 1970.

The cost in fiscal 1970, including federal and state contributions, children's payments and local revenues, will amount to $2.3 billion. This figure assumes an average per lunch cost of 60 cents and an average of 21.6 million children served each day.

The cost in fiscal 1971 will be more than $2.6 billion, assuming an average daily participation rate of 24.4 million children to account for the 2.8 million more children to be covered. It also assumes there will be no increase in program costs because of inflation—although wholesale food costs are rising at an annual rate of about 6 percent.

Since the 2.8 million more children are supposed to be those from needy families, little or none of the additional cost of providing those lunches will be made up from fees paid by the children for their meals. All of the additional $300 million required for fiscal 1971 must be obtained from federal, or state, or local government sources.

The Administration's budget appears to propose an increase of only $11.4 million for the child feeding programs; fortunately, the funding of lunches served free or at reduced prices to needy children actually is raised by about $94 million.

However, $94 million is not nearly enough. If 2.8 million more needy children are to be supplied lunches free or at reduced prices, the projected increase in program costs will be $300 million. Some of this may be trimmed by new developments which will lower production costs, although the escalating costs of food, labor and equipment will make it difficult to achieve net savings.

It is the deficit between the Administration's $94 million and the actual cost of $300 million which must be supplied by the Congress, or the states, or local governments, if the Christmas promise is to become edible.

The gap may be even larger than $206 million. The fiscal 1971 budget estimates the special assistance program will reach 5.5 million children a day. This program is budgeted for $200 million in fiscal 1971, or an average federal reimbursement of 20 cents per meal. Assuming the U.S. Department of Agriculture will provide seven cents in commodities for fiscal 1971 just as it did in fiscal 1970, the total federal contribution for these 5.5 million daily lunches next school year will be 27 cents, leaving a total of 33 cents per meal to be provided by state and local governments. This will cost $299 million that must be provided from sources other than the children.

If the number of free and reduced price lunches is increased to 6.6 million—still too few—as pledged by the White House on Christmas eve, the additional cost to state and local governments will be $392 million.

For almost one quarter of a century, the country has been on record with a pledge to "safeguard the health and well-being of the nation's children" through the school lunch program. We went even farther. We promised to provide lunches free or at reduced prices without discrimination to all children "who are determined by local school authorities to be unable to pay the full price." The quotations are from the National School Lunch Act of 1946.

The Congress is moving to help the President carry out his pledge. In the week following Washington's birthday, the Senate passed a bill proposed by Senator Herman Talmadge, with amendments submitted by Senators McGovern, Javits and Kennedy. The legislation, which now goes to the House, shifts most of the cost for free lunches to the federal government, makes these lunches available to children whose parents earn less than $4,000 a year, and requires a plan to be developed and sent to Congress for extending food service to all children in schools. The legislation stands a good chance in the House, which last year passed a bill submitted by Representative Carl Perkins containing similar proposals. It will face a far better chance with a push from the White House.

The White House has moved us onto an even higher level—orally. This is not a small matter because it places the President's word and prestige on the line. Clearly, if he puts the full power of his office behind a national, state and local drive, the promise can be kept.

DISCLOSURE OF KEY FOREIGN POLICY ACTIVITIES

Mr. FULBRIGHT. Mr. President, frank disclosure by the executive branch to Congress of key foreign policy activities—in executive session if necessary—is one basic necessity for the continued functioning of our form of democratic government.

Among the several important issues raised in the recently released Laos transcript of the Symington subcommittee of the Foreign Relations Committee is that of the questionable nature of that disclosure when it came to U.S. activities in Laos.

This issue was discussed on Tuesday, April 21, by two perceptive Washington journalists, Murrey Marder, of the Washington Post, and Tom Wicker, of the New York Times.

I recommend both articles to Senators for the problem they discuss is as applicable to facts developed or held by the administration on ABM capabilities as it is to our military adversaries' activities in Laos.

It also is particularly pertinent today to any present or planned military assistance activities the United States may undertake in Cambodia.

I would remind the administration that the Foreign Relations Committee expects to be consulted before this Government takes that first step—however small it seems.

The history of Vietnam and the recently disclosed story of Laos reveals a pattern of constantly escalating involvements which grew uncontrolled from small steps first taken without full public debate of future consequences.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Apr. 21, 1970]

DECEPTION IN LAOS A DELIBERATE ONE

(By Murrey Marder)

For more than six years, the Symington Subcommittee's report on Laos shows, the United States practiced a policy of official deception about its extremely extensive military operations in Laos.

It did not do so idly or haphazardly. The policy of official deception was carried out deliberately and systematically, for what officials at the highest levels of government were convinced were sound reasons of national security. Many of those officials are still just as convinced that the reasons for deception were and are fully justified, and that U.S. operations in Laos are a "model" of an efficient, successful, relatively low-cost, effectively clandestine, counter-guerrilla operation.

On the last count, the officials may be right—the Laos operations may be a model of a successful, secret operation against tough odds. But that by no means answers the real question which is whether a handful of counter-insurgency zealots should have the right to define our national interests for us in this fashion, and then involve us in a dangerous and entangling mission without the public knowing anything about it. This is the critical moral issue raised by the Laos hearings and toward the end of the censored transcript Sen. Stuart Symington, who is anything but anti-military, and who knew from visits to Laos as much as any Senator did about the U.S. role there, raises the matter in blunt terms:

"We incur hundreds of thousands of U.S. casualties because we are opposed to a closed society. We say we are an open society, and the enemy is a closed society.

"Accepting that premise, it would appear logical for them not to tell their people (what they are doing); but it is sort of a twist on our basic philosophy about the importance of containing communism.

"Here we are telling Americans they must fight and die to maintain an open society, but not telling our people what we are doing. That would seem the characteristic of a closed society."

The situation recalls a comment made in private, by a Western European friend who is extremely pro-American and who was troubled by the international moralistic consequences of the American military intervention in the Dominican Republic in April, 1965. When the Johnson administration was caught lying about its original rationale for the intervention ("to save American lives"), this man remarked in dismay:

"This will secretly please a lot of Europeans."

"Because," he answered, "they always have resented the holier-than-thou American attitude about intervention, about imperialism, about your claim to a 'higher morality.' Now you are down in the gutter with us. The U-2 (spy-plane flights over the Soviet Union) affair was the first blow to American 'virginity'; this is the second. Now we are all moral prostitutes."

Later that year came the major American slide into Vietnam, then afterward, increasing unofficial disclosure of the clandestine American involvement in Laos.

Senate Foreign Relations subcommittee hearings on Laos showed how Congress itself is misled by artful or deliberately technical official replies to questions.

In 1968, the Laos transcript reveals the parent committee was informed that: ". . . We do not have a military training and advisory organization in Laos." The Laos inquiry confirmed that there are hundreds of U.S. "advisers" in Laos and at training bases for Laotian forces in Thailand. The Symington Subcommittee demanded an explanation.

There is no inconsistency, government witnesses responded; in military parlance, "an advisory group's" sole mission is "to provide advice . . . down to lower unit levels," came the explanation. U.S. military personnel in Laos provide "advice," but officially do not constitute "an advisory group."

His committee, Sen. Fulbright protested, was victimized by "semantics."

It is argued by many officials, members of Congress—and even newsmen as well—that nothing vitally new has been disclosed about U.S. operations in Laos that was not, or should not have been, known to any careful reader of his daily newspaper.

This is basically correct. But there is a fundamental difference in a nation that claims a standard of "higher morality" between admitting its actions officially, and having knowledge of them seep out.

In fact, this is precisely the case that the United States government argued for maintaining officially secrecy for six years, as the testimony shows: to take "official cognizance" of what it was doing in Laos carried a whole range of possible international repercussions.

Newspaper accounts can be disavowed; a report that is inaccurate even fractionally—as accounts of secret operations are very likely to be—can be officially dismissed as containing "innumerable inaccuracies." This often has been the official response to enterprising news reports about Laos—or Vietnam, or Cambodia. It is hardly a satisfactory answer to the national moral questions raised by such clandestine military operations, therefore, to counter that "everyone" knew about them anyhow, so there was no real deception.

Nor is it any moral "out," as Sen. Symington noted, to shift blame to the Central Intelligence Agency for operational activities it was directed to perform by the nation's leadership. The moral responsibility is government-wide.

Those who express bafflement about why a younger generation loses faith in the words of its leaders will find some answers in the Laos transcript.

[From the New York Times, Apr. 21, 1970]

IN THE NATION: THE—NOT QUITE—OPEN SOCIETY

(By Tom Wicker)

WASHINGTON, April 20.—Much more now is known about the secret war in Laos because of the official testimony forced by the Symington subcommittee last fall and published Monday after a lengthy struggle with the State Department over "security" clearance. The testimony also was eloquent as to how even the Senate was misled for years about the extent of the Laotian involvement.

When Senator J. W. Fulbright criticized the secrecy, Deputy Assistant Secretary of State William H. Sullivan, once Ambassador to Laos, justified it by saying that the United States had sought "to preserve, even though it may be pretty badly torn, preserve the substance of the 1962 (Geneva) agreements so that eventually we could have a reversion to the conditions which made those agreements possible."

NO OFFICIAL ACKNOWLEDGMENT

The North Vietnamese, Mr. Sullivan said, had "violated strenuously" the agreements, forcing the United States to do the same thing in response. But American officials had felt the agreements might be more easily reestablished if the war resulting from the violations was not officially acknowledged.

This elicited from Senator Stuart Symington something of an outburst. "Here we are telling Americans they must fight and die to maintain an open society, but not telling our people what we are doing. That would seem the characteristic of a closed society. We are fighting a big war in Laos, even if we do not have ground troops there."

Mr. Sullivan: I must say, Mr. Chairman, that I consider these hearings as a very sincere token of an open society. In other words, that we are telling the representatives of the people . . .

Mr. Symington: You would not go so far as to say we were holding them because the State Department has been urging us to hold them, would you?

Senator Fulbright then quoted Mr. Sullivan's 1968 testimony, in a secret session of the Foreign Relations Committee, that the United States "does not have a military training and advisory organization in Laos." Col. E. W. Duskin, the American military attaché in Vientiane, was then asked to describe the activities in Laos of American military personnel.

Senator Fulbright: But they do not ever give them advice?

Colonel Duskin: I did not say that.

Senator Fulbright: I am asking you, do they or don't they?

Colonel Duskin: My personnel at regional level do provide advice, yes.

Senator Fulbright: Then what is an advisory group?

ADVISORY GROUP DEFINED

Colonel Duskin: An advisory group, sir, is an organization that is constituted for the sole mission to provide advice to include it down to lower unit levels.

Senator Fulbright: . . . We are getting so technical with your semantics it is impossible for us to understand.

The Arkansas Senator also read portions of Mr. Sullivan's secret 1968 testimony, which mentioned bombing only by the Lao and not by the American Air Force, although the latter had been active since 1964.

Senator Fulbright: That very clearly leaves the impression that the Lao air force, not the U.S. Air Force, is doing what is being done. In going through this hearing in 1968, there was tentative probing on our part to see what we were doing, and I would think it is a fair interpretation of this whole record that you indicated we were not doing much, if anything, directly.

Mr. Sullivan (a little later): But if there were any direct questions asked of me about U.S. air operations—

Senator Fulbright: You see, we did not know enough to ask those direct questions, and this is what I meant about quibbling about whether the U.S. role in Laos is exclusively advisory. . . . There is no way for us to ask you questions about things we don't know you are doing.

SUBCOMMITTEE METHOD

There is one way, of course, which the Symington subcommittee ultimately had to adopt. It sent its own agents to the field in the Philippines, Thailand, Korea, Laos, and recently to Europe; on the scene, they developed the kind of first-hand information with which the Senators finally were able to get the State Department to admit most of the facts about the secret Laotian war.

So, as Senator Fulbright observed, there does not seem all that much "to brag about on the openness of the society."

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NICHOLAS DE B. KATZENBACH OPPOSES DIRECT ELECTION BUT FAVORS REFORM

Mr. ERVIN. Mr. President, in the course of the Judiciary Committee's recent hearings on electoral college reform, former Attorney General Nicholas De B. Katzenbach submitted a most illuminating statement on the subject.

I could not agree more strongly with Mr. Katzenbach's approach to reforming such a fundamental part of our political process as the method by which we elect our President. He cautions that—

> On a matter so basic to the confidence and structure of the country, we ought not to abandon the familiar and workable for the new and untried without the clearest demonstration of need.

He adds:

> In my judgment, no such demonstration has been made.

The former Attorney General particularly emphasized the important part the present electoral system has played in maintaining our two-party tradition. He said:

> The unit rule—requiring that the total of a state's electoral votes go to the winner of the popular vote in the state, no matter how close the vote—has been one of the principal guarantees of the two-party system. Accordingly, it has been one of the crucial supports for this nation's extraordinary political stability. I strongly believe—and surely the vast majority of Americans would agree—that this is not the time to cast aside the heritage of national unity that the two-party system has historically promoted?

Mr. President, while opposing such a drastic change as direct election, it was Mr. Katzenbach who first advocated the type of electoral college reform which is incorporated in my current resolution, Senate Joint Resolution 191. Of this proposal, he says:

> S.J. Res. 191 is precise; it is sound; it is necessary. I urge you and the Congress to give it speedy and favorable consideration.

Having studied this particular proposal and the entire subject of electoral reform in considerable detail, Mr. Katzenbach is uniquely qualified to address himself to this important matter. I am certain that his statement will be of great interest to every Senator. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF NICHOLAS DE B. KATZENBACH

Mr. Chairman: I welcome the opportunity to make a statement on the subject of electoral reform.

Over the past ten years, I have had several opportunities to appear or make statements before the Subcommittee on Constitutional Amendments of this Committee on the subject of electoral reform (June 28, 1961; June 4, 1963; March 8, 1966). This statement draws upon my testimony and statements at these prior hearings in support of the view which I have consistently advocated.

The need for change in our electoral system has been long clear. No one argues that point any longer. Since the adoption of the Constitution, more than 500 proposals have been submitted to Congress to change the method of selecting a President. It is time we acted upon the issue.

SENATE JOURNAL RESOLUTION 191

The manner of selecting the President gave the framers of the Constitution much difficulty. Direct election by the people, it was feared, would promote confusion and deprive the smaller states of an effective voice. Election either by the Congress or by the state legislatures, on the other hand, was opposed because it would deprive the President of independence.

The resulting compromise provided for election of the President by an independent body of electors, appointed in each state to serve that one function only.

The fears of the smaller states were allayed by giving each state, regardless of size, an extra two electors, and the independence of the President was to be assured by the transience of the electing body.

Each of these considerations has proved important to the working of our government. Yet the framers did not foresee what was perhaps the most valuable development of that electoral structure: the two-party system.

It had been hoped, as Hamilton noted, that in one way or another distinguished citizens would be chosen as electors. They, in turn, would exercise informed and independent judgment, free from the stress of a political campaign, to select a person well qualified for the office.

In practice, of course, the electoral college system never operated that way. Few voters knew or cared who the electors were, and the electors seldom were selected in a manner inspiring confidence in the superiority of their judgment.

Instead, national parties arose and the electors become figureheads pledged to cast their votes for the party nominees on whose ticket they ran.

The unit rule—requiring that the total of a state's electoral votes go to the winner of the popular vote in the state, no matter how close the vote—has been one of the principal guarantees of the two-party system. Accordingly, it has been one of the crucial supports for this nation's extraordinary political stability.

The fact that a party must win a popular majority in a state in order to secure any electoral votes for a President has been the most effective control on splinter parties and a decisive contribution to our national unity.

I strongly believe—and surely the vast majority of Americans would agree—that this is not the time to cast aside the heritage of national unity that the two-party system has historically promoted.

Therefore, the changes embodied in S.J. Res. 191 would seek—wisely, I believe—only to give Constitutional recognition to the actual, historical development of our system.

I believe that the more fundamental alterations of the electoral system that have been proposed would undermine the two-party system; dilute the identity of the states in a Presidential election; discourage, in many cases, political participation; and encourage divisive elements.

The changes that S.J. Res. 191 would make are not radical, but they are important. The danger of trying to preserve the present working electoral system without Constitutional sanction is not imaginary.

In 1948, a Tennessee elector, running on both the Democratic and States Rights tickets, voted for the States Rights candidate even though the Democratic candidate won a substantial plurality in the state. In 1960, Alabama and Mississippi selected 14 unpledged electors who then voted for a person who was not even a Presidential candidate. So did an Oklahoma elector, elected on the Republican ticket.

To be sure, these aberrations have been rare. But as long as electors can run unpledged or can ignore their pledge, they *can* use their present independence to block a major candidate in a close race or purposely throw an election into the House of Representatives. There is no adequate reason—even including the difficulty of decision—for tolerating these dangerous aberrations.

S.J. Res. 191 would eliminate that possibility by abolishing the office of elector and requiring the electoral votes of each state to be cast automatically for the candidates winning the popular state majority.

In short, S.J. Res. 191 would write into the Constitution the system that now exists in practice but has no Constitutional protection. The need for this reform is almost universally conceded.

Over the years, there have been three other basic plans embodied in the various proposals submitted to Congress.

The "proportional" plan, though overwhelmingly defeated in the House, passed the Senate in 1950. This plan would eliminate the unit rule binding state electors, and apportion the electoral votes of any state according to the different candidates' shares of the popular vote.

The "district" plan would also preserve electoral votes, but award only two on the basis of the statewide results and the rest on the basis of results in Congressional districts.

The "national election" or direct popular vote plan would eliminate electoral votes and the role of the state entirely and award the Presidency to the winner of a national plebiscite.

DIRECT POPULAR VOTE PLAN

This has also been referred to as the "national election" plan. Of the three new electoral plans, this is probably the simplest and the most familiar, although it has not always been as popular as it is now. As you will recall, the Senate defeated a national election plan almost 15 years ago by a vote of 66 to 17.

On first look, the national election is the most democratic proposal. Yet under this over-simplified rallying cry, it would eliminate a number of subtle balances that have made the American system an envied model:

First, and most significant, by eliminating the requirement that, to be counted at all, a party win at least one state's popular majority, the national election plan would invite splinter minorities to vote their own candidates and to seek to block the election of major candidates.

Second, in an urban age, the influence of urban voters will be reduced. Where the vote is going to be predictably close, there are going to be very few votes to be gained by major parties campaigning extensively in urban areas, or even in appealing to urban voters as a group. There is no sense to going backward in times where dealing with the problems of large metropolitan areas is a crucial challenge of the present and future. The urban vote—which today includes much of the minority vote—has long been too ignored. Whatever influence the metropolitan vote now has in national elections (resulting in greater recognition by the Federal Government) should not be reduced.

CONCLUSION

There is little wisdom in abandoning what we know for what we do not know because of abstract principle without real substance. Our political system is under sufficient strain today without adding new practices. We can ill afford the Balkanization of political parties, the dilution of minority influence through the adjustment of two-party politics or the predictable weakening of the influence of voters in our great metropolitan areas. A popularly elected President will feel little incentive to be more than a television personality. Our political system should not—without urgent and compelling reason—be put under pressure to diversify when we need unity, or to promote blandness when we need substance and reality.

And so, as I have said before, I strongly feel that on a matter so basic to the con-

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fidence and structure of the country, we ought not to abandon the familiar and workable for the new and untried without the clearest demonstration of need. In my judgment, no such demonstration has been made. We should not substitute untried democratic dogma for proven democratic experience. And this is no time to tinker with success.

S.J. Res. 191 is precise; it is sound; it is necessary. I urge you and the Congress to give it speedy and favorable consideration.

STEUBEN SOCIETY AWARD TO VICE ADMIRAL RICKOVER

Mr. HRUSKA. Mr. President, on Saturday, April 11, the Steuben Society of America bestowed upon Vice Adm. H. G. Rickover, of the U.S. Navy, the fifth Steuben Society Award.

Admiral Rickover, pioneer in nuclear research and father of the nuclear submarine, thus joins the previous illustrious recipients of the award—the late President Herbert Hoover—1945—the late General of the Army Douglas MacArthur—1956—J. Edgar Hoover, Director of the Federal Bureau of Investigation—1965—and the late beloved Senator Everett McKinley Dirksen—1967.

The award was presented upon the occasion of the Steuben Society's 51st founders' day banquet. It might be appropriate to remind the Senate that the Steuben Sociey was founded to carry on the principles of Gen. Friedrich Wilhelm von Steuben, a native of Prussia who came to our shores in 1777 to offer his heart and hand in assistance in our struggle for independence.

General von Steuben joined General Washington at Valley Forge and immediately bolstered Washington's forces. He distinguished himself at Monmouth and Yorktown, was instrumental in promulgating drill, order, and discipline regulations for U.S. troops as adopted by Congress in 1779, and he is historically credited with the fundamental idea of establishing the U.S. Military Academy at West Point.

It is most fitting, it seems to me, that the recipient of the Steuben Society Award upon its 51st Founders' Day observance, was like General von Steuben a man of persevering courage and crusading zeal. Admiral Rickover, whose vast store of energy belies his age of 70, has devoted 48 years to serving and improving the Navy he loves so much.

Holder of innumerable citations and awards, Admiral Rickover became a self-taught expert on nuclear matters and literally pioneered nuclear power in the Navy.

In 1964, with his role in American history already firmly established, he faced mandatory retirement, but President Johnson immediately reassigned him to active duty as Director of Naval Nuclear Reactors for the Atomic Energy Commission. Today he directs research on nuclear powerplants, their installation and refueling in submarines and surface ships from the Atomic Energy Center.

Mr. President, I am pleased that the Steuben Society, which seeks to memorialize the highest type of courageous public service, has chosen this year to recognize Admiral Rickover.

I ask that the Steuben Society's announcement of Admiral Rickover's selection, and the admiral's official biography, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STEUBEN SOCIETY OF AMERICA ANNOUNCEMENT

The 5th Steuben Society Of America Award To An Outstanding American: Vice Adm. Hyman George Rickover U.S. Navy, father of the nuclear submarine.

Always driven by a crusading zeal, Admiral Hyman Rickover was haunted by the thought that time may run out before he had completed his "revolution" of the U.S. Navy which he loves dearly. He fought a tough battle with a then obstinate administration until he won the support of the U.S. Congress. Finally, in 1963, the Navy, after years of opposition, accepted the Rickover doctrine that the surface fleet of combatant ships should be converted to nuclear power. He did pioneer work in leading the Navy into the nuclear age. One of the missile carrying ships is the "Von Steuben" SSB (N) 632.

Admiral Rickover's experiences in the nuclear reactor program have led him to his sometimes outspoken, sometime philosophical indictment of the American industrial and school system. He has no patience with waste and inefficiency.

The future Admiral had a hard beginning when he entered the Naval Academy in 1919. His father was a tailor who had immigrated from Russia and settled in Chicago, where young Rickover was born and attended the public schools. In his early Naval career he went through the normal jobs of an engineering officer, serving aboard ships and at shipyards. Not until after World War II did he arouse controversy, when he began pressing the Navy to study the feasibility of developing nuclear propulsion for submarines.

Rickover, already an engineer, got some of his special interest in harnessing atomic power during a brief assignment with the war-time Manhattan project, which developed the atomic bomb. Since then, he has been self-taught on nuclear matters. Out of his efforts came the Nautilus the first atomic submarine, and the construction of the nation's first large-size atomic power station at Shippingsport, Pa.

In 1965 he was awarded the Enrico Fermi Medal, one of a total of 52 awards, medals and citations.

With his mandatory retirement in 1964, his prominent place in American Military history was firmly established. But, retirement was not for him. The then President Johnson immediately reassigned him to active duty as the Director of Naval Nuclear Reactors for the Atomic Energy Commission, so he could continue his tireless efforts to modernize the United States Navy.

Today he directs the research on nuclear power plants, their installation and refueling in the submarines and surface ships of the U.S. Navy from the Atomic Energy Center. While his specific field is nuclear propulsion, he keeps a close watch on the conversion of the ballistic missile submarines to Poseidon missile carrying ships, increasing their power ten fold. He does not hesitate to call the ships captain, even at his home, when the project is not progressing as well as he feels it should.

The "Father" of the nuclear submarine is uncompromising in his insistence upon exact performance of duty, absolute loyalty, dedication to service to Country and genuine patriotism of the men who serve in the nuclear submarines.

He is held in high esteem by all who serve under him as well as the officers on the highest echelons of the United States Navy and is considered an outstanding patriot, serving beyond the call of duty, without much public notice and without fan-fare.

We salute Vice Admiral Hyman George Rickover, U.S.N., a genuine Patriot.

WARD LANGE,
National Chairman.
EDWARD J. SUSSMANN,
National Secretary.

BIOGRAPHY OF VICE ADM. HYMAN GEORGE RICKOVER, U.S. NAVY, RETIRED

Hyman George Rickover was born on January 27, 1900. He attended John Marshall High School, Chicago, Illinois, before his appointment in 1918, from the State of Illinois, to the United States Naval Academy, Annapolis, Maryland. He was graduated and commissioned Ensign on June 2, 1922; subsequently he advanced, attaining the rank of Vice Admiral to date from October 24, 1958.

Following graduation from the Naval Academy in 1922, he had consecutive duty afloat until April 1927 on the USS LA VALLETTE and the USS NEVADA. Ordered detached from the latter, he returned to Annapolis, for instruction in electrical engineering at the U.S. Naval Postgraduate School. He continued the course at Columbia University, New York, New York, from which he received the degree of Master of Science in electrical engineering in December 1929.

Between January and June 1930 he had submarine training at the Submarine Base, New London, Connecticut, and afterwards served consecutively in the USS S–9 and the USS S–48. From July 1933 until April 1935 he was attached to the Office of the Inspector of Naval Materiel, Philadelphia, Pennsylvania. Sea duty aboard the USS NEW MEXICO followed, and when detached from that battleship in the fall of 1937, he assumed command of the USS FINCH on the Asiatic Station, commanding her until later that year when he was selected for Engineering Duty and reported for duty at the Navy Yard, Cavite, Philippine Islands.

In June 1939, he was assigned to the Bureau of Ships, Navy Department, Washington, D.C., where he remained throughout the greater part of World War II. "For exceptionally meritorious conduct . . . as Head of the Electrical Section of the Bureau of Ships . . ." he was awarded the Legion of Merit on February 7, 1946. The citation follows:

"Overcoming tremendous procurement difficulties created by shortages in materials, manpower and manufacturing facilities at a time when an unprecedented increase in production of electrical equipment was required to meet the needs of our rapidly expanding Navy, Captain Rickover rendered invaluable service in obtaining competent engineers to man the Electrical Section, in determining the raw materials required, in scheduling and expediting production and in providing adequate manufacturing facilities for all electric power and lighting equipment necessary for the Navy's shipbuilding and maintenance program. Working with foresight and ability, he brought about continual improvements in electrical equipment to meet the developing and expanding needs of modern naval warfare, thereby contributed to the increased military effectiveness of the vessels of the Fleet and to the successful prosecution of the war."

Between April and July 1945 he had temporary duty on the Staff of the Commander, Service Force, U.S. Pacific Fleet, after which he became Industrial Manager, Okinawa, with further duty as Commanding Officer of the Naval Repair Base, Okinawa. Here he was in charge of building the Repair Base and facilities to repair vessels which might be damaged in the impending attack on Japan. "For meritorious service (in that capacity) . . . from July 20 to November 26, 1945 . . ." he received a Letter of Commendation, with authorization to wear the Commendation

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Ribbon, from the Commander in Chief, U.S. Pacific Fleet.

In December 1945 he reported as Inspector General, NINETEENTH Fleet, with headquarters at San Francisco, California, and remained there until May 1946. The NINETEENTH Fleet was engaged in "mothballing" vessels of the Pacific Fleet. He was then assigned to the Manhattan Project at Oak Ridge, Tennessee. He received a Letter of Commendation from the War Department, with authorization to wear the Oak Leaf Cluster on his Commendation Ribbon. The citation follows:

"For outstanding service in connection with the development of the Atomic Bomb as Assistant Director of Operations, Manhattan District during the period June 4, 1946 to December 31, 1946."

From September 1947 to February 1949 he had duty in connection with nuclear propulsion in the Bureau of Ships, Navy Department. He was then assigned to the Division of Reactor Development, United States Atomic Energy Commission, Washington, D.C.

In July 1952 he received a Gold Star in lieu of a Second Legion of Merit, "For exceptionally meritorius conduct in the performance of outstanding services to the Government of the United States as Chief of the Naval Reactors Branch, Division of Reactor Development, United States Atomic Energy Commission, and as Director of the Nuclear Power Division of the Navy Bureau of Ships, from March 1949 to July 1952. . . ."

The citation further states:

"Displaying exceptional talents in the field of Mobile Power Reactors and exercising unceasing drive and energy, Captain Rickover more than any other individual, is responsible for the rapid development of the nuclear ship program. He has held tenaciously to a single important goal through discouraging frustration and opposition and has consistently advanced the submarine thermal reactor well beyond all expectations; his efforts have led to the laying of the keel of the world's first nuclear powered ship well in advance of its original schedule. His careful and accurate planning, his technical knowledge and his ability to clarify and resolve problems arising between Atomic Energy Commission, the Bureau of Ships and civilian contractors, have proven a contribution of inestimable value to the country's security and reflect great credit upon Captain Rickover and the United States Naval Service."

In January 1961, Secretary of the Navy William B. Franke presented him with the Distinguished Service Medal. The citation follows in part: "For exceptionally meritorious service . . . from January 17, 1955 to January 17, 1960 while in charge of the Naval Nuclear Propulsion Program in the Department of the Navy and in the United States Atomic Energy Commission. Though Vice Admiral Rickover's skillful technical direction, unusual foresight, and unswerving perseverance, the United States has attained preeminence in the field of naval nuclear propulsion. His vision in the training of the crews of our nuclear-powered ships, and his insistence on high engineering standards are influencing those who bear a responsibility in preparing the Navy and the Nation for the demanding and exacting trials of the nuclear and missile age. As a result of his untiring and relentless efforts, nuclear propulsion has provided us with the foundation of the new Navy—nuclear-powered submarines which have revolutionized naval offensive and defensive tactics and nuclear-powered surface ships free to go anywhere at any time. Nuclear propulsion, developed under his astute leadership, will take place in history as one of the key developments profoundly affecting all the navies of the world. In addition to his major efforts in the nuclear propulsion field, Vice Admiral Rickover has made other important contributions in the field of Naval Engineering and has always been a source of wise counsel in matters affecting both the Navy and the national interest . . ."

"For exceptionally meritorious service . . . as Manager, Naval Reactors, Division of Reactor Development, U.S. Atomic Energy Commission, and as Assistant Chief of the Bureau of Ships for Nuclear Propulsion from January 1961 to January 1964 . . ." he was awarded a Gold Star in lieu of the Second Distinguished Service Medal. The citation further states: ". . . Vice Admiral Rickover exercised dynamic leadership and outstanding professional competence in assuring the continuing contributions of a major element in our national capability to deter aggression. He skillfully directed the efforts of his staff toward the cooperative development of the POLARIS weapons system to its present advanced state, with sixteen POLARIS submarines now in active service and twenty-five more under construction. In addition, during this period, the nuclear-powered surface ships, ENTERPRISE, LONG BEACH and BAINBRIDGE, joined the Fleet. These ships, each of a different combatant type, are establishing high standards for the new fleet of combatant surface ships to follow. Under Vice Admiral Rickover's leadership, the cost of United States naval nuclear propulsion plants has been lowered, reactor core life has been increased, and significant improvements in simplicity and dependability have been achieved. His contributions in the field of civilian reactors have been important factors in the continued development of these units. He has exerted continued development of these units. He has exerted considerable influence on the industrial community in general with his keen insight and discerning comments on quality control and product reliability . . ."

On February 1, 1964 he was transferred to the Retired List of the U.S. Navy, but continued to serve in the United States Atomic Energy Commission with additional duty as Assistant Chief of the Bureau of Ships for Nuclear Propulsion, Navy Department. Upon the reorganization of the Navy Department, effective May 1, 1966, his additional duty title was changed to Deputy Commander for Nuclear Propulsion, Naval Ship Systems Command.

In addition to the Distinguished Service Medal, the Legion of Merit with Gold Star and the Commendation Ribbon with Oak Leaf Cluster, Vice Admiral Rickover has the World War I Victory Medal; the China Service Medal (1937); American Defense Service Medal; American Campaign Medal; World War II Victory Medal; Navy Occupation Service Medal, Asia Clasp; and the National Defense Service Medal. He is an Honorary Commander of the Military Division of the Most Excellent Order of the British Empire, citation for which follows:

"As Head of the Electrical Section of the Bureau of Ships, Captain Rickover rendered very valuable assistance in supplying of electrical equipment to be used in the Royal Navy, and his cooperation, in placing at the disposal of the Royal Navy results of electrical research and development in the United States Navy, was one of the very greatest value to the Admiralty."

Admiral Rickover presently resides at 4801 Connecticut Avenue, Northwest, Washington, D.C. He is married to the former Ruth Dorothy Masters of Washington, D.C.; they have one son, Robert Masters Rickover.

LEGAL SCHOLARS OPPOSE LOWERING VOTING AGE BY STATUTE

Mr. ERVIN. Mr. President, on March 13, the Senate passed the so-called "voting rights" bill which included an unwise and unconstitutional provision giving 18-year olds the right to vote in local, State, and national elections. Regardless of the merits of extending the franchise to younger Americans, this attempt to circumvent the process of constitutional amendment is a dangerous affront to our constitutional form of Government. Expediency appears to have prevailed over sound constitutional principles.

I am encouraged to learn that several outstanding legal scholars have expressed their opposition to their provision of the Voting Rights Act. I ask unanimous consent that a letter to the editor of the New York Times from these distinguished lawyers be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMENDMENT FAVORED FOR LOWERING VOTING AGE

To the Editor:

As The Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitutional lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifictaions for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the main stream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengeable form, in a constitutional amendment: One hundred years ago the 15th

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Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

Alexander M. Bickel,
Charles L. Black, Jr.,
Robert H. Bork,
John Hart Ely,
Louis H. Pollak,
Eugene V. Rostow.

New Haven, April 1, 1970

(Note.—The writers are members of the faculty at Yale Law School.)

SUPPLY AND DEMAND OF NO. 2 FUEL OIL

Mr. BROOKE. Mr. President, on Tuesday, April 7, before the Subcommittee on Small Business of the Banking and Currency Committee, impressive testimony was given about the New England heating oil problem and the competitive squeeze of the east coast independent deepwater terminal operators.

I commend to the particular attention of Senators the statement of Mr. William F. Kenny, Jr., of New York, presented on behalf of the Independent Fuel Terminal Operators Association. In his statement, Mr. Kenny presents a new—and most disturbing—analysis of supply and demand for No. 2 fuel oil. Using oil industry refining statistics, he demonstrates that there has been and will be a steady decline in refinery output of No. 2 fuel—home heating—oil, with a total drop by 1980 of 18 to 23 percent from the 1968 level. This will mean a decline in production of between 300,000 and 350,000 barrels per day. During the same period No. 2 fuel oil demand is projected to increase steadily. The result is very clear: a dangerous supply gap in heating oil will appear in the 1970's. It will obviously have two effects—even higher prices for home heating oil, and recurring shortages. Signs of the gap have already appeared in certain areas at certain times in the Northeastern States over the past few winters.

Mr. President, the projected trend would pose no problem to the American consumer but for one fact: the present oil import program prevents importation of sufficient No. 2 fuel oil to fill the supply gap.

The solution is clear and simple: more imports of No. 2 fuel oil, which is cheaper and in plentiful supply from overseas sources such as the Caribbean, for the east coast. The President could, with the stroke of a pen, amend the oil import proclamation to prevent the disastrous consequences of the steady decline in domestic refinery output of home heating oil.

The majority and minority of the task force have recommended increased imports, so I would expect that a decision to head off this critical heating oil problem will be forthcoming in the near future.

Mr. President, I ask unanimous consent that Mr. Penny's statement be printed in the Record, and call particular attention to part 3, entitled "Supply-Demand Projection."

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of William F. Kenny, Jr., on Behalf of the Independent Fuel Terminal Operators Association

Mr. Chairman, thank you very much for the opportunity of appearing before you.

My name is William F. Kenny, Jr. and I am President of the Meenan Oil Company of New York. With me today are Arthur T. Soule of the Patchogue Oil Terminal Corporation of New York and Mr. Andrews Nixon of the Webber Tanks Company of Maine. All of us are independent deepwater terminal operators and we are appearing today on behalf of the Independent Fuel Terminal Operators Association; Mr. Soule is President of the Association.

Our Association is composed of 17 independent deepwater terminal operators along the East Coast from Maine to Florida. A membership list is included as Attachment A of my statement. All members own or control deepwater terminal facilities capable of receiving ocean-going tanker shipments, and none is affiliated with a major oil company.

In my statement today, I should like to cover four areas related to No. 2 fuel oil:

First, the nature of our business;

Second, the competitive squeeze we are experiencing;

Third, the projected supply and demand of No. 2 fuel oil; and

Fourth, a proposed solution to the East Coast fuel oil problem.

1. NATURE OF BUSINESS

Our member companies have terminals located in ports along the East Coast. Ocean-going tankers dock at our facilities and unload finished petroleum products, largely home heating oil, into the storage tanks that are located adjacent to the docks. Oil is then customarily pumped or barged from these tanks to smaller terminals at in-land locations for further distribution, or is sold and pumped through a system or racks at our terminal sites into tank trucks which carry the product directly to the consumer.

A deepwater terminal is a major facility and involves a substantial investment. The total investment made by our members alone for their facilities is estimated at more than $70 million.

We are wholesalers who buy product from refiners and sell to retail jobbers, dealers and consumers. In this Committee's consideration of solutions to the No. 2 fuel oil problem, it is important to realize that the marketer; aside from the major oil companies, who has facilities to receive imports and can physically bring No. 2 fuel oil from overseas.

We estimate that the total demand for No. 2 fuel oil in District I, the East Coast from Maine to Florida, is 1 million barrels per day. More than half is consumed in New England and New York State.

Independent deepwater terminal operators handle 250,000 barrels a day or 25% of the wholesale market. The remaining 75% is largely handled by major oil companies. As is apparent, the major oil companies enjoy a dominant position in the market.

2. COMPETITIVE SQUEEZE

The independent deepwater terminal business has known better days. Our period of greatest strength was the decade of the 1950's. During that time the large integrated oil companies produced substantial amounts of No. 2 fuel oil from their refineries and they needed outlets for this product. So they encouraged independent terminal operators and marketers to build and expand and provided us substantial supplies of product at competitive prices.

As independent businessmen, we find ourselves operating in a land of giants, for the petroleum market is truly dominated by the largest and most powerful companies in the world. We welcome competition from these giants on an equal basis. Unfortunately, we have been placed at a severe competitive disadvantage by the oil import controls instituted in 1959, which cut us off from foreign supplies; and, of course, the majors control the domestic supply of No. 2 fuel oil. Thus, our competitive situation vis-a-vis the majors has steadily worsened, particularly over the last three years and the struggle to remain in business has become more difficult. In 1969 even some of the strongest independent deepwater terminal operators began to show significant losses in their domestic No. 2 fuel operations. Attrition in our ranks due to absorption by major oil companies has been substantial, and was documented in our submissions to the Cabinet Task Force on Oil Import Control.

Rather than take up the Committee's time with a detailed analysis of our competitive problems, I ask your permission to include in the record copies of our July 15 and August 15 submissions to the Task Force which describe these conditions in some detail.

The work of the Task Force has given us great encouragement. Both the majority and minority reports recognize our competitive problems and the need for increased imports.

The majority report[1] concluded that "National security does not require regulating import volume so precisely as to deprive buyers—including independent refiners and marketers—of significant access to alternate supplies" (p. 69). The Report describes our problem as "a competitive squeeze upon independent marketers vis-a-vis their supplier-competitors, the forward integrated refiners. (p. 77).

The Task Force rejected a prohibition on product imports altogether stating that this would "deprive independent marketers—of No. 2 home heating oil, gasoline and other products—of sources that might otherwise serve as a competitive restraint on refineries integrated forward into distribution." (p. 82)

The minority report took note of our specific problem and recommended "allocations of No. 2 heating oil imports for terminal operators in District I on a basis equal to that allowed to oil refiners." (p. 364).

In brief, there has been widespread recognition due in large measure to the efforts of this Committee, of the general problem of East Coast No. 2 fuel oil imports and the more specific problems of the competitive squeeze upon the independent deepwater terminal operators.

That competitive squeeze can be described in a few brief sentences.

1. Although we have the physical facilities to import oil, we are forbidden under the present control system from importing No. 2 fuel oil.

2. We are forced to depend, for our supplies of this product, on domestic refiners, largely major oil companies.

3. These same oil companies who supply us with products also compete directly with us at the wholesale and retail level, thus creating for us the classic problem of competing directly in the sale of a product with the same people who supply us with that product.

4. The major oil company refiners have been cutting back steadily over the past few years in supplies made available to independent terminal operators on long-term (1 year or more) contracts or at competitive (i.e. posted) prices. Each year supplies avail-

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[1] Attachment B contains Comments on Appendix L of the Task Force.

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able to us have been cut-back over the previous year. And indications are that the Winter of 1970–71 will be even worse, for even the few companies who in the past two years could be relied upon for substantial supplies are indicating that they will have less product. Their reason is clear: they are producing less No. 2 fuel oil from their domestic refineries, because of the obvious economic advantage in producing more profitable products, such as gasoline and jet fuel. And a dangerous supply gap in home heating oil is developing.

Thus, we will be forced to reduce our business volumes year after year, to the point where we will go out of business, because it will be economically unprofitable.

I might add that we do not blame the major oil companies nor do we contend they are engaging in anti-competitive behavior. They have simply taken advantage of a situation presented to them by a United States Government control program, which grants them, through an accident of time, a substantial competitive advantage. For the program gives them access to overseas supplies of No. 2 fuel oil and of crude oil while it denies access to us.

The Federal Government is to blame for the current situation, and the Government must provide relief if competition is to be restored in the East Coast No. 2 fuel oil market.

3. SUPPLY-DEMAND PROJECTIONS

Perhaps most disturbing from our point of view as marketers of No. 2 fuel oil, and from the point of view of consumers of No. 2 fuel oil, have been projections and statistics on No. 2 fuel oil supply and demand. As these have come to light only recently, I believe they will be of particular use to this Committee.

The November 10, 1969 issue of the authoritative *Oil and Gas Journal* projects a radical drop in the yields of middle distillates. Middle distillates includes No. 2 fuel oil and diesel fuel. According to the *Journal*, this drop will primarily be brought about by the installation of hydro-cracking equipment. Hydro-cracking equipment enables a refiner to increase his yields of gasoline and jet fuel from each barrel of crude oil.

The projections are as follows:

CRUDE YIELDS OF U.S. REFINERIES

[In percent]

	1968	1980
Gasoline	45	52
Jet	8	13
Middle distillates (No. 2 fuel oil and diesel oil)	22	15
Residual	7	3
Other	18	17

The critical figure is, of course, the drop of distillate yield from 22 to 15%. If these yield percentages are translated into volume figures based on the *Journal's* forecast of 17 million barrels per day of crude oil runs in 1980, the total domestic middle distillate output in 1980 is shown to be 2,550,000 barrels per day, compared to 2,297,000 barrels per day in 1968, an increase of only 11% in production over the 12 year period.

The critical question is how this production level compares with the projected demand for middle distillates to 1980. As I have indicated, the two components of the middle distillate market are No. 2 fuel oil and diesel oil, accounting currently for two-thirds and one-third respectively of the total sales. Diesel oil sales have been growing at an average annual rate of 5.7% since 1960. Authoritative projections show that it will grow at an annual rate of 4.5%—5% over the next 10 years.

Assuming that diesel demand will continue to be met from domestic sources, domestic No. 2 fuel oil supplies will consist of the difference between total middle distillate supplies and shipments to diesel oil markets. The following table indicates production at both a 4.5% and a 5.0% diesel oil growth rate.

ESTIMATED DOMESTIC MIDDLE DISTILLATE PRODUCTION

[Thousands of barrels per day]

	1968, amount	1980	
		Amount	Percent change
Diesels (4.5 percent annual growth)	756	1,282	69.6
No. 2 fuel oil	1,541	1,268	−17.7
Total	2,297	2,550	+11.0
Diesels (5 percent annual growth)	756	1,358	79.6
No. 2 fuel oil	1,541	1,192	−22.6
Total	2,297	2,550	+11.0

As can readily been seen, if projected diesel oil supplies are to be met, No. 2 fuel oil supplies must decline by 18%–23% from their 1968 level! This means a decline in production of No. 2 fuel oil between 300,000 and 350,000 barrels per day!

Whether one is optimistic or pessimistic about the outlook for No. 2 fuel oil, we believe it is totally unrealistic to assume a decline in demand of about one-fifth over the next decade when No. 2 fuel oil demand has grown at an average annual rate of more than 1.5% since 1960.

According to our own forecasts—and those, we understand of the major oil companies—heating oil demand will grow at the rate of 1.5% to 2% per year for the next 10 years, given moderate increases in promotional sales and technical efforts. If these efforts are stepped up, we project a greater increase in demand. Even a relatively pessimistic forecast contained in *Energy Outlook for 1980* by the Chase Manhattan Bank, predicts no perceptible decline from the present level of sales.

Moreover, neither the Chase forecast nor our own forecast have tried to quantify the impact of one new factor which could cause a much sharper increase in demand for No. 2 fuel oil. I refer to the growing public demand for more stringent air pollution controls. No. 2 fuel oil has an extremely low sulphur content, and may be increasingly used as a partial substitute for higher-sulphur heavy residual fuel. In fact, within the last month Con Edison of New York put out a bid for 1.5 million barrels of No. 2 fuel. In this particular instance, there was simply not enough supply available to meet Con Edison's request, but should such requests become general, the overall demand projected for No. 2 fuel will surely be sharply higher than outlined in the above tables.

Turning back now to the basic supply-demand projections outlined in the *Oil & Gas Journal* study, we can see that perhaps the most significant factor, certainly that of more immediate concern, is the fact that this forecast has become a reality in the No. 2 fuel oil markets of the Northeast. Domestic refineries are already demonstrating increasing difficulty in keeping up with distillate demand. For example, in the first 11 months of 1968 compared to the same period in 1969, distillate oil demand rose by 2.8%, while the domestic refinery yield of distillates dropped by ½ of 1% (23.8% to 23.3% of total refinery runs). This amounted to a drop in total output of 3,675,000 barrels from 1968 to 1969. Even more significant is that a similar drop in yield has occurred in each of the last 5 years.

One example of the continuing increase in demand for No. 2 fuel oil in the Northeast is the fact that in New England, an area of high demand, the number of newly constructed one-family homes burning oil went from 28% in 1967 to 33% in 1968.

As this Committee knows, the U.S. oil refining industry is on record as opposing the need for imports of No. 2 fuel oil on the grounds that the product is produced in sufficient quantities from domestic sources. The projections and the facts of the market today, do not support that contention.

As marketers of No. 2 fuel oil, and as businessmen whose survival depends on a steady substantial supply of that product, we are deeply concerned. This is not a matter of a problem 10 years from now; it is a matter that is affecting us today and we believe it's a matter with which this Commitee should also be concerned. For, if the change in refining yields projected by the *Oil & Gas Journal* are approximately correct, a major supply gap in home heating oil supplies will develop during the 1970's.

Mr. Chairman, I would like to make it clear that while this data has and is resulting in a squeeze today on deepwater terminal operators, the real squeeze—the squeeze that this Committee should be most concerned with—is the squeeze that is going to occur for consumers in the Northeast. As you know, the majority of homes in the Northeast use No. 2 fuel oil. If supplies of this fuel are not available, the home-owner will have to convert his heating system to other energy sources. That means, since natural gas is already in short supply, that conversion will have to be made to electric heat. The initial installation in each case will represent a major capital expenditure by consumers and the day-to-day operating cost of heating homes will be substantially higher than costs today for heating with No. 2 fuel oil.

Given these facts, we are faced with two choices:

A. Continuing upward movement of No. 2 fuel oil prices as supply fails to keep up with demand, with continued attrition in the ranks of independent marketers; or

B. Increased imports of No. 2 fuel oil from lower cost sources, with provision that ample supplies be made available to independent marketers.

4. PROPOSAL

The Independent Fuel Termination Operators Association favors the second alternative—a system which would provide regular substantial access, on a continuing basis, to independent deepwater terminal operators of supplies of No. 2 fuel oil from overseas.

We are prepared to accept the judgment of both the majority and minority of the Task Force that complete decontrol is desirable. And we have taken no position between the tariff proposal of the majority and the quota proposal of the minority. We leave that basic decision to others.

However, we believe that under either proposal a workable system can be evolved to provide a greater measure of competition and arrest, and even reverse, the price escalation of No. 2 fuel oil that has occurred over the past six years.

If the quota system is retained, we propose that allocations of No. 2 fuel oil be given to independent deepwater terminal operators on the basis of a percentage of their qualifying terminal inputs with no quantitative ceiling established. We suggest that 30% of our terminal input would be a workable level. Given the statistics I have cited above, 30% of our business would amount to imports of 75,000 to 100,000 barrels per day into District I.

This level would enable us to compete on a more equal basis with the major oil companies who already have access to overseas supply of oil and, most important, would result in the introduction of increased amounts of No. 2 fuel oil directly into the East Coast market to fill the supply gap I have outlined above.

If the independent terminal operator's position is strengthened, that is, at the wholesale level, the position of the independent retailer further forward in the market will also be strengthened. For the forward marketers who are also competing with the major oil companies can avail themselves of alternative sources of supply, and they will no longer be forced, as they have been increasingly in the past few years, to rely on the major oil companies alone for their products.

If a tariff system is adopted we strongly urge that the tariff on No. 2 fuel be established at a level which permits importation of product, to fill the projected supply gap. As the Committee may have noted, we believe that the level of $1.55 per barrel on finished product recommended by the Task Force will not only prohibit any imports, but will actually result in price increases in the domestic market.[2] We estimate that a tariff level of $.84 per barrel could result in a consumer price reduction of 1 cent per gallon and therefore we would support the adoption of a tariff on No. 2 fuel oil at this level.

Mr. Chairman, again we appreciate the opportunity to appear before you and are most grateful for the effort which you and the members of your Committee have made toward a solution of the East Coast heating oil problem. We hope that a solution will be forthcoming soon, for, along with the consumers of the Northeast, we, as independent businessmen have been going through a difficult period. Unless relief comes and comes soon, our segment of the industry will dwindle and be phased out of existence as a competitive force.

Members of Independent Fuel Terminal Operators Association

Belcher Oil Company, Miami, Florida.
Burns Brothers Oil Company, Brooklyn, New York.
Cirillo Brothers Petroleum, Bronx, New York.
Colonial Oil Industries, Savannah, Georgia.
Deepwater Oil Terminal, Quincy, Massachusetts.
Eastern Seaboard Petroleum Co., Jacksonville, Florida.
Gibbs Oil Company, Revere, Massachusetts.
Meenan Oil Company, New York, New York.
Northeast Petroleum Corporation, Boston, Massachusetts.
Northville Dock Corporation, Northville, L.I., New York.
Patchogue Oil Terminal, Brooklyn, New York.
Ross Terminal Corporation, Bayonne, New Jersey.
Seaboard Enterprises, Boston, Massachusetts.
Tappan Tanker Terminal, Hastings-on-Hudson, New York.
Union Oil Company, Revere, Massachusetts.
Webber Tanks, Bucksport, Maine.
Wyatt Coal and Oil Company, New Haven, Connecticut.

Comments on Appendix L to Task Force Report

The discussion in Appendix L is quite general and unspecific, and does not arrive at any firm conclusions; almost no factual data is provided to support the general observations. In large part, the Appendix raises a number of questions.

It does, however, make a number of observations that support the position taken by East Coast independent deepwater terminal operators:

1. On the question of inadequate supplies to independent deepwater terminal operators, the Appendix states that this matter may reflect the fact that "the prices at which refiners are prepared to sell and those at which large terminal operators expect to buy, differ." (pp. 315–316).

2. Wholesale prices have been going up in New England in recent years (p. 316). More particularly, that "the disappearance of a seasonal pattern . . . would change the effective supply price enjoyed by many of the terminals . . .". "Similarly . . . distress product sales may have become less important" and "a permanent reduction in the frequency of distress sales would tend to raise average supply price to Northeastern independent marketers in particular." (p. 317).

3. The import quota system has had an adverse effect on the Northeast. "No. 2 fuel oil is probably in artificially short supply in the Northeast relative to the rest of the country because the quotas have had their greatest effect there." (p. 318). This has reflections in prices in the Northeast. "There seems to be general agreement that with free importation, No. 2 fuel oil would retail for about three cents per gallon (about 17 percent) less in New England than it now does . . ." In a basic long-run sense, fuel prices are now higher in the Northeast, relative to what they might be, than is the case in other fuel oil consumer areas." (p. 318).

4. There is evidence that the integrated oil companies may be in a position to force a price "squeeze" on independent terminal operators. "There can be no doubt that freer importation of fuel oil would make a squeeze less likely." (p. 319). This is, in part, possible because "The import quota system certainly does make independent distributors more dependent on refiner-competitors because it cuts off foreign alternative sources of supply . . ." (p. 319).

5. The discussion is inconclusive on the question of whether independents are disappearing, but it is not, to the extent that disappearances have taken place, due to failures, but to acquisitions. "The long-term rise in percentage margins does not suggest that disappearance would be due to failures."

Comments on Point No. 15 of the Appendix to Secretary Shultz' Statement to the Senate Subcommittee, March 3, 1970

Point No. 15 deals with a relatively secondary issue in a memorandum circulated by the Independent Fuel Terminal Operators Association namely, that the tariff levels on No. 2 fuel oil recommended by the Task Force are so high as to, in effect, encourage an increase in the price of No. 2 fuel oil in New England.

It should be noted that the Appendix discussion does not effectively deal with the central issue: that the level of proposed tariff is so high as to prohibit the importation of No. 2 fuel oil into the United States under present (and foreseeable) circumstances. This is the central point that has to be made, for it is only through permitting such importation to some degree that adequate supplies can be made available in the northeastern United States and that supplies of No. 2 fuel oil can be made available to independent distributors who, alone, have the potential for maintaining competition vis-a-vis the integrated companies. This being the case, the Independent Fuel Terminal Operators Association in their memorandum, pointed to the danger that a shutting off of imports of No. 2 fuel oil would reduce the degree of effective competition as well as supplies available and that the combination of these two factors would tend to induce an increase in price.

The discussion of Point No. 15 of the Appendix thus, in a sense, sets up a straw man and fails to deal with the substantial issue which is the fact that the recommended tariff would effectively bar imports of No. 2 fuel oil. Nor does the discussion under Point No. 15 gainsay the contention in the Independent Fuel Terminal Operators Association memorandum that the net effect could very well be a rise in prices. The following specific comments on the Appendix discussion of this question should be noted:

1. The Appendix asserts that the domestic price of No. 2 fuel oil is determined by domestic cost factors alone, and that the ability to import lower priced No. 2 fuel oil "results not in a lowering of the domestic price, but in unearned 'rents' to the few historical importers now permitted to import No. 2 fuel oil." The Appendix concludes that, since the domestic price of No. 2 is independent of the price of No. 2 imports "under the present quota system," a higher tariff could not affect domestic price.

These comments on the Appendix, if anything, underscore the importance of modifying the oil import control system to bring about greater competition through increased imports of No. 2 fuel oil. We agree that the small volume of imports permitted entry now have little effect on domestic prices. But, if a low tariff were set on No. 2 imports, then independent deepwater terminal operators would be in a position to provide competition to the integrated oil companies. Clearly, the integrated companies are not responsive to supply and demand factors in their pricing policies on No. 2. The only way to resolve the problem is to provide them with competition.

The implications of the Appendix discussion seems to be that such competition can never be forthcoming, but this is clearly not so. What the discussion indicates is a need to revise the present quota system to provide an opportunity for independent distributors to acquire adequate supplies of imported No. 2 fuel oil at low prices. The fact remains that, under the tariff proposal of the Task Force, the supply of No. 2 imports would be reduced and, more important, the integrated companies would enjoy the certainty of protection of their price levels accorded to them by an established government decision to maintain higher tariffs on No. 2 imports.

Under the present quota system, there always exists the uncertainty that, if they raise prices, increased quotas would be given to independent distributors; whereas, under a high tariff system that uncertainty would be removed and the integrated companies would be freer to maximize their profits without the danger of sanctions. What this discussion points to clearly is (1) that there is a need to revise the program and (2) that the revision proposed by the Task Force report would not serve to accomplish the public policy objectives that are desired.

2. The Appendix discussion notes that the proposed tariff on crude oil imports would "tend to lower the domestic price of No. 2 fuel oil by reducing the cost to refiners of domestic crude oil."

Given the pricing behavior of the integrated companies, discussed above, there is no *a priori* reason to assume that the result envisaged by the Appendix would in fact take place. Nor does the historical record support such a conclusion: one need only examine the time series data on prices for No. 2 and crude oil to see that there is little correlation between the two.

3. The Appendix discussion notes that the proposed tariff on No. 2 was designed to achieve two objectives, first, the retention of refining capacity in the United States and, second, "keeping the cost of product imports low enough to exert some competitive pressures in the domestic market and aid in relieving temporary shortages." Setting aside the fact that the second objective noted seems to contradict the observation earlier in the discussion that imports do not seem to have any significant effect on the domestic price of No. 2 fuel oil, it should be noted that the Appendix discussion seems to have second thoughts, at this point, about its own proposed tariff level. It notes that achieving this second objective, "requires a much finer tariff adjustment" and that the

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[2] Attachment C contains Comments on Point 15 of the Appendix submitted by Secretary Shultz to the Senate Anti-trust Committee on March 3, 1970.

Task Force recommendation was only "tentative". Apparently, the recommended tariff level may, after all, be too high to permit imports to enter the country and to allow them to exercise a beneficient effect on prices and availabilities of supply. We are left then at the end of the discussion with the same problem with which we started: the Task Force recommendation of a tariff level on No. 2 fuel oil imports too high by the test of what is required in terms of the public policy objectives desired. In fact, we are told in the very last sentence that the gradual phase-out of the historical product import quotas "should be sufficient" to prevent any significant shortages or price rises (sic!) with respect to No. 2 oil due the institution of the tariff system recommended by the Task Force.

What emerges from this discussion are the following two conclusions: one, the existing quota system which is not allowed to affect the price of No. 2 fuel oil must be revised; and, two, the tariff proposal of the Task Force is not a solution to the price problem and in fact may aggravate it. We are faced then, as the Task Force was, with three alternatives: one, modification of the quota system; two, the substitution of the tariff system for the quota system; or three, substitution of an auction system for the quota system.

The substitution of an auction system can be rejected for the reasons spelled out in the Task Force Report, namely, that it would provide a means for the integrated oil companies, who have substantial financial resources and have a market strategy which they wish to pursue, to bid away supplies of imported oil from independent marketers. The fact that integrated oil companies have a market strategy with regard to No. 2 fuel oil has been amply discussed in the submissions to the Task Force of the Independent Fuel Terminal Operators Association. Their implementation of that strategy is also evident from their price behavior: evidence of this can be found in the fact that they appear never to be short of No. 2 fuel oil and are able to market it even when independent marketers cannot economically procure No. 2 fuel oil in the Gulf for delivery to New England destinations.

The independent terminal operators have no *a priori* preference between a tariff system and a revised quota system as long as each permits the entry of sufficient No. 2 fuel oil imports at a low enough price (including tariff) so that they can continue to perform their historic function as competitive marketers of this product to the consumer. A revised quota system however can be a more selective instrument in that it can permit making sufficient supplies of No. 2 fuel oil imports available to independent deepwater terminal operators without necessitating a wholesale change in the pattern of domestic production and importation of No. 2 fuel oil. In this respect, a revision in the quota system that provides allocations in sufficient quantities for independent deepwater terminal operators would minimize the disturbances that would result in terms of the objective, spelled out in the Appendix, of preventing "export" of significant refining capacity.

FISH FARMING

Mr. FULBRIGHT. Mr. President, Mr. Roy Prewitt, one of the pioneers of the fish-farming business in Arkansas, has written an article for the American Fish Farmer, which I believe will be of great interest to the Members of this body. Fish farming is developing satisfactorily and holds much promise, not only in supplying the needed protein for the diet of our people, but, also, in giving opportunities to farmers who produce them. Some 10 years ago, the Federal Government invested a relatively small amount in an experiment station in Arkansas, and I am quite sure that the investment will be extremely profitable to the community as a whole and the businesses directly involved.

I ask unanimous consent that the remarks be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAMBLING ALONG

(By Roy Prewitt)

An ancient recipe for preparing rabbit stew was prefaced with "First catch the rabbit." For more years than I like to remember I have been saying all over this land, in essence, the same thing about fish in ponds.

Man has always been intrigued with ways and means of catching fish, but curiously enough, he has made little progress in the art and science since the dawn of history. There is evidence that primitive man used nets and traps remarkably similar to those being used today.

In a speech I gave in St. Louis in the early 1960's, I stated that the only worthwhile improvement in the past 500 years was the development of nylon, but that this had been the result of a chemist's dream—who was not thinking of catching fish, but rather of women's legs. In the same speech. I used the sentence "We are still using the same methods of harvesting fish that Christ saw when He went down to the Sea of Gallilee."

I was widely quoted after the speech and shortly thereafter Donald McKernan, Chief of the U.S. Bureau of Commercial Fisheries used the quote and added ". . . and it was old then."

About the same time I found myself as the only fish farmer in attendance at a fish farming seminar on the campus at the University of Michigan at Ann Arbor and was questioned by others in attendance—who were mostly scientists interested in fish farming—as to why Arkansas farmers had, in the main, quit growing buffalo fish when the market demand was good and the price was higher than that of most ocean fish. I tried to explain but without much success.

MECHANIZATION IS KEY

During the course of the seminar, a film was shown on buffalofish being harvested from an Arkansas pond. The water had been pulled down in a catch basin and a seine powered by men pulled the fish to the bank where they were lifted in dipnets to a wash tub. Then, two farmers started up the levee bank with the tub. The bank was slippery—as all pond banks are after the water has been lowered—and for each two feet the men stepped they would slip back one. When they were about half way up the bank I had the film stopped and told the scientists that they had just witnessed why so many Arkansas farmers had quit growing buffalofish.

I pointed out that the fish were being grown on idle land on rice farms which were the most highly mechanized farms in the world—that farmers, accustomed to the use of machinery in all their work, would never grow fish until most of the operation could be mechanized.

From that day until now, precious little progress has been made in the harvesting of pond fish by public agencies while researchers have been almost wholly concerned with growing fish but not in catching them.

It is difficult for people who are not fish farmers to understand all the problems involved in harvesting fish from ponds. As an example, a world-renowned fish scientist was recently quoted as saying that farmers could produce fish at far less cost than they could be harvested from the sea. "All a fish farmer has to do," he explained, "is draw off the water and pick up the fish."

I have tried this and I can assure you that it is impractical as every fish farmer knows.

FRENCH FARMING CITED

While researching the literature available on fish farming more than 30 years ago, I found a book which described fish farming in France during the middle of the last century. The author found French farmers growing fish in large level ponds very much like the ponds in the delta region of the lower Mississippi River valley and the plains of Kansas. He noted that when a farmer drained a fish pond he had to know where he was going with the fish and do so in a hurry. This is about where U.S. fish farmers have been insofar as harvesting fish has been concerned until late last year. However, American fish farmers have had more problems than "going somewhere in a hurry" with their fish. They have learned that fish lose weight and deteriorate in quality when down in a sump or catch basin, and they have had no way of knowing with any amount of accuracy how many fish and what sizes they had until all the fish could be harvested. Some fish would weigh one pound while others weighed two pounds; some buyers wanted one size while others wanted another size which required grading, always a costly and tedious process.

The power-operated haul seine, developed by the Bureau of Commercial Fisheries, was an improvement to some extent but it could only be used efficiently in large, flat ponds free of deep holes, vegetation and obstructions.

Of necessity, such sites required a dependable and economical water supply that could be pumped into the ponds. Under ideal conditions the seine could be brought to the bank with 40 or more thousand pounds of fish in varying sizes but the farmer still had to "go somewhere in a hurry" with his fish.

THE SELF-FEEDER AND TRAP

Two things happened in 1969 that appear destined to change the entire concept of building fish ponds and harvesting the fish grown in them. The first was the development of the self-feeder—notably those developed by Bruce N. Fleming of Ottawa, Kan., and Gene Poirot of Golden City, Mo.—and the second was the use of a trap device that would seem to have evolved from a feeder that has long been used for feeding land animals.

All these devices reached the market late last year and farmers were quick to see their value and immediately began to duplicate them when they found idle time on "rainy days." In the process, they were able, in many instances, to improve and refine the original designs.

It was the self-feeder that sparked the idea of Jim and Joe Adcox of Tuckerman, Ark., last October when they approached Gib Stramel, at that time production manager of Inland Fish Farms near Jacksonville, Ark., who desperately needed to "catch the rabbit." Stramel had wrestled with everything including the BCF seine and was willing to let them try. Most of what happened is recorded on page 17 of the February issue of this magazine. What was not recorded was the fact that these two men, using wire traps which they improvised on the bank of Stramel's pond, actually caught over 120,000 pounds of catfish in a little over a month. The actual cost turned out to be less than 1 cent a pound.

There is nothing new in the trap they used, but their putting a "surplus commodity station" in business for 24 hours a day in a trap is new. When they began loading out big trucks with fish every day, the word spread. Other farmers came on the run to see for themselves and rushed home to begin fashioning even better devices for their own operations.

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CRAPPIE EAT DRY FEED

One farmer who called me at the time said his experimental trap had filled up with crappie and that in dressing them he found their stomachs were filled with catfish feed. I asked a prominent fish biologist if he knew that crappie would eat dry feed and he told me that he had been suspecting this after having observed their growth in catfish ponds.

It would appear that all species of fish that will eat prepared feed can also be economically harvested with traps. This includes minnows and fingerling catfish. Already, traps are being designed with netting cages as the final trap that can be detached from the main trap and towed to an unloading wharf designed to accommodate large trucks.

Traps are also being designed with grader bars so that they can be adjusted to conrol the sizes of fish that enter them and the sizes that are retained. A pump that is now successfully being used to pump live fish from ponds on the west coast without injury to the fish will almost certainly before long be put to use in removing fish from cages.

Doors can be left open in these traps permitting the fish to return to the pond when they are not needed. When the fish are needed, the farmer will be able to get them out on demand and get them to market in an orderly manner. His fish can also be warehoused right in the pond where they are being grown.

While the experience with the trap device described in the February issue indicates that catfish feed at lower temperatures than biologists had generally believed, catching them in the middle of winter will be a problem except in the lower southern region of the country until someone comes up with an attractant that will stimulate feeding.

Before 1969 ended, it was found that crappie could be trapped in very cold water. Not being able to trap fish in winter should not pose too much of a problem except for the fresh fish markets since fish can be processed and frozen for the rapidly growing frozen fish business.

REVOLUTION UNDERWAY

The Revolution has already been set in motion. Farmers are renovating ponds and reservoirs that cannot be harvested by conventional methods and preparing to stock them with fish. This is now beginning to happen all over the nation and plans are being made to impound water in valleys everywhere.

I believe good fresh water fish will be grown in all the rural areas of this nation within the next five years. In the next issue I will discuss in this column how ponds should be constructed and the problems that can be expected to arise.

WISCONSIN PROCLAIMS APRIL 22, 1970, "QUEEN ISABELLA DAY"

Mr. PROXMIRE. Mr. President, yesterday, April 22, marked the 519th anniversary of the birth of Queen Isabella, the Spanish Queen who was singularly responsible for the historic journey of Christopher Columbus. Queen Isabella's tremendous insight, her willingness to listen to the preposterous claims of the Venetian explorer, and her courageous decision to finance his voyage have earned her a deserved place in our history. Certainly this country owes her a substantial debt of gratitude.

Mr. President, the State of Wisconsin has recognized the importance of April 22 as the birthday of this famous Spanish Queen, and has proclaimed April 22, 1970, to be "Queen Isabella Day." I ask unanimous consent that this proclamation issued by the Governor of Wisconsin be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

A PROCLAMATION

Whereas, April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for clear intellect, energy, virtue and patriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration;

Now, therefore, I, Warren P. Knowles, Governor of the State of Wisconsin, do hereby proclaim Wednesday, April 22, 1970, as "Queen Isabella Day" in Wisconsin, and urge all citizens, schools, historical and other interested organizations to suitably observe this significant event in the history of the world.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this fourteenth day of April in the year of our Lord one thousand nine hundred and seventy.

WARREN P. KNOWLES,
Governor.

SECRETARIES WEEK

Mr. GOODELL. Mr. President, Wednesday, April 22, was a day on which millions of Americans joined to voice their common concern with one of the Nation's most pressing problems, the pollution of our national environment. At rallies throughout the country, strong words bewailed the despoiling of our resources and denounced man as his own enemy.

There was, however, one occasion to give thanks and offer praises, for April 22 was also observed as Secretaries Day. Both in the United States and in Canada, Governors, mayors, and employers paid their tribute to a group of people who make an active and positive contribution to the education, professional, and civic growth of the community. Organizations ranging in nature from advertising association to service clubs have also participated in the observance of this event providing publicity and special programs to focus attention on the role of the secretary. Today, as Secretaries Week draws to a close, I call upon the Congress to join me in recognition of the vital part played by secretaries in government, business, education, and the professions.

The year 1970 marks the 19th annual observance of Secretaries Week, which was initiated ir 1952 by the National Secretaries Association, in cooperation with the U.S. Department of Commerce. This year, extra emphasis was placed on the responsibilities of secretaries to their employers and their profession. To this end, many have taken part in secretarial seminars, providing a forum for consideration of these matters. I extend my warmest congratulations to the National Secretaries Association for the successful completion of this week of celebration and discussion, and to the secretaries themselves for their continued commitment to the betterment of our society.

SENATOR SPONG STRESSES NEED FOR ONGOING ENVIRONMENTAL CONCERN IN EARTH DAY SPEECHES

Mr. SPONG. Mr. President, it has been my privilege to speak at four Virginia institutions of higher learning this week in connection with programs marking the observance of Earth Day.

I have discussed the need to improve the quality of our environment in talks at the University of Virginia, at Charlottesville; Mary Baldwin College, at Staunton; Christopher Newport College, at Newport News, and Old Dominion University, at Norfolk.

The response of the audience was gratifying. The younger generation is aware of the extent of pollution problems. I hope, however, that the present zeal for improving the quality of our environment is not a passing fad. In my talks to Virginia college students, I stressed that pollution abatement and control must be an ongoing mission. It has taken generations to befoul our environment. It cannot be cleaned up with a wave of a wand.

Our knowledge about some aspects of pollution is still primitive. Additional research is necessary if we are to develop the factual information necessary to achieve progress.

Mr. President, I ask unanimous consent that my remarks at a public seminar at Old Dominion University be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS BY U.S. SENATOR WILLIAM B. SPONG, JR.

Our contemporary culture, primed by population growth and driven by technology, has created problems of environmental degradation that directly affects all of our senses. One doesn't need to be a scientist to realize that. He need only to use his eyes, ears and nose.

Henry Thoreau foresaw the trend more than 125 years ago. In writing about machines, he said: "They insult nature. Every machine or particular application, seems a slight outrage against universal laws. How many fine inventions are there which do not clutter the ground."

Even before the days of Thoreau man was misusing the environment to assimilate his waste products. And until relatively a few years ago, there was no evidence of any adverse effects. In the process of transforming matter into energy through combustion, and of synthesizing new products through chemistry, man has used the air and water as dumping grounds for his wastes. In achieving technological progress and scientific breakthroughs, man has modified his environment. At first, the changes were insignificant because there were no major concentrations of population, and untamed frontiers were abundant. No one was particularly concerned over an occasional fish kill because another good stream was only a few miles away. If smoke from a factory

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became bothersome, it wasn't too difficult to escape to a cleaner area nearby.

In short—man until very recently has accepted pollution as the price of technological progress. This laissez faire policy was questioned only when the scientific community began warning that man was pouring wastes into the environment at a rate faster than nature could reprocess them. The evidence that man was exceeding nature's assimilative capacity showed up in the form of polluted rivers, algae-covered lakes and smog-laden atmosphere.

In the United States we are pouring carbon monoxide, sulfur oxides and other potentially dangerous pollutants into the atmosphere at a rate of 142 million tons per year.

Our garbage growth exceeds our population growth. It has been estimated that an average of 5.3 pounds of solid waste is collected per person per day. That is more than 190 tons per year. By 1980, some 235 million people are expected to be generating eight pounds per person per day. That would be 340 million tons per year. These figures cover only those wastes that are handled by collection agencies. Overall, the nation is generating about 10 pounds per person per day of household, commercial and industrial wastes. In addition, about seven million motor vehicles are junked annually in the United States. More than three-fourths of them may be salvaged in varying degrees, but the excess contributes to an accumulation of abandoned vehicles that has been estimated at from nine million to 16½ million.

Even the oceans, our last frontier, have not been spared. Back in about 1675, the Governor of New York, Edmund Andros, issued a decree prohibiting the dumping of dirt or refuse "or anything to fill up ye harbor or among ye neighbors or neighboring shores under penalty of forty shillings." Nearly 300 years later we are still having problems with the disposal of the same type of wastes, and we have essentially the same type of control measures.

Unfortunately, the problems have been compounded by the extensive population growth extending from Boston to Norfolk. Because the land is covered with people, space has largely been exhausted for landfill operations. Incineration causes air pollution difficulties, so the wastes of this urban megalopolis is being dumped on the continental shelf.

The total amount of solid wastes being dumped into the ocean from the New York Metropolitan region alone, spread uniformly over Manhattan Island, would form a layer six inches thick each year. Viewed in another way, the discharge amounts to about one ton per person per year.

But New York isn't the only area that has restorted to sea disposal. The Corps of Engineers recently reported that 22 sites were used for waste disposal in the ocean between Boston and the mouth of Chesapeake Bay.

A research oceanographer who testified before the Subcommittee on Air and Water Pollution only last month said "knowledge of the effects of these waste disposal operations on the ocean is at best sketchy and completely absent for many areas and types of wastes."

It has been assumed that materials dredged from New York Harbor and hauled to the ocean for dumping consists primarily of clean sands, and that sewage sludges generated at waste treatment plants is just another form of manure. But the oceanographer said data he has collected indicate that this is far from the case for many wastes. For example, he said dredged materials in many parts of the harbor contains large amounts of sewage solids and are soaked with chemicals, including petroleum and petrochemicals. Sludges contain high concentrations of metals known to be toxic to marine organisms.

Wastes introduced into coastal waters may travel for long distances. The expanse of water between southern Massachusetts and Cape Hatteras is essentially a single unit, and currents generally move from the north to the south.

A little-known provision of the recently-enacted Water Quality Improvement Act will remedy the situation insofar as dumping is concerned for the first three miles offshore. The statute requires federal permittees and licensees to obtain from state water pollution control agencies a certificate of reasonable assurance that they will not violate applicable water quality standards. It would seem desirable to me to consider international agreements limiting the dumping of wastes, or an extension of our sovereignty further out to sea.

Oil spills present equally serious problems. In just 30 years, seaborne oil commerce has increased ten-fold. Moreover, the size of tankers is increasing at a dramatic rate. The Torrey Canyon was one of the ten largest tankers in the world three years ago when it went aground with 118,000 tons of crude oil. Its size soon will be run-of-the-mill. Nearly 200 tankers of more than 200,000 tons have been ordered by shipping companies in recent years, and ships of 500,000 tons capacity are being designed.

The pollution potential from collisions and accidental groundings are enormous. Moreover, the largest number of accidents occur close to shore or in ports—areas that frequently are of greatest economic, nutritional and aesthetic importance to mankind.

Pollution from shipping is only part of the problem. Offshore drilling rigs also pose a threat, as was dramatized by the Santa Barbara episode. The number of wells drilled annually off the continental United States has more than doubled in the past decade. Exploration is underway or planned in waters off 50 countries of the world.

It has been estimated that a minimum of a million tons of oil a year is spilled, flushed or leaked in oil operations. Half the seafood of the world comes from one-tenth of one per cent of the area of the sea, primarily the coastal areas which are most subject to pollution.

These are the results of a society that has become a virtual slave to technology. Fortunately, an increasingly large segment of the American public has come to realize that instead of devoting ourselves exclusively to the development of new things which are assumed to be better because they are bigger or operate faster, we must consider whether something new is worthwhile in terms of the total context of the environment.

This will necessitate a change in values by consumers as well as the obvious sources of pollution. After all, productivity is governed by demand. Many environmental activists want the "good life," but they also want bigger and better color TV sets, more powerful automobiles, and throw-away packaging that isn't readily degradable.

Industry, on the other hand, must act responsibly. It must find ways of producing without polluting. Industry must act regardless of whether it costs more and regardless of how the increased cost is absorbed. In the words of one corporate executive, "Industry will adapt voluntarily to the imperatives of environmental conservation, or ultimately it will be forced to do so."

The country's population growth and the pattern of its distribution will require changes in present-day attitudes. In George Washington's day the population of the country was less than four million. We passed the 100 milion mark in 1915, the 200 million mark in 1968, and by the year 2000 we will reach 300 million. But to see the situation in its true perspective one must examine where the growth has occurred. In the early days of the country there were only about 320,000 persons living in what we know as cities. Today, more than 140 million Americans—70 per cent of our total population—are crowded on two per cent of the land. If the present trend continues for another 25 years, 100 million additional people will be stacked on top of the 140 million already living in our cities and suburbs.

In considering the nation's population growth we must recognize that quality of life is related to quantity. Man obviously is highly adaptable. We have survived many environmental changes. But until we learn more about ourselves and can use our knowledge to ensure lives of happiness and fulfillment for all our citizens, control of population must be a high-priority national goal.

We also must exercise better management of our resources of land, air and water. This necessarily will involve more anti-pollution research, more controls and more money. Congress has been seeking solutions for several years to the problems involved in reclaiming the environment. Admittedly, most of our progress has been achieved in the past five or six years. The basic tools for control of air and water pollution are already on the statute books. They no doubt will be strengthened.

For example, there is need for better controls over the use of pesticides, particularly the persistent chlorinated hydrocarbons. The present federal administrative machinery to abate pollution is fragmented and should be modernized. Federal authority to control emissions from motor vehicles should be expanded to include other modes of transportation.

Each of the areas I have discussed today presents separate problems. They are not simple by any means. Several include highly complex economic issues which—if we are to act responsibly—must be taken into account.

SECRETARY OF DEFENSE LAIRD

Mr. DOLE. Mr. President, an editorial in the April 22 Washington Post, entitled "Secretary Laird on Strategic Arms," characterizes Secretary of Defense Laird's address on Monday, April 20, as "disjointed and indifferently argued." It then brings up specific points from this speech which appear out of tune with the writer's views—but ends up with the conclusion "Secretary Laird has somehow given a persuasive arms control speech." It is surprising how a "disjointed, indifferently argued" speech can be described as "persuasive" unless, perhaps, there was more to the speech than the Post editorial chooses to discuss.

From the phrases "perhaps with less design" and "he did not think it implied what we did," it is intimated that this speech was not meant to be pertinent to arms control, but just turned out that way. Rather, the Post seems to assume that the Secretary's speech was just a rationale for current U.S. weapons programs. For example, the Post says Laird's address—

> focused on the gains the Soviets have made in strategic nuclear weaponry in the past five years and *concluding from this* the necessity for our proceeding with . . . MIRV and SAFEGUARD.

Is that really the message which Secretary Laird was delivering? I submit that a much more pertinent conclusion could be taken from the following section of his speech:

> The Soviets have a momentum going both in strategic weapons deployments and in

> strategic weapons developments. If their strategic posture could be expected to stay at the operationally deployed posture which exists today, I believe we would have a tolerable situation. What must concern us, however, is the momentum the Soviets have established both in deployments and developments and where that momentum may carry them.

While the editorial does use the middle sentence to point out that our posture today appears adequate, it completely ignores the other two, which are discussed at length in the Secretary's speech. From reading the full speech, it appears obvious that this issue of momentum—not past actions by the Soviets—was the major reason for the Secretary's conclusion that MIRV and Safeguard should proceed. This conclusion is supported by other sections of the Secretary's speech, such as "in the mid-to-late 1970's we would no longer be able to rely" and "pending a successful outcome in the Strategic Arms Limitation Talks, therefore, prudence dictates that we must continue our approved program to MIRV current forces" and "this is why we must also, at the very least, preserve an option to defend a portion of our land-based retaliatory forces."

Although we could accept a misinterpretation of the rationale put forward by Secretary Laird and perhaps ascribe it to a careless reading of his remarks, another section of the editorial is much more bothersome. One wonders what the Post suggests when it says:

> And the more horrendous one makes the Soviet potential appear in both technologies, the more feeble one's own argument becomes for development of the U.S. counterweapon—especially when one is, like Secretary Laird, endeavoring to stress the magnitude of Soviet threat and the relative modesty of our own response.

This sentence conveys a clear message to me—which is that we should roll over and do nothing in the face of this Soviet momentum. I suggest that this is one of the reasons, perhaps the major reason, why Secretary Laird is voicing his concern—that is, for the past 5 years we have been, in his words, virtually in neutral gear. Apparently, we should do even less, now that the Soviets are in high gear. I for one cannot accept this reasoning as a proper or acceptable philosophy for the United States.

It appears to me that Secretary Laird has made a rather cogent case for the current U.S. position, and that rather than being disjointed, his address is a valid explanation of the situation we face. From my reading of the speech, this position appears as follows:

First. We are concerned about the momentum behind the Soviet strategic buildup, and where that momentum will place them vis-a-vis the United States in the future unless we take offsetting actions or get a meaningful early agreement in SALT.

Second. The current strategic situation is not intolerable but could become so unless the United States takes steps to offset this Soviet momentum. These steps are geared to what can happen, rather than what has happened.

Third. The steps we have planned are negotiable at SALT and that is the place to resolve these issues.

Fourth. Pending success at SALT, we should not abandon these plans because we have no indication that the Soviet Union intends to slow down this momentum.

Fifth. We are serious in our approach to, and hopeful for success in, SALT.

Thus, I agree that "Secretary Laird has somehow given a persuasive arms control speech," but not, as the Post would have us believe, by accident. I believe he pointed out with excellent reasoning our approach to SALT, our concern about Soviet programs, and our desire—which I share—to resolve these issues at the conference table with the Soviets, rather than ignoring the other side of the strategic equation.

I ask unanimous consent that the Post editorial and the text of Secretary Laird's speech be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Secretary Laird on Strategic Arms

In San Francisco, in 1967, Secretary McNamara announced the Johnson administration's decision to go ahead with the Sentinel anti-ballistic missile system at the end of a long speech which had consisted mainly of arguments for not doing so: the facts he adduced simply pointed in a different direction from the conclusion he was to reach. Something similar happened—perhaps with less design—at a luncheon of the Associated Press on Monday, when Secretary Laird delivered an 18-page address focused on the gains the Soviets have made in strategic nuclear weaponry over the past five years and concluding from this the necessity for our proceeding with both the scheduled deployment of MIRVs in June and the (limited) Phase II deployment of the Safeguard ABM. It was a disjointed, indifferently argued speech and presumably it was meant to put pressure on the Soviets in Vienna and the congressional critics at home. But a close reading yields up another, unexpected result. For even those of us who did not oppose the President's ABM program last year and who are willing to acknowledge that summary, across-the-board arms agreements have their dangers and impracticalities must concede that Secretary Laird's Monday rationale for going ahead with MIRV and the ABM constitutes—despite itself—one of the most cogent arguments we have yet heard for a nuclear weapons deployment freeze. His own solutions, on the other hand, have only the most tangential relationship to the problem he describes.

The point is not facetious and it does not rest on either a disbelief in the Soviet progress Secretary Laird has cited or a sentimental hope that our conflict with the Soviets can be called off by joint communique. Rather, what the secretary's speech revealed with a special clarity was the built-in illogic of the position which must argue simultaneously the case for MIRV (which is designed to penetrate an ABM) and for an ABM (which is designed to defend against a force which has been MIRVed). And the more horrendous one makes the Soviet potential appear in both technologies, the more feeble one's own argument becomes for development of the U.S. counter-weapon—especially when one is, like Secretary Laird, endeavoring to stress the magnitude of Soviet threat and the relative modesty of our own response. In this connection the point might also be made that it is not quite accurate to describe the Soviets' effort as having been in "high gear" as compared with our own having been in "neutral" since 1965 "in both deployment and development of strategic nuclear weapons." While it is true that we have diminished our megatonnage, reduced the size of our bomber force and held to fixed numbers of land-based ICBMs and sea-based ballistic missiles, the development of MIRV—as the secretary himself observes—points to a massive multiplication of the nuclear warheads we will have available.

But we are not of a mind to argue with the secretary so much as we are to ponder the implications of much of what he said—even though he did not think it implied what we did. Secretary Laird, in his posture statement a while back acknowledged that the Soviet ICBM buildup, if it continued at the present rate, could make the planned Safeguard ABM obsolete in short order. In this address, while he argues the urgency of our proceeding with sea-based MIRVs as a hedge against a pre-emptive strike that would do in our bomber and land-based missile force, he also warns against the danger of depending solely on submarine-based missilry. He does not make a persuasive case that either the progress of the Soviet ABM or the prograss of the Soviet MIRV requires the deployment of our own MIRVs in two months, any more than he indicates that the Safeguard system will be adequate to the threat that may materialize. And as to the figures he provides on the Soviet ICBM development in the past five years, what the secretary characterizes as a Soviet attempt to "change the balance of power" turns out by his own account to be more like a Soviet attempt to create one: "The United States then, unlike the situation today, clearly occupied a superior position." We still do, of course, despite the gigantic efforts of the Soviets over the past five years. But the figures laid out by Mr. Laird suggest that the point may have been reached now when the much talked of nuclear weapons deployment freeze would in fact be in our common interest. As he himself put it while warning of the dangers ahead, "If their strategic posture could be expected to stay at the operationally deployed posture which exists today, I believe we would have a tolerable situation."

Whether or not some kind of freeze is in order is up to Mr. Nixon's negotiators to explore. Meanwhile, Secretary Laird's speech, as part of a tactical approach to the Soviets may or may not be of practical value. Elsewhere in his text the secretary observes that arms, as such, are not the cause of an arms race: "The fundamental driving force in an arms race is what one country perceives as possible objectives of another country's actions." That, like much of the rest of what Mr. Laird told the A. P. luncheon, is classical arms control dogma—only his perspective on its was a bit one-sided. What makes addresses like Secretary Laird's a bit chancy just now and the deployments he has in mind questionable is precisely that—how our objectives will be perceived—apart from whatever they actually are. As we said, Secretary Laird has somehow given a persuasive arms control speech, better in fact that those we have listened to in recent days and weeks by acknowledged opponents of what he is supporting.

Address by the Honorable Melvin R. Laird, Secretary of Defense

I was particularly pleased when your President, Paul Miller of Gannett Newspapers, called me on a Saturday morning several months ago to invite me to speak to the Annual Luncheon of the Associated Press on the subject of the strategic balance. I told him that I regarded this forum as particularly appropriate to express my views on the need to make available to the American people additional information regarding national security.

When I assumed office 15 months ago, I immediately established as a top priority goal the restoration of credibility in the Department of Defense. Since then we have attempted to follow President Nixon's stated desire to make more information available to the American people.

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The editors of the Associated Press and all members of the communications media in this country have a deep interest in this subject. I pledge to you that we shall continue to devote maximum attention to reducing and hopefully eliminating overclassification in the Department of Defense. And, we will provide all the information we can within the limits of national security, consistent with the safety and legal rights of our citizens.

This open news policy has brought about significant progress in at least five major areas where information was previously withheld from the American people.

1. Previous policy was to restrict public discussion of Prisoner of War matters. Present policy is to foster public discussion and to focus worldwide attention on the plight of our prisoners of war in order to gain humane treatment for them and to obtain their release.

2. Previous policy was to withhold from the public information on chemical warfare and biological research matters. Present policy is to keep the public informed about our new policies in these two areas, the reasons for these new policies, and the steps being taken to implement them.

3. Previous practices on reporting the costs of major weapons systems led to a major credibility problem in the Department of Defense. Our new policy of full disclosure on major weapons costs will help to restore the Department's credibility and will assist us in gaining better control of costs and in developing better management practices.

4. For several years, the American people were denied knowledge about our activities in Laos. Today, the American people are being informed about what we are doing and what we are not doing in Laos.

5. In the past, overuse of classification denied to the American people pertinent information on the nature and scope of the strategic nuclear threat. In my view, there is still too much classification, but we have tried and will continue to make more and more information available on this subject which is so crucial for the future security of our country.

In my remarks today I will attempt to shed more light on the crucial subject of the strategic threat. In particular, I want to discuss with you editors the nature and scope of the growing Soviet threat, recognizing full well that, in Vietnam, our negotiators have just begun round two of the Strategic Arms Limitation Talks, commonly called SALT.

I hope for success at SALT. I want to emphasize that point. I also want to emphasize that our top military leadership hopes for success at SALT. Where the security of the United States is involved, it is this objective—insuring national security—which is most important. A lower-cost means to achieve that objective, lower compared to what otherwise may be required,—if it can be achieved within tolerable risks—is obviously most desirable to all Americans, civilian and military.

The budget we have recommended to Congress for the next fiscal year demonstrates how deeply the Nixon Administration is committed to progress at SALT. We have called this year's defense budget a traditional budget. It is transitional because in terms of military capability, it is basically a status quo, stand-pat budget. We have postponed basic national security decisions in the strategic field in order to give maximum opportunity for SALT to be successful, and to foster a meaningful beginning for the era of negotiation President Nixon and the American people seek.

The objective of the Nixon Administration is to restore and maintain peace. With regard to SALT, the President's actions and words document this Administration's accent on negotiation rather than confrontation.

In my Defense Report to Congress in February, I expressed concern that the United States, by the mid-1970's, could find itself in a second-rate strategic position with regard to the future security of the Free World.

Today, in keeping with our policy of maximum information, I intend to present additional reasons for this concern.

It is important to discuss the growing strategic threat because it is essential for the American people to understand the complex issues involved, if we are to insure our national security interests through the decade of the 1970's. The American people need to understand the reasons President Nixon is pursuing the course he has recommended in this year's transitional budget.

As Secretary of Defense, I must face the fact that we are taking a risk by postponing hard decisions which the increasing Soviet threat poses for us. I recognize that in the interests of lasting peace, some risks must be taken. But, it is my judgment that as the American people are provided additional information, such as we are discussing here today, they will agree that we are literally at the edge of prudent risk. And the inescapable conclusion will be that if the Soviet strategic offensive buildup continues, the risk to our nation will become too great to sustain without major offsetting actions.

Therefore, what I particularly want to focus on today is the basic asymmetry between what the United States has been doing and what the Soviet Union has been doing in the field of strategic nuclear weapons in recent years.

In a word, for the past five years, the United States has virtually been in neutral gear in the deployment of strategic offensive forces, while the Soviet Union has moved into high gear in both deployment and development of strategic nuclear weapons. In the 1965–67 time period, the United States decided on a level of strategic nuclear forces, including Multiple Independently Targeted Reentry Vehicles (MIRVs), which was deemed adequate to preserve our deterrent posture for the threat of the 1970's which was projected then. No basic change has been made in the force level decisions established in the mid-1960's.

The Soviet Union, by contrast, has engaged in a major effort since 1965 to change the balance of power. The United States then, unlike the situation today, clearly occupied a superior position.

Except for the minimum "hedge" that SAFEGUARD will provide, we have not responded to the Soviet strategic offensive buildup with new deployment programs. We did not respond in past years because the United States deliberately chose to assume that the Soviet buildup at most was aimed at achieving a deterrent posture comparable to that of the United States. We have not responded this year because, as I have said, we fervently hope that SALT can render such a response unnecessary.

As much as we might wish it otherwise, however, we must concentrate our attention on what the Soviet Union is actually doing. In the current situation of a diminishing U.S. deterrent and Soviet momentum, we simply cannot base our plans and programs on what we hope the Soviet Union may do either unilaterally or in SALT. The Soviets have a momentum going both in strategic weapons deployments and in strategic weapons developments. If their strategic posture could be expected to stay at the operationally deployed posture which exists today, I believe we would have a tolerable situation. What must concern us, however, is the momentum the Soviets have established both in deployments and developments and where that momentum may carry them.

Let me explain in more detail the basic problem.

The most crucial aspect of national security is the strategic balance between nations that have competing interests in the world. The strategic balance has a direct effect on relations between the superpowers. It has an indirect effect on other nations both in terms of their own relations with each other and in terms of their relations with the superpowers. As one example, a situation of clear superiority on the part of the Soviet Union would have profound implications for any future political or military confrontation between NATO and the Warsaw Pact. In fact, a clear strategic superiority on the part of the Soviet Union would affect our interests and our obligations throughout the world.

In our continuing debate on defense matters, it has been said many times that the driving force behind the so-called strategic arms race is the "action-reaction" phenomenon. The recent ABM–MIRV discussions in this country illustrate this. The argument is made, for instance, that the deployment of defensive missiles by one side tends to generate increased offensive deployments by the other side.

I certainly agree that one side's actions definitely can influence what the other side does. But just as weapons in themselves are not the cause of wars, neither are a country's actions in weapons deployment—in themselves—the driving force in a so-called arms race. The fundamental driving force in an arms race is what one country perceives as possible objectives of another country's actions.

Let me explain it this way. Our goal is a stable peace. Our strategic policy to achieve that goal is deterrence. As publicly stated, the basic rationale for United States weapons deployment in the strategic field has been and remains deterrence. Our actions of the past several years underscore the fact that deterrence is our fundamental policy and that we seek no more than a posture of effective deterrence.

Because we in the United States seek a posture of deterrence to protect our interests and those of our allies, we obviously could recognize as legitimate a Soviet desire for a comparable deterrent to protect its interests.

I know that the actions of the Soviet Union in recent years have raised questions in the minds of some of you editors and others about the true objectives they are pursuing.

As I have said many times, I do not believe that it is appropriate for me, as Secretary of Defense, to attempt to assess the strategic intentions of another country. However, under my responsibilities, I must be concerned about present and potential strategic capabilities.

You representatives of a free press understand fully the national security price an open society must pay when competing with adversaries who cloak their plans in secrecy and attempt to hide both their objectives and their hardware behind the mantle of a closed society. The whole world knows what we in the United States have and what we plan in the national security field. Meaningful essentials are laid bare in an open forum—in official statements, in Congressional hearings, in the give and take of Congressional hearings, in the give and take of Congressional and public debate and in the reports of a free and competitive press. I would not have it any other way.

Let me emphasize again my conviction that the American people have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country. In particular, too much has been withheld in the past about what has been going on in the closed societies of the Soviet Union and Communist China.

As we all pray for success in Vienna, let me point out that, in my view, the American people will support an arms limitation

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agreement only if they are confident they have the relevant facts about the strategic balance.

The facts I am about to present are not taken from external Soviet discussions of their strategic forces. They do not come from press conferences in Moscow, from testimony in the Kremlin, from news stories in Pravda, or from published annual Defense Reports by Marshal Grechko.

Rather, the information I am presenting to you is based on our own observations of what the Soviets are doing—and on our belief that this information and these facts should not be withheld from the American people and should be made available to others in the world.

Let us examine what has happened in the past five years to shift the relationship between U.S. and Soviet strategic forces and to provide an accelerated momentum to the Soviets in the strategic field:

In 1965, the Soviet Union had about 220 launchers for the relatively old-fashioned missiles—SS-6's, SS-7's and SS-8's—somewhat similar to our TITAN. We had 54 TITANs in the inventory at that time.

Today, these two forces remain essentially the same. So in this category of old-fashioned multimegaton weapons the Soviets had and still maintain a better than 4-1 advantage.

In 1965, the Soviet Union had *no* relatively small ICBM launchers comparable to our MINUTEMAN. By 1965, we had 880 MINUTEMAN missiles operational and had established that the total force level for MINUTEMAN would be 1,000 launchers. In the 1965–67 time period, the United States finalized plans to convert a portion of the established MINUTEMAN force to a MIRV MINUTEMAN III configuration.

Today, the Soviet Union has over 800 such launchers operational, and a projected force that could exceed 1,000 launchers within the next two years. These launchers include both the SS-11 and SS-13 missiles. Concurrently, flight testing of an improved SS-11 missile continues. Thus, at present construction rates, the Soviets will achieve parity in MINUTEMAN-type launchers within the next two years or so and could move into a substantial lead in this category by the mid-1970's if they continue to deploy these missiles. The previously scheduled U.S. program to MIRV a substantial part of MINUTEMAN continues in progress.

In 1965, there were no operational launchers for the large Soviet SS-9 missile which, in its single warhead version, can carry up to 25 megatons.

Today, I can report to you that there are some 220 SS-9's operational with at least 60 more under construction. Testing of an SS-9 multiple reentry vehicle—the triplet version—continues. The U.S. has no counterpart to this program involving large missiles. So, in this area, the Soviets have and will maintain a monopoly.

In 1965, neither a depressed trajectory ICBM nor a Fractional Orbital Bombardment System existed in either the Soviet or U.S. inventory.

Today, the Soviets have tested both configurations and could have an operational version already deployed. The United States has developed nothing comparable to these systems.

In 1965, the Soviet Union had about 25 launchers for Submarine Launched Ballistic Missiles (SLBMs) on nuclear submarines, and about 80 more on diesel submarines. Most were designed for surface launch only. The U.S. had 464 SLBM launchers operational on 29 submarines in 1965 and Congress had authorized the last of the 41 nuclear-powered submarines in our POLARIS Force in the previous fiscal year.

Today, the Soviets have over 200 operational launchers on nuclear submarines for submerged launch SLBMs and about 70 operational launchers on diesel submarines. In the next two years, the Soviets are expected to have some 400–500 operational launchers on POLARIS-type submarines, and at present construction rates—6–8 submarines a year—could match or exceed the number in the U.S. force by 1974–75. United States POLARIS submarines still number 41 and no increase is projected in current plans. Conversion of 31 of our POLARIS submarines to the MIRVed POSEIDON missile is planned, and eight conversions have already been authorized by Congress.

In 1965, there was no development underway of a so-called Undersea Long-Range Missile System (ULMS) in the United States and there appeared to be none in the Soviet Union.

Today, the United States is spending relatively small sums in the research and development area on preliminary investigations of such a system. I can also report to you today that the Soviet Union, on the other hand, already is testing a new, long-range missile for possible Naval use.

In 1965, the Soviet heavy bomber force consisted of slightly over 200 aircraft, about 50 of which were configured as tankers. The U.S. heavy bomber force strength was about 780 in 1965.

Today, the Soviet heavy bomber force is slightly under 200, with about 50 still configured as tankers. U.S. heavy bomber strength has declined to about 550 today.

In 1965, we estimated that the Soviet Union had a complex of ABM launchers being constructed around Moscow as well as a number of radars under construction which could provide early warning acquisition and tracking functions for ABM use.

Today, we believe that 64 Moscow ABM launchers are operational together with sophisticated early warning radars and tracking capabilities. ABM testing for new and/or improved systems continues. Today, the first two SAFEGUARD sites have been authorized, but will not be operational before 1974–75. This modified deployment schedule is considerably behind the schedule Congress had approved in 1967 for the planned SENTINEL area defense, which called for initial capability in 1972, and nation-wide coverage in 1975.

Thus, in the space of five years—from 1965 to 1970—the Soviet Union has more than tripled its inventory of strategic offensive nuclear weapon launchers from about 500 to about 1700—which includes some 200 heavy bombers in both totals—and continues the momentum of a vigorous construction program. In that same period, the Soviet Union has virtually quadrupled the total megatonnage in its strategic offensive force. The United States, on the other hand, in the same time period, made no increase in its established level of 1710 strategic nuclear missile launchers and reduced its heavy bomber strength of 780 by over 200. In that same period the United States also reduced its megatonnage by more than 40%.

To repeat: The United States has taken no action to increase the total of approved strategic offensive delivery vehicles in the past five years in response to the rapid growth in Soviet strategic delivery vehicles. We have, of course, maintained certain options and other steps have been taken to preserve our deterrent in the face of this increase.

Two programs that have been the subject of intense public discussion are, of course, our MIRV and SAFEGUARD systems.

Let me emphasize that MIRV is needed to preserve our deterrent. Many people do not fully understand why it is necessary for us to continue the previously planned, Congressionally-approved and funded deployment of MIRV systems. The point is made that the current number of strategic nuclear weapons on alert in our force is sufficient for immediate retaliatory use in a crisis. Because MIRVing would more than double the number of deliverable weapons, the conclusion is drawn that this is unnecessary.

This conclusion could be valid, if we assumed that the POLARIS, MINUTEMAN, and Bomber forces all would survive a surprise attack and that the Soviet Union would not deploy an extensive ABM system. However, as was pointed out in my Defense Report in February, the rapidly-growing Soviet strategic offensive forces could seriously threaten both the U.S. MINUTEMAN and strategic bomber forces by the mid-1970's.

Assuming we do not take additional actions to offset the expanding threat—and this apparently is what some people urge—I must, as Secretary of Defense, face the disquieting possibility that in the mid-to-late 1970's we would no longer be able to rely on either the Bomber or MINUTEMAN force to survive a surprise attack. In such a situation, we would be left with only the POLARIS/POSEIDON deterrent force in our strategic arsenal for high confidence retaliatory purposes. This would pose intolerable risks for American security.

Thus, the critical choice in the face of that situation is this:

1. Do we rely on the fraction of the 656 current weapons that will be at sea on our POLARIS force if we do not convert to POSEIDON and do not defend our land-based strategic forces?

2. Or, do we continue the previously established program to convert 31 POLARIS submarines to the long-approved POSEIDON MIRV program—which would provide approximately the same number of sea-based retaliatory weapons on alert that we currently have today in the sea-based and land-based retaliatory forces combined, but with much reduced megatonnage?

Pending a successful outcome in the Strategic Arms Limitation Talks, therefore, prudence dictates that we must continue our approved program to MIRV current forces.

Moreover, as the experience of the past five years demonstrates, it would be dangerous and imprudent to place unquestioned reliance on the invulnerability of any single strategic system for more than five to seven years into the future.

This is why we must also, at the very least, preserve an option to defend a portion of our land-based retaliatory forces. That is a major part of what the proposed minimal addition to the SAFEGUARD Defensive program is designed to do. I will come back to that.

Because we want to give the Strategic Arms Limitation Talks every chance of succeeding, we are deliberately accepting certain risks by postponing hard choices related to strategic offensive weapons. These risks are acceptable only in the context of proceeding with the MIRV deployments that have been programmed and approved for several years and the SAFEGUARD increment we are recommending this year.

A second and equally important reason for MIRV is that it helps preserve our deterrent by increasing confidence in our ability to penetrate Soviet strategic defensive forces which, by the mid-to-late 1970's also could be quite formidable. In addition to the extensive air defense capabilities they already possess, the Soviets are pursuing a vigorous anti-ballistic missile research and development program designed to improve the present operational system or to develop substantially better second-generation ABM components.

We now have evidence that the Soviet Union is testing an improved long-range ABM missile. They are also expanding their radar surveillance coverage. We cannot rule out the possibility that they have or will give the extensively deployed SA-5 surface-to-air missile system an ABM role. We believe such a role is technically feasible for this system.

With regard to SAFEGUARD, which I men-

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tioned previously, let me say this. In addition to other objectives, the reoriented SAFEGUARD program, initiated last year, is designed to provide protection for our land-based deterrent forces, the MINUTEMAN and Bombers. As you know, the President directed that each phase of the SAFEGUARD deployment is to be reviewed each year to ensure that we are doing as much as necessary but not more than that required by the threat. The increments of SAFEGUARD proposed so far will provide protection for a portion of our land-based deterrent, and permit flexibility with regard to our future course of action.

Without approval by Congress of the Modified Phase II SAFEGUARD protection proposed by the President, we would be forced to recommend going forward this year with other strategic nuclear offensive force programs.

All of my comments so far have, of course, been focused on the more immediate and troublesome threat posed by the Soviet strategic force buildup. The nuclear weapons program of Communist China also concerns us and directly relates to the need for preserving timely SAFEGUARD options as we move toward the mid-1970's. Time does not permit a discussion of this issue and the interrelationship of maintaining adequate strategic offensive and defensive forces to meet both the Soviet and Communist Chinese threats.

Where does all this leave us, and what is President Nixon attempting to do with the decisions he has incorporated in his Fiscal Year 1971 transitional defense budget?

Clearly, this Administration has not accelerated the previously planned deployment of offensive systems during our 15 months in office. On the contrary, we have slowed it down. The only major change we have made has been modification of the previously approved SENTINEL ABM deployment; and that change was a slowdown, not a speedup. We slowed the original deployment plan Congress approved, keyed it to the emerging threat on an annual review basis, and reoriented it to provide more timely protection needed for our land-based deterrent forces.

If the programmed forces established by the last Administration some years ago and approved by Congress were deemed appropriate and necessary for the security of the United States in the 1970's against the then projected threat, I am at a loss to understand how critics can claim that the Nixon Administration has escalated the arms race. The record clearly shows that we have not done so. We have chosen instead to defer major new weapons decisions as long as possible pending developments in the Strategic Arms Limitations Talks. In continuing the MIRV and ABM programs, we are simply going ahead with programs on which our deterrent policy was formulated by previous Administrations, even before the current momentum of Soviet strategic programs became clear.

With regard to the important talks which have just resumed in Vienna, the President has stated that every U.S. system is negotiable. To those who argue that the U.S. should take specific, and perhaps unilateral, action at the start of these negotiations, I would reply that the place to resolve these issues is at the conference table with the Soviets. Let us try to find out at the conference table the meaning of the Soviet Union's increased weapons deployments and let us conduct these important negotiations with full recognition of these continuing Soviet deployments.

My appraisal today has covered some of the available evidence of the Soviet military buildup. I am not unmindful, however, of possible other directions of Soviet policy that could be relevant to our security. There have been reports that Soviet economic problems may place pressure upon their leadership to devote major attention to internal matters, thus reducing the recent emphasis on a continued military buildup.

As Secretary of Defense, I will continue to hope that the shift in national priorities we have instituted in America will be duplicated in the Soviet Union. But until evidence of that shift is discernible in weapons deployment activities, I have no alternative but to base my actions and recommendations on the evidence available, much of which I have shared with you editors today and, through you, with the American people.

BLAME FOR RISING FOOD PRICES

Mr. HARRIS. Mr. President, all too often the American farmer is blamed for the rising food prices. However, statistics which have recently been made available indicate that while food prices have been rising, the price the farmer has been receiving has been declining. For example, recently when the price of bread increased from 22 to 23 cents, the price the farmer received for wheat, milk, and shortening decreased from 3.6 to 3.3 cents.

We now know that the farmer, like the wage earner, small businessman, and the homebuyer and builder, has suffered greatly from the inflation we have been experiencing. With a return of only 3 percent on his investment as opposed to a 10-percent return by major industrial corporations and some of the large farms, the average farmer finds it increasingly difficult to continue operating when his prices are falling and the country is experiencing a 6-percent rate of inflation.

I think it is important that we recognize the fact that the average farmer has been greatly hurt by inflation and that he is not responsible for the increase in food prices.

EARTH DAY COMMENTARY

Mr. FULBRIGHT. Mr. President, pollution and environmental problems have become the subject of massive attention in recent months—magazine articles, television programs, statements by the President, and many public officials, and a number of bills introduced in Congress.

On April 22, Earth Day, we had a national environmental teach-in, with various special activities to focus on the environmental crisis being planned across the country. Although I understand that Senator NELSON played a leading part in formulating this idea, it was developed, organized, and energized by many young people.

I welcome and commend all this activity and I am hopeful that it will lead to some truly significant accomplishments in combatting the critical environmental problems. At the outset, however, I feel compelled to offer a word of caution. There is a tendency among Americans, and all humans I suppose, to feel that if we talk about a problem long enough, if we express enough indignation and concern, that it will somehow go away. Witness the example of the Vietnam war. Many Americans seem to have convinced themselves that after all the tumult in this country in the months prior to March 31, 1968, Vietnam ceased to be a problem.

Many people have tried, and some have apparently succeeded in phasing the war out of their minds, despite the fact that the death and destruction continues daily.

Just as we cannot afford to lessen our concern about Vietnam until we have brought the war to an end, we must not deceive ourselves into believing that by voluminous talking and writing we have resolved the environmental crisis.

The crisis is of such proportions that it is going to take a concerted and large-scale, long-term effort to effectively deal with it. One encouraging aspect of all the concern about the environment and ecology is that there are signs that this is an issue that could unite rather than divide Americans. All of us are affected by these problems and all of us need to work together in solving them.

Several significant measures have been passed by Congress as we have belatedly moved to confront these problems. Of course, as in the case of many other domestic needs, environmental quality activities are severely limited due to the lack of available funds. As I have often stressed, it is a matter of priorities, and as long as we have such a massive involvement in Vietnam and are spending billions for more and more armaments, these crucial domestic programs will be short changed.

This is even more tragic because reasonable expenditures now may save some enormous costs later. We need to act immediately to prevent the further despoiling of our air, water, and soil, rather than to wait until matters are completely out of control.

As an example of our current priorities, the $1.5 billion the administration plans to spend on the ABM this year is considerably more than allocated for control of air and water pollution. The fiscal 1971 budget provides $275 million for the Supersonic Transport—SST—aircraft as opposed to $106 million for air pollution control.

The total cost for the SST is estimated at $2.5 billion or more. We have been told that the SST can be used only for transoceanic flights because of the clamorous sonic booms. If they are flown over land they would add further to our considerable "noise pollution" problem. Anyone who lives or works near a major airport probably feels that this problem—plus the grimy exhaust-laden air—could not get much worse. All too typical of the times is the fact that the U.S. Army Band may have to move its traditional Washington outdoor summer concerts from Watergate. Because of the aircraft flying into or out of National Airport, trying to play or hear music is a losing proposition.

The folly of the SST should be evident. The jumbo jets already in service can carry more passengers over a longer range at lower fares than the SST. And if we are really worried about transportation, should not the problems of the millions living in our urban areas take precedence over the desires of a few who may be eager to get from the New York traffic jam to the London traffic jam a little faster?

The money could be well spent on developing and expanding urban rapid transit rail systems, which would help alleviate the squeeze and pollution in our streets. Or the funds could be applied to developing and improving high-speed rail service between our major cities, thus reducing the mayhem on our highways.

Technology has brought some benefits to mankind, but no longer can we afford to ignore the human and environmental consequences of technological development.

We must also keep in mind the increasing population pressures in the world, which heighten environmental difficulties. Our deteriorating transportation situation, our problem with waste disposal, our noisy, dirty, crime-plagued cities make the problems of urbanization all too clear.

The need to raise more food for the ever-increasing world population can wreak additional damage by upsetting the balance of nature. We increase the threat to survival by heavy use of pesticides and certain chemicals which pollute streams, linger in living tissues, and threaten wildlife species. The pollutants we pour into the air not only harm man's health directly, but also may change atmospheric conditions dangerously.

I have in the past and will continue to support programs to provide assistance for population control programs in developing countries, as well as voluntary family planning in our own country, and I believe such programs are of great importance.

A very visible component of our environmental blight is the ugliness, clutter, and litter that we see not only in our urban areas, but in the countryside as well. This is why it is important to act to preserve some of our more beautiful natural scenery. An example of this is the bill to make the Buffalo River in Arkansas a national river, a part of our national park system. This bill would enable the preservation, in its free-flowing, natural state, of an important segment of this beautiful river in an area which contains unique scientific features. This bill was passed by the Senate in September, and we are hopeful of favorable action in the House.

In many sections of the country water supplies are contaminated, and marine life is imperiled. Between 15 and 20 million fish are being killed each year by water pollution. Some of our rivers have even become fire hazards. However, the budget request for water pollution control is less than the program authorized by Congress in 1966.

Solid waste disposal is a problem that grows by the hour and is plaguing more and more cities. We are burying ourselves under 7 million scrapped cars, 30 million tons of waste paper, 48 billion discarded cans, and 28 billion bottles and jars a year. Newspapers in two Arkansas cities, Fort Smith and Pine Bluff, have recently reported on the increasing problem there. On an average, every Arkansan living in an urban area throws away 4 pounds of solid waste every day of the week. A State official points out that most Arkansas cities are still operating open dumps where garbage is burned. This contributes considerably to air pollution and is against the law. A Fort Smith reporter, Taylor Joyce, recently wrote in the Southwest Times Record:

> For as long as some local residents can remember there has been an open dump down along the Arkansas River on Fort Smith's northwest side. There has been almost perpetual burning there, creating noxious odors and blanketing the city with billows of smoke.
>
> The dump has attracted insects and vermin and has been a breeding ground for flies, mosquitoes and rats.
>
> The City Health Department wants to eliminate the dump because of the health hazards it creates.
>
> But perhaps most important of all, the Arkansas Pollution Control Commission says the dump has to go because it poses an air and water pollution threat.

In Arkansas we have had the opportunity to avoid some of the problems and mistakes which have occurred in the older, industrialized States. The opportunity is rapidly slipping away from us. Not many months ago, speaking of the Arkansas River development project, I stated that by preserving the beauty of the river, the purity of the water and air, and retaining favorable living conditions for those who work in the area, it could truly be a model development. Now, it is most disconcerting to read of a statement by a State health department official who says that the Arkansas River could not be made pollution free because of increasing industrialization of the river valley and pollution caused by out-of-State sources. In an editorial on the subject, the Arkansas Gazette pointed out:

> As it happens so frequently in the environmental field, the problem is interstate in nature and it presents a challenge for the federal anti-pollution effort that President Nixon promises his administration is ready to undertake. Already the federal government has spent over a billion dollars to create the inland waterway, and that ought to be enough to give it a vested interest in the quality of the water that flows down the costly river channel.

The problems are vast and numerous. We are, literally, surrounded by them. I hope that Earth Day will have marked the beginning not of conflict and confrontation, but of resolute and united action on many fronts to improve the quality of life and living conditions.

Mr. President, I ask unanimous consent that the editorial on the Arkansas River, from the Arkansas Gazette, and the articles on waste disposal, from the Southwest Times Record and Pine Bluff Commercial, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Fort Smith Southwest Times Record, Apr. 11, 1970]

CITY'S OPEN DUMP CREATES PROBLEMS

(By Taylor Joyce)

For as long as some local residents can remember there has been an open dump down along the Arkansas River on Fort Smith's northwest side. There has been almost perpetual burning there, creating noxious odors and blanketing the city with billows of smoke.

The dump has attracted insects and vermin and has been a breeding ground for flies, mosquitoes and rats.

From an aesthetic point of view, the dump has been an eyesore.

But with all its offensive features the dump has served its primary purpose pretty well. It has provided a place for the city to dispose of its solid wastes.

This has caused some citizens to ask, "Why all the clamor to abandon the open dump and go to another system of refuse disposal, namely a sanitary landfill?"

The reasons for wanting the change are almost as diverse as the people offering them.

Some want the dump removed for aesthetic reasons. They object to the smoke and the smell.

The City Health Department wants to eliminate the dump because of the health hazards it creates.

But perhaps most important of all, the Arkansas Pollution Control Commission says the dump has to go because it poses an air and water pollution threat.

Dr. L. A. Whittaker, director of the City Health Department, said, "There isn't any question in anybody's mind but what air pollution is a big problem down there."

He expressed concern over the burning of automobile tires. "Tires contain a great deal of carbon which is one of the factors in lung cancer," Dr. Whittaker said.

He also talked about the burning of paints, old batteries and toys containing lead. "It doesn't take much lead in the air to pose a real health hazard."

"Fortunately for the city the prevailing wind is out of the east and that keeps the city clear of the fumes and smoke for the most part," Dr. Whittaker said. "But when the weather is just right, high humidity and air relatively still, the air pollutants are a real problem for persons suffering from asthma, emphysema, bronchitis and other respiratory diseases."

"To my knowledge no one has ever died around here from the smoke and fumes, but they do aggravate those types of illness," he said.

Dr. Whittaker also pointed out that the dump provides a breeding place for mosquitoes and rats although there is no evidence that they are infected with the dread disease sometimes associated with them—bubonic plague in rats and malaria in mosquitoes.

"There is a large rat colony in the area, and the biggest problem with them is their consumption of human food and contamination of stored foods," Dr. Whittaker said.

Elimination of the dump could be expected to greatly reduce the numbers of these pests.

However, the greatest pressure for removal of the dump has come from the Arkansas Pollution Control Commission.

City Administrator Cliff Keheley said, "They wrote us a letter in 1967 telling us that the dump had to be off the river by the time Lock and Dam 13 was closed. They set a deadline of Aug. 1, 1969."

Although the deadline has already passed, Keheley says the commission hasn't pushed for compliance with the mandate. "The dump is definitely in violation of the state's air pollution code," Keheley said, "but the commission realizes the problem associated with removing the dump and hasn't pushed us too hard yet." Why couldn't the present dump be converted into a sanitary landfill?

"It's too small for one thing," Keheley said. "And the burned matter that's out there couldn't be successfully used to compact the garbage as is necessary in a landfill operation. You would have to remove all the burned matter and get down to the original earth and that could run into considerable cost."

So the city is searching for a landfill site, and hoping that the pollution control commission's patience doesn't wear thin until the site can be found.

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[From the Pine Bluff Commercial, Apr. 5, 1970]

Garbage: Will Be Swamped in a Sea of Throwaway Products?

(By George Wells)

Of The Commercial Staff

The problem was bad enough to begin with.

And it's getting worse.

New people coming in all the time. Every once and a while a new plant of some kind. New services are opened to serve the new people.

And all of this mounts up. Literally, in the case of garbage.

On an average, every Arkansan living in an urban area throws away four pounds of solid wastes every day of the week. That's about 240,000 pounds a day at Pine Bluff.

Of course, this includes prorata share of industrial and commercial wastes. But that does not alleviate the problem.

Chances are, on top of all this pile of garbage, that things are going to get worse before they get better. Along with the population explosion—which may not be as marked in Arkansas as some other places, but which is nevertheless serious here too—there is the explosion of disposal products.

Throwaway bottles. Throwaway cans. Throwaway paper goods.

In fact, at the rate we are developing convenience through throwaway goods, we may soon conveniently swamp ourselves in a sea of wastes.

Any way you stack it, solid waste is a serious and growing problem.

What can be done about it?

Bury it. Burn it. Use it again. Mine it.

Roughly speaking, these are the alternatives in order of feasibility.

The State Pollution Control Commission is currently nudging municipalities to use landfills—dumping solid wastes into trenches, holes, natural ravines, borrow pits or gravel pits and covering the wastes periodically with dirt.

Sid Fitzgerald, solid wastes specialist for the commission, said that at present this is the best method available that most cities in Arkansas can afford.

One of Arkansas's big problems right now, he said, is that most cities are still operating open dumps and burning garbage in the open. This contributes considerably to air pollution and is against the law.

"But what can you do?" Fitzgerald said. "If you go in and tell them to stop, it complicates the problem. We're trying to encourage cities to go to landfills."

Controlled burning as a method of disposing of waste is getting a lot of attention right now, Fitzgerald said, because "people think that when you burn it, you've gotten rid of it."

However, he pointed out, burning is essentially only a method of reducing volume and there is still the problem of disposing of the residue. "This sometimes presents more problems" than it solves, Fitzgerald said.

But the basic problem with controlled burning, or incineration, is its high cost. Fitzgerald said he and Arthur (Bucky) Hendrix of Pine Bluff, who works with him in the agency, visited an incineration plant in Ohio.

"It cost six and a half million dollars," Fitzgerald said, "and got rid of 500 tons a day. And they still needed a place to deposit the residue."

Recycling, or finding some way to use wastes again, is also getting a lot of attention nationwide. Scientists have insisted publicly that, in the long run, this is the only solution.

These scientists advocate recycling not only to solve the problem of disposing of wastes, but also because they feel there is a limited amount of resources on the planet, and they will eventually play out if they aren't conserved and reused.

To date, however, little progress has been made in finding practical means of doing this. This is one of the major areas of study.

Fitzgerald said that probably the only serious attempt at recycling any wastes in this state would be with waste paper. He said that he did not know of any municipality that was doing this.

Mining garbage is, at the present state of the art, out of the question because of the extremely high cost of extracting reusable metal compared to the return.

There is another method related to the last two: composting. In this method, salvageable products are removed from the total waste, and the organic matter is then ground up and allowed to decompose through the action of bacteria.

The resulting product, compost, is generally used for soil nutrient.

The only problem with this is that there is no sizable market for it. Six such operations have already folded, Fitzgerald said, and the only ones that he knows of still in operation are subsidized by the government for research purposes.

He related that in one case he was familiar with, a private firm received $4 a ton from the city to haul off the stuff and make compost out of it and the operation still lost money because there was no market. The compost produced is expensive in comparison with regular fertilizers, Fitzgerald said.

So all roads lead back to the landfill.

"We're pushing the regional concept," Fitzgerald said.

By this, he explains, is meant a central operation serving several communities or a whole county. In fact, he said, he favors the regional concept regardless of whether the method of disposal is landfill, burning or anything else.

Sometime in the near future, he said, he and Hendrix will visit a countywide operation in Alabama. In this system, Fitzgerald said, containers similar to the ones used for the automated pickup in Pine Bluff are placed around the county. Containers for several yards are placed in neighborhoods in towns.

Irregular open dumps have been eliminated through its system and "from all reports we have received," the system seems to work.

Fitzgerald said that, taking into account the economics of the problem, some variation of this system will probably be the solution for some time to come.

There are shortcomings to the landfill operation, of course. These include:

LAND AVAILABILITY

In the East, many cities have already run out of available land, and if every city in Arkansas goes to this method, obviously the amount of land available and suitable will someday run out.

SEEPAGE

This could cause problems by polluting the water supply by draining through wastes and percolating through the soil to the water table. This problem is minimized by reducing runoff and by controlled digging.

Obviously one of the things involved here is simply not to dig deep enough to go into the water table. The other thing is to arrange drainage so that excess water is diverted around the site, thus reducing the water problem to that which falls directly on the site.

WEATHER

On top of presenting a drainage problem when it rains, there is the problem of the condition of the soil. If it rains too much, equipment can't be worked on some sites. If it is too cold, the ground freezes and becomes unmanageable.

To a certain extent, there is no defense against the weather. But some weather problems can be minimized in the same manner as above: by controlling drainage, in the case of water runoff, and by providing all-weather roads to the site.

"Sanitary landfill is just a stopgap method right now," Fitzgerald said. "It is the best method right now and until an economical method of burning or recycling is found," he said.

It is feasible in Arkansas for the time being, he said, primarily because of the relatively small population of the state.

"Sanitary landfill is not going to solve all the problems," he said. "In Arkansas, the problem can be summed up as a lack of cash, a lack of concern and a lack of awareness."

In many towns, Fitzgerald said, there is no garbage service because "public officials are afraid to do anything" that will cost money. "A lot of cities are large enough and should have garbage collection, but don't," he said.

In some of these cases, he pointed out, the Pollution Control Commission was suggesting a modified form of sanitary landfill—"cover it up once or twice a week or maybe only once a month."

But the important thing is, he said, that some form of disposal system be used. "This is as important as sewage disposal and water supply, and it should be handled that way," he said.

After a site is used up, Fitzgerald said, a city could use it by building a park or a golf course there.

Some other things that have been suggested, he feels, are not practical. Especially, he feels, the idea of building houses on them should not be adopted because there is some seepage of methane gas.

The seepage itself is not serious, he said, but the gas—which is created by the decomposition of organic matter—can accumulate in a closed place and become a problem.

[From the Arkansas Gazette, Mar. 9, 1970]

Unsettling Report on the Dirty Arkansas

Glen T. Kellogg, the chief environmental engineer for the state Health Department, made a statement to the North Little Rock Rotary Club last week that ought to be terribly unsettling to everyone who had hoped and expected that great recreational benefits would accrue from the $1.2 billion Arkansas River navigation project.

Mr. Kellogg said he doubted that the river could ever be made safe for recreational use in Arkansas. The stream, he said, could not be made completely pollution free because of increasing industrialization of the river valley and pollution caused by out-of-state sources.

If the navigation project results in the sort of situation that Mr. Kellogg fears it will, then the industrialization that is so badly needed in Arkansas in the long run is going to be of such dubious value that it may be a liability. The engineer urged residents of Arkansas not to allow further pollution of the river, and that is indeed sound and compelling advice. Industry that pollutes should not be made welcome, no matter how many dirty dollars it brings into the economy; if it locates here anyway, it should be required to fully clean up its waste before dumping it into the river, just as the cities along the river are now being required to treat their sewage sufficiently before disposing of it in the stream.

In any event, the fact that the Arkansas River flows across state lines cannot serve as an excuse for states up the river—Oklahoma, Kansas and Colorado—to permit pollution-emission standards so low that Arkansas downstream has to accept the filthy by-product of industrial growth that it receives no economic benefit from. As it happens so frequently in the environmental field, the problem is interstate in nature and it presents a challenge for the federal anti-pollution effort that President Nixon promises his administration is ready to undertake. Already the federal government has spent over a billion dollars to create the inland waterway, and that ought to be enough to give it a vested interest in the quality of the water that flows down the costly river channel.

PROPER MEDICAL CARE MUST BE PROVIDED FOR VETERANS

Mr. PERCY. Mr. President, the Nation has a long and proud tradition of showing itself grateful to those citizens whom it has called to arms in time of war. Nowhere is this gratitude better or more fittingly expressed than in the comprehensive medical care provided for veterans, and, most particularly, for veterans with disabilities arising out of their military service. To furnish this care, the Department of Medicine and Surgery of the Veterans' Administration operates one of the largest medical systems in existence, including 166 hospitals with more than 100,000 beds, over 200 outpatient clinics, and a number of other facilities. On any given day, more than 80,000 veterans will be occupying Veterans' Administration hospital beds; every month there are more than half a million outpatient visits to VA medical facilities.

But size and quantity of medical care are not enough. The veterans of this Nation, especially those with service-connected disabilities, deserve the very best medical care that can be provided. I am, therefore, very distressed by the reports of recent months which indicate that some elements of the Veterans' Administration hospital system may be deficient. I am particularly concerned to learn that staff shortages in the neighborhood of 1,300 positions have been reported in the six VA hospitals in Illinois and that the directors of these hospitals feel that they have inadequate funds for a number of purposes such as the placement of veterans in community nursing homes where care of this type would be advisable.

I am, however, encouraged by the fact that the appropriate committees of Congress have taken note of these allegations of deterioration in the medical care provided our veterans and have launched intensive studies to determine just what the shortcomings are and what needs to be done to correct them. In particular, I commend the Subcommittee on Veterans' Affairs of the Senate Committee on Labor and Public Welfare and the Committee on Veterans' Affairs of the House of Representatives. These two committees have taken the lead in investigating the present state of veterans' medical care, and I have confidence that the necessary improvements will be made. We must be certain the Veterans' Administration hospital system will again qualify for the praise it received almost two decades ago, in August 1951, in the report of the Committee on Labor and Public Welfare:

> The quality of medical care available to the beneficiaries of the Veterans' Administration has been raised to a point where it unquestionably represents the best medical care available anywhere in the world at any time in the world's history.

WELFARE REFORM

Mr. McGOVERN. Mr. President, the Senate will soon be asked to vote on President Nixon's welfare reform package. I have recently seen two items in the press which I believe have important bearing on that vote.

The first article, by Eve Edstrom, reports that OEO's current income maintenance experiment is finding, as many of us have long argued, that the vast majority of the poor in this country are not welfare chiselers, but people who desperately seek to work their way out of poverty.

The second, by Jack Rosenthal, reports on a unique private offer of funds to help improve OEO's experiment by expanding the range of alternatives it is able to consider. Because of the importance of the OEO experiment to the case for welfare reform, I hope that Senators will examine these two articles closely and that OEO will decide to improve its experiment by accepting the reported offer of Mr. Leonard Greene. His concept of full work incentive is well worth close examination.

I ask unanimous consent that the two articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 3, 1970]

Guaranteed-Income Plan Breeds Pride

(By Eve Edstrom)

Princeton, N.J.—Giving poor families extra cash to supplement their earnings apparently brings out the Puritan in them.

A sampling of attitudes among 10 per cent of families enrolled in an experimental guaranteed annual income project shows that most families in the program express contempt both for welfare payments and for people too lazy to work.

One father who receives a cash payment to add to his working wages said: "It's not a good idea if you like to drink or you're lazy."

A Spanish-speaking father in the same plan said, "It's an honor to work." A Negro machine operator added a qualification. "I love to work—'cause I have to," he said.

The family heads who made the above statements receive the income payments under a program similar to the landmark legislation proposed for all of the nation's poor families by President Nixon. The bill is scheduled for a vote on the House floor next month.

Until now, the preliminary results of that $4.5 million government-financed experiment have been put forth in general terms or in cold statistics.

But last week, Mathematica, a research group based here, released verbatim quotations from interviews with 10 per cent of the more than 7,000 families who receive the cash guarantees in New Jersey and Pennsylvania.

Although a few families expressed some reservations or misconceptions about the program, more typical responses included such statements as it is "four to five times better than welfare" or "it seems simple and uncomplicated compared to most government programs."

Unlike welfare, the families do not have to fill out complicated forms, do not have to account for how they spend their money, do not have to forfeit assets, and are not supervised by case workers and investigators.

In fact, the experiment's workers go out of their way not to advise families. If families need help, such as finding housing, they receive a list of agencies to contact so that they can learn to help themselves. The cash payments are strictly divorced from any services.

To be eligible for the payments, a family submits to a quarterly interview and reports its income and family composition each month. The income report form, as one family said, "couldn't be simpler. You'd have to be pretty stupid" not to understand it.

The one-page form, covering a four-week period, asks the family to list any changes in household members (because grants are based on family size) and to list earnings before taxes and other income such as Social Security benefits.

Families include their paycheck stubs with the report. If they don't have stubs, they can submit signed statements from employers. Their benefits are recalculated every four weeks, but are based on average earnings over the last three-month period.

Because the experiment is aimed simply at determining how income guarantees affect work patterns of those who receive them, the families are under no obligation to account for how they spend the extra cash.

But the families have shown a strong desire to prove they are worthy of the payments. Many have voluntarily attached paid bills to their income declaration forms to show how they have spent the money.

That the money is being used in a variety of meaningful ways was also shown by the interviews that Mathematica conducted last month in Trenton, N.J., where the first project families were selected in 1968, and in Paterson, Passaic and Jersey City, N.J., and Scranton, Pa.

Two Scranton families are using the money, spread over a three-year period, to renovate their homes.

"This way we are increasing the value of our home and will have something to show for the money," one family said.

That family has renovated one room and named it the "Council of Grants to Families" room. The Council is the subsidiary which issues the payments to the families.

Another family, noting that the payments were enabling it to move from a "dump" to a nicer apartment, said:

"We are trying to plan ahead. In three years, I might be making good money, and by then the kids will be older and my wife could possibly work. It sure has raised our standard of living."

A 60-year-old mother, living with her son's family, said the payments would make it possible for her to delay in applying for Social Security benefits until she was eligible for the maximum amount.

The income guarantee is helping one railroad worker to sit out a layoff, and has helped factory workers to get through "vacation without pay" periods.

A commonly expressed view was that the money gave families a small measure of security in case of illness or job difficulties. This was best expressed by the family that said:

"We aren't using the money to pay the electric bill or things like that. We put a little aside and just having it gives you peace of mind in case anything should happen."

Several families were negative in their responses, saying the money wasn't sufficient to help them provide adequately for their families.

A few families looked upon their bimonthly checks as windfalls to be used for spending sprees.

One young father has been quite successful in using his guarantee to extend his credit rating so that he could lavishly furnish his public housing apartment—complete with bar. He also tried to con the experiment's workers out of giving him his payments in one lump sum so that he could have a "stake."

Among those interviewed, there was almost universal contempt for the existing dependent children's welfare program, which began in the 1930's and would be replaced by the Nixon administration's Family Assistance Plan of income guarantees.

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One family said that "on welfare you can't go any place or raise your cultural level." Another said welfare "kills people," and a third said welfare "makes liars and cheats" out of people.

Only a few of the income experiment's families did not endorse the concept of a national income guarantee plan.

"I don't think it will work," one father said. "It's like putting the whole country on welfare."

But the overwhelming view was expressed by families that said the program was a "good idea," that "all the people in the cellars and in the slums need it," that "you need a program for those not rich."

"Professionals can always find a job in their field," one Jersey City father said. "But there is no such thing as a guaranteed factory job."

Similarly, a Scranton father said:

"It's giving those who are already trying a chance to get ahead. Everyone can't count on steady work . . . Take Scranton. Six years ago if you wanted a job as a dishwasher you had to fight at least 10 other guys to get it. Think how much this program would have meant then."

Most of the families showed a clear understanding that the income guarantees, which average less than $100 a month, go down as earnings go up.

"You work more, you get less," said one father.

Another said he took a job knowing that the guarantee would go down, because he wanted to better himself. And one enrollee, who now only receives $20 a month, said that small incentive has made him "work harder in the last months putting in overtime whenever I can."

Under eight different combinations of tax rates and guaranteed income levels, the guarantees are entirely eliminated when earnings go above a certain level. To date, 10 per cent of the families in Trenton, Paterson and Passaic have increased their earnings so that they no longer are eligible for the guarantees.

One father correctly figured the point where he no longer would be eligible for benefits and said, "I'd be happy to go above it"—indicating, as many of the answers did, that the cash payments do not slow down work effort.

Typical comments were "I'd rather work than sit," and "it's all I ever knew all my life." Another family head said work was necessary so a guaranteed income plan would be "more an insurance policy than a handout."

The experiment is being financed by the Office of Economic Opportunity under contracts with the Institute for Research on Poverty at the University of Wisconsin, and Mathematica.

Although developed under the Johnson administration, the experiment is proving to be a unique testing ground for President Nixon's revolutionary welfare reforms, which appear assured of Congressional passage this year.

The reforms are mammoth in that they establish the first uniform federal income guarantee ($1,600 for a family of four) and include working poor families, as well as the non working poor, for the first time.

Critics have said the program might lead to widespread loafing. But the Mathematica interviews suggest the program, in the words of one father, will give the "guy who tries the feeling that it is worth it."

[From the New York Times, Feb. 28, 1970]

INVENTORY OFFERS TO SUPPORT TEST OF WELFARE GRANTS AND WAGES

(By Jack Rosenthal)

WASHINGTON, February 27.—A computer scientist from White Plains, N.Y., thinks that the Government is approaching welfare reform in the wrong way and is willing to put up $500,000 of his own money to prove it.

"The present system is terrible, and even the President's welfare reform plan would, in effect, put poor people in the same 50 to 67 per cent tax brackets as industrialists," says Leonard M. Greene, a 51-year-old inventor and producer of on-board computers for commercial aircraft.

He regards even a current Federal income-grant experiment as unsatisfactory and this week wired an offer to the Office of Economic Opportunity.

He would, his telegram said, personally support a broadening of the experiment to cover 100 poor families if they could receive income grants and also be allowed to keep all outside earnings.

The present experiment, conducted in New Jersey, seeks to determine what 1,359 low-income families do with income grants if they are permitted to keep some but not all outside income.

PRELIMINARY FINDINGS

The O.E.O. issued a preliminary report last week indicating that families with grants are more likely to work than non-recipients. The experiment has two years to run.

An O.E.O. spokesman said today that the agency was not prohibited from accepting private grants. Mr. Greene's proposal, he said, "is an interesting offer" but the agency will have to learn more about it before acting.

Mr. Greene hopes to broaden the experiment to find out what happens to work incentives when poor people can keep all they earn plus the grants.

Mr. Greene, a one-time test pilot and air taxi operator, says the offer could cost him $500,000 over two years. He admits with a shrug that he is not sure the contribution would be tax-deductible.

In a slightly "mod" suit and wide tie, he does not look at all like a zealot, but like the wealthy businessman he has become as the result of his computer inventions.

"I don't consider myself a nut," he says, "or even as all that altruistic. I'm successful, but so what? Unless our society can solve this (poverty) problem, I'm a success on a sinking ship."

Mr. Greene came to Washington this week seeking support in Congress for his own welfare reform proposal, keyed to the same idea as his offer to O.E.O.—that the poor should get income grants and be able to keep all outside income besides.

Under his "fair share" plan, all citizens, poor or not, would receive income allowances. Those received by the poor would be untaxed or taxed at low rates. The amount of tax on the allowance would increase gradually, like the income tax, so that non-needy families would keep nothing of the allowance.

Mr. Greene believes that the Nixon Administration's proposed family assistance program, to reform the present welfare system, suffers from the same fault as the O.E.O. experiments.

Under the proposed program, pending in Congress, a poor family would be guaranteed $1,600 in annual Federal grants. It could earn an additional $720 without penalty. But it could keep only half of any earnings above that.

REBUFFED BY TRAINEE

"And that's tantamount to a 50 per cent tax," Mr. Greene says, "67 per cent if you add what the states might add."

Mr. Greene first came to devise a welfare reform system three years ago when his Safe Flight Instrument Company offered a good salary to a black youth to become a computer technician-trainee.

"And yet the boy had to turn us down," recalls Mr. Greene, eight of whose own 12 children are now in college. "The additional income would have disqualified his family from its place on the waiting list for public housing. What kind of society is it that compels a young man to barter his whole future for a place on an apartment waiting list?"

He believes that present law encourages people "to become 'vegetablized' and live on the dole. The only work they can seek is in hidden, cash jobs like driving cabs, caddying—and crime. These cash jobs are precisely those with no future."

"We should be encouraging people to work and to get ahead," he says, "not penalizing them for it."

ENDING THE WAR

Mr. SCHWEIKER. Mr. President, I commend President Nixon for the work he is doing to end the tragic Vietnam war and for his excellent speech to the Nation on this work on Monday night.

In my view, the President accomplished two significant things by this speech:

First. Despite reported pressures from various military sources to curtail American troop withdrawals, he announced a continuation of the present rate of troop withdrawal without any break in the monthly average.

Second. We preserved a flexibility in the daily handling of our disengagement from Vietnam which he should maintain as Commander in Chief of our Armed Forces.

All Americans should be heartened by his pledge of withdrawal of an additional 150,000 troops in the next year. The President, by this dramatic step, has shown his good-faith intention to end the war, but without moving so precipitously as to endanger the lives of American troops not included in present withdrawal plans.

I have often told the people of Pennsylvania in the last year and a half that President Nixon has taken steps which no previous President has done by actually removing troops, by actually scaling down the intensity of the combat, and by actually reducing the level of American fatalities.

I share his regret that negotiations in Paris have not borne fruit up to this point, but I urge continued efforts in Paris in the hope that there still may be encouragement from this quarter.

President Nixon showed Monday night that he is on the right track, and he has my full support.

THE WARSAW GHETTO UPRISING: A COMPELLING REASON FOR SENATE RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, this week marks the 27th anniversary of the Warsaw ghetto uprising. It is particularly fitting and proper that we should pay tribute to the inhabitants of the Warsaw ghetto who gave their lives in an attempt to preserve the rights of their comrades.

In September 1939, the Nazis invaded Poland, and by October had completely taken over the country with its Jewish population of over 3 million. The occupation was immediately followed by a series of restrictive laws, designed to subject the Jews to starvation and disease. In Warsaw, this was accompanied by the institution of the "ghetto," an area of 100 city blocks, into which 450,000 Jews were confined.

In the face of many hardships imposed on them by the Germans, an organization called the Jewish Fighter Organization—ZOB—was formed. The militancy of this group grew when it was learned that the thousands of Jews who were deported daily faced certain death in the gas chambers. However, due to the scarcity of firearms and the limited cooperation of the non-Jewish resistance, it was not until April 19, 1943, that the ZOB presented an organized attempt to drive the Germans from the ghetto.

Initially, they were successful, inflicting heavy German casualties, and routing their tormentors. Nevertheless, the Nazis responded with soldiers, tanks, and bombs. By May 16, they had leveled the ghetto and but for a few exceptions, had liquidated its entire Jewish population.

In 1948, the United States, along with 47 other countries, signed the Universal Declaration of Human Rights. The designers of this declaration among other things sought to define and to prevent the crime of genocide as it was practiced by the Germans against the Jews in World War II.

This week hearings open on the Genocide Convention. The United States was instrumental in drafting this convention, as it has been in the drafting of many other human rights conventions. However, we have not yet ratified this or any treaty which would demonstrate our strong opposition to the crime of genocide. It would indeed be a tribute to the brave people of Warsaw if the United States took speedy action in the ratification of the Genocide Convention.

EASTERN AIRLINES NEWARK TO WASHINGTON SHUTTLE

Mr. CASE. Mr. President, as one who joined with our entire congressional delegation in the effort to keep the Newark to Washington shuttle in operation, I am, naturally, pleased that Eastern Airlines now has decided to continue the service.

I believe that the expansion and improvement of this service, as opposed to its mere continuance, would be in the interest of Eastern as well as in the public interest.

CHINA AND U.S. POLICY A TIME OF TRANSITION

Mr. FULBRIGHT. Mr. President, Mr. A. Doak Barnett, senior fellow, the Brookings Institution, delivered a most interesting speech before the Women's National Democratic Club on March 2 which was entitled "China and U.S. Policy: A Time of Transition." Mr. Barnett summarizes briefly the present situation in China and the major factors that have impelled Peking to reexamine its policy. He also examines the transition in the American attitude toward China and suggests some actions that the United States might take to improve our relations with the most populous nation in the world.

I ask unanimous consent that the text of Mr. Barnett's speech be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, I call attention to a few sentences toward the end of Mr. Barnett's speech. Mr. Barnett observes that "the key immediate issue is whether we should build an anti-Chinese ABM." Mr. Barnett comments that "on this the Nixon administration, in my judgment—despite the rightness of the direction of its general China policy—is quite wrong. The arguments against an anti-Chinese ABM, on political and other grounds, wholly apart from technical grounds, are overwhelming in my view."

Mr. Barnett testified before the Subcommittee on Arms Control, International Law, and Organization on April 9 on the specific question of the ABM and its effect on U.S. relations with China. At that time, he made an extensive statement on the undesirability of going ahead with an anti-Chinese ABM system. I ask unanimous consent that Mr. Barnett's statement to the subcommittee on April 9 also be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Testimony by Doak Barnett Before the Sub-Committee on Arms Control, International Law and Organization, Senate Foreign Relations Committee, April 9, 1970

Mr. Chairman and members of the Subcommittee, let me begin by saying that I am very grateful for this opportunity to meet and discuss with you a number of questions relating to arms control—questions focusing on the ABM and the SALT talks and their relevance to the broad problem of U.S.-China relations.

I would like to make two preliminary comments about my statement. First, the views I will express today are purely my own, and do not in any way represent views of The Brookings Institution, which does not itself take any stands on policy issues. Secondly, since I have very recently written an article (appearing in the current issue of *Foreign Affairs*) which summarizes many of my views on questions we are considering today, I am taking the liberty of drawing material from that article for the purposes of the statement I am now presenting to you.

We are now, in my view, at a rather critical juncture in the evolution both of our policy toward China and our policy regarding arms control.

For the first time in several years, there now appears to be at least a limited basis for hope that movement can take place in our relations with mainland China, movement which may reduce tensions and increase contacts between us. The current Warsaw talks will help to determine whether some progress is possible, or whether the freeze of the last two decades will continue.

At the same time, I believe that the arms control negotiations which we and the Russians have initiated are clearly the most important ones in the postwar period. We are about to meet again in Vienna at a time when both sides are poised to deploy new weapons systems—in our case, ABMs and MIRVs—if no agreements to forego such systems can be reached. Decisions made in the period immediately ahead by Washington and Moscow individually, and by both at the SALT talks, will determine, therefore, whether the U.S.-Soviet arms race will accelerate or slow down in the years immediately ahead. These decisions will also—and this is one of the major points I wish to make today—have a very significant impact on the prospects for improved U.S.-China relations. The evolving triangular relationship among the U.S., Soviet Union, and China is now such that any action by one or two of the three inevitably affects the others.

Since my assignment today is to focus attention on matters relevant to U.S.-China relations, and specifically to consider how we should view the ABM issue and SALT talks in relation to the "China problem," I will not comment on other fundamental questions, such as whether effective ABM systems are technically feasible or how they might affect the stability of the U.S.-Soviet balance. I assume that others will discuss these questions with you.

Let me proceed with my assignment and start by saying that I believe the Nixon Administration is to be commended for the new general approach it has adopted in our overall China policy. In his February 18 report to Congress on foreign policy, the President stated that we do not now wish to "isolate" mainland China but rather hope that in time it "will be ready to re-enter the international community," that we look forward to a "more normal and constructive relationship" with the Peking regime, that "the principles underlying our relations with China are similar to those governing our policies towards the U.S.S.R.," and that we will "take what steps we can toward improved practical relations with Peking." This is a very sound and very encouraging approach, in my opinion. Moreover, the limited steps we have taken recently to implement this approach—namely the liberalizing of passport and travel regulations and the reduction of trade restrictions, are highly desirable and deserve strong support. The Administration should now be urged to continue making further and more substantial steps along these same lines—for example, by removing all restrictions on nonstrategic trade with mainland China.

However, having said this, I must immediately go on to say that in my view, the deployment of an anti-Chinese ABM area defense would be extremely undesirable and would, in fact, run directly counter to, and tend to undercut, the basic objectives that underlie our new overall China policy.

Deployment of an anti-Chinese ABM would be both unwise and unsound, I believe, for a number of reasons. Let me summarize these briefly now, and then proceed to elaborate on some of them at greater length.

(1) The ABM is not necessary for the defense of the U.S. against any foreseeable "Chinese threat." For the indefinite future, the U.S. will continue to have overwhelming nuclear superiority in relation to China, and there is every reason to believe that our superiority will operate effectively to deter the Chinese from any offensive nuclear actions or threats. It is not necessary, therefore, to try to achieve a total damage denial capability by building ABMs.

(2) If the U.S. insists on building an anti-Chinese ABM system, Peking will probably interpret this to mean (whatever Washington says to try to convince it otherwise) that we are determined to maintain an unrestricted capability of making "first strike" threats against China, and that we insist on denying China the ability to acquire even a limited, defensive, "second strike" capability. There is every reason to believe that this would tend to reinforce Peking's worst instincts in interpreting our motives and would work against the possibility of improving our relations.

(3) China's present opposition to all international arms control agreements is rooted, in part at least, in its basic sense of vulnerability and nuclear weakness. Peking obviously has been, and still is, fearful of threats by the superpowers and of U.S.-Soviet "collusion" directed against China. Until China achieves a minimal defensive deterrent itself, this situation is likely to continue. However, once the Chinese do acquire a limited "second strike" capability, it is at least conceivable that leaders in Peking may at that point be more inclined than at present to consider the advantages of arms control agreements in terms of their own interests. If so, the chances of inducing China to participate in arms control may increase at

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that point. An anti-Chinese ABM will probably work to postpone that day.

(4) For these and other reasons, the U.S. should itself forego building an anti-Chinese ABM area defense system, and in addition should attempt, at the SALT talks, to reach agreement with the Soviet Union that neither we nor they will build such systems. If, in the absence of such agreement, either or both proceed to deploy anti-Chinese systems, this will tend to reinforce Peking's fear of anti-Chinese collusion between Washington and Moscow, which at least would complicate, and could well seriously set back, the prospects for improving U.S. relations with China.

Let me now elaborate on some of these points, starting with a few comments on Chinese motivations, nuclear capabilities, and foreign policy behavior, and how one should view the "Chinese threat."

There is no doubt, I believe, that ever since 1949 the Chinese Communist regime, in its relations with the superpowers, has felt very vulnerable to external pressures and possible attack by one or both of the major nuclear powers. Particularly since the late 1950's—following the Sino-Soviet split and the start of U.S.-Soviet collaboration in the arms control field—Peking has felt itself to be, in a sense, "encircled" by the two superpowers. It is still, in a fundamental sense, weak and knows it; its basic posture in big power relations is, therefore, of necessity defensive.

One of China's basic aims has been, and still is, to acquire at least a minimal nuclear deterrent to improve its ability to deal with the U.S. and Soviet Union. Its hope is to achieve a position less unequal than in the past, and to strengthen its bargaining position and leverage in relations with the big powers. Above all, its aim is to deter attack against China and reduce China's vulnerability to external pressures. This is the basic military-strategic motivation behind its nuclear program.

Without attempting to summarize in detail the progress of China's nuclear program, let me say that while its technological progress has been impressive in many respects, its actual nuclear capabilities are very limited and will remain so for a long time to come—because of the relative weakness of China's resource base.

By the middle or latter 1970's China will, at best, have accumulated perhaps 15 to 40 operational ICBMs plus 100 to 200 MRBMs and a limited number of other bombs deliverable by aircraft. (The most recent Defense Department estimates suggest that by 1975 China may have 10 to 25 ICBMs and 80 to 100 MRBMs.)

To provide a crude basis of comparison, today, the U.S. and the Soviet Union each has over 1,000 ICBMs, plus many thousands of other nuclear weapons deliverable by a variety of sophisticated systems including missiles, airplanes, and submarines.

Projections of China's nuclear capabilities through the 1970's make several things clear. There is no possibility that in the foreseeable future Peking can aspire to parity with the U.S. and the Soviet Union in the nuclear field. The Chinese cannot come close to achieving a "first strike" capability against either of the superpowers. Under any conceivable circumstances, in the event of a Chinese attack, Washington or Moscow could retaliate massively. The question is whether—and if so, when, and with what consequences—China may be able to acquire a limited, defensive, "second strike" capability which will serve as a minimal deterrent for China—that is, a capacity, if subjected to U.S. or Soviet nuclear attack, to retaliate and hit at least some targets in the attacking country or, in the U.S. case, possibly American forces in the Pacific or bases in allied countries. To date, it has yet to achieve this.

If the U.S., and Soviet Union, forego building anti-Chinese ABM systems, they will, in effect, be accepting the fact that by the latter 1970's, China will have acquired a small defensive, "second strike" capability.

What risks or costs would this involve? It would require acceptance of the fact that the U.S., and the Soviet Union, cannot with impunity consider or threaten nuclear "first strikes" against China. One can question, however, whether this would involve high costs. The arguments and inhibitions against considering nuclear "first strikes" in most conceivable situations are already very great. (Conceivably, this may be less true for the Soviet Union, than for the U.S., as the vague hints about a possible preemptive strike in 1969 suggest, but even Moscow must feel strong inhibitions about initiating a nuclear "first strike.") Moreover, in most limited conflicts in Asia, nuclear weapons are likely to be almost irrelevant.

The possibility that key non-nuclear powers such as Japan, India, and Australia might feel more vulnerable and threatened cannot be ignored. If this impelled them to embark on independent nuclear programs, the cost in relation to U.S. aims (including the desire to prevent proliferation) would be substantial. Yet, as long as such countries have confidence in the U.S. commitment to defend them against nuclear threats, and as long as it is clear that American nuclear superiority in relation to China is such that any offensive nuclear threats by Peking would not really be credible, there is no reason why China's acquisition of a minimal deterrent should basically alter the position or the views of such countries.

It is sometimes argued that if the U.S. maintains a "first strike" capability against China and builds invulnerable defenses, presumably by development ABMs, the Japanese are likely to have greater confidence in our defense pledges. I believe that it is much more likely, however, that if the U.S. focuses on such a defense strategy, rather than relying on the continued applicability of mutual deterrence, the Japanese may conclude that the U.S. in a crisis condition might concern itself only with its own defense and abandon interest in allies not protected by such defenses.

The fact is that not only have the Chinese to date resisted whatever temptation they may have felt to engage in "bomb rattling," it is difficult to see how, from their position of nuclear inferiority, they will have any significant capacity for credible "nuclear blackmail" in the foreseeable future. Peking's cautious emphasis, to date, on defense as its sole aim in developing nuclear weapons suggests that Chinese leaders may already realize this.

Some might fear that once the Chinese believe they have acquired a credible deterrent, they might tend to become more aggressive in areas such as Southeast Asia, feeling that they could take more risks in nonnuclear or subnuclear situations, involving conventional weapons, because they would be less vulnerable to nuclear counter-threats. Whether one considers this to be a significant risk depends very much on one's general assessment of China's foreign policy goals, strategy, and behavior.

If one views China as a power committed to broad territorial aggression and expansionism by military means, willing to take large risks, and prone to irrational action (i.e., inclined to commit aggression without regard for possible consequences), there would be cause for major concern. However, among specialists on Chinese affairs, both in and out of the U.S. government, there appears to be a fairly broad consensus that analysis of China's behavior and doctrine over the past two decades does not support this view. In general, this consensus, which I believe is sound, maintains that:

Although China encourages revolutionaries abroad, it is not committed to broad territorial expansionism. Among its national goals is the recovery of certain areas that it considers to be lost territories, but even in regard to these territories its inclination is to pursue long-term, low-risk policies, not broad military expansionism.

It appears to be pre-disposed to keep Chinese military forces within China's boundaries, and it seems likely to continue doing so, except in cases where it feels Chinese security—or that of a Communist buffer state on its periphery—is seriously threatened (as it did in Korea).

Its primary stress, both in the structure of its conventional military forces and the doctrine governing their use, is on defense rather than offense.

It cannot and does not ignore the possible risks and costs of large-scale conventional war, even when nuclear weapons are not involved, and it places a high priority on the desirability of avoiding large-scale war of any sort with the major powers.

It is strongly pre-disposed, in general, to low-cost, low-risk policies. While it clearly encourages and supports revolutionary struggles in other countries, such support does not include Chinese manpower on any significant scale. Even Maoist doctrine insists that all revolutionaries must be "self-reliant," and should depend primarily on indigenous resources; it opposes the use of Chinese forces to fight other revolutionaries' battles for them.

China has used pressures and probes against its neighbors for a variety of purposes, but in doing so its use of force has generally been carefully calculated, limited, and controlled.

In crisis situations, it has tended to act with considerable prudence and caution, and repeatedly it has moved to check escalation when there has appeared to be a serious risk of major conflict.

There is, of course, no absolute guarantee that these patterns of behavior, which seem to have characterized Chinese actions over the past two decades, will persist in the future. Nevertheless, there is a remarkably broad consensus among China specialists that they are likely to continue. In fact, there is a fairly widely-held view—a view that I share—that post-Mao leaders are likely to be more pragmatic and realistic than Mao, and subject to even greater internal as well as external constraints.

As a result of the internal disruptions caused by the Cultural Revolution in China during the past four years, the Peking regime has clearly been weakened in some respects. Consequently, there are now new constraints, in fact if not in theory, on Chinese policy, which will certainly affect its strategies abroad.

Moreover, as a result of the steady deterioration of Sino-Soviet relations in the 1960's, the "Russian threat" appears to have replaced the "U.S. threat" as Peking's major foreign policy preoccupation, and this seems to have impelled the Chinese leadership to consider new options and strategies, to reduce China's present isolation and vulnerability and explore new opportunities for maneuver and flexibility.

It is at least plausible to believe, therefore, that future Chinese leaders may downgrade the importance of revolutionary aims (not ending, but possibly deemphasizing, Chinese activity in this field) and upgrade the importance of state-to-state relationships and more conventional political and economic instruments of policy. There is remarkably little support among China specialists for the idea that China is now, or is likely to be in the future, prone to act in an irrational or highly reckless manner, which it would certainly be doing if it were to ignore the continuing fact of its nuclear inferiority, and its vulnerability to both conventional and nuclear retaliation, even if, and when, it acquires a minimal deterrent.

If these judgments are correct, there are strong reasons to assume that once China achieves a nuclear deterrent it can be expected, in a basic sense, to act much as the other nuclear powers have, and to be constrained, as they are, by the realities of nu-

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clear deterrence. There is little basis for arguing that the U.S., or Soviet Union, can feel secure vis-à-vis China only if they have a total damage denial capability and an unquestionable ability to threaten China with a "first strike". To argue this is to argue, in effect, that the U.S. and the Soviet Union can only feel secure under conditions that guarantee that the Chinese will continue to feel highly insecure.

As I stated earlier, if the U.S. operates on other assumptions and proceeds to build an anti-Chinese ABM, this will not only tend to strengthen Chinese suspicions that we are determined to maintain a potentially threatening "first strike" capability against China and to deny China even a minimal defensive "second strike" capability, it will also tend to postpone the day when China may be willing to consider participating in international arms control agreements.

Fundamental change in China's posture on strategic and nuclear arms control issues will not be easy for Peking to make, under any circumstances, because of China's basic weakness relative to the two superpowers. However, if one asks when and under what conditions a more flexible and pragmatic leadership in China might be inclined to change its posture on arms control, and even begin to see arms control measures as in the interest of China as well as of the other powers, the answer would seem to be the following: When China is convinced that its own nuclear development has reached a stage where it has at least a minimal credible nuclear deterrent—that is, some kind of defensive "second strike" retaliatory capacity—so that it will be able to deal with the U.S. and Soviet Union on terms less unequal than at present.

It is not easy to define when this point will be reached. But it will doubtless be reached eventually, whether or not we build an anti-Chinese ABM. It is almost certain that in time the Chinese will have acquired a sufficient nuclear capability so that no one could be sure whether, if China were subjected to a "first strike", it could not mount a significant retaliatory strike, at least against allies or forces in the Pacific if not against the U.S. itself.

Whenever the Chinese, and we, are convinced that China has acquired some sort of limited "second strike" capability, the possibility that Peking may reconsider its present blanket opposition to arms control may increase, for a variety of reasons. The realization that pursuit of parity is a will-o-the-wisp is likely to begin to sink in, in China. Moreover, once China has acquired any sort of credible deterrent, some Chinese leaders may conclude that it is more feasible to try to reduce the gap between China and the superpowers through agreements limiting (or reducing) U.S. and Soviet capabilities than by trying to catch up in a hopeless race. And, as the cost of deterrence goes up (it inevitably must, as China gets involved in more sophisticated hardware), and as the competition for resources in China increases (between those stressing economic development and those emphasizing defense), there may be greater pressures within China, on economic grounds, to limit investment in strategic arms development.

The construction of anti-Chinese ABM systems would be likely, therefore, to postpone the day when there may be some realistic hope of including China in international arms control. It would tend to raise the level of nuclear development which Peking's leaders will consider essential as a minimum goal. And in general it will tend to make more remote the possibility of establishing a "more normal and constructive relationship" with China and the possibility of inducing Peking to "re-enter the international community"—which are now our stated, and in my opinion eminently sensible, goals.

What does all of this suggest regarding the decisions we should make and the policies we should pursue regarding an anti-Chinese ABM system—both in our own consideration of the problem and in discussions with the Russians at Vienna?

I strongly believe we should clearly decide that, in terms of our broad national interests and aims, we should not build an anti-Chinese ABM system, because it conflicts with the main thrust of ouor new China policy and is unnecessary for our defense—wholly apart from other possible reasons. The cost of such a system would certainly be in its disfavor, too, but clearly the costs would be tolerable if it were essential in terms of our defense and foreign policy goals. The point is that it is not only unessential, but would tend to be damaging in terms of our overall objectives.

We should not only make this decision ourselves; we should also in the SALT talks attempt to reach agreement with the Soviets on this issue, so that both we and they will forego traveling this road. This would be desirable in relation both to our aims regarding China and our desire to check the U.S.-Soviet arms race.

Both the U.S. and the Soviet Union must concern themselves, more than they have in the past, not only with the problem of strategic stability in their bilateral relations but also with the task of inducing China, over time, to improve relations in general and, eventually, to participate in arms control efforts and accommodate more fully than it has to date to the requirements of the nuclear age. Neither need fear that the Chinese will be able to achieve a "first strike" capability, or approach nuclear parity, in the foreseeable future. Nor should they consider China's eventual acquisition of a minimal deterrent to be a special danger. While it is true that China's acquisition of a credible deterrent will improve Peking's defensive capabilities, it will not significantly alter the overall nuclear balance. Moreover, China can be expected to act much as other nuclear powers have, and to be constrained, as others are, by the realities of mutual deterrence. Equally important, when China achieves a credible deterrent, Peking's leaders may be more inclined than at present to reassess their strategic polices and consider the value of arms control.

The hope should be that Moscow as well as Washington will see the importance of this. But even if Moscow does not, the U.S. in shaping its own strategic and arms control policies, should take the "China problem," as well as the problem of U.S.-Soviet bilateral relations, fully into account.

China and U.S. Policy: A Time of Transition

(A. Doak Barnett's speech at the Women's National Democratic Club on Mar. 2, 1970)

I'm delighted to be with you and to talk with you briefly today about trends in China, as I see them, and in U.S.-Chinese relations. For the first time in quite a long time, there is something to talk about. For a good many years, this has been a rather gloomy subject to discuss—and I have discussed it for a good many years—not because relations between the two countries have been so bad, but also because there has been so little seeming prospect of any change or improvement.

During the past few months, this has begun to change, and although there is certainly no basis yet for great optimism or enthusiasm about the prospects, there are at least some rays of hope and small signs of a possible thaw, and this makes the subject of U.S.-China relations much more interesting, and more timely and encouraging, than it has been for some years.

I think it is clear, in fact, that we are now in a transition period; and although no one, certainly not I, can really predict or foresee the future, the future definitely seems more open-ended than it has been for a very long time.

China itself is in the midst of an extremely important transition period. Its situation both at home and abroad is basically different in many respects than what it has been in the past. But the U.S., too, is in the midst of a transition in its policy towards Asia as a whole and in its policy and attitude toward China specifically, so that China's changing situation and our changing attitude and policy have introduced, it seems to me, new elements of flexibility and change into a situation that has been frozen for so many years.

Now let me begin with a few comments on changes that have been taking place or are now underway in China itself, because they are an extremely important ingredient in the situation. I obviously cannot, in a very few minutes, do justice to the extremely complicated and even traumatic events that have taken place in China in the five years since the so-called Cultural Revolution began in '65.

The Cultural Revolution has been a remarkable, and in some respects a unique, historical phenomenon. In essence, it has been a struggle in which an aging and extraordinary utopian revolutionary leader lost faith in, and actually lost control over, for a while, the revolutionary regime which he had created; and then set about organizing what in effect has been a second revolution.

Mao in the early '60s no longer had day-to-day control over the Communist Party which ran China, so he turned to the Army, or at least part of the Army under Lin Piao who was Defense Minister, and to the youth of the country, particularly youth in the schools and colleges and mobilized both to attack the majority of his old revolutionary colleagues and the entire Party and Government bureaucracy which had dominated the country for fifteen years.

In a basic sense Mao had real cause to be disturbed by trends in China in the early 1960s. There was in China, in the aftermath the great leap forward and the economic depression which followed it a definite decline in ideological fervor and morale; a real growth of deadening, ossifying bureaucratic behavior; an emergence of vested interests and parochial interests; a growing and very serious generation gap; and increasing frustration and disillusionment among the youth.

In response to these trends and to the real economic crisis which China experienced in that period, the leaders in charge of day-to-day affairs in China did appear to become less and less revolutionary; more and more pragmatic, if you will—in Mao's terms revisionist—more and more like leaders in the Soviet Union.

And it was in this context, I think, that Mao decided that he was going to make one final, apocalyptic attempt to try to halt the decline and deterioration of the revolution, as he saw it, in China and try somehow to revitalize the revolutionary process, to try, in short, to ensure that the particular brand of values that he believes in would persist after he died.

In some respects this was a rather grand idea, a heroic revolutionary effort. The fact is, however, in my view at least, that Mao was a romantic, a Utopian, in thinking that he could do this, that he could impose his views on the country, and completely unrealistic in believing that he could achieve his aim, that he could perpetuate his values, by tearing down the bureaucratic structure of the regime that had been built up in the previous fifteen years; by setting loose chaotic forces for change and conflict.

He *did* set loose these forces. He *was* able to tear down, in a large degree, the bureaucratic structure that had grown up in the previous fifteen years. He was able to purge most of those who disagreed with him at the top in China. But he was not able—he has not been able to date, and will not be able—suddenly to replace all this and create a new order based on his particular values.

Consequently, after this long and very

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chaotic period in China, China is now in the process, slowly and painfully, of trying to rebuild its political system, trying to define a whole new set of policies. In this situation, the Chinese leadership is very different from what it was in the decade before 1965, certainly very different from what it was in the 50s. Even though Mao's brooding presence is still there and he is able to inject himself into the situation when he wants to, he does not have real control over the situation in China; and the leadership, I would say, is basically a coalitional type of leadership in which people representing interests of very conflicting sorts are somehow trying to get along, somehow trying to run the country, somehow trying to evolve new policies.

As a consequence, the regime has had a very difficult time defining clear policies. As a matter of fact, it seems to me, if one looks back to the Party Congress last spring, the most notable thing about it was the failure to announce any real strategies and policies, and in my opinion this lack of policy has continued throughout the past year (it is now almost a year since the Party Congress).

In a sense, the atmosphere in China is almost like that of an interregnum already, even though Mao is still there. Clearly the Maoist era is approaching its end, but the post-Mao era has not yet started. And in a basic sense, one gets the sense of a country waiting for its old revolutionary leader to pass from the scene. Mao and his closest followers still do press for revolutionary policies of a variety of sorts, but they are not really able to carry them out throughout the country effectively. Others resist, drag their feet, sometimes push in other directions. And yet, until Mao does pass from the scene, those who might favor quite different policies, less Utopian policies, are inhibited from really pressing for what they believe in, because Mao's prestige is such that they cannot.

As a result of what has happened, the power structure in the country has changed to a very great extent. For one thing, power in a de facto sense has been decentralized very substantially. Peking just does not have the capability now to try to manage and direct everything from the center as it did ten years ago. Instead it is local leaders, military and other leaders in the provinces and at lower levels, who are running China in many, many respects.

Furthermore, it is not the party—and this is unparalleled in any Communist country—it is not the party which is running the country really now; it is the Army. Into the vacuum that was created by the Cultural Revolution, the Army had to step in. It was the only really centralized instrument of power left in the country, and it has stepped in; from the center right down to the local level the Army and military people are performing functions the party used to perform.

The party and government are now in the process of being reconstructed after the events of '67 and '68, but it is very slow, very painful, and there are many kinds of local conflicts, as the people involved try to decide what kind of a party it will be and who will be members of it.

When Mao dies, there will clearly be another period of uncertainty, some confusion and perhaps a power struggle. My own guess, though, is that somehow a coalitional type of leadership will be put together, a collective type of leadership. It will hold the country together. It is likely, in my view, to move in some new directions. As a matter of fact, I think it is highly probable that post-Mao leadership will move almost precisely in the directions that Mao has feared: it will move away from the idea of great, Utopian, apocalyptic, grand strategies; away from the radical revolutionary policies that Mao has tried to promote the last few years. Of necessity, I think it will move toward a somewhat more realistic, pragmatic policy designed simply to cope with the immediate and very pressing problems that the country faces and will face. There will be concern about the need to restore a larger degree of order, a larger degree of unity, a larger degree of purpose, to get the country back on the course of rational development. I believe China will move in these directions over time.

China's international position has also undergone some very great changes in the same period. The Chinese encountered a series of rather dramatic set-backs in their foreign policy in 1965, just on the eve of the Cultural Revolution: the coup in Indonesia—the Chinese had put a great deal of stock in their relations with Indonesia and the possibility of a revolution there—the failure of the attempt to hold a second Bandung Conference at Algiers that year—in which the Chinese invested a great deal of political prestige—and others. Then came the Cultural Revolution.

Although the Chinese adopted, and continued to exhibit a very militant, verbal posture, favoring revolutions all over the world, in practice they became so preoccupied with their internal problems that they virtually abandoned normal foreign policy activities abroad. For a couple of years, I think it is fair to say, China had no real foreign policy—it turned inward, and cut many of its external ties.

One indicator of this is the fact that at the height of the Cultural Revolution, in forty-odd embassies abroad China only had one ambassador. The rest had all been called home in connection with the Cultural Revolution. This situation started to change as the Cultural Revolution itself began to grind towards a halt in late "68 and early '69. Peking then begun to look cautiously outward again; it began to renew its foreign policy activities abroad.

Last spring it sent back the first group of seventeen or so ambassadors. Possibly two or three may have gone subsequently. All of these, incidentally, have been professional diplomats, not Maoist idealogues. Subsequently, it has promoted trade in a very systematic and non-idealogical way, and it has entered into negotiations with a number of countries about the possibility of establishing relations—Canadians and Italians. It has also entered into negotiations with the Russians over border problems, and most recently has agreed to renew negotiations with us.

Looking at what has happened to China's foreign relations through this period, I think the most important and most dramatic change has been in China's relationship with the Soviet Union, as a result of the Sino-Soviet conflict. This conflict, as I am sure you know, has been developing for years, from the late '50s on and has escalated step by step over the years.

The Soviet military build-up around China has been steadily increasing since about 1965, certainly since 1967. And finally, last year as you know, there were some very important and dangerous border clashes between the Russians and the Chinese in Manchuria and in Sinkiang, on the Chinese-Russian border there. I think it is clear that by last year the Chinese genuinely feared the possiiblity of a major war with the Soviet Union, genuinely feared Soviet attack, and were forced to the conference table by some subtle and not-so-subtle Soviet threats. They have been talking in Peking since last fall, but there is little sign—in fact, no sign—that the negotiations have accomplished anything to date and I suspect that progress will, at best, be very slow.

The sequence of events, I think, clearly has led the Chinese to regard the Soviet Union as a more immediate and more real threat to Chinese security today than the U.S., and this is a very fundamental change. The danger of a Sino-Soviet war is now Peking's single most important preoccupation in foreign policy, in my view, and within China there is a wide range of programs going on right now that are said to be, and to an extent doubtless are, preparations for the possibility of war. This threat hanging over China has been a subtle factor influencing its foreign relations with almost everyone else, including ourselves.

So there are number of major factors that have been impelling Peking to reexamine its policy: the situation at home, one of uncertainty and considerable fluidity; the need to rebuild a foreign policy, after a period in which they had almost no foreign policy and were very isolated, during the Cultural Revolution; the pressure of professionals concerned with foreign affairs, and certain other leaders in Peking, to have a degree of flexibility in rebuilding China's foreign policy; a new sense of threat from the Soviet Union, which I would say is probably the most important factor; and a feeling, which I think is valid and is shared by most of the powers concerned with Asia, that the situation in Asia is changing, that it is developing toward a much more multi-polar situation than in the past, a situation in which there will be more opportunities for maneuver and flexibility, and more necessary for it.

So this is the context in which China has begun to show some signs of increased flexibility. It is still groping. It certainly has not yet defined any clear new foreign policy or foreign policy strategy, but it is groping for new policies, as we on our side are doing.

These are, in very crude and simple terms, some of the facts that have been influencing the other side. The U.S. has also, I think, been undergoing an extremely significant transition in our attitude towards China. This has happened fairly gradually and in some respects undramatically—so much so that many Americans don't realize how much change has taken place.

Throughout the 1950s, U.S. attitudes and policies towards China were extremely hostile and fearful. We were committed not only to contain China, but also to isolate it, to keep it out of the international community, and to exert as much pressure on China as possible, in the hope that somehow the regime would change. I believe change in our attitudes began in the U.S. government as early as the Kennedy administration, but Kennedy was not able, or did not in any case take steps to change our policies.

During the Johnson administration there were some important steps, more important than many people realize, to redefine our broad posture toward China. At one point, in one very important speech, for example, Johnson actually called for "reconciliation" between the U.S. and China, a very different stance from that we had been committed to in the '50s. But during the Johnson administration there were few concrete steps taken to translate this change of posture into change of actual policy toward China.

The process of making real policy changes began last summer under the Nixon Republican administration.

Several factors help to explain this process of change, I think. One is just a gradual cooling, that time has brought about, in the emotions of the 1950s—which reached a peak in the mid '50s as a result of the Cold War, in general, and the Korean War, in particular.

A second factor has been a revised view of China and its potential threat. This is in part because of the Sino-Soviet split. It is obviously not true that China and the Soviet Union are today a cohesive, monolithic unit working against us. They are competing against each other as well as competing against us.

There are other factors too. Observation of Chinese foreign policy behavior over twenty years has indicated to people in and out of the U. S. government, who have studied Chinese affairs, that the Chinese have not been adventurous and irrational. They have, in fact, been prudent and very cautious in situations where there has been crisis and danger.

As a consequence, I think, in 1970 the "China threat" seems quite different from what it was in the '50s; and validly so, I

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would say. Today there is simply not the sense of China posing a great, overriding threat to us, or to the rest of Asia, that many Americans tended to feel in an earlier period.

For these and other reasons, Nixon decided fairly early in his administration that he was going to take—or approve—some small concrete policy changes, and he started last summer. You are all aware of them, I think, but to remind you, in the middle of last summer we liberalized travel restrictions as far as China was concerned, and opened the first crack in the twenty-year total embargo that we had imposed on China trade—first by allowing tourists to buy Chinese goods in Hong Kong; then last December we took what was still a small, largely symbolic step but it is nevertheless significant—we decided to allow American subsidiaries abroad to trade with Communist China. Significantly, there has been almost no criticism in Congress; or by the public of these steps; that is a sign, I think, of the basic change that has occurred in public attitudes.

I have no doubt, myself, that these are just the first steps in a new direction, and are not the end of it. I would expect, in the relatively near future, some further steps, probably in the trade field—perhaps steps to open up some direct trade between the U. S. and China.

Then early this year, we and the Chinese finally agreed to sit down at Warsaw and reopen the talks that had lapsed for almost two years, and we have now had two sessions in rapid succession. I do not know what took place at either of these meetings. I am quite impressed, in fact, by how well the people in the State Department as well as the Chinese are observing their agreement not to leak what is going on. I find this encouraging; it suggests both sides are looking at these talks as serious negotiations and are not just viewing them as propaganda gambits.

But there are hints, I think, that the U. S. Government is encouraged by the meetings, and personally I think it is very possible that they will produce some results.

Having said that, let me say that in my opinion one should not have unrealistic hopes about large changes in our China relations rapidly developing out of these talks or other trends. The legacy of twenty years of almost no contact, and of intense hostility, certainly is not going to disappear over night. At best, steps towards normalization of relations are going to be slow, and take time.

But I nevertheless think that it is extremely encouraging that the U. S. has adopted the stand that it has, and that the Chinese are showing at least a hint of flexibility. The present administration has said that we will work towards a normalization of relations with China; that we will deal with China on the basis of the same principles that underlie our dealings with the Soviet Union—this is a big change from our approach in the past—and that we will focus first of all on small steps that will improve practical relations. I think this is an entirely sound, desirable posture and a desirable general direction for us to move.

There are, of course, some very large obstacles down the road, if we find it possible to move down this road, before we get to the point of any real normalization of relations. Probably the crucial one, and the most difficult one, is Taiwan. We are committed to the defense of Taiwan against any military attack. It is clear that we will, and should, maintain this commitment. The Chinese Communists are committed to the ultimate liberation, recovery, and incorporation of Taiwan into China. It is clear that they will maintain this as an objective. So it is a major problem. Conceivably, though both sides might show some tactical flexibility about it. It is clear that neither can change its basic position in the years immediately ahead. The question that we will face as we go down the road of some mutual compromise is whether the Taiwan issue can, for a while, be finessed, can in effect be put aside while we and the Chinese Communists deal with other problems and hope that we can make some progress on them.

In the 1950s, Peking was willing to do this, and looking back it is clear that it was rigidity and inflexibility on our side that prevented some mutual accommodation in the latter 1950s. For the past decade, however, Peking has had a very rigid and inflexible view. The question is whether the Chinese will now be slightly flexible; I think we are now encouragingly flexible. I am hopeful that perhaps both sides will be. On the U.S. side, though, I think it is terribly important that we not stop with the two or three important, but essentially symbolic and no very large, steps we have taken in adjusting our policy, but continue taking a number of other steps.

On some matters, we may well find it possible to reach agreement with the Chinese at Warsaw; on others, though, I think we ought to be prepared to continue taking unilateral steps on our side, on the assumption, and in the hope, that over time this will influence Peking, and will stimulate Peking to take responsive action, even perhaps parallel action.

There are many things that I think we still need to do. We should not stop, and be pleased with ourselves, because of the small progress we have made. We should continue exploring every possible avenue for increased contacts. On this, incidently, the most practical approach would be: instead of putting primary stress on trying to get Americans into China, we should take every opportunity to invite Chinese to come to meetings and conferences in this country. This is going on; the U.S. government is for it. We ought to keep doing it until the Chinese begin to send a few people; then I think they will reciprocate and let some Americans visit China.

In trade, I think it is clear—I am convinced most people in the U.S. Government believe this now—we should move to remove all restrictions on nonstrategic trade with China and put China trade on precisely the same basis as trade with the Soviet Union and Eastern European countries. There is every reason to do this; and no real reason not to do it.

Before very long we must also readjust our policy on the China seat in the U.N. This is a terribly complicated subject, and I cannot deal with it adequately now. My own preference, considering the various alternatives, is for us actively to explore some formula for "dual representation"; even though Peking and Taipei both disapprove of this. I am not convinced that it is not possible to work out some formula which ultimately they might be willing to accept.

We must also show greater sensitivity than we have in the past to China's military and strategic fears, and avoid all unnecessary military pressures and provocations. To cite one example, we obviously do not send airplanes on reconnaissance missions over the Soviet Union any more; we rely on satellites. But, out of Taiwan, there are still such flights over mainland China all the time. It seems to me that we should rely on satellites for intelligence about China, as we do about the Soviet Union and avoid this kind of very provocative action.

Even in regard to Taiwan, while maintaining our defense commitment regarding Taiwan—which we can and must—I think we can and should make some adjustments in our policy. We have already made one, incidentally, which has practically escaped notice. We have virtually abandoned active patrolling in the Taiwan Strait. We do not need the patrol in the Taiwan Strait. What we need is the Seventh Fleet and our Polaris Fleet in Asia; we do not need to have ships touring up and down the China coast. We have virtually stopped doing this, and I think this is both significant and desirable.

However, we should also commit ourselves to remove the limited American military presence on Taiwan, after Vietnam if not before—but preferably before, if we can. We do not have a large presence there. It is mainly connected with one air base which serves as a refueling station for U.S. planes going to Vietnam. But this is something that certainly is of concern to the Chinese Communists, and something we could do without reducing our capacity to fulfill our commitment to Taiwan—and something I think would be desirable.

More broadly—and this is very important—we should take the problem of China policy fully into account in our general strategic and arms control policy; this, I would say, we have not done. The key immediate issue is whether we should build an anti-Chinese ABM—a nationwide light area defense. On this the Nixon administration, in my judgment—despite the rightness of the direction of its general China policy—is quite wrong. The arguments against an anti-Chinese ABM, on political and other grounds, wholly apart from technical grounds, are overwhelming in my view.

For the indefinite future we will have absolute, unquestioned, overwhelming nuclear superiority over China—on the basis of any projection of what the Chinese may be able to do. There is no reason not to proceed on the assumption that our present deterrent against China will be wholly effective in preventing China from even considering any offensive use of nuclear weapons against either us or our allies.

Actually, there is every reason to believe that China's main strategic motive in developing nuclear weapons is to try to acquire a limited defensive second-strike capability. That is all they can hope for. They hope to deter us from considering nuclear first-strikes against China. If we insist on building an anti-Chinese ABM, in effect what we will be saying to the Chinese is that we insist on having a total, continuing, one-sided superiority; that we insist on having a total damage-denial capability against China; that we insist on having a credible first-strike capability against China; and that we insist on having the option of threatening China, without any fear of any kind of a retaliation, for the indefinite future.

This is hardly likely, I think, to be reassuring to the Chinese about our intentions. I would argue that it runs directly counter to the main thrust of our new China policy, and that is, morever, not necessary from any security point of view. We need, therefore, to make our strategic policy and our China policy more consistent than they now are.

I would argue, therefore, that on this issue, at Vienna, when we meet with the Russians in the SALT talks, our aim should not be to get Soviet and U.S. agreement to build ABMs. We should get U.S. and Soviet agreement that neither of us will build anti-China ABMs.

Let me make just one final comment about the overall Asian context of our China policy in the '70s. On many respects there is going to be a new ball-game in the '70s; we are beginning to realize this but have not fully adjusted to it. Instead of bi-polar confrontation between two ideologically motivated sides—a theoretically monolithic Sino-Soviet block versus a U.S. with a subordinate, compliant Japan—instead of this, there is going to be an increasingly complicated four-power relationship and four-power balance.

All four of the major powers involved in the region—the U.S., Soviet Union, China and Japan—are going to play significant roles, influential roles. All of them, including Japan, I would say, are going to play fairly independent and autonomous roles.

Of the six bi-lateral relationships involved in this four-power balance, it is clear that the one today that is least developed, and yet may have the greatest potentialities for at least some change in the years immediately ahead, is the U.S.-China relationship. If we are wise, we will take the opportunity that we have now to press ahead as much as we can to see what extent we are able, as the Nixon administration has proposed to move toward a normalization of relations with China—without any unrealistic wishful thinking or overoptimistic expectations, but with some basis for the first time in twenty years for believing that some change may be possible.

LOWERING OF VOTING AGE

Mr. SMITH of Illinois. Mr. President, the Senate has taken what is, to my mind, unduly hasty action in moving to lower the voting age to 18 in all elections by mere congressional fiat.

I hasten to assure Senators that I am not opposed to extending the franchise to American citizens below the age of 21. I am, however, seriously concerned about how we reform our political institutions. The Constitution implies and it has been traditionally accepted, that elector qualifications are within the provinces of the several States. Four States have already set the voting age below 21.

I am a cosponsor of Senate Joint Resolution 147, which would lower the voting age by constitutional amendment. This approach provides for review, in the ratification process, by the States without affecting, one way or the other, a State's right to lower the voting age if that is the desire of its citizens. The Senate's action ignores and preempts the rights of the States to determine the age at which its citizens shall vote.

Another aspect of a lower voting age which has been ignored by the Senate's action is the whole question of the rights and responsibilities of full citizenship. Citizenship for an adult American affects more areas than the responsibility of casting a ballot.

In most States a minor cannot sign a binding contract, but must have an adult cosigner to an apartment lease or to finance an automobile.

The age at which a man or woman may marry without parental consent differs from State to State and is frequently different for men and women within the same State.

A guardian or trustee must be named in many States for any person under 21 who inherits property.

The lists of prospective jurors are drawn from the voter rolls. By extending the franchise, we may be automatically extending the privilege and responsibility of jury duty from age 21 to age 18.

I do not intend to suggest that any of these additional rights and responsibilities of full, adult citizenship should not be extended below the age of 21. I do, however, suggest that these equally important rights and responsibilities should be considered by the States when they act to lower the voting age or when they consider ratification of a constitutional amendment to lower the voting age.

These corollary rights and responsibilities of adult citizenship should not be ignored when considering the voting age, any more than the rights and responsibilities of the States to establish the voting age should be ignored as the Senate has done by its action on the Voting Rights Act.

The Chicago Tribune and the Illinois State Journal have published excellent editorials on the question of lowering the voting age by the means the Senate has elected to use. I ask unanimous consent they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Springfield (Ill.) State Journal, Mar. 18, 1970]

SOUR LEGISLATION: LOWERING OF VOTING AGE

At the moment the United States Senate appears to be content with its 64-to-17 vote passage of the Voting Rights Bill, amended to permit 18-year-old Americans to participate in elections.

The passage of time might give those who voted for the measure some sobering second thoughts. Senators, even more than the lay public, should be well aware that the voting rights extension it approved simply is sour legislation.

There are two troublesome aspects.

As the United States of America pursues its fight to guarantee all citizens equality of opportunity, it should not itself project the image of discriminating against its citizens or states.

Yet the Voting Rights Act does discriminate by singling out a handful of states for the focus of federal efforts when the problem is acknowledged to exist in all of them. It supports its actions on data that in some instances are six years old. The danger is that the measure can divide instead of unite Americans.

Secondly, and perhaps of more immediate concern, was the Senate's willingness to tamper with the heart of the mechanisms that make our republic what it is—constitutional authority that relates to the separation of powers.

A constitutional method was available to the Senate to lower the franchise age through the regular procedures for amending our basic law.

Instead of using it, the Senate chose, against the advice of the attorney general and its own constitutional students—to attempt to interpret the Constitution on its own.

There is a disturbing thought that the leadership of the Senate and a majority of its members bow to highly emotional pressures of the moment.

That would, of course be too strong a conclusion to draw from an isolated example. As important as it is. Unfortunately, there is considerable other evidence.

The leading example is the effort of the Senate Foreign Relations Committee in recent years to establish our foreign policy. Another is the Senate's willingness to advise at great length in respect to the political philosophy that the administration's nominee for the Supreme Court should have, but decline consent on the basis of judicial qualifications.

Or consider for a moment the proposal by Sen. J. William Fulbright that the Senate should declare any United States military activity in Laos "unconstitutional." The constitution does not contemplate that Congress also should double as the judicial branch of government.

One of the great values of our constitutional process is that it deliberately discourages haste and whimsy, opting instead for the slower approach that benefits from national debate and due process of law.

[From the Chicago (Ill.) Tribune, Mar. 16, 1970]

THE VOTING AGE IS A STATE MATTER

The United States Senate, by a vote of 64 to 17, has approved an amendment to the voting rights bill which would lower the voting age to 18 in all elections, federal, state, and local.

Even the author of this proposal, Sen. Mike Mansfield (D., Mont.), the majority leader, implicitly acknowledged that its constitutionality is doubtful. He said he favored continued work by a Senate subcommittee on a proposed constitutional amendment to lower the voting age. This alternative will be available if the House refuses to accept the Senate amendment or if it is enacted and later held unconstitutional by the courts.

A number of senators challenged the Mansfield amendment on constitutional grounds, but the majority apparently was more concerned about the possibility of offending 13 million potential new voters than about the violence it might do the Constitution or what is left of the federal principle in our system of government.

We favor reduction of the minimum voting age to 18, but we believe this is a matter for state action. Kentucky and Georgia already have lowered the minimum to 18; Alaska has lowered it to 19, and Hawaii has lowered it to 20. No federal action is required, but if it is desired a constitutional amendment is the procedure prescribed by the Constitution itself.

The 15th amendment was adopted to give Negroes the vote, the 19th to give women the vote, and the 24th to abolish poll taxes. Altho constitutional amendments were deemed necessary in all these cases, the United States Senate now proposes to ignore the Constitution in respect to federal legislation to lower the voting age.

The Constitution is explicit. It provides that electors of senators and members of the House of Representatives from each state "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." For the election of the President and Vice President, the Constitution provides that "each state shall appoint, in such manner as the legislature thereof may direct," as many electors as it has senators and representatives in Congress.

Clearly then the states, and not Congress, are empowered by the Constitution to prescribe qualifications for voting. Supporters of the Mansfield amendment relied upon the specious argument that the 14th amendment guarantees, among other things, "the equal protection of the laws" for all citizens, and authorizes Congress to enforce its provisions by "appropriate legislation." Under this authority, Congress, in the voting rights act of 1965, denied states the right to require literacy tests in English for persons who have completed the sixth grade in another language. The Supreme court, in Katzenbach versus Morgan, upheld this section of the act as applied to a New York statute which excluded Puerto Ricans, illiterate in English, from the franchise.

This law, however, was a determination by Congress that English literacy tests deny "the equal protection of the laws" to citizens who are literate in another language. It does not follow from the Supreme court's decision that a state law classifying citizens by age for voting purposes is discriminatory. If that were the case any qualification whatsoever would be discriminatory, for some could vote and others could not.

A dissenting opinion by Justice John M. Harlan, who was joined by Justice Potter Stewart, upheld New York's literacy test law. It said the act of Congress could not be sustained "except at the sacrifice of fundamentals in the American constitutional system—the separation between the legislative and judicial function and the boundaries be-

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tween federal and state political authority." An attempt by Congress to usurp the right of the states to determine the minimum age for voting would do far greater violence to the constitutional system.

OVERPOPULATION AND POLLUTION

Mr. HARRIS. Mr. President, as we move into the last third of the 20th century, it has become dramatically clear that the danger we face from the destruction of the habitat and life support systems of man by overpopulation and pollution of all kinds is as great as that from nuclear holocaust.

The danger involved in the technology of progress and abundance was evident in the development of DDT and other long-lasting pesticides which proved extremely effective for fighting crop pests and diseases, but also proved to have other unwanted and deadly impact on other parts of the environment by spreading through the soil and waters and into the air to the farthest reaches of the world.

Polluted air and waters damage the quality of the present and destroy the promise of the future. We face the possibility of being inundated with the bottles, cans, jars, and other packaging castoffs of a consumer society.

But recognition of the problem has begun to grow. Yesterday, April 22, was Earth Day, and its celebrations and observances did much to build greater awareness of the need to carve out new priorities dedicated to humanity, livability and quality, rather than just more progress, bigness and abundance.

Kenneth E. Boulding, professor of economics and director of social and economic research for the Institute of Behavioral Science at the University of Colorado, in the April 1970 issue of the Progressive magazine which is devoted entirely to environmental articles, calls for a nonpolitical systems approach to the problems of the environment. He says:

> We need a new image of the total dynamics of the social system more realistic than those provided by ideologies either of the right or of the left.

Mr. President, I ask unanimous consent that this fine article, entitled "No Second Chance for Man," which outlines the framework within which efforts to improve the environment must take place, be printed in the RECORD.

NO SECOND CHANCE FOR MAN

(By Kenneth E. Boulding)

One of the agreeable things about the young of any generation is that they tend to think that they invented the world, and it is this indeed that keeps the world fresh. It is likewise a strong sign of being over sixty that one points out, much to the distress of the young, that a great deal of what is happening has happened before. The current excitement about the environment in particular is at least the third peak of interest in this particular issue in this century.

Excitement about the environment seems to have a generation cycle of some thirty years. The first major peak in this country was at the turn of the century, associated particularly with Governor Gifford Pinchot, America's first professional forester, Theodore Roosevelt, and the first conservation movement, which gave us the Bureau of Reclamation and expanded the National Park and Forest System. The second peak was in the 1930s, with the dust bowl and the great dust storm of 1934, in which noticeable portions of the Great Plains landed on the steps of the Capitol in Washington, and this produced the Soil Conservation Act, contour plowing, and all that.

It is not wholly surprising, therefore, that another generation has discovered that the world is not wholly indestructible. Now it is perhaps air rather than soil, and cities rather than forests, which have created the anxiety, but the anxiety is of course quite legitimate. There is nothing in the proposition that something has happened before to argue against its happening now. It is possible, however, to get a certain perspective on what is happening now, and perhaps also to avoid certain mistakes, if we see it as part of the much larger process.

We probably know more about the economics of the environment, surprisingly enough, than about its biology and physics. One of the real problems of the present crisis is that we know so little about the earth as a total physical system, particularly in regard to the atmosphere and the hydrosphere, and even less perhaps about the totality of the biosphere. Consequently, it is easy to develop scares about the oceans which are extremely hard to evaluate in the absence of an adequate earth science.

The science of the total earth is still undeveloped, and the earth sciences for the most part have been "micro" rather than "macro" in their interests. It is not surprising that we know much more about Walden Pond than we do about the oceans, or about the inside of a chimney than we do about the atmosphere, simply because at the macro level there is a great deal more to know. As far as I can judge from the gossip I hear, meteorologists are still quite uncertain as to whether the earth is cooling down or warming up as a result of man's activities, and one feels that even economists have a better idea than that as to whether we are in some sense going up or down.

The economics of the environment has two aspects—a short-run and a long-run. Within the short-run, with a horizon, shall we say, of another generation, there are two further aspects, one involving the relative price structure and the other involving distribution of income and wealth. A great many short-run environmental problems arise because of a defect in the relative price system in that not enough negative commodities have negative prices. A negative commodity is a 'bad," as opposed to a "good." It is something which diminishes utility rather than increases it.

Virtually all processes of production produce a whole set of joint products, some of which are "goods" and some of which are "bads." The bads may be physical products, like water and air pollution; they may be more subtle things like noise pollution; or they may be still more subtle, like information pollution—the spreading of misinformation—which is perhaps the most important pollution problem of all. The pollution of the information system by lies, propaganda, and other communications which increase ignorance and malevolence is probably much more threatening to the future of mankind at the moment than is the pollution of water and air, although it is much harder to deal with.

Market institutions tend to be ineffective in the pricing of bads, mainly because the system of property does not encompass them sufficiently. The legal system tries to do this in the law of torts, under which a private person can sue for damages. These damages (bads) then become, as it were, a form of property for which one can be legally compensated. A great many bads, however, are nobody's property, and the legal system, as at present constituted, is therefore inadequate to deal with them.

Just as "public goods" constitute a special category which requires a political rather than a market form of organization, similarly "public bads" require political organization and action if they are to be dealt with. The simplest and most obvious way to deal with them is through a tax system, and a system of graduated effluent taxes is certainly the place to begin in the control of pollution, even though it is not a panacea or a universally practicable device. It is applicable mainly to industrial pollution, but it is hard to apply to what might be called household or individual pollution, the sort of thing that is represented by the personal automobile, simply because the individual pollutant is in such small quantities that it is hard to identify.

We have a rather similar problem in information pollution. We have a law of slander for what we might call private information pollution, but this is not adequate to deal with the problem of public information pollution, which requires, indeed, a development of constitutionality beyond what we now have.

The real question here is whether the sense of public concern is strong enough to persuade people to sacrifice certain private goods for the suppression of public bads. This is an example of the famous "freeloading" problem. The individual interest is to go on polluting as long as the rest of society picks up the tab. It requires, therefore, a sense of political awareness and a political community before this problem can be solved. One can predict with a good deal of confidence that the present excitement will not have much result unless it can be translated into political action. Unfortunately, there is a strong tendency for political action to provide mainly ritualistic and rhetorically satisfying solutions to problems, particularly when there is a real conflict of interests between the public and the private. The principle of "the public be damned" is the secret vice of practically everybody.

The problem is complicated by the fact that almost anything we do about the environment is likely to have considerable effect on the distribution of income and wealth. A good many of the problems that we visualize today arise because many things which used to be the privilege of only the rich have now moved a long way down the income scale to become the privilege of a large majority of the people.

Most of the pressures on the environment, whether in terms of air pollution, urban sprawl, super highways, artificial fertilizers and insecticides, and so on, arise because the mass of the people in the developed countries are no longer as poor as they used to be. Per capita real income in the United States has about doubled in the last thirty or forty years. There has not, however, been much in the way of the *relative* redistribution of income—that is, the proportion of the total income going to different income groups is remarkably constant. We have made the poor richer not by making the rich poor, which is hardly ever a good recipe for this, but by increasing output. Increasing output, however, inevitably increases the strain on the environment. The most obvious, though not the most desirable, way to reduce pressure on the environment, therefore, is to stop the poor getting richer—that is, to redistribute income back towards the rich again.

There is some distressing evidence that this was one of the principal results of the first two great environmental agitations. In spite of the fact, for instance, that the Bureau of Reclamation probably represents the high water mark of socialist ideology in the United States, having been set up deliberately to undermine the monopoly of private capital, to lower interest rates, and to subsidize small farmers, its ultimate effect may well have been to subsidize rich farmers much more than poor ones.

This is even more true of the agricultural legislation which emerged out of the 1930s, which has been so successful in subsidizing

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the rich farmers that it created a fantastic technological upsurge in agriculture, and in so doing was the major factor in creating the current urban problem. I would not blame the Soil Conservation Service for all of this, but certainly it was part of a policy which has driven the poor farmer off the land into the cities, largely into the ghettos, and has created in the United States a hereditary aristocracy of superpeasants.

Even if we look at the public lands policy, we can see clearly, in the West especially, that National Parks and National Forests have mainly had the effect of keeping poor people out of the mountains. If it had not been for the scarcity of private lands and the fact that the public lands benefited mainly the private owners who were adjacent, considerable numbers of the displaced poor might have moved into the Western mountains and turned them into another Appalachia. This certainly would not have been desirable in the long run, but it does mean that the public land policy imposed a hidden cost on the poor, for which they were not compensated.

These earlier conservationist policies can be defended, of course, both in terms of the preservation of the enjoyment of nature, in terms of the conservation of natural resources, and in terms of economic development itself. The brute fact, however, is that it is not the poor who enjoy the beauties of nature, or who are likely to benefit much from the conservation of natural resources; it is mainly the rich, who both create and gain the most from economic development. One can see the present environmental excitement tending along the same lines. We will solve the problem of the automobile by taxing it heavily so as to support electrically powered public transportation which would push us back to about 1900, when automobiles were the privilege of the rich and public transportation was the much less convenient privilege of the poor.

Behind the noble banner of pollution control and environmental preservation, which is supposed to bring us all together and unite us in a great war on generally agreed upon vice, there is an uncomfortable shadow, the claims of the poor. We see this even more dramatically on a world scale where it is the increasing population of the poor, and their increasing demands for development—the only thing which can give them increased per capita income—which is really threatening to create a major world environmental crisis. The environmental disasters that threaten the rich countries in the next thirty years are almost trivial compared with the environmental disasters that threaten the poor countries of the tropics. A part of this is the result of the undeveloped nature of science itself and of the technology which is based on it. Science on the whole is a temperate zone culture and science-based engineering even more so.

It is easy, therefore, to make disastrous mistakes when we go about developing the tropics, simply because of our ignorance of tropical ecosystems, and also because tropical systems, at least in many parts of the world, seem to be much more precarious than those in the temperate zone. Dam building in the tropics can be particularly disastrous. Diseases, such as schistosomiasis, evaporation, silt, erosion, and displaced peoples present problems on a scale unknown in the temperate zone. The ecological disaster with which Egypt is threatened by the Aswan Dam, and also by its uncontrollably expanding population, is on a much larger scale than anything that threatens in the entire temperate zone.

These environmental crises in the tropics, however, are arising precisely because the people in this part of the world are no longer content to live the way they have always done. Furthermore, the partial impact of science-based technology, particularly the introduction of public health measures, destroyed the old equilibrium forever. There seems to be no way back, fortunately, to a world in which the poor are quietly content to starve and allow the rich to govern them.

What all this means is that while short-run solutions to current environmental problems can probably be found fairly easily, the long-run problem is tough indeed, and will tax the intellectual and moral resources of mankind to the utmost. I have been describing this long-run problem as the problem of "re-entry into spaceship earth." Economic development has been compared not inaptly to a "takeoff." We are all aware that we are going through a period of enormous change and that the transition in the state of man which these few centuries represent is perhaps the greatest transition he has ever made or ever will have to make. We are now in the middle range of the voyage towards spaceship earth, perhaps not yet at the middle, but it is not too soon to start thinking and preparing for the eventual slowdown of the increase in scientific knowledge, a slowdown in economic development, and a reentry into a type of society which will probably be so different from anything in the past that we can hardly imagine it.

It is impossible to predict in any detail either the future of knowledge or of technology. One thing, however, is clear—that whatever the future society is like, it will have to inhabit a "spaceship earth," as Barbara Ward has called it, of highly limited resources, and it will have to develop a circular or "looped" material economy.

Up to the present period, man has lived psychologically, and to a large extent physically, on a "great plain," which has always had a horizon, always had a frontier, and he has always had somewhere else to go. His material economy, furthermore, has always been, with some possible exceptions, "linear," in the sense that it has gone from exhaustible resources of some kind, such as mines, wells, or even the stock of huntable animals, into dumps. Man's economic life even in the paleolithic period seems to have consisted of exhausting his environment and fouling his nest. As long as there was a new environment and a new nest to move into, this perhaps did not matter so much, and man, by reason of his remarkable learning capacity, was able to expand into the whole earth and become its dominant species.

The great phenomenon of the Twentieth Century, however, is closure. Even when I was a boy there were still unexplored places on the globe; today there are none. The space enterprise emphasizes as never before the smallness and the loneliness of planet earth. It is the only decent piece of real estate in an enormous volume of space. We are conscious also that the time we are living in is unique, that it will never be repeated again. There is no second chance for man. If he cannot succeed in organizing his little spaceship on a permanent, self-sustaining basis before he has exhausted the stock of geological capital on which his development now rests, he will never have another chance. He will be inhabiting a plundered planet with all its geological capital squandered.

It is clear, therefore, that spaceship earth will require a technology quite different from what we have now, one in which the atmosphere, the oceans, and the soil are virtually the only sources of man's material artifacts and in which as these artifacts are used up their material components are in effect returned to the sources from which they came. There seems nothing inherently impossible about a technology of this kind. Indeed, some of the Twentieth Century developments point towards it, such as the fixation of nitrogen from the air and the extraction of magnesium from the sea.

The great unknown is the energy requirement. We may be able to devise an economy without an increase of material entropy, that is, in which we do not on balance diffuse concentrated materials, but, thanks to the second law of thermodynamics (that closed systems run down), it is impossible to have any economy without an input of energy. Virtually the only outside input of energy into the earth comes from the sun and this will go on for a long time. We can supplement this by burning up the earth itself, either the fossil sunshine in the fossil fuels or the nuclear energy. If we solve the fission problem this, too, would go on for a long time, although we might be faced eventually with the inability to export enough energy into space. If we burn up too much of the earth, it may get too hot for us. We may eventually, therefore, be forced back on the input of solar energy and utilize this for the necessary material transformations.

What we do not know now within orders of magnitude is the total human population that a spaceship earth would support at a reasonable level. Perhaps this is something we do not need to know for a long time, but at some point it is going to be a crucial factor in human history. We might visualize an earth of self-contained households, each raising all its food in sewage-fed artificial-algae tanks on one half of the rooftop and capturing all its energy on the other half of the rooftop with a solar trap, using virtually indestructible equipment, clothing, and furniture, with transportation mainly in the form of information carried by radiant energy. In this case I suppose we could have a world city with 100 billion people and a kind of universal Los Angelization. On the other hand, this may not be feasible and a much more elaborate structure may be necessary to support a considerably smaller population.

It seems absolutely impossible to predict what kind of social organization spaceship earth would require. One can visualize everything from a super-hierarchical brave New World, with a small elite and a large number of happy robots, or one could visualize a highly decentralized society relying on automatic cybernetic controls in a virtually anarchic utopia.

What is clear in the midst of all this uncertainty is that in the light of the enormous intellectual and moral task which lies ahead of mankind, the political revolutions of the last 200 years fade into relative insignificance. Neither the American, the French, nor the Russian revolutions created fundamental changes in the state of man and the ideologies which supported them are quite inadequate to bear the weight of this enormous transition which man faces.

This is not to deny the importance of the political task. Indeed, the organization of the political life of the planet may well be the factor that will make the difference between successful re-entry and possibly quite irretrievable disaster, for a landing is more dangerous than a takeoff. The political task, however, and the intellectual labor which must precede it still largely lie ahead of us. This is an age of disillusionment with all previous political solutions and political organizations. Neither capitalism nor Communism can solve the imminent danger involved in the international threat system. Nobody has solved the problem of how to develop the tropics without either demographic or ecological disaster. Nobody has solved the problem of how to prevent the insidious corruption both of the culture of the powerful and the culture of the impotent. We need a new image of the total dynamics of the social system more realistic than those provided by ideologies either of the right or of the left.

If the present excitement about the environment is to produce more than emotion, platitudes, and attempts to take us back to the good old days when the poor knew their place, it will have to stimulate us to an analysis of social dynamics both more realistic and more appealing than any we now possess.

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MAYBE THERE IS A CHANCE AFTER ALL

Mr. HRUSKA. Mr. President, there appeared in the New York Times on April 16 an item that leads me to a new feeling of hope: maybe there is a chance for the Republic after all.

The Gallup poll issued a new survey on the attitudes of the American people. And they found that by a ratio of 3 to 2 Americans now consider themselves conservatives rather than liberals. Over half, 52 percent, say they are conservatives. Only 34 percent cling to their liberalism, while 14 percent of the public is willing to be convinced.

Now, I want it clearly recorded that in my view there is nothing wrong with being a liberal person. Our country must have its liberal-minded educators, industrialists, politicians, and plain citizens. Neither is there anything wrong, if I may say so, with being a conservative, for our country also needs people with respect for old values and concern for their careful modification to meet changing circumstances. But the liberals and conservatives of whom I speak will both, with equal indignation, have nothing to do with those who, in the name of "liberalism," really mean anarchy and mindless violence. We have had too much of this lately, and it is time our Nation woke up to what these pseudoliberals are doing to it. Historically, violent disruption of society, no matter what its putative purpose, brings only equally violent repression in its wake. That is the course we may find ourselves on, unless the traditional good sense of the American people reasserts itself.

Happily, this poll gives indication that this may in fact be happening. I ask unanimous consent that the Gallup poll be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

CONSERVATIVES OUTNUMBER THE LIBERALS, 3 TO 2, IN GALLUP POLL ON ATTITUDES

PRINCETON, N.J., April 15.—The American people by the ratio of 3-to-2 prefer to be labeled as "conservatives" rather than as "liberals," according to the Gallup Poll.

However, sharp differences emerge on the basis of the age of the respondent, region and educational background.

To test the grassroots appeal of the terms "conservative" and "liberal," Gallup Poll interviewers talked to a sample of 1,528 adults living in more than 300 localities in a survey conducted March 20–22. All persons in the survey were first asked:

"What is the first thing that comes to your mind when you think of someone who is a liberal (a conservative)?"

Descriptions of a "liberal" varied from "someone who looks at all sides of a problem" and "a person who believes in mankind" to "someone who is generous with other people's money" and "a drug addict."

The public's image of a "conservative" ranged from "a person who looks before he leaps" and "a decent sort of guy" to "a penny pincher" and "a self-centered square."

The following question was asked of all persons who expressed an opinion on the two questions dealing with the image of a conservative and liberal:

"Suppose you had to classify your self as either a liberal or a conservative, which would you say you are?"

Here are the views of this group, who accounted for 73 per cent of the total sample:

	Percent
Conservative	52
Liberal	34
No opinion	14

Persons over 30 years old among those who answered the image questions leaned heavily in favor of the "conservative" label, but adults in their 20's preferred to be classified as liberals by 47 per cent. Eight per cent did not express a choice.

The following tables show in detail the public image of a "conservative" and of a "liberal," with the percentages based on all persons in the sample:

Image of a conservative

FAVORABLE	Percent
Saves, doesn't throw things away	16
Cautious (careful)	10
General remarks (favorable)	5
Total	31
NEUTRAL	
Mentions Nixon, current administration	6
Mentions specific person other than Nixon	5
Mentions political position or party	3
Total	14
UNFAVORABLE	
Does not want to change, does not take a chance	12
Close-minded, intolerant, self-centered	9
Total	21
Miscellaneous	3
No opinion	35
Total*	104

Image of a "liberal"

FAVORABLE	Percent
Open-minded, fair	12
Generous, good-hearted	6
Wants change, active in bringing about needed reforms	5
General remarks (favorable)	2
	25
NEUTRAL	
Mentions specific person	7
Mentions political position or party	7
Mentions a specific problem (civil rights, etc.)	3
	17
UNFAVORABLE	
Gives things away, spends too freely	8
Negative descriptions (Communists, hippies, drug addicts, etc.)	5
Gets carried away, wild, too far out	4
Permissive, indifferent	4
General remarks (unfavorable)	4
	25
Miscellaneous	2
No opinion	37
Total*	106

**Total adds to more than 100 per cent because some persons gave more than one response.*

THE ABM: IS IT A DOOMSDAY MACHINE?

Mr. HARTKE. Mr. President, the time is fast approaching when we shall once again be asked to vote authorization of an expanded anti-ballistic-missile system—ABM. Its proponents have long since begun to beat the drums in an effort to alarm the American people into accepting this shockingly expensive, appallingly dangerous weapon.

What, they ask, if we do not have the ABM and an enemy attack appears to be underway? The more terrifying and appropriate question is, however: What if we do have such a system and use it? The answer, it now appears, is the extinction of mankind through strontium 90 poisoning.

The question was posed and answered last fall by Dr. Ernest J. Sternglass, professor of radiation physics at the University of Pittsburgh. His chillingly entitled essay, "The Death of All Children," received far less attention than it deserved. In order that it be available for consideration by the Senate during this year's debate, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DEATH OF ALL CHILDREN—A FOOTNOTE TO THE A.B.M. CONTROVERSY

(By Ernest J. Sternglass)

Hopefully it is not too late to ask the members of Congress in their deliberations over the Administration's proposed Anti-Ballistic Missile system to pause and reflect on the nature and urgency of the matter they have been debating

In view of new evidence on the totally unexpected action of strontium 90 on human reproductive cells, it is apparent that Congress has not yet considered what may well be the most important factor affecting its decision to proceed or not to proceed with the first steps toward the A.B.M. shield. The fact is this: a full-scale A.B.M. system, protecting the United States against a Soviet first strike, could, if successful, cause the extinction of the human race. (Indeed, the scientific evidence indicates that *already* at least one of three children, who died before their first birthdays in America in the 1960's, may have died as a result of peacetime nuclear testing.) Such is the conclusion indicated by new information on the unanticipated genetic effect of strontium 90, presented at a recent meeting of the Health Physics Society.

Proponents of the A.B.M. system argue that it is necessary to prevent the destruction of our deterrent forces by a massive first strike of Russian SS–9 missiles carrying thousands of multiple warheads. But the threat of such an attack loses all credibility against our present knowledge that the vast amounts of long-lived strontium 90 necessarily released into the world's rapidly circulating atmosphere could lead to the death of all Russian infants born in the next generation, thus ending the existence of the Russian people, together with that of all mankind.

The unanticipated genetic effect of strontium 90 has become evident from an increase in the incidence of infant mortality along the path of the fallout cloud from the first atomic test in New Mexico in 1945, and from a detailed correlation of state-by-state infant mortality excesses with yearly changes of strontium 90 levels in milk.

The computer-calculated change in infant mortality was found to have reached close to one excess death in the U.S. per one hundred live births due to the release of only 200 megatons of fission energy by 1963. This indicates that a release of some 20,000 megatons anywhere in the world, needed in offensive warheads for an effective first strike or in the thousands of defensive A.B.M. warheads required to insure interception, could lead to

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essentially no infants surviving to produce another generation.

The specter of fallout has of course loomed before in the national anxiety over nuclear explosions. But the result of these studies comprises the first documented, long-range analysis showing direct quantitative correlations between strontium 90 and infant mortality. (They will be published later this year as recorded in the Proceedings of the 9th annual Hanford Biology Symposium.)

The physicists who exploded the first atomic bomb at Alamogordo had expected radioactive materials of some kind and assumed that they would fall to earth downwind as far as fifty miles away. Accordingly, the test site had been located in an isolated area of southern New Mexico. When a subsequent series of tests was held in 1951, six years later, the scientists moved to the isolation of desert country in southern Nevada. By now, however, and without the knowledge of the scientific community, the death rate of children *in states* downwind from Alamogordo had begun to rise.

The infant mortality rates in the United States have been carefully collected for many years. From 1935 to 1950, the rate shows a steady decline, and mathematical models allow the rate to be extended to show, on the basis of previous experience, what the infant mortality rate for any time, consistent with the immediate past, ought to be. But while elsewhere (with one exception) in the U.S. the rate continued downward as expected; in the states downwind of Alamogordo it did not. There was no change in the infant death rate in 1946—the year after the Trinity test—but by 1950 the rate in Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and both Carolinas deviated upward from the normal expectancy. Increases in excess infant mortality of some twenty to thirty percent occurred some thousand to fifteen hundred miles away in Arkansas, Louisiana, and Alabama, where mortality rates were between 3 and 4.5 per hundred live births. Thus, as observed by our research group at the University of Pittsburgh, the Alamogordo blast appears to have been followed by the death, before reaching age one, of roughly one of one hundred children in the area downwind. No detectable increase in mortality rates relative to the computer-determined 1940–45 base line was observed in Florida, south of the path of the fallout cloud, or in the states to the north; and the mortality excesses became progressively less severe with increasing distance eastward, in a manner now understood to be characteristic of the activity along the path of a fallout cloud. Though the increase in infant mortality in these states was taking place during the years 1946–1950, it does not appear to have been associated with the Alamogordo fallout before our studies beginning in October, 1968.

Meanwhile, the study of radiation effects proceeded elsewhere in the scientific community. It became known in the early 1950's that radioactive strontium was concentrated in cow's milk and transmitted, along with the calcium to which it bears a close chemical resemblance, to the rapidly growing bones of the fetus and the subsequent infant. Still, the radiation from strontium 90, though long-lasting, was relatively small in degree; and it was a matter of record, from studies of young women employed in painting luminous watch dials, that very large amounts of radiation over long periods of time are required to produce bone cancer or leukemia in adults. Besides, the survivors of Hiroshima and Nagasaki and their offspring were carefully observed without discovering any very serious long-term effects of radiation. A small number of leukemia cases turned up, and a very few detectable abnormalities among their children, but compared with the rest of Japan the difference was slight. The measurable effects of fallout, at the time, did not seem so ominous after all. So atmospheric nuclear weapons testing proceeded in Nevada until 1958, and continued in the Pacific until 1963 under the pressure of the Cold War. No obvious or clear-cut incidents of serious harm to anyone were reported outside the immediate area of testing.

Still, there was concern among radiobiologists and geneticists over the possibility of radiation effects on the highly sensitive human reproductive cells, rapidly dividing and developing to form the human embryo during the first few weeks and months of gestation. Evidence from animal experiments, as well as from the observation of pregnant women who had been exposed to X-rays, suggested that ova and embryo might be from twenty to fifty times more sensitive to the development of leukemia than the mature adult. If so, the potential danger of even relatively small amounts of radiation would be greatly magnified.

The evidence implicating X-rays in childhood leukemia had been discovered—quite unexpectedly—by Dr. Alice Stewart of Oxford University, in the course of a survey designed to uncover the causes of a disturbing rise in childhood leukemia among the children of England and Wales during the 1950's. Her study, published in 1958, showed that mothers who had received a series of three to five abdominal X-rays in the course of a pelvic examination gave birth to children who were almost twice as likely to die of leukemia or other cancers than the children of mothers who had not been X-rayed during pregnancy. Subsequent studies showed that only about six percent of all childhood leukemia is related to X-rays, but Dr. Stewart's research remains significant, since before then no serious effects of ordinary diagnostic X-rays had ever been demonstrated, especially since a single abdominal X-ray gives the fetus a radiation dose not much larger than what each of us receives in the course of some three to five years from cosmic rays and the natural radiation in the rocks around us.

It is true that leukemia and childhood cancer are relatively rare. Only about one child in one thousand is affected. Nevertheless, since leukemia and other cancers are the second greatest cause of death among children between five and fourteen (ranking only after accidents), Dr. Stewart's findings were regarded by physicians as startling, and efforts were made to check them. Perhaps the most definitive such examination was done by Dr. Brian MacMahon at the Harvard School of Public Health. Using a study population of close to 800,000 children born in large New England hospitals, where careful records of X-rays given to mothers were available, Dr. MacMahon confirmed Dr. Stewart's findings. He observed only about a forty percent increase in the cancer rate among exposed children, probably because of improvements in X-ray technology that allowed lower exposures.

Meanwhile, in April, 1953, a sizable amount of nuclear debris from a test explosion in Nevada was wafted downwind some two thousand miles to the east and, thirty-six hours later, deposited by a rainstorm over the Albany-Troy region of New York State. Dr. Ralph Lapp, one of the first scientists to be concerned with the hazards of peacetime nuclear testing, drew attention to this heavy local fallout. Subsequent examination of the childhood leukemia pattern in this area showed that leukemia doubled over a period of some eight years after the fallout—and then decreased. Here, for the first time, was a documented case in which fallout appeared to produce serious effects at a rate consistent with what was expected from the study of children exposed to prenatal X-rays.

Further examination of the leukemia rate for the entire State of New York revealed a pattern of increase and decrease following the sequence of individual test series in Nevada between 1951 and 1958, with a characteristic time delay of about five years after each detonation. The rise and fall were particularly marked in the age group from five to fourteen years, the group most indicative of radiation-produced cases.

More disturbing yet, the evidence showed that the arrival of the fallout was followed by a halt in the normal decline of the rate of stillbirths. For the previous fifteen years, from 1935 to 1950, the stillbirth rate had shown a regular and progressive decline. Within a year after testing began in Nevada in 1951, the rate began to deviate upward. Between 1957 and 1963 the fetal death rate, instead of steadily declining as it had from 1935 to 1950, leveled off completely at around twenty-three per thousand live births. In 1964, the fetal death rate rose to 27.3 per thousand, the first such leap since records had been kept in New York State. In 1965 and 1966, it declined slightly, as a gradual reduction of fallout in milk and food took place throughout the U.S. In contrast to New York, the fetal death rate for California—upwind of the Nevada test site, and therefore not affected by it—continued its steady decline, in line with the 1935–1950 figures from which New York so sharply deviated. Still, the rate of decrease began to slow down in California also—two to three years after the onset of hydrogen bomb tests in the Pacific in 1954.

The implications of the fetal death rate could be considered much more serious for society than the incidence of childhood leukemia, since there are more than ten times as many fetal deaths reported than cases of childhood leukemia. Moreover, for every fetal death reported, an estimated five or six are not reported, yielding perhaps fifty or sixty fetal deaths for each case of leukemia. Consequently, the search for further evidence continued. More fallout seemed to be followed by more fetal deaths, but no precise statistical correlation had been drawn. Since the amount of strontium 90 deposited in the soil is easily measurable, the cumulative deposit of strontium 90 was plotted against the *excess* of fetal mortality over what the mortality *should* have been if the 1935–1950 decline had persisted. The finding: except for the first few years of testing in Nevada, when short-lived isotopes rather than the long-lived strontium 90 were dominant, the fetal death rate in New York followed the same general pattern as the accumulated strontium 90 on the ground. Both curves showed the same decrease in rate of climb coincident with the temporary halt of nuclear testing from 1958 to 1961; both show a sharp rise beginning with the large Soviet test series in 1961. Two years after the test ban in 1963, both the fetal death rate and the radioactivity in the environment once again began to decline.

A similar pattern in the fetal death rate exists in the data for the United States as a whole for all periods of gestation up to nine months. Again, there is a steady rate of decline until the Fifties, a leveling off in 1951–52, and an actual rise in 1954, corresponding to the onset of the Pacific H-bomb tests; and a second rise in 1961, corresponding to the Soviet test series.

But perhaps the most disturbing evidence of all indicates that the rates of the infant mortality in the United States and all over the world seem to have been affected by nuclear testing. The infant mortality rate is far more accurately known than the fetal death rate, since the death of a baby, unlike a miscarriage or an abortion, rarely escapes notice in the advanced countries. Like fetal deaths, infant mortality had shown a steady decline in the period 1935–1950; but beginning with the Nevada tests in 1951 and continuing until just after the test ban in 1963, the rate suddenly leveled off in the U.S. This leveling off did not occur in such other advanced

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countries as Sweden. Holland and Norway, or in Southern Hemisphere countries like Chile and New Zealand, until late in the 1950's when hydrogen-bomb tests in the South Pacific and Siberia began to produce worldwide fallout on a much increased scale. Only after the major portion of the most violently radioactive material from the 1961–62 tests had disappeared did U.S. infant mortality begin to decline again in 1965, at a rate close to the previous 1935–1950 decline.

The most serious effects appeared in the age group from one month to one year. Here, the rate of deaths per one thousand live births should have been, according to the 1935–1950 figures, about 2.7. Instead, the observed number was 5.4 per thousand, twice what it should have been and twice what it actually was in Sweden, where the rate had steadily declined to 2.6 per thousand.

Not only was there a drastic change in overall infant mortality for the U.S. as compared to the rest of the advanced countries, but there were also disturbing patterns of change within the U.S. For example, the infant mortality rate started to level off sharply in the Eastern, Midwestern and Southern states within two years after the onset of atomic testing in Nevada in 1951, while it continued steadily downward in the dry Western states. But this is exactly the known pattern of accumulated radioactive strontium on the ground and in the diet, since strontium is most heavily deposited in states of high annual rainfall, especially in those to the east of Nevada.

Serious difficulties remained, however, in establishing a casual connection between nuclear testing and these drastic changes in fetal and infant mortality. First, why should fallout, and in particular strontium 90, cause fetal and infant deaths, since it goes to the bones and should therefore cause, if anything, bone cancer and leukemia many years later? Second, there was no observed direct quantitative relation between different levels of strontium 90 in the body and mortality rates at any given age. Therefore it was difficult to see how the very small amounts of radiation resulting from peacetime testing could possibly have been the cause of the deviations in fetal death and infant mortality, especially since no significant genetic effects had been observed among the children of the Hiroshima and Nagasaki survivors.

The causation puzzle now appears to be solved. In 1963, K. G. Luning and his coworkers in Sweden published their discovery that small amounts of strontium 90, injected into male mice three or four weeks prior to mating, produced an increase in fetal deaths among their offspring. No such increase appeared when corresponding amounts of chemically different radioactive cesium 137 were injected. More recently, evidence presented at an International Symposium on the Radiation Biology of the Fetal and Juvenile Mammal in May, 1969, has demonstrated severe chromosome damage, fetal deaths and congenital malformations in the offspring of female mice injected with strontium 90 before and during pregnancy. Similar effects have now been observed for very small quantities of tritium, produced by both A-bombs and relatively "clean" hydrogen weapons.

In the light of these studies, the absence of genetic effects in Hiroshima is understandable. In Hiroshima and Nagasaki, the bombs were detonated, not on the ground as in New Mexico, but at such an altitude that there was essentially no fallout in these two cities proper. The radiation exposure there resulted almost exclusively from the brief flash of X-rays, neutrons and gamma rays at the instant of explosion. Consequently no special effects related to strontium 90 appeared in the children of the survivors; but the rate of cancer deaths among children up to fourteen years in Japan as a whole jumped by more than two hundred percent between 1949 and 1951, four to six years after the bombs, when the fallout had had a chance to produce its effects throughout the southern parts of Japan—exactly the same delay observed after the fallout from Nevada arrived in Albany-Troy.

But the problem remains of demonstrating a direct connection between the levels of strontium 90 in human fetuses and infants, on the one hand, and observed changes in fetal and infant mortality, on the other. Such a direct connection seems to emerge from the so-called "baby-tooth survey" carried out by the Dental School of Washington University in St. Louis, supported by the U.S. Public Health Service and directed by Dr. H. L. Rosenthal. Using the data from tooth-buds and mandibular bones of aborted fetuses and from baby teeth collected in the greater St. Louis area, Dr. Rosenthal's study showed that the concentration of strontium 90 in the teeth followed closely the measured concentrations in bone and milk. Measurement of the strontium 90 content of milk anywhere in the world permits a calculation of the concentration in the bones of infants and fetuses developing in the same areas. We have found a direct correlation between the yearly changes of strontium 90 contained in the teeth (and therefore the bones and bodies) of the developing human fetus and infant, and the changing excess mortality rates, going up and down together as atmospheric tests began in 1951 and stopped in 1963.

From our examinations of the infant mortality changes from a computer-fitted base line for 1935–1950, for various states in which the Public Health Service reported monthly values of the strontium 90 concentrations in the milk since 1957, there emerges a close correspondence between average strontium 90 levels and infant mortality changes. Wherever the strontium 90 rose to high values over a four-year period, as in Georgia, a large, parallel, year-by-year rise in infant mortality also took place; while in areas where there was little stontium 90 in the milk, as in Texas, the infant mortality remained at a correspondingly lower value. Other states such as Illinois, Missouri, New York and Utah also show a rise, peaking in the same 1962–1965 period at levels between these extreme cases, each according to their local annual rainfall and strontium 90 concentrations in their milk.

For the United States as a whole, we found a detailed correspondence between and among: 1) the excess infant mortality relative to the 1935–1950 base line; 2) the total strontium 90 produced by nuclear weapons; 3) the strontium 90 thus produced actually reaching the ground; and 4) the four-year average concentration in U.S. milk from 1955, the year after the first large H-bomb test; and 1965, the year when strontium 90 concentrations began to level off and started to decline once again.

At the peak of this excess infant mortality, it was the District of Columbia that showed the largest excess in 1966—157 percent, compared with an average excess of 72 percent for the U.S. as a whole. The low value was found in dry New Mexico, minus-eleven percent—actually below the 1935–50 base line.

To appreciate the magnitude of these effects, it must be recognized that in the 1950's about 2.5 to 3.2 infants out of every hundred born in the U.S. died before reaching the age of one year. The average excess infant mortality, therefore, represents close to one child out of one hundred born, or one of every 2.5 to 3.0 that died during the first year of life.

Since about four million children were born annually during this period, close to 40,000 infants one year old or less died in excess of normal expectations each year, totaling some 375,000 by the mid-Sixties and continuing at about 34,000 per year since the end of atmospheric testing by the U.S. and the U.S.S.R.

It is no wonder, then, that infant mortality has been a major concern of our Public Health Service since this trend was first pointed out in 1960 by Dr. M. Moriyama of the National Center for Health Statistics.

However, as Dr. Moriyama and his associates observed during an international conference devoted entirely to infant mortality in 1965, none of the factors so far considered—medical care, population movement, new drugs, pesticides, smoking or epidemics of infectious disease—suffices to explain the observed facts.

That the recent excesses in infant mortality cannot readily be explained by medical and socioeconomic factors normally influencing mortality trends may be seen from an examination of the death rate in the various states following the Alamogordo blast. At the University of Pittsburgh, we have plotted the percentile infant mortality excesses or decrements relative to the computer-determined 1940–1945 base line for the first and fifth years after Alamogordo. In 1946, one year after the detonation, there was no sign of any excess infant mortality in the states downwind from New Mexico; but by 1950 a clear change toward excess infant mortality appeared in the states over which the fallout cloud had drifted, and only in those states. Furthermore, the excess mortalities are seen to be distributed in such a pattern as might be expected from nuclear fallout originating in New Mexico, since the effects are lowest in the dry area of western Texas, and largest in the areas of heavy rainfall first encountered by the cloud, namely Arkansas, Louisiana, Mississippi and Alabama, declining steadily thereafter toward the Atlantic.

The only other area that showed a clear excess infant mortality greater than ten percent as compared to the 1940–1945 period was found to be North Dakota. There, subsequent measurements of strontium 90 in the milk, carried out by the Health and Safety Laboratories of the Atomic Energy Commission, revealed the highest concentrations anywhere in the U.S. for which data is available prior to 1960. The causes of this "hot spot" are not yet fully understood, but they are quite possibly connected with known accidental discharges of radioactivity from the Hanford plant of the Manhattan Project, directly to the west, in the early years of its operation, where the fissionable plutonium for most of the nuclear weapons was produced beginning in 1944.

Since no excess infant mortality was registered along the path of the New Mexico fallout cloud in the first year after the detonation, the deaths occurring downwind in later years could not have resulted from the direct effects of external radiation from fallout on the developing embryo. It becomes clear then that we are dealing with an effect on the reproductive cells of the parents, or a so-called genetic effect.

The evidence available so far therefore suggests that radioactive strontium appears to be a far more serious hazard to man through its long-lasting action on the genetic material of the mammalian cell than had been expected on the basis of its well-known tendency to be incorporated into bone. The resultant effect appears to express itself most noticeably in excess fetal and infant mortality rates among the children born two or more years after a nuclear explosion. Presumably such factors as lowered birth weight and reduced ability to resist ordinary infectious diseases are involved, accounting for the greatest increase in infant mortality in the U.S. as compared to the advanced countries of Western Europe since the early 1950's. Children who receive adequate medical care are more likely to survive these factors than those who do not.

What does all this imply for the debate over the deployment of new nuclear weapons systems, such as the A.B.M. or the M.I.R.V. (Multiple Independent Reentry Vehicle),

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carrying many nuclear warheads in a single missile? To appreciate the probable genetic effects of a large nuclear war, we can consider first the effect of small tactical-size nuclear weapons comparable to the 20 kiloton bombs detonated over Hiroshima, Nagasaki, and in the desert of Alamogordo. Since increases of some 20 to 30 percent excess infant mortality were observed from a thousand to fifteen hundred miles downwind in Arkansas, Alabama and Louisiana, where mortality rates were between 3 and 4.5 per-hundred live births, the detonation of a single, small tactical-size nuclear weapon on the ground in the western United States appears to have led to one out of one hundred children born subsequently dying before reaching the age of one year. Therefore, the detonation of a hundred or so weapons of this size, amounting to the equivalent of only two megatons in the form of small warheads, would be expected to lead to essentially *no* children surviving to maturity in the states directly downwind.

But according to a former Defense Secretary Clark Clifford, speaking at a N.A.T.O. conference in the Fall of 1968, we have close to eight thousand tactical nuclear weapons in the kiloton range ready to be released in order to protect our European allies from a ground attack by Russia. Thus, we would probably achieve the protection of Western Europe at the cost of the biological end of these nations through the death of the children of the survivors, together with the likely death of most children subsequently born to the people of Eastern Europe, Russia and China as the radioactive clouds drift eastward around the world until they reach the United States. Thus, the use of the biologically most destructive small nuclear weapons in tactical warfare now appears to be at least as self-defeating as the release of large quantities of nerve gas, killing indiscriminately soldiers and civilians, friends and enemies alike.

But, what about the use of large megaton warheads in a massive first strike or in A.B.M. missiles detonated high up in the stratosphere or outer space, as proposed for the Spartan missile that is to provide us with an impenetrable shield against a first strike attack by large Chinese or Russian missiles in the 1970's?

According to the figures on infant mortality in the United States, based on the testing of large hydrogen weapons in the Pacific and Siberia, both in the atmosphere and outer space, close to one out of every one hundred children born are likely to have died as the result of only about 200 megatons worth of fission products into the world's atmosphere, under conditions which were especially designed to minimize the possible effects on health.

According to the testimony of Defense Secretary Melvin Laird in the Spring of 1969, the U.S.S.R. will have the capability of launching some 500 SS–9 missiles, each capable of carrying 25 megatons worth of bombs in the form of many multiple warheads, or a total of some 1500 to 2500 warheads. Together with comparable numbers launched by smaller missiles, the total megatonnage would therefore be of the order of 10 to 20,000 megatons needed in a first strike that attempts to destroy most of our thousands of missiles and bombers at the same time.

Thus, the threat of a first strike by Russia loses all credibility since, in order to have any chance at all of preventing devastating retaliation, it would necessarily have to release so much radioactivity into the circulating atmosphere that it would lead to the death of most Russian infants born in the next generation, ending the existence of the Russian people together with that of all mankind.

Since it takes at least three to five Anti-Ballistic Missiles launched to insure a high probability of interception, the U.S. must be prepared to launch some 5000 to 15000 A.B.M.'s in order to provide a meaningful "shield" against such a massive attack.

We know that each Spartan missile must contain a warhead of at least 2 megatons to produce a sufficiently intense X-ray pulse to achieve interception, so that the use of this system to protect our own missiles and cities would require the detonation of some 10,000 to 30,000 megatons into the stratosphere, not counting any radioactivity from the Russian warheads, from our own counterstrike, or from the Russian A.B.M. missiles.

Thus, even if anti-missile systems were to work with ideal perfection on both sides, preserving every home, every school, and every factory from destruction, the release of long-lived radioactive materials would produce more than a hundred times as much radioactive poison as during all the years of peacetime testing. Based on the excess mortality observed during the period of testing, this would most likely be sufficient to insure that few if any children anywhere in the world would grow to maturity to give rise to another generation.

Nor will it make much difference how high above the atmosphere the bombs are detonated, because the strontium 90 takes twenty-eight years to decay to half of its initial activity, long enough for most of it to return to earth well before another generation of children is born. And even if a perfectly "clean" weapon containing no fissionable material at all could ever be developed, the carbon 14 it produces would get into the genetic material controlling the life processes of all living cells, and it takes 5770 years before half of its radioactivity is exhausted.

The implications of the warning mankind has received from the death of its infants during nuclear testing are therefore clear:

Nuclear war, with or without anti-missiles or elaborate shelters, is no longer "thinkable" due to a fatal flaw in the assumptions of all our military war-gamers, namely the unexpectedly severe biological sensitivity of the mammalian reproductive system to genetically important by-products of nuclear weapons, which must now be regarded not merely as vastly destructive explosive and incendiary devices, but as the most powerful biological poison weapons that man has yet invented.

THE U.S. NATIONAL ARBORETUM

Mr. PERCY. Mr. President, on April 22, many of the people of the Nation took time out to stop and think about our earth and its struggle for survival. One aspect of this day was that we seemed to see more clearly both the beauty of nature and the destructiveness of man. There were many speeches made about what ought to be done, and I hope that it was not just rhetoric.

If we want to look for something to do that will stop a part of man's destruction of nature, we have to look no further than the Nation's Capital. The U.S. National Arboretum is one of the most beautiful spots in the Washington, D.C., area. It is a magnificent spot in which we can withdraw from the noise and smells of our highly industrialized society where we can get away from the fumes and sight and sound of cars and trucks and buses and enjoy the serenity of nature.

Now, however, an East Leg Parkway has been proposed that would run along the arboretum side of the Anacostia River, using precious aboretum land.

Mr. President, I ask unanimous consent that an article written by Mr. Tom Stevenson and published in the Washington Post of April 19 be printed in the RECORD. The article eloquently describes both the arboretum and the threat to it.

If we are serious about saving our environment, it is with small but important issues like this that we must deal and deal decisively.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATURALISTS FEAR RUIN OF ARBORETUM

(By Tom Stevenson)

The U.S. National Arboretum is considered one of the great arboretums of the world and one of the big attractions of the District of Columbia. Yet, an effort is being made to take a lot of Arboretum acreage and use it for a roadway. The decision rests with Congress.

Robert F. Lederer, executive vice president, American Association of Nurserymen, and Mrs. Glenn B. Eastburn, executive director, American Horticultural Society, have warned their members that a proposed East Leg Parkway along the Arboretum side of the Anacostia River would require the use of land now occupied by the Arboretum. Richard P. White, chairman of the National Arboretum Advisory Council, says that the proposal, if adopted, would cripple the Arboretum.

"In jeopardy," said Dr. White, "is a collection of plants worth millions of dollars, really priceless, since they could not be moved to a new location without heavy losses, and some of which, due to their worldwide nature, could never be replaced; and a corps of trained scientists in horticultural research, highly efficient, that might move elsewhere and that would be hard to replace, once lost."

One of the outstanding attractions at the Arboretum is the Gotelli collection of dwarf conifers. Over a period of 15 years, William T. Gotelli, of South Orange, N.J., assembled more than 1,500 plants from all parts of the world. In 1963 he gave the collection to the Arboretum. He said it was too fine for one person to possess, and he wanted it at the Arboretum where all could enjoy it. Here the conifers of normal growth contrast pleasingly with their dwarf counterparts, in an arrangement of rocks and stone-mulched beds set among velvet green grass walkways.

In late April and early May, 70,000 azaleas on the slopes of Mount Hamilton, in the Arboretum, are in bloom beneath a canopy of tulip, oak and dogwood trees.

Along the Anacostia River are hundreds of magnificent camellias, both sasanquas and japonicas. Last fall the Camellia Society of the Potomac Valley in a test program, produced thousands of blooms on the japonicas by regulating their growth through a process called gibbing. More than 100 varieties of sasanqua are planted along trails and among stately Japanese temple trees.

Nearby, a central alley bordered by specimen plants of flowering dogwood is set among hemlocks and informal plantings of other dogwoods. In the collection are about 65 kinds of dogwood, including the weeping form, the bunchberry and the Chinese dogwood.

The collection of more than 600 crabapples represents one of the largest test plantings in this country. Though the trees are still young, crabapple blossoms are beginning to add considerably to the flower display of mid-April, the effect being heightened by underplantings of daffodils. Ornamental crabapples are considered the most dependable of all small flowering trees for cold climates. At the Arboretum there are varieties suitable for every region that experiences temperatures below zero in the United States. The Arboretum's collection is also be-

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ginning to provide information on the best varieties for the middle and upper South.

There is a fine collection of hollies, American, English, Chinese, Japanese and miscellaneous evergreen types. The plants are labeled to help visitors identify them. The holly plantings also suggest possible landscape use of these plants. In addition to the hollies on display, the Arboretum has research collections which are being used in breeding programs to develop superior forms, particularly for sections of the country where hollies are not now climatically adapted.

The holly trail leads to a unique six-sided teakwood bench from which one can view plantings of 25-foot tall hybrid magnolias, deciduous hollies and crabapples.

Fern valley is a naturalistic planting of ferns and other plants native to Eastern North America. Of special interest is a wall for lime-loving ferns, made from limestone rocks said to have been originally used in a rocky parapet constructed by Braddock's army.

A start toward a complete collection of flowering cherries at the Arboretum was made through a gift by National Capital Optimists. The collection is being added to each year, and will serve for research and possibly hybridizing.

Many of the plantings at the Arboretum in addition to the flowering cherries, have been contributed to the general public, individuals, nurserymen, and garden clubs.

In addition to being a beauty spot, the Arboretum is an educational institution—an outdoor museum in which one can study many kinds of trees, shrubs and other plants. It is a research institution, using its plants for cultural observation and in breeding and testing programs. In cooperation with the New Crops Research Branch of USDA, it distributes new plants and seed to other botanic gardens of this country.

LIMITING FARM PAYMENTS TO $10,000 PER CROP OF COTTON, WHEAT, AND FEED GRAINS

Mr. GOODELL. Mr. President, considering the inflationary pressures in our economy and the budget constraints which are applied to so many vitally needed programs, it seems unbelievable to me that we should still continue wasteful programs of large farm subsidy payments to a small handful of wealthy producers.

When the Agriculture Appropriations Act was considered in the Senate last year, I offered an amendment to the bill which would have limited the payments to individual producers of cotton, wheat, and feed grains to $10,000 per crop. Because I had to offer my amendment to the appropriation bill, this limitation would have applied only to the 1970 crops.

Basic farm legislation expires this year. We now have an unparalleled opportunity to enact long-range changes in the farm program which would have the effect of placing permanent limitations on these programs. I intend to offer my amendment again this year and I will be working with Senator BIRCH BAYH in a bipartisan effort to bring this about. We are planning to introduce our amendment next week. If our proposal is enacted, a potential saving of $250 million annually could result.

Last year I placed in the RECORD a list, by State, of producers receiving $10,000 or more from these three programs in 1968. Figures are now available for 1969, and they show an alarming increase in just 1 year. The number of payees receiving $10,000 or more increased by 1,877 in the cotton program, by 2,836 in the feed grains program, and by 1,806 in the wheat program.

Mr. President, for the benefit of Senators who will be considering a limitation on farm subsidies this year, I ask unanimous consent to have printed in the RECORD a table provided by the Department of Agriculture which lists by State those producers who received $10,000 or more from cotton, wheat, and feed grains programs in 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE—NUMBER OF PAYEES RECEIVING $10,000 OR MORE DURING 1969 CALENDAR YEAR IN THE FOLLOWING ASCS PROGRAMS

State	Cotton (number)	Feed grain (number)	Wheat (number)
Alabama	773	31	
Alaska			
Arizona	850	79	14
Arkansas	1,679		5
California	1,652	240	135
Colorado		193	437
Connecticut			
Delaware		5	
Florida	13	33	
Georgia	710	194	5
Hawaii			
Idaho		5	433
Illinois	1	808	9
Indiana		478	5
Iowa		997	2
Kansas		339	739
Kentucky	9	69	2
Louisiana	790	4	1
Maine			
Maryland		24	
Massachusetts			
Michigan		52	1
Minnesota		486	49
Mississippi	2,461	11	3
Missouri	299	453	12
Montana		6	1,113
Nebraska		799	93
Nevada	13		5
New Hampshire			
New Jersey		6	1
New Mexico	316	272	193
New York		11	8
North Carolina	149	87	1
North Dakota		46	483
Ohio		164	7
Oklahoma	167	47	362
Oregon		6	323
Pennsylvania		15	2
Rhode Island			
South Carolina	619	36	
South Dakota		77	206
Tennessee	405	24	
Texas	6,068	2,029	808
Utah		1	51
Vermont			
Virginia		32	
Washington		11	1,131
West Virginia			
Wisconsin		93	
Wyoming		1	28
Total	16,974	8,264	6,667

DEATH OF JACOB H. MOGELEVER

Mr. PELL. Mr. President, Jacob H. Mogelever, a distinguished Rhode Islander, a newspaperman, author, and for the past 28 years the Treasury's chief promoter of savings bonds, died recently at his home in Bethesda.

Although he had not lived in Rhode Island for many years, he maintained a continued special interest in the affairs of his home State and, in his position in the Treasury Department, he worked closely and effectively with the Rhode Island State director of savings bonds, Miss Katherine M. Cullinan.

I know this energetic and imaginative man will be greatly missed. He was a tireless worker in behalf of the country and savings bond purchasers, whose importance in providing funds for the operation of the Government cannot be overemphasized. I wish also to extend my deepest sympathy to Mr. Mogelever's family.

Mr. President, I ask unanimous consent that two articles about Mr. Mogelever be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Apr. 6, 1970]

J. MOGELEVER, BONDS PROMOTER, NEWSMAN, DIES

Jacob Mogelever, 69, a former reporter and copy editor for the Journal-Bulletin and chief promoter of Treasury Department savings bonds for the last 28 years, died Saturday night at his home in Bethesda, Md.

"Jake," as he was known locally, was born in Providence in 1900 and grew up in Central Falls and Pawtucket. His parents, Bernard and Sarah Mogelever, were Polish immigrants.

In 1942, he became chief of press and special promotions for the savings bond division of the Treasury Department.

Over the years, he used numerous gimmicks to plug the bonds, including covered wagons, talking dogs, an elephant riding into the Treasury building, duplicate Liberty Bells, symphony orchestras and all the communications media.

Mr. Mogelever went through the elementary grades in Central Falls and graduated from Pawtucket High School in 1918. He was a graduate of Brown University, Class of 1922.

While at Brown, he worked with the Journal-Bulletin in its Pawtucket office. He was a reporter at night and a street-corner paperboy during the day. He was a reporter until 1924, when he joined the copy desk in Providence.

In 1926, he returned to Pawtucket and was managing editor of the Pawtucket Times for seven years. He then became city editor of the Newark Star Ledger, a position he held until 1942.

Mr. Mogelever is survived by his wife, Mrs. Hodes Mogelever; two daughters, Mrs. Bonnie Pollack, of Silver Spring, Md., and Naomi, a student at Yale University; two brothers, Morris, acting state athletic commissioner in New Jersey, and Louis, a police reporter for the Newark Star Ledger.

The funeral service will be in Takoma Park, Md., with the burial in Falls Cemetery in Virginia.

[From the Washington Post, April 6, 1970]

J. H. MOGELEVER DIES, TREASURY OFFICIAL, 69

Jacob H. Mogelever, newspaperman, author and for years the government's number one savings bond salesman, died Saturday at his home in Bethesda after a heart attack. He was 69.

A native of Providence, R.I., Mr. Mogelever got his first newspaper job on the copy desk of the Providence Journal. He went on to become managing editor of the Pawtucket Times and later city editor of the Newark Star Eagle.

In 1940, Mr. Mogelever moved to Washington, where he was made head of promotion for the U.S. savings bond division of the Treasury Department.

He helped produce several movie shorts featuring Hollywood and Broadway stars promoting bond sales.

In 1960, Mr. Mogelever accomplished what he said was a longtime dream—he published a book. It was called "Death to Traitors" and told the story of Gen. Lafayette Baker, who came to Washington in the 1860s to head Lincoln's Secret Service.

"I'm no Civil War buff," he explained. "I'm

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just a litle guy that wandered in and found a good story to tell and wanted to tell it. It's escapist adventure."

In 1968, Mr. Mogelever received the Treasury Meritorious Service Award.

He is survived by his wife, Hodes, of the home, 5201 Camberley Ave.; two daughters, Naomi, of New Haven, and Bonnie Pollack, of Silver Spring; two brothers, Louis, of Elizabeth, N.J., and Morris, of Allenhurst, N.J.; three sisters, Anne Cohen, of Pasadena, Calif., Rose Reichart, of Cleveland, and Mrs. Nathan Salant, of Washington, and two grandchildren.

AMATEUR RADIO RIGHTS FOR RESIDENT ALIENS

Mr. GOLDWATER. Mr. President, last year I introduced S. 1466, a bill to grant the right to operate amateur radio equipment to resident aliens. Oddly enough, under existing law, this important group of Americans is not allowed to obtain ham radio operators' licenses.

Mr. President, this situation is most unfair. It is utterly without any reason and constitutes a discriminatory legal technicality which denies several thousands of our future citizens the privilege of enjoying this interesting activity.

I remind Senators that this group of resident Americans includes persons who are so strongly attracted to our country that they not only have chosen to settle here, but have declared their intent to become U.S. citizens as soon as our law will allow.

These permanent residents have fallen into a legislative gap which on one side benefits temporary visitors from abroad and, on the other side, U.S. citizens. If an amateur enthusiast is merely visiting the United States on a student, business, or tourist visa, he can obtain an authorization to operate amateur radio equipment while he is here if his home country offers reciprocal rights to our citizens. However, if the very same person decides to settle in this country, he will be completely cut off from all right to enjoy his ham radio activities.

In order to correct this unfair and discriminatory oversight in the present law, my bill will authorize the FCC to issue amateur radio licenses to permanent residents whenever they have filed a declaration of intent to become U.S. citizens. I am happy to report that since last March, when the bill was introduced, there has been a growing movement of support for the cause of the immigrant radio amateurs.

First, the bill has received the endorsement of the American Radio Relay League which represents most of the 270,000 Americans who are members of the ham fraternity. Second, it also has received the backing of the International Amateur Radio Union which consists of 80 national societies representing radio amateurs from most other countries of the world.

In addition, CQ, QST, 73 Magazine, and DIALOG have all given their strong editorial support to the bill. They are the leading radio amateur periodicals in this country.

But, Mr. President, most encouraging of all, to me, is the fact that 25 Senators have agreed to join as cosponsors of this measure. I believe it is of particular importance to note that these Senators represent 18 different States stretching from Hawaii to both coasts of the mainland. To my mind, this indicates a widespread national interest in assisting this important group of future citizens.

Mr. President, the anomaly of the present status of permanent residents is pointed up by one typical illustration. American residents in this category are fully subjective to American taxes, they are fully subject to compulsory service in the U.S. military services, and, indeed, many of them who now serve in the Armed Forces are regularly using military radio transmitters.

So, we have the odd situation where American immigrants are considered 100 percent capable of serving faithfully in the U.S. Armed Forces, but at the same time the very same people are not considered capable or responsible enough to operate amateur radio stations.

This is downright nonsense, of course; and the plain truth is that it stands as an unfortunate oversight in the present communications law that few people have noticed before. It is high time Congress took action to correct the matter, and I hope that the Senate will begin action promptly on the solution I have proposed, and in which I am joined by one-fourth of the Senate's membership.

Mr. President, at this point, I ask unanimous consent that there be printed in the RECORD the names and States of all 25 Senators who have agreed to join as sponsors of the proposed legislation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF COSPONSORS

Mr. Fannin of Arizona.
Mr. Cranston and Mr. Murphy of California.
Mr. Dominick of Colorado.
Mr. Fong and Mr. Inouye of Hawaii.
Mr. Bayh of Indiana.
Mr. Dole of Kansas.
Mr. Metcalf of Montana.
Mr. Curtis and Mr. Hruska of Nebraska.
Mr. Bible and Mr. Cannon of Nevada.
Mr. McIntyre of New Hampshire.
Mr. Goodell and Mr. Javits of New York.
Mr. Packwood of Oregon.
Mr. Pell of Rhode Island.
Mr. Hollings and Mr. Thurmond of South Carolina.
Mr. Baker of Tennessee.
Mr. Tower of Texas.
Mr. Bennett and Mr. Moss of Utah.
Mr. Randolph of West Virginia.

Mr. GOLDWATER. Finally, Mr. President, I ask unanimous consent that there be printed in the RECORD three recent magazine articles which endorse and discuss the proposal I have introduced.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From CQ, August, 1969]

ALIEN OPERATORS

Editor, CQ:

My name is Marcel Saidman and I immigrated from Romania to this country in 1965. I am specialized in foundations and underground structures and since my arrival I am with Stone and Webster Engr. Corp. in Boston.

I am complaining against the section of the Communication Act of 1934 which requires an applicant for a radio-amateur license to be a citizen of this country or to be an alien having an amateur license and whose government has a bilateral reciprocal agreement with the United States.

I would like to comment on that section as follows:

1. An alien who is already a "permanent resident" of the United States and has filled out and signed the "declaration of intention to become a United States citizen" has already been verified and approved by the American authorities and will in time become a citizen.

2. People in this category have most of the duties of the American citizens: they are paying taxes, serving in the American Armed Forces and those with the Signal Corps of the Army are regularly using military transmitters.

3. Based on reciprocal Operating Agreements, radio-amateurs from 23 foreign countries can operate their own radio amateur station in this country. Are these radio-amateurs more American or more reliable to this country than we, the permanent residents?

My complaint could be considered as unreasonable if only American citizens could enjoy the right to get a license for operating a radio amateur station.

But as long as non-American people like tourists or short-time visitors are granted this right, why should it not be granted to us who are permanent American residents and have already declared our intention to become citizens? Why not to us who are taxpayers and thus are contributing to the welfare of the American community? Why not to us who are serving in the Armed Forces and thus are considered faithful to these United States?

Last year Congressman T. R. Kupferman introduced a Bill under the Nr. HR 16764. Being too late the Bill died in the House Committee on Commerce.

Another similar Bill was introduced this year to the Senate by Sen. B. Goldwater under S. J. Res. 27.

We hope you will help us in passing this resolution in spite of the fact that we new immigrants have nothing to offer in exchange as other countries do, other than our blood, our affection for this country, or our strong desire to work hard for the welfare of this nation which welcomed us and where we found the freedom of which we were deprived in our native country.

MARCEL SAIDMAN, ex-YO3FZ.
BRIGHTON, MASS.

[From DIALOG, November-December 1969]

AMATEUR RADIO LICENSES FOR IMMIGRANTS

(By George Pataki, ex-YO2BO)

I would like to inform the readers of DIALOG about the problem of licensing immigrant radio amateurs, those who are permanent residents of the United States, and intend to become future citizens of this country.

As you may know, the Communications Act of 1969, as amended, allows only American citizens or nationals to apply for an amateur radio license. For an immigrant it takes five years of residency to become eligible for citizenship; consequently it takes more than five years to be able to apply for a W/K call.

I have talked to many amateurs, both American and foreign, and have heard many reasons favoring amendment of the present regulations. For example, an immigrant living in California said that while in the Army he was entrusted with official radio communications, but that as a civilian he was not trustworthy enough to get an amateur radio license. Canadian operators have told me that in VE-land any immigant can get a temporary license, good for six years; but, after five years they can become citizens, in which case the license becomes permanent.

Amateurs from various countries having

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reciprocal operating agreements with the United States, and having a student, business, or tourist visa, can operate their own stations here; but if the same person decides to settle in this country, he will find that, as an immigrant and as a permanent resident, he has all the duties of American citizenship, but fewer rights. He will lose his license from his native country, but he can not get an American license for five years.

The present regulations permit anyone, including aliens, to operate an amateur radio station in the United States—under the supervision of the licensee, who must tune the transmitter and turn the on-off switch. Imagine a crystal-controlled and vox-operated transmitter—what then is the duty of the licensee?

Perhaps we aliens are not trusted enough. Then why are we admitted to the country? Or perhaps the FCC does not trust our skill to operate, unassisted, an amateur radio station. Let us take the test, then, the same test given to American applicants.

I am a graduate engineer in electronics and communications, and I work for CBS-TV in New York City. I handle all kinds of equipment for one of the world's largest television networks feeding more than 200 stations. But I cannot operate, alone, an amateur radio station.

I like amateur radio very much. I like to communicate with other operators from other countries; I am interested in their ways of living, their opinions, and their technical experiments. Why should I be stopped for five years from enjoying my lifelong hobby?

Because of this situation I went to see my former Congressman, Theodore Kupferman. He didn't know too much about the amateur radio service, but he did understand the problem. In an attempt to correct this unfair situation, he last year introduced in the House of Representatives a bill (H.R. 16764) intended to "amend the Communications Act of 1964 to make certain aliens, admitted to the United States for permanent residence, eligible to radio station operators." Unfortunately, this bill died in Committee.

In January of this year Senator Barry Goldwater, known in our circles as K7UGA, introduced a similar bill—Senate Joint Resolution 27. Later, on March 11th, feeling the need for a more comprehensive bill, Senator Goldwater introduced a new bill, S. 1466—a companion measure to Joint Resolution 27. This bill has received the endorsement of both the American Radio Relay League and the International Amateur Radio Union.

Letters and editorials have recently appeared in QST and CQ in support of these bills. Hundreds, perhaps thousands, of amateurs have written to their senators in support of this legislation. On September 29th, 1969, twenty-one senators, representing eighteen different states, joined Senator Goldwater as co-sponsors of S. 1466. I list these senators here, so amateurs living in the various States may know which senators are responsive to this amateur radio problem:

Senators Fannin (Arizona), Cranston and Murphy (California), Dominick (Colorado), Inouye and Fong (Hawaii), Bayh (Indiana), Dole (Kansas), Metcalf (Montana), Curtis and Hruska (Nebraska), Bible (Nevada), McIntyre (New Hampshire), Javits (New York), Packwood (Oregon), Pell (Rhode Island), Thurmond (South Carolina), Baker (Tennessee), Tower (Texas), Bennett (Utah) and Randolph (West Virginia).

I urge American amateurs to write to their legislators in support of this legislation. I am hopeful that the American amateurs, who have always shown so much friendship to us DX operators, will support us in making it easier for us to get a W/K call.

[From the XTRA, January 1970]

IARJS Member Leads Fight for Licensing of Immigrants in the USA

When this is published either George Pataki, ex-YO2BO, and ex-operator of Romanian club station YO2KAC, will be the victor in his fight for passage of Senate Bill S-1466, or he will be in there fighting that the Bill is passed in 1970.

George Pataki, now living in Jackson Heights, N.Y., was a very active amateur before immigrating to the United States from Romania. On arrival in the States, he found that although inroads were being made in respect to reciprocal licensing, this solved the licensing problem for the visitor only, and it ignored the DX'er who was immigrating to the states . . . enforcing a 5 year wait period for those who had come, planned to stay and become citizens.

George went to work for the CBS television network in New York City, and then took up the helm of a campaign to encourage amending the Communications Act of 1934, to allow immigrant DX'ers, of permanent status, to be licensed and be allowed to operate. He wrote letters to officials and to various publications; he gave talks at AR club meetings.

Full details of all these efforts are not given in this column, as a first-hand article by ex-YO2BO will be found elsewhere in this issue of the EXTRA.

George's efforts created sufficient interest so as to result in the introduction of S-1466, sponsored by CHC'er Sen. Barry Goldwater, K7UGA, plus 21 additional Senators. A last minute article, appealing for support, appeared in Dialog, Journal of the International Amateur Radio Journalistic Society.

George Pataki arrived in the United States in 1965, and will become a citizen on 24 Oct 1970. He is 39 and is married. He is a graduate electronics and telecommunications engineer. He, as so many of our other amateur immigrants, would be a credit to the American Amateur Radio Fraternity.

Editor, K6BX comments: It is possible Senate Bill S-1466 will not clear both Senate and House this year and might be voted on in 1970, so, we here reprint by courtesy CQ magazine Zero Bias the following:

ALIEN OPERATORS—MORE PROGRESS

With *Senator Barry Goldwater* at the helm, the progress of *S-1466*—sometimes known as the Alien Operators Bill—has been sure and methodical. The bill was originally sparked by George Pataki, ex-YO2BO and his determination to see an error which was unwittingly written into the Reciprocal Privilege Bill some years ago and corrected to allow aliens to operate amateur equipment in the U.S. under present law, a vacationer from one of the 41 foreign countries which the U.S. has negotiated reciprocal agreements can operate unhindered in the U.S. amateur bands. An alien, or political refugee to the U.S., even if he has begun the naturalization process is now denied the same privilege.

The latest corrective legislation to be introduced is S-1466, and is sponsored not only by Sen. Goldwater, but the following 21 Senators: Sen. Fannin (Ariz.), Sen. Murphy (Cal.), Sen. Cranston (Cal.), Sen. Dominick (Col.), Sen. Inouye (Hawaii), Sen. Fong (Hawaii), Sen. Bayh (Ind.), Sen. Dole (Kans.), Sen Metcalf (Mont.), Sen. Curtis (Neb.), Sen. Hruska (Neb.), Sen. Bible (Nev.), Sen. McIntyre (N.H.), Sen. Javits (N.Y.), Sen. Packwood (Ore.), Sen. Pell (R.I.), Sen. Thurmond (S. Car.), Sen. Baker (Tenn.), Sen. Tower (Tex.), Sen. Bennett (Utah), Sen. Randolph (W. Va.).

Of the eight Federal agencies which have been called on to report and advise *on S-1466*, seven have replied favorably, and one is still due to report. When the final agency report is in, committee hearings will be held, probably before the end of the year, and barring any major upset, the odds appear to favor passage of *S-1466* sometime this session.

Your letters to your U.S. Senators, urging support of S-1466 can only help assure passage when the vote comes.

BUSINESS AND THE PUBLIC INTEREST

Mr. HARTKE. Mr. President, if one thing is clear about the myriad problems that confront the Nation, it is that government alone cannot solve them—not, at least, within the framework of our present constitutional system.

Government is one great power system in American society. Private enterprise is the other. If we are successfully to confront and master the giant difficulties that threaten us—crime, racism, pollution, health care, inflation, and so many others—business is going to have to assume a large measure of responsibility.

In very briefest compass, that is the central theme of an important speech given last week by Mr. J. Irwin Miller, chairman of the Board of the Cummins Engine Co., Inc., of Columbus, Ind. Mr. Miller is familiar to most Members of the Senate as a business statesman of world rank. We have learned to give very serious attention to his remarks on public affairs. But I venture to say that he has never made a more significant statement than his speech, which I now ask unanimous consent be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE PUBLIC RESPONSIBILITIES OF BUSINESS IN THE 1970's

(By J. Irwin Miller)

"Responsibility" is a word which parents like very much to use when talking to their children, and businessmen when discussing workers, competitors, and government. In normal use, it means what some other fellow ought to do.

Its root meaning, however, is a little less comfortable, the word refers to one half of a contract. In its original form a responsibility is the promise of something in return for the receipt of something.

You and I are well aware that we have received something from our shareholders. What, however, have we received from society, and what, if anything, do we owe in return?

Business has a very large stake in the quality of the society within which it operates.

We and our businesses exist in a society which has been largely shaped by others, and we flourish only as we are rooted in a society which is healthy, orderly, just, and which grants freedom and scope to individuals and their lawful enterprises. To the extent that our own society exhibits many of these characteristics, we must gratefully confess that they are not of our making and that we have received them for free. It is not then wholly unthinkable to imagine that we have a responsibility to help keep society healthy and good. Perhaps it is even our responsibility never to pursue our limited aims in any manner which is harmful to that society—or even further—our responsibility to help solve its problems and avert its dangers in so far as we are able. Let us take a look at the society of today and consider what might or might not need doing in the 70s. Finally let

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us ask ourselves what, if any, responsibility business might have for doing what needs to be done.

We are of several minds about the state of the nation. But first, some facts: We are enjoying material well-being such as no nation in history has known, well-being for more people and for a greater portion of the population: In the 60s we made very great gains: Real per capita income up 30%; Real GNP up 50%; 13,000,000 more jobs. Unemployment down from 5½% to 3½%. Families with incomes below the poverty level cut almost in half—from 18% of the whole to 10%. The material prosperity of the vast bulk of Americans is almost unbelievable. Television sets, dishwashers, automobiles, boats, pensions, access to college, paid vacations, retirement in Florida—these are realities for four out of five Americans. The American dream has come true, and neither historians of past times, nor Communist leaders of today would have believed it possible in so short a time and for so many. Surely, therefore, we are *the tranquilly confident inhabitants of a golden age.*

Fact Number Two: What a laugh! Most writers, whether of the right or of the left, use the word "crisis" today in every article they publish. Twenty years ago the same word appeared, but it was invariably connected with the external hostile threats of Russia and Red China, and before that of Japan and Nazi Germany. Today the volume is turned up full on: Urban crisis, race crisis, pollution crisis, inflation crisis, health crisis, housing crisis, crime crisis, and youth crisis.

And that is only a partial list. Most of us in this room will confess not so much to a sense of solid and satisfactory achievement, and confidence in future progress, as we will to *fear*—and vast uneasiness. There is a hint of doom in the air, and we are a worried people. At a time when so many of the aims of the American Revolution are now a clear reality, we hear the word "Revolt" on every side—youth revolt, black revolt, poor peoples' revolt, and women's revolt.

And most lately, Taxpayers' Revolt. One would have thought that, if any such concerns were justified, the good old American word "Reform" would be on our lips instead. Why "Revolution"—just when we have almost got it made? It may be, of course, simply that we have been scared by the noise. Perhaps it is only a few kooky students; a few angry girls; a handful of disturbed blacks; some lazy poor people who are getting uppity, and think welfare is a right. Perhaps we need only to get tough, enforce respect, return from permissiveness to discipline, and these noises will diminish to their proper volume.

There is one small thing wrong with this analysis, attractive as I find it personally. *You and I* are also talking the language of revolution. Is the taxpayers' revolt real, or is it not? Since World War II the normal pattern in state and municipal elections has been to approve 75% of proposed bond issues and reject 25%. In 1968 elections these percentages were very nearly reversed. At a time when all citizens were loudly complaining about crowded schools, crowded hospitals, crowded streets, polluted air, inadequate prisons and enforcement, the majority of bond issues aimed at remedying these *very* conditions were rejected.

It is not only the youth and the blacks who demonstrate, well-to-do citizens defy court injunctions, threaten school boards, shout at tax hearings, picket mayors, overturn school buses. If this country were a business, and the workers were becoming increasingly violent and destructive, if foremen and middle management were beginning to shout and retaliate, an intelligent Board of Directors would demand to know what was back of it all.

I come from a small town. In our business we recruit many young college and business school graduates each year. When they are brought out for an interview, we take them on a tour of the town. But it is a very special tour. They are driven through the best residential sections. They are shown our newest schools. They have lunch at the new clubhouse of our new golf course. They see our most modern churches and the new wing of the hospital. There is also another tour on which we *could* take them, and other people in our town to whom we *could* introduce them, but we do not take our prospective employees on this tour, nor do we introduce them to the other citizens—to the mother of eight whose gas has been shut off because the trustee to whom she must go for welfare has decided he will pay for coal, but not for gas (she doesn't have a coal stove); or to the local license bureau which refused to renew the license of a cleaning lady (white) until she paid the delinquent taxes of the husband from whom she was divorced 9 years ago. Of course, when a wealthy citizen goes with her to the bureau, there is no problem or taxes to be paid.

We do not take them to a section of rental houses which still have dirt floors, newspapers on the walls, outside plumbing with wells near privies (and high rents). Neither tour is the whole story in our town, but no one should think he knows our town unless he takes both tours.

We have a tour of American society which will offer clear proof of one of the greatest achievements any society has been able to show. I am proud of the evidence and the achievements, and my country means a great deal to me. I am one of those fellows whose eyes become a little misty when he sees the flag and tries to sing the anthem. But I am well aware that we also have tour No. 2 in this country. We all ought to take it because it relates to our subject this morning. We cannot claim to understand our nation and our people unless we take both tours. Where shall we start?

Well, let's begin with the familiar part—the morning drive to work. In most cities I visit it takes noticeably longer to travel the same distance each time I return. Poisonous fumes are somewhat greater, accidents somewhat more numerous. It is steadily more dangerous to take an evening stroll. Streets are dirtier and uglier. More garbage is on the curb waiting collection, more abandoned cars by the roadside. We are visibly losing ground. Yet in only 30 years (the time between World War II and today) there will be another hundred million people in this country, and most of these will live in cities.

How much money will it take to permit the extra hundred million to move and live even as well as you and I are moving and living today? And is 30 years enough time to make the plans and raise the money and get the job done? This extra hundred million will expect to go to school. Do any of you live in communities where schools have extra capacity now? Have any of you personally visited inner city schools in this or any other great city—and personally inspected the crowding, the decay, the hopelessness which teachers feel about their jobs? With construction costs advancing at 1% each month, can we imagine the additional funds which will be required, if the extra hundred million are to receive no worse education than exists today.

Or have you been taken suddenly ill lately and tried to obtain a house call from a doctor in a strange city, or get admitted to a strange hospital? More and more city hospitals have beds in corridors. Hospital expense is rising at about 20% per year. In many important criteria, infant mortality, for example, we do not even rank among the ten best nations in today's world. What sums do you imagine will be required even to hold our own in health care for the extra hundred million in the next 30 years?

Or housing—how will the extra hundred million be housed as they appear month by month during the next 30 years? As of this moment there is no demonstrated answer to true low cost housing. When we consider that housing starts are now well below the level of need; that housing costs (like schools) are increasing at 1% a month, we can see the possibility that the single family dwelling may soon be within reach only of the most wealthy, and we have legitimate reason to wonder how and what kind of shelter will be available to the next hundred million when they arrive. I will not continue this catalogue. It is sufficient simply to note that, if we are to stop losing ground, and if we are to be ready to serve the next hundred million within 30 years, very large sums of money must be spent, beginning now, on transportation, on educational facilities (even if we operate the system 12 months a year), on health care facilities, on air and water pollution, on housing. These are all matters which require big expensive solutions, mostly public solutions. The solutions will *not* happen naturally. Naturally we have fallen behind. And time is so short that we must be under way *now,* if our material condition is not to deteriorate further, and irretrievably.

So, as a national enterprise we face an extraordinarily large capital program, which must be accomplished in a short space of time, or the whole national plant could become so run down that, for all our wealth, we may very well be unable to rebuild it adequately to the needs of those it is required to serve.

We have also another set of problems which concern the national enterprise. The first group—some of which we have just described—are caused mainly by rapidly growing numbers, and by a national physical plant which is increasingly unable to meet our needs. The second group is of another order: It concerns how all of us feel about ourselves, our friends, our manner of living, our opportunities, our society. It makes a difference in your factory how workers feel about their bosses and each other, and it makes a difference in the country, too. There *is* such a thing as *the American way of life.* For me, Thomas Wolfe has described it as well as anyone. Here are his words:

"To every man his chance . . . To every man, regardless of his birth, his shining, golden opportunity. To every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him . . . This is the promise of America."

When a baby is born in this country there are conditions that surround him that are not within the society's control. He may have loving parents or hateful parents. He may have a congenitally weak heart, or he may have the heart of a 4-minute miler, and so on. These we cannot do much about. But there are things America can do for that new born baby. We can see to it that within the society itself each baby born in this land has an equal chance at the starting line. That is what America is all about. That is why most of our ancestors came over here. That is why we said no kings, no nobility. That is why we established the first national public school system. We have always felt that equal opportunity for good education, paid for by the state, was not some form of socialism, but instead the very foundation of the American dream.

All members of the society will of course not make the most of their equal chance. We know that. Some will turn out to be lazy. Some will be smarter than others. Some will be quarrelsome. Some will be criminals. Some will be geniuses. Most will be solid citizens. But it is clear to us that, if our country is unique in history, if it has anything worth saying to the rest of the world, it is that each new baby is of equal importance, and deserves an equal chance.

But now, you are saying, that is all too general and too fuzzy. Specifically what do we mean by "his chance"—and would any two of us agree on a definition? I think this is not too difficult a question. And I think I do not even have to answer it. You can answer it for me. What do you want for your baby at his birth? I doubt if you really want a guaranteed million dollar income, or preferment for public or private office regardless of ability. If you do, you are at least ashamed to confess to it. Instead you probably want some things like these: You want him to be strong and healthy, to have access to all the education his mind can put to good use; You want him to have as good a chance at a job or profession as any other child of equal capacity; You want him to receive just and equal treatment in the society in which he lives. You might mention other things, too; but even those would sound much like the above. In summary you would say you want no special favors for him, but that you will be furious, if he is denied opportunities that would otherwise be his, simply because it is discovered that he has red hair, or a big nose, or that he is *your* son, and for no other reason. I can only assume that, if this is how you feel and how I feel, then it is probably how other parents feel too, and furthermore, it is not only how we feel about our children, but it is how you and I feel about ourselves, and our own chances in this world.

If this be true, I'm not so sure we like what it all means. It means the new arrival should have access to as good an education as he is able to absorb—whether or not his parents happen to be wealthy. It means he should have access to the food and diet necessary for a healthy body, whether or not his parents happen to have the money. (Poor diet and hunger in infancy can rob the new baby permanently of his chance.) It means that, if he is to be denied access to a particular job, or to advancement or to opportunity, it must truly be because he is individually less able than another—and never never because a person is white or black, rich or poor, Catholic or Jew, or a woman. You and I know very clearly what fair treatment, an equal chance at the starting line, means to us—for ourselves and for our children. If health, education, equal justice were denied to *our* children, but promised at some distant time to some distant generation, you and I, and most especially our wives and mothers, might show very little patience indeed. "Progress" would mean nothing to us, if it were not available to our children when they most required it. The American dream and the survival of this free society hang quite simply upon the ability of each of us to be as indignant, as determined to act in correction, if another is deprived of his fair chance, as if we, or our children, were deprived.

Now where are we? We have identified two species of problems, and they are quite simply grave enough to destroy us within the next 30 years, if we do not solve them. If 90 of the next hundred million crowd themselves into cities—as they are certain to do—and if we move no faster on transportation, schooling, air & water pollution, garbage collection, housing, slums, rat control than we are moving today, do you really think these cities can even function? Or consider the Blacks, the Puerto Ricans, the Indians, the Women—are each of them not rapidly becoming more vocal, more frustrated, more violent? If they do not gain an equal chance at the starting line with the bulk of white male Americans, in education, housing, justice, job opportunity, do you really think these Americans will put up with it for 30 more years? You and I know what Americans historically do when they are convinced that they are stuck with the short end of the stick. They revolt—king or no king, government or no government. So I think it is not amiss to guess that these two species of problems are grave indeed, and of a kind which can destroy us as a nation, if they are not solved in a very short space of time.

What are the kinds of solutions we must expect? The first of our two kinds of problems is physical. It affects the health, mobility, and convenience of all the people, and it arises from our rapid population growth on a limited land area. We undoubtedly possess the technology which the answers demand—and the required sums of money too. But it is this latter which stops us. We do not wish to make the choice which faces us. On the one hand we could attack our problems now. During World War II we were willing to devote 60% of the GNP for 4 years to a task that faced us. If we elect such a course, then truly enormous annual expenditures are required now, in order to accomplish simultaneously a comprehensive and adequate transportation system, the construction and funding of equally adequate school systems, the cleaning up of our air and water, the maintenance for a growing population of an adequate supply of reasonable cost housing and the rest. These sums can come from only two sources—from public expenditure of tax funds and from private domestic investment. The latter is potentially 5 to 6 times larger than the former, but all of that is not available. A very large part must always be maintained in existing channels, simply to keep our industrial capacity growing as rapidly as the consumption needs of the society grow. The balance, which is not inconsiderable, may be directed by the government, through tax and administrative procedures, in the direction of the solutions we seek. What this all says, however, is that if we decide to solve our problems *now*, while they are still manageable, the sums of money are so great that we must *raise taxes significantly*. This increase will be big enough to lower visibly the standard of living which you and I now are accustomed to enjoy. This is a hard choice. When we raised our military commitments in Vietnam to war proportions, we did not act as we have in other wars, even the Korean War. We did not impose wage-price controls, rationing, excess profits taxes, and the rest. Instead we acted in the wishful way we often observe in our children. We pretended we could have both guns and butter. We pushed ahead of us our cancerous costly problems. Now we find that we are all living very much beyond our income. Because of inflation, solutions are becoming daily more costly. Because of simultaneous deterioration and population growth, problems are becoming daily more threatening.

We have been unwilling to bring our living standards into line with our long-term needs, and to set about repairing and rebuilding the national property. Instead we have actually cut taxes (More money will be pumped into consumers' hands this year as the surcharge is dropped) and we have stopped or slowed down the inadequate programs which did exist, aimed at the problems we have mentioned. Meanwhile, rigid wage increases already written into labor contracts, plus your and my conviction that we had better build that plant now because it will cost 10% more next year, will help guarantee a continued price inflation of considerable degree, even while we are laying off workers during the downturn.

I say all this, not as a political criticism, but in an effort to describe the full dimensions of the first of the two kinds of problems we have discussed.

In summary, expenditures of money, of wartime proportions, will be required to be spent in the next several years, if the decay in our physical plant is to be arrested, and if we are to be in any sense ready for the additional hundred million persons who will inhabit the land—and mainly its cities—within thirty years from this moment.

We are today living at a standard which we can neither maintain nor long afford. This is a serious matter, and up to now neither we as a people nor our leaders have been willing to face up to it. It is, however, not the most serious condition with which we are confronted. The next alarming fact is that, even if we were willing to tax ourselves as heavily as seems indicated, the money, applied in the same old way, would simply choke the system and probably accomplish little. Every city is composed of hundreds of small governmental units, with overlapping and competing authorities. Monies poured into them disappear with little trace of effective results. Attempts to administer the needs of a city as a whole, to relate and decide on priorities, to plan—most such efforts die in competing agencies before even much discussion takes place. And so, before the big sums may be safely spent in our cities, the system must be changed—to permit big solutions to big problems, simply administered: To permit local solutions to local problems, locally administered. We must become the kind of people who are flexible enough, foresighted enough, to alter, adapt, and reform our systems of government continuously; To make them responsive to changed conditions in a world where accelerating change is the order of the day.

Another example: Health care—costs of health care in recent years have been increasing at a rate of nearly 20% per year, the single most inflationary component in the GNP. Consider two of our best and most famous hospitals. The same service delivered at the same quality, after wage differentials have been eliminated, costs twice as much in one as in the other. Since private health plans, as well as Medicare and Medicaid, tend to pay demonstrated cost, it is our system to pay the inefficient hospital twice as much for the same service as the efficient hospital. Many of you have been on one end or the other of cost-plus contracts. Do you really imagine the exponential increases in the cost of health care will diminish so long as we continue to maintain a system of cost-plus compensation?

Another example: Long ago, when two men had a dispute, they fought it out—and the stronger man won. The winner depended on the relative strength of the adversaries, not on who was right and who was wrong. Men changed the system. They invented the concept of justice, and they established courts and rules of law to guide the settlement of disputes. Today you and I think twice about taking our case to court, unless we are pretty sure law and right are on our side. But management and labor still settle their disputes by means of the old system—by combat—by trial of strength. All parties suffer great losses—and perhaps the public most of all. Right or justice takes a priority second to strength. May we not have reached the time when we desperately need a better system?

Another example: How do we go about controlling inflation and preserving the value of the dollar? It is by slowing down business, which means simply throwing out of work those who are financially least able to survive. Do you seriously imagine we will be permitted to operate in this manner very much longer? Is not a better system long overdue?

Another example: Public Education. When your son goes to college, he conducts an agonizing analysis of his possible choices. He finds that college curricula, living rules, and conditions not only differ but are continuously changing. It is hard for him to make a choice—but it is important to note that he *can* choose. Colleges realize they are in competition, and higher education is rea-

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sonably responsive to change. How does he choose which public elementary school or high school to attend? He has no choice. It is a monopoly—and the public secondary system of education in this country shows all the monolithic character and massive resistance to change which is part and parcel of any monopoly. Consider the kind of society our children will face, the skills, the knowledge they will require, the growing body of knowledge we are accumulating about the learning process, and the root American concern for each child to have his equal chance at the starting line. Do you imagine that quantities of money alone forced through a system, which was designed for another time, and which, if it changes at all, changes with glacial speed; Do you imagine such money through such a system will realize the American dream in education?

The American systems, private and public, were designed for a world which no longer exists—for a small, mainly agricultural people, remote from world pressures, with limitless room for expansion. Is it any wonder that the systems do not work well in a crowded urban technical society with finite borders? Our systems of government groan and frustrate us, from local to national. Our system of health care could collapse; our system of agriculture fights itself; our systems of transportation are daily on the edge of disaster; our system of conservation is losing the battle—nor are these the only examples. We can run similarly through the whole catalogue.

And so we come to a simple set of facts: Countries can collapse—and have. The survival of this nation is now at stake. Our survival, because of population growth such as the world has not seen, and because of an exponential rate of change in man's condition, demands immediate and continuing expenditures of monies unprecedented in amount save in wartime. Such expenditures will mean visible reduction in the standard of living of the affluent 80% of present society. These expenditures however will not accomplish their purpose, if forced through present systems unchanged. Nearly every existing system must be changed to serve well present needs, and must be continuously changed as rapidly as needs and conditions change. Yet it is our normal preference to rehabilitate the damaged products of our systems, rather than to reform the systems themselves. We have never in our history demonstrated the willingness and flexibility in respect to change such as now seems demanded.

Finally, all the above, even if accomplished, may come to naught unless the nation, and especially its most privileged majority, is not passionately concerned to see that each individual American born into this nation has an equal chance at the starting line *beginning now*. . . . No nation has come up against such a challenge. We have every means, every skill needed for the accomplishment. The world watches to see if we have the will.

The business community has very nearly as much influence as the young people think it has. If business voluntarily in the conduct of its own affairs accords the long-term public interest a priority equal to that assigned shareholders, and demanded by organized workers, the influence of such an example will be compelling.

If businessmen go to their city councils, to their state houses, to Washington, and lobby as hard and effectively for equal and adequate education, improvement of the environment, solutions to transportation, health care, and support the monies and changes required to make these possible—the country will turn around. Our example could be determining.

In six years we will celebrate our 200th birthday. What present ought we give ourselves at such a party? Celebrations and speeches about presents given *us* by those long dead? Or should we fashion, in our turn, a present for our children such as our fathers gave to us: A new land, and a people equally and sacrificially concerned for its smallest member! Should we accept a burden now, in order to present our children with a land whose water, air, resources, beauties, are treasured and enhanced rather than wasted, whose people, each of them, have access to learning, health, justice, and the chance to do what each has in him to do? Such a present we could very nearly give ourselves and our children by the time of our birthday party—if we have the vision, if we have the will to achieve the vision, and if we choose leaders dedicated to harness that will.

Business has a voice to raise in support of such a national act in such a short time, and business has freedom to provide free examples of such a will in action. "To every man his chance." Our fathers believed it. In our turn, we too are asked if we believe it.

PRESTILE STREAM, MAINE

Mr. MUSKIE. Mr. President, in recent weeks there has been discussion in the press and in Congress about the sugar beet refinery in Easton, Maine, and its implications about the quality of water in the Prestile Stream.

The stories have contained misstatements, inaccuracies, and omissions of relevant facts.

For those who are interested in the whole story, I have prepared a statement which tells the story. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HISTORICAL REVIEW

The Aroostook County economy has been plagued for generations by an unstable potato market. For many years the County and State have sought to broaden the economy to create more economic stability and opportunity. The potential for growing sugar beets as a second and compatible crop had been recognized for many years.

In 1962 the Congress amended the sugar act, and Maine sought to gain one of the six new sugar beet acreage allotments authorized by the amendment.

From the start, the Maine program to win one of the allotments was bi-partisan. Supporters included the farmers and business leaders of Aroostook County as well as industrialists and businessmen across the State. The Republican Governor and Executive Council, the majority and minority leaders of the Maine Legislature, agriculturalists from the University of Maine, the Maine Congressional Delegation, and the Maine Industrial Building Authority worked with the Department of Agriculture and the Area Redevelopment Administration in developing the State's proposal. For instance, the Legislature voted unanimously to raise the MIBA loan insurance limit from $2 million to $8 million specifically to accommodate the sugar beat project.

As the proposal developed, Great Western Sugar Company of Denver agreed to build the refinery and process the beets if the Department of Agriculture awarded an allotment to Maine.

In April, 1964, the Department approved a 33,000-acre sugar beet allotment for Maine. The refinery had to be built by the end of 1966 to comply with the 1962 sugar act amendments.

Late in 1964 Great Western withdrew from the project, thus jeopardizing the allotment and the sugar beet industry. The company said the results of its test plantings in 1964 did not reach expectations. Although agricultural specialists from Maine disputed Great Western's conclusions, the company would not reverse its decision.

Supporters of the project were forced to seek a substitute for Great Western. One possibility was the Pepsi-Cola Company which was building a sugar refinery in New York State. The Company, however, declined to undertake a second refinery.

Early in 1965, Fred Vahlsing, Jr., the owner of a potato processing plant on the Prestile, agreed to substitute for Great Western in the project. His idea was to build a refinery next to his potato processing plant. The sponsors welcomed him, and he was able to utilize the financing package arranged for Great Western. His decision to locate the refinery on the Prestile, however, was recognized as a water pollution hazard.

There was concern that the refinery would further degrade the quality of the stream and that the operation of the refinery would violate State water quality standards, thus jeopardizing the first mortgage loan guaranteed by the MIBA and the second mortgage loan made by the Area Redevelopment Administration.

As chairman of the Senate Subcommittee on Air and Water Pollution I was especially concerned about the environmental dangers of a sugar beet refinery. I also knew that the necessary technology existed to control and prevent pollution from the refinery.

As a condition of my support for the Vahlsing refinery proposal I insisted that the necessary technology be made part of the plant at the time of construction.

With a commitment from Mr. Vahlsing to build as clean a plant as possible, the immediate task was to find a way to permit construction to proceed as fast as possible in order to meet the 1966 plant construction deadline.

In an unprecedented appearance before a joint session of the 102nd Legislature, Republican Governor John Reed, acting on the advice of the lending agencies—the Area Redevelopment Administration and the Maine Industrial Building Authority, a State agency—urged temporary reclassification of the stream from B to D. It allowed the project to go forward immediately by giving the refinery a chance to work out any flaws in the treatment system without the risk of legal difficulties during the initial operations of the refinery. The measure passed by an overwhelming vote as an emergency measure on May 5, 1965. The reclassification, however, did not take effect until the refinery was completed at the end of 1966. The treatment system worked effectively from the start of operations and the stream classification was raised to C by the Legislature in October, 1967, the same classification given to the Aroostook River, on which other potato processing plants are located.

CORRECTING SOME MISAPPREHENSIONS

The foregoing states the essential facts on the sugar beet refinery project and the Prestile. In addition, I think it is important to correct some misapprehensions about the Prestile.

First, contrary to some reports, the Prestile Stream did not change from a pure trout sream to a polluted watercourse in 1960, when the Vahlsing, Inc. potato processing plant was built, or in 1965 when construction began on the Maine Sugar Industries sugar beet refinery. Fish kills and blocked fish migrations were documented by State agencies as early as 1953. Long before either plant was built, the Prestile had been polluted by sewage discharges from the towns of Easton and Mars Hill, starch factory discharges and the dumping of potatoes along the stream. The B classification represented a goal, not a physical fact.

Second, the Vahlsing, Inc. potato processing plant has been a source of pollution, but, contrary to some reports, the reclassification change did not take Vahlsing, Inc. off the hook with respect to its potato processing plant discharges. The temporary change in classification to D was in effect only from January, 1967, when the refinery began operation, until October, 1967, when the stream was reclassified to C. The change in classification from B to D was made at the insistence of the lenders. They would not let the project go forward without a temporary reclassification. The haste in the change was dictated by the necessity of having the refinery in operation in time to process the fall 1966 crop of beets. This was essential in order to retain the Maine sugar beet allotment. Otherwise, the loans for construction would not have been made, and the refinery could not have been built in time.

Third, I reluctantly supported the temporary change in classification on three grounds: (a) that the refinery would be designed and built with the most effective water utilization and waste treatment facilities; (b) that the reclassification would cover only the period of start-up for the plant; and, (c) that the refinery could not be financed without it. During the discussion about the reclassification, my staff and I pointed out on a number of occasions that the real problem on the Prestile was not the potential pollution from the sugar refinery but the existing pollution from the potato processing plant and the municipalities. At my insistence, the sugar refinery did include a recirculation system, plus a plan to apply water used to wash the beets in field irrigation. Then and since, I have pressed for more effective action to deal with the potato waste problem.

Fourth, a major problem in dealing with the Prestile and similar difficulties on other Maine streams has been the antiquated Maine classification law which requires legislative, rather than executive, action for improvements in water quality standards and which does not provide adequate enforcement authority for the Environmental Improvement Commission. Until 1957, the Maine water pollution program simply classified Maine waters as they existed. In 1957, as Governor, I initiated the first changes to upgrade the classification of Maine waters. On numerous occasions since that time I have uregd changes in the Maine law to give the State authority to upgrade water quality standards through administrative action and to enforce such standards.

The Federal Water Pollution Control Act contains a provision developed and enacted at my recommendation which gives the United States government and the government of Canada a vehicle for enforcing water quality standards on the Prestile and other similar international waters.

My position on the Vahlsing potato processing plant and the sugar beet refinery remains what it has always been: the problem of wastes from the potato processing plant and municipalities should be dealt with promptly and efficiently as part of a regional water quality improvement plan, and the sugar beet refinery should be operated as it was designed in order to prevent any waste discharges into the Prestile.

INSTITUTIONAL MEMBERSHIPS IN NEW YORK STOCK EXCHANGE

Mr. GOODELL. Mr. President, the subject of institutional memberships in the New York Stock Exchange has lately become a point of sharp debate in the financial and investing world. Such institutions as mutual funds, pension funds, and insurance companies, with enormous securities portfolios of their own, could do their own trading without using independent brokerage concerns if they could gain such memberships, or gain control of members. Such memberships, in consequence, would give institutional members a lower commission rate within the existing fixed-commission structure—a structure which is presently the subject of SEC hearings. Indeed, the Justice Department has recently filed a statement with the SEC suggesting that institutional memberships, and/or a change in the current commission rate structure, ought to be considered. Also, in connection with the SEC's approval of exchange proposals to allow public ownership of members, the SEC has asked the exchange to report to it by July 1970 on the question of institutional membership.

On April 9, John L. Loeb, senior partner in Loeb, Rhoades & Co., one of the largest investment banking and brokerage houses and members of the New York Stock Exchange, issued a statement, in the form of a memorandum to members of the exchange, enclosing an open letter to the chairman of the exchange and a summary memorandum concerning the subject, in which he opposed any change in the stock exchange constitution or rules which would permit direct institutional exchange membership, or indirect control of a member by such an institution.

He argues that institutional membership: First, is inconsistent with the function and obligation of the exchange as a public auction market; second, would drive a number of broker-dealers out of business, eliminate direct access to the market by many smaller investers, and make it difficult for the specialist system to function; third, would decrease liquidity; fourth, would reduce the availability of financing to some American businesses; fifth, would give rise to grave conflicts of interest; and sixth, would compel noninstitutional members, as competitors of institutional members, to seek offsetting concessions from the exchange.

Mr. President, as the focus of this problem—indeed the focus of all securities problems—is in my State, I call attention to this important issue and ask unanimous consent that there be printed in the Record the three documents setting forth Mr. Loeb's position.

I also ask unanimous consent that there be printed in the Record a report of the controversy which was published in the New York Times of April 10, 1970.

There being no objection, the items were ordered to be printed in the Record, as follows:

Loeb Backs Limiting Big Board Members—Institutional Admissions Held Fraught With Perils

(By Terry Robards)

Loeb, Rhoades & Co., one of Wall Street's largest and best known investment banking and brokerage bonuses, took a vigorous stand yesterday against institutional membership on the New York Stock Exchange.

"It is our judgment that institutional ownership and control of members of the exchange would strike a damaging blow at the operations of the exchange and the securities industry and would be detrimental to the national interest," said John L. Loeb, senior partner.

Mr. Loeb's statement came in a letter to Bernard M. Lasker, chairman of the exchange's board of governors and chairman of a committee studying the institutional question.

It was issued a day after Howard M. Stein, president of the Dreyfus Fund, took a similar position.

Many Wall Street leaders are fearful that such institutions as mutual funds, pension funds and insurance companies may try to gain exchange memberships to do the trading for their own enormous investment portfolios, thereby draining commission revenues away from the brokerage concerns that presently execute transactions for them.

Mr. Loeb, considered an influential Wall Street figure, indicated that his fears about institutional membership run much deeper than any considerations about the loss of commission revenues for his firm. Loeb, Rhoades, with a net worth of about $78-million, is one of the four wealthiest houses in the securities business.

Changing the exchange constitution to permit institutional membership. Mr. Loeb asserted, would "seriously impair the exchange as a public auction market for securities in which prices are determined by the interplay of the independent judgment of a multitude of public investors."

He added: "It would drive out of business many independent broker-dealers, who are the main source of the business brought to the floor of the exchange and whose existence is essential to the free function of the securities market and availability of broad, public financing to the nation's business."

At a news conference, Mr. Loeb added: "In my opinion you'd wipe out all the little people in the business and you'd get a concentration of power. If you don't keep a network of small brokers, then you reduce the access for the individual investors who really makes up the liquidity of this market."

Clifford W. Michel, managing partner of Loeb, Rhoades and an official of the Association of Stock Exchange Firms, noted that unanimity of opinion rarely existed within the association's membership, but added that there was "no question that the majority of our membership is violently opposed to institutional membership."

The association consists of members of the Big Board.

Mr. Loeb's letter to Mr. Lasker was accompanied by a formal memorandum on the subject and by an open letter to all members of the stock exchange.

Some Wall Street sources interpreted the firm's publicly stated position as an effort to arouse general membership opposition to institutional membership.

Mr. Loeb said his firm was disturbed that little attention apparently had been given to some of the possible consequences that could arise from letting institutions join.

"Much more is at stake in the question of institutional membership than the sharing of commission dollars or the privileges of membership," he asserted.

PRESENT ROLE UPHELD

"The stakes are the very continuation of the exchange as basically an agency market for the public, operated by professionals whose interests lie primarily in the transacting of securities trading for the general public."

Mr. Loeb urged Mr. Lasker's committee to let stand the present provision in the exchange constitution stipulating that the "primary purpose" of an exchange member must be the brokerage business.

Loeb, Rhoades & Co.,
New York, N.Y., April 9, 1970.

To: Members of the New York Stock Exchange:

We are enclosing a copy of a letter that we have today sent to Mr. Bernard Lasker relating to the subject of institutional membership. It is our position that opening the New York Stock Exchange to institutional membership will seriously injure the Exchange as a public auction market, drive many broker-dealers out of business, threat-

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en the liquidity of the market, undermine the operations of specialists and other floor members, and result in serious conflicts of interest which will weaken public confidence.

In view of the great importance of this issue, we invite your consideration of these and other points that are set out in the enclosures.

Very truly yours,

John L. Loeb.

Loeb, Rhoades & Co.,
New York, N.Y., April 9, 1970.

Mr. Bernard J. Lasker,
Chairman, New York Stock Exchange,
New York, N.Y.

Dear Mr. Lasker: The Securities and Exchange Commission has advised the New York Stock Exchange that it intends at a later date to review the appropriateness of the "primary purpose" requirements in the Exchange's Constitution and rules which the Exchange has now made effective. The Commission has stated that it intends to conduct this review after consideration of the Exchange's study of institutional membership which is scheduled for completion by July 1 of this year.

The Commission's deferral of its comments means that the possibility remains open that institutional membership or ownership of member firms may be authorized. If this should occur, the consequences would be most damaging to the Exchange and the securities industry; and because of the New York Stock Exchange's crucial importance to the Nation's economy, as its central and largest securities market, the result would be highly prejudicial to the national interest.

As you know, a number of acquisitions of member firms by institutions have already taken place. Others are pending and many more will undoubtedly occur if institution-ownership and control of members does not continue to be a bar to membership in the Exchange.

The "primary purpose" provisions as to which the Commission has deferred comment, are the only provisions now in the Constitution and rules which would restrict institutional ownership and control of members. The Constitutional provisions require that the "primary purpose" of members and their parents must be the transaction of business as brokers and dealers in securities.

The implementing rules define these terms. Any company owning more than 25% of the total outstanding voting securities of a member is presumed to be its parent; and the "primary purpose" of a member or its parent is presumed to be the transaction of business as a broker-dealer if the gross income of each from broker-dealer activities, including interest charges on debit balances in customers' accounts, is at least 50% of its total gross income.

It is these provisions, and only these provisions, that provide a basis for preserving the Exchange as a public auction market primarily operated by members who serve the general public. These are the only remaining provisions that assure the preservation of a broad securities market which is composed of an adequate number of broker-dealers, which serves the general public, and which reflects the various trading judgments of the general investing public.

If these provisions do not remain in the Constitution and rules, or if they are substantially watered-down, the result will be domination of the securities market by institutions such as mutual funds and insurance companies, through acquisition and ownership of members, and domination of the floor by their representatives.

We do not disagree with the Exchange's view that access to permanent capital through public ownership of an appropriate type may be needed by some member organizations. But we believe that the Exchange must not permit public ownership to become a vehicle for private domination of the Exchange by organizations whose primary interests are inconsistent with the obligations and functions of the Exchange and its members.

As you know, the Exchange itself has taken the position that effective self-regulation of members is impractical unless the "primary purpose" of members and their parents is transacting business as brokers and dealers.

But fundamentally, it is our judgment that institutional ownership and control of members of the Exchange would strike a damaging blow at the operations of the Exchange and the securities industry and would be detrimental to the national interest.

It would seriously impair the Exchange as a public auction market for securities in which prices are determined by the interplay of the independent judgment of a multitude of public investors.

It would drive out of business many independent broker-dealers, who are the main source of the business brought to the floor of the Exchange, and whose existence is essential to the free function of the securities market and the availability of broad, public financing to the Nation's business.

It would undermine the activities and operations of specialists and other floor members.

It would subject the governing structure of the Exchange to dominance by a few vast institutions, and their representatives on the floor, and the institutions would have the power to shape Exchange rules and regulations to their own private needs.

It would threaten the liquidity of the market by concentrating trading in relatively few hands.

It would substantially impede access to new financing by American business enterprises by narrowing the market and reducing the number of firms through whom these securities may be marketed.

It would give rise to grave and recurrent questions of conflict of interest which would weaken public confidence in the securities markets and might lead eventually to more restrictive governmental control of the Exchange and the industry.

We are enclosing a memorandum detailing these points at greater length.

We are disturbed that, to date, so far as has appeared in the published accounts, little attention has been given to these considerations, although they go to the heart of the issue. They involve basic questions relating to the survival and continuation of the Exchange as a public auction market; its operation by professionals primarily acting as agents for the public as well as specialists and floor representatives; the survival of a strong, vigorous broker-dealer network in the Nation; public participation in the ownership of American business; the liquidity of the securities market; and its availablity as an essential mechanism of the American economy.

Much more is at stake in the question of institutional membership than the sharing of commission dollars or the privileges of membership. The stakes are the very continuation of the Exchange as basically an agency market for the public, operated by professionals whose interests lie primarily in the transacting of securities trading for the general public.

We hope and believe that the Exchange's Committee on Institutional Membership will carefully consider these fundamental issues, and that it will concur with our view that the "primary purpose" provision as included in the new Constitutional amendments and as defined in the pending rules must be retained as a minimal safeguard.

We are aware, of course, that various regional exchanges have permitted institutional ownership of members. We believe that this is unfortunate and undesirable because the points which we have made against such membership are also applicable, in varying degrees, to the regional exchanges, despite their relatively small size and restricted operations. We believe that the undesirability of institutional control of members on the regional exchanges will soon become apparent, and that such membership will be terminated either by the regional exchanges, the institutions themselves, the SEC or, if necessary, by legislation. This is most likely to come about, we believe, if the New York Stock Exchange remains firm in its opposition to institutional membership and states the reasons for its opposition in a comprehensive and unequivocal report.

In any event, the position of the New York Stock Exchange as the broad, central market for securities trading, which most of the investing public utilizes and upon which the welfare of the securities industry and the Nation's economy so largely depends, is such that it cannot follow the lead of the regional exchanges without sacrificing its primary purpose and without severe loss and injury to the investing public, to itself, its members and the Nation. If any diversion of institutional volume to the regional exchanges takes place, we believe that it will be minor and temporary and that the undesirable consequences of institutional control of members will soon lead to corrective action.

We shall welcome an opportunity for full discussion of this entire matter with you and the Committee, and we believe that similar opportunities should be afforded to other members and interested persons.

We are sending copies of this letter and the enclosed memorandum to the members of the Committee on Institutional Membership, the President of the Exchange, the members of the Exchange and the members of the Securities and Exchange Commission.

Very truly yours,

John L. Loeb.

Loeb, Rhoades & Co.,
New York, N.Y., April 9, 1970.

Summary Memorandum Concerning Institutional Membership on the New York Stock Exchange Submitted to the Committee on Institutional Membership

I. *Institutional membership in the Exchange, either directly or through controlled firms, is inconsistent with the function and obligation of the Exchange as a public auction market.*

(1) The Exchange is and must continue to be primarily an agency market for the investing public.

(2) Institutions as members or through subsidiaries which are members would necessarily engage in large-volume trading for their own account. This trading would affect, and might be engaged in with a view to affecting, their transactions off the floor of the Exchange. Institutions of all kinds accounted in the first half of 1969 for 54% of the total public share volume and 60% of the total public dollar volume on the Exchange. These percentages have been increasing.

(3) In 1969 transactions for members' own accounts originating off the floor (excluding activity of specialists, floor traders and odd-lot dealers) amounted to only 7% of all trading activity. This percentage indicates the predominance of the public agency function of the present membership. It cannot be substantially inreased without endangering the Exchange's basic and vital role as an agency market for the public.

(4) Institutions trading for their own account would dominate the market and its pricing mechanism. This would be contrary to the essential purpose of the Exchange which is to reflect in the pricing of securities, the judgment of multitudes of public investors and the actions of numbers of independent broker-dealers.

(5) Institutional membership, directly or through subsidiaries, might result in domi-

nation of the governing structure of the Exchange by a few vast organizations which would have the power to shape its rules and regulations, including its rate structure.

II. *Institutional membership in the Exchange, either directly or through controlled firms, would drive a number of broker-dealers out of business, eliminate direct access of many smaller investors to the market, and make it difficult for the specialist system to function.*

(1) At the present time, institutional trading is effected by and through the existing non-institutional members of the Exchange. Its volume is so large that the concentration of a substantial part of it in the hands of institutional members and their floor representatives would result in reducing the business available to independent broker-dealers and their representatives on the floor, and would eliminate numbers of them from the industry.

(2) The result would be to diminish or deny direct access to the marketplace to thousands of smaller investors who now trade through the broker-dealer network.

(3) The decrease in the number of the broker-dealers would remove from the marketplace the plurality and diversity of investment and trading judgment upon which the Exchange depends to fulfill its function as a public market.

(4) Concentration of the bulk of trading activity in the hands of members trading for their own account would make it difficult for the present specialist system to function. This system requires, as its basis, a multitude of small orders over a range of prices on both sides of the market, and could not deal effectively with a market dominated by large block sales.

III. *Institutional membership, directly or through controlled firms, would reduce liquidity.*

(1) Institutional membership, directly or through subsidiaries, would be a direct threat to liquidity. Liquidity depends upon the presence in Exchange trading of a multitude of investors whose individual decisions are arrived at by themselves and on advice of a large number and variety of independent broker-dealers. These individual trading judgments provide the volume and diversity of buy-sell orders which are the basis of liquidity. Domination of the business by a relatively few institutions and their controlled subsidiaries, and the reduction of the number of independent broker-dealers, will reduce the plurality of decision-making and the liquidity of the market.

IV. *Institutional membership, because it would eliminate a number of broker-dealers, would reduce the availability of financing to some American businesses.*

(1) The contraction of the broker-dealer network, with its direct access to the investing public, would substantially reduce the opportunity of many American business enterprises to obtain financing. It would tend to concentrate the sources of capital funds in fewer hands. It would tend to destroy the opportunity of businesses, particularly small businesses, to seek funds through a multitude of channels including independent broker-dealers.

V. *Institutional membership would inevitably give rise to grave conflicts of interest.*

(1) Institutions and their subsidiary broker-dealer members would be engaged in trading for the institutions' vast portfolios while having direct access to the machinery and information of the Exchange as members. At the same time, they would be acting as agents for public investors and would be advising them. If their actions as agents or advisers for the public are inconsistent with their own decisions, problems of conflict will obviously exist. If their advice to the public and their trading decisions for their own portfolios are uniform, the market power of the institution may be greatly augmented, their power to dominate trading and pricing greatly increased, and the liquidity of the market further seriously diminished.

(2) In voting as members with respect to such matters as commission rate schedules, institutions would be faced with a direct, unavoidable conflict between their interests as traders in large blocks and the public investors to whom they, as members of the Exchange, would have fiduciary responsibilities.

(3) These conflicts could threaten the continuation of the Exchange as a self-governing market subject only to a measure of governmental supervision. They would weaken investor confidence in the Exchange as an objective, public auction market. The conflicts could shake public confidence in the Exchange and the securities industry, and might lead to direct government direction.

VI. *Competitors of member institutions would be compelled to seek concessions from the Exchange and its members to offset the advantages that their competitor-members would obtain.*

(1) Institutions that cannot achieve membership but which compete with those that do would be compelled to demand special accommodations in terms of Exchange rates, rules and practices to offset the financial and other advantages obtained by their competitor-members. The result would be further disruption and distortion of the Exchange and the industry.

CONCLUSION

1. Institutional membership on the Exchange raises fundamental questions of public policy and of the survival of the Exchange and the securities industry as instrumentalities for the service of the Nation's economy and the investing public. Questions of the sharing of commission dollars cannot be considered as determinative of the issue.

2. The Exchange should continue to oppose institutional membership or ownership or control of members and should reaffirm the "primary purpose" provisions in its Constitution and the implementing rules without modification or dilution.

By: JOHN L. LOEB.

OUTER CONTINENTAL SHELF BOUNDARY

Mr. PELL. Mr. President, in connection with the remarks contained in last week's RECORD concerning the Outer Contintental Shelf boundary, I should like to draw the attention of Senators to a recent letter to the editor of the New York Times from Wolfgang Friedman, professor of International Law at Columbia University.

Referring to the administration's upcoming decision on this international boundary issue, Professor Friedman states:

> There are few issues of greater importance and world-wide implications.

Having placed the boundary question in its proper foreign policy context and having attached to it the international significance which I think it deserves, Professor Friedman, sounding much the same warning that is contained in my remarks of Friday last, notes:

> The U.S. will be in the forefront of a free-for-all grab in ocean-bed resources if the President follows the April 13 statement of Senator Lee Metcalf, representing his views as chairman of the special subcommittee on the outer continental shelf.

Professor Friedman then goes on to point out that neither the United States nor any other country has exclusive jurisdiction over seabed resources beyond the edge of the Continental Shelf, and he makes the point that the definition of the "Continental Shelf" contained in the Geneva Convention "is now being widened further by the combined pressures of industrial interests and narrow-minded nationalism." These forces, says Professor Friedman, "seek to open a major part of the ocean floor to national appropriation, as it becomes exploitable."

I ask unanimous consent that Professor Friedman's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1970]

CLAIMS FOR OCEAN BED RESOURCES DISCUSSED

To the Editor: The Administration is about to formulate U.S. policy with regard to its continental shelf. There are few issues of greater importance and worldwide implications. The U.S. will be in the forefront of a free-for-all grab in ocean-bed resources if the President follows the April 13 statement of Senator Lee Metcalf, representing his views as chairman of the special subcommittee on the outer continental shelf. These include the claim that "the U.S. should not forfeit any of the legal rights, present or potential, to the natural resources of the continental margin it enjoys by virtue of the 1958 Geneva Convention on the continental shelf."

The subcommittee urges that the decision "should not be couched in terms prejudicial to development by U.S. nationals of the mineral resources of the deep-sea bed *beyond the continental margin.*" Nor should it be influenced "by excessive and unrealistic demands voiced in some segments of the international community."

The doctrine of the continental shelf—originally a limited extension of national sovereignty over sea-bed resources of to a maximum of 200 meters—was extended by the 1958 convention "beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas." This is now being widened further and further by the combined pressures of industrial interests and narrow-minded nationalism. They aim at the elimination of any vertical or horizontal limit, by using the concepts of the continental slope and the continental rise, which were never contemplated in the discussions and conventions on the continental shelf. They thus seek to open a major part of the ocean floor to national appropriation, as it becomes exploitable.

Nations without shelves respond with claims to 200-mile territorial water limits, and the landlocked nations—more disadvantaged than ever—may seek to appropriate sea shallows. Before very long the oceans will be studded with artificial structures and rival installations on the ocean bed thousands of meters under the surface. More likely than not, these will be accompanied by military bases and greatly increased dangers of pollution. United States' claims will, of course, be countered by other maritime nations. All this is no doubt called "realism," and the pleas for some international limitation and control are dismissed as starry eyed or unpatriotic.

The lesson belatedly learned from the uncontrolled use and pollution of national resources is not applied on the international level. In the name of "national interest," rival national claims are pushed to the point where the sea will become less and less open, and environment polluted on a worldwide scale. National interests will clash at the bottom of the oceans as on land. Here, as so

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often, "realism" may turn out to be the way to disaster.

WOLFGANG FRIEDMAN,
Professor of International Law, Columbia University.
NEW YORK, *April 17, 1970.*

ERA OF NEGOTIATIONS—PART V

Mr. MUSKIE. Mr. President, in a series of brief statements during the last month I have raised questions about the administration's Vietnam policies—its overreliance on Vietnamization and neglect of diplomacy. I had hoped that these questions would be answered in the President's address to the Nation on April 20. Unfortunately, I do not find this to be the case. I find that many of the same inconsistencies remain between the administration's word and deed.

I listened to President Nixon, hoping that he might reveal the plan for peace that we have been promised since his campaign in 1968. I hoped that he might indicate a program that would bring our involvement to a speedy close. Instead, I heard a determination that the war must continue and that, at best, a year from today almost 300,000 Americans will still be fighting and dying in Vietnam.

The fact that our American forces in Vietnam have been reduced and that further reductions are contemplated is desirable, but it cannot be allowed to obscure the fact that, under present planning, more than half of the peak number of American troops will remain in Vietnam after 2½ years of the Nixon administration. Moreover, although President Nixon contrasts American casualties for the first quarter of 1970 favorably with first quarters of prior years, the fact is that the level of American casualties has remained high even as our troop strength has declined. Indeed, in recent weeks, the rate of casualties has increased. Continuation of the present rate would mean that by a year from now—when the current installment of withdrawals is scheduled to be completed—an additional 6 to 7 thousand American boys will have been killed.

President Nixon's hopes for peace appear to be based on the illusion that Vietnamization can in time bring about a military victory. Although the President speaks of a political settlement as being "the heart of the matter" he makes no move to bring about effective and productive negotiations in Paris. We continue to be represented there by a career foreign service officer whom the North Vietnamese and the Vietcong consider as a subordinate with whom they cannot and will not negotiate. In addition, the promise that almost 300,000 American troops will continue a year from now to shore up the Thieu Regime certainly removes any incentive for Saigon to negotiate a realistic political settlement. The President concedes that there has been no progress in Paris. But there can be no progress in Paris while we continue to downgrade diplomacy.

President Nixon offers only the prospect of further and futile military efforts to resolve an essentially political conflict. He tells us only that, over some indefinite period, all American combat forces are to be withdrawn. Are we to understand that noncombat forces will remain?

We are not told whether or how many combat forces are to be withdrawn during the next month or 6 months or during the balance of 1970. Are we to understand that the President has given in to military insistence on a delay in any further troop withdrawals?

We are told that what was previously described as a firm withdrawal plan was in fact a strategy of "cut-and-try." Is the new program, with the timing and pace of withdrawals to be determined by developments elsewhere, any different?

What we do know is that we are asked to support, and to support indefinitely, a war in which somewhat fewer American troops continue to fight on an ever-widening battlefield. We know too that the criteria for terminating American participation have now also been widened to include developments not only in South Vietnam but throughout Indochina.

Much has been made of the increased emphasis in the speech on the desirability of a political settlement of the war, but paying lipservice to diplomacy is not enough. This administration must take a variety of steps to reinvigorate the process of negotiation and to bring an end to the killing in Vietnam.

In this respect the speech was a disappointment.

The President failed to name a high-level replacement for Ambassador Lodge. It has now been 153 days since we had a high-level negotiator in Paris and North Vietnam's political representative at the talks has returned home. To let this post remain vacant for 5 out of the 15 months that the President has been in office is a poor way to give substance to the "era of negotiation" proclaimed by the President at the time of his inauguration.

The only new diplomatic initiative referred to in the speech was the French proposal to reconvene the Geneva Conference, and the NLF statement in Paris the day after the President's speech apparently killed that proposal. It has now been many, many months since this administration or the Government in Saigon restated our negotiating position or attempted a major new diplomatic initiative.

The President's speech stated that we favored a "fair political solution" that "reflected the existing relationship of political forces within South Vietnam." But our negotiating position and that of the Thieu/Ky regime do not contain specific proposals to achieve this end. As I shall spell out in a future statement, it is not hard to see why this proposal has not been the basis for a political settlement between the Vietnamese factions which have been at war with each other for so many years.

Finally, Mr. President, I would take issue with the extraordinary rhetoric which President Nixon put forward as the basis for his troop withdrawal announcement.

How is it possible under any stretch of the imagination to say, as the President told the Nation, that "the decision I have announced tonight means that we finally have in sight the just peace we are seeking." Negotiations are at a complete impasse. Today's meeting—the 64th—was a propaganda exchange. The war has widened in both Laos and Cambodia. Even if the President's highly optimistic statement that "pacification is succeeding" is accepted at face value, and few would do so, the best that can be said is that we are slowly disengaging from the war. But Vietnamization means only the continuation of Asians killing Asians, and it is hollow rhetoric to talk about a "just peace" now being in sight.

The time has come, and indeed is long since past, when we should move to create the conditions that will permit the political settlement which is the only hope for peace in Southeast Asia. It will require that we send to Paris a high-ranking negotiator with direct and acknowledged access to the President. It will require that we make clear to the Saigon government that they can no longer rely on American military power to postpone forever their need to recognize the realities of political power in South Vietnam.

There is today less stability in Indochina than there was 15 months ago, when this administration took office. In those 15 months, 11,000 Americans have been killed—more than one-quarter of all American deaths in Vietnam. Our national interest demands a plan for peace.

I ask unanimous consent that an editorial and an article on this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 23, 1970]

THE LESSON OF LAOS

At one point last fall in the Symington subcommittee's hearings on Laos, Senator Fulbright said, almost plaintively, "I have never seen a country (the United States) engage in so many devious undertakings as this." The administration-censored transcript of the hearings published the other day fully bears out his lament. Until President Nixon, under the Symington spur, last month revealed selected aspects of the American presence in Laos, the American people knew only journalistic bits and propaganda pieces of a role that has cost them a couple of hundred lives and some billions of dollars over the last six years. Despite the (deletions), which at times make the transcript read like a drunk with hiccups, the Symington hearings fill in important parts of the record. They contribute substantially to the public's knowledge both of the military in Laos and the bureaucracy in Washington.

The rationale of successive administrations for deceiving Americans about their government's violations of the 1962 Geneva Agreements, which neutralized Laos, was put by William H. Sullivan. A Deputy Assistant Secretary of State, Mr. Sullivan helped write the 1962 agreements and then served as Ambassador to Laos. He said that North Vietnam violated the 1962 accord from the start. In "proportionate response" the United States followed suit. To have admitted its violations while the Communists denied theirs would have put the Russians, who for their own reasons favored the continued neutrality of Laos, on the spot. A "senior Soviet official" had said that Moscow could wink at unofficial reports of American violations but would have to take cognizance of official admissions. In that event, the Geneva

Agreements would have been demolished. Laos would have been "polarized." The Laotian government might then have invoked American aid under SEATO (sic) and thereby generated "a greater obligation and a greater immersion of American presence and pressure to go into Laos."

We note with some incredulity that the Senators interrogating Mr. Sullivan did not see fit to challenge the *substance* of the policy he was elaborating, as complicated and contorted as it is. They did, however, challenge the secrecy in which that policy was fashioned and implemented. Senator Symington tellingly noted the irony of an open society running a closed policy. Subcommittee counsel Roland Paul went a step further and asked if "the benefit to be gained by not acknowledging our presence in this area is, perhaps, outweighed by the credibility gap that is generated from the fact that our operations are so large and they are so widely reported by unofficial sources, which the administration either denies or evades?"

Precisely here, in our view, lies the heart of the Laotian matter: policy was woven out of strictly diplomatic considerations. Since the Congress and the people were not informed, they could not raise the questions and doubts that might well have exercised a restraining influence on single-minded policymakers. At the least, the exposure of American policy might have gained for it a more substantial measure of public support. It is a pity that Mr. Symington did not start probing the Laotian scene years earlier, when it could have made a difference.

THE PRESIDENT AND THE GENERALS

(By James Reston)

In announcing the withdrawal of another 150,000 American troops from Vietnam within the next twelve months, President Nixon said "this far-reaching decision was made after *consultation* with our commanders in the field and it has the *approval* of the Government of South Vietnam."

The distinction is clear. He "consulted" his commanders in the field but didn't get their "approval." In fact, there was bitter opposition to this move both by General Abrams and by the Joint Chiefs of Staff, and the President is now caught between the antiwar elements who want him to get out faster and his military chiefs who want him to slow the retreat.

THE CONFLICT

This is one of those situations where it would probably be wise to follow the Administration's slogan: Watch what we do rather than what we say. The main thing is that, despite the expansion of the war into Cambodia and Laos, despite the diplomatic, stalemate in Paris peace talks, and despite the warnings of his military advisers, the President is sticking to the schedule of withdrawals and committing himself to a flexible but faster pull-back in the next year.

There are risks in this for the President, not only in Vietnam but within the Pentagon and the command in Saigon. For General Abrams is known to feel that the President has now reached the point of changing fundamentally the combat forces in the field without changing Abram's mission.

What General Abrams is saying is that his troops are being taken from him faster than he thinks prudent in the present state of readiness of the South Vietnamese and the widening war by the North Vietnamese. What the President is saying, in effect, is what Senator George Aiken urged him to say long ago: "We've won, so bring the boys back home."

It would probably be a mistake for the antiwar elements at home and the North Vietnamese officials in Hanoi to ignore this increasingly difficult relationship between the President and his principal military chiefs.

He has not said when in the next twelve months he will cut the 150,000 but he has imposed his authority as Commander in Chief on his subordinates. He has given a somewhat rosier picture of the situation in Indo China than his commanders would make themselves, and therefore he is vulnerable to the charge—which President Johnson would never face—that he has given them an assignment but not the men to carry it out.

THE PRESIDENT'S WARNING

This was clearly in the President's mind in his latest report on Vietnam. "While we are taking these risks for peace," he said, "they [the enemy] will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces. . . . My responsibiliy as Commander in Chief of our armed forces is for the safety of our men, and I shall meet that responsibility."

Here what the President *says* should be be taken with the utmost seriousness. For if he personally takes the responsibility for withdrawing troops against the advice of General Abrams, and the enemy then launches an attack that threatens a major military defeat or even the destruction of Abrams' command, it is not too much to say that he will use any weapons at his command—*any* weapons—to avoid destruction of his remaining troops.

Anybody who has watched Mr. Nixon over the years is bound to understand how reluctantly he would reject the advice of his military commanders, how careful he would be to avoid an open confrontation with them on a military judgment, and how violently he would react if he thought his decision was in danger of producing a massacre or even a humiliating defeat.

This is the new thing in the situation. He has left himself some leeway to keep most of the 150,000 in Vietnam until late in the twelve-month period. He has obliquely suggested a political compromise that would leave the Communists in charge of the areas they now hold, and he has surrounded it all with victorious rhetoric, which his commanders don't quite believe and even resent.

In short, Mr. Nixon is now approaching that delicate point of withdrawal which President de Gaulle faced in his retreat from Algeria. De Gaulle managed it only with the greatest difficulty, against the advice and, some thought, the honor of his responsible officers, and it was not accomplished without revolt among the officers.

President Nixon is not faced with anything so serious as this, but he is now coming into the most difficult part of his policy, and even those who might wish him to move faster, have to give him credit for sticking to the direction and pace of his retreat, even if he calls it by the name of victory.

[From the New York Times, Apr. 22, 1970]

POLITICAL NEED FOR PULLOUT IS BALANCED AGAINST GENERALS' WISH FOR FLEXIBILITY

(By Max Frankel)

WASHINGTON, April 21.—The first reactions here to President Nixon's latest report on Vietnam focused on his obvious effort to balance the political pressure for more troop withdrawals against the military's request for a show of strength on the battlefield in the next few months. The President found his compromise in the kind of annual timetable that he had refused to proclaim last autumn. He committed himself to the minimum withdrawal rate of 12,000 men a month over the coming year. But he left his generals free to argue for slowdowns and speed-ups as the course of battle changes, provided only that they scale down to 284,000 men by next spring.

Mr. Nixon's speech last night was also notable for its strong new appeal for negotiation of a political settlement.

Despite his optimistic reading of the military situation and his contention that a "just peace" was now in sight, Mr. Nixon went out of his way to encourage the Soviet Union and North Vietnam to join him on what he called "a better, shorter path to peace."

In this, he reflected the views of some his advisers who see no possibility of real disengagement from Southeast Asia without negotiation and of some who remain convinced that Hanoi is at this moment trying to choose between a painful war of attrition and a more forthcoming attitude at the conference table.

MOVEMENT IN "RIGHT DIRECTION"

Presumably, Mr. Nixon's choice of tactics at this stage will be sufficient to meet his immediate political problems. His minimum withdrawal schedule would still meet his basic desire to get American troops out of ground combat in Vietnam before the start of the 1972 election campaign. In the meantime, most Americans will probably endorse the view of the Senate majority leader, Mike Mansfield, that the movement at least "is continuing in the right direction—out."

Only a few of Mr. Nixon's potential Democatic rivals in 1972, led by Senator Edmund S. Muskie of Maine, publicly criticized the speech as too ambiguous and the troop withdrawal formula as too elastic. They were particularly disturbed by the President's resolve to base future judgments on the military action in Laos and Cambodia as well as in South Vietnam.

But it is precisely this concern here with the new situation in Cambodia and with the festering problem of Laos that has complicated the Administration's view of the war and kept alive the hopes of some leading officials for a settlement by negotiation.

Mr. Nixon has long heard suggestions from the Pentagon, for instance, that he forget about negotiations. Secretary of Defense Melvin R. Laird never has placed much faith in the Paris peace talks and has urged that everything be risked on a relatively rapid troop withdrawal and transfer of combat duty to the South Vietnamese Army.

COMBAT VICTORY FORESEEN

The Joint Chiefs of Staff and other military commanders have tended to view political compromise as unnecessary. They have felt that the allied forces were making considerable progress on the ground and have predicted frustration if not outright defeat for the North Vietnamese, if only American troops are not withdrawn too hastily.

The President has thus far managed with a combination of these approaches: "Vietnamization" of the war effort and American troop withdrawals to persuade Americans that the end was near, combined with "pacification" and other military activity to sap the strength of the enemy forces.

At the advice of his diplomatic advisers, however, Mr. Nixon has also kept open an invitation to serious negotiations. And though the words in which he discusses negotiation undergo only subtle changes, he appeared particularly eager to stress this approach in last night's statement.

The fear that Hanoi will extend the war deeper into Laos and Cambodia is one reason for this emphasis. Though judged here to be exhausted by war and overextended throughout Indochina, the North Vietnamese are respected in Washington for their tenacity.

PERIL OF WIDER WAR SEEN

If they widen the war, American disengagement will become even more difficult, no matter how successful the operations inside South Vietnam. Even if they were only to occupy Eastern Laos and Cambodia and threaten South Vietnam with massive in-

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vasion, the costly American effort to disengage slowly could turn out to have been a waste.

Mr. Nixon is hesitating on Cambodia's request for military aid because he does not wish to provoke Hanoi into a wider conflict. He is being told that the North Vietnamese are probably facing difficult decisions at this stage and that he must combine a show of confidence with signs of interest in a political settlement to help persuade them to negotiate.

The conviction that Hanoi has not yet totally rejected the idea of negotiation accounts for the White House's eager interest last week in reports of a possible Soviet interest in a new Geneva conference. The President believes that Moscow will make no move on Vietnam unless authorized to do so by Hanoi. And though the latest report of Soviet interest in negotiation has since been officially contradicted, Mr. Nixon went out of his way last night to try to keep it alive.

Thus Mr. Nixon's speech was essentially a three-pronged effort. The first part dealt with his immediate problem of having to announce more troop withdrawals. His peroration exuded confidence that the end was in sight and that the enemy had miscalculated at every turn.

But the heart of the statement was a diplomatic appeal calling "upon our adversaries to join us in working at the conference table."

MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES

Mr. KENNEDY. Mr. President, last week, by the unanimous vote of 69–0, the Senate passed S. 2846, the Developmental Disabilities Services and Facilities Construction Act of 1970. Because of the broad interest generated by the Senate's passage of this important legislation, I ask unanimous consent that excerpts from the committee report on the bill be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

[Committee report: Senate Rept. No. 91–757, 91st Congress, 2d Session]

Developmental Disabilities Services and Facilities Construction Act of 1970

(April 6, 1970—Ordered to be printed. Mr. Kennedy, from the Committee on Labor and Public Welfare, submitted the following report to accompany S. 2846)

The Committee on Labor and Public Welfare, to which was referred the bill, S. 2846, to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, reports favorably on S. 2846 with amendments and recommends that the bill as amended do pass.

SUMMARY OF S. 2846

As recommended by the committee, S. 2846 would provide, for the first time in the field of mental retardation and other developmental disabilities, the basis for a State-Federal partnership comparable to those already developed in such fields as health, mental health, and vocational rehabilitation. Inasmuch as disabled persons may also benefit from certain other federally assisted programs in health, education, and welfare, S. 2846 would direct the benefits of the proposed legislation to areas of need not now covered by existing programs.

The committee bill would extend and modify parts B and C of the Mental Retardation Facilities Construction Act of 1963, as amended. The present act expires on June 30, 1970.

Part B of the 1963 act, which now authorizes project grants for the construction of university-affiliated facilities for the mentally retarded, would be extended for 3 years, and a provision would be added authorizing the expenditure of funds for operational support for programs in facilities of this type. The authorization for construction would be continued at its present level—$20 million—for each of the fiscal years 1971, 1972, and 1973. The levels of authorization for operational support would be $7 million for fiscal year 1971, $11 million for fiscal year 1972, and $15 million for fiscal year 1973.

Part C of the 1963 act, which now authorizes formula grants to States for the construction of community facilities for the mentally retarded, would also be extended for 3 years. The present part C would be replaced by a combined formula grant and project grant program covering both construction and services. In addition, the scope of part C would be broadened to include not only the mentally retarded, but also persons suffering from certain other closely related developmental disabilities, such as cerebral palsy, epilepsy, and related neurological handcaps. Of the funds appropriated for part C, not more than 20 percent could be reserved for project grants to be administered by the Secretary of Health, Education, and Welfare, and the remainder would be allotted by formula among the States for planning, administration, services, and construction, in accordance with an approved State plan. The levels of authorization for the new part C would be $100 million for fiscal year 1971, $135 million for fiscal year 1972, and $170 million for fiscal year 1973.

The existing authority under part D of the 1963 act, which now provides support for professional and technical personnel in facilities for the retarded, would not be extended. Part D would not be repealed, however, since it authorizes the continuation beyond June 30, 1970, of grants initiated prior to that date. In the future, the purposes of part D would be carried out under the broadened authority of the new part C.

THE NEED FOR NEW LEGISLATION

Despite bipartisan support in both Houses of Congress, Federal assistance to States and communities in developing and maintaining appropriate services and facilities for the mentally retarded and their families has been uneven, inadequate, and inequitable. Citation of composite figures indicating an increasing overall investment by the Department of Health, Education, and Welfare in research, prevention, training of personnel, construction, services, and income maintenance programs conceals the fact that the increases are highly selective. They fall primarily in the areas of (1) income maintenance under social security and public assistance—a measure of the severe financial dependence caused by mental retardation—and (2) vocational training for young people—a laudable objective but by no means the only area in which Federal aid should be emphasized.

Today, there are many areas of need for the retarded and disabled in which too little Federal leverage has been applied. These areas include the improvement and diversification of out-of-home residential services; comprehensive diagnosis and evaluation of handicapped adults; day care tailored to the needs of the developmentally disabled, both children and adults; extended sheltered employment; itinerant services in sparsely populated areas; counseling of parents; information, referral, and follow-on services; and protective services. Resources are lacking to the disabled in every stratum of society, especially in areas of urban and rural poverty.

The developmentally disabled are the children and adults in our society whose handicaps originate in childhood and continue in some measure throughout life. They number in the millions. Although the mentally retarded form the largest group of the developmentally disabled, similar disabilities are also attributable to other neurological impairments, of which cerebral palsy and epilepsy are prime examples. Often, severe disability results from such conditions, even when the victim enjoys normal intelligence. As is the case in mental retardation, these chronic handicaps have been neglected for too long. Heretofore, the emphasis of society has been on short-term success—the cure, the closure—to the detriment of those whose disabilities are long term but whose well being and social contribution can be enhanced by appropriate early and continuing services. The goal of the committee bill is to foster such services.

HEARINGS

The committee held 2 days of hearings on S. 2846, during which it heard testimony from administration witnesses and from numerous interested groups representing consumers, providers of services, both public and private, and universities which have undertaken to establish interdisciplinary training programs in this field.

BACKGROUND

1. Early Federal aid

The first substantial program of Federal financial assistance to States and communities in developing services for the handicapped was inaugurated shortly after World War I, with the enactment of the Vocational Rehabilitation Act of 1920. The purpose of the program, which is now celebrating its 50th anniversary, was to enable civilians to take advantage of the use of prosthetic techniques that had proved successful in rehabilitating many of those who had been wounded in the war.

At the outset, and for some two decades thereafter, the focus of the vocational rehabilitation program was on persons physically disabled as adults. In 1943, the act was modified to broaden its range of physical medicine and extend its counseling and selective job placement coverage to the mentally disabled. It is only in the past decade, however, that persons whose mental and physical disabilities originate in childhood have begun to represent a significant part of the vocational rehabilitation caseload. Even those who now receive assistance do so for only a relatively brief period. Moreover, the most seriously handicapped—those incapable of vocational success—are by definition excluded from the program.

The first substantial Federal program to provide assistance in developing services for handicapped children came with the Social Security Act of 1935. A series of provisions in the act created the so-called crippled children's program within the Children's Bureau, which is now located in the Maternal and Child Health Service of HEW. Although this program has existed for 35 years, it is only in very recent times that all the States have removed the limitations which barred mentally handicapped crippled children from participating in the benefits of the program. Moreover, the program is limited in application, because its services terminate when the child reaches 21, even though his physical handicap continues.

More recent is the program of Federal aid for educational services for handicapped children, which had its origin in the Elementary and Secondary Education Act of 1965. Although the States have been active in this field for many years, it is estimated that even now, less than half of the eligible children of school age are receiving special education services.

2. President Kennedy's program

In 1961, in his first year in office, President Kennedy recognized the long neglect of both the mentally retarded and the mentally ill, and he directed that new approaches should be developed in both of these areas. In early 1963, he again emphasized the urgent need and recommended major new programs to Congress in these fields, in spite of the serious fiscal crisis—then, as today—facing the Nation. As he stated:

> In an effort to hold domestic expenditures down in a period of tax reduction, I have postponed new programs and reduced added expenditures in all areas when that could be done. But we cannot afford to postpone any longer a reversal in our approach to mental affliction. * * * We can procrastinate no more. The national mental health program and the national program to combat mental retardation herein proposed warrant prompt congressional attention. (Message to Congress, Feb. 5, 1963.)

President Kennedy's program to combat mental retardation was based in large part on the report of the President's Panel on Mental Retardation, which he appointed in 1961. As a result of the recommendations in that report, two significant pieces of Federal legislation for the retarded were enacted by Congress in 1963:

a. Public Law 88–156 launched a special Federal program of comprehensive maternity and infant care projects aimed at high-risk mothers. In subsequent years, this program has demonstrated spectacular success in reducing infant mortality, and has achieved a presumptive reduction in the incidence of mental retardation and cerebral palsy. At the same time, in another important series of provisions, Public Law 88–156 also authorized grants to the States for comprehensive planning in the field of mental retardation.

b. Public Law 88–164—the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963—launched the first major Federal program for the construction of facilities for the mentally retarded and the mentally ill. Title II of the 1963 act, the Community Mental Health Centers Act, dealt with mental health, and established the basic ongoing Federal program in this area. Title I of the 1963 act, the Mental Retardation Facilities Construction Act, dealt with mental retardation.

On March 16, 1970, President Nixon signed legislation (Public Law 91–211) extending the mental health program. The committee bill (S. 2846) would carry forward the parallel effort for the mentally retarded.

Title I of the 1963 act originally contained three major parts, and it generated a three-pronged attack on mental retardation in the areas of research, training, and facilities for service:

Part A authorized a program of grants for the construction of centers for research on mental retardation and related aspects of human development. The authorization for this program was allowed to lapse in 1967. In all, 12 research centers were constructed with Federal aid under part A, and a number of these centers are now fully operational. However, their full impact will not be felt for several years.

Part B authorized a program of project grants for the construction of so-called "university-affiliated facilities" for the mentally retarded—clinical facilities affiliated with universities in a position to develop programs for training professional personnel in the field of mental retardation.

Part C authorized a program of formula grants to the States for the construction of facilities for the mentally retarded.

In 1967, title I was amended to add a new part D, which authorized a program of project grants to pay part of the cost of compensation of professional and technical personnel in community facilities for the mentally retarded for periods up to 51 months.

The heart of the 1963 act was part C, and the essence of part C was its call to conform contruction of facilities for the retarded with State-determined priorities. President Kennedy's Panel on Mental Retardation had reported special needs for construction in the areas of day care and residential care, for which the Panel also strongly advocated innovation, modernization, and decentralization.

As the studies carried out under President Kennedy in the early 1960's substantiated, the development of facilities for the retarded could not be successfully promoted under existing Federal health programs such as the Hill-Burton Act.

Subsequently, the President's Committee on Mental Retardation which was created by President Johnson in 1966 and has been continued by President Nixon, confirmed the need for massive Federal assistance for both the construction and the operation of such facilities, with special emphasis on adapting them to modern program concepts.

Although the 1963 act fell short of these goals—only $72 million has been appropriated for the entire six years of the part C the act has provided a beginning. The annual levels of funding are indicated in the accompanying table. Today, some 300 facilities have been or are being constructed with Federal assistance provided under part C. They are to be found in every State.

The hearings held by the committee brought out a number of the constraints under which the act has been operating since 1963. In addition to the serious underfunding, it was noted that certain arbitrary restrictions on matching, on transfer of funds in accordance with priorities, and on eligibility for staffing grants have deterred rather than stimulated the most effective use of the limited Federal funds. The committee bill addresses itself to these problems.

MENTAL RETARDATION FACILITIES CONSTRUCTION ACT—PUBLIC LAW 88-164, TITLE I

HISTORY OF FUNDING, FISCAL YEARS 1964-70

[In millions of dollars]

	1964	1965	1966	1967	1968	1969	1970	Total 1964-70
Part A—Research centers:								
Authorization	6.0	8.0	6.0	6.0				26.0
Appropriation	6.0	8.0	6.0	6.0				26.0
Part B—University-affiliated facilties:								
Authorization	5.0	7.5	10.0	10.0	10.0	20.0	20.0	82.5
Appropriation	5.0	7.5	10.0	10.0	0	9.1	0	41.6
Part C—Community facilities:								
Authorization		10.0	12.5	15.0	30.0	30.0	50.0	147.5
Appropriation as enacted		10.0	12.5	15.0	18.0	6.0	12.0	73.5
Appropriation as administered		10.0	12.5	15.0	12.0	12.0	10.2	71.7
Part D—Staffing:								
Initial grants:								
Authorization					7.0	10.0	14.0	31.0
Appropriation					0	8.4	7.4	15.8
Continuing grants:								
Authorization					(1)	(1)	(1)	(1)
Appropriation						0	3.6	3.6
Total appropriation	11.0	25.5	28.5	31.0	12.0	29.5	21.2	158.7

[1] Such sums as may be necessary.

3. State planning for the retarded under Public Law 88–156

Although the amount of money made available for State planning under Public Law 88–156 was small—$7.7 million over 5 years—every State participated in a cross-disciplinary, interagency effort that focused broad attention on the full range of social and legal needs of the mentally retarded, including the areas of health, education, welfare, rehabilitation, employment, and recreation. Seldom has the Federal Government engendered so much productive activity for so small an investment. As a result, the States have reached a condition of readiness to act on a much broader front, and with much more precision and expectation of effectiveness that could have been foreseen a decade ago.

One of the most significant characteristics of State plans for the retarded is their individuality. The 50 States have their own priorities, based on historical, geographical, or other differences. Each State plan has its strengths and its weaknesses, but all the States are ready to move forward. To nurture this potential and realize its fulfillment, the Nation needs evidence of a continuing Federal commitment to the idea of State-Federal partnership in this area. That commitment must be at least as strong as has been manifested in other major areas of Federal involvement, such as health, education, and rehabilitation.

4. Other related programs

Each of the currently authorized programs in parts B, C, and D of the Mental Retardation Facilities Construction Act of 1963, as amended, is administered by the Division of Mental Retardation in HEW. Since 1967, the Division has been located in the Rehabilitation Services Administration, which in turn is part of the Social and Rehabilitation Service in HEW.

The Division of Mental Retardation also administers several other small but successful programs that are related to its role of fostering the delivery of improved services for the retarded. The principal programs are:

The hospital improvement program (HIP), a program of special project grants to State residential facilities for the retarded to demonstrate improvements in patient care;

The hospital inservice training program (HIST), a program of special project grants to provide inservice training; and

Rehabilitation service project grants under section 4(a) (1) of the Vocational Rehabilitation Act (the "section 4" authority), under which demonstrations can be funded for the delivery of services to retarded children and adults who are not eligible for vocational rehabilitation. This authority also covers project grants for training personnel.

The HIP and HIST programs together are funded at the level of $8,390,000 for fiscal year 1970, before the recent budget reduction. The administration's budget request for these programs for fiscal year 1971 is $9,300,000. The rehabilitation service project grants program is being funded at the level of $4,100,000 for 1970, and the budget request for 1971 is $4,500,000.

Testimony in the hearings before the committee suggested that the usefulness of the funds currently appropriated for the HIP and HIST programs could be enhanced by incorporating them in the general formula grants to States under part C of the 1963 act.

The "section 4" authority, which will expire in 1971, represents the type of flexible project grant program that can effectively supplement a formula grant authority, as has already been demonstrated in the fields of vocational rehabilitation, health services, education, child welfare services, crippled children's services, and maternal and child health services. The committee notes that the scope of the "section 4" program already covers most of the areas incorporated in the new project grant authority requested by the administration and included as part of the committee bill.

AUTHORIZATION OF APPROPRIATIONS FOR PART C

The authorizations for all aspects of part C of the committee bill—for formula grants and project grants, for planning, administration, services, and construction—begin at $100,000,000 for fiscal year 1971, and rise to $135,000,000 for fiscal year 1972, and $170,000,000 for fiscal year 1973.

These authorizations are modest, considering the need and intended scope of the act. As long ago as 1962, the President's Panel on Mental Retardation estimated that a minimum amount of $50 million a year should be made available in Federal aid for at least 10 years to stimulate the construction of modern facilities for the residential care and day care of mentally retarded persons who are so handicapped as to need specialized facilities. The original 1963 act authorized less than this amount for a broader range of facilities, including diagnostic and evaluation units and sheltered workshops. In the 6-year period 1965–70, a total of $71.7 million was appropriated, or only slightly more than the President's Panel had recommended should be spent each year.

At least $100 million in Federal aid will be needed within the next 2 years alone for urgent construction projects which have been conceptualized in the States but not yet submitted because of the growing disillusionment as to the Federal commitment to this program. When the committee adds (1) the need for new services apart from construction, as revealed by State planning, and (2) the real need to revolutionize residential care in accordance with "MR 68" (the 1968 Report of the President's Committee on Mental Retardation), $100 million for fiscal year 1971 seems modest indeed as an authorization for the program. Substantially increased funds will be needed in subsequent years for the retarded alone. It will eventually be necessary to augment the funds even more in order to bring adequate help to other developmentally disabled persons.

The committee recognizes that the administration is pledged to increasing the Federal commitment to solving domestic problems. The problem of serious mental retardation, cerebral palsy, and similar developmental disabilities should share in this commitment. The committee is convinced that the administration can, if it will, find enough funds to support a Federal grant program for the developmentally disabled at a level that will have a significant impact and that will apply significant leverage in all States, large as well as small.

FORMULA GRANTS TO STATES AND SPECIAL PROJECT GRANTS

It was emphasized during the hearings that the program under the 1963 act was still only in its infancy, and had by no means been fully primed at the time the current fiscal restrictions began to be imposed on the Federal budget. Had the program matured as expected, obligations for construction under part C and for staffing under part D might reasonably have totaled some $75 million for fiscal year 1970. As things stand, only $21 million has been appropriated for 1970, and the administration has requested only $19 million for 1971.

Notwithstanding the fact that the program has never reached equilibrium with the need, the Assistant Secretary for Legislation of HEW advised the committee that the administration intended to level off the Federal contribution for construction and staffing of facilities for the retarded at the 1970 level of about $20 million a year. Therefore, in the hearings, the administration proposed the substitution of a simple project grant authority in place of the State formula grant authority, either as now contained in part C or as expanded in S. 2846.

By contrast, the public witnesses in the hearing gave strong support to the State formula grant approach of S. 2846 as originally introduced, which would have provided a single allotment for State planning, administration, services, and construction. Their testimony called attention to the very significant response by every State in the past 6 years to the formula grants of part C of the 1963 act, with its emphasis on Federal initiatives and incentives to strengthen State planning and responsibility for the retarded. The committee believes that regression in the Federal commitment and repudiation of confidence in the States and support for the States as they move aggressively toward reform in this long-neglected area would have a severely demoralizing effect, not only on State leadership in the field, but also on voluntary efforts now underway in all the States. In fact, the demoralizing effect of using only the project grant approach at this time would be greater than if there had been no evidence whatever of Federal leadership in recent years.

The committee recognizes the merit of project grants, but believes they should continue to be subsidiary to formula grants, which have worked well in stimulating new State effort. The committee bill therefore recommends a combined formula grant and project grant approach, with authorizations commensurate with the need.

The committee believes that the States are ready to assume greater responsibility for carrying forward a planned program to expand and improve services to the retarded and others with developmental disabilities by a combination of direct action and cooperative assistance to other agencies, public and private. Accordingly, the bill provides that part C of the present act, which authorizes formula grants for construction only, would be replaced by an expanded program of comprehensive formula grants to the States. The bill would enable the States to develop and maintain new or improved resources and services. It would give the States authority to use Federal funds to construct facilities and to plan, administer, develop, deliver, purchase or otherwise foster the services that are needed.

In addition, the committee bill incorporates the project grant authority recommended by the administration. The bill would authorize the Secretary of HEW to reserve up to 20 percent of the total appropriation under part C for grants for projects of special or national significance. The committee expects that this project grant authority will eventually replace the essentially similar authority now exercised by HEW under section 4(a)(1) of the Vocational Rehabilitation Act. The committee urges, however, that during the transition, the "section 4" authority, and especially the successful student work experience and training program, should be maintained in a continuing active status.

The committee intends that special attention will be given under the bill to the improvement of residential services through the development of new patterns of care and a major redistribution of facilities. In addition, the committee urges improvements in existing facilities by eliminating the overcrowding, oversize, and inadequate or inappropriate staffing and environment that now exist. For example, the committee believes there is a need to develop appropriately staffed, community-based, nonmedical day care and residential care facilities under both public and private auspices. These facilities will complement the long-term medical care facilities that can and should be made available to certain of the developmentally disabled under other Federal programs, such as the health facilities provisions of the Hill-Burton Act.

SPECIAL NEED IN AREAS OF URBAN AND RURAL POVERTY

A principal defect of the present act is that it does not give the States more than a passive role in implementing the priorities in the State plan for construction. As a result, many high priority areas are still without facilities for the retarded.

The major portion of funds under Public Law 88–164 has tended to flow to communities with the greatest resources in terms of matching funds, community initiative and know-how, or professional and technical competence. Too often, the unfavorable matching ratio for construction funds available under part C of the 1963 act has meant that urgently needed facilities could not be built in poverty areas. Too often, the States, with fiscal problems of their own, have had to depend on local private initiative, with the result that facilities for the retarded have tended to be concentrated in the more privileged geographic areas, to the neglect of poverty areas.

To offset this tendency for the poor to get poorer, the bill would require the States to give special consideration to the needs of urban and rural poverty areas, as well as require technical and financial assistance to such areas. The committee believes this approach will be more effective than requiring a specified portion of the funds for services and construction to be earmarked for "model cities." The latter type of requirement was superimposed by administrative order in fiscal 1969. The provisions in the committee bill are designed to meet the recognized need in a more efficient and effective way.

The problem of maldistribution of new facilities also exists in the mental health field. The newly enacted Community Mental Health Centers Amendments of 1970 (Public Law 91–211) seek to meet this problem, in part, in an additional way by giving the States greater latitude in determining the Federal share in accordance with local needs. The Federal share provisions of Public Law 88–164 apply equally to mental health and mental retardation. As a result of the recent enactment of Public Law 91–211, therefore, a federal share of up to 90 percent is now permitted for construction of facilities for the retarded under part C in areas of urban and rural poverty. In other geographic areas, a maximum Federal share of 66⅔ percent or the so-called Federal percentage, whichever is lower, would be permitted for the construction of facilities.

It should be noted that these ratios for the Federal share do not affect the total amount of Federal funds that will be available to a State. What they do accomplish, however, is to encourage the States to use discretion in assigning favorable matching ratios to areas most in need.

SUPPORT FOR PLANNING, ADMINISTRATION, AND SERVICES

As noted, the 1963 act was amended in 1967 to add limited-term project grant support to staff facilities for the retarded. Unfortunately, these staffing grants under part D—which were first awarded to mental health centers in 1966 under earlier companion legislation—did not, in fact, become available to community mental retardation facilities until the fiscal year 1969. Indeed, the first mental retardation staffing grants were not actually awarded until last July, less than 9 months ago. Thus the amounts which have been obligated reflect no more than the first step toward meeting the need

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for such assistance. Although the authority for staffing grants under part D expires in June 1970, the authority for continuing the grants approved prior to that time (expected to number nearly 500) remains, and is unaffected by the committee bill.

Under part D, support for services is limited to expenditures for professional and technical personnel in facilities specially designed for the retarded. In many instances, more efficient use of Federal funds will result if a broader range of services, including planning and administration, can be supported, and if personnel can be assigned to work in settings other than specialized facilities. The committee bill explicitly provides broad latitude in these areas, under both the formula grant and project grant provisions.

In the case of State expenditures for purposes other than construction, the overall Federal share is set at 80 percent in the formula grant program. This is the same Federal share available in the parallel vocational rehabilitation program in section 2 of the Vocational Rehabilitation Act, and is close to the 75 percent Federal share available for comparable social services in the welfare program, which is also administered by the Social and Rehabilitation Service in HEW. The 80 percent Federal share is also comparable to the range of 50 percent to 83 percent authorized in the medicaid program, and the 75 percent to 90 percent authorized for the development of children's mental health services in the recently enacted community mental health amendments, Public Law 91-211.

In evaluating the Federal share, it should be borne in mind that the States are already investing large amounts of their own revenues in services for the retarded—at least a billion dollars a year. The committee bill requires the States to maintain these expenditures at their current level in order to participate in the Federal program. At best, the Federal contribution to services for the retarded will remain small, compared to present State and community effort. However, the purpose of the committee bill is to give that small Federal contribution the maximum leverage and visibility.

CONSTRUCTION OF UNIVERSITY-AFFILIATED FACILITIES

Part B of the 1963 act spoke to the need to provide an environment for the interdisciplinary training of personnel to expand the resources for service to the retarded and persons with related neurological disorders. It also spoke to the need to bring students, trainees, and fellows into direct contact with the disabled in the sort of exemplary setting that can be established in a university atmosphere. Such centers can have an important impact on programs for the retarded in the surrounding communities.

Part B's authorization of project grants for the construction of service facilities affiliated with teaching institutions was extended in 1967, but the extension came so late in the fiscal year that it brought about an unfortunate lapse in funding. At the present time, some 18 projects have been funded under part B, and many more are awaiting funds:

One additional project has been approved but remains unfunded. The committee is informed that if funds are not soon forthcoming, the medical school involved will have to redesign its proposed new children's hospital and substantially curtail the space that was to have housed the program for the retarded and handicapped.

Eight projects are in the final stages of application under part B, and most of these would have been in line for funding 2 years ago if the appropriations had not been interrupted. Several of the universities involved are already enrolling students, and are at a disadvantage in not obtaining their facilities.

Another 28 projects are in an intermediate stage of development.

Twenty other universities have expressed an interest in the program when funds become available.

Of the 18 university-affiliated centers that have already been funded, only six have had sufficient time to complete construction, and all of the projects are still being phased in. Under the circumstances, it is not yet possible to evaluate their full effectiveness. Moreover, several of the centers have been severely crippled by the cutbacks in anticipated training funds available to the universities from maternal and child health services, the Office of Education, and other Federal sources. The demand for the training these centers can provide is great, and the waiting lists for services are already far too long.

Three years of Federal budget stringency have come at a particularly critical time for these university centers. Nevertheless, the committee was impressed with the imagination, enthusiasm, and perseverance demonstrated by the directors of these pioneering projects, five of whom appeared before the committee. It was also clear that professional students and technical trainees are responding enthusiastically to the challenges posed in these centers.

During the hearings on S. 2846, several multiply handicapped children who had greatly benefited from the university-affiliated facility at Johns Hopkins University in Baltimore appeared before the committee with their parents. The committee was able to compare their prior condition, as recorded on film, with their present functioning. None of these children is expected to recover completely from his disability, but each is now living a happier, more nearly independent life than could possibly have been foreseen a few years ago. The appreciation of their parents for the help they received in the face of great and continuing tragedy brought vividly before the committee the direct human values at stake in this legislation.

The committee believes it is urgent that the existing university-affiliated facilities be brought to their point of maximum productivity, especially in terms of manpower delivered to the field. It is also urgent for areas of the country not now within reach of such centers to be given priority, once the existing applications in an advanced state of preparation have been funded. Today, there are only three university-affiliated centers in the entire area between the Mississippi River and the west coast. Accordingly, the committee bill would extend the authorization for construction of university-affiliated facilities under part B at the rate of $20 million a year through 1973.

The great hardship suffered by those half-dozen or so universities, which in good faith programed construction starts for 1969-71, deserves prompt assistance to bring their plans to fruition. In order to restore the confidence of prospective sponsors in a good program that has been unusually plagued by uncertainty, the committee recommends that $20 million for such construction should be included in the 1971 HEW appropriations bill, even though the actual funds might not in fact be obligated until early in fiscal year 1972.

DEMONSTRATION AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES

The committee also finds that there is a need to assure Federal participation in the basic operational costs of the university-affiliated facilities. Such support should be administered by the same agency making the construction grants for the facilities and should permit more effective use of funds from other appropriate sources, both Federal and non-Federal. Consonant with general current policy, the Federal agencies having service responsibilities in the various areas represented in the center should continue to take some part in funding the training activities there, as they do in other segments of the universities.

However, the costs of direct services to clients should, where practical, be derived from the same sources (including Federal) that pay for these services in other settings—for example, from State and local boards of education, from health insurance or medicaid, or from State agencies responsible for residential care, vocational rehabilitation, crippled children's services, or social services.

Basic Federal operational grants should be used primarily for administrative and overhead costs not attributable solely to delivery of service, for dissemination of information, for technical assistance to service agencies, for evalulation, and for startup costs on new ventures in keeping with the centers' mission to lead the field. Basic operating grants should be budgeted firmly, and should not be subject to subsequent adjustment on account of income from patient fees.

The committee also expects that the basic Federal support funds will be used to cover training of professional and other categories of workers for whom Federal support is not otherwise readily available. The committee was pleased to learn in the hearings that some centers are already involving attorneys, architects, sociologists, anthropologists, city planners, public administrators and others in their composite activity. Part of the basic Federal support under the committee bill should also be available for bringing students in these subjects into the orbit of the centers.

The provisions for extending the construction authority and adding the basic operating assistance for university-affiliated facilities are contained in title II of the committee bill, along with certain clarifying amendments designed to emphasize the interdisciplinary character of the training effort.

The committee intends that universities receiving support under the bill should contribute to the effective implementation of their respective State plans, and should be responsive to State and regional needs for personnel.

Because of the potential for positive interaction between the university-affiliated training program under part B and the State planning and programs under part C, the committee believes that efforts should be made to permit eventual establishment of at least one university-affiliated facility in every State with a receptive major university.

The committee bill is broad enough on its face to authorize support for the construction and operation of university-affiliated facilities under part C as well as part B. However, because of the present maldistribution of university-affiliated facilities and the relatively large costs involved in funding them, the committee believes that such facilities should not be placed in the position of competing for limited funds with service and training projects under part C. Therefore, the committee urges adequate funding for university-affiliated facilities under part B.

SECTION-BY-SECTION ANALYSIS

Section 1.—States the short title of the bill—"The Developmental Disabilities Services and Facilities Construction Act of 1970."

Title I.—Grants for planning, provision of services, and construction and operation of facilities for persons with developmental disabilities

Section 101.—This section writes a completely new part C into the Mental Retardation Facilities Construction Act of 1963. Under the old part C, grants were available only for the construction of facilities for the mentally retarded. Under the new part C, grants will be available not only for construction, but also for comprehensive plan-

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ning and for services. Those eligible for services include not only the mentally retarded but also children and adults with other developmental disabilities, such as cerebral palsy, epilepsy, and other closely related neurological handicaps.

The new part C consists of 11 sections, numbered 130–140. Each of these sections is described in the following paragraphs.

Section 130—Declaration of Purpose.—This section states that the purpose of the new part C is to authorize grants to assist the States in *both* developing *and* implementing a comprehensive and continuing plan for providing services to persons with developmental disabilities; to assist public or nonprofit private agencies in the construction of facilities and the provision of services; and to provide for demonstrations, technical assistance, local planning, specialized professional training, and related purposes. The purposes are intended to be comprehensive They are the same for both the formula grant authority and the project grant authority established by section 132(a) to carry out the purposes under part C.

Section 131—Authorization of appropriations.—This section authorizes a total of $405 million to be appropriated for a 3-year program under part C. The authorizations for the respective fiscal years are:

1971—$100 million.
1972—$135 million.
1973—$170 million.

Section 132—State allotments.—Paragraph (1) of subsection (a) allocates funds among the States according to (A) population, (B) the need for facilities and services for the developmentally disabled, and (C) the financial need, of the respective States.

At the present time, the State allotments under part C are computed by the Department of HEW as follows: Two-thirds of the total appropriation is alloted on the basis of State population, weighted by State financial need as measured by State per capita income; and one-third is allotted on the basis of need for facilities for the mentally retarded, as measured by State population under age 21.

Paragraph (1) also continues the provision in current law that no allotment to a State may be less than $100,000 in any fiscal year. However, the committee bill requires the minimum State allotment to be increased if the level of appropriations in future years rises above the level of authorization for fiscal year 1971. The percentage increase in the minimum allotment would be the same as the percent by which the appropriations in that year exceeded the fiscal year 1971 authorization. For example if the fiscal year 1971 authorization is $100 million and the fiscal year 1972 appropriation is $117 million, the minimum State allotment would be raised from $100,000 to $117,000 for fiscal year 1972. The provision would have no effect on the minimum State allotment for fiscal year 1971.

Paragraph (2) of subsection (a) authorizes the Secretary to adjust the "need" factor in section 132(a) (1) (B) in the future to reflect the extent to which a State provides facilities and services for categories of developmental disabilities other than mental retardation.

The formula for State allotments in the committee bill is essentially the same as in part C under the present law, except that paragraph (2) is added to permit a State which provides facilities and services for disabilities other than mental retardation to enjoy a proportionate increase in its allotment. This provision is included to avoid penalizing the retarded in States willing to broaden the coverage of their programs.

Paragraph (3) provides that construction funds allocated to a State during a fiscal year are to remain available to the State in the following fiscal year. If a State's plan calls for the construction of a facility whose Federal share will exceed the State's maximum allotment for the fiscal year, the funds may remain available for two additional years.

The provision making construction funds available to a State for 1 year following the year for which they are appropriated is similar to provisions in the Hill-Burton Act and in the present part C of Public Law 88–164.

It is necessitated by the time needed to process construction applications, especially in view of current delays in the enactment of appropriations bills. The provision permitting additional carryover of such allotments in exceptional circumstances is included in response to the experience with States and territories having low annual allotments. For example, a State could pool its allotments for 3 years in order to obtain funds to construct a single facility.

Under subsection (b), a State may apportion its allotments for services (but not for construction) among more than one State agency, in accord with the responsibilities assigned to each agency in carrying out the State plan. The purpose of this provision is also reflected in section 134(a) (1) (B).

The authority for a State to apportion its allotment among several State agencies reflects the fact that the provision of comprehensive services for mental retardation and other developmental disabilities calls for a combined effort by several State agencies, representing areas such as health, welfare, education, and rehabilitation. The States vary widely in the way they assign responsibility for the disabled among State agencies, and they should be permitted to adjust the use of Federal funds to carry out the purpose of the bill in the most efficient manner. For example:

In one State, the department of health provides a range of community services for the retarded, while the department of mental hygiene handles the bulk of residential care. In addition some community services are also assigned to the department of social welfare in the State. Under the committee bill, the State plan could specify a reasonable division of funds between these three State agencies. In turn, each of these agencies could make funds available to local public and private agencies.

In many States, the department of welfare provides social services to disabled persons receiving public assistance. Similar services are needed by—but are often not available to—many mentally retarded persons and other disabled persons who are not on welfare. The most efficient method of supplying such services could be for the State to assign some of its allotted funds under the committee bill to the State welfare department, on condition that the department extend its social services to additional persons with developmental disabilities.

However, no State would be compelled to follow a pattern of multiple agency allotment if its plan calls for a single agency structure to accomplish the purpose of the bill.

In order to make further functional consolidation possible, subsection (b) also specifically authorizes funds to be combined with other State or Federal funds, so long as the benefits to the disabled are proportional and explicitly protected.

Subsection (c) authorizes States to pool their allotments to carry out cooperative interstate efforts. At the present time, for example, a pilot tristate consortium is already underway in Kentucky, Ohio, and Indiana as a result of a planning grant approved by the Division of Mental Retardation in 1966.

Subsection (d) provides a formula by which funds not used by one State may be allotted to other States. The present reallotment formula under Public Law 88–164 has proved to be cumbersome and artificial. The provision in the committee bill is patterned after section 314(a) (3) (B) of the Partnership for Health Act.

Subsection (e) establishes a project grant program to be administered by the Secretary. Under this program, the Secretary is authorized to reserve up to 20 percent of the total annual appropriation for part C to make grants for projects of special national significance, including those directed to the needs of the disadvantaged with developmental disabilities. The Federal share of such projects, including construction projects, may be up to 90 percent of their cost. Although no specific requirement is written into the bill, the committee intends that project grants under this subsection shall be consistent with the State plan required by the act.

Section 133. National Advisory Council on Services and Facilities for the Developmentally Disabled.—This section establishes a National Advisory Council on Services and Facilities for the Developmentally Disabled. The Council will consist of 20 members, to be appointed by the Secretary. The members may not be otherwise in the regular full-time employ of the Federal Government.

Members of the Council are to be chosen from leaders in the fields of service to the mentally retarded and other developmentally disabled persons, including leaders (1) in State or local governments, (2) in institutions of higher education, and (3) in organizations representing consumers of these services. At least six members of the Council must represent State or local public or nonprofit private agencies, and at least six must represent consumers.

The Council will advise the Secretary on regulations and study and evaluate the effectiveness of programs under title I of the 1963 act. The Council may receive technical assistance, and the Secretary is required to make available such assistance and data as may be required for the Council to carry out its functions.

The committee intends the Council to assess the effectiveness of the act in accomplishing its objectives. The Council will replace the various ad hoc advisory groups now used to advise the Division of Mental Retardation in HEW. It should also take over the advisory functions with respect to the construction of facilities for the retarded. These functions are currently assigned to the Federal Hospital Council, a body primarily concerned with administering the Hill-Burton Act and only secondarily related to the purposes of Public Law 88–164.

The provisions establishing the National Advisory Council are comparable to those for similar bodies created for other HEW programs. The bill requires representation of the groups most directly affected by the act and by the actions of the Secretary, especially State and local agencies and consumers. These groups are not appropriately represented at present.

The number of 20 members for the Council was chosen to permit an appropriate diversity of membership among lay and professional personnel, public and private agencies, State and local agencies, and representatives of the various categories of developmental disabilities.

The Council is not intended to duplicate the functions of the President's Committee on Mental Retardation, which has both a nationwide and a governmentwide mission. Nor will it duplicate the functions of the Secretary's Committee on Mental Retardation, whose duties involve intradepartmental interagency coordination and the dissemination of information. Neither of these committees is associated with an operating program.

Section 134. State plans.—This section provides that, in order to receive its allocation under part C, a State must submit to the

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Secretary a State plan that meets a number of requirements.

Under paragraph (1) of subsection (b) the State plan must designate (A) a State planning and advisory council; (B) a State agency or agencies to administer the plan; and (C) a single State agency to administer grants for construction. The plan may designate either an existing council or agency, or a council or agency newly established for the purpose. Paragraph (10) requires the designated agencies to keep appropriate records and make periodic reports to the Secretary. Subparagraph (B) permits separate agencies to administer separate portions of the State plan.

Under paragraph (2), the State plan must describe the scope of activities under other State-Federal programs requiring State plans, such as vocational rehabilitation, maternal and child health, education of the handicapped, medicaid, title XVI (welfare) of the Social Security Act and the partnership for health. The plan must also show how the present act will supplement these other Federal programs and fill in the gaps which exist between them, so far as they affect the developmentally disabled.

Paragraphs (3) and (4) require the State plan to set forth effective procedures for the expenditure of funds under the plan, to contain assurances that the funds will be used to strengthen services for persons with developmental disabilities on a statewide basis. It must also assure that part of the funds will be made available to other public or nonprofit private agencies, and that Federal funds will be used to supplement, rather than supplant, non-Federal funds that would otherwise be available. Paragraph (4) specifically requires that the State itself must bear a reasonable share of the non-Federal cost of implementing the plan.

Paragraph (5) requires that a State plan *must* provide services and facilities for the mentally retarted, and *may* provide services and facilities to persons with other types of developmental disabilities.

The committee intends that, at least at the beginning, the State plan will be an updated version of the comprehensive mental retardation plan developed by the State with Federal aid during the period 1965–67. To the extent a State chooses to cover other developmental disabilities in its plan, it will modify its plan accordingly. Because of the short time schedule, the committee anticipates that plans submitted as the basis for grants for fiscal year 1971 will be substantially those now operative for mental retardation alone, rather than for other forms of developmental disabilities.

Paragraphs (6) and (7) provide for the maintenance of standards with respect to the scope, quality and administration of facilities and services under the State plan.

Paragraphs (8) and (9) require the State plan to assure that the State planning and advisory council is adequately staffed. The council must include among its members representatives of each of the principal State agencies, as well as representatives of local agencies and other groups concerned with services for the disabled. At least one-third of the membership of the State council must consist of representatives of consumers of such services. The council must review the State plan annually.

It is expected that in defining adequate staffing in regulations the Secretary will take account of the differing needs of the States, depending on their population and size. The requirement should not impose a disproportionate burden on any State, but it should assure that the citizen body—the State planning and advisory council—is truly effective in influencing State policy. The committee feels that it is necessary to assure that the State planning and advisory councils are provided adequate clerical and technical staff assistance. However, the committee recognizes that, particularly in smaller States, such assistance may be provided by part-time or contracted personnel.

Under paragraph (11), the State plan must provide that special financial nad technical assistance will be made available to provide services and facilities for persons with developmental disabilities in poverty areas. The correlation between mental retardation and poverty is highest in cases involving persons who are mildly retarded or moderately retarded. These persons need the help of special programs in their schools and community health centers.

There is also a correlation between poverty and certain forms of severe retardation. These persons need a wide range of services, including the sort of services best provided in specialized facilities. In addition, there is a strong responsibility to insure equal access for persons in poverty areas to high quality care and training.

The committee therefore believes that a special Federal and State effort is needed to bring adequate facilities and services for the retarded into areas of urban or rural poverty. The requirement of paragraph (11), together with the recently enacted higher Federal share—up to 90 percent—of the cost of constructing such facilities in urban or rural poverty areas, offers a major new incentive to alleviate the existing inequity.

Paragraph (12) requires the State plan to describe the methods that will be used to assess the effectiveness of State programs for the developmentally disabled.

Paragraphs (13), (14), (15), and (16) establish special planning requirements for construction projects. They continue the requirement that the State must survey its existing facilities and prepare a comprehensive program for the construction of facilities, including a determination of the priority for proposed projects.

Latitude is given to each State to apportion its allotment under part C between construction and services according to its own priorities. Thus, it might be reasonable for a smaller State to devote the major share of its allotment to the construction of a single facility. However, the Secretary is authorized to limit the proportion of any State's allotment that may be used for construction.

Paragraph (17) requires the State plan to contain appropriate accounting procedures to assure the proper disbursement of funds under the act. Paragraph (18) authorizes the proper disbursement of funds under the act. Paragraph (18) authorizes the Secretary to establish such additional planning requirements as he finds necessary. These paragraphs continue provisions of existing law.

In sum, the numerous State plan requirements are designed to assure that funds under the act are directed toward accomplishment of its purpose, which is to extend and improve programs for the developmentally disabled. The requirements give the States considerable discretion in pursuing this goal, within general guidelines for accountability. The requirement of a single comprehensive State plan for services and construction will avoid the anomaly in the present act, which encourages dual plans that are not necessarily fully coordinated. The committee emphasizes that the act is not intended to duplicate or supplant any existing continuing Federal program which significantly benefits the target group.

Section 135. Approval of projects for construction.—The section specifies that for each construction project to be carried out under the State plan, an application must be submitted to the Secretary. The application must include a description of the site and the plans and specifications for the project, and a reasonable assurance that adequate financial support will be available, not only for the construction of the facility, but also for its maintenance and operation. The application must also meet labor standards in conformance with the Davis-Bacon Act. These are requirements of existing law that remain essentially unchanged in the committee bill.

The Federal share of the cost of construction projects will be the same as for mental health centers. The provisions establishing the Federal share for such projects are contained in title IV of Public Law 88–164, as amended recently by Public Law 91–211, the "Community Mental Health Centers Amendments of 1970." In general, these provisions will apply equally to the construction of facilities for the mentally ill and facilities for the developmentally disabled, and are not affected by the committee bill. Thus, the Federal share for the cost of constructing such facilities will be up to 66⅔ percent or the so-called Federal percentage, whichever is lower, except that the Federal share for construction projects in poverty areas may be up to 90 percent.

Section 136. Withholding of payments for construction.—This section permits the Secretary to withhold payments to a State agency for construction projects if there is inadequate compliance with regulations, or if any assurances required to be given under section 134 or 135 are not being carried out. Payments for construction projects may be withheld, in whole or in part, until the failure to comply is removed.

The provisions of sections 135 and 136 for administering funds for construction projects are essentially the same as for construction projects under part C of the present law, and for the construction of facilities in other areas, such as health, mental health, and vocational rehabilitation.

Section 137. Payments to the States for planning, administration, and services.—This section sets forth the procedures and basis for payment to the States of the State allotment for expenditures other than construction. This section also provides an 80 percent federal share for such expenditures incurred by the State during each year under its State plan. As determined by regulations, and subject to section 134(a)(4)(B), which requires reasonable financial participation at the State level, the non-Federal share may consist of State funds, local funds, or expenditures by nonprofit private groups. As already noted, the provision for a Federal share of 80 percent for services is comparable to the Federal share in the most nearly equivalent State-Federal programs.

Today, the States are already spending between $800 million and $1 billion annually on residential care services and specialized day care services for the retarded and multiply handicapped, exclusive of public school and welfare services. There is very modest Federal support for these services through project grants for day care and residential care, but there is no Federal participation on a formula grant basis for developing such services.

Continuation of the present basic expenditures by the State at this current level is required by the maintenance of effort provision in Section 134(b)(4)(C) of the committee bill. Therefore, even the proposed 80 percent Federal share for services will represent out a very small proportion of the overall State effort with respect to the large range of services not now significantly benefiting from Federal aid.

Section 138. Withholding of payments for planning, administration, and services.—This section incorporates provisions for withholding of payments for planning, administration, and services if there is substantial failure to comply with the act or with regulations under it. In general, the section parallels section 136, which provides for the withholding of payments for construction, and contains standard sanctions for noncompliance.

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Section 139. Regulations.—This section requires the Secretary, after consultation with the National Advisory Council (established by section 133) to issue general regulations applicable to all the States no later than July 1, 1970. The regulations shall cover the kinds of services and categories of persons which may be included; standards as to the scope and quality of services; the general manner in which a State shall determine priorities for services and facilities, with special consideration for poverty areas; general standards of construction and equipment for facilities; and other necessary matters.

The committee does not intend that regulations promulgated under subsection (a) will be used to limit the definitions of "developmental disability" or "services," except to the extent required to avoid duplicating authorizations under other State or Federal programs, or to interpret definitions and plan requirements, such as the phrase "substantial handicap" in the definition of "developmental disability."

Section 140. Nonduplication.—This section, the final section of the new part C proposed by the committee bill, prohibits counting as State or local matching funds any portion of the costs of services or construction financed by Federal funds under any other law, or the amount of non-Federal funds required for matching such other Federal funds. This is a standard provision in Federal grant legislation.

Section 102. Definitions.—This section of the committee bill deals with definitions. Its principal provisions amend section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 by:

Defining "facility for persons with developmental disabilities" as a facility designed primarily for the delivery of one or more services to persons affected by one or more developmental disabilities.

Defining "developmental disability" as mental retardation, cerebral palsy, epilepsy, or other neurological handicapping condition of an individual which originates before the age of 18, which continues indefinitely into adult life, and which constitutes a substantial handicap; and

Defining "services for persons with developmental disabilities" to include diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual and his family, protective and other social and socio-legal services, information and referral services, follow-on services, and transportation of clients.

The new section 401(m) modifies the definition of "services" to include a number of services which are not now specifically covered under Public Law 88–164, such as specialized living arrangements, recreation, counseling of the individual and his family, protective and other social and socio-legal services, information and referral services, follow-on services, and transportation. Recent experience has shown that a number of such services are underrepresented in State planning for facilities for the retarded, due in part to the lack of a specific statutory authorization. All such services are types of services which might well be offered by general or multipurpose facilities, or which might even be offered outside any facility. By contrast, the present "staffing" grants under part D of the act are available only for services in specialized facilities primarily designed for the retarded.

The revised definition of "facility" in section 401(b) does not require preference to be given to facilities which offer comprehensive services under one management. Such preference might well run counter to optimum community planning. For example, diagnostic services for the target group might be provided under the auspices of a community hospital, while specialized living arrangements would be better placed in a residential section of town under the direction of a social agency.

Section 103. Effective date.—This section sets appropriations for fiscal years beginning after June 30, 1970, as those to which the bill applies. As a result, funds appropriated prior to that date under part C of the existing act will remain available for obligation during fiscal year 1971, in accordance with present law. The effective date protects the carryover of funds for construction. Also, funds for the continuation of staffing grants awarded under part D before June 30, 1970, will not be affected by the committee bill.

Title II—Construction, demonstration, and training grants for university-affiliated facilities for the mentally retarded

Section 201. Caption.—This section amends the caption of part B of the Mental Retardation Facilities Construction Act of 1963 to read: "Construction, Demonstration, and Training Grants for University-Affiliated Facilities for the Mentally Retarded." The present law applies only to construction of clinical facilities.

Section 202. Construction grants.—This section amends section 121(a) of part B of the Mental Retardation Facilities Construction Act by striking out the term "clinical training" and inserting "interdisciplinary training." The section also extends the authorization for appropriations for construction of university-affiliated facilities at its present level of $20 million per year through 1973. The term "mentally retarded" is defined, as in present law, to include mental retardation and other neurological handicapping conditions related to mental retardation.

Section 203. Demonstration and training grants.—This section adds a new section 122 to the present part B. The new section authorizes grants to cover costs of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to the mentally retarded. Such training programs are to include both established disciplines and new kinds of training to meet critical shortages in the care of the mentally retarded. The section authorizes appropriations of:

$7 million for the fiscal year ending June 30, 1971;

$11 million for the fiscal year ending June 30, 1972; and

$15 million for the fiscal year ending June 30, 1973.

The committee estimates that at full operational capacity, these grants should average from $300,000 to $500,000 annually per center. The committee does not intend grants under part B to preclude other Federal grants to the facilities for other purposes.

Section 204. Applications for demonstration or training grants.—This section specifies that demonstration and training grants under section 122 may be given only to colleges or universities operating a facility of the type described in section 121, or to a public or nonprofit private agency or organization operating such a facility.

The committee intends operating funds to be made available to universities which have organized and are operating eligible facilities, even though they did not receive construction grants for the facilities. Several such centers are already in existence and the amounts authorized in section 203 of the committee bill are conservative to carry out the important purposes of this provision.

Sections 205 and 206.—Conforming changes.

Section 207. Maintenance of effort.—This section adds a new "maintenance of effort" provision stipulating that grants to university-affiliated facilities may be approved only if there are reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for mental retardation services and training which would otherwise be available to the applicant. Grants under this part are to be used to supplement and increase the level of such funds.

DRUGS AND THE DRUG CULTURE

Mr. BROOKE. Mr. President, most of us who are deeply concerned about the spreading use of drugs in our society are aware that education is of vital importance in overcoming this drastic problem.

One organization which is making a useful and conscientious attempt to inform adults and youngsters alike of the dangers of drug abuse is the Massachusetts Council of Churches. The council is at present giving wide circulation to a report prepared by the Committee on Drugs and Organized Crime of the Protestant Episcopal Diocese of Massachusetts.

In the belief that many other religious and civil organizations might benefit from a knowledge of their approach and their findings, I ask unanimous consent that the text of the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DRUGS AND THE DRUG CULTURE—A REPORT BY THE COMMITTEE ON DRUGS AND ORGANIZED CRIME OF THE PROTESTANT EPISCOPAL DIOCESE OF MASSACHUSETTS

(The Rev. G. Harris Collingwood, chairman; David L. Brynum, Elizabeth H. White, The Rev. W. Gilbert Dent, The Rev. Canon Herbert S. Stevens, consultant, Boston, Mass., January 1970)

INTRODUCTION: FOCUSING THE CAMERA

Scene I: My daughter. Let me tell you about my daughter. She sees flying saucers and monsters and all sorts of these things. And now she's floating around in that San Francisco somewhere . . . and all because of these pills. "Hair."

Scene II: Stamford, Connecticut: Today the publisher of Reader's Digest was stabbed by his sixteen-year-old son. He had just returned from a businessman's luncheon in which he delivered what was termed an "anti-hippie" speech. Abbie Hoffman, Woodstock Nation.

The picture one gets of the drug scene depends largely upon the lens through which one looks. Each viewer, of course, claims to have his own solid base of "objectivity"—the objectivity of the Beacon Hill brahmin, the policeman on the beat, the "hippie" on the Boston Common, the "junkie" in the ghetto. The list could go on; there are as many "objective" views as there are people to hold them. And it has become painfully obvious that the efforts of authors and committees to demonstrate their "objectivity" rarely produces more than a list of their biases. But such a list is useful, for it at least makes it possible to identify the platform from which they made their observations and to list those factors which may have distorted their view. This introduction makes no pretensions to anything more.

At the outset, it should be noted that everyone on the committee is a member of what in the jargon of the day would be called "straight" society; before commencing this study they had little more than a newspaper knowledge of illicit drugs. This is not to say that the members of the committee were necessarily hostile to all aspects of the drug culture, but it is to say that the report

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is written from the standpoint of observers and not participants in that culture. It is rather an attempt to make clear to those outside it what that enigmatic phenomenon is all about. As members of the hip community would put it, then this report is by "straights" and for "straights."

Most so-called "reliable" reports on drugs strain to provide a thoroughly "balanced" view throughout—a sort of muddled application of a misconceived "via media". Each sentence relentlessly hammers away with the theme that while one can sympathize with some of the reasons for taking drugs, they are nonetheless dangerous, and besides, it is going too far to "drop out" of one's social responsibilities. As a value judgment this may be defensible, but one wonders whether a reader who has been repeatedly hit over the head with it is not so much enlightened as stunned. The questions in his mind are reduced to the single one of wondering why everyone does not see with the same sweet reasonableness as the report he has just read.

To come to any understanding of why people take drugs or adopt certain life styles, it is occasionally necessary to suspend judgment and to attempt to look at the issue from the standpoint of the partisan on the other side. Granted, one can never do this completely, but if one cannot do it at all, then any semblance of genuine understanding is impossible. For this reason, several sections of this report, notably the one dealing with motivations for taking the psychedelic drugs and the one analyzing the deep alienation of young people, have been heavily slanted toward an "anti-establishment" point of view. The purpose was not to justify taking LSD or "dropping out", but rather, to make comprehensible to the reader the intensity of feeling which lies behind those acts and the complexity of the issues which they raise. Once that is grasped, it is then possible to see that to focus on the question of whether such action is "justified" is to be concerned more about one's own guilt than with the problem of how society can deal with the alienation of its young people.

And finally, it should be kept in mind that there is an important limitation which is inherent in any report on illicit drugs, namely, that it is very difficult for someone who has not used a drug to gain a clear understanding of what the experience is really like merely from a verbal description of it. Regardless of how many people one talks to who have taken LSD, for example, trying to conceive of what an "acid trip" is really like, if one has never taken the drug, is a bit like the problem of a man who has been blind since birth trying to understand what is meant by the color "blue". This does not mean that no understanding is possible, nor that everyone should try to take the full range of illicit drugs in order to find out. But it does mean that one should guard against feeling omniscient about the subject just because he has digested numerous accounts of what others have experienced.

II. PRELIMINARY INFORMATION: A BRIEF DESCRIPTION OF THE MAJOR DRUGS

It is common for drug reports to begin with short descriptions of the major drugs, and some knowledge of this sort is clearly necessary if one is to have any understanding of what the drug culture is all about. Still, a certain risk is involved, for when drugs are lifted out of the social setting in which they are used and looked at in clinical isolation, some degree of distortion is inevitable. The following clinical report of what, for the moment, will be referred to only as "Drug X", is offered as an example. The report is adapted from material prepared by Dr. Helen Nowlis.[1]

"Drug X has effects on almost every major system in the organism. It acts on the central nervous system to influence the balance between the production and loss of body heat, and has a selective depressant effect by mechanisms not yet understood.

"In statistics reporting hospital admissions classified as resulting from drug-induced disturbances, Drug X is often the most frequent cause. In all of the poison cases reported in one Florida county in 1966, for example, nearly one-quarter were from Drug X.

"At excessively high dosage levels or as a result of individual idiosyncrasy, acute poisoning may occur. Headache, dizziness, ringing in the ears, difficulty in hearing, dimness of vision, mental confusion, lassitude, drowsiness, sweating, thirst, nausea, vomiting, and occasionally diarrhea may occur. As poisoning progresses, central stimulation is replaced by depression, stupor, and coma, followed by respiratory collapse and convulsions. Drug X poisoning is considered an acute medical emergency and death may result even when all recommended procedures are followed."

That, dear Reader, is a clinical description of the common aspirin. It is with that cautionary note in mind that the following descriptions are offered.[2]

Opiates (Opium, Morphine, Heroin, and Codeine)

All of the opiates are derived from the unripe pods of the opium poppy. The pods are slit, and the milky substance which comes out is allowed to dry and is then scraped off and processed into a powder. The opiates are true narcotics under the medical definition of the term, being depressants which both produce sleep and relieve pain. Opium, morphine, and heroin are all highly addictive, although it is the strongest of these, heroin, that is the most widely distributed through illicit channels. Overdoses of heroin can cause death immediately, and injections with a dirty needle frequently cause hepatitis. Users develop a tolerance for the drug which makes them require increasingly high doses for the same effect. For an addict, this means an ever-mounting cost of maintaining his habit. Abrupt withdrawal results in severe physical reactions and may even cause death.

Barbiturates

Amobarbital (Amytal)
Pentobarbital (Nembutal)
Secobarbital (Seconal)
Phenobarbital (Luminal)

Barbiturates are all derived from barbiturate acid and are prescribed by doctors as sleeping pills or sedatives. Like the opiates, barbiturates are physically addictive and produce a tolerance in the user. When mixed with alcohol, even fairly small doses can produce violent illness or even death.

Tranquilizers

Meprobamate (Miltown and Equanil)
Chlordiazepoxide (Librium)
Methyprylon (Noludar)
Glutethimide (Doriden)

Tranquilizers are prescribed by doctors for their calming effects, and when taken as directed are safe. Overdoses can cause drowsiness and depression, while prolonged usage may result in dependency. When combined with alcohol, they can be quite dangerous. Tranquilizers are also used to counter the effects of LSD.

Amphetamines (benzedrine, dexedrine, methedrine)

Amphetamines are stimulants used as diet pills and for treatment of depressions. Known as "speed" in the drug culture, it is taken illegally to produce feelings of alertness, energy, and power. The strongest by far is methedrine (methamphetamine), which has a power physical effect on the body and may even cause death in cases of an overdose. Chronic users frequently become irritable and paranoid and sometimes suffer psychotic reactions. Though not physically addictive, psychological dependency is common.

Psychedelic drugs (hallucinogens)

There are a number of psychedelic drugs, but the most popular are psilocybin, mescaline, and LSD (lysergic acid diethylamide). Psilocybin and mescaline are the synthesized active ingredients of the Mexican mushroom and the peyote cactus, respectively. In many, though not all, users they produce distortions of time and space, hallucinations, and images of extremely vivid colors. In a certain percentage of users they produce psychotic reactions. Not enough is known about the drugs to determine whether they have any medical usefulness, but some tests have suggested that they may be of aid in treating alcoholics and narcotic addicts, as well as relieving pain and anxiety for terminal patients. These drugs are treated extensively in a separate section of this report.

Cocaine

Cocaine is an alkaloid extracted from the leaves of the coca plant which grows in abundance in the Andea Mountains of South America. The drug is a stimulant with an effect similar to that of amphetamines and precisely the opposite of that of the opiates. Occasionally, however, it is mixed with heroin, but because each drug affects the body in an entirely different way, the effect is more harmful than if either drug were taken separately. Cocaine is also similar to the amphetamines in that it is not physically addictive, but frequently results in dependency. Cocaine is a white powder which may either be inhaled or mixed with water and injected. Overdoses may cause death.

Cannabis drugs (Marijuana and hashish)

Both marijuana and hashish come from the Indian hemp plant known as cannabis sativa. Marijuana consists of the dried top leaves and flowers of the female plant, which, when ripe, are covered with a sticky resin. Hashish is made only from the resin itself and is five to eight times stronger than marijuana. In this country, both marijuana and hashish are usually smoked, although they may be mixed with food and eaten, and in India what is roughly the equivalent of marijuana, known there as bhang, is available in liquid form and is consumed as a beverage. The physical effects of smoking marijuana are slight, and it apparently only results in a reddening of the eyes and an increase in the pulse rate. Inexperienced users find their coordination affected, but tests have shown that motor skills for experienced users are unimpaired. Neither marijuana nor hashish are physically addictive, although some degree of psychological dependency may result.

III. MOTIVES FOR USING DRUGS

The four sections which follow attempt to set out and examine the major reasons for the use of illegal drugs. But it would be a mistake to assume that every drug user would fit neatly one of these headings. Reasons are frequently mixed and confused and change from time to time in any given user. To focus only on the confusion, however, is to remain confused oneself. To achieve even a minimal degree of understanding, some classification and analysis is necessary and even useful—provided one does not attempt to apply the categories to human beings as if they were so many giant cookie cutters.

A. As an escape from problems

The most frequent charge made against the use of drugs is that they are merely a chemical "cop-out", an easy means of escaping from problems. The heavily-loaded and pejorative term "cop-out", however, is one more useful for polemics than clarity. The difficulty is that people use the term indiscriminately to cover two very different phe-

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nomenon: (a) the use of some drugs as a means of escaping from and failing to work through serious personal problems; and (b) the use of other drugs as a temporary means of alleviating tension. It is doubtful whether the second of these can really be called drug abuse at all, since society clearly has a need for a certain number of "cop-outs" in that sense of the term. A highly technological society requires its members to operate at a fast pace and under considerable tension. Not only an individual's work, but his personal relationships as well, are affected. Under such conditions, it is absolutely that people be able to gain some periodic and temporary release from the pressure which society's web of entanglements exerts upon them. Social drinking, a trip to the movies, a vacation, or even a dinner party are means of "copping-out" for a brief period of time. Merely to say that something fulfills that function, therefore, is not necessarily to condemn it as undesirable.

It is admittedly bad, however, to use drugs as a means of escaping from the necessity of meeting and dealing with serious personal problems. But even here it is doubtful that the harm resulting from use of drugs for this purpose can be rectified by legislative prohibitions. While some people may take drugs to escape, others do such things as practice law or work in an office fourteen hours a day in order to avoid going home to face a bad marriage. And even so far as drugs are concerned, there is little doubt that those which can be obtained legally far outstrip the illicit drugs as a means of satisfying this desire. Alcohol, which has produced six million alcoholics in this country, leads all the rest by a good margin. In addition, students, executives, and distraught housewives consume a truly amazing number of prescribed tranquilizers, while American drug companies also produce enough sleeping pills each year to provide approximately twenty-four doses for every human being of every age in the United States.[3] In short, if people do not want to work out problems, it is unlikely that merely making a few specified drugs illegal will force them to do so.

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Any valid argument for making certain drugs illegal cannot be based on the fact that the motive for taking them may be to escape from facing problems, but must rest instead on the physical or psychological reaction they produce in the user. Heroin should remain illegal, not because it is taken to blot out a painful reality, but because of its debilitating effects. Conversely, however, a drug which does not produce such physical or psychological harm should not be made illegal simply because it may be used as an escape. Since that objective may be obtained by so many other means, to do so is to divert a portion of society's resources into the enforcement of a law which cannot be shown to produce any demonstrable social gain.

But if the motive of the user is not a valid rationale for the legal prohibition of a drug, it is of crucial significance in another way. Even for drugs which do cause serious physical or psychological harm, law enforcement alone cannot solve the whole problem of drug abuse. Because such drugs are so available to virtually any person who wishes to use them, drug counseling and education must carry a large part of the burden—indeed, a much larger portion than they have carried to date. To make these effective, it is necessary to be sensitive to the reasons which motivate people to take the prohibited drugs. Convincing them that the drugs are harmful in some way may not necessarily induce them to stop using them, for the simple reason that they may fear greater psychological or even physical harm from the painful reality they would then be forced to face.

Perhaps the most dangerous illicit drug used in this country as an escape is heroin. Until about ten years ago, heroin was almost exclusively a ghetto drug which gave the user a pleasant, euphoric feeling and blotted out the unbearable reality of rat-infested tenements and grinding poverty. It was generally estimated that there were about 60,000 heroin addicts in the country, 90% of whom lived in New York City. During the past decade, the situation has changed drastically. Today there are approximately 120,000 heroin users, and the greatest number of new ones are now white. In fact, the past year has seen a dramatic increase in the amount of heroin used by white, emotionally disturbed adolescents from middle and upper-middle income families in Boston and the surrounding suburbs. The interesting observation made by a number of people who have worked in a counseling relationship with these adolescents is that in spite of their much more affluent background, they have an attitude toward themselves and toward life which very much parallels the attitude of heroin users in the ghetto. In almost all instances, these white teenagers have deep feelings of depression and an inability to change the quality of their lives. As one counselor put it, "They feel almost totally worthless."

No reliable statistics exist on the extent of this increase in heroin use by white adolescents, largely because the use is much more hidden than it is among people in the ghetto. Some indication of the rate at which use is increasing is indicated, however, by the fact that Project Place (a drug counseling and drop-in center in Boston) estimates that it makes contact with approximately ten to fifteen young people each day who have had experience with heroin. Virtually all of these young people are white, and about half are still using heroin at the time contact is made. Before this past summer, in contrast, Project Place averaged only about one young person per day who had had experience with heroin. Similar increases in heroin use are reported by drug counselors in other sections of the Boston metropolitan area, especially Cambridge. A good portion of the use in Cambridge, however, is not by local residents or students, but rather, by the flood of teenagers who are attracted into Harvard Square as if by some colossal magnet.

It should also be noted, as directors of Project Place point out, that there are important differences between the use of heroin in the ghettos and by suburban young people. Teenagers from the suburbs do not come from an environment in which heroin use is a part of the landscape, as it is in the ghetto. As a result, they tend to seek help at a much earlier stage in addiction, thus making it easier for them to "kick" the habit. There is very little heroin use in the colleges or in the older hip community, where its dangers are clearly appreciated. The committee did discover, however, one case of a college student in the Boston area who hung himself because he was unable to "get a fix."

How the increasing use of heroin and other drugs should be dealt with is covered in another section of this report, but suffice it to say that one should not immediately fall into the hysteria which tries to solve all problems by calling for an increase in "vigorous" law enforcement. The problem is so serious and so widespread that society can no longer afford to just keep "passing the buck" to the man in the blue uniform.

B. As Chemical Assistance in Meeting and Dealing With Daily Problems

The use of chemicals as assistance in meeting and dealing with daily problems is a basic feature of American life. Chemical fertilizers are used to produce bigger and better crops; chemicals are dropped in clouds to control storms; chemical and biological agents have been developed for warfare; and chemicals such as tear gas and mace are frequently used to control crowds of people. Indeed, America seems firmly committed to the doctrine of "better living through chemistry." It should come as no surprise, then, that many people also look to chemistry as a means of dealing with personal problems.

The motive behind the use of drugs in this instance is precisely the opposite of "copping out"; rather, it is to gain additional strength to meet and deal with problems and anxieties which the individual faces. Unquestionably the most widespread and dangerous drugs used for this purpose are the amphetamines, commonly known as "speed" in the drug culture. The two most popular are dexedrine and methedrine, with the latter being many times the stronger. Most often it is taken in the form of pills or capsules, although by far the most powerful form is crystal methedrine, which is melted in a spoon and injected with a hypodermic needle (a procedure known as "mainlining crystal meth"). Crystal methedrine is the drug of choice of those who are really heavy amphetamine users—in common parlance, the "speed freaks".

"Speed" gives the person who takes it a tremendous feeling of power; he is suddenly alert, capable, and in control of the situation. For this reason, it is an alternative to heroin in dealing with depression. One does not need to "blot out" a painful situation when "speed" offers a means of acquiring sufficient resources to overcome it. Some sense of the effect of this drug can be gained by keeping in mind that "No-Doz" tablets, or even a cup of coffee, are mild forms of the same thing. Many adults who are horrified at the idea of teenagers taking dexedrine think nothing at all of drinking a cup of strong black coffee to make them more awake and alert for some task. Yet the motive of the teenager is no more than an extension of the motive of the adult.

It should also be kept in mind that numerically the largest number of users, and even abusers, of this drug are not members of the drug culture at all. Truck drivers trying to stay awake on long trips and students studying for examinations frequently take amphetamines, and virtually all studies of the problem indicate that the greatest amount of amphetamines are used by suburban housewives, who know them better as "diet pills." Such pills have the purpose of reducing the appetite, while at the same time preventing the person from feeling tired and lethargic because of the reduction of food. As a result, even after their diet is over, many housewives continue to take a maintenance dosage of such pills because they feel that they keep their appetite down to a desirable level as well as make them feel better, although they may attribute the "good" feeling entirely to the loss of weight instead of to the pill. Many such matrons of respectable society would be thunderstruck to know that they were just as much "on speed" as their hippy sons and daughters.

To say, however, that the use of amphetamines is wide-spread and is reinforced by certain general attitudes of society is not to say that such use should be taken lightly. As is true for all drugs, the amount of harm involved in using them must be looked upon as a sliding scale, depending upon the dosage, strength, and frequency of use. While small doses of the milder amphetamines can be taken at infrequent intervals without serious risk, frequent doses of the stronger amphetamines cause severe physical and mental effects. To understand the effect of "mainlining crystal meth", for example, one merely needs to imagine the effects of diet pills magnified many times over. What in a diet pill—properly used—produces alertness during the regular daylight hours and a reduction of appetite, produces in the crystal methedrine user a complete loss of sleep and appetite for as long as he stays "high" on it. One person interviewed by the committee who had used "speed" regularly for about a year and a half described in detail one instance in which he had stayed "high" for twenty-eight days, during which he injected four spoonfuls of crystal methedrine each day.

While amphetamines are not addictive, psychological dependency of a very serious nature can result. When a user comes down from a "high" (called "crashing"), he is usually extremely depressed and thus tempted to take another dose immediately. Because the dangers of amphetamines are widely known and because heavy users become quite irritable and paranoid, the use of "speed" is generally condemned in the hip community. "Speed kills," the hippies repeat—almost as frequently as a television commercial. And the really heavy users, the "speed freaks," are usually ostracized by the rest of the drug culture. Nonetheless, most drug counselors in the Boston area agree that the use of amphetamines is increasing, primarily among adolescents who are not members of the hip community and who are not well acquainted with the risks involved. The only encouraging factor is that there seems to be some decrease in the use of crystal methedrine, the strongest of the amphetamines.

C. The Adolescent Syndrome: Just for "Kicks," Group Pressure, and Rebellion Against Parents

The adolescent years are always ones of great emotional turmoil and change for the young person involved. One disturbing feature of life at this age is that adolescents will do the most incredibly dangerous things "just for kicks". Even before the current increase in the use of illicit drugs, parents, police, and the public at large were quite familiar with the phenomenon of the teenage driver careening through the streets at a high rate of speed. Nor is the use of drugs in this connection something entirely new; for decades teenagers have used alcohol and tobacco illegally because it seemed a daring thing to do.

During the past few years this same motivating factor has led adolescents to take a great variety of things, some very harmful and some with no effect at all. These can be broken down into two general groups: (a) those substances which one ordinarily thinks of as "drugs", e.g., amphetamines, LSD, heroin, etc.; and (b) things which are not usually thought of as "drugs" but which are converted into such by enterprising, though improper, use of them.

The most common example of the latter is probably glue sniffing, which has resulted in death in a number of well documented instances. The current fad seems to be the use of various containers with a spraying device, particularly whipped cream cans and hair spray, which by being held in a certain manner, can be made to produce carbon dioxide, which is then sniffed to get high. Like glue, all this really does is to produce an oxygen shortage. One can get the same effect by putting a pillow over one's head or breathing deeply and exhaling for a prolonged period of time.

This past summer the great rage, strangely enough, was peanut butter. Supposedly one could get high by mixing peanut butter with water, melting it in a spoon, and then injecting it into the arm with a hypodemic needle. While almost every teenager encountered inquired about this with great excitement and interest, the members of the committee never met anyone who had actually tried it. If tried, it is highly doubtful that it would have any effect at all, except possibly to clog the veins.

Some of the strange things which are taken clearly do have no effect other than a psychological one on individuals firmly convinced beforehand that it will have a certain effect. The best known example of this in the past few years was the belief that one could get an hallucinogenic trip from smoking banana peels. Chiquita Banana stickers and posters suddenly popped up everywhere. People eventually learned, however, that banana peels have no hallucinogenic agents at all.

This is not to say that adolescents are entirely unaware of the role of psychology in getting high. Indeed, placebos are frequently sold as real drugs by teenagers in order to laugh at people who claim to get high from taking them. One group of boys interviewed by the committee related with obvious delight how on one occasion they had sold Lipton's tea taken from tea bags as marijuana to a number of gullible buyers on the Boston Common. About half of the kids who purchased and smoked the tea claimed to get "a really good high."

Unlike the older hip community or more experienced drug users who take specific drugs because of the particular effect they produce, many adolescents do not clearly distinguish between different drugs. As one drug counselor put it, they simply associate drugs in general with the youth culture, and the youth culture in turn they see as defining what it means to be young. In order not to be left out, they take whatever drugs are available to get high and feel a part of the "scene." Group pressure is an extremely powerful force in such a setting. It is, moreover, this indiscriminating acceptance of all drugs that explains why there is a considerably greater use of amphetamines and heroin among this group than among the older hip community.

The most striking example found by the committee of the mixing of different kinds of drugs was the case of one young man who decided that by combining a number of drugs and then taking an overdose of the whole thing he would be so "freaked out" that he would be rejected when he appeared to take a physical examination for induction into the Army. The concoction he decided upon was a mixture of, among other things, LSD, amphetamines, and bella donna (a drug used in the treatment of ulcers; an overdose produces hallucinations in the true sense of the word). In an effort to assure himself that it would succeed at the appointed time, he made a trial run one weekend and described the results in some detail. Particularly because of the bella donna, there were frequent and vivid hallucinations: chairs sprouted eyes and mouths and began to talk, and several long and intense conversations were held with people who weren't really there. Whether the young man actually repeated the whole thing at the time of his Army physical is unknown.

Rebellion against parents is also a strong motive, though not always a conscious or at least admitted one, for drug use by adolescents. It should be kept in mind, however, that such rebellion is not entirely a bad thing. To some extent it is a normal and desirable part of the development of any teenager, which is necessary in order for him to establish his own identity as something separate from his parents. If a person knows that his parents would be horrified at the idea of his using drugs, he quickly comes to see—quite correctly—that flouting their use can be an extremely effective way of striking back at his parents. He knows and wants them to be shocked.

Here again, the seriousness of the problem should be seen as a kind of sliding scale. Use of comparatively mild drugs such as marijuana seem comparable to the attempt of prior generations to shock their parents by use of alcohol or cigarettes. At the other end of the scale, however, the use of heroin may involve strong self-destructive impulses. It is not always true that adolescents use heroin because they do not appreciate its dangers. They may use it precisely because they are aware of the danger. Heroin, they know, will shock their parents more than the use of any other drug; and if they should become addicted or die of an overdose, the impact will be even greater. Their parents are bound to feel enormously guilty. Though tragic, this phenomenon is not by any means new. It is simply the current manner in which many adolescents act out their suicidal impulses. But because the manner is different, new techniques are needed to deal with it. This problem will be dealt with in the section on recommendations.

D. Self-discovery and mystical experience

To raise the question of the use of drugs for self-discovery and to attain a mystical experience is to focus on motivations which are on an entirely different level from those discussed above. It is also to move into an area where credibility for the non-drug user is a considerable problem. One tends to doubt that it is possible to gain a "true" insight into one's personality or to have a "true" mystical experience merely by taking a capsule or pill of some sort. But in considering this issue, it is necessary at the outset to be clear about what precisely is being claimed. The proponents of the use of drugs for this purpose do not allege, for example, that such benefits are gained from the use of any drugs, but only from the psychedelic drugs such as LSD, mescaline, and psilocybin. Nor is it claimed that one gets a "quickie" result merely by "popping a pill". A great deal has been written emphasizing the necessity of a proper "set" and "setting", the former being the expectations and attitudes of the user, and the latter being the environment in which the drug is taken. In short, what serious drug users are claiming is that if taken under the right circumstances by someone who has been properly prepared, certain drugs will enable that person to arrive at valuable insights about himself and the world around him. The lasting effects of these insights will depend on the use made of them afterward by the person involved, much as they do when one has been exposed to great literature or music. Even if one is skeptical about such claims, it is necessary in order to do effective counseling to come to some understanding of what motivates people so strongly to use these drugs.

In conducting field research on the psychedelic drugs, moreover, one is struck by several facts which it is extremely difficult for the complete skeptic to explain. First, a significant number of heavy users report that they have never gotten any hallucinations at all from these so-called "hallucinogenic" drugs, while still others report that they ceased having hallucinations after the first few times. Second, even people who have quite unpleasant experiences while under the drugs—usually called a "bad trip"—insist that the result was worthwhile. "You can learn a lot from a bad trip," is the almost universal response. But third, in spite of the fact that hallucinations might not occur and that "bad trips" are not uncommon, it is clearly the psychedelic drugs which hold the pre-eminent place in the stable hip community. It is these, and these alone, which are really taken seriously as something integrally related to their life style and worldview. Marijuana is used in much the same way beer is used in the "straight" society: as something mild and relaxing which serves a recreational purpose. Heroin and amphetamines are strongly discouraged, and their use is tolerated only on an experimental basis. Chronic users are almost always ostracized. But a number of people were interviewed who have taken LSD over 150 times, and who take it once a week on a regular basis in much the same manner and for much the same reasons that a suburbanite goes to an analyst. Clearly, there must be something which is peculiar to the psychedelic drugs and which is qualitatively different from the effect of other drugs.

The explanation of this "something" lies in the phenomenon usually referred to as "consciousness expansion", which is the means by which such insights are said to occur. The term has reference to seeing oneself, other people, and the world in general in ways which are very different from

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the way in which they are usually seen. In an often quoted section of *The Varieties of Religious Experience,* William James writes of his own experience of this sort in connection with nitrous-oxide (laughing gas) intoxication:

"One conclusion was forced upon my mind at that time, and my impression of its truth has ever since remained unshaken. It is that our normal waking consciousness, rational consciousness, whilst all about it, parted from it by the filmiest of screens, there lie potential forms of consciousness entirely different. We may go through life without suspecting their existence; but apply the requisite stimulus, and at a touch they are there in all their completeness . . ."

The important point to notice about the quotation from James is that the different forms of consciousness are a natural part of the human mind as it exists in every human being. They are not "created" by the drug, nor would it even be precisely accurate to say that the drug "expands" the consciousness of the mind as a whole. Consciousness "expansion" only occurs in the sense that limitations to the full functioning of the mind are removed.

Some afficionados of psychedelic drug use explain what happens by means of a computer metaphor. The human mind, it is said, is an organism with approximately ten to thirteen billion cells. Only a few of these are utilized, however, because of the barriers built in by the society in which each man exists. As Aldous Huxley put it.[5]

"Trobriand Islander or Bostonian, Sicilian Catholic or Japanese Buddhist, each of us is born into some culture and passes his life within its confines. Between every human consciousness and the rest of the world stands an invisible fence, a network of traditional thinking-and-feeling patterns, of secondhand notions that have turned into axioms, of ancient slogans revered as divine revelations. What we see through the meshes of this net is never, of course, the unknowable 'thing in itself'."

Because of this filtering out process, which involves only limited structural patterns of thought and which allows into one's consciousness only a portion of the sensory data, the human mind becomes somewhat like an enormously underutilized computer. Consciousness "expansion", then, is nothing more than the removal of these artificial barriers, so that the mind can operate at a more optimal level.

The most lucid description of what is involved in the experience of consciousness expansion is undoubtedly Huxley's *The Doors of Perception,* an account of his first trip under mescaline. It is worth quoting in some detail.[6]

"To see ourselves as others see us is a most salutary gift. Hardly less important is the capacity to see others as they see themselves. But what if these others belong to a different species and inhabit a radically alien universe? For example, how can the sane get to know what it actually feels like to be mad? Or, short of being born again as a visionary, a medium, or a musical genius, how can we ever visit the worlds which, to Blake, to Swedenborg, to Johann Sebastian Bach, were home?

"From what I had read of the mescaline experience I was convinced in advance that the drug would admit me, at least for a few hours, into the kind of inner world described by Blake and AE.

"Half an hour after swallowing the drug I became aware of a slow dance of golden lights. A little later there were sumptuous red surfaces swelling and expanding from bright nodes of energy that vibrated with a continuously changing, pattern and life.

"I took my pill at eleven. An hour and a half later, I was sitting in my study, looking intently at a small glass vase. The vase contained only three flowers—a bunch of flowers shining with their own inner light and all but quivering under the pressure of the significance with which they were charged; . . . what rose and iris and carnation so intensely signified was nothing more, and nothing less, than what they were—a transience that was yet eternal life, a perpetual perishing that was at the same time pure Being, a bundle of minute, unique particulars in which, by some unspeakable and yet self-evident paradox, was to be seen the divine source of all existence.

"'This is how one ought to see,' I kept saying as I looked down at my trousers, or glanced at the jeweled books in the shelves, at the legs of my infinitely more than Van-Goghian chair. 'This is how one ought to see, how things really are.'"

But if one sees, with the aid of the drug, through the eyes of a Blake or a Bach, why is it, one is inclined to ask, that so few of these insights are translated into new works of art of genuine quality? On this point Huxley is probably right when he answers that the production of a great work of art depends not only on having vision, but on possessing the technical skill to translate it into an objective form. And that talent is possessed by only a few men in any age. And why, after all, would one want to translate it into an objective form? Is not the vision itself enough? Is not the objective form but a crude imitation of the vision, a sacrilegious monument? Or at least, so the drug user might argue. It is certainly difficult to refute the argument that the demand for objective art as "proof" of the authenticity of the vision is an attempt to apply the standards of the conventional world to the inner world of the psychedelic experience. To the drug user, that world provides its own authenticity directly to those who experience it.

While the teenagers and even the older members of the hip community with whom one comes in contact are by no means as articulate or poetic as Huxley in describing their reactions to psychedelic drugs, the basic content of their accounts bears a striking similarity. The reactions vary, of course, over a broad spectrum, but what people seem to get out of using the drugs can be looked at under the two general headings of self-discovery and mystical experiences. In the area of self-discovery, the drug used almost always talks in terms of seeing himself from a different vantage point and frequently emphasizes the feeling that his body has become separate from his mind. Huxley says of this experience, ". . . my body seemed to have dissociated itself almost completely from my mind. . . . It was odd, of course, to feel that "I" was not the same as these arms and legs "out there", as this wholly objective trunk and neck and even head. It was odd; but one soon got used to it."[7] The significance of this separation of mind and body is that it gives the individual the impression of being able to view himself from a detached position. It's just as if you were looking in through a window, a drug user will frequently say, and saw yourself inside with a group of people.

This points to both the pleasant and the unpleasant effects of psychedelic drugs; they at least give the impression of stripping away illusions and defenses and of confronting the individual with what he "really is". For a stable personality with a high degree of self-awareness, this may come as no great shock, while for others it may be a truly shattering experience. One young lady in her late twenties described such an experience by saying that before she took LSD, she thought she had changed a great deal since graduating from college. While looking in the mirror under the effects of LSD, however, she saw that she was really just the same person with just a few more wrinkles, which upset her a great deal because she didn't like the kind of person she had been during her college years. But here, as in many cases, because the nature of the unpleasant experience involves what is felt to be some kind of self-knowledge, the drug user will insist that even a "bad trip" can be valuable.

For some, it must be said, the use of psychedelic drugs brings tremendous relief. One teenage girl who was interviewed extensively both before and after taking LSD showed a remarkable change in personality. Before taking the drug, she viewed herself as almost totally worthless. Under the influence of LSD, however, she saw herself, though not perfect, as at least having some good points, just as other people have. The realization that she may not be completely without value was reflected in a self-confidence and a self-acceptance that she had never exhibited before.

This factor of personal insight is also an important element in building group cohesiveness among drug users. This operates on two levels. First, the individual user frequently feels that he gains insight not only into himself but into other people as well. A common occurrence is an intense concentration of the details of some object; and when this is directed toward another person, it operates in much the same way as Huxley's concentration on the three flowers in the vase. The details are seen as avenues through which a new and more penetrating view of the other person is opened up. And this feeling that one has come to a deeper understanding of one's friends makes the bonds of attachment seem even tighter. Second, users of psychedelic drugs in general feel that they have something important in common by virtue of the fact that in using the drugs they have all gone through the same kind of intense experience, even though the details may have differed widely from user to user. Because of the fact that the drugs are illegal, this is reinforced by common feelings of persecution and alienation, which are in turn reflected in common patterns of speech and dress—of which in turn reinforce each other.

In addition to increasing self-discovery, psychedelic drugs are said to be a significant aid in achieving mystical experiences. Judging from the accounts of drug users themselves, this seems to be primarily a difference in the intensity of the experience rather than a completely different reaction to the drug. Instead, the quotation above from Huxley's *The Doors of Perception* is an account of a mystical experience of a sort in that he claims to see some kind of ultimate reality exhibited in the details of three flowers in a vase. It is this sense of a direct contact with "ultimate reality" which seems to define what the term "mystical experience" means to the users of psychedelic drugs.

When asked what precisely is involved in having "contact with ultimate reality", most drug users make some sort of reply stressing the "unity of life and nature" and the "death of the ego". This is the type of language employed by Timothy Leary in his published works, and one suspects that more than a few drug users have latched onto his catchy phrases to explain their own emotional responses. In any event, when pressed for details, most people say that they do not mean literally that all reality appears as a complete unity or that their own egos totally cease to exist, but rather, that they have some sense of how everything fits together, of some unity behind the multiplicity which exists in the world. As one young man in his early twenties put it, "You see why everything is just exactly the way it is, how every piece fits into place." It is in connection with this that the term "death of the ego" is also explained. What really "dies" is not the ego, but an egocentric view of the universe. The person no longer subjectively experiences the external world as something which revolves around him, but rather, sees himself as being

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somewhat like a single stone placed in the midst of a giant mosaic.

What must also be added is that such a vision is accompanied by extremely positive feelings—one has a strong, virtually irresistible, desire to fit into the mosaic and become a part of a larger reality. This leads to the passive nature of many members of the hip community, for the mosaic is, after all, complete and perfect in itself. It is significant that after writing, "This is how one ought to see, how things really are," even Huxley went on to say: "And yet there were reservations. For if one always saw like this, one would never want to do anything else. Just looking, just being the divine Not-self of flower, of book, of chair, of flannel. That would be enough."[8] And for many members of the hip community, that is indeed enough.

But before one judges too harshly, before one writes them off as totally worthless for not wanting to engage in the great American game of producing an almost endless supply of consumer products, one would do well to remember the great Christian mystics. What would they say was the most important "work" a man could engage in? It would clearly not be the production of a Chevrolet. One even begins to wonder, in spite of the separation of time and culture, whether there is really all that much distance between the way in which some members of the hip community speak about the movement of the individual mind toward a place in a greater reality and the way in which St. Bernard speaks of the movement of the soul toward God.

In any event, the attitudes noted above are reflected in the whole life style of the hip community. Personal property loses its significance, since such a concept is based on the assumption that mankind is a multiplicity of egocentric universes, each of which "owns" a number of particular objects. The official line is thus that one should not become upset over stealing, since all objects are part of the one great mosaic and are there for whoever has need of them. Many also feel no "ego need" to "win" an argument. What, after all, would be the *point* of winning an argument? Thus they meet hostility with passive indifference or silence and talk only to those whose "heads are in the same place."

One must be very careful in evaluating the religious claims made in connection with LSD. Such claims cannot be written off as completely phoney merely by saying that the religious experience is no more than a drug created illusion, much like a mirage appearing to a thirsty traveler in the desert. The argument advanced by its proponents is not that LSD creates any religious experience itself, but rather, that it frees the mind to have the religious experiences that it is naturally capable of having.

This leads to another important point, namely that virtually all heavy users of psychedelic drugs point out, that it is possible to have the same experiences without drugs. Indeed, they go to some lengths to point out the similarity between the insights obtained through LSD and those of traditional mysticism, particularly of the Eastern variety. Some of the very early users of psychedelic drugs have, in fact, stopped using them. claiming that they have "gone beyond" drugs to some form of Oriental meditation. The initial decision to use the drugs is defended on the grounds that they were a valuable shortcut to achieving the insights which Oriental mystics arrived at only after years of disciplined contemplation. As Alan Watts, a former Episcopal clergyman and the author of *The Way of Zen,* put it:[9]

". . . the Orient has dozens of varieties of meditation and yoga that yield the same basic experience as LSD. The trouble is, it takes an awfully long time to get anywhere with these methods, and most Westerners just don't have the patience. But if you take a few psychedelic trips first, then you're ready to use meditation fruitfully. You have the hang of it. Certainly, LSD has made meditation much easier for me."

Surprisingly enough, some scientific studies have been conducted in an effort to determine whether and how a mystical experience is possible under psychedelic drugs. Two series of such tests have been conducted by Dr. Walter N. Pahnke, a teaching fellow of the Harvard Medical School and a resident in psychiatry at the Massachusetts Mental Health Center.[10] The first involved twenty theological students and was carried out on Good Friday in 1962. Half of them were given 30 mg. of psilocybin, while the others (the control group) were given an active placebo of 200 mg. of nicotinic acid, which causes only warmth and tingling of the skin. All those who got only nicotine acid thought, however, that they were receiving psilocybin. Of the ten who actually received psilocybin, three or four had what might be called a mystical experience, while none of those receiving the placebo reported any such reaction.

The second series of tests was conducted at the Massachusetts Mental Health Center in 1965 and 1966. Forty carefully screened volunteers were used, most of whom were professional people over thirty. Psilocybin was administered to the subject in groups of four specially prepared rooms containing cut flowers, pictures of nature scenes, and candlelight, as well as places for each subject to relax. As for the results, Dr. Pahnke reports that "20% to 40% of the subjects had a mystical experience, depending on the level of completeness desired."[11] As a general observation, Dr. Pahnke also reports that, "Most researchers who have worked with LSD in either therapeutic or a supportive setting have reported the occurrence of mystical experiences in varying degrees of frequency."[12]

A number of psychedelic churches have been founded since 1958, including the League for Spiritual Discovery (L.S.D.), The Church of the Awakening, and the Neo-American Church. In addition, and not to be confused with the last of those is the Native American Church, a centuries-old Indian religious organization numbering somewhere between 50,000 and 250,000 members which uses peyote mushroom buttons as a sacrament (psilocybin is the synthesized active ingredient). The Church's use of the buttons was challenged when a group of Navajo Indians were convicted of illegal possession of peyote under a California statute.[13] The California Supreme Court, however, in the case of *People* v. *Woody,* reversed the trial court and held that the church's use of the peyote buttons was protected under the First Amendment of the Constitution of the United States. There is considerable doubt, however, as to whether this indicates that the courts will uphold the use of psychedelic drugs by other "churches". As Boston attorney Joseph Oteri (who has an appeal pending in the U.S. Supreme Court in which he is attempting to overturn the Massachusetts marijuana law) has pointed out. "The Supreme Court upheld the right of the Native American Church to use peyote, but only because it has been part of Indian religion since Aztec days. It won't buy the same argument for a religion only a few years old."[14]

To focus on the legal issues, however, is to miss the broader impact of peyote use by the Native American Church. The real problem is occasioned by the fact that the vast majority of teenagers know that peyote has been used for centuries by the Native American Church, and they reason that if it has not resulted in dire consequences for the Indians after all that time, there is little likelihood that taking psilocybin (the active ingredient) will be harmful for them. And if adults are lying or mistaken about the effects of psilocybin—so the argument is extended—what reason is there to trust what they say about mescaline or LSD either? Almost every group of teenagers interviewed on Beacon Hill this past summer raised precisely this argument. It is not easy to answer. It is indeed true that the prosecution was unable to show that any significant damage had resulted from prolonged and regular use of the drug, although the court was undoubtedly correct in saying that this was due only to the extremely strict conditions under which it was used. Indiscriminate use by teenagers has been shown to result in a disturbing number of psychotic reactions. But that, unfortunately, is not the end of the argument for that particular defense of abstinence carries with it the implication that Dr. Timothy Leary and his disciples were right after all in declaring that what is really important is the proper "set and setting". If taken by the right people under the right circumstances, the chances of harm are negligible. The Indians have done it; so can other people.

This plunges one right into the heart of the debate over the legalization and use of psychedelic drugs, but before one can even begin to approach "objectivity," a certain amount of factual information is necessary. Unfortunately, because of the restrictions which present laws impose on clinical research, the amount of information available is not all one would hope for. There are two types of harm which, from time to time, have been attributed to the psychedelic drugs. The first is that LSD causes chromosome damage which may result in either illness or birth defects. There are, in fact, a few tests tending to show that LSD causes a change in the blood chromosomes. The difficulty, however, as Dr. David Walters of the Harvard biology department points out, is that there are an equal number of tests showing precisely the opposite, and serious limitations have been shown in the way all the tests were set up.[15] In addition, there is serious question as to what significance the chromosome damage would have even if it occurs. As Dr. John Fort of the University of California at Berkeley points out, "similar evidence of damage to blood chromosomes has been reported in connection with such widely used products as coffee, alcohol, nicotine, DDT, and aspirin."[16] Some serious risk has been raised, however, regarding birth defects caused by LSD when taken by a pregnant woman. But it is rather difficult to sustain the argument that a product should be denied to the entire population simply because it is not good for pregnant women. Male teenagers have been particularly unimpressed by the point.

It is not in the physical, but rather, in the psychological area that serious risk of harm has been shown. As noted, above, the real problem is that in a certain percentage of individual psychedelic drugs produce psychotic reactions. The situation is described by Dr. Donald B. Louria, head of the Infectious Disease Laboratory of Bellevue Hospital in New York City.[17]

"Among normals who are given LSD under medical aegis after careful screening, few serious reactions occur (estimated at 0.08%: Cohen, 1964). The adverse reaction rate is considerably higher in patients given LSD as an adjunct to psychotherapy—0.2% to 2% developed prolonged psychiatric disorders, one in 830 attempted suicide and one in 2,500 was successful (Cohen, 1964; Fink Simeon, Hague & Itil, 1966).

"The incidence of untoward reaction among those using LSD illicitly in uncontrolled circumstances is not known, but clearly it is substantially greater than that observed when LSD is prescribed for a specific medical or psychiatric illness."

The number of "bad trips" in uncontrolled situations is also increased by the fact that drugs purchased on the black market may frequently contain impurities or be cut with

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other unknown, but dangerous drugs. A recent study of drugs purchased on the street in New York City indicated that 60% of the capsules did not contain what the purchaser thought he was buying.

Another unfortunate side effect of psychedelic drugs is what is known as a "flash back". Some users have experienced sudden and unexpected recurrences of the psychedelic "trip" even without taking another dose of the drug. As one might expect, such experiences can be quite frightening. At the moment, medical science is totally unable to explain why or how this occurs.

Still another difficulty about taking psychedelic drugs in an uncontrolled situation is that the user may seriously harm or even kill himself because of hallucinogenic misperceptions about his immediate environment. Dr. Duke D. Fisher reports the following incidents from his clinical experience with LSD patients in California:[18]

"Some deaths occur because of the perceptual changes that occur after using LSD. One young girl leaped to a rocky beach thinking that the ocean had turned into a silk scarf. There were two young boys who felt they were having a religious experience and wanted to "become one" with several cars on Wilshire Boulevard. I had to restrain one young student who felt he had the new power to fly and attempted to leap from a window in a Hollywood apartment."

There are a sufficient number of cases where the drug user was successfully restrained and could be interviewed afterward to give credibility to accounts such as this one by Dr. Fisher, but one should still be somewhat skeptical in examining obviously sensational reports of this type. The main credibility problem is easily stated: if the person succeeds in killing himself, how can anyone possibly discover whether he did so because of a visual distortion caused by LSD? One is inclined to ask how, for example, Dr. Fisher knows that a girl lying dead on a rocky beach got there because she thought the ocean had turned into a silk scarf. It is a skillful interviewer indeed who can get a statement from a corpse. It is always possible, however, that the girl made a statement to someone standing nearby just before she leaped, or perhaps even after she leaped but before she actually died; but one should look carefully at the accounts of the death to see whether such circumstances were reported. The problem is complicated by the fact that LSD leaves the body very quickly and thus would frequently not show up in an autopsy. Some suspicion is warranted by an incident which occurred a few years ago in which several boys were said to have been permanently blinded by looking directly into the sun for a prolonged time while under the effects of LSD. The incident proved to have been completely fraudulent and to have been fabricated by an individual who wanted to scare people out of using the drug.

With this information in mind, it is now possible to return to a consideration of the public controversy over the use of psychedelic drugs and to see that there are in fact three separate, though interrelated and frequently confused, questions: (a) should the use of psychedelic drugs be legalized; (b) are people justified in using them at present, even though they are illegal; and (c) if they should not be legalized, how should society deal with the fact that illegal use of the drugs is so widespread? As society gropes toward some answer to these questions, the information presented in this report suggests several conclusions which need to be kept in mind:

1. An almost irrefutable case can be made for the position that psychedelic drugs should not be legally available to whoever might want to use them in an uncontrolled situation. The number of psychotic reactions resulting from such use is simply too high. In fact, contrary to popular conceptions, very few of even the strongest proponents of the use of these drugs would go that far.

2. Society must realize, however, that in choosing to make the drugs illegal it has taken action which substantially increases the percentage of "bad trips" and psychotic reactions among those who decide to take them anyway. This is true for two reasons: first, because people can only get the drugs on the black market and thus get a high percentage of adulterated products rather than the pure drugs which were formerly available through Sandoz Laboratories. And second, because driving the drug use underground means that they are frequently taken in uncontrolled situations. And it should not be forgotten that this is the largest single factor in producing adverse reactions. Not only does the proper screening, guidance and follow-up of a controlled situation greatly reduce the chance of a psychotic reaction, it also prevents people from acting out dangerous impulses, e.g. leaping onto a rockey beach or "becoming ore" with cars on Wilshire Boulevard. In short, many of the dangers of using the drugs today are really artificial risks created primarily by the fact that the drugs are illegal. On the other hand, legalizing the use of the drugs even in controlled situations may greatly increase the total usage with the result that there may be no decrease or even an increase in the absolute number of serious psychotic reactions, even though they decrease on a percentage basis. The problem is one of deciding when illicit use of the drug has become so widespread that continuation of the present severe restrictions on them has become counter-productive.

3. In attempting to decrease illicit use, society should realize that it is very difficult to develop a convincing argument as to why a person who is already a heavy user should cease taking the drugs. Such an individual will readily admit that they cause psychotic reactions in a number of people, sometimes even after the drugs have been taken thirty or forty times. But a person who has taken LSD 100, 150, or even 200 times usually feels that he is demonstrably not one of that unfortunate group. In any event, it is only a risk and not a certainty that harm will result; and everyone takes many such risks during the course of his daily routine. Driving a car, for example, involves a great chance of bodily injury or death, but people do it because it is sufficiently useful to be worth the risk. Likewise, the drug user will say, the personal insights gained from LSD make it worth any risks of a "bad trip". And even a "bad trip", they go on to point out, can be full of valuable, though painful, insights. It is true that one may be arrested and sent to jail, but many are willing to accept even that risk, while others simply turn the argument around to say that such laws only prove the hypocrisy of society (there are six million alcoholics in this country, but centuries of Indians in the Native American Church have not been hurt by psilocybin). In other words, achieving a significant decrease in the level of drug use is not as simple as uttering a few legal admonitions or hurling a few moralistic thunderbolts—or even being "concerned". And one wonders how many people in society—the clergy of the Episcopal Church, for example—are really capable of doing drug counseling on an intensive and sophisticated basis.

4. It is impossible to eliminate the use of psychedelic drugs by legal sanctions, even with the most effective law enforcement imaginable. While it is not as easy as many people think to produce LSD, it can be produced by someone with a graduate school knowledge of chemistry and with no more equipment than what will fit into a large basement in an ordinary house. An undergraduate who was arrested during the past year was making it in a suburban house he had rented. The LSD produced under such conditions is no doubt of poor quality, but it is still sufficiently potent to produce an effect and would be readily marketable. Furthermore, as Dr. Helen Nowlis points out, a dose as small as 25 micrograms can produce an effect in some people, while a "normal" dose is only 100 to 250 micrograms. "The tremendous potency", she states, "can be dramatized by pointing out that an amount of LSD equivalent to two aspirin tablets would provide 6,500 100-microgram doses."[19] And how far would 6,500 doses go? Professor James T. Carey of the University of California at Berkeley gives some indication when he writes, "The effects are so strong that there is little desire to take it more than once a week, even among 'acid heads'. More than twice a month is considered very heavy usage."[20] Putting these facts together, it should be clear that one well-equipped individual can easily supply an entire metropolitan area. The situation will probably get worse, moreover, when one considers that the future will undoubtedly see the development of drugs which are even easier to synthesize. And as one Boston doctor points out, there may be dozens of natural plants which, like the peyote mushroom and the mescal cactus, will produce hallucinogenic effects.

If all this does not point to clear and obvious solutions, it may at least be said that there is some truth in the old maxim that an understanding of true confusion is better than a false simplicity.

IV. ALIENATION AND THE COUNTER CULTURE

As anyone with even minimal insight recognizes, the drug problem is not merely a "drug" problem. While drug abuse is not confined to any age group or income bracket, it is clearly not the pill-popping middle-aged housewife which has society upset. And while the existence of six million alcoholics may be of concern to the W.C.T.U., most Americans accept it with the same bland indifference with which they listen to statistics about highway fatalities. Nor has society suddenly become sensitive to the most serious kinds of drug abuse. For decades the most tragic cases have been those of heroin addicts in the ghettos; yet the most affluent nation in history has callously refused to allocate the necessary resources for solving the problem. (Dr. Donald B. Louria: "Either we do something about slums, or we don't get rid of the heroin problem. It's that simple.").[21] The junkie in the South End still is of little concern to the inhabitants of Boston's well-heeled bedroom suburbs.

The current furor has arisen because suddenly it is the sons and daughters of middle and upper-middle income parents who are taking drugs and because they are doing it, not merely as some kind of adolescent fling, but as members of what is a kind of informal "movement" of deeply alienated young people. Marijuana and LSD are more than drugs; they are also powerful symbols of the rejection of parental values. To think of them is also to call to mind other powerful symbols: long hair, beards, beads, and the bizarre clothing of the so-called "hippies". But such symbols go beyond even the rejection of parental values. As Dr. Walter N. Pahnke has put it:[22]

". . . opinions, pro or con, usually have a deep emotional basis. Certainly the reason is more than just an abhorrence of drug taking . . . A deeper reason may lie in the nature of the profound emotional experiences, often considered religious, which seem to have the power to change a person's values and to generate enthusiasm and inspiration in a direction perhaps not shared by society in general. Such consequences may be seen as a threat when considered logically, but felt even more powerfully to be so at a subliminal or non-rational level."

What is involved is nothing less than a re-

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jection of some of the most basic values of established society, and society has responded in the ways one might expect—with fear, hatred, and repression. Most adults have been so blinded by their emotions that they have failed to see the most obvious point of all: that a bitterly hostile response only adds fuel to the fire of alienation and makes the flames of the youthful rebellion leap higher. What, then, is the proper response? Before one can answer that one must first make some analysis, however tentative, however difficult, of the reasons for the alienation.

At the outset of such a task one is bombarded with a mass of confusing and, seemingly at least, contradictory bits of information. On the one hand, the alienation of specific young people seems related to specific causes: a reaction to a particular family situation, a particular school, or a particular personal problem. On the other hand, the alienation seems to be an almost world-wide phenomenon, occurring not only all across the United States, but in Europe and even Asia as well. A mistake which many people make is to assume that the second phenomenon cancels out the first. If what is happening is some kind of world-wide phenomenon, then, so it is argued, the rebellious act of a particular young person must not "really" be related to specific problems in his family or school. (President Nathan Pusey of Harvard is fond of this argument as a means of explaining undergraduate upheavals to the alumni). The feeling is that if all young people are alienated, it must be due to some common "defect" which they share: "What is wrong with young people today?" But this approach is based upon an assumption which may not be valid. It may be that the common "defect" is shared, not by the young people, but by the institutions against which they are revolting. It is only this latter hypothesis, in fact, which is capable of explaining several important pieces of information—namely, that the "hippie" phenomenon is not really world-wide at all, but is limited almost exclusively to the technologically highly advanced countries. And even within those countries it occurs predominantly within the middle, upper-middle, and upper income families, particular the latter two. There are very few black "hippies." Strangely enough, the basic trouble seems to have something to do with the quality of life in what many would call the most "successful" sector of society.

As the enormous pile of literature on the subject amply demonstrates, there are many ways in which one can analyze the "causes" of the alienation of the affluent young. What follows is an attempt to describe that alienation with reference to the three levels on which a young person relates to his social environment: the personal and family level, the national political level, and, in a sense, the "international" level of the technological society. Before going into these, however, it is necessary to make an important preliminary observation. What is presented here is an analysis of what might be called the "healthy" alienated young person. Adolescence is a time of great emotional turmoil, and there are a number of young people who, at this point in life, go over the edge into mental illness—frequently this is temporary, although sometimes permanent. While this may be acted out in the life style of the prevalent youth culture, it would be quite erroneous to assume that all cases of mentally ill adolescents could be explained by the points which follow. Some confusion is caused by the fact that the "hippie" subculture is far more tolerant of bizarre behavior than is the rest of society and thus frequently shelters people who are mentally ill. The rationale usually given for this is that mental illness is culturally defined; whatever varies from the usual middle-class norm is called "sick." There is more than a little truth in the statement; many who are venerated as saints in one age would be locked up in hospitals as "crazy" in a different age. But as a total explanation for the phenomenon of mental illness, the argument is untenable. One young person who was interviewed this past summer and who took that position quickly backed down when asked to defend its obvious implication: if mental illness is *only* a relative, culturally defined term, then it must follow that there is no one in the entire world or in the whole history of mankind who can be called "mentally ill" by any absolute standard. No one who has visited with the more disturbed patients in a mental hospital can possibly accept such a statement.

A. Alienation from the family

To an alarming extent, economic success seems to have created a situation in which the American family is victimized by its own affluence, which in a number of ways undermines personal relationships within the family unit. Having a good bit of money means that no one needs to do unpleasant tasks since someone else can be paid to do them. Thus no one makes any sacrifices for anyone else in the family, with the exception of paying money to have things done. Money, then, either as gifts or the purchase of services or appliances, becomes a substitute for personal relationships. The first major effect of this is to cut the father out of the family, since he is frequently caught up in his own profession, and his daily routine naturally makes him more insulated from contact with the children. Rather quickly, the busy and absent executive comes to think of himself as a "good" father if he buys things to express his love for his children. New cars, stereo sets, and any of a thousand other "things" take the place of personal involvement and interaction, with the result that in time even the father himself comes to be seen as a "thing," a self-propelled robot who dresses in a three-piece suit, carries an attache case, and on occasion produces expensive gifts. And the mother fares little better. Because of this country's overly rigid definition of the roles of men and women, she will usually not have a career of her own, but will play at life with a mass of dilettantish activities in an effort to be an "interesting" person. But the perceptive adolescent sees very quickly that "interesting" and "authentic" are by no means the same thing.

This situation is compounded by the gap which a child from an affluent family sees between his own life style and that of other people. The point is well made by an extremely perceptive Harvard undergraduate honors thesis submitted last spring by Harrison G. Pope, Jr.[23] Pope points out that young people from wealthy families are aware that the other 90% of the population doesn't live the way they do. They see well-cushioned life as insulated from hardship and thus not "real". To try to come to some understanding of life while living in an affluent suburb is like trying to construct a world-view from the inside of an economic and social cocoon. The subjects taken in school, moreover, seem increasingly technical and to have as their primary purpose equipping the student to enter the insulated life of his parents; thus school too is "unreal". Such students are attracted to drugs like LSD because they think they are capable of allowing them to see what their lives are "really" like. They also become hippies and imitate lower class life because that group, not being insulated, is thought to have a more first-hand acquaintance with what life—"real life"—is about.

B. Alienation on a national political level

The alienation of young people over political issues has filled more pages in newspapers and magazines and consumed more hours on television than one could possibly calculate. As a result, the issues around which the alienation centers are well known, but what mystifies many adults is the intensity of the feeling. How often one encounters the middle-aged parent with a quizzical, uncomprehending look on his face asking, "Why can't they work through the system?" "Isn't it better to try to change the system than just to drop out?" "Since this is a democracy, why can't they abide by the decision of the majority rather than trying to start a revolution?"

What follows is an attempt to explain why many young people feel they can't do any of these things. Since the War in Vietnam is unquestionably the central political issue for most young people, an attempt will be made to examine the reasons for their intense alienation with reference to two aspects of that war.

First, there is the question of the impact of that war on domestic political issues. Young people see very clearly the contradiction between America's affluence and America's poverty. Being products of the former, they feel very guilty about the latter. During the administration of John F. Kennedy, it was possible to deal with that guilt by participation in the "New Society" programs, such as the domestic Peace Corps. Not a great deal of money was allocated for those programs, but it was said that poverty couldn't be solved overnight, and it was important to make a beginning. Besides, the call to action came in the stirring Kennedy rhetoric which made it all seem a kind of noble gradualism.

But when President Johnson decided upon a significant escalation of the War in Vietnam, necessitating large increases in the federal budget for that purpose, American young people experienced a tremendous crisis of faith in the "system." Suddenly this country was willing to mobilize hundreds of thousands of men and spend from twenty-four to thirty billion dollars per year to conduct a war half way around the world in a country few Americans had even heard of. Prior to the Vietnam build-up, if one had suggested that comparable manpower and money be immediately allocated to the eradication of poverty, he would probably have been referred to a psychiatrist. But the sudden large increase in expenditures for war exposed the meagre "New Society" programs as a big joke, a colossal put-on. The real reason for the gradualism was not that America could not have allocated the resources—the War proved that—but rather, that people weren't really serious about alleviating human suffering. In short, the men who ran the "system" had acted in *bad faith*. Kennedy himself was not blamed, but was seen as a victim like all the rest. He was martyred in principle as well as in fact. But for the young people of today, what he stood for was over. With one swift stroke the whole Liberal Creed was reduced to a valley of dry bones, and only a fool could think they would ever rise again and only an even greater fool could see any point to it if they did.

The other major impact of the War centered around the problem of the selective conscientious objector. Many young people were morally opposed to this particular war, although not to all wars, and thus could not legitimately claim to be conscientious objectors under existing law. A young man in this position who was called for induction was thus faced with a terrible set of alternatives: either he had to lie about the most important moral decision in his life, or participate in the killing of other human beings when he was morally opposed to doing so, or go to jail as a felon, or flee the country as a fugitive.

One should be under no illusions as to what is asked of a young man when he is

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called to participate in a war, for war is nothing more, nor less, than a giant conspiracy to commit homicide. Even when it is morally justified, it is a grave undertaking; when it is not, it is inhuman. Nor is the possibility of non-combatant service a solution to the problem. The Army operates on what is sometimes referred to as a "pyramid" theory: as any young recruit quickly learns in basic training, the primary purpose of every soldier, whether he serves as a clerk typist, a cook, or a medical corpsman, is to support the infantry man at the front who fires the shell that shatters the skull of another human being. Many young men have felt that any society which callously tried to force a man to participate in that kind of act when he was morally opposed to doing so was nothing short of diabolical. To them, it was another clear example that the adults who were running the "system" were acting in bad faith.

"Why can't they work through the system?" "Isn't it better to try to change the system than just drop out?" "Since this is a democracy, why can't they abide by the decision of the majority rather than trying to start a revolution?" All these questions have behind them the unstated assumption that one can *trust* the system, and it is precisely that which many young people no longer feel they can do. To them, the plaintive cries of their parents are like voices out of another century—an age of innocence long since passed.

C. Alienation from the Technological Society

The intense alienation of young people is expressed in two very different ways which it is important not to confuse. One is that of the student revolutionary who emphasizes political action to over-throw existing institutions so that more equitable and just ones can be erected in their place. The most notable representative of this viewpoint is, of course, the Students for a Democratic Society, with its almost constantly proliferating factions. The most radical, doctrinaire and disciplined of these factions is the Progressive Labor Party (Work-Student Alliance) faction of SDS, which insists that its members wear short hair (so as not to antagonize the working class) and strongly opposes the use of drugs, on the grounds that they dull the revolutionary mentality.

The second way in which youthful alienation is expressed is that of the "hippie", who argues that the present society cannot be redeemed even by revolution, and thus the only solution is not to revolt but to drop out and start a new society based on entirely different principles. The social criticism of the hippie strikes at a much deeper level than that of the student revolutionary. The problem is more, he argues, than merely the fact that one cannot trust the people who run the system, or even that material goods are not equitably distributed. The real problem lies in the quality of life which emanates from the technological society. Political action and even revolution are thus futile gestures which merely change the people who run the system, while leaving intact the dehumanizing technological structure. "Real" change comes, not by toppling the political edifices of society, but by transforming the lives of the specific individuals who make up that society.

The revolutionary and the hippie each view the other as reactionary, and, in a sense, both are right. From the standpoint of the former, the hippies deprive the revolutionary forces of an enormous supply of manpower, and by political inaction give passive support to the present structures. From the standpoint of the hippie, however, it is the building of the new society which is important, and the revolutionary is merely draining of manpower into a diversionary and futile endeavor. Because it has been more associated with drug use, it is the hippie subculture, and not the revolutionary movements which is of interest for this report.

Because the mass media tends to play up the colorful clothing, the loud music, and the sometimes shocking or even obscene language, there is a temptation among adults to treat the hippie movement as if it were either a mere fad or else evidence of the total degeneracy of youth. What is actually involved, however, is something far deeper, something which represents nothing less than a shift of values on a very fundamental level. The people who have gravitated toward the hip community and have become its hard core are characterized by a deep-seated feeling that in the great technological innovations of modern industrial society something spiritual was being lost. As they looked at the long assembly lines, the ranch-style houses in the suburbs, and the very proper three-piece suits—as they saw masses of men whose total productive hours seemed oriented toward bringing them more new cars, more television sets, more gadgets of every kind—and as they encountered a school system blatantly designed to give them greater speed in the big materialistic marathon, the much-heralded technological society began to look more like a bunch of hamsters running through a maze than a group of human beings living in a community. What foolishness to talk of loyalty to such a system. How silly to speak of a revoltuion to change the leadership. The corruption ran too deep for all that.

All that was left was to withdraw, to start over again at the beginning. Perhaps if one stripped away all the hypocrisy and useless customs with which man had become encrusted by his social environment—perhaps, just perhaps, one could find, hidden beneath all the layers, something left of that basic emotion: human love. There would be bright colors and flowers, and people would be open and honest with each other. If it were not possible to change established society, it was at least possible to "liberate" one's own mind. Drugs would help, but they were an aid, not a solution. With marriage and school and all the other phoney institutions thrown away, one would be free to experiment with new life styles and new ways of living in which the worth and dignity of every human being was preserved.

The number of "hard core" members of the hip community those who have permanently dropped out of the established society is fairly small. But there is a large and growing number of young people who attach themselves to the hip community for a certain period of time, frequently even for several years. They immerse themselves in it in varying degrees, hoping to find some new values and new life styles by which to order their lives. In addition, there are the "teeny boppers", young people between the ages of 13 and 16 who float into whatever they think is the hip "scene" on weekends and in the summer (they are frequently referred to as "plastic" hippies).

Many of the "hard core" hippies and those who have joined the hip community for some period of time have begun to enter into communal living arrangements on a fairly large scale. People who are deeply involved in the communes which are springing up around the country estimate that there are approximately 150 of them in the Boston metropolitan area, each containing anywhere from about 6 to 25 members. The Modern Utopian, an underground newspaper circulated among cummunes and published in Berkeley, California, lists the following communes as being the major ones in Massachusetts:

Name	*Location*
ASD	Boston.
Fort Hill Community	Roxbury.
Gould Farm	Great Barrington.
Harrad	Cambridge.
Kushi	Brookline.
Leyden	Leyden.
Nordeca	Bellingham

Joseph Moreau of Project Place, who has personally visited over 50 communes in the Boston area, states that the greatest concentration is in Cambridge, although a significant number are also located in such places as Jamaica Plain, Roxbury, Beacon Hill, Allston, Brighton, and some sections of Dorchester.[24] Another source indicated some contact with communes in Newton.

The word "communes," however, can be a rather misleading way of describing these living arrangements. They are clearly not "communes" in the usual sense of the word, since very few involve any sharing of wealth or income, except for some of the rural communes. In most of them the basic expenses (rent, food, etc.) are just divided equally among the members regardless of individual income, and for that reason they appear on the surface to be little different from an extension of the traditional idea of roommates to include a larger number and both sexes. What differentiates them as "communes" seems to be factors more psychological than organizational. Of great importance is the motivation for joining the group. Unlike the usual roommate situation, it is not primarily to cut expenses and provide a little casual companionship, but rather, to engage in a certain life style involving intense personal relationships on a group level. Contrary to many popular conceptions, these communes are not great hedonistic dens where a lot of wild people are constantly "high" on drugs or engaged in a continuous sexual orgy. (One is reminded immediately of the incredible rumors which surrounded meetings of the early Christians.)

To add some historical perspective to this phenomenon, it is important to remember that the hippies are not the first individuals in Western civilization to be involved in a shift of values away from the predominant culture. A number of people have noted the similarity with the rise of monasticism in Christianity, a movement which also involved a conscious rejection of the material benefits of society on the grounds that they interfered with deeper, more spiritual concerns. Nor should it be forgotten that many of the very greatest leaders of the early Church were monks who came from noble or wealthy families and who made precisely that kind of decision: Gregory the Great, St. Jerome, and St. Augustine, to name only a few. And as one Church historian has pointed out, if one were to encounter St. Francis today, he would undoubtedly appear as a very dirty and smelly individual.

What is perhaps even more important is to think of what might have happened if the Church had tried to squash all the various monastic movements which have appeared in her history. What, for example, would have been the result if the Church in the Middle Ages had refused to give any sanction to the powerful emotional thrust behind the formation of the Cistercians, the Carthusians, the Franciscans, and the Dominicans? There is little doubt that the Church would have been torn assunder. The problem today is that society has no recognized institutions which can play the role which monasticism did in the Church. But as the rise of the communes indicates, the hip community—what Theodore Roszak calls the "counter culture"—is beginning to offer its own alternatives. And when one considers that there were 400,000 young people at the Woodstock Rock Festical, one begins to wonder whether it is not time to call a halt to the "cold war" (and sometimes not so "cold") between the hip community and established society. One wonders, in short, whether it is not time to call for a detente.

One thing is certain—the alienation which many young people feel is deeper and more wide-spread than many adults are aware of or are willing to admit. Many families have already been tragically and bitterly pulled apart, and there are few parents who are entirely at ease about the problem. If it is not yet midnight, it is clearly past eleven—

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and it has been a long time since anyone looked at his watch.

V. THE MARIJUANA QUESTION

The most striking fact about the present laws dealing with drugs, is the remarkable extent to which they are self-defeating. In general, the laws, both state and federal, attempt to provide a shotgun blast aimed at everything from marijuana to heroin and from amateur users and dealers to the highly professional activities of the mafia. The least harmful end of the spectrum of drug use is clearly represented by marijuana and (until recently, at least) the amateur dealers who peddled it. But because marijuana is by far the bulkiest of the illegal drugs, and because amateurs are much less skillful than the mafia, any overall crackdown on drugs inevitably has its greatest impact on the end of the spectrum they represent.

The result is graphically demonstrated by the Nixon Administration's illfated Operation Intercept, which attempted to seal off the flow of drugs across the Mexican border. Because of the government policy, marijuana had become quite scarce at least a month before any public announcement of the government's new program. The rumor which spread like wildfire around Beacon Hill was that the scarcity was due to the fact that the mafia had put the amateur marijuana dealers out of business in an effort to protect and increase its own sales of stronger drugs. The falsity of the rumor was exposed of course, by the Administration's grandiose announcement of its new drive against illegal drugs. But the interesting thing is that if one put together the rumor with the later discovered fact, it becomes clear that the Nixon Administration did for the mafia what the mafia could never have done for itself.

The mafia moved swiftly to capitalize on government policy in two important ways. First, as recent Congressional hearings have demonstrated, it moved to take over a much larger portion of the marijuana trade. The only reason organized crime had not moved into that area to any great extent in the past was that there were so many amateurs involved, many of whom sold it to friends at low prices, that it was not profitable to do so. When many of the amateurs were eliminated, however, a vacuum was created, and the mafia was quick to fill it.

The second way the mafia took advantage of Operation Intercept was to greatly strength its heroin trade. The government was never able to completely shut off the marijuana traffic, but the limited supply which remained went to those who had the best connections for getting it—college students and older members of the hip community. But there were still many younger, less sophisticated, less discriminating adolescents who were anxious to take drugs of some kind in order to feel a part of the youth "scene". In response to this, the mafia made available a large number of smaller, less expensive bags of heroin, which could be purchased for as little as three dollars (there were reports of some bags being sold for as little as two dollars). "Doing skag" (taking heroin) quickly became the "in" thing to do if one really wanted to be part of the "scene".

Far from leading to the use of heroin, marijuana had actually been a significant and valuable buffer between the adolescents and harder narcotics. Even young people who knew little about drugs had heard of marijuana, and since it was the least harmful drug available, they usually began by taking that. It was even possible to be a part of the "scene" and use little or nothing else. Eventually some did go on to stronger drugs, but even then there was a significant delay in their doing so, with the result that most of them were not heavily involved in the drug culture before returning home. When the marijuana supply dried up, however, the buffer was gone. Other drugs, by definition, became the least harmful drugs available—but they were a good bit stronger than marijuana. The result was that adolescents went much more quickly to the harder drugs, and the use of heroin rose sharply.

This is but one illustration of the reason why the time has come to legalize the sale and possession of marijuana. The reason is not that marijuana has been proven to be "absolutely" harmless, but rather, that use and demand for the drug have become so widespread that it is counter-productive to continue its illegal status. Dr. Stanley F. Yolles, director of the National Institute of Mental Health, testified before a Congressional committee on September 17, 1969, that "A conservative estimate of persons in the United States, both juvenile and adult, who have used marijuana at least once is about eight million and may be as high as twelve million."[25] Dr. Joel Fort, of the University of California at Berkeley, states that, "The World Health Organization has estimated that there are at least 250,000,000 regular Cannabis users in the world. We have between 12,000,000 and 20,000,000 of them right here in the United States, according to my own surveys and the Department of Health, Education, and Welfare, and the number is increasing."[26] And Boston attorney Joseph Oteri points out that, "Today, pot is smoked at every college campus, from Maine all the way across to Oregon."[27] *Time* magazine reports that "for all the massive expenditures of police time and money, pot smoking is so widespread that there are roughly 25 times as many users as there are places to hold them in all the nation's prisons."[28] As Prohibition demonstrated in an earlier era, when use of a drug becomes that great, society loses more than it gains in resorting to legal suppression.

Many government apologists try to give the impression that very little is known about marijuana, and thus proposals for its legalization are premature. In fact, however, quite a great deal is known about marijuana. There are records of its use dating back as far as the reign of the Chinese Emperor Shen Nung in 2737 B.C.,[29] and the drug has undergone far more tests than most of the drugs one can purchase in an ordinary drug store. An excellent summary of all the experiments, including the latest research, is contained in an article on marijuana in the December, 1969, issue of "Scientific American" by Dr. Lester Grinspoon,[30] an associate clinical professor of psychiatry at the Harvard Medical School and director of psychiatry (research) at the Massachusetts Mental Health Center. It is certainly true that not everything is known about marijuana, but there are very few drugs about which medical science can be said to know "everything". A good capsule summary of what is known is contained in the following statement by Dr. Lawrence Hartman, clinical instructor in psychiatry at the Harvard Medical School.[31]

"Marijuana is a mild drug, capable of giving many people mildly pleasant experiences, and of doing some social and psychological harm to some users, probably especially to those teenagers who use it in ways that help avoid the necessary anxieties and tasks of growing up.

"Let us help teenagers know it is not an entirely safe drug.

"But let us not be so hypocritical as to pretend it belongs with heroin, dexedrine, or LSD—

"Let us not be so hypocritical as to deny that there is a good bit known about marijuana (the NIH radio commercials overstate our ignorance), and what is known puts it in a category comparable to those other mild but not harmless drugs about which our society is ambivalent but far more tolerant: alcohol, tobacco, caffeine."

The intolerance, in the form of stiff prison sentences, is in fact so great that Dr. Yolles, cited above, concludes that, "I know of no clearer instance in which the punishment for an infraction of the law is more harmful than the crime."[32]

Before turning to the serious disadvantage of continuing to make marijuana illegal, there are two totally fallacious, but frequently voiced, arguments which need to be dealt with. The first is that use of marijuana leads on to heroin addiction. People who make this argument are never able to explain one very important phenomenon—namely, that the greatest increase by far in the use of marijuana during the past few years has been among college students, and yet there is still hardly any heroin use at all among this group. In addition, the study of the effects of Operation Intercept, noted above, indicates that marijuana frequently has precisely the opposite effect for many adolescents. And Dr. Grinspoon, in answering the question of whether use of marijuana leads to the use of hard narcotics, writes:[33]

"No such relation has been found in several studies that have looked into this question, including the La Guardia study and a U.S. Presidential task force investigation of narcotics and drug abuse. It is true that the Federal study showed that among heroin users about 50 percent had had experience with marijuana; the study also found, however, that most of the heroin addicts had been users of alcohol and tobacco. There is no evidence that marijuana is more likely than alcohol or tobacco to lead to the use of narcotics."

And Federal Judge Charles E. Wyzanski adds wryly, "One might as well say that because most users of heroin once imbibed milk, milk leads to heroin addiction."[34]

The other old chestnut frequently hauled out during discussions of legalizing marijuana is that even if it is no more harmful than alcohol, marijuana should not be legalized since the nation already has 6 million alcoholics and it would be horrible to add to that another 6 million marijuana-addicts. The first, and most important, fallacy in this argument is that it amounts to no more than playing a game with numbers. There is only a certain percentage of the population willing to take drugs of any kind, whether alcohol, marijuana, heroin, of whatever. Under a situation in which alcohol is legal and marijuana is not, the overwhelming majority of those individuals have chosen alcohol, which has resulted in 6 million alcoholics. If marijuana were legalized and became as popular as alcohol, it is possible that those individuals who seek to escape personal problems through chronic drug use would divide themselves equally between use of marijuana and alcohol. Under present population figures, this would mean three million alcoholics and three million people dependent on marijuana. To assume that there would still be 6 million alcoholics, with an additional 6 million people dependent on marijuana piled on top of that is to assume that the entire drug-taking population would immediately be doubled by the mere legislative act of legalizing "pot".

In addition, if the number of chronic drug users were to become equally divided between users of alcohol and marijuana, this in itself would be an enormous improvement, since: (a) marijuana is not physically addictive as is alcohol, and therefore dependent persons could be more easily rehabilitated; (b) experienced users of marijuana do not have the loss of motor skills associated with alcohol, and there would thus be fewer automobile accidents due to drunken driving, as well as a reduction in home accidents (alcohol accounts for ¼ of all home accidents requiring hospital emergency room treat-

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ment), and perhaps most important of all, it would still be possible for many dependent persons to function in jobs; (c) marijuana is much less expensive than alcohol, and thus a much smaller percentage of the chronic user's income would go toward meeting this need; and (d) chronic use of marijuana does not produce the violent behavior which frequently results from excessive use of alcohol.

Against the medical risks and costs of legalizing marijuana must be weighed the risks and costs of keeping it illegal. These are substantial and are at least five number:

(1) It diverts police resources away from more dangerous drugs. The police resources of any city or governmental unit are limited and when a segment of it is directed toward one problem, it becomes unavailable as a means of meeting other problems. During 1968 alone there were 80,000 arrests for violations of the marijuana laws, a figure which represents a significant expenditure of time, money, and manpower. At a time when heroin use is rapidly increasing, along with virtually all other forms of serious crime, there is no justification in devoting such enormous resources toward arresting people for possession and sale of a product no stronger than alcohol or tobacco.

(2) Strict enforcement of the marijuana laws simply consolidates control of the drug in the hands of organized crime. Amateur dealers are the first ones to be caught by efforts to "crackdown" on marjuana, and as they are eliminated, the mafia moves in to supply the market. During the investigation conducted by James Southerland, executive director of the House Select Committee on Crime, one source reported that, "Before Operation Intercept, the Mafia handled 40 percent of marijuana coming into the U.S. Now they control and distribute the great bulk of it."[35] Some people might dispute whether the mafia's control was in fact that great,[36] but nearly everyone would agree that it has increased enormously as a result of government law enforcement policy. As was true in the Prohibition era, one of the greatest foes of legalization is organized crime.

(3) Keeping marijuana illegal seriously undermines the credibility of drug education and drug counseling efforts. A vast number of young people do not believe that marijuana is any more harmful than the martinis their parents drink, and because they do not feel that adults are being honest about marijuana, they see no reason to trust what they say about other drugs either.

(4) The marijuana laws promote disrespect for the law among a large number of young people. This is true for several reasons:

(a) They feel the laws have no rational basis since marijuana is not harmful. This leads them to wonder what other laws lack a rational basis.

(b) Due to the large number of marijuana users, the laws are inconsistently applied. Less than one in 1,000 are actually caught and jailed,[37] and the penalties for those who are vary tremendously. This is looked upon as evidence of the irrationality of the whole judicial system.

(c) The marijuana laws are sometimes used as instruments of repression against individuals whose political views or life styles are repugnant to police and judicial figures. The classic case of this, which is known to many young people, is that of John Sinclair, who was a political activist in Ann Arbor, Michigan. After pretending to be his friends for a period of two months, a couple of plainclothes policemen induced Sinclair to sell them two marijuana cigarettes, for which he was promptly arrested. He is presently in jail on a 9½–10 year sentence while he waits for his appeal to be heard.

(5) And finally, as noted in the example at the beginning of this chapter, cutting off the supply of marijuana increases the use of harder drugs. Because it is so much bulkier than other drugs, marijuana is much the easiest drug to enforce the law against. But wiping out the supply means that those young people who are attracted to the drug culture find only much stronger drugs awaiting them when they get there.

Such costs make the continued prohibition of marijuana unjustifiable. No one, of course, would advocate that all restrictions be removed, so that children of any age could purchase it. Just as is true for alcohol, some minimum age would be necessary. But what is needed is a comprehensive approach to all drugs, which does not discriminate against the drugs preferred by those in any particular age group or life style, and which has as its goal reducing the use of the stronger drugs while discouraging the use of all drugs. A sensible law would be one which legalized the use of marijuana for people over a minimum age and provided for its production under government supervision, and in addition prohibited all advertising for liquor and cigarettes as well as marijuana.

VI. CONCLUSION

Until now the "drug" problem has been seen primarily as a "law and order" problem. The answer to any increase in the use of drugs usually takes the form of a "crackdown" or demands that the police "do something". But if the history of drug abuse has proved anything, it has shown fairly conclusively that even the most vigorous and efficient law enforcement cannot eradicate the problem. The most common results, in fact, are an increase in the alienation of youth and a consolidation of the illegal market in the hands of organized crime.

Another example of the self-defeating nature of present legal approaches to the drug problem is that laws are used, not merely against drug abuse itself, but as a means of driving drug users out of a particular geographical area. The classic example of this has been the effort of the Boston Police Department to drive the "hippies" off Beacon Hill and the Boston Common. Aggressive police action succeeded in driving many hippies away from the area, which satisfied many of the Beacon Hill residents. But from a larger perspective, it only moved the problem from one section of the city to another, and, in fact, increased the scope of the problem by feeding the alienation which many young people feel. As the experience of the early Church made clear, martyrdom only increases the size and strength of a movement, and the hip community has been no exception to the rule.

Police action of this nature has also had an unfortunate effect in another way as well. As noted in the section of this report describing heroin use among teenagers, many adolescents have strong self-destructive impulses. Those who gravitate to the hip community have trouble not only with the police, but with juvenile gangs and other antagonistic individuals as well. But such antagonism satisfies a deeply felt, though unhealthy, need. When widespread police action is taken against young people like these, it merely gratifies their self-destructive impulses. As such, it is a bit like running a mental hospital in which free razor blades are distributed to patients who exhibit suicidal tendencies.

It is rather safe to predict that if the response to the increase in adolescent heroin use is a comparable increase in law enforcement and action taken directly against the young people themselves, the only results will be to move them from one section of the metropolitan area to another and to vastly increase the alienation which local young people feel—which will, in turn, only increase the number of runaways and heavy drug users among them. And while one can understand the desire of a parent on Beacon Hill to have constant police harassment used to drive the drug scene away to somewhere else, such as Kenmore Square, one wonders how he would feel about a parent in Kenmore Square who wanted the same techniques used there to drive it back to Beacon Hill.

But if law enforcement methods of dealing with the drug problem are frequently counter-productive, that situation is compounded many times over by the fact that as soon as the point is raised most people assume that the central issue revolves around attacking or defending the attitudes and actions of the police themselves. In fact, however, it is the police who are caught in the most difficult position of all and who usually end up being knocked back and forth by both sides like a ping pong ball. Contrary to what many people think, police departments are quite sensitive to public opinion, and, by and large, they give the general public whatever kind of law enforcement it wants. And all too often, what the public really wants is to use the police department as a scapegoat for its own failure to deal with complex, social and political problems. The drug problem is precisely such a case. When a difficult issue defies easy solutions, the general public resorts to its own special "cop-out"—a law is passed and the issue is redefined as one of "law and order". To pull off such a colossal fraud, it is necessary, of course, to pat the police on one hand while handing them the leash to the great white elephant with the other.

All this is not to say that all drugs should be legalized, but it is to say that a practice of relying almost totally on law enforcement to solve the problem is a policy which has become bankrupt. If progress is to be made, a significant shift in emphasis will have to be made toward competent drug counseling and the development of sophisticated, sensitive and intelligent drug education programs. Harmful drugs are so available, and will continue to be so available, that in the final analysis only the individual decision of the user will prevent widespread abuse. And no progress will be made until the socalled "shotgun approach" is eliminated and an effort is made to isolate and reduce the use of more dangerous drugs. The legalization of marijuana under the conditions indicated in this report would be an important step in the right direction.

And finally, it must be emphasized that drug abuse can never be totally eliminated or even significantly reduced until society comes to grips with the underlying causes, the motivating forces, which lead people to take drugs. In the ghettos this will mean massive expenditures of money to alleviate the grinding poverty which constantly presses down on people and which creates an almost irresistible desire for an escape—*any* kind of escape. In the case of the deeply alienated youth of the middle and upper middle classes, it will be necessary to examine honestly some aspects of family life, the political structure, and the technological society which are indeed painful to face. It is not easy for adults to apply the sharp scalpel of analysis to those aspects of life by which they have defined themselves. "These young people did not have to go through what we went through," many adults will be inclined to say. And that will be true. And because they did not, the vision of many young people will be different—but it may be none the less true. Prophetic voices always speak from a different vantage point. And one should not be deaf to the fact that the most dominant theme in the cries of young people is some intense longing for a new spiritual dimension to life. If it is sometimes confused, sometimes inarticulate, sometimes misdirected, it may still prove, in in the long run, to be the force which makes living in this complex civilization human and bearable. If the outlines of the "New

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Jerusalem" are not yet clear, one can at least take hope in the fact, as one middle-aged Harvard professor recently put it, that, "We seem to be moving drunkenly—almost blindly—toward Meaning."

VII. RECOMMENDATIONS

1. Because of the rapidly changing nature of the drug scene, another report should be made to the Diocese next year, bringing the present report up to date.

2. Drug education programs should be undertaken on a parish level. Because many drug education programs rely more on "scare techniques" than solid knowledge, they are frequently self-defeating and end up encouraging more drug use than they discourage. A welcome exception is the material developed by Dr. David C. Lewis, head of the outpatient clinic of the Beth Israel Hospital. His program, which is being produced by City Schools Curriculum Service Inc. (60 Commercial Wharf, Boston, Mass.), is being tested in several parishes in the Diocese, and further information on it will be available at the Diocesan Convention.

3. A program should be set up to provide training in drug counseling for both the clergy and laity in this Diocese.

4. On both a parish and Diocesan level, financial support should be given to drug counseling programs, such as Project Place, which are directly involved with the drug culture. Because drug abuse is frequently intertwined with the whole problem of alienated youth, many young people refuse to come to the usual type of medical center or counseling service for help, and only something which fits in with the new life style to which they are attracted has any chance of success. Project Place has done an excellent job of meeting this need, but because it depends for the most part on local funding, it has had a precarious financial existence. It needs and deserves the Church's support.

RESOLUTIONS

1. Therefore, be it resolved that the Committee on Drugs and Organized Crime be continued for another year; that it be charged with providing continuing information on drugs; that it be encouraged to provide information on existing drug education programs, and if necessary to develop its own programs; that it explore the feasibility of establishing a drug counseling center both for direct work with individuals and for training clergy and laity in drug counseling.

2. And be it further resolved, that while the feasibility study is in process, financial support be given to such existing drug counseling and educational programs as those operated by Project Place.

FOOTNOTES

[1] Helen H. Nowlis, *Drugs on the College Campus* (Doubleday & Co.: Garden City, New York, 1969), pp. 108–9.

[2] Most of these summaries are based on material in the following sources: Nowlis, *Drugs on the College Campus;* Margaret O. Hyde, ed., *Mind Drugs* (McGraw-Hill: New York, 1968); and Taini, Smith, Englund and Curran, *Drugs Among the Young* (Central City Poverty Program: San Francisco, 1968).

[3] Taini, Smith, Englund and Curran, *Drugs Among the Young*, p. 19.

[4] Interview with Peter A. Callaway, Peter Sherer and Joseph Moreau, Jan. 12, 1970, Boston, Mass.

[5] Aldous Huxley, "Culture and the Individual", in David Solomon, ed., *LSD: The Consciousness-Expanding Drug* (G. P. Putnam's Sons: New York, 1966), p. 39.

[6] Aldous Huxley, *The Doors of Perception* (Harper and Row: New York, 1954, Harper Colophon ed., 1963), passim.

[7] Ibid., p. 52.

[8] Ibid., pp. 34–5.

[9] Alan Watts, "The Drug Revolution", *Playboy* Magazine, January, 1970, pp. 64–5.

[10] These tests are reported in: Walter N. Pahnke, "LSD and Religious Experience," in Richard C. DeBold and Russell C. Leaf, ed., *LSD, Man & Society* (Wesleyan University Press: Middletown, Conn., 1967), pp. 60–84.

[11] Ibid., p. 67.

[12] Ibid., p. 65.

[13] For a discussion of this case, see Neil L. Chayet, "Social and Legal Aspects of LSD Usage", in DeBold and Leaf, ed., *LSD, Man & Society*, pp. 92–124.

[14] Joseph S. Oteri, "The Drug Revolution", *Playboy* Magazine, January, 1970, p. 74.

[15] Interview with Dr. David Walters, July 16, 1969.

[16] Joel Fort, "The Drug Revolution", *Playboy* Magazine, January, 1970, p. 62.

[17] Donald B. Louria, "The Abuse of LSD", in DeBold and Leaf, *LSD, Man & Society*, p. 37.

[18] Duke D. Fisher, "LSD for Science and Kicks", in Margaret O. Hyde, ed., *Mind Drugs* (McGraw-Hill: New York, 1968, Pocket Book ed., 1969), p. 72.

[19] Helen H. Nowlis, *Drugs on the College Campus*, p. 103.

[20] James T. Carey, *The College Drug Scene* (Prentice-Hall Inc.: Englewood Cliffs, N.J., 1968), p. 39.

[21] Louria, "The Abuse of LSD", p. 56.

[22] Pahnke, "LSD and Religious Experience", p. 78.

[23] Harrison G. Pope, Jr., *"Pure Experience": A Study of the Social Psychology of LSD and the Hippy Subculture*, A. B. Thesis submitted to Harvard University, March 28, 1969, 153 pp. (Cambridge, Massachusetts: unpublished).

[24] Interview with Joseph Moreau, January 12, 1970, Boston, Mass.

[25] Reported in the *New York Times*, September 16, 1969.

[26] Joel Fort, "The Drug Revolution", p. 55.

[27] Joseph S. Oteri, "The Drug Revolution", p. 55.

[28] *Time* Magazine, September 26, 1969, p. 74.

[29] Lester Grinspoon, "Marijuana", in *Scientific American*, December, 1969, p. 17.

[30] Ibid.

[31] Lawrence Hartman, letter to the editor of the *Boston Globe* published September 20, 1969.

[32] Statement reported in the *New York Times*, September 16, 1969.

[33] Grinspoon, "Marijuana", p. 21.

[34] Charles E. Wyzanski, "There's Only One Way to Deal With Marijuana", Harvard Alumni Bulletin, November 11, 1967, p. 13.

[35] *Boston Globe*, January 1, 1970.

[36] *Boston Globe*, January 12, 1970.

[37] *Time* Magazine, September 26, 1969, p. 74.

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EARTH DAY AND CORPORATE RESPONSIBILITY

Mr. MUSKIE. Mr. President, the successful achievement of the goals set by those participating in Earth Day will depend on commitments by private citizens, government agencies, and private corporations. One cannot act without the cooperation and support of the others.

I was particularly struck, this week, to read an eloquent address on the subject by J. Paul Austin, president of the Coca-Cola Co. Mr. Austin chose to speak to the Georgia Bankers Association on "Environmental Renewal or Oblivion—Quo Vadis?" at a meeting in Atlanta, Ga., April 16.

Mr. Austin had something to say to all of us about the need for action to improve our natural and man-made environments, and he outlined some steps his company is taking to meet that need. I commend his remarks to the attention of the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

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Environmental Renewal or Oblivion—Quo Vadis?

(An Address by J. Paul Austin)

I appreciate the invitation to speak to you Georgia Bankers, and I'm delighted to be with you.

Rather than invest my time today exploring some of the financial and economic pressures that face both of us—as bankers and businessmen—I would like, instead, to talk with you quite seriously about an even more pressing matter. This is one that involves us even more directly and far more personally, than matters of finance.

I'm talking about . . . our environment. This is the most urgent problem any of us has right now . . . not just as businessmen . . . but as human beings, as Americans who honestly care for this land of ours.

I do care about this country. And I'm concerned about what's happening to it.

My company shares this concern. And my purpose in speaking to you today is to publicly commit The Coca-Cola Company to active and honest programs which we sincerely believe will help reclaim—even renew—an environment which some say has already passed any point of possible return.

Most of us in this room have children. But, have we paused recently to reflect on the legacy we're creating for their generation? Have we thought much about the quality of the life they will enjoy—or be forced to endure—largely because of the decisions and acts you and I undertake . . . or worse, fail to attempt . . . during this decade of the 70s?

Not long ago I realized that my sons will reach my age sometime late in the first decade of the twenty-first century. A realization like this can bring a man up short. If you share my concern for the happiness, the hope and well-being that all today's children will find in their world of tomorrow, I know you'll agree that it's about time we began doing more than merely hoping that the world we leave them will still be hospitable to man. The hard facts, the stark evidence of environmental homicide that's emerging today indicates with painful reality that my sons may not find this a hospitable home at all.

By the time they're my age—when they should be enjoying real fulfillment and meaningful satisfaction in life—there may be little left on this world to be satisfied with.

Last year when this country put two men on the moon, I found myself transfixed by the televised pictures of that incredibly barren lunar landscape. How cold and utterly dead it seemed. And then I wondered, could that bleak terrain, with no natural life stirring anywhere between the eye of the camera and a distant, pock-marked horizon—could that same desolation someday be the look of this world? Someday—no matter how far in the future—might we look like that to a pair of alien explorers from another star system?

And what if that were the grim prospect for the future of earth? Wouldn't at least some of our children—or, maybe, their children—look to the stars as the only alternative to death on a dying planet?

While we don't now see interplanetary migration as a serious possibility for future generations, I can't help wondering if migration might someday become the only acceptable alternative. No matter for how few . . . some may well prefer the uncertainties of space to the predictable death right here.

Is this an overstatement of the imperatives for cleaning up our world? I don't think so. After all, what has man always done after he leached the land and so thoroughly fouled his water that it was no longer tolerable? He picked up and move. He has always been able to find another, more hospitable home on land that would grow lush crops—in a place where the streams hadn't yet been spoiled.

But man can move no more. Not on this world, anyway. Sure—there are the vast savannahs of the African wastes. And the perma-frost of barren Arctic reaches. There's still plenty of raw real estate around. But, until now, at least, man hasn't solved the problems of living on lands like these. That's why he's packed himself—and almost four billion like him—into only a fraction of Earth's total landmass. Perhaps that's also why he's submitted to the increasingly popular urge to rush, lemming-like, into the cities of his world. Already, we're told, over a fifth of the planet's entire population lives in cities of a hundred thousand or more.

Professor Kingsley Davis, one of the top authorities in the study of urban development, predicts that—if present trends continue—it will take only fifty-five years for everyone on Earth to be urbanized.

And that's frightening! Especially when you consider that within the lifetime of a child born this year—there will be some fifteen billion inhabitants on this incredibly delicate Earth.

So—to add to the manifold problems of land waste, the prodigal depletion of both land and water, and the all-too-visible carbonization of our air . . . we must also add geometric multiples of human beings. Vast hordes of humanity which must somehow be fed, housed, employed and coped with by each other.

Already, in this country, we're hearing strange-sounding names of tomorrow's super cities. Boswash will be the sprawl down the eastern seaboard from Boston to Washington. Chipitts is destined to be a single over-industrialized behemoth embracing Chicago on the west and Pittsburgh on the east. And Sansan is the name proposed for California's contribution to urban insanity. Sansan, we're told by the experts, will run along the Coast from San Francisco to San Diego.

And, as you know, the experts have usually been wrong in the past only when they underestimated the magnitude of future growth.

So, twenty-first century man may find himself faced with the necessity to colonize other planets if only because he's run out of room on this one. But, sadly, a glut of humanity is likely to be the least among his motivations to move.

Why? Simply because some of today's most eminent scientists are saying that the relatively few people on Earth right now are doing more than an adequate job of totally destroying their environment.

Even without another ten or twelve billion people, we're told we haven't much of a chance to survive . . . unless we make some dramatic commitments right now!

Who are these scientists? Who is behind all the environmental doomsday talk we're hearing today? And why are they seemingly going out of their way to get everybody all upset about the mess we're making of our environment?

There are two answers here. The scientists are ecologists. And they're shouting warnings at us because we're wasting our natural wealth . . . because, they tell us, we have no inkling of the enormity of the problem we've created—or, perhaps even more importantly—the terrifying and unacceptable consequences of our ecological ignorance and irresponsibility.

Now, let's take these one at a time. First ecology. What, exactly, is it?

The word was first used a hundred years ago to define the interrelationship of everything to everything else in nature.

Example? The rain and sunlight help plants to grow. The plants—through photosynthesis—help renew the air. The air helps purify the water. And the water irrigates the plants.

Everything around us is tied together in a closed system of interdependence. It's called an "ecosystem"—the sum total of all the living and nonliving parts that support a chain of life within a selected area.

Left undisturbed, an ecosystem will continue to operate indefinitely . . . with, as one of this country's top environmental scientists, Dr. Barry Commoner, puts it: "Everything connected to everything else." In fact, Dr. Commoner calls this simple equation "The First Law of Ecology."

Now, remember, undisturbed an ecosystem will continue to operate indefinitely. And there's the problem. Man hasn't—perhaps he can't—leave the system undisturbed.

The rewards of man's own system don't seem to allow a peaceful co-existence with nature. Or at least, man's attitudes and values he demonstrates everyday in seeking his rewards haven't operated in the best interests of his ecosystem!

Man is a doer. He's a road-builder, a house-builder, a tree-cutter; an industrious, hard-working chap whose very industry determines the size of his rewards. And, being rather selfish—or, shall I say, operating in his own self-interest, anyway—this doer, this creature with the big brain has chopped and hacked and paved and built . . . and polluted his way from one end of this once-virgin land of ours to the other.

So why not? Isn't that the way things simply are? Nobody is known to have achieved commercial greatness in this society by whiling away his hours beside some pastoral pond, Thoreau to the contrary, not withstanding.

Really . . . isn't that the popular, no-nonsense attitude . . . the industrialized heritage we've been taught since we were children? Yes, it is.

Hard driving free enterprise is a fine old tradition in this country. It's what's made this country what it is. So what is wrong with free-wheeling progress?

Maybe nothing is wrong with it but on the other hand, maybe the ecologists are trying to tell us something. They're telling us—in quiet, clear tones—that if we keep all this up, we're going to "advance" ourselves into oblivion. An oblivion comprised of undrinkable water and air that can't be breathed.

Listen to what they're saying. Think about some of the mid-twentieth century realities they're pointing out to us as we plunge headlong in pursuit of "progress."

They're telling us that, as a people, we're firing rockets at the moon—while standing knee deep in our own garbage.

They say man is the only creature in nature who, apparently with great foresight and planning, dumps that same garbage into his drinking water.

Researchers point out that right now—in the breasts of this country's young mothers—there is human milk containing from three to ten times more pesticide residues than the government will allow in cow's milk meant for human consumption.

Ecologists are disturbed over the decline and disappearance of whole species. Fish, fowl and other types of wildlife are finding it increasingly more difficult to adapt to an unnatural environment which rots fins and gills—an environment where unprecedented concentrations of death-dealing chemicals mutate the young.

And, recalling that first law of ecology—that everything is connected with everything else in nature—we're beginning to understand that there is no such thing as an isolated act.

Large amounts of pesticides—not merely traces—are found today in the freezing waters of Antarctica where none has ever been used before.

It is said that this country alone is clearing, paving and—if you still buy the term—"improving" some three thousand acres a day. Plants and trees on these once-lush tracts are lost forever. They're oxygen producers, remember. And some very responsible scientists are expressing real fear that, if this

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wholesale land improvement continues at our present rate for a few more years, there won't be enough oxygen in either the air or the sea to sustain life.

Now, you know why I am so upset about environmental pollution. However, let me be even more specific.

I'm concerned . . . because you and I are killing each other, and I'm deadly serious when I say that. Unless you and I and every other responsible American—especially those who guide the policies of our major corporations and those who sit in the halls of our councils, legislatures and the Congress—unless all of us begin immediately to reverse the processes of impending self-destruction which we have set in motion—this green land of ours will become a graveyard!

The youth of this country know what the stakes are. They're upset. And they're indignant over our apparent unconcern. Whole student populations are engaging in protests and demonstrations against those who compound their transgressions of pollution with an abysmal ignorance of man's responsibility to his environment.

Why? Because it's their world we're wasting. And, to put it mildly, they don't like it a bit!

There's a nationwide "Environmental teach-in" planned for the twenty-second of this month—just six days from now. On that day—on over a thousand college and university campuses all over America—lecturers, seminars, demonstrations and discussions will be devoted entirely to the preservation of our environment.

This sort of thing hasn't happened before. Not on this scale. Not with the planning, organization and thought that's been put into this collegiate effort to enlighten and illuminate.

And I commend our young people for their awareness and perspicacity. They have done all of us a service by pushing the panic button.

But what are we going to do—now that we have some idea of the magnitude of the problems that face us?

The President of the United States—in his State of the Union message to the Congress last January—called for a broad federal program designed to help clean up our land, air and water. He has since proposed legislation which would implement parts of this mammoth program. And this is not a bad beginning. But that's really all it is.

The government can't solve our problem. The government has been trying to do something about pollution and environmental decay since the first administration of Teddy Roosevelt.

The people, though, can do something. And it will take the best effort of every individual and corporate citizen to do what must be done.

Of course, there are the "doomsdayers" who say nothing will prevent "ecocide"—the death of the environment. Others claim that, since ecological destruction is so intimately linked with over-population and over-production, the only answer is a zero population increase and a stable Gross National Product. And it may be that they're right.

But, before ultimate measures such as these are imposed on us, shouldn't we at least attempt some determined solutions of our own?

I'm convinced we must! And the Corporate policies of The Coca-Cola Company reflect our commitment to employ substantial technological, financial and human resources as a responsible corporate citizen.

In setting our policy and stating our commitment. The Coca-Cola Company accepts a dual responsibility.

We acknowledge and accept the responsibility for having been a limited contributor to the problems in the past. But, at the same time, the Company accepts the responsibility to set its own house in order.

Those aren't mere high-sounding pleasantries to be forgotten or ignored by this time tomorrow. Those are commitments! Commitments to be met while discharging our responsibility to our stockholders to operate our business at a reasonable profit level.

As you know, we manufacture the syrups which our Bottlers mix with water to make soft drinks. Water—good, clean, potable, unpolluted water: it's vital to the operation of our business.

For almost half a century, we've been studying the water in this country and in the one hundred thirty-five other countries where our products are sold. We know what's happening to water. That's why it's standard practice for Coca-Cola Bottling Plants to filter water before it's mixed with syrup and bottled or canned.

So—we're not entirely altruistic in our approach to the preservation of our environment. We freely admit that the profit motive and the desire to remain in business has played a major role in the decision to commit ourselves to the cause of environmental renewal.

Very well, what are we doing to fulfill that commitment?

First let's talk about cleaning up our air and water.

The Coca-Cola Company has been involved in its own programs of environmental renewal for a long time now. And over a year ago we began looking for a way to get into the business of pollution control, itself, through merger with a leading firm in this field.

Now, The Coca-Cola Company expects to enter the business of pollution control, itself, through an agreement to merge with The Aqua-Chem Company of Milwaukee. This anticipated merger represents a substantial investment for us—about one hundred fifty million dollars.

Aqua-Chem is the world's leading manufacturer of "packaged" steam and hot water generating systems—systems which produce no toxic effluent or airborne pollution of any kind and which require no smoke stack.

As a result of their leadership and experience in making these generating and heating systems, Aqua-Chem found it a natural progression to the fume-free incinerator. Like their generating systems, this unusual incinerator gives off no smoke, no fumes and no odors.

There's an experimental unit on test in one of our midwestern cities right now. And—assuming this test proves successful—the Aqua-Chem Company may be on the way to offering a large, commercial incinerator that will provide both pollution-free disposal and a source of energy created by the intense heat that's generated during the total combustion process.

In addition to these advances in pollution control, Aqua-Chem is also a leader in the development and production of water desalination and purification equipment.

Just recently a true breakthrough was made by the Company. It's the discovery of a new application for a process called "reverse osmosis." This special application is still in the developmental stage.

But, with this revolutionary process—which may take Aqua-Chem into a whole new area of its basic business—the Company should be able to produce economical water purification devices for both industrial and consumer applications.

There may be a small, compact model for the kitchen of the home—as well as huge sands of gallons of clear, pharmaceutically clean water a day.

Now it is possible for industry to clean its waste water—not only efficiently and inexpensively, but even at a profit!

One test installation is in a Wisconsin paper mill where, as you can imagine, the effluent from manufacturing is highly polluted. But, by purifiying this effluent, the mill is able to recapture chemicals used in the making of paper. It costs the mill $100 a day to operate the water purification equipment, but they recoup $500 a day in reusable chemicals. Instead of dumping syrupy, brown water into a nearby river and, eventually, into Lake Michigan, the mill is now discharging water that's so pure you can drink it!

When you introduce profits into pollution control, you radically change the environmental equation.

Most legislatures and the Congress have shown a degree of leniency in dealing with pollutors up to now. But I don't think any of us doubts that stronger legislation is bound to come. And, if industry can both conform to the requirements of new laws—and earn a profit in the bargain—it would seem to be just good business to anticipate these changes.

In fact, with profit incentives to clean up their industrial effluents, it may well become indefensible for companies to corrupt their environments.

But the manufacture of devices to control air and water pollution isn't the main business of The Coca-Cola Company.

Our main business is soft drinks. We're also in the coffee, tea, orange juice and food business through divisions of our Company.

And recently we completed a comprehensive study of all our operations in the United States to determine where and how we were contributing to pollution . . . of any kind. This study, by the way, was initiated by the Company over two years ago.

Our Corporate goal—and a priority that's right at the top of our list—is to stop any form of pollution . . . anywhere it exists in our entire Company . . . and to stop it as fast as money and technology will allow.

But let me tell you briefly what we discovered in our study—and what we're doing about our findings

Our Foods Division produces citrus products—orange juice and others—along with coffee.

And our study showed that—in our coffee roasting plants—there is smoke and odor being generated.

We're going to eliminate these entirely.

In our citrus operations in Florida, we found that so-called "weak wastes" from washing down our equipment was a potential problem. So we've asked one of Aqua-Chem's top engineers to study the situation and find a way for us to use some of their technology to clean up the problem.

Incidentally, we recently received a Gold Medal Award from The Sports Foundation—a non-profit membership association dedicated to conservation in the interest of outdoor sports. Our award recognized the contribution to conservation that's being made by an elaborate water treatment system we operate in one of our Florida citrus processing plants. In addition, we are continuing to cooperate with state water quality control engineers in order to utilize more sophisticated pollution control technology to further insure that all operations at this plant, and other similar plants, will meet existing regulations and exceed them, if possible.

In our Tenco Division, we produce instant tea and coffee.

In our coffee operations, we even use the "spent" coffee ground as fuel to generate heat and power for the plant. And we use after-burners for total combustion of the gasses coming off the roasting ovens.

But once we've extracted the tea from our tea leaves, we dispose of them in a private, sanitary land fill. This is the proper and recommended way to do it, but we think there may be a way to liberate nutritive values from the "spent" leaves. If there is, we may be able to come up with a new component for cattle feed.

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In our domestic soft drink division, Coca-Cola USA, we find that virtually the only effluent from our operations is in the airborne exhausts of our trucks and other vehicles.

While there isn't now an efficient device to eliminate lead and hydrocarbon emissions from the internal combustion engine, I can pledge that—as soon as one is developed—this Company will lead the way in putting it on our entire corporate fleet. Our franchised bottlers will willingly follow our lead.

At this moment, over ninety percent of all our Company-owned bottling plants are recycling both glass and paper waste material. Paper, of course, is used in the cartons, can wraps and other packaging that surrounds our glass and cans in shipment and on dealers' shelves. Ninety percent of our own plants are returning glass and paper to manufacturers for re-use.

Ninety-five percent of the bottling plants owned by The Coca-Cola Company are recycling the old crankcase oil that's drained from our trucks. The oil, too, is returned to the manufacturer—the refining company—for purification and re-use. This means that we don't dump it down a drain where it could add to the pollution of rivers and streams.

It's a fact of our Corporate life that soft drinks must be put in some form of container before they can be distributed, sold and consumed.

Soft drinks are packaged in several types of containers: returnable and one-way glass bottles—and in cans made of various materials. And, because the glass, aluminum and steel used in our containers are rather sturdy materials—and because the brightly colored decoration on a can or the unique shape of our bottle doesn't deteriorate as readily as paper containers—the packaging for our products is highly visible.

As a result, we're criticized more than many other manufacturers. But there's evidence—from a recent survey of the roadside debris in twenty-nine states—that soft drink containers account for only about five percent of the total highway litter. This study—conducted by the Highway Research Board, the National Research Council and the National Academy of Sciences—disclosed that only three percent of the litter was comprised of soft drink cans and only two percent was soft drink bottles.

So, even if there were no such thing as the soft drink industry, it appears that we'd still have ninety-five percent of the litter problem we're faced with now.

But we don't deny that the bright red can and the familiar bottle are a part of the problem. And we've been taking steps designed to reduce their numbers in places where they don't belong.

In fact, back in the mid-60s, when it became clear that consumers would demand more and more convenience—and that non-returnable, "convenience" packaging would become an increasingly large part of our total market—we began an intensive program to study the problem of litter and what we could do to help minimize our contribution to the problem.

In 1966 we assigned a senior executive of The Coca-Cola Company to learn more about litter and to formulate ways we could help hold it in check.

What have we learned? What are we doing?

Well, for one thing, we've learned that litter probably won't be reduced appreciably until the consumer has a greater awareness of the problem and his part in it.

So, our Company, other members of the soft drink industry and the manufacturers of the containers we use are right now launching a major effort to inform the consumer and, hopefully to motivate him to do his part in helping reduce the volume of litter.

Here are two specific examples of this cooperative effort to inform and motivate the consumer.

First—can manufacturers are right now underwriting a sizeable re-tooling expense which will result in the tops of all our cans being embossed with the message, "Please don't litter—dispose of properly."

It's our hope that consumers—seeing this request as they enjoy our products—will do as we ask and dispose of the container properly.

One can manufacturer has even mounted a major recycling program for its used containers.

And what about one-way bottles?

The Coca-Cola Company has created special advertising for several parts of the country which seeks to promote the sale of returnable bottles.

Since one-way bottles carry no deposit value, these are the glass packages most frequently thrown away by the consumer.

The thrust of this special advertising asks the question, "Wouldn't you rather borrow our bottle than buy it?" And I think this sort of appeal—tied to economy and value—should help reduce the number of one-way glass bottles that wind up as litter.

Even so, cans and one-way bottles comprise only about thirty percent of our Company's total sales of packaged soft drinks. That's in this country. Abroad, our products are sold almost exclusively in returnable bottles.

The returnable bottle built our business. And most returnables still do return.

At any given time, something over ninety percent of all the returnable bottles leaving our bottling plants do come back. However, this figure does vary from market to market. And the return of our bottles depends heavily on consumer and retailer cooperation.

And even though it's far more economical for consumers to buy our products in these returnable packages, some of our dealers—supermarkets and convenience stores—find it more desirable to handle one-way bottles and cans.

And, as I've already said, we're well aware of the demand by many consumers for convenience. That's why we refer to non-returnable containers as "convenience" packages. There's no deposit on them and consumers don't have to bring them back to the store.

But there's an even larger issue here. It's the issue of solid waste disposal and the degradability of containers.

Glass and cans are not degradable. Some cans will eventually oxidize, but even then, the materials of which they're made don't return to nature as realistically re-usable resources.

And there aren't any serious prospects for truly degradable soft drink containers. Not now, anyway. But we are working on this and we have a number of research teams attacking this problem of degradability.

In the meantime, we're trying still another approach to the disposal of one-way bottles. This involves a special grinding apparatus which we recently had made for use in conducting an unusual test.

This test is already underway with a unique device which grinds up glass containers. Two of these units are in place at a supermarket in one of Atlanta's large shopping centers. Consumers bring their one-way glass containers with them when they come to shop. These containers then will be ground up by the machines.

The ultimate?

Sand. It isn't quite fine enough—or highly polished enough—to be used in playgrounds yet. But we're working on improvements to the process which may eventually enable us to make safe, inexpensive playground sand out of bottles.

Meanwhile, this material has several other applications.

One is in the manufacture of asphalt. It's a perfect matrix material. It's cheap, reasonably consistent in size, and it can be produced in plentiful quantities.

Roads made from old bottles? It's more than just possible.

One more thing on packaging: We've been working for some time now with a leading chemical company in experiments with a plastic bottle. This innovative package has only now gone into some limited consumer testing. But it may be that—within a few years—we'll be able to offer consumers a soft drink container that can be incinerated without giving off any noxious gas, fumes or smoke in the process.

So, you see . . . we are working at it. We've been working at it for years. We were involved in our own anti-pollution programs long before it became a fashionable or expedient cause to espouse. Again, what have we been doing?

Trying to find new ways for this Company to serve the best interests of our environment . . . new ways to prevent our contributing any further to the problems of pollution . . . new ways to more responsibly share in the task of environmental renewal that's ahead.

But no Company—no matter how large or influential—can do more than share in this task. I believe this Company is doing its share in attacking the problems of our environment. And we're glad to see other responsible companies joining us in this effort.

But, more than just the corporations of this country, each of us . . . as individuals . . . must commit himself and actively get involved in the massive job that's ahead.

We can no longer accommodate the selfish acts and unthinking environmental waste of which each of us is guilty. We have to change! And this may well require—even demand—some basic revisions in our traditional attitudes. But, whatever it takes, we must require it of ourselves . . . and, if necessary . . . enforce it with others.

That's what I was talking about when I said earlier that, for The Coca-Cola Company, this is a time of meaningful commitment. We are responsibly policing our own acts, and—through both our leadership and our innovation—we hope to join forces with all those who share our determination that this world shall not become just another lifeless planet.

For the only alternative to commitment and intelligent action now may be the possibility of extinguishing ourselves through ignorance and indifference.

And no matter what future technology may give us—even the ability to colonize among the stars—I still want my sons and yours to enjoy their lives right here . . . and to remember that we acted responsibly to insure the well-being of their and all future generations.

But, I cannot conclude without pointing out the bright prospect that shines through the dark cloud. We are a nation of optimists, and even in this dim perspective, there is an overriding potential benefit that we can reap.

Several years ago, a major publication asked a number of historians and social scientists to define the national purpose of the United States. The conclusion reached was most unhappy: i.e., that we don't have a national purpose except in time when we are in a world war.

However, today the facts have changed. Environmental control offers a national purpose. Pollution is the sole common danger that confronts us all . . . spares no one, no institution, or individual . . . is recognized by every segment of our society . . . and can unite us all in a common goal.

There is no political spectrum here . . . no color line . . . no generation gap . . . no public-private sector conflict . . . no urban-rural clash . . . no "haves" and "have nots" . . . no doves and hawks in this issue. We share this fragile issue braided together.

Thus saving our environment can give us

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a national purpose. It is the one crisis . . . the unique challenge . . . that can knit this nation together again. It can give us a vital national goal . . . give us all a new sense of purpose, of sharing and of accomplishment.

It is the absolute crisis that demands the total support of young and old . . . of people and government . . . of management and labor . . . of small town and metropolis . . . of black and white. It knows no politics. The stakes are high, but the rewards are not only the physical survival of the species but also the spiritual renewal of the nation.

We must begin now. We must begin together. There is no place to hide.

ADJOURNMENT TO 11:30 A.M., MONDAY, APRIL 27, 1970

Mr. HARRIS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. on Monday next.

The motion was agreed to; and (at 4 o'clock and 29 minutes p.m.) the Senate adjourned until Monday, April 27, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 21, 1970:

U.S. COAST GUARD

The following-named officers of the Coast Guard to be permanent commissioned officers in the grade of chief warrant officer, W-2.

Roland W. Callis
James H. Thomson
Richard C. Motter
William B. Clow
Robert C. Herold
Malcolm W. Gray
Lavere E. Amundson
John F. Weseman
Karl Kaufman
Donald L. Dobbs
Robert B. Swart
John S. Wenter
Philip K. Hauenstein
Donald A. Kirkham
John H. McLaughlin
Robert W. Baine
Richard B. Petersen
John G. Gaskill
Kenneth H. Kramer, Jr.
Francis G. O'Hearn
Charles H. Thompson
Roland E. Miller, Jr.
Manual G. Macara, Jr.
Ellis A. Gray, Jr.
Carl A. Wade
Joseph F. Newsome
Arthur W. Stokes
John R. Koehler
John T. Crowe
John M. Lehman
Hubert C. Jackson
James G. Kirby
Richard E. Carrier
James L. Herron
Herman J. Murphy
Frank D. Goolsby
Alfred G. Addy
Jack R. Kirk
Jerry D. Fisch
Steve J. Avilla
Mark C. Dennis
William F. Doyle, Jr.
Harold E. Helfrich
Roger L. Lanier
Harold Z. Parker
Gary L. Elliott
Rexford W. Altman
Dan G. Lents
Dale S. Draa
Oscar N. Skelton
Floyd W. Hayden
Stuart W. Clarke
Robert O. Horst
David H. Martin
Julius Alama
Paul E. Sparrow
Robert P. Edgar
Donald E. Bay
Joseph W. James
Donald M. Warren
George E. Cain, Jr.
Loyd S. Williams
James C. Tanner
John H. Fenter
James A. Walker
Eugene A. Mellott
William R. Beers, Jr.
John D. Klemm
William A. DeGeorge
Eugene B. Crawford
Darwin G. Asch
Billy F. Rawlinson
Richard E. Irwin
Eugene B. Murray
Irvin J. A. Treadway
Gerald L. Colton
Wayne J. Ayers
Edward T. McArthur
Thurman L. Knight, Jr.
William R. Brantley
Gordon M. Snook
Donald L. Nolan
Donald R. Strange
James N. Defries
John H. Peabody
James A. Arthur
Robert J. Covert
Robert K. Critchlow
Ray L. Buckner
Royce W. Fulcher
Robert E. Osterberg
Robert D. Harwell
Lowell R. Andrews
Richard D. Rebele
John W. Harm
William E. Garrett
Donald M. Hanley
Melvin L. Ferguson
Edward E. Laycock
Donald L. McMillin
David T. Daniels
John E. O'Donnell
Aubrey E. Fussell
Christopher Maropis
Guy O. Seago
Gene I. Goodwin
Clark C. Logsden
William C. Henning, Jr.
James D. Grimes, Jr.
Wilfred J. Laufenberg
Kent D. Vallier
Robert E. Dailey
Robert R. Raby
Frederick L. Regan
John W. Babcock, Jr.
William F. Haygood, Jr.
Jack L. Elam
Robert W. Jackson
Charles L. Kidd, Jr.
Alvin K. Johnson
Robert V. Kassela
Damian T. Sarchiapone
William M. Dukes
Leroy Rosa
Stanley M. Pridham
Weyland D. Logue
Elmer A. Stevens
Leo L. Whaley, Jr.
Pernell J. Perry
Allen L. Smith
John R. Hearn
Delbert A. Riley
Robert M. St. John
William A. Sturgis
James B. Zipfel
Carl R. Green
Frederick P. Pitts
Gene F. Lewis
William R. Shaffer
Brian C. Curtis
John L. Anglin
Alex Z. Walker, Jr.

The following-named officers of the Coast Guard to be permanent commissioned officers in the grade of chief warrant officer, W-3.

Giles M. Vanderhooff
Lyn E. Nicholson
Robert W. Jackson
George M. Miley, Jr.
Jack W. Gildersleeve
Augusta L. Duncan
Kenneth A. Parkin
Frank W. Thompson
Worth H. Hopkins
Edward L. Goodrich
James L. Dorsey
Gerald D. Kaarstad
Thomas E. Stringer, Jr.
Anthony J. Maglione
David R. Cheyne
Clyde R. Hutton
Michael J. O'Donnell
Clarence L. Moulton
Toshio Mitsunaga
Donald E. Darnauer
Victor F. Lane
Paul R. McKenna
Lawerence H. Borelis
Artis Copeland
Charles R. Martin
Russell V. Gilbert
Nicholas L. B. Galash
John H. Edwards
John R. Arnold
Edgar B. Mason
Seben Griffin, Jr.
Harland D. Speer
Robert E. Behrens
Amos R. Daniels
Francis A. France
William T. Burnette, Jr.
Raymond A. Hughes, Sr.
Carroll H. Holst, Jr.
Richard T. Lyon
Raymond J. Duplin
Robert B. Jordan
Harold D. Lineweber
Rex F. Wall
Robert J. Jones
Thomas J. Borbrowski
Floyd C. Greenfield
Kenneth J. Harker
James V. Shilley
Kilby T. Guthrie
Robert O. Backlin
Gary P. Day
Richard T. Shannon
Edward T. Kassick
David M. Donaldson
Lee R. Oliver
David M. Peake
David L. Heinecke
William M. Crumrine
Donald D. Olson
Dennis E. Coughlin
Samuel L. Clark
Horace C. Webb
Casimir Malinovsky
Neil J. Dodge
Robert C. Rescola
Robert C. Collins
Lonnie K. Johnson
Rodney L. Harter
Thomas A. Bozeman
Everette H. Hoins
Louis J. Jensen
Clarence M. Pope
Harold T. Cogburn
Frank W. Slaney
William G. Parr
Tomas K. Jahn
Donnie R. Weitzel
Richard L. Jonas
Gerald F. Perry
Tom W. Shelton
John W. Spreter
Dan R. Riksen
David N. Russell
Robert I. Young
Paul F. Burden
Colin J. Woodbury
Ronald D. Ricker
Ernest C. Card
Peter J. Anderson
Pleasant A. Lewis, Jr.
William C. Pless
Ernest P. Joyce
Richard J. Bebble
Jerry L. Furey
Robert C. Simpson
Gordon M. Schreiber
Don L. Siena
Donald L. Schmidt
Fred L. Sanders
Dale U. Duren
Rudolph Eberwein, Jr.
Louis A. Nataro
Maxwell B. Ferrill, Jr.
Bobbie W. Evans
John Norman Edens
Mitchel Arnold, Jr.
James W. Bailey
Wilbur A. Yoast
Clifford A. Emert
William L. Lett
Daniel Ing
Joseph J. Welsh
Reginald T. Hensley
Robert E. Barbutti
Richard G. Pelley
Robert C. Curtz
Thomas G. Henderson
Festus L. Snead
John P. Fitzgerald
Donald H. Jones
Edmond B. Paradis, Jr.
Thomas C. Calderwood
Jesse A. Moffett
Lynn C. Oliver
Leon R. Cisek
Malcolm I. Simmons
Lennis L. Getchell
William F. Collier
John R. Manyon
Foy A. Stiewig
Leonidas M. Patton
George H. Wilp
Robert A. Swanson
William C. Russell, Jr.
William Sneller
William F. Young
Louie J. Weber
William K. Herrell
Leonard W. Flood
William F. Madigan
James W. Knapp
Horace O. Rawls
William H. Gill
George A. Nicholson
Kenneth E. Clark
Fred B. Eidson
Roger E. Cowley, Jr.
Thomas J. Lynn
Robert W. Baine
Myron G. Colburn, Jr.
James R. Seward
Harold R. Packer
Eugene P. Bishop
Ernest D. McLawhorn
Kyran P. Kane
Odom E. Nowlin
John W. Acuff
Harold L. Skinner
Edward L. Ferguson, Jr.
Ronald P. Vancamp
James T. McAndrews
Donald H. Yonkie, Jr.
William E. Davis
Jack N. Bond
Robert C. Hoffman
Alex Z. Walker, Jr.
Roger L. Kennedy
Ellis W. Grimes
Lywald W. Hendricks
Michael J. Schiel
Larry E. Martin
Harry F. Schmecht
Roland W. Callis
George S. McDowell, Jr.
William R. Paul
James M. Hough
James H. Thomson
Winston G. Churchill
Richard C. Motter
Jerry L. Echols
William B. Clow

The following-named officers of the Coast Guard to be permanent commissioned officers in the grade of chief warrant officer, W-4.

Bobbie L. Bentley
Allie C. Woodcock
George E. Montfort
Donald K. Byrd
Owen M. Halstad
John E. Cutright
Clifford E. Reeves
Carl A. Powers
Charles E. Fulcher
Eugene O. Thorson
John R. Scott, Jr.
John R. McMahon
Wallis N. Zimmerman
Delbert F. Summers
Joseph E. Bruce
Daniel M. Wirzburger
Allen V. Walker, Jr.
Edward H. Monson
William Jackson
Raymond W. Nickerson
Burr K. Vail
Elmer Berrish
Loyd B. Reach, Jr.
Allen W. Craven
Forrest E. Colbath
Billy Hopper
Wayne E. Nunnenkamp
Edward E. Godlewski
Edgar L. Parker
Dale E. McElfresh
Richard B. Page
Robert J. Baker
Arnold Brooks
Robert T. Gray
Warren G. Berto
Henry E. Brunet
Carl F. Baker
Jack G. Albert
Ernest C. Moore III
Alfred E. Schreiber
Paul W. Licking
Thomas J. Hummel
Orrin E. Starr
James C. Myers
John P. Higman, Jr.
Herbert E. Roche
Charles C. Stephenson
Alex Z. Walker, Jr.

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade indicated:

To be lieutenant commander

John H. Murphy

To be lieutenant

Barrett T. Beard
Scott D. McCowen

Executive nomination received in the Senate April 22, 1970:

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Earle Gilmore Wheeler, 579-52-7585, Army of the United States (major general, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate April 23, 1970:

U.S. CIRCUIT JUDGE

Wilbur F. Pell, Jr., of Indiana, to be a U.S. circuit judge, seventh circuit.

U.S. DISTRICT JUDGES

Howard B. Turrentine, of California, to be a U.S. district judge for the southern district of California.

Warren K. Urbom, of Nebraska, to be a U.S. district judge for the district of Nebraska.

Joseph F. Weis, Jr., of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

Andrew W. Bogue, of South Dakota, to be U.S. district judge for the district of South Dakota.

James L. Oakes, of Vermont, to be U.S. district judge for the district of Vermont.

U.S. ATTORNEYS

Robert L. Meyer, of California, to be U.S. attorney for the central district of California for the term of 4 years.

D. Dwayne Keyes, of California, to be U.S. attorney for the Eastern District of California for the term of 4 years.

Robert E. Hauberg, of Mississippi, to be U.S. attorney for the southern district of Mississippi for the term of 4 years.

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for a term of 4 years.

U.S. MARSHALS

William B. Henderson, of Kentucky, to be U.S. marshal for the western district of Kentucky for the term of 4 years.

Joseph W. Keene, of Louisiana, to be U.S. marshal for the western district of Louisiana for the term of 4 years.

John A. Birknes, Jr., of Massachusetts, to be U.S. marshal for the district of Massachusetts for the term of 4 years.

Anthony T. Greski, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, April 23, 1970*

The House met at 12 o'clock noon.

Rev. C. R. Walker, First Baptist Church, Marion, Ill., offered the following prayer:

God of our fathers, and our God, God of this Nation and all nations, we bow before Thee with grateful hearts for our many blessings. We thank Thee for this great Nation with all its resources, opportunities, and people. Give to us a spirit within to match the resources without.

As we confront the problems of this day, grant us the grace and courage to seek first the kingdom of God that we may be enriched in our Nation with a great spiritual heritage. Then make us humble in the acceptable of that heritage.

Instill the moral integrity and courage in these our leaders to stand for the hard right against any easy or expedient wrong that might seem attractive. In Jesus' name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, April 21, 1970, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on April 15, 1970, the President approved and signed a bill of the House of the following title:

On April 15, 1970:

H.R. 16612. An act to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970.

THE REVEREND C. R. WALKER

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, I deeply appreciate your courtesy in recognizing me at this time. I wish to thank you, Mr. Speaker, and Dr. Latch, our beloved Chaplain of the House of Representatives, for permitting one of southern Illinois' finest ministers, the Reverend C. R. Walker, pastor of the First Baptist Church of Marion, Ill., to give the invocation today.

Mr. Speaker, I wish to point out the fact that in our busy lives so many times we overlook the great work done by our spiritual leaders. I again want to thank you and our beloved Chaplain of the House, Dr. Latch, for giving us the opportunity of bringing in from our congressional districts these able servants of His service royale to help us in our spiritual guidance. Reverend Walker is a lifelong friend and is a leader in his own right. He does this great body honor by his presence.

APPOINTMENT OF CONFEREES ON S. 2062, ADMINISTRATION OF ACREAGE LIMITATION OF FEDERAL RECLAMATION LAW

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, JOHNSON of California, FOLEY, HOSMER, and MCCLURE.

APPOINTMENT OF CONFEREES ON S. 743, TOUCHET DIVISION, WALLA WALLA PROJECT, OREGON-WASHINGTON

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, JOHNSON of California, FOLEY, HOSMER, and BURTON of Utah.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 17123, MILITARY PROCUREMENT AUTHORIZATIONS, 1971, UNTIL MIDNIGHT FRIDAY

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Friday to file a report on the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 515, TO AMEND THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ARENDS. Mr. Speaker, reserving the right to object, am I correct in my understanding that this has been cleared with the ranking minority member of the committee, and that he is totally in agreement with the conference?

Mr. PERKINS. The gentleman is absolutely correct.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

XUM

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, PUCINSKI, WILLIAM D. FORD, AYRES, and QUIE.

PROVIDING FOR THE ESTABLISHMENT OF AN INTERNATIONAL QUARANTINE STATION

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2306) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment, as follows:

Page 3, line 12, of the House engrossed amendment, strike out "and the Virgin Islands." and insert: ", Guam, and the Virgin Islands, contrary to the conditions prescribed by the Secretary in regulations issued hereunder."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

JUNK MAIL POLLUTION

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, junk mail pollution is a major contributor to the ecological crisis on which this Nation is focusing attention this week.

To begin with, millions of trees must be cut down to produce all the junk which crams your mailbox, bends the backs of the letter carriers, and adds to the burdens of the taxpayers. Second, all these gimmicks, contests, prizes, and pressures used by junk mail are only designed to force the purchase of more and more items which add to the solid waste disposal problem. Then the trash has to be burned, thereby polluting the air.

We must wake up and realize that progress can no longer be measured in the sheer quantity of goods produced. The quality of American life and the protection of our environment are higher goals which must be accorded higher priority.

The junk mail lawyers and lobbyists have now been joined by the accountants who are now trying to prove that junk mail does pay its way. This mumbo-jumbo of the accountants avoids the main issue which is that junk mail pollution is a threat to the quality of American life and a threat to our environment. Junk mail is such an outrageous nuisance that a heavy nuisance tax should be placed on junk mailers for insulting the American people by deluging them with millions of pieces of unwanted junk every day.

Let us end junk pollution. You get fined if you throw litter on somebody else's front lawn; what about littering people's mailboxes?

RULES OF DESTRUCTION

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues an excellent editorial which appeared in the Santa Maria, Calif. Times. It is as follows:

[From the Santa Maria, Calif. Times, Apr. 17, 1970]

RULES OF DESTRUCTION

We received a note from a woman this week in which she enclosed an interesting bulletin which shows how long and in what manner Communism has aimed at our destruction.

The bulletin noted that in 1919 allied forces obtained some Communist rules for revolution. As you read the rules, think about the conditions in the country today and consider the rules in relation to those conditions.

We quote the Red rules.

A. Corrupt the young, get them interested in sex. Make them superficial; destroy their ruggedness.

B. Get control of all means of publicity, thereby get people's minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

C. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

D. Destroy the people's faith in their natural leaders by holding them up to contempt and ridicule.

E. Always preach true Democracy, but seize power as fast and as ruthless as possible.

F. By encouraging government extravagence, destroy its credit, produce fear of inflation with rising prices and general discontent.

G. Promote unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the government toward such disorders.

H. By spacious argument cause breakdown of the moral virtues, honesty, sobriety, continence, faith in the pledged word.

I. Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

The note, sent by Jane Tackitt of Nipomo, ended with the comment, "My prayer for the nation is that young people wake up and see how they are being used, and then strike back for America."

We concur, emphatically.

DATE PERISHABLE PACKAGED FOODS FOR BENEFIT OF CONSUMER

(Mr. MINSHALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, it is time to break the code on food products, to date-stamp them so that shoppers will know whether the canned and packaged goods on their grocers' shelves are outdated.

The average housewife does not have the time to become a cryptanalyst, deciphering these often hard-to-find, and usually impossible to understand, coded date stamps on perishable products.

Surveys have revealed that such coded dates, placed there for the benefit of store employees to indicate when perishable products should be removed from sale, may consist of a short series of numbers, a series of letters, or both, and that they may indicate either the packaging date or the last day of "shelf life" of the product.

The food industry should let the most important involved—the consumer—know the truth about the last usable date of any perishable product. There should not be any secret about the freshness of our food. The bill I am introducing today would require that all perishable or semiperishable foods be clearly labeled as to expiration date and would include all meat, poultry, fish, dairy products, eggs, fruit, vegetables, bread, coffee, or any other foods the Secretary of Health, Education, and Welfare may designate as perishable or semiperishable.

HAPPY EARTH DAY

(Mr. DEVINE asked and was given permission to address the House for 1 minute.)

Mr. DEVINE. Mr. Speaker, yesterday was Earth Day and the emphasis was on our environment, what we can do to preserve it, to clean it up, to keep it livable.

Many different groups were involved in programs yesterday at many schools and many different places across the Nation. People make debris, and the same people are primarily responsible for cleaning it up.

Hopefully, this was the start of a real, long range effort by people, by civic groups, by business and by government at all levels to make our world a better place in which to live.

Hopefully, this is not just the latest fad of young people, tired of marching and demonstrating in other causes, hopefully, it is not just another gimmick perpetrated by ambitious politicians or a worried people.

There is no doubt today that man has fouled large segments of his planet pretty thoroughly. We have dirtied the air, we have polluted the water, and we have cluttered the landscape.

Fortunately, it is not too late to do something about it. Certainly this Republican administration recognizes that fact and has called for action on many fronts.

I would hope this Congress would also take up the challenge seriously and approve the programs that are necessary to do the job. If we do not join with the President in taking the necessary leadership, we cannot ask the people of America to join in the task that must be done.

MAKE IT UNPROFITABLE FOR BUSINESS OR GOVERNMENT TO POLLUTE OUR ENVIRONMENT

(Mr. WEICKER asked and was given permission to address the House for 1 minute.)

Mr. WEICKER. Mr. Speaker, it is my hope that those groups and individuals that yesterday celebrated Earth Day will make a positive contribution for years to the cause of cleaning up our environment.

It is easy to place the blame for pollution, much easier than it is to enunciate practical cures.

We all recognize the causes of some pollution—the auto, the factory, the oil spill.

But the answer is not banning the auto, or closing down the plant or ending commercial uses of oil.

The answer lies in controlling the technology we have developed and using it, not to destroy our environment, but to preserve it.

The answer lies in coordinating controls, setting standards, and developing effective, enforceable laws that make it unprofitable for anyone or any business or any government to pollute our environment.

Mr. Speaker, while the duty to improve our environment lies with all of us, the leadership lies here, with the President and with the Congress. The President has already sent to us his proposals and his program. I would hope that we here in the Congress will live up to our responsibilities by acting quickly on them.

NORTH CAROLINA COAST GUARD APPRECIATION DAY

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, on April 18, the State of North Carolina officially recognized the dedicated and courageous service rendered by the U.S. Coast Guard to our State and to the Nation during its 100-year history.

The occasion was Coast Guard Appreciation Day, proclaimed by Governor Scott with appropriate ceremonies in Morehead City, in my congressional district.

So far as the Coast Guard has been able to determine, this is the first time any State has ever taken official action to show its appreciation for its service.

It was a well-planned and well-organized affair which required considerable time and effort by many people. In my judgment, it was a highly appropriate and effectively executed means of showing to the officers and men of the U.S. Coast Guard the respect and esteem in which their service is held by the government and the people of North Carolina.

Representing as it does the efforts of so many, it is always dangerous to single out one or two persons for praise and appreciation on an occasion of this nature, but credit should certainly go to Mr. Bob Campbell, of Morehead City, who first suggested the idea, and Mr. J. L. "Tony" Seamon, Jr., the general chairman. I have firsthand knowledge of the many hours these two spent in organizing and arranging this effective and well-deserved tribute.

The U.S. Coast Guard is one of the many fine services of our Government which all of us are too prone to take for granted. I was delighted to have the people of my district originate and execute this fine expression.

LITTER IS A NATIONWIDE PROBLEM

(Mr. HORTON asked was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, in the last year America has had a great awakening. The combined warnings of alarmed scientists, nature lovers, and sociologists have had their effect.

Now millions of Americans have joined in warning of the dangers of garbage and sewerage and exhaust and smoke and litter.

And all of this culminated yesterday in the observance of Earth Day, during which the total problems of our environment were discussed on campuses and public meetings around the country.

But, Mr. Speaker, talk is not enough. We need money, we need investigation, we need new laws, and we need dedicated action from every sector of our society to keep from being buried and destroyed by the end products of our own technology.

And when we come right down to it, the buck stops here in Washington at the White House and in the Halls of Congress.

Pollution knows no city or State boundaries. Lakes and rivers and seas that border many States are polluted. Polluted air blows from one State to another. Litter is a nationwide problem.

And we need to start with nationwide answers. The President recognized this in sending to Congress his proposals on pollution last winter.

Now, with the first observance of Earth Day, I believe we in the Congress should also recognize those facts and dedicate ourselves to taking the necessary action before many more weeks have passed.

The truth is, Mr. Speaker, that the danger is great and is at hand. We cannot dally too long.

EARTH DAY

(Mr. GROVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROVER. Mr. Speaker, all across the Nation Americans yesterday observed a special day aimed at pointing up the need to support an old cause, that of conservation.

But today we take a much broader view of conservation than we used to.

Once conservation meant primarily the preservation of forests, and wildlife and natural areas.

These efforts are still important today, perhaps more important than they were 50 or 25 years ago. But now conservation literally means preservation of our planet and its ability to support human life.

It means not just keeping air and water clean, it means removing the pollutants from them and the causes of those pollutants. It means finding a way to dispose of garbage and rubbish and sewerage without polluting the land and the water. It means controlling the fumes of factories and autos.

Fortunately, the need has been recognized, not just by those who sponsored Earth Day, but by most segments of our society, individuals, most industries and businesses and by government.

The President, this year, has already sent to Congress proposals for cleaning up our waters and our air and our land. It is up to Congress to accept that challenge—quickly—and pass the laws and the appropriations necessary to do the job.

TOTAL POSTAL REORGANIZATION IS NEEDED

(Mr. RUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUTH. Mr. Speaker, we can no longer afford the luxury of merely voting increased wages or higher opportunities each time the Post Office Department finds itself in economic or other difficulties.

We must attack the entire scope of the problem. What we desperately need is an immediate and far-reaching program of total postal reorganization as proposed by the administration. Through the creation of a Government-owned postal service, the framework would be established to make it possible for the Post Office to pay its own way. In this way, the postal employee can improve his position without continually adding to the burden of the taxpayer.

I urge approval of the bill which the unions and postal management have negotiated, along with the reasonable 8 percent pay increase for employees, as the only responsible method for providing the country with an efficient and economical mail system that will benefit both user and employee alike.

COMMUNICATION FROM THE CLERK OF THE COURT

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 22, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:15 p.m. on Wednesday, April 22, 1970, said to contain a Message from the President wherein he recommends the enactment of the Disaster Assistance Act of 1970.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk,
U.S. House of Representatives.

DISASTER ASSISTANCE ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 91-323)

The Speaker laid before the House the following message from the President of the United States; which was read:

To the Congress of the United States:

The spirit of neighborliness, the readiness to extend a helping hand in time of trouble, is one of the great traditions of this country. In the early years of our history, good neighbors were essential in coping with the hardships of pioneer life. They are equally essential in meeting the challenges of life today.

The spirt of the good neighbor was particularly evident in 1969 when natural disasters struck this country in unprecedented numbers and with unprecedented force. Twenty-nine major disasters and an untold number of smaller disasters were responsible for over 300 deaths and an estimated $2 billion in property damage in the last calendar year. Events such as the California floods and Hurricane Camille with the Virginia flood were exceptionally destructive.

Private voluntary agencies have traditionally played a crucial role during times of disaster. State and local governments are key factors in any successful disaster relief effort. Thus the Federal role is only one part of the overall response of the nation. But it is a very important part of that response. Under the Federal Disaster Acts of 1950, 1966, and 1969 and their amendments and under provisions in many other statutes, the Federal government works to help individuals through relief and rehabilitation efforts and to assist State and local governments by restoring public facilities essential to community life. In 1969 the Federal government allocated $150 million for assistance from the President's Disaster Relief Fund—the largest sum for any 1 year in history. Significant additional funds were spent on disaster assistance under other Federal programs. A report on our 1969 experience is being provided to the Congress.

We are confident that the general framework of our present program provides an effective mechanism for channeling Federal disaster assistance to individuals and communities. Rather than depending on a specialized disaster assistance agency, the present system makes maximum use of existing agencies, centrally coordinated by the Office of Emergency Preparedness, to perform tasks in time of emergency which are similar to those which they perform in normal circumstances. Our present arrangements also encourage constructive and cooperative efforts among individuals, local communities, the States and the Federal government.

At the same time, however, we have learned that a number of improvements are in order within the existing framework. The last Presidential special message on the subject of disaster assistance was written 18 years ago. Since that time, this program has grown in a piecemeal and often haphazard manner, involving over 50 separate Congressional enactments and executive actions. This slow development process has created a complex program, one which has a number of gaps and overlaps and needs increased coordination. It is time for new legislation and executive action to make our Federal disaster assistance program more effective and efficient.

LEGISLATIVE PROPOSALS

To extend and to improve the assistance which the Federal Government can provide in time of major disasters, I am asking the Congress to enact the Disaster Assistance Act of 1970. This legislation contains a number of specific proposals, the most important of which are the following:

REVENUE MAINTENANCE

When a community experiences a major disaster, the physical impact is obvious. What the television camera does not capture, however, is the loss of property tax revenue which occurs when a substantial portion of a community's property tax base is destroyed and its essential services are disrupted.

CALL OF THE HOUSE

Mr. O'KONSKI (during the reading). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman wish to withhold his point of order until the President's message is read by the Clerk?

Mr. O'KONSKI. I believe the Members ought to hear this message, Mr. Speaker. I insist on my point of order.

The SPEAKER. The gentleman from Wisconsin makes a point of order that a quorum is not present, and evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 87]

Adair
Alexander
Ashbrook
Baring
Barrett
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Bush
Byrnes, Wis.
Cabell
Carey
Chisholm
Clark
Clay
Cowger
Crane
Dawson
de la Garza
Diggs
Dingell
Dorn
Eckhardt
Edwards, Calif.
Edwards, La.
Feighan
Flynt
Ford, Gerald R.
Ford,
  William D.
Foreman
Fraser
Fulton, Tenn.
Gettys
Giaimo
Goldwater
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagan
Harvey
Hébert
Holifield
Johnson, Calif.
Kirwan
Kyl
Landrum
Lennon
Long, La.
Lukens
McCarthy
McMillan
MacGregor
Madden
Melcher
Mikva
Mollohan
Moorhead
Moss
Myers
Nichols
O'Neal, Ga.
Ottinger
Patman
Pepper
Powell
Rees
Reifel
Rhodes
Rivers
Roberts
Roe
Rogers, Colo.
Rosenthal
Roybal
Ruppe
Sandman
Scherle
Scheuer
Schneebeli
Slack
Snyder
Stanton
Steed
Steiger, Wis.
Stephens
Sullivan
Taft
Teague, Calif.
Tunney
Udall
Vanik
Waldie
Watkins
Watson
White
Wright

The SPEAKER. On this rollcall 331 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISASTER ASSISTANCE ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-323)

The SPEAKER. The Clerk will continue the reading of the message.

The Clerk read as follows:

To ease this difficulty, *I recommend that the Congress enact a property tax revenue maintenance plan.* Under this plan, the Federal government would be authorized to lend money at favorable interest rates to local governments to make up their loss of property tax revenues following a major disaster.

PERMANENT REPAIR

I am asking the Congress for expanded Federal authority to permanently repair or fully replace essential public facilities damaged by disasters. This authorization would provide a more effective and practical approach to the replacement of damaged public facilities which are vital to community life. This Administration would give preference to local employees and contractors in repair and rebuilding work.

ECONOMIC DEVELOPMENT ASSISTANCE

I am also asking the Congress to amend the Public Works and Economic Development Act of 1965, so that the Economic Development Administration would provide staff support, technical advice and financial assistance to those communities affected by major disasters. Such assistance is vital in recovery efforts, particularly when the community is attempting to begin long-range rebuilding or redevelopment efforts.

DISASTER LOANS

I am proposing legislation to improve the disaster loan programs of the Small Business Administration and of the Farmers Home Administration. These loans are among our principal sources of assistance to stricken individuals. The recommended changes would provide for improved refinancing, payment deferral, and forgiveness arrangements and would assure disaster loans to older citizens. My proposed amendment would allow the FHA and SBA to provide faster service and would therefore promote speedier recovery following disasters.

UNEMPLOYMENT COMPENSATION

I am also recommending that the Congress extend for two years the expanded unemployment compensation provisions of the Disaster Relief Act of 1969. These provisions make temporary income available as promptly as possible to help individuals who are unemployed as the result of a major disaster. Such assistance to individuals was a new feature in the 1969 Act. Before last year, only those unemployed persons who could qualify for compensation under the normal unemployment insurance programs could receive income protection following a disaster. The two-year extension which I recommend would provide time to fully evaluate the new provisions and to consider appropriate legislation.

HOUSING

Hurricane Camille provided the greatest test of the Federal government's

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ability to provide temporary housing to victims of a major disaster. We believe we met that test; at the direction of the Office of Emergency Preparedness, the Department of Housing and Urban Development was able to place more than 5,000 mobile homes in the disaster area. We also believe, however, that the language of the law which authorizes such activities is confusing.

Two separate provisions in two different laws are now directed to temporary emergency housing. In order to simplify the legislative provisions that apply to this problem, *I propose that the provisions for temporary housing in PL 81–875 be amended so that they incorporate many of the broad principles of PL 91–79, without sacrificing flexibility.* A clarified version of this law would allow the government to provide temporary housing or other emergency shelter—including leased mobile homes or other readily fabricated dwellings.

DEBRIS REMOVAL

One of the serious problems encountered in Hurricane Camille related to the removal of debris from private property. Current legislation in this area is confusing and difficult to administer. *I am therefore proposing corrective legislation that would simplify and speed debris removal from private property when it is in the public interest.* Again, preference would be given to local employees and contractors.

DISASTER PREVENTION

In March and April 1969 this Administration conducted a massive flood prevention program in the upper Midwest and New England. This program—Operation Foresight—was immensely successful; it prevented widespread human suffering and an estimated $200 million in damages, at a cost of $20 million. The success of this disaster prevention effort suggests that we can do a great deal to avoid or limit the effects of expected disasters. *Accordingly, I am proposing legislation which would extend the Federal government's authority to assist State and local governments in disaster prevention and damage reduction activities.*

PLANNING ASSISTANCE

The Disaster Relief Act of 1969 authorized one-time matching grants to help States formulate better plans for coping with disasters. Almost half of the States have already indicated that they will join us in this effort and we expect that others will soon follow their lead. *I now recommend that the Congress expand this provision of the 1969 law in order to help States review and update these plans on a continuing basis.*

In addition to the major initiatives outlined above, the legislation prepared by the Administration includes a number of other changes designed to extend the scope and improve the effectiveness of Federal assistance.

ADMINISTRATIVE ACTIONS

Legislative changes are not the only improvements which are presently required. Our experience indicates that changes in administrative procedures can be equally important in providing a more effective assistance program.

COORDINATION

To improve coordination of Federal Disaster Assistance efforts, both among Federal agencies and among Federal, State, and local officials, I am establishing a National Council on Federal Disaster Assistance. The Council will be composed of senior officials from Federal agencies concerned with disaster assistance and will be chaired by the Director of the Office of Emergency Preparedness.

To further improve coordination of disaster assistance activities in the field, I have also directed that the Regional Directors of the Office of Emergency Preparedness be included as ad hoc members of the newly formed Federal Regional Councils. This improvement will be supplemented by other actions to improve coordination among all levels of Government, including the Office of Emergency Preparedness regional planning conferences with State officials with the first such conference this month on the West Coast.

In addition to improving coordination and developing more comprehensive plans, we need better procedures for continuous communication with State and local government on such matters as disaster legislation. The Council of State Governments and such organizations as the International City Management Association, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors are assisting us in this effort.

Improvements in disaster assistance also require an improved program of research and evaluation, the results of which are readily available to all who can benefit from them. I have therefore directed the Office of Emergency Preparedness to act as a central clearing house for all Federal research which is related to disasters.

ASSISTANCE TO INDIVIDUALS

An important objective, particularly in large-scale disasters, is that of informing individuals of the assistance which is available and of the places where it can be obtained. To meet this problem, we are expanding our information efforts and keying those efforts to the needs of the individual citizens of the community, particularly those who are poor.

Whenever a disaster occurs, those who live in the area desperately want to be in touch with their friends and relatives who live elsewhere. Rescue workers also need better communication facilities within such areas. I have therefore asked the Office of Emergency Preparedness to provide better emergency communication services to stricken regions during times of disaster.

Just as we make it easier for individuals to get information, so we should make it easier for them to get assistance. It should not be necessary for individuals to travel from one place to another and then to still another location in order to obtain the help which various agencies of the Federal government are providing. *Accordingly, we are developing plans to provide "one-stop" service to individuals in disaster areas.* Representatives of the principal Federal agencies and of the Red Cross, as well as caseworkers and legal advisors, will all be available at a single assistance center.

DISASTER ASSISTANCE TEAMS

Disaster stricken communities frequently lack trained personnel who can help them make the best possible use of the assistance which is available to them from many sources. To meet this need, I have directed the Office of Emergency Preparedness to form *Federal disaster assistance teams to help local communities coordinate the overall assistance effort.* These teams will be supervised by a Federal Disaster Assistance Coordinator who will act as an on-the-spot representative of the President in any particular disaster area.

DISASTER INSURANCE

Our experience with disasters in 1969 clearly demonstrated the need for expanded insurance coverage for property owners. The national flood insurance sections of the Housing and Urban Development Act of 1968 presently permit Federal insurance assistance in flood-prone areas and we are now implementing that program on an accelerated basis. *I am also directing that a comprehensive study of property insurance coverage for disaster situations be undertaken and that specific recommendations be provided me by the end of this year.* This study should take into account the views of the State insurance authorities, the insurance industry, lending institutions, and the general public.

CIVIL DEFENSE

The disaster assistance activities of State and local governments often are closely related to their civil defense responsibilities. The relationship between the Federal government's disaster assistance and civil defense activities should now be carefully reviewed. Accordingly, I have asked that such a study be carried out and that its recommendations be given to me by December 31, 1970. It is important that any changes in this sensitive area be made only after a careful review, one which gives special attention to the impact of any suggested change upon national security.

As we move into a new decade, one of the nation's major goals is to restore a ravaged environment. But we must also be ready to respond effectively when nature gets out of control and victimizes our citizens.

With the improvements I have recommended to the Congress and those which I am instituting by Executive action, the disaster assistance program of the Federal government will continue to provide outstanding public service in times of crisis. This program manifests the extraordinary humanitarian spirit of our nation. The changes I have proposed would enable it to reflect that spirit even more effectively.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1970.*

The message was referred by the Speaker to the Committee of the Whole House on the State of the Union and ordered to be printed.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 22, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelop from the White House, received in the Clerk's Office at 3:40 p.m. on Wednesday, April 22, 1970, said to contain a Message from the President wherein he transmits a report of Federal disaster relief activity for calendar year 1969.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

REPORT OF FEDERAL DISASTER RELIEF ACTIVITY FOR 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–325)

The Speaker laid before the House the following message from the President of the United States, which was read:

To the Congress of the United States:

Natural disasters—in unprecedented numbers and scope—presented a grim challenge to this nation in 1969. The exceptional response to this challenge by the United States government is something in which all Americans can take pride. The story of that response is detailed in the report which I am today transmitting to the Congress.

This report of Federal activities in 1969 under authority of the Federal Disaster Act (Public Law 875, 81st Congress, as amended) is required by Section 8 of that law and has been provided by the Director of the Office of Emergency Preparedness. The report also describes activities carried out under authority of the Federal Disaster Act of 1969 (Public Law 79, 91st Congress). The funds which supported these activities are specifically appropriated to the President for the purpose of relieving suffering and repairing damage when disasters strike.

There were 29 major disasters during 1969—the largest number since the program began in 1950. Two of these—the California floods and Hurricane Camille—were exceptionally destructive. The number and extent of major disasters in 1969 required a massive Federal effort; a total of $148,970,000 was allocated from the President's Disaster Fund, the largest amount since the enactment of Public Law 81–875. Despite these increased demands, the Federal response was most prompt and effective and those who participated in it deserve our commendation.

Under the leadership of the Office of Emergency Preparedness, the Administration is developing a stronger and more comprehensive disaster assistance program. An important part of this strengthened program is outlined in my disaster assistance message to the Congress. That message discusses both the legislation which will be submitted—the Disaster Assistance Act of 1970—and the improvements which are being made by executive action. I am confident that our strengthened program will improve cooperation with State and local governments and with private and voluntary organizations. More important, these steps would enable the Federal government to continue to meet its reponsibilities to individuals who are victimized by these unhappy events.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1970.*

The message, together with the accompanying papers, was, without objection, referred by the Speaker pro tempore (Mr. EDMONDSON) to the Committee on Public Works and ordered to be printed.

THE DRAFT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–324)

The SPEAKER pro tempore (Mr. EDMONDSON) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

The draft has been with us now for many years. It was started as a temporary, emergency measure just before World War II. We have lived with the draft so long, and relied on it through such serious crises, that too many of us now accept it as a normal part of American life.

It is now time to embrace a new approach to meeting our military manpower requirements. I have two basic proposals.

- —The first deals with the fundamental way this nation should raise the armed force necessary to defend the lives and the rights of its people, and to fulfill its existing commitments abroad.
- —The second deals with reforming the present recruitment system—part volunteer, part drafted—which, in the immediate future, will be needed to maintain our armed strength.

TO END THE DRAFT

On February 21, I received the report of the Commission on an All-Volunteer Armed Force, headed by former Defense Secretary Thomas S. Gates. The Commission members concluded unanimously that the interests of the nation will be better served by an all-volunteer force than by a mixed force of volunteers and draftees, and that steps should be taken in this direction.

I have carefully reviewed the report of the Commission and have discussed the subject with many others knowledgeable in this field. The preeminent consideration in any decision I make involving the American Armed Forces must be the security of the United States. I have had to weigh carefully how our responsibilities in Vietnam and our overall foreign policy would be affected by ending the draft. I also had to consider the budgetary impact, and the possible effect on our economy.

On the other hand, we have all seen the effect of the draft on our young people, whose lives have been disrupted first by years of uncertainty, and then by the draft itself. We all know the unfairness of the present system, no matter how just we try to make it.

After careful consideration of the factors involved, I support the basic conclusion of the Commission. I agree that we should move now toward ending the draft.

From now on, the objective of this Administration is to reduce draft calls to zero, subject to the overriding considerations of national security.

In proposing that we move toward ending the draft, I must enter three cautions: First, the draft cannot be ended all at once. It must be phased out, so that we can be certain of maintaining our defense strength at every step. Second, existing induction authority expires on July 1, 1971, and I expect that it will be necessary for the next Congress to extend this authority. And third, as we move away from reliance on the draft, we must make provisions to establish a standby draft system that can be used in case of emergency.

To move toward reducing draft calls to zero, we are proceeding with a wide array of actions and proposals:

- —This Administration proposed, and the Congress has approved, a six-percent across-the-board pay increase for Federal employees, retroactive to the first of this year. This raises the pay of members of the Armed Forces by $1.2 billion a year.
- —I shall propose an additional 20 percent pay increase for enlisted men with less than two years of service, to be effective January 1, 1971. This action, if approved by the Congress, will raise the annual pay of enlisted men with less than two years of service by $500 million a year, and is a first step in removing the present inequity in pay of men serving their first two years in the Armed Forces. The cost for Fiscal Year 1971 will be $250 million.
- —In January 1971 I shall recommend to the Congress, in the Fiscal Year 1972 budget, an additional $2.0 billion for added pay and other benefits—especially for those serving their first two years—to help attract and retain the personnel we need for our Armed Forces.
- —I have today directed the Secretary of Defense to give high priority to the expansion of programs designed to increase enlistments and retentions in the services. Further, I have directed that he give me a report every quarter on the progress of this program. Other agencies have been directed to assist in the effort.
- —I am also directing the Secretary of Defense to review the policies and practices of the military services to give new emphasis to recognition of the individual needs, aspirations and capabilities of all military personnel.

No one can predict with precision whether or not, or precisely when, we can end conscription. It depends, in part, on the necessity of maintaining required military force levels to meet our commitments in Vietnam and elsewhere. It

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also depends on the degree to which the combination of military pay increases and enhanced benefits will attract and hold enough volunteers to maintain the forces we need, the attitude of young people toward military service, and the availability of jobs in the labor market.

However, I am confident that, barring any unforeseen developments, this proposed program will achieve our objective.

The starting pay of an enlisted man in our Armed Forces is—taking the latest raise into account—less than $1,500 a year. This is less than half of the minimum wage in the private sector. Of course, we should add to this the value of the food, uniforms and housing that is provided free. But it is hardly comparable to what most young men can earn as civilians. Even with special allowances, some married enlisted men have been forced to go on welfare to support their families.

The low pay illustrates another inequity of the draft. These men, in effect, pay a large hidden tax—the difference between their military pay and what they could earn as civilians. Therefore, on the grounds of equity alone, there is good reason to substantially increase pay.

While we focus on removing inequities in the pay of men serving their first few years in the military, we must not neglect the career servicemen. They are the indispensable core of our Armed Forces. The increasing technological complexity of modern defense, and the constantly changing international situation, make their assignments ever more difficult—and critical. We shall continue to make every effort to ensure that they are fairly treated and justly compensated.

There is another essential element—beyond pay and benefits, beyond the best in training and equipment—that is vital to the high morale of any armed force in a free society. It is the backing, support and confidence of the people and the society the military serves. While government can provide the economic justice our men in arms deserve—moral support and backing can come only from the American people. At few times in our history has it been more needed than today.

The consideration of national security contains no argument against these historic actions; the considerations of freedom and justice argue eloquently in their behalf.

TO REFORM THE DRAFT

As we move toward our goal of ending the draft in the United States, we must deal with the draft as it now exists. This nation has a right to expect that the responsibility for national defense will be shared equitably and consistently by all segments of our society. Given this basic principle, I believe that there are important reforms that we must make in our present draft system.

It is my judgment, and that of the National Security Council, that future occupational, agricultural and student deferments are no longer dictated by the national interest. I am issuing today an Executive Order to direct that no future deferments shall be granted on the basis of employment. Very few young men at age 19 are in such critical positions that they cannot be replaced. All those who held occupational deferments before today, as well as any who may be granted such deferments from pending applications filed before today, will be deferred as they were previously.

This same Executive Order will also eliminate all future paternity deferments—except in those cases where a local draft board determines that extreme hardship would result. All those who held paternity deferments before today, as well as any who may be granted deferments from pending applications filed before today, will be deferred as long as they are living with and supporting child dependents.

I am also asking the Congress today to make some changes in the Military Selective Service Act of 1967.

The first would restore to the President discretionary authority on the deferment of students seeking baccalaureate degrees. If the Congress restores this authority, I shall promptly issue a second Executive Order that would bar all undergraduate deferments, except for young men who are undergraduate students prior to today. These young men would continue to be eligible for deferment under present regulations during their undergraduate years. This Executive Order would also end deferments for young men in junior college, and in apprentice and technical training programs, except for those who entered before today. Men participating in such programs before today would continue to be deferred until they complete them.

Should Congress pass the legislation I have requested, those young men who start college or enter apprentice or other technical training today or hereafter, and subsequently receive a notice of induction, will have their entry into service postponed until the end of the academic semester, or for apprentices and trainees, until some appropriate breaking point in their program.

Even if college deferments are phased out, college men who through ROTC or other military programs have chosen to obligate themselves to enter military service at a later date would be permitted to postpone their active duty until completion of their study program.

In each instance, I have spoken of the phasing out—not the elimination—of existing deferments. The sudden elimination of existing deferments would disrupt plans made in good faith by individuals, companies, colleges and local school systems on the basis of those deferments.

My second legislative proposal would establish a direct national call, by lottery sequence numbers each month, to improve the operation of the random selection system. We need to ensure that men throughout the country with the same lottery number have equal liability to induction.

Under the present law, for example, a man with sequence number 185 may be called up by one draft board while a man with a lower number in a different draft board is not called. This can happen because present law does not permit a national call of young men by lottery sequence numbers.

Some local draft boards may not have enough low numbers to fill their assigned quota for the month. As a result, these local boards are forced to call young men with higher numbers. At the same time, other draft boards throughout the country will have more low numbers than necessary to fill their quotas.

I am recommending to the Congress an amendment to suspend this quota requirement while the random selection system is in effect. If the Congress adopts this amendment, I will authorize the Selective Service System to establish a plan under which the draft call each month will be on a national basis, with the same lottery sequence numbers called throughout the country. This will result in a still more equitable draft system.

As long as we need the draft, it is incumbent upon us to make it as fair and equitable as we can. I urge favorable Congressional action on these legislative proposals for draft reform.

CONCLUSION

While I believe that these reforms in our existing draft system are essential, it should be remembered that they are improvements in a system to be used only as long as conscription continues to be necessary.

Ultimately, the preservation of a free society depends upon both the willingness of its beneficiaries to bear the burden of its defense—and the willingness of government to guarantee the freedom of the individual.

With an end to the draft, we will demonstrate to the world the responsiveness of republican government—and our continuing commitment to the maximum freedom for the individual, enshrined in our earliest traditions and founding documents. By upholding the cause of freedom without conscription we will have demonstrated in one more area the superiority of a society based upon belief in the dignity of man over a society based on the supremacy of the State.

RICHARD NIXON.

THE WHITE HOUSE, *April 23, 1970.*

DRAFT REFORM

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Speaker, the President's concern for reforming basic institutions has been evident on many occasions in his Presidency. He has called for reform in our foreign policy, reform of Federal-State relations, reform of the welfare system, reform of the Post Office. But one of the President's reforms which history may record as the most important reform of all is his reform of the draft.

The President's message on this subject should be carefully read and enthusiastically applauded by everyone of us. In the first place it reforms military pay scales in a way which will encourage more volunteers. Secondly, it reforms the Selective Service System, ending some deferments, and seeking the power to end others—so that the system will operate more fairly.

The President's message is brief, bold, and to the point. It sees that something

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is wrong and it seeks to set it right. The President's actions and his proposals deserve our support. The changes which they would make will have a great and healthy impact on the life of this Nation.

Mr. GERALD R. FORD. Mr. Speaker, as the President has pointed out in his message on the draft, a peacetime draft is a relatively recent phenomenon. Traditionally, it has been used only when the Nation's security was seriously threatened.

In recent years, the draft has provoked debate and dissension, but nothing substantive was done until President Nixon advocated a lottery system a year ago and appointed a commission to study the feasibility and desirability of an all-volunteer force.

Now, the President has again acted. He has endorsed the basic conclusion of the Gates Commission's report that immediate steps should be taken to move toward an all-volunteer force. He has asked that military pay be increased, especially for first-term servicemen, as a first step toward eliminating the draft.

If we are willing to pay first-term servicemen approximately what they deserve and need—the draft can be eliminated. The draft is a heavy burden on our free society in peacetime. It infringes on personal freedom and inevitably causes unrest and dissatisfaction.

In the short run, we should continue to reform the present Selective Service System to ensure that it is as fair as possible both in its present application and in the event it needs to be reactivated in the future.

The ultimate goal must be an all-volunteer system. Only that system is consistent with the Nation's basic traditions of personal freedom.

Meantime, I am delighted that the administration is moving toward reducing draft calls to zero.

Mr. DUNCAN. Mr. Speaker, the President has asked Congress to make available $250 million in the fiscal 1971 budget and $2 billion in fiscal 1972 to make military service more attractive and thus move toward an all-volunteer armed force.

Increasing military pay, especially for first-term servicemen, will attract true volunteers and eliminate the present inequity in pay for those serving an initial tour of duty.

Because the draft has been available, pay for first-term servicemen has lagged behind pay for the career force and comparable civilians. First-term servicemen receive only about 60 percent of what they could earn as civilians and some servicemen have had to go on welfare to make ends meet. The underpayment of young servicemen is a national disgrace. The President's pay request for fiscal 1971 and 1972 will cure this serious inequity and will also be a major step toward ending conscription.

Mr. Speaker, I urge the Congress to support the President's program. We have an obligation to reexamine and, when no longer necessary for national security, a duty to eliminate institutions like the draft so that the process of Government is as consistent as possible with the Nation's traditions of freedom and equal justice for all.

Mr. SMITH of California. Mr. Speaker, any President must reconcile long term goals and shortrun responsibilities. But rarely does any President accomplish the reconciliation as successfully as President Nixon has in his message on the draft. In it he spells out explicitly his determination to end the draft. He calls for specific reforms which will bring about that goal. But, at the same time, the President recognizes his responsibility to make the interim period as fair as possible. He therefore calls for reforms in the draft system as well.

On the one hand, he asks that military pay be substantially increased—by 20 percent for first term enlistments. This provision should make it easier eventually to end the draft. On the other hand, the President also asks that the inequities created by our present system of deferments and local quotas be eliminated.

The President demonstrates in this message that he is looking both at the immediate realities and at less immediate goals. The American people are well served by his approach to his problem.

Mr. STEIGER of Wisconsin. Mr. Speaker, I feel constrained to express my disappointment that President Nixon has decided that the recommendations of the Gates Commission on establishing an all-volunteer armed force cannot be fully implemented at this point. The Commission report, which involved months of painstaking study and which was unanimously agreed to, concluded that our national security would not be jeopardized if a volunteer force were instituted by July 1971. I can only regret the President's decision to place continued reliance on the present Selective Service Act for an unspecified period of time.

Nonetheless, President Nixon has stated his readiness to move toward ending the draft and I commend him for the positive steps he has proposed toward that end. Certainly the key to reducing draft calls to zero is to improve pay and other benefits for officers and especially for enlisted men. I am pleased to note that Mr. Nixon does recommend that pay increases and additional benefits be granted in both 1971 and 1972. Although the cost is high—an additional $2.25 billion—over a 2-year period—we have no right to compel young men to fight and perhaps die for this country if we do not at least pay them a living wage.

The review of programs and policies which the President has directed the Secretary of Defense to conduct should also serve to increase enlistments and retentions in the services and thus advance the day when draft calls no longer are necessary.

If the draft cannot be abolished entirely—a step which I continue to advocate—then I do support the President's plan for reform of the draft. The institution of a lottery system eliminated some inequities in the Selective Service Act but unfortunately introduced new injustices. The President's request for a phasing out of various deferments and the establishment of a direct national draft call by lottery sequence should help to ensure that the draft operates in as equitable a manner as possible.

I think the Congress should at this juncture hold a comprehensive and public debate on the question of how this country is to raise and maintain an army in the next decade. The volunteer army and other similar proposals should be given a full and dispassionate hearing. If, after such debate, the Congress concludes that it is impossible to allow the draft to expire in July 1971, then I think we must at the very least reform the present system. Many of President Nixon's proposals for reform are worth while and should be adopted.

Most important of all, the Congress must resist attempts to prolong the draft unnecessarily. If new authority to extend the draft is voted, we should insist that such authority be extended only for the shortest time possible. It would be well for us to remember that the draft, no matter what reforms are instituted, remains an inequitable system based on a compulsion repugnant to our democratic society.

Mr. HORTON. Mr. Speaker, April 23, 1970 is a landmark day in American history. Three years ago, after years of frustrated effort to reform Selective Service—I coauthored a book called "How To End the Draft." Today, for the first time since before World War II, a President of the United States has sent to Congress a message in which he recommends legislation which will enable us to do just that—to rely on volunteers for the defense of our freedoms.

The President's proposals go beyond mere words or intentions. He has offered concrete proposals which will result in pay increases of over 25 percent for most armed services personnel by next year. Also, he has instructed the Secretary of Defense to give new emphasis to recognition of the individual needs, aspirations, and capabilities of all military personnel.

Combined with these proposals, the President's move to continue our withdrawal from Southeast Asia raises for the first time, the real probability that we can reduce draft calls to zero in the near future. Until that time, the President has indicated we cannot tolerate current inequities in the draft system between now and the day an all-volunteer army can be realized.

While the basic concept behind the President's message may seem simple, it has somehow eluded priority consideration by the leadership of this Nation until recently. The concept is that the manpower procurement program for the American military should interfere as little as possible with the individual freedoms of as few men as possible.

Conscription of any sort is diametrically opposed to this principle. As long as this Nation leans back on its ability to make military service compulsory, lives will be interrupted and freedoms will be violated. Further, a compulsory draft allows the military itself to be lazy about its treatment of individual soldiers. Manpower is not a very valuable com-

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modity when the supply can be absolutely controlled by draft calls. Thus, pay is criminally low, opportunity for individual advancement and training is not given a high enough priority. In short, the draft enables the military to avoid the necessity of reforms, of efficient manpower utilization, and in some cases, of fair treatment of individual servicemen.

The steps outlined in President Nixon's message will substantially improve the fairness of the draft for as long as conscription is absolutely essential for national security. After that hopefully short period, other provisions of the President's message will lead the way to a manpower procurement concept which puts as high a priority on individual freedom as it must place on national security.

I heartily endorse these proposals.

GENERAL LEAVE

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the President's draft message immediately after the reading of the President's message.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SECOND ANNUAL PLAN FOR U.S. PARTICIPATION IN WORLD WEATHER PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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The SPEAKER pro tempore (Mr. Edmondson) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In accordance with Senate Concurrent Resolution 67 of the 90th Congress, I am forwarding to you the second Annual Plan for United States' Participation in the World Weather Program. This report reviews the progress made during the past year and describes the activities planned by the Federal agencies for the coming fiscal year.

Progress in the World Weather Program has been significant. Of particular import is that, through the United States' effort in space, we have seen the development and testing of an instrument which is capable of measuring globally from a satellite the temperature distribution of our total atmosphere. This represents a giant stride forward. It holds promise of providing data from over the oceans and other remote areas, heretofore unavailable, which are essential for providing weather predictions to our people.

On another front, it is most encouraging to note the progress in international cooperation in this area. Nations have joined hands in moving forward with a program to assist developing countries in improving their meteorological services. And the nations of the world are coming together this month to decide on the next major steps in the research activities of the World Weather Program.

The World Weather Program focuses on the important problem of understanding our global atmosphere. Whether we are attempting to assess the impact of pollutants on the quality of our environment, or trying to improve the accuracy and time range of weather prediction, these activities are vital to the people of the United States—to their safety and to their economic well-being.

RICHARD NIXON.

THE WHITE HOUSE, *April 23, 1970.*

AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 893

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson) and pending that I yield myself such time as I may consume.

Mr. Speaker, there is no controversy that I can discover on this rule. Of course, there will be considerable discussion under the 5-minute rule.

I reserve the balance of my time.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I think the gentleman from Missouri is correct in his statement. There is no controversy on the question as to whether or not we should adopt the rule and discuss the space authorization bill.

Let me say, however, in the few minutes that I have that I wish to note the presence back with us on the floor the distinguished gentleman from Pennsylvania, the ranking Republican on this committee, Mr. Fulton. We are pleased to have him back with us. It also gives us an opportunity to say that I know of no one in this Chamber or in this House who has been more devoted over the years to this program and no one who has a more tremendous fund of expertise and knowledge of our goals in the space program than the gentleman from Pennsylvania. I am pleased that he can be here to take his usual part in the debate today.

Mr. Speaker, the purpose of the bill is to authorize NASA appropriations for fiscal 1971.

The authorization totals $3,630,875,000. By far the greatest part of this authorization—$2,903,200—is earmarked for research and development efforts. Some $33,975,000 is for facility construction at various NASA institutions around the country and $693,700,000 is for administrative costs and research efforts.

The largest single item is $1,101,500,000 for continued Apollo flights. Seven more flights are now programed; two in 1970, two in 1971, one in 1972, and two in 1974. Boosters, command, service, and lunar modules must be procured.

Another large item, $670,200,000, is for the space flight operations. These include the orbital workshop program and the space shuttle and station. Some $300,000,000 of this total was added to the bill over and above what was requested by the administration.

Other major projects funded by the bill include—

First, lunar and planetary exploration, $144,900,000. This includes our Mariner and Viking unmanned flights to Mars;

Second, space research and applications, $172,600,000. This includes our scientific satellite efforts, like Nimbus, Tiros and our geodetic, communications and navigational satellites;

Third, launch vehicle procurement, $124,900,000; and

Fourth, tracking and data acquisition, $293,800,000.

Mr. Karth has filed additional views. He opposes delaying some ongoing projects in order to fund a new one, the space shuttle and station.

Mr. Koch has filed additional views opposing the funding level. He believes it should be cut and the funds made available for more pressing domestic needs.

Mr. Fulton has made several recommendations. He believes the level of Apollo flights should be increased from 2 per year to 2½, to more fully utilize existing equipment, boosters, and personnel. He also believes that the Nerva nuclear rocket project should have an increase in funding.

Mr. Mosher has filed additional views. He opposes funds added to the bill for the manned space flight program over what the administration recommended—some $300,000,000. He believes our unmanned flights bring back more useful information.

Mr. Wydler has filed additional views. He believes that the Department of Defense and NASA should get together on a Manned Orbiting Laboratory program as a matter of national security.

Mr. Frey has filed additional views in which 12 Members have joined. He points out that our space program has provided us with many new products and processes.

Mr. MILLER of California. Mr. Speaker, will the distinguished gentleman from Illinois yield?

Mr. ANDERSON of Illinois. Yes; I shall be pleased to yield to the chairman of the committee.

Mr. MILLER of California. Mr. Speaker, I want to thank the gentleman from Illinois for welcoming back the gentleman from Pennsylvania (Mr. FULTON). I join the gentleman in saying how happy we are at seeing the ranking Republican Member back on the floor.

Mr. ANDERSON of Illinois. I thank the gentleman for those remarks.

Mr. Speaker, I have no further requests for time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLER of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The SPEAKER pro tempore (Mr. EDMONDSON). The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16516, with Mr. ROONEY of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. MILLER) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. FULTON) will be recognized for 1 hour.

The Chair now recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring before the House H.R. 16516, the fiscal year 1971 National Aeronautics and Space Administration authorization bill.

The bill before you would provide new obligational authority in the amount of $3,630,875,000 for this Nation's space and aeronautics activities in the forthcoming fiscal year.

The President's space budget submitted to the Congress this year was the lowest request for space since fiscal year 1962.

The original NASA request to the Bureau of the Budget totaled $4,500,000,000 and was designed to implement the recommendations contained in the report of the President's task group.

The President's space budget submitted to Congress was for $3,333,000,000; or $1,200,000,000 less than the recommendations contained in that report.

In view of this, it was the committee's considered judgment that a portion of these amounts should be restored.

The committee's action, as reflected in the bill before you, was to increase the total authorization to $3,630,875,000—an increase of $297,875,000.

The increase falls entirely within the area of manned space flight, with the exception of a $1,400,000 increase in research and program management.

However, this latter increase was offset by an equal reduction in research and development.

We have just crossed the threshold of a new decade in space. I do not believe that it is necessary for me to remind the Members of the House of our past successes in space, and particularly the flights of Apollo 11 and 12.

Hundreds of millions of people in almost every country of the world watched the first landing on the moon.

The Apollo 13 mission was to have been a continuation of our program of lunar exploration.

The entire world is aware that the mission had to be aborted because of severe damages to the service module which occurred as the spacecraft approached the moon on April 13.

The cold, statistical history of Apollo 13 will show the mission as a failure.

In my opinion, Apollo 13 was one of the greatest successes we have had in space flight to date.

A success because it was a vivid example of American expertise, working as a team, bringing into play all of our technological know-how to avert a tragedy.

I had the privilege of being present at the Mission Control Center in Houston during the return and recovery of our brave Apollo 13 astronauts.

There, I witnessed one of the most remarkable demonstrations of cool, calm, and deliberate application of space technology, all concerted toward one objective: To bring astronauts Lovell, Haise, and Swigert home safely to earth.

I think that all concerned, not only the astronauts, but the fantastic ground crew as well, deserve the praise of every American for their outstanding accomplishment.

The single national space target of the last decade was the manned lunar landing.

This feat demonstrated what Americans, as a people, can accomplish when they have the will and when the national leadership and the public favor are united to achieve a desirable goal.

The program of the seventies will, however, have no single climatic goal.

It must be clearly understood by us in Congress and the American people that the space program of the seventies will be quite different from that of the sixties.

It will be a balanced and viable program composed of a reasonable schedule of space priorities.

It will be a program responsive to opportunities presented by the remarkable new technology developed in the last decade.

It will also be a program responsive to the limitations imposed by our Nation's many competing needs.

Already we have begun to reap the benefits of our space program.

The commercial Comsat satellite is now giving us television coverage of world events on a regular basis—and the corporation is making a profit.

The international Intelsat satellite is working smoothly to provide TV coverage to over 70 countries around the globe.

Worldwide weather coverage from space has moved from an experimental to an operational basis with satellites routinely sending back valuable pictures of the earth's cloud cover and weather patterns.

We now have satellites for navigation, geodetic surveys, nuclear test ban surveillance, and numerous other scientific information. Yet, we are just beginning to realize the potential of our new space technology.

We now know that space observations can answer the basic questions that must be answered if we are to make efficient use of the limited resources of our own planet.

What causes ocean currents? What untapped food resources are in the sea?

How do the oceans affect the weather and vice versa?

Can we get accurate weather predictions for longer than a few days? Can weather be controlled? Can earthquakes be predicted?

And of prime importance, what are the sources of air and water pollution?

The answers to these questions and many other problematical areas affecting the life of man can be found in a viable national space effort.

We must proceed in the development of space technology, just as this Nation proceeded in the past during the eras of rail and air transportation development.

Now permit me to explain briefly the increases in authorization the committee has recommended in the bill before you.

NASA requested $956,500,000 for continuation of the Apollo lunar exploration program in fiscal year 1971.

The committee recommends an increase of $145 million for a total authorization of $1,101,500,000 for fiscal year 1971.

Of this amount, the committee has added $45 million for the initiation of long leadtime production of payloads for lunar exploration flights after 1973, and to start production of the spacecraft and science payloads for one more Apollo lunar exploration flight in addition to those now planned.

It is necessary that we authorize funding for these long lead items now.

Insofar as Saturn V is concerned, the committee recommends the addition of $100 million to start procurement of long leadtime hardware and to begin fabrication of an improved Saturn V system.

This includes startup costs of vendors and subcontractors that have been phased out of the Saturn V program.

Among Saturn V systems, engine funding would have the highest priority, due to the long leadtime associated with their production.

NASA requested $515,200,000 for space flight operations in fiscal year 1971, and

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the committee recommends an increase of $155 million.

Of this amount, $75 million has been added to augment the development and qualification effort on spacecraft and subsystems for the orbiting laboratory which is now called Skylab.

This addition would emphasize earth resources experiments.

The initiation of preliminary design for a second orbiting workshop would also be possible.

The committee also recommends the addition of $80 million for more extensive analysis and engineering studies, payload definition and preliminary design for the space shuttle and space station programs.

The key to the success of this Nation's future space effort lies in the development of a low cost, recoverable, and reusable space transportation system.

The reusable space shuttle will drastically reduce the cost of putting people and cargo into space.

In particular, the shuttle will facilitate construction of a manned orbiting space station that will open up new areas of scientific and technological activity in the near neighborhood of earth.

The committee's action in increasing this program will serve to emphasize the necessity of proceeding with the development of this system at a faster rate than envisioned by the President's budget.

And now a few words about the unmanned space flight program.

The bill before you includes $565,700,000 for these purposes.

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NASA's scientific satellites have enriched mankind's knowledge in many scientific disciplines, notably geophysics, astronomy and solar physics.

The Nation's unmanned probes to the nearby planets of Venus and Mars have revealed a wealth of information about our two closest neighbors in space.

The study of the solar system will be continued with the launch of instrumented spacecraft to the other more distant planets during the decade of the seventies.

Satellites have also proven to have a variety of practical uses, and the space application program has already contributed to a better life for all men.

International communications are routinely handled through satellites today, and weather forecasting is assisted by satellites currently in space.

The future looks even brighter. Research is underway on a navigation and air traffic control satellite system.

In addition, experimental spacecraft are now being designed which will survey the earth's resources so as to provide information of great value to farmers, foresters, hydrologists, geologists, the maritime and fishing industries, among others.

I will not go into the many details needed to explain the extremely good work which is being performed by NASA in aeronautics and advanced research and technology.

This continuing work has been very valuable in our space program.

We did find it necessary, however, to reorient some of the funding emphasis in several program areas that had suffered reductions in the budget process this year.

These program areas were given modest increases to perform needed research in aeronautical safety of flight items that should be continued.

We did this by reducing the tracking and data acquisition program by $4.2 million, redistributing $2.8 million within research and development, including technology utilization, and the balance, $1.4 million to research and program management.

This latter item is to encourage the movement of younger scientific personnel into aeronautical research fields.

Thus, we bring before you a modest space and aeronautical program for fiscal year 1971.

We are embarked on our second decade in space, one in which U.S. spacemen will continue to visit the moon, and unmanned craft will go to every planet in the solar system.

There is hope of launching an experimental nuclear powered rocket by 1978—the type needed for long stay time manned interplanetary flights at some time before the end of this century.

Very few Government programs are based on the type of long-range planning that characterizes this Nation's space activities.

It is typical of Americans that we are prone to react in spurts.

Sputnik jolted us into the space age and we scrambled to get the first man to the moon.

But now is the time for advance planning if we are to insure that our space program does not stagnate—and that we do not waste the investments already made or we do not deprive ourselves of the important knowledge we seek.

The wide-ranging but relatively modest objectives planned by NASA are reasonable, practical, and within our resources.

It is a program the public will support.

Important and dramatic goals await the United States in space.

So we should forge ahead into the seventies and let it never be said that we failed to support this investment in tomorrow.

In summary, we are presenting to you a bill which would authorize $3,630,875,000 for the Nation's space effort in fiscal year 1971.

The bill before you is $297,875,000 more than the President's request.

We think it is a minimal program, but one which will permit the Nation to move forward in line with the stated objectives of the President's Space Task Group Study.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly favor, with minor exception, H.R. 16516, the NASA authorization for this coming fiscal year.

Space is with us to stay. It is not only with us for peacetime uses, in order to remain first in technology, but it is also with us for our very security. Therefore, we should move ahead. That is why I strongly favor the action of the Science and Astronautics Committee and its members who have given so much study to this over the past few weeks.

Space is here to stay. It is now a vital part of the lives of the earth's people.

The United States must remain first in space and technology working in cooperation with other countries, not only to maintain our progress, but our security.

We should proceed on a measured course for both manned and unmanned exploration with particular emphasis on the safety of our U.S. astronauts. We can reduce by 90 percent the cost of earth orbits by promptly going ahead with the research and development of the space shuttle, which can land like an airplane; by the development of a permanent space workshop that can be expanded by the addition of modular units as needed; by continuing research on liquid, solid, and nuclear space storable fuels.

The progress of the United States in space has already changed the United States making the American people and the economic system world acknowledged first in research, technology, and systems management. The impact of worldwide television and satellite communication, weather prediction, hurricane warning, health benefits, and so forth, has really changed the world.

We must remember that in 1961 the U.S. House of Representatives by a unanimous record vote authorized the Apollo program of lunar research.

Differences have arisen and will always arise as to priority and approaches on the technical level. We will have heated discussion about the best equipment as to command modules, lunar modules, fuel components, valve fittings, and even screws and bolts, but this is our American system to obtain excellence.

The tremendous success of America through NASA in returning alive and unhurt the three Apollo 13 astronauts has fully demonstrated to the world that we can really operate in space.

Do not forget our big threat of destruction to the American people and our very security rests now in space. Also our greatest peacetime progress in research and development has occurred in space.

Any nation that gains absolute control or absolute superiority in any strategic area, such as space has now become, controls the world and absolutely everybody on earth. We American people certainly do not want this to happen.

For peace as well as defense purposes, the American people are doing well in lifting their sights to space and the future. President Eisenhower advocated "open skies." Our generation must say, under President Nixon, "open space." We must work for open participation of the world's people to make the benefits of space available for all mankind as our original space law has so well stated in the statute setting up NASA.

At this point, Mr. Chairman, I would like to include in the RECORD a summary chart of the committee's actions:

FISCAL YEAR 1971 NASA AUTHORIZATION—SUMMARY OF COMMITTEE ACTIONS

Program/project	NASA request	Committee action (thousands of dollars)	H.R. 16516
Research and development:			
1. Apollo	$956,500	+145,000	$1,101,500
		(+45,000) Lunar payloads and Apollo 20.	
		(+100,000) Saturn V improvements.	
2. Space flight operations	515,200	+155,000	670,200
		(+75,000) Apollo applications	
		(+80,000) Space shuttle/station.	
3. Advanced missions	2,500	−1,500	1,000
Subtotal, MSF	1,474,200	+298,500	1,772,700
4. Physics and astronomy	116,000	−5,600 Explorers	110,400
5. Lunar and planetary exploration.	144,900	Approved request	144,900
6. Bioscience	12,900	do	12,900
7. Space applications	167,000	+5,600 ATS F. & G	172,600
8. Launch vehicle procurement	124,900	Approved request	124,900
Subtotal, SSA	565,700	No change	565,700
9. Space vehicle systems	30,000	Approved request	30,000
10. Electronics systems	22,400	+1,500 Avionics	23,900
11. Human factor systems	17,900	+440 Air crew stress	18,300
12. Basic research	17,600	+400 Aeronautics	18,000
13. Space power and electric propulsion systems.	30,900	Approved request	30,900
14. Nuclear rockets	38,000	do	38,000
15. Chemical propulsion	20,300	do	20,300
16. Aeronautical vehicles	$87,100	Approved request	$87,100
Subtotal ART	264,200	+2,300	266,500
17. Tracking and data acquisition.	298,000	−4,200 General reduction	293,800
18. Technology utilization	4,000	+500 Dissemination of space technology.	4,500
Total, R. & D	2,606,100	+297,100	2,903,200
Construction of facilities:			
1. Ames Research Center	1,525	Approved request	1,525
2. Goddard Space Flight Center.	2,050	do	2,050
3. Jet Propulsion Laboratory	1,950	do	1,950
4. Kennedy Space Center	575	do	575
5. Manned Spacecraft Center	900	do	900
6. Marshall Space Flight Center.	525	do	525
7. Nuclear Rocket Development Station.	3,500	do	3,500
8. Various stations	18,575	625 Projects at Michoud and MTF.	17,950
9. Faculity planning and design.	5,000	Approved request	5,000
Total, C. of F	34,600	625—	33,975
Research and program management	692,300	+1,400 ART for aeronatutical trainees.	693,700
Grand total	3,333,000	+297,875	3,630,875

Mr. Chairman, I wish to join my distinguished colleague, the gentleman from Texas (Mr. TEAGUE) in support of funds in the amount of $298.5 million added to the manned space flight program by the Subcommittee on Manned Space Flight and the full committee. As you know, the NASA request for the Apollo program for fiscal year 1971 is $729.6 million less than fiscal year 1970. The budget as proposed by NASA terminates Saturn V production and reduces the launch rate to two lunar exploration flights per year. The total increase proposed for the Apollo line item is $145 million; $45 million will be used for long lead production payloads for the sixth and seventh Apollo flights. This will augment the scientific payloads and contribute to an increased stay time on the lunar surface. These same funds will provide for production of spacecraft components and definition of science payloads for an eighth Apollo flight.

One hundred million dollars was also added to the Apollo line item for the Saturn V to provide long leadtime components and to start fabrication of improved Saturn V systems. For several years I have strongly urged that NASA undertake efforts to improve the Saturn V system so that it will not become an obsolete vehicle. These funds will provide for this activity particularly for vendors and subcontractors who are now being phased out of the program and for engine work which requires the longest leadtime. The leadtime to build the Saturn V is approximately 4 years. If we are to have Saturn V vehicles available in the mid 1970's to lift such payloads as nuclear flight stages and space station modules this leadtime must be minimized. The $100 million included by the committee in this bill will reduce this leadtime and make more efficient and less costly the reinitiation of the Saturn V production in the mid 1970's.

Space flight operations was increased by $155 million over the NASA request for fiscal year 1970 in the area of Apollo applications workshop, now called "Skylab," and for the space shuttle, and space station—$75 million of this increase will provide for augmenting the development and qualification of spacecraft and workshop subsystems for long duration missions planned for 1973. This same money allows for initiating development for experiments for the Skylab which have been excluded because of funding limitations.

I have insisted that adequate attention be paid by NASA to the earth resources and medical areas. These funds will provide for experiment emphasis in these areas. Within this $75 million preliminary design for a second mission will also be undertaken. A thorough examination will be made of incorporating artificial gravity in a second mission if it is approved in subsequent years.

A low-cost space shuttle is the single most important component of our total national space program in the 1970's. Because of this $80 million was added on my insistence to the space shuttle and space station effort for 1971. The $80 million will provide for more extensive analysis and engineering studies, long leadtime payload definition effort and advanced testing and fabrication of preliminary designs for both the shuttle and the station. If we are to reach adequate decisions on the timing and emphasis in the low-cost shuttle program and space station it is important that during fiscal year 1971 that the detailed design effort be carried out so that sufficient information is available to the committee and the Congress to make decisions on proceeding with the development of the low cost shuttle and space station.

NASA requested $2.5 million for advanced missions studies for fiscal year 1971. After reviewing this program and at my insistence this line has been reduced by $1.5 million. After considering all of the information it was obvious that NASA could conduct sufficient studies in the advanced missions area with an authorization of $1 million for fiscal year 1971 utilizing unobligated funds remaining in this program for fiscal year 1970. If we are to have a strong space program in the 1970's that will pay substantial returns on the large investments made in the past decade it is important that the Members of this body support the bill as recommended by the committee.

I would like to quote an excerpt from a statement issued by the House Republican policy committee, which was supported unanimously, and which shows the measured pace of the space program under President Nixon's decisions.

> The first year of the Nixon Administration witnessed the culmination of the greatest scientific effort of the American people, the magnificently perfect lunar landings of Apollos 11 and 12. The United States achieved in full measure the goals set and the commitments made for the decade of the sixties.
>
> President Nixon has now called upon the Congress to join in charting a new course in space for the seventies. He has challenged America to forge ahead and to continue our progress and leadership in lunar exploration, in satellite communications, in navigation, meteorology and medical research. The President has presented to the Congress an effective and balanced program which insures the achievement of the nation's long-range goals.
>
> The Republican proposals for FY 1971 emphasize: (1) preservation of U.S. technological, engineering and scientific leadership, (2) maximum economy and efficiency in all space programs, (3) development of practical, usable benefits, (4) broadening the contribution of technology and research advances to the U.S. economy, (5) maintenance of balance between manned and unmanned space flight programs to achieve maximum scientific results with minimum expenditures, and (6) safe and efficient conduct of aeronautics research programs including air pollution and noise abatement studies.

For several years I have been critical of NASA's planning schedules for the production and launch of Saturn V vehicles.

Last year NASA planned to maintain

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a production rate of three Saturn V vehicles for fiscal year 1970 at the Michoud Assembly Facility. Although this would not have resulted in the optimum production rate, it at least reduced the production costs per vehicle considerably from the $250 million cost per vehicle at a production rate of two per year as was the previous plan.

During testimony received this year, however, we learned that Saturn V production will be suspended for an indefinite period after the completion of the original 15 vehicles planned. This means that the Mississippi test facility will revert to a mothball status in early 1971, and the Michoud Assembly Facility with its production capability will be placed in standby status.

It is unfortunate that budgetary restrictions have forced these two installations to a skeleton-force type of operation. We should try to keep these installations partially active and hold as much of the technical team together.

There is no question in my mind that we will need eventually more Saturn V launch vehicles for future missions, both manned and unmanned.

It was for this reason that I recommended that we add $100 million to the Apollo request for fiscal year 1970 to start long leadtime procurement on Saturn V components and to start on the development of an improved Saturn V system. Since it is the only large booster we have, we must continue to upgrade it to prevent it from becoming obsolescent.

I am not advocating that we resume production now. This should not be done until we have specifically defined missions. With long leadtime and improved components on hand, the startup time for the production lines will be reduced and we will be in a position to start production of an improved version of the Saturn V.

But when production is started, we must be prepared to produce the vehicles at or near the optimum economic rate, and in any case no less than three per year.

Likewise, we must pay very careful attention to launch rates. According to Dr. Paine's testimony this year, the Apollo 20 lunar exploration mission has been canceled. Apollo flights 18 and 19 missions have been delayed until 1974, and the Apollo applications workshop, now called Skylab, has been slipped by 4 months.

The limited budget available has caused the launch schedule to be stretched out to a maximum of two per year, with only one flight in 1972 and none in 1973.

My analysis of launch operations costs, including those incurred at the Kennedy Space Center and the Manned Spacecraft Center, indicates that the more launches you have per year, the less the operating cost per vehicle. For example, if only one launch per year is scheduled, the cost per launch is $260 million. If four launches per year are scheduled, the cost per launch decreases to about $106 million per launch.

Our present rate of two per year works out to about $143 million per launch. It is apparent that the space budget will not permit us to attain the optimum in launch rate costs for the immediate future. However, with some minor rescheduling, the cost per launch could be considerably reduced.

My recommendation is that the launch rate should be stepped up slightly to 2½ launches per year, or five every 2 years. Then operating costs savings of about $20 million per launch could be realized.

Likewise, the frequency of launches has much to do with safety and the risk of accidents during the launch phase. If launch crews are not exercised often enough, they tend to become rusty with attendant risk of accident. We must keep the launch crews and supporting personnel sufficiently busy to maintain top proficiency. This can be done with a launch rate of 2½ vehicles per year.

Over the years the committee has consistently emphasized the need for additional research and development in the propulsion field. It is unfortunate that these words have not been heeded and that our advanced propulsion technology in high energy liquid fuels, solid fuels, and engine components has not been pursued at a faster pace. This country's space program has always been propulsion limited. The effects are dramtically shown in the recent Apollo 13 abortive mission. A sounder policy of research in this field would have resulted in a larger payload capability, longer mission capability, improved storable fuels, and more efficient propulsion systems.

The unprecedented management by NASA of the limited resources available to our astronauts in the Apollo 13 is a tribute to the technical competence of the NASA team. But it is also an indication of the limitations caused by lack of propulsion capabilities that have forced the program to operate very close to the ragged edge of the weight limitations. This, of course, is caused by lack of propulsion capability. One simple example to show this fact—the lithium hydroxide filters which were used to purify the air in the service module and in the LEM are of two different sizes. They, therefore, presented some problems in the jury-rigged lifesaving arrangements that were made in the return flight. Why were they of different sizes? Primarily, they were of different sizes because of weight saving requirements. There are numerous other weight limiting factors. For example, there were no spare oxygen tanks for use with the fuel cells after the failure of the first tank.

It would seem to me that somewhere in our future planning we should provide more than enough propulsion capability to prevent our programs from being weight limited. With an adequate program in the chemical propulsion field, we could have more "push per pound" merely by the application of a relatively small amount of funding in the areas that are so critical to the mission's success; namely, propulsion and space electrical power generation. I have consistently pushed for further development of the large solid rocket booster which has now been completely phased out of the NASA program. This is being done in spite of the obvious simplicity and more economical "push per dollar" that is inherent in the large solid program.

Previous testimony has shown that the Russians are expected to have a new booster of more than 10 million pounds of thrust. The Russians have always had a forward thrusting development program with respect to large boosters, and their new booster is almost one-third larger than our Saturn V rocket. They have learned that it is folly to be limited on booster capability. Why cannot we wake up to this same obvious fact?

In addition, we have not pursued the development of space-storable fuel at a very impressive rate. NASA has at my prodding continued work in the fluorine-oxygen-methane program and in the fluorine-diborane program. These new technologies offer many advantages in propulsion efficiency, storability and simplification of total mission payloads. However, this program has been limping along at a reduced rate. Additionally, NASA has year by year reduced the amount of money available in the chemical propulsion research area. It is extremely difficult for me to understand the thought processes which could arrive at this type conclusion.

From this brief discussion it is obvious that there are a number of areas which are being completely overlooked and by the application of a relatively small amount of money could give our country the propulsion capability it needs to stay foremost in the space field. With the paucity of effort that is now being expended, we will be fortunate if we do not slip further behind the Russian booster effort.

The NERVA nuclear rocket program continues to progress according to the schedule dictated by reduced funding over the past 3 years. We are achieving technology that will give this country a vitally necessary capability in exploring the outer reaches of the solar system. Already the NASA-AEC team has successfully test-fired the NERVA at present maximum power of 50,000 pounds of thrust for over an hour, including 10 cycles of shutdown and restart. The ultimate development objective, which is already within reach, is 75,000 pounds of thrust with 10 hours of operation and having the capability of multiple shutdown and restart. To get some understanding of what that means, the longest we can operate a chemical fueled rocket is about 6 minutes.

The key to success in space is propulsion, thrust power to lift the payloads necessary to accomplish our objectives. It is as simple as that. It is also the one factor that forced this Nation to come from behind and overtake the Soviet Union, because for many years we could not match their rocket power. We must never be caught in that position again. The NERVA is intended for operations after 1978, when we will be approaching really ambitious missions which are already well into development. Those missions will include close investigations of the outer planets, lunar orbiting manned spacecraft, the manned orbital laboratory, and so forth—all those missions that require long duration of thrust and are much more economical if the engine is reusable.

NASA requested $38 million for fiscal year 1971 for nuclear rockets, $1.5 million more than was programed for fiscal year 1970. In my view, the request is really a very minimal amount to carry forward the schedule. Personally I would have preferred a more substantial funding level, increasing the NERVA to approximately $50 million. However, I am also deeply aware of the budgetary strictures this country is experiencing at this time. NASA has given assurances that the agency can make significant progress with NERVA under the present budget request. The committee, therefore, approved the authorization request of $38 million by virtually a unanimous vote and I support it completely.

In any event we cannot afford to hamstring the program without paying a tremendous penalty in our program organization and in funds to make up lost ground in the not too distant future.

No American could have been prouder than I last July when our astronauts landed on the moon. I have stated, from the very beginning that man's exploration of space will not end with the lunar landing. We must continue to take advantage of the almost limitless possibilities of space exploration and the benefits to mankind it offers.

You may recall that I served on the select committee formed in 1958 to chart a course of dynamic action in our Nation's space endeavors. The wisdom of the committee that went into formulating the National Aeronautics and Space Act of 1958 is attested to by its durability. The goals and objectives started nearly 12 years ago are still valid today.

To date, our Nation's space program has provided unparalleled gains in scientific knowledge, communications, weather observations and predictions, navigation, and improvements in national security. Our Apollo lunar landing program alone has produced remarkable scientific and technological advances. Then there are the achievements that are not so easy to put your finger on. We can speak of national pride and international respect as side effects from recapturing the technical/scientific leadership from the Soviet Union. We can speak of the proof of our country's ability to set a formidable goal and to stick by our guns until that goal is reached. We can speak of the revolution in American education sparked by the space race. These gains cannot and must not be lost.

If these gains are not to be lost, what then must our national space program of the future be? What then is the course that America must chart to stay at the forefront of space exploration and development? What must we do to provide a steady flow of returns in science, applications, and technology from our national investments in space?

This bill now before us supports the conviction that the groundwork for future, more diversified and productive activities must be laid—although in more modest aspects.

The legislation before you outlines a national space program that will be continued at a steady but moderate level. There are no crash programs but rather wide-ranging space goals for the nineteen-seventies. These goals are exploration, the gathering of scientific knowledge and the practical application of the lessons of space to life on earth.

The unmanned space programs have formidable goals but goals that must be reached if we are ever to understand our universe. A more viable and diversified planetary program is needed. The development of carefully conceived plans, not only for the exploration of Mars, but for Venus, Mercury, Jupiter, Saturn, Uranus, Neptune, and Pluto, as well as the Astroid Belt should be strongly supported. The U.S. space program for the next decade will include unmanned flights to all the planets in the solar system, including the ground tour mission to the five outer planets.

The legislation before you today is presented by an administration unhampered by channel vision. It is based on the recommendations of the President's Space Task Group—recommendations which are bold and forward looking—recommendations which are broad and balanced. It is legislation that is supported by NASA, supported by me, and I am confident, supported by the American people.

For mankind on earth, our exploration of space has had far-reaching consequences which only now are we beginning to grasp and appreciate.

Since its establishment, NASA's program of space exploration has been visible in its constructive effects on almost every section of our society and every area of the Nation. It has spawned new communities and new jobs. It has advanced both education and the educated man.

To demonstrate this, let me turn your attention southward to Huntsville, Ala., once known only a decade ago as the Watercress capital of the world. Its population then was less than 20,000. Today Huntsville is the home of the Marshall Space Flight Center where the Saturn V, the rocket that boosted men to the moon, was designed and fabricated; and it has a population of more than 140,000. Where only one small fire station operated, there now are nine modern stations. In 1958, there were only a very few century-old churches in Huntsville; today there are more than 40 new churches and two new synagogues.

Since 1960 an average of one classroom a week has been added to Huntsville's public school system; and the growth is one of quality as well as quantity. More than 80 percent of the city's high school graduates who have competed for National Merit scholarships in the past 5 years are numbered in the top 25 percent above the national average. The educational level of Huntsville's residents is far above the national average. The level at Huntsville is at least 2 years of college.

The influx of personnel, both government and contractor, has brought to Huntsville a new mix in population and new ideas. The city boasts its own symphony and its own observatory. The Huntsville Branch of the University of Alabama has developed into one of the Nation's best graduate schools in science and engineering. Through education and the educated community of Huntsville, resulting from the impact of space, the problem of race has been mitigated.

The story of Huntsville is not an isolated one in the Nation. Space exploration has brought new life and productivity to areas from New York to California; and, indeed, the influence also extends beyond our national borders. Our achievements in space have stimulated worldwide a new appreciation of the values of the American democratic system and the capabilities inherent in citizens working in a free society. The effect of this, its significance for the future with respect to the political direction of many of the newly emerging nations is beyond measure.

The success of our effort to reach the moon provided a new view of earth. We were able to see it as a whole; and this new view provided us with a deeper appreciation of its bounty. I am certain that this view has contributed to our recent intensified concern for our environment and the growing resolve to decrease pollution by managing the life-support systems of "spacecraft earth" as carefully as we do those of the Apollo spacecrafts. Space has given us a greater awareness of our mismanagement of earth and an increased regard for our future and our destiny.

Our voyages into space have been voyages of discovery. How does one express in dollars the incentives for achievement this provides? How does one measure in material terms the growing hope, the confidence that if we will it, a better world is no dream? Perhaps this is the most important achievement of our reach into space—this spur that has been provided to encourage us to set goals for improving man and his condition and then plan to achieve them.

NASA has shown how to manage and integrate worldwide thousands of peoples, countless skills, various industrial teams as well as groups from the universities, research centers and government in order to pursue and achieve a great goal. We must apply the lessons we have learned from our efforts in space to fulfill our aspirations on earth.

Our reach for the moon has given us an increased regard for the future. The best part of that future is in our children—and the more than a billion children born all over the world since 1958. Our view of earth and space, new and startling to us, will be and, indeed, is already familiar to them. Gravity that for most of our lives has confined us to earth no longer is a barrier.

Today's children will in their time go farther and faster than any of us have ever thought probable. Because of the space program, the young people who are part of that future, will master new sciences, learn new cosmology, and will have a new view of man and his ultimate destiny in the universe. The full consequences of this is now beyond our perception; but we can be certain that the promise of a future rich and productive beyond belief will be within their reach.

The funds this Nation has invested in NASA programs are paying off in ways

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no one could perceive when we started back in 1959. The Intelsat communications systems already a reality is based principally on the work NASA has done in communications satellites. The existence of the Comsat Corp. is solely due to the technologies that have been evolved through the NASA-contractor teams. One of the great accomplishments we expect to achieve is widespread use of this media for educational purposes. NASA is participating in the creation of an educational system by satellite for the Indian Government, this system is to be tested within the next 2 years. An applications technology satellite will be placed in synchronous orbit precisely at 23,300 miles over the Indian Ocean and will beam down experimental educational programs to inexpensive television receivers located in 5,000 villages. These programs on farming, family planning, conservation, the three "R's," and many others will initially be transmitted by India's Government stations and will be seen by more than 5,000,000 people. The later operational system will reach the 400,000,000 citizens of India who live off of the earth. Such efforts to help underdeveloped nations to make their people self-sufficient in the basic needs of human existence is, from our point of view, well worth the investment.

Additionally, the Canadian Government is planning a similar satellite to cover the wide expanse of that relatively thinly populated country. In addition, there are now 75 countries of the world participating in Intelsat system. This shows that not only do the underdeveloped countries have an output from NASA spinoff, but also the developed countries as well.

NASA programs such as these should continue to receive vigorous support. Soon to come into being are the earth resources satellites, which will bring unprecedented benefits. These unmanned craft will be able to pinpoint early indications of crop disease, previously undiscovered sources of fresh water, the beginnings of locust swarms in barren country, not to mention global weather patterns.

Not only are such programs of direct benefit to ourselves and other countries, but NASA is participating in space-related activities with more than 70 other nations around the globe. These ventures are either conducted jointly or on a reimbursable basis. To me, this policy is an excellent example of enlightened self-interest, and goes far to give strength and support to the international objectives of the country.

The space program and particularly the manned space flight portion thereof, has brought the biomedical scientist and engineer to closer conjunction than any other endeavor in the history of the earth. The hostile environment of space including the weightlessness, the radiation, the great distances involved and the loss of earth's influence on man's natural periodicities has made it mandatory that the technology of measuring man's physiologic and psychologic reactions to the space environment be reported in real time or as close real time as possible.

Because of the weight, volume and power limitations of spacecraft and because techniques traditionally used on earth are not acceptable and in many cases not feasible in space, much effort has been expended in developing new and advanced techniques of measurement and of instrumentation. These advances affect almost all man's bodily systems, but the cardiovascular system has been found to be one which is highly susceptible to the environments of space and, of course, is a key system in maintaining man in a healthy, effective state.

Many of the developments which have risen directly from the space program and have been used therein, have had other offshoots into terrestrial cardiovascular assessment and treatment functions.

Today, there are a number of these in actual use in the United States and some have been tried abroad. Examples are the spray on electrode. Normally, when one has an electrocardiogram, the technician applies a metal electrode to the chest and moves it about. In addition, he connects wires to the wrist and ankles. These electrodes are all right for short contacts, but in doing dynamic monitoring of the heart they have proven to be inadequate. Under NASA sponsorship, a spray on electrode was developed. One merely sprays this electrode over the end of a lead wire which has been greatly miniaturized and these are connected to the electrocardiogram machine. The application of the electrode doesn't require the removal of heat and this then flexible layer of material will contain the electrode, even though the patient is moving about. This is particularly useful in children.

Because of the need for good communications and receiving data from space, the equipment has been adapted for use in not only ambulances which are not attended by a physician—in moving a cardiac patient from his home on to a treatment center, so that the physician on the other end can give instructions to the ambulance attendant, but in addition, is being utilized today in a number of mobile cardiac treatment vans which are operational in various places.

Another development which is proving to be of use on earth, is enhancement of X-rays by means of a computer. X-rays, particularly of deep unaccessible portions of the body hidden behind boney areas, are often distorted and unclear. The use of a computer technique of converting the X-ray picture into digital forms and converting each point of the picture into a number proportionate to the film's optical density has resulted in the ability to reproduce them with much more clarity of detail and these are being used in studies of the heart and great vessels, as well as of the vessels in the brain.

Today, in many places, catheters used to do pressure studies and analyses of the cardiovascular system and the heart are equipped with pressure transducers which are miniaturized and have been adapted for measuring these pressures in humans. These transducers originally were designed for pressure survey probes in wind tunnels and for telemetry of pressure data from small flight models. They have greatly increased the sensitivity and increased the data returning from these very important measurements.

Another interesting technique which is still under development, but which has been used by cardiac surgeons, both in this country and abroad, is a technique for measuring the output of the heart by means of a four-electrode impedance plethysmograph. Normally, to measure the heart output, one must put a catheter directly into the outflow tract of the heart. This is still somewhat a dangerous procedure, even though done almost routinely today, and this technique shows extremely high degree of promise of either replacing or complementing the dye dilution techniques which are used today.

Another somewhat recent development is a technique for improving the image of the contractions of heart muscle tissue in doing heart research. This particular method was developed because a closed circuit television being used to monitor muscle movement produced a degraded and distorted image because a muscle moves rapidly, and the image storage time in the camera tube was wrong.

An engineer at one of the NASA centers suggested and developed the method of synchronizing a rapidly flashing light with the closed TV system, and as a result markedly improved images were obtained utilizing these stroboscopic principles. Although no catheters or tubes have been placed into any of the astronauts today, the research going on related to the cardiovascular system has resulted in the production of a miniature semiconductor transducer capable of transmitting pressure variations which help to assess cardiovascular function. This particular pressure transducer is about 200th of an inch thick and uses less than 500 millionths of a watt of electrical power and is a particularly attractive device which advances the state of the art in monitoring blood flow changes in cardiac patients for coronary inclusion.

A new type of artificial heart controller has been developed in cooperation of one of the space research centers with other medical groups, and consists of a pneumatic control system which supplies a driving pressure for either a cardiac assist pump or for a total replacement artificial heart. The system is still rather large, but continuing work is going on to make it small enough so that it can be useful outside the great institutions. This particular control system responds to very small variations in the atrial pressure of the heart, and results in a normal regulation of the artificial heart outflow system.

Going somewhat beyond the cardiovascular system, there are at the current time in use in several places in this country an automated monitoring system which can collect several channels of physiologic data from as many as 64 hospital patients and transmit it in digital form to a central control station for processing by a computer. A variety of conventional medical sensors can be used with a patient unit and these include EKG, temperatures, blood pressure, peripheral blood flow and certain other physiologic parameters, such as depth and rate of respiration.

Another method of measuring peripheral blood flows using ultra sound techniques and the doppler phenomenon are also under development and show great promise.

A further advancement is the discovery that some high purity, high strength carbon forms which were developed for the aerospace activities are chemically, biologically, and physically compatible with fluids and tissues within the human body. In addition to their high strength and long term compatibility, these forms of carbon can be fabricated easily into variable shapes and easily sterilized. Because of these characteristics, these materials may very well be the next order of materials used in surgical implantations for corrections of various pathological body conditions resulting from disease and/or injury. They well may be used for implantation splints, bone extensions, circulatory bypass implants, replaceable heart valves and other implantable prostheses which can probably be used more safely than the materials available today.

No one knows what the future will bring, but the space program continues to drive technology to find ways of measuring cardiac and vascular functions in man by noninvasive techniques and to develop the means of communicating this data over great distances rapidly in a form that will be easily interpreted.

It is likely that in the next 20 to 30 years, a number of new diagnostic or detection methodologies will be derived. Looking toward the future, a number of likely advancements are in sight. With the capability of imprinting microcircuitry on very small discs, it is entirely possible that a man's complete medical history—to include EKG's, cardiac outputs, peripheral blood flow, venous compliance, state of certain peripheral vessels, that is rigidity, and so forth, miniaturized pictures of the heart and vessels of the brain, plus every significant component of his physical examinations can be imprinted upon a disc as small as a quarter. This disc could then be used in place of the physician taking a history each time. Merely by inserting it into a small machine, he could pick out those elements which were significant as he reviewed the case in question.

Another advancement is that by the use of early detection of disease techniques, upon which the space agency is working very hard, one may be able to detect those subtle early changes which indicate that the cardiovascular system is beginning to get into trouble. With the advancement in communications and monitoring devices, I can foresee that rather than go to the doctor's office for a lying down examination, the patient may very well be able to pick up a monitoring device and wear it for several days, either transmitting directly to a receiver or deliver a very tiny recorder to a physician's office that can then be analyzed.

The development of new material and new techniques for pumping and regulating pressures may very well result in the ability to produce devices which can take the load off the heart if it is diseased, while the body goes through its normal function of repair.

There has been mention many times of a hospital in space where the weightless environment would take the load off of a diseased heart and, that while the patient was recovering from a heart difficulty they could be in this environment. This may come, but the stresses of returning to a gravity environment might very well limit the usefulness of this idea.

If, however, one can reduce the stresses of insertion into orbit and return to earth, this has a possibility in the future. Because space flight makes it important that we understand the various subtle and basic changes which occur at the cellular and even molecular level, the research being done and to be conducted may well lead to a much deeper understanding of the total function of the cardiovascular system and its relationship to other systems, so that more effective preventive means can be devised for patients with heart disease.

One development currently of great interest, but not yet far enough along to predict when it will come into effect, is one called "integrated medical behavioral laboratory system." This is a modularized flexible system which would have the capability of—at one sitting—measuring a good many physiologic and psychologic factors and integrating them into a picture of the individual's total well-being very rapidly. This system is being developed in its first form to fly in a spacecraft in the mid or late 1970's. This should prove a great boon to hospitals and physicians' offices—in that it would simplify and speed up the process by which the biochemical, behavioral and physiologic measurements are being carried out today. It might well be the greatest breakthrough in diagnostic instrumentation that we will have seen within the past 100 years.

In the NASA fiscal year 1971, the construction of facilities budget request of $34,600,000 is the lowest budget for new facilities that NASA has submitted. Their low budget program has been submitted in consideration of economy in spite of testimony before the committee on the need for more facilities for research.

Repeatedly, I have emphasized the need for forward-looking research programs and am well aware of the demands for newer facilities to meet the new research needs. I am, however, in agreement with this year's request and support it without change. My colleagues should be reminded that more research facilities are a must if this country is to maintain its predominance in space and aeronautics in the future. NASA must closely review its future needs and present them to the Congress in their proper order of priority.

Mr. Chairman, I conclude by complimenting our Apollo 13 astronauts, the officials of the NASA mission control, and the whole NASA team on bringing the Apollo 13 astronauts safely back to earth. They showed the world that we really can operate in space, that we are first in space and first in technology in this country.

Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Chairman, before we approve H.R. 16516, the NASA authorization bill, I believe it should be substantially amended. I oppose it in its present form.

Frankly, I have hesitated to grab this tiger by the tail. I particularly hate to stand here against the position of the gentleman from Texas, OLIN TEAGUE, chairman of the Subcommittee on Manned Space, for whom I have great admiration and respect. I hate to disagree with the gentleman from California, GEORGE MILLER, chairman of our full committee, for whom I have a very special personal devotion.

Also, I regret being in disagreement with my distinguished minority colleague on the committee, JIM FULTON, of Pennsylvania. I salute JIM FULTON for his personal courage, his devotion to duty, and his devotion to NASA's missions, as indicated by the fact that he has risked coming from the hospital in order to participate in our action here today.

We all recognize that the superb success of the moon landings, the Apollo program of the 1960's, owes much to the wise and vigorous leadership of Congressmen MILLER, TEAGUE, and FULTON, as well as the persistently strong support of all members of our committee, and the Congress as a whole. We continue to persist.

Personally, I certainly do support a continuing, strong manned flight program. At the same time, I urgently submit it should be supported at a lower priority level, and slower paced.

Therefore, I regret and oppose the action of our Science and Astronautics Committee in proposing nearly $300 million for manned flight programs over and above the administration's NASA budget requests, in this authorization bill.

I suggest that any such tremendous increase above the administration's budget request is not only unwise because of our crucial inflationary problems and the whole question of national priority needs, but also because it would to an unfortunate degree tend to distort the shape of NASA's overall effort, would distort the mix or balance of its various elements.

Therefore, I urge that we hold this NASA authorization much closer to the level requested by the administration, and that our amendments should provide wiser balance, direction, and timing for the whole space program.

This is 1970. Our original commitment for the Apollo program in the 1960's has succeeded magnificently. Now new needs and goals, other opportunities, demand our greater attention and support in this new decade.

Among those opportunities, relatively neglected thus far and crying for greater attention, are those so very evident in the greater use of unmanned, automated, instrumented space flights.

At this time of severe budget restraint, when our dollars are so scarce and must be spread so thin and wisely, I argue

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strenuously that we must put relatively greater emphasis on those aspects of the space program whence the practical returns, the fruitful returns, are the greatest. I mean usefulness to human beings right here on the earth. And all the evidence clearly shows that we achieve by far the greatest return in usefulness, in potential dollars profit for every dollar invested, from the unmanned space programs.

There was abundant evidence this year before our Subcommittee on Space Science and Applications that encouraged us to increase the authorizations for unmanned flight. We could have presented strong, valid arguments here for such increases. But in view of the Nation's other crucial needs, and other NASA programs, we felt obligated to stay strictly within the NASA budget request, and that is what we did.

Similarly, in the Subcommittee on Advanced Research and Technology, they faced strong arguments for increases, but they too held the line.

But the $300 million increase proposed for manned flight broke that policy. I repeat, it thus tends to distort the whole program. I am confident there are many, many more places where that $300 million could be put to better use.

I believe that the $3⅓ billion—I repeat, $3.30 billion—requested by NASA is adequate for that agency's needs in fiscal year 1971. It will be argued that is the smallest NASA request in many years. But that is as it should be. Right now should be a period of transition, a time for rethinking plans and priorities; not a time for rushing headlong into major expensive new programs, but a time for relatively very low budgets. I submit that a proposal for $3.3 billion is not very low. And, three hundred added millions is much too much.

Mr. Chairman, the Apollo 13 crisis of last week was a tremendous test of NASA's planning and skills. NASA's crews, both ground control and the astronauts themselves, came safely through that harrowing test with superb courage, skill and success. All of us are profoundly grateful for that; and we are immensely proud of the NASA performance. The accident does not diminish our faith in the space program; in fact, that faith is strengthened by the way NASA's men overcame it.

Nevertheless, Mr. Chairman, I believe the Apollo 13 accident inevitably may require some slowdown in the manned flights, and that in itself weakens the argument for added funding right now. All the more reason for holding to NASA's original budget request.

If thorough investigation of the Apollo 13 accident proves the need for added funds, then a supplemental authorization should be warranted, but not until we have the special investigating board's report.

Incidentally, I believe an excellent review board—headed by the extremely capable and conscientious Ed Cortright—has been named to do that investigation.

Mr. Chairman, I expect to support amendments which will be offered by the gentleman from Minnesota (Mr. KARTH), chairman of the Subcommittee on Space Science and Applications, on which I have the privilege of serving as ranking minority member.

Mr. KARTH will of course explain his own amendments later, in detail. But, in general terms, I understand he expects to propose cutting, not all of the extra money added to NASA's budget request by the committee, but a substantial part of it. His amendments would cut a total of about $240 million. Some $190 million of that would be cut from the proposed space shuttle development.

We argue that advanced research for the shuttle should be funded for the next fiscal year, but that it is too early to spend millions upon millions for its development. Far too many basic, beginning questions seem to remain undetermined as yet about this major new program. We argue this is a transition year in which we should move slowly, carefully, a time for a lot of rethinking, especially in relation to other national and NASA needs, not the right time for a huge new program start that inevitably will cost countless billions of dollars.

I doubt most Members of the House fully recognize that, if we authorize $190 million for beginning development of the space shuttle next year, it may well be the first step, a commitment for a $40 to $60 billion—yes, billions—dollar program in the next 6 to 8 years. Implied here, I submit, are annual NASA budget levels of $6 to $7 billion or more, year after year in the near future.

I urgently believe this is not the time to make any such new start.

Mr. Chairman, please note that I have not emphasized here the argument which several other Members undoubtedly will speak very eloquently, that our society is suffering today from several other human needs which should have a much higher priority, above the NASA programs, in our very limited national budget.

I understand and sympathize with that argument. However, in reality, I do not believe a reasonable NASA budget is in conflict with, or steals from these other budget needs. In fact, I believe the NASA program so vigorously bolsters our economy, stimulates our technology and points the successful way by which great public problems should be attacked, its beneficial "fallout" is so great and so varied, I do not see it as a rival but as an essential ally to other positive, creative programs. But, I repeat, that assumes that the NASA authorizations should be held down to the administration's requested budget limits. I believe it very healthy for NASA itself, that it be held to a very lean budget in these difficult times.

In closing these remarks, I repeat my strong feeling that the really big potential return for dollars invested in space effort is in the unmanned programs, and that is why I tend to resent any action here which seems to overcommit us away from the unmanned flight opportunities, already too much neglected.

I submit that an overwhelming portion of the scientific knowledge produced thus far by NASA has been based upon data produced by unmanned, automated spacecraft.

Similarly, most of the practical applications of space technology, such as communications, meteorology, navigation and earth resources survey, have been and will continue to be achieved by using unmanned satellites. In my judgment it is these efforts which should receive relatively much greater emphasis in the decade of the 1970's, and many of the most responsible, knowledgeable assessments of our full space program by others, also emphasize the need for that change of emphasis.

In the earth resources satellites program alone, there is literally billions of dollars of return possible in benefits for agriculture, forestry, mineralogy, geology and geography, oceanography, air pollution controls, better weather controls, and so forth, the entire spectrum of activities for the conservation, enhancement of our natural resources and environment. And yet we are supporting only a very limited beginning Earth Resources Technology Satellites (ERTS) effort by NASA.

I am very glad, in these days of limited funding, that H.R. 16516 does include some authorizations for the unmanned programs—for lunar and planetary exploration, physics and astronomy research, bioscience experiments and space applications. But these are very limited, "bare bones" programs, even though they are in several respects very much needed as preliminary to later manned flights.

All the more reason why we should not approve here today the adding of nearly $300 million over and above NASA's budget request for manned flights, the most expensive and least productive aspect of our national space effort—least productive both in terms of scientific output and in practical applications.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield to me?

Mr. MOSHER. I am happy to yield to the gentleman from Maryland.

Mr. FRIEDEL. Mr. Chairman, I wish to compliment the gentleman for his remarks.

Mr. Chairman, my record of support for the space program, I believe, is second to none in this House. I have consistently voted for this program over the last 12 years and it goes without saying that I have the highest possible personal regard for all our marvelous spacemen, from Dr. Von Braun and Colonel Glenn right through to all of the heroes of the Apollo 13 flight. These brave men in space and those able and dedicated technical geniuses on the ground that made the successful recovery possible gave all Americans here on earth a tremendous moral lift.

I favor and will continue to support the further continuation of the space program. However, I cannot in these days of grave domestic national concern over such earthly problems as environmental pollution, crime and drug prevention, and the need to rebuild our cities, support the expansion of the space program. I will, therefore, vote to support cuts in the bill before us today in those areas where I deem the program requirements as expansive. Specifically, I am for deleting the $190,000,000 provided for the manned space shuttle/station at the expense of other unmanned programs of greater value.

In addition, I shall vote to eliminate

the $100 million which is provided by the committee for the long lead time procurement of hardware for an improved Saturn V rocket. It seems to me, Mr. Chairman, that the current Saturn V which has done such a fine job in making our Apollo flights so successful, is sufficient for the present time. Research should of course continue on improvements for the future but I do not think now is the time to begin a large procurement effort. We have landed Americans on the moon. Our only competitors in this field are the Russians and they have admitted our primacy in technical excellence and achievement. Therefore, I feel that we are entitled at this point to relax somewhat our effort in this area and concentrate our main assets on those grave national domestic concerns, some of which were voiced so dramatically yesterday on the first Earth Day.

Mr. MILLER of California. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota (Mr. KARTH).

Mr. KARTH. Mr. Chairman, it is with sincere regret that I am unable to support the bill (H.R. 16516) as reported by the Committee on Science and Astronautics. Our distinguished chairman, Mr. MILLER of California, knows that I have been a strong supporter of the national space program over the many years it has been my privilege to serve under his able leadership. I have supported large NASA budgets, even in the face of other urgent needs of our Nation and our citizens, because I am convinced that the space effort represents the leading edge of America's technological advancement. As a nation we must remain in the forefront of the world's technology, for to fall behind, in my judgment, is to assure that we will shortly become a second-rate nation.

Yet, as Chairman MILLER has pointed out, this is a year of budget austerity. The Subcommittee on Space Science and Applications recognized this fact and observed the stricture in considering NASA's request for space science and applications funds, and in making our recommendations to the full committee. We approved the exact amount that the administration requested, which is $565.7 million for research and development for the Office of Space Science and Applications for fiscal year 1971. That amount for this important work is a little over one-fifth—21 percent—of the NASA budget for research and development. To me, this is a reasonable approach to the budgetary problems which we face at this session of the Congress. I hope that the House will sustain our recommendations.

I want to assure the Members that our subcommittee, in arriving at this judgment, gave very careful and detailed attention to each of the five major programs in our jurisdiction, and to the money authorizations requested for each program. These are the line items identified in the bill as "Physics and astronomy, lunar and planetary exploration, bioscience, space applications, and launch vehicle procurement."

The subcommittee met for 3 days in executive session to evaluate each program, weigh the possibilities of reductions in the stern administration budget, and appraise the benefits of possible increases in certain items. I think I can speak for all the members of our subcommittee in stating to the House that we feel strongly that the space applications program—the practical, end-result, benefits-on-earth type of space activities—needs greater emphasis and attention than it has had in the past. We believe increased expenditures for these purposes can be justified. Nevertheless, as I said earlier, we did not increase that portion of the NASA R. & D. budget within the subcommittee's jurisdiction.

We did, however, make one minor change in the form of a transfer of $5.6 million from one program to another. Frankly, in order to find a little more money for space applications work, we searched diligently for an item that might be cut slightly so that an increase of a like amount would not change the overall total and would not thereby rock the austerity boat. We found it, I think, in the Explorer program which comes under the line item, "Physics and astronomy." The Explorer satellites constitute an on-going program which is important, but which at least to some degree, is deferrable. So this is where we took away the $5.6 million. The Explorer item is thereby reduced to an even $20 million for fiscal year 1971, which approximates the Explorer funding level for the current fiscal year under NASA's operating plan, and accordingly the line item of "Physics and astronomy" is reported at $110.4 million instead of $116 million as presented in the original budget.

The transferred amount—$5.6 million—is added to the applications technology satellite project, to bring it up to $36.7 million—which is still less, incidentally, than the current fiscal year budget for this project. The purpose of the transfer is to permit the timely launching of two specific satellites, called ATS–F and G, under the original schedule of 1972–74, rather than to postpone the launchings for perhaps a year. The effect on the bill before you is to make the "Space applications" item $172.6 million instead of $167 million as in the original budget.

Mr. Chairman, please observe that we have resisted the temptation to increase, at this time, the highly popular tremendously vital earth resources survey program which also comes under the heading "Space applications." The reason for this restraint is not that I have lost my zeal for what many Members consider one of the most important of all space projects; the reason simply is that NASA finally has made a good start on development of an earth resources technology satellite, and proposes to continue its work on this project in fiscal year 1971 under a reasonably adequate budget request of approximately $50 million. I wish it could be more, but I recognize the realities of the current situation, and the need to curtail Government spending in the face of inflation.

In summary, Mr. Chairman, our budget recommendations for space science and applications are moderate, noninflationary, and at the same time at a level that should keep the program moving ahead on an even keel.

Why then do I oppose this bill in its present form? My opposition might be based simply upon the fact that almost $300 million was added by the Science and Astronautics Committee to support a more vigorous manned space flight program.

Mr. Chairman, it should be recognized that the sustained effort on the Apollo project during the last 8 years and its attendant high costs, taken together with 5 years of declining NASA budgets, has caused the space program as a whole to be thrown out of balance.

I supported the large expenditures for Apollo during this period, not only because I approved of the objectives of Apollo, but also because to have done otherwise would have disrupted the pace of the program, introduced inefficiencies, and resulted in dramatic increases in costs.

Furthermore, I am as happy with the successful conclusion of the Apollo project as anyone in this chamber.

Now that the Apollo mission has been accomplished, however, the time has come for a reassessment of the space program, and it seems appropriate that primary emphasis should be placed upon achieving a better balance between the manned and the unmanned aspects of the program.

Unfortunately, the program presented to Congress by NASA this year is not calculated to redress the imbalance in the space effort; rather, it constitutes the initial step in pursuit of an extremely ambitious space program for the decade of the seventies, with all increases in future budgets going toward manned mission. NASA's projected budgets go from $4 billion in fiscal year 1972 to $6.8 billion in fiscal year 1979, but the unmanned effort will remain at a constant level of effort.

While I oppose increasing the NASA budget for fiscal year 1971 in general, and especially for the manned space flight program, I submit that Congress has an unusual opportunity this year to participate in developing basic policy for the Nation's space program for the next decade by making selective cuts in the administration's request for authorization.

NASA proposes to begin large-scale expenditures in fiscal year 1971 for development of a so-called space shuttle/station program. This program is directed toward development, first, of a reusable chemically fueled two-stage shuttle which will operate between the surface of the earth and low earth orbit in an airline-type mode.

Second, the project looks to development of a space station module which is conceived to be a permanent structure in orbit designed initially to support six to 12 occupants. By joining together such space station modules, NASA proposes ultimately to erect a space base capable of accommodating 50 to 100 men. But what 100 men in earth orbit would be called upon to do that 12—or even six—cannot do, is not explained.

NASA's preliminary cost estimates for development of the space shuttle/station

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total almost $14 billion. However, NASA officials readily concede that these preliminary estimates are not to be relied upon. Testimony was received by our committee to the effect that "studies of the space station and shuttle, which are in progress during fiscal year 1970 and will continue into fiscal year 1971, will provide a much more comprehensive definition of the development of operational programs with a related improvement in the quality of our cost estimates. Experience indicates a strong probability that these more refined cost estimates will vary significantly from the preliminary values shown."

Mr. Chairman, I agree with that statement by NASA officials. In fact, I have no confidence in those cost estimates. Ten years' service on the Science and Astronautics Committee has convinced me that preliminary costs estimates are uniformly low, often only a fraction of ultimate costs.

In any case, it is my contention that NASA proposes to embark this year upon a new space program based upon new hardware almost entirely in support of manned missions with a manned Mars landing as the ultimate objective. For example, it is estimated by NASA that 68 percent of its total budget will be spent on manned space flight missions in fiscal year 1979 with $1 billion specifically designated for the manned Mars landing in fiscal year 1979.

While I am not opposed to the eventual development of a space shuttle, the large space station, the chemical space tug, and the nuclear transfer stage, I submit that it is unwise to undertake an accelerated program of the type envisioned by NASA during the next decade. I believe that the next few years should be a period of consolidation of the gains made in the space program to date, a fuller utilization of existing hardware and technology, and with special emphasis on a more aggressive exploitation of our space capabilities for useful application. Space systems have already demonstrated their enormous potential for direct economic payoff in such fields as international communications, navigation and air traffic control, analysis and forecasting of weather, and in surveying the earth's resources.

Let me now turn to the specifics of the fiscal year 1971 NASA budget. The Committee on Science and Astronautics adopted a report offered by the Manned Space Flight Subcommittee which increased the administration's request of $110 million for the space shuttle/station development project by $80 million, for a total of $190 million.

I would propose to cut these funds out of the authorization bill under consideration, and at an appropriate time I shall offer an amendment to accomplish this. The purpose of my amendment is not to kill the project, but simply to establish a realistic pace for development. I want to point out that NASA officials have testified that as much as $80 million will be spent during fiscal year 1971 in direct support of the space shuttle/station by the Office of Advanced Research and Technology.

I fully support the research work proposed to be done by OART in this regard. Before the space shuttle can be a reality, many difficult technological advances must be made in such areas as configuration and aerodynamics, heat protection, guidance and control, and propulsion, to name some of the more obvious ones. While NASA officials appear optimistic that these technical problems can be solved, they admit maximum innovation from the aerospace industry will be required, and that alternative approaches to these difficult problems will need to be studied.

As a matter of fact, NASA officials are divided on the fundamental question of whether the space shuttle should be a fully reuseable two stage vehicle, or simply a recoverable orbital stage launched by an expendable first stage. Dr. Wernher von Braun seems to favor the latter approach, while Dr. Thomas Paine and Mr. Dale Myers have testified in support of the former.

In short, Mr. Chairman, development of the space shuttle may prove to be far more difficult than NASA anticipates. Many technical questions must be resolved before the Nation embarks on such a difficult and explosive undertaking.

Most important, it is far from clear that the space shuttle is needed; NASA has not defined the program of the future in terms of numbers, and size, and cost of payloads that will require a space shuttle.

Even if the space shuttle were now in existence, and the cost of operation of the space shuttle were extremely low, the high utilization rate needed to justify its high development costs and its high procurement costs would require a considerable expansion of the scope of U.S. space activities during the late seventies and the eighties. Specifically, NASA officials have testified that the space shuttle will provide a capability for placing 50,000 pounds in orbit, and that they anticipate a minimum of 30 flights per year by NASA and an equivalent number in support of DOD programs. During the entire decade of the sixties, NASA exceeded 30 launches per year only once—36 in 1966—including Scouts and Saturn V's, which are not to be replaced by the space shuttle. Assuming the space shuttle's payload capacity would be fully utilized on each of the projected 60 yearly flights, this adds up to 3 million pounds of payload launched into orbit each year. Could the United States afford such an ambitious space program? Would the American taxpayer be willing to support such an ambitious space program?

How do 3 million pounds of payload in orbit compare with the space program of the past? In terms of cumulative payload launched, 1969 was NASA's biggest year with 442,358 pounds, over 97 percent of which was attributed to the four Apollo flights. It follows that space shuttle advocates must anticipate a greatly expanded manned space flight program—30 flights per year by NASA alone—one which the Nation might be unwilling or unable to support. Note that the NASA budget has declined each year since 1965. It would have to increase dramatically during the next few years to support the development project if the space shuttle is to fly by 1977, and then increase even more after the shuttle becomes operational in order to support the kind of ambitious program it is designed to serve.

The Titan III experience may be instructive. Development of Titan III was undertaken in the expectation that, once operational, there would be 50 to 100 launches per year. This high utilization rate was the justification for investing $1 billion for development. Currently, there are three Titan III launches per year.

Mr. Chairman, we may someday need a space shuttle. I believe we must all keep an open mind regarding the nature and scope of the space program in the future. Accordingly, I support the basic research work to be done by OART on space shuttle/station technical problems. But $80 million during fiscal year 1971 seems adequate, even generous.

We should proceed with caution, recognizing that these new developments will ultimately cost the taxpayer many billions of dollars. Before we embark upon this new phase of the manned space program, we should be sure it is technically feasible, that there is a genuine requirement and public support.

In short, the United States can have a meaningful manned space flight program using existing equipment during the next decade. The space shuttle, which is designed to replace much of this existing hardware, should be developed in an orderly fashion, the basic technological problems should be resolved prior to design and development, and the cost effectiveness of the entire system should be clearly established before the project is undertaken.

Mr. Chairman, I intend to offer a second amendment to reduce the NASA authorization bill by $50 million, which is one-half the amount added by the Science and Astronautics Committee, and not requested by the administration for Apollo.

The line item "Apollo" was increased by $100 million for "long leadtime hardware" for improvement of the Saturn V launch vehicle. For the Congress to authorize additional funds for "improvement" of Saturn V, a vehicle which will go out of production by the end of this calendar year, makes no sense whatever.

Frankly, Mr. Chairman, I regret the decision of NASA to discontinue production of Saturn V launch vehicles after No. 515. The decision to suspend production of Saturn V launch vehicles in order to make funds available to begin development of a space shuttle/station in fiscal year 1971 seems to me especially unwise. The Saturn V is a proven launch system which NASA concedes probably will be needed for future manned missions, and for testing of the nuclear stage in which NASA is continuing to make large investments. Suspension and restart of production of Saturn V vehicles has been estimated by Dr. Wernher von Braun to cost additional hundreds of millions of dollars. In spite of this, the decision to suspend production appears to be firm.

In view of the enormous costs involved, if production is in fact discontinued, there is no assurance that it will be resumed. Yet, the Science and Astronautics Committee also authorized an additional $100 million, under the Apollo line item, for "long leadtime hardware" for improvement of the Saturn V launch vehicle. It makes no sense whatever to authorize additional expenditures of $100 million in fiscal year 1971 for "improvements" to a launch vehicle which may never again be produced.

However, in view of the circumstances of the Apollo 13 flight, I have decided to offer an amendment to reduce that amount by only $50 million so that the remainder might be applied to the Apollo spacecraft system.

Mr. Chairman, the Nation is fortunate that the lives of the Apollo 13 astronauts were spared. There is no doubt, however, that because of the equipment failure, their lives were in jeopardy. Whatever needs to be done to give astronauts on future missions greater assurance of safety and success should be undertaken immediately. Accordingly, with the understanding that the remaining $50 million of the committee increase will be applied for this purpose, my amendment will propose a reduction of only $50 million below what the bill provides.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I shall be happy to yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I have always been a strong supporter of the space program, and I am now. In my opinion it has accomplished a great deal. It is going to accomplish much more in the future. This is the first time, however, that I concur in the minority views with reference to any part of this program. However, I do think the position which the distinguished gentleman from Minnesota (Mr. KARTH) has taken on this particular issue is a correct one. I intend to support him in his effort.

I feel it is necessary, of course, to explore the moon, but I question how much exploration should be done on that planet. I think I am rather more interested in our technology which has enabled us to get to the moon than I am as to what the moon is composed of or its relationship to the earth. I feel that other things have to be taken in terms of priorities. I feel that the gentleman from Minnesota has made a distinct contribution along this line.

Mr. Chairman, I deeply regret that the administration has seen fit to delay the launch of the Viking project from 1973 to 1975. Such a delay is estimated to cost us an additional $150 million. Moreover, we shall also be delayed 2 years on the acquisition of valuable knowledge and technology which would be derived from the exploration of the planet Mars. This is the planet which scientists say offers the best available possibility of determining whether extra-terrestrial life exists there.

Deferring funding for the planned Viking launch in order to accommodate a major new start in the manned space flight program appears to me to be an unwise move. I do not believe that it is necessary or prudent from a standpoint of economy, to authorize seven more moon landings through 1974.

To me, the real achievement in landing a man on the moon was the fact that we had the technical knowledge to get him there and bring him back. It is a matter of some interest to know that some positions of the moon are over 4 billion years old. We rather suspected, even prior to the flight, that the moon's surface was barren and hostile. But I do not think we should continue seven more manned space flights to confirm these facts.

I would rather see us now direct our efforts in a new direction with new goals in mind. If we find life on Mars, then we have a whole new ball game so far as the space program and space funding is concerned. Personally I am convinced that extraterrestrial life does exist somewhere in space. It may not be technologically reachable for years but that should be our thrust.

In the meanwhile I am concerned that we should expend more effort to make the magnificent technology which we have acquired available, for the betterment of mankind. The flow, in my judgment, from knowledge to use is too slow. The practical benefits to mankind derived from our knowledge of space, continue to be rather nebulous so far as the general public is concerned. This is not to say that we have not already received many useful benefits. The ability to miniaturize, for example, has given the medical profession tiny television transmitters which can be swallowed for visual examination of the inner stomach. Exotic lubricants have been developed which will benefit everyone. Soon we will be able to purchase a "space blanket" which will fit in your pocket but will provide warmth and comfort in the coldest weather. We have discovered how to use the energy of the human body as a source of power for hearing aids and for the direction and control of artificial limbs. The fact that we already have instantaneous world television coverage, worldwide communication capability, world weather forecasts and other benefits are so commonplace that we tend to forget that they came as a result of the space program.

There will be many more dramatic and important developments, as we continue our space effort but again the flow is too slow. We must intensify our efforts in this regard to bring these benefits to the people as quickly as possible.

I reconfirm my faith in the goals of our national space program. In my opinion, it is not only desirable but necessary that we continue to fund a viable progressive program now and in the years ahead. Not to exploit what we have been able to conquer would be a historic failure.

Mr. GROSS. Mr. Chairman, would the gentleman yield?

Mr. KARTH. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, last January I relayed to the Administrator of the National Aeronautics and Space Administration a request from the University of Northern Iowa for a specimen of moon rock to be displayed at the university. The request was rejected.

Recently I learned that there was on display at the Stardust Motel and gambling casino in Las Vegas, Nev., a specimen of moon rock. I wonder if the gentleman would care to comment on that kind of procedure?

Mr. KARTH. I am not sure that I can enlighten the gentleman as to the reasons for that decision, nor can I enlighten him as to the reasons for its display in Las Vegas. It may have been displayed in connection with some scientific conference. I really do not know. But I want to assure the gentleman that I have not had much to say about who gets one of the moon rocks for display purposes. I do know, however, that—and in all fairness I think it is the right decision for NASA to have made, NASA has distributed rather broadly those moon rocks to the various scientific communities all over the world, for exhibition.

Mr. GROSS. I suppose it is more important to exhibit moon rock to people on their way to the gambling tables than it is to display it to university students. I suppose that is the feeling of the Space Administration.

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, if the gentleman from Iowa will formally write to me and cite his authority I can assure the gentleman that we will look into it, and quite thoroughly, because it is the first charge of this kind that I have ever heard of, although I have had to turn down many people who had good reasons, and many institutions who wanted moon rocks, because there are not enough to go around.

I would like to have the facts to prepare a protest to NASA in this case.

Mr. GROSS. If the gentleman will yield further, why does not the gentleman from California go and get the facts? That is what I have to do.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of California. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I want to commend the gentleman and say to the gentleman I am going to support the amendments which the gentleman will offer. I recognize how difficult it is for a subcommittee chairman and a member of the Committee on Science and Astronautics to stand on the floor and urge a reduction in the committee's appropriation. I am a member of that committee and as I say I can understand how difficult it is to urge the body to reduce the appropriations requested, but I think it is in the national interest, as the gentleman in the well has indicated, for us to do that, because of national priorities.

Mr. Chairman, I have been on the Committee on Science and Astronautics a little more than a year, and in the course of that experience one thing has become crystal clear, and that is that the only reasons that we have manned space flight which costs five times that of unmanned space flight is to see what the effect of space would be upon man, and to give a psychological uplift to the Nation. I think that those things would be fine if there were money enough to do

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everything we needed, then we might continue with that, but so long as there are rats in the apartments in the ghettos of his country I think it is esoteric for us to ascertain through manned space flight whether or not there is microbiotic life on the planet Mars.

So, because of that I intend to support the amendments to be offered by the gentleman from Minnesota which would reduce the appropriations requested for manned space flight. Indeed, I believe the appropriation should be reduced to an even greater extent.

The administration has requested authorization for more than $3.3 billion for the space program in fiscal year 1971. A majority of the Science and Astronautics Committee have increased this amount by almost $300 million, with the entire increase designated for the manned space flight program.

Expenditures for space must be considered in the context of the total needs of the Nation. This raises a question of national priorities, and it seems absurd that the space program should rate so high when measured against other programs of Amreican society which are in desperate need of attention.

So many of society's most pressing needs are not being adequately funded that the list seems endless. Both the administration and the Congress have failed to fund sufficiently the urgently needed programs in education, housing, mass transit, pollution abatement, and crime control, to name only a few. Nor do prospects for meeting the cities' urgent needs seem very bright. Yet, to continue to ignore these problems is surely a perilous course, particularly while the government proposes to spend more billions on space ventures.

There are some who defend these expenditures by saying there is no assurance that if these vast resources were not spent on space, they would be applied to the accumulated needs of our cities and our fellow citizens. I believe this is too pessimistic an attitude, and I think that we can work together in the Congress and redirect these funds to meeting our needs here on earth.

Rather than increase the NASA budget, I would recommend that it be reduced. While much of the space program is worthy of support, there are several projects in the NASA program which seem particularly unjustified.

The most obvious among these appears to be the space shuttle/station. This is the first year substantial amounts have been requested to start the development of this ambitious new vehicle. The amount earmarked in this bill for the space shuttle/station is $190 million. If Congress approves these new manned space flight projects, the United States will be embarking upon developments that will cost many billions of dollars during the decade of the seventies—approximately $14 billion according to NASA's own estimates—and many knowledgeable persons believe NASA's estimates are unrealistically low.

I would urge that, during the next decade, NASA emphasize the use of automated spacecraft, rather than manned programs. At a fraction of the cost, automated spacecraft have proven to be much more effective in the acquisition of scientific knowledge as well as having practical applications, such as communications, air traffic control, weather prediction, and earth resources survey.

A second project, ill justified in my judgment, is the Viking program. Two Viking spacecraft are scheduled to be launched to Mars in 1975 with the primary objective of acquiring information relative to the possible existence of extraterrestrial life on the planet Mars. Viking is not expected to provide a final definitive answer to the question, but should reveal more detailed information about the environment at the Martian surface so that scientists can speculate as to whether that environment could support life.

We already know enough about Mars to know that if life exists there at all, it must be in the simplest form. I cannot justify approving moneys to find out whether or not there is some microbe on Mars, when, in fact, I know there are rats in Harlem apartments. The cities in this country are on fire; and the people living in the slums are furious at how little is being done to meet their needs while so much is being spent on space explorations.

While the objective of Viking may be very exciting to members of the scientific community, it is not a matter of great urgency to most Americans who are preoccupied and concerned with domestic problems.

NASA currently estimates the total cost for Viking will be almost $900 million. That cost estimate has more than doubled during the past year. If history is any guide, expenditures for Viking surely will ultimately exceed $1 billion.

Finally, there is the NERVA project. To date the United States has spent well over $1 billion on development of the NERVA engine. More than $1 billion additional dollars will be needed during the next few years to complete work on the NERVA engine and the stage with which it is to be integrated.

Since the decision has been made to discontinue production of Saturn V launch vehicles after vehicle No. 515, and since the nuclear stage is designed as an upper stage for Saturn V, if and when such nuclear stages come into existence toward the end of this decade, there will be no way to flight test it. Once discontinued, there is no assurance that Saturn V production will be resumed and the NERVA engine will be grounded.

Even more to the point, the nuclear rocket has never had a mission assigned to it. It does not have a mission today. And there are no approved missions for the future which will require the nuclear rocket. It has been argued that much larger, heavier payloads can be launched using the nuclear rocket but no mission has been defined involving such large and heavy payloads. In short, the need for NERVA has not been demonstrated.

Again, unless the NERVA project is canceled, the United States will end up with an extremely expensive, unlaunchable, and useless piece of equipment.

Mr. KARTH. Mr. Chairman, I thank the gentleman from New York. Let me just say in conclusion that the amendments I will offer will not, in my judgment, do damage to the national space effort. I am concerned about one new start program, a multibillion-dollar starting program that is a line item for the first time this year. I am interested in reducing the level of expenditure to begin the start of that program.

I will explain the reasons when we get under the 5-minute rule, but the simple reason I feel so strongly about this particular program is the agency itself, the experts, those who are going to be charged with the responsibility of overseeing it, are not at this point in agreement.

So, Mr. Chairman, I will, at the proper time, offer the amendments and explain them.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 10 minutes to the very competent gentleman from Indiana (Mr. ROUDEBUSH).

Mr. ROUDEBUSH. Mr. Chairman, I rise in support of H.R. 16516, the NASA authorization bill for fiscal year 1971.

As is the custom in our committee, we are again bringing a clean bill without committee amendment before this body. All of the many amendments which were considered in committee are incorporated in this bill. The purpose of this is to save the time of this body in considering the various amendments.

The NASA bill referred to the committee amounted to $3,333,000,000. The committee action, as reflected in the bill I speak for, indicates an increase in the authorization to $3,630,875,000 or $297,875,000 more than was approved by the Bureau of the Budget for NASA activities in fiscal year 1971.

The preponderance of this increase falls within the realm of manned space flight, with the exception of about $1½ billion in the field of research and program management. In view of this increase over the amount requested by NASA, I feel a further explanation is in order.

This year's request for the space program is the lowest space budget submitted to the Congress since fiscal year 1962. I am sure we are all aware of our troubled fiscal condition. NASA was thus required to present to Congress a very austere budget.

Actually, the original request from NASA to the Bureau of the Budget was for $4,500,000,000. This was to implement the recommendations contained in the President's Space Task Group Report. The President's space budget submitted to Congress was $1,200,000,000 less than the recommendations in that report.

Personally, I am a great believer in the authorization committees of this House. I do not suppose there is any group of men more familiar with our space program than the House Committee on Science and Astronautics. The committee's considered judgment was that a portion at least of the original recommendations by NASA to the Bureau of the Budget should be restored. And, of course, this restoration is contained in the bill we present to you today.

I do not think I need to remind you that we have had extraordinary success in our space program. Probably the greatest achievement of our Nation during the past year was the exploits in outer space. And I am sure you all joined with me and thrilled with me as we viewed television's presentations of the Apollo 11 and Apollo 12 flights. Without question, these were a great step forward for man and proved without fear of contradiction that the technical development of our Nation far exceeds that of any competing against us.

I say this without regard to the problems experienced on the Apollo 13 flight. I am sure that every Member joined with me in my personal anxiety for the safe recovery of our astronauts during this perilous experience. Their safe recovery with pinpoint accuracy, I personally think is a tribute to their own skills as well as the skills of those men at the Manned Space Center who improvised the use of their equipment and directed their safe recovery. This, too, even in partial failure emphasizes the excellence of the engineering and technology involved.

I have read that more than 500 million persons in every developed country of this world watched the first landing on the moon and listened to the words of Neil Armstrong as he became the first man to set foot on the lunar surface. The fact that this caused a great rise in American prestige is not refutable. The President clearly indicated this by sending the astronauts to many countries of the world as envoys of this Nation. I personally feel that the moon landing was the greatest scientific achievement ever accomplished by man.

The success of Apollo 11 was followed by Apollo 12, which was every bit as successful and perhaps more so.

Sometimes I wonder if we have a complete appreciation of the contributions of our space program. I realize full well that many consider our space effort largely a waste of effort and money. I know I hear this often in my own good State and congressional district. But during my past 10 years of service on this committee I have noted a revolution in man's education and the many "fallouts" benefiting mankind.

So far, I have spoken mostly about our manned space programs, and this is as it should be since manned space flights have accounted for the bulk of the money allocated. But I do want to say just a few words about that other category of our space program which does not receive the publicity and notice. NASA's unmanned space program, including the scientific satellites, has enriched man's knowledge immensely in the past 10 years. In physics, astronomy and the many scientific disciplines we have had a great leap forward.

These unmanned vehicles have proved to have a variety of practical uses for the betterment of life for all mankind. We are all familiar with our communication satellites, handling a great amount of our international communications today. Our weather satellites give us a much more complete and analytical look at weather.

When I began my remarks, I spoke of increases in the budget rendered by the committee. It might be well to review just briefly those increases authorized by the committee.

The committee has recommended an increase of $145 million for the Apollo lunar exploration program in fiscal year 1971. This figure was reached in the following manner: $45 million was added for the initiation of long leadtime production of payloads for lunar exploration flights after 1973, and to start production of the spacecraft and payloads for one more Apollo lunar exploration flight in addition to those currently programed. It is necessary that we authorize these funds at this time because of the leadtimes involved.

In addition, we have added $100 million to start procurement of long leadtime hardware to begin fabrication of an improved Saturn V system. This includes the beginning cost to vendors and subcontractors who have been phased out of the Saturn V program. Engine funding would have the highest priority because, from experience, we know the development of new engine systems has a leadtime of many years.

The committee has recommended an increase of $155 million for space flight operations in fiscal year 1971. Of this amount, $75 million has been added to augment the spacecraft and subsystems for a low earth orbiting laboratory called Skylab. This additional funding would give emphasis to earth resources and medical experiments, and would permit work to commence in the field of design for a second orbiting workshop.

The committee further recommends an additional $80 million for the analysis and engineering studies needed for the preliminary space shuttle and space station programs.

I do not think one needs a complete knowledge of the space program to realize that the success of this Nation's future space program lies in the development of a relatively low cost recoverable and reusable space transportation system.

Here I have spoken of our space program and the moneys needed to carry out a well-rounded program. If this money can be authorized by this House, I feel our future is bright.

Many of the undertakings of our space agency have materially and significantly worked for the betterment of man living in earth's environment. I think of the research being carried out in navigation and air traffic control satellite systems. Unmanned vehicles now being designed will survey earth's resources and provide a great deal of information for farming and forestry, the maritime and fishing industries.

We could talk of the efforts of NASA in the areas of aeronautic research, pollution, and noise abatement. However, I am sure the Members of this body are aware of this good work.

I believe H.R. 16516 is a good bill. I recommend its passage to the Members of this body and do hope it will have the approval of this committee and this House.

In the past year, every American citizen held his head high as Neil Armstrong and Buzz Aldrin first set foot on the moon. The world reacted with astonishment and utter amazement and every nation once again looked to the United States as the undisputed leader in science, technology, and management. There was no doubt that our country had recaptured the lead in a contest that could have been lost 10 years ago if the President and Congress had not promptly reacted to the challenge.

Our achievements in space, however, represent much more than adventure and our pride that America has taken once more its rightful place of leadership. Our efforts in space have encouraged the development of new products, new processes, and new technology, much of which has been made available to American industry and our defense organization. We have trained and developed a national resource of engineers, scientists, and other specialized workers in industry, government, and the universities, with skills vital to our economy and national security.

With this vast reservoir of technological talent and space science know-how, our great Nation cannot afford to sit back and rest on the laurels of past accomplishments. We have all seen how our space endeavors have brought about an unprecedented revolution in American education processes. We have seen science and engineering expertise excell to heights which we thought were impossible a few years back. We have observed a spirit of dedication and commitment rivaled only by the Nation's efforts in World War II. It is unthinkable to me that now, with this remarkable capability, we would not forge ahead in further exploration and exploitation of our new frontier.

The vast possibilities of many peacetime benefits to man here on earth have been demonstrated by observations and photographs of the Gemini and Apollo programs. These observations from space can tell experts the location of mineral reserves, the status of crops, the sources of air and water pollution, the flood potential of snow cover in a mountain range, and much more than was ever known about the weather. At the same time, our country is working to assure that all of the potential national security benefits of space are explored. We are conducting programs to protect us against hostile activities and to assure that space is not employed as a medium for aggression against us or our allies.

Our Polaris submarines fix their position beneath the high seas with the aid of the Transit navigation satellites. Ships at sea, aircraft in flight and forces at remote military bases depend on weather information obtained by satellites. A space satellite monitoring system helps us to maintain vigil against violations of the nuclear test ban treaty and the world's communications, both military and civil, have been revolutionized by communications satellites.

America has no ambition to turn space exploration into a destructive battleground. As the Apollo 11 crewmen noted on the plaque deposited at the landing site in the Sea of Tranquility, they "came in peace for all mankind." We must keep in mind, however, that others can have

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different motives. More ominous statements were being made by the leaders of the Soviet Union not too long ago when their sputniks and their cosmonauts were in the spotlight of world attention. It behooves us to work to seek to deny them the occasion to make such statements again.

Too much is at stake to allow leadership to revert again to another nation; particularly to one that does not share our ideals or our way of life.

The ultimate benefits of this country's space acomplishments will fully justify the cost.

Mr. MILLER of California. Mr. Chairman, I yield 8 minutes to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, the Subcommittee on Advanced Research and Technology recommended to the full committee an authorization of $775,271,000 for that portion of the NASA request considered by the subcommittee each year. This is $10,376,000 less than the fiscal year 1970 programed amount.

While this is the overall total requested by NASA, we did not "rubber stamp" this budget. We reordered some priorities within the request by emphasizing certain areas of research that will have a more immediate return to the taxpayer. We recommended an increase of $3.7 million for aeronautics research and $500,000 for technology utilization, to be offset by a reduction of $4.2 million in the tracking and data acquisition program.

The total amount is to be utilized in the following areas:

[In millions]

Research and development	$564.8
Construction of facilities	7.55
Research and program management	202.921
	775.271

The changes to the program were specifically to add: One, $1.5 million to electronics systems; two, $400,000 to human factor systems; three, $400,000 to basic research; four, $500,000 to technology utilization; and, five, $1.4 million to research and program management.

The subcommittee held extensive hearings both in 1968 and 1969 on the aeronautical R. & D. The evidence provided in these hearings—along with the testimony given in this year's authorization hearings—make a strong case for increased support for aeronautics-related work by NASA. In relative terms, the aeronautics part of NASA's budget request is still only 5.6 percent of the total—despite modest increases for the aeronautical vehicles program since the mid-1960's.

The recommendations reflected in this section stem from the conclusions and recommendations contained in House Report 91–932 of March 23, 1970, entitled "Issues and Directions for Aeronautical Research and Development." I recommend this report to you as pointing to the need for additional emphasis and attention to aviation matters in the United States. The purposes of the hearings and of the report were: First, to identify the priorities and problems in Aeronautical R. & D., and second, helping to focus the attention of the Nation's leadership on the urgency of greater emphasis on aeronautical research in the solution of critical aviation problems.

The conclusions and recommendations of this report are in consonance with the longstanding policy and recommendations of the Committee on Science and Astronautics. The committee has always sought greater recognition of aviation problems and greater support for the necessary R. & D. to help solve the problems that are within the purview of NASA. In spite of the efforts of the committee, NASA this year reduced the aeronautics-related work in the electronics research area by 45 percent. The action of the committee was to add funds for the important items that we believe should be emphasized.

The small amounts added will provide for additional work in the area of flight safety including work on aircraft wake turbulence, clear air turbulence, pilot warning indicators, air crew workload, and tension stress and in reducible noise and pollutants from aircraft engines. Also, the actions of the committee reflect this emphasis by providing additional funds to train and encourage new personnel to move into aeronautical research; to continue the development of flight safety items in the vital avionics area that would not have been continued because of the closing of the Electronics Research Center by NASA.

In considering the imbalance of space and aeronautics-related effort and the backlog of critical unmet needs in aviation, the subcommittee would have preferred to make a substantial increase in aeronautics-related areas. However, in balancing this desire with the realities of the total Federal budget and the need to curb inflation, the subcommittee felt constrained to recommend a modest increase for aeronautics which was offset by the reduction in tracking and data acquisition.

I remind the House that the advanced research and technology program provides the reservoir of new technology for our aeronautics and space programs of the future. It is a program that has been declining for the past several years as the NASA budget declines. Each year I have emphasized the need for continuing this basic work with increased emphasis on long-range needs as well as meeting current pressing "payoff" problems that lend themselves to immediate solution.

One of the roadblocks that has long distressed the committee has been the inability of NASA, particularly in the advanced research and technology centers, to maintain an inflow of young scientists and this has been notable in the aeronautical research area. Testimony taken in December 1969, indicates that the inflow has dropped from 179 new hires of young college graduates in 1966 to only 23 in 1969. With the serious shortage that exists in NASA today and with a continuation of this trend, the capability of NASA to provide the needed research could greatly diminish and the impact on the aerospace industry and the country could be disastrous. It would be tragic, indeed, if the country failed to maintain its world leadership in aviation which is being seriously challenged today. For example, while the net contribution of the aerospace industry in 1969 to our international balance of payments was $3 billion, there is no guarantee that this favorable result will continue. Our competitors are pushing hard and have equaled or surpassed us in a number of areas.

To reverse the trend in new personnel hires and to encourage younger personnel to involve themselves in aeronautical research, the committee recommended an increase in research and program management of $1.4 million to be used specifically for: 50 research fellowships with NASA, 100 additional summer jobs at NASA centers, and 100 graduate and undergraduate scholarships.

We believe that the use of this relatively modest sum in this manner and continued for a few years will provide the impetus that can stimulate the innovative research needed to keep NASA and the country in the forefront in this vital industry.

In the area of technology utilization which is the program whereby NASA makes available to industry and to the public new discoveries and ideas resulting from their research, the committee recommends an increase of $500,000.

The subcommittee has always considered this area to be highly important. The budget request was $4 million—or 20 percent lower than for fiscal year 1970. To carry on the modest, but important work in disseminating the results of the space program to the taxpayer, the program was increased by $500,000. Emphasis will be placed on results from space research which contributes to the solution of urban problems and to the reduction of pollutants and noise in our environment. Specifically, these funds will provide:

An additional applications technology team to work specifically on the problems of transferring NASA technology for the solution of urban development and environmental quality problems.

Additional effort in disseminating the results of space-related research to the general public and through trade associations.

Our review of the tracking and data acquisition program showed that it is soundly based; however, a judgment was made that a small 1.4 percent reduction could be made to offset the $4,200,000 increase for aeronautics and technology utilization. The principal impact of this reduction will be to defer certain equipments which must be acquired eventually to modernize the worldwide networks. Although the committee is fully aware of the excellent work that has been performed by the tracking networks and the need to update equipments, it was concluded that the problems discussed above are more pressing at this time.

I urge all of my colleagues to support this important portion of the space and aeronautics program.

APOLLO 13 FLIGHT

The flight of Apollo 13 was unquestionably a tribute to the astronauts' courage and ability. It was equally a tribute to the dedication and skill of the managers, technicians, and engineers at Houston who guided the crippled spacecraft through its 4-day ordeal. But most of all, it was a tribute to the training, which from the very beginning, has been the very backbone of the Apollo program.

The years spent as test pilots developed in the astronauts a sense of coolness in response to emergency. Continued jet flights enhanced this ability.

In the Apollo program, engineers, scientists, and managers were constantly keyed to anticipating the worst situation that could possibly occur—and solving the problem beforehand.

In the aerospace industry, hundreds of people were constantly performing systems engineering checks. All systems were tested "off nominal" to design and build in alternative modes of operation.

The astronauts were also involved in this process, with simulations on the ground and in flight. In fact, John Swigert wrote the technical manual on Command Service Module emergency procedures. In each Apollo mission, hours and days and months, and even years of practice preceded the flight. Complete missions, with emergencies and alternative means of mission accomplishment, were simulated.

It had been proven in previous flights that the lunar module could provide emergency propulsion and serve as an environmental shelter. On the Apollo 9 earth-orbital mission, Jim McDivitt and his crew deliberately ran the lunar module through the lifeboat operation that was to save Apollo 13.

Simulations and computations on the ground were performed during the Apollo 13 flight to verify other emergency procedures. Scientist Astronaut Anthony England tried the emergency lithium hydroxide air purification setup on the ground before this method was relayed to the astronauts. Computers checked out the necessary operational changes in the mission before they were attempted by the Apollo 13 crew.

The first indication of how all the training in depth paid off for Apollo 13 was when John Swigert replaced Tom Mattingly as the third Apollo crew member just 2 days before launch. But perhaps the most vivid demonstration was when the three astronauts, without the least indication of panic, prepared to take shelter in Aquarius knowing that the fragile craft designed only for lunar landing operations would be responsible for their lives until they once again approached earth.

TECHNOLOGY UTILIZATION

Mr. Chairman, the great technological advances made since the beginning of the space program are resulting in major benefits. Many of these benefits have been made possible by our work in advanced research and technology. We have produced new materials with properties heretofore deemed impossible. We have found new processes and techniques that are more reliable and have greater precision, and we have vastly increased our computer, communications, and data-handling capabilities.

Aside from the direct inputs for specific space programs, there are many additional dividends from our efforts. These are variously called spinoffs, fallouts, or technology transfers—many of which take place under NASA's technology utilization program. The transfers range over a wide field—medicine, materials, safety devices, electronics, tools, fire-resistant foams, and paints—and some may become the nucleus of new industries.

Clearly, the major output of NASA is technology. At the beginning of the space program, for instance, we had tape recorders that could handle 200 bits of information per inch of tape; we now can record 28,000 bits per inch. We have instruments capable of magnifying objects 20 million times. We have a diamond knife that can dissect away portions of a molecule or cut a hair to 10,000 lengthwise strips.

In order to get to the moon, NASA required advances in every technical discipline. Knowledge gained is applied over and over again in all fields of engineering, and this leads to advances in related technologies. The computer industry is a good example of the impact of space technology. NASA is the largest user of computers in the world. We must have large computer systems of great complexity, size, and speed, and we must have great flexibility in the use of computers. In order to meet planetary launch window dates, it is necessary for us to have hundreds of thousands of items on schedule. We also must be able to monitor dependably our space missions. All of this, from automated checkout functions to inventory management, is done by computer.

Stimulated in large part by space demands, our Nation met the challenge for computers so well that the U.S. computer industry now dominates the world. It does about $8 billion worth of business a year. Its exports have increased more than 1,400 percent in the first decade of the space age. It not only pays the highest average wages of any industry, but contributes a large positive international trade balance.

Another field that has felt the effect of the NASA-sponsored technological progress is aviation. History has taught us that we cannot drag our feet in this sector. We did so after the Wright Brothers invented the airplane and, as a result, our pilots were forced to fly French and British planes in World War I. International competition in aviation is intensifying to such a degree that a strong aerospace industry is a matter of national survival. On our leadership hangs our future national security.

This present leadership is evident at airports around the world; 75 percent of commercial aircraft flying all over the world are American-built. American aircraft, whether civil or military, reflect the technical contributions of NASA research in aerodynamics and engines, materials and structures, guidance and controls.

Aerospace is now America's largest manufacturing industry. Last year it did a $27 billion business, with a $28 billion backlog. It is one of our great producers of national wealth, exporting more than $3 billion worth of aircraft and parts in 1969 alone.

Much of our progress has resulted from the effective way in which NASA has organized and managed research and technical development, getting practical results into the hands of people who can use them. Individuals, cities, universities, and corporations have greatly benefited from this technology transfer. Many people employed on NASA programs now have taken their knowledge and skills into other fields. In the Chrysler Corp. for example, automobile ignition systems were reworked in order to meet the new Clean Air Act criteria. This was done by their own personnel who had developed the automated checkout and launch sequence equipment for the Saturn launch vehicle.

Technological transfer and growth mean much to the Nation. They influence productivity, wealth, and power. They bring better and cheaper products, and they mean more and better jobs with higher pay. As an example of what I am talking about, let me give you one brief comparison. Just 38 years ago, in 1932, the U.S. population was 125 million. Today we have 205 million. Some estimates suggest that the U.S. population will reach the 400 million mark by the year 2000. Thirty-eight years ago, in 1932, the U.S. gross national product was about $58 billion. Today it is at the $952 billion level and in the year 2000, if we progress at nothing more than an average annual 3 percent growth, the gross national product will be 2 trillion, 500 billion dollars. My point is this—it is no accident that this tremendous national growth coincides with a major commitment and investment by the United States in science and technology—of which aerospace has been a major component.

One level of technology was generated in response to specific space program needs. But that was just the beginning. What has resulted has been a wide assortment of progress, some expected, some unexpected, and out of it all have come many wonderful things now beginning to be realized. What lies in the future, we can only surmise, but I feel confident the harvest will be rich and bountiful. Mr. Chairman, I believe that our national security, economic progress, and world leadership are values we must protect by continuing to support our investment in technology.

For all these reasons, I strongly support an increase of $500,000 over the President's budget request of $4 million to finance the technology utilization program.

Mr. Chairman, I hope this committee will vote the full amount of $775,271,000 for advanced research and technology, tracking and data acquisition, and technology utilization.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from West Virginia yields back 5 minutes.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BELL), who has been extremely interested in the work of the committee on space matters.

Mr. BELL of California. Mr. Chairman, first of all, the chairman of the full com-

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mittee, the gentleman from California (Mr. MILLER), has done an outstanding job for this committee in his leadership and ability to anticipate what is going to happen.

Also I commend the gentleman from Texas (Mr. TEAGUE), for his fine leadership and anticipation and being able to ferret out some of the difficulties that occurred for the committee. Also, I pay my respects to the gentleman from Pennsylvania (Mr. FULTON). It is a pleasure to have him back. He has done an outstanding job in leading the committee on the minority side and he has a thorough understanding of the problems of space.

Mr. Chairman, I rise in support of H.R. 16516 to authorize appropriations for the National Aeronautics and Space Administration.

This bill was subjected to the closest scrutiny by your committee in full recognition of the urgent demands of budgetary priorities.

NASA is the only agency in the Federal bureaucracy whose budget continues to decline each year.

We hear a great deal about priorities in our Nation, and I fully agree with most of what is said.

Domestic social ills demand our attention and our resources.

And they are getting them.

But the cry for a trade-off between space/defense and domestic social budgets has become so commonplace these days as to be in danger of losing its meaning.

It is often overlooked, however, that in the last 10 years, while defense spending has gone up by about 73 percent, domestic social program spending has increased 222 percent, while the space program has declined by about 40 percent in the past few years.

Now let me not be misunderstood.

I have supported both in my committees and here on this floor these moves to reorder our national priorities.

But as in any other endeavor, let us beware of shortsightedness.

And let us also be aware that we are not discussing annual increases in NASA's budget, but annual decreases, and how large those decreases should be.

I might point out that this is a highly unusual procedure in this body.

Mr. Chairman, the level of spending authorized in the bill before us is the minimum level at which we can maintain the chance for optimum return of the taxpayer's dollar. Now that we have had some difficulty in our recent manned-space flight to the moon, a few Members may think it popular to try to cut our effort. That would indeed be shortsighted.

Why is it that at the very height of our space success we want to say "forget it—forget the billions we've spent—forget the tremendous technological knowhow we've developed."

Unless we approve this legislation, our Nation will have no manned space flight capability after 1974.

No matter how we would view our Nation's requirements in space, we would have cut off our options; we would have lost the leadtime necessary to regain launch capability.

You have heard before, on this floor, the enormous and unwarranted costs which would be incurred from a stop-start, stop-start operation.

It is no less true today.

Mr. Chairman, in my own district, which is the home of so much of the talent that landed Americans on the moon, I have witnessed, personally, the devastating decline of a technological capability that is essential to the maintenance of our Nation's competitive position in the world—not only of today, but of the future.

We are literally destroying our ability to provide our Nation with the scientific and technological prowess essential to our survival.

This is happening not just in southern California but in many areas across the country.

We must not allow American leadership and expertise to be reduced to the vulnerable level it is otherwise headed for.

This legislation offers us the opportunity for a moderate continuation of our space program, a balanced level which permits not only salvaging of our pool of technological talent and facilities, but the maximum return on our space investment.

Without it we may all of a sudden wake up and find ourselves totally unprepared for tomorrow's challenges, and then it would be too late.

I cannot urge more strongly that my colleagues support the bill as reported by their Committee on Science and Astronautics.

The CHAIRMAN pro tempore. The time of the gentleman from California has expired.

Mr. MILLER of California. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BELL of California. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. The gentleman has been an excellent member of the Manned Space Flight Subcommittee.

I kind of have the feeling, when the chairman of another subcommittee and the ranking minority member of that subcommittee came in to offer amendments to cut what was done by this subcommittee unanimously, there must be some curiosity as to what our subcommittee did. Will the gentleman from California tell the Members of the House something about how we operate, about how we get information and how we learn about what is going on in the manned space program?

Mr. BELL of California. I shall be happy to do so.

We make a thorough study of all the aspects of expenditures in the space program and the space expenditures under the NASA authorization.

We travel about various parts of the Nation in which the programs are being developed by the different aerospace plants. A thoroughgoing study is made of the operations of those plants.

I could go on for hours to tell the Members about the amount of time and effort that is placed in the work of programing the space effort. It is not something we go over very hurriedly. It is something highly technical. It requires a great deal of understanding and study.

As the chairman of the subcommittee has said, this is the type of operation you must understand, it is a highly technical subject that must be studied carefully. It is difficult to understand how someone can quickly say they are opposed to this particular proposal, without being a member of the subcommittee.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. BELL of California. I yield to my colleague from California.

Mr. CORMAN. Mr. Chairman, I commend the gentleman for his work on the Science and Astronautics Committee. I have great respect for his ability and join in his statement.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. BELL of California. I am happy to yield to the gentleman from New York.

Mr. PODELL. Mr. Chairman, I commend the gentleman for his statement.

Mr. Chairman, it is significant that earth day came only 6 days after the most hazardous of space flights has ended. I am happy as anyone to find our three brave astronauts safely back home on earth again. They met the challenges of their dangerous flight with distinction and bravery.

They are now back down on earth for a while. In the days and months ahead, they will have to face another hazard, the dangers and the rigors of earth travel. Riding behind a bus in the middle of a traffic jam is the American version of death in the afternoon.

Our earth stands out among the planets in our solar system. Its blue cast signifies the presence of water—and, as we know, water is the mark of the existence of life. Indeed, life as we know it emerged from the sea millions of years ago. From miles away in space, we cannot see the water turning brown from pollution. We cannot see the objects floating in that water. Water, once the source of life, is now killing the life actually contained within it.

Earth Day signifies that cooperation to combat the crisis of the environment is needed; it is needed between levels of government, between industry and government, and among all citizens. Deadlines for ending pollution are too far into the future. I call upon all to act now so that in the years ahead there will be no need of an earth day.

While people are talking about the problems of the environment, there must be some determination as to what are adequate standards for a "clean" environment. Goals must be established so that we have a direction for our activity. If our methods are spelled out, we can act to keep pollution indices low.

Thus, environment, ecology, and the quality of life on this planet have become the concerns of the 1970's. If they are ignored any longer, some scientists say that there will not be a decade of the 1980's and 1990's.

There is a public mandate for speedy action. Polls have shown that more than

85 percent of the population in this Nation is concerned with environmental pollution. Three out of four are willing to make additional sacrifices to improve our surroundings.

The entire issue is a new departure for the United States. It is a mass effort to improve the quality of life. It is time to put American know-how to work in this effort. If pollution recognizes no political boundaries, we must cross administrative boundaries to fight pollution. I would like to elaborate and to give you further proposals on this matter. I propose that we use the technical know-how of the National Aeronautics and Space Agency to help solve the problems of this planet.

Several months ago, spokesmen for General Motors announced that fume-free automobiles would be available for mass public consumption by 1980. I think that 10 years is simply too long to wait for such an important technological breakthrough.

In 1953, automobile companies began to work on antipollution devices. Seventeen years, and millions of dollars later, our cities are blanketed by automobile-caused smog, carbon monoxide, and sulfur dioxide. The once crisp outlines of buildings now fade into the grayness of the air.

In the past, the automobile industry has had an almost total monopoly on the research and development facilities in this area. When the American public was quoted a date or timetable for an automotive antipollution device, having no other source of information, they could do nothing but accept the work of the industry.

I believe that there is cause for some scepticism in their pronouncements. I feel it is nome to inject some competition into the development of an automobile that does not pollute the air. The American public deserves faster service.

The year 1953 marked the beginning of the automobile industry's efforts to develop an antipollution device. It also marked the beginning of the U.S. Space efforts. In the intervening 17 years, the United States, in what can justifiably be called the achievement of the last decade, landed four men on the moon.

The National Aeronautics and Space Agency has met all the challenges presented to it. The technological feats regarded as science fiction several years ago have become the accepted reality of today. At NASA the impossible seems to take only a little longer.

As a member of the Science and Astronautics Committee, I have observed NASA's achievements first hand. On Earth Day, I have called upon NASA, the Agency that has conquered the challenges of space, to help us conquer some of the problems here on earth. Literally interpreted, space begins right above our hands, and lately this area has become more and more unpleasant. I am calling upon NASA to take up the challenge posed by our polluted environment.

The American public is rightfully demanding some solution to these problems and NASA spokesmen have said they seek the application of space technology for the direct benefits of all mankind.

What could be more beneficial than using a portion of NASA's 35,000 employees, including some of the Nation's top scientists, engineers, propulsion, and electronics experts to solve the problems of our earth's atmosphere?

With the proposed cutback in NASA appropriations for fiscal year 1971, some of the NASA people may remain idle. There are too many problems as yet unsolved for idle scientists. Federal funds should be given to NASA for the express purpose of developing an antipollution device for automobiles.

One of NASA's objectives for the 1970's is "the expansion of human knowledge of the phenomena in our atmosphere and space." Sulfur dioxide, hydrocarbons, and carbon monoxide—thanks to the internal combustion engine—have become phenomena of our air space. Let NASA set the pace for the development of a clean engine, starting from Earth Day, April 22, 1970. It would be another "giant leap" for the health, and the well-being of mankind.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. BELL of California. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, my distinguished colleague, the gentleman from California (Mr. BELL), has served with me on the Education and Labor Committee where he is acknowledged to be one of the most thoughtful, constructive, and useful members of the committee. I value his counsel highly.

I am impressed when he cites the problem of trying to develop important national programs on a "fits and starts" basis.

It is certainly quite true that, to reach the moon, America had to do the whole job. We developed a highly sophisticated, comprehensive master plan to do the job—the whole job—by a predetermined timetable. No "on again, off again" approach could work for space exploration.

Mr. Chairman, neither will such a reluctant, dispirited attack by half-measures help us conquer earth problems either. We have lost ground steadily in our war against the despoilation of our environment. We are fighting a standoff in our war against poverty. We have long since been outmaneuvered and outgeneraled by our own profligate, haphazard, heedless "growth for the sake of growth"— in our feeble effort to create livable cities.

I am exhilarated by the marvelous new scientific insights which our space program has gained for us. I deeply believe in mankind's eternal quest for knowledge for the sake of knowledge. But the cost, and utility, of this new body of knowledge must be balanced against the comparable costs and the comparative benefits of earth problems which need to be squarely faced, and earth programs which must be vigorously prosecuted.

I believe that, considering the urgent programs at home which have been stretched out, thinned out, trimmed down, cut out, and starved on the vine, we must seriously consider eliminating or drastically reducing the expensive manned-space program. Likewise, we must consider some stretching out and temporarily cutting down of the entire multibillion dollar space program.

I hope the day will come soon when we will have diverted enough resources from a wasteful and futile war in Vietnam to finance not only a sound and comprehensive body of education, housing, health, welfare, job training and employment, and conservation and environment programs here at home, but also a long-term space exploration effort which will further probe the mysteries of the Universe.

But, until we serve earth better, so far as I am concerned, the stars will have to wait.

I must vote against this authorization.

I thank my colleague for yielding.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I appreciate the chairman of the committee yielding me this time. I wholeheartedly support the bill before us today.

First of all, I want to commend the chairman of the committee, the gentleman from California, for his interest and in supporting this great space program. I also wish to express my thanks to the chairman of the subcommittee, the gentleman from Texas, for the time and effort that he has put forth in behalf of manned space flight.

We have gone into this bill very thoroughly and visited many of the centers around the country. I think we come to this House with some knowledge of what we think we need to do in our space program.

Mr. Chairman, World War II challenged this Nation as it had not been challenged before. A long-time depression was supplanted by a thriving economy as the factories, and the people went back to work. For the war activated our production, and the wealth of a nation is its productive capacity.

The demand for aircraft made the aviation industry the major manufacturing employer of the Nation. And we produced over 70 percent of all aviation equipment throughout the world. But time passed, and volume production was no longer the criterion for success. The British produced the first pure jet aircraft—the Comet, and if it had been successful the United States would have lost the market. It is not valid to attribute success to the failure of others, but, because of the failure of the Comet, the United States gained the time necessary to produce the 707 which now dominates the world jet market.

While the production equipment of West Germany—financed by the Marshall plan—became the most modern and efficient in the world, the producing plant of the United States fell into obsolesence. By the beginning of the Kennedy administration, the industrial plant of the United States lagged behind the other leading industrial nations of the world. Volume had been achieved during the war—but innovation in equipment and in concept had fallen behind.

One of the early moves to improve the physical plant was the legislation which permitted a 7-percent tax write-off in the year of purchase of new capital equipment. But this was only part of the problem. It was also necessary to upgrade the technology of mass production induced by the volume requirements of the war. What was needed was a major challenge to bring U.S. industrial technology up to its historical standards of world leadership.

The International Geophysical Year presented such an opportunity and the United States joined the leading technological nations of the world in the quest for new knowledge which was exemplified by the thrust into space. The efforts of this country were not rewarded by immediate success. The first satellite to be launched into orbit was Sputnik I which stunned a nation accustomed to first place in the technological world. However, many aware people were not surprised. The price of leadership has always been daring, risk, innovation, and the United States had not been engaging in any of these pursuits.

Belatedly we realized, as a nation, that in order to keep our industrial house in order, we must innovate, we must engage in fundamental research, we must tread new ground and lead rather than follow. When the U.S.S.R. put the first man into earth orbit we all knew that we would have to compensate for the years of neglect with a crash program for progress. The lunar mission was assigned in 1961. It was performed in 1969, within the time and cost constraints prescribed by the President.

And the lunar landing accomplished all of its aims. It gave this Nation the new capability to operate in space; it upgraded the physical plant of the United States, not only in the aerospace but also in other sections of basic industry; it challenged the university, industry, government team to work together in unprecedented combinations of talent; and it finally returned this country to first place among the nations of the world, in the essential concommitant of industrial and social progress—technology.

At the peak of production for the Apollo program, in 1966, over 400,000 people in government, industry and over 200 universities throughout the country were engaged. Twenty major manufacturing companies subcontracted to almost 20,000 smaller or allied manufacturers. Every aspect of our economy was involved in this national effort. From food to fabrics; from parachutes to plastics—U.S. industry grew and matured in response to the lunar landing program. Since there is still no way to spend money in space, the $21 billion used for Appollo was all spent here on earth. Most of the money went to pay the salaries of the men and women who made up the government, industry, university team which accomplished this miracle of engineering. Less than 5 percent of the total amount was actually expended on materials which went into space.

As a result, the United States can now boast the most modern and most sophisticated plant, on a physical and technological basis, of any nation in the world. Our aerospace industry, still the largest manufacturing employer in the Nation, has the most modern equipment from clean rooms to wind tunnels; from laser cutting techniques to 80 billion a day computer calculation capacity. In the international arena of space, this country can claim a well-rounded capability to operate in every space regime—automated, manned, near-earth, synchronous orbit, polar orbit and planetary.

The challenges of our space program have prepared our industrial base to stand in the forefront of the world of nations. And since industrial capability is synchronized with economic viability, we can expect that our industry will be able to maintain its supremacy in the light of expanding population and social pressures. Only with an expanding industrial capacity can we expect to maintain our scale of living, and maintain our population in rewarding activity.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, the first question one asks oneself in considering H.R. 16516, is how does the accident and near-tragedy of the Apollo 13 flight change the space program.

As for me, my answer, as far as the manned lunar-landing program is concerned, is that no accident at this late date should deter the United States from continuing to expand man's knowledge of the moon and solar system. As the report of the committee indicates, the moon is the only planetary body, other than the earth, which man can investigate in detail. I think we should continue to study the moon by further landings and exploration. But, certainly, the Apollo 13 accident means a delay and as such I see no need to authorize the increase of $145 million recommended by the committee for the lunar exploration in fiscal year 1971. I think NASA's requested $956,500,000 for its continuation is more appropriate.

Likewise, the recommended increase of $155 million for space flight operation seems unnecessary, and, anyway, I do not think the Appropriations Committee would approve the money or, even if they did, the administration would spend the money.

On the other hand, I don't think that NASA has asked for enough money for aeronautical research. If we had done the necessary research 10 or 15 years ago, the Nation would have avoided much of the difficulties of airport congestion and other problems that exist today.

I repeat, Mr. Chairman, I am greatly disturbed by our past submersion of activities in advanced research and technology. I have been an active member of the ART Subcommittee for 8 years and have supported the need to strengthen the entire area of aeronautics so that the Nation would not be faced with the air traffic problems that are proving so unmanageable today. Are we waiting for a tragic air fatality to draw our attention to the priority of aeronautical research and development? I certainly hope not. If we are to continue to rely on our airways in the future as we have in the past and continue to accept the Government's involvement in this field, then the time has come to implement this priority.

The United States has always ranked at the top in nearly every phase of aeronautics thanks greatly to the effort of private industry to concentrate so much effort on advanced research, but I deplore the suppressing of Government support that squeezes and cripples this advanced research in the name of either economy or the stress demands of more immediate practical application.

In the report of the Subcommittee on Advanced Research and Technology entitled "Issues and Directions for Aeronautical Research and Development" seven conclusions and recommendations were reached.

First. Our Nation should establish a national aeronautics and aviation policy—with particular emphasis on aeronautical research and development.

Second. The pattern of Government agency-industry roles and relationships requires clarification.

Third. The Department of Transportation should be a statutory member of the National Aeronautics and Space Council.

Fourth. With overall U.S. research and development effort in aeronautics and aviation declining, there is reason for concern about maintaining our long-term world leadership.

Fifth. There is a broad range of unmet needs in aviation and aeronautical research and development. Not only must we rebuild our technological base but we must use our existing technology more fruitfully.

Sixth. Positive action must be taken by Government and industry to encourage younger scientific and technical personnel to enter and remain in the aeronautics field.

Seventh. In the past airports have not been considered as a part of aeronautical R. & D.; however, they are becoming more and more related to both R. & D. and operational areas.

It is easy to understand how far we have advanced in aeronautics over the past 12 years when we are reminded that commercial jet flights had just begun in 1958. Yet, in this same period of 12 years there has been a real increase of only $75 million for aeronautical research and development within NASA. This just does not make good sense.

Whether we are talking about civil air transport, noise abatement, air pollution, safety, congestion, or improvements in aircraft themselves, we definitely need more research effort, intelligently organized and directed.

If we accept Government control of civil aeronautics, then we had better think seriously about Government's responsibility to support the necessary research and development in aeronautics and supply the funds required.

It is incongruous for the Government to create and support increasing demands for air service without doing the same for the necessary research and development needed to fulfill these demands.

Government must be consistent and comprehensive in its activities.

Mr. Chairman, as I said at the outset, I do not think the Apollo 13 accident should be used as an excuse to halt or delay America's exploration of space.

Mr. HECHLER of West Virginia. Mr.

Chairman, will the gentleman from Washington yield?

Mr. PELLY. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I would like to compliment and commend the gentleman from Washington for his statement and for the leadership that he has helped to provide in this vital area of aeronautics.

Mr. PELLY. I thank the gentleman.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FREY) who very actively represents the Fifth Congressional District of Florida in which Cape Canaveral is located.

Mr. FREY. I thank the gentleman from Pennsylvania.

Mr. Chairman, first let me say this, it is an honor to serve on this committee with Chairman MILLER and the chairman of my subcommittee, the gentleman from Texas (Mr. TEAGUE), as well as the ranking Republican member on the committee, the gentleman from Pennsylvania (Mr. FULTON).

Mr. Chairman, there have been several questions raised today. In my opinion one of the questions we are asking ourselves today is, do we want to stay in the manned space flight business? It has been stated by the gentleman from Minnesota (Mr. KARTH) that the amount authorized by the committee for this purpose is too great and that we should support the amendment which he will offer under the 5-minute rule because the gentleman feels that we should slow down a little bit in this program.

However, Mr. Chairman, as of today, right now, with this budget we will be out of the manned space flight business in approximately 3 years, from 1975 through 1977.

In the budget request of NASA for the so-called space shuttle and space station program, they requested $268 million. Our committee, through its action, lowered this amount to $190 million. This lower amount itself has cost us valuable time. Further, if I understand Mr. KARTH's amendment correctly it will go toward knocking out the entire $190 million and it will go to knock out manned space flight for not just 3 years but probably 4 or 5 years.

Now, during this period of time, what are we going to do with the facilities that we have, approximately $4.5 billion worth? What are we going to do about people and teams that we have put together? How are we going to keep this team together? I might add parenthetically that the team has been lowered from 420,000 people 3 years ago to approximately 190,000 today, and it will reach approximately 144,000 at the end of fiscal 1971. There is certainly very little fat, if any, in our space program.

You are going to hear a lot about the space shuttle today. Everybody says that in the space program we should use our money better. I think we all agree with that, and that is the reason for the space shuttle. The space shuttle is the way to use a vehicle over and over again. It will have a booster and orbiter, and it will move men and satellites into orbit, and both the orbiter and booster will return. The requirement is that you can use it at least 100 times. It will carry about a 50,000-pound payload.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to our distinguished chairman, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I want to congratulate the gentleman from Florida on his last statement. I would like to point out to the House that we have to start building this space shuttle, and we have to do it because we have some very expensive satellites that are now in space, such as the space communications satellites and the other satellites that we have all heard about.

Yet when one of those goes dead now it is dead. It is lost forever. Eventually we have to have a vehicle that can go to these satellites and refurbish them, perhaps change the powerplants, or to do repair work. They have to be given the same kind of treatment as any other type machine needs. So that is the theme that we are working for, and are looking for in this field now.

I am very much of the impression and opinion that within the next 10 years we are going to see vehicles of this kind that can take off perhaps with regular conventional power, go through the earth's atmosphere, and turn on a different type of power, perhaps nuclear energy—that is one of the things we hope for—and that can then pick them up and bring them back to the earth's atmosphere. Instead of having to splash down, be able to land on conventional runways just as we now land our planes.

This is the development that we wish for, and hope for, and I am satisfied one that will come about.

Again I want to thank the gentleman from Florida for introducing this aspect of the space program.

Mr. FREY. Mr. Chairman, I thank our distinguished chairman for the leadership that he has exercised in the growth of our space program, and for his continuing leadership under which our space program will continue to develop.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I thank the gentleman for yielding, and I take this opportunity to congratulate the gentleman from Florida for his foresight.

Prior to the gentleman coming to Congress I served on the Committee on Science and Astronautics for 2 years. I was a hardliner on costs, mainly because I wanted to see something practical developed whereby we could recover vital hardware that time and time again we have lost. The explanation the gentleman has given today I am sure will not be lost on this august body.

Those Members who have fought hard against the costs of the program and who have screamed about the loss of vital hardware I believe would now have to support the shuttle that the gentleman is talking about.

To me it is very important to be able to go up into space and photograph something in space and then come back and have that object retrieved and be able to use it all over again.

The statement the gentleman has given us is one of the best explanations I have heard in quite some time. His contribution to a sensible project is commendable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 3 additional minutes to the gentleman from Florida.

Mr. FREY. Today the cost of putting a pound in space runs between $500 and $1,500.

The space shuttle will hopefully allow us to put the same pound into space at $50 a pound or less.

Many people believe that this is really the DC-3 of the future—well, no one really knows. But it is certainly possible.

If we cut out $190 million in the manned space portion of the budget for the shuttle, we are really cutting out money that goes to research and design. This is not hardware money. This is money necessary to look into the question to see if we can build a shuttle and see if we can do it economically; to see if we can develop the engines, wings, and materials necessary.

I certainly believe in economy. I certainly believe we need the space program. I think that with the space shuttle, these two items are wedded.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman.

Mr. ROUDEBUSH. A few moments ago the gentleman spoke about a reduction in personnel. I think it should be pointed out at this time that that reduction the gentleman from Minnesota voted would be in effect even if the full amount that the committee requested is granted and it could be even more if a further reduction is made in the program.

Mr. FREY. I thank the gentleman and I stand on that statement.

For instance, in our Cape Kennedy, if we have a gap of 5 years in the space program, it has been reduced to over 10,000 people now, and I foresee it just down to a skeleton crew, if we do not continue the manned space program. We have $4.5 billion in facilities, as pointed out before, and not to expend this $190 million we are going to lose more of that in plain operating costs in mothballing and in the teamwork we have built. This cost would be much greater than the $190 million for the space shuttle.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, when the first trouble appeared on the Apollo 13 flight, what the public expected to be a routine mission to the moon became instead an exciting and dangerous adventure.

The three American astronauts found themselves aboard a spacecraft whose air was limited and polluted, and whose water and other life support systems were in danger of contamination and extinction.

In many ways, the condition of the astronauts in their spacecraft was similar to the condition that mankind finds himself facing on earth. Their environment was endangered. The astronauts did not respond to this serious problem with despair, although they had every reason to react in that way. They did not radio Houston to the effect that they wished to be returned to the earth now and demand that all their problems be immediately solved. They did not allow themselves to become objects of self-pity but instead went to work with ingenuity and determination to improve their conditions and save their environment.

This past week we have celebrated as Environmental Week, including Earth Day. Individual effort and sacrifice will be necessary to clean up our air and water, but new technology is necessary to see that we can maintain the benefits of industry without the horrors of pollution.

No program offers greater hope to produce the necessary technology for this effort than the space program. It can be, and is, our scientific leading edge in the fight against environmental polution. Its spin-off, in the areas of medicine, communications and weather reporting is already paying dividends for a better life here on earth. Americans can be proud of our astronauts and their bravery and the competence and resourcefulness of our space team.

They succeeded and, in so doing, gave to America a lesson it could well take advantage of in this decade of ecology.

From Long Island's point of view, the most significant fact was the magnificent performance of the LEM module, which took over the job it was not designed to do and became the "lifeboat" that returned our three astronauts from the far reaches of space to an almost perfect splashdown in the Pacific. This performance by the LEM and Long Island technology once again establishes beyond question our area's competence in space work and nationwide leadership in future space programs and business.

I intend to see, as a member of the Science and Astronautics Committee in the House, that the Congress is made well aware of Grumman's and Long Island's past contribution to the space program and the necessity that such performance be rewarded by our area's inclusion in a major role of the space effort of the 1970's.

The value of moon rocks is now clearer than ever and we on Long Island will be able to see one of these rocks displayed in Town Hall in Hempstead during the week of June 9 to 18. I was glad to arrange this, with the cooperation of NASA and the presiding supervisor of the town of Hempstead, Ralph G. Caso. Long Island will have a chance to see some of the rock that was gathered on the face of the moon by astronauts who landed there on Long Island-built spacecrafts. We on Long Island are especially proud of our performance in what was one of the finest hours of the American spirit.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may use to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I rise in support of H.R. 16516.

As a member of the Science and Astronautics Committee, I feel I have gained a certain insight in this bill that I would like to share with my colleagues.

H.R. 16516 authorizes appropriations of $3.63 billion to the National Aeronautics and Space Administration for fiscal year 1971. As such, the committee's recommendation represents a total increase of $279.9 million over the NASA budget request for the same period.

This increase, however, is a selective one. The committee added $145 million for manned space flight in an effort to improve the scientific return from lunar exploration. An addition of $75 million was made to reduce the leadtime necessary to take up the program slack when production of the Saturn 5 vehicle is resumed. The committee provided an extra $80,000 to increase the return to be gained from establishing and operating an orbital laboratory, and to develop a low-cost space shuttle and space station for operation in this coming decade.

In perspective, the committee action has given the manned space program a needed selective infusion of operating capital. These dollars will help the program yield even more valuable benefits to mankind, as well as help reduce the risks inherent in manned space travel.

History has handed this generation of man the unique opportunity for our species to escape the earth's surface and to begin exploring the solar system. What we will find we do not know. We do know, however, that this Nation stands poised on the threshold of a great opportunity, one which will not go unavailed of if we turn our backs on it. Russia is still trying to surpass our space efforts, and if it does, experience indicates the Communists would not hesitate to use this achievement as a lever in their quest for world domination.

In addition, as was made fully apparent during an extended discussion on the House floor this past Tuesday, the manned space program has yielded a giant harvest for mankind. At the present time, more than 2,500 technological products have originated directly from our space program, and thousands more have profited from space research activities. To name but a few:

Miniaturization advanced for the space program has been the source of tiny appliances, improved color television, and surgical instruments.

In major hospitals throughout the Nation, tiny television transmitters which can be swallowed in a capsule are being used for visual examination of the inner workings of the human stomach.

Refrigerators which move at a touch, aid the housewife.

Sportsmen have been provided with a "space blanket" which fits in a shirt pocket to provide him with warmth and comfort.

Space research has discovered a way to use energy generated within the body to provide power for hearing aids and for the direction and control of artificial limbs.

Operational meteorological satellites now assist in the analysis and forecast of the world's weather.

Forecasting weather up to 2 weeks in advance is considered a realistic goal using advanced meteorological senors already under development.

Surveys of the surface of the earth from orbiting spacecraft will soon lead to more effective exploration, management, and conservation of our natural resources.

Military defense satellite systems keep a constant watch on our enemies looking for military movements and arms buildups.

Finally, the most important thing to remember about the applied benefits from the space program is that compared to this coming decade, the present yield from space research and activities is but a trickle. The future holds a storehouse of value from space research. We need but vigorously pursue our efforts and the rewards will be ours.

Mr. Chairman, the committee has recommended authorizing approximately $3.63 billion for NASA operations in fiscal year 1971. This amount should be considered in light of other Federal and private expenditures. This is less money than the welfare program that passed the House last week cost. It represents but 5 percent of our defense budget. On the consumption side of the ledger, the $3.63 billion is less than the Nation spends for pet food each year. And, it is only 10 percent of what is spent annually on women's dresses. In terms of per capita cost, the space program costs less than 40 cents per person per week.

As regards the question of whether space spending should be deferred until our domestic problems are solved, let me say this. If the initiatives taken by Western man throughout history were forced to meet this test, we still would be painting our bodies blue to ward off evil spirits and diseases, and living in mud huts and hillside caves.

Historically, progress has not been the hand servant of social ills. The reason for this is clear. Progress creates new wealth, which in turn provides society with an increased ability to distribute its wealth and beneficence. In present times, man's efforts to conquer space represent the epitome of technological progress. It is a significant means by which social progress and social justice can be brought in greater measure not only to Americans, but to people throughout the world.

Mr. Chairman, these are but some of the possibilities that await for us as part of our space program, a program which can only function in accordance with the money the Congress provides it. The Science and Astronautics Committee has worked long and hard in arriving at this austerity budget for NASA; I urge my colleagues to support the committee's recommendations.

(Mr. WEICKER (at the request of Mr. FULTON of Pennsylvania) was granted permission to extend his remarks at this point in the RECORD.)

Mr. WEICKER. Mr. Chairman, the opponents of the space program repeatedly beat the drums in an effort to reduce the Nation's space work. They ask what has the space program done for the man in the street?

The space program has been eminently successful in meeting national goals in addition to providing an output of value to our taxpayers. This goal of placing America first in aerospace technology and assenting the Nation's preeminence in space research, in fact rather than inuendo or propaganda, has been clearly demonstrated. As a result, we have concrete benefits that have resulted from this challenging work.

I realize that we proponents of the program have talked about the educational impetus, the interest in science and technology, and the enthusiasm generated in our Nation by the space program as well as our space accomplishments. These issues are genuinely felt by our taxpayers and these feelings are higher than most of you think. We have not heard very much about the technical excellence that must be an accomplished fact to have a successful space mission. I ask my colleagues just what value do they place on interest by both consumer and manufacturer on the demonstrated reliability of technical equipments, electrical and mechanical, that have to perform as designed to carry out these goals? These accomplishments are readily appreciated by industry. Manufacturing and testing techniques are incorporated into consumer products as rapidly as possible consistent with the economics involved. NASA has established the Office of Technology Utilization which has in turn established—dissemination centers to speed the flow of this and other innovations into the economy. This flow of material has grown year by year and this year the Committee on Science and Astronautics recommended an increase in funds to be used specifically for speeding the flow of technology relating to the solution of urban development and environmental quality problems.

Now, if you ask me when the man in the street will realize benefits from improved reliability and improved urban and environmental quality due to space spin-off, the answer is they have and are continuing to benefit from space work. If you ask when the man in the street will begin to appreciate these space-related improvements, the answer is, "when you tell him about them." You should join the team and give these reasons as influencing your support of a viable space program. From my association with the NASA program I am convinced of the value of this work and believe that the request of 1.6 percent of total Federal budget for fiscal year 1971 is well worth its expenditure for space.

It must be emphasized that space research is not, and cannot be primarily oriented toward producing immediate benefits to our citizenry. Long-term gain is generally the result of any technological improvement and this should be the expected results of the space program. I ask, do we expect the same immediate benefit from other Government expenditures or from other technological advancement? Has this been true in any other technological expenditure?

Lest my colleagues forget or believe that there is only long-range gain from the space program, let me remind you of the multimillion-dollar space communications industry that has grown up as a direct result, the weather forecasting and storm warnings that have saved our Nation and the world untold lives and millions of dollars. Is it expected that every year NASA must discover a new and startling space business equal to these two contributions to our Nation? I should remind you also that 99.9 percent of the space appropriations are spent in this country and that the thousands of space workers and their families do not believe that such innovations of the magnitude of these two need be forthcoming each year for the program to be beneficial to them. A large portion of the aerospace industry, employing over 1 million people with an annual payroll of over $14 billion is supported directly and by the research and the technology transfer supported by this program. To reduce the program and not support this important segment of our industry would be a folly which would seriously weaken a vital national resource.

You have heard of the potential advantages of space related research for worldwide navigation improvements for aircraft and ships, a better understanding of weather and weather phenomena, an opportunity for better cooperation between nations bceause of scientific interchange, mutual economic worldwide advantages in education and technology and many, many other thoughts that have broad impact. Have you, however, heard of the following:

A NASA developed accelerometer which is the key item in the development of a direct reading drilling direction indicator, a tool that is expected to have major impact on the entire well-drilling industry.

A device for precise positioning of spacecraft models in test rigs has been applied to the design of a commercially marketed digital clock.

NASA research on foam and honeycomb core sandwich construction has led to development of a new process in the production of truck body construction material.

In-space eating research brought forth the commercially available "space food sticks" whose marketing success inspired development by the producer of a whole new line of nutrition foods.

Hand-sized TV cameras, developed to photograph rocket stage separation, are being used to monitor industrial processes, and for crime detection and prevention.

A method of damping vibration of engine compressor blades has found applicability in the manufacture of clutches for heavy duty trucks to overcome problems of virbration in gear trains.

In the field of medicine which has been a prime beneficiary of space research, the following has resulted:

A NASA developed system designed to monitor pilots' heart action can be attached by spray action and used to radio electrocardiogram signals to hospitals to assist in emergency treatment of cardiac patients. This equipment is commercially available today.

A method of measuring breathing functions especially applicable to infants and small children who suffer breathing difficulties, allowing immediate corrective action to prevent brain damage due to lack of oxygen.

The fluid-cooled undergarment for the space suit is used to cool the body and slow body processes for surgery and therapy.

The lunar gravity simulator has been used as a rehabilitation aid for long bedridden patients who must learn to reuse muscles in order to walk.

In addition, there are many other items such as minature telemetry systems, new resins for use in bone repair, radio monitoring systems for hospital automation allowing a more efficient hospital design.

In other fields, the leadership that NASA has displayed in technology transfer is bearing fruit in a number of ways. Unique and valuable relationships between NASA, and federal and state agencies concerned with application of engineering and management technology to medicine, mine safety, pollution control, law enforcement, and transportation have been established. These cooperative efforts are being assisted by two new technology application teams. Each team is composed of people from a variety of scientific and engineering disciplines. Their assignment is to transfer aerospace technology to areas of concern in the public sector through an interdisciplinary approach to problem solving. The teams are located at the Illinois Institute of Technology Research Institute, Chicago, and the Stanford Research Institute, Menlo Park, Calif. These new groups, along with the two previously formed biomedical application teams, constitute a significant new resource to transfer aerospace technology.

The user agencies with which NASA has worked on the Federal level include the Law Enforcement Assistance Administration—in the Department of Justice—the Bureau of Reclamation, Bureau of Mines, and the Federal Water Pollution Control Administration—in the Department of Interior—the Bureau of Solid Waste Management and the National Air Pollution Control Administration—in the Department of Health, Education, and Welfare—the Department of Transportation; and the Department of Housing and Urban Development. Public agencies on the State and local level with which NASA has worked include the Los Angeles, Seattle, New York, and Chicago police departments; the Maryland and Illinois State crime commissions and the New York Office of Crime Control Planning; the Bay Area, Los Angeles, and Seattle air pollution control districts, plus other local air-pollution authorities; the Los Angeles and Bay Area Rapid Transit authorities; and the Chicago, Boston, and Los Angeles fire departments.

These cooperative problem-solving efforts have begun to pay off. Among recent transfers are a compact, self-powered, easily portable device for monitoring dust particles in coal mines; a sensor for the measurement of low-velocity air flow in coal mines; a scanning instrument for the detection and recovery of indented writing in criminal

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laboratories; an instrument to determine the sensitivity of automobile drivers to various air pollutants; the application of NASA mass spectrometers for monitoring air pollution; and the development of a portable life-support system for use by firemen.

We have been told over the years and it is true that U.S. leadership has been based on our ability to transfer scientific and technological output into useful instruments for the betterment of our citizens. This is a cliche. However, because of our world leadership we should not abrogate our leadership in science and technology because we demand an immediate output that has a short range objective of meeting an immediate aim, that of requiring as a prime requisite an immediate usable output of complex technology. We should pursue our technological effort with prudence and with confidence that our ability to transfer this technology has not abated.

(Mr. GOLDWATER, at the request of Mr. FULTON of Pennsylvania, was granted permission to extend his remarks at this point in the RECORD.)

Mr. GOLDWATER. Mr. Chairman, we are now realizing the tremendous benefits of America's space technology. If we were to cut off NASA's budget now, we would be losing the interest on our investment.

Early this week, many of my colleagues and I discussed the numerous spinoffs from the NASA program. It is not necessary to repeat these facts at this time, but I would like to insert my comments in the RECORD following these brief remarks.

Certainly, no one can contend that the NASA budget is large. It is only 1.5 percent of the entire Federal budget. However, severe and immediate cuts in the NASA budget would seriously damage our Nation's economy.

My home State of California's aerospace employment has suffered tremendously, due to the present reductions. These reductions are now having a serious effect on all sectors of California's economy.

The State's aerospace/defense employment dropped by nearly 60,000 in just the past 18 months. North American Rockwell has already announced that they will lay off 8,000 more people between now and November. Most of these people are in southern California.

Therefore, the administration has already cut the budget and any further reductions will simply do more damage than good.

America's men of space have reinspired the American spirit. Our astronauts have made tremendous sacrifices for our Nation. Let us live up to the challenge that they have given us. Let us give our complete support to America's space program.

I include the following:

BENEFITS FROM THE SPACE PROGRAM

(Press release of BARRY GOLDWATER, Jr.)

The launching of Apollo 13 to the moon is less than a month away and again many Americans ask: "Is it really worth all that money?"

Certainly, this is a fair and legitimate question.

The American people should be reminded that this astronomical outlay has not been wasted, but has paid off in saving the lives and improving the lot of mankind. Fascinating, indeed, are the bonuses and benefits of the taxpayers' investment in space.

Most everyone knows of the more direct benefits—communication satellites linking us to all peoples of the world—weather satellites saving lives by advance warnings of killer hurricanes—navigation satellites adding to the safety of travel by sea and by air—surveillance satellites which may soon strip secrecy from the deadly weapons of every nation—and the prospect of cruising manned spaceships to fend off enemy attacks from outer space.

Dramatic as are these direct results, we are prone to forget that the unplanned, indirect benefits, by-products of space exploration and the moon shot, may prove far greater. New devices for space travel will have a mighty impact on our daily living. They range all the way from the very ordinary to the miraculous, from a super glue which you can now buy at the hardware store to the last word in electronics which before long may virtually restore sight to the blind.

An electromagnetic hammer for fabricating rockets is being tested for construction of ships and automobiles, shaping metals without weakening them. It may soon give you a cheap *and* strong automobile. A canopy or "glass sandwich" preventing the spacecraft from icing will be a cradle cover affording precise temperature control for prematurely-born infants. An adult version is already saving lives of those with heretofore fatal burns. And speaking of temperature, you may soon use a super-insulated blanket of aluminized mylar, similar to metal developed for the Echo Balloon Satellite. It will keep you cool when it's hot, warm when it's cold, and dry when it rains. It can be a shelter in the forest, or a wrapper for the fish you just caught, or a radar-reflective, air-sea rescue signal; a multi-purpose item and a potential lifesaver. Space clothing will make your life more comfortable. Developed for astronauts to withstand lunar temperatures, it will lead to suits that are lightweight and wear-resistant. Instead of a bulky overcoat, you may be wearing a thermo-electrical weave with built-in temperature control. Thermal underwear is already on the market.

Spray-on electrodes will take a heart patient's electrocardiogram while he is being rushed to the hospital in an ambulance and flash it to the waiting doctor, so he will know exactly what to do the instant the patient arrives. Sudden clogging of the tracheotomy tube has strangled many patients, especially small ones. A NASA-developed sensor will sound the alarm within ten seconds of the slightest change in breathing.

A switch, controlled by the eye, gave astronauts the equivalent of an extra pair of arms. This has been adapted for the paralytic. By a flick of his eyes, he can activate a call board or even manipulate a motor-driven wheelchair. Similarly, an eight-legged lunar walker prepared for use on the uneven surface of the moon offers fuller life for the handicapped, allowing him to go places on his own where a wheelchair could never go. Even if he cannot use his hands, it can be controlled by a chin cup.

Complex electronic components devised by space research makes possible a small TV camera, which, worn on the forehead, will scan a blind person's surroundings and reading matter. Then, bypassing the sightless eyes, it would transmit an image to a tiny, teflon-insulated receiver in the visual cortex of the brain, enabling the blind to "see." The camera might eventually be miniaturized to fit into an eye socket. It may take a decade to perfect this marvel, but it is well on its way.

There are numberless other benefits, small and great—scar-proof, long-wearing, fire-resisting paint, a whole new family of plastics which will transform the automobile of the future and a computer filter process which provides infinitely clearer X-rays, adding speed and precision to medical diagnosis.

The total number of benefits are too numerous to mention here. However, as the Apollo 13 lifts off for the moon on April 16, let us take a moment to remember the tremendous benefits that America's space program has brought us—right here on earth.

Mr. MILLER of California. Mr. Chairman, I yield 3 minute to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, I take this time to read a letter which I was afraid I would not have the chance to read later.

This letter is from probably the most knowledgeable person in our country so far as manned space flight is concerned. He is Dr. George E. Mueller who was associate administrator of manned space flights up until the time when we first landed man on the moon.

This, Mr. Chairman, is his letter:

WASHINGTON, D.C., *April 15, 1970.*

Hon. OLIN E. TEAGUE,
Chairman, Subcommittee on Manned Space Flight, Committee on Science and Astronautics, House of Representatives Washington, D.C.

DEAR MR. TEAGUE: I am pleased to respond to your request for my thoughts about the space program at this critical moment in the formulation of our future space efforts.

Now before the Congress is the proposal to proceed immediately with studies for the development of the space shuttle. These are the funds necessary to confirm previous studies which indicate the efficiencies we expect of this new low-cost space transportation system. It is my considered opinion that this single development is the key to all of our future space activity, both manned and unmanned. By drastically lowering all costs of operation in space, we can afford to move forward rapidly into this new territory for exploration and exploitation. Our studies already show that the shuttle will reduce costs by at least tenfold at the outset, and with the maturity of the space shuttle, by as much as twice that amount.

The characteristics of the space shuttle, as it is being designed, provide for economies in every aspect of space operations. Reusability is the primary factor. At least 100 round trips into space will replace the one time use on a one way trip of all present launch equipment. The ability of the space shuttle to return men, cargo, and equipment back to earth will significantly reduce the cost of all equipment. First, because the low transportation cost and the benign launch environment will permit us to use heavier off-the-shelf laboratory and production equipment. Secondly, with the space shuttle in operation, on-orbit maintenance can be supplemented by return of instruments to earth for repair. Another special capability of the space shuttle is its use for space rescue.

As we look to the future, it is possible that the most important role of the space shuttle will be in our national defense. There can be no doubt that the space shuttle is the key to control and utilization of outer space. That control may well be decisive in preventing future wars. In that regard, timing is of the essence. The lead time for carrying out the development and putting into operation a new concept of this magnitude is very long—seven to ten years. We know that this concept has been under study by many people in many countries for at least a decade. Now that the technology for building a space shuttle is available, we need to implement an orderly program—or we will again face the necessity of having to produce such equipment as a crash program at much greater expense. I believe that we, as a nation, cannot afford to delay an orderly development program, now! If we should fail to grasp the initiative, we risk being confronted with an alien space shuttle which will give its developer effective control of space.

In summary, the space shuttle will save billions of dollars in our space activity. It will provide a barrier to technological surprise. It will be an effective shield for our national security. I urge you and your Committee to support the development of the space shuttle.

Sincerely,

George E. Mueller.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Ohio.

Mr. HAYS. Did I correctly understand the gentleman to say that he is asking $190 million to further study and confirm studies that have already been made?

Mr. TEAGUE of Texas. No; not to confirm studies but to continue studies that have been started or are being made.

Mr. HAYS. $190 million, at $25,000 apiece, would give you 7,625 experts to study it. It seems to me that would be a lot of studying.

Mr. TEAGUE of Texas. When Mr. Nixon became President, he appointed a very distinguished panel to make a study of this subject.

Mr. HAYS. He has appointed other——

Mr. TEAGUE of Texas. Let me finish my statement. That panel came back with the recommendation of $4 billion for a space program this year. This panel came up with $3.3 billion. So our committee is in between.

Mr. GROSS. Is the gentleman impressed now?

Mr. HAYS. I am not impressed.

Mr. MILLER of California. Mr. Chairman, I yield such time as he desires to the gentleman from Missouri (Mr. Burlison).

Mr. BURLISON of Missouri. Mr. Chairman, the administration has requested authorization for more than $3.3 billion for the space program in fiscal year 1971. The Science and Astronautics Committee increased this amount by nearly $300 million, with the entire increase earmarked for the manned space flight program.

The accomplishments of the space program have been spectacular to say the least, but that fact alone cannot justify continued multibillion dollar appropriations. Expenditures for space must be considered in the context of the total needs of the Nation. The Government does not have an unlimited amount of money to spend. If one program takes a large piece of the fiscal pie, other programs must take smaller pieces. The issue is: Which programs are most important to the general welfare of the Nation.

The listing of pressing problems is staggering. Vast amounts of money are going to be necessary to clean up our polluted environment. Large infusions of money are needed to restore prosperity to our rural areas. Local communities already saddled with debts are in need of new water systems and sanitary facilities. Police forces need upgrading for the fight against crime. Federal contributions to education have been inadequate and people are waiting in line to get into hospitals that have been forced to keep patients in hallways for lack of rooms.

In view of these high priority problems I feel that we have an obligation to take a long hard look at the money that is devoted to space exploration, particularly those fantastically expensive manned space projects. With this in mind let us examine what is being proposed.

This year $190 million is authorized for a "space shuttle." The National Aeronautics and Space Administration conservatively estimates the total cost at approximately $14 billion. This space "bus" would launch 20 astronauts into orbit and bring them back again, at a cost of $50 per pound. But before you begin to see visions of space vacations, you better take a look at your savings account.

By the time we add up the ton or more of life support equipment required for each person and the program development costs the price comes up to about $1 million per person per trip and that only if 20 persons go each time. Why we would want to send up 20 at a time is a complete mystery.

The most costly program under consideration is Vice President Agnew's pet project, the mission to Mars. NASA predicts that with a crash program we could land a man on Mars by 1983. The cost would be paid in installments. A little over $4 billion in 1971 climbing ultimately to nearly $10 billion per year by the 1980's. Some have estimated that the total cost might reach $100 billion. We can probably do it, but is it worth the cost? Dr. Bruce Murray of the California Institute of Technology and a member of the team analyzing the findings of the unmanned Mariner 6 and 7 thinks not. He called the manned mission to Mars in the 1980's a "stunt." Joshua Lederberg, a former member of the Space Science Board of the National Academy of Science expressed his belief that the cost of sending a man to Mars far outweighed any possible contribution he could make to the mission.

I think NASA should devote its attention to the use of automated spacecraft. At a fraction of the cost, automated spacecraft have proven to be much more effective in the acquisition of scientific knowledge as well as having practical application such as communications, air traffic control, weather prediction, and earth resources survey.

The cost contrast of manned flights as against automated flights is striking. Explorer 35, a 2-pound lunar satellite requiring only seven-tenths of a watt for power, has been circling the moon since July of 1967. It never sleeps, requires no oxygen, no food, no toothpaste, and no sanitary facilities. The whole surveyor program which soft landed five vehicles on the moon cost no more than it costs to launch a single Saturn V moon rocket.

The United States has spent $50 billion on space programs in the last 10 years. The Apollo moon project cost about $2.5 billion per year for that decade. While we were spending $2.5 billion a year to put a man on the moon, we were spending $500 million less than that each year on elementary and secondary education. To my mind this is a tragic misapplication of national resources. We are saying in effect that it is more important to send two men to the moon than it is to educate the more than 55 million children who are in elementary and high schools throughout the country, or to keep our farm economy going. Our Government pays our farmers very little more than the $2.5 billion in a year.

We seem to be working on the proposition that if a thing is technologically possible it should be done. We have put a man on the moon. The scientists and engineers tell us it is technically possible to put a man on Mars. Therefore, we should do it. Noted physicist and Nobel Prize winner, Max Born once commented that the manned space program was a "triumph of intellect but a failure of reason." Intellect he said distinguishes between possible and impossible. Reason distinguishes between sensible and senseless. To his mind the manned missions were senseless because their cost so far outweighed their scientific value and the money was so badly needed elsewhere.

Mr. Chairman, that is the point I am trying to make. If money were no object I would say send a man to Mars. Send him to Venus. But, we simply cannot do that. Money is an object and the money we have is desperately needed for other programs. On the other hand, I am not in favor of abolishing the space program. Some phases of it such as the unmanned projects have great potential. All I am saying is that we should not get so carried away with the spectacle of space travel that we lose sight of what is really important. In view of all these considerations, Mr. Chairman, I am constrained to vote against this legislation.

Mr. MILLER of California. Mr. Chairman, I yield such time as he desires to the gentleman from Missouri (Mr. Symington).

Mr. SYMINGTON. Mr. Chairman, I thank the distinguished chairman, and wish to acknowledge my appreciation to him and to the chairmen of the two subcommittees on which I serve, Mr. Karth and Mr. Daddario, for their consistent courtesy and consideration.

It is tempting, particularly for the layman including Congressmen, to say, "away with the space program, who needs it? Whoever needed it?" Tempting, but not wise. The technology derived from our space effort to date may have more relevance to spaceship earth's survival prospects than any single development since the discovery of electricity. The weather warning satellite has already saved estimated thousands of lives from the ravages of Hurricane Camille, and maintains a steady watch now over the gulf coast and other areas. The communications satellites will be able to bring into the remotest corners of earth, knowledge, information, and education geared to the economic needs, language, and culture of every family. Perhaps one

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day, using simultaneous translation, a weekly conversation between representatives of all the earth's great cultures can bring into every home a new awareness of the joint venture we are engaged in, survival, reducing fear and mistrust, and just possibly the barren machinations and weapons systems they generate. Earth resources satellite, will fly in a few years time and will, with infrared sensors, explore the subsurface of land and water areas, and tell the farmers of the world what the soil needs. It could ultimately save, according to the Department of Agriculture, a billion or more dollars a year in farming costs in the United States alone, one-quarter the current annual cost of the whole space program. It will monitor the oceans as well, and warn man against the depredations of his oil and fishing industries which disturb the life cycle of the sea, possibly even jeopardizing the orderly process of oceanic photosynthesis from which most of our oxygen is derived.

Now, what of man in space? Yesterday, Earth Day, I met hundreds of students and academicians who voiced the firm opinion that all investments in space should cease at once in favor of investments on earth. Yet, a curiously dominant thread ran through their prescription for earth: population control, and the need for Government to take a more active part in achieving it. It is clear that those who reject the importance of space technology claim with equal fervor that the effort to keep earth livable cannot possibly succeed unaccompanied by firmly enforced worldwide population management. Up with Malthus; down with NASA. And it occurs to me that today we may be implicitly deciding, in a very small way to be sure, between two alternatives. First, predictably costly first steps that could lead in a century or more to the expansion of civilization into the universe. Second, an unpredictably costly determination to contain the expansion of civilization on earth. Undoubtedly a beneficent world order will determine which seeds shall multiply and what spaces shall be allotted them with appropriate sanctions to secure compliance.

In the meantime there is another relevance to manned programs difficult to tag with a price. It comes in two perspectives. The earth as seen by man in space and the man in space as seen from earth. The earth was seen and described on this floor by the first man from the far side of the moon—Frank Borman—as a tiny ball hanging in the black stillness of space, with no sustaining help from the galaxies, entirely dependent on man's own initiative, and, as Borman said, his sense of brotherhood. Not a bad perspective, while cities burn, hungry reach up in Biafra, and bodies float down the Mekong.

The second perspective we saw last week in a space shot that failed. Or did it in all respects? How do we measure failure, and how success? If an aborted effort to land and return men from the moon was failure, we failed indeed. But the world was used to success. Would success in that limited sense have focused the prayers, hopes, and yearnings of men too deep to describe? Or did it take failure to do it? All of us were on that ship, in the LEM, in the command module. And we wanted to come home safe. That tiny struggle in the sky meant more to the watching world than any part of its own anatomy of chaos down here. It succeeded in suggesting that great ventures should be joint ventures. And I would hope that as we look ahead to more Apollo flights, consideration be given to initiatives to incorporate a Soviet experiment if not a scientist-astronaut on one of them, or one soon thereafter. The more we link hands in realizing the joint dreams of man, the fewer hands we will have free to fight with, and the less inclination to do so. Great wars cost great sums—hardly compensated by the concomitant reductions in population. What price then may we place on small embraces between great powers? If men on earth should work together to make their planet spaceship more livable, and less likely to blow out a panel, or dissipate its oxygen, maybe that lesson must come from men in space. Heaven knows it has not come from men on earth.

As Teilhard de Chardin holds, "Things rising converge." Perhaps that is true of the hopes of man.

Mr. FREY. Mr. Chairman, on Tuesday of this week, together with other colleagues on the Science and Astronautics Committee, the space program was discussed at some length. We tried to place it in proper perspective. For instance, it was pointed out that the proposed budget request is approximately 1.7 percent of the total Federal budget. Interest on the national debt for fiscal year 1970 would be 18.8 billion or close to 5½ times the amount budgeted for space. In terms of the gross national product we spend approximately four times more for alcohol and twice as much for cigarettes as we do on our space program.

We also attempted to detail the direct and indirect benefits of the space program and what it has meant to the average American. For instance in 1969, Hurricane Camille killed 256 persons, while another 68 are missing and presumed dead. The hurricane's damage was estimated at $1.42 billion. This deadly hurricane's path force and extent were predicted early and accurately enough by satellite to permit the evacuation of 70,000 people from the affected gulf coast State. Without this warning, ESSA estimated that 50,000 people might have lost their lives. New sensors will be tested through Nimbus satellites and application technological satellites by 1972. If all goes well, we should know the weather up to 2 weeks in advance by the end of the 1970's. In a 1966 speech, Dr. Seaborg, presently Chairman of the Atomic Energy Commission, estimated that if weather could be accurately predicted even 3 days in advance, man could save $60 billion a year. This estimate was based on a comprehensive 17 volume study made by the IBM Corp. Even if this prediction is 90 percent in error, a saving of $6 billion and untold human lives a year is a significant return of our space dollar.

Other spinoff benefits of the space program were discussed in detail and included such areas as communications, the earth resources program, medicine, education, the NASA information bank, the management of large urban areas, information systems, transportation systems, power generation, collision avoidance, aircraft control, computer technology, and oceanography. I hope that those who say "the space program is not helping on earth" will take time to review the Record of Tuesday, April 21.

I did like to direct my attention to several points that have been raised regarding the future of the Apollo program and the overall manned space flight effort.

It has been estimated that we have spent approximately $22 billion to date on the Apollo phase of the program. Some people would have us stop the program because of the problems of Apollo 13. These people forget that the purpose of the Apollo program was not just to get to the moon but to galvanize the scientific, technological, and human resources of this country in order for men to be able to operate in, survive in, and understand space. Space is there. If we are not able to use it, other countries certainly will. The Russians proved this. Not to do so would be like Columbus making his voyage to the New World and no one following it up. History teaches us that the nation that is first in science and technology has the best opportunity to create a better life for all its citizens. Our space exploration program offers us a chance to recoup material returns of immeasurable value and to maintain our technological superiority.

Specifically, regarding the Apollo program, we have seven Saturn V's left and six are programed for moon landings. The other Saturn V is to be used in the AAP program in 1972. After this year's authorization and appropriations, in essence we have paid for all the hardware needed for the Apollo program. The estimated runout costs for these six remaining Apollo missions after fiscal year 1971 through fiscal year 1975 total $2.710 billion. It would not make sense to build a fleet of airplanes and then not fly them. We, of course, must first correct the problems of Apollo 13 before continuing our flight program. We all realize now that in any program such as this, the astronauts' safety cannot be guaranteed, but we have a responsibility to do everything we can to make our spacecraft as safe as humanly possible. Those who oppose the continuance of the Apollo program on the basis of saving money are in essence asking us to throw $22 billion away just when technological and scientific returns are beginning. Those who oppose the continuation of the Apollo program or think it should be cut back, are asking us in essence to waste $22 billion previously spent because they do not wish to spend $2.710 billion more to complete the program. This just does not make sense.

Another question is of course what is the future of man in space. The future as outlined by the space task force group headed by Vice President AGNEW lists as one of the keys the development of new capabilities for operating in space. The emphasis would be on the three factors of commonality, reusability and economy. These factors are found in the so-called space shuttle which consists as presently conceived of a reusable booster and orbiter. It will be designed to perform at least 100 missions with minimum maintenance, carry at least 12 passengers to and from the earth and have a payload capacity up to 50,000 pounds. Instead of paying between $500 and $1,500 a pound to get an object in space, we will hopefully be paying less than $50 a pound by use of this space shuttle. It is surprising to me that those who are complaining about economy in our space program can find fault with the space shuttle. Indeed the estimates of the space shuttle over the approximate 7 years of the development program amount to $5.7 billion or approximately 20 percent of the Apollo program cost. The space shuttle will be the DC–3 of the future. It can be used for transporting crews to space stations, for carrying and positioning satellites in orbit, for retrieval and maintenance of satellites. The latter can be extremely cost productive in that today satellites must be engineered to perfection because of the inability to correct problems in space. Simpler and cheaper satellites can be put into space when we have the ability to go to the source and correct malfunctions. Furthermore, the space shuttle can serve as an orbital staging platform for automated planetary probes and spacecraft. Of course, one other important function which really hit home during Apollo 13 is that the space shuttle will be designed so that it can be maintained in a state of launch readiness for lengthy periods and be launched within several hours' notice. With this rescue capability, Apollo astronauts could be rescued in earth orbit without the need for reentry.

Based on our present program, we today face a gap in our manned space flight program from 1975 to 1977. If the shuttle money is taken out of this budget this gap will be stretched even further, possibly 1 to 2 additional years. When the money in the budget at the present time, $190 million for both the space station and space shuttle is compared against the storage and mothballing costs, the loss of human resources caused by the delay and the scientific and technological loss, there can be no question that there is true economy in leaving the money in the budget for development for the space shuttle. It should be noted that the money in the budget for both the space shuttle and space station is not for the development of hardware. The budget includes $12 million for experiment definition, $48.5 million for shuttle engine definition and design, $22.5 million for shuttle air frame definition, $6 million for station definition, and $101 million for the shuttle station preliminary design verification. We have taken the necessary steps to insure that we will have economy and reusability in our future manned space flight programs.

Because of some misunderstanding that has developed, I wrote a letter to NASA Director Tom Paine requesting that he set forth supporting data regarding the Apollo program and shuttle. His letter is as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., April 23, 1970.

Hon. LOU FREY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. FREY: Dr. Paine asked me to send the attached responses to the questions you asked of him in your April 22, 1970, letter.

Sincerely yours,
GERALD J. MOSSINGHOFF,
Acting Assistant Administrator for Legislative Affairs.

Question A: Based upon the President's FY 1971 space program, what have been the total Apollo program costs to date, and what is the estimated runout cost?

Answer: The annual cost of the Manned Lunar Landing program through July 31, 1969, following completion of the Apollo 11 mission, was $21.3 billion as summarized on the attached Table. Since that historic event, additional costs have been incurred through March 31, 1971, of $1.3 billion, thereby increasing the total costs of this program through March 1970 to $22.6 billion. This includes the cost of Apollo 12 and most of the checkout and other preparations for the launch of Apollo 13. The $22.6 billion also funded $1.4 billion of flight hardware which is now in inventory or in the production line and available for future missions. It also provided capital assets of about $2.8 billion, which are of a continuing national value such as the manned space flight centers; unique production, test, and launch support equipment; the worldwide tracking communications and data acquisition network; instrumentation ships, etc.

The Apollo R&D program, through March 1970, accounted for $17.8 billion of the total Manned Lunar Landing costs of $22.6 billion. The remainder, $4.8 billion, is attributable to Tracking and Data Acquisition, Construction of Facilities, and Operations of the Manned Space Flight Centers.

Apollo program costs for the remainder of FY 1970 are estimated to be between $375 to $400 million, thus increasing the Apollo R&D costs through FY 1970 to approximately $956 million for Apollo R&D in FY 1971. The funding required to maintain the Apollo program through completion in the first half of FY 1975 is dependent on many factors. However, under the existing guidelines, schedule, and assuming early resolution of the Apollo 13 anomalies and no further problems, our current estimates for the program by fiscal year are as follows:

Fiscal year:	[In millions]
1972	$880
1973	780
1974	740
1975	310

These estimates assume continued lunar exploration flights through Apollo 19 in late Calendar Year 1974 and that during this period, the Apollo program will continue to bear the costs of maintaining the development, production, test, and operational capabilities to meet the common requirements of all manned space flight programs. To the extent that new programs are undertaken and would bear their proportionate share of these relatively fixed costs, i.e., Space Station, Space Shuttle, second Skylab, the costs allocated to the Apollo program would, of course, be reduced.

Questions B and C: What is the total cost of the Space Shuttle and the Space Station programs?

Answer: Current estimates for the Space Station and Space Shuttle are based on preliminary studies used in developing the Space Task Group report and can be regarded only as approximations of the total cost. The Space Station costs, in particular, are subject to variation, depending on the experiments selected for flight. Preliminary analysis indicates that Space Station costs for development and initial flight hardware will be in the range of $5 billion and that development and initial flight hardware of the Shuttle will require about $6 billion. These estimates are in terms of 1969 dollars. Studies of the Space Station and Shuttle, which are in progress in FY 1970 and will continue in 1971, will provide more comprehensive definition of the development and operational programs and the resources requirements to support these efforts.

Question D: Aside from the requested $110 million identified specifically for the Space Shuttle/Station in the FY 1971 Space Flight Operations line item, how much is included elsewhere in the FY 1971 request for the Space Shuttle/Station, and what is the tentatively planned use of these funds?

ANSWER: In addition to the $110 million identified in Space Flight Operations in the FY 1971 budget for Space Station and Shuttle, a significant portion of the Office of Advanced Research and Technology effort is applicable to these same two programs. In each program between $30 to $40 million will be applied.

The major portion of the Shuttle and Space Station effort was already underway in OART before a specific program of Shuttle/Station technology was formulated. Many program elements have been accelerated or amplified in support of these two programs, but only minor funding is associated with new effort undertaken to meet specific Shuttle/Station requirements. Technology effort in the following functional areas has been identified as being associated with the Shuttle:

1. Aerothermodynamics and configurations;
2. Structures and materials;
3. Propulsion work;
4. Integrated electronics; and,
5. Biotechnology.

The Space Station technology development effort includes the following areas:

1. Information systems;
2. Structures, dynamics, stabilization, and control;
3. Power generation and distribution;
4. Space medicine and human research;
5. Life support and protective systems; and,
6. User technology.

Question E: Based upon your projections as to space funding levels for the future, what do you foresee as the relative percentile balances between the manned and unmanned flight programs?

Answer: Based on the total NASA budget for FY 1971, the percentage of R&D funds allocated for manned space flight activities approaches 45 percent and nearly 20 percent for unmanned activities. As you are aware, our FY 1971 budget request is based on the STG report to the President which recommended "that this Nation accept the basic goal of a balanced manned and unmanned space program conducted for the benefit of all mankind." With the normal growth in programs already approved and underway for space applications and planetary exploration and on the assumption that future budgets (including FY 1971) will be approved at levels which support the major program elements in the STG report, the R&D funding applied to unmanned activities will increase over the next several years.

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MANNED LUNAR LANDING COSTS

[In millions of dollars]

	April 1961 estimate	March 1964 estimate [1]	March 1966 estimate [2]	April 1969 estimate [2]	Actual cost through July 31, 1969
Apollo spacecraft		$5,053	$6,642	$7,945	$6,939
Saturn launch vehicles		7,702	8,941	8,770	7,940
Engine development		1,190	1,053	854	854
Operations support		863	1,077	1,393	1,137
Total MSF R. & D.		14,808	17,713	18,962	16,870
Tracking and data acquisition		776	730	664	541
Facilities		1,664	1,773	1,830	1,810
MSF center operations		2,253	2,502	2,421	2,128
Total	$20,000-40,000	19,501	22,718	23,877	21,349
Flight hardware available					−2,000
Net total					19,349

[1] Based on assumption of timely initiation of follow-on program.

[2] Based on assumption that there would not be timely initiation of a follow-on program; also reflects the effects of program stretchout

Today we stand on the threshold of the greatest era of exploration in the history of man. We explore space not because it is there—but because exploration of the unknown is inherent in man and a vital part of the American spirit. The space program is returning more to us than the money we have invested and will invest. To stop this space program which directly benefits and improves the quality of life here on earth would be to fail in our commitment to the future generations of this country.

Mr. KARTH. Mr. Chairman, NASA officials have testified that initial cost estimates for development of the space shuttle are $6 billion. They concede that this preliminary estimate cannot be relied upon. NASA admits that design and development of the space shuttle represents a new and formidable technical challenge, and will require maximum innovation on the part of the aerospace industry. Specifically, the space shuttle will require advances in technology on several fronts:

First. Structures and materials, especially related to reentry heating.

Second. New high performance propulsion systems.

Third. Integrated electronics for guidance and control.

Fourth. Configuration and aerodynamics, which will permit vertical launch, hypersonic reentry, and controlled subsonic horizontal landing.

By contrast, the Saturn V launch vehicle was based upon technology developed over many years beginning with the German V-2 rockets of the late 1930's and extending through a long progression of missiles and launch vehicles developed by the United States on which many billions of dollars were spent. In short, the technology was well in hand when development of Saturn V was undertaken. Nevertheless, the cost of development of Saturn V was almost $5 billion.

In view of the extremely difficult technological problems which must be solved, the $6 billion preliminary estimate for development of the space shuttle appears unrealistically low. Some knowledgeable people believe it will cost three or four times that much.

COST OF OPERATION

Proponents of the space shuttle assume that operations utilizing a reusable launch vehicle can be carried out more cheaply than with expendable launch vehicles. Reusable systems may or may not result in some savings—that remains to be seen—but the space shuttle will be much more sophisticated and therefore very much more expensive to build than throwaway boosters. The class of launch vehicles to be replaced by the space shuttle—Delta through Titan—cost from $3.5 million to about $20 million per copy. By contrast, each space shuttle will cost hundreds of millions. It should also be recognized that there will be additional operational costs as well, not incurred by expendable systems—namely, costs of recovery and refurbishment, and associated ground facilities and personnel. Finally, the proposed reuse of the shuttle 100 times seems overly optimistic.

It is even more important to recognize that total mission costs are much more sensitive to the costs of development of spacecraft and experiments, and to ground operations—tracking, data acquisition and analysis—than to the cost of procurement of launch vehicles. In fact, launch vehicle costs account for a relatively small part of the total costs of a given space mission. Launch vehicle costs typically represent from 10 to 25 percent of total mission costs, with the largest expenditure normally for the spacecraft. Thus, it appears that if major economies are to be made in the space program, they will be achieved by sharp reductions in spacecraft and experiment development costs, costs of ground operations, and not simply by reducing launch vehicle procurement costs. It should also be noted that NASA has stated that "expendable launch vehicles could be developed that would be considerably cheaper than our present systems." This may turn out to be the most effective way of reducing launch vehicle costs.

OTHER ARGUMENTS DON'T STAND UP

Even if the space shuttle were now in existence, and the cost of operation of of the space shuttle were extremely low, the high utilization rate needed to justify its high development costs and its high procurement costs would require a considerable expansion of the scope of U.S. space activities. Specifically, NASA officials have testified that the space shuttle will provide a capability for placing 50,000 pounds in orbit, and that they anticipate a minimum of 30 flights per year by NASA and an equivalent number in support of DOD programs. During the entire decade of the sixties, NASA exceeded 30 launches per year only once—36 in 1966—including Scouts and Saturn V's, which are not to be replaced by the space shuttle. Assuming the spaces shuttle's payload capacity would be fully utilized on each of the projected 60 yearly flights, this adds up to 3 million pounds of payload launched into orbit each year. Could the United States afford such an ambitious space program? Would the American taxpayer be willing to support such an ambitious space program?

How does 3 million pounds of payload in orbit compare with the space program of the past? In terms of cumulative payload launched, 1969 was NASA's biggest year with 442,358 pounds, over 97 percent of which was attributed to the four Apollo flights. It follows that space shuttle advocates must anticipate a greatly expanded manned space flight program—30 flights per year by NASA alone—one which the Nation might be unwilling or unable to support. Note that the NASA budget has declined each year since 1965. It would have to increase dramatically during the next few years to support the development project if the space shuttle is to fly 1977, and then increase even more after the shuttle becomes operational, in order to support the kind of ambitious program it is designed to serve.

The Titan III experience may be instructive. Development of Titan III was undertaken in the expectation that, once operational, there would be 50 to 100 launches per year. The high utilization rate was the justification for investing $1 billion for development. Currently, there are three Titan III launches per year.

Mr. OBEY. Mr. Chairman, the move to increase NASA's spending on manned space flight is another sad example of scrambled priorities.

Every bit as important as a balanced Federal budget is a better balance in what we choose to spend our money on. We went to the moon in the 1960's. Our next mission should not be to land a man on Mars, but to see what we can do for the United States in the 1970's.

Yet this NASA authorization bill would give an extra $298 million worth of liftoff to manned space flight and apparently launches a man-on-Mars mission.

It does this by adding $80 million to the $110 million requested by NASA for a space station and shuttle program—a program to build a permanent space station for up to 100 men and a reusable shuttle for transportation to and from the earth's surface.

I find this recommendation premature, to say the least, inasmuch as we have not yet determined whether man can live and work in space. A big space station has little value unless it is intended to be a stepping-stone to Mars.

The feasibility of long-termed manned operations in a space environment will not be known for 3 years, until we finish our 8-month experiment with a small orbiting station to be launched in late 1972.

It strikes me as strange indeed to authorize construction of a giant space station before we have even flown the small one which is supposed to test the concept of space station flight.

I think we should delete this $190 million fiscal booster for the space station and shuttle. NASA would still have ample funding for the experimental space station, which ought to come first anyway, as well as $80 million for research and technology studies for future space flight.

Mr. Chairman, my evaluation of manned space flight has nothing to do with the failure of the Apollo 13 lunar mission. The accident which befell the Apollo 13 spacecraft was serious and disappointing, but it was not so surprising that something could go wrong on a mission of such complexity.

To me it is rather a question of priorities, and not whether a particular mission succeeds or fails. I believe the space program should be controlled, not killed.

We are naturally curious about man's ability to perform in space, but we can determine that in a fiscally responsible manner. Right now, we should seek to extend man's capability to live and work in his cities, and in rural America.

Fancy programs are fine, but how in conscience can we support added effort in space when human need cries out all around us—for hospitals, for doctors and nurses, and for cleaning up our environment.

The quality of our education, of our air and our water will determine whether we are a great nation—not being first to land a man on mars. There simply is not enough money to do everything we would like, and it is a mistake in values to put the glamor of space ahead of the realities of our corrupted environment and our crippled health care system.

NASA requested $3.3 billion—a not inconsequential sum. Given our many terrestrial problems, this is no time to be generous with our space program. Even without the increases recommended by the committee, the NASA budget is still too high given our other pressing needs. We cannot afford to do all the things we would like to do tomorrow. Let us face that fact and exercise some restraint on programs such as this, which are marginal, at least in terms of their contribution to the welfare of the individual American citizen.

Mr. ROTH. Mr. Chairman, today I rise in opposition to H.R. 16516, the National Aeronautics and Space Administration Authorization Act for 1971. On July 20, 1969, the United States did indeed land men on the moon and bring them back safely to earth. The challenge laid before us by President Kennedy in the 1960's has been fulfilled. Now it is time to place greater emphasis on other challenges.

The challenge of our polluted environment is a great one, one that will require just as much, if not more, skill and knowledge in the future as had our space program in the past.

This country has many brilliant and talented scientists. I would like to see more time, more money, and more of the talented scientists used to conquer the pollution of our air, our water, and our cities.

Let me illustrate what I mean. It would seem to me that there must be a better way to clean up oil spillage than by spreading straw on a polluted shoreline, or by simply putting a layer of clean sand on top of an oil-soaked beach. And it would seem to me that there must be methods—literally waiting to be discovered—to recycle and make useful a vast amount of what now passes for waste. I believe that if we draw on the minds and the computers that can land a rocket on the moon or can return a crippled spaceship from hundreds of thousands of miles in space, we can certainly find the answers to the many problems that confront us here at home in what appears to be a long, costly, and difficult battle to reclaim what we have squandered for so long.

The decade of the 1960's was the age of space and landing men on the moon. The decade of the 1970's should be devoted to cleaning up our home, the spaceship earth.

Let me make it clear that I do not believe we should abandon our space effort; far from it. I believe that we should continue our space program, but, for the time being, on a more modest scale. Our all-out effort to land men on the moon before 1970 has paid off. We have done it. Now is the time to reevaluate our goals in space and proceed at a more reasonable speed.

In addition to solving the problems of pollution, it seems to me that there are other areas here on earth where the money could be more wisely spent. For example, expanded research in cancer and heart disease, two of our most serious killers, could possibly yield untold benefits for not only our Nation, but all mankind.

I think it is time for us to devote ourselves to solving the problems we face here on earth. I think it is time we began to clean up our polluted environment and support research directed at finding cures for the diseases that cripple and kill mankind, such as cancer and heart disease.

For these reasons Mr. Chairman, I intend to vote against the bill presented before this body today, H.R. 16516.

Mr. DADDARIO. Mr. Chairman, scientific information has increased enormously since Sputnik I went into orbit only 13 years ago. A study made by Stanford Research Institute indicated that astronomy had been most enriched. However, many other sciences have also been impacted. One of the most important discoveries was that of the Van Allen radiation belts, result of the first U.S. satellite.

Since that time we have learned the true shape of the earth for the first time, the true distance between the earth and the moon, the approximate age of the moon—at least at two sites—some information about the moon's magnetic field and some information about its mineral content.

One of the most exciting discoveries, not yet explained, is the behavior of some plants when lunar dust or soil is added to their growth medium. Amazing increase in size and color were noted, but the reasons for these reactions are still a mystery. On another experiment, certain viruses, difficult to destroy on earth, were killed by lunar dust. Virologists are diligently searching for the answers.

The laser-reflector array which was left on the moon is already returning valuable information, never before available. We have been able to determine relative earth-moon distance to an accuracy of 1 foot. Distance measurements can supply precise information on lunar orbital motion and periodic oscillations of the moon. It is hoped that they will also lead to understanding the fluctuations in the rate of the earth's rotation. The drift of the continents can be measured with this equipment as can the variations in the wobbling of the earth's rotational axis. Some geodesists believe that there is some association between the wobbling of the earth's axis and major earthquakes. Therefore, an understanding of this phenomenon may aid in the prediction of such disasters.

Among the most important results of the space program are the innumerable developments and discoveries which have biomedical application. The need to remotely examine the astronauts while they were in space has given rise to a whole new class of aids and instruments, combining our ability to miniaturize with our expanded computer capabilities. The heart monitor is only one of the notable developments. A group of doctors, the biomedical applications team, has found over 200 answers to medical problems within space medicine. They have assisted in the transfer of information from space to general medicine.

The need to maintain continuous study of the men who have been in space and of those who are preparing to fly has occasioned the constant medical supervision of our astronauts. Thus a body of information about well men is being compiled, more extensive than any study previously done. When the SkyLab goes into orbit in 1972, even more intensive work will be done on the three teams who will man these flights, the first for 28 days and the second and third for 56 days each. Because of enhanced facilities, very much more biomedical work can be done in SkyLab.

In the research centers of NASA, where fundamental research is being conducted, two recent discoveries which may give valuable clues in the conquest of cancer have been made. They both concern the behavior of cells and their composition and are under study because of our need to know as much as possible about the behavior of human cells in space.

Meteorology has probably been more advantageously affected than any of the other sciences which affect our daily lives. The weather satellites which daily survey the cloud-cover of the earth and regularly report to earth receiving stations, have brought extra facility in weather reporting and weather analysis to all nations who have chosen to query them.

It has been possible, using information from the weather satellites, to predict some major hurricanes in time for preventive action to be taken by the people in their paths. With more sophisticated satellites scheduled for service, meteorol-

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ogists hope to be able to predict weather at least 2 weeks in advance.

Earth sciences have already profited greatly from work done in space. With the earliest photographs from Gemini, through those taken on Apollo, and the extensive multispectral camera experiment performed on Apollo 9, knowledge of the earth has grown significantly. It is possible to ascertain the composition of soil, the kind of growth, the condition of growth and the extent of forest cover, all from photographs from near-earth orbit. Geologists believe that ore concentrations can be discovered; hydrologists expect to be able to predict floods from analysis of snow-cover; examination of the temperature of water in the oceans of the world is another project of oceanographers which promise to produce fundamental knowledge about our environment.

Practically every major scientific regime has been stimulated and challenged to new research and discovery by the demands of the space program. And one must realize that this newest area of man's interest has only begun to return results. With two new territories for exploration, the sterile vacuum of space and the surface of the moon, we can expect a scientific "golden age" within the next decade.

Mr. TEAGUE of Texas. Mr. Chairman, I support H.R. 16516 to authorize funds for the National Aeronautics and Space Administration for fiscal year 1971. There are those today who say we spent too much money in our national space program. I would like to remind those who express this view that this money is spent in the most advanced science and technology known to man. It pays the wages to those who push back the frontiers of the unknown. It betters the skill of over 150,000 Americans. It provided not only hardware but know-how to tackle the difficult problems that our Nation faces in the years ahead. It contributes many of the management innovations necessary so that we may deal not only with the complex problems of operating an adequate space effort but may also help many of the difficult problems that we face in environmental improvement, crime prevention technology, and resources development within our Nation.

When the detractors to our national space program say that funds devoted to the space program can better be devoted to our social needs I ask all of my colleagues to consider that this is exactly what our expenditure for our national space program does. It aids the solution of many of our pressing problems in our Nation today. We need improved communications at a lower cost. Our national space program is contributing everyday to this area.

We need improved ability to assess the availability of natural resources. Our space program contributes to this every day. We need better management talent and better management procedures for complex governmental programs. Our space program contributes to that every day. If we are to continue to progress as a nation, we must remain in the forefront of technical development. Since the beginning of the industrial revolution our Nation has depended on its competitive advantage through technology to maintain its world position in the marketplace. Both in aeronautics and space flight development NASA is contributing to this advance of technology. Consequently, this represents one of the most important reasons for continuing to support an aggressive national space program.

The Committee on Science and Astronautics and the Subcommittee on Manned Space Flight have worked long hours and studied thoroughly the bill you have before you today. We received testimony from key industrial contractors and NASA field centers in hearings before the committee. All of this is a matter of record in the report of hearings accompanying this bill.

The changes made in the budget proposal submitted by NASA for fiscal year 1971 are largely associated with manned space flight. In summary these changes provide for a forward-looking and adequate space effort in the 1970's.

The committee added $145 million to the Apollo line item requested by NASA. It should be noted that the NASA request was over $725 million less than that for fiscal year 1970. It is a budget which terminates Saturn V production and reduces the Saturn V launch rate to two lunar exploration flights per year until the remaining Saturn V's are expended. The addition of $145 million by the committee provides sufficient funds so that the last two lunar missions with the sixth and seventh Saturn V vehicles will have increased scientific payloads and longer stay time on the lunar surface to gain the maximum return from these flights. These same funds would also provide for early work on a spacecraft for an eighth lunar exploration and a preliminary investigation of scientific payloads for that same flight. In addition to this the committee added $100 million for long leadtime hardware for improved Saturn V vehicles. These same funds would also be used to allow critical vendors and contractors that have been phased out of the Saturn V program to accomplish sufficient work to maintain their skills and provide limited equipment so that Saturn V production may be reinitiated without delays at a later date. Particular emphasis will be placed on work for engine components since these are the longest leadtime items associated with the production of the Saturn V vehicle. The Saturn V is the only vehicle available to the United States that lifts payloads in excess of 60,000 pounds into earth orbit.

The leadtime required to build these large complex vehicles is in the order of 4 years and the funds which have been included by the committee will materially reduce this leadtime. If we are to assure that this Nation has a large payload capability in earth orbit and deep space in the mid-1970's it is essential that these funds be included as recommended by the committee.

In the area of space flight operations the committee has increased the NASA budget request for fiscal year 1971 by $155 million. It was the view of the committee that the addition of $75 million for the Apollo applications program workshop, now called Skylab, would provide funds to augment the development and qualification of the spacecraft and workshop for long duration missions in 1973. These same funds would also provide for the development of additional experiments that will improve the return on the investment made in the Skylab. These experiments were excluded from the program because of funding limitations.

The $80 million was added to space flight operations to provide for more extensive analysis and engineering studies for a space station to follow Skylab in the late 1970's and to provide advanced testing and verification of early designs in the low-cost recoverable space shuttle design effort now being undertaken by NASA. These funds will provide additional information so that when the Congress is asked to make a commitment to the development of a low-cost recoverable space shuttle system the information will be in hand to make that important decision. The low-cost recoverable shuttle represents, in my view, the most significant aspect of the national space program in the late 1970's. Developing a reusable space transportation system operating much like commercial aircraft will provide broad new opportunities to utilize space and conduct scientific explorations at a significantly reduced cost. With such a system available, recovery, repair, and maintenance of automated spacecraft, low-cost visits to manned space stations and the commercial application of space not only for expanded communications but also in the area of earth resources will be enhanced.

The opportunities for international cooperation with a low-cost shuttle system available will be significantly improved simply by virtue of the fact that the cost of operating in space will be brought to a level that many of the developed nations of the world will find attractive.

With these facts in mind I urge your favorable consideration of H.R. 16516.

INCREASES IN THE BILL

Mr. Chairman, so that there will be no doubt as to the importance or nature of the increases in the bill I wish to identify them for the benefit of the Members.

The proposed $45 million for Apollo/Lunar payloads will provide funds to permit effort in fiscal year 1971 on spacecraft and payloads for the Apollo 18, 19, and 20 missions. This effort will include systems improvements and augmented scientific payload components to enhance the data return from these missions based on experience from earlier Apollo flights. The proposed additional funds for Apollo/Lunar payloads will provide resources for the following:

The sum of $5 million: Funds will be used to resume work on the Command and Service Module—CSM 115A—for Apollo 20. This spacecraft was placed in storage at the North American Rockwell plant following initial systems installation in line with the decision not to provide funding in the fiscal year 1971 budget for a Apollo 20 mission or follow-on Saturn V production.

The sum of $7 million: The Lunar Module—LM 14—which would be used on

Apollo 20 is in storage at the Grumman plant. In accordance with the earlier decision to delete Apollo 20, all fabrication was stopped during structural assembly. Additional funds will be utilized to reinitiate production of this spacecraft.

The sum of $11 million: These fiscal year 1971 funds will be applied to the development of equipment for orbital science experiments proposed for Apollos 18, 19, and 20. This equipment includes: 24-inch panoramic cameras; 3-inch mapping cameras; FAR UV spectrometers; IR SCAN radiometers; and subsatellites with: S-band transponder particle measurement, magnetometer, and a laser altimeter.

The sum of $16 million: Development and initial fabrication of surface science experiments will also be covered by the additional funds for Apollos 18, 19, and 20. Funds for this effort and the orbital science effort were deferred in the original budget request. Equipment for several of the experiments that would be funded in this category include: Passive seismology; lunar surface magnetometer lunar hand-held magnetometer; mass spectrometer; gravimeter; and field geology investigation equipment.

The sum of $6 million: Funding will provide for equipment to enhance astronaut activities on the lunar surface including lunar roving vehicles, additional portable life support systems—PLSS—lunar drills, lunar surface cameras, and other miscellaneous Apollo/Lunar equipment required for the Apollos 18, 19, and 20 missions.

The proposed $100 million in funds to sustain Saturn V production will minimize the production gap, reverse the almost complete phaseout of vendors and subcontractors, and continue to provide the country with its only operational launch vehicle capable of placing large payloads in earth orbit or sending spacecraft on lunar missions in the mid-1970's. The additional funds will be utilized as follows:

The sum of $20 million: These funds will be used to requalify and reassemble the vendor and subcontractor structure of the Saturn V team which have been completely phased out of the program. With all of the Saturn V stages nearly completed, large groups of the prime contractor's work force will have to be reassembled and retrained to assure a high quality and reliable vehicle.

The sum of $35 million: Engine funding will have the highest priority due to the long leadtime associated with engine production and installation. As the last Saturn V engine of the present buy was delivered in January 1970, the engine production base must be reestablished. The funds would also be utilized to qualify the J–2S engine and cover the final design and engineering changes required to incorporate the J–2S into the follow-on stages.

The sum of $30 million: These funds support the purchase of standard material and parts, and for the procurement of critical long leadtime hardware items such as: actuators, relays, transducers, pumps, and propellant systems, heat shield panels, retro-rockets, instrument unit components, castings, valves, bearings, and sensors.

The sum of $15 million: Initial production efforts, including fabrication of basic stage and engine parts, by the prime contractor or contractors, will be provided by these additional funds. Early initiation of production in fiscal year 1971 would result in the first delivery in this buy of Saturn V vehicles in 1974.

The proposed addition of $75 million to the Skylab program will be applied to increasing the assurance of Saturn Workshop I's success, initiating experiments previously excluded from the program due to funding limitations, and the preliminary design of a second Workshop mission in which incorporation of an artificial gravity environment will be of prime consideration. This effort will not only enhance the first Skylab mission, but will provide additional design studies for an upgraded Skylab Workshop II mission. Specific application of the proposed funds follows:

The sum of $20 million: These funds will principally be used to increase and augment the development, verification analysis, and qualification testing of major systems—workshop, spacecraft, and airlock—to increase success on the first mission and to provide confidence in planning missions of longer duration for future flights.

The sum of $25 million: Funds will be utilized to upgrade the presently assigned experiments program with increased emphasis on identifying and developing those experiments which prove to be of significant value in the areas of earth resources and medicine. Other experiments previously deferred due to funding limitations will be incorporated into the program and will enhance the scientific knowledge and direct benefit to be achieved in the Skylab program. Effort will also be initiated to develop an on-board biomedical monitoring system and an on-board data processing system for all major experiments.

The sum of $18 million: Funding will be devoted to the development and qualification of improved life support and other critical systems. Through increasing both the reliability and capacity of the major systems and subsystems, not only will the assurance of mission success be increased, but the operational capacity of the Skylab will be expanded to a point approaching continuous operation.

The sum of $12 million: These funds will be applied to the procurement of additional hardware and experiment systems as spares to more fully support the Skylab program. In addition, the backup ATM hardware will be upgraded to provide a qualified flight unit. The present backup ATM is a refurbished qualification unit and some work is necessary to assure flight worthiness.

SPACE STATION—$30 MILLION

The space station module is conceived as being the basic element of future manned activities. The long-duration subsystems developed for the station would have application for, not only earth orbit missions, but planetary missions, possible future lunar missions, and adaptation for use on major systems for both planetary and lunar surface bases. In this connection, the additional funds will be applied to increasing our understanding of the systems and requirements of this significant undertaking and will be applied as follows:

The sum of $6 million: These funds will be used to complete studies in areas in which firm conclusions have not as yet been reached such as experiment information management, both on board the station and on the ground, and crew structure and management. Some functional mockups will be fabricated to be used for simulation and design testing. In addition, development of critical subsystems will be initiated, such as: fabrication of a completely functional full-scale prototype of a 25-kilowatt solar array-battery power processing system; initial hardware breadboard and programing for a high data rate computer system for on-board screening, editing, processing, analysis technique computer system; and improved radiators; coating and analysis techniques to optimize space station thermal design.

The sum of $12 million: Funds will be applied to augmenting the planned experiment payloads definition effort and the preliminary design work on the experiment module. An early and better understanding of the operational and environmental requirements of the experiments will provide the necessary data which can be incorporated into the design of the basic space station. Funding will also be used to identify the station and experiment module interfaces with the space shuttle and space tug.

The sum of $12 million: These funds provide for more extensive and inclusive trade-off analyses, verification of the selected preliminary design and advanced prototype and proof-of-concept testing to increase the assurance that the design and development of the station is proceeding on a strong technological basis.

The primary objective of the space shuttle is to transport effectively a varying mix of personnel and cargo to low earth orbits and return. This system is considered the key to the success and growth of future space flight developments for the exploration and exploitation of near and far space. To this end, the additional $50 million will be utilized to provide a much more penetrating design and performance analysis of potential shuttle engines and airframe configurations thus greatly increasing assurance that the best possible engine and configuration will be selected. This greater understanding would decrease the possibility of significant design difficulties which produce higher costs being discovered later on in the program. In addition, as with the space station, funds will be applied to design verification, prototype and proof-of-concept testing to increase the assurance that the design and development of the shuttle will proceed on a strong technological basis. The proposed funds will supplement our budget request as follows:

The sum of $15 million: These funds will augment the present engine definition and design effort to assure the selection of the best possible shuttle engine and to define engine test facility requirements.

The sum of $15 million: Increased effort in defining the most desirable airframe configuration will be funded including definition of all required ground support equipment.

The sum of $20 million: This funding supplements the important preliminary design verification and proof-of-concept testing effort.

FUTURE PROGRAMS

The future space programs planned by NASA are guided by the goals of exploration, scientific knowledge, and practical applications to man here on earth. To illustrate the significance of these future plans to maintaining our Nation's preeminence in space, I would like to briefly touch on each one.

We will continue to explore the moon. Present plans call for seven more flights to different locations on the moon—the flatlands, the rugged highlands, the giant craters, and the mysterious channelways called the rilles. When this phase of lunar exploration is completed in 1974, our scientists hope to have information on which to evaluate the moon's natural resources, better understand the history of the earth and our solar system and apply this knowledge to problems of the earth such as predicting earthquakes. They also believe that we may find that the moon is a convenient offshore base for further exploration of the planets.

In late 1972, the Skylab program will get underway. This program is designed to capitalize on the techniques and hardware developed in the Apollo program. The heart of the Skylab concept is the orbital workshop which is actually the third stage of a Saturn V launch vehicle fitted out with a laboratory and living quarters. Attached to the workshop is the Apollo telescope mount, a solar astronomy module for detailed studies of the sun whose energy provides the driving force that controls our environment.

The Skylab program will provide data on the ability of men to live and work in space for extended periods and the experiments conducted will provide advanced knowledge on improving conditions here on earth. Terrain photography will improve mapping techniques of the earth. Mineral, agriculture, and ocean resource surveys will be made. And experiments with measurements and remedies to reduce pollution in the earth's air and water will be conducted.

After the workshop is placed into near-earth orbit, a Saturn IB launch vehicle will carry three crewmen aboard an Apollo spacecraft to rendezvous and dock with the workshop. These astronaut-scientists will then enter the workshop and begin an open-ended 4 weeks of scientific experiments. At the completion of this period, the crew will reenter the Apollo command module and return to earth. Two more visits to the workshop are planned, each with a duration of about 2 months.

With the conclusion of the Skylab program, information for evaluating the need for a second, more advanced workshop will be available. Also, the Skylab program will serve as a progenitor of the large space station in earth orbit.

The development of the space station, in conjunction with the space shuttle, will form the basis of the next major advance in manned earth orbital flight.

In the next fiscal year, NASA will continue space station design studies. The space station will serve as a servicing and maintenance platform for both manned and unmanned spacecraft in earth orbit or in transit to and from the moon or deep space. Additionally, the station will support beneficial space applications programs, scientific investigations, and technological/engineering experiments.

The space station will provide living accommodations for a crew of 12, some responsible for maintenance and operation of the station and others for the conduct of experiments. Further into the future, the space station could be developed into a large space base in earth orbit by clustering other space stations and specialized modules. The base would initially accommodate 50 persons. Growth to a 100-man capacity would be possible.

In an attempt to slash the cost of space operation, NASA has intelligently been looking at less costly and less complicated ways of transporting payloads into space. This summer, space shuttle design studies will be initiated as a followon to earlier feasibility studies.

With the shuttle for transport, we will be able to launch automated satellites and probes, to maintain, refuel, repair, and refurbish them or to reposition or retrieve them for return to earth. Another major purpose of the shuttle will be to rotate crews and provide logistic support to the space station.

The shuttle will be a two-stage reusable space vehicle consisting of a booster stage and an orbiter stage. The shuttle will be launched vertically by its booster stage, much as today's rockets are launched. High above the earth the booster stage will separate from the orbiter stage and will be piloted back to earth for a horizontal, aircraft type landing on a conventional runway. The orbiter stage then will power itself into orbital flight. Later, the orbital stage of the shuttle and its crew can also return to earth and land at an airport. The shuttle will be designed for at least 100 round trip flights with minimum maintenance.

Development of the NERVA nuclear engine will continue. This engine, for use between earth and moon orbits and for propulsion on interplanetary missions could be operational by 1978.

In the decade of the 1970's, NASA will launch unmanned probes to all planets of our solar system in attempts to explore and learn more about our universe. A Mars orbiter will be launched in 1971, a Jupiter probe in 1972, and in 1973 a Venus-Mercury flyby. In the mid-1970's, an unmanned vehicle will be sent to land on Mars and to investigate its surface.

In the last half of this decade the positions of the outer planets will offer a unique opportunity to launch missions which can visit several of them on a single flight. These "grand tour" missions will study the planets of Jupiter, Saturn, Uranus, Neptune, and Pluto.

Present plans call for launching earth resources satellites in 1972 and 1973. These satellites will be capable of surveying crops, locating mineral deposits, and measuring water resources. They will enable us to assess our environment and to use our limited, earthbound resources more effectively.

In 1973, an applications technology satellite will be launched with a number of technical and engineering experiments aboard. One of these experiments will be the first large-scale test of instructional television to demonstrate the potential value of effective mass communications in developing countries. The United States and India will cooperate in using this satellite to bring instructional TV programs to some 5,000 Indian villages. The international character of this satellite demonstrates the remarkable potential that space offers in fostering global cooperation.

These space projects of the 1970's that I have outlined are not political ventures nor programs for the sheer fun and exhilaration of exploring the unknown, rather, they are realistic and responsible projects for gaining the greatest returns on the groundwork that was laid by NASA in the 1960's.

MAN IN SPACE

The magnificent flights of Apollo have caught the imagination of men everywhere. In the eyes of the world, these demonstrations of our excellence in science, engineering, and management have restored the United States to preeminence as the leading technological nation.

It is a truism that man relates only to man. This was emphasized by the contrasting reactions of men everywhere to the daring planetary expeditions of the U.S.S.R. and to the manned flights of Apollo. No single act of the United States has ever elicited such enthusiasm around this planet. A recent Gallup poll conducted in 12 countries asked, "Which nation will lead in science in 1980?" Fifty-four percent said "the United States." A similar poll in 1959 gave the United States only 23 percent against 42 percent for the U.S.S.R. Mechanical wizardry intrigues us, but the daring of the men who walked upon the moon, and the dedication and brilliance of those who sent them there is truly awe inspiring.

Critics of manned space activities essentially have only one objection—that they are today more expensive than unmanned operations. Yet tomorrow we will be able to move men, equipment, and supplies into earth orbit at a fraction of today's costs with the low-cost space transportation system. The first element of this system, the space shuttle, is now in phase B development.

With the activation of this system, we will be able to make optimum use of men in space. For man has three sets of capabilities that make him extremely hard to replace with any machine: First, he has a very wide-band set of sensors for acquiring information, second, he has in his head a built-in memory and computer for unprogramed calculations that cannot yet be matched by our largest and fastest machines; and finally, third, he has a remarkably versatile capability for action and physical operations with his body, hands, and tools. These three capabilities, as well as his unique talent for innovation and emergency reaction, make men such a valuable element in space science and applications that we need to take advantage of him at the site of operations whenever this is feasible.

There are many tasks in space that we will want men to perform as soon as the round-trip reusable shuttle is available. We will want him to hasten the development of earth-oriented sensors for use on automated satellites. At present extrapolation from man-tended airplane sensors is being made to sensors to be flown on automated satellites for a year or more. Under these circumstances, considerable time must elapse before improvements can be made in a next generation of sensor on a later launch.

In the future, manned spacecraft with large payload capacity and several trained crewmen could carry out prescribed tests on a battery of developmental earth-oriented sensors under actual space conditions. With a versatile set of equipment modifications and options planned for the test program, perhaps in the breadboard stage, the space crew could carry out a series of developmental and operational steps on the sensors in one mission which would have required several years and many launches of automated equipment. Such a program would not only lessen the cost of equipment development, but would bring earth sensing activity into practical use at a much earlier date.

Today, if some failure occurs on an automated satellite, it must be completely replaced in orbit. With the space shuttle in operation it will cost us much less to send men up to rendezvous with a complex automated satellite in an accessible orbit and make repairs there or return it to earth, than to send up a new satellite.

In addition to maintenance and repair, men will be needed for the deployment and calibration of many of the large space systems of the future, such as assembly and checkout of large antenna for communications satellites, or initiating operation of large astronautical satellites.

With respect to selected sensing operations, we will want to join the advantages of manned operation to the superb vantage point for viewing the earth offered by space installations. Trained men will be able to conduct special observations related to atmospheric circulation, heat balance, air pollution, and meteorologic and oceanographic dynamics. Thus we will be able to obtain information not available from the preprogramed observations of automated instruments. By taking full advantage of both manned and automated conclusions from earth sensing from space, we will have the analyses as well as unexpected knowledge in order to make the most rapid utilization of new information about our planet.

In the laboratories in space which will follow the initial workshop, scheduled for launch in 1972, the effects of the space environment on men, animals, and plants will be studied. With increased knowledge of living systems we will be able to improve certain conditions on earth. The work of scientist-astronauts in conducting tests, making observations on man, plants, and animals in situ, using microscopes and other scientific equipment and returning specimens to earth, will make enormous progress in the life sciences possible within minimum time periods.

Manned astronomical observations will begin in the Skylab workshop with the activation of the Apollo telescope mount. For the first time men will be able to explore the sun using sophisticated instruments from beyond the veil of the earth's atmosphere. In later space stations, we can expect to see a high energy cosmic ray and a high energy physics laboratory. Studying the cosmic rays for their own properties will tell us something about the nature and origin of the universe; such observations cannot be made from earth or even from high altitude balloons. Letting the rare but extremely high energy particles from the cosmic rays interact with chosen forms of matter, such as hydrogen, astronaut-physicists may test theories on the nature and properties of nucleii. Such a high energy physics laboratory, at a modest incremental cost to a space station, could accomplish studies impossible with the largest nuclear accelerators which may have been built on earth by that time—and perhaps even at a lower cost.

Another set of space laboratory studies which will demand the innovative and inventive powers of man will be research into the behavior of materials in the vacuum, sterility, and weightlessness of space. The production of a vacuum within our "ocean of air" resulted in the vacuum tube and the age of electronics. The possibility of escaping from our "ocean of gravity" may well open a whole new phase in our technical history.

The development of new materials has been basic to our industrial progress. Within the past 50 years advances made have resulted in new industries, new products, the development of backward areas, and to a large extent, our burgeoning economy which we enjoy today.

Therefore, experimental work designed to explore and to use a completely new set of physical circumstances can be expected to yield totally new results from relatively simple research. In the area of purification of materials, levitation casting has been effective on magnetic materials. In space nonmagnetic materials may be purified by a simple process. Molten metal, outside of a gravity field, should be subject to surface tension only and should take the shape of a perfect sphere. Therefore, small droplets of molten steel should form perfect ball bearings. In our mechanized society, perfect ball bearings, reducing friction to a minimum, would be revolutionary.

Large perfect crystals, essentials of the electronics industry, may very well be grown in space. The two conditions most often responsible for imperfections are convection currents and contamination from molds or supports. A facility in space where growing crystals can be floated free of all supports for hours or even days, should produce large perfect crystals. Large perfect mirrors and lenses might also be produced for use in space-based astronomical apparatus. The distribution of gas bubbles can be controlled in space, making theoretically possible the production of steel with the weight of balsa wood. Very high strength materials with unique thermal characteristics may result from uniformly mixing ceramic crystals in a metal, not possible in earth's gravity.

When we realize that the production of even one new fundamental material might justify the cost of the entire space program, experimental work in this new environment seems to be a particularly good idea.

Wherever men go, they pay their way, from the depths of the oceans to the surface of the moon, and on into the solar system. Wherever intelligence is required, men must go. Even our largest and most sophisticated computers are only adding machines—designed by men, built by men, programed by men, and interpreted by men. So far we have not been able to construct a substitute for him—on earth, in the sea—or in space.

KEY VIEW ON THE SPACE PROGRAM

Mr. Chairman, because of the importance of the bill before us today I have asked six key leaders of NASA to provide their views on the future of the space program. Their letters are as follows, Mr. Chairman:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., April 21, 1970.

Hon. OLIN E. TEAGUE,
Chairman, Subcommittee on Manned Space Flight, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request that I describe the future of space flight as it appears to me. As you know, the new work I have recently undertaken on behalf of NASA's planning for the future is still in the preliminary stages. However, the President's Space Task Group (STG) has already outlined the basic aspects of our future in space. The STG's report points toward a broad-based program of exploration and applications, emphasizing value and dividends for the people of the nation. Additional planning and review, in which I have participated since the report of the STG, continues to confirm the validity and balance of the overall programs outlined by the STG.

In the next several years, the Skylab Program will be able to fulfill its objectives with a foundation for long-range returns from space. These returns will be in the form of increasing capability to use a platform in earth orbit as an experimental laboratory for scientific experiments and for applications work which will help us learn more about the resources and environment of our planet. Astronomers in the Skylab Workshop will use its solar telescope to learn more of the relationship of the earth to its power source, the sun.

Automated missions to learn more of the solar system are being refined so that as we learn more of our planet with the Skylab and advanced satellites we also will learn more about its relationships to the sun and neighboring planets. The flights we have planned for the seventies will send machines out to the planets on their fact-finding tours. I fully expect that man from planet earth will ultimately observe his sister planets first hand, building upon the knowledge we hope to gain in the next decade.

The lunar landing in 1969 climaxed a decade of development that saw this country move forward in launch vehicles, spacecraft, testing and operational facilities, and trained manpower as it developed a great space capability. In addition, the space program brought renewed strength in national leadership, in security, in education, and in science and

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technology, and in the will of America to succeed. The temporary setback suffered in Apollo 13 should serve only to intensify that will as this country moves ahead with lunar exploration.

In the final analysis, the key to our future accomplishments in space will be our willingness to undertake the developments that will advance this nation to new plateaus of operational flexibility and will give us the technological advances needed to assure economical operations in space. No one would question the justification for a jet aircraft that can be flown over and over again instead of just once. With the space shuttle and the space station we will have the space age equivalent of the jet liner.

Many times in the past I have pointed out my views regarding our current achievements. Magnificent as they are, they must, in the long run be considered but a mere beginning in our conquest of space and our mastery of knowledge that will greatly enhance the lives of this and future generations of this planet. The international leadership of this country is linked with our space leadership as clearly demonstrated by the events of this past week and the all but unprecedented interest in Apollo 13 by men of good will from all nations. If this nation views what it has gained in space and considers what space activities can win for us in the future based upon normal technological growth, then that future will, I am convinced, exceed our most optimistic expectations of today.

You have shared my confidence in years past and you have supported the national space effort vigorously, for which we at NASA are most grateful. I am confident that in the future we will continue to justify your support of this nation's efforts to maintain leadership in space.

Sincerely yours,

WERNHER VON BRAUN,
Deputy Associate Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., April 22, 1970.

Hon. OLIN E. TEAGUE,
Chairman, Subcommittee on Manned Space Flight, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. TEAGUE: I am pleased to respond to your request for my views on the future of this nation's manned space program.

First, I think it important to stress that the future as I see it will not be clouded by the difficulties encountered during the flight of Apollo 13. Much was learned from that flight, not the least being the flexibility of the lunar module and the magnificent abilities of flight crews and ground controllers. We also verified the effectiveness of the contingency planning for mission emergencies and anomalies. This long-term planning, in my judgment, saved Apollo 13.

I am confident that we will find the cause of the accident and that the result will be a better spacecraft. Dr. Paine has appointed a Review Board to investigate the incident and the Board can be expected to move ahead without delay. Since only one spacecraft subsystem is involved and volumes of data already are available for analysis, the Board and its supporting teams can go directly to the problem.

The objectives of the post-manned lunar landing period are, of necessity, somewhat different from the clearly defined national goal of the last decade. The objectives of the Apollo Program were those of a single major program which demanded the achievement of rapid technological progress in the new field of manned space flight. Today, as we move into the 1970's, we have in addition to the continued lunar science program of Apollo, multiple programs with emphasis on economy and additional uses of space technology for the benefit of man. The realization of these objectives to achieve greater returns from space for the man in the street while increasing the economy of space operations certainly is a challenge to match that of the previous decade.

The Skylab Program, with its experimental space station, is a major step toward the use of space for the benefit of mankind. It will use modified Apollo hardware to provide the first opportunities for a laboratory environment to learn more of the earth's resources and the sun's energy.

The reusable space shuttle will offer many economies and benefits. It will be available for use by more than one agency or one program. Its development will stimulate both space and aeronautical technology. It will reduce the cost of payloads by allowing retrieval or repair of satellites in orbit and the transportation of cargo and passengers to and from orbit. It will have a quick response time and significant space rescue capability. Its design will provide for 100 or more flights without overhaul.

In earth orbit, a space station supplied by the reusable shuttle will provide additional economic gains and practical benefits. The space station will reduce operating costs by its long life and its flexibility, combining many operations such as research, applications, and support of space flight operations. It will be designed so people on board will be able to carry out their technical tasks without special flight training. The space station modules may be used in various earth orbits, and ultimately, in lunar orbit or on a planetary mission.

The operation of the space shuttle and the space station will permit a considerable expansion in the scope of space activities and a steady increase in the number of visitors into space. The expanded, more economical flight activities made possible by these advanced systems will conceivably open space to a broad range of public and private interests.

The future programs I have mentioned cannot be considered with an awareness of the management challenges involved. We must bring available technology to bear in an optimum manner as we develop new technology needed in the programs of the 1970's. We must use all resources wisely, including the intimate participation of our colleagues in the NASA Offices of Space Science and Applications, Advanced Research and Technology, and the cooperative support of the United States Air Force. We must manage prudently and effectively if the objectives of this decade are to be reached.

The Lunar Landing Program in moments of success and difficulty was made possible by a strong spirit and dedication that characterized the government, industry, and university teams. Today there is a need to maintain this same spirit and dedication as we focus on our new objectives in the Manned Space Flight Program of the future.

Sincerely,

DALE D. MYERS,
Associate Administrator for Manned Space Flight.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
MANNED SPACECRAFT CENTER,
Houston, Tex., April 21, 1970.

Hon. OLIN E. TEAGUE,
House of Representatives,
Washington, D.C.

DEAR MR. TEAGUE: I welcome the opportunity to respond to your query concerning the future course of the nation's space activities. This is a particularly significant time since we have just faced adversity during Apollo 13 and lead times are such that we need to move forward toward future hardware developments if we are to maintain reasonable continuity to our manned space flight program.

It can be expected that the Apollo 13 incident will necessitate a reexamination of our plans. It may also provide the opportunity for some to suggest that we slow down, defer, or make major changes in our present and future plans. I am personally confident that the hardware failure encountered during Apollo 13 will be understood and that we will be able to make timely corrections. The failure encountered was most critical and the mission objectives had to be abandoned. However, it was encouraging that we did have the systems capability both in flight and on the ground combined with the teamwork between flight and ground personnel to safely return the crew after a major subsystem failure. I feel that we have put our best possible efforts into Apollo and that the basic system is sound. We cannot, however, expect to push back the space frontier without some difficulty. When the full report from Apollo 13 is in, I am confident that we will again be able to fly to the Moon successfully.

In evaluating the possible directions in the post-Apollo time period, I firmly believe that the reusable space shuttle and the large space station are vital elements which must be developed in our national program. We are presently completing the program definition phase on the space station and plan to complete a similar phase of study of the space shuttle over the next year. Our studies to date have given us confidence that both systems are technically feasible and our definition work planned over the next year should enable us to proceed with a decision on the hardware development phases of these systems. It now appears that the reusable earth-to-orbit shuttle is the keystone to our post-Apollo activities.

Developing these classes of hardware is, to my thinking, the next logical step in the evolution of our space-faring capability and would put us in a favorable position to maintain a viable forward thrust to our space activities. These systems will allow us to fulfill many of the national objectives outlined in the Space Task Group report and capitalize during the 70's on the foundation that has been developed during our first decade in space.

In conclusion, I would like to include a brief comment on funding rate and priorities. Certainly, the space program must be considered in context with our total list of national priorities and some time phasing of new hardware development will be required in order to meet reasonable budget constraints. The transportation system concept, having the earth-to-orbit shuttle as the key element, as outlined in the Task Group report does provide the building block approach that will allow proper funding distribution. I feel that we are at a critical milestone in space flight vehicle development and we must be willing to proceed with the identification of new vehicle systems if we are to maintain a viable space flight program.

Sincerely,

ROBERT R. GILRUTH,
Director.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, GEORGE C. MARSHALL SPACE FLIGHT CENTER,
Huntsville, Ala., April 14, 1970.

Hon. OLIN E. TEAGUE,
House of Representatives,
Washington, D.C.

DEAR MR. TEAGUE: As you know, Dr. von Braun and his associates at Marshall Space Flight Center have for some years been planning extensively for a post-Apollo Program. This planning included both novel launch vehicle transportation systems as well as manned and unmanned payloads. Particular attention was given to launch vehicle development and operational costs for delivering payloads into earth orbit since present

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day methods seemed in the long run prohibitively expensive.

It became increasingly clear as we deepened the post-Apollo planning that we could no longer employ the high cost expendable launch vehicle transportation systems used for previous programs. Technical feasibility and economic studies conducted in industry and within the government (NASA and DOD) indicated that a low-cost, highly reusable transportation system was the most optimum means for transporting payloads and cargo from the earth to an earth orbit. We concluded that the answer to the high cost transportation problem was to develop a system which operates much like the cargo and passenger airlines, namely a Space Shuttle System.

Some of the main capabilities of such a system would be as follows:

1. Delivering payloads, propellants, equipment, etc. up to an earth orbit.
2. Supplying a space station and later on a space base with scientific equipment, life support, materials for maintenance, etc.
3. Shuttling scientists, astronauts and support personnel from earth to orbiting stations and back.
4. Providing possibilities for final checkout of payloads in orbit and minor maintenance and repair.
5. Taking expensive payloads down from orbit to laboratories on earth for repair, maintenance, modifications, etc. (reuseability of payloads).
6. Serving as a base for checkout and launching payloads and space craft into higher earth orbits and deep space (manned and unmanned planetary missions).

In summary, such a space shuttle system combines the advantages of manned operations with those of automatic satellites and spacecraft. It is my opinion that if spaceflight is to continue to expand and to progress, the development of a transportation system with above capabilities and of low cost is mandatory.

The next logical step in bringing this planning to fruition should be an exhaustive study leading to a preliminary design of the Space Shuttle—this is what we call Phase B. We plan to award up to three Phase B contracts for both the Shuttle Vehicle System and the Shuttle Main Engine so that the more promising configurations may be examined in considerable depth. In these studies, we will harden the concepts, do additional economic analyses and cost trade-offs, test selected components and sub-systems, do wind tunnel testing of models, and provide a preliminary design for the more promising configurations. The results of these Phase B studies will provide us with much greater insight and confidence in our technical approach as well as in the development and operating cost and thus the economics of such a Space Shuttle System.

Upon completion of the Phase B studies, it is planned that we in NASA with the support of DOD make a comprehensive evaluation of the various configurations investigated for the purpose of selecting the most economical and technically feasible system. Such an evaluation will provide NASA with required information upon which to base their recommendations for proceeding into the development and operational phases of the program.

I consider the approval to proceed with the Phase B studies to be a most important and vital step in the definition of the Space Shuttle System. The failure to approve funds for this activity may well deprive the nation of important returns on the investment already made in space research.

Sincerely yours,

EBERHARD REES,
Director.

ADDITIONAL REMARKS OF DR. KURT H. DEBUS IN RESPONSE TO QUESTIONS AT HEARINGS OF THE MANNED SPACE FLIGHT SUBCOMMITTEE HELD AT KENNEDY SPACE CENTER, APRIL 10, 1970

Mr. Chairman, for sake of clarity and completeness, I will include in this statement your questions followed by my responses. In view of your offer to revise and extend my remarks of April 10, I have included some thoughts not expressed at that time.

First question. Would you comment on the following statement? "NASA should defer large-scale expenditures on the Space Shuttle/Station until after necessary basic research can be accomplished on the many technical problems that may be resolved before hardware development can be undertaken effectively."

Response. Having observed technology development over many years and relating this experience to the Space Shuttle, I am convinced that hardware development can and should be undertaken as soon as adequate funding can be made available. Technology development is essential and should proceed on a broad front. Normally, its scope is determined principally by the interest of the original investigators and the monies available for certain investigations. However, in my considered opinion, it takes a specific and carefully formulated goal to focus technology development on those individual problems that must be resolved to support that specific goal. Additional studies leading to improved heat protection techniques is a typical example of an area requiring technology development in support of the Space Shuttle. There is no doubt that a great deal of basic research related to heat protection is now and will proceed on a very broad front. Such general research is essential; however, in order to develop heat protection that will be practical for a given configuration of a reusable shuttle, specific designs must be developed. As an illustration of how hardware and technology developments can proceed in parallel, I would like to note that the ultimate scheme of thermal protection is not a requirement for the first developmental flights. Currently available ablative thermal protection techniques could be used while the development of improved methods proceeded independently. An almost identical method of attack was used by this country during the course of its ICBM development program in the mid 50's.

The first step in the development of a shuttle must be the identification of the system criteria and related specifications. This step is being taken, specific designs are being examined, and, we are concurrently identifying areas where technology advances must be made. This orderly process with periodic reviews to insure the proper phasing of parallel hardware and technology development is, in my opinion, the most intelligent way to proceed at this time.

Second Question. Will you also comment on the following statement? "In addition, it would seem advisable that cost effectiveness studies be conducted comparing operation of the space shuttle with the continued use of existing expendable launch vehicles before sizable amounts of money are applied to the shuttle development project."

Response. Over the past twelve years, more than twenty studies have been made by NASA and DOD on the relative cost effectiveness of reusable versus expendable space transportation systems. These studies indicate a varying degree of cost effectiveness for a totally reusable system that is dependent on the use rate. A low use rate results in lost cost effectiveness, a high use rate results in good cost effectiveness and significant long term economies. Additional studies at this time will neither prove nor disprove conclusively the wisdom of proceeding now with the development of this innovation. For the answer, we must examine and evaluate the past. We must ask ourselves the question, "Must the total use of an innovation be identified before proceeding with the development of that innovation?" In all recorded history innovations have been made without identifying all the uses and applications. You can almost start with the wheel . . . the telephone, the car, the airplane. All these resulted from our curiosity of the unknown, our instinctive need to understand our world, and the desire to contribute to a better way of life. Once in existence, the innovation is then used by society in ways that were never predicted or even predictable. When the airplane development was commenced, it was not done because there were large numbers of people waiting to be transported across the ocean in six hours. That utilization developed as the airplane developed and became a useful tool. The same is true for the telephone. The telephone was not created because people wanted to have a telephone. But, once it was there, it quickly became a necessity for our civilization and society. I firmly believe that once we have opened this new frontier to space and made its use economical, then many broad areas of application will appear that cannot now be forecast and, therefore, cannot be currently assessed.

In summary, Mr. Chairman, I am convinced that we should proceed now with the development of a fully reusable space shuttle. I acknowledge the possibility that the course and schedule of such a program may require modification, depending on the results of technology developments and the scope of identifiable uses. However, these possibilities should not prevent immediate initiation of this vitally important development.

WASHINGTON, D.C.,
April 15, 1970.

HON. OLIN E. TEAGUE,
Chairman, Subcommittee on Manned Space Flight, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. TEAGUE: I am pleased to respond to your request for my thoughts about the space program at this critical moment in the formulation of our future space efforts.

Now before the Congress is the proposal to proceed immediately with studies for the development of the space shuttle. These are the funds necessary to confirm previous studies which indicate the efficiencies we expect of this new low-cost space transportation system. It is my considered opinion that this single development is the key to all of our future space activity, both manned and unmanned. By drastically lowering all costs of operation in space, we can afford to move forward rapidly into this new territory for exploration and exploitation. Our studies already show that the shuttle will reduce costs by at least tenfold at the outset, and with the maturity of the space shuttle, by as much as twice that amount.

The characteristics of the space shuttle, as it is being designed, provide for economies in every aspect of space operations. Reusability is the primary factor. At least 100 round trips into space will replace the one-time use on a one-way trip of all present launch equipment. The ability of the space shuttle to return men, cargo, and equipment back to earth will significantly reduce the cost of all equipment. First, because the low transportation cost and the benign launch environment will permit us to use heavier off-the-shelf laboratory and production equipment. Secondly, with the space shuttle in operation, on-orbit maintenance can be supplemented by return of instruments to earth for repair. Another special capability of the space shuttle is its use for space rescue.

As we look to the future, it is possible that the most important role of the space shuttle will be in our national defense. There can be no doubt that the space shuttle is the key to control and utilization of outer space. That control may well be decisive in preventing future wars. In that regard, timing is of the essence. The lead time for carrying out the development and putting into operation a new concept of this magnitude is very long—seven to ten years. We know that this concept has been under study by many people in many countries for at least a decade. Now that the technology for building a space shuttle is available, we need to implement an orderly program—or we will again face the necessity of having to produce such equipment as a crash program at much greater expense. I believe that we, as a nation, cannot afford to delay an orderly development program, now! If we should fail to grasp the initiative, we risk being confronted with an alien space shuttle which will give its developer effective control of space.

In summary, the space shuttle will save billions of dollars in our space activity. It will provide a barrier to technological surprise. It will be an effective shield for our national security. I urge you and your Committee to support the development of the space shuttle.

Sincerely,

GEORGE E. MUELLER.

BENEFITS FROM SPACE PROGRAM

Mr. Chairman, I have entitled my remarks, "Dividends of Discovery" because I feel quite strongly that some of the troubles the space program has encountered—both in Congress and among the general public—can be attributable to a lack of knowledge of the enormous benefits the average civilian American is reaping—and will reap in the future—from the scientific advances which have made our adventures in space possible.

We have heard criticism of the space program—people, well-intentioned but ill-informed, declaring that we would be a lot better off spending our treasure on earthbound projects instead of squandering it among the stars.

To hear them talk one would think that the United States was spending all that money on the moon, instead of here on earth. But the money is being spent on earth—here in the United States—and it is creating hundreds of thousands of new jobs which would not have existed otherwise—and with its incessant demands for new manpower, it is creating vacancies—job openings—in tens of thousands of industrial operations outside the space industry.

Let me cite you a few figures: During fiscal 1969, NASA was doing business with 14,369 prime contractors, located in 1,882 different communities, scattered among all 50 of our States. During fiscal year 1969 these contractors and subcontractors shared $3.07 billion of U.S. dollars. The effect on our economy has been incalculable. In these troubled times the space program has been an indispensable factor in the preservation of our prosperity.

Let me cite you another set of figures. We are all aware that most of our universities—even the most highly endowed ones—are in financial trouble. During the years 1959 through 1967, NASA spent $2.07 billion on grants and research programs, carried out in 223 universities in all 50 of our States, as well as the District of Columbia. The programs involved have not only added immeasurably to the scientific vigor and scope of the universities affected, but it has, in many cases, been able to alleviate some of their most pressing financial problems, also.

Very well, you might say, that is enough of generalities, let us get down to some specifics. What has the space program been doing for me lately? And personally?

How about the simple matter of survival? Our complex and wasteful life in the 20th century has been having the effect of changing and disturbing the natural balances of elements in the air we breathe. As we continue to pollute the atmosphere and to trouble it with unnatural disturbances, we are changing the amount of oxygen available to us. We could seriously deplete our oxygen supply—and our survival would be seriously threatened.

One spin-off of the space program is that it has given us the capability of anticipating such a change before it could happen, and it has given us the opportunity of remedying the situation—or adapting to it—before it is too late. I consider this a basic plus.

Our progress in space has also vastly increased our ability to locate major food supplies—both under the sea and on the land—which could be a vital survival factor in an overpopulated world. In the space program they have also developed scores of perfectly nutritious, perfectly sustaining synthetic foods which could eventually mean the difference between famine and survival in certain areas of the world. The food may not be as yet "finger lickin' good," but it is edible, and in times of starvation, all foods taste good.

This may sound like a remote benefit at the moment, but there are informed people who maintain that large areas of the earth's surface will be experiencing famine conditions within 10 years, unless we control our population explosion and improve the efficiency of our growing and harvesting of crops.

The space program has vastly increased our capability in weather forecasting. Already, the Tiros satellite program, in just 10 years, has been very successful in tracking—and giving advance warning of—typhoons and hurricanes, with an enormous resultant saving in lives, property, and crops.

When the equipment is available to implement the know-how of the meteorologists, we shall be able to predict accurately the weather over a 5-day span, at least, and probably up to 2 weeks.

Former President Lyndon B. Johnson once said that the ability to forecast the weather just 5 days in advance would result in an annual saving of $2½ billion in agriculture: of $45 million in the lumber industry; of $100 million in the transportation industry; $75 million in retail marketing, and untold millions in the recreation industry.

We have learned from our program in space that many phenomena on earth can be properly understood only from a great distance. This stretches all the way from the mapping of terrain to the discovery of natural resources.

A Gemini crew, for example, photographed 80 percent of the land area of Peru in just 3 minutes. Much of the area photographed had never been properly or accurately mapped before. We are even certain, for the first time, of the actual shape of the earth on which we live, because of the success of our efforts in space.

Through space, we have been able to make enormous strides in such areas as detection of crops and forest disease; classification of vegetation; the measurement of water transpiration and the discovery of new sources, and the detection of insect migrations. We have been able to utilize infrared photography from space to locate fresh water escaping along our coastlines, a step which will help us to preserve what resources we have left to us.

We have taken almost for granted the progress in communications which have come to us through space. The enormous expertise which permitted television cameras, quite small in size, to transmit to the television sets of America pictures from the moon, has been reflected in many other ways, also.

We have grown almost blase about satellite transmissions of television pictures—but this is a direct dividend directly attributable to space.

Perhaps the most immediate and identifiable dividends of space discovery can be found in the development of new products and materials. Space-proof materials, for instance, are being used in the development of practically indestructible refrigerators which will be almost impervious to outside temperatures. These materials, in a few years, will have an enormous effect on the development of air conditioning and heating systems in America's homes.

Stoves and other appliances will be better because of materials developed in the space program. Pots and pans right now are being coated with variations of the same material developed to protect spacecraft from the extreme heat of launching and reentry.

In the automobile industry, advances are already being made, and others are in the offing—particularly in the area of sealants and caulking materials.

There have been tremendous advances in the manufacture of new types of glass which will soon become commonplace in the average American kitchen.

Ever since Wally Schirra started taking over the Nation's railroads there has been a marked increase of interest in the development of space techniques within that industry. Railroad tank cars are now being produced from lightweight plastics developed for NASA for use in rockets. The cars weigh only half as much as the steel cars, and are at least as sturdy and durable.

I could go on indefinitely on the subject.

But, before completing my remarks, I want to touch upon some of the most obvious and significant developments in medical equipment and techniques which have been directly derived from the space program. For example:

Pressurized space suits have been adapted for use by victims of strokes, enabling them to become ambulatory, and thereby hastening their recovery.

The ultrafast dental drill with minute

ball bearings, which most modern dentists use today—and which has so significantly reduced the pain of dental work—is a direct result of the space program.

Supersensitive infrared detectors, developed in the space program, are already proving useful in the early discovery of cancer, and will prove even more useful in the future.

Hospitals are now beginning to use a new type of infrared switch which will allow an immobilized patient to turn lights on and off, to regulate his bed, or even to manipulate his wheelchair merely by a movement of his eyes.

Of course, these developments are still in their infancy—and I have merely scratched the surface in these remarks. One of the developments in the near future, I might say, is a human radar mechanism for the blind which will be powered by the wearer's own body.

And now—as an unexpected byproduct, there is at least a faint hope that moon dust could possibly be effective in combating cancer. If that ever proves even partially true, the entire cost of the exploration of space would be entirely justified.

But I have been talking almost entirely about the tangible, materialistic dividends of the space program. There are other dividends—spiritual, intellectual, psychological—which are even more valuable than those I have mentioned.

Historians have marveled at the enormous impact which the voyages of Columbus, Magellan, Vasco da Gama, and others had on the vision and the mentality of Renaissance Europe. Entire, brave new worlds were discovered—and as the geographic horizons lifted and extended themselves, the mental and spiritual horizons lifted and extended themselves also.

I feel very strongly that our program in space has done this for America.

In the immediate postwar years American industry had shown an alarming tendency to become complacent, self-satisfied—content with its own magnificent past performances and impervious to the attractions of future adventures.

The space program created a renaissance of its own in American industry. It has also stimulated the imagination of the average citizen in a way that nothing else in this century has done.

Among thoughtful people it has demolished the last vestiges of parochialism. It has made almost all of us citizens of the world, and, indeed, of the universe.

I have mentioned a few—a very few instances of what the space program has produced and will produce to make the daily life of the average man more comfortable, more satisfying.

But over and above all this, the program has stimulated industry's thinking. It has fired industry's imagination. As a result of the space program, dazzling new techniques have been introduced in almost every known field of human endeavor. Many of these techniques are only remotely connected with our efforts in space, but they have been directly or indirectly inspired by our achievements in this mighty program.

In many subtle, intangible ways the mental outlook of every American has been changed because of what we have done in space. Ever since the first man placed his foot on the moon, every American has viewed the world around him in a different way than he ever did before.

Within the next few decades the human race must face incredible challenges. It must meet those challenges successfully if it is to survive—let alone prosper.

Not only must we learn to live together in peace, we must learn to cleanse and preserve our environment; we must learn to feed and house countless billions of human beings; we must learn to conserve our human resources, through improved educational techniques on the one hand, and improved medical techniques on the other.

It is more than apparent now that a slavish adherence to the techniques and customs of the past will not do the job. We must pioneer in human engineering just as we have pioneered in science and astronautics.

Because of what we have done in the space program I feel confident that we in America shall be able to meet the staggering challenges of the future.

If it had not been for the space program, I feel that our chances of meeting those challenges would have been almost nonexistent.

In my opinion, our space program is just as important as that. Because of what it has produced for us—in materials, in techniques and in intellectual and spiritual stimulation—it literally holds the key to our survival in a world that is growing perilously small and perilously unproductive in the face of exploding populations.

Thank you very much.

Mr. AYRES. Mr. Chairman, did you perchance have an opportunity to view the moon last night? I did and what a beautiful sight. If you saw what I saw, if you could have seen the moon as I saw the moon, there would be no argument, no debate, in fact, not even mild discussion as to whether or not we should authorize the money asked for in the bill before this committee.

Mr. Chairman, ask yourself the question, or perhaps I should say questions, who made the moon? Who made the earth? Who discovered America? Why is there a United States? Why did Armstrong and Aldrin walk on the moon? Why did Lovell, Swigert, and Haise return to the good earth in 7 days without having walked on the moon? Mr. Chairman, why have I asked these six questions? Any one of the six can be answered if you have the answer to the first question "Who made the moon?". In my book—God did. Oh, I know in this modern age we talk about priorities and I know we all realize that it is perfectly safe to walk in space, but not on the streets of our Nation's Capital.

We are all aware that money is needed to break the pockets of poverty, but if we are realistic, poverty cannot disappear until people learn to earn. I ask you, Mr. Chairman, who is to decide what is to be first, second, third, fourth, fifth, or even sixth or seventh priorities. I presume we would each have our own priority.

In 1492—the answer to the third question I previously asked is known to all—Christopher Columbus had to convince a lady with money to sponsor his voyage. Without that voyage who knows whether there would be a United States of America. I wonder what the Queen thought when an Italian merchant with vision, courage and conviction, said the world is not flat, the world is round, and if you give me the money to sail across this body of water I shall return and prove to you that the world is not flat. I can imagine the Queen looking into the heavens and asking Mr. Columbus, "If the world is not flat how can that moon in the heavens lighten all of Spain?". Yes, Christopher Columbus proved his point and that was less than 500 years ago.

We are living in an age that behooves all of us to do our best to make certain the future is not ignored. In October of 1957, I was in Rome, Italy, when the Russians launched Sputnik. For a few hours I was an embarrassed American, all I heard was "Oh, your country is big, your country is powerful, your country is rich, but the Russians did it—not you." I called a small press conference and invited my foreign friends. I predicted that my country, the United States of America, would in the near future not only have a Sputnik in the heavens but a man would circle the earth space. I was thrilled on May 5, 1961, when Comdr. Alan Sheppard—a gentleman I had become acquainted with in the 1950's when he was working on Capitol Hill as a Navy liaison officer—tested the heat shield. A brave man—he could have fried. Then in 1962, when a native of my State, not where I was born, but where I reside and have had the privilege of representing the 14th District of Ohio for nearly 20 years, made my prediction of 1957 come true. Yes, another great Ohioan, Neil Armstrong, was the first man to set foot on the moon. His words as his foot touched the moon were echoed around the world "One small step for man, one giant leap for mankind" and with those words America's faltering prestige rose to the greatest heights ever known to our country, and the free world breathed a sigh of relief. "America can do it," were the quiet thoughts in all of their hearts. Now just last Friday, April 17, three brave men who had hoped to repeat and go a little farther than did Apollo 12. No obstacle is so great that dedicated, God-fearing, brave men, coupled with Yankee know-how, cannot overcome.

Yes, Mr. Chairman, less than 200 years after 1492, brave men decided America would be the land of the free and the home of the brave.

Apollo 14 must go forward and in my heart I cannot help but feel that the man above the moon will look down on those astronauts on the moon and say "Well done thou good and faithful men, return to earth and tell the story as Columbus did to the Queen who sponsored him."

Mr. Chairman, I suggest in spite of all the political pressures, in spite of all the elections that Members are faced

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with, that we be brave and vote for the bill pending before this committee. This is not the time to cut—this is not the time to gut. This is a time to have faith—this is a time to display courage—which is always the master of fear.

Mr. OTTINGER. Mr. Chairman, today we are deliberating a bill which closely follows the dramatic recovery of the Apollo 13 astronauts and their disabled spacecraft. Much is being and will be said publicly about the direction our effort in space should take now that we have demonstrated our capabilities, and properly so.

We have achieved our breakthrough. We have proven what we can do. Our leadership in space is a tribute to our know-how, our industry, our technological genius, and our unbeatable ability to accomplish monumental tasks when we set our minds to them and pull together with a common national will. And we will not halt our exploration of the heavens, nor will we surrender the scientific achievements that have resulted from the public investment in NASA.

But it appears self-evident to me that the time is long overdue to take pause and place our entire space effort into perspective.

Now that we have our lunar rocks from the surface of the moon, we must look around us and take a searching look at the prospect here on the surface of our earth, the planet which looks so welcome to those voyagers returning from outer space. We find our cities steadily decaying, our urban centers becoming blighted no-man's terrain. We find polluted rivers, smogged skies, the earth fouled, and even greater encroachment on the green space so necessary to our physiological and spiritual survival. We find our roadways festooned with trash, our streets littered with drug addicts dying and dead of overdoses. We have a massive outburst of violence, a spiralling crime rate, and finally we must come to realize that what we are witnessing is no less than the rending of the social fabric which gives meaning and purpose to our individual lives and without which the journeys into space lose their grander definition.

Mr. Chairman, if we want our astronauts to be assured that there will be a livable planet for them to return to after some future prolonged mission in space, we had better wake up now and take the desperately needed measures becoming increasingly crucial for our very survival. The Nation beyond the city limits of the District of Columbia is trying to tell us something, and those of us who are listening take these warning signals to be a mass plea for a redirection of the energies of our people.

Mr. Chairman, we can well afford at this time to curtail the manned exploration of space in favor of the more productive—from a scientific viewpoint—unmanned probes, which are infinitely less expensive and do not involve the risk to human life the Nation so breathlessly witnessed last week.

The NASA authorization before us today came up from the White House with a $3.3 billion price tag, Mr. Chairman, and I can only view with dismay the $300 million increase added to the request by the Science and Astronautics Committee. Instead of pruning excess fat off this authorization, the committee has reported out a $3.6 billion heavyweight.

Mr. Speaker, I submit that this is motion in the wrong direction. With 30 million poor people in our populace, with widespread hunger and inadequate medical care, rising unemployment, and proliferating urban blight, we are obligated to reduce our space effort to dimensions more consistent with other aspects of our national life demanding attention. First to be deferred should be the space shuttle/station for which the administration requested an outlay of $110 million and which the committee increased by $80 million for 1971. This is a project that is going to run into astronomical expenses in the coming decade, with estimates ranging as high as $40 billion. It is simply not the appropriate time to undertake such expensive hardware development when we have not yet applied ingenuity to such problems as the mass production of inexpensive housing.

I find it unbelievable, Mr. Chairman, that the budget request for earth orbital manned space flight for 1971 is $490 million and for lunar exploration $947 million, at the same time that the estimated net budget outlay of Federal funds for all housing programs in the same fiscal year is only $732 million. The perfection of manned space vehicles must not, cannot, be given higher priority than the provision of adequate shelter for all Americans. With an agreed-upon goal of 26 million new housing units over the next 10 years, the administration found room in its budget for Federal assistance for completion of only 989,000 units of new or rehabilitated housing for occupancy in 1971, and of these, only 418,000 are to be subsidized for low- and moderate-income families.

Mr. Chairman, it is past due time to explore the possibilities of life on earth. The crime-breeding ghetto must be eradicated, the shacks of the rural poor must be immediately replaced. What national pride can we take in viewing the lunar terrain when the view at eye-level is cause for disgrace? Not only is there no commitment here to reach for the minimum number of new or improved housing units needed in this decade, but we are sliding backward as our population growth continues apace. True, the NASA authorization is a decrease from fiscal 1970's outlays, and I welcome the trend, but we must go further. Boldness is called for on terra firma to match that in outer space, and it is up to us to exhibit that quality here and now.

Compare further—$3.6 billion to explore the heavens and $104 million to clean up the air we breathe. By any measure the same picture emerges in clear focus. It is simply incredible that those of us who are well-fed and well-housed cannot see where we as a nation are headed. Are we to concur in the indifferent attitude of those who declare that when you have seen one ghetto, you have seen them all, or are we to put our resources to work for survival here on spaceship earth?

This authorization must be cut, Mr. Chairman. We can trim manned space flight off the budget this year, and continue the training of our astronauts in our elaborate ground facilities while continuing the exploration of space with unmanned vehicles. I am convinced that the American people will stand firmly behind us if we take the reins now and announce a crash program to rebuild our society. We do not have the luxury of time to procrastinate at this critical juncture, and the quality of life for generations to come is in the balance. Not next year—now.

Mr. COHELAN. Mr. Chairman, while I shall vote for the NASA authorization bill this afternoon, I want to make my position very clear on the matter of funding for our space program. I feel the amounts contained in this authorization bill are beyond the needs of an effective and rationally funded operation. For that reason I also supported the Karth amendment which would have cut what I consider to be unnecessary funding from this bill.

I am reserving final judgment on this measure pending presentation of the conference report. If I feel at that time that the bill has been scaled down to acceptable proportions I will gladly support the conference report. If however, the final version still contains excessive funds I will be forced to oppose acceptance of this report. I will also reserve these same options when Congress considers the NASA appropriations bill.

I want it understood that I support continued development of our space program. But, this program must be kept in perspective. We must look to our total package of national priorities in order to make constructive spending decisions.

Mr. HORTON. Mr. Chairman, I strongly support the space program and the National Aeronautics and Space Administration authorization bill which we passed.

Through the NASA program, Americans have faced the challenge of forging ahead in lunar exploration, in satellite communications, in navigation, medical research and practical benefits to mankind. We have renewed our faith in man's capability to conquer the elements.

In March of this year, I visited Cape Kennedy with the United States-Canadian Interparliamentary group. I was surprised that Cape Kennedy was almost a ghost town, with many of its facilities shut down.

I am well aware that we have other priorities, but I see the NASA program as a continuing and important part of our national commitment. I feel it is important to realize we need a strong foundation in our space program. The technical knowledge we gain from our space efforts is applicable to our domestic problems and our industrial growth.

The triumph of the human spirit and competence in the recent safe return of Apollo 13 has no equal as an example of the energy and determination of the American nation. We began as pioneers,

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and must continue to pioneer new frontiers for mankind.

Some Americans feel that the space program climaxed with the first moon landing of Apollo 11. But to abandon this effort at its beginning stage would waste billions of dollars we have invested in this exciting new generation of technology. Not all of the goals of this program are as spectacular as the moon landing—but they are just as essential if this is to be a worthwhile effort.

The space program emphasizes several objectives: to preserve the leadership of U.S. technology, engineering, and science; to provide maximum economy and efficiency in all space programs; to broaden the contribution of technical research to the U.S. economy, and to develop practical, usable benefits.

Mr. Chairman, I continue to take pride in the advances of our space program, and the new spirit it infuses in our American life.

Mr. FULTON of Pennsylvania. Mr. Chairman, I have no further requests for time.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time. I ask that the bill be read.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Adair
Alexander
Anderson, Tenn.
Ashbrook
Ashley
Ayres
Baring
Barrett
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Bush
Byrnes, Wis.
Cabell
Carey
Celler
Clark
Clay
Conyers
Corbett
Cowger
Crane
Dawson
Dellenback
Dickinson
Diggs
Dingell
Dorn
Eckhardt
Edwards, Calif.
Edwards, La.
Esch
Feighan
Flynt
Ford, William D.
Foreman
Fraser
Fulton, Tenn.
Gettys
Giaimo
Gibbons
Gilbert
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagan
Harvey
Hébert
Holifield
Jacobs
Johnson, Calif.
Kastenmeier
Kirwan
Kuykendall
Kyl
Landrum
Leggett
Lennon
Long, La.
Lowenstein
Lukens
McCarthy
Madden
Meskill
Mikva
Mink
Mollohan
Moorhead
Moss
Murphy, N.Y.
Nedzi
Nichols
O'Neal, Ga.
Ottinger
Patman
Pepper
Powell
Rees
Reid, N.Y.
Reifel
Rhodes
Rivers
Roberts
Roe
Rogers, Colo.
Rosenthal
Roybal
Scherle
Scheuer
Schneebeli
Sebelius
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Stanton
Stephens
Stokes
Stratton
Stuckey
Sullivan
Taft
Teague, Calif.
Tunney
Udall
Vanik
Waldie
Watkins
Watson
White
Wilson, Charles H.
Wright
Young

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 16516, and finding itself without a quorum, he had directed the roll to be called, when 313 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $1,101,500,000;

(2) Space flight operations, $670,200,000;

(3) Advanced missions, $1,000,000;

(4) Physics and astronomy, $110,400,000;

(5) Lunar and planetary exploration, $144,900,000;

(6) Bioscience, $12,900,000;

(7) Space applications, $172,600,000;

(8) Launch vehicle procurement, $124,900,000;

(9) Space vehicle systems, $30,000,000;

(10) Electronics systems, $23,900,000;

(11) Human factor systems, $18,300,000;

(12) Basic research, $18,000,000;

(13) Space power and electric propulsion systems, $30,900,000;

(14) Nuclear rockets, $38,000,0000;

(15) Chemical propulsion, $20,300,000;

(16) Aeronautical vehicles, $87,100,000;

(17) Tracking and data acquisition; $293,800,000;

(18) Technology utilization, $4,500,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Ames Research Center, Moffett Field, California, $1,525,000;

(2) Goddard Space Flight Center, Greenbelt, Maryland, $2,050,000;

(3) Jet Propulsion Laboratory, Pasadena, California, $1,950,000;

(4) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $575,000;

(5) Manned Spacecraft Center, Houston, Texas, $900,000;

(6) Marshall Space Flight Center, Huntsville, Alabama, $525,000;

(7) Nuclear Rocket Development Station, Nevada, $3,500,000;

(8) Various locations, $17,950,000;

(9) Facility planning and design not otherwise provided for, $5,000,000.

(c) For "Research and program management," $693,700,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Mr. GROSS (during the reading). Mr. Chairman, I ask unanimous consent that the first section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENT OFFERED BY MR. KARTH

Mr. KARTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KARTH:

Page 1, line 7, strike "$1,101,500,000" and insert in lieu thereof "$1,051,500,000" and on page 2, line 1, strike "$670,200,000" and insert in lieu thereof "$480,200,000".

(By unanimous consent, Mr. KARTH was allowed to proceed for an additional 5 minutes.)

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. KARTH. Mr. Chairman, first of all, let me say that I have the greatest high regard for the gentleman from Texas, Mr. TEAGUE, chairman of the Manned Space Flight Subcommittee, and also for the committee, because I know beyond any question of doubt whatso-

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ever, that the subcommittee is an extremely hard working committee, and that never has been in question.

The thing that is in question is the amount of money and the speed by which we proceed into a new multibillion-dollar manned space flight effort. In that regard I suppose my position is probably closer to the position of the total scientific community, certainly in terms of total dollar amounts it is closer to the administration's position, and in total dollar amounts I guess I could honestly say it is even closer to the agency's position.

Mr. Chairman, very simply, the amendment specifically reduces the line item in space flight operations referred to as the space shuttle station by $190 million, and reduces the level of the effort of $100 million that was added by the committee to $50 million.

I suppose I should begin by telling you a little about what the space shuttle station program really is. It is a manned space flight concept involving a reusable launch vehicle that will go from earth to a suborbit, and a second stage that rides piggyback on this first stage will go from there to orbit, and both of them, theoretically, will return to earth like an aerodynamically designed aircraft would land.

The space station—and I want you to understand the shuttle station is one program—the space station is a station that would accommodate from 50 to 100 men in earth orbit and is part of the multibillion-dollar new start that I address myself to at this point.

First of all, I want to make perfectly clear that my amendment does not eliminate all funds, and therefore does not cancel out the space shuttle and space station program. It merely reduces it, and if my amendment carries, there is still another $60 to $80 million in this program in the Office of Advanced Research and Technology portion of the budget for this purpose.

Then there is another $40 million for the nuclear propulsion module which I am not touching, but which is a program that is associated with and I might even say an integral part of, the space shuttle station program, and that brings the amount of money for this particular level of effort to between $100 million and $120 million. So all my amendment does, Mr. Chairman, is say: Let us not rush into this new multimillion-dollar program, let us not have design definition and let us not answer the question about what kind of space shuttle station we will have before we begin to design anything.

Mr. Chairman, $80 million is for study and research, and incidentally during this fiscal year we will have spent $24 million on study and research—and it is almost more study and more research than all the laboratories in this country can effectively and intelligently spend in 1 year on one program.

I asked a very able and distinguished Air Force general, whom I consider to be a friend of mine, if he could intelligently spend on research and study $80 million in 1 year on a new project, and he said he probably could if he had to, but he really did not know how. I asked him whether or not he could spend $270 million in 1 year on a new project for study and research, and he said it was impossible. That is how much money is in this bill for the space shuttle station program.

Why do I say we should slow it down? For two reasons. First, we do not know what kind of system we are going to use. We do not know at this point in time whether or not we are going to involve ourselves with, or use the concept, of a completely reusable shuttle or whether we are going to have the first stage as a throwaway booster for the shuttle. Second, this in my judgment at least—and there is a great deal of evidence to support the theory—is the beginning of a manned Mars landing program. That national policy determination, Mr. Chairman, has not been made. This decision as to whether or not we embark upon a $50 billion to a $100 billion manned space flight landing program to Mars, is something I think we ought to debate loud and clear.

I understand that the American taxpayer probably would not agree with the start of this kind of program without knowing fully what kind of commitment is being made in his behalf and what kind of tax dollars for the future we are calling upon him to pay.

The space shuttle station in my judgment is a start, I think an essential start to the manned Mars landing program. I think it is the first step, because without the space shuttle and without the 100 man space station to assemble the various spacecraft and other paraphernalia to get them to Mars and to the huge space station, no Mars program is possible, and I defy anyone to dispute that.

Without this goal of man to Mars in the 1980's there is really no need to rush the program. All I am saying is we should slow it down. If we think there is among the experts no evidence of disagreement, or no evidence to substantiate that there is disagreement, let me refer to an article recently reported in the Aviation Week & Space Technology issue dated April 13, 1970. There is a headline entitled "NASA Divided Over Space Shuttle." It is a two-page article. I commend it to the Members, and I think they ought to read it.

The fact of the matter is, perhaps the best known and qualified rocketeer of them all is in disagreement with the space task group on which direction we ought to travel or what course we ought to pursue, in the design and development of the space shuttle station.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. KARTH. I yield to the gentleman from Texas.

Mr. CASEY. Mr. Chairman, I am trying to follow the argument of the gentleman. I have read his remarks in the back of the report. Does the gentleman's amendment reduce the level below the budget request?

Mr. KARTH. My amendment for the Apollo program would remove $50 million of the $100 million that was added in committee, so as a result of that it would still be $50 million above the budget request, or the administration request.

Mr. CASEY. How about the other?

Mr. KARTH. The space shuttle station program is one for which $80 million was added by the committee. There is $110 million in the line item, and from $60 million to $80 million in another portion of the budget for its study and its research. I would take $190 million of that $270 million out.

Mr. CASEY. Is this below the budget request?

Mr. KARTH. In this particular instance, for this particular program, it would be below the budget request, yes; in fact, some $30 million.

Mr. CASEY. I have always recognized the gentleman in the well as a really stanch supporter of the space program. I hope he is not playing into the hands of someone in the Republican administration, who might say that the Democrats are cutting the space program.

Mr. KARTH. I assure the gentleman from Texas that is not the case. There is still some $60 million to $80 million in the budget. I say $60 million to $80 million, because that is what NASA said. When I asked the question as to whether or not there were other funds in the space shuttle station program, other than those which appeared on line 2 of the budget, the answer was, "Yes, from $60 million to $80 million." I do not know whether it is $60 million or $80 million. I would guess $80 million.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MOSHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to yield most of my time to the gentleman in the well (Mr. KARTH), but first I want to say that I wholeheartedly support the gentleman's amendments, for the reasons I stated earlier in general debate.

To recapitulate, I merely wish to point out to the Members that the bill as it stands before us would authorize some $300 million for the manned space program over and above the request of the Nixon administration.

I believe the budget request as given us by the administration was a sound request. It is a fairly lean budget. I believe this is a time for a lean budget. This is a moment of transition, having completed the program of the 1960's and looking into the 1970's. I believe this is a good time to go slow, to take pause, and to reconsider.

Especially I believe it is not the right time to make a new start in a tremendous shuttle program without answering first some of the questions the gentleman from Minnesota (Mr. KARTH) is raising. Therefore, I do support his amendments, which would reduce by $240 million the $300 million added by the committee, above the budget request. It would not reduce the figure as much as I would like, but at least he is going about it in a very sensible way.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Chairman, let me say that there is not anywhere near unanimity of opinion within the space agency itself as to whether or not we

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ought to proceed with the space station shuttle program at this level of effort this year. There is a great deal of difference of opinion. There is even a great deal of difference of opinion within industry itself. Certainly most of the scientific community support the position that we ought not embark upon such an extravagant effort at this time in a new program area.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield briefly to the gentleman from Iowa.

Mr. SCHWENGEL. I have followed very intently the proposition of the gentleman from Minnesota and his argument.

The CHAIRMAN. The gentleman from Ohio (Mr. MOSHER) has the time.

Mr. MOSHER. Mr. Chairman, I yielded briefly although I want to give as much time as possible to the gentleman from Minnesota.

Mr. SCHWENGEL. I just want to take a moment to point out that the scientists are indeed in disagreement. Van Allen has recently published an article which appeared in a daily paper indicating that probably we ought to have second thoughts on this and withhold on the manned space program until we find out more about the information we already have.

So I support the gentleman's position.

Mr. MOSHER. I thank the gentleman for his support of the amendments.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield to me with the consent of the gentleman from Minnesota?

Mr. MOSHER. Does the gentleman from Minnesota consent to that?

Mr. KARTH. Yes, I do.

Mr. MOSHER. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I merely want to associate myself with the remarks of the gentleman from Minnesota (Mr. KARTH), and also the gentleman from Ohio (Mr. MOSHER), and I urge that this amendment be adopted.

Mr. MOSHER. Mr. Chairman, I yield further to the gentleman from Minnesota.

Mr. KARTH. Mr. Chairman, we never have enough time on these very important matters, but let me try to conclude by saying that this reusable shuttle and space station is probably the most sophisticated combination of aerodynamics and ballistics ever undertaken in the history of our space program. I have already explained how it is proposed to operate, but let me tell you that we are involving ourselves in a program that in turn demands terribly high specific impulses never before achieved in a hydrogen-oxygen engine which is essential to this program. We are involved in reentry, cryogenics, and combinations never before attempted, and they are a must for this program. We are involved in new structures and materials and propulsion agents, aerodynamics and electronic controls, because they are all a part of this program. The only thing I am saying is, indeed, it is challenging—and some day we may want to do it as a nation and as a national priority item—but let us now take it slow and easy and not waste millions of tax dollars traveling in one direction and find out later on that we have traveled down the wrong technological road, forced to retrace our steps and for all practical purposes discard the designs we made and start a new course with the taxpayer picking up the bill.

Mr. FUQUA. Mr. Chairman, I rise in opposition to the amendment.

(Mr. FUQUA asked and was given permission to revise and extend his remarks.)

Mr. FUQUA. Mr. Chairman, it is with great reluctance that I rise in opposition to the amendment offered by my good friend from Minnesota (Mr. KARTH).

I have served on the Manned Space Flight Subcommittee for 8 years now. During that time under the able chairmanship of the gentleman from Texas, this subcommittee traveled all over the United States in reviewing and trying to familiarize ourselves with and bring ourselves up to date on this program and particularly the space shuttle program. Only this past year we traveled to the west coast and visited with all the manufacturing companies in the aerospace industry. We received their views as to what level we should proceed. We visited all of the NASA centers relating to manned space flight. This subcommittee was very wise, I believe, when it unanimously—and again I say the subcommittee unanimously—approved the addition of these funds for the space shuttle and space station.

NASA requested $268 million from the Bureau of the Budget. That figure was reduced to $110 million. We added $50 million for the space shuttle and $30 million for the space station work. We still have a great deal of work to do. If we proceed with the moneys that have been provided today, it would still be the year 1977 or 1978 at the earliest before they would become operational and effective. There is nothing in this and no decision has been made to make a manned trip to Mars. NASA would have to come back to this Congress for the approval of those funds. Again I say there is no money in here for a manned trip to Mars. I have second thoughts about that with the technology we have now.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. Let me conclude my remarks and then I shall be happy to yield to the gentleman from Minnesota.

Mr. Chairman, we must proceed with the design of the vehicle and the facilities and find out what we need in this program. This is not a development program.

I might point out that there was testimony in the committee provided by Dr. George Low that over $30 million to $40 million in this program for which we are asking is already underway and only $8 million of this would be added—would be for direct research in the space shuttle program.

Mr. Chairman, there is much work that could be done at the present time. This is not a development program. There is not 1 cent in here for hardware and other items for flight operational vehicles. It has been mentioned already that we have a space team together and that we cannot disseminate that team. We need to keep it together. For the best expertise we have been able to develop this would provide for an orderly and efficient program of development.

We cannot start out suddenly and then say next year because maybe some other country might develop a space shuttle program, we cannot get into it in a very fast manner. This is not a crash program. I think as we go down the line we will find that this program has a great deal of benefits to the national security of this country. It has a great deal of benefits for future commercial development. It has been referred to as being probably the DC-3 of the future. I think this is true. I think in many years to come it will have a tremendous commercial benefit as well as peaceful benefits in space.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I am happy to yield to the gentleman from Minnesota.

Mr. KARTH. I just wanted to challenge the gentleman insofar as his suggestion that this is not a crash program.

I am honestly and sincerely convinced that one cannot spend $270 million in 1 year to study and to research one single program. There is a lot of design definition in this package for the governing of the shuttle space station. It just cannot be any other way. And, insofar as my point is concerned about this being the start of the manned Mars program, I would only refer the gentleman to an answer in response to a question which I raised during the course of our hearings this year about NASA's plans for the 1970's—it happens to be in the hearings—and the answer was that as soon as this program has been developed NASA plans to spend $100 million in fiscal year 1977 for a manned Mars exploration program, $300 million in fiscal year 1978 for a manned Mars exploration program and $1 billion in fiscal year 1979 for that program. That is why I say it is the beginning of the manned Mars landing program.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. FUQUA was allowed to proceed for 3 additional minutes.)

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I am happy to yield to the distinguished chairman of the subcommittee.

Mr. TEAGUE of Texas. Regardless of what the gentleman from Minnesota says, the truth of the matter is that a panel made up of the Vice President, Mr. AGNEW; Mr. Seamans, Secretary of the Air Force; and Dr. Paine recommended more money than we have in this bill.

Mr. FUQUA. I might also point out—and then I shall be happy to yield to my colleague from Florida (Mr. FREY)—the gentleman is talking about the future

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plans that NASA may have in the years 1977 and 1978. We are considering here the fiscal year 1971 budget and not the fiscal year 1977 budget.

Mr. KARTH. Mr. Chairman, if the gentleman will yield further, the gentleman did not really understand my argument. My argument is that we cannot properly begin a manned Mars program until after the shuttle station, 100-man station, has been developed, and their program shows precisely that is what they plan to do.

Mr. FUQUA. No decision has been made by Congress or this committee to proceed with a manned Mars landing program and I do not believe we can until we have more and further development. This was pointed out, as the gentleman from Texas pointed out, is what the space task force group recommends.

Mr. KARTH. I appreciate what the gentleman says. He is absolutely correct. This Congress has not made that national policy determination. I resent the agency coming in the back door and making it possible by suggesting this kind of a plan but at the time saying this is not the beginning of the manned Mars program, because in my judgment the evidence proves that it is.

Mr. FUQUA. I must respectfully disagree with my good friend, the gentleman from Minnesota, because I think that before any decision of that magnitude is made this Congress must make that decision.

Mr. FREY. Mr. Chairman, would the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, I thank the gentleman for yielding. I would ask the gentleman from Florida (Mr. Fuqua) if it is not true that part of the money that we are talking about for the purpose of advanced missions research, according to the testimony, much of this was under way and ahead of time anyway, and according to the testimony only $8 million in one section of this is going directly to the shuttle as a result of the program?

Mr. FUQUA. Only $8 million.

Mr. FREY. And much of the other money was being spent in other things that not only applied to the space shuttle, but to the space program, so when we talk about $80 million, it is not the correct way to describe it.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Indiana.

Mr. ROUDEBUSH. Mr. Chairman, I thank the gentleman for yielding, and I ask the gentleman to yield at this time because I am puzzled by the statement that the shuttle is in some way mixed up with the Mars landing, when nothing is further from the truth.

The shuttle we are proposing in this bill has absolutely nothing to do with the exploration of space further than the Apollo program has already taken us, and I am sure the gentleman from Minnesota (Mr. Karth) knows that. The purpose of the space shuttle is simply this: to go out and work on satellites such as communication satellites, to refurbish them, and to take men to and from a space station in a near earth orbit.

Mr. FUQUA. The gentleman is correct.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. GROSS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. KARTH

Mr. GROSS. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Minnesota (Mr. Karth).

The Clerk read as follows:

> Amendment offered by Mr. Gross as a substitute for the amendment offered by Mr. Karth:
>
> On page 1, line 7, strike $1,101,500,000 and insert $550,750,000, and on page 3, line 15, strike the period, insert a comma and add the following:
>
> "*Provided, however,* That including the reduction in the item contained in line 7, page 1, selective reductions shall be made in one or more of the items contained on pages 2 and 3 to the end that reductions in authorizations for appropriations for the National Aeronautics and Space Administration shall total not less than $1,500,000,000."

Mr. GROSS. Mr. Chairman, I support the intent of the gentleman from Minnesota (Mr. Karth), but the gentleman does not begin to go far enough in cutting down on the lavishing of money upon this program.

My amendment would cut the Apollo program exactly in half, a 50-percent cut of $550,750,000. It also provides that including the 50-percent cut in Apollo, selective cuts must be made in the rest of this $3.6 billion authorization bill so that the reductions total $1.5 billion.

There has been much talk about austerity here today. Well, anyone would have to have moon rocks in his head to believe there is any austerity in this program. As a matter of fact, with the amendment offered by the gentleman from Minnesota (Mr. Karth), it is still above President Nixon's budget. And that is austerity?

Where are we in this country? This morning it was announced that the cost of living increased another five-tenths of 1 percent in March, or about the same 6-percent annual rate of last year. And inflation is increasing going right along with it. Continue this kind of a program, and try to fund all of the other programs that we are approving in Congress, and the increase in the cost of living will not be five-tenths of 1 percent a month, or an average rate of 6 percent a year. Inflation and costs of living will be going up 8 or 10 percent a year.

Let us have the good sense and courage to do what needs to be done here and cut $1,500,000,000 from this program.

The gentleman from Florida earlier said this space outfit has 144,000 employees. These are among the highest paid of all employees in the Federal Government. With the pay increase bills that have been passed, where is it proposed to get the money to pay the increases for agencies of this kind as well as all other Federal employees, and the military?

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ROUDEBUSH. The gentleman talks about our committee lavishing money on this and he made a remark about the tremendous level of expenditures.

I wonder if the gentleman is aware of the fact that every dime of this authorization bill was authorized and the Committee on Appropriations in their generosity gave us every cent that we are asking for here—and that it will still be less money than we spent last year. The gentleman is aware of that; is he not? This is a decrease—not an increase.

Mr. GROSS. Well, so what? It was far too much last year.

Mr. ROUDEBUSH. Well, so what? I just thought the gentleman's memory should be refreshed, because he talks about the money that the Government is spending here.

Mr. GROSS. Does not the gentleman think it might be a good idea to let some other country do a little spending and experimenting in space and on moondoggling? They have lots of money; we do not have it. Has the gentleman not heard that there is no money in the Treasury and we are going to have to pass another debt ceiling increase this year? Has he not heard about that?

Mr. ROUDEBUSH. The gentleman has heard about it and he has repeatedly voted along a line that would save money for this Nation, the gentleman knows that.

Mr. GROSS. No; I do not know that at all.

Mr. ROUDEBUSH. I am telling the gentleman in the well that it will.

Mr. GROSS. It will not save money.

Mr. ROUDEBUSH. What the gentleman from Iowa says is not true.

Mr. GROSS. Why do you not want to save money on this moon-landing business?

Mr. ROUDEBUSH. The gentleman should know that this is the smallest authorization bill that this committee has brought out since 1962.

Mr. GROSS. But there is still $3,600,000,000 in this bill and for what? The gentleman is aware that we now have the rocks and moon dust down here. How much more of this do we need? Let some other country that has a lot of money do this.

Mr. ROUDEBUSH. The gentleman's own State of Iowa has a piece of that rock, may I say to the gentleman.

Mr. GROSS. Go out and sell this $3,600,000,000 deal to your people in Indiana. I have no intention of trying to sell it to the taxpayers of Iowa.

Mr. ROUDEBUSH. It is very difficult to sell, I will have to admit.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa (Mr. Gross), for the amendment offered by the gentleman from Minnesota (Mr. Karth).

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 16, noes 67.

So the substitute amendment was rejected.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

I am sure that everyone would agree with me that it would be wonderful to be

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a Member of Congress if you could always know truth and if you could always know what is right and what is wrong.

About 65 years ago the Members of Congress were debating whether or not to spend some money on aviation research. Some people were told that they had rocks in their heads. Some Members got up and said the airplane would never contribute to the economy of our country.

Today it has to be most difficult for Members who do not work on the committee to know what is happening. I wish it were possible for the Members to know how much work our committee did on the bill. First, I would like to point out that when Mr. Nixon became President, he appointed a task force to advise him what to do on the subject of space. That task force was made up of Vice President SPIRO T. AGNEW, Robert C. Seamans, Secretary of the Air Force; Thomas O. Paine, Administrator of the National Aeronautics and Space Administration; and Dr. Lee A. DuBridge, science adviser to the President. In addition, U. Alexis Johnson, Under Secretary of State for Political Affairs; Glenn T. Seaborg, Chairman of the Atomic Energy Commission; and Robert P. Mayo, Director of the Bureau of the Budget, were advisers.

They came back to the President and recommended a $4 billion budget for this year. Then the Bureau of the Budget cut that amount to $3.3 billion, and that was the amount of money that was recommended to Congress.

I would like you to know that our subcommittee has talked to practically everybody there is to talk to about our manned space program. We have talked to the people at North American, the engineers and scientists at McDonnell-Douglas, Boeing, Lockheed, and every major company involved in this program. Our subcommittee has talked to those engineers and scientists and listened to them.

When our subcommittee met, we considered the fact that this very distinguished panel had recommended $4 billion. We considered the fact that the Budget people had cut it to $3.3 billion. We agreed in our subcommittee that we were going to add some money, and we almost split the difference between what the task force recommended and what the Bureau of the Budget recommended. Then we went back to NASA and asked them where they would put that money to use.

Mr. Chairman, there are a lot of people who do not think the space program amounts to anything. I happen to believe it amounts to a lot. I happen to believe that in the future of this country, in defense alone it means so very much. In the arena of national defense, if we are going to control the ocean, the surface and underseas, control the ground and control the air, the next area will be space, and for certain we do not want to be second.

Mr. Chairman, I hope the amendment will be voted down.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I join with the gentleman in his remarks. I have been working with him over a number of years on the Manned Space Flight Subcommittee. It is a question of whether we will lead in space or become second and begin to drop out. This is a real challenge both for peacetime and for military purposes.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. HECHLER of West Virginia. Mr. Chairman, I feel that the amendment has great merit. Aside from the motion to recommit, this is the only opportunity that we will have on the floor this afternoon to bring the program back more closely to the President's initial budget recommendation.

At this point I would like to yield to the sponsor of the amendment, the gentleman from Minnesota (Mr. KARTH).

Mr. KARTH. Mr. Chairman, I thank the gentleman from West Virginia for yielding to me. First of all, I would like to say to the gentleman from Indiana that I have done my homework on this subject.

I would suggest, if he is really interested in finding out whether or not there is $8 million left in this bill for research and study of the space shuttle/station, if my amendment should prevail, rather than the $60 to $80 million that I suggested is in here, I would only suggest he read page 324 of our own hearings.

In answer to a question, Mr. Chairman, that I asked during the hearings this year—and that question was how much money is in other parts of the budget—this is the answer on page 324:

> In addition, the Office of Advanced Research and Technology will be conducting significant work, approximately 30 to 40 million dollars each, in support of both of these programs.

I repeat, that is for each of the shuttle and space station area.

Also, Mr. Chairman, let me say I have heard a great deal today about the defense of this country and how important this project might be—and I am all for maintaining a strong defense—but I also happen to have read the Organic Act that created the Space Agency, and the things we should be interested in are those things involving the civilian space program, and those things that might have a military effect ought to be done by the Department of Defense, if I may point out that jurisdiction.

The fact of the matter is, as far as the manned orbiting laboratory, MOL, is concerned, which was an Air Force-Department of Defense man in space project, I understand it has been canceled. As far as establishing priorities for that agency are concerned, they found a man in orbit apparently was not important enough to find its way into the priority structure.

There has been a great deal of argument too, Mr. Chairman, about how much more cheaply we could put pounds of payload in orbit if we had the shuttle. I dispute that.

No. 1, the launch vehicle associated with every single satellite program we have had is one of the smallest parts of the total cost of that program. So if we really want to start putting pounds in orbit at a cheaper rate, we ought to do it with the satellite and not work on the launch vehicle, since the launch vehicle is only 10 to 25 percent of the total cost on all programs—except for a very few, where the cost was 35 percent, and that was probably in the manned space flight program.

It has been suggested we could lower the cost of satellites by lowering the redundancy now involved because man cannot go into space and make repairs. I do not believe that can be done, because if we reduce the redundancy, we increase the failure rate. And if we do that, we will have shuttles running around repairing satellites and doing nothing else.

What an expensive way to repair satellites. The fact is, if you have had trouble with a television set lately, even though the truck is parked outside with all kinds of equipment, more than likely they will have to take the television set to the shop to make repairs before they can do a really good job. I question whether an astronaut in the hostility of outer space can repair or replace black boxes in a satellite, and I question whether it is even feasible for us to suggest traveling this route.

The reason I mention this, Mr. Chairman, is because I am convinced, after looking at all aspects of this program and all the arguments that have been volunteered, I believe the only reason for development of the space shuttle 100-man space station is indeed to eventually send a man to Mars. Really it has very little practical use other than that.

Mr. HECHLER of West Virginia. Mr. Chairman, I hope the remarks of the gentleman will be heard.

Mr. MILLER of California. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I think there has been a great deal of fog created in this room today, and we ought to penetrate a little bit of it. I bow to the gentlemen on my committee who have done an excellent job and I do not want to criticize them, but I think I know a little bit about this business too.

I have never heard the desire to place the shuttle air space station or manned orbiting laboratory as part of the parcel going to Mars. I would be quite critical of going to Mars until we have developed techniques to do it, if it is ever done.

I do not know that it will be done.

When I say this I offend some of the great scientists. One of them was just mentioned by my friend on my left to me, by name, but I will not bring his name into this. I know I offend him, because he would like to go to Mars.

We do need, in my estimation and considered judgment, the ability to go into space and to come back from space. We are going to have to repair some of these satellites—perhaps generations we do not know very much about right now—in space. What we have to do is go forward with the development of the

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facilities to go into space and to stay in space.

We have heard about the criticisms which came when we wanted to develop the airplane. One can go a little further back. A little more than 140 some years ago a man stood in the Senate of the United States, a great Senator, when they were discussing the feasibility of building a railroad across the United States, and he said, "What do we need these States for? They are desert States covered with cactus. Nothing but rattlesnakes live in them. They have high mountains covered to their base with snow. What do we want to spend our money here for? We do not need them, and I will not spend 1 cent to bring the West 1 mile closer to Boston than it now is."

I am very glad that he did not prevail.

I want to say, we have to begin. We cannot dismiss the teams and the people who have done such a good job in this thing without putting them together again at a future date when it is going to cost much more.

I have no criticism of the gentleman who puts in the amendment, but I sincerely believe it should be defeated.

Mr. MONAGAN. Mr. Chairman, I support the amendment of the gentleman from Minnesota (Mr. KARTH). While one who is not a member of this committee hesitates to take a position on these matters, with the proposal of one as experienced as the gentleman from Minnesota, one can feel greater confidence in such action.

Many people have reservations about the timing of this authorization bill, especially after the Apollo 13 flight. There is much opinion that this whole program should be reviewed before any final action is taken on it. Questions have been raised about the size of the amounts expended in this program and their possible use elsewhere. Other questions have been raised about the validity of some of the programs authorized in this bill. Of particular doubt is the space shuttle program which this amendment seeks to reduce.

I believe that it is time we set about cutting this bill. Even if the Karth amendment were passed, the total authorization would still be above that requested by the administration. For these reasons, I support this amendment and I hope that it will pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KARTH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KARTH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. KARTH and Mr. MILLER of California.

The committee divided, and the tellers reported that there were—ayes 53, noes 53.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN:

On page 2, line 15, strike out $38,000,000.

Mr. RYAN. Mr. Chairman, once again I rise to discuss the NERVA nuclear rocket engine program which this year carries an authorization in this bill of $38 million, which my amendment would strike out.

In the past I have pointed out that, although there was no specific mission assignment for this engine, it was in reality part and parcel of NASA's plan for a manned Mars mission sometime in the 1980's.

Over $1 billion has thus far been spent on this project, and its completion through the building of a flight engine will cost at least another $1 billion.

In past years justification for proceeding was that the expenditure was for research and development on the technology to build a nuclear rocket engine. That justification no longer exists, for it is clear from the hearings that the technology phase has ended. Milton Klein, the manager of the Space Nuclear Propulsion Office of NASA testified, and I quote, "The past year marked the completion of the NERVA technology program."—Hearings, page 1436.

So, Mr. Chairman, whatever justification some saw for developing the capability to build a nuclear rocket engine now has been met. The $38 million which this bill would authorize today is to institute a second phase of this program, the development of an operational rocket engine for flight. I think we should very carefully examine the implications of that. The proposal is to move from the technology phase into the flight phase, yet no specific mission has been assigned publicly by NASA.

Mr. Chairman, if a new phase for NERVA is to be funded, then we should assess its purpose and the ends it will serve. The fact of the matter is, however, that the potential end, for which the NERVA engine will be employed, is not difficult to discern, although NASA refuses to articulate it, and present it so it can be considered by the Congress. The end is the manned Mars mission which was discussed during the debate on the previous amendment offered by the distinguished chairman of the subcommittee (Mr. KARTH.) I pointed 2 years ago to the House, and let me quote—I said then, because I think it is relevant to what we are talking about now, the following:

> Since the NERVA program is actually intended as another step toward a $200 billion manned Mars mission, a goal which has not been approved by Congress, and which even at a "thinkable" cost remains open to serious technical and value questions, it is essential the Congress withhold funds for hardware development in this program pending open and public evaluation of the intended national goal.

Let me also point to the testimony of Mr. Klein at page 1439 of the Hearings on H.R. 16516, where he said:

> "Manned Mars missions are mentioned in the Space Task Group report for an unspecified time in the future to include their influence on the design of earlier systems elements. In this respect, the reusable nuclear vehicle designed for interorbit transportation will be capable of evolving into an inter-planetary propulsion module."

In other words, what I am saying is that we ought to set our goals and clearly define them. If the purpose of developing further the nuclear engine is to land men on Mars, let us face that question frankly and let us determine what the best means is of achieving that goal, if in fact we want to achieve it.

This involves the question of national priorities on the one hand and priorities within the space program on the other hand. The lack of opportunity for Congress to examine the merits of a manned Mars mission is perhaps the most troublesome aspect of the NERVA program, for programs like this, once the investment has been made, make it easy for the NASA bureaucrats to argue that the next step is inevitable, whether the Congress sets the priorities in that direction or not. Then, it is a simple and easy matter to argue that we must go ahead.

When I served on the Committee on Science and Astronautics, in the committee report on the fiscal year 1969 authorization for the National Aeronautics and Space Administration, I stated:

> Once NERVA hardware is developed, at the very least Congress would be asked to support numerous lunar or other vastly expensive missions for the purpose of justifying its $2 billion development cost.

I think we should today stop and examine whether or not we want to continue with manned missions in the far reaches of outerspace or whether we should concentrate more on unmanned probes which produce more scientifically at a lesser cost.

Light, unmanned vehicles which are relatively inexpensive and which operate by chemical propulsion currently travel into distant space. Some of the best scientific data received have come from these missions. Manned vehicles, on the other hand, must be bigger and heavier, requiring more powerful and expensive rockets.

As I stated in support of the amendment which I offered to the 1970 NASA authorization bill, H.R. 11271, on June 10, 1969, which would have reduced the authorization for NERVA by $13.5 million:

> Unmanned planetary exploration missions are already underway with conventional hardware and propulsion systems. There is no reason to assume that it will be of interest repeatedly to send extremely heavy manned payloads into orbit or to the lunar surface until further data confirms that man contributes significantly more to space missions than simply additional cost factors and severe weight and safety problems.

Finally, I would note that despite continue and repeated requests, NASA has not developed a detailed, technical comparison between the costs of nuclear and chemical propulsion upper rocket stages, so that an accurate determination of which system is superior can be made.

An unnecessary and long leadtime piece of hardware such as NERVA should not be pursued till the Congress has determined our future goals. Considering the pressing necessity for money to fund urgently needed domestic programs, any commitment to expensive space programs demands direct congressional analysis. Until such time as this commitment is made through considered and cogent debate and study, we should not allow the National Aeronautics and Space Administration indirectly to commit the Nation to a program that may ultimately cost $200 billion—the manned Mars mission.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, later in my time I shall yield to the distinguished majority leader in order for him to give us the program for next week, but at the moment I yield to the gentleman from Pennsylvania (Mr. Fulton) to announce the contents of the motion to recommit.

Mr. FULTON of Pennsylvania. With reference to the motion to recommit, there will be the amount of $30 million to be stricken. If the members of the committee will look at page 1 of H.R. 16516, at the bottom of the page for the Apollo program, we propose to cut it by $14.5 million. Then at the top of page 2, the first line, under "Space flight operations," we propose to cut that by $15.5 million, totaling $30 million.

This has been agreed to by many on our committee and we believe it will represent a tightening of the program and that such action can be taken without hurting the program.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield to me?

Mr. GERALD R. FORD. I yield to the chairman of the committee.

Mr. MILLER of California. I think it is a very good amendment and we shall accept the motion to recommit when it is offered.

Mr. GERALD R. FORD. I thank the distinguished chairman of the committee.

Let me make an observation or comment on the space authorization bill at this point. Several weeks ago I had the opportunity to consult with the gentleman from Minnesota (Mr. Karth) and the gentleman from Ohio (Mr. Mosher). I listened to the presentation they made and in that environment, if that is the right word, I must admit that many of their arguments were persuasive.

I subsequently had the opportunity of talking with others on our side of the committee, and at that point it seemed like the better course of action for those of us in the minority to at least do what was recommended by the President in his budget for the space program. But all of us know that approximately a week ago three of our fellow Americans were faced with a great crisis. All of us, regardless of our individual feelings concerning this program, were pleased and relieved that the three astronauts and their spaceship returned safely. In the interim between last Friday and today there has been a great deal of soul-searching within the agency. There has been a great deal of public concern pro and con as to what the Nation's space program should be in the future and what course of direction it should take in the years ahead. I understand a committee with NASA has been established for the purpose of analyzing the overall program and the mechanical problems in the Apollo 13 flight. In light of the appointment of that particular committee, and the uncertainty as to what they will recommend, it seems to me the wiser course of action on this authorization bill is to take the motion to recommit offered by the gentleman from Pennsylvania. It will do no harm to the program and yet will not hamstring the agency as to any new decisions for the future. I think it will show that the Congress, or the House, is interested in a responsible tightening of the authorization as recommended by the committee. We ought to support the motion to recommit, as the distinguished chairman indicated, and as recommended by the gentleman from Pennsylvania (Mr. Fulton). I do not believe this is any commitment, certainly not a commitment by me, to support a broader program, a long-range program that goes well beyond what we are doing at the present time in a space program. However, the atmosphere and the environment, politically as well as otherwise, is such that I believe the wiser course of action for the House today is to do what the gentleman from Pennsylvania (Mr. Fulton) suggests. I urge an aye vote on the motion to recommit.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Michigan has just spoken for a broader program, and helped to tie the vote and defeat an amendment thus keeping this authorization at nearly $300 million above the budget. Yes, the gentleman is certainly for a broader program.

Mr. GERALD R. FORD. I voted for the authorization that gives flexibility within the appropriation process, and I made no commitment as to dollars in the appropriation process.

Mr. BELL of California. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. I also rise in strong support for the continuation of our nuclear rocket development, the NERVA booster.

Any delay in the continuation of the development of NERVA would not present to our Nation an adequate future program.

While we recognize today's needs, we must not abandon tomorrow's.

Failure of foresight has cost us dearly in the past.

It can cost us more in the future.

There are important reasons why we should proceed with NERVA, and equally important reasons why we should proceed with NERVA now.

We are at the crossroads of space travel capabilities.

We have now the opportunity to begin thinking in terms of transportation in space; rather than continuing the limiting artillery approach of present systems.

Performance advantages of nuclear rockets range from 65 to 200 percent increases in lunar or deep space payloads thereby saving millions of pounds in earth orbit to perform manned landings or any other missions to the planets. It is approximately 50 percent complete.

The versatility of the nuclear rocket engine will provide enhanced flexibility and technological leadership at less cost than is possible in any other available combination of propulsion developments for these missions.

NERVA can be used as a Saturn 5 upper stage for lunar base support and for sending large unmanned payloads into deep space.

It can be used for maneuvering heavy payloads in earth orbit, and in synchronous orbit—22,000 miles. With refueling, it provides many hours of repeated mission capability.

It can be the building block of large vehicles carrying men to Mars and Venus.

By extending the capability of Saturn V and by greatly reducing the weight required in earth orbit, the nuclear rocket will not only pay for its development in a very few flights, but also opens up many new mission possibilities.

Its adaptability to growth in payloads and operational requirements will assure that only one engine design technology be developed to provide the propulsion modules for decades of space exploration; it will be our workhorse.

The NERVA engine has a potential of approximately 75,000 pounds of thrust with full power operation for periods up to 10 hours, with multiple restart capability.

Compare this with chemical boosters which operate for a maximum of 5 to 7 minutes.

Those who would delay NERVA cite obstacles of cost.

I would ask them not to overlook important cost considerations.

For example, delaying NERVA for 1 year would cost us at least $300 million and 3 years in time just to catch up to where we are now.

Unquestionable savings will result from NERVA's unique capabilities.

To deliver a 47,000 pound payload to the moon, two Saturn chemical systems would be required at a cost of more than $300 million each.

The same payload could be delivered by one NERVA system at a cost of approximately $210 million.

Using the same example a second time around:

The next 47,000-pound payload to the moon by chemical systems would require an additional $300 million.

But the NERVA system could be reused.

This will be possible because of NERVA's transportation characteristics.

After landing on the moon, NERVA can return to earth orbit and be reused, as opposed to the artillerylike

XUM

Saturn chemical system which is thrown away after use, like a soft drink can.

Mr. Chairman, we cannot afford to turn our backs on this prospect.

We cannot forever make existing systems increasingly larger to fit our advancing objectives.

The door to space is open.

We will do our Nation and its future generations a devastating disservice if we close that door.

Mr. Chairman, I strongly urge approval of the NERVA continuation program.

I urge defeat of the amendment.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when I was a boy on the farm we had a dog, one in particular who was a pretty good scrapper. He could take on anything that came around. The neighbors would come over and sometimes bring their dogs. In order to keep our dog from killing a neighbor's dog, we had an old piece of dried cowhide and we used to throw that to him. He would take that cowhide and crawl under the porch or go out to the barn and chew on it—and everything was peaceful. That was the way we hoodwinked him.

Mr. Chairman, we have been had here this afternoon. The committee increased this bill about $300 million above President Nixon's budget, and then staged a fraudulent exercise in economy. Now we are about to go through another one in the motion to recommit that has just been announced. They have thrown that old dry hide out to us. We have spent the afternoon talking about that $300 million of sweetening when we ought to have been spending our time cutting a billion dollars or more out of this discredited program.

XUM

Yes, we have been had. Now we are about to get a motion to recommit that will do what? Cut a paltry $30 million from this $3.6 billion? This is sponsored and promoted by the minority floor leader of the House, the gentleman from Michigan (Mr. GERALD R. FORD) who was one of those going through the teller line a few minutes ago and it was his vote that tied and lost the amendment that would have at least cut $240 million out of this inflated monstrosity.

I say again—we have been had as usual here this afternoon, and I do not like it. I voted for this program until 2 or 3 years ago, but not until the financial crisis is met in this country will I vote $3.6 billion a year for a continuation of this moondoggle.

Mr. BOGGS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not take the 5 minutes. But I want to commend the committee on what I consider an outstanding job. I think this program is one that has contributed immeasurably to the total knowledge of mankind. I think we are only beginning to understand what the potentials are.

I trust that the committee's action will be sustained.

Mr. Chairman, I support the recommendations of the Committee on Science and Astronautics contained in H.R. 16516, and I urge my colleagues to do so also.

We have before us a bill which authorizes $3.6 billion for research and development, construction of facilities, and research and program management for the National Aeronautics and Space Administration.

NASA was required to present to the Congress a minimal budget to fund its programs during fiscal year 1971. It submitted a $4.5 billion request—the bare minimum needed to implement the recommendations contained in the report of the President's Task Force on Space. The administration pared this request still further and sent to Congress the lowest space budget request in almost a decade, $3.3 billion.

After lengthy consideration, the Committee on Science and Astronautics restored a portion of the funds to the bill now before us. It was the committee's judgment that the total authorization should be increased to $3.6 billion—an increase of some $297 million falling principally in the area of manned space flight.

It has already been said here today—and I am certain that it will be said again—that the central issue in this debate is the question of national priorities—how much we have to spend and where our resources should be applied. We are a rich Nation, but we have many problems demanding solutions and needs crying to be met. No one denies that.

Mr. Speaker, I believe this country can afford to solve its problems and meet its needs without crippling its space program. I further submit that this country's space program is a national priority, and one we can ill afford not to fulfill.

Last year the American people spent twice as much on liquor as this bill proposes we spend on space exploration. Last year the American people spent twice as much on candy as the committee proposes we increase the administration's request. I have nothing against liquor or candy—I cite the figures only to give us some perspective about the scope of our economy. We are the richest Nation in history, and our space budget today represents 1.6 percent of our total national budget—not our gross national product, but our total national budget. Has our space program become such an intolerable burden as to warrant reducing it further? I think not.

Mr. Speaker, rich nations are not rich simply because they are fortunate enough to have plentiful natural resources, for there are many poor nations with abundant natural resources. Rich nations are not rich nations simply because they possess large populations, for there are many populous nations that are very poor. Mr. Speaker, the single most important factor in the wealth of nations is technology, and to a considerable extent it is the future of American technology that we are debating today.

We are a wealthy nation because the value of education and the need to develop technology are permanently ingrained in the character of our people.

I recall vividly the hue and cry which arose in this Chamber in 1957 when the Soviet Union orbited the first manmade satellite, marking the beginning of a period of national self-doubt and reexamination.

In May 1961, President Kennedy announced the intention of this country "to send men to the moon and return them safely to earth in this decade."

What followed was the creation and application of the greatest technological plant in history. The results are known, not only to you, but to almost every person on the face of the globe.

At this moment, there are more than 2,500 technological products, in fields ranging from communications to medicine, which are direct spinoffs on our space program.

Yet, I believe we are just now reaching the point in our space program where major economic, scientific, social, and technological returns and benefits are being realized. I further believe that even greater tangible and intangible benefits lie just around the corner.

It may be that the space program is offering mankind a new perspective of itself which will do more to bring about world peace than all else we have ever attempted.

The space program of the 1960's which brought a man to the lunar surface taught us that there is very little we cannot do if we set our minds to it. The space program of the 1970's, however, will be different. It will not culminate in the achievement of a single, dramatic goal. It will consist of the hard work of exploration, of understanding and learning about new worlds and applying that knowledge to our problems here on earth.

The exploration of space will continue during the 1970's whether we choose to lead it or not. I believe we should continue our leadership.

For these reasons, and many, many more, I support H.R. 16516, and I urge my colleagues to do so also.

Mr. KOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do want to say first, I concur in the remarks of the gentleman from Iowa (Mr. GROSS). I do not think I have ever agreed with him before. But I agree with him today.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. RYAN. Mr. Chairman, we may have lost sight of the fact that there is on the floor an amendment which will strike $38 million from this bill. So I urge support for that.

But I would also out of curiosity at least like to ask the chairman of the committee and the minority leader as well as the ranking minority member of the committee, why it is since they have all agreed to accept a cut of $30 million—why we simply cannot do that by an amendment to the bill on the floor. Why not reduce line 7, page 1, by $14.5 million and reduce line 1, page 2, by $15.5 million. It would be so simple and the chairman said he would accept it. Now I ask the chairman if one were to offer that as an amendment, would he accept it now?

Mr. MILLER of California. I said I would accept the motion to recommit. When we go back into the House and the motion to recommit is moved, I will support it.

Mr. RYAN. Would the gentleman support an amendment now on the floor to do exactly the same thing?

Mr. MILLER of California. No, I think I have made my statement, and I told this to the minority side.

I would be running out on an agreement in order to satisfy the gentleman's ego, to get his motion over.

Mr. COLLIER. How can the gentleman refuse to accept the motion to recommit? I do not quite understand from what I heard the gentleman say—I do not understand.

Mr. MILLER of California. No, there is no motion now. I said I would support the motion to recommit.

Mr. COLLIER. But I understood the gentleman to say he refused to accept this cut.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (9) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering development, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof, including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971."

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, pursuant to House Resolution 893, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FULTON of Pennsylvania. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FULTON of Pennsylvania moves to recommit the bill H.R. 16516 to the Committee on Science and Astronautics, with instructions to report the same back to the House forthwith with the following amendment:

XUM

On page 1, line 7, strike the amount "$1,101,500,000" and insert in lieu thereof the amount "$1,087,000,000".

On page 2, line 1, strike the amount "$670,200,000" and insert in lieu thereof the amount "$654,700,000".

Mr. **FULTON** of Pennsylvania. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The **SPEAKER**. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. **MILLER** of California. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill back with an amendment.

The Clerk read as follows:

Amendment:

On page 1, line 7, strike the amount "$1,101,500,000" and insert in lieu thereof the amount "$1,087,000,000".

On page 2, line 1, strike the amount "$670,200,000" and insert in lieu thereof the amount "$654,700,000".

The **SPEAKER**. The question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **ROUDEBUSH**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 229, nays 105, not voting 96, as follows:

[Roll No. 89]

YEAS—229

Abbitt
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Brock
Broomfield
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Camp
Carter
Casey
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Collier
Collins
Colmer
Conte
Corbett
Corman
Coughlin
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Denney
Dennis
Dent
Derwinski
Devine
Donohue
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Evins, Tenn.
Fallon
Fascell
Findley
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Goldwater
Gonzalez
Gray
Grover
Gubser
Haley
Hall
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hogan
Hosmer
Howard
Hunt
Jarman
Johnson, Pa.
Jones, Ala.
Kee
King
Kleppe
Kuykendall
Lloyd
Lujan
McClory
McClure
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Meeds
Michel
Miller, Calif.
Mink
Minshall
Mize
Montgomery
Morgan
Morse
Morton
Murphy, Ill.
Murphy, N.Y.
Natcher
Olsen
O'Neill, Mass.
Passman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Podell
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Rarick
Reid, Ill.
Robison
Rodino
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roudebush
St. Onge
Sandman
Satterfield
Scott
Shipley
Shriver
Sikes
Smith, Calif.
Smith, Iowa
Springer
Stafford
Staggers
Steed
Stratton
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Wampler
Weicker
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Winn
Wold
Wolff
Wydler
Wylie
Yatron
Young
Zablocki
Zion

NAYS—105

Abernethy
Ashley
Betts
Bingham
Brademas
Brasco
Broyhill, N.C.
Burlison, Mo.
Button
Chisholm
Cleveland
Conable
Conyers
Davis, Wis.
Delaney
Dickinson
Dwyer
Eilberg
Eshleman
Evans, Colo.
Farbstein
Fish
Foley
Fraser
Gallagher
Gibbons
Gilbert
Goodling
Gross
Gude
Halpern
Hammerschmidt
Harrington
Hicks
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jonas
Jones, N.C.
Karth
Kastenmeier
Keith
Koch
Kyros
Landgrebe
Langen
Latta
Long, Md.
Lowenstein
McCloskey
McDonald, Mich.
Macdonald, Mass.
Mayne
Melcher
Mikva
Miller, Ohio
Mills
Minish
Mizell
Monagan
Mosher
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Pike
Poff
Powell
Quillen
Railsback
Randall
Reid, N.Y.
Reuss
Riegle
Rosenthal
Roth
Ruppe
Ruth
Ryan
St Germain
Saylor
Schadeberg
Scheuer
Schwengel
Skubitz
Smith, N.Y.
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Taft
Thomson, Wis.
Tiernan
Ullman
Watts
Whalen
Wyatt
Wyman
Yates
Zwach

NOT VOTING—96

Adair
Alexander
Anderson, Ill.
Ashbrook
Barrett
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Bush
Byrnes, Wis.
Cabell
Caffery
Carey
Celler
Chamberlain
Clay
Cowger
Cramer
Crane
Dawson
Dellenback
Diggs
Dingell
Dorn
Eckhardt
Edwards, La.
Feighan
Flynt
Ford, William D.
Foreman
Friedel
Gettys
Giaimo
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagan
Harvey
Hathaway
Hawkins
Hays
Holifield
Horton
Johnson, Calif.
Jones, Tenn.
Kazen
Kirwan
Kluczynski
Kyl
Landrum
Leggett
Lennon
Long, La.
Lukens
McCarthy
Madden
Mann
Meskill
Mollohan
Moorhead
Moss
Nichols
O'Neal, Ga.
Ottinger
Patman
Pepper
Rees
Reifel
Rhodes
Rivers
Roberts
Roe
Rogers, Colo.
Roybal
Scherle
Schneebeli
Sebelius
Sisk
Slack
Snyder
Stanton
Stephens
Sullivan
Tunney
Udall
Vanik
Waldie
Watkins
Watson
White
Williams
Wilson, Charles H.
Wright

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Slack against.

Mr. Long of Louisiana for, with Mr. Carey against.

Mr. Johnson of California for, with Mr. Roe against.

Mr. Caffery for, with Mr. Ottinger against.

Mr. Friedel for, with Mr. Clay against.

Mr. Celler for, with Mr. Barrett against.

Mr. White for, with Mr. McCarthy against.

Mr. Bush for, with Mr. Kyl against.

Mr. Rhodes of Arizona for, with Mr. Watkins against.

Mr. Crane for, with Mr. Dellenback against.

Mr. Chamberlain for, with Mr. Scherle against.

Mr. Williams for, with Mr. Schneebeli against.

Mr. Horton for, with Mr. Brown of Michigan against.

Until further notice:

Mr. Pepper with Mr. Adair.

Mr. Patman with Mr. Harvey.

Mr. Dorn with Mr. Watson.

Mr. Moorhead with Mr. Cowger.

Mr. Nichols with Mr. Byrnes of Wisconsin.

Mr. Madden with Mr. Meskill.

Mr. Cabell with Mr. Lukens.

Mr. Brooks with Mr. Snyder.

Mr. Holifield with Mr. Stanton.

Mr. Lennon with Mr. Brotzman.

Mr. Brown of California with Mr. Ashbrook.

Mr. Moss with Mr. Reifel.

Mr. Dingell with Mr. Anderson of Illinois.

Mr. Feighan with Mr. Sebelius.

Mr. Giaimo with Mr. Foreman.

Mr. Gettys with Mr. Roybal.

Mr. Hathaway with Mr. Stephens.

Mr. Hawkins with Mr. Rogers of Colorado.

Mr. Flynt with Mr. William D. Ford.

Mr. Edwards of Louisiana with Mr. Mollohan.

Mr. Leggett with Mr. Tunney.

Mrs. Sullivan was Mr. Wright.

Mr. Charles H. Wilson with Mr. Udall.

Mr. Mann with Mrs. Griffiths.

Mr. Green of Pennsylvania with Mr. Rees.

Mr. Rivers with Mr. Sisk.

Mr. Hagan with Mrs. Green of Oregon.

Mr. Griffin with Mr. Eckhardt.

Mr. Waldie with Mr. Dawson.

Mr. Vanik with Mr. Diggs.

Mr. Kluczynski with Mr. Kirwan.

Mr. Jones of Tennessee with Mr. Kazen.

Mr. Alexander with Mr. Landrum.

Mr. Roberts with Mr. O'Neal of Georgia.

Mr. **WYMAN** and Mr. **CLEVELAND** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **MILLER** of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10105) entitled "An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes."

The message also announced that the Senate insists on its amendment numbered 2, to the foregoing bill.

This message also announced that the Senate agrees to the amendments of the House to a bill of the Senate (S. 3253) entitled: "An act to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the 'Everett McKinley Dirksen Building East' and that the Federal office building to be constructed in Chicago, Ill., shall be named the 'Everett McKinley Dirksen Building West' in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969," with an amendment in which the concurrence of the House is requested.

LEGISLATIVE PROGRAM FOR THE WEEK OF APRIL 27

Mr. **GERALD R. FORD**. Mr. Chairman, I have committed myself to yield to the distinguished majority leader for the purpose of receiving from the gentleman the program for next week.

Mr. **ALBERT**. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the program for next week is as follows:

Monday is District Day, but there are no District bills.

On Monday we will have H.R. 14714, to encourage travel in the United States, under an open rule with 1 hour of debate;

H.R. 14385, to provide authority for subsidized transportation for Public Health Service employees to Rockville, Md., under an open rule with 1 hour of debate; and

H.R. 4599, payments in lieu of taxes for former Reconstruction Finance Properties, under an open rule with 1 hour of debate.

On Tuesday we will have H.R. 16200, Arms Control and Disarmament Act Amendments, 1970, with an open rule and 1 hour of debate; and

H.R. 15693, to exclude from the mails certain nonmailable matter, under an open rule with 2 hours of debate.

For Wednesday and the balance of the week, H.R. 17123, the military procurement authorization, 1971, subject to a rule being granted.

And of course, Mr. Chairman, this announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program may be announced later.

Mr. Chairman, I thank the gentleman for yielding.

ADJOURNMENT OVER TO MONDAY, APRIL 27, 1970

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EVERETT McKINLEY DIRKSEN BUILDING—EMERGENCY EDUCATIONAL PAYMENTS

Mr. **GRAY**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3253) to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969, together with the Senate amendment to the House amendments, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendments as follows:

Sec. 2. Upon a determination that a local educational agency lacks the fiscal capacity to provide an adequate free public education for children of persons who live and work on Federal property, and if such children constitute not less than 25 per centum of the total enrollment, the Secretary of Health, Education, and Welfare shall make emergency payments from sums already available, but not to exceed $2,500,000, for the current school year to such local educational agency as may be necessary to provide a free public education for such children: *Provided*, That such payments shall not exceed the average per-pupil cost to such agency for all children eligible to receive a free public education from such agency, less Federal and State payments to such agency for free public education.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

DESIGNATING FRIDAY, MAY 1, 1970, AS DAY FOR APPEAL FOR INTERNATIONAL JUSTICE FOR ALL AMERICAN PRISONERS OF WAR AND SERVICEMEN MISSING IN ACTION IN SOUTHEAST ASIA

Mr. **SIKES**. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 582) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 582

Whereas the health, safety, and well-being of every individual American serviceman is of great value and importance to this Nation; and

Whereas over 1,500 American servicemen are imprisoned by Communist forces in Southeast Asia; and

Wheras these captors have refused to identify all of these prisoners of war or servicemen missing in action or provide information as to their health and condition; and

Whereas these captors have denied these prisoners of war the right to regularly communicate by mail with their families; and

Whereas these captors have refused to permit the inspection of the facilities at which these prisoners of war are confined; and

Whereas these captors have refused to exchange or permit medical treatment of sick or wounded prisoners of war; and

Whereas the continued callous exploitation of these helpless men brings anguish and sadness, not only to the families and friends of these prisoners of war, but to compassionate people everywhere; and

Whereas the first of May of each year is recognized as a day of dedication to law and justice: Now, therefore, be it

Resolved, That it is the sense of Congress

(1) That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;

(2) That men of compassion and good will throughout the world be urged to search all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention;

(3) That every possible effort be made to secure their early release from captivity; and

(4) That copies of this resolution be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HUMANE TREATMENT FOR CAPTURED AMERICAN SERVICEMEN

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **SIKES**. Mr. Speaker, the reading

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of the resolution has in itself told the story of the great objective which many of us throughout America are seeking; that of humane treatment for those unfortunate American servicemen who are imprisoned by Communist forces in Southeast Asia. Those who are concerned for our servicemen and their families have sought in so many ways to awaken the conscience of the Communists and to induce them to follow at least the basic rules of civilized warfare in their treatment of our servicemen. Yet all of these efforts have been unavailing.

Now we propose on Friday, May 1, 1970, which is the day dedicated to law and justice, that there be a great outpouring of interest and sympathy for our servicemen and their families at Constitution Hall in Washington, seeking again to impress upon the nations of the world America's determination to do everything within the bounds of peaceful endeavor to secure humane and fair treatment and the early release from captivity of American prisoners of war. We must arouse the conscience of the world to greater support for our missing servicemen and their families. Thus we engage in this additional effort to obtain justice, with the prayer that in some way these endeavors will penetrate to the minds and hearts of their captors.

This resolution is in support of the program which is being formulated for May 1 in Constitution Hall under the leadership of the distinguished Senator from Kansas, ROBERT DOLE. Serving with him as cosponsors are six Senators and six Representatives in the House. They are: Senators PETER H. DOMINICK, BARRY GOLDWATER, MIKE MANSFIELD, GEORGE MURPHY, EDMUND S. MUSKIE, and JOHN STENNIS; Representatives W. C. DANIEL, MARTIN B. MCKNEALLY, CATHERINE MAY, RICHARD L. ROUDEBUSH, ROBERT L. F. SIKES, and OLIN E. TEAGUE.

In addition, there are many others who are cosponsors of this resolution in the House. Their names will appear separately.

Now let me express my appreciation, and that of all sponsors of this resolution and that of all friends of America's missing servicemen and their families, for the outstanding cooperation given by the distinguished Speaker, and the leadership of the House on both sides of the aisle. It was with their help and cooperation that immediate consideration could be obtained for this worthy objective. I have never seen a finer evidence of helpfulness on both sides of the aisle for an important cause than has been shown by Speaker MCCORMACK and both the Democratic and the Republican leadership. America can take heart from examples like this.

Mr. Speaker, we are most grateful.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, let the record show that this resolution was adopted unanimously by those present in the House.

Mr. SIKES. Mr. Speaker, I thank the gentleman from Iowa.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the concurrent resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Virginia?

There was no objection.

MORE NEWS ON THE ECONOMY: ALL BAD

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, it has just been announced that the cost-of-living index soared another one-half of 1 percent last month. This brings the rate of increase in the inflationary spiral over the last 12 months to 6.1 percent.

At the announcement of this latest erosion in the purchasing power of our income dollars the White House stated the administration found the news "rather encouraging."

Press Secretary Ronald L. Ziegler said the White House economic advisers were quick to point out that on a seasonally adjusted basis the cost of living actually increased only four-tenths of 1 percent.

This may be encouraging and good news to the White House but it should be utterly discouraging and bad news to the millions of Americans who now find that the result of this unchecked inflation is that the average private payroll worker remaining in the same job is worse off in purchasing power than he was almost 5 years ago.

I doubt also that this latest report from the Bureau of Labor Statistics is good news or encouraging to the 4.4 percent of our work force who are now unemployed, the highest unemployment level in over 4 years.

And I doubt if it is good news or encouraging to the prospective homeowner or the homebuilding industry. Increase in the cost of mortgage money accounted nationwide for 28 percent of the overall price increase during the month of March.

It certainly was not encouraging to one of the President's economic advisers, Mr. Herbert Stein, who termed the increase in the Consumer Price Index a "disappointing number."

In terms of dollars the latest report from the BLS means that it costs $13.32 today to purchase what could have been bought in 1950 for $10. And this is an average of goods and services. Many important items such as homes have become almost prohibitive.

The war in Vietnam and our overall involvement in Southeast Asia is credited as the primary cause of our inflation. Extricating ourselves from that involvement has proven no easy task.

However, when you have inflation you have to deal with it as best you can and it has become apparent that our efforts to date have not been an even qualified success.

While inflation continues the threat of recession grows larger. Take home pay is being eroded. More and more corporations and businesses are reporting losses or reduced earnings. Prices continue to rise and wages continue to chase them.

To date the administration has continued to use one primary instrument to combat inflation, high interest rates. Even though there has been a recent drop in the prime rate of one-half percent, interest rates continue at a depressing level. For almost 2 years now high interest rates have been employed as the major instrument to combat inflation. By now it should be apparent that this approach has not, is not, and probably will not provide the total effectiveness needed.

Mr. Speaker, there are other tools available to the administration. To mention just one package, the selective economic controls which were approved by the Congress last December. The administration is not powerless to adopt new measures. Measures are available.

There has been criticism from certain persons within the administration of our news media for allegedly dwelling only on the negative aspects of the news, for not reporting the news which is rosy or good. Well, no matter how gullible some Madison Avenue advisers may believe the public to be, I doubt very seriously the public would long remain silent if they had an earful of this from the evening news: "Good evening, this is Chet Huntley, NBC, New York. There is good news tonight. The cost of living has increased to an annual rate of 6.1 percent and a White House spokesman has termed this latest erosion of the purchasing power of the dollar 'rather encouraging.' "

BASIC CHARACTERISTIC OF OUR COUNTRY

(Mr. MCKNEALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MCKNEALLY. Mr. Speaker, I rise to bring to the attention of the Members of the Congress an editorial which recently appeared in the Times Herald Record of Middletown, N.Y.

Because the paper is well managed and well edited, it has achieved a wide circulation which is constantly increasing. The editor of the paper, Mr. A. N. Romm,

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recently set out a credo on its editorial page. It is not only worth reading but it is worth committing to memory. It sums up and defines for all of us what has been the basic characteristic of our country. We have always sought to solve our problems and achieve our progress in deliberative and in peaceful ways. Mr. Romm's credo is so sententious and well written that it is worthy of being reprinted, framed and hung on the wall of every congressional office. I might add, Mr. Speaker, that Mr. Romm received first prize for distinguished editorial writing by the New York State Publishers Association for his credo. I am delighted at this opportunity to bring it to the attention of the Congress.

[From the Times Herald Record,
Mar. 25, 1970]

CREDO: OF NOBLE ENDS AND IGNOBLE MEANS

EDITOR'S NOTE.—As reported elsewhere in today's Times Herald-Record, the following editorial, first published May 20, 1969, was awarded first prize for distinguished editorial writing by the New York State Publishers Association.)

Count me as a soul brother of any poor or black man outraged because his child's gullet is stuffed with promises, not food.

List me as a kindred spirit marching beside any man, be he student or adult, who cannot fathom why we began and why we yet continue to wage a war in Vietnam whose military, strategic, and moral value is dubious.

Label me an unredeemed and unrepentant liberal who shares Martin Luther King's dream of brotherhood and indulges in further visions of an educated America, a healthy America, an unpolluted America, a peaceful America, a righteous America.

But omit my name from the roll call of those who believe the better America can arise only from the rubble of a destroyed or wounded land.

DE-RADICALIZATION

If the method must be violent, if blood must flow, if rights must temporarily be laid aside, consider me de-radicalized.

I march under a different banner from all these. For method and means, fealty to due and democratic processes, must be the test of a free and just society, not its sometime handmaiden.

Offer me no substitute yardstick by which to gauge an association of free men than how that association achieves change when change is required. And it is.

Were all other nations of the world perfect in every respect, the models to which idealists in this lesser country could aspire, Valhalla on earth, and were America in a far more aggravated state of disunity and disarray, still there would exist no cause for revolution. Still could America reach her apex in orderly, evolutionary fashion, albeit at quickened tempo, for her problems are grave.

But the truth is that America, despite her imperfections, stands tall, perhaps tallest, among the great powers of recorded history in her devotion to the principles and practices of freedom, equality, and social justice.

DEMOCRATIC PROCESS

All the more reason for her citizens to "mend her every flaw" through due process, not by the sword or its latter-day equivalent, the fire bomb.

What the the ingredients of the democratic process?

We vote for those who would represent us.

Whether our men win or not, we petition the office-holders to enact the laws we favor or repeal those we don't.

We attempt to convince others of our views.

We demonstrate individually or in a body as the occasion warrants, mindful at all times of the rights of those who may disagree.

If our efforts fail through the legislative process, we do not flinch from traveling the court route. We may defy an evil law and accept the consequences, the swifter to challenge that law or test its constitutionality.

Along the way, we speak up whenever we see injustice, for to remain silent or inactive is to have committed the injustice ourselves.

These constitute the arsenal of our republic.

Those—however young, however sincere, however aggrieved—who use coercive methods, those who speak of improving the system but practice junta hooliganism, must be restrained, ever through due process, or the disease of fascism will spread and the democracy surely will collapse.

But even as we reject their unworthy methods, as we must, let us remain steadfast in pursuit—intensified pursuit—of the goals that are worthy.

CAUSE UNSULLIED

Use of extremist and ignoble tactics sullies the perpetrator, not the end he seeks. The cause, if it be of noble quality, like the quest for peace or equality, can never be tarnished.

Such causes require the unflagging devotion of men dedicated to the Constitution and to that nation whose arteries it supplies with life blood.

This I believe.

THE HUMAN SIDE OF THE WAR

(Mr. KLEPPE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, if anyone asks me why I support the President's position on troop withdrawal from Vietnam, I do not give one argument. I give 115,500 arguments. That is the number of American soldiers who have been withdrawn from Vietnam since the President began his troop withdrawal program. By spring of next year, there will be a total of 265,500 such arguments.

All other arguments—political, philosophical, historical—seem paltry compared with even the single argument of an American removed from danger. The President reminded us that when the crew of Apollo 13 was in danger the whole world offered help for their return. Our President has helped 115,500 men return from danger—he is concerned with human beings and not with rhetoric.

Two hundred and sixty-five thousand five hundred arguments such as these are proof of good policy, good planning, and great leadership.

The President himself now deserves the generous compliments of the American people, for he has followed a difficult policy in Vietnam—one which has been filled with risks as he has acknowledged. Yet, despite the lack of any cooperation from the other side, he has made that policy work. The proof of his success can be measured in objective terms—115,500 U.S. troops withdrawn in the first year and a plan to pull out another 150,000 troops over the next year.

I hope that the leaders in Hanoi were listening Monday night when President Nixon made his speech on Vietnam. And I hope they get a text of that speech and study it very carefully.

For, while the President announced his plans to withdraw another 150,000 U.S. troops in the next year, and while he spoke of our aim and desire for peace, he spoke from a remarkable position of strength.

Hanoi should not underestimate the inference.

Our training and equipping of the South Vietnamese military is going better than expected. They are more and more able to take over the fighting of the war.

Pacification is working. This means that the enemy is losing the countryside.

The President is taking risks for peace, but he warned the enemy that "they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos."

And the President said: "We shall not be defeated in Vietnam."

President Nixon is for peace and he is taking risks for peace. The point should not be lost on Hanoi: He has no intention of ever accepting a dishonorable peace.

Listen, Hanoi.

HUGE FARM SUBSIDY PAYMENTS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, I want to call to the attention of my colleagues today some information I have just obtained which, in my view, provides a striking illustration of the reason why the Department of Agriculture has consistently opposed all meaningful efforts to eliminate the scandal of huge farm subsidy payments.

According to the Department's own tabulation, put together at my request, 46 members of the Department's Agriculture Stabilization and Conservation Service State committees hold interests in farms which received subsidy payments in excess of $5,000 in 1960. Whatever else these gentlemen are stabilizing and conserving, it certainly has not been Federal funds. Thirteen of them, in fact, collected over $20,000 in payments. The men in this category represent well over one-fourth of the total membership of 175.

These ASCS State committeemen are the ones Secretary Hardin relies on to manage the subsidy program in the field.

Given the makeup of these State committees and the obvious self-interest of so many members, it is not surprising that Secretary Hardin, and Secretary Freeman before him, have opposed my efforts to put an end to these large payments.

It takes little imagination to figure out what sort of advice on payment limitations the Secretaries have received from such men as William E. Young of California who collected $124,412 in subsidies last year, or from Wilbur H. Wuertz of Arizona who raked in $82,479.

And the man in charge of the whole payments program here in Washington, Kenneth E. Frick, is also a beneficiary of this bonanza. In 1969 his Kenmar Farm in Arvin, Calif., collected $77,981.

This year, of course, the Secretary has finally proposed a limitation. But the levels he proposes—$110,000 per crop, or $330,000 for all three crops—would do little to disrupt the good life that these gentlemen have been living at the taxpayers' expense. More importantly, it would produce virtually no savings. In effect, the Secretary is suggesting the appearance of reform without the substance.

Mr. Speaker, as the author of amendments to place a $20,000 ceiling on total subsidy payments which have twice now passed this body, I am confident that the Secretary's ridiculously high ceiling will be rejected.

Since I intend to offer an amendment again this year—this time at a level of $10,000 per crop—I urge all of my colleagues to consider this new information, which I insert at the close of my remarks.

It provides, as I have said, new evidence that the initiative for reform of our farm subsidy program can only come from the Congress. We will not get it from the Department of Agriculture.

The list referred to follows:

U.S. DEPARTMENT OF AGRICULTURE—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

State Committeemen and Payments of $5,000 or more Received under 1969 ASCS Programs. (Excluding Wool, Sugar, and Price Support Loans)

ALABAMA	
A. G. Mitchell	$9,554
Lawrence G. Davis	10,694
ARIZONA	
Arden J. Palmer	14,497
Joe A. Sheely	52,262
Wilber H. Wuertz	82,479
ARKANSAS	
Aylmer L. Lowe	13,938
Lowe & Lowe, Inc. (30% of $4,646)	1,394
Claude C. Kennedy	8,965
CALIFORNIA	
Kenneth E. Frick[1]—Kenmar Farm	77,981
Everett G. Rank, Jr	21,687
William E. Young	124,412
John B. Sill—Sill Prop., Inc. (20% of $101,559)	20,312
COLORADO	
Robert B. Grauberger	8,875
GEORGIA	
Ross P. Bowen	18,577
David L. Hardegree	9,104
IDAHO	
J. Adrian Nelson (Nelson Ranch)	8,958
ILLINOIS	
Kenneth T. Benjamin	15,230
Milton M. Hartman, Jr	6,526
INDIANA	
J. D. Thompson ($8,977) (a 60% share on sister's farm, $3,409)	12,386
KANSAS	
E. R. Patton	8,214
Lavern Becker	6,105
L. Frank Boyd, Jr	5,729
LOUISIANA	
Erle M. Barham	41,902
Barham Bros. (2.9% of $105,702)	$3,065
West, Inc., Leflore County, Miss. (2.9% of $138,022)	4,003
Earl A. Roque—Roque Bros. (50% of $11,929)	5,964
MICHIGAN	
Nicholas Smith—Le Grand and Nick Smith (50% of $6,613)	3,306
MINNESOTA	
Alvin Payne ($5,789 portion of Alvin Payne Agt. in Chippewa County—$17,307)	5,789
Elton Redalen	8,315
MISSISSIPPI	
W. L. Prichard	20,842
Prichard Bros. (50% of $23,377)	11,688
J. C. Sides, Jr	9,866
MISSOURI	
Barry Richardson	27,891
Grape Ridge Farms (50% of $18,349)	9,174
Richardson Gin, Inc. (50% of $3,869)	1,943
NEBRASKA	
Lowell H. Hummel—Prairie Plains Seeds	13,331
NEW MEXICO	
H. E. Gary	20,123
John R Hadley, Jr	24,874
NORTH DAKOTA	
William L. Grandy	12,941
Howard W. Hardy	14,870
Gordon Myer	6,348
OKLAHOMA	
Beatty Patterson	17,766
Bart W. Brorsen	8,407
Raymond Watson	9,218
SOUTH CAROLINA	
Leroy S. Epps, Jr.	47,125
Joseph P. Hodges	31,094
SOUTH DAKOTA	
Edwin I. Rudd	5,343
Ohmer D. Cook	9,241
TEXAS	
E. G. Schuhart II	22,673
UTAH	
Wayne I. Sandall—Wayne & Dallas Sandall (joint payment $22,765)	11,382
VIRGINIA	
Delman R. Carr	5,725
WASHINGTON	
Herb Hemingway	16,680
WYOMING	
Jack Van Mark	8,343

[1] Administrator of the Agriculture Stabilization and Conservation Service, USDA.

EDUCATIONAL TV AND MR. WOESTENDIEK

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, the Congress of the United States has expressed its concern and its support for our Nation's educational television stations in graphic terms: by voting millions of dollars for grants in order that they might continue their important functions.

I served on the House Interstate and Foreign Commerce Committee that tailored this important piece of legislation, so I feel an official as well as personal interest in the manner of the firing of a newsman, William Woestendiek, from one of these stations for a reason I consider spurious, at best—because his wife took a job the station management disapproved of.

Mr. Speaker, I do not know Mr. Woestendiek, nor have I ever had the pleasure of meeting Mrs. Kay Woestendiek, the lady whose employment has placed her husband in this situation. I might say, parenthetically, that I would look forward to meeting them with pleasure, if for no other reason than Mr. Woestendiek's reaction when he was asked to tell his wife to quit her job. He is reported to have said he would not even consider discussing it with her, and I commend him for this attitude.

For many years, Mr. Speaker, Mr. and Mrs. Mike McGee worked in my hometown for rival newspapers—he for the Commercial Appeal and she for the Memphis Press Scimitar. Throughout their careers there was never any hint that their journalistic ethics were marred by this arrangement. The same two newspapers, for years, boasted two excellent city editors, Mr. Null Adams on the Press-Scimitar and his brother, Mr. Malcolm Adams, on the Commercial Appeal. There was no compromise of journalistic integrity here.

The firing of Mr. Woestendiek transcends political party lines, Mr. Speaker. If we would believe the administrative chiefs of WETA, Mr. Woestendiek's job would have been jeopardized if his wife had gone to work for anyone in the Government, Republican or Democrat. I find their so-called sensitivity a little hard to swallow.

Is Mrs. Woestendiek, then, a chattel of WETA? Do these sensitive executives demand the right to determine suitable employment for the families of anyone on their staff? I think I know a little about newsmen, and I can warn them here and now that they would be courting full-scale mutiny if they persist in such demands.

Mr. Speaker, it is not my nature to use the Halls of Congress as a sounding board to tell private business how to run itself. But this organization is not private business; it is a nonprofit, educational television station, supported by money from tax-exempt foundations and from the U.S. Treasury, and using the airwaves that this Congress long ago decided were public property.

Other members of my committee are asking these same questions. They want to know if this policy is really a policy, or a convenient subterfuge to express disapproval toward the actions of members of the President's official family.

The entire matter, Mr. Speaker, should be looked into by the Federal Communications Commission, and I urge the FCC to be about this task immediately, because I have reason to believe that my colleague from Massachusetts, Chairman TORBERT MACDONALD, may very well want a report from the FCC before his Subcommittee on Communications.

If, indeed, Mr. Woestendiek was fired for the reasons stated, then WETA's officialdom was guilty of the most haphazard kind of overreacting. I was caught by the editorial in the Washington Post Monday, which reminded us all of James

Thurber's famous moral that "you might as well fall on your face as lean over too far backward."

COUNTRY NEEDS A JOINT CONGRESSIONAL COMMITTEE ON PEACE

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, one of our great generals, Douglas MacArthur, proposed 15 years ago in a speech at Los Angeles that the United States proclaim its readiness to abolish war in concert with other powers of the world.

George Catlett Marshall, an American military hero and former Secretary of State, said:

> If man does find the solution for world peace it will be the most revolutionary reversal of his record we have ever known.

These two men of war—and of peace—presented our generation a bold challenge to find a way for men to live in peace.

Our Nation and the world need fresh and sound ideas to help find new ways toward peace on earth. The difficulty of the task should not deter us. War today is a bizarre intrusion from the past, truly anachronistic.

I am introducing legislation which would assist in our country's pursuit of mankind's biggest challenge—to achieve and maintain peace. It would establish a Joint Committee on Peace.

Congress has scores of committees on many matters. Among the important ones are the "Atomic Energy" and "Economic" Committees. Also there are such joint committees as the Joint Committee on Disposition of Executive Papers and the one for the Library. Surely, we could use one on the quest for peace. Millions of hours are spent by Congressmen on an almost infinite variety of investigations and studies. It is time now for Congress to spend a greater degree of time and energy in the quest for peace.

We are living today in an atmosphere that is primed and conducive to world peace. The recent remarks by the United Nations Soviet Delegate Yakov A. Malik that a new Geneva conference could bring about "a fresh solution and a relaxation of tension on the Indo-China peninsula" is indicative of perhaps a renewed effort to halt the war in Southeast Asia.

Of importance also, are the second round of strategic arms limitation talks, SALT, now going on between Russia and America in Vienna. The development of the atom bomb and nuclear weapons have required us to at least talk to our enemies.

A third point to mention is the President's announcement this week that 150,000 men will be withdrawn from Vietnam fighting. While he made this declaration of withdrawal—despite any progress at the Paris peace talks—he also had this to say:

> But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos.
>
> I repeat what I said November third and December fifteenth. If I conclude that increased enemy action jeopardizes our remaining force in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

These are complicated and perilous times. While we have a signal from the Russians that they are willing to cooperate in bringing the Vietnam war to a conclusion and we are discussing with them ways to halt the arms race and the President is trying to grind down the conflict in Southeast Asia, there are still belligerent situations through the world we must cope with and find peaceful answers to. Somehow, we must seek also a lasting peace with China.

A Joint Committee on Peace would be a vehicle to study and consider these grave problems and when proper, to keep them before the public, and thus provide possible answers to peace.

For over a decade I have sponsored and worked for a U.S. Agency for World Peace within the Department of State—H.R. 949 now pending in the House Committee on Foreign Affairs. As a matter of fact, I was the first Member of Congress to introduce a bill to establish a Peace Agency, January 6, 1960, which led to the statutory establishment of the U.S. Arms Control and Disarmament Agency in 1961.

While the idea for a further extension of this law, concentrating on peace and research to achieve peace, has been favorably received by the executive agencies involved no support for H.R. 949 has been forthcoming. I quote from a letter from the Secretary of State in the report on H.R. 949:

> The objective of H.R. 949—the achievement of a peaceful world—deserves the full support of the Department of State and the several other agencies of the U.S. Government which are actively and continuously working to foster peace throughout the world and to change or to prevent conditions which might lead to war.
>
> Rather than establish a new agency, however, the State Department is convinced that the objective of the bill can be carried out more effectively through continued collaboration between the agencies already heavily committed to research leading toward a more peaceful world. These include not only such foreign affairs agencies as the State Department, Defense Department, Arms Control and Disarmament Agency, United States Information Agency, Agency for International Development, and the Peace Corps, but also the Department of Agriculture, Department of Health, Education, and Welfare, Atomic Energy Commission, and the National Aeronautics and Space Administration.
>
> The diversity of research approaches among these agencies is of real value in the U.S. Government's search for ways of strengthening world peace. Concentration of all such research in one agency might be less effective in achieving the objective of this bill. Current efforts are proceeding on a broad and comprehensive basis. To concentrate all efforts in one agency could be self-defeating, in that it might limit the breadth of interpretation and even diminish the soundness of the research process and conclusions.

There is executive enthusiasm for the basic purposes of H.R. 949, but none for a new agency in the State Department or for a new department of peace.

The challenges for world peace are, however, of such magnitude we in the Congress should spotlight these challenges. We can do this with a Joint Committee on Peace.

The committee would not establish policy, but would do research on problems related to achieving peace, including an examination of the economic, political, and sociological causes of war and the development of techniques for the elimination or reduction of these causes.

Research on peace would be conducted by the committee and its staff—and I do not envision a large staff, but one composed of experts—similar to that of "war gaming" done by military specialists.

Five Senate and five House Members would make up the committee and they would be required to report to the Congress on activities in the field of peacefinding and peacekeeping. This would not be a legislative committee, but would be a study and oversight committee. Government agencies, concerned with peace, including the Departments of Defense and State, would be required to report to the committee in the field of the committee's inquiries. The committee could also receive suggestions from the general public, thus assuring consideration of every valuable suggestion made in the public area.

As a senior Member of the House Armed Services Committee, I know that the survival of our Nation is our most important goal. But I believe we sometimes overlook the prime target—peace.

The establishment of a Joint Committee on Peace might mean the difference between world progress and world oblivion.

Theodore Roosevelt said almost seven decades ago: "Speak softly and carry a big stick; you will go far." He challenged our Nation to have a strong national defense to support our efforts for world peace and freedom for all people.

I believe in a strong national defense. I also believe we need a Joint Committee on Peace, and I hope Members of the House of Representatives and the Senate will join me in this effort.

A copy of the bill follows:

H.J. RES. 1184

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that there is hereby established a Joint Committee on Peace to be composed of five Members of the Senate to be appointed by the President of the Senate, and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than three Members shall be members of the same political party.

SEC. 2. The Joint Committee shall make continuing studies of ways to achieve world peace. The several departments and agencies of the federal government concerned with keeping and maintaining peace including the Departments of Defense and State shall keep the Joint Committee fully and currently informed. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of peace. The members of the Joint Committee who are Members of the Senate shall no less than annually report to the Senate, and the members of the Joint Committee who are

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Members of the House of Representatives shall no less than annually report to the House.

SEC. 3. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members at the beginning of each Congress. The Vice Chairman shall act in the place and stead of the Chairman in the absence of the Chairman. The Chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the Chairman shall be selected by the Members from that House entitled to the Chairmanship. The Vice Chairman shall be chosen from the House other than that of the Chairman by the Members from that House.

SEC. 4. In carrying out its duties under this Act, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary: Provided, however, That no measure or recommendation shall be reported from the Joint Committee unless a majority of the committee assent. Subpenas may be issued over the signature of the Chairman of the Joint Committee or by any members designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Joint Committee or any member thereof may administer oaths to witnesses. The expenses of the Joint Committee shall be paid one-half from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate, upon vouchers signed by the Chairman or Cochairman of the Committee.

SEC. 5. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

SEC. 6. The Joint Committee may classify information originating within the committee in accordance with standards used generally by the executive branch for classifying restricted data or defense information.

SEC. 7. The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or other places as the Joint Committee may direct under such security safeguards as the Joint Committee shall determine in the interest of security.

MASTON O'NEAL HAS SERVED NATION WITH DISTINCTION

(Mr. **FUQUA** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **FUQUA**. Mr. Speaker, during the nearly 7½ years I have been privileged to serve in the Congress, I have known many fine men. But I can say in all truth that of all those men, there is none finer nor more gentlemanly than our colleague from Georgia, MASTON O'NEAL.

Monday he announced that he would not seek election to a fourth term. I know that all Members of the House were deeply sorry to learn that a heart condition has developed which led him to this personal decision. I feel that Congress and the Nation will be poorer when he leaves active service in these Halls.

MASTON O'NEAL is that rare individual who is beloved by all who come in contact with him. Quiet and courtly, he gets things done without fanfare and few men have the real friends and respect that he has within the House.

For 24 years he served as a district attorney and will complete 6 years of service in the Congress at the end of this year. We share adjoining offices in the Cannon Building as well as having adjoining congressional districts in our respective States of Georgia and Florida. From that association has come a warm personal friendship as well as a genuine feeling of respect for a fine gentleman on the part of myself and my staff.

Particularly would I say a word about Mrs. O'Neal, a lady of grace and charm who has been his guide and inspiration and has been very helpful to him in his political career.

The O'Neals are the loving parents of two fine children, Mrs. Susan Charlotte Bowden and Air Force Capt. Maston Emmett O'Neal III. Without question, their greatest pride is in their grandchildren.

Captain O'Neal is an outstanding officer and pilot in the U.S. Air Force, having served in the Vietnam conflict. He carries on a military tradition established by his father who served in the Navy during World War II.

Following his election to the 89th Congress, MASTON O'NEAL so proved himself to those he has represented that they have returned him to Congress twice without opposition.

I know that I speak for all of the Members of the Congress when I say that we will be losing one of our most beloved Members when MASTON O'NEAL ends his career of public service. But I can say also that this Nation, the State of Georgia and the people of his district are richer for his having served.

EARTH DAY

(Mr. **ANNUNZIO** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **ANNUNZIO**. Mr. Speaker, as a young man I was a teacher of history and civics at Harper High School in Chicago. I have often thought back on those days and reflected, as have all teachers, how much I learned from my students. They contributed much to my thinking and to my own personal development.

Today's students, Mr. Speaker, are a bit more controversial than those I taught back in the 1940's. Their activism and excesses at times have prompted harsh words in reaction in this very chamber. Many criticisms were leveled at them; yet, yesterday, April 22, we witnessed one of the most responsible and mature endeavors ever undertaken by the youth of this country.

At over 2,000 colleges and universities and 10,000 high schools throughout the country, activities were sponsored on April 22 in observance of Earth Day. This effort is unique in our history, and indeed, in the history of the world, because never before in the millions of years that man has existed on this planet has a society done what we in America have done. Never before has man so organized his endeavors to produce such wealth for the vast majority of a country's citizens. Yet, we have paid a dear price in the process, for we are fast running out of clean land, clean air, clean water.

Look at Lake Erie with its slimy shores and wasted waters, supporting ever fewer forms of higher life. Stand on a hill surmounting one of our major cities and watch the mustard-colored haze drifting into every corner—and every lung. Visit the inner cities and see the bleakness of the streets, the despair in the faces.

These are the events that were commemorated yesterday, Earth Day, and during this week, Earth Week. The young people of our land are calling to our attention what it was that we gave up to obtain that extra kitchen appliance, that air conditioner, that last hundred horsepower in our automobiles. They are pointing out the degradation the land and the people have suffered. That it was done by and large unwittingly does not make more tolerable the dirt and waste prevalent today.

Our manufacturers and industrialists are not to be blamed alone, for they merely supplied what the people asked for. There is guilt enough for all. If our garbage dumps and landfills are overburdened it is because every one of us preferred throw-away containers to returnable bottles, and bought the flashy overpackaged product instead of the simpler, utilitarian carton.

Without some incentive to do otherwise we will probably do the same tomorrow and let the earth and our descendants bear the load. The businessman's profit is measured in dollars, the housewife's in time saved and in "convenience." And whether or not we know it, all of us help pay the price. We pay for the fancy package when we buy the product, we clean up after the litterbug with increased taxes, and we amortize the cost of the belching smokestack with years off our lives.

All of us carry a great responsibility, Mr. Speaker. It is within our power to reduce these ravages on our environment and to bring to manageable terms the wastes, solid and fluid, of our daily lives. I, and others in this Chamber, have in the past supported the Water Quality Act, the Clean Air Act, the Water Pollution Control Act, the Environmental Policy Act, and other landmark legislation designed to control pollution, and yet, pollution of our environment continues. Much remains to be done, and it is truly an awesome task we face.

The demonstrations that took place on Earth Day expressed the hope that survival and improvement are still possible. I salute and congratulate all those who yesterday brought this hope to the attention of the Nation, and join my colleagues in the Congress in redoubling our efforts to solve the environmental crisis.

Mr. Speaker, at this point in the RECORD I would like to include an article by Colman McCarthy entitled "Hard Facts About Dirty Facts" which appeared in the Washington Post on April 22. The article, which is a cogent analysis of the environmental problems that confront us, follows:

HARD FACTS ABOUT DIRTY FACTS

(By Colman McCarthy)

After tons of adjectives and the legwork of a thousand advance men, today sees the arrival of Earth Day—so named because a few earth people are beginning to worry. The basic dread is simple: the dirt and waste is everywhere, we are running low on—if not out of—clean land, air and water, and nobody gets a transfer when the planet stalls in mid-air. Naturalists, lecturers and the inevitable me-too politicians speaking at hundreds of colleges and high schools will tell the young what most of them know and have heard a hundred times already.

The purpose of Earth Day is to prod each group to work out a strategy for earth-improvement—or what is now called, strenuously, ecotactics. Many will organize to change local pro-pollution laws, or perhaps unite behind an earth-minded politician, or boycott the one-way cans and bottles, or—hardest of all—begin taking personal responsibility for conserving things like water, fossil fuels and life itself.

Trying to end the evil of pollution may meet many of the frustrations found earlier in the civil rights and antiwar movements: first, like racism and war, pollution has been going on unquestioned so long that suddenly putting on the brakes is more an act of alarm than actual stopping—the way a speeding car needs over 400 feet of braking before forward motion is killed. Second, ending pollution means that somebody will get hurt: profits must be cut, comforts reduced, sacrifices endured. As in all human struggles, the powerful and monied will fight the hardest to be hurt the least.

Few politicians, and certainly not a Republican President with re-election already on his mind, are talking up these hard facts about the dirty facts. Instead, anti-pollution is often presented as a warm puppy issue, assuring happiness to anyone opposing a befouled environment. If we pass enough laws, says the delusion, spend some money and have a good heart, well, it will soon be America the Beautiful again.

Just how fast the pollution wheels have been speeding along, and how many decades if not centuries will be needed before they may stop, is shown by the almost countless laws on the books forbidding pollution: the Water Quality Act, the Clean Air Act, the Water Pollution Control Act, the Environmental Policy Act, to name a few. Yet, the air, land and water continue to blacken. The "laws" have been ignored by large corporations and small companies, many of them cheered on, if not whipped on, by the stockholders. But the industries were only committing the kind of ecological murder the federal and state agencies let them get away with. It is almost as if the Interior Department, Agriculture, the FTC, the FDA and the many state and local conservation bureaus were listening to Ford Motor Company president Arjay Miller, who warned in 1967 of the "threat of over-regulation by government" regarding pollution. That remark was made when pollution was still a quiet issue.

A second reason why destruction of the earth will not stop instantly is that the needs of the public will not instantly slacken. The opposite seems true. American homes are now so filled to the roof with appliances, machines, devices and gizmos that the demand for electricity to run them all is insatiable.

The electric companies, far from being profit-mongers, argue that nuclear power plants must be built to supply the public. But each plant needs millions of gallons of water to cool the machinery. The used water is then flushed into a lake or river at an increased temperature that kills the fish and unbalances the ecology.

What does the public want? More contraptions in its homes or clean lakes and rivers outdoors?

The choice is everywhere. Phosphates in detergents—such as Axion, Bold, Cheer, Fab, Oxydol, Tide, Trend—have been ruining our lakes and rivers, according to the House Committee on Government Operations and anyone able to see or smell. But the heavy duty soaps clean clothes fresher and brighter, and everyone, except some of our younger people, wants that. Moreover, according to the Soap and Detergent Association, eliminating phosphates "would be equivalent to setting back health, cleanliness and sanitation standards many years."

Despite the industry's talk about impending disease and pestilence, a choice is present: weaker soaps or cleaner lakes and rivers. But is there a choice? The industry swears that no replacement for phosphates is now possible; since the Interior Department is hesitant to force the manufacturers to change (Interior has funded only one study, for only $99,000, on the idea of removing phosphates from the detergents), the public has the choice made for it: rivers and lakes that are dirty today and dirtier tomorrow.

The question—who gets hurt the most in cleaning up?—easily wins the Rhetorical Question of the Century contest. The consumer, who else? Fortune magazine recently asked business leaders for ideas on solving the ecology mess. Over half—57 per cent—said the government should offer industry tax relief for combat duty in fighting pollution. "This would mean," writes Michael Harrington in the current Commonweal, "that the biggest polluters, with the greatest problems, would get the largest subsidies. It would, in effect, reward those who have befouled the atmosphere. And it would, like all other tax expenditures for the private sector, take money away from social uses."

In case tax money is not about to be forked over, a few industries are telling the public outright that the latter must pay. Prices will be raised $100, for example, on new GM cars for anti-smoke devices. At this point, the temptation is to condemn the captains of industry and their corporals at the local outlet. But this is simple-minded. Naturally, industry is going to make the public pay. American business has worked hard and long to supply the public with the services, goods and technology it seemed to want. The individual consumer never asked for products that didn't pollute; instead, as in the case of cars, he said, "Make them flashy, fast and powerful." Detroit did. Now, the public suddently wants its cars clean as well. "That's fine with us," says Detroit, but be prepared to pay for this latest whim the way you wanted and paid for the old whims.

At the base of the environmental crisis, two general theories of man are whirling. The first, from philosopher Alfred North Whitehead and popularized by Teilhard, holds that the creation of the world is still ongoing. The current mire in population should not discourage—it is only a venial lapse caused by the giddiness of progress. We'll snap to soon, and be swept up in what Teilhard calls "an irresistible tide of liberated energies."

The second theory is from Freud who claimed that man has an "innate inclination toward evil, toward aggression, destruction, and . . . toward cruelty."

The question raised by an earth suddenly turned cesspool, after millions of years of grace and purity, is forcing a definition of man: is he a co-creator or a violent destroyer? The hope of Earth Day is that we are the former, that survival, even self-improvement, is still possible. But even here the evidence is mixed. The very signs, posters, buttons and pictures used to dramatize April 22 will become tomorrow just more piles of junk and garbage to be hauled off to the burning ground—as much a pollutant to the air and earth as any Detroit smokewagon guaranteed to be damned more than once today.

IMPORTANT ANTIPOLLUTION PACKAGE

(Mr. COHELAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, one of the major causes of air pollution is the automobile. Because of my great concern for this problem, which is rapidly increasing in almost uncontrollable proportions, I am joining with several other of my concerned colleagues in sponsoring an important air pollution package.

This is an antipollution package of quality and substance—a concrete and realistic appraisal of the problem with viable and workable solutions. I commend my colleagues for their foresight in comprehending the problem of automotive air pollution, for the timeliness of their presentation, for their awareness of the hazards of this situation, and for their thoroughness in attacking and attempting to resolve this problem. I am happy to associate myself with this effort.

The time has come when we must begin to realistically face the problem of air pollution. The simple fact is that our environment is in grave danger. The air we breathe is impure—and this is unhealthy, a threat to life. If allowed to go unchecked, this situation is going to cause enormous and hazardous consequences for the future. There is evidence today of the seriousness of this situation. In my own State of California, the problem of air pollution resulting from automobile emissions is critical. In the city of Los Angeles, there have been instances where schoolchildren have been prohibited from outdoor recess because smog levels were so high. The policy now in Los Angeles school districts is that during high frequency smog levels, children are permitted outside only 1 hour every 3 days. Incidences of lung cancer and emphysema have increased and are reportedly attributed to air pollution, and people have died with lung conditions aggravated by impure air.

This is somewhat absurd and incredible, but these are the facts. The situation in California is paralleled in New York, where extensive congressional hearings were held which resulted in this action we are taking today. All metropolitan centers in this country are fast falling victim to the dangers of automotive air pollution. This package we are considering today recognizes these facts and provides for a program to deal with all aspects of the problem.

The package attacks the problem by establishing strict Federal auto emission standards based on the cleanest feasible propulsion system; it calls for the elimination of the internal combustion engine in automobiles by 1975 and for the installation of emission control devices on all used cars by 1972; the time limits are a positive insurance of action and action now. The package also provides for federally conducted assembly line and follow-up inspections to assure that standards are being met and kept.

The enforcement aspects of this program are sound and viable—Federal inspections will guarantee adherence to standards; and owners and purchasers of high horsepower cars, which cause greater pollution levels, will be assessed a higher auto excise tax.

The package goes further than regulating type of engine and emission control devices by banning leaded gasoline and calling for the regulation of rubber and asbestos emission. Current Federal law and research efforts consider only three of the six major automotive pollutants—carbon monoxide, hydrocarbons, oxides of nitrogen; lead, rubber and asbestos are equally as dangerous and causative of pollution in the air. A report prepared for the National Air Pollution Control Administration at HEW noted that asbestos—emitted from clutch and brake lining—is an "air pollutant which carries with it the potential for a national epidemic of lung cancer." The auto industry's research into this area is practically negligible.

Mr. Speaker, I urge my colleagues on both sides of the aisle to give careful and thoughtful consideration to this matter. It is a problem with complex and frightening consequences for the entire human race. We all have what we might consider more important issues to contend with, but I ask with all sincerity what could be more important than an existing condition which threatens the existence of life itself?

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STRATEGY MYTH BELIED

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DELLENBACK. Mr. Speaker, sometimes, amid the loud cries from President Nixon's critics in the press and elsewhere, it is difficult to hear the facts about the progress this administration has made and is continuing to make in the perplexing problems facing our Nation.

Fortunately, there are voices of reason which sometimes rise above the clamor, to put the issues in their true perspective. One such voice was recently heard in an editorial from the Portland Oregonian, discussing the President's recent speech on desegregation and the followup to that speech seen in Secretary Finch's press conference and Federal court decisions regarding integration.

Perhaps the most significant thing about this editorial, however, Mr. Speaker, is the citing of specific statistics which indicate clearly that the Nixon administration has made great strides in bringing about integration of southern schools. These facts demonstrate the promise offered by Secretary Finch's statement that by next year, 80 percent of the South's Negro children will be in desegregated schools. I ask to insert this editorial in the RECORD at this point:

[From the Portland Oregonian, Apr. 8, 1970]

STRATEGY MYTH BELIED

HEW Secretary Robert H. Finch's press conference statements Tuesday should dispel any lingering doubt that the Nixon Administration is dragging its feet on racial desegregation in the schools. Secretary Finch echoed President Nixon's commitment to the elimination—through both court suits and administrative action—of law-imposed segregation. His appearance coincided with a federal court order's prevalance over the opposition of Gov. Claude Kirk to a plan for federally-imposed integration in a Florida county's schools.

Mr. Finch put it on the line. He set a goal for next fall of doubling the number of black students in desegregated schools in the South. In the first year of the Nixon Administration, that number has doubled from 600,000 to 1.2 million. The Finch projection would put the total at 2.4 million in the next year, or about 80 per cent of the South's Negro children.

That is the sort of progress unmatched by any previous administration. It reflects the success of major desegregation accomplishments already this year over the racist rhetorical opposition of southern governors and other public officials. Here is a part of this year's score:

In Louisiana, an estimated 225,000 more black pupils put in desegregated schools since the beginning of the year, doubling the number placed in integrated classrooms in Louisiana in the entire 15-year period after the initial Supreme Court school integration decision.

In Atlanta, Ga., school faculty desegregated, involving transfers of 40 per cent of Atlanta teachers, despite opposition of Gov. Lester Maddox and little community support.

In Jackson, Miss., successful integration of some 20,000 children despite the vigorous opposition of Gov. John Bell Williams.

Congress, too, has caught the spirit of accelerated desegregation, having rejected crippling amendments to legislation introduced by southern congressmen and supported by some congressmen of other regions.

Similar extensive progress in the elimination of de facto segregation established by housing patterns will be complicated. But it will surely follow, with each community taking its own tack, as in the case of the decentralization of Portland's school system.

However, events of the last few months have clearly belied the contentions of some critics of the Nixon Administration that it was following a "southern strategy" in soft-pedalling desegregation. The pedals have never before been operated with such effect.

GILBERT ENDORSES EARTH DAY

(Mr. GILBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILBERT. Mr. Speaker, yesterday was, of course, Earth Day. Conceived by our youth, sponsored for the most part by young people, Earth Day has suddenly come to symbolize all that is wrong with our world.

We need not look far beyond this chamber to see the ills that so concern youth today. Only blocks away we have ghetto areas; less than a mile away the polluted and rank Potomac River flows.

At rush hour Constitution Avenue going by the Capitol will be bumper to bumper with automobiles emitting noxious fumes. No one does not have to go far to find out what bothers our young people today.

The wonder is then, Mr. Speaker, why the Congress in its wisdom has not also become so concerned. We do pass laws but we extract the muscle from them at the same time. We sign resolutions but resign ourselves to pollution. Cannot the Congress learn a few wisdoms from these youngsters who preach neither hate nor love but simple survival?

We must not be afraid to lead occasionally. If we are so subtly attuned to political nuances as our critics claim, does it not seem significant that Earth Day itself, unknown just a year ago, has become so imbedded in the mind of the public at large today? I think that should tell us something of what the people of this Nation are demanding.

They want their air fit to breathe, their water pure enough to drink. They want an end to murky waters and fish unfit to eat. They want the noise levels tolerable, the byways unlittered, the ghettos eradicated.

I salute the young men and women who have made this day possible. And I pray that all of us in Congress do not end this year without some affirmative response to this call from our Nation.

We possess no convenient excuse for not responding. In fact, we as a body owe the Nation a deep apology for allowing matters to degenerate to where they stand today.

I would ask today that those committee chairmen who have environmental projects before them immediately convene hearings to determine how to improve those areas under their jurisdiction. We cannot longer accept a project because it will cause only minimal destruction. We must, from this day forward, concern ourselves with how to improve what we have allowed to be damaged.

We all recognize that the pressures that come from groups which are more concerned with profit than with purity. Appealing to man's better nature has never been successful by itself. It is time, however, to realize that profit cannot come if the Nation's very existence is in jeopardy. If we make it profitable to care about environment and expensive to abuse it, the Congress will have gone a long way toward redeeming itself in the eyes of the American people.

McCULLOCH MOVES TO SAVE THE "QUEEN"

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, today I introduced legislation supported by Senator SAXBE and cosponsored by Congressmen ROBERT A. TAFT, JR., of Cincinnati, WILLIAM H. HARSHA, of Portsmouth, and CLARENCE E. MILLER, of Lancaster, that would preserve the last page of America's 160-year-old riverboat history. My reference, Mr. Speaker, is to the only overnight passenger steamer in America—the *Delta Queen*. She is the last paddle wheel steamboat authorized by the Interstate Commerce Commission to carry overnight passengers, certificated and regularly inspected by the U.S. Coast Guard.

This vessel has a steel hull and a superstructure largely of mahogany, ironwood, and walnut. Because of this wood construction, the *Delta Queen* cannot meet modern steel ship building requirements and was therefore to be retired from service in 1968. However, by act of Congress—Public Law 90-435—the *Delta Queen* was permitted to operate until November 2, 1970. Unless this Congress acts, another of our great American traditions will have passed from the scene.

The law that would retire the *Delta Queen* was enacted in 1966 to rid the seas of unsafe ships and to insure the financial responsibility of the carriers calling at U.S. ports. Inadvertently, it seems, that this legislation was made broad enough to encompass passenger vessels carrying overnight passengers operating on our inland rivers. For the purpose of safety standards, the *Queen* was placed in the same category as deep-draft vessels traveling on the high seas. Unless this Congress intervenes 160 years of paddle wheel history will end November 2, 1970.

Originally designed and built in 1926, the *Delta Queen* is the most luxurious paddle wheel passenger boat ever built and also the safest. Every compartment and public room is equipped with automatic sprinklers and other safety devices such as fire extinguishers, fire hydrants, fire alarms, and emergency tools that are strategically located throughout the vessel. Unlike ocean vessels, most of the *Queen's* staterooms open directly onto the outside deck. There are no enclosed corridors where passengers or crew could be trapped.

I believe that the Congress has the duty, indeed the responsibility to look into this type of small business which has become all but extinct. It hardly need be said that the riverboat business is not what it was 50 years ago when hundreds of vessels, similar to the *Delta Queen*, plied the same trade routes. However, many Americans have discovered that riding on a riverboat can be a most satisfactory experience. Mark Twain said it this way:

> One cannot see too many summer sunrises on the Mississippi. They are enchanting. First there is the eloquence of silence; for a deep hush broods everywhere. Next there is the haunting sense of loneliness, isolation, remoteness from the worry and hustle of the world. . . . And all this stretch of river is a mirror, and you have the shadowy reflections of the leafage and the curving shores and the receding capes pictured in it. Well, that is all beautiful; soft and rich and beautiful; and . . . you grant that you have seen something that is worth remembering.

The legislation that has doomed the *Queen* was passed in 1966. Since that time, the owners of the vessel sought successfully two extensions of time in order to permit them to design and construct a duplicate of the *Delta Queen*. To their dismay and to the dismay of many, the owners and operators of the *Queen* learned that with the rise in the cost of construction, material, and labor under competitive bidding, a new vessel to replace the original *Queen* would cost in excess of $10,000,000 instead of the estimated $4,000,000 to $6,000,000. This new dollar figure is believed by all to be prohibitive for such a small business as Greene Line Steamers, Inc.

I believe, Mr. Speaker, enactment of my bill would have an important positive effect on the long-range economies of our river system. Mr. Speaker, I predict that passage of this legislation will encourage and make possible the expansion of scenic river travel in the United States.

Presently, by act of Congress, the *Delta Queen* is categorized with ocean-going vessels. I think she and others like her should be distinguished from that class and should be exempted. The *Queen*, for example, only travels the rivers: the beautiful Ohio, the scenic and historic Mississippi and Tennessee. For 9 months of the year she travels our western river system—from St. Paul in the North to New Orleans in the South, from Pittsburgh in the East and to the Gate of the West—St. Louis, touching ports in 16 States.

The *Delta Queen* is never more than a few yards from any shore and should an emergency arise, all the captain need do would be to hit the rudder and she could be run aground probably before the lifeboats hit the water.

I might add, Mr. Speaker, that the *Delta Queen* presently meets certain Coast Guard safety standards and I think it should be noted that the waters in which she travels is no deeper, at its deepest point, than her middle deck. For these reasons I believe this type of watercraft is very much distinguishable from those ocean going vessels which the 1966 legislation sought to regulate for greater safety of life on the high seas.

I am sure that many of my constituents along with people from around the State of Ohio, as well as citizens from other river States across the Nation, do not want to see the cessation of this great tradition by legislation that is primarily intended to rid the high seas of unsafe ocean-going ships.

WILLIAM T. EVJUE, 1882-1970, EDITOR AND PUBLISHER OF THE CAPITAL TIMES DAILY NEWSPAPER, MADISON, WIS.

(Mr. KASTENMEIER asked and was given permision to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, it is my sad duty to announce to the Members of the House the death of William T. Evjue, editor and publisher of the Capital Times daily newspaper in Madison, Wis. I am certain that all of my colleagues who knew him or knew of him will join me in this tribute to a crusading newspaperman and humanitarian.

In the development of a community, a State, and a great Nation, a voice of conscience is needed to protect the less powerful from abuse and misuse. A voice of sensitivity, a voice of courage, and a voice of commitment to the ideal that no man's rights as a citizen of this country can be blotted out by those who temporarily grasp the levers of political and economic power.

Wisconsin and the entire Nation have been the benefactors of such a voice for the last 53 years. Although death has now silenced that voice, William T. Evjue has established a record of humanitarianism and journalistic excellence that will serve as a benchmark for all who follow.

When he published the first edition of the Capital Times on December 12, 1917, he protested the suppression of dissent from a war to make the world safe for democracy. The words of that early protest and the publisher who had the courage to print them are even more relevant today. For today, we are again waging a battle for the right to dissent and for the cause of a peaceful world.

During Mr. Evjue's 53 years as editor and publisher of the Capital Times, he possessed an unchanging commitment to the principle of human dignity. The controversies which he engendered gave him the will to meet other controveries, and to emerge from each conflict with renewed strength. Unlike some newspaper editors, he did not tie his publication to the pursuit of blandness—he did not allow his voice to grow old and dull.

What made Mr. Evjue's newspaper unique was his refusal to withdraw quietly from the rough and tumble arena of public events—to print only that news which pleased his news sources, his advertisers and his readers. While every reader may not have always agreed with what Mr. Evjue printed, no amount of pressure compromised his views of the public good.

It was this unswerving loyalty to a principle that led him to support Republicans, Democrats, Progressives and Socialists. It is the test he used when he launched his campaign against secrecy in government, special privilege, corruption, gambling and bigotry. He supported Al Smith, the Democrat and Catholic, for the same reason he supported Robert LaFollette, the Republican and Protestant. He fought the Ku Klux Klan for the same reason he fought McCarthyism. He fought the Communists for the same reason he fought Fascists—because they opposed free men.

From his earliest campaigns against those who profiteered from war to his most recent opposition to the bottomless pit of the Vietnam conflict, Mr. Evjue supported the pursuit of peace. However, he was not a pacifist. He supported the war against fascism in World War II. He supported the war against aggression in Korea. But he opposed the war in Vietnam, because he believed it serves the cause of our antagonists and is sustained by policies inspired by the "industrial-military" complex of this country.

After his early years as a crusader in the Nation's and Wisconsin's capitals, he had ample laurels to rest upon if he so chose. Yet, to the last days, Mr. Evjue

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maintained his belief in equality and his determination to ferret out corruption. He was well aware that the voice of special interest is often louder and heard more distinctly than that of the average citizen. Mr. Evjue's voice was heard whenever the public's rights were abrogated. It is easy to look back over the past half century and pause to recall the battles he has fought, and the frustration of those who thought they could silence him.

A little more than a year after he founded the Capital Times, Mr. Evjue wrote:

> We have tried to stand for interests of the common man. We have tried to tell the truth about things. We have fought privilege. We have fought exploitation at the hands of interests that prey on the public.

The most remarkable thing about his statement is that for 53 years he lived that philosophy and kept his pledge to his readers. The unique role which he played in American journalism will be recorded by history. The lessons which his life has taught will be emulated by other newspapermen who follow.

Although death has removed Mr. Evjue from the American journalism scene, his ideals still live.

NATIONAL OBSERVANCE EACH YEAR OF THIRD WEDNESDAY OF APRIL AS EARTH DAY

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

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Mr. FASCELL. Mr. Speaker, in the name of progress, we have wrought tragic wrongs on this planet we inhabit. Man's race toward self-destruction in his quest for the necessities of life must halt.

On Earth Day we were all talking about "the same old garbage." It is everywhere we look. Our advanced technology has moved forward helter-skelter with little thought of its total effect on the environment.

The full extent of the damage we are doing to our environment and our course of seeming self-destruction have been forcefully brought to our attention. The impact of this realization has brought about a recognition of the factors which we have come to accept as "every day" but which are extremely detrimental to all aspects of our ecology. Our continued advances in technology can no longer be accepted without a forethought to the consequences to do so may very well be our undoing.

The overwhelming response of the entire Nation to Earth Day, 1970, indicates to me the keen awareness of the American people for the need to improve the quality of our environment. More importantly, it indicates a national commitment to do something about it. But Earth Day will have been meaningless, if, having been celebrated on April 22, it is then promptly forgotten. We must make Earth Day an everyday occurrence.

One of the most interesting observations I have read in the recent proliferation of material about the decay of our environment was made by Jerry Yudelson of the Cal Tech Environmental Action Council and quoted in an article by Connie Flateboe in the March issue of the Sierra Club Bulletin. Mr. Yudelson observed:

> Ecology is as much an attitude toward life as a science. Changing personal attitudes about the environment is as important in the long run as passing laws or developing new technologies for environmental control.

Stated in another way, the individual is the key to resolving the environmental crisis. If he is not willing to pay the price—and it is a price not measured in dollars alone—then the fight for a clean environment is foredoomed to failure.

In my judgment, an annual observance of Earth Day would serve to renew each individual American's commitment to the antipollution effort and allow us to review what progress has taken place and determine what efforts remain to be taken during the following year.

I am today, therefore, introducing a resolution to authorize the President to designate the third Wednesday of April of each year as Earth Day. The text of my resolution follows:

H.J. RES. 1186

A joint resolution designating the third Wednesday of April of each year as Earth Day

Whereas, the overwhelming response of the entire nation to Earth Day, 1970, indicates the keen awareness of the American people for the need to improve the quality of the environment, and

Whereas, this need has national and international import; and

Whereas, this need is a continuing one and should be constantly reviewed to determine what progress has taken place and what efforts remain to be taken during the following year; and

Whereas, such an annual day of observance would serve to renew each individual American's commitment to the anti-pollution effort: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Wednesday of April of each year is designated as "Earth Day," a day to renew each individual American's commitment to the anti-pollution effort. The President is authorized and requested to issue annually a proclamation calling upon the people of the United States to observe such day with appropriate activities.

An annual reappraisal of our course, our efforts, and our progress would be extremely beneficial, and I urge favorable consideration of my proposal at an early date.

Mr. Speaker, I am proud that the counties in my district in south Florida planned a very active part in yesterday's observance. The following news articles from the South Dade News Leader and the Key West Citizen outline the programs organized in Dade and Monroe Counties:

[From the South Dade (Fla.) News Leader, April 15, 1970]

DADE COUNTY SCHOOLS, COLLEGES TO OBSERVE E-DAY

Dade students will observe the nationwide Environmental Teach-In April 22 by planting seeds, visiting sewer treatment plants and holding neighborhood clean-up drives.

E-Day, a nationwide movement, is designed to make us all aware of the threat to our ecology, and to encourage individual responsibility in keeping our environment habitable.

Most Dade schools have ongoing programs in ecology. These will be supplemented by classroom discussions and reports, poster displays, field trips and school-wide assemblies.

Activities will vary with each school, according to Mrs. Harriet Ehrhard, science consultant.

Sixth grade pupils at Broadmoor Elementary will talk to first and second grade classes about pollution: its dangers and prevention, and about keeping our surroundings clean.

A group of youthful student reporters at Kinloch Park Junior High will discuss the question, "Why is the American Rush for Progress Permitted to Destroy the Nation?" and offer both individual and group solutions to the problem. They'll also write letters to-the-editors of local newspapers discussing how they feel about pollution and what they as individuals can do about it.

A fifth grade group at Miami Shore's Elementary has written and produced a skit which has been shown to the community groups and will be televised on Channel 2 at 1 p.m., April 25.

Miami Beach Senior High will move the E-Day observance up to April 20 and is planning to hold a rock band performance of songs relating to pollution during lunch period. The school paper already has devoted one issue to environmental problems and will do so again on the 20th.

Mrs. Ehrhard said the study of ecology and the environment has been part of biology and science courses in Dade for many years.

"We are stressing it more now," she said, "but we always have made our students aware that they must take care of and be cautious about what they do with the things that surround them. We always have taught the importance of clean air and clean water and that we must preserve our natural resources."

Miami-Dade Junior College students and faculty will join hundreds of colleges across the country in observance of Earth Day.

For the National Environmental Teach-In, a series of programs, films and special guest speakers has been planned on both North and South Campuses.

The event, sponsored at M-DJC South by the Division of Natural Sciences, will feature three guest speakers. Ralph Renick will present WTVJ's award-winning documentary, "A Dirty Shame," at 9 a.m. Dr. Milton Kolipinsky of the U.S. Geological Survey will discuss environmental problems in South Florida at 11 a.m., and Paul Leach of the Dade County Pollution Control Board will speak on governmental protection of the environment at 3:25 p.m. All lectures are scheduled for Room 2108 of the Trammell Learning Resource's Center and are open to the public.

The public is also invited to attend any of the classroom lectures that will be devoted to environmental problems during the week. On April 20 and 24, Dr. Wallace Orgell will lecture on "Resources, Wastes and Survival" at 2:25 p.m. On April 24, T. A. Toney will speak on "Use and Abuse of Subsurface Water" at 3:25 p.m. On April 21 and 23, Dr. John Zaharis will speak on "Population Pollution" at 7 a.m., Dr. Roy Jervis on Pollution in the Gene Pool" at 9:50 a.m., and Dr. Robert Brown on "Rape, Ruin, Retchedness" at 11:15 a.m.

Observances at M-DJC North are being sponsored by the Community College Studies Department. Speakers on April 22 include nationally known author Philip Wylie, Dade Thornton of the Florida Audubon Society and Robert Evans of the Dade Pollution Control Board. Wylie and Thornton will lead a discussion with students and the public at 9:15 a.m. in the McArthur Science and Technology Building patio. Bill Anderson, former Disney photographer and naturalist, will conduct slide and film lectures at 11 a.m. and 2 p.m. in Room 2151 of the Science and Technology Building.

Other activities at North Campus include participation of a student group named "Environment!" which has compiled a bibliography of articles and books dealing with environmental problems and possible solutions. The group has also gathered a list of films available to students and to the general public.

The students have also formed a speakers bureau and are urging every academic department at the campus to devote April 22 classes to environment and the way that environmental problems relate to the subject matter of the course.

Another group of students enrolled in a South Campus Continuing Education course, "Man and His Environment," has devoted the final three weeks of classes to contacting civic groups urging them to use their April meetings to discuss environmental problems.

[From the Key West (Fla.) Citizen, Apr. 19, 1970]

Local Schools To Take Part in Environmental Teach-In

Monroe County schools—both teachers and pupils—will become totally involved in a nationwide Environmental Teach-In on Wednesday, April 22.

Superintendent of Schools, Armando J. Henriquez, in announcing the participation said it was in accordance with the request of State Commissioner for Education Floyd T. Christian that all schools throughout the state join in the nationwide effort.

Superintendent Henriques requested and received from the principals of the Monroe County schools the plan of each for participation in the "E-Day" observance. These plans include a varied number of activities from the reading of newspaper articles on Environment to, in one case, a "Litterbug Convention."

School children will view film strips on the environmental crisis, take part in clean up campaigns and make field trips to waterfront areas to observe at first hand the harm being done in the area of water pollution by the dumping of waste materials into the waters of our oceans and bays. Other children will draw posters depicting before and after scenes of pollution.

Science classes will conduct tests on conservation, take them home and discuss them with their parents. Senior high biology and chemistry students will conduct extensive studies of ecology and related terms.

Panel discussions on the growing pollution problem in the United States will occupy some junior high school students with areas of concern being garbage disposal, the yacht basin, sewage disposal, canal and stream pollution and oil slicks in surrounding waters.

Also to be featured in the Environmental Teach-In will be talks before assemblies by members of the Florida State Conservation Department.

"I am pleased," said Henriquez, "with the response of the schools to the participation in 'E-Day'. The detailed reports of planned participation indicate a real interest on the part of our students and our teachers in the environmental crisis which faces our nation.

"It is a matter which should concern every citizen—especially future citizens, now in school, who will have to face up to the perils of pollution if some nationwide corrective action is not taken by responsible leaders in business and in government."

While we have allowed technology—in the name of progress—to pollute our natural resources, we have been most fortunate to have many farsighted individuals whose actions have preserved many areas in south Florida. In the 12th District of Florida alone we have three parks under the National Park System—the Everglades National Park, the Biscayne National Monument, and Fort Jefferson National Park—three national wildlife refuges—the Key Deer Refuge, the Great White Heron Refuge, and the Key West National Wildlife Refuge—and Florida's John Pennekamp Coral Reef State Park in the Florida Keys. The Pennekamp Park is the first underseas park within the continental United States.

But what was emphasized yesterday was that this is not enough. If our air and our water are polluted our efforts to protect the endangered species or to preserve the beauty of the Florida Everglades or the Biscayne Bay will quickly be nullified.

The solution to our environmental crisis will come from many sources. Our efforts in the Congress to formulate programs to purify our air and water must continue and expand. Efforts in industry must be doubled. But the most important factor, in my judgment, is individual commitment. Ecology is as much an attitude as a science.

H.R. 17140—RESTORE CONFIDENCE TO OUR MONEY THROUGH CONSTITUTIONAL GOVERNMENT

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the American people are bombarded with fearful reports on war, poverty, pollution, inflation, strikes, and violence, yet the foremost concern to every citizen is his money and its buying power.

Because of this I have introduced H.R. 17140, a bill to vest in the Government of the United States the absolute, complete, and unconditional control over our money through Government ownership and control of the 12 Federal Reserve banks.

I have taken this action because of an ever-increasing lack of public confidence in the private monopoly which presently is in charge of our money. Confidence and stability in our fiscal affairs could be restored by the Federal Reserve Board and private bankers but they refuse to discipline themselves voluntarily to meet the crisis they have precipitated.

Since the Federal Reserve bankers lack the responsibility to perform their duty, then Congress must concede that the Federal Reserve Act of 1913 has, by experience, proven itself a failure.

When the Federal Reserve Act was signed into law in 1913 the U.S. public debt was $1 billion. As of January 1970 our national debt was $382 billion. The combined national debt—Federal, State, county, municipal, corporate, and private—is fast approaching $2 trillion. The non-Federal debt is estimated at $1,347 billion. Farm debt at the end of 1969 has reached nearly $60 billion—up from $25 billion or almost doubled in the last 10 years.

We but owe it to ourselves, is the response of the liberals to the figures. We owe it to someone but not to ourselves because we do not own our own money.

Consider that according to the Treasury report of January 1970 the total coinage in circulation was $5,965,000,000 and the total currency in circulation was $47,026,000,000. Yet of this evidence of wealth totaling $52,991,000,000 if $46,431,000,000 is Federal Reserve notes which belong to the Federal Reserve then only $595,000,000 in currency belongs to our people or the Government. And this $46 billion of the Federal Reserve is lent into circulation by commercial banks for which credit on credit our people as borrowers pay interest.

Considering that the estimated interest on the national debt this year will exceed $18 billion it must be apparent that this kind of credit lending has been a profitable institution, but not for our people or our country.

Inflation and recession are destroying both the poor and the entrepreneur. Interest rates, already exceeding usury, give no sign of lowering and under the expected economic law of supply and demand can be expected to soar higher. Unemployment increases stealthily. Most workers and producers are falsely led to believe the answer lies only in wage increases or price increases. The consumer seeks relief through price controls.

And behind the scenes our academic economists fumble to "think tank" sophisticated solutions to a problem they are unable to understand because its beneath their comprehension. And any of the many proposals of the controlled intellectuals in the service of the cabal can but be temporal and could only worsen the problem by entending the time of any solution.

The Federal Reserve exclusive franchise was a mistake. Congress in 1913 erred tragically when it imprudently delegated full control over our money to the Federal Reserve moneychangers—a private banking cartel. The act may carry de facto legality but no informed individual can deny its unconstitutionality and unjust powers over the money of our people.

Yet fear pervades our land and those who know the truth and could act or relegated to silence because someone's political future may be threatened or a friend embarrassed. My only comment is that unless we corral this monster in our midst the very Republic which includes not only the wealth but the intellect, will be demolished. We walk by faith and not by sight. Should confidence fail or falter the mightiest will fall first.

My bill H.R. 17140 provides the only viable and effective solution to the breakdown in confidence of our money and financial system. It is very simple. That we return the banks of the Federal Reserve System and full control over our money to the Congress. I claim no pride in authorship because this is as was intended by the Founding Fathers when they provided in the U.S. Constitution—the law of the land:

> The Congress shall have the power—
>
> 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures (Article 1, Section 8, clause 5).

Who should the people trust more than their Congress—if they disapprove

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we can be eliminated at the polls. Unelected bureaucrats and monopolistic bankers, never.

We of this House are the sole representatives of the American people. Our system is not a democracy because we are the only elected officials in the federal system. The Founding Fathers intended that the power to issue and control money was only to be entrusted to the hands of those elected officials who are constantly accountable to the voters.

This H.R. 17140 will do.

I insert the text of H.R. 17140 at this point:

H.R. 17140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

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AWARD OF CONTRACT BY NASA TO GENERAL ELECTRIC CORPORATION FOR PHASE D OF APPLICATIONS TECHNOLOGY SATELLITE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BEALL), is recognized for 20 minutes.

Mr. BEALL of Maryland. Mr. Speaker, I take the floor today to bring to the attention of the Members of the House the award of a contract recently by the National Aeronautics and Space Administration to the General Electric Corp. for phase D of the applications technology satellite—F and G—program. On the basis of information I have received I feel that it is in the best interest of the Government of the United States to further examine events leading up to the announcement of this contract before any official award is made by the National Aeronautics and Space Administration to General Electric Corp.

I would like to relate to you a brief history of this project and some of the incidents that have come to my attention which would indicate that perhaps one contractor was clearly favored over another.

After extensive preliminary procedures early in 1969 NASA selected the Fairchild-Hiller Corp. and the General Electric Corp. as competitors in phase D of the applications technology satellite program in May of 1969. Both of these competitors received procurement packages and resubmitted the proposals to NASA for examination in September 1969. Conversations were held and new proposals were submitted at the end of December. Following further examination by NASA, a resubmission of the cost estimate was requested and the contractors were given an estimated award date of April 1970.

It appears that during the period of September to the final announcement in April, certain things happened that worked to the benefit of the General Electric Corp. and to the detriment of the other bidder, the Fairchild Hiller Corp.

In competitive bidding of this type, where cost-plus plays an important part, one of the prime considerations differentiating between the competitors should be the technical excellence of the design. During the evaluation process in this particular competition, however, there is evidence that technical innovations developed by Fairchild eventually became a part of the competitor's proposal. These changes, therefore, had the effect of diminishing the technical superiority Fairchild-Hiller had displayed.

Further, I have learned that NASA distributed Fairchild's proposal to its technical evaluators prior to the time that General Electric even submitted its proposal. This, therefore, provided General Electric the opportunity to learn Fairchild's price even before they submitted their bid. Apparently, the National Aeronautics and Space Administration allowed General Electric to submit its final revised proposal 1 week beyond the previously determined date for submission.

There is further evidence that General Electric was permitted to submit technical changes in its final revised proposal which is contrary to NASA's own instruction.

There is also evidence that the final price reduction made by the General Electric Corp. resulted from a change in accounting procedures rather than any real savings occasioned by substantive provisions.

An analysis of the procedures used in this particular competition can only lead one to the conclusion that the decision to make the award was based on something other than objective examination. It would appear that the competitors size, the number of previous space programs, and other factors might have been used. It is further evident that the competitive nature of the program was diluted because of events that transpired between the period September of 1969 and April of 1970. Through this period the submission and resubmission of proposals has given one contractor the opportunity to take advantage of technical innovations introduced by the other; in this case, the Fairchild-Hiller Corp.; in its original proposal. That result, therefore, is to eventually eliminate the technical advantage Fairchild had in September.

While the result would appear to be reprehensible in this case, this practice carried to its extreme would be catastrophic to the competitive bidding process. Eventually, the larger companies would be able to take advantage of any technological superiority in a smaller organization and the eventual result would be that the smaller companies would be forced out of the market. This then, would place the Government at the mercy of a monopolistic industry.

Upon learning about this contract and the items that I just mentioned, I requested that the Administrator of the National Aeronautics and Space Administration, Dr. Thomas P. Paine, provide a review of this whole bidding process and I, of course, asked the General Accounting Office to do likewise. Dr. Paine acknowledged this request and has indicated his willingness to submit to such an examination. In the meantime, however, NASA has notified the Fairchild-Hiller Corp. that it is eliminating certain funding the contractors have been receiving.

Both Fairchild Hiller and General Electric have been receiving a certain amount per month in order to cover their costs since the submission of the original proposals. The decision to eliminate Fairchild's funds has the effect of rendering inconsequential the results of any investigation that might be made into the propriety of the bidding procedure and the validity of the announced intention to make the award. The capacity to produce a contract of this nature obviously depends to a great degree on the ability of the technical team that is assembled by the contractors. The elimination of funds in Fairchild's case would make it virtually impossible to retain the scientific personnel that comprise this team and, therefore, would be imposing an additional injustice on this bidder. In a telegram last Friday, I requested Dr. Paine to continue the funding of both contractors until the General Accounting Office has had the opportunity to determine the validity of his decision.

In view of the scope of the contract and the nature of the information that has been developed, it seems that the only logical course to follow, in the best interests of all concerned, particularly the Government of the United States, is to reexamine the decision to award this contract in an atmosphere that will be free of any potential conflicts.

Because Dr. Thomas Paine was employed by the General Electric Corp. in a high executive capacity for a period of years prior to becoming the Administrator of the National Aeronautics and Space Administration, the charge might be made that he favored one of these two competitors at the expense of the other.

In order to protect Dr. Paine and the highly respected Space Agency from such allegations and in order to ascertain that this contract was awarded strictly on the basis of merit, I would again request that any official award be delayed until such time as a complete examination has been made by the General Accounting Office.

In the meantime, in order to maintain the integrity of the bidding process, it is essential that funding be continued for both contractors.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. BEALL of Maryland. I yield to my colleague from Maryland.

Mr. GUDE. Mr. Speaker, it bothers me—and I have reviewed the formal allegations made in the protest of which the gentleman from Maryland speaks—that one company in this competition apparently started way ahead, but was, by the end of the competition, equalized. What is the point of competition if NASA procurement procedures first encourage equalization and second do not give credit to the competitor who makes the major innovation?

Particularly, what is the chance of the small- or moderate-size competitor in a competition such as this—where this transfusion and equalization process has occurred—as opposed to the industrial grant. NASA may always justify selection of the giant, and say, "Well, they are bigger, and have had more experience, so now—now, not then, but now that they are technically equal we will give it to the bigger, more experienced company." I think there is a serious philosophical question to be explored here, with ramifications that reach beyond the Fairchild-GE competition for the ATS F. & G. It is the question of how NASA procurements are to be conducted—and how protection for technical innovation can be credited to the smaller company struggling against a giant in such a way as to give the smaller company's technical innovation any meaning in the outcome.

I also hope the General Accounting Office, which is an arm of this Congress, will very seriously probe the implications of the late submission of General Electric's revised cost proposal, which I understand included a prohibited technical revision as well, and the effect the late GE submission had on Fairchild-Hiller's posture in the ultimate analysis. It seems that what is good for the goose is good for the gander. If Fairchild-Hiller was denied an extension in which to submit its bid, and GE was likewise denied, why was GE's late submission then accepted? If Fairchild-Hiller's final technical proposal had been disseminated, including reference to hours of production, it seems clear to me that it is entirely possible that General Electric could have known Fairchild-Hiller's price before General Electric even submitted theirs.

Mr. BEALL of Maryland. I thank the gentleman for his contribution, and I agree this is a matter that needs very serious study because the integrity of the entire bidding system is at stake.

LEGISLATION TO ELIMINATE AUTO AIR POLLUTION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced on behalf of myself and 27 other Members of the House H.R. 17199, H.R. 17201, and H.R. 17203, a comprehensive 11-part package of automotive air pollution legislation.

One provision is an updated version of H.R. 13225, legislation I introduced in July 1969, to ban the internal combustion engine. This provision would outlaw the sale of engines which did not meet the pollution levels of the "cleanest feasible propulsion system." Last summer I also introduced H.R. 13281 and H.R. 13320, the first bills ever introduced in Congress to regulate or ban lead in gasoline.

If enacted, this legislation would eliminate auto air pollution by the mid-1970's and achieve, almost immediately, a radical reduction in air pollution.

The legislation includes provisions—

Phasing out large horsepower, high-pollution engines;

Establishing an air pollution trust fund to finance research and development on pollution-free engines and government purchases;

Revising the tax structure to encourage low-pollution engines;

Establishing, on a national basis, the California standards for auto pollution for the 1971, 1972, and 1974 model years;

Establishing pollution standards for used cars and commercial fleets;

Banning lead in gasoline by 1972; and

Revising Government test procedures to include inspection of auto pollution control devices on the assembly line and after they have been in operation.

The recent public statements of the auto industry, claiming major technological advances to alleviate the harmful environmental impact of the automobile appear to me to be sheer hypocrisy. It seems to be more than a coincidence that in the face of mounting public concern the industry is suddenly claiming all kinds of air pollution breakthroughs. Past experience would suggest that there is usually little to such claims. One major auto producer, for example, advertised an air pollution device as being almost immediately available as far back as 1939. The device has yet to make it beyond the design state. Worse, however, if the claims are true, it suggests that the industry has been holding back on development of low pollution engines.

The auto is responsible for up to 92 percent of air pollution in urban areas. This legislation is the result of ad hoc hearings we held in December in New York at which Ralph Nader, the vice presidents of the two major automobile manufacturers, and experts on health and low pollution technology testified on auto air pollution. The report issued as a result of these hearings appears in the February 17, 1970, RECORD on page 3639. The full transcript of the December hearings appears in the February 5, 1970, RECORD on page 2601.

There is a great deal of engineering evidence to suggest that the internal combustion engine cannot be cleaned up sufficiently to bring air pollution down to acceptable levels.

The only way this is going to be achieved is to turn to cleaner alternative propulsion systems like steam or gas turbines. Steam produces one-eightieth the level of carbon monoxide, one fifty-fifth the level of hydrocarbons and one-fourteenth the level of oxides of nitrogen of an unregulated internal combustion engine.

Except for Detroit, which has a vested interest in maintaining the internal combustion engine, almost every expert believes clean alternatives are feasible right now which are cheaper to manufacture and operate and easier for the driver.

Dr. Robert U. Ayres, a noted expert on automotive engineering technology, told our ad hoc hearings in December that when compared to the IC engine under actual testing conditions, steam engines were found to be:

First, mechanically simpler (no clutch, transmission, starter, distributor, carburetor, fuel induction system, muffler, and so forth;

Second, longer lived and more reliable;

Third, more powerful for the size and weight;

Fourth, cheaper to operate;

Fifth, virtually pollution free;

Sixth, quiet;

Seventh, safe and quick to start up; and

Eighth, as efficient under normal driving conditions.

If the American auto industry can build the world's largest auto plant in the Soviet Union, it can produce a pollution free engine in the United States. The industry has the technological capability; all it needs is the economic incentive.

Mr. Speaker, this legislative package will bring about that incentive.

A list of the House sponsors of the legislation, a summary of its provisions, and the text of the three bills follow:

LIST OF THE SPONSORS OF THE LEGISLATION

Leonard Farbstein, Democrat, of New York.

Joseph Addabbo, Democrat, of New York.

William A. Barrett, Democrat, of Pennsylvania.

Mario Biaggi, Democrat, of New York.

Frank J. Brasco, Democrat, of New York.

George E. Brown, Jr., Democrat, of California.

Jeffrey Cohelan, Democrat, of California.

Dominick V. Daniels, Democrat, of New Jersey.

Don Edwards, Democrat of California.

Jacob Gilbert, Democrat of New York.

Seymour Halpern, Republican of New York.

Lee Hamilton, Democrat of Indiana.

Michael Harrington, Democrat of Massachusetts.

Edward I. Koch, Democrat of New York.

Allard K. Lowenstein, Democrat of New York.

Abner J. Mikva, Democrat of Illinois.

Joseph G. Minish, Democrat of New Jersey.

Arnold Olsen, Democrat of Montana.

Richard Ottinger, Democrat of New Jersey.

Edward J. Patten, Democrat of New Jersey.

Bertrum L. Podell, Democrat of New York.

Adam C. Powell, Democrat of New York.

Peter Rodino, Jr., Democrat of New Jersey.

Benjamin S. Rosenthal, Democrat of New York.

William F. Ryan, Democrat of New York.

William St. Onge, Democrat of Connecticut.

John V. Tunney, Democrat of California.

Lionel Van Deerlin, Democrat of California.

SUMMARY OF PROVISIONS OF LEGISLATION

1. Sets auto emission standards on the basis of the cleanest feasible propulsion system.

There is agreement among many recent studies conducted for government that at least two inherently cleaner alternative propulsion systems, steam and gas turbine, are technologically and economically feasible and possibly cheaper to produce and operate.

Current auto emission standards are based on what the inherently pollution IC engine can achieve. Standards should be set on the basis of the cleanest feasible propulsion system and responsibility to carry out the standards left to the auto industry.

2. Large engines which cannot meet the standards would be phased out in 1975.

It must be recognized that conversion to a new propulsion system cannot be completed in one year, but must be done on a gradual basis, beginning with a limited number of lines. Large horsepower IC engines which *cannot* meet the standards should be phased out first based on the following time-table:

Based on sales of 1969 American cars, the phasing out would have the following effect:

(a) 375 horsepower in 1975—Less than 5 percent of new car sales.

(b) 275 horsepower in 1976—35 percent of new car sales.

(c) 175 horsepower in 1977—All but 10 percent of new car sales.

(d) All internal combustion engines in 1978.

Phasing out large horsepower engines first has the advantage of eliminating the highest pollutant first. Large engines burn more fuel and thus produce higher levels of pollution. It also has the following additional advantages:

(a) It is easier to develop a new propulsion system in a large engine.

(b) Fewer people buy automobiles with large engines for personal use, therefore, any recalls that might be necessary to perfect a system would affect fewer people. The industry follows a practice now of putting experimental systems, which may need recalling to perfect them, on "odd-ball lines" that attract fewer customers and inconveniences fewer customers. This would follow that practice.

3. A large scale Federal prototype development program for pollution-free vehicles would be undertaken.

Currently, the Federal Government is developing one prototype rankine (steam) propulsion system. A more extensive program is needed. Such a program would not need to test all forms of propulsion, since steam and gas turbines are generally conceded to be the most feasible and the most developed. Nor would such a program have to undertake initial development. While the spokesmen for the major auto companies were telling a Senate committee that steam autos were not feasible, members of the committee were driving a modern steam car in the Senate basement. Similarly, at least one small company is now producing inexpensive gas turbine engines. What remains to be developed is the mass production capability and not the engine itself. Such a program would also provide a source of technological and cost information independent of the auto industry.

4. Part of the Federal automobile excise tax would be utilized to provide the necessary financing for the air pollution program.

A Federal commitment to eliminating automotive air pollution will require a guaranteed source of funding for the next 4 to 5 years. The mechanism of the automotive excise tax offers a logical source of such funding.

The tax should be recalculated on the basis of the amount of engine horsepower and the amount of pollution produced. This would be in line with the philosophy that the polluter should pay for cleaning up his pollution. It would also reflect a recognition that in addition to producing more pollution, large engines—and this generally means large cars—occupy more parking and road space in our crowded central cities, a privilege for which they should pay.

The revenue collected in excess of the current 7 percent tax level should then be set aside to finance the prototype development and Federal purchase of pollution free automobiles.

5. The Federal Government would be authorized to purchase pollution free vehicles even if they were more costly.

To create a significant market for low pollution vehicles now and thus stimulate earlier production, the Federal Government should purchase entirely pollution free vehicles even if they are more costly than currently available high polluting vehicles.

6. The states would be encouraged to purchase pollution free vehicles by authorizing the use of the highway trust fund to compensate for any added cost.

The states and local governments, like the Federal Government, are major purchasers of new cars, trucks and buses. To stimulate them to purchase pollution-free vehicles, highway trust fund money should be authorized to be used for added cost involved in purchasing them.

B. A radical reduction in automotive air pollution can be achieved almost immediately. What is needed is (7) an increase in interim auto emission standards to those already established for California; (8) the establishment by 1972 to auto emission standards for used cars; (9) the establishment by 1972 of rigorous emission standards for fleet owned vehicles; (10) ban leaded gasoline and regulate the composition of fuel; and (11) regulate rubber and asbestos emissions.

7. Interim auto emission standards would be increased to those already established for California and strengthened enforcement procedures would be established.

According to Federal law, California is the only state that can set its own auto emission standards. It can set standards so long as they are more rigorous than Federal standards and are approved by the Federal Government as "technologically feasible." Standards for 1971, 1972 and 1974 have been approved, which began to regulate oxides of nitrogen in 1971.

We applaud the Administration's announced auto emission standards for 1975, but believe standards more stringent than those for 1970 models are necessary in the interim. We also are pleased that oxides of nitrogen will be regulated, but do not believe we should wait to 1973 to do so. As an interim step, the California standards, which have been approved by the Federal Government as "technologically feasible," should be required of all new cars. There is no reason standards demonstrated to be feasible should be applied just in California.

However, such standards are meaningless if large numbers of devices are found to be defective. The Federal Government should be empowered to conduct assembly line inspections of air pollution devices in place of its present testing of prototype devices, which may or may not be the same as those mass produced. It should also be given the power to inspect devices after 6,000 miles of operation and require recalling of lines found to have defective devices with the auto company picking up the cost of correction.

8. Auto emission standards would be established for used cars by 1972.

To achieve clean air now, air pollution standards should be established for all used cars to go into effect after January 1, 1972. Such standards should apply to all cars sold or licensed after that date.

Even if a pollution free auto could be marketed today, it must be remembered that over 90 percent of the cars on the road are more than one year old, and these cars account for far more than 90 percent of the pollution that comes from the auto. Approximately 10 million new cars are sold annually, and these have an average life of ten years. It would be almost a decade before today's high polluting used cars would be retired.

One of the major auto manufacturers recently announced development of an air pollution device for used cars. An independent firm has also developed and tested such a device. We believe they are now technologically feasible and should be required.

According to evidence presented in connection with the recent Federal suit against the auto industry, United States v. Automotive Manufacturers Association, et al., the auto industry has been conspiring since 1953 to prevent the development or manufacture of anti-pollution devices. If they had not acted in this way, pollution devices might well have been on cars 15 years ago. As the polluter, we do not believe the auto manufacturer should make a profit in selling pollution control devices to owners of autos without devices that they manufactured. It would seem to us that the industry has the obligation to sell and install these devices at cost.

9. Rigorous emission stands would be established by 1972 for fleet owned vehicles.

Fleet owned trucks, buses and taxis make up only 10 percent of vehicular traffic in urban areas, yet account for over 30 percent of the air pollution that comes from vehicles. Fuels, like compressed natural gas, which can operate in current internal combustion engines, can dramatically reduce these pollution levels, and are readily accessible to a fleet operation. The Florida telephone company, for example, has been operating its trucks on one form of natural gas for the past ten years. Rigorous emissions standards for fleet operations should, therefore, be established by 1972. Such standards should be similar to those tentatively established by the State of California for 1975.

10. Leaded gasoline would be banned by mid-1972 and governmental authority established to regulate the composition of fuel.

Leaded gasoline should be banned and the Federal Government empowered to regulate the composition of fuel. Current engines need no modification to use unleaded gasoline. One oil company has been marketing a premium brand non-leaded gasoline for many years.

There is currently a "gentlemen's agreement" in the oil industry limiting to 4 grams per gallon the lead content of gasoline. This should be phased out in accordance with the following time table:

(a) 3 grams per gallon after January 1, 1971.

(b) 2 grams per gallon after June 30, 1971.

(c) 1 gram per gallon after January 1, 1972.

(d) 0 gram per gallon after June 30, 1972.

Gasoline is the largest unregulated source of lead in the atmosphere—98 percent—and can be directly correlated with the level of lead in the air. Forty-five percent by volume of lead in gasoline ends up in the air. We do not believe this uncontrolled experiment can be permitted to go on any longer. Leaded gas must be totally banned by mid-1972.

Elimination of lead from gasoline would not only remove the major source of unregulated lead in the atmosphere, but would reduce emission from hydrocarbons and carbon monoxides as well which are increased as a result of the presence of lead. Except for the oil and lead industries, there was unanimous support in recent California legislative hearings on the banning of lead. The auto industry, we believe, is supporting a ban because it sees the result of pollution reduction as one way of taking the pressure off the move to ban the IC engine, and to buy time until approximately 1980.

Many of the additives and other components of fuel also contribute hazardous emission to the atmosphere. The Federal Government should have the power to regu-

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late the composition of fuel to reduce this hazard.

11. Federal auto emission standards would be established for rubber and asbestos.

Federal auto emission standards should be established for rubber and asbestos as well as for carbon monoxide, hydrocarbons and oxides of nitrogen. Testimony at our hearing revealed the health hazards of these previously little noticed pollutants. Rubber emission comes primarily from auto tires and can be reduced. Asbestos in the air comes primarily from automotive brake systems and can also be reduced.

TABLE 1.—POLLUTION CHARACTERISTICS OF VARIOUS PROPULSION SYSTEMS

[In grams per mile]

	Internal combustion engine (unregulated)	Internal combustion engine on natural gas	Gas turbine [1]	Steam engines [2]
Hydrocaronbs	11	[3] 1.5	0.32	0.2
Carbon monoxide	80	6.0	3.5	1.0
Oxides of nitrogen	4	1.5	1.9	.4

[1] Based on the Chrysler Corp. experimental gas turbine car.

[2] Based on Williams steamcar tested by Mobil Oil Corp. in December 1966.

[3] Mostly nonreactive hydrocarbons.

TABLE 2.—COMPARISON OF EMISSION RECOMMENDATIONS

[In grams per mile]

	Current 1970 model	California			Nixon		This legislation, 1975–78
		1971	1972	1974	1973	1975	
Hydrocarbons	2.2	2.2	1.5	1.5	2.2	0.5	0.2
Carbon monoxide	23.0	23.0	23.0	23.0	23.0	11.0	1.0
Oxides of nitrogen		[1] 4.0	3.0	1.3	3.0	.75	.4

[1] The regulation of hydrocarbons and carbon monoxide has increased the emission of oxides of nitrogen beyond the level of the unregulated internal combustion engine. The chemical conditions relied upon in antipollution devices to date have increased the emission of oxides of nitrogen.

H.R. 17199

A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emission Standards Act Amendments of 1970."

SEC. 2. Section 202 of the National Emission Standards Act is amended by striking out in subsection (b) thereof "prescribed under this section," and inserting in lieu thereof "prescribed under subsection (a) of this section" and by adding at the end thereof the following:

"(c)(1) In addition to standards prescribed under subsection (a) of this section, the Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable, but not later than June 30, 1971, standards applicable to the emission of any kind of substance, from any class or classes of new motor vehicles propelled by any system other than one using an internal combustion engine, and new motor vehicle engines other than internal combustion engines, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standard shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

"(2) The regulations initially prescribed under this subsection shall be applicable (A) on and after January 1, 1975, to all new motor vehicles propelled by engines having 375 horsepower or more and to all new motor vehicle engines having 375 horsepower or more (B) on and after January 1, 1976, to all such new vehicles and engines having 275 horsepower or more (C) on and after January 1, 1977, to all such new vehicles and engines having 175 horsepower or more, and (D) on and after January 1, 1978, to all new motor vehicles and new motor vehicle engines. Amendments to any regulations prescribed under this subsection shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.

"(d)(1) In addition to standards prescribed under subsections (a) and (c), the Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe, as soon as practicable, standards applicable to the emission of any kind of substance, from any class or classes of motor vehicle or motor vehicle engines sold, or offered for sale in commerce, other than a new motor vehicle or new motor vehicle engine sold or offered for sale to an ultimate consumer, which in his judgment cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution. Standards prescribed under this subsection may be amended by the Secretary by regulation in the same manner as in the case of prescribing the initial standards. Standards initially prescribed under this subsection shall establish maximum levels of emission for at least the following: reactive hydrocarbons, carbon monoxide, and oxides of nitrogen. Standards first prescribed under this subsection shall become effective as of January 1, 1972, and subsequent standards or amendments to then existing standards shall become effective on the date specified in the order promulgating such regulations, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance.

"(2) Whoever sells or offers for sale in commerce or introduces or delivers for introduction into commerce any motor vehicle or motor vehicle engine which is not in conformity with standards issued under paragraph (1) of this subsection shall be subject to a fine of not more than $500 if he is not engaged in the business of selling motor vehicles or motor vehicle engines and of not more than $1,000 if he is so engaged in such business."

SEC. 3. The National Emission Standards Act is amended by renumbering section 212 as section 217 and by inserting immediately after section 211 the following:

"RESEARCH AND DEVELOPMENT

"SEC. 212. The Secretary shall conduct and accelerate research and development of propulsion systems for use in motor vehicles, other than those using internal combustion engines, which systems are technologically and economically feasible including, but not limited to, mass production methods and techniques. Such research and development shall include cost analysis of mass production of such feasible propulsion systems, and such cost analysis shall be independent of those produced by manufacturers. Any knowledge and information resulting from research or development, including cost analysis, carried on under this section shall be public information.

"FEDERAL LOW-EMISSION VEHICLE PROCUREMENT

"SEC. 213. (a) For the purpose of this section—

"(1) 'Board' means the Low-Emission Vehicle Certification Board;

"(2) 'Federal Government' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

"(3) 'motor vehicle' means any vehicle, self-propelled or drawn by mechanical or electrical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes;

"(4) 'low-emission vehicle' means any motor vehicle which meets the regulations prescribed under section 202(c) of this title.

"(b) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary of Transportation or his designee, the Secretary of Health, Education, and Welfare or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of the General Services Administration, and one member appointed by the President. The Secretary of Transportation or his designee shall be the Chairman of the Board.

"(c) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(d) (1) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(2) The Chairman may fix the time and place of such meetings as may be required.

"(3) The Board is granted all other powers necessary for meeting its responsibilities under this Act.

"(e) The Secretary of Health, Education, and Welfare shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this Act.

"(f) The Board shall certify any class or model of motor vehicles—

"(1) for which a certification application has been filed in accordance with subsection (h) of this section;

"(2) which is a low-emission vehicle as determined by the Secretary of Health, Education, and Welfare; and

"(3) which it determines is suitable for use as a substitute for a class or model of vehicles presently in use by agencies of the United States.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

"(1) the safety of the vehicle;
"(2) its performance characteristics;
"(3) its reliability potential;
"(4) its serviceability; and
"(5) its fuel availability.

"(g) Certification under this section shall be effective for a period of two years from the date of issuance.

"(h)((1) Any party seeking to have a class or model of vehicles certified under this Act shall file a certification application in accordance with rules established by the Board and published in the Federal Register.

"(2) The Board shall publish a notice of each application received in the Federal Register.

"(3) The Board shall determine whether or not the vehicle for which application has been properly made is a low-emission vehicle in accordance with procedures established by it and published in the Federal Register.

"(4) The Board shall conduct whatever investigation necessary, including actual inspection of the vehicle at a place designated by the Board in the certification application rules established under this section.

"(5) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

"(6) Within ninety days after the receipt of a properly filed certification application, the Board shall reach a decision by majority vote as to whether such class or model of vehicle is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

"(7) The Board shall publish in the Federal Register, within ninety days after the receipt of a properly filed certification application, a report of its decision on such application which sets forth with particularity the reasons for granting or denying certification, together with dissenting views.

"(i) As soon as possible, but no later than January 1, 1973, only certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government.

"(j) For the purposes of this section any statutory price limitations shall be waived, and the procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase before purchasing any other vehicles for which the low-emission vehicle is a certified substitute.

"(k) This section shall take effect upon its enactment and the Board shall promulgate the procedures required to implement this section within ninety days thereafter.

"STATUTORY STANDARDS

"Sec. 214. (a) Notwithstanding any other provision of this title, the maximum level of emission from any new motor vehicle or new motor vehicle engine, expressed in grams per mile, with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen shall be as follows: Reactive hydrocarbons—2.2 for 1971, 1.5 for 1972, 1973, and 1974; carbon monoxide—23.0 for 1971 through 1974; oxides of nitrogen—4.0 for 1971, 3.0 for 1972 and 1973, and 1.3 for 1974. For the years after 1974, such levels shall be determined by the Secretary in accordance with this title but such levels shall not exceed those established herein for 1974.

"(b) Nothing in this section shall be construed to prohibit the Secretary from establishing for any year with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen emission standards establishing lower levels of emission than those provided in this section.

"(c) The Secretary shall conduct such inspections and investigations as may be necessary to enforce standards established under this title, including, but not limited to, (1) the inspection (continuously or periodically) of new motor vehicles and new motor vehicle engines and items of equipment necessary to conform such vehicles and engines to such standards, at the time and place of manufacture (including the assembly of parts of such vehicles, engines, or items of equipment), and (2) the inspection of new motor vehicles and new motor vehicle engines after such engines have been operated at least 6,000 miles but not more than 50,000 miles. Any inspection of a new motor vehicle or new motor vehicle engine, after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine volunteers to permit such inspection to be made. If, as a result of any such inspection or investigation, the Secretary determines that any new motor vehicle or new motor vehicle engine is no longer in conformity with regulations prescribed under this title because of any defect in such vehicle or engine, the manufacturer of such vehicle or engine shall furnish notification of such defect to the owner of such vehicle or engine within a reasonable time after such manufacturer has been notified of such defect by the Secretary. Such notification to the owner shall contain a clear description of the defect, a statement of measures to be taken to repair such defect, and a commitment of the manufacturer to cause such defect to be remedied without charge.

"FLEET OPERATIONS

"Sec. 215. After January 1, 1972, if a person is engaged in any business, commercial, industrial, or other activity which results in any year in such persons' operating, directly or indirectly, ten or more motor vehicles, each such motor vehicle without regard to age or condition, must produce a level of exhaust emissions of not more than .5 grams per mile of reactive hydrocarbon, 11 grams per mile of carbon monoxide, and .75 grams per mile of oxides of nitrogen. Violations of this section shall be subject to injunction and the penalties provided in section 204 and 205 of this Act in the same manner and to the same extent as is provided therein for violations of paragraphs (1), (2), and (3) of section 203(a) of this Act.

"RUBBER AND ASBESTOS STANDARDS

"Sec. 216. No later than January 1, 1972, the Secretary shall, acting under and in accordance with the authority given him by this title, prescribe maximum levels of emission of rubber and asbestos from motor vehicles and motor vehicle engines."

Sec. 4. (a) Subsection (a) of section 210 of the National Emission Standards Act is amended to read as follows:

"(a) The Secretary may by regulation designate any fuel (which, for purposes of this section, means only fuel intended for use in the transportation of any person or thing) or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section."

(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(A) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(B) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or tne manner of such use)."

(c) The subsection of section 210 herein redesignated as subsection (c) is amended by striking out "For purposes of this section, the Secretary shall" and inserting in lieu thereof "For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emisison control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions of unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purpose of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall"; by inserting in clause (2) "the description of any analytical technique that can be used to detect and measure such additive in fuel," after "above,"; by striking out in such clause "to the extent such information is available or becomes available,"; by striking out "clauses (1) and (2)" in the second sentence and inserting in lieu thereof "the provisions of this subsection"; and by striking out "such fuel additive" in such sentence and inserting in lieu thereof "such fuel or fuel additive."

(d) The subsection of section 210 herein redesignated as subsection (d) is amended by inserting between the first and second sentences the following new sentences: "The Secretary may disseminate any information obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will contribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution." The first sentence of such subsection is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)."

(e) The subsection of section 210 herein redesignated as subsection (e) is amended (1) by adding "or subsection (b)" after "subsection (a)"; and (2) by striking out "$1,000" and inserting in lieu thereof "$10,000".

(f) The amendment made by subsection (e) (2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under subsection (a) of section 210 of such Act or a standard established under subsection (b) of such section, as amended by this Act, applies

(g) Notwithstanding any of the amendments made by this section, after January 1, 1971, no person shall process, blend or produce in any way any gasoline containing any component of lead in excess of 3 grams per gallon, nor may any such gasoline be imported into the United States. After June 30, 1971, no person shall process, blend or produce in any way any gasoline containing any component of lead in excess of 2 grams, nor may any such gasoline be imported into the United States. After June 30, 1972, no person shall process, blend or produce in any way any gasoline containing any component of lead in excess of 0 grams per gallon, nor many any such gasoline be imported into the United States. Whoever violates this subsection shall forfeit and pay to the United States a civil penalty of $1,000 for each gallon of gasoline processed, blended, produced, or imported in violation of this subsection. Such penalty may be recovered in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application, remit or mitigate any such forfeiture.

H.R. 17201

A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low emission vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 4061 (a) of the Internal Revenue Code of 1954 (relating to motor vehicle excise tax) is amended—

(1) by striking out "the specified percent of the price for which so sold" in the matter preceding paragraph (1) and inserting in lieu thereof the following: "a percent of the price for which so sold equal to the specified percent determined under paragraph (1) or (2), plus (in the case of an article taxable under paragraph (2)) the percent determined under paragraph (3)", and

(2) by adding at the end thereof the following new paragraph:

"(3) (A) (i) An article taxable under paragraph (2) which when sold is a motor vehicle is taxable under this paragraph at a percent determined by adding the percent determined under subparagraph (B) to the percent determined under subparagraph (C).

"(ii) An article taxable under paragraph (2) which when sold is not a motor vehicle is taxable under this paragraph at 4.5 percent.

"(B) Each motor vehicle referred to in subparagraph (A) (i) is taxable at a percent, based on the brake horsepower of the engine of such vehicle, determined under the following table:

"If the brake horsepower is—	Then the percent is—
Not over 175	.0
Over 175, but not over 275	0.5
Over 275, but not over 375	.1
Over 375	1.5

"(C) Each motor vehicle referred to in subparagraph (A) (i) is taxable at a percent, based on the grams of carbon monoxide it emits per mile, determined under the following table:

"If the grams of carbon monoxide emitted per mile is—	Then the present is—
Not over 11	0
Over 11	¼ of 1 percent for each gram in excess of 11

"(D) For purposes of subparagraph (C), carbon monoxide emissions of a motor vehicle shall be determined (in accordance with regulations prescribed by the Secretary or his delegate) on the basis of the standard tests conducted by the Secretary of Health, Education, and Welfare on vehicles of the same kind for purposes of determining whether such vehicles meet the omission standards prescribed under section 202 of the National Emission Standards Act.

(2) The amendments made by paragraph (1) of this subsection shall apply with respect to articles sold on or after the day after the date of enactment of this Act.

(b) Amounts received in the Treasury by reason of the tax imposed by section 4061 (a) (3) of the Internal Revenue Code of 1954 shall be paid into a separate account in the Treasury and shall be available for appropriation only to carry out section 212 of the National Emission Standards Act (as amended by section 2 of this Act) and to pay the amount by which the price of certified low-emission vehicles purchased by the United States in accordance with section 213 (i) of such Act (as so amended) exceeds the price of similar automobiles which are not certified low-emission vehicles.

SEC. 2. The National Emission Standards Act is amended by renumbering section 212 as section 214 and by inserting immediately after section 211 the following:

"RESEARCH AND DEVELOPMENT

"SEC. 212. The Secretary shall conduct and accelerate research and development of propulsion systems for use in motor vehicles, other than those using internal combustion engines, which systems are technologically and economically feasible including, but not limited to, mass production methods and techniques. Such research and development shall include cost analysis of mass production of such feasible propulsion systems, and such cost analysis shall be independent of those produced by manufacturers. Any knowledge and information resulting from research or development, including cost analysis, carried on under this section shall be public information.

"FEDERAL LOW-EMISSION VEHICLE PROCUREMENT

"SEC. 213. (a) For the purpose of this section—

"(1) 'Board' means the Low-Emission Vehicle Certification Board;

"(2) 'Federal Government' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

"(3) 'motor vehicle' means any vehicle, self-propelled or drawn by mechanical or electrical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes;

"(4) 'low-emission vehicle' means any motor vehicle which meets the regulations prescribed under section 202 (c) of this title.

"(b) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary of Transportation or his designee, the Secretary of Health, Education, and Welfare or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of the General Services Administration, and one member appointed by the President. The Secretary of Transportation or his designee shall be the Chairman of the Board.

"(c) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(d) (1) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(2) The Chairman may fix the time and place of such meetings as may be required.

"(3) The Board is granted all other powers necessary for meeting its responsibilities under this Act.

"(e) The Secretary of Health, Education, and Welfare shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this Act.

"(f) The Board shall certify any class or model of motor vehicles—

"(1) for which a certification application has been filed in accordance with subsection (h) of this section;

"(2) which is a low-emission vehicle as determined by the Secretary of Health, Education, and Welfare; and

"(3) which it determines is suitable for use as a substitute for a class or model of vehicles presently in use by agencies of the United States.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

"(1) the safety of the vehicle;
"(2) its performance characteristics;
"(3) its reliability potential;
"(4) its serviceability; and
"(5) its fuel availability.

"(g) Certification under this section shall be effective for a period of two years from the date of issuance.

"(h) (1) Any party seeking to have a class or model of vehicles certified under this Act shall file a certification application in accordance with rules established by the Board and published in the Federal Register.

"(2) The Board shall publish a notice of each application received in the Federal Register.

"(3) The Board shall determine whether or not the vehicle for which application has been properly made is a low-emission vehicle in accordance with procedures established by it and published in the Federal Register.

"(4) The Board shall conduct whatever investigation necessary, including actual inspection of the vehicle at a place designated by the Board in the certification application rules established under this section.

"(5) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

"(6) Within ninety days after the receipt of a properly filed certification application, the Board shall reach a decision by majority vote as to whether such class or model of vehicle is a suitable substitute for any class

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or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

"(7) The Board shall publish in the Federal Register, within ninety days after the receipt of a properly filed certification application, a report of its decision on such application which sets forth with particularity the reasons for granting or denying certification, together with dissenting views.

"(i) As soon as possible, but no later than January 1, 1973, only certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government.

"(j) For the purposes of this section any statutory price limitations shall be waived, and the procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase before purchasing any other vehicles for which the low-emission vehicle is a certified substitute.

"(k) This section shall take effect upon its enactment and the Board shall promulgate the procedures required to implement this section within ninety days thereafter."

H.R. 17203

A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Low-Emission Vehicle Procurement Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "Federal-aid highway system apportionment" means an apportionment for a fiscal year to a State under one of the five paragraphs of section 104(b) of title 23, United States Code;

(2) the term "Governor" means the chief executive officer of a State;

(3) the term "State" means a State, the District of Columbia, or Puerto Rico.

GRANTS

SEC. 3. The Governor of a State may elect to use all or part of one or more of any Federal-aid highway system apportionment for such State for a fiscal year for the purpose of reimbursing such State and its political subdivisions for the additional cost to such State and its political subdivisions (determined under regulations of the Secretary of Transportation) of purchasing low-emission vehicles (meeting standards prescribed by the Secretary) for their own use. The election authorized herein shall be made in such manner as the Secretary of Transportation shall by regulation prescribe, within sixty days after the Secretary of Transportation certifies to the Governor, pursuant to title 23, United States Code, the sums apportioned to that State for a fiscal year.

AMENDMENT TO TITLE 23, UNITED STATES CODE

SEC. 4. (a) Section 104(e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief executive officer of each State."

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a State has elected to use to carry out section 3 of the State Low-Emission Vehicle Procurement Act."

(c) Section 104 of such title is amended by adding at the end thereof the following new subsection:

"(f) No amount which the Governor has elected to use to carry out section 3 of the State Low-Emission Vehicle Procurement Act in a fiscal year shall be available for expenditure for Federal-aid highways under this title."

(d) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after."

AMENDMENTS TO HIGHWAY REVENUE ACT

SEC. 5. (a) Section 209(f)(1) of the Highway Revenue Act of 1956 is amended by inserting "(A)" before "making expenditures" and by striking out the period at the end thereof and inserting in lieu thereof the following: "and (B) for the purposes of section 3 of the State Low-Emission Vehicle Procurement Act."

(b) Section 209(g) of such Act is amended by adding at the end thereof the following: "An election by the Governor of a State under section 3 of the State Low-Emission Vehicle Procurement Act to use funds to carry out such section 3 shall not be taken into account in making any adjustment under this section."

EFFECTIVE DATE

SEC. 6. This Act shall take effect upon the first certification of Federal-aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

GIVE 'EM HELL HARRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HALL) is recognized for 15 minutes.

Mr. HALL. Mr. Speaker, on Thursday evening, May 7, at 8:15 p.m., the Junior Chamber of Commerce of Kansas City, Mo., will sponsor the presentation of a two-act documentary drama entitled "Give 'Em Hell Harry."

The play, written by Carl E. Bolte, Jr., will honor our former Chief Executive, the Honorable Harry S. Truman of Missouri. It will dramatize the event-filled years that the former President spent in the White House at 1600 Pennsylvania Avenue.

The date of May 7 was selected for the performance as it is the eve of Mr. Truman's 86th birthday.

Mr. Speaker, I was pleased to accept the request that I serve as one of the honorary chairmen of the event, along with many distinguished Missourians. I pledge to all who plan to attend a most rewarding and nostalgic evening.

Although I have admittedly often been poles apart politically and philosophically from our 33d President, we have always maintained a good friendship and mutual respect that has stood the test of time as well as partisan politics. I can well remember the occasions when the man from Independence visited our part of the State of Missouri, and would designate this Member of Congress to be the "White House physician" for his stay. This of course, due to our service in the executive branch during the Truman administration, and bringing my friend and fellow physician back from World War II in the European theater to become the White House physician.

The script of "Give 'em Hell Harry" has been made available to me and its reading has evoked many memories of the sometimes tumultuous days of the "Fair Deal."

It chronicles the death of President Roosevelt which thrust the former captain, farmer, haberdasher, U.S. Senator, Vice President, into the Nation's highest office during some of the most trying days in the history of the United States.

It recreates the day when Mr. Truman, angry about an unfavorable review of his daughter Margaret's vocal recital, dictated the now famous letter to the Post reviewer offering to "punch him in the nose," should they per chance happen to meet.

The play returns dramatically to the conflicts that led to the decision to drop the first atom bombs on Hiroshima and Nagasaki, Japan. The debate before that decision with Generals Marshall and Arnold, Admiral Leahy, Dr. Conant, Secretary of State Byrnes, and others is all enacted with the final determination made by the oft quoted phrase, "The buck stops here."

We are taken back to May 1946, when Mr. Truman, attempting to solve a crippling railroad strike, took the precarious political step, of drafting the railroad workers into the armed services in order to keep them on the job.

Other scenes in the play depict the creation of the Hoover Commission on the Reorganization of the Congress; the beginning of the Marshall plan; the ill-famed attack on the President and the House of Representatives of enraged Puerto Ricans; the Berlin blockade; the 1948 "whistle-stop" campaign; the "police action" in Korea; and the eventual recalling of General MacArthur; and on into the scandals of the deep freezes and mink coats.

All the history of the Truman years in the White House is portrayed by an excellent cast, tasteful settings, and a dramatic script.

The Junior Chamber of Commerce of Kansas City, Mo., has assumed the responsibility of the ticket sales for this one-night-only performance. It will be held in the Kansas City Music Hall which seats more than 2,500. The Jaycees have pledged the funds from the sale of tickets to be used by the Kansas City Philharmonic Orchestra.

I am sure that many Members of the Congress who know and love this great American would like to attend this production. It is my pleasure to extend an invitation to them to do so. My office will be happy to supply any further information that might be desired.

Those who recall the man who is famous for the phrase, "If you can't stand the heat, stay out of the kitchen," and "the buck stops here," will be delighted with "Give 'em Hell Harry."

THE FEDERAL-AID HIGHWAY SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 20 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I have taken this special order to advise the Members of the House that I am, today, introducing the first of a series of

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bills pertaining to our Federal-aid, highway system and program.

As a member of the Roads Subcommittee from California, I feel the time has come for a new look at our entire highway program. We need to completely evaluate the history of road development in the United States and decide whether or not we have been heading in the right direction, what mistakes have been made and, most importantly, where do we go from here?

This, of course, is the purpose of the hearings now being held by our Public Works Committee.

In previous legislation we took the initiative and called for a "functional classification and needs study" to be conducted by the Federal Highway Administration, in concert with the American Association of State Highway Officials, and the recommendations presented to our committee in 1970—this year.

While I will be participating directly in the framing of the Federal-Aid Highway Act of 1970, during the course of the hearings, I want to relate to my colleagues, at the outset, just a few thoughts and ideas that I believe are pertinent and, hopefully, timely.

The Interstate Highway and Defense System and the Federal-aid highway program developed in 1956 have been lauded and generally considered to the the most important public works project ever undertaken by any country in the world. It has contributed more to economic growth in the United States than any other single Government program. It permitted the movement of people, goods, and services to accelerate tremendously. It helped large and small businesses alike to "get a piece of the action." Our gross national product has more than doubled since the enactment of this act in 1956. Our standard of living increased immensely.

As we move into the decade of the 1970's, I believe we stand, literally, "at the crossroads" in our decisionmaking process. What we do this year, with regard to highway legislation, and in the next 10 years, in my judgment, will determine the direction and success story of America for the next 100 years.

We will, by our decisions, determine whether our already over-crowded, overcongested, unmanageable, heavily polluted, and decaying metropolitan areas are going to add more people and more problems or whether we check, and hopefully, reverse the present population migration trend and move toward a more balanced population pattern and a better environment for future living.

The revenue allocations formulas we adopt for highways and all modes of transportation will "pretty well determine" the final outcome.

For many years, I have strongly advocated the establishing of three transportation trust funds:

First. Improve and revise the existing highway trust fund in concert with the States.

Second. Enact an airport-airways system trust fund.

Third. Establish an urban area transportation system trust fund.

I believe this basic concept is now underway due to the very able leadership of our Secretary of Transportation, John Volpe. Further, I developed indepth testimony and presented it to the Interstate and Foreign Commerce Committee during the consideration of the airport-airways legislation.

Today, I will touch briefly on what I think needs a great deal of consideration and emphasis—that of revenue allocation revisions of our established formulas and apportionment factors for all Federal-aid highways, but in particular, the primary and secondary roads systems.

The legislation I am introducing today would change the percentage of matching funds for primary and secondary roads from 50–50 to 75–25.

The areas that really need the highways and improved roads are the sparsely populated areas, which in fact, are the least able to finance the then badly needed highways. The major road deficiencies in highway construction are in rural America. Conversely, the greatest opportunity for improving the quality of life can be found in "Countryside, USA."

The most important ingredient for revitalizing and diversifying rural America is a coordinated, integrated, and balanced transportation system.

The most important contributor toward that objective, in my judgment, will be an accelerated construction timetable of the Federal aid to primary—FAP—and Federal aid to secondary—FAS—road system, coordinated with our Interstate Highway System completion and the contemplated airport-airway system now pending before the Congress.

It is for this reason that I introduce the "75–25" highway matching formula legislation today, in the hope that it will focus increased attention on this very important segment of our total transportation system.

If I were to offer some constructive criticism of our existing highway allocation formulas, I would suggest that there has been too much emphasis on allocating funds to where the population is and not enough attention given to allocating funds on a basis of where the population can be.

We need to devise a new method of financing the urban area transportation system to improve the traffic flow and develop more efficient and effective "people-moving" systems, consistent with improved urban living objectives.

However, there is one commonly accepted fact of life that cannot be underestimated. And, that is desire on the part of the individual to maintain his independence and flexibility, particularly as it relates to transportation.

The overwhelming majority of Americans will insist on personal transportation from their home, select the direction they want to travel—with the option to change their mind—and on their own time schedule.

With this in mind, the automobile is a long way from becoming extinct and will serve as the prime vehicle for most Americans during our lifetime.

The public is demanding pollution-free engines and properly so. This will come into being and ultimately add to the demand for more automobiles.

So, now is the time to lay the legislative groundwork for "redirecting the traffic"—instead of pouring more traffic into the cities, let us develop a system that will help some people get out of the cities. The relief of population pressures can make more cities livable and manageable and open up new opportunities for people now "mired down in megalopolis."

Time and again, I have heard people say, I would like to "go back from whence I came"—"if only I could make a living there." Mr. Speaker, I submit, a change in the revenue allocation formula of our highway system and a redirection of other tax revenues could go a long way toward accomplishing this and, at the same time, provide major improvements in the quality of future living conditions for all Americans.

In 1968, the Congress accepted an amendment I introduced in our Roads Subcommittee to increase the funds available for primary and secondary roads by $225 million. I hope you will take a good look at this proposal to change the matching fund formula to 75–25, looking constantly to the tremendous advantages that can accrue to the benefit of all people—living in both urban and rural America.

The environmental, inflationary, crime, and other major socioeconomic problems of America are primarily concentrated in metropolitan areas.

I hope some of you can see the opportunities available to provide relief from these mounting and nagging problems.

America desperately needs a more balanced population pattern—this can be accomplished through creation of a more balanced transportation system—this can be realized through a more balanced method of financing our transportation systems.

I want to start balancing our highway system—that is what "75–25" is all about.

The timing on this formula change will have to be considered and decided upon by those most familiar with current highway financing and our committees of the Congress, working with the States—keeping constantly in mind the fact, that the fuel tax was "invented" at the State level and we do not want to preempt their ability to raise adequate funds to meet their own transportation requirements as well as their own share of the matching funds.

The year, 1970, could be the year of decision. It could also determine the direction America and her people will take for the balance of our lifetime. I hope it will lead to building a better—"open-space" America.

EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McDONALD) is recognized for 15 minutes.

Mr. McDONALD of Michigan. Mr. Speaker, for more than 200 years this country has met, explored, and conquered frontiers. It has been a way of life for us. We had the audacity, the fortitude, and the courage to enter often

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hostile territory, and in so doing we have established a world reputation of hardiness and ingenuity.

It was not too long ago that St. Louis was the last vestige of westward civilization. The Mississippi River was the frontier, but the land beyond beckoned. Our pioneers accepted—and met—the challenge.

Yesterday, Mr. Speaker, was Earth Day. All over this Nation people met on college campuses, in town halls, in public parks, and at garbage dumps in an effort to focus attention on our environmental problems. Those problems represent in a sense a human frontier—a barrier to human development, which we must penetrate to have a better way of life.

There is much to be done in the exploration of this human frontier. Individuals can address themselves to a host of projects, all of which will contribute to the massive cleanup necessary to bring about clean air and clean water.

There are projects designed to clean up our beaches. There are projects to clean up our roadways. There are projects to clean up, fix up, and straighten up all the physical disorder in our country.

Many Congressmen and Senators returned to their home States to sweep debris from the side of the road and contribute to the volumes of environmental rhetoric.

The legislation correcting many of our environmental problems is pending here in Congress. It is here that the ultimate decision will be made when—and how—to clean our environment. I would hope that my colleagues' efforts include a commitment to return to Congress and take positive action on the bills and resolutions pending on this issue. To return without such a commitment is to negate the efforts of thousands of Americans on Earth Day.

It is not my intention to demean the work being done by the thousands of citizens taking part in active campaigns. That work is valuable toward solving the problem at hand.

But the residue of garbage, litter, bad air, and dirty water which lowers the quality of life in this country is the end result of our environment problem. I see my responsibility as a Member of Congress as developing an action program to attack the root of the problem. There are solutions to our environmental crisis. And they are now before this body in bill form. This is where I must be if I am to carry out the responsibilities of my office.

Earth Day was a day to assess the mass reaction and response to a challenge. Hundreds of thousands of Americans took part in a day of dedication to preserve and improve our quality of life. That sort of activity is supportative to the action now needed by Congress. There is something for everyone to do. That something—for a Congressman—can only be done in this Chamber.

The topic of environment has brought together the young and the old. It serves as a glue which brings together and holds the many factions that exist in our Nation. I would hope that Earth Day, Mr. Speaker, is remembered as a benchmark for positive action toward creating a clean and healthy environment for today and tomorrow. The day we began to do something about the world we are in. The day we penetrated the human frontier.

XUM

CITIZEN SUITS NEEDED AGAINST AIR POLLUTERS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, although pollution is considered a public nuisance, there is little a private citizen can do to stop emissions. To remedy this fundamental wrong, I am today introducing a bold, new approach to pollution: giving citizens the right of legal action against anyone polluting the air.

This bill does not mean that anyone can get relief from an alleged polluter merely by filing a suit. Each decision would be based on consideration of whether or not a defendant is polluting, whether or not he can stop, and whether or not the plaintiff is damaged. But the decision will be based on these relevant issues and no longer on legal technicalities.

The requirement that a polluter abate his pollution unless the cost is prohibitive has already been adopted by the Pennsylvania Supreme Court and by the U.S. district court in Oregon. It makes sense that a polluter should not be allowed to poison the air merely because cleaning up would subject him to a nonprohibitive expense.

The citizen bill against polluters would also allow class actions, treble damages for willful violations of regulations, minimum damages, and recovery of costs for successful plaintiffs.

Today pollution is generally considered a public nuisance, which only public authorities have the right to abate.

This situation of citizen powerlessness should be ended. The average citizen is injured by pollution and should have a right to stop it. Also, the possibility of private action would insure much more widespread control of pollution than is possible when the power to act is limited to a few agencies, often understaffed.

The major element of the bill suggests that a polluter must abate its pollution whenever it can do so and still stay in business. By definition this provision will not force a company to operate at a loss. It will end the excess profits earned by free use of the public's air.

Both justice and reason demand that when a business can abate its pollution, it should be required to do so.

In some cases a polluter will not be able to stay in business unless it is allowed to continue to pollute. In these cases a decision must be made as to whether or not the social benefits of the polluter's enterprise outweigh the damage done by the pollution. Unfortunately, in the past the courts have tended to balance the benefit to the public against the damage to the individual plaintiff. This bill adopts the more sensible approach of balancing public benefit against public, not merely private, harm. It establishes the citizen's right to clean air.

NO PRIVACY FOR 1040

The **SPEAKER**. Under a previous order of the House, the gentleman from Iowa (Mr. SCHERLE), is recognized for 5 minutes.

Mr. SCHERLE. Mr. Speaker, last Thursday the senior Senator from Delaware, the Honorable JOHN WILLIAMS performed a service for the entire country by exposing a shabby political trick for what it was.

Several days before that, three former Democratic officials, acting on orders of the Democratic National Chairman Lawrence O'Brien, charged that Presidential Aide Clark Mollenhoff was illegally examining income tax returns.

They waxed indignation about this invasion of privacy and shortly thereafter some of their Democrat cohorts in the Congress joined them in pointing with alarm at this practice.

But lo and behold, Mr. Speaker, last Thursday the Senator from Delaware disclosed that one of those making the complaints, Mr. Mortimer Caplin, had, while Director of the Internal Revenue Service, given carte blanche to a White House aide, Mr. Carmine Bellino, to examine income tax returns without written permission.

This, of course, was during the administration of President Kennedy. In contrast to the open access given Mr. Bellino, files have been made available to Mr. Mollenhoff only on written request.

Mr. Speaker, the charges made by Mr. Caplin, Mr. O'Brien, and others were a dishonest bit of political trickery, worthy of none of them. We can all hope they will not stoop so low again.

ENVIRONMENTAL CLEANUP—PART I

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 20 minutes.

Mr. SAYLOR. Mr. Speaker, now that Earth Day has come and gone, now that the orgy of environmental demonstrations has been flashed across the television screens, now that the burnings, buryings, and picketing are finished for the moment, it is time we settled down to the serious business of cleaning up the Nation's natural and human environment. Additionally, now that it is generally agreed that the population has been properly and substantially warned about the threat of pollution—for the nth time during the past nth number of years—we should recognize that the cause of conservation and pollution abatement has been "catching on" throughout the country.

As one who has been concerned with the conservation of natural resources for more years than I like to count, you will forgive me for cocking a jaundiced eye at the plethora of activities which accompanied Earth Day. My concern is, and has been, sustained activity on behalf of improving the environment. If that is the result of the youthful massification regarding the environment, then a great deal has been accomplished. Only time will tell.

Meanwhile, back in the real world,

dollars and cents, not demonstrations and confrontations, determine the real thrust of our commitment to environmental cleanup, it is possible to find some signposts of hope about the problems of pollution we face.

In the series I am beginning today, I hope to show that our much-maligned free-enterprise system is beginning to respond to the challenges of environmental pollution. Following today's report, I will submit for our colleagues' consideration the status of industrial pollution abatement programs which are showing promise in the never-ending struggle to produce without polluting.

Perhaps it need not be said, but I will say it anyway, the Federal Government cannot by itself force the cleanup of the environment in spite of the speeches and posturing by some well-known Federal officials. If the environment is to be improved it will be on a cooperative basis; that is, individuals, groups, businesses, politicians, government at all levels, will have to work in harness to effect significant environmental improvements.

Before I bring to your attention various industry programs and individual statements on pollution abatement, it is proper to have the scene set. Edwin L. Dale, Jr., the distinguished economics columnist for the New York Times, has done just that in an article entitled "The Economics of Pollution," which appeared in last Sunday's New York Times Magazine. Without further ado, I will set the realists' scene for effective pollution abatement by referring you and our colleagues to the Dale article:

[From the New York Times Magazine
Apr. 19, 1970]

The Economics of Pollution

(By Edwin L. Dale, Jr.)

Now that environment has become a national concern, it might be well to clean up some of the economic rubbish associated with the subject. There are, alas, a few "iron laws" that cannot be escaped in the effort to reduce the pollution of our air and water, in disposing of solid waste and the like. The laws do not necessarily prevent a clean environment, but there is no hope of obtaining one unless they are understood.

We have all become vaguely aware that there will be a cost—perhaps higher monthly electric bills, perhaps higher taxes, perhaps a few cents or a few dollars more on anything made from steel—if there is a successful and massive effort to have a better environment. But that is only a beginning. There are other problems.

This article will describe the three iron laws that matter. There is no point in hiding that all three are very depressing. The only purpose in adding more depressing information to a world already surfeited with it is a small one: to avoid useless effort based on false premises. A classic example has already arisen in wistful Congressional inquiries into whether we might think of a future with somewhat less electric power, or at least less growth in electric power.

In shorthand, the three laws are:

(1) The law of economic growth.

(2) The law of compound interest.

(3) The law of the mix between public and private spending.

THE LAW OF ECONOMIC GROWTH

Whether we like it or not, and assuming no unusual increase in mass murders or epidemics, the American labor force for the next 20 years is already born and intends to work. It is hard for any of us—myself included—to imagine a deliberate policy to keep a large portion of it unemployed. But that simple fact has enormous consequences.

For more than a century the average output of each worker for each hour worked has risen between 2 and 3 per cent a year, thanks mainly to new machines, but also to better managerial methods and a more skilled labor force. This increase in what is called productivity is by far the most important cause of our gradually rising standard of living—which pollution aside, nearly all of us have wanted. In simplest terms, each worker can be paid more because he produces more and he consumes more because he earns more. Inflation only increases the numbers and does not change the facts. Machines increase the productivity of an auto worker more than a barber, but both rightly share, through the general rise in real income, in the expansion of productivity in the economy as a whole.

It is difficult to conceive of our society or any other wanting to halt the rise in productivity, or efficiency, which has made real incomes higher for all of us. But even if "we" wanted to, in our kind of society and economy "we" couldn't. The profit motive will almost always propel individual daily devisions in the direction of higher productivity. A business will always buy a new machine if it will cut costs and increase efficiency—and thank goodness! That is what has made our standard of living—and we do enjoy it—rise.

It is not a matter of enjoying it, however. By any fair test, we are not really affluent; half of our households earn less than $8,500 a year. Apart from redistributing income, which has very real limits, the only way the society can continue to improve the well-being of those who are not affluent—really the majority—is through a continued increase in productivity. Anyone who wants us to go back to the ax, the wooden plow, the horse carriage and the water wheel is not only living a wholly impossible dream, he is asking for a return to a society in which nearly everybody was poor. We are not talking here about philosophical ideas of happiness, but of what people have proved they want in the way of material things. This society is not about to give up productivity growth. But every increase in productivity adds to output. Now consider the next step:

We can count on the output of the average worker to continue to rise in the years ahead, as it has in the past. Nearly all current forecasts put this rise in productivity much closer to 3 per cent than to 2, and 3 per cent has been about our average in the years since World War II. So without any change in the labor force at all, our national output will go on rising by some 3 per cent a year.

What does output mean?

It means electric power produced—and smoke produced.

It means cans and bottles produced.

It means steel produced—and, unless something is done about it, water and air polluted.

It means paper produced—with the same result as for steel.

And so on and on.

But that is not the end, for there will not be a static labor force. As noted, the force for the next 20 years is already born and it is going to grow year by wear (with a caveat, to be described below).

Obviously, we want to offer these people employment opportunity. So, in addition to a 3 per cent productivity growth, there will be an added growth of at least 1 per cent a year in the number of workers. The result is that we are almost "condemned" to a rise in our total output of 4 per cent a year. The only escape, it seems, would be a national decision either to have high unemployment or to try to be less efficient. Both are absurd on their face.

The law of economic growth says, then, that we already know that the national output in 1980 will be, and almost must be, some 50 percent higher than it is now. President Nixon has said so publicly, and he is right. That is the result of an annual rate of real growth of about 4 percent, compounded. It is terrifying. If an economy of $900-billion in 1969 produces the pollution and clutter we are all familiar with, what will an economy half again as large produce?

Is there no escape from this law? The answer, essentially, is no. But there is one possible way to mitigate the awesome results. We might reduce the labor input (but, we hope, not the productivity input), without creating mass unemployment.

Each working person has a workday, workweek, workyear and worklife. Any one of them could be reduced by law or otherwise. We could reduce the legal workweek from the present 40 hours. We could add more holidays or lengthen vacations to reduce the workyear. We are already shortening the worklife, without planning it that way: increased participation in higher education has meant later entry into the labor force for many, and retirement plans, including Social Security, have brought about earlier retirement than in the past for others.

If, by chance or by law, the annual man-hours of employment are reduced in the years ahead, our output will grow a little less rapidly. This is the only way to cut our economic growth, short of deliberate unemployment or deliberate inefficiency.

There is a cost. It is most easily seen in a union-bargained settlement providing for longer vacations without any cut in annual wages, or a legal reduction in the workweek from 40 to 35 hours, with compulsory overtime payments after that. In each case, more workers must be hired to produce the same output, and if the employer—because of market demand—goes on producing at the same level, wage costs for each unit of output are higher than they otherwise would have been. Prices will therefore be higher. This is widely recognized. Maybe we would be willing to pay them.

But we cannot guarantee less output. Only if employers produce less—because of the extra cost—would that happen. And in that larger sense, the cost of a reduction of our annual labor input is simply less production per capita because the labor force is idle more of the time.

But less production was the objective of the exercise—the antipollution exercise. If we start with the proposition that the growth of production is the underlying cause of pollution, which has merit as a starting point, the only way we can get less growth in production, if we want it, is to have more of our labor force idle more of the time. In that case, we will have more leisure without mass unemployment, as we usually think of the term. Our national output, and our standard of living, will rise less rapidly.

That last idea we may learn to take, if we can cope with the leisure. But under any foreseeable circumstances, our output will still go on rising. With the most optimistic assumptions about a gradual reduction of the workday, workweek, workyear and worklife, we shall undoubtedly have a much higher output in 1980 than we have in 1970. To a man concerned about the environment, it might seem a blessing if our economic growth in the next 10 years could be 2 per cent a year instead of 4 per cent; he cannot hope for zero growth.

The law of economic growth, then, tells us a simple truth: "we" cannot choose to reduce production simply because we have found it to be the cause of a fouled environment. And if we want to reduce the rate of growth of production, the place to look is in our man-hours of work.

THE LAW OF COMPOUND INTEREST

It is a fair question to ask: Why weren't we bothered about pollution 12 or 15 years ago? In October, 1957, to pick a date, the Soviet Union sent the first earth satellite into orbit. The American economy had just begun a recession that was to send unemployment to 7 per cent of the labor force. The late George Magoffin Humphrey, who had just resigned as Secretary of the Treasury, was warning of what he saw as vast Government spending, at that time $77-billion, and saying it would bring "a depression that would curl your hair." There were plenty of things to think about.

But nobody was worried about pollution. Conservation groups were properly bothered about parts of the wilderness (the Hell's Canyon Dam in Idaho, for example), but that was an entirely different thing. That was an issue of esthetics, not health. Nobody seemed to mention air pollution or waste that might overwhelm the space in which to put it. In a peculiarly sad irony, the late Adlai E. Stevenson had fought and lost an election against Dwight D. Eisenhower in 1956 partially on a "pollution" issue—radiation in the atmosphere from the explosion of atomic weapons.

The question, to repeat: Why didn't we worry about pollution then? The answer is that, relatively speaking, there was no pollution. Yes, there were electric power plants then, too. Yes, there were paper mills polluting streams. Yes, there were tin cans and paper and bottles. Some snowflakes, though we didn't know it, were already a bit black, and Pittsburgh got national attention because it tried to do some cleaning up.

But here we come to the law of compound interest. In 1957—*only 13 years ago*—our gross national product was $453-billion. In 1969, in constant dollars, it was $728-billion. That is an increase of nearly $300-billion in tin cans, electric power, automobiles, paper, chemicals and all the rest. It is an increase of 60 per cent.

So what? That was not the result of an unnaturally rapid growth rate, though a bit more rapid than in some periods of our past. The *so what* is this: in the preceding 13 years the growth had been *only $100-billion*. We were the same nation, with the same energy, in those preceding 13 years. We invested and we had a rise both in productivity and in our labor force. But in the first 13 years of this example our output rose $100-billion, and in the second 13 it rose $300-billion.

In the next 13 it will rise more than $500-billion.

That is the law of compound interest. These are not numbers; they are tin cans and smoke and auto exhaust. There is no visible escape from it. Applying the same percentage growth to a larger base every year, we have reached the point where our growth in one year is half the total output of Canada, fully adjusting for inflation. Another dizzying and rather horrifying way of putting it is that the real output of goods and services in the United States has grown as much since 1950 as it grew in the entire period from the landing of the Pilgrims in 1620 up to 1950.

Most investors know the law of compound interest. There is a magic rule, for example, known as the Rule of 72. It says, with mathematical certainty, that money invested at a 7.2 per cent rate of interest, compounded each year, doubles in 10 years. Our G.N.P. happily, does not compound at 7.2 per cent. But it compounds at between 4 and 5 per cent, and it has been compounding. The result is that the same, routine, full-employment, desirable, nationally wanted, almost unavoidable percentage increase in our national output in 1970 means precisely twice as many extra tin cans, twice as much additional electric power, and so on, as the same rate of growth in 1950. And that is only 20 years ago! We are not doing anything different, or anything awful. We are the same people. Granting approximately the same amount of human carelessness and selfishness, we are the victims solely of the law of compound interest.

THE LAW OF THE MIX BETWEEN PUBLIC AND PRIVATE SPENDING

Robert S. McNamara, the eternally energetic and constructive former Secretary of Defense and now president of the World Bank, gave a speech in February about the plight of the poor countries. In the speech he understandably criticized the United States for reducing its foreign aid effort. But in supporting his point he adopted, almost inadvertently, a piece of partly fallacious conventional wisdom:

"Which is ultimately more in the nation's interest: to funnel national resources into an endlessly spiraling consumer economy—in effect, a pursuit of consumer gadgetry with all its senseless by-products of waste and pollution—or to dedicate a more reasonable share of those same resources to improving the fundamental quality of life both at home and abroad?"

Fair enough. It means tax increases, of course, though Mr. McNamara did not say so. That is what the "mix" between public and private spending is all about. But for our purposes the point is different. Let us look more closely at the phrase: ". . . a pursuit of consumer gadgetry with all its senseless by-products of waste and pollution . . ."

As it stands, it is true. Private consumption does create side effects like waste and pollution. But now, assume a Brave New World in which we are all happy to pay higher taxes and reduce our private consumption so that the Government may have more money with which to solve our problems—ranging from poor education to poverty, from crime to inadequate health services. We shall not examine here the issue of whether more Government money solves problems. It is obviously more effective in some areas than in others. But anyway, in our assumption, we are all willing to give the Government more money to solve problems, including pollution.

Now let us see what happens.

The Government spends the money to reduce pollution. Sewage plants are built. They need steel. They need electric power. They need paperwork. They need workers. The workers get paid, and they consume.

The Government spends the money on education. New schools are built, which need steel, lumber and electric power. Teachers are hired. They get paid, and they consume. They throw away tin cans.

The Government spends the money on a better welfare system that treats all poor people alike, whether they work or not. Incomes among the poor rise by some amount between $4-billion and $20-billion, and these people consume. Electric power production rises and appliance and steel production rises, and so on and on.

The point is obvious by now. A shifting in our national income or production between "public goods" and "private goods" hardly changes the environment problem at all because it does not reduce total spending, or output, in the economy.

Lest a careful economist raise a valid objection, a slightly technical point must be conceded here. Government spending is done in three categories:

Purchase of goods (tanks, typewriters, sanitation trucks and school buildings).

Transfer payments to people outside government (Social Security, veterans' benefits, welfare).

Purchase of services, meaning the services of the people it employs (teachers, policemen, park rangers, tax collectors).

To the extent that a shift to more public spending, through higher taxes and a resulting reduction of private consumption, involves the first two of these categories, the point stands as made: there will be just as much production of steel, tin cans, electric power and toasters as before. To the extent that the higher public spending goes to the third category, employment of more teachers, policemen and the like, there will be slightly less production of goods, even though these people spend their paychecks like everyone else. Essentially what happens in this case is that the society has chosen, through higher taxes, to have more services and fewer goods. If we assume that goods production brings pollution, a society with fewer auto- or steelworkers and more cops will crank out less pollution.

But this remains a relatively minor matter. Hardly anyone who proposes a solution to our problems thinks in terms of vast armies of Government workers. Reforming welfare through the President's new family-assistance plan is the perfect example; this will be a simple expansion of transfer payments. And, for that matter, building more sewage plants will be a purchase of goods. The overriding fact is that we can spend 30 per cent of our G.N.P. for public purposes, as we do now, or 50 per cent, and the G.N.P. will still be there. The law of compound interest will apply, forcing the G.N.P. upward. To the extent that the environment problem is caused by ever-expanding output, the third law says that it will not be essentially changed by altering the mix between private and public spending.

CONCLUSION

Three nice, depressing laws. They give us a starting point for any rational discussion of the environment problem. Our output is going to go on growing and growing under any conceivable set of choices we make.

But the starting point does not mean despair. It simply means that trying to solve the problem by reducing output, or the growth of output, is waste of time and energy. It won't and can't work.

How is the problem solved then? The purpose here is not, and has not been, to solve any problems. It has been to try to head off useless solutions. But a few things can be said:

There is, first, technology itself. The very energy and inventiveness that gave us this rising output—and got us to the moon—can do things about pollution. A fascinating case is the sulphur dioxide put into the air by coal-burning electric power plants. A very strong argument can be made that under any foreseeable circumstances we will have to burn more and more coal to produce the needed growth of electric power. And the ground does not yield much low-sulphur coal. Thus, somebody is going to have to have the incentive to develop a way to get the sulphur out before it leaves the smokestack; and if this costs the utilities money, the regulatory commissions are going to have to allow that cost to be passed along in electric bills.

Next, there is the related idea—being increasingly explored by economists, regulators and some legislators—of making antipollution part of the price-profit-incentive system. In simplest terms, this would involve charging a fee for every unit of pollutant discharged, with meters used to determine the amount. There would be an economic incentive to stop or reduce pollution, possibly backed up with the threat to close down the plant if the meter readings go above a specified level. The company—say a paper company—would be faced with both a carrot and a stick.

There is also that simple use of the police power, as with poisonous drugs or, lately, D.D.T. It is the "thou shalt not" power: automobiles can emit no more than such-and-such an amount of this or that chemical through the exhaust pipe. Once again, if the engineers cannot find a way out, the car simply cannot legally be sold. There will be, and should be, all sorts of debate "at the margin"—whether the higher cost of the different or improved engine is worth the extra reduction of pollution. The argument exists now over D.D.T.; there are clearly costs, as well as benefits, in stopping its use. But the "thou shalt not" power exists.

Finally, there are many possibilties for using a part of our public spending for environmental purposes. Sewage plants are the obvious case. President Nixon has proposed a big expansion of the current level of spending for these plants, though not as much as many interested in clean water—including Senator Edmund Muskie—would like to see.

In this case, and only in this case, a greater effort at curing pollution must be at the expense of some other Government program unless we pay higher taxes. It is proper to point out here the subtle dimensions of the issue. There are all sorts of possible gimmicks, like tax rebates for antipollution devices for industry and federally guaranteed state and local bonds. One way or another, spending more for pollution abatement will mean spending that much less for something else, and the something else could mean housing or medical services. Every local sewage plant bond sold means that much less investment money available for mortgages, for example.

A final reflection is perhaps in order, thought it is almost banal. Our rising G.N.P. gives us the "resources" to do the antipollution job. These resources include rising Government receipts. Our technology, which has given us the rising G.N.P., might find the way out of one pollution problem after another—and they are all different.

But, in the end, we cannot be sure that the job will be done. Growth of total output and output per capita will continue. The long-term relief is perfectly obvious: *fewer "capita."* That sort of "solution" might help, in our country, by about 1990. If we survive until then, the law of compound interest will be much less horrifying if the population is 220 million instead of 250 million.

EDUCATIONAL TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McKNEALLY), is recognized for 5 minutes.

Mr. McKNEALLY. Mr. Speaker, I am very pleased to bring to the attention of this House an article appearing in the Sunday, April 19 edition of Potomac magazine of the Washington Post. This article, entitled, "We Haven't Learned How To Use Our Teaching Machines To Teach" was written by Leo S. Tonkin, a good friend and constituent of mine from the 27th Congressional District of New York.

I heartily commend Mr. Tonkin's thought provoking article to every American citizen. At a time when taxpayers everywhere are hard pressed to meet the spiraling costs of our educational system, Mr. Tonkin's comments deserve our attention. I am particularly gratified to see mention made of President Nixon's sensible call for greater research into the basic dynamics of the learning process of students. Certainly, we should have known much more of this basic process before investing billions of dollars into the complicated and expensive field of teaching machines and their components.

Incidentally, in bringing this article to the attention of the House, I am happy to note that Mr. Tonkin is chairman of the board of trustees at an excellent college in my district, St. Thomas Aquinas College, in Sparkill, N.Y. When Leo Tonkin was elected board chairman there some 3 years ago, he was the youngest college chairman in the country, and it was testimony to the progressive and effective leadership that is guiding St. Thomas Aquinas College into the years ahead.

Aside from Mr. Tonkin's role as president of Tonkin Associates, a Washington, D.C., based college and school system development consulting firm, he has authored other numerous articles, and has spent some years as a congressional assistant to Senator CHARLES MATHIAS, Congressman CARL ELLIOTT, and Congresswoman EDITH GREEN. His background and professional activities thus recommend the Potomac magazine article to all our attention and I am happy to insert it in the RECORD at this time:

WE HAVEN'T LEARNED HOW TO USE TEACHING MACHINES TO TEACH

(By Leo S. Tonkin)

The word "technology" is not new to the vocabulary of education. For years we have been hearing about teaching machines, slide and film projectors, dial access, programmed instruction. In fact, in the last 10 years, the federal government has provided grants totaling $5 billion or more to help schools buy the latest machines on the market. Familiar corporate names, like Eastman Kodak, IBM, Xerox, Bell and Howell, have been manufacturing such devices for years. Their armies of salesmen have been doing a noteworthy job, too.

So, after all this prodigious spending, what has it got us?

The answer—shockingly—is very little. We simply have not learned yet how to use the machines made for teaching.

The many pages of a report just issued by the federal Advisory Commission on Instruction Technology say loudly that education technology in American schools today is not making it. My own meetings with high school and college personnel around the country would convince anyone—as it has convinced me—that educational technology has been little used and, where used, has often failed.

Closed-circuit television systems remain idle in the schools, microfilm readers are alien to most students, programmed study consoles are dusty from nonuse. Some claim that the machines are invaluable. But in my work, as a school systems and college consultant, mostly all I hear are complaints.

The fact is, we need *some* kind of mechanized help in America's teaching business.

In seven years, the United States will be spending about $76 billion to educate some 63 million students, in both public and private schools. The cost will have risen 40 per cent in 10 years, the student population 5 million. Facing this, we must find new ways to teach more students, and teach them better, and for less money. It sounds simple—but it isn't, and every taxpayer knows it; continuing tax increases afflict every community, large and small.

With billions of dollars already spent on this expensive hardware, and very little payoff to show for it, where does the blame lie?

Much of it lies with the corporations. They rushed headlong into the teaching machine business, chalking up tremendous sales. But, in the process, they sat back and cared little about perfecting creative materials, slides and films to make the hardware usable.

A good deal of blame also lies with the federal government. In approving an astounding amount of taxpayers' money for equipment and machines, the government encouraged schools by the thousands to apply for grants (through programs like the National Defense Education Act and the Elementary and Secondary Education Act, and a score of other federal programs). The inevitable result: schools with closets stacked high with teaching machines, machines that sounded wonderful in sales brochures, looked imposing to the local P-TAs (and taxpayers) but just plain failed in helping the citizens' children to learn.

If we are going to make teaching machines work, and justify the commitment we've already made in terms of time and money, we must start immediately to understand what's gone wrong, and get to the business of correcting the problems.

It is clear that technology can bring about far more productive use of teachers' and students' time. And it is blatantly clear too, that education (as well as taxpayers) desperately needs this kind of help. So, just what is wrong? Three areas, in particular, have not kept pace with the development of the teaching machines:

1. Hardware minus software.

In 1969, public schools in the United States owned 251,000 16-millimeter projectors, and 426,000 slide and filmstrip projectors. When you add to this thousands of other teaching devices, you begin to see how well industry has been marketing its products.

But all these teaching machines take materials, and the materials are of first importance if a student is to use a machine, learn from it, and return to it on his own initiative—and he must return to it on his own, or a teacher has only so many hours in which to give personal instruction.

These materials (software is the label) have not met the need.

By the truckload, the companies have been turning out "canned boredom"—materials that have excited no one, materials that have left the machines literally useless. Oh yes, the marketing brochures rave about the relevant subject matters, and most film series and the like have imposing advisory "panels of professors" who help in strangely abstruse ways to compile and edit the material. The result: a near uniform lack of anything that will *interest* students. So, like castor oil, if you don't have to take it, it sits on the shelf.

A big problem is that even the simple fundamentals of learning have been neglected in the software that has been put out so far. The psychology of learning depends upon the response of students and their teachers. Yet these are the people who have been relegated to a back seat in preparing the materials for the machines. Surprisingly little has been done to tune the students and teachers into the production of software, and that is a decisive flaw in the growth of educational technology.

If a film is to stimulate a student, watch his response to a product, test his reaction, ask for his suggestions. Similarly, with the teacher, find out his or her feelings and suggestions. Then mold and rework the films accordingly.

2. Teacher training.

Aside from assisting in the development of interesting materials, teachers must learn how to use the machines. Advancements in classroom technology present teachers an awesome roomful of complicated machinery; they must undergo specially designed training programs before they know how best to use the machines, not only in one class, but as part of the whole school environment. For the most part, such teacher training has so far been neglected.

3. School coordination.

Sensible use of these machines in classrooms is lost when schools fail to provide an awareness and appreciation of just what a machine can do, and get this message across to everybody. Schools, or school systems, cannot merely dump a machine into a classroom. Some teachers, some bureaucrats, resent them. And that is probably quite natural—they represent a threat—until both bureaucrats and teachers learn what these machines are capable of—that human teachers will *not* be replaced by automation, that a prime importance of the machines lies in freeing teachers for more and more individualized attention to individual students. Educational technology is an expensive business, and its potential for better learning is too important to be lost in bureaucratic malaise.

When media systems are tried and found effective, an entire school—in fact the entire school district and perhaps the state at large—should help implement the proven systems, and see that this costly equipment is given the widest possible use.

What is the future for teaching machines? In the words of the Advisory Commission on Instructional Technology, ". . . technology could bring about far more productive use of the teachers' and students' time." The large corporations that make the machines know this well. After having profited immensely in the mid-1960s from selling so much equipment to schools, their business suddenly took a downward turn. Many, like General Learning Corporation, have retrenched their operations. They know now that preparing sensible and effective software must occupy the principal priority area for further advancements.

Teaching machines do have a special capacity to tailor instruction to individual students. Computer-assisted instruction offers considerable potential, in view of its encouraging students to proceed at their own pace, then receiving instant feedback on right and wrong answers. Computer-assisted instruction (now labeled CAI) is just now breaking above the water and (as with all of computer technology) the potential of these machines is without limit for storing information and returning it to a student at his own individual capacity.

Prof. Gabrel Ofiesh of Catholic University here has been a leader in this infant field, and his work is beginning to bear fruit. In New York City, a computer learning system with 200 terminals has recently gone into operation, and 16,000 students are already involved in its use.

We must remember the lesson of the 1960s, however. Students must be involved in reworking the initial programming, teachers must be trained in how to use the machines, and schools must coordinate the technology across various courses and school systems. Only then will we transform the entire learning environment, by using teachers, students and facilities in new and different ways.

In his recent education message to Congress, President Nixon requested early establishment of a National Institute of Education within the Department of Health, Education and Welfare, to research and understand thoroughly the dynamics of the learning process of a student. This knowledge is desperately needed, and should have come years ago, before we spent billions upon billions of dollars on untried teaching machines, and encouraging everyone to expect great and immediate strides in education via the new technology.

Knowing what we now do about teaching machines, I would propose the following steps:

(1) Develop "media centers" in the schools. In these centers, make the computers, the dial access, the talking books, the microfilm readers and the other fine learning systems available to all students—and on a constant readiness basis.

(2) Establish a widely based teacher training program in the new technologies.

(3) Research and understand thoroughly the psychology of learning, particularly as it pertains to educational technology.

(4) Enlist the support of students in preparing and critiquing software. A good lesson could be gained from the Washington Workshops Foundation. This Foundation annually sponsors a series of highly effective seminars in American government for hundreds of high school students from across the country. In conjunction with this, the students themselves will be assisting in preparing a sensible and practical series of films and filmstrips that look at the study of government through the eyes of youth.

(5) Choose material topics and content most carefully if we are to encourage a student to reach for a machine, push buttons and experience a stimulation that will be meaningful and sensitive to the disadvantaged youngster as well as to the brightest students.

(6) Provide an interrelationship of machine to student to teacher to school in such a way that a new kind of learning environment comes into being. Antiquated and expensive class hours, sleepy lectures, physical conformity and wasted materials must give way to students' using better what is and will become available. Technology can serve as the catalyst for all of this.

(7) Follow up use of the machines with on-the-scene visits, work-study arrangements, and time-off semesters of study for individual students. Here again, the Washington Workshops could serve as an important example. Their program combines seminar attendance, preparation of film and other software, research papers, and follow-up assignments, requiring a month or more of study away from high school.

(8) Round out the most effective educational technology program by making source materials available at school via such systems as low-cost microfilm readers. In a government class, for instance, excerpts from the *Congressional Record*, Committee reports and hearings, official statements and the like should be available. Then when a teacher mentions something important, they can all go to the original source material. Educational television can be a great help here. Recent grants to Washington's noncommercial television station (WETA, Channel 26) to provide live coverage of official Washington events (like Capitiol Hill hearings) to similar non-profit channels across the country is a case in point.

The future for educational technology is by no means gloomy because of past mistakes. It could be, of course, if educators, corporation designers and others involved refused to learn from those mistakes. But the indicators now seem to say that, from the White House on down, there will be a new and coordinated approach to educational technology, and that America's inestimable ability to use machines productively in other facets of society will be harnessed to help solve the problems of the schools.

PROBLEMS FACING THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BYRNE) is recognized for 35 minutes.

Mr. BYRNE of Pennsylvania. Mr. Speaker, there have been many problems and crises confronting this august body during the 18 years I have had the honor to represent the Third District of Pennsylvania, but throughout that service I cannot point to a period where we have had a greater challenge facing us than today.

The problems facing the Nation are of such proportions that it is not physically possible for the Congress to solve each and every one before the conclusion of this session. But their monumental nature demands that we do everything within our capacity and ability to accomplish as much as possible in the time that remains for us in this session.

There are many "priorities" and "priority priorities" to consider and I feel that the people of this country are looking to us for action—action now because, unfortunately, the executive branch seems to be neglecting these needs and wants which are its primary responsibility.

Briefly, I would like to outline the fields in which I consider immediate movement not only necessary but vital.

THE VIETNAM WAR—AND ASSOCIATED CONFLICTS

My feelings on these conflicts are a matter of record. I am not in favor of a land war in Southeast Asia for a number of reasons. Frankly and pragmatically, it is a historical fact that a land war in Southeast Asia cannot be won. This current war of attrition does not solve the problems which led to the war; what it does is eat up lives and resources.

I have supported the efforts of the President to deescalate this conflict, but I must state frankly I am not satisfied by what has been accomplished.

I am not satisfied with the pace of troop withdrawals. I am not satisfied that we are supporting a stable, democratic, representative government which could fill the void when and if American forces leave that area.

I am not satisfied with American efforts at the so-called Paris peace talks, which have denigrated from an honest effort toward a true and lasting peace to a cruel charade which no one—most of all the American Government—takes seriously.

I would urge that this body and the other body of the Congress use every means, make every effort to convince the President that these talks be upgraded; that he send the Secretary of State as his personal representative to these talks; so that the world and our adversaries in this conflict know absolutely that the United States wants a true, lasting and equitable peace in Southeast Asia.

But let me make absolutely clear where I stand. As long as we do have troops engaged in combat in that area of the world, I am determined that they shall have the best and sufficient equipment and material to defend and protect themselves. We will never desert or deprive these brave young men who are executing their duties as American citizens.

THE MIDDLE EAST

Time and time again, this body, with my absolute support, has passed resolution upon resolution urging the President to pursue a more sensible course in the Middle East, but apparently these pleas have fallen on deaf ears—or nearly deaf ears.

It is a wise nation which knows its true friends; and I think it is abundantly clear the only dependable, democratic and true friend in the Middle East is the State of Israel.

How do we recognize this friendship? By denying to this small country the means to protect itself. And at the same time we engage in a monumental arms race with the Soviet Union and France as to who will supply more sophisticated weaponry to the Arabs—who inciden-

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tally curse and damn us as their blood enemies.

Make no mistake. If it were not for Israel holding the line against Soviet expansion in the Middle East, I shudder to think what our military position would be in that part of the world.

PRICES—INFLATION

Anyone who does not admit that our Nation is in the midst of inflation is just not facing facts. If anyone harbors any doubts, let him ask the housewife, who finds food prices up each and every time she does her shopping.

Ask the municipalities and school boards who, if they are able to sell their bond issues, find that the allocations no longer cover the building and services for which they were intended.

Ask anyone who has been unfortunate enough as to require medical treatment or hospital care. For many, health insurance has become a down payment for medical care only. And health insurance costs are spiraling, reaching the point where it is beyond many of the people who need it the most.

I think this points very clearly to the need of either Federal control over health prices, or the institution of a national health plan to insure that this, the richest Nation in the world, can assure at least minimum health standards for its people.

UNEMPLOYMENT

An unemployment rate approaching 5 percent may be "acceptable" to certain members of the administration, but it is obvious that these individuals are not those suffering from joblessness and its handmaidens of hunger and deprivation.

I do not consider any rate of unemployment acceptable; I do not believe unemployment makes a healthy economy; I believe that nothing can substitute for the dignity and fulfillment of honest employment.

INTEREST RATES AND HOUSING

Recently I read a newspaper article by a knowledgeable real estate financier who advised those waiting for a reduction in interest before purchasing a house to stop waiting. Interest rates, he declared, are not coming down.

Unfortunately, I must agree with him. Despite a small amount of movement concerning the prime rate, interest costs do not seem to be declining. I think a good look must be taken at all the to-do about the prime rate decline. How many people can borrow money at the prime rate? Very few.

I do not think this reduction is filtering down to the small borrower—especially in the realm of mortgages.

For this reason, the homebuilding industry has ground almost to a standstill—despite housing legislation passed by this body.

Any homebuilding that continues appears to be involved with very expensive houses—houses that the average person cannot afford—even if he could get a mortgage loan.

The place where we vitally need new and rehabilitated housing is within the city—the inner city, if you will. The suburbs and semisuburbs likewise need housing, I agree, but unless we launch a massive homebuilding campaign within the city, our cities are going to die.

Again, despite the legislation of the Congress, it would not take long to count the number of housing units being worked on within the cities. The cities—my city included—need massive assistance and cooperation from its legislators.

"Build—Build—Build"—should be our watchword in the Congress. Give people decent housing which they can afford.

The cities are depending upon us; the people are depending upon us.

Unemployment in the building industries is rife—probably at the crisis stage.

These are facts we cannot ignore. They cry out for action.

TAXES

In view of the foregoing, I feel the need for tax reform is imminent—to preserve what little the people have left—if anything—after the ravages of inflation and unemployment.

I am not one of the supporters of the "filter-down" doctrine—that the large corporations should be given tax relief and the relief will filter through to the "little man." This just is not so.

And I hope no one ever sells us a bill of goods again that a tax surcharge is necessary to halt inflation. We had the surcharge and inflation was not even slowed. What we did get was a lot of squeezed little people, who had to deny themselves not luxuries but necessities of life.

Income tax being the biggest tax bite experienced by the citizenry, here is the place we should logically begin with tax reform. The proper place we should start is with a realistic exemption for dependents. Certainly not $600 a year, or even $1,200 a year are realistic figures for support of children or aged parents.

Another area crying for relief is among the middle class—that great, forgotten majority of Americans, who are carrying the brunt of the tax burden. We know the very rich evade taxes through gimmickry despite the reforms passed by the Congress. More tightening up is necessary for the rich and relief is needed for the middle class.

CRIME

I need not tell anyone residing or working in an urban area that crime stalks our streets; there is an uneasiness in the day succeeded by utter fear at nightfall. And make no mistake, this fear for life and limb transcends racial and ethnic lines. All of our citizenry is frightened on the streets and even within their own homes.

To combat this intolerable situation, I see two basic approaches. First, I do not believe we need more laws; there are enough statutes upon the books now. What we need is efficient, fearless enforcement of existing laws.

Second, we must attack the causes of crime. I am not talking about the habitual criminal; the only thing that can be done with the confirmed felon is to remove him from the public for as long a period as possible.

But where we can make real progress is among the occasional, nonprofessional criminal, who turns to violence and theft through frustration with existing society. A good job is the best deterrent to crime that I can think of. Money spent in training our citizens for a productive, dignified life is the best investment I can visualize.

Clean up the slums. Give people decent housing. Give them dignity and purpose.

Destroy the incentives of crime and the breeding ground of crime, and we have come a long way toward the solution of this immense problem.

SOCIAL SECURITY

Can we hold our heads up when we recognize that in the richest land of the world the aged who have worked hard and honorably through the autumn of their years cannot live in dignity and freedom from fear during their "golden years."

In today's world, it is impossible to subsist on social security payments without outside income or subsidation by relatives. Social security is not welfare. It is payment earned by our elderly during their productive years. They have a right to expect more than they are getting.

As soon as possible, we must work for a substantial increase in social security payments—an increase to make living for the elderly more realistic in this present day.

Other adjustments are needed in social security. With the astronomical increases in health insurance costs, I think the Medicare program must assume the deficit presently being filled by health insurance plans.

Also in the realm of Medicare, I think it only proper that the disabled people under 65 on social security be granted coverage under Medicare. They are one group which needs it the most.

FARM SUBSIDIES

In view of the cost of government and the price of food products, I believe it is incumbent upon Congress to reassess and adjust the multibillion-dollar farm subsidy program whereby farmers are getting unbelievable sums from the Government both for raising and not raising agricultural products.

It just does not make sense. Here we have many thousands in the United States and many millions throughout the world hungry and starving, and we expend our precious tax money to halt the production of food.

It must be remembered that it is not the little farmer who is the chief beneficiary of subsidies; it is the giant farmer, who gets hundreds of thousands of dollars—to do nothing.

A sensible lid on the amount of subsidies going to any single farmer—or perhaps food corporation would be a more suitable name—is required now, with an eye toward eliminating this entire practice in the foreseeable future.

DRUGS

Mention the word "youth" today and most people will respond "drugs." I do not mean to imply that all young people are on drugs; the truth is that actually only a small percentage are involved. But this does not lessen the seriousness of the situation.

Millions of our children are victims of this disease of our times and this cannot be ignored. Let us face it: anyone who would poison his or her body for momentary escape from the realities of the world must be sick. They must be treated as such.

We need a massive treatment program to provide the means of escape from drugs for this "hooked" generation; and we must provide the mental care as well to remove the causes which began this syndrome.

This does not imply leniency for the "pusher" or "supplier." These are the criminals and must be treated as such. This is a cancer which must be removed from our society whether the culprit be a member of the crime associations or an independent peddler.

EDUCATION

It is impossible today to open a newspaper and not read of the plight of our schools. Some operate on a hand-to-mouth existence and others are in the danger of not even operating.

Throughout the Nation, children are crowded into aged and aging firetrap buildings with too few teachers to satisfy their educational needs.

Our colleges are bursting at their seams as tuition costs climb far beyond the abilities of the average citizen. Intelligent, capable students are denied what should be a right to higher education.

Youth lounge on the streets without employment instead of having institutions to prepare them for suitable vocational careers.

Nonpublic schools are even in greater trouble than the public schools; so overburdened with spiraling cost that they threaten to close their doors and disgorge their pupils upon an already overtaxed public school system.

There is no single answer to this vast group of problems. But our responsibility to the future generations demands we take immediate action—despite the disregard of some members of the executive.

MASS TRANSIT

To me, the jokes about the various expressways and freeways of our country are not funny. I do not think they are funny to the millions of motorists who must use them in the daily exercise of their work.

Yes; we need new roads, and better roads and safer roads; but roads alone are not the final solution to our transportation problems.

What we need—and need now, before all traffic stops—are intelligent approaches to mass transportation facilities to give the traveler a sensible, convenient alternate to driving.

We all know the attitude of the major railroads; they would just as soon go out of the passenger business and restrict their activities to the more profitable field of moving freight.

This cannot be permitted, even if existing facilities must be taken over by Government or Government authorities to improve and expand mass transit systems.

Intracity and intercity bus and streetcar service must be brought up into the 20th century.

Trains and buses must be cleaned up so riders have no hesitation about using them. Criminals who haunt public transportation facilities must be removed so that riders can use them without fear.

Are these all the problems facing our society? Certainly not; they are just a few. But a start must be made, and made now. I think these spheres are the proper places to begin our efforts to give all citizens a better country and a better life.

LAVA BEDS SHOULD BE ADDED TO WILDERNESS SYSTEM

The SPEAKER pro tempore. Under a prevous order of the House, the gentleman from California (Mr. JOHNSON) is recognized for 15 minutes.

Mr. JOHNSON of California. Mr. Speaker, today I introduced a bill to designate certain lands in the Lava Beds National Monument of California as a wilderness. Involved is a total of approximately 9,000 acres, all of which are within the boundaries of the federally owned park facilities located in Modoc and Siskiyou Counties in the extreme northern portions of California.

Lava Beds National Monument is an area of comparatively recent lava flows, with lava tubes, or caves, and related volcanic features. It was the principal scene of the Modoc Indian War of 1872–73, the last important war of its kind fought in California.

The smooth cinder cones are the most conspicuous features on the landscape. These miniature volcanoes rise from 100 to nearly 500 feet over the lava beds. The largest cone is Schonchin Butte, named after a famous war chief of the Modocs. Altogether, there are about 17 cinder cones in the monument, most of them in the southern part.

Of equal interest are the spatter, or dribblet, cones on the lava flows. Some of these form large tubelike structures resembling chimneys, and others have deep holes extending down into the earth. One such hole at Fleener Chimneys, northwest of headquarters, is 3 feet in diameter and more than 100 feet in depth.

The Modoc War of 1872–73 was one of the last clashes between Indians and settlers in the Pacific West. Considering the small number of Indians involved and the hundreds of troops amassed against them, it was probably the most costly Indian campaign ever waged by the U.S. Army. The main battlefields of the Modoc War, located in the monument, are practically the same today as they were in 1873. The rock forts marking the scenes of conflict have been preserved and protected.

Two types of Indian art occur in the monument: paintings—pictographs—of red, yellow, and green mineral pigments in caves and on natural bridges; and carvings—petroglyphs—which are found mostly on the rocky bluffs in the Tule Lake peninsula where the rocks were soft enough to be pecked by stone tools. In the petroglyph section, a detached segment northeast of the main part of the monument, carvings are scattered for over a quarter of a mile along the cliffs.

The plant life of the area is unexpectedly colorful. In spring and early summer, the region at times is a veritable garden, and flowers bloom profusely wherever there is sufficient soil for plant growth. About 250 species of plants grow in the area, and their reds, yellows, and whites contrast vividly with the black lava flows and the green in scattered junipers, ponderosa pine, flowering antelope bitterbrush, mountain-mahogany and wild currant.

There are about 40 species of mammals in the monument. The checklist of birds of the lava beds area comprises about 200 species.

It is my hope, Mr. Speaker, that the rugged beauty of this area can continue to be preserved in its natural state for the enjoyment of this and future generations, and therefore, I urge its inclusion in the National Wilderness System.

Thank you.

RESTORING THE CONTROL OF OUR MONEY TO THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, on the 21st of this month I introduced H.R. 17140, a bill to vest ownership and control of the 12 Federal Reserve banks in our Government.

This is a positive and progressive action I feel necessary to overcome the retrogressive mistakes of the past. Money, next to freedom, is a basic human right. Protection of the peoples' money is a priority duty of government.

I am not a banker, nor am I involved in any international banking schemes or profitmaking enterprises. I only recognize that there is unrest in America—it is affecting the happiness and welfare of all of our people and it can be traced readily back to money.

From time to time I hope to grant free expression to many of our concerned citizens on the money crisis—chances to express themselves to Congress that they might otherwise never be granted. In so doing I may not necessarily agree with them in whole or in part, but I feel that somehow we must breach the bonds that bind us and live up to our responsibility by giving the American people some voice over their money.

Such information must by necessity commence with the speech of Congressman Louis T. McFadden who served this body for 22 years and was chairman of the Banking and Currency Committee. I insert his speech of January 24, 1934, and other related papers and comments:

[From the CONGRESSIONAL RECORD, Jan. 24, 1934]

SPEECH OF CONGRESSMAN LOUIS T. MCFADDEN, CHAIRMAN, BANKING AND CURRENCY COMMITTEE, 22 YEARS

Mr. MCFADDEN. Mr. Chairman, a citizen of the United States has asked me to explain for his benefit and for the benefit of other United States citizens the real meaning of the Roosevelt gold bill, the bill which the House passed last Saturday by 360 votes to 40, with 32 Members not voting.

Mr. Chairman, a law against the Constitution is void. The gold bill creates a nullity. Old John Marshall said that the words of the Constitution are not to be twisted out of their plain, everyday meaning. The Constitution says Congress shall have power to coin money and to regulate the value thereof. This, Mr. Chairman, means that Congress has power to make coins of metal and to stamp the true value upon each one of them. It does not mean that Congress shall refuse

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to furnish the people of the United States with an adequate coinage, and it does not mean that a theoretical amount of uncoined metal shall be called a coin. A coin is an object which may be seen and felt and even heard if one tests the ring of it.

Mr. Chairman, the gold bill attempts to cut out, delete, and destroy that part of our great written Constitution pertaining to the power of Congress to coin money and to regulate, that is, to stamp on the metal coin the value thereof. The bill is unconstitutional on its face because it seeks to nullify the Constitution. Moreover, it is a bill which is contrary to the common law and to the law of custom upon which the common law rests. It attempts to legalize robbery. It attempts by force to deprive the people of the United States of their right to the currency of the Constitution. It gives the international bankers power to send the gold belonging to the people of the United States to a place of deposit reserved to themselves in Europe. Mr. Chairman, the gold bill cannot become a valid law by any constitutional means.

Now Mr. Chairman, let us look at the bill to see if the legal hirelings of the Bank of England and their agents, the Federal Reserve Board and the Federal Reserve banks have been able to disguise its purpose. Let us see if they were able to clothe the grisly skeleton of their greed with echoes of glib religiosity, moral precepts, economic jargon, and shop worn tags of speech, according to the fashion set by the present administration. The first thing that meets my eye is the title. We read:

"A bill to protect the currency system of the United States to provide for a better use of the monetary gold stock of the United States and for other purposes."

It is indeed a bill to protect the present currency system of the United States, but it is a bill to protect it from the just wrath of United States citizens. It is a bill to save for the Federal Reserve Board and the Federal Reserve banks, and a great effort has been made to have it appear that the Federal Reserve banks their gigantic monopoly of a special paper currency which they steal from the Treasury and upon which they charge the people of the United States a heavy toll of interest. It is indeed a bill to provide for a better use of the monetary gold stock of the United States, if better use means the issuance of two sets of obligations against one peace of security. It is indeed a bill for "other purposes", and these are purposes which the proponents dare not mention.

Among the purposes of the gold bill not mentioned in the title is that of pretending to take into the Treasury the gold now held by the Federal Reserve Board and the Federal Reserve banks, and a great effort has been made to have it appear that the Federal Reserve banks are unwilling to surrender the gold they now hold to the United States Treasury. This effort is dishonest for two reasons. First, the Federal Reserve Board and the Federal Reserve banks have already made a profit of some billions of dollars out of the President's gold seizures, and those billions were stolen from the people of the United States; and second, the transfer is fictitious. The President sought to convince Members of Congress that the Federal Reserve banks were resisting his efforts to have the Treasury take possession of the gold, but one of the members of the Federal Reserve Board spoiled that argument by declaring that the Federal Reserve Board had asked the President to have the Treasury take the gold.

You see, Mr. Chairman, under this bill the United States Treasury has to pay for the gold. Although the gold belongs to the people and was taken away from their bank deposits and their cash registers and their pocketbooks in the first place and put into the Federal Reserve banks, and although the Federal Reserve banks tricked and fooled the people into giving it to them for Federal Reserve currency, which they now refuse to redeem, and although that gold does not belong to the Federal Reserve Board and the Federal Reserve banks, the United States Treasury has to pay the Federal Reserve Board and the Federal Reserve banks for it. Well, how does this bill propose to pay the Federal Reserve outfit? How does this bill provide that the Government shall take over the stolen goods? It provides that the United States Government shall give the Federal Reserve Board and the Federal Reserve banks new gold certificates to the full value of the loot. The gold certificates will give the Federal Reserve Board and the Federal Reserve banks legal title to the gold, and the United States Treasury will be nothing more than its physical custodian. The Secretary of the Treasury will give the Federal Reserve banks gold for their new gold certificates whenever they ask for it. It is a fraudulent transfer.

When the individual citizens of the United States were required to surrender their gold, they were required to surrender their gold certificates as well as their gold coin and bullion. The Federal Reserve Board and the Federal Reserve banks are private corporations, but they did not obey the gold orders. They did not surrender any gold coin, gold certificates, or gold bullion. On the contrary, the gold which was commandeered from the people was given to them as a free gift; and now, after they have taken into their possession all the gold belonging to the people, they are ready to make a pretended transfer of that gold to the Government. Evidently there is law for the common man and no law for the Federal Reserve Board and the Federal Reserve banks. The common man must toe the mark, but the Federal Reserve Board and the Federal Reserve banks are the agents of the Bank of England, and the law, it seems, does not apply to them. Many of the officials of the Federal Reserve outfit have had charges of impeachment brought against them, but those charges have not been investigated.

The Federal Reserve outfit now has in its possession gold coin, gold certificates, and gold bullion. But this bill does not require them to surrender their present holdings of gold certificates. After this bill becomes law, if such a catastrophe should occur, the Federal Reserve Board and the Federal Reserve banks will still hold their present gold certificates. They may exchange those gold certificates for gold between the time this bill becomes law and the day the President makes his proposed devaluation proclamation. Is not this gift of over $1,000,000,000 in gold a great treasure to bestow upon the Federal Reserve Board and the Federal Reserve banks—the corrupt and sinister organization which has bankrupted the country? Does this not make favorites of the financial crooks who control it?

Mr. Chairman, all the gold in the possession of the Federal Reserve Board and the Federal Reserve banks belongs to the people of the United States. During the last 20 years, under the vicious Federal Reserve Act, they have taken it from the people in exchange for Federal Reserve currency, and it has not cost them one penny. Now they come forward to make a pretended transfer of the people's gold coin and bullion to the United States Treasury. Not one penny of the gold they pretend to transfer to the United States Treasury is owned by them; every dollar of it belongs to the individual citizens of the United States. The United States Treasury is to buy it on credit and to pay for it with new gold certificates. How does this transfer title to the United States Treasury? Can the Congress lend itself to such a transaction? Last May I stated that, in my opinion, the people's gold, unjustly impounded in the Federal Reserve banks, should be placed in the people's Treasury, but I did not state that it should be placed there as the property of the Federal Reserve Board and the Federal Reserve banks, to be withdrawn by them with gold certificates and to be made exportable from the United States Treasury to the Bank for International Settlements in Europe. What this bill proposes to do in connection with the President's message suggesting that this United States gold may be sent to Europe to be kept in the Bank for International Settlements with the loot of the central banks of other countries is one of the greatest fiscal frauds in history. It is one of the biggest swindles of all time.

Again, Mr. Chairman, as you very well know, the Federal Reserve Board and the Federal Reserve banks had paper currency outstanding to the extent of about $5,000,000,000 when the present administration came into power. That currency was redeemable in gold. It constituted the people's title to all the gold held by the Federal Reserve outfit. It constituted a first and paramount lien on all the assets of the Federal Reserve Board and the Federal Reserve banks. Instead of taking over the gold and the assets of the Federal Reserve Board and the Federal Reserve banks, including the great hoard of United States wealth which they have hidden in foreign countries, and honestly administering those assets for the benefit of the people who had been defrauded by the Federal Reserve Board and the Federal Reserve banks, the President of the United States unlawfully relieved the Federal Reserve Board and the Federal Reserve banks from their legal liability to redeem their Federal Reserve currency in gold, or in lawful money convertible into gold, and from the surrender of all their assets. Every dollar that was unlawfully taken from the people of the United States by Roosevelt's gold order was given to the Federal Reserve Board and the Federal Reserve banks in preparation for this great steal, this wholesale robbery of the masses for the benefit of the privileged few. And now that American citizens have lost their gold, an entirely fictitious transfer has been arranged to deceive the people. Mr. Chairman, the President may underrate the mental capacity of the American people as much as he likes, but I venture to say there is no man in the United States so dumb that he cannot understand how this bill tricks and deceives him.

The Federal Reserve Board and the Federal Reserve banks have profited to the extent of $5,000,000,000 or more by being released from their obligation to redeem their outstanding $5,000,000,000 of paper Federal Reserve currency in gold. They have profited by having had over a billion dollars in gold certificates saved to them. They have profited during the last 20 years by the criminality of the Federal Reserve Board, which never charged them one penny in interest on the great mass of Federal Reserve currency they have taken from the Government. They have profited from their own wrongdoing by the unlawful creation of fictitious claims against the United States Government and the giving of those claims to foreigners, and they have profited by their control of all the public revenues. And now they come forward with a scheme to sell the gold they have taken from the American people to the Treasury for new gold certificates which will give them a legal title to that gold and permit them to do as they please with it. An era of corruption is culminating in one of the greatest crimes that have ever been perpetrated against the people. Mark my words, Mr. Chairman, there will be trouble here if this bill becomes law.

Why, Mr. Chairman, this fiscal fraud, this crime is so stupendous that the instigators and manipulators of it did not dare to have all the transactions performed by one man. Each man did his part and then got out of Washington pretending that he disagreed

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with the President's money policy or pretending that he was ill. William H. Woodin, who sat beside Albert H. Wiggin on the board of the Federal Reserve Bank of New York and who acquiesced in and helped to perpetrate the financial misdeeds which bankrupted the country, is now hiding in a western sanitarium. Dr. Sprague, the tool of the international bankers and an employee of the Bank of England, was, in my opinion, put into the Treasury to resign at a certain time and to create uncertainty in the minds of the people by the manner of his going and his subsequent articles pleading for sound money. Mr. Chairman, all the bickering and the resignations and the artful propaganda that have been thrown around the monetary policy of Franklin D. Roosevelt cannot disguise the fact that he was selected by the international bankers to carry on the work they started with the great depression; that is, the pauperization of the masses and the seizure of American property for their own use and benefit, and that he has lent himself to their schemes by unconstitutionally demanding and assuming the dictatorial powers which will enable him to carry them out.

Another purpose of this bill not mentioned in the title is the transference of a very large quantity of United States gold to the Bank for International Settlements. One of the chief objects of the gold policy of the present administration is the sending of gold taken by force from its lawful American owners to the Bank for International Settlements in Europe, where it will be kept with the property of the central banks of the world. According to the Hague convention, under which the Bank for International Settlements was formed, gold deposited in the vaults of the Bank for International Settlements is safe from seizure. Our gold, when it goes there, will certainly be safe from seizure by the United States. The Bank for International Settlements is dominated by the Bank of England. It is not on American soil. It is in Europe. American gold, therefore, will be kept in Europe. It will be placed where none of the wage slaves of the United States will ever be able to acquire any of it. It will be the capital and means of oppression of that international superstate, that financial superstate, which has been after Uncle Sam's gold money ever since the wealth of this country attracted the attention of greedy European bankers and brought them flocking over here to set up the suction pumps of the Federal Reserve Board and the Federal Reserve banks.

The Bank for International Settlements is an international bankers' bank. It is a central bank of central banks. The international bankers, who brought about the depression, have been drawing gold to themselves from the common people of every land. It is their intention to use that gold for their own purposes. They propose two kinds of money. Gold—the real money—is what they intend to have for themselves, and paper money, which has no intrinsic value in itself, and which is made out of nothing and is worth nothing unless it can be redeemed by the holder in gold—that is for the common people, or, as they call us, the peasants.

George Washington said:

"I never have heard, and I hope I never shall hear, any serious mention of a paper emission in this state; yet such a thing may be in agitation. Ignorance and design are productive of much mischief. The former is the tool of the latter, and is often set at work suddenly and unexpectedly."

While he was here in Congress, Daniel Webster, in 1832, made the following statement:

"Of all the contrivances for cheating the laboring classes of mankind, none have been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community compared with fraudulent currencies and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice and the intolerable oppression, on the virtuous and well disposed, of a degraded paper currency, authorized by law, or in any way countenanced by government."

Franklin D. Roosevelt, the high priest of repudiation, the apostle of irredeemable paper money, and the man who intends to send United States gold out of the United States to a place where no American citizen can claim it—this Franklin D. Roosevelt characterizes all those who do not agree with his monetary policy as mules. If that is true, what an awful mule President Woodrow Wilson must have been. Concerning Andrew Jackson, Wilson said:

"He had no idea of allowing the country to undertake the fatal experiment of an irredeemable paper currency."

This is the fatal experiment Franklin D. Roosevelt has undertaken. This is a part of his policy of "bold experimentation." Not long ago he told the people at Savannah that George Washington, like himself, was an experimenter. Mr. Chairman, there are no points of resemblance between George Washington and Franklin D. Roosevelt, experimental or otherwise. George Washington did not take orders from money changers. He did not rob the people of their gold. George Washington abhorred dishonor in all its forms. He would have died before he would have violated his oath of office or tampered with the Constitution of the United States in the manner of Franklin D. Roosevelt.

In 1837 the New York Herald described the crime of suspending payments in specie, that is, in gold or silver, on demand, as follows:

"The general suspension of specie payments is a terrible fraud upon the community that will end in destruction to all concerned. This fraud is heightened into crime of the deepest dye, from the fact that it is done to send gold and silver to England by the actual plunder, at the point of the bayonet, of the great mass of the people here * * *. Such an act is a phenomenon in the annals of crime, without a parallel in the history of tyranny, violence, or bad government, from the remotest ages of the world down to the present day."

Now, Mr. Chairman, let us hear the true purpose of the $2,000,000,000 fund which this bill proposes to set up. I quote from the prophecies of Henry Morgenthau, Mr. Baruch's Secretary of the United States Treasury, as shown by the following article which appeared in the Washington Times of January 16, 1934:

"TREASURY SEES U.S. NEED OF BLUE CHIPS

"When you play poker, you want just as many blue chips as the other fellow.

"That, in a man's language, was the gist of Secretary Morgenthau's summing up of the Roosevelt proposal for a $2,000,000,000 stabilization fund to protect the currency of the United States.

"In other words, the American Government is engaged in probably the greatest gamble of all time. The stake is the credit of the United States.

"TO EQUAL BRITISH

"When asked why a figure of 2,000 millions for the stabilization fund had been asked, Morgenthau said:

" 'We figured we might need an amount substantially equal to the British stabilization fund.

" 'If we are going to play, we must have as many chips as the other fellow.

" 'We want every piece of machinery the other countries have. We want to be in a position to buy gold and to sell gold.'

"The 2,000-million stabilization fund will be derived from the Government's profit on the debasing of the value of the dollar to from 50 to 60 percent of the normal valuation.

"FUND FROM PROFITS

"If the debasement is 50 percent, the profit to the Government will be $4,000,000,000 in round numbers. A 60-cent dollar will mean about 2,666 millions in profits.

"Out of these profits will come the stabilization fund to be administered by the Secretary of the Treasury, the remainder being available for any Government expenditure. Morgenthau said:

" 'It is possible that the mere existence of the fund will be sufficient to carry out the law which requires that the Secretary of the Treasury maintain all lawful money of the government on parity with gold.'

"The Secretary of the Treasury is charged with the responsibility of administration of the fund to carry out that purpose. If any particular type of currency issued—United States notes, for instance—should become depreciated in value, the Treasury would go into the market and buy a sufficient quantity of that currency to maintain its parity. Operations in the foreign markets to protect possible depreciation of the dollar would be similar."

Let this quotation from Morgenthau go down into history. Long from now some curious investigator of the present age of witchcraft and magic in the White House may unearth it and reconstruct the financial history of the new deal from it, as science from a single part reconstructs the entire animal.

Mr. Chairman, it is not the gambler's voice in Mr. Morgenthau's confession which most deserves political attention. We are becoming accustomed here to gambling terms as they are employed by the executive branch of the Government, and we can well understand that the Executive and his favorites must of necessity speak the lingo of their kind. This is a gambler's administration, and all the "big shot" gamblers are here to revel in it. Mr. Roosevelt does not deny his gambling propensities. He is a "new dealer." He is "on his way", but he "doesn't know where he is going." He is for a policy of "bold experimentation", just as Samuel Insull was for a policy of bold experimentation. He has not been Ben Smith's patron all these years for nothing. But, Mr. Chairman, there is something apart from the vice of gambling to be observed in Mr. Morgenthau's utterance, and that is its entire untruthfulness. He would have us believe that the United States is on one side of the fence and Great Britain on the other. That, of course, is not the case. The United States has been placed in a position of financial servitude to Great Britain, and Mr. Morgenthau's loud-sounding propaganda is designed to conceal that fact from the people. Great pains have been taken to conceal it. It would be very damaging to this administration if certain people in the United States should find out about the great sums of United States money which have been sent to England during the past summer. Those funds were appropriated by Congress for the people of the United States.

Mr. Chairman why should tax money paid by American citizens be sent to London? When England makes her periodical gesture of insult toward the United States by paying a small installment on the war debt she owes us, she pays us in debased coins, in token coins, to be exact. But when Mr. Roosevelt sends American money to England, he sends it in gold or its equivalent. When Mr. Morgenthau obtains his "kitty" for this, I have been told, is what he called the proposed stabilization fund at the White House a week ago last Sunday evening. American funds will be fed to Europe more expedi-

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tiously and with less secrecy than such operations now require. If Congress puts the people's property into a "kitty", someone, if he cannot be the knight of the bedchamber, can at least pose before royalty as the knight of the "kitty."

Mr. Chairman, understanding that Henry Morgenthau is related by marriage to Herbert Lehman, Jewish Governor of the State of New York, and is related by marriage or otherwise to the Seligmans, of the international Jewish firm of J. & W. Seligman, who were publicly shown before a Senate committee of investigation to have offered a bribe to a foreign government; and to the Lewissohns, a firm of Jewish international bankers; and to the Warburgs, whose operations through Kuhn, Loeb & Co., the International Acceptance Bank, and the Bank of Manhattan Co. and other foreign and domestic institutions under their control, have drained billions of dollars out of the United States Treasury and the bank deposits belonging to United States citizens, and to the Strauses, proprietors of R. H. Macy & Co., of New York, which is an outlet for foreign goods dumped upon this country at the expense of the United States Government, which is compelled to issue paper money on the said foreign goods of the Strauses; and that Mr. Morgenthau is likewise related or otherwise connected with various other members of the Jewish banking community of New York and London, Amsterdam, and other foreign financial centers, and that he has as his assistant, presiding over public funds, Earle Baillie, a member of the firm of J. & W. Seligman, bribe givers as aforesaid. It seems to me that Henry Morgenthau's presence in the United States Treasury and the request that Congress now give him a $2,000,000,000 "kitty" of the people's money for gambling purposes is a striking confirmation of the statement made by me on the floor of the House on May 29, 1933, which statement was as follows:

"Mr. Chairman, the Constitution of the United States has served us well. I am in favor of defending it against all comers. In the Constitution of the United States it is written that the United States shall guarantee a republican form of Government to every State in the Union. This guaranty has been broken by Franklin D. Roosevelt in his unlawful assumption of dictatorial powers. It is also written that no State shall make anything but gold or silver coin a tender in payment of debts. This repudiation bill and its predecessors nullify this provision of the Constitution. It is also written in an amendment to the Constitution. "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties in suppressing insurrection or rebellion, shall not be questioned." Mr. Chairman, this repudiation bill questions the validity of the public debt and repudiates it. It repudiates the Liberty bonds; it repudiates the veterans' adjusted-service certificates; it cancels the war debts due to the United States from foreign governments. "Now, Mr. Chairman, we have come to the place where we must decide whether we shall serve God or Mammon. Shall we nullify the Constitution at the behest of the money changers who have unlawfully taken all our gold and lawful money into their own possession or shall we take a stand here in defense of the faith of our fathers? Mr. Chairman, my mind is made up. I will stand by the Constitution. If I should fail to do so, I should expect to be met at the train when I go home to my district by a delegation of honest Pennsylvania citizens with 50 or 100 feet of rope. I should expect to be escorted to the nearest tree to be taught what it means to vote for a nullification of the Constitution in the House of Representatives.

"Mr. Chairman, the provisions of this repudiation bill were foretold by a writer in the Dearborn Independent some years ago. There is, therefore, nothing novel or original about them. The writer of the article in the Dearborn Independent made the following quotation prophesying some of the measures which have been introduced here by the President of the United States:

"'(2) Confiscation of money in order to regulate its circulation.

"'(3) We must introduce a unit of exchange based on the value of labor units, regardless of whether paper or wood is used as the medium. We will issue money to meet the normal demands of every subject, adding a total sum for every birth and decreasing the total amount for every death.

"'(4) Commercial paper will be bought by the Government, which * * * will grant loans on a business basis. A measure of this character will prevent the stagnation of money, parasitism, and laziness, qualities which were useful to us as long as the Gentiles maintained their independence, but which are not desirable to us when our kingdom comes.

"'(5) We will replace stock exchanges by great Government credit institutions, whose functions will be to tax trade paper according to Government regulations. These institutions will be in such a position that they may market or buy as many as half a billion industrial shares a day. Thus all industrial undertakings will become dependent on us. You may well imagine what power that will give us.

"'Remember that when next you hear the Jewish plan that "Gentiles" shall do business with their own bits of paper, while Jews keep the *gold reserve* safely in their own hands. If the crash comes, "*Gentiles*" have the paper and the *Jews* have the gold. Says protocol XXII: "We hold in our hands the greatest modern power—gold; in 2 days we could free it from our treasuries in any desired quantities."

"'The *Jews* are *economists,* esoteric and exoteric: They have one system to tangle up the "Gentile", another which they hope to install when "Gentile" stupidity has bankrupted the world. The Jews are economists. Note the number of them who teach economics in the State universities. Says protocol VIII:

"'"We will surround our Government with a whole world of economists. It is for this reason that the science of economics is the chief subject of instruction taught by the Jews."'

"Mr. Chairman, have not most of these predictions come to pass? Is it not true that, in the United States today, the *'Gentiles'* have the slips of paper while the *Jews* have the *gold* and lawful money? And is not this repudiation bill, a bill specifically designed and written by the *Jewish international money* changers themselves, in order to perpetuate their power? What else do you make of it, Mr. Chairman? Does it not cancel the war debts? Does it not defraud the holders of *Liberty bonds* and every other obligation calling for the payment of money? Does it not defraud the veterans of the World War and take the value out of their adjusted-compensation certificates?"

Mr. Chairman, do you not see in this "kitty" bill the identical features outlined in the Protocols of Zion? Do you not see the Protocols of Zion manifested in the appointment of Henry Morgenthau as Secretary of the Treasury? It is not by accident, is it, that a representative and a relative of the money Jews of Wall Street and foreign parts has been so elevated?

Why, Mr. Chairman, this "kitty" bill takes the hitherto obscure young Henry Morgenthau and makes of him a central bank of the United States. It makes of him a central bank, an institution which Jefferson declared is one of deadly hostility to the free institutions of the United States. It exalts him above all other men. Under the powers to be granted him, his conduct is not subject to review or control by any other officer of the United States Government, not even the President.

What this "kitty" bill really does is to slide into the hands of Henry Morgenthau the emergency powers which Congress granted to the President. Those powers will not lapse. Instead, they are being slyly and dishonestly transferred to the bankers and after the bankers, in the person of Henry Morgenthau, have exercised them long enough to get the gold of the United States into their exclusive possession and to transfer it to their den of thieves, the Bank for International Settlements, Congress may take back its constitutional power over the currency, but it will have nothing left to exercise it on. The monetary gold of the people of the United States will, like the sons of the people, be buried in a foreign field.

Mr. Chairman, if you, as one of the party in power, are thinking of remaking the world so that the old America we knew and loved is to be no more; if you are one of those who is countenancing the placing of this country under the British Crown and the pooling of all American resources with those of England and Soviet Russia; if you are one of those to whom a title of nobility appears to be more desirable than plain citizenship in the Republic founded by George Washington, I trust that you will some day descend from the Speaker's chair and let us know the reasons for your preference. If, on the other hand, you are not what these words depict, I trust that you will come down to the floor and tell us how constitutional government is to be maintained in this country if the plutocratic managers of the Democratic Party continue their efforts to destroy it. You, if anyone, should be able to give the people of the United States an answer to this question.

Under this administration the result of the American Revolution has been reversed. The United States has become an economic vassal of Great Britain. The once proud Republic of the United States with its great charter of human freedom, the Declaration of Independence, and its written Constitution, which had kept it free and independent for over 140 years, and its flag, first made by the hands of Betsy Ross in Philadelphia, and its national anthem, born within earshot of the British guns that shelled Fort McHenry—all these, like the American dollar, were brought down from their high estate.

Oh, say, can you see by the dawn's early
light
What so proudly we hailed at the twilight's
last gleaming?

Mr. Chairman, you know very well that you cannot see that flag there as it used to be. Others started very cautiously to pull it down. But it was Franklin D. Roosevelt, in his unlawful and unconstitutional assumption of dictatorial powers, who finally lowered it and tore it from its standard.

Mr. KELLER. Will the gentleman yield?

Mr. McFADDEN. Yes. I yield to the gentleman from Illinois.

Mr. KELLER. I should like to ask this question, if the gentleman holds that our only legal money under the Constitution is metal money?

Mr. McFADDEN. I do; yes.

PALO ALTO, CALIFORNIA MAN STOPS PAYING INCOME TAX—ASKS FOR 3-YEAR REFUND, INVITES STATE AND FEDERAL JURY TRIAL

At a State Convention of United Republicans of California (UROC) held in Santa Cruz, California, February 6-8, the editor of the California Mining Journal was privileged to hear, at a special meeting Dr. Robert L. Meiers, of Palo Alto, California. Dr. Meiers stopped paying income tax in June of 1969, and on October 22, 1969 invited the U.S. Government and its proper agency, and the State of California and its proper agency to bring a civil action against him in a jury trial before a Federal Court—if they think he owes an income tax under the present U.S. and California Income Tax Statutes.

Although Dr. Meiers' correspondence with State and Federal officials is too lengthy for one issue of CMJ, it is a matter of such importance to every American taxpayer that we plan to publish all of his letters in chronological order. Part I follows.

PALO ALTO, CALIF.,
June 11, 1969.

U.S. Treasury,
Internal Revenue Service,
San Francisco, Calif.

GENTLEMEN: I have revised my income tax estimate because I recently learned that I am not earning "dollars" but Federal Reserve notes. A "dollar" is defined as "1/35 ounce of gold," but the banks will not exchange my Federal Reserve notes or checks for gold or gold coins, only copper and nickel coins; therefore, the notes cannot legally be considered to be "dollars." The income tax law says anyone earning 600 "dollars" or more must file. But, in the light of the above, I am not earning any "dollars," only Federal Reserve notes and copper or nickel coins.

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., July 24, 1969.

Hon. CHARLES S. GUBSER,
House of Representatives,
Washington, D.C.

DEAR MR. GUBSER:

This is in reply to your letter to Commissioner of Internal Revenue Thrower, dated June 25, 1969, transmitting an inquiry from Robert L. Meiers, M.D., Palo Alto, California, who questions the constitutionality of Federal Reserve notes since they are not redeemable in gold or silver. Dr. Meiers' concern is apparently based on Article I, Section 10, Clause 1 of the Constitution, which provides that "No State Shall . . . make any Thing but gold and silver Coin a Tender in Payment of Debts."

The quoted provision of the Constitution does not require that gold and silver coins be made the only lawful medium of exchange for the payment of debts. Nor is it the purpose of this clause to require the States to pass legislation making gold and silver coins the only legal tender, rather it is a restriction preventing them from making anything else legal tender. In other words, this prohibition is aimed at preventing the States from enacting legislation which would force creditors to accept property at inflated value or state bank notes in payment of the debts owed to them. While limiting the States in this respect, Article I, Section 10, Clause 1 has no effect on the power of Congress to provide for a national currency not redeemable in gold or silver and to make that currency legal tender. As the Supreme Court has stated, by virtue of the specific monetary powers granted by the Constitution "Congress is authorized to establish a national currency, either in coin or in paper, and to make that currency lawful money for all purposes, as regards the national government or private individuals." Legal Tender Case (Juilliard v. Greenman), 110 U.S. 421, 448 (1884). The Congress has made Federal Reserve notes a national currency and legal tender for all debts, public and private. These notes are lawful money, their issuance having been authorized under laws enacted by the Congress in the exercise of its monetary power under the Constitution.

I hope you will find the foregoing helpful in preparing a reply to your constituent.

Sincerely yours,
PAUL W. EGGERS.

The constitution defines money only in terms of gold and silver coins. The paper notes issued by the Government have not been redeemable in gold coins since 1934 and not redeemable in silver coins since the Coinage Act of 1965. Obviously these Acts are unconstitutional since no Constitutional amendment was made first. In view of this, I have not been earning any gold "dollars" since 1934, nor any silver "dollars" since 1965. Since I have been earning only Federal Reserve notes since 1965 and not "dollars," I demand a refund of all income tax paid in the years 1966, '67, '68 and '69, plus six per cent interest. As long as the present situation exists in which it is impossible to earn "dollars," it will not be necessary to file income tax reports.

If you have any facts relevant to this matter, I would appreciate hearing from you as I am prepared to take this to the Supreme Court for a Constitutional ruling, if necessary.

ROBERT L. MEIERS, M.D.

Ref: 1. U.S. Constitution
2. Myer's Finance Review, Nos. 67, 68 & 68–X

cc: David Kennedy, Secretary of the Treasury
Chas. Gubser, Congressman
George Murphy, Senator
Allan Cranston, Senator

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1969.

Dr. ROBERT L. MEIERS,
Palo Alto, Calif.

DEAR DOCTOR MEIERS: Thank you for sending me a copy of your letter of June 11 which was addressed to the Internal Revenue Service in San Francisco.

I have advised the Commissioner of IRS of my interest in your behalf.

Yours sincerely,
CHARLES S. GUBSER,
Member of Congress.

CSG: dc

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 31, 1969.

Dr. ROBERT L. MEIERS,
Palo Alto, Calif.

DEAR MR. MEIERS: Possibly you have received a response from the Internal Revenue Service in San Francisco concerning your letter of June 11. In any event, I thought you would like to have the enclosure which has been sent as a result of my expression of interest in your behalf.

Yours sincerely,
CHARLES S. GUBSER,
Member of Congress.

U.S. TREASURY DEPARTMENT,
Washington, D.C., August 1, 1969.

Dr. R. L. MEIERS,
Palo Alto, Calif.

DEAR DR. MEIERS: This is in reply to your letter in which you contend that you are not subject to Federal income tax for the reason that the Federal Reserve notes you receive do not constitute lawful money of the United States and are, therefore, not income.

Mr. Jerome Daly, the defendant in the Justice of the Peace case you cite, has challenged the constitutionality of the monetary system of the United States in several court cases. However, the United States Court of Appeals for the Eighth Circuit, in affirming judgments of the United States District Court for the District of Minnesota, has flatly refused Daly's contentions on at least three different occasions. See Koll v. Wayzata State Bank, 397 F. 2d 124 (July 5, 1968); Daly v. United States, 393 F. 2d 873 (April 11, 1968); and Horne v. Federal Reserve Bank of Minneapolis, 344 F. 2d 725 (April 29, 1965).

It was settled long ago by the Supreme Court of the United States that the Congress has the power to provide for a national currency not redeemable in gold or silver and to make that currency legal tender. See Legal Tender Case (Juilliard v. Greenman), 110 U.S. 421 (1884). The Congress has made Federal Reserve notes a national currency and legal tender for all debts, public and private. These notes are "lawful money," their issuance having been authorized under laws enacted by the Congress in the exercise of its monetary powers under the Constitution.

The opinion of the Justice of the Peace of Credit River Township, Scott County, Minnesota, does not alter the law as enunciated by the Supreme Court of the United States and the United States Court of Appeals for the Eighth Circuit.

Sincerely,
K. MARTIN WORTHY,
Chief Counsel.
By: JAMES F. DRING,
Director, Legislation and Regulations.

* * *

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE CENTER,
WESTERN REGION,
August 8, 1969.

ROBERT L. & BETTY T. MEIERS,
Palo Alto, Calif.
Social Security Number: 446-09-6418
Form: 1040
Period: 1966, 1967, 1968, 1969

Your inquiry concerning the tax account identified above is receiving special attention. As soon as we have the necessary information we will contact you by letter or telephone to let you know the action we are taking.

If you need to contact us, please attach a copy of this letter to your correspondence.

Sincerely yours,
DELBERT L. HIRSCHI,
Chief, Technical Section.

PALO ALTO, CALIF., MAN STOPS PAYING INCOME TAX—ASK FOR 3-YEAR REFUND, INVITES STATE AND FEDERAL JURY TRIAL

PART II

(Dr. Robert L. Meiers, of Palo Alto, California stopped paying income tax last June, 1969, and informed the Internal Revenue Service of his reasons for the action. On October 2, 1969 Dr. Meiers invited the U.S. Government and its proper agency, and the State of California and its proper agency to bring a civil action against him in a jury trial before a Federal Court—if they think he owes an income tax under the present United States and California Income Tax Statutes.

Last month's installment ended with a letter to Dr. Meiers from Delbert L. Hirschi, Chief, Technical Section, Department of the Treasury, Internal Revenue Service Center, Western Region.)

PALO ALTO, CALIF.
August 14, 1969.

CHARLES S. GUBSER
Member of Congress,
House of Representatives,
Washington, D.C. 20515

DEAR MR. GUBSER: Thank you very much for giving my recent letter to you the attention you did. I am returning a copy of the letter from the Treasury you forwarded to me as well as another copy of my letter to the I.R.S. Please read Mr. Eggers' letter carefully, because I could not have written a better letter in my behalf, although I am certain this was not Mr. Eggers' intention.

He is correct in identifying my concern based on Article 1, Section 10, Clause 1 of the Constitution which provides that "No State shall . . . make anything but gold and silver coin a tender in payment of debts." Can you imagine a more clear and precise statement than this? Apparently not for Mr. Eggers because he says "The quoted provision does not require that gold and silver coin be made

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the only lawful medium of exchange for payment of debts." Well, it certainly doesn't provide for anything else. He continues, "Nor is it the purpose of this clause to require the States to pass legislation making gold and silver coins the only legal tender." (Obviously a state or the Nation does not have to pass a law reiterating a provision of the Constitution.) "rather it is a restriction preventing them from making anything else legal tender." (This is exactly my point.) "While limiting the States in this respect, Article 1, Section 10, Clause 1 has no effect on the power of Congress to provide for a National currency not redeemable in gold or silver and to make that currency legal tender." If this is true, and I doubt that it is, where could that currency circulate? Certainly not in any of the States. They are prohibited by the Constitution from allowing anything but gold and silver coins as legal tender within their borders.

Mr. Eggers cites the Supreme Court Legal Tender Case (Juilliard v. Greenman), 110 U.S. 421, 448 (1884). Unfortunately, he failed to tell you that that case referred to only U.S. Treasury Notes, not Federal Reserve Notes. It should be quite clear that these are not the same thing. There has been no ruling on the Federal Reserve notes and this is the issue. In fact, there are several issues involved here, such as:

1. Where does the Constitution give Congress the right to delegate its power to issue currency to a private organization, namely, the Federal Reserve Banks?

2. Where does the Constitution give Congress the right to give such an organization monopoly over currency with the full sanction and coercive power of the Government?

3. Where does the Constitution give Congress the right to permit a private organization to create something out of nothing (It costs less than one cent to print a Federal Reserve Note, regardless of the denomination) then force the citizens to make up the difference in taxes? Therefore, there is no lawful consideration for these notes to circulate as money.

4. Where does the Constitution give Congress the power to create something out of nothing, then loan that something at interest to other banks and the U.S. Treasury?

5. Where does the Constitution give Congress the power to create, then to permit a private organization to be free from control, public auditing, and taxes?

It is also interesting that Mr. Eggers did not deal with the issue in my letter, that Federal Reserve Notes are not dollars. At one time there was a statement on them saying that they were redeemable in lawful money. This is an open admission that they were not lawful money, only a promise to pay in lawful money. As the Federal Reserve Banks became bankrupt, this statement obviously became embarrassing and recently has been omitted. Since a note, whether issued by an individual, a bank or a government, is an acknowledgement of a debt with a promise to pay, the Federal Reserve Notes can no longer qualify even as notes. They are obviously not dollars because Congress has defined a dollar as 25.8 grains of gold, .900 fine, or 412.5 grains of silver. If they are not notes and they are not dollars, what are they? The only conclusion I can make is that they are only pieces of paper with some printing on them, signifying nothing. In addition to this all being unconstitutional, it is so fraudulent and immoral, that no thinking person could knowingly and willingly support such a crime.

One of the main purposes of establishing our Government under our Constitution was to protect and defend its citizens from fraud. Now, when the Government becomes a party to fraud against the citizens, where do those citizens turn to for protection and defense? Obviously, the citizens must reclaim the powers and responsibilities they originally delegated to the Government through the Constitution.

Since Federal Reserve Notes are not money, debts cannot be paid—only shifted from one to another. It's like the card game "Old Maid"—the last one who gets stuck with it, loses. In every known instance in history, when a government has committed the fraud of irredeemable currency (fiat money) it has had a destructive effective on the moral and economic character of that nation. Under such circumstances, paying the tax is aiding and abetting the destruction of our Nation. States and self. Therefore, paying the tax is treason.

Incidentally, there are many other Constitutional reasons for refusing to pay income taxes, such as:

1. As long as any income to an individual or private organization is exempt from taxation, it represents discrimination and confiscation of private property * * * which requires just compensation and due process of law.

2. All taxes must be for a public purpose. Any time taxes are used for fostering any private individual business or enterprise, the Government is using its coercive power as a highwayman forcibly taking property from A and giving it to B. At this point it ceases to be a tax and becomes robbery.

The principle involved in the above issues of discrimination in collection and/or disbursement of income taxes is one that affects the foundation and continued existence of every free government, namely, equality of all men before the law. If an income tax is laid at the same rate on all incomes and used only for public purposes, there would be no question as to its uniformity and compliance with the Constitution. It is obvious that the income tax as it is presently administered, does not meet these requirements.

3. When the Government is using the taxes for unconstitutional purposes in addition to those previously stated, the responsible citizen finds that the only patriotic action is to refuse to support these actions: of the many—only two will be mentioned. A. Engaged in an unconstitutional "war" in that it has not been legally declared and even if it were, it would not be to "repel invasion," Article 1, Section 8. B. Aiding and abetting the enemy by fostering trade with the enemy (Communist countries) which for an individual, civilian or military, would be treason.

All of these problems raise very basic questions, such as, is our Government guided by and limited by the Constitution, or is it guided by the whim of whoever is in power or has the original relationship of employer to employee changed completely between the citizens and their Government employees? Has the Government become master and the citizens slaves? Has the Government gained a special privilege to commit crimes without punishment? Have the citizens lost their ability or power to effectively limit the power and control of the Government through legal means? Is revolution the only means left to obtain a constructive change?

These are not pleasant ideas to contemplate, but each concerned citizen must face them and follow the dictates of his own conscience in terms of what is in his own best interest and the interest of his Country. In this matter, there should be no conflict of interest.

Thank you again for giving my thoughts your attention.

Robert L. Meiers, M.D.

Solving Monetary Dilemma

More and more often we hear or read about inflation, recession and even inflation within recession or recession within inflation. Take your choice. It does show what "fine-tuning" has done to the economy.

There is increasing evidence that so-called economists and money managers are becoming increasingly frantic; and properly so, because they got themselves and us into this mess.

Interest rates have not yet been lowered. In fact, they may not even have reached their full heights. Unemployment has increased and may increase some more. Just what is wrong?

Our monetary and economic system have been complicated by men with academic degrees, who no doubt are looking for complicated solutions.

Here is a simple solution by a man without an academic degree in economics for the common man likewise without such a degree.

In our present system before production can begin someone has to borrow at interest usually from commercial banks all or most of the money required. Now, in order for full production and employment to be maintained the products must be used up—otherwise surpluses build up. But, in order for the consumers to buy up all the products all the money involved in production must reach the consumers. That can't happen now because a part of the originally borrowed money has to be paid as interest. Most of that money can't be used to buy production. Right there is the *bottleneck* in our present system.

Since the producers can't recover from the consumers the full cost of production, if they want to maintain full production, they will have to borrow more money.

On the other hand, the consumers—if they are expected to buy up and utilize all the production—will have to borrow additional money simply because they didn't get all the money involved in production. Hence, someone has to keep borrowing ever more money at interest to keep the system going. It is a VICIOUS system. If people refuse or can't afford to borrow any more, then the Government does the borrowing for us. It should not and need not be so.

THE REMEDY

Congress must admit that it made a tragic mistake when it delegated to the Federal Reserve and the commercial banks the power to issue money (mostly credit) at interest. The present system is legal because it is based on a law—the Fed. Res. Act, 1913—but it is unconstitutional and gravely unjust. Congress must assert its constitutional right and assume full responsibility for the issue of all coin, currency and credit without interest at the source. The source must be only the Congress as the Constitution provides. The Founding Fathers wanted the power to issue and control money in the hands only of elected officers accountable to the voters.

This does not mean that banks could not loan money which they really have and charge for it an interest rate controlled by Congress. But the banks could no longer issue money by creating credit. There must be a separation: Congress must issue money but not compete with bankers by loaning it, whereas bankers should loan and safeguard money but not issue any of it.

Rev. Dismas Treder, O.F.M.

Pulaski, Wis.

Confidence, Basic (?) Component of Money System?

William McChesney Martin, who after 14 years was replaced Feb. 1, 1970 by Arthur F. Burns as Chairman of the Federal Reserve Board, at a Hearing before a Senate Finance Committee on Aug. 14, 1947 stated: "I personally like the definition that money is a medium of exchange and a standard of value, and that ITS BASIC COMPONENT IS CONFIDENCE." (1, p. 1304)

By the way, both Martin and Burns are members of the Council on Foreign Relations. (2, p. E1139 and E1140)

Confidence in the present monetary system does seem to be one of its very important ingredients; but just like the gold behind our dollars, there is very little left. Again, please let me quote THE authority: "Confidence in the stability of the dollar and fixed-income securities . . . has been gradually ERODED to the point that we have this great pressure for new plant equipment expenditures." (Wm. M. Martin himself in U.S. News and World Report, Sept. 22, 1969, p. 104).

If confidence is so essential—and I agree that it is, although I am also convinced that there ought to be something much more basic—why doesn't Congress make the monetary system worthy of our confidence? Furthermore, if the Fed. Res. Board—and bankers in general—are at all concerned about confidence, they would be the first to do their utmost to restore confidence.

The method is extremely simple, but if the bankers won't adopt it voluntarily, a law will have to be enacted to COMPEL them.

It may seem too far to go back to 1934 in order to recall some sound thinking on this topic; but if the best advice had been followed then, neither the people, the bankers, Fed. Res. Board, Congress, nor Pres. Nixon would be in the mess all of us are in right now.

What was the advice?

"If we can devise a plan that will make banking *safe* and build no more debts than we have money, we will have solved the problem . . . The Gov't. can make up its deficits with new money and this will be placed in (not lent out at interest but paid into) circulation, and of course will soon find its way to the banks as a (real) deposit of money and can be lent once, not 7 to 13 times as now . . . The nation will then be on a Cash basis for doing business, and not on a Debt basis . . .

"All banks must be required to keep a reserve of 100% against ALL deposits. No loan shall be counted as a deposit (as is now done with demand deposits), but when a loan is made it must appear on the books of the bank as a charge against the (actual money) deposits in the bank . . . When a loan is made the account will stand charged with the amount of the loan and when the loans equal the amount of the deposits, no more loans can be made. The only exception to this would be that it (a bank) could loan its capital and surplus.

"The real danger (in the present System) is the large amount of loans in this country without any money . . . The danger from inflation is the fact that the banks can and *will* use (the small amount of actual) money as reserves, and under the System as now operated, they can *create* such large mountains of debts that there is 10 times the danger from the present System than the System of 100% bank reserves for deposits. The banks can (and must be restricted to) lend their money ONCE, their customers' money ONCE . . . So under this plan when the banker calls your loan you (will) know that there is a dollar somewhere for each dollar you owe, and under the present System you owe $100 but there are but $10 in existence with which to pay your debts."

Note: Keep in mind that at present you can transact enormous business with the *credit* lent you at interest by the banks with only a *fractional* reserve, but you can't pay your debts with it.

Now back to the extremely important quotation:

"All savings accounts would be in (actual) money, so there would be no runs on the banks. It is because depositors are afraid (lost confidence) that they withdraw their money; and when the System is so set up that the fear of loss is removed, bank runs will be a thing of the past." (3, p. 45–47)

The big bankers well knew what they were after and knew well how to achieve it when they induced Congress to pass the Fed. Res. Act in 1913. The first words of that Act are:

"An Act to provide for the establishment of Federal Reserve banks, to furnish an ELASTIC currency . . . and for *other* purposes." (4, p. 1)

I hope your guess is as good as mine about the OTHER purposes.

The currency is *elastic* alright. Have you noticed the alternate expansion and contraction of credit? About that George Knupffer writes:

"They have to allow periods of expansion, so as to fatten the victim before the slaughter". (7, p. 60)

Have you noticed the alternate inflation and deflation, booms and bursts? Some try to make us believe those are inevitable, natural, economic, business cycles.

Did you ever try to figure out why ever more people are becoming poorer, while ever fewer people are becoming super rich? If you think seriously enough about it, you might eventually conclude that those who manage our *elastic* currency might have something to do with it.

In early 1965 I was seeking an *official* reply to the question whether money printed by the Gov't and spent into circulation would have a greater inflationary impact than the same amount of money borrowed at interest by the Gov't. In part the reply on "Office of the Secretary of the Treasury" stationery, dated Feb. 26, 1965, and signed by Joseph M. Bowman, reads:

"The reason the Government does not finance itself by issuing currency rather than borrowing when necessary is that such a course of action would have a tremendous inflationary impact on economy."

"The direct use of printing press money would have far reaching psychological repercussions. It could easily undermine the *confidence* of our people."

This was not the end of my quest. I couldn't bring myself to believe the reply from the U.S. Treasury Dep't. Further search for truth brought on "Fed. Res. Bank of Richmond" stationery the following reply dated Mar. 26, 1965:

"You have asked if a million dollars printed by the Government and spent into circulation would cause any more inflation, than a million dollars borrowed from a Fed. Res. bank and spent into circulation. The answer is *NO* (emphasis added); the two actions would have essentially the same effect."

If you can't decide which of the two replies is the correct one, you definitely need more study.

I will not reveal the name of the one who signed the reply from Richmond unless someone with sufficient authority demands it.

When the Fed. Res. Act was passed in 1913 the U.S. public debt was $1 billion. Now it is $382 billion (5, p. 22). No doubt, an *elastic* currency could have been involved in that too. The *total* Federal, State, County, municipal, corporate and private debt is fast approaching the $2 trillion mark. "The 1969 . . . *non*-Federal debt . . . estimate based on *mid*year statistics . . . is $1,347 billion. (Congr. Record, Jan. 30, 1970, p. E565). Consider just the farm debts: "At the end of 1969, farm debt was nearly $60 billion—up from $25 billion in 1960". . . (6, p. 12) It more than doubled in 10 years.

That to which we ordinarily limit our idea of money is:

1. Total coin	$5,965,000,000
2. total currency	47,026,000,000
Total	[1] 52,991,000,000

[1] (5, of p. 21.)

Of the total currency $46,431,000,000 is Fed. Res. notes, which belong to the Fed. Res. and which have been *lent* into circulation by the commercial banks, and on which the borrowers have to pay interest. That leaves only $595,000,000 of currency which belong completely to the Gov't. and the people.

Now that the amount of *insured* deposits has been raised from $15,000 to $20,000, the readers are entitled to a guideline for their *confidence* in this kind of insurance.

On p. 24 of the U.S. Treasury Bulletin, Jan., 1970, there is listed under Special Public Debt Issues the item: Federal Deposit Insurance Corporation. This particular debt issue for F.D.I.C. amounts to $138,000,000.

From p. 151 of the same issue of Treas. Bulletin we learn that $284,000,000 was the net income into the F.D.I.C. fund between June 30, 1968 and June 30, 1969. The balance on hand as of June 30, 1968 was $3,613,063,000. Hence, the F.D.I.C. fund on June 30, 1969 amounted to $3,897,199,000. (5, p. 151). That is the amount of money available for all deposits up to $20,000. *All* deposits includes savings, time and demand deposits. If the reader is really concerned, he will exert the effort to discover for himself the approximate amount of deposits covered by the $3,897,199,000.

Many bills have been introduced in Congress to straighten out radically our jumbled monetary mess, but those bills chronically have a way of dying in committee.

Many House as well as Senate Hearings have been held, and still we're in a mess. One wonders why.

As soon as Congress enforces an honest, dependable 100% reserve money system, neither the small bankers, Fed. Res. Board nor the Government will have to be concerned about the people's confidence. It will become automatic.

Now that you have read this brief dissertation on *Confidence*, may the writer ask the reader to measure the degree of *Your confidence* in our present money system at this moment? Or would it be better to wait until you find out the total of insured deposits?

I will be extremely happy if I can place *my* confidence in your determination to ready, study, think and DO something about it.

Rev. DISMAS TREDER, O.F.M.,
Pulaski, Wis.

FEBRUARY 9, 1970.

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[*From The American Mercury, July 1956*]

The Constitution of the United States provides that Congress alone has the right to coin money and issue currency. However, in 1913 the Federal Reserve System was established. Today, the Federal Reserve Banks unconstitutionally issue our currency. Ironically, these private banks, largely owned by international bankers, only pay the United States Government $1.25 per $1,000 for the currency they issue—which is, incidentally, guaranteed by the people of the United States. This $1.25 is to cover the cost of paper, ink, and the use of the government printing plant. In 1913 these privately owned Federal Reserve Banks had a capital of 147 million dollars. Today, without producing any commodity or natural resource, they have assets of over 45 thousand million dollars!

(*See Encyclopedia Britannica for reference to events which led to the creation of this privately owned system of banks.)

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U.S. CURRENCY PLATES TO RED RUSSIA

In Congress on July 8, 1946, the Hon. Jessie Sumner stated that Russia had been given a set of plates by the U.S. Government which enabled the former to *manufacture for herself all the American dollars she wanted to spend.* Congressman Daniel A. Reed said in Congress on Sept. 14, 1945 that "... it *was a deliberate fraud, the result of a conspiracy not yet revealed.*" High and reputable authorities placed the loss to U.S. taxpayers in the billions of dollars.

John W. Hanes, a former Under-Secretary of the Treasury, was reported in the Baltimore News Post of September 13, 1945, as exposing the fact that U.S. officials had turned over these plates to Red Russia. Gen. Lucius Clay, former U.S. Military Commander of Germany, is recorded as saying: "It wouldn't be difficult to make 1,000 mark notes out of the plates *we furnished to the Soviets.*"

An investigation was attempted in Congress on June 7, 1947. It was smothered by enemies of these United States. Senator Styles Bridges, and others, were greatly concerned with this illegal act.

(See Pages 6, 7, of U.S. Senate Report 837, dated Dec. 15, 1953)

Mercury printed that Henry Morgenthau, Jr., Harry Dexter White, and Harold Glasser gave the Russian government our money plates, complete with 3 planeloads of special ink and 4 planeloads of special paper for printing our money in East Germany. Refugees then brought many millions of this money to the U.S. to set themselves up in business.

We are told it is estimated the known movement of such money into the U.S. amounts to about *$19 billion* of which more than *$3 billion* comes from Canada, and $1,800,000,000 through *Swiss banks.*

(See book, "Major Jordan's Diary.")

(See Publisher Eugene Pulliam's statement, Para 4, Back Cover, June 1957.)

PROPOSITION N°. 57 SUBMITTED BY H. L. SAVAGE, VICE PRESIDENT, LONG BEACH LOCAL NO. 128, OIL WORKERS INTERNATIONAL UNION, CIO

Whereas it is an established and self-evident fact that in order *for a Nation of people to enjoy economic security and freedom, it is imperative that Government shall have the sole power to create and regulate the value of the Nation's money;* and

Whereas the founding fathers of this great American Republic recognized this fact and specifically provided for the Government of the United States of America to have the sole power to create money and regulate its value by making it mandatory on Congress as provided in article I, section 8 of the Constitution of the United States of America, "To coin money, to regulate the value thereof, and of foreign coin, and fix the standard of weights and measures," and

Whereas among other great Americans we find that the scientific-minded Benjamin Franklin, the democratic Thomas Jefferson, the noble George Washington, the martyred Abraham Lincoln were all advocates of the powers vested in Congress, by article I, section 8, of the Constitution of the United States of America; and

Whereas it is a widely known fact that Congress has violated its own oath and trust to support the Constitution by delegating to private bankers its powers to create money and regulate its value thereof; and

Whereas the *private bankers,* and in particular the *heads of the Federal Reserve banks (private banking institutions), have abused their powers to create money and by regulating its value to destroy money as well, have caused widespread unemployment, economic chaos, loss of homes, farms, business' savings, and paved the way for world warfare;* and

Whereas it is a positive matter of record that the overlords at the top of the money world deliberately planned and viciously carried out the program to cause the depression, widespread unemployment, loss of homes, farms, and savings after World War No. 1; and

Whereas the same people have the same power to do the same thing after World War No. 2 unless Congress restores to itself the powers vested in article I, section 8, of the Constitution of the United States of America; and

Whereas the overlords at the top of the private banking institutions can continue to exploit the American people and the resources of this Nation so long as they have the power to create our Nation's money and regulate its value thereof; and

Whereas it is a widely known fact that our Government is compelled to borrow its own money from private institutions and pay interest tribute to private banking institutions for the use of its own money; and

Whereas the national interest-bearing debt is growing larger and larger because Congress has delegated its power to create and regulate money to private banks; and

Whereas the United States Government does not own 1 cent of stock in the Federal Reserve banks; and

Whereas even when the war is ended with full and complete victory for the United States of America and her allies there can never be a secure and lasting peace so long as a few ruthless, cold-blooded, brutal private bankers have the power to bring on a condition which will cause continued economic chaos and eventually bring about either a revolution or another world war; and

Whereas our representative form of government is in the very gravest danger of being destroyed and a dictator form of government in one of its various forms being instituted, because the intent of the blueprint for representative American democracy is being grossly violated by those sworn to uphold and defend it; and

Whereas many sincere but uninformed Americans are being seduced into embracing foreign ideologies and philosophies of economics and government due in large part to the violation of article I, section 8 of the Constitution of the United States of America; and

Whereas it is becoming increasingly necessary that American trade-unions crusade for the American ideal of living; and

Whereas *American labor unions can never gain their goal* or *objectives* by simply bargaining collectively in the matter of hours, wages, and general working conditions *until* Congress restores to itself the power to regulate the value *of the buying power of the wages bargained for, any attempt* to bring about economic security for wage earners being futile while the New York Stock Exchange and the overlords at the top of the money world set the value of the buying power of the dollars earned; and

Whereas an amazing revolution has taken place in the science of production, no change, in any way commensurate, has taken place in the financial mechanism; and

Whereas it has become increasingly necessary for the United States of America to institute a scientific, non-interest-bearing, constitutional monetary system; and

Whereas, this scientific monetary system should have its supply of money so regulated as to prevent any material decline of the domestic average wholesale commodity price; and

Whereas the Government-created money interest free at source of origin used scientifically would prevent inflation, deflation, repudiation; and

Whereas an equitable and scientific Government controlled monetary system should be based on a balance being constantly attained in order that distribution, exchange, and consumption shall keep pace with production; and

Whereas the volume of money should be increased year by year to match growth of production; and

Whereas it is an established fact that an honest, scientific, constitutional monetary system must have these essential principles:

1. It must be created and controlled by Congress.

2. It must be free from interference by politicians and private bankers.

3. It must be interest free at the source of origin and be based on the total wealth of the Nation and not on the bonds or basic metals owned by private bankers; and

Whereas one of the main contributing factors to our present unsound monetary system is the practice of the so-called fractional reserve requirements; and

Whereas in order to secure a sound monetary system it will be necessary to institute a 100-percent-reserve requirement on demand deposits held by banks, or, in other words, a dollar for dollar or 100 percent reserve being mandatory; and

Whereas it is common knowledge that many and probably a majority of the Members of Congress are ready to restore to Congress the powers vested in article I, section 8, of the Constitution of the United States of America when they are convinced that they have the support of their constituents: Now, therefore, be it

Resolved, That we, the delegates of the Oil Workers International Union, in convention assembled at the city of Fort Worth, Tex., respectfully request Franklin Delano Roosevelt, President of the United States of America, to immediately call upon Congress to restore to Congress the powers vested in article I, section 8, of the Constitution of the United States of America; and be it further

Resolved, That we go on record urging the Senate and House of Representatives of the United States of America in Congress assembled to immediately enact such legislation as will be necessary to restore to Congress the sole power to issue money and to regulate its value, as provided in article I, section 8, of the Constitution of the United States of America; and be it further

Resolved, That we go on record urging the Senate and House of Representatives of the United States of America in Congress assembled to immediately enact legislation to provide for non-interest-bearing, constitutional United States Government money.

CONSTITUTIONAL RIGHTS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, we are in the habit of taking our constitutional rights for granted. In centuries past, we argued that such rights were "natural" and could not be taken away. More recently, we have termed our rights "inalienable" and have looked upon them as the cornerstone of democratic government. I believe, however, that we have entered a period in which these rights are being abridged. I argue further that recent actions of the Nixon administration read like a catalog of their infringement.

Such action necessarily fosters a deep distrust of the Government on the part of its citizens. They slowly begin to question the motives of the Government, and finally balk at having to provide such information at all. After all, if the Government has the authority to gather such confidential information, does it not have the moral obligation to insure the citizen

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that the information will be used only for the stated purpose?

Last month, we were told that the National Park Service would require a protest group to disclose in advance of a demonstration in front of the White House the signs that would be used, whether the individuals had participated in any previous demonstrations, and whether they had advocated anything other than peaceful demonstrations. It seemed to make little difference to the Service, which has jurisdiction over the sidewalk in front of the White House, that the right to peaceful assembly is part of the first amendment to the Bill of Rights.

Then we were informed that the Postmaster General had authorized the opening of mail received from abroad. In the past, the practice has been to send it back unopened or to get permission before opening it. Now the mail is being opened without even asking such permission.

We learned that some people were seriously considering a proposal calling for the testing of 6-year-olds in order to determine whether they possessed "antisocial" tendencies. Evidently some people have more faith than I do in the ability to predict the direction of lifelong behavior at the still formative age of 6. The danger and possible consequences of even a slight range of error are formidable.

Finally, of late, the supposedly confidential individual tax forms filed with the government have been examined by individuals outside the Internal Revenue Service without the knowledge of the citizen filing the return. If such practice continues, it appears as if we are creating a data bank readily available for use at some, yet to be specified purpose.

These precedents are dangerous. They leave the individual potentially helpless against a Government that has tremendous stores of data that might be used for purposes as yet unknown. We know that too often the resources of individual to protect himself against such infringement are inequally distributed. The citizen may be helpless against governmental action. I believe that the individual must be protected by the government's willingness to check its own power. I call upon the government as now constituted will exercise such discretion.

CPL. CLARENCE H. ST. CLAIR, JR.

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is with both a great sense of loss and humble pride that I relate to my colleagues in the Congress the circumstances of the posthumous awarding of the Navy Cross for extraordinary heroism in the Republic of Vietnam to Cpl. Clarence H. St. Clair, Jr., of Pensacola, Fla. The Navy Cross, as you know, is our Navy's highest award for gallantry in combat action.

Corporal St. Clair distinguished himself valorously as a squadron leader with Company K, Third Battalion, 7th Marines, 1st Marine Division in connection with combat operations against the enemy on August 28, 1969. At this point I would like to quote verbatim from the citation by the Secretary of the Navy:

> Company K was conducting a search and destroy operation in Quang Nam Province. The lead platoon was pinned down by small arms, automatic weapons, and anti-aircraft fire from enemy soldiers concealed in well-camouflaged emplacements. Directed to assist the pinned-down element, Corporal St. Clair deployed his men to the point of heaviest contact and instantly came under intense fire. Observing two principal sources of hostile fire, he directed two of his fire teams to provide covering fire while he maneuvered his third team toward the enemy emplacements. While crawling toward their objective, the men were seriously wounded by enemy grenades.
>
> Quick to act, Corporal St. Clair began crawling through the enemy crossfire toward the first objective and had advanced only five meters when he was severely injured by the detonation of another grenade. Recovering quickly, he pressed his advance until he was close enough to the enemy bunker to hurl a grenade through its aperture, destroying the position and its occupant. Although suffering intense pain, he valiantly continued in the direction of the second objective and, while thus engaged, was mortally wounded. By his courage, aggressive fighting spirit and unwavering devotion to duty in the face of grave personal danger, Corporal St. Clair contributed significantly to the accomplishment of his unit's mission and upheld the highest traditions of the Marine Corps and of the United States Naval Service.

These brave, selfless, exemplary deeds of Cpl. Clarence H. St. Clair, Jr., represent the finest traditions of our military services. Although our hearts go out to his parents, Mr. and Mrs. Clarence H. St. Clair, Sr., of 2525 Wycliff Drive, Pensacola, Fla. They have suffered greatly and given so much to America, and our hearts go out to them. May their sacrifice and his not have been in vain. I am proud and honored to have represented in the U.S. Congress this courageous and devoted young man, and I know I can say that great branch of the service, the U.S. Marine Corps, is equally proud to have claimed Cpl. St. Clair as a U.S. Marine.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DULSKI. Mr. Speaker, I missed two rollcall votes in the House on Monday, April 20. Had I been present and voting, I would have voted "aye" on both rollcalls No. 85 and No. 86.

EARTH DAY

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, millions of people observed Earth Day yesterday at rallies throughout the United States—rallies called to dramatize what is turning into a popular national commitment toward cleaning up our environment. This hightened public awareness of environmental pollution is a heartening sign. For more than a century we have been fouling our rivers, littering the landscape, and tainting the very air we breathe. Yet, until recently, few people outside the scientific community showed anything but the most tepid interest in this problem. Fewer still were prepared to take action against it.

The situation has changed—and changed dramatically. The "teach-in," a spirited academic forum once limited to protests against the Vietnam war, yesterday became a new weapon in the war against pollution. Hundreds of thousands of students at campuses ranging from Harvard's in Cambridge, Mass., to UCLA's at Los Angeles, Calif., gathered to exchange ideas on what has become the most modish "cause célèbre" in the academic world. High school and elementary school students, once chided by their elders of a lack of interest in public affairs, were among Earth Day's most enthusiastic participants. Average citizens—working people, professional people, the old, the young—took part in meetings and rallies throughout the country. A striking success by virtually anyone's yardstick, Earth Day demonstrated that concern about our environment reaches far beyond the campus laboratory or the congressional hearing room.

Such public arousal makes my job easier—significantly easier. For years I and other Members of Congress have been struggling to enact major new legislation to clean up the environment. And, as a ranking member of the Appropriations Committee, I have exerted every effort to see that what antipollution programs we do have are amply funded.

Earth Day convincingly demonstrated that the American people are squarely behind such efforts.

The cleanup job will not be easy; nor will it be achieved overnight.

But it must be done.

It is one of history's cruelest ironies that the wastes of civilization threaten to destroy civilization.

Mr. Speaker, I include in the Record at this point the editorial series the Boston Herald-Traveler is running on ecology:

ECOLOGY AND EARTH DAY

> "Ecology," says California Democratic leader Jesse Unruh, "has become the political substitute for the word 'mother.'"
>
> If this is the only thing which has happened to the word, then the chance of earth surviving the next millennium may be diminished by the amount of compromise inherent to the political process.
>
> Fortunately, however, ecology has also become the scientific substitute for the word "life." And what we will be seeing throughout the country this week is a fight for the preservation of life.
>
> We hope the teach-ins, rallies and displays marking Earth Day on April 22 will be a positive manifestation of concern over the dying pines on the San Bernardino mountains, the fish disappearing from Lake Michigan and the blackened lungs in our bodies.
>
> Organizers of these activities must make certain that their efforts to save the environment do not result in damage to the environment by deliberate slowdowns of traffic or destruction of property. What's needed is a sane, aggressive effort to get the message across to communities within and beyond the campuses. To this end, the petitions in favor of an environmental bill of

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rights and requests to "reclaim" a street or two for special observances can be supported.

The Boston Area Ecology Action is seeking its goals through legitimate channels and is trying to insure that splinter groups will not frustrate the effort by resorting to illegal tactics.

The sponsors and Cambridge city officials acted wisely when they decided to cancel last Friday's Harvard Square Reclamation activities. A gathering of that sort so soon after the violent disturbances would have been risky at best.

The sponsors, however, can take solace in the support they have attracted from official quarters. Until Wednesday, the city was willing to go along with the request to permit only buses and bicycles to enter Harvard Square between 12 and 3 p.m. Officials did not object to a proposed music festival which the sponsors wanted to hold "in order to focus attention on what Harvard Square could become in terms of pedestrian and public transportation."

Sponsors of "reclamation day" ceremonies on Wednesday have been permitted to use certain streets in Boston, New York and other cities. And there appears to be considerable public support behind a petition effort in favor of adding an environmental bill of rights to the U.S. Constitution, proclaiming that "the right of the people to clean air, pure water, freedom from excessive and unnecessary noise and the natural, scenic, historic and esthetic qualities of their environment shall not be abridged."

A lack of adequate response to the proposals for a better environment could lead to a feeling of helplessness similar to frustrations concerning the war in Vietnam. People should not have to resort to extra-legal means to gain attention, and our institutions should make use of all the positive energy which is being expended, especially by youth, in behalf of a clean environment.

The problem, however, will not and cannot be solved by youth alone. And in view of the danger that radical elements may try to exploit the issue for their own purposes, it is all the more imperative that the larger population become actively concerned with the problem. Editorials in the next three days will discuss the roles which consumers, industry and government can play in combating what has come to be regarded as public enemy No. 1.

Ecology and the Consumer

One problem in the current crusade for a clean environment is the tendency of many crusaders to blame everything on profit-hungry industry and lackadaisical government.

"We have learned that we cannot depend on the benevolence or even on the enlightened self-interest of industry," writes James Fogel of the Harvard Ecology Coalition. "Yet these are people who have it in their power to do something about our ecology. Indeed, only they have that power."

On a practical level, he continues, "You don't save the landscape by cleaning up your backyard; you don't stop the air from causing lung cancer by using car pools and you don't prevent destruction of all life in the ocean by not flushing your toilet."

To the extent that these individual acts are not by themselves going to solve the problem, Mr. Fogel is right. Yet, remembering World War II's victory gardens, one must not ignore their symbolic significance.

To blame everything on our big institutions and the men who run them is just as deceiving as to rely totally on cleaning our backyards. A decent environment can be attained by combining high personal resolve with legislation, interstate compacts and commitment by industry.

The common denominator in all this is man, who has always been a messy animal. The word "ecology" is traced to the Greek word oikos, meaning a house. Literally translated, ecology means the study of houses—and that includes backyards.

"If real changes are to occur," says Russell Train, the Interior Department's top conservationist, "We are talking about changing attitudes Americans have had bred into them since the Jamestown Colony and Plymouth Rock—the frontier ethic, the pioneer drive, the striving for more and better." He's talking about a serious obstacle to a better environment—our worship of growth. We no longer enjoy the luxury of moving on to another territory once we deplete the immediate environment. The frontiers have vanished but their ethics remain.

Newsweek magazine recently observed, "The villains are the consumers who demand (or at least let themselves be cajoled into desiring) now, more, faster, bigger, cheaper, playthings, without counting the cost of a dirtier, smeller world."

Viewed from such a perspective, the main problem is not only what James Fogel calls "the self interest of industry." It would be foolish to rely on technology primarily to solve this human dilemma. Technology may, for example, sanitize the exhaust fumes or develop "clean" detergents, but such advances would also result in more and more cars and washing machines. A decent environment means more than clean air and water. It means converting concrete jungles into green malls and truncated houses into tolerable homes.

To be effective and enduring, the battle has to start at the broadest level—people not only agitating for institutional response but also exercising self-restraint.

Dressed in the garb of affluence and productivity, environmental deterioration has slowly and subtly crept upon us as few other threats have. Unlike the defenses of yesterday's wars, this battle has no frontline or rear guard. The battle is wherever people are. The captains of industry and the foot-soldiers of consumption are in this as one, and the price will have to be borne by all.

"The price," says Rep. Morris Udall of Arizona, "may be cars with 60-horsepower engines, instead of 360, and fewer gadgets and high taxes. But there will be more fishing streams. We might have fewer supersonic transports, but nicer beaches and forests." It's a high price, all right. To pay it, people must be convinced that the enemy is not only "them" but "us." Organizers of the teach-ins will succeed if they convince people of this painful truth. Restricting their role to a doctrinal recitation of the evils of industry will not suffice.

Ecology and Industry

A respected business magazine, Fortune, recently concluded that "American business, since it organizes and channels a high proportion of the total action of this society, has been and still is deeply implicated in depredations against the environment."

The consumer, as we pointed out in yesterday's editorial, must somehow be persuaded that his present binge of expansion and accumulation is leading to a ruinous situation. The same persuation should be applied to industry. And just as it will be difficult for people to engage in self-restraint, it will be difficult for industry to practice self-restraint.

Changes are not going to be easy in a nation where, for example, the oil depletion allowance is viewed as a bulwark of free enterprise rather than a catalyst for depletion of nature's limited resources. Changes are not going to come easily when, in the world as a whole, most nations are underdeveloped, many of them already overpopulated and all of them striving for industrialization.

Because America represents the epitome of industrialization, it is incumbent on its business leaders to set a good example for others to emulate. The awesome efficiency and ingenuity of industry will amount to naught if it is paired with the catastrophic extinction of the brown pelican and the New England lobster, or if it is matched by the defacement of thousands of green acres by strip mining.

There must be a compromise between the blessings of affluence and the sanctity of nature.

The debate between some industrial spokesmen and proponents of this week's nationwide teach-in resembles the chicken 'n' egg controversy—which comes first, consumer abstinence or industrial self-restraint? If industry is viewed as the "egg" laid by consumers, then the notion that the cleanup of the environment has to start at the people level carries weight.

This does not, however, diminish the responsibility of industrial initiative toward a cleaner environment or the role it is currently playing in the deterioration of our planet. Industry, after all, uses more than 13 trillion gallons of water each year compared to the five trillion used by people for drinking, bathing and waste disposal. Industry has been the principal poisoning agent of America's 10 filthiest rivers, two of which—the Merrimack and the Andoscoggin—are in New England. The federal government estimates that food, textile, paper, chemical, coal, oil, rubber, metal. machinery and transportation industries spill a total of 25 trillion gallons of waste into the water annually. Factories and electric-power generating plants fire some 50 million tons of fly ash and 26 million tons of sulphur oxides into skies.

The grey sky under which we all live is, by necessity, beginning to affect industrial thinking. Edward Cole, president of General Motors, recently echoed the heads of Ford and Chrysler Corps. in committing his company "to eliminate the automobile as a factor in the nation's air pollution problem," even if it means using "power sources other than the internal combustion engine." He announced that starting with 1971 models, all new cars will be equipped with an exhaust device reducing hydrocarbon emission by 80 per cent.

It is true, as some critics point out, that we cannot depend totally on industry's altruism or sense of social responsibility. But we do not have to. If industry's principle incentive is monetary and expansionist, then the goal will be thwarted by continued inattention to the environment.

The World Health Organization recently reported, for example, that on-the-job noise pollution costs U.S. employers more than $4 billion annually in accidents, absenteeism, inefficiency and compensation.

If altruism is not the principal motivation, then the balance sheet should be. The managers of industry must realize that the law of diminishing returns applies to the use and abuse of the environment as well as the supply and demand of the commercial market.

Ecology and the Government

"No central environmental machinery, no Big Brother in Washington, can remake the environment. It's impossible," says Russell Train, undersecretary of the Interior Department.

"We can lick the problem, if only we are allowed to plan the way NASA planned the moon program. We need goals and money," says Kenneth Biglane, senior pollution expert in the same department.

Contradictory as these statements may seem, they may both be correct. Mr. Train is right because our institutional setup is such that government alone cannot cope with the problem, unless it resorts to drastic usurpation of individual and corporate liberties. Mr. Biglane's assessment is sound because, as NASA proved, there is no impossi-

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ble dream when government is willing to work in partnership with the private sector.

This partnership entails cooperation, inducement and, if need be, coercion. Governments at all levels are currently participating in this three-pronged attack, giving industries which buy anti-pollution equipment a tax break, awarding grants for municipal clean-ups and prosecuting violators of statutes.

As in Medicare and mass transit, government is the last sector to respond—and, most of the time, it does so when the other sectors fail. Estimates show that it may take $20 billion a year to start reversing the course of pollution. Obviously, the private sector, though it may have caused a good deal of the problem, cannot solve it alone—not unless we are willing to accept some important modifications of the tradition of free enterprise and free choice, which seems unlikely.

Government's entry on a large scale into this problem area has been predictably marked by a lot of confusion, contradiction and waste. No less than 13 Congressional committees now have a piece of the environmental action. In addition, there are 90 separate federal governmental programs, plus 26 quasi-governmental bodies and 14 interagency committees already at work on special aspects of the environment.

The red tape and waste created is dramatically exemplified by the National Park Service's successful opposition to the proposed Florida Everglades jetport while the Corps of Engineers was building canals that lowered the area's water levels and altered the balance of animal life. The recent Chevron Oil Co.'s spill off the Louisiana coast showed the government's enforcement procedures have been lax.

Yet, despite the cumbersome bureaucracy, the federal government cannot let up on its effort. And in time, Washington must reorganize the jerry-built federal ecology structure.

In doing so, it should not prevent local governments from adopting regulations tougher than their federal counterparts. The ecology activity is proceeding at a faster tempo in states and cities than in Congress. About one-quarter of the bills now before the California Assembly deal with pollution control. The Rhode Island legislature, which considered ony two anti-pollution bills in 1969, saw 21 proposals introduced by the end of February 1970. Maine recently adopted a sweeping anti-pollution program which would, according to Gov. Kenneth M. Curtis, alleviate almost half of the municipal pollution problems in the state.

The Massachusetts Public Health Council is expected to approve shortly a series of sweeping anti-pollution regulations which would include a ban of all burning and an embargo on trucks in the Boston area between 6 and 10 a.m. during the fall months. Last week, the council adopted a regulation restricting the types of fuel burned in Massachusetts, as of Oct. 1st.

Some of these measures are no doubt unrealistic. Yet there is some truth to the slogan, "Be realistic—do the impossible."

INTRODUCING THE CLEAN AIR ENFORCEMENT AMENDMENTS OF 1970—APRIL 22, 1970

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MURPHY of New York. Mr. Speaker, in the rightfully fretful mind of the modern-day American, pollution is the Fifth Horseman of the Apocalypse.

It rides alongside war, famine, pestilence and death, and conjures up pictures of filth, stench, fumes, muck, smoke, soot, grime, and slime.

Certainly the problems of pollution are awesome. Everyone is exposed to it in one form or another.

It is a dream, devoutly wished, that this Earth Day, with thousands of observances across the land, will mark a turning point in man's vital relationship with the earth. For far too long we have attempted to assume mastery of the earth and its inhabitants instead of living in harmony with it and with them.

We have lately become aware that in our pride and myopia, we are inexorably rendering the world unfit for life. In the now immortal words of Pogo: "We have met the enemy and he is us."

Bringing quality back into our lives will be expensive and time-consuming, and it will call for our best ingenuity and cooperativeness, but it will be worth it. For nothing short of a total commitment will do.

The depth of environmental dilemma is best stated through facts. Let me very briefly give you just a few:

Despite the work of the Public Health Service, a recent study indicates that perhaps 30 percent of the Nation's public drinking water and water systems fall below Federal standards.

In the United States, all manufacturing dumps an estimated 16,400 billion gallons of waste water into our rivers, lakes, and coastal waters each year. This waste contains 27,500 million pounds of oxygen-demanding matter and some 22,500 million pounds of solid matter.

Recent disclosure of the dumping of sewage sludge off New York Harbor is disheartening testimony to our incredible insolence toward nature in the name of expediency. An estimated 48 million tons of dredgings, sludge, and other wastes are dumped into the coastal waters of the United States each year. As the President noted recently:

> In the New York area alone, the amount of annual dumping would cover all of Manhattan Island to a depth of one foot in 2 years.

Industry, powerplants, space heaters, and incinerators annually pour almost 200 million tons of pollutants into the air we try to breathe.

We have countless incidents which warn us of the dangers of air pollution: The killer fog in London in 1965 which lasted 5 days and is said to have caused an excess of 4,000 deaths above the normal; the 1948 inversion in Donora, Pa., which made 7,000 persons ill and killed 20, and the recent blanket of eye-burning and lung-searing filth right here on Staten Island that drifted over from Kearney, N.J.

The stealthy killing by air pollution is perhaps even more alarming than the episodes listed above when you consider the dramatic rise in lung cancer and emphysema over the last few years.

And air pollution is expensive as well as dangerous. Agricultural losses are put at over $500 million a year. A family of four living in New York City has about $600 a year extra added to its cost of living in washing, cleaning, repairing, and repainting bills. A major report puts the cost of air pollution to New Yorkers at well over $500 million a year.

These are just a few of the facts that give rise to the use of the term crisis in describing the condition of our polluted world. I could go on to the more subtle dangers of solid wastes, pesticides, radioactive, and noise pollution, but I suspect that for every dismaying fact I might cite, you could reply with 10 more.

Thus, let it suffice to say that the health and well being of our Nation and its inhabitants, both human and otherwise, are faced with the clear and present danger from pollution. If we are to continue to live here, let alone play a leadership role in the world community, we must commit ourselves unequivocally to the task.

Briefly, just let me state my commitment.

While more than seven departments and agencies are directly concerned with the growing menace to life and lung, they are impotent to probe, prosecute, or punish willful air polluters. The Clean Air Act, one of the chief vehicles in the fight for clean air, is failing to provide the necessary tools for Federal officials to assist their counterparts in the State and local communities in cracking down on polluters or in enforcing antipollution statutes. The reason: The well-intentioned Clean Air Act is simply without enforceable provisions and the administration's commitment to enforcement has been a Mickey Mouse one.

Did you know, for example, that officials of the Federal Air Pollution Control Administration are powerless to enter or inspect any property or plant where an air contaminate source is located or suspected of being located?

To insure that the Federal effort in the fight for clean air becomes more than that of a mere bystander, I have this April 22 introduced the Clean Air Act Enforcement Amendments of 1970.

This vitally needed measure—H.R. 16946—will not only extend the duration of the act, but will provide for inspection and enforcement procedures, establish national emission control standards, authorize classification of air contaminant sources, set stringent $10,000-a-day penalties for violators, authorize refulation of fuels and fuel additives, and provide for improved control over motor vehicle emissions.

And in response to the sickening studies that New York Harbor's Lower Bay has been turned into a "dead sea," I have recently introduced legislation prohibiting the dumping of sewage sludge, dredging spoils, and industrial wastes into waters designated by the Interior Department as sanctuaries for marine animal and plant life. More than 20 House Members, of both parties, have cosponsored both measures, which, I might add, were introduced long before the administration turned its Madison Avenue powerhouse loose on the problems of pollution.

My sanctuaries bill authorizes the Interior Secretary to designate and protect fish spawning and mating areas and directs the Coast Guard to enforce "no-dumping regulations." Civil fines up to $10,000 are authorized.

As some of you are aware, I have introduced or sponsored a score of other antipollution measures, but these are the two most immediate and important devices.

I believe that on this Earth Day, as you consider the impact we in the House of Representatives have on the environment, both directly and indirectly, you will see the necessity of these measures and will support them in working toward a cleaner world.

LABOR RELATIONS CODE FOR PUBLIC EMPLOYEES

(Mr. BURTON of Utah asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON of Utah. Mr. Speaker, there is rising concern among officials on all levels of government with regard to the accelerated and insistent demands of public employees for more effective participation in decisions affecting their salary schedules and working conditions. Much has been said—at city hall, the State capitals, and here in Congress—about the proper relationships and responsibilities of those who accept employment in the area of public service.

The recent postal strike brought this important and sensitive matter most forcefully to the attention of the entire Nation. On other levels of government, policemen and firemen report sick in organized platoons, teachers walk out or submit resignations en masse, garbage piles up on city sidewalks creating health hazards, and strikes paralyze public transportation.

One major factor in this increasingly distressing situation is the fact that, while labor negotiations procedures are fairly well defined in the private sector, no such procedure exists in the public employment sector. In this area, there is no consistent public labor relations policy, the ranks of union members have been rising rapidly, the sense of grievance is strong among many employees and everywhere there are growing evidences of militancy. Public employees, once considered to be the most docile and dedicated of people, have engaged in slowdowns, stoppages, and strikes in areas long considered vital to public health and welfare, and hence immune to labor disputes.

The need is clear for guidelines in this entire area of public employment. But it is much less clear to government leaders on all levels what it is that should be done to meet the legitimate requests of the workers and still keep in mind another area of growing unrest—that of the taxpayer who must finance government, no matter on what level it may exist.

On Monday of last week, the Twentieth Century Fund, a private, nonpartisan research agency, released to the public the report of a comprehensive study of the entire question of labor relations codes in public employment. I believe this study deserves the thoughtful and careful consideration of us all.

I am not at this time endorsing the recommendations of this study, since the wide variety of interests involved—economic, social, and political—make it difficult to find a single formula of solution that would be acceptable to all. However, I do believe this report does provide useful guidelines to both sides, employee and employer, in resolving what have become more and more frequent labor-management clashes in the public sector.

It does no good for us in Congress to say that this problem, while a serious one, should better be left to local government officials. Nor is it wise for those in city, county, and State government to look to the Federal Government for answers. This is a problem for all of us and we must all share responsibility for seeking and implementing solutions.

The Twentieth Century Fund report, entitled "Pickets at City Hall," suggests the creation of a new agency, independent of executive control and answerable only to judicial review, to administer a code of labor relations for public employment at State and local levels. The task force which made this study included a number of well-qualified men from a cross section of our society.

These men were:

Archibald Cox, Harvard law professor and former Solicitor General of the United States.

Charles C. Killingsworth, chairman of the Department of Economics, Michigan State University.

Joseph A. Loftus, special assistant to the Secretary of Labor.

John W. Macy, Jr., president, Corporation for Public Broadcasting.

Walter E. Oberer, Cornell University, professor of law and labor relations.

William Simkin, former Director, Federal Mediation and Conciliation Service.

George W. Taylor, professor, Wharton School, University of Pennsylvania.

H. Edwin Young, chancellor, University of Wisconsin.

The late Saul Wallen, noted arbitrator and mediator and president of the New York Urban Coalition, was also a member of the task force until his death in August 1969.

In my own State of Utah, the legislature has already been presented bills dealing with teacher negotiations acts and legislation to permit collective bargaining by State employees.

A lot of people are concerned with this matter. Individual Congressmen and the committees of the Congress could, in my estimation, profitably study this report and other information on the subject. The entire area of public employment labor relations might well be the subject of regional conferences involving State, city, and county officials, representatives of public employee groups and interested citizens.

The fact that a private foundation found this a suitable subject for study indicates that it might also be included on the agenda of business organizations and even some labor organizations who hold meetings in efforts to achieve constructive solutions to problems we all face.

Mr. M. J. Roussant, director of the Twentieth Century Fund, has said: "It is our hope that the work of the task force will be of value to unions of public employees, the public employers, to mediators and to the public."

I feel its work may have already been of help to the Congress and to individual States in presenting ways in which one can implement constructive solutions.

FEES FOR USE OF OUTDOOR RECREATION FACILITIES

(Mr. BURTON of Utah asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON of Utah. Mr. Speaker, recently a survey was conducted by Lee Skabelund, a graduate student in the Department of Forest Science at Utah State University, on the attitudes of 590 residents of urban Weber County, Utah—age 15 and older—toward fees charged for the use of public outdoor recreation facilities. The results of the survey are as follows:

ATTITUDES OF URBAN RESIDENTS OF WEBER COUNTY, UTAH TOWARD FEES CHARGED FOR THE USE OF FEDERAL OUTDOOR RECREATION FACILITIES

(Data totals and percents by Lee Skabelun)

600 COMPLETE SCHEDULES DESIRED—ACTUAL IS 98.33 PERCENT OF DESIRED

	Number	Percent
Complete schedules	590	81.94
Schedules missing	5	.70
Refusals	61	8.47
Persons not available	64	8.89
Total number in sample	720	100.00
Question 4. Are you opposed to paying fees on Federal lands for the use of public outdoor recreation facilities?		
Yes	169	28.64
No	400	67.80
No opinion	21	3.56
Total	90	100.00
Question 5. (If opposed) Why?		
Should be free	36	21.30
Taxes should pay for it	44	26.04
Fees are too high	25	14.79
It is double taxation	11	6.51
The way the money is used	9	5.32
Never charged before	4	2.36
The Government is getting too much in taxes already	6	3.56
Shouldn't charge for picnic, beach, or unimproved facility	6	3.56
No answer	13	7.69
Miscellaneous	15	8.87
Total	169	100.00
Question 6. Who do you feel should pay the costs of public recreation areas?		
Only those who use them through their fees	240	40.68
All taxpayers through their taxes	147	24.92
A combination of the above	166	28.14
No opinion	33	5.59
Other	4	.68
Total	590	100.00
Question 7. (If a combination) What share of this combination do you think fees should contribute?		
Most	53	31.93
About half	72	43.37
A little	30	18.07
No opinion	11	6.63
Total	166	100.00
Question 8. Would you prefer paying fees by—		
The day	200	33.90
The summer recreation season	87	14.75
The entire year	219	37.12
Wants choice of the above	34	5.76
No preference	50	8.47
Total	590	100.00
Question 9. Which would you prefer?		
An annual permit allowing you to use any Federal recreation area in the United States	348	59.08
A lower priced annual permit allowing you to use any Federal area within Weber County	157	26.66
Wants choice of above	33	5.60
No preference	51	8.66
Total	589	100.00

	Number	Percent
Question 10. Which of the following fee payment methods do you prefer?		
Paying at the recreation area	246	41.84
Paying a slightly reduced rate at a convenient location near your home such as a service station, grocery store, etc.	240	40.82
Wants choice of above	33	5.61
No preference	69	11.73
Total	588	100.00
Question 11. Would you be willing to pay extra to have a recreation site reserved?		
Yes	239	40.79
No	308	52.56
No opinion	39	6.65
Total	586	100.00
Question 12. When fees are charged, should the price increase with quality of facility provided?		
Yes	309	52.37
No	231	39.15
No opinion	50	8.48
Total	590	100.00
Question 13. Should the price increase with the length of time the facility is occupied?		
Yes	224	37.96
No	322	54.58
No opinion	44	7.46
Total	590	100.00
Question 14. Should the price increase for periods of heavy use?		
Yes	452	76.61
No	104	17.63
No opinion	34	5.76
Total	590	100.00
Question 15. Should the price be reduced during periods of light use?		
Yes	188	31.86
No	366	62.03
No opinion	36	6.10
Total	590	100.00
Question 16. If fees are charged for each individual should the price be reduced for—		
The aged:		
Yes	416	70.51
No	152	25.76
No opinion	22	3.73
Total	590	100.00
Children:		
Yes	424	71.86
No	143	24.24
No opinion	23	3.90
Total	590	100.00
Organizations:		
Yes	330	55.93
No	231	39.15
No opinion	29	4.92
Total	590	100.00
The handicapped:		
Yes	493	83.56
No	80	13.56
No opinion	17	2.88
Total	590	100.00
Persons with low income:		
Yes	291	49.32
No	274	46.44
No opinion	25	4.24
Total	590	100.00
Question 17. Do you think fees should be charged for—		
Picnic facilities:		
Yes	165	27.97
No	411	69.66
No opinion	14	2.37
Total	590	100.00
Camping facilities:		
Yes	384	65.08
No	185	31.36
No opinion	21	3.56
Total	590	100.00
Boat launching facilities:		
Yes	369	62.54
No	173	29.32
No opinion	48	8.14
Total	590	100.00
Beach facilities:		
Yes	213	36.10
No	358	60.68
No opinion	19	3.22
Total	590	100.00
Question 18. Fee moneys are used to provide additional recreation areas within the United States. Are you in favor or opposed to this policy?		
Favor	473	80.17
Opposed	75	12.71
No opinion	30	5.09
Other	12	2.03
Total	590	100.00
Question 19. Maintenance on Federal recreation areas is provided for by tax funds. Fee moneys collected on these areas are not used for maintaining them. Are you in favor of or opposed to this policy?		
Favor	301	51.10
Opposed	233	39.56
No opinion	47	7.98
Other	8	1.36
Total	589	100.00

Chi square analysis of the data shows at the .05 level of significance there are several associations. Students tended to favor while retired persons as a group opposed fees more often than expected. Those who had children less than four years of age at home tended to oppose fees. Those persons age fifteen to nineteen and fifty to sixty-four favored fees more often than expected. Lastly those persons who had moved from state to state in the last ten years and those who had lived in Weber County less than ten years tended to favor fees. Thus contingency table frequencies yielded significant chi square test for age, occupation, and transiency.

ABBREVIATION FOR MISTRESS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, there are an increasing number of American women who do not wish to be identified as Miss or Mrs. I sympathize with the way they feel and I suggest that they should start using the abbreviation "Ms." pronounced "Mis."

This may seem to some like a frivolous suggestion, but it is not. I know from many conversation with women, including my wife and my daughter-in-law, that they resent being asked by strangers whether they are Miss or Mrs. They point out that men are called Mr. whether or not they are married. "What business is it," they say to me, "of a sales clerk whether I am married or not?" I believed that a profound question involving the status of women is involved here.

The form "Ms." is a useful one for another purpose, and I commend it to my colleagues in the Congress for their consideration. Many of you receive letters, as I do, signed with feminine names but with no indication of the writer's marital status. Until recently, we had a problem in my office deciding how to address these women in reply. On the envelope it was possible simply to use both names, but what to do with the salutation on the letter itself? For a while, we tried using both names—for example, "Dear Jane Brown"—but this somehow seemed too intimate for a person I had never seen. Then the possibility of using the form "Ms." was brought to my attention—for example, "Dear Ms. Brown"—and this seemed convenient. I noticed that the women on my staff thought this was a good idea. Next, I came to the conclusion that this abbreviation and salutation could be widely used.

Of course, it is really up to the women of America whether the idea catches on or not. Far be it from me to presume to tell them how they should be addressed.

Whatever form of address the ladies choose, however, the U.S. Government should not contribute to the widespread practice of unnecessarily asking the impertinent question about marital status. Far too many forms to be filled out, including U.S. Government forms, require women to specify Mrs. or Miss when the question is totally irrelevant. I am today writing to the U.S. Budget Director who has responsibility for approving all forms put out by Federal agencies, urging him to see that this question is eliminated where it is not significant.

The retailers of America should also wake up to the fact that many women do not like to be asked the question "Miss or Mrs." I am writing to 10 large New York City department stores suggesting that they instruct their clerks not to ask this question unnecessarily. I will be most interested in their replies.

Moving to a single form of address for women is not a new idea. The salutation "Mistress" was formerly used to address both married and unmarried ladies. Oddly enough, as any dictionary will show, both Mrs. and Miss are abbreviations of the word Mistress.

H.R. 16916

Mr. ESCH. Mr. Speaker, I rise at this point in order to clarify the events which occured during the debate on H.R. 16916, the appropriations for the Office of Education.

I believe the events which transpired were most unfortunate and do not reflect affirmatively on the credibility of this House; so my intention in taking this special order is to clarify the Congressional Record of April 14, 1970, as found on page 11648. The Record indicates the Chair sustained the point of order made by the gentleman from Pennsylvania (Mr. Flood) against Mr. William D. Ford on the grounds that the Clerk had already passed that point in the bill. Following this, my own amendment was ruled out of order on similar grounds.

It is this point that needs correction. The Clerk, indeed, had only begun to read the page 3 sections dealing with vocational, adult, and higher education when I was on my feet seeking recognition from the Chair, and the section on community education was in truth not read prior to my seeking recognition. To

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further substantiate this point: after the dialog on the point of order that followed my attempted amendment and Mr. Scheuer's comments, Mr. Pryor of Arkansas offered an amendment to that very section on community education. He was not ruled out of order by the Chair. Certainly if the Clerk had, indeed, read the community education section at the place indicated in the Record, then Mr. Pryor's amendment also would have been out of order and the Chair would have so ruled.

While I believe it is important to correct the Record as a matter of historical note, I believe there is an even more fundamental issue involved here; that is the failure of the Subcommittee on Appropriations and the Chair to allow the House to work its will in a democratic manner on this important legislation.

The objections by the gentleman from Pennsylvania to my being allowed to present an amendment to be discussed and to stand or fall on its merits are most unfortunate. In his own words, he did so "to protect his bill." It is my judgment that the democratic process and the credibility of the House are in greater need of protection than any bill.

At a time when increasing numbers of citizens are questioning this body and its ability to put its own house in order, an experience such as this does little to erase their doubts.

D FOR DECENCY WEEK MAY 17–23

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. HANNA. Mr. Speaker, I am sure anyone who has the least sensitivity to what is happening around him must be concerned over the rising acceptability of grossly obscene and pornographic material.

The President's Commission on Pornography is currently involved in an intensive effort designed to learn the extent and causes for the increasing profusion and use of obscene materials. This certainly is an important and timely effort.

In introducing this Decency Week resolution today it is my intent to focus public concern and generate interest in this issue. With so much competing for one's attention and with increasing permissiveness evident in all the media, obscenity as a question of public concern and debate has been unfortunately relegated to the "back burner." This is a potentially dangerous mistake. What seems to me to be the most serious aspect of this entire matter is the increasing public apathy over a question that clearly challenges basic values and standards.

Let me cite what is perhaps an exaggerated example, but nevertheless reflects how absurd some people are willing to be in their exploitation of pornographic material. A recent ad in the Los Angeles Times movie section described a film in the following adjectives—sin, corruption, wantonness, raw sex, sadism—and the final absurdity at the bottom of the ad suggested the picture was "One of the best films to come along in the last 10 years."

With this kind of offensive exploitation so evident, I believe it is time some effort was made to restore a measure of sanity—and yes—although some unfortunates may consider the standard irrelevant—decency. A week in which we are asked to look about us and say "enough—our senses are inundated with obscene trash—lets stop it" is not only a good idea, but a necessary one.

At this point in the Record, I would like to include the text of the resolution I am introducing today. This resolution has been endorsed by the Los Angeles County Board of Supervisors.

The resolution follows:

H.J. Res. 1187

A joint resolution to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week"

Whereas the amount of obscene and pornographic material being sold and otherwise distributed throughout the United States continues to increase at alarming rate; and

Whereas such material has no redeeming social value to the Nation or the American people; and

Whereas too much of such material is finding its way into the hands of the youth of the country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to focus national attention on the need to reduce and control the vast quantities of obscene and pornographic material being distributed throughout the United States the President is authorized and requested to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

NATIONAL DIGESTIVE DISEASES AND NUTRITION ACT OF 1970

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. HANNA. Mr. Speaker, more people in the United States suffer each year from digestive tract diseases than from almost any other type of malady. Despite this, there is no agency of the Federal Government specifically charged with the important responsibility of providing the massive research and training necessary to adequately deal with digestive disorders.

In order to improve and expand our present efforts in this area, I am introducing legislation which would establish a National Institute of Digestive Diseases and Nutrition. The creation of such an Institute would accomplish two things. First, it creates a mechanism whose overwhelming concern will be directed at digestive diseases. Second, the establishment of the Institute would clearly announce this Nation's commitment to bend every effort to deal with these disorders.

There, of course, is ample precedent to create such a special Institute. The success of the Heart Institute provides us with ample evidence of what can be accomplished when a commitment is made to provide the necessary funds and organization.

While cardiovascular diseases still account for more fatalities than other types of diseases, digestive maladies actually have a greater impact on a larger segment of the population. Digestive diseases account for more hospitalizations than any other body system disease. The latest statistics available show more than 5 million Americans hospitalized each year from digestive diseases at an annual cost to our economy of more than $8 billion.

Yet our ability to treat these diseases is pitifully small. For each 100,000 Americans there is presently one physician specially trained to deal with gastroenterological disorders. And remember, these diseases hospitalize more Americans than any other body system malady.

In the last AGA survey, it was found that 24 States had less than 10 physicians specially trained in digestive diseases. Four States had none.

Only 16 percent of the Nation's medical schools have five or more full-time teachers of digestive disorders. This compares with 60 percent of the schools having more than five teachers in the field of cardiovascular disease.

The state of knowledge about these digestive diseases, while impressive in some instances, is generally uneven. For example, the American Gastroenterological Association estimates that peptic ulcers afflict more than 10 million Americans—mostly males between the ages of 20 and 60. Yet, this figure represents, the AGA believes, only about half of those afflicted. For a number of reasons, but primarily because of lack of trained manpower and facilities, more than 10 million Americans probably are walking around with untreated—even undiagnosed—peptic ulcers. In other major digestive diseases such as hepatitis, cirrhosis of the liver, gallstones, infectious diarrhea, and cancer of the colon and rectum, there is a serious need for extensive research and trained personnel.

I believe a National Institute specifically dealing with these disorders can make an immediate and important impact in dealing with the distress of millions of Americans. I am hopeful this legislation will receive the prompt attention is deserves.

At this point in the Record, I wish to include two tables of supportive statistical material:

TABLE 1.—COMPARISON OF DISEASES OF BODY SYSTEMS AS PRIMARY CAUSES OF HOSPITALIZATION IN THE UNITED STATES, 1964

Condition category	Patients hospitalized	Days of hospitalization
All conditions	[2]19.7	[2]181.0
Digestive	[3]3.4	29.4
Respiratory	2.9	16.2
Circulatory	2.0	24.4
Genitourinary	2.0	15.7
Musculoskeletal	1.0	11.0
Impairments	2.2	24.4
All other	6.0	59.9

[1] Modified from Lawrence.

[2] Numbers are in millions.

[3] Data from a national sample of hospitals show that the first listed cause of hospitalization constitutes ⅔ of the total digestive diseases entered in the records. Thus about 1,700,000 secondary or contributory conditions should be added, making a total of approximately 5,100,000 per year.

TABLE 2.—TOTAL ECONOMIC COST[1] OF ILLNESS, BY DIAGNOSIS, IN THE UNITED STATES IN 1963[2]

[In dollars]

Category	Total	Direct expenditures	Earnings loss from Morbidity	Earnings loss from Mortality
Diseases of circulatory system	20,948.4	2,267.3	2,919.7	15,761.4
Injuries	11,810.6	1,702.8	1,810.7	8,297.1
Neoplasms	10,589.9	1,279.0	850.7	8,460.2
Diseases of digestive system, excluding neoplasms	[3]7,837.3	4,158.7	1,220.1	2,458.5
Diseases of respiratory system	7,412.8	1,581.1	3,166.3	2,665.4
Mental, psychoneurotic and personality disorders	7,276.6	2,401.7	4,624.0	250.9
Diseases of nervous system and sense organs	6,795.4	1,416.4	1,525.5	3,853.5
Allergic, endocrine, metabolic, nutritional diseases	2,623.1	902.9	539.5	1,180.7
Diseases of genitourinary system	2,559.9	1,210.2	497.8	851.9
Infective and parasitic diseases	2,135.3	501.9	858.0	775.4
Diseases of blood and blood-forming organs	372.6	155.9	41.3	175.4
Miscellaneous	13,138.3	4,952.1	2,988.7	5,197.5
Total	93,500.3	22,530.0	21,042.2	49,928.1

[1] Given in millions of dollars.

[2] Adapted from Rice.

[3] Note: above figure of $7,800,000,000 for digestive disease includes $2,400,000,000 for expense of dental care, but excludes expenditures for, and indirect costs of, gastrointestinal cancer, estimated at $2,700,000,000. Hence corrected estimate of cost of digestive disease, as defined in this report, is $8,100,000,000 yearly.

At this point I wish to include the purpose of the measure and the sections which establish and relate the functions of the National Institute of Digestive Diseases and Nutrition:

That this Act may be cited as the "National Digestive Diseases and Nutrition Act."

PURPOSE

SEC. 2. The purpose of this Act is to improve the health of the people of the United States through the conduct of researches, investigations, experiments, and demonstrations relating to the cause, prevention and methods of diagnosis and treatment of diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition; assist and foster such researches and other activities by public and private agencies, and promote the coordination of all such researches and activities and the useful application of their results; provide training in matters relating to digestive diseases and nutrition including refresher courses for physicians; and develop and assist States and other agencies in the use of the most effective methods in the promotion and maintenance of health and of prevention, diagnosis, and treatment of digestive diseases and nutrition.

RESEARCH AND TRAINING

SEC. 3. Title IV of the Public Health Service Act is amended by adding at the end thereof the following:

"PART F—NATIONAL INSTITUTE OF DIGESTIVE DISEASES AND NUTRITION

"ESTABLISHMENT OF INSTITUTE

"SEC. 451. There is hereby established in the Public Health Service the National Institute of Digestive Diseases and Nutrition (hereafter in this part referred to as the 'Institute').

"DIGESTIVE AND NUTRITIONAL DISEASE RESEARCH AND TRAINING

"SEC. 452. In carrying out the purposes of section 301 with respect to digestive diseases and nutrition, the Secretary, through the Institute and in cooperation with the National Advisory Digestive Diseases and Nutrition Council (hereafter in this part referred to as the 'Council') shall—

"(a) conduct, assist, and foster researches, investigations, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of digestive diseases and nutrition;

"(b) promote the coordination of research and control programs conducted by the Institute, and similar programs conducted by other agencies, organizations and individuals;

"(c) make available research facilities of the Service to appropriate public authorities, and to health officials and scientists engaged in special studies related to the purposes of this part;

"(d) make grants-in-aid to universities, hospitals, laboratories, and other public and private agencies and institutions, and to individuals for such research projects relating to digestive diseases and nutrition as are recommended by the Council, including grants to such agencies and institutions for the construction, acquisition, leasing, equipment, and maintenance of such hospital, clinic, laboratory, and related facilities, and for the care of such patents therein, as are necessary for such research;

"(e) establish an information center on research, prevention, diagnosis, and treatment of digestive diseases and nutrition, and collect and make available, through publications and other appropriate means, information as to, and the particular application of, research and other activities carried on pursuant to this part;

"(f) secure from time to time, and for such periods as he deems advisable, the assistance and advice of persons from the United States or abroad who are experts in the field of digestive diseases and nutrition; and

"(g) in accordance with regulations and from funds appropriated or donated for the purpose (1) establish and maintain research fellowships in the Institute and elsewhere with such stipends and allowances (including travel and subsistence expenses) as he may deem necessary to train research workers and procure the assistance of the most brilliant and promising research fellows from the United States and abroad, and, in addition, provide for such fellowships through grants, upon recomendation of the Council to public and other nonprofit institutions; and (2) provide training and instruction and establish and maintain traineeships, in the Institute and elsewhere in matters relating to the diagnosis, prevention, and treatment of digestive diseases with such stipends and allowances (including travel and subsistence expenses) for trainees as he may deem necessary, the number of persons receiving such training and instruction, and the number of persons holding such traineeships, to be fixed by the Council, and, in addition, provide for such training, instruction, and traineeships through grants, upon recommendation of the Council, to public and other nonprofit institutions.

NIXON ADMINISTRATION OPPOSES ENVIRONMENTAL EDUCATION LEGISLATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BRADEMAS. Mr. Speaker, yesterday was Earth Day, and in communities and on college campuses across the land, Americans met to express their concern about the quality of our enviroment.

I think it significant however that on Tuesday of this week—on the eve of Earth Day and after reams of administration rhetoric about the need for environmental education, the top education official of the Federal Government appeared before a congressional subcommittee to declare the opposition of the Nixon administration to a bipartisan effort to help our schools and communities provide education on the environmental crisis.

I refer, Mr. Speaker, to the testimony on April 21, 1970, before the House Select Education Subcommittee, of which I am chairman, of the Honorable James E. Allen, Jr., Assistant Secretary of Health, Education and Welfare and United States Commissioner of Education.

Mr. Allen testified that H.R. 14753, the Environmental Quality Education Act, which is cosponsored by my distinguished colleagues, the gentlemen from New York (Mr. SCHEUER and Mr. REID) and the gentleman from Idaho (Mr. HANSEN) was unnecessary.

Mr. Speaker, in recent speeches, President Nixon has said it is "now or never" on measures to protect the environment; Health, Education and Welfare Secretary Robert A. Finch has warned, "we mean business" on environmental education; and Commissioner Allen has called for "legislation for Federal initiatives in environmental education."

But this week the Nixon administration declared its opposition to congressional initiatives to bring environmental education to the Nation's schoolchildren and the general public.

Yesterday, administration officials were on college campuses across the country supporting Earth Day.

Mr. Speaker, the contrast between administration words and deeds on an environmental education program must be obvious.

Following my comments, I shall ask unanimous consent to insert in the RECORD the texts of two splendid addresses urging Federal support of environmental education, delivered by the Secretary of Health, Education and Welfare, the Honorable Robert A. Finch, February 7, 1970, and by Assistant Secretary Allen delivered on January 23, 1970.

Mr. Speaker, the words in these speeches are fine, but unfortunately the actions of the administration in opposing the Environmental Quality Education Act speak louder than the speeches.

Mr. Speaker, the Nixon administration's opposition to environmental educational legislation is one more instance of its "big talk—no action" attitude on meeting the environmental crisis.

Mr. Speaker, I am also constrained to note that during the testimony on April 21, Mr. Allen and his staff admitted that the Task Force on Environment/Ecological Education in the U.S. Education Office had a staff of only three, backed by

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some students, two consultants, and no specific budget.

I think it also appropriate that I here note that the August 1969 report of the Citizens' Advisory Committee on Environmental Quality, headed by Laurence S. Rockefeller, sharply criticized as inadequate the environmental programs of the Office of Education.

Evidently, the Administration does not read the reports of its own advisers.

Moreover, Mr. Speaker, I think it highly significant that Russell Train, Chairman of the Council on Environmental Quality, declined to testify on the bill.

In addition, representatives of the Department of Interior earlier this year asked to testify on the proposal but late Tuesday canceled, without explanation, the scheduled appearance of Leslie Glasgow, Assistant Interior Secretary for Fish, Wildlife, Parks and Marine Resources.

Another indication of the forked tongue with which the administration has been speaking in the field of environmental education is a letter dated January 21, 1970, which I received from S. Fred Singer, a top Interior Department official and former dean of environmental sciences at the University of Miami, strongly endorsing the Environmental Quality Education bill and urging its passage. Following is the text of Mr. Singer's letter:

U.S. Department of the Interior,
Washington, D.C., January 21, 1970.

Hon. John Brademas,
House of Representatives, Washington, D.C.

Dear Mr. Brademas: I have noted with great interest that you have recently introduced a bill supporting environmental education. As a former Dean of Environmental Sciences at the University of Miami, I happen to believe that this is a most important bill, and I hope it will be enacted soon. I would appreciate receiving a copy of your bill and am enclosing, for your information, a recent paper of mine on the subject, presented at the December meeting of the American Association for the Advancement of Science. I would be happy to supply any additional information or papers you may desire.

Sincerely yours,

S. Fred Singer,
Deputy Assistant Secretary.

Mr. Speaker, it is abundantly clear that the White House and the Budget Bureau have once again silenced responsible administration officials who want to support congressional initiatives to help educate Americans about the clear and present danger to the Nation's environment.

Mr. Speaker, at this point in the Record, I insert the text of the two addresses of Secretary Finch and Assistant Secretary Allen to which I have earlier referred:

Address by The Honorable Robert H. Finch, Secretary of Health, Education, and Welfare, Before the National Association of Secondary School Principals

As my own first item of business, let me convey to you, at his personal request, President Nixon's greetings. Even though the press of business has prevented his personal attendance, he asked me to express his concern and close attention to your endeavors.

Your convention theme, "What's Right with American Education," provides a healthy concern with the positive. I don't think by that focus that you are ignoring the problems and tensions which secondary schools are experiencing. Since you are at the eye of the storm, you obviously know that there are no rugs big enough to have some of your problems swept under.

SPIRIT OF THE POSITIVE

It is in that same spirit of the positive that our own efforts are proceeding.

* * * * *

There is one final item on my agenda which I deem intimately related to all I have said this morning. By discussing it as an educational vehicle for the channeling of student energies, I do not mean it as a cynical technique of crisis management. I refer, of course, to the compelling problems of restoring the Nation's environment. This is not, and it cannot become, a political fad or a passing bit of heavy rhetoric. We mean business. Environmental considerations—a sense of responsibility for this planet and for each other—must become a permanent component of every decision—governmental, legal, industrial, and personal—from here on out.

ENVIRONMENTAL EDUCATION

The burning question about the degradation and abuse of the environment is no longer the catalogue of ecological horror stories, but rather: "What are we going to do about them?" And in this battle, there is no weapon more critical than education.

The teacher we intend to send into our public schools in 1980 is today a sixth grader somewhere in America. He or she must be taught—beginning right now—along with every American boy and girl, about environmental quality, about ecology and about all of the complex and interacting elements that go to make them up.

We and they must learn together—and in the spare time we have left, we must begin to write the textbooks for this new educational enterprise. We must think about America as it will be in 1980—a Nation with some 250 million citizens with different kinds of schools and different kinds of teaching and learning programs, and we must do this right now. That future teacher will enter college in 1976 and new textbooks will have to be written and published, courses mapped out and instructors trained in these new disciplines.

When we turn these brand-new teachers loose in 1980, they must know much more than any of us do right now about the problems involved in human survival—or else the war may well be lost, although the battles may go on for a few decades longer.

Departments devoted to the environmental sciences are being started at many of our Nation's universities. Many seminars have been held. This is an excellent beginning—but we must also begin now to develop similarly oriented programs in our grade schools, in our high schools and in our junior colleges.

ADULT EDUCATION

These same basic courses must be developed and put into action at every stage of adult education. Logically, this should include not only adult education sponsored by formal school systems, but also the educational enterprises conducted by business and industry, by unions and by other organized groups. The future of society lies in its ability to respond to crisis. And we are in a situation with regard to our environmental preservation that calls for a clear and vigorous response by every sector of American life.

THE ENVIRONMENT IS RIGHT HERE

We need in our schools to counteract the idea of environment as being something "out there" that can be visited and then left behind at the end of a field trip. Our goal must be to see that every school has access to an environmental study area where youngsters of all ages can grow up with the concept of environment as being everything that makes up their world, and with an understanding of the interdependency of all its numberless elements. Whatever Marshall McLuhan meant by telling us and the media that we live in a "global village," the analogous message for environmental education is clear: "The world is the classroom."

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Through the development of what Dr. Allen has called EEE—environmental/ecological education—at every level of learning, I see some very exciting things:

—Pre-schoolers will more and more be using the out-of-doors as a classroom—for it is urgent that out children early begin to understand their environment.

High school students will use civics courses to engage in work study programs with city and state officials and environmental quality professionals. They will focus on all sorts of urban problems to which solutions must be found—waste disposal, water supply, pollution and population.

Undergraduates will participate in multidisciplinary classes under the guidance of master teaching teams to allow them to work out the great intellectual synthesis of the 1970's—the still unexplored area that lies among the humanities, the natural and social sciences, and the broad-based environmental studies that must be undertaken.

FUSION OF EFFORT

Education in this issue is not just something for kids. The entire level of mass citizen understanding and participation must be raised if we are to reverse the environmental skid. In this effort, we must rely on educational television, on community colleges, on business, on labor—in fact, on a total fusion of individual and group effort.

Action on this issue calls for both skills and passion: for disciplined scientific techniques and the emotional commitment to utilize them. If our communications do not fail us in this crisis, ALL AMERICANS WILL, TO SOME DEGREE, BECOME ECO-ACTIVISTS.

DECADE OF CHALLENGE

Let me close my remarks on the note struck by your conference theme. If there were to be one crucial thing that is right among the many things that are right—about the American educational system, it would be its historic capacity to respond creatively to challenge. This is the decade of challenge; and in your constructive introspection, the response has already begun. To that I can only echo the words I quoted last spring at a White House meeting of the best of your own students—the Presidential Scholars. The words were uttered by my predecessor, John Gardner, and they apply to education, to political leaders, and to each one of us.

"A nation is never finished. You can't build it and leave it standing as the Pharaohs did the pyramids. It has to be recreated in each generation by believing, caring men and women. It is now our turn. If we don't believe or don't care, nothing can save this nation. If we believe and care, nothing can stop us."

Education for Survival

(Address by James E. Allen, Jr., before 1970 annual meeting of the American Council of Learned Societies)

In the course of the past few weeks we have been treated to every conceivable kind of review of the 60's and prediction for the 70's that hindsight and foresight together could reduce to words.

One of the most troubling things we have learned from this inventory is that our world—which once we believed would endure for almost anyone's casual definition of "forever"—is in acute danger of becoming the subject of a premature obituary notice.

As President Nixon said in his State of the Union address yesterday, "The great question of the 70's is shall we surrender to our surroundings or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land, to our water."

SCOPE OF "EDUCATION"

If the tragic state of the environment seems a rather inappropriate subject for an address by the United States Commissioner of Education, let me assure you that it is not. Indeed, everything we have been alerted to about the perilous condition of our planet comes under the heading of "education."

Granted, it is an unusual form of education. Instead of learning it as a matter of course from our earliest classrooms on through the educational process, we are having it sledgehammered into our heads rudely and with little warning. It is education nonetheless, and in the light of history, it may prove to have been the most valuable we have ever been exposed to.

EDUCATION FOR SURVIVAL

Though this may seem at first to be education for catastrophe, it can also provide the catalyst for creating education for survival. For the human species, all of whom share a steadily worsening environment, there can be no more important consideration.

At the outset, let me say this: there is nothing whatever that is remotely political or even partisan in what I am saying to you tonight. The environmental deterioration in which we find ourselves knows neither Republican nor Democrat, white or black, rich or poor, young or old. To experience it, to suffer from it, to be concerned with it, to be committed to do something about it—all that is required is that you be alive. All else is quite literally irrelevant.

TECHNOLOGY OUT OF CONTROL

The plain fact is that the technology of living that we have created has gotten—we hope, only temporarily—out of control. Our mere existence is creating dangerous changes in the delicate balances by which we have thus far survived on earth. Our technology has so far been used primarily in ways which aggravate these changes. Only now are we learning how to measure the changes we know about—and to be wary of the subtle long-range changes of which we are not yet even aware.

I need not belabor you with statistics. You have read them, and heard them, and flinched at them and perhaps wearied of them.

Who, after all, can really visualize 142 million tons of pollutants discharged into the air of this country every year?

What does it really mean to say that $20 billion is the estimated cost of the havoc wrought annually by these pollutants?

Eight million junked automobiles, 26 billion discarded bottles and 48 billion cans, 150 million tons of solid wastes, 2,100 communities dumping billions of gallons of raw sewage into our waterways—these are statistics that boggle the mind, and they are repeated like clockwork every year, inching higher and higher toward the point that reads "human extermination." It takes something really different—like a river so filthy it actually catches fire—to engage our jaded attention.

We created this technology by exploiting our talent for invention, our dedication to learning, and willingness to work and work hard. Now we face the ultimate challenge of using these same national characteristics to regain control of our technology—lest uncontrolled it exterminates us.

The time we have to achieve this reversal may be no longer than the few years remaining in this century. In any event, there is no time to lose. *The key to human survival is education.*

WHY EDUCATION?

Why do I say that education is the key to survival? Why not new laws? Why not new rules and regulations and codes and all the rest of the complex apparatus of government which regulates nearly all human endeavor? Why is education more important that all of these admittedly important measures?

The answer is that in a free society it is always the citizen who must bear the ultimate responsibility for the choices that are made and the actions that are taken. In all our history we have found no better way than through the process of education for equipping citizens—you and me and our children—with the knowledge and the understanding needed to make these choices and to take these actions.

What we desperately need is not ingenious tinkering with the surface of our culture but a new vision of the possibilities of human life in our age. To whom should be turn for such a vision, and who can persuade our citizens to pay the price for carrying it to fruition?

Not so long ago, many people were confident that science could solve such problems, but such confidence is no longer as pervasive as it used to be. The scientists themselves are frequently known to express pessimism. All of the threats to human existence ironically derive, to a greater or lesser degree, from the extraordinary flowering of science-based technology in the twentieth century. That this flowering has brought many benefits to man, few will deny. That it also extends his power beyond his demonstrated wisdom to use it to his collective advantage is also hard to deny. There is growing conviction in this country that science is now too portent-laden to be left to scientists alone. In this regard, I am reminded of the prophetic words of Lord Snow in his book, *Two Cultures*, some years back.

It is at this point—at the last millisecond before midnight—that the humanism and social scientist are being invited to help salvage our society. It is ironic because, like Churchill under the clock in Parliament thundering unheeded warnings of disaster prior to World War II, the social scholars have long predicted the state of affairs to which we have come. Yet like Churchill, they must now assume a major responsibility for averting the impending doom.

PRIMACY OF CULTURE

There is only one way to do so, and that is to reassert the primacy of a man-centered culture which subordinates technology to the human condition. That is what the new national environment policy is really all about—a Renaissance of Man in the decade of the 70's.

This Renaissance takes as its paramount issue the quality of life. And who is better equipped to speak on the quality of human existence than the man of humane letters and social concerns? Who else has devoted his life to the most productive and liberating ways of approaching the human condition? I charge each of you with the burden of leadership, of speaking to the creation of exemplary men.

In this regard, I cite Classics Professor William Arrowsmith of the University of Texas whose views on education should constitute a statement of goals for us all:

"It is men we need now, not programs. It is possible for a student to go from kindergarten to graduate school without ever encountering a *man*—a man who might for the first time give him the only profound motivation for learning, the hope of becoming a better man. Since the humanities aim at humanization, their meaning and end are always, I believe, an exemplary man. Hence the humanities stand or fall according to the human size of the man who professes them."

It is clear, then, that scientists are not alone responsible for the woes of our civilization. Humanists and social scientists by their indifference must share with other citizens some responsibility for the current state of our world too. But the times are now suddenly ripe for a fruitful intercourse between the humanities and the sciences. The surge in inter-disciplinary team research and study represented by the concern for ecology constitutes a major opportunity for an impact upon public policy by the humanities and social sciences.

A major thrust will be made through the agency of education. I hope that you will not neglect the challenge presented to you to participate in the reorientation of American education toward man-centered environmental study. The newly awakened social conscience in our country demands a response by educational authorities. We ask that you join us in shaping an educational policy consonant with that Renaissance.

RESPONSIBILITIES OF GOVERNMENT

The responsibility of the government is to lead.

That is why the President, on January 1, 1970, marked the start of a new decade by signing the bill establishing a Council of Environmental Advisors. It is why he said, "The 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never." It is why he has dedicated this Administration to the saving of our fragile, threatened environment—on which our survival depends.

It is also the responsibility of government to set an example—to encourage the growth of public understanding of its activities, of public concern, of public participation. "Until he has been part of a cause larger than himself, no man is truly whole," the President said in his inaugural address.

Above all, it is the responsibility of all government—not just national or state, but every local unit that operates a public school system—to educate . . . to replace confusion with knowledge . . . to replace concern with commitment and action.

It is at this point that the humanists and the social scientists should be "doing their thing." The problems we have are not just scientific. They are social and they bear directly upon human interaction with the total environment. What we need desperately from the cognoscenti such as you here tonight is help in posing the right questions. If the growing surge of citizen concern is to give rise to new human survival techniques and attitudes, a leadership role for the humanities is essential.

Learning about environment and ecology and all that affect it is admittedly complicated. Even today, when we know how dangerously threatened our environment is, we have only a small corps of qualified professionals to call upon. But if government at any level should take the attitude that this is all too complicated for the average citizen to understand—that he is needed merely to pick up the bill—then we shall be inviting public apathy, and even the most ambitious programs will eventually fail.

We simply cannot afford failure.

TWO GENERATIONS

We must therefore begin immediately to use our full educational capability to learn as much as we can, as fast as we can, about how to save our environment. At the same time, we must begin to teach not just one but two generations of Americans, simultaneously, all that they must know in order to revive the earth on which we live.

Why do I say two generations? Simply because you and I and every other adult American must learn all this, just as must every American whose age puts him in the student population. We must learn it so we can understand it—and we must learn it in order to be able to teach it on a vastly

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greater scale than anything we have so far envisioned.

The teacher we intend to send into our public schools in 1980 is today a sixth grader somewhere in America. He or she must be taught—beginning right now—along with every American boy and girl, about environmental quality, about ecology and about all of the complex and interacting elements that go to make them up.

We and they must learn together—and in the spare time we have left, we must begin to write the textbooks for this new educational enterprise. We must think about America as it will be in 1980—a nation with some 235 million citizens with different kinds of schools and different kinds of teaching and learning programs, and we must do this right now. That future teacher will enter college in 1976 and textbooks will have to have been written and published, courses mapped out and instructors trained in these new disciplines.

When we turn these brand-new teachers loose in 1980, they had better know much more than any of us do right now about the problems involved in human survival—or else the war may well be lost, although the battles may go on for a few decades longer.

What are the specific tasks to be assigned to this new environmental/ecological education? They can be summed up briefly: *awareness, concern, motivation and training:*

Awareness of how we and our technology affect and are affected by our environment;

Concern for man's new and unique responsibility to re-establish and to create beneficially balanced relationships among all forms of life within the closed earth system;

Motivation and training to enable us to acquire and spread the knowledge and skills that will help us solve interrelated environmental problems and prevent their future occurrence.

The end product of this kind of education—and it must take place at every level of the educational enterprise—will be to create, within the decade that has just begun, a citizenry with a clear understanding that man is an inseparable *part* of the system and that, as such, his continued existence is totally dependent on its continued functioning.

ALL EDUCATIONAL LEVELS

Departments devoted to the environmental sciences are being started at many of our nation's universities. This is an excellent beginning—but we must also begin now to develop similarly oriented programs in our grade schools, in our high schools and in our junior colleges. It is essential for students reaching the university level—and just as urgent for those whose education will not take them that far—that they already know the basic facts about environment just as you and I learned addition and subtraction.

These same basic courses must be developed and put into action at every stage of adult education. Logically, this should include not only adult education sponsored by formal school systems, but also the educational enterprises conducted by business and industry, by unions and by other organized groups. The future of society lies in its ability to react and respond to situations and events—and we are in a situation with regard to our environmental preservation that calls for a clear and vigorous response by every sector of American life. Eventually, as we gain ground, we should become able to *act* rather than merely *react*.

It is a matter of urgent necessity that we develop in both young and old an understanding of the society in which they live—an increasingly urbanized society with all the problems that this creates. We need to develop ecological studies designed to make everyone aware of the fragile and interacting relationships of land, air and water—and to give new understandings of the eco-concepts—that must govern the development of society, encompassing the demands of increasing urbanization.

We need in our schools to counteract the idea of environment as being something "out there" that can be visited and then left behind at the end of the field trip. Our goal must be to see that every school has access to an environmental study area where youngsters of all ages can grow up with the concept of environment as being everything that makes up their world, and with an understanding of the interdependency of all its numberless elements.

EEE

Through the development of EEE—environmental/ecological education—at every level of learning, I see some very exciting things:

Pre-schoolers will be using the out-of-doors as a classroom—for it is a matter of urgent necessity that our children early begin to understand their environment.

High school students will use civics courses to engage in work-study programs with city planners and environmental quality professionals. They will focus on all sorts of urban problems to which solutions must be found—waste disposal, water supply, pollution and population.

Undergraduates will participate in multi-disciplinary classes under the guidance of master teaching teams to allow them to work out the great intellectual synthesis of the 1970's—the newly emerging coalescence of the humanities, the natural and social sciences, and the broad-based environmental studies that are being undertaken.

Graduate students will work in special study programs directed to creating new and different approaches to solving ecological problems.

Teachers will be given opportunities to acquire the knowledge and the methods of teaching EEE.

Out-of-school adults will learn to understand how and why the ecology and the environment interact; and while the professionals and the para-professionals work toward finding the immediate solutions we *must* have, all of us will acquire the kind of knowledge we can no longer do without. The entire level of mass citizen understanding and participation must be raised if we are to reverse the environmental skid. In this effort, we must rely on educational television, on community colleges, on business, on labor—in fact, on a total fusion of individual and group effort.

ECO-ACTIVISTS

If our communications do not fail us in this crisis, all Americans will, to some degree, become eco-activists.

Let me illustrate what this can mean.

In California, voters in San Bernardino County recently turned down a proposed coal burning plant despite the increased tax revenues it would have contributed. Residents in a Seattle suburb chose to preserve a wooded park area instead of clearing it for a golf course.

A recent example of the effectiveness of the working meld provided by mass communications, citizen response, and various levels of government working in partnership was the halting of the Everglades Jetport. An irreversible ecological tragedy was averted and we lighted a beacon of hope and inspiration for a nation of environmental underachievers.

The decisions to be made by each of us in the future will be on both small and very large environmental issues, but, whatever their degree, they will be more and more numerous in the years ahead. It is vital that we and our children be equipped with the wisdom and understanding that reject haphazard or emotional choices in favor of informed, reasoned decisions.

Undertaking this vast new educational enterprise will have far reaching and highly beneficial implications for American education. It will be a catalyst whose impact will register in every classroom and, I hope, in every home and office and plant in America.

Scholarship will benefit by the development of the essential inter and cross disciplinary studies that will be needed. The active involvement of our educational system in problems that pervade the lives of all will help to make the educational process more relevant and responsive.

This new emphasis in American education will help to make every individual more aware of how dependent each of us is upon the other. We shall—we *must*—learn that in the highly complex structure which is human society, survival depends on self-control (which includes control of technology—that mammoth extension of "self.")

The simple goal of all this educational effort is the realization that the acts of one react on all. If we can learn this lesson, we shall live in a better society. If we do not learn it, we may well have no society at all.

OFFICE OF EDUCATION

What is the Office of Education going to do to help American education implement the environmental challenge outlined by the President and alluded to here today? A number of things:

Promote EEE as a major activity of the Office in the 1970's.

Set up a special environmental studies staff to coordinate existing programs, redirect existing resources, and plan new programs and activities. This can be done by drawing creatively on all the relevant resources in O.E., without creating another bureaucratic unit.

Support appropriate legislation for Federal initiatives in environmental education.

Call a major conference in June on the challenge of EEE to the American educational community.

Support wholeheartedly the Environmental Teach-In scheduled nationally for April 22. I urge all American educators, at elementary, secondary and higher levels throughout the nation, to concern themselves with this effort and to give this environmental event the impact it deserves.

Propose that teachers follow up the National Teach-In by organizing and planning regional *Ecological Environmental Teach-Ins for Teachers* in the Summer of 1970. The Office of Education and the Department of Interior would assist these efforts in cooperation with State and local groups and organizations.

Cooperate with the Department of Interior to put to the highest educational use the cultural and natural environmental resources of the National Park Service. The Department of Interior's National Environmental Education Landmark program represents a major step in the direction that education for survival must take.

And finally, begin to plan for our participation in the 1972 UN International Environmental Year. Since we are the leading industrial nation, we must take leadership in countering industrial violence to the environment. The spread of our industrial technology has brought with it the spread of its rot. As John Gardner recently said: "The problems of nuclear warfare, of population, or the environment are impending planetary disasters. We are in trouble as a species."

CHALLENGE AND RESPONSE

Before us stands a great challenge. Arnold Toynbee has told us that the essence of the story of mankind and the survival of civilizations is to be found in the cycle of challenge and response. Those that respond survive; those that do not decline and die.

I believe America contains the seeds of response. Some are disturbed by the enormity

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of the challenge—but the very fact that we are willing and anxious to focus on our environmental problems is the best assurance that we do indeed still possess the energy to tackle them and the ability to forge the tools to conquer them.

In just six years, this nation will enter upon its third century of independence. How our children and their children will live in that century—or even if they will—is almost totally dependent on the commitment we must now make and the dedication with which we carry it out.

If we are committed and steadfast, then we can in good time step aside and make room for the future, with the reassurance that we have kept the faith . . . that in the brief but eloquent words of Ecclesiastes:

"One generation passeth away and another generation cometh, but the Earth abideth forever."

TELEVISION COVERAGE OF CONGRESS: AN ADDRESS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BRADEMAS. Mr. Speaker, in light of current discussion of television coverage of Congress, I am sure Members of Congress will read with interest the remarks of Dr. Frank Stanton, president of the Columbia Broadcasting System, at the annual Public Service Award dinner of the Advertising Council in New York City on December 15, 1969. Dr. Stanton, who received the Advertising Council's Annual Public Service Award that evening, makes a strong plea for the case that television broadcasting of the processes of government can add significantly to the quality of public understanding of important issues.

The remarks follow:

INDEPENDENCE OF BROADCAST PRESS

I am deeply honored by this tribute tonight. I would like to linger over those generous words of Tex Cook, but I hestitate to indulge in any "instant analysis." However, I will try—on advice from high quarters—to respond "in a very dignified and courageous way."

I would like to think that this award is inspired less by anything that I have done, than by the contribution that broadcasting has made to a more concerned and a more informed society. And, since we meet tonight under the auspices of The Advertising Council, let me note that whatever success we have achieved in this is owed in considerable measure to advertising. For—as the free press, printed and electronic, has provided advertising with an attentive forum—advertising has furnished many of the economics sinews that have made that effort possible and has, in fact, made the free press in our time a viable reality. And in this connection let me add a footnote appropriate to this occasion: During broadcasting's short eventful life, advertisers have come to respect the independence of the broadcast press far more than have the leaders of our government.

It is of more than passing significance that we are gathered here on what by coincidence is Bill of Rights Day—the 178th anniversary of the adoption of the first ten amendments to the Constitution of the United States. If, in the familiar words of the British prime minister, William Gladstone, the American Constitution itself was "the most wonderful work ever struck off at a given time by the brain and purpose of man," the Bill of Rights was, as Jefferson insisted, "what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference." And the first article of the first amendment of the ten constituting the Bill of Rights provided that—

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

None of the principles, so simply and explicitly set forth in this very first Constitutional enactment of our Republic, long escaped attack, not in theory, but in practice. For vital as they have been and vital as they still are, they are far easier to pay lip service to than they are to live by. And, like liberty itself, they have been preserved, from the time that they were adopted, only at the price of eternal vigilance.

Yet, compared to the swiftness and the complexity of life today, the conditions under which the Bill of Rights was enacted in 1791 were paradoxically far most hospitable to its preservation than they are today. A slender strip of land stretched along the Atlantic seaboard, largely consisting of agricultural communities totaling scarcely eight million souls, the early nation had little communications beyond word of mouth, the land press and the stagecoach, and no power except that of muscles, falling water and the winds. Whole areas of life—health, education, transportation, economics, science, housing, utilities, urban living, commerce and environmental control—fundamental as they have since become, were never touched upon by the Federal government; and a man could live his entire life without being affected as an individual by any action of that government. Indeed, only on the local level did he have much to say in the affairs of government: The choice of the national leadership was delegated to electors free to choose anyone they saw fit, and the choice of United States senators was delegated to the state legislators free to make whatever bargains they thought politically prudent.

But thanks to the foresight of the political architects of two centuries ago, the citizens of the early Republic did have the guarantee of, among other minimum essentials of free political action, a free press—which is to say the right to know, the right to ask questions, the right to criticize, and the right to dissent. The importance of these rights was underscored only last week when the Vatican weekly, *L'Osservatore*, editorially praised the United States for facing honestly the My Lai episode in Vietnam, stating that the case demonstrated "the vitality of a democracy which does not close the mouth of those who publicly accuse and does not prevent—as unhappily happens often elsewhere—anyone from telling the whole truth, even a horrible and disgusting one. . . ."

DISTURBING DOUBTS

Yet during the past month, we have had disturbing doubts cast from high places here at home on the rights to which the Vatican paper attached such great value. Whatever the merits of the specific issues involved, we witnessed contrived government attacks on both the degree and the extent of freedom of the press. Subsequently, assurances that the purpose of these attacks was merely to stimulate discussion of media performance, and thence self-improvement, ring hollow when their sources and pattern, not to mention their language, are considered and when the right to report the facts, or to express an opinion, is challenged only when they go against the grain of Administration policy. But the danger lies not solely—or even primarily—in the angry official castigations, or in the overt warnings of government intervention, or in the subtle threats of reprisal. It does not lie even in the implication that, at a time when this nation is more powerful than it has ever been in its history, it turns its back on the memorable words of Justice Holmes: . . . if there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those for those who agree with us but freedom for the thought that we hate."

The real danger is not theoretical but coldly practical: It is the pointed reminder that Big Brother—the government—is keeping its eye on you and if you don't do what it says is best, you'll be in trouble.

This is a direct inversion of the proposition inherent in the First Amendment: that the government is the servant of the people and not their master. And it would render impotent the instrument that the authors of the Bill of Rights saw as the major safeguard against that bleak inversion becoming a reality—the right of the people to keep their eyes on the government. Nor did the Bill of Rights draftsmen see this right to know as merely an indulgence. For a free society, they saw it as an organic need. We cannot keep that vital right alive by abridging it whenever the going gets rough or by not making the most of it when things are going well. As the problems and opportunities facing us get more complex, as society necessarily becomes more institutional and less personal, as we grow bigger both in numbers and in the social and economic dimensions of our activities, the only way we can keep the right to know alive is by expanding it—making sure that our citizens know more about our government and its action, not less.

It is one of the great godsends in our history that we have the means to bring this about just when we need it most—and to bring it about not in the distant future but tomorrow morning. No technical innovation, no vast investments are required—only the will to do it.

ELECTRONIC COMMUNICATIONS

My proposal is simply to use electronic communications to give the American people greater access to significant proceedings of the Congress and of the Supreme Court—that is, to allow television and radio to cover all proceedings of the House, the Senate and the Supreme Court to which the public and the press are admitted. We have been doing this for years with regard to the United Nations. We have been doing it with regard to party conventions. We have been doing it with regard to inaugurations and ceremonial joint sessions of the House and Senate. There is no reason why we cannot do it with regard to critical sessions of the highest legislative and judicial bodies in the land—bodies whose actions and determinations influence our lives, our pocketbooks, our present and our future.

An enlightened people—a people impelled by their heritage, their interests and their compulsions to govern themselves—need to know not only the decisions arrived at on their behalf but how they are arrived at and on what grounds. The course of the longest and the most expensive war in our history was determined in great measure by the Gulf of Tonkin Resolution of August 1964. The outcome of the discussions of that resolution in the United States Congress was to bear dramatically and materially on the life of every American, directly or indirectly. The same issues, though with varying standards of reference and from varying points of departure, were discussed in the United Nations General Assembly. Television and radio made it possible for the American people to witness the United Nations debate live and later in delayed broadcasts or on regular and special news broadcasts. But they were prohibited by archaic strictures, from witnessing the discussion in their own Congress.

Such deprivations with regard to Congressional proceedings are the rule, with the sole

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exception of the Senate, where the individual committees permit the broadcasting of public hearings. In spite of the fact that broadcasts of Senate committee hearings have resulted in deep public interest, similar broadcasts are flatly prohibited in the case of committees of the House, and from the floors of both houses. We are encouraged that a remedy may be within reach, however, by the provisions in a bill (H.R. 11475) now before a subcommittee of the House Rules Committee. If passed by the House, this bill would permit radio and television coverage not only of committee hearings but of the House proceedings themselves. But the camera and microphone remain off limits in the case of the Supreme Court, despite the fact that its proceedings, like those of Congress, are open to anyone who happens to be in Washington and who can go to its chambers. For all practical purposes, the present test of a citizen's ability to see his government in action on matters of the utmost urgency to him is whether or not he has the time and money to go to Washington, often stand in line for a seat and then hope that there is room for him. Actually, through cameras and microphones, there is room for every American in those limited seats now available only to the privileged or accidental few.

Ever since the birth of the idea of self-government, the direct involvement of all citizens in their government has been the highest objective of democratic life. The Greeks sought it and for one of the most splendid, if brief, hours in human history realized it. And it was not for nothing that the New England town meeting used the largest meetinghouse available so as to accommodate the most people and would even spill out on the lawn if necessary; nor that the Constitution itself required, when the only communications medium was printing, the Congress to "keep a Journal of its Proceedings, and from time to time publish the same. . . ."

There was a time when there was no alternative to limiting access to high legislative and judicial proceedings to the handful of subscribers to the *Congressional Record* and visitors who could get to Washington. Today, it is indefensible. I think that I have heard most of the excuses that have been offered—and not one of them seems to me to hold water.

TELEVISION—FACT OF LIFE

Television is a fact of life in our times, but it does not create new rules of human behavior—it only reflects the old ones. To limit its role in communications on the grounds that it would in any important way alter the standards under which our elected or appointed officials conduct themselves is a wholly untenable proposition. Even if it did, the medium is available to them outside the legislative chambers; and in any case, the burden of responsibility must rest—not with the instruments that transmit legislative or judicial events—but with the participants who make those events. To do anything else would be not to report what is happening but to distort it—to decide in advance that some people and some occurrences cannot stand public scrutiny. I do not believe that this course accords either with the theory of an open society or the practice of good government. Moreover, the broadcasting of sessions of the Congress—and the same would hold with the Supreme Court—would obviously be selective, just as they have been in the case of the United Nations. Routine sessions of the Congress would not be broadcast, but the broadcasting of critical sessions, leading to major commitments on the part of the American people, would enlighten them on the causes and the rationale behind such commitments. And we must remember that Congressional powers are sweeping. Appropriations of money by the Congress are the ultimate determinants of national priorities. Foreign policy is strengthened or frustrated in the Senate, through its power to advise and consent. The effect on the judiciary, through confirmations alone, is direct and immediate. The Congress's powers of overseeing other government agencies are virtually without limits. Because of its ability to delegate rule making, to allocate funds, to approve appointments and to conduct investigations, it can reach into every governmental agency and office. But despite the great range of its powers, most major decisions that the Congress makes in these many fields are epitomized in a few significant actions rather than in the day-to-day sessions.

In the Supreme Court, too, there are obviously a great number of arguments and decisions that are directed to very specialized problems that would have no clear or pervasive importance to the great majority of the people. But those decisions that do concern all of us are apt to concern us very deeply—civil rights, for example, and applications of the criminal code—and we ought to have access to the great arguments of protagonists and opponents which inspire such decisions. "We are under a Constitution," said Charles Evans Hughes, "but the Constitution is what the judges say it is. . . ." Certainly, the judicial process would be strengthened if instead of dismissing opinions as judicial caprice, the people sensed, through witnessing its more crucial proceedings, the inescapable burden of finality that is placed upon the Supreme Court and the gravity with which it arrives at its judgments. Since the Court deals with specific cases and not in abstractions, the people could see for themselves that the process by which its opinions are arrived at are not casual, nor reached in a vacuum of lofty legalisms, but as resolutions of actual conflicts between human beings and human institutions that have their roots in the practical affairs of a few and their effects in the practical affairs of the many.

I have felt more at home tonight in this gathering than I could in any other, putting forth the proposition that all government is the concern of the many and not just of a few, because all of you are profesionally attuned to the many. No one has done more than advertising as a calling to extend the material benefits of a better, a richer and a more equitable life to the many. We have now at our command the capacity to bring the many more directly into the processes of government than has ever before been possible, because we can make them on-the-spot witnesses of consequential government actions. And to witness is to begin to increase understanding. And understanding leads to more effective and greater participation.

UNDERSTANDING FREEDOM

In an age of constant crisis and of burgeoning government activity, that understanding is not a luxury but a necessity. In his classic, *Congressional Government*, Woodrow Wilson introduced his essay on the House of Representatives with these words of warning: "No more vital truth was ever uttered than that freedom and free institutions cannot long be maintained by any people who do not understand the nature of their own government."

Today, we have the technical instruments to make possible the deepening and the broadening of that understanding. Let us use those instruments.

INVESTIGATION OF POSSIBLE IMPEACHMENT OF JUSTICE DOUGLAS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, there has been much discussion in the House of late about possible impeachment of Justice Douglas. In that connection, my basic contention is that whether or not individual Members of the House believe at this point in proceeding with impeachment of Justice Douglas, information presented on the House floor to date certainly indicates the need for an investigation of the matter.

An extremely well-written column by Roscoe and Geoffrey Drummond, published on April 22, cites the evidence which has been put forward as of this time and concludes—properly, I believe—that "a fair and full-scale House investigation" of Justice Douglas is very much in order.

The writers assert that the case for impeachment has not yet been proved but they also declare that the House should move ahead with an investigation of Justice Douglas on the basis of the evidence I have assembled. I do not see how any House member can validly argue with that conclusion.

The Drummond column follows:

SHOULD JUSTICE DOUGLAS BE IMPEACHED?

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—There is enough prima facie evidence not only to justify but to require a fair and full-scale House investigation of whether impeachment proceedings should be undertaken against Supreme Court Justice William O. Douglas.

Republican leader Gerald Ford of Michigan has presented a disturbing and objectively persuasive case that further inquiry is needed.

We say in all candor that, when we first read that a resolution for an impeachment investigation was to be introduced, our instinct was on the side of dismissing it as coming primarily from pique and politics, as without much substance and as primarily related to the very liberal opinions Douglas has rendered as a member of the Supreme Court.

The case for impeachment is still not proved. But the case for thorough investigation by a House committee with subpoena power is proved to be valid by the evidence which Rep. Ford has assembled.

Our tendency was to doubt that the evidence would be so indicative. We suspect that many may have felt similarly, and we believe that no member of the House should vote either for or against the proposed impeachment investigation until he has examined the full text of the 21-page presentation Ford made to the House. Only a minority of the membership was present to hear it.

The instant reaction of many liberal Democrats is to try to discount, discredit and dismiss the case for a committee inquiry on the ground that it is directed against Justice Douglas because he is an outspoken civil libertarian and a judicial activist.

Rep. Emanuel Celler (D–N.Y.), chairman of the House Judiciary Committee, sees it as an attempt to punish Douglas "for his liberal views."

This is not true. Whatever may be the political motivation, the case of the 105 Republicans and Democrats who co-sponsored the resolution for a committee investigation as to whether impeachment should proceed does not rest on Justice Douglas' judicial opinion and only peripherally on the way he has used his position on the Supreme Court to berate the government.

Liberals will be doing themselves and the country great harm if they keep on reacting *automatically* against getting at the facts,

not on Mr. Douglas' opinions, but on his conduct; not on his views but on his behavior. We don't know that his conduct and his behavior will justify impeachment, but the evidence is sufficient to conclude that his conduct and behavior justify investigation in a forum where he can be called to testify under oath.

Was it proper and ethical for Justice Douglas to fail to disqualify himself in two appeals of Ralph Ginzburg, an editor and publisher, when Douglas was connected with the defendant as a paid writer?

Was it proper and ethical for Justice Douglas to serve for nearly a decade—while he was on the court—an organization (the Parvin Foundation) which had ties to gamblers and the underworld?

Could Justice Douglas believe that this gamblers' foundation was really out to improve the culture of Latin America instead of seeking a cover to enable those who financed it to get around where gambling concessions were up for grabs?

Was it proper and ethical for Justice Douglas, while on the court, to give legal advice to the Parvin Foundation on its troubles with the Internal Revenue Service?

Is it a proper suit or a grave abuse of his position on the Supreme Court for Justice Douglas to write articles (which are exploited because he is a justice), appealing primarily to the violence-prone and coming as near as possible to condoning violence while describing the American government as today's equivalent of the oppressive King George III?

Is this the way a justice of the Supreme Court should behave?

We believe that these and other disturbing questions demand investigation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Brotzman (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business, Board of Visitors, U.S. Air Force Academy.

Mr. Rhodes (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business, Board of Visitors, U.S. Air Force Academy.

Mr. Reifel (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

Mr. Pepper (at the request of Mr. Fuqua), for Thursday, April 23, 1970, on account of official business.

Mr. Johnson of California (at the request of Mr. Albert), for Thursday and Friday, on account of official business.

Mr. Hagan (at the request of Mr. Albert), for today, on account of official business.

Mr. Griffin of Mississippi (at the request of Mr. Colmer), for today, on account of illness in family.

Mr. Gettys (at the request of Mr. McMillan), for today, on account of official business.

Mr. Patman (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hall, for 15 minutes, today.

(The following Members (at the request of Mr. Hunt) to address the House and to revise and to extend their remarks and include extraneous matter:)

Mr. Don H. Clausen, for 30 minutes, today.

Mr. McDonald of Michigan, for 15 minutes, today.

Mr. Halpern, for 10 minutes, today.

Mr. Saylor, for 20 minutes, today.

Mr. Scherle, for 5 minutes, today.

Mr. McKneally, for 5 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia), to revise and extend their remarks and to include extraneous matter:)

Mr. Gonzalez, for 15 minutes, today.

Mr. Byrne, of Pennsylvania, for 35 minutes, today.

Mr. Johnson, of California, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Mikva, for 60 minutes, April 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Perkins and to include extraneous material.

Mr. Bennett in two instances, and to include extraneous material.

Mr. Hall and to include extraneous matter in two instances.

Mr. Cohelan in two instances.

Mr. Monagan to revise and extend his remarks prior to the vote on the Karth amendment.

Mr. Gerald R. Ford, to extend his remarks with reference to the President's Message concerning the volunteer army immediately following the message of the President.

(The following Members (at the request of Mr. Hunt) and to include extraneous matter:)

Mr. Conte.

Mr. Córdova.

Mr. Brotzman.

Mr. Roth in five instances.

Mr. Halpern in two instances.

Mr. Lukens.

Mr. Weicker in two instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Keith.

Mr. Devine.

Mr. Shriver.

Mr. Duncan in three instances.

Mr. Arends.

Mr. Horton in two instances.

Mr. Mathias.

Mr. Don H. Clausen in three instances.

Mr. Skubitz in two instances.

Mr. Wyman in three instances.

Mr. Wyatt.

Mr. Coughlin.

Mr. Bow in two instances.

Mr. Michel.

Mr. Fulton of Pennsylvania in five instances.

Mr. Widnall.

Mr. Minshall in two instances.

Mr. Dellenback in four instances.

Mr. Derwinski in two instances.

Mr. Hogan.

Mr. Wiggins.

Mr. Berry.

Mr. Price of Texas.

Mr. Scherle.

Mr. Carter.

Mr. Broyhill of Virginia in three instances.

Mr. Bob Wilson in three instances.

Mr. McEwen.

Mr. Scott.

Mr. Goodling.

Mr. Anderson of Illinois.

Mr. Pollock.

Mr. Goldwater.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mrs. Chisholm.

Mr. Boggs.

Mr. Bolling.

Mr. O'Neill of Massachusetts.

Mr. Fraser in three instances.

Mr. Ottinger in two instances.

Mr. Montgomery in two instances.

Mr. Edwards of California in two instances.

Mr. Pucinski in six instances.

Mr. Teague of Texas in eight instances.

Mr. Roybal in six instances.

Mr. Jacobs.

Mr. Boland.

Mr. Dawson.

Mr. Celler.

Mr. Podell.

Mr. Yatron.

Mr. Monagan in two instances.

Mr. Ashley.

Mr. Rarick in three instances.

Mr. Gonzalez in two instances.

Mr. Burke of Massachusetts.

Mr. Moorhead in four instances.

Mr. Garmatz in two instances.

Mr. Matsunaga.

Mr. Leggett.

Mr. Biaggi in 10 instances.

Mr. Anderson of California.

Mr. Abbitt.

Mr. Galifianakis in two instances.

Mr. Gilbert in two instances.

Mr. Daniel of Virginia in two instances.

Mr. Patten in two instances.

Mr. Wolff in two instances.

Mr. Culver.

Mr. Minish.

Mr. Fallon.

Mr. Philbin in four instances.

Mr. Evins of Tennessee in three instances.

Mr. Dingell in two instances.

Mr. O'Hara in two instances.

Mr. Tiernan.

Mr. Kastenmeier in two instances.

Mr. Harrington in two instances.

Mr. Preyer of North Carolina in two instances.

Mr. Koch.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges;

S. 1775. An act for the relief of Cora S. Villaruel:

S. 1963. An act for the relief of Wu Hip; and

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Ashbury statue, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Monday, April 27, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1963. A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal year 1970 in indefinite amounts in budget authority for authorized civilian and military pay increases (H. Doc. No. 322); to the Committee on Appropriations and ordered to be printed.

1964. A letter from the Secretary of Defense, transmitting the complete report on funds obligated in the chemical warfare and biological research programs for the first half of fiscal year 1970, pursuant to section 409, Public Law 91–121; to the Committee on Armed Services.

1965. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to further the reduction of draft calls in the Armed Forces of the United States by increasing the pay rates of certain enlisted members of the uniformed services; to the Committee on Armed Services.

1966. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10 and 32, United States Code, to revise the promotion system for certain officers of the Reserve components of the Army; to the Committee on Armed Services.

1967. A letter from the Director of Selective Service, transmitting a draft of proposed legislation to amend the Military Selective Service Act of 1967, and for other purposes; to the Committee on Armed Services.

1968. A letter from the Department of the Army, Director of Civil Defense, transmitting the quarterly report of Federal contributions program—Equipment and facilities, for the period ending March 31, 1970, pursuant to subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1969. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard and Air Force Reserve subsequent to June 30, 1970, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1970. A letter from the Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting copies of Presidential Determination 70–3 in sealed envelopes; to the Committee on Foreign Affairs.

1971. A letter from the Comptroller General of the United States, transmitting a report on further improvement needed in the management of magnetic tapes by Goddard Space Flight Center, National Aeronautics and Space Administration; to the Committee on Government Operations.

1972. A letter from the Assistant Secretary of Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts; to the Committee on Interior and Insular Affairs.

1973. A letter from the Chairman, Federal Council for Science and Technology, transmitting the report entitled "National Atmospheric Sciences Program"; to the Committee on Inerstate and Foreign Commerce.

1974. A letter from the Executive Director, Federal Communications Commission, transmitting the report on backlog of pending applications and hearing cases in the Commission as of March 31, 1970, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1975. A letter from the President of the Panama Canal Company, transmitting a draft of proposed legislation to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama; to the Committee on Merchant Marine and Fisheries.

1976. A letter from the Administrator, General Services Administration, transmitting a prospectus containing proposed amendments to certain authorized public building projects, pursuant to section 7(a) of the Public Buildings Act of 1959; to the Committee on Public Works.

1977. A letter from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule III, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H. R. 3328. A bill to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; with amendments (Rep. No. 91–1017). Referred to the Committee of the Whole House on the State of Union.

Mr. KASTENMEIER: Committee on the Judiciary. H. R. 6951. A bill to enact the interstate agreement on detainers into law; (without amendment (Rep. No. 91–1018). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H. R. 10019. A bill to provide for the establishment of a Commission on Marihuana; with amendments (Rep. No. 91–1019). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H. R. 14253. A bill to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit; without amendments (Rep No. 91–1020). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. House Joint Resolution 546. Joint Resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; with amendments (Rep. No. 91–1021). Referred to the Committee of the whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17147. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 17148. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

H.R. 17149. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 17150. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 17151. A bill to establish the Arches National Park in the State of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 17152. A bill to establish the Capitol Reef National Park and the Capitol Reef National Recreation Area in the State of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 17153. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 17154. A bill to amend title 18 of the United States Code to provide for better control of interstate traffic in explosives; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 17155. A bill to amend section 120 of title 23, United States Code, to increase to 75 per cent the Federal share of projects on the Federal-aid primary and secondary systems; to the Committee on Public Works.

By Mr. DADDARIO:

H.R. 17156. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DULSKI:

H.R. 17157. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mrs. DWYER (for herself, Mr. CEDERBERG, Mr. ERLENBORN, Mr. FEIGHAN, Mr. TUNNEY, Mr. HALPERN, Mr. HARRINGTON, Mr. WOLFF, Mr. McCLOSKEY, Mr. SCHEUER, Mrs. MINK, Mrs. MAY, Mr. HANSEN of Idaho, Mr. MOSS, Mr. HELSTOSKI, Mr. WIDNALL, Mr. HASTINGS, Mr. BRADEMAS, Mr. CARTER, Mr. MESKILL, Mr. HORTON, Mr. McKNEALLY, Mr FRIEDEL, and Mrs. CHISHOLM):

H.R. 17158. A bill to safeguard the consumer by prohibiting the unsolicited distribution of credit cards and limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes; to the Committee on Banking and Currency.

By Mr. FEIGHAN:

H.R. 17159. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

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By Mr. FISHER:

H.R. 17160. A bill to amend the Internal Revenue Code of 1954 to clarify the status of motor vehicles under section 4041; to the Committee on Ways and Means.

By Mr. HALPERN

H.R. 17161. A bill to amend the National Environmental Policy Act of 1969 to provide for individual citizens suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. HANLEY:

H.R. 17162. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 17163. A bill to amend section 1114 of title 18 of the United States Code to make the killing, assaulting, or intimidating of any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions a Federal criminal offense; to the Committee on the Judiciary.

H.R. 17164. A bill to amend title 38 of the United States Code to require pay differentials for nurses in Veterans' Administration hospitals who perform evening, night, weekend, holiday, or overtime duty and to authorize payment for standby or on-call time, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MELCHER:

H.R. 17165. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MELCHER (for himself and Mr. Olsen):

H.R. 17166. A bill relating to the income tax treatment of Commodity Credit loans to farmers; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 17167. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas:

H.R. 17168. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. PUCINSKI:

H.R. 17169. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

H.R. 17170. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 17171. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 17172. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 17173. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.R. 17174. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 17175. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 17176. A bill to require that certain short-shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 17177. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 17178. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17179. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 17180. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself and Mr. Ayres) (by request):

H.R. 17181. A bill to remove time limitations on the duration of eligibility of veterans for guaranteed and direct loans; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT (for himself, Mr. Barrett, Mr. Beall of Maryland, Mr. Brademas, Mr. Brown of Michigan, Mr. Cederberg, Mrs. Chisholm, Mr. Derwinski, Mr. Dickinson, Mr. Esch, Mr. Fallon, Mr. Halpern, Mr. Harrington, Mr. Leggett, and Mr. McDade):

H.R. 17182. A bill to encourage States to establish abandoned-automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. VANDER JAGT (for himself, Mr. Meskill, Mr. Miller of Ohio, Mr. Miller of California, Mr. Moss, Mr. Nedzi, Mr. Pepper, Mr. Powell, Mr. Thomson of Wisconsin, Mr. Van Deerlin, Mr. Widnall, Mr. Winn, Mr. Wolff, and Mr. Yates):

H.R. 17183. A bill to encourage States to establish abandoned-automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. WEICKER:

H.R. 17184. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 17185. A Bill to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender; to the Committee on Post Office and Civil Service.

By Mr. ABBITT:

H.R. 17186. A bill to amend the peanut marketing quota provisions to make permanent certain provisions thereunder, and for other purposes; to the Committee on Agriculture.

H.R. 17187. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committe on Ways and Means.

By Mr. ASPINALL (by request):

H.R. 17188. A bill to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and twice renew such contracts; to the Committee on Interior and Insular Affairs.

By Mr. BROCK (for himself and Mr. BURTON of Utah):

H.R. 17189. A bill to amend the Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

By Mr. BROWN of California:

H.R. 17190. A bill to establish means for developing comprehensive national, regional, and State land use planning policies and to provide financial assistance to States for the purpose of supporting and implementing such policies, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUCHANAN:

H.R. 17191. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTTON:

H.R. 17192. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 17193. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN (for himself, Mr. Philbin, Mr. Goldwater, Mr. Johnson of California, Mr. Bevill, Mr. Pepper, and Mr. Leggett):

H.R. 17194. A bill designating the Luther Burbank Shasta Daisy" as the national flower of the United States, to the Committee on House Administration.

By Mr. DADDARIO:

H.R. 17195. A bill to provide for orderly trade in textile articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 17196. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. DOWNING (for himself, Mr. Whitehurst, Mr. Satterfield, Mr. Abbitt, Mr. Daniel of Virginia, Mr. Poff, Mr. Marsh, Mr. Scott, Mr. Wampler, and Mr. Broyhill of Virginia):

H.R. 17197. A bill to remove the present $1 million limitation which prevents the Secretary of the Navy from settling and paying the claim of the Chesapeake Bay Bridge and Tunnel District arising out of the collision of the U.S.S. *Yancey* with bridge-tunnel span; to the Committee on the Judiciary.

By Mr. ERLENBORN (for himself and Mr. Don H. Clausen):

H.R. 17198. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Education and Labor.

By Mr. FARBSTEIN (for himself, Mr. Addabbo, Mr. Barrett, Mr. Biaggi, Mr. Brasco, Mr. Brown of California, Mr. Cohelan, Mr. Daniels of New Jersey, Mr. Edwards of California, Mr. Gilbert, Mr. Halpern, Mr. Hamilton, Mr. Harrington, Mr. Koch, Mr. Lowenstein, Mr. Mikva, Mr. Minish, Mr. Olsen, Mr. Ottinger, Mr. Patten, Mr. Podell, Mr. Powell, Mr. Rodino, Mr. Rosenthal, and Mr. Ryan):

H.R. 17199. A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN (for himself, Mr. St. Onge, Mr. Tunney, and Mr. Van Deerlin):

H.R. 17200. A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN (for himself, Mr. Addabbo, Mr. Barrett, Mr. Biaggi, Mr. Brasco, Mr. Brown of California, Mr. Cohelan, Mr. Daniels of New Jersey, Mr. Edwards of California, Mr. Gilbert, Mr. Halpern, Mr. Hamilton, Mr. Harrington, Mr. Koch, Mr. Lowenstein, Mr. Mikva, Mr. Minish, Mr. Olsen, Mr. Ottinger, Mr. Patten, Mr. Podell, Mr. Powell, Mr. Rodino, Mr. Rosenthal and Mr. Ryan):

H.R. 17201. A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low-emission vehicles; to the Committee on Ways and Means.

By Mr. FARBSTEIN (for himself, Mr. St. Onge, Mr. Tunney, and Mr. Van Deerlin):

H.R. 17202. A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low-emission vehicles; to the Committee on Ways and Means.

By Mr. FARBSTEIN (for himself, Mr. Addabbo, Mr. Barrett, Mr. Biaggi, Mr. Brasco, Mr. Brown of California, Mr. Cohelan, Mr. Daniels of New Jersey, Mr. Edwards of California, Mr. Gilbert, Mr. Halpern, Mr. Hamilton, Mr. Harrington, Mr. Koch, Mr. Lowenstein, Mr. Mikva, Mr. Minish, Mr. Olsen, Mr. Ottinger, Mr. Patten, Mr. Podell, Mr. Powell, Mr. Rodino, Mr. Rosenthal, and Mr. Ryan):

H.R. 17203. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Ways and Means.

By Mr. FARBSTEIN (for himself, Mr. St. Onge, Mr. Tunney, and Mr. Van Deerlin):

H.R. 17204. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 17205. A bill to establish a National Bank for Cooperative Housing to aid in financing the purchase and construction of low- and middle-income cooperative housing; to the Committee on Banking and Currency.

By Mr. FARBSTEIN (for himself, Mr. Moss, Mr. Eilberg, and Mr. McDade):

H.R. 17206. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H.R. 17207. A bill to amend the public assistance provisions of the Social Security Act to provide that aid or assistance thereunder shall not be reduced as a result of increases in old-age, survivors, and disability insurance benefits; to the Committee on Ways and Means.

H.R. 17208. A bill to amend title 38 of the United States Code to prevent the loss of veterans' benefit amounts as a result of statutory increases in social security benefits, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 17209. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 17210. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17211. A bill to amend the law establishing the Marine Resources and Engineering Development Act of 1966 and the National Sea Grant College and Program Act of 1966 to provide for a program of comprehensive research in marine medicine and pharmacology; to the Committee on Merchant Marine and Fisheries.

By Mr. JACOBS:

H.R. 17212. A bill to reduce the salaries of Senators and Representatives to $30,000, to provide for cost-of-living adjustments thereafter in those salaries, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California:

H.R. 17213. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. LONG of Maryland:

H.R. 17214. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCULLOCH (for himself, Mr. Taft, Mr. Harsha, and Mr. Miller of Ohio):

H.R. 17215. A bill to amend the Act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUNAGA:

H.R. 17216. A bill to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; to the Committee on Merchant Marine and Fisheries.

By Mr. MESKILL:

H.R. 17217. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 17218. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 17219. A bill to amend the Internal Revenue Code of 1954 to provide for an investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 17220. A bill to amend title 5, United States Code, to provide salary step advancement for employees moving from prevailing rate pay systems to the classification and general schedule pay system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York (for himself, Mr. Adams, Mr. Addabbo, Mr. Biaggi, Mr. Brademas, Mr. Cunningham, Mr. Delaney, Mr. Fallon, Mr. Feighan, Mr. Gibbons, Mr. Halpern, Mr. Harrington, Mr. Koch, Mr. McFall, Mr. Matsunaga, Mr. Moorhead, Mr. Nix, Mr. Olsen, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Scheuer, Mr. Brasco, Mr. Stokes, and Mr. Thompson of New Jersey):

H.R. 17221. A bill to amend the Clean Air Act so as to extend its duration, provide for inspection and enforcement procedures, establish national emission control standards, authorize classification of air-contaminant sources, designate penalties for violations of this act, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.R. 17222. A bill to require Federal contractors, and persons contracting for federally supported activities, to observe practices which will preserve and enhance the environment; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 17223. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. Thompson of New Jersey, Mr. Widnall, Mr. Daniels of New Jersey, Mrs. Dwyer, Mr. Frelinghuysen, Mr. Gallagher, Mr. Helstoski, Mr. Howard, Mr. Minish, Mr. Roe, and Mr. Sandman) (by request):

H.R. 17224. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 17225. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket No. 40–K, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYDLER:

H.R. 17226. A bill to safeguard the consumer by prohibiting the unsolicited distribution of credit cards and limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes; to the Committee on Banking and Currency.

By Mr. ZION:

H.R. 17227. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BENNETT:

H.J. Res. 1184. Joint resolution to authorize the establishment of a Joint Committee on Peace; to the Committee on Rules.

By Mr. FASCELL:

H.J. Res. 1185. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

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By Mr. GIAIMO:

H.J. Res. 1186. Joint resolution authorizing the President to proclaim July 12, 1970 as "National Prayer Salute to Our Fighting Men in Vietnam Day"; to the Committee on the Judiciary.

By Mr. HANNA:

H.J. Res. 1187. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week"; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.J. Res. 1188. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HORTON:

H.J. Res. 1189. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. PIRNIE:

H.J. Res. 1190. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DANIEL of Virginia (for himself, Mr. Waggonner, Mr. Abbitt, Mr. Satterfield, and Mr. Downing):

H. Con. Res. 583. Concurrent resolution to designate May 1, 1970 as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia; to the Committee on the Judiciary.

By Mr. POAGE:

H. Con. Res. 584. Concurrent resolution relative to printing as a House document a history of the Committee on Agriculture; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H. Con. Res. 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs; to the Committee on House Administration.

By Mr. TIERNAN:

H. Con. Res. 586. Concurrent resolution expressing the sense of the Congress regarding further steps of the President concerning Cambodia; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. Madden, Mr. Roe, Mr. Nedzi, Mr. Yates, Mr. Harrington, Mrs. Hansen of Washington, Mr. Gilbert, Mr. Minish, Mr. White, Mr. Lowenstein, Mr. Chappell, Mr. Powell, Mr. Karth, Mr. Flowers, Mr. Moss, Mr. Caffery, Mr. Feighan, Mr. Stratton, and Mr. Dulski):

H. Res. 946. Resolution expressing the sense of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. DULSKI:

H. Res. 947. Resolution expressing the sense of the House that the President implement the majority report of the Cabinet Task Force on Oil Import Control; to the Committee on Ways and Means.

By Mr. FRASER:

H. Res. 948. Resolution providing for the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Rules.

By Mr. ROTH (for himself, Mr. Adair, Mr. Fulton of Pennsylvania, Mr. Hays, Mr. Tunney, Mr. Anderson of Illinois, Mr. Scheuer, Mr. Vander Jagt, Mr. Tiernan, Mr. Robison, Mr. Hungate, Mr. Railsback, Mr. Wright, Mr. Carter, Mr. Edwards of California, Mr. Cleveland, Mr. Koch, Mr. McClory, Mr. Coughlin, Mr. Friedel, Mr. Erlenborn, Mr. Pirnie, Mr. Conable, Mr. Mikva, and Mr. McDade):

H. Res. 949. Resolution expressing the support of the House of Representatives with respect to the strategic arms limitation talks, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions werc introduced and severally referred as follows:

By Mr. CORMAN:

H.R. 17228. A bill for the relief of Meyer Weinger and Fay Weinger; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 17229. A bill for the relief of Louis M. Lamothe; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 17230. A bill for the relief of Antonio Stallone, Francesca Stallone, Paulo Stallone, and Antonina Stallone; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.R. 17231. A bill for the relief of Dr. Earl S. Bernard; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H. Res. 950. A bill commending Joel Ziegler; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

457. By the SPEAKER. Petition of Andress Banabana, Br. Tubtobon, Sibulan, Negros Oriental, Philippines, and others, relative to payments to Filipino workers; to the Committee on Foreign Affairs.

458. Also, petition of the Inter-Tribal Council of the Five Civilized Tribes, Poteau, Oklahoma; relative to retaining laws providing services for the Indian people by the Federal Government; to the Committee on Interior and Insular Affairs.

459. Also, petition of the mayor and the president of the council of the City of Linden, N.J.; relative to supporting antipollution programs; to the Committee on Interstate and Foreign Commerce.

460. Also, petition of Andrew W. Schroeffel, Los Angeles, Calif., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

POSTHUMOUS AWARD OF MEDAL OF HONOR TO PFC. RALPH H. JOHNSON, CHARLESTON, S.C.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 23, 1970

Mr. THURMOND. Mr. President, Pfc. Ralph H. Johnson, U.S. Marine Corps, Charleston, S.C., was awarded the Congressional Medal of Honor posthumously for the supreme sacrifice to save the life of a Marine comrade and to prevent the success of an enemy attack on his unit.

On behalf of the President of the United States and in the name of the Congress, the Honorable Spiro T. Agnew, the Vice President, presented our Nation's highest award for bravery to Mrs. Rebecca Johnson, Ralph's mother, at a White House ceremony on Monday, April 20, 1970.

Mr. President, Pfc. Ralph Johnson's heroic action above and beyond the call of duty deserves the salute of a grateful nation. This gallant Negro gave his life for his country. Ralph unhesitatingly hurled his body on an enemy grenade to protect the lives of his comrades. He was instantly killed, but his selfless devotion deep in hostile territory prevented the enemy from penetrating the sector of his patrol.

Mr. President, the citation for Private First Class Johnson states, in part:

> Realizing the inherent danger to his two comrades, he shouted a warning and unhesitatingly hurled himself upon the explosive device. When the grenade exploded, Private Johnson absorbed the tremendous impact of the blast and was killed instantly. His prompt and heroic act saved the life of one Marine at the cost of his own and undoubtedly prevented the enemy from penetrating his sector of the patrol's perimeter.

Ralph was a native of Charleston. His mother and five brothers and four sisters reside in the Charleston area. One sister lives in Washington, D.C. Ralph reflected the courage, the bravery, and the American spirit of many Negroes from South Carolina and other States who are serving in our Armed Forces. I am confident I expressed the feelings of all patriotic South Carolinians when I extended my deepest gratitude and sincere sympathy to Mrs. Johnson.

Mr. President, I ask unanimous consent that the citation and Private First Class Johnson's biography be printed in the Extensions of Remarks.

There being no objection, the citation and biography were ordered to be printed in the Record, as follows:

MEDAL OF HONOR

The President of the United States in the name of the Congress takes pride in presenting the Medal of Honor posthumously to Pfc. Ralph H. Johnson, U.S. Marine Corps, for service as set forth in the following citation:

"For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Reconnaissance Scout with Company A, First Reconnaissance Battalion, First Marine Division in action against the North Vietnamese Army and Viet Cong Forces in the Republic of Vietnam. In the early morning hours of 5 March 1968, during Operation ROCK, Private First Class Johnson was a member of a fifteen-man reconnaissance patrol manning an observation post on Hill 146 overlooking the Quan Duc Duc Valley deep in enemy controlled territory. They were attacked by a platoon-size hostile force employing automatic weapons, satchel charges and hand grenades. Suddenly, a hand grenade landed in the three-man fighting hole occupied by Private Johnson and two fellow marines. Realizing the inherent danger to his two comrades, he shouted a warning and unhesitatingly hurled himself upon the explosive device. When the grenade exploded, Private Johnson absorbed the tremendous impact of the blast and was killed instantly. His prompt and heroic act saved the life of one marine at the cost of his own and undoubtedly prevented the enemy from penetrating his sector of the patrol's perimeter. Private Johnson's courage, inspiring valor and selfless devotion to duty were in keeping with the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country."

Pfc. Ralph H. Johnson, USMC, Deceased

Ralph H. Johnson was born January 11, 1949, in Charleston, South Carolina. He attended Sinemonton Elementary School, 1956–1958, and Courtnay Elementary School, 1958–1966, in Charleston.

He enlisted in the U.S. Marine Corps Reserve at Oakland, California, March 23, 1967, and was discharged to enlist in the Regular Marine Corps, July 2, 1967.

Upon completion of recruit training with the 1st Recruit Training Battalion, Recruit Training Regiment, Marine Corps Recruit Depot, San Diego, California, in September 1967, he was transferred to the Marine Corps Base, Camp Pendleton, California. He underwent Individual Combat Training with Company "Y", 3d Battalion, 2d Infantry Training Regiment, and Basic Infantry Training with the Basic Infantry Training Company, 2d Infantry Training Regiment, completing the latter in November 1967. He was promoted to Private First Class, November 1, 1967.

In January 1968, he arrived in the Republic of Vietnam, and served as Reconnaissance Scout with Company "A", 1st Reconnaissance Battalion, 1st Marine Division (Rein), FMF. On March 5, 1968, while on Operation ROCK deep in enemy held territory near the Quan Duc Duc Valley, he was killed in action.

A complete list of his medals and decorations include: the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal with two bronze stars, the Vietnamese Cross of Gallantry with Palm, the Vietnamese Military Merit Medal, and the Republic of Vietnam Campaign Medal.

Private First Class Johnson is survived by his mother, Mrs. Rebecca Johnson of 1 Sheppard Street, Charleston; his father, Mr. Willie Allen; five brothers, Mr. Luther Johnson, Mr. Howard Johnson, Mr. Robert Johnson, Master Kenneth Johnson, all of Charleston; and five sisters, Mrs. Helen L. Richards, Mrs. Annabelle Edwards, Miss Sandra Mae Johnson, Miss Frances Johnson, Miss Mildred Johnson, Miss Chole Johnson, all of Charleston, and Miss Sarah Johnson of Washington, D.C.

VERNAL, UTAH, WOMAN NAMED MOTHER OF THE YEAR

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BURTON of Utah. Mr. Speaker, Mrs. Alta Cutler Rust, county public health nurse in Vernal, recently was named Utah Mother of the Year for 1970. Her philosophy of "play together, pray together, and stay together," and emphasis on family life helped her rear five fine sons following the death of their father in 1951. Mrs. Rust will be in New York from May 4 to 8 for events honoring all State mothers and to compete for the title of "American Mother of the Year." The following story about her appeared in the Deseret News of April 18, 1970:

Meet Mother of the Year

(By Maxine Martz)

The whole town of Vernal has been rejoicing with Mrs. Alta Cutler Rust, their county public health nurse, since she was named Utah Mother of the Year for 1970.

"This is not a very big town," said Mrs. Rust, a widow and mother of five sons. "They are all overjoyed about it."

Today tribute was paid by the entire state to Mrs. Rust and all other mothers nominated this year in an award ceremony at 2 p.m. in the Assembly Hall on Temple Square.

Special honors also went to the two alternate mothers, Mrs. Lucretia Miles Evans of Salt Lake City and Mrs. Donna Ash Brock of Pleasant Grove.

"I am thrilled and very honored about this, but it's a little frightening to me," Mrs. Rust said, "I just hope that I can represent all the Utah mothers in the way they would want me to."

Mrs. Rust said her sons were "practically flabbergasted" when they learned of her selection. All but Richard, a professor of English at the University of North Carolina, were present for the award ceremony today.

Joseph C., an attorney, presented his mother with the official mother's pin. Harold L., who is a math teacher at Bellevue College in Nebraska, flew in from Omaha. Also present were David W., a teacher in the Uintah School District, and Marvin T., who will graduate from Brigham Young University this year.

"Richard will meet me in New York when I go there to the American Mothers selection," Mrs. Rust said. She will leave May 2, accompanied by two sisters and a sister-in-law. The events honoring all state mothers will run May 4 to 8, and will climax with announcement of the American Mother of the Year.

Utah has had two American Mothers, Mrs. Lavina C. Fugal in 1955 and Mrs. Harvey Fletcher in 1965, both now deceased. Tribute was paid to them in today's ceremony.

Mrs. Rust, a widow since her husband, Richard Dexter Rust, died in 1951, supported her family by working as a nurse, but still found many hours to devote to church work.

She served a two-year stake mission and four of her sons fulfilled missions for The Church of Jesus Christ of Latter-day Saints.

"I believe in that old philosophy, 'play together, pray together and stay together,'" she said. "We have always had a lot of family activity together and have been very close."

As a public health nurse, Mrs. Rust has contact with many young people in the schools and she still has confidence in youth.

"I think youth of today are just as good as ever," she said. "The majority of the kids still are the best people in the world. There are so few that are agitating these things."

Mrs. Calvin L. Rampton, wife of Utah's governor, introduced Mrs. Rust and the two alternate mothers at this afternoon's ceremony. Dr. Avard Fairbanks presented the Motherhood statuette, and Dr. Rex Campbell read capsule histories of all the nominated mothers.

The new Utah mother will be further honored at an open house and buffet from 5 to 7:30 p.m. this evening at the home of a sister, Mrs. Richard S. Pond, 3065 S. 18th East.

THE HOSTILE DEMONSTRATIONS AGAINST U.S. AMBASSADOR TO SWEDEN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 23, 1970

Mr. BYRD of Virginia. Mr. President, the April 25 edition of the Journal and Guide of Norfolk, Va., includes an excellent editorial on the recent hostile demonstrations against Dr. Jerome H. Holland, the U.S. Ambassador to Sweden.

The demonstrations against Dr. Holland, which included offensive racial epithets, were disgraceful. Dr. Holland is a distinguished educator, former president of Hampton Institute, in Virginia, and one of very few Negroes appointed to ambassadorial posts.

I support the position taken by the Journal and Guide in its editorial. The editor-publisher of the Journal and Guide is Mr. John Q. Jordan.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Journal and Guide, Apr. 25, 1970]

Holland in Sweden

Dr. Jerome H. Holland, America's new ambassador to Sweden, was heckled with shouts of "Nigger, go home!" last week by anti-American demonstrators as he made his way through the streets of Stockholm to present his credentials to King Gustaf VI. The new envoy let it be known that he deeply resented the term.

It was not surprising that there would be anti-American sentiment found in Sweden. That seems to be the fashion these days in practically all foreign countries. But the demonstrating Swedes took it a step further by making their insults racial and personal.

Dr. Holland, who took the State Department post following his resignation as president of Hampton Institute, Hampton, Va., said he was not disturbed by demonstrations as such. "They are part of the political life in a free, democratic nation," he observed.

"However, I am just a little bit concerned when I hear such remarks as 'nigger,' both at the airport and today when I was driving to the palace. They shouted 'Nigger, nigger, go home!'" he said.

"That was a personal attack on me and I resent it. I haven't heard that for many years and then only in the most racist areas of the United States," he said.

U.S. Sen. Harry F. Byrd Jr., of Virginia, who was chief sponsor of the nomination of Dr. Holland, was outraged when he heard of the racial epithets hurled at the ambassador.

"It is well known that Sweden opposes the policy of the United States in Vietnam, and that it has provided sanctuary for a number of deserters from the armed forces of the United States," Sen. Byrd said. "This, however, is no excuse for demonstrations against an able and dedicated man—particularly demonstrations in which he is insulted because of his race."

Knowing Dr. Holland as we Virginians do, the insults in Sweden will simply emphasize to him the depth and scope of his mission: to restore cordial relations between the United States and Sweden. And it is interesting to reflect that nobody ever called Dr. Holland a "nigger" in Virginia.

METRO IMPACT—SAN FRANCISCO

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MILLER of California. Mr. Speaker, I am very happy to insert in the Congressional Record an address delivered by Mr. B. R. Stokes, general manager of the Bay Area Rapid Transit

District at the Metro impact meeting of April 16, in Washington.

Mr. Stokes has been an inspiration to his colleagues and coworkers in BART, and I am sure that a report of BART's activities is of great importance to all who are interested in solving the rapid transit problem that confronts us.

The address follows:

METRO IMPACT—SAN FRANCISCO

When the significant events contributing to the development of the San Francisco Bay Area are catalogued, the list invariably includes the opening of the transcontinental railroad and the opening of the Panama Canal—both being transportation improvements of transcendent historical importance.

To that list must now be added the advent of BART—Bay Area Rapid Transit. In its profound impact on the economic, sociological and public improvement aspects of life in the Bay Area, BART may well make a mark more pronounced than those of by-gone eras.

So, for my purposes tonight, I'd like to discuss each of these areas of impact-economic, sociological and public improvement. In so doing, I may be broadening the base of the remarks of my two predecessors, Bill Patterson of Toronto and Mike Robbins of London, in this distinguished series. But I can assure you I will take nothing from Bror Hillbom, who will close your series next month. There is much all of us can learn from the magnificent example of Stockholm and its positive use of public transportation as a key tool in metropolitan policy making.

For you to understand the tremendous impact BART is having on its service area, you must first know a bit about the Bay Area and BART.

The San Francisco Bay Area Rapid Transit District covers three counties bordering San Francisco Bay—Alameda and Contra Costa on the east side and San Francisco on the west. This area, renowned the world over for its natural beauty, covers about 1500 square miles and has a population, growing constantly, of about 2½ million people.

BART had its beginnings back in 1946, just after World War II, when concerned civic leaders and local government officials began to articulate their worries over mounting automobile congestion in the constricted transportation corridors.

A formal study commission was established by the State Legislature in 1951. Reconstituted in 1953, this study commission undertook pioneering transportation studies which included as a necessary prelude to mass transit recommendations the preparation of the first regional master plan for the entire nine-county Bay Area.

Completing its work in 1957, the commission recommended creation of a modern high-speed rail transit network which would tie together the two core cities of San Francisco and Oakland and which would link this twin-city core to the burgeoning suburban areas by a transportation system designed to encourage orderly growth outward from established centers and to deter haphazard sprawl.

Eventually, the commission recommended initial transit network of 75 miles should be expanded to a total of 385 miles covering all nine counties around the Bay.

It is that initial system which the Bay Area Rapid Transit District is transforming into concrete and steel today.

On November 6, 1962, voters of the three counties approved by a 61.2 per cent majority a $792 million general obligation bond proposal to finance construction of the 75-mile rail network with 34 regional stations.

Despite law suits which were costly in both time and money, despite delays caused by our efforts to neogtiate literally hundreds of necessary contracts and agreements with cities and other public agencies, despite inflation problems which skyrocketed costs, despite disputes over design aspects—despite all of the problems inherent in laying down the first entirely new rapid transit system in this country in half a century—our system today is about 70 per cent complete.

The first prototype cars will begin tests on our completed tracks this fall, and the first revenue service will begin a year later. By mid-1972 we expect to have the full 75 mile system in revenue operation.

By any measurement, BART will be the most modern rapid transit system in the world. Our transit vehicles, now being produced by the Rohr Corporation, will whisk passengers along our routes at top speeds of 80 miles an hour and will maintain average schedule speeds, including stops at all stations, of 45 to 50 miles an hour—about twice as fast as any system in the world today.

Every movement of trains on this system will be controlled automatically from our computer control center.

Passengers will travel to our stations by feeder bus or will park their cars in our spacious parking lots at all suburban stations. They'll enter the system through stations designed to complement the communities in which they are located by 14 firms of architects. Variety is the key note.

Once in the station, our patrons will utilize an automatic fare collection system which combines the best features of the taxi meter and the credit card. They'll travel on trains that were designed with the passenger in mind—air conditioning, carpeted floors, big view windows, a special lighting system and seats that are four inches wider than any transit seat in the country.

We've designed this system to do one thing—compete with the private automobile—and we're convinced it will do just that in terms of speed, comfort, convenience and economy.

By 1975, BART expects to be carrying 200,000 passengers per day, trimming commute times by as much as one-half to two-thirds, and reducing peak hour commute congestion through major inter-city corridors by as much as 40 to 60 per cent.

But even long before we get the opportunity to prove that we can rival the auto, BART is having an astonishing impact on economic development throughout its service area.

We consider the six subway stations in our district's core cities of Oakland, San Francisco and Berkeley to be the prime activity centers of our entire network. Already, more than $850 million in new office and retail construction is either complete or steadily rising within walking distance of BART turnstiles. This is more than the original $792 million bond issue passed in 1962.

In San Francisco, only three buildings of any significance had been built since World War II, with the Crown Zellerbach building the only one of any consequence to be built on Market Street in 40 years.

Since the BART bond vote in 1962, more than 500 floors of new office space have risen in the city, prompted in part by a floor space bonus provided developers by the city if the particular building provides direct access to a BART station. Right now seven new hotels have either been started or planned with a total of 2,669 rooms, and, commencing this year, at least another five hotels with an additional 2,600 rooms will be proposed.

The San Francisco Redevelopment Agency's ambitious Yerba Buena Center south of Market Street will be ready for occupancy in 1974, with 370,000 square feet of exhibit space on one level and another 50,000 square feet of conference rooms on another. Other highlights of the center will be a 14,000-seat sports arena and a 2,200-seat theater. A mezzanine extension from BART's Powell Street subway station will provide direct access to Yerba Buena.

At the foot of Market, excavation already is underway for a fourth subway station, one not even contemplated in the 1962 rapid transit plan. Supported by tax increment bonds levied on property owners expected to benefit from the facility, the station could well become the busiest in the BART network with its proximity to the Rockefeller-funded Embarcadero Center, already under construction.

No one disputes that the turmoil from rapid transit construction along Market Street has had a temporary dampening effect upon certain businesses, but when San Francisco's main business artery is transformed under a separate $24 million bond issue voted by the city's voters in 1967, it will take its place as one of the world's grand boulevards.

Charles W. Doe, writing in the January, 1970, issue of *Skyscraper Management*, reports: "the phenomenal growth of new office space in San Francisco bids to continue for at least the next three years, according to plans recently announced by various companies and investors." Such plans call for at least nine new major office buildings that will add some 5 million square feet of floor space to the San Francisco total. In commenting on the very low vacancy rate in all of the city's office buildings, Doe states that three of the nine buildings to be completed by the end of 1972 will be company owned and occupied with no space available for tenants. Doe reports: "We expect occupancy to continue at a high level and that the vacancy factor, now approximately 8 per cent, will be reduced to something less than 5 per cent."

To look at it another way, during the eight-year period of 1955 to 1962, investment in new office buildings in San Francisco averaged about $10,300,000 annually. From 1963 through 1969 that average rate of investments had climbed to $56,800,000 per year.

Using another yardstick, San Francisco averaged about 29 per cent of total new office construction investment in the nine counties of the Bay Area from 1955 to 1962. Since BART's successful bond issue and extending through 1969, the city's share of new office construction outlays has averaged 52 per cent of the regional total.

Conversely, new housing in San Francisco is a third of normal demand, and according to a recent report by Advance Mortgage Corporation, the market "could not have been much, if any, tighter, in World War II." In pointing out that in both New York and San Francisco few new apartments seem to be planned and with any relief apparently years away, the report continues: "The basic problem is probably transportation. The near-in land is almost completely built up and transportation over long distances is unreliable or frustrating. The San Francisco situation should get partial relief when the BART system, scheduled for 1972, is completed."

We consider this aspect of BART particularly important. Even in today's tight money market, funds for new housing are relatively more available in Southern California than in the Bay Area.

It could well be that one of BART's most significant consequences, by providing greatly improved accessibility to new residential areas, would be to make investment in housing more attractive in the Bay Area and thereby increase this area's housing supply.

Across the bay in Oakland, with its burgeoning service and related activity center now linked to the financial center of San Francisco by means of a nine-minute Trans-Bay Tube trip, BART-related developmental activity is progressing on an impressive scale.

We consider our 12th Street Broadway station to be the crossroads of the entire rail network. And Dillingham Corporation, rec-

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ognizing the BART hub's potential, has proposed a $165 million city center project covering 15 square blocks adjacent to the station. On March 24, Oakland's redevelopment agency, which has been working with Dillingham, received word of an $8 million grant in federal "seed" money for the project.

Oakland expects the center to revitalize commercial and retail trade in its downtown area, with a shopping mall and four major department stores, as well as over 1 million square feet of office space in two 20-story and one 30-story buildings. The center is expected to provide 130,000 new jobs with a total payroll of $95 million. Oakland's mayor, John Reading, has confirmed the city's plan for a three-story, six-block garage below the project, making it the largest parking structure in the world.

In another part of Oakland, and oriented toward BART's Lake Merritt subway station and automatic train control center, the Del Monte Corporation plans a high-rise and commercial complex on 325 acres of land, complete with a 320-room hotel, 6300 apartments and 60 acres of commercial office and retail space. In that same area, the new $21 million Laney College campus has been reoriented to take advantage of the Lake Merritt Station, and just a half-block away is the magnificent $8 million Oakland Museum and a considerable collection of Alameda County and federal and state government buildings.

Further to the south, the BART station at the Oakland Coliseum lies near a rapidly-expanding industrial park. Perhaps more important, six governmental agencies, including BART, now are engaged in a federally-supported study for an extension of rapid transit from the Coliseum station to the sports and recreation complex and then on to a proposed 500,000-square-foot visitors and convention center and then on to the Oakland International Airport.

The university city of Berkeley has been particularly aggressive in early recognition of BART's impact and shaping its planning program to take maximum advantage of rapid transit.

Now that BART construction forces have moved on, Berkeley's main artery, Shattuck Avenue, has been restored as a gracefully-landscaped thoroughfare, whose highlight will be a relocated park surrounding the main entrance to the central Berkeley rapid transit station.

On opposing corners at the station's main entrance, a 15-story savings and loan building and a 14-story Bank of America building are rising, the first new buildings of that size to be built in Berkeley in 40 years.

Further, the City of Berkeley has purchased air rights over two other stations for $1 millilon.

The foregoing are prime examples of the developmental explosion that has occurred around BART's urban stations. However, I feel that I would be remiss if I did not point out some specific examples of suburban investment activity as our lines push into outlying areas and the start of revenue service draws ever closer.

I would like to mention such activity in the city of Walnut Creek, a walnut processing center in its sleepier days and today a typical suburban bedroom community of some 26,000.

The following developmental saga extends from July of 1969 through January 9, 1970, and involves what at first was termed a tower building to be built at the corner of North California Boulevard and Pringle Avenue, two streets that form boundaries of the BART station parking lot in Walnut Creek.

This 2.9-acre site changed hands four times in this six-month period, with the first sale at $3.50 per square foot; the second at $3.96 per square foot; the third at $4.75, and the fourth and current buyer, Dillingham Corporation, paying $5.32 per square foot for the property.

So in the space of six months the value of the site increased from $450,000 to $672,000. Today Dillingham plans a 16- to 18-story office building with the ground floor devoted to a savings and loan company whose services will be tailored to serving the BART rider. Timed to open when the station does, the building will double overnight the amount of office space in Walnut Creek.

Also in Walnut Creek a major apartment development of 800 units is going up within walking distance of the BART station, and a local bank is completing a nine-story office center nearby.

In Concord, an agricultural town of 15,000 in 1950 and now near the 90,000 mark in population, resale value of land immediately adjacent to the BART station is rising more than twice as fast as comparable land parcels located only one-half mile from the station.

Apartment land near the station today costs some $70,000 an acre. It has doubled in value in four years.

Systech Financial Corporation is building hundreds of apartment units in the Concord area, and its real estate people state that one $24 million development was influenced by the placement of the BART station. And in that same station area, two 10-story office structures and one 12-story building will start rising this year.

At the terminus of BART's Southern Alameda line is the city of Fremont, where a central business complex near the BART station includes a college site, core area of retail and commercial enterprises, an impressive new civic center now being occupied, and an already-complete large department store. Land in the area is now valued at $65,000 to $250,000 per acre, when no more than five years ago the same property was valued at $22,000 per acre.

When we speak of the timing of such development near the BART stations, a variety of factors must be considered. In some instances, such as in the city of El Cerrito, the community revamped its master plan well in advance of BART construction, expanding commercial activity around our El Cerrito Plaza station, oriented toward an existing regional shopping center, and calling for high-rise residential development around our El Cerrito Del Norte station. Such foresight recently paid off with the location of a 16-story office and commercial structure at the Plaza station.

In other instances, it is only now that some communities are girding themselves for the advent of BART, and rather belatedly are preparing for the galvanic impact of rapid transit. However, this, too, must be tempered by the fact that we are still 16 months away from revenue service. So it can be said that the bulk of new development triggered by BART has come about during the system's planning stages and during its heavy construction years.

Despite the tremendous developmental boom that has accompanied BART's emergence, it may well be true that BART's major impact will not occur until BART trains start to run.

Development depends upon land accessibility and a mobile population, and that is what BART is all about.

We will produce substantial travel time savings for transit users. And these travel times savings will induce the second major consequence of BART—a shift in urban travel demand from today's near-total reliance on the automobile to the relatively greater use of mass transit.

And it is the degree of this shift that will largely govern the magnitude of other BART impacts. BART can increase the local tax base by higher density residential development around its stations, which, in turn, will have a positive effect upon retail sales. But we'll need another five to ten years to determine just how sizeable these impacts will be.

Right now, BART is pumping nearly $1 million each week into the local economy through construction payrolls, and has expended over $850 million in construction and procurement contracts. That's immediate impact.

BART's joint usage of rights-of-way with the California State Division of Highways has resulted in millions of dollars in construction cost savings as well as redesign and upgrading of certain freeway facilities. That's immediate impact.

We have been used as a once-in-a-lifetime planning tool—in many instances, the only one—by many communities who have taken advantages of us to revitalize or knit together downtown cores that had no particular focus before we came along. As an example of true advance planning, the farming community of Brentwood in eastern Contra Costa County, a community of 5500, has placed location of a BART station on its master plan.

BART, unlike Montreal, Stockholm and some other transit systems, is empowered to build and operate a rapid transit system only in the narrowest sense of the word; we are forbidden from reaching out beyond our required right-of-way to develop property or demand its proper use. We can only suggest to affected communities, offer examples of what has occurred in other cities, and live up to our pledge to build as handsome, fast and comfortable a system as is possible. We have bent over backwards to encourage maximum use of the properties along our lines, and as a vivid example I can point to the nearly 30 private entrance agreements we have entered into with businesses bordering our subway stations where the store involved pays only for the private entrance, and is not obliged to pay BART for the privilege.

BART will provide the balance to Bay Area transportation, and at the same time will provide a developmental catalyst unmatched in the history of the West. At the same time, BART will make the totally delightful San Francisco Bay Region an even more delightful place in which to live and work.

But enough of BART's developmental impact, even thought this has only begun to scratch the surface. Let me turn now to two other areas of profound impact in the Bay Area—BART impact on our sociological fabric and public development.

Initial BART planning, tailored in part by the region's topography, located 16 rapid transit stations in neighborhoods formally classed as "target" poverty areas by local Economic Opportunity Councils. Some of them contain ghetto neighborhoods.

BART stations in or near newly developing employment centers of Southern Alameda County are within 15 to 30 minutes of the BART station in West Oakland. The Spanish-speaking communities of Southern Alameda County and San Francisco's Mission District are within minutes of both suburban and downtown employment centers.

North Oakland residents are only 21 rapid transit minutes away from bustling Concord, where industrial parks, shopping centers and service activities abound.

Residents of low-rent housing units, regardless of race, have a particular need for inexpensive transport to regional job and job-training centers. Such units lie right across the street from BART's West Oakland station, and two similar San Francisco projects are within walking distance of BART's Mission Street stations. That city's famed and crammed Chinatown is a short walk from our Montgomery Station.

Again in San Francisco, Hunters Point and Bayview dwellers, cut off from the mainstream of white, middle-class life by a major freeway and extensive industrial development, will be some 12 minutes by feeder bus from a BART station.

Black residential and commercial areas of

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Richmond and East Oakland are within short blocks of BART stations.

"Reverse commute" is a common phrase in the transit industry's lexicon today. Given the proper feeder bus pattern to rapid transit stations, an intensive education program to alert the disadvantaged on how to use and where to find our stations, then the potential mobility of ghetto residents can be realized. BART is not a two-directional, "white-collar only" rail network whose pendulum pumps the office-worker into the granite canyons by day and back to Harper Valley at night. It can be much more, a multi-directional people-mover that can aid in fully realizing man's ambition to be truly a man: gainfully employed, living where he wants to live and working where he wants to work.

There is more—much more—to the sociological impact of our system. Let me touch on just three additional categories.

With the regional, high-speed service of BART tied to existing and future bus operations, the forgotten elderly with fixed incomes—excluded from driving privileges and isolated by an automobile culture—can become mobile once again.

And BART will mean that young people who before were dependent on the automobile—and all its attendant expense—to get to classes, now can avail themselves of a means of reaching a seat of learning at minimal costs.

BART stations are within minutes of nearly a dozen institutions of higher learning in the three counties, institutions which today have a combined student population of some 60,000.

Finally, in the area of sociological impact, BART will be the first rapid transit system in the world to offer service to all classes of the physically handicapped, including those who are non-ambulatory and confined to wheel chairs. At an additional cost of $10 million, elevators for the handicapped are now being added to every station.

I promised that I would address myself to just one more BART-related element that has materially changed the face of the Bay Area already and bodes well for a more concise expression in later rapid transit development, and here I am referring to public development coincidental to BART construction.

Three examples spring to mind: San Francisco's Market Street; Oakland's Broadway and Berkeley's Shattuck Avenue. All are each city's "Great White Way," and crucial to their economic lifeblood. And each city has taken advantage of BART's admittedly disruptive construction period to come up with face-lifting plans for thoroughfares growing slightly tacky through complacency and flight to suburbia.

Market Street, with its $24 million refurbishment, will offer city dwellers and visitors a handsome esplanade replete with BART-oriented plazas, 36-foot wide sidewalks, lavish tree plantings and a corridor of greenery running from the waterfront to Valencia Street. It could not have happened without the impetus of BART.

The same thing is happening in Oakland. Admittedly on a more modest scale than the grand San Francisco plan, Oakland will turn a stretch of Broadway from West Grand Avenue to Seventh Street into a tree-studded, pedestrian-oriented thoroughfare.

In Berkeley, Shattuck Avenue before BART was a scene of purposeful confusion, with center-street parking and poor pedestrian access to adjacent stores. This has all changed now, with Shattuck turned into a handsome boulevard complete with rest areas, parking bays, landscaping and lighting fixtures that complement the street's "new look."

These three examples point the way to similar joint operations by public agencies in other communities, as is being carried out by the city of Albany on a street bordering our handsome linear park through that community. BART is disruptive, and we have merchants' affidavits to back that up, but if we work together, the end result will be well worth the candle.

In summing up, let me say that we at BART have learned considerably from our experiences in the areas of economic boom, sociological impact and public development as our system grows. And we expect that other cities just now embarking upon rapid transit systems can learn from our experience. And as you educate yourselves, I think it is necessary to keep three things firmly in mind:

First, a rapid transit network can be an effective developmental tool, but it must be used. Affected cities, through master planning, zoning and land use changes, should determine early in the game what they want their cities to become.

Secondly, the rapid transit agency must launch and sustain a far-reaching educational program aimed at private and public decision-makers to make them aware of just how much the system can change the face of their particular region, if they will use it properly. This impact conference is certainly a major step in the right direction.

Lastly, a system such as BART's can be a strong catalyst in sociological change. It is up to the people who plan, build, ride and pay for such systems to see that this catalytic energy is harnessed for the maximum benefit to all.

PUBLIC PRAYER

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 23, 1970

Mr. SCHWEIKER. Mr. President, I have long supported action to permit nondenominational prayer in buildings supported in whole or part through the expenditure of public funds, first by cosponsoring the late Senator Everett Dirkson's amendment and now by cosponsoring Senator Scott's resolution. I am glad to see my senior colleague from Pennsylvania offering his fine leadership abilities to this important issue. I feel the Scott constitutional amendment is a strong proposal, and deserves serious consideration by the Judiciary Committee and the full Senate.

The Reverend Robert G. Howes, national coordinator of Citizens for Public Prayer, 3004 Adams Street NE., Washington, D.C. 20018, has provided me with a document entitled "Prayer in Public Schools: Some Key Questions and Answers."

The views of Citizens for Public Prayer, one of the leaders in this area, should be of interest to all Senators. I ask unanimous consent that the document be printed in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

Prayer in Public Schools: Some Key Questions and Answers

1. Some, who do not support a Peoples' Amendment for Public Prayer, say we can still *teach about religion* in our public schools. Is this true?

The issue here is not teaching about but religion itself! Religion is so very much more than dates, Madonnas, which Pope ruled when, and who reformed what. Religion is so very much more than a citation from St. Paul sandwiched in between Confucius and Einstein in a morning exercise. Religion is essentially affective. Religion is the up-reach of the spirit to God and the out-reach of the spirit activated by God toward our brothers. In short, *religion stripped of affection and spirit is not religion at all.* Teaching about religion may, however, be useful. Clearly, when we have once and for all eradicated the tragic precedent of the two seriously wrong prayer-ban decisions handed down by the Supreme Court in 1962 and 1963, we shall have to do a lot of thinking about the role of God and morality in our schools, but not vice versa. To accept substitutions which are, in most cases, wholly inadequate to the need, and abandon the thrust at the basis of the Court's illogic is like band-aiding a cancer. Besides, the closer any of the proposed substitutes comes to satisfying the need the more likely it is that it will be attacked by the same intolerant few who contrived the prayer-ban decisions. Only a carefully and prayerfully worded prayer amendment designed to restore the First Amendment to its original and common sense meaning can suffice.

2. What about *minority rights and tolerance* if the will of the nation prevails and free prayer is restored in our public schools?

Tolerance is a two way street. So long as his rights to silence and/or abstention are recognized, the dissenting child (and his parents) can do one of two things. He can deny others their rights to pray freely by loudly demanding his selfish privileges, or he can refrain from participating, recognizing in the process that others think differently than he does but that he is respected in his own difference. This, far from being a tyranny, is a splendid preparation for citizenship in a republic, a pluralistic society, in which very often delicate decisions have to be made in which there are majorities and minorities. The dissenter must always be free in his conscience. No pressure must be put on him to conform. But to suggest that this entitles him to deny the great majority the right to do what they feel in their conscience they should do is a travesty of democracy. A responsible pluralism in this, as in similar matters, is the very basis of our way of life together. Those who call for tolerance while intolerantly attacking the rights of their neighbors do so with obviously false credentials!

3. What connection is there between *the prayer-ban decisions and national sanity?*

We cannot, nor do we, contend that all the tragic occurrences in these United States since 1962 can be traced back to the Court's denial of the civil right of free public prayer in our schools. But the evidence of moral crisis and decay in the form of anarchy, arrogance of individuals and groups, oversexism, dope-ism is all around us. We do suggest that never in our history as a people together since Washington prayed in the snows of Valley Forge has it been more necessary than it is today that we become again a *Nation on Our Knees.* Never has it been more necessary than it is today that we reexamine our national conscience and reaffirm the common reverences of our past. Never has it been more necessary that our children in that place where they begin to learn the arts and sciences of American community know the great Fatherhood which arches over and inspires our brotherhood. Clearly, the issue of free school prayer is a *cluster issue.* Clearly, a re-affirmation of the civil rights of free school prayer could go far to calling us back to our senses and reinspiriting the democracy.

4. Summing up, what is really at stake in the fight to write a carefully worded *Peoples' Amendment for Public Prayer* into the Constitution, restoring the First Amendment to its traditional and common sense meaning?

First, and foremost, return of the civil right of free prayer to the public classroom. This great and good practice, instituted in the majority of our school districts and conducted for many decades with a minimum

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of mistake and a maximum of good judgment, is obviously significant.

Second, denial once and for all of *a process of creeping secularism*. The precedents set in motion by the two prayer-ban decisions, will continue to wipe out one by one all other practices of public reverence among us—unless they are radically and totally repealed. Examples: attack on the Christmas prayer of the astronauts (1968), on the Pageant of Peace at the White House (1969), and indiscriminate proposals that "religion" be taxed. The prayer-ban decisions, as Mrs. Madalyn Murray O'Hair knows and shows so clearly, are not isolated or singular. They are the start not the end of the road. However the majority of the Court shielded the reality of what it did in nice phrases, the fact is evident. If non-denominational and voluntary prayer in public schools violates the First Amendment, no other practice of public reverence among us is safe! All future decisions under the First Amendment are now tainted at the source.

Third, re-affirmation of the democratic process. Nearly eight years after the first prayer-band decision, not one single normal floor vote in either House or Senate has been taken on hundreds of prayer amendment bills and despite continuing evidence that a massive majority of Americans wish the civil right of free public prayer restored. If the will of some 75% of the Nation cannot penetrate through to the floor of the Congress, something is wrong!

Fourth, a critical beginning in the drive to make America again a Nation on Our Knees. As the prayer amendment is debated in fifty states, the entire question of God among us will open again. Seldom, as detailed in No. 3 above, has this been more necessary.

VICTOR O. JONES

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is with sadness that I note the death yesterday of Victor O. Jones, who was one of the most respected figures in New England journalism. He retired in 1965 as executive editor of the Boston Globe. His career, which was marked by many distinguished achievements, was spent on the staff of the Boston Globe.

Retirement is not an accurate word to apply to the conclusion of Vic Jones' career. He continued after that to write an incisive and well-read column for the Globe entitled "Notes From the Back of an Envelope."

Both the column and the man, who poured a lifetime of rich experience into the words he wrote, will be missed in years to come.

As a Harvard undergraduate, Victor O. Jones was hired by the Globe in 1926 as its college correspondent. He joined the staff on a full-time basis in 1929 as a sports writer. To capsule his career thereafter, he was successively sports editor, a Neiman Fellow, and outstanding correspondent in World War II, night editor, managing editor and, finally, executive editor of the Globe. He was an innovating editor who developed specialized teams of writers to report the many new facets of a changing world.

He was honored as a war correspondent with the European Campaign Ribbon which commended his work "under difficult and hazardous conditions." He traveled with U.S. forces across Europe. He was widely acclaimed for his stories about slave labor camps and Nazi youth recruited in the war's last stages. However, the Globe points out that he preferred to write about individuals, usually New Englanders, in the war.

He was a tireless and diligent editor whose characteristic command to his staff was "Get crackin'!" I think it appropriate that his associates have the last word about Victor Jones and I think the editorial, which I am inserting in the RECORD, is a beautiful expression of their feelings.

I believe that Victor Jones was a great newsman. I want to extend my sympathy to his wife, Elizabeth, and family. I share the thoughts expressed in the Globe's final tribute, which follows:

GOODNIGHT FROM THE DESK

It is not enough to describe Victor O. Jones, the former executive editor of The Globe who died on Tuesday, as a fine newspaperman, for he was that and a great deal more. In the true sense of a word much abused, he had class.

He stood for the values which endure. His wit was legendary. His courage was unsurpassed, whether at the front in World War II, or in times of great stress when the news broke fast, or when it was put to its sternest test by illness in recent years. His sense of fairness was a boon to all on The Globe, and his great loyalty an example for everyone.

There came a moment, early each morning in the old days, when all had been done that could be done for the morning paper, and Vic Jones would phone the make-up, stereo and press rooms. One can still hear his voice, a little high-pitched and cheerful despite the fatigue, and sounding somewhat like a chirp as he gave them his "Goodnight from the desk." We repeat it now in the same spirit, and may flights of angels sing him to his rest.

CHAIRMAN WILBUR MILLS INTRODUCES TEXTILE BILL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DORN. Mr. Speaker, Chairman WILBUR MILLS provided hope for textile workers in America when he introduced H.R. 16920 on April 13. Since that date, he has been joined by 96 colleagues in the House. Chairman MILLS has announced that the Ways and Means Committee will hold hearings on this timely legislation early in May. Mr. MILLS, by his forthright and timely action, has encouraged the entire textile industry and its 2,400,000 employees in America. This has been particularly true in our area of the country where the textile industry is threatened by low-wage foreign imports and is our major industry, major taxpayer, and employer of our people.

The following editorial appeared April 20 with reference to Mr. MILLS' action in the Columbia State, one of the South's oldest, largest, and most respected daily newspapers published in our capital city of Columbia, S.C.:

WILBUR MILLS TAKES STAND IN SUPPORT OF TEXTILES

Regulating foreign trade can be as hazardous as juggling double-edged swords, but from time to time the risk must be run.

Rep. Wilbur D. Mills, the Arkansas Democrat who heads the House Ways and Means Committee, now has ventured on stage with a trade bill which seeks to protect American textile and shoe industries from ruinous foreign competition. His bill may or may not turn the tide, but it is a logical outgrowth of the breakdown in trade negotiations.

Our biggest trading partner, Japan, has simply refused to consider voluntary quotas on woolens and man-made fibers. About a third of the United States' enormous ($1.5 billion) trade deficit with Japan results from the traffic in textiles. The Japanese have been rather arrogant in their rebuffs to Nixon administration negotiators.

On the same day that Mills, chairman of the House Ways and Means Committee, introduced his bill, the Labor Department's Southeastern office in Atlanta announced that textile industry employment in the Southeast declined 5,900 in January and February of this year, for a total of 14,500 in a 13-month period.

The Southeast, of course, is the heart of America's textile territory and the major concentration is in the Carolinas. During the same 13-month period, the nation's textile workers were reduced by 33,000. The related apparel industry lost another 17,000.

These industries are important to America for many reasons, not the least of which is that they provide thousands of jobs where they are needed most—in the rural areas and in the urban cores. Since many of the tasks require relatively unsophisticated skills, the industry offers an important staircase out of poverty for many people.

Democratic Sen. Ernest F. Hollings has provided other figures that tend to link this job loss with low-priced imports. In one year (January, 1969, to January, 1970) man-made fabric imports jumped from 85 million square yards to 188 million square yards. For all textiles, the increase was from 163 million square yards.

The Mills bill would roll back imports to the 1967–68 average, although it would permit negotiated quotas above that. In addition, it would make it easier for industries to show injury from imports and obtain relief.

Rep. W. J. Bryan Dorn of South Carolina and other House leaders of the long textile fight hastened to cosponsor the measure. Mills' prestige gives it a better change of success than past efforts.

In the past, Mills has given an unfriendly reception to textile quota amendments coming over from the Senate, where three were sponsored by Senator Hollings. The senator says that the White House has opposed his amendments and that Mills has killed them.

Now, Mills has come forth with his own version of remedial legislation. It goes somewhat beyond the President's proposals of late 1969, but Mr. Nixon would be unwise to oppose this new bill openly at this time. What America needs is a united front in this area to convince the Japanese and other big importers that voluntary quotas are really their best bet.

Passage of the Mills bill (or something like it) would not necessarily mean that statutory quotas would be invoked in all instances. But it would be a samurai sword hanging over the head of the Japanese industrialists reminding them not to seek more than a fair share of the vast American market.

IT IS TIME TO "GET DOWN TO EARTH" AFTER EARTH DAY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday, April 22, was Earth

Day. I wish to stress that activities of yesterday which stimulated improved understanding and awareness of the environmental problems we face have my wholehearted support.

Today, however, I want to take this occasion to welcome back to the House of Representatives those of my Democratic colleagues who yesterday fanned out across the Nation proclaiming their commitment to congressional action to stop pollution. Rhetoric has its role to play in the battle against pollution, but what we will be judged by is our deeds.

To date, the deeds of this session of Congress have been meager indeed, in spite of the fact that President Nixon on February 10—over 2 months ago—presented to the Congress a comprehensive legislative program to deal with environmental problems.

One committee, the Committee on Interstate and Foreign Commerce, has recognized the urgency of the situation we face. This committee has held hearings on the President's air pollution bill, which was reported from subcommittee yesterday, and solid waste legislation. But this committee has jurisdiction over only two of the seven bills in the President's program.

The four water pollution bills and the parks and recreation lands bill lie dormant in the committees to which they were referred. In 2 months, these committees have not seen fit to schedule these bills for hearings.

There should be no mistaking where the responsibility for congressional inaction rests. It rests with the Democratic Party in the House which controls each committee and its agenda, as well as the schedule of the House.

I, therefore, call upon my Democratic colleagues to "get down to earth" after Earth Day and allow the House to work its will on the President's excellent and comprehensive environmental program. There is a great deal of unfinished legislative work to be done.

The lack of action in the House on the President's environment program in spite of Democratic rhetoric is an ill-fated sign. I fear that the powers controlling the Democratic Party in the House are content to let this priority legislation die without ever having been brought to the floor for a vote.

FOR ELECTORAL COLLEGE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. CLAY. Mr. Speaker, I have read with great interest the remarks of Dr. M. Donald Coleman which appeared on the New York Times editorial page on April 22, 1970. As one who has studied the effects that direct election would have on this country and concluded strong opposition to direct election, I found Dr. Coleman's views most interesting. As the debate in Congress continues on this most serious legislation, I would like to bring Dr. Coleman's statement against abolishing the electoral college to the attention of my colleagues. The following is his letter to the editor:

FOR ELECTORAL COLLEGE

To the EDITOR:

The proposed constitutional amendment abolishing the Electoral College is being debated in the Senate Judiciary Committee. Very few people appear to understand this measure and the drastic effects it will have on our democratic processes.

Most of the 82 per cent of the people who wish some sort of electoral reform appear to think of this measure as both fair and progressive. A broader understanding of American political institutions will show it is neither.

Currently, the added weight the electoral system gives to the large states with their swing vote is the only way we have of counterbalancing the inequities of the Congressional seniority system. Those politically homogeneous states that return the same man year after year are getting vastly more power from their Congressional vote than we do in the more populous "swing" states.

In terms of practical power, one Senator from Mississippi has often been the equal of both from New York. Only the increased importance of the large state's voter in the Presidential election every four years can begin to counterbalance the lack of power he suffers in Congressional elections due to the workings of the seniority system.

POWER OF VOTE

We have had far too many examples of rural or Southern committee chairmen blocking legislation badly needed by urban millions without even letting the representatives of the people vote upon these measures.

The concept of one man's vote having the same power as another's will only be valid if we retain the substance of our Electoral College system. To change the electoral system without changing the seniority system in Congress would be a perversion of the doctrine we are attempting to use as a guiding principle.

In practice it would surrender power to those forces that have never had much enthusiasm for democratic processes and have constantly sought methods of subverting it for their regional interests. We will be entering an era when the needs of the huge urban centers are critical to our survival as a nation, while damaging the political machinery that induces Federal responsiveness to those needs.

At that point, those who say that the entire government machinery is unresponsive to the legitimate needs of the people, and so must be entirely destroyed, will have found themselves a valid argument.

Seen in this light, the so-called "inequities" of the Electoral College system must be seen as a countervailing force to the inequities of the Congressional seniority system. To alter that delicate balance will make our Government less responsive to the most urgent needs of our time and in the foreseeable future, and create the conditions for the destruction of our great democracy.

There are other remedies available to prevent the "faithless" elector on the election being thrown into the House of Representatives without doing such damage to the sensitive balance of powers that now exists.

M. DONALD COLEMAN, M.D.

NEW YORK, *April 19, 1970.*

PROMPT CONSIDERATION OF POSTAL REORGANIZATION

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. POLLOCK. Mr. Speaker, I respectfully ask for prompt consideration of the postal reorganization plan submitted to the Congress recently by President Nixon. Clearly the wildcat postal walkouts that occurred in March have shown the urgency required in solving the ills that exist in our postal service.

In the midst of this postal crisis, Postmaster General Blount and the leaders of the postal unions worked round the clock to hammer out the agreement ending the first postal strike in the history of the Nation.

Postal workers were promised a pay increase of 6 percent. They were also promised a framework within which postal workers in all parts of the country can bargain collectively with postal management over pay and working conditions.

In his message to the Congress on April 16, President Nixon said:

> I support the proposed legislation that has been agreed to in the negotiations between the Post Office Department and the postal unions.

If this agreement is to become a reality, Mr. Speaker, we must give it prompt consideration. Let us act before another crisis comes to the postal service.

REV. JIM ARGUE DELIVERS FUNERAL SERVICE FOR MAJ. GEN. JAMES E. RUDDER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the text of the sermon delivered at the funeral of Maj. Gen. James E. Rudder by Rev. Jim Argue of the Pulaski Heights United Methodist Church:

FUNERAL SERVICE FOR GEN. JAMES EARL RUDDER

We have come together here this afternoon for three important reasons. First, we have assembled because we wish to honor the man of James Earl Rudder who passed from this life Monday at the age of 59 years. Second, we are here because we wish to express in some visible and tangible way the love and concern we feel for the bereaved family. Finally, we have come together as Christians to worship Almighty God from whom our spirits come in the beginning and unto whom they return at the end.

Since this is a service of worship, it is appropriate that my remarks be ground in a text. For that purpose I have chosen I Corinthians 15:26—"the last enemy to be destroyed is death."

It is significant that we have assembled here during the Easter Season, for the great message of Easter is that death, for the Christian, is no longer an enemy to be feared. The man in Christ has already been received with his Lord. The resurrection of Jesus Christ is the ground for their assurance.

Now this a truth which can be understood ultimately only through faith. But are there no reasonable considerations to help us in this venture of faith? Let me suggest four truths which I feel will help us in this direction.

I

Let us begin by noting that life does survive a change in bodies. Paul uses the illustration of a seed planted in the ground. When it is planted it has one kind of a body, but when it comes up it has a very different body. The hard shell of the seed, when it has served its function, is surrendered and left in the earth, but the life that is in it emerges to a new glory.

Now, Paul says, "So is it with the resurrection of the dead. What is sown is perishable, what is raised is imperishable . . . It is sown a physical body, it is raised a spiritual body . . . For this perishable nature must put on the imperishable, and this mortal nature must put on immortality."

Paul reasoned that it is just as normal for us to survive a change of bodies as for a seed to do so. He might have used any one of a number of other illustrations. Take a butterfly for example. It wasn't always a delicately beautiful thing with wings. It was a caterpillar once, confined to the earth. Then it wrapped itself in its grave clothes and lay as dead for a time, until one day the grave was opened and it emerged a new creature, no longer earthbound but the inhabitant of a new world.

Life does survive a change in bodies. We see it happen every day. Is it so difficult then to believe that the God who can draw a butterfly out of a caterpillar, a frog out of a tadpole, and a bird out of an egg can find something in us more precious than the shell that surrounds us, can draw it out, and give it a new body and continued life? Life does survive a change in bodies.

II

Let's consider a second thing: Life does move toward a goal. Take the process of evolution, for example. It moves from lower to higher forms of life; it is going somewhere. Or, consider the normal process of the growth of individuals. It is not haphazard so that we have no idea whether a young man of twenty will be crawling on the floor like an infant or serving as the president of some large company. To be sure, there is a wide variation in the intelligence and ability of twenty-year-olds, but we can be sure that the irresistible pull toward maturity will have brought all of them of average capacity up to a certain level of development. Life seems to be headed somewhere; it grows, develops, matures.

We ourselves, by our very nature, are purposive creatures. We have to be directing our lives toward some goal or life loses its meaning, and we disintegrate as personalities. So long as we have a clearcut and worthy aim in life, and direct our energies toward its accomplishment we are pretty well assured of mental health because we were meant to live that way. It is when life has no purpose that we begin to get neurotic. Purposelessness is unnatural and therefore destructive.

Is it so difficult to believe, then, that the God who set things moving toward a goal, and who planted purposes in our minds, should have a destiny for his own creation?

III

But let's move on to another thought. This may sound a little strange at first, but think about it before you dismiss it as unreasonable: Life often does prove the unbelievable to be true.

When Christopher Columbus returned to Spain after his voyage to the west, he reported to the authorities that he had been to the East Indies. They said that he was out of his mind. Everyone knew the Indies were to the east of Europe, not the west, just as they knew that the world was flat instead of round. It was unthinkable that one could go west to get east. Such a notion, they believed, did not correspond with natural law. But in due course of time, the unbelievable was found to be true.

Think of all the things that we take for granted today, that only a little while ago would have been flatly denied as completely impossible. A few years ago no one would have believed you if you had told them that there would come a time when we would ride about comfortably at speeds of fifty, sixty, seventy miles an hour in "horseless carriages." They would never have accepted the idea that you would be able to turn on a light by punching a button, hear a symphony by tuning in a radio, or watch a football game many miles away by looking at a little box in your own living room. The idea of flying would have been laughed out of court, and the prospect of a trip to the moon would have been called our sanity into question. But time takes care of our weak faith, and the unbelievable is found to be true.

Now, someone may say, "Yes, but all these things are found to follow natural law when you come to understand them." To which I would answer, "Of course! And so does the resurrection. God does not do things contrary to his nature." Besides the resurrection is not the only thing in our experience for which we have not found a natural explanation. There is as much mystery about the question of how we got here in the first place as about what will happen to us when we die. This earth was red hot once, like the inside of a furnace. Then it went through a long period of cooling off. After that, life appeared. Where did it come from? No one knows. How did it get started? No one can tell you. So far as our understanding of natural law is concerned, life does not generate spontaneously out of a fiery furnace. Now if God can bring life to a planet as dead as a poker, is it unreasonable to believe that he can bring a resurrection where there has been life?

Ralph Sockman suggests that we think of this matter in terms of a group of Eskimoes. Let's imagine a group of them that have never had any contact with the outside world. So far as their knowledge goes, the whole earth is an endless expanse of ice, snow, nothing more. Then a man from Southern California drops down in their midst, and proceeds to tell them of the wonders of the sunny southland. He tells about palm trees, and oranges and bathing beaches. But this doesn't mean a thing to them because there is nothing in their experience to correspond with it. How can you describe a palm tree to someone who has never even seen the ground—or a blade of grass? So the Californian must speak in negatives. He tells the Eskimoes that Southern California is a place where there is no snow or ice, no igloos, no midnight sun, no whale meat. It's not a very satisfactory description, but under the circumstances it is the best he can do.

Now the Bible approaches eternal life in this same manner: There shall be "no night" there. "There shall be no more death, neither sorrow, nor crying, neither shall there be any more pain; for the former things are passed away." We can't know what it is like. We have no experience on which to base such knowledge. But we can know that it is normal for us to find the unbelievable to be true.

IV

Now let me point out one other thing: Life does include parental satisfaction of children's needs.

If a man buys a fine automobile and the best clothes for himself, eats expensive meals in restaurants, and travels where he wants to while his children are compelled to wear shoes that are too small and to do without needed medical attention because he hasn't enough money to take proper care of them, we say there is something wrong with him. That kind of behavior just isn't normal. Under normal circumstances a father will provide proper care for his children even if it means skimping on some things he'd like to have for himself. It is normal for a father to be concerned about the needs of his children.

Now, if we poor human parents, with all our faults still remember and care for our own, how much more must the Heavenly Father who put those parental instincts within us, care for his children. As Bishop Ensley puts it: "We should not question immortality until it becomes the settled practice of parents to desert their offspring. So long as they care, we have good reason to believe that the Parent of all cares."

It is said that in India fakirs sit beside pools of water and drop colored dust on the surface in such a manner as to make recognizable portraits of great men. Then a little wind comes up, or a pebble is dropped in the pool. The water is disturbed, and the picture destroyed. Now, I cannot believe that the creator of the universe is engaged in that kind of business, that he creates one like Moses or Jeremiah, or St. Paul, or Martin Luther, or Jesus, or even like you and me, and then allows the breath of death to blow us completely away.

Earl Rudder was a true child of God. His life was characterized by love. He had a deep and abiding love for the heavenly Father, a love that expressed itself in many ways both within and without the Church. He loved his country. His brilliant military record attests not only to his qualities of leadership, but also to the profound patriotism which was so much a part of his personality. He was an outstanding example of the citizen-soldier. His civilian achievements as a public servant equally well reflected his love for his country. He loved this university and gave it strong leadership during a period of great change and development. His personal life was also one of love. He was a good and loyal friend to many. Above all, he was a devoted husband, father, brother and grandfather.

We have made it hard for people to believe that Jesus has conquered death. Death, resurrection, life everlasting—these have been made to seem so strange and contrary to our experience. But death is no longer an enemy of the spirit. For the Christian, it is the most normal thing in the world. And I have an idea that when we pass through the portals of death that there will be a moment when it will all seem strange, and then we will know that we have come home.

NBC WHITE PAPER ON MENTALLY DISTURBED YOUTH, APRIL 25, 7:30 P.M. E.S.T.

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BRADEMAS. Mr. Speaker, next Saturday, April 25, NBC Television will present at 7:30 p.m. e.s.t. a 90-minute news special on mentally disturbed youth.

The documentary, entitled "Cry Help," is being produced by the distinguished television producer, Mrs. Lucy Jarvis.

The film points to the urgent need for Federal leadership in the field of mental health. It precedes the publication next month by Harper & Row of "Crisis in Child Mental Health," the result of a 3-year study by a joint congressional commission.

As Mrs. Jarvis states:

> We've got to go to the moon because that's part of man's dream, but part of man's dream is a better life here too.

I urge my colleagues to watch this splendid film, and I recommend that they read an article about the film in the New York Times this past Sunday based on an interview with Mrs. Jarvis. I insert the article in the RECORD, as follows:

THINGS TO LIVE FOR—LIKE THE BEATLES

(By Judy Stone)

"There is not a single community in this country that provides an acceptable standard of services for its mentally ill children."—Joint Commission on Mental Health of Children, June 30, 1969.—NAPA, CALIF.

At 6 A.M. in Ward Q 7 and 8 of Napa State

Hospital, a voice over the loudspeaker announced that it was time to get up and face the day. George, a slight, fair, 17-year-old paranoid schizophrenic, turned over in bed, shaking off the efforts of a nurse to rouse him. "Leave me alone. Leave me alone," he muttered. "Wake me up when I'm dead."

George is one of nearly 10 million Americans under 25 who require mental-health treatment. He is one of only 500,000 who are actually receiving some attention—attention, that is often indifferent, rarely helpful, and frequently harmful. And George is one of the lucky 24 admitted into Napa's unique Adolescent Treatment Program to get the kind of psychiatric care that may help him to become comparatively self-sufficient.

The way the richest country in the world shunts aside its mentally disturbed adolescents will be spotlighted on "Cry Help! An NBC White Paper on Mentally Disturbed Youth," a 90-minute news special produced by Lucy Jarvis. It will be shown Saturday night at 7:30, prior to publication by Harper & Row next month of "Crisis in Child Mental Health," the result of a three-year study by a joint Congressional commission. "The acute necessity for such a study," the commission report noted, "was painfully brought to the public by John F. Kennedy's assassin, who had been diagnosed as a mentally disturbed child for whom treatment was never obtained."

What triggered Mrs. Jervis's attention was a remark by the Massachusetts Commissioner of Mental Health, who told her: "The great tragedy is that although we're doing many things for kids under 14, if you're going to be mentally ill in this country, never be sick between 17 and 25 because then you'll be in serious trouble."

When Mrs. Jarvis began investigating, she was appalled at the lack of mental-health programs for that age group and the prohibitive cost of private hospitalization. What she saw convinced her of the necessity for community health centers where preventive work can be done. She found what she was looking for in California.

Last July California became the first state to make local communities responsible for the care of their mentally ill, with 90 per cent of the funds provided by the state, 10 per cent by the county concerned. But California took one step forward, two steps back: Governor Ronald Reagan had also slashed the budget for the State Department of Mental Hygiene, substantially reducing hospital personnel and engendering bitter controversy.

MRS. JARVIS AT NAPA STATE MENTAL HOSPITAL

When NBC researchers arrived here last January, it was not a propitious time for the state to welcome them with open arms. But Mrs. Jarvis—an attractive, black-haired, brown-eyed powerhouse who can be alternately warm, charming, and intimidating, who has wheedled her way into the Kremlin, has talked to Khrushchev in exile and covered the Vietnam war for NBC—somehow found the key.

State officials first tried to direct her attention to the adolescent program in Southern California's Camarillo State Hospital, which had been redecorated (and the grass sprayed green) for Governor Reagan's one tour of "inspection." However, Mrs. Jarvis, wife of a corporation attorney and mother of two young adults, is too shrewd to be taken in by edifice complexes. "I felt it was real Plasticville," she said. "It was very fancy, very well decorated and the staff was very cold. Buildings don't function if there is no love and warmth and interest in the person."

At Napa, in northern California, she found a "shining light of accomplishment" in the Adolescent Treatment Program, carried out by a psychologist, a psychiatrist, two social workers, two teachers and two rehabilitation therapists. Unfortunately, as noted, this intensive care covers only 24 of the most seriously disturbed among Napa's average adolescent population of approximately 180.

Dr. Clem Helming, a graying father of eight who heads the program, says he believes in "the therapeutic community. We encourage even more involvement with children than most patients and teachers have. Other places believe you can't be an administrator and therapist at the same time, but we are. This is a community within a community. We are the parents, teachers, neighborhoods, policemen. We all have to demonstrate enough involvement with each other so that the youngsters are hooked. The staff meets and tries to criticize each other. I encourage others to criticize me. If we really can communicate with each other, it's a model for the kids. We have to remember there is in the psychotic person some element of a very creative person and this can be tapped. Their illness has resulted in an imbalance, so they live part of the time in an unreal world they create. We need to develop an atmosphere in which they can organize, integrate and grow. This is a very tiring process for the staff and there are no flashy, wonderful breakthroughs."

Although some Napa staff members objected to the television project, Dr. Helming believed it "helped the youngsters realize other people in the world were interested in them and believed in them." The TV crew, particularly director Tom Priestly, he said, "were keenly aware that they didn't want to hurt these kids and reached an understanding with the staff before taking any pictures."

Changes in some youngsters were apparent even in the few months the crew shot at Napa. When Mrs. Jarvis first met Gloria, a 17-year-old autistic girl, Gloria's long dark hair fell loosely over her face, concealing her deeply sad brown eyes. She could speak only her name. The daughter of poor Mexican-Spanish parents, she had been depressed and suicidal until a friend convinced her "there were important things to live for—'like the Beatles.'" Recently, she has been composing her own music and lyrics and playing the guitar. "When she was walking in the meadows, we followed her," Mrs. Jarvis recalled. "She was singing a song she wrote that would tear you apart—about a man who falls in love with a woman and feels betrayed."

At an evaluation session, Mrs. Jarvis observed Debbie, a middle-class girl who had earned straight A's in San Francisco's top academic high school. Debbie insisted on knowing if the hospital staff member questioning her was a psychiatrist or psychologist: "I don't waste my time with psychologists," she said.

"She was hostile and aggressive," Mrs. Jarvis noted. "I told her, 'Debbie, you are really beautiful.' She said, 'Look at my face. It's split down the middle. I'm a schizophrenic.' Debbie was quite articulate about her distaste for the great American middle-class myths. To defy her family, she had secretly smoked pot and dated black men, but she never received the punishment she seemed to think she merited. Then one day, she slit her wrists and her mother asked, 'Why?' 'My God, don't you know?' Debbie cried. Debbie is now out of the hospital, the family is in therapy and there is hope that she may be able to enter college soon," Mrs. Jarvis said.

In addition to observing and filming youngsters receiving treatment at Napa, Mrs. Jarvis and her crew also looked elsewhere in California, finding other young people who should have been receiving care but weren't.

"No matter where we went," Mrs. Jarvis continued, "we found kids like the ones at Napa. 'Gut-wrenching,' as our writer Jim Mills said. Each youngster we focused on exemplifies a different aspect of what happens—or doesn't happen—to a disturbed kid in America."

DOWNTOWN SAN FRANCISCO

In San Francisco's crowded, downtown "tenderloin," the crew found—not the hippie dropouts—but the throwouts. "They come from homes where there is no father or there are several different fathers or the parents are alcoholics," Mrs. Jarvis observed. "Some of them go to Hospitality House, where they find an accepting atmosphere and where there is a free feed once a week. There are about 3,000 of these kids in the area. A lot of them don't know their sexual identity. They become drag queens or lesbians and they won't go to the 'Establishment' for therapy."

At Hospitality House, Mrs. Jarvis and the crew found 15-year-old Sherrie, a tiny thing with long tangled hair and immensely shy blue eyes, a clinger to anyone who seems to care. Sherrie "spare-changes" people and gives most of the money away. "She lives in a world of pimps, whores and hustlers," Mrs. Jarvis said, "and sails through it all with aplomb, seemingly untouched. She seems to have no interest in sex or drugs, but she is beginning to paint—red things with the word 'death' in black letters. She is obsessed with death. She said her father took one look at her and killed himself 10 days later. She is charming, appealing and irrational. Her brother was in Napa, and a volunteer doctor who observed Sherrie at Hospitality House told us that she is deeply psychotic.

"If the kids in the streets are psychotic or paranoid and no adult gets to them, they may be picked up for hustling, panhandling, pimping, breaking and entering. If they don't get on the mental-hygiene conveyor belt, they get on the conveyor belt run by the correctional system. Once on that, they may never get off."

Since the California Youth Authority, the state correctional agency, has no psychiatric facility, psychotic youngsters are often sent to Vacaville, the medical institution for adult prisoners; some have not even committed a criminal offense, but are picked up for running away from home or exhibiting violent behavior.

PART OF MAN'S DREAM

"The doctors at Vacaville told me that by the time they get the kids, there is no hope," said Mrs. Jarvis. "The chief psychiatrist said, 'If there were a proper community health program, if the schools and the homes were exposed to it, we would be practicing preventive medicine instead of having a finger in the dike.'

"No one knows what causes schizophrenia, but the victims can be helped to function," Mrs. Jarvis continued. "We don't know if body chemistry, diet and prenatal care may be at the root of it. Until we take seriously the problem of the 16-to-21-year-old group, how do we know what causes drug addiction and the generation gap, the lack of communication, the emotional confusion, the rise in homosexuality? There may be a chemical root as well as an environmental one. The first thing they do with a paranoid schizophrenic kid is put him on a tranquilizing drug. How do we know the whole emotional history of one person as opposed to another doesn't depend on the chemical makeup of the body? My major at Cornell was biochemistry. I started out working as a nutritionist in a hospital and I strongly believe that there is a correlation between what we put into our bodies and what we are.

"I know this show will shake people up. There are fathers and mothers who have sick kids, don't recognize the signs and accuse them of being lazy. We have to make them understand what is happening to their children. If the communities don't have mental-health clinics, parents should exert pressure to get them. This thing is alarmingly on the rise. When you read the statistics, it's one thing, but when the statistics become a Gloria or a Debbie the shock is 10 times worse.

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"When these kids grab hold of you and you find yourself involved, you want to cry for the whole world. You want to know where the hell we're going. I don't say, 'Why spend money to go to the moon, let's spend it on the kids.' We've got to go to the moon because that's part of man's dream, but part of man's dream is a better life here too. This is a rich and resourceful and arrogant country that can do both. We've got to stop feeling that, every time we talk about a program in which the Federal Government takes a share in helping individuals, we're in danger of becoming a collective society or a Communist movement. There's certainly enough money to do this, but is there the leadership?"

AL HOFSTEDE: LIBERAL MINNEAPOLIS ALDERMAN IN TOUCH WITH THE PEOPLE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. FRASER. Mr. Speaker, on April 20 the Minneapolis Tribune printed on its editorial page a fine column about one of Minneapolis' young and progressive elected public officials, Third Ward Alderman Al Hofstede. The article by Joe Rigert contains a lesson that all elected officials should learn: never underestimate the intelligence of the American electorate, but do not overestimate the information they possess on public issues.

Al Hofstede's premise is that his constituents are open to necessary change if convinced of the need for change. Al's career is devoted to both informing those who elect him and listening to their views. He proves that this process can result in progressive programs responding to our grave urban problems. So-called middle America is not necessarily unsympathetic to "increased spending, open housing, urban renewal, handgun control, scattered site public housing, and other social measures." Al Hofstede, a leader in the best sense of that often misused word, is a credit to Minneapolis.

The article follows:

HOFSTEDE: LIBERAL IN TOUCH WITH THE PEOPLE

(By Joe Rigert)

The handwriting is clear; the message direct. "In this charity envelope a modest campaign donation of 25 pennies as I am kind of poor myself." Alderman Albert J. Hofstede of Minneapolis cherishes the letter as a reminder and a reassurance in these times of travail for elected officials caught between the conflicting pressures of urban needs and constituent reactions.

The letter has special meaning in both a personal and political sense, because Hofstede's 3rd Ward is a prototype of Middle America—that segment of society now supposedly most distrustful of government, concerned about taxes, upset over social change, anxious to preserve hard-won gains, and fearful of the upward and outward thrust of minorities.

The seeming paradox is that Hofstede was re-elected last year by a wide margin to represent this ward, and apparently continues to enjoy the kind of support typified in the letter, even while he has voted for spending programs, open housing, urban renewal, handgun-control, scattered-site public housing and other social measures presumably disfavored in such a constituency. Have the views of Middle America been misrepresented? Or is the 29-year-old alderman ahead of his constituents?

These questions are worth examining because they have major implications for whether political leaders can continue to move ahead in dealing with critical urban problems or must retrench in response to a mood of negativism. To answer the questions, it is necessary to look behind the labels and to review Hofstede's response as alderman.

It is necessary, first, to realize that the ward is no monolith. Hofstede counts 13 white European nationality groups, along with sizeable numbers of poor whites and Indians. Many of the residents fled oppression to come to America, built their own homes, churches and schools and maintain strong ties to their communities. They are blue-collar workers for the most part, unskilled or semiskilled, drawing modest wages. They are advancing in age.

"In one sense, it is a very beautiful community, because of the cross section," says Hofstede. "They still have the customs and songs. You have to attend their Easter ceremonies—it's all there. The foods. The Lebanese dinner. The Ukrainian Easter dinner. It's all different—it all has different meanings."

It is necessary, second, to recognize the full scope of attitudes in the ward. Hofstede describes his constituents as "very warm and friendly people," much smarter about issues than generally credited, rightly concerned about taxes and inflation, lacking a sense of participation in their government, inclined to want to hold back after the rapid change of recent years, ambiguous about race and poverty.

"These people have worked hard for what they have. It is difficult for them to understand why some people get something for nothing, as in welfare, or why they burn down buildings. And yet they understand, too. You can't tell me somebody who left the old country because his land was taken away, or who was in a concentration camp, or couldn't read certain books, when he sees what black people are going through can't understand it."

It is necessary, finally, to note Hofstede's premise that his constitutents are open to change if convinced of the facts. This was perhaps best illustrated in the early 1960s when Hofstede, then a college student, joined a Catholic priest and a few other residents in going door-to-door, setting up meetings and otherwise working to convince people of the need for an urban renewal project to revitalize the St. Anthony neighborhood. The project since has brought new homes, schools, highrises for the elderly, and stabilization for an area that was going downhill.

So, while renewal critics seek a referendum provision for future projects, Hofstede says, "I'm not scared of a vote, providing people know what they are voting on. I have a lot of trust in the people. They understand when an area is going down. They know when they need assistance."

This matter of "trust" crops up often in Hofstede's discussion of his relationship with constituents and in his explanation of why he feels he is able politically to vote the way he does on the broad urban issues. Hofstede says that he tries to develop that trust by listening to his people, putting himself in their position to understand their views, being honest with them and answering to their needs.

If the trust is there, he says, "I think people will respond to the positive approach. The main problem is that you equip people with enough information so they can make a decent decision. People want to do new things but they want to have a reason for it."

Hofstede stresses the need for a positive, progressive stance in government, in the best interests of his ward and the total city. "We are either moving forward or backward. There is no status quo. We have to keep moving ahead," he says.

Thus Hofstede talks of industrial development to bring jobs and a better tax base. He says it takes more money each year just to keep the city going—"we can't be afraid of that issue." He notes that every day of delay adds to the cost of a civic center. He says poverty will grow and engulf the city if the problem is ignored.

A strong desire to do "what is right" runs through the alderman's conversation. "I just believed in it," he said, explaining one controversial vote not calculated to win favor in his constituency. But Albert J. Hofstede, son of a truck driver from Holland, a college graduate and beneficiary of the progress he favors, also stays close to his people, partly through that letter and the 25 pennies he keeps on his desk. "When you deal with a $70-million budget, you get so enwrapped in this thing, you can begin to look upon people as a mass. You got to look at them as individuals."

JUDICIAL QUALIFICATIONS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ROYBAL. Mr. Speaker, I was deeply disappointed at the recent action of the California State Judicial Qualifications Commission in recommending a mere "public censure" as an appropriate penalty in the case of serious allegations of improper conduct and gross ethnic discrimination made against Judge Gerald S. Chargin of the superior court in Santa Clara County, Calif.

In view of the fact that the commission, itself, concluded that Judge Chargin's conduct "constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute," it is simply incomprehensible to me that the commission could recommend a penalty that can only be regarded as a light slap on the wrist for actions that amounted to both a serious matter of ethnic discrimination, and an effective denial of the equal protection of the law that our Constitution guarantees to all citizens.

I firmly believe that the commission's recommendation is a disservice to the cause of ethnic justice in America, for it must be made unmistakably clear to all that the kind of behavior displayed by Judge Chargin will not be tolerated in our courts.

In my opinion, Judge Chargin has disqualified himself from sitting in judgment on his fellow men, and, in the best interest of all concerned, should have the good sense to resign from the bench.

For, how can the law and the courts command respect when those who would assume the role of judge in our society and mete out punishment to violators of the law, have, themselves, no respect for the people they serve?

If Judge Chargin should fail to resign voluntarily, I strongly urge the California Supreme Court, which has authority to act in such cases, to reject the inadequate recommendation of the State judicial qualifications commission, and order the immediate removal of Judge Chargin from office as being clearly unfit to continue to serve in that capacity.

By way of background, Mr. Speaker, the allegations of misconduct on the

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bench arose as a result of statements made by Judge Chargin at a juvenile court hearing held in San Jose, Calif., on September 2, 1969.

According to the court reporter's official transcript of the hearing, which I have had an opportunity to review, Judge Chargin's remarks from the bench amounted to what can only be called an outrageous and insulting ethnic slur against the entire Mexican-American community in the United States.

I have communicated repeatedly to the chairman of the judicial qualifications commission to protest in the strongest terms possible the intemperate bigotry and bias shown by Judge Chargin, and to urge his immediate removal from judicial office as having disqualified himself from continuing to sit on the bench.

The inexcusable and offensive language used by Judge Chargin, which I will not dignify by repeating, is simply unacceptable to the people of our country, and has no place whatsoever in a civilized court of law.

His remarks attempt to perpetuate a profound misunderstanding about the Mexican-American community, its rich cultural heritage, its highest aspirations, and its many significant contributions to American life.

In my opinion, Judge Chargin stands convicted by his own words as clearly unfit to serve in any judicial capacity, and he should be removed from the bench forthwith.

For further background information on this important matter. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD at this point the following items: the text of a letter I wrote to the State judicial qualifications commission stating my firm position on the case; an editorial entitled, "A Judge Who Disgraced the Bench," which appeared in the Los Angeles Times; and excerpts from the commission's news release announcing its recommendation to the California Supreme Court, with relevant quotes from its official "Findings of Fact, Conclusions of Law, and Recommendation."

The material referred to, follows:

STATE JUDICIAL QUALIFICATIONS COMMISSION,
350 McCallister Street—Room 3041,
San Francisco, Calif.

GENTLEMEN: This letter is written to wholeheartedly endorse the action taken by the State Attorney General's Office in urging that a ruling be made as soon as possible on the case of Judge Gerald S. Chargin, who, while presiding at a Juvenile Court hearing in San Jose, took it upon himself to indict the entire Mexican American community by his very intemperate anti-Mexican remarks.

The bigotry and bias of the Judge is clearly evidenced by his language and is unjustified under any circumstances, especially so, coming from the bench. It is not only an affront and insult to persons of Mexican descent in both Mexico and the United States, but also regrettable that the Judge chose to present such an inaccurate and distorted picture of the Mexican American community.

The Los Angeles Times, in its strong editorial indictment of the Judge, has cogently expressed my own feelings in commenting that "Nothing can excuse language so harsh and so intemperate as to arouse an entire community to anger over such racial slurs. There can be no other conclusion than that Judge Chargin is not qualified to sit on the bench. He stands convicted by his own words."

Because I, too, feel that the Judge stands convicted by his extremely unethical deportment—and by his words has attempted to perpetuate profound misunderstanding about the Mexican American community, its culture, its aspirations and its contributions to the United States—his removal from the bench forthwith is required.

I firmly believe that this letter reflects the attitude of the Mexican American community with respect to this case.

Sincerely yours,

EDWARD R. ROYBAL,
Member of Congress.

[From the Los Angeles Times, Oct. 3, 1969]

A JUDGE WHO DISGRACED THE BENCH

"We ought to send you out of the country—send you back to Mexico . . . You ought to commit suicide."

"You are lower than animals and haven't the right to live in organized society—just miserable, lousy, rotten people."

"Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings."

Were these the mouthings of a lynch mob or the taunts of a racist sheriff?

No. They were uttered by the Honorable Gerald S. Chargin, a judge of the Superior Court of the State of California, presiding at a juvenile hearing in San Jose.

The outrageously intemperate language used by Judge Chargin clearly requires that he be removed from the bench.

Before the judge on September 2 was a 17-year-old Mexican American youth accused of incest involving his 15-year-old sister. He had originally pleaded innocent but reportedly changed his plea.

In his diatribe against the young defendant, Judge Chargin broadened his remarks, including this gratuitous reference to the sister: "Well, probably she will have half a dozen children and three or four marriages before she is 18."

The judge's indictment of "miserable, lousy, rotten people" led Dep. Public Defender Fred Lucero to object that "The court is indicting the whole Mexican group . . . What appalls me is that the court is saying that Hitler was right in genocide."

To which Judge Chargin replied: "What are we going to do with the mad dogs of our society?

"Either we have to kill them or send them to an institution or place them out of the hands of good people because that's the theory—one of the theories of punishment is if they get to the position that they want to act like mad dogs, then we have to separate them from society."

Although the judge told the defendant "You will probably end up in state's prison before you are 25, and that's where you belong anyhow," he finally ordered the youth released on probation.

Chargin excused his behavior by saying that "It is an accepted fact that these lectures are stated in harsh terms to impress upon the minds of the youth the seriousness of the situation in which they find themselves."

Nothing, however, can excuse language so harsh and so intemperate as to arouse an entire community to anger over such racial slurs.

The transcript of the Sept. 2 hearing has now been forwarded by the Attorney General's office to the Commission on Judicial Qualifications with a formal request to "expedite" an investigation.

There can be no other conclusion than that Judge Chargin is not qualified to sit on the bench. He stands convicted by his own words.

COMMISSION NEWS RELEASE

The Commission on Judicial Qualifications has unanimously recommended to the California Supreme Court that Superior Court Judge Gerald S. Chargin of San Jose be publicly censured for his remarks at a juvenile court hearing September 2, 1969. The Commission found the remarks were "improper and inexcusable. Taking the words at their ordinary meaning they were insulting to the minor's family, offensive to large segments of the public, and caused widespread expressions of deep concern about the impartial administration of justice in California. Whatever their purpose, a literal interpretation of the words was that the Respondent had feelings and attitude of ethnic bias." The Commission then concluded that Judge Chargin's conduct "constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute."

The judge has 30 days to petition the Supreme Court to reject the recommendation.

Along with its report to the Supreme Court the Commission filed the record of the proceedings beginning with the Notification of Charges dated December 18, 1969, and including the transcripts of hearings held February 9 and March 2, 1970 in San Francisco before Special Masters. The Commission employed San Francisco attorney, Burnham Enersen, as Special Counsel and Examiner. Enersen presented the case against the judge who was represented by San Francisco attorneys Gerald D. Marcus and Arthur T. Bridgett.

FINDINGS OF FACT

. . . . . . In the course of his remarks at said hearing, Respondent had several opportunities to qualify, retract or explain his remarks, in particular when the Public Defender remonstrated that Respondent was condoning genocide and was condemning Mexican Americans as a group. On each such occasion, Respondent persisted in his conduct . . . . . .

. . . . . . The remarks of the Respondent at said hearing were improper and inexcusable. Taking the words at their ordinary meaning they were insulting to the minor's family, offensive to large segments of the public, and caused widespread expressions of deep concern about the impartial administration of justice in California. Whatever their purpose, a literal interpretation of the words was that the Respondent had feelings and attitudes of ethnic bias.

CONCLUSIONS OF LAW

Judge Gerald S. Chargin's conduct of the Juvenile Court hearing on September 2, 1969 constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute . . . . . .

RECOMMENDATION

The Commission having found, and hereby concluding that the conduct of the Respondent as found in the Findings constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the Commission by virtue of the powers vested in it by Section 18 of Article VI of the California Constitution, hereby recommends to the Supreme Court of California that the Respondent, Gerald S. Chargin, be publicly censured.

PRIDE IN NORTH CAROLINA'S OLIVER

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. GALIFIANAKIS. Mr. Speaker, I would like to share with my colleagues today my pride in a young North Carolinian by the name of Oliver.

After attending the University of North Carolina, this talented Tar Heel made a nationwide impact through his

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recorded hits, "Good Morning Starshine," "Jean," and a host of others. It has been accurately reported that Oliver has become a household word with the "12 to 84 set."

Having firmly established himself in the entertainment world, this young man has now channeled his obvious appeal into another direction—that of drug abuse education. Oliver believes very strongly that the entertainer has a positive role to play in combating drug abuse. Accordingly, he has lent his full cooperation to the House Select Committee on Crime in its all-out effort to educate the general public—particularly young people—on the subject of drug abuse.

He recently accepted a bid from that committee to narrate a radio production entitled "Facts and Fables of Drug Abuse" which is currently being presented on North Carolina radio stations and other stations throughout the Nation.

The program's emphasis is on revealing the medical and social facts about drugs rather than on an overall condemnation of all drugs. It is believed to be the first such project ever undertaken by a congressional committee.

Acknowledging the attitude of many entertainers that cooperation with the Government is "selling out to the establishment," or the "square" approach, I think it is especially significant that Oliver has become the leader in his field in this effort and that he has done it successfully.

I believe that every citizen who has a sincere desire to alleviate the tragic problem of drug abuse has justifiable reason to share my pride in North Carolina's Oliver.

POPULAR SINGER JOINS FIGHT AGAINST DRUG ABUSE

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WIGGINS. Mr. Speaker, last April the House of Representatives created the Select Committee on Crime. Since that time the committee, under the able direction of our colleague, CLAUDE PEPPER, has investigated all aspects of crime in our Nation. As the members of the committee sorted through the various causes of crime, I believe most of us were shocked by the major impact that drug abuse has had on crime.

And we were also shocked by the spreading use of drugs by the young people of America—teenagers and preteenagers. In an effort to reach these young people with the facts which we learned during our committee hearings about the horrible problem of drugs, Chairman PEPPER authorized the committee staff to prepare and release a 30-minute radio show aimed at the youth of our country.

The radio show tape has now been released to stations around the country. As an indication of the show's acceptance and popularity, more than 400 stations have requested copies of the tape.

Much of the success of the show can be credited to a young singer and composer by the name of Oliver who narrates the program. Oliver is the first entertainer to join the committee in its search for popular personalities who are willing to speak out against the use of drugs.

The committee was most fortunate to have Oliver volunteer his services, because he can reach the young people. His first recording, "'Good Morning Starshine," was a million-dollar seller. His next release, "Jean," topped the hit lists for weeks. He is in constant demand for college concerts, and for guest spots on TV shows.

In short, he is an excellent entertainer who appeals to the youth of our country. And we are very pleased that he has been willing to use this position of respect to speak out against the use of drugs.

We certainly hope that more entertainers will follow Oliver's fine example.

APRIL 22 IS QUEEN ISABELLA'S BIRTHDAY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to announce today, April 22, is the 519th birthday of Queen Isabella of Spain and call this historic event to the attention of my colleagues and the American people.

Queen Isabella was a remarkably foresighted person for the time in which she lived. Without her encouragement and assistance, Christopher Columbus could not have set sail on his journey to the new world. We Americans owe a debt of gratitude to this extraordinary woman for her major part in the discovery of the new world.

It has been my honor to sponsor legislation which would authorize the President to proclaim the 22d day of each April as Queen Isabella Day. The Governors of 29 States have signed proclamations setting this date aside to honor Queen Isabella. This has been accomplished through the tireless efforts of John Paul Paine, president of the National Committee for a Queen Isabella Day. A list of these Governors and their States follows:

Albert Brewer, Alabama; Ronald Reagan, California; John Dempsey, Connecticut; Russell Peterson, Delaware; Claude Kirk, Jr., Florida; Lester Maddox, Georgia; Richard Ogilvie, Illinois; Edgar Whitcomb, Indiana; Robert Ray, Iowa; Robert Docking, Kansas; Louie Nunn, Kentucky; John McKeithen, Louisiana; Kenneth Curtis, Maine; Harold LeVander, Minnesota; Warren Hearnes, Missouri; Forrest Anderson, Montana; William Cahill, New Jersey; Nelson Rockefeller, New York; Robert Scott, North Carolina; William Gui, North Dakota; James Rhodes, Ohio; Dewey Bartlett, Oklahoma; Robert McNair, South Carolina; Frank Farrar, South Dakota; Preston Smith, Texas; Calvin Rampton, Utah; Deane Davis, Vermont; Linwood Holton, Virginia, and Warren Knowles, Wisconsin.

It is my hope that in the near future the U.S. Congress will take action on legislation remembering Queen Isabella, a farsighted queen and a courageous woman, who has benefited the lives of all of us citizens of the Americas.

The fine organization of Catholic women, "The Daughters of Isabella," in their good works, commemorate and honor Queen Isabella.

CREDIBILITY GAP IN CAMBODIA?

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. TIERNAN. Mr. Speaker, it was reported yesterday that the Nixon administration has agreed to supply several thousand automatic rifles to the Cambodian Government. These rifles are reportedly of Soviet design captured from Communist forces in South Vietnam.

My immediate reaction to this news, Mr. Speaker, was "Oh no, not again." We are told that this action is not to be construed as a commitment by the United States to meet requests for weapons on a large scale. But can we believe this? We do not even know the full story. Is the Nixon administration digging its own "credibility gap?"

Lloyd M. Rives, U.S. charge d'affaires in Pnompenh, was instructed to keep it a secret that these rifles would be supplied by us. In addition, Secretary of State Rogers just recently assured Senator FULBRIGHT that the Senate Foreign Relations Committee would be consulted before future aid was given to any Southeast Asian country. When the question was posed to Press Secretary Ronald Ziegler yesterday as to whether the administration would consult Congress, he replied, "This is a matter under study."

I submit to you, Mr. Speaker, and to my colleagues, that the consultation of the Congress should be automatic, not just "under study." There are too many unanswered questions concerning the extent of our involvement in Cambodia and Laos to allow the administration to have a free reign.

Yesterday was Earth Day, a time when we all committed ourselves to saving our environment so that our children could breath clean air and drink clean water. Was this only rhetoric, or are we truly ready to commit ourselves and our money toward this end? We are presently spending 20 times as much in Vietnam as we are to fight water pollution, and twice as much on a supersonic transport as we are to fight air pollution. Are we now to foresake a clean environment for Cambodia?

I am today introducing a resolution stating that it is the sense of the Congress that the President not only consult but get approval of Congress before any further steps are taken with regard to

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Cambodia. I urge the immediate adoption of this resolution, for we can wait no longer for unfulfilled assurances.

MONETARY REGULATIONS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WYMAN. Mr. Speaker, one of my constituents, Mr. Alden R. Wells, of Exeter, N.H., publishes the Alden R. Wells Monetary Report and the Alden R. Wells Quarterly. Mr. Wells is knowledgeable in monetary fields, and at his request I include in the RECORD at this point a petition by Mr. Wells calling upon the Congress to use its constitutional powers to alter its regulation of the monetary structure of this country.

Mr. Wells' concern is the evidence of depression based on deflation, a concern that troubles many citizens and the Congress as well.

The petition follows:

PETITION

In the interest of domestic tranquility, I, Alden R. Wells, of Exeter, New Hampshire, hereby petition Congress to use the powers to regulate the value of money granted it by the Constitution (Article I, Section 8) to change its regulations.

GOLD

When the United States Treasury agrees to sell gold to a foreign nation it is selling an asset and should correspondingly reduce its liabilities. Not only is this proper accounting, but it also conforms to reason. If private expenses, they are on the road to bankruptcy. Since no government can go bankrupt in the private sense, the effect of ignoring this rational practice is to change the value of money. When the United States sells gold it is selling a monetary asset and should use the proceeds to reduce a monetary liability—debt.

Correspondingly when the Treasury purchases gold it can quite properly increase its liabilities by increasing its debt.

When an agreement to sell gold is reached present regulations require that a check in an equivalent amount of dollars be deposited by the foreign government in the Federal Reserve Bank of New York. A check is then drawn on this deposit, delivered to the United States Treasury, and title to the gold is transferred. Regulations next require that the proceeds of this sale be given as a grant to the New York Reserve Bank to be distributed among all Reserve Banks. By this step the Treasury has been deprived of the ability to reduce its liabilities although it has sold an asset.

The Federal Reserve System has received the gift of a new asset. This new asset is used to buy United States Treasury debt in the open market. Because the Federal Reserve Bank's liabilities are unchanged by this transaction, it must cancel another asset. The asset it cancels is an old empty asset (gold certificates) without current meaning because Congress in the 1960's canceled gold certificate backing on bank deposits and currency. According to the New York Reserve Bank, in its pamphlet "Open Market Operations", the purchase by the Federal Reserve Bank of Treasury securities (Treasury debt) in the open market permits commercial banks to expand their demand deposits approximately 6.67 times the amount of the purchase.

Since $9,707 million gold has been sold under these regulations in the 1960's alone, commercial banks could add $64,745 million to their deposits and therefore their loans, and did so. All of this money was created out of thin air, no one worked for it, and consequently the value of money declined—or more popularly expressed, inflation occurred.

Present regulations require a reversal of these practices when the United States Treasury purchases gold. The money created out of thin air is withdrawn. On January 8, 1970, the Federal Reserve Bank gave its check of one billion dollars to the Treasury to enable it to pay for one billion dollars of gold it had purchased. The Federal Reserve Bank sold one billion dollars of Treasury securities to raise the funds to make the payment and thus canceled $6.67 billion potential commercial bank deposits with the stroke of a pen. Should Congressional regulations remain unchanged, the 1970's could produce as great an increase in the value of money—deflation—as they have already produced a decrease—inflation—in the 1960's.

CURRENCY

When the public purchases additional currency the government profits by the difference between the cost of making the currency and what it sells for. This profit is customarily called seigniorage. In the case of paper money the profit, of course, is much larger than in the case of coins. The issuance of currency is a liability to the government because if for any reason the public wishes to sell it back, the government must redeem it. Since the government has added to its monetary liabilities it should reduce another liability by acquiring and retiring an equivalent amount of debt.

Because Congress changed regulations, all paper money is now issued by the Federal Reserve System. Here too the Treasury has granted to the Federal Reserve Bank as a gift the seigniorage or profit. With this gift the Federal Reserve Bank purchases Treasury securities in the open market. These purchases, however, only replace deposits commercial banks lost when the public gave its checks in return for currency. Inflation thus becomes one for one rather than the 6.67 for one when gold is sold. Recently this gift to the Federal Reserve Bank has been running $2.5 billion to $3.0 billion per year. Altogether it totaled $47,472 million at the end of 1969. In the 1960's alone approximately $20 billion grants of this nature were made to the Federal Reserve Bank. Should the public require less currency in the 1970's, this inflation becomes deflation.

DOMESTIC TRANQUILLITY

These two grants by the United States Treasury to the Federal Reserve System totaled approximately $30 billion in the 1960's alone and caused a credit inflation of approximately $85 billion. Congress need look no further than this to find the chief cause of inflation in the 1960's. Already its regulation of money has begun a similar deflation in the 1970's.

Both common sense and common knowledge from today's observable events will affirm that changes in the value of money are unevenly distributed among the people. In an inflation the rich become richer and the weak—the poor, the aged, and the infirm—become poorer. Civil servants will even defy the Courts and the Law when inflation grows serious. When deflation occurs almost everyone suffers.

No one should be surprised that the inflation of the 1960's has caused the vigorous poor to act violently, nor many of the young to reject society and even resort to drugs. I have predicted these results as a consequence of the changing value of money under current Congressional regulation of its value. I have found that my objections to these regulations have been ignored because first prosperity based on this inflation occurred. Before we have a depression based on deflation, I petition Congress to change its regulation of money to conform to common sense, and to recapture from the Federal Reserve System the grants that have been made.

ALDEN R. WELLS.

EXETER, N.H.

SECRETARY CHAFEE CHALLENGES JACKSONVILLE UNIVERSITY GRADUATES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BENNETT. Mr. Speaker, the Secretary of the Navy, John H. Chafee, former Governor of Rhode Island, spoke Sunday, April 19, 1970, to the 337 graduating seniors at Jacksonville University in Jacksonville, Fla. He received the honorary degree of doctor of laws in an impressive ceremony which I attended.

Secretary Chafee made a stirring and challenging speech to the graduates of the independent university located on the banks of the St. Johns River.

He asked the seniors: "Can we make modern civilization work?" The Secretary said that this generation could, if we can find peace in the world, and preserve our environment in a state that can be enjoyed by all.

I commend Secretary Chafee's speech to Members of the House of Representatives and insert an article reporting on the speech which was printed in the Florida Times-Union and Jacksonville Journal, April 20, 1970:

[From the Florida Times-Union, Apr. 20, 1970]

NAVY CHIEF ADDRESSES GRADUATES

(By Ron Sercombe)

Members of the graduating class of 1970 at Jacksonville University, 337 strong, face two great challenges, Secretary of the Navy John H. Chafee believes.

Secretary Chafee, who delivered the principal address at commencement exercises Sunday afternoon on the university campus was awarded an honorary doctor of laws degree by the university's president, Robert H. Spiro, during the ceremony.

"One of your challenges will be our international relations," Secretary Chafee said. "Resistance of the temptation to shrink within a 'Fortress America' will be one of the major challenges you will encounter continuously.

[From the Jacksonville Journal, Apr. 20, 1970]

CHALLENGES CITED TO JU GRADUATES

(By Jim Davis)

The only way to meet the challenges of the future is to stand up and be counted, graduating seniors at Jacksonville University were told.

"May you always have the courage . . . to be vigorous, forthright position-takers in this era of mass conformity when the vice of unconcern is too often called the virtue of tolerance," Secretary of the Navy John H. Chafee told the 337 seniors, largest graduating class in JU history.

Speaking at the first of two commencement ceremonies scheduled this year, Chafee said there are two great challenges facing the youth of America today.

One of the gravest dangers, Chafee said, is a growing demand for isolationism.

Americans must resist "the temptation to shrink within a 'Fortress America,'" Chafee said.

"From all corners of this country," said the secretary, "will arise in ever stronger tones the tempting siren song—'cancel all these international commitments, let those foreign nations take care of themselves . . . stop the aid to foreign countries which is spending us into bankruptcy.'"

"It will be an appeal to retreat within our own borders and let the rest of the world go by while we tend to things that count, such as improving our cities, schools, lakes and rivers."

But, Chafee said, "if Americans value their freedoms, if they are serious about preventing nuclear wars and establishing peace, it may be necessary to bear more than their share of the burden."

"But if we value the rights we call freedoms, if we are serious about preventing nuclear wars, if we want peace for ourselves and the world—then we must bear our share of the burden—the burden of aid to foreign nations, of the maintenance of a well-trained and well-equipped military establishment, of preparedness to honor our commitments.

"The other major challenge is a national problem.

"Can we, as a people with a population continuously growing, work out a mode of living that will permit us to keep our material gains, while simultaneously preserving our individual freedoms and the environment around us?

"Can we cram more and more people into megalopolis, continue to improve our standard of living with more and more waste per person, more automobiles, more liberties—and still, with all this, preserve our natural beauties, wildlife, unspoiled beaches—a place to get away from it all?

"In other words, can we make modern civilization work?

"If we can, we will have set a standard that will provide encouragement and direction for the rest of the world.

"If we can't, adjustments will have to be made—adjustments that will not necessarily curtail our liberties or reduce our material benefits.

"It seems to me that both of these challenges are filled with excitement and opportunities which will call forth the very best in each of you."

Sunday's commencement was Jacksonville University's largest.

Distinguished graduating seniors received their share of honors.

Miss Frances "Terry" Hockett, who has served the University in many of its highest elective and appointive student offices, received the University Council President's Cup for outstanding leadership.

An accounting major, Miss Hockett is the daughter of Mrs. Belvia T. Spradley, 3903 Lane Ave., So. The cup was presented to her by Maloy Ray Rash Jr., vice president of the council, in the absence of Edward G. Ballance, president.

The cup is awarded annually and the name of the winner is placed on a plaque in the University Council Building.

Vincent Anthony Spagna, a 21-year-old biology major, was awarded the University Gold Medal for Scholarship, graduating summa cum laude with a 3.984 overall academic average out of a possible 4.0.

He is the son of Dr. and Mrs. Angelo Spagna of Brooklyn, N.Y. This gold medal is awarded annually by Fred B. Noble, honorary chairman of the board of trustees, to the senior who has earned the highest scholastic average. The recipient must have been enrolled in the university for at least 96 semester hours.

The exercises, held under blue skies and hot sunshine, opened with an organ prelude by Oliver Henry Douberly, followed by the academic procession with music by the Jacksonville University Chorus, directed by C. Edward Bryan. The invocation was read by University Chaplain Marvin Whiting and opening remarks were made by President Spiro.

Degrees were conferred by President Spiro. Farewell remarks were made by William Patrick Dostaler, president of the graduating class.

"The burden must be borne—of aid to foreign nations, of maintenance of well-trained and well-equipped military establishment, of preparedness to honor commitments," he said, but added that "the dollars do go out with a continuing and annoying regularity."

The other major challenge is a national problem, according to Chafee.

"Can we as a people, with a continuously growing population, work out a mode of living that will permit us to keep our material gains, while simultaneously preserving our individual freedoms and the environment?" Chafee asked.

The secretary said if Americans can meet the second challenge, they will have "set a standard that will provide encouragement and direction for the rest of the world."

But if Americans fail, warned Chafee, the adjustments "will entail the curtailing of our liberties, not a reduction in the material benefits that modern civilization provides."

Persistence and a willingness to be counted as individuals, Chafee told the graduates, is what is needed to meet the tests the future will hold.

Among graduating seniors honored was Miss Frances (Terry) Hockett of 3903 Lane Ave., who received the University Council President's Cup for outstanding leadership. She held several of the university's highest elective and appointive student offices.

Vincent Anthony Spagna, 21-year-old biology major, won the University Gold Medal for Scholarship, graduating summa cum laude with a 3.984 overall academic average out of a possible 4.0.

Spagna is the son of Dr. and Mrs. Angelo Spagna of Brooklyn, N.Y.

In addition to Spagna, four other students were graduated summa cum laude yesterday: Cecelia Gloria Brown, Mary Todd Larsen, Carol Miller Williams and Betty Ann Duer.

Thirteen were graduated magna cum laude: Diane Warner Hansen, Sherrill Marie Hitzing, Linda Jo Landis, Nan Susan Rahne, Elaine Reiner Weignacht, Arnold Richardson Woolverton, James Norman Hester, Jay Henry Menna, Philip Wayne Sloan, Cynthia Lambert Haimowitz, Karen Lee Goff, Kathryn Lois Morrow Shanks and Roman Gary Shultis.

Fourteen graduated cum laude: Margery Rae Brady, Mark Weston Draud, Burnis Eugene Harnage, Patricia Anne Jones, Joan Emily Mertens, Bobbie H. Prevatt, Richard James Singletary, Karen Claire Smith, Sharon Banning Stanley, Joseph Jack Abid, Cheryl Ann Aldridge, Patricia Ann Bartle, Elizabeth Lovejoy Dershimer and Faye East Fowler.

AMERICA'S EXHIBIT AT THE WORLD'S FAIR

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. HALL. Mr. Speaker, at the request of former Congressman O. K. Armstrong I would like to place in the RECORD at this time a letter he sent me from Osaka, Japan, describing his observations of the U.S. exhibit at the World's Fair. I think this body will find them informative and interesting.

I include the letter at this point for insertion in the RECORD:

OSAKA, JAPAN,
March 27, 1970.

DEAR CONGRESSMAN HALL: Since you were kind enough to request that I give you a report on the American pavilion and its exhibits, I am doing so at my earliest possible moment. I am sorry to be so critical, but honesty impels me to be frank about our participation in this, the first world's fair in Asia:

The theme of this Expo '70, this first world's fair in Asia, is "Progress and Harmony for Mankind." I have seen many of the exhibits in the national pavilions that show this theme—in flashing motion and in brilliant colors, and by every type of modern display.

But not in the United States pavilion. With a few exceptions, the American exhibits are about as modern and attractive, about as animated, as the wooden Indian prominently displayed holding the traditional cigars in his hand—a throwback to the mid-19th century, and an insult to every Indian in the U.S. today.

Progress and harmony in the United States would need to show the development of such great factors as industry, agriculture, transportation, communications. Instead, you've got a major section on "folk art." It contains a big collection of old weathervanes, which tell no more the story of American progress than a collection of old and discarded buggy whips.

Religion? Certainly, that's an important item in progress and harmony in American life. I expected that the great religious faiths, Catholic, Protestant, and Jewish, along with something that indicated freedom of worship, would be displayed. Instead, what do we find? Fifty feet of valuable prime space taken up with the exhibit of the "Shakers," a radical sect that was firmly opposed to all progress, whether material or spiritual. The Shakers refused to conform to the laws and the customs of their communities. They created disharmony, split families apart, and raised havoc generally among their neighbors. So they get an exhibit, showing an old rope bed and an iron stove. The Japanese visitors to our exhibit may well wonder if this shows how rural American families live today, for they can't take time to read how the Shakers became "extinct."

There is a photo of the traditional white church building, presumably in New England, but with the identification blurred out, and no signs of life. No minister, no congregation. There could have been some indication of the influence of religion on American life and harmony such as the visit of the Pope, Billy Graham preaching, a Jewish rabbi. But not in our exhibit.

On the plus side, two exhibits are outstanding: The astronauts with their rock from the moon, and the sports exhibit. I was informed by many observers that at least half the crowds that throng the entrance and extend back for hundreds of yards waiting to get in, want to see the moon rock and the paraphernalia of our astronauts. This exhibit is superb. The old portraits of George Washington and other famous Americans are worthy.

So also is the sports exhibit, made up of many items used by famous sportsmen, such as uniforms, bats, balls, glove, golf club, and so on. There are some good enlarged photos of such sports figures as Walter Johnson, Bobby Jones, Babe Ruth, Jim Thorpe. Only criticism here might be that the identifications are in a type too small to be seen and understood readily.

There is a major exhibit of photography, and the pictures are excellent, so far as the craftsmanship is concerned. The Japanese appreciate good photography, of course. But what do the photos prove? The theme of progress and harmony simply is not there. One photo shows a young woman out for a stroll

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dressed only in her shorts, with bare breasts. We assume that the Japanese interpret that as "typically American."

Best of the collection, in my opinion, are the pictures that show American homes, mostly in rural and small-town settings. But where are the people? There are no signs of life.

There are photos of Negroes. They are all "still life." Four young people lounging around on a mattress on the floor. The shabby interior of a Negro home, with the American flag used as a drape for the picture of a former President—as though the typical American Negro does not know that you don't use our flag for a decoration of any kind.

What a chance it would be to show the progress and harmony of racial integration in the United States! A Negro nurse working in a hospital with white nurses; children of both races on a school ground; integrated teams of construction workers—such would have truthfully depicted progress and harmony in American life.

The theme of Expo '70 could have been presented in the American pavilion by our progress in aviation, first with a big picture of the flight of the Wright brothers at Kitty Hawk; then Lindbergh on the way to Paris in 1927; then other notable achievements in flying; the big 747 jets, leading up to our excellent exhibit of the astronauts. That would mean something.

Farming? There's a big photo of a barren, rocky hillside. Where are the "amber waves of grain" in the plains states, the cornfields of Iowa and Illinois, the cattle in the western feedlots, the citrus trees of Florida and the vineyards of California?

American industry? What could not have been shown by the greatest industrial nation on earth? What a chance to show progress of the American Indians, by depicting their recent establishing of industrial plants on their reservations to create jobs and payrolls.

As for the progress and harmony brought to mankind through the American automobile, why not show one of Henry Ford's early cars, followed by later models of many makes, down to the sleek, modern autos? Instead we have in our pavilion a Stutz "Bearcat" of 1930, a German car and so expensive that only a few in a million could own one; and a freak auto made from a bathtub!

At the end of the line of exhibits are two grotesque items: In a darkened area you are supposed to stand still and gaze at the wall. Soon you'll see a blazing flash of light behind one of the panels. If you gaze long enough, I was told, you'd get some sort of color reaction in your eyes. Next you enter an even darker room, and if you stand on a certain spot, you are told, you can even see your reflection.

Trouble with the whole exhibit is that people do not have time to stop and read the small type, in English and Japanese, that explains each exhibit. Most of the visitors are Japanese, and generally they come in large groups, following closely together. Most of the people scarcely slow down until they get to the sports and astronauts exhibits.

In contrast, the exhibits of many other countries put us to shame. The pavilion of Great Britain glows with modern life. So does that of Canada, and you can add that of the Republic of China as outstanding. The long queues of people waiting to get into our American pavilion often are in line for two hours. Canada has a stage where they entertain their visitors waiting to get in, with music, skating, and other fun. We could at least do something like that for our patient spectators.

I feel that our pavilion could be quickly improved, and by volunteers from American industry, agriculture, and so on, to replace some of our absurd items—such as the "extinct" Shakers, the wooden Indian, a lot of the "folk art," and the last two darkened rooms.

I voiced my criticisms of some of the exhibits I have mentioned here, to one of our officials. He replied: "But we were not supposed to show the *best* in American life."

So far as I am concerned, the best in American life is nothing to be ashamed of. It would fit beautifully into a world exposition of 1970.

O. K. Armstrong.

EARTH DAY—A VINEYARD VIEW

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. KEITH. Mr. Speaker, yesterday was Earth Day, as nobody needs to be told, and all across the country people were meeting and speaking and listening and acting on the pollution problem man finds himself faced with.

Given time, Earth Day may well become an institution in America—and well it should. For it expresses one of the most basic human feelings—the love of nature, and the need to live in harmony with it.

Henry Beetle Hough, who is something of an institution himself, has taken his usual experienced and insightful look at this situation, and has found it good.

So for those who love nature, and who love the English language, I take pleasure in introducing into the Record the Vineyard Gazette's view of Earth Day. I think my colleagues will agree that, as usual, Mr. Hough is again both readable and right.

The item follows:

Earth Day

What a good word "earth" is! Its quality and meaning are so basic, universal, and indivisible that the word itself in a spring month such as this can carry the outdoor smell of newly thawed soil into the recesses both of closed houses and closed hearts.

Earth Day is well named. This is the informal and living, the fragrant and eternal term applied to the National Environmental Teach-In scheduled for Wednesday, April 22. The special day will be only the central focus of a full month of conferences, displays, demonstrations, and educational projects. The co-sponsors and co-chairmen of the Teach-In are Sen. Gaylord Nelson of Wisconsin, a Democrat, and Rep. Paul N. McCloskey of California, a Republican. The prospect is that as many as 2,000 colleges and universities and 4,000 public schools will hold Earth Day observances.

Meantime, so quietly, so effectively and without the usual hurrahs and procedures, that it seems the result of spontaneous generation, the Vineyard Environmental Action group is already at work. The group is made up of young people, and, so far as one can learn, eager and informed young people.

Do they have any hippies in their membership? They can at least reply that they have no stuffed shirts, and maybe that exchange is a fair stand-off. The relevant fact is that the urgency of environmental restoration and protection has found initiative and a will to action among young people of Martha's Vineyard.

They are to have a Clean Earth Walk from Vineyard Haven to Oak Bluffs to Edgartown, including the state beach, on April 25, "to pick up litter and demonstrate that man is still capable of locomotion without the internal combustion engine." They also have work projects related to conservation and in particular to the checking of erosion.

"This earth, a spot, a grain, an atom," John Milton wrote in Paradise Lost. We are learning its smallness as well as its greatness, the fact that it can be spoiled, and the fact that it is all we have.

IN SUPPORT OF POW'S

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DANIEL of Virginia. Mr. Speaker, on May 1 there will again be a "demonstration" in Washington. But, unlike others before it, this gathering of Americans will be unusual in its mood, for it will assemble in support of our American soldiers in Vietnam, rather than against them. On that date, citizens will fill Constitution Hall to honor publicly and pay tribute to those American soldiers held prisoner of war or missing in action in Southeast Asia. In the true American spirit, the participants in the May 1 rally will demonstrate to the wives and other relatives of these men that Americans do care, and show the North Vietnamese and the Vietcong that their conduct toward the men they hold is not condoned by the American public.

Senator Bob Dole of Kansas, who has secured the aid of a 12-man congressional committee, has been instrumental in and "the moving force" behind the organization of this project. Also, Senator Dole is coordinating plans for the event with the National League of Families of American Prisoners in Southeast Asia, with veterans' organizations and with interested private citizens, such as H. Ross Perot, the Texas industrialist whose humanitarian and colossal efforts to achieve the release of these Americans is well known.

I have joined with Senator Dole in promoting this national day of tribute to these deserving Americans who are giving unselfishly of themselves for the preservation of freedom which every true American holds dear. The plight of the POW's and the MIA's is surely one issue on which all Americans should unite, regardless of political persuasion or ideological bent. This is not a partisan matter, for an American soldier in a Communist prison camp languishing in the jungles thousands of miles away is not the responsibility of any one political party or philosophy. He is the concern and responsibility of every U.S. citizen—and indeed of free men anywhere in the world today. He is part of that brotherhood of mankind which unites people of nations all over the globe dedicated to a high standard of human dignity.

It is my fervent hope that public outrage in every peace-loving nation of the world will reach a crescendo of such magnitude that Hanoi adheres to the humane treatment specified for prisoners of war in the Geneva Convention.

Yet, there is another cruel aspect of

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this issue which the North Vietnamese and the Viet Cong could so easily eliminate by simply releasing information regarding the status of these soldiers. Our cold, calculating enemies are extending their inhumanity to our very shores, for they are toying with the minds of the families of their prisoners. Unfortunately, they are finding it easy and effective to use American citizens sympathetic to their objectives against fellow Americans.

Hanoi must release the names and conditions of the more than 1,450 U.S. servicemen believed held by their forces. The most elemental standards of human decency demand an end to their inhumanity to these men and to their loved ones in the United States. Surely it is not too much to request that they provide an answer for the families of these missing American soldiers who plead repeatedly, "Is he dead or alive?"

THE 519TH ANNIVERSARY OF THE BIRTH OF QUEEN ISABELLA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. YATRON. Mr. Speaker, April 22 marked the 519th anniversary of the birth of Isabella, Queen of Castile and Aragon, who provided moral and financial support for Columbus' expedition to the New World.

At a time when we in Congress are debating the question of manned space exploration, we would do well to recall Queen Isabella's courage and foresight.

The mayor of Reading, Pa., the Honorable Victor R. H. Yarnell, recently issued a proclamation on this subject. I, therefore, insert Mayor Yarnell's proclamation in the RECORD at this point:

PROCLAMATION

Whereas, April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for her clear intellect, energy, virtue and patriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration.

Now, therefore, I, Victor R. H. Yarnell, Mayor of the City of Reading, do hereby proclaim April 22, 1970 as Queen Isabella Day in the City of Reading and urge that all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

In witness whereof, I have hereunto set my hand and caused to be affixed the Seal of the City Reading, Pennsylvania.

VICTOR R. H. YARNELL,
Mayor.

THE RETURN OF L. B. J.

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Life magazine, in its current issue, has an outstanding article on a return visit by former President Johnson to Washington.

This is an excellent article, beautifully written by one of the Nation's best wordsmiths, Hugh Sidey.

Because of its interest to my colleagues and the American people, I include the article in the RECORD:

THE PRESIDENCY: THE RETURN OF L. B. J.

(By Hugh Sidey)

As dawn broke on one of those frantic journeys by Lyndon Johnson to the remote parts of Asia several years ago, a group of reporters in a state of total exhaustion encountered Press Secretary George Christian. With what strength they had left they expressed themselves forcefully about the whole mad mission and its leader, the President of the United States. Christian, who was then 40 going on 80, looked back through his own bleary eyes and said very quietly, "When he's gone, you guys are going to miss him."

L.B.J. came back to Washington for a visit the other day and maybe it was just to prove Christian's point. A casual observer of the scene during the week he was here might have wondered just who was President anyway. The papers ran more pictures of him than they did of Nixon. Johnson saw more important men and was quoted at greater length in and out of print than the resident Chief Execuive. L.B.J. attended an East Room worship service, had breakfast with Nixon, wandered through the new White House press room casting a skeptical eye on the lush fittings given to those with whom he contended so long, lunched with Secretary of State William Rogers, met with friends from the Senate, walked out onto the floor of the House for handshakes with everybody from pages to Speaker.

The old issues that tormented Johnson's Presidency are of course still matters of bitter debate, but for the time they were put aside. When Lyndon Johnson is taken simply as a man, he is still one of the natural wonders of the world. There cannot be another who was so violently shaped by the conflicting forces that have marked our society in this century. He grew out of the lingering frontier, was thrust into leadership of an urban society, witnessed or participated in more of the nation's history of the past 40 years than any other living man, and accomplished it all with energy of a tornado.

That appealing humaneness came back to the city with him. He arrived like a sultan—limousines, Secret Service agents, aides and secretaries. His suite at the Madison Hotel jangled and clanged and men rushed with whispered, ordered and fretted. The former President brought with him the manuscript of his first presiedntial book. Summoning the pages as if they were a national treasure his former aides and friends, he produced the pages as if they were a national treasure to be savored and of course praised, maybe even corrected. The Washington *Post's* publisher, Katherine Graham, asked him to dinner and the old antagonisms were swept away. For half an hour he huddled in the corner with her son Don Graham, a District of Columbia policeman, asking the young man all about his experiences on the beat, reminiscing about the night Don's father, the late Phil Graham took the 12-year-old boy to visit the Senate when Johnson was majority leader. "That night we ruled the world," L. B. J. chortled.

For four and a half hours he debated with the *Post's* editors about Vietnam, supporting his version by quoting documents, phone calls, conversations with the gusto of an automobile salesman. Summoning the hard core White House correspondents who had followed him for those five White House years, he sat three and a half hours on a sofa in the home of Leonard Marks, former USIA head. The old stories poured out and it was as if he had never yielded the power. There he was again with Kennedy, Ike, McNamara, Rusk, Clifford and the rest. He waved his arms and thumped his listeners, stuck his nose in their faces, laughed and needled. He was "mashing buttons" and sending aircraft carriers and passing bills and still, even in retrospect, he was baffled by his inability to communicate. And as he talked there was the sound and substance of Texas, of land and the small people, the ones he never forgot even in his days of power and wealth and glory. He told how Judge Moursund still refused to be interviewed and how his Austin friends couldn't get a nursing home built even though he offered help from the White House at the last minute. There were more cowboys and small-town merchants and schoolteachers in his conversation than kings and premiers.

While he talked somebody handed him a note and he leaped up to go to the phone as if it were Kosygin on the hot line again. One night he spent half an hour in a corner with Abe Fortas, the two of them rocking with laughter. He conversed for long serious minutes with General Maxwell Taylor, one of his Vietnam advisers. At the home of his former aide Jack Valenti he scooped up Valenti's daughter Courtney, now 6, who squealed just the way she used to, "Oh, there's the Press." A friend went to the Madison and bumped into Johnson thumping down the hall in his pajamas, people scurrying for cover, gawking.

When the evenings got late, Lady Bird would tug at his elbow as she used to and he would ignore her. She would say "Dahlin', it's time to go," and he would say, expansively, "Anybody who wants to leave, can," and order another cup of Sanka.

He tried to convince his listeners that his hair was long in the back simply because he lived 65 miles from a barber and "I can cut it a little up front but I can't see the back."

His cronies gave him plenty of chances to lambaste Nixon but he refused. Somebody wondered if he would have been startled when he was in the Senate by a vote like that for Supreme Court nominee Harrold Carswell. He smiled thinly and changed the subject.

When they asked if he missed Washington and all its people and power and reporters, he looked them in the eye and winked and said, "Yes, but some of it I miss so nice."

Okay, George Christian, wherever you are. You were right. We miss him.

LAKE ERIE IS NOT DEAD

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. GOODLING. Mr. Speaker, human beings have a tendency to exaggerate situations, and this perhaps ties in with the ingenuity that humans have for creativity.

We should caution, however, against letting our imagination run away with itself, for it can cause a cloud to fall on

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reality. In such an instance this would interfere with an accurate appraisal of a condition and interfere with its practical consideration.

A case in point is the pollution status of Lake Erie. Mr. Robert J. Bielo, executive director of the Pennsylvania Fish Commission, wrote an article on this subject which appeared in the November 1969, issue of the Pennsylvania Angler magazine. Because this article strives to bring the pollution situation into proper perspective, I insert it in the RECORD and call it to the attention of my colleagues:

LAKE ERIE IS NOT DEAD

A few weeks ago the National Broadcasting Company produced a television program entitled, "Who Killed Lake Erie." Scenes of undescribable filth involving domestic sewage, industrial wastes, trash, rubbish and oil and even a burning river highlighted the story.

The program title implies Lake Erie is dead and presumably those responsible for the condition of pollution shown in the film were its killers.

Actually, Lake Erie isn't dead! In fact it is far from dead and may be emerging once again as an exciting fish producer. This does not change the fact that several million Americans have made a good try at killing this extremely productive lake. Fortunately "killing" a great lake isn't easy and in spite of man's activities the lake has persisted as an important commercial fishing and recreation attraction.

It is pleasing that Pennsylvania is far ahead of Michigan, Ohio, New York and Ontario in cleanup efforts. It now remains for these other shareholders of Lake Erie to add emphasis to their pollution abatement programs and speed the recovery of this lake.

Evidence that Lake Erie is not dead is readily available to anyone who is truly interested in the subject. One of the most obvious forms of this evidence is the abundance of fish life in the lake. Certainly pollution and quite possibly overfishing years ago led to the decline of the famous blue pike and the white fish.

The loss of these extremely valuable species cannot be minimized. Whether or not conditions in the lake will ever again support abundant or even modest populations of these fish only future generations will known. It is tragic but typical that we must destroy natural resources before we truly recognize their value.

Fortunately nature is extremely resilient and Lake Erie is still very much alive and highly productive. Smelt, yellow perch and sheephead have become more abundant in recent years. None of these fish are as desirable as the lost white fish and blue pike, however, their increasing abundance clearly points to a natural shift to accommodate changing environmental conditions within the lake.

The recently introduced coho salmon have for the moment shown great promise as an exciting sport fish that can thrive in Lake Erie. Early returns seem promising and coho fever will no doubt grow as the number of these fighting silver beauties introduced into the lake is increased.

Actually the most important job the coho can do for Lake Erie is to help keep alive public interest in the quality of this lake. Now, while coho fever is high and while public concern for the preservation of our environment runs high, is the time to press for an all out effort to control and abate pollution of this vitally important water resource.

Most of us find little difficulty in recommending the other guy—namely industry—get busy and clean up. Sadly it is a far different story when we personally have to shell out for new and improved sewage treatment plants to handle our own wastes.

Other than a few isolated cases, everyone who isn't on an effective and updated sewage collection and treatment system is a polluter. Now is the time to see if you qualify as a polluter. If so there is no better time than now to get your name and your communities' name off the "polluter" list!

THE LONG, LONG WAIT OF CHIANG KAI-SHEK

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BERRY. Mr. Speaker, under leave to extend my remarks, I insert in the RECORD an article from the September 17, 1969, Christian Science Monitor:

[From the Christian Science Monitor, Sept. 17, 1969]

THE LONG, LONG WAIT OF CHIANG KAI-SHEK

(By John Hughes)

TAIPEI, TAIWAN.—Bobbing a hundred miles off the coast of mainland China, Taiwan is a poignant reminder of American obligations in Asia. It is a reminder that, though the Vietnam war will end, United States commitments in Asia will not.

Twenty years ago, the bedraggled remnants of the Chinese Nationalist Army forsook the mainland in the face of a continuing Communist onslaught and sought sanctuary on this island, about the size of Massachusetts and Connecticut combined.

Though the prospect of Nationalist divisions storming back onto the mainland is hardly worth considering, Generalissimo Chiang Kai-shek's elderly regime has used its time in exile to turn Taiwan into a showcase of prosperity.

With an annual growth rate of around 10 percent, Taiwan's economy is one of the most prosperous in Asia. So well has it done, that the United States has long since halted economic aid. Foreign investors stream in. Though its population is only 14 million, Taiwan has built its foreign trade to half that of Communist China, despite the mainland's population of more than 700 million.

For security, however, the Chinese Nationalists are dependent upon the United States. Experts say their armed forces of some 600,000 men, currently being modernized and streamlined, would put up a good show against a conventional invasion. But it is the Americans they count on to shield them from Communist China's nuclear-strike capacity.

If the United States is not to abandon its commitment to the Nationalists, the problem of Taiwan will be one of the most vexing for American statecraft and conscience as the Nixon administration gropes for some better understanding with Peking.

COMMITMENT SPELLED OUT

The commitment is no vague one. It is spelled out by written treaty which obliges the United States to come to Taiwan's aid in the event of "armed attack." The treaty is bolstered by a 1955 resolution from the United States Congress authorizing the use of American forces for the "securing and protecting" of Taiwan.

Though the commitment is a firm one, it has not been translated into a massive American military presence on Taiwan.

At least one American picket ship is always on patrol in the Taiwan Strait, between the mainland and Taiwan. But stationed on the island are only 1,000 American Army and 800 Navy personnel. Most of them are advising and training Nationalist China's 400,000-strong Army, and its Navy of ships up to destroyer size.

The bulk of American servicemen on Taiwan are Air Force personnel, numbering around 7,000. Some are training the Chinese Nationalist Air Force, which has been American-equipped with F–100's, F–104's, and F–5A's. But most are involved with Air Force supply operations from bases on Taiwan for the Vietnam war.

When the war ends, many of the Air Force men will leave. Taiwan will also lose its lucrative rest-and-recreation business from Vietnam, whose GIs rate the island more attractive than Japan for their five-day leaves.

But the advisory and training role of the American military mission will presumably go on. Staying on, too, will be the United States Taiwan Defense Command. This is the contingency-planning organization, staffed by some 170 American military men, which, in the event of trouble, would become operational and summon up American ships and planes to Taiwan's defense.

RIPPLES OF ANXIETY

Of late, though, the American commitment is spelled out by treaty, and the command structure for American military assistance is installed, there have been ripples of anxiety through the Chinese Nationalist Government.

On Vietnam, the government's position is one of some ambivalence. On the one hand, American prosecution of the war fits neatly into the pattern of Nationalist leader Chiang Kai-shek's own strident anticommunism. But on the other hand, the principal enemy for the Nationalists is not Hanoi, but Peking. Though they are sophisticated enough to know that it is unlikely to happen, it is toward Peking that they would like to see American militancy directed.

Thus, though the Nationalists are wary of any sellout in Vietnam, President Nixon's decision to start withdrawing American troops has been received here with relative equanimity.

But there is far less equanimity about talk of an American military cutback in such countries as Thailand and the Philippines, and specifically at American air bases in Japan and Okinawa, the latter the nearest that could give aid to Taiwan if trouble should erupt.

Says one government official: "The fate of Okinawa is in doubt, and nobody knows what's going to happen in Japan after the Sato government. If the Americans give back Okinawa to the Japanese, and if the Japanese impose the same restrictions on American bases in Okinawa as they have in Japan, we'll have lost our defense against [Communist] China." (The United States is barred from storing nuclear weapons at Japanese bases and cannot fly combat missions without Japanese approval.)

Warns Yu Ta-wei, Harvard educated and a former defense minister and ordnance expert:

"If the Americans pull back their nuclear bombers from Okinawa to Guam, they'll be 1,400 miles further away. That spells defeat."

SECURITY EMPHASIZED

Thus the Chinese Nationalists are concerned about any American military cutback in the area which would reduce security on their flanks and make them more vulnerable to attack from Communist China, which still trumpets its intention of "liberating" Taiwan.

Parallel to this runs Nationalist anxiety over the prospect of changing American attitudes toward the Chinese Communists. Every time President Nixon or Secretary of State William P. Rogers expresses the desire for better relations with Peking, the political seismograph in Taipei registers a minor

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earthquake. The decisions by Canada and Italy to recognize Communist China heighten Nationalist apprehension.

Yet there is considerable confidence that President Nixon, despite his pronounced desire for better relations with Peking, will not sell the Nationalists short. Mr. Nixon has been a favorte here since his militant defense of Quemoy and Matsu in the television debates which took place during his 1960 campaign for the presidency against John F. Kennedy. Quemoy and Matsu are the Nationalist-held islands just a mile-and-a-half off the coast of mainland China, opposite Amoy.

Mr. Nixon's image remains that of a staunch anti-Communist, and the belief is that he will not abandon Taiwan—the price Peking has set—in return for more cordial relations between the United States and mainland China.

Mr. Nixon has visited Taiwan seven times. Says one top Nationalist official:

"We think he understands us better than any American president before him. We know him as a friend. And he's done nothing since assuming office to suggest he has become any less of a friend."

SYMPATHY "COUNTED ON"

The Nationalists also count on the sympathy of the American military establishment. Says Vice-Adm. John L. Chew, chief of the United States Taiwan Defense Command: "I'm personally opposed to recognition of Communist China. I consider it inimical to our defense interests in Southeast Asia."

The other factor from which the Nationalists draw reassurance is the Chinese Communists' lack of response to American overtures. While this frostiness continues, there can be little prospect of rapprochement between Washington and Peking.

But these are fairly short-term considerations. Peking's mood could change. Understandably, the Chinese Nationalists are among the most interested analysts of Chinese Communist intentions.

If new attitudes are developing in Washington, Nationalist China's attitudes are also becoming somewhat more flexible. Officially the goal remains "recovery of the mainland." Nobody publicly questions this. It is the raison d'être of the Nationalist regime. It provides the basis for the legitimacy claimed by the Taipei government—that it is true government of all China, temporarily exiled from the mainland, but will one day return.

ART WORKS STORED

Yet it is a goal blazoned less and less. Some observers believe the disinclination of President Chiang and his son, Defense Minister Chiang Ching-kuo, to see American correspondents these days may in part be due to their reluctance to discuss the "return to the mainland" campaign.

Experts believe that privately President Chiang has accepted the unlikelihood of his leading his Army back to the mainland. Instead he believes that Chinese outside the mainland must wait for political upheaval inside China which might unseat the Maoists.

In the meantime, President Chiang views Taiwan as the guardian of Chinese treasures and tradition. Vast amounts of Chinese pottery, painting, scrolls, and other exquisite works of art were brought out of China by the Nationalists when they left in 1949. Much of this is stored, but some is on view at a splendid museum on the outskirts of Taipei.

President Chiang has also fostered a campaign to revive and maintain classical Chinese studies. The idea is presumably that all this should one day be handed back to China once the frenzy of Maoism has passed.

While his regime appears privately mellowing at home, it pursues a foreign policy aggressive in its goal of asserting the Nationalists' legitimacy and presence.

For a country of only 14 million, Taiwan runs a remarkable technical-assistance program to other countries. More than 1,200 experts from Taiwan are currently assigned to 27 countries, the bulk of them in Africa. Emphasis is on agricultural development, specifically rice production at which the Nationalists are highly proficient.

Distinguished foreigners are sought out and encouraged to visit Taiwan for exposure to the Nationalist government, its achievements, and its leader, President Chiang.

The Nationalists also operate a skilled foreign service, whose diplomats bravely flourish the flag of "free China" (a white sun in a blue sky over a crimson ground) around the world.

EFFECT AT UN WEIGHED

All this has helped preserve Nationalist China's position at the United Nations and has denied entry to Communist China. Last year the vote was 58 to 44 against the Communists, with 23 abstentions. This year the Nationalists expect no serious trouble. Despite Canadian and Italian moves to recognize the Peking regime, the frenzy of the cultural revolution has done little to furbish for the Communists an image of responsibility and statesmanship.

A new dimension to Nationalist China's foreign policy is its cautious contact with the Soviet Union. Anti-Communist feeling remains strong on Taiwan. There is no particular enthusiasm for the Soviets, and nobody suggests that the Nationalists are about to establish diplomatic, or even trade, relations with the Soviets, even in the event that Moscow sought such a relationship.

But in the face of their mutual dislike for Communist China, there has been some cautious gropings between the two countries. Last year a Soviet journalist, Victor Louis, was admitted to Taiwan. During a week's stay he talked with a number of Chinese Nationalist officials, including Defense Minister Chiang Ching-kuo, President Chiang's son. Nationalist officials publicly try to dismiss the incident, terming it devoid of significance. But Mr. Louis is widely believed to have other, more official, status within the Soviet establishment than that of a mere journalist.

Despite denials from both Moscow and Taipei that any accord is being formulated between them, it seems probable that the two are engaged in some exploratory soundings to see whether there is any area exploitable for mutual gain.

THIEU VISIT RECALLED

The fact that the contact irritates Peking may be satisfaction enough in itself for the Chinese Nationalists. Some observers speculate that on the Soviet side, though Moscow is unlikely to abandon its own public championship of Communist China at the United Nations, the aim may be to quietly encourage those supporting Nationalist China in their continued resistance to Peking's admittance.

Hints of Soviet interest in an Asian defense alliance have been quickly picked up in Taipei. Said the English-language China News: "The [Russian] idea of an Asian alliance directed against the Chinese Communists is an interesting development that will be thoughtfully considered in capitals from Washington to Taipei."

The newspaper was swift to add that "while free Asians welcome any increase in anti-Communist vigilance, they are not going to organize any cheering section for a stronger Soviet presence in this region."

But as one high Nationalist official says: "In our eyes, the Peking regime is a rebel regime. We feel entitled to use any means at our disposal to get rid of it."

Such comment may be partly an attempt to stiffen American resolve in Asia and encourage United States support for a new defense alliance of non-Communist states. President Thieu of South Vietnam visited Nationalist China and South Korea earlier this year. Nationalist China's Defense Minister Chiang Ching-kuo was also in South Korea.

This has stimulated some talk of a new regional-defense grouping to include South Vietnam, South Korea, and Nationalist China. The Nationalists admit they are interested. But they are sophisticated enough to know, as one official puts it, "that an alliance of the three divided countries in Asia makes no sense without American support."

With doubt, for the present, over the United States's intentions in Asia after the Vietnam war, and with all kinds of question marks about Japan's role, there seems little real action, but only talk, about such an alliance.

As throughout the past 20 years, the crucial factor for Nationalist China is the mood and fealty of the United States.

However, while these "cosmic" problems, as one Western diplomat calls them, loom over Taiwan, there is nevertheless considerable quiet preoccupation with internal affairs. In some circles there is debate about the stability of Taiwan once President Chiang, now 82, no longer dominates the political scene.

Long tipped as his successor has been his son, Chiang Ching-kuo, the Defense Minister. He controls the armed forces, the security apparatus, as well as the youth movement and veterans' organization. In terms of real power there seems not much doubt that he is strongly positioned to take over from his father.

But he has not been installed as vice-president, and the constitutional procedure requires that the present incumbent of that office, Yen Chia-ken, succeed to the presidency. There is also among veteran Nationalist politicians a strong republican current, and opposition to the concept of dynastic succession.

QUESTIONS UNANSWERED

Should Chiang Ching-kuo overcome these obstacles and succeed to the leadership in title as well as fact, there are unanswered questions about his style and intentions. Though President Chiang is still a legendary figure who can claim, whatever the validity of his present position, to have once represented China, his son has no such standing.

Moreover, the bulk of Taiwan's 14 million are local inhabitants upon whom the exiles from the mainland have imposed their authority. With some exceptions, like Taipei's ebullient Mayor, Kao Yu-shu, local inhabitants have not been permitted to rise high in the Nationalist administration or Army. For them, Chiang Ching-kuo is an unknown quantity. Will he clamp down on them, or seek to draw more locals into the government?

What does seem assured is that Chiang Ching-kuo, or whoever succeeds his father, will inherit an economy buoyant and expanding.

Last year saw a growth rate of more than 10 percent in gross national product. Per capita income was up by more than 7 percent to $237 per person. Exports increased by a remarkable 25 percent. However, a good slice of this was made up of textiles, and aware of possible restrictions on the American market, Taiwan is seeking to diversify.

If problems there are, they are problems of success. Taiwan now must expand and consolidate the infrastructure to cope with all this prosperity. Thus harbors and airports are being expanded. Electric-power output is to be doubled in 8–10 years, and Chinese buyers are even now negotiating for a nuclear-power plant.

With all the bustle even the traditional pedicabs have been outlawed from Taipei's streets and replaced with hundreds of small taxis. The only pedicabs being built now are for export—to the United States.

PRESIDENT REMAINS HOOKED ON VIETNAMIZATION POLICY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. COHELAN. Mr. Speaker, as I have listened and questioned the various aspects of our overseas commitments in the Foreign Operations Subcommittee of the House Appropriations Committee of which I am a member, I have become increasingly concerned over the disparate appraisals over the success of failure of the "Vietnamization" effort. I am now in the process of sorting out the validity of these interpretations.

An article by Mr. Joseph Kraft that recently appeared in the Washington Post raises some interesting questions about our overall strategy in attempting to liquidate our Vietnam commitment. The ability to secure a negotiated settlement to the war still remains a central feature of the Nixon plan. Mr. Kraft quite perceptively points out that the present regime in South Vietnam has, because of the drawn-out troop withdrawal schedule recently announced by the President, very little incentive to widen its political base or enter into active negotiations.

I have consistently pressed for a settlement negotiated by the Vietnamese themselves. I sincerely hope that the scenario suggested by Mr. Kraft will prove to be incorrect. Yet I feel that the Members of Congress and readers of the RECORD should read this article, entitled "President Remains Hooked on Vietnamization Policy" and I would like to insert this article at this point:

PRESIDENT REMAINS HOOKED ON VIETNAMIZATION POLICY

(By Joseph Kraft)

"A political settlement is the heart of the matter," President Nixon said in his latest nationwide address on Vietnam. And that belated recognition marks an advance in the public rhetoric.

But not nearly enough of an advance to justify the enthusiastic reception. For neither Mr. Nixon nor his chief adviser, Henry Kissinger, have yet faced up to the logic of a political settlement. They are condemned to do just what they have been doing all along because they have not acted to promote in Saigon the change required to engage the other side.

The rhetorical gain should not be minimized. The President cast decisively away the favorite horror stories of his predecessors. There was not a word of dominoes falling from Japan through Indonesia. Not a whisper about a billion Chinese armed with Nukes. Still less about a test between us and the Communist world.

Banishing the specter of sampans sailing triumphantly under the Golden Gate Bridge made it possible to localize the issue. Mr. Nixon took a new step toward legitimizing the local South Vietnamese insurgents, or Vietcong, by asserting—for the first time, I think—that they were present at the Paris talks "as one of the parties to the negotiations." He strongly implied that the big question—"what the fighting in Indochina has been about over the past 30 years"—was simply who ruled on the spot.

Which is indeed the trouble. The Saigon regime of President Nguyen Van Thieu is a narrow militaristic regime, determined to wipe out the insurgents and to repress the legitimate internal opposition. As long as Saigon is ruled by this group, the other side is going to keep on fighting—in South Vietnam if it can and in Cambodia and Laos if necessary. Weapons will be downed, fighting eased only if there is some sign of evolution away from the Thieu regime.

For as anybody who talks to them senses immediately, the leaders of the other side have come to entertain the deepest suspicions of American purpose. In the marrow of their bone they believe this country talks peace in order to disarm them while waging a war to maintain a puppet regime in Saigon. They truly think, as the North Vietnamese party secretary, Le Duan, said in Moscow on the Lenin anniversary, that: "Nixon's group still stubbornly carries on an aggressive war against South Vietnam trying to deceive American and world opinion with phrases about peace."

Engaging the other side in serious negotiation requires a demonstration that political settlement is subject to a wider influence than that of the Thieu regime. There is a need to show that fighting is not the only way to achieve change in Saigon.

One means to that end is to broaden the government itself through addition of more representative figures. Another, suggested by Professor Roger Fisher of the Harvard Law School, is to invite a group of representative South Vietnamese to come forward as advisers to the American peace delegation in Paris where they could quickly get together with the other side in an all-Vietnamese clambake.

But plainly these changes can only be made if the United States is willing to put pressure on the Saigon regime. That pressure is not going to be applied while Ambassador Ellsworth Bunker continues to serve in Saigon. For he believes in the present regime with all the fervor of a puritan soul.

Nor is the pressure going to be applied if the President stretches out the troop withdrawal as he seems to have done. With a sure guarantee that all American ground forces will not be withdrawn until at least 1971, President Thieu does not have any great incentive to make concessions to those who would cut themselves a deal with the other side.

The fact is that Mr. Nixon has only talked about political settlement. He has not moved to meet the other side's minimal conditions for a settlement. He thinks he can force acceptance of his terms. And so he is still hooked on the policy of Vietnamization, a perilous policy that casts the United States in the image of a gambler who quits a losing game by backing out, pistols drawn while threatening to plug the first hombre that makes a false move.

"THE POLITICS OF PARANOIA"

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BOLLING. Mr. Speaker, the mid-April issue of the Spivack Report contains a thoughtful and reasoned article concerning the current attacks on the U.S. Supreme Court. I particularly call to the attention of my colleagues the warning contained therein against the spirit of revenge. This seems to be the dominant factor in what Robert G. Spivack's newsletter terms "The Politics of Paranoia" in describing the "low politics" involving the High Court. The article follows:

THE POLITICS OF PARANOIA

MR. NIXON AND THE CARSWELL CASE

Why, when a moderate conservative like Judge Harry A. Blackmun was available, did President Nixon choose G. Harrold Carswell for the U.S. Supreme Court? That's the question that mystifies Nixon-watchers still trying to understand the new President and his modus operandi.

The first answer that suggests itself is that he had political debts to pay. Then there was the question of how to undercut the Wallace-for-President movement. While the zanies of the lunatic Left have been the secret weapon of Republican right-wingers, George Wallace has posed a serious threat. After all he did get 10,000,000 votes—more than any third party candidate in U.S. history. So the selection of Judge Clement Haynsworth, a sometime friend of Sen. Strom Thurmond, made some sense. But G. Harrold Carswell? He was, in fact, closer to Sen. Richard Russell than to any Southern Republican. One of his most loyal supporters, Sen. Robert Dole of Kansas, said that Carswell's credentials were so thin that even "if he had come from Maine" he would have had difficulty being confirmed.

Why, after the defeat, did the President come down so hard on the Senate even causing those who backed Carswell to pull back in amazement? Of course, there was and is a great deal of hypocrisy in both houses of Congress. Few of the Senators who were shocked by Haynsworth's apparent conflicts of interest could bear as close an examination of their own business connections. Many of those who shied away from Carswell's brand of "racism" themselves belong to country clubs where the only blacks are the hired help.

But for a President to accuse Senators of hypocrisy? It's not done, if only because their capacity for revenge is unlimited. Lyndon Johnson would not have made such a blunder, if it turns out to be a blunder. Why did Richard Nixon do it?

There undoubtedly are many explanations for the President's behavior since the Carswell episode. Even in the simplistic atmosphere that now pervades Washington there is no single explanation for Mr. Nixon's miscalculation in the Carswell case, nor for the Senate's rejection of Haynsworth on rather flimsy grounds. Since Judge Blackmun appears to have the necessary qualifications and is very likely to be confirmed there is an inclination in many quarters to let bygones be by-gones, say that all's well that ends well and forget about the Administration-Senate confrontation.

But the President's selection of Carswell and his reaction in the face of a major legislative defeat require analysis if only as a clue to future White House behavior now that Mr. Nixon's political honeymoon is over and the first shots have been fired in the political wars of 1970 and 1972.

THE HIGH COURT AND LOW POLITICS

The Justices of the Supreme Court have no constituency. No matter whether it was FDR and "the Nine Old Men" or RN opposing the "permissiveness" of the Warren Court, the Court is usually a safe target. There is always a residue of discontent with its decisions whether they concern civil rights, crime or litigation that simply involves money matters.

Republicans of almost all persuasions have long been convinced that there was political mileage to be made by attacking the court. That's why they jumped so hard on Justice Abe Fortas. They got him on the Wolfson matter. But they were after him long before that because he was LBJ's friend. When the former President proposed him as Chief Justice they had a ready-made issue, cronyism. The fact that Fortas was one of the ablest lawyers ever to serve on the Court, that he was a scholar and that he had a high sense

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of propriety notwithstanding the Wolfson indiscretion did not matter.

For Mr. Nixon and those in his wing of the G.O.P. the Court has long been a useful whipping boy. Fortas preferred not to be whipped. But once he gave ground and stepped down there was no restraining the primitives. They had tasted blood and they liked it.

In many ways the fight over Carswell was a lawyers' fight. Justice Fortas' friends were active in the background. When Mr. Nixon recommended Haynsworth they could hardly wait to make the point about conflict of interest. When organized labor made known its unhappiness with his decision that was the end for the South Carolinian.

Mr. Nixon then went in for a kind of revenge of his own. If the Senate would not take a Haynsworth then he would jam a Carswell down their throats. Since Carswell had the support of such an eminent Democrat as Georgia's Russell it seemed the President could not lose. Moreover organized labor, still worried about possible repercussions from the Haynsworth affair, backed off at first from another collision with The White House. Civil rights leaders were told "We're tired" when asked why they did not mount a campaign against Mr. Nixon's No. 2 choice.

Why, though, did Mr. Nixon prefer to fight on after the vote was taken, why did he feel he had to have the last word? The answer most often suggested is that he received more poor advice from the Attorney General, whose staff work had already proved deficient. Probably this was a factor. But equally important was Mr. Nixon't own feeling that there was political capital to be made out of the Senate's action and that playing the politics of paranoia was the best way to do it.

The argument that this Senate would never confirm a conservative Southerner was particularly flimsy and coming from a Californian may have seemed patronizing to some Southerners. There were in the Senate itself two Southerners who would have been confirmed without delay, segregationists, but highly competent lawyers, Sen. John Stennis of Mississippi and Sen. Sam Ervin Jr. of North Carolina. For his own reasons the President would not nominate either man.

THE DOUGLAS CASE AND OTHER DIVERSIONS

Once politicians begin playing politics with the Court they never seem to know when to stop. The time to stop is before the practice ever starts. That's what a President should be saying, not indulging in the practice himself. There was very little demonstration of statesmanship on the part of Haynsworth's opponents and it was equally absent on the part of Carswell's partisans.

Now, with obvious White House sanction if not actual encouragement, the spirit of revenge for Carswell is being demonstrated by a kind of congressional lynching bee organized against Supreme Court Justice William O. Douglas.

To be perfectly candid about it Justice Douglas has not acted with judicial restraint or detachment in many areas, personal and public. But to begin the kind of "trial" that Rep. Gerald Ford seems to be urging is to engage in the kind of harassment carried on by The Chicago Seven, who admit their purpose was to give Judge Julius Hoffman a heart attack. The Republican aim appears to be to whip up public sentiment from now until November so that "the issue" of 1970 is the Court. That some Democrats have played the same game in reverse makes it no better.

But it's going to take some respected public figure outside The White House to restore a measure of sanity to debate about the Court and to get partisans on all sides to cool it. Possibly the confirmation of Judge Blackmun will serve that purpose.

LENIN'S BIRTHDAY IN DISTRICT OF COLUMBIA CELEBRATED BY FIFTH COLUMN AND CIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. RARICK. Mr. Speaker, the Nation's leading Red gossip newspaper carried a high society report this morning of the some 1,500 comrades and friends who jammed the Soviet Embassy here in Washington to participate in the 100th birthday celebration of the nortorious Bolshevik butcher, Vladimir Ilych Lenin. Among the notables in attendance was Harry A. Kissinger, special assistant to President Nixon; Mrs. Majorie Merriweather Post; daughter of Dr. Linus Pauling, announced winner of the International Lenin Peace Prize, and none other than the distinguished Senator from Arkansas who feels that the existence of a Communist conspiracy is but a myth.

To those who were present, with full knowledge and acceptance for the responsibility for their actions—or under orders—there is no need to show their participation as an act of disloyalty against humanity.

To those in attendance who may have been duped or seeking a controversial thrill, I insert the article "Truth About Lenin—His Lack of Humanity; His Cruelty; the Myth of His Leadership; His Sickness," written by another international socialist, Alexander Kerensky, and related articles following my remarks:

[From the Washington Post, Apr. 23, 1970]

LENIN'S BIRTHDAY PARTY

(By Dorothy McCardle)

The top of the staircase at the Soviet Embassy was dominated by a larger-than-life portrait of Vladimir Ilyich Lenin last night as 1,500 guests jammed the second-floor reception rooms at the biggest birthday party ever held there.

Lenin, regarded as the father of Communist Russia, would have been 100 years old. He died in 1924 after serving as Soviet Prime Minister for seven years.

"We regard Lenin as you Americans regard George Washington," said a Soviet official.

There was an arrangement of flowers beneath his portrait. Directly ahead of his sober gaze were illuminated color views of Russia as it looks today.

Dr. Henry A. Kissinger, special assistant to the President for National Security Affairs, represented the Nixon administration and was center of attention.

He was surrounded by foreign diplomats and held an earnest conversation with the ambassadors of Pakistan and Chile. Amused by all the attention, he said he was enjoying his reputation as a ladies' man these days.

"I don't have to work nearly so hard to get a lady's attention," he said with tongue-in-cheek fun. "Two years ago, before I got this reputation as a swinger, I was much more resistible. Now, it's great to be irresistible."

Watching him with fascinated interest across one of the long buffet tables was Mrs. Barcley Kamb, wife of a geophysicist from California's Technology Institute in Pasadena. Linda Kamb is the daughter of Dr. Linus Pauling, the noted chemist who was announced as a winner of the International Lenin Peace Prize over the weekend.

When Mrs. Kamb learned the identity of Dr. Kissinger, she went in search of him. But she missed him in the huge crowd.

"I knew he must be somebody interesting," she said. "He looks so interesting, and everybody was so interested in him."

The slim young Mrs. Kamb with long red hair was a guest at the party through chance. She and her husband had been with her father when he learned of the Lenin award in San Francisco on Saturday. Then the Kambs flew here for a geophysical conference. She went to the Soviet Embassy yesterday morning to learn more about the Lenin Prize and how her father will receive it. After she identified herself, she and her father does not have to go to Moscow to receive the award. It can be presented to him here at the Soviet Embassy by the ambassador.

Soviet Ambassador and Mrs. Anatoliy F. Dobrynin missed the party because they are back in Moscow. But they are expected back in time for the May 8 reception at the Embassy which will celebrate the 25th anniversary of the Soviet Union's victory over Nazi Germany.

The Soviet charge d' affaires, Julv M. Vorontsov, the minister counselor, headed the receiving line of embassy officials. They greeted Marjorite Merriweather Post, who was there with her daughter, Mrs. Leon Barzin, of Paris, and her longtime Palm Beach friend, retired banker Duncan Annan.

Sen. and Mrs. J. William Fulbright and Sen. Stuart Symington represented Capitol Hill.

Dr. Howard Mitchell, who is retiring as conductor of the National Symphony Orchestra, said that he will go to Russia for the month of November as guest conductor of several Soviet orchestras as a part of the celebration of Lenin's centennial year.

This was a birthday party without Western birthday cake and candles, but two long buffet tables were laden with all kinds of Russian delicacies. These ranged from caviar to rolls stuffed with seasoned ground meat (the Soviet hamburger), to salmon, salads and cabbage prepared by several different recipes. Drinks for every taste were served at several bars, from vodka to gin to plain orange juice. By the end of the party, every platter was empty, as if a hungry army had swept through.

[From the Washington Evening Star, Apr. 22, 1970]

RUSSIANS AT LENIN FETE HEAR CUBAN, VIET THANKS FOR ARMS

Moscow.—Cuban and Viet Cong leaders opened the celebration of the Lenin centenary today by thanking the Russians for the guns, fuel and money needed to defend themselves against Americans.

Cuban President Osvaldo Dorticos told 6,000 persons in the Kremlin Hall of Congresses that the Soviet Union stood by Cuba in the struggle against imperialism, an obvious allusion to the United States.

"When imperialism began preparing armed aggression against us, we began receiving free of charge from the Soviet Union weapons to secure our defenses," Dorticos said.

"When imperialism tried to paralyze our economy by cutting its fuel supply, the Soviet Union gave us an uninterrupted supply," he said. "When imperialism closed its markets to our sugar, the Soviet Union decided to buy it."

VIET CONG GRATEFUL

Ho Xuan Son, representing the Viet Cong, praised the Russians for "rendering effective, tremendous help to the Vietnamese people who are fighting against American imperialism."

Romanian President Nicolae Ceausescu called for freedom within communism and reconciliation of differences between Communist nations. He did not specifically men-

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tion Red China, but referred to the problems created by the Sino-Soviet feud.

"Lenin saw in Marxism not a collection of dogma . . . but living instructions for action," he said. "Considering that what unites the Communist parties is more powerful and far above the divergencies among them, our party promotes relations with all fraternal parties." He stressed the word "all."

Ceausescu has refused to join the Soviet-led attack on China.

The gathering in the Kremlin's modernistic hall was the largest assembly of Communist parties ever held.

EXCITEMENT MISSING

The city was decorated with red banners and last night a giant portrait of Lenin, the hero of the 1917 Russian revolution, swung high over Red Square suspended from a balloon in the gleam of spotlights.

After months of overpowering exhortations in the press, on radio, in the movie theaters and on television urging Soviet citizens to follow Lenin's precepts, there was little real excitement evident.

The Communist Chinese and their European ally, Albania, were not invited, but there were representatives from 12 Communist nations and party representatives from 66 non-Communist countries.

A surprise member of the audience was Soviet First Deputy Foreign Minister Vasily V. Kuznetsov, who heads the Soviet negotiating team seeking a border settlement with the Chinese in Peking.

The talks have been dragging on, with no announced results, since last October.

[From the Washington Evening Star, Apr. 22, 1970]

"BIGGEST" SOVIET ARMADA REPORTED IN NORTH SEA

LONDON.—British ships and aircraft turned to the North Atlantic today to keep tabs on what the Defense Ministry described as the biggest armada of Soviet ships ever seen there.

A ministry spokesman said 90 Soviet ships, including eight guided missile destroyers, 25 submarines and dozens of intelligence trawlers, massed in the North Sea off Scotland yesterday.

"It appears to be part of a worldwide Soviet naval exercise to coincide with the Lenin centenary," the spokesman said.

He said the exercise was code-named Ocean and Russian ships were staging a show of force in several seas, including the Mediterranean and the Pacific.

"The Soviet Union gave us advance warning they would be holding naval exercises in the North Atlantic until the end of May, but we did not expect to see so many ships," the spokesman said.

"As far as we know, it is the largest buildup of Russian ships seen so far in the North Atlantic," he said.

He said a Royal Navy minesweeper, two frigates, two survey ships and two patrol aircraft had been sent to shadow the Russian maneuvers.

"We regard the operation as nothing more than a formal exercise by the Soviet Union, but we are keeping watch as a matter of course," the spokesman said.

[From the Sunday Telegraph, Apr. 19, 1970]

THE TRUTH ABOUT LENIN—HIS LACK OF HUMANITY; HIS CRUELTY; THE MYTH OF HIS LEADERSHIP; HIS SICKNESS

(By Alexander Kerensky)

Tsar Nicholas II of Russia abdicated on March 15, 1917, and thus brought to an end the monarchy which had ruled Russia for many centuries. But it was not until November 7 of the same year that the Bolsheviks under Lenin finally seized and set up the Soviet regime which has ruled Russia ever since.

In the intervening eight months Russia was ruled by a Provisional Government—the only one in all the country's troubled history which can be said to have enjoyed a measure of genuine popular support and to have tried to realise some at least of the political and social ambitions of the people of Russia. By far the most important figure in that Government, and its Prime Minister from July onwards, was Alexander Kerensky, a young lawyer of deep Socialist and humanist convictions and a brilliant orator.

The Russian revolution of November, 1917, was partly the outcome of a personal battle between Lenin and Kerensky. Lenin won the battle and went on to rule Russia until his early death in 1924. Kerensky evaded the Bolsheviks, went into hiding and eventually arrived in London early in 1918. He finally settled in New York, where, at the age of 88, he still lives in an apartment filled with mementoes of his last political battle, fought out more than half a century ago.

On April 22 the centenary of Lenin's birth will be celebrated in Russia with all the pomp of which the Soviet regime is capable. For months the Soviet Press has been filled with articles extolling Lenin's virtues and achievements. Communists from all over the world will assemble in Moscow to join in the celebration. U.N.E.S.C.O. has even found it possible to hold a symposium as a tribute to Lenin's memory.

April 22 is also by a strange coincidence the birthday of Alexander Kerensky. (Perhaps even stranger is the fact that he and Lenin were born in the same Siberian town. Simbirsk, now known as Ulyanovsk after Lenin's family name.) He seldom makes public statements these days. But last week he agreed to accept a commission from *The Sunday Telegraph* to give his own personal appraisal of Lenin, the man who beat him and in so doing destroyed the dreams of the Russian liberals.

The following is his article in his own words. The annotation in brackets is by David Floyd.

Two years ago U.N.E.S.C.O.'s general conference authorised an international symposium as a tribute to Lenin's work for mankind. In March, 1969, the United Nations Commission on Human Rights, welcoming this symposium, hailed Lenin as a "prominent humanist" and lauded his practical and theoretical contributions in the cause of economic, social and cultural rights. The symposium is under way in Tampere, Finland, as part of the Lenin centenary celebrations.

I write to refute the spate of generalisations and panegyrics regarding Lenin's alleged contributions to human progress and freedom. The words used in describing Lenin have simply been taken from Moscow's *Pravda* and *Izvestia*, from the mouths of Communists who, unable to live without God, are attempting to make a god out of Lenin. These hagiographers are professional propagandists. It is time for the truth about Lenin to be stated unequivocally.

Lenin was never either a humanist or a lover of freedom. He was a cruel man.

Once he assumed power in October, 1917 [November in the Western calendar], he continued to apply the methods he had developed in the underground: dictatorial control, terror and destruction. Intolerant of any opposition, he put to death over a thousand persons in the first few months of his regime. He took over personal direction of the terror, scribbling note after note to Dzerzhinsky—the first head of the C.H.E.K.A. (secret police)—naming the persons he selected to have put out of the way. Dora Kaplan's assassination attempt, the Green Revolution and the Kronstadt Revolt led Lenin to even greater excesses of terror and in 1921, at the Tenth Congress, he introduced the principle of a monolithic Communist party which would harbour no factions or dissent.

[In August 1918 Dora Kaplan approached Lenin as he was leaving a public meeting in Moscow and fired three shots point-blank at him. One bullet pierced his neck and another his collarbone. The bullet in the neck was not removed until 1922; the other remained in his body until his death.

The Kronstadt Revolt took place in March 1921 among the sailors of the Russian Baltic Fleet. It was a revolt against the new autocracy established by Lenin. The rebels demanded the restoration of basic freedoms and democratic institutions. The revolt was put down with great brutality by a hastily assembled military force led by Trotsky.]

The period of War Communism (1917–21) was a reign of terror, disorganisation and destruction of all institutions and liberties. Above all, Lenin had no sense of statesmanship, nor could he have. He did not care for Russia. To him Russia was but a steppingstone on the path to world revolution. Under his aegis, the Treaty of Brest-Litovsk with the Kaiser's Germany reduced Russia to a minor power. It remained for others to undo the havoc perpetrated by Lenin on the Russian land and peoples.

THE AUTOPSY—AND WHAT IT REVEALED

Lenin arrived in Russia in 1917 already with a deteriorating central nervous system—a condition caused by syphilis which he contracted in 1903. This diagnosis had been made by a London doctor, whose name I cannot disclose, to whom Lenin turned for advice about the headaches and insomnia from which he suffered during the Second Congress of the Social Democratic party. Henceforth, Lenin lived in constant awareness of the incurable disease which would eventually leave him demented. The autopsy performed on Lenin in 1924 by a commission of doctors in Moscow revealed that more than half of his brain was destroyed.

It is only as a sick man that Lenin can be understood, and when one speaks of sick people one does not condemn them, but rather, views them with compassion.

[The allegation that Lenin contracted syphilis at some stage of his life has been bandied around for many years but never proved. Despite the extensive research that has been carried out into his life since his death and the many biographies that have appeared in recent years, the allegation remains unsubstantiated. It is very unlikely that it is capable of proof, even if Mr. Kerensky were to reveal the evidence of the unnamed London doctor whom Lenin is said to have consulted in 1903.]

AS A BOY, SECRETIVE AND BROODING

I cannot say much about Lenin's early life, because, although we were born in the same town and our families were acquainted, I did not know him. After the death of Lenin's father, Ulyanov, my father virtually became the family's guardian. He helped the widow and the children and personally intervened on Lenin's behalf on two occasions: first, to obtain university admission for him after the execution of his brother and, then again, after Lenin's expulsion from Kazan University, to obtain admission to the University of St. Petersburg.

[Lenin's brother, Alexander, was four years older than he. He belonged to the anti-monarchist party known as the People's Will and in 1882 he volunteered for the job of assassinating Tsar Alexander III. The conspiracy was exposed and he was arrested in 1887 and executed.]

From my recollections of family conversations, Lenin was described as a secretive boy, brooding, and without close friends. But he studied hard and earned good marks. The abnormalities in his character did not become apparent until 1903, when he was stricken with the dread disease for which at that time there was no full cure. Cognisant of this Lenin turned his energies to splitting the Social Democratic party in order to carve for

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himself a path to power through tight, organisational control.

I remember when I heard Lenin speak at the First All-Russian Congress of the Soviets and the Front-Line Organisations on June 1, 1917—it was our only encounter and it has remained indelible in my memory. Lenin was advocating the deposition and arrest of ten Ministers, myself included.

"Down with the ten capitalist Ministers and everything will be splendid!" he cried. Everyone present roared with laughter. At this reaction, Lenin picked up his briefcase and left the auditorium.

My speech followed his and, addressing myself to the Bolsheviks in general and to Lenin in particular, I said: "Be careful! Out of this chaos, like a phoenix out of the ashes, there will come a dictator—and it will not be me. . . . You are recommending childish prescriptions—arrest, kill, destroy! Who are you—Socialists, or police of the old regime?"

It was clear to me already then that Lenin's only interest was the assumption of dictatorial powers and I did not forget the record of the Bolsheviks under the Tsarist regime when their members worked hand in glove with the dreaded *Okhranka*—the secret police. Several members of their Central Committee were, in fact, agents of the secret police and they used their special powers freely to arrest, suppress and destroy the Liberals, Leftists, Socialists and other progressive-minded people who were not allied to the Bolsheviks.

TO KNOW HIM, KNOW THOSE WHO LED HIM

Lenin's "April Theses" and his book "State and Revolution", both produced in 1917, already clearly showed the workings of his mind. Even members of his own Bolshevik party were at that time aghast at the destructive, anarchistic streak in his writings and called these "the ravings of a madman."

But to appraise Lenin's works, it is not enough to label them the ravings of a madman. Nor should the error be compounded by depicting his writings, as is the fashion today, as the product of a genius.

To understand Lenin, one must first discard the myth of his leadership in Russia. Before his arrival in 1917 he was absent for a full decade and was virtually unknown to the masses at large. By admirers and detractors alike, little or no attention has been paid to those who led Lenin—to those who influenced his thoughts and who actually directed his actions—but the fact is that all his life there were others behind him. To know Lenin, in short, is to know who those others were.

In Lenin's adolescence it was his elder brother, Alexander, who was later hanged for the assassination attempt on Tsar Alexander III.

In his university days at Kazan Lenin fell under the sway of a fellow-student extremist, Fedoseyev. In exile in Siberia, he followed Struve—one of the founders of the Russian Social Democratic party—and later, in Switzerland, he joined Plekhanov, whom he idolised. After the 1905 revolution his alter-ego was Malinowsky, who was at the same time an agent of the Tsarist secret police, a member of the Central Committee of the Bolshevik party and a representative in the Fourth Duma (Parliament).

Subsequently, it was Dr. Helfand (alias Parvus), a member of the German Social Democratic party and an agent of the German Government, who directed Lenin's actions and thoughts. To Parvus belongs the idea of a permanent revolution and it was he who arranged for Lenin's passage to Russia in 1917. A go-between, Fürstenberg (alias Ganetsky), provided the vast German funds, negotiated by Parvus, to subsidize the destruction of Russia from within.

Equally ignored by admirers and detractors of Lenin are those from whom his so-called "original" ideas were taken. His writings on imperialism were taken directly from Hobhouse. [L. T. Hobhouse, born in Cornwall in 1864, was a philosopher and sociologist whose writings revealed a strong sympathy for collectivism. From 1907 until his death in 1929 he was Professor of Sociology at London University. One of his works was "Democracy and Reaction" (1904), in which he protested at imperialism.] Again, Lenin's dictum on converting the imperialist war into civil war was taken from the Italian Social Democrats. His innovation in organisational tactics was taken from Nechaev—a Nihilist-terrorist who advocated violence and a network of conspiratorial cells as the road to power.

If there was one "idea" that was Lenin's own—it was his lust for power. He craved power, all power, and at all costs—and not only in Russia. His "idea" was to become the supreme leader of the world, through a world revolution—for which he was willing to sacrifice generations of Russian peoples, treating them as fodder.

Building on Lenin's terroristic methods and on Lenin's idea of a monolithic party, Stalin sharpened the organisational tools to elevate himself to undisputed and unchallengeable power through wholesale destruction of party members and leaders on a scale hitherto unknown in history. Glorifying Lenin's memory, as Lenin before him glorified Marx's, he pronounced himself their successor and initiated a cult of his own personality. But, unlike Lenin, Stalin was a statesman. During the war he restored the Church and harnessed Russian patriotism for the defeat of Germany and the restoration of the boundaries of the Russian Empire.

The future Russia, however, will never be comparable either to the autocracy or to the empires of the past. It will grow into a commonwealth of free and independent peoples—a path and a vision by which my Government was guided in 1917.

FACTS THAT CANNOT BE CONCEALED

The history of the Russian people has been one straight beam—an arrow—towards freedom, and this cannot be bent. The invasion by the Mongols in the thirteenth century; the conquest by the Poles in the sixteenth century; the "Times of Trouble" in the seventeenth century and the disaster that Lenin wrought in 1917—all are but episodes which the Russian people had to endure and each of which they have overcome. They will overcome Leninism, too. Russia has had a glorious past and glorious personages to revere and love before whom Lenin stands but as a warped, maimed caricature with a demented mind.

Already the cult of personality has been officially denounced. Already Stalin's body has been ejected from the Mausoleum. Already some facts can no longer be concealed, even about Lenin, and terror has been denounced. It remains for the whole truth about Lenin to become known and the criminality of Bolshevism to be exposed for the rest of the edifice—the cult of personality and the cult of a monolithic party that dictates a single interpretaton of truth, nationally, internationally and on every level of personal existence—to crumble.

I may not live to see Russia realise her destiny as a free, humane country with its people dedicated to the betterment of mankind. But you may see it, and certainly your children will. Russia can never be destroyed—from within or from without—and all those who attempt to do so will be doomed to failure. It is with this faith in the Russia that I know and love that I am able to depart in peace.

TWO MOMENTS WHEN KERENSKY MIGHT HAVE STOPPED LENIN

(By David Floyd)

When I asked Alexander Kerensky a few years ago to tell me something about the Bolshevik leaders he knew he said: "I would much prefer not to talk about them at all. People always think my views are determined simply by the fact that they overthrew me and my Government." Today it is difficult to avoid the impression that his views of Lenin are coloured by the fact that he was the loser in the battle of 1917.

In our earlier talk Kerensky gave a fairly balanced view of Lenin and Trotsky. "Lenin was a great force, but a negative force, and he was a fanatic. Trotsky was simply a man who was out to make a career for himself; he was very self-centered."

Lenin's strength, he said, lay in his "utter amorality." "Lenin drew all the moral conclusions from the formula that there is no God. I consider that a man without conscience, without the feeling that there is a higher force with which he must reckon, is nothing but a monkey with a human brain. That's a frightening force."

But, I asked Kerensky, surely Lenin enjoyed a certain popularity?

"Of course he did—very considerable popularity in certain circles. But the main thing was—and this is what everyone forgets—that Lenin and all the others wouldn't have lasted a single day in Russia if they had said, as Hitler said 20 years later, 'I am making use of your democratic machine because I loathe democracy and intend to destroy it.'

"Lenin acted the part of the consistent democrat. He accused me of not wanting to permit the Constituent Assembly to meet, of being ready to surrender to the Germans, and of God knows what else. But when his comrades wrote to him in Finland to tell him their doubts about the wisdom of organising a revolt and to suggest that it would be better to wait for elections and a new Constituent Assembly he told them that only fools could think like that. The Assembly would be anti-Bolshevik, he said—there could be no question of waiting for it. As for the soviets, he called them a good weapon for seizing power which would afterwards become a useless toy."

As Prime Minister, Kerensky was in a position in the summer of 1917 to arrest Lenin and perhaps to have put an end to the possibility of a Bolshevik victory. I asked him why he didn't do so.

"You see, I was at the front at the time, unfortunately. All the information necessary for his arrest was in our hands and the arrest should have been made at the very beginning of July.

ARREST AVOIDED

"But when, in my absence, the July uprising began, one of the closest collaborators of the Minister of Justice handed some documents over to the journalists and Lenin got to know about what was planned. Moreover he was tipped off by one of our own officials that he already had a warrant out for his arrest. So he fled."

"Otherwise you would have arrested him?" I asked.

"Of course—all the others who stayed in Petersburg were arrested. But there is a more serious charge which can be laid against us and against me in particular. That is: why didn't we arrest Lenin at the moment of his arrival from exile in Switzerland?"

Kerensky supplied the answer to his own question:

"The reason was that we thought the fact of Lenin's being able to travel across Germany [in the 'sealed train'] would be sufficient in itself to compromise him. And when the question was raised in the Provisional Government the War Minister said he had no means of stopping the train at the frontier."

So Lenin remained at liberty, and within a matter of months had toppled Kerensky's Government and installed himself in power. Kerensky attributed his defeat to a combination of many factors; the war situation and the consequent confusion, the Germans' support for the Bolsheviks, the Allies' uncertainty, Lenin's skillful exploitation of the

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situation, and finally the revolt against the Government led by General Kornilov. "So there arose a situation in Russia where the Government was being attacked from two sides, from the Left and from the Right," Kerensky explained. It was an impossible task for any man.

Did he feel he had done his best at the time?

"Of course, I don't want to say that, in such conditions, we didn't make mistakes. But the revival of the Bolshevik movement and its final victory could have been avoided if it had been a struggle between two forces—the Russian democratic Government with the Western democracies on one side and Lenin along with Ludendorff [German Chancellor] on the other.

"If I had known then that certain very influential people abroad—I won't name any names—were going to encourage Kornilov, then I should have behaved very differently. There are, of course, things I regret I failed to do. But let's not talk about that."

Kerensky was not with his Government when the Bolsheviks finally burst into the Winter Palace and arrested the Ministers. He had left Petersburg to meet the troops which were supposed to be approaching the city.

How did he get away?

"I left Petersburg in the open official car in which I usually travelled with my staff, the commander of troops and others, and we told the driver to drive at his normal speed through the main streets where there were Bolshevik patrols. As we were driving in the direction of Tsarskoye Selo we were fired at for the first time. But they missed us."

Kerensky made his way to Moscow and went into hiding, disguising himself with long hair and a moustache. "Finally at the beginning of June I left Moscow in a special train for Serbian officers who were being repatriated. The Government allowed them to leave without arms. It was among them, with no uniform or weapons, that I also left."

Finally I raised the question of the fate of Tsar Nicholas and his family, who were butchered by the Bolsheviks in Ekaterinburg. Could Kerensky have done anything to save them?

He alleged that the blame lay with the British Government, which withdrew permission earlier given for the Tsar and his family to be given asylum in Britain. "The Tsar arrived at the Stavka (Headquarters) on March 18 to take leave of his fellow officers. He had been their Supreme Commander for two years. He then scribbled four requests down on a scrap of paper. They were: to be allowed to return in safety to his family in Tsarskoye Selo; to be allowed to live there quietly with his suite; to be given safe conduct to Murmansk; to be allowed to go to England.

REBUFF TO THE TSAR

"The Minister of Foreign Affairs went to Sir George Buchanan, the British Ambassador, and handed him the Provisional Government's request. A few days later a reply was received that hospitality would be offered in Britain. But then, after the direct intervention of King George V, the agreement was withdrawn."

(In his memoirs Kerensky amplifies the circumstances of the King's move. He quotes a passage from Harold Nicolson's official biography of George V showing that the King intervened as a result of Left-wing criticism and the belief that public opinion in Britain was opposed to the proposal.)

"When Sir George received these instructions," Kerensky continued, "he did not tell us about it in good time. So we prepared the Tsar's departure, and when Foreign Minister Tereschenko went to Buchanan to ask him for a cruiser to be sent he was told it would not be possible."

"How did the Tsar take this rebuff?"

"I told him that, since it was impossible to send him to England, I would request him to go to Tobolsk."

"Was he terribly disappointed?"

"Of course."

[From the Anglo-Ukrainian News, February 1970]

NEW COLLECTIVE FARM STATUTE

(By Bohdan Hryuan)

The Third All-Union Congress of Collective Farmers, which had been in preparation for several years, finally took place in Moscow on November 25–27, 1969. The agenda consisted of a single item—adoption of the new Model Statute of Collective Farms.

The previous, Second Congress of Collective Farmers, took place as far back as 1935, in Stalin's time, and its purpose was to celebrate formally "the victory of the collective farm system" in the countryside and to adopt the "Model Statute of Collective Farm" dictated by Stalin, by which the collective farms were guided for nearly 35 years up to the latest congress.

The Stalin statute reflected the strict centralising trend of the Bolshevist regime. On its basis, the Bolshevist State, or rather its rapacious bureaucracy, was able to dictate arbitrarily the entire activity and life of the collective farms to the least details. Although the document contained a number of democratic sounding formalities, as e.g. it provided for a general meeting of collective farmers, the election of the collective farm chairman at such a meeting, etc., in actual fact the local district authorities did not pay serious attention to these vestiges of democratic procedures, but usually "proposed" this or that, and the general meeting of collective farmers, as a matter of course, adopted such "proposals" unanimously. Any opposition was unthinkable because the "proposals" were backed by the guns of the militia or the secret police, deportation to Siberia, concentration camps, or even shooting in the back of one's head, as happened in Vinnytsia, among many other places. For several long decades the collective farms received from the administrative organs strict plans of sowing, or deliveries of food produce, etc. Failure to fulfill them resulted in severe punishment. For the payment of "workdays" remained miserable quantities of farm products, and even these were swallowed to a considerable extent by the privileged stratum of collective farm bureaucracy, all sorts of bookkeepers and brigade leaders. As a result of the terrible exploitation, stupid centralising laws, and low material interest, the collective farmer used to work sloppily, the pilfering of collective farm property became a common occurrence, productivity fell catastrophically or failed to rise appreciably, in particular animal farming remained on a primitive level. In addition, the state forbade the farmers to engage in any outside occupations or crafts, or even to organise subsidiary industrial enterprises belonging to the collective farms, in order not to distract the farmers from the compulsory work on the land. Moreover, the Bolshevist authorities made trade in agricultural produce difficult. Thus the initiative of the farmers was ruthlessly curtailed and tremendous opportunities for the development of agriculture remained unutilised. Purposely lowered state purchasing prices for agricultural products condemned the farming population to perpetual poverty. Rural youth made every effort to leave the village for the town where the conditions were somewhat better. There loomed the danger of a complete breakdown of agricultural economy.

KHRUSHCHEV'S REFORM

Stalin's death made it possible for his successors to save the collective farm system from collapse. "The collective leadership" with Khrushchev at its head began to introduce partial changes here and there in order to improve the sorry state of affairs and to encourage the farmers to produce more. On several occasions purchasing prices for agricultural produce were raised, but even today they remain low because the costs of production increased likewise in the meantime, in some cases at a more rapid rate than the purchasing prices.

In 1956 the Bolshevist authorities recognised that the existing Collective Farm Statute served as a brake for agriculture, but did not muster enough courage to admit it honestly and to abolish it. Instead, Moscow issued an order according to which the collective farms were authorised to make certain changes in the statute rules in order to adapt them to concrete situation. This concerned some questions of internal management of the collective farms, such as the setting up of internal collective farm funds, the system of remuneration of work in collective farms, the size of private plots of collective farm homesteads etc., but it failed to tackle the main root of the evil.

At the turn of the fifties and sixties, enraptured by his omniscience, Khrushchev began to carry out neck-breaking experiments with the reforms of the management of the economy of the Bolshevist empire, including agriculture. He abolished certain administrative organs and replaced them with others, "aggrandised" collective farms, district, regional and other territorial organs of management, divided regional Party organisations into rural and urban, ordered the collective farms to sow maize at one time, then switched over to spring wheat, clover, sugar beet for fodder etc. and thus created something of a chaos. New campaigns followed one another with kaleidoscopic speed. Khrushchev, and after him the entire Bolshevist propaganda machinery, painted rainbow-like prospects of the development of "chemisation" of agriculture, of a tremendous upsurge of the output of artificial fertilizers, watering and irrigation, development of virgin soil, etc., but the results were rather meager. In the end the USSR had to buy, cap in hand, wheat abroad, because the USSR faced the spectre of famine, especially in 1962.

THE POLICY OF THE BREZHNEV CLIQUE

The removal of Khrushchev and the accession to power of a new clique under the leadership of Brezhnev-Kosygin-Podgornyi took place under the tacit slogan of abandonment of radical reforms and instead of carrying through a well-thought-out ordering of the existing state of affairs. The new management decided to carry out all changes slowly and gradually in order to stabilise the shaken Bolshevist authority and to prevent by all means any incitement of the mood of the people and the danger of the collapse of the empire. As a result, for instance, a change of the Soviet Constitution, announced by Khrushchev, has not yet been carried out although a Constitutional Committee has been in existence for many years now. Instead of Khrushchev it is headed now by Brezhnev. Not a word transpires about any action in this respect. Likewise, we had to wait a whole decade before some of the changes in the Collective Farm Statute, announced by Khrushchev, still were formally introduced.

Soviet propaganda blared for many years about these changes that they would be of tremendous significance for the future development of the collective farms system.

Finally, the long awaited moment came, and in the spring of 1969 the press published a draft of the new collective farm statute which was, allegedly, to free the initiative of the collective farmers for increasing the agricultural output and improving their material position. This draft astonished all observers not by how much it differed from the Stalin statute, but how little it differed from the latter. As a matter of fact, with some small and secondary exceptions, which in fact were already in operation, it was the

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same Stalin statute slightly polished and varnished. For several months the Soviet press conducted the so-called "nation-wide" discussion of the draft statute, which consisted usually in that individual correspondents praised the Party and government and occasionally, submitted some remarks of their own to this or that article of the statute, without touching, of course, the whole and the main principles of the collective farm system.

COMMUNIST "DEMOCRACY"

The Third All-Union Collective Farm Congress which took place in Moscow between November 25 and 27, 1969, was attended by over 4,500 delegates from the entire USSR—2,400 of them, or over 50 p. c., members of the CPSU. (It should be remarked at this point that out of about 60 million collective farm population in the USSR only 1,600,000 are Communists, i.e. 2.6 p. c.; and taking into account only the grown up population—about 5 p. c.) Thus a small number of Communists represented over 50 p. c. of the collective farmers, while the rest of the delegates were communist fellow travelers and intimidated "best workers" who were to give at least an appearance of democratic procedure. Moreover, many of the Communist delegates were far from collective farmers, because even statistically they are classed as "workers and employes," such as e.g. Brezhnev himself, the minister of agriculture Matskevich, all sorts of managers of regional and district departments of agriculture, bookkeepers, etc., all those parasitical elements that feed on the live body of the collective farmer and sap his forces for the "benefit of the Soviet motherland"—the Russian empire.

MISTAKES

The main speeches at the Congress were made by Brezhnev and Polyansky. They lauded the collective farm system and painted in rosy colours its present state and future prospects. Brezhnev praised in every way the "advantages of the collective farm system" and painted in black colours the allegedly miserable situation of the agricultural population in the capitalist countries. Nevertheless he could not fail to admit that there had also been some dark moments in the history of the collective farm system, only he saw them in a distant past, at the beginning of collectivisation, while by now, allegedly the Party had rectified everything. Literally he said the following: "In the process of the construction of the collective farm system we did not avoid certain mistakes. But these were the mistakes of a search, the mistakes due to inexperience. The Party itself bodly uncovered the mistakes, spoke about them openly to the people and rectified them. Unfortunately, even now one can find amateurs of exaggerating the shortcomings in the great revolutionary cause." This hazy admission does not explain what kind of "mistakes" are meant, who made them, what results they had, and gives no proof that they had indeed been rectified. Surely, the organised man-made famine and the death of seven million Ukrainian farming population is not simply an insignificant "mistake" which does not deserve to be mentioned? As, similarly, other such "mistakes", like e.g. the "de-kulakisation"—dispossession of ordinary farmers of their land, houses and property, their expulsion from their homes and villages in bitter cold, without the possibility of any help, their deportation together with their wives and small children into the wild primeval taiga to face certain death from exhaustion, the starvation of the farming population over several decades, dictatorship of various petty satraps of the Bolshevik Party in the rural areas and mockery of the peasantry—all this is simply a slight "mistake" or the "wise" party which carries out its policy in accordance with an allegedly scientific plan? Not a word was said about it by Brezhnev and other orators. At the same time, over the period of 35 years, there was many a policy move by the party with regard to the rural population, many a "mistake", which it would have been useful to discuss in greater detail, in order to prevent its occurrence in the future.

CHANGES

Polyansky reported about the new Statute and the changes which it brings in the situation of the collective farms. He stressed that the Statute, in the first place, has the aim of "strengthening and accumulating the collective farm property", a better utilisation of land, "widening of the economic independence and initiative of the collective farms", "the raising of the level of socialisation in agriculture", "concentration and specialisation of production." The statute permits the creation of inter-collective farm and collective farm—State owned specialised enterprises, organisations and associations, permits the collective farms to develop subsidiary enterprises and crafts, makes it incumbent on the collective farms to guarantee a certain wage to the collective farmer. At the same time collective farms have to increase every year the "socialised" collective farm funds. Polyansky admitted that the "interests of consumption had not been taken into account" previously, in other words that the collective farmers' remuneration had been insufficient to keep them reasonably well off. The new Statute allows the collective farms to set aside funds to make supplementary payments to the old age pensions of old collective farmers. Polyansky admitted that the individual farming plots of the collective farmers were still "necessary for the time being", but expressed the hope that in the future collective farmers themselves would give them up. He rejected the idea that the individual farming plots of the collective farmers should be abolished at present. This, of course, is motivated by the fear that such a move would provoke great dissatisfaction among the rural population, as well as result in shortages of some food produce, in particular vegetables, in the town market. Unlike in the previous Statute, the new Statute provides for the election of not only the chairman and members of the board of a collective farm by a general meeting of the collective farmers, but also of the managers of subdivisions of a collective farm, such as brigade leader and link leaders. Polyansky also discussed a number of proposals which had been submitted to the Statute commission, namely the creation of a system of collective farm organs from the bottom to the top, the method of voting at general meetings—open or secret—and other questions.

DUNG—"PROBLEM NO. ONE"

The debate on the draft Statute was, as usual in the USSR, well prepared beforehand and everything went on smoothly. One after another the delegates rose to praise Brezhnev's speech, related about the successes of this or that collective farm, district or region, rarely introduced some delicate hints about this or that second rate problem. One of the most interesting was the speech by O. H. Buznytskyi, chairman of a collective farm from Kiev region. Having boasted about some phenomenal successes in his collective farm where, allegedly, up to 40 quintals of grain had been collected per hectare of land, he expressed some critical remarks. *Inter alia* he spoke about the shortage of artificial fertilisers and the importance of dung for increasing the yields. He called it "problem number one." In shouting about artificial fertilisers the Bolshevik leaders forgot about the ordinary dung, and it needed a Buznytskyi to remind them of this simple fact. Further Buznytskyi drew the attention to the shortage of building materials which is acute in the villages. He explained to the Soviet economists the reason for the decline in the number of heads of pigs in the USSR, and, as a result, for the shortage of pork which is the basic meat product in the USSR. It is, it appears, a result of the introduction of different prices in different zones for grain. In the forest zone, e.g. in Polissia (as well, as in the greater part of the territory of the RSFSR, by the way—Ed.) grain prices are twice as high as those in the greater part of Ukraine. Therefore the collective farmers in the forest belt prefer to sell grain to the State rather than to raise pigs which is not as profitable. As a result there is a shortage of pork.

WHAT HAS CHANGED?

The Congress, of course, adopted the new Statute unanimously, as well as "elected" an All-Union Collective Farm Council consisting of 125 members, 25 of them from the Ukrainian SSR. Analogous councils are to be elected in all Republics, regions and districts. What will be their functions and powers has not been made very clear. The Statute notes that voting at general meetings can be either open or secret. The previous Statute provided only for open voting. Matters are not much improved thereby, however, because the Bolsheviks are past masters at intimidating people to vote "unanimously" by the show of hands for their "proposals." The new statute introduces the possibility to hold general meetings of collective farmers with the participation of delegates only where collective farms are large. The Statute speaks about the independence of the collective farms based, it appears, on the fact that since 1967 Moscow announces several years ahead quotas of food produce to be delivered compulsorily to the state at fixed prices. Thus the collective farms know beforehand what they can expect and can thus draw up more realistic plans of output and its utilisation after the delivery of their quotas. Collective farms themselves can now plan the sowings and field work in accordance with local conditions, and are not required to stick blindly to the directives from Moscow, as was usual in Stalin's time. Nevertheless the Statute states firmly several times that the collective farms must in the first place care for increasing the social (i.e. State-owned, or rather Moscow-owned) property, and only afterwards to show solicitude for the welfare of the ordinary collective farmer. The Statute confirms Stalin laws about increasing the so-called "indivisible" property of the collective farms and prohibits any refund of their part of the collective farm property to a collective farm member who might wish to leave the collective farm.

Thus, as we see, the Statute in the main leaves the basic principles of the collective farm system intact, the position of collective farmers remains not much different from that of the serfs in tsarist Russia. The existence of the collective farms is perpetuated, the trend to the greatest possible amassing of the collective farm "social" property is encouraged, because it is owned by the State, or rather Moscow, the individual property of the collective farmer is limited to a necessary minimum. For instance, a collective farm homestead can possess only up to 0.50 hectare of land, including the site of the house and other buildings, one cow, one sow, or two pigs for fattening, up to 10 sheep and goats altogether, and an unlimited number of bee hives, domestic fowl and rabbits.

SUCCESS OR FAILURE?

The widening of the initiative of the collective farm managements announced by the Statute, could, of course, be beneficial, but so far it is merely theory. What will happen in practice only the future will show, for many a reform and "democratisation" announced by the Bolsheviks turned sour in actual performance in the past. They often had opposite effects to those that had been hoped for. Collective farms are now being put more or less on a par with factory managements which received greater rights under Brezhnev than they had for a long time be-

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fore. The results of this reform, however, are not yet sufficiently clear to make a definite judgment of its success or failure. Soviet bureaucracy is not used to think and act independently, it constantly expects directives from above, and this is the situation to a great extent in industry and trade at present. One may expect a similar situation in agriculture, as long as the USSR remains a dictatorship, and it cannot be any other system without a revolution or change of government. As long as the Russian empire exists it will remain a tyrannous dictatorship because otherwise it would collapse very soon under the pressure of the revolutionary liberation forces of the enslaved peoples. How is it possible for any democracy to exist even on a small scale in the collective farms when the Supreme Soviet of the USSR, the allegedly highest "democratic" organ, and the supreme Soviets of the union Republics, are pitiable puppets who unanimously raise their hands at the jerk of a "magic wand" from the Kremlin? The entire hullabaloo around the new Statute appears to be a new propaganda campaign, a new change of decoration designed to pull the wool over the eyes of the rural population and all the peoples of the USSR, to deceive them and the rest of the world.

THE IMPORTANCE OF CONSUMER PROTECTION

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PATTEN. Mr. Speaker, the American consumer needs more protection against exploitation and loses billions of dollars a year because of deceptive practices by the seller. Unfair wrapping is only one example of such deception.

Many persons have told me they were cheated when they bought meat at supermarkets when it lacked clear wrapping on all sides. Because most meat is sold in cardboard containers covered on top by a clear plastic wrap, the buyer does not know the quality of the meat at the bottom of the container.

A frequent complaint by housewives is that good quality meat is invariably displayed on top, so it can be seen through the clear plastic wrapping, and that it often covers a poorer quality meat at the bottom of the cardboard container.

Such a practice is reprehensible and unfair. Federal legislation should be passed that would make it mandatory for markets to package fresh and frozen cuts of meat in clear wrapping on all sides and limit the label size to no more than 10 percent. Presently it often exceeds 10 percent.

I also believe that legislation is needed that would require the dating of packaged goods in markets. Numbers shown on items contain coded dates understood only by employees—but not the buyer. As any reasonable person will concede, the buyer not only has the right to know the quality of the product she is buying, but also whether it is fresh or not.

When I helped sponsor the Truth-in-Packaging Act several years ago, it was obvious that the consumer was being victimized in several areas. Some progress has been made in protecting the consumer, but so much remains to be done. Another bill I have helped sponsor—creation of a Department of Consumer Affairs at a Cabinet level—would be an important victory in the fight to give the consumers the protection they deserve.

LATCH KEY CHILDREN—II

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DELLENBACK. Mr. Speaker, on April 8, 1970, I read into the RECORD two newspaper accounts of the brutal murder of a working mother's 11-year-old daughter who returned home from school an hour earlier than usual. The tragedy of Pamela Marshall's death might have been avoided had there been arrangements available for afterschool supervision of children who are at that inbetween stage—too old for a day-care center or a babysitter, but too young for complete independence.

My RECORD insertion came to the attention of Pamela's mother, Mrs. Carolyn Marshall. At this time I would like to share with my colleagues Mrs. Marshall's recent letter to me:

APRIL 16, 1970.

Hon. JOHN DELLENBACK,
House of Representatives,
Washington, D.C.

DEAR MR. DELLENBACK: I have read your statements which appeared in the "Congressional Record" on April 8. Is there anything I can do to help you get such legislation passed? I plan to write my representatives in Tennessee and also those from Virginia. However, since no bill has been introduced, I will wait until I hear from you.

My Pammy was a beautiful girl—inside and out. Although she was almost 12, she was a petite girl, still wearing size 8 children's clothes. People who didn't know her age thought she was 8 or 9.

There are so many children in this neighborhood who come home as Pammy did. Her brother always got home first—she just happened to get out early on April 6. This was her first year of not having a baby sitter. She didn't want one—she babysat other children on weekends (only if it was nearby and I could be called). She was never afraid. Our neighborhood is quiet—never any trouble.

Is there anything at all that I can do?

Sincerely,
MRS. CAROLYN W. MARSHALL.

I believe Mrs. Marshall's moving letter stands as testimony to the need for federally assisted programs which will provide supervisory services for school-age children of working mothers. As the House Education and Labor Committee considers child development and child care legislation, I will make every effort to see that any bill reported includes provisions for supervisory services for these so-called "latch-key" children.

Contrary to general belief, the problem of supervising "latch key" children is very common. In 1967, 45 percent of working mothers had children aged 6 to 17 years, as compared with only 27 percent whose families included children younger than 6. Masked by this statistic, furthermore, is the fact that of the 27 percent of mothers with children younger than 6, many also have older children as well, meaning that easily over half of all working mothers have school-age children.

At this time, I would also like to add to the RECORD the following report on "Working Mothers and the Need for Child Care Services," published in 1968 by the Department of Labor. Although the figures are somewhat out of date, I believe this survey accurately summarizes the proportion of the problem:

WORKING MOTHERS AND THE NEED FOR CHILD CARE SERVICES

There were nearly 27.5 million working women 16 years of age and over in the United States in March 1967,[1] and their number is rising steadily. Among these workers were 10.6 million mothers with children under 18 years of age. About 2.2 million of these mothers had children under 3 years of age; 1.9 million had children 3 to 5 years of age (none under 3); and almost 6.5 million had children 6 to 17 years of age (none under 6). About 1.5 million (15 percent) of the working mothers were nonwhite.

The number of working mothers has increased more than sevenfold since 1940, when there were 1.5 million and has more than doubled since 1950, when there were 4.6 million.

The employment of mothers, like the employment of all women, is expected to continue to rise. The Bureau of Labor Statistics has estimated conservatively that the number of working mothers 20 to 44 years of age with preschool children will increase to 5.3 million by 1980. Moreover, the 1967 amendments to the Social Security Act require many of the mothers on the aid to families with dependent children rolls to be trained for employment.

To ascertain how the children of working mothers are cared for, in February 1965 the Children's Bureau, U.S. Department of Health, Education, and Welfare, and the Women's Bureau cosponsored a national survey of the child care arrangements made by these mothers. The survey was limited to the 6.1 million mothers who worked 27 weeks or more in 1964, either full time or part time, and who had at least one child under 14 years of age living at home. These mothers had 12.3 million children under 14 years of age—3.8 million, under 6 years; 6.1 million, 6 to 11 years; and 2.4 million, 12 and 13 years. The survey disclosed that nearly half (46 percent) of these children were cared for in their own homes by their fathers or other relatives, or by babysitters or housekeepers; 28 percent were cared for by their mothers, who either worked only during their children's school hours or took care of them while working; 18 percent were cared for away from home (only 2 percent in group care); and 8 percent looked after themselves. Nearly half of the children who looked after themselves were 12 and 13 years of age, but about 4 percent were under 6 years of age.

Too many children have care which at best would be classified as questionable and all too frequently would be considered completely inadequate.

Child care services must be assured for welfare mothers scheduled for training for employment and should be available to every child who needs them. Good day care is especially important for younger children whose mothers must work for economic reasons, and for children who are economically and culturally deprived, those with physical or mental handicaps, and those whose mothers are incapacitated.

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[1] This is the latest date for which data are available on the marital status of workers.

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The following summary statements and charts document the rising number of working mothers in the United States and the increasing need for child care services. It is hoped that they will prove helpful in the intensified efforts now underway to provide, expand, and improve day care services throughout the country:

Almost Two Out of Five Mothers Are Workers

In March 1967 there were about 69.4 million women 16 years of age and over in the population. Of these, 27.7 million had children under 18 years of age. Almost two-fifths (10.6 million) of these mothers were in the labor force. They constituted 38 percent of all women workers. Most of these mothers were working to raise family income above poverty levels or to bring family income closer to standards of "modest adequacy," estimated as more than $7,000 a year for an urban family of four.

LABOR FORCE STATUS OF WOMEN IN THE POPULATION, BY MARITAL STATUS AND PRESENCE OF CHILDREN UNDER 18 YEARS OF AGE, MARCH 1967

[Women 16 years of age and over]

Marital status	Number of women (in millions)	Percent in labor force	Percent not in labor force
Single	11.7	51	49
Ever married no children under 18	30.1	37	63
Ever married children under 18	27.7	38	62

Mothers Without Husband Present Are Much More Likely To Work

Of the nearly 28 million mothers with children under 18 years of age in the population in March 1967, about 3 million were raising their children in fatherless homes or in homes where the husband was absent. Nearly 2 out of 3 (64 percent) of these mothers were workers as compared with only slightly more than 1 out of 3 (35 percent) of the mothers with husband present. For mothers who must bring up their children alone, the compulsion to work is obviously great. Their earnings are not supplementary; they are basic to the maintenance of their families. In 29 percent of the two-parent families in which the mother was a worker in March 1967, the husband's income in 1966 was less than $5,000. These mothers also worked because of urgent economic need.

LABOR FORCE STATUS OF MOTHERS WITH CHILDREN UNDER 18 YEARS OF AGE, BY PRESENCE OF HUSBAND, MARCH 1967

[Mothers 16 years of age and over]

	Number	Percent in labor force	Percent not in labor force
Number of women whose:			
Husbands are present	24,819,000	35	65
Husbands are not present	2,864,000	64	36

More Mothers Work Today Than Ever Before

About 10.6 million mothers with children under 18 years of age were workers in March 1967. This was the highest number ever recorded and was more than seven times the number who were workers in 1940 and more than twice the number who were workers in 1950.

Almost 2 out of 5 mothers in the labor force in March 1967 had children under 6 years of age. This is a slightly higher proportion (39 percent) than in 1960 (36 percent) or in 1950 (37 percent).

MOTHERS IN THE LABOR FORCE, BY AGE OF CHILDREN, 1940–67 [1]

[Mothers 14 years of age and over [2]]

Year	Number of women in labor force (millions)	Age 6–17 in percent	Age under 6 [3] in percent
1940	1.5	(4)	(4)
1950	4.6	63	37
1960	8.0	64	36
1967	10.6	61	39

[1] Data are for March of each year.
[2] Except 1967 (16 years of age and over).
[3] May also have older children.
[4] Ages not available.

The Number of Working Mothers With Young Children Will Continue To Rise

The number of working mothers with young children is expected to increase rapidly in the next decade. It is conservatively estimated that by 1980, 5.3 million mothers 20 to 44 years of age with children under 5 years of age will be workers. This will constitute a 43-percent increase over the 3.7 million similar mothers who are expected to be in the labor force in 1970.

Labor force status of mothers 20 to 44 years of age, with children under 6 years, 1960–71 [1] and children under 5 years, projected to 1980 [2]:

NUMBER OF WOMEN IN LABOR FORCE

[In millions]

Year:	
1960	2.8
1963	3.3
1967	3.9
Projected—children under 5:	
Year:	
1970	3.7
1975	4.5
1980	5.3

Mothers With School-Age Children Are More Likely To Work Than Mothers With Younger Children

This has been true for many years.

Among mothers with husband present, more than 2 out of 5 (45 percent) of those with children 6 to 17 years of age and none under 6 were workers in March 1967. This compares with only about 1 out of 4 (27 percent) for those with children under 6 years of age. In 1950 the rates were 28 and 12 percent, respectively.

Among mothers who are widowed, divorced, or separated, the likelihood of working is also greater for those who have school-age children only than for those who have younger children. In March 1967, 75 percent of these mothers with children 6 to 17 years of age only were working as compared with 51 percent of those with children under 6 years of age.

This is true at all income levels.

In March 1967 labor force participation of mothers with husband present was highest (53 percent) among those with children 6 to 17 years of age only and a family income of between $3,000 and $5,000 a year. It was lowest (16 percent) among those with children under 6 years of age and a family income of $10,000 or more. In a great majority of cases economic necessity prompts mothers of preschool children to work.

Information is not available on the family income of mothers who are widowed, divorced, or separated.

LABOR FORCE PARTICIPATION OF MOTHERS [1] WITH HUSBAND PRESENT, BY AGE OF CHILDREN, 1950-67 [2]

[This has been true for many years]

[In percent]

Year	Children age 6 to 17	Children age under 6 [3]	Total percent of mothers working
1950	28	12	40
1954	33	15	48
1958	38	18	56
1962	42	21	63
1967	45	27	72

[1] Mothers 14 years of age and over except 1967 (16 years of age and over).
[2] Data are for March of each year except 1954 (April).
[3] May also have older children.

LABOR FORCE PARTICIPATION OF MOTHERS WITH HUSBAND PRESENT, BY INCOME OF HUSBAND IN 1966 AND AGE OF CHILDREN, MARCH 1967

[This is true at all income levels]

[In percent]

Income of husband	Children age 6 to 17	Children age under 6	Total percent of mothers working
Under $3,000	50	32	82
$3,000 to $4,999	52	34	86
$5,000 to $6,999	50	32	82
$7,000 to $9,999	47	22	69
$10,000 and over	33	16	49

Only One Out of Six Mothers—Husband Present—With Very Young Children Works Year Round Full Time

About 11.6 million mothers with husband present in March 1967 had worked at some time in 1966. Of the 3.2 million with children under 3 years of age, only 16 percent had been employed 35 hours or more a week for 50 to 52 weeks. The proportions who worked year round full time were considerably higher for the 2.1 million mothers with children 3 to 5 years of age and none younger (31 percent) and the 3.2 million mothers with children 6 to 17 years of age only (39 percent).

WORK EXPERIENCE IN 1966 OF MOTHERS WITH HUSBAND PRESENT, BY AGE OF CHILDREN, MARCH 1967

[Mothers 16 years of age and over]

Age of children	Number of mothers in (millions)	Percent part year workers full and part time	Percent year-round full time workers [1]
6 to 17	6.3	61	39
3 to 5 [2]	2.1	69	31
Under 3 [2]	3.2	84	16

[1] 50 to 52 weeks, 35 hours or more a week.
[2] May also have older children.

A Greater Proportion of Nonwhite Working Mothers Have Young Children

There were about 1.1 million nonwhite mothers (husband present) in the labor force in March 1967. More than half of these mothers had children under 6 years of age—29 percent had children under 3 years; 24 percent, 3 to 5 years. In contrast, only 38 percent of the 7.7 million working white mothers (husband present) had children under 6 years of age.

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[1] Data are for March of each year.

[2] Projections for children under 6 years of age are not available.

MOTHERS (HUSBAND PRESENT) IN THE LABOR FORCE, BY AGE OF CHILDREN AND COLOR, MARCH 1967

[Mothers 16 years of age and over]

Race	Number of mothers in labor force	Children age 6 to 17 in percent	Children age 3 to 5[1] in percent	Children age under 3[1] in percent
White	7,697,000	62	17	21
Nonwhite	1,053,000	47	24	29

[1] May also have older children.

More Than 4 Million Children Under 6 Years of Age Have Working Mothers

The Children's Bureau of the U.S. Department of Health, Education, and Welfare has estimated that more than 17 million children under 18 years of age had working mothers in March 1965. About 4.5 million, or more than one-fourth, of these children were under 6 years of age—2.0 million under 3 years and 2.5 million 3 to 5 years. Another 6.4 million of the children were 6 to 11 years of age.

Number of children of working mothers, by age, March 1965:

[Number of children, in millions]

Under 3	2.0
3 to 5	2.5
6 to 11	6.4
12 to 17	6.4

Nearly 2 Million Children Whose Mothers Worked Half a Year or More in 1964 Were Members of Families With Incomes of Less Than $3,000

A special survey of mothers who had worked 27 weeks or more in 1964 was made in February 1965. According to the report of this survey, there were nearly 2 million children under 14 years of age in families whose annual incomes in 1964 were less than $3,000, despite the fact that their mothers worked a half year or more. Nearly 4 million additional children under 14 years of age with working mothers were members of families whose incomes were between $3,000 and $6,000—still below the "modest but adequate" income level for an urban family of four.

NUMBER OF CHILDREN OF MOTHERS WHO WORKED 27 WEEKS OR MORE IN 1964, BY FAMILY INCOME IN 1964, AND AGE OF CHILDREN, FEBRUARY 1965

Family income	Children age 6 to 14 (percent)	Children age under 6 (percent)	Number of children (millions)
Under $3,000	67	33	1.9
$3,000 to $5,999	67	33	3.9
$6,000 to $9,999	69	31	4.5
$10,000 and over	74	26	2.1

Too Many Children of Working Mothers Lack Good Child Care Services

The child care arrangements of mothers who worked 27 weeks or more in 1964 were surveyed in February 1965. These mothers had 12.3 million children under 14 years of age. Of these children, 46 percent were cared for at home by a father, brother, sister, other relative, or by someone hired to look after them in the home. Another 28 percent were looked after by the mother, who either cared for her children while she worked or worked only during their school hours. About 16 percent were cared for away from home, with only 2 percent in group care centers. The remaining 8 percent looked after themselves. About 4 percent of the children who looked after themselves were under 6 years of age.

Child care arrangements of working mothers, February 1965, 12.3 million children under 14 years of age:

	Percent
Group care	2
No care	8
Cared for by mother	28
Cared for at home by other than mother	46
Cared for away from home	16

CHART SOURCES

Chart 1. U.S. Department of Labor, Bureau of Labor Statistics: Special Labor Force Report No. 94.

Chart 2. Ibid.

Chart 3. U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P–50, No. 29 for March 1950; U.S. Department of Labor, Bureau of Labor Statistics: Special Labor Force Report No. 13 for March 1960 and No. 94 for March 1967; and Women's Bureau: "Women as Workers, A Statistical Guide" for March 1940.

Chart 4. U.S. Department of Labor, Bureau of Labor Statistics: Special Labor Force Report No. 49 for March 1960, March 1963, and projections to 1980; No. 94 for March 1967.

Chart 5. U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P–50, No. 29 for March 1950, No. 62 for April 1954, and No. 87 for March 1958; U.S. Department of Labor, Bureau of Labor Statistics: Special Labor Force Report No. 26 for March 1962 and No. 94 for March 1967.

Chart 6. Same as Chart 1.

Chart 7. Ibid.

Chart 8. U.S. Department of Health, Education, and Welfare, Welfare Administration, Children's Bureau. Unpublished data.

Chart 9. U.S. Department of Health, Education, and Welfare, Welfare Administration, Children's Bureau; and U.S. Department of Labor, Women's Bureau: "Child Care Arrangements of the Nation's Working Mothers," 1965.

Chart 10. Ibid.

KEEP SPRING GREEN IN YEARS TO COME

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. FARBSTEIN. Mr. Speaker, the message of Earth Week is the stark contrast between what our environment can be and what it is becoming as a result of man's uncontrolled fumes, exhausts, trash, and sludge. It is most appropriate that Earth Week is occurring in the spring of the year when this contrast is at its greatest.

I insert at this point in the Record a poem written by Miss Bette J. Ackerman, which dramatically depicts the message of Earth Week.

The text of the poem follows:

Keep Spring Green in Years To Come

(By Bette J. Ackerman)

Would it be fun if the sun were an existential mass?
Passing time in the sky, a gray glow,
Like a gypsies ball on a dark flowing carpet.

It might be new for a day or two—
But think of . . . Forever . . .

If the sky joined force with the grit in the air to fare war on the world,
All that's living and fresh and good would die, curling back to brown dust.
The matter of choice which all men must voice,
Is how far to go with our easy leisure ways . . .
At stake are lives! And our future mirth—
We play Russian Roulette with the Earth!

Do we want our wash clean,
And yet kill all the lakes?
Is the car really worth what it takes out on us,
In terms of the grit, the fumes and exhaust.
We're lost if we wait to combat this fear.
We can't be meek in Environment Week,
But must think of a way to prove Earth Day every last day in the year.

WASHINGTON REPORT

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. CUNNINGHAM. Mr. Speaker, I periodically make a report to the people of the Second Congressional District of Nebraska, whom I have the honor to represent in the U.S. House of Representatives.

This is my seventh report for the 91st Congress:

Report to the People

Dear Friends: One of the most moving experiences of my 14 years in Congress came earlier this month when President Nixon presented the Medal of Honor to the mother of Pfc. James W. Fous of Omaha.

Mrs. Stanley E. Fous, Jr., 533 South 27th Street, received the nation's highest military honor awarded her son who was killed in Vietnam May 14, 1968. Private Fous's sister, Sherry, also was present.

The citation accompanying the Medal of Honor stated that young Fous, a graduate of Omaha Central High School, gave his life to save three soldiers whom he had met only four days previously.

His unit was participating in a night action in the Mekong Delta when a Viet Cong tossed a grenade into their position. Fous warned the other men and then leaped on the grenade, suffering fatal wounds.

THAT BLAIR MAPLE IS GROWING FAST

It was just a year ago that I had the pleasure to represent Blair, Nebraska, at the planting of a Blair Maple on the Capitol grounds.

The tree was planted to commemorate Blair's 100th Birthday which was celebrated last August. A similar tree was planted in Rhoades Park on Highway 30.

A "time capsule" was buried at Blair during the Centennial Celebration and noted the planting of the two trees. It will be opened in the year 2069 and it is hoped a check can be made to see if the two trees still are living.

Just last week I had an opportunity to take a close look at the rapidly growing tree with Richard A. Hunt of Blair. Richard can attest to its health.

The Blair Maple—a descendant from a Silver Maple observed growing on the courthouse grounds in Blair in the 1930's—should soon be out in all its glory.

When you come to Washington, I will see that you get to view this tree and its spectacular location in relation to the Capitol.

MAJOR ROWE, APOLLO FILMS AVAILABLE

Two 30-minute films on the plight of a prisoner of war in Vietnam as told by Maj. James N. Rowe and the historic voyage of Apollo 11 to the moon are available at my

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Omaha office. Reservations may be made by calling 221-4631.

OUTSIDE INCOME LIMIT MAY BE INCREASED

Early in the first session of the 91st Congress, I introduced a bill which would raise to $3,000 the amount Social Security recipients can earn without penalty.

This proposal would be an increase of 44 percent over the present limitation of $1,680 annually in outside income. Those now receiving more than this amount must forfeit part of their Social Security payments.

This bill also provides escalation in the amount of allowable outside earnings based upon increases in the Consumer Price Index.

I have spent many hours working on this approach in addition to increased Social Security benefits which are now a reality. House Ways and Means Committee hearings continue on Social Security amendments. It appears that the earnings ceiling will be lifted. While it may not go all the way to the $3,000 I sought, I am hopeful and I believe we can expect that the increase will be substantial.

IT'S ALWAYS NICE TO SEE FOLKS FROM HOME

VFW Officials Paul A. Harmon and Robert J. Mahoney, of Omaha; Frank H. Short of Lincoln; and Marion Whitaker of Sidney were in to discuss problems of Veterans Hospitals.

Charles McNeil, President of Omaha Building & Construction Trades Council, and John O'Hara visited during the recent Legislative Conference.

Omaha "Boy of the Year" Keith Lewis and North Omaha Boys Club Director Tom Davis were in Washington for the national finals.

And, of course, there's always an opportunity to discuss one's remarks in the Congressional Record with Minority Leader JERRY FORD and Whip LES ARENDS.

POSTAL AGREEMENT IS OUTSTANDING

The Postal Reform and Salary bill I introduced earlier this month is one of the most outstanding agreements ever negotiated between the Government and the seven exclusive postal unions.

This measure culminates many, many hours of work and I am hopeful we will have speedy action on this legislation in the House.

I was delighted to hear the Chairman of the House Post Office and Civil Service Committee say he was anxious to expedite this measure at the earliest possible opportunity in order that we might have true postal reform.

This legislation will provide improvement in the working conditions of our postal employees; an additional 8 percent in wages; and compression of postal workers' in-grade salary increases, enabling an individual to reach the top salary level in eight years instead of the present 21 years.

NANCE LEIGH HERMAN LOVELY PRINCESS

It was my pleasure to escort Nance Leigh Herman at the Cherry Blossom Luncheon and Fashion Show. And might I say that Nance, daughter of the Dale G. Hermans of Omaha, was one of the loveliest of the Cherry Blossom Princesses.

Sincerely,

GLENN CUNNINGHAM.

APRIL 22, QUEEN ISABELLA DAY

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BOGGS. Mr. Speaker, April 22, marks the 519th anniversary of the birth of Queen Isabella of Spain, one of the truly great ladies of history.

The qualities of faith in the future, steadfast devotion to an idea, and a spirit of adventure are of special significance to us in these times when men travel to the moon.

Accordingly, the Governor of Louisiana, John J. McKeithen has issued the following proclamation, designating April 22, Queen Isabella Day:

PROCLAMATION OF STATE OF LOUISIANA

Whereas, April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for clear intellect, energy, virtue and patriotism; and

Whereas, The qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration.

Now, therefore, I, John J. McKeithen, Governor of the State of Louisiana, do hereby proclaim Wednesday, April 22, 1970, as Queen Isabella Day in Louisiana, and urge all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

In witness whereof, I have hereunto set my hand and caused to have the Great Seal of the State of Louisiana affixed. Done and signed at the Capitol in the City of Baton Rouge on this the 24th day of March, A.D., 1970.

JOHN J. MCKEITHEN,
Governor of Louisiana.

Attest by the Governor:

WADE O. MARTIN, Jr.,
Secretary of State.

MEDICAL BENEFITS OF SPACE RESEARCH

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PODELL. Mr. Speaker, the flight of Apollo 13 has ended and the astronauts are safely back on earth. The astronauts' families and the American public have reason to rejoice at their safe return. We must try to insure that such mishaps do not happen again.

Many people believe that our space program is taking unnecessary risks with human life. I believe that this is an unnecessarily limited view of the situation. Spinoffs from the primary space research have resulted in new breakthroughs in the area of medical research—breakthroughs which save, rather than sacrifice, human life.

If we look at but one specific area of medical research—the area of heart treatment—it is obvious that developments have been crucial.

Cardiac sensors which can measure blood pressure without interfering with blood circulation have been devised. NASA research has produced miniature pressure transducers which can monitor blood flows in cardiac patients with coronary occlusions. Thus far this treatment has had substantial success in laboratory experiments on animals. A heart monitor, now in use, was developed under a NASA grant, and a circulatory assist pump for use in the emergency treatment of heart attack patients is also a direct outcome of aerospace research and development programs.

In still other medical areas, innovations devised from the space program requirements are in use. One of the early requirements established by NASA was the development of miniature, lightweight yet highly precise equipment. Since there is no way to do repair work millions of miles in space, the reliability of the instrumentation and small devices must be very high.

One of the methods that evolved was a development called "clean room technology." This primarily means that airborne contaminant particles are nearly eliminated. Equipment constructed in such a room is free from particulate contamination. The correlation between this technology and that of the operating room was not lost on the individuals in the medical profession. Now, some of the techniques have been adapted to operating rooms and other medical uses.

The National Institutes of Health cooperated with NASA experts to test a so-called laminar flow operating room. In this type of room, the flow of air is from one side to the other, but it is carefully controlled in horizontal layers. There is no tendency for the floor dust to be picked up in the air and transmitted to the patient. In routine air sampling during conventional neurosurgical procedures, typical levels range from 10 to 200 microorganisms per 100 cubic feet of air. The average was 60 organisms per 100 cubic feet. With the use of laminar crossflow ventilation, the levels of airborne contamination were held at less than 5 organisms per 100 cubic feet. Yet, there is no need to alter any of the typical routines and procedures of the neurosurgical team.

An additional advantage is the reduction of the extensive gowning and draping of the operating team, without in any way interfering with the reduction of the organism counts.

The advantages of the laminar flow system do not stop at surgical procedures. One of the contractors of the NIH has designed a laminar flow room that can be torn down and rebuilt where necessary. The purpose is to provide carefully controlled environmental conditions for patients with cancer. Some of the drugs that are used to fight cancer may also cause a form of leukemia. In the past, the dangers of the cure were often worse than the disease. In the laminar flow room, the patient is protected from what, for him, is now a hostile environment. He thus stands a much better chance of complete rehabilitation.

I might mention here a problem arises from the use of the new technology: the patient, while protected from contamination, has to withstand the noise of the power and filter fan system used in the laminar flow equipment. Other NASA technology that is concerned with acous-

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tic or noise propagation will hopefully succeed in ameliorating this condition.

Another field in which NASA and the medical profession are allied is in the problem of sterilization. After investigating the possibility of dry-heat sterilization, NASA found that this could be a satisfactory procedure. There is considerable experimentation now being conducted on the methodology to increase the understanding of the dry heat technique.

A technique for clarifying spacecraft photos of Mars and the Moon by putting TV signals through a computer is being used by hospitals to provide much sharper X-rays.

A space program device is being used in a San Francisco children's hospital to trigger an alarm when infants with implanted tracheostomy tubes or comatose patients experience breathing difficulties.

These are but a few of the more practical benefits of the space program. NASA space programs have made major contributions to the area of medical research. The return can not be calculated merely in dollars and cents terms; rather we must look at the number of lives that have been saved.

CONGRATULATIONS TO MR. SAMUEL C. VANNEMAN

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PERKINS. Mr. Speaker, Friday, April 17, marked the end of the line for a splendid dedicated, public servant.

He is Samuel C. Vanneman, who retired after more than 30 years of service with the Federal Government, most of it with the school lunch program of the Department of Agriculture. His last assignment was an Assistant Deputy Administrator for Programs, Food and Nutrition Service.

Sam has been of great assistance to the Committee on Education and Labor as we have striven to bring child nutrition programs to more and more needy youngsters. I am sure that other committees have found him equally as cooperative.

Mr. Speaker, I include as part of my remarks a letter of congratulations which I have sent to Sam:

APRIL 6, 1970.

Mr. SAMUEL C. VANNEMAN,
Assistant Deputy Administrator,
U.S. Department of Agriculture,
Washington, D.C.

DEAR SAM: Your forthcoming retirement has been brought to my attention. This Committee will miss you.

I shall miss you.

Hungry school kids will miss you.

I do wish you an enjoyable and successful retirement. I know that you will be able to enjoy the years ahead more because you will have the satisfying and fulfilling knowledge that because of your work a great many youngsters will be eating lunch who would not otherwise be eating lunch.

My very best wishes.

Sincerely,

CARL D. PERKINS,
Chairman.

CALL OF THE ROAD

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, recently an outstanding journalist from my congressional district was honored by the American Trucking Association for an editorial he wrote concerning a motorcycle accident.

Because of the ever-increasing use of these two-wheelers throughout the Nation, I would like to encourage my colleagues to take the time to read the following editorial by Mr. Alann B. Steen of the Arcata Union, Arcata, Calif., the second-place winner in the national competition.

In my judgment, Mr. Steen has made an excellent case for the need for laws requiring the use of certain protective equipment by motorcycle riders. Improper clothing worn by cyclists can lead to tragedy or serious personal injury.

I should also like to take this opportunity to publicly congratulate Mr. Steen for this outstanding piece of writing. He is a credit to his profession, his community, and our Nation. Also, I am proud to relate to my colleagues that he is a close personal friend.

Alann's personal concern and this award-winning effort can and will save many lives throughout the Nation—if his warning is properly adhered to.

The editorial follows:

CALL OF THE ROAD

They made a mighty fine looking picture as they sped down Highway 101 on his stripped-down motorcycle. His long hair blowing in her face; her hair flaired out a foot behind the roll-over bar. Wearing only a pair of jeans and moccasins, his body was lean, muscular and tanned from many days on the road; her body was about the same. His face was masked in confidence.

Yet, as he zoomed down the highway toward Eureka, his front wheel momentarily dropped off the road onto the shoulder. He quickly compensated to the left, swerved to the center strip of the south-bound lane, the cycle's front wheel gyrating to the left and right as he fought for control. A moment later he had control and he continued on his way, not even slowing down for a fraction of a second.

It was difficult to tell whether his smirk of confidence left his face; perhaps it didn't, there wasn't that much time. However, there was nothing left to the imagination if he had completely lost control; what their bodies would have looked like if they hit the pavement at 70 miles per hour.

But rarely does anything happen to the "winged cyclists" who travel most all the roads of California, at least newspapers rarely distinguish between that breed and the weekend rider. All newspapers will do is reconstruct the accident, and report the names of the victims and the extent of their injuries. And readers will only think, "Another cycle injury accident on Highway 101."

Or somewhere else. Yet the California Highway Patrol keeps a tally of such accidents, and according to CHP records there has been a rash of 13 accidents during the month of July in Humboldt County. Of this number, 16 cyclists were hurt, including two fatalities, eight major, three moderate and five minor injuries. In comparing this with July of last year, these 13 accidents compose a 333 per cent increase when there were two accidents that injured two cyclists and one accident that involved just property damage.

Captain K. O. Camendish, commander, Humboldt County CHP, said a possible reason for the cycle accident rate increase is that more and more people are buying motorcycles. He also explained that many agencies rent cycles without knowing first whether the renter knows how to operate them or not. To this end a law was passed last year that made it mandatory for a person to have a special license for motorcycle operation.

But there is no law governing the clothing worn by cyclists, the reason being that such protection was up to the individual rider. Camendish, on the other hand, said that many a patrol officer's life was saved because of the protection he wore. Such officers have walked away from terrible accidents because an item such as a helmet, dented and cracked, cushioned the impact.

"No, there is no law regulating clothing," explained the captain, "but common sense and self preservation should tell a person to wear them." He listed items such as a helmet, gloves, heavy clothing and sturdy shoes. Helmets will protect the head, while gloves and heavy clothing will guard against "gravel rash" in case of a fall. Putting one's foot down can help stabilize a bike on the verge of going out of control, but who will put down a bare foot at 60 mph? Thus the need for sturdy shoes.

The motorcyclist should also practice defensive driving. According to Camendish, the bike is a small unit to be seen by a motorist, especially on shady roads such as the Avenue of the Giants. Often a bike can be masked by a post or even by a dusty windshield. Thus the CHP suggests that cycles always be ridden with headlights on, for an extra margin of safety.

In looking over last month's accident record, cyclist's ages ranged from 14 to 45 years, with most of the injuries occurring in the younger range bracket. But the highway patrol has a saying that encompasses all ages: "There are two kinds of cycle riders—old riders and bold riders, but there are no old, bold riders."

COMBATING AIR POLLUTION

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. HALPERN. Mr. Speaker, today, in the aftermath of Earth Day, I am privileged to join with my colleagues from New York, Mr. FARBSTEIN and Mr. MURPHY, in introducing legislation to combat air pollution by adopting emission-free alternatives to the internal combustion engine and toughening the enforcement procedures of the Clean Air Act.

These bills call for eliminating auto pollution by adopting the cleanest feasible propulsion system which can be built with today's technology—steam and gas turbines; and giving the Federal Government the power to stringently enforce and set penalties for those polluting the air in violation of law.

Automobiles are responsible for 92 percent of the air pollution in our cities. The only way that we will be able to eliminate automobile air pollution in this country is by setting pollution standards, not based upon what the in-

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herently dirty internal combustion engine can achieve, but on the basis of the cleanest propulsion systems, steam and gas turbine engines. Such standards would be several times cleaner than those recently suggested for 1975.

Studies indicate that steam propulsion produces one-sixteenth the level of hydrocarbons of the unregulated internal combustion engine, one eighty-third of the carbon monoxide and one-tenth the oxides of nitrogen. These levels are far lower than those the internal combustion engine is believed capable of achieving. Similar results have also been found for the gas turbine engine.

If either of these alternatives were in operation, the air pollution problem would be virtually eliminated.

Using a steam or gas engine is not only technologically and economically feasible, but capable of being mass produced in the next few years and may well be less expensive to manufacture and operate.

If we look at the enforcement problems concerning the Clean Air Act, it is evident that Federal agencies do not have the authority that local law-enforcement officials have to enforce antipollution statutes.

For instance, officials of the Federal Air Pollution Control Administration are powerless to enter or inspect any property or plant where an air-contaminant source is located or suspected of being located.

The legislation introduced today provides for inspection and enforcement procedures, establish national emission control standards, authorize classification of air-contaminant sources and set stringent penalties for violators.

I also believe that lead in gasoline should be banned and stringent Federal controls imposed on fuel additives.

Until a new engine could be put into use, banning leaded gasoline would significantly reduce emissions. Current engines would not have to be modified to use unleaded gas, and we would be cutting almost half of the pollution from cars.

What I am saying then, is that the longer we wait, the harder it will be to curb air pollution and our children may not know what clean or fresh air is. Enforcement procedures must be toughened and while we must continue grappling with the emissions from cars, the time has come to eliminate the sources of pollution.

MAYOR LINDSAY AND H.R. 14864

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PREYER of North Carolina. Mr. Speaker, I have always held John Lindsay in the highest regard as a man dedicated to the best interests of individual liberties.

It is thus shocking for me to read that he views our approval of legislation vital to the security of this Nation and thus vital to the protection of those freedoms he so cherishes as representing "a new period of repression more dangerous than at any time in years." That he said this recently before the Association of the Bar of New York City is even more disconcerting.

The fact that the Defense Facilities and Industrial Security Act of 1970 actually provides for the very protection of individual rights—precisely what the mayor of New York insists it does not do—demonstrates to me that the mayor of New York either was tragically uninformed about the bill he so pointedly attacked or adopted a newspaper slogan once attributed to the late William Randolph Hearst—"never let the facts interfere with a good story."

Regardless of his motives or reasons, the mayor has totally misrepresented the legislation passed by this House so recently and now pending before the Senate Judiciary Committee. It is distressing that such misrepresentation should occur with respect to any measure in the Congress but it is partially regrettable that it has occurred in connection with a legislative proposal that is so important to our national security and drafted to meet the very criticism the Supreme Court and critics of security legislation such as Mayor Lindsay have raised in the past.

I would hope that our former colleague from New York would at least do us the honor of acknowledging his mistakes and take time from his busy schedule to read H.R. 14864 before he speaks again on the subject.

FREDERICK ARMY CAPTAIN KILLED IN VIET COPTER CRASH

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. LONG of Maryland. Mr. Speaker, Capt. James M. Atchison, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

FREDERICK ARMY CAPTAIN KILLED IN VIET COPTER CRASH

FREDERICK, MD., April 16.—The Department of Defense announced today the death of Capt. James M. Atchison, 25, of Frederick, on a combat mission in South Vietnam.

He was a copilot of a helicopter that was shot down Sunday, the Pentagon said.

Captain Atchison was the only son of Charles M. Atchison and the former Helen Head, of Frederick. His father is a retired road engineer.

Captain Atchison was born in Paintsville, Ky., but his family moved to Maryland 20 years ago.

He was a 1963 graduate of Frederick High School.

He earned an associate degree in 1965 from Potomac State College in Keyser, W. Va. Two years later he received his bachelor's degree from West Virginia University.

He had been a Boy Scout in Frederick and played in the high school band. He was also a member of the West Virginia University Band.

He served in the ROTC in college and upon graduation was commissioned in the Army as a second lieutenant. His first Army tour was at Fort Knox, Kentucky.

EARNED WINGS IN 1969

On October 4, 1969, he was sent to Vietnam, where he served with the 11th Armored Cavalry Regiment as a helicopter pilot. He earned his wings in August, 1969.

In addition to his parents, he is survived by his wife, the former Treva Hengst and two daughters, Danielle, 3, and Brooke Estelle, 11 weeks, all of Frederick.

EARTH DAY 1970

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. FALLON. Mr. Speaker, as chairman of the Committee on Public Works, the committee which has been actively involved in enhancing the quality of our environment through the development and management of our water resources and the national highway program since the very inception of these programs, and in the origin of the national water pollution control program since 1948, I am delighted by the many interested and responsible citizens across the country who have chosen to make their voices heard on this vital matter. It is for this reason that I welcome Earth Day and what I understand its purpose to be—the urgent need to save the environment.

The Public Works Committee is basically concerned with environment and development. In the minds of some people these two areas are diametrically opposed. We know, however, that to provide the food, water, transportation, and economic well-being necessary for our growing population that development is necessary. We take as our approach that reasoned development is essential—development which considers environmental values in relationship with public need.

Our long history as a guardian of the environment is evidenced by our pioneering work in water pollution control. It was this committee which first recognized that the problems of water pollution control were of sufficient seriousness to call for national attention.

However, we did not stop at mere oration, we recommended and the Congress enacted the Water Pollution Control Act of 1948, the Water Pollution Control Act Extension of 1952, the Water Pollution Control Act Amendments of 1956, the Federal Water Pollution Control Act Amendments of 1961, the Water Quality Act of 1965, the Clean Water Restoration Act of 1966, and recently the Water Quality Improvement Act of 1970. Through these acts we have established the framework for constructing the necessary local waste treatment plants, enforcing the prevention of pollution of our waters, and the cleaning up of our waters defiled by oil, hazardous substances and other waste materials.

Earlier this year the Congress enacted, at our recommendation, the Environ-

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mental Quality Improvement of 1970, to authorize the hiring of staff support for the Council of Environmental Quality. This staff will be in the forefront and monitor the national Federal effort to preserve our environment.

We are no less proud of our achievements in the Federal-aid highway program and the water resources development program of the Corps of Engineers.

The Federal-Aid Highway Acts since 1956 have included important provisions to protect and enhance our environment. The Federal-Aid Highway Act of 1968, for example, included a provision for the preservation of parklands. The Secretary of Transportation is forbidden to approve the use of publicly owned park lands for highway projects unless there is "no feasible and prudent alternative," and if such lands must be used, all possible planning must be instituted to minimize harm to such lands.

Section 24 of that act requires the State highway departments before submitting proposals for highway locations, to consider the social effects, environmental impact, and consistency with the goals and objectives of urban planning promulgated by the community of such locations, in addition to consideration of the economic impact of such locations.

The Committee on Public Works—and its predecessor Committees on Rivers and Harbors and Flood Control—has had jurisdiction over the civil works program of the Army Corps of Engineers since the earliest involvement in the development and maintenance of the Nation's waterways for navigation and related purposes in 1824.

As in the highway program, this committee has insisted on consideration of environmental values in water resource development programs for many, many years. A healthy environment and natural beauty are values which require proper consideration in any action program for water resource development. The well-being of all of the people is the primary determinant in planning the best use of water and related land resources. The committee has insisted that in preauthorization studies and subsequent preconstruction planning, full consideration be given to the impact of engineering works upon their habitat, and to measure for protection and improvement of environmental resources. Provision is required to be made for development of the recreation potential of water projects by construction and maintenance of facilities for recreational use of, and public access to, the water areas.

Other programs under the jurisdiction of the committee which enhance our existence on this earth include the small watershed program of the Department of Agriculture's Soil Conservation Service, the Tennessee Valley Authority, the Department of Transportation's Highway Safety Act of 1966, the highway beautification program, economic development programs of the Appalachian Regional Commission, the six Economic Development Regional Commissions, and the Department of Commerce's Economic Development Administration. The mere enumeration of these programs discloses the fact that these are "people programs"—programs concerned with the well-being of people and their environment.

We have held hearings or will hold hearings shortly on additional environmental legislation this year—legislation which we have or will recommend to the Congress for enactment. This legislation involves the need for coastal zone management, shoreline protection, disaster relief, uniform policy for acquisition of land and relocation, economic development highway safety, air space use for housing purposes and a restructuring of the financial provisions of the Federal Water Pollution Control Act. Furthermore, we have examined environmental problems in the Chesapeake Bay area and in the Potomac River Basin.

However, we do not limit our concern merely to the programs which are within our committee jurisdiction. I am proud to have recently sponsored H.R. 15848, the Clean Air Enforcement Act Amendments of 1970, as well as other bills which will result in achieving the goals of a better life on a better earth.

SBA'S "OPERATION BUSINESS MAINSTREAM" IN NEWARK

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mrs. DWYER. Mr. Speaker, President Nixon has many times expressed his support of minority capitalism—an on-going program to help people of minority capitalism—an on-going program to help people of minority groups become owners and successful operators of their own small businesses.

The Small Business Administration, under the leaderhip of Administrator Hilary Sandoval, Jr., has inaugurated just such a program, which it calls "Operation Business Mainstream."

This program is now operating throughout the country and reports of its success are encouraging.

I have been pleased to learn that under the new program, the Newark, N.J. SBA office, under the able leadership of Andrew P. Lynch, has compiled an enviable record in providing assistance to minority group persons desiring to enter the business world as owners and operators of their own establishments.

A unique feature of the Newark minority enterprise program is called "Operation Multiply." It provides a cadre of volunteers from the private sector—some 900 in number—who help furnish a wide variety of management and technical assistance to minority-owned small businesses.

Because of the general interest in providing business help to minorities, I include as a part of my remarks in the RECORD the following article from the North Jersey Business Review describing the Newark SBA minority enterprise activities:

[From the North Jersey Business Review, Mar. 1–31, 1970]

SBA ANSWERS BACK HELPS SMALL BUSINESS—PROGRESS IN MINORITY CAPITALISM SBA MAKES IT WORK IN NEW JERSEY

(By Andrew P. Lynch)

Recently, President Nixon said, "It is not enough simply to see that all people in this country have an equal opportunity to get a job—but that it is necessary for every individual in America to be able not only to get a job, but to have a chance to become an owner or a manager.

The President has been the target of criticism related to the government's actual efforts to promote the economic growth of minority groups, but with this statement to the Advisory Council for Minority Enterprise the Nixon Administration reaffirmed its commitment to the cause of Minority Capitalism. President Nixon has often stated that government alone can't do the job. Private resources and private commitments are necessary if the programs are to be effective and far reaching. Many questions have been raised as to the workability of existing programs even though most federal agencies involved in minority enterprise have increased their efforts to offer equal opportunity to America's minorities.

One such Agency, the Small Business Administration (SBA), under its Administrator, Hilary Sandoval, Jr., has inaugurated a bold, new, innovative program dubbed Operation Business Mainstream. The objective of this Agency's program is to close the gap in business ownership between minority individuals and other Americans.

Andrew P. Lynch, Regional Director of Newark's SBA office said, "It is a sad fact that although recognized minorities constitute 15 percent of the country's population, only three percent of the nation's more than 5,000,000 small businesses are owned by these minority groups". This means that although one white American in 43 owns his own business, there is only one minority owned business for every 200 minority individuals. The need for Minority Capitalism programs is evident. If a program so designed is to succeed, it must depend heavily on the dedication of those charged with its execution. SBA's program is geared to local needs, and in accordance with this aim, Minority Enterprise (ME) Teams were established to operate in the urban centers heavily populated by minority groups. These ME Teams are charged with bringing SBA's program to the people, seeking out potential minority entrepreneurs and coordinating the Agency's efforts to establish minority owned businesses.

Operation Business Mainstream has two basic functions. The first is to provide financial assistance, through relaxed lending criteria, to enable the establishment of the business. The second is to provide the management and technical assistance necessary to assure a reasonable chance of success. SBA has set for itself a goal of 8,000 new minority loans in this fiscal year. It is a goal Administrator Sandoval believes can be attained. In accordance with the new program, eligibility for ME loans has been substantially eased. Emphasis is now placed on the applicant's character and reasonable assurance the loan could be repaid from business profits. The Agency also seeks to involve the private sector in these ventures by offering a guarantee to lending institutions willing to grant loans to minority entrepreneurs. Operation Business Mainstream is young, but thus far the results are promising. The Newark Regional Office of SBA, under Mr. Lynch's direction has been especially successful.

In the first six months of this fiscal year, this office approved 154 ME loans in New Jersey for a total of $3,415,000. Seventy-five of the loans amounted to $2,087,550 were granted by local lending institutions with SBA's guarantee. Thus, 61 percent of the

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funds lent to minority businessmen in fiscal year 1970 were advanced by the private sector.

Loans were granted to a wide variety of business, ranging from a service station to an Area Directorship for a new national franchise. The largest loan, $170,000 was granted by the Prudential Insurance Company with a 90 percent SBA guarantee. The loan, made to Market Selection and Development Company of Newark, enabled this negro-owned and operated firm to acquire an Area Directorship of the All-Pro Chicken franchise for the state of New Jersey. As a result of the loan, Market Selection will open four All-Pro outlets in Northern New Jersey in the coming year. The company anticipates the establishment of 20 such outlets within the next five years. The purpose of All-Pro Chicken, founded by former football star, Brady Keyes, Jr., is to establish black-owned franchised outlets in center city locations.

Financing is necessarily a prime requirement for Minority Capitalism. However, statistics reveal that 93 percent of all business failures result from managerial weaknesses and deficiencies. Money alone can't do the job. Thus, SBA's Managerial Assistance programs play an equally important role in Operation Business Mainstream. If any Minority Capitalism program is to succeed, the businesses established must be viable.

To effectively provide capable management assistance requires manpower. Operating under a tight operating budget due to the current federal fiscal restraints it was readily apparent that the manpower necessary couldn't be provided by SBA personnel alone, regardless of their competence.

Faced with this situation, the Newark Regional Office developed a program designed to vastly increase management services by involving the private sector. The plan, Operation Multiply, received Washington's approval for a pilot project to recruit volunteers throughout New Jersey. The Newark Management Assistance staff began contacting trade associations, professional organizations, educational institutions, service clubs and industry asking their participation.

As a result of these efforts, more than 900 volunteers with a wide variety of managerial and technical skills have been recruited to provide assistance to minority owned small businesses. With these new volunteers and Newark's ten chapters of the Service Corps of Retired Executives with their 150 volunteers, Newark's SBA office hopes to provide the most comprehensive management assistance program possible.

The President remains committed to Minority Capitalism. There is much to be done, but if New Jersey's SBA office is any example, progress is being made. The commitment is factual.

WDAF ANTIPOLLUTION CAMPAIGN

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 15, 1970

Mr. WINN. Mr. Speaker, WDAF radio and WDAF television in Kansas City have initiated an extensive 4-week education campaign on the problems of pollution in the Kansas City area. To my knowledge this is the first such saturation campaign to be inaugurated by radio and television stations strictly on the local level.

For 1 month all available broadcast facilities will be aimed toward the purpose of public involvement in the pollution problem in Kansas City. Newscasts, public affairs reports, public service announcements, promotional spots, editorials, radio talk shows, regular smog-count broadcasts, interviews with national, State and local ecology experts, and a direct mail campaign to grade schools and interested civic groups—all will be utilized to define the pollution problem, what is being done about it, what further needs to be done, and how each individual citizen can participate.

I am bringing this commendable effort to the attention of my colleagues with the thought that you may wish to alert your radio and TV stations to what WDAF is doing and suggest that they initiate similar antipollution campaigns.

THE COSTS OF WAR

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DULSKI. Mr. Speaker, the costs of war are phenomenal both in terms of lives and dollars.

What is most disturbing is that there seems to be no end in sight to our involvement. When the pressure begins to ease in one area, another trouble spot comes to the surface. Thus the toll continues.

Our annual financial outlay for defense is staggering and the cry is loud and clear for a substantial cutback.

The toll of lives in the Vietnam war has totaled 41,274 Americans killed—equivalent to the population of a medium-sized city such as Jamestown, N.Y. The South Vietnamese dead number 104,708, slightly in excess of the population of Niagara Falls, N.Y.

Mr. Speaker, the Washington correspondent for the Buffalo, N.Y., Courier-Express, Peter C. Andrews, has compiled some very interesting statistics along this line in a recent news story. The following day, his paper published a related editorial. Both follow:

WAR COSTS HIGH IN DOLLARS, LIVES

(By Peter C. Andrews)

WASHINGTON.—Today, April 15, 1970, peace demonstrators in America are holding their third moratorium day in the past six months. Approximately 5,000 Americans have been killed in Vietnam since the first moratorium day was held, Oct. 15, 1969. Although more than 100,000 American troops have been withdrawn from Vietnam in the past year, peace appears farther away than it did when America became involved in the war nine years ago.

What has been the cost of the war? In terms of manpower, it has cost the United States 41,274 killed (as of April 4, 1970—the latest figures), 137,395 wounded requiring hospitalization and 134,886 wounded but not requiring hospitalization. The South Vietnamese have suffered 104,708 killed and 245,324 wounded. There have been 618,061 enemy killed, according to the Department of Defense.

In terms of money, the war has cost approximately $105-billion according to the Pentagon, although the figures are subject to some question because of difference in accounting procedures in different years and variations in what has been considered expenditures attributable to the Vietnam war effort.

DROP EXPECTED

Last Oct. 22, Defense Secretary Melvin Laird said that by mid-1970 the annual rate of expenditure on the Vietnam war would drop from approximately $30-billion to $17-billion. In the past five years the expenditures, as computed by the Pentagon, have been: $5.8-billion in 1966; $20.1-billion in 1967; $26.5–billion in 1968; $28.8–billion in 1969, and $23.2-billion in fiscal 1970.

The escalation of the United States war effort is seen in this tabulation of the number of Americans killed and wounded:

1961—11 killed; 2 wounded (hospitalized); 1 wounded (not hospitalized).

1962—31 killed; 41 wounded (hospitalized); 37 wounded (not hospitalized).

1963—78 killed; 218 wounded (hospitalized); 193 wounded (not hospitalized).

1964—147 killed; 522 wounded (hospitalized); 517 wounded (not hospitalized).

1965—1,369 killed; 3,308 wounded (hospitalized); 2,806 wounded (not hospitalized).

1966—5,008 killed; 16,526 wounded (hospitalized); 13,657 wounded (not hospitalized).

1967—9,378 killed; 32,371 wounded (hospitalized); 29,654 wounded (not hospitalized).

1968—14,592 killed; 46,799 wounded (hospitalized); 46,021 wounded (not hospitalized).

1969—9,414 killed; 32,940 wounded (hospitalized); 37,276 wounded (not hospitalized).

During the period the number of enemy killed is reported as follows:

1961—12,133.
1962—21,158.
1963—20,575.
1964—16,785.
1965—35,436.
1966—55,524.
1967—88,104.
1968—181,149.
1969—156,954.

Although the expenditures to kill each enemy soldier are not rightfully a measure of the effectiveness of military operations, it is an interesting fact that dividing the number of enemy killed into the cost to kill them amounts to about $170,000 per man.

Moratorium day speakers will have much to say about how the $105-billion the war has already cost could have been spent. With domestic problems of a monumental size facing the United States, it is a little hard to conceive how this nation justifies an expenditure of this magnitude which far outstrips even the most expensive of our domestic programs.

What this money could have accomplished in a foreign aid program in Southeast Asia is another interesting topic of conjecture. Speculating what each enemy soldier killed could have done with the money is an exercise in futility.

SETTLEMENT DIM

Although the American position now is to "Vietnamize" the war, the effectiveness of this effort remains to be seen. With the Viet Cong attitude at the Paris peace talks still the same hard line they have maintained for so long, there appears little real hope of a settlement in the near future.

The aim of American Vietnam policy, at present, appears to be a withdrawal of our own forces and a stalemate in the fighting between the opposing forces remaining.

This is a modest goal, but even this limited objective seems difficult to achieve in view of this generally depressing situation, and in the light of the appealing casualty and cost figures of the war so far, it might be a good thing if every American gave some thought today toward the solution of our Vietnam problem.

Unless we find a solution, we may find ourselves in a perpetual state of semi-war, draining our resources and our manpower until, at the end, we collapse of our own inability to find peace.

[From the Buffalo Courier-Express, Apr. 16, 1970]

Is United States Becoming "Warfare State"?

Now that the military "salvation" government of Cambodia, led by Gen. Lon Nol, has asked, formally, for military aid from outside nations—obviously meaning the United States—it seems to us that all Americans should pause to reconsider what the cost has been to this nation since it got sucked into the deadly quicksands of a Southeast Asia land war—at the supposed invitation of a "friendly" military regime in Saigon back in the late 1950s.

Although Gen. Nol did not specifically name the United States as the likely supplier of weapons, his bid came just before President Nixon's speech on Vietnam and after several weeks of unofficial hints that such aid would be requested. With reports of Cambodian massacres of South Vietnamese refugees rife, there is even more of a question about granting military aid than before. Of course, the Nixon administration has said it had no plans to get involved in Cambodia, and if the lesson of the Vietnam entanglement is ever to be learned, it should have been learned by Mr. Nixon who, after all, was vice president when the State Department and the Pentagon sought to rush in where the French military had failed, against the communist-led Vietminh rebels.

As pointed out in a recent analysis by Peter C. Andrews, chief of the Washington Bureau of The Courier-Express, U.S. intervention in the Vietnamese war has taken a frightful toll upon our national life and purpose. It has cost the lives of 41,274 young American men and surely these are our most precious asset. According to the Pentagon statistics, at least 277,275 Americans have been wounded; hundreds are either missing or are prisoners of a war which is not an "official" war because war was never declared by Congress as the Constitution requires.

Since 1965, when the financial facts were first ferreted out, the war has cost $105-billion in direct military expenditures alone. Who knows how much it cost the economy before that? Clearly, the federal government is not eager to say, even as it does claim to be budgeting the war down to around $17-billion for the new fiscal year. The President has staked his hopes, apparently, on the "Vietnamization" policy which has meant, up to April 15, reduction of our troop strength in South Vietnam to about 454,000—or about the same number we had there in 1967.

Although the troop-withdrawal plan has been hailed as the best way to end the war, as the South Vietnamese have become stronger and militarily more aggressive, the fighting has escalated into Laos and Cambodia—an ironic negation of the so-called domino theory. Unless the slow troop withdrawal is accompanied by some progress in the peace talks—perhaps expansion of them to include extrication seem dismal indeed. Neither Hanoi nor the Viet Cong show signs of yielding on the big issue, and it seems folly to keep appealing to Moscow for help in persuading them. The United States must take its own initiatives.

The civil disorders at home have much of their roots in the war issue and, consequently, so do the repressions which have followed. Meanwhile, the economy is in a limbo of half-inflation and half-recession. It seems to us that the state of crisis at home overrides any kind of argument to the effect that we have some fundamental "national interest" in being at war in the Indochinese peninsula.

CONSERVATION OF OUR YOUTH

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. McCLURE. Mr. Speaker, I recently received a letter from Mr. John D. Warnick, Scout executive of the Ore-Ida Council of the Boy Scouts of America, which I include in the Record at this point:

MARCH 27, 1970.

Congressman JAMES MCCLURE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCLURE: The Ore-Ida Council would like to inform you of our declaration of war on litter so that everybody of Scout age, and we hope everyone throughout Idaho, will realize the problem of litter in our State and join Scouting in doing something about it.

We have asked every mayor and top citizens in every community in our Council to declare April 20 through 25 as "War on Litter Week". Our Governor Don Samuelson will also declare this week as "Litter Week" for the State.

Every Cub, Scout, Explorer, Scout Leader, and we hope many hundreds of parents and interested citizens will, on Saturday, April 25, help clean our streets. And, in doing this, learn a great lesson on the problem of litter.

We plan this to be a part of a new four-point program of our Council called, "Conservation of Our Youth":

1. Conservation of our Natural Resources.
2. War on Litter.
3. Highway Safety.
4. Harmful Use of Drugs.

We feel, here in the Ore-Ida Council, that to start with our young men, who are already being taught character, citizenship, and most of all duty to God and County, we can do something about these four problems that face America today.

Scouting has the leaders and institutions who can, and will, strengthen America through our youth and Scouting. I am asking for your help in giving your endorsement and backing of this program by submitting a statement to our news media. And, perhaps we could get our other Idaho National Congressional leaders to join with us.

There will be questions, undoubtedly, that you will like to have answered. If you could give me a call or write, I would be very happy to fill you in on what we have done to date and where you could help.

We are putting much effort in making this "War on Litter" a real campaign, one that we hope will remain with our youth for years to come.

Sincerely,

JOHN D. WARNICK,
Scout Executive.

I think that you will all agree with me that the activities planned by this organization are outstanding. We often complain about the young people of today, and we often deplore their involvement in the many problems that beset the United States. It has not been their interest which concerned us, but the manner in which they express their opinions.

Mr. Warnick's letter clearly demonstrates that our young people can and are becoming involved in a most constructive way. They are approaching the problem of environment, one problem which weighs heavily upon the minds of all of us. Highway safety has persisted in the United States for many years as a No. 1 killer. These Boy Scouts are helping to work out a solution. Drugs, of course, are becoming a problem associated with the young, and who but the young can be most effective among their peers in combating this menace?

The program of these young people can well serve as an example to every youth group in the country who wish to be a part of their community and who wish to work on the same problems we face in the Congress today. I sincerely hope that my colleagues will communicate the suggestions of Mr. Warnick to the youth leaders in their own areas.

A YOUNG AMERICAN IS CONCERNED ABOUT HER COUNTRY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ROGERS of Florida. Mr. Speaker, more and more young men and women of this Nation are becoming increasingly concerned about their future and the future of the United States.

These are not militant, radical youths who seek only to destroy in the name of change, but rather intelligent, constructive, positive-thinking young Americans who seek responsibility in the formulation of the future of this Nation.

Of particular concern to these young people is the devastation of our environment and the effect this has had on our lives. Of concern too, is man's relationship with his fellowman and the constant problem mankind has had with war.

I would like to insert at this point in the Record for the benefit of my colleagues a letter I have received from Miss Lea Van Landingham of West Palm Beach, Fla., which expresses her feelings on these matters:

Mr. PAUL ROGERS,
Congressman,
Washington, D.C.

DEAR SIR: In the beginning when God created the earth it was full of peace and joy. The valleys were green and the rest of the land was covered with bright, colorful flowers in bloom and trees.

The air was fresh and clean, and all the birds sang happily, and the other animals ran around happily in this lovely world.

God meant it to be a paradise, and in the beginning it was. But now everywhere you look there are buildings, factories, cars, etc. and the air's all polluted and theirs hardly anything left of the land.

All our rivers, oceans, streams, and lakes are polluted with garbage, but most of all there's hardly any love, peace, or joy in the world. People don't get along together. Everyone's always fighting, and our lovely paradise has become a place of war and hatred. And our lovely valleys of green with colorful flowers have become a bloody battlefield.

Sometimes I wonder how God feels about the way people have changed his world. Yes it's His world, he created it and the mankind that God also created has destroyed it.

Believe it or not there are a few people who still think of God's world and way of living without hatred, war, and sin, but only a very few.

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Yes, I'm a teenager and I like the mini skirts and the music that we play now but I still have room in my heart for God and his world of peace and joy.

Please think about this won't you?

Sincerely yours,

LEA VAN HANDINGHAM.

NEW BLOW TO NIXON

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BUSH. Mr. Speaker, as a result of the rejections by the Senate of Judges Haynsworth and Carswell, many southerners feel a personal letdown—they feel that, in effect, the Senate was rejecting any southerner. And, frankly, I agree with this analysis. The Senate changed the ground rules on these two Court nominations. All of a sudden "advise and consent" means "I advise you to appoint a man whose views coincide with mine and I'll consent only if his views match mine." It is interesting to note that four recent Justices having no previous judicial experience were confirmed without a single vote cast against them.

A sampling of this feeling can be found in the editorials and columns of some of the major Texas papers. Mr. Speaker, at this time I would like to insert excerpts of these writings in the CONGRESSIONAL RECORD:

[From the Houston Chronicle, Apr. 9, 1970]

NEW BLOW TO NIXON

The Senate's rejection of Judge G. Harrold Carswell for the Supreme Court is another serious political blow to President Nixon. More importantly, it is a blow to the proper operation of the highest court in the land. For almost a year, ever since Abe Fortas resigned last May, the nine-member court has been short one justice. Reportedly the court has passed some cases because of the possibility of a 4–4 deadlock.

As we have said previously, we think the Senate should have confirmed Judge Carswell—an experienced, intelligent federal judge who has received Senate approval on three previous occasions. If the Senate found him competent to sit as a judge of the Fifth Circuit Court of Appeals, we wonder how it now finds him unqualified to sit on the Supreme Court. The same can be said of Judge Clement Haynsworth whose nomination the Senate also rejected.

We don't blame Carswell's defeat entirely on politics. Some statesman-like senators who voted against him obviously were concerned about his past racial attitudes and about the lack of distinction of his judicial record.

But many other senators were motivated by politics pure and simple. They wanted to embarrass Mr. Nixon again and to get a little more political mileage out of snubbing the South.

It is interesting to note how similar were the votes on Carswell and Haynsworth. Carswell was defeated 51–45, Haynsworth 55 to 45.

Mr. Nixon set out to nominate a Southerner, an experienced judge, and one who believed in strict construction of the Constitution. Both Haynsworth and Carswell met these qualifications.

Their rejection by the Senate gives the erroneous impression that the South is lacking in competent judges and attorneys. This is not the case. The South has as many excellent legal minds as any other section of the United States. Here in Houston there are a number of men who are highly qualified to sit on the Supreme Court. The same can be said for other parts of the South.

Unfortunately, Mr. Nixon has been unable to satisfy the super-critics of the Senate who have shown considerable hypocrisy in this matter. We wonder how many senators could have withstood the close scrutiny and personal attacks to which Carswell and Haynsworth were subjected. Not many, we suspect.

Mr. Nixon must return to the business of picking a nominee. This time, he will be well advised to choose a man of absolutely unimpeachable integrity and demonstrated experience and distinction. The highest court in the land certainly deserves such a man. The problem is: Does the man exist who will satisfy the Senate?

In an editorial the morning of April 11, 1970, the Dallas Morning News commented:

Nixon made the most of that press conference. He was entitled to. Politics beat his nominees—both of them; politics and a malignant sectionalism. He turned the guns around and laid down a political barrage of his own whose shock ripples will be a long time dying.

"It is their philosophy (Carswell's and Haynsworth's) and the accident of their birth which caused their defeat," he told newsmen. "I understand the bitter feeling of millions of Americans who live in the South about the act of regional discrimination that took place in the Senate yesterday."

Liberals will say that he has magnified the issue out of spite—distorted their motives to accommodate his Southern strategy. They will say that they declined to give their consent out of regard for the high calling of justice. They will repeat that Haynsworth was "insensitive" and Carswell undistinguished.

But the sum total of their objections to the nominees is so slight as to magnify instead of mask the real motive behind the hostility: They don't like Southerners and they like Southern conservatives less.

Political implications of that message are clear as summer lightning. What might have been Nixon's "Southern strategy" has been unwittingly abetted by the liberals. They accused him of having it before, but their own strategy of poisonous, mindless prejudice has not only strenthened his appeal with Southeners—but done their own cause grave harm in the South without servicing their main objectives: Keeping the high court liberal.

Nixon will ultimately get a conservative justice. And by acknowledging to the South that he was attempting the impossible in nominating two of its own, he will pile up points there and also blunt some of the dismal analyses that describe him as losing on all sides of the political ledger.

If this is to say the selection of Supreme Court justices has been all but completely politicalized, it is also to say that the liberals—by shifting from their constitutional role of scrutinizing competence rather than the nominees' philosophy—are to blame. They have made a political football field of what was meant to be a constitutional inner sanctum remote from partisan brawls.

They have diminished the dignity of the court in the public eye. In pretending to uphold its status, they have dragged it down to their own level of sectional spite.

A day later Felix R. McKnight, editor, Dallas Times Herald, wrote in his column:

DID CARSWELL ACTION SEND US BACKWARD?

(By Felix R. McKnight)

It is possible, as we send men through the stars to infinity in the quest for human greatness, that down below we are creating new and volatile schisms among our own.

In recent days, even as we prepared more astronauts for a flight to the moon, we inched backwards in human progress. We moved backwards into a history we have tried to erase.

The case of G. Harrold Carswell is prime material for thought and evaluation.

It has been done, and he will not be named to the U.S. Supreme Court, but what of this new, emerging system that not only destroys the individual but builds barriers between people?

Have we, after the great surges of the past century, come the full cycle to the old dangers of sectionalism? Have we managed ourselves into a throwback of 100 years in pitting one American neighborhood against another?

Are we breeding new factions actually based on geographical lines? It is, in the eyes of others removed, at least a political sin to be a Southerner?

President Nixon reluctantly conceded Thursday that the Senate, as presently constituted, would never confirm a Southern nominee. And that is a tragic concession from the President of the United States.

"Judges Carswell and Haynsworth have endured with admirable dignity vicious assaults on their intelligence, their honesty and their character. They have been falsely charged with being racist.

"But when all hyprocrisy is stripped away, the real issue was their philosophy of strict construction of the Constitution—a philosophy that I share—and the fact that they had the misfortune of being born in the South. . . ."

Others in the congressional branch are concerned with present abrasive, divisive tactics. Two men have been rejected by the Senate. The Southern men now branded around the country with the charge that they are "racists" not yet over the sensitive issues of Civil War days.

Ridiculous; far-fetched? No—just very sad.

Sad because new-thinking liberals who feed on the vote of the restless minority chose to revive and balloon old scars for pure political gain. It can mean nothing but deeper cleavage and new wounds for a nation already beset by ills brought on by this very kind of thinking.

It is not to defend Judges Haynsworth and Carswell because they are Southerners, nor to suggest that they should have been confirmed for that, or any reason other than competency.

It is to suggest that the means employed to deny confirmation could lead to enormously greater problems than just a fleeting political victory.

When the vote was counted on Wednesday and Judge Carswell had been minimized to ineffectiveness as a circuit judge and cast to living in doubt from his fellow Americans, Sen. Howard Baker of Tennessee, a young and able man, reflected:

"This nation might relive the tragedy of 100 years ago . . ."

On the opposite side of the aisle, venerable Sen. Aiken of Vermont, dean of Senate Republicans and a man of the North, observed:

"We will never get one who will be good enough for the North . . ."

Reams will be written and tens of thousands of words will be spilled by commentators on the reasons for defeat of Judges Haynsworth and Carswell. But the deep issue will be only lightly touched. There will be the followup cry of "get rid of Attorney General Mitchell," already started. There will be the redundancy of pundit-inspired charges that neither actually had the stature.

But few will get around to admitting, as did Senators Aiken and Baker and many men on the streets, that there is suspicion and distrust of Southern nominees. Or, more positively, that there should be only new and "progressive" liberals entrusted with interpretation of the laws of this land.

In its zeal to embarrass President Nixon and his administration during a political year, the opposition did not take the distant look at all consequences. Senator Ted Kennedy and his Senate buddy, Birch Bayh of Indiana, have further driven the Supreme Court into controversy and disrepute. Its aura of total respect as guardian of the citizen has dimmed. And it must function without the imperative ninth, or tie-breaking, Justice. Important cases have been delayed because of this fact.

JAMES H. "JIMMY" QUILLEN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DUNCAN. Mr. Speaker, my colleague and friend from the First Congressional District of Tennessee, the Honorable JAMES H. "JIMMY" QUILLEN, has won the respect of both political parties in our State. He has served so faithfully that it is difficult for one to oppose him in elections.

I would like to place in the RECORD two most interesting editorial statements—one from the Bristol Herald Courier of April 13 and one from the Bristol Virginia-Tennessean of April 10:

[From the Bristol Herald Courier, Apr. 13, 1970]

UNCERTAIN CANDIDATE

Dan M. Laws Jr. of Elizabethton seems to be a bit uncertain in his quest for the First District Republican congressional nomination.

He has challenged incumbent GOP Rep. James H. Quillen to a debate, perhaps hoping something will develop.

He will raise some questions concerning Rep. Quillen's voting record, his personal finances, his political effectiveness, but "I make no charges against Congressman Quillen of using his office for personal gain or in any way reflect on him or the high honor of the office."

He is not going to hold Rep. Quillen responsible for problems of inflation, higher interest rates, the congressional pay raise, the complaints of letter carriers and postal system problems, or, even, of major increases in costs for consumers.

But he will, however, "consider Congressman Quillen's voting record" and leave it up to the voters to decide the qualifications of the two primary candidates.

Just where all of this will lead is uncertain, though it's not likely it will culminate in Rep. Quillen's defeat.

Ostensibly, Mr. Laws is seeking election primarily to give Republicans a choice in their primary next August. As a demonstration of civic responsibility, this is commendable.

However, we can't shake off the feeling that internal Republican politics are as much responsible for Mr. Laws' candidacy as anything else. As he, himself, should know, the work which Rep. Quillen has done for the First District, for both Democrats and Republicans, has been noteworthy. The incumbent congressman is an able representative who takes his responsibilities seriously—and, more important, who realizes that he represents people as individuals, with individual problems requiring the kind of personal attention Rep. Quillen gives them.

Mr. Laws' candidacy should serve to enliven the summer campaign a bit and, we suppose, this will be welcome to most observers. But we just can't believe he seriously thinks he can unseat Rep. Quillen—not unless the Republicans of the First District undergo a major spasm which robs them of their reason.

Come next January, we fully expect Rep. Quillen to be back in his Washington office serving the First District, which is where he should be.

[From the Bristol, Virginia-Tennessean, Apr. 10, 1970]

A GOOD CONGRESSMAN

First Tennessee District Congressman James H. (Jimmy) Quillen probably isn't too worried about the Aug. 6 primary opposition he faces from Elizabethton lawyer Dan M. Laws Jr.

After all, Rep. Quillen was reelected to Congress in 1966 and 1968 by the greatest vote margin of any Republican in the land.

It isn't likely that those thousands of East Tennesseans—Republicans and Democrats alike—are going to flock to a virtual unkown in the primary. And it isn't likely that they will leave Mr. Quillen in the November general election to vote for a Democrat long identified with Estes Kefauver, Hubert Humphrey, Albert Gore and other liberals in the National Democratic party.

Mr. Quillen will not go down in history books as a legislative trailblazer. He hasn't tried to be. But he is a good congressman for the First District because he cares about his people, makes himself available to them, and works untiringly in their behalf in bucking the red tape of Washington.

That in the long run is what counts. To a widowed mother in Carter County, getting her full Social Security benefits on time through Congressman Quillen's help means much more to her than if he was the author of the United Nations charter.

POSTAL REORGANIZATION

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WIDNALL. Mr. Speaker, the postal reorganization and salary adjustment plan negotiated by the Postmaster General and the postal unions is a dramatic step forward for the 750,000 postal employees and for the country.

For the first time, postal employees and their management have bargained and reasoned together. The result is a proposal for a major change in the structure of the postal system which would enable the Post Office to achieve better working conditions for employees and improve the quality of postal service to the American people. It would remove the Post Office permanently from politics so that it can be operated in a business-like fashion, and in time, become self-supporting.

I would point out that this reorganization plan is a bipartisan issue. The concept upon which this plan is based was first set forth by Larry O'Brien, and it has been endorsed by President Johnson, the blue-ribbon Kappel Commission, as well as the present administration.

We cannot afford to wait any longer. Congress must act now, if we are to bring the Post Office into the 20th century.

THE BRONX HOME NEWS

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. GILBERT. Mr. Speaker, when those of us from New York City get up on the floor to discuss newspapers, too often we speak either of the death of some great newspaper or of a crippling strike.

Today, however, I wish to inform Members of the House about a new newspaper in my district, the Bronx Home News, which will celebrate on May 9 its third anniversary.

Happily, Mr. Speaker, the Bronx Home News is flourishing, and I and all the constituents of the 22d Congressional District wish it many long years of prosperity.

But I would like to say a word about why the Bronx Home News is doing so well. If editor and publisher Joseph E. Donohue and managing editor Frank Feighery have done any one thing well, it is to stay abreast of news developments within the Bronx and to bring those reports to our citizens fairly, objectively and comprehensively.

That is a lesson that others in the news media might do well to emulate in the days ahead. We have a tradition here in this Nation of speaking out freely when we feel the need, and all of us depend greatly on the news media to provide the opportunity for everyone's opinion on important subjects to be heard.

No means of communication in a rapidly changing world is quite so vital to the public at large as the newspaper. And I cannot place enough importance in large urban areas upon the newspaper which specializes in a particular section of sprawling metropolitan areas.

Without the Bronx Home News, many events of importance to our citizens would go unreported in the huge citywide dailies of our city. And at a time when the very size of cities dehumanizes life, the Bronx Home News provides all of us with a continuity of community involvement.

To the staff of this fine, new and energetic newspaper, I say: "Congratulations on a job well done." As to the future, I can only add that we in the 22d Congressional District are depending on you to maintain the same high standards you have exhibited in these, your formative years. As long as good, independent newspapers exist, I, for one, have no worries about our Nation's ability to survive as the citadel of democracy.

THE INVESTIGATION OF JUSTICE DOUGLAS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WYMAN. Mr. Speaker, William F. Buckley's column in yesterday's Washington Star expresses the sentiments of many people who are concerned about the extrajudicial activities of Associate Justice of the Supreme Court William O. Douglas.

While some of the media continually refer to criticisms of these activities as relating to the Justice's alleged "writing about dissent," the fact of the matter is that the content of his writing specifically affords encouragement if not incitement to continuing civil disobedience and even violence in the United States.

Many Members of Congress and millions of Americans are concerned that this type of activity by a Supreme Court Justice constitutes judicial misbehavior of a most serious character, independent and aside from other reported activities of Justice Douglas that are alleged to involve substantial conflicts of interest with judicial ethical standards and bar association requirements that judges shall not be of counsel nor practice law.

Mr. Buckley's column follows:

THE CASE AGAINST JUSTICE DOUGLAS

(By William F. Buckley, Jr.)

The Democratic congressman who had demanded of Republican Leader Gerald Ford that he be specific on the matter of why Justice William O. Douglas should be impeached, makes a good point—although it is as much his responsibility as Mr. Ford's to concern himself with whether Mr. Douglas has destroyed his usefulness, and Mr. Douglas' book is as easily available to Democrats as to Republicans. And anyway, a precis of Mr. Douglas' book appears in the current issue of a pornographic monthly readily available.

There, nestled among the pudenda, is an article by Justice Douglas entitled "Redress the Revolution," an excerpt from his book, "Points of Rebellion." Mr. Douglas begins by talking about the generally unsatisfactory state of affairs in America today, including the recent elimination of his favorite trout stream.

Then suddenly he finds himself talking about violence, which he concedes "has no constitutional sanctions." This he would appear to regret, because he adds immediately, "but where grievances pile high and most of the elected spokesmen represent the establishment, violence may be the only effective response."

Mr. Douglas reaches abroad for illustrations. He recites tales of horror about life in Guatemala as related by two priests and a nun—ex-nun and ex-priests being perhaps more accurate, since post-Guatemala, they got married.

Anyway, Mr. Douglas, who is supposed to be expert on the rules of evidence, passes along the extraordinary news that the Maryknoll priests, "between 1966 and 1967, . . . saw more than 2,800 intellectuals, students, labor leaders, and peasants assassinated by right-wing groups because they were trying to combat the ills of Guatemalan society."

An altogether astounding story, as I say. First, that there should have been 2,800 assassinations in tiny Guatemala over a one-year period without anybody knowing about it, second that the assassinations should have been directed against those who sought to combat rather than promote evil; but most extraordinary of all, that Guatemalan authorities should have summoned two priests and one nun to witness each and every one of said assassinations.

Mr. Douglas has at this point picked up a lot of steam, and he reports gleefully that the priests advised Guatemalan peasants who approached them, that under the circumstances, it is okay by God to use violence. Under the circumstances. . . .

Mr. Douglas moves now to America. Here, he concedes, we do not turn so readily to violence. However, we do run the risk of violence—because the young generation doesn't like the way things are run in America, believing that the entire governing class is run by the special interests.

Now, he explains, the situation was very similar back in 1776. Then, Americans demanded a restructuring of our institutions. "That restructuring was not forthcoming and there was revolution."

And then, explicitly, the climax. "You must realize that today's establishment is the new King George III. Whether it will continue"—note that Mr. Douglas would have us believe that the establishment does now exercise the tyrannical practices of George III—"we do not know. If it does, the redress, honored in tradition, is also revolution."

Now what Mr. Douglas has said very simply is that such conditions as legitimized revolution in 1776 now exist in America. He seems to be saying that George III—the establishment—might well be given, for a little longer, a chance to reverse itself. But that is one man's judgment.

Those who—for instance the Chicago Seven—believe America has been given long enough to change its way, and therefore advocate instant revolution, disagree with Mr. Douglas only on a matter of timing. What they advocate—violent revolution—is in Mr. Douglas's view, very simply, honored by tradition.

If that is not sufficient cause for impeaching an official of the government who has sworn to defend the Constitution and the execution of its laws, then nothing justifies impeachment. It is quite extraordinary that Congress should have got lathered up over the nickel and dime malversations of Justice Fortas, while sleeping on this one.

If Mr. Douglas is not impeached, he may have proven by other means than he intended that indeed American society is irretrievably corrupt.

SHASTA DAISY BILL

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, I am today introducing a bill to name the Shasta daisy as this country's national flower.

Historically, this is an issue that Congress has been unable to resolve. I believe that the time has come to settle this issue once, and for all. Surely in this, the "Environmental Quality Decade," we should join forces to give America a flower it can call its very own.

Since there is only one flower that grows well in all 50 States, and the creator of this flower was America's greatest horicultural genius, Luther Burbank, it is obvious to me that the Shasta daisy should have the distinction of being America's national flower.

It is my intention to make this effort a nationwide campaign. I will be asking schoolchildren throughout the United States to get involved by writing their Congressman urging support of the Shasta daisy as America's national flower.

MR. NIXON, THE SST, AND THE ENVIRONMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. FRASER. Mr. Speaker, the Minneapolis Tribune printed an editorial Monday, March 30, 1970, "Mr. Nixon, the SST, and the Environment."

Yesterday, Earth Day was celebrated throughout the Nation. The Tribune comment, I believe, is a worthy addendum to the concerns expressed yesterday and to those that will be expressed during the remainder of the week about our environment. I insert the editorial into the RECORD at this point:

MR. NIXON, THE SST AND THE ENVIRONMENT

The case against the supersonic transport (SST) has been stated many times by many groups. The plane will be too expensive, too noisy; it probably will not pay for itself; it will present technical dangers; it will pose many environmental problems.

But somehow the SST—with its 90-percent federal funding—keeps taxiing ahead. More than $600 million already has been spent, much of it wasted because early designs were scrapped. Mr. Nixon wants to spend $662 million more over five years, including $275 million next fiscal year.

Two Cabinet-level task forces have recommended against the SST—one in 1967 to then President Johnson, one to Mr. Nixon last year. The President's chief science adviser, the Environmental Quality Council, the Council of Economic Advisers and representatives of five federal departments all have signed in against the SST.

The administration's response to criticism has been to say that the SST and its thunderous wake of sonic boom will be banned over "populated areas" of the country. That is no answer. The President can't speak for authorities 10 years hence. If the SST proves unprofitable without high-speed overland routes (a distinct possibility), what will be scrapped—the overflight ban or planes costing perhaps $50 million each?

But sonic booms in populated areas are only part of the SST threat to the environment. No one knows the effect of sonic booms on sea life. The SST is expected to be noisier at subsonic speeds and on the ground than present planes. And, perhaps worst, some scientists fear that the SST will pollute the upper atmosphere in a way that will cause significant alterations in weather.

A militant new organization, Friends of the Earth, recently took a full-page advertisement in the New York Times to point out some of the SST's drawbacks and to ask that citizens write the President, senators and representatives in opposition to the project. That is good advice; Mr. Nixon's $275-milion request will be heard in the

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Senate Appropriations Committee next month. Congress should have little trouble, it seems to us, in finding better uses for the money.

TVA BOND RESTRICTIONS SHOULD BE ABOLISHED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Knoxville News-Sentinel recently reprinted an editorial from the Nashville Tennessean in support of an increase in the bonding authority of the Tennessee Valley Authority.

This editorial points out that TVA needs this additional authority to make long-range plans for expansion of power-producing facilities.

The editorial follows:

[From the Knoxville News-Sentinel, Apr. 15, 1970]

OUR NEIGHBORS SPEAK: "TVA BOND RESTRICTIONS SHOULD BE ABOLISHED"

The Tennessee delegation in Congress is expecting a hard struggle against the Nixon administration's latest attempt to cripple TVA by putting unrealistic limits on its funding authority.

The state's House delegation is sponsoring a bill that would raise TVA's bond-selling authority from the present $1.75 billion to $5 billion.

Raising the limit to this extent at the present time is necessary to enable TVA to make long-range plans for expansion of power-producing facilities that are expected to be required in the valley during this decade.

None of the money that would be involved in the bond sales would be tax money. TVA's power facilities are financed through the sale of bonds through the private sector of the economy, and the bonds are paid off from power revenues.

However, under the law, TVA is limited in the amount of bonds it can sell and must have approval by Congress before a new limit can be established.

This unnecessary restriction on TVA's financing is a product of the previous Republican administration. And now, Mr. Nixon is carrying on the GOP tradition of handicapping TVA by trying to keep the proposed new limit on bond sales to a restrictively low figure.

The Budget Bureau, which is an arm of the executive branch, wants to set the limit at only $3.5 billion, forcing TVA to go back to Congress in 1973 with a new evaluation of its power demands and bonding authority.

The main objection to this proposal is that it does not take into consideration the long periods required for construction of TVA's power facilities. Since financing must be assured before a project is started, there is a long lapse between the authorization of bonds and completion of a needed project. This could lead to serious crippling of TVA's power-producing capacity toward the latter part of this decade.

Since no public funds are involved, it is strange that the administration should take such a keen interest in seeing that TVA's bonding limit is kept low. The purpose couldn't be to protect the taxpayers' interest, since no tax funds are involved. And as the bonds won't be sold until needed, it doesn't make any sense to keep the limit perilously low—or even to have a limit at all.

The bonding limit is a relic of the same anti-TVA period which spawned the notorious Dixon-Yates deal and other efforts to turn TVA over to private power interests. The only reason for existence of the limit is the hope of private power to make it possible—under a friendly administration—to cripple TVA's development and raise the cost of electric power in the valley.

There is no sound fiscal reason for the bonding limit to exist and it should be abolished. The valley delegation should aim for this goal while it is attempting to raise the limit to $5 billion.

SOUTHERN VOICES ON INTEGRATION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ROSENTHAL. Mr. Speaker, I am deeply concerned with the apparent weakness of this administration's commitment to the right of every child to an integrated quality education. In the past few months the administration's lenient stands regarding school desegregation in Florida and other Southern States leads me to believe that we are not doing everything to insure this type of education. It is the right of every child in America to receive the best education possible, which I believe can only be achieved through integrated schools. It is our responsibility to see that they are provided with this.

I include in the RECORD two articles written by southerners and forwarded to my attention by the American Friends Service Committee.

The first by Charles Morgan, director, Southern Region American Civil Liberties Union, concerns the reasons behind recently introduced legislation and approaches to Federal desegregation cases.

The other by M. Hayes Mizell, director of the South Carolina Community Relations Program of the American Friends Service Committee, concerns the "southern strategy" and the current integration policies of the Nixon administration.

The articles follow:

SCHOOLS: BICKEL'S "NEW PATERNALISM" MASKS A NATIONAL RETREAT

(By Charles Morgan)

Professor Alexander M. Bickel's article is The Article of national retreat: a convenient, if gossamer, cover under which bona fide racists, black and white, and the merely mistaken men of South and North might respectably gather prior to an all-out and undisguised attack on desegregation.

The Article cited no new facts nor were new facts even assumed; the few factual statements made were for the most part wrong and at best half-right. The professor thought today as he thought and wrote yesterday; but in an altered national context. The Article was more than a scholarly dissertation.

THE ARTICLE WAS A TRIGGER

Professor Bickel may not have understood the use to which his thesis would be put. He does not seem to understand much about the South. The South is not a land of cultural pluralism. The South may be a microcosm of the country and it does have internal variances, but its characteristics are not those of New York or Chicago or Los Angeles or San Francisco. There is and has been no large Southern population of Catholics, Jews, Italians, Irishmen, Puerto Ricans, or voluntary black immigrants. The South is an area of simple racial dualism. But the Article seeks application of a national racial solution, and an ineffective non-working solution at that, to areas that are essentially different.

The South had slavery by law. The South had segregation, *apartheid*, by law. This is why the South has been treated differently by the Supreme Court. The South is different. That is why it should be treated differently. That is why the Northern "solution"—if that be what *de facto* segregation is—will not work in the South. Nor, if it were uniformly applied across the land, would it result in much other than at best the ultimate disfranchisement and at worst the dispatch of the nation's black population.

A graduate of New York's City College, and the Harvard Law School, Professor Alexander M. Bickel was the ideal man to write The Article and the *New Republic* the perfect place for it to appear. He is well known in "liberal" circles, is not a bigot, teaches at the Yale Law School, and has been consistently critical of the Warren Court's major rulings (for school desegregation and one-man-one-vote state legislatures).

Criticism of the Warren Court seems a necessary ingredient of demostrable scholarship among some law professors who feel that if they are not brighter than the court—which is, of course, the true teacher as well as maker of constitutional law—then they are either not bright enough to teach or, alternatively, to be appointed to the court if fortuitously asked.

BLESSING TO SEGREGATIONISTS

To white segregationist Southerners The Article was a blessing. That it was primarily extracted from a series of lectures delivered at the Harvard Law School and published as The Supreme Court and the Idea of Progress and that Mr. Bickel's primary life concern often seems to be analysis of the scope of the power of the Supreme Court mattered little. For if a Yale professor writing in the *New Republic* questioned the limit of that power, so did the white South, and if he coincidentally believed in racial justice and they did not then that was all the better for him and them.

White Southern politicians, although caricatured and stereotyped by many non-southern liberals, have learned to deal with educated Northerners on the basis of the Compromise of 1877. They simply struggle along for years losing battle after battle, fighting as guerrillas until they finally but very politely win. As they turn America away from its stated goals they mind their manners, as did even Ross R. Barnett, who felt compelled to say when turning James H. Meredith away from the University of Mississippi, "I do so politely."

Coupled with this sense of politeness—the brightest of them deplore ax handles, tactically at least, and assaults on children—there is the certain knowledge that Northerners have their own mythology. This they recognize and manipulate.

PERPETUATING MYTHS

For example: Mythologically, the article assumes that the legislative (which Southern-controlled committee of Congress?), executive (which agency?) and judicial (which Southern federal district judges?) branches of government for years favored a policy of school desegregation. The article argues that integration (as though we had tried it and consequently someone knew) "creates as many problems as it purports to solve." The professor (of legal history, who teaches a course on public schools) mentions only one of the "many problems": the moving of whites to the suburbs.

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Both the professor and his Connecticut senator, Abraham Ribicoff, place some reliance on the premise that "everybody seeks in the schools some sense of social, economic, cultural group identity." This premise is, of course, a product of Northern big-city Americans and white minority ethnic-group thinking. Relying on "cultural pluralism," as Stokely Carmichael did in proposing Black Power and citing Jewish Power and Irish Power as their models, is a common failure of many of those who deal with the South on the basis of non-Southern experience. They forget that in the South there was no melting pot and there is little pluralism of any kind, be it ethnic or religious. Racial problems are as different from those included in the Bickel-Ribicoff experience as the Negro's heritage of illiteracy is different from the Jewish immigrant's literate, if foreign-language, heritage. There can be little parallel between the urban experience of white ethnic Americans and the experience of American blacks. Although Hitler required armbands to identify the Jews, blacks have a sure knowledge that their armbands are worn on their faces.

A POLITICAL TOOL

Professor Bickel frets over "the tipping point of resegregation" and "what the Nixon Administration has been trying to tell us." What President Nixon has been trying to tell us is simply: "White folks, vote Republican; we can do it better than Wallace can—and we can do it more politely." The "tipping point of resegregation" occurs when members of the professor's and my race are in a minority.

Since the professor does not approve of one-man-one-vote reapportionment cases he does not propose (or even acknowledge) that school district lines, like county and electoral district lines, are merely creatures of the state and some day may be ignored by courts seeking to integrate urban and suburban school populations.

Rationally and wrongly the article adopts the sweetly reasonable approach of the new paternalism. It notes that "leading" (what? who? where? why?) elements in urban communities" would not accept "large-scale efforts at integration." (What Northern liberal even thought of giving "leading white elements" in Southern communities a choice?) The white and New Paternalism seems to implicitly assume that blacks because of skin color have good sense. As white Southern housewives relied on their maids the New Paternalists rely only upon "militant" blacks. The new paternalism refuses to grant blacks an equal right with whites to be damned fools and to be told they are damned fools.

The new paternalist calls for the upgrading of slums and slum schools as though that goal were somehow shown to be attainable either by our history or our present inclination. . . .

The article says "no one is certain that it (massive integration) is worth the cost" as though "no one" were "certain" when, in fact, some are quite certain that it is worth almost any cost. Strangely, although "the cost" of upgrading slum schools is incalculable, the professor does not even consider the question of whether or not white taxpayers will pay that cost.

The professor does not believe or does not understand the simple lesson of history culminating in *Brown v. Board of Education:* In this country racially separate schools simply cannot be equal. To put this in more common terms:

"White folks ain't going to pay for schools where white children don't go."

"Kids learn more from kids than they do from teachers;" and

"White folks have the money and the government and the police and the troops and there is no way for black folks to get the money for all-black schools from white folks."

The article and the book from which it was drawn became simultaneously available. In *The Supreme Court and the Idea of Progress* the professor, who like many well educated and rational men is dedicated to the "restraints of reason," rationalizes reason into every event. For example, he somehow finds that the presidential "election of 1960 was a vote of ratification of the court's holding in *Brown v. Board of Education* as then understood." But that is not quite the way those who lived in the South and worked in the 1960 campaign recall it. Sen. John F. Kennedy's then problem nationally was to cut the black vote away from Mr. Nixon. This was accomplished by, among other acts, a telephone call from his brother Robert to a DeKalb County, Georgia, judge seeking the release of the Rev. Martin Luther King, Jr. from jail.

The white South voted for a Democratic, Catholic it believed not committed to civil rights against a Republican Protestant it believed favored *Brown!* That the white South was wrong about both men does little to restore confidence in Professor Bickel's aproach to fact and opinion. Indeed, the Professor's presumed national ratification of *Brown* "as then understood" resulted in the receipt of 15 electoral votes by Virginia's late apostle of "massive resistance" Sen. Harry F. Byrd—and he, Sen. Byrd, didn't even make a speech.

FACTS WILL NOT GO AWAY

The book also contends that "(w)hat the *Brown* opinion ultimately envisioned seems for the moment unobtainable and is becoming unwanted" (again, professor, by whom? and, even if so, so what? and didn't we stop asking what was wanted when Orval Faubus said "no"?). Continuing the book says that "little is known to support the assumption of *Brown* v. *Board of Education* that a segregated education hurts the Negro child." Nothing supports "the assumption of *Brown* v. *Board of Education*" other than the reasoning and evidence of the pre-*Brown* v. *Board of Education* teacher pay, graduate and law school, and undergraduate school decisions, including *Sweatt* v. *Painter* (the Texas Law School case) and more obviously the millions of uneducated black men and women in the North's urban ghettoes, two-thirds of whom were born *and reared* below the Mason and Dixon Line.

As a legal historian dedicated to "the restraints of reason," the professor needs, as Mr. Justice Holmes put it, "education in the obvious more than investigation of the obscure."

RACISM ENCOURAGED

There are, of course, other assumptions that may soon be made rather than "the assumption of *Brown* v. *Board of Education*." The primary assumption waiting in the wings is that the Negro child is inferior to white children and that this inferiority is genetic. That might be a shocking assumption to Mr. Bickel but, unfortunately, it is an assumption to which some "rational" scientists will no doubt devote their "rational minds." As in other times of rising racism, these opinions will be based upon "research" and accepted by many.

In his Harvard Law School lectures (the book) the professor unemotionally referred to "crowds" outside the Ocean Hill-Brownsville decentralized experimental school district and "crowds" outside the schools of Little Rock. That paragraph was lifted from the book and included word for word in the article. But there was one change. In the article—as may be the case in a more formally and legally segregated America—the "crowds" have become "*mobs*."

Tragically, the professor follows his mentor, Mr. Justice Frankfurter whom he served as law clerk in his desire that the Supreme Court not declare promises it cannot keep and then fall back from them. As he puts it in the book, "the Court . . . is not a place for the half-loaf that is better than none."

SOME WILLING EXPLOITERS

The tragedy is that the article was more damaging to the prestige of law, as opposed to the original desegregation order and to the judiciary, than the collected speeches of George Corley Wallace, including those in which he referred to federal judges as "dirty, carpet-baggin', scallywaggin', integratin', bald-faced, race mixin' liars." The article provided "learned" liberal justification for the withdrawal of federal desegregation pressures and primary support for, at most, "the half a loaf which is better than none."

Within a week after the article appeared, it began to receive the praise it deserved. *Human Events*, the organ of right-wing Republicanism, said it was "of particular interest to supporters of the anti-busing amendment." The professor was a "Northern liberal," said *Human Events*, and the article "buttressed (Stennis and his fellow Southerners) antibusing arguments." "According to Stennis and Co.," *Human Events* continued, "this is all the South is really asking—and this 'Southern formula' was not from George Wallace, but Yale Universitv and the liberal *New Republic*."

There followed a gaggle of columnists and others: Stewart Alsop, who based his *Newsweek* views in part on those of "leading Negroes" Ben Holman, Dan Watts, and Julius Hobson (to *Newsweek* it was merely "Requiem for a Liberal Dream?"); Vermont Royster of the *Wall Street Journal*, "Forced Integration: Suffer the Little Children"; and Roscoe and Geoffrey Drummond, "Emphasis on Quality Education."

By Feb. 14, 1970, the President who had remained aloof (allowing Spiro T. Agnew to enter the risky field of racial politics) openly joined the "separate but quality" chorus.

THE STRUGGLE MUST GO ON

On Feb. 21, 1970, *Human Events* returned to the article, noting that ". . . Bickel appears to lean toward a position that would end legal segregation but permit *de facto* segregation, even in the South." The article contained "guidelines," said *Human Events* which "some quarters" "suggested" that the President propose in order to meet the school crisis and the threat of Mr. Wallace.

February, 1970, was to have been the month of final compliance with *Brown* v. *Board of Education*. But by Feb. 28, 1970, Connecticut's (and the professor's) Sen. Ribicoff had become so deeply involved in the article's aftermath that to an Atlanta *Constitution* reporter "parts" of his "rhetoric" "had the ring of a Southern politician's oratory."

Our most effective voices have been stilled by assassins' bullets. We are in a minority not merely in the South but in the nation. Friends from the more easy and glamorous days of risk—a day or a week or a month or a march in the South—left us long ago and now, partly in frustration at their own inability to effect change, partly in rebellion against the system (a system rejected by too many and in large measure never tried) have become advocates of old solutions.

The enemy is no longer the racism of the statehouse. The opponents are now those who occupy the White House and in tragicomedy enter a field of politics in which they, too, are destined to lose if simply because they lack the hatred required to effect a successful Southern strategy. (To white Southern segregationists they will soon seem but "an effete corps of impudent snobs.")

But most of us, white and black alike, who joined in the 1950s and 1960s will stick it out. We know that men have warred for thousands of years over questions of religion. And we know that race, unlike religion, can be seen. We know that separation means defeat. We have seen those separated from our society. We know that the old have moved from the county poor house to the urban nursing home or the central state hospital; the alcoholic failures to their Bowery, or off the streets to the city jail; the mentally ill to asylums now known as mental hospitals; lawbreakers to jails and prisons; non-conformist juveniles to reform schools; Indians to reservations; Japanese Americans to detention camps; and Negroes to urban ghettos. In each instance we term the confinement that which it is not. We offer minimum service, get the offensive person out of sight, and give a dole that salves our conscience but that binds the outcast to the benefit.

But we shall not surrender merely because there is a new President on the block, an old idea in town, a new slavery in the wings, a new generation of despair.

We will win not because of rationality For what was there rational in a young Negro minister's hopeless boycott of a bus company? What was rational in students ordering a cup of coffee in a five and dime store? What chance was there in the streets of Birmingham? What rationality was there in those raised clubs at Selma's Edmund Pettus Bridge? We will win simply because we must.

The Southerners' Strategy

(By M. Hayes Mizell)

Thirty years ago W. J. Cash analyzed the character and culture of our region in his classic work, *The Mind of the South*. Writing of the North's failure to "make over the South in the prevailing American image and to sweep it into the main current of the nation," Cash observed that "far from having reconstructed the Southern mind in the large and in its essential character, it was this Yankee's fate to have strengthened it almost beyond reckoning, and to have made it one of the most solidly established, one of the least reconstructible ever developed."

Subsequent attempts at reconstruction by the North have met with similar frustrations, for while each succeeding effort has tended to nudge the South away from its archaic social attitudes and violent past, it has left much of the South's essential character unchanged. The Southerners' perception of the North—not a geographical place but a mentality that might be found in the Northeast, the Midwest, the West; a mentality produced by detachment from involvement in the Southern experience—this perception has not been appreciably altered in the years since the middle period of this nation's history. This perception of the North has revealed that for the past century the South has been the regional object of the nation's guilt and self anger generated by a history of racism. Just as black people have been in a position to observe the hypocrisy of allegedly superior white morality because the white man underestimated the intelligence and character of blacks, so has the South been privy to the hypocrisy of Northern racial attitudes because the North has been quick to cling to stereotypes of white Southerners as inhumane and immoral in matters of race.

Because the South has historically been the national "mud-sill" the Southerners' current strategy on school desegregation is all the more baffling to the Yankee mind. What the Southerners are now doing is forsaking the stereotype behavior and rhetoric in favor of a more sophisticated and subtle approach which does not challenge but rather exploits the hypocrisy of the North.

SOUTH USING THE NORTH

The Southerners' strategy is multiple rather than singular. It consists of a series of feints and razzle dazzle maneuvers that are the last resources available to a region that has virtually exhausted what once seemed to be an endless reserve of legal innovations designed to thwart compliance with the law of the land. But in the final analysis these shadowy strategic maneuvers may prove to be more productive than the substantive attempts to preserve segregation by law. For now the South is no longer depending solely on its own resources to build the bulwark against Constitutional mandates, it is soliciting and encouraging the Yankee mentality to come to its aid. This is the logical extension of the strategy pioneered by George Wallace in his Northern tour of 1964 and which reached near fruition in 1968. The strategy is dependent upon the retreat and ambivalence of a national administration which gained power with the assistance of the South, and it likewise relies upon the confused majority of Americans for whom mortality has removed Ho Chi Minh as the adversary but who now see yellow school buses as the real enemy. The strategy is also predicated on an understanding that the so called "Southern strategy" of the Nixon administration is not really the product of shrewd Yankee manipulation of the South, but rather it is the result of the nouveau Dixiecrats having craftily made the administration and the party dependent upon the South. Here again, the servant has become the master.

STENNIS AMENDMENT

The most prominent cornerstone of the Southerners' strategy has been the Stennis amendment which provides that it shall be the policy of the United States for the school desegregation law and guidelines established by the 1964 Civil Rights Act and by the 1966 Elementary and Secondary Education Act amendments to "be applied uniformly to all regions of the United States in dealing with conditions of segregation by race, whether *de jure* or *de facto* in the schools of the local educational agencies of any State without regard to origin or cause of such segregation."

The Stennis amendment's power is perhaps more psychological than real but it is the kind of warfare in which the South is particularly adept. With the assistance of Senator Ribicoff—who correctly defined the hypocrisy of the North but in the process became an unwitting liberal accomplice to the Southerners' strategy based on a more cynical reading of the country's reluctance to turn away from hypocrisy—the Southerners have found new comrades in the struggle against the federal leviathan.

Though we can only speculate as to what the real impact of the Stennis amendment will be on school desegregation its intent is clearly to establish freedom of choice as a national policy and to maintain the *status quo* in the schools of the South. It would seem that for most districts this amendment alone would not be sufficient to thwart compliance with HEW's requirements, but of course the problem is that this amendment has set off a chain of events so that it is not a single force but a piece of the larger picture of retrenchment by this administration.

Advocates of the Stennis amendment assert that all the South wants is "equality of treatment," a phrase that has become the new sacred talisman of Southern politicians and editorialists replacing the more tattered and discredited "all deliberate speed." The Southerners' strategy is to plead for "reasonable" and "fair" treatment and to depart from the kind of openly racist rhetoric which has historically been associated with the South. Here, for example, is a sample of the new rhetoric, carefully couched in the same kind of pious wordmanship that gave us our current president:

"We have integrated our state, and we are proud of it, not just because it is the law, but because it is the American way. We recognized long ago that segregation was dead forever, that integration is the law of the land. We have implemented that belief not only in our public schools and in our systems of higher education but throughout every aspect of life in our state."

That, of course, is Louisiana's Governor McKeithen speaking through a full page ad in *The New York Times* and other Northern newspapers. He goes on to assert that, "We believe in civil rights," and concludes with the plea that "All we ask is equal treatment under the law; all we expect is full partnership in this great Union of ours." The intent behind such language is only slightly removed from that used by the citizens of Lamar, South Carolina, just two weeks prior to the tragic incidents of March 3. It recognizes that it is no longer fashionable for Southerners to admit that they are racists.

This rhetoric is gaining new allies for the Southerners. The allies want, just as the South wants, to make freedom of choice a national policy in a nation where both freedom and choice have been anachronisms for so many of our people.

DESIGN FOR CONFUSION

Another key component of the Stennis amendment is the effort to blur the distinction between *de jure* and *de facto* segregation. The Southerners have chosen an opportune moment to initiate such a strategy. As the urban South has begun to be confronted with the possibility of having to achieve meaningful integration the Southerners have seized upon the complexities of such a task to point out that there is really no difference between such situations in the North and South. This strategy has been strengthened by a convenient nexus with the frustration and disillusionment of citizens of the urban North who have fought for integration but have failed to find any help in the courts because of the *de facto-de jure* distinction.

But in the South at least there can be no question that the segregated school systems of urban areas *are* deliberate rather than fortuitous and that they *are* the result of state action. The South is clearly trying to evade its Constitutional obligations by calling attention to the Supreme Court's failure to deal with the problem of *de facto* segregation. By saying that the Court has not done its job and that urban segregation in the North and the South are essentially the same, the South removes the focus of attention from its failure to comply with the law and places the burden for the lack of progress on the Court.

A similar part of the strategy is for the Southerners to gain wide dissemination of their definition of what the Court has said. Southern congressmen are able to utilize the public forum which is constantly available to them to redefine or to distort the meaning of the law. Such a forum is obviously not available to the Courts and they must rely on the opportunities provided by individual cases to explain and to clarify. Even then, the Court makes the news for only a day while the politicians can make it every day. The Southerners have been nitpicking at the language of the courts for nearly two decades, interpreting judicial dictums in their own way, and causing public misunderstanding and confusion so as to make the implementation of the court's orders more difficult. Congressman Albert Watson used these tactics in Lamar just a week before the tragic incident. The nation witnessed the result.

Because the Southerners believe that the Court has not detailed what constitutes a unitary school system they declare that they don't know what is required of a school district. Yet, I believe that if the Court provides a detailed roadmap for achieving a unitary system the South will be the first to cry that the Court has overstepped the boundaries of judicial property. The South

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knows full well the Constitutional requirements for disestablishing a dual school system and the plea for a satisfactory definition of a unitary system is nothing more than a spurious issue designed to produce more evasion and delay.

LEGISLATIVE MANEUVERS

Another part of the Southerners' strategy has taken the form of a kind of neo-interposition. Missing is some of the strident rhetoric of the late fifties but the purpose of the laws is much the same. The laws are designed to do one of three things: (1) They will have little effect at the state level but they buttress the "equality of treatment" argument, (2) They provide some districts with a convenient excuse to seek delay for another year, and (3) They undercut those districts which might be moving towards establishing a unitary system.

The most popular approach towards shoring up the "equality of treatment" argument is for a state legislature to adopt almost verbatim the New York State law which provides that:

"No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality of attendance or increased attendance or reduced attendance at any school, of persons of one or more particular races, creeds, colors, or national origin."

The ploy is to adopt New York's law and then declare, as Governor McKeithen has done in his full page ads, "That is the law in New York; it is now also the law of Louisiana. We ask no special treatment; we demand no concessions. But we do seek, and expect to be treated as any other state in the nation."

Louisiana and Alabama passed the law in special legislative sessions and South Carolina, Georgia, and Mississippi passed it in regular session. The Georgia assistant attorney general said that the law means transferring students or teachers to achieve integration is illegal as is the busing of students, the pairing of schools, and the changing of school districts or zones for the same purpose. However, a federal district court judge has ruled that the Georgia law is unconstitutional. But in Mobile, Alabama, the school board delayed implementing a U.S. District Court desegregation order on the grounds that the Alabama law makes it illegal to force any student to attend any school against his wishes or against the wishes of his parents or guardians. As the school board attorney said, "There may be some question as to the constitutionality of that law, but in my view, until it has been challenged and tested and declared unconstitutional, it is valid—it is the law." This is a posture reminiscent of massive resistance and it is one which draws on the lethargy of the judicial process to seek further delay.

Tennessee and North Carolina have passed anti-busing laws which deny the use of state school buses for desegregation plans which will achieve a racial balance. Governor McKeithen has suggested that in the May session of the legislature he will veto any legislation that allocates funds to school districts where busing is being used to achieve racial balance. While we hear a lot about local control of education in the South some legislatures and state political leaders are obviously taking steps to prevent local districts from utilizing busing for desegregation even though the districts themselves might have determined that this method is the most appropriate for establishing a unitary system.

CO-OPTING ADMINISTRATIVE MACHINERY

As always the Southerners' strategy is to master and then manipulate the administrative machinery for the enforcement of the law. Soon after the creation of HEW's Office of Civil Rights the southern politicians and school officials figured out the weakness of that office's administrative enforcement procedure, and the advent of the Nixon administration made those procedures more vulnerable to political influence. In Columbia, South Carolina, the school district has been involved in the HEW compliance procedure for nearly three years and during that time it has continued to operate under a freedom of choice plan. Now the school district is appealing its case directly to Secretary Finch who has been counseled in this instance by Senator Strom Thurmond and Representative Albert Watson. Finch has said that, "I am sure that an appropriate settlement can be developed in the near future." The school district is proceeding to implement its freedom of choice plan for yet another year in anticipation that Finch will either overrule the HEW Reviewing Authority's decision against the school district or that he will negotiate a plan with the district that will require only nominal adjustments in the freedom of choice procedure.

HELP FOR THE SOUTHERN STRATEGY

Finally, the Southerners' strategy is being facilitated by those blacks who are quick to cite the need for "bi-racialism" and who point out that integration has become "the end instead of the means." While I do not believe that such a coalition is intentional, the effect is nevertheless to give hope and credibility to all of the purveyors of resistance whose calls for "fair treatment" and so-called "rational" approaches are rooted in the humus of racism and beliefs in black inferiority.

Perhaps we would do well to remember that white control comes in many colors and to reflect on those districts in the South which are run by whites but which have nevertheless offered neither quality education nor meaningful control for the mass of their white constituents.

So in spite of the cries that we "get back to education," the Southern strategists understand that when we abandon the struggle to fulfill the obligations of the law we will have merely participated in the erosion of Constitutional guarantees. We will have stripped the statute books and the judicial precedents of a body of law that has been laboriously developed over the past fifteen years. In truth, we *won't* return to the business of education because we have never seriously been about that business. The Southerners understand these things. They also understand that the verbal gymnastics of highly placed lieutenants and the forthcoming "clarifications" by the mediocre commander are only deceptions which seek to avoid embarrassment rather than to promote justice.

Isolated and alone the Southerners' strategy cannot succeed, but what brings us here today is the specter that the Southerners are no longer alone. This administration has seen to that.

A BREAKTHROUGH IN THE POST OFFICE DEPARTMENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DERWINSKI. Mr. Speaker, we stand today on the brink of a breakthrough, the likes of which we have never seen in the Post Office Department.

The administration and the unions have agreed on a plan that would completely overhaul the current archaic postal system, and provide a better deal for postal employees as well as better mail service for the American people.

For the first time, employees could bargain directly with postal management.

For the first time, the system would be isolated from partisan politics.

For the first time, businesslike methods could be brought to bear on key decisions facing the Post Office Department.

This is an idea whose time has come. Both sides of the aisle should support this package, which is one of the most important proposals of the Nixon administration.

THE CASE AGAINST JUSTICE DOUGLAS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. QUILLEN. Mr. Speaker, liberal appointments to the highest court of last resort in our country, the U.S. Supreme Court, have altered the course of American history.

I am one of those who believe that the Court has swung so far to the left that it is off balance.

Mr. Speaker, the much publicized antics of Supreme Court Justice William O. Douglas brings to light the fact that nobody on the Bench could be further or more consistently to the left.

As a member of the Committee on Rules, I support the move to impeach Douglas. I signed the resolution authorizing a preimpeachment investigation and I hope this matter is brought before the Rules Committee in the very near future.

An editorial column in the Washington Evening Star on April 22, by William F. Buckley, Jr., is a splendid piece of material. In my opinion, his article deserves to be made available to readers of the RECORD:

THE CASE AGAINST JUSTICE DOUGLAS

(By William F. Buckley, Jr.)

The Democratic congressman who had demanded of Republican Leader Gerald Ford that he be specific on the matter of why Justice William O. Douglas should be impeached, makes a good point—although it is as much his responsibility as Mr. Ford's to concern himself with whether Mr. Douglas has destroyed his usefulness, and Mr. Douglas's book is as easily available to Democrats as to Republicans. And anyway, a precis of Mr. Douglas' book appears in the current issue of a pornographic monthly readily available.

There, nestled among the pudenda, is an article by Justice Douglas entitled "Redress the Revolution," an excerpt from his book, "Points of Rebellion." Mr. Douglas begins by talking about the generally unsatisfactory state of affairs in America today, including the recent elimination of his favorite trout stream.

Then suddenly he finds himself talking about violence, which he concedes "has no constitutional sanctions." This he would appear to regret, because he adds immediately, "but where grievances pile high and most of the elected spokesmen represent the establishment, violence may be the only effective response."

Mr. Douglas reaches abroad for illustrations. He recites tales of horror about life in Guatemala as related by two priests and a nun—ex-nun and ex-priests being perhaps

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more accurate, since post-Guatemala, they got married.

Anyway, Mr. Douglas, who is supposed to be expert on the rules of evidence, passes along the extraordinary news that the Maryknoll priests, "between 1966 and 1967, . . . saw more than 2,800 intellectuals, students, labor leaders, and peasants assassinated by right-wing groups because they were trying to combat the ills of Guatemalan society."

An altogether astounding story, as I say. First, that there should have been 2,800 assassinations in tiny Guatemala over a one-year period without anybody knowing about it, second that the assassinations should have been directed against those who sought to combat rather than promote evil; but most extraordinary of all that Guatemalan authorities should have summoned two priests and one nun to witness each and every one of said assassinations.

Mr. Douglas has at this point picked up a lot of steam, and he reports gleefully that the priests advised Guatemalan peasants who approached them, that under the circumstances, it is okay by God to use violence. Under the circumstances. . . .

Mr. Douglas moves now to America. Here, he concedes, we do not turn so readily to violence. However, we do run the risk of violence—because the young generation doesn't like the way things are run in America, believing that the entire governing class is run by the special interests.

Now, he explains, the situation was very similar back in 1776. Then, Americans demanded a restructuring of our institutions. "That restructuring was not forthcoming and there was revolution."

And then, explicitly, the climax. "You must realize that today's establishment is the new King George III. Whether it will continue"—note that Mr. Douglas would have us believe that the establishment does now exercise the tyrannical practices of George III—"we do not know. If it does, the redress, honored in tradition, is also revolution."

Now what Mr. Douglas has said very simply is that such conditions as legitimized revolution in 1776 now exist in America. He seems to be saying that George III—the establishment—might well be given, for a little longer, a chance to reverse itself. But that is one man's judgment.

Those who—for instance the Chicago Seven—believe America has been given long enough to change its way, and therefor advocate instant revolution, disagree with Mr. Douglas only on a matter of timing. What they advocate—violent revolution—is in Mr. Douglas's view, very simply, honored by tradition.

If that is not sufficient cause for impeaching an official of the government who has sworn to defend the Constitution and the execution of its laws, then nothing justifies impeachment. It is quite extraordinary that Congress should have got lathered up over the nickel and dime malversations of Justice Fortas, while sleeping on this one.

If Mr. Douglas is not impeached, he may have proven by other means than he intended that indeed American society is irretrievably corrupt.

CHAIRMAN OF FEDERAL MARITIME COMMISSION ADDRESSES GRADUATING CLASS OF CALHOON-MEBA ENGINEERING SCHOOL IN BALTIMORE

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. GARMATZ. Mr. Speaker, for several years the Calhoon-MEBA Engineering School in Baltimore has been preparing young men for careers in our merchant marine and they are doing an excellent job in teaching them the necessary skills to operate today's complex vessels.

The 15th graduating class at its exercises on March 26, heard an address by Mrs. Helen Bentley, Chairman of the Federal Maritime Commission, which I believe is of equal importance, in preparing them for their role as ambassadors of the United States to the various countries they will visit, and to the people they meet there, when their ships take them to the many foreign ports. I believe her remarks should be "must reading" for every citizen, and therefore include them in the RECORD for careful perusal:

REMARKS OF HELEN DELICH BENTLEY, CHAIRMAN, FEDERAL MARITIME COMMISSION, BEFORE 15TH GRADUATING CLASS, CALHOON-M.E.B.A. ENGINEERING SCHOOL, BALTIMORE, MD., MARCH 26, 1970

It is an honor to join with you today to share in this important occasion. Indeed, I take great personal pleasure in participating at the graduation of those who have just completed the rigorous course of training and study in Marine Engineering under the auspices of the Marine Engineers Beneficial Association. This is particularly so since I have taken a very personal interest in the school since its inception, when Congressman Garmatz first succeeded in persuading the President of MEBA, Jesse Calhoon, to locate it in the Port of Baltimore.

To those graduating, I offer my sincere congratulations. You have been through a thorough and difficult period of preparation for your future career at sea, both of a technical nature in the classroom and of a practical nature aboard ship. Now come the rewards for your efforts and perseverance. As a result of these, you will join the ranks of those who made it possible, becoming in your turn the members of a highly respected profession, that of Marine Engineer aboard American Merchant ships.

You join the still greater number of ship's officers and merchant seamen from every department and in every category who are as essentially a part of the American Merchant Marine as are the ships they sail. Working together, you will literally bring life to an inanimate object, to thousands of tons of steel fashioned by the skilled craftsmen of the nation's shipyards into a thing of beauty, of purpose, of use to man—a ship.

In turning it to its purpose, you will not only be performing the job for which you have been trained, but you and your ship will be serving the nation, as do the other ships that fly our flag—and those who man them. Together you will carry the products of America across the oceans of the world to foreign markets. Returning, you will bring back raw materials or the finished products of our trading partners from around the globe. In so doing, you will advance our peacetime trade, drawing us closer to others of the Free World, aiding both their economies and our own.

You will be doing even more, for in foreign ports you will represent this nation to people whose friendship and goodwill we not only value, but recognize as vital to our own future. As such, you may well consider yourselves America's ambassadors to the Free World. On your attitudes and actions, all Americans will be judged.

Much has been said about "people to people" communication. You will, in truth, be America's "people to people" representatives.

In similar fashion you will bring back from your voyages knowledge gained of other people and other lands, and set the pattern of the thinking of your family, friends and acquaintances. In this you will have a great advantage over most of your fellow Americans, for your knowledge of other people will be based on personal experience and observation.

As a result of what you will see with your own eyes, hear with your own ears, assess in your own mind, you will be able to judge the advantages Americans enjoy over the citizens of the countries you visit. It is because of their personal judgments in this regard that American seamen are among the strongest advocates of our democratic form of government, and the American way of life. Yes, you will appreciate our American way more and more as you see the rest of the world and realize the establishment has done a great job with the United States of America.

You have chosen well in determining to make a career of the sea, and in working hard to achieve your entrance into that career. What is more, you enter upon it at a propitious period of time.

That could not have been said at any other time during the last decade, for while this country allowed its merchant fleet to deteriorate and grow older, the fleets of other nations were being upgraded with new and modern ships. Indeed, in comparison with others, our engine room telegraph was set on "Slow Astern."

It is for this reason that Congressman Garmatz and others in the Congress labored unceasingly in repeated attempts to reverse the process of our deterioration at sea, and inject new life into our Merchant Marine. I know personally of Chairman Garmatz' concern and frustration in attempting to overcome the negative thinking on shipping that permeated the former Executive Branch over the past several years.

But today he stands as sponsor in the House of Representatives of the Nixon Administration's proposed legislation to revitalize the American Merchant Marine in a magnificent bipartisan effort to achieve this nation's rightful place on the trade lane of the world.

As a result, there will be ships—new, modern productive ships—to be built, and to be manned by American seamen such as yourselves. Indeed, the appropriation request for ship construction funds in Fiscal '71 stands at $199,500,000 by far the largest amount requested since the end of World War II.

You are indeed fortunate—for the good fortune of the American Merchant Marine in its future outlook is your good fortune as well.

But nothing is all one way—there is a guid pro quo built into life itself—and in return for the opportunity you have received and which you have grasped for a career at sea, you in turn owe an obligation to the industry of which you now become a part. Or let me put it another way, an obligation to the American Merchant Marine, and to the nation it serves.

As I have said earlier, only the crew that mans it can change a ship from an inanimate object into a viable, valuable asset to the economy. Ships without crews are as economically wasteful as seamen without ships to sail. Give your best to the American Merchant Marine as essential not only to the prosperity but the very life of the Nation, for it is not only an industry, it is a means by which the nation's peacetime economy—and the economies of its trading partners—is maintained strong through trade, and an essential adjunct to our defense in times of national need.

And ships require cargoes, and shippers place their cargoes where they are certain service will be maintained. With the future of American shipping now bright at long last, with the support now evidenced by the Administration and the Congress, let us now look to stability within the industry itself. Without industry stability, support could vanish and those who for so long have both openly and surreptitiously opposed its rebuilding could redouble their efforts against the programs intended to revitalize our merchant fleet.

It is a time to work together, both now and in the future. It is a time for stability on the part of management and labor alike. It is a time for us to be Americans first, and all other things second, whether we are government officials, steamship company presidents, labor leaders, or union members.

Let me say for the Government that we have entered a phase in history where defense and security and world trade are being rounded into a new and more meaningful concept.

We face stiff competition on the trade lanes of the globe where a growing aggressive Soviet fleet seeks totalitarian penetration into the mercantile sphere so important to Free World growth and survival.

In the advanced concepts of today and tomorrow, American and Free World shipping is being allotted a more important role than ever before in the world history.

As you sail the seven seas and dock in foreign lands you will come to realize first hand that the American form of government—the establishment, if you will—is really a great form of government.

These are the material advantages that form of government has brought to you, its citizens. This is one of the reasons why those in the maritime world, in my opinion, should be fully concerned about what is happening in this country today.

You young people are the ones who should be interested in seeing to it that not only does our merchant shipping remain free and in the foreground, but that our country always shall.

This is why I, as a government official, today feel a responsibility of discussing a subject very close to my heart because I am concerned about what is happening in our country today.

I am concerned about the moves to split the peoples of this country apart through turmoil and dissension. All true Americans desire the bringing of us together as a people. This I sincerely believe. I believe it with the same certainty I hold that there is not one of us here today who is not long past the point of crying "enough" to rioting on our campuses, disruptions of our courts, mob violence on the streets of our cities, with looting and burning, and outright anarchy.

In a land such as ours, blessed with a freedom and an equality under the law that few if any others enjoy, there is no excuse for seeking redress for real or imagined injustices except by legal means through the courts, or through the ballot box. Nor are the violent actions of a relatively few a true representation of the nation as it is, or its people as they are.

Instead, it represents the work of a comparative few who mouth meaningless phrases, shout senseless slogans, and seek to destroy the very liberty that gives them the freedom to seek its destruction. They are the malcontents, the misled, or the intentionally misleading. They are the ones who seek to separate us as a people. They are the ones who would pit us one against the other, group against group, generation against generation. These practitioners of disruption are in truth the apostles of destruction.

Is it possible to believe that the riots, the lootings, the burnings, the mob violence and now the bombings were all separate and spontaneous actions? Or is it more within the realm of reason and sheer logic to believe the vast majority of such incidents to have been planned and instigated by those who openly avow their revolutionary intent, and carried out by their gullible dupes?

If you doubt this, think back over the period of the last several years, with its growing attempts at disruption; think of the bombings in New York City and in Pittsburgh and elsewhere in the past month; think of the flower children, the hippies and the yippies; think of the growing drug addiction among the young; think of the disruption of the courts in Chicago and elsewhere; think of the term "pig", used to insult the law enforcement officers of the nation; think of the attacks upon the military and of the attempts to coerce our legally elected representatives in the variety of "marches"; think of all these while I read this reprint from a 1968 issue of the "Bartlesville, Okla., Examiner Enterprise", of a 1919 document. I repeat the document's date as being 1919. The heading of the reprint is as follows:

"Is It Too Late To Think?"

The sub-head reads: "There is something extremely familiar in this document captured in Dusseldorf, Germany, in 1919."

The body reads: "Communist Rules for Revolution:

"A. Corrupt the young, get them away from religion, get them interested in sex. Make them superficial, destroy their ruggedness.

"B. Get control of all means of publicity and thereby:

1. Get people's minds off their government by focusing attention on athletics, sexy books and plays, and other trivialities.

2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the people's faith in their natural leaders by holding the latter up to contempt, ridicule and obloquy.

4. Always preach true democracy but seize power as fast and ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

6. Foment unnecessary strikes in vital industries, encourage civil disorders, and foster a lenient and soft attitude on the part of government toward such disorders.

7. By specious argument cause the breakdown of the old moral virtues: honesty, sobriety, continence, faith in the pledged word, ruggedness.

"C. Cause the registration of all firearms on some pretext with the view of confiscation of them and leaving the population helpless."

That is the end of the quote, which seems to require no further comment.

As for those in this country who cry "revolution", let me ask: "Against whom can you revolt?"

A people can revolt against a foreign occupying power. They can revolt against a dictatorship made up of a small powerholding clique. They can revolt against a foreign power of which they are a possession, as did this Nation's founders.

But a people cannot "revolt" against themselves or their own representative government—a government such as ours, "of the people, by the people and for the people."

The time has come when all of those in a position to do so should speak out against current disruptions. More, we of the vast majority must stand up and be counted for what we are, Americans with a firm belief in our form of government, its Constitution and institutions.

To those who incite the young and malcontents to riot by calls of "To the streets!", who raise their clenched fists—as in the case of the chief defense counsel of the so-called Chicago Seven—for the benefit of the TV cameras and newspaper photographers, who shout "All power to the people!", I say this—you would not dare raise one finger or shout your slogans where "All power to the people!" would be meaning.

On the contrary, your slogans and your cries ignore the very fact that in America all power resides with the people. It is guaranteed us by our Constitution, a Constitution that we can even change should we choose to do so by referendum, as has been done in the past.

Nor did it take mobs in the street to achieve these changes, only the expressed will of the people through their vote. This is the same Constitution behind which you hide and which defends your rights through the guarantee of free speech when you lie your lies and defame the nation.

Again, I say to such as these, go shout your slogans to those who know no freedom—if you dare!

As for America, all power is with the people and the majority rules the exercise of that power through the ballot box.

It is on this proud day that each of you steps forward to become a participant in the writing of the future history of American shipping and of the Nation.

May the winds and the tides favor you.

SAUL STILLMAN, "REPUBLICAN MAN OF THE YEAR"

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MINSHALL. Mr. Speaker, the Ripon Club of Cleveland will honor Saul G. Stillman as its Republican "Man of the Year" next Thursday night, April 30.

As far as many of us are concerned, our good friend Saul is Republican Man of Every Year. For more than half his life he has been the man behind the scenes, never losing his cool even under pressure, a genuine brain-truster who is always considerate and polite, a man you can always depend upon, and it is great to know that he will be center stage at the Ripon banquet receiving the kudos and taking the bows.

Saul has a distinguished background. Born in Cleveland on January 27, 1910, he attended Cleveland public schools, was graduated from Glenville High School, and received the Harvard Club of Cleveland scholarship and successive scholarships. He was Phi Beta Kappa at Harvard, where he received his B.A. degree cum laude in 1930. In 1931, Saul was awarded the Rutherford B. Hayes Law School Scholarship, and received his LL.B degree from Harvard Law School in 1933.

Our friend was admitted to the Ohio Bar in 1934. He has been a member of the Cuyahoga County Board of Elections from 1962 to the present and has served since 1962 as Ohio Republican Central Committee from the 22d Congressional District. After serving as vice chairman of the Cuyahoga County Republican Central Committee, he has been chairman since 1968. He is treasurer of the Cuyahoga County Republican Executive Committee.

Saul Stillman is vice president of Park Synagogue of Cleveland Heights, president of the Hebrew Free Loan Association of Cleveland, a teacher in the high school department of Park Synagogue since 1934. He has served as social and welfare department worker for the Cuyahoga County Relief Administration and Federal Emergency Relief Administration. He was former secretary and assistant to the late U.S. Senator George H. Bender and was formerly associated in law practice with Court of Appeals

XUM

Judge Daniel H. Wasserman of Cleveland.

Saul and his lovely wife, Cecelia, whom he married in 1933, are parents of three children, all college graduates. Their daughters, Barbara Meister of Ventura and Jean Wolff of Encino, are teachers in California, and their late son, Arthur Stillman, was director of International Voluntary Services of the Agency for International Development at the time of his tragic death in Vientiane, Laos. In the tradition of this remarkable family's dedication to public service, Mrs. Stillman teaches social studies at Euclid Senior High School. The Stillmans have seven grandchildren.

This record of service, not only to his party, but to the community and Nation, mark Saul Stillman as a man of whom any group could be tremendously proud. We Republicans are delighted with this tribute to a great and selfless American and to a dear friend.

Milt Widder, another Cleveland stalwart and the most widely read columnist of the Cleveland Press, on March 28 bestowed his much-coveted "Halo of the Week" award on Saul with the following editorial comments:

> With rare perception the Ripon Club chose Saul Stillman for its annual "Republican Man of the Year" award. It will be presented to him April 30. This "Halo of the Week" to the Republican cochairman who is an unusual combination of a fine gentleman and a practical politican. Stillman is a student, a lawyer with judicial temperament and one of those personalities who is revered by party workers beyond the call of duty. A Harvard Law School graduate, Stillman (with Bob Hughes) has run the County Republican Party with a steady hand for two years. He is a distinguished member of the Election Board; he is a prime debater and even coached a basketball team.

Milt has summed up the Saul Stillman story succinctly, the story of a warm-hearted, coolheaded, brilliant personality, truly a man for all seasons. It is an honor to know him and to work with him.

A CLEANER SAN DIEGO BAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BOB WILSON. Mr. Speaker, Earth Day yesterday clearly demonstrated that Americans want a better and cleaner environment. In San Diego, a group of pollution fighters are translating their concern into action and, as a result, our city has a cleaner and healthier bay. These clean water warriors are headed by Kelly Spalding, a scuba diver who, with other volunteers, has cleared tons of debris from the floor of San Diego Bay. Their tireless efforts were reported in the San Diego Evening Tribune recently and I am pleased to share with my colleagues this report, as follows:

REFORMED LITTERBUGS LEADS DRIVE TO CLEAN AREA WATERS

(By John Farina)

If you've ever been guilty of throwing trash into the bay, Kelly Spalding won't hold it against you, providing you've reformed.

He's looking for one-time litter bugs who now know better, and anyone else to help him in a new enterprise that keeps him busy night and day, both in the water and out of it.

Spalding, 4831 Del Monte Ave., and a small group of other concerned pollution-fighters, have formed the nonprofit Clean Water, Inc., whose purpose is to give future generations a chance to know what a clean body of water looks like.

WAS GUILTY ONE

The reason Spalding can be so understanding about people who dump refrigerators, cans, paper cups and whatever else into the bay is that once he also polluted the bay.

"Sure," he admitted, "I contributed to the litter. But at the time, I didn't think that as an individual I was creating any problems. I felt that the stuff I threw into the water really couldn't make that much difference.

"But when you multiply that, when you realize that a lot of people are doing the same thing, then you know better and you start to get scared. You hear reports of what air and all other kinds of pollution are doing to the country and you understand how bad it's getting."

LAYER OF LITTER

Spalding has first-hand knowledge of water pollution. He has made his living in boat maintenance at Shelter Island and he is a Scuba diver who has seen "the layer of litter spread across the floor of the bay."

So the Clean Water corporation came into being with Spalding as one of the incorporators. The others are Richard Rogers, a San Diego photographer; Mesa College student John Seelig, who wants to become a marine biologist, his father, Hal Seelig; Kenneth Gilman, a professional diver, and F. James Bear, an attorney.

Since incorporation a short time ago, Clean Water has been fortunate in getting welcome assistance and financial aid from a number of business and governmental sources.

The San Diego Unified Port District promises to help Spalding haul off the trash he collects from the bay, and the port permits him use of a slip at the end of Shelter Island for docking a 35-foot work boat donated by the Bissett-Berman Corp.

U.S. Divers Corp. has turned over $10,000 worth of underwater diving equipment, at no charge, to Clean Water.

Numerous diving clubs in San Diego County have promised their cooperation, and some have already put word into action in dropping down to the bottom of the bay and cleaning up what refuse they find there.

Why the big concern about underwater pollution that you can't even see?

"Look, man," answers Spalding, "if we keep dumping this junk into the water, it's going to get to the point where we can see it. We're already disturbing the ecology of marine life down there.

OCEAN CALLED DELICATE

"The trouble is that people are using the water like a rug to sweep things under. They think they're hiding the dirt. But it's there. The ocean is big, but it's delicate."

And there is the peripheral problem, the accumulation of junk, trash and litter on the beaches to consider, Spalding says. The beaches will have to be cleaned up too.

"If we don't start now, the situation is going to get out of hand. San Diego is growing. We're the number two city in the state. We are having a population explosion, and that means maybe a pollution explosion as well.

"We want to prevent future pollution and we want to clean up the pollution we already have."

CHILDREN INVITED TO HELP

Clean water will be strong on community publicity and educational programs to get people, especially children, to understand the need for an unpolluted ocean.

"We want to go into the schools with slides and presentations to teach the children the necessity of clean water, as well as clean air, for healthy living," Spalding said.

"We will be working with the city and Chamber of Commerce in clean-up programs, and we'd like to enlist the Little Leaguers and Boy Scouts and other kids to go out during the summer and help clean the beaches. They don't have to be involved just with the water to get in on the clean-up effort."

OTHER POLLUTION A TARGET

Hard-core pollution also is a target: industrial wastes and oil spillages. If Clean Water detects these forms of pollution, firms responsible will be contacted and invited to make corrections.

"We would give the companies a chance to rectify the condition before reporting it to the public agencies concerned about pollution," Spalding said. "Sometimes the company isn't aware of the problem their operations may be producing."

Spalding has already appeared before county supervisors and city councilmen for financial assistance. And he is applying for state and federal grants to carry on the work.

LOOKING FOR HELPERS

Those who want to do a part can contact him at his office, 2100 Fourth Ave.

In addition to governmental and business leaders, children and the general public, Spalding hopes to enlist the support of scientists in the form of an advisory board of sanitarians, marine ecologists, pollution chemists and marine biologists.

"We are grateful," he said, "for the support of the San Diego Regional Water Quality Control Board and Dennis A. O'Leary, its executive officer, who believes in what we are doing and who has helped pave the way for us."

Spalding said his organization will not limit itself to cleaning up offshore waters. The 30,000 or so divers in the county are being encouraged to volunteer to also clean up the county's lakes and reservoirs.

QUEEN ISABELLA DAY

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ROTH. Mr. Speaker, the Governor of Delaware, Russell W. Peterson, did declare Tuesday, April 22, "Queen Isabella Day" in our State, and I would like to take this opportunity to commemorate this anniversary of her birth.

At this point in our history, America—and the world—could use a few more leaders with the qualities exhibited by both Queen Isabella and Columbus. For it was that great woman's dedication to progress and the betterment of mankind which led directly to Columbus' great adventure and the discovery of the New World. In 1492, Christopher Columbus and his men set foot on dry, rocky land; less than 1 year ago, Neil Armstrong and Edwin Aldrin took the first dusty walk on the moon. Each first step symbolized man's yearning to conquer the unknown; each first step, indeed, opened new worlds.

Our Nation is now aiming for many goals "just over the horizon." If we look to the future, as Queen Isabella did, we can succeed. If we press onward, endure hardships, counsel, as Columbus did, against those who would end the journey now, we, too, can someday reach a new land.

I would like to insert at this point in the RECORD the text of Governor Peterson's proclamation designating Tuesday, April 22, as Queen Isabella Day:

STATEMENT BY GOV. RUSSELL W. PETERSON IN OBSERVANCE OF QUEEN ISABELLA DAY

Queen Isabella, wife of Ferdinand of Aragon and Queen of Castile, was instrumental in facilitating the voyage of Christopher Columbus during which he discovered America, thus adding a new dimension to the civilized world.

Her Majesty's confidence in Columbus as well as the financial risks she undertook on behalf of Spain has indeed earned Queen Isabella a unique place in the history of Western civilization.

The qualities of confidence in the future, spirit of adventure with a purpose, and sacrifice in the cause of human progress exhibited by this dynamic woman are characteristics worthy of emulation in this, the twentieth century.

Because the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451, it is a pleasure for me, as Governor of the State of Delaware, to designate Wednesday, April 22, 1970 as "Queen Isabella Day" in Delaware, and urge all Delawareans to reacquaint themselves with the earliest history of our Nation.

EARTH DAY

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BOW. Mr. Speaker, Earth Day observances in Stark County, Ohio, were highlighted by special programs at our four college campuses, Malone, Mount Union, Walsh, and Kent State, Canton, and by the activities of the Stark County Wilderness Center. In addition, all of the city schools and many civic organizations carried on conservation activities and programs during the day.

The Mount Union College activities, under the chairmanship of Richard Button, actually amount to an "Earth Week," with events scheduled on several days. Mr. Button has outlined the activity in a letter which I would like to include at this point in my remarks:

MOUNT UNION COLLEGE,
Alliance, Ohio, April 6, 1970.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOW: We are happy to announce that Mount Union College will be taking an active part in Earth Day, April 22. Students for Environmental Action, sponsored by Phi Sigma, National Biology Society, have planned a week of events involving the college and the community of Alliance. S.E.A. is at present rather small, but hopes to grow in the future. The original members are Richard Button, chairman, Sara Holbrook, publicity, Sue DuChanois, Whyllis Hudson, Phil Orwick, David Toda and Roger Bartley. Dr. Charles Brueske is the advisor.

The events for Earth Day actually start on Monday, April 6 when the fifth and sixth grade grade children of Alliance will begin to design and make anti-pollution posters. The winner will be presented a trophy by Ohio State Senator Ralph Regula at the morning convocation of April 22.

April 18 will find Alliance Boy Scouts cleaning up the picnic grounds at Deer Creek, a stream running into the Alliance Reservoir.

Sunday morning, April 19th Alliance area ministers will participate in Earth Day with their morning messages. Also environment and ecology displays will be set up in the windows of the business district that day.

On the morning of April 22, besides presenting the trophy, Sen. Regula, alumnus and trustee of Mount Union, will be the keynote speaker for the day. His message is entitled "Give Earth a Chance."

That afternoon in the Hoover-Price Campus Center, we will be showing a film "America and the Americans." It is a conservation film adopted from a book by Ernest Hemingway of the same name.

Later in the afternoon, Ohio State Representative Jim Thorpe of Alliance and Dr. Debow Freed, Dean of the College will participate in a tree planting ceremony at the campus lakes.

In the evening Mr. W. C. Lang of General Tire and Rubber in Akron will speak on what industry has and is doing in the area of environmental control. He is a member of the water committee of the American Institute of Chemical Engineers.

The week of activities will close on Saturday, April 25, when Mount students and members of the Dr. Roach Outdoor League Inc. and the American Fisherman's Protection Association will circulate petitions urging the major bottling companies to discontinue no-deposit bottles and to offer money for returned aluminum cans.

Mayor Dale Walborn has cooperated with us by declaring April 22 Earth Day in Alliance.

Thank you very much for your assistance.

Sincerely,

RICHARD L. BUTTON.

Malone College at Canton also had an extensive program under the chairmanship of Gary Rummel, with the assistance of Dr. Charles C. King, professor of biology. The program was as follows:

EARTH DAY: AN EXERCISE IN ENVIRONMENTAL AWARENESS, APRIL 22, 1970, MALONE COLLEGE, CANTON, OHIO

MORNING SESSION—OSBORNE HALL

Mark Timmons, Presiding.

9:00 A.M.: Introductory Remarks, Gary Rummel.

9:05 A.M.: Leave Them a Flower, Woody Reed.

9:15 A.M.: Governmental Responsibilities in Environmental Problems, Honorable Donald E. (Buz) Lukens, Representative, Ohio 24th Congressional District, and Republican Candidate for Governor.

10:15 A.M.: Break.

10:20 A.M.: The Way It is.

10:30 A.M.: The Crisis in Our Environment, Dale E. Whitesell, Executive Vice President, Ducks Unlimited and former Chief, Ohio Division of Wildlife.

11:30 A.M.: Break for Lunch.

11:45 A.M. to 12:45 P.M.: Luncheon for Speakers, Malone College Dining Hall.

AFTERNOON SESSION—OSBORNE HALL

Walt Wozniak, Presiding.

1:00 P.M.: Leave Them a Flower, Woody Reed.

1:10 P.M.: Bryce C. Browning, retired executive of the Muskingum Watershed Conservancy District.

1:15 P.M.: Problems of Environment and Legislative Methods of Solution, Honorable Ralph S. Regula, State Senator, Ohio 29th District.

1:55 P.M.: Introduction of Teach-in personnel.

2:10 to 3:00 P.M.: Teach-in Session I.

3:10 to 4:00 P.M.: Teach-in Session II.

4:30 P.M.: Interment Ceremony, Osborne Lobby.

Evening Session Tentative.

TEACH-IN TOPICS

1. Over-Population and Birth Control, Morris Dixon, M.D., Wooster, Ohio.
2. Landfills and Solid Waste Disposal, Eddie Kohl, New Phila., Ohio, Ohio Reclamation Association.
3. Saving Our Soil and Water, Herman Mowls, Canton, Ohio, Conservationist, Soil Conservation Service, U.S. Dept. of Agriculture.
4. Pollution and the Urban Environment, Virgil Musser, Massillon, Ohio, City Solicitor of Massillon.
5. Air Pollution and Human Disease, L. L. Taylor, Canton, Ohio, Executive Director, Stark County T.B. and Respiratory Disease Association.
6. Current Trends in Strip Mine Reclamation, Art Wallace, Cadiz, Ohio, Director, Land Use Program, Hanna Coal Company.
7. Air Pollution as It Affects the Weather, Terry A. Ritter, N. Canton, Ohio, Chief Meteorologist, Environmental Science Services Admn.—Akron-Canton Regional Airport.
8. Theology's Responsibility to Human and Natural Ecology, Eugene L. Collins, Canton, Ohio, Asst. Prof. of Religion, Malone College.
9. The Crisis in Our Environment, elaboration on morning session, Dale E. Whitesell.
10. Problem of Environment and Legislative Methods of Solution, elaboration on afternoon session, Ralph S. Regula.

I regretted that I was not able to attend either of these college programs because of engagements here in Washington. However, it is quite obvious from the interest shown throughout the community that we have a widespread desire for personal involvement in programs for improving the environment. I hope that all concerned will keep that interest alive and move forward on practical programs to make Stark County a healthier and more beautiful region. For my part, I will do whatever I can in the Federal Government to attain the same objectives.

In conclusion, I would like to include with my remarks the Canton Repository article announcing all of the various events in the county, and an excellent editorial from the Alliance Review having particular reference to the Mount Union program:

OBSERVANCE SET WEDNESDAY: COLLEGES, WILDERNESS CENTER SPEARHEAD EARTH DAY EFFORT

(By William V. Merriman)

The Canton area was alive today with plans to highlight the environmental crisis with Earth Day programs Wednesday.

In fact, Malone College students began the observance Monday, picking up litter along the Route 62 expressway bank on the north side of the campus.

The students, mostly from ecology and general biology classes, worked a specific distance to see how the amount of litter in that stretch compares with a national average sample.

Wednesday, the junk they collected will be displayed prominently on campus.

Tonight, Stewart Udall, former U.S. Secretary of the Interior, will speak in Kent, addressing a session of Kent State University's annual Think Week. This year's theme is, "Environment Is a Dirty Word."

Wednesday's local Earth Day activities will focus on the county's four college campuses, at KSU and at Stark Wilderness Center. Here's the schedule:

Malone—U.S. Rep. Donald E. Lukens will speak at 9:15 a.m., State Sen. Ralph S. Regula, R–Navarre, will appear in the afternoon and several lectures will be given on urban pollution, problems of ecological pollution and pollution abatement legislation.

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Walsh—John H. Glenn, ex-astronaut running for the U.S. Senate, is slated to appear in the afternoon, with several classroom teach-ins planned during the day.

Mount Union—Sen. Regula will speak at 10:10 a.m. on "Give Earth a Chance," with continuous showing during the day of the film, "America and the Americans."

A tree planting ceremony, symbolic of the college's landscaping project, will be held in the morning near college lakes. Dean DeBow Freed and Alliance Mayor Dale Walborn will participate.

Kent Stark—Biology students involved in antipollution projects will share their findings with other students. No single speaker has been scheduled.

Kent State University—Ralph Nader is scheduled to speak Wednesday night.

Stark Wilderness Center—Some 140 will participate in an all-day teach-out in the center at Wilmot, with a 10 a.m. keynote address to be given by J. Arthur Herrick, biology professor at KSU, and an 11 a.m. talk on state legislation affecting the environment to be made by Robert Paton, executive director of Buckeye Trail Association.

After a noon sack lunch, those attending will be split into two groups.

Group A will hear John T. Halsall, Canton air pollution control engineer, discuss "Air Pollution in Northeast Ohio" at 12:25 p.m. A film strip "Man's Natural Environment: Crisis Through Abuse," will be shown and finally nature walks will be conducted by Mrs. John Andrews, Mrs. Robert Angerman and Mrs. Samuel West of the center's women's auxiliary.

Group B will take nature walks first, guided by Mrs. Ray Cowker, Mrs. Arthur Christenson and Mrs. Jeremy Felland. Then it will hear a talk on Northeast Ohio air pollution by Joseph Paumier, assistant Canton air pollution control engineer, and view the film strip.

Environmental hobbies will be displayed during the day by Harold A. Boerner, Mrs. G. M. Hatch, Mrs. William C. Bender and Mrs. Judson M. Case.

KSU students Monday heard one of President's aides contend the environmental crisis was not as serious as many claim it to be.

Christopher DeMuth, staff assistant to the President for urban affairs, said at the outset of Think Week that on the whole the environment "is not deteriorating that much."

"Serious problems of the environment are not unconquerable," Mr. DeMuth said, noting "We could add thousands to the population and still improve the environment at the same time."

He said the real public commitment to cleaning up the environment will be discovered when persons have to begin paying the cost as businesses raise their prices to pay for pollution controls.

MOUNT UNION PROGRAM TO STIR INTEREST IN ENVIRONMENTAL ISSUE

The national momentum for improved environment will reach home base with emphasis in the next few days—particularly on Wednesday when "Environmental Action Day" is observed on the Mount Union College campus and in the community.

The community received a bit of an introduction during the last weekend when preliminary steps were taken under Dr. John A. Roach Outdoor League auspices, for a summer cleanup along the banks of the Mahoning River. The Upper Mahoning Watershed Association also is cooperating in this venture which would reach community-wide proportions because thousands of volunteers would be needed to clear the river area of trash and litter.

For the instant, however, the concentration will be at Mount Union, where plans have been made for a comprehensive program handled by the students and under the direction of Richard Button, a Greentown sophomore, with Dr. Charles H. Brueske, assistant professor of biology, as adviser.

Mayor Dale Walborn has proclaimed the event as a move to tackle the pollution problem, and to clean and beautify the surroundings that "are important to every citizen of our community."

On Wednesday, State Senator Ralph Regula, himself a Mount alumnus, will speak at the 10:10 a.m. convocation on the appealing topic, "Give Earth a Chance."

During the afternoon on Wednesday, a movie on "America and Americans" will be seen at the Hoover-Price Campus Center and the climax of the day will come at 7:30 p.m. when W. C. Lang of the General Tire Co., Akron, will tell of industry's efforts against pollution. This public presentation will be at the Rodman Playhouse.

A series of other events also is scheduled over a period of days in an effort to focus campus and community attention on "Earth Day." There will be tree planting, also Wednesday, at the college lakes, and on Saturday, April 25, petitions will be circulated for signatures of persons asking bottling companies to refrain from using non-returnable containers. The Dr. Roach Outdoor League and American Fishermen's Protective Association will assist with the petition.

The League of Women Voters will assist in a poster contest and downtown window display. Today, Boy Scouts are assisting the Mount Union Business Association in a cleanup and tomorrow a WFAH panel will turn its attention to the problems of the 72's. Dr. Brueske, Button, Roger Bartley and Phillip Orwick will participate.

What is happening here is part of a national program coordinated by the student-run Environmental Teach In Inc. in Washington.

There is no doubt that environment has become a big issue. Politicians and businessmen are recording themselves in favor of a cleaner environment, but actual achievements are just now taking shape.

There has been much rhetoric but little understanding of ecological problems—while the problem has worsened.

Many areas apparently are in much worse shape than here, but admittedly there is a problem to be coped with.

In the nation, there is smog in Yosemite Valley, sewage in the Hudson River area, DDT in food, and decay in the cities. We put a man on the moon, but we still put our garbage into drinking water in some places.

The countryside is suffering as witness the Mahoning River situation.

For these reasons, April 22 has been designated a day of nationwide action. Through activities, including teach-ins, on campuses, in high schools, and in local communities, people will have a chance to examine the facts about the environmental crises. They can find out what, if anything, is being done, and what should be done.

Pollutants from fossil fuel are expected to double in usage by 1980. Property damage from air pollution in this country is estimated at $13 billion a year and 700,000,000 pounds of pesticides are used each year.

This is the background for "Environmental Action Day," such as is taking shape at the college under guidance of Button and Dr. Brueske.

Button, Mount's student leader in the program, is really putting into practice an interest in conservation and environmental activities born when he was a Boy Scout.

Button, a graduate of North Canton High School, is majoring in political science and anticipates college admissions work. He was an Eagle scout while in high school and served as vice president of the Canton District United Methodist Youth Fellowship. He is a member of the college Dynamo staff and the Dynamo Association. He is rush chairman for the Sigma Alpha Epsilon Fraternity, a member of the Student Senate and the Mount Marchers musical group.

Dr. Brueske, who has been assistant professor of biology since 1964, formerly was a graduate assistant at Arizona State University. He is a member of various professional societies in the biological field and has presented a number of academic papers.

The plans are made and the leadership provided for "Environmental Action." This inaugural program should provide a gauge as to the concern which the general public has in the matter.

THE GENERATION GAP

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. HARRINGTON. Mr. Speaker, one of the greatest fears of this country today seems to be its own young people. The generation gap, so called, is so massive that it creates division and strife and often prohibits a rational relationship between young and old. The youth of this Nation are for the most part decent, concerned, active, better informed, more caring, and better educated than any in our history. The fact that they do not dress to make the "over 30's" comfortable makes them automatically suspect by many. This problem and the irrationality of the reaction from the establishment is well described in an article written by Howard Iverson which appeared in the Salem Evening News, Salem, Mass., on March 25, 1970.

Mr. Iverson has put the generation gap in its proper perspective and has done all of us a service through this thoughtful and sensitive article. In the belief that this column will be of interest to my colleagues, I include it in the RECORD at this time:

YOUNG PEOPLE WON'T "SHUT UP" ANYMORE

(By Howard Iverson)

The mayor of Beverly says it "hurts him to see a lot of kids congregated in the center of town."

Well, Mr. Mayor, it hurts me me a lot more to think that the people of Beverly have elected a man of such obviously shallow thinking to so sensitive a position.

I live in Beverly. During the course of last summer I probably drove past the First Baptist Church an average of 3 times a day. The young people were always there.

They sat on the steps or leaned against the building. More often than not, they spilled down the steps and out onto the sidewalk.

Often, I walked past the church. The young people were all about, to be sure, but they were quiet and well behaved.

There was no profanity. No obscene gestures. Nothing improper ever occurred.

Nobody ever tried to sell me heroin, or even marijuana.

There were lots of long hair and heards and dirty feet, and I am sure that offended the sensibilities of the over 30s.

It bothered me. I haven't got enough hair left to let it grow, my wife doesn't like beards and my feet hurt when I go without shoes.

For a long time there were stories that the young people sitting on the church steps were an economic detriment to the downtown business district. Don Ingraham, who was representing the businessmen, admitted last week that they were not.

The police kept the church under surveillance all summer. There was not one arrest

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for drug abuse. There was not one arrest for disturbing the peace.

Everyone was waiting for trouble, so they would have an excuse to chase the young people from the steps. There was none.

The mayor wishes that the young people would patronize the MacPherson Youth Center, which is nice if you want to play checkers, or basketball or ping-pong, or whatver it is that they do there.

Fun and games are fine for some teenagers, but the young men and women who gather on the church steps are not drawn to such pastimes.

They are more serious minded; more concerned with the war in Vietnam than with the score of the Red Sox game, more interested in integration than recreation, more tuned in on the games people play than people who play games.

And this is all to the good.

The average high school student today is a thousand percent better informed than his counterpart of even 10 years ago. Instead of hot rods, beach parties and drive-ins, the young people of the 70s concern themselves with social protest, from grapes to Vietnam, and a concern for the future of humanity.

They think and they speak out, which bothers the hell out of their elders, who would rather not answer tough questions about ghettos, foreign policy and environmental and moral pollution.

And young people today have a thing about hypocrisy, in the government, in the church and in their elders, which means most anyone over 30.

The drugs and the protests make the headlines, causing parents and politicians to shake their heads and talk of irresponsibility. Take a look around at the explosions, nuclear and population; at the hunger and the wars and the people that profit from both. Look around and you wonder who it is that is irresponsible.

Young people are accused of dropping out rather than seek solutions to the situations they protest against, and this is often true. But, in our own little worlds we all sort of cop out rather than face the truth. It's just that we do it quietly, so that everyone can pretend that it isn't happening to them.

What the Mayor Grimeses of this world would like is for the long hair and the bare feet to go away. Where doesn't matter, just away so that nobody has to look at them, to be reminded that there are questions without answers.

But this isn't 20 years ago, or even 10. The young people won't "shut up and sit down" anymore. And to think that they will—or should—is a mistake.

Move them off the church steps, if you will, but you won't get rid of today's young adults that easily. You can hide them, but you cannot blindfold them; you cannot gag them; you cannot erase their impact on tomorrow's world.

Someday, Mr. Mayor, they will be in your shoes. There will be step-sitters, or their equivalent, to test their patience. I hope that they will have more compassion and understanding for their young people than you have for them.

They could not have much less.

OUR RAVAGED ENVIRONMENT

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. COHELAN. Mr. Speaker, today I have introduced a far-reaching anti-air-pollution package. However, our problem of environmental deterioration needs a new redefinition in terms of the cost of a ravaged environment. My friend Kenneth Boulding, noted economist and educator, has been pressing for such a redefinition for many years.

Herbert Rowan of the Washington Post has written a perceptive analysis of this issue in which he poses the question: Should our affluent and highly productive society assume, without question or criticism, that all economic growth is beneficial to society and environment? Should we not also question the offshoots of annual gross national product growth, and the negative aspects of gross national product growth?

Mr. Rowan aptly describes the dangers of our naive economic assumption regarding gross national product and our environment, and outlines some interesting suggestions concerning creating a new set of indicators that will give us some notion as to the effects of gross national product on the quality of life.

Mr. Speaker, I commend this article to all my colleagues and readers of this Record. At the same time I would like to submit two other articles of interest on environmental pollution that appeared in yesterday's Post and New York Times.

The material follows:

[From the Washington (D.C.) Post]

Questioning GNP: Is Growth Worth It?

(By Hobart Rowen)

When John Kenneth Galbraith wrote his influential "Affluent Society" 12 years ago, he was concerned mostly that our national production goals were indiscriminate and much of our output an accumulation of trivia. Thus Galbraith was contemptuous of a society that stressed—and even counted—the big tail fins on Cadillac cars as part of the Gross National Product.

Today, there is a new concern. It is not just the question of how much of our vaunted GNP consists of relatively worthless appendages, like tail fins or gaudy chrome decortaions, but how much of our product is actually destructive to life and health. Slowly, but surely, we have come to realize that *more* is not necessarily *better*, and this has even given rise to a far-out new school of "zero growth" advocates who suggest that the only thing we can do to help the environment is to stop future growth.

This is an emotional response or backlash to the idea that as a nation, we have for too long made a fetish of growth. It reflects the new left distaste for material things, not just the fact of growth. But the problem has long been on the mind of probing analysts. Former Economic Council Chairman Walter W. Heller, for example, wrote in 1966 in his "New Dimensions of Economic Policy":

". . . the economic growth we measure is not everything . . . First claim on the *products* of growth should be to repair the ravages of the growth process."

Robert Lekachman, in a brilliant essay in the March issue of Commentary, observes that if a new pulp mill pollutes a clean stream, "the GNP will go up, not only cause of the mill's valuable output, but also because other enterprises and municipalities located downstream from the polluter will be compelled to invest in cleansing devices required to return the water to usable condition. Similarly, the GNP rises both with automobile sales and with the increased consumer expenditure for the cleaning of clothes, lungs, and bodies, necessitated by such purchases."

Such a naive evaluation of how prosperous we are—the general rejoicing in the establishment of meaningless quantitative new "records"—tricks us into thinking that we are better off than we really are.

Heller now thinks it is feasible to develop a set of indicators (as a supplement to economic indicators) that would give us an index to social amenities; and then to provide some sort of "deflator" or adjustment to the GNP that might roughly estimate any deterioration in the quality of life.

At hearings earlier this year on the Economic Report, Rep. Henry S. Reuss (D-Wis.) suggested that the Employment Act of 1946, which sets general economic goals, might be amended.

The Employment Act, Reuss pointed out, requires the government to consider production, employment, and purchasing power as the basic criteria for national economic policy. How about environment? Reuss asked.

Key Nixon administration officials acknowledged that the environment had been neglected. "Simply producing more . . . if it means putting more smoke in the atmosphere . . ." is not an adequate goal, Economic Council Chairman Paul W. McCracken agreed. And Federal Reserve Chairman Arthur Burns suggested that statistics might take depreciation into account for the environment, as they do in the case of investment in plant or machinery.

But precious little has been done either to control the pollution of the environment, or to make a meaningful record of it. And failure to make more progress along such lines will merely strengthen the argument that the only way to leading to improvement of the environment is to stop growth itself.

If we slip into this self-defeating posture, we will, at the same time, stop production of the means for controlling pollution; stop the growth of jobs; and eliminate hopes for helping 20 per cent of the population here, or helping underdeveloped peoples elsewhere escape from poverty.

It would seem that a more fruitful area to pursue at this time is responsibility of the American business establishment to guarantee a dramatic reduction in the industrial pollution of air and water. To this end, the government must provide the necessary laws and be prepared to enforce them.

In a series of major corporation annual meetings in the next few weeks, climaxing in Detroit on May 22 when General Motors stockholders get together, business will be asked to put its money where the mouth is.

On an individual level, important businessmen have been demonstrating an increasing sense of social responsibility in recent times. For example, the Urban Coalition Action Council was influential in assembling a most impressive list of "establishment" business leaders in support of President Nixon's Family Assistance program.

Other businessmen have been breaking away from a monolithic devotion to profit margins to speak out against the war in Vietnam, on pollution problems, consumer protection, and other issues. But the important point is that the business commitment has been on an individual, not a company or industry basis.

The initiative must come from the companies themselves, and that's why the stockholder meetings this month and next are so important. We should hear from the companies; we should hear from the influential business organizations, like the Business Council and the National Association of Manufacturers. Where do they stand, and what do they propose?

If they have nothing to say, then they make more logical ideas like Lekachman's that perhaps—to take one example—airlines should be compelled to purchase over-flight rights from property-owners in the path of their traffic.

If polluters, stripped from the protection of friendly regulating agencies, had to pay the cost—instead of consumers—attitudes might change quickly and dramatically.

[From the New York Times]

"Cosmic Outlaw" . . .

A Marine company camped on a South Pacific island hilltop during World War II was startled by sounds of wailing and the mournful beating of drums rising day and night from a tribal village in a valley below. After a few days, the valley fell silent. A passing patrol discovered that the village had been burned and abandoned because of an attack of crop pestilence and human disease. The survivors had moved on to build new homes in an unspoiled portion of the vast, thinly populated jungle.

The Earth Day observances across the United States today are akin to the lamentations of those primitive people, and of other stricken human communities down through the ages, for a ravaged land that has become unfruitful and for a society that has shriveled because it failed to remain in harmony with the nature that gave it birth and sustenance.

If the present predicament of modern Americans is not so acute as that of the South Pacific primitives, it is in the long run more ominous. For having overrun and wasted an abundant continent, today's American has no p'ace to turn but inward We must heal ourselves or perish in our own pollution of land, sea and air.

A principal target of today's teach-ins will be the technology which has made of this country at once the envy and the scourge of mankind, producing along with unparalleled abundance on unprecedented threat to the balance of nature, not only in this hemisphere but throughout the planet. The fault lies, however, not with the use of science, which might have saved the South Pacific villagers and may yet save us all, but with its abuse.

Man, especially American man, has employed science arrogantly and ignorantly, disregarding the humility of the Psalmist who sang, "The earth is the Lord's, and the fullness thereof"; forgetting the sound precept set forth by Sir Francis Bacon, a father of modern science, who warned, "Nature is not governed except by obeying her."

Today's teach-ins will be a step toward salvation only if the hundreds of thousands of enthusiastic participants are able to inspire the people of this country to turn, not away from science, but toward a more humble and wise application of the rich intellectual heritage and endowments of this nation and this age. Man's place in the natural world must be rediscovered; the reverence for nature that has been the mark of wise men throughout the ages must be rekindled. As Henry Beston has written:

"Nature is a part of our humanity, and without some awareness and experience of that divine mystery man . . . becomes, as it were, a kind of cosmic outlaw, having neither the completeness and integrity of the animal nor the birthright of a true humanity."

. . . In an Urban Wasteland?

Probably the most potent and certainly the most poignant of the nation's Earth Day observances today will be those in New York City, a megalopolis where the technological era has reached the heights of triumph and tragedy.

Here on one small island an energetic people has erected a city that is in many ways a towering tribute to the creative genius of man. In doing so, however, New Yorkers have heedlessly destroyed the natural endowments of a once-favored region, polluting the waters, fouling the air and obliterating the good green earth with ruthless extravagance. The end toward which this is all dangerously tending is a technological monstrosity, a sterile monument of concrete and steel unfit for human habitation.

Earth Day offers an opportunity for that embattled minority of New Yorkers who are willing to stand up for human values against the dehumanizing demands of development for development's sake. The new national concern for the environment creates one more chance for local reformers, like the Regional Plan Association and the Parks Council, to rally effective public support behind their perennial pleas for human-centered urban redevelopment.

Unless New Yorkers at last heed these pleas, there is not much hope for increasingly urbanized man anywhere. The creative genius that has made this city great can also make it a good place to live. What is required is the civil will to do so, and determined leadership from City Hall to enforce that will against the myriad vested interests that would block it.

[From the Washington (D.C.) Post]

Hard Facts About Dirty Facts

(By Colman McCarthy)

After tons of adjectives and the legwork of a thousand advance men, today sees the arrival of Earth Day—so named because a few earth people are beginning to worry. The basic dread is simple: the dirt and waste is everywhere, we are running low on—if not out of—clean land, air and water, and nobody gets a transfer when the planet stalls in mid-air. Naturalists, lecturers and the inevitable me-too politicians speaking at hundreds of colleges and high schools will tell the young what most of them know and have heard a hundred times already.

The purpose of Earth Day is to prod each group to work out a strategy for earth-improvement—or what is now called strenuously *ecotactics*. Many will organize to change local pro-pollution laws, or perhaps unite behind an earth-minded politician, or boycott the one-way cans and bottles, or—hardest of all—begin taking personal responsibility for conserving things like water, fossil fuels and life itself.

Trying to end the evil of pollution may meet many of the frustrations found earlier in the civil rights and antiwar movements: first, like racism and war, pollution has been going on unquestioned so long that suddenly putting on the brakes is more an act of alarm than actual stopping—the way a speeding car needs over 400 feet of braking before forward motion is killed. Second, ending pollution means that somebody will get hurt: profits must be cut, comforts reduced, sacrifices endured. As in all human struggles, the powerful and monied will fight the hardest to be hurt the least.

Few politicians, and certainly not a Republican President with re-election already on his mind, are talking up these hard facts about the dirty facts. Instead, anti-pollution is often presented as a warm puppy issue, assuring happiness to anyone opposing a befouled environment. If we pass enough laws, says the delusion, spend some money and have a good heart, well, it will soon be America the Beautiful again.

Just how fast the pollution wheels have been speeding along, and how many decades if not centuries will be needed before they may stop, is shown by the almost countless laws on the books forbidding pollution: the Water Quality Act, the Clean Air Act, the Water Pollution Control Act, the Environmental Policy Act, to name a few. Yet, the air, land and water continue to blacken. The "laws" have been ignored by large corporations and small companies, many of them cheered on, if not whipped on, by the stockholders. But the industries were only committing the kind of ecological murder the federal and state agencies let them get away with. It is almost as if the Interior Department, Agriculture, the FTC, the FDA and the many state and local conservation bureaus were listening to Ford Motor Company president Arjay Miller, who warned in 1967 of the "threat of over-regulation by government" regarding pollution. That remark was made when pollution was still a quiet issue.

A second reason why destruction of the earth will not stop instantly is that the needs of the public will not instantly slacken. The opposite seems true. American homes are now so filled to the roof with appliances, machines, devices and gizmos that the demand for electricity to run them all is insatiable.

The electric companies, far from being profit-mongers, argue that nuclear power plants must be built to supply the public. But each plant needs millions of gallons of water to cool the machinery. The used water is then flushed into a lake or river at an increased temperature that kills the fish and unbalances the ecology.

What does the public want? More contraptions in its homes or clean lakes and rivers outdoors?

The choice is everywhere. Phosphates in detergents—such as Axion, Bold, Cheer, Fab, Oxydol, Tide, Trend—have been ruining our lakes and rivers, according to the House Committee on Government Operations and anyone able to see or smell. But the heavy duty soaps clean clothes fresher and brighter, and everyone, except some of our younger people, wants that. Moreover, according to the Soap and Detergent Association, eliminating phosphates "would be equivalent to setting back health, cleanliness and sanitation standards many years."

Despite the industry's talk about impending disease and pestilence, a choice is present: weaker soaps or cleaner lakes and rivers. But is there a choice? The industry swears that no replacement for phosphates is now possible; since the Interior Department is hestitant to force the manufacturers to change (Interior has funded only one study, for only $99,000, on the idea of removing phosphates from the detergents), the public has the choice made for it: rivers and lakes that are dirty today and dirtier tomorrow.

The question—who gets hurt the most in cleaning up?—easily wins the Rhetorical Question of the Century contest. The consumer, who else? Fortune magazine recently asked business leaders for ideas on solving the ecology mess. Over half—57 per cent—said the governmnet should offer industry tax relief for combat duty in fighting pollution. "This would mean," writes Michael Harrington in the current Commonweal, "that the biggest polluters, with the greatest problems, would get the largest subsidies. It would, in effect, reward those who have befouled the atmosphere. And it would, like all other tax expenditures for the private sector, take money away from social uses."

In case tax money is not about to be forked over, a few industries are telling the public outright that the latter must pay. Prices will be raised $100, for example, on new GM cars for anti-smoke devices. At this point, the temptation is to condemn the captains of industry and their corporals at the local outlet. But this is simple-minded. Naturally, industry is going to make the public pay. American business has worked hard and long to supply the public with the services, goods and technology it seemed to want. The individual consumer never asked for products that didn't pollute; instead, as in the case of cars, he said, "Make them flashy, fast and powerful." Detroit did. Now, the public suddenly wants its cars clean as well. "That's fine with us," says Detroit, but be prepared to pay for this latest whim the way you wanted and paid for the old whims.

At the base of the environmental crisis, two general theories of man are whirling. The first, from philosopher Alfred North Whitehead and popularized by Teilhard, holds that the creation of the world is still ongoing. The current mire in pollution should not discourage—it is only a venial lapse caused by the giddiness of progress. We'll snap to soon, and be swept up in what Teilhard calls "an irresistible tide of liberated energies."

The second theory is from Freud who claimed that man has an "innate inclination toward evil, toward aggression, destruction, and . . . toward cruelty."

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The question raised by an earth suddenly turned cesspool, after millions of years of grace and purity, is forcing a definition of man: is he a co-creator or a violent destroyer? The hope of Earth Day is that we are the former, that survival, even self-improvement, is still possible. But even here the evidence is mixed. The very signs, posters, buttons and pictures used to dramatize April 22 will become tomorrow just more piles of junk and garbage to be hauled off to the burning ground—as much a pollutant to the aid and earth as any Detroit smokewagon guaranteed to be damned more than once today.

NATIONAL SECRETARIES' WEEK

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DORN. Mr. Speaker, this week has been designated as National Secretaries' Week, and I think it is most appropriate at this time for us to recognize and honor those who work and serve us so well as secretaries. Secretaries keep the wheels of progress rolling for business, Government, and industry. They occupy positions of trust and must be dependable and responsible. The success of an executive or of an entire enterprise sometimes rests on the good judgment and the conscientiousness of one secretary. Secretaries have the responsibility for doing the detailed work which is necessary to keep our Government and industries operating smoothly and efficiently. Along with basic secretarial skills and techniques, the modern secretary must know office management, research sources, public relations, and financial procedures. Today's secretaries are professionals. I commend their dedication, loyalty, and devotion.

There are no limits to the opportunities open to capable individuals with secretarial skills. The Honorable Edgar Brown, president pro tempore of the South Carolina Senate and a renowned figure in the politics of South Carolina, attributes part of his success to the knowledge of shorthand which he gained as a court stenographer. Such internationally famous statesmen as James F. Byrnes and Bernard Baruch also attribute much of their success to their knowledge of shorthand and of the detailed work which secretaries do. Alexander Hamilton served as adjutant for George Washington when he was 20 years old and was in effect the general's personal secretary. Mrs. Bess Truman, wife of former President Harry Truman, worked as a secretary for over 30 years, and Mrs. John Nance Garner, wife of the distinguished Speaker and Vice President, was another outstanding secretary.

During this week I believe that it is especially fitting for us to recognize the secretaries associated with our Government and with the Congress. These secretaries have the privilege of dealing directly with the citizens of our country and with the citizens' representatives, and they do an outstanding job. The secretaries in various Government agencies and on our congressional staffs render superior service to the people of this country, who are their employers.

I would like to express my personal appreciation both to my own secretaries and to those in business, industry, and various agencies who work with us. I am deeply grateful for the cooperation and assistance which I have received from secretaries throughout my district, State, and Nation. It is a great pleasure for me to recognize and pay personal tribute to these secretaries during National Secretaries' Week.

PROVIDING FOR AN ORDERLY TRADE IN TEXTILE ARTICLES AND LEATHER FOOTWEAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BIAGGI. Mr. Speaker, manufacturing technology in the last 10 years has progressed to a point where the world is currently suffering from an apparent overproduction of textiles and footwear in general. America is bearing the brunt of this overproduction, with her free marketplace being glutted with foreign produced goods that are driving domestic producers out of business.

In order to bring some semblance of order to the unchecked flow of foreign textiles and footwear into our free and open markets, I am introducing a bill today which is designed to provide for an orderly trade in textiles and leather footwear. Both these items are important to the economy of our country, my State and my district.

Most people forget that less than 10 short years ago the United States was confronted by a similar situation in respect to cotton goods. Our Government then found it necessary to spearhead an international conference which enabled all the major cotton processing countries to agree on a long-term arrangement aimed at preventing undue disruption of national cotton markets.

Since then consumer tastes have changed. The chemical industry has produced and improved new synthetic fibers. Manufacturing technology has made overproduction of textile and footwear products the rule, and world producers are taxing the ability of domestic producers to compete with foreign imports that have the advantage of cheap labor.

Mr. Speaker, we are a great and thriving country because the American worker has had an opportunity to earn a decent living and make a decent income. It is unfair to put American manufacturers out of business and American employees out of jobs because a foreign country can produce a similar product at one-half the price. Foreign workers enjoy neither the level of income nor the benefits extended to any American laborer in any comparable job in industry.

I feel that the administration has not moved with sufficient vigor to protect our national interests in the foreign trade field. The threat to our workers is real: our communities are faced with the ugly specter of unemployment, and thousands are being condemned to the degrading life of underemployment because of the unfair competition of foreign imports.

In moving to protect the American worker I feel it is possible to find a suitable framework of international cooperation in which we can assure the consistent and continued participation of all producers, domestic as well as foreign, in the gains of our growing markets for textiles and leather footwear. However, it is the duty of this Nation to insure our domestic industries a sound and just economic basis from which to work.

This can only be done if, through our international agreements and various trade obligations, we agree to accept a fair volume of imports that will not severely injure our domestic producers.

I am disturbed, Mr. Speaker, that the gaping differential of low-wage content in textile and footwear imports bespeaks not only the poor labor conditions under which they are produced but also the increasing practice of foreign governments to subsidize their exports to America in order to broaden their inroads into our rich markets for a quick advantage.

The time has come to reappraise our attitudes toward excessive imports. The bill which I am introducing today would provide the President with a fresh tool to bring a modicum of orderliness in textile and footwear imports. The provisions of this measure are reasonable, feasible, and fair to our domestic producers, and the concerns of foreign producers are also considered.

Only an orderly trade in the presently unchecked flow of textiles and footwear from all over the world into this country will enhance the overall well-being of the American economy and check the undesirable aspects of a dwindling balance of trade. I am in favor of revising our present import laws and I urge my fellow Congressmen to do the same.

THE NEEDS OF THE ELDERLY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. CULVER. Mr. Speaker, the scientific advances of this century have given us the longest life expectancy in the history of the world. But while the length of that life span has increased, in many instances its quality in the later years leaves much to be desired. All too often the man or woman who reaches retirement age after a lifetime of contributions to his community and his Nation is left without the independence or the contentment which he so richly deserves.

Our country has become increasingly preoccupied in recent years with youth. We must properly give our attention to those who will form this Nation in the years ahead. But at the same time, we must also see to it that the group at the other end of the age spectrum, to whom

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we are so deeply indebted for what we have today, enjoy a dignified productive way of life, not a disheartening period of dependency or deprivation.

The people of Iowa share a particular concern because we have a larger percent of our population over 65 than any other State in the Union with the exception of Florida. Throughout the United States there are presently 20 million Americans that age and over, and this number will increase to 25 million by 1975.

We in the Congress can point to the historic progress of the 1960's with satisfaction that we have at last begun the task of providing for our senior citizens, but not with any pride that we have accomplished all that we must. Many of the older citizens of Iowa, and of the Nation, still face very critical problems in adequate income, in decent housing, in available health care at reasonable costs.

Three out of every 10 older Americans live in poverty, and other two in 10 exist just above the poverty line. At this level the average senior citizen spends most of his income on the essentials of food, medicine, and housing—precisely those items whose prices have increased most rapidly in the present inflationary economy. Yet, their income remains fixed at the same inadequate figure.

A major and often sole source of income for most elderly persons is social security. And if their economic situation is to be improved, then social security benefits must be increased or supplemented from other earnings without a sacrifice in basic benefits. In as prosperous a country as the United States, where the gross national product has been increasing at an average annual rate of 5 percent, there is no reason why social security beneficiaries should not share in the expanding prosperity.

Another area demanding the prompt consideration of the Congress is the health needs of the aged. Four out of five persons over 65 have a disability or chronic disease.

Medicare has reduced many of the financial barriers to health services which previously existed for many older persons. But serious gaps in coverage and weaknesses in administration still remain. We must take the creative steps necessary to put a halt to the skyrocketing costs of medical and hospital care, and to meet the critical shortage of medical and nursing personnel. Hopefully, this can be done under the leadership of the professions themselves.

Bold and imaginative approaches in these and other areas are needed if we are to meet our obligation to the generations who have contributed so much to the fabric of our economy and society, and if they are to continue their service to our Nation.

The goal of democracy is to improve the quality of each and every citizen's life, to open up new avenues, and to extend each person's ability and his freedom to choose the direction of his future. This must include men and women over the age of 65, just as surely as any other age group in the country.

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INDIGNATION IS A SOMETIME THING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. EDWARDS of California. Mr. Speaker, one of our colleagues entered in the RECORD this week a table showing that only 38 of the 131 governments in the world are democratic. He asked, "Where are those who criticized Greece . . . and why have they singled out only Greece when we should be voicing the same indignation in defense of freedom in the rest of the world?" I quite agree. As one who has consistently documented the sins of the Greek military junta in this RECORD, I confess to being too exclusive in my indignation. If I may be permitted to correct the error of my ways, I would like to enter in the RECORD the following account of political torture in Brazil which, like Greece, suffers the oppressive measures of a military dictatorship which enjoys substantial U.S. support. The article in the April issue of Christian Century was written by Robert H. Bolton, minister of the University Methodist Church in Syracuse, N.Y.:

BRAZILIAN TORTURE: SPECIFICALLY NEW, SPECIFICALLY TERRIBLE

(By Robert H. Bolton)

The military regime in Brazil is determined to force that gigantic half of the South American continent into rapid development. One of its chief tools in its endeavor is brutal torture.

From some well informed sources comes testimony that this torture is more frightening than any heretofore inflicted on man. Ivan Illich, who heads the famous Center for Intercultural Documentation in Cuernavaca, Mexico, declares:

"This absolutely incredible corruption is something new which has never been known in modern times. In Hitler's Germany or Stalin's Russia a person might disappear or be subjected to ghastly imprisonment. I lived under Hitler as a Jew. The cruelty in Brazil, however, is something entirely new—to put an entire people, anyone at any moment, under the threat of torture. What is new is the picking up of people *at random*, having them go through unspeakable torture and then *releasing* them. The Brazilian officials do not hide them. The Nazis and Stalinists made their victims disappear. The Brazilian torturers release people because this is an effective way of subduing a whole population. The exercise of violence cannot go further."

The new element in the Brazilian situation is the deliberate attempt to use the *fear* of torture rather than torture itself as a tool of ordinary government administration. The random choice of subjects and the blatant return of the victims to ordinary life become means of terrorizing the entire population.

Though this condition has existed in South America's most populous country for a year and a half, few knowledgeable North Americans are aware of it. Scarcely any articles or news releases have mentioned the unspeakable horrors which are taking place. Illich contends that the U.S. press has "simply suppressed" reports on the situation. Yet informed sources agree about its seriousness. I quote Dana S. Green, executive director of the National Council of Churches' Latin American department:

"Of all the heart-rending, gut-tearing agony of working with the Latin American situation, there is none so imperative as the Brazilian situation today. We have watched it get increasingly worse. . . .

"When people are turned over to the authorities as disloyal to the regime "for interrogation"—interrogation means imprisonment without recourse for as long as the authorities deem necessary—the authorities have complete liberty to do whatever they wish to do with the bodies and minds of the people they are questioning. Student leaders, people in drama, journalists, teachers, ordinary housewives—anyone who has even thought of dissent against the present ruling force in Brazil is subject to questioning of the most unspeakable kind. And I mean unspeakable. I would hesitate to go into the details in mixed company. Men come out of it dead or demented or physically ruined. . . ."

The leaders of Brazil are determined that Brazil is going to join the industrial nations of the world. And anyone who raises questions about the way this goal is being achieved will be removed, either by exile or by the constant threat of such terror as Ivan Illich has described.

METHODS UNSPEAKABLE

A thick stack of evidence of the torture has been accumulated and sent to the Vatican, and the Latin American department of the National Council of Churches has a copy. Much of the material was condensed and published in France under the title *Dossier Noir de la Torture ("Black Book of Torture")*.

Detailed accounts of the methods of torture used are frightening. A person may be picked up and taken to jail. In the interrogation room (in one jail it is only about six-feet square) his clothing is stripped from him and his hands and feet are tied together. A steel pole is passed under his knees and his elbows and he is lifted from the ground. One wire is attached to a finger or a toe, another is placed on a sensitive part of the body—the tongue, the penis, the nose, the anus, the lips or the nipples. An electric shock is then applied. It produces excruciating pain and violent muscular contraction. It is so powerful that if the prisoner's mouth is not stuffed with cloth he bites his lips or tongue so badly that he is unable to speak or eat for several days. People are tortured until they are unconscious, then are doused with water to revive them. While still wet they are given more shocks; the water makes the pain "ten times more intense."

If a man and woman who love each other are captured together the woman may be raped in front of the man while he is being tortured. Children, some of them less than a year old, have been tortured before their mother's eyes.

Ivan Illich speaks sadly about his friend Dom Helder Camara, Roman Catholic bishop of Olinda and Recife, in northeastern Brazil. Some time ago this eminent, outspoken cleric, whose voice is one of the most prophetic on the continent, was threatened. On the wall of his office were written the names of 25 priests scheduled for assassination before the arm of the ruling regime reached the bishop. The first priest on the list was subsequently tortured to death, his body cut to strips and burned outside his house. Then the second was similarly disposed off. "Number one crossed off, number two crossed off," says Illich, his dark eyes blazing with anger.

LAMENTABLE SILENCE

In a recent encounter at Yale Divinity School Ivan Illich challenged Dana Green to speak out publicly, to have the National Council of Churches come out with a strong, clear, public condemnation of the evil being perpetrated in Brazil. "Mobilize the entire world in the name of God and in the favor of life against the use of torture as a means of government," Illich pleaded.

The response of the Protestant churchman was lamentably lame. His answers were irrelevant until he was forced by repeated comments and questions to face up to the issue. Then he said that such condemnation as Illich demanded is the job of the world church, not of the National Council (or, by implication, of any of its member denominations or local congregations). "There is no church but the world church," he said.

Green went on to insist that he has no power to act. After a lengthy discussion of bureaucracy he confessed: "The bureaucracy in the state department is not too different from ours (in the N.C.C.). Nobody is responsible. And I mean this seriously." Then, in an attempt at explanation: "In order to continue the admittedly meager relief program of Church World Service, we have to maintain a relationship with the government of Brazil that is for me abhorrent. One of the great tensions within the National Council of Churches, particularly regarding the programs in Brazil, is precisely at this point." Yet it looks as if the program will continue indefinitely.

The Brazilian administrator of the relief program to which Green referred is a former military man who considers it quite possible, and acceptable, that many thousands of Brazilians will have to be exterminated if his country is to make sufficient technological progress.

Sadly, one is forced to conclude that the impotence of the National Council of Churches and its willingness to compromise with evil governments and ruthless administrators of its own program have rendered it useless as a voice capable of summoning the churches and the world to vigorous denunciation of the atrocities which are being committed hourly in Brazil. The alternative would seem to be for individual Christians and churches to become informed, then to speak out. The Brazilian people desperately need such pressure on the leaders of the brutal regime which dominates them as non-Brazilians can give. The United States supports that regime when it allots to Brazil more money than it gives to any other nations except Vietnam and India. Our purchase of coffee and other Brazilian products helps keep the economy afloat.

Those of us who are concerned should write letters to our congressmen and to the state department requesting strong pressure on Brazil. We should request from the companies which process and distribute coffee information on what percentage of their product is purchased in Brazil, explaining the reasons for our concern; if some of those companies began to purchase less coffee in Brazil great pressure would be exerted on the regime. We should inform our local congregations of what has happened; we should urge local newspapers to inform the wider populace of the heart-rendering tragedy. Action by grass-roots churches might shake the national offices of our denominational and interdenominational agencies from their lethargy.

When a left-winger became president of Brazil a few years ago widespread concern and publicity arose in the United States. But when a right-wing regime rules with brutal and sophisticated terror North American Christians remain silent. Is it that we have ceased to care about people and are only concerned about political dogma? When left-leaning President Joao Goulart was forced out of Brazil in 1964 before he could become an absolute dictator, people claimed with horror that his regime had compiled lists of people who would be killed. Today the military leadership has lists of those who have been, are being, or will be tortured, deformed, crazed and/or killed. Why was there such an outcry against left-wing murderers and in the past year and a half none against right-wing murderers?

Brazil has traditionally been one of the most peaceful nations of Latin America. While other countries normally pursued political goals by war and murder, Brazil normally practiced a nonviolent approach to politics. Even military revolutions tended to be relatively free of shooting and terror. People who like myself have lived in Brazil have been deeply impressed by the people's amiability.

It is time for North American churches and North American churchmen to raise their voices against Brazil's "specifically new, specifically terrible" form of government-by-fear-of-torture. Their voices must be heard before the madness of murder, torture and violence infects an entire population and turns a comparatively peaceful populace into an uncontrollably violent one.

RESTORATION OF IMPEACHMENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. JACOBS. Mr. Speaker, since June 1, 1813, the U.S. House of Representatives has used its House Committee on the Judiciary to investigate serious questions of impropriety in the judiciary. The gentleman from Michigan (Mr. FORD) has sought to avoid this clear precedent of the House by bringing a charge of judicial impropriety, not before the House Committee on the Judiciary, but before the House Committee on Rules.

I do not question Mr. FORD's motive in going outside the system and attempting to avoid the clearly established precedents and procedures of the House of Representatives.

The gentleman from Michigan (Mr. FORD) is quoted in a highly unreliable newspaper, the Indianapolis Star, as saying he questions my motives in following the clearly established procedures of the House of Representatives in this matter. Until he looks me in the eye and challenges my sincerity I shall withhold further comment, except for this:

I enter this investigation with a completely open mind, having bias neither for nor against Mr. Justice Douglas, some of whose legal and political opinions I have agreed with and some with which I have disagreed.

As a member of the House Committee on the Judiciary, I shall demand and expect to receive a through no-holds-barred investigation of the resolution of impeachment.

If I conclude after hearing the evidence that impeachment should be voted, I shall vote impeachment. If otherwise, I shall vote against it. But in determining this most serious question I intend to follow the proper judicial procedures of the Congress.

In an attempt to deceive the public into believing that the House Rules Committee might be the proper judicial forum of the House, the Indianapolis Star on its front page Friday morning asserted that Chairman WILLIAM COLMER of the House Rules Committee is or was a "judge." That assertion is completely false.

The following is the statement I made on the floor of the House of Representatives when I introduced the resolution of impeachment:

> The gentleman from Michigan stated publicly that he favors impeachment of Justice Douglas.
>
> He, therefore, has a duty to this House and this country to file a Resolution of Impeachment.
>
> Since he refuses to do so and since he raises grave questions, the answers to which I do not know, but every American is entitled to know, I introduce at this time the Resolution of Impeachment in order that a proper and dignified inquiry into this matter might be held.

The following is the letter which I have caused to be hand delivered to Representative JERRY FORD a few moments ago:

> APRIL 17, 1970.
>
> Hon. GERALD R. FORD,
> *Minority Leader, U.S. House ofRepresentatives, Washington, D.C.*
>
> DEAR JERRY: On at least five occasions during the past forty hours I have been asked in news conferences my opinion about your sincerity in departing from the traditional procedures of the House in your avowed move to impeach Justice Douglas.
>
> On each occasion I declined to speculate on your motives. In short, I refused to question your integrity.
>
> I merely stated what I believed to be a duty that you should perform. Obviously you and I disagreed on that point. And obviously I have refused to suggest that the disagreement was not honest on your part.
>
> When I introduced the Resolution of Impeachment I stated my motives. On the front page of my home town monopoly and unprincipled press Friday, April 17, 1970, you were quoted in effect as saying that my Record statement following your speech Wednesday night was untrue.
>
> You were quoted as saying:
>
> "If Mr. Jacobs actually favors impeachment of Justice Douglas he could have demanded an immediate vote on impeachment instead of turning the matter over to the House Judiciary Committee. . . . Therefore it appears that Mr. Jacobs has introduced an impeachment resolution which he himself does not support as a diversionary tactic to prevent consideration of the facts by a balanced bipartisan special committee."
>
> A suggestion that sincerity would require me, in clear violation of House precedent, to call for an immediate vote on the Resolution of Impeachment is no different from suggesting a lack of sincerity on the part of a citizen, who, filing an affidavit containing a serious charge on information and belief with the Prosecutor, fails to demand instant indictment without investigation.
>
> Would it be fair to suggest that you do not "favor actual impeachment" because far short of demanding "an immediate vote," you have not even so much as followed the clearly established House precedent by introducing a Resolution of Impeachment?
>
> Did you make a statement questioning the integrity of what I said on the Floor following your April 15th speech?
>
> Sincerely,
>
> ANDREW JACOBS.

For 7 days this hand-delivered letter has gone unanswered. The time-distance from Mr. FORD's office to mine is 7½ minutes.

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DRUG ADDICTION REHABILITATION ENTERPRISES, INC., OF NEWARK

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MINISH. Mr. Speaker, we are becoming keenly aware of the burgeoning drug abuse problem in the United States. The most unfortunate aspect of this problem concerns our young people, who are entering the so-called drug culture during their adolescence. These young people, if they are to reach maturity, must be rescued. Tragically, we hear little that is encouraging with respect to juvenile drug addicts.

It was therefore quite heartening to learn about one youngster who may not travel the same dire road usually reserved to the teenage drug addict. This young man, assisted by the dedicated staff of the Drug Addiction Rehabilitation Enterprise, Inc., was the topic of a story in the Newark Evening News on April 18.

The Drug Addiction Rehabilitation Enterprise, known by its acronym DARE, has an addict and ex-addict self-help program with a central office, an outreach unit and residential center in Newark. It offers a modified Daytop Village approach of induction treatment and after-care services within the community.

It is important to learn that a young drug addict can be recovered. The type of work done at DARE is impressive and, I think, should be brought to the attention of my colleagues.

The Newark News article follows:

SOPHOMORE, 15, RECOUNTS HIS EXPERIENCE WITH DRUGS

(By David A. Crombie)

Traveling by car from Princeton to Newark takes about an hour, but when Chris G. made the trip with his parents last December it seemed as though it would last forever.

The 15-year-old high school sophomore was en route to Newark to join a program called Drug Addiction Rehabilitation Enterprise (DARE). The day before his departure, he had been a patient in Trenton State Hospital and would have remained there had a young social worker not intervened in his behalf.

"At first, I felt pretty skeptical about going to DARE," the youth said. "But I knew I was just wasting my time in that hospital bed. And my parents really wanted me to get a cure. So I went. But reluctantly.

"My psychiatrist sent me to the hospital after I collapsed from an overdose of heroin. I was there for two days lying in bed. Going to the hospital was just another way of avoiding jail."

"The path that led Chris to the hospital began when he left home three days earlier in search of drugs, traveling first to Philadelphia, then to New York, and eventually back to Princeton where the need for help became obvious when he collapsed.

It was Chris' second stay in the hospital in six months. Last June, he spent two weeks at Temple Hospital in Philadelphia after he was arrested for theft of a pocketbook.

"I thought I'd come out a new man, but the same day they discharged me I went off and smoked marijuana and a short time afterwards I was into LSD and heroin.

The world of drugs and the nightmare of arrests, thievery and eventual illness began for Chris two years ago when he first smoked a marijuana cigarette given to him by a friend.

"I wanted to be part of society," he said as he sat in the living room of DARE's headquarters at 209 Littleton Ave. "I smoked it and we ended up riding around in a car for the rest of the afternoon. It was scary because marijuana can make you paranoid. At least, that's what it did to me."

"People always ask why you've taken drugs and I say that the problem really doesn't lie in drugs. It is part of a deeper problem. In my case, it was the inability to talk out my problems or to get rid of deep-seated fears and anxieties."

"Every person has a problem. It's just a question of being able to handle it. I couldn't and I turned to drugs as a crutch."

TRIED TO HELP

"I couldn't open up with my parents. But I think they really tried to help me. I just wasn't able to tell them anything. I felt very conscious of myself and my shortcomings."

"I was worried about being too short or being ignored. And I had a feeling of being neglected by my peers. All of these feelings led me towards the use of drugs as a way of attaining security."

"But," he said, "drugs only turn a person away from himself. I never confronted my own situation. Instead, I got further away from the real world and went deeper and deeper into fantasy."

"My parents would always ask me 'why.' Why did you take the stuff? But I didn't answer."

"I think they tried to listen, but after a while they said they couldn't keep me any more. They were feeding and clothing a thief. I was stealing money from them and skipping school regularly. They had no choice but to tell me to get out."

It seems hard to believe that Chris, a tall and direct youth with close cropped hair and quiet eyes, could ever be involved with drugs. His mannerisms, his voice, bear no resemblance to society's concept of a drug addict.

Until recently, most of society equated drug addiction with the poor and with the transient derelict who scrapped for drugs and ended up in the city morgue unidentified for days.

MOVING STORY

Occasionally, a moving story would be written about a celebrity who was caught in the world of drugs. Barney Ross, an ex-prize fighter turned to drugs after serving in World War II. Ross was eventually cured, but his story is an exception.

"The fact remains," and a counselor at a rehabilitation center in Newark, that most of the drug addicts five or 10 years ago were the poor, the down-and-out guy from across the tracks whose unhappy fight against drug addiction ended in a Potters Field.

But Chris says that many of the students at his high school in Princeton are turning to drugs. They've got the money. Either their parents innocently give it to them or they manage to steal it someway or another. But a much more affluent group is now hung up on the drug scene."

And there is some connection between the drug abuse in the white upper middle class suburbs and the emergence of drug programs throughout the country to deal with what is called "an epidemic problem," according to a counselor at DARE.

Chris admitted that he belonged to the upper middle class suburban society. His father is an assistant vice president of a New York-based firm. He has a younger brother and sister. He describes the relationship between his parents as "very close."

"Addicts blame everyone but themselves for the problem. I was always blaming my parents, my friends, my teachers, the cops, when I knew the problem was inside of me and not them.

But if the problem was inside of Chris, it was also inside of society itself. "It is more of a soul problem, more of a gut matter than a legal question," said an ex-addict who has been working in rehabilitative programs for five years now. Maybe a lot of blame on Chris has to be shared by the methods used to help him when he was taking drugs."

CURE NEEDED

Chris said that neither his teachers, nor the doctors at the two hospitals he visited, nor a psychiatrist he saw understood his drug abuse problem sufficiently. "They can always tell you why you went on drugs, but they can't get you off them. Maybe it's important to find out why, but a cure is needed, too.

"I went to a psychiatrist. She was nice, but she didn't know the problem. It wasn't her fault. I just conned her. Addicts can really push a snow job over on non-addicts. They fool them, plead with them, beg for their sympathy and then break them down," Chris said.

"It's all an attempt to get out and cop more drugs. So you fake enthusiasm. You pretend you're getting along better with your parents and that you suddenly see the light. But it's all a big con job," said Chris.

"It's harder to fool an ex-addict because he's been there before; he knows the whole situation and he can identify with you and understand why you went to drugs and what it was like and what you had to do to get the drugs."

"And what's really important is that the ex-addict will demand that you level with him and that you be honest with him at all times. If you're not, he'll call you on it."

STAGES

Those who enter DARE's program, like Chris, go through three stages of rehabilitation. The first includes an intensive training course in a self-help therapeutic community with a family type environment. A second stage includes residency at a half-way house located on the shore, while a third phase consists of an after care and social setting where graduates of the program meet to discuss their progress.

Chris said that he doesn't like to talk about his drug experience. "It's something I'd just as soon forget. I try not to think about it anymore. I used to worry when I was on drugs about getting arrested, about getting sick, about dying . . . you always worry about that."

"I took heroin, LSD, and marijuana steadily for almost two years," he said. He admitted that he stole to get drugs but it was more of petty thievery than anything else.

"After I shot heroin, I'd just sit back and stare at the wall. I used to think about nothing. Afterwards, I wondered why I took it," he said. "It was a despairing feeling." You know you're hooked, but you wonder whether there is any way of getting off it."

For Chris, his four month stay has produced a good feeling. He describes it as "a feeling of freedom and new found honesty. There's no more phoniness. The drug problem is all part of not squaring matters with yourself.

"I still don't think I'm ready to go out in the world. I need more time. But that time will come." Eventually, Chris hopes to obtain his high school diploma through DARE and go to college.

Since he first came into the program, he has seen his father twice. His father is pleased with his progress and likes the program so much that he agreed to donate $500 to it.

"I miss home and I'll go back there someday," he said. "But right now, I have a home here and it's a good one. I feel as if these people are my brothers and sisters."

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TRIBUTE TO HAWAII MEDAL OF HONOR WINNER, SGT. RODNEY J. T. YANO

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MATSUNAGA. Mr. Speaker, a young man who volunteered to return to Vietnam after his tour of duty had expired so that his younger brother would not need to serve in the combat area, and who sacrificed his life so that his helicopter crew members might live, was posthumously awarded the Nation's highest recognition for valor—the Medal of Honor.

This young hero from Hawaii, Sgt. Rodney J. T. Yano, gave his life to his country on New Year's Day 1969, in combat near Bien Hoa. Sergeant Yano was cited for gallantry while performing the duties of crew chief aboard his air calvary troop's command-and-control helicopter during action against enemy forces entrenched in dense jungle. A grenade, exploding prematurely, covered Sergeant Yano with burning phosphorous, and lift him severely wounded. Badly burned and unable to use one arm, he still managed to hurl blazing ammunition from the helicopter and save the lives of others in the aircraft. In doing so, he inflicted additional wounds himself, yet he persisted until the danger was past.

He was awarded the Medal of Honor for this outstanding display of indomitable courage and profound concern for his comrades which averted the loss of their lives at the expense of his own.

Sergeant Yano was only a few days away from completing his second voluntary year of combat in Vietnam. He was serving the extra tour so that his brother, Glenn, a member of the 29th Infantry Brigade, which had been called to active duty, would not have to serve in the war zone. Rodney felt that since he had just completed a year, he was more experienced than his younger brother, and that his chances to survive were better.

Rodney, the second serviceman from Hawaii to receive the Medal of Honor in the Vietnam war, was from the beautiful fishing village of Kealakekua on the Kona coast of the big island of Hawaii. His father, a commercial fisherman for more than 20 years, also grows coffee on acreage near Kealakekua Bay. Rodney graduated from Konawaena High School in 1961, and while in school served as president of the Konawaena chapter of the Future Farmers of America.

Rodney's school records show that his longtime ambition was to be a soldier, and he volunteered in the Regular Army following his graduation from high school in 1961.

Mr. Ichiro Shikada, one of his former teachers at Konawaena High School, described young Yano as a student who showed signs of both leadership and courage when he was in school. He recalled that even then Rodney "had the habit of coming through when the chips were down."

In a White House ceremony earlier this month, Mr. and Mrs. Richard S. Yano received from the President the Medal of Honor in their fallen son's behalf. Accompanying them to the Nation's Capital were Rodney's younger brothers, Glenn and Stanley.

When a fine young man like Rodney Yano grows up in our midst and is killed in war, his loss is keenly felt not only by his parents, family, and relatives, but also by those neighbors and friends who have seen him grow up. So it is with a sense of sadness and personal loss that I pay tribute today to this valiant young hero from Hawaii, in whom we all take such pride.

In the Book of St. John we read that "Greater love hath no man than this, that a man lay down his life for his friends." To this I believe we may fittingly add—"and for his country."

Notwithstanding our views on the rightness or wrongness of our involvement in Vietnam, it is a testimonial to the greatness of this Nation that it has citizens of Rodney Yano's caliber willing to respond to the call of duty for love of country and to sacrifice his life for the love of his fellow man. May we be worthy of his patriotic sacrifice.

I am honored to place the name of Hawaii's Medal of Honor winner Sgt. Rodney J. T. Yano in the CONGRESSIONAL RECORD. His name gives added luster to the United States and to the long line of American heroes.

POSTAL REFORM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, for more than a year the Congress has been considering the form which postal reorganization should take. Initially, the President proposed the creation of a public corporation, chartered with responsibility for delivering the mail.

Some felt, however, that a Government-owned corporation would be too removed from the people and the Congress. These objections, Mr. Speaker, have been met in the postal reorganization plan recently submitted by President Nixon.

It calls for the creation of a U.S. Postal Service—an institution shielded from direct control by the President and the Congress. The nine members of the bipartisan commission—nominated by the President with the advice and consent of the Senate—would provide, however, that link which would keep this service responsive to the public's needs.

The legislation now before the Congress would give us a postal service with the capacity to meet the legitimate needs of our postal workers and to develop the resources to handle our growing volume of mail—but it will still be sensitive to the demands of our economic, political, and social institutions.

CRUSADING CONGRESSMAN CONTE: MAN OF VIGOR

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MINSHALL. Mr. Speaker, we have all watched our good friend and dynamic colleague SILVIO CONTE in action on the floor and I have had the privilege over the years of serving with him on the great Committee on Appropriations, including the Subcommittee on Transportation. He is always in the forefront of debate on crucial issues affecting the destiny of our Nation and is an indefatigable fighter for the causes in which he believes. His outstanding endeavors in the House of Representatives recently won him a fine indepth word portrait in the Boston Sunday Herald Traveler. I would like to share the interview with my colleagues in the House, as follows:

CRUSADING CONGRESSMAN CONTE: MAN OF VIGOR

(By Ellen Beswick)

WASHINGTON.—There is a spirited debate going on, on the floor of the House of Representatives over an amendment to farm program legislation which would limit "exorbitant" subsidy payments to individuals.

Only a handful of Congressmen are on the floor at this point and it is easy to pick out the silver head and sideburns of Silvio O. Conte because the Republican representative from Pittsfield is standing with arm raised declaiming:

"I can assure the Secretary (of Agriculture) that the Congress and the American people will no longer stand for it."

The subject could be different. The Congress could be down to a nuts and bolts debate on aid to education, postal reform, foreign aid, the silver question, conservation projects or a number of other problems.

The cast of characters might change, but Rep. Conte would be unmistakably on the the scene, vigorously debating, conferring, scowling or smiling as he counted up the possible votes.

The battle over, won or lost, the Congressman, known and liked by his colleagues for his infectious exuberance, will disappear into the realms of the almighty Appropriations Committee and its subcommittees, to return to another battle another day.

The 48-year-old Pittsfield native told a group of students recently he believed the "primary role of a Congressman is as a trustee" for the federal government. Conte said he recognized the need for the continuing functions of a Congressman in representing the interest of his constituency and the aims of his party, but "due to the very real increase in the scope and complexity" of the federal government "a Congressman through his committee work and through his studies and associations, must become a specialist in some aspects of running the federal government."

The 12-year veteran of the Congress is strategically placed on the Appropriations Committee, the financial watchdog over federal spending.

The question of farm subsidy arose in connection with Agriculture Department appropriations, where Conte found the federal government was spending nearly $367 million in what he called "outrageously high subsidies."

The Congressman is confident he will be able to make his amendment to limit federal farm subsidy payments to individuals or farm

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combines to $20,000 each, stick this year. He was successful last year on two votes in the House, only to see the measure defeated in the Senate.

Conte renewed his fight on the House floor last week, entering in the Congressional Record a 34-page list of 7,795 subsidy payments in excess of $25,000 made by the Department of Agriculture last year.

"With millions of Americans still suffering from hunger and malnutrition, the time has come to apply the brakes on this runaway program and redirect these funds to more pressing domestic needs," Conte told his colleagues.

Since he is a representative from a largely urban state, the farm program is not his main concern, but:

"I think a Congressman has to look at each piece of legislation and determine if it is good for the country.

"If it is he should stand up and fight for it, whether he gets any (political) mileage out of it or not," Conte told the Herald Traveler last week.

"I don't think I have a handful of Negroes in my district," Conte said, "but I fought on the floor against legislation which would in effect have repealed the landmark 1954 Supreme Court civil rights decision."

"They hung me in effigy in Peru for my part in foreign aid amendments limiting sale of sophisticated war weapons to countries receiving U.S. aid.

"And frankly, I'm for the birds," the Congressman said with a grin. He paused for a moment and then continued "as a member of the Migratory Bird Conservation Commission."

Conte then moved onto a subject which he and a good many other New England Congressmen consider one of their main concerns.

"I've been fighting the battle to eliminate oil import quotas for years. This thing is causing holy havoc to us in New England," Conte said, "and it's costing the American consumer $5 billion in additional charges."

"When you have a demand, and choke off supply, which is what the quota does, you automatically increase prices," the Congressman explained. "We could be getting No. 2 home heating oil from Venezuela for $1.50 a barrel at a New England port."

Conte noted that the recent report of the President's oil import task force had recommended eliminating the quota and putting in a system of tariffs, but the President has held off action on the measure.

"The task force recommendations would put a $1.35 tariff per barrel of oil, but at least the federal treasury would be the beneficiary instead of the oil barons of this country.

"There are 54 of us supporting the elimination of the quota system," Conte said, "and we're not giving up.

"We're now exploring possible support from the Midwest and the Great Lakes area. We've never gotten support there before but the recent restriction on imports from the Midwest and the Great Lakes may work in our favor."

Conte said he was working on a plan to create a Congressional task force on oil import reform to bring added attention to the problem.

The Congressman went on to tell of some of his crusades as a member of the Appropriations Subcommittee on Post Office and Treasury. He was ranking minority member of the subcommittee for a number of years until he moved into a similar position on the Transportation Subcommittee during this session.

"I introduced the administration's postal reform package in the House," the Congressman noted. "The Post Office has been operating in the horse and buggy era. How can you run an effective business with no authority? The Postmaster General doesn't have the authority to establish volume—the public does that. He can't establish wages—Congress does that. And he can't establish rates—Congress does that too."

The First District Congressman went on to explain the plan for a semi-public corporation and the need for modernizing plant facilities and upgrading wages.

Conte is firm on the recent postal strike.

"I don't condone it. It was a wildcat action and illegal, but they really do have a gripe. They should be paid a wage that enables them to maintain their dignity and honor. Right now their families can't exist in the big cities on the wages they're being paid. They need a system of differential pay raises. While they're suffering in the cities, in sections of rural America the postman is the highest paid guy in town."

And Conte noted, this is having backlash results.

"They're getting a tremendous turnover, especially in city post offices. They're getting people they wouldn't normally hire and it's costing them money."

Conte has also been supporting a plan to build big new industrial type post office plants on the peripheries of major cities.

"It's ridiculous. They've been spending too much time and money building gigantic ornate monstrocities in the cities."

One new plant has already been constructed in New Jersey to process some of the load from Manhattan "at a $70 million savings on the capital investment alone," Conte said.

He said he had also been working to get more money allotted in the Post Office Department and the Internal Revenue Service for research and development.

Again, "It's ridiculous. Back in (former Postmaster General Arthur) Summerfield's time, I asked them what they were doing in the area of research and development and he started telling me about new mudflaps they were working on for mail trucks."

"Mudflaps!!! They need automated equipment!" Conte added.

Since that time, Conte noted, the Post Office Department has elevated the post of head of research and development to the title of an assistant to the Postmaster General, but "they're still not doing enough. There's a tremendous amount that could be done in this area."

Conte does not confine himself to criticism of the administrative offices of the government. How does an individual Congressman perform the myriad roles assigned to him?

"We don't. The Congress is now equipped to cope with the demands of the 20th century.

"The Appropriations Committee, for instance, is operating in the horse and buggy era. We're responsible for passing on a $200 billion budget, and we're not adequately staffed to do the job.

"The Postmaster General comes to the committee hearings to defend his budget with an Army, backed up and briefed like they're preparing for a bar exam. A Congressman asks a question and they huddle like a football team and come up with an answer.

"It's absolutely ridiculous. We need a computer and a mammoth staff to analyze all this material."

This is just part of the problem, Congressman Conte said, and then went on to list some of the other major items facing the nation.

"I sponsored the administration's water pollution measure in the House and it's a good bill aimed at cleaning up sewage. But it's just the beginning. There has to be a lot more done in this area.

"Everything is under the cloud of the Vietnam war. It gobbles up $25 to $30 billion a year," Conte said.

"We have to get out from under that, then you can talk about long-range programs for schools and hospitals . . . We need billions of dollars there—or mass transit, or housing, low income, middle income, any income. We're so far behind in housing it makes your head spin to think about it."

NATIONAL DISASTER RELIEF

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PRICE of Texas. Mr. Speaker, late last Friday night, and early the following morning tragedy struck the Texas Panhandle. Two separate killer storms, accompanied by a large number of tornadoes, rampaged almost 20 miles across the Panhandle. Almost two parallel tracks of carnage and destruction were left in their wake. Over 20 fatalities have been reported and property damage runs into the millions of dollars.

To the credit of our society, appropriate public, private, local, State, and Federal assistance immediately went into action in an effort to help our ravaged area. Unfortunately, the recovery process will take some time, and in certain cases the utter tragedy is such that complete recovery will never be attained.

It is within this context that I heartily commend President Nixon on his sending a message on disaster relief to Congress yesterday. Given the extent of the Texas catastrophe, it could not have been issued at more appropriate a time.

In his message, the President put into words the spirit underlying disaster assistance efforts. He said:

> The spirit of neighborliness, the readiness to extend a helping hand in time of trouble, is one of the great traditions of this country. In the early years of our history, good neighbors were essential in coping with the hardships of pioneer life. They are equally essential in meeting the challenge of life today.

It was not until I read the message that I realized that the last Presidential special message on disaster relief was written 18 years ago. This is another indication of President Nixon's deep concern about the public welfare and his great desire to make Federal institutions and instrumentalities more responsible to the needs of all Americans.

As part of his message, the President has proposed that Congress extend and improve the assistance which the Federal Government can provide in time of major disasters. The tragedies occasioned by the Texas tornados last weekend, the recent Alaskan earthquake, and Hurricane Camille, are stark reminders of the crying needs people face in the time of natural catastrophe.

His proposal, the Disaster Assistance Act of 1970, is wide in scope and particular in focus. It runs the gamut from disaster prevention to economic development assistance. Its basic concern is, however, with swiftly and effectively bringing appropriate Federal resources to bear on individual and community problems in disaster or potential disaster areas.

I urge my colleagues in the name of simple humanity to study carefully the President's proposals and to, in a nonpartisan spirit, update and improve our Federal disaster assistance laws.

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GUIDE—ANTIDRUG PROGRAM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. HOGAN. Mr. Speaker, I would like to commend WRC–TV for using its editorial programing to alert metropolitan area residents to GUIDE—a volunteer effort to aid the juvenile drug offender.

I am pleased that this program was initiated in my home county, Prince Georges County, and that it has enjoyed a certain measure of success for a fledgling organization.

GUIDE—or Guidance, Understanding, and Information for Drug Evaluation—utilizes the volunteer services of physicians and psychologists from area institutions, including the National Institutes of Health, Catholic University, National Naval Medical Center, and Walter Reed Army Hospital. The program provides drug education and rehabilitation for youths charged with drug abuse by the Juvenile Court of Prince Georges County. The process is short termed, lasting only 4 months. It is noteworthy, though, that of the first 118 cases processed since establishment of the program in late 1968, only three participants are known to have reverted to drug use.

More significant, however, is the approach used by this team of volunteer experts. Their program is based on the premise that drug abuse is a symptom of the youth having difficulty and, concomitantly, viewing the youth within the family social unit, drug abuse becomes a symptom of a family having difficulties.

The focus of the program, therefore, is on the general spectrum of adolescent problems, with drug abuse given a position of priority. Relationships to authority and parents, education, selection of occupation, and sex are all areas of vital concern to the adolescent and, often, they become too large for the emotionally immature youth to cope with. Drug abuse appears to offer a way out of the difficulty.

Judging by their early successes, the GUIDE approach of strengthening the total attitudes and behavior of the adolescent drug abuser is one that is well worth studying and repeating in other communities plagued by drug traffic among the young.

Mr. Speaker, I include the WRC editorial calling attention to this program at this point in the RECORD:

GUIDE ANTIDRUG PROGRAM

There is a great deal of anguish in the Washington area over the drug problem—many people are doing something about it. One program in Prince Georges County apparently has been quite successful.

It is called GUIDE which means Guidance, Understanding, Information in Drug Evaluation. It is simple in concept and follow through. Narcotics cases are referred to GUIDE by Prince Georges' juvenile court or a youngster or a parent may call a hot-line number and ask for help. The problem is discussed and a personal interview arranged. Following the interview the parents and the youngster attend a series of seminars—adults in one group—children in another.

The parents are encouraged to face the problem and the underlying reasons for it. The adolescents are assisted in making a reasonable decision on their drug use.

Dr. Richard Wunderlich, assistant chairman of the psychology department at Catholic University and now directing the GUIDE program says it is a partial solution to one phase of the drug problem.

What is needed, in addition, is money for more psychiatric care in the community—mental health clinics—a street program and the halfway house concept for the drug program.

As for the GUIDE program—of the first 118 cases processed and these are the only figures available so far—only three youngsters are known to have reverted to drug use.

Perhaps the most encouraging aspect of this program is that it will begin shortly in the District and then in Montgomery County.

An extended GUIDE will be another weapon in the fight against drug abuse in the entire Washington area.

BACKUP POWER FOR APOLLO 13

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. TEAGUE of Texas. Mr. Speaker, as the people of the United States and the world followed minute-by-minute development of events in the flight of Apollo 13 a significant article by Mr. Eric Burgess appeared in the Christian Science Monitor on Wednesday, April 15, 1970. Mr. Burgess describes well the problems of Apollo 13 and the options available in this complex manned space flight system. It is well to remember that tremendous effort has been put into providing for contingencies in the Apollo program. This article does much to point out the worth of the work done in these areas by the Apollo-NASA-industry-university team.

The article follows:

BACKUP POWER FOR APOLLO 13

(By Eric Burgess)

MANNED SPACE CENTER, HOUSTON.—Apollo is the most reliable machine made by man. But no one yet has found out how to make a machine 100 percent reliable; there's always the slight chance that some parts may fail.

And such a failure could end in disaster for a space mission many thousands of miles away from earth. So in systems design, engineers rely on redundancy and rescheduling to help out reliability.

Redundancy and rescheduling are, at this writing, working to save Apollo 13.

The unexpected catastrophe in the service module—the part of Apollo that supplies oxygen, electric power, and the needed rocket power for a large part of the flight through space—is serious. But it could have caused greater problems if it had occurred elsewhere in the flight—on the return journey for example. As the various stages of the mission are completed, the redundancy available to the astronauts is reduced.

Failure of the electric power in the service module prevented use of the module's big propulsion engine. It is like a car with a dead battery.

And although the astronauts do not have the equivalent of a spare battery they do have a small tow truck, the lunar module. In fact, they have two of these trucks—each with its own engine. One is the lunar descent stage, the other the lunar ascent stage.

This redundancy of having these engines available gave the astronauts two chances of swinging into an earth-return orbit from the hybrid orbit that would have spun them around the moon deep into interplanetary space.

TWO ENGINES AVAILABLE

If the lunar descent module engine failed to burn—a most unlikely event—there would still be a possibility of jettisoning the descent stage and using the ascent engine for the relatively small change in velocity needed to achieve earth return.

And if a greater velocity change were needed it might be feasible to jettison the service module itself, so that the small ascent engine would have less to push. This maneuver has never before been tried but appears technically feasible.

And rescheduling plays a great part. Most space missions have mission plans and optional plans. Tested out in advance by computer simulation are all manner of answers to all kinds of problems. These determine what must be done, and when, to correct specific failure that may endanger a mission. And these planned detours take in both major and minor eventualities.

COMPUTERS TEST CHOICES

So with the aid of computers the man at Mission Control can quickly reschedule the mission for a planned detour. This was done with Apollo 13 as soon as the astronauts, working with Mission Control, had clearly identified the effects of the failure in the service module.

Once the space vehicle is placed on a return orbit, the alternative plans for survival can be completed. Again redundancy and rescheduling become important.

There is no oxygen from the main supply in the service module. So instead the astronauts used the oxygen from the lunar module—the oxygen that they would have used on the moon. And if this should begin to run short because of some other failure, they might still use oxygen from the backpacks of their spacesuits.

The electric power needed to run the complicated equipment of the spacecraft and to maintain communications with earth is also supplied by batteries that would have been used on the moon.

EQUIPMENT USE CUT

So with power supplies limited, Mission Control told the astronauts to reschedule activities to conserve this precious power. They switched off unessential equipment. They switched off transmitters and receivers during the few minutes when Apollo transferred from one ground station to the other as the earth rotates on its axis. Every little bit helps.

Since the service module also supplied power for temperature control, the whole spacecraft was put into a slow rational altitude to control temperatures. This is the so-called "barbecue mode" that turns the Apollo around like meat on a spit to equalize the effect of the sun's radiation.

In Apollo 13 we saw a major example of how redundancy comes into play when even the highest reliability can sometimes fail. But in nearly all space missions, redundancy has played some part in saving the mission, even when no men have been involved. In some satellites complete systems are duplicated and can be switched into command from the ground.

Since redundancy always means extra weight, there has to be a compromise: Not every system can be duplicated in a large manned space system such as Apollo.

That is where rescheduling is used to achieve redundancy by switching subsystems intended for one purpose to serve another purpose.

This calls for very careful design and intricate systems analysis. But this extra care prevented the Monday night power failure from turning into an immediate disaster.

ENVIRONMENTAL AWARENESS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, people throughout the Nation this week have been demonstrating their concern for the environment by way of symposiums, conferences, and teach-in's.

Thus far, these demonstrations have been peaceful, positive, and constructive and I believe our young people, especially, should be commended for focusing national attention on this very serious problem affecting all Americans.

In my own congressional district, several of our educational institutions have planned and conducted very comprehensive and well thought out programs to make everyone more aware of the nature of the environmental problems facing us and the sense of urgency that now exists to clean up our air, land, and water.

I am including in the RECORD today, a copy of the remarks I prepared for delivery during National Environmental Awareness Week:

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As a member of the House Public Works Committee, I am constantly exposed to and have become deeply involved in the wide spectrum of congressional activities dealing with water quality control. This, by the way, is the key committee in the House of Representatives responsible for water pollution abatement legislation. It was this committee that gave our Nation its first "Water Quality Control Act" back in 1965 and also the committee that will soon be considering the President's recommended water pollution abatement program that he has advanced to the Congress.

As a native-born Humboldter who grew up on the north coast and lived my entire life there, I have had first-hand experience in problems dealing with water quality control, erosion, and also what rampaging floods can actually do to the ecology of our river basins and delta areas.

In addition, as a member of the House Interior Committee, we have the key authorizing function in the Congress for legislation dealing with our public land, national parks, seashores, and recreational areas throughout the Nation.

As such, our committee had the responsibility for the enactment and development of the Redwood National Park and completion of the Point Reyes National Seashore in the southern part of our district. Authorization of a redwood research headquarters at Humboldt State College and a Marine Oceanographic Laboratory in Marin County, are other areas of resource management that we have been involved in. I have bills pending in the Congress to designate the Kings Range Region in Humboldt and Medocino Counties as a "national conservation area" and the Fort Point facility as a national monument.

This year, I have introduced what I call an "environmental legislative package" dealing with extensions of the land and water conservation fund and the Clean Air Act, turning federally held lands back to the States for park and recreational use, and a proposal whereby we can make use of our space-age technology to determine ways and means of reclaiming and recycling solid wastes for profitable economic use.

Beyond that, however, and more in keeping with the theme of your symposium this week, let me say forthrightly that I welcome and support your active interest and this open demonstration of concern for the protection of America's environment. In January of this year, which marked the dawning of a new and challenging decade, I said on the floor of the House of Representatives that the 1970's should be proclaimed "the environmental quality decade". Admittedly, that's thinking big but it is the kind of thinking, I submit, that must emerge from this national debate on the environment if we are ever going to solve the problems of dirty water, foul air, and the littered land.

Time does not permit a fair or comprehensive analysis of all the legislation that has been enacted over the past 10 years dealing with the environment or that which is now pending in the Congress. Some of the more significant statutes now on the books, however, include:

1. The Water Quality Control Act of 1965.
2. The Land and Water Conservation Fund Act of 1965.
3. The Federal Water Pollution Control Act of 1970.
4. The Clean Air Act of 1968.
5. The Solid Waste Disposal Act of 1969.
6. The Water Quality Improvement Act of 1970.
7. The Environmental Quality Act of 1969.
8. Establishment of a Federal Water Quality Control Administration.
9. Establishment of a Commission on Population Growth and the Future.

In the 15 months that the present administration has been in office, some very positive and constructive actions and legislative proposals have emerged. In his State of the Union Message, President Nixon forthrightly committed this Nation to the most comprehensive program to provide clean air, clean water, and open spaces in the Nation's history.

Translating words into action, the President has sent 23 major legislative proposals dealing with the environment to Capitol Hill and initiated 14 new measures through administrative action or executive order dealing with pollution abatement, solid waste management, parklands and recreational areas, and improved governmental organization in these fields. Included in the measures advanced by the President are:

1. Appointment of a cabinet-level committee on the environment.
2. Creation of a Federal council on environmental quality.
3. Executive order curtaining pollution by Federal installations.
4. Agreement between Department of Transportation, FAA, and 31 scheduled and charter airlines to immediately reduce air pollution caused by jetliners.
5. Order of new and more stringent motor vehicle standards for exhaust emission and studies undertaken to modify or replace standard gasoline engines in automobiles.
6. Taken initiative to clean up rivers and lakes with House passage of President's bill to clean up the Great Lakes.
7. Establishment of new and more stringent penalties for off-shore oil spillages and dumping.

The real key to all of these initiatives, programs, and legislative actions, of course, is money. The Congress and the President has increased Federal expenditures for water pollution to $800 million for fiscal year 1970. President Nixon increased budget expenditures for air pollution control by 31% over 1969 and by 22% for recreational purposes. This, then, in effect is putting "your money where your mouth is", and this is just the first year of acceleration in behalf of the environment.

Basically, the main impetus at the Federal level is three-fold. I would catagorize these as:

1. Enforcement of existing penalties fixed by law and enactment of new and more stringent penalties for pollution violators.
2. Accelerated research and technological advancement in the entire question of pollution abatement and the effort to clean up our water, air and land.
3. New program incentives and new equipment that are both essential for an effective, continuing "clean-up program" in this country.

All of this, as you know, represents a beginning. And to begin, the President has outlined a program that will cost roughly $10 billion. Other estimates by experts and professionals in the field say actual costs will probably range somewhere between $20 to $50 billion from the Federal Government alone. If this is the case, then we in the Congress will have to begin thinking in terms of an "environmental quality control fund", similar to our existing highway trust fund, that will provide the monies needed for a continuing "clean-up program".

In addition, I firmly believe that research and technology in the area of solid waste disposal must be intensified because it is in this field that major breakthroughs must come to deal effectively with industrial waste and pollutants that are now being indiscriminately dumped into rivers, streams and lakes. Penalties alone are negative in their approach and, while absolutely necessary, they will never do the job that is required. Accelerated depreciation allowances could trigger more intensified research and construction of pollution abatement equipment. I have introduced legislation to accomplish this.

All of this, however, is not enough. Pollution problems are not just government's problems, or industry's problems; the problems of the environment are, in fact, "people problems"!

If you look at where pollution is, by far the worst, look to where people congregate the most. Look to the big cities where more than 73% of our total population is living on less than 2% of the land in this country. Look to the big cities where industry is overconcentrated and you will find the smog problem. Look to the big cities and you will find the dirtiest water, the most foul air, and the most littered land.

Preserving our environment, in the final analysis, must include a dispersal of people, a clean up of our cities, a decentralization of government and industry, and a revitalization and diversification of Rural America if we ever hope to ease the pressure in big cities and, at the same time, deal directly with the heart of our nation's pollution problems.

As you are well aware, there is an inherent tendency for people to look to legislation as a "cure-all" or panacea for all our ills. History has taught us, however, that, without the active support and direct involvement of all our people, legislation, alone, has never been an effective or meaningful instrument for problem-solving. We have laws on the books now and we will have more, we have funds appropriated now and we will have more, we have programs now to fight pollution and we will have more. But, what we need most is direct action by concerned citizens throughout America.

In closing, I submit to you, that the most effective and immediate results of a positive nature that have been achieved to date in the fight against pollution, have been attained by citizen-volunteers (including thousands of students like yourself) who have rolled up their sleeves and gone out and cleaned up our littered roadways, beaches, and auto junk yards.

And, herein, lies the real key. It's very easy to say "*they* aren't doing enough to preserve the environment"! But the fact is that "they" don't cause pollution—we do! What's important, in my judgment, is that these symposiums, conferences, and teach-in's serve as the impetus for people everywhere to get busy and translate their expressed concern for the environment into positive, immediate action—even if that means nothing more than going out and cleaning up your own backyard.

PROPOSED RULE, HOUSE RESOLUTION 948, FOR MILITARY PROCUREMENT BILL H.R. 17123

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. FRASER. Mr. Speaker, next week the House will consider the fiscal year 1971 military procurement authorization. This bill authorizes the appropriation of $20 billion.

I have submitted a proposed rule, House Resolution 948, to the Rules Committee which asks for 8 hours of debate. The Armed Services Committee is expected to ask for 3 hours.

In addition, the rule I propose contains four new provisions not commonly found in other rules.

First, the rule provides that one-third of the time must be yielded to those, majority members and minority members, opposed to the bill.

Second, debate may not be limited until at least two speakers have been heard on each side of an amendment.

Third, the names of those voting in teller votes will be reported in the CONGRESSIONAL RECORD.

Fourth, the motion to recommit must go to a member who has exhibited serious and substantial opposition to the bill.

This form of a rule will improve the quality of House consideration of this measure. I plan to appear before the Rules Committee in support of this rule and to urge its consideration. I introduce the text of the proposed rule into the RECORD at this point:

H. RES. 948

Providing for the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes

Resolved, That upon the adoption of this resolution it shall be in order that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. General debate shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Armed Services. During general debate, the Chairman of the Committee on Armed Services shall yield the floor to members of the majority party who are opposed to the bill a total time of not less than one hour and twenty minutes, and the ranking minority member of the Committee on Armed Services shall yield the floor to members of the minority party who are opposed to the bill for a total time of not less than one hour and twenty minutes.

After general debate, the bill shall be read for amendment under the five-minute rule. No motion shall be in order the effect of which would be to limit debate on any amendment to less than five minutes for each of two speakers in favor and each of two speakers in opposition. In each teller vote which is taken in the Committee of the Whole House on the State of the Union, the clerk shall record the names of the Members counted in favor of each amendment and the names of the Members counted in opposition to each amendment and include in the Congressional Record at the point where each teller vote is recorded the names of the Members voting on each side. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. The Speaker shall recognize for the purpose of offering a motion to recommit a Member who has exhibited serious and substantial opposition to the bill in the form in which it is then before the House.

SLEEPING BEAR DUNES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. O'HARA. Mr. Speaker, one of the most urgent and compelling tasks confronting the Congress in this age of ecology is the job of preserving and developing parks and other recreational areas.

In the State of Michigan, along the shores of the lake which bears that name, lies Sleeping Bear Dunes. The Michigan delegation in the House stands united behind legislation to establish at this site the Sleeping Bear Dunes National Lakeshore. This legislation, now pending before the House Committee on Interior and Insular Affairs, would be a significant move in the direction of making good on our national commitment to secure, protect, and make available for all the American people, the natural beauties of sites such as Sleeping Bear Dunes.

Under unanimous consent, I include at this point in the RECORD a resolution just passed by the Michigan United Conservation Clubs in favor of this legislation:

RESOLUTION, MICHIGAN UNITED CONSERVATION CLUBS

The following was approved at the April 11, 1970, meeting of the Board of Directors of Michigan United Conservation Clubs:

RESOLUTION RE SLEEPING BEAR DUNES NATIONAL LAKESHORE LEGISLATION

"Whereas, all Michigan Congressman in the House of Representatives have joined in sponsoring legislation to provide for establishment of the Sleeping Bear Dunes National Lakeshore; and

"Whereas, the administration has indicated that money would be available for national recreation areas; and

"Whereas, MUCC has consistently supported the Sleeping Bear Dunes proposal:

"Therefore be it resolved that MUCC reaffirm its stand and request that Congress approve and provide the necessary funding for establishment of a Sleeping Bear Dunes National Lakeshore in Michigan."

TECHNOLOGICAL EDGE PERILED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BOB WILSON. Mr. Speaker, in these days of cost consciousness, it is most important that we not lose sight of the vital importance of maintaining our research and development excellence. I am pleased to share with my House colleagues the following editorial from the San Diego Union which very effectively stresses the paramount necessity of avoiding a technological gap:

[From the San Diego Union, Apr. 5, 1970]

TECHNOLOGICAL EDGE PERILED—RESEARCH AND DEVELOPMENT LAG

"Overall, the United States of America and the Soviet Union now have roughly the same number of full-time scientists and engineers engaged in research and development. However, if present trends persist, by the mid-1980s the Soviet Union will have a total force in these fields a third larger than ours."

These words from Dr. John S. Foster Jr., director of Defense Department research and engineering, are of grave importance to a nation accustomed to—and dependent on—global technological superiority. They are a warning that within a comparatively short time the United States may find it has lost that technological edge, and with it the basis for our security, not to speak of our prosperity.

Worse, it can well be an accelerating decline. Pure research, the abstract inquiry that often germinates into concrete and profitable results, is very much like great art, a product of leisure. A scientist pressed to come up with marketable mousetraps cannot afford to digress down byways where his genius might otherwise beckon—cannot chase the will-o'-the-wisp, even though by doing so he might find the path to a star.

Thus, as the technologic lead we now enjoy over the rest of the world narrows, the pressure for immediately profitable mousetraps will mount. There will be less time available for the pure research that may be a decade, a generation, a century ahead of practical application. Ultimately, instead of leading U.S. technology could falter, stop, stagnate and die for want of adequate research.

Dr. Foster is, of course, primarily concerned with science in its connection with national defense. His department and other federal agencies sponsor much of the research conducted on university campuses and in private intellectual gatherings across the nation.

Government is involved in research because it is essential to our security and because it has become hugely expensive. Dr. Robert

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Goddard launched mankind into space with a few dollars' worth of tubing and chemicals in a Massachusetts meadow, but today's quantum leaps in technology happens in the void between subatomic particles.

Sir Isaac Newton may have formulated the Law of Gravity around the fall of an apple, but it will be repealed someday by an unknown researcher working with a multimillion-dollar machine.

Despite its vast cost, however, research is too important to the national welfare to allow it to become solely a government province, wholly dependent on public grants, subject to partisan changes of wind. Private industry has a vested interest in new products. If a technological gap truly develops between this nation and its aggressive competitors, purely for lack of public support and private investment, private industry will be the first, obviously, to go over its edge. Our security will not be far behind.

WOMEN'S RIGHTS

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mrs. DWYER. Mr. Speaker, the Washington Post this morning carried a lengthy story describing the findings and recommendations of the President's Task Force on Women's Rights and Responsibilities.

Although the task force report has not yet been officially released by the White House, the Post story, by Elizabeth Shelton, indicates that the task force dealt comprehensively with the broad range of discriminations, both legal and extralegal, which continue to deny to women their right to full equality and opportunity.

Judging from the Post report, the task force recommendations were forthright without being extremist and reasonable without being weak or evasive. The task force appears to have focused on real and serious problems and recommended effective action to correct them.

This report, Mr. Speaker, is of particular interest to me and to my three Republican women colleagues, the gentlewoman from Washington (Mrs. MAY), the gentlewoman from Illinois (Mrs. REID), and the gentlewoman from Massachusetts (Mrs. HECKLER), for we have jointly been seeking to stimulate action on problems of discrimination against women throughout the life of the present administration.

Last July, for example, we met with President Nixon for a lengthy discussion of these problems and left with him a detailed memorandum identifying areas of discrimination and recommending specific proposals for legislative and executive action.

The appointment by the President of the Task Force on Women's Rights and Responsibilities in September was one of the first, and most welcome, fruits of our efforts.

It is especially gratifying, therefore, that the Post story indicates that the task force study and report have confirmed our findings and endorsed our recommendations to an extensive degree.

What is called for now is concrete action on these recommendations. In this respect, I am hopeful that the President will, as soon as possible, release the full text of the task force report—and add his own personal blessing. For I am convinced the President understands the problems faced by American women and is committed to do what is necessary to resolve them.

As the task force chairman, Virginia R. Allan, stressed to the President in her letter transmitting the report—again, as quoted by the Post—failure to act effectively will increase the twin dangers of "accelerating militancy" and "the kind of deadening apathy that stills progress and inhibits creativity."

The article follows:

WOMEN'S RIGHTS RECOMMENDATIONS

(By Elizabeth Shelton)

Establishment of a White House office on women's rights, under a woman director, is the primary recommendation of a task force report prepared in secrecy for the President and kept under wraps for four months.

The report of the Presidential Task Force on Women's Rights and Responsibilities also calls for a White House conference this year on women's rights and responsibilities. "Coupled with corrective legislation, it would be a deterrent to the radical liberation movements preaching revolution," the report states.

Not yet released officially, the report equated the struggle for equality for women with the still raging battle by black Americans for social justice.

For several months, the White House has been promising that the report would be released "soon." Members of the task force, which includes both men and women, have in the interim said they were "honor bound" not to reveal its contents.

Elly Peterson, assistant chairman of the Republican National Committee, said yesterday she was advised by the office of Dr. Charles Clapp at the White House that the report is now at the Government Printing Office and that "it definitely will be released soon."

The cover letter to the President, signed by Chairman Virginia R. Allan, Wyandotte, Mich., drug chain executive, stressed both the "danger of accelerating militancy" and "the kind of deadening apathy that stills progress and inhibits creativity."

The conference call was timed to coincide with the 50th anniversary of women's suffrage and the 50th birthday of the Women's Bureau of the U.S. Department of Labor.

President Nixon has disappointed women's organizations, conservative and liberal, by not sending a women's rights message to Congress. The report of the task force asks him to send such a message, citing in it "widespread discriminations" against women, proposing remedial legislation, asserting federal leadership, recommending implementation by the states and calling on the private sector to follow suit."

Support of the proposed Equal Rights Amendment to the Constitution, which has been before every Congress since 1923, led the legislation listed as required to give women full legal equality.

This would impose obligatory military service on women but "not . . . in functions for which they are not fitted." It would permit women to be bartenders and men to be recipients of alimony. More importantly, it would remove discrimination against women in marriage and property laws, state labor laws which, under the guise of "protection," bar women from earning equal pay, jury duty laws and prison sentences.

In some states, women are required to serve longer terms for the same kinds of crimes, under the belief that it takes longer to rehabilitate a woman prisoner.

Among amendments proposed to existing laws are ones which would:

Give enforcement powers to the Equal Employment Opportunity Commission to remove from women the burden of going into court to prove discrimination in hiring, firing, leave and pension practices.

Authorize the attorney general to assist girls and women to equal access to education. This also calls for a survey by the Office of Education of the extent of discrimination in education because of sex. A new women's unit would be established in the Office of Education to lead efforts to end discrimination.

Provide Social Security benefits to the husbands and widowers of disabled and deceased women workers. In recognition of "a new pattern of family economic interdependence," this proposal also would provide better retirement benefits for families in which the wife, as well as the husband, works.

The report strongly calls for a national system of well-run child care centers, available to all pre-school children, and after-school activities for school-age children at all economic levels who need them. It also proposes income tax deductions as a "business expense" for care of children

Stating that "sex bias takes a greater economic toll than racial bias," the report asks the President to be as seriously concerned with sex discrimination as with racial discrimination.

It cites unrest among welfare mothers and the radical women's groups mushrooming on college campuses. Among the suggested remedies were implementation of the 1968 Executive order forbidding sex discrimination by federal contractors and expansion of manpower training programs in household employment.

The task force recommended predictably that the President appoint more women to top positions of responsibility throughout government.

This has been a sore spot with women's organizations which have been collecting a "talent bank" of potential applicants for high office. They had hoped for the appointment of a woman to the Cabinet or Supreme Court.

The task force also asked federal funding for the states' Status of Women Commissions, some of which operate without money even for postage.

Problems the task force recommended for early consideration by the proposed Director of the Office of Women's Rights and Responsibilities included abortion laws, methods of changing attitudes on sex roles, maternity leave and unemployment insurance.

One of its suggestions for implementation would require the government to collect, tabulate and publish all economic and social data by sex as well as race.

OPERATION MATCH

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WOLFF. Mr. Speaker, there is an organization in the Third Congressional District of New York, which I am pleased to represent in Congress, which has made its mark as an innovator in computer work. This organization called Operation Match has become the leader in a specialized social field. It is devoted to bringing together young people.

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Originated by two clever young men, this organization has become most impressive providing leadership in this field and a number of jobs for people in the community.

SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WYATT. Mr. Speaker, because of the extensive controversy surrounding the possibility of some sort of legislative action in regard to Supreme Court Justice William O. Douglas, and because press reports regarding my position in relation thereto were not complete, I am making this statement so that my position is clear in detail.

Justice Douglas has been charged with improper conduct as a member of the Supreme Court because of his relations with a foundation with shady connections, because of his participating as a member of the Court in decisions involving a man with whom he may have had financial dealings, and with conduct otherwise considered improper for a Justice, including inflammatory writings.

Two possible approaches to the problem have been suggested.

First, is impeachment proceedings. This is provided for in the Constitution. A bill of impeachment is introduced, full hearings are held, and the House then considers, debates, and votes on the bill of impeachment. It is in the nature of an indictment. If the bill of impeachment is passed by the House, it is the constitutional duty of the Senate to "try" the Justice, and find him guilty or not guilty. This is the proper and constitutional method, and the proper function of the House of Representatives.

The other suggested approach has been sponsored by over 100 Members of the House, equally divided politically. It would create a special committee "to investigate" the conduct of the judge.

This procedure is not authorized in the Constitution and is therefore extraconstitutional, and I believe may well be completely illegal and a nullity. Besides, the recommendations of the committee would have no force or effect of any kind. I have not joined in this second approach because of my strong belief that it is an improper procedure.

However, I plainly believe that the charges made against Justice Douglas are of sufficiently serious nature that full hearings on the bill of impeachment should be held immediately. The ends of justice demand it. Even Justice Douglas should welcome it. The Judiciary Committee of the House should hear all of the evidence, pro and con, and the full House should have an opportunity to vote on the question of whether the Justice should be impeached. The charges are serious and certainly constitute conduct, if true, much more gross than any of the complaints against either of the last two rejected Supreme Court nominees. I do not believe there should be two different standards of conduct, one for nominees and one for sitting members of the Court.

If these charges are substantiated by the evidence, then I would have no hesitation in discharging my own constitutional duties as a Member of the House of Representatives in voting to impeach Justice Douglas. But I would want to carefully study the evidence before reaching any conclusions, and not hastily react on such a serious matter to fragmentary, unsworn press reports.

LOS ANGELES COUNTY BOARD OF SUPERVISORS ENDORSES FREEDOM FOR THE BALTIC STATES

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ROYBAL. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives a resolution passed recently on a unanimous vote of the Los Angeles County Board of Supervisors enthusiastically endorsing the cause of freedom for the Baltic States of Lithuania, Latvia, and Estonia.

The Baltic States' Freedom resolution follows:

COUNTY OF LOS ANGELES: LITHUANIAN STATE 719TH ANNIVERSARY

Whereas, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52nd anniversary of the establishment of the Republic of Lithuania on February 16, 1918 commemorated by Americans of Lithuanian origin or descent and their friends in all parts of our great Nation; and

Whereas, the Communist regime did not come to power in Lithuania, Latvia and Estonia by legal or democratic process; and

Whereas, the Soviet Union took over Lithuania, Latvia and Estonia by force of arms; and

Whereas, the Government of the United States maintains diplomatic relations with the governments of the free Baltic republics of Lithuania, Latvia and Estonia and consistently has refused to recognize their seizure and forced incorporation into the Soviet Union; and

Whereas, the committee of the House of Representatives, created by H. Res. 346 of the Eighty-third Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia and Estonia was contrary to established principles of international law; and

Whereas, the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed House Concurrent Resolution 416 urging the President of the United States to direct the attention of world opinion at the United Nations and at other appropriate international forums by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia and Estonia and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples:

Now, therefore, be it resolved that the Board of Supervisors of the County of Los Angeles respectfully urges the President of the United States to bring the question of liberation of the Baltic States before the United Nations and ask that body to request the Soviet Union withdraw all of its troops and release its control of Lithuania, Latvia and Estonia and return to their homes all Baltic exiles and deportees from prison camps in the Soviet Union; and

Be it further resolved that a copy of this resolution be forwarded to the President of the United States, Secretary of State William P. Rogers, and United States Ambassador to the United Nations Charles W. Yost.

ERNEST E. DEBS,
Chairman of the Board and Supervisor, 3d District.
FRANK G. BONELLI,
Supervisor 1st District.
KENNETH HAHN,
Supervisor 2d District.
BURTON W. CHACE,
Supervisor 4th District.
WARREN M. DORN,
Supervisor 5th District.

PRESIDENT'S PANEL ON NONPUBLIC EDUCATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PUCINSKI. Mr. Speaker, I was pleased to learn today that the President has appointed a Panel on Nonpublic Education as part of the President's Commission on School Finance.

I was even more pleased to learn that President Nixon has selected to this panel the Most Reverend William E. McManus, bishop of Chicago, who is pastor of one of the largest parishes in my congressional district. Bishop McManus is one of the most knowledgeable and highly respected educators in America. For many years he served as superintendent of schools for the Catholic Archdiocese of Chicago, the largest parochial school system in the Nation.

Bishop McManus has made a lifetime study of America's educational institutions and is one of this Nation's best informed authorities on the role that private schools play in our pluralistic educational system.

President Nixon has made a tremendously wise selection in appointing Bishop McManus to this Panel, and the President has also made a wise decision in recognizing that it would not be good for either the country or its schools if either public or private school systems had a monopoly over the education of the Nation's children.

The strength of the educational system in this country lies in its pluralism. There are more than 6 million youngsters who are now attending parochial schools throughout the Nation, and it would cost in excess of $4 billion a year in operating costs and an estimated $5 billion more for facilities, if the parochial schools were forced to close and transfer their student body to the public school system.

We know that many States in the Union are now searching for ways to assist these parochial systems, and we also know that many of these schools are faced with great financial crises.

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It is for this reason that I am particularly grateful that the President has recognized the need for assistance for the schools, and I am looking forward to the recommendations of the Commission as to how we can help parochial schools within constitutional means.

Other members of the President's Panel are Dr. Clarence Walton, president of Catholic University; William G. Saltonstall of Marion, Mass., former principal of Phillips Exeter Academy, and Ivan E. Zylstra of Grand Rapids, Mich., an official of the National Union of Christian Schools.

EUROPE CAUGHT UP IN APOLLO DRAMA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. KOCH. Mr. Speaker, the world joined in our prayers for the safe return of the Apollo 13 astronauts. But since Friday, many Europeans have questioned why the United States, after having successfully landed men on the moon, continues to risk the lives of more astronauts in the Apollo program while much of the sought after scientific data can be obtained through automated spacecraft at approximately one-fifth the dollar cost.

For the interest of our colleagues, I would like to insert in the CONGRESSIONAL RECORD a column in last week's Washington Star reporting on this worldwide questioning, as follows:

[From the Washington (D.C.) Star, Apr. 16, 1970]

MANY QUESTION RISK—EUROPE CAUGHT UP IN APOLLO DRAMA

(By Andrew Borowiec)

GENEVA.—Dramatic headlines, radio and television bulletins and an avalanche of technical details have jolted Europe from its indifference toward manned space flights.

From Bucharest to Paris and from Scandinavia to Italy, the drama of the Apollo 13 flight dominates the front pages and punctuates the radio shows.

A color picture of the three American astronauts stared from the front page of Milan's Il Giono. In Paris, Le Figaro covered the story from every possible angle on three pages, and the East European Communist press carried lengthy factual accounts.

But while sympathy and concern for the lives of the Apollo astronauts was genuine, the average European could not help wondering why this risk was being taken.

WHY RISK MORE LIVES?

"They reached the moon last July, they beat the Russians, they know there is nothing there. Why risk more lives?" was a typical European comment.

The respected London Times summed up this attitude in more articulate terms.

"There is now a case for asking whether the space shuttle is the best way forward," The Times said in an editorial. "There is, after all, no shortage of useful work to be done in the development of usable but automatic satellites, the exploration of the solar system and the deliberate familiarization of people with the hazards and the rewards of traveling in space.

"Less haste may yet mean more speed," The Times concluded. "That is something to think in the grueling hours ahead."

COURAGE PRAISED

Europeans of various nationalities questioned at random in this international center agreed with this view. While praising the courage of the three men in the spaceship, while showing respect and even awe for America's space accomplishments, they appeared critical of America's desire to continue what they consider risky trips to the moon.

Not untypical were remarks saying "There is so much to be done on earth."

The Apollo 13 drama struck when Europe had become accustomed to successful space flights, whether American or Soviet. The U.S. landing on the moon in July was a major event and the whole of Europe cheered, genuinely, enthusiastically.

But the launching of Apollo 13 was not regarded in Europe as a historic event. It was, Europeans said, another "space adventure of those optimistic Americans."

THE SENTIMENTS OF EARTH DAY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. HALPERN. Mr. Speaker, this most appropriate message for Earth Day was written by my staff assistant, Bette Ackerman. The poem aptly expresses my sentiments about this crucial problem we all must face, and I take this opportunity to call its attention to my colleagues. It is my fervent hope that the significance of these lines and of Earth Day can inspire a meaningful solution to the problem of pollution.

The poem follows:

THINK SPRING, BUT DO NOT DEARTH THE EARTH

Tiny-fisted buds unclench into bloom,
And they shout to the world, "It's Spring, It's Spring!"
Fragile pink petals alight on young branches
To fly at first puff of a warm April's wind.

Even staid bankers escape from their figures
To catch a few moments of healthful inhaling . . .
They are different people, away from caged desks—
(That is, weather and outlook prevailing!)

As we all glory at the rebirth before us,
Muse, for a moment, upon the Earth . . .
The Base of this beauty, foundation of life,
The cradle for mankind . . . And now, Scene of strife.

It isn't man's wars that are causing the battle;
It's his towering waste of earth's gift of nature,
He uses, abuses, and rapes virgin forests,
Clouding our streams with black blood of the kill.
His refuse pollutes both the seas and the air . . .
Does he dare to assess the cost of the loss?
Can he care?

We say yes!

Savor days for their beauty, and think of a plan
To help free our earth from the garbage of man . . .
For, if not, it is said (not a whimper of doubt)
We won't even be here to think about.

FLORIDA CITIZEN GROUP FIGHTS CANCER

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ROGERS of Florida. Mr. Speaker, in Florida a remarkable citizens group is forming to assist in the fight against cancer. Dr. Malcolm L. Henley, D.D.S., of Orlando, whose daughter was recently stricken with leukemia, has been active in forming a voluntary organization called the Concerned Citizens for the Cause and Cure of Cancer.

This group is now linking up with other similar local groups throughout the Nation to press for increased involvement of volunteers as well as increased congressional appropriations for cancer research.

As a member of the Subcommittee on Health of the Interstate and Foreign Commerce Committee, I am very concerned with the problem of cancer. The statistics included in the attached open letter by Dr. Henley to concerned citizens reinforce my concern. Consequently, so that my colleagues will know of this remarkable citizens effort, and of the seriousness of the problem, I insert at this point in the RECORD that open letter:

I am writing you today not to ask for a contribution, but to ask for your support not just to restore, but rather to increase funds for Cancer Research. The cutback in funds from health appropriations is horribly shortsighted and will be disastrous for countless thousands.

A distinguished panel of the National Academy of Sciences and the President's Scientific Advisory Committee said, in order to maintain the effectiveness of programs such as those at the National Institute of Health, the level of support should be increased 15% each year. This means 244 million dollars are needed for research in 1971.

In the 1971 Budget, President Nixon has requested 202 million dollars for cancer research. This is 42 million dollars short of the amount needed to maintain an effective level of research into the cause and cure of cancer. Is it wise to save 42 million dollars while spending 330,000 lives? The hopes of millions of Americans are being shattered by this apparent reckless approach to budget cutting.

Supposedly, this action was taken because expenditures in this field were inflationary. I do not believe that a decrease in any service that comprises less than 0.1% of this great country's gross national product (893 billion dollars) could have any serious effect on inflation. I do believe, however, that the slashing of the Health Budget from 1.93 billion dollars down to 1.54 billion dollars represents more than a savings or a deterrent to inflation . . . it represents something that can only be described as a catastrophe to the health and happiness of millions of Americans.

The savings in dollars is a price some of us can ill afford to pay. The ultimate cost of this "saving" must be counted in the number of lives that *could* have been spared.

Surely a country that can put a man on the moon in ten years can put an end to this unmerciful killer in like time or better if properly funded and administered, and at one-tenth the expenditure. What better form of foreign aid can we give the world than a cure for this murder of men, women and children?

Our plan here in Central Florida is to first create enough local interest through

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ads, articles in the news media, radio and TV, handouts by individuals, and last, but not least, via word of mouth. In other words, to educate as many people as possible.

Then we plan to take a group consisting of three women and three men with a spokesman of some standing to appear before a committee on health affairs. The Honorable Beth Johnson, one of our State Senators, is making the necessary arrangements to this end . . . or should I say *beginning!* . . . at the present time.

Enclosed you will find petitions signed by thousands of concerned citizens like myself (over 16,200 to date). Hopefully, this will serve to emphasize to you the importance of this cause. We feel sure you will support this most serious cause of increasing funds for the cancer research by signing the enclosed petition and/or by writing a personal card or letter to your congressman.

A cure must be found for cancer so the 625,000 people stricken this year can fulfill plans and dreams for all the tomorrows.

Sincerely yours,

MALCOLM L. HENLEY, D.D.S.

Facts and figures

	Died
Auto accidents (1969)	56,000
Cancer (1969)	323,000
Polio (worst year), (1952)	3,300
Cancer (1969)	323,000
World War II:	
Deaths 1 year	72,889
Total 4 years	291,557
Cancer (1969)	323,000
Korean war:	
Deaths 1 year	11,209
Total 3 years	33,629
Cancer (1969)	323,000
Vietnam war:	
Deaths 1 year	5,417
Total 6 years	32,503
Cancer (1969)	323,000

The share of the national budget for 1970 to each American

National defense	$410.00
Vietnam War	125.00
Space research	19.50
Foreign aid	19.00
National Institute of Health	7.00
Cancer research	.89

QUEEN ISABELLA DAY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. GARMATZ. Mr. Speaker, yesterday marked the 519th birthday of Queen Isabella, wife of Ferdinand of Aragon, and certainly this is an occasion worthy of special commemoration.

By her recognition of the dreams and plans of Columbus, and her encouragement, she made possible the discovery of our continent, for which she deserves special tribute.

Thomas D'Alesandro III, the mayor of Baltimore, issued a proclamation for this purpose, calling upon individuals, schools and other concerned groups, to suitably observe the anniversary of her birth. I am including a copy of the proclamation in the RECORD:

PROCLAMATION

(By Mayor Thomas J. D'Alesandro III, designating April 22, 1970, as "Queen Isabella Day" in Baltimore)

Whereas, April 22, 1970, marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in this history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for her clean intellect, energy, virtue and patriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration.

Now, therefore, I, Thomas J. D'Alesandro III, Mayor of the City of Baltimore, do hereby proclaim April 22, 1970, "Queen Isabella Day" in Baltimore, and urge that all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

THOMAS J. D'ALESANDRO III,
Mayor.

DISCLOSURE OF DRAFT GAO REPORTS

HON. WILLIAM L. DAWSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DAWSON. Mr. Speaker, the invaluable assistance the General Accounting Office renders to Congress is vast and varied. It takes such forms as testimony before committees, reports to committee chairman on pending bills, temporary assignment of GAO staff members to the staffs of committees, and reports of audits in the Federal agencies.

Our Committee on Government Operations has the duty under the rules of the House to receive and examine reports of the Comptroller General and to make recommendations to the House in connection with the subject matter of the reports.

In fiscal year 1969, there were 1,023 audit reports covering almost every activity of Government. They comprise 177 reports to the Congress; 203 reports to committees, officers of the Congress, or individual Members; and 642 reports to agency officials.

It is GAO's practice to prepare drafts of its proposed reports in multiple copies to facilitate wide review and, as a rule, comment by affected agencies. These copies carry a clear notice that the report is a draft subject to revision and that its contents should not be released in any circumstance for purposes other than private review and comment.

Occasionally, however, the draft reports, or their contents, have been disclosed outside authorized circles. This has sometimes resulted in newspaper stories purporting to give the findings and conclusions of the Comptroller General, when in fact the report has not yet received his final approval and may be changed substantially before he does approve it.

Though such instances of unauthorized disclosure are not frequent, our committee feels that they should not be disregarded and that added attention should be given to the Comptroller General's desire and need to have the information in the draft reports safeguarded while still in tentative form.

We recently wrote to the Comptroller General expressing concern over this problem. I am pleased to state that he has responded by advising us of further steps he is taking to discourage premature disclosure of draft reports. In my opinion, these steps will be quite helpful.

Mr. Speaker, I believe the Members of Congress will be interested to read Mr. Staats' letter, as well as our letter to which it responds. I am, therefore, inserting them at this point:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, February 20, 1970.

Hon. WILLIAM L. DAWSON,
Chairman, Committee on Government Operations, House of Representatives.

DEAR MR. CHAIRMAN: We share your concern over the premature disclosure of information contained in drafts of our proposed reports mentioned in your letter of February 5.

As you know, drafts of our reports are furnished to the Government agencies concerned, Government contractors, and other organizations involved in the activities being reported on. We also furnish copies to committees and Members of the Congress and to their staffs when they have a need for the information before our reports can be completed. We prefer, however, to provide finished products instead. In any event, we do make every effort to limit copies of draft reports to organizations or individuals concerned or having an official need for the report at that time.

While we keep careful records of the number of copies of drafts made available for advance review or use, it is usually not possible for us to determine the source of a premature disclosure or unauthorized use of our report drafts. Press accounts based on information taken from our report drafts, however, often indicate an awareness that the report is a draft, is unofficial, and is not available for unauthorized release. However, this knowledge has not prevented the contents from being published.

We do not think that the instances of premature disclosure are attributable to a lack of knowledge of the restricted nature of the information contained in the report. Nevertheless, we plan to have the restricted use notification on the cover of our report drafts printed in larger type and in a different color ink. Also, we will specifically call attention to this notification in transmitting copies of our report drafts.

We appreciate your interest and concern in this matter and we welcome the suggestions in your letter for further strengthening our procedures.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

FEBRUARY 5, 1970.

Hon. ELMER B. STAATS,
Comptroller General, U.S. General Accounting Office, Washington, D.C.

DEAR MR. STAATS: As the Committee of the House charged with the duty of considering budgeting and accounting measures and also the duty of receiving and examining your audit reports to the Congress, we are concerned, as you must be, with premature disclosure of information from drafts of your proposed reports.

Two recent apparent instances of such disclosure have come to our attention. One dealt with the Military Affiliate Radio System (MARS) in the Department of Defense. The other dealt with the endowment funds of the Smithsonian Institution. Copies of press accounts referring to material in the draft reports are attached.

Those unfamiliar with GAO's operations may not realize that a draft report is an intermediate step. It is submitted to the agency concerned for comments, explanations, and refutations prior to being put into final form for transmission to the Congress. Frequently, the final report is able to indicate recent remedial action taken or planned by the agency. In most cases, of course, the final reports to the Congress become public documents available to everyone.

Title pages of your draft reports customarily carry the word "Draft" and a clear notice of use restriction:

"This document is a *draft* of a proposed report of the General Accounting Office. It is subject to revision, does not necessarily contain final conclusions, and is being made available solely to those having responsibilities concerning the subjects discussed for their review and comment to the General Accounting Office.

"Recipients of this draft must not show or release its contents for purposes other than private review and comment under any circumstances. At all times it must be safeguarded to prevent premature publication, or similar improper disclosure, of the statements or information contained therein."

This legend should be enough both to alert persons properly in possession of a copy to the need for safeguarding the information and to impress on them the importance of their responsibility to observe the restriction with care.

Yet breaches do occur; and it appears timely now to reemphasize the importance of safeguarding information in your draft reports. Your office may wish to consider some additional measures against improper disclosure. These might include revising the size, format, and wording of the above legend; stamping each page to identify it as part of a restricted draft; reiterating the substance of the above legend in letters transmitting copies of the draft report; additional instructions to your personnel to remind both themselves and outsiders that draft reports are tentative and restrictive; requiring draft reports to be numbered; and insuring that procedures for submittal and delivery of draft reports are fully understood and observed. In making these suggestions, we wish to stress that we have no reason whatever to believe that anyone associated with GAO was responsible for the abovementioned disclosures.

We should be pleased to receive from you any comments you may wish to make concerning this matter.

Sincerely yours,
William L. Dawson,
Chairman.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

THE WAR ECONOMY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. EDWARDS of California. Mr. Speaker, one of the most tenacious and pernicious myths of the 20th century is that war is good for business. In recent testimony before the Senate Foreign Relations Committee, Louis B. Lundborg, chairman of the board of Bank of America, refuted the myth in a detailed analysis of the effects of the Vietnam war on the U.S. economy. While the key points of Mr. Lundborg's statement were widely publicized by the press, I believe the public and my congressional colleagues may find the full statement instructive. For the benefit of those who have not read it, I am including it in the Record, along with comments by Harold Willens, national chairman of the Businessmen's Educational Fund. Mr. Willens' letter appeared in the Washington Post.

TESTIMONY BY LOUIS B. LUNDBORG

My name is Louis B. Lundborg. I am Chairman of the Board of Bank/America Corporation and of the Bank of America N.T. & S.A. I am pleased to respond to your request that I testify here today.

My testimony this morning will be on some of the economic aspects of the war in Vietnam. In preparing this testimony I have had the benefit of the best thinking of the staff of the bank's Economics Department, as well as that of many other officers of our bank on the economic impact of the war.

In this testimony I will confine my remarks to the economic impact of the war. While I have strongly-held personal feelings on other aspects of the war, I do not feel it is appropriate or proper to express these views as Chairman of the Board of Bank of America.

The thrust of my testimony will be that the war in Vietnam distorts the American economy. The war is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

There is, I think a pernicious, but widely-held belief that war generally has been an agent for economic growth, and therefore good for business. My plan this morning is to spend a few minutes discussing that belief and then to move on to the specifics of Vietnam where it is possible to speak, not only in general terms, but to back up our conclusions with specific economic statistics and indicators.

First, therefore, let's look at the general proposition that war has been an engine for rapid economic growth. While it is difficult, if not impossible, to prove conclusively that on balance war has not been an agent for rapid economic growth, there are a number of carefully reasoned investigations into this subject supporting the position that peace is far better for economic development. Although these careful analyses tend to reject the assumption that war is a boon to the economy, the public is generally unaware of this and continues to believe that war contributes positively to economic development. It is time to set this record straight. Mr. John U. Nef's book, *War and Human Progress,* systematically examines the interrelations of war and economic growth from 1494 down to 1950. His analysis indicates that the industrial revolutions of both the Elizabethan and Napoleonic periods were developed not in warring Europe, but in peaceful England; that the invention of gun powder and of many other weapons of war was a by-product, not of military need but of peaceful industry, and that, certainly, pure and possibly even applied science has flourished most in peace and least in war.

Dr. John J. Clark, Dean of the College of Business Administration at St. John's University in New York, in his book, *The New Economics of National Defense,* reviews the impact of war on economic development.

In summary, he states, "The preponderance of evidence supports the judgment that war, on balance, does not correlate positively with economic progress. Settlement by arms not only causes a great net waste of resources: it also retards industrial development and the division of labor."

Other authorities have shown (1) that rising expenditures for research and development may actually be reducing the rate of economic growth in the United States, and (2) that the process of transferring scientific and technological advances in space and military R and D is becoming increasingly difficult. To the extent that it can be shown that war in general is not good for economic progress, then it should be equally obvious that war is not good for business.

I could go on citing other expert testimony that war in general is not an engine of economic progress—but let me move on to the real issue—the war in Vietnam.

As you probably know, Mr. A. W. Clausen, the President of the Bank of America, specifically rejected the charge that we as an institution support and profit from the war in Vietnam. He further stated, "this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business." I would like to elaborate on this point.

There have been reckless and often deliberately malicious charges that the U.S. business community has supported the Vietnam war in an effort to reap huge profits. Let's look at the record. In a very narrow sense, it is certainly true that individual firms which supply material and services to the military have made profits. In our market economy, the federal government purchases most of the goods and service it requires from private firms, and those firms must be profitable in order to survive. This is true whether the firm is contracted to build a highway, produce a postal delivery truck, construct a school, improve a slum or produce a military aircraft. But as Mr. Hudson B. Drake pointed out in the January-February 1970 *Harvard Business Review,* the Government has established elaborate procedures to assure that profits on government contracts are not excessive, and in general these procedures have been effective.

I recognize that it is statistically impossible with the data available to calculate what portion of various firms' profits are generated by demands for goods and services needed to prosecute the Vietnam War. In an effort to get some rough approximation of the profitability of corporations doing substantial business with the Government, I did some checking on the corporations receiving the largest amounts of funds from Government contracts. Actually, I took the list from a publication of a "peace group" who proclaimed these firms to be war profiteers. The top ten firms for which we had data had a pattern of profits after taxes per dollar of sales quite similar to the national average. This means that the firms did better

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in the 1962–1965 period than in the post-escalation years. It is also interesting to note that except for 1962 the average profits after taxes per dollar of sales for the ten firms was below the comparable national average for all manufacturing industries of durable goods industries. When I checked the twenty-five largest firms their profit after taxes per dollar of sales figure was also below the national average.

I realize, as I said before, that these figures are inadequate to prove any case conclusively. They do, however, cast serious doubt on the extravagant claims we have heard about war profiteering.

We do have more than adequate data to demonstrate that the escalation of the war in Vietnam has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed to overcome serious domestic problems confronting our country, and has dampened the rate of growth in profits on both a *before* and *after* tax basis. In the middle of 1964 when the Vietnam escalation began, the economy was in quite good shape. We had at that time an uninterrupted economic advance of 52 months—a peacetime record—unemployment average 4½ percent, the consumer price index had increased only 1.2 percent during the first 6 months of 1965, and the average operating rate of industrial capacity was at 90 percent. There had been considerable success in maintaining Federal expenditures for goods and services below 11 percent of GNP from 1960 through mid-1965. In fact, the Government had even been able to change the composition of its spending by deliberately shifting emphasis from defense to non-defense spending.

The expenditures related to the Vietnam war, added to the near full employment economy that existed in mid-1965, generated severe inflationary pressures. Consumer prices began increasing rapidly as the federal deficit grew. While there is room for a wide range of opinion covering proper tax policies during this period, especially over the timing and magnitude of tax increases, and the proper role of monetary policy, the basic cause of the inflationary forces was a sharp increase in federal spending associated with the escalation of the conflict in Vietnam.

The inflation, the growth in inflationary psychology, and the very stringent anti-inflationary monetary policies have combined to produce serious distortions in the United States financial markets and resulting distortion in the economy. These distortions include the sharp drop in residential construction and the sharp growth in investment spending.

The facts clearly show that the Vietnam war has not been good for business profits. During the four years prior to the escalation of the conflict in Vietnam, corporate profits after taxes rose 71.0 percent. From 1966 through 1969 corporate profits after taxes rose only 9.2 percent.

To avoid any thought that the recent tax increase may have fudged the figures, I also have similar corporate profit figures on a before tax and inventory adjustment basis. These figures show corporate profits rose 51.3 percent from 1962 through 1965 but the gains in profits were dampened to a 16.6 percent increase during the post-escalation 1966–1969 period. It should be clear from these figures that what is good for the economy is good for business.

Most of the concern about the upward pressures on prices and costs originating in expenditures associated with the Vietnam war arise from recognition of the damaging effects of inflation on the domestic economy. This should not lead us to neglect the important impact on our position in international markets and the balance of payments. This is not to lay the blame for our balance of payments problems on the recent period of inflation or on the Vietnam war. Inflation and the war associated expenditures, however, have made the problem more intractable and solutions more difficult. These difficulties with our balance of payments have postponed indefinitely any relaxation of the restraints and controls under which international business has been forced to operate for the past several years in particular.

It is important, therefore, to comment briefly on what has happened to the U.S. balance of payments in the past few years, specifically with reference to the impact of the Vietnam war. Perhaps the first point that should be made is that the official measures of the balance of payments deficit have been misleading. The view, for example, that the balance of payments in 1968 was satisfactory because there was a surplus of $168 million and that the balance of payments in 1969 was very unsatisfactory because the deficit exceeded $7 billion is unacceptable. In fact, the greatest deterioration in the payments position in recent years occurred in 1968. The difference between the two years may be accounted for largely by massive flows of foreign funds in opposite directions which had very little to do with the basic balance of payments position.

The best measure of what happened to the long run position is the balance on current account, that is goods and services plus private remittances and payments of U.S. Government pensions. This balance declined from a surplus of $7.8 billion in 1964 to about $4 billion in 1967 and $1.4 billion in 1968 and less than $1 billion in 1969.

A good part of the progressive deterioration in this position over the years since 1964, the year before the major acceleration of the Vietnam war, may be accounted for by the large increase in foreign exchange outflows associated with military expenditures. These rose from less than $3 billion in 1964 to nearly $5 billion in 1969. This, however, is not the only measure of the impact of the war and the subsequent inflation on the balance of payments. The more important impact and the one which is likely to have the most long lasting effects is on our competitive position in international and domestic markets, reflected in the rapid rise in the rate of importing of goods and services. In 1964 merchandise exports exceeded merchandise imports by nearly $7 billion. By 1968 this excess of exports over imports had declined to less than half a billion dollars. With moderation in the rate of inflation and inflation induced expenditures our trade balance may be expected to improve this year and in subsequent years.

It is too early to tell, however, what permanent damage to our international competitive position the recent period of inflation has induced. It generally takes several years, perhaps four or five, before the full effects of excessive increases in price and costs show up in the competitive position and the effects are not confined to world markets where our products compete with that of other nations, but also in the United States where foreign products compete directly with U.S. products.

So much for balance of payments considerations. Let us return to the domestic scene.

I do not think there is any doubt that the resources used towards the Vietnam war effort could have been put to work towards solving imperative problems facing this nation at home. In the five-year period prior to the Vietnam escalation, defense spending in the United States averaged $50 billion per year. If we assume that this level would have been maintained over the most recent five-year period in the absence of escalation, the increase in actual spending totaled $118 billion. During the past four years, total spending for residential construction in the United States totaled only $112 billion.

When we survey the very real needs in our economy in the areas of housing, urban transit, environmental pollution, etc., it is clearly evident that we do not need to create war-related demand for resources in order to maintain full employment. Our problem now is one of establishing meaningful priorities to meet the quality of life demands of our citizenry. We obviously cannot do everything at once; we need to start strategic planning and action now if we hope to resolve these demands.

There is another point that at first blush might not appear to be an economic issue. But it is in real fact a very basic one: The war has divided, confused and bewildered Americans. Some Americans are strongly in favor of the continued prosecution of the war. Others are strongly opposed. But for many, the war and the issues surrounding the war are a source of confusion and bewilderment. As a result of this confusion and bewilderment, many people are losing trust in the institutions, public and private, through which we govern ourselves and run our economy. Such loss of trust is destructive of the cohesion necessary for an economy's ability to function at maximum effectiveness. To the degree banks, industrial firms, corporations, state and local governments, Federal Government agencies and universities are under attack or suspicion for their alleged part in the war in Vietnam, they lose some of their effectiveness as institutions that can provide for the common good. In the case of Vietnam it is my belief that the sum total of such loss of effectiveness is very great indeed and, while unmeasurable by any known economic indicator, this loss of effectiveness produces a very real drag on the economy.

Gentlemen, I deeply regret that the frustrations and misunderstandings arising from this conflict make it necessary to testify that overall war is not a stimulator of economic development nor is the war in Vietnam good for U.S. business. I find it repugnant, even if necessary to have to add that I would not support our role in the war in Vietnam even if it could somehow be made profitable for American firms.

The thought that war would be initiated or sustained for a single day because it might stimulate the economy should be abhorrent to any decent human being. And yet there are those who say that American business is helping to do just that.

We do know that aggressive war has been waged, all through history, to gain territory. Certainly that was war for economic gain.

But even that kind of war, that purpose for war, has been so outmoded by the experience of this century that I would like to be able to say to potential aggressors all over the world, "If you want to profit, if you want to own the world, don't dissipate your energies in wasteful warfare—follow the example of Japan and Germany since World War II and be economically aggressive."

War is, as we would say in business, a low yield operation.

I think from all this it is obvious that Vietnam is a negative influence on our economy. Let me conclude by restating my initial premise. The war in Vietnam distorts the American economy. It is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

The War and the Economy

America is committing economic hara-kiri in Southeast Asia. That is the gist of Bank of America Chairman Louis Lundborg's statement to the Senate Foreign Relations Committee as reported by The Washington Post on April 16.

Mr. Lundborg, the highest officer of the world's largest bank, speaks words which merit the attention of every citizen. Each of us is paying heavily for the devastating inflation produced by a costly, pointless war. Ending it quickly would benefit us economically as well as socially and politically.

No serious person can question Mr. Lundborg's capitalistic credentials. His profound knowledge of economic realities tells him—and now us—that the longer we remain in Vietnam the more we damage not others but ourselves. There is a great lesson to be learned from Mr. Lundborg's testimony; a lesson accentuated by the fact that while he was talking sense in Washington, Henry Ford was talking business in Moscow.

In our own self-interest we must finally put to rest the legacy of John Foster Dulles and Joseph McCarthy. The Cold War is ancient history. Its mythology is responsible for our Vietnam mistake, our distorted priorities, our inability to rebuild America. Paralyzed by obsessive anticommunism, we fail to see that there are now many brands of national communism, often more violently opposed to each other than to us. And we fail to understand that time is on our side if only we stop playing world policeman: for the one thing no brand of communism can survive is prosperity.

If we listen to the practical words of men like Louis Lundborg we may still have time to get our country off its present disaster course before we collapse economically as well as in other ways.

HAROLD WILLENS.

CAMBODIA AND SEATO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. RARICK. Mr. Speaker, the evasive attitude of the so-called public opinion makers of our country to the urgent humanitarian request of the Cambodians for help to deter Communist aggression and enslavement is unconscionable.

Cambodia, which is in the SEATO area, has asked for no American involvement except for military areas and hardware to give its people a chance to defend their country by resisting territorial by the forces of evil from without.

Must we be reminded that the country of Cambodia is as much a part of our responsibility under SEATO as is South Vietnam—if she requests aid? If we reject Cambodia's plea for help and aid how can our decisionmakers justify any involvement in Vietnam? If "the friends of Moscow, Peking, and Hanoi" discourage involvement merely because the Cambodians are oriental then have not the Reds fallen victim to their own trigger word "racism"?

A free people with a reservoir of arms such as we possess cannot refuse aid and assistance to any peoples begging for aid to resist Communist aggression. To do so would be immoral. What is the international theory recognized by civilized countries called "territorial integrity"?

Perhaps as the columnist, Joseph Alsop, recently reported:

> If you read some of the recent reporting . . . you must conclude that it has now become illiberal, immoral and shocking to oppose foreign domination of your own country.

To free people we must remember that it is the victim and not the aggressor we should respond to.

I insert several related news clippings at this point:

CAMBODIA AGAIN ASKS FOR U.S. MILITARY HELP

Cambodia has made an urgent renewal of its plea for U.S. arms aid in its struggle against the Viet Cong and North Vietnamese—putting President Nixon in a delicate diplomatic and political bind.

The President is considering the appeal, which was disclosed last night by administration sources. A similar request for weapons and other material was made last week by the new Cambodian regime.

Nixon has taken a position against widening U.S. involvement in Southeast Asia and is under congressional pressure to adhere to this policy, even though the Phnom Penh government of Premier Lon Nol did not ask for troops.

And the administration wants to avoid any charges that Cambodia has given up its neutralist role by linking up militarily with the United States.

Yet there is little doubt Cambodia is having a difficult time handling attacks by the Viet Cong-North Vietnamese elements and Nixon does not want a Communist takeover of the tiny nation that neighbors Vietnam.

One possibility being studied by the administration is to use an international arrangement for providing aid to Cambodia with an eye toward supporting Cambodian neutrality.

Lon Nol opened up this possibility last week when he issued a call for aid from other nations, saying he would accept "all unconditional foreign aid from all sources."

Senate Democratic Leader Mike Mansfield has led the opposition to any extension of American military aid, no matter what the form, to Cambodia.

After the Phnom Penh regime's initial request for help, Mansfield said the only way for the United States to avoid further destructive conflict in Southeast Asia is to go no further "in any way, shape or form."

[From the Washington Post, Apr. 22, 1970]

THE UNITED STATES IS MISSING AN OPPORTUNITY TO END HALF OF VIETNAM WAR

(By Joseph Alsop)

DUC HUE DISTRICT.—From here, it is a short walk into the Parrot's Beak. The Parrot's Beak, in turn, is a place where the Cambodian border thrusts sharply outwards, into the midst of three key provinces of South Vietnam's Upper Delta. For that very reason, the North Vietnamese have been using the Parrot's Beak as a major sanctuary and base area for years on end.

Long before the Cambodian coup d'etat, there was obvious friction between the Cambodians in the Parrot's Beak and their North Vietnamese occupiers. Several months ago, in fact, there was an outbreak of rather serious fighting, in which the Cambodian Army used tanks. For the same reason, there has long been a certain amount of quiet, trans border cooperation between the Cambodian and South Vietnamese authorities.

Since Cambodia's change of government, moreover, the entire, very considerable area of the Parrot's Beak has clearly resembled a hornet's nest poked with a stick. The North Vietnamese occupiers, while threatening the Cambodians constantly, have taken hurried measures obviously betokening alarm, such as moving their base hospitals and ammunition stores into deep jungle.

Besides at least two regiments of the North Vietnamese Army and large northern rear service elements, the Parrot's Beak also contains the higher Vietcong leaders of at least five provinces. They took refuge there when the tide turned towards the end of 1968, and their home provinces in South Vietnam got too hot to hold them.

No doubt because they have felt unable to confront the North Vietnamese regiments, the Cambodians have been threatening these Vietcong leaders in their midst.

In addition, and most important of all, the South Vietnamese 25th Division has quietly conducted at least two rather major operations in the Parrot's Beak, with obvious Cambodian cooperation. Reportedly, the operations have been extremely successful. But the Hornet's Nest in the Parrot's Beak has not yet been cleared of all its hornets, as is so obviously desirable.

These are the facts that make the dimly indecisive policy being pursued in Washington all but incomprehensible, from this angle of vision. Surely President Nixon ought to be willing to seize an excellent chance to end at least half of the South Vietnamese war, even if this causes Senator Fulbright to spout his customary nonsense.

Furthermore, this is just the kind of chance we may be on the verge of throwing away. At least 90 per cent of the enemy military supplies in III Corps, and every ounce of the supplies for the Southern Delta, have long been brought in through Cambodia. Before the supply lines began to be pinched six months or so ago, Cambodia was also the main weapons—source for lower II Corps.

In addition, the North Vietnamese regiments and divisions, like the two big units in the Parrot's Beak, cannot possibly exist for long without the rice, other food and medical supplies that Hanoi has also been procuring in Cambodia. Without all these vital aids, and above all, without the Cambodian base areas and sanctuaries, the already weakening enemy military effort in III and IV Corps must dwindle away to nothing.

The opportunity offered by the big change in Cambodia is almost too good to be true, in fact. The opportunity is still there, furthermore, but it can all too easily slip away for good if the hovering and wavering in Washington continues.

Obviously, the new Cambodian government has not the power to resist the powerful North Vietnamese Army inside its borders, unless it gets help in doing so. Obviously, the best help will be provided by a vigorous policy of using units like the South Vietnamese 25th Division to clean out the trans-border hornet's nests for good and all. Obviously, the effort deserves all possible U.S. support and encouragement.

Finally, it should be obvious to any rational person that the Cambodians have every imaginable right to object to the long North Vietnamese occupation of large areas of their country. In truth, they have every reason to fear the actual conquest of Cambodia by Hanoi's soldiers—which is undoubtedly Hanoi's long term aim.

But if you listen to Senator Fulbright, and indeed, if you read some of the recent reporting from Phnom Penh, you must conclude that it has now become illiberal, immoral and shocking to oppose foreign domination of your own country.

[From the Evening Star, Apr. 23, 1970]

ARMS TO CAMBODIA

The Nixon administration's decision to furnish Cambodia with several thousand Chinese AK–47 automatic rifles captured in Vietnam is a minimal response to the threat now facing General Lon Nol's regime.

While North Vietnamese troops this morning were reported to have evacuated the town of Saang, 18 miles south of Phnom Penh on the Bassac River, the situation, to put it mildly, remains extremely fluid.

In its initial clashes with elements of the 40,000 North Vietnamese troops operating there, the 30,000-man Cambodian army has not distinguished itself. It is short of arms, short of ammunition (the Indonesian army, which also uses the AK–47, is expected to supply bullets for the captured weapons) and short of leadership.

This country, in the words of a joint letter to Senator Mansfield from the heads of the two chambers of the Cambodian legislature, cannot remain "indifferent to the destruction of a nation," particularly when that nation is friendly to us.

A major infusion of American aid is neither necessary nor desirable, if only because the Cambodians lack the capacity to put such aid to maximum and immediate use. But what is needed is a clear statement of diplomatic support from Washington, backed up by quick shipment of such light arms as the Cambodians need and can use.

What cannot be tolerated is a further deterioration in the military situation there. We do not advocate the dispatch of American ground units to Cambodia. But if our Asian allies such as the Thais, the South Vietnamese or the South Koreans wish to take such a step—and if Lon Nol requests this assistance—we should do nothing to stand in the way of such a development.

The Indochina conflict is one war. There is a single foe, whether he fights in South Vietnam, Laos or Cambodia. He must be made to see that aggression does not pay.

THE PRESIDENT'S SPEECH ON VIETNAM HOPEFUL NEWS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ARENDS. Mr. Speaker, President Nixon's Monday night speech on Vietnam contained hopeful, yet realistic, news for all Americans and for all people of the world seeking peace.

The President made it plain that while the United States will remove troops, as promised, we will not accede to Hanoi's aggression, either in South Vietnam or in Laos and Cambodia.

The Evening Star of Tuesday carried a perceptive editorial emphasizing the effect this speech will have on its varied audiences, and calling it "exactly the right combination of firmness and flexibility." I insert this editorial in the RECORD:

[From the Evening Star, Apr. 21, 1970]

TELLING IT TO HANOI

Mr. Nixon's San Clemente speech on Vietnam last night was designed for a varied audience. To Americans, Mr. Nixon was saying both that there would be no defeat in Vietnam and that 150,000 more American boys will be withdrawn from there by this time next year.

To Hanoi, for the first time, there was a warning that escalation of the war in Cambodia or Laos might mean a sharp reduction in the pace of withdrawal from Vietnam although not in the total number. For the Pentagon, there was the reassurance that, while the process of Vietnamization must continue, conditions on the ground will be a decisive factor in determining the precise timing of withdrawals.

The President told the Kremlin—and, indirectly, Hanoi—that he has "noted with interest" senior Soviet U.N. delegate Yakov Malik's apparent call for a new Geneva conference designed to reach a general political settlement for all Indochina.

Finally, while he did not publicly accede to Cambodia's request for arms shipments, he made it clear by spreading the withdrawals over a full year that he has the present difficulties of General Lon Nol's government in mind, as well as those of Premier Souvanna Phouma of Laos.

In all respects, the President acted wisely. Had he given in to Pentagon pressures for a moratorium of up to six months on troop withdrawals, he would have irretrievably damaged his credibility. While keeping the average pace of withdrawals at the acceptable level of 12,500 per month, Mr. Nixon has preserved his credibility while at the same time meeting the minimum objections of both his military advisers and the shaky regimes in Vientiane and Phnom Penh.

In some respects, of course, the President gilded the Asian lily. He gave no justification for his statement that the progress of Vietnamization had "substantially exceeded our original expectations last June." Nor did he explain how, with all Indochina in flames, "we finally have in sight the just peace we are seeking."

But there is little point in carping about rhetoric. The thrust of the President's speech—and the reasoning behind it—was exactly the right combination of firmness and flexibility. Mr. Nixon seems to know not just where he wants to go in Southeast Asia, but how he can get there with a minimum of risk. And that should be good news for all Americans, and for men of good will in Southeast Asia.

THE ENVIRONMENTAL CHALLENGE

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PHILBIN. Mr. Speaker, in February, the President submitted his environmental quality program to the Congress. No one can question its objectives to give the Federal Government authority to set proper standards and enforcement relative to intrastate polluters, big and little, virtually everywhere in this country.

The several States have always had primary obligation and authority to enforce pollution controls within their own boundaries. This has only worked in those States where there has been vigorous prosecution in the courts, but all too often, the courts have been reluctant to single out isolated polluters for actions that are so often the general rule in our economic life today.

This is understandable when one sees that pollution is not only caused by industry, local, State, and Federal governments, but individuals and groups in our American society.

It would seem that the President's program is silent in one important respect, and I hope that the Congress will correct this basic omission. That is the question of costs to industry which is something that cannot be swept under the rug. I would hope that appropriate tax incentives of some kind would be made available.

Many industries are striving hard at substantial costs to themselves to fulfill their part in banishing foul pollution caused by their operations. They now need help at local, State and Federal levels, if their antipollution efforts are to be totally effective.

For instance, the country's industry has been singled out as a big polluter of our Nation's streams. In fact, the General Accounting Office last fall pinpointed certain industrial and public wastes as a primary source of pollution in some areas.

The GAO report could well have cited the paper industry's National Council for Stream Improvement, which has spent nearly $10 million for research during the recent time. In addition, the industry has spent over $300 million for waste treatment facilities over the last 25 years. That represents a genuine, commendable effort to stop and prevent pollution.

In Fitchburg, the paper industry, which is so important to the economic life of northern Worcester County, in recent years has invested over $2 million in new equipment, primarily to curb pollution.

These large expenditures naturally result in higher production costs in a highly competitive industry, but they also represent the industry's recognition of its obligations to take corrective action now in its own backyard, and indicate a fine public spirit.

Mandatory, Federal regulatory controls, when applied elsewhere in the country, will help the Fitchburg paper industry retain its markets without unfair competition.

Moreover, the President's commendable objectives were not reflected by the administration's relatively modest pollution control budget. For pollution control, parks and open space, the budget calls for $1.1 billion, an increase of $330 million, and I think that we will have the same situation in Congress that we had last year when Congress responded to increasing public demand for action on pollution. It will be recalled that in the area of sewage treatment grants alone the Congress tripled the administration's budget by voting some $700 million more than that had been requested.

To be sure, we must and will try hard for reasonable, needed economy, but we cannot stand by, unmoved and supine, while sewage, foul wastes, and other filth turn our streams, waters and other places into obnoxious, disease-bearing, unsightly, open sewers and other repositories of stench and putrid wastes, dangerous to life and destructive of wholesome environments.

The Congress in the 1960's alone enacted some 20 to 25 legislation proposals to help curb pollution. For instance, the Federal Water Pollution Control Amendments of 1961 increased Federal aid for local sewage treatment plants. In the Nashua Basin alone, about $728,700 has been allocated for such activities. The Clean Air Act of 1963, the Water Quality Act of 1965, the Solid Waste Disposal Act of 1965, the Clean Water Restoration Act of 1966, and the Air Quality Act of 1967 are among laws passed by Congress, to mention just a few, to help protect our natural resources.

Abnormal delay, obstruction and bureaucratic vacillation at every level have typified the planning and efforts for expeditious, corrective, purgative measures that are more essential in every sense than the Herculean cleansing of the Augean stables.

All too often, there has been a proliferation of committees, councils, and legal bodies at the local, State, regional and Federal levels, official and unofficial, working on the top priority exigencies of pollution abatement.

Within the Federal Government alone,

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we have the Atomic Energy Commission, the Federal Power Commission, the Interior Department, the Health, Education, and Welfare Department, the Federal Water Pollution Control Administration, the Public Health Service—the list goes on and on.

At local, State, and regional and general coordinating platforms there is, together with Federal efforts in this critical area, a profusion of frustrating agencies and bodies struggling laboriously and vainly, beset by indecision barriers and lack of coordinated leadership, hoping, praying and waiting for some magical formula to speed antipollution programs.

These ice jams of official paralysis and pyramiding delays must be speedily blasted away, and it is up to the Federal Government to take a bold, innovative initiative to coordinate and move the many well-meaning, commendably originated efforts to spark and wage massive, united warfare upon the hideous specters of pollution in our midst. Every resource—technical, scientific and financial—must be brought into play on a basis of real urgency and these programs must be adequately funded.

In transportation, concerted action by several Federal and State agencies helped to accelerate the elimination of jet pollution at its most obvious levels—the heavy black smoke visible at takeoffs and landings of aircraft in many communities.

The airlines have promised and moved to eliminate this highly objectionable black smoke by 1972, but there still remains the problem of highly toxic gases from jet exhausts, and the same pollutants that now plague our highways and endanger human well-being and comfort.

In the days ahead, I believe that Congress will have to legislate stronger standards of strict enforcement provisions against jet pollution that are technically and economically feasible in keeping with the results of continuing research into aircraft emissions. These efforts must entail understanding of the problems of the airlines as well as the urgent needs for alleviation.

There is also need for expansion of Federal programs to provide stricter controls on air pollution by automobile engines and fuels and there are pending in the Congress several bills to reduce pollutants. Prospective congressional and Federal governmental action has put the gigantic automobile and gasoline industries on notice that unless they voluntarily act now, they will have mandatory Federal controls sooner than expected.

Here again, while a rule of reason must be followed, it should be made clear to all interests that these objectives cannot brook further delay. The Nation and the American people have waited long enough. Now we must have action. It must be fair and reasonable to all, but it must be promptly designed and accomplished to get this imperative job done, and this must be true of the Federal Government's efforts in respect to all pollution and all environmental goals.

There is, understandably, increasing concern among conservationists, including myself, over the effect of nuclear electric power plants on our environment. Consequently, the construction of some 25 to 30 nuclear plants is being delayed. These plants represent about 22,000-megawatt capacity, about half the total U.S. electric power generating capacity that we had in 1940.

Balance this delay against the constantly increasing demand for electric power, antiquated generating equipment, power failures in the Northeast, and other problems facing the utilities and you can see that the Nation has a monumental dilemma on its hands. It will take concerted action by all three branches of Government—executive, congressional and State legislatures, and the courts—to help resolve these difficulties.

Power failures must positively be prevented by every feasible action. This question must have absolute, top priority. In many areas power failures are occurring with a frequency and regularity that is giving great inconvenience, loss, threats of many kinds and deepest concern to the people and a wide range of industries.

Few things are more important confronting the domestic life and the defense of this Nation. I urge the President to call a national conference on this subject at an early date comprised of representatives of government at every level, industry, labor, and the best scientific and technical brains in the country in this field to consider these great problems and come up with all possible dispatch with proposed, adequate remedies to prevent power failures and provide adequate power for this Nation. This is a problem of real magnitude, and it must be tackled and solved at the earliest practicable time. Failure to act could have disastrous consequences for this country and our pepole.

While the Federal Power Commission in 1967 made a far-reaching report to the President dealing with the massive 1965 Northeast power failure, the Presidential conference I am suggesting, especially in view of anticipated power shortages this summer, would bring into play all levels of government and the private sector and the best talents available to review what has been done to implement the FPC recommendations and spell out what remains to be done in this area.

Another environmental goal relates to power transmission lines in the country. It is evident that the question of their character, and the method and kind of their deployment is a very compelling, profoundly serious national problem. We must move here in this field as fast as we can, where it is required—and this is in very many places and areas—to take these lines from over our highways, our homes, our industries, our farms and many open spaces and bury them underground. This is an improvement that is bound to come in time and it should be considered, planned and started at an early date. The Congress must give careful early attention to these proposals which are in the national interest.

Long before environmental improvement became the popular slogan it is today, I had foreseen and anticipated these problems and these needs and started by efforts to solve them. I have been working for a long time in the Congress for approval and necessary funding of water resources development plans affecting the Nashua and Charles River Basins and for such watershed protection proposals as the Upper Quaboag and SuAsCo projects, and for broad national programs.

Last year, I sought the help of the House Committee on Public Works and made appeals to the Department of Commerce and the Bureau of the Budget seeking approval of the New England Regional Commission proposal calling for a coordinated $15 million Nashua River Basin water quality demonstration program. It is gratifying that the President's budget increased the Commission's funds to $9 million which means the start of the massive cleanup needed for the Nashua River.

It should be made clear and unmistakable that the principal problem is money, the taxpayer's money, whether the pollution is abated by the municipality, the State, or the Federal Government, since at every level it is the taxpayers who must pay the costs out of their own pockets.

We now have underway the planning of dams and reservoirs in the North Nashua River Basin with Whitmanville and Nookagee Reservoirs in the advanced stages. At the outset, Fitchburg indicated it was interested in increased storage capacity to meet its future water needs.

Because of the local costs involved, and local surveys showing an adequate supply of water, Fitchburg last year decided against participation in the water supply features of Whitmanville and Nookagee at an estimated cost of over $3 million to local interests.

This decision has meant that both Whitmanville and Nookagee must be redesigned. Fortunately, preliminary evaluations indicate that the projects can still meet the economically sound and justifiable requirements for Federal construction, but the Army Engineers now tell me that construction could start at the earliest in 1972 or 1973, if the redesigned projects still meet the governing criteria.

Studies conducted at my request by the Army Engineers indicate that Fitchburg can meet its water demands through 1980 and up to 1985, if the city goes ahead with the construction of Shattuck Reservoir.

These are preliminary projections, but it appears that ultimately Fitchburg will have to go to alternate sources of supply, such as watershed areas outside the North Nashua Basin, or tie in with a larger system such as the Metropolitan District Commission, should the city so choose.

The city's decision is understandable in the light of the continuous increase in the cost of municipal services and spiraling local tax rates and there is no easy solution.

In the long run, the cost of added water supply storage for local needs, as originally envisioned in the Whitmanville and Nookagee projects, is borne by the individual water users with repayments by local interests, made possible

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over a 50-year period, but adding over $3 million to the city's indebtedness right now in the face of more pressing community needs, creates a serious problem.

This is a question of priorities that has to be determined by local officials in the light of local conditions. It goes without saying that I will continue my deep interest and efforts in these matters, and join with the able, distinguished mayor and officials, leaders and people of Fitchburg and other communities in the third district in pressing for any and every Federal assistance that they may seek for their water supply needs or other requirements.

NEGRO PERCEPTIONS OF JEWS BETWEEN THE WORLD WARS

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. GILBERT. Mr. Speaker, the autumn issue of Judaism magazine included an article titled, "Negro Perceptions of Jews Between the World Wars."

The article deals with anti-Semitism among Negroes. On pages 445 and 446, the article commends my colleague from New York, Mr. POWELL, for raising his voice "the loudest and clearest in Harlem against the rising tide of Jew-baiting."

All Americans should be reminded of this sad episode in our Nation's history. The Nation owes a debt of thanks to my colleague, Mr. POWELL, and all others who spoke out against those who would exploit racial and religious differences in our great Nation. I insert pages 445 and 446 of this article into the RECORD:

NEGRO PERCEPTIONS OF JEWS BETWEEN THE WORLD WARS

It must not be forgotten that many Negro voices were raised in protest against the "rising tide" of Jew-baiting. Among the loudest and clearest in Harlem was that of Adam Clayton Powell, Jr. Powell, who succeeded his father as pastor of the mammoth Abyssinian Baptist Church in 1939—it had some eight thousand members—was the first black Congressman to be elected by Harlem. Lately, his difficulties with the Internal Revenue Service, his playboy escapades, and personal peccadilloes have captured the headlines and obscured his earlier substantial accomplishments. Those accomplishments actually antedate his first election to the House of Representatives in 1944. Kenneth Clark has written in his *Dark Ghetto*, that in the 1930's "Powell became the symbol of the struggle for minimal Negro rights, his name a household word." When Woolworth's on 125th Street declined to hire black girls as clerks, Powell took to the picket lines. He joined in the mass picketing of Blumstein's also. Between Powell and Sufi Abdul Hamid little love was lost, although ostensibly the two were agitating for the same "don't buy where you can't work" cause. When Powell chided Sufi, the latter assailed Adam as an alcoholic fool. "A professional anti-Semite" and a "black Hitler" were the terms Powell chose retrospectively to describe Sufi in his *Marching Blacks* published in 1945.

In the dark days of the Depression, when anti-Semitism was on the increase, Powell was instrumental in establishing a biracial committee which made a concerted effort to open up to Negroes theretofore unobtainable jobs. Using his column, the "Soap Box," in the *Amsterdam News*, he spoke out forthrightly on Negro-Jewish relations. No battle predicated on hatred could be won, he asserted on one occasion. Enmity could not be countered with enmity. Bigotry could not be destroyed with more bigotry.

Let us stop blaming the Jews for the wrongs perpetrated and blame those who are really at fault. Wherever the blame falls, let us not follow it up with hate. The fact is the Jew doesn't wrong us any more and probably much less than any other group. Maybe the corner grocer will short weigh you a couple of ounces, but so will Joe the vegetable man and Sam the ice man. Cheating is not confined to any one race. Whereas one group might cut the change a little bit or pad the bill, it is the so-called white Christian that is giving us the most hell right now.

In *Marching Blacks* he described anti-Semitism as "a deadly virus of the American bloodstream," even deadlier than anti-Negroism in some regions.

Powell also took up the cudgels in defense of European Jewry. He inveighed against Hitler, Mussolini and their minions and called international Fascism civilization's greatest danger. Nazi hatred of Jews, he felt, was unwarranted. Hitler was using German Jewry as a scapegoat. "By lampooning the Jew, he could make the lowest moron and the biggest degenerate in all Germany feel that, after all, he wasn't the lowest down, there were always the Jews." Exactly the same psychology underlay prejudice toward Negroes in the American South, Powell opined: "He [the white Southerner] wants the tobacco juice-stained moron of Tobacco Road to feel that there is always someone beneath him and so, he is taught that the Negro down the road is not his equal."

Negroes, he argued, could not stand aloof. Neutrality and apathy were self-defeating. Prejudice in Germany, China, Spain, Haiti or wherever imperiled America's "so-called free Negroes." In Powell's view the dilemma of Harlem's unemployed and the plight of the remaining Scottsboro victims on one hand, and Hitler's persecution of German Jewry on the other were inextricably intertwined.

THE POST OFFICE DEPARTMENT

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BOW. Mr. Speaker, if a business loses 36 cents out of every dollar's worth of sales, it is headed for trouble.

This is the financial situation facing the Post Office Department today. With today's postal rates, the Department will take in some $6.7 billion in postal revenues in the coming fiscal year and spend an additional $2.5 billion just to stay in business.

This huge postal deficit and drain upon our Federal budget underscores the need for prompt enactment of the Postal Reorganization and Salary Adjustment Act of 1970.

This legislation provides for additional postal revenues from all the major classes of mail. Both first-class and third-class users are asked to pay an additional 33 percent. And, most publications with second-class permits will have their rates lifted by 48 percent. These increases will go a long way toward putting this service on a sounder financial footing.

A $2.5 billion postal deficit amounts to a tax subsidy of some $40 a year for the average family. There is no reason, Mr. Speaker, why they should subsidize a service used in large part by businesses and commercial mailers.

Let us help the President put the postal service on a pay-as-you-go basis.

WALLS RISING TO TAME A RIVER

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MONAGAN. Mr. Speaker, the Ansonia Sentinel which is published in the heart of the Naugatuck Valley carried on April 13 an up-to-date story of the flood control program in the Naugatuck Valley. The story also touched upon the overall State program and included a statement which reflects credit upon the Army Engineers and every individual who has had any part in the building of this bulwark. It stated "the valley flood protection project is the largest under construction in the United States according to the Army. It is the largest project of any kind being built by the New England Division of the U.S. Army Corps of Engineers."

As a matter of fact the Valley Complex is only a part of the massive flood control program which is underway and which is nearing completion in my district and which represents Federal expenditures of over $100 million. It is a subject of great pride to me that from the time I came to Congress and in the aftermath of the Black Friday floods of 1955 I have sponsored legislation and I have worked in the Congress and with the Army Engineers as well as with the officials and the residents of the communities affected to bring about the achievement of a series of structures which will protect lives and property from future disaster.

I include here the story by Richard S. Edinger which appeared in the Ansonia Sentinel under the heading, "Walls Rising To Tame a River":

WALLS RISING TO TAME A RIVER

(By Richard S. Edinger)

In 1955, Connecticut's Naugatuck River, swollen by torrential rains from hurricanes Connie and Diane, rose out of its banks from just south of the Massachusetts border nearly to Long Island Sound.

Several lives were lost and damage was in the scores of millions.

Today, 15 years later, a chain of giant flood-control works is nearing completion. By 1972 the Valley will have been made secure against a repetition of the tragedy.

Early in August of 1965, skies were leaden and rains continued for days.

The southern coast of New England was on hurricane alert for more than a week as Hurricane Connie threatened the area. She finally veered out to sea.

Then Diane swept close. Her eye did not hit the coast, but heavy rains associated with the storm came down in torrents in areas well inland from Long Island Sound.

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Hardest hit was the Naugatuck River Valley.

The storm struck Aug. 15. By the next day, several inches of rain had fallen. The river rose over its banks for much of its length.

From points near the Massachusetts border, south through Torrington, Thomaston, Waterbury, Naugatuck, Beacon Falls, Seymour, Ansonia and Derby, the raging waters swept away business and residential buildings, bridges, roads, rail lines and public utilities.

The water tore open a cemetery and bore the dead toward the sea.

In the Valley communities of Seymour, Ansonia and Derby, damage was estimated at $25 million. Three persons lost their lives.

With their communities so clearly vulnerable to flood damage, municipal officials took immediate action to persuade the federal government to provide funds for local-protection projects.

The planning took more than a decade.

By the fall of 1968, a $21-million flood-control program was under way in Ansonia and Derby. By 1972, the communities will be safe from the danger of floods.

The Valley flood-protection project is the largest under construction in the United States, according to the Army. It is the largest project of any kind being built by the New England Division of the U.S. Army Corps of Engineers.

The immense size of the project has turned the two communities into an area of major construction.

Thirty-foot concrete walls and earthen dikes wider at the base than a football field are going up. So are flood gates that dwarf a truck.

More than 15,000 feet of earthen dikes and 7,000 feet of concrete walls are included. Some 31,750 cubic yards of concrete are being poured.

The facilities include five pumping stations, eight street gates and three railroad gates.

The project is part of a vast system of flood-control and protection facilities being installed by the Army Engineers in the entire valley from the headwaters of the Naugatuck near the Massachusetts line south to the mouth of the Housatonic River near Long Island Sound. The Naugatuck empties into the Housatonic at Derby.

Four separate urban renewal projects in Ansonia and Derby have proceeded successfully on the assumption that adequate flood protection would be provided for the industrial and commercial facilities in their downtown areas.

The local, state and federal costs of the redevelopment programs in the two communities total some $20 million. In addition, several more millions have been committed for new business enterprises and industrial improvements.

Under construction in the flood-prone areas that will be protected in a $3.5 million interior-mall shopping center in Ansonia.

Unlike many of the projects planned and designed by the Army Engineers, the Ansonia and Derby projects will be turned over to the municipal governments when they are completed.

The Engineers maintain control and operate dams, reservoirs and canals. The Corps' New England Division operates some 35 dams.

The Ansonia and Derby public works departments will hire men to maintain the flood works when completed. This maintenance will include servicing of pumping stations and regular checking of flood gates and other operational facilities.

These same public-works officials will be responsible for activating the floor-control facilities when a flood alert is issued.

The street and railroad gates rarely will be closed except during floods.

The Ansonia and Derby projects form the final link in a series of flood-control facilities along the Naugatuck River.

The system starts with the Hall Meadow Brook Dam on a tributary of the Naugatuck near the Massachusett border.

Six other dams are completed or under construction downstream. In addition, there are two local protection projects completed in Torrington and a local protection project completed in the Waterbury-Watertown area.

DETECTION SYSTEM

To coordinate the vast flood-control system in Connecticut and elsewhere in New England, the Army Engineers recently put into operation a computer-controlled flood-detection system.

Monitoring stations have been set up on several New England rivers and at forecasting stations. Signals are sent to a central computer at the Corps' headquarters in Waltham, Mass., which digests the information and orders flood gates closed.

The monitoring stations nearest the Ansonia-Derby projects are at the Stevenson Dam on the Housatonic between Oxford and Monroe and on the Naugatuck in Beacon Falls.

With the completion of the Ansonia and Derby projects, the Valley program will be virtually finished.

NATIONAL SECRETARIES WEEK

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the week of April 19–25, 1970, has been designated as Secretaries Week, with yesterday, April 22, as Secretaries Day. Since 1952, a week has been set each year to honor the "first lady of business—the secretary. Again, the theme for Secretaries Week is "Better Secretaries Mean Better Business."

The question is often asked: "Why is my secretary called a clerk-typist or clerk-stenographer, while others are called secretaries?" What is the difference? What is a secretary anyway? According to the National Secretaries Association—International—which sponsors Secretaries Week, a secretary shall be defined as an executive assistant who possesses a mastery of office skills, who demonstrates the ability to assume responsibility without direct supervision, who exercises initiative and judgment, and who makes decisions within the scope of assigned authority.

The position of secretary is primarily that of a trusted office assistant performing duties which are auxiliary to the management work of an executive. The secretary participates in the work of her superior by relieving him of details of administration, such as the acceptance of telephone calls, the reception of visitors, the preparation and processing of correspondence, the maintenance of files and records, the assembly and dissemination of information, and the transmission of instructions to his subordinates.

Mr. Speaker, I am proud to join my colleagues in extending congratulations to these invaluable ladies on their day.

EXPLOSIVES CONTROL ACT OF 1970

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. CELLER. Mr. Speaker, I have today introduced a proposed "Explosives Control Act of 1970."

My introduction of this bill is in response to a series of recent bomb outrages and bomb threats in various parts of the Nation. The actual and potential loss of life, destruction of property, and serious disruption of the daily lives of our citizens and our economy require that effective Federal steps be taken to regulate the use and transportation of explosives.

The purpose of this legislation is to support Federal, State, and local law enforcement. It is not intended to interfere with or place undue burdens upon law-abiding citizens with respect to the legitimate acquisition, possession or use of explosives.

Some States, notably Connecticut and New York, have enacted their own statutes to regulate the manufacture, ownership, possession, storage, use and transportation of explosives. These State laws have been supplemented in many instances by municipal ordinances, such as those adopted by the city of New York, which attempt to strictly regulate the acquisition and use of these volatile materials. The Explosives Control Act of 1970, which I have introduced, will not preempt enforcement of existing statutes. It is intended to give the States and local communities the capacity and incentive to enforce their own explosives control laws.

Although my bill does substantially increase Federal penalties for the unlawful transportation of explosives and the use of the mails or telephone to convey bomb threats or bomb scares, the measure is not solely punitive. Its approach is regulatory and preventive in that it would channel and generally restrict the interstate transportation of explosives to federally licensed manufacturers, importers and dealers. The bill also provides a system of recordkeeping to enforce the prohibitions against sales to certain classes of individuals. I am convinced that this legislation will assure that strong State and local control over explosives will not be subverted by unregulated interstate traffic and anonymous purchases of these highly volatile and destructive commodities.

This legislation is patterned on the approach embodied in the Gun Control Act of 1968. The following outline describes the main provisions of the bill:

1. *Licensing.* The bill would channel interstate and foreign commerce in explosives through federally licensed importers, manufacturers and dealers. It provides for a licensing system with meaningful standards and prescribes an annual fee of $50 for manufacturers and importers of explosives and $10 for explosives' dealers. The bill prohibits anyone from engaging in the business of an explosives' manufacturer, importer or

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dealer unless he first obtains a valid Federal license.

2. *General Prohibitions.* The bill prohibits the sale of explosives to anyone under 21 years of age, prohibits the mail order sale of explosives between licensees, and generally prohibits over-the-counter sales to non-residents. However, the bill will permit licensees to sell or deliver an explosive to a non-resident if such sale or delivery conforms to the law of the State in which the transfer is made and if the purchaser resides in a contiguous State which by law authorizes such an out-of-State purchase. In such sales the bill requires that the licensee-seller and the purchaser comply with affidavit, notice and waiting-period requirements, whereby the local law enforcement officer in the purchaser's home community is notified of the explosives purchase.

In addition, the bill requires that all non-over-the-counter explosives' purchasers comply with the affidavit, notice and waiting-period provisions of the bill.

3. *Unlawful Sales.* The bill prohibits sales of explosives to convicted felons, fugitives from justice, drug addicts or mental incompetents. It also applies additional Federal restrictions on the interestate transportation of explosives comparable to those now applicable to firearms.

4. *Recordkeeping.* The bill provides for adequate recordkeeping by licensees to include data identifying purchasers. It also authorizes Federal authorities to furnish such information to State and local law enforcement authorities.

5. *Penalties.* The bill broadens existing Federal law penalizing the unlawful transportation of explosives and the use of the mails or telephone to convey bomb threats or false, malicious bomb scares. Penalties for both such offenses are increased substantially. The bill also adds new penalties to cover the malicious damage or destruction of Federal properties and penalizes the unauthorized possession of explosives in Federal buildings. The bill would establish an additional Federal penalty of not less than one year nor more than ten years of imprisonment for using explosives or unlawfully carrying explosives in the commission of any Federal felony. In the case of a second or subsequent conviction the bill provides for a minimum mandatory sentence of not less than five years nor more than twenty years imprisonment, with no probation or suspended sentence to be granted by the court.

6. *Definition of Explosives.* The definition of explosives expands the definition persently contained in the Federal Criminal Code to include incendiary bombs, grenades, and similar devices.

POST OFFICE DEPARTMENT

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. LUKENS. Mr. Speaker, I would like to join James Rademacher, president of the National Association of Letter Carriers, in his praise for the Post Office Department's remarkable performance in providing within 38 hours after the legislation was signed the 6-percent retroactive pay raise for more than 725,000 employees.

This was an amazing performance considering the size and complexity of the postal payroll. But, even more than that, I agree with Mr. Rademacher that it is a symbol of good faith on the part of the Department's present management and evidence of a new spirit of concern for employees themselves, as well as greater efficiency in dealing with matter of bread-and-butter importance to their employees.

This is the same kind of efficiency—the same kind of performance that Postmaster General Winton M. Blount is anxious and willing to provide in all areas of postal activity—provided we give him the means to do the job. And we can do that by approving the administration's reorganization plan for the postal service which has been developed after unprecedented and productive negotiations with the postal employee organizations themselves.

MIDDLE EAST NARCOTICS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. OTTINGER. Mr. Speaker, one of the most dangerous problems with which we are confronted is the spread of drug addiction, particularly among young people.

Many States have grappled with this issue through legislation intended to cure the innocent victims or to punish local distributors of these drugs. Little attention, however, has been given to the equally important problem of cutting off habit-forming narcotics at the source by taking effective action to prevent their importation into the country.

A timely and perceptive article on this subject recently appeared in the winter-spring 1970 edition of Prevent World War III. It was written by Maxwell T. Cohen, chief counsel of the New York State Assembly Minority Committee on Crime and Safety in the Streets.

I believe Mr. Cohen's article will be of interest to our colleagues and I insert it herewith for inclusion in the RECORD:

MID-EAST NARCOTICS—A THREAT TO UNITED STATES

(By Maxwell T. Cohen)

The Director of the Division of Narcotic Drugs of the Economic and Social Council of the United Nations, Vladimir Kusevic, on the 19th of May, 1969, reported that narcotic drug abuse *"continues to spread throughout all continents,"* and in certain regions had begun to assume *"epidemic proportions."*

According to the reports issued by this Division, the Middle East and Near East is an important center for the supply of narcotic drugs to the international illicit traffic, most of which finds its way into the United States. The traffic is spread from clandestine or tolerated plantations.

The United Nations Economic and Social Council Report on the Twenty-Third Session of the Commission on Narcotic Drugs, 31 January 1969, found that *"most of the heroin illicitly introduced into North America comes from Europe where opium and morphine base from the Near and Middle East are processed."* In the same document the representative of the United States reported that illicit traffic in narcotic drugs showed no signs of abatement.

Crime, and the narcotics problem as a major contributory factor in crime, has reached such gigantic dimensions as to constitute a present and active threat to the economic system of the United States and even to the preservation of an orderly society throughout the entire world.

The fantastic profits derived from the international narcotics traffic have made this depressing and dangerous condition possible. Heroin is the narcotic most used in the United States. It is a derivative of opium.

The profit on a purchase in Lebanon of a kilogram of opium for $64.00 or a kilogram of its derivative heroin for $936.00 can, when sold in the United States, average over one-half million dollars—and can be priced upwards to a possible profit of one million dollars or more.

Mr. Glenn A. Olds, the United States Representative to the Social Committee of the Economic and Social Council of the United Nations, on May 20, 1969, spoke of the increasing drug dependency among young people. In the United States the number of addicts under twenty-one years, he reported, increased by twenty-one per cent. Drug arrests in the under-eighteen category totaled 1,583 in 1960 but reached 13,904 in 1967.

MIDDLE EAST AND SOUTHEAST ASIA ARE SOURCES OF SUPPLY

Repeatedly, in all of the United Nations Narcotic Reports the accusation is made that the main source of supply for the traffic in narcotic drugs is opium produced clandestinely with or without effective controls in the Middle East and Southeast Asia. In May, 1969, the President of the Control Board of the Social Committee of the Economic and Social Council of the United States stated that the Board had been "regretfully obliged to record its conclusion that beyond a doubt a disquietingly large quantity of opium is diverted each year into illicit channels in the Near East."

On Page 35 of the report of the Twenty-Third Session of the Commission appears the following. We quote:

"The representative of the League of Arab States described the narcotics situation in certain Arab countries which was complicated and serious. There was substantial illicit cannabis production and consumption. Opium and opium derivatives were smuggled from this region to other parts of the world.

"The cannabis traffic passed through Syria en route to the consuming countries such as the United Arab Republic. It was carried on by organized gangs, which controlled the preparation and clandestine transport of the drug.

"Traffickers used Lebanon as a staging area for illicit drugs initially bound for other countries. Primitive laboratories were discovered in areas close to the border."

Even innocent nations were exploited by the merchants in illicit narcotics. On page 33 of the report it is noted that the observer for Spain informed the Commission that because of Spain's geographical position and its proximity to countries where there were clandestine laboratories, traffickers used Spain as a staging area for the export of drugs to illicit markets. The competent authorities had been tracing the route taken by a gang of smugglers operating between the Near and Middle East, Spain and the United States of America.

TOWARD A SOLUTION

The solution to this problem is not and cannot be exclusively local or state action, but must be national, and, most importantly, made international by the governments of the world. The Executive Branch of the Government of the United States has the most authoritative sources of information as to which countries and governments are most responsible for the flow of narcotics into the United States and there is constitutional authority and the duty to act. The United States can, should and must direct our embassies to represent to the highest authorities of certain foreign governments that we are concerned that these governments must take

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immediate, effective and remedial steps to confiscate illicit narcotic plantations, narcotic processing laboratories and means of transporting narcotics. Should these governments fail to do so, the United States should employ economic and political sanctions against these governments in the form of tariff increases, and strict limitations on importation of goods from these countries, blocking any financial assistance to them, withdrawing financial aid, objecting to loans requested by the offending governments from the World Bank and United States banking institutions and using all possible measures which will give concrete effect and force to our battle against a national disaster.

The alternative to this get-tough procedure is to continue the polite and ineffectual hand-wringing shown in this sterile language of the United Nations Report, which I quote:

"Enormous quantities of opium also continues to flow from illicit or uncontrolled productions in certain well-defined areas of the world. For a variety of reasons the authorities in most of these areas were regrettably not able to control the situation."

Question: What "well-defined areas of the world"? What were the "variety of reasons"?

Although there is no precedent in United States history for the specific action proposed in this article, there have been incidents where the Government of the United States did act to protect either the United States or humanitarian interests.

The United States Government acted vigorously with respect to piracy permitted by the Barbary Coast Government. The United States Government intervened with respect to the slaughter of Armenians by Turkey. The United States Government requested its Ambassador to induce Czarist Russia to desist from its programs.

Within our own times President Franklin D. Roosevelt on October 5, 1937, made his famous "Quarantine Address" which is prophetically applicable today. I quote from this address:

"It seems to be unfortunately true that the epidemic of world lawlessness is spreading. When an epidemic of physical disease starts to spread, the community approves and joins in a quarantine of the patients in order to protect the health of the community against the spread of the disease."

Harold Ickes noted in his diary that the President contemplated cutting off all trade with future aggressors.

In December, 1937, the President agreed at a Cabinet meeting that economic sanctions could be effective. "We don't call them economic sanctions; we call them quarantines" he observed.

The narcotic traffic should be equated in international law with the crimes of Piracy on the high seas and Slavery. Rather than wait for an international treaty, the United States Government can act forthwith and effectively for the safety and well-being of our country, and for removing a very sinister threat to the peace of the world.

FARM PROGRAM ARTICLE PRAISED

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. CONTE. Mr. Speaker, I want to call to the attention of my colleagues David Francis' excellent article, "The Remembered Americans: Down on the Farm," in the April issue of the Washington Monthly. For your information I will include the article at the close of my remarks.

In the process of working to reform our farm program by placing a ceiling on the huge subsidies—running into the millions in some cases—going to a handful of giant corporate farms, I have devoted a good deal of time to studying this complex subject. I know of no single article which explains it with greater clarity and insight than this effort by Mr. Francis.

I was especially pleased that Mr. Francis noted Agricultural Secretary Hardin's own admission that a large percentage of these payments—65 percent in the case of cotton—are nothing but "income supplements," and are not needed for production control. I think it fair, to put it mildly, for all of us to question whether the J. G. Boswell Co. of California needed an "income supplement" of $4,370,657 in 1969, or whether Senator EASTLAND needed the assist he received of $178,263.

I am also pleased that Mr. Francis advocated "a low limit on payments—$5,000 or $10,000 per crop." When the farm bill reaches the floor of the House soon, I intend to offer such an amendment at the $10,000 per crop level.

The article referred to follows:

THE REMEMBERED AMERICANS: DOWN ON THE FARM

(By David R. Francis)

The farmer looks out the broad picture windows of his $75,000 brick house across a portion of his 1,400-acre farm, taking a rough inventory.

To his left, he can see six silos and feeding facilities, worth $150,000. By working a few buttons and switches there, he can feed 700 to 800 head of cattle in 30 minutes. Machinery does the trick: conveyor belts take the chopped feed from a large silo, automatically mix in a mineral-and-protein supplement, and transport it to a feeding lot, where augers push it down two long troughs to the waiting cattle.

Straight ahead is a row of 22 hog units worth something like $100,000. These are concrete-floored pens that can handle all of the 4,500 pigs this farmer markets every year. If the weather gets hot, the farmer, or his two employees who work full-time with the hogs, can turn on fog nozzles to keep the animals cool—and fat. Looking over the hog units, the farmer sees some 700 acres of fine Iowa corn land—easily worth about $500 an acre, perhaps even $700. That comes to at least $350,000.

Then, way up the slope on the opposite side of the valley, lies another 700 acres of not-so-good land, suitable for grazing. It might sell for $200 an acre. Add another $140,000. Continuing his tabulation of his net worth, the farmer speaks of 1,300 head of cattle, worth, at about $200 a head, $260,000 in all; and 3,000 head of hog worth $25 apiece (figuring they are on average half grown), which are worth about $75,000. Finally, there is the machinery and equipment, valued at about $150,000. Adding all his property up, the farmer figures that he is just about a millionaire.

This man exists. But since he doesn't want to reveal all the financial details above, let us call him Farmer Jones. As we have seen, Farmer Jones is demonstrably wealthy. His large home has all the modern conveniences. He and his wife took a freighter to the Orient for their vacation last winter, and flew back.

On an adjoining farm, another couple struggles to make a living on 180 acres, 80 of them fertile cropland. We will call them the Smiths.

Farmer Smith raises about 100 hogs a year, grossing between $2,000 and $2,500 on them. He feeds they by hand with corn and skim milk, calling them to the trough with traditional hog calls. The milk comes from 17 cows. Because his milking facilities don't quite meet sanitation standards, Farmer Smith separates the cream and feeds the skim milk to the hogs. Another problem for him is that most dairy farms now handle their milk in "bulk" (tank trucks), and Farmer Smith's operation is big enough only for the old-fashioned milk cans.

Farmer Smith has to make do with used farm machinery. He built a shed with used sheet metal from government storage bins. His small house, though spotless, has no carpets. The furniture is cheap and worn. Though Mr. and Mrs. Smith do not go hungry, and their farm has considerable capital value, most middle-class Americans would regard them as poor.

These two farms, in many ways, represent the dichotomy of agriculture in the United States.

Mr. Jones is what the Department of Agriculture likes to call a "commercial" farmer. He manages his farm like a medium-sized manufacturing plant, cutting costs where he can, using the latest techniques and machinery for the sake of efficiency, and keeping good books.

There are one million other commercial farmers in the United States. Most are not so large. But there are hundreds who are as successful as Farmer Jones. And most agricultural economists believe that the size of Farmer Jones's operation will be standard in another decade or two.

In contrast, Farmer Smith is symbolic of what most people think of when they refer to "the farm problem." Mr. Smith has been left behind by advancing farm technology. He did not enlarge his farm sufficiently to utilize much of the new scientific techniques and expensive machinery. As a result, his income is not adequate by today's standards.

There are around 500,000 farms in this country today whose owners work full-time at farming but get so small a return that they are classified by the government as "poor." Mr. Smith would probably be a border case.

On another 1,500,000 farms, the owners gross less than $10,000 a year and are thus not regarded as "commercial."

But they are not officially poor, since their income is above the poverty level. In many cases their incomes are supplemented by retirement benefits, investment income, or non-farming jobs.

One might think that the tens of billions of dollars poured into the farm program over the years would primarily help the poor farmer, as well as those who manage to stay on farms by keeping second jobs.

That, however, is public mythology. The fact is that most government subsidies go to those in Farmer Jones's category—not to those in Farmer Smith's. Whether the Farmer Jones types need all that taxpayers' money is at least questionable.

The small farmer will, of course, get some government money—say a few hundred dollars with a farm the size of Mr. Smith's. But it will be chickenfeed compared to the sums obtained by commercial farmers.

As agricultural economist K. L. Robinson of Cornell University puts it: "The most serious and justified criticism of past farm programs . . . is that they have done little or nothing to reduce income inequalities or to help the poorest of the rural poor. . . . This result is not surprising, however, given the middle-class orientation of Congress and the political power of the South, particularly with respect to agricultural legislation."

Professor Robinson describes existing farm legislation as "a monument to the political weakness of the rural poor." Indeed, some economists argue that the farm program has given the relatively well-to-do farmers the wherewithal to pour capital into their farms, increase productivity even further, and drive out those poor farmers not able to keep up.

This spring Congress appears likely to modify the farm program slightly. The goal, though, is not so much to step up assistance to the poor farmer as to limit the aid to so-called "fat-cat farmers." As it is now, the bulk of farm subsidies go to the relatively well-to-do or rich farmer because the farm program is commodity-oriented. Money goes to those who produce crops (or withhold land eligible for production) in proportion to the amount produced (or land withheld).

Today, the largest one-third of farmers produce more than 85 per cent of farm products as measured by value. John A. Schnittker, who was Under Secretary of Agriculture in the Johnson Administration, says: "In the early years of modern farm policy, there was an element of truth to the rhetoric which insisted that farm programs were needed to help, or even to save, the small family farmer. This meant most farmers in the 1930's, when there were nearly seven million farms and a deep economic depression. It is different today. The United States has three million farms, but only one million of them are serious producers and major beneficiaries of farm programs." He concludes: "Programs and expenditures to help farm people need not be primarily commodity-oriented."

Theoretically, though such action is presently unlikely, Congress could establish a system of income maintenance to help poor farmers.

Until the last few years, agricultural economists did surprisingly little research on the distribution of benefits from the farm programs. It was not clear where the billions went. It was not widely known that changing technology, with its requirement for larger farms, had concentrated production—and subsidy benefits—in increasingly fewer farms.

That fact was brought home to Congress on September 9, 1968, when Representative Paul Findley (R-Ill.) inserted in the *Congressional Record* the names of 9,952 farmers who received more than $20,000 in agricultural subsidies of various types during 1967. That long list shocked city legislators trying to squeeze funds into the budget to deal with urban poverty. A similar list, inserted in the *Record* last year (for 1968), showed five farms getting payments of more than $1 million. The largest payment—$3,027,384—went to the J. G. Boswell Company of Corcoran, California.

A total of 5,885 farms got payments exceeding $25,000 during 1968, including Eastland Plantations, Inc., in Doddsville, Mississippi, which received $116,978. It is owned by Senator James O. Eastland (D-Miss.), a member of the Senate Agriculture Committee, who has consistently voted to continue such subsidies.

Representative Findley, a former weekly newspaper publisher, says it is "small wonder" that Congress has "rebelled" against the farm program. He has fought for four years to impose a ceiling on government agricultural subsidies to individual farmers.

In the fall of 1968, the House voted to limit these payments but the Senate did not. The limitation, proposed in an amendment to a bill extending to the end of this year the omnibus Food and Agriculture Act of 1965, did not survive the conference committee, which was composed primarily of Southerners sympathetic to the large payments.

Then, last June, the House voted 225–142 in favor of an amendment to the agricultural appropriations bill that would limit to $20,000 the combined federal payments any single farm operator could receive under the cotton, wheat, and feed-grain programs during a single year. That amendment passed despite the opposition of the Administration and the Congressional leadership of both parties.

"Few votes have been more significant to farmers," commented Reuben Johnson, lobbyist for the National Farmers Union. In other words, the vote clearly indicated that urban Congressmen are fed up with the farm program and will soon insist on reform.

Last summer, the Senate again voted down a limitation, and the amendment was killed in conference. But when the bill came back to the House last fall, a motion of instruction to the conference committee to insist on a limitation failed to pass by a slim four votes.

Early this year Representative W. R. (Bob) Poage (D-Tex.), chairman of the House Agriculture Committee, conceded: "I don't think it is possible to pass a farm bill without putting a limitation on. What limitation, I don't know."

Congressional dissatisfaction with the farm program is steadily gaining strength. Urban members are by far the great majority in Congress nowadays. Of the 435 House districts, only 83 have as much as 15 per cent of their respective populations living on farms.

The complaints of Representative Jeffery Cohelan (D-Calif.) are typical. During the House debate on limitations last year, Cohelan said: "The bill provides the staggering sum of $4,965,934,000 for capital replenishment of the Commodity Credit Corporation. This sum represents money which has been lost by the corporation because it has supported commodity prices above the open market price. This enormous sum—nearly $5 billion—is three times what we will appropriate for the operations of the Office of Economic Opportunity. It is five times what we will spend for Model Cities and urban renewal. It is five times what we will spend for manpower training. It is several times what we will provide in federal support for public education. . . . There must be a less expensive and more efficient way to both help transfer income to needy farmers and to maintain a stable agricultural production base."

Congressional proponents of a payments limitation sometimes oversimplify by arguing that "farmers are being paid not to farm." What they are referring to is the fact that some farmers receive government money for diverting some of their land from crop production on an annual basis.

In rebuttal, Chairman Poage argues: if the land of the big farmers were not diverted, excess production would hit farm product prices, forcing small farmers to divert more land.

He likens the diversion payments to expropriation of land for a slum clearance project. "If you put a limit on payments for expropriated land," he contends, "you wouldn't have a slum-clearance project."

However, neither argument is fully relevant. Only a portion of government payments compensate farmers for taking land out of production. Much of the money, instead, goes to boost the income of farmers.

In addition to land-diversion payments, government payments include: price-support payments on feed grains, wheat, and cotton; cost-sharing subsidies for various "conservation" practices; and other less costly subsidies.

Representative Findley's payment list, though startling, does not cover the large price-support programs for wool and sugar. Nor does it cover the huge losses piled up by the Commodity Credit Corporation in its price-support loan operations. These are "nonrecourse" loans on a farmer's crop. This means that if the market price drops below the loan level the farmer lets the C.C.C. keep the crop—and the losses. In effect, the loan guarantees a floor price for the farmer.

Secretary of Agriculture Clifford M. Hardin, in testimony to Congress last year, broke down the payments in this way:

PERCENT OF DOLLAR PAYMENTS

	For resource adjustment	For income supplement
Cotton	35	65
Wheat	51	49
Feed grain	89	11
Total	65	35

"Resource adjustment" means payments to keep land out of crop production; the goal is to boost prices by keeping supply close to the level of demand for farm products. "Income supplement" is simply government subsidies to raise the income of farmers.

As the table shows, the money spent on resource adjustment is a high proportion in the case of wheat and feed grains. But only five per cent of the wheat farmers and two per cent of the feed-grain farmers get more than the proposed $20,000 ceiling on payments.

Former Under Secretary Schnittker, who is now a professor of economics at Kansas State University, contends that a limitation on payments would cause no serious difficulty for the price-support program in wheat and feed grains.

Cotton is the tough problem. Here 33 per cent of the cotton farmers receive $20,000 or more. But 65 per cent of the money is to supplement the income of the cotton farmers. Only 35 per cent goes to reduce cotton output by taking land out of cotton production.

In Schnittker's view, "total (cotton) payments could be reduced by at least one-half and perhaps by two-thirds ($400 to $500 million) from 1968 or 1969 levels without any important adverse effects on the cotton growers or the cotton economy, although the value of cotton land might stop increasing for a few years."

As it is, the farm subsidy system generously helps those who need it least—the one million commercial farmers. It does little for the poor farmer, or, for that matter, the 13 million other rural poor.

Last year farmers got some $3.7 billion in direct government subsidies. That figure has been rising in recent years.

But there are also indirect subsidies. For one thing, the effort to limit the supply of farm products by the acreage-adjustment programs contributes another $1 to $5 billion to farmers' net income through its price-boosting effect. Why such a wide range?—$1 to $5 billion is quite a spread. Because that is the range of disagreement among economists. Each has his own way of calculating how much the government-imposed reduction in acreage raises prices.

Another indirect subsidy is shipments of farm produce under Public Law 480. Though declining, these shipments have been running close to $1 billion annually in recent years. They are sold to developing countries for local inconvertible currency, partially as foreign aid, partially to help U.S. agricuture dispose of its surpluses.

When all of the direct and indirect subsidies to farmers are totaled up, they come to at least $5 billion a year. This amounts to the equivalent of a tax of about five per cent on all food purchased at retail or, figured another way, an assessment of $25 per person annually for income transferred from those who are not engaged in agriculture to those who are.

Complete abolition of the farm program, in other words, would save the housewife the equivalent of five per cent on her food bill, either through lower prices or lower taxes (assuming that the government were to cut taxes rather than use the revenues elsewhere).

To the farmer, of course, the $5 billion represents almost one-third of his net income. Government payments are especially important for wheat, cotton, and wool.

Rice producers are heavily dependent on Public Law 480 shipments. Livestock producers—except for those who raise wool from sheep—are not subsidized directly.

Without any federal aid at all, the commercial farmers (and the rural communities they support financially) would be hard hit. Yet most farm economists are convinced that considerable savings are possible, Research by Dr. James T. Bonnen, a Michigan State University agricultural economist, indicates just how the commodity orientation of the farm program results in a concentration of its benefits. His figures show that:

Sugarcane, cotton, and rice have the greatest proportion of direct benefits concentrated on few farmers. The largest 20 per cent in each of these categories receive, respectively, 83, 69, and 65 per cent of the program benefits. The smallest 20 percent receive, respectively, one, two, and one per cent of the benefits.

Wheat and feed-grain program benefits are less highly concentrated. The largest 20 per cent of the wheat farmers receive 62 per cent of the direct benefits; for those in feed grain, it is 57 per cent.

Tobacco and sugar beets are the least concentrated of the major crops. Even so, the largest 10 per cent of all tobacco growers get 53 per cent of program benefits; the smallest 20 per cent receive four per cent.

The inefficiency of the present structure as a vehicle for aiding the poorest farmers can be shown by this eye-popping fact: for every additional dollar in subsidies that the government might wish to give each farmer in the bottom 20 per cent, it would have to give $20 to $100—depending on the crop—to each of the farmers among the "top" 80 per cent.

Or, looking at the subsidy system from another angle, the 60 per cent of total subsidies going to the top 16 per cent of farmers provides an average $8,000 per farm. This brings the average income per farm, for this top group, to $18,600 net—that is, after expenses. The two million farmers with sales below $5,000 per year have average net incomes of $6,500 (primarily from off-farm sources) and receive only $400 per farm in subsidies.

Dr. Bonnen concludes, ". . . the farm programs are not an efficient means for effecting an income redistribution to the smaller low-income farmers . . . any attempt to solve the low-income, small-farmer problem via price supports would generate huge windfall profits to the more efficient larger scale operators." The income of farmers, as well as benefits, is heavily concentrated. The top 20 per cent of farmers receive 50.5 per cent of the income.

Surprisingly, a limitation on payments would have only a minor effect on the concentration of the overall distribution of federal farm payments.

However, as Schnittker points out, a payments limitation would (if properly legislated) result in large budget savings.

A study by Walter W. Wilcox, a former economist at the Department of Agriculture, finds that a $5,000 limit per program would have cut 1968 farm subsidies by $400 million.

A bill produced by the Department of Agriculture provides for a sliding scale up to a limit of $110,000 per program. This is a ridiculously high figure in the eyes of such Congressmen as Silvio O. Conte (R-Mass.). He has introduced a bill proposing the $5,000 limit. He says that, in 1968, 92 per cent of the cotton producers, 97 per cent of the wheat producers, and 98 per cent of the feed-grain producers would not have been affected by his low limit.

The Department's sliding-scale proposal would hit very few farmers. It is apparently just an effort to throw a bone to the urban dogs in Congress.

Without the price-support and supply-adjustment programs, farm product prices would have averaged between 10 and 20 per cent lower in recent years *at the farm level*. But this doesn't necessarily mean that prices at the retail level would have dropped by that percentage. The amount the farmer receives is a lesser portion of the final retail price for most products.

Since the poor spend a large proportion of their income on food (and still pay taxes), Dr. Bonnen calls the farm program "double-regressive." In his words: "A major share of the cost is borne by consumers with below-average incomes and a major share of the benefits is received by farm producers with above-average incomes."

On one hand, then, the government has been spending billions on a poverty program. On the other, it has been spending more billions to keep the price of the food consumed by the poor high.

This is especially contradictory in the case of the so-called wheat "certificate program," where the cost of a portion of the subsidy is directly paid for by the flour miller, and thus, the consumer. In most other cases, the subsidies needed to maintain a high price structure come out of general tax revenues.

Of course, Congressional advocates for the farmer still maintain that agriculture needs government assistance. It is the nation's biggest industry. Though the number of farmers has been declining, agriculture employed some 4.6 million people last year. In other words, more people are employed in farming than in transportation, the public utilities, the steel industry, and the automobile industry combined. Last year was the second best farmers have ever enjoyed. Their real income per farm was higher only once before, in 1966. Using 1957–59 dollars, the net income per farm in 1969 was $4,450, compared to $4,107 in 1968 and $4,563 in 1966.

Those figures may sound strangely low. They are. The averages cover not only the commercial farmers (over $10,000 in gross income) but the two million poor, part-time, semi-retired, and hobby farmers. And they do not include non-farm income. If they did, the figures would show that farmers came closer to their city cousins in income last year than ever before. On average, they had 75.7 per cent of the average non-farm income. That percentage was running around 50 per cent in the late 1950's and early 1960's. Remember, however, that the incomes of commercial farmers are much higher than the averages would suggest. Those farmers who have not had enough land, capital, or skill to make a good living—and have been getting only minor benefits from the commodity-oriented farm program—have been leaving the land.

Even so, current income isn't the whole story for the farm situation. The value of land, buildings, and equipment owned by farmers also has been rising; indeed it is going up rather handsomely.

On January 1, 1968, the average farm had real estate worth $62,053 and total production assets (real estate, livestock, machinery, motor vehicles, some other capital items) worth $79,223. That total was nine per cent higher than it was the year before. By January 1, 1969, those figures had jumped again—to $74,000 and $85,000—an increase—in only one year—of another 11 per cent.

In other words, farmers who own their property enjoy sizable capital gains as well as income, since the capital value of the average farm has more than doubled since 1960.

To be classified as a farm by the Census Bureau, a unit must have merely 10 acres and sales of $50 a year. Or it can have fewer than 10 acres and sales of more than $250.

So the averages above camouflage an enormous variation in the value of individual farms. Small hobby farms and moonlighting farms bring down the average values. Many small farms might be more appropriately termed rural residences, since the operators are almost wholly dependent on nonfarm or retirement income.

Those farms with gross sales of $20,000 to $39,999 have an average value of $132,000. And those with sales of $40,000 and above have an average value of $308,000. As these figures show commercial farms are no longer the rural equivalent of "mom and pop" stores. They are more like small manufacturing firms in the size of their capital assets.

To get the fairest comparison of how farmers are doing financially compared with their city brethren, economists combine both income and capital gain. This was done by the Department of Agriculture for the years 1966, 1964, and 1959.

The study's key findings are these:

In 1966, farmers earned, on the average, 81 per cent of what they might have earned by renting out their land and accepting nonfarm employment. They earned 96 per cent of what they would have made by selling their land, investing in common stocks, and working elsewhere. This was a major improvement over the farm "parity returns" of 1959 and 1964.

Farmers with over $20,000 gross income (income before expenses) did somewhat better than parity in 1966 under all methods of comparison.

The smaller farmers (those with less than $20,000 gross income from farming) earned less than parity returns under all methods of comparison and in all years tested.

Farmers in the lowest income group (under $5,000 gross sales) earned only one-third to two-fifths of parity returns, even in 1966.

This means that the bigger, more efficient farms are doing well. In 1966, the proprietor of such a farm got, on the average, 167 per cent of what his return would have been if he had sold his farm, invested the money in the stock market (taking his dividends), and put in (at $2.84 an hour) the same number of hours he worked on the farm. (The hourly pay was based on averages in non-farming industries.)

There were about 500,000 farms in the $20,000-and-more category in 1966. The number has been increasing over the years.

Another half million farms in the $10,000 to $19,999 bracket are within striking distance of parity. They got 81 to 98 per cent of a parity return, depending upon the standard used.

Those farms growing more than $20,000 worth of farm products accounted for some 68 per cent of all agricultural production in 1966. The $10,000-to-$19,999 group add another 17 per cent. So together these bigger farms produce 85 per cent of all farm products. The same percentage was true in 1969.

This leaves a mere 15 per cent of farm production for the two million farms making less than $10,000 gross. Some 1.3 million farms make less than $2,500 gross a year.

Looking over these facts, economists like to split the farm problem into two parts:

1. The Poor Farmer and Rural Poor. They should be helped to obtain new jobs. Various schemes to aid the rural poor are rather similar to those aimed at assisting the urban poor. President Nixon has a task force looking at this problem.

2. The Commercial Farmers. They are getting the bulk of the subsidy money. It is here that critical economists are asking such questions as these: Can subsidies be cut without overly damaging the financial position of the commercial farmer? Would a limitation on governmental payments be of some value in cutting costs? Could a change in farm policy reduce government costs?

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Interviews with several leading farm economists indicate that the answer to all these questions is "yes."

Says Professor Schnittker: "Conventional farm programs can never help persons on small farms to the better life they want. Commodity-oriented agricultural policy must be designed principally for commercial full-time farmers."

Everyone eats. Indeed last year the average city family paid $1,173 at retail for its farm-originated foods. That was up from $1,118 in 1968. Of these amounts, the farmer got $447 last year, compared with $435 in 1968. Middlemen took the rest.

Thus, everyone, including legislators, should take an interest in farm policy. Despite this, most urban Congressmen find the farm program a big bore. For one thing it is extraordinarily—some say hopelessly—complicated.

"It is about the most complex program we have in government besides our defense program," says Senator Spessard L. Holland (D-Fla.), chairman of the Senate agricultural appropriations subcommittee.

But like it or lump it, this spring Congress must extend, replace, or let lapse the omnibus Food and Agriculture Act of 1965, which expires at the end of this year.

At this point, Congress has before it several farm bills. Representative Poage has a bill that would merely extend the life of the 1965 Act indefinitely. A coalition of 27 farm organizations, led by the National Grange, the National Farmers Union, and the National Farmers Organization, is pressing for extension of the 1965 Act, but with amendments that would add $1–1.5 billion a year to the present cost of the farm program.

The American Farm Bureau Federation, the largest and most conservative of the organizations, has proposed legislation which would phase out, over five years, the heart of the present program.

In its place, the Farm Bureau would retire at least 10 million acres a year until 1975, with emphasis on taking entire farms out of production. The government would offer to buy or lease so many acres each year, with some limitation on the amount of land that could be taken out of production in any single area. It would accept the lowest bids available.

At the end of the five-year period, according to the Farm Bureau proposal, a relatively free market for food and fiber would provide sufficiently high income for the remaining farmers.

Though the bill has been sponsored by 20 Senators and 42 House members, it is generally thought to have little chance of passage. Indeed, one of the sponsors, Representative Findley, believes an extension of the current act with some limitation on payments the most likely.

However, a talk with Representative Poage indicates that at least some features of a bill on the sidelines have a chance of being adopted. This is the Agriculture Department bill. Most observers are calling it an Administration bill, but the Administration gingerly disclaims paternity and prefers to call it a "consensus bill."

Chairman Poage, who is supposed to be part of that "consensus," finds only two features of the bill generally acceptable. One is the "set-aside" program, under which farmers could continue to divert a portion of their land from crop production, but with more freedom to use the remaining land to plant whatever crops they wished.

In addition, government subsidy payments to the farmer would be based on what the farmer produces. He would not be paid for setting aside the required acres, as he is under the current program.

Financially, the difference is negligible. The government payments to the farmer for his production can be enlarged to make up for the end of diversion payments. However, the farmer undoubtedly would feel that he is getting a higher price. And the political liability of paying farmers for not growing crops would disappear.

Poage describes the "set-aside" as "rather foolish, but something we can live with." He would rather have the present Act's more precise controls over production. He feels that something special might have to be worked out for cotton, a key crop in his state of Texas.

Though he prefers no limitation on payments at all, Poage would naturally choose the weak, sliding-scale limitation on payments in the Department of Agriculture bill to the stringent one introduced by Representative Conte.

There are other features of the Department's bill. It tightens budgetary control over the farm program. It gives the Department of Agriculture enormous leeway in setting loan rates and direct payments. It establishes three types of land-retirement programs. Just what portions of these suggestions will survive the legislative mill remains to be seen.

There has been some reform in the nation's farm program. Nine years ago the country faced a nightmare of surplus farm products. There were two billion bushels of corn in storage, enough grain sorghum to last a year and a half, enough wheat to fill domestic needs for two years. Grain was stored in every conceivable place, even on ships. Storage costs were a national scandal. The government actually owned $6 billion worth of farm commodities.

This was the result of a price-support program with ineffective limits on production. From 1961 onward, farm legislation was revised to bring production under control. There are still surpluses in storage, but nothing like those piled up in the Eisenhower Administration.

Most farm economists feel that now is an opportune time for further reform. Opinions vary, of course, as to what should be done. After examining the varied views, this observer concludes that the following changes should be made:

1. Congress should pass a low limit on payments—$5,000 or $10,000 per crop. It would not cause any major harm to the agricultural industry. It might retard the rise in land values for a while, but it would reduce the windfall of high subsidies to already prosperous big farmers.

2. Congress should launch another experiment in whole-farm land retirement, along with the annual acreage diversion system in the present farm program.

One provision in the Department of Agriculture bill provides for modest long-term land-retirement schemes. The government would pay to take complete farms out of production. The 1965 Act also included some land-retirement provisions. But Congress never funded that program. It has been suspicious of such schemes since the days of former Secretary of Agriculture Ezra T. Benson's "Soil Bank" program whose effects were concentrated in certain regions, thereby destroying economically whole towns and districts.

A new land-retirement scheme could be devised to avoid such concentrated damage. It offers the prospect of limiting production at less cost over the long term than the annual acreage-diversion route.

3. The Department of Agriculture has been spending some $200 million a year on so-called "conservation" programs. This money is used to share with the farmer the costs of various projects supposedly aimed at conserving soil and water resources. Actually some 60 per cent of it expands production.

So, on the one hand the government spends billions to restrain production; on the other, it spends a large sum to boost production. Congress should go along with the request of the Nixon Administration (and of the preceding Administration) to trim this rural pork-barrel program.

4. Any savings from such changes in the farm program should go toward rural development. The out-migration from rural areas has greatly diminished in recent years (there are fewer people to migrate). Nevertheless, government encouragement to industry to locate in less populated regions of the country could provide some jobs for ex-farmers near their original homes and prevent their migration to already crowded cities with their huge slums.

Adoption of the Nixon Administration's revolutionary welfare-reform proposals could also help stem the out-migration from rural areas. It would reduce the attraction of the relatively high welfare payments in northern cities.

There should also be programs to help marginal full-time farmers who want to change their occupation or retire.

5. Tighter budgetary control, as proposed by the Department of Agriculture, would make it easier to trim farm subsidies in the future. Though the trend to large farms is lamented by most farm organizations, it makes economic sense. Nor is it social nonsense, as farm groups claim, if rural development can be made successful.

Should adequate government help be provided for full-time small farmers, subsidies to commercial farmers should have lower priority than aid to the cities with their distressing problems.

A complete return to a free market for agriculture, however, is unlikely and undesirable. Even with fewer than half a million farms, agriculture would be too competitive and too productive. Farm income would be damaged beyond reason.

Congress is not expected to make dramatic reforms in the farm program this year. But it may nibble a bit. And those nibbles could turn out to be an appetizer for bigger bites later on.

KERN COUNTY—NO. 1 IN PRODUCTION OF ROSES

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MATHIAS. Mr. Speaker, Kern County, Calif., is the No. 1 rose-producing county in the Nation. Sixty to eighty percent of the Nation's bare root roses are grown there.

The distinction of being No. 1 has not come easy. It has taken years of research, development, and just plain hard work.

It is a beautiful sight to drive, during May or September, through the Shafter, Wasco, Delano, and McFarland areas and see all the different varieties of roses in bloom.

On April 21, I was happy to take part in a White House ceremony at which time a beautiful bouquet of roses and two rose bushes were presented to Mrs. Richard Nixon. Mr. John Davies, special assistant to the President, accepted the roses on behalf of the First Lady. The presentation of the roses was made by Mrs. Milton Whisler, the Nation's only woman rose hybridizer, and Mrs. James L. Scofield, hostess-producer of the "Sunny Today Show," KERO–TV in Bakersfield, on behalf of the Kern District California Federation of Women's Clubs.

The roses presented to Mrs. Nixon were grown and hybridized in Kern County by Mrs. Whisler. The four Kern County varieties are the nationally known signal red, "Red Skelton" rose, the "Treasure Chest," official rose of the Kern District Federated Women's Club; the brandnew "Sunny Today" rose, honoring all women in communications; and the "Germain's Centennial," symbolizing 100 years of rose progress through research in California.

Prior to leaving Bakersfield for their trip to Washington, the Kern County Board of Supervisors adopted a resolution designating Mrs. Dorothy Whisler and Mrs. Sunny Scofield as "Ambassadors of Kern County With Rose Portfolio." They were charged with the "duty and obligation to promote the rose industry and tell of the other many blessings we enjoy in this great land."

The two Kern County ambassadors are now traveling to London, England, to present Princess Margaret with the "Centennial" rose that has been developed in recognition of California's bicentennial.

While in London they will also present a rose to Buck Owens, one of Kern County's leading citizens, who will be appearing at the London Palladium.

I believe the resolution adopted by the Kern County Board of Supervisors will be of interest to all Members, and, therefore, I am inserting it in the RECORD at this time:

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RESOLUTION DESIGNATING MRS. DOROTHY WHISLER AND MRS. SUNNY SCOFIELD AS AMBASSADORS OF KERN COUNTY WITH ROSE PORTFOLIO

Section 1. Whereas:

(a) During recent years Kern County has progressed to the status of a major center for the production of roses. We have now achieved the position of being Number One rose producing County in the Nation; and

(b) For hundreds of years these beautiful flowers have been symbolic of man's physical being tied to his spiritual entity;

(c) In the past year the Kern District, California's Federation of Women's Clubs has been actively promoting a program not only for the beautification of Kern County through the medium of encouraging increased planting of roses but also for drawing widespread attention to Kern County as the center of the rose growing industry;

(d) On April 20th Mrs. Dorothy Whisler, Director of Rose Research for the Gro-plant Industries, and Mrs. Sunny Scofield, Past-President of the Kern District CFWC, will travel to Washington, D.C. to present Mrs. Richard Nixon and daughters Patricia and Julie with roses grown in Kern County. From there they will journey to London, England, to present Princess Margaret Rose with the Centennial Rose which has been developed in recognition of California's Bi-Centennial. This widespread publicity of Kern County earns and deserves recognition not only by this Board of Supervisors but also from all the citizens of this County.

Section 2. Now, therefore, be it resolved by the Board of Supervisors of the County of Kern, State of California, as follows:

1. Mrs. Dorothy Whisler and Mrs. Sunny Scofield be, and they are hereby designated and appointed "Ambassadors of Kern County with Rose Portfolio" and they are charged with the duty and obligation to promote the rose industry and tell of the other many blessings we enjoy in this great land.

2. This Board urges all news media to assist in publicizing this effort by the Federated Women's Clubs and Gro-plant Industries as an example of the type of effort needed to promote Kern County.

APRIL 14, 1970.

VANCE A. WEBB,
Chairman, Kern County Board of Supervisors.
LEROY M. JACKSON,
Supervisor.
JOHN HOLT,
Supervisor.
DAVID S. FAIRBAIRN,
Supervisor.
MILTON MILLER,
Supervisor.
VERA K. GIBSON,
Clerk of the Board.

MARTIN LUTHER KING EXPOSED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. RARICK. Mr. Speaker, another American, Mrs. Julia Brown, has issued a statement on the feverished attempts by a few to glorify Martin Luther King.

Her statement follows:

AN ANTI-COMMUNIST NEGRO MAKES THIS APPEAL: PLEASE DON'T HELP GLORIFY MARTIN LUTHER KING

(By Mrs. Julia Brown)

(NOTE.—Mrs. Julia Brown spent more than nine years as a member of the Communist Party in Cleveland, Ohio, serving as an undercover operative for the Federal Bureau of Investigation. She "surfaced" in 1962, to testify in Washington about her experiences and to describe how the Communists plan to use Negroes as "cannon fodder" in their program of racial agitation. Today, she continues to risk her life on coast-to-coast speaking tours, exposing the Communist-led revolutionaries who pose "a clear and present danger" to Americans of every race.)

Mr. J. Edgar Hoover, the Director of the Federal Bureau of Investigation, once called Martin Luther King "the most notorious liar in the country." I agree with him. But I also believe that Mr. King was one of the worst enemies my people ever had.

I know that it is considered poor taste to speak ill of the dead. But when someone served the enemies of our country while alive, and his name is still used by his comrades to promote anti-American activities, shouldn't people who know the truth speak out?

I learned many surprising things while I served in the Communist Party for the FBI. Communist leaders told us about the demonstrations that would be started, the protest marches, the demands that would be made for massive federal intervention. Every Communist was ordered to help convince American Negroes that we are no better off than slaves. Wherever we went and whatever we did, we were to promote race consciousness and resentment, because the Communists know that the technique of *divide and conquer* really works.

We were also told to promote Martin Luther King, to unite Negroes and whites behind him, and to turn him into some sort of national hero. We were to look to King as the *leader* in this struggle, the Communists said, because he was on our side!

I know they were right, because while I was in the Communist Party I learned that Martin Luther King attended a Communist training school. I learned that several of his aides and assistants were Communists, that he received funds from Communists, and that he was taking directions from Communists.

Most Americans never look at the Communist press in this country. If they did, they would learn that the Communists loved Martin Luther King. He was one of their biggest heroes. And I know for a fact the Communists would never have promoted him, financed him, and supported him if they couldn't trust him. He carried out their orders just as slavishly as Party members in Cleveland, Ohio.

Martin Luther King may never have carried a Communist Party membership card. That's not important. Most of the people the Communists counted on to further their work were not official members of the Communist Party. But I am as certain as I can be that he knew what he was doing! And I am just as certain that the drive to glorify him now is just as much a Communist project. Through it, the Communists expect to raise millions of dollars to help further their programs, to gain even wider acceptance for their campaign of civil turmoil, and to further divide the American public.

But none of this has to happen. Although many Americans are still deceived about Martin Luther King, more and more are learning the truth. I want to assure every reader that what I've said here is the truth. I urge everyone to investigate this crucial issue further. Please *make sure of the truth*. For it is only through honest information and sincere efforts that the problems this country faces can be solved.

This pamphlet is being distributed as a public service by the nationwide network of TACT Committees. Our purpose is simply to help spread the Truth About Civil Turmoil. We believe that good Americans of every race and of every religion should know that flagrant lawlessness, violence-producing "nonviolence," racist cries about "white racism," and repeated demands for "massive federal intervention" are part of a Communist program for a Communist conquest.

We hope the information in this brochure will cause more Americans to reflect on the real nature and the subversive intent of the campaign to confer "sainthood" on a man who collaborated closely with Communists, who accepted directions and funds from Communists, and who furthered Communist purposes all of his adult life.

For more information on this important issue, we recommend the following materials. All of them can be ordered through our Committee or by writing directly to our national headquarters:

The Civil Rights Packet, a collection of articles and pamphlets, including two Communist booklets and the outstanding study, *Color, Communism and Common Sense* by Manning Johnson, a Negro and former top Communist. ($1.00)

The TACT Packet, eight articles and pamphlets on civil turmoil, plus the definitive study of the "civil rights" movement, *It's Very Simple* by Alan Stang. ($1.00)

I Testify, by Mrs. Julia Brown, the autobiography of one of America's bravest patriots and a stirring account of courage, determination, and dedication to freedom. ($1.50)

The Sandersville Story, a brief pamphlet on the terrorist tactics used by the Southern Christian Leadership Conference in Sandersville, Georgia, to force Negroes to accept the creation of a socialist community—*a soviet!* (10 copies for $1.00)

NATIONAL SECRETARIES WEEK

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. McEWEN. Mr. Speaker, I would like to call to the attention of my distinguished colleagues that the week of April 19–25, 1970, has been designated as

National Secretaries Week throughout the Nation. This is the week when businessmen everywhere acknowledge the vital assistance of the secretarial profession in today's world and tomorrow's future. Through their profession, secretaries are accepting vital responsibilities and are performing important roles in commerce, industry, education, and government.

I am delighted to add my heartiest congratulations and sincerest support to the secretaries who are honored by the designation of National Secretaries Week. It is wonderful that the rightful recognition is being given to them.

CHANGES IN PUERTO RICO POLITICAL FIELD

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. CÓRDOVA. Mr. Speaker, the matter of Puerto Rico politics and Puerto Rico economics is frequently focused upon by the news media. This is natural, I suppose, because change is news, and change and forward progress have come to characterize Puerto Rico.

Not less than the progress of our institutions and the industrialization being developed in the islands, is the progress being made in our political direction.

Statehood to cement Puerto Rico to the United States as an integral and fully participating part is gaining strength in the island. The time is not yet ripe, but surely it is coming when the great preponderance of our people will clearly express its will in this sense.

Because of the demonstrated interest of our colleagues in Puerto Rico, I include at this point an article from the March 22, 1970, Los Angeles Times by Lloyd O. Wadleigh, professor of economics at Carroll College, now in the fifth year of a 20-year project to study the economic and political development of Puerto Rico.

Despite some minor errors—for instance the percentage of the vote for Commonwealth in the 1967 plebiscite is erroneously lowered by 2 percent, and the percentage of the vote for independence is correspondingly increased—Mr. Wadleigh's article shows an awareness of the changes that are taking place in the political field in Puerto Rico.

The article follows:

TOPICAL COMMENT: STATE OR NATION? PUERTO RICO NEARS ITS CROSSROADS

(By Lloyd O. Wadleigh)

Political forces in Puerto Rico have been polarized in the last two years. The issue at hand is the island's status in relation to the United States. Three questions are at hand: Should the island remain in its present unique commonwealth status, voluntarily associated with the United States? Should it seek to become the 51st state in the United States? Should it seek complete independence?

These questions came into sharp detail with the election of Gov. Luis A. Ferre in November 1968. Ferre, the leader of the New Progressive Party (NPP), has long been an advocate of Puerto Rico's seeking statehood. This attitude is in sharp contrast to the position taken by former Gov. Luis Munoz Marin, the leader of the Popular Democratic Party (PDP) and the chief architect of the Commonwealth concept.

Munoz Marin firmly believes that maintenance of the present status is to the distinct advantage of the people of Puerto Rico, both economically and culturally. Opposing both of these positions is a very active minority (Independistas) made up of several political parties who wish to sever all ties with the United States and to become a completely independent nation.

Since the election of Gov. Ferre it has become quite evident that the plebiscite of July 1, 1967, did not correctly picture the attitudes of the Puerto Rican people. At that time 58% of those voting favored continuing the present commonwealth status; 39% voted for statehood; and 3% desired independence. Those parties which advocated independence urged their members to boycott the plebiscite, knowing that they were in a very weak minority at that time.

PARTY SPLITS APART

What has happened since the 1968 election has been a split in the PDP which had staunchly supported the commonwealth status. It is very evident to anyone familiar with and in close contact with the political scene in Puerto Rico that a sizeable minority (perhaps as high as 30%) of the PDP members were Independistas at heart. These incipient Independistas have now joined one or more of the groups advocating independence, and have become much more vocal and active.

This movement has frightened many of the moderate members of the PDP and driven them into the camp of the NPP. Gov. Ferre stated in an interview Jan. 9, 1970, that he felt that the NPP, which polled less than 50% of the vote in the 1968 election, now has the support of nearly 65% of the voters. On the strength of this change, plans are being discussed for another plebiscite in the near future. Ferre feels confident that the majority of the people will favor Puerto Rico making its move to seek statehood. He feels that the move should take place in seven or eight years.

What would be the economic consequences of such a change in status? Having spent the month of January in Puerto Rico pursuing the answer to this question, I would have to admit a change in the position which I had developed over the period of the previous four years of research into the economic development of Puerto Rico.

I went to Puerto Rico on Jan. 3 convinced that it would be dangerous for the Puerto Rican economy to have its political status changed from the present commonwealth. I left the island on Jan. 31 assured in my own mind that the dilemma facing the people of Puerto Rico can be constructively resolved through a well-planned route leading ultimately to statehood. Upon considerable reflection since leaving the island, it now appears that the ultimate date should be in the present decade.

Those who advocate independence for Puerto Rico do so for three apparent reasons. First, there is a radical left wing group looking with favor on a "Castro-like" revolution against the "Yankee capitalists." Second, there is a group which feels that they and their island are being exploited and if there were the political power of independence this could be prevented. Third, there is a very emotional group which feels that the economic progress that has come and will continue under either continued commonwealth or eventual statehood will be at the cost of a complete loss of the Spanish cultural identity which they greatly treasure.

What all of these groups overlook is that without the privilege of free migration to and from the U.S. mainland, which is inherent in their present U.S. citizenship, the stabilization of the island's population so essential to past and future economic development would be impossible.

There is no question in my mind that any serious consideration of independence would be an economic disaster for Puerto Rico. In fact, the surfacing of the incipient Independistas from the PDP has encouraged the more radical fringe of this motley group to resort to acts of sabotage and disruption in the past year. These acts, being publicized widely in the United States, have created doubts in the minds of both prospective tourists and investors. These doubts have been significant contributing factors to the serious decline in tourism in the present season and the marked slowdown in the establishing of new plants on the island by continentally based corporations.

The publicity given to the independence movement and the minority anti-American attitude has blown their significance way out of proportion and raised the spectre of ultimate confiscation of American capital if independence was gained. This element of uncertainty is very costly but could be overcome by an overwhelming vote in favor of statehood in the forthcoming plebiscite.

The supporters of continued commonwealth status rightfully point with pride to the economic development which has taken place since its founding in 1953. They contend that only the ability to offer complete freedom from taxation for periods of 10 to 17 years has made this development possible. They point to the fact that under statehood firms operating in Puerto Rico would be subject to both U.S. income and excise taxes.

They feel, therefore, that there would be a severe cutback in the rate of industrialization on the island. This, they contend, would make it impossible to reduce the very high unemployment rate, variously estimated to be realistically in the range of 20–30%. The supporters of the status quo feel that statehood would make it impossible to raise the major segment of the island's population from the severe poverty in which it has been trapped.

The supporters of statehood, on the other hand, have many telling responses to these contentions. First of all, they point out that with taxation comes representation, and hence the ability to make more substantial the amount of federal funds that could be brought onto the island state under the many anti-poverty programs. This would be particularly significant if currently proposed guaranteed family income plans were to be put into operation.

The statehood group also points to existing regional economic development programs such as the ones in Appalachia and the Northern Woods area of the Midwest. They feel assured that these programs would easily offset the incidence of federal taxes.

The second point which this group makes is that under statehood the uncertainty of American investors about the status and safety of their assets would be removed. In addition they can point, with telling effect, to the great surge of investment that has taken place in Hawaii since it became a state. This has also been true in Alaska, although to a lesser degree.

Certainly these points were very influential in my own case. I am now convinced that, on the timetable proposed, statehood would accelerate the rate of economic development of the island.

ADVANCED ATTITUDE

In addition, there is a new attitude and philosophy of economic development in the Economic Development Administration of Puerto Rico (EDA). There is a definite feeling that it is time to leave the "operation bootstrap" era behind and to make every effort to bring about a more balanced industrial community that has in it all of the

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industrial elements found in every viable industrial center in the United States.

One cannot help but be impressed by the new attitude as expressed by Jose Caldas, the executive assistant to the administrator of the EDA. When asked if it would be feasible for firms to locate in Puerto Rico if it were to become a state, he replied that in his years in the feasibility division of EDA he had learned that it was the role of the EDA to find the way to make each particular proposed project feasible. He was sure that this role would continue to be met regardless of the political status in the future. He went on to note that no state in the Union ever became industrialized until after it had become a state.

The first step in the movement toward closer political ties with the United States would be extension of the power to vote for the President of the United States to the Puerto Rican people. There is a special committee appointed jointly by President Nixon and Gov. Ferre studying the question. The committee will make recommendations if it is found that this is a possible move. The second step would be a plebiscite to see if a majority of the Puerto Rican people now desire statehood. If they do, then they must follow the trail blazed by Hawaii and Alaska.

CADETS SHUN STRIFE ON CAMPUS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DERWINSKI. Mr. Speaker, one of the responsibilities of a Member in which I take great personal pride and satisfaction is to nominate young men from my congressional district to our service academies. The young men who are accepted are outstanding Americans in which the Nation can be justifiably proud. Therefore, it was with great interest that I noted an article in the Tuesday, April 21, Chicago Tribune by its New York correspondent, William Fulton commenting on the educational programs and atmosphere at West Point:

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CADETS SHUN STRIFE ON CAMPUS

(By William Fulton)

WEST POINT, N.Y., April 20.—Education goes forward at the United States Military academy, unruffled by the turmoil at Cornell, Columbia, Harvard, and other institutions of higher learning along the eastern seaboard. Applications this spring total 6,000, an all-time high despite anti-war sentiment among young men the country over.

West Point opened with a total enrollment of two cadets in 1802 and is expanding to 4,417 by July 1972. Today's candidates will become the generals of the year 2000 unless by the turn of the century mankind has figured out a way of resolving disputes other than by military means.

Brig. Gen. John R. Jannarone, dean of the academy, said in an interview that for the last 10 years the institution had been revising and expanding its curriculum, not only to keep abreast of modern education but also to train men for the highly complicated involvements abroad.

Next year the academy will increase its elective courses from 130 to 140, including a brand new one in ecology, the relation of living organisms to their environment, highly important in the pollution era. The cadet may choose from the physical sciences, economics, political science, history management, business administration, and public affairs.

DUTIES MORE COMPLEX

West Point initiated its first foreign language laboratories.

"It should be recognized that the army's duties are becoming more complex" explained Gen. Jannarone, No. 1 graduate of the 1938 class and commander of a combat engineers battalion in the Pacific during World War II.

"We have political responsibilities, overseas; people in foreign countries, military assistance programs, and missions, besides the actual presence of troops in Germany, North Atlantic Treaty bases, and Viet Nam. We are trying to give our young men a solid basis for the future."

Jannarone noted that 75 percent of West Point's young officers go to graduate schools around the nation to follow their special interests after their first tours of military duty.

FLOOD OF APPLICATIONS

Col. Manley Rogers, director of admissions, said the flood of 1,000 more applications than last year showed there was a sizable number of youths in the country who want an orderly existence.

Rogers disclosed that a special effort is now under way to help young Negroes enter the academy. A black admissions officer is assigned for the first time to this field. He is Maj. Cornell McCollum, a Viet Nam veteran. Forty-five blacks entered this year's pledge class compared with nine last year.

IGNORE STUDENT REBELLION

"The student rebellion doesn't bother us," said Rogers.

He recalled that a group of Cornell students planned a protest march on West Point and then gave it up. A crowd of Vassar girls did attempt to storm the citadel, but the whole demonstration evaporated when cadets mingled with the marchers and dated them.

A stroll with a cadet along Flirtation Walk—just starting to burgeon out in springtime glory—should cure most coeds of revolutionary tendencies.

OUTSTANDING COMMUNITY SERVICE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DUNCAN. Mr. Speaker, I want to pay tribute to outstanding community service that has resulted in national recognition for Knoxville and Morristown, Tenn.

Both cities are mong 15 finalists in a national community improvement program cosponsored by the General Federation of Women's Clubs and the Sears Roebuck Foundation.

An entry submitted by the Ossoli Circle of Knoxville and a joint entry by four Morristown clubs—Somo Sala Circle, Ladies Reading Circle, Junior Reading Circle, and Child Welfare Circle—are being judged to determine national ratings. Needless to say, I am rooting for these two fine towns and hope their scores are at the top of the list.

COMMUTER RAIL SERVICE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, my very good friend David A. Sutherland, a member of the house of delegates from Fairfax County, Va., has advised me of his strong support, with which I concur completely, of a commuter railroad program to serve displaced Navy employees and the southwest employment area.

Mr. Sutherland's efforts toward instituting low-cost commuter rail service were greatly strengthened by GSA Administrator Robert L. Kunzig, who, by letter of April 8, urged Transportation Secretary Volpe to explore use of rail transportation for commuters between Union Station and Alexandria, Va., or beyond.

Mr. Sutherland feels Mr. Kunzig's letter represents a real breakthrough for those like himself who for years have been pressing for commuter trains on existing track as a quick solution to the area's traffic crisis. Mr. Kunzig's task force determined that relocating 10,000 Navy employees from the District of Columbia to Crystal Mall in Arlington could produce a total of 122,000 vehicles per day in the Route 1 corridor, and that the problem would be compounded as highway construction in the Pentagon complex progresses. Unless something is done quickly, Mr. Sutherland believes commuters to and from Mount Vernon, Lee, and Springfield will find it impossible to get through Alexandria and Arlington en route to and from the District of Columbia.

Mr. Speaker, I believe our colleagues would be interested in Mr. Kunzig's analysis of this problem, and I insert the text of his letter to Secretary Volpe in full at this point in the RECORD:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., April 8, 1970.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: As you know I have established a Task Force to assist in the relocation of 12,000 Federal employees from Main Navy and Munitions Buildings to Northern Virginia. I have directed this group to concern itself with the individual employee and to undertake every action possible to minimize inconvenience to these people resulting from the relocation.

The Task Force has concerned itself with the problems inherent in the move and one of the most important is the transportation situation. I gratefully acknowledge that several members of your Department are currently working with the Task Force assisting in the study of various methods to improve transportation to the Jefferson Davis corridor area in Northern Virginia and to the Southwest section of the District of Columbia.

At the present time, existing highway facilities along the Route 1 corridor (Jefferson Davis Highway) are inadequate to handle the large volume of traffic being generated by the 9,000 Federal people currently working in the area. With the relocation of approximately 10,500 more employees, many of whom will be using these roads, I am sure you will agree that the situation will become even more difficult.

At a recent public hearing held in Arlington, Virginia, by the Virginia Highway Department, it was reported that the vehicular traffic along the portion of the highway near Crystal Mall presently has a volume of 63,000 vehicles per day and this traffic is expected to increase to 122,000 vehicles per day in the near future. I am further advised that planned improvements scheduled by the Virginia Highway Department appear to be several years away.

In an effort to alleviate the situation, it has been recommended to me that commuter rail service be instituted, primarily during the period of the construction of the rapid transit system, to ease the burden on the highways created by personal automobiles.

I am fully aware of recent surveys and studies which were conducted about the use of railroads for commuter service in the Washington area. They include the Washington Area Pilot Transportation Study by the Senate Public Works Committee published in 1969; the Staff Report on Commuter Rail Service conducted by the Northern Virginia Transportation Commission in 1969; the Transit Survey conducted by the Northern Virginia Transportation Commission and the Richmond-Fredericksburg and Potomac Railroad in 1966; and the Staff Report of the Washington Metropolitan Area Transit Authority of April 1969.

It appears that great time and effort have gone into these studies. However, I believe that a new look into this method of transportation should be made at this time in light of the fact that the Federal population has and is increasing substantially in these areas. I further believe that, with a concerted effort by both of us, the institution of low cost commuter rail service can be accomplished.

Therefore, I am asking that your Administrator for Urban Mass Transportation, Mr. Carlos Villarreal, explore the use of rail service in the Washington area especially between Union Station and Alexandria, Virginia, or beyond, using the Richmond-Fredericksburg and Potomac Railroad for this purpose. A turn-around by these trains could serve a useful purpose by bringing commuters to work in the District of Columbia from the Alexandria, Virginia, area further relieving the overcrowded highway situation.

Your early consideration of this matter will be deeply appreciated.

Sincerely,

ROBERT L. KUNZIG,
Administrator.

THE ARMS TRADE—PART XI

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. COUGHLIN. Mr. Speaker, last Friday's New York Times carried an article that once again demonstrates the urgent need to curb and control the international trade in arms.

In this particular case, we learn that the Pentagon in fiscal year 1970 plans to double the quantity of arms to the Greek dictatorship.

We are providing these arms in contravention of our own 1967 self-imposed curb on deliveries of "major" weapons to the regime. This increase was not and still has not been approved by Congress. There is little doubt that these arms are to be used to entrench the junta in power and to suppress the last vestiges of free expression that remain at large in the country.

To control this kind of mischief will require the passage of legislation. A beginning has been made in an amendment to H.R. 15628 submitted by myself and Mr. REUSS. Both the amendment and the bill passed the House and are now being considered by the Senate.

This amendment asks the President to institute a thorough review of our entire military aid program; to take the necessary steps to begin multilateral talks with other great powers on controlling the trade in conventional arms, to initiate a general debate in the United Nations on the subject, and to use the power and prestige of his office to work toward controlling the trade. If this amendment were law, it would be less likely that the Pentagon could get away with such an act as this.

The article follows:

[From the New York Times, Apr. 17, 1970]

PENTAGON DOUBLES ARMS AID TO ATHENS DESPITE RESTRICTION

(By Tad Szulc)

WASHINGTON, April 16.—Despite United States restrictions on arms shipments to the Greek junta, the Defense Department is reported to have secretly supplied this year nearly twice the amounts of military aid to Greece authorized by Congress.

The United States imposed the curb on deliveries of "major" military items to Greece in 1967 to show its displeasure over the overthrow of the government by the army.

However, the nature of this curb has never been publicly defined and the flow of equipment has continued at levels considerably above those approved by Congress under the military assistance program.

At the same time, the Administration is considering lifting altogether the embargo on military deliveries to Greece, reportedly under the pressure of the Defense Department, which is concerned over the situation in the Eastern Mediterranean, where the Soviet Union has been building up its fleet.

Figures made available in Congressional quarters showed that while Congress had authorized $24,498,000 in military aid to Greece in the 1970 fiscal year, the Pentagon plans to deliver additional equipment worth $20-million from stocks described as surplus.

Figures obtained here also showed that in the 1969 fiscal year the Pentagon quietly gave $470-million in surplus armaments to the four "forward defense countries"—Nationalist China, South Korea, Turkey and Greece—in addition to the total of $350-million in military aid approved by Congress.

The principal beneficiary was Nationalist China, which received about $157-million from this total, while Greece received nearly $26-million in 1969 on top of the authorized deliveries of $37,531,000.

Congressional sources said that the Pentagon set a "utility value" on the material of 25 per cent to 30 per cent of the cost, even if the equipment was new. Congressional experts have adopted the method of multiplying the utility figures by four to arrive at the cost of the surplus shipments.

The Pentagon's actions have raised indignation among many members of Congress, who consider their authority disregarded by the department. But the Greek situation has international implications as well because of the strong sentiment in Western Europe against the authoritarian practices of the Athens junta.

Today, Senator Stephen M. Young introduced legislation requiring the Pentagon to make "complete and prior disclosure of all proposed disposals of surplus weapons."

The Ohio Democrat cited Nationalist China and Greece as the countries where, "through the surplus disposal program, Pentagon officials have been secretly subsidizing at least two tyrannical dictatorships without any advance information given to Congress nor any authorization sought nor secured."

The restriction on arms to Greece was imposed by the Johnson Administration after the colonels overthrew the constitutional regime on April 21, 1967, and it has thus far been maintained by the Nixon Administration.

Under this ban, Greece is denied so-called "heavy" items, such as tanks and combat aircraft. But neither Administration has defined what items are considered "heavy."

In 1966, before the restrictions were applied, the total military aid to Greece was about $90-million.

$55 MILLION IN MINOR ITEMS

Although the government said that only spare parts, trucks and minor items were being provided after the coup, Greece received $44-million in 1967 and $55-million in 1968.

Officials here were unable to explain at the time how this "marginal" aid could amount to such high figures.

Following the invasion of Czechoslovakia by Soviet-bloc armies in August 1968, the United States temporarily lifted the Greek embargo as it sought to encourage the allied countries to build up their defenses. As a result, Greece received in 1969 about $63-million in military aid, of which $26-million was from the surplus stocks.

OPPORTUNITY IN AMERICA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WYMAN. Mr. Speaker, America is still the land of opportunity for anyone who is willing to try. If skills are lacking vocational training is available at public expense. If job change is involved vocational retraining is available also at public expense.

As the following significant statement from the Warner & Swasey Co. expresses so well, America is still the land of opportunity. It is not and cannot become the land of the free ride, or the productive genius that has brought economic prosperity to this great land will wither on the vine.

The statement follows:

YOU CANNOT CURE POVERTY WITH MONEY: STATEMENT BY WARNER & SWASEY

If that's all it took, there wouldn't be a single poor neighborhood . . . America has been pouring out money by the tens and scores of billions. But that's like trying to cure a serious disease with aspirin—it helps lull the pain for a little while, but then it's back again, and worse.

Poverty can *only* be cured by *production* and the more and better you produce, the farther and more happily you get away from poverty.

But you can't get work? Who says so? Study the Help Wanted columns. Ask your neighbor or that company down the street if they want their windows washed (*clean*) or floors swept (*neatly*) or errands run (*courteously*). Oh, you meant you can't get work of the sort you like, at the pay you want? Take what you can get, learn something better as you work—and you'll *grow into* what you like, and earn what you want . . . that's the way everybody else had to do it.

There are more jobs in America than people able and anxious to fill them. Learn to fill one and to do it well.

America is full of *wants*. Fill the first one you can find (and you only need look, honestly)—fill it to the best of your ability, learn as you go—and you'll be *on your way*.

ONE SIDE OF THE PESTICIDE QUESTION

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MONTGOMERY. Mr. Speaker, we are constantly being bombarded with information on the question of air and water pollution. As with any debate, there are always two sides to a question. I would like to share with my colleagues the following article entitled "An Ecologist Views the Environment" which presents one side of the pollution question as it involves pesticides:

AN ECOLOGIST VIEWS THE ENVIRONMENT

ABOUT THE AUTHOR

Dr. Donald A. Spencer is one of the country's outstanding authorities on wildlife biology. A Colorado native, he has been a practicing biologist for more than 40 years.

He earned his B.A. degree in Biological Sciences from the University of Denver in 1926, his M.S. degree in Animal Ecology from the University of Chicago in 1930, and his Ph.D. in Ecology from the University of Colorado in 1958.

The first 34 years of his long professional career was with the Fish and Wildlife Service of the U.S. Department of Interior. In this service he conducted extensive research in wildlife programs across the country. As newlyweds, Dr. Spencer and his wife, Alice, started housekeeping in nomadic fashion as they established camp after camp from the prairie lands to the mountains, as he took his assignments as a trouble shooter for the Service.

The Spencers are particularly fond of the "high country," even though it involved strenuous backpacking from base camp to remote regions for weeks at a time to study wildlife problems.

Dr. Spencer spent his last 5 years of public service as Chief Staff Officer of Animal Biology in the Pesticide Regulation Division of the Agricultural Research Service. The author has written articles for a number of scientific journals and popular publications, including National Geographic Magazine. He holds membership in the Wildlife Society; American Society of Mammalogists; British Ecological Society; International Association for Great Lakes Research; and the American Association for Advancement of Science.

INTRODUCTION

During recent years, there has been much misunderstanding about pesticides with relation to the environment and the role they play in American society.

Life and health are two important, vital processes in our environment. Pesticides serve as an important aid to continuous, daily survival.

Dr. Spencer, in presenting the *true* role of pesticides, has written his views in four parts—*Pollution*, *Pesticides and Runoff*, *Pesticides and Birds*, and *Pesticides and Fish*.

In every part—each having detailed facts and figures—Dr. Spencer concludes that environmental benefits are derived from the use of pesticides.[1]

POLLUTION

Pesticides are a small segment of the larger problem of pollution from all sources. Most pesticide chemicals are organic compounds that, in varying intervals, are degraded by other chemicals, by light, by heat, and by tens of thousands of living organisms (called detritus feeders). Thousands of chemicals, the end products of industrialized civilization, are to be found in our air, soils, and water.

Unless a broad approach is taken to all these pollutants, it is impossible to predict the metabolites that may be formed or the persistence of residues. Every estuary is different—the product of the activities in its drainage basin. The fauna and flora of the bottom silts differ in species composition according to the wastes delivered to the area. As the character of those wastes changes, so do the populations exposed to them. Change and adjustment is a basic law in Nature.

But there is another more immediate reason for including *all* pollution in this discussion. Most people have little knowledge of chemical and pharmacological action and are naturally disturbed by the implication of disaster. Maybe we can put things in proper perspective by talking about a type pollution with which we are all familiar. For example, some legislators have proposed bills which would ban fossil-burning (i.e., gas, oil, and coal) electric generating plants. Can you imagine how popular an abrupt action of that type would be when your lights went out and your refrigerator stopped working?

Environmental improvement

Pollution, and its correction, involves (1) basic technology, (2) economic considerations, and (3) adjustments in social behavior. We are dealing with a matter of good housekeeping. It begins with the personal habits of individuals. What does your room, your home, or the picnic area you have just left look like? How much effort and what percent of your own money can you invest to handle the problem of wastes? There are no bystanders. Everyone is directly involved, even when the subject is restricted to pesticides.

We have problems with pesticides. Most are local in nature, and progressively corrected. We'll continue to have "controllable" problems in the environment. The tens of thousands of species of living organisms in this environment form too complex a problem to be solved completely by pre-use studies of chemicals.

Better conditions now

Many segments of our environment are better today than they were 40 years ago. For example, the Thames River in England supported a thriving anadromous fishery until the invention of the "water closet" in the mid-1800s. The Thames then became an open sewer in which fish could not live. A recent report in Nature states that pollution has lessened so that this fishery is slowly returning.

On our own coast, the striped bass have returned to the Chesapeake Bay in record numbers to spawn. In that same bay, blue crab are expected to provide a harvest in 1970 unequaled in recent years. Yes—these waters are polluted and need some corrective action—but a disaster they are not.

Oceans trouble free

It is difficult to relate limited laboratory studies to field conditions. Even men in responsible positions have referred to a paper published in *Science* that permits the reader to conclude that the oxygen supply of the human race may be endangered by the effect of DDT on marine plankton.

This laboratory study on four species of marine phytoplankton found that 1 part per billion of DDT had no effect, but that 10 ppb seriously interfered with photosynthesis.

While there are several inconsistencies in this limited study, the principal point that has been overlooked is that the levels of DDT plus its metabolites in ocean waters are reported to be only 1 part per trillion or less. Levels are not expected to rise above this figure even if regulated uses continue. Thus, the alarm has been sounded about a residue 1,000 times less than the no effect level.

Land produces more

What measure do we have of the quality of lands around us? We know that today one farm worker provides food for himself and nearly 50 other people. And, he is accomplishing this on 83 million acres less than in 1950!

Food production per unit of land is up—way up! Is this at the expense of wildlife? Is wildlife disappearing? Certainly not. It is a fact that lands capable of producing game are shrinking every year as our cities, roads, airports, and industries sprawl over the countryside.

Nevertheless, there is more game today than 30 years ago—much more.

To the contrary notwithstanding, man is a good husbandman! Where it would take "Nature" many centuries to repair the ravages of a forest fire (many caused by electric storms), Forest Service crews are on the job almost before the ashes cool, broadcasting grass seed to stop erosion and planting seedling trees.

No one values top soil as does the farmer. He fights erosion by wind and water with contour rows, terracing, and shelter belts.

The picture is brighter than you might think, but it doesn't preclude trouble spots. It does, however, support the thesis that we are faced with *problems, not a disaster*.

Monitoring program

To maintain that status, a nationwide monitoring program is in progress. It seeks to ascertain the levels of pesticide chemicals in soils, inland waters, marine estuaries, air, standing crops, food prepared for the table, man, domestic livestock, wild birds and their eggs, fish, and shellfish.

The purpose is two-fold. First, it pinpoints those pesticide usages that have an adverse effect on nontarget areas or organisms, so that we can correct a local problem before it becomes critical. Second, by repeat sampling of the same area at stated intervals, it determines if residues are accumulating as the result of annual applications.

We can avoid trouble by recognizing early signs. In this respect, monitoring is like a dental or health checkup. This infant program may locate some real sore spots, such as the actionable residues of DDT in fish in Lake Michigan, the Delaware River, the Tom Bigbee River, and the Sacramento drainage. But the bulk of the drainages sampled have shown no immediate problem.

Residues nonprogressive

Generally speaking, the programs thus far have not established that background levels of the chlorinated hydrocarbon insecticides are increasing as the result of 15 to 25 years of use. Rather, they show that the environmental residues we observe have reached a static balance between continued degradation of the pesticide and the annual input.

We must not sweep any of our problems under the rug. On the other hand, we have the obligation to insist that regulation and control of pesticides be based on sound information and the benefit/risk equation soberly evaluated.

Emotion is a pollutant we cannot live with.

PESTICIDES AND RUNOFF

Judicious agricultural use of chlorinated hydrocarbons does not significantly contribute to the contamination of flowing streams.

Footnotes at end of speech.

XUM

Such insecticides strongly resist movement once they are incorporated in soils. In general, water removes pesticides only by eroding the soil itself. They are not leached by water to the lower layers of the soil, and they do not contaminate wells by underground movement. We must not move precipitously to substitutes that have greater soil mobility.

Along 800 river miles to the Lower Mississippi, and at multiple sites along its tributaries, the U.S. Department of Agriculture monitored streambed materials in 1964, 1966, and 1967 for chlorinated hydrocarbon residues. Adjoining lands have a long history of intensive agricultural use of pesticides. Significant pesticide contamination of the river bottom was found to be *very* localized, associated with one chemical manufacturing operation, and just downstream from five small pesticide formulating plants in Mississippi. Otherwise, the study concludes that, ". . . the large amounts of chlorinated hydrocarbons previously applied to crops in the Mississippi River Delta have not created widespread contamination of streambed materials." The report also states, "There is no buildup or increasing pesticide contamination of the sediments in the lower Mississippi River."

Low contamination

The U.S. Geological Survey has, for many years, monitored streams of the Western United States. Where monthly water samples from 21 sites were taken over a 2-year period (October 1966 to September 1968), investigators report, "Pesticide concentrations found were never in excess of the permissible limits established for public water supplies by the National Technical Advisory Committee to the Secretary of the Interior." [2] According to data in the report, 51 percent of the 333 water samples analyzed disclosed no residues for nine chlorinated hydrocarbon insecticides and three phenoxy herbicides (i.e. *less* than 10 parts per trillion). The range of individual insecticides in the positive samples was 0.01 to 0.12 parts per billion, with the average only 0.018 parts per billion. Stated another way, 62.5 percent of the water samples contained no detectable chlorinated insecticide residues. Of the remaining positive samples, 66 percent were at the minimum detectable level of *10 parts per trillion*.

The statement is often made that "eventually most of man's waste products find their way to the sea." This statement has been repeatedly applied to the problem of persistent pesticides. It is correct to say that some of these wastes reach the sea, but very incorrect to say "*most*".

Photo, chemical, and biodegradation set in promptly after an organic compound is released into the environment. In the course of its travel downstream, much of this waste is recycled into energy components. Pesticide residues in streambed materials taper off sharply below the point of introduction.

No pesticide buildup

In the monitoring study of pesticides in California bays and estuaries,[3] John C. Modin states, "Expected high levels of pesticides were not found in San Francisco Bay, the terminating point for Sacramento and San Joaquin Rivers which drain over 6 million acres of agricultural land in the Sacramento and San Joaquin Valleys."

During the last 4 years, the U.S. Bureau of Commercial Fisheries has monitored the residue levels of 10 of the most commonly used organochlorine pesticides from about 170 permanent stations in estuaries on the Atlantic, Gulf and Pacific Coasts.[4]

The oyster, soft clam, or any of several mussels were employed as sensing agents. An oyster for example, can "pump" 16 liters of water per hour through its system to extract plankton and organic debris which it uses as food. Under controlled conditions, it has been determined that an oyster will accumulate DDT and its metabolites when they occur in water at 0.1 parts per billion, and store up to 70,000 times this amount. DDT residue is lost from the oyster almost as readily as it is gained. It is thus an excellent organism for recording the rise and fall of pesticide contaminants of its environment.

With the assistance of many State cooperators, over 5,000 oyster samples have now been analyzed.

In the estuaries of the State of Washington, only 3 percent of the monthly-collected oyster samples were found to contain organochlorine insecticides. In the State of Maine, only 10 percent of the oyster samples contained detectable amounts (limit: *less* than 10 ppb). All of the positive samples in either of these States were below 50 ppb.

Oyster samples from estuaries in Alabama, California, Delaware, Florida, Georgia, Maryland, Mississippi, New Jersey, New York, North Carolina, South Carolina, Texas, and Virginia often contained DDT and its metabolites, but in amounts usually less than 0.5 ppm. This is all the more remarkable when you consider that the levels recorded in the oysters have a potential of being 70,000 times that found in the water. These studies emphasize the very low escape of these pesticides to seas, and *no evidence of continuing accumulation*.

Barthel[5] says, ". . . the large amounts of chlorinated hydrocarbons previously applied to crops in the Mississippi River Delta have not created widespread contamination of streambed materials."

Minimal movement

In Southern Mississippi[6], heavy application of DDT (2300 ppm) incorporated in soil for termite control was found to have moved laterally only 20 inches in two decades. Only minor amounts (2 ppm) were found 12 inches below treated soil.

At the College of Forestry, University of Washington[7], tension lysimeters were placed below 4-inch deep gravelly sand in a 35-year old Douglas-fir forest and below a 1-inch deep surface layer of duff and organic debris. DDT was applied to the surface of both of these soils at 0.5 and 5.0 lbs./acre and leachates collected throughout the year and analyzed. Very little DDT passed through the forest floor and even less through the surface organic layer.

There have been numerous laboratory studies in which the chlorinated hydrocarbon insecticides were applied to the surface of a column of soil. Amounts of water simulating rainfall were introduced at the top of the column in an effort to wash the chlorinated hydrocarbon through the column. A typical study of this nature was conducted by M. C. Bowman and M. S. Schechter of the U S D A[8]. These scientists studied the behavior of 11 chlorinated insecticides in eight types of soil. In soils with high organic matter content, none of the insecticides were leached through the column, except for a trace of lindane. TDE and p.p'-DDT were not leached through any of the soils except for a small fraction when water equalling 400 times the weight of the soil was used.

Since pesticide contamination of streams and lakes does occur, particularly if analytical techniques are used that measure 1 millionth part of 1 millionth part, it would seem essential to pinpoint all sources of contamination.

Urban pollution

Research scientists at Michigan State University have been routinely monitoring pesticides in three streams—Mill Creek, Rogue River, and Grand River. Preliminary reports "implicate urban areas as the primary source of pesticide contamination."

In earlier studies on the Red Cedar River that flows through East Lansing, the statement is made . . . "the largest amount of pesticide contamination entering the river comes from the waste treatment plants and not from runoff, leaching, or other factors associated with agriculture." [9]

This sewage effluent problem can largely be solved without banning persistent pesticides. Sanitary engineers say that it is possible to remove nearly all DDT and most of the other chlorinated hydrocarbon insecticides from sewage effluents,[10] but it will require complete removal of particulate matter.

Steady states

The residue of a particular chlorinated hydrocarbon pesticide being recorded in the lakes and wildlife is not the result of 25 years of gradual buildup. We are *not* adding to the problem with every additional pound used. In most areas where chlorinated hydrocarbon is used, either a *steady state*—a balance between annual input and degradation—has long since been reached, or residues are diminishing because of a change in use patterns.

Most, if not all, living forms of life progressively degrade these pesticides to harmless compounds, although slowly in certain cases. Thus, the minute residues in Antarctic penguins would be lost if not constantly replaced by continued new input of these materials.

DDT has been in use over a 25-year period. Use in the United States reached its highest input into the environment 10 years ago. Since then, it has declined more than 50 percent.[11] This, plus our knowledge of degradation rates, leaves little possibility that background residue levels in the environment will increase above those presently detected, even if many of the present use-patterns are continued indefinitely.

PESTICIDES AND BIRDS

There has been no "silent spring" despite dire predictions. Nor is there any likelihood that there will ever be one as a consequence of the use of pesticides.

The availability of food and cover hold the secret to thriving populations of birds. Secondly, the food supply has to be reasonably free of harmful pollution, and nesting cover reasonably free of direct harassment by man and his activities. Does the environment in the United States successfully fulfill these requirements? Let's look at the situation!

The wild turkey was near the vanishing point in the early 1930's from over-shooting. Slowly and progressively, it has been live-trapped from local concentrations and reintroduced in suitable habitats from coast to coast. Under free-living, wild conditions, it has increased to a point where hunters could harvest 128,167 birds in 1967–68.

The mourning dove is an important "product" of the cultivated fields and pastures. Populations of this bird have done so well under present land management practices that hunters harvested over 41 million birds in 1965.

The ruffed grouse, a denizen of our northern forest margins, has not only managed to sustain high population numbers, but in many states to provide ever-increasing hunter harvests.

Three upland game birds, not native of this country—ringnecked pheasant, Hungarian partridge, and Chukar partridge—have been successfully introduced into the United States and provide an annual harvest in the neighborhood of 25 million birds.

New program

In 1966, a new *Breeding Bird Survey* got underway, sponsored by the Migratory Bird Population Station, U.S. Fish and Wildlife Service. It now covers all states in the United States and several provinces in Canada.

In 1968, 1,174 routes, each 25 miles in length, were covered by carefully selected

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Footnotes at end of speech.

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ornithologists. Almost one million birds (965,744), comprising 472 species, were recorded. At 3-minute stops, at half mile intervals, all birds seen or heard were recorded. The 1,174 observers averaged seeing 822 birds in 2½ hours recording time. That's quite a record!

The Endangered Species program of the Bureau of Sport Fisheries and Wildlife includes 60 species of birds. In listing the causes for the decline in numbers, pesticides are mentioned as a possible contributing factor in only 4 of the 60 species (osprey, bald eagle, peregrine falcon, and California condor). These four species of raptor birds had been declining in numbers for a long period of time before organic insecticides came on the scene.

At the Hawk Mountain Sanctuary in Pennsylvania, excellent records have been kept of all species of raptors migrating through the area each fall since 1934. Rather than declining, the total number of hawks and eagles has increased. 1968 was a banner year with 29,765 hawks observed.

Such encouraging information on the status of our birdlife does not disclaim any adverse effect of pesticides. There have been problems, even when the chemical was "used as directed." Progressively, these troubles are corrected by changing application rates, by adjusting the timing, or by cancelling the use entirely.

Hazard to birds

To avoid as many problems as possible, a new pesticide must provide toxicity data on selected species of birds, which supports safety in use, before it will be registered by the U.S. Department of Agriculture. Information which indicates that the pesticide can be used without undue hazard to birds is reviewed by a team of biologists of the U.S. Fish and Wildlife Service. It would be a rare occurrence for a new pesticide chemical to be registered (and marketed) without one or more conservation research groups having had the opportunity to study the chemical in its own laboratories.

It is the more remarkable that birds generally have succeeded so well in modern times. We fence our livestock out, and man himself refrains from harvesting a pesticide-treated crop until residue levels have subsided. It is impossible to keep birds out of a freshly treated area—as a result, they receive greater exposure.

Then, no differently than man or mammals, they can accumulate residues of some chlorinated hydrocarbon insecticides. Again, similar to man and mammals, birds are little affected by the residues that are slowly acquired—with two important exceptions. First, the fat that a bird has can be completely metabolized (used like a spare tank of gasoline) in 24 hours—a stunt no mammal can duplicate. Thus, if the bird is carrying a high level of chlorinated hydrocarbons in its body fat, it is particularly susceptible to stress that calls on fat reserves. Second, the bird transfers fat containing chlorinated hydrocarbons to the yolk of the egg where *high* levels may have an effect on developing young.

Much attention has been focused on thinning of egg shells. Most of the laboratory studies on DDT have been conducted at day age levels well above field exposure and thus may not relate to conditions in nature. One thing is certain—there is wide variation in response. Some species of birds appear little affected.

PESTICIDES AND FISH

Pesticides tend to have a greater effect in the aquatic environment because fish and shellfish are literally bathed with any chemical that is in solution—actually breathing it through their gills, absorbing it through body exposure, and ingesting it with their food. Fortunately, many pesticides, particularly the chlorinated hydrocarbon insecticides, are usually incorporated in organic debris before they reach streams, lakes, and estuaries. Thus, they are only slowly available through the food source. In this form, hundreds of times as much chemical may be required to cause acute mortality than would be true if it were in solution in the water. Chlorinated hydrocarbons, for example, are progressively blotted-up by the neutral fats of the body (literally immobilized) so that harmful concentrations do not reach the nervous system. These same fats release the "stored" chlorinated hydrocarbons at a slow enough rate that the excretory and degradation systems in fish and shellfish are seldom overwhelmed.

Residue tolerance

Although pesticide residues may have little, if any, effect on the fish carrying them, those residues may be objectionable if that fish is used for food. The recent establishment of "action levels" for DDT and dieldrin by the U.S. Food and Drug Administration for fish shipped interstate is a prediction of regulations to come. It should be anticipated that acceptable tolerances for pesticide residues in fish will be established, as with raw agricultural foods. The regulation will present immeasurably greater difficulties in management, for the fish producer may not himself have used the chemical. Other independent and widely divergent activities of the drainage basin will undoubtedly be affected. The benefit/loss equation will bear heavily on decisions.

Few fish kills

Fifteen to 25 years of using organic pesticides have developed local problems. However, fish and shellfish—fresh water and marine—have not been "irreversibly harmed" by this use. In view of the high toxicity of some pesticides to fish, they account for a surprisingly small number of pollution caused fish kills.

The Federal Water Pollution Control Administration has kept an annual census of fish kills since June 1960. In the Ninth Annual Report (1968), only 51 of 438 reported fish kills were due to all insecticides and agricultural poisons combined. And, of the number of fish reported killed, only 2.5 percent were attributed to pesticides. Pollution from municipal sewers and treatment plants "was the most deadly type of pollution" followed in turn by industrial wastes and transportation accidents.

Fish thriving

On the positive side, fish populations are thriving in most of our aquatic habitats. The Michigan Department of Natural Resources in a December 1969 News Bulletin said, "Lake Michigan's sport fishermen never had it so good as they did this season when they caught an estimated 175,000 coho and chinook (salmon) with a total weight . . . approaching 2 million pounds." Despite this record, Department scientists predict, "1970 should yield vastly improved returns of coho and chinook."

The press and the radio have been full of dire predictions about Lake Erie. But in November 1969, the Executive Director, Robert J. Bielo, Pennsylvania Fish Commission, in Conservation Viewpoint stated, "Lake Erie isn't dead. In fact, it is far from dead and may be emerging once again as an exciting fish producer."

The Bureau of Commercial Fisheries has kept records on the catch of fish by commercial fishermen on the Great Lakes since 1867.[12] In 1967, commercial fishermen took almost 59 million pounds of fish from Lake Michigan, an all-time high. On Lake Erie, the annual catch during the 1930's (before DDT) averaged 42.6 million pounds. Since 1960, the annual catch from this so-called "dead" lake has averaged better than 50 million pounds annually. The commercial catch of fish today is of less desirable species, the result of over-fishing and exploitation—not pesticide selection.

Chesapeake productive

For nearly 10 years, the striped bass have been at an all-time high in the mid-Atlantic states. Dr. Ted Koo [13] reported in March 1969 that there had been an eight-fold increase over 1935 in the commercial harvest of these fish with Maryland producing more than any other state and accounting for 40 percent of the total.

The commercial harvest of fish and shellfish in Chesapeake Bay is approaching 500 million pounds annually with species such as alewives, menhaden, sea bass, shad, hard and soft clams, and oysters in increasing numbers.

The Virginia Institute of Marine Science is predicting a banner year for crab in 1970. This is the more remarkable because these crustacea are among the most susceptible species to chlorinated hydrocarbon insecticides.

A future tool

The U.S. Bureau of Sport Fisheries and Wildlife undertook to monitor the residues in three species of fish collected at intervals from 50 sampling stations located in the Great Lakes and in major river basins throughout the United States. Their first report [14] covers two collection periods in both 1967 and 1968. At 12 of the 50 sites, at least 1 of the 12 analyses made exceeded the actionable level of 5.0 parts per million for DDT and its metabolites. However, the residues in excess of 5.0 ppm were sufficiently replicated at only four sites—the Delaware River at Camden, New Jersey; the Tom Bigbee River at McIntosh, Alabama; Lake Michigan; and Lake Ontario. The analytical techniques, shared by three different laboratories, resulted in such a wide spread variation in residues found that some question can be expressed as to the reliability of data on the precise quantities of pesticide residue actually present.

Thus, pesticides in the aquatic environment present local problems; but nationwide, the fishery resource appears little troubled by the long continuous use of chlorinated hydrocarbon insecticides. The major difficulty will rest on holding residue levels within acceptable bounds—not in production of fish and shellfish.

FOOTNOTES

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MARIHUANA

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. CARTER. Mr. Speaker, it has been brought to my attention by a fellow of the American College of Surgeons and an outstanding physician in eastern Kentucky that interviews with servicemen from Vietnam revealed that many, many of them have smoked marihuana.

We constantly hear that the effects of marihuana are unknown. Perhaps some are, but there are many effects that have been known over the years; and in the Middle East, it was called hashish, which means assassin. In my opinion, the name was well deserved.

For reports from interviews conducted by a fellow of the American College of Surgeons, Dr. S. H. Flowers, with returnees from Vietnam, I inclose the following report:

THE MIDDLESBORO CLINIC AND HOSPITAL,
Middlesboro, Ky., March 24, 1970.

Congressman TIM LEE CARTER,
House Office Building,
Washington, D.C.

DEAR SIR: As a physician here in Middlesboro, I do a considerable number of pre-employment examinations, and in this way, come into contact with an increasing number of veterans of the Vietnam War, who have returned from service and are getting jobs.

Recently, I have talked with several of these men regarding their own, and their fellow soldiers' experience with marijuana, and especially regarding the use of marijuana in the field, where it seems to be more commonly used.

Their conversation indicates that—

(1) Marijuana is almost as common as any other weed in Viet Nam. It is available in the field, and can be bought in almost any store for a very low price. The natives use it widely.

(2) While each ex-soldier denies that he himself used marijuana, more than an experimental single puff on a cigarette of it.

(3) Each states that he knows that many, 50 to 60%, of the infantry units in the field are "on" marijuana. Imagine a man going into battle with his mentality fogged by the use of a drug!

(4) One man this morning, states that the effectiveness, judgment, and alertness of any man on this drug are radically reduced, even to the point of the "hopped up" man shooting his fellow soldier purposely, without knowing that it was one of his own company.

(5) Further, that guards on duty, taking the drug, neglected their posts and allowed the enemy to infiltrate the camp or fortified position.

(6) Also, that men taking the drug would resist a fellow soldier, objecting to their use of it—even to the point of threatening the life of the objector.

(7) The above statements were alarming to me, but the most alarming statement this man made was "the officers in charge of the infantry units, in which he was serving, made no effort to prevent the use of marijuana in that unit." Whether this was a condition only in the company in which this particular man served, I don't know, but my reading in the daily newspapers would indicate that it was not. I do know it ought not to persist in any company. I know also, that this situation has been, and is being concealed from the American pepole.

May I urge you to use your position and considerable influence to put pressure on the military to do everything necessary to change this situation. You and I know that any military situation can be changed, if the division and company commanders are forced to make the necessary effort, and I presume, that it will be necessary to use more than ordinary requests with tact, and gentlemanly persuasion. I think force must be applied to the division and company commanders from headquarters to remedy this situation, since it has gone on to the point where it, apparently, has gone.

Thanking you for your assistance to the American people in this thing, I am

Sincerely yours,

S. H. FLOWERS, M.D.

AIR LINE PILOTS ASSOCIATION'S EIGHT-POINT PROGRAM FOR LEGISLATIVE ACTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PUCINSKI. Mr. Speaker, the March 1970 issue of Air Line Pilot magazine carries an excellent article by Mr. Phil Salk outlining the Air Line Pilots Association's eight-point legislative program.

I am placing this article in the RECORD because the ALPA has developed a broad program of legislative action which is of urgent importance to the entire transportation industry.

The article follows:

ALPA'S EIGHT-POINT PROGRAM ON CAPITOL HILL

(By Phil Salk)

One of the primary reasons for ALPA's Home Office move to Washington last year was to enhance our position on Capitol Hill and in the regulatory agencies that affect pilots so critically, like the Federal Aviation Administration, the National Transportation Safety Board and other offices of the government.

Today the Association's hopes are being realized in this regard, and President Ruby's assistant for government liaison, attorney Charles King, is carrying out a broad program of activities that are making ALPA's voice heard throughout the nation's capital and across the country.

Here is a progress report on eight of the most important issues facing airline pilots and flight crews today:

1. Aircraft hijacking.
2. Mandatory minimum standards for airports.
3. Master Two Step.
4. Funds for SST development.
5. Age 60—right to continue work.
6. Age 60—full social security benefits.
7. Airport-vended trip insurance.
8. Multiple taxation.

1. AIRCRAFT HIJACKING

The Association is continuing its efforts to achieve a permanent solution to the hijacking problem. Hijacking of commercial airplanes will cease only when an international agreement is reached that recognizes hijacking as a vicious international crime and provides that the hijacker shall be punished.

Toward this end, ALPA was largely responsible for ratification of the Tokyo Convention by the U.S. Government on Sept. 5, 1969, and also for the introduction in Congress of concurrent resolutions proposed by the Association, which provide that the Administration should act immediately to enter into bilateral agreements with as many nations as possible for mandatory extradition of a hijacker, including a hijacker who requests political asylum.

The concurrent resolution (H. Con. Res. 340 and 341) was introduced in the House by forty-three House members, including the principal sponsor, Congressman Pucinski (Illinois), on Sept. 16, 1969, the same day that the Revolutionary Government of Cuba announced the enactment of a law permitting Cuba to enter into bilateral agreements for requesting the return of a hijacker. An identical resolution (S. Con. Res. 38) was introduced in the Senate by Senator Cannon (Nevada) on Sept. 24, 1969.

In the International area, the Association participated in the second meeting of the ICAO Legal Subcommittee on Unlawful Seizure of Aircraft which began Sept. 22, 1969. Attorney King was an Advisor to the U.S. Delegation and in addition, coordinated his activities with the IFALPA Representative Captain Grady Stone (EAL) and the IATA representative in urging the delegates to consider the hijacking problem an air safety problem rather than one of a political nature.

This Subcommittee, made up of delegates from 11 countries, was charged with preparing an international agreement or convention that would deter hijackers by making the act of hijacking an aircraft a punishable offense and providing for appropriate measures with respect to prosecution and extradition of the offender. The Association has been invited to participate again as an advisor to the U.S. Delegation when the Legal Committee of ICAO meets this month to consider the convention drafted by the Legal Subcommittee.

The Association is presently engaged in a program urging the State Department to seek bilateral agreements with as many nations as possible for mandatory extradition of airplane hijackers. At the time ALPA's efforts began in this area, none of the more than 80 bilateral extradition agreements in existence recognized the crime of aircraft hijacking. Following our efforts, which included the resolutions introduced in Congress, the State Department has thus far entered into negotiations to amend extradition treaties with the United Kingdom, France, Spain, Italy and New Zealand. However, the amendment of such treaties over the past five-month period has been too slow. The Association believes the State Department should make more than three lawyers available for this purpose and should furnish the lawyers concerned with adequate travel funds.

Hijacking is a subject requiring liaison not only with the Congress but also with the FAA, Department of Justice, Department of State and the Air Transport Association. This is pointed up by the $25,000 ALPA–ATA combined hijacking reward offer which was coordinated with FAA and the Department of Justice, and also by consideration of suggested anti-hijacking devices which would have to be approved by FAA, installed by ATA, and approved by our members.

Some of the ALPA members actively engaged in the Anti-Hijacking program include Captains Grady Stone (EAL), Ray Gerber (PAA), B. J. Dietrich (BNF), F. L. Houston (NWA), Homer Mouden (BNF), and Jim G. Brown (NAL).

2. MANDATORY MINIMUM STANDARDS FOR AIRPORTS

The Association was afforded an opportunity to press for mandatory minimum safety standards for airports as a result of recognition by the Congress, the Administration, and the aviation community that many of the nation's air carrier airports are obsolete. Legislation was introduced in the House and Senate, finally resulting in House Bill H.R. 14465 entitled "Aviation Facilities Expansion Act of 1969," and Senate Bill S. 3108 which are both concerned with the expansion and improvement of the nation's airport and airways system and with providing funds to carry out the legislation. The Association testified on the proposed legislation before the House Interstate and Foreign Commerce Committee on Friday, July 25, 1969 and the Senate Committee on Commerce on June 24, 1969, at which times Association representatives urged that what was needed was not more airports, but better airports than we now have.

The Association's position was that the only way we are going to get airports that provide an adequate margin of safety for flight operations was to require air carrier airports to meet minimum safe standards under the Administrative Procedure Act. In this way, all interested parties, including ALPA, would participate in the formulation of the required airport standards.

It should be noted that in the course of the hearings before the House and Senate, ALPA was alone in requesting airport mandatory minimum standards and was opposed by the FAA on grounds that the Administration had authorization to do this, but had never found it necessary. The Association's position was presented to the Senate Committee by Captain Joseph Meek (DAL) accompanied by President Ruby and Captain Phil Perry (NAL). In the House, the Association's position was presented again by Mr. Ruby, Captain Meek and Captain Bill Alford (BNF).

H.R. 14465 (Aviation Facilities Expansion Act of 1969) was amended by the House Committee to require certification of air carrier airports. The bill, in this form, passed in the House on November 6, 1969. In spite of the Association's efforts to effect a similar amendment of the Senate bill, S 3108 was not amended in Committee and probably will pass the Senate without airport certification provisions in it. A conference to resolve the differences in the House and Senate bills was due to take place as this issue goes to press.

Following passage of H.R. 14465 by the House, the Senate Subcommittee on Administrative Practice and Procedures, chaired by Senator Edward Kennedy, scheduled hearings concerned with whether FAA was carrying out its statutory responsibilities to promote the safety of flight of civil aircraft. The Association took this opportunity to testify before the Subcommittee on Jan. 21 to again pass for establishment of mandatory minimum standards at air carrier airports by the FAA.

The Association's position before the Kennedy Subcommittee was presented by Captain Meek, Captain Perry and Captain Alford. Captain Meek testified: "The Association, which represents more than 30,000 airline pilots who daily fly into and out of many of the nation's obsolete airports, is particularly concerned that the FAA, which has the responsibility to establish minimum standards in the interest of safety, has failed over the past 10 years to exercise its authority to prescribe minimum standards for airports.

"Moreover, the FAA insists today that establishing minimum standards is unnecessary because existing mechanisms adequately ensure safety in the operation of the nation's air carrier airports.

"We believe this position is not responsible in view of more than 140 air carrier accidents that have occurred since 1957 at or near airports and in the judgment of the Association's most qualified air safety representatives, would not have happened had there been proper mandatory standards set by the FAA.

"In these accidents, there were more than 223 persons killed, 118 persons seriously injured, and 140 air carrier aircraft substantially damaged or destroyed. In addition, there have been numerous potentially dangerous aircraft incidents at airports in which there were no fatalities, serious injuries, or major aircraft damage due to flight crew skill and fortunate circumstances."

In connection with the Kennedy subcommittee hearings, ALPA which works closely with the National Transportation Safety Board in matters of air safety, noted that Governor Reed, Chairman of the Safety Board, testified that airport standards is an important problem and the NTSB would like to see minimum standards for airports established. He also testified that it was a possibility that NTSB would recommend certification of airports to FAA.

3. MASTER TWO-STEP PROGRAM

Aeromedical Committee members Captains Richard B. Stone (NEA), John Gaylord (CAL), and C. S. Huggins (BNF), and First Vice President Robert L. Tully (EAL) have been following a very aggressive and positive program to prevent FAA from putting this procedure into effect. Their program includes Congressional liaison and liaison with other aviation and governmental agencies.

The Association's Master Two-Step program is still in progress.

4. FUNDS FOR DEVELOPMENT OF SUPERSONIC AIRCRAFT

To assist in making an appropriation of $86 million available to the FAA for development of a supersonic transport aircraft, the Association wrote to all 50 members of the House Appropriations Committee and strongly urged that sufficient funds be made available to continue the SST project at a pace that would assure that U.S.-built aircraft would be available to air carriers in the future. Speaking on behalf of the members of the Association, President Ruby informed the members of the committee that air line pilots in the United States would prefer to fly a supersonic transport built in the United States over aircraft built by any other country. Several members of the committee replied to our letter and thanked the Association for its views. The $86 million proposal was approved by the committee and later enacted into law.

5. AGE 60—RIGHT TO CONTINUE WORK

Members of the Air Line Pilots Association appeared and gave testimony at the Senate Special Committee on Aging Hearing in Washington, D.C., on Dec. 19, 1969. Presenting papers at the hearing for the Association were First Vice President Robert L. Tully (EAL), Captain Stewart W. Hopkins (DAL Retired), Captain Charles Rogers (EAL), and Dr. Robert Proper, Lovelace Foundation. Captain Gerry Goss, Chairman, ALPA Committee on Discrimination in Pilot Employment, was unable to testify at the hearing due to an illness in the family.

Some excerpts of the testimony given by ALPA members included the following: "Since 1959, when the FAA established its compulsory retirement regulation for air line pilots (Section 121.383(c) of the Federal Aviation Regulation), some 700 air line pilots have been forced into retirement at their 60th birthday, even though their current, FAA-required physical and proficiency examination have shown them to be competent, qualified and in faultless physical condition. Currently, age limitations are also being urged as a means to limit the progression of senior air line pilots to new aircraft types, primarily because the age 60 limitation reduces the period in which a carrier may amortize its training costs. As a consequence, one arbitrary age limitation tends to give birth to another."

"The most striking feature of the compulsory retirement rule for air line pilots is that it is imposed by an agency of the Federal Government, and at a time when our nation's policy is unequivocally opposed to forced retirement, in any form. We air line pilots have the rather dubious distinction of being the only group of employees in private industry, so far as I am aware, on whom the Federal Government has imposed a mandatory retirement age. And with the enactment of the Age Discrimination in Employment Act of 1967, our employers, the air lines, were legally forbidden to terminate careers solely because of age, though this is precisely what FAA is doing today, as it has been ever since 1960."

"A 1969 thesis issued by the Aviation Medicine Research Laboratory of Ohio State University concluded that the possibility of sudden incapacitation among the air line pilots at age 55 and above was substantially less than the possibility of such an occurrence between ages 40 and 55."

"FAA has never offered any medical or scientific data supporting compulsory retirement at age 60 for air line pilots; a federally-funded study of this subect conducted at Georgetown University under FAA auspices some years ago ended without any published findings after an expenditure of seven million dollars."

"Because normal Social Security benefits are not available until five years after retirement, a pilot's financial maintenance during his retirement years may well be a subject of serious concern."

"We believe that it is consistent with all affected interests to suggest that, at long last, a public hearing of all the evidence for or against the rule compulsory retirement at age 60 for air line pilots be held by FAA."

"I am convinced that compulsory retirement under these circumstances is contrary not only to the principles for which this committee stands, but also that it is completely inconsistent with my rights as a citizen to equal protection of the law."

Captains Clyde Muirheid, Jr., (EAL) and Truman Outland (DAL) also participated in the hearing and Captain Outland was called to testify.

Members of the Association's Committee on Discrimination in Pilot Employment are pursuing an active program to get the FAA's mandatory age 60 compulsory retirement for airline pilots removed.

6. AGE 60—FULL SOCIAL SECURITY BENEFITS

The following testimony was given by the Honorable Jerry L. Pettis, California 33rd Congressional District, before the House Committee on Ways and Means in November. "I wish to express my appreciation for the opportunity to come before this committee to testify in support to my bill, H.R. 313, on the subject of Social Security. In essence,

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this proposed legislation would permit certain individuals who are forced to retire at age 60 under Federal regulations to continue to pay Social Security taxes and receive appropriate benefit credit for those payments until they reach 65, when full social security benefits are presently payable. My statement will be brief and to the point.

"Basically, it is a simple piece of legislation with a single specific purpose. Its aim is to eliminate what I believe to be an obvious, glaring injustice to thousands of this nation's air line pilots. They are caught now in a situation completely beyond their control because one federal regulation, that of the Federal Aviation Administration, requires that they retire at age 60 while other federal law, that of the Social Security Administration, requires that they wait until age 65 to receive lower benefits of Social Security.

"This is doubtlessly one of those unmeant inequities caused by overlapping federal regulations but it is a burdensome oversight nonetheless. To my knowledge, the air line pilots are the only workers who are, collectively, so victimized by such a legal caprice. And it is my sincere wish that this committee will see fit to correct it by eliminating this five-year limbo of uncertainty hanging over a group of men who work with great dedication under extreme burdens of responsibility. Incidentally, the F.A.A. also controls the medical and disability requirements of pilots as part of its normal jurisdiction.

"It is currently estimated that some 4,000 members of the Air Line Pilots Association will reach age 60 in the next 10 years. Because they are caught in this intolerable situation many of these men, perhaps a majority, will continue working in some related field. But the pilot who cannot or does not wish to continue working should have the right to immediate payments of his Social Security benefits upon forced retirement as a pilot.

"Today the technology of flying aircraft which is becoming increasingly complex is such that these individuals have to be virtually high-trained scientists. And air lines are experiencing a shortage of qualified applicants for this vital and extremely demanding profession. I think the least we can do is to give them a fair break at retirement. For many years, Social Security has been promoted as the best insurance a man can buy. If that is so, then it should be as good for pilots as for others.

"I will close with the hope that the Committee will look favorably on this suggestion. Thank you."

Present at the hearing were Kay McMurray, ALPA executive administrator, Harry McKee, acting director of public relations, and Charles King, assistant to the president for government liaison.

The House Ways and Means Committee will meet in executive session shortly and decide whether or not the proposed amendment of the Social Security law should be adopted by the committee and recommended for approval by the House.

7. AIRPORT VENDED TRIP INSURANCE

The Association's legislative efforts to preclude the sale of vending machine insurance either by state law or a federal law have been given a high priority. The Association plans to vigorously renew its efforts both at the state and federal levels by updating its legislative package for use in opposing vending machine insurance, by contacting the insurance commissioners of all states to express our opposition, and to offer our assistance to those opposed to vending machine insurance by furnishing documents and members of the Association to present testimony before insurance commissioners and the legislative bodies of the states. At the federal level, the Association will continue to work sale of vending machine type insurance passengers traveling on air carrier aircraft.

8. MULTIPLE TAXATION

More and more states and cities are passing tax laws for the purpose of collecting income taxes from nonresidents who are engaged in interstate commerce. Alaska is one such state.

Through the combined efforts of a group of disgruntled taxpayers from various ALPA, Maritime, and Teamster Councils, legislative bills have now been introduced in Congress that could give ALPA members some relief from such tax practices by states or cities.

Bill S. 2044 has been introduced in the Senate by Senators Magnuson and Jackson. Bill H.R. 1240 has been introduced in the House by Congressman Moss, and Bill H.R. 10634 has been introduced by Congressman Adams. All three bills would accomplish essentially the same purpose, to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to provide that no part of the salary paid by a carrier to an employee who performs his regularly assigned duties in more than one state shall be withheld by other than the state or subdivision of the employee's residence and only pursuant to the laws of such state or subdivision. These bills also provide that the carrier shall not file any information for tax purposes with any state or subdivision thereof other than the state or subdivision of residence.

All ALPA members were urgd to write personal letters to their representatives in Congress supporting this position.

The Association is presently engaged with the transportation unions and managements of the other modes of transportation to eliminate the problem of multiple taxation, probably by legislation such as is described above This is one of the major projects in the legislative program of the Association this year.

ALPA'S LEGISLATIVE ACTIVITIES

The Association's legislative and governmental affairs program is moving ahead, with work under way in dozens of important areas in addition to the eight key issues described in this article.

With this major activity in full swing, ALPA's voice is being heard sooner, stronger and more effectively across the land.

RELEVANCY IN LEARNING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BROWN of California. Mr. Speaker, I have often addressed this tribunal on the drastic need for educational institutions to respond to the real needs of its student body—on the professional school to respond to the needs of the profession. When academic administrations do not respond or do not attempt to respond, we witness riots—as we have seen throughout the country on college campuses these past months.

It is often stated that law changes society; some disagree and say society changes the law. In either event—one thing is certain—the law and the lawyer play a major role in society's changing values. The outstanding law schools train the creative and responsive mind. If law schools are omissive in meeting the needs of its constituency—then I see little hope in our educational system.

Law schools and their administrators should be showing the way for the other professional and academic institutions. Some students at Hastings College of Law, a part of the University of California, have challenged the school's administration to respond to the needs of the profession, the needs of the public and the needs of the student body. I am inserting into the Record a copy of the students' petition to the law school's administration.

I am confident, in the fine tradition of Hastings, that the school will make the appropriate response to the petition.

Petition

We, the students of Hastings College of the Law, hereby inform the people of California that a crisis exists at the College, a part of the University of California, and we request the asistance of the public in redressing our grievances. Our grievances fall into the following general categories:

I. FINANCIAL ASSISTANCE FOR STUDENTS

The Hastings Administration has demonstrated that it does not understand that the purpose of financial assistance is to assist those who *need* it. Heretofore the Administration has treated financial assistance programs as a source of rewards or prizes to be handed out to students without regard to their need for funds.

The Work/Study program, funded by the Department of Health, Education, and Welfare, is intended to benefit those students whose *parents* (and not the students themselves) earn less than $7,500 per year. Thus, while Hastings had only three black students last year in a student body of 1,100 partly because there were no funds to assist those who could not afford to come to Hastings, the Administration awarded Work/Study funds to the son of Assemblyman Don Mulford, the Assemblyman from the wealthy suburb of Piedmont. Although Assemblyman Mulford last year funded a new scholarship for Hastings students, the Hastings Administration found it necessary to give Assemblyman Mulford's son money which the Federal government had earmarked for students from poor families. As a result of Hastings' inability to justify the amount of Work/Study money given students in relation to their need, the Hastings Administration was told by the Department of HEW, nearly a year ago, to document the "need" factor for funds expended or reimburse the Federal government for those funds. Hastings agreed to do this by July 1, 1969, but has not yet complied with this agreement. Hastings' failure to administer the Work/Study program in the manner intended resulted in the cut-off of Work/Study funds for Hastings by the Federal government on December 31, 1969.

Again, while the Hastings Administration was claiming that no funds were available to adequately finance needy students, it handed out over $45,000 in scholarships to students, largely without regard to the recipients' need for it. In fact, in many cases the scholarships "traditionally" go to students who hold certain non-paid offices or positions favored by the Administration. Although the Hastings Administration admits that these scholarships are by no means limited to these "traditional" recipients, Hastings cannot find the money to finance needy students.

Thus, Hastings' financial assistance program assures that the state law school will continue to produce inordinate numbers of middle and upper-class, white graduates.

2. GRADING

Hastings College would have its students believe that its "anonymous" system of grading is sacrosanct. This system, upon which depends the very survival of the students' careers and on which basis jobs are handed out at graduation, operate on the theory that professors grade examination books with ex-

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amination numbers rather than names on them to ensure unbiased grading. No one is supposed to have access to the numbers other than the College Administration, which matches the grades and numbers with the names. We have also been assured that there is no way anyone can tamper with these grades—and we believed this.

However, the system is a sham. Without the students' knowledge, Hastings has been separating the exam books of the top ten students in each course, supposedly to enable each professor to evaluate his examination questions better when grading the "lower" students. Thus, a professor is to grade an exam which he has been told was written by a "top" student on the same basis as that written by one who is not a "top" student. For an *educational* institution to employ such a practice is unpardonable in the light of the many classroom studies done on the self-fulfilling nature of a teacher's expectations of a particular student's performance. (*Pygmalion In The Classroom,* by Robert Rosenthal and Lenore Jacobson, demonstrates this principle.)

Furthermore, it has recently been discovered that the Hastings Administration made a written proposal to a student offering a passing grade in a course without the necessity of ever examining in the course.

Thus, the Administration can and will assign any grade they wish to any student while at the same time denying that they have the power to do so. The importance of grades at a law school cannot be over-emphasized. Yet if a student has Professor X for the required course in Evidence at Hastings, his class median is five points lower than that of Professor Y. Five points on a student's average can mean the difference between getting a good job or no job at all. Five points can mean the end of a student's long-planned career in the law.

3. CURRICULUM

Hastings continues to force-feed its students the knowledge necessary to serve the wealthy elements of society. The weightiest course (in terms of academic units) given in the second year is the required course in Trusts and Estates, a course which serves the needs of only about 4% of the American people. Yet, Hastings offers no courses in Juvenile law, military law, and draft law—subjects which affect large numbers of people whose needs apparently are not important enough to be considered by the state-owned university.

The Hastings Administration has been attempting to set up a course in conjunction with the University of California School of Medicine, but a Hastings student, after two months work, put together such a course, and it is now being taught at Hastings—for no credit. While the ancient Hastings curriculum suffers increasing academic arteriosclerosis, the Administration's response (in a recent TV interview) is simply that "Sociology is ruining Boalt Hall (the law school at U.S. Berkeley) and the University of Southern California Law School." Thus, poverty law should not be a proper course of study at Hastings, because of its inherent sociological aspects.

Hastings College, located within three blocks of the Federal and State courts and administrative agencies, has not had the imagination to make use of this natural advantage. These institutions might just as well be 500 miles away.

The Administration and Faculty of Hastings College of the Law are unwilling and/or unable to up-date the curriculum. Only the students are willing to do this, but we are allowed no voice.

4. THE BAD FAITH SHOWN BY HASTINGS TOWARD ITS STUDENTS

This year a group of students attempting to implement a directed studies course in water pollution law spent several days on the research necessary to write a proposal for the course. The proposal was approved—with the stipulation that each student would submit a paper whose minimum length would be fifty pages. These papers were to be graded "rigorously" by the instructor, after which each paper was subject to review by the entire Faculty. This was a very effective means of "processing" a student request, as most of the students who prepared the proposal subsequently transferred into more traditional courses.

Although there had been no campus disturbances or violence at Hastings, a committee of Faculty members was formed to deal with student disturbances. An hour before a meeting of students, Faculty, and Administration was to take place on April 3, police were on the campus conferring with the administration; yet the meeting was described the following day by the San Francisco *Chronicle* as "a different kind of protest," "a school protest with some class." The Administration seems intent on creating a crisis, and it has succeeded.

5. RECOMMENDATIONS

The Administration does not administrate at Hastings. Students initiated the new but inadequate minority students recruitment program. A student committee was formed to help Hastings through its financial assistance crisis. The used-book exchange was initiated by students and staffed by the Hastings' Wives Club. Students should not have to administrate—this is what the Deans are paid to do.

It has become apparent that two overriding obsessions motivate the present Hastings Administration. The first is the slavish attention paid to the California Bar Examination results. The second is the capturing of famous names for the collection of retired professors comprising the "65 Club," irrespective of their current ability to teach. Hastings students should no longer be made the pawns in a bar examination game played against other law schools by the Administration. Nor should Hastings professors be collected like rare butterflies, to be put on display by the Deans. We ask that Hastings be operated less like an automatic car wash and more like its sister institutions in the University system—like an institution of learning.

Since only the intervention of the public on behalf of the student can now save the situation at Hastings, we request that the following recommendations be immediately implemented:

(a) That an investigation be made of the entire Hastings financial assistance program.

(b) That student examination numbers be issued and held by a *neutral* party in order to minimize any possible reprisals against students for taking this action.

(c) That all grades *already* earned under the present tainted system be suspended and replaced by grades of "Pass."

(d) That the present Hastings Administration be removed.

(e) That the new administration process include members of the student body, Faculty, and practicing attorneys.

April 15, 1970 at San Francisco.

Students of Hastings College of Law:

James R. Ayoob, Gordon N. Baldwin, Peter Blackman, Edmund K. Brehl, Sandra Carter, Margot Champagne, Steven Chase, Ralph A. Courtney III.

Darcy T. Cremer, Richard Draper, Steven K. Easton, Mike Ferguson, Donald Fischbach, Richard Fischer (concurs in recommendations a, b, e, d, with exception of Dean Anderson).

Dennis T. Gary, Richard Goldman, James D. Grandjean, Charles Greenwood, Alan Hampson, Rita Hersh, Roger Hurt, Sharon Jarvis.

Ralph Johnson, David Jung, William Jung, Bruce Ketron, Carolyn Kresse, J. Kendrick Kresse, Martin Kresse, Dennison Lane.

Howard Levy, Daniel Louis, Jon Malsnee, Dave McClain, J. Michael McGowan, Edward E. Mevi, Clark A. Miller, Mike Miller, Clarence Moy.

John Murray, Richard Oliver, Gregory C. Paraskou, Deborah Peyton, Donald Prigo, George W. Quick, Mark Ross, John D. Rothschild.

Zona Sage, Armand Salese, Donald Schall, Leslie Scher, Ronald Schiffman, Douglas Schmidt, Charles Schwartz, Mary Schwartz, Terrence Shannon.

James C. Shine, Arthur W. Simon, Lowell W. Sykes, Robert M. Teets, Jr., Tom Whitener, Steven Ybarra (excepts Dean Anderson from recommendation d), James A. Burke.

Please make your feelings known to any of the following:

Hastings Board of Directors

Justice A. F. Bray, District Court of Appeal, State Building, San Francisco, Calif. 94102.

Harry H. Hastings, Esq., 333 El Cerrito Ave., Hillsborough, Calif.

Max K. Jamison, Esq., 615 South Flower St., Los Angeles, Calif.. 90017.

Justice Daniel R. Shoemaker, First District Court of Appeal, State Building, San Francisco, Calif., 94102.

Leonard A. Worthington, Esq., Barneson Building, 256 Montgomery St., San Francisco, Calif. 94104.

The Board of Regents, The University of California, 7th Floor, University Hall, Berkeley, Calif., 94720.

Senator Albert S. Rodda, 4048 State Capitol Bldg., Sacramento, Calif. 95814 (Senate Committee on Educ.)

Assemblyman Victor V. Veysey, 141 South 6th Street, Brawley, Calif. 92227 (Assembly Committee on Educ.)

Assemblyman Willie L. Brown, Jr., 666 Octavia St., San Francisco, Calif. 94102.

Senator George R. Moscone, 3082 State Capitol Bldg., Sacramento, Calif. 95814.

Harold S. Dobbs, Esq., 351 California Street, San Francisco, Calif. 94104.

Ingemar Eric Hoberg, Esq., 703 Market, San Francisco, Calif. 94103.

William C. Sanford, Esq., 43 North Sierra Street, Reno, Nev. 89504.

Chief Justice Roger J. Traynor, Chief Justice of the Supreme Court, State Building, San Francisco, Calif. 94102.

CHAPLAIN'S PRAYER FOR THE ASTRONAUTS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MOORHEAD. Mr. Speaker, during the recent Apollo 13 crisis, all the world prayed for the safe return of our three courageous astronauts. After Lovell, Haise, and Swigert safely returned to earth, Cmdr. Philip E. Herauld, U.S. Navy chaplain of the Carrier *Iwo Jima,* put into words the precise feelings of all people. C. P. Harris of the McGrail-Coyne Post 223, Pittsburgh Veterans of Foreign Wars, sent me the prayer and asked that I include it in the RECORD for my colleagues. The following is Chaplain Herauld's prayer for the astronauts:

> O Lord, we joyfully welcome back to earth Astronauts Lovell, Haise and Swigert, who, by Your grace, their skill and the skill of many men, survived the dangers encountered on their mission and returned to us safe and whole. We offer our humble thanksgiving for this successful recovery. Amen.

BENEFITS OF THE SPACE PROGRAM

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1970

Mr. WYDLER. Mr. Speaker, I share a deep concern with many of my colleagues on the Committee on Science and Astronautics that the American people should be made broadly aware of the benefits the space program is bringing to them. That concern is highlighted by the fact that the payoffs are often indirect, often intangible, and often very complicated. Many do not seem to the man in the street to have a direct impact on his life. There seems to be a wide belief that the NASA benefits should result in new gadgets, fancier cars, pocket-sized air conditioners and the like. I am sure that many results of space research will be translated eventually by private industries into such intriguing items. But such products, in terms of human existence, in terms of bettering our society and environment, could hardly be labeled of national importance.

The important question to ask is What is the space program doing for people, for their health, longevity, for purifying the air they breathe; for the security of their homes and families, and many other facets of daily life? The answer is that NASA-sponsored research has contributed technologies to answer many of those problems, often in exciting and dramatic ways.

Let me cite one example of which I am personally aware, because it is an outstanding accomplishment of the Grumman Aircraft Corp. Most of the Members probably know that Grumman has been deeply associated with the Apollo program as the manufacturer of the lunar excursion module, or the LEM. During the course of research into biomedical aspects of the LEM, Grumman engineers became aware of work being done by Dr. DeBakey, the famous specialist in heart transplants, in developing a device by which hearts and lungs could be kept alive and transported from one place to another. This was needed because donors and recipients sometimes cannot be brought together in the same hospital.

The Grumman engineers quickly saw that by applying Apollo technology to this development, they could produce an efficient and highly reliable device to do the job. This device is already being used to great advantage by giving to medical researchers at the Baylor College of Medicine a means by which they attack the problem of organ incompatibility and rejection. This, we all know, is the principal obstacle to be overcome in providing longevity to people with new hearts. It will also be a great step-up in tracking body rejection of other organs such as kidneys.

Now, no one could deny that such a payoff from space research is a very important advance. I ask the question: How important could that development be to a farmer in Iowa, a stockbroker in New York, or a mother of six children in Pasadena? The answer is obvious. Another question I must ask is this: Does the farmer, the stockbroker, the mother, the citizenry of this country know of such contributions—and this is only one of hundreds of its kind—to their health and continued productive lives? I do not think enough of our people are really aware of such benefits that could some day be of vital importance to themselves and their families.

I think that we, the Members of the House, could help to make them aware, since all of us are in broad contact with our constituents, in one way or another. I think that whenever opportunity presents itself, we can propagate the idea that in human terms the space program has and will continue to pay off the investment that the American people have made in the exploration of space.

MEMORIAL PARK DEDICATED IN DEDHAM, MASS., IN HONOR OF PRIVATE FIRST CLASS JOHN A. BARNES III, CONGRESSIONAL MEDAL OF HONOR WINNER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, it was a great honor and privilege to be in attendance at the Memorial Park dedication in honor of Dedham, Massachusetts' only winner of the Congressional Medal of Honor—Pfc. John Andrew Barnes III.

I know that the U.S. Congress and all Americans wish to honor this brave and dedicated young man who has given his life in service to the United States of America.

I include in the RECORD the citation accompanying the Medal of Honor authorized by the President of the United States, which describes the gallantry and bravery of Pfc. John Barnes III, and remarks on the tribute of Dedham, Mass., to John Barnes:

MEDAL OF HONOR

The Medal of Honor was presented posthumously today to Private First Class John A. Barnes, III, United States Army, by Vice President Spiro T. Agnew in ceremonies at the White House. The citation for the award follows:

Private First Class John A. Barnes, III distinguished himself by exceptional heroism on 12 November 1967, while engaged in combat against hostile forces in Dak To, Republic of Vietnam. Private Barnes was serving as a grenadier when his unit was attacked by a North Vietnamese force, estimated to be a battalion. Upon seeing the crew of a machine gun team killed, Private Barnes, without hesitation, dashed through the bullet swept area, manned the machine gun, and killed nine enemy as they assaulted his position. While pausing just long enough to retrieve more ammunition, Private Barnes observed an enemy grenade thrown into the midst of some severely wounded personnel close to his position. Realizing that the grenade could further injure or kill the majority of the wounded personnel, he sacrificed his own life by throwing himself directly onto the hand grenade as it exploded. Through his indomitable courage, complete disregard for his own safety, and profound concern for his fellow soldiers, he averted a probable loss of life and injury to the wounded members of his unit. Private Barnes' conspicuous gallantry, extraordinary heroism, and intrepidity at the cost of his own life, above and beyond the call of duty, are in the highest traditions of military service and reflect great credit upon himself, his unit, and the United States Army.

[From The Dedham Transcript,
Apr. 16, 1970]

MEDAL OF HONOR WINNER: MEMORIAL PARK DEDICATED SUNDAY IN HONOR OF PFC. JOHN A. BARNES III

Veterans' officials, town and county officers and members of the family of the late Pfc. John A. Barnes III will join with residents of Dedham to dedicate Memorial Park in honor of the town's only winner of the Congressional Medal of Honor.

There will be a parade of marching units, including several bands, prior to the formal dedication ceremonies which will be held at the monument site at the corner of East street and Eastern avenue, opposite the Fairbanks House, around 2:30 p.m. on Sunday (April 19).

Congressman James A. Burke, the principal speaker, will head a list of distinguished guests at the exercises which will re-name the park as the "Pfc. John A. Barnes III Memorial Park." He was killed in Vietnam.

The parade will form at 1 o'clock at the Central Fire station and the Ames School, and soon after that will march through Dedham Square, onto High Street to East Dedham square, turn onto Walnut street, then to Whiting avenue and the location of the Barnes Memorial.

The weekend of ceremonies will begin on Saturday afternoon with the unveiling of a new headstone for Pfc. Barnes at Veterans' Hill in Brookdale Cemetery.

Present will be the parents of the young hero, Mr. and Mrs. John A. Barnes; his sister, Mrs. James Fleming and family; members of the Barnes Memorial Committee, members of the Veterans of Foreign Wars and the American Legion, and members of their Ladies Auxiliaries.

Officiating at the brief rites will be Rev. Henry King, Navy Chaplain (Commander USNR).

Exercises at the monument on Sunday afternoon will get under way as the final unit in the parade reaches the site. The master of ceremonies at the dedication exercises will be Selectman Francis W. O'Brien, who also will introduce the distinguished guests.

The invocation will be by Rt. Rev. Edward C. Bailey, retired pastor of St. Mary's Church, and the benediction will be by Rev. Richard W. Manns, pastor of St. Luke's Church.

Actual unveiling of the Barnes Memorial will be by Stan Embree, chairman of the Memorial Committee; Cmdr. James Cline of the VFW post, and Cmdr. James Tansey of the Legion Post.

Representative Charles McGowan, chairman of the Board of Selectmen, will give the official welcome on behalf of the Town.

Following the address by Cong. Burke, the National Anthem will be played by the Air Force Band from Westover, the gunfire salute by the VFW and Legion units and the sounding of taps.

In addition to those already named distinguished guests will include Senate President Maurice Donahue, Secretary of State

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John F. X. Davoren, Sheriff Charles W. Hedges, Frank Hunt and William Connors, representing the Veterans Administration;

Also, Dept. Cmdr. VFW Clarence Raymond and Dept. Sr. Vice Cmdr. Richard Lawlor; National Executive Committeeman Leo Malloy of the American Legion, and other town and veterans officials.

In the line of march will be Color Guards from Army, Navy, Air Force and Marine Corps. Bands will include the Air Force, the Dedham High School Band, Recreation Band, Norwood Debonaires, Golden Rays, Canton American Legion Band, St. Joseph's of Medway, Colonial Boys of Norwood, and perhaps others.

Representing the VFW will be units from Dedham, Norfolk County, District 5, Needham, Weymouth, Wellesley, Whitman, Hyde Park, Quincy, Oak Sq. Brighton, Brookline and several of their auxiliaries.

And representing the American Legion will be units from Dedham, Malden, Norfolk County, Norwood, Stoughton, Weymouth, Canton and their auxiliary units.

Authorized by the recent Meeting, which appropriated funds for the monument and the services, the monument will be 10 feet two inches over all in height, six feet wide, and two feet six inches thick. It will carry the name of Pfc. Barnes, an engraved replica of the Medal of Honor, and the citation.

Chairman of the Barnes Memorial Committee is Stan Embree, assisted by Charles McGowan, Francis W. O'Brien, Daniel P. Driscoll, James Cline, James Tansey, Edgar L. George, James A. McNicholas, Robert Casey, John McMillen, the late Ralph Timperi, Paul Howard, Joseph Columbo, and secretary Susan Embree Thorsell.

Pfc. Barnes was the son of Mr. and Mrs. John A. Barnes Jr., of 48 Peacedale road, Needham, where they moved some time ago. They resided in Dedham, at 246 Colwell drive, when John Barnes III attended Dedham High School and while he was in the service. During one of his visits home in the summer of 1967 he joined the Jacob Jones Post, VFW in Dedham.

The 22-year-old paratrooper was a 1964 graduate of Dedham High. He was killed in action near Dac To, Vietnam, Nov. 12, 1967, when he threw himself on a hand grenade just before it exploded in a group of wounded men.

The Medal of Honor was awarded on Nov. 4, 1969, and accepted by his parents from Vice President Spiro T. Agnew in a ceremony at his Washington office. Attending the ceremony were Barnes' sister, Carson, and her husband, James Fleming, along with four of their seven children.

DEDICATION OF THE PFC. JOHN A. BARNES III MEMORIAL

Dedicated by the citizens of the Town of Dedham, Mass., on Sunday afternoon, April 19, 1970, 1:00 p.m.

Citation: The President of the United States of America by Act of Congress, March 3, 1863, has awarded in the name of the Congress the Medal of Honor posthumously to Pfc. John A. Barnes III, U.S. Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty.

PROGRAM

Master of ceremonies, Francis W. O'Brien.

Welcome, Charles McGowan, Chairman, Board of Selectmen.

Invocation, Msgr. Edward Bailey, Chaplain.

Unveiling of monument, Stanley V. Embree, Chairman; Cmdr. James Cline, Veterans of Foreign Wars; and Cmdr. James Tansey, American Legion.

Introduction of guests, Francis W. O'Brien.

Musical selections, Air Force Band, Westover A.F.B.

Address, Congressman James E. Burke.

Benediction, Rev. Richard W. Manns, St. Luke's Lutheran Church.

National Anthem, Air Force Band, Westover A.F.B.

Rendering of honors, Dedham V.F.W. and A.L. Taps.

INVITED GUESTS

Mr. and Mrs. John A. Barnes.

Mr. and Mrs. James Fleming and Family.

Mass. Senate President Maurice Donahue.

Secretary of State John Davoreen.

Sheriff Charles E. Hedges.

Francis Hunt (V.A. Public Relations Officer).

William Connors (Manager, V.A. Boston).

J. Frank Colbert (Postmaster).

Clarence Raymond (V.F.W. Department Commander).

Richard Lawlor (V.F.W. Department Sr. V. Commander).

Leo Malloy (A.L. National Executive Committeeman).

* * * * *

The PFC John A. Barnes, III Memorial Committee wishes to express its sincere appreciation to the Town of Dedham and the many organizations and friends who voluntarily contributed their time, efforts, and funds in order to make this memorial possible.

PFC. JOHN A. BARNES III MEMORIAL COMMITTEE

Stanley V. Embree, Chairman; Charles McGowan, Francis O'Brien, Daniel Driscoll, James Cline, James Tansey, Edgar L. George, Joseph Columbo, Paul Howard, Robert Casey, John MacMillan, James McNicholas, Ralph J. Timperi, Paul D. Chisholm, and Susan Embree Thorsell, Secretary.

ADDRESS OF CONGRESSMAN JAMES A. BURKE AT DEDICATION OF THE PFC. JOHN A. BARNES III MEMORIAL, DEDHAM, MASS., APRIL 19, 1970

It is a great privilege and honor to speak at this ceremony today in tribute to First Class John Andrew Barnes III, United States Army.

I know that nothing we can say here today will take the place of Private Barnes in the lives of his family and friends—but we join them in their grief and extend our deepest sympathies.

Private Barnes has received the highest honor which a grateful nation can bestow upon one of its citizens—the Congressional Medal of Honor. He exemplified in his military service the exceptional courage and heroism that comes only to a few—it did indeed come to John Andrews Barnes, III. Pfc. Barnes also received: Bronze Star Medal with 1st oak leaf cluster, Purple Heart with 1st oak leaf cluster, Combat Infantry Man Badge, National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal (Vietnamese), and Parachutist Badge.

Although his family, friends and his community are diminished by his death, we can be grateful to John Barnes for his valor—we can hope that through his supreme sacrifice in Southeast Asia, that we have been brought closer to a just and lasting peace.

Perhaps the words of Robert Kennedy, may give us comfort as we honor John Barnes: "Each time a man stands up for an ideal or acts to improve the lot of others or strikes out against injustice—he sends forth a tiny ripple of hope and crossing each other from a million different centers of energy and daring—those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

We honor Pfc. John Barnes who has received the highest award from his Nation. We honor him because of his concern for his fellow man above and beyond the call of duty in giving the last full measure of devotion to that which he believed in.

MEMORIES OF PRESIDENT ROOSEVELT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, President Franklin D. Roosevelt died on April 12, 1945, and so this month is the 25th anniversary of his passing.

In this connection William Randolph Hearst, Jr., editor in chief of the Hearst Newspapers, in a recent editor's report, recalls the "magnetic force and almost total self-assurance" of this great President.

Mr. Hearst's recollections are interesting and poignant, and because of the interest of my colleagues and the American people in President Roosevelt, I place Mr. Hearst's report in the RECORD.

The report follows:

MEMORIES OF F. D. R.

(By William Randolph Hearst, Jr.)

NEW YORK.—Memory is somewhat like a telescope. Examined one way by the lens of your mind's eye, events of long ago can come into the diamond-sharp focus of yesterday. When the lens is reversed, the same events can seem so compressed and remote it is difficult to discern more than a dimly reminiscent blur.

There is something of this strange shifting of perspective in my own mind while sitting here examining my youthful recollections of Franklin Delano Roosevelt, whose death occurred today just 25 years ago. In one way it seems like yesterday. In another it seems ages ago.

My earliest memory of FDR—and certainly the most vivid—is the first time we met. It was in Albany, around about 1930, in his office as Governor of New York. The reason for my being introduced escapes me, but his impact on a young fellow 22 was remarkable.

What I remember best is the famous cigaret holder; the defiant angle it jutted from the massive jaw, the way its owner took it out to gesticulate and stab the air to make a point. The whole impression was one of magnetic force and almost total self-assurance.

So powerful was the impact of FDR's personality that you completely forgot he was paralyzed from the waist down. This affliction, resulting from infantile paralysis at the age of 39, would have ended the public careers of most men. To Roosevelt it was just another challenge which he met by outwardly ignoring it.

My next strongest memories involving FDR are indelible because they concern the activities of my father in getting him nominated for President at the historic 1932 Democratic National Convention in Chicago. It is no exaggeration to say he probably wouldn't have made it without Pop's help.

Pop was quite a political powerhouse in those days. When he was not running for office himself he was right in the thick of other major campaigns. Electing an appropriate President in the Depression-stricken crisis year of 1932 was of paramount importance to him.

Roosevelt was the leading choice of the delegates at Chicago, but he could not get the necessary two-thirds majority. Pop's candidate, and that of the five newspapers he then owned in California, was his old friend and former fellow U.S. Congressman, John Nance Garner of Texas.

Fearful that an undesirable third candidate would emerge as a compromise choice, Pop and Sen. William Gibbs McAdoo of California—together with a few others—prevailed upon Garner to accept second place on the ticket. FDR thus got the Texas and California votes he needed for nomination.

On my desk is a letter written by my father on July 3, 1932, which summarizes his tremendously important headline switch to Roosevelt. Here are the key quotes in his masterpiece of understatement:

"We were unable to secure the abolition of the two-thirds rule. It looked as if the Wall Street interests would repeat their strategy of former Democratic conventions and, by wearing out the genuinely Democratic majority, finally succeed in imposing on the will of the convention the will of an autocratic minority.

"I felt that there was nothing to do but communicate with Speaker Garner and tell him the truth about the whole situation.

"He responded nobly.

"So we threw California and Texas, and by means of Mayor Cermak, Illinois also into the Roosevelt column and Governor Roosevelt was nominated.

"I think it was the only proper thing for the convention to have done. I am glad to have had a hand in accomplishing it."

There's a bit of history in the raw for you. And because I was there in the middle of it all, it certainly is a whole parade of memories which will never fade.

Most of my other memories and impressions of FDR's subsequent 12 years and one month in the White House are colored by my father's strong reactions to this strong President. It was somewhat typical of Pop that, after helping elect Roosevelt, he should almost immediately start disagreeing with him on various issues.

Their first falling out was over the controversial price controls of the NRA Blue Eagle, which eventually were declared unconstitutional. Among many other matters, Pop also battled the President over his attempt to pack the Supreme Court and—most notably—FDR's decision to run for an unprecedented third term.

Because I was more of a Hearst fan than an FDR fan in those tumultuous days, I was inclined to agree with my father that the President was an arrogant and willful man who considered himself indispensable. I can remember almost exactly something Pop told me at that time:

"You mark my words, Bill. That man will never give up his job as President as long as he lives."

He was certainly right about that. Four years later, FDR ran successfully for a fourth term at a time when his health was clearly failing and he must have know his days were numbered—as they were.

So—as I said—my feelings about FDR when he was in office were somewhat ambivalent. I was naturally inclined to go along with my father; at the same time. I couldn't help but be impressed by the powerful leadership of the powerful man I had first met in Albany.

Today, looking back after 25 years, his image and record emerge most favorably. He was a man of bold and decisive action who never hesitated in meeting such terrible crises as the Depression and World War II, whose grim details are now blurred.

From first to last, he was primarily and inevitably controversial—so much so that few Presidents have ever been so hated by his enemies.

It still is debated, for example, whether the many trappings of socialism he brought to this country are fundamentally good or bad. And whether or not he was flim-flammed by Stalin at Yalta into making possible the Communist enslavement of Eastern Europe.

The thing to remember, despite the controversies, is that drastic decisions had to be made in those drastic times—and FDR made them, for the most part successfully.

A whole generation of Americans have grown up to whom Roosevelt is only a figure in history books. But to their parents he was a father figure in a period of great distress. If you were 18 when he was elected, you were 30 when he died.

So those who lived through the Roosevelt years—which now seem so long ago—can still vividly remember the powerful personality whose confident grin and defiant cigaret holder gave so much strength and assurance to so many.

He had his bitter critics, and still has. But who is really to say that matters would be better today if he hadn't done what he did?

Put a really big man under pressure and you are bound to get a lot of criticism over his decisions.

In a sense, the many controversies stirred by FDR are a measure of his greatness.

HOUSTON CHRONICLE LAUDS CONGRESSMAN BOB CASEY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on Tuesday, April 14, 1970, the editors and publishers of the Houston Chronicle saw fit to editorialize the accomplishments of my good friend Congressman Bob Casey. This is certainly fitting when one considers that Bob has given better than 30 years of his life to public service, the last 12 of them serving the 22d District of Texas. The editorial follows:

Casey Serves Houston Well

Rep. Bob Casey, who is seeking reelection to Congress from the 22nd Congressional District, is well known to the voters of Houston. He has spent most of his adult life in positions of political leadership. Voters in his South Harris County district have had ample opportunity to know him and to appraise his congressional leadership.

He is in his 12th year in Congress, during which time he has acquired valuable experience and—more importantly—congressional seniority.

A conservative Democrat, Casey is a member of the powerful House Appropriations Committee, a position from which he has strongly supported the nation's space program with which Houston is so closely identified.

He also serves on the subcommittee which funds all educational job training, medical and health research and hospital medical programs which are so important to the Texas Medical Center.

Casey's name has prominently been associated with the public controversy over crimes of violence. He advocates stiff, mandatory federal penalties for persons who use firearms in the commission of a crime. His efforts resulted in the passage of a law two years ago which applied to federal crimes only.

Rep. Casey was an author of the federal law which has made flood and hurricane insurance available for the first time.

He has proposed granting $750 income tax deductions to taxpayers for the repair or improvement of their homes or for rapid amortization over 60 months for such improvements to rental properties.

He has a bill pending which would extend Medicare to retired teachers, firemen, policemen and state employes.

Houstonians who have moved to this city in recent years may not be aware of Rep. Casey's long experience in politics.

He is a native of Missouri who moved to Houston 40 years ago. He was educated at San Jacinto High School, the University of Houston and South Texas College of Law.

He has served as assistant district attorney for civil affairs for Harris County, as a member of the Texas Legislature, and as city attorney and as a member of the school board of Alvin. He was serving as Harris County judge when he was first elected to Congress.

As county judge, Casey established the first county pollution control office in Texas. And at a time when there were no federal regulations or laws and only limited state statutory authority, he introduced legislation to permit an accelerated tax write-off for the cost of installing pollution control facilities. The legislation passed.

Casey has served Houston, Harris County and the 22nd Congressional District well during the 30 years since he was admitted to the Texas bar. He knows his constituents. He understands their problems and the problems of Texas. He is an experienced and reliable voice in Congress.

Casey has often been opposed in his bids for public office, but he has never been defeated. This says a lot about the public's confidence in his ability and leadership. This newspaper again endorses his candidacy.

NIXON ON LAOS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DEVINE. Mr. Speaker, sometimes, in their eagerness to embarrass President Nixon or make him look bad in the public eye, critics of the administration will conveniently overlook open facts and accuse the President of hiding something from the American people.

These tactics will not work, however, Mr. Speaker, because there are honest observers who will point out the truth for all who will listen.

Such a case is seen in the recent criticism of this country's involvement in Laos. Although critics on the Senate Foreign Relations Committee and elsewhere are trying to make this seem like a "secret war" in which the United States is being trapped, the facts are that any involvement has come because it is integral to our overall effort in South Vietnam, and at the request of the Laotian Government.

Moreover, President Nixon outlined to the American people just what our role in that country is and why it came about in his speech on Laos of March 6. I commend to the careful attention of my colleagues a column by David Lawrence, which reviews the President's March statements and shows that no contradiction has been presented by the recent testimony, as follows:

[From the Washington Star, Apr. 21, 1970]

Laos Role Already Cited by Nixon

(By David Lawrence)

When the Senate Foreign Relations Committee released for yesterday's papers the testimony taken last fall disclosing that the forces of the government of Laos were trained and equipped through a secret American group operating out of Thailand, the story

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naturally emphasized that the United States is participating in a "secret anti-Communist military operation in Laos" and that this has been directed by the U.S. Embassy in Vientiane for the last four years "without the knowledge of Congress."

But a careful examination of the facts reveals that in wartime not all information is given out to the enemy or even to committees of Congress while important military operations are under way.

It so happens that when the news was printed in the last couple of days, most of the writers of the dispatches in their haste forgot to tell the readers that President Nixon had described these same events and the reasons for the activity of Americans in Laos when he made a policy statement on Laos on March 6, 1970, at Key Biscayne, Fla. He had pointed out that the North Vietnamese have kept a growing number of troops in Laos—climbing from a token number in 1962 to 55,000 in mid-1969 and now to an "all-time high of some 67,000 men." He had added:

"These are not advisers or technicians or attaches: they are line units of the North Vietnamese army conducting open aggression against a neighbor that poses no threat to Hanoi.

"In addition, since 1964, over a half million North Vietnamese troops have crossed the Ho Chi Minh Trail in Laos to invade South Vietnam. This infiltration route provides the great bulk of men and supplies for the war in South Vietnam."

The President had made it clear that in the Vietnam war there are certain operations reaching into Laos, whose government requested American aid. He had said that Hanoi infiltrated more than 100,000 men through Laos since his administration took office and more than 500,000 all together. He had declared:

"Our air strikes have destroyed weapons and supplies over the past four years which would have taken thousands of American lives."

The President had stressed that the purpose of American aid has been to help the Laotian government "to prevent the Communist conquest of Laos" and that American forces "have used air power for the purpose of interdicting the flow of North Vietnamese troops and supplies."

Nixon had explained that it was not considered in the national interest to put emphasis on American activities in Laos because to do so might hinder the efforts of the prime minister of that country "to bring about adherence to the Geneva agreements by the Communist signatories." The President then added:

"In recent days, however, there has been intense public speculation to the effect that the United States involvement in Laos has substantially increased in violation of the Geneva accords, that American ground forces are engaged in combat in Laos, and that our air activity has had the effect of escalating the conflict.

"Because these reports are grossly inaccurate, I have concluded that our national interest will be served by putting the subject into perspective through a precise description of our current activities in Laos."

Nixon had gone on to say that there are no American "ground-combat troops" in Laos and that he had no plans for introducing such forces in Laos. All the military activities have been related to equipment, training and logistics for the Laotian army and to air operations. The President had said he considered it his responsibility to use air power on the Ho Chi Minh Trail and to carry out reconnaissance flights in northern Laos and "to fly combat-support missions for Laotian forces when requested to do so by the Royal Laotian government."

The President had asserted that the American air operations in Laos, which were escalated in 1964, had increased only as the number of North Vietnamese had multiplied and the level of their aggression has risen.

Nothing has been revealed by the belated publication of testimony given last autumn before the Senate Foreign Relations Committee which contradicts anything that Nixon had said before.

ROSENTHAL INTRODUCES ENVIRONMENTAL EDUCATION BILL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ROSENTHAL. Mr. Speaker, I think that the day after Earth Day is an appropriate time to introduce a bill which would increase substantially the opportunities to educate our citizenry against the problems of environmental deterioration.

The crisis has developed at a staggering pace—as can be attested by the revelation that 15 years ago the earth was relatively free of pollution. Man can no longer tolerate the ignorance and nonchalance that has led to his despoliation of the environment. Time has, suddenly and without warning, run out.

A ray of hope in this grim picture is the surge of public recognition over the environmental threat. Such awareness, however, has not spread as rapidly as the problems themselves.

To retain the momentum of public concern so that it reaches every corner of this country and is translated into positive action, I propose the Environmental Education Act of 1970.

The bill would appropriate $3 million in the current fiscal year to the U.S. Education Commissioner for the creation and development of environmental protection programs and curriculums in educational institutions throughout the Nation. Under the measure, $7 million would be appropriated in 1971, $10 million in 1972, and $12 million in each of the next 2 years.

The sums requested in the legislation are paltry for the objectives conceived, but realistic under present budgetary conditions. I am hopeful, however, that as the magnitude of the problem becomes clearer, the necessary funds will be authorized by Congress.

This legislation I have introduced should be acted upon promptly, for it seeks to exploit the heightened tempo of public concern which is our best—perhaps only—hope for survival. One of the most effective ways to perpetuate interest and fervor in resolving the environmental crisis is to make certain the younger generations are taught the dangers. If we can achieve this, particularly at the ages when the human mind is the most impressionable, we will have assured the existence of a dedicated and enlightened corps to battle further environmental disintegration. In the process, we shall also have raised considerably the odds of a habitable planet for centuries to come.

H.R. —

A bill to authorize the United States Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning environmental protection and for other related educational purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Education Act of 1970".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that the loss of our natural resources and despoliation of our environment has reached an alarming level; that public knowledge of the problems is vital to arrest environmental deterioration and establish sound conservation practices; that there is a lack of coordination and information leading to environmental protection studies in elementary, secondary and adult education classes throughout the nation; and that the establishment of these studies is essential to produce a public awareness which will accept the sacrifices and activate the energies needed for the preservation of a decent life on this planet.

(b) It is the purpose of this Act to encourage the development of new and improved curriculums on the problems of environment and preservation of natural resources; to demonstrate the use of such curriculums in model educational porgrams and evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, and conservationists, and to offer community education programs for parents and others, on environmental problems.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are hereby authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1970, $7,000,000 for the fiscal year ending June 30, 1971, $10,000,000 for the fiscal year ending June 30, 1972, and $12,000,000 for each of the next two fiscal years for the purpose of carrying out this Act. Sums appropriated pursuant to this section shall remain available until expended.

USES OF FUNDS

SEC. 4. (a) From the sums appropriated pursuant to section 3, the Commissioner of Education shall assist projects designed to educate the public on the problems of environmental deterioration by—

(1) making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for—

(A) projects for the development of curricula on ecology and the environmental crisis, including the preparation of new and improved curricular materials for use in elementary, secondary, and adult education programs;

(B) pilot projects designed to demonstrate, and test the effectiveness of curriculums described in clause (A) (whether developed with assistance under this Act or otherwise);

(C) in the case of applicants who have conducted pilot projects under clause (B), projects for the dissemination of curricular materials and other significant information regarding the environment of public and private elementary, secondary, and adult education programs;

(2) undertaking, directly or through contracts or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations, evaluations of the effectiveness cur-

riculums tested in use in elementary, secondary, and adult education programs involved in pilot projects described in paragraph (1)(B);

(3) making grants to institutions of higher education and local educational agencies to provide preservice and inservice training programs on environmental problems (including courses of study, institutes seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement personnel, and other community leaders;

(4) making grants to local educational agencies for community education programs on environmental problems (including seminars, workshops, and conferences) especially for parents and others in the community.

(b) In addition to the purposes described in subsection (a), the Commissioner may make available not to exceed 5 per centum of the sums appropriated to carry out this Act for each fiscal year for payment of the reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of environmental education programs.

APPROVAL OF APPLICATIONS

Sec. 5. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of of such program;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 4, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

CONSULTATION WITH OTHER FEDERAL AGENCIES

Sec. 6. The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other Federal agencies and with other appropriate public and private agencies.

ADVISORY COMMITTEE ON EDUCATION

Sec. 7. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Environmental Education, which shall—

(1) advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in section 4 and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review the administration and operation of programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, making recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act to the Secretary for transmittal to the Congress); and

(4) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Environmental Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education (including elementary, secondary, and adult education, and higher education). The Committee shall meet at the call of the Chairman or of the Commissioner.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

Sec. 8. The Secretary of Health, Education, and Welfare and the Attorney General shall, when requested, render technical assistance to local educational agencies and institutions of higher education in the development and implementation of programs of environmental education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out an environmental education program.

PAYMENTS

Sec. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

Sec. 10. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

Sec. 11. As used in this Act—

(a) The term "Commissioner" means the Commissioner of Education.

(b) The term "elementary school" means a day or residential school which provides preschool or elementary education.

(c) The term "secondary school" means a day or residential school which provides secondary education.

(d) The term "institution of higher education" means an educational institution in any State which—

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(2) is legally authorized within such State to provide a program of education beyond secondary education;

(3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of paragraphs (1), (2), (4), and (5). For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(e) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary school.

(f) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(g) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) The term "State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Government or by State law.

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WATER PLANT MADE BIGGER ON THE INSIDE

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DELLENBACK. Mr. Speaker, in this day and age of increased national emphasis on the perils of environmental pollution it is indeed gratifying to note the efforts of our local city and State governments and citizens in seeking new and less costly ways to purify and treat water for reuse. The winter 1970 issue of the CH2M Reports relates how the city of Corvallis, Oreg., has achieved the desirable goal of increased water treatment plant capacity without increasing the size of the plant itself. I commend this article to the attention of my colleagues as yet another fine example of the technological advances which Oregon is utilizing in combatting water pollution.

The article follows:

WATER PLANT MADE "BIGGER ON THE INSIDE"

The City of Corvallis has increased the capacity of its Douglas Taylor Municipal Water Treatment Plant by 2½ times—without increasing the size of the plant.

This seeming feat of legerdemain was accomplished through the application to the existing facilities of new technological developments in water purification—much of it the product of Oregon research and engineering.

Results of this application of advanced concepts and processes have included substantial saving of construction costs, improvement in water quality, and a considerable stretch-out of the City's long-range plan for expansion of its water supply.

Using the Willamette River as a source of supply, the treatment plant was designed and built in 1949 as a conventional rapid sand filtration plant. It was designed in increments of 4 million gallons per day capacity, each increment consisting of two 16 x 139-foot flocculation-sedimentation basins and two 484 square-foot gravity filters.

The initial plant capacity of 4 million gallons daily was increased to 8 mgd with the addition of a second increment in 1961. Under the original plan, the plant was scheduled for expansion to its ultimate capacity of 16 mgd with construction of the third and fourth increments in 1968–69. This, plus 4.5 mgd available from the City's second source on Rock Creek, was expected to take care of municipal water requirements through 1975, when construction of another treatment facility would have been necessary.

As it stands now, Corvallis has a water supply of 25 mgd, enough to last through 1980 at the current growth rate of 6 per cent a year. Capacity of the Willamette River treatment plant has been increased to 21 mgd, and since there still is space for the third and fourth increments called for under the original plan, the ultimate capacity has been boosted to 42 mgd.

While the plant appears virtually unchanged on the outside, it's a lot "bigger" on the inside. Two major advances in water treatment technology have been applied: High-rate mixed-media filtration, and shallow-depth sedimentation with tube settlers.

Piping for the plant had to be changed, to provide for the increase in capacity from 8 up to 21 mgd, with eventual expansion up to 42 mgd.

The converted plant has been operated under adverse conditions, and gives every indication of performing up to expectations. Operating on raw water with turbidities of around 15 to 30 JTUs, the basin effluent comes through the tube settlers at 1 to 2 JTUs. The plant consistently is producing finished water of high clarity.

The City can cite a substantial saving in capital outlay as a result of using technological advances to upgrade the plant. Construction costs for converting the plant to increase capacity to 21 mgd came to $430,000. Cost of achieving the needed capacity with conventional expansion through adding more sedimentation beds and filters is estimated to be approximately $650,000.

The project included other improvements in the City's water system. A new 5 million gallon prestressed concrete base level reservoir provides needed storage for meeting peak demands and added fire protection. A 1.25 million gallon prestressed concrete reservoir, a 125,000 gallon elevated steel tank, and two new pump stations were added for improved services to second-level and third-level service areas.

The city water department staff designed a new cross-town 16-inch transmission line between the filtration plant and the reservoirs to increase reservoir filling rates. Cornell, Howland, Hayes & Merryfield designed the other improvements, with C. Y. Shieh and George Dotson as project engineers.

A TRIBUTE TO TED YUDAIN: AN HONORED REPORTER

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WEICKER. Mr. Speaker, on Sunday, April 19, 1970, in Greenwich Hospital one of the great newspaper editors of our time died. Theodore Yudain was 63 years old when he passed away after a short illness.

For 45 years Ted Yudain was a responsible newspaperman. He called the shots as he saw them and was dedicated to public service and his community.

Ted started in the newspaper business as a cartoonist for the Stamford Advocate and the New Canaan Advertiser. In 1927 he became a reporter on the Advocate. Moving up through the ranks of his profession, Ted Yudain became editor of the Greenwich News-Graphic in 1936.

From 1943 through 1945 he was legislative correspondent for the former Bridgeport Herald after which he returned to Greenwich to become editor of the Greenwich Times.

Ted served on the Merritt Parkway Commission and was a member of the Republican State Policy Commission. In 1963 Ted returned to the Stamford Advocate as its editor and served the newspaper, where he began his career, as an editor until his death.

During his career Ted Yudain was president of the Connecticut circuit of the Associated Press and in 1967 won the Liberty Bell Award presented by the Stamford Bar Association.

Ted was known as one of the leading political commentators in the State of Connecticut. This is not the usual form eulogy because there was a time when Ted and I locked horns.

But when death took Ted Yudain from Connecticut a few days ago, it took from me a friend and confidant.

I respected his friendship. I believe that the best compliment I can pay Ted is summed up in the comment of one of his colleagues: "He was a newspaperman's newspaperman."

SUPPORT FOR STANDING COMMITTEE ON THE ENVIRONMENT GROWS TO NEARLY ONE-THIRD OF THE HOUSE MEMBERSHIP

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BROTZMAN. Mr. Speaker, today I am reintroducing House Resolution 375 which would amend the Rules of the House of Representatives to create a standing Committee on the Environment. Eighteen Members are joining me as cosponsors. This brings to 142 the number of Members who have sponsored this proposal which I first introduced on April 28, 1969.

There has recently been a great deal of discussion on the problems of our environment. Hundreds of bills to upgrade the quality of our environment have been introduced in Congress, and Americans of all persuasions have expressed increasing concern about air pollution, water pollution, and the numerous other environmental issues.

If this flurry of activity is to be translated into constructive legislation, I feel it first is necessary for us in Congress to establish a sound infrastructure of legislative machinery. This is why I have proposed a standing Committee on the Environment, and I believe this is also why 141 of my distinguished colleagues have joined me in this effort.

At the present time, our environmental efforts are fragmented. Interrelated problems are considered individually by many of our existing committees. To cite just one example, the legislation to implement President Nixon's message on the environment has been referred to three different committees. Each of these committees has a myriad of other problems with which to deal. None of them can concentrate on environmental matters exclusively.

Mr. Speaker, the committee I have proposed would have jurisdiction over air pollution, water pollution, solid wastes, acoustic problems, weather modification, herbicides and pesticides. Thus, most of the great environmental issues confronting the Nation today would be sorted by one committee which could proceed to offer the Congress the hard-driving type of environmental legislation the people of this country want.

In addition to lending cohesiveness to our environmental efforts, a standing committee would offer another important advantage. It would provide Congress with a professional staff having

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expertise in the many problems of the environment working under one roof. Each Member is aware of the valuable work performed by the professional staffs of the committees on which they now serve. The problems of our environment are so technical and of such great magnitude that they should be treated by a separate committee with the assistance of an accompanying professional staff.

Last year I expressed the belief that our generation is the first which has the opportunity to leave the earth, its waters, and its atmosphere in better condition than we found it. I still believe that, but before it can happen we must gain a positive and perpetual control over those by products of civilization which are destroying our physical environment.

The standing committee which 142 Members of this body are sponsoring would make it possible to obtain the necessary control in an orderly, positive fashion.

Sponsoring Members come from 43 of our 50 States, from both of our great political parties, and from each of the standing committees now in existence in the House. This broad support makes it clear that concern for the quality of our environment transcends all political, regional, and philosophic differences.

Mr. Speaker, I fervently hope that the Rules Committee still will be able to hold hearings on House Resolution 375 in the 91st Congress.

At this point, I wish to announce that the following Members of Congress have sponsored resolutions identical to House Resolution 375:

ALABAMA

Mr. BEVILL, Mr. BUCHANAN, Mr. FLOWERS.

ALASKA

Mr. POLLOCK.

ARIZONA

Mr. STEIGER.

CALIFORNIA

Mr. DON CLAUSEN, Mr. GOLDWATER, Mr. GUBSER, Mr. MCCLOSKEY, Mr. MATHIAS, Mr. MOSS, Mr. PETTIS, Mr. REES, Mr. TALCOTT, Mr. TEAGUE, Mr. WIGGINS.

COLORADO

Mr. BROTZMAN.

CONNECTICUT

Mr. MESKILL, Mr. WEICKER.

DELAWARE

Mr. ROTH.

FLORIDA

Mr. BENNETT, Mr. BURKE, Mr. CHAPPELL, Mr. GIBBONS.

GEORGIA

Mr. BLACKBURN.

HAWAII

Mr. MATSUNAGA.

IDAHO

Mr. HANSEN.

ILLINOIS

Mr. ANDERSON, Mr. ARENDS, Mr. COLLIER, Mr. MCCLORY, Mr. MIKVA, Mr. RAILSBACK, Mr. YATES.

INDIANA

Mr. ADAIR, Mr. BRADEMAS, Mr. MADDEN.

IOWA

Mr. CULVER, Mr. MAYNE.

KANSAS

Mr. SEBELIUS, Mr. SHRIVER, Mr. WINN.

KENTUCKY

Mr. CARTER, Mr. COWGER.

LOUISIANA

Mr. CAFFERY.

MAINE

Mr. KYROS.

MARYLAND

Mr. BEALL, Mr. HOGAN.

MASSACHUSETTS

Mr. CONTE, Mr. HARRINGTON, Mrs. HECKLER, Mr. KEITH, Mr. MORSE.

MICHIGAN

Mr. DINGELL, Mr. ESCH, Mr. HARVEY, Mr. NEDZI, Mr. RIEGLE.

MINNESOTA

Mr. KARTH, Mr. MACGREGOR, Mr. NELSON, Mr. QUIE, Mr. ZWACH.

NEBRASKA

Mr. CUNNINGHAM.

NEW HAMPSHIRE

Mr. WYMAN.

NEW JERSEY

Mr. CAHILL, Mr. DANIELS, Mr. FRELINGHUYSEN, Mr. HUNT, Mr. MINISH, Mr. ROE, Mr. SANDMAN. Mr. THOMPSON, Mr. WIDNALL.

NEW MEXICO

Mr. FOREMAN, Mr. LUJAN.

NEW YORK

Mr. ADDABBO, Mr. BRASCO, Mr. BUTTON, Mr. DULSKI, Mr. FISH, Mr. GILBERT, Mr. GROVER, Mr. HALPERN, Mr. HASTINGS, Mr. HORTON, Mr. KING, Mr. LOWENSTEIN, Mr. MCKNEALLY, Mr. OTTINGER, Mr. PIKE, Mr. PODELL, Mr. POWELL, Mr. REID, Mr. SCHEUER, Mr. STRATTON, Mr. WYDLER.

NORTH CAROLINA

Mr. BROYHILL.

NORTH DAKOTA

Mr. KLEPPE.

OHIO

Mr. BROWN, Mr. DEVINE, Mr. FEIGHAN, Mr. LUKENS, Mr. MINSHALL, Mr. STANTON, Mr. STOKES, Mr. TAFT, Mr. VANIK.

OKLAHOMA

Mr. CAMP.

OREGON

Mr. DELLENBACK, Mr. WATT.

PENNSYLVANIA

Mr. BIESTER, Mr. COUGHLIN, Mr. DENT, Mr. GAYDOS, Mr. GOODLING, Mr. MCDADE, Mr. ROONEY, Mr. SAYLOR, Mr. SCHNEEBELI, Mr. WILLIAMS, Mr. YATRON.

RHODE ISLAND

Mr. TIERNAN.

SOUTH CAROLINA

Mr. MANN.

TENNESSEE

Mr. KUYKENDALL.

TEXAS

Mr. BUSH, Mr. WHITE, Mr. WRIGHT.

UTAH

Mr. BURTON, Mr. LLOYD.

VIRGINIA

Mr. POFF, Mr. SCOTT, Mr. WHITEHURST.

WASHINGTON

Mrs. HANSEN, Mr. PELLY.

WEST VIRGINIA

Mr. HECHLER, Mr. MOLLOHAN.

WISCONSIN

Mr. BYRNES, Mr. OBEY, Mr. SCHADEBERG, Mr. THOMSON.

WYOMING

Mr. WOLD.

THE ROMANCE OF NATURAL HISTORY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BRAY. Mr. Speaker, on May 6, 1970, the Post Office Department will issue four special commemorative stamps in the natural history series. First-day ceremonies will be in New York City, where the American Museum of Natural History is currently celebrating its centennial year.

The four stamps depict an American bald eagle, a herd of African elephants, a group of prehistoric reptiles, and a ceremonial canoe of the Haida Indian tribe of the Northwestern United States.

The design for the eagle stamp, that of America's national bird, was from a model in the American Museum of Natural History. The elephant head stamp also comes from a display in the museum.

The age of reptiles stamp design is a detail from one of the largest murals in the world—110 feet long, 16 feet high—which was painted for Yale's Peabody Museum, a special commission that took 4½ years. The creatures shown are from the Jurassic geologic period: the more prominent being a brontosaurus, a stegosaurus, and an allosaurus.

The Haida ceremonial canoe stamp is based on an American Museum display. The seagoing canoes, almost 65-feet long, are made by hollowing out spruce trees. The figures in the canoe represent a Tlingit chief and his party on the way to a marriage ceremony.

Issuance of these stamps should serve as a reminder to all of us, and especially to those who call themselves alienated from society, that the world of natural history is indeed the most logical refuge for those who profess to suffer from materialism. To youth, in particular, discovery and romance and exploration are still very much alive in the realm of natural history. They can and do pose challenges greater to the intellect and the perseverance of those who dare to take up these challenges than anything else you could name. As the poet has writtten:

> We travel not for trafficking alone,
> By hotter winds our fiery hearts are fanned;
> For love of knowing that which should be known,
> We make the Golden Journey to Samarkand.

What is the driving force that stands behind the greatest explorations and discoveries, today, as it has in the past? Not fame nor fortune; no, each had his own Samarkand to seek out, and in practically every instance, it was "for love of knowing that which should be known."

The Samarkands of natural history still wait, glistening, faint and far in the distance, beckoning, and their challenge is waiting for those with the courage to accept it. Their scope is incredibly vast

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and has through the ages meant many things to many men. To begin, let us look at what it meant to one man, in the final hours of his life.

THE TENT ON ROSS BARRIER

It was the last voyage for Robert Falcon Scott, captain, Royal Navy. The dramatic contest in 1911–12 between Scott and another great polar explorer, the Norwegian Roald Amundsen, to be first to reach the South Pole, was also the last of the romantic types of such exploration in which enormous personal risks were taken, and it was about to end in tragedy.

At midpoint, for Scott and his party, it was bitter, heartbreaking disappointment. Fifty miles from the South Pole, on January 16, 1912, sledge tracks and a Norwegian flag revealed the Norwegians had won. On January 17, at the pole, a dark tent flapped in the wind on the frozen plain; inside was a message from Amundsen.

Scott wrote that day in his journal:

> Wednesday, January 17 . . . The Pole. Yes, but under very different circumstances from those expected. We have had a horrible day . . . There is very little that is different from the awful monotony of past days. Great God! This is an awful place and terrible enough for us to have laboured to it without the reward of priority . . . Now for the run home and a desperate struggle. I wonder if we can do it.

Scott did have the very slight and poor consolation of planting of flag 1,000 yards beyond Amundsen's tent; a summary of all calculations showed the Norwegian was off in his location of the pole by that distance. On January 18, the little party began its return; one man was already showing signs of madness and had to be strapped to a sledge. He died on February 17.

The Antarctic winter was setting in and temperatures were minus 43 degrees Centigrade —minus 107 degrees Fahrenheit— the four men made only 6 miles a day. Captain Oates' feet were badly frostbitten; he asked, time and again, to be left behind. The rest refused; then, on March 16 or 17, he quietly and painfully struggled to his feet, and, hand on the tent flap, calmly told his friends "I am just going outside and may be some time." He walked into the blizzard and was never seen again.

Around March 29, 1912, they were but 11 miles from a supply camp they had established 5 months before on the great ice mass known as Ross Barrier, but could go no further. With barely enough strength to pitch their tent, they lay down to await the end. "To My Widow" was the opening line of Scott's last letter to his wife.

One of the greatest of all polar explorers lay waiting to die in the Antarctic. Exploration and attempts to solve the riddles of nature and the earth had been his whole life. Now it was to end; Ross Barrier for a catafalque, a tent for a coffin, and a blizzard to be his shroud. But, his thoughts for his son, in the painfully scrawled letter to Mrs. Scott:

> You see I am anxious for you and the boy's future. Make the boy interested in natural history if you can. It is better than games. They encourage it at some schools. . . .

A few more lines the pencil dropped from nerveless fingers. Robert Falcon Scott was dead.

> Cease to be ruled by dogmas and authorities; look at the world. (Roger Bacon)

For Thomas Henry Huxley, the great English scientist, knowledge of natural history was a magic key:

> To a person uninstructed in natural history, his countryside or seaside stroll is a walk through a gallery filled with wonderful works of art, nine-tenths of which have their faces turned to the wall.

A gallery, indeed; the first major work ever written on natural history painted a panorama of its scope that has never been equaled. Although written nearly 2,000 years ago, it is still valid and amazingly accurate in many respects. Of all the works of Pliny the Elder—23–79 A.D.—only his 37-book "Naturalis Historia"—Natural History—has come down to us, and it has well earned for him the title historians grant him: "the most learned Roman of his age."

Pliny spent his life in the service of Rome. Friend and confidant to Emperor Vespasian, he continued in that capacity to Vespasian's son Titus. First a soldier in Germany, later an administrator in Gaul, Africa, and Spain, he was commanding a Roman fleet stationed near Naples when Vesuvius erupted on August 24, 79.

Pliny immediately gave orders to set sail with part of the fleet, both to view the eruption close at hand—always the natural historian—and to aid those who were in danger. His galley grated on the beach near the thundering volcano and Pliny leaped ashore. The next morning, in the course of surveying the scene, he was suffocated by poison gases.

WHAT IS NATURAL HISTORY?

A sample dictionary definition of natural history reads as follows:

> 1. The observation and study of the phenomena of the material universe, especially the biological and earth sciences. 2. The sum of knowledge regarding such phenomena.

This is somewhat sterile; a look at part of the subjects covered by Pliny is more enlightening, descriptive, and colorful: astronomy, ethnology, meteorology, zoology, botany, metallurgy, geography, anthropology, human physiology, pharmacology, and medicine. To be even more specific, among the 20,000 facts which the preface says the work contains, we find the following:

> Augustus' fleet sailing around Europe to the Baltic Sea; exploration by King Juba of the Canary Islands; arrival in Italy of rajahs from Ceylon; the surprise of the Roman navigator Plocamus, who saw shadows in the southern latitudes were cast toward the north, and not, as in Rome, toward the south; the skeleton of the monster to which Andromeda had been exposed; the chains with which Andromeda was fastened; tricks taught to elephants; perils of sponge divers; British coracles (small, primitive boats); the introduction of barbers into Italy; the variety of mattresses and woolen cloths used in Rome; use of hedgehogs quills for carding wool and the Roman Senate's decrees to keep them from being monopolized; the price of a cook; Lollia Paulina's jewels; foie gras and goosefeather pillows; and, even, an excursion into cosmetology with a note on how to use asses' milk to remove wrinkles.

Pliny would be right at home in the 20th century. In a series of current books under the heading "Natural History Selections" we find works on mathematical games; gravity; the prairie; apes; canoeing; microbes that live on the human body; Persepolis, home of the ancient kings of Persia; unidentified flying objects; oceans, mammals; the forest; the sea; helicopters and autogiros; a history of early zoology; prehistoric Europe; whales; speculations for the future; wildlife in danger of extinction; culture of the stone age tribesmen of New Guinea; glass blowing; survival in natural disasters; a pictorial guide to the stars; poisonous snakes; lives of the Egyptian pharaohs; Lake Nyasa, often called "Livingstone's Lake"; the Johnstown flood; honeybees; orchids, and songbirds.

Indeed the vastness of the scope of natural history is beyond total comprehension and grasp of any man. And this very vastness is testimony to the fact that—

> All things by immortal power
> Near or far
> Hiddenly
> To each other liked are,
> That thou canst not stir a flower
> Without troubling a star.

> The world is the geologist's great puzzle box. (Louis Agassiz)

No one can ever say who first puzzled over the world around him, and made that first, fumbling attempt to understand Nature and what she holds. Man has changed, but curiosity and wonder have not. Man celebrates, investigates, studies, marvels at, rhapsodizes over, stands in awe or fear of, and sings the joys of, Nature, in a myriad of ways. Probably all of us have something of the naturalist in our makeup and it is the dull and sluggish mind indeed that is not moved or stirred by the wonders and marvels and beauties of Nature that constantly surround us. Indeed, we may say, with the Psalmist, that—

> The heavens declare the glory of God; and the firmament sheweth his handiwork.
> Day unto day uttereth speech, and night unto night seweth knowledge.

and probably poet never set of paper richer, more descriptive phrases than these from Wordsworth's "Lines Composed a Few Miles Above Tintern Abbey":

> The sounding cataract
> Haunted me like a passion; the tall rock,
> The mountain, and the deep and gloomy wood,
> Their colours and their forms, were then to me
> An appetite; a feeling and a love,
> That had no need of a remoter charm,
> By thoughts supplied, nor any interest
> Unborrowed from the eye. . . .
> A sense sublime
> Of something far more deeply interfused,
> Whose dwelling is the light of setting suns,
> And the round ocean and the living air,
> And the blue sky, and in the mind of man;
> A motion and a spirit, that impels
> All thinking things, all objects of all thought,
> And rolls through all things. . . .
> Knowing Nature never did betray
> The heart that loved her. . . .

Yes, as one poet has said, there are "Anthems ringing, in the sea or sky," and they are there for those who will listen and for those who are also driven to seek them out. Hamlet's famous rebuke in act I, scene V, notes that—

> There are more things in heaven and earth, Horatio, than are dreamt of in your philosophy.

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One stanza from Kipling's "The Explorer" graphically describes the fascination and hold the unknown has:

> Something hidden. Go and find it. Go and look behind the Ranges—
> Something lost behind the Ranges. Lost and waiting for you. Go!

Something hidden—something lost—those who sought them out are as fascinating as the things they set out to find, and let us look at some of both.

SIR RICHARD FRANCIS BURTON

Scholar, linguist, naturalist, explorer, anthropologist—Burton was all these, and, more often than not, "greatest" was prefixed to each term. He was also translator of the Arabian Nights—Alf Laylah wa-Laylah, The Thousand Nights and a Night, and at one time he was known as "Europe's Greatest Swordsman." The night of April 18–19, 1855, was to be one unparalleled in any of the tales Scheherazade told to King Shahriyar, and it was also to be a night when the "Greatest Swordsman" title was to serve him best.

A few months before, Burton had been the 31st Westerner to try, and the first to come back alive from, the attempt to penetrate the mysterious and forbidden city of Harrar, deep in the Somaliland, in East Africa. Friendly natives had tried to talk him out of it: "Burton Effendi, the head, once struck off, does not grow again like a rose."

But he had gone alone, except for a small native escort, riding on a white mule with a brace of Colt's six-shooters slung at his waist and a double-barrelled rifle across his lap. The Eesa, the Tribe of the Hundred Thousand Spears, through whose country Burton had to pass, had a reputation for treachery second to none in the entire area, but Burton's tact, combined with his ability to shoot vultures on the wing with his double rifle, got him through.

He had gone in, and come out, and now he was ready to go back again, Burton, three English army lieutenants, Speke, Herne, and Stroyan, and a nondescript and unreliable native contingent of 42, were camped on a ridge near the Red Sea coastal town of Berberah. Not for 30 years had an Englishman been molested in Berberah and the little party went to bed, not too troubled, although there were reports of hostile natives gathering in the hills.

Burton said it was "the rush of men like a stormy wind." Speke described it "as though the world were coming to an end." Between 2 and 3 in the morning of April 19, in a wild, screeching flurry of spears, clubs, daggers, and javelins, 350 Somali warriors swooped down on the camp. The native guard fled almost at once; Stroyan was nowhere to be seen. Burton, Speke, and Herne, beseiged in a large, penthouse-shaped tent, were armed only with revolvers and sabers. Under the rain of blows from clubs and spears, the tent threatened to collapse and if the three were entangled in its folds, they would be butchered like sheep. Burton gripped his saber; "Charge!" he roared, and stormed into the howling mob outside.

Burton had not exactly been born with a sword in his hand, but he might as well have been. While still in his teens, his skill with the blade had reached the point where he was refused admission to the meanest, toughest duelling brigade of the scar-faced German students at Heidelberg. Brigade rules demanded he "fight" his way in—literally—and in the test duel Burton showed only half what he could do. It was too much, and he was turned down.

A French Sergeant of Hussars, of considerable fame as a swordsman, challenged him to a match. The sergeant, in preparation, put on mask and jacket. They were to use fencing sabres, light, tipped, and dull-edged, but still a blow on bare flesh would not be welcome. Burton shrugged casually, tossed his jacket aside, rolled up his shirt sleeves, and opened his collage. It did not faze the sergeant; Waterloo was less than 40 years in the past, and French Hussars, a tough lot to begin with, had no feelings of tenderness toward Englishmen.

They saluted; the steel clashed; Burton's blade swept down violently on the Freshman's sabre and it clattered to the floor. Burton repeated the performance seven times in as many minutes; the sergeant acknowledged defeat, with his wrist nearly dislocated. Burton had suffered only a light touch on the neck.

But these were not fresh Hussar sergeants before him now. The Somali were wild to dip their ostrich plumes in the blood of slain enemies. Burton bored directly into a knot of 20 warriors—cut, slash, parry a war club or spear, thrust—the sabre now rose and fell, now darted in and out, now swept before him in a great glittering arc, as the Somali shrieked and pressed home their attack. Out of the corner of one eye Burton thought he saw Stroyan's prostrate form, and, raging out in a new fierce burst of energy, cut his way through the howling mob. A hand pressed against his back; he paused, blade upraised, then stopped as he recognized one of his own men.

The momentary pause was almost fatal. A Somali, seeing his chance, stepped in and thrust a javelin through Burton's jaw. It entered one cheek, tore away four back teeth and part of the palate, and emerged on the other side. The savage fled; Burton, half mad with pain, somehow managed to cut his way through the mob and in the darkness and confusion made his way to the harbor, where a friendly ship was anchored. There the sailors found him, javelin still through his face, searching for his companions. Herne and Speke somehow had escaped. Burton carried the scar of the javelin thrust to his grave.

In the history of natural science, a history full of colorful characters, Burton stood out like an oak upon the hills. In a letter he wrote in 1863, he described the urge that pushed him on:

> Starting in a hollowed log of wood—some thousand miles up a river, with an infinitesimal prospect of returning! I ask myself "Why?" and the only echo is "damned fool! . . . the Devil drives!"

"Discovery is mostly my mania," he wrote at another time. He is in the first rank of British explorers and one of that group of gifted scientists who, in a sudden burst of discovery, shoved back the frontiers of man's knowledge. As one of his biographers cataloged his abilities, he was more a man of the Renaissance than of the 19th century. Soldier, explorer, ethnologist, archaeologist, poet, translator, one of the greatest linguists who ever lived—counting dialects, he knew 40 languages; add to that amateur physician, botanist, zoologist, and geologist, and last but not least, as has just been told, master swordsman.

In his lifetime, he produced 43 volumes of his explorations, travels and discoveries. When Sir Henry Stalney had to cut down his African baggage to one book, he retained Burton's "Lake Regions of Central Africa." Sixty years after Burton wrote "Pilgramage to El Medinah and Meccah," Lawrence of Arabia himself was to testify to its absolute accuracy in every detail. In World War I, his reports of routes in part of East Africa and Arabia were cited in intelligence documents as the best available.

Burton's journal entry for December 2, 1856, gives the measure of this man, and very probably for a great many others like him who felt the magic lure of exploration of the unknown:

> Of the gladdest moments in human life, methinks, is the departure upon a distant journey into unknown lands. Shaking off with one mighty effort the fetters of Habit, the leaden weight of Routine, the cloak of many Cares and the slavery of Home, man feels once more happy. The blood flows with the fast circulation of childhood . . . Afresh dawns the morn of life. . . .

> Saul, he went to look for donkeys,
> And, by God! he found a kingdom!
> —Kipling: The Explorer.

Change the words a bit; for Saul, read "Napoleon" whose "donkeys" were the members of the Scientific and Artistic Commission the Little Corporal took with him on his expedition to Egypt in 1798—and "donkeys" is exactly what the French soldiers called them. In this instance it was the donkeys, instead of Saul, who carried the day, when the hope of an Egyptian kingdom had been destroyed and the expedition was driven out after only 3 years.

On July 21, 1798, just before the Battle of the Pyramids, Napoleon is said to have exhorted his soldiers with the famous line "From the summit of yonder pyramids, forty centuries look down upon you." He had another thought in his mind; if not at that time, it came to him shortly after the battle, when he announced calmly, after staring at the great pyramid for a few minutes, that the stones would make a wall 1 meter wide and 3 meters high around France. The calculation was correct.

Few think of Napoleon Bonaparte as anything but a general, a man of battle, a would-be conqueror, whose armies made Europe tremble. There is a surprising and little-known side to the man. He had been greatly flattered and pleased by his election to the French National Institute in 1797, and he was aware that science leaves more lasting monuments than does war.

So, with his army, to Egypt, he took with him his Scientific and Artistic Commission which had in it some of the best scholars and scientists of the time. It was the commission that first uncovered the glories of ancient Egypt; first studied the mighty ruins of Luxor and Karnak; made the first copies for Europe of Egyptian hieroglyphs—and gave to the world the Rosetta Stone, that unparalleled discovery that was the key to ancient Egyptian writing—and poked into every hitherto unknown corner of that land. Egyptian history, monuments, arts geological structure, animal and plant life, flora and fauna—anything, in short, that would interest an architect, musician, painter, mathematician, zoologist, botanist, physicist, or archaeologist, all of them constantly egged on by a never-ending stream of questions from Napoleon himself.

In 3 years the institute had collected enough data to fill nine large volumes of text and 14 volumes of plates. The topics tumble over one another in profusion: formation of ammonia and the Egyptian method of manufacturing indigo; exploration of Lake Manzala and the Wadi el Natrun, the "soda lakes" south of Alexandria and, for a sideline a description of Coptic monasteries, and the living habits of the Bedouin tribes; the need to explore the sources of the Nile; studies of infant mortality and ophthalmia; treatment of bubonic plague and smallpox; mirages; capillary attraction; and even a paper on the wing of an ostrich.

One member had finished reading a paper on fish of the Nile to the assembled institute, when a visiting sheikh in the audience asked for the floor. He pointed out the vanity of such things:

> Did not the Prophet Mohammed, on whom be peace, settle this for once and for all by declaring that God had created 30,000 species, 10,000 for land and 20,000 for water?

Fifty thousand men went with Napoleon to Egypt; only 23,000 returned and of those 3,000 were invalids, crippled for life by wounds or disease. It may well be that if Napoleon's commission had not done its work, others would have followed, and done it for them. This is beside the point; Napoleon Bonaparte was, to be sure, the man of Marengo who tried, at Waterloo, to wipe out Agincourt. His name is indissolubly linked with events that caused great loss of life, destruction, turmoil and upheaval in Europe. But it is also the name of a man whose initiative literally opened up Egypt, the Ancient Egypt with 4,000 years of unplumbed and unwritten history, who created the science of Egyptology and built for scholars to come a base and a platform upon which to work. History should treat him better, and remember him for this, as well as and probably above, all else.

"DRY BONES"—IN THE ANTARCTIC

Cut India and the southern continents out of a map; put their outlines together. South America fits into Africa; Africa's northwest coast fits into the eastern coast of the United States. The Antarctic and Australia snuggle together. None of this is with the precision of a jigsaw puzzle, but it is close enough to have given birth to the theory of continental drift. In Permian times—beginning about 250 million years ago, and lasting 55 million years—the theory holds, there was one great land mass, known to geologists as Gondwanaland, which later broke up and drifted apart, to form continents as we know them today. To prove this, it would be necessary to find traces of identical species of reptiles and mammals in continents now wide apart.

Ten years ago, New Zealand explorers on the South Polar plateau, on Antarctica's northeastern rim, gave the name "Coalsack Bluff" to a 4-mile-long stone bluff, pointed at one end and open at the other, with the "mouth" of the sack gaping 800 feet up and a mile wide. It has seams of coal 27 feet thick, but this is not unusual for the Antarctic. The continent once was tropical and coal is merely tropical vegetation of an incredibly ancient age.

Now, in 1901, when the first Antarctic coal deposit was discovered, explorers also found in the coal a fossil of a tongue-shaped leaf of a fern which had grown profusely, 200–300 million years ago, in South America, South Africa, Madagascar, India, Australia, and New Zealand. This seemed to give substance to the Gondwanaland theory, which had been put forth 15 years previously.

The Gondwanaland idea was tugged back and forth for over 50 years. Circumstantial evidence, plenty of that, but the existence in the Antarctic of plants and primitive organisms, also found elsewhere, simply wasn't enough. Plant seeds could have been brought there by winds, so the search went on.

Beardmore Glacier, in the Antarctic, has been described as one of the most awesome frozen rivers on the entire planet. There, on Graphite Peak, along the glacier's western shore, in December 1967, a New Zealand graduate student found a skull fragment which was identified as belonging to a labyrinthodont, an amphibian that was common to all the southern continents, about 200 million years ago.

The animal could not have swum to the Antarctic because it could not tolerate salt water. Again, it was a tropical creature; it must have lived there when the Antarctic was other than what it is today. And where amphibians had lived, their earliest descendants, reptiles, might have lived also. The National Science Foundation is charged with Congress for overseeing all Antarctic research, and in 1969 a team of vertebrate paleontologists were sent to look further.

The team checked the type of rock the skull fragment had been found in and mapped out two overlapping circles around adjoining mountain ranges, which included Coalsack Bluff. Coalsack Bluff hand not been any special choice, but on the first day of the expedition, for lack of anything more interesting to do, a team member had climbed to the top. At his feet was an ancient riverbed, loaded with fossils.

Digging fossils out of rock is difficult enough in any circumstances and in the Antarctic is a truly miserable job. One member of the team did not take any particular notice of the tooth he found one day. It was, he noticed, 2 to 3 inches long and three-eighths of an inch thick. It had occupied the right side of some animal's jaw, and the root was there, as well. He was more concerned at the time with his own face; the entire right side and his nose were frostbitten and it was beginning to feel like a lacerated boil.

But the tooth was immediately recognized by another member of the team as belonging to a lystrosaurus, a snub-nosed reptile, with only two teeth in its head, which the same member had once dug up in Africa. The Coalsack Bluff discovery was to be shortly called "one of the truly great fossil finds of all time."

The linkage of Africa to the Antarctic was definitely established, and fossil bones of a dozen other animals, also brought back, have been interpreted to mean that for at least 60 million years the Antarctic was connected to Africa, South America, India and Australia. And just how does that spiritual about "Dry Bones" end? "Now hear the word of the Lord!"

THE MONSTER OF THE ISHTAR GATE

The Ishtar Gate of Babylon, buried for centuries, was uncovered in 1902 and is one of the major wonders of archeology. An enormous, semicircular arch, flanked by gigantic walls, it opens on to a processional way of considerable length which is also flanked, right and left, by walls. The material is brick, glazed bright blue, yellow, white, and black, and the walls of the gate and procession way are covered with bas-reliefs of unusual artistical beauty, showing very lifelike animals.

Rows of stately lions grace the processional way. The gate walls, top to bottom, are covered with alternating rows of two other animals. One is a strong and fierce bull, known as the re'em, since identified as the wild and vicious ancestor of our own domestic cattle. The other—the secret may still lie in the Rain Forest and Congo Basin regions of Central Africa, where, it is just possible, what the Babylonians called "sirrush" still lives.

Babylonian and Assyrian mythology are full of winged bulls and man-headed birds and it would seem the sirrush belongs with them. A slender body, covered with scales, a long scaly tail and a slim scaly neck bearing a serpent's head, with a forked tongue. Flaps of skin are attached to the back of the head, which also has a pair of horns. And, to this, hair—three corkscrew ringlets, on the head near the ears, and a long row of curls on the neck. The forefeet are those of a large catlike animal, like a panther, but the hind feet are four-toed, like those of a bird, and covered with strong scales.

But it is not so easy to dismiss the sirrush as a mythological animal. For one thing, the picture of the sirrush appears in Babylonian art from the very earliest times up through the reign of Nebuchadnezzar, about 604–561 B.C. Also, the Babylonians knew nothing of paleontology; the sirrush is either a direct portrait of something they knew existed, and had seen, or a wildly impossible miracle of correct imagination. The conception of the sirrush fits in perfectly with known characteristics of extinct saurians, and there are any number of fossil examples which very closely parallel the mysterious Babylonian animal.

Now, today, such an animal could exist only in one spot on earth: The Congo Basin and the Rain Forest region of Central Africa. This is assuming one does exist and this is not an assumption all that wild. The white rhinoceros is the second-largest land animal on earth, the closest living relative to the tanklike creatures of prehistoric times—and was not discovered until 1900. The giant Komodo dragon, largest lizard known to zoology, existed in solitary and unknown splendor on the Komodo Islands, off Indonesia, completely overlooked by everyone until 1912. The coelacanth, a prehistoric fish, flourished 180 million years ago and was believed to have become extinct at the end of the cretaceous period, 60 million years ago. Yet, a 5-foot-long specimen was caught by a fisherman off East Africa in 1952, and there are indications they may also be off the Florida coast, in the Gulf of Mexico.

Is there a sirrush in Central Africa? A German naturalist went into the area soon after the beginning of the 20th century in search of the "legendary and extinct" pigmy hippopotamus—which was neither legendary or extinct, but very much alive—and returned with native tales of a lizardlike animal, living deep in inaccessible swamps.

Just prior to World War II, a German woman who had lived for 10 years in Eastern Angola wrote of the unknown animal which, according to the natives, killed hippos. The native name is coje ya menia; every other known predatory animal in the region has a different name, and this name alone is reserved for what—the sirrush?

WHEN NATURE PLAYS TRICKS

Nature gives us the characteristics of our ancestors; "Who does the baby look like?" Is the first game played immediately after birth by both sides of the family. It is not at all unusual, in cases of families with long and well-detailed histories, also fortunate enough to have passably good pictures of long-dead forebears, to have children born in the 20th century bearing an almost uncanny resemblance to a descendant buried for over 400 years. This is especially true if the family has a higher than usual percentage of intermarriage between cousins.

But is there something else nature gives, as well as physical traits? Is there a weird, almost frightening phenomenon, little known and almost impossible of detailed study, that indicates nature can preserve memories over the centuries, as well? Can something seen, hundreds of years ago, that made an unusually sharp impression on the mind of the viewer, somehow be transmitted down through generations, to suddenly appear, as clear and alive as yesterday's events, in the mind of a descendant?

"Ancestral memory," this is called, and there is a case on record, not too many years old, that to many serious authorities presents a strong argument for its existence. One case does not make a certainty, that is for sure. But at present there is no other satisfactory explanation for the following story:

James Fraser was a simple Highland Scottish cartmaker, of Beauly, and the same recurring dream, time and again, troubled him. Shortly before the Second World War, Fraser described the dream to a prominent, meticulous, and highly respected Highland scholar. It was no ordinary dream; the scholar realized, much to his amazement, that what a relatively uneducated cartmaker was telling him was an extremely detailed, precise, and accurate account of a major battle between two clans—400 years before, in 1544.

Few Scots scholars could have put together such an account as Fraser told. Some of his details were noted to be obvious—but they had never occurred to anyone before. Some other details could be backed up, but from certain obscure, hard-to-find sources, that were not available to Fraser nor to his acquaintances. And Fraser's description of the costumes, equipment, and methods of fighting could hardly have been surpassed.

Why should an obscure Scotsman of the mid-20th century know so much about the battle of Blar-na-Leine, as it is called in Scots history? His name was Fraser and it was in this battle, between Clan Fraser and the powerful Clanranald, that almost all the Frasers, including their chief, were slain. Clan Fraser is much interbred in its own clan country. James Fraser was very probably descended, over and over again, from a Fraser eyewitness of and participant in the battle.

Of course, all this proves absolutely nothing—except that a Scotchman had a dream, a dream that he kept having over and over again—how many times have you dreamed exactly the same thing, twice?—that he should not have had in such precise detail in the first place.

More things in heaven and earth.

Man's footprints mark the dust of the surface of the moon. His planetary probes send him TV pictures of the face of Mars. Yet, earth itself is still full of enough secrets and mysteries to tantalize many generations yet to come.

Nature is strangely fickle and unpredictable. What should be obvious remains concealed for centuries. Angkor Wat, the long-dead city of the Khmers, slumbered for 400 years in the Cambodian jungles, a marvel of stone covering more land area than Minneapolis and Milwaukee combined. But a French naturalist, looking for rare butterflies, literally walked into it, in 1861.

The Pi Tong Luang, a tribe of primitive people numbering in the thousands, lived in the jungles of Thailand for no one knows how long. No one knows, mainly because no one knew they were there until they walked out on their own accord one day in 1932, to astound the scientific world.

Pontius Pilate, in his own way, is probably the most famous Roman of all. But for 20 centuries there was no inscriptional evidence or testimony to his existence. In 1961, during excavation of an ancient theater in Caesarea, in Palestine, a workman dislodged a 2 by 3 foot stone beneath a flight of steps. On the buried, bottom, side, lettering was seen. The left one-third of the letters had been chipped away, but it was easy to reconstruct and read the Latin inscription:

> Ceasariens. Tiberieum Pontivs Pilatvs Praefectvs Ivdaeae Dedit.

"Pontius Pilate, Prefect of Judea, has presented the Tiberieum to the Caesareans." The "Tiberieum" may have been a temple or a civic structure; this is not known. But the term "Prefect" is significant. For centuries Pilate has been called "Procurator." Both, freely translated, mean "Governor," but Prefect denotes more military responsibilities than does Procurator.

These mysteries "solved" themselves, so to speak. But the following still seek an answer:

The tomb of Alexander the Great.

Ancient accounts of the career of Alexander the Great are strangely and mysteriously silent on one all-important detail: his burial place. The place and manner of his death, the last hours of his life, as his hardened Macedonian veterans filed past his deathbed for one final review, his funeral cortege—all these are matters of record. But where was he buried?

There is the story of an Italian who, spurred by rumors whispered to him in the Egyptain streets and bazaars, made his solitary and dangerous way past the guards into the vaults and crypts, far under the ground, of a Cairo mosque. As the story goes, he came to a passageway, choked with heaps of papyri, and beyond the rubbish he could see a heavy wooden door, with an opening. A flashlight beam through the opening in the door showed the figure of a richly dressed man, lying in an alabaster coffin with a crystal cover. This all happened, according to the story, sometime between the two World Wars. The Italian vanished shortly after that and was never seen again.

Curious footnote to this: the story was told me by an acquaintance, who had heard it and pursued it further, on his own, to the point of asking a close friend, a cultured, highly intelligent Egyptian scholar. As my friend told me—

> Dr. G____ looked me full in the face, glared silently for a moment, turned on his heel and strode away. He was never really friendly to me again.

BEFORE COLUMBUS—THE TALE OF HOEI-SHIN

Chinese chronicles tell of a Buddhist priest, Hoei-Shin, who journeyed far to the East, across the ocean, around 500 A.D. The chronicles are quite explicit on certain matters, and on circumstantial evidence alone it would seem Hoei-Shin reached Mexico and Central America.

Go to the Museum of Natural History, in New York City, and look at the intriguing little carving known as the "Laughing Head." It comes from Totonac, near Vera Cruz, and was carved centuries before Columbus sailed. Why the laughter on the little face? Is it because no one can quite explain why a

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head carved by Indian artists, hundreds of years ago, should have such distinctly and unmistakably Chinese features?

BEFORE COLUMBUS—THE MASSACHUSETTS ROCK

The thrill of exploration was sweeping through Europe in the 16th century, and around 1560 Niccolo Zeno of Venice published some old letters that have been a source of argument ever since. According to the letters, two of Zeno's ancestors had sailed to the New World with the Scots Prince Henry Sinclair, Jarl of the Orkneys and Baron of Rosslyn, some 100 years before Columbus' time. Again, the evidence is primarily circumstantial, were it not for a disturbing carving on a rock, near Westford, Mass.

The stone and its carving were there when the first settlers came and it was always assumed to be Indian in origin. But not too many years ago one investigator thought he could discern the outline of a Viking sword. A picture of the carving went to the Curator of the Museum of Archaeology and Ethnology, in Cambridge, England, and he confirmed the sword was indeed of the 14th century style.

Back to the rock; this time, it was completely cleared of brush and vines, to reveal—a 6-foot figure of a knight in armor, bearing a shield. The design on the shield was faint, but discernible. An eminent Scots expert, bearing the wonderful official title of Unicorn Persuviant, declared the heraldry on the shield to be, beyond doubt, that of Clan Gunn—a branch of the Sinclairs.

Doubts to be solv'd, the map incognita, blanks to be fill'd,
The foot of man unstay'd, the hands never at rest . . .

From a flower to a star—the list of marvels and mysteries is endless—knowing something happens is one thing, but knowing the "why" of it is something else again.

We know that birds in flight navigate by the sun and the stars, making calculations in a split second that a human could not possibly duplicate.

We know that bats have an incredible, highly developed form of built-in radar by which they can fly through complex mazes of obstacles, at high speeds, and avoid each and every obstacle.

We know bees have a marvelously intricate "clock" in their systems. A swarm kept in New York City was "trained" to always feed at 3:30 p.m. They were packed up and flown overnight to California; the first day, they came out for their food exactly 24 hours after their New York feeding, at 12:30 California time. But within 2 days, they gradually delayed until they were right back on schedule at 3:30, once more.

But we do not really know "why" to any of this.

The solid, iron discipline of an ant colony is a marvel of the natural world. The observation has been made, based on somewhat grim but probably accurate logic, that, if man ever disappeared from the face of the earth, ants would succeed him. Of all living things, only man—and ants—organize to make war.

We wonder, with more than a little trace of some primordial feeling of fear, at reports and accounts of strange creatures in remote corners of the globe. Just what is that mysterious being said to roam the slopes of the Himalayas? What caused the "Devil's Footprint," that curious semihoofmark in a blanket of newly fallen snow that appeared one morning and stretched for some miles in a single line over an area of rural England?

Are there, living still, creatures thought extinct millions of years ago? What is in the icy waters of Loch Ness, in Scotland? Sonar tracked an "object," far below the surface, moving at about 20 miles an hour. Could it be that, deep beneath the peat-stained waters of the Loch, the "Great Orm of Loch Ness" is a creature bearing still in its sluggish brain some dim prehensile memory of its brothers of the Cretaceous period of 65 million years ago?

Creation is a great, never-ending cycle that continues, on earth and in the farthest reaches of space. Gravity calls into being planets and stars, out of clouds of dust and gas. It ignites their nuclear fuel, and when that fuel is consumed, crushes them into glowing white dwarfs, or pulsars.

And on earth, this same force is measured and detected, as great, 4-ton aluminum cylinders, delicately suspended and balanced, gently pulse and resonate as this same gravity passes in waves through them.

In truth, ". . . thou canst not stir a flower without troubling a star . . ." Marcus Aurelius Antoninus, the great second century philosopher-emperor of Rome, wrote so movingly and for all time of the man/nature relationship:

> All that is harmony for thee, O Universe, is in harmony with me as well. Nothing that comes at the right time for thee is too early or too late for me. Everything is fruit to me that thy seasons bring, O Nature. All things come of thee, have their being in thee, and return to thee.

It is discovery of the highest order: discovery of ourselves and of our nature and of our relation to our Creator. In a way, it leads us right back to where we started, as the poet Eliot wrote:

We shall not cease from exploration
 And the end of all our exploring will be
To arrive where we started
 And know the place for the first time.

"The course of Nature is the art of God," wrote Edward Young. The voice that speaks to each and every one of us through nature, through this art, is always there, and never still, and if we listen, we will be sure to hear it. The American poet William Cullen Bryant expressed it so well in his eloquent and moving "Thanatopsis" and especially in the opening lines. For nature, after all, is the whole, and we are part of the whole, and it is only right that the whole speaks to the part:

To him who in the love of nature holds
Communion with her visible forms, she speaks
A various language; for his gayer hours
She has a voice of gladness, and a smile
And eloquence of beauty, and she glides
Into his darker musings, with a mild
And healing sympathy, that steals away
Their sharpness, ere he is aware. When thoughts
Of the last bitter hour come like a blight
Over thy spirit, and sad images
Of the stern agony, and shroud, and pall,
And breathless darkness, and the narrow house,
Make thee to shudder and grow sick at heart;—
Go forth, under the open sky, and list
To Nature's teachings, while from all around—
Earth and her waters, and the depths of air—
Comes a still voice: . . .

The voice of joy; the voice of affection; the voice of hope that will forever ride over man's frustration and despair. And all we have to do is look, and listen.

COMPLIMENTING OUR SECRETARIES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. COHELAN. Mr. Speaker, this is National Secretaries Week and once again we have the opportunity to pause to give public recognition and appreciation to our secretarial staffs. I am pleased to join with others throughout the country in applauding the efforts of those behind the scenes who truly make the operation go.

This week of recognition provides a fitting occasion to compliment my secretaries for making my tasks ever so much easier. I welcome this opportunity to pay this small tribute to "my girls."

I am especially grateful to my staff for their unending willingness to help and for their warm cooperation in the most difficult and pressured of situations. When the "chips are down," when the deadlines are nearing, when crises occur—and they do on the average of three times a day—I know who I can count on!

To Mrs. Rita Keating, my personal secretary, who has done yeoman work in attempting to keep me on some semblance of a schedule, while at the same time competently keeping track of a myriad of office detail, I say a humble thank you.

To Arlene Wiggins, whose affability and capability is not diminished by her early rising hour, my appreciation and gratitude for all her efforts.

To Mimi McGee, who has attempted to put "piazazz" in my rhetoric and for researching my speeches and for adding a sense of feminine logic to my legislative section.

To Kathy Dunn for her competent and thorough work on the most complicated cases, and for keeping "cool" under fire.

To Jane Foulkrod and Julie Stauffer who have operated efficiently in spite of constant job "reclassifications" and for their valuable and incisive comments on all issues.

To my district staff, Abby Sanders and Florence Hall, for helping to keep local matters under control and for their tireless efforts in coordinating my work at home with my work here in Washington.

To secretaries all over, I extend my best wishes on this—your week.

To my staff, I extend a special commendation and my warm and sincere thanks for their continuing efforts.

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NAVAJO COMMUNITY COLLEGE DESERVES SUPPORT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DELLENBACK. Mr. Speaker, I was pleased to see the editorial in this morning's Washington Post entitled, "Higher Education for the Navajos." From what I have learned about Navajo Community College, I agree with the Post's assessment of it as "one of the most exciting attempts at innovative education in America."

I first contacted Representative JULIA HANSEN about this school last spring to let her know that she has my full support for her efforts to secure Federal assistance for this school. I hope this editorial will provide a boost to her plans for Navajo Community College.

I would like at this time to include the editorial, "Higher Education for the Navajos":

[From the Washington Post, Apr. 23, 1970]

HIGHER EDUCATION FOR THE NAVAJOS

Deep in the mesa and cactus country of northeast Arizona, near a quiet trading village called Many Farms, is a Navajo Community College. As the first college ever created and run by Indians on a reservation, the school is one of the most exciting attempts at innovative education in America. The need, assuredly, is great. Dropout rates among Indians are twice the national average in both public and federal schools. Navajo children, who are raised in what is perhaps the most severe poverty in America, leave school before graduation at a 60 percent rate. Only one percent of those who went off to college ever stayed for a degree.

The community college has been operating for 18 months. Students ranging from eager 17-year-old freshmen to illiterate and jobless fathers and mothers take courses in vocational training, teaching, health, care, law, Navajo culture and English. The success of the college is well known nationally, thanks to coverage by the press and television, as well as visits by many congressmen. The Bureau of Indian Affairs says the school has "tremendous importance." Originally funded by tribal money, plus foundation aid, the college has been temporarily housed in BIA buildings at Many Farms. It will be forced to move shortly.

For the past two years, Navajo leaders and students have been coming to Washington to seek federal funding that would let the college move permanently on nearby land. Total cost would come to $13 million. Over and over, the Navajos have been given official encouragement, consideration, moral support, and back slaps—everything but money. The appropriations subcommittee for interior is unable to authorize funds for planning and construction of the new buildings until the Bureau of the Budget makes a decision. The fiscal men, apparently under no pressure from the White House to get moving are taking their own good time.

The Navajos are beginning to have serious doubts that the government will back its words with money. For the older tribesmen, this letdown will be nothing new. But for the young Navajos the blow will be heavy indeed. As Rep. Julia Butler Hansen (D-Wash.), a longtime supporter of the college, told a federal official last week. 'It is very important that you do not literally break the hearts of the people who have put so much into the Navajo dream of better education."

EARTH DAY PLUS ONE: THE VOICE OF THE PEOPLE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BROWN of California. Mr. Speaker, yesterday millions of Americans dedicated themselves to continuing and strong efforts to attain environmental quality. Yesterday was exemplified by rhetoric—much of it by politicians and other national leaders. Today, Earth Day plus one, I feel it is fitting that we as public officials sit and listen to the voices of those we represent and those people who we talked to yesterday.

For that reason—and in lieu of any more longwinded harangues condemning pollution and polluters while praising the "new believers" in environmental quality—I would like to insert in the RECORD a series of letters picked from among the thousands I have received calling for strong Government action in this field.

These letters come from all over America, from many students and teachers, from all income levels. The nine letters reprinted today are typical and poignant; eight of them were sent directly to me, the other being a copy of a letter sent to the President of General Motors Corp.

The voice of the people follows:

LA MESA, CALIF.

DEAR MR. BROWN: We have moved to California recently, and we will be voting here for the first time. We have a number of relatives who have lived here for many years. All of us will be searching our hearts this year when we vote. We are looking for someone to represent us who will be dedicated to fighting desperately the greatest battle man has ever faced: to avoid his own death as a race.

We are convinced that unless the United States begins immediately to devote its whole energy to restoring our polluted earth, drastically cutting our consumption of key resources, and reducing our population and that of the earth, mankind is finished. Dr. Paul Ehrlich, population biologist at Stanford, says that many of his colleagues believe that it is already too late for us to save ourselves. (*National Wildlife*, April/May 1970.)

Have you thought about this? Seriously? You owe it to yourself and your fellow men to make an honest decision about this and report it publicly. Your decision on this matter alone will and must determine whether we vote for you. By decision we mean a public commitment to specific, massive action. We are not cranks who believe every announcement of the end of the world. But we believe this one, because it has solid and sober scientific support.

There is no time left. Where do you stand?

FRANK, ALICE, AND GARY REED.

SAN LEANDRO, CALIF.

DEAR SIR: I am an eighth grade student that is very interested in the growing problem of pollution. The pollution that I am especially interested in is litter along shorelines and public beaches. I think you should try to organize a volunteer committee to clean the shorelines. I am sure that enough people are interested to clean up the shores.

Thank you for your kind attention to my letter.

Sincerely yours,

MISS JUDY COOK.

CORAL CANYON, MALIBU, CALIF.

DEAR CONGRESSMAN BROWN: I started this letter to you Jan. 21, when we received your questionnaire about pollution. In the interim, the questionnaire is lost and the letter was misplaced. I feel I should get it off quickly and let the format stand as is. First let me say we answered your questions in a very positive way. We've got to do something about the filth we live in! The problem goes beyond the rights of individuals now. People do not have the right to destroy, pollute our oceans, streams & air for their own gain. Their own gain, being what they think it is money, $ $ $ $.

The basic problem is to bring about a reversal in the thinking of big and little business men. The goal is and has to be recognized, as one of getting our environment clean enough to stay alive—all of us. The goal has to be fresh air, clean water, room to breathe, not millions and billions of dollars in the greedy's bank accounts. So, Education, propaganda, if you will, must be used.

If the consumer would refuse (or if the government could forbid) the use of paper or plastic to wrap every pair of socks, shirts, toys, etc.; if every consumer would carry his own shopping bag and refuse the extra bags for a head of lettuce, ¼ pound of mushrooms, etc. the amount of rubbish to be gotten rid of would be greatly reduced. But ah, the almighty chemical and lumber companies wouldn't make as much money, so they would fight it—and win, because they are still the ignorant, greedy who want money first and foremost.

The power companies say, we the consumers are demanding more power, so we must have atomic reactors which will pollute our air, soil and water.

I say the consumer should be educated (by Federal Government) *against* electric can-openers, garage door openers, electric pencil sharpeners, toothbrushes, shoe polishers, knife sharpeners, electric razors, any form of electric appliance which replaces muscle action, should be outlawed for the able-bodied. We can return to the good old days of muscle use instead of power use. And, what's wrong with the good old fashioned blanket, instead of an electric blanket? The list of nonsense electrical gadgets go on forever. We should allow electricity for basic necessities only—by law.

You legislators must be aware of the threat of over-population. Yon can pass laws which will help the problem.

1. A woman has the undisputed right to have abortion. The consequences would be positive.

a. Fewer people.

b. No unwanted children, which would reduce the cost of welfare, orphanages, foster homes, etc., plus a great reduction in juvenile delinquency and even crime and child-beating (to death).

c. Since people still love the almighty dollar. Money can be the incentive. Pay a woman on welfare an amount to have an abortion. (There must, however, be a limit to the amount of children she conceives for this purpose). Some way, tax enormously the people who insist on more than two children. (Remember, we have come to a place in our world crises, where individual rights have to give way to rights of humanity.)

d. A realistic eye to the death penalty.

Pollution. We are told it will cost a great deal of money to clean up pollution. Perhaps it will. The question is, where does the money come from? Let us look at the situation. The world, not too long ago, was not polluted, so we started with "a clean nest." Now, let's ask the question. Basically, who is dirtying our nest? The waters off Vancouver Is. B.C., are Mahogny black for miles and miles from shore, due to the lumbering industry. They should pay for cleaning up their mess, and not pass it on to the public. The oil companies see a polluting product.

They should pay for cleaning up their mess. The litter on the hi-ways and streets are the result of thoughless, careless people. We shouldn't have to pay taxes for others to pick up our mess, we can do it ourselves by education and propaganda and rigid, heavy monetary fines. If the laws were written to protect the innocent, instead of the guilty, the average citizen could police his own environment. I have in mind the hundreds of cars I see, spewing excessive fumes from tail-pipes. In one day of free-way driving, I noted the licenses, make of cars, color, location, direction and time of 8 gross polluters—i.e. *excessive* fumes coming out of the tailpipes. Any citizen should be able to note this information on a postcard and mail to an agency which then bans the offending car until repaired. There would be no cost to the citizen noting the citations, for the offender would also have to pay an extra $5.00 for additional postcards which could be distributed free. (They would be pre-addressed to the proper authorities).

But, the present law states that the citizen has to make his complaint, in the county in which he sees the car spewing smoke! (I may never get to Orange County again) and also identify the driver! How ridiculous! The *owner* of the car is responsible for its condition, regardless of who is driving. The average citizen should be able to report, the same way, litter bugs, cigarette discarders, etc. Everyone would get more involved, if it wasn't so time consuming with red tape.

We, the people have nothing to say about forking over our money to run the government; the same should be true for paying for rapid transit. If a census was taken, it would show that a great percentage of poor people do not, for one reason or another, register to vote, or vote if they are registered. The more wealthy of course do vote and vote for their pocketbook. So, rapid transit is voted down. We, the people should have to pay for a rapid transit and have to use it. However, the politicians will also have to recognize that there is a limit to the amount of money which can be squeezed out of the taxpayer. They would have to forgo the luxuries to which they have become accustomed to since joining the political club. The new, fancy buildings will have to be discarded and the political ego salved some other way that a four room suite with bath and gilded names on doors, house only by magnificent furnishing and a hard working underpaid secretary. (I have many, many times had occasion to call an official's office. Without exception, they are never in "at the moment.")

A money incentive will get people out of their cars and into public conveyances. Let the Big Egos call attention to themselves in ways which will not harm the health of others. Outlaw Cadillac, Continentals, which contribute more smog per person to the air than smaller cars. They take up more parking space, too.

I am now looking at your number 5 ("open space increasingly filled with urban sprawl") I can't fathom President Nixon's desire to build new cities (there goes more open space and agricultural land). Again use the pressure of money on absent owners to clean up their mess—not the taxpayer.

Use another incentive. New Zealand does. Property tax gets reduced with the additional amount of care given over property. There would no longer be slums.

For Christ's Sake, relieve the property owner! I was gathering signatures for the property tax initiative. Do you think I got *one* signature from a *non*-property owner? Hell no. They know they have a good thing, when others have to foot the bill.

Use a sales tax—a *high* one especially on electrical luxuries and we'll kill two birds with one stone.

Drugs. Take the profit from the crooks and *give* drugs to those needing it, at a low price—or free. This will eliminate the need for getting more people hooked, to pay the first guy's drug bills. Two birds again—the drug users (who are hooked) have their needed drugs and the crooks are out of luck. Crime declines.

I'd better begin to close this letter on the 12th day of March, 1970.

Let me voice one last gripe.

Space is getting smaller. The good earth needs help, let's relieve the *dying* taxpayer from the clutches of the funeral lobby. I want my ashes buried in my *own* rose garden. I shouldn't have to pay some guy in the burial business $50 to $100.00 to get my ashes buried at sea—or *his* rose garden. I've looked at these "Rose gardens"—the soil hasn't been spaded for years So I pay $100 to get my ashes flushed down the toilet. They'd do more good revitalizing Mother Earth and besides I'm delicate about where my remains go.

Since starting this letter, I've read *The Silent Spring, Population Explosion*. Am about to read *The Frail Ocean* and am gagging on *The Rich and Super Rich* by F. Lundberg.

Keep up the good work—no one else seems to be doing it

Mrs. Rasleir Birdsell.

El Camino College,
Torrance, Calif.

Dear Mr. Brown: Though your cause against pollution is noble the situation is really hopeless since the local politicians really pull the strings. For instance in our county (Los Angeles) the oil companies would pollute the channels daily leading into the ocean and gladly pay their monthly fine of $100; the fine has been increased somewhat since last year but what the hell its cheaper to pay this fine than spend a million dollars to eliminate pollution from the true source, their plant.

Drive past any oil company processing gasoline or a chemical company in our area making chemicals and the air paralleling a passing road is suffocating with acid and other fumes.

Power companies on the coast (El Segundo, Redondo Beach etc.) burn crude oil at certain times of the year which further pollute the air.

As the air lines zoom in on our International airport they leave tons of black pollution streaks spiraling through the basin.

Los Angeles and other local cities dump raw sewage into the ocean upsetting the ecology of marine life. Suddenly sardines on our coast have disappeared. Accusations have been made that the professional fisherman simply overfished. Actually that's a crop of bull. Being a sportfisherman myself I have seen all fish disappear as the pollution from the sewage gets worse and worse. In a storm the pollution from the sewage is rather obvious in Manhattan beach and other beach cities.

Just off our coast oil tankers dump their excess oil after unloading their cargo. Only last week Catalina Island was inundated with black oil on their shoreline causing major expense to sports boats. It's obvious that these foreign tankers were at fault. There's no law that control their activities though, and if there was it is never enforced.

As for offshore drilling, the oil companies have Mr. Hickel, and his name spells exploitation and the public and pollution be damned. Watch him wreck Alaska with the hot oil pipes. He's fattening his pockets with green bucks from the oil companies rather obviously. Sure in California we are against oil drilling off our shores. Just what can we do though. Even our Governor closes his eyes to oil pollution.

Personally the odds are against the public. What we need is a student revolt against pollution and you will really see something.

I wish you luck but I don't expect to see anything coming out of your committee. It's like Kefauver's anti-crime committee. The man was terrific but the system is totally corrupt. Our only hope is that about 5,000,000 people die due to pollution; this would really start the ball rolling.

Yours truly,

Prof. Martin Yez,
Engineering Department.

(Note.—One way to reduce the pollution by cars is to reduce the horsepower of all cars to below 150 HP and change the gasoline so that no car burns leaded fuel. I am seriously worried about jet engines in cars and trucks since they burn such an excess of oxygen; they are a true threat to future breathing.)

Ida Price School,
San Jose, Calif., Feb. 23, 1970.

Dear Mr. Brown: Since our Eighth Grade history class is now involved in the study of government, I thought it only fitting that a discussion of the questionnaire recently sent to me should take place in the classroom.

Enclosed please find, not only my responses to your questionnaire, but the response totals from two classes totaling 66 students. We all learned a great deal in attempting to respond, and I thought you might be interested in the students' point of view.

Sincerely,

Mrs. Ruth Stephens,
Eighth Grade Core Teacher.

IDA PRICE SCHOOL STUDENTS VIEWS ON ENVIRONMENTAL ISSUES

1. Do you favor proposals to ban the internal combustion gasoline engines unless it meets stringent exhaust emission standards? Yes 47; no 5.

2. Do you feel that the oil companies and automobile manufacturers should be required to act more quickly to solve the problems of air pollution? Yes 53; no. 3.

3. Do you favor a Federal Regulatory Commission on Environmental Quality? Yes 38; no 5.

4. With 95% of the 8,000 miles of the nation's shoreline in private hands, do you favor stronger government efforts to regulate shoreline use, in order to substantially increase the amount of beach property available for public use? Yes 46; no 12.

5. With the state's open spaces increasingly filled by urban sprawl and unplanned development, would you support stronger government efforts to regulate use of undeveloped open spaces, including advance acquisition of land for public use? Yes, 32; no 10.

6. Would you support a complete ban on all Federal offshore oil drilling except in national emergency? Yes 46; no 3.

7. Do you favor much stronger governmental efforts to educate the public as to the problems of overpopulation? Yes 47; no 7.

8. We consider our national priorities for 1970 as number one, pollution; number two, Vietnam; and number three, integration.

9. Do you approve of the citizens of this state being given the opportunity to express their opinions through this questionnaire? Yes 46; no 1.

Long Beach, Calif.

Dear Sir: Please do something about enzyme detergents. I understand they are not bio-degradable and are killing plankton in the sea. As you must know, plankton is responsible for the production of over 75% of the earth's oxygen. Therefore, these enzyme detergents pose a deadly threat and must be investigated, at least.

Furthermore, "Consumer Reports" magazine made a study of enzyme detergents and found the effects of the enzymes to be negligible, if present at all. So they apparently serve no practical purpose except as a sales promotion gimmick.

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I also have been told there is arsenic in these detergents that causes many people to develop skin irritations. Don't we have enough problems without that?

Sincerely,

Mrs. Arthur E. Alviso.

Woodland Hills, Calif.

Congressman George Brown.

Dear Congressman Brown: I appreciate what you are trying to do about the environmental problem. I see one flaw in your approach: why should the automobile corporations be given *five years* more of making profits and ruining our air at the same time? Are we really to believe that it will take *five years* of research to solve the problem?

If our government officials would back a nation-wide boycott of any American-made automobile that does not meet emission standards, beginning *now*, Detroit would accomplish the feat within months. Why is our government more interested in protecting corporate profits than in protecting the national physical geography and the welfare of the people?

Love of country begins with the land and the people.

Why is it taking two years to "phase out" DDT? It should have been banned in two days. Everybody knows that the government is giving the chemical companies two years to adjust to the shock of profit loss. Meanwhile how much more damage to world-wide ecological balance?

How about detergents which we all now know is causing water pollution? We got along without detergents before 1946, and we can get along without it now.

And no-return bottles? We got along without those until the last three or so years.

You in government want to help. Well, start campaigns to do without harmful products like you started campaigns to economize on consumption during World War II. The people cooperated gladly during the last war. We saved everything the government asked us to. Is our government now so dedicated to corporate America it will sell out the people, the landscape and the future?

I will tell you that the people are losing faith in the government on the environment issue already. We don't care about moon flights. We want things right, here on this planet.

I personally will boycott every harmful product I learn about and will urge everyone I know to do the same.

Five years is ridiculous and you know the people of Los Angeles will never hold off that long.

Yours sincerely,

Carolyn J. Holland.

Champman School,
Gardena, Calif.

Dear Representative Brown: We are a third grade class who is concerned about air pollution. We want a law passed against people who cause air pollution. We think these people should have heavy fines.

We want better smog devices on all transportation! We want service stations to clean up all kinds of engines better!

We want to breathe; we want to live!

Thank you,

Mrs. T. Coy; Daniel Delagado; Kelly Webb; Cheryl Afhar; Jay Ganske; Lynda Toyasaki; Johnny Asbury; Tammie Ackroyd; and Ronald Bond.

Patricia Kenoshita; Dennis Wright; Lynn Pellerin; Paul Perez; Doug Kelly; Mark Perrin; Richard Yamashita; Doming Perez; Theresa Toone; and Craig Inouye.

Allan Pearson; Monica Derry; Greg Pringle; Mary Anela; Frank Dudas; Rochelle Lubman Steven Mayer; Lori Tesdale; Monica Winningham; and Dale Reed.

Los Angeles, Calif.

Dear Mr. Brown: Knowing your sympathy for modern conservation efforts you may feel inclined to give a small contribution to the Save the Redwoods League, whose letterhead shows many familiar names.

For a greater effort we would like to see the Cohelan Bill which lost out in the last Administration, reintroduced. It was backed by about 40 Representatives and Senators. It provided for a respectable size redwood park. The Administration bill which passed was a token measure.

For a source of revenue, how about an excise tax of one dollar on each thousand board feet of redwood lumber, to be paid by the company cutting the trees and passed on all the way to the retail lumber yard. Redwood is a luxury wood. The main lumber for construction comes from Douglas fir, Ponderosa pine and the southern pines. (There should be some cutover areas reseeded to Longleaf Pine.) Revenue from the tax might be credited to the cost of the land purchase or to help finance the next moon expedition.

Yours very truly,

H. M. Severance.

Santa Barbara, Calif.

Mr. Edward N. Cole,
President,
General Motors Corp.,
Detroit, Mich.

Dear Sir: I am writing you as a General Motors stockholder.

I have just exchanged my 1968 Buick Riviera for a 1970 VW Bug. My Buick had 13,000 miles on it.

What has prompted this highly uneconomic action is the urgency I feel personally to do something—no matter how small or "pound foolish"—that will help cut down pollution in our atmosphere. Since I'll now be using less than half the gas for the same mileage, I will reduce by at least that much the automotive pollutants that I am responsible for—assuming, as I am, that the top condition of both Buick and Bug renders them somewhat comparable as polluting mechanisms.

By my gesture I hope to set an example among the big car owners I know, notwithstanding the admonitions I've been hearing that compacts are unsafe on the freeways and that good big cars are the least of the polluting culprits. I am not much impressed by either argument.

If GM and other leading automakers took their responsibilities to the whole human race as seriously as they take their responsibilities to their profits-oriented managers and stockholders, they would drastically reduce over-all automotive gas consumption by beginning at once to limit private automobile production to small vehicles. As the small car population on the highways increased, their factor of safety on freeways—by the force of their numbers—would also rise (provided, of course, that producers of such cars made them as safe as possible to begin with).

I am aware that GM intends to bring something out pretty soon called the "Gmini" [Wouldn't "Gmidi" be more fashionable now?] However, I've also read that GM is somewhat reluctant to plunge too deeply into the small car field for fear of "cannibalizing" sales of larger autos. This sounds like letting humanity be damned if it means reducing profits.

As a GM stockholder, I am very unhappy. It seems to me that the management of GM has been less than creative when it comes to envisioning its part in our nation's automotive future. It seems that you have been measuring small car necessity solely by the force of foreign and domestic competition, with little regard for human needs—except insofar as you have been prodded by government authority or [Ralph Nader]. I am highly dissatisfied with what I can interpret only as callousness—granting the astuteness of your management—in the face of an environmental crisis of asphyxiating proportions, about which you could do a great deal *if you had the will and the courage.*

In the past, as a protest against war and whatever GM may have to do with defense contracts relating to U.S. involvement in Vietnam, I have been contributing all of my GM dividends to peace and humanity causes. In the future, in addition, I shall be using some of this money to campaign against the limousine-for-private-use syndrome with which our fat-bottomed upper middle-class is afflicted. I hope to get a few "gas-guzzling dinosaurs" of the Luxury Buick-Cadillac-Continental class off the road to make room for more less rapacious bugs that I feel are more seemly in the picture of our already prejudiced future. A man doesn't have to move in majesty at ten miles per gallon in order to be safe and happy.

I am aware that my campaign will not, for the present, even touch the deeper problem of all the old, second-hand poison puffers on the highways, which probably—second to trucks—do most of the polluting. Perhaps, if you and other automotive executives would direct your advertising departments to cut out the emphasis on high power and bigness as status symbols, people who can't afford new big cars wouldn't settle for them second-hand but would buy newer small cars for the same money. This would do a lot toward clearing the air we breathe, and incidentally put the brakes on some aspects of our compulsive living today.

Please let me know what you intend to do for humanity in the near future. My GM dividend offering for 1969 was $1,100.00.

Very truly yours,

Mrs. Irving F. Laucks.

A BETTER ERA FOR POSTAL EMPLOYEES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MICHEL. Mr. Speaker, for more than a year the modernization of the Post Office Department has been before the Congress. The intensive hearings held by the postal committees in both Houses revealed the apprehensions and fears of reform held by the leaders of some postal unions and other organizations speaking for these Government employees.

As a result of these hearings and the negotiations between the administration and the major postal unions, I am confident that the basis for their concern has been eliminated in the drafting of the Postal Reorganization and Salary Adjustment Act of 1970.

The legislation now before us provides that all postal employees would retain their full benefits under the civil service retirement system. The provisions of the Veterans' Preference Act and the workmen's compensation system for Federal employees would continue to apply.

The retirement credits postal workers have earned would continue to be a responsibility of the U.S. Government.

The annual leave and sick leave provisions offered all Government workers would continue to apply.

In fact, all existing rights and benefits are protected.

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I am confident that these protections, plus the opportunities postal modernization can bring, will usher in a new and better era for our 725,000 postal employees.

THE ENVIRONMENT AND US

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. ANDERSON of California. Mr. Speaker, across the country this week was designated as Environment Week. Yesterday, April 22, in over 1,000 universities and colleges and over 2,500 high schools, young people cooperated in "teach-ins" on "Earth Day" to arouse public opinion to the need of protecting our environment and acting now. It is to their credit that they have recognized the challenge of preserving the earth and have taken action to rid our environment of the manmade causes of pollution. Their concern and their commitment give hope to all of us.

It is unfortunate that we as a Nation have slowly and only recently become aware of the dangers of pollution. Journalists and the press have given wide play to the foretellings of scientists and ecologists. The amount of material on the subject inserted in the CONGRESSIONAL RECORD in the last few months by Senators and Congressmen exceeds the material on any other issue. The volume of mail reaching my office on the problem of pollution exceeds, in numbers, the mail on any other subject.

This awareness is good, for it signifies a marshaling of public opinion, but the realization of the magnitude of the pollution problems was long in coming. Pollution and the decaying of the environment have crept slowly and silently while the machines of technology and production increased significantly. Marshal McLuhan, the noted expert on communications and the masses, has said:

> If the temperature of the bath water rises only one degree each half-hour, how will the bather know when to scream?

Because pollution has accumulated so imperceptively for years, we are now hearing the scream. Because of the silence of its growing pollution now is revealed as a serious threat and a monumental problem.

It is easy to become discouraged by the pervasiveness of "dirty everything." We are discouraged when we look at once blue-green waters which are now brown and lifeless. We tend to despair when we realize that some 40 species of birds and mammals have been lost in the United States in the last 50 years and twice as many are presently on the "endangered species" list. We know that the problem is acute when over 1¼ million of our stately Ponderosa pines are choked and dying from smog in mountains 85 miles from Los Angeles. When we realize the massive sanitation problems and become emotionally "up tight" because of noise and congestion, we might join with Henry Gibson of Laugh-In fame by saying:

> I used to like fresh air
> When it was there.
> And water—I enjoyed it
> Till we destroyed it.
> Each day the land's diminished
> I think we're finished.

Like Henry Gibson, it is easy for us to become discouraged. We can easily foretell to what end our continued raping of the environment will lead us.

Why have we reached such a state? Perhaps because we have become somewhat complacent in our richness of resources and take our technological wealth for granted. We are enormously successful in producing beautiful automobiles, elaborate apartment dwellings, and mass numbers of colored televisions, but we are failures in preserving the water we drink, the air we breathe, and the countryside we travel. We are choking on our richness because of our desire for status living and wanting the best of everything. We who enjoy a high standard of living are polluters in our demand for the best. Perhaps our attitudes toward production, privacy, space and civic responsibility—to ourselves and succeeding generations—will have to be changed. "Evil," as someone recently wrote, "is leaving a polluted and mangled planet to your too many children because you wanted to make a buck."

We do not want to talk the issue to death. To reveal the problems, to make others aware of the evil condition of the environment, and to discuss the plight, is beneficial and necessary. However, the need for action is pressing. We must do something drastic now.

Yesterday, the young people of our Nation participated in the first continentwide organized effort to halt the degradation of our environment which threatens the very existence of humanity and the survival of the earth. They perhaps recognize this problem best since it is they who will inherit the poisonous gases and deadly water. Almost every day our eyes smart from the smog in the air; our ears throb by the noise about us; our sense of smell is assailed by garbaged waters and rubbished air; we see unsightly heaps of trash, and brush ashes and soot from our skin after a walk in "the great outdoors." The younger generation sees these threats to health and life as a frightening legacy for themselves and their children.

To gain the inspiration we need for a total commitment, we ought to look to the spirit of Earth Day and Environmental Week. These days are a turning point of the national spirit from despair to hope-filled action. It is a period of establishing the national pace. We are getting down to brass tacks, focusing attention on the problems of our environment and resolving to do something to solve them now.

How do we go about changing attitudes and who must make the changes? First of all, it will take a total commitment of the Federal Government and its political leaders. Massive Federal expenditures will be required. Senator GAYLORD NELSON, of Wisconsin estimates it will cost $25 to $30 billion a year in Federal money over the next few years to begin an environmental clean-up program. Says Senator NELSON:

> Until this Nation makes the same kind of commitment to environmental preservation that it made in building the most massive defense machine in history or in sending men to the moon, the battle cannot be won.

In order to bring more Federal resources to bear upon solving the problems which contribute to pollution of our environment, a revision of national priorities must come about.

It will also take an awareness and strong action on the part of State and local governments. We must demand that they enforce existing laws and regulations and crack down on major industrial polluters. Governments must require everyone's cooperation in cleaning up the environment.

The resources of private industry, those who are perhaps the most unwilling to make a total effort, must be called upon. It will be difficult for them to make serious economic adjustments and prepare the economic system to meet the problems. But they must realize the role they have played in contributing to environmental decay and take relative action to prevent it in the future. The productivity system must yield first place to environmental preservation. Technology helped produce the crisis and technology can end it.

Now that the national conciousness has been aroused and more people are aware of the problem, there must be a cooperative venture involving all citizens. The effort of concerned and dedicated individuals will be the greatest contribution to the battle. We must begin working together in individual efforts to bring solutions to the problems.

There is much an individual can do to resolve environmental problems. The first thing is not to add to the problem through our actions. The real problem, as Pogo has said, is "us." We all must be willing to make personal commitments and sacrifices to protect the environment.

In this regard, I recommend for the perusal of my colleagues a pamphlet entitled "Guidelines for Citizen Action on Environmental Problems" which the distinguished gentleman from Michigan (Mr. ESCH) has made available to me. This pamphlet, which is published by the University of Michigan, is a useful tool which outlines in a few pages what individuals can do in the fight against pollution.

The environmental crisis is both a great challenge and a great opportunity. By the proper use of the means at our disposal and by a wholesale, cooperative effort, we can clean up our environment and bring nature back to its rightful role. We must urge people to take advantage of this vital awareness by forming groups to fight for their own interests.

The quality of the demonstration of this week and the planning which follows will have a great impact on institutions and leaders. Now that we are alerted and activated, we will respond, not with despair, but with action. A student at San Francisco State College, Pennfield Jansen, perhaps voices the sentiment we must instill in ourselves:

> The naivete, enthusiasm and idealism of young people are not to be scorned, for they are the raw material of constructive growth. We will stop the destruction of this planet

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even at the cost of our futures, careers and blood. The situation is simply like that. If you are not going to live for the Earth, what are you going to live for?

If we can present such a good case, we can enlist public support on the side of programs needed to achieve meaningful policies on our environment. We are beginning to respond to the need to prevent man from committing his own suicide.

A better future will be the result of our acting in unison to cope with the problems.

WELFARE SYSTEM DISCOURAGES WORK

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. DELLENBACK. Mr. Speaker, last Tuesday's Evening Star carried an article which should be of interest to every Member of this body. Mrs. Marie Beverly's experience provides a microcosm of the failures of our current welfare system, particularly the incentive to stop working. I do not think the Family Assistance Act passed by the House last week would be a panacea for these failures, but I do believe the FAP would offer hope to people like Mrs. Beverly.

The article "Mother of Five Can Not Afford To Keep Working," by Harvey Kabaker, follows:

MOTHER OF FIVE CANNOT AFFORD TO KEEP WORKING

(By Harvey Kabaker)

When you boil it all down, Mrs. Marie Beverly can't afford to keep working.

Since her husband left two weeks ago, it seems her $1.80-an-hour cashier's job in a Peoples Drug Store won't support her five children and stay the marshal at the door.

So with great reluctance, on the advice of the D.C. Welfare Department and her lawyer, she intends to quit working for a few months and apply for public assistance. And she most likely will move into public housing.

Mrs. Beverly, attractive at 37 and scarcely showing any sign of strain, spoke yesterday in her far Southeast apartment of her plan for self-help.

She said all she needs is a cash grant for two months' rent, until her 18-year-old daughter, Veronica, graduates from high school in June and begins a full-time job. Food stamps and Medicaid would supplement their incomes, and they could get by, she believes.

Her story of the past week might have been composed by critics of the present welfare system in America:

During several stops at various offices, it was always another office that might help, and one official even gave her the brush-off, before she finally encountered a Welfare Department supervisor sensitive to her plight, and aware of the built-in problems of government proceduers.

ENCOURAGED TO STOP

Hardest for Mrs. Beverly to accept was that the system encourages the poor to stop working and move into public housing, because rents are cheaper and the income is higher.

"I was really hurt when they said I would have to quit my job to get public assistance," she said. If she could keep working, by July they could subsist on the $50 a week extra her daughter will earn, she predicted.

At the same time, the family would keep the bright, well-kept four-bedroom apartment they have had since 1967—after a two-year wait.

But the welfare people already are applying subtle pressure for her to move into a cheaper place: The monthly rent of $154 is too great a proportion of her $250 net income, or even the combined $475 she and her daughter will net beginning in June, the supervisor fears.

If Mrs. Beverly decides to apply for the aid to dependent children money, she'll get $317 a month, still not enough to keep the apartment. If she can be placed in a training program, as the supervisor has urged, Mrs. Beverly will get another $65, plus free day care for Valerie, 5, who won't go to school until the fall.

YIELDING TO SUPERVISOR

Yesterday, learning that the training program probably would include refresher courses for a high school equivalency exam, Mrs. Beverly, who finished only elementary school in rural Virginia, began to accept the welfare supervisor's point of view.

Her lawyer thinks the public cost of $308—April and May rent—would be cheaper than the tax-free $317 a month the family will get from the Welfare Department for several months while Mrs. Beverly is in training. The welfare supervisor thinks the training will help Mrs. Beverly get a better job later, since she already is motivated to get off welfare within a few months.

Normally, the rent grant would be made from a $70,000 fund the department allots for emergencies every month. But Mrs. Beverly's husband has already drawn from the fund, the department found, and she may not do so herself this year.

All of this might not have come about, if the Nixon administration's welfare reform plan, passed last week by the House, were in effect. The program for the first time would benefit the working poor by giving cash grants without requiring the head of the household to be unemployed.

These figures were calculated for Mrs. Beverly's situation: The federal government would contribute $57 a month, and the D.C. government would pay another $121, to add to her $312 salary (before taxes).

HER GROSS INCOME

Her gross income, then, would be $490 a month, and she would be working. If her daughter chose to keep her own salary, the allotment would be unaffected (present law requires a reduction in the welfare payment if a minor is working).

The Senate Finance Committee has scheduled hearings on the bill next month, and liberals are expected to push for increased allotments.

But none of this will affect Mrs. Beverly, who must appear tomorrow in landlord-tenant court, may have problems with bill collectors trying to satisfy a note she co-signed with her husband and, reluctantly, will apply for public housing by the end of the week.

A BE-INVOLVED FINALIST

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. RUPPE. Mr. Speaker, I would like to call to your attention the nomination of Miss Doris Reid, a resident of Rogers City, Mich., as one of the finalists in the American Nurses' Association Be-Involved Nurse Search. Miss Reid is one of 39 nurses throughout the country who have been selected to compete for the honor of the Nation's most socially involved nurse.

In receiving this honor, Miss Reid was noted for her contribution to the community through her participation in social and health services. Miss Reid recently started a pilot project for the purpose of medically evaluating children enrolled in special education classes in the Rogers City area. She has been active in the Cheboygan Community Club, 4–H Clubs, child guidance clinics, and an association for the mentally retarded in Cheboygan County. At the present time, Miss Reid teaches in the local family and home living classes and is initiating a program for expectant parents.

The outstanding contribution that Miss Reid has made merits recognition. Indeed it is the efforts of such individuals on the local level that generate involvement on the national level, and better our society as a whole.

MONTHLY NEWSLETTER

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. SCOTT. Mr. Speaker, as you know, I send a monthly newsletter to every citizen in the Eighth District who requests a copy and am inserting a copy of the April newsletter in the RECORD at this point for the information of the membership:

YOUR CONGRESSMAN BILL SCOTT REPORTS

COMMUTER TRAINS

Some time ago we had a conference attended by the Administrator of Urban Mass Transportation and the Deputy Administrator of the Federal Railroad Administration to promote the establishment of commuter trains in the Northern Virginia area over existing railroad tracks. The matter has been presented formally to the Secretary of Transportation who has it under consideration. Since that time, we have talked with the Chairman and Executive Secretary of the Northern Virginia Transportation Commission who have also been promoting a plan of this nature and agreed to coordinate our efforts. The pilot project would be funded primarily with a federal grant based upon an application of the Northern Virginia Transportation Commission and would be at least partial relief to the commuter. Of course, it would not be a substitute to the completion of the interstate highway system or the subway system, but we have rail lines now passing through Manassas and Fairfax Station over the Southern railroad, and Woodbridge, Franconia and other points over the RF&P railroad. I am hopeful of favorable action.

METROPOLITAN POLICE

In the last issue of our newsletter a bill was discussed to remove the existing requirement for Metropolitan Washington policemen to live within a 21-mile radius of the Capitol building. In response to an inquiry by the Chairman of the House District Committee, the Chief of Police replied that he had no objection to eliminating this residence requirement. I am, therefore, hopeful that this proposal will be enacted and have suggested to the Chairman of the Committee that a similar restriction be removed with regard to members of the Fire Department of the District of Columbia.

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MR. JUSTICE DOUGLAS

Justices of the Supreme Court hold office during good behavior and may be impeached in the House of Representatives for high crime and disdemeanor and removed from office by the Senate. Before assuming office, they agree under oath to support and defend the Constitution of the United States. The attention of Congress was drawn to the activities of Justice William O. Douglas most recently by his book entitled "Points of Rebellion", although a Resolution for his impeachment was filed as early as 1953 after he issued an order for a stay of execution for Julius and Ethel Rosenberg, who had been condemned to death for passing atomic secrets to Russia. This book is critical of numerous government agencies and compares the present Establishment with George III, who was King of England at the time of the American Revolution. More important, however, are news stories of income received from business sources while serving as a member of the court and possible conflicts of interest. Resolutions have been introduced in the Congress providing for the creation of a bipartisan committee to investigate the various charges made against him and to recommend whether or not he should be impeached. In my opinion, the House Committee should fully investigate all charges and Justice Douglas should be afforded an opportunity to be heard before any decision is made. A total of 116 members of the House have now joined in co-sponsoring one or more of the resolutions.

FEDERAL EMPLOYEES' HEALTH BENEFITS

The Subcommittee on Retirement, Insurance and Health Benefits of the House Committee on Post Office and Civil Service has approved legislation which would be effective next January 1 and evenly divide the costs of health benefits for Federal employees between the government and its employees or retirees. At the present time, the government contribution averages about 24 per cent and employees or retirees pay the balance. The cost of health programs has increased over the years and regretfully may continue to increase. However, this measure will provide for a 50–50 sharing. No doubt the full committee will approve the measure at our next executive session. It should be helpful to the employee and fair to the government.

PUBLICATIONS AVAILABLE

The following bulletins are available for distribution. Please check the ones you would like to receive and return the slip.

—Family Fare.
—Keeping Food Safe to Eat.
—Potatoes in Popular Ways.
—Food for Fitness.
—How to Use USDA Grades in Buying Food.
—Growing Pansies.
—Better Lawns.
—Summer Flowering Bulbs.
—How Much Fertilizer Should I Use?
—What Young Farm Families Should Know About Credit.

Name ------------------------------------
Address ---------------------------------

WOODBRIDGE ARMY SITE

Many persons had hoped that after the Army inactivated its Radio Transmitter site at Woodbridge it might be declared as excess of Army requirements. Prince William County officials and some individual citizens visualized it as a County recreational and educational site. The Secretary of the Army has informed us, however, that the U.S. Army Mobility Equipment Research and Development Center has been selected as the agency to continue to use the facilities at Woodbridge and that the Secretary of Defense had approved this use.

WASHINGTON STAFF

Another member of the Congressional staff who has been with me since the office opened is Grace Scott of Centreville in Fairfax County. Grace and her husband, Arthur, a Senate photographer, are long time friends and neighbors but not relatives. Her mother, Mrs. C. L. Ladson, lives in Lancaster County in the Northern Neck. A case worker, who primarily looks after Post Office and Civil Service matters, Grace has handled all phases of the office work at one time or another. She is an excellent stenographer who worked at the Pentagon for 16 years. When away from the Hill, Grace and Art are active in the Lions Club and the Baptist Church. They enjoy accumulating their leave so that they can travel as often as possible to some foreign country. A completely loyal staffer, I still remember to say something nice about her grandchidren from time to time.

AID TO EDUCATION

The Federal appropriation for education for the fiscal year beginning July 1, 1970, was recently passed by the House. This is the first time that appropriations for the Office of Education have come up so early. Normally, education appropriations are a part of a combined appropriation bill for the Departments of Labor and Health, Education and Welfare. However, educators have requested earlier consideration to assist them in planning their overall budgets. The appropriation totals $4.1 billion, $313 million more than the available appropriation for 1970. As passed by the House, school districts in federally-impacted areas would get $440 million—$80 million less than for 1970. The bill also contains provisions which forbid both forced busing of students and infringement of free choice in picking a school to attend.

VOLUNTEER FIREMEN

93 Members of the House have joined in co-sponsoring a joint resolution authorizing the President to proclaim the week of September 19 as National Volunteer Firemen week. I believe this bipartisan resolution is one manner of paying tribute to the volunteer firemen who do contribute their services to communities throughout the country.

LATEST POSTAL PROPOSAL

The Postmaster General appeared before our Post Office and Civil Service Committee on April 22 and submitted his latest postal reform measure which grew out of conference between postal officials and union leaders after the recent strike. It has most of the provisions contained in the first three measures submitted by the Post Office Department but does add an 8 per cent raise for postal workers in addition to the 6 per cent raise authorized by Congress a few weeks ago. The bill would remove postal employees from the Civil Service merit system and have pay and working conditions determined by collective bargaining. Labor-management features might compel government employees to join a union to retain federal employment. It also provides that postal rates would be set within the Department subject to a Congressional Veto on a two-thirds vote of either House of Congress. Of course, I favor improving postal service but have reservations about a number of provisions of the bill.

RAILROAD RETIREMENT

The House passed a 15 per cent increase in railroad retirement monthly benefits. This increase, however, is not across-the-board as with the recent social security benefits as the railroad retirement system has been constantly shrinking because of the decline in railroad employment. Benefit increases are restricted to a maximum of $50 for employees and $25 for spouses or survivors. Also the increase is reduced where the beneficiary is receiving increased social security benefits by the amount of such increase. In no case will this be below $10 monthly for employee annuities or $5 monthly for spouses or survivors. The Senate is now holding hearings on this measure.

CHESAPEAKE BAY BRIDGE REPAIRS

The Virginia Congressional Delegation has co-sponsored a bill to authorize the federal government to settle and pay claims of the Chesapeake Bay Bridge and Tunnel District resulting from a Navy vessel colliding with the Chesapeake Bay Bridge last winter. Without such legislation the liability of the federal government could be limited under Admiralty law to the value of the Navy ship involved in the collision. This result would seem to be unfair as the Navy ship of World War II vintage is worth only a fraction of the damage it caused. The bill, if enacted, will reimburse the Bridge-Tunnel District for considerable expense only part of which was covered by insurance.

SOMETHING TO PONDER

"The man who monopolizes the conversation monotonizes it."

JOHNNY HORIZON AND GEMS AND MINERALS: PUBLIC SPIRIT TO CLEAN OUR ENVIRONMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BROWN of California. Mr. Speaker, government alone will not bring about environmental quality. It is up to each and every American to do his utmost as an individual to stop polluting whenever possible and to do even more—to clean up and keep clean our precious countryside and cities.

One of the most valuable drives encompassing these objectives is the Johnny Horizon program instituted by the Bureau of Land Management 2 years ago.

Johnny Horizon is BLM's symbol for the campaign to clean up our public lands. His motto is short and to the point: "This land is your land. Keep it clean!"

Since the Johnny Horizon program was launched in 1968, through the efforts of both public and private organizations, results have been extremely encouraging. And one of the main factors for this success stems from the diligent organizing and work by publicly spirited citizens across the country.

Today I would like to commend these citizens and the organizations which put so much time and effort into the Johnny Horizon program. And specifically, I would like to congratulate the California Outdoor Recreation League and Gems and Minerals magazine who combined in setting up the first Johnny Horizon "Clean-Up Days" held last fall.

The "Clean-Up Days" idea originated with CORL and gained widespread publicity through Gems and Minerals, and by last October, the proposal had been adopted by proclamation in eight Midwest and Western States. Over 10,000 citizens were involved in the 3-day operation.

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Now, the emphasis is to make the "Clean-Up Days" an annual event, and to expand it throughout America. I endorse this program, and I hope that we in Congress can put our full support behind this endeavor.

For its outstanding contribution in helping to keep public lands clean, Gems and Minerals was honored with the first Johnny Horizon National Award last summer by the Bureau of Land Management. At this time, I, too, would like to congratulate Gems and Minerals, and its managing editor, Jack R. Cox, for the fine work and public spirit the magazine has developed. I only hope that the pioneering efforts by CORL and Gems and Minerals can serve as a model for more of our citizens.

At this point I would like to insert in the Record a series of articles from Gems and Minerals describing the Johnny Horizon program, the "Clean-Up Days," and related matters. The articles follow:

CORL Proposes—Johnny Horizon Clean-Up Days

In previous issues of Gems & Minerals (Dec. '68 and Feb. '69), we carried news of the activities of California Outdoor Recreation League (CORL). Although it is a fairly new organization, this group has already made an impressive record. To mention just a couple of accomplishments—through its efforts an unfair state law prohibiting after-dark parking of campers was repealed. This past December, some of its officers represented rockhounds and other outdoor recreationists at a special meeting of the National Advisory Board Council in San Francisco.

Now, CORL is proposing something that will again benefit all rockhounds and everyone who loves our great outdoors—an intensive litter pickup campaign, tentatively scheduled for this coming October 10, 11, and 12. According to the organization's executive secretary, Hildamae Voght, coordinators are being appointed in different parts of California and preparations are being made to rid many of our public lands of unsightly trash.

The purposes of this campaign are to conserve outdoor beauty and call to the attention of the American public the great need to stop littering. It is further hoped that those groups, who have already held clean-up trips, will be stimulated to continue them, and will be encouraged to participate additionally in CORL's state-wide effort. Such projects will show everyone that outdoor recreationists are public-spirited citizens who use their lands in a responsible manner.

The Bureau of Land Management has greeted the campaign proposal with great enthusiasm. A BLM spokesman pledged support and said that his Bureau would work with county and municipal governments to arrange litter dumping sites and pickups at various locations.

To say the least, this is a big project. Its success depends on the cooperation of all users of the outdoors—rockhounds, campers, fishermen, hunters, four wheelers, cyclists and many, many others. Rock hobbyists have already shown concern for the litter problem and many have done something about it. Now, there is a chance for us to unite with other outdoor recreationists and show the whole country that we consider the use of our public lands a valued privilege.

Since CORL is a California based organization, its campaign is confined to that state. However, it is hoped that similar organizations in other states will also decide to sponsor clean-up days. Wouldn't it be great if we could say that October 10, 11 and 12 are going to be Johnny Horizon's National Clean-up Days?

ABOUT CORL

The purposes of CORL are:

1. Representing all persons interested in outdoor recreations and facilities.

2. To prevent restrictive legislation not in the best interests of outdoorsmen.

3. To work with governmental agencies to develop more and better recreation areas in California.

4. To educate the public in safe driving habits, cleanliness, anti-littering, curb destruction of public facilities, and work for better recreational use of our natural resources.

Annual dues for this organization are only $2.00 per person. If you would like to join, send your check to: **CORL, 4263 East Florence Avenue, Bell, California 90201.** Both California residents and those outside the state, who would like to see California public lands retained for public use, are invited to join.

Anyone wishing to participate in Johnny Horizon Clean-up Days, please write CORL. If you belong to a similar group in another state which plans to join in the campaign, send details to Gems & Minerals. We would like to give you some publicity. With a little coordinated effort this could bloom into a national project.

Plan Now for Johnny Horizon Countryside Clean-up Days

California Outdoor Recreation League (CORL) originated the idea—an intensive campaign to educate the public of the appalling litter problem by putting on a massive cleanup. We first notified our readers of this idea in our April '69 issue (pg. 11). Since that time CORL and we have received much favorable comment on the proposal, and now we find that organizations in two other states, Arizona and Oregon, plan to participate.

CORL proposed that rockhounds and other outdoor recreationists unite in a statewide drive next Fall to collect as much litter as possible. It was stated that we hoped similar organizations in other states would join in and make it a nationwide campaign. With the encouraging progress so far, it's just possible that's what is going to happen.

October 10, 11 and 12 were chosen for the campaign for two reasons. First of all, Summer will be over and we know that during that time a great amount of two-legged trash will have deposited tons of innanimate trash on our lands. Fall is a good time to get rid of as much of this litter as possible and it is an ideal time of year. In many parts of the country, it will be Indian Summer, one of the most beautiful seasons of the year. In the desert, the time of extreme temperatures will be past.

The Bureau of Land Management, California Department of Parks and Recreation and other government agencies have greeted the proposal with great enthusiasm. BLM will help arrange dumping sites and trucks for picking up the litter. This bureau has also pledged assistance in getting TV, radio, newspaper and other media coverage and publicity.

In addition to educating the public about the litter problem, the publicity we will receive is very, very important. Some of the special interest groups who would like to take away our public lands and put them in private hands have been doing a thorough job of blackening our character, screaming litterbugs, vandals, destroyers of the lands, etc. What better way to show them that the majority of us are responsible citizens who love our outdoors, and to teach our irresponsible hobbyists and sportsmen the right way?

CORL has now appointed its chairman for the California Campaign. He is: **Elvin L. Funder, 3571 Los Almos Way, Sacramento, California 95825.**

Mr. Funder is a CORL director and is employed by the California State Controller's Office. At present he is appointing regional chairmen who will be contacting organizations soon.

A member of the Maricopa Lapidary Society and Arizona Sportsmen's Coordinating Council has agreed to be the contact in Arizona: J. C. Cronin, 1705 East Granada Road, Phoenix, Arizona 85006.

Be sure to read Mr. Cronin's report on his group's recent clean-up drive.

In Oregon, members of the Oregon Environmental Council (see editorial, this issue) have joined the campaign. The contact there is: Harold M. Dunn, Mowhawk Star Route, Springfield, Oregon 97477.

This beautification program need not be restricted to federal public lands. It's needed in state and national parks and private collecting sites. If you want to protect your collecting areas, contact one of the people listed above.

If you live in another state and have a group that plans to join in, let us know and send us the chairman's name. We'll publicize it.

Let's all help Johnny Horizon save our lands.

Arizona Clean-up Drive a Great Success

On page 10 of the April G&M we announced a clean-up drive being organized by Arizona recreationists. J. C. (Jim) Cronin, Phoenix, Arizona, a member of the Maricopa Lapidary Society reports that the drive was a success in more ways than one.

Members of the Maricopa Society, National Campers and Hikers Association (NCHA) and Webelos (first stage boy scouts) turned out in force to beautify the area adjacent to a seventeen-mile scenic drive near the towns of Cave Creek and Carefree. In just one weekend, these dedicated outdoor recreationists collected 12,000 pounds of litter.

Speaking of the Scouts, Jim said, "How those kids worked! The group was split into seven parties, each covering about 2½ miles of the seventeen-mile drive area. The parents of many of the boys are NCHA members and the fathers and mothers were out doing their part. . . .

"The Bureau of Land Management furnished litter bags and each member brought along potato sacks. The Salt River Project, an agency that provides the irrigation water and electric power to a large area surrounding Phoenix, also donated litter bags and many of these, as well as the BLM bags, were passed out to motorists as they drove by.

"The town of Cave Creek reserved its parking area, situated at the beginning of the Scenic Drive, from Friday evening through Sunday for the exclusive use of those participating. There were a number of trailers and campers of every variety (including my own homemade sleeping rig, which will be described in a future issue of G&M).

"The Cave Creek school bus transported each party to its allotted starting point and brought us back to camp. At night, under a starry sky, we had a huge campfire. Two officials, representing the twin towns, came out to proclaim their thanks and presented a check to NCHA for furthering the scouting program. . . ."

This is another fine example of rockhounds and other outdoor recreationists working together to preserve the beauty of the lands we love. The cleanup is a worthy service, but of even greater value is the education of the public in the need to stop littering, and the public relations for our people.

Jim Cronin has consented to be an Arizona contact for Johnny Horizon Countryside Clean-up Days this coming October (see the article elsewhere in this issue). Drop him a note today and let him know you will help make this important Fall beautification campaign a success.

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Johnny Horizon Countryside Clean-Up Day—Lots of Enthusiasm Greets Announcement of Fall Campaign

Members of California Outdoor Recreation League (CORL) and other outdoor recreationist groups say they are no longer going to tolerate visual pollution, nor are they going to continue taking the blame for the acts of irresponsible motorists and unscrupulous users of our open space lands. Across the nation, there has been much enthusiasm and response to the announcement of Johnny Horizon Countryside Clean-Up Days (G&M June '69, p. 12). There have been offers of help and support and requests for information.

Another area that is joining in is southern Nevada. The chairman there is: Joseph Haddad, 1213 Palm Terrace, Las Vegas, Nevada 89106.

Mr. Haddad will contact rock clubs, Scouts, the Beautification Committee and others. If you live in his area, please contact him; like any public spirited chairman, he can use help.

Set October 10, 11 and 12 aside on your calendar now and plan to help restore the beauty of the outdoors we love. Here is a public service that will direct public attention to the litter problem and generate the best of public relations for rockhounds and other outdoorsmen. There are many people and groups who, for a variety of reasons, want us off the public lands. One of their favorite tactics is to call us "destroyers of the land," litterbugs, vandals, etc. If we work together and make Johnny Horizon Countryside Clean-Up Days a success. we can throw those words right back in their teeth.

See the Johnny Horizon ad in this issue for a listing of area chairmen and contact your chairman now. If there is not yet a chairman in your state, how 'bout you?

Many States Planning For Johnny Horizon Countryside Clean-Up Days

To say the response to Johnny Horizon Countryside Clean-Up Days, October 10, 11 and 12, is gratifying is an understatement. The names of volunteers who will handle the campaign in their states are coming in thick and fast. There were many fine comments and more volunteers came forward at the recent AFMS convention in Salt Lake City.

The states that have joined in since our last report and the people who have volunteered as contacts are:

IDAHO

Lowell Fields, 229 Wyoming Street, Gooding, Idaho 83330; phone, (208) 934-5441. Mr. Fields is the Public Relations Chairman of the Northwest Federation.

NEBRASKA

Chairman, Claud Clary, 3743 Woods Avenue, Lincoln, Nebraska 68510; phone, (402) 435-8743. Cochairman, Charles Schafer, 3229 North 60th Street, Omaha, Nebraska 68101; phone, (402) 558-0469. Mr. Clary is the president of the Nebraska State Association of Earth Science Clubs and Mr. Schafer is the Association's editor.

WASHINGTON

Albert Ockfen, 13811 86th Avenue East, Puyallup, Washington 98371; phone, (206) 845-5527. Mr. Ockfen is Federation director for the Tenino Rock Cruisers, and he will be in the field trip booth at the Northwest Federation show.

WYOMING

W. H. "Bill" Guthrie, 318 South Fenway, Casper, Wyoming 82601; phone, (307) 237-7212. Mr. Guthrie is past president of the Rocky Mountain Federation.

CALIFORNIA AREA CHAIRMEN

In California, CORL's state chairman, Elvin Funder is appointing area chairmen. The areas and chairmen appointed so far are:

Inland Empire—Kemper Schrader, P.O. Box 667, Crestline, California 92325

Los Angeles Basin—Mrs. Jean Hazleton, 11071 Bettes Place, Garden Grove, California 92640

Northern California—Ed Dietz, Route 1, Box 32, Corning, California 96021

Tehachapi to Sacramento—Herman Sharp, Route 1, Box 941, Shingle Springs, California 95682

In addition to the states and areas listed above, we understand that plans are being formulated in Florida, New Mexico, Oklahoma, Texas and Utah. More about this when we learn the details.

CLEANUP DETAILS

California Outdoor Recreation League (CORL), the originator of the idea for Johnny Horizon Countryside Clean-Up Days is fortunate in having members who have participated in anti-litter projects, and we are sure that other state groups joining in also have past experience. In talking to some of these people at Salt Lake City and discussing the matter with CORL and BLM officials, some basic needs to avert problems are becoming evident.

First of all, it must be remembered that this is the first time for many groups. The actual cleanup will be a fine public service, but the greatest value is alerting the public to the litter problem. The anti-litter experts in BLM and other organizations have a good point when they say that our goal is to convince John Q. Public he shouldn't throw down trash in the first place. Also of great importance is educating our own in outdoor ethics, and the public relations we can generate for outdoor recreationists.

It is already apparent that to accomplish these goals, it is better to have a large gathering of rockhounds and other outdoorsmen working in a few areas than a few in many locations. CORL's battle plan for California is to clean two or three BLM areas plus a few state parks and a few sections of state highway. Thus far one area definitely has been decided upon in Southern California—the Calico Hills (Tin Can Alley, Odessa Canyon and Mule Canyon). Area chairmen around this location are working together in hopes of bringing together 1,000 or more people to do a thorough job. A campout, with campfire fellowship, and some rock hunting after the cleanup are planned.

To avoid confusion and assure a good cleanup, a command post will be set up. BLM will supply maps so that groups may be detailed to the spots that need cleaning. In preparation for all this, area chairmen and BLM officials are going out to survey the area well in advance of the cleanup.

PUBLICITY

To accomplish the purpose of the campaign, good publicity is a must. Chairmen should see to it that newspapers, magazines, TV and radio are notified of the project. Be sure that somebody takes pictures, and if someone has a 16 mm movie camera, a film of the cleanup is great for submitting to television studios. If you have nobody available with publicity experience, you have:

ASSISTANCE

The Bureau of Land Management has qualified information officers who can help with publicity. Chairmen should work closely with BLM, not only for publicity assistance, but for expert advice, locating areas that need cleaning, arranging for dumping sites, etc. Therefore, be sure to contact your BLM state office at:

Alaska—555 Cordova Street, Anchorage, Alaska 99501.

Colorado—Federal Building, Room 14023, 1961 Stout Street, Denver, Colorado 80202.

Montana, North Dakota, South Dakota and Minnesota—Federal Building, 316 North 26th Street, Billings, Montana 59101.

New Mexico and Oklahoma—U.S. Post Office and Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, New Mexico.

There are also BLM offices in Arizona, California, Idaho, Nevada, Oregon, Utah and Wyoming which we understand have been contacted or will be contacted by the state chairman listed here and in the Johnny Horizon ad elsewhere in this issue.

In addition to BLM, California Outdoor Recreation League will gladly send information to organizations in other states. Write: CORL, 4264 E. Florence Avenue, Bell, California 90201.

A listing of chairmen previously reported plus the new chairmen will be found in the ad for Johnny Horizon Countryside Clean-Up Days in this issue. Be sure to contact your state or area chairman. If there is none in your state, now is the time for volunteering. When chairmenships are established, please let us know so that we may report it.

More States Join Johnny Horizon Clean-Up Campaign

Last Spring when California Outdoor Recreation League (CORL) proposed the idea for Johnny Horizon Countryside Clean-Up Days it was stated that the CORL people hoped that other states would join in. But none of us envisioned the terrific response that we are now seeing. At present, most of the western states have chairmen and groups working hard at making October 10, 11 and 12 three days long to be remembered.

Since our last report, four more states have joined in. These states and the people to contact are:

NEW MEXICO

Mrs. Eldon Fleck, 5760 Piedra Road N.W., Albuquerque, New Mexico 87114; phone (505) 898-2256.

OKLAHOMA

Lynn Billau, 5764 East 24th Street, Tulsa, Oklahoma 74114; phone (918) 835-1481.

TEXAS

Miss Eleanor Moak, 4405 45th Street, Lubbock, Texas 79414.

UTAH

Mrs. Clare N. Beagley, 112 West 200 North, Spanish Fork, Utah 84660; and Boyd Williams, 645 Aaron Avenue, Springville, Utah 84663.

In addition to being the contacts for Utah, Mrs. Beagley and Mr. Williams have been appointed Anti-Litter Chairmen for the Rocky Mountain Federation of Mineralogical Societies. They will be happy to help anyone in their Federation who would like assistance or information on litter prevention projects.

PROGRESS REPORTS

We have heard from several chairmen in different states and plans are moving along nicely. Jim Cronin, the contact for Arizona, has advised us that his state's governor will proclaim October 11 through 19 Johnny Horizon Countryside Clean-Up Days. Jim, a member of Maricopa Lapidary Society and Arizona Sportsmen's Council; Bill Schuh, National Campers and Hikers Association and cochairman of the clean-up campaign; and Fred J. Weiler, Arizona director of the Bureau of Land Management, have held a meeting with representatives of recreationist groups, businessmen, civic leaders and government officials. These people are working with Boy Scouts, public schools and various outdoor recreationist groups to get as many people in the field as possible. They received some very good publicity in an Arizona newspaper, the *Phoenix Gazette*.

Oklahoma contact, Lynn Billau, reports that their governor has been contacted and he feels certain that a proclamation will be made. In Wyoming, Bill Guthrie has talked to the governor who plans to issue a proclamation. Mrs. Fleck, a member of the New Mexico Gem and Mineral Society, reports that her organization has contact with rock clubs throughout the state and that she has obtained lists of other outdoor recreation groups from her Federation's advisory land

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chairman. All these various organizations will be contacted.

In California, CORL has now made plans for several areas. Last month we reported that the Calico Mountains had been chosen as one of the localities. Now there are confirmations for several other areas. West of Santa Maria is Oso Flaco County Park and nearby Sand Dunes Beach. Fifty miles east of Merced is the Merced River Basin, long a fisherman's favorite and badly in need of cleaning. The North Yuba Hiking Trail just out of Grass Valley, about 75 miles north of Sacramento has been chosen.

It is planned that San Francisco people will have two areas available. Already confirmed is a campout at Samuel P. Taylor State Park from which outdoorsmen may go out to clean up Francis Drake Highway and the Park Mill Creek area. CORL representatives are now working on plans for a location south of the Bay Area.

In San Diego County there are plans for Toy Pines State Beach, South Carlsbad Campgrounds, and San Elijo State Beach, three areas that are within 25 miles of each other. Possibly there may be a clean-up at a state beach in Orange County. Also, CORL members in the Ukiah district are checking out an area.

Hildamae Voght, executive secretary of CORL, reports that news releases are going out to newspapers, TV, radio, county supervisors and wherever they will do the most good. It can't be said too often that this type of publicity is needed so that the public may be educated about the litter problem and that rockhounds and other outdoor recreationists may create a favorable public image.

A SHOW-ME TRIP

Officials of the Riverside District (California) took some of the CORL people on a tour of the Calico Mountains to show them what needs to be done. It was decided that people on foot and with four-wheel vehicles will clean draws and small canyons, bringing the litter out to dumping sites along main roads for pickup. One outdoorsman is going to take a cutting torch to cut up a car body that now reposes in a scenic area. After being cut up it can be hauled out or buried.

In addition to litter, there is the problem of the idiots who have painted their names, obscenities and other moronic messages on many of the scenic rocks. An attempt will be made to obliterate these outrages. One BLM employee has found that Pittsburg Sunproof House Paint can be mixed to the color of the rocks and used to cover up the painted words. This is a water-base paint and at distances of 6 feet or more it cannot be detected. However, one hobbyist who hates to see more paint on the rocks has suggested obtaining a sand blasting outfit. It would remove the paint and within a few months the rocks would weather to their natural color.

The Calicos will be cleaned on Saturday, October 11. There will be a command post on the campgrounds above Tin Can Alley. This campground will also accommodate the many people who will bring their campers, trailers, tents, etc., and it will be the scene of a Saturday night get-together with a campfire, singing, tall tales and other fun. The Johnny Horizon puppet (see *Our Cover*) will be there to present a puppet variety show.

Perhaps these plans will be helpful to people in other states who will be participating in Johnny Horizon Countryside Clean-Up Days. Be sure to set aside October 10, 11 and 12 so that you may join in a campaign that will be a fine public service, great publicity for our hobby, exciting and a lot of fun.

Are there plans for your state to participate? Remember this campaign is for public lands, state and county parks and highways, national forests, and even private lands where we are allowed to collect. If we haven't heard about preparations in your state, drop us a note today. There's still one more issue of G&M before the cleanup and we want to give everybody some publicity.

Let's all H.E.L.P. Johnny Horizon.

Johnny Horizon Countryside Clean-Up Days—Weren't Our People Grand?

October 10, 11 and 12 are now a part of history—and what history! In a time when riots and anti-American demonstrations are common, dedicated rockhounds, campers, hikers, four wheelers, and other outdoor recreationists rolled up their sleeves and did something for their country. To quote one of our cleanup chairmen, this was a project of ". . . people who still have a deep regard for the well being of our country and have no qualms about getting their hands dirty to prove it."

We regret that we do not yet have all the final reports on how many people were out, how much litter was collected, etc. State and area chairmen are still gathering this data which will then be compiled into a report that, hopefully, will be ready for the next issue. And to the list of participating states previously published we can add two more. Mrs. Maynard Knutson of A&M Enterprises, Minneapolis, Minnesota, has started a Johnny Horizon campaign in her state. Mrs. Ree Rinehults, Niagara Falls, New York, sent notification that the Niagara Falls Rock and Mineral Club had joined in.

To give an idea of just what was accomplished, preliminary figures gathered by the Bureau of Land Management (BLM) indicate that in the states involved, more than 10,000 people turned out and saved the taxpayers over $200,000! Governors of eight states—Arizona, California, Colorado, Nebraska, Nevada, Texas, Utah, and Wyoming issued proclamations for Johnny Horizon Countryside Clean-Up Days. Also, the governor of Oklahoma sent a congratulatory telegram. The goal of getting the word to the general public was accomplished with publicity in newspapers and on television and radio.

Johnny Horizon was created a little over a year ago by our Bureau of Land Management. Just eight months ago, Hildamae Voght, executive secretary of California Outdoor Recreation League proposed the October cleanup. From this proposal came what, to the best of our knowledge, was the biggest effort of its kind. And, rockhounds were involved in every state that participated. In the majority of these states it was rockhounds that got the ball rolling.

Most encouraging of all is that our people consider this a beginning. Letters and questionnaires received from chairmen relate that they are planning future cleanups. They won't be satisfied until every state in the nation is involved.

We've said it before and we'll say it many times again. You people are the greatest! Congratulations and thanks to all of you. We'll do our best to have a complete report in the next issue.

Let's Make Johnny Horizon Clean-Up Days a Truly National Project

Editor's note: Kenneth Zahn, the writer of this item is, in our estimation, one of the unsung heroes of the rock hobby. Ken lives and works in the Washington, D.C., area and on behalf of our hobby, he has attended many hearings on public land issues and he has spoken for the rockhound. He has also supplied valuable information from Washington that has required many hours of research.

One of Ken's projects has been the promotion of the Johnny Horizon campaign in the East. Now that he is chairman of the AFMS Conservation and Public Relations Committee he has an important message and appeal for all American rockhounds—club members and independents.

The National Space Agency will count 1969 as an historic year in space achievements. We here on earth can point with pride to an earthly achievement. Last Fall several regional Federations working with the California Outdoor Recreation League, Bureau of Land Management, Scouts, campers and many other recreational groups got behind Johnny Horizon Countryside Clean-Up Days and made a significant start in cleaning up our lands and improving our public image. Jack Cox, Managing Editor of Gems and Minerals Magazine, and many others can be proud of the land pollutions cleanup started in October 1969.

Reports indicate that Rockhounds in 15 States contributed an estimated 93,000 man-hours to clean up 6,000 cubic yards of litter. If we can double these figures every year the public will soon be aware of the acute problem of land pollution. Hopefully a dent can be made in the vast accumulation of trash of all kinds which threatens to inundate us.

The Bureau of Land Management is working on several plans. Some of these are: A national TV Show with prominent singers and music composed for the Johnny Horizon Program (See item about Burl Ives, elsewhere in this issue); top level sponsorship of trucking companies, motor car manufacturers and large corporations; assistance from state institutions, government agencies such as the Forest Service, Department of Defense, Planning Commissions and a host of others.

The American Federation and all its member clubs have much to gain by joining the effort and planning a program of our own to repeat Johnny Horizon Clean-up Days on a national scale this coming September and October. This will be a banner year.

The Final Report—Johnny Horizon Countryside Clean-Up Days

Last month we were enthusiastic about how much our people did for their country during Johnny Horizon Countryside Clean-Up Days, October 10, 11 and 12, 1969. But, if we were enthusiastic, we were also conservative when we gave the estimated figures of how many people turned out and how much they saved the taxpayers.

For over a month, reports have been filtering in from state and area chairmen. We've heard from almost everyone now, so the data has been compiled into a 21-page report that shows this campaign was successful far beyond our wildest dreams. Space does not permit us to list the results state by state, but we can give you the national totals. That's the important thing anyway—it was a national project.

As with any countrywide effort, you learn that there is no time when the weather is perfect everywhere. Most of our people report that they worked under sunny skies, but not everyone was so lucky. In some areas they collected litter in the rain, and at least one group was rained out completely. In Colorado and Wyoming many were unable to participate because of an early snow storm. Some states found they did not have enough time this year to get much done, but they are already working on plans for next year.

Regardless of a few problems in a few areas, the overall picture is tremendous. This year, the states that joined in and their chairmen were: Arizona, J. C. Cronin; California, Mrs. Hildamae Voght, Elvin Funder, Kemper Schrader, Mrs. Jean Hazelton, Kent Sperber and other CORL members; Idaho, Lowell Fields; Minnesota, Mrs. Maynard O. Knutson; Missouri, Mrs. Lee McGroarty; Nebraska, Claud Clary and Charles Shafer; Nevada, Joseph Haddad; New Mexico, Mrs. Eldon Fleck; New York, Mrs. Ree Rinehults; Oklahoma, Lynn Billau; Oregon, Harold M. Dunn; Texas, Miss Eleanor Moak; Utah, Mrs. Clare N. Beagley and Boyd Williams; Wash-

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intgon, Albert Ockfen; and Wyoming, W. M. Guthrie.

These chairmen and their helpers managed to get more than 36,500 people out to collect litter! We have confirmed reports of 36,516 and still a few chairmen to hear from. The reports received thus far show that the value of the cleanup work done by these people is $961,600! With more reports to come, we know the total value is in excess of that—it's getting close to a million dollars.

THE JOHNNY HORIZON NATIONAL AWARD

At the awards banquet of the American-Rocky Mountain Federations' Convention, Salt Lake City, June 21, there was a very great surprise and honor for GEMS AND MINERALS. We received the beautiful placque shown above which is the first Johnny Horizon National Award.

The award was presented by John Mattoon, Information Chief of the United States Department of Interior's Bureau of Land Management. Receiving it for GEMS AND MINERALS was managing editor, Jack R. Cox.

In making the presentation, Mr. Mattoon said, "Jack Cox and GEMS AND MINERALS Magazine have performed exceptional service by encouraging anti-litter efforts by rock collectors. The American Federation of Mineralogical Societies has some 60,000 members, and they use the public lands extensively. We are delighted at the responsible manner in which they have undertaken a role in protecting the environment that we all cherish."

Mr. Mattoon went on to say that the Johnny Horizon National Award is the Bureau's highest recognition for volunteer efforts in behalf of keeping the public lands clean. Only one award will be presented each year, and if nothing of significance is done, it will not be presented at all.

Naturally, we're floating on the clouds because of this great honor. Seeing the fine response by our readers to the Johnny Horizon campaign has been a reward in itself. Being selected out of the whole country to receive the first annual award means more to us than any words could ever express.

Johnny Horizon just had his first birthday. It was just a little over a year ago that we learned of him when we talked to Jim Ruch, BLM Assistant State Director for California, at the California Federation Convention in Lancaster. Our first article about him, *Meet Johnny Horizon*, appeared in the August '68 issue. Since then we have endeavored to keep his campaign before our readers, through articles and advertising, working up to the current stories about Johnny Horizon Countryside Clean-up Days, October 10, 11 and 12.

Another of our projects was the construction of two Johnny Horizon marionettes (string puppets). One was sent to the Bureau of Land Management in Washington, D.C.; the other is at the G&M office for photography and other publicity purposes. You'll hear more about him next month.

All this would have been of little value if we had not been sure of good reader response to the anti-litter campaign. In accepting the award, Jack Cox told the people at the banquet that we had been informed by one of the regional BLM offices that rockhounds were the primary group assisting in the Johnny Horizon Campaign. This is no surprise to us because we can truthfully say that we feel that you rock-hounds are the finest group of people there is. It has been shown again and again that you love the lands you use and that you are willing to do whatever you can to protect them. Therefore, we feel that this award is for all of us.

This is just the beginning; we have a long road ahead of us. A major step will be Johnny Horizon Countryside Clean-up Days this coming Fall, which we hope will become an annual affair. Be sure to read the current progress report in this issue. Although the cleanup will be a great public service, our primary need is to alert the public to the litter problem and, above all, convince them they shouldn't throw it down in the first place. That's a big order, but the encouraging results so far show that it's worth it.

OUR COVER—JOHNNY HORIZON IN 3-D

As we've said before, Johnny Horizon is a symbol for the United States Bureau of Land Management's campaign to improve our environment by combatting the litter problem. He appeared first as a black and white illustration, later in 2-color and 4-color artwork. Several Federation and local shows have featured the BLM booth with a painting of Johnny. Soon, he will be seen in color posters that are to be displayed on some 60,000 postal trucks.

But, until recently, there were only 2-dimensional Johnny Horizons. Now, here he is in 3-D as a marionette (string puppet).

The idea for a puppet was conceived last year at the California Federation Show when Jim Ruch, BLM's Assistant to the State Director for California, told us about the Johhnny Horizon campaign. Some of the readers already know that Jack Cox, managing editor of Gems and Minerals, in addition to being a rockhound, participates in the puppet hobby with his family. So, the project was a natural.

Actually, there are two Johnny Horizon puppets. One was sent to the BLM office in Washington, D.C.; the other is at the G&M office for photographs and other publicity purposes. Mel Anderson, G&M's advertising/art director sculptured the heads and did the painting. Jack Cox and his wife, Shirley, took care of making the body parts, assembly and stringing.

The puppet in Washington was presented to Assistant Secretary of the Interior, Harrison Loesch, and the BLM employees at a special meeting June 3. He was manipulated by David Malhoyt of the Repertoire Theater, Alexandria, Virginia.

In the meantime, our California based puppet has traveled to the National Show in Salt Lake City and the California Federation Show in San Diego. He will join the rockhounds and other outdoor recreationists for Johnny Horizon Countryside Clean-Up Days, October 10, 11 and 12, and plans to make a personal appearance in the Calico Mountains, one of the areas to be cleaned in Southern California.

Johnny asks everyone in every state to join in this beautification drive. It will do much to let the public know that we must protect the lands we love by preventing litter. For more details about Johnny Horizon Countryside Clean-Up Days, including the people to contact in your state, see the article, *More States Join Johnny Horizon Clean-Up Campaign* and the Johnny Horizon advertisement in this issue.

BURL IVES JOINS JOHNNY HORIZON CAMPAIGN

Burl Ives, renowned folk singer, actor and entertainer, will lend his talent in the nationwide effort to improve the American environment. He met with Secretary of the Interior, Walter J. Hickel in Washington, D.C., January 27, to declare his active assistance in promoting the Bureau of Land Management's Johnny Horizon anti-litter campaign.

Mr. Ives plans a series of radio and television public service announcements and personal appearances to aid the Johnny Horizon Program. He stated, "The brightest thing in the history of this country is the land itself, its magnificence, its generosity. It is the root of everything we are; taking care of it is a matter of utmost importance."

Secretary Hickel noted that public participation in the Johnny Horizon campaign had begun to assume the proportions of a widespread citizen movement, with numerous clean-up drives and days held last year in various parts of the West where BLM lands are principally located. He went on to point out that Burl Ives' musical interpretations of our national folklore clearly reflect his love and respect for the land.

Mr. Ives immediately began enlisting people in the program. His schedule for the day included leading a group of Washington area school children in singing a new song about Johnny Horizon. He pointed out that this program provides concerned citizens with a way to make personal commitments to conservation by actively taking part in litter clean-up campaigns and other action programs on behalf of a better environment.

Elsewhere in this issue you will read the appeal from the chairman of the AFMS Conservation and Public Relations Committee for all rockhounds to join in another Johnny Horizon Clean-Up Campaign next Fall. Considering the terrific job rockhounds and other outdoor recreationists did last October, we have no doubt that this coming campaign will be a tremendous success. Now, with the support and publicity from a great entertainer like Burl Ives who is, himself, a dedicated outdoorsman, we can really get the word to the public. Let's start making plans now.

CRISIS IN EDUCATION

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PATTEN. Mr. Speaker, I recently spoke before this body on the urgent need for a reordering of our national priorities. At that time I stressed my deep concern over the critical problems facing our education system. Education is the heart of every nation. In educating our young, however, we must prepare them to carry on in all areas, in all occupations, with proper training and with dignity.

In this regard I would would like to bring to the attention of my colleagues the following statement by Mr. John G. Nealon. Mr. Nealon, visiting industrial professor at Rutgers on leave from Lockheed Aircraft Corp., is very active in the New Jersey vocational education program. I certainly feel that Mr. Nealon's remarks as to the growing need for interaction in our manpower and education programs deserves our utmost consideration.

It is my pleasure to submit his statement as follows:

STATEMENT OF JOHN G. NEALON

Mr. Chairman, and members of the Committee, I am John G. Nealon, Visiting Industrial Professor, Department of Vocational-Technical Education, the Graduate School of Education, Rutgers University. I am on leave-of-absence from Lockheed Electronics Company, a subsidiary of the Lockheed Aircraft Corporation, where I am Senior Manufacturing Research Engineer.

It is in my capacity as a member of the Executive Committee of the N.J. Section of the American Vocational Association that I appear here today and I wish to thank you for the privilege of testifying on the comprehensive manpower legislation.

I wish to state at the outset that vocational education in New Jersey supports manpower programs. And indeed, it is from the ranks of vocational education that the manpower programs have traditionally drawn their professional staffing. But once having stated our support, I think it would be well to consider the *raison detre* for manpower programs in the first place.

XUM

THE FAILURE OF SECONDARY EDUCATION

Mr. Chairman, we must face boldly the proposition that the secondary educational system of the country, and the generalist educators responsible for it, are failing an unacceptably large percentage of high school age children. The statistics which lead me to this conclusion are frighteningly evident. Aside from the small percentage of students enrolled in vocational programs in either area vocational school or comprehensive high schools, the vast majority of our youth are being educated in a system which presumes that they are all going to college. But in reality, Mr. Chairman, only 18 to 20% of all of the children in our high schools at this moment will achieve a baccalaureate degree. By far, a much larger percentage are being educated to do nothing. Is it any wonder then that a high dropout rate is academic to our secondary school system, particularly in those socio-economic groups who feel alienated from society and in which the work-ethic is not necessarily considered a positive social attribute. The content of present secondary curriculums are clearly seen by many students to be irrelevant to their preparation for a respectable position in the world of work.

The argument advanced by many generalists—that we should be seeking ways of improving our secondary school curriculums in order to graduate a higher percentage of academically oriented students—is specious. For it is the very nature of the American college and university system that it provide the professional leadership needed to staff business and industry, and the governmental and academic institutions. Thus, while everyone should have access to higher education if his abilities and proclivities warrant, realistically there is only a limited demand for college graduates in the job market. Yet the technological growth of our nation demands an increasing level of skill and training to function in the service, trades and para-professional areas. Thus, in the words of our President in his recent message on education, "American education is in urgent need of reform".

HISTORICAL REASONS FOR THE DILEMMA

In the last century, the presumption of an academic or high school education was the preparation of a student for college. When, around the end of World War I, the nation shifted from an agricultural to a predominately industrial economy, an eighth grade education was quite satisfactory for the majority of jobs available, and it was not until World War II that the average job required a high school diploma. However, the high school, then as now, continues to think of itself as a preparation for college, and the egalitarian generalists who control the system, and are the products of it, maintain to this day that the thrust of secondary education should be so directed. The real trouble is that the establishment of this country, those who made use of the high school for that purpose—and that includes our legislative bodies—continue to tacitly agree with the philosophies advanced by these educators.

THE FUNCTION OF MANPOWER

We must ask ourselves, what are we really trying to accomplish with the manpower program. For if we are honest, we must admit that the proposed legislation is intended to be remedial in nature. It is designed to ameliorate the deficiencies of secondary education, and to address itself to the economic viability of those whom education has failed. We must never forget, Mr. Chairman, that the primary goal of a manpower program should be its own dissolution and to accomplish this, it is incumbent upon this committee that it adopt an attitude that treats with causative factors rather than symptomatic.

But, I submit, that this is impossible until the philosophy of secondary education changes to meet the exigencies of the time. Congress must now concern itself with the redirection of secondary education in order to obviate the need for manpower legislation. If we are to serve the educationally disenfranchised, the structure of the U.S. Office of Education must reflect this philosophy. The emphasis of federal funding must be upon vocational programs that encourage the high schools of the nation to reverse their present course and make occupational education their dominant pursuit, with academic programs relegated to an appropriate role that reflects the statistical realities.

A NEW WAY OF THINKING

When considering the educational and manpower problems of the nation, I cannot help but resort to the engineering discipline that I have followed for the past fifteen years. The technological evolution of complex scientific programs has forced engineers into thinking in terms of what we call a "systems approach" to the problem, and we have developed a new breed of professionals known as systems engineers. These engineers approach a problem in systematic terms using multi-disciplinary techniques. Unless the Congress adopts a similar outlook in considering the social problems of the nation, I despair that a truly workable solution will ever be arrived at. The problem cannot be viewed from the standpoint of manpower alone. It is inextricably tied to welfare, elementary and secondary education, vocational education, and certainly, far more comprehensive health services than are available today through legally endorsed channels.

Recently a copy of H.R. 16098 crossed my desk, "The Omnibus Postsecondary Education Act of 1970," and in reviewing that bill, I say that Title VI—Department of Education and Manpower—proposed an interested and indeed a farseeing approach to the problems to which we are addressing ourselves. In brief, Title VI supported the proposition that the U.S. Office of Education and the Bureau of Manpower should be removed from their respective jurisdictions and combined into a new cabinet-level department. While I don't delude myself that this is going to become a legislative reality in the present Congress, nonetheless it shows that someone is thinking along lines that I for one applaud. In fact, I would suggest that the provisions of Title VI do not go far enough. I would like to see, recognized in legislation, occupational education as the primary concern of the nation and that the Secretary of such department would be pre-eminent in that field.

If this legislation eventually becomes a reality, it will mean a considerable reversal in the educational priorities of Congress as expressed over the past few years. In the words of the first report of the National Advisory Council for Vocational Education, Congress has allocated $1.00 for vocational education for every $14.00 that it invests in higher education. Clearly then, if the need for manpower legislation and manpower programs is to be eliminated we must engender within ourselves a new way of thinking of educational priorities and no matter how painful, to our preconceived notions, we must face the reality that our present secondary educational system no longer adequately serves society's needs. Therefore, we must restructure; keep what is good—and it is indeed good in preparing people for an academic career—remove what is irrelevant, and replace it with programs designed to help the average student enter the world of work.

THE DELIVERY SYSTEM

If we assume that the manpower system is remedial in nature, and that Congress has a true commitment to correct our secondary educational system, then we must be concerned with cost effectiveness of the program and accountability for its operation. Traditionally the expertise in education lies in the Department of Health, Education and Welfare and not in the Department of Labor. But because our administrative structure is broken up into fairly well delineated areas of authority, then the responsibility for manpower programs will inevitably rest with the Department of Labor. I urge you, Mr. Chairman and members of the Committee, to consider well that while the Department of Labor may identify manpower requirements within various industries and geographic areas it is traditionally unable to provide the expertise necessary to structure remedial programs. I urge, therefore, that the pedigogical responsibilities be vested in the various state departments or divisions of vocational education where, in the main, such expertise exists. Do not, I urge you, leave the structure of such programs to dillettantes or novices who are ill equipped for such tasks. The real function of the Department of Labor, both at the Federal and state levels should be to identify problems areas, contract with the local departments of vocational education for their remedy and evaluate the results. But under no circumstances should they be permitted to exercise absolute authority in the educational processes itself.

VOCATIONAL ACT AND MANPOWER LEGISLATION HAVE COMMON PURPOSE

Try as I will, Mr. Chairman, I can find no substantial area of philosophic disagreement between the manpower legislation contemplated and the Vocational Act of 1963 with its two subsequent amendments. It is certainly the intent and objective of the Vocational Act to prepare people with the widest divergence of abilities and interests for entry into gainful employment. Indeed, under the vocational rubric, training is available for the most modest of entry level requirements through the paraprofessional and, under terms of the 1968 amendment, may even include 4-year baccalaureate programs. But lack of funding at both the Federal and state levels, combined with the endemic snobbery of the generalist, who controls the national educational structure, has frustrated vocational educators at every turn, and resulted in the social malaise to which the Manpower Act addresses itself.

SUMMARY

To conclude, then, Mr. Chairman, I am greatly concerned with the following points:

1. That a continuing, growing manpower program would tend to de-emphasize and supplant the already existing vocational school system, and by continued emphasis upon manpower, result in a system which would replace the already excellent programs being carried on with minimal federal support.

2. That an increased emphasis upon programs of a remedial nature would tend to de-emphasize the ongoing vocational programs and widen even further the gap that exists between our vocational schools and our academically oriented high schools.

3. That educators, not career personnel from the Department of Labor, would be responsible for formulating manpower program curriculums.

4. That the legislation fails to provide guarantees that the administration of such programs be shared conjointly by both the Departments of Labor, and Health, Education and Welfare with the latter exercising complete authority over educational structure.

5. That the legislation may tend to foster the development of a class structure within the labor force that will be totally dependent upon short term remedial instruction to the detriment of a vocational system concerned with the total educational needs of the individual.

XUM

Finally, Mr. Chairman, while the proposed manpower legislation offers a remedial solution, we must not delude ourselves into thinking that it is a final one. For only by eliminating the cause can we effect a truly permanent cure. And that cause is the failure of our secondary educational system as it presently exists. Only by expanding our present vocational school system, by building additional modern facilities in the center of our urban areas, by inculcating our people with the concept that all work is dignified, and that stimulating and rewarding careers are not necessarily the sole province of the college graduate, can we finally obviate the need for manpower legislation.

THE GENOCIDE CONVENTION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. OTTINGER. Mr. Speaker, for more than 20 years the Genocide Convention has been pending before the Senate. Although it had been adhered to by most of the civilized world, the United States has never ratified it.

Mr. Maxwell T. Cohen, a noted New York attorney, has recently prepared an important and knowledgeable article on the possible application of the Genocide Convention which appeared in Prevent World War III, the publication of the Society for the Prevention of World War III.

This article should be of interest to our colleagues and I insert it herewith for inclusion in the RECORD:

PARADOX OF MORALITY—THE GENOCIDE CONVENTION

(By Maxwell T. Cohen)

It has been reported that the Nixon administration may review pending human rights treaties including the Genocide Convention. It would, therefore, be appropriate to urge even now that the United States Senate Foreign Affairs Committee hold hearings with respect to ratification of the Genocide Convention.

It is most tragic that in our time acts of genocide are taking place openly, in Biafra and the Sudan (remember Yemen and the Congo?)—and with complete immunity, notwithstanding that there exists a doctrine which makes genocide a crime punishable under international law.

Indeed the word "Genocide" itself has lost its initial meaning and has now become synonymous in our language with any act of warfare, any assault, any attrition or any destruction in any form.

Recently it was suggested to a United Nations' Ambassador that the Genocide Convention be applied with respect to the Nigerian-Biafran war. The Ambassador looked puzzled. "The Genocide Convention, what is that?"

His Excellency was not the only representative of his government at the United Nations who looked puzzled at the reference to the Genocide Convention and inquired as to the meaning of the Convention.

Several other Ambassadors knew of the Genocide Convention, but did not know if their governments were signatories to the Convention.

Several Ambassadors of new African States were not quite sure whether they had inherited the Genocide Convention because of the Mother Country's acceptance of the Convention.

The bitterest aspect of this tragedy is the fact that notwithstanding the constant appeals to the United States Senate by the press, American citizens, organizations and officials, the United States has never ratified the Genocide Convention.

It is a tragic fact that the singularly dedicated author of the Genocide Convention, Professor Raphael Lemkin, whose entire family was almost completely wiped out in German concentration camps, is barely remembered.

On December 9th, 1948, the Genocide Convention was adopted by the United Nations and the Convention went into effect on January 12th, 1951. The Convention consists of seventeen provisions, all exceedingly brief.

The contracting States confirm in the Genocide Convention that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

The following acts will be punishable: genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide and complicity in genocide.

A unique feature is that persons committing genocide can be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Any contracting State may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide. This provision if applied can avoid the veto risks in the Security Council and can also bring the issue to the General Assembly.

Notwithstanding the acts of genocide which have taken place since the Convention's enactment, there has never been a single case of genocide brought before the United Nations.

It is a paradox of international morality that the most moral doctrine in the history of international law is permitted to die in an atmosphere of blatant and banal hypocrisy.

The Genocide Convention should be resurrected and activated to prevent further tragedy in Africa, the Middle East and the Far East—now!

The atomic chain reaction is not the only chain-reaction in our troubled times. The domino theory that if one falls, all dominos will fall in the epitome of international relations today. No nation, no group of people, no economic or political system is so isolated that it can be truly unrelated to any other nation or group of people.

Any crime of genocide, if inflicted on one group of people, must be effectively prevented or stopped, otherwise there can follow reaction and reprisal. The reprisal could be militant and could lead to war.

If a precedent can be set—the first application of the Genocide Convention (Nigeria vis a vis Biafra)—we may then be able to avoid further crimes of genocide and so diminish the danger of a world war which could lead to instant destruction of whole nations.

Our advances into outer space make it possible for any plane with sophisticated weapons and even more sophisticated mathematical computations, to hurl destruction at any point in the world, even before detection or suspicion of such an intent.

The Genocide Convention if applied may very well be an inhibitory force in preventing destruction of groups, of nations and indeed, the world—this world?

The writer has just learned that a group of international jurists have prepared a report with respect to genocide in Biafra. The report is being deposited at the United Nations. However, the identity of the sponsoring nation, if any, has not been disclosed as yet.

MERLIN DIVISION, ROGUE RIVER BASIN PROJECT, OREGON

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 20, 1970

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Oregon.

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman for yielding, and I thank the members of the Interior and Insular Affairs Committee and the members of the Subcommittee on Irrigation and Reclamation for their careful attention to a project which is of major importance to my section of the country. The subcommittee made it a point not only to hold hearings in Washington on this project, but also to hold field hearings so that it could learn firsthand, from talking to people there, whether or not this project was broadly accepted in and important to the affected area. The people of Josephine County turned out in large numbers when the subcommittee held its field hearings, coming from a broad variety of backgrounds and from every major section of the county. These citizens testified before the subcommittee on the very real importance of the Merlin project.

We in this section of the Nation have two particular characteristics that some of the other Members coming from other sections of the Nation know about but yet should perhaps be reminded of. This particular area where the Merlin project is situated, Mr. Speaker, is in a county more than 50 percent of which is owned by the Federal Government. There is immense Federal ownership of land throughout the entire Fourth Congressional District of Oregon which I represent and especially the particular county where the Merlin project is situated.

In areas of the east where there is very low Federal ownership, development projects are normally taken care of by the people living in the area such as private entrepreneurs. This is not the case in Josephine County, Oreg., giving us somewhat of a handicap. We feel the Federal Government has a special obligation in its consideration of whether or not Federal moneys should be invested in projects of this nature.

Second, we are in an area which is disproportionately dependent upon one particular industry. We are in an area where the product of forests, the trees that grow there, are the one strong economic leg upon which this section depends. When we find ourselves, as we do at the present time, Mr. Speaker, in a situation where on a nationwide basis homebuilding has come to a near standstill, and when we find that steps must be taken to control inflation, the impact on our particular area is magnified. This makes quite evident the weakness of an area which is so heavily dependent upon one particular industry. And, if you will, we are here in a situation where we urgently need to diversify the economy. We feel strongly that this bill is important in helping diversify our economy.

There is the highly desirable and badly needed recreation potential of the Merlin project which should be mentioned. An expanded agricultural economy would more than likely make the greatest impact as far as economic diversification is concerned. However, recreation would be a close second. In recent years thousands of people have come to southern Oregon either to spend their vacations or to build retirement homes. National trends indicate that many thousands more will follow. The potential of the Merlin area is such that recreation will become an increasingly important aspect of the local economy and recreation facilities increasingly in demand for the thousands of people coming into the area.

The Merlin project will not only diversify and strengthen the area's economy, but will provide a significantly greater degree of safety from flooding for those who live in the surrounding area. Josephine County has on occasion experienced heavy snows and for long periods of time as those snows melted, citizens in the Merlin area have lived under the constant threat of serious flooding. Control of Jump-Off Joe Creek, a tributary to the Rogue River, would help make the Merlin area a safer place in which to live.

Mr. Speaker, I thank the gentleman from Pennsylvania very much for yielding so that I might speak on behalf of H.R. 780.

MY HOPES FOR AMERICA'S FUTURE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. BOB WILSON. Mr. Speaker, it seems sometimes today that we are compleiety surrounded by the dissidents, radicals, and rioters in our society who have lost faith in what America stands for and are attempting to destroy the foundations upon which this Nation was built. We need to stop, catch our breath, and reexamine the qualities and ideals of the Founding Fathers and westward pioneers. Lt. Comdr. Lewis S. Hayes of Fallbrook, Calif., won a Freedom Foundation award for the following essays which succintly outlines the greatness of America's past and need to rededicate ourselves to maintaining and strengthening of this greatness in the years ahead.

MY HOPES FOR AMERICA'S FUTURE

(By Lt. Comdr. Lewis S. Hayes)

My sincerest hope for the future of America is for her return to that position of leadership and respect from which she has been steadily retreating since the end of World War II. This can only be accomplished by a return to the basic principles by which our Founding Fathers lived and died, and upon which they laid the foundations for the greatness that is the birthright of this nation. Among these principles are Responsibility, Integrity, Faith, and Moral Courage.

My hope for America is to see her devote herself to regaining a fundamental sense of individual, fiscal, and national responsibility, without which she cannot continue to prosper.

I hope to see a strong America, that uses her strength both wisely and justly, while freeing herself of the guilt complexes that threaten to sap her of her vitality by creating a false sense of shame for her prosperity, accomplishments, and history. To fufill this hope America must have a rebirth of the moral values that gave her her strength in the past.

I hope for an America that will again produce statesmen rather than politicians—a breed of talented and dedicated men willing to place the interests of this nation, and the welfare of its people, above that of other countries. She needs statesmen who will endeavor to preserve the peace that our young men have won on the battlefield. These must be patriotic men who have the moral courage to support our positions however unpopular they may seem to some, and who, although not indifferent to world opinion, will not allow it to dictate our national and international affairs.

I hope for a strenthening of the basic freedoms upon which this nation was founded: the freedom for man to conduct his life and to pursue his livelihood without undue interference from either individuals or governments; to enjoy the fruits of his labors and to be free to accumulate wealth and property without having that wealth drained from him to support the willingly nonproductive; the freedom from fear for the safety of his person, his family, and his property from the depredations of crime, government, and those who, in the sacred name of "Freedom," would deprive him of both his property and his freedom.

My hope is for an America that will finally disavow the myth of the "Common Man". This country has attained its greatness through the dedication and sacrifice of *uncommon* men! Men may be born equal, and they are certainly equal in death, but to maintain all men as equals in the interim can only stifle incentive, subdue initiative, and create a sense of irresponsibility in the people that are the lifeblood of this nation.

My hope is for an even greater America that is reunited in national purposes, in which hope will continue to flourish for all her peoples, so that future generations will inherit a nation dedicated to offering even more opportunities for the fulfillment of their dreams than we now possess.

THE FLAP AT WETA

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. SHRIVER. Mr. Speaker, the fallacies behind the firing of William Woestendiek as a news editor for WETA are being recognized and condemned, by persons both outside and within the news business.

As an editorial from the Evening Star correctly states, the management of WETA had nothing on which to base this decision except the "matter of appearances," a flimsy excuse at best, considering Mr. Woestendiek's proven capability in a "succession of responsible news positions."

The editorial also points out the affront to any woman interested in a career of her own that is implicit in this decision as being "downright dangerous" in today's world. I insert this editorial in the RECORD:

[From the Washington Star, Apr. 22, 1970]

THE FLAP AT WETA

In firing William Woestendiek as editor of "Newsroom," the managers of WETA got confused about two things: A man and his wife.

Woestendiek was discharged because his wife took a job as press agent for Martha Mitchell, wife of the Attorney General. Woestendiek's bosses were embarrassed about this, fearing for the "credibility" of the foundation-supported experiment in news broadcasting. There was no hint that Woestendiek's own handling of the news was affected or was likely to be affected by his wife's choice of employment. If Woestendiek had been regarded as so pliable, he would not have held the succession of responsible news positions he has had.

So it was the matter of appearances that bothered WETA. The controversy that Mrs. Mitchell's utterances regularly provoke was seen as rubbing off on Mrs. Woestendiek and, in turn, on her husband and the television program. WETA in this view, should avoid not the real possibility of a conflict of interests but the vague appearance of such a possibility. The better to fend off evil-minded critics.

WETA, in holding Woestendiek to account for his wife's method of earning pin money, accepted the ancient myth that wives are extensions of their husbands, doing only what they are told. It's an idea that was out of date at the time of Adam and Eve. In this age of aggressively liberation-minded women, the old-fashioned concept is downright dangerous.

The rulers of WETA should treat Woestendiek as an individual—married or not—and reconsider his status. This would be more in keeping with an effort to chart new ways in broadcast journalism.

HOUSE OF REPRESENTATIVES—*Monday, April 27, 1970*

The House met at 12 o'clock noon.

Rev. Edgar Cordell Powers, retired Methodist minister of the Baltimore Conference, offered the following prayer:

Almighty and ever-living God, like Moses at the burning bush, we stand today on holy ground. Give to these servants of Thine a competency of Thy divine wisdom, that they may know the truth in legislation, skill in framing just laws, and courage to oppose all that might corrupt or destroy the glorious heritage bequeathed to us by the Founding Fathers.

Help America to understand that danger lurks in things; to know that eyes blinded by the fog of things cannot see truth; ears deafened by the din of things cannot hear truth; brains bewildered by the whirl of things cannot think truth; throats choked by the dust of things cannot speak truth.

Whether in congressional halls or in the marts of trade, help us all to seek first the kingdom of God and His righteousness, assured that necessary things will be added.

May those heavenly constellations, faith, hope, love, point the true path until light eternal shall banish forever all darkness and doubt.

THE JOURNAL

The Journal of the proceedings of Thursday, April 23, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 515) entitled "An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Ellender, Mr. Talmadge, Mr. McGovern, Mr. Aiken, and Mr. Young of North Dakota to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, April 23, 1970, he did on April 24, 1970, sign the following enrolled joint resolution of the House:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 90]

Anderson, Calif.
Anderson, Ill.
Baring
Barrett
Beall, Md.
Bell, Calif.
Bevill
Blatnik
Bolling
Brademas
Brasco
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Bush
Cabell
Camp
Celler
Chamberlain
Chisholm
Clark
Clay
Colmer
Conyers
Corbett
Coughlin
Crane
Daddario
Dawson
de la Garza
Diggs
Dingell
Eckhardt
Edmondson
Farbstein
Feighan
Findley
Fish
Ford, William D.
Foreman
Frelinghuysen
Fulton, Tenn.
Fuqua
Gallagher
Giaimo
Gilbert
Goldwater
Gray
Green, Pa.
Gubser
Hall
Halpern
Hanna
Hawkins
Hébert
Helstoski
Holifield
Johnson, Calif.
Jones, Tenn.
Kee
Kirwan
Langen
Leggett
Lennon
Long, La.
Lowenstein
Lukens
McCarthy
McCloskey
McEwen
Michel
Mikva
Minish
Moorhead
Morton
Moss
Murphy, N.Y.
O'Hara
O'Konski
O'Neal, Ga.
Ottinger
Patman
Patten
Poage
Podell
Pollock
Powell
Pryor, Ark.
Pucinski
Purcell
Quillen
Reifel
Rhodes
Roberts
Rodino
Rogers, Fla.
Rostenkowski
Roybal
St Germain
St. Onge
Satterfield
Schadeberg
Scheuer
Schneebeli
Sebelius
Stokes
Stubblefield
Sullivan
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Ullman
Waldie
White
Whitten
Wiggins
Wilson, Charles H.

The SPEAKER. On this rollcall, 308 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO SIT AT 3 P.M. THIS AFTERNOON DURING GENERAL DEBATE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service may sit this afternoon at 3 p.m. during general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DEFENSE FACILITIES BILL

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, on March 2 and March 11 I came before this House to express my concern with regard to certain misstatements of fact made by the Honorable John Lindsay, mayor of New York City, in his speech before the New York Bar Association. The statements by Mr. Lindsay to which I refer were made in connection with his assessment of the defense facilities bill, H.R. 14864, which was passed by the House of Representatives, 274 to 65.

In a letter to Mr. Lindsay on March 2, 1970, I challenged Mr. Lindsay's unfortunate allegations regarding H.R. 14864 and pointed out that I was most anxious to see that this mistake was not repeated. While I have not had the courtesy of a reply to my letter from Mr. Lindsay I do note that in a recent speech—April 2, 1970—at the Berkeley campus of the University of California, Mr. Lindsay apparently refrained from further reference to the defense facilities bill. I say "apparently" since only excerpts from his speech were made available to me. I hope that both Mr. Lindsay's failure to respond to my letter and the indicated avoidance of further reference to the Defense Facilities and Industrial Security Act of 1970 in a subsequent speech reflect that he has now taken the time to read and study this vital piece of legislation. I would like to believe that after having examined the legislation in question Mr. Lindsay will answer my letter and offer a qualitative analysis which would be of benefit not only to the authors of this measure but also to the members of the Senate Judiciary Committee who now have H.R. 14864 before them.

I want to point out that my primary concern is not that reasonable men differ and that constructive criticism either by Mayor Lindsay or any other responsible person is to be discouraged. Quite to the contrary, during full debate on this floor responsible views from every quarter were welcomed. In any event I am pleased to learn that the mistake is apparently not being repeated.

CONGRESSIONAL REFORM

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DELLENBACK. Mr. Speaker, the Subcommittee on Legislative Reorganization of the House Rules Committee has recently reported a committee print on legislative reorganization to the full Rules Committee for subsequent action. I sincerely hope that the Rules Committee will see fit to report a bill in this field to the floor of the House for early action during this session of Congress. I earnestly call upon the leadership of the House in assisting in this regard.

The pressing need for congressional reform has existed for an extremely long time—far too long. Congress must, and can, maintain its rightful place in the constitutional structure as contemplated by our Founding Fathers. Without reasoned and far-reaching reform Congress may soon falter under its heavy and ever-increasing burden of providing direction and guidance to the vast and complex programs which govern, direct, and move this country. It is well recognized that the need for and desire for congressional reform is bipartisan in nature. The entire House should have the opportunity to address itself to this matter within a short period of time.

When the time comes for history to judge the performance of the 91st Congress, I would like to be able to say that one of its many notable achievements was the full consideration and passage of a comprehensive legislative reorganization bill designed to insure that Congress is more responsive to the requirements and needs of the 1970's and beyond.

CHESAPEAKE AND OHIO CANAL TOWPATH

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, last Saturday I hiked on the Chesapeake and Ohio Canal Towpath with the C. & O. Canal Association and enjoyed with thousands of other Metropolitan Washington citizens the glory of a great resource—the natural and manmade beauties of the magnificent Potomac Valley.

In order that these resources be better utilized to serve our citizens, I, along with Senator Mathias and Congressmen Saylor, Morton, and Stratton, are sponsoring legislation to establish the C. & O. Canal National Historical Park which will follow the Potomac 184 miles from Washington to Cumberland.

We see such a park as embodying the principles which the Secretary of the Interior has enunciated in his urban program. Secretary Hickel is pushing for a recreational and open space program in urban and suburban areas where the people and the social pressures are.

One example of the social pressures with which we are all concerned in the suburbs and the innercity is the growing problem of drug abuse by young people. Positive outdoor programs, bodybuilding sports, and recreation—including hiking, canoeing, fishing, and camping—offer the alternatives to escape through LSD, marihuana, and heroin, which alternatives our young people must have if they are to become the citizens who will build an even greater America. The establishment of a C. & O. Canal Historical Park would create the only national park which would go through a suburban area and into the heart of a city. In itself it would be the best model of an urban program of recreation and open space which Secretary Hickel and this Congress could establish.

PROVIDING FOR CONSIDERATION OF H.R. 14385, SUBSIDIZED TRANSPORTATION FOR DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE EMPLOYEES TO ROCKVILLE, MD.

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 891 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 891

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14385) to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Maryland. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 891 provides an open rule with 1 hour of general debate for consideration of H.R. 14385 to provide authority for subsidized transportation for certain Health, Education, and Welfare Department employees.

The purpose of H.R. 14385 is to provide authority for partial subsidy for a temporary period of increased commuting costs incurred by Public Health Service and other employees of HEW due to the transfer of their offices to Rockville, Md.

Approximately 5,000 HEW employees are relocating into a new leased building in Rockville. They were originally situated in 18 different locations in Maryland, Virginia, and the District of Columbia. Over 2,500 of the employees affected live in Washington, Virginia, and Prince Georges County, Md. Many of them are faced with a substantial increase in the time and cost of commuting. The burden would be greatest on these employees who must depend on public transportation. Many of them may be faced with round trip commuting times of as much as 4 hours. In addition, the fare in many cases would range as high as $2.50 per day, over double the present cost for these commuters.

The bill would enable the Secretary of Health, Education, and Welfare to provide or arrange for transportation for employees who commute to the new offices. This would be done to facilitate retention of those employees affected by the move. The authority granted by the bill is limited to a 2-year period. Charges would be made to cover part of the cost, and amounts collected would be credited to the appropriate governmental accounts.

Mr. Speaker, this legislation is not without precedent. The relocation of the AEC headquarters in Germantown was facilitated by provision of similar authority; and for a number of years the Veterans' Administration has had continuing authority to provide some type of transportation for its employees in the absence of other adequate transportation. It is believed that the legislation would be mutually advantageous to both the employees and the agencies involved.

Mr. Speaker, I urge the adoption of House Resolution 891 in order that H.R. 14385 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I gladly yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, there is no question but that it will be advantageous to the employees' sole benefit. How far does the gentleman think this kind of business is going to spread through the Federal Government?

There is the present process of relocating Federal employees into what is known as Crystal City south of the Pentagon, and I am sure there are other buildings on the outskirts that the Federal Government will go into. Where is it proposed to stop this subsidy for Federal employees?

Mr. MATSUNAGA. The authority of the legislation is limited to a 2-year period, and it is hoped the employees within the 2-year period will be moving closer to the new offices in Rockville, so that the expenses will not recur after the 2-year period.

Besides, the legislation specifically grants authority to the Secretary of Health, Education, and Welfare to exercise his discretion in each individual case, so that I do not believe there will be any abuse on the part of HEW as well as the employees.

As I said earlier, the Veterans' Administration has had experience with the same type of authority, and so has the Atomic Energy Commission. Nothing in their experience has been found contrary to what is proper. So I take it that in line with the experience of the past this legislation will also lead to practices that are proper.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I think the whole thing is an abuse of the Federal Treasury and of the taxpayers of this country, and I am surprised the Rules Committee would grant this bill a rule.

Mr. MATSUNAGA. If the gentleman will consider for a minute what the Government would need to do in order to hire and retrain new employees because of the resignations which will come about due to the distance which the present workers will need to travel and the commuting expenses involved, then I think the gentleman will reconsider the statement he just made. He will realize that this legislation will be to the benefit of the Government as well as to the employees.

Mr. Speaker, I yield to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Hawaii has explained, House Resolution 891 provides for an open rule with 1 hour of debate on H.R. 14385, a bill to provide a transportation subsidy for 2 years to some employees of the Department of Health, Education, and Welfare to their new offices in Maryland.

Mr. Speaker, I concur with the explanation of the gentleman from Hawaii in regard to the bill and the rule.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 14714, DOMESTIC TRAVEL PROMOTION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 940 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 940

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14714) to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for

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amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution No. 940 provides an open rule with 1 hour of debate for consideration of the bill, H.R. 14714, which would amend the authority of the Secretary of the Interior under the act of July 19, 1940, to encourage through the National Park Service travel in the United States, and for other purposes.

Under the act of July 19, 1940, the Secretary of the Interior is authorized to encourage, promote, and develop travel within the United States, its territories, and possessions. Such activities, however, must not be in competition with private business. The success of this program can readily be seen in the fact that while in 1940, there were only 16 million visitors to our national parks, the number of visitors had increased to 140 million in 1967. In addition, other land areas administered by the Department of the Interior recorded 120 million visitors in 1967.

Besides the National Park System, the Interior Department's Bureaus of Land Management, Indian Affairs, Outdoor Recreation, Sport Fisheries and Wildlife, and Reclamation, and the Office of Territories, are all deeply concerned with tourism.

It has become clearly evident that one of the best and surest ways of offsetting our balance-of-payments deficit is to keep American tourists touring in the United States instead of traveling to foreign countries. However, development of a national tourism program requires a professional and expanded approach to marketing and advertising as well as education and information, and it has also become evident that the existing ceiling of $100,000 seriously handicaps a promotion program of significant scope to meet today's needs. Tourism holds great promise as a major industry in the entire United States. It is an industry which would yield the greatest return with the least investment. This we learned in Hawaii many years ago, and it is a lesson which could be profitably applied to the entire Nation.

The purpose of H.R. 14714, as reported, is to amend the authority of the Secretary of the Interior by increasing the appropriation authorization for the program from the existing $100,000 ceiling to $250,000 for fiscal year 1971, and to $750,000 for fiscal year 1972.

Mr. Speaker, I have no doubts that the increased amounts will in time prove to be a wise investment and not an expense item. I therefore urge the adoption of House Resolution 940 in order that H.R. 14714 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. With that simple explanation the gentleman is perfectly willing to triple the appropriation for promotion of tourism, which does not need promotion in the United States? The gentleman is perfectly willing and, with the greatest of ease, to triple the appropriation; is that correct?

Mr. MATSUNAGA. As the gentleman well knows, one of our biggest problems nationally is to offset the deficit of payments which we have been suffering.

I can guarantee the gentleman that if this program is carried out as effectively as the program conducted in Hawaii was we will not need to worry about our deficit of payments.

If the gentleman is interested, I will provide him with figures as to the experience in Hawaii. In the course of 1 year, when we appropriated $500,000 to our tourism industry, we increased our income by more than $27 million from tourism.

I would think this would be a real investment, and a profitable business, which could be applied to the entire United States, and not only to Hawaii.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MATSUNAGA. I am happy to yield further.

Mr. GROSS. Would the gentleman like to give me the figures on the contribution made by the Federal Government to Members of Congress and others junketing out to Hawaii?

Mr. MATSUNAGA. I know this, the gentleman from Iowa has never gone on any of these so-called junkets; but I do not feel that he has saved the Government anything by so restraining himself, for the reason that, if the gentleman had gone on any one of the trips, I believe he would have returned a more knowledgeable and happier man and been able to make greater contributions to the Nation through better legislation.

Mr. Speaker, I yield now to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

The purpose of the bill is to amend the Travel Act of 1940 to further encourage travel and visits to our national parks and other recreational areas.

The bill, as amended, authorizes the Secretary of the Interior to encourage, promote, and develop travel within the United States. It removes the ceiling on appropriations of $100,000. The bill envisions a professional and expanded approach to marketing and advertising as well as education and information. The bill provides authorizations of $250,000 for fiscal 1971 and $750,000 for 1972.

The Bureau of the Budget and the Department of Commerce have raised no objections to the legislation, but there is no letter from the Department of the Interior.

There are no minority views.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I am happy to yield to the gentleman.

Mr. CONABLE. I wonder if the gentleman has any information about how much money is spent on this type of promotion by the private sector of America. It seems to me that promotion of this sort is usually most effectively done by travel bureaus, airlines, and other such private agencies. Probably compared to what the Government is going to do here, the private sector will make the major effort. I am wondering if any study has been made of the effectiveness of our private effort in this field?

Mr. MARTIN. I appreciate the gentleman's inquiry. I would like to point out that in the report there is no information in this area. I would suggest when we get into general debate on the legislation that you ask for that information from members of the committee.

Mr. HALL. Mr. Speaker, will the gentleman yield for two questions?

Mr. MARTIN. Yes. I am happy to yield.

Mr. HALL. My first question has to do with legislation that this body and the entire Congress has passed in the last few years. It had to do with restoring the balance of trade and "seeing America first." I think finally the Department of Commerce, in which this bureau was lodged, came up with the slogan "Discover America." Is that still in being and is it still authorized, and are we still funding it in addition to this increased enhancement from the Department of the Interior for domestic travel promotion; can the gentleman advise use?

Mr. MARTIN. I cannot advise the gentleman with regard to that. Again I would advise you to direct your question to the chairman of the Committee on Interstate and Foreign Commerce.

Mr. HALL. I certainly will, but perhaps, if the gentleman will yield further, he could answer my second question.

Mr. MARTIN. I am glad to.

Mr. HALL. Are either of the bills made in order by these last two rules before the House, within the budget? I understand the Bureau of the Budget has no objection to their submission and there are no departmental reports in this one currently under consideration, but can the gentleman advise us as to whether this $250,000 and triple that sum next year to $750,000, and also the funds authorized by the past bill are included in the 1971 budget?

Mr. MARTIN. I would like to direct that question also to the distinguished chairman of the Committee on Interstate and Foreign Commerce (Mr. STAGGERS) for an answer. I will be glad to yield to the gentleman for that purpose.

Mr. STAGGERS. Are you referring that to me?

Mr. MARTIN. Yes; I am.

Mr. STAGGERS. The Department of the Interior requested this. I am certain they have made provision for it when they requested it.

Mr. MARTIN. In regard to the first bill that was adopted a few moments ago, I want to say to the gentleman from Missouri that those funds are to come out of the current appropriation for the Department of Health, Education, and Welfare. There will be no additional appropriation.

Mr. HALL. I thank the gentleman, and perhaps after the rule is passed we can probe deeper into the matter.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

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Mr. MARTIN. I am glad to yield to the gentleman.

Mr. GROSS. Is HEW going to short someone or is it going to get the money out of the regular appropriation? It is either going to short somebody to get the money or take it out of the regular appropriation.

Mr. MARTIN. I think the gentleman understands that of course these departments find a little extra money tucked away somewhere in the corners. And, that is evidently what they are going to do on this bill on which the rule has already been adopted.

Mr. GROSS. That is a mighty loose way to keep the books, is it not?

Mr. MARTIN. I agree with the gentleman.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4599, PAYMENTS IN LIEU OF TAXES FOR FORMER RECONSTRUCTION FINANCE CORPORATION PROPERTIES

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 938 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 938

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4599) to extend for two years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Martin) pending which I yield myself such time as I may consume.

Mr. MATSUNAGA. Mr. Speaker, House Resolution 938 provides an open rule with 1 hour of debate for consideration of H.R. 4599 to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

The purpose of H.R. 4599, as amended, is to extend for a further and final 2 years the authority under Public Law 388, 84th Congress, to make payments in lieu of taxes on certain former RFC properties and to repeal the governing statute at the end of that extension. The last extension expired on December 31, 1968, and this legislation would permit payments to be made for tax periods through 1969 and 1970.

The law provides that where real property was transferred on or after 1946 from the RFC to any Government department and title thereto has been held continously since such transfer, the Government department having custody and control of the property shall pay to the appropriate State and local taxing authorities an amount equal to the tax which would be payable if the property were in the hands of a private citizen.

It is impossible to precisely estimate the cost of this legislation; however, based on the most recent data available, the payments should not exceed $1.7 million in each of the 2 years.

I would like to point to the fact, however, that the receipts enjoyed by the Federal Government from rental of the properties covered by the bill brings in an amount in excess of the payments made by the Federal Government annually.

Mr. Speaker, for the reasons stated, I urge the adoption of House Resolution 938 providing for the immediate consideration of H.R. 4599.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Hawaii has explained, House Resolution 938 provides for an open rule with 1 hour of debate on the bill H.R. 4599. The purpose of the bill is to extend for a final 2 years, through calendar 1970, the present authority to make payments to local taxing bodies in lieu of taxes on former properties of the Reconstruction Finance Corporation.

The reason for this extension—the period of payment has now run for 14 years—is that hardship would result in some communities who have come to count upon this Federal payment as a part of their annual funds. The administration opposes the bill, as evidenced by letters from the Bureau of the Budget, the Department of the Army, the General Services Administration and the Treasury. They believe the period of payments has been long enough, and that adjustments by the communities involved should have been made prior to now.

Mr. Speaker, I would like to point out that this legislation has been extended, I believe, five times for 2-year periods. These communities have received in the past these in-lieu-of-taxes payments. The law expired, however, on December 31, 1968, so the communities did not receive any payments in 1969 nor in 1970. In essence what this legislation would do would be to make back payments for calendar year 1969 as well as 1970.

In view of the fact that the administration opposes this bill and various departments of the Government, as set forth in the report, I also oppose this legislation, although I am in favor of the adoption of the rule.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DOMESTIC TRAVEL PROMOTION

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14714) to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14714, with Mr. Smith of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 14714 would amend the authority of the Secretary of the Interior under the act of July 19, 1940, to encourage, through the National Park Service, travel in the United States.

The 1940 Travel Act, which authorizes the Secretary of the Interior, through the National Park Service, to encourage promote, and develop travel within the United States, is the existing basis for the travel promotion activities of the National Park Service. It authorizes an annual appropriation of not more than $100,000 to carry out the purposes of the act. H.R. 14714 would increase this appropriation authorization to $250,000 for fiscal 1971 and to $750,000 for fiscal 1972.

The 1940 Travel Act was a culmination of the travel promotion activities of the National Park Service, which began with its establishment in 1916. Funds were appropriated for travel activities in 1942 and 1943, and, after being interrupted by World War II, again in 1948, 1949, and 1950, at which time the activities were interrupted again by the outbreak of the hostilities in Korea.

In January 1968, President Johnson's industry-Government Special Task Force on Travel strongly recommended the National Park Service exercise its general authority under the 1940 act as a means of achieving a truly national domestic travel promotion program. To accomplish this, the Service reprogramed $30,000 in fiscal 1968 and $100,000 in

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fiscal years 1969 and 1970, establishing a Division of Tourism to direct the program.

The Secretary of the Interior has assigned leadership and coordination responsibilities for the Department's tourist development to the Assistant Secretary for Fish and Wildlife and Parks, and Marine Resources, and has established within the National Park Service an Assistant Director for Travel and Information Service. Our national parks, monuments, historic sites, and recreation areas serve to generate travel and tourism, and this travel usually involves adjacent areas, sites, facilities, cities and other recreation areas. The program has economic importance to domestic travel and to travel to the United States from foreign countries. The program also contributes to an understanding, appreciating, and perpetuation of our Nation's cultural and natural heritage.

Development of a national program of travel promotion requires a professional and expanded approach to marketing and advertising as well as education and information. The Department has, understandably, found the existing appropriation authorization to be a very limiting factor in its programs. This legislation would increase that appropriation authorization for fiscal 1971 and 1972.

Mr. Chairman, this legislation has been requested by the Department of the Interior. No objections to the bill have been received by the committee. I firmly believe that this program requires a higher appropriation authorization than in the resent act, and I therefore urge passage of H.R. 14714.

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(Mr. SPRINGER asked and was given permission to revise and extend his remarks.)

Mr. SPRINGER. Mr. Chairman, since 1940 the National Park Service has had authority to promote travel to the many Federal installations and places of historical interest. Although some of our national parks have become very popular and hardly need extensive advertising to be known and used by our people, there are many additional places of interest which can and would be used equally when information is available. Some examples of these places are the trust territories, national forests, smaller parks, historical locations, and Indian installations. Whatever effort was originally intended by that 1940 act was interrupted by World War II and subsequent disruptions but some efforts have been made with a small amount of money.

Today we are concerned with encouraging travel around the United States by foreign visitors and some of the material and effort expended under the bill will be so used. But to a greater extent it will create material and distribute information which will inform our own citizens of the wonderful areas they already own and can visit.

The bill calls for an authorization of $250,000 for fiscal year 1971 and for $750,000 for fiscal year 1972. In the past the authorization has been for $100,000 and this effort has been so small as to have little if any effect. A breakdown of the proposed budgets for the next 2 years is included in the committee report and they illustrate that the emphasis will be upon the production and dissemination of material such as newspaper ads, radio scripts, and film shorts.

As a citizen I like to see promotion of the parks, historical shrines and other beautiful and interesting points which belong to all of us. After 2 years our committee will review carefully the results of this increased authorization and determine whether or not it has lived up to its promise. It is the kind of service which intimately touches the individual citizen. It is a service to which I think he is entitled and which has far more justification than the many larger, more expensive programs foisted upon him. I recommend the bill to my colleague and recommend its passage.

I now yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding and I rise in opposition to this measure. If Members will look at the report of the committee itself, they will observe that there is sufficent reason in the committee report to show why we should not burden the taxpayers of the country with this bill. You will notice the report states that 16 million people visited our national parks in 1940, and by 1967 the number had increased to 140 million people. It seems to me the people of the country are visiting the parks without any propaganda or further expenditures of public funds.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Illinois.

Mr. SPRINGER. Is the gentleman talking on H.R. 14714?

Mr. SCOTT. Yes; I am talking about H.R. 14714. As mentioned, page 2 of the report indicates that the number of people visiting the parks increased from 16 million in 1940 to 140 million in 1967. The committee report also indicates, that only $30,000 was spent in 1968, and in the fiscal years 1969 and 1970 $100,000 was spent. As I understand, this is the limit under the present law. Yet, this bill would increase that limit to $250,000 in the next fiscal year and $750,000 in fiscal year 1972.

Mr. Chairman, I submit that this money is not needed, to publicize national parks. If we would look at the report itself, we will see that they would print 250,000 handbooks on historical tours, and in 1972 we would have printing and reproduction of 40 feature story photos and art work for 10 historical tour stories. We would also have approximately 4 million folders that would cost $247,217. We would have newspaper advertising costing $90,000. On radio there would be 20 spots, costing $20,000 for creation and duplication; television, creation and duplication, five spots, $100,000, and a series of five short feature films for TV, $142, 800.

Under sales promotion there would be the creation of one four-color promotion folder at a cost of $10,000, and then "Membership Fees: Discover America Travel Organizations," $5,000, totaling $750,000.

It seems to me, that if there is any place where we can reduce spending in this country, it is on such a thing as this. I just do not think we need to spend this kind of money when travel in our national parks is increasing the way it is.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the chairman of the committee.

Mr. STAGGERS. I would say this to the gentleman: Only those people who look into the future and plan for the future expect to advance. We did plan for the better known national parks in the United States, and they will be overcrowded. We hope, from what the Department of the Interior has told us, that this administration—and it is your administration, my friend, that is requesting this, and I am with them on this——

Mr. SCOTT. Let me mention at this point to the gentleman that when I agree with the people in the White House or in the executive department, when I feel there is merit in their proposals I support them. But I reserve the right to disagree because I was elected by the people of the eighth district of Virginia, not by anyone in the executive branch of the Government.

I think we as a legislature must look at this and every matter that comes before the House to determine whether it is sound or not, and we should not just ratify something that is handed to us by this administration or any other administration merely because it is an administration measure.

Mr. STAGGERS. I am happy to hear the gentleman state that. I hope more Members will state this and exercise their own authority, too. But the administration is trying to get men and women to visit the lesser known places, some of which are just as important or perhaps more important than the great parks in this country. They do need the additional money, or they would not have come here and said they needed it. They are trying to have people see America as a total picture and to encourage travel in this country.

We do not encourage travel in this country through just one newspaper or just one TV broadcast about one out of all the thousands of attractions we have. We do not do it with a one-time thing. It is going to have to be done many times and in many parts of the country. I disagree with the gentleman wholeheartedly on this question.

Mr. SCOTT. Mr. Chairman, in conclusion my thought is this, that we do have a budget that the news media have indicated will be in the red an estimated $8 billion in fiscal year 1971. I do not know whether this is sound, but we used to have a colleague, from Indiana, Charlie Halleck, who said, "The only way to cut is to cut." I think this is a good place to start.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman for yielding me 5 minutes.

Mr. Chairman, the gentleman from Virginia has put his finger on an item in this report to which every Member ought to give serious consideration. That is the fact that in 1940 there were 16 million visitors to the parks system, and this figure jumped to 140 million in 1967, and I am sure if the figures had been available or had been put in this report, they would show a tremendous increase since 1967. All this with a Federal expenditure of $30,000 a year or less.

If the Department of the Interior is so enthusiastic for this bill, why has it not said something about it in the report. I see no communication whatever from the Department of the Interior.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I have here a letter from the Department of the Interior to the Speaker, sent when they sent this bill up. The letter very strongly urges the passage of this bill.

Mr. GROSS. It is not classified; is it?

Mr. STAGGERS. No; it is not.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yielded to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, would the distinguished chairman of the committee agree to insert that letter in the RECORD immediately after the remarks of the distinguished gentleman from Iowa?

Mr. STAGGERS. I will be happy to. I will get permission when we go back into the House. I will be happy to do that, but this letter is in the hearings at page 99.

Mr. GROSS. Mr. Chairman, this bill would more than double the present authorization, from $100,000 to $250,000 in 1971, and then in 1972 it would triple that to $750,000. I would like to ask the gentleman from West Virginia in the interest of fiscal responsibility and fiscal sanity how many taxpayers, just run-of-the-mine taxpayers, in the State of West Virginia it takes to put together $750,000 worth of Federal taxes? Does the gentleman have any idea how many of his citizens in West Virignia it would take to accumulate $750,000 to spew out on this totally unnecessary proposition?

Mr. STAGGERS. If the gentleman will yield, West Virginia has been struggling hard, and yet when we want some Federal appropriation for an establishment in West Virginia, we have not gotten more money. Yet, in time of war, West Virginia has given more men to the preservation of peace than any other State in the Union.

Mr. GROSS. The question I am asking the gentleman—and he is not even beginning to answer it—is how many mine-run taxpayers, common garden variety good citizens of West Virginia, does it take to put together $750,000 in Federal income taxes? That is what I am asking.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman.

Mr. STAGGERS. I would say this to the gentleman: There will not be many of my citizens who will be traveling, but we are hoping we will get a lot of others to travel in this land. We hope that the $750,000, if spent correctly, will bring in many times the $750,000, if we can keep Americans here traveling in this Nation. Our citizens spent about $4 billion traveling abroad.

Mr. GROSS. I thank the gentleman for his speech. He still has not answered the question.

What is private enterprise spending on the promotion of tourism?

Mr. STAGGERS. I do not have that answer, but this is a cooperative program.

Mr. GROSS. Did not the committee, in the consideration of this bill, try to find out how much private enterprise is spending each year on the promotion of domestic tourism?

Mr. STAGGERS. I believe that would be pretty hard to find out.

Mr. GROSS. I do not believe it would be at all. There are travel agents associations that could have given the committee a good estimate as to their expenditures for this purpose.

This also appears to be something of a bonanza for the television stations as well as the printers. I do not know who is going to pay the postage on this $247,000 worth of brochures or whatever they are, which apparently is not figured into this cost as set forth in the report.

This bill ought never to have come out of the committee. It ought never to have had a rule. It ought to be defeated out of hand in view of the dire need to conserve the finances of the Government.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute.

The CHAIRMAN. The gentleman from Iowa is recognized for 1 additional minute.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. About the television stations, there is no money to be spent on air time. The money is to be spent on the development of these announcements and so forth, to get them to the radio and TV stations. It is the development of announcements the money will be spent on, and not air time.

This is no giveaway program. This is something to promote our own land. I believe we ought to do it. I believe the administration seeks a reasonable amount. I believe we ought to do it.

We can give them a chance for 2 years. If it does not work out, it will be reviewed.

Mr. GROSS. Is there anything in this bill to promote the distribution and use of credit cards? "Fly now, pay later" seems to be the key to tourism and a lot of other things these days. Debt and more debt is the order of the day.

Mr. STAGGERS. Mr. Chairman, I include the entire text of the letter I have referred to at this point for the further information of the Members:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 16, 1969.
Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a draft of a proposed bill to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes.

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Act of July 19, 1940, authorizes the Secretary of the Interior, through the National Park Service, to encourage, promote, and develop travel within the United States. It authorizes the annual appropriation of not more than $100,000 to carry out the purposes of the Act: "To encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service."

The enclosed bill would provide appropriation authorization for such sums as may be required.

The 1940 Travel Act was a culmination of the travel promotion activities of the National Park Service, which began with its establishment in 1916. Funds were appropriated for travel activities in 1942 and 1943, and after being interrupted by World War II, in fiscal years 1948, 1949, and 1950, before being again interrupted by hostilities in Korea, and the necessity for reduced appropriations as a result thereof. With the launching of the Discover America program, at Vice President Humphrey's request, the National Park Service developed a travel information program for Washington as a model city program.

In January 1968, President Johnson's industry-Government Special Task Force on Travel strongly recommended the National Park Service exercise its general authority under the 1940 Act as a means of achieving a truly national domestic travel promotion program. To accomplish this, the Service reprogramed $30,000 in fiscal year 1968 and $100,000 in the present fiscal year, establishing a Division of Tourism to direct the program.

The Secretary of the Interior has assigned leadership and coordination responsibilities for the Department's tourist development to the Assistant Secretary for Fish and Wildlife and Parks, and Marine Resources and has established within the National Park Service an Assistant Director for Travel and Information Service. The National Park Service can be particularly effective in the field of travel promotion. The national parks, monuments, historic sites, and recreation areas serve to "generate" travel and tourism, and this activity inevitable involves adjacent areas, sites, facilities, cities and other recreation areas. The program has great economic importance to domestic travel and to travel to the United States from foreign countries. But, such a program can also contribute understanding, appreciating, and perpetuating our Nation's cultural and natural heritage.

It is increasingly evident, however, that the existing ceiling of $100,000 prevents the carrying out of a promotion program of sufficient scope to meet the national needs of today. Within the National Park System alone, there were but 16,000,000 visits in 1940, against 140,000,000 in 1967. In 1967 over 112 million visits were recorded on lands administered by other bureaus and offices of the Department of the Interior. The Bureaus of Land Management, Indian Affairs, Outdoor Recreation, Sport Fisheries and Wildlife, and Reclamation, and the Office of Territories are all deeply involved in tourism. A countrywide travel promotion program reflecting all of the Departments' interests cannot be effectively developed within the existing ceiling. The President's 1970 budget provides $225,000 for this program. Subject to fiscal constraints, larger amounts would be requested in future years to fully implement the program.

XUM

Development of a national program would require a professional and expanded approach to marketing and advertising as well as education and information. Full use would be made of modern means of communication: publications, traveling exhibits, films, posters, and the use of radio and television. While the National Park Service would cooperate with the United States Travel Service and develop materials and programs in multilanguages to encourage and support foreign visitors, the National Park Service program would be restricted to within the United States, and not overlap the overseas activities of the Travel Service. The National Park Service would consult with the United States Travel Service to insure full coordination of the two programs and to avoid duplication of effort. Even on the expanded scale, the projected program would be only a catalyst, insofar as the private travel sector is concerned, and would in no way compete with private agencies.

By letter dated January 16, 1969, the Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

MAX N. EDWARDS,
Assistant Secretary of the Interior.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Chairman, I also rise in opposition to this bill.

If the chairman of the full committee does not mind, I should like to address a question or two to him.

I have not had the opportunity to review the hearings on this matter, but I would ask the chairman of the full committee this: I trust the committee was made aware of the fact that in most of our national parks today we have an excessive visitation problem. We are turning people away from many national parks simply because there are inadequate camping facilities or simply insufficient space.

This body has authorized the purchase of national park sites for which there is insufficient funding.

It seems to me that if the committee has arrived at a justification for the expenditure of Federal money to further promote travel to areas that are already overcrowded, while we have a shortage of funding for the acquisition of new areas, I should like to have the rationale explained, because frankly, Mr. Chairman, I am at a loss to understand it.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I believe the gentleman was present a few moments ago when I explained that this is not for the principal recreation areas and parks of this country, but for the ones which are not as well known. Ones which are just as attractive, which we want people to know about so that they can go to visit them and spend their money there.

I would say that this bill would probably profit your State as much as or more than a great many of the other States of the Nation. I am not bringing this bill up myself. The administration requested it. I am going to do my best to get it passed, because I believe it is a sensible thing for us to do. If we cannot spend a little bit of money in this country to let people know what we have here, then I just do not know what we can spend it for.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I am glad to yield to the gentleman.

Mr. SPRINGER. I agree with the gentleman, because 3 years ago last September the Smoky Mountain National Park on Labor Day weekend, which was a Friday, Saturday, and Sunday, had 8,000 families turned away on that one weekend alone. That is not 8,000 people but 8,000 families, campers, who were turned away. What the distinguished gentleman says is true about the major national parks of the country. Last September I visited Muir Woods, north of San Francisco, and there were not enough people in those woods even to count them on a Sunday. I would guess that Muir Woods is one of the beautiful national forests in California. I would guess on a Sunday afternoon I did not count more in the 2 hours I was there in the afternoon than 100 people. This is not designed at all to cover areas such as the Smoky Mountains National Park, which is already covered by all of the newspapers free not once but many times, perhaps a dozen times a year in the big metropolitan newspapers. What this is designed for is to give people a perspective with regard to those small local areas like Muir Woods. May I say to my distinguished colleague that some of this covers the areas in his own State which almost nobody ever visits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Will the gentleman yield further to me?

Mr. STEIGER of Arizona. I yield to the gentleman.

Mr. SPRINGER. I just had a letter from my daughter who traveled through his State and southern California, New Mexico, and parts of Texas. This was in national parks within the last 4 months. She wrote to me the other day from Houston saying that there was almost nobody in any of those parks. But one of our problems is acquainting people in other parts of the country with many of these national scenic spots, places of interest that most people do not know about, do not see, or have any opportunity to find out about, because in many of them there are no hotels. They are a kind of camping venture kind of thing. I do not visualize this bill as any substitute for the great national parks which are used by thousands of people as you mention, such as Smoky Mountain National Park, Yellowstone, Yosemite, and I could name all of them. Rather, this is an opening for those areas which a lot of people might like to visit if they knew about but do not have the opportunity to do so. That is the background of the explanation that I would give to some of the doubts that have been raised here, because, after all, $750,000 is not going to do very much if we are going to advertise all of the national parks in this country.

Mr. STEIGER of Arizona. I thank the gentleman. I am certain his conviction as to the best use of this money is well founded. I must restate the fact that one of our major problems today in national park administration is the fact that we have authorized the acquisition and creation of any new national parks which would alleviate the pressure on the most populous areas and distribute people, hopefully, so that everyone can have some kind of a shot at enjoying our national parks. The reason why we cannot fulfill that program is that we are short of money. It seems to me to take money which might be made available for the acquisition of lands to create national parks and put into a promotional program which has very few people will simply be a gesture rather than increase the visitors to our little-known areas in sufficient quantities to alleviate pressures. And, I am afraid here that we are creating this as a sort of repository for everyone's "arty" brother-in-law who has decided he is creative but was not able to make it in the private sector. So, he is going to do films for the National Park Service. I think the gentleman knows what I am talking about.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 2 additional minutes.

The CHAIRMAN. The gentleman from Arizona is recognized for 2 additional minutes.

Mr. SPRINGER. Mr. Chairman, if the gentleman will yield further, I have great respect for the distinguished gentleman from Arizona, and I am sure that he being a resident of the State of Arizona he is aware of the many national parks, and I have heard the gentleman and the senior Senator from Arizona, on many occasions urging people to come there to live.

Going back to the letter which I received from my daughter, she was in three national parks, and may I say it was somewhat of a surprise to me because I did not know they existed, but she was there and took pictures of them.

This is the kind of thing which I think the gentleman has put his finger on a moment ago—how do we get more of the people than are now using these areas to these scenic areas in the Southwest, it representing one of the best examples of scenic area. How do we get this before the people in order to attract them to go there? I do not believe we can get it done by private enterprise because at many of these areas there is not even a restaurant or a hotel or any place to stay.

This is the kind of thing they will have to go into in an automobile or a camper or by some other means.

If the gentleman is talking about the Grand Canyon, I do not think there is a need to publicize it because in my opinion it represents one of the greatest scenic beauties in this country. However, I do believe there are areas in the Southwest where we could do a better job under this bill in getting before the people some of these beauty spots about which many do not know. But I do think the gentleman has put his finger on the problem, how do you go about it and whether this is the way to do it. I do not know. We have approached this matter from the standpoint as this being the best way we know to do it based upon the recommendations of the Department of the Interior.

Mr. STEIGER of Arizona. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 2 additional minutes.

The CHAIRMAN. The gentleman from Arizona is recognized for 2 additional minutes.

Mr. STEIGER of Arizona. Not to belabor it, but knowing the gentleman's own penchant for frugality, I do not feel there is any arbitrary desire to waste Federal funds. However, I would submit, and I hope the committee considered this, that there are many organizations, commercial manufacturers of camping equipment which have reached a very sophisticated level in this country and they have become a major industry as a result of their own promotional organization and which in my opinion has been exemplary, in the main.

I do not know of a single travel trailer manufacturer or four-wheel drive manufacturer of a vehicle who does not have available a plethora of brochures and so forth displaying their products. They do a good job. It seems to me this is an area where the natural tendency exists on the part of the bureaucrats of the Federal agencies to achieve self-aggrandizement and does not represent what they are supposed to be doing.

I feel here, and feel very strongly, as the gentleman from Illinois has pointed out, my own State would be one of the beneficiaries of this program, but I still feel very strongly that the committee could better spend this money in acquiring already authorized national parks or speeding up the development of the existing national parks and the development of campsites, thus permitting more people to visit them.

Mr. CONABLE. Mr. Chairman, will the gentleman yield for one observation?

Mr. STEIGER of Arizona. Yes; I yield to the gentleman from New York.

Mr. CONABLE. I wonder if the gentleman in the well does not think that promoting the national parks would be much more effectively carried out by the reinstatement of the golden eagle pass to the national parks rather than by this kind of advertising?

Mr. STEIGER of Arizona. I would share the gentleman's enthusiasm for the reinstatement of the golden eagle pass in some form which, however, is also designed to generate promotional materials.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, I would like to make a brief statement. As far as I am concerned, this is not any giveaway; this is an investment. I think it will return to this country and to our people a hundredfold. I believe it is important for us to keep more of our people here at home visiting our national parks instead of touring abroad. About $4 billion is spent by U.S. citizens traveling abroad.

I believe that, if we can advertise, a lot of people will learn of the attractiveness of our parks and other national areas, and thus, perhaps, these people will stay at home and see America. In my opinion it is an investment.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the distinguished chairman for his remarks, and I wish to assure the gentleman that I know he has the best interests of our country here. However, I simply think that this is a misplaced priority.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to encourage travel in the United States, and for other purposes", approved July 19, 1940 (54 Stat. 773), is amended to read as follows:

"SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

With the following committee amendment:

On the first page, strike out line 7 and all that follows down through page 2, line 2, and insert in lieu thereof the following:

"SEC. 5. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated not to exceed $250,000 for the fiscal year 1971 and not to exceed $750,000 for the fiscal year 1972."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14714) to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker, unqualifiedly.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill H.R. 14714 to the House Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 111, nays 222, not voting 97, as follows:

[Roll No. 91]

YEAS—111

Abernethy
Adair
Addabbo
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Beall, Md.
Bennett
Betts
Biester
Bingham
Blackburn
Bow
Bray
Brinkley
Broomfield
Brown, Mich.
Broyhill, N.C.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Collier
Collins
Conable
Coughlin
Cramer
Crane
Cunningham
Delaney
Denney
Dennis
Derwinski
Devine
Dickinson
Edwards, Ala.
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Fish
Fisher
Flowers
Flynt
Frey
Goodling
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Harrington
Hays
Hechler, W. Va.
Heckler, Mass.
Hogan
Hunt
Hutchinson
King
Kleppe
Kyl
Landgrebe
Lloyd
Long, Md.
Lujan
McClure
McKneally
Mann
Martin
Mayne
Miller, Ohio
Mize
Montgomery
Myers
Nichols
Obey
Poff
Price, Tex.
Railsback
Rarick
Reid, Ill.
Riegle
Rooney, N.Y.
Roth
Roudebush
Scherle
Scott
Sikes
Skubitz
Smith, Calif.
Snyder
Steiger, Ariz.
Steiger, Wis.
Talcott
Wampler
Watkins
Weicker
Whalley
Whitehurst
Winn
Wolff
Wyatt
Wydler
Wylie
Zion

NAYS—222

Abbitt
Adams
Albert
Alexander
Anderson, Tenn.
Annunzio
Arends
Ashley
Aspinall
Ayres
Belcher
Berry
Biaggi
Blanton
Blatnik
Boggs
Boland
Brotzman
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Caffery
Camp
Carey
Carter
Casey
Celler
Clark
Cohelan
Conte
Corman
Cowger
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dent
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edwards, La.
Eilberg
Erlenborn
Evins, Tenn.
Fallon
Fascell
Findley
Flood
Foley
Ford, Gerald R.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hagan
Hamilton
Hanley

XUM

Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hébert
Helstoski
Henderson
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
Kluczynski
Koch
Kuykendall
Kyros
Latta
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Matsunaga
May
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Mills
Minish
Mink
Minshall
Mizell
Monagan
Morgan
Morse
Mosher
Murphy, Ill.
Natcher
Nelsen
Nix
O'Hara
Olsen
O'Neill, Mass.
Passman
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Randall
Rees
Reid, N.Y.
Reuss
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Rosenthal
Rostenkowski
Ruppe
Ruth
Ryan
Sandman
Saylor
Schneebeli
Schwengel
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stephens
Stratton
Stuckey
Symington
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watson
Watts
Whalen
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wright
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NOT VOTING—97

Anderson, Calif.
Anderson, Ill.
Baring
Barrett
Bell, Calif.
Bevill
Bolling
Brademas
Brasco
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Bush
Cabell
Cederberg
Chisholm
Clausen, Don H.
Clay
Colmer
Conyers
Corbett
Dawson
Diggs
Dingell
Dowdy
Eckhardt
Edmondson
Farbstein
Feighan
Ford, William D.
Foreman
Frelinghuysen
Fuqua
Gallagher
Giaimo
Gilbert
Goldwater
Halpern
Hanna
Hansen, Wash.
Hawkins
Johnson, Calif.
Jones, Tenn.
Kee
Kirwan
Landrum
Langen
Leggett
Lennon
Long, La.
Lowenstein
Lukens
McCloskey
McEwen
Mathias
Mikva
Mollohan
Moorhead
Morton
Moss
Murphy, N.Y.
Nedzi
O'Konski
O'Neal, Ga.
Ottinger
Patman
Patten
Poage
Podell
Pollock
Powell
Purcell
Quillen
Reifel
Rhodes
Roberts
Rogers, Fla.
Roybal
St Germain
St. Onge
Satterfield
Schadeberg
Scheuer
Sebelius
Stanton
Steed
Stokes
Stubblefield
Sullivan
Taft
Teague, Calif.
Thompson, N.J.
Tunney
White
Wilson, Charles H.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Barrett with Mr. Rhodes.
Mr. Johnson of California with Mr. Bell of California.
Mr. Lennon with Mr. McEwen.
Mr. Brasco with Mr. Pollock.
Mr. Farbstein with Mr. McCloskey.
Mr. Patman with Mr. Reifel.
Mr. O'Neal of Georgia with Mr. Lukens.
Mr. Patten with Mr. Frelinghuysen.
Mr. Thompson of New Jersey with Mr. Hanna.
Mrs. Sullivan with Mr. Teague of California.
Mr. White with Mr. Anderson of Illinois.
Mr. Cabell with Mr. Bush.
Mr. Brooks with Mr. Brock.
Mr. Jones of Tennessee with Mr. Sebelius.
Mr. Moss with Mr. Mathias.
Mr. Murphy of New York with Mr. Halpern.
Mr. Dingell with Mr. Cederberg.
Mr. Edmondson with Mr. Schadeberg.
Mr. Feighan with Mr. Taft.
Mr. Gallagher with Mr. Don H. Clausen.
Mr. Gilbert with Mr. Corbett.
Mr. Roberts with Mr. Langen.
Mr. St Germain with Mr. Stanton.
Mr. Giaimo with Mr. Nedzi.
Mr. Fuqua with Mr. Foreman.
Mr. Podell with Mr. Conyers.
Mr. Mikva with Mr. Clay.
Mr. Colmer with Mr. Burke of Florida.
Mr. Brademas with Mr. Scheuer.
Mr. Charles H. Wilson with Mr. Goldwater.
Mr. Rogers of Florida with Mr. Morton.
Mr. Stubblefield with Mr. Quillen.
Mr. William D. Ford with Mr. Diggs.
Mr. Dowdy with Mr. Baring.
Mr. Long of Louisiana with Mr. Bevill.
Mr. Landrum with Mr. O'Konski.
Mr. Anderson of California with Mr. Kirwan.
Mr. Eckhardt with Mr. Purcell.
Mr. Moorhead with Mr. Ottinger.
Mr. Brown of California with Mrs. Chisholm.
Mr. Leggett with Mr. Burlison of Missouri.
Mr. Tunney with Mr. Powell.
Mr. Lowenstein with Mr. Hawkins.
Mr. Satterfield with Mr. Roybal.
Mr. Stokes with Mr. St. Onge.
Mrs. Hansen of Washington with Mr. Steed.
Mr. Kee with Mr. Mollohan.

Messrs. McMILLAN, ICHORD, YATES, EVINS of Tennessee, KEITH, STAFFORD, PETTIS, GUDE, and LATTA changed their votes from "yea" to "nay."

Mr. DERWINSKI changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 238, nays 94, not voting 98, as follows:

[Roll No. 92]

YEAS—238

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Tenn.
Annunzio
Arends
Ashley
Aspinall
Ayres
Belcher
Berry
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Caffery
Carey
Carter
Celler
Clark
Clausen, Don H.
Cohelan
Conte
Corbett
Corman
Cowger
Cramer
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dent
Derwinski
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edwards, Calif.
Edwards, La.
Eilberg
Eshleman
Evins, Tenn.
Fallon
Fascell
Findley
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hagan
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hébert
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
Kluczynski
Koch
Kuykendall
Kyros
Latta
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
MacGregor
Madden
Mahon
Mailliard
Marsh
Matsunaga
May
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Morgan
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nelsen
Nix
O'Hara
Olsen
O'Neill, Mass.
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Randall
Rees
Reid, Ill.
Reuss
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Rosenthal
Rostenkowski
Ruppe
Ruth
Ryan
St. Onge
Sandman
Saylor
Schwengel
Shipley
Shriver
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Stephens
Stratton
Stuckey
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wright
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—94

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Beall, Md.
Bennett
Betts
Biaggi
Biester
Bingham
Broomfield
Brown, Mich.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Camp
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Collier
Collins
Conable
Coughlin
Crane
Cunningham
Delaney
Denney
Dennis
Devine
Dickinson
Edwards, Ala.
Esch
Evans, Colo.
Fish
Flynt
Frey
Goodling
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hays
Hechler, W. Va.
Hunt
Hutchinson
Jacobs
King
Kleppe
Kyl
Lloyd
Long, Md.
Lujan
McClure
McKneally
Macdonald, Mass.
Mann
Martin
Mayne
Miller, Ohio
Mize
Montgomery
Nichols
Obey
Passman
Price, Tex.
Rarick
Riegle
Rooney, N.Y.
Roth
Roudebush
Scherle
Scott
Sebelius
Sikes
Skubitz
Snyder
Steiger, Ariz.
Steiger, Wis.
Watkins
Weicker
Whalley
Whitehurst
Winn
Wolff
Wyatt
Wylie
Zion

XUM

NOT VOTING—98

Anderson, Calif.
Anderson, Ill.
Baring
Barrett
Bell, Calif.
Bevill
Bolling
Brademas
Brasco
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Bush
Cabell
Chisholm
Clay
Colmer
Conyers
Dawson
Diggs
Dingell
Dowdy
Eckhardt
Edmondson
Erlenborn
Farbstein
Feighan
Fisher
Ford, William D.
Foreman
Fraser
Frelinghuysen
Fuqua
Gallagher
Giaimo
Gilbert
Goldwater
Halpern
Hanna
Hawkins
Johnson, Calif.
Jones, Tenn.
Kee
Kirwan
Landgrebe
Landrum
Langen
Leggett
Lennon
Long, La.
Lowenstein
Lukens
McCloskey
McEwen
Mathias
Mikva
Mills
Moorhead
Morton
Moss
Murphy, N.Y.
Nedzi
O'Konski
O'Neal, Ga.
Ottinger
Patman
Patten
Poage
Podell
Pollock
Powell
Purcell
Quillen
Railsback
Reid, N.Y.
Reifel
Rhodes
Roberts
Rogers, Fla.
Roybal
St Germain
Satterfield
Schadeberg
Scheuer
Schneebeli
Staggers
Stokes
Stubblefield
Sullivan
Taft
Teague, Calif.
Thompson, N.J.
Tunney
Ullman
White
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Barrett with Mr. Rhodes.

Mr. Johnson of California with Mr. Bell of California.

Mr. Lennon with Mr. McEwen.

Mr. Brasco with Mr. Pollock.

Mr. Farbstein with Mr. McCloskey.

Mr. Patman with Mr. Reifel.

Mr. O'Neal of Georgia with Mr. Lukens.

Mr. Patten with Mr. Frelinghuysen.

Mr. Thompson of New Jersey with Mr. Hanna.

Mrs. Sullivan with Mr. Teague of California.

Mr. White with Mr. Erlenborn.

Mr. Cabell with Mr. Bush.

Mr. Brooks with Mr. Brock.

Mr. Jones of Tennessee with Mr. Landgrebe.

Mr. Moss with Mr. Mathias.

Mr. Murphy of New York with Mr. Halpern.

Mr. Dingell with Mr. Railsback.

Mr. Edmondson with Mr. Schadeberg.

Mr. Feighan with Mr. Taft.

Mr. Gallagher with Mr. Reid of New York.

Mr. Gilbert with Mr. Mills.

Mr. Roberts with Mr. Langen.

Mr. St Germain with Mr. Schneebeli.

Mr. Giaimo with Mr. Nedzi.

Mr. Fuqua with Mr. Foreman.

Mr. Podell with Mr. Conyers.

Mr. Mikva with Mr. Clay.

Mr. Colmer with Mr. Burke of Florida.

Mr. Brademas with Mr. Scheuer.

Mr. Charles H. Wilson with Mr. Goldwater.

Mr. Rogers of Florida with Mr. Morton.

Mr. Stubblefield with Mr. Quillen.

Mr. William D. Ford with Mr. Diggs.

Mr. Dowdy with Mr. Baring.

Mr. Long of Louisiana with Mr. Bevill.

Mr. Landrum with Mr. O'Konski.

Mr. Anderson of California with Mr. Kirwan.

Mr. Eckhardt with Mr. Purcell.

Mr. Moorhead with Mr. Dawson.

Mr. Brown of California with Mrs. Chisholm.

Mr. Leggett with Mr. Burlison.

Mr. Tunney with Mr. Powell.

Mr. Lowenstein with Mr. Hawkins.

Mr. Satterfield with Mr. Roybal.

Mr. Stokes with Mr. Fraser.

Mr. Fisher with Mr. Ottinger.

Mr. Staggers with Mr. Anderson of Tennessee.

Mr. SEBELIUS and Mr. BIAGGI changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

SUBSIDIZED TRANSPORTATION FOR DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE EMPLOYEES TO ROCKVILLE, MD.

Mr. JARMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14385) to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14385, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. JARMAN) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. JARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill was introduced at the request of the Department of Health, Education, and Welfare, and we held hearings before the Subcommittee on Public Health and Welfare on this bill earlier this year. All the testimony we received was favorable to the bill, and we recommend its passage by the House.

The Health Services and Mental Health Administration, together with the Consumer Protection and Environmental Health Services, have been relocated into a single office building in Rockville, Md. The building is approximately 18 miles from the Department of Health, Education, and Welfare building located here in the District, and, of the approximately 5,000 employees who have been relocated, 2,500 live in the District of Columbia, Virginia, and Prince Georges County. Public transportation from these areas to this new building is expensive and time consuming.

In order to ease hardship on employees who have been relocated to this building, the bill would provide for a subsidy to assist employees for a limited time in meeting increased commuting costs.

The authority of the bill is limited to a 2-year period, and I can assure the House that I will oppose any extension of this authority in the future.

It has been estimated that the net cost to the United States will be approximately $150,000 during this 2-year period, by which time it is anticipated that all affected employees will have made other arrangements for their transportation.

The Veterans' Administration has similar authority to cover its employees, and, when the Atomic Energy Commission moved to its new quarters in Germantown, Md., similar authority for limited transportation subsidies for employees was granted. In other words, there is nothing new and precedent setting about this bill, and I recommend its passage.

Mr. SPRINGER. Mr. Chairman, the Department of Health, Education, and Welfare has recently moved certain of its activities to new offices located in Rockville, Md. This will require the relocation of the place of work for approximately 5,000 employees. Up to this time these people have worked in downtown Washington or just across the river in Virginia. Many of them live in Virginia, the District of Columbia or Prince Georges County, Md., and find themselves with a commuting problem of some proportions. For some of them, the trip by public transportation to and from the new place of work would take as much as 4 hours each day and the fare involved in doing so could mount to $2.50 a day or more, of which the employee will pay approximately $1.

Eventually personal adjustments can be made to minimize or eliminate the problem for most employees. Some may change jobs but most will find ways, or ways will be provided by regular transportation agencies, to make reaching Rockville practical. Meanwhile, the Department is faced with an emergency. Loss of trained people in large numbers would seriously hamper the operation of the vital activities carried on in the Department. This bill would authorize the Secretary of Health, Education, and Welfare to subsidize or otherwise arrange for transportation for the employees needing it. The arrangement can last no more than 2 years.

It is expected that employees will continue to pay most of the cost and the Department will absorb the remainder. Estimates indicate a cost to the Government of about $90,000 a year over and above that part paid by the employees.

The effort to consolidate functions and to locate places of employment outside the city area is to be commended. It does cause some disruption at first as was seen in the case of the removal of the Atomic Energy Commission to Gaithersburg, Md., some years ago but it does eventually work out to advantage for everyone. In the case mentioned and in others where similar problems arose, the use of subsidized transportation was approved and it seemed to do the job.

Mr. HOGAN. Mr. Chairman, in giving my full support to H.R. 14385, I am a cosponsor of an identical bill.

The transfer and consolidation of U.S. Public Health Service offices to the Parklawn Building in Rockville, Md., will ultimately touch about 5,000 Federal employees—many from my district.

Included in the move from 17 scattered locations are the Health Service and Mental Health Association, the Consumer Protection and Environmental Health Services of HEW.

XUM

For many employees, particularly those at the lower grades, the move creates extreme difficulties. These Federal workers depend on public transportation as the only way they can get to work.

The Department of Health, Education, and Welfare has recommended that a bus subsidy program be created to lessen the economic burden on those employees who must use public transport.

H.R. 14385 was drafted in line with the HEW recommendations and proposes a subsidy program that would last up to 2 years following the date of the move.

The total cost of the temporary subsidy is estimated at $93,750 for the last half of fiscal 1970 and $187,500 for the remainder of the project period.

About $150,000 expected to be collected from the sale of tickets to employees, would be applied to defray the total cost to HEW.

In giving my support to this bill, I urge my colleagues to do the same. H.R. 14385 is a good bill and would grant relief for workers who might otherwise be displaced by the agency consolidation. This kind of relief has been given in the past by other agencies when similar moves took place. In my opinion it is certainly warranted in this instance.

Mr. GUDE. Mr. Chairman, I also rise in support of this legislation and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

XUM

Mr. GUDE. Mr. Chairman, as the chairman of the committee has expressed it, this bill is not precedent setting. It has been the type of procedure which has been carried out by both the private and the public sector in order to make the transition from one location to another by the employees smoother and more efficient. When the National Geographic Society moved production facilities to Gaithersburg from downtown Washington, the society instituted subsidized bus service to transport its employees from various points in the metropolitan area. A number of Government agencies have been authorized by Congress to take similar action. The consolidation of some of the offices of the Department of Health, Education, and Welfare at the Parklawn site will not improve the efficiency of the Department if it is accomplished at the price of numerous resignations and a decline in employee morale. This bill will ease the transition for many loyal and experienced HEW employees, and contribute to a smooth-running department.

Mr. JARMAN. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, I would like to ask the gentleman from Oklahoma a question or two.

As I understand it from reading the report, the people who are going to be at Rockville have previously been in some 18 offices around the metropolitan area; is that right?

Mr. JARMAN. Yes, that is the testimony given to the committee.

Mr. O'HARA. Well, Mr. Chairman, as I understood it also, this building in Rockville is within the metropolitan area. It is not beyond the metropolitan area as Germantown was at the time the Atomic Energy Commission was moved out there; is that not correct?

Mr. JARMAN. The testimony before the committee was that the single office building to which the move is being made is about 18 miles from the Department of Health, Education, and Welfare and approximately 18 to 20 miles from several of the buildings in Arlington, Va.

Mr. O'HARA. Mr. Chairman, I intend to vote against this bill because I do not believe that if a move is made within the metropolitan area of the same city in which the offices have heretofore been located that there is any need for additional travel funds.

Mr. SPRINGER. May I say, I was somewhat of the same opinion as the gentleman from Michigan with reference to this until I learned the nature of the problems brought out in the hearings for those who would have to take advantage of this subsidization.

It was my understanding from the hearings that there would be a tremendous number of black people who would not be able to get housing out in that area and that a great many of the people who are employed in the downtown area would move to the suburbs somewhere near, approximately, the area where this facility would be located. It was for that reason that I supported the legislation. I do believe that it ought to be limited, as the distinguished chairman of the subcommittee said, to 2 years, in order to enable these people to make the adjustment.

Ordinarily, may I say, I would be opposed to this kind of legislation. It just does not seem to me that you ought to be paying this kind of subsidy, which would be approximately $1.50 per person a day. The estimated cost is about $2.50 per day, as I understand, of which a dollar would be paid by the employee and $1.50 would be paid by the Federal Government. I thought this was an exceptional circumstance in relation to a certain group of people who would have difficulty in getting housing in that area and which I am sure they would prefer to have because they are in the nature of permanent employees.

I do not know whether that would change the mind of the gentleman from Michigan, but I say if it had not been for what I thought was this unusual situation which was brought out in the committee, I would not have supported the legislation.

Mr. O'HARA. I thank the gentleman for his contribution. He has helped me understand why the committee has requested their bill. Nevertheless, it seems to me there must be a problem of inadequate pay scales if people cannot afford to make that move with the agency, and we ought to be looking into it. We also ought to be making reasonably priced housing available nearby.

I am also worried about the precedent. It is a precedent somewhat different from the AEC case, because at that time, some dozen or 15 years ago, Germantown was even farther beyond the metropolitan area than it is today. I understand the reasons why the committee has reported this bill. Nevertheless, I intend to vote against it and wish to make that known.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Oklahoma.

Mr. JARMAN. One additional piece of information that might be of value to the gentleman is that there is a precedent in the AEC and the Department of Defense. Our understanding is that the Veterans' Administration has a continuing authority for exactly what is being done in this more limited period of time.

Mr. O'HARA. I thank the gentleman.

I yield back the balance of my time.

Mr. JARMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I thank the distinguished gentleman for yielding. I just want to say that this whole idea is ridiculous, as far as I am concerned. I have not heard anybody get up and offer a bill to subsidize the coal miners in my district when a mine closes down because it has worked out, and they open a new shaft 18 miles away. They either drive there and go to work or they do not go.

Of course, I was not too impressed with the argument of the gentleman from Illinois, because everything that goes on around here, where you want to spend money, if you cannot get funds in one way, you hang an ethnic tag on it and say, "We have to do it because these are poor black people," or something else. I thought we passed a law providing that they could get housing in Rockville or any place else. You cannot deny those people housing out there if they want to get out there and pay for it.

Mr. SPRINGER. We do have such a law, and I think it is true that there is an antidiscrimination law in the county of Montgomery. But may I say as a practical matter it is difficult for these people to get housing in that immediate area. I happen to live in Montgomery County, not near Rockville, but I do know that black people would probably have quite a bit of difficulty getting housing.

There is one thing further. This might not change the gentleman's mind, but it might affect it somewhat. HEW have certain qualified people in that field, and they feel sure that those people will try to shift to other agencies which are down here in this area where they live.

This is why we had the 2-year period in there. We felt perhaps HEW could work this problem out within the 2-year period for those people who wanted to make the change, and that they could make a gradual shift. What they did not went was to have a sudden shift of several hundred of these people who are skilled, if they went to some other agency, if possible, and I think it is possible. I think the gentleman is cognizant of the fact there are various moves between agencies.

Mr. HAYS. I would be willing to give the gentleman odds that HEW could get along without anybody who wants to quit. I thought there was a policy in effect right now that vacancies in the Government are not supposed to be filled, so that would make it more difficult to shift.

I do not care what the ethnic derivation or the color is, I would give the gentleman odds that everybody who works there has an automobile, and the freeway runs both ways. There is a great deal less traffic going to Rockville in the morning than coming this way, and there is a great deal less traffic coming from Rockville in the evening than going out, because I have been on the freeway both times coming from Ohio, and there is no reason why they cannot drive out there, the way tens of thousands of other employees of all ethnic derivations or shades and colors do right now.

I am just saying to the gentleman the people I represent would resent it if they knew that we were using their tax dollars to subsidize somebody who drives to work. I think it is ridiculous.

Mr. SPRINGER. The gentleman says everybody has an automobile. I think our evidence before indicated there were many of these people who did not have that kind of transportation, but they would ride the buses.

Mr. HAYS. Does the gentleman mean to tell me there is anybody who is working for HEW who cannot afford an automobile?

Mr. SPRINGER. I did not say that. I said they all do not necessarily have an automobile.

Mr. HAYS. There is only one color that an automobile salesman has in his lexicon, and that is green. If one has enough green, the salesman will sell one a car. If these people think enough of their jobs, if they think the jobs are good enough that they want to buy a car to get to them, fine. But I will not reach into my taxpayers' pockets to pay for these people to go to work.

Mr. JARMAN. Mr. Chairman, out of 5,000 people involved in this relocation move, the testimony to the committee was that 500 to 600 would be particularly affected by the hardship of the move, and they would be the justification for the use of charter buses during this maximum 2-year period of time.

Mr. Chairman, in addition to that, we had also testimony in the hearings and in looking to the precedents of the past we thought there was a financial or fiscal aspect to the passage of this bill.

Let me read two or three sentences of the testimony from HEW as they thought it affected the Department in terms of trying to keep trained employees and trying not to lose them. They said in their testimony:

> The agencies would benefit by retaining skilled and valuable employees who might otherwise leave. The individuals would benefit by receiving assistance provided by the subsidy, thus enabling them to remain with the agencies.
>
> Over the past months we have endeavored to assist our employees in making this move. We have had face-to-face discussions with several thousand of the employees involved in the move. A matter of deep concern expressed repeatedly has centered upon the problem of transportation, both as to time and cost.

It has been estimated that as long as 3 to 4 hours could be involved under present transportation for some employees, that it would take that long to get out to Rockville and back to their homes.

> Many employees are now engaged in determining whether they will remain with the agencies involved. Many who wish to remain will find it extremely difficult because of the factors cited. We believe the availability of the subsidy will be a major factor in their decision.

Let me also add, Mr. Chairman, I take it that it has not been sufficiently emphasized in the debate so far that it is planned each employee riding the subsidized bus would pay approximately $1. The additional amount of money, or an estimated total of $150,000 over the 2-year period, would be the cost to the U.S. Government

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am happy to yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for his comments. He has well pointed out that it is not so easy for some of these employees to find housing as we believe sitting here, and it is not so easy for some of these employees to find transportation to and from their work.

I thank the gentleman for his comments.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am happy to yield to the gentleman from Maryland.

Mr. HOGAN. I want to concur in the comments of my colleague from Maryland (Mr. GUDE), with whom I am a cosponsor of an identical bill to achieve this objective.

Would the gentleman agree that most of these employees—the 500 to 600 employees who would be affected by this, who are dependent upon public transportation—in effect are primarily at the lowest rung of the ladder?

Mr. JARMAN. Yes. I would certainly agree with the gentleman on that. That is the testimony.

Mr. HOGAN. So it might not be as easy for them to have access to the "long green" the gentleman from Ohio referred to in order to be able to buy an automobile for transportation.

Mr. Chairman, will the gentleman yield further?

Mr. JARMAN. I am happy to yield further.

Mr. HOGAN. I want to emphasize, as the gentleman said, that most of the cost of this transportation will be paid for by the employees themselves, and that it is only a temporary expedient to enable them to bridge a difficult change which this move has imposed upon them. There is ample precedent with other similar moves by Federal agencies to grant this kind of relief.

I thank the gentleman for yielding.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am happy to yield to the gentleman from Indiana.

Mr. JACOBS. Could the gentleman inform the committee as to precisely why the agency was moved in the first place?

Mr. JARMAN. The decision was made in the last administration to try to consolidate many of the activities of the Public Health Service and the health services and mental health administration. As has been indicated in the debate so far, employees are being drawn from 18 different locations in the metropolitan area into this one building where relocation is being made.

Mr. JACOBS. Would it not be logical to assume that, rather than moving the mountain to some of the Mohammedans, we might be in a better economic condition and they might be better able to afford their own transportation if the mountain should be left where it is so that the Mohammedans who cannot afford the transportation would not need to travel so far, and we would save a lot of money as a result?

Mr. JARMAN. I would say to the gentleman, the move has already been made. The Department testified to its own decision based on efficiency of operation and the need for consolidation.

Mr. JACOBS. I only asked the question for the record, so that the committee perhaps might learn from this experience more wisdom as to making a decision when there is a request to spend vast sums to move Government facilities which are already perfectly serviceable where they are.

Mr. JARMAN. I would say to the gentleman, in the questioning during the committee hearings a very definite effort was made by several committee members to bring out the plans of the Department and to make certain that the Department was not planning this as any short-term move and that the consolidation would be a lasting plan.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am happy to yield to the gentleman from Ohio.

Mr. VANIK. I did not hear the earlier part of the colloquy. Am I correct in understanding that the consolidation of HEW offices in this new facility was established without any effort being made by the General Services Administration to determine whether or not mass transportation facilities would be adequate at the new location? It is incredible that they should be permitted to make such a mistake. I do not believe we ought to bail them out for their mistake. If they have created a difficult problem, the General Services Administration should be answerable for it.

In their studies on this facility, did the General Services Administration determine the availability of mass transportation to the location? Is that not one of the factors with which they should have reckoned?

Mr. JARMAN. I would say in response to the gentleman, it is my understanding a very careful survey was made. I believe the evidence is borne out, when one considers that, with 5,000 employees involved in the move and the consolidation, it is only 500 to 600 of the employees who are in particular straits because of the transportation problem. Specifically those 500 or 600 that this bill is trying to reach.

Mr. VANIK. Am I correct in understanding there is no mass transit facility that can handle the movement of these people?

Mr. JARMAN. I say again to the gen-

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tleman that there certainly is mass transit transportation that would help many of them, but there are some in certain localities who are employees of the Department who are adversely affected. As I mentioned a moment ago, these employees, many of them, would require 3 or 4 hours on present transportation facilities to make the run out to Rockville and back to their homes.

Mr. VANIK. I might say to the gentleman, if we are relocating Federal agencies in the future, my community has a first-rate mass transit system. We would be very happy to invite the attention of the authorities to locating Government facilities on an established system that is already in operation, substantially paid for by the people of the community. We do not ask for a subsidy of this type to move people around from industry to industry. It seems to me that this is the kind of an adjustment that should be made by those responsible for relocating the facility.

Mr. JARMAN. I will say to the gentleman that the precedent has been set a number of times before. As mentioned a moment ago, the Veterans' Administration has a continuing authorization to do exactly what we are doing in this one-shot instance.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman.

Mr. SPRINGER. I think the distinguished gentleman from Ohio ought to have some idea of what this involves. There was not any haphazard thinking involved in this at all. For instance, we will say that this person lives in northeast Washington and comes down to the triangle and catches the bus to Chevy Chase Circle and there catches another bus which takes him to Rockville or another stop where he changes and goes to Rockville. By either count, there are two or three changes that he must make from his home to his place of work. And then he comes back via the same route.

I know something about the distinguished gentleman's situation in Cleveland. They have an excellent situation there, but might I say also, because I was present when the distinguished mayor of Cleveland testified before our transportation subcommittee some 10 years ago, since then the Federal Government has given the city of Cleveland a very handsome subsidy in order to put that excellent, fine system that Cleveland has into operation. It is one of the best in the country, I would say, but you do not have that kind of a situation in Washington. Here you have three separate transit systems, which makes the difficulty that the gentleman from Oklahoma has been pointing out. I am not finding fault with the gentleman from Ohio. I am saying that he has a wonderful system. However, I say that he should give some thought to the facts in the matter.

Mr. JARMAN. I simply respond by saying that the testimony to the subcommittee was that exactly this kind of investigation and survey has been made. The 4,500 of the 5,000 employees are being cared for in taking care of this problem in this manner. There is a problem as to the 500 or 600 and therefore we have this bill.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I am a little disturbed at the colloquy that has taken place on the floor. I understand one of the reasons given by the committee in its report is that we have to keep these skilled personnel.

Mr. VANIK. I would say to the gentleman that I support subsidy for mass transit, but it is something entirely separate and apart from providing subsidies to individual workmen to get to and from their place of employment. It seems to me one of the considerations that the General Services Administration should take up in locating a facility such as this is determining how many people who work there can acquire housing near it. There is no better approach to this problem than making an effort to determine whether the people who work in the facility can acquire accommodations reasonably near their place of employment. This ought to be one of the factors involved in relocating the agency. The General Services Administration has made a tremendous mistake, I believe, in locating the facility in Rockville without making certain that some effort is made to provide housing for the great number of people who will be using and working in the Rockville facility.

Now, we hear some of our colleagues from Maryland say that they are on the lower rung, they are so far down on the rung that they cannot buy an automobile. If they are that unskilled and are that far down on the rung, I do not think we need to transport them.

Very frankly, if that is all they are, you can get those kind of people out in Rockville and if you cannot get them there, come out to my district. We have lots of them out there who are unemployed, and we do not ask you to subsidize them at all. We will be glad for the Government to come out there and put in an installation and not ask you to pay for the transportation of any people to their place of work.

As has been pointed out by the gentleman from Ohio (Mr. HAYS), when one of our plants shuts down, our people go where they can find employment, pay their own transportation. They do not ask anyone to pay for it.

The people we are considering in this bill are skilled personnel. They are skilled, and they are not so poor that they cannot buy an automobile somewhere along the line, or join in a carpool and get to work at their new job location in Rockville.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. Yes, I yield to the gentleman from Maryland.

Mr. HOGAN. I would like to point out to the gentleman from Pennsylvania that whether an individual is skilled or not has no relationship to how much money he is getting. An individual may be a GS-2 or GS-3 and be highly skilled in his job. The point is that the HEW will have to go to a lot of trouble to train new people for those jobs.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Maryland.

Mr. GUDE. I would like to point out again, I think it is very easy for someone to go to work at a job in a car. However, it is not easy for someone who does not have a car to find transportation, and even when he can he has to transfer two or three times on a dusty bus. This in my opinion makes a great deal of difference.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from New York.

Mr. CAREY. Mr. Chairman, I would like to ask the Representatives from Montgomery County, Md., where these individuals are to be employed, if we are entirely clear on the additional rights and responsibilities that Montgomery County contemplates with reference to these 500 or 600 lower-income people who will be employed at this Federal facility in Rockville. Am I correct that now as the law reads with respect to using those people in terms of impacted school aid, regarding those who work on Federal property in Montgomery County, which qualifies as an area for impacted school aid, whether these people could be used and counted as being employed in Montgomery County at a Federal facility, as a result would this increase the population eligible for impacted aid for that county?

Mr. GUDE. Mr. Chairman, if the gentleman from Oklahoma will yield further, that is not the case. The impacted aid would go to the District of Columbia in this case.

Mr. CAREY. Mr. Chairman, if the gentleman from Oklahoma will yield further, under present law is it not true that the school superintendent can count them either way. He can count them as being employed at the installation or count them as a part of the school census. Under the present law he can exercise that option and do it either way. It is entirely possible that that could happen. And by the way, I am pleased to see someone here from the State of Maryland speaking in favor of busing. It is entirely possible that these individuals will be subsidized for transportation to the facility, but the county will pick them up in terms of countability insofar as impacted aid is concerned. If that turns out to be the case it would amount to about $500 per student. That is a lot of money to pay for a bus trip.

Mr. GUDE. Mr. Chairman, if the gentleman from Oklahoma will yield further, I think it is up to the Department of Health, Education, and Welfare. There is a provision in the law that prevents Montgomery County from doing that. However, I think that is beside the point.

Mr. CAREY. The gentleman is stating that at this new facility the 5,000-odd people employed there will not be added to the rolls of Montgomery County making them eligible for impacted school aid assistance; is that correct?

Mr. GUDE. I do not believe I can speak for the superintendent of schools

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of our county as to how these people would be counted. Many of these people already live in Montgomery County. We are not talking about 5,000 new residents. We are only talking about 500 people who need assistance for transportation.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Michigan.

Mr. O'HARA. I thank the gentleman for yielding.

I would like to inquire of the Representatives from suburban Maryland if their respective counties have advised private and public employers that locating in their counties imposes a distinct and definite hardship upon their employees?

Is that found in the literature that the county industrial development group distributes?

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SPRINGER. Mr. Chairman, in order to answer the question, I will yield 1 additional minute to the distinguished Chairman.

Mr. GUDE. Mr. Chairman, if the gentleman will yield further, let me say to the gentleman that if he would care to come out with me to Montgomery County along Interstate Route 70S, I could take the gentleman to a number of institutions, both public and private, which have a great deal of trouble getting people who are in the lower economic levels to their place of business in order to work. This is a chronic problem in this area. This is not a new problem.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I appreciate the gentleman yielding.

I wonder if the gentleman can tell me whether or not the 2-year period as carried in this bill—incidentally, why did you select a 2-year period?

Mr. SPRINGER. Mr. Chairman, in response to the inquiry of the gentleman from Massachusetts, it was my understanding in the hearings, and I was not a member of the subcommittee, but I did hear it in the full committee, that they felt they could solve the problem within a 2-year period. I think the committee committed themselves, and I will stand to be corrected by the subcommittee chairman, or the chairman of the full committee, as to whether or not I am right, but I believe that we committed ourselves unequivocally to 2 years, and we assured HEW that we were not going to go beyond 2 years. That ought to be sufficient time to solve the problem.

Mr. BOLAND. It would seem to me that perhaps a 1-year period of time would be sufficient to solve the problem. I favor the bill, but it seems to me that 2 years is too long.

Mr. JARMAN. Mr. Chairman, if the gentleman will yield, 2 years was the period of time that the AEC needed to handle a similar problem. There was some precedent for a 2-year period, and that is the period of time that is in the bill.

Mr. BOLAND. That was the question I was going to ask next. I appreciate the gentleman's answer.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 14385. My support is most reluctant, but not because I have no sympathy for the employees of the Public Health Service and other HEW components being transferred to Rockville. They have my deepest sympathy, as I know they will suffer irreparably from this move and I have joined many of them in an unsuccessful effort to prevent it.

No amount of legislation we enact here will compensate these dedicated employees for the loss of as much as 4 hours from every working day, hours they could spend for well-deserved rest and recreation, all because of an arbitrary decision reached a few years ago to "decentralize" our Government by moving employees almost anywhere in the United States except the Nation's Capital. Within a few years we have seen thousands of Federal employees and their families uprooted from their homes here and moved to such diverse locations as Fort Huachuca, Ariz.; St. Louis, Mo.; and Austin, Tex., at a cost to the Federal Government which has been astronomical.

Many of our colleagues may remember the time back in 1967 that the Army Strategic Communications Command decided to move to Fort Huachuca. They said it would cost $800,000 to make the move of some 650 employees, but the last tabulation I received, and it was far from complete, was a total cost of more than $2 million. Stratcom like HEW, wanted to consolidate "under one roof." So they moved across the Nation to do it, despite protests from their employees and the loss of many skilled technicians who refused to move with the agency. Did they consolidate? The answer is "no." Any layman would know that a vital communications link between the Joint Chiefs in the Pentagon and one of the military services throughout the world must be Washington-based. So we now have Stratcom facilities at Fort Huachuca and Stratcom facilities in Washington, and we are $2 million poorer.

Mr. Chairman, I am confident that the HEW move will cost at least $1 million by the time we have paid moving expenses for those who move, moving expenses for the agency itself, and other miscellaneous costs like the subsidized tranportation we are voting here. HEW still will not be consolidated "under one roof" and will merely move from rented facilities to rented facilities.

Mr. Chairman, I say it is high time we stopped this nonsense. There is plenty of property in the District of Columbia and its close-in suburbs to house all the Federal employees we have here. There are large ghetto areas of this city crying for the renovation that would follow the building of a Federal facility in the immediate neighborhood. There are useable buildings being abandoned and blighted buildings which should be replaced.

There is no question, Mr. Chairman, about our need to provide better facilities for those of our employees who are still working in such buildings as Main Navy, T-7, and other temporaries. But what we need to do is put them in better facilities here, not out in the boondocks. If we continue this policy the Federal Government will be the biggest contributor to the frightening deterioration of this Nation's Capital. This city's only industry is Government. Let us not cut its last line to survival.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 14385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of facilitating retention of Public Health Service employees affected by the move of certain offices to Rockville, Maryland, and otherwise helping to ensure an adequate work force, the Secretary of Health, Education, and Welfare may provide or arrange for transportation for such employees who commute to the site of the new offices. Such transportation may be provided or arranged for only for a period of up to two years following the official date of such move of offices and only to the extent that the Secretary determines that the purpose of this Act cannot reasonably be achieved by available transportation, and shall be provided or arranged at such charge to the user as will not unreasonably interfere with achieving this purpose.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments:

On page 1, line 4, strike out "employees" and insert the following: "and other employees of the Department of Health, Education, and Welfare".

On page 1, line 5, strike out "to" and insert in lieu thereof "of".

On page 1, line 9, insert "such" immediately after "for".

The committee amendments were agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am intrigued by the financing provisions of this bill. The money apparently comes from current appropriations, funds already made available. Is this what I read in the bill?

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. JARMAN. Yes, the testimony would be that the Department did not request additional funds to implement the bill, but the costs will be funded within existing appropriated funds.

Mr. GROSS. This means, then, that the Department of Health, Education, and Welfare has a minimum of $150,000, and that is an estimate, that it can spend for any and every purpose; is that correct?

I wonder how much more money HEW has available for spending for purposes not authorized by law.

Mr. JARMAN. This is over a 2-year period, and in the overall expenditures of a department of this size it is the kind of funds that the Department would have to anticipate, I would think.

Mr. GROSS. It is the kind of expenditure that the Department would have to anticipate, did the gentleman say?

Mr. JARMAN. I had in mind, if the

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gentleman will yield further, that the Department would have to anticipate that there would be expenditures over a 2-year period of time, that might not be completely identified, at the beginning of the funding period. $150,000 over a 2-year period of time for a Department of this size, on employee relations, I think is reasonable.

Mr. GROSS. I think this is the worst kind of a transportation precedent Congress could possibly set. This is not a remote site. This is within or near the metropolitan area of the Nation's Capital, of the city of Washington. If this were a remote site out in the middle of a desert somewhere, it might be different.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman.

Mr. JARMAN. Of course, 18 miles or 20 miles each way involves 36 miles round trip. In a city the size of Washington, in the metropolitan area, and out beyond the area, that constitutes a real traffic problem to many people.

Mr. GROSS. Will the Government next go to Crystal City and set up some kind of a subsidized transportation deal for those who are being moved there by another agency of Government, perhaps for employees who live in Maryland and will work in Crystal City? How far does this thing go? Do we go out to Dallas, Tex., Chicago, Boston, and Los Angeles under similar circumstances and pay for transportation?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HAYS. I see a headline here in the afternoon paper that says that a Charles County plant, that is in Maryland, is being moved to Korea. Are we going to subsidize those workers?

Mr. GROSS. It is hard to say. Under the terms of this bill and if the Government takes care of one group of workers it probably should take care of others.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. JARMAN. Let me simply add that this subcommittee and the full committee was very much concerned over the same thing that the gentleman speaks of. We made it very definite in the hearings that on the passage of the bill, it would only be for a 2-year period and that there would be no extension. We did, it also, if I may say to the gentleman, because there has been precedent in Government on similar moves by other departments.

Mr. GROSS. Yes, and I think it is a very bad precedent, whether for a week or 2 years. I would hope the committee would address itself to wiping out that precedent that benefits the agencies he has been talking about.

Mr. JARMAN. Mr. Chairman, will the gentleman yield for one further comment?

Mr. GROSS. I yield to the gentleman.

Mr. JARMAN. Again I think it can be pointed out that this request came from the administration, from its Department of Health, Education, and Welfare, and the precedent has been set in the past and the committee thought it was justified.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HAYS. I think this thing is ripe for one of the gentleman's favorite moves, a motion to strike the enacting clause—and I was just wondering if the gentleman was ready to make that motion?

Mr. GROSS. The gentleman from Ohio makes an excellent suggestion, and if I needed time, I would offer it. But debate is apparently concluded and we might as well meet it head on and vote it up or down, one way or the other. I hope with the gentleman that it is so overwhelmingly defeated that no other department or agency of the Government will again soon attempt this kind of a free ride for its employees.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Any charges collected pursuant to the first section of this Act shall be credited to the current appropriation available for carrying out this Act.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. GRAY, having assumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14385) to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md., pursuant to House Resolution 891, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 64, nays 273, not voting 93, as follows:

[Roll No. 93]

YEAS—64

Adams
Albert
Annunzio
Beall, Md.
Bingham
Boland
Broyhill, Va.
Burton, Calif.
Carter
Cohelan
Collier
Corman
Daddario
Edwards, Calif.
Eilberg
Fascell
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gibbons
Green, Pa.
Gude
Hathaway
Hicks
Hogan
Holifield
Howard
Jarman
Kastenmeier
Koch
Kyros
Macdonald, Mass.
Mailliard
Martin
Matsunaga
Meeds
Melcher
Mink
Morse
Mosher
Nix
O'Neill, Mass.
Pepper
Preyer, N.C.
Price, Ill.
Rees
Reid, N.Y.
Reuss
Rodino
Roe
Rogers, Colo.
Rosenthal
Ryan
St. Onge
Smith, N.Y.
Springer
Stafford
Staggers
Stratton
Udall
Van Deerlin
Waldie
Yates

NAYS—273

Abbitt
Abernethy
Adair
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Aspinall
Ayres
Belcher
Bennett
Berry
Betts
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Conable
Conte
Corbett
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frey
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Latta
Lloyd
Long, Md.
Lujan
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
McMillan
MacGregor
Madden
Mahon
Mann
Marsh
May
Mayne
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Olsen
Passman
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poff
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rarick
Reid, Ill.
Riegle
Rivers
Robison
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Sandman
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
Whitehurst
Whitten

Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NOT VOTING—93

Anderson, Calif.
Anderson, Ill.
Baring
Barrett
Bell, Calif.
Bevill
Bolling
Brademas
Brasco
Brock
Brooks
Brown, Calif.
Burke, Fla.
Burlison, Mo.
Bush
Cabell
Celler
Chisholm
Clay
Colmer
Conyers
Dawson
Diggs
Dingell
Dowdy
Eckhardt
Edmondson
Farbstein
Feighan
Fisher
Ford, William D.
Foreman
Fuqua
Gallagher
Giaimo
Gilbert
Goldwater
Halpern
Hanna
Hawkins
Hébert
Johnson, Calif.
Jonas
Jones, Tenn.
Kee
Kirwan
Landgrebe
Landrum
Langen
Leggett
Lennon
Long, La.
Lowenstein
Lukens
McCloskey
McEwen
Mathias
Mikva
Mollohan
Moorhead
Morton
Moss
Murphy, N.Y.
O'Konski
O'Neal, Ga.
Ottinger
Patman
Patten
Poage
Podell
Pollock
Powell
Purcell
Quillen
Reifel
Rhodes
Roberts
Rogers, Fla.
Roybal
St Germain
Satterfield
Schadeberg
Scheuer
Stokes
Stubblefield
Stuckey
Sullivan
Taft
Teague, Calif.
Thompson, N.J.
Tunney
White
Wilson, Charles H.

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.

Mr. O'Neal of Georgia with Mr. Anderson of California.

Mr. Lennon with Mr. McEwen.

Mr. Brasco with Mr. Bell of California.

Mr. Barrett with Mr. Pollock.

Mr. Cabell with Mr. Brock.

Mr. Mikva with Mr. Halpern.

Mr. Colmer with Mr. Quillen.

Mr. Edmondson with Mr. Morton.

Mr. Patman with Mr. Bush.

Mr. Farbstein with Mr. Taft.

Mr. Roberts with Mr. Foreman.

Mr. Patten with Mr. Burlison of Missouri.

Mr. Gilbert with Mr. Mathias.

Mr. Murphy of New York with Mr. Reifel.

Mr. Jones of Tennessee with Mr. Leggett.

Mr. Johnson of California with Mr. Teague of California.

Mr. Thompson of New Jersey with Mr. Mollohan.

Mrs. Sullivan with Mr. Schadeberg.

Mr. White with Mr. Langen.

Mr. Brooks with Mr. Kirwan.

Mr. Bevill with Mr. Lukens.

Mr. Long of Louisiana with Mr. O'Konski.

Mr. Charles H. Wilson with Mr. Kee.

Mr. Moorhead with Mr. Dowdy.

Mr. Ottinger with Mr. McCloskey.

Mr. Feighan with Mr. Fisher.

Mr. Podell with Mr. Diggs.

Mr. Gallagher with Mr. Fuqua.

Mr. Giaimo with Mr. Hawkins.

Mr. St Germain with Mr. Stokes.

Mr. Satterfield with Mr. Hanna.

Mr. Moss with Mr. Goldwater.

Mr. Baring with Mr. Burke of Florida.

Mr. Brademas with Mr. Tunney.

Mr. Celler with Mr. Rhodes.

Mr. Stuckey with Mr. Purcell.

Mr. Powell with Mr. William D. Ford.

Mr. Rogers of Florida with Mr. Stubblefield

Mr. Roybal with Mr. Conyers.

Mr. Lowenstein with Mrs. Chisholm.

Mr. Brown of California with Mr. Clay.

Mr. Dingell with Mr. Dawson.

Mr. Eckhardt with Mr. Satterfield.

Mr. HARVEY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PAYMENTS IN LIEU OF TAXES FOR FORMER RECONSTRUCTION FINANCE CORPORATION PROPERTIES

Mr. MACDONALD of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4599) to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4599, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Minnesota (Mr. BLATNIK) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, H.R. 4599 will extend for 2 years the period in which payments in lieu of taxes may be made on former Reconstruction Finance Corporation properties and contains a committee amendment that will repeal the basic legislation on January 1, 1971. The action of the Committee on Government Operations on both the extension and the repealing amendment was unanimous.

WHAT THE LAW DOES

The law provides that where real property was transferred on or after 1946 from the Reconstruction Finance Corporation to any Government department, and title thereto has been held continuously since such transfer, the Government department having custody and control of the property shall pay to the appropriate State and local taxing authorities an amount equal to the real property tax which would be payable if the property were in the hands of a private citizen.

The authorizing legislation was enacted in 1955 and has been regularly extended at 2-year intervals since then. It provides relief to local communities in which are located properties at one time on the tax rolls when owned or controlled by the RFC, but which were later transferred to Federal agencies and became ineligible for the levying of taxes. The doctrine of sovereign immunity, as all of you distinguished Members know, prohibits State or local taxation of Federal properties.

HARDSHIP ON LOCAL COMMUNITIES

At the time the original legislation was under consideration it was shown that a hardship resulted to local communities from a loss of revenue which they believed they had a right to expect would continue. Also, the Federal properties, mostly manufacturing plants, required the services and protection provided by the governmental bodies where situated which often imposed a substantial expense on the resident taxpayers far greater than the direct or indirect benefits the existence of these plants produced. It has also been indicated that in some instances the properties, were they not federally owned, might be put to other economic uses which would result in larger tax revenues for the locales.

LEGISLATION ONLY TEMPORARY

It was not intended that this assistance be permanent and both the Bureau of the Budget and our committee have reviewed the situation at each extension to see if it would be appropriate to cancel it out. The Bureau believes no further extension should be granted, but the testimony presented to us during the hearings by the Subcommittee on Executive and Legislative Reorganization showed clearly what a difficult situation many of these towns and cities do face. Note list of witnesses, if desirable.

TRANSFER PTOPERTIES TO PRIVATE OWNERSHIP

Mr. Chairman, we recognize that a lot has happened in the 15 years since these payments began. The Defense Department and the GSA have disposed of the greater number of the original 78 properties and only 26 are still held—two of which are in process of disposal. A greater effort should be made to dispose of others that may not absolutely be needed for defense purposes. If the ownership of these properties could be put in the hands of private concerns they could be returned to the tax rolls and our moral responsibility would no longer exist. In our report, we recommend that the agencies speed up the disposal process.

OTHER FEDERAL AIDS MAY BE USED

Also, the Federal Government, thanks to the wisdom of Congress, has greatly increased the number and amount of Federal aids to local communities which may be drawn upon to ease the burden caused by the repeal of this legislation. But they do need time to make the necessary transition. We think a 2-year extension is sufficient as well as fair.

NEED FOR CONSISTENCY IN PAYMENTS IN LIEU OF TAXES

The payments provided by this bill, though vitally important to the affected communities, are but a small part of the overall problem of payments in lieu of taxes that the Government is involved in. It was reported to us that payments to State and local governments for reasons associated primarily with the Federal ownership of properties runs into the hundreds of millions of dollars.

There appears to be no consistent policy with regard to these payments and little effort has been made over the years to develop one. In our report, we urge that a study be undertaken by the administration and the appropriate congressional committees that would lead to a Government-wide policy that would be reasonably inclusive and would be fair and equitable in all situations. We have been told it is possible that the Public Land Law Review Commission, headed by our colleague from Colorado (Mr. ASPINALL), may also have something to say on this subject when it issues its report in June.

CONCLUSION

Meanwhile, we consider this legislation to be imperative. It is bipartisan and represents the finest possible cooperation between both sides of the aisle in dealing with a most difficult problem. I want to personally commend the gentleman from Illinois (Mr. ERLENBORN), the gentleman from Ohio (Mr. BROWN), and the gentleman from Illinois (Mr. FINDLEY) for their help. These plants are spread around the country in many districts represented by members of both parties.

We spent many hours with representatives of Defense, Budget, General Services, and the General Accounting Office. This is the most practical solution we could reach.

I hope the bill will be passed overwhelmingly.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4599, to provide for payments in lieu of taxes on some former Reconstruction Finance Corporation properties.

This bill is a biennial effort of the House, I guess you might say. Just about every 2 years we have another bill to extend this authority for the payment of taxes on these properties. Originally, some 15 or 20 years ago, there were in excess of 80 properties. We are now down to 24 or 25. I believe every time the bill comes before our committee we feel that the properties ought to be disposed of. But the few remaining properties, I suppose, are the most difficult to resolve in this fashion. Notwithstanding this, our subcommittee, in the bill this year, felt that to do equity to the taxing bodies involved, we should authorize payments in lieu of taxes to be made for last year and this year and then put these taxing bodies on clear notice that Congress has no intention to extend this authority again.

You will find in the bill as reported a provision that the entire authority shall expire January 1, 1971. So that these taxing bodies will have no excuse to say next year that they did not anticipate the budgetary impact that would come with the ending of these payments, they are now being put on clear notice.

There is some equity to authorizing the payment in lieu of taxes on most of these properties. Quite a few of these are utilized for private purposes. The Federal Government owns these properties, either the Air Force, the Army, the Navy, or the GSA. Some are then leased by the Government and payment is collected.

When the Government is making a profit from these properties, I do not think in equity we should then refuse to make a payment in lieu of taxes. Services are being furnished by the local taxing bodies, such as fire protection, police protection, and other municipal services. So I felt in those cases where the Government has leased the properties and has gained income, at least to the extent of that income we should make some payment in lieu of taxes.

In regard to the very few properties remaining some are being used and some not at all. Some GSA properties are being used purely for governmental purposes, such as offices, just as any other office building, and just by the chance, because these were acquired by RFC, we are making payments in lieu of taxes. If they had been purchased directly as a Government office building, no taxes would be paid. So with varying equities among the several properties left, we felt this one last extension would do equity to the taxing bodies involved, and by clearly stating in the bill that this authority would expire, we would put these taxing bodies on notice that no additional extension could be expected.

For this reason, I hope we make a clear legislative history on the floor today. I know some other members want to engage in a colloquy to make legislative history. Our committee, as we state in our report, expects the Bureau of the Budget to make a study to see that these properties, to the extent they can be disposed of, will be disposed of as rapidly as possible, so that a private owner utilizing the property will be making normal tax payments. Those properties that must be kept for defense purposes or are being utilized for Federal office properties will then be off the tax rolls as they logically should.

I do support the bill with this understanding, and I think other members of our committee have the same understanding, that no further extension will be made, and those properties that can be disposed of will be as rapidly as possible.

Mr. BLATNIK. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman from Minnesota for yielding. I congratulate the subcommittee for the diligent and fine job they did.

Mr. Chairman, I am privileged to be one of the cosponsors of the bill now under consideration, H.R. 4599. Let me make it clear from the outset that I feel it is imperative for this body to approve the extension of Public Law 84–388 which is contained in this legislation.

Many of those Members here today were also present in 1955 when the Congress approved legislation which I had sponsored to provide relief to local communities in which were located former Reconstruction Finance Corporation properties which had since been transferred to various departments of the Federal Government. Under the Constitution, property owned by a Federal department or agency cannot be taxed by the States; however, the properties affected by the legislation in question were all, at one time, under RFC control and therefore on the tax rolls of the communities in which they were located. The transfer from the RFC to a Federal department did not change the continuing responsibilities of the local communities to provide various services for these properties but did exempt the properties from the taxes which they had been paying to the communities to help defray the costs of these services. Thus, we of the 84th Congress acted to remedy an obvious inequity by providing for payments in lieu of taxes.

Since the enactment of this original legislation, Congress has seen fit to extend this law for a series of 2-year intervals. The last extension expired on December 31, 1968. Consequently, in January of last year, 15 Congressmen from 10 States joined in sponsoring the bill which is before us today and which would extend Public Law 84–388 through 1970.

In the first session of this Congress and again earlier this year, hearings on this bill were held before the Subcommittee on Executive and Legislative Reorganization which is chaired by my good friend, the very able Representative from Minnesota, JOHN BLATNIK. In the course of those hearings, opposition was heard from the Bureau of the Budget, the General Services Administration, and the Treasury Department. This opposition appeared to be founded in one main argument, an argument which GSA stated as follows in a letter to the subcommittee, and I quote:

> The legislative history of the Act clearly indicated that it was enacted as a temporary measure . . . (and) we believe that this period (14 years since the enactment in 1955) has been more than adequate in duration to permit the local taxing authorities concerned to rearrange their tax bases to accommodate the loss of revenue.

The simplest fact of the matter is that, if this law is permitted to lapse, the communities will still have to provide service to the installations involved in terms of police protection, sewage disposal, street maintenance, and the like. These installations are for the most part manufacturing and commercial properties for which these services are indispensable. I feel that we cannot, in good conscience, allow the Federal Government's responsibility for paying its fair share to expire.

Those who oppose another extension of this law argue that local authorities have been served proper and adequate notice that these payments were temporary and would cease as of December 31, 1968. Quite to the contrary, I would suggest that the local authorities have every reason to believe that the payments would continue until such time as the properties in question are returned to private ownership. The Government has had more than enough time to devise a procedure for the sale of these properties, thereby returning them to the local tax rolls. Yet, 15 years after Congress enacted Public Law 84–388, 26 of these installations are still held by the Federal Government.

One of these is Air Force Plant No. 28 which is located within my congressional district in the city of Everett, Mass. The plant is operated by General Electric on behalf of the Air Force. In fiscal 1969, the payments in lieu of taxes to Everett amounted to just over $162,000. For a city with a total population of 43,000, I am certain that you can estimate the importance of these payments and the impact of their elimination on the local

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property tax rates. I know how much the city of Everett depends on these funds, and I can assure you that this dependence has increased rather than diminished over the past decade and a half.

We are all aware of the myriad of problems confronting our local communities as a result of the steadily shrinking tax base, yet opponents of the bill seem to say that, as if by magic, these same communities surely must have been able to compensate for the loss of revenue. I believe that the burden of responsibility lies with the Federal Government. The extension which is provided by H.R. 4599 would be, as my colleagues will note, a final one. As things now stand, I am not completely reconciled to this portion of the bill. I agree that it is wise for Congress to serve notice that these payments in lieu of taxes will no longer be provided as of January 1, 1971. However, I feel that Congress must also serve notice to the departments and agencies involved to make every effort to dispose of these installations by this same date or as soon thereafter as possible.

The Government Operations Committee, on which I am privileged to serve, stated the matter very clearly in the report which accompanied H.R. 4599. The report reads:

> This committee has not been satisfied that the properties still in the hands of the controlling Federal agencies need to be retained. Unless there is some concrete and overriding national interest to be served, these properties should be sold or otherwise disposed of so they can be returned to the local tax rolls. The agencies should make a special inventory review to speed up the process.

I hope that we can make the record clear in this respect. The worst thing we could do would be to discontinue these payments in lieu of taxes and leave the local communities with no recourse to regain this badly needed revenue. I commend H.R. 4599 for your approval.

However, there was a point raised—and I would like to ask the gentleman from Illinois his position about this—in which the legislation before us today indicates that this will be an extension for only another 2 years. I understand that is the case, but I will ask the gentleman from Illinois, does he not think it would be only fair to have the bill extended until such time as GSA got about its business and disposed of this very valuable commercial property?

Mr. ERLENBORN. Mr. Chairman, if the gentleman will yield, there are varying equities among the several properties. Some I am afraid would never be resolved that way. I think GSA itself controls three properties. Two are utilized as Federal office buildings. I see no reason why these two Federal office buildings should be making payments in lieu of taxes when hundreds of post offices and Federal office buildings around the country in other locations make no such payments. So the equities there are against continuing payments.

In those cases where the property is used by private industry and leased by the Air Force and Army, I think the property should be disposed of. In the meantime, payment in lieu of taxes, in equity, should be made.

The difficulty we have is that we have been unable to separate the several different classes of properties and we have been making payments on all of them. In our efforts in the committee we were unable to unscramble the eggs that have been mixed together in this omelet.

Mr. MACDONALD of Massachusetts. For a concrete example, I point out the plant in my district, which is No. 6 in the report, is located in Everett, Mass.

It was under contract through the Reconstruction Finance Corporation to the Air Force, which turned over the running of the plant to General Electric. In the city in which it is located there is only a total population of some 43,000 people. This is a very choice piece of property in that half industrial city. Last year the payments in lieu of taxes amounted to just over $162,000.

I should like to have the gentleman's comments on this. Does it not seem fair, so long as the Government is utilizing that property, not to constrict this bill to 2 more years, but to extend it until such time—as I am sure the city of Everett, Mass., would welcome—that the Government disposes of this, I repeat, choice property and puts it back where it belongs, in private enterprise, and therefore lets the city of Everett recover its fair due in taxes?

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. MACDONALD of Massachusetts. I yield further.

Mr. ERLENBORN. I believe it is the clear intention of our committee, and I believe we made it quite clear to the Bureau of the Budget and the GSA when they were before our subcommittee, that those properties which do not have a Federal purpose to continue in Federal ownership should be disposed of as promptly as possible.

For some of these it just cannot be done. Let me give one example. That is the National Lead Co. railroad. This involves a right-of-way granted by the State of New York to the Federal Government for construction of a railroad during World War II. It goes through State forest property. It has only one use, and that is to provide ingress and egress to the National Lead Co. mine. It cannot be sold by the Federal Government to the National Lead Co. If it were turned back to the State, they do not have the right to grant a right-of-way, and it would shut off access to the mine. This one seems to be insoluble. I do not believe we will ever find the solution.

Mr. MACDONALD of Massachusetts. I quite agree with the diversity of the problems which arise in this area.

I have not been privy to the correspondence between the subcommittee and the various governmental agencies. I would like some assurance in this regard. Do the governmental agencies intend to try to dispose of these properties? If so, how have they so indicated?

Mr. ERLENBORN. If the gentleman will yield further, we were advised by the Bureau of the Budget and the GSA that they do intend to dispose of those properties they can. One of the problems is that some of the properties are quite large and only a portion are being utilized for any purpose—defense contracting or any other purpose—and they feel if they just put the property on the block for sale some may not be purchased, or if they are purchased they may be purchased for some reason not connected with the defense contracting. When they find there is a good defense reason to continue this defense contracting business, then they have felt they could not place the property for sale. It has become somewhat complicated.

Mr. MACDONALD of Massachusetts. I know it is a complicated problem. I understand the gentleman's feeling. His interest in this matter has been great, and he has been a constructive help.

In closing I should like to ask the gentleman this: Could the gentleman assure this Member and the other Members that this now 16-year-old program will take some concrete steps to wind itself up so that these properties and the taxes which come from them will go back to the communities in which they are located?

Mr. ERLENBORN. If the gentleman will yield further, I can assure the gentleman that it is the purpose of our subcommittee, and we made it clear to the Bureau of the Budget and the GSA, that we want them to dispose of these properties as quickly as possible.

I should like also to make it clear that our subcommittee is serving notice that, although we cannot bind future Congresses, we do not intend to extend this authority again past January 1, 1971.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

Mr. ERLENBORN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON. Mr. Chairman, as the principal sponsor of this legislation, I would first like to express my own appreciation, and that of the bill's cosponsors, to the committee for having reported this bill to us, and particularly to the gentleman from Minnesota (Mr. BLATNIK) and to the gentleman from Illinois (Mr. ERLENBORN) for their personal interest in the problems of us from the areas that have this unique type of Federal facility located therein.

Mr. Chairman, I think the background of the legislation is well stated in the report and well understood by those of us here who are interested in the problem. I will not address myself further to that background material at the moment.

But if I may say so, I share the same concern as has been expressed here earlier this afternoon by others and particularly just now by my friend from Massachusetts (Mr. MACDONALD). One of the reasons why we are concerned about this is that when this legislation was last extended for a 2-year period the committee was kind enough to tell those of us who were interested in the problem and the communities concerned about the problem that, possibly, this law might not again be extended. However, in the report on the last extension bill, 2 years or so ago, the committee stated that before reaching a final decision as to any future extensions it would "make a careful study of this matter."

In all kindness, Mr. Chairman, I do not think any of us can find that any such study was actually made, at least not in the depth to which we would have liked to see it made. I quite honestly thought earlier this afternoon, that it might be necessary for those of us who have sponsored this legislation to consider offering an amendment—and I have prepared such an amendment—which would direct the Director of the Bureau of the Budget to make a study with respect to whether or not there was any further concrete and overriding national interest to be served by retaining Federal ownership of these particular properties and to complete that study specifically within 180 days.

Let me ask the gentleman from Illinois, since the gentleman from Minnesota is not on the floor at the moment, to direct his attention, as I now do, to the paragraph on page 3 of the committee report, which says that this committee has not been satisfied that the properties still in the hands of the Federal controlling agencies need to be retained.

That is the feeling of the committee, is it not? I yield to the gentleman for the purpose of responding.

Mr. ERLENBORN. I thank the gentleman for yielding to me.

It is the feeling of the committee that some and perhaps most of these properties can be disposed of. As I mentioned before, that is not the case in some instances, but most of them can be disposed of.

Mr. ROBISON. I appreciate the reason for some reservations on your part, because there are differences between the properties themselves, and I can understand why you cannot be specific along these lines with respect to all of them.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Illinois.

Mr. GRAY. I want to thank the gentleman for yielding and assure him and my friend from Massachusetts (Mr. MACDONALD) that as chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works, we have had this matter up before our committee and have had the assurances of the General Services Administration that they would make a more diligent effort to dispose of the properties. At our next meeting I will bring this to the attention of the Administrator of GSA. I want to assure my friend from New York (Mr. ROBISON) and my friend from Massachusetts (Mr. MACDONALD), that we will insist the properties that are excess to the needs of the Government be disposed of.

Mr. ROBISON. I appreciate the additional comment of the gentleman from Illinois. It is very encouraging to hear what he has said.

Let me pursue this matter further with the gentleman from Illinois. In the next sentence it says:

> Unless there is some concrete and overriding national interest to be served, these properties should be sold or otherwise disposed of so they can be returned to the local tax rolls.

That is the firm opinion of the committee, is it not?

Mr. ERLENBORN. Mr. Chairman, if the gentleman will yield further, yes; that is the clear opinion of the members of our subcommittee and I think we have impressed it quite clearly upon the Bureau of the Budget and the GSA.

Mr. ROBISON. I appreciate the gentleman's answer. I am stressing these points because I note the fact that the committee has seen fit, in its wisdom, to add a repealer clause which gives us some question as to what the future of all this is going to be.

Finally, the last sentence in that paragraph of the report states:

> The agencies should make a special inventory review to speed up this process.

What I would like to ask the gentleman, in conclusion, is—insofar as he is concerned—does this mean that the committee will, this time, follow upon this question and, insofar as it can do so, bring about the disposal of these properties and their return to local tax rolls—those that should be so returned, at least?

Mr. ERLENBORN. If the gentleman will yield, I for one, will certainly urge the chairman of our full committee and the chairman of our subcommittee to hold hearings in a timely manner to find out what the Bureau of the Budget and GSA and the several services involved have done to accomplish what the subcommittee has clearly indicated we want them to do in disposing of these properties. I do not know when that will be, but I would hope sometime before the end of this legislative session.

Mr. ROBISON. I thank the gentleman very much.

Mr. Chairman, in light of these remarks and the general legislative history here developed, I can say for myself, while I have had some concern and some unhappiness about the repealer portion of this bill that, under these circumstances is in there—and I can understand why it is—we can still hope that the future will bring a final resolution of the problem along the lines we have been discussing.

Mr. Chairman, let me now add, more formally, that I rise in support of H.R. 4599, a bill to extend for 2 years the payments-in-lieu of taxes that are being made on certain properties at one time owned by the Reconstruction Finance Corp. In doing so, I would note that this brief extension in no way represents a final solution to the need which gave rise to the original legislation, but rather H.R. 4599 merely protects the local taxing authorities while Congress decides what a final equitable solution to this need is to be.

Although similar legislation has been before this body before, I feel that a moment should be spent outlining the circumstances which gave rise to "payments-in-lieu of taxes"—circumstances which, I would suggest, have not materially changed since Congress enacted the first piece of legislation in 1955. When the Reconstruction Finance Corp. was established, the enabling legislation specifically made the real property of the RFC and its subsidiaries subject to special assessments for local improvements and State local taxation to the same extent, according to its value, as other real property. Without going into the legislative history of the RFC, it seems safe to assume that the theory giving rise to such susceptibility to local taxation and assessment rested on the belief that the State and local governments should not be deprived of their tax base on properties to which they would continue to have to provide basic services. Subsequently, when these various properties were transferred to other Government agencies, tax payments were continued by the Department receiving those properties. These tax payments continued until 1952 when the Court of Claims in *Board of County Commissioners of Sedgewick County* v. *United States*, 123 C. Cls. 304, ruled that these properties were exempt from taxation once they were declared surplus and transferred from the RFC to another agency. The Comptroller General subsequently ruled that payments of taxes by a transferee agency is unauthorized. As we pointed out in the hearings before the subcommittee by the Assistant Director of the Bureau of the Budget, Mr. Dwight Ink:

> The theory underlying each of these decisions was that, unless the Government specifically consents to waive its tax immunity, its property cannot be taxed.

Hence, once these properties left the RFC, the legislation authorizing assessment and taxation became inoperative.

Thus, in 1955, the 84th Congress found itself faced with the situation that although these properties when originally acquired pursuant to the RFC legislation would have been subject to taxation, liability to taxation has ceased because they had subsequently been declared surplus and transferred to other agencies. With that backdrop in mind, Public Law 84-388 was enacted which required the Government agencies having custody of former RFC properties to make payments to the State and local authorities equal in amounts to the moneys that would have been due had these properties been subject to taxation. Thus the origin of payments in lieu of taxes. Since 1955 this legislation has been extended five times, and H.R. 4599 proposes a sixth such extension.

Having thus set the framework for this legislation, I feel that I should direct my remarks toward the position adopted by the administration with respect to payments in lieu of taxes. Basically the feeling is that the 1955 legislation—according to the clause labeled "Congressional Declaration of Policy" in that law—was to "furnish measures of relief." It is argued, and I believe justifiably, that the temporary nature of this legislation should have begun to expire after five extensions. I would note that this same argument has been made when prior extensions were enacted, and on those occasions, I too felt that the legislation ought to be put to rest. Nevertheless, to do away with the legislation—to repeal the act—does not solve the problem; it does not put these properties back on the local tax rolls. To repeal this act or to refuse to pass the extension does not provide a formula for the solution of the underlying problem—the relationship between State and local taxing authorities and federally owned properties of this special type. Rather, it is my view that a comprehensive approach is necessary—an approach that we have all tacitly felt necessary for a number of years, but which—due to other exigencies—has taken a back seat. We should not—we cannot—refuse to analyze this area of Federal-State-local relationships by merely declaring that the temporary purpose of the legislation has been served. To do so would be to leave State and local taxing authorities high and dry, requiring them to continue to provide these properties with services but without receiving any remuneration for those services. I would suggest that such an approach is patently unfair—unfair in our refusal to deal head-on with this question and unfair in requiring the localities to support these installations with free services.

For a moment, let me digress from my analysis of the theory behind these payments in lieu of taxes—or what that theory and our approach to it should be—and direct my remarks for a moment toward the size and scope of the problem. Currently, there are, as I understand it, some 27 properties which fall within the purview of this legislation. These properties are located in 16 States, and in 1969 $3.6 million in payments were made. This total is not a large amount of money when viewed in light of the spending patterns of many agencies of government; however, these payments are substantial in their impact on local communities. In my district, Air Force Plant No. 59 has contributed approximately $430,000 to the local tax coffers during the last 3 fiscal years. The resulting impact on the local school system, police department, and fire department is difficult to measure in precise terms, but there is no question but that it is substantial.

A word should be said about the type of properties on which these payments in lieu of taxes are being made. If the Air Force plant in Broome County, in my district, is at all representative, and I suspect that it is, one would not think it to be a Government property at all. There are no Air Force jets flying in, no continuous convoy of trucks motoring down the city streets, no complement of military personnel moving about in uniform; rather, unless you knew the background and history of the plant, you would never suspect that it was anything other than a normal General Electric manufacturing and engineering plant. But, in fact, General Electric is the tenant of the Air Force—which says it "required the continued use of this facility . . . (and) plans to retain it in an active status," whatever the phrase may mean.

But, the point is, that the plant requires local governmental services of one kind or another—fire and police protection, highway access and so forth, not to mention the fact that General Electric's employees' children attend the local schools—toward the cost of which, unless this law is extended, there is no direct contribution by virtue of the plant's existence.

Mr. Speaker, in the words of the subcommittee when last considering an extension, the members resolved that they "would make a careful study of this matter." And again this year, the subcommittee reported on pages 3 and 4; when addressing themselves to the entire area of payments in lieu of taxes that:

> It is our view, however, that (t)his subject merits a detailed and thoroughgoing analysis and every effort should be made to produce a Government-wide policy that would be reasonably inclusive and be fair and equitable in all situations. We urge that such a study be undertaken by the administration and the appropriate congressional committees of jurisdiction.

I would submit that such a study is necessary—such a study is 15 years overdue. Yet, merely because we have not undertaken that study should we decide that the temporary nature and purpose of the original legislation will be arbitrarily declared ended? Should we refuse these governmental units payment for the fire, police, school, sewage, and other services which they render for these properties daily?

Mr. Speaker, fairness and reason dictate the answer to these questions. When the Congress created the Reconstruction Finance Corp. it recognized the need for and the equity of the Federal Government paying its share of the State and local expenses of these properties. That philosophy is still with us; we need but a vehicle for its expression. That vehicle will have to be the product of study of the entire area of Federal-local revenues. But in the meantime, while this study is going on, I believe that we must continue to support the State and local taxing authorities with payments in lieu of taxes; and, therefore, I commend to this body H.R. 4599 and urge its passage.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, I rise in support of H.R. 4599 of which I am one of the cosponsors.

Mr. Chairman, I rise in favor of H.R. 4599, of which I am a sponsor, because I most earnestly believe that this measure merits the overwhelming support and approval of the House, and I most earnestly hope it will receive it.

As you know, Mr. Chairman, this measure proposes to extend, for a period of 2 years, from December 31, 1968, the time for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

I am sure that most Members are thoroughly familiar with the history and the merit of this legislative proposal.

You will recall that, back in 1955, the President's Commission on Intergovernmental Relations recommended that, among other categories of properties, and I quote:

> The Federal Government should make payments, in lieu of property taxes, on . . . properties used or held for activities which serve primarily national or broad regional interests, rather than those of the local public.

Because of this recommendation, and the conviction of the Congress that substantial hardships were being visited upon local communities throughout the country, that resulted from a loss of local taxes on Government-leased property which would otherwise be received if the property were in the hands of a private citizen or corporation, this legislation was originally approved and became law in 1955.

Most of these Federal properties involved are manufacturing plants, and they require all the usual services and protection of street and traffic lights, water, sewerage, and fire and police, provided by a local government, and these additional services are very often, such as in the case of Grafton, Mass., in my own congressional district, a tremendous and disheartening, and I think unjust, expense to the resident taxpayers.

For instance, Grafton town officials, where one of these facilities is located, testified at the hearing before the Government Operations Subcommittee, last October 29, that they have a population of only 11,000 people; that the payment, in lieu of taxes, they had been receiving is $90,000. It was pointed out that the withdrawal of the payment in lieu of taxes would cause an additional average assessment on the individual property owners. It was further emphasized that the particular Government-owned and leased plant in Grafton comprises 16 percent of the industrial land in the community, and the payment in lieu of taxes they had been receiving, based on the Air Force's appraised value of the plant at $11 million, is only 6.9 percent, whereas the average homeowners property is assessed at approximately 28 percent.

Mr. Chairman, through the years that the basic legislation has been in effect, it was felt and thought that the President might recommend, and the Congress enact, a more comprehensive system of payments in lieu of taxes, and thereby eliminate the necessity for this piecemeal approach to an equitable solution of the problem. It is currently understood that the Public Land Law Review Commission, established under Public Law 606 of the 88th Congress, has had the subject of payments in lieu of taxes under consideration, and it is anticipated that they may make some concrete recommendations for equitable adjustment of this problem in their report that is due sometime in the very near future.

In the instant case of the people of Grafton, Mass., may I state that negotiations had been going on for some several months, during 1968, between and among the Air Force, the General Services Administration, and the private corporation operating the plant, Wyman-Gordon Co., of Worcester, Mass., for the possible sale of the property to the private operator. The Grafton town officials had been apprised of these negotiations, with a clear indication that final sale agreement disposition could be anticipated before the end of 1968. Late in the year, the negotiations fell through and the sale was not consummated. I think the facts will clearly show that the town officials had every reasonable right to anticipate the completion of the sale and the receipt of the tax revenue that would have derived from its assessment as a privately owned property. When the sales negotiations were suddenly terminated so late in the year, the town officials had no opportunity at all to adjust their tax system to the unexpected loss of the very large sum of $90,000 in payment in lieu of taxes they had been receiving.

As I have indicated, it is very deeply hoped that appropriate administrative or legislative action will soon be taken to relieve this whole situation of payments in lieu of taxes but, meanwhile, it it obvious that several towns and communities like Grafton, Mass., are experiencing the same severe financial hardships and inequities that inspired approval of the original legislation and which has motivated the Government Operations Committee to recommend House approval and congressional enactment of this temporary relieving legislation.

Therefore, Mr. Chairman, I hope that the House will speedily approve this legislation in order to prevent the visitation of extreme economic hardships upon the people of all the communities affected.

Mr. ERLENBORN. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I rise in support of H.R. 4599 which would extend for 2 years the period for which payments in lieu of taxes may be made for certain federally owned properties not on local tax rolls.

The Committee on Government Operations has recommended that payments be made for the tax periods through 1969 and 1970.

In the Kansas Fourth Congressional District, which I have the honor of representing, Air Force Plant No. 13, which is leased by the Boeing Co., is one of the Federal properties on which these payments are made.

Many of the properties affected by this legislation, such as this Air Force plant in Wichita, are on lease arrangements and the Federal Government is receiving revenues far in excess of the estimated cost of the bill.

For example, the amount of the payment in lieu of taxes, $705,835, for Air Force Plant No. 13 in 1968 was deducted from the revenue received.

The schools and the governing bodies in the areas affected by this legislation cannot afford to lose this revenue. The school boards have planned in good faith to accommodate the children of the families in the area. The loss of this revenue represents a continuing hardship.

Derby, Kans., unified school district No. 260, located in the congressional district represented by my able colleague (Mr. SKUBITZ) is heavily dependent upon this assistance to meet its budgetary commitments and maintain a quality program of education. Other distributions for the Wichita facility are made to the Sedgwick County high school fund and elementary school fund, the Kansas School Foundation fund, and to Wichita unified school district No. 259.

The fact that this law was allowed to expire at the end of 1968 caused the Derby, Kans., school district to increase the local tax levy by 8 mills. This means that Derby property owners are paying on an average of $55 to $60 more in property taxes this year.

Now we know that the property owner already is overburdened, almost to the breaking point, with taxes.

In recent years the Congress has demonstrated its concern and total commitment to education. H.R. 4599 would cost a little over a million dollars annually for the 24 properties which are affected throughout the Nation, and as I stated earlier, this cost is far exceeded by revenues from lease arrangements.

The Government Operations Committee has made it perfectly clear that it has not considered Public Law 388 to be perpetual, but designed to enable the affected localities to make the necessary adjustments and to bridge the transition that the loss of these revenues requires. I, for one, feel this bill should be made permanent. As long as the Federal Government owns property of the type here intended to cover and receives rent, for the Federal Government not to pay in lieu of taxes would be a windfall for the Government and unjust enrichment.

In the case of some communities, including those in Sedgwick County, Kans., appropriate adjustments could not be made in time and the loss of in lieu of taxes payments places an undue burden upon local taxpayers.

I take this opportunity to commend the committee and especially the chairman of the Subcommittee on Executive and Legislative Reorganization (Mr. BLATNIK) for its concern and favorable action on this bill. I urge its passage.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 4599, as reported from the Government Operations Committee, which would extend for 2 years the authority under Public Law 388 of the 84th Congress payments in lieu of taxes for former Reconstruction Finance Corporation properties.

Air Force Plant No. 13 in Sedgwick County still remains off the property tax rolls and needless to say the districts affected cannot afford to lose this revenue.

Mr. Chairman, the Government Operations Committee in reporting H.R. 4599, concluded that a further extension of payments in lieu of taxes is justified based on the testimony presented by those in the affected school districts that the failure to extend the law would in many cases cause severe difficulties to the local school districts. The Comptroller General, in his report to the Chairman reiterated a previous position that the matter is for Congress to determine and had no objection to the bill.

In my congressional district, the payment made by the Federal Government represents a substantial portion of the budget of the Derby, Kans., unified school district No. 260 as it does to the unified school district No. 259 in Wichita, Kans., also in Sedgwick County. Many of the school districts budgets such as unified school district No. 260 and unified school district No. 259 were developed and adopted this year on the belief that these payments would be made. I am hopeful that the House will go along in helping us keep faith with the local taxpayers and school district affected by this legislation in all the designated areas.

In view of the considerable emphasis which Congress has placed upon education programs, I for one do not know how we can keep faith with the local taxpayers and school children if we fail to extend this legislation for 2 years.

In conclusion, I commend the members of the Government Operations Committee for its wisdom and understanding in giving the school districts time to get busy and make local and State arrangements to provide the necessary revenue to take care of their educational systems.

Mr. DONOHUE. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. DONOHUE. Would the gentleman mind mentioning to the Members how much is involved in this bill?

Mr. SHRIVER. The amount of money is less than $2 million that would go back as payments in lieu of taxes. I have mentioned that from this one property in my district, it would be in excess of twice this amount that is received by the Federal Government.

Mr. DONOHUE. May I state that from property in my district the Government is receiving $1,100,000 every year from the private company that is operating its plant in Grafton.

Mr. SHRIVER. So it would be, in your case, and in my district, a windfall for the Federal Government not to be contributing toward police protection, fire protection, and the various activities for funds to taxing units, including schools.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 4599 for the simple reason that plain equity demands its passage. As a matter of fact I am of the belief that the legislation ought to be made permanent and not be extended merely for an additional 2-year period.

We certainly cannot deny the obligation of any private property holder to pay taxes in payment for local police and fire protection as well as other services provided by the State or local government. By the same token how can we deny the obligation of the Federal Government to pay for such protection and services which it enjoys. Although the Federal Government is immune from local taxes, it is only fair that the payment proposed by the pending legislation be made in lieu of such taxes. A further argument in favor of the pending bill can be made convincingly on the fact that in many of the areas involved the Federal Government in fact receives payment from private lessees who are users of the property involved, an amount in excess of the payment in lieu of taxes proposed.

Because there is more than ample justification for the proposed legislation, I urge a favorable vote.

Mr. ERLENBORN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I would like to associate myself with the remarks of my distinguished colleagues, the gentleman from Minnesota (Mr. BLATNIK) and the gentleman from Illinois (Mr. ERLENBORN).

Mr. Chairman, I rise in support of the bill, H.R. 4599.

The fact that private industry is actually using Federal property is no reason to deny local governments their proper tax revenues. This is exactly what H.R. 4599 provides; namely, to avoid the depriving of tax revenue to local governments.

Also, I want to compliment the committee on putting the deadline on this because if, as we have heard here today, private industry is using Federal property with the name of that private industry on the outside of the building, that private industry should certainly purchase the property and then go on the tax rolls just like every other private industry within any local government.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield myself 1 minute in which I would like to congratulate and thank the gentleman from Illinois (Mr. GRAY) for his expressed intention of calling this, in his very strategic position on the Committee on Public Works, to the attention of the people who can do something about this.

I know the gentleman from Illinois feels as I do. They—and by them I mean the Government agencies—have been altogether very derelict in moving on this subject. I certainly hope that they do so just as expeditiously as possible.

(Mr. THOMPSON of New Jersey, at the request of Mr. MACDONALD of Massachusetts, was granted permission to extend his remarks at this point.)

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise to urge passage of H.R. 4599. As our distinguished colleagues of the Committee on Government Operations have said, the bill extends for 2 years the period for which payments in lieu of taxes may be made on certain properties formerly held by the Reconstruction Finance Corporation and which are now owned by various agencies of the Federal Government. The intent of the original legislation and of this extender is to provide monetary compensation to the local communities in which these properties are located. This relief is made necessary by virtue of the tax exempt status of the properties. One of these properties is located in Ewing Township, a residential community of approximately 33,000, located in my home county of Mercer. The township consists of 15.15 square miles. More than one-quarter of its entire area is owned either by the Federal, State, or county government. The great majority of the township's population are white- and blue-collar employees of modest means. The local property tax base in New Jersey bears the major share of the burden of financing municipal and public school services. Therefore, for every acre of land exempt from assessment for local tax purposes there is an additional burden on residential and other properties on the tax rolls. The Government-owned property affected by this bill comprises 62.72 acres on which is located the U.S. Naval Air Propulsion Test Center. The facility is operated by the Federal Government and employs 450 persons. The tract is located in an industrial zone hard by Mercer County Airport and major roadways. Obviously, were the facility not owned and operated by the Federal Government, the site would have tremendous present and potential value for private industrial development.

The township assesses the property at 50 percent of true market value; the assessed value of the land is $22,310. The buildings on the site are assessed at $1,319,620. By converting the assessed value to true value, the value of the land and improvements is $2,683,860. Actually, this evaluation is below market value as reflected by recent sales of industrial property in the area. The naval test center site is serviced by the Ewing-Lawrence Sewerage Authority and by the volunteer fire departments of the township which departments are supported by contributions from the municipal government. The township also supplies all normal municipal services including police protection and public schools.

In this connection, the township school board receives Federal aid under the impacted area program for children of Federal employees attending its schools. That assistance amounted to $478.09 per pupil in fiscal 1969. The actual per pupil cost was $804.29. In 1968, the U.S. Government paid $102,389 to Ewing Township in lieu of taxes on the naval test center site. The township budget for the fiscal year beginning January 1, 1969, anticipated the payment of $102,181 from extension of the existing law. Obviously, if the law is not extended, the township will have to collect sums totaling $204,362 by increasing the tax rate on other properties. The sum in question represents approximately 10 percent of the total municipal budget. Since the township cannot raise revenue by any other method than the real estate tax, the full burden of the loss of the in lieu of tax payments will fall on homeowners and local industry and business. Surely, Mr. Chairman, the Federal Government has an obligation to avoid so great a financial hardship to these citizens. Again, I urge my colleagues to look favorably upon the provisions of H.R. 4599.

(Mr. WRIGHT (at the request of Mr. MACDONALD of Massachusetts) was granted permission to extend his remarks at this point.)

Mr. WRIGHT. Mr. Chairman, I rise in support of H.R. 4599.

The fundamental criticism of this bill is that the affected taxing authorities have had ample opportunity to eliminate the unexpected hardship which resulted from the transfer of Reconstruction Finance Corporation properties to other Government departments.

Continued extensions of Public Law 84–388, the critics contend, may cause the recipient authorities involved to rely with more and more confidence on the regular payment of these revenues in lieu of taxes.

Let me say, first of all, that we are speaking of only one extension, and that extension is for years already gone by during which State, and local authorities received no payments or taxes for these properties. We are considering only one extension, not a future of continued extensions.

It is true that the original act has been extended five times for additional 2-year periods. It is also true that for each of those extensions the finding was that termination would spell significant financial hardship for the areas concerned.

When the 90th Congress voted to extend Public Law 84–388, the Treasury interposed no objection. On the contrary, it contended that sudden termination would present problems to the local jurisdictions involved. And that was its contention when the 89th Congress extended this program. Now the Treasury says that there is no basis for indefinitely continuing these payments, and accordingly has opposed the bill which is before us today.

There is no intention to continue these payments indefinitely; in fact, not beyond December 31 of this year. And there is a basis for that. The simple fact is that termination on the date of December 31, 1968, will cause hardship in the jurisdictions involved.

Are the recipients of these payments relying with more and more confidence on continuation of this program? Again to the contrary, there is a record of confusion and uncertainty in the communities involved, particularly since the authority for payments in lieu of taxes expired at the end of 1968 and payments for 1969 were not budgeted for fiscal 1970.

Even more striking than the fact that future hardship is a very real concern, actual hardship already exists as a result of that failure of the Federal Government to live up to its part of the bargain with those communities.

After all, it is the Federal Government which has continued to hold title to these properties for all these years. It is the Government departments which have custody and control of them. So it is a little misleading to say that communities have had ample time in the last 14 years to eliminate the unexpected hardship which resulted from the original transfer of these properties from taxable items to tax-exempt items. The question which gets to the heart of the matter is why—if we are unwilling to pay the bills for these properties—has it taken so long for the controlling agencies to dispose of the former RFC properties?

When it is asserted that adoption of H.R. 4599 for the benefit of a limited number of localities is inequitable, I would simply submit that it would be less equitable not to adopt it. In fact, it would be punishing communities for the failure of the controlling agencies to return properties to the communities in which they exist.

Mr. VANDER JAGT. Mr. Chairman, I rise in support of H.R. 4599, to extend authority to make payments in lieu of taxes on former Reconstruction Finance Corporation properties which have been transferred to other Government departments.

As one of the cosponsors of the bill, I

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have a certain pride of authorship in the original version and would have preferred to vote the bill out without amendment. However, I am aware of the faint prospects for passing just another extension and have, therefore, reluctantly agreed to the committee amendment—an amendment which clearly terminates this form of Federal assistance and gives at least some time in which communities can plan accordingly.

Among the communities faced by unanticipated financial hardship as a result of the expiration of the law at the end of December 1968, is Muskegon County, Mich. This taxing authority has within its jurisdiction the Muskegon Army engine plant on which payments of $118,478.04 were paid in fiscal year 1969. The elimination of this revenue will work severe hardship on this and other communities that have developed their budgets on the basis of these payments being made. Since it was never made clear that the payments would not be continued, we will not keep faith with the local taxing authorities unless we accompany a final extension of the fact with language on its face that this Federal assistance will end on a date certain so that all communities can make their plans accordingly.

The legislative history of the basic act indicates that it was enacted as a temporary measure to alleviate the hardship to communities created by the removal of RFC properties from the tax rolls of State and local taxing authorities. In view of the inequity and hardship which would otherwise ensue, Congress has seen fit to extend this legislation for 2-year intervals.

However, the Bureau of the Budget now believes that the legislation has served its purpose and that the affected taxing authorities have had an opportunity to eliminate the unexpected hardship resulting from the original transfers. Therefore, it does not recommend continuance of the payments or favorable consideration of H.R. 4599.

On the other hand, generally speaking, circumstances which justified the previous extensions continue to prevail. State and local taxing authorities are still being deprived of tax revenues as the result of Federal ownership of properties which would be subject to taxation if privately owned. Yet, like any other commercial plant in their respective areas, these properties derive the benefits from the sewers, the streets, the fire department, the police protection, and the educational system provided by the community in which they are located.

I have reluctantly agreed to this termination because I am convinced that without it, the bill will not be approved. The optimum solution is to return these properties to the local tax rolls and I join in urging a speedup in this process accompanied by study by the administration and the appropriate legislative committees to arive at a fair and equitable policy to be applied in situations where properties need to be retained in the national interest.

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Mr. FRIEDEL. Mr. Chairman, I rise to support passage of H.R. 4599 which I had cosponsored last year.

This important measure would extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

Most of these properties are manufacturing plants leased to private corporations. Being federally owned, these buildings are exempt from taxes in the communities where they are located. However, under legislation which expired at the end of 1968, the Federal Government made payments roughly equivalent to the tax which would have been levied on privately owned property similar in value.

It seems to me to be only right and proper that payment in lieu of taxes should be made for these properties by the Federal Government. They are being used for a nongovernmental purpose in most cases and the Government is receiving revenue from them in the form of rent. Only because of the technicality of Government ownership, are they exempt from taxation. Furthermore, the financial straits of most of our local political subdivisions is well known to all of us, and I strongly feel that it is not the place of the Federal Government to add to their troubles by reducing their taxable leases.

Mr. Chairman, my interest in this bill arises from those situations that I am aware of in Maryland where, but for Federal ownership, a facility would have a great present and potential value for private industrial development. In these situations the local jurisdictions are providing all normal municipal services including police protection, water and sewers, public school, and so forth.

I think it only equitable that we make payment to these local communities and I earnestly urge my colleagues' favorable consideration of H.R. 4599.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

Mr. MACDONALD of Massachusetts. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 703 of the Federal Property and Administrative Services Act of 1949 (69 Stat. 722), is amended by striking out the figures "1969", and inserting in lieu thereof the figures "1971".

(b) Section 704 of such Act (69 Stat. 723) is amended by striking out the figures "1968", and inserting in lieu thereof the figures "1970".

With the following committee amendment:

On page 2, after line 2, insert the following: "Sec. 2. Title VII (including the table of contents relating thereto) of the Federal property and Administrative Services Act of 1949 (40 U.S.C. 521–524) is repealed as of January 1, 1971."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Gray) having resumed the chair, Mr. Smith of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4599) to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments, pursuant to House Resolution 938, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MACDONALD of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4599, and to include therewith extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HELP CAMBODIA

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, in 1956 the freedom-loving people of Hungary attempted to throw off the yoke of communism and for a very brief period of time, established themselves as a free nation. They sent out a cry for aid and assistance to the United States. Unfortunately, we were in no position to render aid because of the logistic problems involved. With no aid forthcoming, it was only a matter of time before a ruthless Russian aggressor mercilessly stamped out the spark of freedom by the use of tanks and flamethrowers and again subjected the people of Hungary to Communist domination.

About 2 years ago, Mr. Speaker, we saw the flicker of freedom emerge in Czechoslovakia where some of the people in Czechoslovakia wanted only the right to be able to exercise the freedom of speech, but once again the Communists, recognizing the danger to their society if such freedom were allowed, ruthlessly stamped out this spark of freedom which was about to be generated and once again by invading Russian troops subjected the Czechoslovakian people to Communist domination.

Now in Cambodia, Mr. Speaker, we see a people who have witnessed the turning of the tide in their neighboring South Vietnam, who have been encouraged by the fact that, under the Vietnamization program, the tide of war in South Vietnam has turned and the local leaders of the Vietnamese and the South Vietnamese Army are slowly but surely securing the countryside from the Vietcong, and North Vietnamese aggressors.

Viewing the success of the drive against communism, slow though it may be in South Vietnam, the people of Cambodia overthrew the Communist-dominated government of Prince Sihanouk and attempted to set up their own government which would be free from Communist domination. Now, Mr. Speaker, this young anti-Communist government has sent out a plea to the free world that they not be abandoned. They call for aid be given which will allow them to expel from their country the foreign Communist Vietnamese both Vietcongs from South Vietnam and the North Vietnamese from North Vietnam.

Mr. Speaker, we may, of course, heed the cries of those in our own body and those in the other body on the other side of the Capitol who cry out not to render any aid or assistance for fear of involvement. If we do indeed heed these ill advised calls, the people of the United States will once again witness what occurred in Hungary and Czechoslovakia. Our failure to act will be a signal to subjected people throughout the world that there is no hope, and that while the Communist aggressors will not hesitate to supply whatever arms or weapons are necessary to maintain ruthless domination over people, we in the United States will not supply those weapons by which these people may defend themselves. Such would be disastrous to freedom-loving people.

May I make my positions crystal clear, Mr. Speaker? We not only should render aid in the form of military supplies and equipment to the people in Cambodia, but should also consider making available air power in order that these people may resist the foreign invaders and will be free to determine their own future. Mr. Speaker, if this step is taken by our Government and if it successfully expels the Vietnamese invaders from Cambodia, I predict you will find there will be a material shortening of the war in South Vietnam. The Communist supplies in the Mekong Delta area which for so long have come from Cambodia will dry up and American boys will return home sooner than originally anticipated.

It is for the above reasons, Mr. Speaker, that I have today addressed a letter to the President urging that the cry of the people in Cambodia for arms not go unheeded so long as they are willing to do their own fighting and it does not require the involvement of any American ground troops.

PROVIDING FOR NECESSARY INCREASES IN POSTAL SALARIES BASED ON REGIONAL WAGE LEVEL DIFFERENTIALS

(Mr. RIEGLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, today I am introducing remedial postal legislation that will provide for necessary increases in postal salaries based on regional wage level differentials.

This bill would authorize the Civil Service Commission to establish regional postal wage review boards to examine an area's prevailing wage level and cost of living. If these regional boards should find that recruitment and retention of postal personnel is handicapped because postal wages are too low to be competitive or inadequate to meet the local cost of living, they would recommend regional salary adjustments to the Commission. The Chairman of the Civil Service Commission would then notify the Postmaster General who would carry out these changes within 30 days.

In my own area of Michigan, for example, postal salary levels are substantially below the prevailing wage rates in the community. Because these postal salaries are too low to be competitive, we find it increasingly difficult to recruit and keep career postal employees. Many of our existing postal employees are having to "moonlight" with second and even third jobs in order to earn an adequate family income. This situation must be corrected—it works a hardship on the families of our postal employees and also undercuts the morale and effectiveness of our postal service.

For example, in Flint, Mich., a postal worker today has to achieve 12 years of job seniority to earn what a General Motors assembly line worker gets after his first 90 days on the job. And that does not include the special General Motors health, pension, and overtime benefits, which Federal postal employees do not receive. Even if a postal worker were to work 21 years on the job to reach his top pay grade, he would only earn a maximum annual salary of $8,442. For a family of four or more, this is not an adequate salary to meet today's high cost of living in our area of the country—and allow a man to plan for his retirement years.

In light of these facts, I want to commend the Genesee and Lapeer postal workers who stayed on the job during the recent postal strike and who continued to meet the postal needs of our community. They continued to work even though their urgent salary problems have long been given the runaround by the Congress. Our postal employees have a legitimate problem and they need and deserve a living wage—and a wage scale that promotes long-term career development.

I will continue to press for congressional action to improve postal operations and working conditions—and I urge my colleagues to support this regional pay differential plan.

MONEY AVAILABLE FOR EDUCATION

(Mr. QUIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. QUIE. Mr. Speaker, Public Law 91–204, which appropriated almost $4 billion for education during this fiscal year, was not signed into law until last March 5. Educators at the State and local level immediately became concerned about how to spend wisely the money they could not count on until this appropriations bill was passed.

Although many school officials are not aware of it, Congress solved this problem in Public Law 91–230, the Elementary and Secondary Education Amendments of 1969. This was signed by the President 2 weeks ago today, on April 13. This act amended section 405 of the original act to allow State and local officials to spend money appropriated for this fiscal year in the next fiscal year.

Mr. Speaker, when money for education is so scarce at every level, we must not require directly or indirectly that available funds be spent without adequate planning or for unnecessary projects. The Federal Government would have been in the position of doing just that had it not been for this amendment because of the long delays in getting the HEW appropriation bill passed this year.

I understand that Office of Education will not have any unusual problems in getting the funds obligated to the States and local agencies before June 30. We would certainly encourage the program administrators in U.S. Office of Education to make every effort especially to get those funds to the States which must in turn be allocated by them to the local agencies.

Mr. Speaker, I hope all of our colleagues will help in getting the word out to their districts that fiscal year 1970 education funds will be available for expenditure in fiscal year 1971 so there is no reason to spend unwisely these much needed Federal dollars. The amendment to which I refer is as follows:

> Section 405 of such title is further amended by inserting "(a)" after "Sec. 405." and by inserting at the end thereof the following new subsection:
>
> "(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is applicable during any fiscal year, ending prior to July 1, 1973, which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.".

A NEW PERSPECTIVE

(Mr. WOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLD. Mr. Speaker, I wish to commend the President for the painstaking research and carefully thought-out conclusions reflected in his March 24 statement on the administration's school desegregation policy.

One great value of the statement is that it places the full weight of the executive branch behind a unified policy of eliminating discrimination as to race, color, or national origin in the schools, which is the objective of title VI of the Civil Rights Act of 1964.

Of equal importance, the President's paper on school desegregation defines the limitations of law and the questions as yet unanswered by the Supreme Court, which, as the President points out, is the final arbiter of some significant constitutional questions. The President has done more than clarify the reach of the law; he has defined the principles of enforcement of civil rights law and the policies which the administration will adhere to in accomplishing progress.

The President said:

> It will be the purpose of this Administration to carry out the law fully and fairly. And where problems exist that are beyond the mandate of legal requirements, it will be our purpose to seek solutions that are both realistic and appropriate.

In discussing constructive efforts which will be made, the President committed the Federal Government to a massive program for improving education in racially impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation.

I am particularly pleased by the emphasis placed on financial support for innovative ways to improve the educational opportunity and the quality of education for minorities. Congress on many occasions has demonstrated its willingness to provide resources for strengthening education at its weakest points, and certainly there can be no doubt about the crisis that faces so many communities in their need for classrooms, facilities, teachers, teacher training and for additional revenues. The storehouse of knowledge on how to provide a good education far exceeds the capacity of most school systems to finance improvements. Our educators know how to do more than they can afford to do with the resources available, and the kind of commitment made by the President is an historic step forward in solving that problem.

Enforcement of existing law regarding school desegregation is a necessary companion to any effort that we undertake to encourage school districts to make progress on their own initiative. In the area of enforcement, the President has said that school administrators throughout the Nation must move immediately, in accordance with the Supreme Court's ruling, to end discriminatory practices.

The administration recognizes not only the questions unresolved by the higher courts, but underscores the conflicting opinions that exist in lower courts as to what the law requires. To this complex area of law, the President has applied the rule of reason. He said:

> To summarize: There is a Constitutional mandate that dual school systems and other forms of de jure segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of segregation which best suit the needs of their own localities.
>
> De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials may if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

I believe the President's statement will be most useful, not only to Federal authorities responsible for carrying out his mandate, but to citizens who are so deeply concerned and directly affected by school desegregation law.

MAYOR LINDSAY'S UNINFORMED EXPERTING ON MEAT SUPPLY OVERLOOKS SANITATION AND WHOLESOMENESS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, it is always pathetic to see a grown man cry or a man of supposed national leadership quality dragged into making statements in a field in which he is obviously unfamiliar.

Late last week, Mayor John Lindsay of New York was very badly misused by the newly augmented and feverishly active Meat Imports Council, which is distributing around town a copy of a letter the mayor has sent to all New York Congressmen. In effect, it charges American cattlemen with a conspiracy to keep meat production down and then prevent imports from coming in to relieve the situation.

There is talk about Mayor Lindsay switching political parties, from Republican to Democratic. For the mayor's guidance, I can assure him that unless he familiarizes himself better with problems than he has on meat, there are a lot of Western Democrats who will be relieved if he stays where he is.

The mayor obviously did not read the meat production reports issued every week by the Department of Agriculture before he wrote his delegation. They appear in the Livestock, Meat and Wool Market News.

Beef production in the United States the week ended April 5 was 335 million pounds in federally inspected plants compared to 313 million pounds the same week a year ago, up 7 percent.

For the week ended April 11, beef production was 359 million pounds compared to 334 million pounds the same week a year ago, up 9 percent.

Last week, the estimate is 369 million pounds production compared to 346 million pounds the same week last year. Week before last, beef output ran 369 million pounds compared to 327 million the same week last year, an increase of 13 percent.

We have had a short run of hogs for a few months, but we are catching up on pork output. Total meat production this month in the Nation is running well ahead of a year ago—more than population growth even in Mayor Lindsay's own crowded New York City.

Meat output at federally inspected plants the week ended April 18 was 633 million pounds compared to 584 million the same week last year—up 8 percent.

The previous week it was 621 million pounds compared to 587 million the same week in 1969—up 6 percent.

The first week this month it was 580 million pounds this year compared to 559 million the same week in 1969—up 4 percent.

I know the mayor is a busy man.

Busy people should be especially careful not to let themselves be misused, as Mayor Lindsay has done in this case.

The mayor expresses concern about meat for hamburgers and frankfurters. If the mayor is truly concerned about meat for hamburger and frankfurters, he will go down to the New York City docks and make an investigation of just such meat as it arrives in his city from abroad and is inspected.

He will discover that it isn't really inspected: it is sampled and a tiny fraction of it, samples selected at random amounting to less than one-half of 1 percent, is actually examined.

He will find that the inspectors do not reject all the dirty meat, even if they come across some dirt, cysts, insects, blood clots, ingesta, or fecal matter so long as it does not exceed certain tolerance limits. For instance fecal matter—manure—cannot exceed one glob per 3,000 pounds, examined; lesser defects can be a little more numerous.

He will find that what inspection is made is done under pressure to get the frozen meat out of the open air, and then under more pressure to release the refrigerated railroad cars and trucks in which it is held temporarily because the New York docks do not provide—as Charlestan, S.C., does provide—3-day refrigerated storage space in which to hold cargo while it is a little more carefully examined.

Even with the random sampling method, he will find that our inspectors have to turn back some of the meat shipped from supposedly carefully inspected foreign plants, as they did in New York City on September 24, 1968. The records show that on that day they rejected a 27,000-pound shipment of boneless beef from Australia for excess fecal matter—manure—and another 33,000-pound shipment for excessive pathological lesions.

On another day in August it was 11,960 pounds rejected for cysts and dirt, and another shipment of 33,600 pounds for insects and dirt.

If he had been there May 7, 1969, he would have seen 105,720 pounds turned back for being off condition and the inspector's notation of "rodent."

More recently, on January 7 of this year, 22,380 pounds of boneless beef was rejected because of insects in the meat.

The mayor really ought to have someone investigate for him the adequacy of not only the inspection, but of the facilities available in his city for inspection. At Charleston, where inspection is less hurried, the rate of rejections exceeds New York City, indicating that a little more time makes for better inspection. Mayor Lindsay could protect his constituents from filth in some degree even with present random sampling procedures, by providing adequate facilities for the one-half of 1 percent inspection job.

XUM

The mayor's obvious play to the consumers in proposing that all that is necessary to do to get hamburger and wieners cheaper for the housewife is to open up import quotas ignores the need for assuring sanitation and wholesomeness of the imported meat. The mayor may not be aware of the scant inspection of the foreign meat by U.S. inspectors, but it is time we change our inspection to assure wholesomeness of the meat products from foreign countries.

There is no need to let 1.6 billion pounds of foreign meat with not enough inspection to be mixed with the 46 billion pounds of meat grown, processed, and inspected in this country.

For his information, there is not any shortage of meat for hamburgers and frankfurters.

A breakdown of federally inspected cattle slaughter for 1968 and 1969—the inspected meat that can move interstate to New York City—shows that cow beef production—the hamburger and frankfurter kind that concerns the mayor—increased 200 million pounds in 1969, from 2.8 billion pounds of it in 1968 to 3 billion in 1969. To be more exact, the increase was from 2,806,689,000 pounds to 3,006,961,000.

The mayor has been badly misused by a bunch of high-powered lobbyists who are hell-bent to start scraping up the meat scraps on the butcher floors of foreign meat plants and dump them in the United States.

Having been misused, if he is the sort of national leadership timber that we have been encouraged to believe—he will take a second look at that letter he dispatched to Washington alleging "incredible arrogance" on the part of cattlemen and see if he has been led into a display of "incredible ignorance."

Mr. Speaker, I offer for the record the Department of Agriculture's tables on "Estimated federally inspected slaughter and meat production" as they appeared April 4, April 11, and April 18, in the Livestock, Meat, and Wool Market News, for the benefit of anyone who is interested in the facts about current meat production and not just in demagoguery.

Mayor Lindsay and his Commission on Inflation and Economic Welfare can do his constituents a great deal more good looking into the causes of increased prices on an increased quantity of cow beef, and determining who is marking up the prices on the way to his consumers, than he will lending his prestige to one of the most expensive lobbies operating in the capital right now.

ESTIMATED FEDERALLY INSPECTED SLAUGHTER AND MEAT PRODUCTION

Week ended	Beef		Calf and Veal		Pork[1]		Lamb and Mutton		Total meat Produced (millions of pounds)	Total lard produced (millions of pounds)
	Number (thousands)	Produced (millions of pounds)	Number (thousands)	Produced (millions of pounds)	Number (thousands)	Produced (millions of pounds)	Number (thousands)	Produced (millions of pounds)		
Apr. 5, 1969[2]	520	313.6	74	7.8	1,503	228.5	183	9.5	559.4	32.8
Mar. 21, 1970[2]	531		68		1,461		197			
Mar. 28, 1970[3]	556	345.8	65	6.8	1,441	223.4	199	10.5	586.5	
Apr. 4, 1970	542	337.1	60	6.4	1,457	225.8	198	10.7	580.0	
Percentage change from:										
Apr. 5, 1969	+4	+7	−19	−13	−3	−1	+8	+13	+4	
Mar. 28, 1970	−3	−3	−8	−6	+1	+1	−1	+2	−1	
Apr. 12, 1969[2]	554	334.1	72	7.6	1,552	235.9	189	9.6	587.2	34.2
Mar. 28, 1970[2]	556		65		1,442		199			
Apr. 4, 1970[3]	539	335.3	64	6.8	1,448	224.4	196	10.6	577.1	(4)
Apr. 11, 1970	584	365.0	66	7.1	1,536	238.1	197	10.8	621.0	
Percentage change from:										
Apr. 12, 1969	+5	+9	−8	−7	−1	+1	+4	+12	+6	
Apr. 4, 1970	+8	+9	+3	+4	+6	+6	+1	+2	+8	
Apr. 19, 1969[2]	541	327.3	72	7.6	1,577	239.7	191	9.7	584.3	35.8
Apr. 4, 1970[2]	541		64		1,447		196			(4)
Apr. 11, 1970[3]	574	358.8	62	6.6	1,562	242.1	203	11.2	618.7	
Apr. 18, 1970	591	369.4	66	7.3	1,577	244.4	212	17.7	632.8	
Percent change from:										
Apr. 19, 1969	+9	+13	−8	−4		+2	+11	+21	+8	
Apr. 11, 1970	+3	+3	+6	+11	+1	+1	+4	+4	+2	

[1] Excludes lard.
[2] Actual slaughter.
[3] Revised estimate.
[4] Lard production for week ending Mar. 28, 1970 was 29.2 million pounds.

FILING DEADLINE

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, I rise to call attention to the approaching deadline for the filing of the annual financial disclosure reports with the Committee on Standards of Official Conduct.

That deadline, as provided in the Rules of the House, is April 30.

Forms for making these reports were mailed in mid-January to all Members, officers of the House, the professional staffs of committees, and Members' principal assistants as designated at that time.

Additional forms, if needed, may be obtained from the committee offices.

Instructions and certain definitions are printed on the reverse side of the forms, rather than in a separate pamphlet as was done last year.

With only 3 days remaining, I should like to urge prompt compliance with this annual requirement by all who have not yet filed. The committee staff stands ready to help in any way possible.

Part A of these reports must be made available, as you know, for responsible public inspection. Hence, any who do not file timely may expect that circumstance to be noted by the news media, since the committee staff will have no choice in such cases but to tell an inquirer that such reports have not been received.

Considerable staff time is required to process the reports as they are received. Receipts have to be issued and put in the mails, two copies have to be made of each part A, and then everything has to be filed in its proper place.

Last year was the first, as you know, for operation of the financial reporting rule. With the benefit of that experience, it seems reasonable to expect an improved performance this year. On the whole, everything went reasonably well last year despite a deluge of filings in the final hours.

In the interest of a smoother, all-around operation this year, I ask those who have not filed to attend to that chore promptly. And, on behalf of the committee and its staff, I express appreciation to those who already have helped by filing early.

THE CRISIS IN CAMBODIA

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, the Nixon administration is apparently on the threshold of offering military assistance to Cambodia.

A shipment of arms—rifles and machineguns captured from Communist forces in Vietnam—has already been made available to Cambodia with American approval.

The White House, in a guarded statement issued to newsmen just this morning, cited an "overriding interest in preserving the neutrality of Cambodia because of the effect on Vietnam."

I fear, Mr. Speaker, that the White House statement is a prelude to an announcement of military assistance to Cambodia.

I object—and object strenuously.

This country's intervention in South Vietnam—and its artfully disguised intervention in Laos—has already cost more than 40,000 American lives and scores of billions of dollars.

New intervention in Cambodia—arms and "advisers," for example—would push the United States still deeper into the military morass that has come to be known as the Indochina war.

XUM

With permission, Mr. Speaker, I put in the RECORD a copy of a telegram I sent to President Nixon this weekend protesting any attempt to intervene in Cambodia.

APRIL 25, 1970.

President RICHARD NIXON,
The White House,
Washington, D.C.:

Strongly oppose any move that would commit American arms, military equipment, and technical advisers to Cambodia.

Or, American approval of active intervention in Cambodia of American trained and equipped Cambodian troops now under command of U.S. Special Forces in South Vietnam.

American people will not tolerate repetition of our involvement in Vietnam War 15 years ago. First, arms. Then, military advisers. Finally, American troops to fight an Asian war.

Forty thousand American boys have been killed and many thousands maimed and wounded in Vietnam: 200 more killed and hundreds wounded in "secret war" in Laos: and, instead of peace this Asian war is spreading throughout Indochina.

Television news scenes this week of massacres and a Cambodian general using innocent Vietnamese as human bait to draw fire of camouflaged enemy in Cambodian village were repugnant and sickening to American viewers.

I am fearful our Government is again using the same rationale to prepare American people for arms assistance to Cambodia that it used years ago for American intervention in Vietnam: that Cambodia is not suffering internal strife but is a "neutral nation" victim of foreign invasion by 40,000 Vietcong and North Vietnamese troops.

This is the way we got involved in Vietnam. It cannot happen again in Cambodia without America becoming deeply entrenched in a never-ending Indochina debacle.

Congress and the American people must be given candid facts on Cambodian crisis and request for military assistance.

ELWARD P. BOLAND,
Member of Congress.

FORMER PRISONER OF WAR RESOLUTION

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, over this last weekend many former American Air Force prisoners of war held our 25th national reunion at Cincinnati, Ohio. As part of our reunion, we conducted a seminar regarding the present prisoners of war and those missing in action but not yet reported to be in custody of the authorities of North Vietnam.

The seminar included a panel discussion by Lt. Col. Robert E. Work, a military adviser on POW affairs in the Department of Defense; Mr. Robert C. Lewis, vice president of the American National Red Cross, an expert on POW matters; Mr. John F. Loosbrock, editor of the Air Force Association magazine; Mrs. Robert N. Smith of Athens, Ohio, wife of Colonel Smith, USMC, missing in action but not yet reported to be a prisoner of war; Mrs. Edward J. Mechenbier of Dayton, Ohio, wife of Captain Mechenbier, USAF, a POW; Mr. Henry Soderberg, a private citizen of Sweden and guest of the reunion, an old friend who was a delegate of the YMCA and visited us and other prisoners of war during World War II; and Mr. Lloyd Kilmer of Omaha, Nebr., who is chairman of the Omaha "Forgotten Americans, Inc."

I was privileged to act as moderator. It was a moving meeting. With knowledge about the present plight of American prisoners of the North Vietnamese Government, and the torment of their families at home, the reunion unanimously adopted the following resolution:

RESOLUTION URGING HUMANE TREATMENT FOR ALL FELLOW PRISONERS OF WAR

We, as former Prisoners of War:

Knowing first-hand the agonies of prisoners of war and their loved ones;

Realizing that individual servicemen have no authority in determining the military or diplomatic decisions of their national governments;

Believing that humane treatment should be accorded every individual regardless of his race, nationality, station in life, or charge against him;

Shocked by the knowledge that the government of North Vietnam refuses to disclose to our government or to the next of kin information concerning the capture, condition or location of prisoners;

Appreciating the anxiety and loneliness of wives, parents and children who are not informed concerning the locations and conditions of their missing servicemen; and

Having uncontroverted evidence that prisoners now in the custody of the North Vietnamese Government, Viet Cong and Pathet Laos are being mistreated and their families subjected to unimaginable torment in clear contradiction of the Geneva Convention and the fundamental rights of men;

Now, therefore, in the interests of basic humanity and universal comradeship,

We:

Urgently urge that all civilized persons of all nations insist on the elemental judicial privilege of habeas corpus—which accords any next-of-kin to have the person of a prisoner identified or produced or his place of burial known—for themselves and for all others;

Strongly advocate that all nations and governments comply fully with the Geneva Convention pertaining to prisoners of war; and

Earnestly implore every human being in every land to make their feelings known directly to the authorities of North Vietnam by writing to:

Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam (air mail postage is 25¢ per half ounce).

Executed in open convention during the 25th National Reunion of the Amerikanish Kriegsgefangenen (former American prisoners of war) at Cincinnati, Ohio, U.S.A., April 25, 1970.

(Signed) DAVID POLLAK,
Reunion Chairman.

The understanding and assistance of every person, in all nations, is needed to help solve this horrendous predicament of fellow human beings now confined by the North Vietnamese Government. We urge you to write to Hanoi, and to the delegates to the Paris peace talks, and to the United Nations in New York, and to any friend, relative or associate in any other country. Please urge them to use their influence, however large or small, to help mold and mobilize public and private opinion on behalf of the humane treatment of all human beings.

Former prisoners of war can empathize with present prisoners of war. Families of former POW's appreciate the agonies of the families of the present POW's and MIA's. But they need your help. I urge anyone who reads the POW resolution to join in helping their cause.

CRAMER FILES BRIEF IN MANATEE CASE IN SUPPORT OF ANTIBUSING AMENDMENT TO 1964 CIVIL RIGHTS ACT

(Mr. CRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAMER. Mr. Speaker, as the author of the antibusing amendment to the Civil Rights Act of 1964, I have long been concerned over confusing, often contradictory interpretations of that provision by some of our courts that have been contrary to the intent of the amendment. Because of my concern, I decided to intervene as amicus curiae in a number of desegregation cases originating in my home State of Florida. As a direct result of this decision, over the past several months, I have participated in cases in U.S. district courts of Florida, in the Fifth Circuit Court of Appeals in New Orleans, and ultimately, in the Supreme Court in Washington.

At all times, I have advocated what I believe to be a sensible and workable approach to the desegregation problem. Uppermost in my mind has been an abiding conviction that the pursuit of desegregation should not result in a deterioration in the quality of education. Consequently, I have endeavored to work with responsible officials both at home and in Washington in preparing and presenting my views to the courts.

My basic position throughout has been that neither the Constitution nor the laws of our land require, or, for that matter, even countenance, the forced and arbitrary balancing of racial, religious, ethnic or nationality groups by numbers to achieve real or imaginary social purposes or advantages. Since balancing can sometimes only be achieved by busing, my cause has become overidentified with the forced busing of schoolchildren.

As a matter of fact, however, it is broader and more encompassing than that. I believe school assignment purely on the basis of race is wrong no matter what guise or rationale is used. To my way of thinking, classification by race in order to remove the inequities caused by past racial classification not only constitutes a denial of the due process and equal protection clauses of the 14th amendment, but it tends to reinforce and perpetuate the very inequities and inequalities it seeks to eliminate. The notion that Negroes cannot be equal unless and until they go to school with white children is not only patronizing but it stamps them with a permanent badge of inferiority.

Naturally, I was pleased when President Nixon, in his March 24 statement on desegregation, reflected similar sentiments. And, I am happy to report that the approach recommended in that historical document now constitutes the official policy guidelines which the administration will follow in its desegregation efforts from here on out.

Thus, for the first time, Executive guidelines will reflect what Congress intended in enacting the Civil Rights Act of 1964. We can hope from this that the Federal Government is, at long last, moving toward a uniform, nationwide approach to desegregation by all three branches. If the courts can be persuaded of the wisdom and soundness of the course approved by the Congress and now advocated by the Executive, a tripartite Federal approach could soon become a reality.

To help persuade the courts, I prepared some time ago the following brief for submission to the Fifth Circuit Court of Appeals in the highly publicized Manatee County School Board case. My aim was to furnish that tribunal with the necessary legislative pegs on which to base a responsible judicial decision.

I am hopeful the courts will follow the course recommended. If they do not, I fear that this Nation, and all of its citizens, will be condemned to a prolonged and, in my judgment, unnecessary period of downgraded schools, unnecessarily uprooted schoolchildren, weakening of our neighborhood school systems and unevenhanded administration of justice.

I hope and pray that the courts will act wisely.

I am placing this brief in the RECORD because I have had so many requests from so many Members and others for the legislative history and full explanation of congressional intent of the antibusing amendment to the 1964 Civil Rights Act which I successfully sponsored. I trust this will be of assistance to the courts and the Congress and will give them a better understanding of the issues involved. I believe the court has a duty to follow the law as well as all other citizens.

My brief follows:

[In the U.S. Court of Appeals for the Fifth Circuit No. 28380]

CAROLINE HARVEST, ET AL., PLAINTIFFS-APPELLEES-CROSS APPELLANTS *v.* BOARD OF PUBLIC INSTRUCTION, MANATEE COUNTY, FLA., A PUBLIC BODY CORPORATE, ET AL., DEFENDANTS-APPELLANTS-CROSS APPELLEES

(Appeal from the United States District Court for the Middle District of Florida, Tampa Division, supplementary brief of Amicus WILLIAM C. CRAMER)

SECTION I. INTRODUCTION

The fundamental purpose of the Supreme Court in *Brown I* was to end institutionalized discrimination in public schools in order to improve the quality of education for Negro children. For a decade, decisions of the Court echoed and re-echoed this objective.

In enacting the Civil Rights Act of 1964, the Congress sought to further this end. Its aim was to provide the legislative wherewithal to marshal the full resources of the Federal Government to enhance the educational opportunities and, in the process, the quality of life for Black Americans.

Unfortunately, almost before the ink was dry on this landmark measure, the Courts and the Executive began to circumvent Congress' handiwork. From a measure specifically designed to end segregation in the interest of education, if was reframed and reformulated until today it is cited as a statutory prop for balancing for balance's sake, for destroying neighborhood integration in order to accomplish racial integration, and, in an Orwellian exercise in "doublethink", for perpetuating classification by race in order to remove the inequities created by racial classification. Small wonder, under the circumstances, that increasing numbers of Americans of both races are concerned, that Congress is aroused, that the Executive is confused, and that the Judiciary is bewildered. Even the pundits have begun to lose their cool over what is happening.[1]

Ironically, the present disillusionment and disenchantment would probably never have developed had the Courts and the Executive kept their respective eyes on the educational ball and on the carefully-considered measures that the people's representatives in the national legislature formulated to assist them. When, pursuant to its constitutionally-delegated authority that it "shall have power to enforce by appropriate legislation the provisions of" the Fourteenth Amendment, Congress passed the Civil Rights Act of 1964, its stated and restated intention was to provide the means for ending segregation in public education. This was the aim, the ideal, the raison d'etre.

To insure that this oft stated goal would be properly construed, the Congress provided what it considered to be satisfactory safeguards and assurances. These included the following:

(1) the Act would be uniformly applied in all 50 States;

(2) desegregation would not comprehend the notion of racial balance as either an equivalent or supplement;

(3) no assignment of students would be made to overcome racial imbalance;

(4) neighborhood schools would be maintained.

This desegregation theme runs through Congress' deliberations in Committee, its reports, and its debate on the Floors of both Houses. Its fundamental, its sole, its exclusive aim was to make the statute conform to Judge Parker's decision in *Briggs* that the Constitution is colored blind, not color conscious.[2] Managers of the bill emphasized and re-emphasized their understandings in this regard for, had they not, the necessary votes for passage of this extremely controversial measure would never have been secured.

Unfortunately for the cause of civil rights and of education, both the Courts and the Executive have misconstrued the Congressional will. As a result, a widening gulf between the promise of the Act and the performance of the Executive and the Courts in implementing and interpreting it has developed.

The ultimate price of the divisions created will likely prove extremely high for everyone—not only in delays, disruptions and disharmony, but in educational frustration and failure for a whole generation of young Americans both Black and white.

SECTION II. THE LEGISLATIVE BACKGROUND

In *Brown I*, the U.S. Supreme Court handed down its landmark school desegregation decision. Although all three branches of the Federal Government had tolerated the existence of dual educational systems for over half a century, the Court ruled that "separate but equal" accommodations were "inherently unequal", hence prohibited by the equal protection clause of the Fourteenth Amendment.

Because of its ruling that long accepted practices would no longer be permitted, the Supreme Court in *Brown II* recognized that some delay in implementation would be consistent with the public interest and good faith compliance. It, therefore, established the criteria that such orders and decrees as are necessary and proper to admit parties to public schools "on a non-racial basis" should be accomplished with "all deliberate speed".

Thereafter, the Court remanded the cases in question to the local district courts in order that its judicial mandate could be adjusted to the peculiarities of each school district. *Brown II* was decided in 1955. Progress towards desegregation in the decade that followed was uneven. In the border States and the District of Columbia the process was swift. In the deep South, however, there were variations in acceptance and implementation ranging from no desegregation at all in States like Mississippi and Alabama, to various degrees of desegregation in States like Texas, North Carolina, and Florida. The history of this period is one of litigation with legal concepts beginning with pupil placement and extending through "freedom of choice". The legal tactics of Negro plaintiffs changed from suits to enroll individual students in white schools to ones demanding the wholesale dismantling of all "vestiges" of the so-called dual school system. The role of the U.S. Government changed from filing friend of the Court briefs to outright intervention.

Then in 1963, President John Kennedy, in a Message to Congress, urged the national legislature to enact laws for the guidance of the Executive and Judicial branches in effecting the end of discrimination in the Nation's public schools. He justified his appeal on the basis of Congress' authority "to enforce by appropriate legislation the provisions" and promise of the Fourteenth Amendment.[3] Soon thereafter, Congress began deliberations which ultimately led to the passage of the Civil Rights Act of 1964. During them, it concentrated its attention on several matters which have since become the subject of protracted legal debate. These included the following:

(1) whether or not the proposed Act should be uniformly applied to all 50 States;

(2) whether or not desegregation should comprehend the notion of racial balance as either an equivalent to or supplement of desegregation;

(3) whether or not assignment of students to overcome racial imbalance or to level off, in any way, percentages where one race outweighed the other were proper;

(4) whether or not the duty to desegregate schools should extend beyond admission of students on a non-racial basis;

(5) whether or not *bona fide* neighborhood schools should be maintained;

(6) whether or not rules and regulations adopted by the Department of Health, Education, and Welfare to serve as guidelines to promulgate desegregation should require presidential approval.

After due deliberation in Committee and on the Floor, the following legislative determinations were made and approved:

(1) that the Act was to be uniformly applied in all 50 States, not on an individual or sectional basis;

(2) that desegregation did not comprehend the notion of racial balance as either an equivalent to or supplement of desegregation;

(3) that assignment of students to overcome racial imbalance or to level off percentages where one race outweighed the other was specifically prohibited;

(4) that the duty to desegregate schools did not extend beyond the admission of students on a non-racial basis;

(5) that *bona fide* neighborhood schools could and should be maintained;

(6) that any rules or regulations promulgated by the Department of Health, Education, and Welfare to serve as guidelines to promote desegregation should, because they were "so significant", receive specific presidential approval.

Thereafter, the Civil Rights Act of 1964 was approved by both Houses and signed into law by President Lyndon Johnson on July 2, 1964.

Footnotes at end of article.

SECTION III. JEFFERSON AND BEYOND—THE SECOND RECONSTRUCTION

A. The promise of uniformity

Shortly after the Civil Rights Act of 1964 became the law of the land, a three-judge panel of the Fifth Circuit Court of Appeals undertook to review a consolidated group of school desegregation cases.[4] Their "distinctive features" declared the tribunal, are that they "require us to re-examine school desegregation in the light of the Civil Rights Act of 1964 and the Guidelines of the United States Office of Education, Department of Health, Education, and Welfare (HEW)."[5]

The panel evidenced its sensitivity and awareness of its role in the constitutional scheme of things when it declared in its opinion:

"More clearly and effectively than either of the other two coordinated branches of government Congress speaks as the voice of the nation."[6]

And again, when it said:

"When Congress declares national policy, the duty the other two coordinated branches owe to the nation requires that, within the law, the judicial and executive respect and carry out that policy."[7]

And again:

"We shall not permit the Courts to be used to destroy or dilute the effectiveness of the Congressional policy . . ."[8]

This apparent desire and determination to conform to its constitutional role as interpreter of the Nation's laws in order to effectuate national goals was commendable. Unfortunately, performance failed to measure up to promise. As the following analysis will show, the Court, in rendering its decision, repeatedly misconstrued and misinterpreted the Congressional will. Standing alone, each of its errors of construction represented a serious departure from what Congress intended. In synergistic combination, their effect has been to provide the judicial underpinnings for a radical revamping, recasting and reordering of Congressional priorities, policies, and purposes.

In the process, the Congressional will has been blurred and blunted and the promise and potential of the Civil Rights Act of 1964 has gone unrealized and unfulfilled.

B. The de facto-de jure distinction

The goal of proponents of those provisions of the Civil Rights Act of 1964 dealing with education (Titles IV and VI) was to provide a uniform Federal approach for ending discrimination in the Nation's public schools. This aim was underscored by President Kennedy in his Message to Congress proposing enactment of the measure:

"This is not a sectional problem—it is nationwide. . . . A national domestic crisis also calls for bipartisan unity and solutions."[9]

It was echoed in the Report of the House Judiciary Committee: ". . . H.R. 7152, as amended, resting upon [constitutional] authority is designed as a step toward (sic) eradicating significant areas of discrimination on a nationwide basis. It is general in application and national in scope."[10]

And re-echoed on the Floor in both Houses of Congress:

"'E Pluribus Unum'. We want unity. Equity begats unity. We want one and the same treatment for all."[11]

The Court in *Jefferson I* exhibited its perception of the pitfalls of a piecemeal approach in this memorable passage from its opinion:

"In sum, the lack of uniform standards has retarded the development of local responsibility for the administration of schools without regard to race or color. What Cicero said of an earlier Athens and an earlier Rome is equally applicable today."[12]

But the type of uniformity it had in mind was of a peculiar variety. By judicial fiat, it was to apply to Rome and Athens, Georgia (and other communities in the South), not to the Nation as a whole. Adopting the "ingenious though illogical distinction"[13] between so-called de facto and de jure segregation, it concluded that Congress had intended that the 'equal protection clause' was to be applied unequally. Whether Congress could have passed sectionally directed legislation had it wanted to is open to serious doubt. That it never contemplated such a double standard, is not, however. For the Courts to have imputed such an intention was to thwart congressional will and, in the process, raise the spectre of a Second Reconstruction in America—one effected by judicial ukase.

The Court's rationale for this divisive rendering of the Union of States was this: Since the South was the area of the Nation which had maintained dual systems of education imposed by law prior to *Brown I*, the South required special rules for rehabilitation and reform—by implication, in perpetuity.

Now in fairness, from a purely judicial standpoint, there is some justification for this view. The *Brown* decisions, after all, had focused on the special problems of dual school systems in the old Confederacy. But to own to this is a far cry from accepting the unsupported proposition that Congress intended the Civil Rights Act of 1964 to perpetuate that arbitrary distinction. Indeed, everything the national legislature said and did confirmed its intention to abolish it. In the words of Senator Pastore: "There must be only one rule to apply to every State.[14]

Yet the Court made short work of such evidences. The "similarity of pseudo de facto segregation in the South to actual de facto segregation in the North", it declared, "is more apparent than real."[15] Only "segregation resulting from racially motivated gerrymandering is properly characterized as 'de jure' segregation",[16] it asserted. And, such gerrymandering, in the Court's lights, occurred only in the South.

The Court therefore concluded that:

"Adequate redress . . . calls for much more than allowing a few Negro children to attend formerly white schools; it calls for liquidation of the State's system of de jure school segregation and the organized undoing of the effects of past segregation."[17]

Perhaps the most curious of the curious reasoning resorted to by the Court to justify the legislative lobotomy it was performing related to the role attributed to the author of this brief. In commenting on his reasons for offering a key amendment, it blandly stated that:

". . . Congressman William Cramer, who offered the amendment, was concerned that the bill as originally proposed might authorize the government to require busing to overcome de facto segregation."[18]

Having reached this conclusion, it interpreted his proposal in this way:

"The affirmative portion of this definition, down to the 'but' clause, describes the assignment provision necessary in a plan for conversion of a de jure dual system to a unitary, integrated system. The negative portion, starting with 'but', excludes assignment to overcome racial imbalance, that is acts to overcome de facto segregation."[19]

It then determined that:

"As used in the Act, therefore, 'desegregation' refers only to the disestablishment of segregation in de jure segregated schools."[20]

In effect, therefore, the Court decided that the author was not only aware of the de jure-de facto distinction, but that he sought to embed it in the fabric of the law then under consideration by offering his amendment. In other words, it presumed that he knew the practice he sought to outlaw (racial balancing) would be prohibited *only* in de facto areas i.e. the North, not in his own de jure constituency in the South.

That the Court attributed such an intention to him seems hardly credible. Yet, what other conclusion can be drawn from the language of the opinion?

The holding of the three-judge panel in *Jefferson I* that the Civil Rights Act of 1964 contemplated a double standard of administration based upon alleged differences between de facto and de jure segregation was unfortunately approved by the Court of Appeals, sitting *en banc*, in *Jefferson II* and thereafter, in one form or other, in an unbroken line of decisions in this and other Circuits, and in the United States Supreme Court.

Yet withal, the question may be posed, as it was by those who, for half a century, challenged the wisdom of *Plessy:* Should earlier errors of interpretation be compounded by being left implanted in the law?

Apparently Health, Education and Welfare Secretary Robert Finch does not believe they should be. "We supported the Stennis Amendment", he acknowledged in a recent interview, "which said that there should be uniform application across the country, because . . . I think it's wrong to continue to fall back on the old legal distinction between de jure and de facto segregation.

"Segregation is segregation", he declared.[21]

Vice President Spiro Agnew agreed with Secretary Finch. The head of the President's Committee on School Integration, in a recent speech, voiced his hope that the Courts would soon end "the lack of evenhandedness in treating North and South. . . ."

He is not alone!

C. The guidelines dilemma

The aim of Congress, in enacting the Civil Rights Act of 1964, was to mobilize the full resources of the Federal Government in order to end segregation in schools across the land. To insure uniform application, safeguards were written into the proposed measure. Section 602 of Title VI relating to "Nondiscrimination in Federally Assisted Programs", for example, contained the following language:

"Each Federal department and agency which is empowered to extend Federal financial assistance . . . is authorized and directed to effectuate the provisions of section 601 . . . by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute . . ."

But even this statement did not satisfy *proponents* of the bill. Because of their longstanding criticism of President Eisenhower for his alleged failure to put his prestige behind an Executive-wide desegregation drive, they were determined to make it crystal clear that concerted action by the entire Federal establishment was the aim, with presidential sanction, the goal. Consequently, Congressman John Lindsay, an ardent champion of civil rights, proposed a clarifying amendment to require specific approval by the President "of any rule, regulation, or order of general applicability designed to prevent discrimination in programs or activities receiving Federal financial assistance."[22] In explaining his amendment, Mr. Lindsay, currently the Mayor of New York City, stated:

"The members of your committee feel that the rulemaking power is so important in this area and can be so significant because of the latitude that this title by definition has to give to the executive in drafting rules and regulations that the Chief Executive should be required to put his stamp of approval on such rules and regulations—after, of course, the normal procedures have been followed in promulgating such rules and regulations."[23]

And so, the following language was added to Section 602:

"No such rule, regulation, or order shall become effective *unless and until* approved by the President."[24] [emphasis added]

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With such a clear expression, one would naturally expect that any measures "of general applicability" promulgated by an administering agency to guide Courts in assessing, and school boards in implementing, the desegregation mandate of the Act would be submitted, as a matter of course, to the President for approval. And this, at the outset, appeared to be the procedure contemplated when the Department of Health, Education, and Welfare prepared and published its proposed implementation guidelines in the Federal Register. But, because of the furor they aroused, the original measures were withdrawn, redrafted, and reissued. In their new incarnation, these standards requiring desegregation in the schools as a precondition for continued Federal financial assistance were euphemistically dubbed 'Guidelines'. As such, it was now contended, that what President Johnson had refused to sign earlier, no longer required the presidential signature.[25]

Thus, was the initial breach in the dike of uniform enforcement put forward. Thereafter, it was widened in *Jefferson I* when, after according lip service to the statutory aim,[26] the Court stated:

"For this circuit, the HEW guidelines offer, for the first time, the prospect that the transition from a de jure segregated dual system to a unitary integrated system may be carried out effectively, promptly, and in an orderly manner."[27]

It rationalized its position in this way:

"It is evident to anyone that the Guidelines were carefully formulated by educational authorities anxious to be faithful to the objectives of the 1964 Act."[28]

And further:

"We summarize the Court's policy as one of encouraging the maximum legally permissible correlation between judicial standards for school desegregation and HEW Guidelines. . . . It it consistent with the judiciary's duty to the Nation to cooperate with the two other coordinate branches of government in carrying out the national policy expressed in the Civil Rights Act of 1964."[29]

But Judge Cox, a member of the three-judge panel in *Jefferson I*, disagreed:

"Significantly, there is nothing in the Civil Rights Act of 1964 to suggest the propriety of this Court adopting and following any guidelines of the Health, Education, and Welfare Commissioner in these school desegregation cases in such respect. The policy statement of Congress as contained in the Act itself expressly disclaims any intention or purpose to do that which these guidelines, and the majority opinion approving them, do in complete disregard thereof."[30]

And again:

"The English language simply could not be summoned to state any more clearly than does that very positive enactment of Congress, that these so-called 'guidelines' of this administrative agency are not sacrosanct expositions of the school law . . . but are actually promulgated and being used in opposition to and in violation of this positive statute."[31]

In *Jefferson II*, Judge Gewin (Judge Bell concurring) also disagreed:

"When confronted with the fact that the guidelines were not approved by the President as required by the Civil Rights Act of 1964, the opinion then concluded that they do not constitute or purport to be rules or regulations or orders of general application. It was then stated that since they were not a rule, regulation or order, they constitute 'a statement of policy', and while HEW 'is under no statutory compulsion to issue such statements' it was decided that it is 'of manifest advantage' to the general public to know the basic considerations which the Commissioner uses 'in determining whether a school meets the requirements for eligibility to receive financial assistance.'"[32]

Consequently, the Majority in each instance, concluded that the Guidelines were mere statements of policy and, hence, did not require presidential approval. But it was precisely because of their *policy setting nature* that such approval had been deemed essential. What, after all, is any law of Congress but an expression of national policy. Surely, in view of their significance and the manner in which they have, in fact, been applied, the Court's conclusion that the Guidelines did not warrant presidential assent should be re-examined—particularly in the light of the current HEW practice of contracting with private organizations to set up so-called desegregation planning units. Under this delegation of authority, these shadowy organizations actually formulate desegregation plans and programs for HEW and the Courts. One such unit operates under the name of the Florida School Desegregation Consulting Center at the University of Miami in Florida. By according the handiwork of these private action groups the force and effect of law, they have come to wield tremendous power in their own right.

Can it be seriously argued that such a delegation was ever contemplated by the Congress? Without a doubt, had it sought to confer such authority in any other area, the attempt would have been summarily ruled unconstitutional. Why then should such a delegation be tolerated in the sensitive area of civil rights?

When all is said and done, what Congress, acting under its constitutional mandate, conceived of a triple-pronged plan involving the legislative, executive and judicial branches of Government to end segregation in the Nation's public schools, has been transformed into a fragmented effort whose results, as daily headlines attest, are confusion, chaos, and compulsion.

Has not the time come for judicial reconsideration of its Guideline policies?

D. Desegregation-integration

The Fourteenth Amendment provides that no State shall deny to any of its citizens the equal protection of the laws. The negative character of that enjoinder has been uniformly adhered to through the years.

In 1883, for example, the Supreme Court of the United States in the *Civil Rights Cases*[33] unequivocally held that the Fourteenth Amendment is a prohibition against State action and only State action. Mr. Justice Bradley delivered the opinion of the Court in which the principle was stated:

"It is State action of a particular character that is prohibited. . . . [The amendment] nullifies and makes void all State legislation, and State action of every kind, which denies to any the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere *brutum fulmen*, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. . . ."

More recently, the Supreme Court reaffirmed those principles in *Burton v. Wilmington Parking Authority*[34] when it announced that the *Civil Rights Cases*, "embedded in our constitutional law" the principle "that the action inhibited by the . . . Fourteenth Amendment is only such action as may fairly be said to be that of the States."

In *Briggs v. Elliott*, this view was upheld when the Court, seeking to "point out exactly what the Supreme Court had decided and what it has not decided" in *Brown* declared:

"It has not decided that the federal courts are to take over and regulate the public schools of the states. It has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. . . . The Constitution, in other words, does not require integration. It merely forbids discrimination."[35]

The same view was espoused in *Queen Cohen v. Public Housing Administration*, when Judge Rives, speaking for the Court, stated:

"Neither the Fifth nor the Fourteenth Amendments operate positively to command integration of the races, but only negatively to forbid governmentally enforced segregation."[36]

President Kennedy, in submitting his Civil Rights Message in 1963, however, urged that the Congress scrap this approach in favor of a radical new one aimed at eliminating all vestigates of discrimination nationwide. What he proposed, in effect, was that the time-honored, judicially approved distinction between desegregation and integration be obliterated by legislative fiat and a new standard designed to achieve racial balance substituted. In the President's words:

"As previously recommended, technical and financial assistance would be given to those school districts *in all parts of the country* which, voluntarily or as the result of litigation, are engaged in the process of meeting the educational problems flowing from desegregation or *racial imbalance* . . ."[37] [Emphasis ours]

The language of the bill accompanying the Presidential Message embodied this approach. As proposed, it contained a series of provisions whose enactment would have had the effect of legislatively approving the requirement of 'racial balance' as an equivalent of or supplement to desegregation.[38] Members of Congress were, of course, aware of the implications of President Kennedy's proposal. Consequently, when H.R. 7152 was being considered by Subcommittee 5 of the House Committee on the Judiciary, attention was focused on this revolutionary proposal. During the course of lengthy hearings, questions were repeatedly directed to witnesses in a vain effort to clarify the meanings of the terms 'racial balance' as used in the bill. Again and again, Congressman Cramer sought to define the phrase. Yet, despite determined efforts, no satisfactory explanation was ever supplied.[39]

As a result, when the Subcommittee met in Executive Session, Congressman Cramer moved that all reference to the term 'racial balance' be stricken from the bill. His motion was approved by the Subcommittee and a substitute version, deleting all references to the term, and there were many, was reported to the full Committee.

That Body accepted the Cramer sponsored change thus limiting the coverage of Title IV to *"the orderly achievement of desegregation in public education"* rather than to the far broader notion of promoting integration by racially balancing public schools throughout the Nation.

Still concerned, however, that judicial confusion might result from a mere deletion of the balancing portions of the proposed bill,[40] the Florida lawmaker, when the measure reached the Floor, offered an amendment to the definition of 'desegregation' contained in Title IV of H.R. 7152. His aim was to make it crystal clear that desegregation, as used in the Act, "shall not mean the assignment of students to public schools in order to overcome racial imbalance."

The purpose of my amendment, explained

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Cramer, is "to prevent any semblance of congressional acceptance or approval—to include in the definition of 'desegregation' any balancing of school attendance by moving students across school district lines to level off percentages where one race outweighs another." [41]

But even unanimous approval of this language did not satisfy the Senate. Additional clarifying amendments were demanded as the price for securing passage of the bill. Their literal effect was to deny any "official" or *"court"* of the United States the power "to issue any order seeking to achieve a racial balance in any school requiring the transportation of pupils or students from one school to another or one district to another in order to achieve such racial balance, or otherwise enlarge *the existing power* of the court to insure compliance with constitutional standards." [42] Since "existing power" in the Courts, at the time, comprehended only ending segregation in the schools, not promoting integration, the intention of Congress was to make it crystal clear that no enlargement of authority was contemplated by the Act. No better elucidation of this can be found than in the amplifying remarks of then Majority Whip Hubert Humphrey:

"The Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race. The bill does not attempt to integrate the schools, but it does attempt to eliminate segregation in the school systems. The natural factors such as density of population, and the distance that students would have to travel are considered legitimate means to determine the validity of a school district, if the school districts are not gerrymandered, and in effect deliberately segregated. The fact that there is a racial imbalance per se is not something which is unconstitutional." [43]

Senator Javits of New York, a staunch proponent of civil rights, likewise echoed those sentiments:

"Taking the case of the schools to which the Senator is referring, and the danger of envisaging the rule or regulation relating to racial imbalance, it is negated expressly in the bill. . . . Therefore there is no case in which the thrust of the statute under which the money would be given would be directed toward . . . bringing about a racial balance in the schools. If such a rule were adopted or promulgated by a bureaucrat, and approved by the President, the Senator's State would have an open and shut case under Section 603. That is why we have provided for judicial review. *The Senator knows as a lawyer that we never can stop anyone from suing, nor stop any Government official from making a fool of himself, or from trying to do something that he has no right to do, . . .*" [44] [emphasis ours]

From the foregoing, it is evident that the Congress was fully cognizant of the Executive ambition to expand the Federal role from merely ending segregation in the public schools to promoting integration through racial balance and it did what it thought was necessary to nip this ambition in the bud. At first blush, some of the statements of the Court, in *Jefferson I,* convey the impression that the national legislature succeeded. On page 849, for example, the opinion states:

"Congress decided that the time had come for a sweeping Civil Rights advance, including national legislation to speed up *desegregation* of public schools and to put teeth into enforcement of *desegregation*. Titles IV and VI together constitute the congressional alternative to court-supervised *desegregation.*" [emphasis ours]

And again, on page 851 of the opinion:

"In April 1965, Congress for the first time in its history adopted a law providing general federal aid—a billion dollars a year—for elementary and secondary schools. It is a fair assumption that Congress would not have taken this step had Title VI not established the principle that schools receiving Federal assistance must meet uniform national standards for *desegregation.*"

But such statements were mere window-dressing. Far from adhering to the desegregation objectives that Congress set forth, the Court, in easy stages, proceeded first to undermine and then nullify them. "There is not one Supreme Court decision", it declared, "which can be fairly construed to show that the Court distinguished 'desegregation' from 'integration' in terms or by even the most gossamer implication . . ." [45] Manifestly, therefore, "the duty to desegregate schools extends beyond mere 'admission' of Negro students on a non-racial basis."[46] Having established this, it was but a short step to a declaration that:

"The Constitution is both color blind and color conscious." [47]

"Here race is relevant, because the governmental purpose is to offer Negroes equal educational opportunities. The means to that end, such as disestablishing segregation among students, distributing the better teachers equitably, equalizing facilities, selecting appropriate locations for schools, and avoiding resegregation, must necessarily be based on race." [48]

And from this to citing with approval the proposition that:

"The Courts and HEW cannot measure good faith or progress without taking race into account. 'When racial imbalance infects a public school system, there is simply no way to alleviate it without consideration of race.' " [49]

In this fashion, "the unquestioned intent of Congress as illustrated by the legislative history" is obliterated, as is the former distinction between desegregation and integration.[50]

But the Court was still not content. "Some of the difficulty in understanding the Act and its legislative history," it stated, "arises from the statutory use of the undefined term 'racial imbalance'. It is clear, however, from the hearings and debates that Congress equated the term, as do the commentators, with 'de facto segregation', that is, non-racially motivated segregation in a school system based on a single neighborhood school or all children in a definable area." [51]

Having reached this conclusion, it then went on to sanction racial balacing in non de facto areas i.e. in the South, in this way:

"The provision referring to percentages (in HEW Guidelines) is a general rule of thumb or objective administrative guide for measuring progress in desegregation rather than a firm requirement that must be met." [52]

It further observed that:

"Common sense suggests that a gross discrepancy between the ratio of Negroes to white children in a school and the HEW percentage guides raises an inference that the school plan is not working as it should in providing a unitary, integrated system." [53]

Thus was the transition made from de facto to de jure to guidelines to integration to balancing and, finally, to de jure (or is it de facto?) quotas.

SECTION IV. CONCLUSION

Standing alone, each of the foregoing misconstructions of legislative meaning and intent, is of relatively minor importance. But in combination they constitute a wholesale diversion from the expressed will of the national legislature.

1. Where Congress desired that the provisions of the Act be uniformly applied in all fifty States, not on a sectional basis, the Court limited effective coverage to the old Confederacy.

2. Where Congress asserted in clear statutory language that rules or regulations promulgated by the Department of Health, Education, and Welfare required Presidential approval, the Court held, on the one hand, that Guidelines did not require presidential approval; on the other, it designated them as standards which had to be met in order to comply with the law.

3. Where Congress struck the misguided notion of racial balance as an equivalent of or supplement to desegregation from the original bill, the Court suggested that this was a matter that had never even been considered.

4. Where Congress, seeking to accord its negative action positive standing specifically amended the Act so as to provide that desegregation did not include the assignment of students to overcome racial imbalance, the Court circumvented its intention by ruling that the prohibition applied only to de facto, not de jure situations, hence not to the South.

5. Where Congress sought to make the admission of students on a non-racial basis the standard, the Court, in effect, decided that the opposite was intended; that classification by race was to be the prime determining factor.

6. Where Congress sought to outlaw the notion of assigning students to overcome racial imbalance, the Court approved *de facto quotas* to measure compliance with its orders.

7. Where Congress sought to preserve neighborhood schools the Courts set the stage for dismantling them.

Some may argue that past mistakes of legislative interpretation cannot be undone. But such assertions are patently unrealistic. After all, the Supreme Court, after half a century, undid its error in *Plessy*. A mere half decade has passed since Jefferson.

What is more, because the wheels of justice turn slowly, comparatively little actual violence has yet been done to the congressional plan. But, the signs for the future are ominous. In a recent radio interview, Secretary of Health, Education, and Welfare Robert Finch complained that the Administration "is confused by what the Courts have said":

"We have a very confused set of decisions—that go to both ends of the spectrum with regard to the question of bussing, for example. We have a decision out of the Fifth Circuit involving Orange County, Florida, which says in effect the neighborhood school is the important concept, and that must be preserved at all costs, and that's where the dollars ought to be allocated.

"Then you have decisions like Charlotte, in the Carolinas, in Los Angeles, which I think are totally unrealistic, because they say that you shall take the percentages in the district as a whole and apply those and force those on each district—or, each school within that district.

"And in the case of Charlotte, they have to buy 400 new buses; in the case of Los Angeles, they have to buy, I guess, better than 500 new buses, with all that goes with that, and when you have that kind of a situation, that's not the best use of your resources, because you're trying desperately to keep the doors open, to pay faculty, to pay janitors. But beyond that, it's not the best educational experience, because to haul young children, for an hour or more, across long distances, as you have particularly in the Los Angeles situation, means they can't get any tutoring after school, the parents can't—have great difficulty in getting to the teacher to talk about their child; they can't take part in athletic events, or dramatic events or extracurricular events, and it's not good educational policy.

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"So that I feel very strongly that those decisions are moving in the wrong direction."[54]

What is to be done? Obviously, the Courts are at a judicial crossroads. If their efforts to improve educational opportunities for Black Americans are not to bear rancid fruit, they must be brought into line with the political, social, constitutional and legislative mandate of the Civil Rights Act of 1964.

There is still time. A vast reservoir of racial good will still exists. The opportunity to move ahead thus remains. If reason rules, progress will be great. But, if it does not, then a harsh night of disruption and discord will descend upon our land as a new era of Reconstruction—this time judicially imposed—rends the Nation asunder once again.

If this comes to pass, who can seriously argue that the cause of education for Black Americans, or for that matter, for any Americans, will prosper?

Respectfully submitted.

William C. Cramer,
Member of Congress.

FOOTNOTES

[1] See Appendix.

[2] *Briggs* v. *Elliott*, 132 F.Supp. 776 (D.C. E.D.S.C. 1955).

[3] Section 5.

[4] *United States* v. *Jefferson County Board of Education*, 372 F.2d 836 (1966) commonly referred to as *Jefferson I*.

[5] Ibid, p. 845.

[6] Ibid, p. 850.

[7] Ibid, p. 856.

[8] Ibid, p. 859.

[9] House Doc. No. 124, 88th Congress, 1st Session (1963), pg. 13.

[10] House Report No. 914, 88th Cong. 1st Session, pg. 18.

[11] Senator Pastore, a principal spokesman for the bill, 111 Cong. Rec. 7059 (April 7, 1964).

[12] *Jefferson I*, p. 861.

[13] *United States* v. *Jefferson Cty. School Board*, 380 F.2d 385 (1967), commonly referred to as *Jefferson II*, p. 398, Judge Gewin dissenting.

[14] Senator Pastore, 110 Con. Rec. 7059 (April 7, 1964).

[15] *Jefferson I*, p. 876.

[16] Ibid, p. 876.

[17] Ibid, p. 866.

[18] Ibid, p. 879.

[19] Ibid, p. 878 referring to Section 401(b) of the Act.

[20] Ibid, p. 878.

[21] "Profile," a production of Metromedia Radio News, February 27, 1970, Transcript, pg. 11. Secretary Finch further added:

"Well, if you're talking about the typical strict dual system, I think that's really been broken. The great bulk of the Southern districts, the old dual systems have been broken up.

"We're at the point now where we have the metropolitan districts and the big city districts, but they are in great part the kind of same de facto situations that you find in most big cities in the North and in the West. So that it's not the same old classic tale of one black and one white school in a county situation. That's not what we're finding.

"We're in Atlanta, and Mobile and Charleston, and those kind of problems are de facto in the very real sense that you have them in Chicago and New York and Los Angeles, and you just can't compare that to the old rural system of one black and one white school."

[22] See Preliminary Brief, pgs. 19–20.

[23] 110 Cong. Record 2499, Feb. 7, 1964.

[24] P.L. 88–352, 78 Stat. 243, approved July 2, 1964.

[25] See "Policies and Guidelines for School Desegregation" Parts I and II, Hearings before the Committee on Rules, House of Representatives, 89th Congress, 2nd Ses., Sept. 29 and 30, and October 4, 1966.

[26] ". . . Guidelines . . . are formulated to stay within the scope of the Civil Rights Act of 1964, . . . and are intended by Congress and the Executive to be part of a coordinated national program. The Guidelines present the best system available for uniform application, and the best aid to the courts in evaluating the validity of a school desegregation plan and the progress made under that plan." [Jefferson I, p. 847]

[27] Ibid, p. 852.

[28] Ibid, p. 858.

[29] Ibid, p. 861.

[30] Ibid, p. 906.

[31] Ibid, p. 910.

[32] Jefferson II, p. 401–402.

[33] 109 U.S. 3, 11.

[34] 365 U.S. 715, 721 (1961).

[35] *Briggs* v. *Elliott* (E.D.S.C. 1955), 132 F. Supp. 776, 777.

[36] 257 Fed. 2d 73, 78.

[37] Message to Congress, June 19, 1963, H. Doc. 124, 88th Cong., 1st Sess., p. 7.

[38] See Preliminary Brief, pp. 9–11.

[39] Civil Rights Hearings before Subcom. 5 of Committee on Judiciary, Hse. of Reps., 88th Cong., 1st Sess., pp. 1782, 1888–1889, 2084–2086, 2138, 2163, 2234–2236.

[40] His concern prompted the Florida lawmaker to write these prophetic words in the House Report:

". . . as a matter of legal craftsmanship, this bill is inexpertly drafted, imprecisely worded and imperfectly oriented to the very problems it professes to solve. The ambiguity of its language creates a cloud of obscurity which conceals its potential consequences. While we are unprepared to say that the ambiguity is deliberate and calculated, it is difficult to believe that it is altogether accidental. Statutory ambiguities require judicial interpretation. In light of the trend court decisions have taken in recent years, it is not unrealistic to predict that the interpretations the courts would make would be of the broadest possible scope. What the courts interpret tomorrow may be altogether different from what a majority of the Members of Congress intended . . ." [H. Rept. #914, 88th Cong., 1st Sess., p. 112.]

[41] 110 Cong. Rec. 2280, Feb. 6, 1964.

[42] 110 Cong. Rec. pg. 12714, June 4, 1964.

[43] Ibid 12717.

[44] 110 Cong. Record 12717, June 4, 1964.

[45] Jefferson, P. 846. It did not, of course, because at the time the decision was rendered it obviously felt that universally accepted semantic differences did not require it.

[46] Jefferson, P. 846.

[47] Ibid, p. 876.

[48] Ibid, p. 877.

[49] Ibid, p. 877. Citing Wright Public School Desegregation: Legal Remedies for De Facto Segregation, 16 West. Res. L.Rev. 478, 489 (1965).

[50] *Jefferson II*, p. 407, Cox dissenting.

[51] Ibid. p. 878.

[52] Ibid. p. 886–887.

[53] Ibid. p. 888.

[54] "Profile," a production of Metromedia Radio News, Feb. 27, 1970, Transcript pgs. 7–8.

Appendix

"The only school desegregation plan that meets constitutional standards is one that works." (*Jefferson I*, pg. 847.)

But is "desegregation," as envisioned by the Courts, actually working—anywhere?

The following reports indicate that it is not.

[From Newsweek, Feb. 23, 1970]

The Tragic Failure

(By Stewart Alsop)

Washington.—Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

There are good reasons why this fact should be hidden from public view. To admit that it is a fact is to delight every racist and reactionary in the land. Moreover, the failure of integration is a failure of the American system itself, of the whole *mythos* of the melting pot. Yet truth, like murder, will out, and there is no longer any escaping the plain truth that integration is a failure.

Among those who know the realities, that ugly truth is almost universally recognized. This reporter, no educational expert himself, read the first paragraph of this report to a dozen or more people who do know the realities. What was surprising was the similarity of their reactions. Here, for example, are the reactions of three leading Negroes:

Ben Holman, director of the Justice Department's Community Relations Service: "Of course it's true. I started out at 14 picketing for integration, but it's just not going to work. We've got to admit publicly that we've failed, so we can stop pursuing this phantom, and concentrate instead on gilding the ghetto—a massive diversion of manpower and money to the central city schools."

Dan Watts, editor of The Liberator, intellectual organ of the black militants: "You're so right. There's more race hatred in New York today than there is in Mississippi, and it all goes back to the schools. It's a traumatic experience, anyway, for a black kid to be bused clear across town for the privilege of sitting next to Miss Ann . . . we've got to move away from integration and toward coexistence."

Julius Hobson, Washington's leading black militant: "Of course—integration is a complete failure . . . what we've got is no longer an issue of race but of class, the middle class against the poor, with the Federal government standing idly by . . . the schools in Washington have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school . . . I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are* . . . the integration kick is a dead issue."

White liberals are more reluctant than blacks to acknowledge that "the education kick is a dead issue." Here for example, is James Allen, U.S. Education Commissioner: "You have to have an optimistic view, or you'd go nuts in this game . . . We thought the problem could be settled in a decade or two, but we were wrong . . . there is no good way out at any time in the immediate future, and we've just got to face that fact."

MORE REACTIONS

Here (in a tone of anguish) is Richardson Dilworth, liberal Democrat, former mayor of Philadelphia, and president of that city's Board of Education: "I've never seen the cities in such terrible shape . . . people don't listen, they just scream at us, and a lot of the whites are worse than Georgia rednecks. But I just don't think you can give up on integration. If you do, the cities are lost."

Here is Dr. Alan Westin of Columbia University, an educational expert: "We've got to make sure that we don't sell out integration where it's been successful—in Teaneck, N.J., where I live, for example. But that's admittedly an atypical situation. Where integration has failed, the answer may be some sort of biracialism . . . but if the white doesn't want to integrate, he damn well better be prepared to pay . . ."

Here is Richard Scammon, the best political statistician-analyst in the business: "The danger is that you could have a white working-class revolt against the Federal judiciary and the whole liberal Establishment. For example, Denver votes 70–30 against busing and the courts reverse the people's decision The up-tight white liberals think the way a soldier does—somebody else is going to get it, not me. Justice Douglas talks about a violent revolution against the Establishment.

One day the working-class whites may take his advice—and hang Bill Douglas."

As these excerpts suggest, there has been very recently a sort of sea change in national opinion, both black and white, on the integration issue. Last week, for example, The New York Times, the bellwether liberal newspaper, published two devastating reports. The articles, which had a heavy impact on Capitol Hill, reported "conditions of paralyzing anarchy" in some integrated New York City schools, and "racial polarization, disruptions, and growing racial tensions . . . in virtually every part of this country where schools have substantial Negro enrollments."

Also last week, Sen. Abraham Ribicoff of Connecticut, one of the shrewdest and most perceptive politicians on Capitol Hill, rose to brand the North "guilty of monumental hypocrisy" on the race issue. In the colloquy that followed, Ribicoff gave this chilling description of the American school system:

"When we have a school system ready to blow up across the nation, when teachers have to be escorted to school by police, and when students are fighting one another in the schools and classrooms, we have a civilization in disintegration."

The implication is clear—that integration threatens disintegration. But if integration is a failure, what is to be done?

REALITIES

Again, what is surprising is how often the same note is struck by those who know the realities. First, "don't sell out integration where it's been successful." The bridges between the races are too few and fragile anyway, and they must be preserved at all costs. The best way to strengthen and increase them, as Ribicoff suggests, is not to try to force middle-class whites to send their children to school in the ghettos, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Second, as Julius Hobson says, "Make the schools good where they are." On this point, all those consulted by this reporter are in agreement. "We should proceed to upgrade the schools where they are now," says John Gardner, chairman of the Urban Coalition, "and not sit around waiting for integration that may never happen." Given the eroded tax base of the central cities, all agree, only the Federal government can really do the upgrading job.

Finally, both black militants and white liberals seems to be reaching out for a new relationship—what Dan Watts calls "coexistence," and Alan Westin calls "biracialism." Both words are disturbing, for there is in them an echo of that discredited phrase, "separate but equal." And yet it is always better to proceed on the basis of a recognition of what is, rather than what ought to be. And it has become impossible to hide from view any longer the fact that school integration, although it has certainly been "an experiment noble in purpose," has tragically failed almost everywhere.

[From the Washington Post, Feb. 20, 1970]

Concentration on Integration Is Doing Little for Education

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classrooms.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temtorary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

[From Congressional Record, Jan. 28, 1970]

Doubts Grow About Forced School Integration

Mr. Byrd of West Virginia. Mr. President, on Monday, January 26, the National Observer published a front page article entitled "Doubts Grow About School Integration."

The informative article cites a number of Federal surveys and states that the situation in our schools today "is raising new doubts among many longtime integrationists about the wisdom of trying to enforce desegregation in the schools."

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record.

Doubts Grow About School Integration

Washington, D.C.—A new word has entered the debate over segregation and integration in the nation's public schools: resegregation.

In dozens of cities, schools and school systems once almost entirely white are turning increasingly nonwhite. This trend, produced by the familiar exodus of whites to the suburbs and nonwhites to the inner cities, has been going on for more than 30 years.

Only now, however, is it becoming a matter of prime concern to Federal officials. A new Federal school survey shows that racial isolation exists in every section of the country and that its growth is most rapid in the big Northern cities. This fact is raising new doubts among many long-time integrationists about the wisdom of trying to enforce desegregation in the schools. Items:

Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Conella Coulter Brown, administrative assistant for the Cleveland schools.

Edmondson High School on the west side of Baltimore was 80 percent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harris. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere."

Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 percent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince George's enrollments this year, however, is not that the number of new blacks is up but that the number of new whites is down. No one knows exactly why, but one administrator muses: The whites are moving to other Washington suburbs rather than to Prince George's."

In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

The extent of desegregation in the North has never been known with any certainty. But the Department of Health, Education, and Welfare (HEW) undertook a survey of the racial composition of 90 per cent of the school districts in the country during the 1968–1969 school years, and fed the returns into a high-speed computer. The results, re-

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leased Jan. 4, portray a system of segregated education that knows no regional boundaries.

The survey shows, for example, that 5 out of 10 Negroes outside the South attend schools 95 to 100 per cent Negro, as opposed to 7 out of 10 Negroes in the 11 Southern states. Only 25 per cent of the Negroes outside the South attend majority-white schools, as contrasted with 18 per cent of the Negroes in Southern schools.

The survey shows too that 10 of the largest 20 city school systems in the country have majority Negro enrollments. In 16 of those systems, 60 per cent or more of the Negroes go to schools 95 to 100 per cent Negro—almost totally segregated.

A. STENNIS CHALLENGE

Federal officials say they are deeply troubled by the extent of segregation the survey has uncovered. Sen. John Stennis, Mississippi Democrat, first previewed the findings in a series of speeches in December, in which he challenged the Government to pursue desegregation in the North with the same vigor it is pursuing desegregation in the South. "If segregation is wrong in the public schools of the South," he argued, "it is wrong in the public schools of all other states."

Mr. Stennis made the point in arguing that the Government should ease up on its efforts to promote desegregation of schools. Leon E. Panetta, HEW's chief civil-rights officer, on the other hand, told Congress two months ago that the answer is not to make segregation legal in the South but to pass legislation making it illegal everywhere.

Last week, in a pensive mood, Mr. Panetta reflected on the emerging pattern of resegregation in America and said: "Nobody really is considering what the answers to this situation are, and whether there aren't new injustices resulting from rectifying gross past injustices."

Ever since the Supreme Court held in 1954 that state-supported racial segregation was a denial of equal educational opportunity, the courts have been trying to undo the vestiges of the South's dual school system. With the passage of the 1964 Civil Rights Act, the Justice Department and HEW joined the battle to force recalcitrant school districts to adopt plans of racial balance.

TURNING ATTENTION NORTH

In the past two years, both agencies have begun turning their attention to school discrimination outside the South, but only a handful of non-Southern districts have been cited for discrimination. This is because racial separation in Northern districts is generally regarded as *de facto* segregation, a result of housing patterns, rather than—as in the South—*de jure*, the result of official law or policy.

Last week, in the second of seven suits filed by the Justice Department in non-Southern districts, a Federal district court ordered the Pasadena, Calif., school board to put into effect by next September a desegregation plan that would give none of its schools a nonwhite majority. The district—30 per cent black, 58 per cent white, and 12 per cent other minorities—was accused of discriminating in the making of school district boundaries, teacher assignments and in other ways.

So far, few courts have held that the existence of *de facto* segregation itself is proof of discrimination, and the Supreme Court has not ruled on the issue. Yet the disparity continues between what is forbidden in the South and what is tolerated in the North, and the pattern of Northern separation begins to look more like its Southern counterpart.

For example, 17 Florida school systems, with two-thirds of the state's pupil population, are currently under Federal court orders to desegregate, two of them by Feb. 1 under a Supreme Court order. Seventy-two per cent of the Negro students in Florida attend schools in which Negroes constitute 95 to 100 per cent of the enrollment.

Yet 72 per cent of the Negro students in Illinois, according to the HEW survey, also attend schools with 95 to 100 per cent Negro enrollment, and there are no court orders compelling desegregation in Illinois. In fact, it can be argued there is more segregation in Illinois than in Florida. Theoretically it should be easier for Illinois, where Negroes make up 18 per cent of the student population, to place Negroes in the majority-white schools than for Florida, where they make up 23.2 per cent. Yet there are proportionately more Negroes in majority-white schools in Florida (23.2 per cent) than in Illinois (13.6).

It seems likely that the courts will not for long be able to postpone consideration of such discrepancies in the application of national law. For a few Southern school districts, which have desegregated in accordance with the law, now find themselves victims of resegregation, ostensibly as a result of shifting housing patterns. One such district is Atlanta, where integration began eight years ago as the result of court suits initiated by the NAACP and other civil-rights groups.

TWO ESCAPE ROUTES

Since that time, 25 schools that were formerly all-white have turned predominantly black, as white parents have followed one of the two legal escape routes open to them: a private school or a home in the suburbs. Today, the school system, predominantly white before integration, is two-thirds black, but adjoining, suburban school systems are 80 to 95 per cent white.

If this appears to be *de facto* segregation Northern-style, Atlanta—because it had a dual school system until recently—is nonetheless still subject to a Supreme Court order of Jan. 14, requiring desegregation of schools in Georgia and four other Southern states by Feb. 1.

Southerners have long been grumbling about what they wryly refer to as "this dual system of justice" (one for the North, another for the South), and they are beginning to organize to combat it. Last week, Florida's Gov. Claude Kirk appealed to the U.S. Supreme Court to set national desegregation standards that would affect all 50 states. And the attorneys general of Louisiana, Mississippi, and Alabama announced a joint legal effort designed to ensure that "the same rules for administration of public schools" imposed by the Federal courts in the South "apply to all other states."

The forces attempting to undermine enforced desegregation will get an unexpected assist next month with the publication of a book by Harper & Row, which challenges the Constitutional basis of court-ordered integration.

Entitled *The Supreme Court and the Idea of Progress*, and written by Yale University's Alexander M. Bickel, a Constitutional law authority of impeccable credentials among civil-rights advocates, the book is an expanded version of the Holmes Lectures, which Professor Bickel delivered at Harvard Law School in October.

In a chapter on the Supreme Court's desegregation rulings, Professor Bickel argues the Court, beginning with the history-making *Brown v. Board of Education* decision in 1954, should have contented itself with finding that legally enforced school segregation is unconstitutional.

DUBIOUS SOCIOLOGY?

In going beyond that principle to argue that separate educational facilities are inherently unequal, says Professor Bickel, the Court based its reasoning on dubious sociology and a parochial view of American education, which holds that education's main duty is to promote assimilation. As a result, says Mr. Bickel:

"In most of the larger urban areas, demographic conditions are such that no policy that a court can order, and a school board, a city, or even a state has the capability to put into effect will in fact result in the foreseeable future in racially balanced public schools."

Enforced desegregation, in other words, will merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in the city schools.

It should be noted that there are many successful experiments in racial desegregation of schools. Several dozen Northern school districts, according to HEW estimates, have achieved full and voluntary integration by such techniques as altering attendance zones, busing and pairing of students to achieve racial balance. In White Plains, N.Y., for example, a quota system introduced in 1964 has not resulted in an exodus of whites. No school may have more than a 30 per cent or less than a 10 per cent enrollment of minority-group students.

But such plans, officials say, generally work in small or medium-size cities (White Plains' population: 65,000), where the population is stable and the blacks are in the minority. They often require, in addition, a rare degree of local leadership.

Central cities, on the other hand, experienced an increase of 2,400,000 in the Negro population between 1960 and 1968, and a decline of 2,100,000 in the white population, according to Census Bureau figures. While the figures are open to various interpretations, they nonetheless make it clear that great numbers of whites do not consider integration a primary social goal.

CHANGING NONWHITE ATTITUDE

Integration seems to be losing its attraction among nonwhites as well, at least as a short-run goal. Civil-rights leader James Farmer, now a high Nixon Administration official, said recently he has stopped trying to "sell Negro audiences on integration." The reason: "They don't agree on it any more."

In Philadelphia, where 60 per cent of the Negro school children attend schools that are 95 to 100 per cent Negro officials report waning enthusiasm for busing black students to white schools to relieve overcrowding. "The people want to go to their neighborhood school," says school spokesman Robert S. Finarelli. "It's the state, not local people, pressing us for a desegregation plan."

The educational argument for integrated schools is based on the premise that minority-group children make their greatest achievement gains in an integrated environment. Numerous studies over the years, including the mammoth Coleman Report, issued by the U.S. Office of Education in 1966, have documented this thesis.

Conversely, there is relatively little information to indicate that spending more money in black schools in the slums does much good. "Most experiments in improving ghetto education have, quite frankly, been failures," says a U.S. Office of Education official.

That is why Government "integrationists" are so disturbed by the new findings of racial resegregation in the public schools. Leon Panetta, HEW's 31-year-old civil-rights chief, throws up his hands and shrugs. "We need a congressional examination of this whole question of the results of integration," he says. "In the meantime, we do what the law says we should do."

[As inserted in the Congressional Record of Feb. 16, 1970, by Mr. Waggonner of Louisiana: from the New York Times, Feb. 9, 1970

Racial Strife Undermines Schools in City and Nation; City High Schools Affected

(By Joseph Lelyveld)

Racial fears and resentment are steadily eroding relations between white teachers

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and administrators and black students in many, possibly most, high schools here.

In a few schools, this erosion has gone so far as to create conditions of paralyzing anarchy in which large police detachments have been deemed necessary to keep classrooms functioning and put down sporadic outbursts of violence by rebellious students.

More generally, the widening gulf between white adults and black youths in the schools convinces increasing numbers of blacks and whites that the fading promise of school integration can never be more than a hollow piety.

A two-month survey by The New York Times of a cross-section of the city's 62 academic high schools—some predominantly black, others mostly white, some troubled and others ostensibly calm—indicated that racial misunderstanding appears in some schools not just as a fever that flares now and then but as a malignant growth.

In such schools adults and youths seize on narrow one-dimensional views of each other.

In the eyes of many teachers, students who express feelings of racial pride by donning the African shirts called dashikis and wearing talismans, or by sewing the emblems of various black power movements to Army combat jackets, surrender the status of children for that of "hard-core militants."

"We are faced with a very, very specific political movement," charged James Baumann, a co-chairman of the United Federation of Teachers chapter at Franklin K. Lane High School, a neocolonial fortress on the Brooklyn-Queens border where a force of 100 policemen was stationed last October after an outbreak of racial violence. "A small, dedicated group of militants is trying to polarize the student body and establish a totally black school."

A respected Brooklyn principal, who didn't want to be quoted by name, talked not of small minorities but uncontrollable masses. "What can you do," he asked, "when you have 1,000 blacks in your school, all programmed for special behavior and violence?"

In the eyes of many black students, teachers given to such interpretations lose their identity and vocation and merge into that monolith of rigid, hostile authority known collectively as "the Man."

"A FALLEN HOUSE"

"As soon as they get the cops behind them, they show how racist they are," said a Lane student regarded by teachers as a "militant" leader. "We're trying to get ourselves together but they don't like that. They want to get us out. That's boss (great)! Black people shouldn't go to that school."

A black senior at George W. Wingate High School put his disaffection more broadly: "The school system? Like man, it's a fallen house."

Often under pressure the two sides conform precisely to each other's expectations with results that are mutually disastrous. Then teachers are openly taunted and abused, firebombs and Chemical Mace are discovered in stairwells and racial clashes erupt between black and white youths who normally keep a safe, formal distance between them.

In 1969 incidents of this type were reported in more than 20 high schools here.

"The youngsters are militant—everyone's militant," said Murray Bromberg, principal of Andrew Jackson High School in Queens.

Much of the anger of teachers and students can be traced to the frustrations both suffer in classrooms.

"WE AIM HIGHER"

In the furor over whether it is the schools that are failing to teach blacks and other nonwhites or the students themselves who are failing to learn there is one undisputed fact—that the results are catastrophic.

The level of educational achievement accepted as a norm in many schools was indicated last month by a letter sent to the parents of all students at Lane. "We are not satisfied just to bring every senior up to the eighth-grade level of reading," it said. "We aim higher."

Many black students are registered in watered-down "modified" courses that lead nowhere. Even in schools that boast of being integrated, these classes are often all-black.

But the small minority of students labeled "militants" are almost never drawn from the mass of undisciplined students, semiliterate dropouts, truants or drug users. Frequently they are among the most aware and ambitious black students in the school—the very students, teachers commonly say, who should concentrate on their studies and "make something of themselves."

IRONIC SITUATION

Some observers regard it as ironic, even tragic, that these students and their capacity for commitment should be seen as a threat. "The fact is that they are an articulate and committed group of youngsters looking for change and reform," says Murray Polner, assistant to Dr. Seymour P. Lachman of the Board of Education.

But that has been distinctly the minority view, especially since the three teacher strikes over the community control issue in Ocean Hill-Brownsville late in 1968.

"That was the precipice," said Paul Becker, a Wingate teacher who broke with the union after the second strike and now active in the Teachers Action Committee, which favors community control. "After that it was downhill all the way. It was 'us' against 'them.' "

Many black students are still outraged by the memory of epithets and abuse from U.F.T. picket lines. "There were teachers shouting, 'Nigger!' " recalled Billy Pointer, a Wingate senior, in the course of a recent group discussion on human relations.

"No, Billy, that's not right," said Martin Goldberg, a social studies teacher. "I have to admit that some teachers used unprofessional language but I'm almost sure that none of them used the word 'nigger.' That must have been parents."

Later, the teacher commented: "I hate it when people who aren't racists say 'nigger.' "

That the clash of values has not been exclusively racial was demonstrated at Jackson where black students last year agitated successfully for the appointment of a black assistant principal.

This fall the new man, Robert Couche, was stunned to find himself denounced as a "house nigger" after having been regarded himself, he says, as an "extremist" at his previous school.

More recently, these same black students threatened demonstrations to block the transfer of young white teachers whom they considered sympathetic.

Negro school administrators like Mr. Couche find themselves in a lonely, uncomfortable position where their motives are often over-interpreted or misinterpreted by both their white colleagues and black students. Nevertheless there are many who believe that the advancement of more blacks to positions of real authority in the system offers one of the few possibilities of blunting the racial confrontation.

At present few high schools have faculties that are less than 90 per cent white; only three have Negro principals. White teachers often complain that Negroes are being favored for promotion, while many blacks say that the system advances only the "safest" Negroes.

"Now if you don't bite your tongue, you're a 'militant,' said Charles Scott, a former head of the U.F.T. chapter at Jackson who is a leader of a faculty Black Caucus there that sees itself as a counterpoise to the union.

STUDENT "WILLING TO DIE"

Many white teachers are convinced that there is a carefully plotted conspiracy for a black "takeover" of the high schools—those of North Brooklyn and South Queens, in particular—by the same forces that were active in Ocean Hill-Brownsville. The evidence they most often cite is the words and rhetoric of black student activists and adults who influence them.

A newsletter of the African-American Teachers Association calls for support of black students who "seek 'through any means necessary' to make these educational institutions relevant to their needs."

At Lane, a student sent tremors through the faculty by proclaiming his willingness "to die for the cause."

What do such declarations mean? John Marson, the self-possessed chairman of the African-American Students Association, replied that violence was the only power students had to "back up what they say," comparing it to the power of the U.F.T. to strike.

But he scoffed at the ideas many teachers hold about a conspiracy. No one can tell the students in the various schools what to do, he said.

That wasn't the way it seemed last semester to Max Bromer, the beleaguered Wingate principal. "It's all planned, it's all planned," he insisted when he was visited one day in his office, which looked like a stationhouse annex with four or five police officers lounging at a conference table and a police radio crackling in the background.

Pressure was building up in the school, he said, and he had reliable intelligence warning him of a likely cafeteria riot in the sixth period.

A white teacher came into the office and reported that the cafeteria was quieter than it had been in weeks. "They're massing," the principal surmised.

When the sixth period passed without incident, his anxiety shifted to the eighth. Finally the school emptied. Was it all a false alarm? "No," he said, "it was psychological warfare."

Mr. Bromer's responses can't simply be written off as jitters, for he had seen his school brought to the edge of a breakdown by racial hysteria and violence, despite what he thought had been a successful effort the previous semester to negotiate an "understanding" with the "militants."

As regularly happens, he has also seen many of his most experienced white teachers flee the school as the proportion of nonwhite students shot past the 50 percent mark.

Wingate's troubles last term boiled out of a controversy over where to draw the line on expression by black students—the starting point of most racial explosions in the high schools. That line had been clearly transgressed, most teachers felt, in an assembly program staged by the school's Afro-American club.

Two passages were seen as particularly offensive—a recitation of an old Calypso ballad popular among Black Muslims ("A White Man's Heaven is a Black Man's Hell") and a line from a skit ("Brothers and sisters, we can't live if we continue to support the pigs by buying their dope and kissing their ——— and letting them label us.")

BLACKS AROUSED

White students weren't shocked by these lines but by the angry pitch to which black students in the audience seemed to have been aroused. "I was actually embarrassed to be white," one girl said, "because I thought they hated me for something I didn't do."

Teachers saw the program as a deliberate provocation. "The nerve! The nerve! The nerve!" one fumed.

A week later racial clashes broke out in which many more white students than blacks were injured. In fact, many teachers had assumed that a racial confrontation had been in progress ever since the assembly. Black students identified as "militants" complained that they immediately became objects of suspicion.

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Many Wingate teachers assumed the students were being manipulated by "outside influences." They singled out Leslie Campbell and Sonny Carson, two fiery figures in the Ocean Hill-Brownsville dispute.

"I WAS WHITELISTED"

Mr. Campbell, a 29-year-old Lane alumnus who is softspoken in conversation and anything but that in confrontation, lost his teaching post in the demonstration project last fall—"I was whitelisted," he says—and has just started a "liberated" high school, in Brooklyn for black students with the backing of the African-American Students Association.

Called the Uhuru Sasa (Freedom Now) School, its curriculum will include courses in martial arts, Swahili and astrology.

Asked to describe his relation to the students, Mr. Campbell didactically sketched a diagram on a pad before him.

"This is the soil," he said, pointing with a pencil. "The minds of these kids is fertile soil but it just lays there in the schools. We supply the seed—an understanding of black nationalism and the political situation."

Mr. Campbell said he was out of "the demonstrations bag." Mr. Carson, a onetime leader of Brooklyn CORE, is still in it. He likes working with students, he said, because they haven't been compromised by "the system."

Black students here reflect a mood of self-awareness that can be found at almost any high school or college in the country with a significant black enrollment. Some are imbued with sloganistic fervor. Some want an outlet for anger. Others are tentatively working out a life style. Many are just happy to "belong."

A few imagine romantic futures for themselves as black revolutionaries. But most think in conventional terms of gaining skills that will make them useful to their people.

"Most of them seem more indifferent than hostile to whites. "I can only care about the people I relate to and the people I relate to are all black," said a youth in Panther garb at Jackson.

Linda Jacobs, a black senior at Thomas Jefferson High School in Brooklyn, was similarly casual when asked about her reaction to the flight of whites from her school, which has gone from 80 per cent white to 80 per cent nonwhite in only five years. "It doesn't bother me, not one bit," she said.

FAKE ADDRESSES USED

Many whites from the Jefferson district have used fake addresses to send their children across the racial boundary formed by Linden Boulevard to Canarsie High School, which is about 75 percent white—"a nice, solid ethnic balance," according to its principal, Isadore S. Rosenman.

But Canarsie has had its troubles. After rioting last year it found it expedient to eliminate the lunch period, as a way of preventing racial clashes in the lunch room.

Canarsie has also tried positive measures to overcome the disinclination of black students to become involved in the school's extracurricular life. For instance, it is now routine to have two bands at all dances, one black, the other white.

Teachers use words like "magnificent" and "beautiful" to describe relations at Canarsie. But most black students appeared to agree with Vernon Lewis, a senior, who said, "Here you always have the feeling there is someone behind you, looking at you."

A SHARP CONTRAST

They contended that they would have more freedom of expression at a predominantly black school like Jefferson. The contrast between the bulletin boards of the Afro-American clubs at the two schools indicated the range. The Canarsie board told of scholarships available to blacks; the one at Jefferson carried the Black Panther newspaper.

Despite the publication of a code of students' rights by the Board of Education last October, there remain extraordinary variations in the degree of expression on controversial issues—racial issues, especially—permitted to students.

At Brooklyn Tech—a "special" school for bright students that is more than 80 per cent white—a dean last year ordered the removal of a picture of Eldridge Cleaver from the cafeteria on the ground that the author and Black Panther spokesman was a "fugitive from justice."

This year the principal, Isador Auerbach, summoned a police escort to remove a black "liberation flag" on the ground that state law forbade any banner but the American flag in the schools.

Ira Glasser, associate director of the New York Civil Liberties Union, termed this a typical case of "the lawlessness of principals." There is no such provision, he said.

ANOTHER VIEW

By contrast, Bernard Weiss, principal of Evander Childs High School in the Bronx, saw no need to react to the posting of a picture of Huey Newton, the Black Panther Minister of Defense, on a bulletin board in his school.

"We want kids to read, we want kids to discuss," he explained. "We don't teach revolution. But if that's what they want to discuss, at least we can make sure they hear both sides."

Evander is about 50 percent white, and most of its white students are from predominantly Italian, deeply conservative neighborhoods of the Upper Bronx—the perfect ethnic mix, it is sometimes said, for an explosion. But though the school has had some close calls and thorny issues, it has had no major eruptions of racial violence.

The school that has come closest to a breakdown—and has thereby raised the specter of ultimate disaster for the whole system—is Franklin K. Lane, which is set next to the mausoleums of the Cyprus Hills Cemetery.

On one recent afternoon, chemical Mace was released on a staircase, a fire was started in a refuse can in the lunchroom, and a tearful white girl, reporting that a gang of blacks was waiting to ambush her, demanded a police escort to her bus stop.

"Just a normal afternoon," said Benjamin Rosenwald, a dean.

Normality at Lane also included an ominous stand-off in the cafeteria between white policemen with little metal American flags stuck in their caps and black students standing guard beside a "liberation flag." Routinely, the students taunted "the pigs." The officers masked their reactions behind stiff smiles, but not one of them had his nightstick pocketed.

Many white students are afraid even to set foot in the cafeteria, known to them as "the pit." A handful have been kept out of school altogether by their parents for the last three months.

There are those who find a simple explanation for Lane's woes—the racial incongruity between the school and its locale.

Lane is about 70 per cent black and Puerto Rican but stands in a neighborhood that is entirely white and aroused on racial issues. Mainly Italian and German by ethnic background, the district sends Vito P. Batista, the Conservative, to Albany as its Assemblyman.

But, in fact, the residents were not the first group to become militant over the racial situation at Lane. Neither were the black students. Militancy began with the local chapter of the United Federation of Teachers, whose leaders complained five years ago that Lane was becoming "a dumping ground."

THE U.F.T. POSITION

The U.F.T. demanded that the Board of Education hold the blacks to under 50 per cent and, when that point was passed, they demanded that a racial balance be restored.

The teachers insist that their only interest has been "quality integrated education." But the U.F.T. has never proposed that black students cut from Lane's register be sent to schools now predominantly white.

George Altomare, a union vice president and a social studies teacher at Lane, was asked recently if he thought a black-white balance would also be a good idea for a predominantly white school like Canarsie. "Ideally yes," he replied slowly, adding the proviso that more high schools would first have to be built to relieve overcrowding.

But Mr. Altomare believes there must be no delay in implementing a union proposal to make Lane a "prototype" of effective integrated education—to be accomplished by cutting its register by one-third and introducing special training in job skills for students not continuing to college.

It is only on paper that Lane is now overcrowded, for its average daily attendance is under 60 per cent.

Black students find a simple explanation for the faculty's insistence on reducing the student body. "Lane doesn't like us and we don't like Lane," one declared.

Since the strikes in 1968, Lane has gone from crisis to crisis. Last year a shop teacher, identified in the minds of some students as a supporter of George C. Wallace, was assaulted by young blacks who squirted his coat with lighter fluid and set it on fire.

ACTION OVERRULED

The assault, which was followed by the threat of a teacher walkout, led to the placing of a strong police detachment in the school and the dropping of 678 students—mostly blacks—from its register, an action later declared illegal by a Federal judge.

Even before the assault, the union chapter had placed a special assessment on its members for "a public relations and publicity campaign" aimed at winning the support of "business, civic, political and parent groups" for its position.

This effort helped arouse the surrounding white community, which formed an organization called the Cypress Hills-Woodhaven Improvement Association specifically to protest disorders at Lane.

Michael Long, chairman of the group, said the union had hoped to use it as the "battering ram," then disowned it when it demonstrated for the removal of the school's principal, Morton Selub.

Now Mr. Long worries that he may not be able to control vigilante sentiment in the community if there are further disorders at Lane.

A FAMILIAR DISPUTE

The breakdown at Lane last October had a familiar genesis—a dispute over whether black students had the right to fly the "liberation flag" in place of the American flag in a classroom where they studied African culture.

After the flag had been removed from the room two days running, the students staged a sit-in to protect it, setting off the cycle of confrontation, suspensions and riots.

Black student activists at Lane don't deny that they have resorted to violence to press their demands, or "raise tensions to help a brother," or to "keep things out in the open."

They also acknowledge that they have not tried to discourage assaults on whites by younger black students outside their own group who want, as one activist put it, "to express their anger and let the white students know how it feels."

What they do deny is that their insistence on the "liberation flag" was an attempt to do anything but stake out a single classroom where they would be able to express themselves freely.

"Students want to relate to what's happening in their school," said Eugene Youell who prefers the adopted name of Malik Mbulu to his "slave name" and now has enrolled in Leslie Campbell's new school.

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FOCUS OF PRESSURES

Some schools see a point in struggling to prove to themselves and their most aroused black students that there is a place for them in the schools and an incentive to study.

At Jackson, a school that appears to be on its way to becoming all-black, the principal has become the focus of a wide range of pressures—from white teachers, black teachers, middle-class Negro parents who want their sons and daughters protected from radical influences, and some black students who believe they have the right to conduct public readings of the thoughts of Mao Tse-tung or anyone else.

Recently the principal, Murray Bromberg, went before a history class devoted to "the evolution of today's African-American experience" and boasted, "This is the school of the future."

He said it was time for white school administrators and teachers to revise their assumption that standards must inevitably be lower in an all-black school.

His audience seemed to be itching to provide the principal with a list of assumptions about black youths that white adults could revise. But if they were "militants," they were also very obviously teen-agers who found no incongruity in wearing a big "I Support Jackson Basketball" pin next to a "Free Huey" button.

In fact, the African-American Club at Jackson has discovered it cannot hold meetings on the same day as a basketball game. Too many of its members are boosters.

INTEGRATION GOAL PROVING ELUSIVE—SURVEY OF 62 SITES SHOWS WIDE PATTERN OF MALIGNANT RACIAL MISUNDERSTANDING—NATIONAL TRENDS FOUND

(By Wayne King)

Racial polarization disruptions and growing racial tensions that sometimes explode into violence are plaguing school administrators in virtually every part of the country where schools have substantial Negro enrollments.

The degree of racial unrest was detailed in reports from a number of cities and in studies conducted by Government and private sources. They pointed to the following trends:

While there are indications that the dramatic increase in "issue-oriented" disruptions in the major urban areas last year may have leveled off, primarily as a result of some apparent accommodation by school officials, racial tensions continue at a high level and appear to be increasing.

The same kinds of disruptions and clashes that have occurred in major cities, particularly in the North, are cropping up increasingly in medium-size cities.

The pattern of school-oriented racial protest and tension is becoming more apparent in the border states and the South as schools there become more integrated.

Racial tensions seem to be moving downward in grade levels, with problems becoming more apparent at lower secondary levels and below.

Many of those studying or involved directly in school racial problems are outspoken in the attitude that an evenhanded, "colorblind" approach will not work. Instead, administrators are increasingly being urged to become "color-conscious," to meet problems head-on and stringently to avoid apparently repressive measures, such as calling in the police.

No section of the country appears to be free of serious racial problems in schools.

THE 39 RACIAL INCIDENTS

In a study of "confrontation and racial violence," the Urban Research Corporation in Chicago collected newspaper accounts of racial incidents that occurred at schools in 39 cities, towns or counties, from the beginning of the school year, last September into January. The private research corporation monitors national trends and prepares reports for various subscriber groups and organizations, including governments.

The incidents occurred in the following places:

Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Oakland, Riverside, San Bernardino and San Francisco, Calif.

Also Chicago, Blue Island and Harvey, Ill.; Muncie, Ind.; Kansas City, Kan.; New Iberia, La.; Springfield, Mass.; Pomfret and Prince Georges County, Md.

Also, Detroit and Pontiac, Mich.; St. Paul, Minn.; St. Louis, Mo.; Las Vegas, Nev.; Ashville, Chappel Hill, Lexington and Sanford, N.C.

Also, Atlantic City and New Brunswick, N.J.; Albany, Belport and Middle Island, N.Y.; Cleveland, Ohio; Portland, Ore.

Also Philadelphia and Pittsburgh, Pa.; Greenville and Ridgeville, S.C.; Crystal City, Tex.; Arlington, Va., and Charleston, W. Va.

John Naisbitt, president of the research corporation, noted that the study included only those incidents reported by the press and that some communities had had a series of incidents. Eleven reports, for instance, were gathered in Chicago alone.

"A UNIVERSAL TOOL"

Many of the incidents, Mr. Naisbitt continued, involved boycotts or closings of the schools. In Portland, Ore., for example, students at Roosevelt High School reportedly walked out over grievances, gained adult support and turned the protest into a citywide issue. "The school boycott," Mr. Naisbett said, "is almost a universal tool."

He also noted rising black-white tensions. "In some cities like Chicago," he said, "biogotry is gaining respectability in the face of increased black awareness and black pride."

"These two social forces are on a collision course," Mr. Naisbitt added, "and one of the places it's finding its focus is in our integrated schools."

But the prevailing opinion of human relations directors and others involved with school racial problems was that polarization was traceable more to the quest for "black identity" and unity, and the reaction to it, rather than to racial animosities.

RAPID INTEGRATION

In some cases the two seem to overlap as blacks and whites come under the stresses of rapid integration.

In Detroit's Cooley High School, where fist fights between blacks and whites broke out last fall, black and white students tend to sit on opposite sides of the school cafeteria.

Other Detroit schools have had relative peace, however, and the difficulties at Cooley may be explained with some statistics. In 1964, more than 90 per cent of the students at Cooley were white. Today, more than 50 per cent are black.

White resistance to school integration has also generated some problems.

Gage High School in southwestern Chicago, for example, was integrated in 1965 and now has 400 Negroes in its enrollment of 2,600. The school has had a number of racial student disorders.

About 120 arrests were reported in and near the school last fall, including 92 during the week of Oct. 28.

BLACK REACTION

Explaining the clashes, a 16-year-old Negro student, Columbus Tapps, Jr., said: "Black students are going to react to insults. A month ago somebody hung a dummy on a rope from a tree with a sign, "Niggers Die."

A white student, Terry Conwell, also 16, said: "Only a few cause the trouble. Most of the whites [living in this area] want to keep this community white and resent integration of our school. But most of the kids have sense enough to know the fighting isn't worth it."

In Philadelphia, a spokesman for the school system's Office of Inter-group Education observed that "social separation [between races] has not been total and complete."

The office operates in part on a principle it calls "conflict utilization." Once a conflict occurs, the office attempts to capitalize on the fous it creates to investigate and dramatize the underlying causes—community attitudes, conscious and unconscious discrimination, teacher attitudes, etc.—that often have little to do with the immediate cause of the incident.

"FANTASTIC" GAP

"The understanding gap," the Philadelphia spokesman said, "is fantastic."

A similar view was expressed by Dr. Alan F. Westin, a political science professor and director of the Center for Research and Education in American Liberties at Columbia University.

Dr. Westin, who was cochairman of a panel that investigated the causes of the Columbia disruptions in 1968, has been monitoring 1,800 daily newspapers to gather data on student disruptions in secondary schools across the country.

"The color-blind approach, although it works in some areas such as treating everyone alike in restaurants and in public transportations, won't work in education," he said. "If there is a sudden influx of blacks into a school and school authorities take the attitude that they're color-blind, it's guaranteed to create disruption because of the special needs of blacks."

Dr. Westin found that, of 675 secondary school protests reported in the newspapers he monitored last year, 46 per cent were caused by racial problems. The study included only demonstration, sit-ins, fighting or other disruptions. And nearly one out of every five incidents—18.5 per cent whites and blacks.

Although a detailed analysis of the protests in the current school year has not been completed, Dr. Westin said there were preliminary indications that the "big city problems" of protest were occurring more frequently in medium-size cities.

"PATTERN OF PROTEST"

"There is also a distinct pattern of protest developing in the border states and the South," Dr. Westin said, with Negro student demands centering on the hiring of more black school personnel, the revamping of school curriculums, and similar issues.

He also said there were indications that, in many big cities, the number of serious disruptions growing out of black demands for change had declined.

At the same time, Dr. Westin continued, there is no evidence that racial tensions have diminished. He noted, for instance, "a steady drumfire of fights in cafeterias and out of school, between blacks and whites."

Dr. Westin agreed with authorities who maintained that racial conflicts reflected the black students' striving for identity.

For example, he noted that a major issue last year was the lack of black cheerleaders. Other demands included the serving of "soul food" in school cafeterias and the placing of portraits of black heroes, such as Malcolm X, in school buildings.

Such demands were "symbolic of a need to imprint a sense of blackness on the schools," he said. "The black kids wanted to feel their heritage was as valid as the whites."

[From the U.S. News & World Report, Mar. 2, 1970]

BLACK LEADER'S IDEA FOR SOUTH'S SCHOOLS

(Interview with Roy Innis, National Director, Congress of Racial Equality)

Q. Mr. Innis, you've been talking to Governors and other officials in the South about a new approach to the problem of educating

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black children. What is it you're proposing?

A. We're proposing a unitary school system that would provide the best education for both black and white children.

At the present, in segregated school districts, two systems are in existence—one attended by blacks, one attended by whites. This is illegal. The boards of education in those districts are almost always white, and, naturally, a little cheating takes place. Educational depression on the part of the black comes about as a by-product.

This supposedly is being changed by integrating schools. But it really isn't. Blacks have lost a lot in this process, and gained nothing for what they have given up.

Q. How have the black children been affected?

A. They suffer indignities in the integrated system because of hostility of the teachers toward the black kids. In case of a controversy between a black and a white kid, the black is automatically wrong.

Even worse, the curriculum is selected by whites, and relates to the life style and interests of white kids, not black kids. Black kids are suffering educationally, psychologically, and sociologically. The whole black community is suffering.

Q. Are you saying that the black child in the South is worse off in the schools today than he was before integration began?

A. I am saying exactly that: that the plight of the black community, the black professionals and the black students—and, consequently, the plight of blacks in the South—is worse, at least in the average schools. And it will get worse still.

Q. Are you talking strictly about the South?

A. No, these remarks are also very valid for the North. There are also dual systems in places such as New York City, even though they call it a unitary system.

Under the old system, the school and the church were the main two institutional structures in black communities that acted as stabilizers. It can be proven very easily that Southern black communities are more stable sociologically than Northern black communities, partly because the school—even that decrepit dual-school system—acted as a focus, a coordinator of social activities. That now is lost under the integrated system.

The social disorganization you see in the Northern black areas is because of the lack of a relationship to an institution. There is no relationship between blacks and their schools in the North.

Q. How would your plan change that?

A. What we have tried to do is remove the obnoxious and disgusting features of segregation while retaining the more positive features that exist in a black school in the South.

We started out by staying within the Supreme Court's 1954 Brown decision, and the 1969 Holmes County decision on schools which stated that dual-school systems are illegal and must be replaced by a unitary system in a district.

I read those decisions very carefully. The Supreme Court didn't use the word "integration" once. They talked about "desegregation." They spoke of a "dual school system," "unitary school system," and school districts. That's the same kind of approach I used.

I say let us create two districts—one predominantly white and one predominantly black—where you now have one district. Each district will create its own board to manage the school system. Each will hire a superintendent. Each will be autonomous and truly equal.

Q. Would each district get the same amount of money per pupil?

A. Yes. That's the only way you're going to guarantee equality, because you sure can't guarantee equal per capita expenditure in an integrated system when somebody else is managing that system.

To avoid getting involved in a legal battle, the district should be drawn along natural community lines. That means that in most places in America you can draw a district that would be a majority black or a majority white. It doesn't mean that you exclude one or the other race from it. If there are any whites in that black district, they will go to that black school, if they want to. If there are any blacks in the white area, they will go to that white school, if they want to.

The result would be school systems that are predominantly black and school systems that are predominantly white. Most important of all, there would be a board with a black majority on this side and a board with a white majority on that side.

This would be completely legal, and each group would have a chance to maximize its own resources. You would also have disengaged the two groups to reduce antagonism. We all know that the country, in general, is about to blow over one issue—integration of schools.

Q. Where are you going to test your plan?

A. The first test will probably be in Mobile, Ala. We picked Mobile because it's large. I want to see large, efficient systems—not so large they become cumbersome, like in New York or Washington, but large enough to be efficient. But, at the same time, the people have a certain homogeneity and a desire to be in the same institutional unit and manage their own resources.

Q. Wouldn't this bring about almost complete separation of black children from the white community?

A. No, no more so than in the separation of different kinds of people that goes on naturally. You didn't have *de jure* segregation in the North, but black kids still stayed in their own areas. It's natural that people of a particular interest or ethnic background tend to congregate together. That's the way we do everything in our society.

Q. Have you given up on integration as the answer to the problems of Negroes?

A. I am for it, for those who want it. But I'm different from most. I say that integration should not be an end in itself. It should be a means to an end—toward true equality and justice. But if its obvious that integration is not achieving those ends, then you seek other means. I blame the Easterners and the Northerners for this emphasis on integration. They steam-rollered the whole country into feeling that there was something synonymous between integration as a means and integration as an end.

My system offers true equality. We call this the true-equality plan. This is how you really have equality—groups being able to organize themselves and maximize resources.

Q. What kind of reception did you get to these ideas from the Southern officials?

A. That was very heartening to me. In the North, the Eastern and Northern "liberals" chopped me up. But in the South I saw a different situation. We spoke to four Governors: Governor McNair of South Carolina; Governor Maddox of Georgia; Governor Williams of Mississippi, and Governor McKeithen of Louisiana. They agreed that this plan seemed to have more viability than any other offered so far. They wanted to study it. Of course, they were cautious—and reasonably so, since the idea came from CORE. But the feeling I got from the Governors and the State officials was that they could live with it.

We then moved on to the local white community, and there was the same kind of reaction to the plan. They also felt that they could live with our plan. The one question they all asked was: Would the black community go along with this?

Q. How did the black people react?

A. This is where we had to really do a lot more work. We had to first convince them that weren't talking about restoring segregation. We had to show them the difference—how, under our plan, blacks would be able to pick their own superintendent, to have their own board, and manage their own resources. Then they agreed that it made sense.

Q. In your travels through the South, what did you observe about progress toward racial integration generally?

A. It has been very slow progress, and the antagonism left in its wake is going to be catastrophic for both sides in the future, unless someone can do something to defuse the situation. The effect has been to embitter relations between blacks and whites even more. The blacks are frustrated with the "Mickey Mouse" integration plans because they aren't working. And the whites are frustrated because they think the blacks are getting something.

Q. Some civil-rights leaders appear to oppose your plan, saying it's illegal and that they're going to fight it with court suits. How does that affect your ideas?

A. When you say "civil-rights leaders," you are talking about the Eastern-Northern civil-rights aristocracy and their Utopian friends. To be very frank with you, I'm going to ignore those guys. They can roll along with me, or we'll roll on by them. You know why? Because I want to appeal to the local black community, the people who are affected by this.

In one place, we have got black people ready to be plaintiffs in a suit—black principals, black teachers and parents. These are local people. In some counties, we even have the local NAACP guys either pledging neutrality or willing to join. Some of them stated that the home office would probably bust their knuckles and force them into war against us.

Q. What kind of suits will you bring?

A. It depends upon what strategy we use. We could bring an injunction against the school boards for the plans that they have—either planned integration or the old segregated system—or we could just get the State legislatures to redistrict.

The crux of this plan is this: I must have the State officials and local whites and blacks together in common agreement—kind of an out-of-court settlement.

Q. Do you think that the federal courts will accept this?

A. I am certain the federal courts will accept this because it's a unitary plan. There's no coercion and there's no circumvention. It's a matter of the three affected parties working out a pragmatic solution to their own problems.

Q. Would your plan re-establish neighborhood schools and eliminate busing?

A. Yes, it would eliminate busing, except for those students who want to do it voluntarily.

Furthermore, under our system, the neighborhood-school concept comes back—the neighborhood school as a true, important community institution. And this time it comes back in an honest way. You had the neighborhood school in the old Southern segregated system, but it was dishonest, because the neighborhood school was run by another neighborhood.

Q. Would black children come out of these schools better equipped to compete?

A. They would come out of these schools ready to compete in any society.

POSSIBLE FEDERAL BUDGET DEFICIT IN FISCAL YEAR 1971

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, an alarming report has surfaced that forecasts the very bad possi-

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bility of a Federal budget deficit in fiscal year 1971. This special analysis, performed by the able professional staff of the Joint Committee on Revenue Taxation, shows a possible red ink figure approaching $8 billion.

A second alarming fact is that the memorandum is 8 weeks old and does not reflect possible deficit pressures induced by the Federal employees and postal workers pay raise. Clearly, the situation has gotten even worse.

Next week this body will continue debate on the many appropriations measures. I am pleased to say if we can keep up with the schedule mapped out, we will be able to complete action in the House on all appropriations bills in time for the start of the fiscal year, July 1. But under no circumstances should we rush through these bills and fail to take into consideration the urgent need to balance the Federal budget.

There is no mystery about a balanced budget. No mathematical wizardry or computerized witchcraft is needed to keep the accounts out of the red. All it takes is close cooperation between this Congress and the Chief Executive in pursuit of the singular purpose of keeping receipts ahead of expenditures.

So far this year, we have considered appropriations bills for Treasury-Post Office, Legislative, and Office of Education. Fortunately, we have been able to hold the line on most of the expenditures in these areas. But I fear in some upcoming bills, we may see a repeat of the give-away spirit and careless abandon with the taxpayers' money that characterized appropriations action last session.

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With the possibility of a fiscal deficit looming on the horizon, now is the time to make cuts below even the President's recommendations. No activity during the next 2 months should be more important to this body than to insure a balanced Federal budget in fiscal 1971.

If that should be the end result, I will be the first to congratulate the present leadership for using legislative restraint.

SAMUEL DUVAL: TORCH BEARER OF LIBERTY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood), is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, among the historic shrines of the 13 original States none are more renowned than St. John's Church in Richmond, Va. Erected in 1741, it became indissolubly placed in the history of the War for the American Independence when, on March 20, 1775, the Second Virginia Convention convened there and Patrick Henry, in the presence of Washington, Jefferson, and other great Virginians, on the 23d of that month gave his immortal address.

Memorial tablets adorn the walls of St. John's Church. Its cemetery is the final resting place of many illustrious dead, among them George Wythe, 1726–1806, the first professor of law in an American college and the teacher of Patrick Henry, Thomas Jefferson, and John Marshall.

It was in this historic setting that St. John's Church was the scene on April 5, 1970, of the presentation and dedication of a memorial plaque for Samuel DuVal, distinguished Virginia planter, civic leader and patriot, who served from 1752 to 1784 as a vestryman of this church.

Attended by Virginians from various parts of the Old Dominion, those present included members of the DuVal and related families, various Virginian historical and patriotic societies, the MacArthur Memorial and the Virginia General Assembly.

In passing, I would mention the fact that members of the DuVal family have played important roles in Virginia and national affairs; and have been especially associated with St. John's Church.

Presided over by the rector of St. John's, the Reverend H. Thomas Pateman, the program was impressive. The Office for the Dedication of the Memorial, led by the rector, appropriately included George Washington's Prayer. After the presentation of the memorial by Miss Jill Ford, a collateral descendant of Samuel DuVal, it was dedicated and blest by the rector.

The inscription on the memorial plaque reads as follows:

> Samuel Duval, 1714–1784; Planter, Civic Leader and Patriot; Member of House of Burgesses, 1773–75; First Virginia Convention, 1774; Committees of Safety and Correspondence, Richmond and Henrico, 1773; Second Virginia Convention When Patrick Henry Made His Immortal Address, March 23, 1775; Directorate For Removing Capitol From Williamsburg to Richmond, 1779–80; St. John's Vestry, 1752–84.

The dedicatory address was made by Capt. Miles P. DuVal, Jr., U.S. Navy, Retired. In it he brought the career of Samuel Duval into historical focus, stressed the purpose of the War for American Independence as the preservation of liberty, and emphasized the importance of the second amendment to the U.S. Constitution guaranteeing the right of the people to keep and bear arms as necessary for the security of a free state in today's struggle for the preservation of liberty.

Also, Mr. Speaker, I note the suggestion by Captain DuVal for annual reading in the Congress of the United States of the story of the Second Virginia Convention with the full text of Patrick Henry's immortal address. As its impact extended throughout the English colonies from Massachusetts, including Maine to Georgia, I would make the further suggestion that such commemoration take place as near March 23 as appropriate, and that the reading be done by members of the delegations in the Congress from the 13 original States in geographical order starting with Virginia.

The principal parts of the presentation exercises follow:

Remarks of Guy R. Davis, Jr., Introducing Delegate Lucas D. Phillips

Ladies and Gentlemen: I would like to welcome our many distinguished visitors who are here today to honor a truly outstanding Vestryman of this Church in Colonial Days.

Because of the nature of our program today, the matter next in importance to the choice of Speaker is the selection of the one to introduce him. The search has been rewarding.

We are fortunate in having secured for this service one of the most distinguished members of the House of Delegates of Virginia, the first legislative body in North America that was established in 1619 at Jamestowne.

I now call upon the Honorable Lucas D. Phillips of Leesburg, Virginia.

REMARKS OF THE HONORABLE LUCAS D. PHILLIPS INTRODUCING CAPTAIN MILES P. DUVAL, JR.

Reverend Rector, Members of St. John's Church, Distinguished Guests, Ladies and Gentlemen:

This historic church has many plaques memorializing its illustrious dead, but none honoring a man who was at the same time a vestryman of this church, a member of the House of Burgesses and of the Second Virginia Convention when he heard Patrick Henry serve as the flaming "tongue" of the American Revolution.

Let us look at our speaker's career to see what qualifies him to address us.

He has served at sea on various types of vessels in waters washing the shores of four continents—on the three coasts of the United States, Alaska and Hawaii; in Central America, the Caribbean, including Cuba, and the Panama Canal; in Europe, South America, in the Far East and in the Southwest Pacific.

His services afloat have included the command of three naval vessels, combat operations during World War II, the U.S. Naval Demonstration off Cuba in 1933–34, and the occupation of the Japanese Empire and China.

Ashore he has held responsible positions in the Navy Department and in the Canal Zone Government, and had postgraduate training at the Naval War College, the Naval Post Graduate School and Georgetown University.

One of the Nation's leading authorities on the Panama Canal, our speaker is an author of distinction. He has written two important volumes on the Canal and has a third ready for publication, spoken in many places, and prepared many papers concerning its history and problems, including contributions to the Encylopedia Britannica. A man of broad and varied background who has lived in many parts of the world, he is eminently qualified for his present task. Moreover, he is a collateral descendant of the man to be honored on this occasion and was appointed as a Midshipman by Representative Andrew Jackson Montague of Richmond, a former distinguished Governor of the Commonweath.

Our speaker, whom I hold in the highest esteem, is a worthy successor to his ancestor, Samuel DuVal, whom you are memorializing today, for his devotion and patriotism to his country.

As is customary, it must be understood that the statements of the speaker are not to be construed as official or as reflecting the views of the Navy Department or any other agency of our government.

It is now my privilege to present a distinguished Virginian and Great American, Captain Miles P. DuVal, Jr., who will deliver the dedicatory address on "Samuel DuVal: Torch Bearer of Liberty."

Samuel DuVal: Torch Bearer of Liberty

(By Captain Miles P. DuVal, Jr.)

Reverend Rector, Members of the St. Johns Church, Distinguished Guests, Ladies and Gentlemen:

It is indeed a privilege to address this fine gathering of Virginians on this special occasion. On behalf of the DuVal Family, I wish to express their fullest appreciation.

In this celebrated shrine of St. John's Church in Richmond one can almost hear the echoes of Patrick Henry's ringing words on March 23, 1775, before the Second Virginia Convention. That body was no ordinary political assemblage, but actually the House of Burgesses of the Old Dominion meeting as a convention to avoid possible interference on the part of Lord Dunmore, the last royal Governor of Virginia.

The membership of that convention included men who had been active in defending their rights as British subjects, who later had important roles in the War for American Independence, and who eventually led in the formation of our Federal Union of sovereign states under the Constitution. Among them were George Washington, Thomas Jefferson, Edmund Pendleton and Benjamin Harrison; Richard Henry, Richard, and Francis Lightfoot Lee; and Samuel DuVal, whom we honor here today.

Who was he, and what are some of the highlights of his life?

Born in 1714 in Gloucester County, Virginia, Samuel DuVal was of French Huguenot ancestry. His father, Daniel DuVal, a chevalier of France, had to flee from religious persecution from his native country after the revocation in 1685 of the Edict of Nantes, and took temporary refuge in England. Samuel's mother, the former Philadelphia Dubois, was a niece of Cardinal Abee Dubois, Prime Minister of France. Under his protection and disguised as a courier of the King, she rejoined her husband in England.

The two sailed on December 7, 1700, on the ship "Nassau" from Blackwall in London, and on March 5, 1701, arrived at Yorktown, Virginia. Apparently having some means, instead of proceeding to the frontiers of Virginia, as most immigrants did at that time, they were able to settle in Ware Parrish in Gloucester County, where Daniel DuVal was an "architect and joiner".

Samuel DuVal was the fourth son of this union. The other sons were William, Daniel and Benjamin. There was one daughter—Mary DuVal. The descendants of this family have settled in various parts of the United States as well as Virginia, initially in Kentucky, Florida and Texas. Some of them attained distinction.

Little is known of the early life of Samuel DuVal except that for a time he lived in King William County and before 1745 moved to Henrico. There, he purchased a 400 acre tract of land on Shockoe Creek, now a part of the Chestnut Hill and Highland Park sections of Richmond.

He became a successful planter and married Lucie Claiborne, daughter of William Claiborne IV of "Romancoke" in King William County, thus becoming allied with a family of considerable prominence in Virginia. His home, built on the Shockoe Creek tract and known as "Mt. Comfort", was the first brick mansion in Richmond and became a social center for the area. Its guests included such leaders as George Washington and Thomas Jefferson.

A lover of fine horses, Samuel DuVal in 1750 imported "Silver Eye" among a group of 39 noted English horses brought to Virginia before the Revolutionary War.

By 1752, Samuel DuVal was well established. In February of that year, the General Assembly appointed him, along with Peter Randolph, Bowler Cocke, the younger, Richard Randolph, Thomas Atchison, Samuel Glandone and John Pleasants as trustees for the town of 350 inhabitants on Shockoe Creek. They were charged with the duty of laying off the streets, establishing building regulations, and settling boundary disputes.

Another significant event in Samuel DuVal's career the same year was his election on August 25 as a vestryman of this church, which position he held until his death in 1784—a period of 32 years. The minutes of the meetings of this Vestry show that he was regular in attendance and efficient. Because of his family's history of persecution in France, he was a natural defender of religious liberty.

In his upward climb, his next appointment was a commission on November 3, 1755, as coroner for Henrico, an officer of the county originally charged with maintaining the rights of private property of the Crown, but which in recent times has had the responsibility for holding inquests over the bodies of those killed by violence.

Later, on May 4, 1761, he took the oath as Justice of Peace in Chancery for Henrico, which then included the town of Richmond. Recognized as leaders, Samuel DuVal and his next older brother, Benjamin, my own ancestor, who had also moved to Henrico and lived on an estate west of Richmond known as "Tuckahoe", served for many years as "Gentlemen Justices" of that county.

By the middle of the 1760's, because of the imposition of taxes on imports, the relations of the Colonials with the British Government had become severely strained. Samuel DuVal became a leader in opposing such taxation. Eventually, on May 18, 1769, members of the House of Burgesses of Virginia held their first meeting at the Raleigh Tavern in Williamsburg and entered into an association to oppose the importation or purchase of British manufactures.

Elected as a member of the House of Burgesses from Henrico County on March 10, 1772, Samuel DuVal quickly assumed leadership in developing enthusiasm for self-government, attended sessions in 1773, 1774 and 1775, and joined informal meetings of the legislators at the Raleigh Tavern where they continued plans for opposing British taxation.

Unable to function as the House of Burgesses because of its proroguement by Lord Dunmore, the members met as a convention. In a resolution adopted on March 12, 1773, it created a committee to correspond with similar committees in other colonies.

The next year Samuel DuVal was appointed as a member of the Committee on Correspondence for Henrico. These committees organized in various counties and settlements of Virginia and other colonies were the primary means for alerting patriotic colonials as to what was happening.

Fearing to meet in Williamsburg because of the hostile attitude of the Governor, the Second Virginia Convention convened on March 20, 1775, at this church, the only building in Richmond at that time suitable for the purpose. Samuel DuVal was a member and present on March 23, when Patrick Henry in his crucial address called for preparations for war.

This address led to the immediate adoption by the Convention of a resolution introduced by Patrick Henry asserting that a "well regulated militia is the natural strength and only security of a free government" and directing that Virginia be "immediately put into a state of defense." This was fourteen years before adoption of the comparable Second Amendment to the Federal Constitution, which reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

During the War for American Independence that followed, four of the five sons of Samuel and Lucie Claiborne DuVal became officers in the Continental Army. One of them, Colonel Daniel DuVal II, served with Lafayette at the Battle of Yorktown.

After leaving the General Assembly, Samuel DuVal continued his interest in public affairs. As a majority of the trustees for the town of Richmond appointed in 1752 had died, leaving only William Byrd, of the well known Byrd Family of Virginia, Richard Randolph and Samuel DuVal, the General Assembly in March of 1778 appointed the following additional trustees: Richard Adams, Robert Brown, George Donald, Turner Southall, Patrick Coutts, Archibald Bryce, William Randolph and James Buchanan. Their task was to lay out the streets of what is now Richmond and to plan the "Public Square."

Despite the war then going on, Samuel DuVal did not overlook business opportunities. For example, in 1778, he purchased 100 acres on Falling Creek in Chesterfield "with all coal pits, minerals and mines."

Because the defenseless position of Williamsburg close to the James River made it vulnerable to raids from British naval vessels, the General Assembly, having previously caused the removal of troops, armed and ammunition, in 1779 decided to move the permanent capital of Virginia to Richmond. In May of that year it appointed a directorate to make the plans. This body included Thomas Jefferson, Archibald Cary, Robert Carter Nicholas, Richard Adams, Edmund Pendleton, Turner Southall, Robert Goode and Samuel DuVal.

Again, after the government was transferred to Richmond as of May 1, 1780, the Assembly vested the same group with responsibility for enlarging and planning the city. The parts played by these leaders and earlier ones in laying out Richmond are perpetuated in the naming of some of the city's streets, among them Jefferson, Cary, Adams, Coutts, Nicolas, Buchanan, Pleasants and DuVal. Broad Street and the Capitol Square are monuments to their vision.

Samuel DuVal died in 1784 at the age of 70 at Mt. Comfort in Henrico County, and is stated to have been buried in the grave yard of this church, which he served so well. His will shows him to have been a man of considerable wealth. The records of his time contain frequent mention of his varied activities.

In passing, I would observe the important fact that the Huguenots who fled from France to the English colonies in North America were a highly important group of skilled artists and artisans who were of tremendous benefit to the colonies and the future of our nation. Moreover, they were dominated by a strong sentiment of civil and religious freedom and in these fields also they have made a splendid contribution.

Though only of the second generation of French Huguenot descent, Samuel DuVal had a truly distinguished career, the high points of which may be summarized.

He was an outstanding planter, civic official, business leader, and patriot.

He was in the forefront among those opposing taxation without representation.

He served in the Virginia House of Burgesses at a crucial time in history, 1772–1775.

He was a member of the First and Second Virginia Conventions and on March 23, 1775, heard Patrick Henry deliver his immortal address.

He participated in planning the removal of the Capitol from Williamsburg to Richmond.

He took part in laying out the city of Richmond and in planning the Capitol Square.

In addition, he was one of Virginia's torch barriers of liberty.

Though highly respected during his lifetime for his many public services, none of these were officially commemorated until May 26, 1904. On that occasion there was presented by the Association for the Preservation of Virginia Antiquities and unveiled, on the site of the old Capitol in Williamsburg, a granite boulder bearing a plate listing the members of the House of Burgesses who first on May 18, 1769, and later on May 27, 1774, and in August of that year, opposed the importation or purchase of British manufactures. This list includes Samuel DuVal.

Since the time of our first grave Constitutional Crisis, 1775–1783, the world has turned over many times. Many of the sign posts of liberty have fallen and our people have lost their way in a fog of confusion. The forces of terror and tyranny have taken over vast areas and populations of the world at

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large and now threaten our own country from within as well as from without.

The controlling motive for Virginian patriots in the American Revolution was the preservation of Liberty. To this end, they were leaders in bringing about the independence of the United States and the formulation and adoption of the Federal Constitution and its Bill of Rights to provide a system of government for the first time in history dedicated to the principle that the People are sovereign.

What could serve more effectively to keep the torch of Liberty lighted than for this historic church to arrange for the annual reading in the Congress of the United States of the story of the Proceedings of the Second Virginia Convention on March 23, 1775, including the full text of Patrick Henry's great oration? This would be the finest possible tribute to all Virginians who did so much in laying the foundations for the greatest country that the world has even known.

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RESPONSE BY REV. H. THOMAS PATEMAN

Captain Duval, we wish to thank you for your gift of this Memorial Tablet, given in loving memory of Samual DuVal, who served as a vestry man and a warden during Colonial Days. Your address: "Samuel DuVal: Torch Bearer of Liberty" has been most helpful concerning the period in which the Second Virginia Convention met here in St. John's Church in 1775. We took particular note of your emphasis on the fact that Patrick Henry's famous "Liberty . . . or Death" speech should be kept before the people of our nation. Our Sunday Bulletin is regularly printed with the following words at the bottom of the first page: "Here, on the 23d day of March, 1775, in the presence of Washington, Jefferson, and other members of the Virginia Convention, the torch of Liberty and of Christian Democracy was kindled by the inspired words of Patrick Henry: 'Liberty . . . or Death' ".

Your suggestion that the Congress of the United States make some note of this each year is good. It should help remind the people of our nation of the great heritage which is theirs. We are grateful for the time you have spent to give us this memory of history. You have made it quite a living thing today. Captain DuVal has with him his great niece, Miss Jill Ford, who is also a collateral descendant of Samuel DuVal. It is a great privilege to have this fine young lady to unveil the plaque: Miss Jill Ford.

LEGISLATION TO SET HIGHWAY POLLUTION STANDARDS AND REQUIRE REPLACEMENT HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 17239, legislation to set air pollution standards for highway construction and H.R. 17263, legislation requiring the construction of replacements for all low- and moderate-income housing destroyed in highway construction.

HIGHWAY POLLUTION STANDARDS

Automotive air pollution can have the swiftest and deadliest effects on the car driver. Unfortunately, in most cases highway designers have chosen to ignore these dangers.

The bill would set air pollution standards for highway construction and require highway designs to minimize air pollution levels.

There has been a growing public concern over the long-term effects of air pollution on public health. Science has linked air pollution to cancer, heart disease, emphysema, chromosome damage, and even the common cold. A great part of this pollution, especially in our urban areas, comes from the automobile.

But almost forgotten in this concern are the immediate effects of the pollutants on the driver behind the wheel. Carbon monoxide not only has the long-term effect of causing or increasing susceptibility to cancer, it has the short term effects of impairing judgment, reducing eyesight and muscular coordination, and causing drowsiness, any of which can be fatal to the driver. In short, air pollution is a safety hazard; and the same can be said for noise pollution.

We are all familiar with the excessive levels of air pollution found in downtown Manhattan, Washington, D.C., or Boston during the rush hour as traffic is lined up bumper to bumper. And for the moment—at least until we do something about the level of pollution emitted by the individual automobile—there is little we can do about this phenomenon, except possibly to ban cars from downtown areas; for the designer of downtown streets has little choice as to where and how he routes his traffic. He simply has to go where the buildings are not.

The highway designer generally is more fortunate for he has a wide choice in most cases as to where he routes his highway and in what manner he does it. Unfortunately, in most instances we have chosen to ignore the dangers from air and noise pollution in the design of our highways.

The classic example of this failure is found in my own congressional district, in the now happily deceased Lower Manhattan Expressway. That roadway went through repeated designs and redesigns in the course of its long and inglorious history as a public controversy in New York City. In the course of these numerous designs and redesigns, the planner even started to take into account the social impact of the highway. However, it was only after a group of private citizens called attention to the concentrations of air pollution which would result especially at one tunnel location, that the highway designer began to take air pollution into account. As a result thereof the city authorities determined that the objectionable features of the expressway far exceeded the beneficial effects and decided to abandon it.

And as we begin to move more and more to the underground semidepressed expressways, the dangers from excessive concentrations of pollutants will become even greater.

Doing something about this situation is not, however, an impossible goal. There are a wide choice of design and techniques and locations available to the highway designer which allow him to minimize pollution. The National Air Pollution Control Administration currently has a research contract with the city of New York to establish criteria for these designs.

Unfortunately, the law is almost totally silent on this question. To my knowledge the only mention of any environmental factors is in the public hearings section of the Highway Act. But as we all know, the holding of a public hearing does not necessarily mean the Government highway official is listening.

HOUSING REPLACEMENT

Last year, the Congress established a requirement that new housing must be constructed to replace existing low- and moderate-income housing destroyed as a result of urban renewal. The bill would extend this principle to highway construction, which is the third greatest cause of housing destruction in the country. It would require the Federal Highway Administration to make arrangements for the replacement of low- and moderate-income housing stock that is destroyed as a result of highway construction.

It would accomplish three objectives.

First, it would establish the requirement that the Federal Highway Administration take responsibility for the replacement of the low- and moderate-income housing stock destroyed as a result of highway construction.

Second, it would authorize the administration to acquire sites for housing for this purpose and construct same.

Third, it would authorize financing to carry out this purpose.

A short time ago this House approved an amendment to the Urban Renewal Act to require the urban renewal plan to provide for the construction of at least comparable low- and moderate-income housing units for those destroyed by an urban renewal project.

I supported that amendment and I believe that offers a precedent which should be applied to highway construction as well.

The National Commission on Urban Problems, headed by former Senator Paul Douglas of Illinois, recommended this course more than a year ago.

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I will quote from the committee recommendation as follows:

> The Commission recommends that highway funds be used to finance the construction of new housing for low and moderate income households in a metropolitan area where demolition for highway construction reduces the supply of such housing, with the requirement that definite commitments to construct the new housing concerned be made before existing housing is demolished.

We know that these ribbons of concrete are being built throughout the Nation and in the course of this building there are destroyed and demolished numerous homes and multistory buildings without provision being made to replace this stock of housing.

It is estimated that in the period of 10 years from 1960 to 1969, housing for almost 1.2 million Americans will have been destroyed as a result of highway construction. Most of this will be in the low- and moderate-income price range. With a grave housing crisis in this country, especially along low- and moderate-income families, we cannot afford to destroy so many units without replacing them.

The relocation program established by the 1968 Highway Act represented a step forward in the recognition that the Federal Government has a responsibility for finding suitable housing for those displaced by highway construction. But the persons who lose their housing as a result of construction of a highway project represent only a small fraction of those whose housing situation is directly affected by the destruction of housing units for highway purposes. The low- and moderate-income housing market in most urban areas is extremely tight. In some cities the vacancy rate is close to zero. Thus the demolition of low- and moderate-income housing units by a highway project not only affects those directly displaced by destroying the housing they occupy, it affects the other inhabitants of that urban area as well who live in low- and moderate-income housing. The destruction of a number of low- and moderate-income units diminishes the total supply of low- and moderate-income units available and means these people will pay more and enjoy lower quality accommodations.

Highway construction is financed by a trust fund which guarantees it over $7 billion annually. Housing is not guaranteed a penny. Let us take a little of the $7 billion and give it to the people, rather than the concrete and asphalt makers.

The text of the two bills follows:

H.R. 17239

A bill to provide that air quality levels shall be taken into account in the planning of Federal-aid highway projects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 109 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary shall not approve any plans or specifications for any proposed highway on any Federal-aid system if such project under conditions of normal use (as established by the Secretary) would, in the determination of the Secretary of Health, Education, and Welfare, result in probable violations of applicable air quality standards established under the Clean Air Act.

H.R. 17263

A bill to amend title 23 of the United States Code to require the replacement of low- and moderate-income housing destroyed as as result of highway construction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 5 of title 23, United States Code, is amended by renumbering existing section 511, including any references thereto, as section 512 and by inserting immediately after section 510 the following new section:

"§511. Low-income housing.

"(a) The Secretary shall not approve any project under section 106 or 117 of this title which will result in the destruction of any low- or moderate income-housing until he shall have provided, either directly or through the appropriate State agency, for the construction of an equivalent number of units of low- or moderate-income housing to replace those destroyed.

"(b) Notwithstanding any other provision of law, on and after the effective date of this section, any Federal agency which acquires real property for use in connection with a highway project authorized by section 107 and chapter 2 of this title or any other Federal law, which project will result in the destruction of low-income housing, shall, in accordance with regulations issued by the Secretary, construct or provide for the construction of an equivalent number of units of low-or moderate income housing to replace those destroyed. When real property is acquired by a State or local government for such a Federal project for purposes of this chapter, the acquisition shall be deemed an acquisition by the Federal agency having authority over such project.

"(c) The Secretary shall make such rules and regulations as he determines necessary to carry out this section, including, but not limited to, the management, control, and operation of any low-income housing constructed under authority of this section.

"(d) The Secretary shall approve as part of the cost of construction of a project under any Federal-aid highway program which he administers, the cost of constructing low-or moderate income housing required by this section. Any project agreement with a State highway department executed before the date of enactment of this section with respect to property which has not been acquired as of the date of enactment of this section under any such program shall be amended to include the cost of constructing low-income housing required by this section."

(b) The analysis of chapter 5 of title 23, United States Code, is amended by renumbering existing section 511 as section 512 and by inserting immediately after section 510 the following:

"511. Low- and moderate income housing."

ANNOUNCEMENT OF ORGANIZED CRIME HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CELLER), is recognized for 15 minutes.

Mr. CELLER. Mr. Speaker, Subcommittee No. 5 of the House Committee on the Judiciary, will hold public hearings on S. 30, and related House measures, to control organized crime, beginning on Wednesday, May 20, 1970.

Interested parties wishing to appear or submit testimony should contact the committee's offices, room 2137, Rayburn House Office Building.

STATEMENT OF REPRESENTATIVE PETER W. RODINO, JR., ON INTRODUCTION OF NARCOTIC ADDICT REHABILITATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, the time has come when the Federal Government must face the agonizing fact that the Nation is now in the midst of an epidemic—an epidemic of narcotic addiction.

I do not think I need dwell today on the enormity of this problem—on the devastating effects of narcotics on our youth, on the pestilence of crime that drugs have brought, and the social disorder that threatens all our institutions. Each day the narcotics tragedy is unfolding in every community and in every neighborhood. Certainly there are none among us who are unaware of the drug plague.

What we in the Congress must do as quickly as possible is to develop a vigorous program to meet the narcotics epidemic squarely and effectively. In my judgment, such a program should include an intensive three-pronged attack on the use of such hard-core drugs as heroin, cocaine, and morphine.

First, we must reduce the demand for narcotics by providing effective medical supervision and control of every person known to be an addict. When necessary, the addict should be taken off the street and committed to a medical facility. This can and should be done swiftly and effectively—and without infringing on constitutional principles.

Second, persons responsible for the unlawful sale of narcotics in the United States should be subjected to the most vigorous law enforcement program that we are capable of developing. The drug pusher who is himself not addicted but who preys on the addict is among our most heinous criminals and must be scourged.

Third, vast acres of illegal opium poppies now growing abroad must be destroyed. To eliminate the supply of heroin-type drugs, our State Department should intensify its efforts to obtain the maximum cooperation from foreign governments. We should assist in the efforts of governments which do cooperate. We should apply vigorous pressures on governments which do not cooperate.

Within the near future, I plan to introduce legislation in each of these three areas. The bill that I am introducing today, the Narcotic Addict Rehabilitation Act of 1970, is concerned with the first area—the area of medical supervision and control of the addict.

In introducing this proposal, I cannot emphasize too strongly my dismay with the ineffectiveness of the existing Federal program in this area—the program that was established under the Narcotics Addict Rehabilitation Act of 1966. We now have evidence that there are hundreds of thousands of drug addicts in the United States. However, it is shocking to realize that in 1968 less than 300 addicts were civilly committed for treatment under the Federal program, and in 1969

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only 822 addicts were civilly committed for treatment. At the same time, what is equally shocking is the fact that more than 700 known addicts were refused admittance to the program on the grounds that their conditions were so severe that they were not capable of being rehabilitated. When one considers the fact that a typical heroin addict currently steals some $50,000 worth of property per year to feed his habit, it is unconscionable to send the most hard-core addicts back to the streets without any medical supervision or control. Under these circumstances, our responsibility is clear. We simply must strengthen the act and vastly increase the facilities available for the implementation of the act.

Although the 1966 act provided a framework for treating and controlling narcotic addiction, our experience with it has revealed some glaring deficiencies. The act does permit either the addict himself or a person related to the addict to initiate a proceeding for civil commitment to a medical facility. However, the act failed to authorize Public Health officials to initiate the mandatory commitment of known addicts. It also failed to authorize law enforcement officials to initiate the commitment to medical facilities of addicts charged with crimes. The bill that I am introducing today consists of a series of amendments to the 1966 act which will remedy these and other deficiencies.

Under my proposal, Public Health officials will be authorized to apply to our Federal district court to bring about the commitment of addicts so that they can be medically treated, supervised, and controlled. Addicts whose addiction can be effectively supervised and controlled on an out-patient basis will not be kept in confinement. However, they will be required to report regularly to treatment centers.

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In addition, my proposal will permit U.S. attorneys to initiate the medical commitment of addicts who are arrested and charged with crime. Such addicts will be treated, supervised, and controlled pending the outcome of their trial. However, their treatment will not operate to suspend the criminal charges and if acquitted of the criminal charges they will still be kept under medical supervision if that is necessary to control their addiction.

If we are to deal effectively with the narcotic epidemic, both of these legal procedures must be established. Yet laws alone are ineffective without adequate facilities to implement them. To provide for such implementation my bill also gives the President authority to assign to the narcotic program on a temporary basis any facility of the Federal Government that he considers necessary. I recognize that this provision involves giving the President extremely broad powers but the severity of the narcotics problem clearly warrants such a delegation of authority.

Mr. Speaker, the amendments that I am proposing to the Narcotic Addict Rehabilitation Act of 1966 are essential. The epidemic that is now upon us must be abated and our Federal Government must take the initiative. I urge all of my colleagues in the Congress to give my proposal their utmost consideration. We are faced with an emergency and we simply must develop an effective program.

The proposal follows:

SUMMARY OF THE RODINO BILL, THE PROPOSED NARCOTIC ADDICT REHABILITATION ACT OF 1970

In general terms, the purpose of the proposed legislation is to extend the coverage of the Narcotic Addict Rehabilitation Act of 1966 in two ways:

First, the proposed legislation would provide for the medical treatment, supervision and control of any person known to be a narcotic addict.

Second, the proposed legislation would make available for the medical treatment, supervision and control of narcotic addiction a wide variety of existing Federal facilities, as well as provide for the establishment of new Federal facilities to the extent that they are necessary.

Under the proposal, as well as under the Act of 1966, the term "narcotic" is defined to include such drugs as heroin, morphine, and cocaine. It does not include marihuana.

MEDICAL TREATMENT, SUPERVISION, AND CONTROL OF NARCOTIC ADDICTS

Under Title III of the Act of 1966, procedures were established for the civil commitment of certain narcotic addicts. However, under Title III of the Act of 1966, the only persons who are able to initiate civil commitment proceedings are: the addict himself, or a person related to the addict. No provision is made in Title III of the Act of 1966 for the initiation of commitment proceedings by public health officials or for the civil commitment of persons charged with a crime. In addition, Title III of the 1966 Act requires that either the addict, or a person related to the addict, first petition a United States attorney.

The proposed legislation would amend Title III so as to enable any of the following to initiate civil commitment proceedings: (1) the addict himself; (2) a related individual; (3) the Surgeon General; (4) a United States attorney; and (5) a United States District Court on its own motion.

In the case of a commitment initiated by the addict himself, or related individual, the original petition would be submitted to the Surgeon General rather than to a United States attorney as called for in the Act of 1966.

Under the proposed bill, commitment proceedings could be initiated by a United States attorney or by a United States District Court on its own motion under circumstances under which the addict has been charged with a crime. The commitment of persons charged with a crime provided for in the proposed bill would not be in lieu of prosecution and would not operate to suspend or delay the disposition of the criminal charge. The proposed bill would not affect Title I of the 1966 Act, which provides for commitment in lieu of prosecution in the case of certain eligible offenders, who are not charged with crimes of violence.

The proposed bill would provide no basic alteration in the procedures already established in Title III of the 1966 Act for those persons who are committed. Summarized in brief, those procedures are as follows: The addict would be committed to the custody of the Surgeon General for treatment (including post hospitalization treatment and supervision). The treatment, including post hospitalization treatment, may last for 42 months. In the case of a confinement in excess of three months, the patient may petition the court and the court order his release if the confinement is no longer necessary or desirable. The results of any hearing, examination, test or procedure to determine narcotic addiction cannot be used against the patient in any criminal proceeding.

THE EXPANSION OF FACILITIES FOR MEDICAL TREATMENT, SUPERVISION, AND CONTROL OF NARCOTIC ADDICTS

Under the Act of 1966, and Section 341 of the Public Health Service Act, the Surgeon General has been authorized to establish treatment facilities both for in-patient and out-patient services.

Under the proposed bill, the President is authorized to make available by Executive Order for temporary use as in-patient or out-patient medical centers, any Federal property or facilities to the extent that the Surgeon General determines that adequate facilities are not available.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1965, there were 38,127,320 trucks and buses registered in the world. Of this total 15,109,335 or 43.7 percent were in the United States. Japan was second with approximately 10 percent.

A BILL TO ESTABLISH THE MISSOURI BREAKS SCENIC RIVER IN THE STATE OF MONTANA

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing today a bill to establish the Missouri Breaks Scenic River in the State of Montana. Uppermost in this proposal is a striving for quality. As a scenic river of a semi-wilderness nature, all management and developments would be aimed toward a quality recreation experience that would also preserve the outstanding beauty and tranquillity of the river area.

For decades now we have been debating the ultimate fate of a magnificent stretch of the Missouri River. The eyes of the dam builders have stared longingly at the undeveloped segment between Fort Benton and Fort Peck, known as the Missouri Breaks. Engineers' attempts to secure approval to "control" this stretch aroused conservationists all over the country. However, precious time has since been lost while discussion has continued over the kind of protection and development the values of the river justify. The time has come to settle once and for all the role of the Missouri Breaks in America's future.

The Missouri flows through an area which is the very essence of the history of the "Westward Course of Empire" and the resultant fate of the great tribes of native Americans. Names of giants are connected with the Missouri—Lewis and Clark, Chief Joseph, Charles Russel. The soil of the area is nourished by the blood and sacrifice of thousands of braves and their families, trappers and traders, fortune seekers, and pioneers—men, women, and children, most of whose names will be forever unknown.

What better tribute can we give to those who have traveled the Missouri in the past and what better gift can we give to those who will visit the Missouri in the future than to save this stretch from the developers and changers? This segment of the river flows placidly for 155 miles, clear and unpolluted, through country of stark beauty and undisturbed tranquillity.

Man's chief activities in the area through which the river flows are hunting, fishing, outdoor recreation, wildlife habitat management, wildfire control, and grazing of livestock. These extensive uses of the lands are not only compatible with preservation of the river's qualities but are also necessary to preserve ecological balances and environmental quality. Nature now has to be assisted, since man has eliminated or reduced some of nature's own controls, through decimation of predators and big game alike, building of dams, and other "improvements." Management of the Missouri Breaks as a scenic river, as I propose, requires its coordinated management under multiple-use principles with the public lands which lie on both sides of the river if we want to preserve ecological balances as they exist today.

The river must also be protected from its friends—from those who see both the outdoor recreation values and the multitudes who would like to enjoy them. Development of the intensive outdoor recreation opportunities of the river would be disastrous. We must guard against this in our Federal legislation and also look to the State of Montana for continual cooperation in its own interest and in the interest of the Nation as a whole for controls on the 40 percent of the proposed scenic river area that is State and privately owned.

Under the standards of the Wild and Scenic Rivers Act, portions of this stretch of the river classify into recreation river, scenic river, and wild river. My bill calls for recognition of these differences and management of each portion in accordance with its classification.

I am overjoyed at the response of our people, especially our young people, to the call for Earth Day. The embattled conservationists need no longer feel that they are alone, exposed to the not too tender mercies of the movers and shakers. The people are with us. Let us respond constructively with action. I am asking this Congress to place protection of the Missouri Breaks high on the action priority list by enacting H.R. 17233.

REORGANIZATION OF THE FEDERAL RESEARCH ADMINISTRATIVE STRUCTURE FOR RESEARCH AND ADVANCED STUDY

(Mr. DADDARIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DADDARIO. Mr. Speaker, my Subcommittee on Science, Research, and Development has just issued a report which recommends a significant and practical reorganization of the Federal administrative structure for research and advanced study. It is imperative that this be implemented because the present organizational format is, in many respects, making impossible the realization of national objectives in science. We must take steps now to insure the most efficient use of our resources and the most economical utilization of our manpower. Here is the evidence that something is drastically wrong:

The U.S. leadership in several fields of investigation is passing to other countries.

The financial stability of many universities important to scientific progress is in doubt.

Major research facilities and unique instruments are in only partial use.

Recent graduates are unable to find research support and are drifting to careers less productive than those for which they trained.

Both medicine and the increasingly important paramedical sciences are crippled in their attempts to train practitioners for a growing population.

The innovative exploitation of basic science—much of it originating in the United States—is now often the forte of Japan, West Germany, and other modern nations.

The continuity of funding for developing new science departments throughout the country is uncertain.

Established institutions are being undermined by inflation and requirements of sophisticated and expensive instrumentation, while budgets are leveled off or reduced in State legislatures and in the Congress.

Young people, bewildered by society's apparent rejection of science and Government's failure to support research, are enrolling in nonscience curriculums.

Mr. Speaker, most importantly, U.S. science is faltering at a time when the problems of the environment, national security, population control, urban unrest, and worldwide education and development demand new ideas. We badly need to push back the boundaries and overcome the limitations of present knowledge. By their very nature, applied science and engineering development cannot do this—only through the basic or fundamental research and advanced-study process can we renew the wellspring of fresh approaches. The word "relevance" is somewhat threadbare by now but, in fact, science is so pervasive in the world's activities that it is almost impossible to think of any research which would not have some immediate and direct application to one problem or another. That is why American science must be as strong as possible and that is why the failure of the present administrative structure is so alarming.

The specific weaknesses uncovered by our investigation include the following:

A balanced national program for science is very difficult to formulate when many uncoordinated agencies are funding basic research.

The system as now designed to meet the needs of mission agencies for science and technology cannot provide for emerging Federal responsibilities and is not adequate for the support of advanced education.

The imbalance among fields of science does not correspond to new national priorities, and leads to a decoupling of science from urgent social problems.

Decentralized science policymaking prevents public understanding of science, increases cleavage between the sciences and humanities, is unnecessarily costly, and results in poor coordination between research and education.

Science support fluctuates unpredictably whereas, as President Nixon has said, "research and development cannot be turned off and on like a faucet."

The diffuse organization inhibits long-range planning and consequently prevents stability, efficiency, and continuity in the research and training process which is inherently long term.

Lack of central research coordination leads to a proliferation of single-purpose science agencies, and is wasteful and inefficient.

Educational institutions have been forced into a disproportionate dependence on large mission agencies—the Department of Defense in particular.

The Congress is not presented a coherent science budget and piecemeal inadequate appropriations do not add up to a whole.

The fragmentation of funding for integrated campus programs threatens the relationship of government to the universities.

Science resources of manpower, facilities, and money are used inefficiently.

Our subcommittee has continuously studied Federal science activities since its establishment on August 23, 1963. A cornerstone of our charter is:

> The achievement of the most effective utilization of the scientific and engineering resources of the United States in the effort to accomplish national goals which affect the lives of all Americans.

"Most effective utilization" is not solely dependent on organization, to be sure. Furthermore it has been the preference of our subcommittee to work for the perfection of existing institutions if at all possible—rather than to turn immediately to reorganization when functional problems are revealed. For example, note the 1968 amendments to the National Science Foundation Act and the endorsement of lead agencies for environmental programs rather than new structures. However, after years of increasing concern over the health of U.S. science, and after extensive hearings and consultations which have brought the well-informed opinion of all interested and affected parties to bear on the problem, we believe reorganization is now urgently needed.

My colleagues may look at the bare budget figures and conclude that research and development must be well taken care of when billions of dollars of tax funds are appropriated every year. The fact is that even the total expenditure estimated for fiscal year 1971 of $15.7 billion is less than any year since fiscal year 1965—and the total is misleading. Less than 10 percent of these moneys go to support research and development in colleges and universities. About two-thirds of the funding goes for hardware development for the execution of agency programs. It is this very evidence of the heavy reliance of Government upon the fruits of basic research

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that makes ironic the pennypinching and arbitrary budget cuts of recent years.

More than irony is suggested—it is nothing less than hypocrisy, and will be more expensive in the long run, to state a national policy and then not support it. This Nation has learned the value of science as has no other before it. Free enterprise democracy has applied the results of fundamental research to the benefit of society and the individual citizen.

For example, the crux of the current environmental crisis is the demand by a growing population for the products of our technological cornucopia. The quality of the environment will be restored and maintained, not by a moratorium on science, but by prudent applications of technological changes in harmony with new scientific knowledge of ecological principles. No matter which of our pressing problems is examined, it will be met only if we have more basic scientific knowledge.

For a quarter of a century our national objective has been the full development of talented individuals who wanted careers in science—and the consequent funding of research projects to implement these skills in service to mankind. The American university provided the ideal institution for the performance of fundamental research and instruction in scientific disciplines. We deliberately avoided the erection of Government laboratories for basic science so that teaching and research could bring double returns from the Federal support dollar. These have been undisputed tenets of our science policy.

But this policy has been administratively supported by an agglomeration of uncoordinated haphazard funding arrangements. As long as total R. & D. expenditures were increasing steadily—largely due to the expanding applications in weaponry, space and aeronautics, atomic energy and health services—the universities could piece together a program of fellowship facilities, instruments, and research grants. Since the large development projects began leveling off their associated research expenditures have dropped markedly, inflation and other cost rises were felt, and campus managers have had great difficulty in maintaining complete and coherent programs.

To put it briefly, the Government uses the results of science, it has accepted the role of patron of the universities, and it has asked for and helped develop a certain level of activity. Now it is reducing the effective funding support through the mission agencies without providing through the National Science Foundation sufficient additional funds. The present crisis is no less than could be expected, considering the inadequate organizational base for our national science goals.

A major argument which we have encountered against a more centralized organization is that it would be an easier target for budget cutters. There is a danger here but it seems more than offset by the administrative strength and forthright claim to public funds of a logical combination of research and advanced study programs.

The subcommittee recommendations are detailed in a report, "The National Institutes of Research and Advanced Studies," released a few days ago. We call for the reconstitution of the National Science Foundation as the National Institutes of Research and Advanced Studies—NIRAS. This organization would consolidate those scientific activities which are carried out in universities or similar institutions and which are closely related to the total intellectual operations of higher education and advanced study. Specifically included would be the present National Science Foundation, graduate education programs of the Department of Health, Education, and Welfare and other departments, the National Foundations for the Arts and the Humanities, and new units called the National Institute of Ecology and the National Institute of Social Sciences. The annual budget is estimated at about $2.3 billion. Mission agencies would be encouraged to continue to fund basic research as they saw fit in order to maintain the necessary inspiration to their applied projects.

We recommend also a substantial strengthening of the Office of Science and Technology. It should carry out its mandate "to evaluate scientific research programs undertaken by agencies of the Federal Government." OST must perform the overall coordination and planning role for all R. & D. and higher education related to science. It should be the focal point for executive branch technology assessments.

Mr. Speaker, I believe the recommendations of our subcommittee deserve close attention, and I, therefore, quote from them as follows.

The subcommittee recommends and strongly urges the following action:

> The immediate establishment of a National Institutes of Research and Advanced Studies (NIRAS). This new agency would consolidate Federal responsibilities for basic research and graduate education, i.e., those scientific activities which are carried out in universities or similar institutions, and which are closely related to the total intellectual operations of higher education and advanced study.
>
> The National Institutes of Research and Advanced Studies would be an independent agency but not at cabinet level. The Administrator would be appointed by the President subject to Senate confirmation. The present National Science Foundation charter is the basis for the new centralized organization. Thus the NSF in effect would be reconstituted into the NIRAS. Components of the present NSF would be distributed among the new Institutes with the exception of education programs at the undergraduate level or below, which would be transferred to the Office of Education, DHEW.
>
> The administrative staff of NIRAS would include a Priorities and Planning Office. Advisory committees and boards already in existence for the units transferred into NIRAS would continue to serve, e.g., the National Science Board would advise the NIRAS Administrator.
>
> At the present time it is not recommended that national laboratories and applied research and development programs (such as in AEC or in NASA) be considered for centralization. The NIRAS format will accommodate applied research which is an extension of basic investigations or which falls under the 1968 NSF amendment as broadly in the public interest. Other programs and parts of agencies could be added at a later date as logic may dictate.
>
> Basic research projects determined to be no longer relevant to agency missions would be considered for transfer to NIRAS as they are identified by their present sponsors. Graduate education programs from various DHEW units (Office of Education, Environmental Health Service, Health Services and Mental health Administration, etc.), and from other agencies (DOD Project Themis), would be transferred immediately.
>
> The proposed National Institute of Ecology is being developed in detail under a contract from the National Science Foundation to the Ecological Society of America.
>
> The concept of a National Institute of Social Sciences has been the subject of extensive hearings under the name National Foundation for Social Sciences.
>
> On the basis of fiscal year 1970 budget estimates the NIRAS components would command funding of about $2.3 billion annually. New institutes for ecology and social sciences would comprise some ongoing programs but would, by the very rationale of their establishment, call for increased expenditures in these areas.
>
> The strengthening of the science superstructure in the Executive Office of the President. While it may be inappropriate for a Congressional report to suggest specific details for this office, the testimony received suggests the following improvements:
>
> (a) The staff of the Office of Science and Technology should be substantially increased.
>
> (b) The Director of OST should be given Cabinet status similar to that conferred upon the special assistants to the President for national security and domestic affairs.
>
> (c) OST should perform conscientiously the evaluation function transferred to it from NSF by Reorganization Plan No. 2 of 1962: "to evaluate scientific research programs undertaken by agencies of the Federal Government." Historically, both NSF and OST have eschewed this legal duty. The thorough performance of this task, however, should now become a major effort of OST. Increased staff should permit continuing evaluation even while attending to the day-to-day ad hoc assignments which are the inevitable lot of this office.
>
> (d) The Federal Council for Science and Technology should make diligent efforts to become a more effective coordinating mechanism for governmentwide activities; e.g., technology requirements of mission agencies; manpower; basic research level of effort; applied research, development, demonstration and testing; national laboratory deployment; technology transfer among agencies and to the private sector; and priority setting among large technology opportunities.
>
> (e) The Office of Science and Technology should be given serious consideration as the Executive branch focal point for technology assessment. While assessments may be performed in many agencies and in the private sector, OST might well choose the projects, arrange for performance and transmit the results into the decision-making process.
>
> (f) The OST should assume a planning, coordination and evaluation role for higher education programs of the Federal Government in all sciences, engineering and technological training.
>
> Stable, continuous, predictable funding of academic science and higher education on which the welfare of the United States depends. This policy should be implemented by the President and the Congress in conforming the annual budget process to the realities of long-term needs of universities and similar institutions. Two or three year projections of academic science funding, identifying likely budgetary support by scientific discipline and other pertinent categories, would greatly increase the efficiency

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of institutional planning for scientific research and education. The possibilities of a formula system should be investigated which would link funding for research and advanced studies to the total Federal expenditure for technological development.

That the mission agencies continue to support basic research both in their own laboratories and in the universities. Governmental managers need the ideas and innovations of university scientists and the scientists need (and want) to be aware of the urgent social problems which can be solved through the expansion of knowledge. To isolate the missions of Government from the principal source of new ideas would be a grave error. Thus, the establishment of a NIRAS would by no means lessen the need for close liaison and actual contracts and grants between the universities and the mission agencies.

That the Congress consolidate the jurisdictions of its Committees dealing with research and education at the graduate level in all fields of learning. The NIRAS organization should undergo annual authorization hearings which will do much to coordinate Congressional overview. Appropriations actions should be reasonably close to authorizations or the biggest single objection to centralization may prove to be deciding. That is the possibility that the present fragmented, piecemeal collection of programs under various agencies would fare better with the Congress than would a well-planned, coordinated NIRAS.

We believe that these organizational adjustments will lead to better utilization of scarce resources, a return of appropriate congressional support and control, and public approval of the use of tax funds for academic science. Scientists and teachers need these assurances of confidence in their work. The future welfare of the United States, and indeed the world, depends on the stability and productivity of scientific research and advanced study, and we, therefore, ask that our recommendations be given the careful attention and support of the Congress and the executive branch.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Patman (at the request of Mr. Albert), for today, on account of official business.

Mr. Baring (at the request of Mr. Albert), for today, on account of official business.

Mr. Charles H. Wilson (at the request of Mr. Albert), for today, on account of official business.

Mr. Roberts (at the request of Mr. Albert), for today and the remainder of the week, on account of official business.

Mr. Langen (at the request of Mr. Gerald R. Ford), for April 27 to May 8, 1970, on account of official business—attendance at Agricultural Attaches' Conference at Canberra, Australia.

Mr. Patten (at the request of Mr. Albert), for today and the remainder of the week, on account of official business.

Mr. Burke of Florida (at the request of Mr. Gerald R. Ford), for week of April 27, on account of official business.

Mr. Lennon (at the request of Mr. Fountain), for today and remainder of week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Edwards of Alabama (at the request of Mr. Mizell), for 5 minutes today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Daniel of Virginia) and to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 30 minutes, today.
Mr. Farbstein, for 30 minutes, today.
Mr. Celler, for 15 minutes, today.
Mr. Rodino, for 15 minutes, today.
Mr. Boggs, for 30 minutes, on April 28.
Mr. Dent, for 30 minutes, on April 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Jarman, and to include a letter from the Department of the Interior to the Speaker, immediately following the remarks of Mr. Gross on H.R. 14714 today.

Mr. Broyhill of Virginia to extend his remarks during debate on H.R. 14385.

Mr. Friedel (at the request of Mr. Macdonald of Massachusetts) to revise and extend his remarks on H.R. 4599 today.

(The following Members (at the request of Mr. Mizell) and to include extraneous matter:)

Mr. Ruppe.
Mr. Burton of Utah in five instances.
Mr. Harvey in two instances.
Mr. Mailliard in two instances.
Mr. Wyman in two instances.
Mr. Edwards of Alabama.
Mr. Whitehurst.
Mr. Steiger of Wisconsin in two instances.
Mr. Scherle.
Mr. Frey in two instances.
Mr. Lloyd.
Mr. Derwinski in two instances.
Mr. Wyatt.
Mr. Langen in two instances.
Mr. Nelsen.
Mr. Ashbrook in two instances.
Mr. Myers.
Mr. Conable.
Mr. Ruth.
Mr. Hunt.
Mr. Cramer.
Mr. Widnall.
Mr. Robison.
Mr. Michel in two instances.
Mr. Smith of New York.
Mr. Railsback.
Mr. Cunningham in three instances.
Mr. Horton in three instances.
Mr. Bob Wilson.
Mr. Sandman.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Fuqua.
Mr. Podell in three instances.
Mr. Farbstein in three instances.
Mr. Rivers in two instances.
Mr. Gaydos in five instances.
Mr. Albert.
Mr. Anderson of California.
Mr. Kyros in two instances.
Mr. Blanton in two instances.
Mr. Bennett in two instances.
Mr. Rarick in four instances.
Mr. Bingham in five instances.
Mr. Burke of Massachusetts.
Mr. Evins of Tennessee in two instances.
Mr. Rosenthal in five instances.
Mr. Abbitt.
Mr. Howard.
Mr. Steed in two instances.
Mr. Chappell in two instances.
Mr. Pepper.
Mrs. Chisholm.
Mr. Rooney of Pennsylvania.
Mr. Harrington.
Mr. Koch.
Mr. Minish.
Mr. Carey.
Mr. Miller of California in five instances.
Mr. Hungate in two instances.
Mr. Rodino.

JOINT RESOLUTION

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2306. An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; and

S. 3253. An act to provide that the Federal Office Building and United States Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building."

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.J. Res. 251. To authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.), the House adjourned until Tuesday, April 28, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1978. A communication from the President of the United States, relative to voting rights (H. Doc. No. 91-326); to the Committee on the Judiciary and ordered to be printed.

1979. A letter from the Deputy Secretary of Defense, transmitting a report on transfer of amounts appropriated pursuant to section 636 of the Department of Defense Appropriation Act, 1970; to the Committee on Appropriations.

1980. A letter from the Acting Assistant Secretary of Defense (Installation and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July 1969-February 1970, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1981. A letter from the Assistant Secretary of the Interior, transmitting notification that a supplemental application for a loan has been received from the Central Oregon irrigation district, pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

1982. A letter from the State Director, of New Mexico, Bureau of Land Management, Department of the Interior, transmitting a notice of proposed continuance of classification of public lands for transfer out of Federal ownership, pursuant to section 4 of Public Law 88-607; to the Committee on Interior and Insular Affairs.

1983. A letter from the Chairman of the Federal Power Commission, transmitting a copy of the publication entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1968"; to the Committee on Interstate and Foreign Commerce.

1984. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 9, 1968, submitting a report, together with accompanying papers and an illustration, on Delaware River at Pennsville, N.J., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 29, 1955; to the Committee on Public Works.

XUM

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to an order of the House April 23, 1970, the following report was filed on April 24, 1970]

Mr. RIVERS: Committee on Armed Services H.R. 17123. A bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; with amendments (Rept. No. 91-1022). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING:

H.R. 17232. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 17233. A bill to establish the Missouri Breaks Scenic River in the State of Montana; to the Committee on Interior and Insular Affairs.

By Mr. BARRETT:

H.R. 17234. A bill to encourage cities and communities to develop intensive local programs to eliminate the health hazards of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY:

H.R. 17235. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. COWGER:

H.R. 17236. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 17237. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 17238. A bill to provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes; to the Committee on Public Works.

By Mr. FARBSTEIN:

H.R. 17239. A bill to provide that air quality levels shall be taken into account in the planning of Federal-aid highway projects; to the Committee on Public Works.

By Mr. FISHER:

H.R. 17240. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mrs. GRIFFITHS:

H.R. 17241. A bill to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 17242. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HARSHA (for himself, Mr. Kluczynski, Mr. Don H. Clausen, and Mr. Denney):

H.R. 17243. A bill to amend title 23, United States Code, to authorize a highway development program for the Virgin Islands; to the Committee on Public Works.

By Mr. HOWARD:

H.R. 17244. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HULL:

H.R. 17245: A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES of Alabama:

H.R. 17246. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Bingham, Mr. Brasco, Mr. Button, Mrs. Chisholm, Mr. Dulski, Mr. Farbstein, Mr. Gilbert, Mr. Hanley, Mr. Lowenstein, Mr. McCarthy, Mr. Murphy of New York, Mr. Ottinger, Mr. Podell, Mr. Reid of New York, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, and Mr. Wolff):

H.R. 17247. A bill to provide that the Federal Office Building at 26 Federal Plaza, New York, N.Y., shall be named the "Robert Francis Kennedy Federal Office Building" in memory of the late Robert F. Kennedy, Attorney General from 1961 to 1964 and a Member of the U.S. Senate from the State of New York from 1965 to 1968; to the Committee on Public Works.

By Mr. LUKENS:

H.R. 17248. A bill to establish a minimum reward for information leading to the apprehension and conviction of violators of the Federal narcotic laws, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 17249. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 17250. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 17251. A bill to provide for orderly trade in the textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts:

H.R. 17252. A bill to establish an independent agency to coordinate the management of programs established to protect and enhance the quality of the environment through the control and abatement of air and water pollution, solid waste contamination, and through other related activities; to the Committee on Government Operations.

By Mr. RIEGLE:

H.R. 17253. A bill to authorize the U.S. Civil Service Commission to adjust levels of compensation in the postal field service to reflect regional and area differentials in the cost of living and in pay for comparable jobs in private industry, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H.R. 17254. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Florida (for himself, Mr. Jarman, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Nelsen, Mr. Carter, Mr. Skubitz, and Mr. Hastings):

H.R. 17255. A bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 17256. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 17257. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (for himself and Mr. Ayres), by request:

H.R. 17258. A bill to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. WAMPLER:

H.R. 17259. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BARRETT:

H.R. 17260. A bill to provide Federal financial assistance to help cities and communities of the United States to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning, and to require an effective plan for the elimination of lead-based paint poisoning as a condition of Federal assistance under certain other programs; to the Committee on Banking and Currency.

By Mr. BENNETT:

H.R. 17261. A bill to remove members of the military from poverty and to provide pay increases in the pay grades E1-recruit through E7; to the Committee on Armed Services.

By Mr. DERWINSKI (for himself, Mr. Crane, Mr. McClory, and Mr. Kluczynski):

H.R. 17262. A bill to amend title 39, United States Code, to provide rates of pay for postal field service employees in certain areas and locations in accordance with private enterprise pay rates in these areas to assist in recruitment and retention of postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 17263. A bill to amend title 23 of the United States Code to require the replacement of low or moderate income housing destroyed as a result of highway construction; to the Committee on Public Works.

By Mr. GUDE:

H.R. 17264. A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 17265. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. KLUCZYNSKI:

H.R. 17266. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 17267. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. McKNEALLY:

H.R. 17268. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 17269. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT (for himself and Mr. Burton of California):

H.R. 17270. A bill to prevent interference in labor disputes occurring in the United States by means of the importation of goods made by foreign subsidiaries; to the Committee on Ways and Means.

By Mr. BLANTON:

H.J. Res. 1191. Joint resolution proposing an amendment to the Constitution of the United States providing that citizens of the United States who are 18 years of age or older are eligible to vote in Federal elections; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.J. Res. 1192. Joint resolution granting emergency relief from interest rate conflict between Federal law and State law; to the Committee on Banking and Currency.

By Mr. TEAGUE of California:

H.J. Res. 1193. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week"; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself and Mr. O'Neill of Massachusetts):

H. Res. 951. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FLOWERS:

H.R. 17271. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land located in the State of Alabama to the record owner of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 17272. A bill for the relief of certain employees of the Department of Defense; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 17273. A bill for the relief of Dr. Cesar O. Jimenez-Pazos; to the Committee on the Judiciary.

H.R. 17274. A bill for the relief of Dr. George Alexander Karadimos; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 17275. A bill for the relief of Alfonso Lezo Ramirez, his wife, Consuelo Hernandez, Cruz Lezo and his minor child, Gerardo Lezo Cruz, age 6 months; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER:

365. A memorial of the General Court of the Commonwealth of Massachusetts, relative to appropriating additional funds for medical research into kidney diseases; to the Committee on Appropriations.

366. Also, a memorial of the Legislature of the State of New York, relative to providing interest subsidy funds for existing middle-income housing; to the Committee on Banking and Currency.

367. Also, a memorial of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, relative to an interstate compact for the development of the Susquehanna River Basin; to the Committee on the Judiciary.

368. Also, a memorial of the Legislature of the State of Alaska, relative to establishment of an exclusive fisheries zone for the United States; to the Committee on Merchant Marine and Fisheries.

369. Also, a memorial of the Legislature of the State of Hawaii, relative to Federal assistance for the development of a tuna fishery in the central and western Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

370. Also, a memorial of the Legislature of the State of Hawaii, relative to Federal assistance for the construction of a second breakwater at Port Allen, Kauai, Hawaii; to the Committee on Public Works.

371. Also, a memorial of the Legislature of the State of Florida, relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

372. By Mr. MONAGAN: A memorial of the State of Connecticut relative to observing Sunday, July 12, 1970, as a day for a special salute to the Armed Forces in Vietnam; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

461. By the SPEAKER: Petition of the town of Brookline, Mass., relative to ending the war in Vietnam; to the Committee on Foreign Affairs.

462. Also, petition of the council of the city of Philadelphia, Pa., relative to establishing a centralized facility within the city for drug addicts and establishing comprehensive programs of drug abuse education; to the Committee on Interstate and Foreign Commerce.

463. Also, petition of the council of the city of Youngstown, Ohio, relative to enabling local governments to use the franking privilege of the U.S. Postal System; to the Committee on Post Office and Civil Service.

SENATE—*Monday, April 27, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who in every age has called men to serve Thee at the altar and in the pulpit, in field and factory, at the bench and in halls of commerce, in places of executive leadership and in the forums of government, help us to make all work a divine vocation. Make us to know that the chief end of man is to glorify God in little tasks, in obscure deeds, in quiet moments as in momentous actions. Teach us the holiness of daily duty, that in the toil of hand and brain we may worship while we work and so fulfill the law of God. May all who labor in this place be true ministers of the Government and servants of the common good.

In the name of Him who came not to be ministered unto, but to minister and give Himself for others. Amen.

FORTIETH ANNIVERSARY OF THE ORDINATION OF THE REVEREND DR. EDWARD L. R. ELSON, CHAPLAIN OF THE SENATE

Mr. SCOTT. Mr. President, anticipating what will be said shortly by the distinguished Senator from Oregon (Mr. Hatfield), since it may not be possible for me to be in the Chamber at that time, I should like to comment on the fact that today is the 40th anniversary of the ordination of our beloved and distinguished Chaplain, and we all join in extending to him our felicitations. A good deal more will be said on this subject by the distinguished Senator from Oregon and by other Senators.

I thank the Senator from Tennessee and the Senator from Oregon.

Mr. HATFIELD. Mr. President, when John Winthrop and the first settlers of the Massachusetts Bay Colony were sailing to America aboard the Arabella, Winthrop preached these following words:

> We shall be as a City upon the Hill. The eyes of all people are upon us; so that if we shall deal falsely with our God in his work we have undertaken and shall cause him to withdraw his present help from us, we shall be made a story and a byword through the world.

XUM

The religious impulses behind those who founded our country are known to us all. In search of a new world, these brave men and women were of deep religious conviction and sought to undertake a special work of God on this new continent.

When our Nation came into being 150 years after Winthrop's sermon, those who articulated its purposes and struggled for its independence were undergirded by a reliance on divine providence. Through the ensuing stormy history of our land, there have been those who have reminded us that we must not "deal falsely with our God in his work we have undertaken." The Chaplain of this body, the Reverend Edward Elson, is one such man. Today, April 27, is the 40th anniversary of his ordination. The Chaplain of the Senate is to remind us that our destiny as a nation and our effectiveness as individual Senators is dependent upon more than our own efforts. He reminds us that in God there is a source of strength, wisdom, guidance, and vision that must formulate our purposes as a nation and take root within us as individuals. This calling Chaplain Elson has filled since January of 1969. As Senators, our gratitude to him is profound, for he has served us with a particular depth of commitment and dedication.

The 40 years of Chaplain Elson's ministry began in California. For 10 years he served as minister of the First Presbyterian Church in La Jolla until 1941. It was then that his ministry was particularly turned in service toward our Nation. For 5 years he served as a chaplain to our Army in Europe and during that time received numerous decorations for his courage and distinguished service. He returned home to become minister of the National Presbyterian Church here in Washington. Since that time the force of Dr. Elson's ministry has been felt throughout this city. Further, as a pastor of the leaders of our country, Edward Elson has been a source of personal encouragement and vital support to hundreds who have borne the weight of national leadership. The people of our Nation best know Dr. Elson as the pastor to Dwight Eisenhower. The contribution he made to the life of this one man may never fully be known. We can be certain that the force of President Eisenhower's character and the inspiration of his leadership were, in some measure, the result of Edward Elson's ministry.

The Senate often becomes a forum of heated disagreement, divisiveness, and polarization. We, perhaps more than any body or organization in this land, need a chaplain, for it is in our deep spiritual convictions that we can often discover the basis for a reconciliation that transcends all other differences. I am deeply appreciative that Chaplain Elson is with us to serve as our counselor and pastor. We are, indeed, fortunate to have him devote these years of his ministry to us. More important, our Nation is fortunate that a man of his caliber and sensitivity bears the responsibility of enlivening our faith. Today I wish to express my personal gratitude and congratulations to Chaplain Elson for his 40 years of dedicated ministry and service.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief sketch of the multifaceted career of our Chaplain, Dr. Elson.

There being no objection the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL DATA

The Rev. Edward L. R. Elson, S.T.D., D.D., Litt.D., LL.D., L.H.D., D.Hum. Minister, The National Presbyterian Church, 4123 Nebraska Avenue NW., Washington, D.C. 20016, Chaplain of the United States Senate.

Born: Monongahela, Pennsylvania.

Education: Clairton, Pennsylvania, High School A.B. Asbury College, Kentucky, 1928, M. Th. University of Southern California, 1931.

16 Honorary Doctor's degrees, among which are the following: D.D. Occidental College, 1947; Wheaton College, 1934. S.T.D. College of Emporia, 1955; Ripon College, 1956. Litt.D. Centre College of Kentucky, 1952; Lafayette College, 1958; Gettysburg College, 1960. LL.D. Norwich University, 1953; Davis and Elkins College, 1955; Asbury College, 1958; Hope College, 1961. L.H.D. University of Southern California, 1954; College of Wooster, 1960; Washington and Jefferson College, 1960. D.Hum. Parsons College, 1955.

Ministry: Ordained, Presbytery of Los Angeles, Santa Monica, California, April 27, 1930, Assistant Minister, First Presbyterian Church, Santa Monica, California, 1929–1931, Minister, First Presbyterian Church, La Jolla, California, 1931–1941, Minister, The National Presbyterian Church, Washington, D.C., since December 1946, Pastor to former President and Mrs. Eisenhower, members of the Cabinet and other Government officials, Elected Chaplain of the United States Senate, January 9, 1969.

Public service: Member, Board of Directors, Maryville College, Maryville, Tenn., President, Board of Trustees, Wilson College, Chambersburg, Pa., Member, Board of Directors, Freedoms Foundation at Valley Forge, Valley Forge, Pa., Chairman, National Council, American Friends of the Middle East, Member, Advisory Committee on the Arts, John F. Kennedy Center for the Performing Arts, Member, Board of Directors, American Colony Charities Association, Jerusalem, Jordan, Vice President, Religious Heritage of America, Former Chairman, Clergy Advisory Council, National Association of Manufacturers, Member, National Advisory Council, Welfare of the Blind, Inc.

Past positions: Moderator, Los Angeles Presbytery, 1938, Western Regional Director of Presbyterian Post-War Fund, 1946; Member, Board of Pensions, Presbyterian Church in U.S.A., 1948–1957, National Chaplain, Disabled American Veterans, 1950–1951, President, Washington Federation of Churches, 1952–1954, President, The Military Chaplains Association, 1957–1959, Commissioner to the General Assembly, United Presbyterian Church in the U.S.A. six times, President, Kiwanis Club, La Jolla, California (Honorary Life Member) Moderator, Presbytery of Washington City, 1966.

Military: Commissioned Chaplain, U.S. Army Reserve, 1930, Rank of Colonel since 1944 (Ret. November 1961), Extended active duty, 1941–1946. Chaplain XXI Corps, European Theater; Chaplain, Seventh U.S. Army, Europe, Numerous military decorations, including Legion of Merit; Bronze Star Medal; Army Commendation Medal; French Croix de Guerre avec Palme; French Medal of Freedom; Silver Star of Jordan-First Class; Gold Medal, Lebanese Order of Merit-First Class; Arms of the City of Colmar, France. Member, Advisory Board of Directors, Association of the U.S. Army.

Honors: Designated "Clergy Churchman of the Year," Award by Religious Heritage of America and Washington Pilgrimage of American Churchmen, 1954, Freedoms Foundation Award, Sermon category, 1951, 1954, 1957, 1958, 1959, 1960, 1962, 1964, Freedoms Foundation Principal Sermon Award, 1965, Honor Medal Award for "America's Spiritual Recovery," 1954 Honorary Citizen, Dallas, Texas; Charlotte, North Carolina; Alliance, Ohio; Honorary Kentucky Colonel.

Travels: Europe, The Middle East, and Africa, Guest preacher in leading churches in the British Isles and Europe, Frequent speaker at colleges and universities in the United States, Retreat master at spiritual retreats for clergy and military chaplains, United States and abroad, Appointed by President Johnson as a member of the U.S. Mission to observe Vietnamese elections, September 1967.

Author: "One Moment With God," Doubleday, 1951. "America's Spiritual Recovery," Fleming H. Revell Company, 1954. "And Still He Speaks," Fleming H. Revell Company, 1960. "The Inevitable Encounter," Eerdmans, 1962. Numerous sermons and articles.

Memberships: Theta Sigma, Chi Alpha, Cosmos Club, Y.M.C.A., International Platform Assn., Army and Navy Club, Burning Tree Club.

Learned societies: Phi Chi Phi, American Society of Church History, Church Service Society, Academy of Religion and Mental Health.

Family: Mrs. Elson, the former Helen Chittick, a descendant of Wishart, Coadjutor of John Knox, was educated at The Bishop's School and the University of California. Children: Mrs. Erland Heginbotham, Washington, D.C., Miss Beverly Lynn, Washington, D.C., Mrs. Duncan MacRae, Baltimore, Md., David Edward, Washington, D.C.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from Oregon. He has said everything that should or could have been said. All I can add is that Chaplain Elson has been a good and faithful Chaplain of the Senate.

Mr. MATHIAS. Mr. President, I also join the distinguished Senator from Oregon in his remarks about our Chaplain. I join from the point of view of one who has spent a lifetime in this area, to note that Dr. Elson came to Washington to become the minister of the National Presbyterian Church in December 1946, and so for a period of nearly a quarter of a century has been a moving force in this community. Aside from whatever may be said about the broader aspects of his ministry and about his service to the Senate, I should also like to add a word of appreciation on behalf of the community for the active force that he has been and for the valuable service that he has rendered in acting as a witness to the Christian ethic in a difficult time and in a troubled city.

Mr. HATFIELD. I thank the Senator from Maryland.

Mr. President, I thank the Senator from Tennessee for yielding me this time.

Mr. BAKER. Mr. President, I wish to join Senators in expressing my admiration for Dr. Elson. Although he has served as Chaplain of the Senate for a relatively short time, he has long been known to the Washington community as a source of wise guidance and counsel.

I can recall with particular and personal gratitude the great assistance of Dr. Elson during the days following the death of Senator Dirksen last September. My family and I will always remember him as a source of strength in that time.

We are fortunate to have Dr. Elson in the Senate. I share the hope of the rest of my colleagues that he will be with us in that capacity for many years to come.

Mr. METCALF. Mr. President (Mr. STENNIS), the Senator from Oregon (Mr. HATFIELD), with his usual grace and consideration, paid tribute to our Chaplain, the Reverend L. R. Elson.

I have been privileged to enjoy a unique relationship with Chaplain Elson, because from time to time we wait in the anteroom and chat and discuss things of world import while we wait to call the Senate to order in the morning.

I have grown to admire him as a man and to admire him as an outstanding individual. I was very much impressed when the Senator from Oregon discussed Dr. Elson's distinguished record of community and military service, as well as his personal record and great integrity.

I concur in all that Senators have said about Chaplain Elson. I heartily commend all of them for their tributes to him on this very important day of his 40 years of service.

I can only say that he exemplifies Oliver Goldsmith's description of a clergyman:

> Best in his duty, prompt at every call.
> He watch'd and wept, he pray'd and felt for all.

Mr. CURTIS. Mr. President, I wish to join other Senators who have paid tribute to our beloved Chaplain, Dr. Elson, on the 40th anniversary of his entering the Christian ministry.

Much could be said about Dr. Elson's scholarship. Much could be said about the important positions that he has held and the important events in which he has participated. I wish, however, to call attention to something else which, so far as the junior Senator from Nebraska is concerned, speaks most highly of Dr. Elson.

Dr. Elson has been true to his faith. In his day and age he is an example of an exponent of basic evangelical Christianity. This is important. This is what the Nation needs. This is what we need in the U.S. Senate.

If our needs were purely secular, if our needs were for leadership along secular lines, but merely on a high, noble level, we would not need a chaplain. We could turn to countless Members of the Senate who could fill that need. We have a chaplain because of what basic spiritual values mean to this country. In Dr. Elson we have such an exponent, such a leader, and such a benefactor to the Senate and to individual Senators.

Mr. SYMINGTON. Mr. President, I well remember that when the matter of a new chaplain came up, the distinguished Senator from Mississippi (Mr. STENNIS) highly recommended the present Chaplain, Dr. Elson. I can report without any reservation that that recommendation has certainly proved to be one of the more fortunate ones that have been made in the Senate for some time, because I would join Senators in stating that I think the dignity of the Senate and the importance of an outstanding chaplain have been well exemplified in the superb performance of Dr. Elson himself.

Mr. HANSEN. Mr. President, I wish to join other Senators who have already paid their respects to the Senate Chaplain on the occasion of the 40th anniversary of his having been ordained in the ministry. Those of us who are privileged to hear the chaplain each day the Senate is in session and those, far greater in number, who are privileged to read the prayers with which he opens the business of the Senate each day agree with our distinguished colleague the senior Senator from Oregon in paying tribute to our distinguished Senate Chaplain.

I should like to associate myself with his remarks, and with the remarks and the eulogies that have been expressed on this floor earlier today.

Mr. GRIFFIN. Mr. President, I wish to associate myself with the fine tributes to Dr. Elson we have heard on the floor of the Senate today and to express my own personal gratitude for the inspiration and guidance he has brought to the Senate and to us all.

His life has been rich and full—so much so that is it difficult to see how he has found the time to accomplish so much. His career is living proof that man can, serve and serve effectively, in many different areas. During the course of his ministry Dr. Elson served as chaplain with our military forces in Europe in World War II, he has maintained a continuing interest in education, and serves as a member of the board of trustees of a number of colleges. He has been interested in and contributed importantly to many efforts to uphold the traditions and freedoms of our Nation.

We are grateful to him for his service to the Senate and to the Nation, and wish for him many more anniversary observances.

Mr. ALLOTT. Mr. President, today marks 40 years of service in the ministry for a man loved in the Senate for his dignity, grace, and good humor.

For a quarter of a century Dr. Edward Elson has been a man of many achievements, many honors and many friends.

Today he is Chaplain of the Senate and minister of the National Presbyterian Church in Washington. He has been active in public service for many years, thereby proving that spiritual excellence and public service are not mutually hostile. He holds 16 honorary degrees and many other honors recognizing his excellent citizenship.

It is an honor to work with Dr. Elson, and it is a pleasure to honor him. I join my colleagues in wishing him many more years of distinguished service.

Mr. HRUSKA. Mr. President, I wish to join Senators in congratulating Dr. Elson on the 40th anniversary of his ordination and to commend him for the many years of dedicated public service he has performed.

Since he joined this body, his influence has been a source of inspiration to us, and his many other good works are well known throughout the community.

On this happy occasion, I wish Dr. Elson many more years of rewarding activity in serving mankind.

Mr. JORDAN of North Carolina. Mr. President, I consider it a privilege to join today in tribute to our Chaplain, Dr. Edward Elson, for the lifetime of service that he has devoted to his God and his country.

In the little more than a year he has been with us I have come to greatly admire and respect Dr. Elson for his kindliness, understanding, and human compassion and for his steadfast faith.

He has been a source of inspiration and reassurance to all of us in times of stress and a constant reminder of the need which we all have for divine guidance and support in meeting our responsibilities to ourselves and our country.

I feel we all owe him a lasting debt of gratitude for what he has meant to us and for the untold contributions he has made in his 40 years as a pastor, military chaplain, and spiritual adviser to many of our Nation's leaders.

For myself, I welcome this chance to express my heartfelt thanks and deep appreciation to you, Dr. Elson, and to say I hope you are with us for a long time.

Mr. TALMADGE. Mr. President, I am very pleased to join my colleagues in the Senate today in congratulating the Chaplain of the Senate on his 40th year as a minister of the gospel. I know this is a proud moment for Dr. Elson.

Dr. Elson came to the Senate a little more than a year ago, and we have been blessed by his daily inspirational prayers and spiritual leadership. The Chaplain has had a long and rewarding life in the ministry as a man of God, and I certainly want to wish him every future success and happiness on this day.

Mr. STENNIS subsequently said: Mr. President, while it was my privilege to be the Presiding Officer for some time after the Senate convened today, I have been very much impressed and certainly personally gratified by the remarks that have come from so many Senators regarding our Chaplain, Dr. Elson. I, too, have been impressed with his services as our Chaplain. I also have the privilege of having the benefit of his sermons and of some of his other activities in the church where he is such an outstanding pastor.

I wish to refer particularly to the prayers that the Chaplain offers from day to day during the session of the Senate. I think they are not only sincere, but are filled with deep spiritual wisdom. Certainly they are an inspiration and an encouragement to us as we try to cope with our duties here.

Furthermore, these prayers go forth in the CONGRESSIONAL RECORD and find their way into the libraries of the Nation. They find their way to the desks of hundreds of editors throughout the Nation; to the desks of business leaders, professional leaders, and leaders of all kinds; and into the spiritual thoughts and all the others avenues of spiritual expression and influence of our entire Nation. In that way, they are a powerful influence for the good, and for the cultivation of spiritual values tied to the reasoning that goes with the everyday problems of life.

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I know, too, that Dr. Elson makes a fine contribution here in his daily contacts with Members of this body through the encouragement, in a personal way, that he gives them. I know that his ministrations to Members and their families in times of stress and strain, and even sorrow, are of tremendous value. I have been impressed with the way that he performs and functions, as a great spiritual leader should, in ceremonial affairs and anything of the semi-official or official nature that arises. To me, his capability to fill this post is more than average; he has filled it in an outstanding manner.

I appreciate him not only for his strength of spiritual leadership, but also for the fact that he is a man not only of scholarly attainments, but of attainments in many fields. He has had a distinguished military career. He has been highly honored, in later years, by military organizations as well as by those in the spiritual profession that he so splendidly exemplifies.

So I join with all those who have expressed appreciation, and wish for Dr. Elson many more years of great success and service as pastor of his church. As I understand, he is completing 25 years of continuous service as pastor of the National Presbyterian Church. That in itself is quite a tribute.

I have a letter that my grandfather, when he first settled in Mississippi in the 1830's, wrote to his sister in South Carolina. He said:

> Well, we let our pastor go. The reason we let him go was that he told us the truth.

Dr. Elson has survived 40 years of telling the truth. I hope he will last 40 years more.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of April 23, 1970, the Secretary of the Senate, on April 24, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1963. An act for the relief of Wu Hip;

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes; and

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 23, 1970, Mr. BELLMON, from the Committee on Interior and Insular Affairs, reported favorably, with amendments, on April 24, 1970, the bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes, and submitted a report (No. 91-805) thereon, which bill was placed on the calendar and the report was printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendments of the House to the bill (S. 3253) to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969.

The message also announced that the House had passed a bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 582) to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, was read twice by its title and referred to the Committee on Aeronautical and Space Sciences.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of last Thursday, the Senator from Tennessee (Mr. BAKER) is recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Tennessee yield to me briefly?

Mr. BAKER. I am delighted to yield to the distinguished majority leader.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 23, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be autrorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SPONG

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia (Mr. SPONG) be recognized for not to exceed 20 minutes after the conclusion of the remarks of the distinguished Senator from Tennessee (Mr. BAKER).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT PROSPECTS—EXPEDITING OF LEGISLATION—STATUS OF CRIME BILLS

Mr. MANSFIELD. Mr. President, the majority leadership met last week with the committee chairmen to consider the prospects of expediting legislation and perhaps achieving a Labor Day adjournment. I say this in view of a statement made by Mr. Herbert Klein, the communications director of the administration, in a speech delivered in Kansas or Oklahoma over the weekend. He apparently found fault with the Congress by stating that none of the crime bills which the President had requested had been passed.

I think that Mr. Klein ought to be aware of the fact that, as far as the Senate is concerned, every crime bill, except two, has been passed, and the reason why those two have not been passed is because the administration asked for further time to look into the constitutionality of the questions involved. One of the questions had to do with preventive detention. The administration requested that it be looked into by the Justice Department. It is my understanding that a report commissioned by the Justice Department was filed within the past week or so and that the matter is now before the Subcommittee on Constitutional Rights and that hearings will be held shortly.

The second crime bill has to do with the dissemination of pornography. I understand, from a discussion I had in the Chamber a few weeks ago with the distinguished minority leader and also the ranking Republican member of the Committee on the Judiciary (Mr. HRUSKA), that grave constitutional questions are involved, which should be looked into most thoroughly.

The point I want to get across to Mr. Klein and the administration is that, as far as the Senate is concerned, it has lived up to its responsibilities. I would hope once in a while credit would be given where credit is due.

I ask unanimous consent that a statement on the meeting of the majority leadership with the committee chairmen be incorporated in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD

The Majority Leadership met with the Committee Chairmen to consider the legislative situation in the Senate. At this point, the Senate Calendar is clear of major bills, except for one, which is being held up briefly at the request of the Administration.

The clear calendar is indicative of the rapid pace of Senate business. Another measure of this pace is found in the extent of Senate voting. As of April 20 this year, the Senate had taken 128 roll-call votes. Last year, that total was not reached until November 11.

Thanks to the vigorous efforts of the Committee Chairmen, the cooperation of the Minority Leadership and the diligence of Senators on both sides of the aisle, a large amount of legislation has cleared the Senate during these first few weeks of the session. We have already disposed of the carry-over appropriations legislation from last year, as well as a dozen or more major new bills and many lesser items, plus innumerable Presidential appointments.

Items passed by the Senate, to date, include Organized Crime Control, School Lunch, Dangerous Drug Control, Elementary and Secondary School legislation, Voting Rights Extension, Airport and Airways Development, Urban Mass Transit, Mortgage Credit, and the Hill-Burton Hospital legislation.

As I mentioned, the Senate Calendar is empty but it should not remain that way for long. It is anticipated that it will soon be replenished by the emergence from Committee of such measures as the Farm bill, Military Construction and Military Procurement, Pollution Control, Consumer legislation, Family Assistance, Conservation legislation, Electoral Reform, and the Blackmun nomination.

As for the appropriations bills which are the principal key to the adjournment date, three have already been passed by the House and the Senate Appropriations Committee now has them under consideration. That leaves about a dozen still to come over from the House. I should like to note my thanks to the House leadership at this time in connection with those bills. The Senate awaits prior House action on appropriations measures and, to date, the House has been responding most courteously to the request of the Senate Leadership early this year these measures be sent to us at the earliest possible date.

The Senate will not meet again this week until Thursday. It is the Leadership's intention to continue this practice of keeping the full Senate out of session whenever circumstance suggest that it is useful to do so. The objective is to give the Committees as much uninterrupted time as possible to clear legislation to the floor until there is again work on the Calendar sufficient to warrant daily convenings of the Senate.

To date, the progress on the legislative program in the Senate has been excellent. With the kind of outstanding cooperation which has been forthcoming from the Committee Chairmen and all Members of the Senate—both Republican and Democratic—there is every reason to expect a continuance of this progress.

Mr. SCOTT. Mr. President, if the Senator will yield, I come as one bearing credit. Mr. Klein is aware of the fact that the Senate has indeed proceeded this year with the disposition of all but two of the crime bills. I must accept some responsibility for having raised the question last week about the failure of the other body so far to pass any of the crime bills. So I am aware of the context in which this information came to Mr. Klein, or some of it. I am sure there is no question at the White House that the Senate has indeed disposed of these matters, so far as it can, with the exception of those two bills. The delay is in the other body; and I am not speaking here in a carping sense at all, except that I myself am the one who suggested that we should further publicize the importance to the entire Nation of a real, immediate assault on the whole problem of the increase in crime in this country. While the rate of the ascent of crime has decreased, the actual number of crimes in the population is increasing.

We are anxious indeed to get the crime bill for the District of Columbia and the other crime bills enacted into legislation, as the distinguished majority leader has many times made us all aware. Moreover, the distinguished majority leader is quite correct in pointing out the fact that we are far ahead, by 6 months, of last year's record.

So I join the distinguished majority leader in expressing the hope not only that we may adjourn by Labor Day, but that the Congress may set an example for the country by obeying the law which provides that we adjourn by July 31.

Therefore, I am in no way arguing with the distinguished majority leader. We are as one in this matter.

Mr. MANSFIELD. Mr. President, I agree with the distinguished minority leader, because what we are doing here is speaking loudly and clearly in behalf of the Senate and of what the Senate has done. As Senators we may be proud of this record.

Mr. HANSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HANSEN. I would like to join the distinguished minority leader in paying tribute to the valiant efforts of the majority leader in seeing that the Senate of the United States has kept abreast of its work. I spoke in the distinguished majority leader's important city of Billings not too many weeks ago to a partisan group. It happened to be a Republican group. At that time I took occasion to point out that the Senate has kept up with its job and that much of the credit for the important progress that has been made in the field of legislation affecting crime has been due to the efforts of the distinguished Senator from Arkansas (Mr. MCCLELLAN). I made essentially those same remarks in addressing the Republican State Central Committee in Casper, Wyo., only in the last couple of weeks.

So I would like to inform our good friend from Montana that I have taken occasion, as I think all Senators should, in pointing out the difference between what the Senate has done on the one hand and what the House of Representatives has failed to do on the other hand.

I thank my distinguished colleague.

Mr. MANSFIELD. Mr. President, I agree with the distinguished Senator from Wyoming, and I join him in giving full credit to the distinguished Senator from Arkansas (Mr. MCCLELLAN). But I also join in giving the entire Senate, Republicans and Democrats alike, full credit for the type of cooperation, understanding, and consideration that has been shown.

I point out that while in 1968 the crime rate rose by 16 percent, in 1969 it rose by only 11 percent; so percentagewise there has been a diminution, but overall there has been an increase.

I think the times call for action, and I hope Congress will face up to its responsibilities this year, and do it soon.

ECONOMIC ASPECTS OF THE WAR IN VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the testimony by Louis B. Lundborg, chairman of the board of the Bank of America, before the Senate Committee on Foreign Relations on April 15, 1970, be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. I make this request because Mr. Lundborg happens to be a Montanan. He is chairman of the board of the largest bank in the country, and his testimony, I think, is worthy of the consideration of all Members of this body.

I also ask unanimous consent that an article by Hobart Rowen, entitled "Business Can't Ignore Protests," published in the Washington Post of Sunday, April 12, 1970, be printed in the RECORD, because it is related to the remarks made by Mr. Lundborg.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

TESTIMONY BY LOUIS B. LUNDBORG

My name is Louis B. Lundborg. I am Chairman of the Board of BankAmerica Corporation and of the Bank of America N. T. & S. A. I am pleased to respond to your request that I testify here today.

My testimony this morning will be on some of the economic aspects of the war in Vietnam. In preparing this testimony I have had the benefit of the best thinking of the staff of the bank's Economics Department, as well as that of many other officers of our bank on the economic impact of the war.

In this testimony I will confine my remarks to the economic impact of the war. While I have strongly held personal feelings on other aspects of the war, I do not feel it is appropriate or proper to express these views as Chairman of the Board of Bank of America.

The thrust of my testimony will be that the war in Vietnam distorts the American economy. The war is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

There is, I think a pernicious, but widely-held belief that war generally has been an agent for economic growth, and therefore good for business. My plan this morning is to spend a few minutes discussing that belief and then to move on to the specifics of Vietnam where it is possible to speak, not only in general terms, but to back up our conclusions with specific economic statistics and indicators.

First, therefore, let's look at the general proposition that war has been an engine for rapid economic growth. While it is difficult, if not impossible, to prove conclusively that on balance war has not been an agent for rapid economic growth, there are a number of carefully reasoned investigations into this subject supporting the position that peace is far better for economic development. Although these careful analyses tend to reject the assumption that war is a boon to the economy, the public is generally unaware of this and continues to believe that war contributes positively to economic development. It is time to set this record straight. Mr. John U. Nef's book, *War and Human Progress,* systematically examines the interrelations of war and economic growth from 1494 down to 1950. His analysis indicates that the industrial revolutions of both the Elizabethan and Napoleonic periods were developed not in warring Europe, but in peaceful England; that the invention of gun powder and of many other weapons of war was a by-product, not of military need but of peaceful industry, and that, certainly, pure and possibly even applied science has flourished most in peace and least in war.

Dr. John J. Clark, Dean of the College of Business Administration at St. John's University in New York, in his book, *The New Economics of National Defense,* reviews the impact of war on economic development.

In summary, he states, "The preponderance of evidence supports the judgment that war, on balance, does not correlate positively with economic progress. Settlement by arms not only causes a great net waste of resources: it also retards industrial development and the division of labor."

Other authorities have shown (1) that rising expenditures for research and development may actually be reducing the rate of economic growth in the United States, and (2) that the process of transferring scientific and technological advances in space and military R and D is becoming increasingly difficult. To the extent that it can be shown that war in general is not good for economic progress, then it should be equally obvious that war is not good for business.

I could go on citing other expert testimony that war in general is not an engine of economic progress—but let me move on to the real issue—the war in Vietnam.

As you probably know, Mr. A. W. Clausen, the President of the Bank of America, specifically rejected the charge that we as an institution support and profit from the war in Vietnam. He further stated, "this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business." I would like to elaborate on this point.

There have been reckless and often deliberately malicious charges that the U.S. business community has supported the Vietnam war in an effort to reap huge profits. Let's look at the record. In a very narrow sense, it is certainly true that individual firms which supply material and services to the military have made profits. In our market economy, the federal government purchases most of the goods and services it requires from private firms, and those firms must be profitable in order to survive. This is true whether the firm is contracted to build a highway, produce a postal delivery truck, construct a school, improve a slum or produce a military aircraft. But as Mr. Hudson B. Drake pointed out in the January-February 1970 *Harvard Business Review,* the Government has established elaborate procedures to assure that profits on government contracts are not excessive, and in general these procedures have been effective.

I recognize that it is statistically impossible with the data available to calculate what portion of various firms' profits are generated by demands for goods and services needed to prosecute the Vietnam War. In an effort to get some rough approximation of the profitability of corporations doing substantial business with the Government, I did some checking on the corporations receiving the largest amounts of funds from Government contracts. Actually, I took the list from a publication of a "peace group" who proclaimed these firms to be war profiteers. The top ten firms for which we had data had a pattern of profits after taxes per dollar of sales quite similar to the national average. This means that the firms did better in the 1962–1965 period than in the post-escalation years. It is also interesting to note that except for 1962 the average profits after taxes per dollar of sales for the ten firms was below the comparable national average for all manufacturing industries or durable goods industries. When I checked the twenty-five largest firms their profit after taxes per dollar of sales figure was also below the national average.

I realize, as I said before, that these figures are inadequate to prove any case conclusively. They do, however, cast serious doubt on the extravagant claims we have heard about war profiteering.

We do have more than adequate data to demonstrate that the escalation of the war in Vietnam has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed to overcome serious domestic problems confronting our country, and has dampened the rate of growth in profits on both a *before* and *after* tax basis. In the middle of 1964 when the Vietnam escalation began, the economy was in quite good shape. We had at that time an uninterrupted economic advance of 52 months—a peacetime record—unemployment averaged 4½ percent, the consumer price index had increased only 1.2 percent during the first 6 months of 1965, and the average operating rate of industrial capacity was at 90 percent. There had been considerable success in maintaining Federal expenditures for goods and services below 11 percent of GNP from 1960 through mid-1965. In fact, the Government had even been able to change the composition of its spending by deliberately shifting emphasis from defense to non-defense spending.

The expenditures related to the Vietnam war, added to the near full employment economy that existed in mid-1965, generated severe inflationary pressures. Consumer prices began increasing rapidly as the federal deficit grew. While there is room for a wide range of opinion covering proper tax policies during this period, especially over the timing and magnitude of tax increases, and the proper role of monetary policy, the basic cause of the inflationary forces was a sharp increase in federal spending associated with the escalation of the conflict in Vietnam.

The inflation, the growth in inflationary psychology, and the very stringent anti-inflationary monetary policies have combined to produce serious distortions in the United States financial markets and resulting distortion in the economy. These distortions include the sharp drop in residential construction and the sharp growth in investment spending.

The facts clearly show that the Vietnam war has not been good for business profits. During the four years prior to the escalation of the conflict in Vietnam, corporate profits after taxes rose 71.0 percent. From 1966 through 1969 corporate profits after taxes rose only 9.2 percent. To avoid any thought that the recent tax increase may have fudged the figures, I also have similar corporate profit figures on a before tax and inventory adjustment basis. These figures show corporate profits rose 51.3 percent from 1962 through 1965 but the gains in profits were dampened to a 16.6 percent increase during the post-escalation 1966–1969 period. It should be clear from these figures that what is good for the economy is good for business.

Most of the concern about the upward pressures on prices and costs originating in expenditures associated with the Vietnam war arise from recognition of the damaging effects of inflation on the domestic economy. This should not lead us to neglect the important impact on our position in international markets and the balance of payments. This is not to lay the blame for our balance of payments problems on the recent period of inflation or on the Vietnam war. Inflation and the war associated expenditures, however, have made the problem more intractable and solutions more difficult. These difficulties with our balance of payments have postponed indefinitely any relaxation of the restraints and controls under which international business has been forced to operate for the past several years in particular.

It is important, therefore, to comment briefly on what has happened to the U.S. balance of payments in the past few years, specifically with reference to the impact of the Vietnam war. Perhaps the first point that should be made is that the official measures of the balance of payments deficit have been misleading. The view, for example, that the balance of payments in 1968 was satisfactory because there was a surplus of $168 million and that the balance of payments in 1969 was very unsatisfactory because the deficit exceeded $7 billion is unacceptable. In fact, the greatest deterioration in the payments position in recent years occurred in 1968. The difference between the two years may be accounted for largely by massive flows of foreign funds in opposite directions which had very little to do with the basic balance of payments position.

The best measure of what happened to the long run position is the balance on current account, that is goods and services plus private remittances and payments of U.S. Government pensions. This balance declined from a surplus of $7.8 billion in 1964 to about $4 billion in 1967 and $1.4 billion in 1968 and less than $1 billion in 1969.

A good part of the progressive deterioration in this position over the years since 1964, the year before the major acceleration of the Vietnam war, may be accounted for by the large increase in foreign exchange outflows associated with military expenditures. These rose from less than $3 billion in 1964 to nearly $5 billion in 1969. This, however, is not the only measure of the impact of the war and the subsequent inflation on the balance of payments. The more important impact and the one which is likely to have the most long lasting effects is on our competitive position in international and domestic markets, reflected in the rapid rise in the rate of importing of goods and services. In 1964 merchandise exports exceeded merchandise imports by nearly $7 billion. By 1968 this excess of exports over imports had declined to less than half a billion dollars. With moderation in the rate of inflation and inflation induced expenditures our trade balance may be expected to improve this year and in subsequent years.

It is too early to tell, however, what permanent damage to our international competitive position the recent period of inflation has induced. It generally takes several years, perhaps four or five, before the full effects of excessive increases in price and costs show up in the competitive position and the effects are not confined to world markets where our products compete with that of other nations, but also in the United States where foreign products compete directly with U.S. products.

So much for balance of payments considerations. Let us return to the domestic scene.

I do not think there is any doubt that the resources used towards the Vietnam war effort could have been put to work towards solving imperative problems facing this nation at home. In the five-year period prior

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to the Vietnam escalation, defense spending in the United States averaged $50 billion per year. If we assume that this level would have been maintained over the most recent five-year period in the absence of escalation, the increase in actual spending totaled $118 billion. During the past four years, total spending for residential construction in the United States totaled only $112 billion.

When we survey the very real needs in our economy in the areas of housing, urban transit, environmental pollution, etc., it is clearly evident that we do not need to create war-related demand for resources in order to maintain full employment. Our problem now is one of establishing meaningful priorities to meet the quality of life demands of our citizenry. We obviously cannot do everything at once; we need to start strategic planning and action now if we hope to resolve these demands.

There is another point that at first blush might not appear to be an economic issue. But it is in real fact a very basic one: The war has divided, confused and bewildered Americans. Some Americans are strongly in favor of the continued prosecution of the war. Others are strongly opposed. But for many, the war and the issues surrounding the war are a source of confusion and bewilderment. As a result of this confusion and bewilderment, many people are losing trust in the institutions, public and private, through which we govern ourselves and run our economy. Such loss of trust is destructive of the cohesion necessary for an economy's ability to function at maximum effectiveness. To the degree banks, industrial firms, corporations, state and local governments, Federal Government agencies and universities are under attack or suspicion for their alleged part in the war in Vietnam, they lose some of their effectiveness as institutions that can provide for the common good. In the case of Vietnam it is my belief that the sum total of such loss of effectiveness is very great indeed and, while unmeasureable by any known economic indicator, this loss of effectiveness produces a very real drag on the economy.

Gentlemen, I deeply regret that the frustrations and misunderstandings arising from this conflict make it necessary to testify that overall war is not a stimulator of economic development nor is the war in Vietnam good for U.S. business. I find it repugnant, even if necessary to have to add that I would not support our role in the war in Vietnam even if it could somehow be made profitable for American firms.

The thought that war would be initiated or sustained for a single day because it might stimulate the economy should be abhorrent to an decent human being. And yet there are those who say that American business is helping to do just that.

We do know that aggressive war has been waged, all through history, to gain territory. Certainly that was war for economic gain.

But even that kind of war, that purpose for war, has been so outmoded by the experience of this century that I would like to be able to say to potential aggressors all over the world, "If you want to profit, if you want to own the world, don't dissipate your energies in wasteful warfare—follow the example of Japan and Germany since World War II and be economically aggressive."

War is, as we would say in business, a low yield operation.

I think from all this it is obvious that Vietnam is a negative influence on our economy. Let me conclude by restating my initial premise. The war in Vietnam distorts the American economy. It is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

EXHIBIT 2

[From the Washington Post, Apr. 12, 1970]

BUSINESS CAN'T IGNORE PROTESTS

(By Hobart Rowen)

"Because the war (in Vietnam) distorts the economy and contributes substantially toward the inflation . . . an end to the war in Vietnam would be good, not bad, for American business."

This statement by Louis B. Lundborg, head of the nation's biggest bank, the Bank of America, articulates a theme that will be heard increasingly at annual meetings of major U.S. corporations this year.

It will be pushed by an activist minority who label themselves "Business Executives Move for Vietnam Peace." Coupled, at the same time, with an assault by consumer groups and students pushing for everything from pollution control to solution of ghetto problems, the growing antiwar sentiment will make donnybrooks out of some corporate get-togethers.

Business disaffection with the war has been growing since President Johnson's massive escalation of the fighting produced no victory on Vietnamese battlefields but inflation at home.

Beginning some time in early 1968, the corporate power structure that had been dazzled by LBJ in 1964 began to lose confidence in him, and a new coolness in the business community probably played a subtle role in the President's decision not to be a candidate in 1968.

The prototype of the U.S. businessman, especially as seen by student rebels, is that of the greedy imperialist who feeds on war and arms production. That there is a munitions industry in this country that benefits from war cannot be denied.

But it should also be clear that the biggest profits, for the overwhelming number of businessmen as well as consumers, lie in a long stretch of peaceful years when a highly developed capitalistic society, attuned to social needs, can reach peak, meaningful production and distribution of wealth.

Lundborg's comment was in answer to the Business Executives' query for a statement on Bank of America's involvement in Vietnam. Lundborg replied that the bank had to leave to Washington officials the responsibility for extricating the United States from the war.

But then he emphasized the economic impact theme, one that will be taken up in a broad-scaled study to be launched soon by Sen. J. William Fulbright (D-Ark.). Fulbright's Foreign Relations Committee will also probe the impact of the war on the structure of American society.

"We feel it is completely proper and within our sphere of competence," Lundborg wrote A. R. Appleby of the antiwar business group, "to point out the economic consequences of the war. We have been doing this for at least three years.

"The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work toward solving imperative problems facing this nation at home."

Is that radical or leftist thinking? If so, it makes a revolutionary out of none other than former chairman of the Federal Reserve Board, William McC. Martin Jr., who holds precisely the same view.

The Business Executives Move for Vietnam Peace carries no name with "establishment" clout. It is chaired by Henry E. Niles, chairman of the board of the Baltimore Life Insurance Co. Among its military sponsors is war critic Gen. David Shoup, retired Marine Corps Commandant. Roger Hilsman, former State Department official and Edwin O. Reischauer, former U.S. ambassador to Japan, are among the diplomatic sponsors.

But what the group lacks in big names it makes up in drive and energy, and protests in the role of stockholders at annual meetings will bring it more attention than ever before. With consumer groups employing the same tactic, many a corporate management will find its patience and good sense tested.

Harold Willens, a small Los Angeles businessman who has devoted almost full time the past few years to the B.E.M. group, says that "the iron curtain that used to separate the economy from society has melted. The question will no longer be how the company profits and what its dividends were, but also how it did in sustaining life."

The Securities and Exchange Commission gave this kind of corporate scrutiny a big boost forward when it instructed General Motors to include two Ralph Nader-sponsored proposals in its proxy statement for the May 2 annual meeting.

There will be other confrontations before the GM test. The Cleveland meeting of American Telephone and Telegraph Co. on April 15 will be the target of a Student Mobilization Committee antiwar protest.

But the use of proxies to contest company policies will get a better workout, apparently, at Minneapolis-Honeywell in Minneapolis and Gulf Oil in Pittsburgh on April 28; and Commonwealth Edison in Chicago on April 27.

The Nader team proposals for GM call for election of three public representatives on the board of directors, plus establishment of a shareholder committee "for corporate responsibility." This implies that there should be other motives than just profit in a company of GM's giant size.

Response to the SEC determination has been dramatic. New York Mayor John Lindsay has told the city's pension funds to vote their GM shares in favor of the proposals; the University of Pennsylvania has announced it will vote all its shares pro-consumer; and a campaign is under way to get other universities that have substantial ownership of GM shares to do the same.

It would seem hardly likely that the GM management, which opposes the proposals, can be beaten on these issues. But General Motors—as well as other major enterprises—clearly have a new force to reckon with. These are not pesky gadflies engaged in a career of petty harassment of management.

These are serious people who want to come away with something better than a headline and a box lunch. As such protests grow in strength, the corporate hierarchy will have to make accommodations. So long as the arguments are made peacefully and rationally, they represent a healthy development in the power of freely expressed public opinion—which is, after all, a source of strength and security for this nation.

If Big Business is really sophisticated, it will not turn a deaf ear to its stockholder-protestors. If it does, it will be a misreading of the shifting mood in the country, making things easier for the dialecticians of the extreme left.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

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WAIVER OF THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. BAKER. Mr. President, at the request of the distinguished majority leader, I ask unanimous consent that, at the conclusion of my remarks and at the conclusion of the remarks by the distinguished junior Senator from Virginia (Mr. Spong) according to a previous order, the Senate waives the call of the calendar of unobjected-to bills under Rule VIII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that statements during the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee is recognized.

DIRECT ELECTION OF THE PRESIDENT

Mr. BAKER. Mr. President, I am a Republican from a predominantly rural and relatively small State. Among the contentions being advanced today in opposition to the direct election by the people of their President are the arguments that direct election would be politically disadvantageous to the Republican Party and detrimental to the interests of small and rural States.

I do not believe all of these points to be valid. To the extent that they are true, I must reject them as, at best, secondary to the more important considerations that are involved—specifically, that in this country each man's vote for the President should count for as much as that of the next and that the country should no longer run the risk of a popular vote loser being elected to the Presidency.

I am a cosponsor of the proposed constitutional amendment introduced by the distinguished junior Senator from Indiana (Mr. Bayh), and on October 14 I had the opportunity to testify before the Judiciary Committee's Constitutional Amendments Subcommittee on this question. Several points that I made at that time were also made on April 21 in an editorial that appeared in the Washington Post. I ask unanimous consent that the text of this editorial be printed in full at this point in the Record.

There being no objection the editorial was ordered to be printed in the Record, as follows:

Let the People Choose the President

The Senate Judiciary Committee is addressing itself this week to the most critical defect in our constitutional system of government. It must vote up or down a new electoral system that has already won approval by 339 to 70 in the House and has the support—if the polls are accurate—of about 80 per cent of the people. Behind this powerful demand for abolition of the electoral college are well-founded fears that a fiasco resulting from the uncertainties of the present system could be disastrous.

In ordinary circumstances approval of a constitutional amendment with so much steam behind it could almost be taken for granted. But Chairman Eastland of the Judiciary Committee is not only dragging his feet; he is also throwing in the way of the amendment every obstacle he can get his hands on. All the strength that its sponsors can command will be needed to dislodge the amendment and send it to the floor with the momentum it needs for a third-thirds vote.

We think the committee and the Senate should be very clear about what is at stake. The lame and discredited electoral college system for choice of the President is no longer adequate to the needs of a great democracy. The Senate ought to remember how frightened the country was in November, 1968, by the possibility that George Wallace would deny the winning candidate an electoral-vote majority and then bargain for terms on which Richard Nixon or Hubert Humphrey could become President. That misfortune was narrowly avoided, and only our most reckless citizens would care to run the risk again.

Even most of the critics of the direct-election amendment want protection against throwing the Presidency on the bargain counter. But some of them are willing to tolerate other critical weaknesses in the present system in order to avoid too sharp a break with the past. Professor Alexander M. Bickel of Yale Law School, for example, sought to minimize the disadvantages of a modified electoral-vote system favored by himself and Senator Ervin. The possibility of electing the popular vote loser under that arrangement, he said in his testimony the other day, would involve only a "sensible risk." It is a risk that the American people are loathe to take. They cannot be unmindful of the fact that we have had second-choice Presidents three times: in 1824, 1876 and 1888. If this should happen again in these days of high sensitivity to the popular will and of unfathomable power in the hands of the President, the result could be perilous to our democratic system.

The time has come, moreover, for equalization of the voting power of all the people. In 1787, when the major problem was one of holding the states together there was reason to give the people in the small states extra standing in the electorial college, with one elector for each of their two senators as well as one for each representative. But that reason disappeared at least a century and a half ago. Today there is no sense in multiplying the vote power of citizens living in small states or of intensifying the power of the big-state voters under the unit rule. The logical and democratic trend of the day is toward one-man-one-vote, and that can be achieved only by direct voting for the candidates themselves.

Professor Bickel and a few others have spread a great deal of gloom about the encouragement of splinter parties if a direct-elections amendment is approved. But William T. Gossett, chairman of the American Bar Association's Special Committee on Electoral College Reform, has made an effective reply. The strongest cement which holds our two-party system together, he said in effect, is the election of legislators and executives by plurality votes from single member districts. The effect of the direct-election amendment would be to put presidential elections on the same basis.

In one respect, certainly, the two-party system would be greatly strengthened. Direct election of the President would mean a contest in every state. Minority parties in the one-party states would experience a sudden burgeoning because the votes would go to the candidates as cast instead of having the minority always smothered by the unit rule giving all of each state's electoral votes to the dominant party. The result should be genuine competition between the major parties in every state.

The Judiciary Committee has an obligation to bring out the best amendment it can design. If it should devise a better means of determining the winner than the run-off provision, which would be used if no candidate had at least 40 percent of the vote, the chance for ultimate approval of the amendment might be enhanced. But the committee should not indulge in the illusion that it can satisfy the current demand for reform by the adoption of a shoddy substitute that would leave major defects in the present system virtually untouched.

There is a tide in the fate of constitutional amendments, if a paraphrase of Shakespeare will be permitted, that ought to be taken at the flood no less than tides in the affairs of men. The time for a major electoral reform has come. A little minority on the Judiciary Committee should not be permitted to stand in the way or to strip this essential reform of the popular appeal which can lead to its enactment.

Mr. BAKER. Mr. President, on April 10, Mr. Lawrence E. Walsh, chairman of the American Bar Association Committee on the Federal Judiciary, addressed the Vanderbilt University Law Day ceremony on the role of the organized bar in the selection of Justices of the Supreme Court.

As we all know, the role of the ABA in this area has been a topic of considerable discussion in recent days. Mr. Walsh's very excellent statement sets forth the procedure followed by the committee on both lower court and Supreme Court nominations. He recites in some detail the activities of the committee on the nomination of Judge Carswell. Finally, he discusses various possibilities for reform of existing procedures.

Since this is a topic of much importance, I ask unanimous consent that the text of Mr. Walsh's remarks be printed in full at this point in the Record.

There being no objection the remarks were ordered to be printed in the Record, as follows:

The Role of the Organized Bar in the Selection of Justices of the Supreme Court

It has been over fifty years since a Supreme Court appointment brought forth as much emotion and concern as the recent nomination of Judge Carswell.

Like it or not, the American Bar Association's Committee on the Federal Judiciary, as one of the agencies of the profession which has a recognized role in the process of selection of Supreme Court Justices, has necessarily been involved.

The Committee is expected to report to the Senate and, if given an opportunity, to the president regarding the professional qualifications of potential nominees. It attempts to avoid political and ideological controversies and to limit its evaluation to the nominees's professional qualifications—his integrity, his temperament, and his professional competence. It has been criticized by opponents of the last two Supreme Court nominees for not applying higher standards to professional qualification. In fact, its standards have not changed from those applied in the past. The important question is, however, has change in the public and political view of the Supreme Court offered an opportunity to improve these standards—has the Committee failed to take advantage of

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this opportunity; and what steps should the Committee take in order to do so.

For several months the Committee has been considering changes in its procedures. Some were adopted in connection with the report on Judge Carswell; others, more important, are still under consideration. I discuss them with no dogmatic view that these changes are the best possible. Rather, I hope that by extensive discussion our Committee can elicit ideas and support which will enable the American Bar Association and the legal profession to be as effective as possible in future Supreme Court selections.

The problem of selecting Justices for the Supreme Court is fundamentally different from that of selecting judges for the federal district courts and courts of appeal. Unlike other courts whose roles are more limited, its principal function is the interpretation of our Federal Constitution, a document drawn in broad generalities leaving to the Court great freedom of interpretation. The result is that the political and ideological views of the Justices may have a more profound effect upon the decisions of the Court than their professional capabilities. In the other federal courts this is less true. Not having the last word as to the meaning of the Constitution, they must work within the views of the Supreme Court. Also, much of their work deals with the interpretation of statutes and precedents much more narrowly drawn and precisely phrased than the federal Constitution. So as to these courts professional qualifications—the ability to originate, reconcile and synthesize lawyers' concepts—are much more important than the political or ideological background of the judge.

Beyond its national importance and its importance to the President, the Senate and the political forces from which they each draw their support, the struggle for control of the Court is of deep-felt importance to those groups whose rights are most immediately dependent upon its decisions for enforcement, particularly those groups concerned with racial equality who found that the Court was their most dependable, and at times their only dependable, forum. It is also profoundly important to those whose way of life is being changed most drastically as a result of present Court interest. In addition there has usually been an accepted political effort to have a Court representative of the differing geographical regions of the United States. There is at present no representative of one southern circuit and the representative of the other is now 84.

The intensity of the political conflict regarding Judge Carswell was therefore exacerbated because, in addition to the usual political factors, it aligned in direct opposition to each other the proponents and opponents of government enforced desegregation and its central controversy concerned this most explosive national domestic issue.

Caught in the vortex of these political forces, the concern of the legal profession for the competence of the judiciary was perhaps less a force in itself than a target for the political groups gripped in a tight political contest. Nevertheless our Committee attempted to function as it does in less controversial cases without permitting itself to be used by either side of the political controversy.

One of the Committee's difficulties was, however, that its procedures as to Supreme Court nominations have never been as satisfactory as they are with respect to the other federal courts. As to the federal courts other than the Supreme Court, the Attorney General requests an investigation of the prospective nominee before any announcement of a nomination is made. Our Committee usually has an adequate period of time to complete its investigation, which consists of interviewing a substantial number of judges and lawyers as to the reputation of the person under consideration for integrity, temperament and professional competence. The Committee then reports to the Attorney General its evaluation that the prospective nominee is either "not qualified" or that he is "qualified," "well qualified" or "exceptionally well qualified." In order for a nominee to be found well qualified or exceptionally well qualified, the Committee must conclude that he is a person which the Committee would have affirmatively recommended as one of the best persons available for the vacancy to be filled.

In connection with the Supreme Court, however, the Committee has never been given an adequate period for investigation. From the administration of President Eisenhower, who first utilized the services of the Committee in connection with the Supreme Court nominations through President Johnson, the procedure had been usually to give the Committee about twenty-four hours' notice of the prospective nomination and to ask the Committee to report as to the professional qualifications of the prospective nominee. At first the Committee attempted to use the same precise scale of evaluation that it did in the lower courts notwithstanding the abbreviated period of investigation. This practice was dropped in connection with the nomination of Justice Goldberg. From that time through the nomination of Judge Haynsworth the Committee reported simply "highly acceptable from the point of view of professional qualifications."

President Nixon departed from the practice of his predecessors and decided not to consult our Committee in advance of the Supreme Court nomination. Consequently, our Committee learned of the nomination of Judge Haynsworth and Judge Carswell only after they had been publicly announced. Our investigation was undertaken not at the request of the President or the Attorney General, but solely at the request of the Chairman of the Senate Committee on the Judiciary. In connection with its report on Judge Haynsworth, the Committee had concluded that it would in the future change its form of evaluation. In connection with the nomination of Judge Carswell, the form of evaluation was changed to a simple "qualified" or "not qualified" and a more extensive letter was submitted to the Senate Committee disclaiming any investigation of political or ideological factors and expressly limiting our evaluation to professional qualifications—integrity, temperament, and professional competence. Thus our Committee wrote:

"With respect to nominations for the Supreme Court, the Committee has traditionally limited its investigation to the opinions of a cross-section of the best informed judges and lawyers as to the integrity, judicial temperament and professional competence of the proposed nominee. It has always recognized that the selection of a member of the Supreme Court involves many other factors of a broad political and ideological nature within the discretion of the President and the Senate but beyond the special competence of this Committee. Accordingly, the opinion of this Committee is limited to the areas of its investigation."

The Committee had previously investigated Judge Carswell in connection with his appointments to the District Court and the Fifth Circuit Court of Appeals. In each case he had been found 'well qualified" for the post to which he was being advanced. Nevertheless the Committee made an extensive further investigation in connection with his nomination for the Supreme Court. Thirteen circuit judges of the Fifth Circuit Court of Appeals were interviewed, as were a number of district judges sitting in the State of Florida. None of these judges expressed doubts as to Judge Carswell's integrity, temperament or competence. Most were enthusiastically in favor of his appointment. The only outspoken opponent expressed his opposition on ideological grounds rather than those of professional adequacy. For example, one judge said "the appointment is one of the best the President could have made"; one judge pointed out that Judge Carswell had sat on the circuit for eleven hearing weeks during his tenure as district judge, which is the equivalent of a full year's work on the court of appeals and that this was primarily because of his ability and his willingness to do extra work; another spoke of him as a "very strong judge" and spoke of the "soundness of his thinking"; another commented on the excellence of his handling of two school board cases; another spoke of him as "highly regarded" and said he "stood out like a ripe apple for the appointment"; another said that he was "100% able" and that the President "could not get a better man"; another spoke of him as "a man for this time and place"; another spoke of him as a "real topnotcher—capable of scholarly work—capable of carrying a heavy load"; another spoke of him "as good as they will find—able and vigorous—no Cardozo but he will be good"; another spoke of him as "sensitive and compassionate with everything that goes to making a good judge."

With respect to the civil rights issue, one judge thought he was too backward but the others expressed no reservation. One after another said that they were sure that he would not waver from his duty, that he would be "absolutely fair on civil rights issues." His early political speech and sympathy for segregration were not regarded as insurmountable obstacles. As one judge said "As a youth he followed the philosophy of the area—as for civil rights he is not a segregationist, he will be perfectly fair—I do not know which group on the Supreme Court he will agree with." Another said that, like many district judges, Judge Carswell "got his knuckles rapped several times" before the Civil Rights Act became law but that he had done well since then. With the one exception mentioned, the judges were not disturbed by the number of reversals Judge Carswell had sustained. They spoke well of the quality of his opinions even in cases which were reversed.

The fifth circuit lawyers who were interviewed had an uniformly excellent opinion of Judge Carswell as a district judge. They regarded him as an adequate although not outstanding scholar. They believed him fair and liked the way he ran his court. They spoke of him as "hard nosed" in keeping his cases moving. They said he would occasionally "chew out" lawyers that were too slow. Each of the lawyers, both white and black, stated that they had never known Judge Carswell to show discourtesy to any lawyers or litigant and that his impatience with delay fell on lawyers regardless of color. The deans of the law schools closest to his district also spoke of his scholarship as adequate but not exceptional.

Early in his career as a district judge, Judge Carswell was selected by Chief Justice Warren to be one of the relatively few judges to serve on a committee of the Judicial Conference of the United States. Subsequently Judge Carswell was elected by the fifty-eight district judges of the fifth circuit to represent them as a member of that Judicial Conference. Judges from northern circuits who had worked with Judge Carswell were also interviewed. To the extent that they were in a position to evaluate him, they all regarded him as adequate, and the two northern chief judges who had worked with him the most were enthusiastically in his favor.

Judge Carswell's published opinions were surveyed. They were unexceptional, reflecting the work of a district such as the Northern District of Florida which has no large city or commercial center. They neither gave promise of outstanding scholarship nor did they foreclose it. Very few of the cases in which came before him were ultimately ap-

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pealed. The number of reversals in relation to those which were appealed was relatively high[1] but these statistics were greatly affected by the reversals in the fields of civil rights and habeas corpus—fields in which concepts were changing with some rapidity. In relation to the thousands of cases which were disposed of by Judge Carswell over a twelve-year period, the percentage of reversals was small.

Opposition to confirmation developed within the legal profession—most outspoken among lawyers who had represented civil rights groups, law school faculties and lawyers in the larger cities. Contentions of professional inadequacy were based upon his opinions and reversals and upon certain specific complaints. Three out-of-state lawyers testified before the Senate Committee that they had appeared before Judge Carswell on civil rights matters and that he was biased against them and had expressed bias against out-of-state lawyers. (Other out-of-state lawyers interviewed by our Committee, including black lawyers who handled civil rights cases, expressed a contrary view.) In addition to attacks based upon his expressed sympathy for segregation before he became a judge, it was claimed that in his testimony before the Senate Judiciary Committee Judge Carswell had shown a lack of candor in avoiding an admission that a golf club of which he was an incorporator had had as its purpose the perpetuation of segregation and in giving inconsistent answers as to whether or not he was an incorporator of this club.

Beyond these criticisms a body of opposition also developed from those who argued that Judge Carswell lacked the distinction requisite for Supreme Court appointment. It was said that the President was entitled to appoint a southerner, a Republican, a conservative, but that he should find a more distinguished representative of these political groups—that something more than unexceptional service in the federal courts was required.

Under these circumstances Judge Carswell's opponents urged our Committee to reevaluate him as "not qualified." The Committee reconvened, considered the new facts and arguments developed during the Senate hearings and declined to change its earlier evaluation of "qualified." Subsequently our Committee was urged by these opponents to redefine its evaluation in order to make clear that while Judge Carswell was "qualified", he was not "well qualified." The Committee declined to do this, leaving its carefully expressed letter to the Senate Committee to speak for itself without reiterating its finding in negative form.

The intense public interest in the present appointment raises questions both as to our Committee's procedures and scope of action and as to the standards which it applies.

I

Perhaps the basic question is whether the American Bar Association should forgo altogether its effort to assist in the selection of Justices for the Supreme Court. The intense public interest in nominations to the Supreme Court assures extensive scrutiny of each nominee. The ABA Committee cannot make a plenary recommendation to the Senate because it is unable to take a position on political and ideological factors which may dominate the question of confirmation. The question of professional qualifications is frequently lost and distorted in the conflict of political and ideological viewpoints. The wide range between a nomination which is ideal in terms of professional qualifications and one which is so bad that it should be actively opposed for inadequate professional qualifications is likely to place the Association regularly in a position of supporting a nomination less than ideal. Accordingly, it is said, the action of the American Bar Association will become an incident to be exploited by partisans in a broader political and ideological conflict but never a true standard for Senate guidance; yet the violence of these political and ideological controversies may impair the usefulness of the ABA Judiciary Committee in its evaluation of nominees to other federal courts.

In answer, however, I suggest that although the investigation conducted for the American Bar Association cannot be plenary or perfect, it makes a contribution of some value. The investigation of the nominee's professional qualifications by the Association is likely to be more impartial than that conducted by partisans. It will furnish some counterbalance to emotionally exaggerated criticism. If the procedures or standards of the ABA Committee are at present unsatisfactory, an effort should be made to improve them before deciding to abandon its work.

II

A second basic question is whether the American Bar Association Committee should attempt to evaluate political and ideological factors. It has been the traditional practice of the Committee to ignore these factors as long as they have not affected the nominee's judicial and professional conduct beyond acceptable limits. Yet the public disregards these self-imposed limitations and construes any favorable report by it as an "endorsement." Further, some senators have complained because the recommendation is not "plenary."

Tentatively, I suggest that the American Bar Association would be well advised to continue its present policy. The Association has no special competence as to political and ideological matters. They must be left as political questions for the president and the Senate alone. Further, a committee of the ABA could not readily be placed in a position to speak for its membership in such matters.

III

Should Supreme Court nominees be evaluated by the Standing Committee on the Federal Judiciary as at present or by some different representative of the American Bar Association? Is there a latent conflict between the Committee's relationship as an advisor of the Attorney General with respect to district court and court of appeals appointments and its public evaluation of the president's nominations to the Supreme Court as to which the ABA Committee is no longer consulted? There is concern that violent political and ideological conflicts surrounding Supreme Court nominations may damage the standing of this Committee and impair its usefulness in connection with the other federal courts. Further, some believe that a broader group not limited to practicing lawyers should be created which would include representatives of law school faculties as well as other segments of the profession.

Counter arguments are that the present Committee is accustomed to working together; it reports rapidly on at least forty judges a year. Its procedures are well known to the profession; lawyers and judges throughout the country are accustomed to working with it; as to the other federal courts its work has been overwhelmingly supported by the profession. A larger group might be unwieldy and if it is too large it will be prey to the same partisan and ideological conflicts that dominate the confirmation controversy.

Our Committee would, of course, offer its services and all possible cooperation to any group the Association might select to perform this work. If desirable, the work of the Association could be more extensively formalized by having its Judiciary Committee make the first evaluation and leave to another group or an expanded group the question of the action the Association should take as to a particular nomination. The procedures devised could be adjusted to greatly increase public exposure which has been minimized under present procedures which were developed to accommodate informal and confidential reports to the Attorney General.

IV

What standard of competence should be applied by the ABA Committee? The requirements of integrity and temperament are the same for all courts. The question is whether there is a difference between the professional competence required for the federal courts of appeals and that for the Supreme Court, whether there is a minimum requirement of greater stature which can be measured in narrow terms of competence.

Over three hundred law school teachers, including the deans of law schools of Harvard, Yale, Columbia, New York University, Pennsylvania, U.C.L.A., Notre Dame, Catholic University, Valparaiso, Georgetown, Indiana, Rutgers, Illinois, the University of Connecticut, and the University of Toledo, signed a petition circulated by the President of the Association of the Bar of the City of New York and two past presidents of that Association which asserted that Judge Carswell was not only not competent to sit on the Supreme Court but that he also lacked "the legal or mental qualifications" essential for his present service on the Fifth Circuit Court of Appeals. Others signing the petition included a former Attorney General, a former federal judge and the senior partners of some large city law firms.

This view as to competence contrasts sharply with the praise for Judge Carswell expressed by the judges and lawyers of the Fifth Circuit to which I referred earlier. With a high degree of enthusiasm they endorsed Judge Carswell not only as a well qualified member of his present court but as a fit member of the Supreme Court.

This sharp conflict of view shows the wide range of opinion as to the acceptable qualifications of a federal appellate judge and a Supreme Court Justice. Heretofore a man who had served successfully for twelve years as a federal district judge and for over a year as a member of a federal court of appeals[2] would have been accepted as at least having minimally satisfactory professional qualifications for the Supreme Court—in the absence of some specific wrongdoing.

The suggestion has been made that our Committee report favorably only upon those nominees whom it regards as among the best available for appointment to the Supreme Court. It is said that, by reporting favorably on less qualified nominees, the Committee encourages mediocre appointments and that some senators whould vote against confirmation of nominees who are not "well qualified." Yet, if the Committee withholds a favorable report from any nominee it would not regard as among the best available, would it not be attempting to so narrowly circumscribe the president's choice that its views would be disregarded by both the president and the Senate? Such a narrow tolerance could also conflict with proper political factors such as selection by geographic region. Because certain types of important federal cases tend to be concentrated in certain large cities, judges and lawyers from these cities would have advantages over those from less active courts.

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[1] Of 4,000 matters decided by Judge Carswell only 110 were appealed. Of these, 43 were reversed. The 58% figure circulated by Columbia University Law Students was grossly misleading. It was based upon only 17 reported opinions and included reversals resulting from intervening changes in the position of the appellate courts.

[2] Including time spent with court of appeals as a district judge.

An intermediate position is possible and should be explored. The American Bar Association could make two evaluations by applying both a minimum and an ideal standard and stating explicitly whether the nominee meets either or both. The distinction between the higher and lower standards might affect the vote of some senators. Further, the dual standard would hopefully encourage a President to attempt to satisfy the higher standard. This practice is consistent with that of our Committee as to other federal courts and is now possible because our Committee has more time for investigation than it had under prior administrations.

V

It has been suggested that the Committee should submit a more extensive report to the Senate summarizing the facts regarding the nominee and giving the Committee's reasons for its views. This would present in a concise, convenient form the relevant material regarding the nominee and supply a ready explanation for the Committee's position.

Usually it has not been necessary to do this because in the case of a controversial nominee a representative of our Committee testifies before the Senate Committee, a step which was omitted in the case of Judge Carswell because the hearings were abbreviated. To get concurrence of 12 widely separated members to all details of an extensive opinion would seriously delay our Committee's action. The Committee has been against such a procedure in the past.

VI

Should the Committee report to the Senate before the commencement of the Senate hearings as it does now or should it await the conclusion of the Senate hearings? It is, of course, impossible for the Committee to match the combined investigative forces of the press, radio and television as well as those of the proponents and opponents of a controversial nominee. It would have an advantage by awaiting the collection of all of the facts and would also benefit from the opinions expressed during the Senate Committee hearings. On the other hand, the earlier the Committee's evaluation, the less likelihood that it will be distorted by partisan considerations which intensify during the confirmation hearings and which might impair the best sources of information regarding the nominee. It is also desirable for representatives of the Bar to speak promptly on the question of professional qualifications, rather than waiting for the formation of less informed opinion which is more likely to respond to political and ideological factors. It being the practice of the Committee to regard its investigation as open until confirmation is voted or rejected, it would seem the better course to report as soon as possible after the Committee's investigation is completed and to revise the Committee's evaluation if necessary in the light of subsequently developed facts.

VII

As a composite thesis against which to request criticism, I suggest that the Committee follow its usual lines of investigation but that it evaluate the nominee against both minimum standards of professional competence and those which would limit nominees to the best available in the same judicial circuit. I also suggest that careful consideration be given to the advantages and disadvantages of having the President of the American Bar Association appoint an *ad hoc* committee for each Supreme Court nomination to consist of himself and six or eight others, at least half of whom are past presidents of the Association, to review the evaluation of the Judiciary Committee and to recommend appropriate action. This could have the advantage of ensuring deliberateness and giving the public a better understanding of the basis for Association action. It would broaden the base of Association support for the action it decides to take.

CONCLUSION

One clear lesson which we have learned in the past year is that the American public is deeply concerned with the well being of its Supreme Court. Whether this concern is ideological, political, emotional or a respect for past achievement, the people of this country want a Supreme Court of which they can be proud. The professional qualification of a nominee is only one of several factors which contributes to its image of integrity, fairness and justice. In some ways it is among the least dramatic factors yet the teaching of the public reaction to the last two nominations is that the people of the country are as concerned with the high professional quality of this Court as they are with its political and ideological leaning. We have a great opportunity in satisfying this public instinct. It is worthy of the best thinking of every member of our profession. Our Committee earnestly invites your thoughts.

S. 3760—INTRODUCTION OF A BILL TO ESTABLISH A COMMISSION TO CONSIDER A MERGER OF THE TRANSPORTATION REGULATORY AGENCIES

Mr. BAKER. Mr. President, I introduce today a bill to establish a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission. This Commission would be specifically established to consider the desirability and feasibility of a merger of these three agencies and, if found to be both feasible and desirable, to make a detailed recommendation with regard to the nature, powers, function, and organization of the proposed new agency.

The reasons in support of a merger of the three transportation regulatory agencies are apparent. Transportation reaches into every phase and facet of our existence. It is without any question our country's most important industry. Transportation accounts for 20 cents of every dollar spent by individuals and corporations, with expenditures totaling well over $100 billion annually.

In spite of these substantial figures, the fragmentation of transportation regulation continues. It is difficult to regard as satisfactory or acceptable a national transportation regulatory policy under which, for example, the Civil Aeronautics Board can authorize subsidized common carrier air passenger service when discontinuance between the same communities of nonsubsidized common carrier rail passenger service is being contemporaneously approved by the Interstate Commerce Commission. I believe that one regulatory agency must be responsible for harmonizing Federal actions in intercity transportation.

The intent and purpose of my proposal is to consider the need for coordinating a national transportation system by water, highway, rail, and air. It is designed to provide fair regulation of all modes of transportation and to promote safe, adequate, and economical transportation services. These objectives can, in my judgment, be fulfilled only by the establishment of a new transportation regulatory agency performing the functions that the existing three transportation agencies are presently designed to perform.

The proposal for a single independent agency for economic regulation of all modes of transportation is not new. Such a suggestion was made in 1934 by the Federal coordinator of transportation, in 1937 by the U.S. Senate Select Committee to Investigate the Executive Agencies of the Government, in 1949 by the Sawyer report, and in 1960 by the Chairman of the Federal Maritime Board.

In 1961, the report of the Senate Commerce Committee by its Special Study Group on Transportation Policies in the United States recommended the creation of a new Department of Transportation and a single independent agency for economic regulation of all modes of transportation. Congress has enacted the first proposal; we should now enact the second.

Mr. President, no other nation possesses the vast network of surface transportation, both common carrier and private, that stretches over our country. Nor does any other nation possess the air route mileage or the vast fleet of planes maintained and operated within this country. Of even greater significance is the fact that common carrier systems of other countries, with the exception of shipping, are generally owned and operated by their governments. Our country, on the other hand, has opted for the development of privately owned carrier systems and has relied upon the force of competition to maintain efficiency. To insure adequate protection of the public interest we have created regulatory commissions composed of specialists in particular fields to resolve equitably such problems as the control of excessive competition, the restraint of monopolistic practices, and the promotion of new forms of competition.

We would be loathe to reverse this approach which has for the most part been successful. The argument that transportation regulatory agencies should be abolished outright must be rejected. At the same time, most would agree that transportation policy should be coordinated and welded into an integrated whole; yet there is little if any coordination today among the three transportation regulatory agencies. We have an abundance of facilities and services, but because each mode of transportation is regulated without reference to the other, there is an overall excess of transportation capacity and a misallocation of resources.

Closely related to the need for coordinated regulation is the concept of practical intermodal transportation. I believe that the present system increasingly impedes the development of intermodal transportation and that a merger of the three existing agencies would alleviate such problem areas as through rates and shipper-carrier liability for cargoes. In its April 4 issue, Traffic World, the weekly magazine of transportation management, commented:

> Far be it from us to disagree with the proposal that one agency should be created to take the place of the three presently-existing federal regulatory bodies for transportation—the ICC, the Federal Maritime Commission and the Civil Aeronautics Board. With the rapidly growing demand by transport-service users for "intermodality" in connection with freight containerization, we continue to harp on the theme that consolidation of the ICC, the CAB, and the FMC into one agency for regulation of the various types of carriers separately and intermodally will be effected eventually—the sooner the better.

I am sure that those who oppose this proposal will contend that the result of a merger of these three regulatory agencies will simply be to amalgamate the bureaucracy and to create a regulatory supermonster. I recognize that this could be the result if we do not at the time of merger provide for revision of the basic responsibilities, organization, and procedures of the three existing agencies.

To avoid this problem, we should adopt such improvements as the combined experience of the existing agencies indicates may be desirable. In addition, I suggest that consideration should be given to the following procedures.

First, unless any party who is adversely affected by the decision of a hearing examiner appeals his decision to the Commission, or the Commission of its own initiative desires to undertake such a review, the decision of the hearing examiner will be final and conclusive both as to findings of fact and as to law and as such promulgated as an order of the Commission.

Second, to facilitate Commission action on cases of lesser importance, the Commission will, at the direction of the Chairman be divided into panels of three to consider appeals from the hearing examiner with the panel decision being final in such cases.

Third, in important cases, appeals from the hearing examiner will be resolved by the Commission en banc.

Fourth, cases of paramount national importance will be assigned directly to the full Commission for hearing and decision, with initial hearings and other matters before hearing examiners eliminated.

Fifth, responsibility for each Commission opinion will be assigned to an individual Commissioner in a manner similar to customary appellate court practice.

If procedures of this type are adopted, I believe that such existing problems as inordinate delay, considerable cost, and inefficient administration should be alleviated.

In recent months we have heard an increasingly large number of calls for coordinated and balanced transportation. These calls have come from various quarters—from representatives of States and local governments, from a consumer group headed by Mr. Ralph Nader, from spokesmen for the affected industries, and from a Wall Street Journal correspondent, Mr. Louis M. Kohlmeier, Jr., in his book, the Regulators.

In addition, the distinguished chairman of the Commerce Committee (Mr. MAGNUSON), on behalf of himself and other Senators, has introduced and held hearings on the National Transportation Act. The purpose of this bill is to create regional commissions to assist in the development of balanced and coordinated transportation systems. I support the objectives of the proposed National Transportation Act, and the measure which I introduce is complementary to these objectives.

In my judgment, we must insure a coordinated effort both in the planning and development of highway, waterway, railway, and airway systems and in the regulation of the common carriers who use these systems. Only then will the overriding national policy be fulfilled.

I ask unanimous consent that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred and, without objection, the bill will be printed in the RECORD.

The bill (S. 3760), to provide for a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by certain Federal agencies, introduced by Mr. BAKER, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a commission to be known as the Commission on Transportation Regulatory Agencies (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 2. The Commission shall be composed of nine members who are not fulltime officers or employees of the federal government and who shall be appointed as follows:

(a) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(b) three appointed by the President of the Senate; and

(c) three appointed by the Speaker of the House of Representatives.

FUNCTIONS OF THE COMMISSION

SEC. 3. (a) The Commission shall study the organization, structure, and purposes of the regulation of transportation by the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board and shall determine and report upon the feasibility and desirability of a merger of these three agencies, or such other form of organization as the Commission may deem desirable. In carrying out this responsibility, the Commission shall consider, among such other factors as it deems relevant, the need for:

(1) developing, coordinating, the preserving a national transportation system by water, highway, rail, and air;

(2) providing fair and impartial regulation of all modes of transportation;

(3) promoting safe, adequate, economical, and efficient transportation service;

(4) fostering sound economic conditions in transportation and among the several carriers; and

(5) encouraging the establishment and maintenance of reasonable charges for transportation services without unjust discriminations, undue preferences, or unfair competitive practices.

(b) If the Commission concludes that the merger of the Interstate Commerce Commission, the Federal Maritime Commission, the Civil Aeronautics Board would not be feasible or desirable, it shall so report, stating its reasons and making recommendations for the improvement of the organization, methods and operation of the existing agencies. If it concludes that such a merger would be both feasible and desirable, it shall so report, stating its reasons, and shall make specific recommendations with respect to the nature, powers, and functions of the proposed regulatory agency and its relationship to the President, the Congress, the Judiciary, the public, and the carriers to be regulated.

COOPERATION BY EXECUTIVE DEPARTMENTS, AGENCIES, AND THE CONGRESS

SEC. 4. The Commission is authorized to request and accept from any executive department, agency, or congressional committee any information and assistance deemed necessary to carry out its functions under this statute. Each department, agency, or congressional committee is authorized, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

COMPENSATION OF COMMISSION

SEC. 5. Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of services for the Commission.

PERSONNEL OF COMMISSION

SEC. 6. Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates—

(1) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

(2) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

ADMINISTRATIVE SUPPORT SERVICES

SEC. 7. The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

REPORT TO THE PRESIDENT AND THE CONGRESS AND TERMINATION

SEC. 8. The Commission shall, not later than one year from the date of enactment of this Act, make a report to the President and the Congress with respect to its activities and containing its recommendations. The Commission shall terminate thirty days after the date of the submission of such report.

AUTHORIZATION

SEC. 9. There is authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

TO END THE DRAFT

Mr. PROXMIRE. Mr. President, I want to congratulate, and wholeheartedly endorse, President Nixon's statement of last week on ending the draft. By proposing to return to an all-volunteer Armed Force, the President has recognized the fact that compelling military service through conscription undermines respect for Government by forcing an individual to serve when and in the manner the Government decides, regardless of his own values and abilities.

Voluntary service and freedom go hand-in-hand. Civilian authority over the military has always been strongest in those nations where voluntary service has been used most consistently. The United States has relied throughout its history on a voluntary Armed Force except during major wars.

Since 1948, however, the draft has been with us. As President Nixon so rightly observed:

> We have lived with the draft so long that too many of us now accept it as a normal part of American life.

Mr. Nixon's proposal to end the draft in the future, and to remove major inequities in the present draft system immediately, is just what is needed to correct this misconception of what is, and what is not, a normal part of American life.

In arriving at his decision to end the draft, President Nixon took two basic factors into account. On the one hand, our responsibilities in Vietnam and our overall foreign policy, as presently defined, would be greatly affected by an immediate end to the draft. Also, the increase in expenditures to provide for an all-volunteer army would have a major budgetary impact on the economy. On the other hand, to continue the present draft system would be to support and perpetuate an inherently unjust system, one that disrupts the lives of our young men on a discriminate basis. In the President's words:

> We all know the unfairness of the present system, no matter how just we try to make it.

After weighing these two factors, President Nixon arrived at the conclusion that—

> We should move now toward ending the draft. From now on, the objective of this Administration is to reduce draft calls to zero, subject to the overriding considerations of national security.

I fully concur with the conclusion the President arrived at.

Mr. Nixon has served notice that we cannot expect an end to the draft immediately. He has, however, taken two important steps in that direction. First, by proposing military pay increases and enhanced benefits, financial incentives will be used to attract and hold volunteers to the armed services. This will, of course, be a major step toward an all-volunteer army. Second, the President has moved to make the present draft system more equitable and just. To accomplish this he has proposed to increase military pay to bring it closer to civilian pay levels, to end all future occupational and parental deferments by Executive order, to end all future educational deferments once congressional authority is given, and to improve the operation of the present random selection system by establishing a direct national call by lottery sequences each month.

The President stated:

> This nation, has a right to expect that the responsibility for national defense will be shared equitably and consistently by all segments of our society.

Until the time comes when the present draft system can be eliminated completely, the steps proposed by the President will insure the most equitable system available.

For those who fear that an all-volunteer Armed Force will lack the ability to expand rapidly in times of sudden crisis, and thus endanger our national security, President Nixon has asked that a standby draft be provided. I concur with the President that the machinery for a standby draft must be created. This standby draft system would be used in times of emergency by an act of Congress, upon recommendation by the President.

The advantages of an all-volunteer Armed Force, with the provision for a standby draft, cannot be overestimated. Presently, draft calls can be increased by the President with little or no public discussion. Congressional approval can be avoided. With an all-volunteer force, the President can seek authorization to activate the standby draft system, but Congress must be consulted. Congressional, and public, debate over the merits of the President's request will be facilitated. Hopefully this will lead toward a national commitment on the question of war or peace before, rather than after, the decision is made. Put in another way, this system will allow us to enter our foreign commitments through the front, rather than the back, door.

President Nixon has taken an important step in reforming and moving toward the elimination of a draft system that has mistakenly become thought of as "a normal part of American life." The protection of a free society has never rested on involuntary service, but on the willingness of its citizens to assume the responsibility of defending the Nation when endangered. Democratic government, based on the concepts of freedom and liberty, should always attempt to minimize interference with the right of the individual to determine his own life in accord with his own values.

President Nixon's proposal to end the draft is consistent with our Nation's tradition of freedom and liberty. As the President stated:

> By upholding the cause of freedom without conscription we will have demonstrated in one more area the superiority of a society based upon belief in the dignity of man over a society based on the supremacy of the State.

In this connection, Mr. President, the Milwaukee Journal's editorial of yesterday commended President Nixon on the wisdom of his proposals for improving the draft, and I ask unanimous consent to have it printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Good Proposals on Draft

President Nixon is on firm ground in his approach to the draft. Realistically it cannot be allowed to expire in the middle of 1971 as suggested earlier by his commission on a voluntary army.

Most everyone would like to see a volunteer military service. But a principal fact of life since the end of World War II has been the need for a large standing force. Even if the war in Vietnam were over, it is doubtful, given American long term foreign commitments, that enough men would volunteer for duty to meet the needs of national security.

The proposal to raise the pay of first term enlisted men is long overdue. Past pay raises have aimed at keeping men in the service. Thus, most of the large boosts in salary come after two years as an inducement for re-enlistment. The result has been that draftees and enlistees in their initial two years have received miserable low pay.

Nixon's executive order barring further occupational and paternity deferments is more than justified if the lottery system is really to be equitable. So are the requested changes in the present law, including making the random selection system a direct national call and giving the president the authority to end student deferments. At present, because of the variety of deferments possible, and draft call quotas given each selective service board, it is quite possible for a man with a high lottery number to be drafted before one with a lower number who happens to be in the jurisdiction of another local board.

The president's aim is to work slowly toward eliminating the draft. Congress should aid him in his efforts by moving on a total review of the selective service system. Though Congress has done much talking, it has been presidential initiative that has achieved the present reforms.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore (Mr. Metcalf) announced that on today, April 27, 1970, he signed the following enrolled bills and joint resolution which had previously been signed by the Speaker of the House of Representatives:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel West Wind as a vessel of the United States with coastwise privileges;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1963. An act for the relief of Wu Hip;

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes; and

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day".

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Three letters from the Chairman, Water Resources Council, Washington, D.C., transmitting, pursuant to law, reports and comprehensive plans for the Sabine River Basin, Louisiana and Texas, dated April 15, 1970; White River Basin, Arkansas and Missouri, dated April 15, 1970; and Pascagoula River Basin, Alabama and Mississippi, dated April 15, 1970; which three letters, together with the accompanying papers, were referred to the Committee on Interior and Insular Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 393. Resolution to print additional copies of the hearings of the Intergovernmental Revenue Act of of 1969 and related legislation (Rept. No. 91-806).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. BAKER:

S. 3760. A bill to provide for a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by certain Federal agencies; to the Committee on Commerce.

(The remarks of Mr. Baker when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. MANSFIELD:

S. 3761. A bill for the relief of Mario di Rienzo; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 3762. A bill for the relief of Lu Wen Kuan; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3763. A bill to amend the Natural Gas Pipeline Safety Act of 1968;

S. 3764. A bill to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance;

S. 3765. A bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended; and

S. 3766. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the above bills appear later in the Record under the appropriate headings.)

By Mr. MURPHY:

S. 3767. A bill to prescribe the period of limitations within which the offense of failing to register with the Selective Service System may be prosecuted; to the Committee on Armed Services.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 3768. A bill to change the name of the National Bureau of Standards Radio Laboratory Building in Boulder, Colo., to the Dwight David Eisenhower Laboratories; to the Committee on Commerce.

(The remarks of Mr. Allott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MURPHY:

S.J. Res. 194. A joint resolution to authorize the President to proclaim the period from May 10, 1970, Mother's Day, through June 21, 1970, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; to the Committee on the Judiciary.

(The remarks of Mr. Murphy when he introduced the joint resolution, appear under a separate heading.)

S. 3763—INTRODUCTION OF A BILL TO AMEND THE NATURAL GAS PIPELINE SAFETY ACT OF 1968

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill to amend the Natural Gas Pipeline Safety Act of 1968. I ask unanimous consent that the letter of transmittal be printed in the Record along with the bill.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill and letter of transmittal will be printed in the Record.

The bill (S. 3763) to amend the Natural Gas Pipeline Safety Act of 1968, introduced by Mr. Magnuson, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3763

Be it enacted by the Senate and the House of Representatives of the United States of America assembled, That section 5 of Public Law 90-481 is amended as follows:

(1) By substituting the word "three" for the word "two" in line 10 of subsection 5(a)(4).

(2) By substituting the words "June 1" for the words "September 30" in line 1 of subsection 5(c)(1).

(3) By substituting the word "fiscal" for the word "calendar" in lines 2 and 7 of subsection 5(c)(1).

Sec. 2. Section 15 of Public Law 92-481 is repealed and the following new section is substituted therefor:

"Sec. 15. Such funds as are required to support the purposes of this Act are hereby authorized."

The letter of transmittal, presented by Mr. Magnuson, is as follows:

The Secretary of Transportation,
Washington, D.C., April 13, 1970.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a proposed bill "To amend the Natural Gas Pipeline Safety Act of 1968."

At present, section 5(a) of the Natural Gas Pipeline Safety Act provides generally that the states may assume responsibility for the enforcement of the Act if the appropriate State agency certifies annually to the Secretary of Transportation that, among other things, State law provides injunctive and monetary sanctions substantially the same as those found in sections 9 and 10 of the Act. The Act further provides that State certifications may be filed without regard to the injunctive and monetary sanctions requirement" . . . for a period not to exceed two years after the date of the enactment of this Act", *i.e.* August 11, 1970.

Experience thus far indicates that it is administratively advisable for the State certifications to be on a calendar-year basis. That is, "annual" certifications are submitted prior to January 1 of the year they are to cover. If we are to continue with calendar-year certifications, under the present provisions of section 5(a), a State agency will not be able to certify after August 11, 1970 for calendar year 1971, unless the injunctive and monetary sanctions requirement is met.

Under the proposed bill, the period in which certifications may be filed without regard to the sanctions requirement will be extended one year, to August 11, 1971. The two year period provided in the Act, simply failed to accommodate the inevitable delay between the enactment of a Federal law designed to encourage the enactment of certain State laws and the actual opportunity of the State legislatures to pass the appropriate legislation. There was insufficient time, for example, between August 12, 1968, the effective date of the Act, and the 1969 general State legislative sessions to staff the program at the Federal level; to receive, review, and comment on the pertinent State laws; and to have the various State agencies inform their State legislatures of the need for amendatory legislation. Unfortunately, the majority of States will be unable to deal with these problems during 1970. Only 29 states have regular legislative sessions this year and a number of these are restricted to budgetary and fiscal matters. Since a number of States lack the appropriate monetary sanctions, failure to extend the two year period will effectively preclude their submitting a certification for calendar year 1971. This eventuality would place the major burden for safety enforcement on this Department's Office of Pipeline Safety, which has not been staffed to assume such a workload. The proposed one year extension would allow the affected States, in their general legislative sessions in 1971, to pass the legislation necessary to comply with the Act.

In addition, the proposed bill would by a date and word change, convert the grant program under section 5(c) of the Act from a calendar to a fiscal year basis. This change in the Act would bring it in line with most other programs and would greatly facilitate record-keeping and planning.

Lastly, the proposed bill would supplant the present specific appropriations authorizations with an authorization to appropriate ". . . such funds as are required to support the purposes of the Act." This will allow the Executive Branch and Congress the freedom to evaluate the financial needs of the Act each year without the restraints of pre-imposed ceilings which could prove totally unrealistic.

The Bureau of the Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

John A. Volpe.

S. 3764—INTRODUCTION OF A BILL RELATING TO WAR RISK INSURANCE

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill submitted by request from the administration to extend the provisions of title VIII of the Federal Aviation Act relating to war risk insurance.

The bill would extend the authority to provide aviation war risk insurance and reinsurance until September 8, 1975. The present authorization in the act, as amended, will expire on September 7, 1970.

I ask unanimous consent that the bill be printed in the Record at this point along with the letter of submission from the Secretary of Transportation to the Vice President.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 3764) to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance, introduced by Mr. Magnuson, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542) is amended by striking out the words "Sep-

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tember 7, 1970", and by inserting the words "September 7, 1975" in place thereof.

The letter, presented by Mr. MAGNUSON, is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 15, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for appropriate referral and introduction is a draft bill, "To extend the provisions of title XIII of the Federal Aviation Act of 1958, relating to war risk insurance."

The draft bill would amend section 1312 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542) (hereinafter called the Act), to extend the authority to provide aviation war risk insurance and reinsurance under title XIII of the Act until September 8, 1975. This authority otherwise would expire on September 7, 1970.

Title XIII of the Act, as amended, authorizes the Secretary of Transportation, with the approval of the President, to provide premium and non-premium war risk insurance for the protection of aircraft and of persons and property transported aboard them, and against other liabilities of a kind that insurance would customarily cover, when commercial insurance cannot be obtained on reasonable terms and conditions from U.S. insurers.

Under title XIII a department or agency of the United States may, with the approval of the President, procure from the Secretary war risk insurance if it enters into an agreement with the Secretary to indemnify him against all losses covered by the insurance provided under the Act. This insurance is provided without premiums and is presently provided to air carriers that have contracts with the Department of Defense and the Department of State. We believe non-premium war risk insurance is a vital element in the program to provide airlift requirements for the war in Vietnam.

The premium war risk insurance program is intended to provide coverage for American carriers in addition to what is available to them commercially. The war risk binders, therefore, agree to provide war risk insurance only at the close of the 24-hour period provided in the commercial policy. The coverage of war risks is necessary because the ordinary aviation insurance policy covers only the usual perils of fire, damage, and other risks, and excepts certain named "war risks" from coverage. Commercial policies usually include a clause, or clauses excluding from coverage any claim for loss or damage occasioned by war, hostilities, insurrection, or acts of foreign enemies, among other explicit situations. An air carrier should not be expected to assume the risk of the loss of its aircraft from such excluded perils. The concentrated, high value of the aircraft and equipment could be a total loss in a single incident.

The Congress has extended the War Risk Insurance Program on three previous occasions: (1) for 5 years to June 13, 1961, under P.L. 84–746; (2) for another 5 years to June 13, 1966, under P.L. 87–89; and (3) for another 4 years to September 7, 1970, under P.L. 89–447. The reasons for these past extensions are equally compelling now. To ensure, therefore, that there is no break in the continual coverage under the War Risk Insurance Program and to ensure that commercial airlift supporting United States Armed Forces in Vietnam is maintained without interruption, we urge that the Congress *properly* enact this legislation.

The Bureau of the Budget advises that there is no objection to the submission of this proposal to the Congress from the standpoint of the Administration's program.

Sincerely,

JOHN A. VOLPE.

S. 3765—INTRODUCTION OF THE FLAMMABLE FABRICS ACT AUTHORIZATION APPROPRIATIONS BILL

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended. I ask unanimous consent that the letter of transmittal and the statement of purpose and need be printed in the RECORD along with the bill.

In introducing this executive request legislation, I must express the hope that it signals a renewed administration effort to accelerate implementation of an act I worked very hard to pass in 1967—an act which should have been more vigorously implemented long before now.

Periodically, I receive press clippings and other information from doctors at Children's Orthopedic Hospital in Seattle. These clippings and personal medical accounts describe in heart-rending detail the tragedies of young children whose clothes have burst into flame after a brief exposure to an open flame. Were the Flammable Fabrics Act, as amended, to be fully implemented, I am confident many of these tragedies could be prevented. So let us get on with it.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill, letter, and statement of purpose and need will be printed in the RECORD.

The bill (S. 3765) to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated such sums as may be necessary for the fiscal years of 1971 and 1972, but not to exceed a total of $6.0 million, and such sums as may be necessary for succeeding fiscal years, to carry out the purposes of the Flammable Fabrics Act, as amended (15 U.S.C. 1191–1204).

The material presented by Mr. MAGNUSON, is as follows:

MARCH 25, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of the draft bill "To authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended," together with four copies of a statement of purpose and need in support thereof.

We have been advised by the Bureau of the Budget that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

In 1967 Congress enacted significant amendments through Public Law 90–189 to the Flammable Fabrics Act. The original Act was passed in 1953 and except for a relatively minor amendment in 1954 had remained unchanged through the years.

The 1967 amendments to the Act make certain provisions for a more effective attack on the overall problem of deaths, injuries, and economic losses resulting from fires involving fabrics and related materials, and products made from them. Coverage of the Act, by virtue of these amendments, now includes all articles of wearing apparel and interior furnishings.

Under the Act, the Department of Commerce, mainly through the National Bureau of Standards, is responsible for research into the flammability of materials and the feasibility of reducing that flammability, for the development of flammability test methods and apparatus, for appropriate training in the use of such methods and apparatus, and for the establishment of standards and regulations concerning fabrics and related materials as used in wearing apparel or interior furnishings. The legislation requires the Secretary of Commerce to consider the results of research or investigations in determining that a hazard exists and that a standard or regulation, or a revision thereof, is needed to protect the public.

The Act calls upon the Secretary of Health, Education, and Welfare, in cooperation with the Secretary of Commerce, to conduct a continuing study and investigation of the deaths, injuries, and economic losses resulting from accidental burning of products, fabrics, or related materials. The Federal Trade Commission is charged with the enforcement of this Act through the administrative procedures provided for under the Federal Trade Commission Act together with injunction, condemnation and criminal penalty proceedings in the Federal courts where such action is necessary to protect lives and property.

Section 9 of the mentioned Public Law 90–189 authorized appropriations for the fiscal years ending June 30, 1968, June 30, 1969, and June 30, 1970. Accordingly, it is the purpose of this bill to seek an authorization for appropriations for the fiscal years ending June 30, 1971 and June 30, 1972, and for succeeding fiscal years in order that the Secretary of Commerce, the Secretary of Health, Education, and Welfare, and the Federal Trade Commmission may continue to carry out responsibilities with which they are charged under the Flammable Fabrics Act. The amount sought in this authorization for fiscal years 1971 and 1972 for these 3 agencies is a total of $6.0 million.

A breakdown of the amounts sought by each of the three mentioned agencies under this authorization is provided in the table set out below:

Agency	Estimated obligations		
	Fiscal year 1971	Fiscal year 1972	Total[1]
Commerce	813	1.587	2.400
Health, Education, and Welfare	1.175	1.175	2.350
Federal Trade Commission	500	750	1.250
Total	2.488	3.512	6.000

[1] Figures shown are in thousands of dollars.

The requested authorization of $2.4 million for the Department of Commerce will permit the continued orderly buildup of the standards and test method efforts required for the effective implementation of the Flammable Fabrics Act. The major use of such funds will be the expanded development of test methods and standards, the carrying out of research in the flammability of fabrics, and conducting studies on the feasibility of reducing the flammability of fabrics. Under the procedures for establishing standards of flammability, action has been started on standards for wearing apparel and on rugs and carpets. These standards, however, are expected to be only of an interim nature in order that needed protection to the public may be given promptly. Test method development will have to continue. For example, the initial wearing apparel standards will only apply to a few categories representing the greatest hazard. Different garments represent different levels of risk to the public and, therefore, all garments would not be subject to the same standard. Different standards or a series of standards will be required. These different standards are based on various levels of performance in the same test or tests, or may require different tests. Thus, standards and tests for children's sleepwear, or little girls' dresses will differ significantly from those required for adult sleepwear or men's clothing.

A proposed flammability standard for carpets and rugs was published by the Department of Commerce in the Federal Register on December 18, 1969. This standard, based on a cooperative development effort between the National Bureau of Standards and the carpet and rug industry, is a "first generation" standard. It is intended to provide protection for high-risk carpets and rugs that will propagate flame from a small ignition source under conditions of controlled draft. Continued development of carpet and rug flammability tests will be needed however, because the "first generation" test does not stimulate conditions of air movement that exist in corridors and stairwells, nor does it deal with the hazards of smoke and toxic gases.

The funds will also be used by the Department of Commerce for research activities associated with these efforts in setting standards. Investigations will be conducted to determine how retardants inhibit flames. Although much is known about what materials keep cotton and other cellulosic materials from burning, the reasons why these materials behave in this manner are not fully understood. In addition, good substances to reduce the combustibility of non-cellulosic materials are not available. Improvements in retardant materials for cellulosics will come about when the reasons for their behavior are better known. Moreover, such knowledge will help the development of flame-retardant treatments for non-cellulosic materials as well.

Research will also be done to extend our understanding of the mechanism of the combustion of fabrics. In establishing tests for flammability standards it is necessary to know what the tests are measuring and to relate these measurements to assessment of the ultimate hazard in apparel or interior furnishing fires. Knowledge of the physical and chemical properties of materials involved is important in determining the rate of burning, toxic gas production, heat transfer to the skin and so forth, all of which are factors to be considered in flammability test measurements.

Research has been conducted the past year in this program to relate flammability tests to ultimate hazard use. Funds requested under this authorization would be used to extend ongoing research of test burning of children's sleepwear on instrumented manikins to stimulate actual fire conditions and thus determine the relationship of laboratory tests to hazard.

This past year research was also started into the hazards resulting from bedding fires. Hazards from such fires are primarily smoke and toxic gases which can cause fatalities. The funds requested for authorization would be used to develop test methods that would reflect these hazards clearly.

A futher use of the funds sought under this authorization by the Departments of Commerce and Health, Education, and Welfare will be to investigate the deaths, injuries, and economic losses due to flammable fabrics. This statutory responsibility is shared by the Secretaries of those Departments. Data collections on injuries and deaths and the acquisition of apparel items actually involved in fires has been carried out through a coordinated program by both Departments. The data have been used to help determine what apparel and interior furnishing items constitute unreasonable risks in public use. For example, data on age of victims, frequency of events, and types of garments involved has provided the basis for assignment of first priority to development of flammability standards for children's nightwear. The information is also used for assessing the relationship between test methods and actual hazards encountered in the cases reported. This has been done by testing the materials collected at the scene of the accidents or from the fire victims.

While the Department of Health, Education, and Welfare has expertise in obtaining data on deaths and injuries, the Department of Commerce has competence in assessing the economic losses as a result of fires involving flammable fabrics. Data from sources such as the National Safety Council, the National Fire Protection Association, the American Association of Pediatrics, State and local governments, and fire departments need to be marshalled and used. Besides being used to determine the need for standards and the relationship between test method results and hazards, this information will be disseminated for the use of industry, the research community and individuals concerned with the flammability of fabrics problems.

The funds sought by the Department of Health, Education, and Welfare under this authorization will enable that Department to field eight teams of investigators plus a small clerical support staff to obtain national data on deaths, injuries and economic losses. The field investigation will be supplemented by computer analysis of the data obtained from such investigation. As the table set out earlier herein shows, the requested authorization for the Department of Health, Education, and Welfare in each of fiscal years 1971 and 1972 is $1.175 million.

The table also shows that the Federal Trade Commission seeks $.5 million for fiscal year 1971 and $.75 million for fiscal year 1972 to carry out its enforcement responsibilities under the Flammable Fabrics Act, as amended. The funds sought by the Commission are required to provide additional personnel, particularly investigators, attorneys and scientific and laboratory staff for activities related to carpets and rugs. The Commission also anticipates that additional space and equipment, particularly special laboratory equipment designed to specifically test carpets and rugs and other products within the purview of the Act, will be required.

S. 3766—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS TO CARRY OUT THE FIRE RESEARCH AND SAFETY ACT OF 1968

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968. I ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the RECORD along with the bill.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill, letter of transmittal and statement of purpose and need will be printed in the RECORD.

The bill (S. 3766) to authorize appropriations to carry out the Fire Research and Safety Act of 1968, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated to the Department of Commerce such sums as may be necessary for the fiscal years of 1971 and 1972, but not to exceed a total of $5 million, and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968 (P.L. 90–259; 82 Stat. 34).

The material presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., March 13, 1970.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize appropriations to carry out the Fire Research and Safety Act of 1968," together with four copies of a statement of purpose and need in support thereof.

We have been advised by the Bureau of the Budget that enactment of this legislation would be in accord with the program of the President.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The Fire Research and Safety Act of 1968 (P.L. 90–259) calls upon the Secretary of Commerce to undertake a national fire research and safety program. This endeavor includes the gathering of comprehensive fire data, the establishment of a broad research program aimed at reducing death, personal injuries and property damage caused by fires, providing fire safety education and training programs; and conducting demonstrations of new approaches and improvements in fire prevention control. To carry out this program, the Act authorizes the Secretary of Commerce to conduct directly or through contracts or grants; (1) investigations of fires; (2) research to develop methods for fire prevention and control; (3) educational programs to inform the public of fire hazards and fire safety techniques; (4) fire information reference services; (5) training programs to improve the operation of fire services; and (6) projects demonstrating new approaches and improvements in fire prevention and control.

Section 104 of the Fire Research and Safety Act of 1968 authorized $5 million to be appropriated for the period ending June 30, 1970 to carry out the purpose of the Act. The purpose of this bill is to seek an authorization for appropriations totalling $5 million for the fiscal years of 1971 and 1972 and for such sums as may be necessary for succeeding fiscal years so that the Secretary of Commerce may carry out the responsibilities charged to him under the Act.

Although no funds have been specifically appropriated under the authorization mentioned above, the National Bureau of Standards has re-programmed funds in order that planning for an expanded fire research and safety program could be started. The effort thus far has been limited to studying various aspects of the fire problem and to planning future activities. Based upon the planning done at the National Bureau of Standards

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the $5 million authorization request would be allocated in the amount of $1.5 million for FY 1971 and $3.5 million for FY 1972. A significant fraction of the funds would be for contracts and grants. This is especially true for the second year.

The funds obtained through the authorization sought under this bill would be used in four principal areas: (1) data and information collection; (2) fire research; (3) innovation in firefighting equipment; and (4) study of fire service training and education needs.

(1) *Data and information collection.*—Available fire loss records are inadequate and do not indicate reasons for our present high life and property losses. 12,200 lives were lost in 1967 as a result of fires. Direct monetary losses from fire were estimated at $2.1 billion. Knowledge as to why these heavy losses are occurring is essential for determining the short-term and long-term steps which should be taken in research, technical firefighting development, fire detection, fire service training, and the like.

Two cooperative data collection programs would be carried out with the funds requested. One, involving studies of fire injuries and deaths, would be conducted with the assistance of agencies of the Department of Health, Education, and Welfare—that are now engaged in collecting data on accidents of all kinds. This work would, in part, be reimbursed by the Department of Commerce. The other would be directed to understanding factors related to property losses from fires, and would be conducted in cooperation with groups such as the National Fire Protection Association. Such groups would be totally reimbursed for their services with the funds requested. The findings of these studies will provide a means for directing the fire research and safety programs within an optimum cost-effectiveness framework.

(2) *Fire research.*—Present knowledge about building fires and life hazards of fire does not provide a sufficient basis for firesafe design. To remedy this, a comprehensive fire research program, to be conducted at NBS and through contracts or grants is proposed. This program would include studies of the growth and spread of fire in and damage to buildings and the nature and hazard of smoke and toxic gases. Special emphasis would be given to techniques of fire detection and control. In addition, the optimum organization of a community's firefighting resources would be studied.

(3) *Firefighting equipment.*—Tools and equipment used in firefighting and protective clothing or equipment for firemen are, in many instances, outmoded. Funds requested would be used to stimulate innovation in firefighting equipment. The first step would be to determine the kinds and severity of accidents peculiar to firefighting. Based on these findings, performance criteria would be established for new equipment and protective devices for firemen. Development of improved items would be carried on through a cooperative effort with other Federal agencies, manufacturers, research laboratories, and other appropriate groups. New safety items developed would then be introduced on a trial basis for fire services use. Some improvements could be accomplished quickly and should produce an early payoff in reduced firefighter deaths and injuries.

(4) *Fire service training and education needs.*—The training of firefighters and the education of fire officers needs improving. Present programs are fragmented and of uneven quality. It is intended to use part of the funds requested to determine the educational and training needs of fire services and to develop ways to meet these needs. Modern, effective programs in fire command are desperately needed and would lead through improved command decisions to an immediate improvement in fire control, reduced deaths and injuries, and reduced property loss.

Educational programs to inform the public of fire hazards and fire safety techniques may be costly to execute. Moreover, their effectiveness might prove difficult to evaluate with existing statistical data on fires. Therefore, it is planned to defer large-scale public education programs until a satisfactory technique and data base can be developed to evaluate their effectiveness. The funds requested would be used in part to develop the necessary data, and to mount carefully designed pilot projects for testing educational programs prior to any large-scale implementation.

S. 3767—INTRODUCTION OF A BILL TO PRESCRIBE THE PERIOD OF LIMITATIONS WITHIN WHICH THE OFFENSE OF FAILING TO REGISTER WITH SELECTIVE SERVICE SYSTEM MAY BE PROSECUTED

Mr. MURPHY. Mr. President, I introduce a bill and ask that it be appropriately referred. This measure will reverse the Supreme Court decision on Toussie against the United States, decided on March 20, of this year. This decision held that a young man who failed to register with the draft at age 18 cannot be prosecuted after 5 years had passed. The Court held that prosecution beyond the 5-year period was barred by the 5-year statute of limitation found in 18 U.S.C. section 3282.

Section 3 of the Universal Military Training and Service Act, 65 Stat. 75, requires all young men between the ages of 18 and 26 to register for the draft "at such time or times and place or places, and in such manner as shall be determined by proclamation of the President." Failure to perform this duty is punishable by fine, imprisonment, or both. Pursuant to this statute, a Presidential proclamation was issued providing that young men "shall be registered on the day of his birth, or within 5 days thereafter." Government regulations also promulgated under the act provide:

> The duty of every person subject to registration shall continue at all time, and if for any reason any such person is not registered on the day or one of the days fixed for his registration, he shall immediately present himself for and submit to registration.

The facts of the case before the Supreme Court showed that one Robert Toussie was born on June 21, 1941, and that he failed to register for the draft upon reaching age 18 in 1959. On May 3, 1967, Toussie was indicted for his failure to register for the draft. At the time of the indictment Toussie was 25, and this was 8 years after he reached registration age. In a jury trial he was found guilty of failing to register for the draft. This conviction was upheld by the Court of Appeals for the Second Circuit.

The Supreme Court in reversing the court of appeals reasoned that the crime was completed 5 days after the young man reached age 18 and failed to register and, therefore, the statute of limitation started to run from that time. In doing so, it rejected the position of the court of appeals and the Justice Department that the failure to register was a continuous offense, being committed each day Toussie failed to register. Under this interpretation, the statute of limitation would not begin to run until the young man reaches the age of 26. There seems to be no question regarding the guilt of Toussie in this case. Even the majority opinion said that "there is no doubt that the jury found Toussie willfully failed to register and thereby subject himself to the same possibility of military service that other young men who will comply with the legal obligation." In fact, Toussie, by his own testimony, admitted, in the words of the dissenting opinion, that he attempted "to evade registration and liability for the draft."

Mr. President, the Supreme Court's decision in my judgment is contrary to the intent of the Congress and illogical. The purpose of the registration requirement is to establish a manpower pool from which the Nation may induct young men to meet our defense needs and to defend the country. Yet, the Supreme Court's decision produces a rather incredulous situation. Although a young man is eligible for the draft until age 26, the majority opinion says 5 days after a young man reaches age 18, although a crime has been committed, the young man has no further duty to register. The Court's decision allows draft evaders to escape their obligation for it is the registration act which makes the induction possible. Along with the minority opinion, and with the Justice Department, I cannot believe Congress ever had such an intent. Such a construction is contrary to the purposes of our draft laws, at odds with the existing regulations and commonsense.

The majority opinion seems to recognize the decision could have gone either way, but felt that before they could construe the criminal statutes involved in the "harsher alternative" they would need a "clear and definite" language by the Congress. The majority opinion further observed that "every statute of limitation, of course, may permit a rogue to escape."

The bill I introduce would close this possible draft evaders loophole. The bill will not allow another rogue or another draft evader to escape by this route. It would do so by amending the law to make it clear and definite that the statute of limitation does not begin to run until a young man either registers or reaches the age of 26, the age at which one is no longer eligible for induction. The effect of the amendment would be to subject a person to prosecution until 5 years after he passes the induction age of 26, that is, when he reaches the age of 31.

The language of this bill clearly and definitely spells out what was the obvious intent of the Congress so that our intent will be clear even to the majority. The bill reads that—

> The failure of any person to present himself for registration . . . shall be a continuing violation . . . and any period of limitation . . . shall not begin to run until the date on which such person presents himself for registration or until the 26th anniversary of the date of his birth, whichever is earlier.

Mr. President, on this very day, undoubtedly many young Americans all across this great Nation are reaching or have just reached age 18. Recognizing that our Nation grants many freedoms and that accompanying such freedoms are certain duties and responsibilities, the overwhelming majority of our young men will do their duty, and will register

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for the draft as required by law. In so, doing, they expose themselves to possible induction into military service, and perhaps even death if they are called, for an 8-year period, or until they reach age 26. On the other hand, one who disobeys the law and shirks his duty by failing to register for the draft is liable, under the Supreme Court's decision, for prosecution for only 5 years, that is, until 6 days after his 23d birthday. To put it like Justice White did in his dissent, "While all around him young men are being inducted", Toussie, the defendant, "at age 18 years and 6 days is forever free of any duty—and at 23 is forever free from prosecution for his initial failure—to place himself, like them, into the pool from which inductees are selected. I cannot agree."

Mr. President, citizens of California and of this country cannot agree either. I would like to read one of many letters I received from constituents strongly disagreeing with the Supreme Court's ruling. This gentleman already has one son who has served in Vietnam and a second son who will be going there this month. He writes:

CONCORD, CALIF.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MURPHY: As a father who has had one son serve in Vietnam for a year and another son who will be going there in mid April, I abhor and reject the recent Supreme Court decision freeing all draft dodgers on their twenty third birthday under the statute of limitations.

What convoluted reasoning the Court majority employed in reaching the decision is beyond my comprehension.

Congress must amend the law so that the statutes of limitations does *not* start to run until a man reaches age 26 and is no longer subject to induction.

I feel very strongly that a good many of the problems that face the Nation today stem directly from this still too liberal Court's decisions that alter the Constitution and the laws to fit the personal dogmas of the individual judges.

Very truly yours,

IRA E. POOLER.

I hope that the Congress will enact this bill to clarify its intent and thereby plug this possible loophole for draft evaders.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3767) to prescribe the period of limitations within which the offense of failing to register with the Selective Service System may be prosecuted, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Armed Services.

SENATE JOINT RESOLUTION 194—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE PRESIDENT TO PROCLAIM THE PERIOD FROM MOTHER'S DAY, MAY 10, THROUGH FATHER'S DAY, JUNE 21, AS THE "NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS"

Mr. MURPHY. Mr. President, I introduce today a Senate joint resolution which would authorize the President to proclaim the period from Mother's Day, May 10, through Father's Day, June 21, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks." The Multiple Sclerosis Society has selected this period as its annual MS Hope Chest Campaign. These dates were not chosen lightly, for they have a very significant meaning to a very specific portion of our population.

Multiple sclerosis means many scars—scars not only of the body, but of wasted years of study, careers which never come to full fruition, family relationships strained to the utmost, economic hardships, lives half lived. For this is the primary handicap of young adults in this country. MS is chronic and progressive—a crippler.

Mr. President, MS is a mysterious neurological disease which numbers its victims in the 20 to 40 age group, probably setting in its roots at about age 15. It takes its toll in dreams and hopes and plans. Our nerve sheaths are protected by a covering called myelin, much the same as a telephone cord is protected by its rubber covering. When myelin is destroyed, a short circuiting takes place, thus messages are distorted from the brain to various parts of the body. The result is staggering and falling, double vision, speech defects, tremors, paralysis.

MS is a mystery because no two patients follow the same course. In each, the disease has its own progression, and there is no predicting what will happen. In the words of a foremost medical authority, "The disease is typically slow and insidious in onset, frequently difficult to diagnose until symptoms have progressed to extensive disability. Early symptoms are mild and transient. Frequently symptoms disappear but recur at a later predictable time, usually in a more severe and persistent form. Occasionally there are unexplained instances of prolonged remission. There may follow a series of symptom recurrences resulting in progressive incapacitation."

Mr. President, MS does not give you a chance. Once it comes, it comes to stay. Picture for a moment with me a young man who has just earned his Ph. D., another who has just received his medical degree, a young mother with three youngsters under 5, a hard-working electrician making a present and a future for his wife and four young children. Today, the young Ph. D. works from his home in a wheel chair; the doctor is bedridden; the young mother tries to manage her home on crutches; the electrician at age 37 is in a rest home.

Mr. President, I have a personal interest in the conquering of this crippling disease, for it has stricken a former member of my staff, my former office manager prior to her having been afflicted with multiple sclerosis. She was bright, exceedingly capable and an asset to any office. Attesting to her abilities was the fact that she was employed beginning with former Senator Knowland and followed by a succession of California Senators, namely, the late Senator Engle, former Senator Salinger, and myself. Anne's case illustrates the tragedy of this disease, but Anne's response—a real profile in courage—has made all of us who have had the pleasure of knowing her and who were proud of her before, even more proud of her today.

Mr. President, for the most heartrending aspect of MS is that it strikes primarily young adults in their most productive years. It disrupts the lives of families making tragic demands on the courage and strength not only of its victims but of their husbands, wives, friends, and children. The problems which arise may often seem insurmountable when the role of breadwinner must be assumed by the wife, or the household chores to the afflicted husband, disillusion and threat of separation or divorce often occurs. The children must be helped to understand the influences operating in the household and also helped to maintain a home to which they can continue to invite their friends. The total resources of the family should be pooled and devoted to insistence on a full and useful life for each member—despite the difficulties encountered. The long life of uncertain disability in a family member imposes a continuous series of adjustments on a total of perhaps two million members of family constellations disturbed by the presence of this disease.

The National Multiple Sclerosis Society is the only voluntary agency concerned with finding the cause, prevention and cure for multiple sclerosis. The society's medical adviser, Dr. Harry M. Weaver, who worked closely with Dr. Jonas Salk, is convinced that the answer to MS can be found provided adequate resources are made available. For research is the only hope that MS patients have, research and the day-to-day help which chapters throughout the country give in their programs or direct service, recreation, transportation.

The joint resolution I introduce today would designate the period of Mother's Day through Father's Day as the National Multiple Sclerosis Society Annual Hope Chest Appeal. The resolution calls upon the Governors of the respective States to issue a similar proclamation calling upon the people of this great Nation to join in providing "the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of the persons stricken by this disease."

Mr. President, there are more than 500,000 victims of MS, and since MS forces the removal of two out of three of its victims from the Nation's work force, it is estimated to result in a $2 billion annual economic loss to the Nation.

Mr. President, this is the 25th anniversary of the National Multiple Sclerosis Society and the society is launching a 5-year development plan aimed at discovering the cause, preventing and treating MS.

I am pleased to be part of this push, and I hope that all America will join in.

Mr. President, I ask unanimous consent that the text of this Senate joint resolution be printed at this point in the

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The PRESIDING OFFICER (Mr. ALLEN). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 194) to authorize the President to proclaim the period from May 10, 1970, Mother's Day, through June 21, 1970, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; introduced by Mr. MURPHY, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 194

Whereas 500,000 Americans, stricken usually between the ages of 20 and 40 years, are affected by the ravages of multiple sclerosis and related neurological diseases;

Whereas 2,000,000 members of American families are deeply concerned with the financial and emotional problems of this disease;

Whereas multiple sclerosis predominantly strikes young fathers and mothers in their wage-earning and family-building years and reduces the buying power of such families;

Whereas such reduction results in a $2,000,000,000 annual economic loss to the Nation and forces the removal of two out of every three disabled multiple sclerosis victims from the Nation's work force;

Whereas multiple sclerosis remains a disease of unknown cause, unpredictable course, and undiscovered cure; and

Whereas the National Multiple Sclerosis Society has launched a five-year research development plan to explore as quickly as possible promising clues that may lead to methods which will prevent, or more effectively treat, multiple sclerosis: Now, therefore be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation—

(1) designating the period from May 10, 1970, Mother's Day, through June 21, 1970, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks";

(2) inviting the Governors of the several States to issue proclamations for like purposes; and

(3) urging the people of the United States and educational, philanthropic, scientific, medical and health care professions and organizations to provide the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of persons stricken by this disease.

ADDITIONAL COSPONSORS OF BILLS

S. 1680

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor to S. 1680, relating to the disposition by the Secretary of the Interior of moneys obtained from the sale of materials from public lands.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3074

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 3074, to provide minimum standards for guarantees covering consumer products which have electrical, mechanical, or thermal components, and for other purposes.

The PRESIDING OFFICER (Mr. STENNIS). Without objection, it is so ordered.

S. 3425

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. HARTKE) and the Senator from Vermont (Mr. PROUTY) be added as cosponsors of S. 3425, to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3526

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 3526, to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3699

Mr. McGEE. Mr. President, on behalf of the Senator from New Hampshire (Mr. McINTYRE), I ask unanimous consent that, at the next printing, the names of the Senator from New Mexico (Mr. MONTOYA), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of S. 3699, to clarify the extent and authority of the Small Business Administration, and for other purposes.

The PRESIDING OFFICER (Mr. STENNIS). Without objection, it is so ordered.

S. 3723

Mr. TALMADGE. Mr. President, at the request of the Senator from New Hampshire (Mr. McINTYRE), I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. COTTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Alabama (Mr. SPARKMAN), and my name be added as cosponsors of S. 3723, a bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3724

Mr. McGEE. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of S. 3724, to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

The PRESIDING OFFICER (Mr. STENNIS). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 62—CONCURRENT RESOLUTION SUBMITTED RELATING TO THE COMMEMORATION OF FRIDAY, MAY 1, 1970, AS A DAY FOR AN APPEAL FOR INTERNATIONAL JUSTICE FOR ALL THE AMERICAN PRISONERS OF WAR AND SERVICEMEN MISSING IN ACTION IN SOUTHEAST ASIA

Mr. DOLE (for himself, and Senators ALLEN, ALLOTT, BAKER, BELLMON, BENNETT, BOGGS, BROOKE, BURDICK, BYRD of Virginia, BYRD of West Virginia, CANNON, CASE, COOK, COTTON, CRANSTON, CURTIS, DODD, DOMINICK, EAGLETON, EASTLAND, ELLENDER, ERVIN, FANNIN, FONG, GOLDWATER, GOODELL, GORE, GRIFFIN, GURNEY, HANSEN, HART, HARTKE, HRUSKA, HUGHES, JAVITS, LONG of Louisiana, JORDON of North Carolina, McGEE, McGOVERN, MATHIAS, METCALF, MILLER, MOSS, MURPHY, PACKWOOD, PEARSON, PELL, PERCY, RANDOLPH, SAXBE, SCHWEIKER, SMITH of Illinois, SCOTT, SPARKMAN, STENNIS, STEVENS, THURMOND, TOWER, WILLIAMS of New Jersey, WILLIAMS of Delaware, YOUNG of North Dakota, and YOUNG of Ohio, submitted a concurrent resolution (S. Con. Res. 62) to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia, which was referred to the Committee on the Judiciary.

(The remarks of Mr. DOLE when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 399—RESOLUTION SUBMITTED TO CREATE A WORLD ENVIRONMENTAL INSTITUTE

Mr. MAGNUSON. Mr. President I submit for appropriate reference a Senate resolution relating to the creation of a World Environmental Institute to aid all the nations of the world in solving their common environmental problems of both national and international scope.

I submit this resolution on my own behalf, and on the behalf of the Senator from Nevada (Mr. BIBLE), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the senior Senator from Montana (Mr. MANSFIELD), the junior Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the

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Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PASTORE), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. SMITH), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG).

Mr. President, this resolution represents the first step in creating the World Environmental Institute, and a first step in solving the international aspects of pollution and environmental quality. At a time when so much action is still needed on the environmental front here in the United States, some might question the wisdom of broadening our efforts to the global scale envisioned in this World Environmental Institute proposal. But the inescapable fact is that human ecology is global in nature, and without some form of international cooperation, environmental efforts within a single country like the United States are ultimately doomed to failure.

Before discussing the details of the World Environmental Institute that I have proposed, I would like to discuss briefly the background against which this resolution is offered.

The United States, unquestionably, is the major polluting Nation of the world. But the United States has no monopoly on pollution, environmental problems, or ecological concern. Few, if any, environmental problems are unique to a particular country. With the exception of isolated species of wildlife whose existence is threatened, most environmental problems—like pollution—are common to all industrialized nations, regardless of their size, location, or form of government.

We are all familiar, for example, with the problems of the United States and other Western nations; but it is interesting to note that the Soviet Union is undergoing environmental difficulties similar to our own. Pollutants from pulp mills are quickly destroying beautiful Lake Baikal, and a recent accident in a chemical plant is known to have killed millions of fish in an important Soviet river. And while we in the United States are still in the "talking stage" with respect to noise pollution, the Soviets have already taken action: cars and trucks are no longer permitted to drive through Moscow during the hours when most Muscovites are asleep. Perhaps these developments foretell a new contest to replace the arms race and the space race: an "environment race" between the East and the West to see who will have the cleanest air and water and the quietest streets. This would be a healthy and welcome form of competition indeed.

Yet, the problems of environmental quality are global in scope and extend far beyond the industrialized nations of the East and West. Rapid population growth and economic development efforts make the environment a problem for the modernizing nations of the world as well—regardless of their political systems or their foreign policy. The Ganges River in India is more polluted than the Rhine; DDT is spread far more thickly in the tropics than in North America. Any nation that hopes to increase its gross national product, its per capita consumption, or other indices of economic growth is faced with an inescapable dilemma about the impact of such development on its environment.

It is with this realization in mind—that environmental problems are rooted in the growth of population and technology, not in ideology—that my cosponsors and I have proposed creation of the World Environmental Institute. The Institute is based on a special hope, a hope that I believe is more than just a dream. It is a hope born of concern for the dozens of modernizing nations for whom environmental quality is a necessarily low priority today but for whom the experience of the industrialized nations could provide valuable assistance in making economic growth and environmental quality compatible. These nations have seen, and desire, the glamorous fruits of industrialization; and most of them have not yet paused to consider questions of ecology that we ignored ourselves for generations. A cooperative international effort could clarify the choices these nations face and could help them avoid the costly mistakes that we made in similar stages of our own development.

But my hope is born of other, more ominous concerns about the international aspects of environmental quality: concern about DDT being found in the fat of Antarctic penguins; concern about the oil globules that now dot the surface of the oceans; concern about the steady build-up of carbon dioxide in the earth's atmosphere. These findings indicate that international cooperation on environmental problems would be more than helpful—it may hold the key to survival for all of mankind.

I know that it is not fashionable today to raise the issue of survival when speaking of the environment. We are told not to be alarmists, not to jeopardize public support for environmental programs by raising unjustified fears. But the rate at which the nations of the world are pumping poisons into the air, the water, and the soil makes survival a very real issue in the long run. No portion of the complex chain of life on this planet can die without threatening all other forms of life; the death of the oceans, for example, might seal the fate of mankind.

The issue that this raises is stark: No nation can survive while other nations perish; no country can prosper while other countries pollute the ocean and the atmosphere. Ultimately, for man to continue his existence on this planet, international cooperation and understanding will have to prevail. A pragmatic concern for survival will force us to achieve what an idealistic concern for peace and friendship never could: The realization that we are all brothers, destined to perish or prosper together as a species.

Adlai Stevenson, an American who was really a citizen of the world, summed up this realization long ago. He wrote:

> We all travel together, passengers on a little spaceship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and the love we give our fragile craft.

Ironically, we had to launch spaceships of our own before we saw what Stevenson had seen: Earth is a spaceship herself, on which every member of the human race travels together through the solar system and the infinitive universe. An Apollo astronaut on the lunar surface can block out the vision of our distant planet simply by lifting his thumb. When he looks at earth, he can see no national boundaries, no capitals, no place names, no armies. All he can see is a tiny, shining ball suspended in the black void of outer space.

Most of us will never stand on the moon. That makes our task even more difficult than the astronauts'. We must learn to see earth as the astronauts have seen it, yet we must do so without ever leaving the ground. If we can achieve this vision—and we must achieve it—we will concentrate less on the issues that divide mankind and more on those matters that emphasize our common problems and our interdependence. We will realize that pollution of the Yangtze, the Ghanges, the Rhine, or the Dnieper is no less important to our continued existence than pollution of the Missouri and the Potomac. We will learn that DDT is no less hazardous to us all if it is sprayed on the Indian subcontinent instead of on the United States. And we will see that all wastes and poisons from around the world mingle together in our common environment—the air, the water, and the soil—to form a blanket of danger that envelopes the guilty and innocent alike.

When we achieve this understanding, we have only two alternatives available: action or despair. To despair is to forget mankind's greatest virtues: his ability to cooperate, his ability to pass knowledge between peoples and between generations, his ability to establish goals for himself and to work until those goals have been met. Even with the aid of these abilities, however, action will not be easy. We will have to overcome centuries of mistrust, generations of conflicting ideologies, and years of suspicion and fear. But we will never be alone: no nation, no government can ignore the issue of survival.

Fortunately, there are many international organizations working today to bring about controls on pollution and harmful substances—the United Nations, NATO, and the Organization for Economic Cooperation and Development, to name only a few. These groups are attempting to establish international treaties, inspection procedures, and environmental police powers. Their success—and the success of many similar organizations—is essential to all men.

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But these organizations, important as they are, cannot provide one vital function that must be performed: the gathering and dissemination of environmental information to all nations of the world. Since each of us has a stake in the environmental quality of other nations, we cannot afford to work only through existing international organizations that include some nations and exclude others. NATO by definition involves only one community of nations; the United Nations excludes the largest country in the world.

In addition, each of the existing organizations on the world environmental front is political in nature and is involved in disputes between different nations and blocs of nations. Even though politics will play an important part in environmental treaties and arbitrations, politics must not be allowed to interfere with the free flow of information and knowledge between all nations and all people. The world pool of knowledge and talent is a resource that belongs, like the air and water, to all mankind. No nation should be denied access to this pool because of political disputes with other nations. In fact, the solution to international environmental disputes may hinge on the sharing of knowledge and technology by all nations alike. This knowledge includes more than conventional environmental techniques—the technology of mass transportation, housing development, and automobile safety are clearly related.

So I am proposing, in this resolution, that a new international organization be created. This organization, which might be called the World Environmental Institute, would serve as a central information center for all nations of the world. Every nation—regardless of its form of government or its international and domestic policies—could consult the Institute for expert advice on all forms of environmental problems. The Institute would serve both as a research center and as the repository of that worldwide pool of knowledge and talent. Through the use of computers, any country could obtain a thorough guide to the scientists and scientific studies around the world that relate to a particular environmental problem.

Under the auspices of the Institute, a continual exchange of scientists and technological information between the countries of the world would be possible on a nonpolitical basis—not simply on the unilateral scale of today but on a multilateral level never dreamed of before. Task forces could be set up—consultants who would work as a team and on request visit the distant parts of the globe to undertake special projects. A constant flow of specialists between the Institute and other public and private research centers throughout the world would insure a balance in the Institute's personnel and purpose.

The Institute would be an international organization similar in spirit and purpose to the Olympic games; but, like the games, it would not heal the political divisions of the world, even with respect to environmental problems. International environmental disputes would continue to rage, with British soot falling on Swedish forests and with an Egyptian dam upsetting the ecology of the Mediterranean. The Institute would not attempt to arbitrate such disputes—that is the function of organizations like the United Nations. But the Institute would attempt to provide as much and as accurate information as possible to all those concerned and to the international organization within which such conflicts will be resolved. The Institute, let me emphasize again, would have no police powers—it would be like a reference book available to any and all nations with environmental difficulties.

It is not my intention to supplant the work of those hundreds of research institutions where scientists are now at work on complex ecological problems. On the contrary, the World Environmental Institute would serve as an index to these men and their work—helping to speed the flow of knowledge between those few who discover and those millions who need. The Institute will be an exchange, a reference center, a "clearing house" on environmental information—not a monolithic superbureaucracy. It will be founded on a simple ideal: That the stock of knowledge about environment problems ought to be held in common by all men and that all men should have access to such knowledge whenever they desire it.

Surely the time has come for the United States to take the lead and to propose creation of the Institute to the nations of the world. The time has come for us to realize that world leadership and world prestige are based on the power of ideas, not on the power of weapons. And the time has come for knowledge—that most precious of man's many resources—to be liberated from the prisons of nationalism and the shackles of the cold war.

The Senate resolution I have just introduced is designed to accomplish these aims. The broad, bipartisan support of the resolution's cosponsors indicates that this is a practical proposal, one that can be achieved if we dedicate ourselves to the task. The resolution is intended to produce action, not more rhetoric. And it will produce that action if the Congress, the President, and the leaders of foreign nations accept it with the seriousness and urgency in which more than a third of the Senate has offered it.

The resolution urges creation of the World Environmental Institute "to act as a global research center and to disseminate knowledge of environmental problems and their solutions to all nations of the world upon request." It says that the Institute should be "independent of existing international organizations, nonpolitical, and open to all nations of the world."

The resolution further urges that the World Environmental Institute proposal be presented to the First International Conference on the Human Environment, scheduled by the United Nations for Stockholm in 1972. And it urges that all nations who are not presently members of the United Nations be invited to that Conference in order to discuss the World Environmental Institute concept.

Finally, the resolution asks that creation of the World Environmental Institute be an official policy of the U.S. Government "to be pursued with other nations both formally and informally, at Stockholm and in other appropriate forums where the cause of the Institute can be furthered."

In future addresses, I will expand upon the Institute concept and go into greater detail concerning some of its functions. Today, I have presented the basic thinking behind the Institute and the concerns that led to propose its creation.

Perhaps this World Environmental Institute plan is only a dream; perhaps, despite my hopes, the centuries of nationalism cannot be washed away by all the polluted waters of the world. Perhaps mankind cannot muster the will and the energy to insure his own survival. But as a Nobel Prize-winning novelist once wrote, man is not yet a finished creation: He is a challenge of the spirit. Response to that challenge of the spirit is the measure of man.

Survival is a challenge. Cooperation is a challenge. Peace is a challenge. A world view of the environment is a challenge. We may not meet these challenges, but we must try. For our response to these challenges will determine not only how we are remembered by future generations—it will determine whether or not there will be future generations to remember us at all.

I ask unanimous consent that the full text of the resolution be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The resolution will be received and appropriately referred.

The resolution (S. Res. 399), which reads as follows, was received and referred to the Committee on Foreign Relations:

S. RES. 399

Whereas human ecology is global in nature and human survival depends ultimately upon the cooperative effort of the entire human species; and

Whereas world-wide pollution of man's common resources—the air, the water, and the soil—poses a threat to all peoples; and

Whereas environmental problems caused by technological and population growth are common to all nations alike, and knowledge of such problems must be shared among all nations to insure the survival and well-being of the human species; and

Whereas existing international organizations are political in nature, noninclusive of all nations, or limited in their environmental activity; and

Whereas a non-political international institution open to all nations of the world is needed to provide objective information and scientific knowledge to each nation and to international organizations dealing with environmental problems; and

Whereas a forum for advocating the creation of such an institution exists in the First International Conference on the Human Environment to be held under the sponsorship of the United Nations at Stockholm in 1972; Now, therefore, be it

Resolved, that the Senate recommends, urges, and supports the creation of a World Environmental Institute to act as a global research center and to disseminate knowledge of environmental problems and their solutions to all nations of the world upon request; and be it further

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Resolved, that said World Environmental Institute should be independent of existing international organizations, non-political, and open to all nations of the world, with its location and funding to be agreed upon by representatives of said nations assembled; and be it further

Resolved, that the Senate recommends and urges that the United States representatives to the First International Conference on the Human Environment prepare to propose creation of the World Environmental Institute to the Conference; and be it further

Resolved, that in furtherance of the World Environmental Institute concept, the Senate recommends, urges, and supports the invitation to the Conference of all nations not presently members of the General Assembly of the United Nations; and be it further

Resolved, that the Senate recommends, urges, and supports creation of the World Environmental Institute as an official policy of the United States government, to be pursued with other nations both formally and informally, at Stockholm and in other appropriate forums where the cause of the Institute can be furthered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 27, 1970, he presented to the President of the United States the following enrolled bills:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1963. An act for the relief of Wu Hip; and

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Ashbury statue, and for other purposes.

AMENDMENT OF FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 599

Mr. YOUNG of Ohio submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was referred to the Committee on Foreign Relations and ordered to be printed.

THE OPERATION OF DULLES AND NATIONAL AIRPORTS

Mr. SPONG. Mr. President, the Federal Aviation Administration appears to be playing a shell game with Congress and the public over the question of allowing larger jets to operate at National Airport.

A little more than a month ago, I was assured by FAA Administrator John Shaffer that there were no plans to change existing policy in the near future and that the odds were 99 to 1 against it ever being changed. In support of that policy, Administrator Shaffer forwarded with his letter a copy of a recent FAA study which recommended decisevely against lifting the longstanding ban.

Mr. President, it was only 2 weeks later that the big jets were flying in and out of National Airport. Ostensibly, this was an emergency measure to help meet the problems created by the air traffic controllers' slowdown. But it has become clear since that there was a more basic policy change inovlved and the so-called stretch jets appear to be at National for an indefinite time.

Last week I wrote to Administrator Shaffer noting the end of the emergency and asking when the stretch jets would be removed. Mr. Shaffer replied that although he intended to ask the airlines to return to normal operations in all other respects, "the 'stretch' 727 needs to be studied more broadly to properly assess the public interest and cost benefits."

In short, Mr. President, having allowed the big jets into National, we will play havoc getting them out again. Suddenly, and contrary to every assurance given to me, the FAA apparently has decided to let the airlines have their way—the public be hanged.

This policy change comes at a time when the FAA is asking the Civil Aeronautics Board to discontinue its investigation of congestion at National Airport because, in the FAA's view, it is dealing adequately with the problem. But, not only has it not resolved that problem, if it carries through this policy, it will greatly compound it.

The aircraft in question here—the Boeing 727–200, the so-called stretch jet—can carry up to 40 percent more passengers than the largest jet now operating out of National. This airport was designed to accommodate 4 million passengers and already serves more than 10 million and by 1980, the FAA projects a total of 16.5 million passengers. With the introduction of stretch jets and the even larger three-engine air buses, the total could easily run to 25 or 30 million.

It may be true that with larger jets at National, the number of flights could be cut back. But until that is done, until a corresponding 40-percent reduction in flights is ordered, it is clear that growth at National will mushroom.

Mr. President, not only does this new attitude of the FAA contradict the personal assurances I was given only a month ago, and the very emphatic testimony of the FAA last May, but it is indirect conflict with the conclusions of a recent study carried out by the FAA itself, and I quote from the summary of that report:

> Use of the 727–200 at National is considered by the FAA to be inconsistent with the understanding reached with the airlines regarding introduction of jet service to National, in conflict with the purpose of the present operating restrictions, and incompatible with the orderly operation of National Airport.

The report goes on to warn that the introduction of these jets "could reverse the passenger load trend" at National and "might return National to the condition prevalent during the summer of 1966."

Continuing, the report observes that "the present FAA policy with respect to the use of the Boeing 727–200 at Washington National has been made known to the general public and has been repeatedly emphasized in our dealings with the interested planning agencies, including the National Capital Planning Commission."

Mr. President, I can vouch for that last assertion because I chaired a Senate District of Columbia Committee hearing on the question of congestion at National Airport last May. When I asked the FAA representative what the policy was concerning larger aircraft at National, he replied in the most emphatic terms; "the stretched version of these aircrafts would not be permitted nor would the so-called air buses."

WILL PUT CORRESPONDENCE AND FAA REPORT IN RECORD AT CLOSE

However, I would like to quote here a passage from Mr. Shaffer's letter of March 18, 1970, in which he cites another important reason for continuing the exclusion of large jets from National:

> In my opinion, we are getting close to the day when the quota restriction at Washington National Airport will prompt the carriers to transfer service, particularly Chicago service, from National to Dulles Airport and any different action today, particularly during a "soft" period in passenger load factors, might postpone air carrier actions on this matter.

What Mr. Shaffer was saying in that paragraph is that allowing larger jets to use National will push back to some indefinite day the time when we can expect Dulles Airport to begin receiving a reasonable share of the flights and passengers in this region.

As I have noted many times on this floor, Dulles Airport was constructed entirely from Federal funds for the purpose of relieving congestion at National Airport. But because the FAA has failed to establish reasonable limits on the use of National—and indeed seems to promote greater and greater use of that overburdened facility—Dulles Airport has been a deficit operation from the beginning, losing about $7 million a year which must be financed by the Federal Government.

When Dulles Airport was constructed, the FAA concluded that a proper distribution of the region's air traffic by 1975 would be Dulles 45.8 percent and National 33.9 percent. Today, because of the policies I have alluded to, the FAA's projection for that same year are Dulles 19.6 percent and National 52.1 percent.

Mr. President, there are many other reasons for questioning the advisability of bringing larger jets into National Airport and they are noted in the FAA report which I am having printed in the RECORD.

But one of my strongest objections to this action is not so much what is being done as the manner in which it is being carried out.

The FAA has consulted no representative of the community whose environment is seriously affected by the operation of National Airport. Indeed, the one nonuser agency which can be said to have been consulted at all, the National Capital Planning Commission, has strongly recommended against larger jets at National and has called for a 300-mile limitation on flights using that facility.

No other airport in this country is so insulated from the people it serves and no agency of Government that I am familiar with seems more intent on keeping it that way than the FAA in its management of National Airport.

Let me quote again from Administrator Shaffer's March 18 letter to me—

> National and Dulles are our airports in every sense of the word and what we do or don't do with either or both locations reflects importantly on our overall management performance.

Mr. Shaffer apparently does not recognize or chooses to ignore the fact that these airports are very much a part of the community in which they are located. They are not FAA property to do with as it pleases but a public trust that is meant to serve the interest of the public.

Mr. President, most of us here participated this week in programs to encourage improvement of the environment. Congress has recognized the imperative need for action in meeting this problem. In the airport-airways legislation which is now pending in a conference committee, we specifically provide for consultation with community representatives concerning the impact of any major airport development.

However, this law does not apply to National and Dulles Airports which are the only federally owned and operated airports in the country. The plain result is that the public interest is totally disregarded in their operation.

There is one other aspect to this apparent policy change that I want to call attention to. About 2 years ago, the FAA commissioned an architectural firm by the name of Kling & Associates to recommend a plan for modernizing terminal facilities at National Airport. One of the assumptions made in the Kling report was that stretch jets and air buses would be permitted to use National.

When confronted with this fact at our hearing, the FAA vigorously denied that it had OK'd that particular assumption—even though it contracted for the study and set out all the other assumptions underlying it. One is certainly led to question that in light of the recent development.

Mr. President, in the last session I introduced a bill, the purpose of which is to give the communities involved a voice in the operation of the National Capital region's airports.

Nothing could more sharply emphasize the need for this legislation than this action of the FAA, nor could there be stronger evidence of the need for resuming the CAB investigation of National Airport congestion. I believe there should be a thorough airing of the FAA's operation of these airports in a Senate hearing.

Mr. President, I ask unanimous consent that the material to which I referred be made part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 5, 1970.

Mr. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. SHAFFER: I regret that I was on the floor of the Senate and unable to talk with you on Tuesday, but I have been briefed by my staff assistant, Jack Lewis, on the conversation.

I was pleased to hear that you will consult with me in advance of any decision to authorize the use of larger-capacity aircraft at National Airport. I would appreciate also being informed in advance of any trial-run of such larger aircraft.

As Mr. Lewis may have told you, the information I received was from a personal friend who has no connection with your administration or the Department of Transportation. My interest in following up this report was based on the unequivocable testimony of the FAA witnesses at the March 29, 1969, Dulles hearing that stretch-727's would not be allowed in the airport. It is encouraging to hear of your assurance that the odds are "99-1 against any change in this policy.

I would appreciate your confirming my understanding of your position on this matter and I look forward to receiving a copy of the FAA report which you indicated would be sent to my office. At your convenience I would be pleased to discuss this whole matter with you.

Sincerely,

WILLIAM B. SPONG, Jr.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: This is in answer to your letter of 5 March 1970 regarding the possible use of the stretch 727 at Washington National Airport My position on this matter is that 727-200 model airplanes will not be operated in and out of National unless and until the need and benefits overpower all arguments against scheduling the 727-200 in place of BAC-111, Caravelle and other louder and "dirtier" aircraft. The existing policy prohibiting its use accordingly, remains in force, at least for the present.

For your information I am enclosing a paper which outlines the background on the use of jets at National and the exclusion of the stretch 727. This paper focuses on the plane's impact at Washington National; I am not at all certain that it would, if used at National adversely affect the growth of either Dulles or Friendship although this point has an element of validity.

In my opinion, we are getting closer to the day when the quota restrictions at Washington National may prompt the carriers to transfer service, particularly Chicago service, from National to Dulles and any different action today, particularly during a "soft" period in passenger load factors, might postpone air carrier actions on this matter. You of course realize that I'm obligated to study situations such as this as a matter of routine in my ongoing efforts to improve our services to the public. National and Dulles are our airports in every sense of the word and what we do or don't do at either or both locations reflects importantly on our overall management performance. Naturally you will be informed of any change in policy prior to any decision on this subject.

Sincerely,

J. H. SHAFFER, *Administrator.*

USE OF BOEING 727-200 AIRCRAFT AT WASHINGTON NATIONAL AIRPORT

SUMMARY

It is the present position of the Federal Aviation Administration that the Boeing 727-200 series aircraft should not be used in commercial service at Washington National Airport. The FAA policy on this matter is based primarily on the increase in passenger capacity of this plane over the basic 727 models and other jet aircraft serving National, and to a lesser extent (virtually discountable) on its increased size and weight. Use of the 727-200 at National is considered by the FAA to be inconsistent with the understanding reached with the airlines regarding introduction of jet service to National, in conflict with the purpose of the present operating restrictions, and incompatible with the orderly operation of Washington National Airport.

The Boeing 727-200 series aircraft is a "stretch" version of the highly successful, tri-jet 727 aircraft. The 727 was first introduced into commercial service in late 1963, while the first 727-200 deliveries were in late 1967. The 200 series compares to the basic 727 as follows:

	727	727-200
Length	133 feet 2 inches.	153 feet 2 inches.
Wingspan	108 feet	108 feet.
Maximum taxi weight	161,000 pounds.	170,000 pounds.
Maximum seating capacity	131	170.

To date, nine of the 12 carriers serving National Airport are either operating the 727-200 or have it on order.

Prior to 24 April 1966, the airlines were not permitted to operate jet aircraft at Washington National Airport. Beginning on that date, however, operation of the smaller and shorter range jets was permitted. During the spring and summer months of 1966, the carriers converted many flights to two- and three-engine jet equipment, primarily flights occurring at the peak periods of the day.

This resulted in a situation at National where the passenger demands during the peak periods surpassed the capacity of the facilities. During the summer of 1966, various alternative approaches to controlling the situation at National were arrived at, including the limitation of air carrier activity to 40 scheduled operations per hour. These limitations were intended to restore a balance between demand on the airport facilities and its capacity. The limitations were successful in causing a more uniform pattern of passenger demand throughout the day and the overall situation at the airport again became tolerable. Since one of the prime objectives of the limitations was to control the passenger flow through the terminal, and since the trend at the airport has been toward ever increasing numbers of seats on the aircraft used there (having increased from an average of about 60 seats per aircraft in early 1966 prior to introduction of the jets to a present average of about 85 seats per aircraft), it was obvious that some control on the size of aircraft used by the carriers within the 40 operations per hour framework must also be exercised. The lifting of the jet ban had been limited to "smaller and shorter range jet aircraft." The need to limit the size of aircraft continued to be emphasized and was a vital ingredient in the discussions with the airlines in the summer of 1966. This point was specifically covered in the Notice of Proposed Rule Making issued on 27 July 1966 and was the subject of a letter to ATA in October of 1966.

In November of 1966, we had become sufficiently concerned about the 727-200 effect on equilibrium at National that each of the carriers serving National was informed that this model would not be permitted to operate in and out of National.

The principal objection which the FAA has to the 727-200 airplane is the increase in passenger capacity which it represents in comparison to the present jets serving the airport (a potential increase in seating capacity of 30 to 40% over the basic 727). Introduction of the 727-200 at National would serve to reverse the passenger load trend by allowing greater passenger concentrations within the 40 schedules per hour framework and might return National to the condition prevalent during the summer of 1966.

While the passenger capacity of the 200 series is our prime objection to it, it is not our only concern. The aircraft is larger and somewhat heavier than any jet aircraft now in use at National. In overall length it is 20 feet larger than the basic 727, which now is the largest jet at National. This increased size would create some problems on the aprons at Washington Natitonal. The maximum taxi weight of the 200 series is 9,000 lbs. above that of the basic 727. While the pavement loadings of the 200 series would be within the published weight limits for National, the pavements are quite old and have been experiencing difficulty of late. Since the basic 727 is now the most critical aircraft in service at National from a pavement loading standpoint, it must be assumed that it is primarily responsible for our pavement difficulties. Use of the heavier 727–200 might well be expected to aggravate these difficulties.

Precise comparisons of the noise levels of the 727–200 series aircraft to those of other aircraft now operating at National could only be made on the basis of extensive flight tests conducted in accordance with the noise abatement procedures in force at National. On the basis of available data, however, it is clear that the 200 series, even if equipped with the "hush kits" available from Boeing, would be about the equivalent of the present 727 models.

It should be emphasized that the FAA has not taken an arbitrary position against new equipment being used at National, be it a new plane or a "stretch" version of an existing model. Both the Boeing 737 and the "stretched" DC–9 have been permitted to use National since both were judged to be consistent with the operational policy of National.

The present FAA policy with respect to the use of the Boeing 727–200 at Washington National has been made known to the general public and has been repeatedly emphasized in our dealings with the interested planning agencies, including the National Capital Planning Commission.

April 17, 1970.

Mr. John H. Shaffer,
Administrator, Federal Aviation Administration, Washington, D.C.

Dear Mr. Shaffer: I want to thank you for advising my office of the decision to allow 727–200 aircraft into National Airport to help meet the traffic problems created by the air controllers "sickout".

Having noted in the press that the FAA believes the situation has now returned to near normal, I would appreciate knowing what date has been set for removing the stretch jets from National. I realize that some time may be needed for the airlines to make adjustments, but I would like to have your estimate of the period involved.

I look forward to your reply.

With best regards.

Sincerely,

William D. Spong, Jr.

Department of Transportation,
Federal Aviation Administration,
Washington, D.C., April 22, 1970.

Hon. William B. Spong, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Spong: The recent "sickout" by air traffic controllers has seriously impaired the capacity of the air transport network of the nation. As you are aware, a number of adjustments were necessary during the past several weeks in order to keep the system operating, albeit at a reduced level, with the same high degree of safety which we require.

In addition to making numerous personnel adjustments, certain operating procedures and policies were temporarily modified in order to provide the maximum amount of service for the transport of people and goods. Among the policies affected were lifting of the ban on the use of the Boeing 727–200 (stretch version) and our concurrence with the lifting of the airlines' voluntary nighttime jet curfew (based on existing schedules) at Washington National Airport. I am well aware of your personal interest in these matters; however in the press of activities flowing from the emergency I managed only to give your office oral notice.

In simplest terms, the use of the stretch 727 on certain flights allows air carriers to better accommodate public demand. In other words, one airplane suffices where an extra section (a second airplane) might otherwise be needed. This effectively reduced the demand on the air traffic system and also considerably simplified the air carriers equipment routing problems during this most trying period. The lifting of the curfew allows completion of flights inordinately delayed because of reduced ATC system capacity. I want to emphasize that this change does not allow the carriers to schedule additional or later flights, but rather only permits flights which were properly scheduled but delayed because of system problems to complete their flights into National.

These policy changes were occasioned by our recent problems and I ask your continued indulgence during the restoration period. I plan to ask the airlines to observe their voluntary curfew effective immediately; the "stretch" 727 needs to be studied more broadly to properly assess the public interest and cost benefits.

Sincerely,

J. H. Shaffer, *Administrator.*

Hearings Before the Subcommittee on Business and Commerce of the Committee on the District of Columbia, United States Senate. Exchange Between Senator William B. Spong, Jr., and Mr. Arvin Saunders, Director, Bureau of National Capital Airports, FAA

Senator Spong. You mentioned that Dulles has a capability of handling 747 and DC–10 giant aircraft. Can we assume that these types of planes will not be brought into National?

Mr. Saunders. On many occasions, Mr. Chairman, we have indicated to the airlines at hearings and in writing, that the present type aircraft of the Boeing 727–100 series, for example, and the Douglas DC–9, will be the only ones permitted. The stretched version of these aircrafts would not be permitted, nor would the so-called air buses.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. SPONG. I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, the point that the Senator from Virginia makes is a very important point. The service to be rendered by the airlines to the National Capital and to the entire metropolitan community, which is a part of the National Capital, is a matter of intense public concern. What is done with reference to the airline industry and the air service which is provided for this community should be done on the basis of intelligent public discussion.

We have three major air facilities in this area. We have not only National Airport, but also we have Friendship International Airport which lies between Baltimore and Washington, and we have Dulles International Airport, to the west of Washington. These are major air facilities.

The utilization of these facilities is not a matter to be decided in some casual matter or in some secretive manner. We should make policy decisions for these facilities and have public discussion based on facts and public need; and I hope there will be no subterfuge in dealing with either National Airport or with the other related and coordinated airports in this area.

Mr. President, I thank the Senator for yielding to me, and I thank the Senator for bringing this matter to the attention of the Senate.

Mr. SPONG. Mr. President, I thank the Senator from Maryland. In the time I have remaining I wish to make a further observation.

For nearly 3 years, either through pursuit of the CAB hearings, which FAA has now asked be suspended, or through hearings before the District Committee, or the introduction of legislation pending before the Committee on Commerce for the consolidation of these three fine airports which the Senator mentioned, the Senator from Virginia has done everything he could to bring about orderly planning for the future of these airports.

I believe the communities of the States involved, Virginia and Maryland, and the political subdivisions therein, and the District of Columbia, should have some voice in what is going to happen to these three airports. I submit that what happened to National Airport in the past weeks is evidence of the total unconcern for the welfare of the people who live in these communities adjacent to these airports.

I thank the Senator from Maryland.

THE NIXON PRESIDENCY IS BEGINNING TO MAKE ITS MARK OF EXCELLENCE

Mr. MATHIAS. Mr. President, every President lives his Presidency on two levels—the realm of public controversies and the realm of history. During the course of his tenure, I suppose every President may feel engulfed with a clutter of immediate concerns. Sometimes it seems also that reporters are more interested in the trivia of the office and the personality than in the major programs and purposes—more interested in President Johnson's beagles than in his Berlin policy; more interested in Tricia's boyfriends than in her father's draft reform proposals. Then there is the continuous and consuming interest in the politics and strategies of the office—sometimes again at the expense of its goals and programs.

Under these conditions, it is often easier to make news than history. And sometimes history does not even make news. Yet from any long term perspective, it is by the history—not the headlines—that an administration is judged; and from this perspective, the Nixon administration is beginning to emerge at a time of momentous opportunity in our history.

In recent days the administration took two steps to transcend the controversies that currently swirl about it. In moving closer to peace in Vietnam and closer to a replacement of our catastrophic welfare system, the administration—with some help from its friends in Congress—also began to assert its claim to a place among the most important administrations in recent times. And by entering the historic realm of programmatic

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change, where the American people rise to the real challenges of the epoch, the President is also moving to bring the party and the people together, as he promised during the campaign.

The first step in this process was passage by the House of Representatives of the President's program to replace the current welfare monstrosity with a rational plan—to give the poor a hand up rather than a hand out. The President's program replaces the present system—which penalizes work and employment—with a system that rewards it.

Although initial expenditures will be greater because of the work incentive system, ultimate expenditures promise to be less, because the social service bureaucracy will be reduced and recipients will be induced to take jobs. At present, welfare recipients understandably are reluctant to accept employment—often temporary and less remunerative than welfare. Under the Nixon plan, which I am cosponsoring in the Senate, anyone who works for a living will receive more than he could on welfare.

This approach will cost more to begin with. But the fabric of American society is corroded by the present approach; not only does it penalize work, it also penalizes thrift, marriage, family life, and job mobility. Nixon's plan rewards work, thrift, and family togetherness. It constitutes a major initiative in his determination to reverse the present demoralization of the poor—working or nonworking. Thus it promises to diminish the bitterness and social estrangement now affecting both those who receive welfare—and those who work but see welfare recipients getting more money than workers. Ultimately, I believe, moreover, it will save money, since the cost of drifting along with the current system is incalculable and is measured in crime and despair as well as money.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may proceed for 4 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, this change is the most important new poverty program since the first term of Franklin Roosevelt.

The second major constructive step was the President's announcement that as part of a program to end the war and remove all American troops he would withdraw 150,000 men from Vietnam during the coming year. He accompanied this pledge with a renewed emphasis on the importance of a negotiated settlement permitting the involvement of all Vietnamese in the political life of their country.

I support this dual commitment of the President. It represents such a significant break from the policies of the Johnson administration, however, that I do not think the entire political burden should be borne by the President alone. I believe Congress must participate in this historic process of disengagement, just as I believe it should have been more involved in the decisions of engagement. Therefore, I have introduced a joint congressional resolution endorsing the new policy.

This proposal, which would have to be passed by both Houses and signed by the President, would legislatively replace the Johnson plan for the war, embodied in the Tonkin Gulf resolution, with the Nixon plan for peace. My resolution would bring both the legislative and the executive together on this issue that has so long divided both the Government and the people.

By specifically giving legislative authority for present military policies in conjunction with withdrawal and negotiation, moreover, this resolution would bring new unity and balance to the war roles of the Congress and the executive. In recent years Congress has essentially abdicated its constitutional war powers and responsibilities. We have had bitter attacks from Congress on the war policies. But Congress has refused to fulfill its responsibility to exercise its war powers as prescribed in the Constitution. I believe in the constitutional principle that if the United States fights a war, both the legislative and the executive should be fully involved.

Under President Johnson the Vietnam war was essentially a presidential undertaking. Few of the Nixon administration's approaches promise as much toward bringing us together again as its willingness to coordinate with Congress in developing war policy. Particularly welcome to me is the administration's cooperative attitude toward my resolution.

In recent years Presidents have been acclaimed as great for heroically transcending—or expanding—the Constitution in order to assert an overriding national interest, whether in fighting a war or mitigating a depression. Today, however, there is a real chance—promoted by a change in public attitudes and in the attitudes of scholars of the Presidency—that President Nixon will be judged, as he hopes he will be judged, as a peacemaker. In this capacity, he is making peace not only in Vietnam; he is moving to make peace also within American government and among the American people. And rather than expanding the Constitution, he seems to find greater satisfaction in the more quietly heroic endeavor of preserving its balance of powers. In the realm of history—provided his intentions are not engulfed by secondary controversies—the Nixon Presidency is beginning to make its mark of excellence. And for the future of our country, we have rarely needed excellent leadership—and constitutional marksmanship—so much as now, as we move out of Vietnam and domestic turmoil into a new world.

HEROES

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an interesting and thought-provoking editorial which appears in today's Washington Post, entitled "Heroes," be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Heroes

On one day last week the Letters space on this page was wholly taken up with readers caught in a common quandary, struggling to express a common anguish. They had watched and prayed with the rest of us as Apollo 13 limped home and they were unreservedly proud and grateful for that. And yet they were deeply disturbed by the national trauma that attended three men in trouble in outer space because they could not reconcile it with what seemed to them, by contrast, to be an almost callous indifference to the fortunes of the hundred of men who face greater danger daily in a war on earth.

They spoke in different ways of distorted values and disordered priorities, and of the 141 Americans who died in Vietnam in the week of Apollo 13's ordeal, and of how you square the two. They wanted to take nothing away from the astronauts—only to give something more, somehow, to the unknown, unseen, unsung victims of Vietnam.

We have no way of knowing whether this was in some part a group inspiration or the spontaneous reaction of individuals. But it doesn't matter; the quandary is real. There is no escaping some sense of misplaced values—of inequity if not injustice—in the events, both public and private, of the past ten days.

Publicly, there was Apollo and the aftermath. Congress decreed a moment of silence and the President declared a day of prayer. Business of state was set aside—including, ironically, a presidential report to the nation on Vietnam. Entertainment was cancelled at a White House state dinner. The President flew off to Honolulu to welcome back the astronauts personally. The House voted more money for future space exploration than the administration had proposed.

Privately, out of consideration for those concerned, there was another event. Last Monday afternoon, while President Nixon was still out at San Clemente after "the proudest day of my life" with the astronauts, Vice President Agnew filled in for him at a ceremony in the East Room of the White House at which 15 posthumous Medals of Honor were awarded to the next of kin of 13 marines and two navy corpsmen. It being a closed affair, with no picture-taking, this event was worth a few words on television and about seven inches of type on an inside page of this newspaper. The names of the men were listed, there was a brief description of the ceremony, and that was that.

Perhaps it is idle to seek significance in this discrepancy—the frenzied adulation of one set of heroes and the relative anonymity of another—because mere fame is not the point. What is more, a war and a moonshot are in no way strictly comparable; one is a brief and brilliant adventure, with all the thrill of exploration, the other a grim business, at best a prolonged agony and, in this case, uniquely unglamorous. But *awareness* does matter, in striking balances and fixing a set of values and making judgments. For this, it isn't necessary, let alone possible, to know as much about Vietnam's heroes as Apollo's. What matters is for us to understand how much there is that we are *not* always aware of, how much we cannot see and therefore do not know. To that end—and with no intent to denigrate the cool courage of our space explorers—we would like to tell you something more about the men who were quietly honored at the White House last week.

Their average age was 22. Only one was married. Three were black. They came from 13 different states, North, South, East and West; Massachusetts, Illinois, Texas, Missouri, California, Florida, New York. All were enlisted men. Their citations begin the same way—"For conspicuous galantry and intrepidity at the risk of his life above and beyond the call of duty . . ." And they continue on, not in glorification of battle or celebration of war, but in one tribute after another to the human spirit.

Oscar P. Austin, Pfc, USMC: ". . . as he neared the casualty, he observed an enemy grenade land nearby and, reacting instantly, leaped between the injured marine and the lethal object, absorbing the full effects . . . he saw a North Vietnamese Army soldier aiming a weapon at his unconscious companion. With full knowledge of the probable consequences (he) resolutely threw himself between the casualty and the hostile soldier, and, in so doing, was mortally wounded."

Robert C. Burke, Pfc, USMC: ". . . Private Burke then fearlessly moved from one position to another, quelling the hostile fire until his weapon malfunctioned. Obtaining a casualty's rifle and hand grenades, he advanced further into the midst of enemy fire . . ."

Wayne M. Caron, Hospital Corpsman Third Class: ". . . again hit by enemy fire, this time in the leg, (he) crawled the remaining distance and provided medical aid . . . again struck by enemy small arms fire, courageously and with unbelievable determination (he) continued his attempt to reach the third marine until he himself was killed by an enemy rocket round."

Ronald L. Coker, Pfc, USMC: ". . . as he began to drag his injured comrade towards safety, a grenade landed on the wounded marine. Unhesitatingly, (he) grasped it with both hands and turned away from his wounded companion . . ."

Thomas E. Creek, Lance Corporal, USMC: ". . . an enemy grenade was thrown into the gully where he had fallen . . . fully realizing the inevitable results of his action (he) rolled on the grenade and absorbed the full force of the explosion with his own body, thereby saving the lives of five of his fellow marines."

Robert H. Jenkins Jr., Pfc, USMC: ". . . a North Vietnamese soldier threw a hand grenade into the friendly emplacement. Fully realizing the inevitable results of his action, (he) quickly seized his comrade, and pushing the man to the ground, he leaped on top of the marine to shield him from the explosion."

Ralph H. Johnson, Pfc, USMC: ". . . Suddenly, a hand grenade landed in the three-man fighting hole . . . realizing the inherent danger to his two comrades, he shouted a warning and unhesitatingly hurled himself upon the explosive device . . ."

Larry L. Maxam, Corporal, USMC: ". . . too weak to reload his machine gun, (he) fell to a prone position and valiantly continued to deliver effective fire with his rifle. After one and a half hours, during which he was hit repeatedly by fragments from exploding grenades . . . he succumbed to his wounds, having successfully defended nearly one-half of the perimeter single-handed."

Lawrence D. Peters, Sergeant, USMC: ". . . (he) continued firing until he was critically wounded by a gunshot wound in the chest. Although unable to walk or stand, Sergeant Peters steadfastly continued to direct his squad in spite of two additional wounds . . ."

Jimmy W. Phipps, Pfc, USMC: ". . . realizing that his assistant and the platoon commander were both within a few meters of him and the imminent explosion could kill all three men, (he) grasped the hand grenade to his chest and dived forward . . ."

William R. Prom, Lance Corporal, USMC: ". . . unable to continue his own fire because of his severe wounds, he continued to advance to within a few yards of the enemy positions. There, standing in full view of the enemy, he accurately directed the fire of his support elements until he was mortally wounded . . ."

David R. Ray, Hospital Corpsman Second Class: ". . . while he was bandaging and attempting to comfort another wounded marine, Petty Officer Ray was forced to battle two enemy soldiers . . . (his) final act of heroism was to protect the patient he was treating. He threw himself upon the wounded marine, thus saving the man's life when an enemy grenade exploded nearby."

Dewayne T. Williams, Pfc, USMC: ". . . reacting instantly to the alert, he saw that the grenade had landed close to where he was lying and without hesitation, in a valiant act of heroism, he rolled on top of the grenade as it exploded . . ."

Alfred M. Wilson, Pfc, USMC: ". . . fully realizing the inevitable result of his actions, (he) shouted to his companion and unhesitatingly threw himself on the grenade . . ."

Kenneth L. Worley, Lance Corporal, USMC: ". . . in a valiant act of heroism, (he) instantly threw himself upon the grenade nearest him and his comrades . . ."

"He gallantly gave his life for his country."

THE NEW TEMPTATION: CAMBODIA

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an article entitled "The New Temptation: Cambodia," which appeared in the New York Times this morning, the title of which gives ample proof of a new problem that faces the United States today, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEW TEMPTATION: CAMBODIA

(By Anthony Lewis)

LONDON.—How familiar it all seems as the generals and the jingoes begin their pressure for American intervention in Cambodia. The situation, we read, gives us a great chance to win the Vietnam war—if only we expand it. We must send arms and encourage the South Vietnamese Army to cross the border. The opportunity to clean out the Communist sanctuary is almost too good to be true. Etcetera.

After the pain of the war and the effort to disentangle ourselves from it, Americans naturally may find it frustrating to see the Vietnamese Communist forces enlarge their operations in Cambodia. And so the President's press secretary, Ronald Ziegler, denounces them as aggressors, aggressors blatantly violating the Geneva agreement in Cambodia as in Laos. But it is not that simple.

FORCES AND TACTICS

For one thing, why should we expect the other side to play by our rules? We have B-52's and helicopters and CS gas and weapons beyond imagination; they have guerrilla tactics and ruthlessness. We operate from bases in Thailand and thousands of miles away; they slip into the other states of Indochina. There does not seem a great moral distinction.

Nor is it so clear that only the Communists are blatant violators of the Geneva accords. The evasions and lies of successive administrations about the American military presence in Laos have begun to be exposed by Senator Symington.

And in Cambodia it was the anti-Communists who upset the *status quo*, with the coup against Prince Sihanouk. The Vietcong and North Vietnamese could hardly have been expected to agree quietly to the cutting of their supply line through Cambodia. Their military activity may be intended primarily as pressure on Gen. Lon Nol to restore the *status quo*.

The character of the Lon Nol regime may also give us pause. After a week of bodies floating down the Mekong River—bodies of innocent Vietnamese residents of Cambodia evidently murdered because of their race—we now have had the Cambodian Army using unarmed Vietnamese civilians as an advance guard to draw enemy fire. Many were killed. The general on the scene attributed that "psychological warfare plan" to Lon Nol.

The underlying conflict here is not political but racial, and centuries old. The Lon Nol Government, to the extent that it does govern, seems to have chosen to play on those ancient animosities. Do we really want to become involved in the encrusted bitterness of the Khmers and the Vietnamese, along with our other alien burdens?

A SIREN APPEAL

President Nixon now faces a siren appeal like the one that lured his predecessors in 1965: win the war by escalation. It may be worth remembering what America has done in that search for victory, and to what effect.

We have bombed Vietnam, North and South, with more explosives than were used in World War II. The military will of the North and of the Vietcong has not been broken.

We have pioneered the use of defoliants on a massive scale. Just now, belatedly, after much outcry, we have officially admitted that one of these chemicals may not only kill plants but cause human birth defects.

We have invented the concept of free-fire zones. That clean-sounding name actually tells American soldiers that they may kill any living thing with a clear conscience.

We have massacred civilians, women and children, in substantial numbers. Or so official investigations have concluded and legal proceedings charged.

Corruption of ourselves is the price we have paid for trying to impose our ideas on a scene where we do not belong. That is what American history will record, not the undoubted sacrifices in a selfless cause that President Nixon mentioned last week. The plea of good intentions will not suffice.

NO EASY WAY OUT

To know all this, as the President must, is not to know an easy way out. But whatever the contradictions of his language, with the rhetorical gestures to victory, Mr. Nixon's policy is to reduce American involvement in Vietnam. And this time, in contrast to 1965, the issue is out in the open. There is no excuse for the President or any of us accepting an enlargement of the war without anticipating the consequences.

THE MOLLENHOFF TAX FLAP

Mr. HANSEN. Mr. President, much has been printed and said about the fact that Presidential Aide Clark Mollenhoff has examined a few Federal tax returns. Mr. Mollenhoff's activities have been called "illegal," "unprecedented," and "questionable" by editorial writers, some Members of Congress, and by key figures in the Democratic Party.

In fact, Mr. President, Mr. Mollenhoff's examination of certain tax returns is not illegal, it is not unprecedented, and it is not questionable, so long as it is done according to the law and for purposes only of promoting honesty and integrity in Government.

When this issue was blown out of proportion by those who would misrepresent the facts, one U.S. Senator produced the facts and figures to place it in proper perspective, so that the American people would know the truth.

Senator JOHN J. WILLIAMS, whose record of exposing wrongdoing and misrepresentation in high places is unmatched, took to the Senate floor in the wake of the furor over Mr. Mollenhoff's activities to disassemble, point by point, the false arguments advanced by some.

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For his persistence in always telling the whole truth and in attempting to make certain that Americans have access to the facts, Senator WILLIAMS deserves our deep admiration and everlasting thanks.

The facts of this matter, as expressed so eloquently by Senator WILLIAMS, did not receive the prominent attention of the press which was devoted to the comments of those who would mislead the public. One publication, "Human Events," dealt with the issue at some length in its April 25 edition.

Mr. President, I ask unanimous consent that the article to which I refer, entitled, "The Mollenhoff Tax Flap," be printed in the RECORD at the conclusion of my remarks; and I say, once again, that all of us in this country are fortunate to have in Government a man of such impeccable character and unimpeachable integrity as the Senator from Delaware, JOHN J. WILLIAMS.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MOLLENHOFF TAX FLAP

Democratic leaders garnered page one headlines last week with sensational charges that President Nixon and his special White House counsel, Clark Mollenhoff, are violating the law which protects the privacy of individual tax returns.

The Democratic outburst followed disclosure that Mollenhoff, the presidential aide charged with ferreting out government corruption, has been given authority to examine the tax returns of individuals suspected of wrong-doing. In all, Mollenhoff has requested—and been supplied—the returns of nine people.

Democratic National Chairman Lawrence F. O'Brien threatened court action "to terminate immediately this illegal access to the confidential tax returns of 80 million Americans." Sheldon Cohen and Mortimer Caplin, who served as commissioners of the Internal Revenue Service during the Kennedy and Johnson Administration, denounced the practice as illegal. Sen. Albert Gore of Tennessee, third-ranking Democrat on the Senate Finance Committee, told a nationwide TV audience it was both improper and illegal for Mollenhoff to see the returns.

Editorial writers waxed indignant. The New York *Times'* Tom Wicker devoted an entire column to "the real mess in Washington" (Mollenhoff's "illegal" access to IRS records).

But when the facts were spelled out later in the week, they were largely ignored by the Washington press corps which had crucified Mollenhoff and the Administration.

Sen. John J. Williams, ranking Republican on the Senate Finance Committee, showed that Mollenhoff was perfectly entitled to the records—and implied that his Democratic critics were well aware of the fact. Williams noted that in 1961 Caplin personally gave another White House aide even broader authority than Mollenhoff has to browse through IRS records. But that particular aide happened to be a Democrat.

Six days after the Kennedys took over, Carmine Bellino, a "special consultant to the President," called at Caplin's office to ask for the IRS files on a number of individuals. "Although we had no precedent to guide us," declares a Caplin memo now in IRS files, "we decided that Mr. Bellino, in his capacity as a representative of the Persident, could inspect our files *without a written request*" (emphasis added).

(It is interesting to note that should Mollenhoff desire a tax return, he has to furnish a written request to IRS Commissioner Randolph W. Thrower.)

In giving Bellino carte blanche to pore through IRS records, Commissioner Caplin voiced the opinion that "Section 6103 of the [U.S.] Code specifically provides that returns shall be open to inspection upon order of the President, and since Mr. Bellino's official capacity constitutes him the representative of the President, the action taken is regarded as conforming to law."

Sen. Williams reminded Caplin of his 1961 ruling last week, then suggested tartly: "If Mr. Caplin really thinks that he was in violation of these tax returns in 1961 with written orders and really wants to go to the Department of Justice to plead guilty, maybe they would render assistance."

Williams also noted that while there is no record of how many returns were examined by Bellino, Commissioner Thrower reports that the Kennedy aide "spent days and days" digging through the secret files.

Williams added that Mollenhoff is hardly the only government official to have access to tax returns. As postmaster general, Democratic National Chairman O'Brien had access to the IRS records. So do officials in scores of other agencies ranging from the Department of Health, Education and Welfare to the Federal Communications Commission. In 1968 alone, the Department of Agriculture went through the returns of 709 taxpayers.

Yet Mollenhoff, a dogged foe of corruption and malfeasance, has examined all of nine returns—and touched off a nationwide furor.

Sen. Williams revealed last week that as a result of Mollenhoff's access to IRS files, he turned up the fact that a current federal judge failed to file an income tax return in eight of the nine years prior to his appointment. Just before the appointment, he filed belated returns for the nine-year period—"and in a matter of months he was nominated and confirmed and is serving today."

"I hope we can get that man to resign," Williams said. "If not, I hope we can get him off the bench." That is the type of information that Mollenhoff is digging up in the "illegal" investigations denounced by O'Brien, Caplin, et al.

SENSITIVE CHILD NEEDS A HEAVY HAND

Mr. HANSEN. Mr. President, I have long admired the journalistic abilities of Mr. William Raspberry, who authors the "Potomac Watch" column in the Washington Post. I often find myself in agreement with the points he makes, but whether I agree or not, Mr. Raspberry always challenges us with his perceptive comments.

In his column of April 27, Mr. Raspberry discusses the problems of America's young people, and he makes a point regarding the parental role that I feel is worthy of consideration by all of us.

Mr. Raspberry notes that when young people turn to drugs and when they "drop out" of society, it often is not because they are seeking more freedom, as they frequently claim, but because they know so few restrictions that they are unable to relate to anything or anyone.

As Mr. Raspberry puts it—

> What is even less acknowledged or understood is that often the effort is not to escape from too-strict parental control, but from too much permissiveness and "understanding," which is far more difficult.

I believe this line of thought has particular relevance to the concern about growing drug abuse problems in the small towns and suburbs of America, where young people from middle- and high-income families, supposedly products of wholesome and ideal surroundings, are increasingly turning to drugs.

Unlike their peers in the inner city, whose drug problems often are called consequences of a bad environment, poverty, lack of educational opportunity, and lack of stability in the home, the drug users of suburbia are generally affluent, well educated, and subjected to every tangible opportunity that can be made available to them. Clearly, something is lacking in their environment if they feel they must turn to drugs in order to relate to our society, and I think Mr. Raspberry has singled out the major missing ingredient—parental supervision and control born of a genuine desire to give young people the guidance they need and want.

The kind of guidance and direction required cannot be given in the schools, or in the church, or by the authorities. It must come from the home and from the people who care the most—the parents.

Mr. President, I ask unanimous consent that Mr. Raspberry's column of April 27, 1970, " 'Sensitive Child' Needs a Heavy Hand," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"SENSITIVE CHILD" NEEDS A HEAVY HAND

(By William Raspberry)

The educational approach to the prevention of drug abuse is based on the days when a handful of young people were experimenting with drugs because they thought it was "cool."

Much of the experimentation was a way of aping either the sharp dressing, Cadillac-driving hustler who was the big man in the ghetto, or the cool-talking super-hip jazz musician.

It was important, then, to let young people know that being addicted to herion really wasn't such a hip thing after all.

There is still some of the do-it-because-it's-cool attitude, mostly in the slums, and to the degree that it still exists drug education has some usefulness.

But the aspect of the drug problem that has so many Americans upset is the growing number of young people, particularly from middle- and upper-class families, who are turning to drugs less to identify with something cool than to escape from something that is very uncool.

Their parents keep hoping that someone—the schools, the police, the newspapers—will come up with something that will make the children turn away from drugs.

What few of the parents are ready to admit is that as much as anything their children are trying to escape the parents themselves.

What is even less acknowledged or understood is that often the effort is not to escape from too-strict parental control but from too much permissiveness and "understanding," which is far more difficult.

Well-educated, economically successful parents, for a variety of complex reasons, are afraid to death of being rejected by their children, whose intelligence and sensitivity they virtually worship. (Isn't it the kids who are leading the fight against the war, environmental pollution and academic irrelevance?)

When you are convinced that your child and his generation are wiser and more sensitive than you, you are extremely reluc-

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tant to exercise your parental authority over him. In fact, the table gets turned completely; it is you who seek *his* approval.

And too often you do it by "understanding" every idiot thing he does or says.

He wants to drop out of college in the middle of his freshman year because the courses are "irrelevant?" Well, you certainly understand that, so you support him while he "finds himself."

He wants to smoke a little pot around the house? Well, you know he's right when he says it's no more wrong (except legally) for him to smoke pot than for you to sip martinis. If you're reasonably understanding, you let him smoke. If you're trying really hard for acceptance, you smoke with him.

But whether he knows it or not, he may be looking not so much for absolute freedom as for some clear understanding of where the limits are. And you, because you know he is bright, forget that he is a child, and you refuse to set limits.

Many a youngster who has escalated his demands for freedom (hoping he could provoke his parents into saying "no") has wound up being treated for drug addiction and worse. And the parents? They worry, of course, and they wish the police would do something about the drug traffic; but they understand just what that poor, sensitive kid must be going through.

Well that poor sensitive kid's major frustration may be that he can't provoke his parents into providing the security of limits. And it's no good for him to come right out and ask that limits be set; that's like a wife asking her husband to please wear the pants. It doesn't work.

I don't mean to suggest that all parents have abdicated to their children.

Occasionally you'll hear a 17-year-old say, "I can't do that; my old man would kill me."

He grumbles while he says it, all right, but you get the feeling he's pretty darned proud of the old man.

ELEMENTARY SCHOOLS' PROGRAM FOR REDUCING VANDALISM SHOWS RESULTS

Mr. **PACKWOOD**. Mr. President, one of the obvious problems we face in our educational system throughout this country is an increasing surge of vandalism—by and large student vandalism—in public grade schools and high schools.

I should like to call to the attention of the Senate, however, that in the Portland, Oreg., school district vandalism costs, which in 1967 and 1968 were $70,000, dropped to $65,000 in 1968–69, and are expected to drop to $60,000 this school year.

The chief special investigator for the Portland school board gives much credit for this reduction to the students of the Martin Luther King grade school. Several years ago, the students at that school started an antivandalism campaign in their own school. They have since extended it—and bear in mind, these are grade school students—throughout the city. They have sponsored an annual antivandalism conference, with which they have had great success, and now have all the grade schools in the city attending the conference. They put on plays and make speeches at other schools.

I call to the attention of the Senate an article entitled "King Students' Stop Vandalism Campaign Is Paying Big Dividends," written by John Guernsey, and published in the Portland Oregonian of Wednesday, April 15, 1970, calling the public attention to the outstanding success the students in one grade school have had in encouraging participation of students in other grade schools and ultimately in reducing vandalism throughout the city.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

King Students' "Stop Vandalism" Campaigns Paying Big Dividends

(By John Guernsey)

Two years ago the students at King grade school launched a "stop vandalism" campaign, which students elsewhere would do well to try to duplicate.

Vandalism in most of the nation's schools has increased considerably in recent years, but there has been a decline in vandalism in the Portland School District.

Leonard Schmurr, chief special investigator for Portland schools, gives a lot of the credit to the King students.

Portland school damage amounted to $70,000 during the 1967–68 school year, $65,000 in 1968–69, and is expected to be about $60,000 during the current school year.

A group of King students Monday explained how their program works to the Montavilla Kiwanis Club luncheon.

"Two years ago we called an all school conference to fight vandalism, and 164 students from 34 schools attended," explained student Christopher Casson, chairman of vandalism prevention week.

"Last year 200 students from 67 schools attended, and we hope for more when we have our next vandalism prevention week in December."

Mrs. Dolores Bowman, King school administrative assistant, who has been instrumental in helping the students with their program, lists these key parts of the program:

1. The students maintain a busy schedule of speaking at other schools, urging the formation of more "stop vandalism" programs.
2. Essay contests and many other class writing assignments are geared to stopping vandalism.
3. Creative drama skits stress the importance of stopping vandalism.
4. The school has a volunteer student group which patrols and cleans up the school grounds, and discourages vandalism at the same time.

Clarice Banks, president of the King student body, said students hope to do a magazine type story or produce a short film to spearhead the next "stop vandalism" week in December.

"Our school has the name of a great man (the late Rev. Martin Luther King), and we have to be builders and not wreckers to live up to that name," said student vice president Penny Larkins.

Jack Phillips, a former principal at King School, said the students are on the right track "because punitive measures do not result in less vandalism. They only cause more resentment. Changing student attitude is the key to less vandalism, and that is what students at King are doing."

Phillips has little difficulty recalling when King School, then known as Highland, had the reputation of being the school where you could not park a car on the street without having it damaged, and where police protection was required at night meetings.

He cited one year when 300 school windows were broken in the first three weeks of school, "and the halls were cluttered with papers and stuff all the time."

The halls and grounds at King are exceptionally clean now, and vandalism is next to nothing . . . "because the students are proud of the school," stresses Mrs. Bowman.

The **PRESIDING OFFICER** (Mr. Baker). What is the will of the Senate?

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **STENNIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE VOTING FRANCHISE FOR 18-YEAR-OLDS

Mr. **MANSFIELD**. Mr. President, press reports this weekend state that President Nixon will strongly support the principle of giving the 18-year-olds the opportunity to vote; I dwell upon that support of principle rather than the disagreement by the President with the legislative approach to obtain this franchise. The only way the 18-year-olds will gain this franchise in the foreseeable future will be to exercise the opportunity presented in current legislation. To proceed by constitutional amendment—where that procedure is not necessary—is to require impediments that will frustrate the principle. For 20 to 30 years there has been grandiose rhetoric on extending the voting franchise to 18-year-olds. There is now a clear opportunity—based upon sound constitutional argument—with ample time for a constitutional test prior to any election; to pass up that opportunity is to kill the only opportunity.

Two of the Nation's leading constitutional authorities have said flatly that extending this franchise to vote legislatively would conform fully with the Constitution. I refer to the positions taken by Prof. Paul Freund and professor and former Solicitor General Archibald Cox.

I might point out as well that 64 Senators, both Republican and Democrat, voted in favor of the amendment to the Voting Rights Act—the amendment that extended the right to vote to 18-year-olds. In other words, 64 Members of this body on both sides of the aisle agreed that this procedure is proper and only 17 Members disagreed. And I hope that no action will be taken that would deny the vote to this age group—a group saddled today with enormous responsibilities yet unable to participate in the most fundamental process of all.

Mr. President, I ask unanimous consent that my statement on the 18-year-old vote of March 11, together with a letter from Prof. Paul A. Freund and a story appearing in today's Baltimore Sun as well as a column in the March 29, 1970, issue of the New York Times, by Fred Graham, and a letter to the Washington Post by Senators Kennedy, Goldwater, Cook, Magnuson, and myself supporting the legislative approach to giving the 18-year-old the vote, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Senator Mansfield, March 11, 1970

Mr. Mansfield. Mr. President, this amendment would extend the right to vote

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to every citizen of the United States who is 18 years old and older. It would afford that right in every election—Federal, State and local. Much has been said lately about seeking to extend the ballot by statute. I am not a lawyer. For that reason, I felt compelled to consult distinguished members of the Bar on this subject. In this connection, I contacted Professor Paul Freund of Harvard, one of the Nation's leading Constitutional authorities. On Monday I inserted in the RECORD his letter explaining the Constitutional basis for lowering the voting age by public law. In this connection also, I reviewed the testimony of former Solicitor General Archibald Cox. Speaking before the Subcommittee on Constitutional Amendments last February 24, he said such a matter was fully within the power of Congress.

I shall not be so presumptuous as to sum up the fine points of the legal arguments. I will say, however, that the 14th Amendment states most clearly that the equal protection clause shall be implemented by Congress by appropriate legislation.

The letter from Professor Freund recalls the argument made to the Supreme Court when this Voting Rights Act was contested in the Supreme Court. The argument was that Congress must await the Court's determination that an English literacy test was unconstitutional before Congress could act to abolish these State requirements. I have heard the argument repeated on the issue of 18-year-old voting.

In short, such an argument degrades the role of the Congress. It says that Congress does not have the authority to recognize situations that on their face violate the equal protection clause of the Constitution.

The Supreme Court itself rejected such an argument. It upheld the full Constitutional authority of the Congress. It said that Congress has the power to make the type of judgment embodied in the pending amendment. To use the words of the Court itself: Any other view of the authority of Congress "would depreciate both Congressional resourcefulness and Congressional responsibility for implementing the 14th Amendment."

I repeat, it would "depreciate both Congressional resourcefulness and Congressional responsibility for implementing the 14th Amendment."

I happen to think that Congress believes that those between 18 and 21 are excluded unreasonably from the ballot box. I happen to think the record of such discrimination is clear beyond doubt. Most recently it has been established in hearings before the Subcommittee on Constitutional Amendments.

(A) At 18, 19 and 20, young people are in the forefront of the political process—working, listening, talking, participating. They are barred from voting.

(B) 18 is the age when young men are told to fight our wars even though they themselves may have no right to choose the officials who make the policies that lead to war.

(C) At 18, they become young adults and are treated so by our Courts. They are deemed legally responsible for their actions—both civil and criminal—and must suffer the full penalties of the law.

(D) Eighteen-year-old men and women marry, have children, and need not obtain the consent of parents or guardians to do so.

(E) Young adults of 18 hold down full-time jobs.

(F) They pay taxes at the same level as everyone else; yet they have no voice in the imposition of those taxes.

(G) Those 18 to 21 are simply denied a full voice in a political process to which they are fully subjected and for which they are fully responsible.

To withhold the ballot from them in such circumstances is an unreasonable deprivation. Congress can make that determination. It is a co-equal branch of this Government. And to do so would only be stating the facts.

I ask that the Senate approve the ballot for 18-year-olds at this time, in this fashion and on this, the Voting Rights measure. As a political forecaster, I possess no extraordinary capacities. But I am aware of the public reports by some in opposition to the extension of voting rights—by any method—to 18-year-olds. I believe that the overwhelming majority of Congress are not in accord with that sentiment. The Congress should be permitted to express itself on this issue on this bill. It is my judgment that if the vote is not exended to 18-year-olds now on this particular vehicle—the Voting Rights Act—it will not be achieved this Congress.

CENTER FOR ADVANCED STUDY IN
THE BEHAVIORAL SCIENCES,
Stanford, Calif., March 5, 1970.

Hon. MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I greatly appreciate your telegram inviting me to elaborate on the opinion which I expressed in an address in June 1968, that Congress might, by statute, lower the voting age for state and Federal elections to the age of eighteen.

The Constitution of 1787 left the question of suffrage basically to the several states. In Article I, section 2, it is provided that the electors in each state for the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." Article I, section 4, provides that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each state; Congress is given the power by law to make or alter such regulations. My opinion does not at all rest on the last clause. Although "manner" has been given a generous construction, to include, for example, Federal corrupt practices laws applicable to national elections, the specific provision on "qualifications" in the earlier section would rule out any effort to absorb the requirement of a minimum age for voting into the "manner" of holding such elections. And so if the text of 1787 stood alone there would appear to be no basis for the legislative proposal.

But that original text does not stand alone. The Fourteenth Amendment, with its guarantee of equal protection of the laws (no less than the Fifteenth, prohibiting specifically disqualifications based on race or color) introduced a vital gloss on the authority of the states, namely that unreasonable classifications by law are unacceptable. This general standard applies to the laws of suffrage no less than to other laws, despite the fact that racial disqualifications are treated specifically in the Fifteenth Amendment. It is much too late to question this force of the Fourteenth Amendment in this area. Indeed, the first of the so-called white primary cases was decided on the basis of the Fourteenth rather than the Fifteenth. As Justice Reed later pointed out, "Without consideration of the Fifteenth, this Court held that the action of Texas in denying the ballot to Negroes by statute was in violation of the equal protection clause of the Fourteenth Amendment." *Smith* v. *Allwright*, 321 U.S. 649, 658 (1944), referring to *Nixon* v. *Herndon*, 273 U.S. 536 (1927). The whole line of reapportionment cases rests on the applicability of the equal-protection guarantee to the suffrage; and surely religious qualifications, which are impermissible for office-holding, would be equally forbidden for voting in light of the Fourteenth Amendment.

The essential question, then, is whether Congress, in its power and responsibility to enforce the guarantees of the Fourteenth Amendment, may properly conclude that the exclusion from the suffrage of those between 18 and 21 years of age now constitutes an unreasonable discrimination. That this is a judgment for the Congress to make is plain from the original conception of the Fourteenth Amendment and from recent decisions under it. Section 5 of that Amendment, empowering Congress to enforce its provisions "by appropriate legislation," was regarded as the cutting edge of the Amendment. It was expected that Congress would supply the substantive content for the deliberately general standards of equal protection, due process, and privileges and immunities.

Recent decisions have emphasized the propriety, indeed the responsibility, of Congressional action in the area of voting rights. In 1965, as you know, Congress enacted a provision of the Voting Rights Act that overrode state requirements of literacy in English, where a person had received a sixth-grade education in another language in a school under the American flag. It was argued, in contesting the Federal law, that Congress could so provide only if the English-literacy requirement were regarded by the Court itself as in violation of the equal-protection guaranty of the Fourteenth Amendment. Upholding the Federal law, the Supreme Court emphasized that the judgment of unreasonable discrimination was one that Congress had appropriately made for itself, and that its judgment would be upheld unless it were itself an unreasonable one. Any other view of the Court's function, said the Court, [*would depreciate both Congressional resourcefulness and Congressional responsibility for implementing the 14th Amendment.*] It would confine the legislative power in this context to the insignificant role of abrogating only those state laws that the judicial branch was prepared to adjudge unconstitutional, or of merely informing the judgment of the judiciary by particularizing the "majestic generalities" of section 1 of the Amendment." "[I]t is enough," the Court added, "that we perceive a basis upon which Congress might predicate a judgment that the application of New York's literacy requirement . . . constituted an invidious discrimination in violation of the Equal Protection Clause." *Katzenbach* v. *Morgan*, 384 U.S. 641, 648-649 (1966).

The Supreme Court has held, in a six-to-three decision, that the poll tax as a condition of voting in state elections is unconstitutional even without a Congressional judgment on the matter. *Harper* v. *Virginia Board of Election*, 383 U.S. 663 (1966). Whether or not one agrees with that decision, for present purposes the case has a twofold significance. The first relates to the dissenting opinions. Justice Black, protesting against the "activism" of the majority (as others have termed it), went on to say, "I have no doubt at all that Congress has the power under section 5 to pass legislation to abolish the poll tax in order to protect the citizens of this country if it believes that the poll tax is being used as a device to deny voters the equal protection of the laws . . . But this legislative power which was granted to Congress by section 5 of the Fourteenth Amendment is limited to Congress . . . For Congress to do this fits in precisely with the division of powers originally entrusted to the three branches of government—Executive, Legislative, and Judicial." *Id.* at 679–680. The other dissenters, Justices Harlan and Stewart referred to the possible authority of Congress and said that they "intimate no view on that question," Id. at 680, n.2. Thus it is entirely possible that had Congress itself acted, the decision might have been unanimous.

The second point of significance in the poll-tax case is the bearing of the constitutional amending power. There was then in effect, of course, the Twenty-Fourth Amendment, abolishing poll taxes in relation to Federal elections. Both the majority and minority opinions show that Congressional authority is not precluded because the subject might be committed, indeed had been committed, to the amending process.

It could be asked whether, on the basis of the views reflected here, it was actually necessary to have achieved woman suffrage through a constitutional amendment. At the time of the Nineteenth Amendment the power of Congress to enforce the equal-protection guaranty was in a dormant state. The alternatives were thought of as a judicial decision striking down exclusively male suffrage, or an amendment to the Constitution. In retrospect, it seems tolerably clear that from the standpoint of constitutional power (putting aside considerations of political expediency), Congress could have determined by law that exclusion from voting on the basis of sex was an unwarranted differentiation.

The question for Congress is essentially the same, whether the exclusion be on criteria of sex, residence, literacy, or age. It is not my purpose to review the considerations that have been brought forward in favor of reducing the voting age. They involve a judgment whether twenty-one has become an unreasonable line of demarcation in light of the level of education attained by younger persons, their involvement in political discussion, their capacity in many cases to marry, their criminal responsibility, their obligation for compulsory military service. Historically, we are told, twenty-one was fixed as the age of majority because a young man was deemed to have become capable at that age of bearing the heavy armor of a knight.

The cumulative effect of such considerations on the continued reasonableness of twenty-one as a minimum voting age will, I am sure, be canvassed by the Congress. My purpose, responsive to your invitation, has been to indicate why I believe that Congress may properly make such a judgment and embody it in the form of a statute.

Yours very sincerely,

PAUL A. FREUND,
Professor, Harvard Law School.

[From the Baltimore Sun, Apr. 27, 1970]

NIXON PLANS VOTE-AT-18 AMENDMENT

WASHINGTON, April 26.—President Nixon plans to ask House leaders to oppose a Senate-passed provision to extend the vote to 18-year-olds but support a constitutional amendment to reach the same goal, a White House spokesman said today.

Bruce Whelihan, a presidential press officer, said in response to queries that Mr. Nixon strongly supports the vote for 18-year-olds in federal elections but thinks that the constitutional-amendment approach would be safer and faster than the statutory approach.

Mr. Whelihan explained that the President feels that extension by statute is of doubtful constitutionality and could lead to litigation that could cloud for years the result of any elections in which the 18-year-olds participated.

In contrast, Mr. Whelihan said, the President feels that sentiment in and out of Congress for lowering the voting age is so strong that it is possible to enact a constitutional amendment in time for the 1972 presidential election.

Mr. Nixon is expected to make his views known in a letter to House leaders this week, possibly tomorrow.

Amending the Constitution requires a two-thirds approval by the House and the Senate and ratification by 38 of the 50 states.

The Senate attached the voting provision for 18-year-olds to an extension of the 1965 Voting Rights Act which it passed March 12.

Advancing the argument that a constitutional amendment could be enacted in the 30 months before the 1972 election, White House aides pointed out that the amendment giving District of Columbia residents the vote in presidential elections was enacted in 11 months.

Although either a statute or a constitutional amendment would apply only to elections for federal office, it is widely assumed that, if 18-year-olds were given this franchise, most states would permit them to vote for state and local offices.

[From the New York Times, Mar. 29, 1970]

LOWERING VOTING AGE IS AN IDEA WHOSE TIME HAS COME

WASHINGTON.—The Age of Aquarius appears to be overtaking the Constitution over the issue of lowering the voting age to 18 by means of a statute rather than a constitutional amendment.

Until the events of the past few days, when the Senate tacked an 18-year-old vote amendment onto the Voting Rights Bill and the House leadership cleared the way for a vote on the measure after the Easter recess, few persons would have thought that lowering the voting age was likely in the foreseeable future. Yet it now seems altogether possible that the 10 million young people between ages 18 and 21 will be granted the franchise in time to vote in the 1972 Presidential election—and that in the process a precedent will be set that will streamline the system of constitutional change to meet some of the pressures of the jet age.

All this developed out of an unlikely political and constitutional background.

The idea of lowering the voting age has been a perennial political lemon in Congress, where the "senility system" rewards advanced age with committee chairmanships, the better to bottle up vote reform bills with. Moreover, with youthful protestors in bad odor lately, the 18-year-old-vote idea had been rejected by the voters of more than a half-dozen states in the past two years.

Furthermore, when women were given the vote and when the poll tax was eliminated in national elections, constitutional amendments were considered necessary to make the changes. It was assumed that the same cumbersome process would have to be used to lower the voting age. With a two-thirds vote of both Houses of Congress and ratification by three-fourths of the states needed to amend the Constitution, Congressmen could be cool to the idea without fear that young people would suddenly get the vote and use it against them.

SENATE STAMPEDE

This picture changed, almost overnight, when Senator Edward M. Kennedy and other Democratic liberals began to argue persuasively that under a novel constitutional theory, the voting age could be quickly lowered by means of a simple statute.

With the prospect looming large that millions of young people might soon have the vote, there was a stampede in the Senate to be for it. An amendment lowering the voting age to 18 in all elections was tacked onto the proposed Voting Rights Act by a 64-to-17 margin, and it was sent to the House, where its chances are bright.

This remarkable political spasm was an impressive tribute to the occasional impact of scholarly work on public policy. Senator Kennedy got the idea originally from a 1966 article in the Harvard Law Review by former Solicitor General Archibald Cox, who argued as follows:

(1) Although the Constitution gives the states the general authority to set voting qualifications, they must not violate any specific individual safeguards of the Constitution, such as the 14th Amendment's prohibition against state actions that deny persons equal protection of the laws.

(2) A section of the 14th Amendment gives Congress the power to enforce the rights created in the amendment "by appropriate legislation."

(3) In a historic 1966 decision, Katzenbach *v.* Morgan, the Supreme Court held that if Congress acts to enforce the 14th Amendment by passing a law declaring that a type of state law discriminates against a certain class of persons, the Supreme Court will let the law stand if the justices can "perceive a basis" for Congress's action.

His conclusion: If Congress declares that state laws that deny the vote to 18-, 19- and 20-year-olds violate their 14th Amendment rights, the Supreme Court will uphold the law, because there is a perceptible basis for such a finding of discrimination.

The law now moving through Congress states that it is unfair and discriminatory for the states to deny the vote to persons who are old enough to be drafted to fight for the country—particularly since there is no compelling reason why they shouldn't be allowed to vote.

The Nixon Administration is opposing the idea by arguing that such fundamental changes shouldn't be made without the consensus of a constitutional amendment. It also contends that doubts about the law's constitutionality might throw the 1972 election into turmoil.

Cynics have suggested that President Nixon, whose popular vote margin in 1968 was only 224,000 votes, would prefer that 10 million young people not be added to the electorate until after he wins re-election in 1972. They also point out that the Government supports the use of a statute rather than a constitutional amendment to eliminate state residency requirements for voting and voter literacy tests, and that both of these measures are based upon the new 14th Amendment theory.

Many observers feel that the 18-year-old-vote proposal has now become an idea whose time has come, and that the more significant question is what broader implications may arise from the acceptance of this new theory that gives Congress the power to make constitutional changes that used to require constitutional amendments.

Mr. Cox cautioned in his article that the development "would have enormous consequences for the Federal system" by introducing "a strikingly novel form of judicial deference to Congressional power" into our constitutional system. He and many other admirers of the activist Warren Court applaud this trend. They hope that it will encourage Congress to enact needed reforms, and relieve the Supreme Court of the temptation to do so itself.

Congress's use of this new power to enfranchise the young is now favored by many liberals, but some liberals are instinctively leery of Congressional power, and there are signs of uneasiness in their ranks about the new trend.

It is being whispered about among liberals that the present exercise might whet Congress's appetite, and that it may soon confront the Supreme Court with laws affecting the rights of criminal suspects and racial minorities that the justices might find objectionable but must uphold because they can "perceive a basis" for what Congress has done.

FRED P. GRAHAM.

[From the Washington Post, Mar. 17, 1970]

FIVE SENATORS ON VOTING-AGE BILL

Your recent editorial [March 14] questioning the constitutionality of the Senate's action in lowering the voting age to 18 by statute is misleading because it omits a number of considerations.

It is not enough simply to quote Article I of the Constitution and ignore the Fourteenth Amendment. Of course, as you say, when the founding fathers wrote Article I

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in 1787, they unquestionably intended to leave voting age requirements to the states. But the founding fathers did not write the Fourteenth Amendment, which was adopted in 1868, and which gives Congress broad power to enact legislation enforcing the equal protection of the laws, whether in voting qualifications or any other area of state authority. Not only does Congress have the authority to act in these areas, it also has the responsibility to act. At last, in the Voting Rights Act of 1965 and other measures, Congress has begun to accept this responsibility.

It is no answer to say that an age requirement does not discriminate against races. As the *Morgan* case makes clear, the Supreme Court will sustain a reasonable finding by Congress that there is discrimination, whether on race or any other ground.

By an overwhelming majority last week, the Senate did make such a finding. It recognized the increased education and maturity of our youth, and found unfair discrimination in the fact that 18-year-old Americans who die in Vietnam and who work, marry, and pay taxes like other citizens are denied the most basic right of all—the right to vote.

No where does your editorial mention the fact that the pending voting rights bill uses essentially the same constitutional justification for changing state residence requirements by statute, and for imposing a nationwide ban on state literacy tests. These provisions are contained in both the Senate and House passed bills, and were originally recommended by the administration. If Congress has the authority to act by statute in the areas of literacy and residence, as it must if the administration bill is constitutional, then surely Congress also has the power to change the voting age by statute.

The Senate action is supported not only by Professor Cox, as you mention. It is also strongly supported by Paul Freund, the most renowned constitutional authority in America. The issue is not one that divides liberals from conservatives or Republicans from Democrats. It is a question of Congress embracing its responsibility and in so doing it has been careful to distinguish the unfamiliar from the unconstitutional.

In closing, we affirm our belief that the Voting Rights Bill is the only real hope of enfranchising 18-year-olds. We believe that the Senate has acted on very sound constitutional grounds to achieve this reform. All previous efforts met with uniform frustration for 30 years. In light of the public statements by those in control of House and Senate committees with jurisdiction over the issue, this is the only realistic possibility to carry out this long overdue change. We owe this vote of confidence in American Youth.

Edward M. Kennedy,
Barry Goldwater,
Warren G. Magnuson,
Marlow W. Cook,
Mike Mansfield,
U.S. Senators.

Washington.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Stennis). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 772.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEMAN SCHOOL

The Senate proceeded to consider the bill (S. 58) providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes.

Mr. HRUSKA. Mr. President, I rise in support of S. 58, to provide for the addition of the Freeman School to the Homestead National Monument in Nebraska.

The Homestead National Monument was established by a law passed in 1936 on the 160-acre tract of land in Gage County, Nebr., which was the first homestead entered upon under the general Homestead Act of May 20, 1862, by Daniel Freeman.

This bill, which I have had the privilege of cosponsoring, deals with the old school building known as the Freeman School. The school is located one-fourth mile from the visitor center of the national monument. Until it was closed in 1967 it was the oldest continually operated school in Nebraska. It had been in use since 1871—96 years. It can serve as the symbol of the little old one-room country schoolhouse that is spoken of so often. Fortunately, it is red; it is built of red brick, and therefore meets all the specifications to serve as that symbol.

Nebraska is proud of the fact homesteading started in our State. The Homestead Monument enables us to give the public a dramatic picture of the historical period revolving around this process of homesteading. Now we have an opportunity to round out that picture further by adding this little school to the monument.

The details of the proposal are summarized in the departmental report. The school building and site can be acquired without cost. When the use of the school was finally discontinued, it passed into the hands of the Homestead Historical Association, and it can now be acquired by the Government without cost. Certain scenic easements must be acquired to protect the view of the school from the monument, but apparently the cost would be nominal. Some reconstruction work on the school structure will have to be done, and particularly parking space and other facilities for tourists will have to be provided. All of these costs are of minor scope.

It seems to us very important to preserve this school to round out the picture we are now attempting to present to the public at the existing Homestead Monument. I therefore urge the passage of S. 58.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–777), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

BACKGROUND

The Freeman School is located one-fourth mile from the Homestead National Monument visitor center on State Highway 4 in Gage County, Nebr. It was built in 1871 of brick said to have been made on an adjacent farm.

It is generally regarded as the oldest continually operated public school in Nebraska (96 years), and symbolizes the pioneers' determination to civilize the frontier and provide opportunities for the common man. The structure also served as a community meeting hall and church.

Members of the Freeman family served on the school board throughout much of its history, and there was one descendant on said board when the property was conveyed to the Homestead Historical Association on May 31, 1967.

The Freeman School, which is truly symbolic of the Homestead era, is 36 by 20 feet, with walls 12 feet high. It has a shingle roof in fair condition. The original plaster is on the walls, covered by pressboard added in a recent remodeling. It rests on a site 297 by 215 feet.

COST

The estimated costs of acquiring scenic easements on this property is not more than $5,000 and, expenses involved in rehabilitating the school building and providing an adequate parking facility is estimated at $45,000.

COMMITTEE RECOMMENDATIONS

The Senate Interior and Insular Affairs Committee favorably reports S. 58 and urges early approval of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further the interpretation and commemoration of the pioneer life of early settlers of the West, the Secretary of the Interior is authorized to acquire by donation or purchase with donated or appropriated funds the following described lands and interests therein, on which is situated the old school building known as Freeman School:

Beginning at the southeast corner of the southeast quarter of section 22, township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, thence running north on the east line of the said quarter section 297 feet, thence west 214.5 feet, thence south 297 feet, thence east 214.5 feet to the point of beginning.

The Secretary is further authorized, in order to protect the setting of the Freeman School, preserve an adequate visual relationship with the existing Homestead National Monument of America, and provide access to the school from the national monument, to acquire by any of the above methods such lands and interests therein, as he deems necessary within the areas in certain sections of township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, which are described as follows:

Section 22, beginning at a point 297 feet north of the southeast corner of the southeast quarter on the east line of the said quarter section, thence north along the east line of the said quarter section 103 feet, thence west 300 feet, thence south 400 feet to the south line of said quarter section, thence east along the south line of said quarter section 85.5 feet to the boundary of the Freeman School property, thence north along the boundary of the school property 297 feet, thence east along the boundary of the school property 214.5 feet to the point of beginning;

Section 23, the south 300 feet of the southwest quarter thereof;

Section 26, north 300 feet of the northwest quarter northwest quarter thereof; and

Section 27, beginning at the northeast corner of the northeast quarter, thence south along the east line of the said quarter section

XUM

300 feet, thence west 300 feet, thence north 300 feet to the north line of said quarter section, thence east along the north line of said quarter section 300 feet to the point of beginning; all containing about 31 acres.

SEC. 2. The property acquired pursuant to this Act shall be administered by the Secretary of the Interior as part of the Homestead National Monument of America, in accordance with the Act of March 19, 1936 (49 Stat. 1184), and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

BILL PASSED OVER

The bill (S. 2253) to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION

The bill (H.R. 14896) to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–781), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The principal purpose of H.R. 14896 is to extend the national historic preservation program which was established by the Congress in 1966 (Public Law 89–665; 80 Stat. 915; 16 U.S.C. 470). In addition, the bill provides for an increase in the size of the Advisory Council on Historic Preservation and it authorizes limited U.S. participation in the International Center for the Study of the Preservation and Restoration of Cultural Properties. The committee held hearings on the Senate companion bills S. 3013 and S. 3029 sponsored by Senators Henry M. Jackson and Gordon Allott. The principal provisions of the Senate bills were merged into the House-passed bill, H.R. 14896.

BACKGROUND OF THE NATIONAL HISTORIC PRESERVATION PROGRAM

While the national historic preservation program is relatively new, national interest in the preservation of historic sites and structures is not. Over the years, 150 federally administered areas have been recognized for their national historic significance—as national historic sites, national historic parks, national battlefields, etc. An additional 750 buildings, sites, objects, and districts have been designated as national historic landmarks because of their exceptional value or quality in illustrating or interpreting our national cultural heritage.

Considerable progress has been made with respect to the preservation of nationally significant historic places, and the national historic preservation program was not designed to duplicate these past accomplishments. Instead, the program authorized by the National Historic Preservation Act added a new dimension to the overall effort to protect historic places. It sought to accomplish this objective by encouraging the States, and through them their political subdivisions, to preserve properties and objects of regional, State, and local historical significance. To effect this objective, the act authorized limited appropriations to fund a matching assistance program which was to help defer the costs of the historic preservation programs which are incurred by the States and the National Trust for Historic Preservation—a charitable, educational, nonprofit corporation chartered by the Congress in 1949 (63 Stat. 927; 16 U.S.C. 468).

As contemplated by the act, all of the authorized appropriations are to be used for matching assistance to effectuate authorized activities established pursuant to an approved statewide historic preservation program. In fiscal year 1967, appropriations were limited to not more than $2 million and the ceiling for each of the next 3 fiscal years was not to exceed $10 million but, actual funding levels have never totaled more than $1 million in any one year.

There are undoubtedly many reasons why this program has been permitted to languish for the last 4 years, but a large measure of the responsibility must be borne by the Department of the Interior and the Bureau of the Budget since their budget requests have never neared the amounts which they recommended when the program was authorized. For this reason, when the legislation as passed by the House reflects an annual authorization ceiling which appears reasonably realistic in light of our actual experience with the program.

This committee—not to mention those persons responsible for administering the State historic preservation programs—has been greatly disappointed with the lack of progress made through this program to date. The committee is encouraged with the prospects for the future, however, because the President's budget for fiscal year 1971 requests a substantial increase in the level of funding for this aspect of the national historic preservation program if adequate authorizing legislation is approved.

Another provision of the National Historic Preservation Act established the Advisory Council on Historic Preservation. At the present time, the Council is limited to 17 members—seven designated by statute and 10 appointed by the President. The seven statutory members represent Federal departments and agencies, and the National Trust for Historic Preservation. Because of the nature of their employment, the statutory members receive no additional compensation for their services, but the appointed public members are compensated at the rate of $100 per day when engaged in the performance of the duties of the Council.

One of the functions of the Council is to advise the President and the Congress on matters involving historic preservation. In addition to making general studies and special reports, it submits a comprehensive report of its activities to the President and the Congress annually.

Another function of the Council is to provide a forum for the review and consideration of Federal activities which might adversely affect properties which are listed on the National Register of Historic Places—a list of recognized historically significant places compiled and maintained by the Secretary of the Interior. While the Council cannot prevent the Federal agencies from undertaking the projects which might adversely affect a listed property, the review procedures do afford everyone concerned with an opportunity to consider and suggest alternatives. In this respect, the program has been most successful. It has brought together those who seek to preserve the historic integrity of a significant property and those whose activities might alter or destroy it. Progress, of course, cannot be stopped, but there are often alternative measures which can be employed to make it compatible with the preservation effort. In this respect, the Advisory Council has served a useful purpose in resolving some complex and controversial problems.

STONE MOUNTAIN MEMORIAL MEDALS

The Senate proceeded to consider the bill (S. 3435) to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy, which had been reported from the Committee on Banking and Currency with an amendment, on page 1, line 8, after the word "“association”)": insert "not more than five hundred thousand"; so as to make the bill read:

SECTION 1. In commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy, the Secretary of the Treasury (referred to hereinafter in this Act as the "Secretary") is authorized to furnish to the Stone Mountain Memorial Association (referred to hereinafter in this Act as the "association") *not more than five hundred thousand* medals with suitable emblems, devices, and inscriptions to be determined by the association subject to the approval of the Secretary. The medals authorized by this Act shall be treated as national medals for the purposes of section 3351 of the Revised Statutes.

SEC. 2. The medals shall be made and delivered at such times as may be required by the association, in quantities of not less than two thousand, but none may be made after December 31, 1971.

SEC. 3. The Secretary shall furnish the medals at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be struck unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

SEC. 4. Medals struck under authority of this Act shall be of such size or sizes and of such metals as may be determined by the Secretary in consultation with the association.

Mr. TALMADGE. Mr. President, I wish to express appreciation to the distinguished Senator from Alabama and the Banking and Currency Committee, which authorized the striking of a medal to commemorate completion of the Stone Mountain Memorial carving.

On Saturday afternoon, May 9, the carving will be officially dedicated at Stone Mountain, in DeKalb County, near the capital city of Atlanta. President Nixon is scheduled to deliver the dedicatory address for this historic event. Many outstanding Americans from throughout the Nation also will participate in the program. Honored guests will include Governors, congressional delegations, and other State and national officials.

This will be a major monument to American history. Begun 52 years ago, the carving is the world's largest sculptural work of art. The Mount Rushmore figures, by comparison, cover an area one-third the size of the Stone Mountain work.

Depicting the mounted figures of Lee, Jackson, and Davis, great leaders of the Confederacy, the carving is Southern in character. But it is far more than just a monument to the South. It is a timeless memorial to a critical period in the forging of our country. It reflects a period of conflict which, though tragic, gave birth to the united Nation we have become.

It has been my pleasure to serve as chairman of an advisory committee on the Stone Mountain Memorial dedication. We feel that this dedication can convey a national message of special meaning for today: that out of change and crisis can come strength and unity.

President Harding, in 1923, said this about Stone Mountain:

> It will be one of the world's finest testimonials, one of history's most complete avowals, that unity and understanding may be brought into the scene where faction, hatred and hostility have once reigned supreme.

I was privileged to introduce the bill, along with my distinguished colleague, Senator Russell, authorizing the Treasury Department to strike and furnish to the Stone Mountain Memorial Association not more than 500,000 medals, at no cost to the taxpayers.

We are grateful to the committee for reporting the bill to the Senate, and hope that it can be approved today.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–768), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

GENERAL STATEMENT

The bill authorizes the Secretary of the Treasury to strike and furnish to the Stone Mountain Memorial Foundation not more than 500,000 medals in quantities of not less than 2,000, in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy. No medals shall be manufactured after December 31, 1971.

The design of the medals, including emblems, devices, and inscriptions to be determined by the association subject to the approval of the Secretary of the Treasury. The medals struck under this bill shall be of such sizes and of such metals as may be determined by the Secretary in consultation with the association. The medals will be minted at no cost to the United States since security must be furnished satisfactory to the Secretary to indemnify the United States of all costs of the medals.

COMMITTEE AMENDMENT

On the recommendation of the Department of the Treasury, a committee amendment was adopted limiting the number of medals which may be struck under this bill. Upon the recommendation of the chief sponsor of this bill, Senator Talmadge, the number was placed at not more than 500,000.

COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 384) to authorize additional expenditures for the Committee on the Judiciary, was considered and agreed to, as follows:

Resolved, That the Committee on the Judiciary hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $20,000, in addition to the amounts and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

THE COST OF CLEAN AIR

The resolution (S. Res. 369) to print as a Senate document the report of the Secretary of Health, Education, and Welfare entitled "The Cost of Clean Air," was considered and agreed to, as follows:

Resolved, There there be printed as a Senate document, with illustrations, the second report of the Secretary of Health, Education, and Welfare, entitled "The Cost of Clean Air," submitted to the Congress in accordance with section 305(a), Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–797), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 369 would provide (1) that there be printed with illustrations as a Senate document the second report of the Secretary of Health, Education, and Welfare entitled "The Cost of Clean Air," submitted to the Congress in accordance with section 305(a), Public Law 90–148, the Air Quality Act of 1967, and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$4,369.60
2,500 additional copies, at $189.07 per thousand	472.68
Total estimated cost, S. Res. 369	4,842.28

PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION

The resolution (S. Res. 370) to print as a Senate document a report from the Secretary of Health, Education, and Welfare entitled "Progress in the Prevention and Control of Air Pollution," was considered, and agreed to, as follows:

Resolved, That there be printed, with illustrations, as a Senate document the third report of the Secretary of Health, Education, and Welfare, entitled "Progress in the Prevention and Control of Air Pollution", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–798), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 370 would provide (1) that there be printed with illustrations as a Senate document the third report of the Secretary of Health, Education, and Welfare entitled "Progress in the Prevention and Control of Air Pollution", submitted to the Congress in accordance with section 306, Public Law 90–146, the Air Quality Act of 1967, and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,413.51
2,500 additional copies, at $100.86 per thousand	252.15
Total estimated cost, S. Res. 370	1,665.66

TERRITORIAL HIGHWAY STUDY—GUAM, AMERICAN SAMOA, VIRGIN ISLANDS

The resolution (S. Res. 371) to print as a Senate document a report from the Secretary of Transportation entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands," was considered.

S. Res. 371

Resolved, That there be printed with illustrations as a Senate document a report, "Territorial Highway Study—Guam, American Samoa, Virgin Islands", submitted to the Congress by the Secretary of Transportation, in accordance with the requirements of section 29(b), of the Federal-Aid Highway Act of 1968, Public Law 90–495, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–801), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 371 would provide (1) that there be printed with illustrations as a Senate document a report entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands," submitted to the Congress by the Secretary of Transportation in accordance with the requirements of section 29(b), of the Federal-Aid Highway Act of 1968, Public Law 90–495, and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$4,192.21
2,500 additional copies, at $193.95 per thousand	484.88
Total estimated cost, S. Res. 371	4,677.09

NATIONAL EMISSION STANDARDS STUDY

The resolution (S. Res. 372) to print as a Senate document the report of the Secretary of Health, Education, and Welfare entitled "National Emission Standards Study," was considered and agreed to, as follows:

S. Res. 372

Resolved, That there be printed as a Senate document, with illustrations, a report of the Secretary of Health, Education, and Welfare, entitled "National Emission Standards Study", submitted to the Congress in accordance with section 211(a), Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–802), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 372 would provide (1) that there be printed with illustrations as a Senate document a report of the Secretary of Health, Education, and Welfare, entitled "National Emission Standards Study", submitted to the Congress in accordance with section 211(a), Public Law 90–148, the Air Quality Act of 1967, and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$5,713.86
2,500 additional copies, at $218.91 per thousand	547.28
Total estimated cost, S. Res. 372	6,261.14

THE SOVIET APPROACH TO NEGOTIATION: SELECTED WRITINGS

The resolution (S. Res. 390) authorizing the printing of additional copies of the committee print entitled "The Soviet Approach to Negotiation: Selected Writings" was considered and agreed to, as follows:

S. RES. 390

Resolved, That there be printed for the use of the Committee on Government Operations three thousand additional copies of the committee print entitled "The Soviet Approach to Negotiation: Selected Writings", issued by that committee during the Ninety-first Congress, first session.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–800), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 390 would authorize the printing for the use of the Committee on Government Operations of 3,000 additional copies of the committee print entitled "The Soviet Approach to Negotiation: Selected Writings," issued by that committee during the 91st Congress, first session.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$682.08
2,000 additional copies, at $149.63 per thousand	299.26
Total estimated cost, S. Res. 390	981.34

PEKING'S APPROACH TO NEGOTIATION: SELECTED WRITINGS

The resolution (S. Res. 391) authorizing the printing of additional copies of the committee print entitled "Peking's Approach to Negotiation: Selected Writings" was considered and agreed to, as follows:

S. RES. 391

Resolved, That there be printed for the use of the Committee on Government Operations three thousand additional copies of the committee print entitled "Peking's Approach to Negotiation: Selected Writings", issued by that committee during the Ninety-first Congress, first session.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–799), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 391 would authorize the printing for the use of the Committee on Government Operations of 3,000 additional copies of the committee print entitled "Peking's Approach to Negotiation: Selected Writings," issued by that committee during the 91st Congress, first session.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$713.61
2,000 additional copies, at $156.24 per thousand	312.48
Total estimated cost, S. Res. 391	1,026.09

1969 REPORT OF THE SPECIAL COMMITTEE ON AGING

The Senate proceeded to consider the resolution (S. Res. 389) authorizing the printing of additional copies of the 1969 report of the Special Committee on Aging, which had been reported from the Committee on Rules and Administration, with an amendment, in line 2, after the word "Aging", strike out "three thousand", and insert "one thousand eight hundred"; so as to make the resolution read:

S. RES. 389

Resolved, That there be printed for the use of the Special Committee on Aging one thousand eight hundred additional copies of its report to the Senate, "Developments in Aging—1969."

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–791), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 389 as referred would authorize the printing for the use of the Special Committee on Aging of 3,000 additional copies of its report to the Senate entitled "Developments in Aging—1969."

The Committee on Rules and Administration has amended Senate Resolution 389 by reducing the number of additional copies from 3,000 to 1,800, the maximum obtainable under the $1,200 limitation on printing additional copies under a simple resolution.

The printing-cost estimate on Senate Resolution 389, as amended, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,800 additional copies, at $648.87 per thousand	$1,167.99

STUDY OF RESEARCH ACTIVITIES CONDUCTED TO ASCERTAIN THE CAUSES AND DEVELOP CURES TO ELIMINATE CANCER

The Senate proceeded to consider the resolution (S. Res. 376) authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer, which had been reported from the Committee on Rules and Administration, with amendments.

The amendments of the Committee on Rules and Administration are as follows:

On page 2, line 13, after the word "from", strike out "February 1, 1970," and insert "the date of enactment of this resolution"; and at the beginning of line 21, strike out "$2,700", and insert "$2,800"; so as to make the resolution read:

Resolved, That the Committee on Labor and Public Welfare or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to (1) the present status and extent of scientific research conducted by governmental and nongovernmental agencies to ascertain the causes and develop means for the treatment, cure, and elimination of cancer, (2) the prospect for success in such endeavors, and (3) means and measures necessary or desirable to facilitate success in such endeavors at the earliest possible time.

SEC. 2. For the purpose of this resolution, the committee, from the date of enactment of this resolution to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,800 than the highest gross rate paid to any other employee; (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; and (4) establish and defray the expenses of such advisory committees as it deems advisable.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $250,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–792), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 376 as referred would authorize the expenditure of not to exceed $250,000 by the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the present status and extent of scientific research conducted by governmental and nongovernmental agencies to ascertain the causes and develop means for the treatment, cure, and elimination of cancer;

(2) the prospect for success in such endeavors; and

(3) means and measures necessary or desirable to facilitate success in such endeavors at the earliest possible time.

The Committee on Rules and Administration is reporting Senate Resolution 376 with two pro forma amendments. The first would provide that authority for the new investigation would commence on the date of enactment of this resolution, and the second would increase the so-called "minority differential" from $2,700 to $2,800. The latter amendment is an adjustment made necessary by the increases in salaries of congressional employees effected by Public Law 91–231, approved April 15, 1970.

Additional information relative to the purposes of Senate Resolution 376 is contained in a letter addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator Ralph W. Yarborough, chairman of the Committee on Labor and Public Welfare, which letter (with accompanying budget) is as follows:

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., April 18, 1970.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate.

DEAR MR. CHAIRMAN: Now pending before the Senate Committee on Rules and Administration is S. Res. 376, which would provide funds for the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer. This resolution was reported unanimously from the Committee on Labor and Public Welfare on April 15 and has been cosponsored by a majority of the Members of the Senate. I urge your committee to act favorably upon this resolution.

When the National Cancer Institute was established in 1938, only one person in five who had cancer lived as long as 5 years with it. This figure has now gone up to one in three, and I believe that it could be one in two if the knowledge involved in early diagnosis and treatment could be given to every man, woman, and child in the country.

Four kinds of cancer previously considered incurable are now subject to cure by the use of chemicals alone. Other forms of previously incurable cancer are being treated with the combined use of surgery and radiotherapy and chemotherapy. The lives of children with acute leukemia have been extended with the use of chemicals and immunotherapy. We can look forward to the complete cure of patients with acute leukemia by means of chemotherapy and the added support of immunotherapy.

There has also been progress in the prevention of cancer. Medical men have moved in two important directions of research in this regard. The first concerns the relationship of viruses to cancer and the second is the role that air pollution and poisons in our environment play in producing cancer.

There is no longer any question in the minds of the research men that many forms of cancer are caused by viruses. And there is hope that some forms of cancer in men may be prevented by vaccine or forms of immunotherapy.

We can see that in these areas of research more work needs to be done to develop the leads that have already been uncovered.

But the question is how do we go about this in an organized way? What is the body of information that we have at our disposal today and how shall we develop that knowledge and information to find the answers to the problems that have not been solved up to now?

We are told by medical researchers that funds are necessary for the conquest of cancer. But how are those funds to be used? What are the programs to be pushed? And how are they to be balanced one against the other? This is what this resolution seeks to accomplish.

The resolution will permit the committee to employ a small but highly expert staff to look into these problems and with the advice of nationally prominent consultants to assist the committee to gather the best and latest information pertaining to—

(1) the present status and extent of scientific research conducted by governmental and nongovernmental agencies to ascertain the causes and develop means for the treatment, cure, and elimination of cancer;

(2) the prospect for success in such endeavors; and

(3) means and measures necessary or desirable to facilitate success in such endeavors at the earliest possible time.

The resolution makes appropriate provision for minority staff in connection with this investigation and study. A budget for the investigation and study is attached.

Sincerely,

RALPH W. YARBOROUGH.

APPOINTMENT OF JAMES EDWIN WEBB AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 193) to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 193

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which occurred by the death of Robert Vedder Fleming, of Washington, District of Columbia, be filled by the appointment of James Edwin Webb for the statutory term of six years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–787), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Joint Resolution 193 is identical in text with S. 3459, referred to the Committee on Rules and Administration on February 17, 1970. The committee is expressing its approval of the proposal contained therein by reporting it in the form of an original joint resolution. This action is taken pursuant to section 43 of title 20 of the United States Code (R.S. Sec. 5581) which provides that appointments of the six Citizen Regents of the Board of Regents of the Smithsonian Institution shall be made by joint resolution of Congress.

Senate Joint Resolution 193 would provide that the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, occasioned by the death of Robert Vedder Fleming of Washington, D.C., be filled by the appointment of Mr. Webb for the statutory term of 6 years.

ELECTION LAW GUIDEBOOK

The resolution (S. Res. 394) authorizing the printing of a revised edition of the "Election Law Guidebook" as a Senate document was considered and agreed to, as follows:

S RES. 394

Resolved, That a revised edition of Senate Document Numbered 76 of the Ninetieth Congress, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed three thousand additional copies of such document for the use of the Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, I ask uanimous consent to have printed in the RECORD an excerpt from the report (No. 91–803), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 394 would authorize the printing as a Senate document of a revised edition of Senate Document 76 of the 90th Congress, entitled "Election Law Guidebook"; and further would authorize the printing of 3,000 additional copies of such document for the use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$5,808.36
3,000 additional copies, at $349.89 per thousand	1,049.67
Total estimated cost, S. Res. 394	6,858.03

RETROACTIVE COMPENSATION FOR CERTAIN SERVICES PERFORMED DURING JANUARY 1970

The resolution (S. Res. 395) authorizing retroactive compensation for certain services performed during January 1970 was considered and agreed to, as follows:

S. RES. 395

Resolved, That payments of retroactive compensation authorized by law for services performed in the month of January 1970 which are chargeable to funds authorized for expenditure through January 31, 1970, by various Senate resolutions, shall be charged to funds authorized by Senate resolutions for expenditure by the committees concerned at the time such payment is made, wherever possible, without regard to the expenditure limitations contained in the Senate resolutions which expired on January 31, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–804), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The resolution provides a practical plan for the lump-sum payment of retroactive increases of salaries paid certain Senate employees for services performed during the month of January 1970. The resolution has for its objectives the implementation of Public Law 91–231, an act to increase the pay of Federal employees, approved by the President on April 15, 1970, and the simplification of procedures in the Senate Disbursing Office relevant thereto.

SUE ELLEN TYSER

The resolution (S. Res. 396) to pay a gratuity to Sue Ellen Tyser was considered and agreed to, as follows:

S. RES. 396

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Sue Ellen Tyser, widow of Henri Louis Tyser, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

FREDDIE CULLUM, LOUIS D. CULLUM, WILLIE MAE GUYTON, IOLA C. LEWIS, AND ROSA L. BRODIE

The resolution (S. Res. 397) to pay a gratuity to Freddie Cullum, Louis B. Cullum, Willie Mae Guyton, Iola C. Lewis, and Rosa L. Brodie was considered and agreed to, as follows:

S. RES. 397

Resolved, That the Secretary of the Senate here is authorized and directed to pay, from the contingent fund of the Senate, to Freddie Cullum and Louis D. Cullum, brothers; and to Willie Mae Guyton, Iola C. Lewis, and Rosa L. Brodie, sisters of Willie Cullum, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum to each equal to one-fifth of six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

KENNITH J. NEWMAN

The resolution (S. Res. 398) to pay a gratuity to Kennith J. Newman was considered and agreed to, as follows:

S. RES. 398

Resolved, That, in lieu of the authorization contained in Senate Resolution 296, agreed to December 11, 1969, the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Kennith J. Newman, brother of James H. Newman, an employee of the Senate at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

TOIYABE NATIONAL FOREST IN NEVADA

The Senate proceeded to consider the bill (S. 3279) to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes.

Mr. MANSFIELD. Mr. President I ask unanimous consent that a statement on this bill prepared by the distinguished senior Senator from Nevada (Mr. BIBLE) be printed at this point in the RECORD.

There being no objection, the statement by Senator BIBLE was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIBLE

Mr. President, this legislation is of critical importance to the preservation of one of our nation's most beautiful scenic resources. That resource is Lake Tahoe, a magnificent High Sierra lake situated at the California-Nevada border. Anyone who has ever seen the grandeur of this lake can never forget it. Unfortunately, the beauty of Lake Tahoe could soon become no more than a memory. Despite its size—it is the biggest high-altitude lake in the nation—Lake Tahoe has a fragile environment that threatens to be engulfed by rapid and massive urban development. It would be tragic if we failed to act now to protect this irreplaceable resource. The bill before us now offers the fastest, most direct means of achieving that goal by providing authority for federal acquisition of the last remaining stretches of prime, undeveloped shoreline. Quick, direct means are needed or there will be no undeveloped shoreline to protect.

I introduced this bill with the active support of the U.S. Forest Service, the State of Nevada and many local government organizations interested in preserving Lake Tahoe's priceless resources. To the best of my knowledge it is a non-controversial bill. All responsible individuals and organizations, public or private, recognize the very real need to place these valuable lands in government ownership for the benefit of the public today and of succeeding future generations of Americans. The Forest Service is already engaged in an active program of land acquisition at the lake within its existing boundary limitations. As chairman of the Interior Appropriations Subcommittee, it was my privilege to recommend approval of $2.2 million in Land and Water Conservation Fund allocations for this acquisition program in the current fiscal year. More appropriation requests for this program are now pending before my committee, but thse requests depend heavily on the passage of the boundary revision before us now.

I have carefully gone over the proposed boundary revisions with Forest Service representatives on several occasions, and I have consulted with the director of the Nevada Department of Conservation and Natural Resources, who has taken an active and cooperative interest in this legislation. As it is represented to me, the boundary extension excludes all existing private developments but extends wherever possible to the lakeshore itself. It embraces a large block of private land holdings that are now available or are expected to become available for purchase in the very near future. In all, the revision adds nearly 13,000 acres to the Toiyabe National Forest and takes in about six additional miles of unspoiled shoreline. Together with recent state purchases financed in large part by Land and Water Conservation Fund allocations, this extension will permit a continuing acquisition program that would block out nearly all the prime undeveloped shoreline and adjacent mountain forest acreage along the Nevada side of the lake.

It should be noted the Governor of Nevada and the Nevada Legislature, the Douglas County Board of County Commissioners, the Carson City (Ormsby County) Board of Supervisors, the Nevada Tahoe Regional Planning Agency and the Nevada Recreation and Park Society have all expressed their support for this measure.

In connection with this acquisition program, I am happy to report that I have been getting repeated assurances from the administration that Lake Tahoe will continue to receive high priority for Land and Water Conservation Fund allocations.

I should note that action is pending on a separate bill I have introduced, S. 2208, that is closely involved in the overall goal for insuring resource protection and public recreation at Lake Tahoe. This bill would authorize the Interior Department to study the feasibility of establishing a national lakeshore or similar federal recreation area. Quite frankly, I do not know what the ultimate solution for managing this area will be. Whether the Park Service, the Forest Service or the State of Nevada become the principal administering agency—or whether it will be a joint management arrangement—is a question I hope the proposed study can determine.

Meanwhile, the major immediate goal is the acquisition *now* and the necessary protection and wise management *now* of these irreplaceable lands and resources. That is the goal of legislation before us, and I urge the Senate to give the measure its prompt approval.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under principles of multiple use and sustained yield, the boundaries of the Toiyabe National Forest are hereby extended to include the area described in section 2 hereof. Subject to any valid claims now existing and hereafter maintained, any lands of the United States within such area are hereby added to such national forest and shall be subject to laws and regulations applicable to the national forests.

SEC. 2. This Act shall be applicable to the following described lands:

Mount Diablo Meridian, Nevada

Township 13 north range 18 east: Section 2, lot 1 of the northeast quarter, lot 1 of the northwest quarter, south half; section 3, lots 1 and 2 of northeast quarter, lots 5, 6, and 7, northeast quarter southwest quarter, southeast quarter; section 10, lot 1, east half; section 11, all; section 14, north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter; section 23, west half northeast quarter, northeast quarter northwest quarter; section 24, north half north half, south half northwest quarter, northwest quarter southwest quarter.

Township 14 north, range 18 east: Sections 1 and 2, all; section 3, lots 1 and 2 of northeast quarter, lots 1 and 2 of northwest quarter, northeast quarter southeast quarter; section 4, lots 1 and 2; section 11, northeast quarter, north half northwest quarter, southeast quarter northwest quarter, east half southwest quarter, southeast quarter; section 12, all; section 14, west half; section 15, east half northeast quarter, northeast quarter southeast quarter; section 22, lots 2, 3, and 4, east half southeast quarter; section 23, west half; section 26, west half; section 34, southeast quarter; section 35, northeast quarter northwest quarter.

Township 15 north, range 18 east: Section 13, south half; section 14, lots 3 and 4, east half southwest quarter, southeast quarter; sections 22, 23, 24, 25, 26, 27, 33, 34, 35, and 36, all.

Township 15 north, range 19 east: Section 18, lot 2 of the southwest quarter; section 19, lot 2 of the northwest quarter, lots

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1 and 2 of the southwest quarter; section 30, lot 2 of the northwest quarter.

The area described aggregates 12,919.78 acres, more or less.

Sec. 3. Funds appropriated and available for acquisition of lands, waters, and interests therein, in the National Forest System pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 903), shall be available for the acquisition of any lands, waters, and interests therein, within the area described in section 2 of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–780), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

BACKGROUND

The beauty of Lake Tahoe is internationally known. Located in the States of California and Nevada, it lies in the Sierra Nevada Mountains at an elevation of 6,223 feet. However, increasing population pressures now threaten not only the clarity and blue color of its waters, but also the Tahoe Basin's total environment. Between 1950 and 1969, the number of permanent residents on the Nevada portion of the basin increased from 213 to about 8,000. In this same area, between 1965 and 1969, subdivision plots for 99 developments were filed and approved.

Lake Tahoe is already being affected by these developments, as siltation adds nutrients to lake water and increases algae and aquatic plants, and reduces the purity and clarity of the lake. An increased amount of pollutants such as fertilizers from lawns, insecticides, and other soluble chemical compounds are going into the lake.

The need is increasing for more publicly owned land to protect the area's natural beauty, environment, and watershed relationships. There is also demand for more space to provide outdoor recreation opportunities for the increasing number of people attracted to this area. This bill, S. 3279, by extending the national forest boundary and authorizing use of moneys appropriated from the land and water conservation fund, would enable the acquisition of substantial areas to meet these requirements.

COST

The Forest Service would plan to acquire about 10,000 acres within the extension at a total cost of approximately $12.5 million. This would be obligated in increments of $1, $1.5, $3, $3 and $4 millions for the first through fifth year, respectively, after enactment.

BILL PASSED OVER

The bill (H.R. 1706) to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga., was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

HUDSON RIVER COMPACT NEGOTIATIONS

The bill (H.R. 13106) to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–771), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE MEASURE

The purpose of H.R. 13106, introduced by Representative Ottinger, is to extend for an additional 4 years (until 1973) provisions of the act of September 26, 1966 (80 Stat. 847) which expired on September 26, 1969. These provisions required all Federal agencies contemplating actions which affect the resources of the Hudson Riverway to consult with the Secretary of the Interior and in the case of license applications to notify the Secretary and allow him 90 days to comment before taking final action.

The bill would further amend the act to change the date of the Secretary's report on the progress of negotiations on the Hudson River compact from July 1, 1968 to "July 1, 1970, and annually thereafter".

BACKGROUND

Public Law 89–605 (80 Stat. 847) of September 26, 1966 gave the consent of the Congress to the States of New York and New Jersey (and, if they wish to participate, the States of Vermont, Massachusetts, and Connecticut also) to negotiate a compact "relating to the preservation, restoration, utilization and development of the natural, scenic, historic, and recreational resources" of the Hudson River Basin within the participating States. The act further provided that the Secretary of the Interior represent the United States in the negotiations.

Section 5 of the act, in order to avoid actions which would unfavorably affect the resources of the Hudson Riverway while the negotiations are in progress, provided for consultation between the Secretary and any agencies contemplating "plans, programs, projects, and grants" within or affecting the Riverway. In the case of license applications, a formal 90-day period was established for the Secretary to comment. These provisions were for a 3-year period which terminated on September 26, 1969.

PRESENTLY PROPOSED LEGISLATION

H.R. 13106 was introduced by Representative Ottinger. An identical bill (H.R. 13944) was introduced by Representative Ryan. The bill passed the House on February 2, 1970.

No companion bill has been introduced in the Senate.

The Department of the Interior strongly recommended enactment of the measure and the Bureau of the Budget expressed no objection to the report.

An open hearing was held by the Subcommittee on Water and Power Resources on March 13, 1970.

COMMITTEE RECOMMENDATION

The committee notes that the provisions of this legislation requiring coordination among Federal agencies are superseded by the more rigorous requirements of the National Environmental Policy Act of 1969 (83 Stat. 852). The later act requires all agencies to obtain formal comments and prepare detailed statements concerning proposed actions having environmental impact.

Because the procedure for implementation of the National Environmental Policy Act are still being established, however, the committee believes that the extension of the particular coordination provisions regarding the Hudson Riverway is warranted and can provide valuable interim protection.

The requirement for reports by the Secretary to the President and the Congress regarding the progress of compact negotiations is very important. The committee notes that the report called for in the act of September 26, 1966 has not yet been received by the Congress.

For these reasons, the Committee on Interior and Insular Affairs recommends that H.R. 13106 be enacted.

PETITION FOR REINSTATEMENT OF CERTAIN OIL AND GAS LEASES

The Senate proceeded to consider the bill (S. 93) to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, at the beginning of line 3, strike out "and may reinstate such leases in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920,"; and, insert, "and may reinstate such leases and extend the terms thereof for a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920"; so as to make the bill read:

That the Secretary of the Interior shall receive, consider, and act upon any petition of Allied Chemical Corporation, filed on its own behalf and on behalf of Joseph E. Seagram and Sons, Incorporated, or Tenneco Oil Company, or both, within one hundred and eighty days after the effective date of this Act, for reinstatement of United States oil and gas leases, Anchorage, 045017, 045020, 045973, 046476, 048185, 048189, 048190, 048191, 048192, 048193, 048194, 048195, 048196, 048199, 048205, and 048207, State of Alaska, and accompanied by the required rental, including back rental accruing from the date of termination, and may reinstate such leases in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920, and may reinstate such leases and extend the terms thereof for a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188 (c)): *Provided,* That it is shown to the satisfaction of the Secretary that the failure to pay timely was either justifiable or not due to lack of reasonable diligence.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–774), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF MEASURE

S. 93 directs the Secretary of the Interior to consider a petition for reinstatement of 16 oil and gas leases in Alaska which were held by the Allied Chemical Corp. and affiliates. These leases are a part of a larger development project the lessee hopes will result in the discovery of additional supplies of oil and gas within the State.

The leases terminated automatically by operation of law on their anniversary date, October 2, 1967, when the rental payments failed to reach the Bureau of Land Management offices in Anchorage until the following day. The rent checks had been mailed from Houston, Tex., on September 18, but through inadvertence were sent third-class mail, al-

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though use of airmail for lease rental payments is standard operating procedure for the company.

Under the 1954 amendments to the Mineral Leasing Act, termination is automatic if rental payments are not physically received in the appropriate Bureau of Land Management office on or before the anniversary date.

S. 93 does not provide for reinstatement forthwith of the leases. A petition for reinstatement must be filed within 180 days after the effective date of the act, and it must be accompanied by the required rental, including back rental from the date of termination. If it is shown to the satisfaction of the Secretary that the lessees' failure to pay in timely fashion, was either justifiable or not due to a lack of reasonable diligence, he may reinstate the leases in accordance with section 31(a) of the Mineral Leasing Act of 1920 (found in 30 U.S.C. 188).

THE COMMITTEE AMENDMENT

The committee amended S. 93 as follows: On page 2, strike lines 3 and 4 and in lieu thereof insert the following: "and may reinstate such leases and extend the terms thereof for a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920".

The purpose of this amendment is to place the lessee in the same position in which he would have been had the rental been timely received. This provision will be particularly important with respect to the exercise of options for 1 year extensions granted by the law.

The Interior Department approves of this amendment.

COMMITTEE RECOMMENDATIONS

The committee recommends prompt enactment of S. 93, absent prior enactment of general legislation which authorizes the Secretary to make equitable reinstatements or prevent termination in such situations as that presented by this bill. Such general legislation has been considered in this and previous Congresses, but has not yet been enacted.

CONVEYANCE OF CERTAIN LANDS IN NEW MEXICO TO THE CUBA INDEPENDENT SCHOOLS AND THE VILLAGE OF CUBA

The Senate proceeded to consider the bill (S. 417) to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba independent schools and village of Cuba which had been reported from the Committee on Interior and Insular Affairs with an amendment, strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized to convey to the Cuba Independent Schools, District 20, Sandoval County, Cuba, New Mexico under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869—869-4) the following lands:

Township 21 north, range 1 west, New Mexican principal meridian, section 21, lots 4, 5, and 6; section 28, northeast quarter north east quarter and lot 1;

SEC. 2. The Secretary of the Interior is authorized to convey to the Village of Cuba, Sandoval, County, Cuba, New Mexico, under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869—869-4) the following lands:

Township 21 north, range 1 west, New Mexico principal meridian, section 22, northwest quarter southwest quarter.

Mr. MANSFIELD. Mr. President, I should like to read to the Senate a statement by the Senator from New Mexico (Mr. MONTOYA):

Mr. MONTOYA. Mr. President, I wish to express my gratitude to the distinguished majority leader Senator Mansfield, for his prompt and effective action in bringing S. 417 to the attention of the Senate action today. He asured me, before I left Washington for New Mexico, that this bill would be passed on the consent calendar and my presence would not be required.

I introduced S. 417 last year to assist the Cuba, New Mexico, School System in their efforts to improve and expand their educational system. S. 417 would authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and the Village of Cuba in order to permit a more orderly growth pattern within the school system.

Mr. President, this is a noncontroversible measure, reported favorably by the Senate Interior Committee on April 23, 1970. Without going into unnecessary detail, I will relate to my colleagues the circumstances which prompted this legislation.

In 1967, representatives of the Cuba Independent School System requested my assistance in securing the transfer of certain land, presently managed by the Bureau of Land Management, to the Cuba Independent Schools for purposes of school development. Included in the programmed development is a proposal for a vocational skills center, to be located on the land involved in S. 417. Part of the lands in question have been utilized by the school system since 1957, under a land use permit, renewable with the BLM every five years. Discussions with BLM, the Department of Interior, and the Department of Agricutlure revealed that the most appropirate remedy for the school system's land problem, and one which would provide the permanent arrangement essential to orderly planning and growth, would be a legislative measure authorizing sale of the land in question to the school system and the village. S. 417 would authorize the Secretary of the Interior to process an application of the Cuba Independent Schools under the Recreation and Public Purpose Act for the needed conveyance of the lands in question. My measure would permit 185.99 acres to be conveyed to the school district, and 40 acres to the Village of Cuba for recreation purposes.

Mr. President, enactment of S. 417 will greatly facilitate the orderly development and use of these lands by encouraging the school system and the village to proceed with their planned improvements to meet their educational and recreational needs.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-775), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize the disposal of a tract of land to the Cuba Independent Schools, N. Mex., and another tract to the Village of Cuba, N. Mex., under provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869-869-4). The school, which now occupies the land under a special use permit from the Bureau of Land Management, wishes to add to its building complex but before doing so would like to acquire title to the land. The village of Cuba is seeking acreage for development as a recreation area.

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The land involved was acquired in 1942 by the Department of Agriculture for a land utilization project administered by the Soil Conservation Service. The Department issued a 10-year special use permit for the land covered by the bill to the Cuba Independent Schools, District No. 20 on May 24, 1956, and the district began development of a school complex that now includes a high school building, administrative building, six houses for teachers, a football field, a sewage disposal plant and water storage tanks.

However, after the Department of Agriculture acquired the land for the SCS project, it transferred the land in question to the Department of the Interior, and the Bureau of Land Management subsequently issued a special and use permit to the school district. The present permit expires February 28, 1971.

The school district has a capital investment of about $800,000 on the land and plans to build a gymnasium, administration building, music building, athletic field, playgrounds, parking lots, a sewage system, elementary school and shop building, and to increase teacher housing. The bill permits 185.99 acres to be conveyed to the school district, and 40 acres to the Village of Cuba for recreation purposes.

Since this is not regular public domain land, but "land utilization" acquired land, the Bureau of Land Management has no authority to transfer the land except by exchange.

LAND VALUES

The land covered by the bill was classified as coal land on May 1, 1939, but because of the depth of the coal in the land to be conveyed it is considered to have a very low value. The land is said to be without value for other minerals. Any conveyance under the Recreation and Public Purposes Act would reserve the mineral rights and provide for reversion in case the land is put to another use or attempt made for its transfer without the Secretary's consent. The Department of the Interior says it knows of no other public need for the land in question.

REINSTATEMENT OF AN OIL AND GAS LEASE IN WYOMING

The Senate proceeded to consider the bill (S. 2323) to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 8, after the word "lease", insert "and extend the term thereof for a period equal to the unexpired portion of the lease or any extension thereof which was remaining at the date of termination" so as to make the the bill read:

That the Secretary of the Interior shall receive, consider, and act upon any petition of Bridwell Oil Company, a Texas corporation, filed within one hundred and eighty days after the date of enactment of this Act, for reinstatement of United States oil and gas lease and extend the term thereof for a period equal to the unexpired portion of the lease or any extension thereof which was remaining at the date of termination in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188(c)).

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-776), explaining the purposes of the measure.

There being no objection, the excerpt

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was ordered to be printed in the RECORD, as follows:

PURPOSE OF MEASURE

S. 2323, which is sponsored by the senior Senator from Wyoming, Senator Gale McGee, directs the Secretary of the Interior to consider and act upon a petition for reinstatement of a Federal oil and gas lease in Wyoming which has been canceled by operation of law as a result of an inadvertent error by the Department of the Interior in preparing the lease document and setting forth the incorrect number of acres subject to the lease.

The facts appear to be as follows: The lease was issued effective August 1, 1959, for a stated primary term of 10 years. The original application for the lease contained 1,927.86 acres, but in processing the lease offer the Wyoming Land Office advised that certain described lands would be deleted from the offer and that the lease would be issued only as to the balance of the land remaining after the deletion. The Wyoming BLM Land Office computed the balance to be 1,919.11 acres.

Upon that basis, lease rentals were paid over the years in the total sum of $6,720. On December 5, 1968, the land office advised Bridwell that the lease terminated by operation of law retroactive to the date of its issuance for the failure of the lessee to pay the proper rental amount. This action was taken after almost 10 years had transpired under the lease, and the land office discovered that the land described in the lease actually contained 1,920.11 acres instead of 1,191.11 acres. As a result of this discrepancy, the lessee had in good faith unwittingly failed to pay $3.50.

Under the 1954 amendments of the Mineral Leasing Act of 1920, the lease was terminated even though the error was that of the Department itself and the amount of the deficiency is nominal. The Secretary of the Interior is without authority to grant relief to the lessee, even though equity admittedly demands such action.

THE COMMITTEE AMENDMENT

The committee adopted an amendment to S. 2323 as follows:

In line 8, after the word "lease" insert the following: "and extend the term thereof for a period equal to the unexpired portion of the lease or any extension thereof which was remaining at the date of termination".

The purpose of this amendment is to insure that the lessee is placed in the same position in which he would have been had the lease not been terminated as a result of error. This language is adapted from the terms of S. 1193, 91st Congress, a general bill to authorize the Secretary to rectify administratively a situation such as that presented by S. 2323. The general bill, S. 1193, has passed the Senate but has not yet been enacted into law.

DESIGNATING CERTAIN LANDS IN THE WICHITA MOUNTAINS NATIONAL WILDLIFE REFUGE IN OKLAHOMA AS WILDERNESS

The Senate proceeded to consider the bill (S. 3222) to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, after line 10, strike out:

On page 2, after line 7, strike out:

"SEC. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.";

And, in lieu thereof, insert:

SEC. 2. The area designated by this Act as wilderness shall be known as the "Wichita Mountains Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

On page 2, after line 7, strike out:

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within the area designated as wilderness by this Act.

And, in lieu thereof, insert:

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area was established and for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within the area designated as wilderness by this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Wichita Mountains National Wildlife Refuge, Oklahoma, as depicted on a map entitled "Wichita Mountains Wilderness—Proposed," dated October 1967, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be known as the "Wichita Mountains Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area was established and for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within the area designated as wilderness by this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–772), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

DESCRIPTION

The Wichita Mountains National Wildlife Refuge is located in southwestern Oklahoma, and was established in 1905 by a proclamation of President Theodore Roosevelt. The principal species protected in the refuge are bison, elk, longhorn cattle, deer and turkey. The Charons Gardens Unit contains unique geological formations of reddish granite mountains and escarpments rising above wooded drainages and rock-studded prairie lands. The North Mountain Unit is essentially a grassland complex with lesser areas of wooded species.

PUBLIC HEARING

A public hearing on the wilderness proposal was conducted in Lawton, Okla., on April 18, 1967, at which 30 persons attended, and there was no opposition to the wilderness classification.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee favorably recommends and urges early passage of S. 3222.

COMPENSATION FOR DISABLED VETERANS

The Senate proceeded to consider the bill (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, which had been reported from the Committee on Finance with amendments, on page 3, after line 8, strike out: "(c) The increase in rates of disability compensation made by subsections (a) and (b) of this section shall become effective July 1, 1970."

On page 4, after line 9, strike out:

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding a new subsection as follows:

"(b) For the purposes of section 310 of this title, the disability of any veteran of a war or of service after January 31, 1955, shall be deemed to be service-connected for a period of not less than one hundred and eighty days during his active military, naval, or air service such veteran (1) was held as a prisoner of war, or (2) while in line of duty was forceably detained or interned by a foreign government or power, unless the Administrator can show by clear and convincing evidence that such disability was not incurred in or aggravated in line of duty by such veteran while serving in the active military, naval, or air service."

And, in lieu thereof, insert:

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding the following new subsections:

"(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war by the Imperial Japanese Government during Korea during the Korean conflict, or the World War II, by the Government of North Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Convention of July 27, 1929.

"(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Convention of July 27, 1929), the disease of—

"(1) Avitaminosis,

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Beriberi (including berberi heart disease),
Chronic dysentery,
Helminthous disease,
Malnutrition (including optic atrophy associated with malnutrition),
Pellagra, or
Any other nutritional deficiency,

which became manifest to a degree of 10 per centum or more after such service; or

"(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service."

And on page 7, after line 5, insert a new section, as follows:

SEC. 4. The first two sections of this Act shall become effective January 1, 1971.

So as to make the bill read:

That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$23" in subsection (a) and inserting in lieu thereof "$25";

(2) by striking out "$43" in subsection (b) and inserting in lieu thereof "$48";

(3) by striking out "$65" in subsection (c) and inserting in lieu thereof "$72";

(4) by striking out "$89" in subsection (d) and inserting in lieu thereof "$99";

(5) by striking out "$122" in subsection (e) and inserting in lieu thereof "$135";

(6) by striking out "$147" in subsection (f) and inserting in lieu thereof "$163";

(7) by striking out "$174" in subsection (g) and inserting in lieu thereof "$193";

(8) by striking out "$201" in subsection (h) and inserting in lieu thereof "$223";

(9) by striking out "$226" in subsection (i) and inserting in lieu thereof "$250";

(10) by striking out "$400" in subsection (j) and inserting in lieu thereof "$450";

(11) by striking out "$500" and "$700" in subsection (k) and inserting in lieu thereof "$550" and "$750", respectively;

(12) by striking out "$500" in subsection (l) and inserting in lieu thereof "$550";

(13) by striking out "$550" in subsection (m) and inserting in lieu thereof "$600";

(14) by striking out "$625" in subsection (n) and inserting in lieu thereof "$675";

(15) by striking out "$700" in subsections (o) and (p) and inserting in lieu thereof "$750"; and

(16) by striking out "$450" in subsection (s) and inserting in lieu thereof "$500".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$25" in subparagraph (A) and inserting in lieu thereof "$28";

(2) by striking out "$43" in subparagraph (B) and inserting in lieu thereof "$48";

(3) by striking out "$55" in subparagraph (C) and inserting in lieu thereof "$61";

(4) by striking out "$68" and "$13" in subparagraph (D) and inserting in lieu thereof "$75" and "$14", respectively;

(5) by striking out "$17" in subparagraph (E) and inserting in lieu thereof "$19";

(6) by striking out "$30" in subparagraph (F) and inserting in lieu thereof "$33";

(7) by striking out "$43" and "$13" in subparagraph (G) and inserting in lieu thereof "$48" and "$14", respectively;

(8) by striking out "$21" in subparagraph (H) and inserting in lieu thereof "$23"; and

(9) by striking out "$40" in subparagraph (I) and inserting in lieu thereof "$44".

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding the following new subsections:

"(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war by the Imperial Japanese Government during World War II, by the Government of North Korea during the Korean conflict, or the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Convention of July 27, 1929.

"(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Convention of July 27, 1929), the disease of—

"(1) Avitaminosis,
Beriberi (including beriberi heart disease),
Chronic dysentery,
Helminthous disease,
Malnutrition (including optic atrophy associated with malnutrition),
Pellagra, or
Any other nutritional deficiency,

which became manifest to a degree of 10 per centum or more after such service; or

"(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service."

(b) The catchline of section 312 of such title is amended to read as follows:

"§ 312. Presumptions relating to certain diseases and disabilities"

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

"§ 312. Presumptions relation to certain diseases."

and inserting in lieu thereof the following:

"§ 312. Presumptions relating to certain diseases and disabilities."

SEC. 4. The first two sections of this Act shall become effective January 1, 1971.

Mr. TALMADGE. Mr. President, I am pleased that the Senate is now turning to consideration of (S. 3348), a bill to increase compensation payments to veterans whose disability is related to their military service.

In January, I had the privilege of introducing this bill with the cosponsorship of the distinguished chairman of the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare, Senator CRANSTON, and the distinguished chairman of the Labor and Public Welfare Committee, Senator YARBOROUGH. On March 18, the Subcommittee on Veterans' Legislation of the Committee on Finance held hearings on legislation to improve the veterans' disability compensation program. The bill received the solid support of every veterans' organization that testified before the subcommittee. The bill was reported unanimously by both the Subcommittee on Veterans' Legislation and the full Finance Committee.

When I introduced (S. 3348), I stated that improvements in the disability compensation program would receive the top priority of the Subcommittee on Veterans' Legislation this year. I am pleased that the actions of the subcommittee have enabled us to fulfill this commitment. I would like to compliment the distinguished chairman of the Committee on Finance, Senator LONG, for his role in bringing the bill up for action in the full committee, and I would like to compliment Senator BENNETT, ranking minority member of the subcommittee for his diligence and constructive action on the bill. I would also like to thank the other members of the subcommittee, Senators HARTKE, RIBICOFF, MILLER, and JORDAN of Idaho for their interest and work on the bill.

Mr. President, as the name implies, the purpose of compensation payments is to compensate the veteran for the average economic loss resulting from the disease or injury sustained during his military service. Thus compensation payments are based not on need, but on the degree of disability of the veteran.

The Veterans' Administration is currently undertaking an intensive study to determine whether the compensation payments in the law actually reflect the average economic loss suffered by a veteran as a result of his disability. The VA is also looking into the question of compensation for losses or impairments that cannot be expressed in economic terms.

Unfortunately, the results of this study are not expected until 1971. The Subcommittee on Veterans' Legislation felt that the Congress should act to increase compensation payments this year.

Two years ago, when the disability compensation program last received congressional review, the monthly payment to a totally disabled veteran was increased to $400. At that time, $400 represented an amount equal to the average after-tax earnings of the 46 million production workers in the private sector. It was sound policy to choose this as the basis for determining the average economic loss suffered by a totally disabled veteran. The bill before us today would increase the monthly payment to the totally disabled from $400 to $450 effective this July. This amount would continue the congressional policy, established 2 years ago, of linking monthly payments to veterans rated 100 percent disabled to an objective index representing the veteran's economic loss.

The bill would also increase monthly payments to veterans rated at 10- to 90-percent disabled. In the past, compensation payments for veterans rated less than totally disabled have been increased only by amounts representing increases in the cost of living. The committee bill, however, incorporates an increase for veterans less than totally disabled which is based on the increase that has taken place in earnings since the present compensation rates were set by law in January 1969. These represent a larger increase than the increase in the cost of living that has taken place since then, and this is only appropriate in view of the fact that the veteran's disability has limited his earning capacity.

Under present law an allowance is provided for the dependents of veterans whose disability is rated at 50 percent or higher. These allowances have not been increased since 1965. The bill increases these allowances by same percentage as the increase in the bill for the veterans who are less than totally disabled.

The final provision of the bill relates to veterans who were prisoners of war and who suffered from dietary deficiencies, forced labor, or inhumane treatment. For purposes of the bill, a former prisoner of war of Japan, Korea, or Vietnam is presumed to have suffered from dietary deficiencies, forced labor, or inhumane treatment. Because these prisoners of war suffered from this kind of abuse, it is sometimes difficult for a former prisoner of war to establish, some time after his military service, that certain kinds of disabilities or aggravations of a previous disability are related to his military service. The committee felt that the veteran should be given the benefit of the doubt in such cases through specific statutory language. Section 3 of the bill therefore lists certain types of disabilities, and presumes their service connection if they are suffered by a former prisoner of war.

I ask unanimous consent to have printed at this point in the RECORD tables showing compensation increases and increases in dependents' allowance under the bill.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER S. 3348

Disability	Present law	S. 3348	Number of veterans
(a) Rated at 10 percent	$23	$25	816, 226
(b) Rated at 20 percent	43	48	320, 096
(c) Rated at 30 percent	65	72	275, 964
(d) Rated at 40 percent	89	99	168, 245
(e) Rated at 50 percent	122	135	106, 220
(f) Rated at 60 percent	147	163	102, 920
(g) Rated at 70 percent	174	193	60, 666
(h) Rated at 80 percent	201	223	32, 042
(i) Rated at 90 percent	226	250	10, 640
(j) Rated at total	400	450	94, 825
Limit for veterans receiving payments under (a) to (j) above	500	550	....
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden, or so helpless as to require regular aid and attendance	500	550	7, 439
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	550	600	5, 299
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	625	675	1, 259
Limit for veterans receiving payments under (l) to (n) above	$700	$750	....
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	700	750	....
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	700	750	....
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	300	300	8, 035
(s) Disability rate as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	450	500	6, 870
Total number of cases affected			2, 016, 746

TABLE 2.—MONTHLY DEPENDENTS' ALLOWANCES (FOR DEPENDENTS OF VETERANS RATED 50 TO 100 PERCENT DISABLED)

	Present law	S. 3348
Wife, no children	$25	$28
Wife and 1 child	43	48
Wife and 2 children	55	61
Wife and 3 children	68	75
Each additional child	13	14
No wife, 1 child	17	19
No wife, 2 children	30	33
No wife, 3 children	43	48
Each additional child	13	14
Mother or father each	21	23

TABLE 3.—*Dependents receiving allowances as of June 30, 1969*

Wives	200, 555
Children	462, 397
Mothers	15, 402
Fathers	3, 746
Total	772, 100

Mr. MANSFIELD. Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) is necessarily absent today; however, he has a longstanding interest in increasing veterans' disability compensation and S. 3348, and has a statement on this pending bill. I ask unanimous consent that Senator YARBOROUGH's statement be printed at this point in the RECORD.

There being no objection the statement by Senator YARBOROUGH was ordered to be printed in the RECORD, as follows:

Mr. YARBOROUGH. Mr. President, today we have before us a bill of paramount importance to our many veterans who suffer from disabilities they obtained in the military service of the United States. The present compensation laws are supposed to compensate a disabled veteran for the economic loss he incurs as a result of his service-connected disability. Unfortunately, the compensation rates provided in the present law fall far below the average economic loss most disabled veterans have suffered. S. 3348, represents a major step toward curing this injustice.

This bill would increase the monthly compensation payments for totally disabled veterans from $400 to $450. It would increase by 11 percent the compensations payments to veterans whose disability was less than total, and also provide an 11 percent increase in allowances to dependents of veterans with 50 percent or more disability.

In addition to these important increases in compensation, the bill creates a special presumption that certain diseases, resulting from dietary deficiencies and inhumane treatment, suffered by former prisoners of war are service connected. This presumption will ease greatly the burden that many former prisoners of war have in establishing the source of their disabilites.

In summary, S. 3348 is a sound and humane measure. I am proud to be a co-sponsor of it. I commend the distinguished Senator from Georgia, Senator Talmadge, and the other distinguished members of the Finance Committee for the work on this significant bill. I urge all of my colleagues to give their full support to this bill.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–784), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

By law, compensation is paid to veterans who suffer disabling conditions as a result of military service. As the name implies, the purpose of the payments is to compensate the veteran for the average economic loss resulting from the disease or injury sustained during his military service. Thus compensation payments are based not on need, but on the degree of disability of the veteran. Under present law, monthly compensation rates for disabilities incurred in time of war range from $23 for veterans with a 10-percent disabling condition to $400 for totally disabled veterans, with higher rates provided for certain very serious disabilities. Veterans whose disabilities were incurred during peacetime receive compensation payments at 80 percent of the wartime rate.

In 1968, when legislation to improve the disability compensation program was last considered, the Veterans' Administration told the committee that they were then undertaking an extensive study to determine whether the compensation payments in the law actually reflect the average economic loss suffered by a veteran as a result of his disability. They stated that they intended also to look into the question of compensation for losses or impairments that cannot be expressed in economic terms. Unfortunately, no information is yet available from this study.

INCREASE IN COMPENSATION PAYMENTS TO TOTALLY DISABLED VETERANS

Although compensation payments are not based on need, an earlier study conducted by the Veterans' Administration showed that four-fifths of the totally disabled veterans have no earnings whatever, and that those who do work have only very small earnings.

In 1968, the Congress adopted the policy of setting the monthly rate of compensation to a totally disabled veteran at $400, an amount equal to the average after-tax earnings of the 46 million production workers in the private sector.

The committee bill would follow this same policy in increasing the monthly benefit to $450. The committee feels that it is appropriate to link compensation payments to the totally disabled to such a standard which represents the average economic loss suffered by a veteran.

INCREASE IN COMPENSATION PAYMENTS TO VETERANS WHOSE DISABILITY IS LESS THAN TOTAL

The committee will be interested in the results of the Veterans' Administration evaluation of the disability compensation. However, in light of cost and earnings increases since January 1969, when the payment levels in present law were set, the committee feels that the Nation's disabled veterans should

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not have to wait until the study is completed before compensation is adjusted to reflect these increases.

The committee bill accordingly provides about an 11-percent increase in compensation payments to veterans less than totally disabled. This percentage will reflect the increase which has taken place in average earnings since January 1969. The committee feels that this is appropriate in view of the fact that the veteran's disability has limited his earning capacity.

Compensation rates under present law, the committee bill, and the numbers of disabled veterans affected are shown in table 1.

TABLE 1.—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER S. 3348

Disability	Present law	S. 3348	Number of veterans
(a) Rated at 10 percent	$23	$25	816, 226
(b) Rated at 20 percent	43	48	320, 096
(c) Rated at 30 percent	65	72	275, 964
(d) Rated at 40 percent	89	99	168, 245
(e) Rated at 50 percent	122	135	106, 220
(f) Rated at 60 percent	147	163	102, 920
(g) Rated at 70 percent	174	193	60,666
(h) Rated at 80 percent	210	223	32, 042
(i) Rated at 90 percent	226	250	10, 640
(j) Rated at total	400	450	94, 825
Limit for veterans receiving payments under (a) to (j) above	500	550	
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	500	550	7, 439
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	550	600	5, 299
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	$625	$675	1, 259
Limit for veterans receiving payments under (l) to (n) above	700	750	
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	700	750	
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	700	750	
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	300	300	8, 035
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	450	500	6, 870
Total number of cases affected			2, 016, 746

INCREASE IN MONTHLY DEPENDENTS' ALLOWANCES

Under present law, allowances are provided to dependents of veterans who are rated 50 percent or more disabled. The committee bill would increase these by about 11 percent, as shown in table 2 below.

TABLE 2.—MONTHLY DEPENDENTS' ALLOWANCES (FOR DEPENDENTS OF VETERANS RATED 50–100 PERCENT DISABLED)

	Present law	S. 3348
Wife, no children	$25	$28
Wife and 1 child	43	48
Wife and 2 children	55	61
Wife and 3 children	68	75
Each additional child	13	14
No wife, 1 child	17	19
No wife, 2 children	30	33
No wife, 3 children	43	48
Each additional child	13	14
Mother or father, each	21	23

TABLE 3.—*Dependents receiving allowances as of June 30, 1969*

Wives	290, 555
Children	462, 397
Mothers	15, 402
Fathers	3, 746
Total	772, 100

Section 3 of the committee bill contains a special provision related to former prisoners of war. Because of the conditions of their captivity and the kinds of long-range harm that may have been caused, it is sometimes difficult for a former prisoner of war to establish, some time after the completion of his military service, that a disability or the aggravation of a previous disability is related to his military service.

In testimony before the committee, Mr. Olney B. Owen, Chief Benefits Director of the Veterans' Administration stated:

Our regulations also attempt to treat former prisoners of war liberally. Physical examinations are particularly thorough, searching for disabilities common to prisoners of war even when they are not complained of, and we assign great weight to imprisonment under unsanitary conditions and to food deprivation in connection with gastrointestinal diseases.

All of these considerations permit the Veterans' Administration to reach an equitable decision on the basis of the facts of each individual case, with any reasonable doubts being resolved in favor of the former prisoner of war.

The Veterans' Administration believes that special consideration should be given to former prisoners of war and strives to assure that they will receive compensation and other benefits in full measure under existing law.

The committee commends the Veterans' Administration for its policies and procedures under the law, but feels that there is justification for modifying the statute itself to establish a presumption of service connection in certain cases.

The provision of the committee bill concerns former prisoners of war who suffered from dietary deficiencies, forced labor, or inhumane treatment. The bill considers any veteran who was a prisoner of war of Japan during World War II, North Korean during the Korean conflict, or North Vietnam or the Vietcong during the Vietnam era, to have suffered from dietary deficiencies, forced labor, or inhumane treatment.

Under the bill, the following diseases would be presumed to be service connected if suffered by a former prisoner of war who meets the criteria discussed above:

Avitaminosis.

Beriberi (including beriberi heart disease).

Chronic dysentery.

Helminthous disease.

Malnutrition (including optic atrophy associated with malnutrition).

Pellagra.

Any other nutritional deficiency.

Under present law, a psychosis which became manifest within 1 year of a veteran's separation from military service is presumed to be service connected. The bill extends this period of presumption of service connection from 1 to 2 years in the case of former prisoners of war who suffered from dietary deficiencies, forced labor, or inhumane treatment.

COST OF THE BILL

The Veterans' Administration estimates that the bill will cost an additional $229 million in its first full year, as shown below:

[Additional 1st year cost in millions]

1. $50 increase for totally disabled veterans	$72
2. 11 percent increase for veterans rated less than totally disabled	142
3. 11 percent increase in dependents' allowance	15
Total	229

The detail of the cost estimate on the compensation increase is shown on table 4.

TABLE 4.—COST OF COMPENSATION INCREASE IN S. 3348

Degree of disability or paragraph of sec. 314	Cases at wartime rates						Cases of peacetime rates						Total cases	Total additional annual 1st year cost
		Rate increase						Rate increase						
	Cases	Present	Proposed	Monthly	Annual	Additional annual cost	Cases	Present	Proposed	Monthly	Annual	Additional annual cost		
Less than totally disabled:														
10 percent	741, 847	$23	$25	$2	$24	$17, 804, 328	74, 379	$18	$20	$2	$24	$1, 785, 096	816, 226	$19, 589, 424
20 percent	292, 805	43	48	5	60	17, 568, 300	27, 291	34	38	4	48	1, 309, 968	320, 096	18, 878, 268
30 percent	251, 619	65	72	7	84	21, 135, 996	24, 345	52	58	6	72	1, 752, 840	275, 964	22, 888, 836
40 percent	156, 545	89	99	10	120	18, 785, 400	11, 700	71	79	8	96	1, 123, 200	168, 245	19, 908, 600
50 percent	98, 520	122	135	13	156	15, 369, 120	7, 700	98	108	10	120	924, 000	106, 220	16, 293, 120
60 percent	94, 680	147	163	16	192	18, 178, 560	8, 240	118	130	12	144	1, 186, 560	102, 920	19, 365, 120
70 percent	55, 636	174	193	19	228	12, 685, 008	5, 030	139	154	15	180	905, 400	60, 666	13, 590, 408
80 percent	29, 962	201	223	22	264	7, 909, 968	2, 080	161	178	17	204	424, 320	32, 042	8, 334, 288
90 percent	10, 040	226	250	24	288	2, 891, 520	600	181	200	19	228	136, 800	10, 640	3, 028, 320
Subtotal	1, 731, 654					132, 328, 200	161, 365					9, 548, 384	1, 893, 019	141, 876, 384

TABLE 4.—COST OF COMPENSATION INCREASE IN S. 3348

Degree of disability or paragraph of sec. 314	Cases at wartime rates						Cases of peacetime rates						Total cases	Total additional annua 1st year cost
	Cases	Rate increase				Additional annual cost	Cases	Rate increase				Additional annual cost		
		Present	Proposed	Monthly	Annual			Present	Proposed	Monthly	Annual			
Total disabled:														
100 percent	82,715	$400	$450	$50	$600	$49,629,000	12,110	$520	$360	$40	$480	$5,812,600	94,825	$55,441,800
(L)	6,662	500	550	50	600	3,997,200	777	400	440	40	480	372,960	7,439	4,370,160
(M)	4,766	550	600	50	600	2,859,600	533	440	480	40	480	255,840	5,299	3,115,440
(N)	1,149	625	675	50	600	698,400	110	500	540	40	480	52,800	1,259	742,200
(R)	6,715	1,000	1,250	50	600	4,029,000	1,320	800	840	40	480	633,600	8,035	4,662,600
(S)	6,070	450	500	50	600	3,642,000	800	360	400	40	480	384,000	6,870	4,026,000
Subtotal	108,077					64,846,200	15,650					7,511,800	123,727	72,358,200
Total	1,839,731					197,174,400	177,015					17,060,184	2,016,746	214,234,584

EFFECTIVE DATE

The increase in compensation payments and dependents' allowances becomes effective January 1, 1971.

DEFINING THE TERM "CHILD" FOR THE PURPOSES OF TITLE 38, UNITED STATES CODE

The Senate proceeded to consider the bill (H.R. 10106) to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree which had been reported from the Committee on Finance with amendments on page 2, after line 2, insert a new section, as follows:

SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"§ 413. Dependency and indemnity compensation to children

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $88.

"(2) Two children, $127.

"(3) Three children, $164.

"(4) More than three children, $164, plus $32 for each child in excess of three."

After line 16, insert a new section, as follows:

SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$29" and inserting in lieu thereof "$32".

(b) Subsection (b) of section 414 of such title is amended by striking out "$80" and inserting in lieu thereof "$88".

(c) Subsection (c) of section 414 of such title is amended by striking out "$41" and inserting in lieu thereof "$45".

At the top of page 3, insert a new section, as follows:

SEC. 4. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting "(1)" immediately after "unless", and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "or (2) the total amount paid to the widow, children, or parents of such veteran under any such policy is equal to or exceeds the face value of the policy and such amount paid when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final.".

(b) The last sentence of section 417(a) of such title is amended by striking out "preceding sentence" and inserting in lieu thereof "first sentence".

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act.

And on page 4, after line 2, insert a new section, as follows:

SEC. 5. The amendments made by sections 2 and 3 of this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

Mr. TALMADGE. Mr. President, the House version of H.R. 10106 would revise the definition of the term "child" for veterans' benefit purposes. Under present law, an adopted child is only considered legally adopted and thus eligible for veterans' benefit purposes when the decree of adoption has become final. H.R. 10106 would provide that the child be considered legally adopted at the time the interlocutory decree is issued. This would permit the payment of compensation, pensions or education benefits in these cases before a final decree of adoption is issued.

The committee bill does not change the text of the House bill. However, the committee did add an amendment with two provisions.

First, the committee bill would increase by 10 percent monthly dependency and indemnity compensation payments to children where there is no widow entitled to receive these benefits, and to certain other children age 18 and over specified in the law.

Second, the committee amendment would extend dependency and indemnity compensation eligibility to certain widows now ineligible because their husbands were insured under National Service Life Insurance on a premium-free basis.

Mr. President, I ask unanimous consent that a table be inserted in the RECORD at this point showing the increases in dependency and indemnity compensation benefits under the committee amendment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMMITTEE AMENDMENT TO H.R. 10106

INCREASE IN DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS TO CHILDREN WHERE NO WIDOW IS ENTITLED AND IN CERTAIN SPECIFIED CASES

	Present law	Committee amendment
1 child	$80	$88
2 children	115	127
3 children	149	164
Easch additional child	29	32
Disabled child above age 18—		
Where no widow is entitled to DIC	29	32
Where widow is entitled to DIC	80	88
Student, age 18 to 23, where widow is entitled	41	45

The amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

An Act to amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–785), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

DEFINITION OF CHILD

The current definition of a child in title 38, United States Code, in essence provides that an adopted child is only legally adopted when the decree of adoption has become final. The purpose of this bill is to amend the law to provide that the child shall be considered legally adopted at the time of the issuance of the interlocutory decree and shall continue to be so considered unless such decree is rescinded. This would permit, in cases where warranted, the payment of compensation, pension, or education benefits prior to the issuance of the final decree of adoption.

INCREASE IN DEPENDENCY AND INDEMNITY COMPENSATION PAYMENTS FOR CHILDREN

Benefits when no widow is entitled.—The original 1956 legislation establishing the dependency and indemnity compensation program provided specified amounts of DIC payments to children when no widow was entitled. These amounts were set at $70 for one child, $100 for two children, $130 for three children, and $25 for each additional

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child. In 1967, the amounts were set at their present levels of $80 for one child, $115 for two children, $149 for three children, and $29 for each additional child. About 44,000 children receive these benefits today.

The committee amendment provides a 10-percent increase in these benefits, as shown in table 1.

Benefits to certain children 18 and over.—The original 1956 legislation also specified DIC amounts payable in certain cases. A child over age 18 who became permanently incapable of selp-support before reaching age 18 was entitled to $25 additional DIC if there was no widow entitled, and $70 additional DIC if there was a widow receiving DIC. A child between 18 and 21 (now 23) who was a student was entitled to an additional $35 in monthly DIC if there was a widow entitled.

These amounts were set in 1967 at $29, $80, and $41, respectively, the levels under present law. More than 6,000 children 18 and over receive benefits under this section of the law. The committee amendment provides a 10-percent increase in these benefits, as shown in table 1.

TABLE 1.—DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS TO CHILDREN WHERE NO WIDOW IS ENTITLED AND IN CERTAIN SPECIFIED CASES

	Present law	Proposed
1 child	$80	$88
2 children	115	127
3 children	149	164
Each additional child	29	32
Disabled child above age 18—		
Where no widow is entitled to DIC	29	32
Where widow is entitled to DIC	80	88
Student, age 18 to 23, where widow is entitled	41	45

EXTENDING DEPENDENCY AND INDEMNITY COMPENSATION TO CERTAIN SURVIVORS OF VETERANS WHO WERE INSURED UNDER GOVERNMENT LIFE INSURANCE ON A PREMIUM-FREE BASIS

Before the dependency and indemnity compensation was established in 1956, two major types of benefits were offered the survivors of deceased servicemen: monthly death compensation payments, and a $10,000 gratuitous indemnity. The death compensation payments were small monthly payments, with the same amount payable to all widows whose husbands were killed in wartime service. The $10,000 gratuitous indemnity had been authorized at the beginning of the Korean war as a free equivalent to the $10,000 National Service Life Insurance that had been offered to servicemen during World War II. Those servicemen who still had National Service Life Insurance (or pre-World War II U.S. Government life insurance) at the beginning of the Korean war were given the choice of either dropping their National Service Life Insurance in order to receive the $10,000 gratuitous indemnity, or continuing the National Service Life Insurance with the premiums waived—in effect, receiving $10,000 in gratuitous life insurance. The same choice applied to holders of U.S. Government life insurance.

When the Congress in 1956 revised the survivor benefit program, the $10,000 indemnity was eliminated, and in its stead the new program of dependency and indemnity compensation was established, with much more generous monthly payments to widows than had been provided under death compensation.

While the $10,000 gratuitous indemnity was eliminated from the law, however, the Veterans' Administration ruled that they had a contractual obligation to continue National Service Life Insurance on a premium-free basis to those servicemen who had secured the waiver prior to the new law. In the light of this ruling, the Congress decided to deny monthly dependency and indemnity compensation payments to survivors receiving payments under National Service Life Insurance that had been continued in force on a premium-free basis. These survivors were and still are permitted to receive only the lower monthly death compensation payments, which have not been increased in 15 years. In view of this provision, a great effort was made to encourage as many servicemen as possible to resume payment of premiums for their National Service Life Insurance rather than having it continued free, so that their widows would be eligible for the much more adequate monthly dependency and indemnity compensation payments. It is a tribute to that effort that although many servicemen still hold National Service Life Insurance, almost all of them pay premiums to insure that their survivors will be eligible for dependency and indemnity compensation. About 165,000 widows are receiving dependency and indemnity compensation today; however, because of the prohibition in the law just described, some 2,800 widows are barred from receiving dependency and indemnity compensation.

The committee amendment would end this situation which forever denies dependency and indemnity compensation to a widow who received a $10,000 gratuitous insurance benefit upon her husband's death. Under section 4 of the bill as reported, the Veterans' Administration would compute the total amount of dependency and indemnity compensation which would have been payable to the deceased's survivors had they been eligible to receive it. When the total amount of insurance benefits and death compensation actually paid the survivors equals or is less than the DIC they would have received had they been eligible, the survivors would be eligible to apply for dependency and indemnity compensation. The Veterans' Administration estimates that about 700 widows would now be eligible to receive dependency and indemnity compensation under this proposal.

This provision would be fair to these widows who have been limited to receiving death compensation, and it would be fair to the many servicemen who have wisely chosen to pay for their National Service Life Insurance so that their wives are adequately protected. Both groups would be treated equitably.

RECOUPMENT OF DISABILITY SEVERANCE PAY

The Senate proceeded to consider the bill (H.R. 10912) to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans.

Mr. TALMADGE. Mr. President, under existing law, members of one of the branches of the Armed Forces who become permanently disabled to such a degree as to make them unfit to perform their duties may be granted disability retirement pay from the branch of the service with which they served, if they have 8 or more years of service and if the degree of disability is 30 percent or more. If the period of service is less than 8 years or the degree of disability is less than 30 percent, as determined under the Veterans' Administration's schedule for rating disabilities, then a lump-sum payment—disability severance pay—is made in lieu of the monthly disability retirement. The law provides that the amount of this lump-sum payment shall be deducted from any compensation for the same disability to which the veteran becomes entitled under laws administered by the Veterans' Administration.

Thereafter, the veteran may not receive the disability compensation to which he would otherwise be entitled until the disability severance pay has been completely repaid. It may happen that a veteran's disability becomes more severe, even severe enough to render him totally disabled. Under present law, the veteran's full compensation payment would have to be recouped leaving him with no income whatsoever.

Under the bill the rate of monthly recoupment would not be increased if the veteran's disability increased in severity.

The Veterans' Administration estimates that few veterans would be affected and that there would be no significant cost.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-783), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

Under existing law, members of one of the branches of the Armed Forces who become permanently disabled to such a degree as to make them unfit to perform their duties may be granted disability retirement pay from the branch of the service with which they served, if they have 8 or more years of service and if the degree of disability is 30 percent or more. If the period of service is less than 8 years or the degree of disability is less than 30 percent, as determined under the Veterans' Administration's schedule for rating disabilities, then a lump-sum payment (disability severance pay) is made in lieu of the monthly disability retirement. The law provides that the amount of this lump-sum payment shall be deducted from any compensation for the same disability to which the veteran becomes entitled under laws administered by the Veterans' Administration.

Thereafter, the veteran may not receive the disability compensation to which he would otherwise be entitled until the disability severance pay has been completely repaid. This is true even if his disability becomes more disabling. For example, suppose the severance pay amounted to $5,000 and the disability was 20 percent (which now amounts to a monthly compensation payment of $43) and suppose the veteran's disability should increase to being totally disabling. While the veteran would be entitled to $400 a month based on total disability, he could not receive any of the increased benefits until and unless the $5,000 had been completely repaid representing recoupment of the disability severance pay.

The purpose of this bill which was suggested by the Veterans' Administration and transmitted formally to the Congress is to permit the Veterans' Administration, as in the example indicated above, to deduct the initial rate of compensation rather than the current amount to which he is eligible. In the example used, if this bill is enacted into law, the veteran would receive $400 a month based on his total disability. From that would be deducted each month $43, that being the current rate for 20-percent disability and this $43 deduction would be continued until the $5,000 disability severance pay was completely recouped.

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QUAPAW INDIANS, OKLAHOMA

The bill (S. 887) to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

A bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing restrictions, tax exemptions, and limitations affecting lands of Quapaw Indians in Oklahoma that were extended to March 3, 1971, by the Act of July 27, 1939 (53 Stat. 1127), are hereby extended for a further period of twenty-five years from the date on which such restrictions, tax exemptions, and limitations would otherwise expire.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–793), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, introduced by Senator Harris, is to extend for an additional period of 25 years from March 3, 1971, the restrictions, tax exemptions, and limitations affecting lands of the Quapaw Indians in Oklahoma that were extended to that date by the act of July 27, 1939 (53 Stat. 1127). Unless extended, all allotments will become unrestricted on March 3, 1971.

NEED

At the present time there are 79 allotments, comprising almost 12,500 acres, held wholly or partially in a restricted fee status. The Quapaw Indians have lead and zinc leases, but no oil and gas leases. More than 6,500 acres are under permit. Several small towns are located on Quapaw lands, and many of these permits cover town lots. The Bureau of Indian Affairs has had problems collecting rents and expresses a doubt that the residents would pay rent to the Indian owners if the lands become unrestricted. The Indians would probably lose control of the land. There is no existing authority by which the Secretary of the Interior may extend the Quapaw restrictions.

The Department of the Interior advised the committee that there is a definite need to continue supervision and administration of the mineral leases and the town lots. Although the Department recommended substitute language which would have extended the period of restrictions for an indefinite time, the committee has retained the 25-year provision as set forth in the bill as introduced.

COST

No additional Federal expenditure will result from the enactment of this bill.

DISPOSITION OF ESTATES OF INTESTATE MEMBERS OF THE CHEROKEE, CHICKASAW, CHOCTAW, AND SEMINOLE NATIONS OF OKLAHOMA DYING WITHOUT HEIRS

The bill (H.R. 4145) to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–794), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 4145 is to provide that when a member, or the descendant of a member, of the Cherokee, Chickasaw, Choctaw, or Seminole Tribes of Oklahoma dies without a will, and he has no heirs, his interest in any trust or restricted land, or in the rents therefrom, will escheat to the tribe.

NEED

The enactment of this bill is needed to make applicable to the four tribes named the same rule of law that has applied for many years to most other tribes throughout the country (25 U.S.C. 373a).

The general law by its terms does not apply to the Five Civilized Tribes of Oklahoma (which are the four tribes named in this bill, plus the Creek Tribe of Oklahoma). The reason for the exception probably was the fact that a 1918 statute (25 U.S.C. 375) gave the Oklahoma courts jurisdiction to probate the estates of deceased members of these tribes. The 1918 statute made no provision, however, for the estates of persons dying intestate without heirs.

In 1967 an escheat statute was enacted by the Congress for the Creek Tribe, and the enactment of the pending bill will cover the remaining four of the five civilized tribes.

Only one small estate has escheated to the Creek Tribe under the 1967 statute, and the number of estates that may escheat under this bill is expected to be small.

COST

No additional expenditure of Federal funds will result from the enactment of H.R. 4145.

HOPI INDIAN TRIBE, ARIZONA

The Senate proceeded to consider the bill (H.R. 4869) to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, after line 2, strike out:

That, for the purpose of assisting in the economic advancement and contribution to the general welfare of the Hopi Indian Tribe of Arizona, the Secretary of the Interior may, in his discretion, upon request of the Hopi Tribal Council, purchase with tribal funds, or otherwise acquire by gift, exchange, relinquishment, or assignment, any lands or interests therein within, adjacent to, or in close proximity to the Hopi Industrial Park in the counties of Navajo and Coconino in the State of Arizona: *Provided*, That any exchange shall be upon a fair and equitable basis with partial money consideration where required and only such Hopi Tribal lands may be given in any exchanges as are within, adjacent to or in close proximity to said Hopi Industrial Park: *And provided further*, That title to all lands, or interests therein, acquired pursuant to this authority shall be taken in the name of the United States of America in trust for the Hopi Tribe and such lands, or interests therein, shall be nontaxable.

And, in lieu thereof, insert:

That, for the purpose of assisting in the economic advancement and contributing to the general welfare of the Hopi Indian Tribe of Arizona, the Congress hereby finds it to be fitting and appropriate to provide the Hopi Tribal Council with certain powers of self-determination that are necessary to enable the Hopi people to carry out the effective development and operation of the Hopi Industrial Park, which is located in the counties of Navajo and Coconino in the State of Arizona.

On page 2, line 20, after the word "lands", strike out "within, adjacent to, or in close proximity to said", and insert "within the"; in line 23, after the word "Industrial", strike out "Park or adjacent thereto, or in close proximity therewith.", and insert "Park."; on page 3, line 10, after the word "from", strike out the word "said"; in line 11, after the word "within", strike out "or adjacent or in close proximity to"; in line 14, after the word "the", strike out the word "tribe" and insert "Hopi Tribe"; on page 4, at the beginning of line 22, strike out "or without"; at the beginning of line 24, strike out "lands acquired by the tribe pursuant to this Act,"; on page 5, line 2, after the word "provision", strike out "of any Federal laws then in effect." and insert "of Federal laws."; and in line 13, after the word "the", strike out "tribal council." and insert "Hopi Tribal Council."

The amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–788), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this bill as amended is to give the governing body of the Hopi Tribe the authorities it needs to develop the Hopi Industrial Park.

NEED

The Hopi Industrial Park consists of 200 acres of land located just outside the city limits of Winslow, Ariz., and about 40 miles from the Hopi Reservation. The land was donated to the tribe and the title is held by the United States in trust. The purpose of the donation was to attract industry to, and develop business in, Winslow and thereby provide employment to Hopi Indians. Out of a Hopi labor force of 2,300, about 1,000 are unemployed.

The tribe has leased 40 acres of the industrial park to a subsidiary of the BVD Corp. Under the terms of the lease the tribe is obligated to spend $1,600,000 for constructing and furnishing the factory. These are tribal funds, and involve no expense to the United States. At the present time the company employs 72 employees, 65 of whom are Indians. When the plant facilities are fully utilized 250 persons will be employed, 200 of whom will be Indians.

In order to finance further development of the industrial park, the tribe needs authority to raise the necessary funds by borrowing from commercial lending institutions or by issuing bonds, secured by mortgages on the real property in the park and by a pledge of tribal revenues.

The bill, as amended, grants these authorities, with the following limitations:

(1) The authority to dispose of and mortgage land is limited to lands in the industrial park. The authority does not extend to the Hopi Reservation proper.

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(2) The bonds issued by the tribe, and the interest on the bonds, will be tax exempt to the same extent they would have been tax exempt if they had been issued by the State of Arizona or a political subdivision thereof.

(3) Any bonds or other securities issued by the Hopi Tribe will be subject to the fraud provisions of the Securities and Exchange legislation, but will be exempt from its registration requirements. Since the issuance of these bonds and securities will be subject to supervision by the Secretary of the Interior, there is no need to subject them to the registration and disclosure requirements of the Securities and Exchange legislation. This provision of the bill conforms to the recommendations of the Department of the Interior and the Securities and Exchange Commission.

(4) The exercise of all powers granted by the bill is subject to approval of the Secretary of the Interior.

(5) The authority to lease or rent tribal land is granted to the Hopi Tribal Council, but only to the extent authorized by Federal law.

The enactment of this bill will permit the Hopi Tribe to stimulate industrial development that will provide jobs for Indians, in a manner that is consistent with similar efforts by other governmental units, and without any expense to the Federal Government.

The committee has adopted a number of amendments. The most important of these would delete those provisions of the bill which would permit further acquisitions of land around the industrial park in a trust status. It is the committee's policy to not approve trust titles to lands that are situated outside the boundaries of reservations. However, it should be pointed out that there is no restriction of any kind on the tribe acquiring any land in fee outside its reservation boundaries. The other amendments are of a technical and clarifying nature.

COST

Enactment of H.R. 4869 will require no Federal expenditure.

XUM

RIVERTON FEDERAL RECLAMATION PROJECT

The Senate proceeded to consider the bill (S. 434) to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, at the beginning on line 8, insert "fish and wildlife conservation and development recreation,"; on page 2 line 13, after the word "is", strike out "confirmed." and insert "executed."; on page 4, line 9, after the word "other", insert "land"; after line 23, insert a new section, as follows:

SEC. 6. The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and authorized under the designation "Riverton unit of the Missouri River Basin project".

And on page 5, at the beginning of line 4, change the section number from "6" to "7"; so as to make the bill read:

That the general plan for the Riverton extension unit, Missouri River Basin project, heretofore authorized under section 9 of the Flood Control Act of 1944 (58 Stat. 887), is modified to include relief to water users, construction, betterment of works, land rehabilitation, water conservation, fish and wildlife conservation and development, recreation, flood control, and silt control on the entire Riverton Federal reclamation project. As so modified the general plan is reauthorized under the designation "Riverton unit of the Missouri River Basin project".

SEC. 2. (a) The Secretary of the Interior is authorized to negotiate and execute an amendatory repayment contract with the Midvale Irrigation District covering all lands of the Riverton unit. This contract shall replace all existing repayment contracts between the Midvale Irrigation District and the United States.

(b) The period for repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be fifty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to construct and test the adequacy of drains and other water conservation works, the rates of charge to land classes and the acreage assessable in each land class in the unit shall continue to be as established in the amendatory repayment contract with the district dated June 26, 1952; thereafter such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as determined by the Secretary.

(d) The district's repayment obligation under the amendatory contract shall reflect a credit for any amounts paid by the district in reduction of its repayment obligation under previous contracts, and the repayment period of individual tracts within the district shall be reduced to reflect a credit for any amounts paid by the district in reduction of its repayment obligation under previous contracts which are attributable to such tracts.

(e) During the first ten years of the repayment period under the amendatory contract, the annual payment obligation of the district shall be reduced by the amounts which the district has credited in the previous year to water users who have provided title for the project drainage program: *Provided*, That the total of such reduction shall not exceed $50,000.

SEC. 3. (a) Construction and rehabilitation and betterment costs of the Riverton unit which the Secretary determines to be assignable to lands classified now or hereafter as permanently unproductive shall be nonreturnable and nonreimbursable: *Provided*, That whenever new lands or lands now or hereafter classified as nonproductive are classified or reclassified as productive, the repayment obligation of the district shall be increased appropriately.

(b) All miscellaneous net revenues of the Riverton unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(c) Construction and rehabilitation and betterment costs of the Riverton unit allocated to irrigation and not assigned to be repaid by irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Missouri River Basin project.

SEC. 4. The limitation of lands held in beneficial ownership within the unit by any one owner, which are eligible to receive project water from, through, or by means of project works, shall be one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary.

SEC. 5. (a) Lands available for disposition on the Riverton unit, including property acquired pursuant to the Act of March 10, 1964, shall be sold at public or private sale at not less than appraised fair market value at the time of sale. The Secretary may dispose of such lands in tracts of any size, so long as no such disposition will result in a total ownership within the unit by any one owner in excess of the limitation prescribed in section 4 above.

(b) In the disposition of lands on the Riverton unit resident landowners on the unit who have not obtained relief under the Act of March 10, 1964, as amended, shall have a prior right to purchase tracts in order to supplement their existing farms.

SEC. 6. The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and wildlife enhancement benefits in connection with the Riverton extension unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 7. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and cost provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

Mr. MCGEE. Mr. President, this bill, S. 434, sponsored by me and my colleague from Wyoming (Mr. HANSEN), is to reauthorize the Riverton extension unit of the Missouri River Basin project and to include therein the entire reclamation project.

The Riverton project was first authorized as an Indian project in 1917. It was placed under the Bureau of Reclamation's jurisdiction in 1920. Thereafter, over a period of 20 years, the first and second divisions, containing 45,000 acres, were developed into a successful irrigated farming operation.

The third division, which contains 25,000 acres, was authorized by the Flood Control Act of 1944 as the "Riverton Extension Unit, Missouri River Basin Project." It is presently owned by the U.S. Government.

Since 1964 approximately 8,900 acres of irrigable lands in the third division have been leased to the farmers of the Midvale irrigation district which is comprised of the first and second divisions of the Riverton project. These lands of the third division are now being farmed successfully as a result of the skillful endeavors of the Midvale farmers, even though they are operating under a distinct disadvantage due to the short-term temporary leases. Continued farming of this land on the basis of 1-year leases is unsatisfactory for at least two reasons. The land remains in Federal ownership and is thus removed from the local tax rolls placing an unreasonable burden on the local community and school districts. Also this temporary leasing arrangement discourages efficient long-range farming practices. It does not lend itself to providing incentives for the construction and maintenance of permanent improvements on the land.

Simply stated, this proposed legislation would transfer to private ownership by sale those irrigable lands of the third division now owned by the United States. The lands within the boundaries of the Midvale irrigation district would be included. The result would be one legally constituted entity having the care, operation, and maintenance of all irrigable lands of the Riverton reclamation project. The simplicity of administration, the economy of operation, and other advantages from this proposal are obvious. It is intended to enable all parties concerned to carry into effect the idea of one irrigation project operated and maintained by one irrigation district. The bill would also provide the means to accomplish the much needed rehabilitation and repairs on the first and second divisions.

S. 434 contains the necessary provisions to accomplish these worthwhile objectives. I would like to set forth very summarily the provisions of this proposed legislation, but first let me make one point which I think is important. This is not a new proposal. It has involved many persons with an expertise in reclamation matters. On at least three occasions the Secretary of the Interior has appointed a commission to review the Riverton project. Survey teams have made on-the-spot investigations and studies of the project. The Bureau of Reclamation and the Midvale farmers have gained a great deal of experience on the third division since 1964 when the irrigable lands were first leased. The bill which we have before us today has been proposed and drafted as a result of the recommendations made by the review commissions and the Bureau of Reclamation. It is based upon a wealth of experience which all of the parties have gained over the years.

Section 1 of S. 434 would reauthorize the entire Riverton project as a unit for the Missouri River project. The three divisions, as they are now known, would be consolidated under the existing Midvale irrigation district as the operating agent.

Sections 2 and 3 would authorize the negotiation and execution of a new repayment contract with the Midvale irrigation district with a 50-year repayment period. An accounting of all costs and revenue to date would be made with a writeoff of the costs associated with the marginal and nonproductive land remaining in the old third division. Missouri River Basin power revenues would be used to assist in the repayment of costs which go beyond the irrigators' 50-year repayment capacity. These sections of the bill provide important relief which is imperative to the Midvale irrigation district on the first and second divisions. The existing Midvale contract has a repayment period of 108 years. As it now stands the rehabilitation and betterment work which is necessary to Midvale could only be repaid beyond that lengthy period of time. Therefore it is obvious that the new 50-year repayment contract is all important.

Section 4 adopts the "class 1" equivalency concept which would permit individual units to include more than 160 acres where lower land classes are involved in a single ownership.

Section 5 of the bill would authorize the Secretary of the Interior to sell lands on the third division at no less than their appraised fair-market value. The resident landowners on the Riverton project would be given a first priority to purchase these lands which have been proven under the leasing arrangements since 1964 to be irrigable and productive farmlands. This, of course, would allow the present farmers to expand their operations into a more desirable size and allow them to earn a fair return on their labors.

Mr. President, I will close on one last remark. The soundness of this project, the importance of this project, and the proven effectiveness and efficiency of this project have closed all of our ranks in support of this legislation. In our State of Wyoming this is no partisan matter. It is all too important and above politics. It is vital to the economy of the Riverton area. This is important. It attests to the high level of the project and its importance to my State.

Mr. President, I respectfully urge favorable consideration of S. 434 by the Senate.

Mr. HANSEN. Mr. President, favorable action by the U.S. Senate on S. 434, a bill reauthorizing the Riverton reclamation project, makes this a bright day for Wyoming and for the Riverton area in particular.

S. 434 reauthorizes the Riverton project as a unit of the Missouri River Basin project. It provides for negotiations of a repayment contract which will permit much needed rehabilitation and betterment work on the first two divisions of the project. In addition, this legislation provides for the resale of the lands on the project's third division. The resale will place these lands back in private hands and back on the tax roles where they can make a much greater contribution to the economy of the area.

The legislation just passed by the Senate has the unanimous support of the entire Wyoming congressional delegation and of the State of Wyoming. We have worked long and hard for this day and we will continue to work together to insure early House action on this legislation. The people most responsible for the Senate's action today are the citizens of the Riverton area themselves. The county officials, the local school boards, the chamber of commerce all banded together with the families on the Riverton project and actively worked for passage of this legislation.

Reauthorization of the Riverton project and the resale of the third-division lands will give new economic stability to the entire area. The tax revenues will help pay for the schools and roads. The rehabilitation work will insure that a good project which has been in existence since 1917 and which has paid approximately $1.5 million to the Federal Government under the terms of its repayment contract will continue to contribute to the local economy, the State, and Nation.

Recently more Members of the Congress have begun to realize that the best way to solve the problems of our urban centers is to insure a strong economy in our rural areas. If rural America can provide the opportunities for men and women to make a decent living on the land and in the rural communities, and the migration to the cities will be slowed. By stemming the tide of migration to the cities, the Congress can contribute greatly to a solution to the problems of the cities.

The passage of S. 434 is an example of how Congress can act to help provide for a strong economy in a rural area of this Nation.

The amendments were considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–789), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of this legislation, which was introduced by the Senators from Wyoming, is to consolidate the Riverton reclamation project, presently in operation, and the lands of the former Riverton extension unit of the Missouri River Basin project, now in Federal ownership, within a single authorized unit of the Missouri River Basin project. The consolidation will provide a new repayment plan for the entire unit including necessary rehabilitation and betterment of existing facilities, write-off of costs associated with the development of lands found to be nonproductive, and provision of repayment assistance from power revenues of the Missouri River Basin project.

BACKGROUND

The Riverton project was first authorized as an Indian project in 1917. It was placed under Bureau of Reclamation's jurisdiction in 1920. The first and second divisions (45,000 acres) were developed over a 20-year period.

The third division (25,000 acres) was authorized by the Flood Control Act of 1944 (58 Stat. 887) as the "Riverton Extension Unit, Missouri River Basin Project." After about 12,000 acres of the division were developed, the landowners of the third division encountered operating problems, chiefly waterlogging and salination, and financial problems. The Congress, by act of March 10, 1964 (78 Stat. 156) authorized the United States to acquire lands in the third division. All but about 80 acres have been purchased and are now owned by the United States. The cost of repurchasing the lands was about $3,200,000.

After the lands of the third division were brought back, the Bureau made about 9,000 acres available for leasing on an annual permit basis. The farmers of the Midvale Irrigation District which comprises the first two divisions of the Riverton project have leased these lands and are farming them successfully.

Continued farming of this land on the basis of temporary leases is unsatisfactory because (1) the land is in Federal ownership and thus is removed from local tax roles, and (2) temporary leasing does not encourage efficient, long-range farming practices or the maintenance of improvements on the lands.

The lands of the Midvale Irrigation District included in the first and second divisions are in need of rehabilitation and betterment work. Lands are being lost to seepage and erosion. Canal lining and drain construction are required. Original structures need replacement, particularly those which were constructed prior to the availability of modern alkali-resistant concrete and which have been attacked by alkaline soils and frost action.

Based upon the water users ability to repay, the costs of the needed rehabilitation along with the existing construction debt will require a repayment period considerably in excess of 100 years if repayment assistance is not provided.

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PRESENT LEGISLATION

The bill, S. 434, was introduced by Senator McGee for himself and Senator Hansen on January 21, 1969. The Subcommittee on Water and Power Resources held an open hearing on March 20, 1970.

The Department of the Interior by letter of March 19, 1970, recommended enactment of the bill if amended. The committee has adopted the amendments recommended by the Department. The Bureau of the Budget by letter of March 13, 1970, expressed no objection to the reauthorization but expressed reservations concerning the inclusion of third division lands.

TRANSFER OF THE BROWN UNIT OF THE FORT BELKNAP INDIAN IRRIGATION PROJECT ON THE FORT BELKNAP INDIAN RESERVATION, MONT., TO THE LANDOWNERS WITHIN THE UNIT

The bill (S. 3007) to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey all of the right, title, and interest of the United States in the facilities of the Brown unit of the Fort Belknap Indian irrigation project, located in township 28 north, ranges 23 and 24 east, Montana principal meridian, including, but not limited to, easements, rights-of-way, canals, laterals, drains, structures of all kinds, and water rights held for the benefit of the unit, to an organization or association having form and powers satisfactory of the Secretary which represents the owners of the lands served by the unit. As a condition to said conveyance, the grantee organization or association shall assume full and sole responsibility for the care, operation, and maintenance of the unit upon conveyance, and shall hold the United States free of all loss or liability for damages or injuries, direct or consequential, caused by the existence or operation of the unit or any of its features or structures, from and after the date of its conveyance.

SEC. 2. Upon conveyance of the Brown unit of the Fort Belknap Indian irrigation project as provided for in section 1 of this Act, the Secretary is authorized to cancel all accrued operation and maintenance charges and all construction charges with respect to the said unit.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-782), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of S. 3007, which was introduced by the Senators from Montana, is to authorize the Secretary of the Interior to transfer title for the facilities of the Brown unit of the Fort Belknap Indian irrigation project to the owners of the lands served by the unit. The landowners would then assume responsibility for operation and maintenance.

Section 2 of the bill would cancel all outstanding operation and maintenance charges and deferred construction charges on the project.

BACKGROUND

The first irrigation development on the Fort Belknap project was accomplished by the Indians in 1892.

The Government's first work was rebuilding and extending the existing irrigation in 1949 and 1950, under the authorization of the act of June 10, 1896 (29 Stat. 350).

The Brown unit is a separate and distinct unit of the Fort Belknap Indian irrigation project and is located about 20 miles away from the main project. The unit's water supply is limited and only about 376 acres are being served.

PRESENT LEGISLATION

The bill was drafted at the request of landowners owning 86 percent of the irrigated land. The owners believe that they can operate and maintain the facilities more economically than the Bureau of Indian Affairs because of the travel to and from the unit which is presently involved.

Under the provisions of law applicable to Indian irrigation projects (act of July 1, 1932, 47 Stat. 564) the repayment of construction costs is deferred so long as the lands served are in Indian ownership. Section 2 of S. 3007 would cancel such charges against the Brown unit in the amount of $50,106. It would also cancel outstanding operation and maintenance charges in the amount of $1,257. It seems unlikely that ownership of the lands of the unit will pass from Indian ownership.

The Subcommittee on Water and Power Resources held an open hearing on April 17, 1970.

COMMITTEE RECOMMENDATION

The Interior and Insular Affairs Committee recommends that S. 3007 be enacted.

BILLS PASSED OVER

The bill (S. 1751) to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1461), to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the court of the United States, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

JOSE ANTONIO NOVARRO COMMEMORATIVE MEDALS

The bill (H.R. 13959) to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Novarro was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-769), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

The bill authorizes the Secretary of the Treasury to strike and furnish to the San Antonio Conservation Society not more than 100,000 medals in commemoration of the contributions to the founding of the State of Texas, and to the development of Texas and the city of San Antonio, of Jose Antonio Navarro. The emblems, devices, and inscriptions of the medals, along with their sizes and composition, are to be determined by the Society with the approval of the Secretary. No medals shall be struck under this bill after December 31, 1970. The medals will be furnished at no cost to the United States since security satisfactory to the Secretary of the Treasury shall be furnished to idemnify the United States for all costs of the medals. The medals may be furnished only in quantities of 2,000 or more, except for gold or silver copies, if any, specially approved by the Secretary of the Treasury.

CONVEYANCE OF SO-CALLED SCATTERED TRACTS IN OKLAHOMA

The Senate proceeded to consider the bill (S. 1498) to provide for the conveyance of so-called scattered tracts in Oklahoma acquired under the act of June 26, 1936 (49 Stat. 1967) which had been reported from the Committee on Interior and Insular Affairs with an amendment. Strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized and directed to convey, in accordance with the provisions of section 2 of this Act, all of the right, title, and interest, including mineral interests, of the United States and of the Indian tribe involved in and to lands in Oklahoma that were acquired as a part of the Oklahoma scattered tracts project pursuant to authority of the Act of June 26, 1936 (49 Stat. 1967), with title taken in the name of the United States in trust for (a) an individual Indian, or (b) an Indian tribe, or (c) for an individual Indian during his lifetime, then to the tribe of which the individual was a member, until such time as the use of the land was assigned by the Secretary of the Interior to a cooperative group organized under said Act or to an individual Indian, then in trust for such group or individual.

SEC. 2. Conveyances made by the Secretary of the Interior under section 1 of this Act may, in his discretion, be to the former Indian owner, or to the life tenant, or, if the former owner or the life tenant be deceased, to one or more of the relatives of the decedent selected by the Secretary: *Provided,* That, if in the judgment of the Secretary of the Interior, it is in the best interest of any of the intended grantees to convey the title subject to restrictions against alienation and continued tax exemption the deed shall so provide, otherwise the conveyances of the title shall be in fee, free of all restrictions and tax exempt status.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-796), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, introduced by Senator Harris, is to authorize the Secretary of the Interior to convey to certain individual members of the Five Civilized Tribes interests in former restricted lands that were acquired by the United States pursuant to the Oklahoma Indian Welfare Act of 1936.

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The lands were formerly allotments which, although restricted against alienation, were subject to taxation. During the 1930's the Indians were in danger of losing their property because of nonpayment of taxes. To protect them the Secretary of the Interior, using authority contained in the 1936 act and Federal funds, established the scattered tracts project in the Five Tribes area.

Titles to the lands acquired were for the most part taken in the name of the United States in trust for an individual Indian, during his lifetime, then to the tribe of which the individual was a member, until such time as the use of the land is assigned by the Secretary of the Interior to a cooperative group organized under the 1936 act, or to an individual Indian, then in trust for such group or individual. There are 18 tracts remaining in trust.

The individual Indian beneficiaries have only a limited interest in the properties which is terminated on their demise. The mineral interests formerly owned by the parent or relative of the life tenant are now held by the United States in trust for the benefit of all of the Indians of Oklahoma.

Some question exists as to whether the grantors of the lands fully understood the significance of the conveyances. Since the consideration paid by the Government in most cases was nominal and had no relation to the fair market value, and tribal representatives are in general accord with the basic proposal to vest title in the life tenant or his heirs, devisees, successors, or assigns, the Department of the Interior believes this should be done. The Department's substitute bill will permit the Secretary to divest the United States of all interests in the properties and make conveyances that will avoid title complications.

COST

No additional Federal expenditures will result from the enactment of this bill.

CROWN OF THORNS STARFISH

The bill (S. 3153) to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of conserving and protecting coral reef resources of the tropical islands of interest and concern to the United States in the Pacific and safeguarding critical island areas from possible erosion and to safeguard future recreational and esthetic uses of Pacific coral reefs, the Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to cooperate with and provide assistance to the governments of the State of Hawaii, the territories and possessions of the United States, including Guam and American Samoa, the Trust Territory of the Pacific Islands, and other island possessions of the United States, in the study and control of the seastar "Crown of Thorns" (Acanthaster planci).

Sec. 2. In carrying out the purposes of this Act, the Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to—

(1) conduct such studies, research, and investigations, as they deem desirable to determine the causes of the population increase of the "Crown of Thorns", their effects on corals and coral reefs, and the stability and regeneration of reefs following predation;

(2) to monitor areas where the "Crown of Thorns" may be increasing in numbers and to determine future needs for control;

(3) to develop improved methods of control and to carry out programs of control in areas where these are deemed necessary; and

(4) to take such other actions as deemed desirable to gain an understanding of the ecology and control of the seastar "Crown of Thorns".

Sec. 3. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated for the period commencing on the date of its enactment and ending June 30, 1975, not to exceed $4,500,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–795), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE MEASURE

The purpose of this measure as introduced by Senators Fong, Inouye, Jackson, and Allott, and as recommended for enactment by the administration, is to authorize the Secretaries of Interior and the Smithsonian Institution to expend $4.5 million in cooperation with the territories of Guam, American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs.

The bill is designed to control the devastating crown of thorns starfish, which, because of a recent population explosion, currently threatens the economic livelihood of Guam and may soon have an adverse impact upon the economy of the Trust Territory of the Pacific Island. Although relatively little is known about the intensity of starfish infestations in other areas of the Pacific under the jurisdiction of the United States, this menacing creature has been noted in American Samoa and the State of Hawaii.

Other functions of the bill are to ascertain what caused the population explosion of seastars, what longterm effects the damage already done will have upon the reef ecology of the insular possessions of the United States, and what should be done to prevent a reoccurrence of this problem.

BACKGROUND

Late last spring the Committee on Interior and Insular Affairs was informed by noted marine scientists that since 1967 more than 23 miles of the coral reefs of Guam had been almost completely destroyed by massive infestations of the crown of thorns starfish, which feeds upon living coral. The committee was further told that this menacing animal was also noted in other areas of the tropical Pacific, and if something was not done soon to control its population, it could have long-range economic repercussions, particularly since many of islanders are dependent upon the reefs and their fisheries resources for subsistence. Evidence was presented which indicated that following the destruction of the living parts of the coral by the starfish, the dead coral becomes encrusted with algae and the resident fishes diminish in total numbers because their food supply has been reduced.

In addition to providing a habitat and food source for fish, the living coral reefs offer protection to the islands during tropical storms. If the coral dies, and begins to erode, the islands become susceptible to erosion and other damage caused by typhoons.

Subsequent to this briefing, Senator Jackson wrote the Secretary of Interior on June 20, 1969, and stated in part:

"Because of the obvious detrimental effects of an unchecked starfish population, I urge you to take immediate action to assess the extent of coral reef damage in the western Pacific, and to recommend a program of starfish control."

Until recently scientists believed this starfish was generally in balance with its environment and not particularly harming corals. Between 1964 and 1966, however, a population explosion of the crown of thorns starfish on the Great Barrier Reef off Australia destroyed over 100 square miles of the reef. More recently, serious coral damage has occurred on Guam, caused by the seastar.

Although several hypotheses have been offered as to why this starfish has undergone such a tremendous population increase in the past 2 years, it is the belief of several leading marine biologists that it was caused by manipulation of the reef environment by man, which upset the balance of a delicate ecosystem.

Somehow the balance of nature has been upset and has enabled the starfish to reach a position of dominance among the living creatures of the reefs. The triton, the chief predator of the adult crown of thorns starfish has been removed in large numbers from coral reefs because of the value of its beautiful shell.

Also, the dynamite blasting and excavation of coral reefs may have greatly assisted the starfish. As anomolous as it may seem, the living parts of coral are actually predatory on small starfish and help keep its population in check. When the coral is killed by blasting, the juvenile starfish survive in large numbers, and subsequently expand their geographic limits until they have matured and become predatory upon the coral.

Early last summer, the Department of the Interior contracted with the Westinghouse Ocean Research Laboratory to organize and carry out a survey of the crown of thorns starfish, particularly in the islands of the trust territory.

Last October, the results of the survey by 10 teams of scientists were made public in their final report on the crown of thorns starfish, entitled "Impact on Pacific Coral Reefs." The findings of the study substantiated reports of recent population increases of starfish in the tropical Pacific. The scientific team noted heavy starfish infestations in Saipan, Tinian, Truk, Ponape, Rota, Palau, Ant, Guam, Majuro, and Arno.

The report summary stated that:

"Team leaders considered the problem significant and in need of considerable research. A control program, which includes research into various aspects of the starfish should be instigated immediately. Such a control program should establish an active eradication effort on infested reefs that have economic or scientific value as well as an educational program to inform islanders of the nature of the problem and how they can contribute to research and control programs."

NEED

On March 18, a hearing was held on S. 3153, before the Subcommittee on Territories and Insular Affairs, at which time testimony was received from administrative witnesses, territorial representatives and leading marine scientists. Dr. Robert Jones, director of starfish control and research activities on Guam, and a marine ecologist at the University of Guam stated:

"Today, while this hearing goes on, thousands of these starfish are devouring coral species on the island of Guam and our neighboring islands of the trust territory. The people of Guam are delighted to see this bill presented and to observe its progress through the orderly and precise channels of democracy. We look forward with great hope

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to its eventual passage and with anticipation for the help it will bring to us."

Dr. R. H. Chester, the marine scientists who first noted the starfish problem while working at the University of Guam, testified at the hearing, stating that:

"There are large infestations of the crown of thorns starfish killing vast amounts of coral in the U.S. possessions and trusts of the Pacific. This was proved last summer by an expedition of 45 prominent scientists and divers from several countries.

"It is important to recognize this as fact. The infestations are there and reefs are dying rapidly and on a large scale. The expedition also proved that the starfish is quite rare on healthy reefs. Both these facts had been recognized before the expedition through work done in Australia and Guam. The expedition demonstrated that the starfish represents a broad-based problem, not an isolated curiosity, and it provided evidence for the necessity of action from a large number of qualified observers whose collective analysis is unimpeachable."

(2) Corals require a long time to grow. A conservative estimate of the age of corals killed in Guam indicate that many were over 200 years old. Clearly this means the reefs will not reach their former development for another 200 years if they began to recover immediately. In Australia, however, reefs killed up to 10 years ago by the crown of thorns show only scattered regrowth by a few specias of coral and starfish can be found feeding on this new settlement.

(3) Modern coral reefs developed over 50 million years ago. They are the oldest biological assemblage on this planet. Balance of existence in such a community is intricate and delicate. Destruction of the major element, living coral, has profound after effects on the surviving animal life.

(4) Coral reefs are economically important to man. In the U.S. Pacific possessions and trusts, depending on the size and development of the community, the economic worth centers on recreation, fisheries, and coastline protection.

(a) *Recreational.*—Because of their great beauty and unusual assemblage of exotic life, coral reefs provide a natural environment that is important for recreation and is a valuable tourist resource. This is true not only in the State of Hawaii and the territory of Guam which are already tourist centers of widespread recognition, but also in the U.S. trust territory. The trust territory, despite its natural splendor, is economically impoverished and hopes to enrich itself through a growing tourist industry. Coral reefs offer the main attraction of these remote islands.

(b) *Fisheries.*—Fishing, besides being of recreational value, is done on a sustenance level in many parts of the Pacific. In the U.S. trust territory people fish to survive. Living coral forms a basic part of the ecology and food web of reef fishes.

(c) *Protection of coastlines.*—Coral reefs protect coastlines from erosion by oceanic and storm waves. The nature of the reef and of the coastline dictates the importance of living coral in any particular case.

The need for enactment of this measure is elaborated upon further in the report submitted on S. 3153 by the Department of the Interior.

AUTHORIZING EACH OF THE FIVE CIVILIZED TRIBES OF OKLAHOMA TO SELECT THEIR PRINCIPAL OFFICER

The Senate proceeded to consider the bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes which had been reported from the Committee on Interior and and Insular Affairs with amendments on page 1, line 6, after the word "Oklahoma", strike out "may be selected" and insert "shall be popularly elected"; in line 8, after the word "the", strike out "respective tribes." and insert "officially recognized tribal spokesman and or governing entity. Such established procedures shall be subject to approval by the Secretary of the Interior."; on page 2, at the beginning of line 3, strike out the word "tribes" and insert "officially recognized tribal spokesman and/or governing entity"; in line 6, after the word "officer", strike out "selected", and insert "elected"; in line 16, after the word "chief", insert "or governor"; at the beginning of line 20, strike out "selected", and insert "elected"; and in the same line, after the word "principal", strike out the word "chief." and insert "chief or governor."; so as to make the bill read:

That, notwithstanding any other provisions of law, the principal chiefs of the Cherokee, Choctaw, Creek, and Seminole Tribes of Oklahoma and the governor of the Chickasaw Tribe of Oklahoma shall be popularly elected by the respective tribes in accordance with procedures established by the officially recognized tribal spokesman and or governing entity. Such established procedures shall be subject to approval by the Secretary of the Interior.

SEC. 2. The Secretary of the Interior or his representative is hereby authorized to assist, upon request, any of such officially recognized tribal spokesman and/or governing entity in the development and implementation of such procedures.

SEC. 3. A principal officer elected pursuant to section 1 of this Act shall be duly recognized as the principal chief, or in the case of the Chickasaw Tribe, the governor, of that tribe.

SEC. 4. Any principal officer currently holding office at the date of enactment of this Act shall continue to serve for a period not to exceed twelve months or until expiration of his most recent appointment, whichever is shorter, unless an earlier vacancy arises from resignation, disability, or death of the incumbent, in which case the office of principal chief or governor may be filled at the earliest possible date in accordance with section 1 of this Act.

SEC. 5. Nothing in this Act shall prevent any such incumbent referred to in section 4 of this Act from being elected as a principal chief or governor.

The amendments were considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-805), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

In conjunction with Oklahoma's admission to statehood, the act of April 26, 1906 (34 Stat. 137), was to provide for the final disposition of the affairs of the Five Civilized Tribes. While the act severely limited the authorities of the principal officers, it recognized their continuing authority to dispose of tribal property. Section 6 of the act authorizes the President of the United States to remove these officers should they refuse to perform their duties under the act. The President is also authorized to fill any vacancy arising from removal, disability, or death by the appointment of a citizen by blood of the tribe. The President delegated his authority to the Secretary of the Interior in Executive Order 10250, dated June 5, 1951.

Changes in the circumstances surrounding the Five Civilized Tribes are not consistent with the continuation of the appointive process. The descendants of the Five Tribes are taking greater interest in the affairs of these tribes. Popular participation in the choice of the principal officers will encourage even greater involvement in tribal activities. The incumbent officers have announced their support for elections.

As amended, S. 3116 would insure that the manner of determining subsequent principal officers shall be by popular election and would make clear that for purposes of developing election procedures the current leadership shall bear that responsibility.

AMENDMENTS

The committee has adopted several clarifying amendments recommended by the Department of the Interior.

TOMOSUKE UYEMURA AND CHIYO UYEMURA

Mr. MANSFIELD. Mr. President, that completes the call of the calendar in sequence, except I now ask unanimous consent that the Senate proceed to the consideration of calendar No. 553, H.R. 13183, and that it be given immediate consideration.

The **PRESIDING OFFICER** (Mr. JORDAN of North Carolina). Without objection it is so ordered.

The bill (H.R. 13183) for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-558), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay $1,511 to the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife, in full settlement of all claims against the United States based on the vesting under the Trading With the Enemy Act of the proceeds of an insurance policy on the life of the late Tadashige Uyemura.

STATEMENT

The Department of Justice does not favor enactment of the legislation.

The proposed legislation was passed by the House of Representatives October 7, 1969. The facts of the case as stated in the accompanying House Report 91-530 are as follows:

The subcommittee hearing was conducted on May 1, 1968, on a similar bill, H.R. 16381, introduced in the 90th Congress. The testimony presented at that hearing established the facts which provide, in the opinion of this committee, the equitable and moral basis for legislative reilef in this case. The report of the Department of Justice which questions relief states the strict legal basis for the vesting which occurred on January 26, 1951; however, that report fails to state the facts and circumstances of the case particularly

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as regards the events immediately preceding the vesting.

The Uyemura family lived in California prior to World War II. Along with other persons of Japanese ancestry, they were interned in 1942 and placed in an interment camp. The land occupied by the family in California was lost and all of the father's bank accounts were frozen as a result of their removal and internment. The committee was advised that the family lost virtually all that they owned. This committee had occasion to examine into the circumstances of the evacuation of persons of Japanese ancestry during World War II in connection with its consideration of the Japanese American Evacuation Claims Act of 1948 and subsequent amendments to that act, and is aware of the unfortunate effects of that evacuation. The Department of Justice has referred to the fact that the family returned to Japan following the end of hostilities in World War II in 1945 but fails to refer to the other facts referred to above. The departmental report states that the father had renounced his citizenship in 1945.

At the hearing it was pointed out that this was erroneous for the fact that both the mother and the father were aliens and could not have become citizens of the United States because of the restrictions which applied to persons of Japanese origin prior to World War II. However, the children, as native born Americans, are citizens of the United States. In 1945, the father was 67 years of age. He had suffered the losses already referred to and with no possessions or home to return to, the parents returned to Japan accompanied by their children. Their father, Tomosuke Uyemura, died. Subsequently, the insured son, Tadashige Uyemura, died of diphtheria in Japan. The mother, Chiyo Uyemura, became entitled to the proceeds of the policy. Those proceeds were vested by the United States under the Trading With the Enemy Act on the basis that the widow and mother was an enemy alien resident in Japan during the period prior to the "end of the war," as defined in connection with the Trading With the Enemy Act. It would appear from the Department of Justice report that the date fixed as "the end of the war" was April 5, 1954. It therefore results that a family who suffered losses and privations as a result of Japanese ancestry during the war and actually resided in the United States during the period of hostilities, was further penalized by the vesting of the proceeds of this small insurance policy by reason of a literal interpretation of the Trading With the Enemy Act which had the effect of extending this wartime measure to a period long after the cessation of hostilities. It is also relevant to note that following the death of the mother and father, the surviving members of the family returned to the United States and are presently living here. The committee has secured additional information as to the identity of these persons and has been advised that there are 10 survivors. Accordingly, it is concluded that the bill should properly provide for a payment to the heirs of Tomosuke Uyemura and Chiyo Uyemura, because it appears that all are equally entitled to the proceeds. Accordingly, it is recommended that the bill be amended to provide for a payment to the heirs at law and that the title of the bill be amended to reflect this fact.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

ADDITIONAL STATEMENTS OF SENATORS

TRUE SOCIAL REFORM

Mr. SCOTT. Mr. President, too often in the past we have been provided with the rhetoric of social reform without the substantive changes necessary for true reform. I am proud to say this has not been the case in the Nixon administration. During his first year in office President Nixon has done much to decrease rhetoric and increase actual reform. I shall set forth just a few of his accomplishments:

A proposed family assistance plan which will dramatically reform our present welfare system.

A higher education program which centers on assisting low-income individuals.

A reordering of budget priorities to place more emphasis on domestic problems.

A redirection of the Office of Economic Opportunity to provide research and experimentation to find new ways to help the poor.

A column published recently in the Philadelphia Inquirer details the actions President Nixon has taken to erase poverty. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 25, 1970]

WHAT UNITED STATES IS DOING TO ERASE POVERTY

(By Roscoe and Geoffrey Drummond)

President Nixon is not deserting the poor. That is a most significant and often overlooked fact in Washington today. Mr. Nixon is shunning big promises. But he is actually doing more to reduce poverty than his predecessors:

Action on poverty—When Congress passes, the Nixon-proposed family assistance plan the first effect will be to lift 7 million poor above the technical poverty-level.

Mr. Nixon never promised that was what he would do. But that's what he is delivering.

The Nixon welfare reform is the biggest antipoverty measure ever advanced by the Federal Government. It will extend financial assistance to 12 million more than presently covered. It will take most of the burden from the states.

It will enable recipients of welfare to work, part time or whole time, and thus increase their net income with welfare reductions less than the increased earnings. It is a meaningful step toward a guaranteed annual income to end poverty altogether.

Action on education—The President's higher education program, now before Congress, centers on helping low-income students. "No qualified student," Mr. Nixon told Congress, "who wants to go to college should be barred by lack of money. That has long been a great American goal. I propose that we achieve it now."

Action on priorities—Critics and supporters alike have wanted the President to reorder national priorities to put far more emphasis upon acute domestic problems. He is doing so.

The percentage of the Federal budget going to the military is less today than in any year since 1951.

More than 40 percent of the total 1971 budget is allocated to major social programs.

The antipoverty and human resources part of the 1971 budget is up 21 percent over 1969.

Action on innovation—Mr. Nixon isn't planning to stop with what he has already done. He is looking for better programs which will better accomplish their purpose. That is the main job of the reorganized Office of Economic Opportunity. The OEO is to be the cutting edge by which the administration moves into unexplored areas. Its 38-year-old, dedicated director, Donald Rumsfeld, is making sure that it does. He not only has a pipeline to the President, he is the pipeline and he and Mr. Nixon are very much in rapport.

The OEO is budgeted and manned today to do continuous research and try out with new antipoverty programs before—rather than after—they are adopted. After Rumsfeld has found out what will work best, then agreed programs will be operated by old-line agencies of the government. One of the most valuable pieces of research by OEO is the New Jersey Graduated Work Incentive Experiment.

Its findings are now nearly complete. It initiated an experimental project to measure the effects of a program that assures families a minimum income level in a manner designed to protect their incentive to work—like the welfare reform now before Congress. A Congressional staff report suggested that the family assistance program would be bad because it would make its recipients lazy and indolent and that they would shun work because they preferred to live on a dole.

Not true.

The OEO experiment found that the low-income individual "is strongly motivated toward work," that the majority "aspire for a better job and are willing to move to another city or take training even if it meant a pay cut to get a better job."

It showed that welfare income assistance to bring the poor above the poverty level will not reduce their work effort and that the great majority prefer to work themselves out of welfare when they can do so.

The old myths about welfare can now be discarded.

PROTECTION OF THE ENVIRONMENT

Mr. MANSFIELD. Mr. President, America has a new and very important preoccupation—the protection and preservation of our environment. This concern was a stimulant for Earth Day and the variety of activities which took place throughout the country.

In Montana, our Governor, Forrest Anderson, delivered a very fine and inspiring address to the students of the University of Montana. Governor Anderson summarized the problems which a State like Montana faces and offered some suggestions on how the Treasure State might proceed to protect its natural resources with a program highlighted by a real interest in environmental control.

Mr. President, I ask unanimous consent that Governor Anderson's speech of April 22, 1970, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY GOV. FORREST H. ANDERSON, EARTH DAY, MISSOULA, MONT., APRIL 22, 1970

I did not come to the University to tell most of you what you want to hear.

I came to tell all of you what I believe.

As Governor, I cannot listen to only the loudest or the most persistent, or the friendliest voices. I must listen to all the voices of the people of Montana—the people I serve.

On any issue there are conflicting interests. A political leader, elected by the people, does not have the luxury of making a decision for himself. He must make a decision for the people.

I cannot have a cause unless that cause is supported by the public.

I cannot be a crusader unless the objectives of that crusade will benefit the people of Montana.

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I do not have the privilege of being adamant or even stubborn.

Politics has been called the art of the possible—and compromise, adjustment, and understanding make politics possible.

I am not free to make strictly philosophical decisions. I must make decisions to serve the needs of the people.

I agree with the philosophy of Earth Day.

This is a noble cause. It is a crucial cause. And those who have gathered for Earth Day observances all across the country must keep this cause alive.

It is time that we cease destroying our environment.

Our population will reach 300,000,000 by the beginning of the next century—just 30 years from now.

This nation continues to use a disproportionate share of the earth's natural resources.

Americans comprise only 6 percent of the world's population, yet they consume approximately 50 percent of the world's natural resources.

The obvious result of these excesses is the environmental destruction that we see everywhere in America.

Each generation further despoils its legacy—the land—and leaves it uglier and dirtier for the following generation.

When I was attending law school in Washington, D.C. you could swim in the Potomac River. Today you could almost walk on the sludge in the Potomac River.

Factories and automobiles discharge noxious gases and particulates into the atmosphere. The skies are hung with an acrid shroud.

Oil leakages smear the sea coasts and kill off marine wildlife.

Haphazard land usage destroys the natural terrain and replaces hills and vegetation with stark concrete horizons.

Strip mining desolates forests and prairies.

The psychological effects of overcrowding are reflected in our crime and mental health statistics.

Our rivers have been turned into continental sewage systems.

Pesticides infect both humans and wildlife.

People have finally realized that this is unacceptable.

We should have listened to Adlai Stevenson long ago, when he said, "While our cars have grown longer, our TV screens broader, our washing machines grander, our kitchens brighter—at the same time our schools have grown more dilapidated, our roads more crowded, our cities more messy, our air more fetid, our water more scarce, and the whole framework on which our private living depends, more shabby and wornout."

I believe we must begin an environmental counter-revolution to halt the long-term excesses of the industrial revolution.

We must substitute quality for quantity.

Today—Earth Day—this nation must begin to move in the other direction.

Most of the environmental problems we have today are the result of well-established, almost sacred attitudes, in our society.

For years, Americans have been proud of the nation's high standard of living, soaring gross national product, fantastic industrial production, amazing technological achievements and ever-expanding affluence and increasing population.

Materialism has been established as a national religion.

This nation's voracious consumer economy has made enormous demands upon natural resources and is largely responsible for the destruction of the environment.

If pollution is to be ultimately controlled, consumer demands on industry and resources must be reduced and the population explosion must be stopped. People will have to become willing to accept less powerful cars, fewer appliances and gadgets and smaller families. We will have to come to believe that material progress is not social progress.

This will require deep and personal attitudinal changes by all Americans.

Is this possible?

Not tomorrow, nor for many tomorrows.

If the individual changes of attitude necessary to preserve the environment cannot be immediately achieved, government, industry and technology must carry the fight. They must act to conserve natural resources before they are irretrievably destroyed.

Government must write and enforce laws to control pollution.

Technology must develop the processes to control pollution.

Industry must have the conscience to control pollution.

This is not the final solution to environmental problems, but it is a beginning and I believe this in an essential beginning.

In the past, government largely ignored its responsibility to protect the environment. Like the people, government was caught up in the national passion for production, consumption and junk.

Of course, in those times there was no publicized environmental movement. This is a recent development, the newness of which can be demonstrated by a series of events that occurred recently in Montana.

Last fall, my administration opposed the installation of the ABM system on the prairies of north central Montana. I considered the ABM a flagrant malappropriation of funds that were needed for social programs. I feared the boom and bust impact it would have on the communities of Shelby, Conrad and Chester. I did not appreciate the fact that our state would become the national bullseye in case of attack. And I didn't believe it was wise to tear up valuable wheatland to make room for defense system of very questionable strategic value. I needed support—and received very little.

Where were the environmentalists last fall?

There were none, because at that time the environmental movement had not yet formed.

This is a new cause and a dynamic cause. It is growing.

Last fall, the ABM system came almost unheralded into Montana.

Today, seven months later, there is a national environmental teach-in on a variety of issues, which I would hope would include exorbitant military spending.

This country is beginning to develop an environmental conscience.

Governments, at the local, state and national levels, are becoming increasingly aware of the environmental crisis. Legislation has been enacted and programs developed to stop pollution and reclaim the environment.

Cities and towns are building sewage treatment plants. States, through regional cooperation, are attempting to clear rivers. The national government has initiated a $10-billion program to fight water pollution. Government, at all levels, has joined the fight against pollution.

This progress is encouraging, but it is not nearly sufficient.

It must continue.

In Montana we have taken what I believe are significant steps toward adequate protection of the environment.

During 1969, the Governor's Council on Natural Resources and Development became a functioning part of state government.

Decisions based on agency self-interest have been largely eliminated. Major environmental and natural resource issues are now subject to broad review by all agencies.

I believe the Council will allow us to consider the interests of all Montanans relative to environmental and resource questions.

The revitalization of the Council is beginning to have effect.

It has pushed for enforcement of existing anti-pollution laws.

Strip-mining of coal poses the greatest future danger to Montana's environment. The demand for coal is increasing. In Kentucky and elsewhere we have grim evidence of the destruction that occurs when that demand is unconsciously answered.

In November of last year, members of my administration recognized the inadequacy of reclamtaion contracts presently in force with coal operators in Montana.

The Council was asked to examine the problem. An advisory committee was set up, and has since been attempting to develop a model contract which will *assure* adequate protection of the environment. The committee will have completed most of its work by May, hopefully allowing time to make the changes before more prairie land is dangerously stripped.

The Council is concerned not only with environmental problems which are readily visible.

Recently we sent a letter to the Department of Health, Education and Welfare requesting that a long-range study be undertaken to examine health conditions in the smelter industry.

We have begun the long and difficult process of surveying our land and water resources. I believe this is an initial step in developing management programs compatible with environmental considerations.

Conservationists consider Montana's Stream Preservation Act model legislation to protect game fish from the effects of channel changes caused by road building.

We have laws in Montana to protect the environment. I believe next year we will have better laws and more effective enforcement.

Why?

Because myself, the members of the Legislature, and other state officials are politicians. As such, we must act on behalf of the public. The people want the environment protected. And politicians, who intend to remain in office, do what the people want.

We need better pollution laws to eliminate existing problems and to provide protection against future contingencies.

I believe the next Legislature will enact these laws because of the growing public concern for environmental quality.

A law is only good if it can be enforced.

Montana must begin now to enforce its existing anti-pollution laws. We must not allow our laws to become ineffective because of inaction and hesitation.

The state is not the only level of government responsible for pollution control in Montana.

Municipal governments must build sewage treatment plants to stop the discharge of stream fouling effluents.

The federal government must finance and initiate pollution control and reclamation projects.

The states must cooperate, on a regional basis, to clean up the water and air.

I believe a regional solution to environmental problems would be particularly effective.

It is important to establish uniform anti-pollution laws for an entire region. This would eliminate the possibility of one state lowering its standards to gain a competitive advantage in the search for new industry.

Also, air and water pollution move with the wind in the sky and the current in the rivers. A state boundary is no barrier against pollution.

We have taken the initial steps to form a Missouri River Regional Economic Development Commission to include the state of Montana, Wyoming, Nebraska and North and South Dakota. This Commission and the Federation of Rocky Mountain States, of which I am President, will provide the organizational framework to develop a comprehensive

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and uniform pollution control program for the region.

Technology made this nation what it is. It is responsible for both our affluence and the environmental crisis. From this time forward, we need a balance between technology and environment.

We cannot escape to the past.

We cannot solve the environmental crisis by abandoning our machines and technology.

We must use technology to meet the legitimate needs of the people, and at the same time to control the effect and quality of our lives.

Technology is ingenious.

Every day we are amazed by the feats of the scientists and technicians.

I believe that the technological tools needed to protect and reclaim the environment are available in our society.

What is lacking is the priority and motivation.

The continuation and further development of the environmental movement will create the priority and establish the motivation.

I believe that if environmental quality is established as a high priority in this nation, technology will be able to achieve substantial results in preserving and restoring the air, water and land.

The United States has spent 35 billion dollars on the space program. During the same period we spent only four billion dollars on environmental control.

We continue to ridiculously bankroll the Defense Department in a dangerous arms race.

We continue to throw good money after bad all over the world.

The entire structure of national priorities is twisted and bent.

I believe there is more challenge on an Indian reservation than in all of outer space.

There is more hope for security in environmental technology than in nuclear technology.

If priorities can be changed, technology will be released from present commitments to give its attention to a higher commitment—the environment and the quality of men's lives.

America can control pollution, because it is a wealthy nation. Poorer societies must spend all available money to provide for the basic needs of the people. They do not have the financial resources nor the public support to enable them to deal with pollution problems.

Affluence will provide the enormous sums of money that will be required if this country is to control pollution.

Planning will be extremely important in the fight against pollution. We must plan now for selective industrial development, land usage and protection of the environment. Planning will allow us to select the best sites for industrial developments. It will enable us to inventory resources and assess needs and problems in regard to the environment.

The State Department of Planning and Economic Development is presently making studies in these areas. More studies will be conducted by the Missouri River Economic Development Commission and the Federation of Rocky Mountain States.

Pollution will never be eliminated in an industrial society. But, I believe, technology can control pollution.

This will have to be a concentrated effort.

It will cost money.

It will impose restrictions.

It may mean a lower standard of living.

But, we have an obligation to answer this question.

What quality of life is possible in an industrial society?

Conservation, protection of the environment and pollution control are only pieces of the total science of ecology.

To the general public, ecology is a new and little understood science.

A year ago, few people knew that the science existed. Today, few people know what the science is about.

Ecology is not restricted to considerations of air and water pollution and degradation of the landscape. It is a much larger discipline. It is concerned with the living organism's relationship to its environment. It is the science of the total environment.

Watts is as much an environmental question as the Santa Barbara Channel.

Malnutrition is as much an environmental question as Los Angeles smog.

An Indian family living in destitution on a reservation in eastern Montana is as much an environmental question as the Lincoln Back Country.

Quality of life in a total environment is the concern of ecology.

Beyond the environment, there is another type of pollution.

The pollution of the spirit that occurs when a man does not have a job, or cannot get an education, or is inadequately housed and fed, or is the subject of discrimination.

These, you might say, were the concerns of the sixties.

We are now in the seventies, but these problems still exist.

Is the protection of the environment so important that we must ignore unemployment, poverty and discrimination?

I do not believe so.

We must take up the new cause, while continuing to fight for the old causes.

In Montana, we *are* doing something to help people.

We have established the Council on Human Resources, a cooperative organization of 24 state agencies, working to maximize the potential of the people of this state.

We have set up a state-wide advisory committee on children and youth.

We initiated the first Governor's Conference on the Aging. And have worked to help Montana's older people with their problems.

We have hired a professional penologist, not a political creditor, to be warden at the state prison.

We have established the Governor's Crime Control Commission to help insure a safer life and provide a modern law enforcement system for the people of this state.

We now have a Commission on Drug and Alcohol Dependence to deal with these very serious social problems.

If you would like to see a serious environmental problem, visit an Indian reservation. There are seven reservations in Montana. The poverty, living conditions and lack of opportunity afflicting the Indians are problems that I will not ignore.

The statistics relating to the Indian population are appalling. And I remind you that these are not simply numbers—these are people.

The life expectancy among the Indian population is 6½ years below the national average. The suicide rate among Indian teenagers is three times the rate among whites, and 10 times higher on some reservations.

The rate of accidental death in the Indian population is four times the national rate. Suicide and homicide rank among the ten leading causes of death in the Indian population. They are not among the ten leading causes of death in the white population.

The educational level of this region's Indian population is 25 to 30 years behind the remainder of the nation.

Unemployment ranges from 20 percent on the more affluent reservations, to 80 percent on the poorer reservations.

Officials estimate that 90 percent of the housing on reservations is substandard.

What are we going to do about this?

We have established a Task Force on Indian Problems which will make recommendations to the next Legislature on action needed to help solve some of the problems facing Montana's Indians.

We initated a survey of minority racial employment, which indicated the State of Montana had been neglecting minority groups, especially Indians. We then sent out a memorandum to all state agencies, requesting that they actively recruit minorities, particularly Montana's Indians.

These are only small steps into a large and shameful problem.

I believe there must be expanded opportunities for all of the people of Montana.

We must have jobs for the people and an expanded tax base to allow government to provide the services people require.

We cannot do this by closing the state off to development.

Montana cannot be a wilderness—and it will not be a wasteland.

We have serious pollution problems. We also have the third highest unemployment rate in the nation.

It is the purpose of my administration to improve in both areas.

I believe that conservation and economic development are not mutually exclusive.

We must write and enforce judicious laws to protect the environment.

We must maintain public awareness of the environmental problem.

We must demand that industry develop an environmental conscience.

We must also develop an economy that will allow people to continue to live in Montana.

We have serious economic and social problems in Montana.

Per-capita income in the state is far below the national level.

The rate of out-migration, particularly among the young, is among the highest in the country.

The demand for increased governmental services in our static economy drives taxes upward each year.

There is a severe shortage of opportunities for our college educated people.

We need schools, hospitals and other public facilities.

The need for doctors is becoming critical in Montana.

Institutional care must be improved.

And these are only a few of our needs.

I said sacrifices would be necessary to control pollution. I do not believe, however, that the people of Montana should be the only people to make these sacrifices.

I do not believe that the well-being, security, safety and opportunities that Montanans have the right to expect should be sacrificed.

We must expand the tax base to provide public education, health services, law enforcement, highways, institutional care, and a constantly expanding number of other governmental services.

As we move forward, we must look in two directions. We must protect the natural beauty of the environment of Montana—and we must protect the interests of the people of Montana.

To assure the protection of the environment and to improve the quality of life in Montana, I propose the following 10-point program.

1. An annual State of the Environment Report. To include areas of problems and progress in relation to the environment.

2. Programs of environmental education to convince people that preservation of the environment is essential.

3. Pesticide control, to include classification and labeling to eliminate the possibility of accidental contamination.

4. Definition of industry's responsibility to the environment to promote increased dedication and reductions in current levels of pollution.

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5. Establishment of better land management policies to provide the means to control land usage and reduce degradation of the landscape.

6. Continuation of the roadside park and rest area construction program to enhance the environment and help control litter.

7. A legislative program to write new laws to correct existing environmental problems and to provide protection for future contingencies.

8. Expanded environmental research programs at the various units of the University System.

9. Selectivity and consideration of long-range effects in industrial development.

10. Progressive governmental programs to strive for, among other things, improved opportunities in employment and education, highway safety, improved institutional care, and regional and national cooperation to improve the quality of life in Montana.

Recently, members of the Nixon administration said that they thought the environmental movement was a political fad that would last 18 months.

I disagree.

The environmental problems afflicting this nation are too serious.

If this is a fad, we may be missing our last chance.

A NEW CONCERN FOR SOCIETY AND ITS PROBLEMS

Mr. SCOTT. Mr. President, I invite the attention of Senators to an article written by Mr. Henry W. Pierce, staff writer for the Pittsburgh Post Gazette.

Mr. Pierce points up in his article:

> A new concern for society and its problems has been showing up in addresses by top industry leaders.

Mr. Pierce goes on to cite several industry spokesmen whose statements "may reflect a sincere desire to clean up."

I commend the article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Pittsburgh Post Gazette, Apr. 20, 1970]

Business Tackling Pollution

(By Henry W. Pierce)

A new concern for society and its problems has been showing up in addresses by top industry leaders here.

Instead of putting top emphasis on profits, they appear, in their public statements at least, to feel mounting concern over the conglomeration of conditions known as "quality of environment"—which takes in just about everything from slums to seaweed.

For their initial thrust, they've chosen a subject that has wide current appeal—pollution.

MOTIVES

Their statements may reflect a sincere desire to clean up, or they may be joining an active movement to mollify public opinion. Whatever their motives, however, they are now on record.

Last week B. R. Dorsey, president of Gulf Oil Corp., told the National Association of Accountants:

"First is our obligation to the ecological balance—that mutual relationship between life and our environment; then the elimination of poverty—in our nation's urban centers as well as in developing nations; and finally the attainment of world peace through international understanding, to stop wasting our life and material resources."

John D. Harper, president of Alcoa, assured his company's shareholders last week that concern over the environment rates tops among Alcoa's concerns. "More than 40 people in our corporate headquarters devote their entire time to environment problems," he declared.

Recently Fletcher L. Byrom, board chairman of Koppers Co., and Douglas Grymes, Koppers president, told their shareholders of growing opportunities in the enivornmental control market, acknowledged that Koppers hasn't taken strong enough action to clean up its own pollution, and expressed intent to increase pollution control activities.

Donald C. Burnham, board chairman of Westinghouse Electric Corp., has called housing and jobs Pittsburgh's two most critical problems. He has predicted growing emphasis on these problems by companies as they continue rebuilding in the city, and he envisions success in the fight to stop river pollution.

In another talk, Burnham laid heavy emphasis on business and ethics, noting:

"Some people think businessmen will do anything to make a dollar," but in his experience, he said, successful businesses depend on high ethical standards. Aided by a concerned business community, he predicted, Pittsburgh's ghettos will be gone in 10 years.

But what was probably the most resounding statement came last week from the board chairman of student-harassed Dow Chemical Co. Dr. Carl A. Gerstacker in a talk in Pittsburgh declared:

"Our goal should be to march hand in hand with these public demands (for a clean environment) even though at first sight they may seem difficult, outrageous, or even impossible."

Gerstacker urged the chemical industry, whom he addressed to take these steps:

"I believe we should encourage, not oppose, the demands for environmental improvements."

"We should support public demands for new ways to control—or, even better, prevent—pollution."

"We should support public demands for better sewage treatment systems for our municipalities."

"We should encourage public demands for textile dyeing methods with less pollution problems, encourage demands for better disposable packaging systems, encourage demands for a better answer than the non-returnable beer cans and pop bottles that litter our landscape."

Not everyone agrees, however, that industries really intend to make a real effort to stop pollution. Speaking to about 100 women at the Oakmont Country Club last Thursday, Theodore R. McKeldin, former Maryland governor, said the "determination of polluters" to keep polluting air and waterways seems stronger than the public's determination to end pollution.

What, then, is behind industry's new image? Have large corporations really decided to put public welfare ahead of profits? Gulf's President Dorsey put it this way: "Maximum financial gain, the historical number one objective, drops to second place whenever it conflicts with . . . society."

Serving the public welfare—in the broadest sense of the word—possibly is the best long-run road to riches. In his address, Dorsey said of pollution abatement:

"It's the very heart of our business. Oil and its by-products are real and potential polluters of our air and water. Every drop . . . wasted is a loss item to an oil company. So we have a very greedy self-interest in preventing such losses."

And this from Dow Chairman Gerstacker:

"I hardly need point out to you that this nation is really run by public opinion . . . what the public wants, the public gets. If it wants clear air and clean streams, it will get them; they will be legislated and enforced when public sentiment in their favor is strong enough.

What appears to be emerging, then, is a growing industry awareness that pollution and ghettos and such are bad public relations, that tough new laws will be enacted in coming years and that the less industry has done about pollution, the tougher those laws will be.

And there will be increasing recognition that a prosperous community means prosperous industries. Enlightened business leaders know that ghettos cost businessmen money in the long run.

There is nothing wrong, of course, with these motives. They are solid, recognizable, trustworthy incentives. And they may get the job done.

THE MESSAGE OF EARTH WEEK

Mr. PROXMIRE. Mr. President, as all of us are aware, last week was Earth Week. It is my fervent hope that now that it has passed, we will not allow its message to be consigned to dusty newspapers. Earth Week's message is a clarion call for action, and action now. Failure to act could spell the end of our lease on this planet.

Mr. President, we easily lose sight of the fact that our existence here on earth really is just a tenancy—we do not own the place. The pollution crisis is a vivid reminder of this. A dialog composed some years ago by Arthur Hoppe for the San Francisco Chronicle puts this extremely well. The dialog was brought to my attention by the minister of my church, Rev. Robert W. Hoskins, of the Cleveland Park Congregational United Church of Christ, when he read it at a sermon in honor of Earth Week.

I ask unanimous consent that the dialog, entitled "Our Landlord Is a Softy," be printed in the Record.

There being no objection, the dialog was ordered to be printed in the Record, as follows:

Our Landlord Is a Softy

Scene: A pearly-lit executive suite. The Landlord seated on a throne-like chair, is listening to the annual year-end report of his Chief Collection Agent, Mr. Grabriel.

Mr. Gabriel: And so, Sir, there's no question that you have a beautiful piece of property there, all right. Ah, the way the grass smells after a rain. The brilliance of a snowfield on a crisp morning. The softness of a desert in the moonlight. The way a sea fog creeps in—

The Landlord (sighing): Yes, yes, Gabriel, I know. But let's get down to facts and figures. What about depreciation this past year?

Mr. Gabriel (shaking his head): Not so good, Sir. They've burned some more holes in Vietnam; they're beginning to break up the place in Laos and Cambodia; and you wouldn't believe how they're fraying things in the Middle East.

The Landlord: Just write it off under "Normal Wear and Tear," Gabriel.

Mr. Gabriel (dubiously): Well, if you say so, Sir. But what about the air?

The Landlord: Well, what about the air?

Mr. Gabriel (consulting notes): They've poured another 16.2 million tons of exhaust fumes, industrial smoke and other garbage into the air, Sir. Really, it's rapidly lowering the value of the entire property. (Grudgingly) Of course, I will say they haven't made it as radioactive as they used to do.

XUM

The Landlord (nodding): See? That's an encouraging note.

Mr. Gabriel: But it's a different story with the water supply.

The Landlord (sadly): I suppose it is.

Mr. Gabriel: Yes, they've spilled oil into the seas and they've dumped 13.2 trillion more gallons of sewage, mud, industrial chemicals and other poisons into virtually every rivulet, creek and river. You cannot lie on your belly and drink from a cool, clear stream any more without chancing typhus, hepatitis, cholera.

The Landlord (holding up his hand): Please, how were crops? I assume they've been growing things.

Mr. Gabriel: Yes, but that DDT is beginning to spoil everything. And I must tell you about the soil erosion. During the past 12 months no less than 82.5 billion tons of rich loam . . .

The Landlord (hastily): But they have been improving the property, I'm sure. What about new construction?

Mr. Gabriel: Yes. Let's see, they have built 112,232 new public buildings, all of which they claim will look very nice. Once the trees grow. They have also erected 27,342 new oil derricks on once-pleasant hillsides, paved over 43 alpine meadows with freeways and . . .

The Landlord (wincing): Not the alpine meadows!

Mr. Gabriel (relentlessly): Yes, the alpine meadows. And thanks to advances in rocketry, they reached new heights with their debris. At the same time, they have been busy exploring new oil sources in the arctic, and tearing up the perma-frost.

The Landlord: It's more curiosity than vandalism.

Mr. Gabriel: Sir, you must face facts. You have a beautiful piece of property and undesirable tenants. By any conceivable rule of property management, you have but one choice. (Raising a golden horn to his lips.) Shall I sound the eviction notice now?

The Landlord (hesitating): No. Let's extend their short-term lease for just one more year, Gabriel.

Mr. Gabriel: But you've been saying that for ages, Sir.

The Landlord (sighing deeply): I know, Gabriel. But I keep thinking that sooner or later they're going to stop acting as though they owned the place.

EXPERIENCES WITH CERTAIN BOOKSELLERS

Mr. McGEE. Mr. President, I wish to share with Senators the experiences I have encountered with certain book publishers in recent weeks.

On two separate occasions this week, I received books which I did not order and for which I have no use. The first one, "How Federal Tax Angles Multiply Real Estate Profits," was sent to me by the Institute for Business Planning, together with an invoice in the amount of $43.08. The second one was a publication entitled "Illustrated Encyclopedic Dictionary of Real Estate Terms" at a cost of $18.12.

Earlier this year I received a book entitled "Building Contractor's and Home Builder's Handbook," with an invoice for $18.07 enclosed. On this occasion I wrote a personal letter to the company and advised them that I had not ordered this publication. In response to this personal letter, I received a form letter from them advising me that "Your order has been shipped and that you will receive it soon." Later I received another form letter in which it was suggested that this order might have been placed in my name by a "prankster." To avoid this type of thing in the future, I was assured that the company has set up an "internal control" so that no further shipments would be made to me until an order had been sent to me for verification. The book was returned at that time. Still later, I received another bill from the firm, this time with a "friendly reminder" that my account was overdue and they would appreciate prompt remittance.

As a result of a telephone call to the company at its offices in Englewood Cliffs, N.J., I received a postcard advising me that this billing had been canceled and that the company looked forward to serving me again. I must presume that they took this commitment literally, since in this morning's mail I received the second unsolicited book from them as I indicated previously.

I do not know if this is a new technique within the industry to sell additional books, but if this is the case, I think it is a most reprehensible practice. I have no doubt that if these invoices and statements are not satisfied in a timely manner, the "friendly reminder" which I received from the publishing company after the book in question was returned would be followed by less "friendly" action and demands. This type of computerized and adverse credit information could quite reasonably be expected to filter down to or through credit agencies with the result that an individual's credit status could be adversely affected through no fault of his own and as a result of questionable schemes to sell more books.

I bring this matter to the attention of the Senate primarily to determine just how widespread the practice might be. It might be that for some unfortunate reason I have been singled out and that my experiences represent some isolated and unrelated incidents. If it does appear, however, that this reflects any general pattern within the industry, it might well be an area which Congress or an appropriate Federal agency could investigate.

THE SBA'S NEW "ACTIVIST" ROLE

Mr. McINTYRE. Mr. President, on April 9 I introduced the Small Business Amendments of 1970, S. 3699, with the cosponsorship of six Senators. This is the bill submitted to Congress by SBA Administrator Harry Sandoval, Jr., as implementation of the President's Message on Small Business of March 20.

On the same date, President Nixon issued Executive Order 11518 entitled "Providing for the Increased Representation of the Interests of Small Business Concerns Before Departments and Agencies of the United States Government." Like the proposed legislation, it is based on recommendations of the President's Task Force on Improving the Prospects of Small Business.

The National Small Business Association, which has long advocated the strengthening of SBA with the kind of policymaking consultation required of other agencies and departments by the new order, has presented the significance of this movement to make it an "activist" agency with a greater policymaking contribution throughout Government. The current Small Business Bulletin of the NSB contains an analysis of this presidential "Mandate for New Authority." I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

President Gives SBA Mandate for New Authority

The Small Business Administration, by a presidential Executive Order, has been given an enlarged and strengthened authority in line with long-pressed views urged by the National Small Business Association.

In separate letters addressed to President Nixon and to SBA Administrator Hilary Sandoval, NSB has commended the action and listed six specific areas in which a "timely exercise of SBA's new authority" should be put into practice.

"INCREASED REPRESENTATION"

President Nixon's order is officially titled as "Providing for the Increased Representation of the Interests of Small Business Concerns Before Departments and Agencies of the United States Government." It begins by noting that the policy of the Government is "to insure the continuance of a strong and healthy free enterprise system," and that such a system is "directly related to the well being and competitive strength of small business concerns." It cites President Eisenhower for the Executive Branch policy "to strive to eliminate obstacles to the growth of small business" and the Small Business Act on similar Congressional policy. Then, noting that SBA has responsibility for "an established program of advocacy in matters relating to small business," it directs the agency to "advise and counsel small business concerns in their dealings" with the Government.

But the heart of the order is its instructions that executive departments and agencies are no longer merely required to "consult and cooperate" with SBA when requested by the Administrator. Instead, they are now *directed* to do so, without waiting for SBA to initiate a request, on a wide range of "matters which reasonably can be construed as materially affecting" small business. In their actions, departments and agencies "*shall* act in a manner calculated to advance the valid interests of small business concerns." (Italics added.)

SBA MAY INTERVENE

Further, SBA is now authorized to intervene on its own initiative with other departments and agencies to present the small business viewpoint and secure its consideration. It may now, under the order, "participate in investigations, hearings, or other procedures" pending anywhere in the government "and submit evidence, briefs, and arguments" in accord with the department or agency rules of practice and procedure.

SBA under its new legal and administrative authority thus has the opportunity to move from a passive to an active and constructive leadership role. If the Labor Department, for instance, is formulating new minimum wage legislation, it now "shall" consult SBA for views on the small-business effect rather than moving first and then saying in effect. "Sorry, but you just have to live with it." Or if the Internal Revenue Service issues a proposed ruling, SBA can present arguments based on its judgment that undue hardship will result for small business. Thus, instead of coming in after policy is already fixed, SBA's new activist authority will bring it into the decision-making arena in advance for its fair share of consideration.

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NSB ASKS ACTION

The NSB letter to Mr. Sandoval was aimed at encouraging the SBA to exercise its new authority in six areas "of both immediate and long-range concern to American small business." They were listed as:

"1. The impact on small business of the current tight money market.

"2. The impact on small business of general economic legislation by participating in its formulation in the drafting stage.

"3. The impact on small business of the loss of the investment tax credit.

"4. The impact on small business of the reserve ratio test on depreciation policies.

"5. The difficulty many small business firms have in obtaining insurance in certain areas.

"6. The impact on small business of the trend toward mergers and acquisitions in the general business community."

"The ultimate significance of Executive Order 11518," NSB noted, "lies in its enabling the Small Business Administration to serve as an activist agency to defend the interests of its small business constituency from the danger of further infringement by big government, big labor, and big business."

PRESIDENTIAL SMALL BUSINESS MESSAGE

On the same day as the Executive Order was issued, President Nixon sent to Congress a message on small business. It was the first exclusively on that subject to be presented by any chief executive. The legislative proposals contained in it are the result of recommendations by a Task Force on Small Business, whose findings, President Nixon said, pointed to "three major problem areas"—the needs for capital, for "sound management counseling" and for trained people.

To help meet these needs, legislation will be forwarded to the Congress calling for expanded research on small business problems and the impact of Government on small business; for lifting the Office of Minority Business Enterprise in the Commerce Department to assistant secretary level; revising Subchapter S to facilitate small business treatment by the Internal Revenue Service as a partnership; a ten-year (instead of five) tax loss carry-forward period to aid new business; and changes to improve SBA's lending ability through working with banks on a tax-incentive basis. Other proposed legislation will be directed particularly at encouragement of minority business enterprise.

APPEARANCE ON CBS NEWS "FACE THE NATION"

Mr. SCOTT. Mr. President, yesterday, the assistant Republican leader, the Senator from Michigan (Mr. Griffin), appeared on the CBS news program "Face the Nation." Members of the panel were George Herman and David Schoumacher, of CBS News, and Richard Stewart, of the Washington bureau of the Boston Globe.

I ask unanimous consent that the text of the questions and answers be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Face The Nation

(As broadcast over the CBS Television Network and the CBS Radio Network, Sunday, April 26, 1970)

Origination: Washington, D.C.

Guest: Senator Robert P. Griffin, Republican, of Michigan.

Reporters: George Herman, CBS News; Richard Stewart, Boston Globe; David Schoumacher, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

Mr. Herman. Senator Griffin, a number of Republican Senators have advocated Senate action to limit President Nixon's ability to move into Cambodia in any eventuality. Where do you stand, as Republican Whip, on this idea?

Senator Griffin. The 40,000 North Vietnamese and Viet Cong in Cambodia are part of the same Communist force that are crossing over on a hit-and-run basis and killing American troops in South Vietnam. I think we have got to give very serious consideration to providing military aid to Cambodia, certainly not American troops. This is a decision that involves diplomatic considerations however, as well as military considerations. But if President Nixon should make the tough decision to provide limited military assistance to Cambodia, I am one Senator who is 100 percent behind him.

Announcer. From CBS/Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with the Senate's Minority Whip, Senator Robert Griffin, Republican, of Michigan. Senator Griffin will be questioned by CBS News Correspondent David Schoumacher, Richard Stewart, Congressional Correspondent of the Boston Globe, and CBS News Correspondent George Herman. We shall resume the interview with Senator Griffin in a moment.

Mr. Herman. Senator Griffin, specifically on the amendments proposed by Senators Goodell and Cooper, I presume, from what you just said a moment ago, that you will oppose this and work to give the President a free hand to do whatever he thinks necessary in Cambodia.

Senator Griffin. Well, certainly, I would oppose the amendment proposed by Senator Goodell, which would completely tie the President's hands and provide for no flexibility whatsoever. The amendment proposed by Senator Cooper, as I understand it, would only provide that no American troops could go into Cambodia but would leave the option open for other forms of military, economic and medical assistance. I don't think that Senator Cooper's amendment would be out of line with any possible action that the President might take, and certainly would be in line, I think, with the application of the Nixon Doctrine, if it were to be applied to Cambodia.

Mr. Stewart. Speaking about flexibility, Senator, what are the prospects for the growing involvement, of the prospects of a growing war in Cambodia, in Laos, for the President actually to make good on his promise the other night to bring out 150,000 troops from Vietnam within a year?

Senator Griffin. Well, Mr. Stewart, I think the very tough question that the President has to answer is whether or not it will be easier or harder to keep his commitment by giving some limited military assistance to Cambodia. Here is a country which is fighting the same enemy that we're fighting in South Vietnam. They want to fight. And that is our policy, it seems to me, is to encourage Asian nations to defend their own territory, non-Communist Asian nations, and that we will help them, if they want to fight the Communist aggressors. There are 40,000 Communist aggressors in Cambodia, and they are the same people that we are fighting in South Vietnam. If we can prevent them, by helping Cambodia, it seems to me our American boys can come home that much sooner and it could very well be easier for President Nixon to keep his commitment of 150,000 more troops withdrawn within a year.

Mr. Schoumacher. Senator Griffin, if we could pin down a couple of things here: First of all, you say it is in line with President Nixon's thinking, this Cooper amendment that would permit the President to do up to anything but ground troops. Have you discussed this with the President?

Senator Griffin. No. Let me make it clear that I am saying that I am confident in my own mind that the Nixon administration has no intention whatsoever and is giving no consideration to sending American troops into Cambodia. Obviously, there is a request pending before the administration as to whether or not other forms of aid are to be given, and that is under consideration at the present time.

Mr. Schoumacher. Just to be sure of our language, you say it is not ground troops, but, for instance, advisors?

Senator Griffin. Well, I myself would be very leary about sending advisors in. I think that would probably be the prevailing view in the Senate.

Mr. Schoumacher. What about air strikes?

Senator Griffin. I think we need some flexibility there.

Mr. Herman. Does that not dismay you, the idea of possibly sending in air spotters, perhaps even air bombers to help out?

Senator Griffin. I think it depends on what will serve our vital interests in that area and what will be the best course to take. Now, President Nixon has got to take into account that there are certain diplomatic initiatives that are under way. There are meetings going on in Peking and in Moscow. There are contacts being made now as far as Laos is concerned. And all of these things have got to be weighed, the diplomatic considerations and impact, as well as the military situation at the moment. And also a judgment has got to be made, and he has got the best intelligence to make it, as to just what the Communists are up to in Cambodia. Are they really trying to overrun the country? Do they merely have limited objectives which they had in the past, of maintaining their sanctuaries? And these are some of the factors that go into the tough decision.

Mr. Stewart. You use the phrase "our vital interests." What are our vital interests in Cambodia, in Laos, in South Vietnam, for that matter?

Senator Griffin. I think our vital interest right now is to turn a land war in Asia, that should be fought by the Asians, over to the Asians as quickly as we can do so and still maintain the right of those people to have their own government. And this is the reason that the decision in Cambodia is a very tough one. It may very well be that some limited military assistance in Cambodia will hasten the day when American troops can come home.

Mr. Schoumacher. Well, Senator——

Mr. Herman. Do you really have any confidence that the Cambodian troops at this stage in their development will be able to use the arms? Thinking of how long it took us to train the South Vietnamese to be able to meet the North Vietnamese, do you think the comparatively untrained Cambodian troops can really use these arms successfully?

Senator Griffin. Well, I certainly think small arms and unsophisticated weapons, keeping in mind that for the most part that is guerrilla-type warfare over there—I think your point is well taken, that if we tried to introduce very sophisticated weapons, which would require training and so on——

Mr. Herman. Well, I am thinking of the comment that I saw quoted in one of the dispatches by a Cambodian army brigade chief who said, "Give us 200,000 American troops"—men, ground troops, on the ground—"for two years and then we will be able to hold our own," that he seemed to feel that at the moment they didn't have the training, they didn't have the discipline, they didn't have the leadership to be able to use our arms, even small arms, successfully against the disciplined North Vietnamese.

Senator Griffin. Well, this is a question, of course, that involves military judgment, which is very difficult to make from this point in the world, and I think those are factors I don't—we certainly hear the other side of it, and President Nixon has got a very tough decision to make. I think that if he decides that some limited assistance should go to Cambodia and it is in our interests to do so, I am going to support him.

Mr. Stewart. Well, isn't it already true, Senator, that we are shipping arms to Cambodia? We say they are captured Russian rifles from South Vietnam but, regardless of where they come from or what the nomenclature of the rifles are, these are weapons that we are providing so we already are, in effect, supplying military weapons to Cambodia.

Senator Griffin. To a very limited extent. We didn't supply them directly. They went from the South Vietnamese to the Cambodians, but we were aware of it and we approved of the transfer.

Mr. Stewart. It was our initiative, wasn't it, Senator?

Senator Griffin. I really can't tell you. I don't know.

Mr. Schoumacher. Do you feel that the President violated that informal agreement he had with the Foreign Relations Committee to consult with them before any arms shipments to Cambodia, any change in the status?

Senator Griffin. No, I don't think so.

Mr. Schoumacher. Senator, in some of your discussions you seem to be agreeing with the kind of massive for-background-only briefings that have been going around in Washington in the past week, particularly over in the Pentagon, where they say that this is a golden opportunity, that North Vietnam is now over-extended, the VC are over-extended by being there in Cambodia, and we can chop them off and shorten the war in Vietnam. Is that your opinion at this point?

Senator Griffin. Well, I don't think I can go any further than I have already gone, and I think the extent of information that I have is limited. There are very important military decisions that have to be made. The only thing is that on the basis of all the facts and information that are available, I can very well see that we could be losing the opportunity to get out of Vietnam sooner, possibly we could be losing it if we didn't move at this time.

Mr. Schoumacher. Other analysts have suggested that this is North Vietnam's way of saying to us, "Look, we can go almost anywhere and cause you trouble, so you had better get serious in Paris." Can we get more serious in Paris than we are? Should we appoint a new top negotiator?

Senator Griffin. Well, I wouldn't be surprised if that would happen sometime in the near future and, particularly, if there is any signal at all from Hanoi that they are interested in some serious negotiations. Let me go back to Cambodia, however, and point out that there are other countries in the area that also have a vital interest, and we might not want to rush in if there was some chance that some of the other nations—Indonesia, Thailand, Australia—considering a request. What we are trying to do over there, under the Nixon Doctrine, is to get the nations with something at stake over there to put up the troops and do the fighting with our help, and I think we are moving in that direction and this is consistent with that policy.

Mr. Schoumacher. Whenever we have someone who visits the White House frequently and he says "I wouldn't be surprised" or "I think," you have to right away find out if he is telling us anything. Do you believe that President Nixon is about to appoint a new chief negotiator in Paris?

Senator Griffin. I wouldn't be surprised, but I can't tell you when it is going to happen.

Mr. Herman. All right, we will accept that at fact value. There is another question: You talk about the need for a signal from North Vietnam, about the peace talks——

Senator Griffin. It doesn't have to be a direct signal.

Mr. Herman. I understand.

Senator Griffin. It can come indirectly, of course.

Mr. Herman. I refer you to Senator Muskie's criticism on the floor of the Senate, when he was criticizing what he called the "extraordinary rhetoric of the President's speech." I am not exactly sure what he meant by that, but he goes on to say that the President tells us in his speech that "the decision I have announced tonight"—quoting the President—"means that we finally have in sight the just peace we are seeking." Mr. Muskie does not find the reasons for that in the speech and he thinks that this is more rhetoric than reality. When the President says "we have in sight the just peace," does he mean that there is some signal that just peace is in sight through negotiations?

Senator Griffin. I really can't answer the question, Mr. Herman. There may be more in the President's message there at that point than we can talk about at this time. I think that it can also be interpreted very reasonably as saying that our Vietnamization program in South Vietnam is working and that even if the North Vietnamese do not negotiate we can see the day when we will be able to get out of there and have a situation which is in accordance with our objectives.

Mr. Stewart. Senator, if I can change the subject a moment to this recent problem of Supreme Court nominees: Mr. Nixon twice in the last few months has lost out on two nominees to the Supreme Court, one whom you supported and one whom you did not support. Both of these nominees were, as we understand it, recommended very highly by the Attorney General, Mr. Mitchell. There are those now who think that Mr. Mitchell's credibility is in such disrepute that he ought to resign. Do you feel that Mr. Mitchell's problems now are such that he should walk away from his Cabinet job?

Senator Griffin. No, I think that President Nixon is entitled to an Attorney General of his choice, within a wide range of latitude. President Nixon has every confidence in Attorney General Mitchell and I think that he ought to keep him on as long as he is satisfied.

Mr. Stewart. Well, do you agree with the President's announcement after the rejection of Senator Carswell—not Senator yet—of Judge Carswell that, as is apparently constituted, the United States Senate would not confirm a Republican southerner who is also a strict constructionist? Is that true? Is there no room on the Supreme Court for a southerner, in the eyes of this United States Senate?

Senator Griffin. Well, let me say that I think there were three major factors that went into the rejection by the Senate of Judge Carswell: The '48 speech which he gave with a racist comment in it, which was very difficult to overcome; the argument which was repeated over and over again—very unfairly, I think—that he was a mediocre judge—actually, he was an outstanding judge—and, then, the third thing was that he was from the South. Those who interpret President Nixon's statement as saying that the Senate rejected Judge Carswell only because he was a southerner, I think, are misinterpreting what he said. And if he meant that, I wouldn't agree with him. But if he is saying and if he said—and I think he was saying—that that is one of the reasons that he didn't win, and that any southerner with the same qualifications as a northerner has a handicap and a more difficult time being confirmed by this Senate, as presently constituted, I agree with him.

Mr. Stewart. That is not what he said.

Mr. Herman. Well, he said "any southerner." He made it rather hard. He said "any southerner, any southern strict constructionist." Do you still think that that is flexible enough to interpret in the way that you have just outlined it?

Senator Griffin. I think so. I think that naturally all of the Senators who voted against Judge Carswell didn't vote against him because he was a southerner, and I am sure that the President didn't intend that, and that is true, of course, of Judge Haynsworth, as well.

Mr. Herman. Let me ask you about Senate candidate G. Harrold Carswell, who said, I think yesterday or the day before, in Florida, that the Senate is dominated by ultra liberals. Is that your view of the Senate?

Senator Griffin. Oh, I don't know. Like I have heard others say, I don't like these labels, conservatives and liberals. There is a strong group, a strong influence in the Senate that might be characterized by many people as ultra liberal. I wouldn't—these terms mean different things to different people. Since you raised the candidacy of Judge Carswell, of course, I, being a Republican Senate leader and looking forward to the possibility that we might have a majority in the Senate after the next election, I am somewhat disturbed that we suddenly have a divisive situation down in Florida. I hope that it will be worked out and that we won't lose the real possibility that we have to win that seat. Judge Carswell has taken on a real tiger and a very able man in Congressman Bill Cramer. I served with him throughout my service in the House. He is very able and he would make a good Senator, if he got elected.

Mr. Schoumacher. Do you want to say anything nice about Judge Carswell?

Senator Griffin. Well, I defended and supported Judge Carswell as a nominee for Supreme Court, and I guess I have already said quite a few nice things about him.

Mr. Herman. Are you able to straighten out for us the confusion on whether the White House did or did not endorse him and how that mess came about?

Senator Griffin. No, I am not. I guess you will have to direct those questions to the White House.

Mr. Schoumacher. Senator Griffin, if we can go into one other element of the aftermath of the shambles of these Supreme Court nominations, there is a good deal of dissatisfaction among some conservatives in the Senate, as I am sure you are aware, with the Republican leadership, mostly directed not at you but at Senator Scott, but I guess you have to take part of the blame. There is some talk about a revival of the Howard Baker candidacy for Senate leader in the next session. And Senator Baker the other day told me that "if we could pick up a few more conservatives," that he might be interested. Would such a candidacy be successful, do you think? How serious is this challenge to the leadership?

Senator Griffin. Well, Dave, Howard Baker is a very able and articulate Senator, a very good friend of mine, and is doing a whale of a good job. And he is a leader of the Republican Party, whether he has a title or not. I think it is premature, very frankly, to be talking about this. The election won't come up until January, and that is quite a long way off. I think frankly that the leadership that we have has been doing a good job. It should be kept in mind that under Senator Scott we have had quite a lot of sharing of the leadership responsibilities. We now have deputy or regional whips, which include Ed Brooke and Chuck Percy, Ed Gurney, Jack Miller, Cliff Hansen, and Mark Hatfield. In the last year—now, it is too early to judge this year—on 74 percent of the real test votes of the Nixon administration, the Republicans in the Senate won for President Nixon. It is a better record actually by far than Senate Democrats had in support of President Johnson, and it is a better record than we had in the 90th Congress. These are statistics which can be checked with Congressional Quarterly.

There is always a lot of unrest and it is difficult. You have to have a shakedown period when you have a new leadership. I saw this in the House when I helped Gerry Ford become the new minority leader. He had a year or so when it was very—things were still shaky. Senator Scott is going to have this problem; I think he is doing a good job and I think that he will be reelected.

Mr. Stewart. Senator, you indicated earlier in a speech that you made on the floor a week or so ago, that you don't want to comment on the Douglas case since you are going to be sitting as a judge. But, aside from the merits of the case, isn't it more than coincidence that after Haynsworth was defeated, the talk of impeaching Douglas surfaced to a good extent, and after Carswell was defeated it suddenly became a really blossoming bud?

Senator Griffin. Well, Dick, that is a very interesting way to try to slip me into a discussion of a possible Douglas impeachment.

Mr. Stewart. But that is not on the merits, Senator.

Senator Griffin. But I am going to duck the question, and I don't know how many of your guests admit that they duck questions, but I am going to duck that one. I would like to explain just why it is necessary for a Senator to do that. Under our Constitution the House, of course, acts in the capacity of a grand jury to decide whether or not the charged official should be impeached. It is somewhat equivalent to the word "indictment" when they are impeached. And if the House does vote to impeach Justice Douglas, then the Senate has a very solemn and serious responsibility to sit as judges and jurors to hear the evidence and then to decide the guilt or innocence of the accused. And we should not prejudge the merits and, frankly, I think that if you get into a discussion of the motives of particular House members as to why they are doing it, in a sense you are getting very close to prejudging the case itself.

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Mr. Herman. Let me ask you one small question that you may be able to answer: Do you welcome the shift to the Judiciary Committee of the House as the more proper way in which to conduct this investigation in the House?

Senator Griffin. I wouldn't have any particular judgment on that. That is something strictly internal housekeeping as far as the House is concerned.

Mr. Schoumacher. Let's go somewhere else, then. What about the so-called Minnesota strategy of the President? You are on the committee that is going to have to decide about Judge Blackmun as a nominee. Are you convinced that he has the qualifications? Are you disturbed by these early charges of conflict of interest that he himself has made against himself?

Senator Griffin. The real drama, of course, in the cloak rooms these days revolves around the question of whether the House is going to reduce the number of Supreme Court justices to seven before the Senate has a chance to increase it to nine. Everything I know about Judge Blackmun is very good. He has got a wonderful background and record. Every indication is that he does exercise judicial restraint. He is moderate on civil rights, as I understand his record, and yet he believes in strict interpretation of the laws. The hearings begin on Wednesday, before the Judiciary Committee. I think it is interesting that no one yet has asked permission to testify against Judge Blackmun. Now we may have a request before Wednesday, but it looks right now as though his chances are very good.

Mr. Schoumacher. He has brought up voluntarily this matter of some holdings, direct or indirect, that were involved in cases that he was also involved in. That doesn't disturb you at all?

Senator Griffin. Well, we're going to certainly examine him closely on that. His holdings were in the Ford Motor Company. He had only 50 shares of stock. He was very sensitive to his responsibilities and the canons of ethics because he discussed whether or not he should participate in the particular case with the chief judge of his court, indicating a keen sense of sensitivity. And this to me is very interesting and very important on the surface. Other than that, I don't know of any particular point that I would have any doubts about at this time.

Mr. Schoumacher. Senator, after the Carswell vote, I watched an interview that Roger Mudd conducted with you, and I questioned Roger afterward about it, and you get the impression that you regretted a bit that you had been locked in in supporting Carswell early before everything had come out. Are you now trying to sort of play hold-back, not commit yourself to Judge Blackmun?

Senator Griffin. Actually, I didn't commit myself to Judge Carswell until after the hearings were over. I definitely, very definitely recall that. So I wasn't locked in in advance, any more than I am locked in in advance on this nomination.

Mr. Herman. Did you support Judge Carswell because you were one of the administration leaders in the Senate, or because you had made a personal judgment?

Senator Griffin. I made a personal judgment. I could find no serious or substantial questions about ethics. I was satisfied in my own mind that he was well qualified. And while I was concerned about his 1948 speech in the civil rights posture, I ended up with the judgment and the conclusion that he was not a racist. And while his views were a little more conservative than mine, I didn't want to reject him just because of philosophy alone.

Mr. Schoumacher. Senator, the Communist Chinese have now orbited a satellite. What is that going to do, in your mind, to the forthcoming ABM considerations? You were a supporter of ABM. Does this make you more likely to want to see it enlarged?

Senator Griffin. Well, before I knew of the news reports I was satisfied in my own mind that I would support President Nixon's request for Phase II of the Safeguard. It is difficult to evaluate the meaning of the Soviet success——

Mr. Schoumacher. The Red Chinese.

Senator Griffin. The Red Chinese, I mean. I think it does point up that a lot of those who had been very conservative in their estimates of what the Chinese were able to do ought to do some re-evaluating. The Defense Department and the administration, I think, have been pretty much right on target. This indicates that they do have the capability to send a payload up into orbit and that they do have the capability of developing an ICBM. How soon they can actually deploy ICBMs is still a question, of course.

Mr. Herman. The arguments for the ABM have gone through—in about the minute we have left—the arguments for ABM have gone through several gyrations. First it was anti-Chinese; the last I heard it was anti-Russian, because they were building new weapons. Now do you think it will go back to being anti-Chinese again?

Senator Griffin. I think it should be kept in mind that President Nixon has been consistent. Both times he asked for ABM, the first and the second phase, he said it was necessary to protect our Minuteman missiles against a possible first-strike Soviet—he didn't use the term "first strike" but the possibility of a Soviet attack. It was also desirable for the kind of ICBM attack that the Chinese might develop in this decade, and also to protect us against the possible accidental firing of missiles by a foreign nation.

Mr. Herman. Very briefly, in the few seconds we have left, do you think this will make it easier for the President to get his ABM program passed?

Senator Griffin. I think maybe it will. I think a lot of Senators now are going to look at the ABM question in a different light.

Mr. Herman. Thank you very much for being with us today on "Face the Nation."

Announcer. Today, on "Face the Nation," the Senate's Minority Whip, Senator Robert Griffin, Republican, of Michigan, was interviewed by CBS News Correspondent David Schoumacher, Richard Stewart, Congressional Correspondent of the Boston Globe, and CBS News Correspondent George Herman.

PROOF OF THE DOMINO THEORY

Mr. McGEE. Mr. President, the domino theory is being proved right now in Southeast Asia, where Laos and Cambodia, as well as South Vietnam, are now visibly threatened by military force. This despite the fact that for a number of years now, great efforts have been made in the United States to discredit the theory. It is not discredited. It has risen from theory to fact, I fear, and simply must be faced. How to face it and how to tell the American people is a question before the administration, as William S. White wrote in his Saturday column in the Washington Post. I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Domino Theory" Being Proved Every Day in Southeast Asia

(By William S. White)

The real question before the Nixon administration is whether and when to give it to the American people with the bark on—a phrase used by old Cactus Jack Garner as vice president to indicate the rough and unvarnished truth as to the state of the world in which we live.

It is not, however, a simple question to answer; nor do stereotypes about "credibility gaps" and all that have any genuine applicability here. Giving it to the people with the bark off, as is currently being done both as to the deepening crisis in Southeast Asia and our wistful efforts at Vienna to negotiate a halt in the big arms race with the Soviet Union, has its honest, and even imperative, uses.

After all, since the discovery of the atomic weapon we have become a people whose mood is year by year more governed by excessive fears than by even the most modest form of realism. This being the root fact of life, President Nixon has not only a right but also a positive duty—since pushing anything remotely describable as a panic button has become more and more unthinkable—to put the most affirmative face he can on world affairs without doing actual violence to the facts.

It is against this perspective, one suggests that his recent speech on Vietnam, dominated as it was by his talk of bringing out another round of troops, should be read. And it is against this perspective that one ought to see the dogged attempts of Washington to insist that there really is some chance to make an honest agreement with the Russians for a weapons freeze. In the first place, the most confirmed cynic cannot be certain beyond all doubt that something good cannot eventually emerge from Vienna. In the second place, in high politics there can be a form of candor so excessive in itself as to become itself misleading. Surely enough, a spade is a spade is a spade; but it is not necessarily and always a bloody shovel.

Finally, a country so long conditioned by dove politicians and screeching "student demonstrations" and all manner of pacifists to flinch from the very word "military" simply could not responsibly be given it all with all the bark on and all at once. It would do nobody, and least of all that country itself, any good to put the position so boldly as to transform what is already something close to a national fear neurosis to something approaching psychosis.

All the same, and all this having been said, this observer believes that the President has already gone as far as he should go—and maybe a bit farther—with the process of national reassurance. He has indeed lowered his own voice, as he said during the campaign that we all should do. One columnist now suggests, since there is a time and a season for everything, that the hour has come for the President to raise his voice, and most notably about the present realities in Southeast Asia.

The "domino theory" so long scorned by the new isolationists—the concept that when the Communists topple one helpless country another topple will not be far behind—is being proved every day now in Southeast Asia. No longer simply South Vietnam but now also Laos and Cambodia are visibly, undeniably and appallingly under Communist military menace. The President, to be sure, has not attempted to hide this; but it is fair to say that he is being pretty gingerly about it.

To return, then, to his recent Vietnam address, a point should be stressed that has certainly had very little emphasis to date. This is that the President, when all is said and done, in no way froze his own position—not even on troop withdrawal—and is still perfectly capable without inconsistency or "credibility gaps" of reversing his present course in Vietnam. He is fully capable, in a word, of applying far more pressure, particularly in the air, than has ever yet been contemplated—and it is not inconceivable that he may yet have to do just that.

The fact that he has thus far given it to the public with the bark off does not mean that he has thrown the bark quite away and could not find it again if the last, hard necessity arose.

REMARKS OF SENATOR PROXMIRE BEFORE THE SPECIAL FOREIGN RELATIONS SUBCOMMITTEE ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last Friday a special subcommittee of the Foreign Relations Committee, presided over by the Senator from Idaho (Mr. CHURCH), began its consideration of the Genocide Convention. The hearings of this subcommittee mark the first Senate action taken on this treaty since it was tabled by the Foreign Relations Committee in 1950.

I had the privilege to appear as the leadoff witness before this special subcommittee. Other witnesses testifying on the first day of the hearings in favor of Senate ratification included Charles Yost, our United Nations Ambassador; Mrs. Rita, Hauser, the U.S. Representative to the Commission on Human Rights; Mr. Leonard Aldrich, the deputy legal adviser for the State Department; and Mr. Bruno Bitker, a prominent Milwaukee lawyer who has long been active in the field of human rights.

As I have said on innumerable occasions on the floor of the Senate, ratification of the Genocide Convention is a matter of the utmost importance for our country.

There are no constitutional barriers to ratification. There is no danger of jeopardizing our national interest if we become a party to the Genocide Convention. And most important, there is absolutely no justification for the inaction of the United States in this vital area of human rights.

I believe that the Senate now has the best chance to act on this United Nations convention since it was submitted by President Truman in 1949. We must not miss this chance; to do so would be a tragic failure to fulfill our moral obligations in the field of human rights.

Mr. President, I ask unanimous consent that my remarks in support of the Genocide Convention before the special subcommittee of the Foreign Relations Committee be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WILLIAM PROXMIRE BEFORE THE FOREIGN RELATIONS SPECIAL SUBCOMMITTEE ON THE GENOCIDE CONVENTION

I am delighted to have this opportunity to present to you and your distinguished committee my reasons for urging prompt Senate ratifications of the Genocide Convention. In January, 1967, I told my Senate colleagues that I intended "to speak day after day in this body to remind the Senate of our failure to act on several UN human rights treaties, (including Genocide) and of the necessity for prompt action". I feel so strongly that these treaties should be ratified by the Senate that I have spoken daily whenever the Senate was in session urging ratification for the past three years.

When representatives of the 13 colonies signed the Declaration of Independence in 1776, they recognized the self-evident truths that all men are created equal and that they have certain unalienable rights, among them life, liberty, and the pursuit of happiness. Our declaration of Independence, our Constitution, and our war for independence have had a profound influence on peoples and countries all over the world. Our moral example has influenced men and nations throughout the world for almost two centuries.

The commitment of the United States to securing basic rights for all mankind is perhaps most vividly demonstrated by the value we place on the individual human life. I firmly believe, and I think all Americans would agree, that the most fundamental of all human rights is the right to life.

Secure in its own dedication to the concepts of human rights, the United States took the lead in helping draft the United Nations Universal Declaration of Human Rights which provides that "all human beings are born free and in equal dignity and rights". The Universal Declaration states that "everyone has a right to life, liberty and security of person". The Declaration further states that "the foundation of freedom, justice, and peace in the world" is based upon the recognition of the "inherent dignity and of the equal and inalienable rights of all members of the human family".

The Genocide Convention puts the lofty principles embodied in these and other great documents into the framework of international law. It was the first Human Rights treaty to pass the United Nations.

Mr. Chairman, the history of mankind is marred by tragic accounts of man's inhumanity to his fellow man through violation of fundamental human rights. The programs against the Jews in Russia were a genocidal attempt by the government of that country to obliterate its Jewish population. Turkey's efforts to solve its "Armenian problem" resulted in 27 years of bloody horror and ended with the death of two million members of the Armenian minority.

Most infamous of all was the systematic eradication of over six million Jews and others by the Nazis in World War II. Men everywhere were outraged at the senseless and barbaric actions of the German war machine. Determined that genocide should be dealt with forcefully, the United Nations declared in December 1946 that it was to be treated as an international crime.

The UN Genocide Convention translated the intent of this resolution into a formal treaty, and it was passed by the General Assembly in 1948 by a vote of 55–0. America's participation and support were crucial in drafting and securing unanimous ratification of the treaty.

In June, 1949, President Harry S. Truman submitted the Genocide Convention to the Senate for its advice and consent saying in part:

"I also emphasized that America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and that we must maintain their belief in us by our policies and our acts. By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice."

A Foreign Relations Subcommittee held hearings on the treaty in 1950 and reported it favorably to the full committee. The representatives of the American Bar Association, however, voiced strong objection to ratification; this testimony evidently convinced the committee to shelve the treaty. And there it has languished for the last twenty years.

During this 20 year period 75 other nations have ratified the Genocide Convention. Action by the United States is obviously long overdue. If anything our obligation to accede to the treaty has increased now that so many other countries have acted affirmatively on the convention.

I am extremely pleased that the Foreign Relations Committee is now re-opening hearings on the constitutional and legal implications of the Genocide Convention. These hearings will help bring the issues squarely to the fore, and I hope they will lead to a speedy Senate vote on ratification.

The purpose of the treaty is to make genocide an international crime whether it is committed in war or peacetime. The treaty attempts to prevent the destruction of a national, racial, ethnic, or religious group by defining genocide, outlawing it, and establishing procedures for trying and punishing any violators (public or private). Genocide is defined as the destruction or attempt to destroy any of these groups by killing, causing serious bodily or mental harm, restricting births, forcibly transferring children, or inflicting upon the group condition of life designed to cause its physical destruction. Genocide, conspiracy, direct incitement, attempt to commit genocide, and complicity in genocide are punishable.

The first question that has been raised is whether the subject of genocide is the proper subject of an international treaty. A recent report by a special lawyers committee of the President's Commission for Human Rights Year conclusively disposes of this issue. The committee, headed by former Justice Tom Clark, reported in October of 1969 and concluded that treaties dealing with the rights of individuals in their own countries *are* legitimate matters of international concern.

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As Justice Clark pointed out one of the basic purposes of the UN Charter, which this country ratified, is the promotion of universal Human Rights. Moreover, the Senate itself has answered this question by giving its advice and consent for U.S. accession to the Protocol on Refugees and the Supplemental Slavery Convention.

The Clark report states that each human rights treaty must be examined in the light of two legal criteria: (1) whether the exchange of international obligations would serve U.S. national interests; and (2) whether the treaty would conflict with the U.S. Constitution.

Let us now turn to the specific treaty before us—the Convention on the Prevention and Punishment of the Crime of Genocide. I have thoroughly examined the arguments against the Genocide Convention in the light of the second point of the Clark report, and perceive no constitutional barriers to Senate ratification and United States accession.

I wish to be very specific on this crucial point.

Some have expressed the fear that if America became a party to this treaty American citizens could be tried in foreign courts on charges of genocide. This is clearly specious. Right now with no treaty in force, an American citizen in the physical territory and or control of a foreign nation can be charged and tried for any offense from shoplifting, to robbery, to espionage, to murder, even to genocide. The Genocide Treaty does not alter this, and does not expand the jurisdiction of foreign courts in any way whatsoever.

It is equally specious to say that the treaty allows American prisoners of war to be tried on charges of genocide. An enemy power can charge an American prisoner of war with any crime it chooses to trump up. The Genocide Treaty will not alter this. It will create no new hazard for our fighting men. And American military men stationed on friendly foreign soil will still be protected by the specific status of forces agreement we have with that particular country.

To even imply that ratification of the Genocide Convention would adversely affect our fighting men now prisoners of war in North Vietnam is patently absurd. Such an argument is merely a blatant appeal to blind emotion with no basis in reality. Former Attorney General Nicholas Katzenbach, who himself was a war prisoner for 27 months, has publically stated that ratification of the Genocide Convention would in no way present new dangers for American troops. I fully agree.

Another argument against ratification is that United States accession to the Genocide Treaty would allow some radical groups in the United States to charge that genocide was being committed against them by the police, government officials, or private citizens.

At the moment, our laws provide for the crime of murder to be tried and investigated in the local jurisdiction in which it is alleged to have occurred. And those accused of the crime are tried under local laws. Ratification of the Genocide Convention will do nothing to change this. Ratification of the Genocide Convention together with the subsequent passage of implementing legislation would, of course, create a new Federal cause of action.

It would simply add an additional jurisdiction in which these cases could be tried.

Mr. Chairman, some concern has been voiced that if we ratify the Convention, Americans could be hailed before an international penal tribunal and tried there. There has been a great deal of confusion on this point.

First, I would like to clearly point out that the international penal tribunal referred to in article VI of the Convention is not yet in existence. If such a court should ever be established no American citizen could ever come within its jurisdiction unless the Senate specifically ratified a new treaty providing for this. Second, the International Court of Justice which now sits at The Hague (and is commonly known as the World Court) is given a purely interpretive function by the Genocide Convention. It will have no power to try persons accused of genocide.

Third, as there is no existing international penal tribunal to try genocide cases, local courts in the territory where the crime is alleged to have occurred, whether in foreign countries or in America, will have jurisdiction to try the cases. It is as simple as that. *American* ratification of the Genocide Convention, furthermore, will *do nothing* to create a new cause of action in Foreign Courts.

Much of the opposition to the Genocide Convention comes from the American Bar Association. But there are a number of reasons, Mr. Chairman, why the ABA's position should be accorded very little weight by this committee.

First, the ABA itself was very closely divided on this issue. The ABA's House of Delegates failed to endorse ratification of the Genocide Convention by only four votes. The very closeness of the vote itself and the spirited debate indicates that the ABA as a group has no decisive or overwhelming constitutional objection to ratification.

Second, the ABA's Standing Committee on World Order Under Law, and its sections on Individuals Rights and Responsibilities, Criminal Law, and International and Comparative Law—those very divisions of the ABA most directly and intimately concerned with the Genocide Convention—all strongly favored ratification. The distinguished men and women in the ABA who know most about the subject, who had the responsibility of delving into every relevant issue, supported ratification.

Third, in considering the ABA's position on the Genocide Convention, we must keep one vital fact clearly in mind: The Senate of the United States has the constitutional responsibility to give its advice and consent to treaties submitted to it by the President; and the President and his advisors have the primary responsibility for conducting our foreign relations.

Fourth, although the ABA was instrumental in having the Genocide Convention tabled by the Foreign Relations Committee in 1950, it is important for us to recognize that its present position should not carry the same weight. Much of its objection is now based on political grounds, rather than constitutional grounds. Thus, while the ABA's official position on the Genocide Convention is interesting, we cannot allow the Bar Association to usurp our constitutional functions or to substitute its judgment for the judgment of the President in the conduct of our foreign affairs.

The other criteria mentioned in the Clark report—that ratification of a Human Rights Treaty should be viewed in light of our national interests—has been sufficiently met by the President and his advisors.

Secretary of State Rogers, last fall, examined the Genocide Convention and concluded it was in the U.S. national interests to work for prompt Senate ratification. In February, the Attorney General informed the Secretary of State that ratification of the genocide pact would present no constitutional problems.

Secretary Rogers then sent the Genocide Convention to President Nixon recommending that he support ratification. Based on this recommendation, the President sent a message to the Senate urging its advice and consent to this Treaty. In his message supporting ratification, the President noted that "some of our detractors have sought to exploit our failure to ratify this Convention to question our sincerity. I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remain as strongly opposed to the crime of genocide as ever."

Mr. Chairman, the President of the United States, with the concurrence of the Secretary of State, has asked the Senate to ratify the Genocide Convention. Attorney General Mitchell finds no constitutional barriers.

Senate failure to debate and ratify the Genocide Convention can only be construed by our enemies as evidence that we have indeed something to fear. Certainly we do not.

As Chief Justice Warren said in 1968, "we as a nation should have been the first to ratify the Genocide Convention."

The United States must put itself on record as being unalterably opposed to this monstrous crime. We must dedicate ourselves to its prevention and punishment and assert this country's powerful moral leadership in the field of human rights. Senate ratification of the Genocide Convention will publicly re-affirm our fundamental belief that human life is most precious.

THE CBS NEWS POLL

Mr. GOLDWATER. Mr. President, the Columbia Broadcasting System conducts an interesting program entitled "Sixty Minutes." In conjunction with this and for their information they made a national random television poll of 1,136 adults on March 10 and 12 of this year.

The findings of the poll were extremely interesting and, to quite an extent, disturbing and frightening. What it shows is that a rather large percentage of our people think that there are amendments incorporated in the Bill of Rights which should be repealed.

I was invited by Mr. Mike Wallace, of this show, to discuss with him what I saw as the true meaning of the poll. My analysis of it—and I will admit that it was not an indepth analysis because of the shortness of time I had—forced me to comment that I felt and still feel that those people expressing a desire to change article I as it applies to assembly or the same article as it applies to the free press and free speech and, again, in article V as it applies to double jeopardy and article VI as it applies to preventive detention indicates a mood of the people rather than a specific individual desire to change the Bill of Rights.

I feel that if the people who responded to the poll were asked these questions in relation to the repeal of the entire article, their response probably would have been different. Because they feel, in my opinion, that these very rights which we all cherish have been used against property and life by people who have no feelings for the rights of others they responded as they did.

This is one of the most interesting polls that has come to my attention in a long time. Because it is probable that Senators will not have an opportunity to see it in its entirety, even though a small part of it appeared in Time magazine, I ask unanimous consent that the entire result of the CBS poll be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

THE CBS NEWS POLL

INTRODUCTION

These pages present the findings from a national sample of adults on their feelings

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about certain basic concepts embodied in the Bill of Rights of the Constitution. Naturally, the questions asked could not be phrased in the terminology of the original writing; rather, they were written in contemporary language. Because of the inherent danger of trying to interpret the public's responses to questions dealing with their constitutional rights, we tried to make the questions as direct and meaningful as possible.

Before undertaking the study, we conducted five separate depth-interview sessions in which different groups of six to eight people—young men, working women, suburban housewives, etc.—were interviewed intensively for two or three hours each. Later, the tape recordings from those interviews were analyzed for several days to see if we could determine what people's answers meant, and the reasons underlying those answers.

Most of the questions deal with semi-abstractions—such as "national interests," "serious crimes"—in order to allow the respondent to provide his own frame of reference in answering a given question. That is, we permitted the individual to make his own interpretation of Bill of Rights concepts as we structured them, because his particular interpretation guides his day-to-day actions and feelings with respect to the rights of others. Naturally, although two people may answer "yes" to a question about trial by jury, chances are they may do so for somewhat different reasons.

Findings from the depth interviews were incorporated into a small-scale (127 people) pre-test in three regions of the country about one week in advance of the major study itself. Findings from the pre-test convinced us the survey was feasible. In addition, the final questionnaire was reviewed by a constitutional lawyer for expert insight into the sense of the questions. His appraisal was that although there are many qualifications for any legal interpretation of articles of the Bill of Rights, in each instance the questions in the study were directly to the point at issue.

FINDINGS

The majority of adults in America seem willing to restrict some of the basic freedoms constitutionally guaranteed by the Bill of Rights. Specifically, about three-fourths (76%) of the 1,136 people interviewed in the nationwide CBS News telephone survey believe extremist groups should not be permitted to organize *demonstrations* against the government, even if there appeared to be no clear danger of violence. Moreover, well over one-half of the people (54%) would not give everyone the right to *criticize* the government, if the criticism were thought to be damaging to our national interest; and, a comparable number (55%) feel newspapers, radio, and television should not be permitted to *report* some stories considered by the government to be harmful to our national interests (wartime censorship was excluded in the question).

Two additional freedoms that people would restrict involve "double jeopardy" and "preventive detention." In the case of the former, nearly three out of every five adults (58%) feel that if a person is found innocent of a serious crime, but new evidence is uncovered after the trial, he should be *tried again*. In the case of the latter, three out of every five adults (58%) also feel that if a person is suspected of a serious crime, the police should be allowed to *hold* him in jail until they can get enough evidence to charge him with the crime.

These findings suggest that group protests, vocal dissent, and the publicity given to them apparently have surpassed the public's level of tolerance. Moreover, the general concern for law and order seems to have led people to a willingness to curtail the rights of the individual criminal should there be strong indication of his probable guilt.

On the other hand, other constitutional guarantees involving the judicial process appear to be so deeply embedded in our way of life that Americans emphatically uphold them. In particular, four out of five people (82%) feel that guilt or innocence in a criminal case should be decided by a *jury*, not by the judge alone; three out of four (75%) believe that the government should never be allowed to hold a *secret trial*; and two out of three (66%) feel that the police should not be allowed to enter someone's home without a *search warrant* even if they suspect that drugs, guns, or other criminal evidence is hidden there.

Less strongly, but nonetheless acceptable to most people, are the rights of defendants in criminal cases to avoid self-incrimination and to confront witnesses against them. In both cases, more than one-half of the people (54%) feel that the individual should have the right to *refuse to answer* questions if he feels his answers may be used against him and that the prosecution should never be allowed to keep the *identity of witnesses* secret during a trial.

Before looking at the specific findings for different groups making up the national population, let us point out first that the people most frequently opposed to various freedoms guaranteed to Americans by the Bill of Rights are women, older people, and people with relatively low levels of education. One caution should be raised about interpreting findings for Jewish people; the findings are not necessarily representative of this group because such a small number (48) appeared in the sample.[1]

BILL OF RIGHTS CONCEPTS THAT PEOPLE OPPOSE

The following pages show the basic concept embodied in the Bill of Rights that the American public rejects, at least in the terms of the question we asked of them. The exact question working is shown for each concept.

1. Peaceful assembly:

Article I.—"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; *of the right of the people peaceably to assemble* and to petition the government for a redress of grievances."

Question.—"As long as there appears to be no clear danger of violence, do you think any group, no matter how extreme, should be allowed to organize protests against the government?"

Results:	*Percent of people*
Yes	21
No	76
Sometimes	--
No response	3

In intensive depth interviewing done prior to the study, we found that people tend to think in terms of the Black Panthers, SDS, and other extremist ("radical left" not "radical right") groups as the kinds of groups demonstrating against the government. Altogether, three-fourths of the public would prohibit anti-government demonstrations, often because they fear that no matter how well-intended such demonstrations invariably disintegrate into violence.

Women are somewhat more likely than men to oppose organized demonstrations even where there is no clear danger of violence. Not surprisingly, older people are much more opposed to demonstrations than are younger people; and Republicans and Democrats are more often opposed than are people who do not claim a political party affiliation or else identify with a political group outside the two-party system.

People with less education and lower income are more likely to oppose demonstrations than are those in the higher education and income groups. Protestants, Catholics, and whites are more frequently opposed to demonstrations than are the few Jews studied or members of other faiths or secularists and non-whites.

Southerners are more likely to be against anti-government demonstrations than are people in other parts of the country, particularly those in the Western states.

2. Free press:

Article I.— "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; *or abridging the freedom of speech or of the press;* or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

Question.—"Except in time of war, do you think newspapers, radio, and television should have the right to report any story, even if the government feels it's harmful to our national interest?"

Results:	*Percent of people*
Yes	42
No	55
Sometimes	1
No response	2

The findings here closely parallel those for opposition to anti-government demonstrations. That is, women, Republicans and Democrats, older people, Protestants and Catholics, the less-educated, and those in lower income groups are most likely to oppose the mass media having the freedom to report any story they wish, even in times of relative peace (undeclared war), if the "government" feels the report is inimical to our "national interests."

Only in the Western states do a majority of people favor the free press concept; there are no real differences among people in other regions of the country. Finally, whether a person is white or non-white makes no difference in his feelings about press freedom—a majority of both groups oppose the reporting of any or all stories that the government defines as against the nation's best interests.

3. Free speech:

Article I.—"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise tehreof; *or abridging the freedom of speech or of the press;* or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

Question.—"Do you think everyone should have the right to criticize the government, even if the criticism is damaging to our national interests?"

Results:	*Percent of people*
Yes	42
No	54
Sometimes	1
No response	3

In this case, men are more likely than women to oppose free criticism of the government. Of all the questions explored in the lengthy depth interview sessions, this one produced the most internal conflict. That is, while people often recognize the right involved and see the implications of the alternative to free speech, they feel that dissent has gone "too far" and that a line somehow must be drawn somewhere. Who should draw the line and how is the problem that produces the mental conflict. The concept of free speech blurs with that of the free press; people tend to feel that criticism of the government in personal conversations among friends and family members is not the same as publicizing that criticism in the mass media.

A person's race, political party affiliation, or region of the country has little bearing on

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[1] An Appendix to this report shows the response to all questions by different subgroups in the national population.

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his feelings about the exercise of free speech. But, as we saw before, Protestants and Catholics, older people, poorer people, and less-educated people are most likely to be against giving everyone the right to criticize the government if the criticism purports to be damaging to our national interests.

Reviewing the three concepts thus far, it is not surprising to find that—with the exception of income which is highly correlated with educational attainment—the groups most likely to oppose the unrestricted exercise of free speech, free press, and peaceful assembly are older and are members of the majority parties and religions. In effect, these are the members of the system under attack.

4. Double jeopardy:

Article V.—"No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor *shall any person be subject for the same offense to be twice put in jeopardy of life or limb;* nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Question.—"If a man is found innocent of a serious crime, but new evidence is uncovered later, do you think he should be tried again for the same crime?"

Results:	*Percent of people*
Yes	58
No	38
Sometimes	1
No response	3

Those Bills of Rights guarantees that most people would restrict tend to divide into two groups. The first group has already been described, the exercise of dissent. The second group is made up of two concepts involving the probable guilt of a suspected criminal. The depth interviews suggested that, while people recognize the danger to the individual of being "hounded for life" for the same crime, there nonetheless is a feeling that if the individual has the right to appeal a conviction the government should have the right to re-try on acquittal. Moreover, the sentiment for re-trial grows stronger as the crime becomes more serious, e.g., murder, rape, child molestation, trafficking in narcotics among young people, espionage, and so on.

Not unexpectedly, women are much more likely than men to wish to re-try suspects after acquittal on the basis of new evidence. Women feel, of course, more vulnerable to the commission of crime than do men and have a heightened concern for the safety of their children.

Whites and people in Western states, particularly as compared with people in the East, are most likely to want to re-try suspects for the same crime. Age, political affiliation, income, and education have little to do with people's feelings.

Jewish people (at least the small number studied) seem more likely than Protestants and Catholics—who are in turn more likely than members of other faiths and secularists—to abridge the double jeopardy clause. This finding is inconsistent with most findings for Jews, who by and large tend to be Civil Libertarians in outlook.

5. Preventive detention:

Article VI.—"In all criminal prosecutions, the accused shall enjoy the *right to a speedy* and public trial, by an impartial jury of the State and district, wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and *to be informed of the nature and cause of the accusation;* to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Question.—"If a person is suspected of a serious crime, do you think the police should be allowed to hold him in jail, until they can get enough evidence to officially charge him?"

Results:	*Percent of people*
Yes	58
No	38
Sometimes	1
No response	2

The findings are substantially the same on this question as for previous ones; namely that women, Republicans and Democrats, older people, members of the major religions, people in lower education groups, and people in lower income brackets are most likely to wish to hold the suspected criminal in jail without a formal charge until sufficient evidence can be brought against him for a serious crime. The issue is not clear-cut, of course. Depth interviews indicated that while people realize that the individual's rights are being compromised, they frequently express concern that "dangerous criminals" on the loose will commit more crimes or else flee the country. Here, again, people feel a line somehow should be drawn with respect to the seriousness of the crime and the length of time a suspect could be held without charge, but have no idea as to how and who could make the distinction.

A person's race has no relationship to his answer to this question; but people in the Midwest are more likely than people in the rest of the country—especially more so than people in the West—to agree to hold suspected criminals without formal charge.

BILL OF RIGHTS CONCEPTS THAT PEOPLE UPHOLD

The following pages show the basic concepts embodied in the Bill of Rights that the American public upholds, at least in terms of the questions we asked them. The exact question wording is shown for each concept.

1. Trial by jury:

Article VII.—"In suits at common law, where the value in controversy shall exceed twenty dollars, *the right of trial by jury shall be preserved,* and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Question.—"In most criminal cases, the judge conducts the trial and a jury decides guilt or innocence. Instead of the jury, would it be better if the judge alone decided guilt or innocence?"

Results:	*Percent of people*
Yes	14
No	82
Sometimes	1
No response	3

The American public is strongest in its support of trial by jury; four-fifths reject the idea of a judge deciding verdicts instead of a jury. In the depth interviews, however, we found that a hypothetical panel of three judges would be acceptable to a number of people who rejected the idea of only one judge deciding guilt or innocence in criminal cases.

Preference for a single judge deciding the outcome of criminal cases increases as age increases and as income and education decrease. Surprisingly, people in the Eastern states are more likely than people in other parts of the country—particularly those in the West—to favor decisions by a judge instead of a jury. Equally surprising, nonwhites are more likely than whites to prefer a single judge. This may be due to the feeling among minority group members that they cannot get an impartial verdict from predominately white juries.

Political party affiliation, religious preference, and the individual's sex have little relationship to people's feelings about trial by juries.

2. Public trial:

Article VI.—"In all criminal prosecutions, *the accused shall enjoy the right to a speedy and public trial,* by an impartial jury of the State and district, wherein the crime shall have been committed, which districts shall have been previously ascertained by law, *and to be informed of the nature and cause of the accusation;* to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Question.—"In criminal cases, do you think the government should ever have the right to hold a secret trial?"

Results:	*Percent of people*
Yes	20
No	75
Sometimes	1
No response	4

In the military, trials can be conducted secretly and transcrips withheld from public scrutiny when it is determined that national security would be jeopardized by public disclosure. In civil and criminal cases, however, there is no circumstance in which a trial's transcrips are not public record. The concept of secret trials meets with great resistance, three-fourths of the American public oppose the idea. Opposition cuts uniformly across most sub-groups, in that people's sex, age, party affiliation, religion, income, and education have little bearing on their answers. Whites, however, are more likely than non-whites to be willing to give the government the right to conduct confidential trials. And, while people in the Midwest, South, and West tend to answer about the same way, a noticeable higher proportion of people in the Eastern states than in the Midwestern states would permit secret trials.

3. Search and seizure:

Article IV.—"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, *and no warrants shall issue but upon probable cause, supported by oath or affirmation,* and particularly describing the place to be searched, and the persons or things to be seized."

Question.—"If the police suspect that drugs, guns, or other criminal evidence is hidden in someone's house, should they be allowed to enter the house without first obtaining a search warrant?"

Results:	*Percent of people*
Yes	32
No	66
Sometimes	1
No response	1

This particular question was revised many times before its final form. In this case we specified "drugs, guns, or other criminal evidence," in the question; normally we would have preferred to permit the individual to interpret "criminal evidence" without the mention of drugs or guns. In the pre-test and the depth interviews, however, we found that drugs and guns are the two most salient concerns with respect to search and seizure. Asking the question in more vague terms produced confusion between illegal entry and legal entry in "hot pursuit."

Two-thirds of the public reject the idea of the police entering private residences without search warrants. While recognizing that criminals may dispose of evidence during the time lost obtaining search warrants, people nonetheless prefer the right of security in their home. Interestingly, a number of people interviewed prior to the study itself expressed concern for the police "planting" incriminating evidence in the home of suspected criminals.

As age increases and education decreases, people are more likely to favor permitting the police to enter homes without search warrants; and whites are more likely than members of minority groups to permit the police to enter without warrants. Curiously enough, Jewish people and people in the Eastern states—typically bastions of civil libertarianism—are more likely than their counterparts in other faiths or other regions to be willing to permit entry and search without formal search warrants. Also, people in the $5,000 to $10,000 income range are more permissive than those in higher and lower income groups with respect to search and seizure.

People's sex and party affiliation has no relationship to their answers to this question.

4. Self-incrimination:

Article V.—"No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; *nor shall be compelled in any criminal case to be a witness against himself*, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Question.—"At their trials, do you think suspected criminals should have the right to refuse to answer questions if they feel their answers may be used against them?"

Results:	*Percent of people*
Yes	54
No	42
Sometimes	1
No response	3

In our exploratory research before the survey, we found many people felt that only the guilty take the Fifth Amendment to avoid self-incrimination. A number felt that the Fifth Amendment has been misused, by Mafia members in particular, and thereby was not serving the ends of justice. Consequently, it perhaps is not too startling to find that just over a majority of the public upholds the individual's right to protect himself from self-incrimination.

Opposition to use of the Fifth Amendment is higher among older people, people with less education, and people with less than $15,000 annual income. Opposition also is higher among whites, Protestants, and Republicans. One finding out of character is that proportionately more people in the Eastern states than in other parts of the country oppose the use of the Fifth Amendment to avoid self-incrimination. There is no difference between the answers of men and women.

5. Confronting witnesses:

Article VI.—"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district, wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; *to be confronted with the witnesses against him;* to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Question.—"During court trials, do you think the government should ever be allowed to keep the identity of witnesses secret from the defendant?"

Results:	*Percent of people*
Yes	40
No	54
Sometimes	2
No response	4

Here, again, the findings of the pre-study research might aid in interpreting the responses to this question. Many people felt that the government should be allowed to protect the identity of its witnesses in two cases: the first being trials involving the Mafia when the life of the witness would be endangered by his testimony; and the second being espionage cases involving undercover agents for the FBI and the CIA. While recognizing the dangers to the defendant with respect to the adequacy of his defense preparation as well as realizing that informers might falsely testify because of personal grudges, there remained nonetheless a rather strong core of sentiment favoring secrecy of witnesses.

Women, whites, and Republicans are more willing than men, non-whites, and non-Republicans to permit the government to mask the identity of witnesses. There is no difference in people's feelings when compared by their religious preference. There is no clear relationship to education or income; people in the middle income and education are more likely to favor the use of secret witnesses than are those at the higher and lower levels of income and education.

One unanticipated finding is that young people are more receptive to the idea of secret witnesses than are older people. And, people outside the south are more likely to permit the use of secret witnesses than are people in the south.

In reviewing the findings in this last section, it appears that certain aspects of the judicial process are so ingrained in our lives that considering alternatives to jury trials, public trials, and search warrants is anathema to a substantial majority of Americans. Because of the "abuse" of the Fifth Amendment and because of fear of Mafia as well as people's willingness to accept secrecy in espionage cases, only somewhat more than a simple majority of the public uphold the rights to avoid self-incrimination and to confront one's accusers.

HOWARD PRESIDENT CHEEK AND YALE PRESIDENT BREWSTER

Mr. MUSKIE. Mr. President, on Saturday, April 25, Howard University inaugurated its new president, Dr. James E. Cheek. In his inaugural speech, Dr. Cheek addressed himself eloquently to the role of Howard University in a world in which we must both "manage knowledge to save the environment" and "create new knowledge to save the Republic."

Last week, President Kingman Brewster, of Yale University, addressed the American Newspaper Publishers Association on the subject of the morale on the college campuses. He, too, spoke of the part universities must play in a society in which unfortunately "silence is honored above dissent." Excerpts from President Brewster's remarks were published in the Washington Post of April 25, 1970.

I commend the attention of the Senate to the words of these men. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TO SEEK A NEW DIRECTION: HOWARD IN THE DECADE OF THE SEVENTIES

(By Dr. James E. Cheek)

Mr. Chairman, members of the board of trustees, distinguished delegates and representatives, fellow administrative officers, faculty and student colleagues, members of the alumni and my friends: Our nation, just seven years away from the two hundredth anniversary of its revolution for freedom and human equality, is required to fulfill for our generation and in our time the promise it made to the world almost two centuries ago. Having fought on foreign shores several wars to defend, preserve and protect its beliefs, our nation is now required to wage a harder struggle within its borders to make those beliefs a reality for all of its citizens.

What we do as a nation in the next six years will be watched around the world by friend and foe alike to see whether this republic is willing and able to honor in practice what it proclaims in principle.

At no other time in American history has the danger to the American society been so great.

Today, the real danger to the American ideal does not lie among the people on foreign shores; it lies within our own midst and is represented by those who seek to preserve a system that is oppressive, by those who attempt to defend a society that is fragmented and by those who try to preserve an ideology that denies human liberty.

In the initial years of this new decade the critical struggle of the nation will be at home and not abroad; and the effectiveness of our foreign policy will be determined by the character and substance of our domestic practices.

How a nation allocates its resources and to what issues it chooses to direct the people's will, reveal what a nation values most, what it cherishes, and what it hopes to be.

At the time when the American idea was being created the founding fathers cast their lot on the side of justice, freedom and equality. In words that still echo around the globe they pledged a new nation to the fulfillment of man's ancient quest for human liberty. And by acts of courage and fortitude they made plain that the rights of men do not derive from the generosity of the state but from the benevolence of God.

The revolutionary idea of a society where men would be free, where the opportunities would be open and where the benefits would be equitable remains today as an idea which generates in the hearts of men acts of courage and valor. The validity of that idea will be tested in our time in a manner it has never been tested before.

In recent days our attention has been directed to a special problem that faces the planet earth.

Our national leadership has pledged the nation's resources and galvanized the nation's will to confront and resolve the pollution of our physical environment. We have been awakened to the dangers which our technology has created, and we are preparing to fashion a technology to remove them.

Without question the issue of our physical environment is an issue of overriding concern and demands the attention it is now receiving.

But the pollution of our air, of our waters, of our soil, and the traffic jams of our highways are not the issues that will decide the fate of the nation.

The crises of our time and the real dangers to our national health are to be found in our social environment: in the sickness of our cities, in the failures of our public schools, in the alienation of the young, in the crises between black and white and in the denial of equal access to the opportunities, rewards and benefits of our society to one tenth or more of our native born citizens.

The noble vision which inspired the American effort has become blurred and the gallant will to make a dream come true has become paralyzed.

We can cleanse our air and purify our lakes and rivers, beautify our landscape and solve the problems of transportation and still remain a society in fragments, a people without values and a collection of states not united in will or purpose.

While we must manage knowledge to save the environment, it is also required that we create new knowledge to save the republic.

Without a doubt the decade of the seventies will force our nation to come to terms—perhaps once and for all—with the issue of race and racism. At various stages in our national history this issue has suffered from neglect, both benign and malignant. In successive turns it has been treated indifferently, hypocritically and cosmetically. Always manipulated by the requirements of political expediency, seldom if ever the object of political duty, the question of race now stands before us as that one question that may decide the fate of the nation and possibly the fate of the world.

Our generation will not be privileged to defer to the next generation the solution to this problem that divides the nation and that now threatens to tear apart the American fabric.

The gravity of this threat cannot be exaggerated and the urgency of the task we face cannot be overstated.

One hundred and three years ago this University was established to be one of the major instruments to assist in the task of healing the wounds created by civil strife and of righting the wrongs caused by generations of bondage.

It has served our nation and our people well. Those who have guided its development over more than a century—through times of tranquility and turbulence—never lost sight of the mission to be discharged or of the purpose to be pursued. We salute and honor with profound gratitude their vigilance, their sense of duty, their sacrifices, their patience in tribulation and their rejoicing in hope.

Our country and our world owe to them a lasting debt.

Now we have been summoned to take upon our shoulders the continuing task of helping our country fulfill its promise and of assisting our people in realizing their capability. Ours is a very special charge.

In the new decade we have just entered we have begun an earnest search for a new direction; we have learned already that Howard in this decade must be willing to be one of the principal architects of our national destiny and one of the major engineers of our society's change.

We understand very well the bold demand that universities remain aloof from the great issues and questions of social change, social goals and social purposes. Those who make such a demand insist that universities maintain a posture of interested detachment in order to preserve their academic freedom.

But while at Howard "academic freedom" is to be cherished and valued, human freedom is cherished and valued more. Hence we cannot stand aloof, morally neutral and socially passive. For us the business of education must be conducted not in the atmosphere of the museum where men are gathered to contemplate the past, but in the atmosphere of the true University where men are gathered to create the future.

In every discipline that we shall offer the knowledge we transmit, the truth we pursue and the public service we render will be guided by a profound understanding of the value and worth of human life.

We shall strive to fashion the education we offer into a force for social regeneration marching hand in hand with the living and creative forces of the social order.

As a University we may not add much to the world's understanding of how best to navigate the distance of space in man's reach for the stars, but we surely can and must add mightly to the world's understanding of how man can best remove the distance between peoples and races in our search for peace and justice on earth.

We can bring to the new decade before us a profoundly new sense of man's worth and ultimate nobility, and building upon that create for ourselves and future generations a new humanism which may help to prevent the destruction of man and of mankind by the creations of his own mind and by the instruments of his own hands.

This, Howard is able to do.

In the liberal arts we must seek and find wholly new ground on which to fashion an aristocracy of knowledge and on which to create an aristocracy of leadership which will not be the exclusive possession of a particular race of one ethnic group. We shall use the liberal arts truly to liberate and from that experience our students will know more profoundly the character of the quarry from which they have been dug and the nature of the rock from which they have been hewn. They shall have a pride that no man dare ridicule and they shall possess a dignity that no man dare dishonor.

In the Fine Arts we shall honor and celebrate the peculiar genius that long suffering and great oppression have fashioned as one of history's greatest gifts to man's understanding of human experience. In the visual and performing arts and in the inspired music drawn from the soul of a people we shall exhibit to the world a culture that no man can call deprived.

We shall train in our School of Law a new generation of jurists: men and women who will use the law to seek the ends of social justice and thereby preserve for both black and white human liberty.

In our Colleges of Medicine and Dentistry and the related schools of the health professions we shall try as diligently as we can to produce men and women who will regard a healthy body and a healthy mind as a human right and not a privilege. By the examples of their teachers as well as by their precepts we shall endow our students with the spirit of human compassion and with a profound regard for the sacredness of human life. We shall seek to inspire them to take their art and science into the deltas of Mississippi, into the rural countryside and into the urban jungles of our cities to practice that art and science not for economic profit but for human well being.

In all of our other professional schools—Engineering, Architecture, Business, Education, Religion and Social Work—we shall begin the development of the new knowledge and the fashioning of the new social technology that will raise up new kinds of social engineers, technically competent and morally committed to the special needs of Black Americans, the institutions which serve them and the communities which they inhabit.

And in the new schools and colleges that we shall create and in the special institutes we shall establish, we shall seek to formulate new norms of excellence and more effective methods of extending the University beyond the campus to enhance the community which is our home as well as the community across the seas. We shall seek to lead and not to imitate and in all we undertake to do we shall try to fashion a community of scholars where all the students are teachers and all the instructors are learners. By such an example we hope to help the academic world toward that reform the times demand.

We shall try to withhold prior judgment on who can be educated and who can profit from the experiences we offer. We shall establish an eliteness based upon what we graduate rather than upon what and whom we admit.

The national interest dictates that there be at least one university in this land unashamedly devoted—in its public service—to the special problems and special issues which the legacy of race has created. Howard is commanded to be such a University.

In our effort to help our nation renew itself we must stand before our countrymen and before the work as a bold and vivid contradiction to the belief that black men and the institutions which serve them are inherently, intrinsically and generically inferior.

By the labor of this institution in the decade of the seventies we shall try to destroy the myth of white supremacy and exalt the reality of human equality. Without apology for our origin, without shame for our character and without equivocation about our purpose we shall try to help our nation take an honorable change of direction.

The hazards of the course we have set are well known to us; the dangers in this task are both vivid and real. But each generation of men must confront the tasks it has been assigned.

Ours is no easy assignment, but it must be done. How well it is discharged will depend in large measure upon the willingness of all of us to take up each others burdens in order that the oppressed may go free.

With the hand of God to guide our footsteps and the torch of right and justice to light our way, we pledge our best efforts and our best energies to the service of our people on behalf of our nation's future.

Brewster on the "Relatively Silent" Student Majority

I want to talk tonight about one silence which I think is greatly misinterpreted; a state of mind which I think is dangerously misunderstood. I mean the attitude and outlook of the majority of university students these days no matter how calm the surface of their particular campus may be.

I am not talking about those bent upon the destruction of the institutions of society. Nor am I talking about those who seem to be slipping into private, personal self-destruction. Their lot is dramatic, sordid, and sad. Their numbers are still very small. I am talking, rather, about the relatively silent student majority.

I would assert that even though the disruptive violence on many campuses is less this year than before, the underlying morale of great numbers of students is worse even on the campuses which are superficially placid. The malaise, the disenchantment with life and its prospects, is greater now than a year ago among most American students.

The futility of violence may have been learned by many. Measures to deal with disruption have generally improved. Faculties and administrators are no longer as split on the issue of willful coercion as they were two years ago at Columbia, or a year ago at Harvard.

The press would be misinterpreting and the public and the politicians would be misled, however, if they believed that the violence or non-violence of the few is a measure of the morale, the state of mind, of the many.

There are some plausible explanations why misgivings might be deeper now than they were a year ago:

The killing in Vietnam goes on without prospect of an end.

The poor get poorer. Urban poverty, housing, and health programs are curtailed. In-

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flation reduces the power of everyone to buy food and clothing, shelter and fuel, and hits hardest those who can absorb it least.

The dedication to racial equality is pushed back to the inner limits of constitutional necessity. Even this is grudgingly accepted and narrowly defined.

They (students) see their leaders using the alleged complacency of "middle America" as an excuse for evading the challenges which matter most. They would especially welcome encouragement and respect for people who do try to raise such issues.

Instead there is a widespread sense that no one in the government establishment is moved to urgent, controversial action. Thoughtful reports, like the Kerner Report on Civil Disorders and the Eisenhower Report on Violence, have provoked no concerted executive or legislative follow-up.

Most frustrating of all to the most highly motivated, concerned students is the glorification of silence; the disparagement of dissent and non-conformity; and the ease with which the presumption of innocence is overridden in the name of "law and order."

It is not surprising that potentially constructive critics, skeptics, and heretics—what I would call "considerate radicals"—are being driven into the ranks of those enraged destructivists who would tear down the system.

It would be wrong to say that the young "blame" the President in a personal sense. They did not expect much better of a hucksterized process, whoever was, whichever package was "sold" and "bought."

They assume that the mainsprings of political ambition require most politicians to be governed by a crass calculation of popularity. They can even explain, if not excuse, the Vice President as a pawn in the strategic effort to co-opt the right wing, to head off a Wallace candidacy.

Political realism, however, does not in their eyes explain away the apparent disregard for the quality and the political integrity of the Supreme Court of the United States. A generation quick to detect, even falsely to accuse, its elders of hypocrisy does not take well to scolding preachments about respect for law. Such pontifications set very poorly when they are coupled with shoddy research into the credentials for nomination to membership on the law's highest tribunal, and acceptance of mediocrity as a satisfactory standard.

Because of their respect for constitutional values, rather than a scorn of them, *many members of the silent disaffected majority of students are deeply concerned that order seems to have risen above justice as the objective of law.*

Perhaps because they are themselves dissenting social critics they do have an acute awareness that criticism will never stand a chance of persuading the majority to change things if everyone can be frightened easily into silence.

If the police are not restrained from wiretapping, unlawful entry and seizure, and preventive detention, students know that the politically unpopular will be the first to feel the brunt.

We all talk about the "competition of ideas in the market place." We appeal to "pluralism" as democracy's answer to the totalitarians' blueprint.

But if there is only one establishment voice; if silence is honored above dissent, what do these cliches about freedom and diversity mean?

If the system is closed by threat and frozen into timid conformity, what does it mean to "work through the system"?

You, the press, and we, the universities, have something to do with whether the young continue to believe in the openness of the "open society."

The problems raised by the young, the questions they ask are not going to be solved speedily, or even in the time of your generation and mine. But the chance of our children to solve them, to answer them, will depend greatly on two things.

First, whether or not the younger generations feel that the critic, the skeptic, the heretic are still welcome, even honored and respected, in the United States.

Second, whether or not they feel that the channels of communication, persuasion and change are truly open, as the Bill of Rights intended they should be.

The ability of universities and newspapers to defend and to utilize their freedom will have much to do with the ability of the young to keep their faith in freedom.

RED CHINESE SATELLITE IN ORBIT

Mr. ALLOTT. Mr. President, no American, no citizen of any peaceful nation, no person anywhere who longs for a stable peace—in short, no sensible person—could take pleasure from the announcement made this weekend that Red China has successfully orbited a satellite.

The Chinese accomplishment is impressive. The satellite weighs almost 400 pounds. It will be recalled that the first Soviet satellite weighed 184 pounds. The Chinese must have used a rocket with considerable power—in fact, with sufficient power to be employed as an intercontinental ballistic missile. Noting this, the New York Times editorial in the edition of Sunday, April 26, declared that "the first Chinese satellite has political and military as well as scientific significance." That was a considerable understatement. It is safe to assume that the Red Chinese Government, which is fond of proclaiming that all power comes from the barrel of a gun, is not engaging in such scientific experimenting because of its platonic love of abstract truth.

It is important that the impressive demonstration of Red China's growing strength comes at a time when the United States is confronting crucial decisions in two areas.

On the one hand, the United States is currently reevaluating its space program that has yielded such technological gains to our military programs.

On the other hand, we are about to begin another round of debate about weapons systems, specifically about the expansion of the Safeguard ABM system.

The Red Chinese may have done Americans an unexpected favor by flexing their muscles at this crucial moment. They may have given new resolve to the American commitment both to the space program and the ABM system. The latter will be of special interest in the coming months.

The President, the Secretary of Defense, and other officials charged with the constitutional duty of defending the country have recently warned, in the strongest terms, that our enemies have been pushing ahead with weapons systems while we have been holding to a self-imposed slowdown in weapons development.

They have warned that this cannot go on indefinitely without allowing the United States to slip into an inferior position. They also have warned that we must push ahead with the ABM system in order to maintain the credibility of our position at the SALT talks in Vienna. Red China's leap into the space age should provide one more reason for continuing our steady and moderate commitment to the ABM system.

Recently the Pentagon has been accused of trying to scare the American people by revealing the extent of our enemies' military exertions. The Department of Defense has released information about the Soviet tests of the SS–9's and other weapons systems. The Department of Defense has indeed called to the attention of the American people the fact that Soviet submarines with nuclear warheads are on patrol off the American coast. If this information instills in the American people a salutary sense of urgency, then the information will have served the Nation well.

Perhaps the Red Chinese satellite launching will also startle the American people. If it does, it will also have served a useful purpose. And it will not be possible to blame this on the Pentagon.

NEW FOUR-POWER BALANCE IN EAST ASIA

Mr. McGEE. Mr. President, increasingly, there is a trend among experts on East Asia to see a new four-power balance shaping up in that area of the globe. The question is whether this new equilibrium will work in the direction of peace. And, while dangers are involved, there is no doubt that the powers will find themselves limited by new restraints imposed by the relationships now building. This subject was sized up effectively in an article published in Newsweek International and in the Sunday Washington Post. The article, written by former Assistant Secretary of State, William P. Bundy, clarifies the picture. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 26, 1970]

AN EQUILIBRIUM IN EAST ASIA

(By William P. Bundy)

(EDITOR'S NOTE.—A visiting professor of political science at the Massachusetts Institute of Technology, Bundy is a former Assistant Secretary of State for East Asian and Pacific Affairs.)

It is just becoming fashionable among American experts on East Asia to discern a new array of major powers in the area and to describe it as a "four-power balance." This theme was developed at length last week in a speech by A. Doak Barnett of the Brookings Institution. It deserves a hard look.

The point, of course, is that the East Asian situation through the 1950s and early 1960s was, in great power terms, "bipolar." Even after Communist China broke with the Soviet Union, it remained at one pole of the Asian power structure—constituting, as an astute Asian recently put it, "a political and ideological high-pressure area" at all times and an apparent military-subversive threat at some times and places.

At the other pole was the United States, which gave active assistance to a number of nations around the periphery of China and whose continued presence and concern was relied upon by virtually all. History would not suggest that such bipolarity could last, and may well record that the Vietnam war, for better or for worse, speeded its demise.

With Khrushchev's departure, the Soviets might have wished in any event to retrieve the low estate to which their East Asian fortunes had fallen by late 1964. But Hanoi's military needs gave the occasion for a renewal of Soviet influence there and of Soviet interest in Southeast Asia generally—with increased concern for Chinese expansion there. And after the rape of Czechoslovakia, when the Sino-Soviet quarrel grew so intense as to produce the clashes on China's northern borders, the U S.S.R. was seen for fair as an active great power throughout East Asia.

As for Japan, its resumption of great power status was visibly just around the corner all through the late '60s. It was finally declared in clear and defined terms last fall by Prime Minister Sato both in Washington and Tokyo.

THE NEW EQUILIBRIUM

So four great powers there clearly are as East Asia enters the '70s. Not more—although, of course, North Vietnam has great capacity for disruption and the non-Communist nations all count in their own right. But equally not less—or at least not for long.

The interaction among China, Russia and the United States may for a time be triangular, but as time goes on both Peking and Moscow must look to their relations with Tokyo, and vice versa. The last two months have seen clear evidence that Moscow is playing this game, although there is no sign yet that it is prepared to play the key card of returning to Japan the two small islands of Habomai and Shikotan just north of Hokkaido.

But what sort of "balance" can there be? It would take a very sophisticated computer indeed to define the common and opposed national interests of the four. For example, the United States and Japan have very close to a common view and can act in parallel on a wide variety of matters. Yet the differences in what each can or will do in Southeast Asia or in its relations with Peking are obvious.

On the other hand, though the Soviet Union and China are the most opposed pair in terms of national and ideological interest, they are bound to act together to support North Vietnam.

The real question is whether the complex of relationships will work in the direction of peace over the next decade. As Barnett has said, what the new equilibrium does, in essence, is to impose on each of the four powers "new and complicated limitations and restraints."

I am inclined to think that this can be generally constructive for two of the key elements of peace in East Asia: the evolution of pragmatism in China and the situation in Southeast Asia. On the first count, the evident Japanese desire to develop stronger relations with Peking could well be the beginning of a bridge that contributes to the gradual easing of U.S.-Chinese relations already begun through the Warsaw talks. China should, over time, feel more secure and less encircled, and thus able to concentrate more on its formidable problems of internal stability and growth.

In Southeast Asia, the effect of the new equilibrium will be slower to register. Japan's influence in the area is already great—and hopefully focused on economic development, which must be the fundamental underpinning upon which the nations of the area build internal political stability and regional cooperation. Yet Japan cannot yet help to resolve the vital struggle in what used to be Indochina.

As for the Soviet Union, despite ambassador Jacob Malik's statement last week, there are still no clear signs that Moscow is prepared to join with France, Britain and the United States in nailing down at least the outline of a future peace in Indochina.

THE THREAT OF WAR

There remains the third grave threat to the peace of Asia: a major conflict between China and Russia on their borders. Neither the United States nor Japan can exert more than marginal influence on this possibility, and this is a clear indication—if one were needed—of how subtle and different the new equilibrium is from the historic power balances of European history.

If the situation erupts into armed conflict, the whole picture will change. One does not know what is happening in the Peking talks and the evidence of the level of tension is conflicting—with strident Soviet polemics against Peking and a renewal of the level of Chinese propaganda on the one hand, and on the other the withdrawal of earlier Soviet threats of a pre-emptive nuclear attack.

Yet I am inclined, like Barnett and a recent survey by the Institute of Strategic Studies in London, to believe that the chances of outright military conflict are reduced and that the situation will somehow rock along with neither side willing to settle it, but equally with both deterred from actually going to war.

REMARKS OF A. W. CLAUSEN, PRESIDENT, BANKAMERICA CORP.

Mr. PACKWOOD. Mr. President, more often than not, reports given at annual meetings of shareholders of a given corporation have little relevance to the problems and the tempo of our times. But there are exceptions, and one such exception brought to my attention occurred in San Francisco on March 17, 1970, when Mr. A. W. Clausen, president, BankAmerica Corp., addressed the annual shareholders' meeting at the Masonic Auditorium.

I ask unanimous consent that excerpts from his remarks be printed in the RECORD.

EXCERPTED REMARKS BY A. W. CLAUSEN

In the circumstances we now find ourselves we would like to make two things very clear, both to you our shareholders, and to the California public. The first of these is that we have great respect for the young people of America. We admire their integrity, their moral courage and their willingness to dissent. We need these qualities in America. We view our re-opening in Isla Vista as a demonstration that the participation of a few students in a destructive act will not deter us from attempting to serve the financial needs of the majority of students on the Santa Barbara campus.

Our quarrel, therefore, is not with the young and not with the fact that they dissent. Rather our quarrel is with those who would perpetrate violence for any cause, whether it be violence in Isla Vista or violence in another small community 3,000 miles away called Lamar, South Carolina. Violence from either the right or the left cannot be tolerated in America.

A troublesome factor involved in the current problem is the tendency of many of our citizens to seek to punish the universities for the actions of the violent few. Let us make our position clear on this issue also. We believe punitive action against the university or repression of dissent is as dangerous as violence. We owe a great debt to our universities and colleges. Our future is dependent upon them.

Certainly the educational process cannot be carried on in an atmosphere of anarchy. But as we battle the anarchy which plagues our campuses, let us be certain that we do not damage our educational system in a more subtle and insidious way—by destroying the freedom of thought, inquiry and action which constitutes the only soil in which true education can flourish.

Therefore, while we use every means at our disposal to strengthen the hands of the administrators of our colleges and universities in order that they may cope with and effectively put down anarchy, and in order that they may expel any outside agitators that may be plaguing our campuses, let us also be judicious and thoughtful in seeing that it is anarchy and unlawful disruption that we put down and not academic freedom, nor the right of students and faculty to dissent. Let us be sure that we do not go beyond that boundary which will destroy the freedom of inquiry that is the essence of a great university. For make no mistake about it, our educational system can be destroyed every bit as effectively, and perhaps more completely, by those forces who would, in whatever name, trample upon the universities' freedom to inquire.

Let me sum up this philosophical position of our bank. We are opposed to violence, not to dissent. We admire the young people of America for their questioning, their activism and their moral courage. We want freedom of inquiry in our universities, but we hope that all citizens will strengthen the hands of the university administrators in handling the problems of violence and destruction in a prudent and thoughtful manner. Within this framework, we hope all our citizens will avoid a punitive attitude toward the university system.

Six charges (against Bank of America) seem to stand out in all of the propaganda emanating from those who call themselves "the revolutionary movement." These charges are:

1. That Bank of America represents the "capitalist establishment."

2. That we support and profit from the war in Vietnam.

3. That we support racism in California.

4. That we exploit the lesser developed nations around the world.

5. That we repress farm labor and take anti-union stands.

6. That Bank of America possesses unlimited power over the American economy.

Every one of these charges is false and I would like to put them down here today.

The first charge is that Bank of America represents the "capitalist establishment". If, by "capital establishment", the revolutionary left means a conspiracy designed to deny all people their rights, then we categorically deny that charge.

In many ways the capitalist establishment charge is so nebulous and so meaningless as to be hardly worth answering. Yet I feel compelled to comment on it because it symbolizes the use, by the radical left, of a rhetoric consisting of slogans and labels that have no real meaning.

Take the word "capitalist". What does it mean? India calls itself a socialist country. The United States calls itself capitalist. Yet the United States expends more than three times as much of its gross natural product on social services such as education, health, welfare and social security than does socialist India. So what does "capitalist" mean? What does "socialist" mean? This use of words out of context—words without meaning—is perhaps one of the more troublesome attributes of the radical left.

We at Bank of America are most certainly a part of the American economic system. I would be the last to say that our economic system, indeed the entire political and social milieu of our country, is not in need of constructive change. Nevertheless, I think we should remember that our system is capable of change, is able to evolve and generate self-improvement for the benefit of all. But with all the improvements needed, it remains

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an economic system that has produced the greatest good for the greatest number of people of any other system currently existing on the face of the earth. In this sense, we are proud to call ourselves "capitalist". We are also proud to be part of the establishment in the real sense of the meaning of that word: established law and order, established orderly process, established principles of the sanctity of life and property, established democratic functioning for the redress of grievances.

So much for the "capitalist establishment" charge.

The second charge is that we support and profit from the war in Vietnam. This charge is totally pernicious and false. In common with most of the citizens of the United States, we share an abhorrence for that war. We do not feel that we are qualified, nor do we feel it would be proper for us to recommend a political course to extricate ourselves from the war. Institutionally at least, this is a matter that we must leave to the Department of State and our elected officers in Washington. We feel it is completely proper and within our sphere of competence, however, to point out the economic consequences of that war. We have been doing this for at least three years. The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work towards solving imperative problems facing this nation at home. Because the war distorts the economy and contributes substantially towards inflation, this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business. We believe that most well-informed businessmen are also aware of Vietnam's distortive effect on the economy and therefore we find it impossible to put any credence in the charge that the business community generally benefits from that war.

The third charge is Bank of America's alleged racism. If all the institutions in America were as racist as we are, then the country's racial problem would be much closer to a solution.

Let me elaborate on that statement by citing a few facts, one of those bothersome preliminaries that never seems to concern our critics.

During the past five years, the bank's minority employment has more than doubled, from 3,277 to 7,254. Minorities now account for nearly twenty percent of the bank's total number of employes, and in the metropolitan areas where the minority population is heaviest, the percentage is even higher. In Los Angeles, for instance, over forty-two per cent of the bank's hires in 1969 were from minority groups; in San Francisco, about thirty-two per cent. This didn't just happen. It represents the results of a continuing affirmative action program designed to bring minorities into the mainstream of American life.

Another tangible aspect of the bank's efforts in the field of employment is a data processing training center in Los Angeles. The bank is cooperating with IBM and the Greater Los Angeles Urban League in this project which is designed to qualify disadvantaged persons for employment in a rapidly growing area of opportunity.

Housing is also of paramount importance to minority groups. In mid-1968, the bank announced it was setting aside $100 million for real estate loans in minority areas throughout California. Minimum standards for homes were also revamped. Through early 1970, more than $31 million had been loaned to over 1,300 families—families who would not have been able to purchase homes without this program. And this "New Opportunity Home Loan Program" continues to rate the highest priority, even in these times of tight money, although the bank could have invested the funds more profitably in other endeavors.

The bank has also been the leading financer of minority small business enterprises. Small Business Administration officials tell us we're doing the finest job in the country under their program. All told, we've loaned more than $4 million to minority businesses under the SBA. The bank has also provided funds and leadership for various job development corporations.

The bank is making special efforts to improve its existing branch facilities in minority areas. This year we will be opening a branch in Watts and a branch in East Palo Alto, representing a total investment of about $1.1 million.

More important than this tabulation of numbers is the attitude of the institution towards the question of race relations—an attitude backed up by hard commitments. Our attitude is simple and direct. The ugly cancer of racial prejudice must be removed from our land. Bank of America will continue to do all it can to help our minority citizens gain their rightful place in the mainstream of American life.

The programs I have mentioned are only a few of those underway at Bank of America in the field of race relations. There is more we are doing, more we could do, more we will do. But the facts I have cited are more than enough to refute the charge of racism.

The fourth charge is that we exploit the lesser developed countries. Another vague and generalized charge that runs counter to the facts.

Since the inception of our overseas expansion following World War II, our management has consistently recognized that it would be folly to engage in international banking in countries where we are not welcome or are not wanted. It would be a tragic mistake to take an exploitative position in any country's development. We can think of no quicker or surer way to be asked to leave, or to have our branches nationalized. We also lose our welcome in any country where we do not make a *positive* contribution to its economic life and well-being. This is particularly so in the developing countries. Our role in these countries is to provide a conduit through which funds for development can flow and to help the lesser developed countries produce wealth where none existed before.

The closing of the gap between the industrialized countries and the developing countries, we have repeatedly said, is not just a noble goal. On this shrinking planet it is a political imperative of our times. We would be fools to fly in the face of this realization and engage in activities which smack of moribund colonial attitudes or of exploitation for short-term and short-sighted gain.

We are in several countries where social and economic reforms have occurred or are occurring. But we have not been seized, asked to leave, or even accused of exploitation. It is fitting that we have alluded to our part in the financing of a huge fertilizer plant near Bombay in the text of our annual report—a typical example of the ways in which Bank of America is helping the lesser developed nations.

One of the most recent expressions of confidence in the international banking community of which we are a part has just occurred in India. The Indian government, after due consideration, has exempted international banks from the proposed nationalization of the country's major indigenous banks. The Indian government made this exemption because they realized the contribution our bank and others were making toward their development.

In the political climate that exists in most lesser developed countries, the only passport to success is to help, not exploit, that country. In making the claim of exploitation, the radical left is either naive about political realities abroad, or callously making use of an outdated shibboleth of their own ends.

In short, the exploitation charge is a patent falsehood.

The fifth charge is that we have repressed farm workers and are anti-labor.

The facts are these. We have consistently maintained that there are problems on both sides of the farm labor dispute. Certainly the problems of the farm workers are real. So are some of the economic problems of the growers. We believe that the key to the solution of farm labor problems is found in the development of effective labor legislation designed specifically for agriculture. The social and economic problems associated with farm labor are very different from those of industrial labor. We need specific farm labor legislation that recognizes the plight of the migrant worker, his need for both dignity and voice, while at the same time acknowledging and dealing with the problem of perishable crops. The grower needs legislation that will not allow crops to rot in the fields at harvest time. It is our belief that specific farm labor legislation recognizing these factors is sine qua non for the solution of California's farm labor problems. But while we believe this, we have also steadfastly maintained our policy of not taking sides in a labor dispute.

In a broader sense, this bank has never espoused an anti-labor position. We do business—in fact we are the principal bank—for most of the unions in this state. We have never overtly or covertly contributed to anti-labor causes.

We reject these anti-labor charges as false.

The sixth common charge leveled against our bank is that we possess unlimited economic power and are capable of controlling the course of the American economy.

To anyone with even a rudimentary knowledge of the banking industry or economics, such a charge is an obvious hoax. The banking industry is highly competitive. There are a large number of strong competing banks here in California. Across the nation some 14,000 banks compete for the public's favor. While we are the nation's largest bank it is obvious that in such a competitive circumstance, our economic power is severely constrained. Moreover, the banking industry is not only highly competitive, it is excessively regulated. There are government agencies who control what we can and cannot do—how much we can pay for deposits, what we can loan, what activities we can participate in. These agencies regularly inspect all banks, including Bank of America. This combination of competition and regulation makes it utterly impossible for any one bank, or the banking industry collectively, to wield the kind of power the radical left seems to believe we have at our disposal.

These, then, are the general charges being made against your bank. They are absured on their face and specious in their reasoning. Yet they are dangerous. They are dangerous because they represent the technique of the big life—repeat it often enough and some people will begin to believe it. We would urge our shareholders, therefore, to familiarize themselves with these charges and to take every opportunity to answer them promptly and reasonably. To this end, copies of my remarks here today will be mailed this week to all our shareholders.

I suppose since the time of the Phoenicians, whenever an economic crisis has presented itself, bankers and banking have been convenient public whipping boys. Certainly jokes about bankers, some funny, some not so funny, have been in popular coinage for many, many years. Banks and bankers generally have accepted the criticism and the jokes with good humor. Recently, however, verbal attacks of a very serious and far-reaching nature have been made on the banking system. Some of these attacks have

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been naive, some have been ill-informed, some have been well-intentioned, some not so well-intentioned. Many have been scurrilous and scathing in their vitriol. The attacks take many forms, but the primary motivation for them has been the rise in interest rates. No one likes high interest rates, no one likes to pay high interest rates, and, as a result, many of ill-founded and illogical attacks on the banking system have struck a sympathetic nerve in the public at large and among some law makers in Washington. The criticisms heaped on banking are unjustified. The fact is that high interest rates are the direct result of inflationary forces and paradoxical as it may sound, government attempts to control inflation by tightening the money supply and thus making inevitable an increase in bank interest rates. Let me give you a simple explanation of how interest rates got so high in 1969.

During the depression years and through World War II, the citizens of the United States built up large amounts of deposits in banks. Borrowing demands of the time were not heavy, so these deposits remained in liquid bond accounts. After the war, there was a tremendous economic boom which continues to this day. A large part of the fuel for this economic growth came from loan expansion in excess of deposit growth. This was made possible by banks selling off bonds which had been purchased when loan demand was relatively light. By the early 1960's this excess liquidity in the banking system had been largely used up. In order to meet the credit needs of long-term customers, banks increasingly sought other ways of attracting funds. In key centers throughout the world, money in various forms is bought and sold daily. The total of all these purchases and sales is called the money market. Essentially, it is a loosely knit but interrelated world-wide auction for funds. Funds purchased in this way are usually much more expensive to the banks than traditional deposits.

As our technology expanded in the 1960's, the demand for funds grew at a torrid pace. As a result there is an acute world-wide shortage of money to lend. At the same time, an insatiable demand exists for funds to finance the needs and desires of society.

For the past few years, banks have been feeling the pressures of a heavy demand for money and an inadequate supply to lend. In the last two years, still another factor has been added—the factor of inflation. The United States began experiencing serious inflation about three years ago. Even worse, the nation has been gripped with inflationary psychology. Many corporations and individuals are willing to borrow money regardless of price because they believe the overall costs may be higher tomorrow. Obviously, such a psychology feeds on itself and has the attributes of a self-fulfilling prophecy.

Because of this intense demand for funds, banks have had to ration the money they have had available to lend. But rationing the funds has not been enough. In order to even partially accommodate good customers of long standing who need and want money, banks have had to bid to purchase an already short supply of available funds in the world's money markets. The price of these funds has soared. Immediately prior to the last widely publicized and attacked increase in the prime rate, the price of alternative sources of corporate funds (corporate bonds, commercial paper, etc.) rose so high that bank financing was becoming increasingly attractive to corporations. Had the prime rate of banks remained constant, the banking system would have been inundated by another tidal wave of credit demands. Consequently, in an attempt to discourage a new influx of borrowing and as a method of further rationing, banks had to increase their rates. If banks had not done this, they would have been unable to cope with borrowing demands in any orderly and fair way.

The fundamental—indeed the only effective curb—for the upward spiral of interest rates is for the United States to contain inflation and put an end to inflationary psychology. This can be done effectively in only one way: the economy must be slowed down. Monetary authorities in Washington have already taken steps to do this. The Federal Reserve Board has tightened the money supply in order to make less money available for banks to lend. This action creates severe problems for banks and their customers and pushes interest rates up, but it must be done in the interests of the economy as a whole. However, monetary policy is not enough. The fact is that our Federal programs at home and abroad need a drastic revision in order to conform more realistically to what we can afford to do. If inflation in this country is to be stopped in any meaningful and long-range way, Federal policies must be revised in accordance with the resources on hand to sustain these policies. Rich and strong as the United States is—it cannot do everything at once. The administration has taken some first steps in the direction of recognizing these fundamental facts. The steps taken, together with the restrictive policy of the monetary authorities may be sufficient to brake the current inflationary spiral temporarily. On a long-term basis, however, a more disciplined sense of priorities in our national life is needed. All foreign and domestic programs and policies need re-thinking, both in terms of their relevance to our situation today and our ability to pay for them.

In the meantime, however, banks remain caught in the middle. The unfortunate facts are these:

(1) Too few people realize that tight money and high interest rates are the direct result of Federal Monetary Policy.

(2) Too few people realize that banks are caught in a cruel and tightening vise. On the one hand, they are private enterprise companies competing with one another and other financial institutions in a competitive market: on the other, they are heavily regulated corporations and the instruments through which Federal Monetary Policy is carried forward.

ENCROACHMENT ON NEWSMEN'S RIGHT TO KEEP SOURCES CONFIDENTIAL

Mr. McINTYRE. Mr. President, I have been disturbed by government encroachment into the privileged domain of newsmen's confidential sources and notes. I was proud to introduce The Newsmen's Privilege Act of 1970 (S. 3552) in the Senate on March 6, 1970.

Since that time, 10 Senators have joined in cosponsoring the measure. The cosponsors include the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Nevada (Mr. BIBLE), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), the Senator from Oregon (Mr. PACKWOOD), the Senator from Minnesota (Mr. MONDALE), the Senator from Maryland (Mr. TYDINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mr. EAGLETON), and the Senator from Illinois (Mr. PERCY).

This week, I received a letter from Richard Salant, director of news for the Columbia Broadcasting System. This communication clearly expresses Mr. Salant's feeling about the measure, and includes a most articulate exposition of why such protection is needed.

Attached to Mr. Salant's letter are copies of affidavits filed in the U.S. district court for the northern district of California in a case in which Earl Caldwell, of the New York Times, and his employer sought to quash two grand jury subpenas. The affidavits were filed by CBS newsmen, Walter Cronkite, Eric Sevareid, Marvin Kalb, Dan Rather, and Mike Wallace as friends of the court in support of Mr. Caldwell and the Times.

Mr. President, because I feel that these affidavits give strong support to Mr. Salant's position, as well as endorsement of newsmen's privilege in such matters, I ask unanimous consent that the Salant letter and the five affidavits be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CBS NEWS,
New York, N.Y., April 8, 1970.

Hon. THOMAS J. MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: I am writing this letter to express CBS News' support of your recent proposal—the Newsmen's Privilege Act of 1970 (S. 3552). I should like to take this opportunity to share with you some of our views concerning the importance of this legislation.

The Government's recent use of its subpoena power to call newsmen to testify in Grand Jury investigations, and to secure reporters' notes, photographs, newsfilm which has not been broadcast, and even expense accounts and interoffice memoranda from the files of news organizations, poses profound and troubling questions not for the news media alone but in terms of the public interest which the First Amendment is intended to serve.

At the outset, I want to emphasize that we do not believe that newsmen should be above the law, nor that all information coming into the hands of newsmen in the course of their professional activities should be denied federal, state or local government—or those representing defendants. We are responsible citizens and we do want to assist in the administration of justice. But we believe it to be of fundamental importance to our society that freedom of the press be maintained against abridgment, however well-intentioned that abridgment may be. I think recent events have made it clear that the kind of governmental investigation with which we are now concerned does abridge the freedom of the press and imposes serious restraints on any meaningful performance of the function of the press as the public's most effective, ultimate safeguard against government abuse.

I am sure you are aware of the case recently argued in the U.S. District Court for the Northern District of California, in which *The New York Times* and its reporter, Earl Caldwell, sought an order quashing two Grand Jury subpoenas. CBS and a number of other news organizations appeared in that matter as friends of the court in support of Mr. Caldwell and the *Times*. I am taking the liberty of attaching to this letter copies of the affidavits CBS filed. These affidavits are by Walter Cronkite, Eric Sevareid, Marvin Kalb, Dan Rather and Mike Wallace. I think these affidavits demonstrate beyond any question how important it is to the functioning of journalism—indeed how indispensable it is—for working newsmen to be able to establish and maintain the confidence of people who may suggest leads and divulge facts and background information. Such confidences have led, as these affidavits show, to disclosures of police corruption; of mismanagement, inefficiency and waste in defense pro-

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duction and procurement; of activities of radical organizations.

It seems almost self-evident that governmental subpoenas of newsmen and of newsmen's notes will in the long run defeat their own objectives, as well as seriously injure the effectiveness of the press. For, to the extent that people lose confidence that private and confidential communications to newsmen will be free from government scrutiny, less and less will there be confidential sources and information for reporters to divulge. It also seems clear to me that we cannot expect government attorneys to weigh these long-range considerations, no matter how important, against their needs in cases with which they are immediately concerned. It is for this reason that legislation such as you have proposed is particularly appropriate, as a specific implementation of the First Amendment principles which should govern in this area.

I hope hearings will be held on your proposal in the near future, and I shall welcome the opportunity to testify.

With all good wishes,

RICHARD SALANT.

APPENDIX TO MEMORANDUM OF AMICUS CURIAE CBS

(Affidavits of Walter Cronkite, Eric Sevareid, Mike Wallace, Dan Rather and Marvin Kalb)

AFFIDAVIT OF WALTER CRONKITE

STATE OF NEW YORK,
County of New York, ss:

Walter Cronkite, being duly sworn, deposes and says:

1. I am a News Correspondent with CBS News, a division of Columbia Broadcasting System, Inc. My principal assignment since April 1962 has been Managing Editor of the "CBS Evening News with Walter Cronkite", a thirty minute television news program broadcast five nights each week by the CBS Network. In addition, I frequently serve as "anchor man" in the coverage of such special events as space missions and national political conventions and elections. Prior to joining CBS in 1950, I was a reporter-correspondent with United Press International for eleven years, covering the Western Front in World War II, the Nuremburg Trials and post-war Moscow.

2. My work involves the preparation, thorough reading and talking with news sources, of the considerable volume of material necessary for such extemporaneous broadcasts as political conventions, elections and space missions, and for analytical broadcasts such as my daily radio program. It also involves participation in the determination of which stories should be covered on daily television news broadcasts and how they should be covered and participation in the selection of the news items to be broadcast and reading, correcting and, in some cases, rewriting those items. All of this work entails the exercise of editorial judgment based on an extensive background of information and ideas gathered from a wide variety of sources.

3. In doing my work, I (and those who assist me) depend constantly on information, ideas, leads and opinions received in confidence. Such material is essential in digging out newsworthy facts and, equally important, in assessing the importance and analyzing the significance of public events. Without such materials, I would be able to do little more than broadcast press releases and public statements.

4. The material that I obtain in privacy and on a confidential basis is given to me on that basis because my news sources have learned to trust me and can confide in me without fear of exposure. In nearly every case their position, perhaps their very job or career, would be in jeopardy if this were not the case. There are almost daily examples of this. For example: A member of the staff of a United States Senator advised me, far in advance of the announcement, that his employer did not plan to run for reelection. Another person in a similar position tipped me to his employer's intention to seek a higher office. An officer high in Pentagon circles recently offered evidence of pressure high in the military command structure to get the President to cut back on his Viet Nam withdrawal commitments. A bartender told me of fraud in restaurant inspection in New York City. A scientist asserted that the Atomic Energy Commission's safety standards for atomic energy installations were not adequate. None of these persons would have volunteered this information if they thought they would be exposed as the source of the information. In short, I would be unable to obtain much of the material that is indispensable to my work if it were believed that people could not talk to me confidentially. I certainly could not work effectively if I had to say to each person with whom I talk that any information he gave me might be used against him.

5. On the basis of the foregoing and my experience as a news correspondent, it is my opinion that compelling news correspondents to testify before grand juries with respect to matters learned in the course of their work would largely destroy their utility as gatherers and analysts of news. Furthermore, once it is established and believed that news correspondents are to be utilized in grand jury investigations, they will be of precious little value to such investigations because they will no longer have access to information that grand juries might want.

WALTER CRONKITE.

Sworn to before me this 1st day of April, 1970.

LILIAN C. LANGEN,
Notary Public.

AFFIDAVIT OF ERIC SEVAREID

District of Columbia, ss:

Eric Sevareid, being duly sworn, desposes and says:

1. I am National Correspondent for CBS News, a division of Columbia Broadcasting System, Inc. I am stationed in Washington, D.C. Over the last thirty years I have worked as a war correspondent, radio news broadcaster and television commentator for CBS, as well as a newspaper reporter and editor for the Paris *Herald* and the United Press.

2. I am engaged chiefly in broadcast commentary, as distinguished from factual news reporting. In the course of this work which is of a highly personal nature, I regularly talk with government officials, former officials, military people and a wide spectrum of others who possess special information or expertise on public issues.

3. A great deal of this talk is of the "off the record" or "not for attribution" kind. It is for my own information. Many people feel free to discuss sensitive matters with me in the knowledge that I can use it with no necessity of attributing it to anyone. This relationship has always been particularly the case for columnists or commentators.

4. Should a widespread impression develop that my information or notes on these conversations is subject to claim by government investigators, this traditional relationship essential to my kind of work, would be most seriously jeopardized. I would be less well informed, myself, and of less use to the general public as an interceptor or analyst of public affairs.

ERIC SEVAREID.

Sworn to before me this 31 day of March 1970.

GOBEL W. CENTER,
Notary Public.

AFFIDAVIT OF MIKE WALLACE

STATE OF NEW YORK,
County of New York, ss:

Mike Wallace, being duly sworn, deposes and says:

1. I am a staff correspondent for CBS News, a division of Columbia Broadcasting System, Inc. I have been employed in that capacity since 1963. Prior to 1963, over a period of approximately 20 years, I worked as a news reporter and commentator for the Chicago Sun, The Chicago Sun-Times, Station WMAQ in Chicago, for various television and radio news organizations in New York and as a columnist for the New York Post.

2. My chief assignment at present is to the CBS News television "magazine" program "60 Minutes". That assignment has involved coverage of politics, civil rights, the defense industry and other subjects of national interest as well as travel to South Vietnam, Israel, Egypt, Nigeria, Northern Ireland, and other countries. I have participated in various news specials and CBS Reports, including "Marijuana" (1968), "The Homosexuals" (1967), and "Black Power—White Backlash" (1966).

3. In my experience in investigative news gathering the ability to establish and maintain the confidence of people who may be willing to suggest leads and divulge facts and background information to be has been essential. If such people believed that I might, voluntarily or involuntarily, betray their trust by disclosing my sources or their private communications to me, my usefulness as a reporter would be seriously diminished.

4. The reasons informants want their communications kept confidential are many and various: fear of incurring the wrath of a superior, fear of losing a job, fear of losing a contract and unwillingness to submit to the censure of colleagues for the expression of unpopular or unorthodox views. People in politics are frequently unwilling to show their hand in matters they deem newsworthy but sensitive. Government agencies, including the State Department and the Defense Department, frequently supply background information, public attribution or publication of which might jeopardize the careers of the officials involved as well as the foreign policies and programs of the United States.

5. A few examples will illustrate the critical role played by confidential sources in the development of news stories on matters of great public importance.

(a) I recently participated in the preparation of a report for "60 Minutes" relating to the cost overrun on the Mark-48 Torpedo. Some of the most important and revealing information that we obtained came in confidence from subcontractors, suppliers and men employed by Government agencies. Without that information we could not have constructed the story of how a torpedo project originally scheduled to cost $680,000,000 had risen to a projected $4,000,000,000. Thus, data from confidential sources enable us to reveal a case of monumental mismanagement, inefficiency and waste.

(b) Another recent broadcast included a report on the production of the motion picture "Tora, Tora, Tora", the story of the Japanese attack on Pearl Harbor. The filming of that picture involved the use of large numbers of ships, airplanes and personnel—all supplied by the United States Navy at great cost. In preparing my report I obtained a list of ten particularly embarrassing questions which certain officials within the Defense Department believed the Navy should have been prepared to answer satisfactorily before permitting the use without charge of its facilities and equipment by the movie's producer. Those questions, which could not have been published without a breach of confidence, were nonetheless of great value in interviewing the officials responsible for that decision. The interviews in turn were critical in developing a report on the use of public property and funds for private purposes—a story which resulted in a congressional investigation and remedial action by the Navy Department.

(c) As indicated above, the State Department and other departments and agencies of the government frequently conduct background conferences at which information and opinions are presented, but not for publication. Frequently, such views are in conflict with present public positions or policies of the government. Access to such information, however, provides the reporter with the ability to interpret information from other sources, anticipate changes of policy and analyze developments. My associates and I have also received background information from sources in the Federal Bureau of Investigation, the Central Intelligence Agency, the General Accounting Office and the staffs of the chairmen of various congressional committees. Much of that information has been important to the development of reports that we have broadcast or which are in preparation.

(d) In the course of my assignment to cover Richard M. Nixon in the early stages of the 1968 campaign, I was present at nonpublic conversations and conferences and was able to talk informally with the candidate and some of his advisers, including the present Attorney General. Although it was seldom explicitly stated, it was understood that some of what was said on those occasions was not for publication. Because of the informality of such discussions the language used was more casual than the candidate would use in public. Moreover, ideas were discussed which were tentative and would later be refined or rejected. Had there been any thought at the time that I could be compelled to divulge a full report of some of those meetings, my presence would never have been permitted. As it was, I was able in the course of those sessions to acquire an understanding of the candidate which contributed significantly to my coverage of the campaign and, perhaps more important, an understanding of the President which has been invaluable in attempting to assess and analyze the present Administration.

6. In each of the foregoing instances, I was able to do my work because people felt assured that their confidence would be respected. If I were now forced to reveal such confidential information, I could never again count on the cooperation of those people or anyone else in developing similar material in the future. In my opinion the public would be the loser in the long run.

MIKE WALLACE.

Subscribed and sworn before me this 31st day of March 1970.

ANTHONY MAGGIO,
Notary Public.

AFFIDAVIT OF DAN RATHER

District of Columbia, ss:

Dan Rather, being duly sworn, deposes and says:

1. I am White House Correspondent for CBS News, a division of Columbia Broadcasting System, Inc. I have been a reporter for newspapers, wire services, local radio and television stations, and broadcast networks for more than 20 years. In addition to serving as White House Correspondent, I have been news director of KTRH in Houston, Texas, director of news and public affairs at Station KHOU–TV in Houston, Texas, and chief of CBS News bureaus in Dallas, Texas, New Orleans, Louisiana, London, England and Saigon, South Viet Nam. My assignments have included city halls, county court houses, state legislatures and police stations in this country and wars, natural disasters and politics, both at home and overseas. I reported on the riots accompanying James Meredith's enrollment at the University of Mississippi in 1962, civil rights demonstrations in Birmingham, Alabama, the integration of the University of Alabama and the assassination of President Kennedy in 1963, President Johnson's Asian tour in 1966, the assassination and funeral of Dr. Martin Luther King, Jr., and the Democratic and Republican national conventions in 1968. I have also worked as a reporter on various in-depth CBS Reports, including "The Legacy of the Thresher" in 1964, "Abortion and the Law" in 1965 and "The Warren Report" in 1967.

2. My work, and that of reporters generally, requires more than merely assembling facts. A reporter can know all the facts and still not know the truth. In order to understand the facts, reporters must constantly appraise the accuracy and meaning of words and the significance of deeds. In that effort, reporters require a background of confidential judgments and observations obtainable only in privacy and in trust.

3. Furthermore, even the bare facts themselves are frequently obtainable only through confidences. For example, in the mid-1950's certain police officers of Houston, Texas, were stealing narcotics from arrested suspects and selling the narcotics for large amounts of money. The facts came out because honest police officers discussed them in confidence with a reporter who had an impeccable reputation for never revealing confidential sources. A great many other examples of the importance of confidential communications in the work of the news media could be cited; they are daily fare.

4. The fear that confidential discussions may be divulged, as a result of grand jury subpoenas or otherwise, would curtail a reporter's ability to discover and analyze the news. This is not mere speculation on my part. In recent weeks, a long-time friend and news source, who has dealt in conndence with me for more than a dozen years, has declined to do so. He has, on many occasions in the past, been responsible for truths, otherwise unobtainable, appearing in my reporting on civil rights, government and politics. This decent, honest citizen, who cares deeply about his country, has now told me that he fears that pressure from the Government, enforced by the courts, may lead to violations of confidence and he is therefore unwilling to continue to communicate with me on the basis of trust which formerly existed between us. This incident is representative of the loss that reporters can be forced to disclose confidential communications and private sources. The very possibility of such forced disclosure is, in my experience, sufficient to foreclose important channels of communication.

DAN RATHER.

Sworn to before me this 31 day of March 1970.

ROBERT W. CENTER,
Notary Public.

AFFIDAVIT OF MARVIN KALB

District of Columbia, ss:

Marvin Kalb, being duly sworn, deposes and says:

1. I am Diplomatic Correspondent for CBS News, a division of Columbia Broadcasting System, Inc. I have held that post since February 1963. I have worked for CBS News since 1957 in various capacities, including three years as CBS News Moscow Bureau Chief, and have covered stories in Southeast Asia and eastern and western Europe. Prior to 1957 I served for two years as Press Attache to the United States Embassy in Moscow.

2. In the course of reporting on diplomatic affairs, I depend extensively on information which comes to me in confidence from sources whose anonymity must be maintained. Diplomacy is conducted as a private business. In my experience, diplomats detest publicity. Recently, one foreign ambassador slipped out of the garage exit of the State Department after a meeting with Secretary of State Rogers just to avoid the press and, thus, any public comment on his meeting. The information about that meeting, and many others, has to come from private talks with American and foreign officials, not one of whom would allow himself to be quoted or in any way identified with the news report.

3. Privacy and discretion are the very essence of my work as a reporter. Most of the information from which stories of diplomatic developments emerge comes from private talks. Secrecy, privacy, off-the-record, background, deep background—these are the words which describe the kind of work involved in the reporting of diplomatic nuance and detail and the building of a pattern which ultimately emerges as a story.

4. If my sources were to learn that their private talks with me could become public, or could be subjected to outside scrutiny by court order, they would stop talking to me, and the job of diplomatic reporting could not be done.

MARVIN KALB.

Sworn to before me this 31st day of March 1970.

——— ———,
Notary Public.

ACADEMIC FREEDOM

Mr. HANSEN. Mr. President, members of the academic community guard nothing so zealously as they guard academic freedom—that right to inquire freely and to pursue and teach the truth without interference.

Through the ages scholars have fought and in some cases died for that right.

They have done battle at any sign of political interference.

In recent years the academic community has pursued this right with new vigor. It has sought complete freedom from direction by even those who support our institutions of higher learning, whether they be the large private givers, foundations, or government.

I am not here today to question this attitude, for freedom is a precious and fragile commodity, one that can easily be eroded, as man has found time and again.

It is for this reason that I am shocked and surprised at the silence of the members of the academic community who are trustees or members of the board of WETA, the Washington Educational Television Station.

Senators may recall that WETA only last month inaugurated a new news program called, fittingly, "Newsroom." Its purpose, like that of academia, was to search out and present the truth.

Its director was William Woestendiek, a newspaper and magazine editor of long experience and high repute; one whose veracity and integrity had never been questioned.

Yet on Thursday, April 16, Mr. Woestendiek was fired by the management of WETA. He was fired, not on ethical grounds, not on grounds of incompetence.

He was fired because his wife had gone to work for Mrs. Martha Mitchell, the wife of the Attorney General of the United States.

Certainly this is the grossest kind of interference with freedom. Certainly this is the worst kind of intimidation of all members of the press, who, like the members of the academic community, are seekers after truth.

The flimsy excuse was that there was a conflict of interest. Nonsense.

Put a professor in Mr. Woestendiek's place and change the setting from the television studio to the campus.

XUM

How many members of the academic community would sit still to see a professor fired because his wife had gone to work for a public figure? Very few, indeed.

Mr. President, we know that many professors become actively involved in politics and at the same time insist that they can pursue the truth without bias.

Still, more than a dozen members of the academic community who sit on the board of WETA have remained totally silent through the firing of Mr. Woestendiek. The rights and freedoms they claim for themselves and the academic community, they apparently are not willing to give to the members of the press.

Mr. President, the refusal of these academicians to take up the cause of Mr. Woestendiek is a black mark on the whole of the academic community.

INCREASE IN EARNED DOCTORATE DEGREES

Mr. McGEE. Mr. President, while the increased number of earned doctorate degrees being awarded by American universities has, for some people, created a problem, as Eric Wentworth detailed in the Sunday Washington Post, I believe it can be said that there are long-term benefits. Lesser-known colleges are gaining. Industry is gaining. Government is gaining.

For the country as a whole, it is important that we learn to utilize the talents and learning of the people who successfully pursue doctorate degrees, and not admit that in our society advanced learning can be overdone.

I ask unanimous consent that Mr. Wentworth's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PH. D. GLUT CREATING A JOBLESS U.S. ELITE

(By Eric Wentworth)

"I just can't find anything at all, complains a bitter young scientist who won his coveted doctor of philosophy degree at the University of Maryland this past winter and has yet to land a satisfactory job.

His plight reflects a dramatic development in higher education. The Ph.D. has suddenly ceased being a certain passkey to professional and sometimes financial rewards. The new Ph.D. recipient this year cannot be sure of finding any job that approaches what he had looked forward to during those long, arduous years of postgraduate study.

Black Ph.D. winners, less than 1 per cent of the national total, are enjoying strong demand. White colleges and universities, pressed by student activists, are rushing to add black faces to their faculties. But this seems to be one of the few exceptions in a generally bleak job market sowing disappointment, even desperation, among hundreds of America's budding scholars and scientists.

The apparent Ph.D. surplus—the term makes some educators wince—is causing deep concern among academic policymakers as well.

Inflation's impact on the budgets of higher learning institutions, government and industry at least partly explains the current severity of the gap between supply and demand.

But some authorities see more fundamental factors at work. They point out, for one thing, that yearly awards of Ph.D.s and other earned doctorates have been mounting steadily since the United States took up the Soviet Union's space race challenge. In 1958–9, the year after Sputnik, earned doctorates totaled 9,360.

This past year, according to the best available estimates, total doctorates passed the 25,000 mark. The expected total this year is 26,500 and the projected figure for 1977–8 is 43,900.

A RADICAL CHANGE

Allan M. Cartter, chancellor of New York University, predicted back in 1966 that the scarcity of Ph.D. holders to staff faculties of fast-expanding colleges and universities would end by now as campus growth rates slowed. Few agreed at the time.

But last month, Cartter could tell the American Association for Higher Education: "The shortage of Ph.D.s that we have lived with for 30 years—with the brief exception of 1952–5—is over. Barring a major war, in most major fields of study we will never experience it again."

Cartter estimated that for the past decade, colleges and universities were hiring at least 50 per cent of each year's crop of new Ph.D. recipients. This year, he continued, the figure should be between 35 and 40 per cent.

"I doubt it will ever exceed 40 per cent again," he said, "and by the end of this decade only a quarter or less of new doctorates will enter college teaching. We are witnessing one of the most radical changes in the condition of higher education we have ever experienced, and it will have a major impact on the whole fabric of the academic world."

The sharp tightening of the academic job market was dramatized this winter as Ph.D. candidates and faculty members alike frantically hunted employment at annual meetings of the Modern Language Association, American Historical Association and American Economic Association.

In these traditional "slave markets," hordes of job-seekers pursued department chairmen who for their part frequently had greatly reduced recruiting needs.

At the MLA convention in Denver, department chairmen from several major universities reported more than 600 bids for fewer than five positions. Several chairmen reportedly left the meeting early to avoid the crush. A caucus of disappointed applicants demanded unemployment compensation.

Since then, the Cooperative College Registry, which runs a placement service for more than 300 of the nation's smaller private colleges and universities, has supplied hard data on the supply-demanded gap.

According to the registry's figures earlier this month, there were, for example, 585 Ph.D. job-seekers in biology against 49 openings in that field.

In other fields, the registry totals included 426 job-seekers in English against 73 openings; 391 in chemistry against 31; 253 in political science against 41; 277 in physics against 14; 209 in economics against 41; 96 in French against 37, and 99 in Spanish against 24.

These gaps between applicants and positions were all substantially greater than two years ago. More significant, they had all widened from February to April when ordinarily they would have shrunk as openings were filled.

On the corporate hiring front, the College Placement Council reported in March that business and industry offers to Ph.D.s were down 14 per cent from the year before and 33 percent from March, 1967. Jean G. Kessler, council coordinator, said recently the downturn was since growing even greater with the aerospace, electronics, chemical and auto industries in particular hiring fewer Ph.D.s.

As for the federal government, a Civil Service Commission official informally surveyed 10 federal agencies and reported a generally "soft" demand for Ph.D. holders. Reasons included not only budget cutbacks but applicants asking excessive salaries or having the wrong qualifications.

This past week, the American Institute of Physics reported a "very high" 2.5 per cent of physicists who earned their doctorates over the past three years were unemployed. They added that more than 30 per cent of those employed in one capacity or another were still looking for better jobs.

But the National Academy of Sciences ran a survey last winter and came up with far less dramatic results. Of those receiving Ph.D.s over the past two years, the NAS reported, only 0.9 per cent were jobless and 0.6 per cent had irrelevant jobs.

TAKING SECOND BEST

The 28-year-old University of Maryland scientist who received his doctorate in January in analytical chemistry has remained at College Park for the time being as a $520-a-month teaching assistant. He declined to be quoted by name—"on the advice of my attorney"—lest it hurt his job prospects.

Disillusioned before about a teaching career, he said that at the moment, "if I could find a teaching job I'd take it." But openings are even scarcer there, he added.

At Howard University, a 33-year-old candidate for a June Ph.D. in physics who happens to be black seemed far from worried about his job prospects. He has yet to launch an active job hunt, but he reported he has turned down some interviews already, has four interview invitations pending and has sent resumes to two other possible employers.

At the same time, he doubted that his skin color gave him any special advantage. "As far as I'm concerned," he said, "I'm having as hard a time finding a prospective employer as anyone. Nobody's beating down the door."

Elsewhere, however, available evidence suggests that black Ph.D. recipients are indeed in a favored position. "Oh, to be black and a Ph.D.," one white educator remarked.

"My goodness," said Elizabeth S. Fisher, director of the Cooperative College Registry, "we could place good Ph.D.s—black ones—in almost any part of the country they want to go."

If the evident overall surplus in new Ph. D. recipients has produced job market agonies for the moment, many believe long-run results will be healthy. For one thing, it is spurring reassessment of doctoral studies programs. Many critics claim they consume too much time, or encourage obscure research that ill prepares the candidate for future employment, especially in teaching.

CHANGE DEMANDED

Ph. D. programs in the United States have evolved a great deal already since Yale University conferred the first three degrees back in 1861. Yale, which launched doctorates to retain students otherwise heading for German universities, originally required two years postgraduate study, an exam and a thesis. Today's doctoral programs, for various reasons, typically span at least twice that many years and entail preparing a a lengthy dissertation and other academic hurdles. But in the face of heavy criticism as well as the disturbing job picture, reformers advocating shorter time spans and alternate doctorate programs geared more to teaching are gaining new support.

Meanwhile, job-hunting desperation alone is prompting more Ph. D. recipients to take positions on less-renowned campuses they might otherwise spurn, including the burgeoning two-year community colleges often in dire need of good teachers.

Educators are generally outspoken on one point: any surplus of Ph. D. recipients today cannot be allowed to cause a reduction in future output.

As Cartter himself and Robert L. Farrell of the Smithsonian Institute told the Joint Economic Committee of Congress last year: "The projections of doctoral supply indicate that a rapidly increasing proportion of the total will be available for nonacademic forms of employment—in government, industry and nonprofit agencies.

"This," they continued, "can only be viewed with satisfaction, as a mark that this nation has met its critical priority needs and can now begin to utilize this talent in a broader array of challenging tasks."

Or as Profs. George E. Owen and Owen M. Phillips of Johns Hopkins University put it in a recent article: "To concur in the attitude that we have overproduced in higher education is to admit that advanced learning is not fundamental to our society. Surely, the activities of a trained and intellectual minority have had and will continue to have an enormous positive influence on the nation and on the world as a whole. To disavail ourselves of this influence would in the long run prove disastrous."

WINE IS NATURAL PRODUCT OF SOIL

Mr. MURPHY. Mr. President, many in the Nation last week observed Earth Day as a signal of their concern for man's environment. To the extent that this concern will result in an improved ecology, it is indeed a worthwhile effort, for the polluting of our air and water and the deterioration of our various natural assets can have serious short- and long-range consequences for all of us.

But perhaps Earth Day also can remind us of the blessings that a fruitful and abundant earth can confer on man. The very foods we eat, the beverages we consume, owe their existence to a productive earth.

Man, throughout civilization, has sought the kind of climate and soil that would be rich in yield and hospitable to family life. This being the Passover season, we may even note that when Moses led the ancient Hebrews out of Egypt, he sent scouts into Canaan who reported back that the land "flowed with milk and honey"—a phrase that through thousands of years has come to symbolize the ideal in environment.

Among the fruits of the earth which we have come to enjoy—and which has been known to man for some 6,000 years or more—is wine.

Wine is naturally fermented from grapes and is celebrated in the Bible and in ancient legend. One of the first things that Noah did after leaving the Ark was to plant a vineyard.

And so down through the ages, wine has been associated with the best that God's earth has to offer mankind.

For as Ecclesiaticus XXXI reminds us:

> Wine drunken with moderation is the joy of the soul and the heart.

Last Wednesday in Washington, the California congressional delegation was hosted at a reception for officials in this city at which the many wonderful wines of California were tasted.

I can think of no more appropriate day that this annual reception was held than on Earth Day.

For wine is of the earth—and a reminder to all that to have good wine we must keep the earth productive and alive.

XUM

Wine symbolically represents the best that a generous God can bequeath to man. It is a reminder that a happy and joyful life for present and future generations requires of man an active commitment to the land.

In President Nixon's words, we share an urgent common goal—

> The rescue of our national habitat as a place both habitable and hospitable to man.

So perhaps a simple glass of wine can continually remind us that our future lies in the soil; and that good grapes, and good wine, serve to point out that the land will serve us well, if we will only let it do so.

ASSISTANT DOCTORS

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a fine article on the subject of assistant doctors, published in the Wall Street Journal of April 23, be printed in the RECORD.

The need for more doctors is apparent to all of us, and assistant doctors have proved to be a successful way of filling the widening gap between patient and doctor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RX FOR MD'S: MANY PHYSICIANS HIRE "ASSISTANT DOCTORS" TO HELP EASE BURDEN

(By Richard D. James)

PLYMOUTH, N.C.—Dr. Alban Papineau and his partner were ready to give up. Faced with the unexpected death of the third partner in their medical practice, coupled with a growing load of patients, the two general practitioners were considering closing the office they opened 30 years ago in this town of 7,500.

As the only doctors in town, they worked 70 to 80 hours a week, sometimes seeing 140 patients a day. Days off and vacations were out of the question. They were forced to give up attending medical meetings and to resign from most civic activities. "We were both getting up in years and wanted to start slowing down; instead, we had to speed up," says Dr. E. W. Ferguson, the "junior" partner, now 58. Dr. Papineau is 65.

That was two years ago. The doctors are still in business today, but the pressures on them have eased considerably. They solved their problem by hiring an "assistant doctor"—a new breed of professional who is university-trained to handle the hundreds of workaday medical tasks that eat up doctors' time. Now the two physicians take a day off each week, and their working hours have declined to 50 or 60 a week. Dr. Papineau even has time to attend a weekly postgraduate medical course.

MORE THAN A NURSE

Use of helpers in doctors' offices isn't new, of course. For years physicians have relied on their nurses to give injections, take blood pressures, temperatures and the like. But that's pretty much the extent of their "doctoring." By comparison, an assistant doctor's duties are more advanced. He helps an MD figure out what's wrong with a patient and treat him. He gives physical examinations, sews up cuts and makes hospital rounds and house calls.

There are only about 400 assistant doctors, or physicians' assistants, as they're frequently called, but that compares with none five years ago. The ranks are expected to expand rapidly as the number of training programs increases. Currently, there are about 30 such programs with 400 students enrolled, and it's estimated at least 20 more programs are being planned.

All of this comes at a time when the demand for doctors outstrips the supply. This perhaps is one reason the assistant doctors have the blessing of the American Medical Association, which usually vigorously opposes letting nondoctors perform medical duties.

MAJOR SOURCE: THE MILITARY

"Physicians' assistants can relieve doctors of much back-breaking routine so they can treat more people and zero in on the difficult cases," says Tom Zimmerman, director of the AMA's health manpower department. "They're particularly valuable in small towns and suburbs where the doctor shortage is acute."

The biggest source of assistance is the 30,000 or so military medical corpsmen discharged each year. Many want to capitalize on the medical training received in the service, but often they are married and have children and can't afford medical school. Also, most are in their mid-20s or older and don't want to spend seven or eight years becoming a doctor.

One such assistant is Stephen L. Joyner, a 27-year-old former Air Force corpsman who works with Dr. Elliott Dixon, a general practitioner in Ayden, N.C., a town of 4,000. "I feel this job is something I can spend my entire life at," he says. "I'm as happy as if I had become a doctor and were practicing medicine." Mr. Joyner, who has been on the job seven months, earns $10,000 a year, about average for an assistant doctor and considerably more than the $6,000 going rate for registered nurses in the area.

Training programs for assistants vary, and there's no agreement on the best format. At Duke University, students attend classes in subjects such as anatomy, biology and chemistry for nine months and then spend 15 months at Duke Hospital, much as interns do, caring for patients under the tutelage of doctors on the medical school staff. At the University of Washington, students spend three months in the classroom and 12 months with a general practitioner in private practice who continues the training.

LESS TIME IN WAITING ROOM

Use of assistants benefits patients in many ways. It means less time spent in waiting rooms, for example. "My patients have to wait only about 30 minutes now compared to at least two hours before," says Dr. Kenneth Pershall, a general practitioner in Othello, Wash., who has used an assistant for seven months.

It also permits quicker treatment in emergencies. Not long ago a 70-year-old woman, thought to be having a heart attack, was brought to Dr. Dixon's office in Ayden. Dr. Dixon was out, but Mr. Joyner was on hand. He examined her and ordered preliminary laboratory tests and an electrocardiogram. By the time Dr. Dixon arrived, the results were available for him to study, saving vital time.

Not all patients like the idea of being treated by a physician's assistant, however. "I figure I probably lost a dozen or so patients after my assistant arrived last October," says Dr. Doyle Hill, a general practitioner in Bay City, Mich. Those who balk harbor sentiments similar to those of Dr. George Burch, professor of medicine at Tulane University medical school. Says Dr. Burch: "When I'm sick I don't want any assistant taking care of me. I want a fully trained doctor." Other physicians question whether assistant doctors performing physical examinations can notice the early hints of disease that a doctor is trained to detect.

But most patients don't object. "We find that many patients, realizing the doctor is extremely busy, will ask to see the assistant instead, if it's something minor," says Mrs. Alice Jenkins, the receptionist for Dr. Dixon.

Comments one patient: "If they (the assistants) are good enough to take care of my son in Vietnam they're good enough to take care of me."

Most assistants say patients start calling them "doc" or "doctor" before long, which, doctors say, indicates a patient's trust in the assistant.

A BUSY DAY

The assistants work hard. Craig Bruno, the assistant here in Plymouth, met Dr. Ferguson at the local hospital at 7 a.m. on a recent day. The two of them spent two hours checking the progress of the 15 patients in the hospital. By 9:30 a.m. they were in the office, starting on the day's schedule of 50 appointments.

In his white coat and with a stethoscope around his neck, Mr. Bruno is indistinguishable from a real doctor. But Dr. Ferguson, like other physicians who employ assistants, makes it a point to explain to patients how Mr. Bruno's duties differ from his own. "When I first introduce Craig I explain that he is not a doctor, that he is here to assist me," says Dr. Ferguson. (In Ayden, Dr. Dixon and his assistant wear name tags. Steve Joyner is identified as Mr. Joyner; the "doctor" title is reserved for Dr. Dixon.)

Mr. Bruno sees a patient first, listening to his complaint, questioning him about symptoms, making a physical check and ordering lab tests, if he thinks they're needed. He writes his findings and tentative diagnosis on the patient while Mr. Bruno moves on to the next examining room.

"From Craig's findings I can rule out many things immediately and spend my time concentrating on the trouble," says Dr. Ferguson.

Mr. Bruno handles most emergencies during the day, helping keep the doctor on schedule with appointments. A nine-year-old boy is brought in with a deep arm gash sustained in a fall at school. Dr. Ferguson pops into the room for a quick look at it, as he usually does in these cases, but he doesn't have to take 15 minutes sewing it up; Mr. Bruno does that.

Around 5 p.m. Mr. Bruno makes a second round of patients at the hospital, a chore formerly handled by one of the doctors. He telephones his findings to Dr. Ferguson. Two or three times a week he is called to the hospital at night to handle emergencies such as lacerations or burns. In serious cases, he calls for a doctor.

How far assistant doctors can legally go in treating patients under state medical practice laws is still an open question. The assistants are taught in school and on the job that they can't make a final diagnosis, nor can they prescribe drugs or handle such complicated jobs as surgery, for this clearly would constitute illegal practice of medicine.

Medical groups in a number of states are exploring ways of defining the legal boundaries. One possibility is for the states to license assistant doctors, much as they now license doctors. Another alternative is legislation similar to that enacted a few years ago by Oklahoma, which allows the assistants to perform certain duties under a doctor's supervision. So far no suits have been filed against any assistants, according to the American Medical Association.

In the meantime, many insurance companies have moved to bolster the movement by agreeing to sell liability coverage to assistants at about half the rate paid by doctors. The companies also have agreed to cover the doctors against negligent acts of their assistants.

GOVERNMENT SELLING OF MAILING LISTS

Mr. ALLOTT. Mr. President, an interesting story published in the Business and Finance section of this morning's Washington Post raises some questions which should be answered.

The story concerns the Government's practice of selling various mailing lists to interested parties—usually commercial businesses.

According to the story, these mailing lists are compiled by the Federal Government from information gathered as a part of normal operating procedures. The lists are sold to firms interested in mass mailings of advertisements or related business material.

The practice is not new. It may not be bad. But it does raise two questions, one concerning ethics and one concerning economics.

First, it raises the question of whether the citizen's right to privacy is being infringed by the Government's collaboration in putting out lists which bring unsolicited mail pouring into all our mail boxes.

Second, it raises the question of whether this practice might involve unwarranted Government subsidization of the private business engaging in the mailing.

The Post story does not explore the question of how much the Government charges for the mailing lists it sells. The story does say that the charges are not intended to generate a profit for the Government. Rather, they are only intended to cover the cost of labor and materials used in putting the lists together.

This raises two more questions. First, if the Government is going to engage in this business, why should it not make a profit, especially since the companies that receive the mailing lists are aiming to profit from them?

Second, if the Government does not make a profit from providing the mailing lists, and if the lists are used by businesses engaging in third-class mailings that are less expensive to the mailers than they are to the Government that handles the mail, then the Government is in the position of subsidizing the businesses twice over.

Mr. President, I hope that these questions will be answered by those in a position to know the full story. To encourage interest in this matter, I ask unanimous consent that the Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNCLE SAM PUTS MANY CITIZENS ON JUNK MAILING LISTS

(By Jan Nugent Pearce)

If you have ever wondered just where the deluge of junk mail you receive every week originates, you are probably overlooking one likely source.

Uncle Sam.

Unknown to many citizens, government agencies have been engaged for some time in the practice of selling mailing lists to anyone who can pay for them.

Naturally, most of the purchases are companies that will use the names for direct mail advertising.

The Federal Aviation Administration, the Federal Communications Commission, the Internal Revenue Service and the Post Office Department are usually cited as the most active sellers.

Recently, Capitol Hill legislators have criticized the practice as a government assisted invasion of the privacy of millions of Americans.

Rep. J. Edward Burke (R. Fla.) recently introduced legislation to ban all federal agencies from selling mailing lists. Rep. Frank Horton (R. N.Y.), after a confrontation with the Internal Revenue Service on the issue, will soon introduce his own bill to limit these sales.

And at the weekend Sen. Jacob Javits (R-N.Y.) asked President Nixon to issue an executive order to halt the practice.

In a letter to the President, Javits suggested that names gathered for agencies' internal purposes should not be offered in mailing lists to be used for selling merchandise.

There is presently no governmentwide policy. Some agencies provide the data routinely and others do not. All, interestingly enough, cite the same statute, the Freedom of Information Act, as the basis for their position.

Sen. Javits and Rep. Horton contend that law should not be used to sanction a practice that amounts to an invasion of privacy for the purpose of aiding direct mail advertising.

Here are some examples of information available from various government agencies:

The Federal Communications Commission retains another organization to fulfill requests for information from its large data bank. Among the data routinely offered are the names and addresses of thousands of ham radio licensees at a cost of $55 per computer tape. FCC says it has no idea how many of these have been sold, since all requests are handled by the contracting firm.

The Federal Aviation Administration offers a list of names and addresses of about 680,000 licensed pilots at $678 for the computer printout or $40 for each of the five computer tape reels. During fiscal 1969, FAA received $4,500 from these sales. Among the purchasers were several aircraft companies, Eastman Kodak, Redbook Co., the Board of Tax Assessors in Albany, N.Y. and the Los Angeles Times-Mirror.

The Post Office Department here contends it sells no mailing lists. It routinely provides two services for direct mailing firms: an address correction service at 5 cents per name, and a free "sequencing" service to arrange large third-class mailings in correct order for its carrier routes.

The Post Office Department also fills requests at $1 each, for the new address of any person who has filed a change of address form with his local post office.

Capitol Hill critics contend that some of the 33,000 subcontracting stations make lists of delivery routes available to mailers. A Post Office spokesman here said this was a possibility, but contended "it is not a general practice."

The Internal Revenue Service until recently sold a list of 140,000 names and addresses of licensed gun dealers and collectors for about $140. The agency deleted the names of individual collectors (after making 42 sales) and after receiving a barrage of criticism from Capitol Hill. Among the purchasers were numerous sporting goods companies and a group called Citizens Against Tydings. (Sen. Joseph Tydings has supported stringent gun control legislation.)

The U.S. Coast Guard provides boat registrations for New Hampshire, Washington, Alaska, the District of Columbia and Guam.

Rep. Horton's interest stems from a constituent's complaint that he had received sales solicitations from firearms' companies after registering with IRS.

The New York Congressman noted that the sale of 60 IRS lists could produce 8.6 million pieces of bulk mail if each of the licensees were solicited.

Several agencies routinely offer names and addresses of companies they regulate or issue contracts to. But authorities tend to believe the invasion of privacy factor is minimal here.

Some departments, such as Commerce and Defense, flatly refuse to provide any names and addresses of individuals from their files.

All of the agencies that engage in the practice emphasize that their charges are not "sales" as such, but fees to cover their labor and materials' costs.

Probably the most productive government originators of unsolicited mail are the 50 state motor vehicle departments, all of which routinely pick up some revenue by selling their list of motor vehicle owner registrations. Since these sales are governed by state law, the procedures vary.

Congressman Burke puts the federal issue this way:

"When a citizen must provide information to his government he should not, as a result, subject himself to harassment and solicitation by private concerns using this government-collected data."

CRISIS IN CAMBODIA

Mr. McGEE. Mr. President, the crisis in Cambodia presents a real and present danger to American forces in Vietnam. That fact alone should cause this Nation to consider seriously the effects of a Cambodian collapse and not shut our ears to the requests emanating from Phnom Penh for assistance in the form of supplies essential to the effort to turn back North Vietnamese troops.

In their Friday column, published in the Washington Post, columnists Rowland Evans and Robert Novak detailed the threat, the opportunity. and the so far frozen attitude. They observed that Western diplomats in Phnom Penh are dumbfounded by the U.S. paralysis in view of the critical importance of Cambodia to the outcome of the war in Vietnam.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. POLICIES IN CAMBODIA CRISIS WORK TO DETRIMENT OF OWN INTERESTS

(By Rowland Evans and Robert Novak)

PHNOM PENH, CAMBODIA.—The new isolationism in Washington has frozen the U.S. into a bystander's role in the Cambodian crisis even though its outcome will profoundly affect the Vietnam war.

The U.S. presence in Phnom Penh perfectly fits the "Little America" concept in foreign affairs advocated by influential U.S. senators. The entire embassy staff consisted of two Foreign Service officers (sharing the same office) and an overworked air attache until the recent arrival of a temporary press attache.

This skeleton crew makes no attempt to exert influence, not even intervening against Cambodian massacres of Vietnamese civilians which have so hurt Cambodia's cause internationally. For the first month of the crisis the U.S. was immobilized even after the new anti-Communist government's desperate appeal for military aid.

This carefully carved low profile becomes a study in absurdity considering how a little effort in Cambodia by the U.S. could improve its vast undertaking in Vietnam. Nor would this constitute a fresh foreign adventure. In truth, concurrent North Vietnamese invasions of South Vietnam, Laos and Cambodia are interlocking parts of a single Indochinese war.

With Communist forces in South Vietnam pushed back toward the uninhabited frontiers, the use of Cambodia's border regions as sanctuary, supply base, and jumping-off spot for attacks has become vital. Thus, when Gen. Lon Nol's government deposed Prince Norodom Sihanouk March 18 and ordered Communist troops to leave the country, a golden opportunity beckoned to radically change the Vietnam war.

In fact, since March 18 Cambodia has become considerably less hospitable for the 30,000 to 40,000 Communist troops here. Some are tied down securing their rear against the Cambodians, enabling South Vietnamese troops to make lightning raids against the Communists in and out of Cambodian territory.

Most important is the potential drying-up of Cambodia as a Communist supply base. The Lon Nol government appears to have substantially reduced arms, ammunition, and medical supplies flowing across Cambodia and is trying to deprive Communist troops of their vital rice supply. We observed truck after truck filled with rice on their way to Phnom Penh from border provinces where North Vietnamese troops are advancing.

In the opinion of some Cambodian officials and Western diplomats here, this Communist advance is intended not so much to conquer Cambodia as to pin down a rice supply. The rapid Communist push northwest toward Kompongcham is surely aimed at pre-empting rice.

Considering the overwhelming military superiority we described in an earlier report, the North Vietnamese can push Cambodian forces far enough back to re-establish a safe sanctuary and, if they choose, perhaps even force out the Lon Nol government. The golden opportunity, which so excited U.S. military headquarters in Saigon March 18, will then have been lost.

To prevent this, the Cambodian army needs immediate help and lots of it. Artillery pieces and shells, trucks and radios are in desperately short supply. The Cambodians have only 12 flyable planes. The government will have trouble meeting the payroll of a 40,000-man military establishment, which includes 10,000 recruits. If fighting accelerates, the army will soon exhaust ammunition for its basic infantry weapon, the Soviet AK-47 rifle.

But thanks to Sihanouk's madcap diplomacy, Cambodia is without allies and, partly because of the deplorable massacres of Vietnamese civilians, without much international sympathy.

France has ordered its military mission here to stay away from the Cambodian army (though some brave French officers are disobeying orders and helping their hard-pressed friends). The Indian embassy insists, contrary to fact, that this is a Cambodian civil war and not a North Vietnamese invasion. The British embassy is so blase that it was unaware of Lon Nol's first blanket request for aid until late the next day. Then, three days ago, Lon Nol repeated and refined that request for assistance in a special and highly personal letter to President Nixon.

Although Indonesia has offered help, the truth is that effective military assistance for the Cambodians will have to come from the U.S. The Lon Nol government is not requesting U.S. military advisers (sorely needed though they are by the untrained Cambodian army) but pleads for hardware.

Those Western diplomats here who appreciate Cambodia's critical importance to the Vietnam war are dumbfounded by the U.S. paralysis. "The speed with which your government acts may decide whether Lon Nol survives," one such diplomat told us. A decade ago action from Washington would have come with lightning speed. No action at all this past month is the "Little America" foreign policy working to the detriment of the United States's own interests.

SENATOR PERCY—A GOOD SOLDIER AND A GOOD REPUBLICAN

Mr. BENNETT. Mr. President, I was interested in a recent editorial in an Illinois newspaper which referred to the January 16 issue of the Congressional Quarterly. This issue of Congressional Quarterly showed each Senator's and Representative's record of support for President Nixon's legislative program, and I was pleased with my own high rating. At the same time, I noted the high rating achieved by the distinguished Senator from Illinois (Mr. PERCY), who was listed as first among the entire Illinois congressional delegation in his support for President Nixon's programs.

Mr. President, I ask unanimous consent that the editorial from the Bloomington Daily Pantagraph be printed in the RECORD, because it reflects accurately and forthrightly the record of Senator PERCY as I have observed it. He is a member of the Committee on Banking and Currency, on which I serve as a ranking minority member. I have observed him, therefore, at close range ever since he came to the Senate. He is a humanist in his approach to the Nation's social problems, as was evidenced by his unique homeownership legislation. In monetary matters he is a fiscal conservative. There are many examples: his leadership in having the nations of NATO assume greater financial burdens for American troops on their soil; his vote against an irresponsible tax reform bill; his vote in support of the President against the first HEW appropriation bill; his consistent support of a balanced budget; sound money; and an independent Federal Reserve System, just to mention a few.

Mr. President, in my judgment the people of Illinois, and especially the Republicans, have reason to be very proud of their senior Senator, CHARLES H. PERCY, a good soldier and a good Republican.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR PERCY GOP MAVERICK? VOTING RECORD ANSWERS "NO"

(NOTE.—The issue: Just how "good" a Republican is Sen. Charles Percy?)

Although Senator Percy has heard grumblings from the more conservative among Illinois' grassroots Republicans, there is every reason to think he has strengthened himself politically in the state.

On one prominent issue—President Nixon's search for an associate justice of the U.S. Supreme Court—Mr. Percy's departure from the Administration has been clear and forceful. It is on this issue that some Illinois Republicans condemn the senior senator.

Among independents and the more liberal wing of the party, Mr. Percy probably has gained points. Those covetous of a Senate seat, Attorney General William Scott and recent Senate primary candidate William Rentschler, would have no easy time in a primary come 1972.

One of the reasons is that, statistically, Mr. Percy can easily defend himself as a Nixon administration supporter when compared with other Senate Republicans.

Mr. Percy's pro-Nixon administration voting record in 1969—the last session for which up-to-date statistics are available—is better than that of GOP House Whip Leslie Arends, a man who to many is Mr. Republican himself.

Congressional Quarterly, a highly-regarded journal of congressional activity, identified 72 Senate roll-call votes that presented a clear-cut test of support for President Nixon's views in 1969.

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Senator Percy supported the Nixon position 71 per cent of the time and opposed it 18 per cent of the time. (Failure to vote on an issue subtracts from both support and opposition score.)

Over-all, Mr. Percy gave Mr. Nixon somewhat more support than the average of GOP senators. Sen. Mark Hatfield of Oregon, for example, voted against Mr. Nixon 44 per cent of the time in the "keyvote" area. The most loyal Republican was Senator Bennett of Utah who was with the President's position 88 per cent of the time.

Senator Percy does well, in a state which has a plurality of Democratic primary voters and a large black population, to heed the voice of the voter, not the ultra-conservative wing of the official party.

This is not to say that the electorate of Illinois is wildly liberal. A United States senator cannot, however, occupy either fringe in this state.

We think that the state asks that both Mr. Percy and Mr. Smith exercise judgment consistent with the best interests of the nation and their consciences. That comes first. Party consistency (in relation to the Administration in power) comes second—or should.

Still, Mr. Percy is elected as a Republican and should be expected by that party voters to act like one most of the time. And so he has.

Mr. Percy is one of the "new" Republicans, of course, but that also means he is one of the electable Republicans in a doubtful state. A fair judgment is that Senator Percy has attempted, at least, to serve his party, his conscience and the broad interests of Illinois.

QUEEN ISABELLA DAY

Mr. MURPHY. Mr. President, last Wednesday, Earth Day, also marked the 519th birthday of the Spanish Queen responsible for America's discovery, Queen Isabella.

On behalf of the National Committee for Queen Isabella Day and the many American cities that individually celebrated the event, I should like to place in the Record a special proclamation issued by the mayor of Berkeley, dedicating this event and honoring this great queen, who is so much a part of the Spanish-American heritage.

Several other California cities, including Fresno, Long Beach, Oakland, and Sacramento, issued similar proclamations recognizing this Spanish-American anniversary.

I ask unanimous consent that the Berkeley proclamation be printed at this point in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation: Queen Isabella Day, April 22, 1970

Whereas, April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, The qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration.

Now, therefore, I, Wallace Johnson, Mayor of the City of Berkeley, do hereby proclaim April 22, 1970, as Queen Isabella Day in Berkeley.

Wallace Johnson,
Mayor of the City of Berkeley.

Berkeley, Calif., *March 9, 1970.*

DEATH OF WILLIAM "SCOTTY" JACK, OF WYOMING

Mr. McGEE. Mr. President, all Wyomingites were saddened last week by the passing of William "Scotty" Jack, who died in his 78th year of service to his fellow man. Born in New York City of Scotch parentage, he grew up to young manhood in Scotland, arriving in Wyoming at age 18. He was, in those early years, both a cowboy and a sheepherder. Later he was associated with the oil industry, which gave him a wide background in the basic industries of his adopted State.

"Scotty" Jack, though, devoted most of his life to public service, right up to the day he died. He began by representing Natrona County in the State House of Representatives, rising to the position of speaker. He was, in fact, the first Democrat ever to hold that office in Wyoming. Later, he was to serve as State auditor and secretary of state, and was twice a candidate for Governor. He did not succeed in obtaining the Governor's chair, but the phenomenon of defeat was always considered but a temporary thing by "Scotty." He kept at work, in the public interest.

"Scotty's" last position was as regional director of the Small Business Administration, in Casper. He served well and ably until the fortunes of politics resulted in his replacement last November.

With the editor of the Casper Star-Tribune, I appreciated "Scotty" personally, as a friend and as a wise counselor. I ask unanimous consent that the Star-Tribune's editorial on his death, as well as a UPI dispatch, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Scotty Jack—A Wise Counselor

In any review of the careers and contributions of men in public life, there is always the question of the detached as contrasted to the more personal approach. Scotty Jack was a friend and counselor whom this department has welcomed, particularly in the latter years of his life. On a broader scale, he had served Wyoming well in a number of capacities both public and private, and he was not a man to put into a particular niche. He belonged broadly to the people, and he was a conservator of their interests.

It has been said that nobody lives as an island, and Scotty Jack was least islandish. His points of contact were innumerable, the richness of his experience unmeasurable. He had the exceptional gift of viewing an issue objectively regardless of party, and his dedication was for the whole State and all that it best represented. There are some men who belong to the public not so much because they have been accorded the highest honors but because they exhibit a rapport which is so easily and generally recognizable. Scotty Jack was that kind of man.

From a ranch hand to prominence in the Legislature and Speaker of the House, so such high offices as State Auditor and Secretary of State, he aspired to be Governor. He could have discharged the duties of that office with credit and distinction, but the opportunity—such is the nature of politics and political cycles—was to elude him. Scotty did not always win, but he never abandoned his sense of perspective. He never sulked, and he never gave up or lost interest.

He had the benefit of a wide variety of experience, and his Scottish heritage was reflected in the thrifty approach which, as state auditor, he adopted toward the public treasury.

When there were questions concerning the interpretation of the Constitution of Wyoming he was a strict constructionist. In his later years he was perturbed at times if the legislators or state officials took what he believed to be short cuts, possibly circumventing the essential meaning of that document. Whether he was right or wrong was always a question of viewpoint. The dominant fact remained that he exhibited concern.

Scotty Jack was a frequent visitor to the Star-Tribune. He was always willing to provide valuable background on subjects of major interest, and his contribution to current thinking was a stabilizing element. A conservative Democrat, his position on issues of the day never was narrowly circumscribed by party affiliation.

His counsel was given with less bias than many persons of similar stature. We shall miss him greatly.

Scotty Jack Cited for Never Quitting

Casper.—Scotty Jack won and lost many times, but most importantly he never quit.

Jack, a New York City born Scotsman who punched cows and looked after sheep in Wyoming and who rose nearly to the governorship, died Tuesday.

He was 78.

Jack was a popular Democrat. He had great success in getting elected to state offices in a Republican area and was the first member of his party elected speaker of the state House of Representatives.

His political career spanned more than 40 years.

His wife of nearly 50 years, Huldah, said her husband had been under treatment for several months for a heart condition. Funeral services were pending Wednesday. Survivors include a son and two daughters.

William M. "Scotty" Jack arrived in Wyoming in 1910 at the age of 18. He worked as a sheepherder, and became self-educated.

Jack ran twice unsuccessfully. His first try was in 1954 against Republican Milward Simpson. Jack lost by a 1,112 vote margin.

But in 1961 Jack came back for another try. The former state legislator, state auditor and secretary of state wanted to get off the sidelines and back into politics.

And he wanted the highest state office—the governorship. The post was held by Jack Gage, a fellow Democrat who died several weeks ago.

Jack "retired" last November when the national Republican administration named one of its party members to succeed him as regional director of the Small Business Administration.

But back in June 1961, Jack did not want to retire, and he was polling state legislators and high officials of the Democratic Party on support to challenge Gage.

FREE TRADE MOVEMENT

Mr. BENNETT. Mr. President, I was not in the Chamber last week when the distinguished Senator from New Hampshire (Mr. Cotton) discussed a Washington Post article dated April 15, writ-

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ten by Mr. Hobart Rowen, and entitled "The Isolation of Maurice Stans."

The Senator from New Hampshire has provided a much needed rebuttal. I think one must consider, first of all, the source of the original attack. The Post over the years has supported the free trade movement, and anyone who takes a position sympathetic to American industries and American employees adversely affected by uncontrolled imports is automatically suspect.

I do not agree that Mr. Stans is isolated in the administration. I wish to point out very clearly that his concern for unfair competition from abroad is shared by many people on Capitol Hill. I am a cosponsor of several bills designed to remove the inequities of present trade practices. I wish to point out to the Senate and to the Post that in the State of Utah we have sacrificed the jobs of many steelworkers, mink ranchers, and cattlemen to foreign industries and employees. These American wage earners are not inefficient. These people simply cannot compete against a foreign employee who makes but a small percent of the American wage.

I also point out that Mr. Stans' concern for the balance of payments is shared by many Senators. I wish to identify myself with the distinguished Senator from New Hampshire and state that I do not give much credence to the view of some unidentified second level bureaucrat in the State Department. This is a favorite tactic of press reporters, and I am not sure a person such as this really sets the policy or makes the decisions.

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We in the Senate and House who represent States and constituencies that are being badly hurt by cheap foreign imports appreciate the fact that we have a spokesman in the Nixon administration.

I assure the distinguished Secretary of Commerce that I will continue my efforts in the Senate to bring some balance and fairness to our import situation. We are going through a period when many foreign countries are putting up a variety of barriers against U.S. products while our own industries go unprotected. I wonder why the free trade advocates never try to explain this to a bankrupt mink rancher, an unemployed steelworker or a jobless shoe factory employee in the United States.

I commend Mr. Stans for his service to the President and to the American people.

NASA AUTHORIZATION BILL

Mr. SAXBE. Mr. President, the senior Senator from Illinois (Mr. PERCY) had planned to make a statement on the floor of the Senate today, calling for reductions in the House-passed NASA authorization bill.

Unfortunately Senator PERCY had to return to Illinois to attend the funeral of a close friend.

I ask unanimous consent that the remarks Senator PERCY had planned to deliver be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PERCY ON NASA AUTHORIZATION BILL

Mr. President: Last Thursday, the House of Representatives passed an authorization bill for the National Aeronautics and Space Administration (NASA) of $3,600,875,000—$268 million over President Nixon's request.

I urge the Senate to reject this increase over the President's budget request when the NASA authorization bill comes before us. The Nixon budget should be the maximum voted for the space program. There may be room for even further selective cuts. For example, I note that the Committee on Aeronautical and Space Sciences has approved an authorization $17 million under the President's request and $285 million under the House authorization. I commend their decision and good judgment.

As a former member of the Space Committee, I do not believe it is in the national interest to increase the space budget. I firmly believe that we should continue our space program but on a more modest scale. We have now landed on the moon and it is time to reevaluate our goals and proceed at a more reasonable and sustainable pace.

The first astronauts to the moon reported that from space the Earth looks beautiful. But we all know that seen from close up, right here on earth, the earth is too often ugly. It is scarred by air pollution, water pollution, solid waste pollution, noise pollution, thermal pollution and, worst of all, pollution of our homes and cities. When people have to share their homes and lives with filth and rats, and go hungry and malnourished because of a lack of funds, it only makes good sense to make these needs our number one priority. Pollution of our homes, of our cities, and of our Nation is basically the inevitable consequence of neglect, and for this neglect to go on unchecked would be immoral. Yet for every excess, non-essential dollar pumped into the space program, one less dollar is available to clean up our environment and solve the many pressing problems here on earth.

Mr. President, I place high value on our space program and the remarkable and dedicated citizens involved in it. It has been one of the great accomplishments of our nation and has brought great credit to the United States. The 68 million miles our astronauts have flown in space and the expenditure of $42 billion to date by NASA has proven to be a great investment that I have fully supported. The failure of Apollo 13 to successfully complete its full mission should not cause us to foolishly lower our sights or cause us to pull back from our objective of expanding man's knowledge of his universe.

But I do feel that we can place greater emphasis on multi-national cooperative space programs, comparable to the international cooperation achieved in 1958 for the International Geophysical year, and I urge rejection by the Senate of the House-passed authorization for NASA and further strongly urge that we view as an absolute upper limit the President's recommendation of $3,333,000,000 for NASA in fiscal 1971.

WETA AND INTIMIDATION

Mr. DOLE. Mr. President, 11 days ago William Woestendiek, an experienced and highly qualified newsman, was fired by educational television station WETA for the sole reason that his wife, an experienced and professional newspaperwoman, had gone to work for Mrs. John Mitchell, as a press secretary.

William Woestendiek's only crime: He had let his wife pursue her career, and that career meant going to work for a Republican.

Some Senators thought that Mrs. Woestendiek's decision to accept honest, gainful employment for which she was suited by training was hardly a reason to fire Mr. Woestendiek.

It was as if WETA's management were saying: "Bill Woestendiek cannot be trusted to be objective about news because his wife works for the wife of the Attorney General." That is adding up 2 and 2 and getting 12.

Or perhaps WETA was implying: "Mrs. Mitchell hired Kay Woestendiek so that she and her husband would get good treatment on WETA." That adds up to sure ridiculousness. How many Americans watch WETA? Who is going to be impressed by WETA's coverage of Mrs. Mitchell or its lack of coverage?

Frankly, I cannot understand what WETA's management was really thinking when it fired Mr. Woestendiek. I do know what it claims—that there was the "appearance" of a conflict of interest. Yet we know that there are many political conflicts that can be attributed to members of WETA's board, its staff, and to all sorts of news media people in Washington and elsewhere.

I mentioned a few of them last Thursday, people such as Marianne Means and Walterene Swanston. Another, Max Kampelman, a political associate of Hubert Humphrey, has figured in an investigation of a firm known as NAPCO, which had questionable dealings with AID. Mr. Kampelman, who is board chairman of WETA, last Thursday resigned his job as a news moderator on that station until this entire question of conflict of interest is settled.

He says he did it before I mentioned his name, and I have no reason to doubt him. However, I would respect him more if he had done it at the time Mr. Woestendiek was fired. Perhaps he thought he could ride out the publicity.

However, in order to put Mr. Kampelman in perspective, I should point out that last October 21 Representative GROSS of Iowa had this to say about Mr. Kampelman and NAPCO:

> It will be remembered that NAPCO, with its powerful ties to Humphrey, was able to hoodwink the Agency for International Development into paying a tremendously inflated price for its virtually obsolete, worn-out gear manufacturing plant which was then dumped on a group of unsuspecting investors in India. It will also be remembered that one of the chief architects of this $4 million swindle was Max M. Kampelman, Humphrey's former legislative assistant and one of his closest and most trusted advisors.

Mr. President, I suggest that it might be pretty hard to get any mention of NAPCO or Mr. Kampelman's connections with NAPCO on any WETA news program, so long as he is chairman of WETA's board.

You will note, Mr. President, that while he resigned as a news moderator, he has not disassociated himself from WETA.

I am not here today to question Mr. Kampelman's business dealings or his right to stay connected with an educational television station, although I reserve the right to do so later.

My point again today is simply that Mr. Woestendiek is not alone in having a conflict of interest under the rules laid down by WETA.

I recall, for instance, that Les Carpenter ran a news bureau in Washington—and may still—at the time his wife, Liz, was working for the Johnsons, both Lyndon and Ladybird, who may be even more controversial than the Mitchells.

I am told that Columnist Robert Novak married a girl who was working at the White House. Engagements may not count in WETA's eyes, but I understand that Mrs. Novak worked for a while after she became Mrs. Novak.

I hate to keep picking on Walter Cronkite, but I wonder if he knows that not only was his executive producer, Les Midgely, married to LBJ's Consumer Counsel, Betty Furness, but also that Midgely's brother, Grant, works for the Senator from Utah (Mr. Moss).

I wish there were a Republican somewhere conflicting the interests around Mr. Cronkite.

Mr. President, I do not know most of the members of WETA's board, but just a scanning of the list shows that several have public identification with the Democratic Party. I wonder whether they should quit the board for that reason. Some are perhaps as qualified in their own professions as Mr. Woestendiek.

I call attention to Stephen Ailes, who was L. B. J.'s Secretary of the Army, or to Kermit Gordon, who was Director of the Bureau of the Budget.

I am sure their presence on the board is not the reason why a man whose wife worked for a Republican was fired, but certainly there is the appearance, just as there allegedly was the appearance with Mr. Woestendiek.

Mr. President, I recognize the importance of objective reporting. Most of us do. Vice President AGNEW called it to the attention of all of us last fall, and for his efforts was accused of trying to intimidate the media.

WETA's management scorns intimidation, Mr. President. It fires people, instead. I am still waiting to hear from Mr. Cronkite and Mr. Huntley and Mr. Brinkley on this one.

LAW ENFORCEMENT—RESOLUTION OF BOARD OF COMMISSIONERS OF SALT LAKE CITY, UTAH

Mr. BENNETT. Mr. President, I ask unanimous consent that a resolution passed by the Board of Commissioners of Salt Lake City and signed by all five members of the commission be officially and properly placed before the U.S. Senate. The resolution calls upon the American Bar Association to request the State bar associations to study ways to find better law enforcement and protection for the law-abiding citizenry of the United States.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, crime within the United States is increasing at an alarming rate; and

Whereas, it appears that the present state and policy of the law is to protect the individual rather than the law-abiding majority; and

Whereas, Salt Lake City is greatly concerned with seeing that not only the accused be brought to justice but also that justice be brought to the community and nation in the form of peace and mutual respect to each person's property rights;

Now, therefore, be it resolved by the Board of Commissioners of Salt Lake City that it is in favor of the American Bar Association's calling upon the individual State Bar Associations to conduct meetings among its member lawyers in an effort to suggest and prepare changes in the law which will provide protection to the decent and law-abiding citizens of our country.

Be it further resolved that a copy of this Resolution be sent to the Congress of the United States, Governor Calvin I. Rampton, the State Legislature, and the American and Utah State Bar Associations.

Passed by the Board of Commissioners of Salt Lake City, Utah, this 14th day of April, 1970.

JAMES L. BARKER, Jr.,
Commissioner.
E. J. GARN,
Commissioner.
J. BRACKEN LEE,
Mayor.
GEORGE B. CATMULL,
Commissioner.
CONRAD B. HARRISON,
Commissioner.

PATENT LICENSES GRANTED BY NASA

Mr. GOLDWATER. Mr. President, already we find appearing in publications in this country, both the press and magazines, and we hear on the radio and view on television suggestions that further expenditures in space either be eliminated or drastically cut. These have been prompted by the failure of Apollo 13 to place men on the moon, ignoring the tremendous feat of returning this craft to earth.

To me, as one who had the privilege of visiting NASA Control in Houston during the trouble, watching this superb team work convinced me that instead of pulling back on space, we should go ahead with more vigor. Think of it, here a relative handful of dedicated, knowledgeable men directed and guided the crippled Apollo 13 back from space and on to earth with a precision not bettered by the preceding missions which went all the way. Is it not possible to think of this same kind of brainpower and knowhow application being put to the problems of our cities, the problems of our States, and even the problems of our Federal Government?

Some Senators have questioned the value of space. In fact, not so long ago I called the attention of the Senate to a statement made on the floor by a Member to the extent that $28 billion had produced a few tubes of moon dust, indicating that in that Senator's opinion that was the extent of the accomplishments from our efforts in space.

Many things have been accomplished with this expenditure, and while I doubt that it would be possible to tabulate a return at the present time showing that in dollars and cents the investment had been equaled, I am confident that within 5 years' time that will be done on the floor of the Senate.

There have been countless spinoffs and fallouts, if we care to call it that, from our efforts in outer space and increasing efforts in aeronautics. The Committee on Aeronautical and Space Sciences, of which the able Senator from New Mexico (Mr. ANDERSON) is chairman, will shortly have published as a Senate document what might be called a catalog of these items, but, knowing that there are many Members of this body and the other one, not to mention tens of thousands of businessmen across this country who would like to know a little more about the spinoff subject, I ask unanimous consent that a list of patent licenses granted by NASA be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PATENT LICENSES GRANTED BY NASA

THE FOLLOWING NONEXCLUSIVE, REVOCABLE, ROYALTY-FREE LICENSES HAVE BEEN GRANTED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR INVENTIONS OWNED BY NASA AND COVERED BY ISSUED PATENTS OR APPLICATIONS FOR PATENT FILED BY NASA AS OF JAN. 1, 1970

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XLE-00035	Midland Industrial Finishes Company, 1-7 East Water St. Waukegan, Illinois 60085.	M. A. Glaser, Executive Vice President, Research and Development.	2,926,123	575,291	Temperature Reducing Coating for Metals Subject to Flare Exposure.		Oct. 27, 1967
XLE-00101	Fairchild Stratos, Stratos Division, Orinco Drive, Bay Shore, L. I., New York.	J. R. Maielli, Patent Coordinator.	2,945,667	551,961	Flexible Seal for Valves		Mar. 11, 1964
XLA-00141	Polyphoton Corporation (Formerly DeMent Laboratories) 1717 Northeast 19th Avenue Portland, Oregon.	Jack DeMent, D.Sc.	3,005,081	19,971	High Intensity Heat and Light Unit.		Nov 19, 1963
XLE-00046	R. S. Cowen Company 9 East 38th Street New York 16, New York.	R. S. Cowen	3,008,229	686,769	Process for Applying a Protective Coating for Salt Bath Brazing.		Jan. 19, 1966
XLE-00046	Fairchild Stratos, Stratos Division, Orinco Drive, Bay Shore, L.I., New York.	J. R. Maielli, Patent Coordinator.	3,008,229	686,769	do		Mar. 11, 1964
XAC-00181	Ridgedale Iron Works, Ridgedale Avenue, Morristown, New Jersey.	William Scarince, Manager	3,028,126	28,175	Three Axis Controller		Nov. 19, 1963

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NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XMF-00447	Ridgedale Iron Works, Ridgedale Avenue, Morristown, New Jersey.	William car nce, Manager	3, 041, 587	134, 479	Angular Measurement System		Nov. 19, 1963
XMF-00480	Fairchild Stratos, Stratos Division, Orinco Drive, Bay Shore, L.I. New York.	J. R. Maie Patent Coordinator	3, 069, 123	144, 804	Instrument Support With Precise Lateral Adjustment.		Mar. 11, 1964
XMF-00339	do	do	3, 070, 407	11, 591	Air Bearing		Do.
XLE-00353	do	do	3, 072, 574	65, 548	Gas Lubricant Compositions		Do.
XHQ-01208	B. H. Hadley, P.O. Box 31, Pomona, Calif.	D. H. Bochenski, Engineering Administrator.	3, 088, 441	42, 022	Valve Actuator		Nov. 29, 1963
Do	Pressed Steel Tank Company, 1445 S. 66th Street, Milwaukee, Wis.	W. R. Bohlman, Manager New Product Development.	3, 088, 441	42, 022	do		Nov. 19, 1964
Do	Fairchild Stratos	J. R. Maielli	3, 088, 441	42, 022	do		Mar. 11, 1964
XLA-00128	do	do	3, 093, 000	32, 496	Check Valve Assembly For a Probe.	65-10114	Do.
Do	Rosemount Engineering Co., 4900 W 78th Street, Minneapolis, Minn. 55424	Frank D. Werner, President	3, 093, 000	32, 496	do	65-10114	Aug. 23, 1965
XMF-00392	Mr. Scott J. Meyer, 2604 Altura Drive, Cincinnati, Ohio 45239	Self	3, 102, 948	151, 112	Electric Arc Welding		June 21, 1965
XNP-00425	The Isaacs Company 595 E. Galbraith Road Cincinnati, Ohio 45215.	S. Ted Isaacs, President	3, 112, 672	180, 396	Umbilical Separator for Rockets.		June 22, 1965
XNP-00840	Associated Spring Corp. Bristol, Connecticut.	H. Perry Smith, Director Research & Development.	3, 127, 157	269, 222	Multiple Belleville Spring Assembly.	63-10247	June 24, 1964
XNP-00840	Union Spring and Manuf. Co. New Kensington, Penn.	Clarence Abitz, President	3, 127, 157	269, 222	do	63-10247	June 29, 1964
XGS-00458	Electro-Mechanical Research, Inc., 5012 College Avenue College Park, Maryland.		3, 128, 389	139, 006	Variable Frequency Magnetic Multivibrator.		July 15, 1964
XNP-00476	Miniature Precision Bearings, Inc., Precision Parks, Keene, N.H.	Burt Dardani	3, 132, 903	182, 698	Slit Regulated Gas Journal Bearing.	65-10099	Oct. 23, 1964
XNP-00476	Alina Corporation	Leonard H. King	3, 132, 903	182, 698	do	65-10099	Jun. 1, 1967
XLA-00754	Hexcel Products, Inc. 2332 Fourth Street Berkeley, California.	K. M. Holland, Executive Vice President	3, 143, 321	290, 479	Frangible-Tube Energy Dissipation.	63-10304	Jun. 8, 1964
XLA-00754	Aerotec Industries, Inc. Aerotherm Division Bantam, Connecticut 06750.	Alex I. Koji, Assistant	3, 143, 321	209, 497	do	63-10304	Jul. 7, 1964
XMF-00369	Brown Engineering Co. Inc. 300 Sparkman Drive Huntsville, Alabama.	D. A. Moseley, Manager	3, 149, 897	134, 782	Printed Cable Connector		Mar. 9, 1965
XMF-00369	Ansley, Div. of Thomas & Betts (Formerly Kent Corp.), Old Easton Road, Doylestown, Pa. 18901.	D. J. Crimins, President	3, 149, 897	134, 782	Printed Cable Connector		Dec. 12, 1969
XLA-00838	Robin Industries, Inc., 1265 West 65th Street, Cleveland, Ohio 44102.	J. D. Beda	3, 150, 387	192, 016	Foam Generator		June 24, 1965
XLE-00283	Universal-Cyclops, Specialty Steel Division, Bridgeville, Pa.	Philip W. Rush, Assistant to the Mechanical Director.	3, 167, 426	107, 866	Nickel Base Alloy		Nov. 23, 1965
XLA-00481	Rosemount Engineering Co., 4900 West 78th Street, Minneapolis, Minn. 55424.	Frank D. Werner, President	3, 170, 324	120, 797	Aerodynamic Measuring Device		Aug. 1, 1966
XLE-02428	Tyco Laboratories, Inc., Bear Hill, Waltham, Mass. 02154.	Albert J. Coughlin, Contracts Administrator.	3, 170, 773	339, 821	Reinforced Metallic Composites		Nov. 16, 1965
XLE-00143	IKOR Inc., Northwest Industrial Park, Burlington, Mass. 01803	Leonard Paris, Manager Contracts & Administrator	3, 176, 222	104, 187	Apparatus for Measuring Fluid Density		Aug. 15, 1966
XMF-00375	Advanced Kinetics, Inc. 1231 Victoria Street, Costa Mesa, Calif. 92627	R. L. Gradishar, Sec.-Treasurer	3, 188, 844	166, 969	Electrical Discharge Apparatus for Forming		June 14, 1966
XMF-00324	Brown Engineering Co., Inc., 300 Sparkman Drive, Huntsville, Ala.	D. A. Moseley, Manager Contract Administration	3, 189, 864	109, 789	Electrical Connector for Flat Cables		Mar. 9, 1965
XMF-00324	G. T. Schjeldahl Company Modular Electronics Osseo, Minn. 55369.	Walter A. Gammel, Sr. General Manager.	3, 189, 864	109, 789	Electrical Connector for Flat Cables.		Aug. 5, 1965
XAC-00435	Air Shields, Inc. Hatboro, Pa	John D. Wallace Director of Research.	3, 196, 363	164, 428	Temperature Compensated Solid State Differential Amplifier.	63-10003	Aug. 24, 1964
XAC-00435	American Electronic Controls Co., 2459 Susquehanna Road, Roslyn, Pa.	Ed Schempp	3, 196, 363	164, 428	do	63-10003	Aug. 10, 1964
XAC-00435	Production Electronics, Inc. 165 Roosevelt Avenue Carteret, N.J.		3, 196, 363	164, 428	do	63-10003	Do.
XLE-01512	Avco Corporation 201 Lowell Street Wilmington, Mass.	Abraham Ogman, Resident Patent Counsel.	3, 215, 572	315, 096	Low Viscosity Magnetic Fluid Obtained by the Colloidal Suspension of Magnetic Particles.	65-10335	Apr. 18, 1967
XLE-01512	Hydrospace Research Corp. 5541 Nicholson Lane Rockville, Md. 20852.	C. Ralph Lane Vice President	3, 215, 572	315, 096	do	65-10335	Oct. 9, 1968
XLE-01512	Ferrofluidics Corp. Suite 600, One Center Plaza Boston, Mass. 02108.	Ronald E. Rosenweig, President.	3, 215, 572	315, 096	do	65-10335	Jan. 10, 1969
XLA-01090	Security Associates, Inc. 6900 Wisconsin Avenue Washington, D.C. 20015.	Leonard Davidov, President	3, 215, 842	274, 000	Optical Communications Device	SP-5005	Nov. 22, 1965
XLA-01090	Acme-Lite Manuf. Company, 4646 W Fulton Street, Chicago 44 Illinois.	J. A. Robinson, President	3, 215, 842	270, 000	Optical Communications Device	SP-5005	Jun. 8, 1964
XLA-01090	American District Telegraph Company, 155 Sixth Avenue, New York 13, New York.	M. H. A. Lindsay	3, 215, 842	270, 000	do	SP-5005	Do.
XLA-01090	Anglo Corporation, 4325–33 N. Ravenswood Ave., Chicago, Illinois 60613.	F. W. Griffith	3, 215, 842	270, 000	do	SP-5005	Do.
XLA-01090	Aquanautics, Inc., 966 Commercial Street, Palo Alto, California.	R. L. Barkley, President	3, 215, 842	270, 000	do	SP-5005	Do.
XLA-01090	C. A. Willis & Company, 79 West Monroe Street, Chicago 3 Illinois.	Clyde A. Willis	3, 215, 842	270, 000	do	SP-5005	Do.
XLA-01090	Vincent O. Chambers, 7941 South Ellis Avenue, Chicago, Illinois 60619.	Self	3, 215, 842	270, 000	do	SP-5005	Nov. 30, 1965
XLA-01090	Dynamic Speaker Corp., 1349 N. Milwaukee Avenue, Chicago 39 Illinois.	Samuel Abbinanti	3, 215, 842	270, 000	do	SP-5005	Jun. 8, 1964
XLA-01090	E. I. duPont de Nemours & Co., Inc., P.O Box 1559, Richmond, Virginia.	Edward B. Burns	3, 215, 842	270, 000	do	SP-5005	Do.
XLA-01090	Gallaher & Henry, 8606 S. Kolin Avenue, Chicago 52, Illinois.	Dane A. Clarke	3, 215, 842	270, 000	do	SP-5005	Do.
XLA-01090	General Scientific Corp., 515 West 65th Street, Chicago 38, Illinois.	W. M. DeLave, Vice President	3, 215, 842	274, 000	Optical Communications Device	SP-5005	Do.
XLA-01090	George H. Gerstman, 4607 David Street, Skokie, Illinois.	Self	3, 215, 842	274, 000	do	SP-5005	Do.
XLA-01090	J. M. Haugman, R.D. 4, Box 338, Medina, Ohio.	do	3, 215, 842	274, 000	do	SP-5005	Do.
XLA-01090	HERST-LA ZAR, 75 East Wacker Drive, Chicago 1, Illinois.	Ralph LaZar	3, 215, 842	274, 000	do	SP-5005	Do.
XLA-01090	High Voltage Engineering Corp., Burlington, Mass.	A. J. Marolda	3, 215, 842	274, 000	do	SP-5005	Do.
XLA-01090	Layne Construction Corp., 1800 East Beach Blvd. Golden Isles, Hallandale, Florida.	Patrick R. Layne, President	3, 215, 842	274, 000	do	SP-5005	Do.
XLA-01090	Louis Polster Company, P.O. Box 406, Van Nuys, California.	Louis Polster	3, 215, 842	274, 000	do	SP-5005	Do.
XLA-01090	Mard Continental, Inc., Banker Bldg., Suite 1900, Chicago, Illinois.	Myron C. Cass	3, 215, 842	274, 000	do	SP-5005	Do.
XLA-01090	Marvin S. Mills, 4240 Abner Street, Los Angeles, California	Self	3, 215, 842	274, 000	do	SP-5005	Do.
XLA-01090	Normal L. Burford and Assoc., 8227 S. Indiana Ave. Chicago, Ill. 60619	Norman L. Burford	3, 215, 842	274, 000	Optical Communications Device.	SP-5005	Dec. 28, 1965

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PATENT LICENSES GRANTED BY NASA—Continued

THE FOLLOWING NONEXCLUSIVE, REVOCABLE, ROYALTY-FREE LICENSES HAVE BEEN GRANTED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR INVENTIONS OWNED BY NASA AND COVERED BY ISSUED PATENTS OR APPLICATIONS FOR PATENT FILED BY NASA AS OF JAN. 1, 1970

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XLA-01090	Quaran Electric Co., Inc. 3645 W. 121st Street Alsip, Illinois 60658	Salvatore J. Quaranta President	3,215,842	274,000	Optical Communicatons Device.	SP-5005	June 8, 1964
XLA-01090	Remco Industries, Inc. Cape May Street Harrison, N.J.	P. Tomoro Chief Engineer	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Sedco-Analytical Engineering 17000 Ventura Boulevard Encino, Calif.	Leo H. Winters Director, Engineering	3,215,842	274,000	do	SP-5005	Dec. 3, 1965
XLA-01090	Sid Mack & Associates 920 Mapleton Terrace Jacksonville, Fla.	Sid S. Mack	3,215,842	274,000	do	SP-5005	June 8, 1964
XLA-01090	Sonotone Corporation Elmsford, N.Y.	H. A. Pearson Director of Research.	3,215,842	274,000	do	SP-5005	
XLA-01090	TRAK Microwave Corporation 5006 N. Coolidge Avenue Tampa, Fla. 33614	G. J. McCulloch, President	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Union Carbide Corporation Carbon Products Division P.O. Box 513 Columbia, Tenn.	A. W. Schulz	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Universal Fabricated Prod. 80 East Jackson Boulevard Chicago 4, Ill.	Albert Ruder	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	The Westwood Corporation, P.O. Box 728 San Marcos, Tex.	G. R. Silen, President	3,215,842	274,000		SP-5005	Do.
XNP-00637	Caesar Manufacturing, Inc., 66-67 69th Street, Middle Village, N.Y.	Michael Caesar, President	3,217,624	290,776	Electrically-Operated Rotary Shutter.	63-10227	Do.
XGS-01881	Clark E. Johnson, Consulting Physicist, 41 Thoreau Street Concord, Mass. 07142.	Self	3,218,547	155,584	Flux Sensing Device Using a Tubular Core With Toroidal Gating Coil and Solenoidal Output Coil Wound Thereon.	65-10103	Dec. 29, 1965
XGS-01881	Automation Industries, Inc. 650 N. Sepulveda Boulevard, El Segundo, Calif. 90245.	Dan R. Sadler, Patent Counsel	3,218,547	155,584	do	65-10103	Sept. 14, 1966
XGS-01881	Abaris Co., P.O. Box 79, Solana Beach, Calif. 92075.	Lewis B. Massie	3,218,547	155,584	do	65-10103	Mar. 3, 1967
XLA-01019	Robintech Incorporated Electro-Mechanical Div., Box 714, Binghamton, N.Y. 13902.	W. J. Kupfrain, Vice Pres., Res. & Development.	3,223,374	282,817	Miniature Vibration Isolator		July 12, 1963
XLE-00953	Blu-Surf Thermo Engr. Co., 1830 W. Sherman Blvd., Muskegon, Mich. 49441	Chas. F. Flynn, President	3,237,253	336,320	Method of Making Screen by Casting.		Apr. 4, 1966
XLA-00812	Delta-T Company, P.O. Box 473, Santa Clara, Calif.	David Wald	3,238,777	255,132	Differential Temperature Transducer.	65-10089	Oct. 27, 1964
XLE-02999	Houdaille Industries, Inc., 1280 Main Street, Buffalo 9, New York.	S. Richard Nusbaum	3,262,186	432,235	Method of Improving the Reliability of a Rolling Element System	65-10251	Sept. 20, 1965
XLE-02999	Link-Belt Company, 301 West Pershing Road, Chicago, Illinois 60609	William Turner	3,262,186	431,235	do	65-10251	Oct. 21, 1966
XLE-02999	Industrial Tectonics, Inc. 18301 Santa Fe Avenue, Compton, Calif. 90221.	Heinz Hanau, General Manager	3,262,186	431,235	do	65-10251	Nov. 13, 1969
XMP-01193	Maury Microwave Corp., 10373 Mills Avenue, Montclair, Calif. 91673.	David V. White, Project Engineer	3,277,366	366,226	Insertion Loss Test Set Having Transformer Means Connected Across a Pair of Bolometers.		Aug. 29, 1967
XMS 05936	Trident Eng. Assoc., Inc., Carvel Hall, Annapolis, Maryland.	Robert E. Jasperson	3,295,377	557,868	Angular Accelerometer	66-10105	Sept. 14, 1966
XGS-02441	Cryolab, Div. of Statics-Dynamics, Inc., 1155 Sunset Drive, Los Osos, California.	William S. Wood, Chief Engineer	3,301,578	411,944	Cryogenic Connector for Vacuum Use.	64-10327	Aug. 16, 1965
XAC-01101	Straindyne Eng. Company, Box 328, Los Altos, California 94023.	K. H. McFarland, President	3,304,773	355,129	Dynamic Transducer	SP-5007	June 8, 1964
XNP-01749	Scientific Enterprises, Inc., 468 Polygon Market, Box 282, Broomfield, Colorado 80020.	R. E. Bolasny, President	3,305,415	440,033	Sterilization Process and Product	64-10066	Aug. 18, 1965
XLA-06958	Irving Air Chute Co., Inc., Lexington, Kentucky.		3,310,261	551,815	Control for Flexible Parawing		Mar. 21, 1967
XLA-01131	Mithras, Inc., 701 Concord Avenue, Cambridge, Mass. 02138.	Seth Briggs, Treasurer	3,312,101	322,545	Gas Analyzer for Bi-Gaseous Mixture.	63-10557	June 7, 1966
XNP-00810	The CO Jeliff Manuf. Corp., Southport, Conn. 06490.	Halsted W. Wheeler, Sales Manager.	3,317,180	271,821	High Pressure Regulator Valve	63-10234	June 8, 1964
XNP-00810	The Rogg Manuf. Corp., 590 Danbury Road, New Milford, Connecticut.	Anne Wynne Rogg, Treasurer	3,317,180	271,821	do	63-10234	Do.
XGS-01473	Curry, McLaughlin & Len, Inc., 5858 East Molloy Road, Syracuse, New York 13211.	Thomas F. Curry, Technical Director.	3,317,751	364,867	Reversible Ring Counter	64-10144	July 9, 1965
XGS-01473	Microwave Systems, Inc., One Adler Drive, East Syracuse, N.Y. 13057.	Robert B. Shields, Vice President.	3,317,751	364,867	do	64-10144	Dec. 30, 1969
XMS-03252	Barry Controls, 700 Pleasant Street, Watertown, Massachusetts.	Leo J. McNulty, Industrial Products and Facilities.	3,318,093	425,362	Hydraulic Drive Mechanism	65-10230	Aug. 4, 1965
XMS-03252	Superior Manuf. & Inst. Corp., 36-07 20th Avenue, Long Island City, N.Y. 11105.	Charles R. Schiff, Vice President.	3,318,093	425,362	do	65-10230	Aug. 19, 1965
XGS-00345	Preco, Inc., 6300 E. Slauson Avenue, Los Angeles, California.	Robert L. Stert, Project Engineer	3,324,370	405,629	Electronic Beam Switching Commutator.	65-10237	Oct. 19, 1965
XLE-01609	Delta Electric Corporation, Box 1068, Big Spring, Texas.	Mike Craddock, Vice Pres. & Gen. Manager.	3,326,043	438,797	Inductive Liquid Level Detection System.		Dec. 16, 1968
XMF-04163	G. T. Schjeldahl Company, Northfield, Minnesota.	F. H. Bratton, Vice President	3,340,732	424,156	Fluid Flow Sensor		Jan. 7, 1965
XMF-06589	A. E. Halperin Co. Inc., 20 Thorndike Street, Boston, Mass., 02118.	A. E. Halperin, President & Treasurer.	3,343,180	543,206	Improved All Aluminum Robinson Orthopedic Stretcher.	66-10573	May 15, 1967
XLE-00787	Cooke Vacuum Products, Inc., 13 Merritt Street, South Norwalk, Conn., 06854.	Frank J. Cooke, General Manager.	3,346,806	330,210	Pressure Monitoring With a Plurality of Ionization Gauges Controlled at a Central Location.		June 14, 1968
XNP-03459	Anchor Alloys, Inc. 966 Meeker Avenue Brooklyn, N.Y. 11222.	Herbert Drapkin	3,357,093	457,879	Solder Flux Which Leaves Corrosion Resistant Coating.	64-10206	Nov. 26, 1965
XNP-03459	Fairmount Chemical Co., Inc. 117 Blanchard Street Newark, N.J. 07105.	F. Von Hessert	3,357,093	457,879	do	64-10206	Sept. 27, 1965
XGS-04227	Insco Corporation Main Street Groton, Massachusetts.	David L. Ammen President	3,359,819	545,805	Simple Bidirectional Step Torque Filter With Backlash Characterists.	65-10148	Feb. 27, 1967
XMF-03793	Leslie E. Foster 8000 Whittier Road Huntsville, Alabama 35802.	Leslie E. Foster Professional Engineer.	3,360,972	453,225	Magnetomotive Metal Working Device.	65-10342	Dec. 5, 1966
XMF-03988	Electrofilm, Inc. P.O. Box 3930 7116 Laurel Canyon Blvd. N. Hollywood, Calif. 91605.	J. A. Droege President	3,361,666	578,923	Inorganic Solid Film Lubricants		Dec. 2, 1968
XMS-02159	Hartman-Huyck Systems Co. Huntington, N.Y. 11746.	Richard A. Deutsch Engineering Consultant.	3,365,657	534,564	Power Supply	66-10431	May 3, 1967
XMF-03934	Hayes International Corp. 204 Oakwood Road, N.E. Huntsville, Alabama 35807.	R. A. Kempaner	3,379,885	530,958	Sight Switch	65-10079	May 11, 1967
XMF-03934	United States Testing Co., Inc., Main Laboratories 1415 Park Avenue Hoboken, New Jersey 07030.	J. B. Joel	3,379,885	530,958	do	65-10079	Apr. 16, 1969
XGS-02435	Loyal Hanson, Hopelite Ind. Bark River, Michigan 49807.	Mr. Loyal Hanson	3,382,082	392,965	Foamed-In-Place Ceramic Refractory Insulating Material.	65-10058	Feb. 10, 1966

Footnotes at end of table.

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XGS-02435	Palmer Electronics Inc. 156 Belmont Avenue Garfield, New Jersey 07026.	Vick R. Palmer, President	3, 382, 082	392, 965	do.	65-10058	Apr. 14, 1969
XNP-02791	Teletronics, Inc. 60 Connolly Parkway Hamden, Conn. 06514.	L. Esposito, President	3, 383, 461	390, 251	Reduced Bandwidth Video Communication System Utilizing Sampling Technique.	65-10058	Dec. 18, 1969
XLE-04788	Spectro Equipment, Inc. 6021 Royalton Road N. Royalton, Ohio.	Richard E. Lehnhardt	3, 396, 303	537, 617	Control Apparatus for Spectral Energy Source.	67-10404	June 24, 1968
XMS-04533	Alton A. Register & Assoc. 204 Professional Bldg. Fort Pierce, Florida 33450.	Alton A. Register, Owner	3, 397, 117	557, 016	Solar Still	65-10214	Jan. 26, 9681
XNP-03063	Rama Industrial Heater Co. 39651 Esplanade San Jacinto, Calif. 92383.	D. J. Meader Purchasing Agent.	3, 413, 115	521, 994	Brazing Alloy	65-10060	Mar. 3, 1966
XLE-08511	Astro Met Assoc. Inc. 95 Barron Drive Cincinnati, Ohio 45215.	John W. Graham President	3, 419, 363	635, 972	Self-Lubricating Fluoride-Metal Composite Materials.	67-10007	Sept. 9, 1969
XMS-02872	Biopotential Systems, Inc. 1108 Bustleton Pike Feasterville, Penn. 19047.	Edward W. Young President	3, 420, 223	422, 864	Electrode for Biological Recording.	64-10025	June 20, 1968
XGS-02439	Unidynamics Phoenix Div. Universal Matah Corporation P.O. Box 2990 Phoenix, Arizona 85002.	Arthur L. Poley Contracts Administrator.	3, 422, 352	487, 341	Ampere-Hour Integrator	65-10308	June 30, 1966
XAC-03786	General Electric Company, P.O. Box 8555, Philadelphia, Penn. 19101.	J. E. Urion, Buyer, Facilities Procurement.	3, 423, 608	476, 763	Nonmagnetic Thermal Motor for a Magnetometer.	66-10078	May 11, 1968
XFR-07658	Hauser Res. & Eng. Company, 2965 Peak Avenue, P.O. Box G, Boulder, Colorado 80302.	Dr. Ray L. Hauser, Research Director.	3, 426, 746	586, 324	Method and Apparatus for Attaching Physiological Monitoring Electrodes.	66-10649	Sept. 12, 1967
XFR-07658	Mr. Robert G. Green, 1108 W. Avenue N-7, Lancaster, Calif. 93534.	Self	3, 426, 746	586, 324	do.	66-10649	Jan. 12, 1968
XMS-05909	Research Inc., R I Controls, Div., Box 6164 Minneapolis, Minn. 55424.	Wallace A. Erdahe, Treasurer	3, 431, 149	685, 764	Heat Flux Sensor Assembly	66-10531	Apr. 14, 1969
XNP-04816	The Bristol Company Waterbury, Conn. 06720.	W. C. Virbila, Manager Product Planning.	3, 443, 416	578, 926	Micropacked Column for a Chromatograph System.	66-10182	Oct. 4, 1966
XNP-04816	Lockheed Electronics Co. Plainfield, New Jersey.	J. Jerome Madden Company Counsel.	3, 443, 416	578, 926	do.	66-10182	Jan. 30, 1967
XNP-04816	Applied Technology, Inc. P.O. Box 58326 Houston, Texas 77058.	W. F. Wilhite President	3, 443, 416	578, 926	do.	66-10182	Oct. 31, 1968
XAC-05706	Whittaker Corporation 1020 S. Arroyo Parkway Pasadena, Calif. 91105.	Robert H. Russell Manager, Biomedical Instrumentation.	3, 453, 546	592, 694	Telemeter Adaptable for Implanting in An Animal.	66-10057	Apr. 30, 1968
XAC-05706	Biopotential Systems, Inc. 1108 Bustleton Pike Feasterville, Penn. 19047.	Edward W. Young President	3, 453, 546	592, 694	do.	66-10057	June 20, 1968
XGS-04119	Garan Chemical Corporation, 210 E. Alondra Boulevard, Gardena, California.	Robert Steinman, President (Dr.).	3, 454, 410	452, 945	Alkali Metal Protective Coating.	65-10156	July 1, 1965
XGS-04119	The Farboil Company, 801 Key Highway, Baltimore, Maryland 21230.	Irvin Baker, Vice President	3, 454, 410	452, 945	do.	65-10156	Aug. 21, 1965
XGS-04119	Techform Laboratories, Inc., 707 W. Washington Blvd., Venice, California.	Jerome A. Wolf, Ex. Vice President.	3, 454, 410	452, 945	do.	65-10156	Oct. 8, 1965
XGS-04119	Thompson & Company, 1085 Allegheny Avenue, Oakmont, Pennsylvania.	The President	3, 454, 410	452, 945	do.	65-10156	Do.
XMS-04119	The Yenkin Majestic Paint Corp., E. Fifth Ave. at Leonard, Columbus, Ohio 43239.	Fred Yenkin, Chemical Engineer.	3, 454, 410	452, 945	do.	65-10156	Nov. 1, 1965
XMS-04119	W. P. Fuller & Company, 450 E Grand Avenue, S. San Francisco, Calif.	E. P. Kevin, Product Dev. Manager, Special Finishes Div., General Laboratory.	3, 454, 410	452, 945	do.	65-10156	Nov. 3, 1965
XMS-04119	United Coatings Company, 956-960 W. Huron Street, Chicago, Illinois 60622.	Jules F. Knapp, President	3, 454, 410	452, 945	do.	65-10156	Nov. 8, 1965
XMS-04119	Cypress Protective Coatings, Inc., P.O. Box 546, Pompano Beach, Fla. 33061.	John Messerla, Manager	3, 454, 410	452, 945	do.	65-10156	Nov. 26, 1965
XMS-04119	Louisville Paint Manuf. Co., Inc., 1108-10-12 W. Main St., Louisville, Kentucky.	A. F. Spear	3, 454, 410	452, 945	do.	65-10156	Dec. 2, 1965
XMS-04119	The Glidden Company, 900 Union Commerce Bldg., Cleveland, Ohio 44114.	Morton W. Douthitt, Patent Counsel.	3, 454, 410	452, 945	do.	65-10156	Jan. 13, 1966
XMS-04119	Benjamin Foster Company, 4635-37 W. Girard Avenue, Philadelphia 31, Penn.	T. F. Kirchoff, Patent and Trademark Department.	3, 454, 410	452, 945	do.	65-10156	Mar. 29, 1966
XMS-04119	Atlas Chemical Company, 4801 N.W. 77th Avenue, Miami, Florida 33144.	Frank Peterson, Jr., President	3, 454, 410	452, 945	do.	65-10156	Apr. 19, 1966
XMS-04119	Markal Company, 250 North Washtenaw Ave., Chicago, Illinois 60612.	Don Lytton, Sales Manager	3, 454, 410	452, 945	do.	65-10156	June 30, 1966
XGS-04119	United Finish Company, Corwin Street, Peabody, Massachusetts.	Howard B. Swanson, Vice Pres. & Technical Director.	3, 454, 410	452, 945	do.	65-10156	July 1, 1966
XGS-04119	Specialty Plastics Co., Inc., 7130 Milford Ind. Park, Baltimore, Maryland 21208.	Bernard L. Taylor, President	3, 454, 410	452, 945	do.	65-10156	Do.
XGS-04119	Roynston Laboratories, Inc., Flawnox, Pittsburgh, Penn. 15238	D. M. Jenkins, Director of Research.	3, 454, 410	452, 945	do.	65-10156	Aug. 9, 1966
XGS-04119	Furnane Plastics, Inc., 4516 Brazil Street, Los Angeles, Calif. 90039	P. S. Boyce-Smith, Sales Specialist.	3, 454, 410	452, 945	do.	65-10156	Aug. 31, 1966
XGS-04119	Wisconsin Protective Coating Corp., 614 Elizabeth Street, Green Bay, Wisconsin 54305	Francis J. Ploederl, Vice President.	3, 454, 410	452, 945	do.	65-10156	Nov. 9, 1966
XGS-04119	Sanders Paints, Inc., 3708 Lawrenceville Road, Tucker, Georgia 30084	Arthur E. Sanders, President	3, 454, 410	452, 945	do.	65-10156	Apr. 3, 1967
XGS-04119	Superior Paint & Varnish Corp., 3065 N. Rockwell St., Chicago, Illinois 60618	Justin D. Goldman, President	3, 454, 410	452, 945	do.	65-10156	Aug. 29, 1967
XGS-04119	Astratek International Ltd., 333 N. Michigan Avenue, Chicago, Illinois 60601	Pat E. Noble, Corporate Counsel.	3, 454, 410	452, 945	do.	65-10156	Sept. 5, 1967
XGS-04119	U.S. Paint Lacquer & Chemical Company, Singleton at 21st Street, St. Louis, Missouri 63103	Ed Hoffmann, Chief Chemist	3, 454, 410	452, 945	do.	65-10156	Oct. 19, 1967
XGS-04119	C. E. Bradley Labs., Inc., Brattleboro, Vermont 05301.	Bruce D. McCauley, Asst. to President.	3, 454, 410	452, 945	do.	65-10156	Dec. 13, 1967
XGS-04119	Everseal Manuf. Co., Inc., Ridgefield, New Jersey.	Alexander Goldstein, President	3, 454, 410	452, 945	do.	65-10156	Nov. 8, 1967
XGS-04119	Midland Industrial Finishes Co., 1-7 East Water Street, Waukegan, Illinois 60085.	M. A. Glaser, Ex. Vice President, Research & Development.	3, 454, 410	452, 945	do.	65-10156	Oct. 27, 1967
XGS-04119	M. A. Bruder & Sons, Inc., 52nd & Grays Avenue, Philadelphia 43, Penn.	Erle F. Krauss, Vice Pres., Production and Research.	3, 454, 410	452, 945	do.	65-10156	June 25, 1965
XGS-04119	Harold Chemical Prod., Inc., Danvers, Mass. 01923.	Harold Small, President	3, 454, 410	452, 945	do.	65-10156	Apr. 15, 1968
XGS-04119	Armstrong Chemcon, Inc., 1300 S. Kilbourn Avenue, Chicago, Illinois 60623.	Eugene K. Mack, President	3, 454, 410	452, 945	do.	65-10156	June 14, 1968
XGS-04119	Mr. B. Pinsker, 9230 Ratliffe, Apt. 6, Downey, California 90242.	Benjamin Pinsker, Owner	3, 454, 410	452, 945	do.	65-10156	Apr. 15, 1968
XMP-09750	Advanced Kinetics, Inc., 1231 Victoria Street, Costa Mesa, California 92627.	R. L. Gradishar, Sec.-Treasurer	3, 456, 112	632, 162	Thermactor	67-10505	June 26, 1968
XMP-09750	William Wahl Corporation, 1001 Colorado Avenue, Santa Monica, California.	William Wahl	3, 456, 112	632, 162	do.	67-10505	Mar. 26, 1968
XGS-08259	Orion Products Co., Inc., 154 San Lazaro Avenue, Sunnyvale, Calif. 94086	Jack K. Willis, President	3, 460, 781	666, 551	Tape Recorder	67-10646	June 20, 1968
XMP-09791	TRW, Incorporated, One Space Park, Redondo Beach, Calif.	Benjamin DeWitt, Manager of Licensing.	3, 461, 290	584, 105	An Absolute Cavity Radiometer		May 4, 1967

Footnotes at end of table.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PATENT LICENSES GRANTED BY NASA—Continued

THE FOLLOWING NONEXCLUSIVE, REVOCABLE, ROYALTY-FREE LICENSES HAVE BEEN GRANTED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR INVENTIONS OWNED BY NASA AND COVERED BY ISSUED PATENTS OR APPLICATIONS FOR PATENT FILED BY NASA AS OF JAN. 1, 1970

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XMS-04213	Space Craft, Inc., 7705 La Porte Freeway, Houston, Texas 77012.	Ray G. Gage, Vice President	3,458,303	607,484	Plated Electrodes	66-10088	Apr. 17, 1969
XMS-04213	Lester Gediman Company, 39 Frost Street, Framingham, Mass. 01701.	Lester S. Gediman, Owner	3,468,303	607,484	do	66-10088	Oct. 29, 1968
XMF-07069	Cecil Equipment Co., Inc., 1348 West 70th Street, Cleveland, Ohio 44102.	Shelby Cecil, President	3,469,068	672,382	Welding Skate With Computerized Control.	68-10091	July 11, 1969
XNP-04167	TRW, Incorporated, One Space Park, Redondo Beach, Calif.	Benjamin DeWitt, Manager of Licensing.		479,357	Continuous Plasma Light		Apr. 21, 1967
XGS-05291	Dunn Associates, Inc., 910 Laredo Road, Silver Spring, Md. 20901.	S. Thomas Dunn, President		553,891	Ellipsoidal Mirror Reflectometer		May 5, 1967
XLA-05056	Republic Manuf. Company, 15655 Brookpark Road, Cleveland, Ohio 44142.	Franklin J. Blaney, Chief Engineer.		596,733	Flared Tube Strainer	65-10388	Aug. 29, 1967
XMS-04212	Phipps & Bird, Inc., 6th & Byrd Street, P.O. Box 2V, Richmond, Va. 23205.	M. R. Mallory, Vice President, Manuf. Div.		607,461	Improvements in Method and Apparatus Silver Biopotential Electrodes.	65-10320	Do.
XMS-04212	Space Craft, Inc. 7705 La Porte Freeway Houston, Texas 77012.	Ray G. Gage Vice President		607,461	Improvements in Method and Apparatus in Silver Biopotential Electrodes.	65-10320	April 17, 1969
XMS-04212	IMI, Division of Becton Dickinson and Company 4321 Birch Street Newport Beach, Calif. 92660.	Vice President and Gen. Manager		607,461	do	65-10320	May 24, 1969
XAC-05462	Hamilton Standard, Division of United Aircraft Corp. Windsor Locks, Conn. 06095.	J.N. D'Addezio Contracts Administrator.		624,611	Inductanceless Filter Amplifier		Aug 22, 1967
XGS-10007	Polysciences, Inc. Paul Valley Industrial Park, Warrington, Penn. 18976.	B. Daniel Halpen President		627,599	Bacteriostatis Conformal Coating and Methods of Application.	67-10599	April 16, 1969
XAC-05695	Lepco, Div. of Block Eng., Inc. 459 South Main Street Logan, Utah 84321.	Doran J. Baker Division Manager		634,038	Apprataus for Measuring Conductivity & Velocity of Plasma.		Oct. 9, 1968
GSC-10185	Electro-Mechanical Res. Inc. 5012 College Avenue College Park, Md. 20740.	T. E. Sted Vice President		733,039	Facsimile Videa Remodulation Network.	68-10207	Sept. 20, 1968
LAR-10294	Electro-Science Lab., Inc. 1133 Arch Street Philadelphia, Penn. 19107.	Sidney J. Stein President		796,685	Screened Circuit Capacitors	68-10542	July 2, 1969
ERC-10178	G. Finkenbeiner, Inc. 36 Rumford Avenue Waltham, Massachusetts.	G. Finkenbeiner President		800,973	A Repetitively-Pulsed, Wavelength-Selective Laser.	68-10564	Oct. 23, 1969
ERC-10138	Amelco Semiconductor Division of Teledyne, Inc. P.O. Box 1030 Mountain View, Calif. 94940.	General Manager		821,586	Apparatus and Method for Separating a Semiconductor Wafer.		June 19, 1969

THE FOLLOWING EXCLUSIVE, REVOCABLE, ROYALTY-FREE LICENSES HAVE BEEN GRANTED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR INVENTIONS OWNED BY NASA AND COVERED BY ISSUED PATENTS AND ARE ACTIVE AS OF JAN. 1, 1970

XLA-00240	Avco Corporation	Erwin P. Garfinkle	3,340,727	183,982	Ablation Probe		[1] June 28, 1966
XNP-00708	Hubbard Scientific Company P.O. Box 105 Northbrook, Illinois 60062.	Thomas N. Hubbard President	3,196,558	281,069	Means for Visually Indicating Flight Paths of Vehicles Between the Earth, Venus & Mercury.		[2] Sept. 20, 1968
XMS-00863	Robert J. Perchard 159 Presidents Road Gray Gables (Bourne) Massachusetts 02532.	Self	3,155,992	221,634	Life Raft	64-10001	[3] Nov. 3, 1969

[1] To Jan. 9, 1972.

[2] To Sept. 20, 1973.

[3] To Nov. 3, 1974.

ORDER OF BUSINESS

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The **PRESIDING OFFICER** (Mr. JORDAN of North Carolina). Without objection, it is so ordered.

(At 1 o'clock and 5 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 1 o'clock and 39 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. JORDAN of North Carolina).

INTERMODAL TRANSPORTATION SYSTEMS

Mr. **MAGNUSON**. Mr. President, the planning and development of intermodal transportation systems is the key task of transportation policymaking today. The Senate Commerce Committee has been considering legislation that would facilitate the adoption of intermodal systems—the National Transportation Act. In addition, the Secretary of Transportation has recently begun to speak of the need for intermodalism as the central concept of transportation in the future, echoing my concern and the concern of many others that led to the National Transportation Act proposal.

Because of my longstanding interest in intermodalism, I was gratified to see in the April 4, 1970, edition of Traffic World that the concept of intermodal transportation has been given another boost. I refer to a project called study of legal aspect of intermodal transportation, which is being funded jointly by the Department of Defense and the Maritime Administration.

This study of legal aspects of intermodal transportation, known simply as SLAIT, is being directed by the Deputy Solicitor of the Maritime Administration, who is a distinguished lawyer as well. I am hopeful that SLAIT will result in further steps to implement this necessary concept of intermodalism. Because of the tangled jurisdictions over various transportation modes and the problems of "interface" between existing modes, a legal study of intermodalism is vital to sound policymaking in this field. The Department of Defense, the Maritime Administration, and the Deputy Solicitor are to be commended for their efforts

I ask unanimous consent that the article from Traffic World be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Traffic World, Apr. 4, 1970]

GOVERNMENT BACKS UNPRECEDENTED STUDY OF LEGAL ASPECTS OF INTERMODAL TRANSPORT

(By Carlo J. Salzano)

Unlike the building contractor, who, through the efforts of architects and engineers, knows even before a footing is poured that his structure will accommodate its intended purpose, the shipping community, attempting to flush out the concept of intermodal transportation in foreign commerce, has had no such comforting blueprint.

Although the concept of practical intermodal transportation has been with carriers and shippers for at least a decade, there appears to have been no single comprehensive effort by government or industry to determine whether this country's legal institutions impede or accommodate that concept. There has not been, that is, until now.

Only a short time ago, the Department of Defense and Maritime Administration, recognizing that intermodal transportation may demand new legal requirements in order to operate successfully in the national interest, started the ball rolling toward what may be the nation's first full-scale effort to evaluate a myriad of federal and state laws and international agreements to determine their roles in the expeditious movement of freight between inland points in the U.S. and inland foreign points (T.W., Feb. 14, p. 38).

If the shipping community has been putting the cart before the horse, it might be said that these two government agencies have taken steps to unhitch the rig just long enough to place in perspective some of the ingredients of intermodal transportation that the government feels are basic to a coordinated and prosperous system. The U.S. government, after all, is probably the world's biggest shipper.

Determined to identify any legal impediments to the full enjoyment by carriers and shippers of the intermodal transportation concept, the DOD and MA have joined in sponsoring and funding a study designed to unravel any legal complexities affecting three problem areas—through rates, shipper-carrier liability for cargoes, and burdensome trade documentation.

The project titled "Study of Legal Aspects of Intermodal Transportation" and dubbed "SLAIT" has been assigned to a group of high-level lawyers and laymen by the National Research Council's Maritime Transportation Research Board. The study is being directed by H. B. Mutter, deputy solicitor of the Federal Maritime Commission and adjunct professor of law at The American University. Working directly under Mr. Mutter as project manager is S. Lynn Walton, a staff member of the MTRB. The group has been given 11 months, until January, 1971, to submit its report. The study is being done with the cooperation of the Council on Transportation Law of the Federal Bar Association.

Explaining the key purpose of the study, Mr. Mutter said that, in most cases, the regulatory agencies have reacted to changes on a case-by-case basis, making studies only after the fact. Probably this approach stems from legal precedent that only cases and controversies, not hypothetical situations, can be adjudicated in our legal system.

"To prepare for the challenge of intermodal transportation, concerned government agencies must anticipate new legal requirements," he said. "SLAIT will try to project major legal impediments, discovered by research, to transportation innovation and then recommend ways in which our legal/regulatory system can be made more responsive to transportation needs."

To discover and define any such legal impediments, Mr. Mutter said his study team will have to come up with answers in these three broad areas:

1. Is there a national transportation policy that guides the transportation regulatory agencies or other government entities in the solution of intermodal problems. If there is none, should there be one and what should it be? This question, Mr. Mutter said, is particularly vital in connection with any effort to accommodate America's export commerce.

2. Is the current structure for regulating transportation by the federal government accommodating intermodal concepts?

3. Are prevailing anti-trust prohibitions against multi-mode ownership still valid today, or should they be relaxed to facilitate intermodal systems?

Elaborating on the second area, Mr. Mutter said that an effort would be made to review the adjudicatory function of transportation regulatory agencies with a view toward determining whether it can be improved to better accommodate intermodality. In this connection, Prof. Kenneth Culp Davis, of the University of Chicago Law School, has joined the research group to lend his expertise.

Mr. Mutter said that the group, working under the auspices of the National Academy of Sciences, parent of the National Research Council, has been and will be looking at some of the same suggestions made by Consumer Advocate Ralph Nader. The idea of abolishing the ICC as suggested by "Nader's Raiders," and creating a single regulatory agency combining the functions of the ICC, the FMC and the Civil Aeronautics Board, he said, "is being looked at, but it's an oversimplification merely to say that it should be done."

"In principle, it looks good but such a consolidation would present many problems," Mr. Mutter said. "One of those problems, for example, would be the possibility, under such a single agency, of one transportation mode dominating another when in fact they should be in healthy competition."

In any event, Mr. Mutter admitted that the concept of a single transportation regulatory agency is intriguing and merits SLAIT's attention.

He noted, however, that before specific problems in the regulation of transportation can be dealt with, the legal philosophy that underlies the regulation of transportation first must be investigated. Many of the laws now affecting intermodal transportation are over half a century old and it makes good sense to study their current validity in light of operating innovations and requirements.

An example of the massive collating job ahead for the study team is the recent trip Mr. Mutter and Mr. Walton took to a U.S. Air Force installation in Denver, Colo. There, with the help of the Air Force's LITE system (Legal Information Through Electronics) they began the job of identifying with the use of a computer, sections of the United States Code, international agreements and decisions of the U.S. Comptroller General that they may be related to intermodal transportation. This computerized legal information retrieval system could be invaluable. In addition, this data is being supplemented by the work of four law students hired by SLAIT as research assistants. If time permits, the study group hopes to do a compilation of state codes.

But, this systematic study of the law is only one general area of the research project. The study is probably more dependent on its collective wisdom. More than five dozen experts are working with SLAIT and will ultimately have to rely on their own experts to create a report.

THREE REGIONAL COUNCILS

The study group is made up of a main body which meets regularly in Washington, D.C. and three regional councils located in New York, Chicago and San Francisco. The main group is scheduled to draft a report on the study for distribution around September 1 to the three regional councils for their review and substantive comments with emphasis on any regional slant.

To bring the main study group up-to-date on various issues, five working committees have been established. The chief responsibilities of these committees are to arrange briefings for the study group by experts who will contribute knowledge, thoughts and experience in open and frank discussion of particular areas of study and to develop their assigned subject areas for the group's final report. The National Academy of Science's rules for the conduct of such studies insure confidentiality for the group's deliberations.

The next scheduled study meeting is to be held in Washington on April 7. The morning session will deal with the problem of through rates. The regulatory approach to intermodal transportation will be discussed in the afternoon.

The meetings in May and June will be given over to discussion of the anti-trust aspects of intermodal ownership, the aspects of through liability, and the national transportation policy.

Additionally, in what appears to be a novel research technique for lawyers, the study group is making an effort to elicit the needs of shippers and carriers. Along with all the formal collection of data will be the distribution, to a sampling of industry personnel, of a questionnaire in which commercial traffic managers will be asked to identify legal impediments to intermodal transportation of goods. A percentage of those sampled will be asked to give a narrative response and a smaller sample will be personally interviewed. Shippers, especially, will be given a chance to give their views on regulatory agencies. All the returned information will be computerized and then analyzed by the study group.

Mr. Mutter said that the entire study is one of unprecedented legal research *pro bono publico* (in the public interest). The project director kept that basic premise in mind when he suggested members for appointment by the Academy to the study group and its three regional councils. As a matter of Academy policy, he said, they were selected, not as representatives of their particular organizations or of specific transportation modes, but for their experience and their ability to rise above any parochial interests and to contribute, as individuals, to the deliberations of the study group. He also noted that he himself and all members of the study group and councils are serving without compensation. The funds provided for the project are allocated entirely to such items as project administration, staff and study group travel expenses, computer services, and publication costs.

In addition to the substantive work in the field of transportation law, Mr. Mutter emphasized that the group also hopes to develop new concepts for legal research.

Selected to contribute their services and experience in this massive study, besides Mr. Mutter, were: Thomas R. Asher, partner, Asher & Schneiderman; John C. Ashton, vice-president of the Burlington Northern; Joseph Borkin, attorney, Washington, D.C.; Don A. Boyd, commerce counsel for E.I. du Pont de Nemours & Co.; Maj.-Gen. John P. Doyle, (U.S. Air Force, retired), MacDonald Professor of Transportation, Texas A&M University; H. Neil Garson, secretary of the ICC; Roger W. Gerling, executive vice-president of Spector Freight System, Inc.; Stanley Hoffman, transportation counsel, Union Carbide Corp.; Robert N. Kharasch, partner, Galland, Kharasch, Calkins & Brown; Richard Littell, associate general counsel, Civil Aeronautics Board; Jeremiah M. Mahoney, American Export Freight, Inc.; Edward Margolin, director, Bureau of Economics, ICC; A. J. Mayor, vice-president—government relations, Sea-Land Service, Inc.; Robert W. Minor, senior vice-president of the Penn Central Co.; Arthur Pankopf, Jr., minority staff director of the Senate commerce committee; Cary J. Pearce, assistant chief—public counsel and legislative section of the Department of Justice, Cecil J. River, senior vice-president of Acme Fast Freight; David M. Schwartz, director of the Office of Policy Review in the Department of Transportation; Norman P. Seagrave, assistant general counsel for Pan American World Airways; Irving R. Segal, partner, Schnader, Harrison, Segal & Lewis; Stanton P. Sender, transportation counsel for Sears, Roebuck & Co.; Dean B. J. Tennery of the Washington College of Law of American University; Gerald H. Ullman, Attorney, New

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York City; Dean James A. Washington, Jr., general counsel of the Department of Transportation.

Liaison members to the study group are James E. Armstrong, trial attorney, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army; James A. Rossi, attorney advisor, Office of the General Counsel, in the MA; Milton J. Stickles, assistant counsel for the Military Sea Transportation Service; and John Tebeau, director—division of carriers, drawback and bonds for the Bureau of Customs in the Treasury Department.

Making up the New York Regional Council of the study group are Arthur Arsham, Partner in the law firm of Arsham & Keenan; Robert S. Bollinger, assistant vice-president of the Irving Trust Co.; William P. S. Breese, associate general counsel, Johns-Manville Corp.; Robert D. Brooks, general solicitor for the Penn-Central Transportation Co.; Herbert Burstein, partner in the law firm of Zelby & Burstein; Dudley J. Clapp, Jr., counsel for MSTS—Atlantic; Robert Dausend, director of industrial and regulatory affairs for Sea-Land Service, Inc.; Stanley Drexler, manager—distribution controls for IBM World Trade Corp.; William L. Grossman, professor of business administration of New York University School of Commerce; Max A. King, vice-president—regulatory and industrial affairs of Emery Freight Corp.; Carl E. McDowell, executive vice-president of the American Institute of Marine Underwriters; Leonard M. Shayne of Leading Forwarders, Inc.; Elkan Turk, attorney with Burlingham, Underwood, Wright, White & Lord; John W. R. Zisgin, attorney with Bighan, Englar, Jones & Houston.

The San Francisco Regional Council includes Daniel W. Baker, partner in the law firm of Handler, Baker & Greene; James J. Broz, deputy director—freight traffic, Western Area, MTMTS; Thomas DeLaney, director of research for the Bank of America; Willis R. Deming, vice-president and general counsel of the Matson Navigation Co.; Frederick E. Fuhrman, assistant general attorney of the Southern Pacific Transportation Co.; W. Harwood Huffcut, counsel for MSTS, Pacific Area; Robert Katz, Editor of the *California Management Review* and professor in the School of Business of the University of California, Berkeley; Robert H. Langner, executive secretary of the Marine Exchange of San Francisco Bay Region; Frederick G. Pfrommer, general attorney for the Atchison, Topeka & Santa Fe Railway Co.; Gayton E. Germane, 1907 Foundation Professor of Logistics in the Graduate School of Business at Stanford University; Clarence Morse, attorney, San Francisco; Paul A. O'Leary, vice-president of the Connell Brothers Co.; Edward D. Ransom, of Lillick, McHose, Wheat, Adams & Charles; John H. Robinson of the Harper Group; Miss Miriam Wolff, director of the Port of San Francisco; J. Richard Townsend, attorney, Martinez, Calif.; Karl M. Ruppenthal, director of the Transportation Management Program at Stanford University.

The Chicago Regional Council is in the process of formation.

ORDER OF BUSINESS

Mr. **THURMOND**. Mr. President, I ask unanimous consent to speak for 30 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE SOVIET NAVAL THREAT

Mr. **THURMOND**. Mr. President, today it is popular to decry Soviet military strength and to advocate reduction in U.S. defense spending. This is a familiar tactic of critics of our Armed Forces, and it is a tactic that has great appeal to those who think that money for defense can be used for domestic spending.

Soon the Senate will have to act on the military budget for fiscal year 1971. In my judgment, this is one of the most critical decisions that the legislative branch will make in this decade. Events of the past 5 years have seen the two leading military powers, the United States and the Soviet Union, travel on two parallel but opposite courses. We have had an insidious drain on our military strength through a war in Vietnam, while the Soviets have expanded their military capabilities dramatically.

Mr. President, normally the knowledge that we have of Soviet military developments is kept secret for obvious reasons, but the time has come when this information must be made public to offset some of the unreasonable demands for reduced military spending. These demands, I might add, are based on little more than wishful thinking, and their credibility can be destroyed with some facts based on hard military intelligence.

No one recognizes the needs of our domestic problems more than I do, Mr. President, but I assure you that this is not the time to turn our backs on the sinister Soviet military threat. The need for strong Armed Forces to guarantee the security of our country was never greater than in these times of uneasy peace. However important our domestic needs may be, we cannot afford to take a shortsighted view of our future safety.

Last week, in the city of New York, Secretary of Defense Laird discussed the Soviet strategic threat, and he disclosed some new evidence of their growing capabilities. It was my pleasure to enter his profound remarks into the Congressional Record. Today, I shall follow his lead, but my remarks will not be about the Soviet strategic threat, but will be directed at another development that is equally alarming—the Soviet naval threat.

Mr. President, most speakers discuss military weapons systems in terms of capabilities. Even some of our military witnesses defend their budget requests by telling us about the specific things that the airplane, ship, tank, or missile that they are recommending can do. Too often, they get lost in small details and forget to ask themselves one simple question that is, in the final analysis, the basic logic for a weapon system. That question is, "Capability against what?"

There is a need, Mr. President, for a practical measure of military requirements. In terms of our naval needs, that measure is the Soviet Navy. An analysis of the growing Soviet naval capability clearly indicates what our Navy faces, reveals deficiencies, and also suggests the kind of forces that we need. Further, it produces logical support for Navy budget requests, and dispels certain criticisms of defense critics.

The warning that Soviet naval strength threatened our own domination of the seas came as a shock in the fall of 1967. The Israeli destroyer *Eilat* was underway off Port Said. Two Egyptian Komar missile boats fired four cruise missiles at a range of about 10 miles. The first struck on the port side, jamming *Eilat*'s rudder hard left. The second hit the starboard side and the third hit as she was about to capsize. The fourth passed very close over the capsized keel of the destroyer.

The Komar missile boat was presumably manned by Egyptians, but the lesson I think is very clear—the Soviet missile capability was dramatically demonstrated in combat for the first time. Suddenly our fast carrier striking groups became faced with a new and viable weapons system.

SOVIET NAVAL FORCES

Past Russian efforts to develop a modern navy have been deterred by economic conditions, purges, war, leadership changes, and a retarded technology. Today, however, the Soviet Navy is emerging as a versatile force and more nearly fulfills their long held aspirations for seapower than ever before. The Soviet Navy has the following missions assigned to it in support of the U.S.S.R. foreign policy in peace and war:

First, provide strategic attack by submarine-launched missiles;

Second, counter Western strike fleets and interdict western sea lines of communications;

Third, defense of maritime frontiers; and

Fourth, support of seaward flanks of the Soviet Army.

Mr. President, based on Soviet Mediterranean, and out-of-area operations, the Soviets are truly becoming a "deep water navy." Since 1964, the Soviets have increased their Mediterranean presence from a few units to a squadron which on occasion, has numerically equaled or exceeded the U.S. 6th Fleet. A small Soviet force is showing the flag and visiting ports in the Indian Ocean. Soviet surface, air, and subsurface units regularly conduct surveillance of U.S. and NATO naval exercises and observe individual units through close shadowing. Soviet aircraft range great distances to observe carrier transits and to test carrier defenses.

These deep-water forces are backed up by missile carrying aircraft and by conventional missile attack submarines. Closer to the Soviet coast there are missiles, aircraft, and missile firing surface ships with suitable escorts for air defense. Finally, in the area closest to the coast, there are guided missile patrol boats, torpedo and motor gunboats, and coastal defense missile forces. Komar boats of 81 tons sank the *Eilat;* OSA boats are 205 tons, and the latest guided missile patrol boats are the Nanuchka class of 800 tons.

The capabilities of this diversified force were demonstrated last week when the Soviets conducted a two-ocean naval exercise, employing 200 ships in this unprecedented event.

DETECTION CAPABILITIES

Mr. President, we can best understand the Soviet naval threat by first describing the methods by which their units can acquire or detect our carrier task groups. The carrier is mobile and the oceans are vast, but the Soviets have recognized this fact and have developed a formidable

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reconnaissance machine to track our forces at sea.

There are presently many KRUG direction finding sites strategically located on the Eurasian land mass which can passively detect the radio emissions of ships at ranges up to 6,000 miles. These direction finders can be used to place airborne reconnaissance vehicles in a position to detect our forces accurately by active and passive means.

Another means of detection of ships at sea is with passive sonar. We have good evidence that our ships can be detected by passive sonar at ranges up to 100 miles.

In addition, the Soviet trawler represents another often used surveillance and detection vehicle. The trawler radar is limited by the horizon, but it has a passive detection mode about one and a half times the line-of-sight range, and it has demonstrated a tenacity for trailing carriers at close range.

SOVIET AIRCRAFT

Our major concerns, Mr. President, are airborne reconnaissance vehicles, because of their electronic sophistication, range, and the accuracy with which they can fix our positions at sea. They have a real-time, long-range communications capability between various missile launching platforms, both air and seaborne. Some have a video data link capability—this is the ability to relay a radar picture of the target-to-surface platforms. A complementary force, the Soviet long-range air army—the Soviet SAC—supplements their reconnaissance force.

The first aircraft that I shall mention is the versatile Badger. It is used as a tanker or reconnaissance vehicle, and a modification of the Badger carries the 120-mile AS–5 air-to-surface missile. The Badger is a 1,200- to 1,500-mile combat radius aircraft which can make up to 2,000 miles with one inflight refueling and has performance typical of all the world's subsonic bombers and transports.

The next Soviet aircraft of naval interest is the Blinder. The Blinder is a bomber with mach 1.6 dash speeds, 1,800 mile radius subsonic, and an estimated missile speed in the low supersonic range in the terminal phase.

Other aircraft in the inventory are the Bear and Bison. The Bison is a huge four jet monster. It was designed originally for strategic duties, and it is used occasionally for long-range maritime reconnaissance or tanker missions. The Bear is a unique airplane design—a swept wing turboprop. It is also a huge airplane, with unusually long range. One version carries the AS–3 air-to-surface missile, and another acts as an airborne jammer or command and control platform with a video data link to missile submarines.

The Beogle light bomber is an old airplane, slow by jet standards as a result of the straight wings but, nevertheless, quite useful. Soviet naval aviation probably uses a small number of these for mining coastal duties, and training.

Taken all together, Soviet aircraft constitute a capable scouting and detection force, with a competent air-to-surface missile arsenal.

MISSILES

Generally speaking, Mr. President, the Soviet Navy missile threat can be divided into two classes: Air-to-surface missiles, and surface-to-surface missiles. The development of these efficient missile systems poses the greatest threat to our fleets today.

Air-to-surface—AS—missiles permit Soviet aircraft to launch attacks on our surface units from ranges that exceed our own missile defenses. Intelligence observations relate the AS–2 with the Soviet Badger aircraft; this missile has a range of about 110 miles. The AS–4 is carried by the Blinder aircraft; its range is over 150 miles. The AS–5, with 120-mile range, has been observed on variations of Badger aircraft.

The other air threat comes from the surface-to-surface—SS—missile family. With this weapon a small torpedo boat can duel with a battleship or cruiser, outranging their conventional naval artillery.

The SSN–1 is carried on *Kildin* and *Krupnyy*-class destroyers. This weapon is booster-launched, turbojet powered for its cruise profile, and probably has active terminal homing. It has a fairly short range—30 miles—and is limited by both launch platform and radar horizon. Its range can be extended to about 130 miles with forward observer aircraft to provide targeting information.

The SSN–2 STYX missile—which was used to sink the *Eilat*—is a low altitude, rocket-powered, 22-mile weapon, also equipped with radar homing. This is the standard weapon for *Komar* and *OSA* patrol boats and may be installed on the new 800-ton *Nanuchka*-class patrol boat.

The SSN–3 is carried by submarines, *Kynda*-class cruisers, and some of the *Kresta*-class cruisers. This missile is twice the size of the SSN–1 or 2. It is turbojet-powered, has high cruise speed at low or high altitude, and active terminal homing. The range of the SSN–3 can be as high as 400 miles based on propulsion airframe characteristics, but it is more likely to have a maximum of 250 miles when it is flown without mid-course correction.

The Soviets are developing new missiles for new units such as the *Moskva*, *Kresta II*, and *Nanuchka* ship classes. Those missiles supplement the SSN–2 and 3. There is every evidence that the Kremlin is placing continuing reliance upon these air-to-surface missiles and surface-to-surface missiles for use against our carrier forces. During the past few years, they have devoted a significant amount of effort toward "fingerprinting"—or determining the electronic characteristics—of all of our carriers, gathering information on fleet formations and electronics by aircraft overflight missions, and by their trawlers. Usually, there are one or two trawlers on station with our carriers around the world.

In concert with an air attack by Soviet naval forces, it is quite possible that the Soviets could mount a coordinated attack simultaneously with cruise missile submarines from multiple directions: The use of submarines would probably require target information and mid-course guidance from an airborne platform such as the Bear or Badger. The missile itself could provide a video data link back to the launch platform for analysis and subsequent mid-course corrections back to the missile. In water approaches to the enemy shore, air attacks and surface attacks could be launched almost simultaneously, using missiles launched from the coast, from submarine and from surface vessels such as the *Kynda*-class cruiser.

COASTAL DEFENSE

The one additional capability which I would like to address in some detail, Mr. President, is the coastal defense threat from *OSA/Komar* boats and missiles fired from the beach.

It is known that a Soviet coastal missile, considered to be a version of Kennel, is operational. Strong indications are that this missile, nicknamed "Samlet" and other types are deployed along the Barents, Baltic, and Black Seas, as well as the Pacific Ocean. Samlet employs a rocket-assisted takeoff, turbojet propulsion and has a range of 45 nautical miles. A typical site consists of two launchers with six reloads and it may be mounted on wheeled transports.

The Soviet tendency to adapt one weapon to multiple usage is indicated by the existence of a missile very similar to the SS–N–3 in the coastal defense system. This missile, called Shaddock, is also mobile and launched from presurveyed sites. Shaddock has a range estimated to be the same as SS–N–3, about 400 miles maximum or 250 miles operational against ship targets. Probably, the mid-course guidance is inertial with terminal homing. Midcourse guidance, as well as initial target position, could be received from various sources including aircraft, submarines, trawlers or the launch site itself, or other surveillance radars.

Mr. President, any discussion of the coastal defense system capabilities of the Soviets would be incomplete without inclusion of the *OSA/Komar* and *Nanuchka* boats with their associated SS–N–2 Styx missile.

The Soviet navy has significant numbers of guided missile patrol boats of these types in all four fleets. In addition, a number of Communist countries as well as several so-called neutrals have been supplied with these units. Also, Communist China has produced a number of fast small boats and is believed to be developing a missile for their use.

These guided missile patrol boats provide an in-shore defensive capability which can lay down maximum firepower at a minimum cost in development and shipbuilding. Their mission is to provide a highly mobile missile defense system against naval forces attacking near the coast. Their primary targets would be major warships which can strike shore installations, as well as amphibious landing forces, search and rescue vessels, forward pickets and cruisers associated with a carrier task force.

These craft are capable of maneuvering in coastal waters where it is not practical to establish other defense systems. Their small size and high speeds make them difficult targets to detect, classify, and destroy. Each unit can operate in-

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dependently or in concert with others, and it has a great concentration of firepower.

ELECTRONIC CAPABILITIES AND RADAR DECEPTION

The Soviets have the capability to support their antiship missile launchings with a wide array of active and passive electronic countermeasures. This includes electronics not only to detect and locate the target, but also to provide electronic means to insure the successful delivery of missiles on target.

The Soviets have displayed a jamming capability, Mr. President, but in general, little is known with regard to the total capability and sophistication of the available airborne or shipborne countermeasures. Jamming as well as electronic counter measures in general, continues to be an area in which the Soviets have placed great emphasis, and have applied extreme security precautions. It must be assumed from known Soviet state-of-the-art, U.S. equipment compromises—such as those with the capture of the *Pueblo*—and observed fleet exercises, that the Soviets have very sophisticated countermeasures. These can be used for both offensive and defensive operations. For example, it is not likely that missile launches will be supported by countermeasures from the launch platform, except, possibly, for the cases of major surface combatants and coastal missile sites. Support to missile launches from aircraft, submarines, and major surface combatants will be primarily provided by specifically configured aircraft. This jamming which will be varied and will include barrage and spot jamming, applies to our search and fire control radars and communications.

In addition to electronic countermeasures, the Soviets have demonstrated a capability to counter radar detection through the use of chaff. Originally chaff consisted of thin metal foil which was scattered in the air for radar deception. However, during the Soviet invasion of Czechoslovakia, in 1968, their aircraft movements were concealed by an improved chaff which resulted in a nearly complete blackout of NATO radars for several hours. It appeared to be an aerosol chaff and elements of it lingered in the atmosphere for several days. Chaff is usually air dropped, but it must be assumed that the Soviets have the capability to launch chaff that is effective against all radar frequency bands.

SUMMARY

In summary, Mr. President, the Soviet Navy strategy has changed. From pure coastal defense it has evolved into a deepwater navy, capable of worldwide employment, and featuring a dangerous offensive capability in its cruise missile arsenal.

This development is the direct result of Soviet priorities. With a gross national product less than half of ours, they have, nevertheless, funded military research and development at levels approximately the same as ours. They have developed, tested, and employed naval, air, and missile systems in dramatic variety and scope.

On the face of this evidence, one would think that the Soviets could sweep us from the seas. There is one very good reason why they cannot, however. This was pointed out last month by the Chief of Naval Operations, Adm. Thomas Moorer, who said:

> That reason is the attack aircraft carrier weapons system: We have them and he doesn't.

He added—

> I believe there is no item in our arsenal that the Kremlin would rather see us downgrade and eventually discard than the attack carrier.

Mr. President, I have been present at hearings in the Senate Armed Services Committee, and in recent joint hearings with the House, in which the Navy witnesses gave convincing evidence that our attack carriers are the primary force that neutralizes and holds in check the growing Soviet naval threat.

You will recall that at the beginning of my remarks, I indicated that a review of the Soviet threat would "indicate what our Navy faces, reveal deficiencies, and suggest the kinds of forces that we need."

I trust that this detailed description of the Soviet Navy's capabilities will provide a solid background for discussion of the Navy budget requirements when they are brought to the Senate floor in the very near future.

INTEROCEANIC CANAL PROBLEM: TWO IMPORTANT BOOKS ON PANAMA CANAL

Mr. THURMOND. Mr. President (Mr. ALLEN), in my studies of interoceanic canal history, I have noted that each time the canal question becomes a major national issue a rush of books appears. Though most of them contain information of value, in general they are written in an atmosphere of propaganda and in haste by authors without the necessary background of experience required for dealing with such a highly complicated subject. The truth of these conclusions has been well illustrated by most of the books on the canal problem published since 1955.

Notable exceptions are two volumes on the Panama Canal, "Cadiz to Cathay: The Story of the Long Diplomatic Struggle for the Panama Canal" and "And the Mountains Will Move: The Story of the Building of the Panama Canal," by Capt. Miles P. DuVal, Jr., U.S. Navy, retired, republished in 1968 and 1969, respectively, by the Greenwood Press of Westport, Conn.

Originally written when the canal question was not clouded by active propaganda, these two volumes are considered by competent authorities as the most comprehensive and objective treatments of their subjects ever published in book form and thus indispensable for those seeking to understand the canal question in depth.

Captain DuVal does not limit himself to a mere summation of historical facts but expresses very definite views as derived from a combination of both study and experiences as a naval officer and operating official of the Panama Canal.

In an illuminating final section on "The Future Canal" in "And the Mountains Will Move," he supplies the Nation with the first plan for the major increase of capacity and operational improvement of the Panama Canal as developed by him while serving as captain of the port of Balboa in charge of marine operations in the Pacific sector of the canal in the early years of World War II.

Two perceptive reviews of these books, one by Capt. Elliott B. Roberts, retired, of Coast and Geodetic Survey and the other by Brig. Gen. James H. Banville, retired, of the U.S. Army, published in the March 1969 and March 1970 issues, respectively, of the Explorers Journal, the well-known quarterly of the Explorers Club, should be of interest to all Members of the Congress interested in the canal question.

Mr. President, I ask unanimous consent that the two reviews, by Captain Roberts and General Banville, be printed in the RECORD.

There being no objection, the reviews were ordered to be printed in the RECORD, as follows:

[From Explorers Journal, March 1969]

"CADIZ TO CATHAY: THE STORY OF THE LONG DIPLOMATIC STRUGGLE FOR THE PANAMA CANAL," BY MILES P. DUVAL, JR.

(Reviewed by Capt. Elliott B. Roberts)

Though we may take it for granted in these days of domestic and international distractions, the problems of the Panama Canal are still very much with us. Its capacity is inadequate—both merchant ships and war craft have outgrown the capacity of its locks, and larger facilities must be found. Our ownership and management "in perpetuity" are challenged by forces of nationalism and perhaps communism, hence diplomatic solutions are imperative. Even the protection of the canal from nuclear destruction seems impossible in its present condition. Serious problems are these—ones we must face in the search for the right answers, for the fullest effectiveness and security of this gateway between our oceans must be assured.

Captain (U.S. Navy, retired) DuVal's book has an evocative title covering a scholarly but highly readable historical recapitulation of the long chain of events that led to the building of the canal, the work of four years, now in its 3rd edition and still important to the public administrator, historian, diplomat, or Panama Canal buff. DuVal, onetime Captain of the Port at Balboa, a tireless researcher, has gathered together what appears to be an exhaustive report of canal visions and proposals from almost the very day of Balboa's discovery, up through the tangled skein of negotiations and diplomatic dealings that finally resulted in the canal itself, showing where credit is due the nations and individuals concerned. In his appendix he provides the texts of the relevant treaties and documents, making this a source work of importance. The depth of the research and the clarity of its presentation have amazed this reviewer.

Most readers will be surprised again and again at the facts brought forth—for instance, who remembers that there was a long diplomatic struggle between Britain and the United States for dominance in the canal undertaking, or that United States policy long favored the Nicaragua route over the Panamanian isthmus, the former finally being abandoned in part through fear of volcanic disaster, a fear inspired by the cataclysmic 1902 eruption of Mont Pelee in Martinique.

If the past is prelude this important historical work, with all its source material regarding the rights and powers acquired by the United States, must be a handbook for all concerned with the future of our Isthmian canal matters.

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[From Explorers Journal, March 1970]

"AND THE MOUNTAINS WILL MOVE" BY CAPT. MILES P. DUVAL, JR.

(Reviewed by Brig. Gen. James H. Banville)

In the first volume of his Panama Canal Series, *Cadiz to Cathay,* Captain DuVal tells the story of the long diplomatic struggle for the trans-Isthmian waterway; in his later volume, *And The Mountains Will Move,* 1947, 1968, he tells the moving story of building the Panama Canal; and he plans a third volume on the future canal to complete a trilogy.

Historical soundness, appreciative first-hand observation, study, and objective appraisal characterize Captain DuVal's Panama Canal histories.

In *And The Mountains Will Move,* three phases of exciting history are explored: Building the Panama Railroad, 1849-1855; the "Great French Effort," 1879-1889; and completion of the Canal by the United States, 1904-1914.

In this volume Captain DuVal tells about epic struggles in politics, engineering and mechanics, sanitation and climate, and tussles with homesick and lonely men who wished to leave the Isthmus.

After construction of the Panama Railroad came the heroic but ineffectual French effort to construct the Panama Canal, a record of frustration and tragedy with Ferdinand de Lesseps, hero of Suez Canal fame, playing the part of protagonist and tragedian.

Unlike most writers on the Panama Canal, Captain DuVal does not minimize the French achievements. He shows how the strivings of de Lesseps and the bitter lessons learned by the French determined the site for the Isthmian Canal and laid the foundations for success by the United States in its construction.

For fifteen years after the French failure, the jungle grew around idle French machinery, but in 1903 came the Panama Revolution, followed by United States acquisition of the Canal Zone territory. Captain DuVal interestingly discusses the next period in which the United States brought the project to a triumphant opening of the waterway on August 15, 1914. This part of our history is a record of overcoming obstacles and problems; experiments in engineering culminating in the "Great Decision" for the high-level lake and lock type canal; stubborn controversies of leaders in politics and canal engineering; combatting yellow fever hysteria, and solving problems of sanitation.

Throughout the book the author skillfully describes the key figures in the construction of the canal: Ferdinand de Lesseps, the "Great Frenchman"; John L. Stephens, founder of the Panama Railroad; Philippe Bunau-Varilla, a young engineer working for de Lesseps; John F. Stevens, who rescued the Canal from chaos and defeat; his successor George W. Goethals, under whose able direction the project was brought to completion according to the plan prepared by Stevens; William C. Gorgas, the great sanitarian of the Isthmus, and many others.

Captain DuVal ends this volume with an illuminating section on the future Canal, in which he provides the Nation with the first plan for the modernization of the Panama Canal as derived from experience in its operations during World War II.

For all concerned with Panama Canal problems or interested in Canal history, both *Cadiz to Cathay* and *And The Mountains Will Move* are valuable sources of information.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 12 NOON THURSDAY, APRIL 30, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon, Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, the above order was modified to provide for the Senate to adjourn until 11:30 a.m. on Thursday next.)

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS AND FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND TO HAVE THEM APPROPRIATELY REFERRED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business today until noon on Thursday next, all committees of the Senate be permitted to file their reports together with any minority, individual, or supplemental views and that the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives and that it be in order for them to be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRISONERS OF WAR AND SERVICEMEN MISSING IN ACTION

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 582.

The Presiding Officer (Mr. ALLEN) laid before the Senate House Concurrent Resolution 582, to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia.

Mr. MANSFIELD. Mr. President, I think this is an important enough matter so that it should be read in full.

The PRESIDING OFFICER. The House Concurrent Resolution 582 will be read in full.

The legislative clerk read as follows:

Whereas the health, safety, and well-being of every individual American serviceman is of great value and importance to this nation; and

Whereas over 1,500 American servicemen are imprisoned by Communist forces in Southeast Asia; and

Whereas these captors have refused to identify all of these prisoners of war or servicemen missing in action or provide information as to their health and condition; and

Whereas these captors have denied these prisoners of war the right to regularly communicate by mail with their families; and

Whereas these captors have refused to permit the inspection of the facilities at which these prisoners of war are confined; and

Whereas these captors have refused to exchange or permit medical treatment of sick or wounded prisoners of war; and

Whereas the continued callous exploitation of these helpless men brings anguish and sadness, not only to the families and friends of these prisoners of war, but to compassionate people everywhere; and

Whereas the first of May of each year is recognized as a day of dedication to law and justice: Now, therefore, be it

Resolved, That it is the sense of Congress

(1) That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;

(2) That men of compassion and good will throughout the world be urged to search all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention;

(3) That every possible effort be made to secure their early release from captivity; and

(4) That copies of this resolution be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 582.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 12, strike out "; and" and insert the following:

"(4) That the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans; and"

And renumber section (4) as "(5)".

Mr. DOLE. Mr. President, America is a good and great Nation, and the warmth and humane concern of its people contributes significantly to its strength. The American spirit of concern has always shown most clearly for those who carry the Nation's colors into distant and hazardous endeavors; however, lately some have raised the question of whether the country is directing sufficient interest toward the day-to-day dangers, uncertainties and risks faced by Americans serving in Southeast Asia. These men, indeed, deserve our attention, and one group among them should be the conspicuous focus of our attention and support. I am referring to the 1,472 or more American military personnel being held prisoner or classified as missing in action in Southeast Asia.

Surely, Mr. President, these men, some of whose fate is unknown, and many of whom have been treated in flagrant violation of international law and basic standards of decency, are deserving of their fellow citizens' vocal and prayerful support.

On May 1, at 8 p.m. in Constitution Hall an appeal for international justice will be voiced. As several of my distin-

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guished colleagues have pointed out, the sole purpose of this meeting will be to express support for POW's and MIA's in Vietnam. Honorary cochairmen of this event will be H. Ross Perot, the Dallas executive who has been in the forefront of efforts to contact and secure humane treatment for these brave Americans; and Mrs. James B. Stockdale of Coronado, Calif., national coordinator of the National League of Families of American Prisoners in Southeast Asia. More than 700 POW and MIA wives, parents, and children from all parts of the country are coming to Washington for this event.

Mr. President, House Concurrent Resolution 582 has been brought up under suspension of the rules.

This resolution clearly states the plight of American servicemen who are captives of the Vietcong and North Vietnamese, and it illuminates the agonies faced by the families of prisoners and those whose status is unknown. The resolution also commemorates Friday, May 1, 1970, as a day for an appeal to international justice on behalf of all American prisoners of war and all Americans missing in action.

I have offered an amendment to House Concurrent Resolution 582. This amendment calls on the President to declare Sunday, May 3, 1970, a national day of prayer for the humane treatment and safe return of Americans who are captive or missing in Southeast Asia.

Identical legislation to House Concurrent Resolution 582 was prepared for introduction in the Senate. This proposal, Senate Concurrent Resolution 62, which I send to the desk, is supported by Senators who have joined in its sponsorship. I would point out that a shortage of time prevented receiving responses from every Senator regarding sponsorship. I ask unanimous consent that the names of the sponsors of Senate Concurrent Resolution 62 be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Mr. Allen, Allott, Baker, Bellmon, Bennett, Boggs, Brooke, Burdick, Byrd (Va.), Byrd (W. Va.), Cannon, Case, Cook, Cooper, Cotton, Cranston, Curtis, Dodd, Dole, Dominick, Eagleton, Eastland, Ellender, Ervin, Fannin, Fong, Goldwater, Goodell, Gore, Griffin, Gurney, Hansen, Hart, Hartke, Hatfield, Hollings, Hruska, Hughes, Javits, Jordan (N.C.), McGee, McGovern, McIntyre, Magnuson, Mathias, Metcalf, Miller, Moss, Mundt, Murphy, Packwood, Pearson, Pell, Percy, Prouty, Randolph, Saxbe, Schweiker, Scott, Smith (Ill.), Smith (Me.), Sparkman, Stennis, Stevens, Thurmond, Tower, Williams (Del.), Williams (N.J.), Young (Ohio), Young (N.D.).

Mr. DOLE. Mr. President, this National Day of Prayer will provide the American people a superb opportunity to show by their prayers and in their thoughts that these 1,472 are not forgotten by their fellow citizens. Such an outpouring of concern and support may also provide some comfort to the wives and families enduring a long and lonely vigil over the fate of their men who carry America's colors on an earth-bound mission fraught with hazards and uncertainty.

The PRESIDING OFFICER (Mr. ALLEN). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 62), which reads as follows, was referred to the Committee on the Judiciary:

S. CON. RES. 62

Whereas the health, safety, and well-being of every individual American serviceman is of great value and importance to this nation; and

Whereas over 1,500 American servicemen are imprisoned by Communist forces in Southeast Asia; and

Whereas these captors have refused to identify all of these prisoners of war or servicemen missing in action or provide information as to their health and condition; and

Whereas these captors have denied these prisoners of war the right to regularly communicate by mail with their families; and

Whereas these captors have refused to permit the inspection of the facilities at which these prisoners of war are confined; and

Whereas these captors have refused to exchange or permit medical treatment of sick or wounded prisoners of war; and

Whereas the continued callous exploitation of these helpless men brings anguish and sadness, not only to the families and friends of these prisoners of war, but to compassionate people everywhere; and

Whereas the first of May of each year is recognized as a day of dedication to law and justice: Now, therefore, be it

Resolved, That it is the sense of Congress

(1) That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;

(2) That men of compassion and good will throughout the world be urged to search for all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention.

(3) That every possible effort be made to secure their early release from captivity; and

(4) That the President designate Sunday, May 3, 1970 as a National Day of Prayer for humane treatment and the safe return of these brave Americans; and

(5) That copies of this resolution be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

Mr. JAVITS. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the resolution sponsored by the Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER subsequently said. Mr. President, I am pleased to cosponsor this resolution calling for a national day of prayer for our servicemen being held captive in North Vietnam. The North Vietnamese Government has consistently refused to honor its commitments under the Geneva Convention on Prisoners of War. North Vietnam has refused even to make known the names of our servicemen which she holds captive.

In February of this year the Senate passed a resolution expressing the very deep concern of the Congress for our men who are prisoners in North Vietnam. The depth and breath of our concern is manifest, cutting across party lines and differences of opinion on international relations and strategic questions. The basic humanitarian impulses common to all men are the overriding considerations in this matter. The universally shared concern for these prisoners and their families makes it fitting that we should set aside a national day of observance—a day of prayer—for the victims of calculated and inhumane treatment at the hands of the North Vietnamese Government.

I think that frequently our debates in this body and other public forums emphasize our differences and that, for this reason, it is important from time to time to underscore the points upon which we agree. For all our diverse opinions, we, the American people, agree that prisoners of war should be treated humanely, that their families should not be made to suffer unduly the anxiety of not knowing whether their loved ones are alive or dead. The observance proposed by this resolution emphasizes our broad agreement with and devotion to these humanitarian principles and for this reason I wholeheartedly endorse and support the resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the concurrent resolution as amended.

The concurrent resolution (H. Con. Res. 582) as amended was agreed to.

The PRESIDING OFFICER. Without objection, the preamble to the resolution is agreed to.

Mr. FULBRIGHT. Mr. President, in connection with the resolution that has just been agreed to by the Senate, I call the attention of the Senate to House Concurrent Resolution 454, which the Foreign Relations Committee considered and agreed to.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of that resolution and the accompanying report. That resolution is related to this resolution, and it is complementary to the resolution just passed.

There being no objection, the resolution and the report were ordered to be printed in the RECORD, as follows:

H. CON. RES. 454

Where more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to insure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. SPARKMAN (for Mr. FULBRIGHT), from the Committee on Foreign Relations, submitted the following report [To accompany H. Con. Res. 454].

The Committee on Foreign Relations, to which was referred the House concurrent resolution (H. Con. Res. 454) calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front, having considered the same, reports favorably thereon without amendment and recommends that the resolution do pass.

PURPOSE OF THE RESOLUTION

The purpose of the resolution is to place the Congress on record in support of humane treatment for U.S. prisoners of war and to focus world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention of the treatment of prisoners of war.

COMMITTEE ACTION

Five resolutions concerning the treatment of U.S. prisoners of war by North Vietnam and the National Liberation Front have been introduced in the Senate. These are:

S. Con. Res. 33, by Senator Scott;

S. Con. Res. 43, by Senator McGovern;

S. Res. 243, by Senator Bayh;

S. Res. 245, by Senator Montoya (for himself, and Senator Cranston); S. Res. 257, by Senator Tower (for himself, and Senators Bellmon, Bonnett, Byrd of Virginia, Curtis, Dodd, Dole, Eastland, Fannin, Fong, Gore, Gurney, Holland, Hollings, Mansfield, Murphy, Pearson, Pell, Randolph, Smith of Maine, Stevens, Thurmond, and Young of North Dakota).

H. Con. Res. 454 was approved by the House of Representatives on December 15, 1969, by a vote of 405–0 and was referred to the Committee on Foreign Relations. Unfortunately, it came before the committee too late for consideration prior to adjournment. The resolution was discussed by the committee in executive session on January 21 and on February 10 was approved without opposition or amendment. The views of the Department of State on the resolution are in the following letter from the Acting Secretary of State, Elliot L. Richardson:

DEPARTMENT OF STATE,
Washington, February 12, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I was glad to note that the committee approved H. Con. Res. 454, expressing the concern of the Congress about the treatment and welfare of American prisoners of war and missing in action personnel in Southeast Asia.

As you know, there is wide concern about the plight of our men who are captured or missing in Southeast Asia. In many cases the men's families have lived for years with no word as to the fate of their loved one. From the start of the Vietnam conflict our Government has sought to keep the subject of prisoners of war separate from the political and military issues of the conflict, and to approach it on a humane basis. This is the spirit of the Geneva Prisoner of War Convention of 1949, by which North Vietnam, South Vietnam, the United States, and the other nations with forces supporting the Republic of Vietnam are bound. The convention sets forth basic requirements for humane treatment of prisoners of war, disclosure of information, impartial inspection, and early release of seriously sick and wounded prisoners. We deeply regret North Vietnam's refusal to live up to these fundamental humanitarian standards.

I hope the Senate will give early approval to this resolution as an expression of concern about the many American military personnel who are prisoners of war or missing in action in Southeast Asia.

Sincerely,
/S/ ELLIOT L. RICHARDSON,
Acting Secretary.

BACKGROUND CONCERNING THE PRISONER PROBLEM

As of January 24 there were 1,447 U.S. servicemen who were missing or presumed captured in Southeast Asia. A breakdown of this figure follows:

Missing in action and believed captured—American servicemen in Southeast Asia—Jan. 24, 1970

Missing in action (location):	
South Vietnam	401
North Vietnam	414
Laos	185
Subtotal	1,000
Believed captured (location):	
South Vietnam	72
North Vietnam	368
Laos	7
Subtotal	447
Total	1,447

Thus far in the war, North Vietnam has released a total of nine United States prisoners and the National Liberation Front has released 23. Many hundreds of prisoners have been released by the allied side, including 89 released to the North. North Vietnam has refuse to accept the return of prisoners of war since 1967. In recent months the Republic of Vietnam has tried without success to arrange the return of 62 sick or wounded prisoners of war to North Vietnam.

The 1949 Geneva convention on the treatment of prisoners of war, agreed to by the United States in 1955, South Vietnam in 1953, and North Vietnam in 1957, specifies minimum standards for treatment of prisoners, including requirements that information be provided on the prisoners held, that prisoners be allowed to send and receive mail, that neutral representatives be permitted to visit prison camps, and that seriously sick and wounded prisoners be released as soon as they can travel. The convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

The United States turns over to the South Vietnamese any prisoners our forces capture. The South Vietnamese operate six prisoner of war camps holding some 33,000 prisoners of war, of which about 7,000 are North Vietnamese. The camps are visited regularly by representatives of the International Committee of the Red Cross, the names of prisoners have been made available to the ICRC, and prisoners have the right to send and receive mail.

The United States has tried time after time to persuade North Vietnam and the National Liberation Front to comply with the basic minimum standards required by the Geneva convention, but North Vietnam contends that U.S. prisoners are "war criminals." They have refused to identify prisoners they hold, and only a limited number of those known to have been captured have been allowed to communicate with the outside world. Mail has been received thus far from only about 175 U.S. servicemen held by North Vietnam, and, as a consequence, hundreds of wives, parents, and children of U.S. servicemen missing in action in Vietnam do not know if their loved one is dead or alive. The sick and wounded have not been released, or even identified, and the International Committee of the Red Cross' repeated requests for permission to visit the prison facilities have been denied.

RESOLUTION ADOPTED BY THE INTERNATIONAL CONFERENCE OF THE RED CROSS

After failure of all attempts through diplomatic channels to obtain compliance with the Geneva convention on treatment of prisoners of war, the executive branch last year decided to focus world attention on the prisoner issue as a possible means of influencing North Vietnam and the National Liberation Front to take a more reasonable position. The President has spoken out strongly on the issue, as can be seen from his remarks at a recent White House meeting with wives and mothers of missing and captured U.S. servicemen:

THE PRESIDENT'S REMARKS FOLLOWING A MEETING WITH 26 OF THE WIVES AND MOTHERS AT THE WHITE HOUSE, DECEMBER 12, 1969

Ladies and gentlemen, I have the very great honor to present in this room today five of the most courageous women I have had the privilege to meet in my life.

Mrs. Nixon and I have met with 26 women, of which these are a part, representing approximately 1,500 women, mothers and wives of American servicemen who are missing in Vietnam and who are or may be prisoners of war. Some of these men have been prisoners or missing for as long as 5 years, most of them 2 to 3 years.

Insofar as the treatment of prisoners is concerned, it would probably not be inaccurate to say that the record in this war is one of the most unconscionable in the history of warfare. And there have been, of course, some very bad examples in past wars, as we know.

What I have assured these very courageous women is that, first, in reaching a settlement of the war that an integral part of any settlement that is agreed to must be a settlement that is satisfactory on the prisoner issue and, second, that clearly apart from reaching an overall settlement of the war that this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis.

Finally, I would simply add that while we all know that there is disagreement in this country about the war in Vietnam and while there is dissent about it on several points, that on this issue, the treatment of prisoners of war, that there can be and there should be no disagreement.

The American people, I am sure, are unanimous in expressing their sympathy to these women, to their children, and also in supporting their Government's attempt to get the Government of North Vietnam and the VC to respond to the many initiatives which we have undertaken to get this issue separated out and progress made on it prior to the time that we reach a complete settlement of the war.

I understand they will be here to answer questions.

The subject has been raised repeatedly in the Paris peace talks, and statements of December 30, 1969, and February 5, 1970, by the acting chief U.S. negotiator, Ambassador Philip C. Habib, are printed as an appendix to this report. The United States also brought up the issue during the recent session of the

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General Assembly of the United Nations, and the statements made in committee there by Rita E. Hauser, U.S. Alternate Delegate, are also printed as an appendix.

In an expression of world concern on this subject, the 21st International Conference of the Red Cross, meeting in Istanbul, Turkey, in September 1969, adopted a resolution calling for all parties to armed conflict to insure humane treatment of prisoners of war and to abide by the obligations of the Geneva Convention. The statement made by the Chairman of the U.S. delegation to the Conference, Ambassador Graham Martin, is also printed in the appendix. The resolution, adopted by a vote of 114 to 0, follows:

TEXT OF RESOLUTION ADOPTED BY THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 13, 1969

Recalling the Geneva Convention of 1949 on the protection of prisoners of war and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse, and reprisals,

Requests each party to the Convention to take all appropriate measures to insure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the convention and upon all authorities involved in the armed conflict to insure that all uniformed members of the regular armed forces of another party to the conflict and all others persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the convention; and further calls upon all parties to provide free access to the prisoner of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

COMMITTEE COMMENTS

House Concurrent Resolution 454 expresses congressional support of the observance of the Geneva convention of 1949 by all combatants. It is hoped that the resolution will encourage further efforts by the International Conference of the Red Cross, the United Nations, and other international organizations to secure the observance of the Geneva convention by North Vietnam and the National Liberation Front.

The resolution reaffirms the continuing concern of the Congress of the United States over the plight of captured and missing American servicemen and assures their families that the Congress understands their anguish and continues to support in every way the efforts of our Government and international organizations to secure the humane treatment of American prisoners of war under the Geneva convention of 1949.

Appendix

Ambassador Habib's Opening Statement

Following is the text of the opening statement delivered by Ambassador Philip C. Habib at the 48th Plenary Session of the New Paris Meetings on Vietnam, December 30, 1969.

Ladies and gentlemen, the issue which I wish to address today is the question of prisoners of war. In the midst of this traditional holiday season, a season for family reunions and celebrations, thousands of families are troubled over the fate of a relative missing or captured in Vietnam. This is a tragic situation, not just because family members are missing at this holiday period, but also because the families' uncertainty and anguish is so unnecessary and uncalled for.

I do not express only my Government's view on this unfortunate matter, nor only the view of the American people. I express a view that is almost universally shared. It has been expressed in representative bodies throughout the world—in the U.S. Congress, in the United Nations, at the International Red Cross conference in Istanbul last September, by many National Red Cross societies and by many governments. In fact, on this issue, North Vietnam is virtually isolated in the eyes of world public opinion.

Ladies and gentlemen, there are two questions before us: First, the critical question of humanitarian treatment for the prisoners your side holds. Secondly, the repatriation of all prisoners.

On the first question, your side's position does not conform to normal standards. On the second question, your position is unreasonable.

Some Americans have been held by your side since early in 1964. Others have been missing since that time. And yet you still refuse to inform all families of the fate of these men.

On December 22, a spokesman for your side is reported to have said, "We refuse to give the list of names to the Nixon administration, but the prisoners' families will know their names by and by." A gradual, piecemeal process of providing a few names at a time to anxious families is no substitute for making known without delay the names of all prisoners of war.

Because of your side's continuing refusal to identify all prisoners of war, my Government is today releasing to the press the names of U.S. military personnel who are missing in Southeast Asia and may possibly be your prisoners. I will give your side a copy of the list here as well. My Government is taking this action in the hope that your side, even at this late date, will indicate which men are prisoners and those whom you know to be dead, as a matter of humanitarian concern for their families.

Your side claims that you provide humane treatment to the prisoners you hold. But you permit no independent and objective authority to verify this claim. Indeed, much of the evidence available to the outside world regarding the treatment of prisoners held by your side contradicts your claims. The prisoners have not been permitted to correspond regularly with their families, and to receive mail and packages on a regular basis. There is no assurance that the prisoners actually receive the mail sent them. Little mail is received by families from the prisoners.

Regarding the issue of mail, two American women who recently traveled to North Vietnam reported that families of prisoners could send a letter a month and a package of less than 6 pounds every other month to the POW's by addressing them with the prisoner's name and serial number, care of "Camp of Detention for U.S. Pilots Captured in the Democratic Republic of Vietnam, Hanoi, DRVN" and writing "Via Mosco" on the envelope. We would also like to know whether this means that the American prisoners will be permitted to write to their families on a regular basis.

As for the physical treatment of prisoners, there is evidence that prisoners held by your side have been subjected to solitary confinement, as well as to other forms of physical and mental duress. Your side has made no systematic effort to repatriate sick and wounded prisoners.

As President Nixon has said, this is an unconscionable position.

There is no way it can be justified to the families of the prisoners or to the world at large.

This is not simply a narrow question of legal obligations. This is a question of humane treatment which civilized nations accord to those who are helpless, who pose no threat and who no longer have the means to defend themselves. It is also a question of decency toward the families of those who are missing.

On our side, the U.S. Government and the Government of the Republic of Vietnam have undertaken to respect the Geneva convention in their treatment of prisoners of war and have arranged for the ICRC to visit prisoner of war camps in South Vietnam. The camps are regularly visited by ICRC delegates and doctors, who are able to meet individual prisoners privately. The names of the prisoners of war have been made available to the ICRC. Prisoners of war are able to send and receive mail and packages., The Government of the Republic of Vietnam in the past released sick and wounded POW's. Regular international inspection was shown that the prisoners of war held by the Government of the Republic of Vietnam are treated in accordance with the requirements of the Geneva convention.

Let me turn to the question of the release and repatriation of prisoners of war. Your side says that the prisoner question cannot be settled except as part of an overall settlement of the war in Vietnam. For our part, we see no reason why there cannot be a negotiated release of prisoners of war on both sides prior to an overall settlement. You still refuse to discuss the release of the prisoners you hold. Although you have released a few prisoners on occasion, you refuse to negotiate a repatriation of all prisoners.

Instead of treating the prisoner question as a humanitarian issue, your side apparently wishes to use the prisoners as pawns in bargaining for an overall settlement of the war. But you refuse to negotiate seriously in Paris, thereby delaying an overall settlement of the war. Thus, you keep hundreds of families in agonizing doubt about the lives and welfare of their sons or husbands or parents while you seek to settle the war on your own terms.

If your side hopes to apply political pressure upon the United States through its harsh attitude regarding prisoners of war, you reveal a thorough misunderstanding of American public opinion. No American can condone your side's handling of the prisoner question. Your denial of the most fundamental precepts governing such matters has only resulted in unanimous public condemnation.

Ladies and gentlemen, I call on your side to live up to the international standards for the treatment of those who are missing or held prisoner in Vietnam. This humanitarian issue should be dealt with separately from the political and military questions we face in the Paris meetings. We propose that our two sides enter promptly into discussions on all questions affecting prisoners of war held on both sides, including the question of their early release. The U.S. delegation stands ready to enter into such negotiations without delay.

Ambassador Habib's Opening Statement

Following is the text of the opening statement delivered by Ambassador Philip C. Habib at the 53d Plenary Session of the New Paris Meetings on Vietnam, February 5, 1970.

Ladies and gentlemen, your consistent refusal to abide by the 1949 Geneva convention on the treatment of prisoners of war is viewed by American and world public opinion with dismay. There is a long tradition among civilized nations of treating captured personnel

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humanely in wartime. This principle has been codified in the Geneva convention of 1949 to which there are over 120 signatories, including North Vietnam, South Vietnam, and the United States.

Furthermore, the prisoners of way question is urgent because of the deep humanitarian concern which is aroused by your unconscionable failure to insure that prisoners of war—and the families of men who are held prisoner or who are missing in action—are treated fairly and humanely.

The 1949 Geneva convention sets forth clearly the requirements of humanitarian treatment. First, all prisoners of war must be immediately identified so that their families and their governments will know who is alive and who is not. Second, prisoners of war must be permitted to correspond freely with their families. Third, impartial observers must be allowed to visit prisoners of war regularly to verify whether their treatment is fair. Fourth, seriously sick and wounded prisoners must be repatriated as quickly as possible. These are minimum standards that are recognized and applied by all civilized nations.

On our side prisoners of war are treated in accordance with the provisions of the 1949 Geneva convention. The International Committee of the Red Cross has access to prisoners of war captured by our side and to the prisoner of war camps in which they are held. Every one of these prisoner of war camps is publicly identified. The Government of the Republic of Vietnam transmits lists of prisoners of war it holds to the International Committee of the Red Cross. It permits a free flow of mail to and from prisoners of war. It has, over and over again, sought your side's cooperation in the repatriation of seriously sick and wounded prisoners of war.

Your side still refuses to identify most of the prisoners of war you hold in North Vietnam. You have identified none of the prisoners you hold in South Vietnam. Several weeks ago we handed you a list of over 1,400 missing or captured Americans. The families of these men are waiting to know whether you will provide information about their status in an official and regular manner. The piecemeal and indirect provision of information through unofficial channels does not fulfill your obligations under the Geneva convention.

Only about 170 families have ever received a letter from a man who is missing or captured in Vietnam. Many of these families have only recently received their first letter. In some cases, those men have been held since 1965—that is, over 4 years with no word to their families.

There have been recent unofficial reports that American prisoners held in North Vietnam could send and receive letters and could receive packages on a regular schedule. Families are acting upon that information and will be waiting to see whether such packages and letters are actually received.

At the same time, American prisoners of war held in South Vietnam are also entitled to regular mail privileges. These prisoners have never been permitted to write letters to their families. The families of these men also should be able to send packages and letters to them and to hear from their men.

It is essential and urgent that impartial observers be permitted to visit prisoners of war held by your side both in North and South Vietnam in order to verify whether those prisoners are being treated humanely as you claim. We have new, shocking evidence that prisoners of war whom you hold are subject to inhumane treatment. Only recently it was discovered that your forces in South Vietnam had executed two American prisoners captured in 1966 after having put them on public display in several villages. This is a grave breach of the 1949 Geneva convention and is unacceptable when measured against any standard of civilized behavior.

The representative of the Government of the Republic of Vietnam has recalled his Government's effortr to obtain your side's agreement to the release of sick and wounded prisoners of war who wish to go to North Vietnam. We believe discussions with your side should begin, without delay, on arrangements for the immediate release of all seriously sick and wounded prisoners of war as well as for the early release of all other prisoners of war held on both sides.

Ladies and gentlemen, the question of prisoners of war is not only a burning humanitarian question, but also a question of your solemn legal obligation. Its solution must not await an overall settlement of the political and military issues involved here. World opinion demands no less.

We desire to engage in meaningful discussions of all prisoners of war questions with your side now. We await your serious response.

[United States/United Nations press release 147 dated November 11]

STATEMENTS BY U.S. ALTERNATE REPRESENTATIVE TO THE UNITED NATIONS, RITA E. HAUSER, IN COMMITTEE III, NOVEMBER 11, 1969

We now commence general debate in this committee on three subjects of moment: elimination of all forms of racial discrimination, measures to be taken against nazism and racial intolerance, and violation of human rights and fundamental freedoms. Of the three, the violation of human rights and fundamental freedoms appears to my delegation to be singularly important. Indeed, its importance to all delegations is demonstrated by its recurrence each year as a major subject of discussion.

This agenda item makes particular reference to colonial and other dependent countries and territories. My delegation continues to deplore the inhumane practice of apartheid in South Africa and in Namibia and associates itself with the efforts of the international community seeking peaceful and practicable means for its elimination as soon as possible. We also remain very concerned about the serious violations of human rights in other parts of Africa. These questions are rightfully treated in many bodies of the United Nations, including the Security Council, for they are of the utmost urgency and gravity.

Accordingly, Madam Chairman, while we recognize fully the persistent and serious human rights violations in southern Africa, we are of the view that the Third Committee should not utilize all of its time on this aspect of the subject, so widely treated elsewhere in the United Nations, lest by so doing we neglect the many instances of grave violations of human rights elsewhere in the world. I wish to recall that our agenda item itself refers to "the violation of human rights and fundamental freedoms . . . in all countries."

On reading the hundreds of petitions alleging violations of human rights which come to the Commission on Human Rights from sources in many countries, my delegation has noted the large number referring to violations of articles 9–12 and article 19 of the Universal Declaration of Human Rights. The latter provides that "Everyone has the right to freedom of opinion and expression," including freedom to "seek, receive and impart information and ideas through any media and regardless of frontiers." Article 9 states that "No one shall be subjected to arbitrary arrest, detention or exile." Articles 10, 11, and 12 afford full protection and due process of law as to those charged with a penal offense.

In reviewing the 1969 annual report of that singular institution, Amnesty International, now consisting of 20 national sections and over 15,000 individual members, the work of which is to strengthen all international movements supporting human rights, my delegation was very much struck by the fact that Amnesty International has taken up investigation of cases of political prisoners during the year 1968–69 in 72 countries. Included was my own country, where the status of conscientious objectors who have been imprisoned for violations of the conscription laws has been looked into with the full cooperation of my Government.

Newspaper reports and other media sources make perfectly clear to us that the right of political dissent is still a very precarious one for millions of people. Prisons bulge with those who have dared to criticize or oppose peacefully the policies of their governments; and, alas, many such prisoners are brutally ill-treated, in violation of all standards of human decency. We note particularly the evidence compiled in the report of the ad hoc working group of experts as to African territories under colonial domination, which documents the degree to which political prisoners have been brutalized in these areas.

Rather than promote and encourage open dissent, many governments have maintained power with a reign of fear which serves to terrorize the minds and, eventually, the bodies of those who disagree.

In the time available to me, Madam Chairman, I cannot review all of these situations occurring the world over. But in the course of this debate, my delegation wishes strongly to affirm the inherent faculty of all men—if they are indeed, as article 1 of the Universal Declaration of Human Rights states, "born free and equal in dignity and rights * * * endowed with reason and conscience"—to exercise their basic right of freedom of spirit, mind, and belief, wherever they may be located and whatever may be the political and social system under which they live.

These rights are no greater or smaller in Africa than in the Americas, in Asia than in Europe. They belong to all mankind and derive from man's basic humanity. The right to disagree, to dissent, is perhaps the most cherished of all the political rights of man. History teaches that yesterday's dissenters often become today's majority, for through reasoned dissent, man progresses. If I may so note, my delegation was proud to witness the free exercise of free minds across our country on October 15, a day on which many Americans were able to express their dissent with the Government's policy as others were equally able to disagree publicly with the dissenters. We are grateful for orderly and reasonable disagreement; for we know that no country's policies are so sound or so correct that none will be found who disagree.

GENEVA CONVENTION ON PRISONERS OF WAR

Madam Chairman, my delegation is also deeply disturbed at a most fundamental violation of human decency as to another category of prisoners: those who are prisoners of war protected by international law.

I would like to discuss a specific situation involving prisoners which, I am sure you will understand, is of particular concern to my country. U.S. forces are engaged in combat in Vietnam. It is our earnest hope that this conflict will soon be terminated and the task of rebuilding begun. But many hundreds of American soldiers, airmen, marines, and naval personnel are at present missing or captured in Vietnam. How many of these men, and which ones, are in captivity is a secret closely guarded by the North Vietnamese authorities. For each of these men there is a wife, a child, a parent, who is concerned with his fate. They are subjected to uncertainty and despair which grow as each day passes.

XUM

Our concern in this matter, expressed here before the assemblage of nations, is humanitarian, not political. This concern was succinctly but urgently expressed in the agonizing question put by the many wives who have gone to Paris to ask the North Vietnamese delegation to the Paris talks: Please tell me if I am a wife or a widow.

There exists an international convention, legally binding upon all parties concerned: the Convention on Protection of Prisoners of War, concluded at Geneva in 1949.[1] This convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them." It thus binds the United States, which ratified it in 1955, the Republic of Vietnam, which acceded to it in 1953, and North Vietnam, which acceded in 1957.

This convention, to which, I may add, there are 125 parties, including more than 100 members of the United Nations, contains provisions which, if implemented, would let children know if their fathers are alive, parents if their sons are well treated. It requires that, and I quote:

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write directly to his family * * *.

The convention assures a prisoner the right to remain in communication with his loved ones and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner.

In addition to the right to receive mail and packages, and to send a minimum of two letters and four cards each month, the Geneva convention specifies minimum humane standards of detention, of hygiene, diet recreation, and employment. It requires that seriously wounded or ill prisoners be repatriated as soon as they are able to travel. It specifies that the detaining power shall accept a neutral party to the conflict or a respected international organization such as the International Committee of the Red Cross as a protecting power for the prisoners. It requires that the detaining power provide the names of the prisoners it holds to their families, as well as to the protecting power, or to the International Committee of the Red Cross, to pass on to their country of origin. It requires that the detaining party permit on-the-scene inspection of its detention facilities.

Madam Chairman, my fellow delegates, this convention is not meant to create a life of privilege for captured military personnel. It is meant to ensure minimum standards of human decency to helpless men who are in the power of their military enemy and can no longer pose a threat to that enemy and to provide minimum solace to families who are far from the frontlines. In wartime, when passions are inflamed, this convention seeks to preserve those frail links of compassion and decency which are so urgently needed. Nurtured, these links may in turn help move enemies toward a realization of their common stake in finding the path to peace.

My country places the highest priority upon implementation of this convention. There are now some 30,000 North Vietnamese and Vietcong prisoners of war in South Vietnam who have been accorded the status and the rights of prisoners of war under the Geneva convention, even though many of them may not technically be entitled to such prisoner-of-war status as defined in the convention.

The United States has tried again and again to persuade Hanoi to apply the basic minimum standards guaranteed by the convention: identification of prisoners, the right to send and receive mail, and a protecting power to inspect detention conditions. We remain immensely grateful to the governments which have cooperated in these regrettably unsuccessful efforts.

In contrast, the Government of the Republic of Vietnam, with the cooperation of its allies, opened all detention camps to inspection by the International Committee of the Red Cross. The names of POW's have been made available to the ICRC. Prisoners of war detained by the Republic of Vietnam have the right to send and receive mail and packages. They are interned in six camps which are administered by the Republic of Vietnam and which, as regular international inspection has shown, conform to the requirements of the Geneva convention.

Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the allied command has made every effort to insure that the convention is applied. This includes the issuance of clear and explicit orders and, even more important, through investigation of alleged violations and punishment of those found guilty. This policy is confirmed and supported by the continuous review, both official and unofficial, which results from free access to POW's by delegates and doctors of the ICRC.

The United States neither seeks nor deserves praise for its efforts to implement the convention. This is our duty—our legal duty and our moral duty. The tragic fact, however, is that North Vietnam and the National Liberation Front refuse to acknowledge their legal and moral duty to apply similar standards of treatment to the helpless prisoners in their power, Vietnamese as well as American.

NORTH VIETNAM'S TREATMENT OF PRISONERS

The record is indeed sad. The North Vietnamese authorities have refused to identify the prisoners they hold. Only a limited minority of those men known by the U.S. Government to have been captured have been allowed to communicate with the outside world. Mail even from this small minority has been infrequent and irregular. The sick and the wounded have not been repatriated, nor have they been identified. Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied. The ICRC's repeated requests to be allowed to visit the prisoners at their places of detention have been repeatedly denied, nor has any other accepted intermediary been given access to the prisoners.

From the reports of the few men actually released by North Vietnam and from other sources has come disturbing evidence that prisoners are being deprived of adequate medical care and diets and that, in many instances, they have been subjected to physical and mental torture. For example, Lt. Robert Frishman, one of the recently released American prisoners, in a public statement on September 2, 1969, shortly after his release, said American prisoners are subject to "solitary confinement, forced statements, living in a cage for 3 years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg. * * *" Recounting the treatment of Lieutenant Commander Stratton, Lieutenant Frishman said:

The North Vietnamese tried to get Lieutenant Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed, and was put in solitary, but the North Vietnamese insisted that he make the false "humane treatment statements" and threw him into a dark cell alone for 38 days to think about it.

This record is indeed chilling. It has been noted and deplored by a great many international observers. For example, Jacques Freymond of the International Committee of the Red Cross, reporting on the work of the Committee on Prisoners of War, highlighted the contrasts between North and South Viet-Nam as follows:

In Viet-Nam, it (the ICRC) has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Viet-Nam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war. . . .

On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners.

In the face of such international criticism there have been few breaks in the silence of Hanoi. We have, however, been told—though in the shrill phrases of propaganda, rather than in the measured tones of statesmanship or humanitarianism—that the Geneva convention does not apply because there has not been a formal declaration of war and that the American prisoners are "war criminals" and therefore not entitled to the rights conferred upon prisoners of war by the Geneva convention. Despite this, Hanoi says, it treats the prisoners "humanely."

Madam Chairman, my Government cannot accept these assertions. The Geneva convention provides a detailed international standard of humane treatment against which the treatment of prisoners of war can be measured. Hanoi's mere assertion of "humane" treatment, which has never been verified by impartial inspection, is no substitute. Further, North Vietnam's denial that the convention is applicable and its assertion that it therefore cannot be the standard to measure its conduct have no basis in international law. Hanoi says that the convention applies only where there has been a declaration of war. But it is clear from the language of the convention, which I quoted earlier, that the absence of such a declaration has no relationship to the convention's applicability and does not justify a refusal to apply it.

Hanoi has also asserted that our men held as prisoners are war criminals, apparently on the theory that any attacks against North Vietnam or Vietcong forces or facilities are criminal acts and that all military personnel involved in such attacks are criminals. Such assertions are patently absurd. Our men are not war criminals. Moreover, the Geneva conventions and modern international humanitarian law reject any suggestion that the protection of individual war victims, whether soldiers or civilians, is dependent upon moral or legal judgments about the cause for which their government is fighting. The law is there to protect all the victims of war on both sides. All countries have an interest in seeing that it is respected.

The United States understands that every country believes that it is right and its enemy wrong. But, Madam Chairman, the Geneva convention was designed specifically to meet this problem. It imposes upon all combatant powers the obligation to treat military personnel made helpless by their capacity in accordance with a single objective and verifiable standard.

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[1] Treaties and Other International Acts Series 3364.

XUM

ICRC RESOLUTION

The 21st International Conference of the Red Cross, held at Istanbul, in September, cut through any possible quibbles that could be made by a party to the Vietnam conflict. It adopted without dissent a resolution which obtained the support of 114 governments and national Red Cross organizations.[2] That resolution called upon all parties:

> * * * to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status and treated humanely and given the fullest measure of protection prescribed by the Convention.

It also recognized—and again I repeat the exact words of this resolution:

> . . . that, even apart from the convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals.

We hope this committee will take note at this session of the resolution passed without dissent by the International Red Cross Conference in Istanbul and that it will in a similar fashion reaffirm the obligations of all parties to the Geneva convention. We especially hope that North Vietnam, which has frequently expressed its abiding regard for humane principles, will heed this unequivocal and specific call reflecting the conscience of the international community.

Madam Chairman, 2 weeks ago, on October 30, the Secretary General made the following statement:

> It is the view of the Secretary General that the Government of North Vietnam ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam.

We join in this view, and we urge all the governments represented here today to use their utmost influence so that at least this single step forward can be accomplished. We would indeed welcome the intervention of any organization or group of concerned people who may be able to reduce the anguish of the prisoners and their families. But the Secretary General has made a concrete, limited proposal: its immediate implementation would bring closer the day when the observance of the humanitarian principles of the Geneva convention by all parties is complete.

I have spoken at length on this matter, Madam Chairman, for it is of vital importance to the United States. It is also of paramount interest to all nations of the world. The failure to treat any prisoner of war, wherever he may be, in accordance with common standards of decency, is an affront to all who claim the mantle of civilization.

STATEMENT OF NOVEMBER 12

I excuse myself for taking the right of reply at this time. We have been honored here, all of us, by the presence of the permanent representative of Algeria, who has chosen to reply to a humanitarian point in political terms.

I should like simply to refer to him—and I will be glad to give to him a copy—a note which was addressed to the Secretary General dated February 10, 1960, and circulated by the Secretariat at the request of 20 member countries to disseminate a report of the International Red Cross Committee on the internment camps in Algeria. Madam Chairman, the investigation of the ICRC in that matter came about in large part because of the representations my Government made, and the American Red Cross Society made, to the ICRC. We did so before Algeria had gained her independence. We did not judge the rights or wrongs of the conflict. We did not pick between friend and foe. We responded to a human demand, and in direct answer to evidence of torture and maltreatment of Algerians who were interned at that time.

Madam Chairman, the Algerian representative, as well as the Cuban representative, has chosen to speak of article 85 of the Geneva convention and the reservation which was made by the Democratic Republic of Vietnam. It was a reservation made by almost all to the Socialist countries. It was cited here several times today, and very key words in it were simply ignored. The reservation reads "the Democratic Republic of Vietnam declares that prisoners of war prosecuted and convicted"—I repeat, "prosecuted and convicted"—"for war crimes or for crimes against humanity in accordance with the principles laid down by the Nuremberg Court of Justice shall not benefit from the present convention." Madam Chairman, there have been no prosecutions and no convictions of any prisoners of war held by North Vietnam.

I might state, and I have done considerable research on the matter, that the official position of the Soviet Union explained at the time it enacted this reservation was that a prisoner is not deprived of any of the protections of the convention until after prosecution and final conviction with all rights of appeal.

I should like further to state, Madam Chairman, in response to the comments today and yesterday by the distinguished delegate of the Soviet Union concerning my Government's indifference to the political question of Vietnam in this forum: Madam Chairman, my Government in 1964, before our troops were in Vietnam, and in 1966, after our troops were in Vietnam, made several attempts to bring the matter of Vietnam before the Security Council.

The last attempt made by Ambassador Goldberg in 1966 was met with the following response from the Soviet delegation, and I quote:

"The Soviet delegation deems it necessary to state that it is opposed to the convening of the Security Council to discuss the question of Viet-Nam and to the inclusion of this question on the Council's agenda."

STATEMENT BY AMBASSADOR GRAHAM MARTIN, CHAIRMAN OF THE U.S. GOVERNMENT DELEGATION TO THE 21ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 10, 1969

Those of you who were present at the 20th International Conference of the Red Cross in Vienna in October 1965, will recall that the Conference expressed its concern for the treatment of prisoners of war whose confinement removed them from combat and whose presence presented no threat to their captors. The armed conflicts that existed at that time and the conduct of some governments who have acceded to the Geneva conventions in failing to honor their obligations under the conventions to provide humane treatment to prisoners of war, showed the need for the resolution which the Conference passed 4 years ago.

Now 4 long years have passed since the adoption of that resolution, which called "upon all authorities involved in an armed conflict to insure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva convention of 1949 * * * ." In the case of the Communist authorities in Southeast Asia, the solemn appeal of the last Conference fell on deaf ears. North Vietnam and the Vietcong have refused consistently to observe even internationally recognized minimum standards of humanitarian treatment for prisoners they hold as a result of the armed conflict in Vietnam.

The concern of the United States about these prisoners has been expressed by President Nixon and also by Ambassador Lodge at the Paris peace talks. Secretary of State Rogers and Secretary of Defense Laird also have repeatedly publicly expressed urgent concern about the failure of the Communist authorities in Vietnam to live up to the humanitarian standards of the convention and to treat humanely personnel who have fallen into their hands.

The concern of these highest officers of the United States is universally shared by all the American people. I am glad to note that we are not alone in our concern. Speaking in London on March 19, Jacques Freymond of the ICRC, said concerning the work of the committee:

> In Vietnam, it has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.
>
> The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanely by them. The committee has therefore had to content itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

Mr. Freymond went on to say:

> On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoners of war camps.
>
> They also regularly receive nominal rolls of these prisoners.

I might add that the Government of the Republic of Vietnam, in cooperation with its allies, has placed great emphasis on proper treatment of prisoners of war captured by allied forces.

Today, in September 1969, I have the sad duty to report to you that we have seen that the Communist authorities in Southeast Asia have refused to cooperate with the ICRC. We also know as a fact that North Vietnam is violating every basic provision of the prisoner of war convention it signed and is in fact seriously mistreating our men it holds as prisoners. We are deeply concerned and outraged by this grave affront to human dignity and international responsibility.

When I said that we know that our men who are captured in Vietnam are being mistreated, I spoke with the assurance of unmistakable evidence—a touching witness provided by one who had himself actually been subjected to this savage and inhuman treatment. Since the time of the last conference we have known that North Vietnam was refusing to provide the names of all the men it held as prisoners, and that they have refused to permit impartial inspection of its prisoner facilities by the ICRC or any other impartial intermediary. It has long been obvious that prisoners have been denied or severely restricted in their right to communicate with their families. The hundreds of waiting families who do not even know if their man is alive today are sad witnesses to this fact. We also have seen the North Vietnamese release photographs of seriously sick or wounded prisoners who should be repatriated immediately.

Today we have confirmation of what has been an even greater concern for us—our men are being seriously physically and

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[2] For a U.S. statement and text of the resolution, see Bulletin of October 13, 1969, p. 323.

XUM

mentally mistreated. The men whom North Vietnam recently chose to release have, in splite of threats by their captors, felt duty bound to tell the world how North Vietnam treats its prisoners. Their story is not a pleasant one and it pleads for prompt and strong action by this conference. North Vietnam denies universally accepted standards of humanitarian treatment for prisoners and violates the provisions of the Geneva convention to which it acceded by:

(1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

(2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

May I ask you to hear the actual words of Lt. Robert F. Frishman, USN, one of the prisoners recently released by North Vietnam. On September 2, 1969, less than a fortnight ago, from our naval hospital in Bethesda where he is recovering from his ordeal, he had this to say:

> My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinements, forced statements, living in a cage for 3 years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.
>
> Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts.

Lieutenant Frishman was addressing his own people in America. But it is time for the world to know these facts. Therefore, I share Lieutenant Frishman's words with you gathered here in this Conference.

In the most recent provisional activity report submitted to this conference by the ICRC, it is stated that "on June 3, 1969, the ICRC again wrote the Government of the Democratic Republic of Vietnam reminding it of the obligations incumbent on it in accordance with the 1949 Geneva convention for the protection of war victims." And at our opening session the distinguished new president of the ICRC reported to us that North Vietnam had not yet allowed any representative of the ICRC to enter its territory.

Each of us has a moral duty to see that signers of the convention honor the internationally accepted principles of humane treatment of prisoners of war. We trust that this conference, which has a fundamental and abiding interest in the Geneva prisoner-of-war convention will declare itself clearly and unequivocally concerning the humane treatment of prisoners—all prisoners in all parts of the world. The resolution before us was carefully drafted by the cosponsors to insure the universality of its coverage to all prisoners of war wherever held, by whatever nation, great or small. We hope, therefore, that all national delegations and all national societies will join those nations and national societies which have already sponsored this resolution. We believe, Mr. Chairman, it should be supported unanimously.

FREEDOM OF THE PRESS IN PERU

Mr. CHURCH. Mr. President, according to the latest survey of the Inter-American Press Association, freedom of the press in Latin America is at its lowest ebb since the end of World War II. A major reason for this unfortunate development is the precipitous slide toward military dictatorships as witnessed, for example, in Peru. There, two important newspapers were seized recently by the junta under a decree ironically entitled, "Statute of Freedom of the Press." As the New York Times reported:

> One provision of this law was clearly aimed at Manuel Ulloa, Minister of Finance in the last constitutional government and founder of *Expreso*, Lima's morning newspaper.

Mr. President, I know Manuel Ulloa. He is a fine patriot and a strong believer in a free press. I would hope that the Peruvian Government would reconsider its policy denying freedom of expression, and follow, instead, a policy of tolerance, remembering the advice of the late 19th century British soldier, Member of Parliament, and national reformer, Charles Bradlaugh, who stated:

> Without free speech no search for truth is useful, without free speech progress is checked and the nations no longer march forward toward the nobler life which the future holds for man. Better a thousandfold abuse of free speech than a denial of free speech. The abuse dies in a day, but the denial slaves the life of the people, and entombs the hope of the race.

I ask unanimous consent, Mr. President, that an editorial from the New York Times of March 8, 1970, be inserted into the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SILENCING THE CRITICS IN PERU

Peru's military Government has now expropriated two Lima newspapers and sent police to seize their plants "in the social interest." If anyone needs a translation, this means that these newspapers—especially the morning Expreso—were among the most effective and responsible critics of the army regime's bizarre "revolution."

Expreso was also one of the most persistent opponents of the pernicious press-control law under which the newspapers have been seized and will now be turned over to a bogus employe "cooperative" which the regime has been organizing with Communist support for the last month. The bitter irony in this situation is that these critical voices are being silenced under a decree that carries the title, "Statute of Freedom of the Press."

One provision of this law was clearly aimed at Manuel Ulloa, Minister of Finance in the last constitutional Government and the founder of Expreso. As a political refugee after the military coup of October 1968, Mr. Ulloa could not satisfy a requirement that a director of a newspaper company must reside in Peru at least six months of every year.

Mr. Ulloa's transfer of ownership of his papers to other members of his family did not prevent the expropriation. The timing of the seizures, however, was probably dictated by the necessity, as the regime saw it, of ending the extremely effective criticism of its actions, day after day, by Manuel d'Ornellas, a brilliant and courageous young editorial columnist for Expreso.

These seizures put into proper perspective the regime's claim that the press law "guarantees the free criticism of Government acts; in Peru there is a freedom of opinion."

AUTHORIZATION FOR VICE PRESIDENT OR ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Vice President or the Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, if no one wishes to speak at this time, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Thereupon, at 2 o'clock and 23 minutes p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:29 p.m., when called to order by the Presiding Officer (Mr. ALLEN).

S. 3768—INTRODUCTION OF BILL TO ALLOW THE NAMING OF AN INSTITUTION IN COLORADO TO HONOR DWIGHT DAVID EISENHOWER

Mr. ALLOTT. Mr. President, I am pleased to introduce legislation to allow the naming of an institution in my State as an honor to a great American.

Under the terms of this legislation, the Radio Laboratory Building maintained by the National Bureau of Standards in Boulder, Colo., shall hereafter be known as the Dwight David Eisenhower Laboratories.

It is altogether fitting and proper that we honor President Eisenhower in this way.

As President, Ike was a great friend of science and learning. Under his leadership, America placed great resources at the disposal of the scientific community. This helped the American scientific community become the most advanced and productive in the world.

President Eisenhower was especially interested in the peaceful uses of science. It is not hard to understand why he was interested in this. As a great soldier—among the greatest this Nation has produced—General Eisenhower saw the devastating destruction that can be wrought by modern science and technology when they are harnessed to the engines of war.

XUM

In the peacetime for which he fought as a general and which he preserved as a statesman, President Eisenhower was devoted to the cause of sharing the benefits of knowledge with peaceful peoples everywhere.

Thus, I am pleased to be able to help bring about this honor to a man who deserves to be remembered as a great friend of American science. He deserves a large share of the credit for the scientific achievements which have materialized since he passed from public life. He deserves the honor of being remembered through the Dwight David Eisenhower Laboratories.

Mr. President, I send to the desk a bill sponsored by myself and my colleague (Mr. Dominick) for appropriate reference, and ask unanimous consent that it may be printed in the Record.

The PRESIDING OFFICER (Mr. Allen). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3768) to change the name of the National Bureau of Standards Radio Laboratory Building in Boulder, Colo., to the Dwight David Eisenhower Laboratories, introduced by Mr. Allott (for himself and Mr. Dominick), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Radio Laboratory Building maintained by the National Bureau of Standards in Boulder, Colorado, and authorized by Public Law 81–366 (63 Stat. 886), shall hereafter be known as the Dwight David Eisenhower Laboratories, and any law, regulation, document, map, or record of the United States referring to such building shall be held and considered to refer to such building under and by the name of the Dwight David Eisenhower Laboratories.

MICHIGAN MARINE POSTHUMOUSLY AWARDED MEDAL OF HONOR

Mr. GRIFFIN. Mr. President, last week, Vice President Agnew presented to the families of 13 marines killed in Vietnam the Medal of Honor awarded posthumously. One of them was Pfc. Dewayne T. Williams, son of Mr. and Mrs. Howard Williams, 6485 Rattle Run Road, St. Clair, Mich.

On September 18, 1968, which was his 19th birthday, Dewayne Williams gave his own life to save those of his comrades.

Mr. President, I ask unanimous consent that the Presidential citation in the award to Private Williams be printed at this point in the Record.

There being no objection, the citation was ordered to be printed in the Record, as follows:

The President of the United States in the name of the Congress takes pride in presenting the Medal of Honor posthumously to Private First Class Dewayne T. Williams, United States Marine Corps, for service as set forth in the following Citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a rifleman with the First Platoon, Company H, Second Battalion, First Marines, First Marine Division in action against Communist insurgent forces in the Quang Nam Province, Republic of Vietnam. Private First Class Williams was a member of a combat patrol sent out from the platoon with the mission of establishing positions in the company's area of operations, from which it could intercept and destroy enemy sniper teams operating in the area. On the night of 18 September 1968, as the patrol was preparing to move from its daylight position to a preselected night position, it was attacked from ambush by a squad of enemy using small arms and hand grenades. Although severely wounded in the back by the close intense fire, Private First Class Williams, recognizing the danger to the patrol, immediately began to crawl forward toward a good firing position. While he was moving under the continuing intense fire, he heard one of the members of the patrol sound the alert that an enemy grenade had larded in their position. Reacting instantly to the alert, he saw that the grenade had landed close to where he was lying and without hesitation, in a valiant act of heroism, he rolled on top of the grenade as it exploded, absorbing the full and tremendous impact of the explosion with his own body. Through his extraordinary initiative and inspiring valor in the face of certain death, he saved the other members of his patrol from serious injury and possible loss of life, and enabled them to successfully defeat the attackers and hold their position until assistance arrived. His personal heroism and devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

GIBSON WINS HIGH PRAISE AS MARITIME CHIEF

Mr. GRIFFIN. Mr. President, in a recent article, the Baltimore Sun pays tribute to the record of Maritime Administrator Andrew E. Gibson. Describing his performance as "impeccable and polished, the article gives a great insight into the work of this most capable member of the Nixon administration.

Mr. President, I ask unanimous consent that the entire article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Baltimore Sun, Apr. 19, 1970]

GIBSON EARNS HIGH PRAISE AS MARITIME CHIEF

(By Richard Basoco)

Washington.—Andrew E. Gibson is an impeccable dresser. Given to wearing conservative three-piece pin-stripe suits, he is rarely seen in shirt sleeves—even in his office on the third floor of the Commerce Department—and never with his collar unbuttoned. His shoes are always highly polished.

After one year in office, the same adjectives can be used to describe his performance as maritime administrator: impeccable and polished.

In the appraisal, of one admiring Democrat on Capitol Hill, Mr. Gibson is "seldom caught with his coat off and never with his pants down."

HIGH MARKS

Indeed, those in Congress who take an active interest in the merchant marine generally give the 48-year-old Republican the highest marks of anyone to hold the job since President Kennedy split the government's shipping activities into the regulatory Federal Maritime Commission and the promotional Maritime Administration in 1961.

The legislators' vision of Mr. Gibson is colored by the fact that he is producing something for which the members of the Senate Commerce and House Merchant Marine committees have been clamoring for the better part of a decade: a program aimed at turning around the declining fortunes of the nation's commercial fleet.

The administration's $4 billion plan to build and operate 300 new cargo ships in the next ten years has not yet been passed by either house, but Mr. Gibson sees "no serious problems" clouding the horizon. And, as one shipping lobbyist said last fall when President Nixon announced his shipping program, the hardest part is probably over—simply getting a building plan through the bureaucracy with little intragovernmental support.

INDUSTRY DISTRESS

Mr. Gibson is less of a folk hero in the maritime industry itself, where various segments of management and labor are distressed because the proposed legislation does not address itself to a number of special problems, such as the largely laid up passenger ship fleet, and because it sets stiff demands for economies of construction and operation.

Yet, whatever their reservations or additional recommendations, one by one splintered labor and divided management came forward this year to endorse the program at congressional hearings. There are some who count that demonstration of unity as a more remarkable achievement by Mr. Gibson than the program itself.

Mr. Gibson has his detractors, some of whom dismiss his performance at the shipping agency as merely a matter of being in the right place at the right time.

Yet he had emerged virtually unscathed from a year in an office that devoured the most recent activist maritime administrator, Nicholas Johnson.

LUCK AND WORK

"I'm lucky," he explained with a self-deprecating smile one evening last week. "He works at it," a government colleague outside the agency suggested.

Mr. Gibson's schedule, too, suggests he "Works at it." He is routinely booked solid with appointments and staff conferences between 9 A.M. and 6 P.M., and visitors wanting to see him on short notice must be prepared to come early to catch him when he arrives shortly after 8 A.M. or stay late to see him before he leaves sometime after 7 P.M.

Unless, that is, the person seeking his attention is a member of Congress. In that case Mr. Gibson will drop almost anything to drive to Capitol Hill. "I'm not a politician," he says, "but I'll politic like hell. It's the name of the game in this town."

That is one reason for his good relations with the Congress. Another, in the view of staff aides on Capitol Hill, is Mr. Gibson's directness. Normally sensitive congressmen have appeared unperturbed when he bluntly disagrees with them at hearings or flatly states positions known to be controversial.

"ONE OF THEM"

"Andy gets away with it because they respect him, because they know he knows what it's all about," one observer believes, alluding to Mr. Gibson extensive industry background, which included a senior vice presidency at Grace Line.

Similarly, Mr. Gibson regards the fact that "I'm one of them" as one of his strengths in dealing with the industry. The record indicates that it has stood him in good stead so far, but it will be tested severely in the months ahead.

For by the end of the year, Mr. Gibson will have taken a stand on the highly controversial issue of the use of subsidized ships to

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carry significant amounts of government-generated cargo rather than commercial freight, and he will be involved "if it's necessary" in efforts to resolve labor-management strife in order to help attract more cargo for all American-flag ships.

"Well," he remarked, "if you do your job right you'll antagonize everybody in the industry at some time." Mr. Gibson has a gift for somehow saying such things—and "if I've done my best and done what was right, I'm satisfied"—without making them sound like platitudes.

NO FLAG-WAVER

Although he is effective and persuasive in private conversations or congressional hearings, Mr. Gibson is something less than spellbinding in the three or so major speeches he averages each month.

In part this is because he tends to take the value of the merchant marine as an article of faith and eschews wrapping it in the flag or raising the specter of Russian ships sailing into New York to carry away American cargo—approaches which are standard fare on the maritime dinner circuit.

Mr. Gibson gives the impression that to play to the crowd for a quick cheer is to concede a lack of "class" or "style"—qualities he values.

Hence, he is delighted with himself for salvaging the huge, ornate Oriental rug which dominates his office from a dusty storage bin at the agency. "It's got class," he said. "I like to think that's the way this organization is."

And hence he fears becoming a bureaucrat, a word to which he attaches a lack of style. "You've got to get out before you become one," he says. "I'm already becoming more cautious than I was."

That, perhaps, is why Mr. Gibson, after a year in office, is already talking about having reached the mid-point of his tenure as maritime administrator.

The fact that Mr. Gibson ever got involved in maritime affairs at all suggests something of one aspect of his personality. After achieving what he describes as a "spotty" high school record, he took the entrance examination for Massachusetts Maritime Academy not because of any lure of the sea but "because a friend was taking the test." Mr. Gibson was accepted and, over the vigorous objection of his father, "I spent two years before the mast" on the school's training ship Nantucket.

"I hated it after one week," he said, "but I couldn't admit to my father that I'd made a mistake." Mr. Gibson still exhibits a strong-willed chaarcter and concedes he has grown used to "dominating people and situations." But he is more readily persuaded of a mistake in judgment than he apparently was 30 years ago.

There is a substantial body of opinion in Washington and in the industry which holds that Mr. Gibson should be persuaded to stay on the job longer than the year or so more which he envisions.

That view may change in the next 12 months as Mr. Gibson's sometimes abrasive and always demanding approach to problem solving takes its toll. But that is far from the case now.

Mr. JAVITS. Mr. President, I would like to have the absence of a quorum suggested briefly.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENTION OF TERMINATIONS OF CERTAIN OIL AND GAS LEASES

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1193.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1193) to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely which were, on page 2, line 5, after "lease" insert ", or in any decision affecting the lease,".

On page 2, line 5, after "bill" insert "or decision".

On page 2, line 6, strike out "figure or bill", and insert "figure, bill, or decision".

On page 2, line 7, strike out all after "deficiency," down to and including "notice." " in line 10, and insert "such lease shall not automatically terminate unless (1) a new lease had been issued prior to the date of this Act or (2) the lessee fails to pay the deficiency within the period prescribed in a notice of deficiency sent to him by the Secretary." "

On page 2, strike out all after line 13, over through and including line 6, on page 3, and insert:

> (c) Where any lease has been or is hereafter terminated automatically by operation of law under this section for failure to pay on or before the anniversary date the full amount of rental due, but such rental was paid on or tendered within twenty days thereafter, and it is shown to the satisfaction of the Secretary of the Interior that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, the Secretary may reinstate the lease if—

On page 3, line 13, strike out all after "petition." over through and including "petition." " in line 8, on page 4, and insert:

> The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him. In any case where a reinstatement of a terminated lease is granted under this subsection and the Secretary finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discretion, extend the term of such lease for such period as he deems reasonable: *Provided*, That (A) such extension shall not exceed a period equivalent to the time beginning when the lessee knew or should have known of the termination and ending on the date the Secretary grants such petition; (B) such extension shall not exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination; and (C) when the reinstatement occurs after the expiration of the term or extension thereof the lease may be extended from the date the Secretary grants the petition.

Mr. TALMADGE. Mr. President, the House amendments have been cleared by the leadership on both sides of the aisle, and I move that the Senate concur the amendments of the House of Representatives.

The motion was agreed to.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS ON THURSDAY

Mr. JAVITS. Mr. President, after consulting with leadership, I ask unanimous consent that I may have 30 minutes in which to address the Senate on Thursday, immediately following the prayer and the reading of the Journal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

BANKS NEED MORE FREEDOM TO COMPETE

Mr. JAVITS. Mr. President, I call the attention of the Senate to an article entitled "Banks Need More Freedom To Compete," written by Henry C. Wallich and published in Fortune for March 1970. Mr. Wallich is professor of economics at Yale, and a former member of the Council of Economic Advisers in the Eisenhower administration.

Mr. President, this is a very serious question for the banks of the country. Of course, I represent the State in which many of the principal banks in the country are located. The article relates to their opportunities to serve society in the effective way in which they should.

I note that we shall soon be debating the entire issue, and I shall be ready to articulate my own position as representing my State at that time, but I do think that any enlightenment we can get on the subject preliminary to that debate would be valuable; therefore, I ask unanimous consent that the article to which I have referred be printed in the RECORD, and commend its reading to my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANKS NEED MORE FREEDOM TO COMPETE—EXCESSIVE REGULATION MAY DOOM THEM TO GO THE WAY OF THE RAILROADS

(By Henry C. Wallich)

Public regulation of business has a long history of coddling regulated industries to death. The pattern of excessive solicitude began with the ICC and the railroads. Today the Federal Reserve, together with the other bank regulators and Congress, is doing the same to banking. The Fed keeps banks from paying competitive rates on deposits. Old limitations, such as the restrictions on branching, become increasingly anachronistic in today's world of instant communication. The House of Representatives has passed a measure that would keep the banks from going after new types of business. And the

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Federal Reserve has been flirting with legislation to "improve," i.e., probably toughen, the regulatory setup. If the banks cannot break out of this pattern, they are in danger of going the way of the railroads.

Unlike other industries, banks are subject to few technological constraints. There are only so many basic processes for making steel, but the business of raising money and lending it out can be conducted in an infinite variety of ways. While a steel company, moreover, must freeze its assets in some particular technology for many years, most bank assets are liquid, or nearly so. A bank can shift quickly from one form of lending to another. The liabilities through which a bank raises its funds are also subject to rapid change. Essentially, a bank is a system of information—relating to depositors, borrowers, and their accounts—combined with a fund of liquid capital. This means that the payoff to imagination and flexibility can be high—if the regulators do not put up obstructions. It also means, of course, that the banks continually encounter new nonbank competitors in areas of the business they thought they had to themselves.

FEAR OF THE MONEY POWER

In other countries, banks have been allowed to take advantage of their technological freedom to engage in a wide variety of financial activities. By spreading out, functionally and geographically, they have been able to compensate for the constant erosion of their traditional base. In the U.S., the constraints that the laws of nature do not impose upon the business have been imposed by the laws of man. Banking, with its three federal and fifty state supervisory authorities, and bodies of law to match, is the most overregulated industry in the country.

Why, in an economy freer than most, is banking singled out for this excess of governmental solicitude? The U.S. has some of the best banks in the world, but it surely has the worst banking system of any major nation. This is not the fault of the banker. It is the fault of the legislator. To be sure, the legislator has tried to deal with real problems. The frequent miscarriage of his more or less well meant efforts was not always foreseeable. But this is precisely the usual fate of well-intentioned regulation.

The history of banking in the U.S. is pockmarked with bank failures. In the nineteenth century, the U.S., unlike many of today's underdeveloped countries, sought to maintain a stable parity for the currency. The financial pressures that elsewhere were relieved by inflation and depreciation of the currency thus had to take the form of bankruptcies. Confronted with frequent failures, the legislator has tried to safeguard the depositor. Other countries have done this by allowing banks to branch out and become so large as to be reasonably safe, or at least easy to bail out. In the U.S., fear of the "money power" has blocked this route. Instead, the legislator undertook to tell the banks what they could do and not do—tell them in stultifying detail and, of course, differently in each state.

Successive upheavals brought successive waves of legislation and regulation. Bad banking experience before the Civil War (plus the need to finance that war) gave us the national banking system and the Comptroller of the Currency. Various money panics over the following fifty years gave us the Federal Reserve System. Failure of the Fed to prevent the collapse of nearly two-fifths of the banks in the great depression gave us the Federal Deposit Insurance Corporation (FDIC).

The depression brought other changes upon the banks, too. Congress ordered them to divest themselves of their securities business and prohibited payment of interest on demand deposits. Congress also gave the Fed power to limit interest on time deposits and to vary member-bank reserve requirements. All these actions, of course, bear directly upon bank profits, but their consequences were not realized for some time. Initially, the most important legacy of the depression was the tripartite structure of regulation, the Comptroller having primary responsibility for national banks, the Fed for state member banks, and the FDIC for insured nonmember banks.

These three protectors of the public's interest have done their best to fill their difficult assignment. They have tried to keep individual banks sound and to regulate competition. The first has meant sending out an army of bank examiners to conduct periodic examinations. The second has meant controlling entry and exit through control of chartering, branching, and mergers. There was to be enough competition to check monopoly and assuage popular fears of the "money power," but not so much as to risk failures. A case can be made for superimposing the caution of the regulator upon that of bank management, but keeping banks sound by limiting what they can do is an expensive way of protecting our deposits. In a world where risk and return are positively correlated, returns are likely to be higher on high-risk loans, not only for the bank but also for society.

HOLDING BACK THE TIDE

Where the banks have been stopped most decisively has been in their attempts to expand, whether geographically or into new lines of business. American restrictions on bank branching and mergers are unique in the world. Left to itself, banking apparently tends toward concentration—banking systems all over the world attest to that. The U.S. alone has played King Canute to this tide, and very successfully. We still have 14,000 banks, about 85 percent of them with deposits under $25 million. Merger is minutely regulated with a view to its impact on competition. Branching, regulated by state law, is tightly restricted. State-chartered banks can at most branch statewide. Some states disallow all and any branching. To make sure that all banks are treated equally badly, the law in its wisdom has subjected national banks to the branching laws of the states in which they operate.

Resistance to concentration must be understood as a political phenomenon. On the economic merits of the case it is difficult to be dogmatic. Banks have formidable powers to help or hurt other enterprises, and concentration of these powers in a few nationwide branch systems would give one pause. In West Germany and Japan the powers of banks, derived not only from their lending activity, have attracted concerned attention. It is also true, however, that West Germany and Japan have had not only the most powerful banking systems, but also very remarkable records of economic growth. In any event, the recurrent issue in U.S. bank regulation is not whether the Bank of America or the big New York and Chicago banks should be allowed to form nationwide branch systems. The great bulk of regulatory activity in this field focuses on whether the First National Bank of Jonesville should be allowed to merge with the State Bank & Trust of neighboring Smithville. More of the Federal Reserve Board's time is spent on items in this range than on whether the money supply should be increased.

Econometricians believe they have discovered that it does make a difference, with respect to loan rates, deposit rates, or loan size, whether there are one or two banks in town. But for the people in that town it would probably matter more whether there were one or two supermarkets. No regulatory authority watches over that.

Politically, the issue is simple. Small fish don't welcome competition from big fish, and certainly don't want to be eaten. Legislation designed to protect competition ends up protecting competitors. Ostensibly intended to block the money power, it serves primarily to give the local banker a mild form of local monopoly.

The fragmentation of the American banking system, to be sure, has been less damaging than one might have expected. Through the elaborate system of correspondent relationships between "country banks" and banks in money centers, the small banks have created for themselves many of the benefits of branch banking without losing their independence. Before many years, however, the advent of an increasingly automated payment and credit system may change this. As messages imprinted on paper, called currency and checks, are gradually replaced by messages imprinted on computer memories, distance between the bank and its customer will matter less. A man might bank all year without ever setting foot in, or driving a car into, the premises of a bank. When this becomes possible, big banks will be able to deal with small out-of-town customers. In other words, they will increasingly compete with their correspondents.

At that time, technology quite possibly may prevail over regulation, ideology, and political influence. The U.S. then may find its banking system becoming more highly concentrated, in substance if not in outward appearance. Skeptics may prefer to believe that local interests will succeed in promoting regulation to prevent this outcome. If the logic of computer technology is defeated, the cost that regulation imposes upon the U.S. economy will rise.

LIKE DIGGING HOLES IN A ROAD

Being a product of successive crises, the banking system and its regulatory superstructure are quite lacking in the orderly design that a good planner would create if he were building from scratch, or even rebuilding. One thing, however, can be said on behalf of the existing superstructure: it is inefficient. Observers have pointed out that, since bankers have the power to choose their regulators, the present system generates competition in laxity. In recent years, when Comptroller of the Currency James Saxon and his successor William Camp liberalized the treatment of national banks, state banks began to convert to national charter, including such giants as Chase Manhattan, Wells Fargo, and Wachovia. When the Federal Reserve was bearing down hard on its member banks through reserve requirements and limitation of borrowing privileges, it found small banks backing away from membership in the system. To preserve its constituency, the Fed has proposed liberalized discount facilities, although many economists question the wisdom of thus weakening central-bank control.

Because bankers can count on the desire of competing regulators to preserve—or enlarge—their constituencies, they are usually supporters of the prevailing tripartite division of power. But it is an enormously inefficient method of loosening the stranglehold of regulation. An unhappy regulator recently compared it to digging holes in a road in order to enforce a speed limit. Still, it is preferable to the alternative of a unified supervisory system pursuing a hard line.

Plans for a unified regulator are in the air. A leading proponent of the idea has been James Robertson, the energetic vice chairman of the Federal Reserve Board. Robertson wants the Fed to get out of the regulatory business and concentrate more fully on monetary policy. This, to be sure, would have certain advantages. The Fed is unquestionably one of the best agencies in the federal government, with high technical competence, and this resource should be reserved for top-drawer issues. But if the single agency Robertson proposes were to materialize, the banks might find themselves moving from a low-flame frying pan into a rather hot fire.

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While the unified regulator so far is only a dream (for many bankers a bad one), other regulatory issues have reached the crisis stage. Congress unwittingly planted a time bomb in the 1930's when it told the banks to stop paying interest on demand deposits and empowered the Fed to fix a ceiling for interest on time deposits. That bomb has finally gone off.

What Congress originally had in mind was to protect the depositor by protecting banks even more effectively against having to compete with each other. Paying high interest to attract deposits, it was argued, made the banks take on high-risk loans. If they did not have to compete with each other for money, they would be safer. Theorists, incidentally, have always questioned this reasoning. They maintain that a well-run bank would normally pick the highest yielding loans after allowing for a risk discount, so its choice of loans would not depend on what it had to pay for money. But bankers do not read theorists, and theorists do not run banks.

The Fed got its power, which it spelled out under Regulation Q, and nobody paid much attention so long as interest rates remained low. Bankers enjoyed their cheap sources of funds. They were pained, to be sure, that their archcompetitors, the savings-and-loan associations, were expanding so much faster. But few bankers seemed to think that their paying little or nothing on deposits had much to do with that.

BLOCKED FROM GETTING EVEN

By 1961, however, it had become increasingly obvious that in a world where interest rates were secularly rising, principal reliance on an interest-free source of funds was not a good way of staying in business. So banks began to sell certificates of deposits at competitive rates. Time deposits zoomed. For the first time since the war, banks were able to hold their own against competing financial intermediaries. The whole nature of the business changed. Earlier, a banker had to limit his lending in accordance with the inflow of deposits. Now if a customer unexpectedly asked for a large loan, the banker could go out and buy the money.

Then the banks ran into Regulation Q. As open-market rates rose above the Q ceilings, big holders ran off their C/D's and reinvested in other paper. From a mild device to limit bank competition, Regulation Q was promoted to a powerful instrument of credit control. The banking business was once more turned upside down. Far from being able to buy money, the banker saw even the money he had draining away.

The Fed had two reasons for keeping the screws on firmly in 1966 and in 1969. Foremost was the need, a very real one, to counteract the oveheating of the economy. In addition, however, the monetary authorities had to worry about the savings-and-loan industry. Because of their sluggishly revolving portfolios of mortgages, the s. and l.'s could not keep up with the fast-rising pace of interest rates. The banks, with their more flexible portfolios, could have outcompeted them easily, had not the regulators decided to sit on the banks the first time they had a chance to get even with their old competitors. In the end, both the banks and the s. and l.'s lost funds to the more competitive open market—the much-discussed phenomenon of "disintermediation."

Having made firm loan commitments, the banks began to look around for money. The Eurodollar became a major source. So the Fed felt compelled to move in once more. The Fed could not keep the banks from borrowing abroad, but it could, and last October did, make this borrowing more expensive by subjecting it to reserve requirements.

The banks, under enormous pressure, looked for money elsewhere. Some of them, through their holding companies, began to issue commercial paper. The Fed announced that it might subject commercial paper to Regulation Q ceilings or to reserve requirements, or both. Imposition of Q would make the sale of commercial paper impossible while market rates were above the ceiling. In this game of cat and mouse, no newly found hole seemed safe.

AN OUTDATED RELIANCE

When the present high-pressure period is over and bankers can add up the experience, it will become clear, above all, that they need stable and reliable sources of funds. Otherwise, the industry can scarcely hold its share of the financial market. To obtain the funds they need, banks will have to pay competitive rates. In an age of high interest rates, reliance on demand deposits is almost as anachronistic as reliance on passenger traffic would be for the railroads.

Banks do, of course, pay an implicit interest rate on demand deposits, in the form of free check-clearing services. Bankers and their big depositors know very well what that is worth. But the higher interest rates go, the more it pays depositors to economize on the holding of cash balances. As more highly automated payment techniques are introduced, factors adversely affecting the demand-deposit side of the banking business will multiply. Check clearing will increasingly come to be seen as an industrial operation rather than a financial one. The involvement of bank officers with the money mechanism, and the resources that can be obtained from it, will diminish. Their concern will focus onto the raising and use of funds from other sources.

To stay in the running, banks increasingly will have to replace demand deposits with time deposits. Even then, time deposits will be a reliable source of funds only if the Fed can be prevailed upon to give up the use of Regulation Q as a credit-control instrument. The banks could help to bring the Fed along by making its job of regulating credit less difficult. If banks issue binding credit commitments to their customers and thus insulate them against credit restriction, they invite stiff Fed policies. If some restraint can be put on these commitments, if necessary by subjecting them to reserve requirements, the Fed might unbend. If the Fed does not, it will have to face up to the fact that, in trying to regulate money and credit, it is undermining the industry through which it must operate.

When the present demand for bank credit lets up, banks will discover also that they are competing not only for funds but also for outlets. To be competitive, they must make it attractive to borrow from banks. In the recent period of strenuous demands for funds, of course, banks have hardly been beset with this problem. But for considerable periods earlier, they had to contend with mounting encroachment on their lending by life-insurance companies and pension funds, and lately new breeds of competing lenders have reared up—finance companies, take-over specialists, high-risk lenders ready and eager to accept equity kickers. In times of less intense demand, the banks will have to adjust their lending to changes in competition and markets.

Historically the banks have succeeded in making such adjustments. As demand fell off for shorter commercial loans, banks shifted to term loans, consumer credit, factoring, and other forms of credit that earlier were considered unbankable. By and large, the regulators have not stood in the way of such innovative financial engineering.

This happy state, however, may not survive. Banks now see opening before them new types of financial business that their flexible technology makes feasible. Universal credit cards, data processing, mutual funds, insurance selling, and specialized high-risk financing are part of the financial wave of the future. Banks have tried to enter these fields through subsidiaries, or through one-bank holding companies, but have encountered regulatory resistance. Because many such activities are deemed "bank-related" rather than banking proper, they often do not fit into the regulatory mold.

CUT OFF FROM MUCH OF THE ACTION

The one-bank holding company is an ingenious effort, on the part of large banks, to break out of the regulatory mold. By creating a parent company capable of acquiring other subsidiaries for itself, a bank can indirectly engage in activities that regulation makes it inconvenient or impossible to handle directly. But antibank forces headed by Congressman Wright Patman of Texas have succeeded in getting through the House of Representatives a bill that would in effect straitjacket one-bank holding companies. If this legislation prevails, banks will find themselves cut off from much of the financial action of the future. Combined with shrinking or unreliable sources of funds, this new form of regulation could condemn the banks to ultimate irrelevance in the financial framework. It might point them toward a useful but profitless existence like that of railroads.

On the other hand, if the banks are allowed to follow where innovative financial technology leads them, we may see them ending up quite far from where they stand today. Their concentration on the routine mechanisms of checking accounts will abate. This might happen quite rapidly if, as is not unlikely, the savings-and-loan associations and the mutual savings banks are allowed to accept checking deposits. The banks cannot hope to expand into other fields unless they are prepared to see freer access to their own home grounds accorded to their competitors. With the money business largely out of the way, banks will increasingly be raising funds from non-deposit sources. And they will increasingly be using their funds for purposes other than commercial loans. There will then be no more reason to regulate their activities than there is today to limit and regulate the activities of finance companies. Ordinary antitrust considerations should then be sufficient to control the banking business, as they have been for business in general.

WELFARE LEGISLATION

Mr. JAVITS. Mr. President, I am preparing to introduce amendments to the welfare package which has come over to us from the House of Representatives, and I shall discuss the amendments which I propose to introduce on Thursday. That is the purpose for which I arranged for the time which has been granted by the Senate.

Mr. President, in anticipation of that event, and to further inform Senators in detail as to what I am proposing, as well as to show Senators some tables relating to the percentages which, under my amendment, would be available to the States in support of efforts over and above the basic package which will be provided by the Federal welfare statute, I ask unanimous consent that certain tables and explanatory information be printed in the Record.

There being no objection the material was ordered to be printed in the Record, as follows:

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Explanation of Amendments To Be Introduced by Senator Jacob Javits to H.R. 16311, the Family Assistance Act

Last Thursday April 23, 1970, I indicated to members of my own party and other members of the Senate, a number of amendments that I intend to introduce to the Family Assistance Act, the Administration's commendable proposal for a basic reform of the welfare system.

Specifically, I stated that I would soon introduce amendments to:

(1) Provide the basis for increases in the $1600 payment and eligibility standard beginning in calendar year 1973 (the second full year of operation), and subsequent years on the basis of the poverty level redefined to more adequately reflect the amount which a poor family actually requires to meet food and non-food costs.

The President himself has acknowledged that the $1600 level, even with the addition of food stamps, will not bridge the poverty gap.

In calendar year 1973, the eligibility and payment standard would be raised to an amount equal to fifty percent of the poverty level as then determined. Under my amendment, the poverty level would be determined on the basis of the "low-cost" food plan determined by the Department of Agriculture as the amount needed for a nutritious diet rather than the (as now) inadequate "economy food budget" prescribed for only temporary or emergency use. The application of this new criteria would result in an eligibility and payment standard of $2400 for a family of four in calendar year 1973. Food stamps would provide additional benefits.

By keying the family assistance eligibility and payment standard to a more realistic poverty index, my amendment would provide the basis for greater coverage of the poor for more adequate cash payments and for increased assumption by the Federal government of the costs of welfare. States and localities thereby would be free to use their resources on those efforts in education, health, economic development, manpower, and other areas which will seek to reduce welfare dependency.

(2) Provide an incentive for all states to raise their levels of supplementation by providing immediately for federal sharing in state supplemental payments on a variable basis, ranging from 50% to 83%, depending upon state fiscal capacity, rather than on the 30% basis prescribed for all states under the House bill. Under this formula, which is to be used to determine the extent of federal sharing in Medicaid payments, most of the states that have the lowest payments would be provided greater sharing to raise those payments.

(3) Require a level of supplementation by low-payment states so that in all states poor families would receive a specified additional amount to supplement the basic family assistance payment of $1600 in the early years of operation of the plan.

(4) Exempt mothers with school age children from the work requirement of the bill. We must give mothers on welfare the respect to which they are entitled. We must rely upon their own desire to provide for their children, upon a constructive incentive system, upon a meaningfully developed manpower and training program, and upon expanded child-care facilities to spell the difference between our new efforts to help the poor and those previous efforts which have, despite requirements similar to those in the House bill, failed to eliminate the rise in welfare dependency. I consider a mandatory work requirement as applied to mothers of school-age children undesirable as a matter of policy, unrealistic in terms of availability of child-care facilities, and unnecessary in light of our experience under existing requirements.

(5) Ensure that each child receiving child care under the Administration's commendable plans also receive the education, health, nutritional and related services, necessary to help such a child achieve his full potential. While the report on the House bill directs that such services be provided and while the Administration has indicated its intention to do so, specific language must be included to preclude the possibility that sometime in the future limited federal resources and increased emphasis on the working needs of the mother may prompt the evolution of a separate and inferior custodial system of child care under the Family Assistance Act.

(6) Direct the Secretary of Health, Education and Welfare to establish reporting procedures and annually submit to the Congress a detailed report indicating child-care needs and the extent to which existing facilities are adequate to those needs.

(7) Authorize the Secretary of Labor to provide allowances for child-care costs to mothers who choose to participate in training.

(8) Authorize the provision of child-care services for mothers who wish to accept or continue work on a part-time, as well as a full-time, basis.

(9) Direct the Secretary of Health, Education and Welfare to establish in his Department an office to provide technical assistance and information to encourage the meaningful involvement of business in the development of child-care facilities.

In order that members will have an opportunity to join with me this Thursday, April 30 when these amendments are to be introduced, there follows an explanation of each amendment, together with additional material.

(1) *Amendment to provide for increases in the $1600 basic eligibility and payment standard on the basis of a poverty level redefined to more adequately reflect basic human needs.*

The Family Assistance Act would provide a poor family of four having an income less than $1600 with a family assistance cash payment in the amount necessary to raise its income to the basic $1600 level.

Noting that with food stamps the assistance package of the Administration would provide a family of four with approximately $2400, the Administration's October 1969 report on its proposal acknowledges:

"That is not, of course a sufficient amount to sustain an adequate level of life for those who have no other income; it is nevertheless, a substantial improvement and can be made more adequate as budget conditions permit."

Under the proposed amendment a redefined poverty level would be used to determine the amount of increase in the federal family assistance payment and eligibility standard.

Beginning in calendar year commencing January 1, 1973 (the second full year of operation) the amendment would require that the federal family assistance payment and eligibility standard be set at 50% of the redefined poverty level. The application of the new criteria, based upon present costs, would result in a standard of $2400 for a family of four in that year.

The amendment would provide the basis for further yearly increases of the eligibility and payment standard at a rate of 10% until the poverty level is reached.

Under the amendment, the poverty index would be based upon the "low-cost food plan" determined (with adjustment for regional differences) by the Department of Agriculture as the amount needed for a nutritious diet rather than on the currently used basis of the "economy food plan." The Department of Agriculture has described that the "economy food plan," which is designed only for temporary or emergency use, as "not a reasonable measure of basic money needs for a good diet." The inadequacy of the current index is underscored by the fact that the poverty level is presently set at $3720 for a family of four.

In addition to providing the poor with more adequate payments, the amendments would result in substantial additional fiscal relief for the states and localities, permitting them to concentrate their resources on local education, manpower and other programs to further reduce welfare dependency.

Until the payment and eligibility standard reaches the poverty level, it would be necessary to supplement the cash payment with food stamps.

(2) *Amendment to provide for greater federal sharing in state supplemental payments on a variable basis.*

Under Section 452(a) of the House bill a state is required to supplement the federal benefit based upon the standard in effect in such state for January 1970, "or if lower a standard equal to the applicable poverty level." A state may supplement above the poverty level.

The House bill directs the Secretary to pay to any state an amount equal to 30 percentum of the total amount expended for such supplemental payments during each year pursuant to its agreements.

The proposed amendment would provide that, in lieu of the 30 percentum figure, the federal government would pay a state between 50 and 83 percentum of supplementary costs, depending upon state fiscal capacity as in the case of matching payments under Medicaid.

This amendment will provide all states with additional fiscal relief and will encourage a number of states to raise their supplemental payments.

For fiscal year 1970, the federal government shared in Medicaid costs at the following percentages under the "50–83" variable formula:

	Title XIX percentage
1. Alabama	78.54
2. Alaska	50.00
3. Arizona	66.42
4. Arkansas	79.76
5. California	50.00
6. Colorado	56.24
7. Connecticut	50.00
8. Delaware	50.00
9. District of Columbia	50.50
10. Florida	64.10
11. Georgia	71.48
12. Hawaii	50.75
13. Idaho	68.91
14. Illinois	50.00
15. Indiana	52.85
16. Iowa	55.27
17. Kansas	57.78
18. Kentucky	74.30
19. Louisiana	73.57
20. Maine	68.33
21. Maryland	50.00
22. Massachusetts	50.00
23. Michigan	50.00
24. Minnesota	56.95
25. Mississippi	83.00
26. Missouri	59.29
27. Montana	64.72
28. Nebraska	57.25
29. Nevada	50.00
30. New Hampshire	59.18
31. New Jersey	50.00
32. New Mexico	71.48
33. New York	50.00
34. North Carolina	73.96
35. North Dakota	70.48
36. Ohio	52.42
37. Oklahoma	68.84
38. Oregon	56.35
39. Pennsylvania	54.60

	Title XIX percentage
40. Rhode Island	51.70
41. South Carolina	78.68
42. South Dakota	69.91
43. Tennessee	74.62
44. Texas	66.66
45. Utah	68.23
46. Vermont	64.96
47. Virginia	65.04
48. Washington	50.00
49. West Virginia	75.73
50. Wisconsin	55.21
51. Wyoming	60.38
52. American Samoa	----------
53. Guam	50.00
54. Puerto Rico	50.00
55. Trust Territory	----------
56. Virgin Islands	50.00

(3) *Amendment to require supplementation by low-payment states to ensure a total payment in all states of $1800 in the calendar years 1971 and 1972.*

Although one of the principal purposes of the Family Assistance Act is to eliminate the disparities between payments made by the states, payments made after enactment to a poor family of four will still vary considerably, from more than $1600 in Mississippi to over $3700 in New York State.

This amendment would require all states during 1971 and 1972 to maintain a supplementation sufficient, with the family assistance federal cash payment, to provide an eligibility and payment of $1800 for a family of four in order to achieve a higher nationwide level until a higher federal standard is reached.

Application of the variable formula of sharing under the second proposed amendment would make it possible for the low-payment states to meet this standard without incurring substantial additional costs.

The following information provided by the Department of Health, Education, and Welfare indicates (on the basis of the latest available data) the levels of supplementation which it is expected that the states may choose or be required to attain after the Family Assistance Plan goes into effect:

NONWORKING FAMILY OF 4 RECEIVING FAMILY ASSISTANCE PLAN—THE AMOUNT OF STATE SUPPLEMENT

State	Annual payment	FAP	Annual State supplement
Alabama	$972	$1,600	(1)
Alaska	2,220	1,600	$620
Arizona	2,124	1,600	524
Arkansas	1,140	1,600	(1)
California	2,652	1,600	1,052
Colorado	2,292	1,600	692
Connecticut	3,524	1,600	1,924
Delaware	1,788	1,600	188
District of Columbia	2,928	1,600	1,328
Florida	1,608	1,600	8
Georgia	1,596	1,600	(1)
Hawaii	3,103	1,600	1,503
Idaho	2,880	1,600	1,280
Illinois	3,228	1,600	1,628
Indiana	1,800	1,600	200
Iowa	2,928	1,600	1,328
Kansas	2,844	1,600	1,244
Kentucky	2,244	1,600	644
Louisiana	1,248	1,600	(1)
Maine	2,016	1,600	416
Maryland	2,196	1,600	596
Massachusetts	3,684	1,600	2,084
Michigan	3,156	1,600	1,556
Minnesota	3,468	1,600	1,868
Mississippi	828	1,600	(1)
Missouri	1,560	1,600	(1)
Montana	2,436	1,600	836
Nebraska	2,400	1,600	800
Nevada	1,724	1,600	124
New Hampshire	3,084	1,600	1,484
New Jersey	4,164	1,600	2,564
New Mexico	2,196	1,600	596
New York	3,756	1,600	2,156
North Carolina	1,608	1,600	8
North Dakota	3,132	1,600	1,532
Ohio	2,316	1,600	716
Oklahoma	2,220	1,600	620
Oregon	$2,628	$1,600	$1,028
Pennsylvania	3,312	1,600	1,712
Rhode Island	2,664	1,600	1,064
South Carolina	1,140	1,600	(1)
South Dakota	3,084	1,600	1,484
Tennessee	1,548	1,600	(1)
Texas	2,148	1,600	548
Utah	2,328	1,600	728
Vermont	3,192	1,600	1,592
Virginia	2,856	1,600	1,256
Washington	3,648	1,600	2,048

[1] No supplement.

(4) *Amendment to exempt mothers with school age children from the work requirement of the bill.*

Under the House bill, mothers of school age children and other relatives caring for such children would be required to accept work of employment or lose the family assisance benefits to which they would otherwise be entitled.

The work requirement is unrealistic in light of the following: (1) studies document that seven out of ten welfare mothers want to work, and the liberal provisions under the bill for the retention of earned income should provide additional incentive to work; (2) in the near future, there will not become available sufficient child care facilities to enable such mothers to work without neglecting their children. Even with the Administration's new child care provisions, less than one-third of the child care needs of preschool children alone will be met. There are currently more than 3.8 million preschool children of working mothers, and child-care provision for only 600,000 of them in the entire country. Even with the administration's plan of add 450,000 slots, less than one-third of the preschool need will be met. As long as care for preschool children remains a priority, we quite clearly cannot assume that the child-care needs of millions of school-age children who would require after-school care or full care during the summer will get if their mothers are required to work.

The amendment would leave unchanged the requirement to register with the local employment service. By requiring registration but not work or training the mother will not be forced to accept such opportunities if she determined that they would interfere with the care for the child.

We must give mothers on welfare the respect to which they are entitled. We must rely upon their own desire to provide for their children, upon a constructive incentive system, upon a meaningfully developed manpower and training program and upon expanded child care facilities to spell the difference between our new efforts to help the poor and those previous efforts which have, despite requirements similar to those in the House bill, failed to eliminate the rise in welfare dependency.

AMENDMENTS TO STRENGTHEN THE CHILD CARE PROVISIONS OF THE BILL

The proposed amendments to the Administration's commendable new provisions for child care would:

(5) Require the Secretary of Health, Education and Welfare to ensure that all children receiving child care under Section 436 of the Family Assistance Act receive the education, health, nutritional and related services, "necessary to help each child achieve his full potential." While the report on the House bill directs that such services be provided, and the Administration has indicated its intention to do so, specific language must be included to preclude the possibility that sometime in the future limited federal resources and increased emphasis on the working needs of the mother may prompt the evolution of a separate and inferior custodial system of child care under the Family Assistance Act.

(6) Direct the Secretary of Health, Education and Welfare, in consultation with the Secretary of Labor, to establish reporting procedures and annual submit to the Congress a detailed report indicating the extent of the need for child care by individuals referred for employment or training and the extent to which existing child care facilities are adequate to meet such need so that the Congress will be in a better position to respond to those needs.

(7) Specify "costs incurred in the provision of child care" as one of the cost "necessary to and directly related to . . . participation in training" for which the Secretary of Labor is authorized to provide allowances under Section 443 of the Act. By providing for an exemption for all or part of the cost of child care services, the bill anticipates that a working mother may seek child care services in facilities other than those funded under Section 436. However, there is no similar provision in the case of a mother who is in training.

(8) Ensure that child care services are made available to enable mothers to accept or continue employment on a part time (as well as on a full-time) basis in projects funded under Section 436 of the Act.

(9) Direct the Secretary of Health, Education and Welfare to establish in his department a program to provide technical assistance and information to encourage the meaningful involvement of business, and labor organizations in the development of child care facilities. While the House bill clearly provides for 100% funding of the costs to private as well as to public agencies, efforts must be made to involve the private sector.

POLISH CONSTITUTION DAY

Mr. GRIFFIN. Mr. President, the annual Communist May Day celebrations are approaching once again. Each year on May 1 the governmental apparatus in Communist-dominated countries undertake to convince the people how lucky they are to be living under communism.

Such will be the case in Poland this year, as usual.

But Mr. President, freedom-loving Poles, both in Poland and elsewhere in the world, will mark May 3 with special attention. May 3 will be the 179th anniversary of the adoption of the Polish Constitution, a document that stands as an inspiration and a guiding light to people and nations committed to the principles of democracy and liberty.

Mr. President, the Polish Constitution was adopted only 2 years after our own Constitution, and much of it was modeled after the basic document which undergirds our Republic.

Unhappily, however, the Poles were not destined to live very long under the enlightened provisions of the Polish Constitution. Soon after its promulgation Poland was overrun and partitioned.

But the spirit of the May 3 Constitution lives to this day in the hearts and minds of the Poles, and its anniversary is still celebrated in all communities where Poles enjoy freedom.

We in this country, including the 10 million Americans of Polish descent,

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should mark well the day, and take special note of the Polish people's long struggle to assert their own national identity.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. THURSDAY

Mr. TALMADGE. Mr. President, I ask unanimous consent to modify the order previously entered to provide that when the Senate completes its business today, it adjourn until 11:30 a.m. on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11:30 A.M. ON THURSDAY, APRIL 30, 1970

Mr. TALMADGE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 11:30 a.m. on Thursday next.

The motion was agreed to; and (at 2 o'clock and 47 minutes p.m.) the Senate adjourned until Thursday, April 30, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, April 27, 1970:

IN THE COAST GUARD

Rear Adm. Thomas R. Sargent III, 1670, U.S. Coast Guard, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Lewis L. Mundell, 521-0940FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. James William Sutherland, Jr., 432-01-3212, Army of the United States (brigadier general, U.S. Army).

IN THE MARINE CORPS

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. William K. Jones and Maj. Gen. Raymond G. Davis, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade of lieutenant general while so serving.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Clarke, David A., 224-52-4704.
Forys, Conrad W., 153-30-7108.
Howard, Malcolm J., 245-56-7305.
Lent, Morris J., Jr., 489-42-5888.
Lurker, Ralph L., 513-34-3448.
Murphree, John D., 466-52-9226.
Rehusch, Kenneth S., 332-28-2000.
Sayers, Ronny J., 171-32-5716.
Schein, George, II, 183-32-5856.
Toomepuu, Tonu, 101-30-3773.

To be first lieutenant

Baxendale, John R. D., 070-36-4208.
Carpenter, John L., 433-68-7079.
Chwolibog, Andrew J., 385-44-6912.
Coppin, David F., 528-54-9532.
De Pue, John F., 158-34-7819.
Du Bois, Allan K., 463-72-0294.
Eberhardt, John E., Jr., 171-36-8596.
Folawn, John S., 457-45-1100.
Friberg, Philip E., 534-42-8441.
Friedberg, Alan C., 228-52-5978.
Frierdich, Michael V., 328-40-2029.
Giannelli, Paul C., 092-36-2166.
Hamilton, John R., 284-42-6322.
Hancock, Jeffrey H., 558-60-8761.
Head, Harold D., 229-62-8395.
Hopkins, Gary L., 440-40-3223.
Kennedy, Kenneth H., 407-58-3287.
Kirby, Robert B., 431-86-1497.
Kittel, Robert N., 231-46-1008.
Kyll, Robert P., 225-58-8788.
Lancaster, Steven F., 304-40-6518.
Laney, Solon D., 254-66-4065.
Lavigne, Jeffrey E., 156-32-3909.
Lewis, George E., Jr., 267-66-5992.
Mackey, Richard J., 538-42-0634.
Mannix, Robert W., 072-26-2284.
McKenna, Robert B., Jr., 171-36-3201.
O'Byrne, Stuart A., 360-34-5906.
Salvatore, Ronald A., 119-32-6292.
Schmidt, Thomas J., Jr., 288-38-0810.
Scully, Francis J., 502-58-1335.
Trucksa, Robert C., 338-32-4362.
Vallecillo, Carlos A., 581-84-2546.
Wilson, Joe H. R., 518-42-5372.
Wolcott, Barry W., 049-34-3424.
Worthing, Robert W., 143-36-3166.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Dawson, John W., 448-26-6958.
Koos, Frank S., 154-20-4507.
Sewell, William P., 253-44-8294.
Snell, Ira, Jr., 280-22-7130.

To be captain

Brown, Stanley M., 432-62-9444.
Camp, Norman M., 266-60-8952.
Cephas, Earl F., 217-30-3972.
Cole, Paul A., 276-32-7562.
Cole, Perry E., 428-72-6660.
Conner, Victor S., 458-60-8651.
Covell, Bruce W., Jr., 363-30-5574.
Funderburk, Raymond, 409-50-6099.
Hebert, Richard C., 435-58-9221.
Herman, James W., Jr., 202-28-6775.
Jordan, William P., Jr., 245-56-4809.
Lay, Bobbie D., 447-36-7145.
Livengood, Raymond H., Jr., 244-52-2801.
Malone, Paul F., 233-62-3842.
Osborne, Gerald C., 403-50-4929.
Ottenberg, John C., 506-40-5685.
Rivera-Diaz, Victor M., 581-01-8880.
Ryan, Richard B., Jr., 471-38-1262.
Simino, Joseph R., 002-28-6106.
Story, Jack P., Jr., 257-46-6694.
Whaley, Karroll C., 484-38-2983.
Williams, Gary L., 215-36-9691.
Yashima, Wallace K., 576-28-9919.

To be first lieutenant

Alderfer, Gill R., 204-32-2770.
Allen, Frank B., 256-54-7285.
Anderson, Eldon E., 519-44-9072.
Anderson, Shirley R., 308-46-2038.
Andrle, John C., 314-34-8432.
Benton, John G., 214-36-3896.
Berry, John S., 483-40-8450.
Bise, Lanny C., 261-72-1483.
Cabaniss, Edward H., IV, 050-34-7455.
Cannici, John S., 137-32-0774.
Cermenaro, James A., 024-30-1684.
Chantelau, William J., 068-34-7506.
Coffey, Andrew W., 492-44-3235.
Darley, Roger G., 459-58-0232.
Doyle, William J., 001-34-4774.
Dyson, Gordon H., 490-44-9354.
Garrison, Stuart E., 446-42-2669.
Glann, George W., Jr., 484-48-2486.
Guida, Robert A., 168-36-3889.
Hammond, James W., Jr., 459-68-5843.
Hershey, Michael T., 379-34-9285.
Jackman, Timothy, 394-38-5699.
Kelley, Ronald, 405-58-6270.
Kellogg, George W., 437-62-3757.
King, Kenneth E., 205-32-8580.
McEntire, Jackie J., 349-32-7049.
Meek, Ronnie A., 358-30-1175.
Mooney, Jackie E., 455-56-3674.
Moore, Eddie E., 443-38-6226.
Moreno, Anthony A., 576-44-2853.
Moser, Mark V., 287-30-9324.
Moss, Vernon D., 571-52-3319.
Napper, John E., 411-56-7878.
Nass, Fred L., 508-54-9928.
Niemann, Patrick J., 576-44-2877.
Olszewski, Valerie A., 196-34-7489.
Passmore, James L., 409-68-0286.
Phillips, Alma J., 183-36-6650.
Porr, Brian R., 273-40-5649.
Ragauskas, Raymond R., 146-30-7383.
Reid, Walter H., 431-62-7058.
Renner, Stephen A., 131-28-3924.
Riggins, Hiram T., Jr., 264-50-8473.
Riley, Charles F., 318-30-7275.
Rodgers, Robert I., 159-36-3328.
Schneider, Jerry B., 347-32-2141.
Shaffer, Gavin D., Jr., 205-34-0581.
Shaffer, William J., 520-40-9879.
Shannon, James M., 520-34-8141.
Shelly, Clyde, 500-38-1967.
Smith, Herbert F., 108-34-2188.
Smith, Richard W., 236-62-6981.
Speer, Wilbur R., 505-50-7781.
Stiver, Vernie D., 448-36-0712.
Streeter, Raymond C., 031-30-5714.
Ward, Robert N., 441-42-7006.
Weitzel, William D., 364-44-6207.
Welch, Albert C., 001-26-4727.
Wilder, Thomas F., 048-32-2629.
Yeager, Gerald A., 205-32-2798.

To be second lieutenant

Brow, John W., 323-34-8297.
Cooper, Brian P., 275-36-0860.
Duvall, Julius D., 247-80-9756.
Gordon, Allen F., 053-36-8713.
Newman, David A., 445-42-9157.
Pate, Jerry C., 412-70-3461.
Raymond, Stephen C., 562-64-5808.
Riederer, William G., 126-36-9024.
Scrogin, Thomas W., 494-46-8309.
Steinman, Daniel D., 563-64-0184.
Terry, Ronald W., 560-62-2196.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Abels, Michael L., 236-78-9790.
Abernathy, Louis R., 007-40-1508.
Allen, Richard B., 301-42-4994.
Allenbaugh, Richard E., 286-46-9695.
Anton, William T., 574-20-6972.
Appling, Alvin R., 401-70-7881.
Asselstine, James K., 225-70-2465.
Bach, Barry C., 502-54-4369.
Bailey, Edward G., 279-40-6890.
Ball, Calvin E., 236-76-1872.
Barnes, Johnny, Jr., 315-48-3588.
Batman, Joseph J., Jr., 269-44-8144.
Baxter, Gregory W., 465-80-2209.
Bebout, George T., 271-46-1036.
Beebe, Ronald T., 329-40-5353.
Bradford, David W., 275-46-2904.
Brocious, Albert P., 168-36-5506.
Brown, John M., 102-38-9176.
Burke, Francis K., 155-40-8455.
Burman, Duane A., 503-54-6343.
Byelick, Steven C., Jr., 082-38-0626.

Cain, Thomas J., 009–38–1627.
Campanaro, Leonard A., 195–38–5123.
Chapman, Dennis J., 213–46–3148.
Cherry, Alfred B., 108–38–6836.
Christie, James R., 408–72–9268.
Clarke, Milton A., 097–36–8438.
Clevenger, Jack L., 290–44–1092.
Cobb, Henry C., Jr., 008–36–4072.
Colgan, Richard T., 512–44–3833.
Court, Robert W., 514–46–9351.
Cover, William R., 172–40–5657.
Crawford, Steven C., 514–50–4521.
Cummings, Harold R., 041–36–1913.
Daviduk, Richard M., 135–42–8026.
Davis, Keith L., 528–70–9803.
Dean, Richard G., 141–36–2393.
Dille, Henry W., Jr., 458–88–9952.
Doran, Michael J., 217–52–8264.
Durham, William L., 400–70–4115.
Egner, Jeffrey W., 388–52–5577.
Eigenman, Gary V., 566–60–6264.
Endres, Kenneth, 278–44–2031.
Ensman, Tim A., 294–42–0725.
Fanelli, Richard A., 101–40–9553.
Ferguson, Gerald F., 222–34–5850.
Fielder, David E., 410–80–0942.
Finch, William L., 231–70–6570.
Franceware, Lorenzo B., Jr., 461–84–0397.
Gaines, Ben J., Jr., 400–66–2095.
Glancy, John R., 223–70–1816.
Gonzales, Joseph P., 450–80–9665.
Gourley, Jack, Jr., 457–76–3624.
Gourley, Robert S., 352–36–0260.
Grafton, Charles F., 286–46–0820.
Grange, David L., 262–94–6108.
Grassia, Philip G., 146–36–4497.
Greene, Frank C., Jr., 407–70–3063.
Guillen, Atanacio C., Jr., 454–80–7292.
Hadley, Phillip, 265–80–3010.
Haeflinger, Charles S., 337–40–2614.
Halek, Richard J., 535–52–9471.
Hall, Michael O., 432–86–5092.
Harmon, James N., 572–72–4860.
Harned, James E., 406–58–7739.
Harris, Gary A., 585–18–3777.
Hazen, Burchard M., 141–38–4932.
Heath, Ralph D., 408–80–3198.
Henel, Gerald J., 104–36–3252.
Hennig, James E., 360–40–9439.
Hermes, Anthony C., 852–80–9969.
Herrera, Juan M., 455–92–0067.
Hicks, Cliffard L., 526–74–7132.
Himelspach, Daniel C., 516–60–7206.
Honabach, Dennis R., 180–40–4577.
Honore, Russel L., 438–66–9939.
Hoppes, Robert J., 504–50–0648.
Hosmer, James L., 161–42–6550.
Houchin, Steven E., 284–40–6223.
Howell, Rannie D., 424–64–2278.
Hrynkiewich, Paul, 299–42–4464.
Hudson, Meredith C., 251–86–2973.
Huff, David B., 275–46–7584.
Hughes, Dennis J., 280–44–0142.
Hull, James L., 268–44–5928.
Hutchison, John N., 014–36–7879.
Jacobs, Henry J., 139–42–1362.
Jahn, Thomas M., 444–46–9315.
Janak, Lawrence J., 452–72–9912.
Jaworski, James J., 134–36–7888.
Jefferson, Thomas C., 430–88–9946.
Johnson, John M., 266–98–9136.
Jones, Robert L., 236–70–7989.
Kellam, Edwin E., 454–76–1899.
Keeling, Benjamin R., 224–70–6187.
Kensey, Jimmey E., 301–42–1991.
Kettering, Donald L., 504–49–7590.
Kincaid, Craig S., 402–64–4424.
Kincaid, James R., Jr., 415–78–7144.
Kincer, Albred L., III, 457–76–8731.
Kingsley, Cecil M., 492–50–6647.
Knight, Richard H., Jr., 228–68–9540.
Knott, John A., 222–32–6452.
Knowlton, Charles D., 262–88–5907.
Kodak, Robert D., 062–40–5177.
Kollenberg, James L., 271–42–6567.
Krause, Bruce H., 526–88–3846.
Krueger, Gary L., 466–74–3452.
Krzeminski, Joachim Z., 168–40–8085.
Lacy, Danny E., 403–68–1205.
Lange, Mark D., 310–54–3914.
Lawrence, George E., Jr., 230–64–6967.
Lawrence, Roger D., 464–74–7341.
Layton, Daniel H., II, 527–74–0362.
Leeling, Gerald J., 503–52–5025.
Lehmann, Edward W., Jr., 471–50–1951.
Likins, Terry A., 467–84–5170.
Lindberg, Jonathan, 491–48–5045.
Love, James E., Jr., 209–38–0373.
Lynch, Michael J., 133–38–9938.
MacMillan, Horace M., 507–54–5799.
Macia, Thomas E., 213–54–3031.
Markardt, Stephen P., 130–40–6771.
Meisner, Thomas D., 126–38–9838.
Mentis, Peter L., 066–36–0224.
Merz, George R., 260–80–5676.
Milne, John H., 228–70–6473.
Mordente, Giacomo, III, 045–42–7881.
Moudy, James D., 519–52–5150.
Mullin, Timothy J., 494–58–7898.
Mulvany, Thomas P., 509–46–5176.
Myers, Norman J., 175–36–7295.
Nagle, James F., 138–38–8981.
Odle, Robert E., 566–60–2609.
Olson, Eric L., 477–48–9412.
Orrison, Stephen L., 527–78–5135.
Ortiz, Rafael A., 465–84–9791.
Osgard, James L., 224–70–1209.
Owen, Kenneth R., 234–76–7300.
Pacheco, Stephen J., 039–30–3834.
Parker, John R., 251–80–8071.
Patrick, Richard G., 526–80–3986.
Payonk, David A., 554–74–7726.
Pearce, Richard C., 545–72–3461.
Peddecord, Kenneth M., 527–82–7879.
Peters, Ronald D., 484–52–7465.
Pipik, Paul P., 300–44–9363.
Plowden, William C., III, 251–80–8212.
Podobinski, Mark Z., 352–40–6340.
Porio, Ronald L., 095–38–5454.
Powell, William E., Jr., 412–74–2465.
Prior, Douglas C., 056–38–0768.
Reese, William L., 253–74–5277.
Rogers, Ernest R., III, 225–70–1918.
Roth, Alan W., 386–50–8592.
Rountree, Gregory A., 439–80–9047.
Rubel, Gary P., 064–38–2154.
Rucker, Stephen E., 479–60–2337.
Sage, Marshall L., 512–48–5582.
Schaffer, Joseph E., 504–58–9327.
Schulze, Richard L., 505–58–3223.
Schwartz, Gerald B., 061–40–5457.
Sevdy, Eric M., 400–66–3412.
Sibley, Murkel D., 434–70–2378.
Silverthorn, Robert S., 462–78–7380.
Skahan, Eugene E., 488–54–7080.
Smith, Aaron A., 553–64–0467.
Smith, Charles L. T., 413–72–2829.
Smith, John C., 526–86–5006.
Solomon, Randall L., 296–44–4207.
Spencer, Adam, 437–76–8218.
Spitz, Terry L., 567–76–7528.
Stammer, Daniel B., 461–82–2307.
Stelly, Paul R., 437–76–9268.
Stuart, Ronald F., 431–86–1117.
Sweeney, Dennis J., 534–44–5766.
Toles, Theorode R., III, 285–46–7384.
Torgerson, Noel K., 526–84–0324.
Tribble, Curtis, 275–44–3560.
Troutman, Keith G., 183–38–9867.
Tyrrell, John P., 045–38–9163.
Van Hise, Timothy M., 150–40–8871.
Vejrostek, William F., Jr., 527–86–1541.
Wagner, Bruce F., 295–42–2467.
Wagner, Eric L., 526–68–7895.
Walker, Peyton M., Jr., 420–66–0948.
Weber, Charles, 270–42–5028.
Wedig, Yale F., 262–90–0553.
Wellhausen, Fred C., 495–52–2697.
Wells, Gordon L., 285–44–3068.
Wilson, Thomas R., 309–46–2434.
Wood, Robert A., 456–72–3017.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Andre, Charles R., 203–38–8373.
Arrotta, Richard B., 212–54–5446.
Bement, Wheelor O., 347–42–4239.
Bennett, John R., 309–52–2699.
Blair, Robert M., Jr., 223–74–7001.
Boucher, David W., 113–40–6226.
Bruss, Donald J., 217–52–7867.
Bush, George J., 253–80–9369.
Busk, Alan N., 526–74–7805.
Christman, Edward B., 057–42–2545.
Ciccolella, Roberft E., 224–70–2178.
Cocciolillo, Wayne R., 138–38–3374.
Dickinson, James G., 296–42–0933.
Douglass, Richard L., 285–46–7022.
Dreher, Thomas D., 065–40–4246.
Echols, Curtis L., Jr., 467–80–3350.
Evanko, Stanley K., 298–46–1548.
Fidler, Steven L., 280–42–2134.
Fournier, Raymond M., 291–42–0290.
Frank, Charles G., 188–38–6301.
Fricker, Jon D., 388–50–2180.
Fromm, Jerome M., 565–64–2746.
Fuchs, Lawrence M., 262–96–2565.
Gilbert, Richard K., 585–40–5551.
Gillis, Eugene G., 230–62–5724.
Guillory, Benjamon H., 434–72–8432.
Hayslip, Dennis P., 268–48–4075.
Henry, William K., 411–78–5120.
Howard, William H., III, 410–82–0366.
Huss, Barry G., 130–40–3020.
Jones, Robert D., 520–56–0017.
Joublanc, Charles S., 290–40–1955.
Kiewra, Edward A., 082–40–8936.
King, Cornelius A., Jr., 438–72–0143.
Knight, Kenneth R., 453–78–3245.
Knox, Thomas R., 261–02–3867.
Kriken, Stephen I., 531–46–9383.
Leindecker, Joseph A., 496–50–7453.
Lenhardt, David P., 557–68–6748.
Lesly, John L., 456–76–1606.
Lewis, John W., 414–80–1141.
Maier, Wolfgang, 572–78–3809.
Matson, Gary D., 189–36–6675.
McNamara, Charles E., 082–36–6120.
Monahan, Eugene J., 192–38–5520.
Murfin, Robert R., 316–48–0343.
Nichols, Daniel A., 539–42–6852.
Owens, Samuel W., 418–68–6577.
Parks, James L., 415–78–1121.
Pfluger, James R., 464–72–6850.
Phillips, Glenn S., 321–44–1309.
Pierce, John B., 229–66–4365.
Reckling, Ronald W., 216–50–4633.
Riddle, Robert S., 238–78–6162.
Rigney, Donald W., 417–68–1370.
Riley, Dennis J., 210–36–4799.
Riley, Robert M., 412–84–0670.
Roecker, Richard L., 264–80–1002.
Ronayne, Edward P., 463–80–1485.
Rothnie, James B., 223–64–2359.
Rovak, Stepnen H., 487–52–8787.
Russell, Patrick C., 545–80–2548.
Scales, John R., 416–64–7861.
Schellhammer, Richard, 139–40–8721.
Scott, John S., 278–50–7911.
Shaffer, Robert L., 467–80–1440.
Simons, John K., 585–28–6938.
Small, John F., 449–76–1669.
Snyder, Marc, 349–38–3973.
Spain, Robert F., 309–52–4291.
Spiller, Ronald L., 440–48–0622.
Stauffer, Ronald E., 547–80–4050.
Sturdy, Thomas C., 378–52–2403.
Sziebert, Steven C., Jr., 566–82–4356.
Van Derwood, Peter C., 418–66–0721.
Waters, Robert J., 504–54–9745.
Watkins, James J., 280–42–4563.
Wickstead, Michael G., 534–50–0567.
Williams, Donald L., 576–54–4002.
Yates, James H., 453–80–6627.

The following-named cadet, graduating class of 1970, United States Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 541, 3284, and 3287:

Rasmussen, Stephen C., 520–56–7522.

EXTENSIONS OF REMARKS

THE AMERICAN'S CREED

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. ALBERT. Mr. Speaker, each year since I have been in Congress I have sent the graduating high school seniors of my district a congratulatory letter and a copy of the American's Creed. I have received many fine letters of response from recipients of this document. I want to share with you and my other distinguished colleagues in the House of Representatives two letters I have just received from two students to whom I sent the Creed. The first is from Mr. James H. Ables, a member of the 1970 graduating class of the Lindsay, Okla., High School and the second from Mr. Steve Hopper, who will be graduated from the Durant, Okla., High School, this spring.

The letter follows:

APRIL 15, 1970.

DEAR MR. REPRESENTATIVE ALBERT: As I look over the words of the American Creed I find out how much each of these words mean to every true American.

But also when I look at the words of the Creed I think of the words of a poem "The Road Not Taken" written by Robert Frost. The first three lines of the poem are:

"Two Roads diverged in a yellow wood, and sorry I could not travel both, And be one traveler long I stood . . ."

Today as a Senior in High School I feel that I am making a decision upon which road to take. And with a Nation as great as ours is today, I see the decision is going to be a tough decision to make.

But which ever road I choose to take, it will be a road in support of our great Nation—a Nation governed of the people, by the people, and for the people.

As the last paragraph of the Creed states: "I do believe it is my duty to my Country to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies."

At this time I extend my deepest appreciation to you for the gift of the American Creed.

Thank you.

Most truly yours,

JAMES H. ABLES.

APRIL 16, 1970.

DEAR MR. ALBERT: Thank you for your letter and the copy of "The American's Creed." It will always hang in my room as a reminder of my privileges, responsibilities, and duties as a citizen of the United States.

I am pleased you took time to show your concern for me as a graduate and my future. I hope that I will be able to confront the years ahead of me with the spirit that is contained within your letter.

It is often said that today's youth are tomorrow's leaders and this is certainly true. But as our present leaders are exposed to the negative side of youth, perhaps they hold little hope for the future of America as a strong nation, world power, and example for all peoples.

As for myself, I know of too many of my own age, who, like myself, hold a faith in America and its future that is not surpassed anywhere, be it past or present, to hold a pessimistic view. We are concerned with the direction America is headed, and intend to take an active part in guiding it on the correct path. We are not content to stand by and allow radicals, protesters, and advocators of violent revolution to control the direction of America.

America has proven to be the strongest, fairest, and most compassionate country ever. With our Lord's help, we, the leaders of tomorrow, will continue in the examples set by our forerunning patriots and great leaders, to make America shine forth as the place on Earth where All people are free, with equal opportunity, rights, and honor.

Please continue in your fine work so that we may, when the time comes, take it over and continue in it.

Thank you again for your letter.

Sincerely,

STEVE HOOPER.

THE STRATEGIC BALANCE—ADDRESS BY SECRETARY OF DEFENSE MELVIN R. LAIRD

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, April 27, 1970

Mr. SCOTT. Mr. President, Secretary of Defense Melvin R. Laird last week delivered a most important address at the annual luncheon of the Associated Press in New York City. The whole question of defense, particularly at this time with the SALT talks, is very prominent in the minds of all Americans. As Secretary Laird points out, we all hope for the greatest success at these talks and have permitted flexibility with regard to our future course of action. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD

I was particularly pleased when your President, Paul Miller of Gannett Newspapers, called me on a Saturday morning several months ago to invite me to speak to the Annual Luncheon of the Associated Press on the subject of the strategic balance. I told him that I regarded this forum as particularly appropriate to express my views on the need to make available to the American people additional information regarding national security.

When I assumed office 15 months ago, I immediately established as a top priority goal the restoration of credibility in the Department of Defense. Since then we have attempted to follow President Nixon's stated desire to make more information available to the American people.

The editors of the Associated Press and all members of the communications media in this country have a deep interest in this subject. I pledge to you that we shall continue to devote maximum attention to reducing and hopefully eliminating overclassification in the Department of Defense. And, we will provide all the information we can within the limits of national security, consistent with the safety and legal rights of our citizens.

This open news policy has brought about significant progress in at least five major areas where information was previously withheld from the American people.

1. Previous policy was to restrict public discussion of Prisoner of War matters. Present policy is to foster public discussion and to focus worldwide attention on the plight of our prisoners of war in order to gain humane treatment for them and to obtain their release.

2. Previous policy was to withhold from the public information on chemical warfare and biological research matters. Present policy is to keep the public informed about our new policies in these two areas, the reasons for these new policies, and the steps being taken to implement them.

3. Previous practices on reporting the costs of major weapons systems led to a major credibility problem in the Department of Defense. Our new policy of full disclosure on major weapons costs will help to restore the Department's credibility and will assist us in gaining better control of costs and in developing better management practices.

4. For several years, the American people were denied knowledge about our activities in Laos. Today, the American people are being informed about what we are doing and what we are not doing in Laos.

5. In the past, overuse of classification denied to the American people pertinent information on the nature and scope of the strategic nuclear threat. In my view, there is still too much classification, but we have tried and will continue to make more and more information available on this subject which is so crucial for the future security of our country.

In my remarks today I will attempt to shed more light on the crucial subject of the strategic threat. In particular, I want to discuss with you editors the nature and scope of the growing Soviet threat, recognizing full well that, in Vienna, our negotiators have just begun round two of the Strategic Arms Limitation Talks, commonly called SALT.

I hope for success at SALT. I want to emphasize that point. I also want to emphasize that our top military leadership hopes for success at SALT. Where the security of the United States is involved, it is this objective—insuring national security—which is most important. A lower-cost means to achieve that objective, lower compared to what otherwise may be required—if it can be achieved within tolerable risks—is obviously most desirable to all Americans, civilian and military.

The budget we have recommended to Congress for the next fiscal year demonstrates how deeply the Nixon Administration is committed to progress at SALT. We have called this year's defense budget a transitional budget. It is transitional because in terms of military capability, it is basically a status quo, stand-pat budget. We have postponed basic national security decisions in the strategic field in order to give maximum opportunity for SALT to be successful, and to foster a meaningful beginning for the era of negotiation President Nixon and the American people seek.

The objective of the Nixon Administration is to restore and maintain peace. With regard to SALT, the President's actions and words document this Administration's accent on negotiation rather than confrontation.

In my Defense Report to Congress in February, I expressed concern that the United States, by the mid-1970's, could find itself in a second-rate strategic position with regard to the future security of the Free World.

Today, in keeping with our policy of maximum information, I intend to present additional reasons for this concern.

It is important to discuss the growing strategic threat because it is essential for the

American people to understand the complex issues involved, if we are to insure our national security interests through the decade of the 1970's. The American people need to understand the reasons President Nixon is pursuing the course he has recommended in this year's transitional budget.

As Secretary of Defense, I must face the fact that we are taking a risk by postponing hard decisions which the increasing Soviet threat poses for us. I recognize that in the interests of lasting peace, some risks must be taken. But, it is my judgment that as the American people are provided additional information, such as we are discussing here today, they will agree that we are literally at the edge of prudent risk. And the inescapable conclusion will be that if the Soviet strategic offensive buildup continues, the risk to our nation will become too great to sustain without major offsetting actions.

Therefore, what I particularly want to focus on today is the basic asymmetry between what the United States has been doing and what the Soviet Union has been doing in the field of strategic nuclear weapons in recent years.

In a word, for the past five years, the United States has virtually been in neutral gear in the deployment of strategic offensive forces, while the Soviet Union has moved into high gear in both deployment and development of strategic nuclear weapons. In the 1965–67 time period, the United States decided on a level of strategic nuclear forces, including Multiple Independently Targeted Reentry Vehicles (MIRVs), which was deemed adequate to preserve our deterrent posture for the threat of the 1970's which was projected then. No basic change has been made in the force level decisions established in the mid-1960's.

The Soviet Union, by contrast, has engaged in a major effort since 1965 to change the balance of power. The United States then, unlike the situation today, clearly occupied a superior position.

Except for the minimum "hedge" that SAFEGUARD will provide, we have not responded to the Soviet strategic offensive buildup with new deployment programs. We did not respond in past years because the United States deliberately chose to assume that the Soviet buildup at most was aimed at achieving a deterrent posture comparable to that of the United States. We have not responded this year because, as I have said, we fervently hope that SALT can render such a response unnecessary.

As much as we might wish it otherwise, however, we must concentrate our attention on what the Soviet Union is actually doing. In the current situation of a diminishing U.S. deterrent and Soviet momentum, we simply cannot base our plans and programs on what we hope the Soviet Union may do either unilaterally or in SALT. The Soviets have a momentum going both in strategic weapons deployments and in strategic weapons developments. If their strategic posture could be expected to stay at the operationally deployed posture which exists today, I believe we would have a tolerable situation. What must concern us, however, is the momentum the Soviets have established both in deployments and developments and where that momentum may carry them.

Let me explain in more detail the basic problem.

The most crucial aspect of national security is the strategic balance between nations that have competing interests in the world. The strategic balance has a direct effect on relations between the superpowers. It has an indirect effect on other nations both in terms of their own relations with each other and in terms of their relations with the superpowers. As one example, a situation of clear superiority on the part of the Soviet Union would have profound implications for any future political or military confrontation between NATO and the Warsaw Pact. In fact, a clear strategic superiority on the part of the Soviet Union would affect our interests and our obligations throughout the world.

In our continuing debate on defense matters, it has been said many times that the driving force behind the so-called strategic arms race is the "action-reaction" phenomenon. The recent ABM–MIRV discussions in this country illustrate this. The argument is made, for instance, that the deployment of defensive missiles by one side tends to generate increased offensive deployments by the other side.

I certainly agree that one side's actions definitely can influence what the other side does. But just as weapons in themselves are not the cause of wars, neither are a country's actions in weapons deployment—in themselves—the driving force in a so-called arms race. The fundamental driving force in an arms race is what one country perceives as possible objectives of another country's action.

Let me explain it this way. Our goal is a stable peace. Our strategic policy to achieve that goal is deterrence. As publicly stated, the basic rationale for United States weapons deployment in the strategic field has been and remains deterrence. Our actions of the past several years underscore the fact that deterrence is our fundamental policy and that we seek no more than a posture of effective deterrence.

Because we in the United States seek a posture of deterrence to protect our interests and those of our allies, we obviously could recognize as legitimate a Soviet desire for a comparable deterrent to protect its interests.

I know that the actions of the Soviet Union in recent years have raised questions in the minds of some of you editors and others about the true objectives they are pursuing.

As I have said many times, I do not believe that it is appropriate for me, as Secretary of Defense, to attempt to assess the strategic intentions of another country. However, under my responsibilities, I must be concerned about present and potential strategic capabilities.

You representatives of a free press understand fully the national security price an open society must pay when competing with adversaries who cloak their plans in secrecy and attempt to hide both their objectives and their hardware behind the mantle of a closed society. The whole world knows what we in the United States have and what we plan in the national security field. Meaningful essentials are laid bare in an open forum—in official statements, in Congressional hearings, in the give and take of Congressional and public debate and in the reports of a free and competitive press. I would not have it any other way.

Let me emphasize again my conviction that the American people have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country. In particular, too much has been withheld in the past about what has been going on in the closed societies of the Soviet Union and Communist China.

As we all pray for success in Vienna, let me point out that, in my view, the American people will support an arms limitation agreement only if they are confident they have the relevant facts about the strategic balance.

The facts I am about to present are not taken from external Soviet discussions of their strategic forces. They do not come from press conferences in Moscow, from testimony in the Kremlin, from news stories in Pravda, or from published annual Defense Reports by Marshal Grechko.

Rather, the information I am presenting to you is based on our own observations of what the Soviets are doing—and on our belief that this information and these facts should not be withheld from the American people and should be made available to others in the world.

Let us examine what has happened in the past five years to shift the relationship between U.S. and Soviet strategic forces and to provide an accelerated momentum to the Soviets in the strategic field:

In 1965, the Soviet Union had about 220 launchers for the relatively old-fashioned missiles—SS–6's, SS–7's and SS–8's—somewhat similar to our TITAN. We had 54 TITANs in the inventory at that time.

Today, these two forces remain essentially the same. So in this category of old-fashioned multimegaton weapons the Soviets had and still maintain a better than 4–1 advantage.

In 1965, the Soviet Union had *no* relatively small ICBM launchers comparable to our MINUTEMAN. By 1965, we had 880 MINUTEMAN missiles operational and had established that the total force level for MINUTEMAN would be 1,000 launchers. In the 1965–67 time period, the United States finalized plans to convert a portion of the established MINUTEMAN force to a MIRV MINUTEMAN III configuration.

Today, the Soviet Union has over 800 such launchers operational, and a projected force that could exceed 1,000 launchers within the next two years. These launchers include both the SS–11 and SS–13 missiles. Concurrently, flight testing of an improved SS–11 missile continues. Thus, at present construction rates, the Soviets will achieve parity in MINUTEMAN-type launchers within the next two years or so and could move into a substantial lead in this category by the mid-1970's if they continue to deploy these missiles. The previously scheduled U.S. program to MIRV a substantial part of MINUTEMAN continues in progress.

In 1965, there were no operational launchers for the large Soviet SS–9 missile which, in its single warhead version, can carry up to 25 megatons.

Today, I can report to you that there are some 220 SS–9's operational with at least 60 more under construction. Testing of an SS–9 multiple reentry vehicle—the triplet version—continues. The U.S. has no counterpart to this program involving large missiles. So, in this area, the Soviets have and will maintain a monopoly.

In 1965, neither a depressed trajectory ICBM nor a Fractional Orbital Bombardment System existed in either the Soviet or U.S. inventory.

Today, the Soviets have tested both configurations and could have an operational version already deployed. The United States has developed nothing comparable to these systems.

In 1965, the Soviet Union had about 25 launchers for Submarine Launched Ballistic Missiles (SLBMs) on nuclear submarines, and about 80 more on diesel submarines. Most were designed for surface launch only. The U.S. had 464 SLBM launchers operational on 29 submarines in 1965 and Congress had authorized the last of the 41 nuclear-powered submarines in our POLARIS Force in the previous fiscal year.

Today, the Soviets have over 200 operational launchers on nuclear submarines for submerged launch SLBMs and about 70 operational launchers on diesel submarines. In the next two years, the Soviets are expected to have some 400–500 operational launchers on POLARIS-type submarines, and at present construction rates—6–8 submarines a year—could match or exceed the number in the U.S. force by 1974–75. United States POLARIS submarines still number 41 and no increase is projected in current plans. Conversion of 31 of our POLARIS submarines to the MIRVed POSEIDON missile

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is planned, and eight conversions have already been authorized by Congress.

In 1965, there was no development underway of a so-called Undersea Long-Range Missile System (ULMS) in the United States and there appeared to be none in the Soviet Union.

Today, the United States is spending relatively small sums in the research and development area on preliminary investigations of such a system. I can also report to you today that the Soviet Union, on the other hand, already is testing a new, long-range missile for possible Naval use.

In 1965, the Soviet heavy bomber force consisted of slightly over 200 aircraft, about 50 of which were configured as tankers. The U.S. heavy bomber force strength was about 780 in 1965.

Today, the Soviet heavy bomber force is slightly under 200, with about 50 still configured as tankers. U.S. heavy bomber strength has declined to about 550 today.

In 1965, we estimated that the Soviet Union had a complex of ABM launchers being constructed around Moscow as well as a number of radars under construction which could provide early warning acquisition and tracking functions for ABM use.

Today, we believe that 64 Moscow ABM launchers are operational together with sophisticated early warning radars and tracking capabilities. ABM testing for new and/or improved systems continues. Today, the first two SAFEGUARD sites have been authorized, but will not be operational befor 1974–75. This modified deployment schedule is considerably behind the schedule Congress had approved in 1967 for the planned SENTINEL area defense, which called for initial capability in 1972, and nation-wide coverage in 1975.

Thus, in the space of five years—from 1965 to 1970—the Soviet Union has more than tripled its inventory of strategic offensive nuclear weapon launchers from about 500 to about 1700—which includes some 200 heavy bombers in both totals—and continues the momentum of a vigorous construction program. In that same period, the Soviet Union has virtually quadrupled the total megatonnage in its strategic offensive force. The United States, on the other hand, in the same time period, made no increase in its established level of 1710 strategic nuclear missile launchers and reduced its heavy bomber strength of 780 by over 200. In that same period the United States also reduced its megatonnage by more than 40%.

To repeat: The United States has taken no action to increase the total of approved strategic offensive delivery vehicles in the past five years in response to the rapid growth in Soviet strategic delivery vehicles. We have, of course, maintained certain options and other steps have been taken to preserve our deterrent in the fact of this increase.

Two programs that have been the subject of intense public discussion are, of course, our MIRV and SAFEGUARD systems.

Let me emphasize that MIRV is needed to preserve our deterrent. Many people do not fully understand why it is necessary for us to continue the previously planned, Congressionally-approved and funded deployment of MIRV systems. The point is made that the current number of strategic nuclear weapons on alert in our force is sufficient for immediate retaliatory use in a crisis. Because MIRVing would more than double the number of deliverable weapons, the conclusion is drawn that this is unnecessary.

This conclusion could be valid if we assumed that the POLARIS, MINUTEMAN, and Bomber forces all would survive a surprise attack and that the Soviet Union would not deploy an extensive ABM system. However, as was pointed out in my Defense Report in February, the rapidly-growing Soviet strategic offensive forces could seriously threaten both the U.S. MINUTEMAN and strategic bomber forces by the mid-1970's.

Assuming we do not take additional actions to offset the expanding threat—and this apparently is what some people urge—I must, as Secretary of Defense, face the disquieting possibility that in the mid-to-late 1970's we would no longer be able to rely on either the Bomber or MINUTEMAN force to survive a surprise attack. In such a situation, we would be left with only the POLARIS/POSEIDON deterrent force in our strategic arsenal for high confidence retaliatory purposes. This would pose intolerable risks for American security.

Thus, the critical choice in the face of that situation is this:

1. Do we rely on the fraction of the 656 current weapons that will be at sea on our POLARIS force if we do not convert to POSEIDON and do not defend our land-based strategic forces?

2. Or, do we continue the previously established program to convert 31 POLARIS submarines to the long-approved POSEIDON MIRV program—which would provide approximately the same number of sea-based retaliatory weapons on alert that we currently have today in the sea-based and land-based retaliatory forces combined, but with much reduced megatonnage?

Pending a successful outcome in the Strategic Arms Limitation Talks, therefore, prudence dictates that we must continue our approved program to MIRV current forces.

Moreover, as the experience of the past five years demonstrates, it would be dangerous and imprudent to place unquestioned reliance on the invulnerability of any single system for more than five to seven years into the future.

This is why we must also, at the very least, preserve an option to defend a portion of our land-based retaliatory forces. That is a major part of what the proposed minimal addition to the SAFEGUARD Defensive program is designed to do. I will come back to that.

Because we want to give the Strategic Arms Limitation Talks every chance of succeeding, we are deliberately accepting certain risks by postponing hard choices related to strategic offensive weapons. These risks are acceptable only in the context of proceeding with the MIRV deployments that have been programmed and approved for several years and the SAFEGUARD increment we are recommending this year.

A second and equally important reason for MIRV is that it helps preserve our deterrent by increasing confidence in our ability to penetrate Soviet strategic defensive forces which, by the mid-to-late 1970's, also could be quite formidable. In addition to the extensive air defense capabilities they already possess, the Soviets are pursuing a vigorous anti-ballistic missile research and development program designed to improve the present operational system or to develop substantially better second-generation ABM components.

We now have evidence that the Soviet Union is testing an improved long-range ABM missile. They are also expanding their radar surveillance coverage. We cannot rule out the possibility that they have or will give the extensively deployed SA–5 surface-to-air missile system an ABM role. We believe such a role is technically feasible for this system.

With regard to Safeguard, which I mentioned previously, let me say this. In addition to other objectives, the reoriented Safeguard program, initiated last year, is designed to provide protection for our land-based deterrent forces, the Minuteman and Bombers. As you know, the President directed that each phase of the Safeguard deployment is to be reviewed each year to ensure that we are doing as much as necessary but not more than that required by the threat. The increments of Safeguard proposed so far will provide protection for a portion of our land-based deterrent, and permit flexibility with regard to our future course of action.

Without approval by Congress of the Modified Phase II Safeguard protection proposed by the President, we would be forced to recommend going forward this year with other strategic nuclear offensive force programs.

All of my comments so far have, of course, been focused on the more immediate and troublesome threat posed by the Soviet strategic force buildup. The nuclear weapons program of Communist China also concerns us and directly relates to the need for preserving timely Safeguard options as we move toward the mid-1970's. Time does not permit a discussion of this issue and the interrelationship of maintaining adequate strategic offensive and defensive forces to meet both the Soviet and Communist Chinese threats.

Where does all this leave us, and what is President Nixon attempting to do with the decisions he has incorporated in his Fiscal Year 1971 transitional defense budget?

Clearly, this Administration has not accelerated the previously planned deployment of offensive systems during our 15 months in office. On the contrary, we have slowed it down. The only major change we have made has been modification of the previously approved SENTINEL ABM deployment; and that change was a slowdown, not a speedup. We slowed the original deployment plan Congress approved, keyed it to the emerging threat on an annual review basis, and reoriented it to provide more timely protection needed for our land-based deterrent forces.

If the programmed forces established by the last Administration some years ago and approved by Congress were deemed appropriate and necessary for the security of the United States in the 1970's against the then projected threat I am at a loss to understand how critics can claim that the Nixon Administration has escalated the arms race. The record clearly shows that we have not done so. We have chosen instead to defer major new weapons decisions as long as possible pending developments in the Strategic Arms Limitation Talks. In continuing the MIRV and ABM programs, we are simply going ahead with programs on which our deterrent policy was formulated by previous Administrations, even before the current momentum of Soviet strategic programs became clear.

With regard to the important talks which have just resumed in Vienna, the President has stated that every U.S. system is negotiable. To those who argue that the U.S. should take specific, and perhaps unilateral, action at the start of these negotiations, I would reply that the place to resolve these issues is at the conference table with the Soviets. Let us try to find out at the conference table the meaning of the Soviet Union's increased weapons deployments and let us conduct these important negotiations with full recognition of these continuing Soviet deployments.

My appraisal today has covered some of the available evidence of the Soviet military buildup. I am not unmindful, however, of possible other directions of Soviet policy that could be relevant to our security. There have been reports that Soviet economic problems may place pressure upon their leadership to devote major attention to internal matters, thus reducing the recent emphasis on a continued military buildup.

As Secretary of Defense, I will continue to hope that the shift in national priorities we have instituted in America will be duplicated in the Soviet Union. But until evidence of that shift is discernible in weapons deployment activities, I have no alternative but to base my actions and recommendations on the evidence available, much of which I have shared with you editors today and, through you, with the American people.

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SPLENDID ADDRESS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HARVEY. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues an outstanding address delivered by Secretary of the Treasury David M. Kennedy before the annual meeting of the Board of Governors of the Inter-American Development Bank, Punta del Este, Uruguay, last Thursday, April 23.

I felt that Secretary Kennedy's remarks were extremely timely as he reviewed the bank's significance in the last decade; the proposed increase in capital funding; and perspectives for the future.

It was a distinct honor for me to serve as a congressional adviser and to be part of an outstanding U.S. delegation at the meeting. Secretary Kennedy is also U.S. Governor of the Bank, which has assisted the economic devolopment of the Latin American nations since its establishment in 1959.

I trust that when this House later considers appropriating the necessary additional funds, this fine address by Secretary Kennedy will be recalled and carefully considered. It is a pleasure for me to include Secretary Kennedy's address:

ADDRESS BY DAVID M. KENNEDY

The inter-American community is again grateful to the Government and people of Uruguay for providing this beautiful and historic city as the site of our deliberations. Here, where Presidents of the Americas have conferred and contemporary inter-American solidarity has been forged, we have an opportunity this week to give concrete reality to our mature partnership, in the framework of this decade's program of Action for Progress. We are also fortunate to have here with us, for the first time, the Governor for Jamaica, whom we welcome as our newest member.

In this year when we celebrate the first decade of the Bank under the able leadership of President Herrera and the Board of Executive Directors, I have organized my observations around three points: (1) the significance to the Bank of the last decade, (2) the proposed increase in Bank resources, and (3) perspectives for the future.

I. THE BANK'S FIRST DECADE

The world our hemisphere and this Bank have undergone extraordinary changes since the first Board of Governors met in San Salvador in early 1960. Ten years ago, foreign assistance had only recently changed focus from the reconstruction of relatively advanced countries to the development of underdeveloped ones. Advanced countries other than the United States were just beginning to make significant contributions to development assistance. The terms of such assistance were often poorly adopted to the prospective balance of payments situations of borrowing countries. In the multilateral assistance field, there was the World Bank, but its concessional landing instrument, the International Development Association, was untested. Multilateral financial cooperation for regional development was, until the establishment of the Inter-American Bank, non-existent.

Today's contrast with 1960 is striking. Development assistance, its form and its degree of multilateralism have changed markedly. This Bank has emerged as a major element in the inter-American economic structure. It has demonstrated the validity of the idea of multilateral development cooperation at the regional level. And it can justly regard itself as the trail blazer for other regional institutions, such as the Asian Development Bank.

A second contrast can be found in the ability of a regional institution such as the Bank to reach out and mobilize funds in the world capital markets, using for this purpose the guarantee provided by its members. Its bonds are now widely held and its financial standing highly respected. Through its patient efforts in world financial centers the Bank itself has been an important instrument in changing the forms and practices of development finance.

A third difference relates to the kinds of activities in which we now think it appropriate for development institutions to engage. This Bank has led the way in directing attention of development agencies to areas that had been relatively neglected or even considered inappropriate for the attention of international financial institutions. These include education, health and the difficult problems of rural poverty. Lending in these frontier areas of development assistance has gained respectability only within the last ten years. This Bank—supported in the early years, I am proud to say, by the Social Progress Trust Fund provided by the United States—has played a catalytic role in the emergence of new attitudes.

Ten years of experience has made us all more realistic in our approach to development. We have learned that there is no single formula for development applicable to all countries. Each nation is different and each requires a different mix of resources. We recognize more clearly now the importance of a sound framework of fiscal, monetary exchange and investment policies within which development can take place. And we perceive now more clearly than ever that external assistance can only be efficiently utilized where there is an intense domestic will to develop. This must be accompanied by a readiness to commit domestic resources to the development task in the fullest measure.

Thus, the opening of this decade presents new opportunities to the Bank. It can become more selective, both in terms of the types of activities it finances and the quality of economic performance it expects of borrowers as a condition of its lending. With such selectivity, and a continuation of its distinctive Latin and pioneering spirit, the Bank can make the decade of the seventies a fitting and fruitful successor to the sixties.

II. INCREASE IN RESOURCES

The main task of this meeting is to make adequate provision for obtaining the capital resources needed by the Bank in the first half of its second decade of lending. I have been authorized by President Nixon to announce that the United States is prepared to join Latin American efforts in accomplishing this task. In the context of a proposal with full Latin American support, we would be prepared to approach the U.S. Congress promptly for increases in both our Ordinary Capital subscription and our contribution to the Fund for Special Operations. Specifically, the United States would be prepared to seek legislative authority for—

An increase in its paid-in Ordinary Capital subscription of $150 million combined with a $674 million increase in its callable Ordinary Capital subscription, both as our established share of a $2 billion over-all increase in the Bank's Ordinary Capital resources.

A substantial contribution to the Fund for Special Operations as part of an over-all increase in Fund resources which would reflect the progress Latin economies have made these past ten years as well as their commitment to the role of multilateral institutions in development.

Resources should be sought in a magnitude which will cover requirements foreseen for the Bank in a three to five year period. They should permit the Bank to provide half again as much financing per year as the approximately $600 million which the Bank committed to loans in 1969. Moreover, they should ensure funding for new types and directions of activities that are now under preliminary consideration in the Bank.

But provision for the future requires more than money alone. It requires adaptation to reflect new realities in the seventies. It requires new relationships beyond the hemisphere to reflect Latin America's growing integration into the world economy and the world's growing commitment to multilateral development financing.

I have three major areas in mind where beneficial changes could be made. First, the present practice of extending Fund for Special Operations loans on a local currency repayable basis involves the potential problem of excess accumulations of such currencies in the Bank's accounts. A shift to a policy of repayment in the currencies lent, combined with an appropriate easing of repayment terms as necessary, would avoid the problem. This would permit the Fund ultimately to become a revolving source of hard currency financing. I understand that a move in this direction already has widespread support.

Second, our concern for achieving more balanced growth in the Hemisphere suggests that the financial needs of the least developed members should have first claim on the Bank's concessional loan resources. The opposite side of the same coin is that the region's more advanced countries should place relatively greater reliance on Ordinary Capital financing. This could be considered a cooperative contribution on the part of the stronger countries toward self-help in the Hemispheric sense. It would also complement the willingness of the larger members to allow a greater usefulness of their local currency subscriptions to the fund for Special Operations. In this latter connection an expansion of the group of countries allowing this broader use would be widely applauded.

Finally, I believe that multiple benefits would accrue not only to the Bank but to Latin American development in general if other developed countries—regional and non-regional—could be brought within the Bank's membership. Additional Ordinary Capital resources would become available and access to capital markets would be easier. Membership would also elicit additional concessional loan resources more effectively. In the light of experience elsewhere I am confident that these benefits can be obtained without changing the essentially regional character of the Bank. Indeed, it is my confidence in the permanent Latin character of our Bank which permits this judgment. Serious efforts to move in this desirable direction have important and broadening support and steps are needed now to move toward the removal of existing barriers. This is the time to begin. I strongly urge that the Board of Governors take the necessary steps which will lead to opening our doors to Canada and others.

The provision of the resources called for and the adoption of the policy changes recommended entails real burdens and real sacrifices for all of us. Nevertheless—and with full consideration of the intense competing demands for budgetary resources—I offer full assurance of President Nixon's readiness to support these financial and policy measures. I believe such support constitutes solid evidence of our commitment to Latin America and to hemispheric development.

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III. PERSPECTIVES FOR THE FUTURE

In reviewing the last decade I came across the following statement made by one of my predecessors, Robert B. Anderson, the first Bank Governor for the United States, at the inaugural meeting of this Board

> The creation of the Bank does not in itself solve any of the problems with which we are all so concerned; yet it does provide us with an effective framework in which men of good will can join with the confidence that through the exercise of thought, diligence, and mutual respect they can achieve great benefit for their peoples.

This judgment is still true today and it remains the framework within which we will meet the challanges in the decade ahead. Four challenges to the Bank should be noted.

First, multilateral institutions will undoubtedly assume a greater role in providing financial and technical assistance. Within this hemisphere the Bank is in an excellent position to continue leadership in financing development. But to do so fully will require closer collaboration and coordination with the other bilateral and multilateral financing agencies, and with the Inter-American Committee for the Alliance for Progress. This will assure that scarce external funds are being most effectively utilized and that the Bank has access to the best hemispheric judgments on whether or not a borrowing country itself is pursuing proper development policies and programs.

Second, the Bank's internal organization, management and procedures will have to continue to adopt to changing conditions.

Third, the next decade challenges the Bank to participate directly and indirectly in encouraging private initiative and free market forces. While it is clear that each nation must fashion its own policies about the role of public and private sector activities, and of domestic and foreign private investment in its society, the posture of the Bank will be guided I hope, by practical considerations of efficient economic development. In this regard, I look forward with interest to the deliberations of the Board on expanding the Bank's role in assisting private productive enterprise. In particular I hope that it will be possible to employ in this effort the existing extensive framework of banks and other financial intermediaries.

Fourth, the next decade should see more countries advancing toward self-sustained institutional, financial and social growth. This will permit a greater number of stronger member countries to assist the least developed through both technical and economic assistance. And it will contribute to the strengthening of the multilateral character of the Bank.

These and many other challenges of the seventies lie ahead of us. I am confident that the leadership of this great institution, supported by the Bank's capable staff, will effectively meet these challenges with inventiveness wisdom and determination.

The actions we are taking this week to increase the resources of the Inter-American Development Bank make clear our strong support of this inter-American institution. President Nixon, in February, outlined in realistic terms the basis on which we must face this decade of the seventies:

> There are no short cuts to economic and social progress. This is a reality, but also a source of hope, for collaborative effort can achieve much. And it is increasingly understood among developed and developing nations that economic development is an international responsibility.

The Inter-American Development Bank is a fine example of a multilateral institution through which this responsibility is effected. The United States is proud to be a member.

WORLD'S FAIR PROJECT OF TOOELE JUNIOR HIGH SCHOOL

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. LLOYD. Mr. Speaker, it is sometimes assumed that inland America is not interested in and does not feel involved with our relations with other countries of the world.

Of course that is not true. My mail from Utah shows a very large and growing sensitivity toward our relations with other countries and the direction in which our foreign affairs are trending.

I am particularly proud to take note that social studies students at the Tooele Junior High School in my district are about to hold their own world's fair and a crowd of many thousands is expected to attend. Their teacher is Kenneth P. VanOtten, director of social studies at the school. Students have received materials from virtually every country in the world with the exception of North Korea and North Vietnam. With the theme "Make the World Fair 1970," the students will open their exhibition May 7.

The report of this fine American project is made by the Tooele Bulletin:

Junior High Plans World's Fair

> With the cooperation of every country in the world, except North Korea and North Vietnam, social studies students at the Tooele Junior High School have organized their own World's Fair.
>
> Planned around the theme "Make the World Fair 1970", their exhibition will open at 7:00 Thursday evening, May 7. A short ceremony will be held in the new Tooele High School Auditorium with the displays being shown in the gymnasium, audio-visual aids room and the cafeteria of the Junior High School.
>
> In addition to items from every nation, some 70 individual cities have also contributed special materials. Displays will include photographs, books, costumes, native music and film programs. For example 400 color slides from Portugal will be shown along with film strips of Africa and France. If it arrives in time, a motion picture depicting life in Red China will also be shown.
>
> Girls from the eighth grade social studies class have edited a cookbook of foreign recipes. The book, now being printed, will be made available to the public.
>
> Kenneth P. VanOtten, instructor of social studies, said the fair is the outgrowth of efforts to introduce into the classroom the history and culture of many nations. He feels that such activities, which are outside of regular text book study, help students to a better understanding of the peoples of the world.
>
> The students hope to have 8,000 people visit their fair and have organized groups to usher, aid in parking cars, and to answer questions.
>
> "We think this experience will be something special to everyone who attends," Mr. VanOtten continued. "If it is successful we would like to make it an annual program."
>
> He believes that this is the first time a program of this magnitude has ever been attempted by any school district. He expressed his appreciation to Franklin Whitehouse, principal of the Tooele Junior High, Lewis Killpack, Assistant Principal and District Superintendent Clarke Johnsen.
>
> "These three men have not only put up with me but have encouraged my experiments. They share my conviction that we can make school fantastically interesing for students. We can create an atmosphere where the kids will be glad to come to the classroom instead of glad to get away from it."
>
> "It's been an exciting project for me," VanOtten continued. "I've never had my students accept any other program with such enthusiasm. And it's the kids who are really responsible for our fair."
>
> Each student in Mr. VanOtten's class has accepted the assignment of "adopting" a foreign country. Through letters they are then encouraged to learn of its tradition, natural resources, language and culture. During the past four years they have collected 15 large cases of foreign mail containing stamps, books, pamphlets, jewelry, posters and other items. Mail arrives almost daily with additional material.
>
> Kings, Premiers, Mayors and other government officials from many lands have written to the students wishing them and the Tooele Junior High School good luck. Their fair project has even been given press coverage in Eastern European Countries.
>
> Speaking about the material they have been receiving Mr. VanOtten stated "We haven't received a lot of propaganda, just letters from friendly, interested people."

IN TRIBUTE TO JOHN FRANK STEVENS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. KYROS. Mr. Speaker, last Saturday marked the anniversary of the birth date of one of Maine's most distinguished citizens, the late John Frank Stevens. Architect of the Panama Canal and one of the pioneers of railroad development in our own Nation, my State is justly proud of this native son, who was born in West Gardiner, Maine, on April 25, 1853.

As a member of the John F. Stevens Hall of Fame Committee, formed in 1969 with the purpose of sponsoring the election of John F. Stevens to the Hall of Fame for Great Americans, I am pleased to note that Maine's Gov. Kenneth M. Curtis proclaimed April 25, 1970, as John Frank Stevens Day in my State. I would like to bring this proclamation to the attention of my colleagues and hereby insert it in the RECORD:

Proclamation of State of Maine

> Whereas, John Frank Stevens is a native son of Maine and through his endeavors has brought great fame to himself and to our state; and
>
> Whereas, Mr. Stevens has been credited as being the basic architect of the Panama Canal as well as one of the pioneers of railroad development to the West; and
>
> Whereas, Mr. Stevens is so revered by scores of prominent Americans they have formed a Committee of 100 to secure for him a place in the Hall of Fame of Great Americans at New York University; and
>
> Whereas, Mr. Stevens' birth occurred in West Gardiner, Maine, on April 25, 1853;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, and an Honorary Chairman of the John F. Stevens Hall of Fame Committee, do hereby proclaim April 25, 1970, as John Frank Stevens Day in the State of Maine.

"MY HOPES FOR AMERICA'S FUTURE"

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. BLANTON. Mr. Speaker, recently I made an inspection trip to South Vietnam on behalf of the Interstate and Foreign Commerce Committee.

One of the most impressive things to me was the absolute dedication to country, the complete patriotism which our men are endowed with.

This love of country, and willingness to make sacrifices, was apparent in all the discussions I had with dozens of our young men.

The liaison officer assigned to me was typical in his high morale and dedication. Capt. Francis A. Waters of the Marine Corps was with me throughout my visit. He informed me that he won a Freedoms Foundation Award for an essay this year, and I have secured a copy so that my colleagues can share the feelings of a young Marine captain in Vietnam.

Mr. Speaker, I include Captain Waters' essay, "My Hopes for America's Future," in the CONGRESSIONAL RECORD at this point:

MY HOPES FOR AMERICA'S FUTURE

(By Francis A. Waters)

My hopes for America's future are, what I believe to be, the hopes of the mainstream of America. The same hopes that our Founding Fathers in their wisdom had, and for which they had the energy and courage to work and sacrifice.

The energy of America is a well established fact. One has only to look at our farms and factories, homes and shops, automobiles and moon landing space vehicles. We are the model for our allies; the envy of those that choose to be our enemies.

However, what is more important than our admittedly tremendous energy is our courage. The moral and physical courage of our Founding Fathers. From Bunker Hill through Hill 881 our enemies can best attest to our physical courage. What concerns me most at this time is our moral courage.

The right of peaceful and orderly dissent is an essential ingredient in our form of government. What is so disturbing today is that not only is dissent often accompanied by violence, but often reasons for this dissent are suspect. In this regard I cannot help but believe that some dissent evolves from those who lack moral courage: the moral courage to support our country when we are committed to a just and honorable cause, however difficult. This country is presently committed to assist the people of the Republic of Vietnam in their inherent right to select a government of their own free choice. Some who are opposed to this commitment, and many who violently dissent in their opposition, offer little in the way of either realistic or constructive criticism. While much of their dissent is predicated on alleged reasons of morality, the rationale they set forth often rings more of appeasement than morality.

Communism of 1969 is no less a villain to world peace than was Nazism of 1939. Our country learned, at the terrible cost of World War II, that moral courage in the 1930's may well have prevented the holocaust that followed. The reason for moral courage today would, therefore, seem to me to be obvious.

For example, if it were not for the moral courage of this country to meet our commitments in Europe after World War II, that continent would be under communist domination today. If it were not for our moral courage in Korea that country would now be a communist state.

Today, as Americans fight and rebuild in Vietnam, our country seeks once again to prevent the insidious encroachment of communism. Admittedly, the price we and our allies must pay to prevent this latest attempted takeover is a heavy one. However, unless we, as the citadel of freedom, are prepared to stop aggression not only for the moral principle involved, but for the practical purpose of our eventual preservation, we may have to pay a far greater price for our own freedom. If communism is left unchecked we will eventually find ourselves encircled by satellites unified in their intent to achieve their greatest victory—domination of this country.

My hope then is that all Americans realize the purposefulness of our enemies. That as we have in dark periods in our past, recognized our obligations and have the moral courage to face them. I am convinced that this ability for self-recognization is inherent in the character of America, and all Americans—of all political factions—will once again realize it. But this self-recognization must come now, before the price for world freedom becomes even more expensive.

These are my hopes—and my prayers—for America's future.

MARITAL CENSORSHIP

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HUNT. Mr. Speaker, when the New York Times feels called upon to defend, even indirectly, Mrs. Martha Mitchell, we know that an issue of great proportions must have been raised.

Such was the case in the recent firing of William Woestendiek, a news editor for educational television station WETA, dismissed summarily simply because his wife, Kay, a competent professional herself, took a position as Mrs. Mitchell's press secretary.

As the Times accurately stated in a recent editorial, this "guilt-by-marriage standard is as silly as it is outrageous." I insert the editorial of April 20, 1970, in the RECORD at this point:

MARITAL CENSORSHIP

Even if this were not the year of women's liberation, there would be a ludicrous quality to the controversy that led to the ouster of William Woestendiek as editor of a news feature program on Washington's educational television station. The station says it feared a "conflict of interest" was created by the decision of Mr. Woestendiek's wife to go to work as press secretary for Mrs. Martha Mitchell, the outspoken wife of the Attorney General. Establishing such a guilt-by-marriage standard is as silly as it is outrageous. Someone ought to educate the educational TV officials responsible in common sense.

PERMIT SENIOR CITIZENS TO EARN MORE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. CHAPPELL. Mr. Speaker, constantly today we hear people talking about poverty, and we listen to many plans for removing people from the poverty levels of earnings. Yet ignored in all these plans are a huge segment of our population that we are forcing by law to live in poverty. These are our retired people who are living on social security benefits.

Recently, some of my comments about this situation were printed in the paper published by the National Federation of Independent Business, and subsequently printed by many daily newspapers throughout the Nation. The following are the remarks as printed by the National Federation of Independent Business:

CAN A RETIRED PERSON LIVE ON $1,680 PER YEAR?

Congressman Bill Chappell, Jr. of Florida thinks not, and has a bill before Congress to permit a senior citizen to earn up to $2,400 per year before losing any of his or her Social Security benefits. This is the subject of a poll now being taken among the nation's independent businessmen by the National Federation of Independent Business.

In the past the polls of the Federation have shown that 72 percent of the independent businessmen believe that senior citizens should be permitted unlimited earnings without sacrificing any Social Security benefits.

Now, apparently under the whiplash of the present Administration which believes the $1,680 per year too low, the Social Security Administration has changed its viewpoint.

In a letter to Jerome Gulan, legislative director of the National Federation of Independent Business, Robert Ball, Social Security Commissioner, states in part, "the provision in the Social Security law under which benefits are not paid in full to people under age 72 if their earnings exceed $1,680 in a year . . . generally referred to as the retirement test, should be changed."

He further states, "It is, of coures, not right that people who do additional work or take a job at higher pay are disadvantaged."

The Administration's bill differs both from the Chappell bill for raising the limit, and from the independent business viewpoint of no limits. The pertinent details as explained by Ball are as follows:

"Under present law, $1 in benefits is withheld for each $2 of earnings between $1,680 (the annual exempt amount) and $2,880, but above $2,880, $1 in benefits is withheld for each $1 of earnings. Since benefits are tax free while earnings are taxable, a person may have less in net income by increasing his earnings. Under the Administation's bill, $1 in benefits would be withheld for each $2 of earnings above the annual exempt amount regardless of how high the earnings might be; there would be no point at which $1 in benefits would be withheld for each $1 of earnings. The bill would also increase the annual exempt amount of earnings from $1,680 to $1,800, and would provide for automatic increases in the annual exempt amount as earnings levels rise."

The new position of the Social Security Administration probably illustrates its response to shifting political winds.

For many years the prevalent idea of So-

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cial Security was that of an insurance program which provided for retirement benefits, with the employee and employer paying premiums for this purpose.

Over ten years ago, before the United States Supreme Court the Social Security Administration admitted that it was not insurance in the bona-fide sense of the word, and that Congress could at any time stop the program and those who have been forced to pay "premiums" would have no recourse.

More recently Commissioner Ball further exploded the "insurance myth" concerning Social Security still further, in a letter published in the American Medical Association News, in which he attacked an analysis of the system published by the Federation. He stated that the payroll taxes paid by the employer are not credited to any particular employee, but are just thrown into a lump fund.

But the idea sold over 35 years ago that Social Security is a form of insurance lingers on. And as more people qualify for benefits for which they have presumably paid by forced collections from their paychecks, more interest has been generated, especially as inflation has severely eroded the fixed incomes of many older people.

The Social Security law, which at present discriminates against people who must work to supplement their Social Security benefits, does not require any consideration being given to oldsters who have incomes from investments and other nonemployment sources which has resulted in aged millionaires drawing full Social Security benefits.

Neither does the law discriminate against those 72 years of age or more who can draw full Social Security benefits no matter how big an income they receive from employment. However, Federation researchers have failed to turn up many people over 72 who have launched on lucrative new employment careers.

But Federation researchers do receive many reports from members who are still operating their businesses at an advanced age because their Social Security benefits would not permit them to exist, if they closed their businesses and retired. Those who choose to take this course are required to continue paying into the fund at the high self-employed rate, although they never expect to collect any benefits.

My deepest appreciation to the Federation for their views. Let us hope that all our efforts combined will result in the social security recipient having the opportunity to earn a greater amount of money without having his benefits penalized.

POSTAL REORGANIZATION

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. LANGEN. Mr. Speaker, for over a year now, the Congress has been considering postal reorganization. The committee records are filled with testimony from nearly everyone. Additionally, each Member's office has been filled with letters asking if something can be done to improve the system.

Almost every citizen agrees that the system must be changed. The time to act is now. The President has submitted a proposal, carefully worked out between the Post Office Department and the unions. This proposal will permit the Post Office to take advantage of the great technological progress made in this country by business and industry over the past few decades.

Postal reorganization will not only benefit the American public, but will also provide great opportunities to the postal employees.

I hope the Congress will act promptly on this legislation—more talking will not solve the problem.

THE IMPORTANCE OF EARTH DAY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, April 22, 1970, was designated as "Earth Day"—a national day of reassessment of our surroundings. All over our country there took place a concerted effort to highlight the need for confronting and solving the problems of our environment.

This national issue has drawn many citizens together, from all age brackets, and hopefully this growing consciousness of the quality of our life will continue to produce positive results.

I commend all of the individuals and organizations who participated in the nationwide Earth Day. Also at this time, I would like to praise the news reporting of the Quincy Patriot Ledger for their indepth coverage of the entire range of pollution on the local, State, and National levels. The Quincy Patriot Ledger has done a great service in informing the citizenry of Massachusetts on the entire range of environmental problems—a cause vital to all Americans.

Mr. Speaker, I include several news items that appeared in the Quincy Patriot Ledger—all indicative of the ongoing coverage and attention allotted to this crucial subject:

[From the Patriot Ledger, Apr. 21, 1970]

Litter Pollution

The great American slob reads and hears about how man is polluting his land, water and air. He's beginning to worry about it.

But still he continues to litter the land, bit by bit, with his trash: a beer can here, a pop bottle there; an empty cigarette package; a candy wrapper; the contents of his car ashtray; maybe an old tire or inner tube tossed into the woods.

Every so often, someone proclaims a day in which citizens go out with rakes and shovels and baskets and barrels to pick the stuff up. Tons of it are accumulated and hauled off for disposal. For once, the grounds are clean. Then the great American slob goes to work again . . .

Tomorrow is "Earth Day", a dramatization of the anti-pollution campaign, and as a prelude in New York City hundreds of people assembled Saturday in Central Park and the Botanical Garden to clean up the litter.

In Central Park, more than a ton of junk (including 1,000 beer cans and a chaise lounge) were dredged out of the Boating Lake, and another 150 bags of trash were collected from the Botanical Gardens.

Doubtless that much could be picked up on Boston Common, the Public Garden, Franklin Park or the Blue Hills—or you name it. The great American slob is indigenous to no particular region; he'll discard his trash anywhere he happens to be.

And don't think a little talk about pollution or an occasional clean-up day will change his habits. Oh no. In a few weeks, Central Park will be as littered as ever.

The great American slob, you see, doesn't equate the talk about pollution with his mindless disposal of trash.

[From the Patriot Ledger, Apr. 21, 1970]

Senator Nelson Asks Guarantee of Decent U.S. Environment

Boston.—Sen. Gaylord Nelson, D-Wis., said today it would take a constitutional amendment to guarantee every American "the inalienable right to a decent environment."

In remarks prepared for a joint session of the Massachusetts Legislature in observance of Earth Week, Nelson said the environmental crisis demanded the assertion of "new individual rights and responsibilities."

"Establishing environmental right as a fundamental doctrine of this society would mark the beginning of a transition from a nation that pursues bigness and abundance at any price to one that emphasizes the well being of present and future generations," Nelson said.

Nelson said the assault on the country's environment would continue "until the citizen demands the right to go to court and stop the pollution of a public lake, until commuters ask for rapid transit instead of a second car, until the housewife rejects detergents that get shirts clean but dirty the environment . . ."

Nelson urged public support of the constitutional amendment he has introduced that says, "Every person has the inalienable right to a decent environment. The U.S. and every state shall guarantee this right."

[From the Quincy Patriot Ledger, Apr. 21, 1970]

Students in Area Communities Join Cleanup for Earth Day

Activities ranging from sweepins to panel discussions will be held in many area towns tomorrow in connection with the national Earth Day observance.

MANY OBSERVANCES

Observances nationally include everything from marches and demonstrations to mock funerals for the automobile. Clean-ups, teach-ins, nature walks, workshops and lectures are scheduled.

Earth Day grew out of a suggestion made by Sen. Gaylord Nelson, D-Wis., in the wake of last November's antiwar demonstrations.

It was reasoned that if public sentiment could be mobilized over the anti-war issue, then the positive issue of protecting the environment ought to generate even greater support.

In Quincy, the beautification committee of the Quincy South Shore Chamber of Commerce is sponsoring a clean-up of the downtown area starting at 9:30 a.m. According to Bernard C. Moore Jr., executive director of the chamber, some 25 junior high school students are expected to help merchants clean up unsightly spots in the vicinity of the John Hancock parking area and the Ross Parking Way.

Beginning at 1 p.m., the Student Committee on Environmental Control (SCORE), an organization of ecology-minded Central Junior High Students, is sponsoring a clean up of Furnace Brook.

In both cases, the city department of public works will supply vehicles to remove the debris which students collect.

In Braintree, an Earth Day cleanup of Watson Park is scheduled to start at 9 a.m., tomorrow. As part of the activity, trees will be pruned and some 20 new trees will be planted, according to Mrs. Edward Silk of the Braintree Garden Club. She said the gar-

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den club and the Watson Park Study Commission, co-sponsors of the activity, hope Boy Scouts, Girl Scouts and neighborhood youths join them.

Also in Braintree, Cadet Troop 427 of the Girl Scouts will undertake a cleanup of the grounds around town hall beginning at 10 a.m. tomorrow.

THAYER ACADEMY

The ecology club at Thayer Academy in Braintree has planned a full day of activities for tomorrow, highlighted by the visit of members of the Harvard University Ecology Club. The Harvard students will show a pollution movie to the student body from 9 to 9:30 a.m., and afterwards conduct discussions on ecology. In the afternoon, members of the Thayer Academy ecology club will distribute information about Boston-wide programs planned for the evening.

Journalism students at Randolph High School have organized an "environmental action day" for tomorrow. According to spokesman Pat Pennie, high school students will conduct a poll asking town residents attitudes on what should be done about the environment. Students will conduct the poll door-to-door, and in the shopping area, she said.

In addition, the students are sponsoring a cleanup of all the elementary school playgrounds in town tomorrow, she said. Some 50 high school students are expected to pitch in with this activity.

Two clean-up campaigns are planned in Milton tomorrow.

Milton Youth Resolved in Action (MYRIA) are organizing a cleanup of the Blue Hills area. The activity will begin at 1:30 p.m. at the Trail Side Museum and continue until dusk. The Metropolitan District Commission (MDC) has agreed to cooperate by picking up debris which students collect.

ROCKY KNOLL

Also in Milton, the Rocky Knoll Nature Center of the Massachusetts Audubon Society will be the site of a clean-up campaign beginning at 9:30 a.m. Audubon Society officials are urging neighborhood children to participate in the cleanup of the one acre site.

In Hingham, a panel discussion on ecological problems in the town will be held beginning at 7:30 p.m. tomorrow in the public library. Panelists will be from the school department, the planning board and the board of health. Library officials have invited members of the public to attend.

A slide program on pollution of North River will be held at 8 p.m. tomorrow at the First Parish Church hall, Norwell center in conjunction with Earth Day. An open discussion will be held afterwards.

The evening division of the Women's Club in Marshfield is sponsoring a pickup of roadside litter tomorrow. A truck will be stationed in the parking lot behind the American Legion Hall from 10 a.m. to 3 p.m. for deposit of litter which townspeople collect.

Most area colleges also are planning special activities tomorrow in connection with Earth Day. Perhaps the most extensive activities will be at Wellesley College. Scheduled is an address by Prof. Barry Commoner, a Washington University ecologist, panel discussions by students and environment-related talks by several Wellesley professors.

WORLD SURVIVAL

Prof. Commoner, the principal speaker of the week, will talk on "Will We Let the World Survive" at 10 a.m., tomorrow in Pendleton East at Wellesley College. Paul Santimire, college chaplain; Erwin Canham, Christian Science Monitor Editor; and Miss Jeanne Huermstad, class of 1970, will discuss "Does Religion Have Anything to Say on the Ecological Crisis" at 7:30 p.m., Thursday in the Pope Room.

A full week of ecology activities is being held at Bridgewater State College. Public activities scheduled for tomorrow include a talk on population problems by Dr. Lawrence Mish of the biology department at 10 a.m. at Tillinghast Hall. Dr. Maier of the earth science department will talk on new priorities at 1 p.m. at Tillinghast Hall. Activities scheduled for Thursday include an address on environmental geology by Dr. Ira Furlong, professor of earth science, at 1 p.m. at Tillinghast Hall.

At Regis College in Weston Earth Day will begin at 9 a.m. tomorrow in the new science wing with a series of panel discussions on pollution problems. The drama department will present Revue, an ecology play, from noon to 1 p.m. in front of the library.

A film program and several exhibits, all dealing with pollution, will be shown from 1 to 4 p.m. in the new science wings. Rep. Charles F. Flaherty Jr., D-Cambridge, and David Brown, a biologist at the New England Aquarium, will speak in the evening on policy for the environment.

[From the Patriot Ledger, Apr. 22, 1970]

EARTH DAY

(By Gene S. Goldenberg)

WASHINGTON.—The fight to clean up the environment is seen by the organizers of today's "Earth Day" as a natural extension of the anti-war movement.

BATTLE AGAINST CAUSES

"There's a strong philosophical relationship between all protest movements—civil rights, the war, environment," explains Stephen Cotton, a leader of Environmental Action, Inc.

This Washington-based, non-profit group is the driving force behind the "Earth Day" today, a nationwide series of campus teach-ins, protests and community rallies. Action leaders estimate that 2,000 campuses, 2,000 community groups and 10,000 high schools will participate. In addition, at least 19 U.S. senators and five governors will speak.

But Cotton and other Action leaders don't view the fight against pollution as merely a "one shot" protest. "Earth Day" is designed to give groups across the nation an organizational focus for continued involvement in environmental issues.

Cotton, a Harvard law student, sees the clean-up not as a battle against symptoms, but rather against causes. This is the relationship he notes between the "Earth Day" and national protests against the war.

"Look," he explains, "if the war ended tomorrow, the country would still be in a mess."

So Environmental Action is out to reform the decision-making processes that allow major industries, for example, to pollute streams, rivers and the air around us in the first place. Cotton and his colleagues do not merely want to clean things up only to have them get dirty again.

Action as a formal organization was originally set up early in January under the name Environmental Teach-In Inc. But this label was soon discarded because, as Cotton puts it, "we wanted to go beyond students talking to each other." In this goal, Action leaders have been successful, with anti-pollution drives set in several major cities and backed by business executives and civic leaders rather than students.

VOLUNTEER HELP

However, the 15 or so organizers of Action are themselves mostly young—average age is about 23—and mostly college and graduate students who are taking time off from school to put "Earth Day" together. The national coordinator is Denis Hayes, a former student body president at Stanford University and presently on leave from Harvard Graduate School.

Cotton says that some of Action's coordinators were active in the anti-war moratorium and mobilization groups, but he denies that Action is a carry-over of these organizations.

So far, Action's money has come from individual contributions and six or seven grants from small foundations, according to Cotton.

The budget to date—about $100,000—has been supplemented by the volunteer help of hundreds of Washington area students, housewives and businessmen. Cotton estimates that Action will spend about $125,000 in all to set up "Earth Day."

After today, Action's leaders are hopeful that there will be little need for a central coordinating group. Indeed, if "Earth Day" is successful, the seeds of protest will be effectively sown so that Action can leave the rest of the job to its progeny.

[From the Quincy Patriot Ledger, Apr. 22, 1970]

SAFFORD PARK CLEANUP STRIKES OUT

QUINCY.—Safford Park, on Beale Street between Prospect Avenue and Winthrop Avenue, received a spring cleaning last week from neighborhood youngsters hoping to use the park for baseball games.

THREE-DAY CHAMP

About 25 youngsters of elementary school age worked without supervision for three days, Tuesday, Wednesday, and Thursday afternoons, to rake and bag litter and leaves that blanketed the small park.

The park and recreation board, which maintains Safford Park for the city had placed a new sign on a tree at the park, which reads "$50 dollars Fine—No Ball Playing—Police Take Notice" to replace a similar sign that had been painted over and ignored several seasons ago.

The children, believing that the reason for the prohibition was the messy condition of the park, independently organized to clean up the park, even though they aren't the primary litterers.

There are two established playgrounds in the neighborhood, Stony Brae on South Central Avenue, which is fenced and has a summer playground program, and Forbes Hill Playground, a larger playground off Summit Avenue. But, according to Mrs. Norma Gale, 72 Prospect Ave., those parks are dominated by the older children, and since the younger children cannot compete, they customarily play at Safford Park.

"TOO SMALL"

According to Dick Koch, executive secretary to the park and recreation board, the children's efforts, although greatly appreciated, will not remove the restriction. "The park is too small for baseball," Koch said. "It is designed as a beautification park, not a ballpark."

He named the two other playgrounds in the area, besides the basketball courts at the back of Wollaston School, almost opposite the Safford Park, that were intended for rough play.

"I'm not against the youngsters playing in the park, but the park can't hold a ballgame," he said. "Beale Street is busy, and there is a chance that a child will run out after a ball. Mothers take their babies and toddlers there, and sit at the benches."

Nathaniel Safford gave the land on Beale Street to the city in 1873 for the first Wollaston School. When the school had to move across the street for more room, Safford Park was created on the land.

According to Dick Koch, the Wollaston American Legion will be placing and dedicating a granite memorial and flag pole in the park on May 17. The granite memorial will sit in the middle of the park, at the site of a howitzer gun removed during World War II.

[From the Quincy Patriot Ledger, Apr. 22, 1970]

Oil Spills Solutions Poor, Seminar at ENC Told

Quincy.—Some of the deadliest pollutants are not visible, Santo J. Grozzo of the Department of Interior Water Pollution Control Agency, told a group at Eastern Nazarene College yesterday.

DEADLY CHEMICALS

Speaking at a seminar sponsored by Student National Education Association, Mr. Grozzo said that frequently the chemicals used to combat oil on the surface are in reality deadly toxics which sink to the bottom and contaminate shellfish. He said federal agencies no longer use chemicals except in extreme cases where lives and property must be protected.

He said that today oil tankers are being built on a much longer scale than ever before because it is more profitable to the companies to transport oil in one tanker instead of several small ones.

"If a gigantic oil spill were to occur," he said, "we would have no satisfactory solution for it."

However, he said, minor oil spills which used to occur with frequency now get a great deal of attention as we hear about every one that occurs. He noted that the responsibility for prevention of these spills lies with the oil companies and greater and more uniform precautions are needed.

Mr. Grozzo also noted that we are reaching a point where we are using almost all water available to us for purposes of consumption, through increased population demand and increased industry demand. He said we will shortly have to start using the same water as often as two or three times. This water will be treated and restored through various methods.

Richard F. Slein of the state Air Pollution Control District who also addressed the group, said that on July 1 the state will have a more uniform set of standards when it sets up air pollution control districts in Greater Boston, Worcester, Springfield, the Berkshires and Southeastern Massachusetts.

He said that one of the chief problems the state is facing in its attempt to clean up the air is the lack of uniformity in industry. Anti-pollutants can be quite costly to some manufacturers, but the state is taking the attitude that it is better to go in strong now rather than to take halfway measures and have to backtrack 10 years from now.

[From the Patriot Ledger, Apr. 22, 1970]

Muskie Asks "Selfless Conservation"

(By Al Gordon)

Cambridge.—Sen. Edmund S. Muskie, D-Maine, said last night at a Harvard University environmental teach-in that America must "do nothing less than forge a wholesale change in our attitudes and our values" if it is to successfully end pollution.

The senator, who is chairman of the Senate Air and Water Pollution Sub-Committee, was part of a panel that included ecologist Barry Commoner, Harvard Prof. George Wald, George Wiley of the National Welfare Rights Organization, and state Sen. John Moakley, D-Boston. Last night's session marked the opening of a two-day program of environmental study at Harvard, part of the nationwide "Earth Day" observance.

Sen. Muskie said that the nation's present value systems "no longer respond to our needs or fit goals relevant to our future."

He urged that the U.S. abandon efforts to develop the supersonic transport, abandon the ABM, end the war in Vietnam, and curb automotive pollution. The Maine Democrat noted, however, that concern with ecology requires concern about people rather than about trees. "Those who believe that we are talking about the Grand Canyon and the Catskills "but not Harlem or Watts are wrong," he said.

He explained that the challenge of the pollution issue was not just to redirect federal spending, but rather to change public attitudes.

"We have become an industrialized and technologically sophisticated society. Yet we persist in our faith in the old frontier ethic—the belief in infinite expansion and unlimited growth.

"Now," he continued. "All of us face an internal and personal frontier. It is a moral frontier, defined by our willingness to cut back our selfish exploitation in favor of selfless conservation."

Sen. Muskie warned that Americans could no longer live by the traditional phrase "there's more where that came from."

The time is coming, he said, "when there is no more."

Sen. Muskie observed that America's goal had "never been to create a society where human greatness took a back seat to economic growth and technological change.

"If progress means technology that produces more kinds of things than we really want, more kinds of things than we really need, and more kinds of things than we can live with, we had better redefine progress."

Referring to the public's power at the ballot box, at the stockholder's meeting, and at the cash register, Sen. Muskie concluded, "We are not powerless to affect these changes."

[From the Patriot Ledger, Apr. 23, 1970]

Earth Day Trash Patrol Cleans Up

Earth Day 1970 brought many area individuals outdoors to sweep, rake, and collect trash and debris from highways, alleys, fields and streams.

FUTURE

Those conservationists and ecologists who didn't actively collect trash sat in groups to contemplate the future of Mother Earth.

About 35 Grade 8 and 9 students from Quincy's Central Junior High School's Student Environmental Control Group (SCORE) cleaned up the area around Furnace Brook.

Vincent R. Moscardelli, assistant principal at the junior high, said students, some wading through the brook with hip boots collected enough trash to "fill a city dump truck." Included in the debris was a power mower, a sled, a TV antenna, tires, and "a few thousand beer cans."

While SCORE cleaned the brook, another 28 junior high students conducted a trash patrol in the area of the John Hancock Parking Way and the Ross Parking Way, cleaning the lots and the alleys nearby.

Bernard C. Moore, Jr., executive secretary for the Quincy-South Shore Chamber of Commerce, supervised the clean up in conjunction with the mayor's anti-litter campaign. Similar cleanups are planned for the Wollaston, North Quincy and Quincy Center areas.

A group of 30 Eastern Nazarene College students cleaned up the Wollaston Beach area. The Metropolitan District Commission and the state Department of Public Works contributed the clean up equipment and vehicles for removal of the debris.

The Hingham Public Library sponsored an ecology seminar with townspeople and members of town government and exhibited photos and displays pertaining to conservation and litter.

Speaking at the program were Winthrop Wade, newly elected board of health member; Francis E. Chafe, executive health officer; Edward A. Shields of the planning board; and Samuel Hibbard of the school committee. Moderator of the program was Philip O. Swanson, chairman of the conservation commission.

Mr. Chafe said the town "has begun to put teeth in pollution regulations" concerning auto exhausts, leaf burning, and city trash burning, in order to control what he called "the American slob."

Two Hingham youngsters, Jeff Thompson, 8, son of Mr. and Mrs. Ronald Thompson of 2 Playground Road, and Denis Bustin, 9, son of Mr. and Mrs. Edward Bustin of 383 Main St., spent the day collecting trash at Queen Anne's Plaza and downtown.

Wearing signs on their back that read, "Don't litter," and "Keep Hingham Clean," the boys collected several large trash bags full of debris.

Weymouth High School students held their Earth Day Friday because of school vacation this week. Assemblies were held each period during the school day depicting the problems and solutions to pollution. Members of the conservation club and history and biology classes participated in the assemblies, making displays and speaking.

In Braintree, more than 100 children and adults pruned trees, cleaned up debris, raked dead leaves and gathered rocks in Watson Park.

Members of the Boy Scouts, Girl Scouts, the Braintree Garden Club, and the Watson Park Study Committee worked to clean up the area.

The Rocky Knoll Nature Center in Milton, operated by the Massachusetts Audubon Society, was cleaned up by a group of children under the direction of Miss Miriam Dickey, an instructor for the Audubon Society.

After cleaning the acre on Maple Street the children asked to come every Saturday to clean the Nature Center, because once was not enough.

A large contingent of students from Milton Academy and the Milton public schools roamed the Blue Hills collecting trash from the trails there.

In Marshfield, the evening division of the Women's Club cleaned the area around the Marshfield Center and filled a containerized trash receptacle to overflowing with the roadside litter.

A teach-in at the First Parish Meeting House in Cohasset was attended by about 40 people, most of them school-age. Mrs. James C. Proctor, chairman of the Scituate Beautification Committee, spoke about beautification programs, and the Rev. Edward M. Atkinson, minister at the church, announced plans to establish in Cohasset a chapter of Environment, Inc., a study group that works on pollution.

In an area in Cohasset bounded by Pond Street, Spring Street and the railroad tracks, a group of 14 children and mothers led by Mrs. Barbara Cook of 28 Pond St., filled four large plastic bags full of rubbish.

EARTH DAY ON THE SOUTH SHORE

Pollution questionnaire is filled out by Mrs. Richard Morrissey, of Quincy at an Earth Day campaign table at the Brockton Public Market in Randolph. Miss Tobey Abner and Miss Marcia Bornstein of Randolph are staffing the table.

Nurses' cleanup—These Quincy City Hospital nurses were among thousands of area residents who participated in Earth Day clean up action at Mound Street Beach yesterday. Jackie Roth, Jackie Skimmer, Ellen Perry, Wilfred Naives and Mary Shea collected a truck full of debris in less than an hour.

First in State—Braintree's newly established air pollution control committee, believed to be the first appointed in a Massachusetts town, held its organizational meeting yesterday at Norfolk County Hospital. William J. Hayden, of 82 Hancock St., was elected chairman. Atty. Steinar Midttun, of 25 Cain Ave., was chosen as secretary with Dr. Donald A. Martin, Norfolk County Hospital superintendent, the third member of the committee.

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[From the Quincy Patriot Ledger, Apr. 23, 1970]

Federal Official Calls for Business To Assist in Environment Controls

Boston.—Unless business participates, the job of cleaning up the environment and controlling pollution will not work, warned Russell E. Train, chairman of the recently created President's Council on Environment Quality.

BALANCE NEEDED

Speaking at an Earth Day teach-in yesterday at the Harvard Business School, Mr. Train said business and industry must weigh environmental factors with engineering designs and economic considerations in their over-all production policy.

He told a group of 400 students and professors that pollution abatement policies for most major industries are not always economically feasible, but will have to be a challenge and a commitment on the part of all people to save our world.

Government regulation is necessary to enforce anti-pollution standards and progress is being made in establishing standards for clean air and water and in noise pollution, he noted.

There may be significant problems from international competition not concerned with anti pollution cost factors, but hopefully this will be compensated by levying special tariffs and, eventually, through international agreements as the world market becomes aware that environmental pollution is a world problem, Mr. Train said.

Voluntary participation is necessary on the part of business, particularly in the field of research and development. "Industry must worry about its products after they are sold and must make it its business," he stressed, saying that some products which cannot be incinerated without polluting the air must be reused, others must be returned to the soil.

Mr. Train, who was Under-Secretary of the Interior before he was sworn in as head of President Nixon's new commission on environmental control, stated that all federal agencies must now take environmental characteristics into account in their planning.

By July 1, the impact of environmental trends involving about 40 agencies will be reviewed and evaluated. Decisions will be made after policy and program proposals have been analyzed by the Council and the Department of Interior.

TWO PATHS OPEN

There are two paths to achieve environmental quality he said. One, the short term method is to demand immediate controls which will bankrupt all American business and industry. The other, which requires a "process of accommodation" is the long term cooperation of industry.

He stressed the importance of citizen participation and cited the case of a jetport planned by the Dade County Port Authority near the Everglades National Park. Construction was halted when the Department of Transportation and the President were made aware of the detrimental effects of aircraft on the wildlife there.

Mr. Train acknowledged that the government must take stronger action not only in land use but in other matters to prevent another Santa Barbara oil spill and Lake Erie contamination.

Charles F. Luce, chairman of the board of Consolidated Edison Co. of New York told the group that thermal pollution from all the utility firm's nuclear generating plants is well below government standards. He guaranteed smoke from fuel powered generating plants would be eliminated in a matter of months.

Dan W. Lufkin, board chairman of Donaldson, Lufkin and Jenrette, stock-brokerage and investment firm agreed that pollution control will cost money but predicted a new market where social concern will have priority over profitability. He also observed that there was a whole new market opening in the pollution control business.

[From the Quincy Patriot Ledger, Apr. 23, 1970]

Hollingsworth, Vose Spending $2 Million on Pollution Control

Walpole.—The Hollingsworth and Vose Co. is currently involved in a pollution control program which will cost more than $2.2 million in capital expenditures and maintenance costs in excess of $120,000 a year.

Each of the company's four mills receives careful and continuing analyses of its water needs and quality, according to a company spokesman.

The East Walpole mill has been a member of the Neponset Reservoir Co. for more than 75 years. The reservoir is used to increase the river level during the periods when the river is low and the danger of pollution is greatest.

In addition, facilities at East Walpole will be completed late in 1971 to discharge all of the company's effluent into the Metropolitan District Commission sewerage system, thus insuring that it will not adversely affect the quality of Neponset River water.

[From the Quincy Ledger, Apr. 23, 1970]

Army Engineers Return Neponset Landfill Request

Waltham.—The Army Corps of Engineers has returned an application for landfill in the Neponset River tidelands to Mathewson Corp. of Quincy with the recommendation that the firm "iron out differences" with Mrs. Grace Saphire of Quincy who opposes it.

PARKING LOT

A spokesman said the corps also sent to Mathewson Mrs. Saphir's letter which recommends that the firm build its proposed parking lot on piles to all free flow of the river.

The company proposes to fill a section of the flats, which are exposed at low tide. Mathewson parking area was reduced by landtaking for the new MDC bridge over the Neponset.

Demolition material from the old bridge was to have been used as fill for the proposed Mathewson bulkhead.

The Quincy firm's application has already been approved by the state Departments of Public Works, Natural Resources, and Water Pollution Control.

The Army Engineers has not taken a stand on the issues the spokesman said, but is simply attempting to have questions resolved before the corps acts on the application.

[From the Quincy Patriot Ledger, Apr. 23, 1970]

Weston.—"The environment can no longer keep up with man, because he is putting too much pressure on it, and the balance isn't being restored," a biologist told a small gathering at Regis College Earth Day activities last night.

David Brown, a biologist at the New England Aquarium in Boston, told the group of students, teachers, and parents how man has altered his environment to the extent that the equilibrium of nature has been upset.

LEGISLATOR'S VIEW

Rep. Charles F. Flaherty, D-Cambridge, also addressed the group, giving the "legislator's point of view of environmental problems.

"The critical ingredient in smog is politics," he remarked.

"There are too many people who are concerned with the next election, not the next generation," he continued.

Rep. Flaherty called for a state-wide environmental policy during his presentation, insisting that the executive agencies of the government use their authority to implement it.

ENFORCE LAWS

He stated there are presently several laws that could curb pollution and these should be enforced before new ones are instituted.

He recommended that all technological improvements be planned as to their future implications regarding permanent environmental changes.

"We should be able to ban technological developments or products harmful to the environment," Mr. Flaherty said.

He also urged that government encourage the study of ecology to help future generations become aware of the problems they will inherit.

OCEAN SUNFISH

Mr. Brown referred to the biological problems created by man's pollution of the earth, giving an example of how far-reaching the effects of pollution have become.

He said that last year an ocean sunfish which normally doesn't come within a thousand miles of land, was brought dying to the Aquarium.

The fish died and was dissected.

Although parasites were attributed as cause of death, a report disclosed the fish's tissues contained enough DDT that it would soon have died from poisoning anyway.

Mr. Brown insisted population growth is compounding the situation, and that population control is as necessary as pollution control.

He said he recently heard that the native of India has a life expectancy of 10 years.

He claimed that India has had its environment so degraded that it would take total extinction of the population and thousands of years for nature to restore the land.

"Every organism has an effect on the environment," Mr. Brown said, "but other organisms have adapted to it. Man has altered it."

[From the Quincy Patriot Ledger, Apr. 23, 1970]

Environmental Bill of Rights Urged in Petitions by College Students

Boston.—Ecology-minded college students presented Rep. Michael J. Harrington, D-Beverly, with 10,000 petition signatures yesterday urging Congress to adopt an Environmental Bill of Rights.

ECOLOGY RALLY

Rep. Harrington attended a New England Ecology Center rally at the Government Center to receive the signatures, which he said he would deliver to the appropriate congressional committees in Washington scheduled to hold hearings on the bill filed by Sen. Gaylord Nelson, D-Wisconsin. Sen. Nelson's legislation calls for a constitutional amendment guaranteeing every citizen the constitutional right to a clean environment.

The petitions contained 3,000 signatures of Northeastern University students and more than 5,000 from Harvard University students.

Speakers at the Government Center rally expressed disappointment over the turnout of some 500 persons. Organizers had hoped to attract many more to the talks and booth displays by the Sierra Club and area ecology organizations.

Rep. Harrington quoted figures to indicate the extent necessary for adequate reordering of national priorities to solve pollution problems. "We need $10 billion more for industrial waste treatment facilities alone," he said.

"Just to restore the Merrimack River in my district to its former unpolluted condition would require $371 million. The total federal money for the state water pollution program is $22 million this fiscal year," he compared.

"In addition, we need $350 million more for waste treatment facilities, while only $35 million will be forthcoming under the present plans of President Nixon," he said.

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SURVIVAL DEMANDS

One member of the ecology group angered the congressman when he criticized him for planning to take an airplane back to Washington, D.C., from Logan Airport following his appearance at the anti-pollution rally. The man suggested that Rep. Harrington take some form of mass transportation instead.

Students distributed a list of "Survival Demands" which they said would be sent to Mayor Kevin H. White of Boston and Gov. Francis W. Sargent. The two-page list of 29 demands included halting runway expansion at Logan International Airport; legislation to ensure safe noise levels at the airport; banning of the supersonic transport plane from the Commonwealth; and development of a balanced transportation system for the Greater Boston area.

Also called for were better air quality standards; a ban on gasoline containing lead; abortion reform; and a guaranteed annual income of $5,500 per year for a family of four.

The Rt. Rev. Monsignor Mimie Pitaro, chairman of the East Boston Neighborhood Council, criticized the Massachusetts Port Authority for its plans for a third tunnel under Boston Harbor.

Msgr. Pitaro called East Boston unique in the amount "it suffers directly from the excess pollution due to the Logan Airport and the Sumner and Callahan tunnels." The residents of East Boston already breathe in the pollution given off by the 50,000 cars that daily pass through the two tunnels, he said, and cited property damage to paint and noise pollution as additional damage due to the airport and the tunnels.

Msgr. Pitaro targeted the plans of the MPA to develop STOL-ports for short-distanced take-offs and landings as another potential source of pollution.

"As long as the courts are more concerned about dirty plays than dirty air, we have failed," said the Rev. Tom Corrigan, chairman of the Greater Boston Transportation committee.

[From the Patriot Ledger, Apr. 24, 1970]

EARTH DAY

"The land was ours before we were the land's," wrote Robert Frost in "The Gift Outright," a poem of this nation's beginnings.

The message of Earth Day was that Americans have not become the land's—that in possessing the United States we have foolishly and futilely ruled nature with technology as we rule ourselves with government. We have tried to possess the land by plundering it and, in Frost's words, are still unpossessed by it.

Humans have created an environment capable of destroying themselves. Unrestrained and unharnessed, we have advanced in material wealth by vandalizing our natural wealth.

That was the message, but for all the advance publicity, the political promises of environmental help, the predictions of a new awakening. Earth Day was disappointing.

It was primarily a day of student participation. The Silent Majority stayed silent, apparently unwilling to become vocal even about pollution. Other adults, except for bemused smiles, generally ignored the observance.

In metropolitan Boston, there were teachins, speeches, parades, picnics, leaflets and more speeches. In the suburbs, there was more of the same, along with actual cleanup efforts by groups of youngsters, students and a few adults. It was a small, however commendable, response to an unbounded problem.

And at Logan Airport there was an unprovoked, disgraceful demonstration of toughness by the Massachusetts State Police. After declaring a demonstration at the TWA counter an unlawful assembly, the police needlessly manhandled the young people just as they were obeying the order and dispersing. Throughout the demonstration, TWA's operations were not hampered.

It was not Harvard Square and the state police acted as though it were. The kids were not radicals and their cause was the supersonic transport (SST), not violence for the sake of violence. There were efforts to check some of the unnecessary roughness. In one instance, a state policeman appeared to restrain a fellow policeman who was vigorously subduing an already subdued youth.

So Earth Day has come and gone, as other observance days have before it and will after it. Essentially it was a peaceful contemplation of a polluted environment that is gaining on us.

Pollution is a legacy we and our forefathers have produced for our children. We must admit it and must not sit comfortably back, as so many did yesterday, and say to our offspring, "Okay, so pollution exists. What do you want me to do? You go out and clean it up if it bothers you so much."

The environment, existing before any of us, belongs to all of us. While Earth Day drew rhetorical attention to the problems, has it done anything to cure them?

We have had the teach-ins, now we need the teach-outs. We have had a day of commitment, now we need lifetimes of commitment. We have had promises of money, now we need to provide money. We have had talk of action, now we need the action. We have had the young confront environmental control, now we need their parents.

The lives we save will be our own, and those of unborn generations.

NATIONAL GIRL OF THE YEAR

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. WHITEHURST. Mr. Speaker, recently Miss Kathy Bonneau, a junior at Portsmouth Catholic High School and a member of the Portsmouth Girls Club, was chosen as National Girl of the Year at the annual Girls Clubs of America Conference. All of us in the Second District of Virginia are proud of Kathy and her achievement. I am attaching for the RECORD the article from the Virginian-Pilot of April 16 publicizing Kathy's achievements in her community:

GIRLS CLUB MEMBER WINS $400 COLLEGE SCHOLARSHIP

PORTSMOUTH.—Kathy Bonneau, 16-year-old Portsmouth Catholic High School junior and member of Portsmouth Girls Club, returned from New York Wednesday night and the annual Girls Clubs of America Conference with the title National Girl of the Year.

She also brought back a $400 scholarship award to apply toward a college education. Her career ambition is to teach in elementary school, her mother, Mrs. Arthur Bonneau, said.

In selecting a Girl of the Year judges looked for the best all around qualities among contestants.

Among Kathy's talents is her sewing ability which won her a first place award in Region 3, Girls Clubs of America, and a chance at national competition.

Her entry, a four-piece ensemble including a white dress, Scotch plaid jacket and skirt and matching tam-o-shanter designed to be worn interchangeably, was modeled by the Portsmouth contestant during a conference banquet.

Expressing her pleasure over her daughter's recognition, Mrs. Bonneau said: "She's just a typical teen-ager who has had plenty of experience at homemaking."

Such experience, the mother said, "comes naturally when you're the oldest of 12 children."

Kathy puts creativity to work during the summer months and interests younger children in the family and neighborhood in backyard dramatics and fairs.

At Portsmouth Catholic she is pianist for the school glee club.

Her church activity includes working with smaller children in the Sunday school of St. Paul's Catholic Church.

Swimming is her main sport, and Kathy has earned a life-saving badge in instruction at the Churchland Swim and Racquet Club.

HOSPITAL CORPSMAN DAVID R. RAY OF McMINNVILLE, TENN., AWARDED MEDAL OF HONOR POSTHUMOUSLY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Hospital Corpsman First Class David R. Ray of the U.S. Navy, assigned to the Marines, was recently awarded the Congressional Medal of Honor by the President "for conspicuous gallantry and intrepidity at the risk of his life and beyond the call of duty."

Corpsman Ray was from McMinnville, Tenn., in the Fourth Congressional District which I am honored to represent in the Congress, and his courageous mother, Mrs. Donnie Ray accepted the Medal at the White House.

This young man made the supreme sacrifice for his country and this Nation will be eternally indebted to him for his dedication and devotion. His magnificent courage and unselfish disregard of his own safety to save other lives as medical corpsman is in the highest tradition of the Volunteer State of Tennessee as well as the military service of our great Nation.

In recognition of Corpsman David R. Ray, I place in the RECORD herewith the Presidential citation which accompanied the Medal of Honor.

The citation follows:

CITATION

The President of the United States in the name of The Congress takes pride in presentnig the Medal of Honor posthumously to David R. Ray, Hospital Corpsman Second Class, United States Navy, for service as set forth in the following citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a corpsman with Battery D, Second Battalion, Eleventh Marines, First Marine Division, at Phu Loc 6, near An Hoa, Quang Nam Province, in the Republic of Vietnam, on 19 March 1969. During the early morning hours, an estimated battalion-sized enemy force launched a determined assault against the Battery's position, and succeeded in effecting a penetration of the barbed-wire perimeter. The initial burst of enemy fire caused numerous casualties among the Marines who had immediately manned their howitzers during the rocket and mortar attack. Undaunted by the intense hostile fire, Petty Officer Ray moved from parapet to parapet, rendering emergency medical treatment to the wounded. Although seriously wounded himself while adminstering first aid to a Marine casualty, he refused medical aid and continued his lifesaving efforts. While he was bandaging and attempting to comfort another wounded Marine, Petty Officer Ray was forced to battle two enemy soldiers who attacked his position, personally killing one and wounding the other. Rapidly losing his strength as a result of his own severe wounds, he nonetheless managed to move through the hail of enemy fire to other casualties. Once again, he was faced with the intense fire of oncoming enemy troops and, despite the grave personal danger and insurmountable odds, succeeded in treating the wounded and holding off the enemy until he ran out of ammunition, at which time he sustained fatal wounds. Petty Officer Ray's final act of heroism was to protect the patient he was treating. He threw himself upon the wounded Marine, thus saving the man's life when an enemy grenade exploded nearby. By his determined and persevering actions, courageous spirit, and selfless devotion to the welfare of his Marine comrades, Petty Officer Ray served to inspire the men of Battery D to heroic efforts in defeating the enemy. His conduct throughout was in keeping with the finest traditions of the United States Naval Service.

RICHARD NIXON.

A YOUNG GIRL'S LETTER

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HUNGATE. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the following letter I received from Miss Nancy Fay Lewis, the contents of which I believe certainly deserve serious thought:

GREENTOP, MO.

Congressman WILLIAM HUNGATE,
Capitol Building,
Washington, D.C.

DEAR SIR: I am but an eighteen year old high school senior, but I wish to express my opinion now in this letter. Since I am a future adult, I do believe I have the right.

Right now our country is engaged in bringing back three astronauts from their journey to the moon. The Congress took time out of the regular meeting to pray for these men.

Sure everyone should pray for them, but what about the brave men dying for our country?

Soldiers are dying in Viet Nam, Korea, Cambodia, etc., yet Congress never takes time out to pray for them.

I feel that this is definitely wrong! Those three men knew before they agreed to go to the moon that their lives would be in danger. Yet they took that chance.

The men in Viet Nam, etc., have no choice. They go there knowing that they might come back in a pine box. They deserve the silent prayer.

The astronauts deserve prayers also, but the soldiers need them worse.

I hope God has mercy upon these soldiers also, for they need the Holy Spirit far worse!

Sincerely yours,

NANCY FAY LEWIS.

SEAPOWER SUBCOMMITTEE CONSIDERS SOVIET SEA DOMINATION

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. BENNETT. Mr. Speaker, the worldwide Soviet naval exercises now in process clearly demonstrate that Russia is making tremendous strides toward her announced objective of world domination of the seas. These facts and others were clearly shown to our Seapower Subcommittee in its specially called meeting last Friday.

They have a ballistic missile submarine on station off the Atlantic coast. They are operating the first worldwide coordinated naval exercise using over 200 ships. The shipbuilding facilities which are furnishing the modern fleet have been growing steadily since World War II, giving them the largest and most modern shipbuilding capacity.

The Soviet ability to put 200 naval ships out in exercises around the globe is a record. There are 55 surface combatants, 50 auxiliaries, 45 submarines, and nearly 50 other intelligence collectors, research ships and naval-associated ships. The exercises are being held in the Barents Sea, Norwegian Sea, North Sea, Sea of Okhotsk, Sea of Japan, Philippine Sea, Mediterranean Sea, Black Sea, and Baltic Sea. There are also Soviet naval forces in the Indian Ocean.

The Seapower Subcommittee of the House Armed Services Committee in its report, "The Status of Naval Ships," has already drawn attention to the rapidly growing Soviet Navy—which is new and modern compared to the aging and obsolescent American Navy.

The Soviets are constructing new surface vessels which can out-speed and outrange our ships.

Surface ships under construction today include guided missile cruisers, guided missile frigates, submarine chasers, fast patrol craft, and guided missile patrol craft. Similar programs are underway to provide the Soviets with new amphibious and mine warfare vessels. More new classes of guided missile cruisers, frigates, and amphibious ships will be introduced in the next few years.

Submarine construction continues to be the most impressive element of the total Soviet program. They have the largest and most modern submarine building yards in the world, and since the end of World War II the Soviets have constructed some 575 submarines of all types while we have built only 125. Eighty of theirs have been nuclear powered. Although 88 of ours have been nuclear powered, this slight lead will not last through the end of this year. Most significant among their submarines are their nuclear-powered Yankee class ballistic missile units. They carry 16 submerged-launch ballistic missiles, and are similar to our own Polaris-type submarines. More than 10 of these submarines are now in operation, and every month and a half an additional unit joins the fleet. By 1974 we expect the Soviets will have 35 to 50 Yankee's carrying 560 to 800 ballistic missile launchers.

The Soviets have 17 major naval shipbuilding yards with a total work force of over 100,000. These yards are not only the largest but the most modern in the world using procedures and techniques which are keyed to production line manufacture. Their ability to roll modules weighing as much as 500 tons gives them an ability to prefabricate large portions of the ships. This is work that we do largely in outfitting. The Soviets are also able to roll the completed ships wherever they may be desired for work or for launching. It strikes me that we are using procedures for the construction of wood and sail ships while the Russians are using concepts designed for the 1970's.

These recent activities demonstrate the validity of the findings of the Seapower Subcommittee last year in its report on the status of naval ships:

> The Soviet Union is devoting major attention to the sea and to modern uses of the sea. It is developing a massive, well-balanced program in virtually all phases of seapower. Such a program presents a formidable challenge to traditional freedom of the world's oceans, assured for years by a substantial American superiority in seapower. This superiority is now eroding by the new Soviet buildup. Further, the Soviets appear to understand seapower at the highest levels of Government, and convey this understanding through the employment of their total seapower as a prime Government instrument, utilizing commercial, experimental, and military components in a total seapower program.

NEWS REPORTER'S SERIES ON UNREST WINS AWARDS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. SMITH of New York. Mr. Speaker, I have the privilege to represent the 40th District of New York. The Buffalo Evening News is one of the fine newspapers that includes my district in its coverage. The News has had a long history of able representation in its Washington bureau. Only last week another member of the Washington bureau was recognized for his expertise in the field of journalism.

I am proud to report that the Education Writers Award of the American Association of University Professors was bestowed upon Ronald J. Maselka. I wish to take this opportunity to add my own word of congratulations to Mr. Maselka for this outstanding achievement.

The Buffalo Evening News article covering Mr. Maselka's award follows:

NEWS REPORTER'S SERIES ON UNREST WINS AWARD

LOS ANGELES, April 24.—Ronald J. Maselka, a member of the Washington bureau of The Buffalo Evening News, today was presented the newly established Education Writer's

Award of the American Association of University Professors.

Mr. Maselka receive a plaque at the association's convention in Los Angeles for "outstanding interpretive reporting on higher education."

He was cited for a series of 22 articles on Campus unrest which appeared in The News last fall. They were based on his visits to 10 campuses and his interviews with administrators, faculty and students.

A native of Buffalo, Mr. Maselka was graduated in 1961 from Fordham College and received his masters' degree the following year from Columbia University school of Journalism. He was a general assignment reporter, federal beat reporter and night city editor of The News before being assigned to the Washington Bureau in 1968.

SPEECH BY CHAIRMAN HOLIFIELD DEDICATES OKLAHOMA PLANT

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. STEED. Mr. Speaker, the people of Oklahoma had the very great privilege and pleasure this week of having one of this body's most distinguished Members, Chairman Chet Holifield of the Joint Committee on Atomic Energy.

Chairman Holifield was in Oklahoma to make the principal address at the dedication of a uranium processing plant constructed by Kerr-McGee Corp. in Sequoyah County.

In his remarks at that dedication Monday, Chairman Holifield made some significant observations on the future of Oklahoma, and the future of nuclear energy. I insert these remarks in the Record at this point:

Remarks by Congressman Chet Holifield

Governor Bartlett, Governor Peterson, Chairman Seaborg, Mr. McGee, Mr. Love, distinguished guests, visitors and friends, it is a great pleasure to me to be present at the Southern Interstate Nuclear Board's annual meeting and to join with you in the dedication of this important facility. The construction of this uranium processing facility is another indication of the vision Kerr-McGee has evidenced in leading the nation into the nuclear age.

I am most pleased to be in the district of my esteemed colleague and a most valued member of Congress, Ed Edmondson. He is a most important member of the great committees of Interior and of Public Works, and, most importantly to me, a distinguished member of the Joint Committee on Atomic Energy. It is most fitting and proper that Congressman Aspinall, the Chairman of the Interior Committee, and the present speaker, Chairman of the Joint Committee on Atomic Energy, be present today to pay our respects to our esteemed Committee member at this most significant event in Oklahoma's and our Nation's future in the atomic age.

Oklahoma and Kerr-McGee have a long record of leadership in the supply of energy for our great Nation. Oil, which has been the black gold of Oklahoma for so many years, will be even more important in the decades which follow. Oil and gas, our highest grade of fossil energy fuels, must continue to supply important energy needs, particularly, for our transportation industry—land, sea and air—and I might add space. Oil is and will also continue to increase in importance in the petro-chemical industry. Of course, this Nation needs every energy source we can develop. We will have need for increasing amounts of all forms of energy fuels—coal, oil, gas, hydro and nuclear. The suppliers of fossil fuels are and will continue to be hard pressed to meet the ever-increasing demands that will be placed on them. In the long range however, it is obvious that we must depend more and more on nuclear energy to meet our needs.

This uranium hexafluoride facility Kerr-McGee is placing into operation provides a significant link in the nuclear energy chain. The addition of this technologically advanced facility is another example of the responsible leadership Kerr-McGee is providing in the energy supply field. The service this facility will provide is important to our Nation's future. This plant will also process material for foreign nations with which we have agreements to furnish nuclear fuel. I might add that the Atomic Energy Commission has already entered into uranium enriching service contracts with foreign nations for terms of up to 30 years, and their value totals $401 million. Since the process to be performed here is the step preceding the Government enrichment process, these contracts will undoubtedly be a source of work at this facility. I understand that a contract has already been entered into with the Japanese to process material at this plant. I might add that the AEC also has contracts with domestic customers totaling $544 million for uranium enrichment services which is an indication of the growing magnitude of the nuclear business. In fact the AEC estimates that in 5 to 10 years the uranium enrichment business will aprpoach a billion dollars a year.

This Nation is deeply committed to nuclear energy for the future. The matter of long-term energy needs has been studied in depth. Much confusion has been injected into the long-range energy supply picture by reference to solar energy, magnetohydrodynamics, tidal power, etc. I think all avenues need to be pursued, and each may make an important contribution, but studies to date indicated rather clearly that, for our long-range basic energy needs, there appears to be no alternative to nuclear energy. I might add that there is a great concern by those in the know in the energy business about getting the next phase of the nuclear power development job done in time to meet our needs. I am referring to the development of the breeder reactor which must eventually take over the energy supply job if this country's needs are to be met. Here again Kerr-McGee's leadership should be mentioned. In addition to its role in the present generation of reactors, Kerr-McGee has built in this great state a nuclear fuel fabrication facility which can fabricate the type of fuel materials needed for the breeder reactor phase. I am referring to the plutonium-uranium fuel facility at the Cimarron facility near Oklahoma City.

Our Nation must be provided with major future increases in electrical energy for the health and welfare of our citizens. Estimates indicate that in the next decade we will have a need for twice the electrical generating capacity we now have, and by the year 2000 the experts estimate we must build an electrical power system of a capacity seven times that which is now serving the American people. More than half of all the people now alive will be customers for this energy in the year 2000.

Today, nuclear energy is only about 2% of the total electric generating capacity. Nuclear energy generating capacity must be and is being added at an ever increasing rate. One third of all generating plants ordered over the past four years has been nuclear. By 1980, it is estimated that nuclear energy will represent about one-half of all the electric generating capacity. But, between now and then—between here and there—is a road full of holes and obstructions that will interfere with the provision of electricity from all types of generating units—not only nuclear. Starting as early as this summer in some sections of this country, there may be some serious brownouts and blackouts. Often from the best of intentions, pitfalls and roadblocks are being thrown into the path of utilities—investor-owned, municipally- and cooperatively-owned—seeking to build and operate generating facilities and to keep them fueled and perking.

Look at the conventional fuel picture today. There is not only a shortage of low-sulfur coal, the type that minimizes the emission of sulfur oxides—an environmental polluting agent—but there is a shortage of all coal; supplies are very low. Gas is definitely in short supply. Oil is doing its best to supplement the central station fuels market. We've got enough nuclear fuel, but the construction and operation of nuclear facilities are being delayed for a number of reasons—including environmental concern.

The Joint Committee on Atomic Energy recently closed Part II of its very extensive and comprehensive hearings on the environmental effects of producing electric power. We tried to get on the open record all available information regarding the impact on the environment of all types of electric energy generating facilities—not just nuclear. We have compiled data and information bearing on the use of all available energy sources. In my closing statement as Chairman of the Joint Committee I said (and I quote):

"This committee has done its utmost and will continue to do so to provide a solid base of reliable information and data on which well-intentioned individuals and groups can mount well reasoned ideas, recommendations and conclusions respecting the dual need for safeguarding the environment and providing a sufficient amount of useful energy."

Please note that concluding clause—*"the dual need* for safeguarding the environment and providing a sufficient amount of useful energy." Look out for those who would sell the public on a single need. Unreasoning fear and confusion are being stimulated, increasingly, these days by a combination of well-meaning but misguided zealots, professional "stirrer uppers" for money or public spotlight, and assorted individual groups seeking to serve special, and often extremely narrow, interests irrespective of the adverse impact on the public and this country generally.

These people may well be a worse threat to this country than the past rate of environmental degradation—for two reasons: (1) They often distort the problem, and the problem must be fairly well understood if it is to be attacked intelligently; and (2) they interfere with the assembling and mounting of a comprehensive program to deal with the problem in the most effective way and from the overall standpoint of the best interests of all.

But these apostles of fear and confusion are outselling, and they are persuading, many people who are genuinely—and needfully—concerned about the quality of life.

The members of the organizations of recognized scientific experts in the pertinent fields must stand up—and make themselves heard, understood and counted—when individual specialists in other fields sound off in public on matters outside their competence. Many of them lack more than scientific competence because they don't have that most precious attribute of all—for which no college degrees are given—common sense! And the recognized scientists must also speak up promptly and clearly on those occasions—when individuals from their own ranks of expertise step beyond the bounds of carefully, objectively acquired knowledge and sound scientific procedure to try to convince the public with opinions and so-called evidence that are rejected by their scientific

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peers. A hundred years ago, an American humorist said (and I quote): "It ain't what a man don't know that makes him a fool, but what he does know that ain't so."

My friends I am greatly concerned about pollution and the need to protect the quality of the environment. And there is an enormous fund of knowledge that we must yet acquire in order to attain a reasonable understanding of the inter-dependence of all forms of life and their relationship with the environment.

In 1965 I predicted that our citizens needed, and would demand, protection from the dangers of pollution to public health. In 1966 I stated in remarks before the Edison Electric Institute that the public would willingly pay more for services if the additional cost was for the improvement of health and living conditions. In 1966, in a speech at the 32nd Annual Southern Governors' Conference, I urged that the problems of pollution be attacked through a comprehensive, systematic program—rather than piecemeal. In 1967, I helped influence the decision by the Joint Committee on Atomic Energy to initiate an amendment to the Atomic Energy Act to enable AEC's uniquely endowed laboratories to perform work in health and safety fields—including environmental problems—irrespective of any nuclear relevancy. The amendment was enacted into law in late 1967, and these laboratories are engaged in important research and development activities in these areas.

Reason—the best we can marshal—including the engagement of our finest scientific talent—is urgently needed if we are to safeguard the environment and if we are to provide—as I believe we must—a sufficient amount of useful energy. I firmly believe we can achieve both goals. We must strive for both. Energy is an indispensable key to civilized life and the advancement of human welfare. The plant we are dedicating here today—and Kerr-McGee's activities in the energy field—are important steps toward insuring that our energy needs will be met.

Before I close, I would like to make an announcement for the Joint Committee on Atomic Energy. I think it will be of interest to the membership of the Southern Interstate Nuclear Board. There have been several bills introduced in the 91st Congress to permit individual states to impose standards more restrictive and therefore in their opinion allegedly more protective, than those imposed by the Atomic Energy Commission with respect to the discharge of radioactive effluents from nuclear power plants. As is well known, I have favored reposing in the Atomic Energy Commission the exclusive authority and responsibility for radiological health and safety, and the Atomic Energy Commission has been performing this function with great care—and with excellent results—in accordance with the guidelines provided by the Federal Radiation Council, a specially created statutory body.

I have been concerned that those who traditionally have been strong advocates for states' rights may not fully appreciate that radiological health and safety protection transcends state lines. Competent specialists in this most important field are also limited.

I recognize that consistency, which once was counted a virtue, is these days often regarded by some as the quality of a stagnant mind. My own mind—as well as the collective mind of the Joint Committee on Atomic Energy—is—I assure you—far from stagnant. I want to take this opportunity to announce that in the near future, possibly toward the end of next month, the Committee plans to hold hearings on these bills and will give due consideration to their substance and them.

In conclusion my friends, I wish to congratulate the Kerr-McGee Corporation for their enterprise and vision in investing in the future of Atomic Energy. I also want to express again my appreciation to the people of Oklahoma for sending Congressman Ed Edmondson to our Nation's Capitol to represent you, and to serve as a valued member of the Joint Committee on Atomic Energy.

Thank you.

THE ENVIRONMENT IN WASHINGTON

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HOWARD. Mr. Speaker, as one who has long been concerned with the problem of cleaning up our environment, I am more than pleased to see the continuous buildup of support for antipollution programs. Last week when we observed Earth Day everyone had an opportunity to dramatize the feeling that we must clean up our environment. The ceremonies throughout this country which marked Earth Day were most encouraging.

Because the condition of our environment is on the minds of everyone, I commend to my colleagues in the House an excellent article which appeared in the March/April issue of "All Clear" magazine. It was written by Jack Golodner, the magazine's Washington reporter, and takes an in depth look at what is being done about our environmental problems from here in Washington.

The article follows:

THE ENVIRONMENT IN WASHINGTON

(By Jack Golodner)

The winds of change have a fragrance all their own.

The fumes of our industrialized society have even penetrated the White House, inspiring its occupant to launch new programs for improving the quality of our environment. The impetus for Washington's newly awakened concern may be as near as the fetid banks of the Potomac or as far as the bedroom communities where the silent majority lie gasping in their beds.

A national consensus has been building up for several years to "do something" about our rapidly decaying environment, but until recently it was overshadowed by other more controversial matters—race relations and the war in Vietnam. Although these problems are far from resolved, the American public has signalled its readiness to embrace another cause where perhaps general agreement can be more easily reached.

The delightful thing about environmental issues is their noncontroversiality. Conservatives and liberals, the shaggy-haired young and their perplexed parents, effete snobs and the silent majority are all "brought together" in their common concern over keeping this planet habitable. For a politician, the environmental craze may seem the answer to his most fervent prayers; it's so easy to figure out what side to be on.

Common sense would indicate that the genuineness of the problem and its universal relevance would combine to insure rapid governmental action. Few people would question the validity of Federal involvement in environmental matters. Air and water systems transcend local political divisions and present massize challenges that must be met by coordinated action. Washington is where the money is, and equally important, where the organizational and technological infrastructure exists to cope with what is, in truth, a national problem.

Even though greater federal involvement in quality of environment issues seems necessary and inevitable, there are a number of counter-forces at work. Of overwhelming importance in this election year are political concerns. Democrats who in the past have been associated with Federal antipollution programs are not about to hand over this politically potent area to the President without a fight. In a recent message to Congress, President Nixon outlined a 37-point program for improving the quality of our environment. He included many recommendations which had already been suggested by members of the legislative branch, until now the center of federal interest in conservation matters. The Democrats, not to be outdone, came up with a 50-point program which in traditional fashion called for higher spending and more ambitious federal involvement. If the highest number of points wins, the Democrats are out ahead in the environmental game. The Republicans, however, to use their leader's terminology, have the ball and are running hard with it—while the Democrats, lacking the leadership of a man in the White House, are at a disadvantage in articulating their position.

While it is clear that Nixon is running the ballgame for his party, it is not at all apparent who is calling the signals for the Democrats. After years of trying to chat up a little enthusiasm among their colleagues for federal pollution control programs Senators Muskie and Nelson and Representatives Vanik and Saylor must be a bit startled over the sudden Congressional interest in this neglected area. Suddenly they find themselves in the midst of an intraparty feud for the title of Mr. Clean. Today, it is a rare Congressman indeed who hasn't affixed his name to more than one pending resolution designed to purify something.

As the volume of legislation increases, Committee jurisdictional problems arise. In the House, 11 Committees and Subcommittees consider environment-related legislation, while in the Senate a struggle is being waged between Senator Jackson's Interior Committee and Senator Muskie's Subcommittee on Air and Water Pollution of the Public Works Committee. Members of Congress, however, can rest at ease, knowing full well that we have allowed our land resources to deteriorate to such an alarming degree that there is ample opportunity for every Representative to claim his own piece of environmental turf.

The organizational difficulties of launching a clean-up campaign from Washington are not confined to the legislative corridors on Capitol Hill. While the Republicans have no trouble identifying the leader of their band, he in turn is faced with an executive sprawl that makes the players increasingly difficult to distinguish. Six cabinet departments (HEW, Interior, HUD, Transportation, Agriculture and Commerce) plus a host of other federal agencies currently preside over about 90 environmental protection programs. Thirty-eight agencies are involved in some way with protecting this nation's water resources alone. Holding dubious sway over the myriad bureaus, agencies and departments is the newly created Council of Environmental Quality, authorized by the Environmental Quality Act of 1969. This body, composed of three advisors appointed by the President with an authorized budget of $1 million, is almost certain to be the most important of the watchdog groups. President Nixon had previously established a cabinet-level Environmental Quality Council, a Task Force on Air Pollution and a Citizens' Advisory Committee on Environmental Quality. He has promised a major reshuffling of federal agencies dealing with the environment, but the process promises to be a long and slow one, certain to involve the Administration in intra-cabinet wrangling as well as partisan battles with Congress.

Economic considerations may also retard the conservation effort. Leading Democrats have already expressed their doubts about the adequacy of the President's proposed funding levels. Not surprisingly, few dollar cost figures have accompanied the President's legislative recommendations. This has already led to partisan snipes about the opening up of a new credibility gap between White House rhetoric and willingness to spend money necessary to do the job. The only specific sums attached to the President's recent proposals presented to Congress were $10 billion for the building of waste treatment plants, (which upon closer scrutiny melted down to a federal commitment of only $4 billion spread over 4 years), a pledge to spend the full amount deposited in the Water and Land Conservation Fund, and a modest increase in federal operation grants to State water pollution control agencies from $10 to $30 million over the next five years. Annual cost of pollution control, including air and water pollution and solid waste disposal are estimated at $13.5 billion simply to hold contamination levels at their present levels. Placed alongside this figure, federal dollar commitment, despite all the talk, remains minimal.

At the heart of the President's water pollution control program is his four-year federal-local partnership in the construction of needed sewage treatment plants. State and city officials are already saying that the $4 billion in federal aid suggested by the Administration is nowhere near the amount required. Governor Rockefeller estimates that the sewage treatment program for his state alone will cost $3 billion. Other local representatives remain skeptical about federal willingness to appropriate the necessary funds to help solve local pollution problems. They point out that the central government has not yet made good on former obligations incurred under the 1965 Clean Waters Act, which provided for a federal contribution of up to 55% of the total cost for plant construction. Local government jurisdictions that went ahead on their own and built these plants are still waiting to be paid the federal government share. Just last year the President requested only $214 million on an authorized $1 billion for sewage plant construction. Congress raised this figure to $800 million, intending that the money be used to pay back local governments which by then were owed $814 million by Washington. The Executive branch, pleading inflationary considerations held back the money for several months and has only recently announced its intention to spend it—not principally to pay off old debts, but rather to encourage states to undertake new projects. Outspoken state and city officials say that this sort of record is not likely to foster intensified efforts at the local level.

Not only have funding levels been criticized as inadequate, but the mechanism suggested by the President for helping local governments raise their share of the construction costs has also come under fire. The President has proposed the creation of an Environmental Financing Authority in the Treasury Department which would purchase state and local bonds with limited interest rates for financing the non-federal share of sewage treatment plant construction. Such an Authority would market its own securities to the public and thus becomes a conduit for private capital to flow into municipal sewage bonds.

The National League of Cities and the United States Conference of Mayors have already expressed their reservations concerning the financing authority, saying that "it would really just mean more delay, just a lot more bookkeeping rather than substance." Transportation Secretary Volpe's testimony before Congress last June in opposition to a similar financing proposal for airport construction was also cited by the mayors. At that time, the Administration opposed the debt-service approach "because it is inflationary, and because it creates a very long-term commitment for the Federal Government."

Politicians with long memories may also recall that in the fifties, President Eisenhower came up with a similar proposal for financing the interstate highway system which was emphatically rejected by the Democratic Congress. A parallel fate may well be in store for Nixon's Environmental Financing Authority.

The President's other proposals to combat water pollution which do not involve large capital outlays will have easier going. Among these are a number previously suggested by members of Congress which should improve their chances of meeting with favorable consideration. They include the extension of federal water pollution control authority to intra- as well as inter-state waters and the setting of precise limits on the type and amount of effluents that industries and municipalities may discharge. Senator Proxmire has suggested an alternative approach which consists of the levying of a federal "effluency fee" of 10 cents per pound for industrial waste emitted into the nation's rivers. The Senator estimates that this system would produce about $2 billion a year, half of which he proposes should be used to subsidize municipal waste treatment.

The Federal program to curb air pollution is still in its infancy but seems to be following the pattern set by water pollution control efforts. This year the Air Quality Act of 1967 comes under review in Congress, and a vast number of amendments have already been proposed by the Administration and by members of the legislative branch. The President's program includes the extension of national air quality standards, with a maximum fine of $10,000 a day for violation, and the establishment of more stringent motor vehicle emission standards. None of the White House proposals call for spending as much money as the measures Senator Muskie is backing, which provide for a federal share of $975 million to be spent on air pollution over the next three years. This is compared to $109 million appropriated in fiscal 1970 for HEW air pollution control programs—and even this amount was more than the Administration requested. For fiscal 1971, the President is actually asking for less money than was appropriated for fiscal 1970.

His requests involving solid waste disposal are equally modest, calling for the spending of slightly more than $14 million in fiscal 1971, a slight increase over the previous year's figures. Senator Muskie's proposals again run into more money—$800 million to be spent over a 5-year period. At this time, the major thrust of the federal role in solid waste disposal lies in research and development, with the President emphasizing the need for more study into techniques for recycling materials and developing packaging which will degrade after use.

After holding back last year on the spending of the Water Conservation Fund allotment for the acquisition of new parkland, President Nixon has proposed full use of these funds in fiscal 1971. Democratic efforts are afoot to provide a minimum annual appropriation authorization of $300 million for the fund, up $100 million from the present guaranteed level of funding. Under the formula introduced by Administration spokesmen, there would be no guaranteed authorization in the following years for the Fund, which makes planning by state and federal agencies for land purchases difficult indeed.

There is no doubt that Democrats have been upstaged by the President's plunge into environmental waters, but they still have a few ideas of their own which have not yet been embraced by the Administration. Among them are:

The Environmental Quality Education Act, sponsored by Reps. Brademas and Scheuer in the House and by Gaylord Nelson in the Senate, to give support to school programs designed to educate Americans about environmental problems.

The Noise Pollution and Abatement Act sponsored by Senator Muskie to provide for studies of the health and welfare effects of noise pollution.

The creation of an Environmental Control Agency, separate from cabinet departments, to administer and watch over government environmental control programs, sponsored by Senator Muskie.

The Detergent Pollution Control Act to ban polyphosphates in detergents by 1972 and to set and implement national pollution control standards on all detergent ingredients by the same date, sponsored by Senator Gaylord Nelson.

It is likely that some of these proposals will be enacted into law during this Congress, especially those combining minimum expenditures with maximum public appeal. The real intent of Congress and the White House will surface during the appropriations process. Democrats may try and put the President in the position of having to at least threaten a veto of anti-pollution legislation for economy reasons, while Nixon would no doubt be equally delighted to be able to blame the Democratic Congress for holding up action in this area on account of its failure to agree on a compromise spending figure. Another Congress-Executive confrontation similar to the recent battle over education funds may well be in the offing.

It is reasonable to hope that new legislation, particularly involving air pollution, will be enacted this session which would give the federal government greater responsibility for environmental concerns and pave the way for increased federal aid in the future—always dependent, of course, on which way the politicians sense the wind is blowing.

DRAFT CALL: ZERO

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. RUTH. Mr. Chairman, President Nixon has made a historic statement about an important segment of our national life:

> After careful consideration of the factors involved, . . . I agree that we should move now toward ending the draft. From now on, the objective of this Administration is to reduce the draft calls to zero, subject to the overriding considerations of national security.

In short, the official view of what constitutes the obligations of citizens of a free society in defense of their country has been drastically altered.

The draft—that began in an emergency and ended as an institution—is to be ended. It has served its purpose. We are now moving into a new era in which we can once more have the traditional American way of national defense as part of our national life. The all-volunteer armed force is a concept which is at once traditional and revolutionary—as have been so many other concepts of this administration. President Nixon's respect

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for the past is matched by his understanding of the present and his vision of the future.

This message begins a movement that will someday in the future end with the words: "Draft call: Zero."

STATEMENT FOR CONSUMER HEARINGS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mrs. CHISHOLM. Mr. Speaker, in view of the rise in prices brought about by the present economic situation of inflation, more attention must be focused on the issues and problems by the consumer in the American marketplace.

Cutbacks in consumer programs from the original requests of the former administration cause reason for concern. These cutbacks are an indication that the American consumer is not receiving the attention that he deserves. Cutbacks included an 18-percent cut in funds for the President's Committee on Consumer Interests, a 5-percent cut in meat and poultry inspection programs at a time when the Department of Agriculture was not meeting its responsibilities under the Wholesome Meat Act of 1967, an 18-percent cut in traffic and highway safety funds including grants to States and communities, a 5-percent cut in the Health, Education, and Welfare Department's radiation control program, and a 100-percent cut in the Food and Drug Administration's funds for enforcement of the Fair Packaging and Labeling Act.

The American housewife is becoming more articulate about the problems she faces daily in grocery stores, drugstores, and the large chainstore complexes. She is realizing that to alleviate her difficulties as a captive member of the consumer market she must become organized into a pressure group so that her interests can be protected. Activist consumer groups of low- and middle-class women—black and white—are springing up all over the country and the common denominator that binds these women together is their stand against rising prices and shoddy products. Today, women are refusing to be silent on this issue for they are consistently faced with spending more money and receiving less quality for it. This issue has brought them together in an effort to demand stronger concentrated protection so that the money they spend and the quality they receive are equivalent.

The American housewife who is aware of this need for consumer protection, as are all Americans, has received a great deal of support from Mr. Ralph Nader who has done exhaustive research and studies on the plight of the consumer. He has brought national attention to the extremely high level of 33 percent average fat content found in sausage products and the pumping of water into poultry, perpetrating a fraud of $32 million for all that water.

In addition, Mr. Nader has informed the public of the faulty inspections carried out by Federal inspectors in meat factories, and he has raised considerable questions as to the efficacy of the Food and Drug Administration with specific reference to the research and evaluation of monosodium glutamate, which was being passed off by industry as a nutritional additive in baby food—and is now no longer used by the major baby food companies.

Aside from the food industry, Mr. Nader has also exposed the growing hazards of railroad safety violations and the negligence in the auto industry. Officials of the National Highway Safety Bureau state that between 15 and 20 percent of the vehicles tested have failed one or more safety standards.

Another problem of the consumer which is of utmost concern is that of buying on credit. The Washington Action for Youth Prospectus discusses the "easy credit terms" that are advertised to lure the consumer into the store. Then through high pitched sales talk, the advertised item is ignored, and the consumer is persuaded to purchased an overpriced, often shoddy item under "easy credit terms" which ignore the small print of the credit agreement. Prof. William Pierce of the Michigan Law School, who has expertise in the field of credit, states that if all lending activities were investigated about 75 percent of the loans extended in this country would be illegal.

These few examples are an indication that the consumer is not being protected. For a long time now, there has been talk about the creation of a consumer department which would address itself to the problems of the American houswife and consumer. However, in spite of much rhetoric, no action has been taken in the past that has adequately and directly responded to those problems.

Representation for the protection of the interests of the consumer is a major issue and their needs must receive the priority that they deserve. One way in which this can be effectively achieved is through the creation of an Office of Consumer Affairs which would concentrate its activities on the many problems faced by the American consumer.

This Office of Consumer Affairs would be established with regard for all matters that affect the consumer and would have the primary responsibility for coordinating and supervising all of those Federal programs and activities that relate to the consumer. Even though the creation of this program has the interests of the American taxpayer at heart, many may take the attitude that this is just another social program that is going to cost large sums of money. In reality, this program will cost very little money, because its primary function will be that of a regulatory agency to protect the consumer.

Too many fragmented efforts have been made in the past with the intent to protect the consumer, but there has never been a specific organization that has had the main task of accountability to the American consumer.

Since consumers are the most important people and the crucial element is the economic growth of our country, it seems to me that the creation of an Office of Consumer Affairs is necessary to help minimize the difficulties and outcries of the American housewife and her family. Action in this area would indicate to the housewife and her family that the Government has finally taken a concrete and viable interest in her problems by responding with the establishment of the Office of Consumer Affairs which would give all consumers the needed relief from the negative practices that have caused much alarm in the area of rising prices, shoddy goods and fraudulent advertising.

STATUS OF PRESIDENT'S NEW MARITIME PROGRAM

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, Maritime Administrator Andrew Gibson recently updated the status of the President's new maritime program in a speech to the Southeastern regional convention of the Propeller Club held in Mobile, Ala.

Mr. Gibson and his men have faithfully carried out President Nixon's campaign promise of presenting a comprehensive plan to save our American Merchant Marine. I only hope that this body will concur with the administration's desires to put this vital link in our American economy back on its feet.

Mr. Gibson's speech follows. I hope all Members will give it careful consideration:

REMARKS BY A. E. GIBSON, MARITIME ADMINISTRATOR, U.S. DEPARTMENT OF COMMERCE, BEFORE SOUTHEASTERN REGIONAL CONVENTION OF THE PROPELLER CLUB OF THE UNITED STATES, MOBILE COUNTRY CLUB, MOBILE, ALA., APRIL 17, 1970

Wherever I have gone in recent months I have been asked about the status and outlook for President Nixon's new maritime program. Since many in this audience may have the same question, let me briefly fill you in.

As you will recall, the enabling legislation, S. 3287 and H.R. 15424, was introduced last December 23rd. In the interim, the House Merchant Marine and Fisheries Committee and the Senate Commerce Subcommittee on the Merchant Marine have concluded extensive hearings on the legislation. During these hearings the reactions and viewpoints of all major segments of the maritime industry—labor and management—were heard.

While some reservations were voiced about certain provisions of the legislation, the general industry reaction was exceedingly favorable. Additionally, members of both the Senate and House Committees—on both sides of the political aisle—have made it clear that they support the President's program and will promote its passage.

Currently, these committees are evaluating the testimony and suggestions received during the hearings. Present indications are that the legislation will be cleared for floor action in the near future. Passage is anticipated by early summer.

The enactment of this legislation, now appropriately called the Merchant Marine Act

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of 1970, will be the most significant legislative achievement affecting the American maritime industry since the passage of the Merchant Marine Act of 1936.

It will chart a course which will restore the United States as a major and viable maritime power. It will ensure that our merchant marine—now threatened with near extinction by the preponderance of obsolete, World War II vintage ships in the fleet—will be one of the most modern and efficient in the world by the end of this decade.

While the President's program has received a good reception in the Congress and the maritime community, it apparently generated some heat abroad.

In a speech last month one of our British friends raised questions as to the necessity or wisdom of the Administration's maritime program.

He contended that the need for such a program has been grossly exaggerated. He also emphasized that our plan to construct 30 ships a year for the next 10 years could seriously over-tonnage U.S.-foreign trade routes. He went on to state that the frequently cited statistic that the U.S.-flag fleet carries only 5.6 percent of the nation's foreign commerce is misleading, since this refers to the percent of the tonnage movement only. He stressed that U.S.-flag ships carry 22 percent by value of our foreign trade.

As to the allegations that our program is unnecessary or too ambitious, I normally would let such remarks go unanswered, since such claims are not only presumptuous, but inaccurate as well. These remarks are viewed by some as a growing effort to persuade the United States to turn away from its determination to rebuild its merchant fleet . . . to abandon, if you will, the advantages of the American developed technological revolution in total transportation systems. I am here to announce *we will not*.

We will no longer be satisfied with our position as a 5th rate maritime power. We will no longer be satisfied with the crumbs that fall from the European ship owners' table.

Actually, the 5.6 percent figure to which our friend referred is magnificent 6.4 percent, and percent tonnage carried is the only bench mark commonly used in comparing the degree of participation of foreign-flag fleets in the carriage of their nation's international commerce.

As a case in point, our friend in the course of his dissertation on our misleading statistics, noted that ships registered in the United Kingdom carry 36 percent of the U.K. seaborne trade, but he failed to translate this 36 percent weight carriage into the comparable percentages for value and amount of liner cargoes carried in U.K. ships.

Keeping in mind our 6.4 percent participation, it is of more than passing interest to note the extent the major foreign-flag fleets participated in their own nation's foreign trade:

	Percent
West Germany	30
Sweden	30
Greece	31
Norway	43
Japan	46
France	48

Now let us trace the trends in U.S.-flag participation in our foreign trade:

In 1950, U.S. oceanborne foreign trade amounted to 117.5 million long tons. In that year 49.7 million tons, or 42.3 percent, were transported in U.S.-flag ships.

In 1960, our foreign trade movement had more than doubled—amounting to 277.9 million tons. But the U.S.-flag movement declined to 31 million tons—equivalent to 11.1 percent.

In 1968, the latest year for which data is available, our foreign trade tonnage topped 418 million tons. But the amount carried in U.S.-flag vessels had skidded to only 26.8 million tons—equivalent to 6.4 percent of the total.

Thus, between 1950 and 1968 U.S.-foreign trade nearly quadrupled—from 117.5 million to 418.3 million tons. But in the same period the tonnage moved in American ships dropped by nearly half—from 49.7 million to 26.8 million tons, and our foreign friend would try to persuade us that this is a healthy condition for the greatest trading nation on earth

Examining the dollar value of U.S.-foreign trade carried in American-flag ships, we find a similar declining trend.

In 1960, the value of our total foreign trade movement amounted to $24.7 billion. American-flag vessels transported 26.4 percent of this cargo. In 1968, our foreign trade had grown to $41.5 billion, but U.S.-flag participation had declined to 21.1 percent.

The foregoing data clearly show that while U.S.-foreign trade has been undergoing sustained impressive growth, the U.S.-flag fleet's participation in this movement has steadily diminished.

Looking to the future we foresee this nation's foreign trade movement topping 620 million tons by the year 1982.

If present trends were allowed to continue unchecked, it is doubtful that our ships would be carrying 3 percent of our trade by the end of this decade. The Nixon Administration has determined that this will not happen. We believe that as long as our nation generates such an enormous international trade volume, we must have a fleet capable of carrying more than a token share of such commerce.

Even today, although most of our shipping statistics are appalling, there is one bright element in the picture. While most major maritime nations overshadow the United States in the size and quality of their break-bulk, tanker and dry bulk fleets, we are number one in container shipping. Our lead in this field is due to the fact that the development of these highly efficient ships was pioneered and perfected in this country. We have no intention of relinquishing this lead, and, of course, this is what has "thrown the cat among the pigeons."

The latest figures available, covering the second quarter of 1969, revealed that U.S.-flag vessels handled 58 percent of the containerized cargo moving in the U.S.-North Atlantic trades and 64 percent of the U.S.-Far East movement, and most of this was accomplished without subsidy.

The foreign-flag lines obviously have no intention of conceding such a large proportion of high revenue cargo to American ships. They are rapidly building up their container fleets. Great Britain, for example, currently has 800,000 tons of containerships under construction or on order. This can quite possibly narrow our lead in free competition. The leaders of the U.S. maritime industry are quite willing to take their chances. However, I am confident that the implementation of President Nixon's program will enable us to retain a prominent position in this field.

Now let me return to the anguished cry that the United States by building 30 ships per year for its registry is going to overtonnage the world's trade routes. It infers that, although the great majority of our fleet is approaching 25 years of age and the scrap breakers' torches, we are somehow selfish in undertaking a program to modernize and preserve our merchant marine.

I regret that our program may be causing apprehensions in foreign maritime circles. However, it seems to me that the United States is the least likely candidate for the charge of over-populating the world's ocean fleet.

For the past 20 years the deliveries of merchant ships for U.S. registry have been infinitesimal in comparison with other major maritime nations.

Last year, for example, 925 merchant ships totaling 26 million deadweight tons were produced by the world's shipyards. These totals included 449 general cargo vessels aggregating 4 million deadweight tons.

Japan took delivery of 189 ships; Liberia, 95; Norway, 90; the United Kingdom and Russia each took 89.

In terms of general cargo ships, Japan, alone, accounted for 109 vessels; Russia, 66; West Germany, 40; and the U.K., 33.

The U.S.-flag fleet received only 21 new ships, 18 of them general cargo types!

At the beginning of 1969, 2,007 merchant ships were under construction or on order in the world's shipyards. Of this total, 332 were for Russia, 213 for Liberia, 159 for Norway, 153 for the U.K., 144 for Japan, and so on. The U.S. total amounted to a pitiful 57.

To sum up this statistical analysis, annual deliveries to each of the major maritime flags have been running from double to six times our programmed rate of 30 ships per year.

I think you can see, then, why I feel the claim that the President's program will over-tonnage the trade routes is totally unwarranted. The 300 ships we plan to build will be spread over a 10-year period.

In sharp contrast, Japan alone took delivery of 357 ships—210 of them general cargo types—in the 2-year period 1967 and 1968. The U.K. in that same period took delivery of 149.

These ships and the remainder of the 1,758 ships delivered to foreign-flag registry during the 1967–68 period apparently have not contributed to any over-tonnaging problems. I find this quite interesting.

Whatever the reaction abroad, *our ships will be built, because they must be built!* If they are not, then this nation must resign itself to maritime mediocrity.

The President has said emphatically that this nation must be restored as first class maritime power. His program is tailored to meet that objective. The prevailing view is that the Congress will enact enabling legislation within the next several months.

Whatever your political persuasions, I believe all in this audience are encouraged and gratified by the forceful and forthright action President Nixon has taken to restore this nation as a first class maritime power. In contrast to the despair, pessimism and insecurity that prevailed within the maritime industry in the past few years, today there is hope, optimism and confidence. Less than a year and a half ago articles on the American merchant marine resembled obituaries. Today they center on the impending revitalization of a nearly prostrate industry.

Richard Nixon, in his campaign for the Presidency, promised to produce a program to remedy the nation's maritime deficiencies. But, refuting the old adage that campaign promises are worthless, President Nixon in his first year in office fulfilled his promise and transmitted to the Congress a comprehensive plan for rebuilding our fleet and the legislation for implementing it.

The legacy of domestic and international problems that President Nixon inherited comprises a rather extensive inventory.

The problems of honorably extricating our armed forces from Vietnam, and the wide range of domestic ills are readily identified by the general public. Few, however, recognize the magnitude of the maritime problems that had to be solved.

It is generally overlooked that our maritime ills and deficiencies have been progressively more critical in the Sixties.

As a consequence, President Nixon had far fewer options in formulating solutions and a shorter time frame in which to implement remedial measures. Additionally, the cost of building the ships needed to replace our overaged vessels has increased significantly.

Many within the maritime industry, in fact, felt that as a result of previous failures to undertake realistic ship replacement schedules, the required levels of federal funding for rebuilding the fleet were now prohibitive. It was, therefore, reasoned that the only way President Nixon could extricate us from our maritime dilemma would be to predicate his program on the construction of the required ships in foreign shipyards.

That would have been an easy, expedient and economically attractive way out.

But the President, as he has demonstrated many times since taking office, is not a man who seeks easy or expedient measures for resolving problems.

He rejected suggestions that the domestic shipyard industry be exempted from our fleet replacement program. Instead, he made our shipyards an integral element in his maritime program.

The President has made it abundantly clear that he expects the shipyards, as well as the ship operators and their respective labor forces, to attain a far higher level of efficiency than has existed in the past.

In his words, the maritime program he unveiled is both a "challenge and opportunity" for all segments of the maritime industry.

Shipbuilders will be required to develop improved methods to reduce construction costs. The present ship construction subsidy, whereby the government pays up to 55 percent of a ship's cost, is programmed to diminish during the next 5 years to a level of 35 percent. To assist the yards to achieve the necessary cost reductions, the Administration has formulated new procurement procedures. The ships to be built will be consolidated in lots of standardized designs and ordered in quantities that will permit the yards to achieve the economies that result from series production. Additionally, the shipyards will be involved in the development of the new designs, permitting them to eliminate unnecessary cost additive features on the drawing board.

The ships to be built will be among the most efficient in the world. We believe that operating subsidies can be eliminated for many of the high-performance containerships and barge and lighter carrying vessels that we will put in service on our North Atlantic and Far East trade routes.

In making a long-term national commitment to vitalize the American merchant marine, the President has also emphasized that labor stability must be improved if we are to attract the cargoes needed to make our fleet profitable. We are confident that both management and labor will establish procedures for resolving their disputes and grievances without resort to costly work stoppages.

In summary, I believe that as a result of President Nixon's leadership, this nation is about to turn the corner and reestablish itself in a meaningful way on the high seas. The favorable impact of our new program will, I am sure, be particularly noticeable to your thriving port and the related maritime interests in this area.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

A SIGNIFICANT WEEK IN HUMAN HISTORY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. EVINS of Tennessee. Mr. Speaker, last week was a significant week in the annals of history—a week which I have described as "the Earth-Space Week of the Age of Aquarius" in my weekly newsletter "Capitol Comments."

Because of the interest of my colleagues and the American people in these significant events, I place my newsletter in the RECORD:

IN THE AGE OF AQUARIUS: A SIGNIFICANT WEEK IN HUMAN HISTORY

This was the week that was something in Washington and around the world—the Earth-Space Week of the Age of Aquarius.

Aquarius, the sign of the Zodiac and the name chosen by the astronauts for their spaceship, is said to be the astrological age of peace, progress, natural beauty and scientific achievement and knowledge. Many astrologers believe we are entering this new era of mankind and certainly there is great progress and scientific achievement—and a universal yearning for peace coupled with a strong desire to preserve our natural environment.

On Capitol Hill Dr. Thomas O. Paine, Administrator of the National Aeronautics and Space Administration; Dr. Werner von Braun, Deputy Administrator of NASA; and astronauts Jim Lovell, Fred Haise and John Swigert briefed the Congress on the Apollo 13 accident and the epic flight of the spacecraft Aquarius which limped through space to a safe splashdown as millions of prayers from around the world reached out to bring these three courageous space sailors home to the planet Earth.

In contrast to attention on space early in the week, a great outpouring of Americans observed Earth Day on Wednesday, demonstrating their concern over the problems and pollution defacing and defiling our cities and countryside on Earth—a spaceship with three billion human passengers who must learn to live together in peace or face terrible consequences.

On the Capitol grounds another historic event occurred as the official Tennessee tree—the tulip poplar—was planted for the first time with appropriate ceremonies. A drizzling rain failed to dampen the event as Tennessee Congressmen paid tribute to Tennessee's first official tree—a tree from Warren County—planted on Capitol Hill. The tree was made available by Mr. and Mrs. Henry Boyd of McMinnville and Warren County who also attended the ceremonies.

Another significant happening in Congress in this unusual week was the filing of a Resolution to initiate impeachment proceedings against Justice William O. Douglas of the United States Supreme Court.

In the Subcommittee on Public Works Appropriations, which your Representative chairs, hearings were conducted on the programs of defense and peacetime uses of atomic energy, including warhead missiles, atomic reactors, raw materials procurement, atomic radiation and problems of the environment. While continuing to safeguard our defense, the Atomic Energy Commission is developing vast programs to use the atom for peaceful purposes—in development of electric power, in controlling pollution, in solving urban problems, and in combatting disease, among others.

The President during the week announced in a nationwide television address his decision to withdraw another 150,000 troops from Vietnam within a year.

And springtime came to Washington.

As the cherry blossoms bloomed in profusion and beauty, the lovely cherry blossom princesses participated in traditional ceremonies and the vanguard of millions of summer tourists visited the Capitol and other historic landmarks in the Nation's Capital.

This was the week that was—a week in which the mysteries and dangers of space shared headlines with problems and progress on Earth: A week in which prayer and scientific achievement and the astrological Age of Aquarius combined to focus attention on the humanity of man and both his problems and achievement.

COMPULSORY UNIONISM FOR POSTAL WORKERS WRONG

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. BURTON of Utah. Mr. Speaker, I am strongly opposed to compulsory unionism, for postal workers or anyone else. An organization should be able to attract membership on the basis of its own merits and standards, and the individual must be protected in his freedom of choice to either join or refrain from joining a union. The following timely editorial on this subject appeared in the Deseret News, Salt Lake City, last week:

[From the Salt Lake City (Utah) Deseret News, Apr. 22, 1970]

POSTAL UNIONISM WON'T SPEED UP THE MAILS

As the House Post Office Committee opens hearings this week on President Nixon's plan to set up a new U.S. Postal Service, it needs to keep in mind that the cure must be better than the disease.

That the Post Office Department is long overdue for reform is well documented. Letters mailed to an address fewer than 100 steps away take days to deliver; newspapers and magazines too often arrive days and even weeks after publication date; and packages are often bruised or broken.

In fact, says one postal official, "Airmail was the last major innovation in the Post Office Department, and that was 52 years ago."

One area of postal reform which has aroused considerable concern is the drive to deny postal workers protection against compulsory unionism.

Postmaster General Winton Blount raised a storm of criticism last year when he suggested that the originally-proposed postal corporation be unionized. And he has declared that one of the four essentials for true postal reform is collective bargaining between postal management and employees to determine wages.

Not only that, a provision in House Resolution 4, the combination postal reform and pay raise bill, includes compulsory unionism. The bill includes an 8 per cent increase in wages for postal workers in addition to the 6 per cent already granted to all government workers.

Certainly the Post Office Department must be removed from politics if it is to allow for continuity of management. And it must drastically update its method of mail distribution by better methods and modern machinery.

But no one has yet proved that taking away a government worker's right to either join a union or refrain without coercion will improve his efficiency and make the Post Office Department run smoother.

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HORTON CITES WASHINGTON POST ARTICLE ON INCREASING SALE OF GOVERNMENT MAILING LISTS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HORTON. Mr. Speaker, over the past 2 months I have had a considerable amount of correspondence about the policy of Federal agencies regarding the sale of mailing lists. I have conducted an extensive study of this matter and am drafting legislation which will close what I feel is a gap in the Freedom of Information Act.

I feel that this act, aimed at providing the public with access to public records and decisions, is being used as license by some organizations to infringe on the individual's right of privacy.

This problem was spelled out clearly in an article this morning in the Washington Post by Jan Nugent Pearce. Mrs. Pearce points out the problem in a nutshell: There is no Government policy on this question. Agencies releasing and withholding such mailing lists are both citing the Freedom of Information Act as their legislative justification.

I strongly urge my colleagues to read this article:

[From the Washington Post, Apr. 27, 1970]

UNCLE SAM PUTS MANY CITIZENS ON JUNK MAILING LISTS

(By Jan Nugent Pearce)

If you have ever wondered just where the deluge of junk mail you receive every week originates, you are probably overlooking one likely source.

Uncle Sam.

Unknown to many citizens, government agencies have been engaged for some time in the practice of selling mailing lists to anyone who can pay for them.

Naturally, most of the purchasers are companies that will use the names for direct mail advertising.

The Federal Aviation Administration, the Federal Communications Commission, the Internal Revenue Service and the Post Office Department are usually cited as the most active sellers.

Recently, Capitol Hill legislators have criticized the practice as a government-assisted invasion of the privacy of millions of Americans.

Rep. J. Edward Burke (R., Fla.) recently introduced legislation to ban all federal agencies from selling mailing lists. Rep. Frank Horton (R., N.Y.), after a confrontation with the Internal Revenue Service on the issue, will soon introduce his own bill to limit these sales.

And at the weekend, Sen. Jacob Javits (R-N.Y.) asked President Nixon to issue an executive order to halt the practice.

In a letter to the President, Javits suggested that names gathered for agencies' internal purposes should not be offered in mailing lists to be used for selling merchandise.

There is presently no governmentwide policy. Some agencies provide the data routinely and others do not. All, interestingly enough, cite the same statute, the Freedom of Information Act, as the basis for their position.

Sen. Javits and Rep. Horton contend that law should not be used to sanction a practice that amounts to an invasion of privacy for the purpose of aiding direct mail advertising.

Here are some examples of information available from various government agencies:

The Federal Communications Commission retains another organization to fulfill requests for information from its large data bank. Among the data routinely offered are the names and addresses of thousands of ham radio licensees at a cost of $55 per computer tape. FCC says it has no idea how many of these have been sold, since all requests are handled by the contracting firm.

The Federal Aviation Administration offers a list of names and addresses of about 680,000 licensed pilots at $678 for the computer printout or $40 for each of the five computer tape reels. During fiscal 1969, FAA received $4,500 from these sales. Among the purchasers were several aircraft companies, Eastman Kodak, Redbook Co., the Board of Tax Assessors in Albany, N.Y. and the Los Angeles Times-Mirror.

The Post Office Department here contends it sells no mailing lists. It routinely provides two services for direct mailing firms: an address correction service at 5 cents per name, and a free "sequencing" service to arrange large third-class mailing in correct order for its carrier routes.

The Post Office Department also fills requests at $1 each, for the new address of any person who has filed a change of address form with his local post office.

Capitol Hill critics contend that some of the 33,000 subcontracting stations make lists of delivery routes available to mailers. A Post Office spokesman here said this was a possibility, but contended "it is not a general practice."

The Internal Revenue Service until recently sold a list of 140,000 names and addresses of licensed gun dealers and collectors for about $140. The agency deleted the names of individual collectors (after making 42 sales) and after receiving a barrage of criticism from Capitol Hill. Among the purchasers were numerous sporting goods companies and a group called Citizens Against Tydings. (Sen. Joseph Tydings has supported stringent gun control legislation.)

The U.S. Coast Guard provides boat registrations for New Hampshire, Washington, Alaska, the District of Columbia and Guam.

Rep. Horton's interest stems from a constituent's complaint that he had received sales solicitations from firearms' companies after registering with IRS.

The New York Congressman noted that the sale of 60 IRS lists could produce 8.6 million pieces of bulk mail if each of the licensees were solicited.

Several agencies routinely offer names and addresses of companies they regulate or issue contracts to. But authorities tend to believe the invasion of privacy factor is minimal here.

Some departments, such as Commerce and Defense, flatly refuse to provide any names and addresses of individuals from their files.

All of the agencies that engage in the practice emphasize that their charges are not "sales" as such, but fees to cover their labor and materials' costs.

Probably the most productive government originators of unsolicited mail are the 50 state motor vehicle departments, all of which routinely pick up some revenue by selling their list of motor vehicle owner registrations. Since these sales are governed by state law, the procedures vary.

Congressman Burke puts the federal issue this way:

"When a citizen must provide information to his government he should not, as a result, subject himself to harassment and solicitation by private concerns using this government-collected data."

ACLU—POLLUTERS OF RELIGIOUS LIBERTY, HONOR, AND DUTY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. RARICK. Mr. Speaker, individual liberty and rule by majority can only be tolerated by that mercenary band of controversials who call themselves the American Civil Liberties Union, so long as it meets their test of conscience.

This is the same ACLU that used its financial wealth to deny prayer—even the right of children in Netcong, N.J., to read prayers from the CONGRESSIONAL RECORD. But their record is barren on pornography, sex, and subversion being mandatorily taught in the same school. If God were spelled with four letters—the ACLU might then defend prayer as free speech.

The latest hangup and power display of the ACLU is its effort to prohibit religious services as part of military training to our cadets at the Naval Academy at Annapolis. Anything American, traditional, or moral is a challenge for destructive exploitation by the ACLU.

The smog and air pollution in the United States are traceable by many to the ACLU—an organization financed from tax free wealth. In 50 years it has developed a despicable record of antiliberty, antitruth, and denial of the Christian heritage and traditions of our Nation.

Has anyone ever heard of the ACLU using its hired talents and inexhaustive wealth to do anything to preserve the Constitution or conserve the peace?

Any cadet who would permit himself to be exploited as a ploy by the nefarious ACLU organization, against the honor of his appointment is unfit to be an officer and gentleman in the service of his country.

As stated in the U.S. Naval Academy Catalog:

> Our country was founded on religious principles, cherished by all faiths, which are the foundations of our ideals of freedom and responsibility. Because we are "one nation, under God," it is most appropriate that the midshipmen who will some day become the leaders of our Navy should regularly attend Divine Worship Services.

Every young man who makes application to attend the Naval Academy has read the catalog and is aware of the curriculum. Surely, if he does not agree with the activities as set forth, no one objects. He merely does not apply for admission to a school that offers a curriculum with which he disagrees. However, if he does elect to abide by its curriculum and is fortunate enough to be accepted for enrollment, then should, during the course of his training, he decide he cannot conform to the requirements, he needs only resign. No one will force him to stay and participate in an activity he does not believe in. If he cannot fulfill the requirements of the discipline as set forth, then indeed he cannot fulfill the requirements of leadership of our American men in our U.S. Navy.

There are thousands of young men who seek appointment to our Naval Academy each year who would and who could uphold the traditions and the ideals upon which the Academy was founded. Since the number of appointments is limited and many of those qualified young men are denied the privilege of attending, surely those who are being exploited by the ACLU are not worthy of the responsibilities placed upon them.

There is no room in any of our military academies for atheists.

I include the recent news articles discussing the attack on our U.S. Naval Academy, as follows:

[From the Washington (D.C.) Sunday Star, Apr. 26, 1970]

ACADEMY TRADITION: CHAPEL RULE FACES JUDGE

(By Lance Gay)

Under the weather-beaten green copper dome of the U.S. Navy Academy chapel, two midshipmen stopped to talk to a reporter about the pending suit challenging compulsory chapel services at the institution.

As they stood on the red carpet in the nave of the chapel on that warm spring day, they could see the altar before them, and behind it, a stained glass window depicting Christ walking on the water.

And above the altar, carved into the stone, the inscription:

"Eternal Father, Strong to Save . . ."

It is the opening line of the Navy Hymn.

"Ever since man has gone down to the sea in ships, I guess he'd felt the need to clear it first with God," one of the middies commented. "I think that's what's at stake here."

He referred to the suit which has been brought by six middies at the Navy Academy and one West Point cadet challenging the requirement at Annapolis, West Point and Colorado Springs that future officers take compulsory Sunday religious services as part of their training.

IN COURT TOMORROW

Tomorrow, the suit will be brought before Judge Howard Corcoran of the U.S. District Court here for resolution.

The suit, drafted by the American Civil Liberties Union, was filed here on Jan. 20. The contention of the plaintiffs is that compulsory chapel violates the constitutional guarantees of separation of church and state and freedom of religion.

The government—specifically the secretaries of the three services and the secretary of defense—have argued the requirement is part of the necessary moral and character development aspects of military officer training.

Chapel on Sunday morning has been as much a part of life at the Academy since 1845 as Wednesday dress parades and Saturday football games.

CHALLENGED ON TWO SIDES

But, like other academy requirements which are steeped in tradition, compulsory church attendance has been challenged both inside and outside the school for years.

According to the U.S. Naval Academy catalogue, spiritual training is necessary "to produce an appreciation in its graduates of the spiritual and moral dimensions of military leadership."

". . . An awareness of these varying needs for assistance in time of stress and danger is an essential dimension of effective officership."

Lawrence Speiser, director of the Washington office of the ACLU, commented that "that's an argument in favor of a comparative religion course, not compulsory chapel."

Speiser said he was "surprised at the fanaticism" with which the services have defended this tradition. He said that attorneys had written letters to the military requesting a relaxation of the requirement, but that they flatly refused.

Following four days of hearings in early February, Judge Corcoran ruled that he was satisfied the defendants had exhausted administrative procedures for relief from the regulations before they petitioned the court.

Speiser also said that suits had been filed to enjoin the services from taking "punitive action" against the plaintiffs. Late in January, two judges on the U.S. Court of Appeals—David Bazelon and Spottswood Robinson—issued the order enjoining the service academies after District Court Judge Matthew McGuire had turned down a request for such an order.

Under the present rules, trainees at the academies are required to attend religious services on Sunday morning. A Catholic mass and a Protestant service are held on the academy grounds, and other churches in the Annapolis area provide services for those who wish to worship with a particular denomination.

"But the regulations are clear that you can't change services. If you want to look at other services, you have to change religions," Speiser commented.

Jewish middies also are required to go to Sunday services. Should they wish to celebrate sabbath on Saturday at an area synagogue, they have to do so on their own time and have to attend religious services on Sunday in addition.

In the academy's chapel, above the tomb of John Paul Jones, one of the two middies pointed out the history of parts of the church.

"What would happen if chapel weren't required? I think you'll see a half-empty chapel Sundays."

Does he think that the requirement will be abolished?

"Yes," he replied.

DOMESTIC TRAVEL AND TOURISM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. PEPPER. Mr. Speaker, today with the passage of H.R. 14714 this body has taken another step toward encouraging travel and tourism within the United States. I am pleased that this Congress has recognized the need for such a measure. I hope that we will continue to meet this need by enacting more comprehensive legislation in this field. Accordingly, I commend to my colleagues H.R. 14685, which amends the International Travel Act of 1961 for the purpose of promoting travel to the United States.

Travel and tourism affects the economic and social well-being of every part of this Nation. We are well aware that American tourist spending abroad causes a steady drain on the U.S. dollar. The National Park Service can alleviate this economic problem by promoting America to Americans and making us aware of our own great resources.

Travel promotion is only the first step toward increased domestic tourism. Legislation must be enacted to enhance and upgrade our present tourist attractions. Beaches, State parks, and camping sites must be made more attractive for travelers. Recreational areas must be improved through better staffed and better equipped facilities, and places of historic interest should be maintained. We will have to answer all these needs if we are to successfully meet the challenges of competing foreign vacation lands.

LEGISLATION TO ESTABLISH A NATIONAL BANK FOR COOPERATIVE HOUSING

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. FARBSTEIN. Mr. Speaker, on Thursday I introduced H.R. 17205, the National Cooperative Housing Act, to provide low-cost financing for low- and moderate-income cooperative housing. The bill would subsidize interest rates through the establishment of a national bank for cooperative housing.

High interest rates are driving all but the very richest and the very poorest out of the central cities. This legislation is meant to make the cities again economically inhabitable to low- and middle-income families.

There are currently around 40,000 New York families in cooperative housing who face the prospect of being priced out of their dwellings because of high interest rates. These are largely families living in local government-financed Mitchell-Lama cooperatives which have yet to obtain permanent financing.

Mitchell-Lama is an excellent program which, by utilizing city and State borrowing authority in the State of New York, has gone a long way toward making cooperative living available to many who otherwise would be unable to afford to live in the city. But the program cannot mask the adverse effects of high interest rates.

Many of the Mitchell-Lama co-ops were planned when interest rates were far lower than they are today. The families living in these co-ops thus face the prospect of having to take responsibility for a 40-year mortgage which will cost much more than it would just a few years ago. To the individual cooperator, each 1 percent increase in mortgage rates roughly translates into $4 per room per month in additional costs. This does not include other rising expenses such as repairs and maintenance, which go up as salaries and prices rise. The ultimate cost of this as well as the interest rates must be borne by the individual cooperator.

This legislation would enable residents of lower- and middle-income cooperative projects to be able to remain financially and, at the same time would permit construction of additional cooperative housing for low- and moderate-income families. It would benefit Mitchell-Lama financed cooperatives in New York and similar city and State programs in other cities. It, of course, would also apply to privately financed cooperative housing.

The national cooperative bank established by this legislation would subsidize mortgage interest rates on both tempo-

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rary and permanent financing down to 4 percent. It would be authorized to take over permanent financing for housing receiving temporary financing through a municipal or State program.

Eligibility would extend to all families who because of high interest rates could not otherwise afford cooperative housing in today's market. The bank's $1 billion in capitalization would come from the Federal Reserve System. Any co-op built after 1959 would be eligible to receive assistance.

I am most pleased at the initial reactions I have been receiving to this legislation. I believe it fits in well with legislation introduced by Congressman WRIGHT PATMAN, chairman of the Banking and Currency Committee to establish a development bank for housing and expands its coverage.

While rent control makes it possible for low- and moderate-income families to afford to live in existing rental housing in New York City, cooperative housing is the only way they can afford to own their own residences. We must save the co-op; for it offers the only way we are going to be able to keep the moderate-income family in the city.

The text of the bill follows:

H.R. 17205

A bill to establish a National Bank for Cooperative Housing to aid in financing the purchase and construction of low and middle income cooperative housing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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§ 1. Short title

This Act may be cited as the "National Cooperative Housing Act".

§ 2. Findings and purpose

(a) The Congress finds that there is a vital need for the continuing construction and development of cooperative housing for low and middle income families, as a significant element of the new and expanded housing programs which are necessary to meet expected future increases in housing demands and an important part of the persistent effort which must be made in order to assure that all Americans live in decent, safe, and sanitary housing.

(b) The Congress accordingly declares that it is the policy of the United States and the purpose of this Act to establish a National Bank for Cooperative Housing in order to provide assurances to private and public housing developers that a continual supply of public funds is being and will be made available, at reasonably level rates during periods of high as well as low interest, to encourage the building of low and middle income cooperative housing.

(c) It is the further purpose of this Act to provide a model financing system which might be adopted by States and localities in encouraging low and middle income cooperative housing construction.

§ 3. Definitions

(1) The term "cooperative housing" means housing of the types described in paragraphs (1) and (2) of section 213(a) of the National Housing Act (including housing financed under a State or local program providing assistance through loans, loan insurance, or tax abatements), and any other housing which is treated under applicable State or local law as cooperative housing.

(2) The term "low and middle income" shall have the meaning given it by or under applicable State law (or by or under applicable local law so long as it is not inconsistent with applicable State law); except that (A) in no case shall such term include any family or person whose income is more than 150 per centum of the average per-family or per-capita income of all the residents of the State, and (B) if there is no such applicable State or local law with respect to any particular housing in any State, such term shall have (with respect to such housing) the meaning given it by the Secretary of Housing and Urban Development using the criteria which are applied in determining whether families qualify for occupancy of dwellings supplied under the low- and moderate-income rental and homeownership programs of the National Housing Act.

(3) The term "effective interest rate" means the total amounts paid on a loan for interest, commissions, bonuses, discounts, premiums, or other similar charges.

§ 4. Establishment

There is created a body corporate to be known as the National Bank for Cooperative Housing (referred to in this Act as the Bank). No loan may be made by the Bank unless the borrower is unable to obtain funds on reasonable terms from other sources.

§ 5. Board of Directors

The management of the Bank shall be vested in a Board of Directors consisting of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Labor, and ten other persons who shall be appointed by the President with the advice and consent of the Senate. Of the ten persons so appointed, one shall be an elected or an appointed official of a State government, and one shall be an elected or appointed official of a local government. All of the other persons so appointed shall be from the private sector. Two shall be from among representatives of organized labor, two from among representatives of business and finance, and four from among representatives of organizations dealing with the problems of low-income families. The terms of directors appointed by the President shall be two years, commencing with the date of enactment of this Act. Any director appointed to fill a vacancy shall be appointed only for the unexpired portion of the term. Any director may continue to serve as such after the expiration of the term for which he was appointed until his successor has been appointed and has qualified.

§ 6. Appointment of officers and employees

The Board of Directors of the Bank shall appoint a president of the Bank and such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the board except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the Bank. No officer of the Bank shall receive any salary or other remuneration from any source other than the Bank during the period of his employment by the Bank.

§ 7. Conflict of interest

(a) No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberations upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(b) The Bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties, nor shall the directors, officers, employees, or agents of the Bank in any way use their connection with the Bank for the purpose of influencing the outcome of any election.

§ 8. General corporate powers

Except to the extent inconsistent with the provisions of this Act, the Bank shall have the general corporate powers of a corporation organized and existing under the laws of the District of Columbia.

§ 9. Principal office; branches

The principal office of the Bank shall be located in the District of Columbia, and it may establish agencies or branch offices in any city of the United States.

§ 10. Capital stock

(a) The Bank shall have capital stock of $1,000,000,000, subscribed by the United States payment for which shall be subject to call in whole or in part by the Board of Directors.

(b) The Secretary of the Treasury is authorized to, and upon request of the Board of Directors shall, purchase stock in amounts designated by the Board of Directors up to a total of $1,000,000,000.

§ 11. Borrowing authority

(a) The Bank may issue notes, debentures, bonds, and other evidences of indebtedness in such amounts and on such terms and conditions as the Bank may determine subject to the limitations prescribed in this Act.

(b) The aggregate outstanding indebtedness of the Bank under this section at any time may not exceed twenty times the paid-in capital stock of the Bank at that time.

(c) The obligations of the Bank under this section shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guarantee shall be expressed on the face thereof.

(d) In the event that the Bank is unable to pay upon demand, when due, any obligation under this section, the Secretary of the Treasury shall pay the amount thereof and thereupon to the extent of the amount so paid by the Secretary of the Treasury shall succeed to all the rights of the holder of the obligations.

§ 12. Purchase of assets by Treasury

The Secretary of the Treasury is authorized to purchase from the Bank any asset of the Bank at such price as may be agreed upon between the Secretary and the Bank.

§ 13. Discount by Federal Reserve banks

(a) The several Federal Reserve banks are authorized to purchase or discount any note, debenture, bond, or other obligation, secured or unsecured, held by the Bank.

(b) Obligations of the Bank are eligible for purchase by the Federal Reserve Open Market Committee.

§ 14. Investment status of obligations of Bank

All obligations issued by the Bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer or officers thereof.

§ 15. Function of Bank; loans for low- and middle-income cooperative housing

It shall be the function of the Bank to make and guarantee loans for the purchase or construction of low- and middle-income cooperative housing.

§ 16. Direct loans

(a) The Bank may make direct loans (1) to State and local governments, public agencies, nonprofit private organizations, corporations, companies, partnerships, and individuals for the purchase of low- and middle-income cooperative housing constructed after 1959, and (2) to developers, contractors, subcontractors, and other persons to finance the construction of low- and middle-income cooperative housing. Except as specifically provided in or under this Act (and, in the case of loans insured or guaranteed under other Federal programs, in or under the law governing such programs), such loans shall be made by the Bank on such terms and conditions as it may determine to be necessary or appropriate to carry out the purposes of this Act.

(b) The Bank may make loans as described in subsection (a) under the insured and guaranteed loan programs of the Department of Housing and Urban Development (including the military housing programs under sections 809 and 810 of the National Housing Act), the Veterans' Administration, and the Farmers Home Administration in the Department of Agriculture.

(c) Loans made by the Bank under this section shall have maturities not exceeding 50 years (or 10 years in the case of loans for temporary financing); shall be secured in such manner as the Bank may determine; and shall bear interest at an effective interest rate not exceeding 4½ per centum per annum or the discount rate of the Federal Reserve System, whichever is lower, or such lesser rate as may be established by the Board of Directors of the Bank.

§ 17. Guaranteed loans

The Bank may fully guarantee the entire principal of any loan made by any bank, savings bank, trust company, building and loan or savings and loan association, insurance company, mortgage loan company, or credit union, but only upon a determination that—

(1) such loan will assist in carrying out the purposes of this Act;

(2) such loan has a maturity not exceeding 50 years (or 10 years in the case of a loan for temporary financing);

(3) the effective interest rate in the case of a Federally insured and guaranteed housing loan does not exceed the maximum permanent interest rate ceiling established by law for such a loan or the temporary rate set for such a loan by the Secretary of Housing and Urban Development, the Administrator of the Veterans' Affairs, or the Secretary of Agriculture, whichever is applicable;

(4) the effective interest rate in the case of any other loan does not exceed 4 per centum per annum or the Federal Reserve discount rate, whichever is lower, or a lesser rate established by the Board of Directors of the Bank; and

(5) such loan meets such other conditions and requirements as the Bank may determine to be necessary or appropriate.

§ 18. Technical and other assistance

The Bank may provide to recipients of loans or loan guarantees under this Act whatever assistance, technical or otherwise, it considers necessary to protect its investment and to carry out the purposes of this Act.

§ 19. Taxable status

The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

§ 20. Audit by General Accounting Office

The General Accounting Office shall audit the financial transactions of the Bank, and for this purpose shall have access to all its books, records, and accounts.

§ 21. Authorization of appropriations

(a) There is hereby authorized to be appropriated, to remain available without fiscal year limitation, the sum of $1,000,000,000 for subscription to the capital stock of the Bank.

(b) There are authorized to be appropriated such sums as many be necessary to pay the difference, if any, between the interest paid by the Bank on its obligations and interest received by the Bank on its loans, and to reimburse the capital of the Bank to the extent of any defaults.

(c) There are authorized to be appropriated such sums as may be necessary for payment of $125 a day to members of the Board of Directors of the Bank for each day they are engaged in the performance of their duties to the Bank together with such sums required for travel expenses by members of the Board of Directors of the Bank when the performance of their duties requires them to be away from home.

PEANUT ACREAGE ALLOTMENTS

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. ABBITT. Mr. Speaker, I have introduced a bill which would make permanent the present authorization for lease, sale, and transfer of peanut acreage allotments. The present authorization ends this year and it is my feeling that permanent legislation covering this subject is most desirable.

Many peanut acreage allotments are small and the opportunity to lease, sell, and transfer allotments is particularly helpful to small farmers. It also achieves more efficient production by permitting consolidation of uneconomic small allotments and, as far as I know, the administration of the temporary authorization has run very well.

The Department of Agriculture in the past has expressed some hesitation to approve permanent authority, but now indications are that Department officials feel that the temporary authority is working well and I feel that they will give the green light to providing a permanent authorization. I believe that it is in the best interest of the Department, the growers, and all other segments of the industry that this legislation be made permanent.

The temporary authority has been used to a considerable extent. In the 1968 crop year there were 10,700 transfers from farms throughout the country and in 1969 there were 14,236. There are approximately 86,000 peanut allotments in the United States, but many of these are small.

We in Virginia are particularly interested in this proposal for permanent legislation as the authority for transfers has been most helpful. We had 227 transfers in the 1968 crop year and 321 in 1969, but the potential is great for even broader use of this provision. We have in Virginia, according to latest figures, 751 peanut allotments of 3 acres or less; 733 from 3 to 5 acres; 853 of from 5 to 7.5 acres; and 739 of from 7.6 to 10 acres. In all, we have 6,246 peanut allotments in our State.

Other States have reported similar interest in this legislation, including North Carolina where there were 1,172 transfers in 1968 and 1,608 in 1969.

I hope that the Department's report on this bill can be secured forthwith and I urge the speedy enactment of the permanent authority.

MEDIA AND DRUGS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. CONABLE. Mr. Speaker, one of the most critical problems our Nation faces today—the increasing use of drugs and narcotics by our youth—is being emphasized strongly by President Nixon and members of his administration.

The President's recent suggestion that the broadcasting industry make a concerted effort to combat the spread of drug usage is an excellent one, which hopefully will be put into effect as soon as possible.

A recent editorial from the Christian Science Monitor discusses the President's suggestion, and specific ways of implementing it which were set forth by Herbert G. Klein, the President's Director of Communications. I commend this editorial to the attention of my colleagues, and urge their support of this very worthwhile proposal:

[From the Christian Science Monitor, Apr. 13, 1970]

MEDIA AND DRUGS

President Nixon has asked the nation's radio and television broadcasters to use their tremendous influence to halt the drug trend. One cannot commend this suggestion highly enough.

For their part, the broadcasters seem ready for the suggestion. During the week at the convention of the National Association of Broadcasters in Chicago, they had themselves in many sessions stressed the timeliness and need of a strong antidrug posture.

Specific suggestions of what radio and TV could do were first raised a couple of days earlier in Chicago by Herbert G. Klein, the administration's director of communications. Among them:

Spot announcements like those the networks, and local stations have aired to fight cigarette smoking.

A series "in which the narcotics problem could be covered just as well as any other illness."

Of course, the most effective way for the broadcast media to mount an offensive against drugs is not simply through ads and situation programs, though these could be useful. It is rather by persistent, thorough scrutiny of the drug scene in news and documentary coverage. Nothing will more quickly bring what some experts are calling a drug epidemic under control than to expose the illusiveness of the euphoria which drugs promise, and the often tragic consequences of giving them a try.

Actually, there already is something of a counteroffensive against drugs going on at the moment. Many school systems around the United States are having former addicts—often still of school age themselves—talk to gatherings of youngsters. The printed media have been exploring the impulse behind the so-called drug culture in America and abroad as well as recording the new monthly estimates of how many drug users there are. This is all helpful.

But the counteroffensive must be as broad as possible and as intense. There persists a tendency—in the media as well as without—to make light of drugs. Drugtaking is often depicted as naughty. Whereas it is in fact insidious.

The administration and the broadcast media have had their differences lately. But they certainly can find common ground in a strong effort to shut off the drug craze.

THE ROUTE TO FOREIGN POLICY

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. CRAMER. Mr. Speaker, President Nixon's skillful handling of foreign policy is being recognized widely, but perhaps not so well known is the carefully constructed method by which he reaches a foreign policy decision.

A recent editorial in the Miami Herald points out that the President's State of the World Message contained a detailed description of the National Security Council and its use, which enables the President "to make sure that he gets the best advice available and a range of choices for action."

Especially significant is the emphasis placed on long-range planning; in the President's words:

> The overriding objective of every policy review undertaken, is to clarify our view of where we want to be in the next three to five years.

I insert this editorial in the RECORD:

[From the Miami Herald, Apr. 20, 1970]

THE ROUTE TO FOREIGN POLICY

Reassuring to Americans is a little-noticed section of President Nixon's 1970 State of the World message to Congress. His description of the National Security Council system discloses how he arrives at decisions on foreign policy.

Like a blueprint, the statement isn't racy reading. Still, it adds up to a heartening picture of the structure devised by Mr. Nixon himself to make sure that he gets the best advice available and a range of choices for action.

"I have long believed that the most pressing issues are not necessarily the most fundamental ones," the President said. "We know that an effective American policy requires clarity of purpose for the future as well as a procedure for dealing with the present. We do not want to exhaust ourselves managing crises; our basic goal is to shape the future."

That is why he invested pre-inaugural time in revising the security council setup. Previous Presidents had used this machinery according to their own lights. In some cases the council fell into disuse when a President chose to consult advisers informally. At other times, underlings were expected to compromise their differences and turn out recommendations based on a consensus.

Mr. Nixon's approach is quite different:

"I do not believe that Presidential leadership consists merely in ratifying a consensus reached among departments and agencies . . . Differences of view are identified and defended, rather than muted or buried."

He asks for and gets distinct alternatives, with their pros and cons, implications and costs. Then, finally, he himself makes the judgment, and puts it in writing so that all departments can know the policy and do their part in implementing it.

The council, made up of the President, Vice President, secretaries of State and Defense and the director of the Office of Emergency Preparedness, met 37 times last year. Each session drew on exhaustive reviews by interagency support groups.

Foreign policy is Mr. Nixon's strong point, and his technique for handling it reflects the high priority he accords it.

His most meaningful remark in this report, we think, is: "The mandate I have given to the National Security Council system, and the overriding objective of every policy review undertaken, is to clarify our view of where we want to be in the next three to five years. Only then can we ask, and answer, the question of how to proceed."

Looking ahead puts each day in a clearer perspective.

STRIKERS AREN'T "TEACHERS"

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. MICHEL. Mr. Speaker, the question of whether or not schoolteachers should have the right to strike has been a subject of wide public debate and we have heard from the teachers, parents, school officials, teacher union officers—just about everyone but the students themselves.

In that regard, I noticed a letter to the editor of the Minneapolis Tribune on April 21, 1970, from Mr. Charles Varone, a student at North High School in Minneapolis, Minn., in which he makes some thought-provoking observations about the lessons which he learned from a strike at his school.

I insert the article in the RECORD at this point:

STRIKERS AREN'T "TEACHERS"

To the EDITOR:

I saw teachers walking around the schools carrying picket signs. My first reaction was, "Hurray, no school." Then I got to thinking that these were not teachers. Teachers are people who teach others. These people were stopping us from what we came to school for, an education. Many of these so-called "teachers" took away records, books, attendance charts, locked up books and maps, and did anything to make it impossible for anyone to teach. They did everything to stop our education so that they could get more money.

Teachers set examples to youth by what they do. From these examples youth can learn four very important lessons:

1. Youth has the right to education, but teachers show that if you want something, regardless of other people's rights, get it.

2. Well, if teachers are going to do anything, including breaking the law, for money, then money must be the most important thing on earth.

3. If teachers break the laws, then laws can't be very important.

4. If the law is nothing, then what makes the law can't be much. The United States is nothing.

Do they know what they are doing? Maybe they don't care. Maybe teachers deserve more money, but they have not the right to do what they are doing.

INTER-AMERICAN PARTNERSHIP

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. MAILLIARD. Mr. Speaker, as we enter the new decade, the growing interdependence which exists among the nations of the Western Hemisphere emphasizes the need for a strengthened inter-American partnership. If that partnership is to grow, development in our sister republics to the south must be accelerated. When President Nixon set forth his "Action for Progress" policy for Latin America, he stressed the importance of private foreign investment as an indispensable tool of development. Last week in Buenos Aires, Argentina, the Honorable Maurice H. Stans, U.S. Secretary of Commerce, further delineated the roles of trade and investment in the development process.

Secretary Stans' remarks made before the joint meeting of the United States-Argentine Chambers of Commerce follows:

It is indeed a pleasure and a privilege to meet with the business and government leaders of Argentina.

My visit has a single purpose. I come to help carry out one of the fundamental requirements of President Nixon's new Action for Progress policy for the Western Hemisphere.

That requirement is to establish a new sense of community among our countries through close personal ties and continuing communication.

I have come in a spirit of partnership:

To explore new, concrete ways of working together in the achievement of common objectives;

To discuss matters of mutual interest involving travel, trade, investment, and technology exchange; and

To assure you that the principle of "prior consultation" will be strictly adhered to by my government in all matters involving your country's vital interests.

UNDERSTANDING PROBLEMS

On this trip, I also seek a better understanding of the problems involving our two countries so that we may find solutions through close cooperation.

At the same time, I am here to ask your understanding of the changing circumstances of world trade and investment. Today no single country any longer dominates world trade. Competition between the United States, Japan and the Common Market quickens as technology and manufacturing capabilities are more evenly distributed throughout the world. Most trading countries have preoccupations with trade imbalances, balance of payments problems and rising demands for protection from local industries whether they be situated in developed or lesser developed countries. These are problems which affect all our economies, our industries, our working men and women.

Our goal, like yours, is freer trade among all nations as the surest road to economic peers. A hundred years ago, an American humorist said (and I quote): "It ain't what a man don't know that makes him a fool, but what he does know that ain't so."

My friends I am greatly concerned about pollution and the need to protect the quality of the environment. And there is an enormous fund of knowledge that we must yet acquire in order to attain a reasonable understanding of the inter-dependence of all forms of life and their relationship with the environment.

In 1965 I predicted that our citizens needed, and would demand, protection from the dangers of pollution to public health. In 1966 I stated in remarks before the Edison Electric Institute that the public would willingly pay more for services if the additional cost was for the improvement of health and living conditions. In 1966, in a speech at the 32nd Annual Southern Governors' Conference, I urged that the problems of pollution be attacked through a comprehensive, systematic program—rather than piecemeal. In 1967, I helped influence the decision by the Joint Committee on Atomic Energy to initiate an amendment to the Atomic Energy Act to enable AEC's uniquely endowed laboratories to perform work in health and safety fields—including environmental problems—irrespective of any nuclear relevancy. The amendment was enacted into law in late 1967, and these laboratories are engaged in important research and development activities in these areas.

Reason—the best we can marshal—including the engagement of our finest scientific talent—is urgently needed if we are to safeguard the environment and if we are to provide—as I believe we must—a sufficient amount of useful energy. I firmly believe we can achieve both goals. We must strive for both. Energy is an indispensable key to civilized life and the advancement of human welfare. The plant we are dedicating here today—and Kerr-McGee's activities in the energy field—are important steps toward insuring that our energy needs will be met.

Before I close, I would like to make an announcement for the Joint Committee on Atomic Energy. I think it will be of interest to the membership of the Southern Interstate Nuclear Board. There have been several bills introduced in the 91st Congress to permit individual states to impose standards more restrictive and therefore in their opinion allegedly more protective, than those imposed by the Atomic Energy Commission with respect to the discharge of radioactive effluents from nuclear power plants. As is well known, I have favored reposing in the Atomic Energy Commission the exclusive authority and responsibility for radiological health and safety, and the Atomic Energy Commission has been performing this function with great care—and with excellent results—in accordance with the guidelines provided by the Federal Radiation Council, a specially created statutory body.

I have been concerned that those who traditionally have been strong advocates for states' rights may not fully appreciate that radiological health and safety protection transcends state lines. Competent specialists in this most important field are also limited.

I recognize that consistency, which once was counted a virtue, is these days often regarded by some as the quality of a stagnant mind. My own mind—as well as the collective mind of the Joint Committee on Atomic Energy—is—I assure you—far from stagnant. I want to take this opportunity to announce that in the near future, possibly toward the end of next month, the Committee plans to hold hearings on these bills and will give due consideration to their substance and them.

In conclusion my friends, I wish to congratulate the Kerr-McGee Corporation for their enterprise and vision in investing in the future of Atomic Energy. I also want to express again my appreciation to the people of Oklahoma for sending Congressman Ed Edmondson to our Nation's Capitol to represent you, and to serve as a valued member of the Joint Committee on Atomic Energy.

Thank you.

THE ENVIRONMENT IN WASHINGTON

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HOWARD. Mr. Speaker, as one who has long been concerned with the problem of cleaning up our environment, I am more than pleased to see the continuous buildup of support for antipollution programs. Last week when we observed Earth Day everyone had an opportunity to dramatize the feeling that we must clean up our environment. The ceremonies throughout this country which marked Earth Day were most encouraging.

Because the condition of our environment is on the minds of everyone, I commend to my colleagues in the House an excellent article which appeared in the March/April issue of "All Clear" magazine. It was written by Jack Golodner, the magazine's Washington reporter, and takes an in depth look at what is being done about our environmental problems from here in Washington.

The article follows:

THE ENVIRONMENT IN WASHINGTON

(By Jack Golodner)

The winds of change have a fragrance all their own.

The fumes of our industrialized society have even penetrated the White House, inspiring its occupant to launch new programs for improving the quality of our environment. The impetus for Washington's newly awakened concern may be as near as the fetid banks of the Potomac or as far as the bedroom communities where the silent majority lie gasping in their beds.

A national consensus has been building up for several years to "do something" about our rapidly decaying environment, but until recently it was overshadowed by other more controversial matters—race relations and the war in Vietnam. Although these problems are far from resolved, the American public has signalled its readiness to embrace another cause where perhaps general agreement can be more easily reached.

The delightful thing about environmental issues is their noncontroversiality. Conservatives and liberals, the shaggy-haired young and their perplexed parents, effete snobs and the silent majority are all "brought together" in their common concern over keeping this planet habitable. For a politician, the environmental craze may seem the answer to his most fervent prayers; it's so easy to figure out what side to be on.

Common sense would indicate that the genuineness of the problem and its universal relevance would combine to insure rapid governmental action. Few people would question the validity of Federal involvement in environmental matters. Air and water systems transcend local political divisions and present massize challenges that must be met by coordinated action. Washington is where the money is, and equally important, where the organizational and technological infrastructure exists to cope with what is, in truth, a national problem.

Even though greater federal involvement in quality of environment issues seems necessary and inevitable, there are a number of counter-forces at work. Of overwhelming importance in this election year are political concerns. Democrats who in the past have been associated with Federal antipollution programs are not about to hand over this politically potent area to the President without a fight. In a recent message to Congress, President Nixon outlined a 37-point program for improving the quality of our environment. He included many recommendations which had already been suggested by members of the legislative branch, until now the center of federal interest in conservation matters. The Democrats, not to be outdone, came up with a 50-point program which in traditional fashion called for higher spending and more ambitious federal involvement. If the highest number of points wins, the Democrats are out ahead in the environmental game. The Republicans, however, to use their leader's terminology, have the ball and are running hard with it—while the Democrats, lacking the leadership of a man in the White House, are at a disadvantage in articulating their position.

While it is clear that Nixon is running the ballgame for his party, it is not at all apparent who is calling the signals for the Democrats. After years of trying to chat up a little enthusiasm among their colleagues for federal pollution control programs Senators Muskie and Nelson and Representatives Vanik and Saylor must be a bit startled over the sudden Congressional interest in this neglected area. Suddenly they find themselves in the midst of an intraparty feud for the title of Mr. Clean. Today, it is a rare Congressman indeed who hasn't affixed his name to more than one pending resolution designed to purify something.

As the volume of legislation increases, Committee jurisdictional problems arise. In the House, 11 Committees and Subcommittees consider environment-related legislation, while in the Senate a struggle is being waged between Senator Jackson's Interior Committee and Senator Muskie's Subcommittee on Air and Water Pollution of the Public Works Committee. Members of Congress, however, can rest at ease, knowing full well that we have allowed our land resources to deteriorate to such an alarming degree that there is ample opportunity for every Representative to claim his own piece of environmental turf.

The organizational difficulties of launching a clean-up campaign from Washington are not confined to the legislative corridors on Capitol Hill. While the Republicans have no trouble identifying the leader of their band, he in turn is faced with an executive sprawl that makes the players increasingly difficult to distinguish. Six cabinet departments (HEW, Interior, HUD, Transportation, Agriculture and Commerce) plus a host of other federal agencies currently preside over about 90 environmental protection programs. Thirty-eight agencies are involved in some way with protecting this nation's water resources alone. Holding dubious sway over the myriad bureaus, agencies and departments is the newly created Council of Environmental Quality, authorized by the Environmental Quality Act of 1969. This body, composed of three advisors appointed by the President with an authorized budget of $1 million, is almost certain to be the most important of the watchdog groups. President Nixon had previously established a cabinet-level Environmental Quality Council, a Task Force on Air Pollution and a Citizens' Advisory Committee on Environmental Quality. He has promised a major reshuffling of federal agencies dealing with the environment, but the process promises to be a long and slow one, certain to involve the Administration in intra-cabinet wrangling as well as partisan battles with Congress.

Economic considerations may also retard the conservation effort. Leading Democrats have already expressed their doubts about the adequacy of the President's proposed funding levels. Not surprisingly, few dollar cost figures have accompanied the President's legislative recommendations. This has already led to partisan snipes about the opening up of a new credibility gap between White House rhetoric and willingness to spend money necessary to do the job. The only specific sums attached to the President's recent proposals presented to Congress were $10 billion for the building of waste treatment plants, (which upon closer scrutiny melted down to a federal commitment of only $4 billion spread over 4 years), a pledge to spend the full amount deposited in the Water and Land Conservation Fund, and a modest increase in federal operation grants to State water pollution control agencies from $10 to $30 million over the next five years. Annual cost of pollution control, including air and water pollution and solid waste disposal are estimated at $13.5 billion simply to hold contamination levels at their present levels. Placed alongside this figure, federal dollar commitment, despite all the talk, remains minimal.

At the heart of the President's water pollution control program is his four-year federal-local partnership in the construction of needed sewage treatment plants. State and city officials are already saying that the $4 billion in federal aid suggested by the Administration is nowhere near the amount required. Governor Rockefeller estimates that the sewage treatment program for his state alone will cost $3 billion. Other local representatives remain skeptical about federal willingness to appropriate the necessary funds to help solve local pollution problems. They point out that the central government has not yet made good on former obligations incurred under the 1965 Clean Waters Act, which provided for a federal contribution of up to 55% of the total cost for plant construction. Local government jurisdictions that went ahead on their own and built these plants are still waiting to be paid the federal government share. Just last year the President requested only $214 million on an authorized $1 billion for sewage plant construction. Congress raised this figure to $800 million, intending that the money be used to pay back local governments which by then were owed $814 million by Washington. The Executive branch, pleading inflationary considerations held back the money for several months and has only recently announced its intention to spend it—not principally to pay off old debts, but rather to encourage states to undertake new projects. Outspoken state and city officials say that this sort of record is not likely to foster intensified efforts at the local level.

Not only have funding levels been criticized as inadequate, but the mechanism suggested by the President for helping local governments raise their share of the construction costs has also come under fire. The President has proposed the creation of an Environmental Financing Authority in the Treasury Department which would purchase state and local bonds with limited interest rates for financing the non-federal share of sewage treatment plant construction. Such an Authority would market its own securities to the public and thus becomes a conduit for private capital to flow into municipal sewage bonds.

The National League of Cities and the United States Conference of Mayors have already expressed their reservations concerning the financing authority, saying that "it would really just mean more delay, just a lot more bookkeeping rather than substance." Transportation Secretary Volpe's testimony before Congress last June in opposition to a similar financing proposal for airport construction was also cited by the mayors. At that time, the Administration opposed the debt-service approach "because it is inflationary, and because it creates a very long-term commitment for the Federal Government."

Politicians with long memories may also recall that in the fifties, President Eisenhower came up with a similar proposal for financing the interstate highway system which was emphatically rejected by the Democratic Congress. A parallel fate may well be in store for Nixon's Environmental Financing Authority.

The President's other proposals to combat water pollution which do not involve large capital outlays will have easier going. Among these are a number previously suggested by members of Congress which should improve their chances of meeting with favorable consideration. They include the extension of federal water pollution control authority to intra- as well as inter-state waters and the setting of precise limits on the type and amount of effluents that industries and municipalities may discharge. Senator Proxmire has suggested an alternative approach which consists of the levying of a federal "effluency fee" of 10 cents per pound for industrial waste emitted into the nation's rivers. The Senator estimates that this system would produce about $2 billion a year, half of which he proposes should be used to subsidize municipal waste treatment.

The Federal program to curb air pollution is still in its infancy but seems to be following the pattern set by water pollution control efforts. This year the Air Quality Act of 1967 comes under review in Congress, and a vast number of amendments have already been proposed by the Administration and by members of the legislative branch. The President's program includes the extension of national air quality standards, with a maximum fine of $10,000 a day for violation, and the establishment of more stringent motor vehicle emission standards. None of the White House proposals call for spending as much money as the measures Senator Muskie is backing, which provide for a federal share of $975 million to be spent on air pollution over the next three years. This is compared to $109 million appropriated in fiscal 1970 for HEW air pollution control programs—and even this amount was more than the Administration requested. For fiscal 1971, the President is actually asking for less money than was appropriated for fiscal 1970.

His requests involving solid waste disposal are equally modest, calling for the spending of slightly more than $14 million in fiscal 1971, a slight increase over the previous year's figures. Senator Muskie's proposals again run into more money—$800 million to be spent over a 5-year period. At this time, the major thrust of the federal role in solid waste disposal lies in research and development, with the President emphasizing the need for more study into techniques for recycling materials and developing packaging which will degrade after use.

After holding back last year on the spending of the Water Conservation Fund allotment for the acquisition of new parkland, President Nixon has proposed full use of these funds in fiscal 1971. Democratic efforts are afoot to provide a minimum annual appropriation authorization of $300 million for the fund, up $100 million from the present guaranteed level of funding. Under the formúla introduced by Administration spokesmen, there would be no guaranteed authorization in the following years for the Fund, which makes planning by state and federal agencies for land purchases difficult indeed.

There is no doubt that Democrats have been upstaged by the President's plunge into environmental waters, but they still have a few ideas of their own which have not yet been embraced by the Administration. Among them are:

The Environmental Quality Education Act, sponsored by Reps. Brademas and Scheuer in the House and by Gaylord Nelson in the Senate, to give support to school programs designed to educate Americans about environmental problems.

The Noise Pollution and Abatement Act sponsored by Senator Muskie to provide for studies of the health and welfare effects of noise pollution.

The creation of an Environmental Control Agency, separate from cabinet departments, to administer and watch over government environmental control programs, sponsored by Senator Muskie.

The Detergent Pollution Control Act to ban polyphosphates in detergents by 1972 and to set and implement national pollution control standards on all detergent ingredients by the same date, sponsored by Senator Gaylord Nelson.

It is likely that some of these proposals will be enacted into law during this Congress, especially those combining minimum expenditures with maximum public appeal. The real intent of Congress and the White House will surface during the appropriations process. Democrats may try and put the President in the position of having to at least threaten a veto of anti-pollution legislation for economy reasons, while Nixon would no doubt be equally delighted to be able to blame the Democratic Congress for holding up action in this area on account of its failure to agree on a compromise spending figure. Another Congress-Executive confrontation similar to the recent battle over education funds may well be in the offing.

It is reasonable to hope that new legislation, particularly involving air pollution, will be enacted this session which would give the federal government greater responsibility for environmental concerns and pave the way for increased federal aid in the future—always dependent, of course, on which way the politicians sense the wind is blowing.

DRAFT CALL: ZERO

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. RUTH. Mr. Chairman, President Nixon has made a historic statement about an important segment of our national life:

> After careful consideration of the factors involved, . . . I agree that we should move now toward ending the draft. From now on, the objective of this Administration is to reduce the draft calls to zero, subject to the overriding considerations of national security.

In short, the official view of what constitutes the obligations of citizens of a free society in defense of their country has been drastically altered.

The draft—that began in an emergency and ended as an institution—is to be ended. It has served its purpose. We are now moving into a new era in which we can once more have the traditional American way of national defense as part of our national life. The all-volunteer armed force is a concept which is at once traditional and revolutionary—as have been so many other concepts of this administration. President Nixon's respect for the past is matched by his understanding of the present and his vision of the future.

This message begins a movement that will someday in the future end with the words: "Draft call: Zero."

STATEMENT FOR CONSUMER HEARINGS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mrs. CHISHOLM. Mr. Speaker, in view of the rise in prices brought about by the present economic situation of inflation, more attention must be focused on the issues and problems by the consumer in the American marketplace.

Cutbacks in consumer programs from the original requests of the former administration cause reason for concern. These cutbacks are an indication that the American consumer is not receiving the attention that he deserves. Cutbacks included an 18-percent cut in funds for the President's Committee on Consumer Interests, a 5-percent cut in meat and poultry inspection programs at a time when the Department of Agriculture was not meeting its responsibilities under the Wholesome Meat Act of 1967, an 18-percent cut in traffic and highway safety funds including grants to States and communities, a 5-percent cut in the Health, Education, and Welfare Department's radiation control program, and a 100-percent cut in the Food and Drug Administration's funds for enforcement of the Fair Packaging and Labeling Act.

The American housewife is becoming more articulate about the problems she faces daily in grocery stores, drugstores, and the large chainstore complexes. She is realizing that to alleviate her difficulties as a captive member of the consumer market she must become organized into a pressure group so that her interests can be protected. Activist consumer groups of low- and middle-class women—black and white—are springing up all over the country and the common denominator that binds these women together is their stand against rising prices and shoddy products. Today, women are refusing to be silent on this issue for they are consistently faced with spending more money and receiving less quality for it. This issue has brought them together in an effort to demand stronger concentrated protection so that the money they spend and the quality they receive are equivalent.

The American housewife who is aware of this need for consumer protection, as are all Americans, has received a great deal of support from Mr. Ralph Nader who has done exhaustive research and studies on the plight of the consumer. He has brought national attention to the extremely high level of 33 percent average fat content found in sausage products and the pumping of water into poultry, perpetrating a fraud of $32 million for all that water.

In addition, Mr. Nader has informed the public of the faulty inspections carried out bv Federal inspectors in meat factories, and he has raised considerable questions as to the efficacy of the Food and Drug Administration with specific reference to the research and evaluation of monosodium glutamate, which was being passed off by industry as a nutritional additive in baby food—and is now no longer used by the major baby food companies.

Aside from the food industry, Mr. Nader has also exposed the growing hazards of railroad safety violations and the negligence in the auto industry. Officials of the National Highway Safety Bureau state that between 15 and 20 percent of the vehicles tested have failed one or more safety standards.

Another problem of the consumer which is of utmost concern is that of buying on credit. The Washington Action for Youth Prospectus discusses the "easy credit terms" that are advertised to lure the consumer into the store. Then through high pitched sales talk, the advertised item is ignored, and the consumer is persuaded to purchased an overpriced, often shoddy item under "easy credit terms" which ignore the small print of the credit agreement. Prof. William Pierce of the Michigan Law School, who has expertise in the field of credit, states that if all lending activities were investigated about 75 percent of the loans extended in this country would be illegal.

These few examples are an indication that the consumer is not being protected. For a long time now, there has been talk about the creation of a consumer department which would address itself to the problems of the American houswife and consumer. However, in spite of much rhetoric, no action has been taken in the past that has adequately and directly responded to those problems.

Representation for the protection of the interests of the consumer is a major issue and their needs must receive the priority that they deserve. One way in which this can be effectively achieved is through the creation of an Office of Consumer Affairs which would concentrate its activities on the many problems faced by the American consumer.

This Office of Consumer Affairs would be established with regard for all matters that affect the consumer and would have the primary responsibility for coordinating and supervising all of those Federal programs and activities that relate to the consumer. Even though the creation of this program has the interests of the American taxpayer at heart, many may take the attitude that this is just another social program that is going to cost large sums of money. In reality, this program will cost very little money, because its primary function will be that of a regulatory agency to protect the consumer.

Too many fragmented efforts have been made in the past with the intent to protect the consumer, but there has never been a specific organization that has had the main task of accountability to the American consumer.

Since consumers are the most important people and the crucial element is the economic growth of our country, it seems to me that the creation of an Office of Consumer Affairs is necessary to help minimize the difficulties and outcries of the American housewife and her family. Action in this area would indicate to the housewife and her family that the Government has finally taken a concrete and viable interest in her problems by responding with the establishment of the Office of Consumer Affairs which would give all consumers the needed relief from the negative practices that have caused much alarm in the area of rising prices, shoddy goods and fraudulent advertising.

STATUS OF PRESIDENT'S NEW MARITIME PROGRAM

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, Maritime Administrator Andrew Gibson recently updated the status of the President's new maritime program in a speech to the Southeastern regional convention of the Propeller Club held in Mobile, Ala.

Mr. Gibson and his men have faithfully carried out President Nixon's campaign promise of presenting a comprehensive plan to save our American Merchant Marine. I only hope that this body will concur with the administration's desires to put this vital link in our American economy back on its feet.

Mr. Gibson's speech follows. I hope all Members will give it careful consideration:

REMARKS BY A. E. GIBSON, MARITIME ADMINISTRATOR, U.S. DEPARTMENT OF COMMERCE, BEFORE SOUTHEASTERN REGIONAL CONVENTION OF THE PROPELLER CLUB OF THE UNITED STATES, MOBILE COUNTRY CLUB, MOBILE, ALA., APRIL 17, 1970

Wherever I have gone in recent months I have been asked about the status and outlook for President Nixon's new maritime program. Since many in this audience may have the same question, let me briefly fill you in.

As you will recall, the enabling legislation, S. 3287 and H.R. 15424, was introduced last December 23rd. In the interim, the House Merchant Marine and Fisheries Committee and the Senate Commerce Subcommittee on the Merchant Marine have concluded extensive hearings on the legislation. During these hearings the reactions and viewpoints of all major segments of the maritime industry—labor and management—were heard.

While some reservations were voiced about certain provisions of the legislation, the general industry reaction was exceedingly favorable. Additionally, members of both the Senate and House Committees—on both sides of the political aisle—have made it clear that they support the President's program and will promote its passage.

Currently, these committees are evaluating the testimony and suggestions received during the hearings. Present indications are that the legislation will be cleared for floor action in the near future. Passage is anticipated by early summer.

The enactment of this legislation, now appropriately called the Merchant Marine Act

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of 1970, will be the most significant legislative achievement affecting the American maritime industry since the passage of the Merchant Marine Act of 1936.

It will chart a course which will restore the United States as a major and viable maritime power. It will ensure that our merchant marine—now threatened with near extinction by the preponderance of obsolete, World War II vintage ships in the fleet—will be one of the most modern and efficient in the world by the end of this decade.

While the President's program has received a good reception in the Congress and the maritime community, it apparently generated some heat abroad.

In a speech last month one of our British friends raised questions as to the necessity or wisdom of the Administration's maritime program.

He contended that the need for such a program has been grossly exaggerated. He also emphasized that our plan to construct 30 ships a year for the next 10 years could seriously over-tonnage U.S.-foreign trade routes. He went on to state that the frequently cited statistic that the U.S.-flag fleet carries only 5.6 percent of the nation's foreign commerce is misleading, since this refers to the percent of the tonnage movement only. He stressed that U.S.-flag ships carry 22 percent by value of our foreign trade.

As to the allegations that our program is unnecessary or too ambitious, I normally would let such remarks go unanswered, since such claims are not only presumptuous, but inaccurate as well. These remarks are viewed by some as a growing effort to persuade the United States to turn away from its determination to rebuild its merchant fleet . . . to abandon, if you will, the advantages of the American developed technological revolution in total transportation systems. I am here to announce *we will not.*

We will no longer be satisfied with our position as a 5th rate maritime power. We will no longer be satisfied with the crumbs that fall from the European ship owners' table.

Actually, the 5.6 percent figure to which our friend referred is magnificent 6.4 percent, and percent tonnage carried is the only bench mark commonly used in comparing the degree of participation of foreign-flag fleets in the carriage of their nation's international commerce.

As a case in point, our friend in the course of his dissertation on our misleading statistics, noted that ships registered in the United Kingdom carry 36 percent of the U.K. seaborne trade, but he failed to translate this 36 percent weight carriage into the comparable percentages for value and amount of liner cargoes carried in U.K. ships.

Keeping in mind our 6.4 percent participation, it is of more than passing interest to note the extent the major foreign-flag fleets participated in their own nation's foreign trade:

	Percent
West Germany	30
Sweden	30
Greece	31
Norway	43
Japan	46
France	48

Now let us trace the trends in U.S.-flag participation in our foreign trade:

In 1950, U.S. oceanborne foreign trade amounted to 117.5 million long tons. In that year 49.7 million tons, or 42.3 percent, were transported in U.S.-flag ships.

In 1960, our foreign trade movement had more than doubled—amounting to 277.9 million tons. But the U.S.-flag movement declined to 31 million tons—equivalent to 11.1 percent.

In 1968, the latest year for which data is available, our foreign trade tonnage topped 418 million tons. But the amount carried in U.S.-flag vessels had skidded to only 26.8 million tons—equivalent to 6.4 percent of the total.

Thus, between 1950 and 1968 U.S.-foreign trade nearly quadrupled—from 117.5 million to 418.3 million tons. But in the same period the tonnage moved in American ships dropped by nearly half—from 49.7 million to 26.8 million tons, and our foreign friend would try to persuade us that this is a healthy condition for the greatest trading nation on earth

Examining the dollar value of U.S.-foreign trade carried in American-flag ships, we find a similar declining trend.

In 1960, the value of our total foreign trade movement amounted to $24.7 billion. American-flag vessels transported 26.4 percent of this cargo. In 1968, our foreign trade had grown to $41.5 billion, but U.S.-flag participation had declined to 21.1 percent.

The foregoing data clearly show that while U.S.-foreign trade has been undergoing sustained impressive growth, the U.S.-flag fleet's participation in this movement has steadily diminished.

Looking to the future we foresee this nation's foreign trade movement topping 620 million tons by the year 1982.

If present trends were allowed to continue unchecked, it is doubtful that our ships would be carrying 3 percent of our trade by the end of this decade. The Nixon Administration has determined that this will not happen. We believe that as long as our nation generates such an enormous international trade volume, we must have a fleet capable of carrying more than a token share of such commerce.

Even today, although most of our shipping statistics are appalling, there is one bright element in the picture. While most major maritime nations overshadow the United States in the size and quality of their break-bulk, tanker and dry bulk fleets, we are number one in container shipping. Our lead in this field is due to the fact that the development of these highly efficient ships was pioneered and perfected in this country. We have no intention of relinquishing this lead, and, of course, this is what has "thrown the cat among the pigeons."

The latest figures available, covering the second quarter of 1969, revealed that U.S.-flag vessels handled 58 percent of the containerized cargo moving in the U.S.-North Atlantic trades and 64 percent of the U.S.-Far East movement, and most of this was accomplished without subsidy.

The foreign-flag lines obviously have no intention of conceding such a large proportion of high revenue cargo to American ships. They are rapidly building up their container fleets. Great Britain, for example, currently has 800,000 tons of containerships under construction or on order. This can quite possibly narrow our lead in free competition. The leaders of the U.S. maritime industry are quite willing to take their chances. However, I am confident that the implementation of President Nixon's program will enable us to retain a prominent position in this field.

Now let me return to the anguished cry that the United States by building 30 ships per year for its registry is going to over-tonnage the world's trade routes. It infers that, although the great majority of our fleet is approaching 25 years of age and the scrap breakers' torches, we are somehow selfish in undertaking a program to modernize and preserve our merchant marine.

I regret that our program may be causing apprehensions in foreign maritime circles. However, it seems to me that the United States is the least likely candidate for the charge of over-populating the world's ocean fleet.

For the past 20 years the deliveries of merchant ships for U.S. registry have been infinitesimal in comparison with other major maritime nations.

Last year, for example, 925 merchant ships totaling 26 million deadweight tons were produced by the world's shipyards. These totals included 449 general cargo vessels aggregating 4 million deadweight tons.

Japan took delivery of 189 ships; Liberia, 95; Norway, 90; the United Kingdom and Russia each took 89.

In terms of general cargo ships, Japan, alone, accounted for 109 vessels; Russia, 66; West Germany, 40; and the U.K., 33.

The U.S.-flag fleet received only 21 new ships, 18 of them general cargo types!

At the beginning of 1969, 2,007 merchant ships were under construction or on order in the world's shipyards. Of this total, 332 were for Russia, 213 for Liberia, 159 for Norway, 153 for the U.K., 144 for Japan, and so on. The U.S. total amounted to a pitiful 57.

To sum up this statistical analysis, annual deliveries to each of the major maritime flags have been running from double to six times our programmed rate of 30 ships per year.

I think you can see, then, why I feel the claim that the President's program will over-tonnage the trade routes is totally unwarranted. The 300 ships we plan to build will be spread over a 10-year period.

In sharp contrast, Japan alone took delivery of 357 ships—210 of them general cargo types—in the 2-year period 1967 and 1968. The U.K. in that same period took delivery of 149.

These ships and the remainder of the 1,758 ships delivered to foreign-flag registry during the 1967–68 period apparently have not contributed to any over-tonnaging problems. I find this quite interesting.

Whatever the reaction abroad, *our ships will be built, because they must be built!* If they are not, then this nation must resign itself to maritime mediocrity.

The President has said emphatically that this nation must be restored as first class maritime power. His program is tailored to meet that objective. The prevailing view is that the Congress will enact enabling legislation within the next several months.

Whatever your political persuasions, I believe all in this audience are encouraged and gratified by the forceful and forthright action President Nixon has taken to restore this nation as a first class maritime power. In contrast to the despair, pessimism and insecurity that prevailed within the maritime industry in the past few years, today there is hope, optimism and confidence. Less than a year and a half ago articles on the American merchant marine resembled obituaries. Today they center on the impending revitalization of a nearly prostrate industry.

Richard Nixon, in his campaign for the Presidency, promised to produce a program to remedy the nation's maritime deficiencies. But, refuting the old adage that campaign promises are worthless, President Nixon in his first year in office fulfilled his promise and transmitted to the Congress a comprehensive plan for rebuilding our fleet and the legislation for implementing it.

The legacy of domestic and international problems that President Nixon inherited comprises a rather extensive inventory.

The problems of honorably extricating our armed forces from Vietnam, and the wide range of domestic ills are readily identified by the general public. Few, however, recognize the magnitude of the maritime problems that had to be solved.

It is generally overlooked that our maritime ills and deficiencies have been progressively more critical in the Sixties.

As a consequence, President Nixon had far fewer options in formulating solutions and a shorter time frame in which to implement remedial measures. Additionally, the cost of building the ships needed to replace our overaged vessels has increased significantly.

Many within the maritime industry, in fact, felt that as a result of previous failures to undertake realistic ship replacement

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schedules, the required levels of federal funding for rebuilding the fleet were now prohibitive. It was, therefore, reasoned that the only way President Nixon could extricate us from our maritime dilemma would be to predicate his program on the construction of the required ships in foreign shipyards.

That would have been an easy, expedient and economically attractive way out.

But the President, as he has demonstrated many times since taking office, is not a man who seeks easy or expedient measures for resolving problems.

He rejected suggestions that the domestic shipyard industry be exempted from our fleet replacement program. Instead, he made our shipyards an integral element in his maritime program.

The President has made it abundantly clear that he expects the shipyards, as well as the ship operators and their respective labor forces, to attain a far higher level of efficiency than has existed in the past.

In his words, the maritime program he unveiled is both a "challenge and opportunity" for all segments of the maritime industry.

Shipbuilders will be required to develop improved methods to reduce construction costs. The present ship construction subsidy, whereby the government pays up to 55 percent of a ship's cost, is programmed to diminish during the next 5 years to a level of 35 percent. To assist the yards to achieve the necessary cost reductions, the Administration has formulated new procurement procedures. The ships to be built will be consolidated in lots of standardized designs and ordered in quantities that will permit the yards to achieve the economies that result from series production. Additionally, the shipyards will be involved in the development of the new designs, permitting them to eliminate unnecessary cost additive features on the drawing board.

The ships to be built will be among the most efficient in the world. We believe that operating subsidies can be eliminated for many of the high-performance containerships and barge and lighter carrying vessels that we will put in service on our North Atlantic and Far East trade routes.

In making a long-term national commitment to vitalize the American merchant marine, the President has also emphasized that labor stability must be improved if we are to attract the cargoes needed to make our fleet profitable. We are confident that both management and labor will establish procedures for resolving their disputes and grievances without resort to costly work stoppages.

In summary, I believe that as a result of President Nixon's leadership, this nation is about to turn the corner and reestablish itself in a meaningful way on the high seas. The favorable impact of our new program will, I am sure, be particularly noticeable to your thriving port and the related maritime interests in this area.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

A SIGNIFICANT WEEK IN HUMAN HISTORY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. EVINS of Tennessee. Mr. Speaker, last week was a significant week in the annals of history—a week which I have described as "the Earth-Space Week of the Age of Aquarius" in my weekly newsletter "Capitol Comments."

Because of the interest of my colleagues and the American people in these significant events, I place my newsletter in the RECORD:

IN THE AGE OF AQUARIUS: A SIGNIFICANT WEEK IN HUMAN HISTORY

This was the week that was something in Washington and around the world—the Earth-Space Week of the Age of Aquarius.

Aquarius, the sign of the Zodiac and the name chosen by the astronauts for their spaceship, is said to be the astrological age of peace, progress, natural beauty and scientific achievement and knowledge. Many astrologers believe we are entering this new era of mankind and certainly there is great progress and scientific achievement—and a universal yearning for peace coupled with a strong desire to preserve our natural environment.

On Capitol Hill Dr. Thomas O. Paine, Administrator of the National Aeronautics and Space Administration; Dr. Werner von Braun, Deputy Administrator of NASA; and astronauts Jim Lovell, Fred Haise and John Swigert briefed the Congress on the Apollo 13 accident and the epic flight of the spacecraft Aquarius which limped through space to a safe splashdown as millions of prayers from around the world reached out to bring these three courageous space sailors home to the planet Earth.

In contrast to attention on space early in the week, a great outpouring of Americans observed Earth Day on Wednesday, demonstrating their concern over the problems and pollution defacing and defiling our cities and countryside on Earth—a spaceship with three billion human passengers who must learn to live together in peace or face terrible consequences.

On the Capitol grounds another historic event occurred as the official Tennessee tree—the tulip poplar—was planted for the first time with appropriate ceremonies. A drizzling rain failed to dampen the event as Tennessee Congressmen paid tribute to Tennessee's first official tree—a tree from Warren County—planted on Capitol Hill. The tree was made available by Mr. and Mrs. Henry Boyd of McMinnville and Warren County who also attended the ceremonies.

Another significant happening in Congress in this unusual week was the filing of a Resolution to initiate impeachment proceedings against Justice William O. Douglas of the United States Supreme Court.

In the Subcommittee on Public Works Appropriations, which your Representative chairs, hearings were conducted on the programs of defense and peacetime uses of atomic energy, including warhead missiles, atomic reactors, raw materials procurement, atomic radiation and problems of the environment. While continuing to safeguard our defense, the Atomic Energy Commission is developing vast programs to use the atom for peaceful purposes—in development of electric power, in controlling pollution, in solving urban problems, and in combatting disease, among others.

The President during the week announced in a nationwide television address his decision to withdraw another 150,000 troops from Vietnam within a year.

And springtime came to Washington.

As the cherry blossoms bloomed in profusion and beauty, the lovely cherry blossom princesses participated in traditional ceremonies and the vanguard of millions of summer tourists visited the Capitol and other historic landmarks in the Nation's Capital.

This was the week that was—a week in which the mysteries and dangers of space shared headlines with problems and progress on Earth: A week in which prayer and scientific achievement and the astrological Age of Aquarius combined to focus attention on the humanity of man and both his problems and achievement.

COMPULSORY UNIONISM FOR POSTAL WORKERS WRONG

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. BURTON of Utah. Mr. Speaker, I am strongly opposed to compulsory unionism, for postal workers or anyone else. An organization should be able to attract membership on the basis of its own merits and standards, and the individual must be protected in his freedom of choice to either join or refrain from joining a union. The following timely editorial on this subject appeared in the Deseret News, Salt Lake City, last week:

[From the Salt Lake City (Utah) Deseret News, Apr. 22, 1970]

POSTAL UNIONISM WON'T SPEED UP THE MAILS

As the House Post Office Committee opens hearings this week on President Nixon's plan to set up a new U.S. Postal Service, it needs to keep in mind that the cure must be better than the disease.

That the Post Office Department is long overdue for reform is well documented. Letters mailed to an address fewer than 100 steps away take days to deliver; newspapers and magazines too often arrive days and even weeks after publication date; and packages are often bruised or broken.

In fact, says one postal official, "Airmail was the last major innovation in the Post Office Department, and that was 52 years ago."

One area of postal reform which has aroused considerable concern is the drive to deny postal workers protection against compulsory unionism.

Postmaster General Winton Blount raised a storm of criticism last year when he suggested that the originally-proposed postal corporation be unionized. And he has declared that one of the four essentials for true postal reform is collective bargaining between postal management and employees to determine wages.

Not only that, a provision in House Resolution 4, the combination postal reform and pay raise bill, includes compulsory unionism. The bill includes an 8 per cent increase in wages for postal workers in addition to the 6 per cent already granted to all government workers.

Certainly the Post Office Department must be removed from politics if it is to allow for continuity of management. And it must drastically update its method of mail distribution by better methods and modern machinery.

But no one has yet proved that taking away a government worker's right to either join a union or refrain without coercion will improve his efficiency and make the Post Office Department run smoother.

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HORTON CITES WASHINGTON POST ARTICLE ON INCREASING SALE OF GOVERNMENT MAILING LISTS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HORTON. Mr. Speaker, over the past 2 months I have had a considerable amount of correspondence about the policy of Federal agencies regarding the sale of mailing lists. I have conducted an extensive study of this matter and am drafting legislation which will close what I feel is a gap in the Freedom of Information Act.

I feel that this act, aimed at providing the public with access to public records and decisions, is being used as license by some organizations to infringe on the individual's right of privacy.

This problem was spelled out clearly in an article this morning in the Washington Post by Jan Nugent Pearce. Mrs. Pearce points out the problem in a nutshell: There is no Government policy on this question. Agencies releasing and withholding such mailing lists are both citing the Freedom of Information Act as their legislative justification.

I strongly urge my colleagues to read this article:

[From the Washington Post, Apr. 27, 1970]

UNCLE SAM PUTS MANY CITIZENS ON JUNK MAILING LISTS

(By Jan Nugent Pearce)

If you have ever wondered just where the deluge of junk mail you receive every week originates, you are probably overlooking one likely source.

Uncle Sam.

Unknown to many citizens, government agencies have been engaged for some time in the practice of selling mailing lists to anyone who can pay for them.

Naturally, most of the purchasers are companies that will use the names for direct mail advertising.

The Federal Aviation Administration, the Federal Communications Commission, the Internal Revenue Service and the Post Office Department are usually cited as the most active sellers.

Recently, Capitol Hill legislators have criticized the practice as a government-assisted invasion of the privacy of millions of Americans.

Rep. J. Edward Burke (R., Fla.) recently introduced legislation to ban all federal agencies from selling mailing lists. Rep. Frank Horton (R., N.Y.), after a confrontation with the Internal Revenue Service on the issue, will soon introduce his own bill to limit these sales.

And at the weekend, Sen. Jacob Javits (R-N.Y.) asked President Nixon to issue an executive order to halt the practice.

In a letter to the President, Javits suggested that names gathered for agencies' internal purposes should not be offered in mailing lists to be used for selling merchandise.

There is presently no governmentwide policy. Some agencies provide the data routinely and others do not. All, interestingly enough, cite the same statute, the Freedom of Information Act, as the basis for their position.

Sen. Javits and Rep. Horton contend that law should not be used to sanction a practice that amounts to an invasion of privacy for the purpose of aiding direct mail advertising.

Here are some examples of information available from various government agencies:

The Federal Communications Commission retains another organization to fulfill requests for information from its large data bank. Among the data routinely offered are the names and addresses of thousands of ham radio licensees at a cost of $55 per computer tape. FCC says it has no idea how many of these have been sold, since all requests are handled by the contracting firm.

The Federal Aviation Administration offers a list of names and addresses of about 680,000 licensed pilots at $678 for the computer printout or $40 for each of the five computer tape reels. During fiscal 1969, FAA received $4,500 from these sales. Among the purchasers were several aircraft companies, Eastman Kodak, Redbook Co., the Board of Tax Assessors in Albany, N.Y. and the Los Angeles Times-Mirror.

The Post Office Department here contends it sells no mailing lists. It routinely provides two services for direct mailing firms: an address correction service at 5 cents per name, and a free "sequencing" service to arrange large third-class mailing in correct order for its carrier routes.

The Post Office Department also fills requests at $1 each, for the new address of any person who has filed a change of address form with his local post office.

Capitol Hill critics contend that some of the 33,000 subcontracting stations make lists of delivery routes available to mailers. A Post Office spokesman here said this was a possibility, but contended "it is not a general practice."

The Internal Revenue Service until recently sold a list of 140,000 names and addresses of licensed gun dealers and collectors for about $140. The agency deleted the names of individual collectors (after making 42 sales) and after receiving a barrage of criticism from Capitol Hill. Among the purchasers were numerous sporting goods companies and a group called Citizens Against Tydings. (Sen. Joseph Tydings has supported stringent gun control legislation.)

The U.S. Coast Guard provides boat registrations for New Hampshire, Washington, Alaska, the District of Columbia and Guam.

Rep. Horton's interest stems from a constituent's complaint that he had received sales solicitations from firearms' companies after registering with IRS.

The New York Congressman noted that the sale of 60 IRS lists could produce 8.6 million pieces of bulk mail if each of the licensees were solicited.

Several agencies routinely offer names and addresses of companies they regulate or issue contracts to. But authorities tend to believe the invasion of privacy factor is minimal here.

Some departments, such as Commerce and Defense, flatly refuse to provide any names and addresses of individuals from their files.

All of the agencies that engage in the practice emphasize that their charges are not "sales" as such, but fees to cover their labor and materials' costs.

Probably the most productive government originators of unsolicited mail are the 50 state motor vehicle departments, all of which routinely pick up some revenue by selling their list of motor vehicle owner registrations. Since these sales are governed by state law, the procedures vary.

Congressman Burke puts the federal issue this way:

"When a citizen must provide information to his government he should not, as a result, subject himself to harassment and solicitation by private concerns using this government-collected data."

ACLU—POLLUTERS OF RELIGIOUS LIBERTY, HONOR, AND DUTY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. RARICK. Mr. Speaker, individual liberty and rule by majority can only be tolerated by that mercenary band of controversials who call themselves the American Civil Liberties Union, so long as it meets their test of conscience.

This is the same ACLU that used its financial wealth to deny prayer—even the right of children in Netcong, N.J., to read prayers from the CONGRESSIONAL RECORD. But their record is barren on pornography, sex, and subversion being mandatorily taught in the same school. If God were spelled with four letters—the ACLU might then defend prayer as free speech.

The latest hangup and power display of the ACLU is its effort to prohibit religious services as part of military training to our cadets at the Naval Academy at Annapolis. Anything American, traditional, or moral is a challenge for destructive exploitation by the ACLU.

The smog and air pollution in the United States are traceable by many to the ACLU—an organization financed from tax free wealth. In 50 years it has developed a despicable record of antiliberty, antitruth, and denial of the Christian heritage and traditions of our Nation.

Has anyone ever heard of the ACLU using its hired talents and inexhaustive wealth to do anything to preserve the Constitution or conserve the peace?

Any cadet who would permit himself to be exploited as a ploy by the nefarious ACLU organization, against the honor of his appointment is unfit to be an officer and gentleman in the service of his country.

As stated in the U.S. Naval Academy Catalog:

> Our country was founded on religious principles, cherished by all faiths, which are the foundations of our ideals of freedom and responsibility. Because we are "one nation, under God," it is most appropriate that the midshipmen who will some day become the leaders of our Navy should regularly attend Divine Worship Services.

Every young man who makes application to attend the Naval Academy has read the catalog and is aware of the curriculum. Surely, if he does not agree with the activities as set forth, no one objects. He merely does not apply for admission to a school that offers a curriculum with which he disagrees. However, if he does elect to abide by its curriculum and is fortunate enough to be accepted for enrollment, then should, during the course of his training, he decide he cannot conform to the requirements, he needs only resign. No one will force him to stay and participate in an activity he does not believe in. If he cannot fulfill the requirements of the discipline as set forth, then indeed he cannot fulfill the requirements

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of leadership of our American men in our U.S. Navy.

There are thousands of young men who seek appointment to our Naval Academy each year who would and who could uphold the traditions and the ideals upon which the Academy was founded. Since the number of appointments is limited and many of those qualified young men are denied the privilege of attending, surely those who are being exploited by the ACLU are not worthy of the responsibilities placed upon them.

There is no room in any of our military academies for atheists.

I include the recent news articles discussing the attack on our U.S. Naval Academy, as follows:

[From the Washington (D.C.) Sunday Star, Apr. 26, 1970]

ACADEMY TRADITION: CHAPEL RULE FACES JUDGE

(By Lance Gay)

Under the weather-beaten green copper dome of the U.S. Navy Academy chapel, two midshipmen stopped to talk to a reporter about the pending suit challenging compulsory chapel services at the institution.

As they stood on the red carpet in the nave of the chapel on that warm spring day, they could see the altar before them, and behind it, a stained glass window depicting Christ walking on the water.

And above the altar, carved into the stone, the inscription:

"Eternal Father, Strong to Save . . ."

It is the opening line of the Navy Hymn.

"Ever since man has gone down to the sea in ships, I guess he'd felt the need to clear it first with God," one of the middies commented. "I think that's what's at stake here."

He referred to the suit which has been brought by six middies at the Navy Academy and one West Point cadet challenging the requirement at Annapolis, West Point and Colorado Springs that future officers take compulsory Sunday religious services as part of their training.

IN COURT TOMORROW

Tomorrow, the suit will be brought before Judge Howard Corcoran of the U.S. District Court here for resolution.

The suit, drafted by the American Civil Liberties Union, was filed here on Jan. 20. The contention of the plaintiffs is that compulsory chapel violates the constitutional guarantees of separation of church and state and freedom of religion.

The government—specifically the secretaries of the three services and the secretary of defense—have argued the requirement is part of the necessary moral and character development aspects of military officer training.

Chapel on Sunday morning has been as much a part of life at the Academy since 1845 as Wednesday dress parades and Saturday football games.

CHALLENGED ON TWO SIDES

But, like other academy requirements which are steeped in tradition, compulsory church attendance has been challenged both inside and outside the school for years.

According to the U.S. Naval Academy catalogue, spiritual training is necessary "to produce an appreciation in its graduates of the spiritual and moral dimensions of military leadership."

". . . An awareness of these varying needs for assistance in time of stress and danger is an essential dimension of effective officership."

Lawrence Speiser, director of the Washington office of the ACLU, commented that "that's an argument in favor of a comparative religion course, not compulsory chapel."

Speiser said he was "surprised at the fanaticism" with which the services have defended this tradition. He said that attorneys had written letters to the military requesting a relaxation of the requirement, but that they flatly refused.

Following four days of hearings in early February, Judge Corcoran ruled that he was satisfied the defendants had exhausted administrative procedures for relief from the regulations before they petitioned the court.

Speiser also said that suits had been filed to enjoin the services from taking "punitive action" against the plaintiffs. Late in January, two judges on the U.S. Court of Appeals—David Bazelon and Spottswood Robinson—issued the order enjoining the service academies after District Court Judge Matthew McGuire had turned down a request for such an order.

Under the present rules, trainees at the academies are required to attend religious services on Sunday morning. A Catholic mass and a Protestant service are held on the academy grounds, and other churches in the Annapolis area provide services for those who wish to worship with a particular denomination.

"But the regulations are clear that you can't change services. If you want to look at other services, you have to change religions," Speiser commented.

Jewish middies also are required to go to Sunday services. Should they wish to celebrate sabbath on Saturday at an area synagogue, they have to do so on their own time and have to attend religious services on Sunday in addition.

In the academy's chapel, above the tomb of John Paul Jones, one of the two middies pointed out the history of parts of the church.

"What would happen if chapel weren't required? I think you'll see a half-empty chapel Sundays."

Does he think that the requirement will be abolished?

"Yes," he replied.

DOMESTIC TRAVEL AND TOURISM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. PEPPER. Mr. Speaker, today with the passage of H.R. 14714 this body has taken another step toward encouraging travel and tourism within the United States. I am pleased that this Congress has recognized the need for such a measure. I hope that we will continue to meet this need by enacting more comprehensive legislation in this field. Accordingly, I commend to my colleagues H.R. 14685, which amends the International Travel Act of 1961 for the purpose of promoting travel to the United States.

Travel and tourism affects the economic and social well-being of every part of this Nation. We are well aware that American tourist spending abroad causes a steady drain on the U.S. dollar. The National Park Service can alleviate this economic problem by promoting America to Americans and making us aware of our own great resources.

Travel promotion is only the first step toward increased domestic tourism. Legislation must be enacted to enhance and upgrade our present tourist attractions. Beaches, State parks, and camping sites must be made more attractive for travelers. Recreational areas must be improved through better staffed and better equipped facilities, and places of historic interest should be maintained. We will have to answer all these needs if we are to successfully meet the challenges of competing foreign vacation lands.

LEGISLATION TO ESTABLISH A NATIONAL BANK FOR COOPERATIVE HOUSING

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. FARBSTEIN. Mr. Speaker, on Thursday I introduced H.R. 17205, the National Cooperative Housing Act, to provide low-cost financing for low- and moderate-income cooperative housing. The bill would subsidize interest rates through the establishment of a national bank for cooperative housing.

High interest rates are driving all but the very richest and the very poorest out of the central cities. This legislation is meant to make the cities again economically inhabitable to low- and middle-income families.

There are currently around 40,000 New York families in cooperative housing who face the prospect of being priced out of their dwellings because of high interest rates. These are largely families living in local government-financed Mitchell-Lama cooperatives which have yet to obtain permanent financing.

Mitchell-Lama is an excellent program which, by utilizing city and State borrowing authority in the State of New York, has gone a long way toward making cooperative living available to many who otherwise would be unable to afford to live in the city. But the program cannot mask the adverse effects of high interest rates.

Many of the Mitchell-Lama co-ops were planned when interest rates were far lower than they are today. The families living in these co-ops thus face the prospect of having to take responsibility for a 40-year mortgage which will cost much more than it would just a few years ago. To the individual cooperator, each 1 percent increase in mortgage rates roughly translates into $4 per room per month in additional costs. This does not include other rising expenses such as repairs and maintenance, which go up as salaries and prices rise. The ultimate cost of this as well as the interest rates must be borne by the individual cooperator.

This legislation would enable residents of lower- and middle-income cooperative projects to be able to remain financially and, at the same time would permit construction of additional cooperative housing for low- and moderate-income families. It would benefit Mitchell-Lama financed cooperatives in New York and similar city and State programs in other cities. It, of course, would also apply to privately financed cooperative housing.

The national cooperative bank established by this legislation would subsidize mortgage interest rates on both tempo-

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rary and permanent financing down to 4 percent. It would be authorized to take over permanent financing for housing receiving temporary financing through a municipal or State program.

Eligibility would extend to all families who because of high interest rates could not otherwise afford cooperative housing in today's market. The bank's $1 billion in capitalization would come from the Federal Reserve System. Any co-op built after 1959 would be eligible to receive assistance.

I am most pleased at the initial reactions I have been receiving to this legislation. I believe it fits in well with legislation introduced by Congressman WRIGHT PATMAN, chairman of the Banking and Currency Committee to establish a development bank for housing and expands its coverage.

While rent control makes it possible for low- and moderate-income families to afford to live in existing rental housing in New York City, cooperative housing is the only way they can afford to own their own residences. We must save the co-op; for it offers the only way we are going to be able to keep the moderate-income family in the city.

The text of the bill follows:

H.R. 17205

A bill to establish a National Bank for Cooperative Housing to aid in financing the purchase and construction of low and middle income cooperative housing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Short title

This Act may be cited as the "National Cooperative Housing Act".

§ 2. Findings and purpose

(a) The Congress finds that there is a vital need for the continuing construction and development of cooperative housing for low and middle income families, as a significant element of the new and expanded housing programs which are necessary to meet expected future increases in housing demands and an important part of the persistent effort which must be made in order to assure that all Americans live in decent, safe, and sanitary housing.

(b) The Congress accordingly declares that it is the policy of the United States and the purpose of this Act to establish a National Bank for Cooperative Housing in order to provide assurances to private and public housing developers that a continual supply of public funds is being and will be made available, at reasonably level rates during periods of high as well as low interest, to encourage the building of low and middle income cooperative housing.

(c) It is the further purpose of this Act to provide a model financing system which might be adopted by States and localities in encouraging low and middle income cooperative housing construction.

§ 3. Definitions

(1) The term "cooperative housing" means housing of the types described in paragraphs (1) and (2) of section 213(a) of the National Housing Act (including housing financed under a State or local program providing assistance through loans, loan insurance, or tax abatements), and any other housing which is treated under applicable State or local law as cooperative housing.

(2) The term "low and middle income" shall have the meaning given it by or under applicable State law (or by or under applicable local law so long as it is not inconsistent with applicable State law); except that (A) in no case shall such term include any family or person whose income is more than 150 per centum of the average per-family or per-capita income of all the residents of the State, and (B) if there is no such applicable State or local law with respect to any particular housing in any State, such term shall have (with respect to such housing) the meaning given it by the Secretary of Housing and Urban Development using the criteria which are applied in determining whether families qualify for occupancy of dwellings supplied under the low- and moderate-income rental and homeownership programs of the National Housing Act.

(3) The term "effective interest rate" means the total amounts paid on a loan for interest, commissions, bonuses, discounts, premiums, or other similar charges.

§ 4. Establishment

There is created a body corporate to be known as the National Bank for Cooperative Housing (referred to in this Act as the Bank). No loan may be made by the Bank unless the borrower is unable to obtain funds on reasonable terms from other sources.

§ 5. Board of Directors

The management of the Bank shall be vested in a Board of Directors consisting of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Labor, and ten other persons who shall be appointed by the President with the advice and consent of the Senate. Of the ten persons so appointed, one shall be an elected or an appointed official of a State government, and one shall be an elected or appointed official of a local government. All of the other persons so appointed shall be from the private sector. Two shall be from among representatives of organized labor, two from among representatives of business and finance, and four from among representatives of organizations dealing with the problems of low-income families. The terms of directors appointed by the President shall be two years, commencing with the date of enactment of this Act. Any director appointed to fill a vacancy shall be appointed only for the unexpired portion of the term. Any director may continue to serve as such after the expiration of the term for which he was appointed until his successor has been appointed and has qualified.

§ 6. Appointment of officers and employees

The Board of Directors of the Bank shall appoint a president of the Bank and such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the board except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the Bank. No officer of the Bank shall receive any salary or other remuneration from any source other than the Bank during the period of his employment by the Bank.

§ 7. Conflict of interest

(a) No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberations upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(b) The Bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties, nor shall the directors, officers, employees, or agents of the Bank in any way use their connection with the Bank for the purpose of influencing the outcome of any election.

§ 8. General corporate powers

Except to the extent inconsistent with the provisions of this Act, the Bank shall have the general corporate powers of a corporation organized and existing under the laws of the District of Columbia.

§ 9. Principal office; branches

The principal office of the Bank shall be located in the District of Columbia, and it may establish agencies or branch offices in any city of the United States.

§ 10. Capital stock

(a) The Bank shall have capital stock of $1,000,000,000, subscribed by the United States payment for which shall be subject to call in whole or in part by the Board of Directors.

(b) The Secretary of the Treasury is authorized to, and upon request of the Board of Directors shall, purchase stock in amounts designated by the Board of Directors up to a total of $1,000,000,000.

§ 11. Borrowing authority

(a) The Bank may issue notes, debentures, bonds, and other evidences of indebtedness in such amounts and on such terms and conditions as the Bank may determine subject to the limitations prescribed in this Act.

(b) The aggregate outstanding indebtedness of the Bank under this section at any time may not exceed twenty times the paid-in capital stock of the Bank at that time.

(c) The obligations of the Bank under this section shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guarantee shall be expressed on the face thereof.

(d) In the event that the Bank is unable to pay upon demand, when due, any obligation under this section, the Secretary of the Treasury shall pay the amount thereof and thereupon to the extent of the amount so paid by the Secretary of the Treasury shall succeed to all the rights of the holder of the obligations.

§ 12. Purchase of assets by Treasury

The Secretary of the Treasury is authorized to purchase from the Bank any asset of the Bank at such price as may be agreed upon between the Secretary and the Bank.

§ 13. Discount by Federal Reserve banks

(a) The several Federal Reserve banks are authorized to purchase or discount any note, debenture, bond, or other obligation, secured or unsecured, held by the Bank.

(b) Obligations of the Bank are eligible for purchase by the Federal Reserve Open Market Committee.

§ 14. Investment status of obligations of Bank

All obligations issued by the Bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer or officers thereof.

§ 15. Function of Bank; loans for low- and middle-income cooperative housing

It shall be the function of the Bank to make and guarantee loans for the purchase or construction of low- and middle-income cooperative housing.

§ 16. Direct loans

(a) The Bank may make direct loans (1) to State and local governments, public agencies, nonprofit private organizations, corporations, companies, partnerships, and individuals for the purchase of low- and middle-

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income cooperative housing constructed after 1959, and (2) to developers, contractors, subcontractors, and other persons to finance the construction of low- and middle-income cooperative housing. Except as specifically provided in or under this Act (and, in the case of loans insured or guaranteed under other Federal programs, in or under the law governing such programs), such loans shall be made by the Bank on such terms and conditions as it may determine to be necessary or appropriate to carry out the purposes of this Act.

(b) The Bank may make loans as described in subsection (a) under the insured and guaranteed loan programs of the Department of Housing and Urban Development (including the military housing programs under sections 809 and 810 of the National Housing Act), the Veterans' Administration, and the Farmers Home Administration in the Department of Agriculture.

(c) Loans made by the Bank under this section shall have maturities not exceeding 50 years (or 10 years in the case of loans for temporary financing); shall be secured in such manner as the Bank may determine; and shall bear interest at an effective interest rate not exceeding 4½ per centum per annum or the discount rate of the Federal Reserve System, whichever is lower, or such lesser rate as may be established by the Board of Directors of the Bank.

§ 17. Guaranteed loans

The Bank may fully guarantee the entire principal of any loan made by any bank, savings bank, trust company, building and loan or savings and loan association, insurance company, mortgage loan company, or credit union, but only upon a determination that—

(1) such loan will assist in carrying out the purposes of this Act;

(2) such loan has a maturity not exceeding 50 years (or 10 years in the case of a loan for temporary financing);

(3) the effective interest rate in the case of a Federally insured and guaranteed housing loan does not exceed the maximum permanent interest rate ceiling established by law for such a loan or the temporary rate set for such a loan by the Secretary of Housing and Urban Development, the Administrator of the Veterans' Affairs, or the Secretary of Agriculture, whichever is applicable;

(4) the effective interest rate in the case of any other loan does not exceed 4 per centum per annum or the Federal Reserve discount rate, whichever is lower, or a lesser rate established by the Board of Directors of the Bank; and

(5) such loan meets such other conditions and requirements as the Bank may determine to be necessary or appropriate.

§ 18. Technical and other assistance

The Bank may provide to recipients of loans or loan guarantees under this Act whatever assistance, technical or otherwise, it considers necessary to protect its investment and to carry out the purposes of this Act.

§ 19. Taxable status

The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

§ 20. Audit by General Accounting Office

The General Accounting Office shall audit the financial transactions of the Bank, and for this purpose shall have access to all its books, records, and accounts.

§ 21. Authorization of appropriations

(a) There is hereby authorized to be appropriated, to remain available without fiscal year limitation, the sum of $1,000,000,000 for subscription to the capital stock of the Bank.

(b) There are authorized to be appropriated such sums as many be necessary to pay the difference, if any, between the interest paid by the Bank on its obligations and interest received by the Bank on its loans, and to reimburse the capital of the Bank to the extent of any defaults.

(c) There are authorized to be appropriated such sums as may be necessary for payment of $125 a day to members of the Board of Directors of the Bank for each day they are engaged in the performance of their duties to the Bank together with such sums required for travel expenses by members of the Board of Directors of the Bank when the performance of their duties requires them to be away from home.

PEANUT ACREAGE ALLOTMENTS

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. ABBITT. Mr. Speaker, I have introduced a bill which would make permanent the present authorization for lease, sale, and transfer of peanut acreage allotments. The present authorization ends this year and it is my feeling that permanent legislation covering this subject is most desirable.

Many peanut acreage allotments are small and the opportunity to lease, sell, and transfer allotments is particularly helpful to small farmers. It also achieves more efficient production by permitting consolidation of uneconomic small allotments and, as far as I know, the administration of the temporary authorization has run very well.

The Department of Agriculture in the past has expressed some hesitation to approve permanent authority, but now indications are that Department officials feel that the temporary authority is working well and I feel that they will give the green light to providing a permanent authorization. I believe that it is in the best interest of the Department, the growers, and all other segments of the industry that this legislation be made permanent.

The temporary authority has been used to a considerable extent. In the 1968 crop year there were 10,700 transfers from farms throughout the country and in 1969 there were 14,236. There are approximately 86,000 peanut allotments in the United States, but many of these are small.

We in Virginia are particularly interested in this proposal for permanent legislation as the authority for transfers has been most helpful. We had 227 transfers in the 1968 crop year and 321 in 1969, but the potential is great for even broader use of this provision. We have in Virginia, according to latest figures, 751 peanut allotments of 3 acres or less; 733 from 3 to 5 acres; 853 of from 5 to 7.5 acres; and 739 of from 7.6 to 10 acres. In all, we have 6,246 peanut allotments in our State.

Other States have reported similar interest in this legislation, including North Carolina where there were 1,172 transfers in 1968 and 1,608 in 1969.

I hope that the Department's report on this bill can be secured forthwith and I urge the speedy enactment of the permanent authority.

MEDIA AND DRUGS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. CONABLE. Mr. Speaker, one of the most critical problems our Nation faces today—the increasing use of drugs and narcotics by our youth—is being emphasized strongly by President Nixon and members of his administration.

The President's recent suggestion that the broadcasting industry make a concerted effort to combat the spread of drug usage is an excellent one, which hopefully will be put into effect as soon as possible.

A recent editorial from the Christian Science Monitor discusses the President's suggestion, and specific ways of implementing it which were set forth by Herbert G. Klein, the President's Director of Communications. I commend this editorial to the attention of my colleagues, and urge their support of this very worthwhile proposal:

[From the Christian Science Monitor,
Apr. 13, 1970]

MEDIA AND DRUGS

President Nixon has asked the nation's radio and television broadcasters to use their tremendous influence to halt the drug trend. One cannot commend this suggestion highly enough.

For their part, the broadcasters seem ready for the suggestion. During the week at the convention of the National Association of Broadcasters in Chicago, they had themselves in many sessions stressed the timeliness and need of a strong antidrug posture.

Specific suggestions of what radio and TV could do were first raised a couple of days earlier in Chicago by Herbert G. Klein, the administration's director of communications. Among them:

Spot announcements like those the networks, and local stations have aired to fight cigarette smoking.

A series "in which the narcotics problem could be covered just as well as any other illness."

Of course, the most effective way for the broadcast media to mount an offensive against drugs is not simply through ads and situation programs, though these could be useful. It is rather by persistent, thorough scrutiny of the drug scene in news and documentary coverage. Nothing will more quickly bring what some experts are calling a drug epidemic under control than to expose the

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illusiveness of the euphoria which drugs promise, and the often tragic consequences of giving them a try.

Actually, there already is something of a counteroffensive against drugs going on at the moment. Many school systems around the United States are having former addicts—often still of school age themselves—talk to gatherings of youngsters. The printed media have been exploring the impulse behind the so-called drug culture in America and abroad as well as recording the new monthly estimates of how many drug users there are. This is all helpful.

But the counteroffensive must be as broad as possible and as intense. There persists a tendency—in the media as well as without—to make light of drugs. Drugtaking is often depicted as naughty. Whereas it is in fact insidious.

The administration and the broadcast media have had their differences lately. But they certainly can find common ground in a strong effort to shut off the drug craze.

THE ROUTE TO FOREIGN POLICY

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. CRAMER. Mr. Speaker, President Nixon's skillful handling of foreign policy is being recognized widely, but perhaps not so well known is the carefully constructed method by which he reaches a foreign policy decision.

A recent editorial in the Miami Herald points out that the President's State of the World Message contained a detailed description of the National Security Council and its use, which enables the President "to make sure that he gets the best advice available and a range of choices for action."

Especially significant is the emphasis placed on long-range planning; in the President's words:

> The overriding objective of every policy review undertaken, is to clarify our view of where we want to be in the next three to five years.

I insert this editorial in the RECORD:

[From the Miami Herald, Apr. 20, 1970]

THE ROUTE TO FOREIGN POLICY

Reassuring to Americans is a little-noticed section of President Nixon's 1970 State of the World message to Congress. His description of the National Security Council system discloses how he arrives at decisions on foreign policy.

Like a blueprint, the statement isn't racy reading. Still, it adds up to a heartening picture of the structure devised by Mr. Nixon himself to make sure that he gets the best advice available and a range of choices for action.

"I have long believed that the most pressing issues are not necessarily the most fundamental ones," the President said. "We know that an effective American policy requires clarity of purpose for the future as well as a procedure for dealing with the present. We do not want to exhaust ourselves managing crises; our basic goal is to shape the future."

That is why he invested pre-inaugural time in revising the security council setup. Previous Presidents had used this machinery according to their own lights. In some cases the council fell into disuse when a President chose to consult advisers informally. At other times, underlings were expected to compromise their differences and turn out recommendations based on a consensus.

Mr. Nixon's approach is quite different:

"I do not believe that Presidential leadership consists merely in ratifying a consensus reached among departments and agencies . . . Differences of view are identified and defended, rather than muted or buried."

He asks for and gets distinct alternatives, with their pros and cons, implications and costs. Then, finally, he himself makes the judgment, and puts it in writing so that all departments can know the policy and do their part in implementing it.

The council, made up of the President, Vice President, secretaries of State and Defense and the director of the Office of Emergency Preparedness, met 37 times last year. Each session drew on exhaustive reviews by interagency support groups.

Foreign policy is Mr. Nixon's strong point, and his technique for handling it reflects the high priority he accords it.

His most meaningful remark in this report, we think, is: "The mandate I have given to the National Security Council system, and the overriding objective of every policy review undertaken, is to clarify our view of where we want to be in the next three to five years. Only then can we ask, and answer, the question of how to proceed."

Looking ahead puts each day in a clearer perspective.

STRIKERS AREN'T "TEACHERS"

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. MICHEL. Mr. Speaker, the question of whether or not schoolteachers should have the right to strike has been a subject of wide public debate and we have heard from the teachers, parents, school officials, teacher union officers—just about everyone but the students themselves.

In that regard, I noticed a letter to the editor of the Minneapolis Tribune on April 21, 1970, from Mr. Charles Varone, a student at North High School in Minneapolis, Minn., in which he makes some thought-provoking observations about the lessons which he learned from a strike at his school.

I insert the article in the RECORD at this point:

STRIKERS AREN'T "TEACHERS"

To the EDITOR:

I saw teachers walking around the schools carrying picket signs. My first reaction was, "Hurray, no school." Then I got to thinking that these were not teachers. Teachers are people who teach others. These people were stopping us from what we came to school for, an education. Many of these so-called "teachers" took away records, books, attendance charts, locked up books and maps, and did anything to make it impossible for anyone to teach. They did everything to stop our education so that they could get more money.

Teachers set examples to youth by what they do. From these examples youth can learn four very important lessons:

1. Youth has the right to education, but teachers show that if you want something, regardless of other people's rights, get it.

2. Well, if teachers are going to do anything, including breaking the law, for money, then money must be the most important thing on earth.

3. If teachers break the laws, then laws can't be very important.

4. If the law is nothing, then what makes the law can't be much. The United States is nothing.

Do they know what they are doing? Maybe they don't care. Maybe teachers deserve more money, but they have not the right to do what they are doing.

INTER-AMERICAN PARTNERSHIP

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. MAILLIARD. Mr. Speaker, as we enter the new decade, the growing interdependence which exists among the nations of the Western Hemisphere emphasizes the need for a strengthened inter-American partnership. If that partnership is to grow, development in our sister republics to the south must be accelerated. When President Nixon set forth his "Action for Progress" policy for Latin America, he stressed the importance of private foreign investment as an indispensable tool of development. Last week in Buenos Aires, Argentina, the Honorable Maurice H. Stans, U.S. Secretary of Commerce, further delineated the roles of trade and investment in the development process.

Secretary Stans' remarks made before the joint meeting of the United States-Argentine Chambers of Commerce follows:

It is indeed a pleasure and a privilege to meet with the business and government leaders of Argentina.

My visit has a single purpose. I come to help carry out one of the fundamental requirements of President Nixon's new Action for Progress policy for the Western Hemisphere.

That requirement is to establish a new sense of community among our countries through close personal ties and continuing communication.

I have come in a spirit of partnership:

To explore new, concrete ways of working together in the achievement of common objectives;

To discuss matters of mutual interest involving travel, trade, investment, and technology exchange; and

To assure you that the principle of "prior consultation" will be strictly adhered to by my government in all matters involving your country's vital interests.

UNDERSTANDING PROBLEMS

On this trip, I also seek a better understanding of the problems involving our two countries so that we may find solutions through close cooperation.

At the same time, I am here to ask your understanding of the changing circumstances of world trade and investment. Today no single country any longer dominates world trade. Competition between the United States, Japan and the Common Market quickens as technology and manufacturing capabilities are more evenly distributed throughout the world. Most trading countries have preoccupations with trade imbalances, balance of payments problems and rising demands for protection from local industries whether they be situated in developed or lesser developed countries. These are problems which affect all our economies, our industries, our working men and women.

Our goal, like yours, is freer trade among all nations as the surest road to economic

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progress for all. Certainly we strongly oppose as bad economics and damaging to international amity, the division of the world into hostile trading blocs, ready to engage in trade war. No one would win, and we should surely all lose.

But as we consider our problems and seek your understanding of them, we can assure you in a spirit of partnership that we will keep our commitments to Latin America. We can and will go forward together.

OUR ASSETS

In this Hemisphere, there is an enormous reservoir of material resources, public and private.

There is the greatest accumulation of capital in the world, searching constantly for development opportunities.

There is a limitless storehouse of scientific and technical knowledge which we are adding to every day and which accompanies capital wherever it goes.

There are vast mineral resources that stretch from the frozen Arctic to the windswept Straits of Magellan.

There are untapped agricultural and forest resources that are unrivalled anywhere.

There is a growing transportation and communications network that one day will link every hamlet in the Hemisphere.

There are the grandest, the most beautiful, the most scenic land and seashores on the face of the globe.

Above all, there are the human resources: individualistic, energetic peoples whose pride and love of liberty assure the forward thrust of social and economic progress indefinitely in the future.

Working together, we can utilize these resources to improve the quality of life for all.

PRESIDENT'S PROGRAM

To further our common aims, President Nixon has undertaken new initiatives and commitments, with the principle of "shared responsibility" underlying his entire program. It is a broad-based, inclusive program, touching every facet of economic development.

For example, in his recommendations for our government's fiscal year 1971 budget, the President has included a contingency account of $540 million for international financial institution, a substantial part of which would be for the Inter-American Development Bank. He also has requested $556 million in AID funds for the Western Hemisphere, an increase of 20 percent over the 1970 appropriation levels.

I am especially happy that under the President's program the four areas which hold the greatest promise for the progress of Latin America happen to fall within my jurisdiction. They are trade expansion, promotion of tourism, the sharing of science and technology, and foreign direct investment.

TRADE EXPANSION

In trade expansion, our basic goal is to widen the markets for the goods of working people everywhere, and to better utilize the world's resources for the benefit of all.

We in the U.S. have a vital interest in a three-way expansion of Latin American trade:

Increased two-way trade between my country and Latin America;

Increased trade between Latin America and other countries of the world; and

Increased trade among the Latin American countries themselves.

All are important to the economic progress and development of the Hemisphere and the entire Free World.

For this reason, we are taking positive steps to work with all Latin American nations to expand their trade, expand their export earnings, as one means of supporting their internal economic development.

First, we are pressing vigorously for a general reduction of non-tariff barriers in developed nations, which seriously hamper the free flow of trade. Many of these obstacles discriminate against the products of Latin America, as well as those of my country. On trips abroad, I have made it plain to our trading partners that we in the United States place the highest priority on a reduction of these barriers, which are growing in number and are threatening the whole structure of Free World trade.

Second, we have proposed that the industrial nations adopt a liberal system of generalized tariff preferences for all developing nations, including Latin America. We would like to see a common scheme in force, one with broad product coverage and with no ceilings on preferential imports. Discussions are now in progress on our proposal in the Organization for Economic Cooperation and Development and the United Nations Conference on Trade and Development.

Third, we seek to support directly your trade expansion efforts. In his 1971 Budget, the President has asked Congress for $15 million for this purpose. Discussions with Latin American countries on how this money can best be spent are underway at the present time. (I might say in passing that $15 million is more than we in the U.S. government have available for our own export promotion efforts!)

Fourth, we will support the establishment of regular procedures for advance consultation on trade matters in the Western Hemisphere. As President Nixon has stressed, U.S. trade policies often have a heavy impact on your countries, and the time to consult with you on policy decisions is before they are taken, not afterward.

TOURISM

Hardly less important than trade expansion for Latin America is the increased development of tourism.

Here, President Nixon has taken two important steps.

First, he has determined that the dream of a Pan-American Highway linking our two continents shall become a reality. As you know, a 400-kilometer stretch between Panama and Colombia—the Darien Gap—still remains uncompleted.

The President has given his support to a $100 million plan to bridge that gap. In his 1971 Budget Message, he announced a $20 million request as a first step toward completing the project.

Tourism alone did not inspire the President's support, of course, since the completed Pan-American Highway will have many other benefits for the Americas. But there will be few benefits greater than the stimulus this great land link will give to inter-American tourism development.

A second step the President has taken on behalf of tourism is a budget request of $20 million for promotion and establishment of essential facilities.

This move was greeted enthusiastically by Latin American tourist officials at a meeting in Lima last month. There, the Regional Commission for the Americas of the International Union of Official Travel Organizations sought Hemispheric cooperation to establish a permanent Americas office of IUOTO. One of the office's first assignments would be to act as a coordinator for Latin American Tourism Year in 1971.

Our U.S. Travel Service, which comes under my jurisdiction at the Commerce Department, has pledged its assistance in making that year-long tourism event an outstanding success.

NEW OFFER

In this connection, I would like today to make a new offer of assistance, not just for your Tourism Year in 1971, but as a permanent project. Our Travel Service will pool its resources with yours to interest travel wholesalers in other parts of the world in packaging multinational tours of this Hemisphere. Our Service also stands ready to sponsor joint familiarization tours for retail travel agents and travel writers and to develop a series of equal partner promotional ventures, such as joint travel trade briefings abroad, cooperative film evenings in foreign countries and joint travel missions to Europe and Asia.

I believe that such a joint promotional effort to "Discover the New World" could have a tremendous appeal overseas. Our Travel Service stands ready to launch this effort jointly with you in time to have maximum impact in 1971. I am confident we will get a favorable response to this offer throughout Latin America, and a member of my party will be glad to consult with your appropriate officials about it.

SCIENCE AND TECHNOLOGY

No less important than trade and tourism are science and technology. As President Nixon said in his address before the Inter-American Press Association, these twin forces of progress increasingly hold the key to our national futures.

The President pointed out that in the Consensus of Vina del Mar, the United States was asked for an unprecedented effort to share our scientific and technical capabilities. And he said:

"To that request we shall respond in a true spirit of partnership.

"This I pledge to you tonight: The nation that went to the moon in peace for all mankind is ready, ready to share its technology in peace with all its nearest neighbors."

This pledge will be honored in several different ways.

First, we have taken steps to identify and make available U.S. Government-owned patents that might be useful to technological development in Latin America. In connection with patents generally, I would urge that all Latin American countries participate in the Patent Cooperation Treaty which will be negotiated in Washington beginning May 25. This treaty would be of great potential benefit to countries in this area by helping to solve the problem of evaluating the patentability of inventions filed with their respective offices.

Second, our Commerce Department's Office of Invention and Innovation is assisting the Organization of American States with the development of a "Technology Bank" and a "Technological Diffusion Center" in Latin America. Both these institutions will strengthen the technological capabilities of Latin American enterprises and national services.

Third, our Department's Environmental Science Services Administration is assisting in developing improved weather forecasting and oceanographic capabilities of Latin American services.

Fourth, President Nixon has set aside $20 million in AID funds to support science and technology efforts in the region.

NEW PROGRAM

Finally, it is with particular pride and pleasure that I announce today the establishment of a new program whose technological benefits will constitute a basic foundation stone for the industrial progress of this entire region.

We in the Commerce Department, jointly with the Agency for International Development, are creating the "Industrial Standards Fellowship Program for Latin America."

Under this Program, ten Latin American scientists and engineers will be trained each year in standards techniques at our Commerce Department's world-famous National Bureau of Standards in Washington, D.C.

As we all know, standards—a basic, agreed-upon system of uniform measurement—are the absolutely indispensable prerequisite for industrialization.

They are indispensable to any nation that wants to sell its industrial products in the world market.

They are indispensable to the regional integration of national economies.

And they are indispensable to mass production, mass distribution, and mass consumption, the trio of modern economic phenomena which add up to a rising standard of living for all.

In my country, it is estimated that more than 20 billion measurements are made each day—in science, industry, commerce, and everyday life.

In support of these measurements, the Nation has an investment of about $50 billion in instrumentation and research and development related to measurement.

The headquarters of this basic activity is our Commerce Department's National Bureau of Standards, the greatest repository for standards know-how in the world. Every year scientists and engineers from many countries come there for training in standards techniques.

But we have not had enough from Latin America to assure the industrial progress that you want and need—and that we in the U.S. want to work with you to achieve.

That's why I am confident that this new "Industrial Standards Fellowship Program for Latin America" will receive your enthusiastic endorsement. A member of my party is ready to discuss this new program with your appropriate officials right now. We want to move ahead with it just as soon as possible; we are looking forward to having the outstanding scientists and engineers from this region with us at our National Bureau of Standards. I can assure you that they will receive a most cordial reception and the finest training in standards techniques available anywhere in the world.

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DIRECT INVESTMENT

This new program also will help further the transfer of science and technology that accrue to your benefit through direct private investment. Your increased standards expertise will enable you to adapt more readily for other industries the new technology which accompanies such investment.

There are, of course, serious problems in this area—we all recognize these. President Nixon pointed to them in his comprehensive statement on U.S. foreign policy on February 18.

"Foreign investments," he said, "are the most exposed targets of frustration, irrational politics, misguided nationalism. Their potential for mutual benefits will only be realized through mutual perception and tact. The nations of this Hemisphere must work out arrangements which can attract the needed technical and financial resources of foreign investment. For their part, investors must recognize the national sensitivities and political needs of the 1970's. There is no more delicate task than finding new modes which permit the flow of needed investment capital without a challenge to national pride and prerogative."

We in the United States know first hand what foreign capital can mean to a country's development. From the beginning of our Republic, we have sought to provide foreign businessmen with profitable investment opportunities.

U.S. POLICY

As early as 1791, Alexander Hamilton, our first Secretary of the Treasury, stated the policy we would follow toward foreign capital.

"Instead of being viewed as a rival," he said, "it ought to be considered as a most valuable auxiliary, conducing to put in motion a greater quality of productive labor, and a greater portion of useful enterprise, than could exist without it."

We know what such a policy can mean to a country's development because in the 19th Century we were an underdeveloped nation. Foreign capital came in and built much of our original transportation network—roads, bridges, canals and railroads. It was attracted to our shores from the great financial capitals of that day—London, Paris, Amsterdam—because we offered investors the advantages of political stability, full legal protection of property, and the unlimited right to repatriate earnings or withdraw capital.

Later, foreign businessmen started making direct investments in manufacturing in our country, a happy development which still continues to grow year after year. It is one that we continue to encourage because it increases competition and brings us the benefits of foreign technology and managerial techniques.

The benefits of foreign direct investment are especially needed in your countries here in Latin America, if you are to step up the pace of your modernization programs through the transfer of technology.

FREE MARKETPLACE

But as we all know, investment capital enjoys a free marketplace in the world. It is attracted by the legitimate profit incentive. It will go where there are prospects for a fair return without undue risk. It will flee from conditions which threaten its freedom and security.

These are inexorable facts. If a nation is to attract private capital and enjoy the benefits that it offers, conditions must be favorable for its long term investment.

It is to every nation's benefit to create these conditions. Each nation is competing against every other country for the scarce resources—capital and know-how—that foreign investment provides, and it will go to the country that offers the most hospitable climate.

For example, U.S. manufacturing investment has a wide choice of areas for investment where the returns are comparable. In 1968, the annual rates of returns for our manufacturing investments abroad were 12 percent for Latin America, 11 percent for Europe, 20 percent for the Middle and Far East, and 8 percent for Canada.

But despite the lack of special profit advantage in Latin America, U.S. firms have continued to increase their investments in this region. From 1965 to 1968, U.S. direct investment in Latin America increased more than $1.6 billion, reaching a total of some $11 billion.

These vast investments provide jobs, raise living standards, increase export earnings, and permit import substitution. And just as important as the transfer of new technology is the managerial and technical training provided your people. Local nationals are employed in about 92 percent of the managerial positions, 97 percent of the technical and professional positions, and more than 99 percent of all jobs in U.S. manufacturing enterprises in Latin America.

CONCLUSION

In all these areas of development—travel, trade, investment and technology exchange—the primary challenge is to our capacity for cooperation. We have all the tools in abundance—managerial ability, manpower, capital, physical resources of every sort. But can we develop the sense of community, the idea of oneness, that will enable us to bring these skills and resources together for our common benefit?

I know this: Partnership cannot be developed by waving a magic wand. A commonality of spirit and purpose are not the products of committee resolutions. Mutual trust and understanding find little nourishment in the soil of inflated rhetoric.

Rather all these things can be developed only by working together, by solving problems together, by achieving together, by reaching common goals together, by sharing together the joy of accomplishment.

They are what build a people into a nation. And they are what can build nations into a community of mankind.

NEED A RADICAL SPEAKER? CALL THE LOCAL LECTURE BUREAU

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. MICHEL. Mr. Speaker, in his column appearing in the Washington Post on April 23, 1970, Art Buchwald points out beautifully the lunacy of college administrators and other college and university officials around the country who seem to have a masochistic compulsion for inviting speakers to their campuses—speakers who then proceed, in the most foul type of language, to lambaste and berate the host school, the Federal Government, the so-called establishment, the police, and, indeed, the entire structure of our society and form of government.

I am not aware of the budget situation at the Washington Post but they would be doing a real service if they were to reprint Mr. Buchwald's column and send it to all the colleges and universities in the country.

I include the column in the RECORD at this point:

NEED A RADICAL SPEAKER? CALL THE LOCAL LECTURE BUREAU

(By Art Buchwald)

The most popular speakers on campus these days are the student revolutionaries, black militants and those advocating the legalization of drugs.

And anyone convicted of a crime and out on bail can write his own lecture ticket.

I was at the offices of the "Up Against the Wall Lecture Bureau" the other day and the phone didn't stop ringing.

"Hello, Up Against the Wall Lecture Bureau. Who's this? . . . Harvard U. What can we do for you? . . . Nope, we're sorry the Chicago Seven are booked up through 1976. But we have some great speakers for you. How would you like 'Mad Dog Faucet?' . . . You know, the one who wrote the book on student revolution titled 'Mother Is the First To Go.'

". . . Right. Fifteen hundred dollars and expenses . . . Sure he takes off his clothes at the end . . . What kind of lecture do you think he gives? . . . Thank you. I'll send the contract. . .

"Hello . . . What's that? you're booking speakers for Columbia U this fall? . . . Let's see . . . Here's one for you . . . Ruben Ruben . . . Yeh, that's right. He's the one who hijacked the Goodyear Blimp to Havana . . . Uh huh. He's out on bail now . . . No, he'll be available . . . Even if he's convicted this summer he'll appeal . . . You don't think he's a draw?

"What about Abbie Satchel . . . You know, the guy who set fire to the elephant house at the Bronx Zoo during last week's antiVietnam demonstrations . . . He's a beautiful person . . . two thousand bucks . . . Of course he'll get the students fired up. He spoke at Simpson Tech last week and they burned down the library during the question period . . . Right on. He'll be there.

" . . . Up Against the Wall Lecture Bureau . . . Berkeley? What can we do for you? . . . You're having a lecture series in American history and you'd like someone who is an expert in the field . . . I have just the speaker for you . . . Ziggy Rumfield . . . himself! . . . The fellow who blew off Theodore Roosevelt's nose with dynamite on Mount Rushmore . . . He's very knowledgeable about explosives . . . That's right, he shows the kids how to make a bomb right on the stage . . . No, no, the only time it ever went off was at the University of Wisconsin . . . Believe me, its safe . . . Look, if anything happens you don't have to pay . . . Right. Thank you."

The man hung up and I had a chance to interview him. "You seem to be really busy."

"You better believe it. Kids today want speakers they can relate to. None of this education or political baloney. They want gut speakers that will tell them how rotten it really is. Look at this. I have 32 requests from universities who want to hear from anyone who has killed a cop. He doesn't even have to be a big name.

"And every white school in the country wants a Black Panther to speak to them. How many Black Panthers do they think there are in this country? And look at these requests for speakers convicted of pushing drugs. I tell you, these college kids know what they want."

"At least they're interested in the world around them," I said.

"If I could get one mass murderer, I could make a fortune," he said wistfully.

"What other speakers are in demand at the moment?"

"Well, I can get $3,500 for any priest who spilled blood on draft board records. There is also a big market for the people who blew up the buildings in New York City, though I have to book them at out-of-the-way schools in case the FBI gets wind of them."

"Is there any student demand for prominent men in public life?"

"Are you kidding? Why should they listen to someone like that when they can hear from someone who has cut sugar cane in Cuba?"

TRIBUTE TO SECRETARIES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. ANDERSON of California. Mr. Speaker, in the field of business and industry, in the professions and in government, the successful operation of an office is based on the skills and attitudes of its secretaries. National Secretaries Week, a period set aside to recognize the essential function of secretaries as the backbone of management, has just ended.

I am sure my colleagues will agree that they could not function nearly as well without the unselfish and professional assistance which their secretaries provide daily. I would like to say thank you and congratulations to the secretaries on my staff: Nel Talbert, Karen Corey, Alice Smith, Danna Thomas, Judy Mandell, Ann Ramirez, Tina Schable, and Elizabeth Blas. The mature office skills, initiative, judgment, and loyalty which they bring to their work each day are exceeded only by their hard work and spirit of helpfulness and cheer.

HEROES

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. CAREY. Mr. Speaker, I am sure that most Members read the editorial in today's Washington Post and that many will be moved to insert it in the RECORD.

I believe it should be inserted and am moved to do so not because it will secure special notice but because I believe those whose names are contained therein deserve to be enshrined somewhere. Having won the Congressional Medal of Honor they deserve, at least, a place in the CONGRESSIONAL RECORD:

[From the Washington Post, Apr. 27, 1970]

HEROES

On one day last week the Letters space on this page was wholly taken up with readers caught in a common quandary, struggling to express a common anguish. They had watched and prayed with the rest of us as Apollo 13 limped home and they were unreservedly proud and grateful for that. And yet they were deeply disturbed by the national trauma that attended three men in trouble in outer space because they could not reconcile it with what seemed to them, by contrast, to be an almost callous indifference to the fortunes of the hundreds of men who face greater danger daily in a war on earth.

They spoke in different ways of distorted values and disordered priorities, and of the 141 Americans who died in Vietnam in the week of Apollo 13's ordeal, and of how you square the two. They wanted to take nothing away from the astronauts—only to give something more, somehow, to the unknown, unseen, unsung victims of Vietnam.

We have no way of knowing whether this was in some part a group inspiration or the spontaneous reaction of individuals. But it doesn't matter; the quandary is real. There is no escaping some sense of misplaced values—of inequity if not injustice—in the events, both public and private, of the past ten days.

Publicly, there was Apollo and the aftermath. Congress decreed a moment of silence and the President declared a day of prayer. Business of state was set aside—including, ironically, a presidential report to the nation on Vietnam. Entertainment was cancelled at a White House state dinner. The President flew off to Honolulu to welcome back the astronauts personally. The House voted more money for future space exploration than the administration had proposed.

Privately, out of consideration for those concerned, there was another event. Last Monday afternoon, while President Nixon was still out at San Clemente after "the proudest day of my life" with the astronauts, Vice President Agnew filled in for him at a ceremony in the East Room of the White House at which 15 posthumous Medals of Honor were awarded to the next of kin of 13 marines and two navy corpsmen. It being a closed affair, with no picture-taking, this event was worth a few words on television and about seven inches of type on an inside page of this newspaper. The names of the men were listed, there was a brief description of the ceremony, and that was that.

Perhaps it is idle to seek significance in this discrepancy—the frenzied adulation of one set of heroes and the relative anonymity of another—because mere fame is not the point. What is more, a war and a moonshot are in no way strictly comparable; one is a brief and brilliant adventure, with all the thrill of exploration, the other a grim business, at best a prolonged agony and, in this case, uniquely unglamorous. But *awareness* does matter, in striking balances and fixing a set of values and making judgments. For this, it isn't necessary, let alone possible, to know as much about Vietnam's heroes as Apollo's. What matters is for us to understand how much there is that we are *not* always aware of, how much we cannot see and therefore do not know. To that end—and with no intent to denigrate the cool courage of our space explorers—we would like to tell you something more about the men who were quietly honored at the White House last week.

Their average age was 22. Only one was married. Three were black. They came from 13 different states, North, South, East and West; Massachusetts, Illinois, Texas, Missouri, California, Florida, New York. All were enlisted men. Their citations begin the same way—"For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty . . ." And they continue on, not in glorification of battle or celebration of war, but in one tribute after another to the human spirit.

Oscar, P. Austin, Pfc, USMC: ". . . as he neared the casualty, he observed an enemy grenade land nearby and, reacting instantly, leaped between the injured marine and the lethal object, absorbing the full effects . . . he saw a North Vietnamese Army soldier aiming a weapon at his unconscious companion. With full knowledge of the probable consequences (he) resolutely threw himself between the casualty and the hostile soldier, and, in doing so, was mortally wounded."

Robert C. Burke, Pfc, USMC: ". . . Private Burke then fearlessly moved from one position to another, quelling the hostile fire until his weapon malfunctioned. Obtaining a casualty's rifle and hand grenades, he advanced further into the midst of enemy fire. . . ."

Wayne M. Caron, Hospital Corpsman Third Class: ". . . again hit by enemy fire, this time in the leg, (he) crawled the remaining distance and provided medical aid . . . again struck by enemy small arms fire, courageously and with unbelievable determination (he) continued his attempt to reach the third marine until he himself was killed by an ememy rocket round."

Ronald L. Coker, Pfc, USMC: ". . . as he began to drag his injured comrade towards safety, a grenade landed on the wounded marine. Unhesitatingly, (he) grasped it with both hands and turned away from his wounded companion. . . ."

Thomas E. Creek, Lance Corporal, USMC: ". . . an enemy grenade was thrown into the gully where he had fallen . . . fully realizing the inevitable results of his action (he) rolled on the grenade and absorbed the full force of the explosion with his own body, thereby saving the lives of five of his fellow marines."

Robert H. Jenkins Jr., Pfc, USMC: ". . . a North Vietnamese soldier threw a hand grenade into the friendly emplacement. Fully realizing the inevitable results of this action, (he) quickly seized his comrade, and pushing the man to the ground, he leaped on top of the marine to shield him from the explosion."

Ralph H. Johnson, Pfc, USMC: ". . . Suddenly, a hand grenade landed in the three-man fighting hole . . . realizing the inherent danger to his two comrades, he shouted a warning and unhesitatingly hurled himself upon the explosive device. . . ."

Larry L. Maxam, Corporal, USMC: ". . . too weak to reload his machine gun, (he) fell to a prone position and valiantly continued to deliver effective fire with his rifle. After one and a half hours, during which he was hit repeatedly by fragments from exploding grenades . . . he succumbed to his wounds,

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having successfully defended nearly one half of the perimeter single-handed."

Lawrence D. Peters, Sergeant, USMC: ". . . (he) continued firing until he was critically wounded by a gunshot wound in the chest. Although unable to walk or stand, Sergeant Peters steadfastly continued to direct his squad in spite of two additional wounds . . ."

Jimmy W. Phipps, Pfc, USMC: ". . . realizing that his assistant and the platoon commander were both within a few meters of him and the imminent explosion could kill all three men, (he) grasped the hand grenade to his chest and dived forward . . ."

William R. Prom, Lance Corporal, USMC: ". . . unable to continue his own fire because of his severe wounds, he continued to advance to within a few yards of the enemy positions. There, standing in full view of the enemy, he accurately directed the fire of his support elements until he was mortally wounded . . ."

David R. Ray, Hospital Corpsman Second Class: ". . . while he was bandaging and attempting to comfort another wounded marine, Petty Officer Ray was forced to battle two enemy soldiers . . . (his) final act of heroism was to protect the patient he was treating. He threw himself upon the wounded marine, thus savings the man's life when an enemy grenade exploded nearby."

Dewayne T. Williams, Pfc, USMC: ". . . reacting instantly to the alert, he saw that the grenade had landed close to where he was lying and without hesitation, in a valiant act of heroism, he rolled on top of the grenade as it exploded . . ."

Alfred M. Wilson, Pfc, USMC: ". . . fully realizing the inevitable result of his actions, (he) shouted to his companion and unhesitatingly threw himself on the grenade . . ."

Kenneth L. Worley, Lance Corporal, USMC: ". . . in a valiant act of heroism, (he) instantly threw himself upon the grenade nearest him and his comrades . . ."

". . . He gallantly gave his life for his country."

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DIRECT ELECTIONS ARE NOT THE ANSWER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. DERWINSKI. Mr. Speaker, last fall the House passed what I believe to be an unwise measure in the form of a constitutional amendment to provide for the direct popular vote for the President. The intensive debate in the House was not reflected in the final vote. However, the Senate has had additional time to study the measure and I trust that the complications in the direct popular election system would be evident to the Members of that body. The Chicago Today in its Monday, April 20, edition carried the following editorial which is of a very timely nature:

DIRECT ELECTIONS ARE NOT THE ANSWER

A bill to junk the electoral college and have President chosen by direct popular vote faces an important test Friday, when the Senate judiciary committee votes on it. In advance of the test opponents are mustering all the strength they can to defeat this move—and much as we'd like to see the creaky electoral system reformed, we hope they do defeat it, either in Congress or after the change is submitted to the states for approval.

Direct popular election of Presidents is a simple, dramatic idea. It seems thoroughly democratic, and it has the appeal of a quick solution—slashing thru the knot instead of patiently untangling it. Unhappily, it is likely to produce snarls many times worse than the present system ever did.

For all its clumsiness and opportunities for abuse, the electoral college serves many purposes. It nails down election results quickly and beyond doubt. It spreads out voting power more evenly between heavily populated and less populated states, so that candidates must consult all the nation's voters, not just concentrate their appeal for votes on a few metropolitan centers. It safeguards the character and influence of minority groupings of all kinds, instead of dumping everybody into an undifferentiated mass in which nothing counts but arithmetical totals.

Finally, if you've ever gone thru the messy experience of vote challenges and recounts even on the precinct level, you can imagine the chaos and nervous suspense of days-long, nationwide recounts of Presidential votes—something likely to happen in a direct election every time there was a numerically close vote.

We agree there's got to be a better system than the electoral college as it stands, but direct popular election is not it. Congress should keep looking.

SANTA BARBARA RIOTS ANALYZED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. BOB WILSON. Mr. Speaker, the recent violence and destruction at the University of California in Santa Barbara, the latest in a long series of student "unrest" and dissent, stunned much of the Nation. Americans in all walks of life want to know why this happened, who is behind such wanton acts of violence, and what can be done to prevent future outbursts. The following article by Robert Betts of Copley News Service explores the background of dissent on that campus and the question of whether this was a spontaneous expressing of student dissatisfaction or planned destruction by a small hard-core group:

[From the San Diego Union, Mar. 29, 1970]

SANTA BARBARA RIOTS ANALYZED: COMMUNITY BEWILDERED OVER DESTRUCTION BY STUDENTS

(By Robert Betts)

(EDITOR'S NOTE.—The February riots at University of California, Santa Barbara, were shocking in themselves but actually they were a manifestation of a broader movement aided by Communist revolutionaries. "Santa Barbara" and all its related aspects is examined in a series of four articles. This is the first.)

"I don't understand it," said one of the "silent majority" as cleanup crews hauled away debris from Santa Barbara's bout of smashing and burning.

The scene was not unfamiliar. It had all happened before, in Berkeley, Columbia, Chicago and other places.

But in sunny little Isla Vista?

This community—two square miles of apartments with a few small stores and offices, a couple of gasoline stations and a bank adjacent to the University of California's Santa Barbara campus—had felt the fury of student protest.

At least, the "silent majority" still thinks of it as student protest.

Verne Johnson who owns the Isla Vista Market, surveyed his smashed windows and said: "I thought I had good relations with the students. They're my main customers and I've always treated them fairly, as well as contributing and helping them with their various causes. Now they've done $350 worth of damage to my store. I don't know what to make of them."

Similar bewilderment was expressed by one of the sheriff's deputies, still patrolling the area where for three nights rioters had battled with police, hurled rocks and fire bombs, burned a patrol car and set more than 50 fires, including one which destroyed the local Bank of America branch.

THE ODD RADICAL

"I thought I understood them until this happened," he said. "We can talk to most of the students around here, except the odd radical who calls us 'pigs' and refuses to rap with us. Sure, a lot of people have grievances they feel like demonstrating about, and that's their right. But violence doesn't solve anything." (Casualties included 32 lawmen, treated for wounds ranging from cuts and bruises to serious head and internal injuries.)

The Rev. Bob Donoghue, a pleasant young priest who has close contact with students and invites them to his St. Mark's University parish center with catchy posters like "Students for Peace—Where Are You?" gave his views.

"Sheer temper, that's what it is," he said, leaning back from his desk in his cassock, legs crossed, smoking a cheroot. "We're reaping the harvest from seeds sown by the prophets of permissiveness. From babyhood, today's youngsters have been demanding and getting their way. If they didn't get it at first they threw a tantrum, and it generally worked. Now they're doing the same thing—in a bigger way."

The campus was articulate with similar theories. Administrators, professors, students talked of pent-up frustrations from a variety of causes—the war, the Establishment, exorbitant rents charged for Isla Vista apartments, dissatisfaction at the growing complexity of the educational process and the general push for more student involvement in running the university.

More recently there was the unpopular dismissal of a professor who failed to meet tenure standards, indignation over the Chicago riot conspiracy trial, and the visit of the Chicago defendants' attorney, William Kunstler, whose speech was blamed for arousing more passion.

Some students spoke of "constant police harassment." Over what?

"Oh—drugs, and things like that," said one barefooted student. "They should stick to real crimes, man, like burglary and murder, and leave us alone. Drugs is something personal and private—like sex."

WELL-KNOWN FACT

Another spokesman for the radicals, Gregory Knell, a vice president of the Associated Students at UCSB who also has been active in the Students for a Democratic Society and was arrested in a previous disorder said, "It's a well-known fact that sheriff's deputies get their kicks by beating up young people in Isla Vista.

"When things get dull," he added, "they go in and rough up anybody in sight."

Vice Chancellor Ray Varley pointed out that the number of students involved in the Isla Vista rioting was small, but said they are "influenced by responsible radical elements."

He agreed that "the present troubles have been building up for a long time, and the activists—students and nonstudents—let their pent-up frustrations and emotions take over."

PLANNED OPERATION

While all except a few hotheads condemned the violence, few on this campus viewed it as anything more than a spontaneous outburst by a bunch of unruly dissidents.

Others more familiar with the evolving pattern of subversion and the accompanying growth of violence across the country, connect it with similar incidents of arson and bombing in and around other campuses.

They see it as an operation planned, organized and directed by internal enemies who are out to bring down not only the educational, but the entire American-system.

"It is obvious to us that the thing was organized, and with outside help," said Sheriff James Webster. "We could smell trouble brewing for a long time."

The usually placid Santa Barbara campus has been called the "country club," "the surfboard and beach bunny college," and "the campus by the sea" because of its lovely setting on cliffs overlooking the Pacific Ocean, far from the hustle and bustle of the big city.

But the left-wing liberal ideas and seeds of dissension which have spread out from Berkeley to pervade the whole of the University of California had been putting down their roots here too.

The first hint of trouble came in January, 1968. A complaint filed by a professor against a student for using obscenities led to an "obscenity rally," held by radical Students for a Democratic Society and the Black Studies Union. Sheriff's deputies appeared at the campus radio station and requested a tape of a meeting at which obscenities were allegedly used. The request was refused and no more action was taken.

RADICAL DEMANDS

The issue of student "rights" already had been settled at Berkeley in December, 1964, when the University of California capitulated to the radical demands of the Free Speech Movement, which also campaigned for "filthy speech."

The acceptance of a faculty resolution "that the content of speech or advocacy should not be restricted by the university," opened the campuses up to political activity.

In October, 1968, Negro students protesting discrimination at UCSB—there were 175 Negroes among 12,634 students—seized the computer center and held it for 9½ hours. Sheriff's deputies again arrived but were withdrawn at the request of Chancellor Vernon Cheadle, who appointed a committee to look into grievances.

Early last year the UCSB "New Free University" announced an "experimental" class to be held titled "On the tactics and practice of guerrilla warfare at UCSB and in the Santa Barbara community." Students were to learn "how to hold a building against police attack, conduct hit-and-run missions, defend yourself from police harassment, sabotage military-industrial-police functions, and get community involved through terrorism." The class reportedly was called off following an investigation by the Federal Bureau of Investigation.

A few weeks later a fire bomb made from a gallon jug of flammable liquid burst in the patio of the faculty club, killing a campus caretaker. Police questioned several students but the culprit was not found.

More trouble erupted last January when members of the Radical Union marched to the administration building to demand an open hearing for Prof. William Allen, an assistant anthropology professor whose contract had not been renewed.

Windows were broken and the disorder grew until law enforcement agencies were called in to help the campus police restore peace. They stayed two days.

Demonstrators called for a strike, but it had little effect on classes.

JOINED MARCH

Next came a visit by Angela Davis, the self-proclaimed Communist professor at UC's Los Angeles branch. She spoke at a rally and joined a march of dissidents around the campus.

Things quieted down until the afternoon of Feb. 24, when police stopped to question two youths in Isla Vista, where about 9,000 students live. A crowd grew to several hundred demonstrators, who roamed the streets setting fires and breaking windows. Law officers were so outnumbered that for hours they avoided a confrontation.

The violence gained momentum the next night after a campus appearance by Kunstler.

Student leaders denied that Kunstler's appearance had anything to do with the rioting. They said it was the culmination of general discontent with the university and life in Isla Vista where, they said, realty firms "gouge" students on rentals.

Among those against whom criminal complaints were filed was Allen. He was charged with malicious mischief and unlawful assembly. Dist. Atty. David Minier described the professor's acts as "outright vandalism" and accused him of "fanning the flames of riot."

PROVOKED TO VIOLENCE

According to Prof. Richard Flacks of UCSB's sociology department, youths were provoked to violence by "demagogic governors, anti-intellectual regents, rigid and frightened administrators and faculty, rent-gouging realtors, brutal police officials and all the others who use their power to block peace, equality and personal fulfillment."

Flacks, reportedly a founding member of SDS, which has been behind much of the campus unrest across the country, caused controversy when he accepted a position as associate professor with tenure for life at UCSB last year. He chose this job rather than accept a similar position with the University of Chicago, after experiencing active faculty hostility there toward this political philosophy. He had been a constant supporter of student protest there.

Although he admits to being a long-time friend of the defendants in the Chicago conspiracy trial, as well as being acquainted with their defense attorneys, he denied having anything to do with the decision of the UCSB Associated Students to invite Kunstler to speak on the campus.

Santa Barbara also is the seat of the Center for the Study of Democratic Institutions. An offshoot of the Fund for the Republic, it consists of a small but influential group of scientists, philosophers, writers, lawyers and other intellectuals who meet regularly and invite outside speakers to discuss issues that "deserve the attention of citizens."

SUBSIDIZING CITED

The center disclaims political activity and spokesmen deny any leftist leanings. The leftist bias and emphasis on revolutionary and radically militant politics is, however, plain in its many pronouncements issued in publications and tapes which have wide circulation among teachers, students, lawyers, church and labor leaders, editorial writers and government officials.

One writer who has made a long study of them concludes that the center is "subsidizing and giving logistic support to violent radicals with whom senior fellows are afraid to go along but are willing to promote and foist upon the American people."

GEN. DANIEL JAMES, JR., ADDRESSES THE ARNOLD AIR SOCIETY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. SIKES. Mr. Speaker, our newly appointed Deputy Assistant Secretary of Defense for Public Affairs, Brig. Gen. Daniel James, Jr., U.S. Air Force, addressed the Arnold Air Society at Anaheim, Calif., on Tuesday, April 14, presenting a highly knowledgeable discussion of the equal opportunities and challenges open to our young people in the Armed Forces today.

General James also discussed our obligation and desire, as individuals and as a nation, to remember our prisoners of war and their families in these trying times.

I believe my colleagues will find this address of much interest and I submit it herewith for reprinting in the RECORD:

ADDRESS BY BRIG. GEN. DANIEL JAMES, JR.

I want to tell you what a great personal satisfaction and sense of pride it gives me to make my first public address as a Deputy Assistant Secretary of Defense to this group of outstanding young Americans, the Arnold Air Society.

I want to make this first speech on the subject of people. In my view, no subject is more important to our national defense than people. And as we look to the challenges of the future we must depend on the steadfast dedication and devotion to the cause of peace and freedom by young people such as yourselves.

When Secretary of Defense Melvin R. Laird first informed me of my new assignment at the Pentagon, he discussed his particular concern about the need to inform the American public more fully about the progress—and also the problems—of the Department of Defense Human Goals Program.

At my swearing-in ceremony just two weeks ago, Secretary Laird charged me with additional responsibilities related to the plight of our prisoners of war, missing in action, and their families.

So in these brief remarks today, and in my informal discussions with you throughout the day, I want to give primary emphasis to these two priority matters:

1. The equal opportunities and challenges open to all young people for service and advancement in the Armed Forces, and

2. Our solemn pledge not to forget our prisoners of war and their families.

As you know, some of the men who are now held prisoner by Hanoi and who are being denied the humanitarian rights provided them under the Geneva Convention, were my former flying comrades.

You members of the Arnold Air Society will recognize the importance of the Human Goals Program which has been initiated throughout the Department of Defense by Assistant Secretary for Manpower Roger T. Kelley, from Holy Cross, with the full endorsement and continuing support of Secretary Laird, from Carleton College, and Deputy Secretary of Defense David Packard, from Stanford University.

These three leaders and all of us in the Department of Defense have a strong and deep belief in the vital importance of our ROTC programs to national defense and what it has meant to the citizen-soldier concept in our nation.

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When I was on flying combat assignments in Korea during the early 1950's and more recently in the war in Southeast Asia, the majority of my fellow pilots were products of the ROTC program. Today, the services obtain about 50% of their officers from ROTC units in all 50 states.

As an F-4 pilot in Southeast Asia and later as a base commander in Libya, far away from Washington, I was perplexed by the attacks being made on our ROTC activities. Now in my office at the Pentagon, I am no less perplexed and surely as deeply troubled by these attacks—some of them including vandalism and destruction—which are being made against the ROTC on a limited number of campuses.

No matter how hard I try, I cannot understand how people who oppose the draft, who want to make military service strictly volunteer, can at the same time try to deny some college students the freedom of opportunity to choose a career as a professional military officer.

I cannot understand in this day when the draft is still a fact of life and when many university students will see military service, why these students do not want some of the officers who might command them to be chosen from their peers as products of the civilian-educational environment. I cannot understand how students and some faculty members who espouse freedom of choice can at the same time attempt to prevent military recruiters from visiting certain campuses.

As a citizen, I count highly the need for the officer ranks in our Armed Forces to be manned with a mixture of Service Academy graduates, ROTC graduates, and men who have come up through the ranks from our Officer Candidate Programs. That's the American way.

In our country, we want no military elite coming from any single source. What we want and what we need in the services in our Army, Navy, Air Force and Marine Corps are men and women from all walks of life, with varying backgrounds, and with a unified dedication to maintain the strength which is necessary to preserve peace and freedom.

Thus, you members of the Arnold Air Society stand in a great tradition of service.

As many of you look ahead to service in the Air Force, I think you would want to know about our human goals program. Let me spend a moment and tell you about it.

Shortly after he assumed office at the Pentagon, Secretary Laird, who served in the Navy in World War II, directed the establishment of Project Volunteer. He named Assistant Secretary Kelley, also a Navy veteran, to give urgent attention to the need for enhancing the attractiveness of voluntary military service. Our objective in the Department of Defense is to reduce draft calls to zero as soon as feasible.

Project Volunteer, with its primary focus on attracting and retaining outstanding young men and women for military service, covers a wide range of problem areas. These include the need for military pay reform, the need for changes in certain promotion procedures, and the urgent need to improve housing facilities for our people in uniform and for their families. As a former base commander, I am most pleased with the Defense Department's proposal to Congress to double the number of family housing units for the next fiscal year.

But it seems to me that what really counts the most is the basic philosophy which underlies the human goals program of the Department of Defense. At the root of this approach is the concept that each person must be treated as an individual. . .

Because this program is so important to me and because it will have an impact on so many young Americans, I would like to share these human goals with you:

To attract to the defense service people with ability, dedication, and capacity for growth;

To provide opportunity for every one, military and civilian, to rise to as high a level of responsibility as his talent and diligence will take him;

To make military and civilian service in the Department of Defense a model of equal opportunity for all regardless of race or creed or national origin, and to hold those who do business with the Department to full compliance with the policy of equal employment opportunity;

To help each serviceman at the end of his service in his adjustment to civilian life; and

To contribute to the improvement of our society, including its disadvantaged members, by greater utilization of our human and physical resources while maintaining full effectiveness in the performance of our primary mission.

Our concern for the individual nowhere is manifested more deeply in our thoughts, in our actions, and in our prayers than in the situation which confronts our prisoners of war.

Let me repeat: We will never forget these men or their families. We will be ceaseless in our determination to do all that is possible to obtain for these men and for their families the rights which are due them under the provisions of the Geneva Convention, to which North Vietnam is a signator.

The callous disregard by Hanoi for basic human rights must be called continuously and relentlessly before the court of world opinion. It is cruel and inhuman that today there are some thousands of wives, parents and children who do not know whether their husbands, sons or fathers are alive in a prison camp or are dead. There are women who do not know if they are wives or widows. This is because the regime in Hanoi, the Pathet Lao in Laos, and the North Vietnamese and Viet Cong in South Vietnam refuse to release lists of men who are prisoner. The prompt release of such lists through official channels is a strict humanitarian requirement of the Geneva Convention.

Medical supplies are denied to our prisoners. The regular flow of mail, for which the Geneva Convention, is blocked. No provision has been made for returning the seriously sick or wounded.

In no previous war in which this country has been involved have American servicemen been held captive as long as they have in North Vietnam. Some of our men being held as prisoners are now in their sixth year of imprisonment.

The North Vietnamese count themselves as members of the civilized community of nations and in 1957, they acceded to the Geneva Convention which provides for the treatment and protection of prisoners of war; 120 countries are parties to this Convention.

I want in this, my first public address in my new office, to salute not only those men who are captured or missing, but also their gallant wives and families.

I know that each of you in the Arnold Air Society will do what you can to inform our fellow citizens on this issue and will help us make it crystal clear that these men and their families will never be forgotten.

In closing, let me tell you again what a great privilege it has been for me to represent the Department of Defense at this 22nd National Conclave of the Arnold Air Society and through you to be able to speak to Air Force ROTC men and Angels on 162 college and university campuses throughout the United States and Puerto Rico.

I look forward to the opportunity later this evening to meeting and chatting with many of you personally. For this will give me an opportunity to hear your views, to learn what you believe we in the Department of Defense should be doing. Secretary Laird and Assistant Secretary of Defense for Public Affairs, Dan Henkin, have placed high priority on the need for strengthening two-way communications with college students throughout the country.

During the past year, at the specific direction of Secretary Laird, our senior civilian and military people have made it a particular point to meet with high school and college students throughout the country—not so much to talk at them as I have been doing at you this evening. Rather what we want, and I shall be doing later this evening, is to talk things over, to strengthen the free-flowing communications link from the Pentagon to our young people. For when all is said and done, you are and remain our most precious asset.

And so in closing let me remind you that you are preparing to take up one of the most important and sacred trusts ever handed to a segment of mankind—that of a contributing citizen of the United States of America, the greatest nation on earth. We, as the preceding generation are prepared to hand you this trust. In accepting it we only ask that you accept fully and well the responsibility to protect and develop it and hand it to your succeeding generation and your children in even better condition than we handed to you. You can only do this by taking part in exploring the positive avenues of honest endeavor and achievement. You can do this by participating in and defending your government and your country against all enemies, foreign and domestic . . . so help you God.

AMERICANISM AS A RESPONSIBILITY

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. McCARTHY. Mr. Speaker, in this age of turmoil and questioning it is refreshing to know that our youth are seeking a better understanding of just what it means to be an American. In the days of Thomas Jefferson, Patrick Henry, and George Washington the fundamentals of our democracy were debated and discussed by every citizen. Today, our youth learn by example from us and through discussion in our schools and homes.

One excellent forum for this process in the Buffalo area is the Annual Americanism Essay Contest sponsored by the Buffalo Evening News and the Erie County American Legion and Auxiliary. This year the contest was conducted for the 41st time. One of the winners in this contest was Miss Valorie DuBois. Miss DuBois attends East High School; Mr. Melvin A. Bass is her teacher. I am including Miss DuBois' essay in the RECORD with my congratulations and those of my constituents:

AMERICANISM AS A RESPONSIBILITY

(By Valorie DuBois)

America is my homeland, a land that I love. Her founding fathers visualized and sought to establish a nation which would provide life, liberty, and happiness to all her people. But despite all the good aspects of the American way of life, evils also emerge. America is plagued by internal turmoil, crime, social injustice, drug abuse, pornography, and immorality. Yet I, as a citizen, can help make America better. Her ideals have not been attained fully, but her case is not hopeless. Amid America's strife, I must keep a cool, level head. I must assert my individuality and use my own judgment in moral and civil matters.

My contribution to the improvement of my country depends on my love for her. Everyone respects, admires, and protects anything he loves. I can prove my love, and dedication to my country by obeying her laws, guarding her freedom, and being true to the ideals set forth by her forefathers.

I must make full use of the privileges and accept the responsibilities offered to me by my country. I can help America find peace needed so desperately. I can help America return to religion and prayer; to be aware of her moral conduct; to seek good in all men; and to face and live life completely. I must be a personal ambassador in my home, community, and city by exemplifying the American way of life. I must be a symbol to the world of a true American. I must display an understanding attitude toward others, and through education learn more about others and their way of life. I must help others to realize that human beings all over the world have similar desires and aspirations.

It is my individual responsibility as an American to understand her way of life, to help sustain it, to conduct myself at all times as a true American. I have to try to transmit this spirit to others around me and to future generations.

America will be better if I, and all Americans, build upon rather than try to destroy the solid foundations laid by our forefathers.

DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. RARICK. Mr. Speaker, the Daughters of the American Revolution convened for their 79th Congress here in Washington, D.C., last week and judging from the meager coverage, it was practically a "secret" meeting.

The members of the DAR threw no bombs, carried no Vietcong flags and did not threaten Congress nor attempt to burn down the city. So, the DAR Congress was not newsworthy. Patriotic organizations which plot only for the good of the country and constitutional government are not "mod" and are presently out of step with both the "new" aristocracy and the "new" revolutionaries.

To the credit of these dedicated and fearless ladies, they have not been taken in by the new internationalism. Out of respect, they are feared because they know truth from fantasy, and facts from public relations distortion.

Howbeit, the various resolutions passed by the DAR are evidence to all Americans that these grand ladies are actually in tune with the problems of the times and are well versed in the threats against our Republic.

We, Members of this House, are aware of the strict interpretation on the prohibitions governing tax-free groups as to lobbying and yielding political influence. Yet we hear nothing concerning similar prohibitions affecting COPE, the National Council of Churches, the UNO Society, the NAACP, or similar "educational" foundations financed by Ford, Rockefeller, and the like. Nor is the DAR held in as high esteem, by some, as Martin Luther King, Dr. Abernathy, the Chicago Seven or Stokely. So, the DAR was prohibited by the laws of our country from sending us their pro-American feelings as evidenced by their resolutions.

I am confident that many of our colleagues will be interested in actions that were taken at this "secret" meeting. I include the DAR resolutions of the 79th Congress in the RECORD:

[From the Washington (D.C.) Evening Star, Apr. 24, 1970]

RESOLUTIONS, 79TH CONTINENTAL CONGRESS, NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION, APRIL 20–24, 1970

REDEDICATION

Whereas this Nation, founded by God-fearing people who dared to dream of liberty for all individuals, who "wearied not in well doing" (Gal. 6:9) through trials and suffering whose faith and courage made this dream a reality; and

Whereas upheld, sustained, and guided by a never faltering faith in Almighty God, they bequeathed to us a government of law—a written Constitution—that allowed each individual to worship God freely as he chose and to pursue his life unhampered by tyranny in any form, disciplined through this law by responsibility, duty, and respect for the rights of others; and

Whereas on this foundation of spiritual and moral principles, the United States of America became the greatest Nation the world has ever known—truly a "land of the free and the home of the brave"; and

Whereas this foundation has been weakened by forces introducing doubts not only of the presence of God, but also of His very existence—doubts that destroy all moral codes, turning liberty into license, ignoring the fact that only moral men can be free; and

Whereas "God grants liberty only to those who love it and are always ready to guard and defend it" (Daniel Webster);

Resolved, That the National Society Daughters of the American Revolution dedicate itself to rekindling in the hearts and minds of men a staunch determination to preserve and to perpetuate the priceless heritage of freedom and liberty bequeathed to us by our Founding Fathers.

VOLUNTARY SCHOOL PRAYER

Whereas there are children in many public schools expressing the desire to hold voluntary prayer before classes begin each day; and

Whereas many of these children have met by themselves and read a prayer each day from the Congressional Record; and

Whereas these actions have been challenged as being against the ruling of the Supreme Court; and

Whereas our national tendency to rely upon the power of prayer is evidenced by the suggestion from our Senate for all of us to pray for the safety of the Astronauts;

Resolved, That the National Society Daughters of the American Revolution support these children who wish to hold voluntary prayer;

Resolved, That the National Society Daughters of the American Revolution urge proper steps be taken to clarify the ruling of the Supreme Court in order that all children, who so desire, may participate each day in a voluntary prayer before the opening of school.

MARXIST-SOCIALIST-COMMUNIST MANIPULATION OF YOUTH

Whereas the United States of America is subjected to an intensified revolutionary Marxist-Socialist-Communist movement to overthrow the country; and

Whereas this movement is waged through youth, through colleges and through religious and welfare organizations, also through loss of parental control and through college and court permissiveness, and a crime-led society which can destroy the younger generation; and

Whereas the program of corruption involves:

Street demonstrations masking as peace movements, but led by militant activists dedicated to the violent overthrow of our government and destruction of our society;

"Rock Festivals" characterized by music of hypnotic rhythm and subtle lyrics tending to break down moral restraints and to expose the young to the dangers of communal living and illicit sex;

Experimentation with drugs leading to moral, mental and physical deterioration and often to addiction and crime;

Rebellion throughout school systems attended by acts of violence against administrators, destruction of records, costly damage to buildings and serious disruption of education for the majority of students; and

Permissiveness at all levels of education, depriving students of the control and leadership essential to effective preparation for life, abolishing moral standards and developing hedonism as the new life style, destruction of draft records and also teaching young men how to avoid the draft;

Whereas the costs of these activities are inestimable in terms of damage to property, destruction of moral purposes and loss of spiritual values;

Resolved, That the National Society Daughters of the American Revolution urge that citizens make themselves fully aware of the dangers to the individual and to the nation inherent in such activities and exercise their responsibilities in training and leadership;

Resolved, That the National Society Daughters of the American Revolution regard as imperative that parents, legislators, courts, and colleges and other authorities exercise more strict moral and fiscal control over their youth, associates and activities, that as individual taxpayers they force stronger college standards of admission and rejection and stress educational emphasis on the great moral, spiritual and historical values of this country.

"TOTAL ENVIRONMENT"

Whereas the real problem of pollution of our environment is being distorted by emotional declarations and by intensive propaganda; and

Whereas many of the underlying sources of pollution exist because of the demands of the public for modern products and conveniences—not to mention individual thoughtlessness and neglect; and

Whereas antagonism directed toward American industry as the cause of pollution in spite of the fact that it is upon that industry that American strength depends; and

Whereas the correction of the problem of pollution of our environment is not beyond the power of our technology to solve; and

Whereas the new Council on Environmental Quality may be the vehicle through which the Federal Government will assert vast new powers over our personal habits and create added controls over the individual; and

Whereas consideration of the factors involved in pollution of our total environment completely ignores the most dangerous aspect of them all—pollution of the mind.

Resolved, That the National Society Daughters of the American Revolution call upon our policy makers to urge the Federal

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Government to refrain from adopting unnecessary and harmful control programs which the Nation would later regret;

Resolved, That the National Society Daughters of the American Revolution suggest personal responsibility of the individual citizen be emphasized as one of the most effective ways of decreasing pollution;

Resolved, That the National Society Daughters of the American Revolution recommended that the Council on Environmental Quality direct attention and emphasis to the dangers of pollution of the mind in its considerations and studies of the dangers and threats to our total environment.

GENOCIDE CONVENTION

Whereas Article VI, Section 2, of the Constitution of the United States of America provides that "all treaties . . . made under the authority of the United States shall be the supreme law of the land" and treaty law may, therefore, be used to supersede the Constitution; and

Whereas contrary to general opinion, the United Nations Genocide Convention or Treaty is directed largely toward individuals rather than nations and opens a new concept of international law whereby domestic crimes would be converted to international crimes by treaty law; and

Whereas from the scope of the definition of genocide as contained in Articles II and III of the Convention, it is apparent that this Nation's handling of a broad field of internal matters such as civil rights, education and equal opportunity legislation would be subject to review by the International Court of Justice; and

Whereas the compulsory jurisdiction of the World Court in disputes relating to "the interpretation, application or fulfillment" of the Convention would be without benefit of any reservation whatever; and

Whereas the dangers inherent in the Genocide Convention are greatly increased because the accusation of genocide now is raised so freely that the word can no longer be fully or accurately defined;

Resolved, That the National Society Daughters of the American Revolution affirm that the Genocide Convention constitutes a threat to National Sovereignty and to the freedoms thus far secured by the Constitution of the United States.

NATIONAL DEFENSE

Whereas the chance for real success in the Strategic Arms Limitation Talks (SALT) are minimal and the risks of improvident agreement so great as to threaten national disaster, since there is no evidence that the Soviet Union will relinquish its ambition to achieve a global military capability; and

Whereas the Secretary of Defense has reported that the Soviet Union is pulling abreast of this Nation in many areas of military strength and is already ahead of the United States in others; and

Whereas our need for additional Safeguard Anti-Ballistic Missile (ABM) defense is dictated by the Soviet Union's growing arsenal of massive nuclear warheads which already threaten land-based missiles and nuclear bomber bases in the United States, and also our cities; and

Whereas a new nuclear strategy for America is now being urged which would include an expanded sea-based nuclear force to provide greater mobile safety against sneak attack;

Resolved, That the National Society Daughters of the American Revolution warn that Strategic Arms Limitation Talks may end in disaster for the United States; support a more sophisticated strategy which would offer greater protection to the United States and favor a massive effort which would restore the United States to full nuclear superiority.

REPUBLIC OF RHODESIA

Whereas the United States has not only joined Britain in backing the United Nations sanctions toward friendly Rhodesia, but has closed the United States consulate and ended diplomatic relations with Rhodesia; and

Whereas the United States makes no objections to other nations aiding the Viet Cong with continued shipments to the enemy; and

Whereas these sanctions, imposed without public knowledge or approval, penalize a friendly nation, are inimical to American defense and economic interests, and give an extraordinary price monopoly to Soviet Russia on a vital commodity, chrome, thereby rewarding the Soviets who are the chief source of supplies to the forces killing American men in South Vietnam;

Resolved, That the National Society Daughters of the American Revolution support the economic and strategic interests of the United States of America and urge the immediate establishment of diplomatic relations and resumption of trade with the Republic of Rhodesia.

INTERNAL SECURITY

Whereas the decisions of the Supreme Court in the past ten years nullified the treason and sedition laws of the United States, thereby allowing communists and saboteurs to infiltrate our defense facilities, including ports, harbors, ships and other installations thus impairing internal security; and

Whereas defense-related industrial plants and laboratories are and have been a prime target for communist espionage, subversion, and possible sabotage and adequate safeguards are not possible if subversives are not screened from these sensitive installations; and

Whereas official investigating committees have served as powerful weapons in protecting the United States against subversion by listing subversive organizations as an important guide in hiring government personnel, which listing has proved to be an effective tool in exposing disloyal aspects of various organizations; and

Whereas there is mounting evidence that members of violence prone organizations have been permitted to work for sensitive governmental agencies, in part, because such groups are no longer designated as subversive by the Attorney General.

Resolved, That the National Society Daughters of the American Revolution approved a personnel program of checking individuals in sensitive positions and urge the restoration of loyalty oaths for employees in defense plants, ports, waterfront facilities, and on merchant marine vessels.

Resolved, That since the principle of exposure is the most effective weapon against communism, the National Society Daughters of the American Revolution urge that all official investigating committees reinstate and update the listing of subversive and radical groups.

SUPPORT OF OUR ARMED FORCES

Whereas the many brave men and women of the Armed Forces of the United States of America in the fulfillment of their military duties, are under fire not only from the enemy abroad but also from dissident groups within this country; and

Whereas serious accusations have been leveled against the conduct of certain soldiers on the battlefield and irresponsible news coverage has virtually convicted them without benefit of formal trial; and

Whereas there is evidence of Marxist penetration of the Armed Forces through various organizations and by determined revolutionaries; and

Whereas many of these revolutionaries have joined the Armed Forces with the expressed purpose of demoralizing and sabotaging the military establishment;

Resolved, That the National Society Daughters of the American Revolution support the loyal and courageous members of the military who are performing their duty in the defense of our country in spite of the limitations imposed upon them and the subversive influences directed against them.

POPULATION CONTROL AND IMMIGRATION

Whereas it is predicted that the decade of the 1970's will be known as the Era of Ecology—in which to survive, we must prevent the further pollution of our environment; and

Whereas pollution increases in proportion to the growth of our population—the current crisis in housing, schools, welfare, unemployment and crime being the outcome of the "population explosion" of one hundred million persons in the past fifty years in the United States of America; and

Whereas there are now proposals to limit our population by scientific or even compulsory measures, implemented by subsidies for birth control or by fiscal restrictions on larger families—to be under the newly established "Commission on Population Growth and the American Future"; and

Whereas these proposals are negated by requests to increase immigration into this country from the present 130,000 to 380,000 by 1974, on a "first come, first served" basis;

Resolved, That the National Society Daughters of the American Revolution advocate a reexamination of these critical but conflicting proposals;

Resolved, That the National Society Daughters of the American Revolution recommend first and foremost a substantial curtailment of all immigration until such time as corrective measures have solved our environmental dilemma and improved conditions for those now resident within our national confines.

TAXATION AND GENERAL WELFARE CLAUSE

Whereas the "promotion of the general welfare," mentioned in the Preamble of the Constitution of the United States of America, would seem to mean the welfare of the people as a whole—and not the welfare of any particular segment at the expense of the rest; and

Whereas influential citizens have adopted the socialist philosophy of taxing the productive Middle Class (to which the majority of our population has belonged) to the point of confiscation of earnings and savings—and for the specific benefit of the less productive; and

Whereas these influential citizens now talk of releasing any theoretical surplus left from de-escalation of the Viet Nam War or use in a specific order of local welfare priorities; and

Whereas history proves that confiscatory taxes for the benefit of any ever-increasing unproductive segment of a nation destroys the Middle Class upon whom the stability of the national economy ultimately depends and results in the destruction of the nation itself; and

Whereas any such theoretical surplus used to reduce the national debt would relieve the general population by slowing down and eventually stopping inflation and at the same time equally serve those in need of welfare;

Resolved, That the National Society of Daughters of the American Revolution deplore the distortions of the general welfare clause and urge our national leaders to keep in mind the danger of weakening by excessive and relentless taxation that vast Middle Class—the target of international socialism—upon whose existence the general welfare of this Nation depends.

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THOUGHT CONTROL

Whereas throughout this entire century, collaborating Fabian Socialists and others are indoctrinating large groups of people to accept socialism under any name or guise as a way of life, and to discard as outmoded and useless such virtues as hard work and the love of God and country; and

Whereas the unswerving goal to change the unique values of a free nation upon which this country was founded is being foisted upon an apathetic and uninformed citizenry through scientifically proved techniques which have been adopted in every phase of theology, education and economics; and

Whereas an interlock of innumerable powerful organizations, corporations and various agencies pursues in every way the original intention: Thought Control through methods of brain washing in all areas of communication and publishing: text books for all ages, film, radio, T.V., with emphasis on ETV, advertising, drama, the arts and sciences; and

Whereas the progress of this design to destroy the United States of America is evident through the increasing acceptance of the semantic changes of the English language, of sensitivity training in its variety of forms, of sex aberrations and education, the growing use of drugs producing hypnotic states, and overt cries of "Revolution" all with increasing rejection of moral and religious principles declared in the Bible;

Resolved, That the National Society Daughters of the American Revolution plead with its members to inform themselves fully of the clear and present dangers to this Republic, and to take the leadership in exposing these "Masters of Deceit" and thwart their plan.

AMERICAN PRISONERS OF WAR

Whereas unknown numbers of servicemen have suffered long terms of imprisonment or the ambiguous status of "missing in action" in North Viet Nam and other parts of Northeast Asia; and

Whereas apparently nothing stronger than the usual words and platitudes from United States officials and United Nations headquarters has led Hanoi to the belief that in its treatment of American prisoners it has nothing to fear from the United States of America; and

Whereas it is known that numerous members of the Armed Forces of the United States of America have been murdered or allowed to die from malnutrition, disease or wounds; and

Whereas the North Vietnamese have stated that all captured Americans are regarded as war criminals and they will be tried by the "Peoples' Court"; and

Whereas it is known that Hanoi is snowing a complete disregard for the welfare of prisoners of war as outlined by the Geneva Convention and, with the enemy action increasing, more servicemen are in danger of capture;

Resolved, That the National Society Daughters of the American Revolution express grave concern for the treatment and fate of United States prisoners of war;

Resolved, That the National Society Daughters of the American Revolution believe that we must take all necessary steps to obtain the release of these American prisoners of war and in no circumstances abandon these brave men.

EDUCATIONAL TRENDS—THE DECLINE OF QUALITY

Whereas perceptible declines in educational achievement and standard proficiency norms are reported by major school systems, despite massive federal programming initiated in the 1965 Elementary and Secondary Education Act or Head Start programs; and

Whereas the quality of education, which should be a primary national goal, has been ignored in proliferating or duplicating programs, misspent funds, and by bureaucratic preoccupation with costly bussing or arbitrarily calipered ethnic ratios; and

Whereas literary standards, verbal comprehension and historic content are sacrificed to innovative ideas of dubious merit; and

Whereas the climate of learning has been impaired in many schools by a lack of discipline evident in needed armed protection for teachers, by the drug cult increase, assaults, rape, and rampant vandalism; and

Whereas education has not benefited by student attempts to dictate course contents, free time programming or to assert authority, nor by a determined down-grading of American institutions by some disloyal teachers or young revolutionaries;

Resolved, That the National Society Daughters of the American Revolution find that federal preemption of education has been a massive failure for which proposed new billions of taxes will provide no basic cure;

Resolved, That the National Society Daughters of the American Revolution recommend that control of schools be restored to states and localities; and that effective disciplines be re-established at local levels for students, curricular contents, and loyalty standards, so as to improve educational climate and achievement norms.

THE U.S. SPACE PROGRAM

Whereas the successes of the United States Space Program have advanced the world's scientific and technological understanding of the universe and have provided the expanding of the universe and have provided the expanding population with a wide array of new products and inventions which represents an investment for present and future generations; and

Whereas the frontiers of the 20th Century lie in the hostile environment of outer space and under the sea where the Nation's defense, and even survival, compel leadership in exploration;

Resolved, That the National Society Daughters of the American Revolution, taking pride in the American creative genius which makes possible these historical achievements in space exploration, recognize and emphasize the national defense potential of the space program;

Resolved, That the National Society Daughters of the American Revolution extend deep admiration and gratitude for the valor of the astronauts and the courage of their families.

THE ELIMINATION OF CONSCRIPTION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. RAILSBACK. Mr. Speaker, I heartedly concur in the draft reform recommendations made by the President. He is not suggesting measures which are utopian or fiscally irresponsible. They are practical steps which can be taken within existing budgetary limitations to achieve a vital goal: A truly volunteer armed force, and—in the interim—a truly equitable draft system.

The realities of the world situation dictate the size of the military force we must maintain, but they do not dictate the means by which we shall recruit our Armed Forces. For years, the draft operated as it had always operated. The voices of reform—mostly youthful voices—went unheeded. But the voices grew louder and the justice of the cry became more apparent. Finally, we have before us concrete proposals which are carefully designed to accomplish what so many young people have advocated for so long: The ultimate elimination of conscription.

The President's message today is one further indication of his commitment to reform. I share that commitment and am proud to endorse his recommendations.

A LETTER TO THE WORLD FROM JERUSALEM

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. SANDMAN. Mr. Speaker, the following is "A letter to the World of Jerusalem." This was written by a boy who went through school in my district. He is a very close friend of an esteemed constituent of mine.

After graduating from college, the author of this letter, who is about my age, went to Israel. There he became a leading TV commentator and newspaper editorialist on an English-language newspaper in Jerusalem. His father was a Hebrew teacher in Atlantic City.

This little letter, I think, reviews clearly the history of the Jewish people and their attachment to Jerusalem, and to the land of Israel.

Following is the letter:

A LETTER TO THE WORLD FROM JERUSALEM

(By Eliezer Ben Yisrael)

I am not a creature from another planet, as you seem to believe. I am a Jerusalemite—like yourselves, a man of flesh and blood. I am a citizen of my city, an integral part of my people.

I have a few things to get off my chest. Because I am not a diplomat, I do not have to mince words. I do not have to please you, or even persuade you. I owe you nothing. You did not build this city: you do not live in it; you did not defend it when they came to destroy it. And we will be damned if we will let you take it away.

There was a Jerusalem before there was a New York. When Berlin, Moscow, London and Paris were misasmal forest and swamp, there was a thriving Jewish community here. It gave something to the world which you nations have rejected ever since you established yourselves—a humane moral code.

Here the prophets walked, their words flashing like forked lightning. Here a people who wanted nothing more than to be left alone, fought off waves of heathen would-be conquerors, bled and died on the battlements, hurled themselves into the flames of their burning Temple rather than surrender; and when finally overwhelmed by sheer numbers and led away into captivity, swore that before they forgot Jerusalem, they would see their tongues cleave to their palates, their right arm wither.

For two pain filled millenia, while we were your unwelcome guests, we prayed daily to return to this city. Three times a day we petitioned the Almighty: "Gather us from the four corners of the world, bring us upright to our land; return in mercy to Jerusalem, Thy city, and dwell in it as Thou promised."

On every Yom Kippur and Passover we

fervently voiced the hope that next year would find us in Jerusalem. Your inquisitions, pogroms, expulsions, the ghettos into which you jammed us, your forced baptisms, your quota systems, your genteel anti-semitism, and the final unspeakable horror, the holocaust (and worse, your terrifying disinterest in it)—all these have not broken us. They may have sapped what little moral strength you still possessed, but they forged us into steel. Do you think that you can break us now, after all we have been through? Do you really believe that after Dachau and Auschwitz we are frightened by your threats of blockades and sanctions? We have been to Hell and back—a Hell of your making. What more could you possibly have in your arsenal that could scare us?

I have watched this city bombarded twice by nations calling themselves civilized. In 1948, while you looked on apathetically, I saw women and children blown to smithereens, this after we had agreed to your request to internationalize the city. It was a deadly combination that did the job: British officers, Arab gunners and American-made cannon.

And then the savage sacking of the Old City: the willful slaughter, the wanton destruction of every synagogue and religious school; the desecration of Jewish cemeteries; the sale by a ghoulish government of tomb stones for building materials, for poultry runs, army camps—even latrines.

And you never said a word.

You never breathed the slightest protest when the Jordanians shut off the holiest of our holy places, the Western Wall in violation of the pledges they had made after the war—a war they waged, incidentally, against a decision of the UN. Not a murmur came from you whenever the legionnaires in their spiked helmets casually opened fire upon our citizens from behind the walls.

Your hearts bled when Berlin came under siege. You rushed your airlift "to save the gallant Berliners." But you did not send one ounce of food when Jews starved in besieged Jerusalem. You thundered against the wall which the East Germans ran through the middle of the German capital—but not one peep out of you about that other wall, the one that tore through the heart of Jerusalem.

And when the same thing happened 20 years later, and the Arabs unleashed a savage, unprovoked bombardment of the Holy City again, did any of you do anything? The only time you came to life was when the city was at last re-united. Then you wrung your hands and spoke loftily of "justice" and the need for the "Christian" quality of turning the other cheek.

The truth is—and you know it deep inside your gut—you would prefer the city to be destroyed rather than have it governed by Jews. No matter how diplomatically you phrase it, the age old prejudices seep out of every word.

If our return to the city has tied your theology in knots, perhaps you had better re-examine your catechisms. After what we have been through, we are not passively going to accommodate ourselves to the twisted idea that we are to suffer eternal homelessness until we accept our Saviour.

For the first time since the year 70 there is now complete religious freedom for all in Jerusalem. For the first time since the Romans put the torch to the Temple everyone has equal rights. (You preferred to have some more equal than others.) We loathe the sword—but it was you who forced us to take it up. We crave peace—but we are not going back to the peace of 1948 as you would like us to.

We are home. It has a lovely sound for a nation you have willed to wander over the face of the globe. We are not leaving. We have redeemed the pledge made by our forefathers: Jerusalem is being rebuilt. "Next year"—and the year after, and after, and after, until the end of time—"in Jerusalem!"

HIGHER EDUCATION AND THE UNREST AMONG OUR YOUTH

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, 1 year ago, a group of 22 Republican Members, under the leadership of BILL BROCK of Tennessee, visited over 50 colleges and universities throughout the United States to talk with students, faculty, administrators, and other officials on the problems confronting higher education and the unrest among our youth.

In our report to President Nixon, outlining our findings and recommendations, we noted, "The problems confronting higher education are so complex that no study or analytic effort yet mounted can really claim to be comprehensive. We recognize the need for continued indepth research."

On Sunday, April 26, the results of such an undertaking were released. Shortly after our report was issued the American Council on Education appointed a Special Committee on Campus Tensions, headed by Sol M. Linowitz. The committee undertook an 8-month investigation which generally confirmed much of what our task force had found.

The committee's indepth insights into the problem and its recommended solutions are evidence of the time and effort which went into this study.

The conclusions and recommendations should be thoroughly reviewed and considered by each of us. The full text of the committee's recommendations follows:

RECOMMENDATIONS AND CONCLUSIONS OF THE AMERICAN COUNCIL ON EDUCATION'S SPECIAL COMMITTEE ON CAMPUS TENSIONS

Chairman of the committee was Sol M. Linowitz, former chairman of Xerox and more recently the U.S. ambassador to the Organization of American States. With him on the panel were:

Morris B. Abram, former president of Brandeis U;

Ralph S. Brown, Jr., professor of law at Yale U and president of the American Assoc. of University Professors;

George Bunn, professor of law at the U of Wisconsin;

Robben W. Fleming, president of the U of Michigan;

William T. Gossett, last retiring president of the American Bar Assoc.;

Alexander Heard, chancellor of Vanderbilt U;

Vivian W. Henderson, president of Clark College;

Harriett Inskeep, a trustee of Indiana U;

Bill D. Moyers, publisher of Newsday;

Charles Palmer, president of the U.S. National Student Assoc.;

Joseph Rhodes, a junior fellow of Harvard U;

John Searle, professor of philosophy at the U of California at Berkeley;

Patrick Shea, president of the associated students of Stanford U;

M. Brewster Smith, professor of psychology at the U of Chicago;

Richard L. von Ende, a graduate fellow and vice-chairman of the university executive committee at the U of Kansas;

Charles E. Young, chancellor of the U of California at Los Angeles;

Whitney Young, executive director of the National Urban League.

The higher education community cannot realistically hope to solve all the problems that create campus tensions. It cannot alone stop war, eliminate poverty, rebuild cities, or expunge racism. It cannot afford to be indifferent to these problems, however, if only because campus turmoil is not likely to cease unless genuine progress is made toward curing the glaring social ills.

The war in Vietnam and the draft system, in concert, contribute heavily to campus unrest. Until the nation ceases to force young men to fight in a war they believe unjust, a major source of campus tensions will remain.

For the campus to be a haven for those who wish to avoid military service is an inequity of the draft system and a perversion of educational purpose.

Through educating decision-makers, conducting research, diffusing knowledge, and proposing solutions to social problems, our colleges and universities can have a considerable, if not decisive, influence on the decisions that affect the nation's quality of life. In each of these roles, colleges and universities serve society best by giving prime allegiance to truth.

CENTERS OF FREE INQUIRY

Truth-seeking, in turn, requires conclusions openly arrived at, the discard of useless orthodoxies, and the receptivity of new ideas. First and foremost, then, our colleges and universities must be centers of free inquiry.

Efforts to politicize colleges and universities risk public reprisals with consequent restrictions on free inquiry. Legislative moves in this direction, at both state and federal levels, are already deeply disturbing.

Likewise, demands made on campus through intimidation or violence are inimical to the spirit of free inquiry. The search for truth is the first casualty.

Political exploitation of campus problems by some public figures has become one of the sources of polarization on the campus. Public officials and others having the public's attention should gauge their response to campus disruption in the light of the fact that repressive and provocative pronouncements by those in authority may have the same inflammatory effect that extremist rhetoric has on the campus.

Campus violence already threatens some colleges and universities with repressive forces that could cripple their freedom for many years to come. Even so, this committee is mindful of the dangers in laying out inflexible guidelines about unacceptable conduct or in specifying the precise moment when the hazard to the institution is such that civil authorities must be called upon.

BAR ASSOCIATION STUDY

The questions have been studied in detail by the Commission on Campus Government and Student Dissent of the American Bar Association, which issued its report in February.

What, then, in view of their limited powers, can colleges and universities do about problems arising from campus tensions?

At the outset, let it be noted that campus tensions are not necessarily harmful to higher education. It is the responses to tensions that lead to constructive or destructive outcomes. As one committee consultant put it, "If there were no tensions on campus, there should be a committee established to create some, because a campus without tensions is intellectually moribund."

OPPORTUNITY AND IMPETUS

Present campus tensions, therefore, provide an opportunity and an impetus for some overdue reforms in higher education. As the discontents of students, faculty, administrators, and trustees make clear, almost everyone agrees that change is necessary in higher education.

It is equally clear that these four groups are not of one mind about the nature of campus problems, how to solve them, or who should solve them.

Trustees are commonly assumed to stand firmly for order and against disruption, undisturbed by pressures until things seem to be getting out of hand. Reform proposals intended to alleviate student and faculty malaise seldom take account of trustees' worries about scarce resources, or even acknowledge that such worries exist.

Faculty members, on the other hand, appear to be more directly involved in the internal issues besetting the campuses. Nevertheless, there is considerable difference of faculty opinion about steps to resolve controversies.

In academic matters the interests of junior and senior scholars often conflict. Many of the former desire both participation in decision making and a redress of the balance between research and teaching. Though some faculty want to add colleagues having different political and social outlooks, others oppose strenuously what they regard as a political test for employment.

Students on their part are also becoming increasingly divided, between those who are heavily involved in political issues on or off campus and those who resent interference with their professional and vocational preparation.

This committee's recommendations cannot reconcile all the conflicting values and viewpoints. Nevertheless, we believe these recommendations respond to legitimate concerns; if given wide campus support, they can mitigate unrest by improving the conduct of the educational enterprise.

CERTAIN PRINCIPLES

Their adoption and, more important, their effectiveness once adopted, presuppose that the entire academic community must share and abide by certain principles—among them fair play, civility, concern for the individual, care in interpreting evidence, respect for privacy, equity in administering penalties, and faith in rational discourse.

The recommendations deal first of all with the roles and responsibilities of students, faculty, administrators, and trustees, then with general matters of governance and institutional goals.

Students

Colleges and universities exist primarily for the education of students. Society assigns to these institutions no task more important than providing students the opportunity to ripen their intellectual and creative capacities, learn from the heritage of the past, and develop themselves as responsible citizens.

Student critics object to the current emphasis on a "manpower" perspective. They object to being shaped for slots in a less than ideal social order. Our institutions indeed must prepare trained manpower for a complex society.

All the same, greater weight should be given to educating young people to realize more fully their own potentials on their own terms, and to help them find new solutions to the urgent social problems of our times. Here education, not just training, is clearly at issue.

REAL RESPONSIBILITIES

Educational institutions foster the development of responsible adults by assigning real responsibilities to students to the extent of their capabilities and willingness to assume responsibility.

They may hamper and retard that development by following policies of *in loco parentis* in regard to practical rules (now on the wane) or policies that "the faculty knows best" in regard to the curriculum and other matters central to the institution's purposes (much less effectively challenged).

For colleges and universities to provide effective educational environments for the development of competence and maturity, new policies are required.

In wise balance, these policies give young people a more responsible role in the educational decisions affecting them, while at the same time acknowledging greater adult competence and greater investment in institutional continuity on the part of the faculty and administration. The wise balance called for is, obviously, not easily identified or achieved.

RESPONSIBLE COMMITMENT

Although forceful measures are sometimes unavoidable when campus disruption goes to intolerable extremes, the use of force is basically undesirable. Punitive measures tend to foster—when they work—dependent compliance rather than responsible commitment.

Firmness of policy needs to be balanced by openness and flexibility. If students are to be held accountable for their actions, they should have a voice in determining the permissible limits of their actions.

1. Students not only should be given substantial autonomy in their non-academic activities, but should also participate in matters of general educational policy, especially in curricular affairs.

Since increased participation will contribute to effective institutional decision-making and is also of educational benefit, students should serve in a variety of roles on committees that make decisions or recommendations.

In some non-academic areas students should have effective control; in some general educational policy matters they should have voting participation; in other matters, they should act in an advisory or consultative capacity.

Effective student representation will not only improve the quality of decisions; it will also help to ensure their acceptability to the student body.

2. As institutions give up policies of *in loco parentis* in response to students' educationally valid wishes for independence, students must know that they cannot be effectively shielded from the consequences of their behavior, especially when it violates the laws of society at large.

The abandonment of parietal rules, however does not relieve institutions of the need to have effective self-government. The more effective the self-government, the less frequently and abrasively will police and other agencies of the society intrude on the campus.

3. Colleges and universities should regularly review, with legal counsel, their practices regard such matters as the confidentiality of information about students and the privacy of student living quarters.

They should also review their provisions for due process in disciplinary proceedings.

These proceedings need not have, in every case, the formal, adversary aspects of a courtroom trial. But the option of formal proceedings should be open to any student whose future could be seriously affected by the outcome of a disciplinary decision.

4. Students who want to propose changes in institutional practices or policies (as differentiated from asking redress of particular grievances) should be given the opportunity to learn in advance the institution's decision-making process that applies to their proposal.

They should also consider thoroughly the evidence and arguments supporting their proposal and anticipate questions that will be raised by others, including fellow students. A well-considered proposal often grows out of preliminary discussion with faculty and administrators.

5. Students must recognize and respect the rights and privileges of their fellow students as they seek rights and privileges for themselves. These include First Amendment rights of free speech and peaceable assembly, the right to pursue without hindrance one's course of study, and the privilege of experimenting with ways of thinking, both conventional and unconventional.

Threats, violence, coercive disruption of classes or lectures, and similar acts that tread upon the rights of others are intolerable.

6. To a very great degree institutional functioning depends upon the voluntary self-discipline of the students.

On the other hand, in several institutions, overt threats of violence and personal injury to students and others by individuals on and off campus have had destructive effects upon disciplinary proceedings as well as the process of internal self-discipline.

In those circumstances where internal mechanisms fail, a new kind of juridical authority may be required.

7. Students rightly expect administrators to exercise leadership, to take the initiative in proposing educational changes suited to a changing clientele and a changing society. But just as students are entitled to acceptance of their rights and responsibilities, so are administrators.

Students should recognize that the administrator is responsible to widely divergent campus groups and is accountable to the board which legally governs the institution.

Within these limitations, he must have freedom to initiate, guide, negotiate, and make decisions, if the institution is not to remain static. Attempts to circumscribe this freedom will either reinforce the status quo or create chaos.

Faculty

All the constituent groups share concern over the appropriate role of the faculty. Their chief criticism is that the professorial role—particularly in major universities—has become so distorted in the direction of research and scholarly achievement that many faculty seriously neglect their teaching function.

That this is a real problem is substantiated by considerable evidence. In national surveys, for example, students complain repeatedly about lack of contact with faculty and faculty indifference to student needs. These complaints are especially common in major, research-oriented universities.

Studies comparing the environments of universities with those of smaller colleges reveal among the former a comparative lack of student and faculty interaction in the classroom, an impersonal relationship between teacher and students, and a feeling on the part of students that the institution lacks concern for their individual development.

It is significant that the major universities have been the prime targets of violent and disruptive protest.

DEMAND FOR RESEARCH SERVICES

The research commitments that draw professors away from teaching are upheld in a variety of ways. One factor is the strong demand for research services from both government and business. Another is the prestige accruing to institutions that employ distinguished research scholars.

Many institutions find the temptation of instant departmental prestige and large research grants and contracts to be irresistible. Since the research-oriented faculty tend to recruit, screen, and train their replacements, the system is self-perpetuating.

The imbalanced emphasis on research, away from teaching, is also supported by the lopsided competition between the institutions and the scholarly discipline for the loyalty and concern of faculty members.

Both teaching and research figure among a faculty member's contributions to his institution (though formalized procedures for evaluating teaching are rare, and public evidence is far more readily available on research competence).

So far as the faculty member's standing

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in his discipline is concerned, however, with only rare exceptions—such as the authorship of innovative text books—it is solely published research that counts.

THE SCHOLAR'S PRESTIGE

Published research is what establishes the scholar's prestige among his peers in other colleges and universities. In the university world, therefore, it is also the main source of his economic value in the academic marketplace.

No ambitious young faculty member can afford to neglect his disciplinary standing as determined by his published research. His movement from one institution to another is heavily influenced by the time and support he will gain for his research efforts.

Of course, many research-oriented faculty in universities teach graduate students as part of their research activity. Indeed, in many fields of graduate study, the laboratory is the classroom.

Prestigious professors who are not accessible to undergraduates may be very accessible to graduate students to whom they have their basic teaching responsibility. It is not the committee's purpose to suggest that all professors dedicated entirely to research, or to research and graduate teaching, should now teach undergraduates.

The problem lies with overemphasizing research at the expense of undergraduate teaching.

This committee does not think it desirable, even were it possible, to devalue the contribution of scholarly research. Such research may, in fact, contribute to the solution of social ills about which students and others in the academic community are actively concerned.

What deliberate policy can do is introduce compensating influences to redress the balance. Specific suggestions are put forth in the recommendations that follow.

1. Effective teaching deserves greater recognition in hiring, promoting, and paying, specially in the major institutions. Explicit methods must be developed for assessing teaching competence, improving the learning process, and systematically reviewing the adequacy of the curriculum.

Quality of teaching must be given greater weight in tenure decisions. Faculty scholarship, research, and public service should relate more closely to teaching; indeed, they can enhance teaching.

Both individual institutions and national professional organizations should establish fitting rewards for exceptional teachers. The committee urges the learned and professional societies to explore other ways of giving more status to teaching and improving its quality, especially at the undergraduate level.

2. In matters affecting teaching—*e.g.*, new faculty appointments; the awarding of tenure—new courses, departments, or interdisciplinary arrangements—faculty committees should seek the counsel of students who have had direct experience with the matter to be decided.

The faculty, by virtue of its earned competence, is in the best position to have main jurisdiction over academic matters. But students, as the consumers of higher education and as young people with important perceptions about our changing society, have a right to be heard on matters affecting the educational program.

As was pointed out in an earlier recommendation, participation by students could strengthen the quality of the decisions made and help to ensure their acceptability to the student body.

In this connection, faculty should welcome the development by student organizations of formalized and objective procedures for evaluating faculty teaching of undergraduates in all important courses. Too often, student evaluations of teaching are fragmentary and are not available to the teacher, who might improve his teaching if he were aware of students' criticisms.

3. Tenure policies—concerning a faculty member's right to hold his academic appointment until retirement once competence has been demonstrated (except when extreme malfeasance has been established by due process)—need to be reappraised.

The justification for tenure is the crucial protection it gives to academic freedom. Professors who espouse unpopular views must be free from reprisal. Tenure was not devised in the spirit of trade union systems to guarantee job security. But it has come to serve this function too, at a cost.

It sometimes has been a shield for indifference and neglect of scholarly duties. At a time when an increasing number of teachers, especially in community colleges and state colleges, are organizing for collective bargaining, the committee recognizes that a challenge to the present concept of tenure is no small matter, that the issues involved are complex and difficult to resolve, and that a satisfactory solution must maintain effective safeguards for academic freedom.

Nonetheless, we urge the American Association of University Professors and the Association of American Colleges (co-sponsors of the basic 1940 Statement on Academic Freedom and Tenure) to join with representatives of other educational organizations that are concerned with tenure, including the American Federation of Teachers, the National Student Association, and constituents of the American Council on Education, to re-examine existing policies.

Standards for awarding tenure—a matter of institutional autonomy—need broadening to allow greater consideration of teaching ability. Scholarly communities must be protected as effectively as tenure now protects individual professors.

4. A climate of open discussion must be created in which risks for trying new approaches are minimized. Faculty members should respect the educational freedom of students in the classroom to raise questions and to discuss freely issues arising from their course work.

To encourage innovations in curriculum, in degree requirements, and in standards for assessing faculty competence, institutions should seek resources to alter the reward system.

Innovation can also be encouraged on our giant campuses through subdivisions with greatly dispersed authority, budgetary autonomy, and architectural settings that encourage informality and intimacy.

In many institutions, the hierarchical structure of institutional management and departmental authority needs to be altered. Rigid hierarchies tend to shield the decision-makers from the discontents and constructive ideas of students and younger faculty members.

5. Renewed attention must be given to long-standing questions about the established standards for the Doctor of Philosophy degree. Either Ph.D. programs should be reformed to provide more adequately for the majority whose careers will in fact center on teaching rather than on the conduct of research, or increased recognition should be given to alternative programs for those who will be primarily teachers.

One important issue is the nature of the dissertation. Generally the dissertation is supposed to be a work of original research, but this standard is not uniformly applied and is inappropriate for many graduate students.

Another issue is the role of graduate students as teachers. Although some are excellent teachers, graduate students tend to pursue their teaching assignments without adequate supervision in a system which treats assistantships primarily as a form of subsidy to students and a source of low-cost instruction.

Supervised experience in teaching, as well as participation in decisions on departmental policies, ought to be important parts of the learning experience, especially for those graduate students planning academic careers.

6. Faculty needs to take a more active role in re-examining institutional goals and in guiding change, instead of simply responding to reform proposals from other quarters. Too often, in fact, their authority on educational matters has been used to disguise complacency and unwarranted conservatism, and as an excuse to avoid making reforms.

Many have resisted changes designed to meet the varied needs of a heterogeneous student body because they conceive their own role narrowly and selectively, as simply the trainers of an intellectual elite. Faculty need to re-examine critically both their role and their procedures for handling innovative ideas.

Administrators

It is altogether proper for the other constituent groups to hold administrators accountable for their actions and their inactions—but only within the limits of their roles and responsibilities and their power to act.

When their responsibilities are ill-defined or their power to act is unduly circumscribed, serious barriers exist to the resolution of campus tensions.

1. Administrators are often properly blamed for their institution's shortcomings in organization and governance. Other members of the college community, however, are typically uncertain about what administrators are expected to do and how their performance should be evaluated. Accordingly, institutions must define explicitly who is responsible for what.

Moreover, administrators often have responsibilities in certain areas but do not have the power to take major action without approval from higher authority or endorsement from a faculty committee. These limitations, too, should be clearly spelled out.

2. Especially at the presidential level, responsibility must be accompanied by the necessary authority. Trustees, faculty, and students need to consider the possible ultimate consequence to them of weakening the president's authority.

Institutions should have constitutions or bylaws which clearly define the responsibility and the authority of the president. In this connection, the nature of the presidency deserves rethinking. For example, fixed terms of office, renewable or unrenewable, might relieve some pressure on presidents, and also ensure institutional vitality.

Fixed terms, or a system by which to review administrative tenure, might be preferable to the present system in which some presidents stay long beyond their real effectiveness or are sometimes sacrificed after one major incident.

A division of authority—between "outside" concerns and "inside" ones, for example—might be considered where the burdens of the presidential office have grown too large for one man.

3. Colleges and universities, also need to reassess the roles and responsibilities of other administrative officers. Their performance should be subjected to periodic review and evaluation. Additionally, the roles of administrative offices should be re-examined.

For example, on some campuses the dean of students serves as adviser to students and overseer of student organizations, while also serving as prosecutor (and sometimes as judge and jury) in disciplinary matters.

These responsibilities may conflict with one another and call for differing talents, and, where feasible, should be separated—the advisory responsibility assigned to one office, and judicatory responsibility to another.

4. Presidents and other administrators have an especially urgent responsibility to ensure that avenues of communication are open. Some presidents are cut off by overconscientious aides or secretaries; others are seldom seen on campus and never talk with students and seldom with faculty. How to keep the channels open will present a different problem on every campus.

Nevertheless, it should always be possible for a student, faculty member, trustee, or layman who has a message to get through to the president. Accessibility, moreover, is not the whole answer. Presidents and other administrators must take positive steps to explain their plans and policies to the appropriate constituencies, through such devices as newsletters, annual reports, "town meetings," or position papers on particular issues.

They must also provide students, faculty, and others with information sufficiently in advance to enable them to make meaningful contributions to decisions.

5. To communicate effectively administrators must be open and candid in giving reasons for decisions and actions. There are instances when the release of information would needlessly injure individuals. But the withholding of information on such occasions will be better understood and accepted if, at all other times, communication is candid.

Here, also, continuing efforts are as important as those during crisis. Administrators should meet frequently with faculty and student groups, not only to listen but also to make known their thinking on basic issues.

6. The ability of presidents and other administrative officers to devote the time required for the communications we consider desirable is dependent on adequate institutional staffing.

Highly effective administrative organization, procedures, and personnel to conduct the heavy administrative business of the institution, are needed to support presidents and other administrators as they devote themselves to the varied and time-consuming responsibility of modern institutional governance.

7. The rules by which colleges and universities govern themselves, and the defining of appropriate responses to infractions, are matters on which students, faculty, administrators, and trustees should seek agreement. But it is an administrative responsibility (if only by default) to see that these rules and procedures receive continuing assessment. Rules need to be tested for clarity, fairness, and adequacy to meet foreseeable circumstances.

In many institutions administrators need to initiate a rulebook "housecleaning": to eliminate (or draw to the attention of those empowered to do so) rules that have outlived their usefulness, or are unrelated to institutional objectives, or that duplicate public laws and carry unwarranted additional punishment.

8. Administrators need to develop with civil authorities, especially law enforcement agencies, plans for handling campus disturbances that would require the presence of civil authorities. The plans must define the division of responsibility between campus and civil authorities, provide effective channels of communication between the two groups, and ensure due restraint in the handling of those causing the disturbance.

The entry of large numbers of off-campus police during disturbances can heighten tensions rather than relieve them. Physically punitive action, however provoked, that can be interpreted as "police brutality" adds fuel to the flames.

Inaction, on the other hand, can result in substantial property damage, danger to members of the campus community, and extended interruption of educational function, as well as reduced respect for the administration

Trustees

As most informed critics of academic governance have concluded, the lay board, despite its shortcomings, is still preferable to other methods of control. The reform of board organization and procedures should be undertaken even though no mere redefinition of trustee roles will eliminate existing frictions.

Failure to make lay boards more effective participants in the total enterprise, however, is certain to increase the tensions now disturbing much of higher education. The effectiveness of trustees is not measured by the depth of their involvement in the day-to-day business of the institution or the firmness of their control.

It is measured, rather, by the extent to which they are well-informed on educational issues, judicious in the exercise of their powers, and protective of the prerogatives of all members of the academic community.

1. Every institution should have carefully framed bylaws, subject to periodic re-examination, that set forth the board's essential authority and responsibility and define its procedures. Periodic review of the bylaws will benefit from outside counsel and from attention to what other institutions are doing.

Even such basic matters as the board's mode of selection and appointment, size, composition, term of office, should be reexamined. For example, switching to popular election of boards might dissuade men of detached viewpoint from applying, but self-perpetuating boards of lifetime members have faults as well.

Institutions with the latter system should consider that fixed terms for trustees would preserve detachment and continuity, while at the same time ensuring periodic rejuvenation of the board.

2. Students, faculty, and others need to be well informed about how decisions are made in their institution and the reasons for policies that are decided.

The bylaws of the trustees should be accessible to all members of the academic community and to concerned outsiders, as should agenda of each meeting.

When major decisions are made, boards should promptly issue reports which explain reasons for the actions taken. Boards must have well-publicized rules governing the submission of petitions, and adequate procedures for prompt consideration of them.

3. Boards should make more effective use of special committees and other mechanisms through which they and representatives of students, faculty, staff, and alumni can communicate more readily.

4. In the matter of finances, ways must be found to re-examine institutional priorities so that there will be both wider opportunity for involvement and a greater sharing of responsibility among students, faculty, staff, and others.

5. Delegation of responsibility and accountability does not absolve trustees of the need to be well-informed about the institution's programs and to be serious students of higher education generally.

Presidents and others who influence heavily the content of the board agenda should focus it more on educational issues and less on fiscal and housekeeping chores.

6. Although anything resembling a quota scheme of representation in board membership should be avoided, there should be greater diversity of age, occupation, and other salient individual characteristics that might broaden horizons and present other points of view.

Some boards of trustees may wish to consider adding student and faculty members from their own institutions; other boards, desiring to avoid the possible conflicts of interests that may arise from such participation, can achieve broadened viewpoints by adding members drawn from other institutions.

Ultimately, the evolving nature of higher education may require re-examination and reassessment of the authority and functions of trustees in the governance of the university, along with reappraisal of a need to delegate some of their authority to other groups on the campus.

GENERAL RECOMMENDATIONS

Governance

In certain basic areas of governance and decision-making, many institutions have considerable autonomy to chart their own course. It is in these areas that the diverse interests of the members of the academic community are most likely to be reconciled. These include:

Criteria for admissions;

Criteria for recruiting, hiring, and promoting faculty and staff;

Curriculum requirements;

Performance standards and rewards for faculty and staff;

Standards of conduct for members of the academic community;

Academic performance standards for students, including criteria for grading and certification.

The committee believes that campus conflict sometimes arises from a confusion of three questions:

The substance of a particular policy: What is it?

Its validity: Is it a good policy?

The process by which it was made: Who decided it?

To view campus tensions in terms simply of "Who decides?" rather than of "What gets decided?" is to regard institutional decision-making as a power struggle rather than as a means of improving the educational environment.

Validity is, of course, one important consideration, and educational decisions are most likely to be valid if alternatives have first been subjected to a complete airing and analysis by the parties concerned.

The need for thorough study of alternatives relates closely to the problem of communication. All four constituent groups cite inadequate communication as a major cause of tension.

Decisions made without adequate study or simply presented as *faits accomplis* not only create resentment and hostility, but also run the risk of being wrong. This is particularly true with decisions on strictly educational matters (curricular requirements, for example), where students, faculty, and others directly affected are likely to have valuable insights to contribute.

Although improved communication does not eliminate problems, it usually results in sounder educational decisions and fosters governance by consensus rather than by force.

1. The processes of academic governance, especially those that determine and establish institutional policies, must be seen by all major groups concerned as essentially *fair*. Due process must be enlarged to include broad participation in the deliberations on important issues.

If any part of the academic community feels that its own interest in a proposed new institutional policy has not been fairly presented and heard, the new policy is likely to be challenged.

2. Every attempt must be made to establish effective communications, so that policy questions and grievances can be aired by the campus community. A number of institutions have had success with such communications methods as:

Centralized files of important institutional records accessible to campus constituents;

Rumor centers, especially during periods of campus turmoil, to which members of the community may telephone for accurate and up-to-date information;

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Ombudsmen to hear grievances, speed up communications, and unsnarl red tape;

"Official" campus newspapers, in which texts of important reports and other documents of wide interest to the campus community can appear.

Members of the campus community should recognize, however, that improved channels of consultation may render decision-making procedures slower and more cumbersome.

3. As an aid to effective decisionmaking, joint administrative-faculty-student committees should be established, whenever possible, to assist in resolving the problem and attaining the objective. More institutions should experiment with permanent legislative assemblies composed of administrators, faculty, and students.

Some issues are better dealt with by faculty assemblies, some by student groups, and some by the president and his administrative staff; but each group's decision making processes can benefit from inputs from the other groups.

There are, additionally, issues of concern to all three groups which should be dealt with by a governance system in which all are recognized as legitimate participants.

4. The effective functioning of a college or university depends in large measure upon a shared commitment by members of the campus community to the principle of institutional self-governance and an assumption of the responsibilities that such a commitment implies.

For example, in disciplinary proceedings all must be willing to provide testimony and to serve as triers of fact.

It must be possible to conduct hearings without fear of disruption or retaliation against participants; there must be willingness to respect the finality of decisions.

Institutional goals

The committee's recommendations rest on shared views about the appropriate roles of colleges and universities in an unstable and troubled world. The problems of colleges and universities, like those of society at large, rule out as untenable a comfortable policy of "business as usual."

As society gropes to discover and realize more humane, just, and viable patterns of life in an age of advanced technology on a crowded globe, colleges and universities need to develop mechanisms of "self-renewal," in John Gardner's phrase, to keep them in position to make appropriate contributions to society.

In their educational function, colleges and universities need renewal to enhance their ability to prepare young people to cope with the kind of world that they will actually encounter.

1. Everywhere there is need to reexamine existing disciplines and to allocate resources for the design of new forms of intellectual inquiry; interdisciplinary programs which break down departmental rigidity provide one example of an appropriate response.

2. Faculties and staff of colleges and universities should be drawn from more diverse social and vocational backgrounds. The vocational experiences of artists, writers, diplomats, government officials, and others can enrich and enliven the discourse on the campus and help to reduce the tendency toward academic provincialism.

3. Colleges and universities must respond, more effectively than they have in the past, to the educational desires of women. Wherever discrimination because of sex exists, it must be eliminated.

4. New curricula and resources are needed to further the self-development of students in ways traditional curricula have failed to do.

More institutions should seek the resources to experiment with alternate modes of learning: cluster colleges, experimental education, work-study, community involvement for academic credit, and other living-learning arrangements.

5. Institutions should create centers for educational research and innovation to encourage the development of new approaches to education and the implementation of innovation in education—both in teaching techniques and in new courses, and to foster a continual questioning of conventional and traditional means of promoting the expansion of our frontiers of knowledge.

6. The American society overemphasizes the value of the traditional college degree. Further encouragement should be given to the development and support of new directions in post-secondary education.

7. Novel admissions practices should be tried by some institutions, both to extend access to higher education and to provide a broader population in which to test the quality and effectiveness of education programs.

8. Most collegiate institutions in the past have been heavily oriented to the purposes of the white majority. More attention must be given to the needs of ethnic minorities.

Ethnic studies programs, however, should ultimately be incorporated into the regular academic programs so that the white majority will learn more about the history and needs of minority groups.

9. Institutions should recruit more students, faculty, and staff from minority groups that have been under-represented in the campus population.

Other institutions should not be "raided" for minority personnel and students; rather, though it will take time, the pool of eligibles must be enlarged and recruitments made from among those who would not normally expect to attend college or to have academic careers.

10. Many reforms in higher education are expensive. But if we are to have them, institutions must be given greatly increased funding from all sources—especially the federal government—to increase financial aid to students, to develop new kinds of educational programs, and to permit students as well as faculty to launch innovative research and teaching projects.

11. Trustees, administrators, and faculty have as great a stake in effecting institutional change as do students. Reform of the college is a shared responsibility requiring attitudes that encourage educational change by all of the campus constituents.

12. Institutions should resist the distortion of their research efforts because of outside sources of funds. We urge the federal government to support research and instruction in ways that will respect the autonomy of institutions, enhance scholarly innovation, and improve students' educational opportunities, and we also urge institutions to emphasize these principles in developing their research.

CONCLUSION

Unrest on the nation's campuses is only part of the mosaic of problems in American society: the poverty amid affluence, the continuing racial strife, the poisoned environment, the decaying cities, the apparent decline in the whole quality of life.

These problems affect all of society, not simply colleges and universities. It is ironic that some seek destruction of the colleges and universities and that others within them remain averse to all constructive change.

These institutions hold our greatest hopes: as places of objective inquiry, for the solutions of society's problems; places of unfettered thought, for the debate of sensitive issues without fear of intimation or reprisal; centers of teaching and learning, for the education of tomorrow's problem-solvers and leaders.

Just as those who compose the academic community must rise to the defense of colleges and universities as vital and enduring social institutions, so must they recognize that these institutions must be responsive to the needs of the times.

A college or university should be flexible enough to accommodate change, aggressive enough to promote change, and wise enough to anticipate the consequences of change. It must strive as never before to become a bastion of high purpose, a goad to the public conscience, an implacable enemy of the false, the inhumane, and the unjust.

And in doing so, it must defend the use of reason as the means of moving toward its own and society's goals.

The survival of our system of higher education and its long-term contribution to society depend upon rationality and civility, shared concern, and mutual respect among the members of the academic community. Students, faculty, administrators, trustees—all must recognize their necessary interdependence.

THE PLIGHT OF THE SOVIET JEWS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. PODELL. Mr. Speaker, the plight of the Soviet Jews calls for a reaction of the world's conscience. Three million Jews live in the Soviet Union today and ask only for the right to live in peace as Jews. The Russian Government, however, has acted to deny them this right. Instead, the few remaining freedoms of the Russian Jews are being increasingly circumscribed. Once again the Soviet broadcasts and publications are filled with loudly proclaimed anti-Semitic policy statements.

Harassment of the Jews proceeds because such activity has been granted official support. Jews are being dismissed from their jobs for no other reason than their religion. Although the Soviet Union claims to be an atheistic and egalitarian society, the Jews are being singled out for special abuse. Here is the clearest display of Soviet hypocrisy. Numerous other cultural and religious groups have been permitted to retain their identity. They have been permitted to worship. Jews instead are being repressed.

The Soviet Government starts with the faulty premise that a person cannot be a loyal Soviet citizen and a Jew. Therefore, synagogues and religious schools have been closed by the Government. Only 60 synagogues remain open today. Educational and cultural facilities have been dismantled. Each Jewish congregation must exist in isolation from other congregations although other religious groups are permitted some centralization and some central council. Jews are denied Bibles and basic religious articles.

There appears to be a direct correlation between the militancy of the Soviet policy in the Middle East and the growing anti-Semitism in the Soviet Union. Formerly disguised under a veil of propaganda, anti-Semitism is becoming more and more obvious. The veil has been lifted until the Soviet Jew is being attacked as pro-Zionist and is looked upon as an actual or a potential Israeli spy making him a disloyal Soviet citizen. It

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is but a short step from classification as a Jew to classification as a potential Israeli spy. Yet the step is a dangerous one. No defense is adequate when an individual is suspect because of his birthright. The argument becomes a reductionist one, and the consequences offend human dignity.

Today the plight of the Jew has grown worse. He is being denied the right to leave the Soviet Union in order to find freedom. Instead, he is required to suffer the growing repression—in most instances silently.

The few letters that have left the Soviet Union speak for themselves. One letter, signed by the 18 Jewish families wishing to leave the Soviet Union, states, "It is incomprehensible that at the end of the 20th century it is possible to forbid people to live where they wish."

It is inconceivable and yet these people are the victims. They have refused to give up their Jewish identity. Rather, in the face of Soviet action, they have given it new meaning. In the words of one woman to the United Nations: "Is devotion to one's own people a crime? Are feelings of human and national dignity forbidden feelings? Has a man no rights to defend himself from insults? Can the reason the Soviets will not let my son leave be cruelty in principle?"

From still another Soviet citizen we hear: "My cup of sorrow has overflown, 19 years without work in my profession, 19 years without an assured piece of bread, 19 years of jeering and insults. And the joyless childhood of my children. Don't prevent me from departing the borders of the Soviet Union and don't drive me to madness by another refusal."

The condemnation of the Soviet Union on this issue must become the official policy of the United States. World pressure on the Russian Government is the only way to reverse the present Soviet policy of repression.

The interminable delays, obfuscation, and false promises must not continue. The plight of the Soviet Jews is all the more immediate and touching at this time of Passover, when Jews all over the world celebrate the freeing of the Jews from ancient Egypt. Yet, Jews cannot truly celebrate when many of their brothers are still the victims of calculated anti-Semitism. I say it is time that the Russian Jews be set free.

PENNSYLVANIA SOLDIER KILLED IN VIETNAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Sp4c. Vinture Sciarretti, of Greenfield, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Sp4c. Sciarretti for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

SP4C. VINTURE SCIARRETTI

Sp4c. Vinture Sciarretti, 21, son of Mr. and Mrs. Samuel C. Sciarretti of 226 Kaercher St., Greenfield.

Sp4c. Sciarretti, an Army machine gunner who had been in Vietnam four months, was killed near Song Be, during an enemy mortar barrage.

He had not been happy when assigned to Vietnam, his sister said, but he realized the obligation to serve his country.

Prior to being drafted last April, he had graduated from Bishop-Boyle High School and attended Triangle Technical School—hoping to become an industrial draftsman once out of the service.

Aside from his parents, he is survived by three sisters, Teresa, Judith, and Susan, all at home.

CALL ON CITIZENS TO END GANG KILLINGS AND THEIR ACTIVITIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. DERWINSKI. Mr. Speaker, the Chicago South Suburban News is a weekly newspaper oriented to the black citizens in the Chicago area. It is also a publication noted for its spirited editorial commentary and colorful news coverage. In a front-page editorial in its Saturday, April 11 edition, the Chicago South Surburban News carried a very direct and forceful commentary urging black communities to end the gang activities that have arisen to plague them:

CALL ON CITIZENS TO END GANG KILLINGS AND THEIR ACTIVITIES

A crisis prevails in most Black communities throughout Metropolitan Chicago, because of criminal gang activities and the lack of concern or fear by most Black citizens.

According to statistics released by various law enforcement agencies county, state, federal and local police, during the past 13 months 675 persons have been victims of gang related shootings and 84 have been killed. Most of these shootings and killings are the result of gang warfare, extortion and stepped up gang recruitment. In Black communities with most victims being Black youths.

Last weekend the following three youths were killed as a result of gang related activities. April 3, Byron Harris, 15, of 6948 South Wallace was killed by Maurice Luckie, 15, of 6952 S. Normal, on Sunday at 4:00 p.m. Luckie in turn was shot and died of wounds in St. Bernard's Hospital at 2:00 a.m. on Monday morning. On Saturday, April 4, Richard Mixon, 14, was shot at 4:00 p.m. He died at 11:30 p.m. in St. Bernard's Hospital.

Now, I ask everyone, if these youths were your children, how would you feel? And what would you do about it? Bury your head in the sand as most Black parents and citizens have done or would you take your pistol and go out and shoot those responsible for the killings? Who are responsible? Our answer, we all are, by allowing youth to belong to destructive gangs. Every gang member must sleep and eat some place every day, with some adult being in that house. It is a parent's responsibility to give proper supervision. Those who do not have youth belonging to gangs, must assist mothers where no father is in the home. If we do not, we are less than men.

Every Black disc jockey, newspaper writer, editors and publishers must start an all-out campaign to stop gang killings, shootings, extortion, rapes, gang recruiting, brutality and all other destructive practices committed by our Black youth.

Most Black communities are not safe for people to live in today, due to the destructive practices of gang members, some corrupt police, syndicated white and Black hoods, all of whom must be eliminated from Black communities.

All Black citizens must become aroused and act immediately. Black leaders, teachers, lawyers, doctors, laborers, politicians, parents, ministers and others.

The warm weather is upon us and more youth are on the streets exposing themselves to more violent gang activities, unless we all do something constructive to stop senseless killings and other gang related violence.

Daddy-O-Daylie, disc jockey at Radio Station WGRT is currently carrying on a campaign to stop the violent gang activities. Every black citizen in Chicago and suburbs must also join in a concentrated effort to end gang violence. We do not have time for rhetoric or semantics about the causes for youth being gang members. If we act positively we will be dealing with causes. We do not have all of the answers as to how we can deal with eliminating violence in our communities and we are aware that wholesale arrest of gang members will not be the solution. But this we know, if all citizens become aroused, united and act positive, then gang violence in Black communities will end.

We urge youth to disassociate themselves with any gang and pledge to work for positive Black action and improvement in their own community. The dumbest animals on earth refuse to destroy their own homes and environments. We believe our youth to be wiser than they have been.

NEW YORK CITY PHONE SERVICE GETTING WORSE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. BINGHAM. Mr. Speaker, the people of New York City have been crying out for the past 3 years about the deteriorating telephone service in New York City. Yet they have met repeated denials by officials of the New York Telephone Co. who insist that any troubles are localized and temporary. None other than the president of the New York Telephone Co., when asked in a Life magazine interview last November if he would admit there was a crisis or breakdown, stated:

> Absolutely not. We've had some pockets of trouble in some critical areas, but that's about all. No question about it.

Well there is lots of questions about it. And today's New York Times gives ample evidence that the telephone users, not the company officials, have been right all along. The paper, in a front page article, reports that the Federal Communications Commission, as part of its first national survey of telephone service, has compiled vast new evidence which indicates that telephone service in New York is not only the worst in the Nation but that it is getting worse. This evidence is based upon reports filed by

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the phone companies themselves and measures service quality against standards the industry itself established. The article stated that although there are major telephone problems in cities throughout the country, New York City had such bad telephone service that it makes the others look good by comparison.

Mr. Speaker, we cannot expect the high quality of interstate long-distance telephone service to remain high if local networks are falling apart at the seams. The Federal Communications Commission must shoulder the responsibility of enforcing nationwide quality standards with respect to telephone service, right down to the local level. The separate jurisdictions of the FCC and State regulatory bodies has proven inadequate to maintain the high standards and low rates we have a right to expect.

Furthermore, the new evidence cited in the New York Times article should be ample for the New York Public Service Commission to rescind the interim rate increase of $137.4 million granted by the commission pending a determination of whether the increase is justified. New Yorkers should not have to pay higher rates for telephone service which is the worst in the Nation, and which, according to the FCC evidence, is still declining in quality.

I am including at this point the full text of the New York Times report:

FCC PHONE STUDY FINDS SERVICE HERE WORST IN U.S.

(By Christopher Lydon)

WASHINGTON, April 26.—The Federal Communications Commission, making its first national survey of telephone service, has compiled voluminous new evidence that the New York City phone system is the worst in the country—and getting worse.

Reports from 20 large cities serviced by the Bell Telephone System indicate that failure to satisfy the industry's own service standards is now the rule, not the exception.

Although the New York City statistics made most of the other big city systems look good, the commission's survey indicated that degeneration in service is a general problem. Chicago and Boston, for example, are only slightly better than New York with respect to the speed of new phone installations, and Miami is worse than New York in volume of service complaints and delay in making repairs.

Still unknown are the service levels in independent, or non-Bell, systems. The commission inquiry was also directed to seven of the larger independent phone companies, but their responses are still incomplete.

The survey showed that during the last winter a New Yorker had only two chances in five of getting a new phone installed within the "standard" five days after order.

Two years earlier, by contrast, the chances were three to one in favor of beating the five-day deadline in New York. And even now, the Bell System phone companies in such cities as Omaha and San Francisco manage to install about 95 per cent of their new orders on time.

The F.C.C.'s discouraging picture of phone service in the nation's largest city is hardly news to phone users there, to New York's State Public Service Commission or to the New York Telephone Company, which last summer announced emergency measures to upgrade the vast city system.

Yet the commission's data, part of a continuing study, give fresh statistical proof of mounting deterioration. And they may yet prompt the first Federal enforcement of quality standards, which have traditionally been left to state regulators and the Bell System itself.

A spokesman for The New York Telephone Company said last night that since he had not seen the survey he could not offer immediate comment.

The New York City system scores the lowest marks in the country in almost all the categories that the Bell System has established for measuring service.

As of January, 1970, the last month for which the F.C.C. had figures, the rate of service complaints in New York had for the first time exceeded 8 per cent of the subscribers each month, which meant that the average New Yorker with a phone would need repairs once a year. At the same time, the figures indicate, the speed of repair service is slowing down.

Two and a half years ago, less than 8 per cent of those who complained about service had to call a second time to get satisfaction in January, 1970, more than 13 per cent of the service calls got results only after a second complaint.

ALL-TIME LOWS

In three other measures of how well the system works—the time it takes to get an operator, the time it takes to get a dial tone and the percentage of blocked calls—the New York system appeared to be the worst in the country and also reached its own all-time lows last January.

When people dial "operator" in New York, the chances are one in five—compared with one in 10 two years ago—that they will wait more than 10 seconds for a response.

Picking up the phone to make a call, one in seven New Yorkers waits more than three seconds to get a dial tone—compared with one in a hundred two years earlier.

Even with the assistance of an operator on person-to-person or collect calls, New Yorkers confront a busy circuit or a recorded message that "Your call did not go through" nearly 5 per cent of the time—which is more than twice the national rate and triple the New York rate of two years ago.

The only general category in which New York fared relatively well involved direct distance dialing, in which long-distance calls are placed automatically without operator assistance.

In the so-called "DDD" category, about 3½ per cent of New York's outgoing calls and about 2½ per cent of the incoming calls hit blockages or went astray. Those figures are 50 per cent higher than the DDD failure rate of two years earlier. However, the performance of direct distance dialing in New York is now roughly the same as in other big cities around the country.

Deterioration of service within the Bell System, a source of profound embarrassment to the nation's dominant telephone carrier, has also created a dilemma for the commission.

Strictly speaking, the regulatory responsibility of the F.C.C. covers only the interstate system, to which Bell technology has brought new efficiency and steadily declining toll rates.

SIGNIFICANT IMPACT

Until a year ago, local regulatory agencies bore the brunt of most service complaints, while the F.C.C. happily shared some of the credit for the reduced long-distance charges. Though most of the service problems appeared to be local in origin, the Federal agency's service inquiry, which began last August, noted that the problems were beginning to have a significant impact on the interstate phone network.

Bernard Strassburg, the staff chief of the F.C.C.'s Common Carrier Bureau, observed in an interview last week that "for a long time we were pretty relaxed about the quality of interstate service."

"We were complacent, perhaps, but the service was generally good," he said.

Mr. Strassburg, who initiated the service study, has reluctantly become a severe critic of the Bell System's performance. He is convinced, for example, that in such intangible categories as the courtesy of telephone operators, phone service "isn't what it used to be."

At the same time, he makes allowances for rapid and continuing expansion, and he expresses an obvious sympathy for the damage to image that service problems have inflicted. Mr. Strassburg said of Bell executives: "For Bell people, service problems are the very worst sort of thing to be associated with."

"Over the years," he continued, "if nothing else, they've been concerned about service. I don't think that at any level of management, you'll find a 'public-be-damned' attitude at Bell."

RUSSIAN INTRIGUE DETAILS BARED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. ASHBROOK. Mr. Speaker, for years now some naive Americans have viewed themselves as Soviet experts after a quickie trip to the U.S.S.R. With a trust born of ignorance or misinformation they have generally concluded that the Soviet Union would not open its doors to the outside world if its system was as repressive as claimed in some circles. In contrast, individuals who have taken the time and effort to learn about the Soviet system have, in general, not been deceived. For those who are contemplating a trip to the U.S.S.R. forthcoming testimony by a former member of the Soviet KGB, Yuri Krotkov, might make them reconsider the worth of such a trip. The veteran newsman and columnist for the Chicago Tribune, Willard Edwards, in his April 25 column reports on the testimony of Krotkov, which should soon be available to the public. In describing the Krotkov story, Mr. Edwards states:

> It will chill some of the hundreds of Amercan educators, writers, scientists, and politicians who have come back from visits behind the iron curtain to enthuse about the prospects for cultural exchanges and development of freedom in the intellectual community there.

I insert at this point in the RECORD the Edwards column entitled "Russian Intrigue Details Bared":

[From the Chicago Tribune, Apr. 25, 1970]

RUSSIAN INTRIGUE DETAILS BARED

(By Willard Edwards)

WASHINGTON, April 24.—A human document, 1,000 pages long, more absorbing than many a fictional spy thriller and twice as revealing in its exposure of espionage and propaganda techniques, awaits publication by the Senate internal security subcommittee.

This transcript of secret testimony by a Russian defector, who worked for many years under the direction of the KGB, the soviet secret police, is so far-reaching in some of its segments that a question of the subcommittee's jurisdiction has arisen.

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The internal security of nations other than the United States is affected by its disclosures. This information is already in the hands of the countries involved, some of them partners in the North Atlantic Treaty organization. Prominent foreign personalities are involved.

The subcommittee, as its name indicates, is confined to inquiries involving the security of the United States. Its chairman, Sen. James O. Eastland [D., Miss.], and members face a delicate problem in deciding how much may be published without injury to international relations.

If some deletions are necessary, the transcript will not lose its impact as the freshest revelation of Russian intrigue to come into the subcommittee's hands.

It will chill some of the hundreds of American educators, writers, scientists, and politicians who have come back from visits behind the iron curtain to enthuse about the prospects for cultural exchanges and development of freedom in the intellectual community there.

Most of them were in the hands of KGB agents from start to finish. They were trapped, if possible, into compromising positions with attractive Russian women, becoming potential blackmail victims. They were presented a completely false picture of soviet conditions by the warm and friendly companions who greeted them as fellow intellectuals.

One of these greeters was Yuri Krotkov, now in his fifties, an author and playwright of some repute in Moscow, who acted as a "steerer" or "roper" of intellectuals from foreign lands.

Krotkov, according to his testimony, worked for the secret police for 17 years. He was, and is, a cultured man of pleasing appearance, a linguist who could converse on familiar terms with French, English, German, Spanish, and American visitors, charming them with his liberal attitudes. He scored some sensational successes in luring men of prominence into the toils of the KGB.

When he was sent abroad by the KGB, Krotkov posed as a correspondent for Tass, the soviet news agency. His reputation as a dramatist, author of an anti-American play based on the life of Paul Robeson, gave him entry into all social circles.

He eventually became nauseated by his role. His play, he said, was "propaganda of the purest water—cheap, primitive pamphleteering," but the Moscow critics raved about it. He enjoyed having his suits made by a fashionable tailor and "taking good-looking girls to expensive restaurants," but he felt like "a cog in a huge machine," grinding out propaganda.

In 1963, after first transmitting to microfilm copious notes on his spying experiences, he fled to England, where the British seized his evidence and impounded it under the official secrets act. Thus, most of his evidence will be published for the first time by the subcommittee. He is now in the United States under a pseudonym and has been given permanent residence here.

The Senate this week voted 5 million dollars for free trips to Russia for 1,000 elected United States officials and their wives. The goal is better understanding between Russia and the United States. The Senate may want to reconsider this action after reading the Krotkov manuscript.

DRAFT REFORM

HON. JOHN T. MYERS

OF INDIANA

THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. MYERS. Mr. Speaker, for many years our young people have been urging Congress to reform the draft as a first step toward its ultimate abolition. The President has today proposed a course of action which will do exactly that. He has recommended concrete, prudent, fiscally responsible steps to implement the excellent report of his Commission on an all volunteer armed force and he has proposed actions to make the existing draft more equitable during the interim before an all volunteer force becomes a reality.

Free choice is the essence of a free society. Fully implemented, the President's recommendations will give our young men the right of free choice in making career and educational plans. No longer will the uncertainty of the draft hang over the lives of millions of young men. This is a major reform—one of the most significant since the present Selective Service System was established—and a reform which cannot be implemented too soon.

BART, THE BAY AREA ENVIRONMENT, AND ECOLOGY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. MILLER of California. Mr. Speaker, the San Francisco Bay Area Rapid Transit district is pioneering a system of transit for the new city complexes.

Because of the great interest today in pollution and its affect on our environment, the people in Alameda and Contra Costa Counties, and the city of San Francisco are doing something about it. This is a matter of great concern to not only the inhabitants of that area, but BART officials.

May I commend to the reading of my colleagues a recent release from BART relative to the bay area, environment, and ecology:

BART, THE BAY AREA ENVIRONMENT, AND ECOLOGY

Leaded gasolines, industrial smog, noise pollution, freeways, destruction of downtowns and urban sprawl all relate to the environment—and they tend to relate negatively.

More directly, they relate to transportation and to the automobile culture. They relate to a society that is "on the move," vigorous and loves its cars because they permit varying degrees of personal mobility. To many, automobile transportation is in itself a form of quality of daily life.

Rapid transit also is a form of transportation. It differs from auto-oriented mass transit because it uses a separate right-of-way. It does not produce lead. It does not produce smog—at least if it is electrically-powered rail rapid transit. It does not demand oil from the channels of Santa Barbara.

BART trains will carry 30,000 seated passengers per hour on a single track, in one direction. This represents five lanes of freeway capacity for each track at the so-called peak travel hours in early morning and late afternoon.

BART was not designed to do away with the automobile. Far from it. Much of BART's patronage will come from commuters who drive their cars to outlying BART stations. About 19 miles of BART's 75 mile network will lie in the middle or alongside freeways.

What BART was designed to do—and will do—is minimize the demand for additional freeway lanes.

What BART was designed to do—and will do—is permit access to central business districts without the need to pave them over with concrete and asphalt. It was with BART in mind that the City and County of San Francisco two years ago adopted a policy of discouraging downtown parking and downtown parking lots. It was with BART in mind that the same city and its developers have erected huge downtown buildings within two or three minutes walking distance of BART stations.

What BART was designed to do was to help preserve the topography of the bay area—the water, the hills, the scenery.

BART was designed to join outlying areas with downtown areas—helping to control urban sprawl, helping to minimize freeway construction, and helping to save the important downtown areas of our cities.

For those who use BART—and we expect enormous usage which simply cannot be predicted by conventional estimating methods—there will be another, very personal benefit. Trains that are comfortable, air-conditioned and quiet may be the commuter's answer to noise pollution. In other words, he can count on 10 to 20 to 30 minutes of a kind of tranquility before work, and again after the hustle and bustle of a day of work.

The automobile will not and perhaps cannot go away from the American scene, or from the bay area. We accept it, even though we may wonder about the consequences of the internal combustion engine. But the automobile in the bay area will be supplemented by a rail rapid transit system—33 stations joined by 80-mile-per-hour trains run by totally automatic systems.

It was the environment issue that gave birth to BART, and BART will do something for the environment in return.

POWER IN THE HOUSE

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HARRINGTON. Mr. Speaker, discussions of reform of the House of Representatives are attracting more and more interest. Few realize, or at best most overlook the fact that the strict seniority system as we know it today is not the creation of House rules. Rather, it is a belated reaction to Cannonism—the period during which Speaker Joe Cannon ruled with an iron hand until 1910 when he was deposed.

Many of my colleagues in this body have argued that strict adherence to the seniority system is the only alternative to another Joe Cannon. But after the House revolted from the rule of Mr. Cannon seniority was not the sole basis, as it is today, for leadership in the House of Representatives.

During the interim years 1911 to 1920, which one historian has characterized as that period when "King Caucus supersedes Czar Cannon," the ingredients of experience, ability, geographical equity, as well as length of service, were determining factors in committee assignments. A study by the Democratic Study Group shows that between 1911 and 1920 seniority was followed 676 times and violated 224 times. A determination on the part of a majority of the majority party—in this case the Democrats—to

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govern nationally was of paramount importance in making policy decisions. And it worked, as the legislative record of those years demonstrates.

I would like to call the attention of the Members of this body on both sides of the aisle to an excellent historical treatment of the events of the period immediately following the revolt of 1910. The following chapter titled, "Woodrow Wilson: The New Freedom and W.W." is excerpted from the book, "Power in the House," authored by a distinguished Member of this body, RICHARD BOLLING, well versed in the subject of reform. Mr. BOLLING has been an outspoken critic of the present operations of the House, but at the same time he has given us the experience of the past coupled with solutions for the future.

The article follows:

WOODROW WILSON: THE NEW FREEDOM AND W.W.

Cannonism as an issue remained politically potent. It helped propel Democrats into control of the House after the 1910 Congressional elections, which came eight months after the Cannon revolt.

During the campaign, the Democrats had coupled Cannonism and the high-duty Payne-Aldrich Tariff Act into one decisive issue. They claimed credit for the House upheaval. This claim found warm response among voters. The resulting political harvest was a bountiful one. A forty-four-seat Republican plurality in the Cannon House was converted into a sixty-five-seat Democratic plurality in the new Sixty-second Congress. For the first time since 1893, the Democrats controlled the House.

Conversely, it was an election disaster for many of the Republican Old Guard. Before the election, Nicholas Longworth of Ohio, a future Speaker and a Republican regular, had publicly stated that he would no longer support Cannon for leader. He further had predicted that, if the Republicans were returned as majority party and all Republicans attended their organizing meeting, "Mr. Cannon can not again be elected Speaker." Cannon survived the election. Returned to the House, Cannon was assigned to the Appropriations Committee he had chaired before becoming Speaker. Only this time he was placed last among Republican's on the Committee. Six of his committee chairmen from the last Congress went to the political scaffold in their campaigns for reelection. The six included Tawney, Appropriations Chairman.

In the spring of 1911, the Democratic caucus nominated Champ Clark, minority leader in the last Cannon House, for Speaker in the Sixty-second Congress. His selection was unanimous. Of course, Clark's nomination was the equivalent of election in the Democratically controlled House. The caucus selected Oscar Underwood of Alabama as both majority floor leader and chairman of the Ways and Means Committee, positions which Polk, Fillmore, and McKinley each had occupied before becoming President.

In organizing the House, Democrats set out to redeem a plank of their 1908 national platform. At that time, they had pledged support for adoption of "such rules and regulations to govern the House of Representatives as will enable a majority of its members to direct its deliberations and control legislation." This pledge was not made out of some abstract inclination toward democratic parliamentary procedure. It was a means of getting the country moving again. The Democratic party supported statehood for Arizona and New Mexico, popular election of Senators, publication of campaign expenses, and altering the existing protective tariff to one for revenue only and at rates that "will not destroy fair and honest competition in the home market." The Democratic party in the House performed radical structural surgery through the party caucus, an apparatus also effectively used earlier by Republican Aldrich of Rhode Island to regulate his party's affairs in the Senate.

The change took place through the party caucus, where confronted by Southern sectional strength, policy could be adopted only by a two-thirds vote. The Democratic caucus met in executive session, but its proceedings were entered in a public journal. Democrats, as the majority party in the House, voted to strip the Speakership of its power to appoint members of both majority and minority parties to most committees and to name the chairmen. With exceptions, the power of appointment had been a tightly held and cherished one ever since the First Congress more than 120 years before. The Speaker, under the newly adopted plan, did retain authority to name members to select committees and to appoint a chairman when the House sat as a Committee of the Whole House. The Democrats' new method of appointment vaguely resembled one suggested by Godlove S. Orth of Indiana thirty years earlier. The immediate proposal, however, was apparently the work of four Democratic members, Representatives Shackleford of Missouri, Hughes of New Jersey, Hay of Virginia, and Cordell Hull of Tennessee.

The new design worked this way. The Democratic members of the Ways and Means Committee would serve as a committee on Committees. They themselves would have been previously elected to Ways and Means at the party caucus. The committee on Committees, in turn, would make nominations for assignment to other standing committees, including Rules. These nominations would be submitted to the party caucus for approval and ratification. After that, the Democratic nominations would be brought to the floor, along with the Republican ones made under a different procedure. There the House members, Democrats and Republicans, would vote for the nominees of both parties and select the committee chairmen. Of course, such an election was a bit of a farce. When the Democratic party was the majority party, for example, its members would supply the necessary votes on the House floor to elect the nominees of their own party "and they would not interfere with the nominations of the minority." As it developed, the Speaker, when a Democrat, was not excluded from consultations about standing committee appointments.

An analysis made of the first post-Cannon Congress, the Sixty-second, shows a reshuffling of Democratic committee assignments with seniority often ignored, as well as many of the Republican members who had been favored in the previous Congress. There were at least forty transfers of Democrats from previously held assignments on seventeen major committees. In the Sixty-third Congress, there were at least fifty-eight such transfers. Thirty-nine of fifty-six committees were chaired by Southerners. Despite the new method of appointment, ranking on committees included the factors of experience, ability, geographical equity, as well as length of service.

A glimpse of the effort behind the transfers is given by a future Secretary of State, Cordell Hull of Tennessee. Hull in his memoirs writes about the work of the Democratic Committee on Committees, which consisted of fourteen Democrats, including Hull.

We were determined to strip each committee of every possible vestige of special privilege and so to mold such committees as those on Agriculture, Labor and the Judiciary that they would join in securing maximum recognition by legislative actions for classes of American citizens who had been long neglected or discriminated against by numerous policies of the government. . . .

If we had the least doubt about a prospective member's attitude we sent for him beforehand, cross-examined him and pledged him unequivocally to do teamwork. We turned down William Sulzer as chairman of the Military Affairs Committee because he was extravagant. Edward Pou of North Carolina was removed from the Ways and Means Committee and Claude Kitchin, from the same state, substituted for the reason Pou had once voted for a tariff on lumber [Pou recovered to become Chairman of Rules in 1917 and 1931–1934]. All this was a tremendous job, but we accomplished it in good time, and thus made up the committees of the House. The result was an effectively working organization along progressive lines.

In sum, it had been decided that a majority of the majority party, in this case, the Democrats, should be allowed to govern. It was a paramount policy decision. Republican committee assignments were also reshuffled by the new appointing authority, Minority Leader Mann.

In the new Sixty-second Congress, the House Rules Committee was enlarged by one to eleven members, seven from the majority and four from the minority. In keeping with the Norris reform, the Speaker was deprived of a seat on Rules, a privilege he had held for more than fifty years. Furthermore, his power of recognition was circumscribed. As the majority party, the Democrats were able to get their new committee plan, the revised rules of procedure, and alterations in the Rules Committee adopted by the full House. In addition, Calendar Wednesday was changed and made a more reliable protective device against a domineering Speaker. The unanimous-consent calendar, established two years earlier, was retained. This provided two days a month when bills, minor in scope but often important to individual members, could be called up for floor action without the sponsoring members having to obtain recognition by the Speaker.

A parliamentary bypass in the form of a *discharge petition* was established to enable a public bill to be brought to the House floor for discussion and a vote if it were being blocked in committee. A committee was to be discharged from jurisdiction over the bill if a specified number of members signed a petition. Today, 218 signatures are required. At other times, far fewer have been required. Procedures under which the full House acts on the discharged bill, however, are cumbersome. Furthermore, many members hesitate to sign a discharge petition because this offends powerful committee chairmen in whose eyes the device is considered a vote of "no confidence" in themselves. Therefore, the hopes for the discharge petition have been unfulfilled. Since its establishment in 1910, more than 820 petitions have been filed, but only twenty-three bills have been consequently discharged, and, of these, only two have become law: the 1938 Fair Labor Standards Act; and a 1960 pay-raise bill for Federal employees. Occasionally, however, a bill has suddenly been moved from its pigeonhole as the tally of signatures neared the required number.

The Clark-Underwood rebels with a cause had created a new power base in the House. At the top, stood the quietly strong Oscar Underwood of Alabama, a leader in the fight against Cannonism. Underwood's base rested upon three pillars—he was Chairman of the Ways and Means Committee, Chairman of the Committee on Committees, and legislative floor leader for his party. It had become customary for the Chairman of either Ways and Means or Appropriations also to be majority floor leader. For example, Thaddeus Stevens of Pennsylvania and Cannon each had served as majority floor leader, as well as Chairman of Appropriations. As late as the 1930s, a majority floor leader, Democrat Henry T. Rainey of Illinois, also held an active major committee assignment, though not the chairmanship. In recent years, this practice of wearing two hats has been abandoned, with occasional exceptions. One such occurred in 1967 when Majority Leader Carl Albert of Oklahoma took a troubleshooter assignment on the Education and Labor Committee because its combative Democratic members were badly divided.

Underwood, not the Speaker, was the most influential man in the House. An observer of the period thought Underwood now held a "semi-ministerial" position, drawn from British parliamentary life. Underwood himself had incorrectly predicted that, under the new arrangement, the chairman of the altered Rules Committee would become majority leader. During Underwood's period of House leadership, six future Speakers were sitting in the House: Republicans Frederick Gillett of Massachusetts and Nicholas Longworth of Ohio; and Democrats Henry Rainey of Illinois, Joseph Byrns of Tennessee, and two Texans, John Nance Garner and Sam Rayburn.

Despite the competition, Underwood may have been the best Democratic legislative leader in this century. He combined, Claude Bowers wrote appreciatively, conciliatory leadership . . . [and] unflinching courage. When the powerful industrial forces in Birmingham [Alabama] protested against his proposed reduction in the tariff schedules, he met them courteously but firmly with a simple reiteration of his principles; and when a great plant of the United States Steel Corporation was in process of construction in his home city and work was suspended, the implied threat was disregarded, and soon the officials of the corporation were busy with explanations and apologies.

Similarly, Underwood fought the Ku Klux Klan and legislation prohibiting the manufacture and sale of alcoholic beverages. Underwood was also his own man. Both he and Clark opposed repeal of a treaty clause that exempted coast-to-coast domestic shipping which used the Panama Canal from paying tolls. Wilson, under pressure from Great Britain, had proposed it.

Underwood gave life to his authority. The House, with its revised committee assignments, combined with a comfortable Democratic margin, must be ranked as one of high accomplishment. Inexplicably, *The New York Times*, under C. R. Miller, then a conservative paper, called the Sixty-second Congress a "fussy, excited and confused body." A successful constitutional amendment was proposed to the states for the direct election of Senators. A parcel post system was established. A measure was approved to implement the soon to be adopted Sixteenth Amendment to the Constitution authorizing a Federal income tax—a net income of 100,000 dollars incurred a tax of slightly more than 2,260 dollars. Also enacted were improvements in pure-food laws and the establishment of an eight-hour working day for those employed under government contract. New Mexico and Arizona were admitted to the Union as the forty-seventh and forty-eighth states. A separate Department of Labor was established. The Interstate Commerce Commission was given authority to make fiscal valuation of railroad properties, a step toward determination of equity of fares. It was a productive performance.

Underwood held his own even when an activist President of the same political party entered the White House in 1913. Woodrow Wilson didn't like Speaker Champ Clark anyway. They had taken each other's measure while competing for the Democratic Presidential nomination the year before. Wilson thought the House Speaker "a sort of elephantine smart-aleck." Clark reciprocated.

Wilson, the first Democratic President in this century, believed in Presidential leadership. His supporters expected his New Freedom program of domestic improvements to curb concentrations of wealth, dissolve economic injustice, and improve social conditions. Their expectations were partially fulfilled. Their children would grow into the voters that supported the New Deal in a later harsh time.

Wilson, twenty-eighth President of the United States, addressed a joint session of Congress in April, 1913, the first to do so since John Adams. He favored such House allies as Underwood, whom he respected. The feeling was mutual. They were good legislative collaborators. The accomplishments of the House illustrate this: the historic Underwood-Simmons Tariff Act, the first general revision in the direction of lower duties since 1846; the Clayton Anti-Trust Act; the Federal Reserve Act; and the establishment of the Federal Trade Commission.

An impressive aspect of the Wilson legislative program was the promptness with which Administration requests were acted upon, and this occurred at a time when the House had just been increased to its present size, 435 members.

In 1913, the Federal Reserve legislation was introduced in June and signed into law that December, six months later. The tariff bill was proposed to the Sixty-third Congress in March, reported from the Ways and Means Committee in April, cleared the House in May, and was signed into law in early October, seven months later, an astoundingly brief span of time considering the historically controversial nature of tariffs. The proposal for an eight-hour work day for railroad employees was sent to the Congress in a special message on August 16, 1913. It became law seventeen days later.

In mid-January, 1914, Wilson proposed legislation in the area of monopolies and trusts. Within ten months, Wilson had before him the Federal Trade Commission Act and the Clayton Anti-Trust Act, both of which he signed. All these were disputatious measures that affected major economic interests, but Wilson's legislative leaders moved them promptly through the Congress.

One reason for the swift-moving progress was a temporary revitalization of the Democratic caucus. The Democratic caucus rules, adopted in 1909, had emphasized unity in matters of "party faith or party policy. . . ." Any Democrat not abiding by the caucus rules "shall automatically cease to be a member of the Caucus." On party matters, members were bound to abide if a policy of legislative position was assumed by a two-thirds vote, if that vote represented a majority of all Democrats in the House. There were escape hatches. A member was not bound if he had "made contrary pledges" to his constituents prior to his most recent election or if the matter involved "a construction of the Constitution," or he had contrary instructions from the party organization in his district.

In April, 1911, the Democratic caucus adopted a position by which members "endorse the bills presented by the Ways and Means Committee . . . pledge ourselves to support said bills in the House . . . with our votes, and to vote against all amendments, except formal committee amendment, to said bills and motions to recommit, changing their text from the language agreed upon in this caucus." The party caucus journal records show that the Democratic caucus also instructed the Rules Committee as to content of the special orders it issued.

George Galloway in his *History of the House of Representatives* describes the period from 1911 to 1920 as one where "King Caucus supersedes Czar Cannon." In support of this characterization, the 1911 *Caucus Journal of the Democratic Party* carries an entry about an adopted resolution offered by Underwood. It states that the committees, Democratically controlled, "are directed not to report to the House during the first session of the 62nd Congress, unless hereafter directed by this caucus, any legislation except with reference to the following matters."

Wilson approved the revitalized caucus:

> The Caucus is meant as an antidote to the Committees. It is designed to supply the cohesive principle which the multiplicity and mutual independence of the Committees so powerfully tend to destroy. . . . The caucus is the drilling-ground of the party. There its discipline is renewed and strengthened, its uniformity of step and gesture regained.

This has not been the case in recent times, where flaccid leadership and autonomous committee chairmen control the House Democrats.

In 1915, Underwood moved to the Senate, where he eventually also became Democratic floor leader. His successor in the House was Kitchin, who also was both majority leader and Ways and Means Chairman.

During the 1915–1917 sitting, there were additional legislative gains for the Wilson Administration: a child labor law, establishment of the Tariff Commission; rural credits; greater autonomy for the Philippines; and additional naval expenditures. Kitchin, however, articulate and alert, grew to oppose publicly Wilson's foreign policy exercises in respect to the warring European powers. President Wilson tried to convince Kitchin personally; he did not succeed. For example, Kitchin fought the naval building program proposed by Wilson. Kitchin believed it would lead to further involvement in European rivalries. Consequently, defense bills were handled by Rainey of Ways and Means, rather than by Kitchin. Criticism of the antiwar majority leader grew. Demands mounted for his resignation after he had made a well-tailored midnight speech on the floor of the House against our formal entry into World War I on the side of France and Great Britain:

> . . . Let me at once remind the House that it takes neither moral nor physical courage to declare a war for others to fight . . . and I have made up my mind to walk it, if I go barefooted and alone. . . . Half the civilized world is now a slaughterhouse for human beings. This Nation is the last hope of peace on earth, good will toward men. I am unwilling for my country by statutory command to pull up the last anchor of peace in the world. . . .

A few hours later, at about 3 a.m. on April 6, 1917, the House approved by a vote of 373 to 50 a declaration of war resolution. Kitchin was one of 50 members voting nay. Yet the following month Kitchin energetically advanced a revenue bill, including a controversial increase in second-class mailing rates to finance the war he opposed. On several occasions, he felt himself obliged to chide members who had voted for the war resolution but balked at approving heavier imposts for funding the war.

Kitchin weathered the heavy storm, including a steady drumbeat of newspaper criticism. An admiring biographer, Alex M. Arnett, makes a reference to Kitchin's "turning of the floor leadership over to some other member when differences between him and the President reached a crisis." Kitchin had raised the point with himself as to the wisdom of the official party leader in the House leading opposition to a President of the same party. Records of the period, however, indicate no formal abdication of his leadership position. Nevertheless, during America's direct participation in the war, Wilson took a greater degree of control as the party's legislative leader in the Congress. He often dealt directly with committee chairmen of both House and Senate. Wilson also maintained a liaison with Garner, a rising Democrat whom he respected. Clark continued as Speaker. He, too, had his legislative troubles with the President; for example, Clark opposed the military draft—"nearest to a convict's life," he labeled it.

In 1919, Democratic loyalists, calling themselves "the reorganization committee," sought to punish Clark for differing with Administration programs. Their efforts to remove Clark from party leadership fizzled, however.

Meanwhile, the Republican party in the House continued in a disorganized condition, although Theodore Roosevelt gave it continual pep talks from as far away as Africa. The 1916 Congressional elections seemed to give Republicans a thin edge: 213 Republicans, 212 Democrats, and 7 members of minority parties. Despite the plurality of one, however, the Republicans did not organize the Sixty-fifth Congress when it opened in April, 1917. Thomas Schall, a blind member from Minnesota and a Progressive, made an emotional speech in which he urged that a Democratic President should have a Democratic House and Senate. Until that time, there had been nine other occasions since the Civil War when there was "divided government," that is, one party controlled the Congress and another the Presidency. In the balloting five of the seven "others," including Schall, supported Clark for Speaker. The vote was 217 for Clark; 205 for Republican Mann, a brusque, capable figure; 2 for Republican Gillette, who would become Speaker two years later; and 2 for Republican Progressive Irvin Luther Lenroot of Wisconsin. Two members voted present.

During this period, House Republicans appeared to be of two minds in respect to the caucus, or *conference,* as they called it. Norris, for example, regarded the caucus as an evil. A biographer, Richard Lowitt states that Norris looked forward to the time "when the progressive, patriotic sentiment of the American people will drive the caucus and the political boss and the political machine out of business." Norris, Lowitt continued, wanted Republican members free to offer amendments on the floor without being bound by a caucus position. Their party caucus decisions were made not binding.

Shortly before the opening of the Sixty-fifth Congress in 1917, the House Republican caucus established a seventeen-member Committee on Committees to make assignments. Since 1911, committee assignments had been made by the party officer Minority Leader Mann. He became chairman. Currently, this Committee on Committees, unlike that of the Democrats, is composed of a member from each state that has a Republican in the House. Each committee member casts as many votes as there are Republicans in his state delegation. In addition, in 1917, a five-member *advisory committee* was established, with Mann also as its chairman. As nearly as can be determined, it had party housekeeping responsibilities and made policy suggestions. Apparently the Republican Steering Committee evolved from the advisory committee.

Between 1919 and 1925, House Republicans maintained a policy that their Steering Committee should not include any ranking member of a major committee and that no ranking member should be placed on the Rules Committee. Later, the Steering Committee became a "policy committee" that included party officers. The Steering Committee may have met daily in the Sixty-fifth Congress. At those meetings, the committee members would summon Republicans on the legislative committees to discuss the strengths and weaknesses of legislation from the viewpoint of the overall position of the well-being of the party. Sometimes, the Chairman of Rules was invited to sit in when the Republicans were the majority party. Coordination, however, was less than ideal, at least on one occasion, when, during a Republican administration, Rules approved a rule covering one Republican's resolution to investigate an executive branch department. The Republican Speaker Gillett was not then a member of Rules. At the outset he was not even a member of either the Committee on Committees or the Steering Committee of his own party. Later, he did attend sessions of the Steering Committee. Thus, the Republican structure of party leadership reached as diffused a condition as that of the Democratic one.

Republicans quarreled. Mann was unpopular within his own party. In 1919, with Republicans now in the majority, he sought to be his party's candidate for Speaker in place of Gillette. This antagonized Longworth and other Republicans. As a result, they sought to oust him as chairman of the Republican Committee on Committees. They failed, however, Mann, minority leader since 1911, did not step up to majority leader in the Republican House. Instead, Frank Mondell of Wyoming, schooled in the Cannon style of leadership, was elected. Two years later, in 1921, Mondell also became Chairman of the Steering Committee and the Committee on Committees.

Changes in the structure of each party were widely discussed. The altered method of committee appointment attracted com-. ment. In 1937, Norris, then a Senator, expressed a view that overall changes to the party structures were beneficial because these changes had made the parties more responsive to voters.

This view, however, was not unanimously shared. Both during and after the 1930 revolt, some House members and interested observers were dubious about the new improvements. Regardless of party affiliation, they sensed that, under the new order, power would ultimately be dispersed so widely that there would not be a sufficiently integrated institution, the House, to make the policy effective. Others felt that there had simply been a trade-in of a Speaker-dominated, five-member Rules Committee for a ten-member committee dominated by six members of the majority party. They noted that two of the five members on the discarded Rules Committee were renamed as members of the revised committee and that no insurgent Republicans were named to it. *La Follette's Weekly* commented that basically it meant little except "the temporary humiliation of an old man of bad eminence."

On the other hand, Victor Murdock of Kansas, insurgent Republican, favored even more decentralization. Murdock was one of the nine insurgent Republicans who had supported the Burleson motion to depose Cannon. He wrote in the September 22, 1910, *Independent:*

> Popular disbelief in the adequacy of major laws, popular doubt of the willingness of Congress to pass effective law, has naturally bred a conviction among many that Congress is naturally not responsive to public opinion, and that, consequently, any major action by Congress must be forced not merely by means of agitation, but by prolonged and mayhap threatening agitation.

The executive branch, Murdock continued, reaped the benefit. The Presidents "veer away from the constitutional function of advising with Congress, and advance, at the opening of a new Congress, with a legislative program which an aroused and sympathetic public opinion demands shall be carried out."

Murdock thought additional changes beyond the Clark-Underwood alterations should be made in order that (1) Congress might become a more responsive representative body; (2) Congress might regain its status as one of three coordinate branches of the Federal government; and (3) "a new type of Congressman" might develop, "one who insists upon effective legislative action and assumes individual responsibility for legislation." This point dovetailed with the insurgents' philosophy. In one sense, they tended to be antiparty. They believed, in Cooper's words, that the "party has no claim which exceeded the conviction of individual members since the party rightfully only existed to the extent that agreement existed." Nevertheless, many persons were quite certain the 1910 business, carried to an extreme of decentralization as Murdock and other Progressives seemed to desire, would breed ill.

A Republican House leader, John Dalzell of Pennsylvania, a supporter of Cannon, chided the Democrats: "Gentlemen of the Majority you are on the back track. Your reforms are all shams and fraud. You have taken the power away from the Speaker. But you put it all in the Chairman of the Ways and Means Committee. Instead of Cannonism and Reedism and Crispism, you have today, Underwoodism."

George Rothwell Brown in *The Leadership of Congress,* sensed the problems that would arise to plague the political parties and the House because of the new internal machinery:

> An analysis of the fundamental spiritual difference between the old system and the new is essential to an intelligent understanding of the difference in the manner of operation of the two systems.
>
> Despite all the faults inherent in the system which Reed had inherited from Colfax and Blaine and from Henry Clay, and had improved, and had passed on to his successors, and which Cannon had made into a perfect piece of political mechanism, it at least had this to commend it to the people, that it had the courage of its convictions, was honest and stood four-square, and was at all times in the open, exposed to the pitiless glare of publicity. Every action it committed was instantly known throughout the country. The oligarchy demanded power commensurate with its responsibility, but the people could always hold it to that responsibility. The names of those who constituted the oligarchy were matters of public record. [Brown reported it difficult and sometimes impossible, for example, to know the names of members of the Republican Steering Committee and the Republican Committee on Committees. The existence of the Steering Committee, he said, was even denied for a time.] The name of the Speaker was known, and it was known to everyone that he stood at the head of the House, the creator of the committees, having the power of appointment and of removal, that therefore if a committee refused to report a bill which the country demanded the Speaker as the master of that committee was responsible. The names of the members of the Committee on Rules were known. Aside from the Speaker, the chairman, there were only two of the majority party, and in Mr. Speaker Cannon's time, and in Mr. Reed's time, their names were household words. With the exception of the committee chairmen, who were the Speaker's lieutenants, and the Floor Leader, who was the chairman of the Committee on Ways and Means, there were few other members of the inner circle. Not only were these responsible leaders of the House up to the 62nd Congress [when Clark's Speakership began, that is] thus indicated in public documents, but they took pride in distinguishing themselves among their fellows by a peculiar badge which they wore. This was a red carnation, and that small flower in the button-hole meant that men served as leaders of the House unafraid and unashamed. It was a touch of grim sentiment.
>
> The new order became a system of secret government in the House of Representatives, and in this lies its chief weakness and greatest menace. It does not operate in the open, but under cover. It does not stand four-square to all the winds that blow, nor does it court publicity. It avoids the light and suppresses all mention of itself. The names of the gentlemen constituting this system are nowhere of public record except with respect to the Speaker, the chairmen of committees of the House, and where they appear in the list of Representatives. The Floor

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Leader is known simply by that title and by none other.

The members constituting the committee on Committees and the Steering Committee are not a part of the organization of the House, but of the caucus; they are not responsible to the House itself, or to the American people, but to the caucus [Democratic] or conference [Republican, as it is styled]. Not being responsible they can not be held to accountability. Under the old system if a bill in which the people were interested could not pass for the reason that it could not be brought before the House the Speaker and his Committee on Rules could be arraigned at the bar of public opinion. Under the new system if a bill in which the people are interested can not obtain consideration nobody can be held responsible for the reason that nobody knows that anybody is responsible. The Speaker can not be thus held, since it is notorious that the Speaker has no power, and the Floor Leader cannot be held to account, since the House openly has clothed him with no power.

Obviously, there is a responsible power somewhere in the House, for the country from time to time has evidence that certain bills are put forward, and that others are held back. Where then has gone the power that Reed and Cannon used to wield? That is a question of vital concern. . . . Previously the country could see the wheels go around. Now it can not. Brown's viewpoint is not an isolated one. Luce, discussing his House experience, wrote:

> The reformers believed they had put an end to dictatorship. Yet that some few men continued to guide is not to be questioned. What was really accomplished was to lessen the public knowledge of who those men were. Congressmen might know, but since 1910 the public generally has not known who should be rewarded or punished. Irresponsibility has been increased . . . the benefits of the change have not been conspicuous enough to impress anybody as important.

Other Congressional scholars agree. W. F. Willoughby of the Brookings Institution suggested that the primary objections to the discarded leadership system was that the powers were concentrated in the hands of one individual, not that the concentration was in one location. He therefore suggested objections could have been met by enlarging the Rules Committee or by a caucus committee.

As it turned out, the faults in the newly developed structure of the Democratic party were not particularly grievious during the Administrations of the strong-willed Wilson. The *laissez-faire* mood of the 1920s further postponed the crisis. The blighted condition of the House and the fragmented House Democratic party made their bruising impact only when political leaders of a nation beaten to the ground by severe economic depression during the 1930s, sought to meet the neglected agenda of unmet national needs.

It is a political truth easily defined that an elected majority should be permitted to govern until the voters speak again. This truth has been violated so often in the House it has been forgotten. Edmund Burke has written:

> For my part, I find it impossible to conceive that any one believes in his own politics, or thinks them of any weight, who refuses to adopt the means of having them reduced into practice. It is the business of the speculative philosopher to mark the proper ends of government. It is the business of the politician, who is the philosopher in action, to find out proper means toward those ends, and to employ them with effect.

PEACE CORPS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. FREY. Mr. Speaker, Joseph Blatchford, Director of the Peace Corps, has been attempting to make service in the Peace Corps more meaningful and correct some of the problems which have resulted in the past from lack of screening. For instance, he has terminated 12 volunteers and one staff member in four countries who insisted on abusing the right of expression and demonstrated publicly. Furthermore, initiation of a policy of recruiting different types of volunteers, people with more maturity, greater experience and training such as skilled technicians from the ranks of labor, farmers, professional people in fields of engineering and architecture is having a significant effect. I think that the enclosed article regarding possible directions of the Peace Corps was most interesting:

OLD IDEA, NEW VOICE

Ever since Gen. George C. Marshall began promoting it at the end of World War II, the idea that the Nation's youth be required to serve their country in some field of national service, not necessarily in the military, has been tossed around with some regularity. Latest disciple of it is Joseph Blatchford, new head of the Peace Corps.

Blatchford indicated recently that he has already discussed the subject with Defense Secretary Melvin Laird, and implied that Laird's only major objection at the moment is the continuing need for draftees for Vietnam. In effect, Blatchford suggested, U.S. disengagement from Vietnam would make the idea feasible. Essentially, Blatchford's rework of an old idea would be offering young men as an alternate to military service work in a Peace Corps or VISTA-type program for one or two years.

This is just one proposal that has grown out of Blatchford's office stepping back and taking a look at where the Peace Corps has come in its 8-year existence, where it ought to be headed. The volunteer national service idea is based in part on Blatchford's conclusion that such an appeal has worked in the Peace Corps and would work just as well in the Nation.

Without waiting for high-level public approval of this, however, Blatchford already plans to steer the Peace Corps in new directions which may help achieve the national service idea, anyway. While worldwide response to the Peace Corps—"A mobile expression of the American ideal to help underdeveloped countries," says Blatchford—has been strong, the Corps now needs more experienced, more professional, skilled people. Yet, the Corps has gravitated to mostly young, recent college graduates.

"Country needs are changing," Blatchford says. "Where once there was an emphasis on education, now there is a need for people who can teach skills, help the natives do jobs. Otherwise, the countries fear they may be educating their own revolution." In other words, just as in the U.S., giving a person a secondary education, then having no job available for him upon graduation creates political instability.

With its volunteer spirit, its people-to-people contact, the Peace Corps "has filled a vacuum in foreign assistance," claims Blatchford. So much so, he says, that today just about every European country has its own Peace Corps. Out of these trends are coming several Peace Corps moves. Among them:

The Corps is beginning to recruit personnel from the country itself, hopes soon that 50 percent of the Peace Corps' overseas staff will be native, serve as the nucleus for building the country's own Peace Corps organization. "We've found, for the Peace Corps to work well," reasons Blatchford, "the country has to feel the Corps belongs to them as much as to the U.S."

The Corps is now permitting families to go overseas, sending 200 overseas this year, in fact. Idea is to encourage higher-skilled persons to volunteer for a Peace Corps tour.

The Corps is changing its present "lily-white" by encouraging minority groups, the black man and others, to join.

Blatchford is pushing for a United Nations Peace Corps, hopes to establish through bilateral talks (already with the Swiss, Swedes and British) the beginnings of such an international group; backing that up by seeking Peace Corps personnel exchanges with other nations carrying on the same kind of program.

Blatchford is hoping to set up some kind of arrangement where returning Peace Corps volunteers, instead of being brought back and dropped at the shore line, are funneled into U.S. ghettoes and depressed areas like Appalachia. "The problems are the same. And we want to put out of mind this concept of rich nations and poor nations, address instead the problems of poverty which are everywhere."

As part of that, he hopes to invite overseas volunteers to come to the U.S. "to help us so they'll have the same kind of insight when they go back to their countries that our volunteers have when they come back to the U.S."

Will it work? Probably, if the Peace Corps track record is any clue. From a high of 14,000 volunteers in 1966, applicants dropped off at the rate of about 1,000 a year, but have leveled off now. Moreover, the number of skilled applicants has jumped in the past few weeks. And "even with the drop in applicants, we still have more volunteers than we have openings."

THE PRESIDENT'S MESSAGE ON THE DRAFT

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. WIDNALL. Mr. Speaker, in his message proposing an end to the draft, the President said:

> Ultimately, the preservation of a free society depends upon both the willingness of its beneficiaries to bear the burden of its defense—and the willingness of government to guarantee the freedom of the individual.

In those few words, the President makes clear it is a "Free Society" we are trying to preserve.

He has reminded us that no matter how affluent we are, no matter how much we have in the way of material goods, we all bear the responsibilities as well as share in the bounties of freedom.

Finally, he reminds us also that the Government guarantees—not grants or offers or delegates—but guarantees the freedom of the individual.

These are factors I hope we will all remember as we consider the President's message.

SOUTH CAROLINA TERCENTENARY

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. RIVERS. Mr. Speaker on the occasion of the participation of the Anglican Church in the tricentennial of the founding of South Carolina, the Right Reverend and Right Honorable Robert W. Stopford, bishop of London, delivered the sermon at the Citadel Armory at Charleston.

The bishop's inspiring address was also a historic document, indeed worthy of the occasion. Mr. Speaker, I had the privilege of attending this service and of meeting this distinguished churchman. I consider it an honor to insert in the RECORD this magnificent creation by the representative of the original Mother Church of my State and of this part of America:

SOUTH CAROLINA TERCENTENARY,
CHARLESTON, APRIL 19, 1970

Henry Compton, who was Bishop of London 300 years ago, gave all the help and encouragement he could to the building up of the work of the Church of England in America and, not least, in the new State of Carolina. He, and his successors, could not be away from the work of the diocese of London for the many months which a visit to America then involved, but the successive Bishops of London were anxious to give all the pastoral care they could to the clergy and people, even though it had to be exercised from Fulham Palace many thousands of miles away.

Henry Compton could not have foreseen that at the Tercentenary of the State it would be a Diocese of an independent Province of the Anglican Communion which invited his successor to be present. It is therefore for me a great honour and privilege to be with you in these celebrations and to bring you the greetings of the diocese to which you belonged three hundred years ago, and of the Church of England from which you had your origin.

To-day the links which bind together the Episcopal Church and the Church of England, and this diocese of South Carolina and the diocese of London are stronger than they ever were when they depended on legal rights of jurisdiction. We are held together by a common inheritance—by that temper of mind which is the distinguishing mark of Anglicanism—an attitude, rooted in the Catholic faith yet sensitive to the evangelical emphasis of the Reformation, which sets a high value on intellectual integrity and moderation of judgement. We try to be open always to the leading of the Holy Spirit as, together with the other Provinces of our Anglican Communion, we make our contribution to the growing unity of the whole Church of God. We know that friendship based upon mutual respect can hold us together as nothing else can do.

This Tercentenary is indeed an historic occasion. In the record of the past 300 years there are many events and movements of thought upon which it is tempting to dwell—but I must exercise self-denial and emphasise only a few which illustrate my theme.

In 1696 Bishop Compton sent out the Reverend Samuel Marshall to Carolina—that is three years after the Commons of Carolina, elected by popular vote, had gained the right to initiate legislation. In 1701 the Legislature passed an ordinance which made the Church of England the established Church of Carolina. Was this the result of the work of Samuel Marshall and his colleagues? Or did it come from something deeper—an English conviction that Church and State should not—and could not—be separated from each other? Hooker, the great Anglican theologian in the reign of Elizabeth the First expressed that belief in these words: "There is not any man of the Church of England but the same man is also a member of the Commonwealth, nor any man a member of the Commonwealth which is not also of the Church of England". The Founding Fathers of the United States, for very cogent reasons, made the separation of Church and State a fundamental part of the Constitution. In England the Establishment of the Church of England has been greatly modified but is still under constant attack. Was the action of the Carolina legislature in 1701 just an error—or did it embody a principle from which we can still learn in these secular days.

It was not long before it was made clear that this ordinance of 1701 did not mean that the State could control the Church. The legislature tried to set up a lay court with power to dismiss clergy, and had its action disallowed. But it was equally clear that the Church had no desire to override the views of the laity. Bishop Secker of Oxford, when preaching in 1740 at the Annual Service for Subscribers to the Society for the Propagation of the Gospel which contributed to the Church in Carolina no less than 54 clergymen between 1701 and 1759, expressed the Society's policy in these words "We have obtruded the service of the Church of England nowhere: we have settled no clergyman anywhere without the inhabitants requesting it and contributing to it: we have sent no successor upon a vacancy without their renewing their request."

The records show that the jurisdiction exercised by my predecessors from Fulham palace was essentially pastoral. In spite of the immense difficulties created by the slowness of communications and the months which had to elapse before a reply could be received to a letter or an inquiry, they tried to secure the peace and orderly development of the Church in America. And they gave not only encouragement but also substantial financial help to the charitable Companies which promoted emigration to America. One such Company was that which in 1732 received a Charter from George II to colonise lands between the rivers Savannah and Attamaha. There is a strange little link between this Company and the diocese of London for General Oglethorpe, among his multifarious activities, was partly responsible for building the first bridge over the Thames at Fulham at the bottom of the garden of Fulham Palace where I live, and my predecessors have lived since the 7th Century.

When the War of Indepedence broke the direct connection with the Church of England the Church in South Carolina was one of the seven which formed the first General Convention in 1785. Some of your predecessors must have been among those responsible for the Preface to the first American Prayer Book with its generous reference to "the Church of England to which the Protestant Episcopal Church in these States is indebted for her first foundation and a long continuance of nursing care and protection."

In that spirit we in the Church of England and in the diocese of London enter fully into your thanksgiving in this Tercentenary year. With you we praise God for what He has enabled the Church here to be and to do throughout the 300 years of its history. With you also we look forward to the future. History is important because it has made us what we are: it is no less important for its influence on what we shall be. It is essential that on an occasion like this we should look forward for if we do not do so the observance of past events can become little more than sentimental piety. We stand at the meeting point of past and future where history is being made. To change the metaphor, while we must thank God for the strength of our foundations we must also pray that we may build worthily upon them.

As we look forward to the problems and opportunities which will face the Church of God in the next decade or two. we are tempted to think that our tasks are harder than those which the Church here in its early days had to fulfill. 300 years ago there were hardships enough to make men's hearts fail them for fear. There was little material security, there was moral laxity—and in the 18th Century there was the theological confusion which the Deists caused—and the Protestant Episcopal Church came into being at the time when the atheism of revolutionary France was affecting the Western world. Our predecessors here lost neither heart nor faith—and their continuing faithfulness gives us our own starting point as the Church to-day grapples with the opportunities and problems of the age of secularisation. We see spiritual poverty in the midst of material affluence: We see the nations which long for peace locked in the apparently insoluble problems of international affairs. The problems of race defy easy solution. In the United States they come from the slave trade for which Britain bears a heavy responsibility. In Britain they come from the attempt to substitute a Commonwealth for an Empire. On both sides of the Atlantic, though your problems in America are far greater than ours in Britain, the crisis of race may take more than one generation to overcome. Many young people in Europe as in America no longer have any trust in the society into which they were born and seek to escape from it by permissive morality; by drug-addiction, and by a violence which seems linked with anarchism. In this world of to-day—confused, uncertain, and desperately sick—what is the responsibility of those who dare to call themselves Christians?

Here I come back to the words of Hooker which I quoted earlier in this address. Hooker rightly saw that Church and State are inextricably intertwined, and this remains true when Church and State as organisations are legally separated as they are in the United States. If a man is a Christian he is also a citizen and he cannot opt out of his citizenship.

In the face of so many apparently insoluble problems of society, the individual Christian, and the Church which is the company of all faithful people, are alike tempted to withdraw from the impossible world and take refuge in some ivory tower—Because it seems that society is incapable of being saved; they are tempted to cut themselves off from it and concentrate on a round of religious activities in the hope of saving at least their own souls. To-day there are voices within the Church of England which bid us make an end of all organised religion and join in small groups, unrelated to each other and unconcerned with society as a whole.

This temptation we must, at all costs, resist. It does not fit in with what we know and believe about the God and Father of mankind. When mankind had abused the freedom of will which is the distinguishing mark of humanity, and the world needed salvation, God's way was to save it from inside. He sent His Son to become a human being, to show how human beings should live—to show that it is only by serving and caring, and—if need be—by dying that men can be reconciled to each other and to God. We have just been thinking about this during Lent and Holy Week, and we have the Easter reassurance of the resurrection as the proof that Christ's way is the right way. The Incarnation was God's way then: It is God's way still, and as St. Paul has told us we, to-day, have been given the ministry of reconciliation; the task of carrying on the work of the Incarnation. The Church—that is all of us who call ourselves by Christ's name—will not be the Body of Christ as it claims to be if it is not itself incarnate in all the agony of the world. We cannot opt out and still be Christians: We cannot make Sunday worship a comfortable retreat from a week-day world which baffles us and confuses us. If we do we shall be denying our Lord. The Church, if it is the Church, must be at the heart of all the problems of contemporary society.

We in England assure our brethren in the Episcopal Church and our other Christian brethren in the U.S.A. of our prayers for you as you care and serve society in difficulties more intense than those we face in Britain. To be involved in this turmoil of society is dangerous. To seek at the same time for longer term solutions of the problem of racism and for short term remedies is dangerous. The Christian has no monopoly of wisdom and the Church throughout its history has made many grievous mistakes. But to do nothing is far more dangerous, for it is to cut oneself off from God and Christ. As to-day we give thanks to God for the example of fortitude and courage of those who built up the Church here over three centuries, may we all pray that we may have the faith to go on reconciling, caring, and serving the world, knowing that if God has called us to this service He will give us the strength of His Holy Spirit to go on—and on— and on.

SOMEBODY TURN OFF THE PUBLIC RELATIONS MACHINE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. ULLMAN. Mr. Speaker, the administration's public relations machine in recent weeks has produced a welter of optimistic, if often confusing, interpretations regarding the state of the national economy. Almost every morning, press reports emanating directly or indirectly from the White House have indicated that the economy was simultaneously moving upward, downward, and sideways in the right direction toward a stable economy in 1970. Several weeks ago, the House minority leader emerged from a White House meeting to assure the Nation that the problem of inflation was indeed solved, and that economic stability was in sight.

All this would be welcome news if the public relations machine were programed to the facts of the matter. But clearly it is not. The key economic indicators show that the battle against inflation is far from won, and that economic stability is not on the horizon.

An article in yesterday's Washington Post by its respected business and finance editor, Hobart Rowen, sharply defines the situation we face today. Prices are soaring, wage demands go higher and higher, interest rates are back on the upswing. At the same time, unemployment is rising more rapidly than it has in a decade.

As Rowen sums up:

> We are experiencing, simultaneously, higher unemployment and high prices—recession with inflation—and that sort of double economic jeopardy hasn't been suffered since 1957–1958 during the Eisenhower years.

Rowen emphasizes that the administration's policies of monetary and fiscal restraint are not working. He suggests that the refusal of the administration to deal directly with the price-wage spiral may be heading the Nation toward an even worse dose of inflation than we are now experiencing.

Mr. Speaker, nearly 1 year ago, I wrote to the Secretary of the Treasury, David Kennedy, urging that the administration introduce a policy of wage and price guidelines and selective credit controls to beat inflation. I am convinced more than ever today that this is still the only real solution to our problems of inflation.

The administration must turn off its public relations machine and face the realities of the economy. Inflation cannot be talked away. Direct action on prices and wages is required, and now. The administration is not fooling the public. It must act responsibly, and stop fooling itself.

Rowen's article follows:

NIXON POLICY SLOWS DOWN ECONOMY, BUT NOT INFLATION

(By Hobart Rowen)

Presidential press Secretary Ronald Ziegler told reporters the other day that the Council of Economic Advisers was "somewhat encouraged" by a slight decline in the pace of inflation in March.

Baloney.

The fact is that throughout the Administration, the whopping advance in the consumer price index was greeted with shock and dismay. The index rose 0.5 per cent (or 6 per cent at an annual rate), the same jump as in February.

The "slight decline" to which Ziegler alluded represents a so-called seasonal adjustment, which is probably meaningless. Even on that basis, the rise for the month was 0.4 per cent (4.8 per cent annually), or still far beyond the level of increase that anyone in the administration had expected at this stage of the game.

The consumer price index stands more than 6 per cent higher than it did when Mr. Nixon took office—and the peak hasn't yet been reached.

The plain fact of the matter is that after making all possible allowance for time "lags," prices should have yielded more than they have to the Administration's combined fiscal and monetary curbs. And so should have interest rates, which actually are starting up again after receding from peaks.

Although economic growth has been slowed to a crawl—the real Gross National Product rate in the first quarter of this year dropped back to the level of the second quarter, 1969—prices still storm upward. The best that can be said is that the pace in the last few months has been fractionally less hectic.

Meanwhile, the slow-down in GNP growth has resulted in a sharp increase in unemployment. The seasonally adjusted rate in March, 1969, was 3.4 per cent; in March, 1970, it was up a full point to 4.4 per cent, representing a jump in the jobless total of 900,000 persons—from 2.7 million to 3.6 million.

The implication of all of this is painful for Mr. Ziegler and other Administration officials to acknowledge: economic policy has slowed down the economy, but hasn't slowed down inflation. We are experiencing, simultaneously, higher unemployment and high prices—recession with inflation—and that sort of double economic jeopardy hasn't been suffered since 1957–58 during the Eisenhower years.

To Wall Street, it is all very clear: sharply lower first quarter profits, combined with continued inflation and revelation of war involvements in Laos and Cambodia have accelerated the tailspin in the stock market. Moreover, the President's dilution of his originally stated strong fiscal policy has led to fears that the Federal Reserve will not be able to ease tight money to any significant degree.

When the President released his fiscal 1971 Budget proposals February 2, it was evident that the $1.3 billion surplus was too skinny to be a certainty; there were too many debatable assumptions underlying the surplus—and that fact was pointed out here and elsewhere.

At least, though, Mr. Nixon's intention was firm; he wanted a credible surplus. But since then, in part due to questionable decisions, and in part due to circumstances beyond his control, the budget plan has disintegrated. The proposed postal and general federal pay raise; the unfreezing of state and local construction; and the dimming chance of significantly lower interest rates will more than wipe out the surplus—unless the President does the unexpected and takes a big new whack out of Pentagon spending. Moreover, some Washington experts think that the cooled-off economy makes 1971 revenue estimates suspect (the stock market drop does not help at all).

Since Wall Streeters now believe that there will be a deficit in the federal budget next year, instead of the planned surplus, they wouldn't be surprised by a turn-around in Fed policy, aborting the easier money trend.

There were rumors last week that the banks, which just lowered the prime rate, may decide that lending rates must be boosted again to keep pace with market developments. This was part of the reason for the slide in stocks.

Critics of Administration policy have been saying for many months that reliance on fiscal and monetary policy—and nothing else—wouldn't do the job: if the screws were turned tight enough to crack down on inflation and high interest rates, a serious recession and sagging business profits would result. But if the policy were tempered to prevent a disaster on the jobs and profits side of the equation, not much progress would be seen in the cost of goods and money.

The answer, as many observers have seen it, is to supplement a cautious fiscal-monetary policy with other measures to dampen excessive wage hikes, price rises and interest rates. This would require reliance on selective controls, and Congress has given the President authority to apply them.

But Mr. Nixon shrinks from this strategy, although it has been pressed on him by respected Republican politicians as well as Democrats.

Businessmen and the public, faced with the evidence of persistent inflation, appear willing to try some version of controls. Labor officials, of course, are not anxious, but they would have no choice if controls restrained prices and interest rates as well as wages.

Valuable time has already been lost. In view of the widespread concern being heard in many Government departments, one wonders whether it is getting through Mr. Nixon's tight inner White House circle to the President himself.

Basic policy of exclusive reliance on broad monetary and fiscal policy should be reconsidered; for if we have many more consumer price boosts of the kind Mr. Ziegler says is "somewhat encouraging," we'll all be in the soup. That includes Republican congressmen running for re-election.

PROFESSOR TESTIFIES BEFORE SENATE SUBCOMMITTEE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. WYATT. Mr. Speaker, Prof. Kenneth P. Davis of the Yale University School of Forestry appeared before the Interior Subcommittee of the Appropriations Committee on April 17. His testimony centered on management of our forests, with particular emphasis on clearcutting techniques.

I believe Professor Davis' remarks should be a matter of general record, and I am happy to be able to call them to the attention of my colleagues:

STATEMENT BY KENNETH P. DAVIS

My name is Kenneth P. Davis of New Haven, Connecticut. I am here today as President of The Society of American Foresters of over 17,500 members. It is the one professional organization of its kind in the United States and represents all segments of the profession; public and private practitioners, research, and education. My specific authority is the statement "Forest Policies of the Society of American Foresters" adopted by vote of the entire membership. A copy as of 1967 is attached and in it I have marked passages having particular bearing on the subject of these hearings. I should also say that my appearance here was approved by the Council of the Society.

In my private capacity I am the David T. Mason Professor of Forest Land Use, School of Forestry, Yale University. My credentials include:

Eighteen years with the U.S. Forest Service in national forest administration and research. Of this, about 12 years was primarily in forest management research including being Chief, Division of Forest Management Research in the Washington office.

Twenty-five years in university work in forest management teaching and study in three institutions, the universities of Montana, Michigan and now Yale. I have also served as department chairman and Dean.

I am author of the text book *Forest Management: Regulation and Valuation*, now in its second edition and widely used in the U.S. and around the world; several bulletins and many other publications in the forest management area.

I have had long and continued contacts and field study with public and private forestry organizations, including considerable consulting work with both. Currently, I am a consultant to the Public Land Law Review Commission on a study and analysis of multiple use concepts and land use decisions on the public lands.

The matter I wish to present here today centers on methods of managing forests with particular reference to even-aged management and clearcutting methods as applied by the Forest Service. Present concern seems to center on clearcutting as applied on the Monongahela and Bitterroot National Forests of West Virginia and Montana, respectively.

At the outset, I should like to make it clear that I am not here on behalf of the Society of American Foresters or on my own judgment to defend any and all applications of clearcutting by the Forest Service, or by other public or private organizations, all of which apply the method. Like most anything else, clearcutting can be misapplied, and I do not question that there are instances of this, past and present. The same is certainly true of other forest management practices.

I do wish, however, to defend clearcutting as a proper and ofen necessary method of managing forests in many situations, and to support the view that it should not be arbitrarily stopped on the national forests, or elsewhere, because of certain alleged, or in fact, misapplications.

CRITICISM AND ALLEGATIONS CONCERNING CLEARCUTTING

We all recognize that a number of things have been said about clearcutting and other methods that confuse and mis-state real issues. This is particularly true in this present time of active public concern about environmental quality in which forested lands are extremely important. Clearcutting has drawn its share of allegations, and I have been struck by the lack of fact or discrimination in many of the criticisms made. Let me give a few of these allegations to help focus on questions of substance. It has been alleged:

Allegation: That clearcutting violates the Multiple Use Act, including the very important provision for sustained yield. There is no necessary relationship whatever here. Timber is certainly one important forest use and overcutting of the sustained productive capacity of a forest unit *can* be done by any method.

Allegation: That clearcutting is destructive to the soil, causes erosion, upsets normal stream flow, etc. These can result from too extensive use or application on unstable soils, etc. These results could also result from improper road building or logging practices. None of these results are inherent to the clearcutting method.

Allegation: That clearcutting is undesirable from the standpoint of wildlife. There in an old and true saying that "deer follow the axe." Forest regeneration necessitates opening up the tree stand, and the resulting more open conditions stimulate shrub and herbaceous growth, increasing wildlife food supply, most of which has to be close to the ground to be available. In dense and mature forests, coniferous particularly, there is little wildlife food. There is a better balance in actively managed forests, that includes all stand conditions from reproduction to mature trees.

Allegation: That clearcutting is bad aesthetics, unsightly, etc. To some people it does look like forest devastation. But so do nature's frequently crude methods of windstorm, fire, insect epidemics, and others. If areas on which the forest cover has been removed—either by nature or by man—are not too large, or unduly concentrated, and are promptly restocked, the net effect is not objectionable from any reasonably balanced viewpoint. To many people, any tree cutting is bad. But these same people want homes which require wood in large quantities, and also use large quantities of paper in their daily living.

Allegation: That clearcutting should be replaced by "selective cutting," or variation on this theme. This idea has been around for years. The term "selective cutting" is essentially meaningless because it all depends on who "selects" what trees, in what way, and for what purpose. The results can be good or bad. In the past, the term has been often used to cloak very destructive cutting practices of "selecting" only trees that are merchantable and leaving the remaining trees vulnerable to damage from natural forces.

METHODS OF ORGANIZING A FOREST FOR CONTINUED MANAGEMENT

It should be clear that the current issue centers on the choice of forest management, or silvicultural, methods. All are predicated on keeping the forest growing and getting reproduction when needed. There are several centuries of accumulated professional experience, worldwide, on silvicultural methods. The U.S. Forest Service has spent millions of dollars over the years on silvicultural research. Forests in the U.S., as elsewhere, are highly variable so that no one method is generally applicable. Which method is best for a given situation depends on the purposes of management and the characteristics of the tree species in the forest.

To reduce to essentials, forest areas can be organized for continuing productivity using either even-aged or uneven-aged management.

An even-aged stand on an area is one in which most of the trees originated at about the same time and grow up together. Such a stand accordingly has a beginning and an end in time; it originated, is tended, and several intermediate cuts may be made. It is eventually removed, new trees are established, and the process repeats. The time interval between removal cuts is called a forest rotation.

An uneven-aged stand, as its name implies, has no beginning nor end in time. Trees are of different ages and under such management this age mixture is continued. There is no definite rotation.

Even-aged management is by far the method most widely applied both in the U.S. and around the world. Essentially, it follows Nature's most common method. Contrary to much popular belief, natural forest stands, area by area, are much more even-aged than casual inspection would suggest. This is due to local catastrophes of fire, storm, insects, and disesaes. This is particularly true of most coniferous (softwood) forest types in the U.S. It is also true in more hardwood (or deciduous forest types) than is generally recognized. A large forest area usually includes trees of all ages but by forest treatment units—that is stand by stand, area by area—even-aged conditions commonly prevail.

Even-aged management is also, in most situations, much more efficient and economical to apply than maintenance of uneven-aged conditions, stand by stand. In fact, application of a true selection system that maintains uneven-aged conditions by individual areas is relatively rare in the U.S., as is true elsewhere.

The above is the basic argument for application of even-aged management. It is natural, efficient, economic, and in general produces forests most useful to man and not only for timber production. I am not speaking here of wilderness or natural areas where as nearly as possible natural conditions prevail whether even- or uneven-aged stands.

Considering even-aged management specifically, there are three commonly recognized methods, each with variations. They are:

1. *Shelterwood Method*. Here, as a stand approaches some desired level of maturity, one or more fairly heavy cuttings are made to open up the stand and bring in new trees, normally by natural seeding. When these new trees are adequately established, the remaining parent stand is removed. It is a very natural method, usually effective for getting tree reproduction but often not of desired species. It is also expensive to apply.

2. *Seed Tree Method*. With this method only enough trees of desired species are left to reseed the area. When this is accomplished, these seed trees are removed. The method has been applied to some extent in the past but little in recent years. The major reasons are frequent ineffectiveness in establishing a new stand of desired species, mortality loss of seed trees, and frequent difficulty of economically removing them.

3. *Clearcutting, followed by planting or direct seeding*. By this method the existing tree stand is cut, normally at maturity. Following such cutting, the area may naturally regenerate, as is usually true of hardwoods, or the ground must be sufficiently clear to permit planting or direct seeding. Clearcutting is usually necessary to regenerate desired conifer species. Properly applied, the method is prompt, effective, productive, and economical when all costs and returns of alternate methods are considered. The method permits and is, in fact, the only general means of using genetically improved tree planting stock. It should also be recognized that clearcutting in many, but not all, forest situations is applied primarily as a timber prouction measure. Other slower and less efficient methods could be, and are employed, if maintaining a forest cover for recreation and watershed purposes is the prime objective.

APPRAISAL OF CLEARCUTTING METHOD

As stated, clearcutting is effective, economical, and widely applied by both public and private agencies in the U.S. and elsewhere.

It is not possible here to explore the many forest situations where clearcutting is the most practicable method and others where other alternatives could and should be considered. The forests of the U.S. are exceedingly diverse as are purposes of management. Generalizations are not safe other than to recognize that clearcutting is an effective and necessary method to use where needed.

Regarding the Forest Service, it is not denied that the method may have been over-applied or mis-applied on occasion. In this connection, I can well remember around thirty years ago when some form of selective cutting, wherever possible, was general Forest Service policy. There were reasons behind this position at the time. Clearcutting, accompanied by prompt regeneration, was not generally established as a tool of continuing forest management. There were many examples of undesirable clearcuttings essentially on private lands.

On national forest lands, planting or seeding was done primarily on areas that had not become adequately restocked following fire or cutting. On the national forests of the eastern U.S., which were mostly acquired from private ownership, there were very large areas in this category. There were also large areas of burned-over lands in the West. Natural reseeding was more generally employed than planting following cutting on national forest lands.

The Society of American Foresters has not made any systematic and professional investigation of present clearcutting practice so I cannot speak quantitatively on this point. It is proper to point out, however, that it is the regeneration method that most readily can be systematized and applied according to a defined procedure. In this respect, it can become a habit, a convenience, that tempts application without adequate discrimination. To the extent this may be so, there is no adequate professional defense. It should also be said that, to the degree clearcutting may be overemphasized as a response to national timber needs, question can be raised as to a desirable balance of forest uses and management methods under the concept of multiple use on public lands. This is a matter of fact and considered judgment to determine.

RECOMMENDATIONS

1. The Society of American Foresters recommends that no moratorium on clearcutting be placed on specific national forests, or on the national forests generally. To do so would place an unwarranted and disruptive restriction on using a proper and in many situations a necessary method. It would also constitute a backward step professionally. The duration of any such moratorium, and the conditions for its lifting, would be difficult to define. With public opinion tending to be critical of cutting of any kind, it would be difficult to reestablish the method following a moratorium. Further, such action could well set a precedent extending to other public lands and to private owners.

2. The Forest Service should be directed promptly to initiate continuing study of silvicultural cutting methods, including clearcutting, and report to the Congress as may be required. Forest study teams are now at work in West Virginia and Montana. What is done is done, and further significant clearcutting, justifying valid criticism would seem very unlikely.

SMALL AIRLINES DO A BIG JOB

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. BURTON of Utah. Mr. Speaker, staff writer Eugene L. Meyer had a story in last Thursday's Washington Post concerning 11 small airlines that are providing a valuable service to people in nearby States whose business brings them to Washington frequently. As a member of the Small Business Committee and as a supporter of small business initiative, I find the story of these small airlines most encouraging, as well as interesting. I hope that similar services will soon be forthcoming in other parts of the country also. The story follows:

ELEVEN SMALL AIRLINES PART OF REVOLUTION IN U.S. AIR TRAVEL

(By Eugene L. Meyer)

They fly small twin-engine craft but they are a part of the air travel revolution nonetheless. They come from places like Hagerstown, Md., Monmouth County, N.J., Reading, Pa., Binghampton, N.Y., and Lynchburg, Va.—from Middle America to Megalopolis.

They are the operators of 11 small airlines, with more than 100 pilots and about 40 planes, that provide direct service between small-to-medium-sized cities and the nation's capital.

Despite their proliferation—there was only one in 1959—and their predominant use now of turbo-prop jets rather than piston planes, there remains an aura of adventure about them.

They seem part of an earlier era of aviation, a time of seat-on-one's-pants flying and treacherous mountain flights to deliver the mail.

Their pilots, mostly retired military men, regard their craft as anything but bush planes, however. "It's a pretty classy operation," said Capt. David Werrett, of Ransome Airlines, resting between flights at National Airport, "We have very good equipment."

And the passengers are mostly businessmen, whose attache cases mark them as part of the daily commuting-by-air age.

Like Herbert Thornton, Spring Lake, N.J., they are attracted to the small lines by convenience. "They're close to home and there's no waiting," Thornton said, as he arrived on a Monmouth Airlines flight.

"It's a little adventurous," he admitted. "Sometimes you wonder if they can take the strain the big airplanes can. You wonder if the wings will hold up in a bumpy ride."

The planes carry from five to 19 passengers. There are three Otters and one Eyelander, both STOL (short takeoff and land) craft, as well as more traditional planes.

Most have flights to places other than Washington. Monmouth and Airspur Airlines, for example, also fly to JFK International Airport in New York.

The airlines range in size from Suburban, with seven planes and 25 pilots, flying here from Red Bank and Trenton, N.J., and Reading, Pa., down to Travelair, with a single plane and four pilots coming from Elkins and Charleston, W. Va., by way of Baltimore.

The boom here started 11 years ago, when East Coast Airlines began making runs from Maryland's Eastern Shore with two five-passenger planes.

Three years ago, a handful of lines banded together into the Commuter Airlines Group. Its present eight members share a ground crew of 11 that sells tickets, checks baggage, and loads and unloads planes.

(The nonmembers, Commuter [not the group], Monmouth and Altair, must fend for themselves, with pilots doing everything. The Commuter pilots even sell tickets.)

When the group was formed, it carried 2,600 passengers monthly. Now it hauls an estimated 6,000, according to station manager Randolph H. Smith.

The planes range from 20 per cent full on Altair, the youngest, to 60 per cent on Commuter, Smith said. More than 50 per cent is needed to break even, he said.

Not all of the lines thrive. Two months ago, two lines flying from Virginia and central Pennsylvania went out of business.

The commuter airline planes formerly parked at Page Airways Terminal, for general aviation, and had only a small hallway counter. However, in February they took over the old Military Air Transport area, vacated last June.

The Commuter Airlines Group spent $10,000 to spruce up the spacious terminal, installing multicolored plastic seats and a wall-length ticket counter. The nonmembers also use the facility.

The pilots earn between $5,200 and $12,000 per year, slim pickings next to the major airline's pay scales of up to $60,000 for captains.

Age precludes most of these pilots from moving up to the big airlines, which want 30 years service out of pilots before they retire at age 60.

Between military pensions and salary, most of the pilots manage. Albert W. Noel, a retired Army colonel flying for Cardinal, draws more than $19,000 annually between the two.

Commuter airlines personnel enjoy comparing their operations favorably with those of their bigger brothers. Says Smith, "Requirements for safety, insurance and standards are at least as high as the regular airlines. That's to get these 'fly-by-nighters' out of the sky."

Acting out of concern with the safety record of commuter airlines and privately chartered air taxis, the Federal Aviation Administration instituted higher pilot standards April 1 requiring bi-annual testing. Of the 11 small airlines, Smith said, only one, Commuter Airlines, Inc., has had a fatal accident. On March 22, three persons were killed and eight injured when a twin-engine plane crashed on take-off from Binghamton, N.Y.

Says pilot Werrett, "It's as professional an operation as the larger airlines, except we use smaller planes. We have found a niche. We can operate small planes profitably, which the big airlines can't.

"I like the convenience," adds Werrett, who lives in Doylestown, Pa., close to Ransome's home base, North Philadelphia Airport. "We get home every night and don't work on weekends."

SPACE SPINOFFS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. CHAPPELL. Mr. Speaker, I applaud the action being taken by the gentleman from Florida (Mr. FREY) to bring before this House and the people the benefits being derived from our national space effort.

I join with LOU FREY in bringing this matter home to the general public.

Rather than specifics, I would like to talk to the matter of space benefits to society in general.

These benefits represent a broader view of space returns and must necessarily deal with qualitatives and intangibles; for example, the real value of the human lives saved because a meteorological satellite spotted Hurricane Naomi last fall in time to permit advance warning and evacuation of the danger zone cannot be measured.

The improvement in safety and comfort for transatlantic airline passengers, due to the current satellite meteorology photographs of the plane's route now available to all pilots, is real but intangible.

The recent deployment of flood emergency teams in California was successfully planned from weather satellite pictures; Navy ice reconnaissance patrols have been reduced by 50 percent because of satellite coverage.

The returns from scientific research in space are unique in that they cannot be achieved on the ground: direct exploration of the planets, atmosphere-free astronomy, space environmental measurements—all require space systems, and all have been successfully initiated. The data flowing back from these space experiments, however, are very much part of the earth-based scene. The space program provides opportunity and capability for research; it is the subsequent impact of scientific understanding upon society that is the real return.

We have a better educated generation in school now than we could have had 10 years ago, before the Van Allen belts were known, the Moon and Mars photographed, the magnetic-field interactions of Sun and Earth observed. We have a better qualified academic community today than ever before; they have taken advantage of the space age to explore and understand new phenomena, which then feeds back through their classrooms and publications to the general expansion of human knowledge.

The exciting engineering sciences taught today are those of the aerospace and nuclear age, fostered and in some cases even invented by the requirements of the NASA program.

An educated nation in a technological world society is a requirement for progress; research and technology make it possible.

GALLANT AMERICAN PFC. DEWAYNE T. WILLIAMS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HARVEY. Mr. Speaker, last Monday, April 20, Mr. and Mrs. Howard C. Williams, of St. Clair Township, from Michigan's Eighth Congressional District, came to our Nation's Capital. It was, I am sure both a very proud but yet a sad moment as they appeared at the White House to accept the Medal of Honor, posthumously for their son, U.S. Marine Pfc. Dewayne T. Williams.

Vice President SPIRO T. AGNEW made the presentation. It was not possible for me to be present as I had accompanied Secretary of the Treasury David M. Kennedy as a member of the U.S. delegation to the Inter-American Development Bank's annual meeting in Uruguay. I want to take this opportunity, therefore, to add this further recognition to a young man whose bravery and dedication to his buddies and to his country truly defy description.

It would be my sincere hope that all Americans, as I have already done so, would benefit just from learning of the bravery displayed by Dewayne Williams as he gave his life by falling onto a hand grenade to save the lives of fellow Marines. This 19-year-old man has, as well described by a following editorial, left a "heritage of honor" for all.

To his parents I add my condolences and my gratitude. A fine young American has left his mark that few can equal—none can surpass.

I submit for inclusion at this point several newspaper articles on the award:

[From the Times Herald, Apr. 22, 1970]

SHARING IN A PROUD HERITAGE

We were not personally acquainted with U.S. Marine Pfc. Dewayne T. Williams, of St. Clair. And we would guess that some of those who did know him, including many of his recent schoolmates in St. Clair and Capac, didn't realize the caliber of man within him.

The whole community knows him now, however, and recognizes the service he has rendered. The Congressional Medal of Honor, awarded posthumously to his family this week in Washington, reflects honor to the whole area which he called home.

Private Williams had not really seen much of life. It was on his nineteenth birthday, Sept. 18, 1968, that—already severely wounded—he used his own body to shield his patrolmates from a grenade. Yet we submit that what he had been and learned in 19 years, in his home life, in his school associations and in his community, was enough to lift him to heights of compassion and valor.

The practice of flinging oneself onto a hand grenade to save the lives of fellow Marines is a tradition in the corps. During World War II, 26 Marines were awarded the Medal of Honor for that reason. And 13 Marines in Korea earned the medal in the same manner. Figures are not yet available for those so honored in Vietnam, but obviously the dedication that prompts such total sacrifice is still there.

Some people, including some in high office, insist on calling this an immoral war. The American statement of purpose in Vietnam is called delusion or fraud, depending on the credulity of the critics. But against them stands a growing list of American sacrifices as witness to the intentions we have in that country, and to the service that our young men do in furthering those honorable intentions.

Private Williams' name will remain high on that list.

The Times Herald joins with the community in extending a combined sentiment to his family—condolences for the loss of so fine a son and brother, and congratulations and gratitude for the heritage of honor he leaves.

[From the Times Herald, Apr. 20, 1970]

ST. CLAIR MARINE GIVEN NATION'S HIGHEST AWARD

ST. CLAIR.—Marine Private First Class Dewayne T. Williams was awarded posthumously the Medal of Honor today in ceremonies at the White House.

His parents, Mr. and Mrs. Howard C. Williams, 6485 Rattle Run Road, accepted the nation's highest award from Vice President Spiro T. Agnew in ceremonies in Washington today.

Private Williams, who attended St. Clair and Capac High Schools, was killed in action Sept. 18, 1968, his nineteenth birthday, while serving in Quang Nam Province, Vietnam with "H" company, Second Battalion, First Marine Regiment, First Marine Division.

He enlisted in the U.S. Marine Corps in December, 1967 and was assigned duty in Vietnam in June, 1968.

William's citation read: "Although severely wounded in the back by close intense fire, Private First Class Williams, recognizing the danger to the patrol, immediately began to crawl forward toward a good firing position. While he was moving under the continuing intense fire, he heard one of the members of the patrol sound the alert that an enemy gernade had landed in their position.

"Reacting instantly to the alert, he saw that the grenade had landed close to where he was lying and without hesitation, he rolled on top of the grenade as it exploded. . . . He saved the other members of his patrol from serious injury and possible loss of life."

Private Williams also possesses the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal with two bronze stars, and the Republic of Vietnam Campaign Medal.

In addition to his parents, he is survived by five sisters, Mrs. Penny Ann Meinhardt, Emmett, Misses Joyce Marie, Beth, Mary, and Lorainne Mary Williams, all of St. Clair, and a brother, Howard, St. Clair.

[From the St. Clair County Independent, Apr. 23, 1970]

POSTHUMOUSLY AWARD D. WILLIAMS MEDAL OF HONOR FOR GALLANT ACT

ST. CLAIR TOWNSHIP.—Marine Private First Class Dewayne T. Williams was presented the nation's highest award, The Medal of Honor, posthumously Monday, April 20, in ceremonies at the White House.

Accepting the award from Vice President Spiro Agnew were his parents, Mr. and Mrs. Howard C. Williams, 6485 Rattle Run Road.

The Marine was killed in action on his 19th birthday, Sept. 18, 1968.

His citation reads as follows:

"For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a rifleman with the First Platoon, Company H, Second Battalion, First Marines, First Marine Division in action against communist insurgent forces in the Quang Nam Province, Republic of Vietnam.

"Private First Class Williams was a member of a combat patrol sent out from the platoon with the mission of establishing positions in the company's area of operations, from which it could intercept and destroy enemy sniper teams operating in the area.

"On the night of 18 September 1968, as the patrol was preparing to move from its daylight position to a preselected night position, it was attacked from ambush by a squad of enemy using small arms and hand grenades.

"Although severely wounded in the back by the close intense fire, Private First Class Williams, recognizing the danger to the patrol, immediately began to crawl forward toward a good firing position.

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"While he was moving under the continuing intense fire, he heard one of the members of the patrol sound the alert that an enemy grenade had landed in their position.

"Reacting instantly to the alert, he saw that the grenade had landed close to where he was lying and without hesitation, in a valiant act of heroism, he rolled on top of the grenade as it exploded, absorbing the full and tremendous impact of the explosion with his own body.

"Through his extraordinary initiative and inspiring valor in the face of certain death, he saved the other members of his patrol from serious injury and possible loss of life, and enabled them to successfully defeat the attackers and hold their position until assistance arrived.

"His personal heroism and devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service.

"He gallantly gave his life for his country."

The Medal of Honor is the highest award for bravery that can be given to any individual in the United States.

It was the first military decoration formally authorized by the American government as a badge of valor and was originally for enlisted men of the Navy and Marine Corps. It was authorized by Congress and approved by President Abraham Lincoln Dec. 21, 1861. The medal for the Army and Voluntary Forces was authorized July 12, 1862.

The medal is awarded "in the name of the Congress of the United States" and for this reason is often called the Congressional Medal of Honor. It is only on rare occasions, however, that Congress awards special Medals of Honor.

The Navy Medal of Honor is made of bronze, suspended by an anchor from a bright blue ribbon, and is worn about the neck. The ribbon is spangled with a cluster of 13 white stars representing the original states. Each ray of the five-pointed star contains sprays of laurel and oak and is tipped with a trefoil.

Standing in bas-relief, circled by 34 stars representing the 34 states in 1861, is Minerva, who personifies the Union. She holds in her left hand the fasces, an ax bound in staves of wood, which is the ancient Roman symbol of authority. With the shield in her right hand, she repulses the serpents held by the crouching figure of Discord.

The reverse of the medal is left blank, allowing for the engraving of the recipient's name and the date and place of his deed.

Dewayne T. Williams was born Sept. 18, 1949, in Brown City. He attended Bell Elementary School, St. Clair, 1954–1956; St. Clair elementary, intermediate, and high schools, 1956–1966; and Capac High School, 1966–1967.

Dec. 18, 1967, he enlisted in the U.S. Marine Corps Reserve and was discharged to enlist in the Regular Marine Corps. Jan. 2, 1968.

He completed recruit training with the 3d Recruit Training Battalion, Recruit Training Regiment, Marine Corps Recruit Dept., San Deigo, Calif., in March, 1968; Individual Combat Training with Company "Y", 3d Battalion, 2d Infantry Training Regiment, Camp Pendleton, in April; and Weapons Training, Weapons Company, Basic Infantry Training Battalion, 2d Infantry Training Regiment, at Camp Pendleton in May, 1968.

He was promoted to Private First Class June 1, 1968. Upon his arrival in the Republic of Vietnam later that month, he was assigned duty as Automatic Rifleman with Company "I", 3d Battalion, 27th Marines, 1st Marine Division (Rein), FMF, and served in this capacity until August, 1968. He was then assigned duty as an Anti-Tank Assault Man.

A complete list of his medals and decorations includes the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal with two bronze stars, and the Republic of Vietnam Campaign Medal.

Prior to entering the Marine Corps Jan. 3, 1968, in Detroit he worked as a press operator in the forging department of Mueller Brass Co., Port Huron, and held a part-time position with Barbe's Gas Station, Marysville.

Besides his parents, Williams is survived by his sister, Mrs. Penny Meinhardt, 18, Emmett, Joyce, 16, Dianne, 13, Janice, 11, and Loraine, 10, and a brother, Howard, 14, who live at home with his parents.

Their father is employed by the Mueller Brass Co.

The family returned from the presentation ceremonies Tuesday.

[From the Detroit News, Apr. 21, 1970]

YEARNING TO FARM, HE DIED A HERO

(By David Jackson)

Dewayne T. Williams bought a small farm shortly before he enlisted in the Marine Corps but he never got the chance to till the soil.

The life of the 19-year-old St. Clair marine was cut short in Vietnam after he purposely fell on an enemy grenade to protect his buddies.

For his act of heroism, Pfc. Williams has been presented the nation's highest award for bravery—the Medal of Honor.

Although his parents, Mr. and Mrs. Howard C. Williams, of St. Clair, beamed with pride yesterday when they returned from accepting the award in Washington, their eyes revealed the tragedy of losing a son.

His parents described Dewayne as a quiet, reserved boy who believed in working hard.

"He always worked two jobs and had just bought a 13-acre farm in Emmett before going into the service," his father recalled.

"He planned on getting married and farming the land when he got out."

"Dewayne was always a good boy," his mother added. "He was always putting someone else before himself. He was just that type of boy."

The Williamses, with their six children and a son-in-law, accepted the medal from Vice President Spiro T. Agnew Monday in White House ceremonies.

A big, strapping boy who loved the outdoors, Dewayne was killed Sept. 18, 1968, on his 19th birthday while serving in Quang Nam province with the 1st Marine Division.

The White House ceremonies, which included posthumous awards to 12 other marines, brought to 39 the number of marines awarded the nation's highest military decoration for valor in Vietnam.

Williams is a shear operator at Mueller Brass Co., Port Huron, where his son worked before enlistment as a press operator. Dewayne also held a part-time job as a gas station attendant.

Before entering the Marine Corps on Jan. 3, 1968, Dewayne attended St. Clair and Capac high schools.

His citation reads in part:

"Although severely wounded in the back by the close intense fire, Pfc. Williams, recognizing the danger to the patrol, immediately began to crawl forward toward a good firing position.

"While he was moving under the continuing intense fire, he heard one of the members of the patrol sound the alert that an enemy grenade had landed close to where he was lying and, without hesitation, in a valiant act of heroism, he rolled on top of the grenade as it exploded, absorbing the full and tremendous impact of the explosion with his own body."

CUSTOMS' CRACKDOWN ON DRUGS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. ROBISON. Mr. Speaker, the Government is deeply concerned over the unprecedented influx of illicit narcotics and dangerous drugs into the United States. As you may know, the Bureau of Customs of the Department of the Treasury has received a mandate from this administration to exert every effort to halt the smuggling of narcotics.

Last December Congress passed a supplemental appropriation of $8.75 million which gave Customs authority to undertake a major campaign against narcotics smuggling. The appropriation permitted Customs to hire an additional 307 inspectors and 378 investigators, and to add more aircraft and other surveillance equipment.

An article which appeared in the March 15, 1970, edition of the New York Times clearly presents the problems of the Bureau of Customs as it seeks to expedite the inspection of returning travelers while trying to halt the entry of contraband drugs and narcotics.

Recognizing that every American should be concerned about the flow of narcotics into this country, I am inserting into the RECORD this article for everyone to read:

CUSTOM'S CRACKDOWN ON DRUGS MAY FRAY U.S. WELCOME MAT

(By Paul J. C. Friedlander)

WASHINGTON.—Coming back into the United States during the coming spring-summer peak travel season is not going to be as easy, as informal and as quick as it had become in the last couple of years. The people to be blamed for this forthcoming change are not the United States Customs inspectors, who will, of course, take much of the off-the-cuff abuse from weary travelers delayed at piers and airports; rather, they are the international suppliers of narcotics and the domestic peddlers of dope. Last year, inspectors made 3,425 separate seizures of incoming drugs, collecting 54,818 pounds of heroin, opium, hashish, marijuana, cocaine and other narcotics.

Precisely what changes are to be made in tightening up the customs inspection procedures in order to shut off the flow of narcotics into this country have not yet been decided, but 378 new inspectors are now being added, along with 307 investigators. In an interview in his office here, Myles J. Ambrose, who was appointed Commissioner of Customs last August, declined tactfully to predict the changes that will be undertaken and exactly how they will affect the tourist. All the procedures are still under study, he said.

CHANGES ON THE WAY

But there will be changes soon, and incoming pleasure travelers, law-abiding tourists and dope peddlers all will find themselves being studied more carefully, and their baggage poked and prodded more intensively in the months ahead. In the tightening up, the one-stop, accelerated customs inspection program, which has been working with some success at Kennedy International Airport, and at Washington's Dulles Airport, Boston, San Antonio, Seattle and Miami, may be subjected to change on very short notice.

Under the one-stop system, all passengers present their passports, health certificates and customs declarations to the first inspector they all meet; he could be a customs man, an Agriculture Department agent or a Public Health Service man. He may or may not poke into the passenger's hand baggage and, if he thinks he has an honest man and an honest declaration, he has the authority to clear him immediately without further inspection of the remaining baggage. If not, he directs the passenger to a thorough secondary examination of all his luggage by a customs inspector.

This system, when it worked properly, did speed passengers through the compulsory triple inspection—health, immigration and customs—and, when Kennedy Airport was peaking at 20,000 passengers a day on busy weekends last summer, it helped to ease the congestion at the Arrivals Building. The casual, rotating assignment of agents of the three Federal departments to the preliminary inspection booths led to some interdepartmental rivalry, with the customs union claiming that immigration and health inspectors were doing customs work, and vice versa.

The Customs Inspectors Association has officially proposed to the Customs Bureau that tighter enforcement can be achieved by stationing customs men like roving linebackers behind the preliminary posts of the one-stop set-up. If an inspector saw someone coming through who aroused his suspicion, the association argues, he could flag him down for a thorough secondary inspection.

PLUGGING THE FLOW

The customs men claim that their experience, plus their long-developed extrasensory perception in spotting smugglers, will plug the flow of narcotics.

Pre-clearance stations, where United States Customs men stationed in foreign cities perform customs inspections before passengers board their airplanes, are also being restudied. Pre-clearance posts in Montreal, Toronto, Vancouver, Bermuda, the Bahamas and St. Thomas, V.I., are under scrutiny because of the cost of maintaining inspectors in foreign posts (a $10,000-a-year inspector costs, in addition, about $20,000 for home and maintenance at foreign posts) and because some such inspections are reportedly quite perfunctory. This convenience to the traveler might possibly be eliminated under the tighter enforcement program.

All this talk of stricter enforcement, more complete baggage inspection and tightening up of entry formalities is a complete reversal of the long-range trend toward opening up frontiers and simplifying border crossings. American customs procedures have become much more civilized in the last half-dozen years than they were formerly. The official attitude toward returning citizens and incoming foreign tourists had changed, under pressure from irate tourists, the travel industry and the press, to one of smiling welcome and, sometimes, an apologetic diffidence in baggage examinations.

But this country still had not yet achieved the high standards of Sweden, Britain and more recently France in adopting the honor system for baggage inspection. Stockholm and London have had two well-signed lanes marked off in their customs enclosures. One is labeled "Nothing to Declare," and the other lane is reserved for passengers with "Something to Declare."

Reports from Europe indicate that the current growth of narcotics smuggling, which formerly was not a serious problem in Scandinavia, Britain and even in France because narcotics were so little used in those countries, has led to a re-evaluation of their free-entry procedures. The United States was formerly the major target country for smugglers, and, while it still holds that unenviable position, Western Europe is finding that it, too, has a smuggling problem.

The current attempt to shut off the flow of narcotics into the United States, which has to be done at the ports of entry, since hard drugs do not grow nor are they usually manufactured here, is based on White House directives.

Commissioner Ambrose noted that the Nixon Administration has given the Customs Bureau attack on dope smuggling a first order of priority. He described the Customs Bureau approach as simply this: "Our plan is to interdict the flow of narcotics at every port of entry."

The law-abiding traveler is bound to be inconvenienced by this attack on smugglers; he will inevitably find customs inspection taking longer than it used to and longer than he would like. Ambrose invites the tourists' sympathetic understanding and cooperation because of the seriousness of the nation's drug problem.

Only a decade ago, dope smuggling was a neatly organized, highly professional big business operated by international rings that relied on professional couriers, and also heavily upon seamen, to smuggle dope into the United States.

In those days, most of the big interceptions made by customs inspectors and the bureau's special criminal agents were made on tips from overseas informers. A highly placed customs official told this reporter some years back that he believed that fully 90 per cent of all dope interceptions then were being made on tips. The Customs Bureau pays informers handsomely, depending upon the size and value of the catch.

SMOOTH-SHAVEN SMUGGLERS

In the past few years, amateurs and young college students and graduates—not hippies, but the smooth-shaven clean-cut-looking ones—have gone into the smuggling business. Today, more and more of the interceptions of dope are being made on suspicions aroused in the minds of experienced inspectors, by the discovery of double-bottomed suitcases, which can be found only by poking into the baggage itself, and by inquiry into bulging clothes and into over-stuffed brassieres and girdles.

A strange noncatch at Kennedy Airport a few days ago was the case of a tweedy, professorial-looking young man who brought home 100 opium pipes. Close inspection proved that they were new and had never been smoked, and the inspector had to let them into the country. If they had been used and had contained opium residue, they could have been barred.

Ambrose warns young tourists that attempting to carry hashish from North Africa into Spain en route to market in the United States is not a smart thing to try. At present, about 30 young Americans who might have been classified as tourists when they disembarked from ferryboats and planes in Spain are languishing in Spanish prisons under convictions of smuggling dope into that country.

Spanish law, Ambrose explained, provides that anyone possessing one-half pound or more of hashish is ipso facto held to be a dealer in narcotics. The mandatory minimum sentence for this offense is six years and one day in a Spanish jail. None of them are described as rest cures or even comfortable havens of rehabilitation. State Department officials are reportedly suffering from pressure from parents to help spring these young American citizens, most of whom are said to be between 20 and 30 years old.

BUREAU'S NEW RECRUITS

The Customs Bureau is now enlisting another type of young American citizen to build up its staff of customs inspectors and criminal investigators in its fight on narcotics. An $8.75-million supplemental appropriation made available in January—this is above the bureau's $123-million budget for fiscal 1969—will permit the hiring of 378 new inspectors and 307 criminal investigators whose prime pursuit will be dope smugglers.

These recruits will be scattered around the 290 official ports of entry on the periphery of this country. While more inspectors added to the nearly 3,000 inspectors already on duty would normally mean less delay while awaiting inspection, their concentration on smuggling can be expected to result in more intensive, hence slower, inspections.

Recruits fresh out of college start at a minimum of $6,176 a year, but the bright boys—those ranking in the top third of their graduation class—start at $7,639. A journeyman inspector's top pay is $15,000, and a supervisor can rise financially to a peak of $28,000. The Customs Bureau trains its inspectors at a special school on the Hofstra College campus in Hempstead, L. I. Its criminal investigators learn their shooting and pursuit of criminals at other locations.

The Customs Bureau's new commissioner is a man versed in law enforcement. Ambrose, the youngest commissioner (43 years old when he was appointed) to head the bureau, was assistant to the Secretary of the Treasury for Law Enforcement from 1957 to 1960, and from 1960 to 1963 he was executive director of the Waterfront Commission of New York Harbor. He has been active in the International Criminal Police Organization (INTERPOL) and in international narcotics enforcement organizations.

Shortly after Ambrose took office, traffic between Mexico and the United States came almost to a standstill for several days. This was during Operation Intercept (later renamed Operation Cooperation to show that both countries were working jointly for the common good) last autumn, when almost every vehicle and traveler coming out of Mexico was searched for marijuana. This jammed the Texas and California border stations, and Kennedy Airport as well, because full inspection was conducted of every arrival from Mexico.

Such dramatic interceptions of the flow of tourists are not likely to be repeated, since the political and diplomatic points already have been made. But the 1970 tourist should prepare himself to be resigned to small, undramatic delays and searches in the months ahead.

THE POPULARITY OF THE ENVIRONMENTAL ISSUE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. HAMILTON. Mr. Speaker, I include the following remarks which I made at the kick-off program for Indiana University's Earth Day observance:

THE POPULARITY OF THE ENVIRONMENTAL ISSUE

With astounding alacrity, we have all become environmentalists.

In recent months, it has become almost impossible to look at a newspaper, a magazine or watch television or even talk to a stranger without encountering the subject of the natural environment.

Leading newspapers like the New York Times, the Christian Science Monitor, the Washington Post have run series after series on auto pollution, solid waste disposal, environment litigation, Lake Erie.

Television commercials—one of the more impressive art forms of the 1970s—seek to persuade us that great oil companies have long been leading the fight for a clean environment.

Steel, chemical and smelting companies are issuing glossy four-color brochures with

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accounts of what they are doing to control pollution.

Almost daily, industries are establishing environmental control departments as if to seek expiation for their sins and convince us all that like the white knight of old, full and fair upon his charger, they will lead us into battle—against the forces of dirt, waste, debris and evil.

New organizations have sprung up like the flowers of spring. In recent months, my office has received, almost daily, notice that a new group has been established.

Even the President—who knows a political trend when he sees one—has become an environmentalist.

And every politician—and I'm afraid your speaker is no exception—has tried to persuade his constituents that he has seen this problem coming for many years and has been leading the fight almost single-handedly in Washington to clean up the environment.

The environment is a politician's delight.

In these days of exploding birth rates, and groups like ZPG, even motherhood—the time honored "safe" issue for the politician—is suspect. But—not the environment. Everyone is for clean air, clear water and tall forests.

Members of the Congress, who probably could not define ecology a year ago, are dropping into the legislative hopper bills as thick as text books, proposing solutions to our environmental problems.

The Gallup public opinion poll tells us that 73 percent of our population is willing to pay additional taxes in order to improve their natural environment.

And from the 9th Congressional District in Southeastern Indiana not usually identified as among the liberal districts in the nation—a postal patron questionnaire shows 80 percent of the people wanting to spend more federal dollars on pollution control.

And tomorrow on Earth Day all of this interest reaches a pinnacle, as 2,000 colleges and universities and 7,000 high schools participate.

Anything that can move without sound and smoke will parade down 5th Avenue.

Margaret Mead will talk about mismanaging the planet.

Folk singers will decry dirty rivers.

Professors will tell us about the perils of phosphate and pesticides.

Lawyers will tell us how to sue polluters.

The robot will breathe in cigarette smoke and dirty city air as people watch his glass lungs turn black.

Students will conduct a mock trial in Washington convicting a car of polluting the air.

Blacks from St. Louis will dramatize their problems of rats in the ghetto, poisionous lead paint on the walls, treeless streets.

High school students will collect contributions to finance law suits against polluters.

Commuters coming off the train in the big cities will be handed leaflets about the need to contain the population explosion.

Posses will be organized to pick up cans, bottles, and trash along the Potomac.

And amidst all the enthusiasm for the quality of the environment, allow me to interject a note of caution—even skepticism—about this rising tide of concern and protest.

Obviously, the alarm needs to be sounded.

But the alarm, by itself, doesn't put out the fire.

We must be sure that as we embrace the cause with passion and fervor that the cause does not die from the embrace.

MAGNITUDE AND NATURE OF THE TASK

In spite of all the protests, meetings, commissions, speeches, legislation, organizations, in spite even of the enormous political popularity of the issue, I am not fully persuaded that we have begun to grasp the dimensions of the environmental task.

As politicians talk, existing laws are unenforced and underfinanced.

As the oil companies run slick and expensive television commercials, they fail to put $1000 storm chokes in ocean rigs, in defiance of existing Federal regulations, polluting vast areas of the sea.

As cities cry for monstrous sums of money from Washington, they push high rise apartments even higher, allow more shopping centers to be built, pave highways, and intrude in innumerable ways on the environment.

As students bury a new car to show their passionate commitment to a clean environment, they invade the beaches of Florida at Easter leaving behind an incredible quantity of beer cans, paper and debris.

Barry Commoner says:

"We have been living with a vast and potentially fatal illusion: That we can enjoy the enormous benefits of modern technology without risk to the integrity of human life and the environment."

COST

I am not sure we have begun to grasp the cost of cleaning up America. Vast Federal expenditures will be necessary—probably 20 to 25 billion dollars a year over present expenditures. Today we are spending just over $1 billion dollars on anti-pollution measures.

This nation must make the same kind of commitment to environment preservation that we make to building a massive war machine.

The federal experts on cleaning up the nation's waters, tell us that an approach that is satisfactory will take many years and many billions of dollars.

The cost of cleaning up Lake Michigan alone has been expertly estimated as high as $10 billion. The ultimate cost of cleaning up the nation's waterways is out of sight—somewhere beyond a hundred billion dollars.

The Organization for Economic Cooperation and Development in Paris recently said that it would take about 4 percent of GNP for the industrialized nations to hold the line against pollution. That's $40 billion dollars annually in the U.S. and many times that will be needed to clean up the damage from the past.

Although 85 percent of the people in a Gallup poll were concerned about the condition of the environment, 62 percent said they would not accept a monthly increase of $1 on their electric bill.

Our words about ecology are urgent but our desire to spend the money to clean it up is not.

COMPLEXITY

I am not persuaded that we have begun to see the complexity of the tasks of cleaning up the environment.

A. Some of us don't see the interrelatedness of the environment—that any action that alters one aspect of the environment may have a potentially disastrous impact on man's health.

That pesticides, for example, help plants grow, plants absorb DDT, plants are eaten by animals, which in turn are eaten by other animals.

B. Some of us think there can be quick and easy solutions to the problems of the environmental crisis. A creek can be cleared of junk and beer cans, but it is no easy task to return a river to an unpolluted state when the pollution is fertilizer draining from the surrounding farms, and when the farmers, if required to halt the use of fertilizer, will face insolvency.

We are not going to restore the environment quickly no matter what the crescendo of attention on Earth Day, April 22. It will happen bit by bit, piece by agonizing piece, victories will come slow and seldom, until we reverse the gradual process by which the present state of deterioration came about.

C. Some think that pollution can be totally eliminated—that America can be restored to preindustrial purity.

These persons seem to say that our population should not grow, our economy should not produce, our technology should not modernize.

But the headlong retreat from technology and economic growth would bring casualties heavier than many suppose.

D. Others simply accept pollution. A mayor of a small midwestern city recently told a citizens group, "If you want the town to grow, it's got to stink."

E. Some of us expect the impossible.

You can not take the oily, chocolate brown Cuyahoga River in Cleveland, which burst into flames not long ago nearly destroying two railroad bridges, and expect to turn it into a trout stream.

F. Some of us see only one problem at a time.

One well-meaning and passionate fighter for the underdog said the other day, "Hungry people don't care about the environment."

That's exactly the kind of thinking that got us into this mess.

Singleminded pursuit of any goal, even a very worthy one—like feeding the hungry—is bound to produce undesirable side effects on the environment.

We are accustomed to dealing with life in segments and pieces. The advantages of this are obvious and it has enabled us to be most successful in dealing with most of our problems.

The Highway Department has a specific job to do. Its task is to build and maintain roads at the least cost. It will rip up the neighborhood, rape the landscape, violate the natural course of drainage to get the job done.

The Sanitation Department must dispose of the garbage. It may tow it off shore and dump it. If the refuse washes back upon the beaches and into the wetlands, that's not their problem.

The town may burn its trash at the own dump. The garbage man gets rid of it, but he pollutes the air.

Taking one problem at a time just doesn't work in the environment.

G. Some of us want to blame somebody else—and almost in anger we lash out:

Greed is to blame;
Man, the dirty animal, is to blame;
Technology is to blame;
Capitalism is to blame;
The poor are to blame, and
The establishment is obviously to blame.

A law school senior said to me the other day that he would not defend a client who was a polluter, suggesting that even law school seniors may have something to learn.

The fact is, of course, that all of us are polluters and all living Americans are big polluters.

The wastes that foul our land are produced in the course of fulfilling widespread wants that are, in the main, reasonable and defensible.

We didn't get into this environmental mess entirely through vices—but we got here also because of our virtues—our unbalanced and our uncoordinated strengths.

The flaws are bound up with the virtues of modern society. They are part of science, democracy, individuality, diversity and prosperity.

Concern over the environment, obviously, has a grave moral content but I am disturbed with the tendency to present the issues in the form of a TV horse opera with some guys wearing the black hats and some the white.

Environmental decision-making is a technical, subtle, intricate process. As environmentalists, we must bring, not only passion, but also competence to our cause. Passion without competence (as John Gardner tells us) will only lead to confusion.

POLITICAL

I do not believe we have become sufficiently aware of the political complexities of the environmental task.

The issues of the environment are shot through and through with power politics of a high order. Action by the politician to match his words may be suicidal. Profits and crucial political support are not always on the side of the environment.

We in the Congress have already heard the voice of the steel and chemical company officials warning us against the overzealous and sometimes uninformed persons who insist upon high quality air standards, who become emotional over the issues, who are not conducive to "realistic" pollution control programs.

No politician has failed to note that large contributions often come from industries that often pollute. The choice between a fat campaign chest, in the days when money often wins elections, and an angry but pollution-free local industry is difficult.

We are being warned, too, about the tremendous cost to business of installing the devices to control pollution in order to meet the standards.

The cost, which a big company and an efficient plant can absorb, may become insupportable for a small company and an old plant. It may mean unemployment, especially in small towns where a plant is the principal employer. Pollution control may mean short term competitive disadvantage.

We have already seen this situation arise. In Duluth, a 50 year old US Steel Plant employed 2500 people. It was under orders from the Minnesota Pollution Control Agency to install smoke abatement equipment. US Steel said that the compliance would cost $5 million and would price the facility out of the market. The ony alternative, if the State insisted on compliance, was to shut the plant down.

Will the voters in Duluth and elsewhere really support a politician who supports tough pollution controls when it may mean fewer jobs in this community?

I am persuaded that the most formidable problems we will encounter as we seek to manage the enviornment are political and that politics, not science, is the key to whether or not we succeed.

We have the wealth and the power and the knowledge to achieve a better environment. I am not sure we have the wisdom and the political will to do it.

MANPOWER

I am not sure we have begun to grasp the critical need for manpower to help with our environmental task.

As we look ahead, we see the need of 10s of 1000s, of men and women who can handle environmental material from several natural sciences in combination with material from several of the social sciences. They will have to be integraters, dealing with broad questions of human values and purposes and laws that lie beyond the sciences.

The university which has given us so many specialists, who with their amazing analytical capabilities have taught us how to take the world apart, must now train men who will take the lead in putting it back together again.

We simply don't have enough lawyers, ecologists, engineers, and other professionals working for the environment.

ORGANIZATION

In government, I am not persuaded that we have fully recognized the organizational problems of government in our task.

We have a veritable jungle of governmental groups dealing with the problems of the environment: 11 federal departments, 16 independent agencies, 13 congressional committees, 90 federal programs, 26 quasi governmental bodies, and 14 interagency committees.

Government must straighten out this maze of conflicting environmental responsibilities.

The federal government must avoid the hopeless fragmentation of present anti-pollution programs. HEW is in charge of air pollution and solid waste disposal.

Interior is in charge of water pollution. The AEC is in charge of radioactive discharges and other departments have authority for such areas as auto and jetcraft emissions and stream pollution.

Government must also guard against the well known tendency of departments and regulatory agencies to become identified with the interests of the industries with which they deal.

Some of us urge the establishment of a new agency in which would be concentrated authority for all anti-pollution programs, and a joint congressional committee to maintain an oversight on environmental policy.

The Federal Government must put its own house in order.

The Corps of Engineers must justify their depredations of the land. The Department of Agriculture must not encourage farmers to misuse pesticides and drain vital marshlands.

The Department of Transportation must strike a better balance between highway construction and public transportation.

All agencies and departments must do their environmental homework before projects are approved.

LIFE STYLES

I am not persuaded that we fully realize the changes in life style that an effective attack on the environment requires.

We simply can not dedicate ourselves so zealously to infinite growth on a finite planet.

Are we willing to pay more taxes, higher utility bills, accept lower profits and fewer dividends, organize efficiently, inconvenience ourselves by not using an automobile?

Do we want a lower airplane fare in a polluted atmosphere or a higher fare on an emission free plane.

Do you want a more expensive, but lead free gasoline that produces fewer miles per gallon?

Will we buy a $100 pollution control kit for our cars?

Will we pay costlier water bills and restrict our consumption of it?

Will we limit the size of our families?

Will we allow more and more Government control of land use?

Will we accept a drastically modified automobile, limit its use, and pay more for it?

Will we allow curbs on our insatiable demands for electricity?

Will we give up our no-return Coca Cola bottles and our indestructible beer cans?

We are almost certainly headed for disruption of industry, higher bills for consumers, and considerable inconveniences for all of us in adopting a less wasteful style of life.

Squandering and spoiling resources is not a luxury, but a threat to luxury. The "good life" syndrome is deeply ingrained in most of us, but it must give if we are to meet the challenge to our future existence.

The environmental crisis will force us into a profound revision of our national priorities. We simply will not solve it until we are willing to confront that basic fact.

If survival of the species is really at stake, there can be no item placed higher on the nation's agenda than the quality of the environment—and that includes poverty, and hunger and inflation and crime.

STEPS TAKEN

I'm not sure anyone can be truly optimistic about our prospects.

Barry Commoner says that "Once you understand the problem you can find it is worse than you ever expected."

But there has been much progress recently, and we might be forgiven a little optimism.

We have a cascade of Federal legislation.

This legislation is piecemeal and underfinanced, with only about 25 percent of the authorized amounts for pollution control actually appropriated, but it does represent a significant national commitment.

Internationally, there is growing interest and action. The United Nations is convening a World Conference on the enviroment in 1972, NATO has adopted a goal of improved environment, London and Paris have had smoke and noise cleanup campaigns. DDT has been banned in Sweden, Denmark and Germany.

Some States are beginning to act aggressively. Michigan has impounded the salmon from Lake Michigan because of excessive DDT and Maryland is requiring all utility lines in new construction to be underground.

The Federal Government has acted administratively to cut back the use of pesticides and cyclamates have been banned.

Jet planes and autos are scheduled for partially effective emission control devices by 1972.

Industries and foundations also show encouraging, if sporadic, signs of activity.

Environmental law is emerging as a new field of law and numerous court tests are underway.

YOU AND THE ENVIRONMENT

But let me suggest that while we welcome all these steps, we view it all with skepticism and enter the fray ourselves.

We are not going to find any angels to do it for us. It is a responsibility we can't delegate. We have to do it ourselves.

Environmental action is up to us. Our task is to keep the environment from becoming just another issue—to be replaced soon by another issue.

And there are important steps each of us can take.

1. We can ask the right questions. Every community needs people who are asking the right questions:

What is desirable?

Does it bring serenity, beauty, quiet, or does it bring noise, clutter, pollution, congestion?

Every community needs people who ask questions before a swamp is filled; a stream dammed; a road built; an airport sited; or a powerplant constructed.

2. We can watch for the right actions.

—meaningful expenditures to clean up the air and the water

—corporations absorbing an important share of the social cost

—tough, but fair, state and local law enforcement on major industrial polluters

—a real revision of the national priorities

3. We can keep the heat on politicians and officials.

We can keep them from stalling; from wasting money on military nonsense and to apply it to the environment; and we can encourage them to see the environment, not as a social problem but as a survival problem.

We can contribute money and time to politicians who support our environmental concerns. We can help poll and canvass the voters on his behalf.

We must be aware that environment speeches, and even the mere introduction of bills mean little. We must scrutinize the various legislative proposals at least as critically as the special interest groups do—and really know who our friends are among the legislators.

We should not despair if the environment becomes a political issue. At least it will be a political issue with competition in good works and the country will benefit.

4. We must not feel that we are impotent to effect change, because there is much we can do.

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We can work for:

Community wide planning and strictly enforced zoning ordinances;

Effective pollution control measures;

Modern methods of solid waste disposal;

Attractive playgrounds, parks and recreational areas;

Protection of water courses and wildlife;

A trail system for walking, hiking, and jogging;

Environmental Education in your local schools;

Underground utility lines; and

Proper maintenance for public places.

We can get these things done by:

Join a group that works for a better environment;

Urge our organizations to undertake an environmental project;

Lead a youth group with environmental goals;

Conduct ourselves by a rigorous code of environmental ethics;

Promote coverage by your local newspapers and radio stations on environmental projects;

Speak before local clubs and schools in support of good environmental policy;

Start an environmental conference;

Organize a community cleanup campaign and beautify our homes;

Appear before or serve on city councils and zoning boards and support environmental goals;

Let your elected representatives know that you strongly support bond issues and tax increases where necessary to improve community environment.

Our work many not make the headlines, but it will make a better world.

It is important for you and me to believe that we can restore the balance between man and his natural environment.

We can have in this nation, clean air, clear water, fertile land, abundant forests. Your efforts and mine can tip the balance.

Nothing must deter us in our efforts to enhance the quality of life for people today and for generations to come.

(5) We can keep the concern for the environment alive and be alert for new and unknown kinds of intrusions into our environment.

The rising tide of concern, and the prevalence of it, should not make us think that the war for a clean environment has been won. It has only begun.

When the hoopla and the shouting die, the flags no longer wave, and Earth Day has come and gone, our task will be to persevere.

So join the fray—if you don't who will?

"THIS IS YOUR LIFE," ARTHUR PIUS HOUSER

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to share with my colleagues a delightful "This Is Your Life" of an outstanding senior citizen from my home district. In the early 1900's, Arthur Pius Houser became one of the first residents and certainly one of the finest citizens of Emmaus, Pa.

The members of the Emmaus Rotary Club, No. 2251, bestowed on Mr. Houser one of their highest honors—the Emmaus Rotary Man of the Hour Award—for having attended every club meeting since their charter began in 1926. Mr. Houser is, and has always been, a leader in the community, as is evidenced by his 44 years of membership in the Rotary Club. I am certain that the following testimonial, which appeared in the Emmaus Trumpet, the official publication of the Emmaus Rotary Club, can indicate far better than I the exceptional life of an exceptional man.

The people of Emmaus have a great deal to thank Mr. Houser for, not only in terms of his efforts in building the community, but also for the example he has set for them in defining the meaning of a truly dedicated citizen.

The text of Mr. Houser's "This Is Your Life" follows:

THIS IS YOUR LIFE

Carved into the outer wall of the Court House in Santa Barbara, California, is this sentence: "God gave the land, the skill of man built our town."

When I read these words two weeks ago I immediately thought of Arthur P. Houser, for it was, to a large degree, the skill of man, who "built our town."

William Dunbar, philosopher-poet, wrote this about the builder:

"They go to the forest for palm or pine,
the stuff for the humbler homes;
The mountain gives up its valued gifts,
for the stately spires and domes;
But whether they work with marble or sod,
The builder is hand in hand with God."

Arthur, we are told, you were born February 13, 1887, in Hanover Township, Lehigh County, son of Richard Solomon and Emma Lavina (Bobb) Houser, and as a young boy you lived with your parents on a farm which is now the Northwest runway at the A.B.E. Airport.

While on the farm, you worked twelve hours a day, and for this same amount of labor a hired man at that time would receive $1.10 per day plus meals.

You left Hanover Township School (now Catasauqua) at the eighth grade level, and your first employment was at the Mertz Bakery in Allentown.

In 1904 you were confirmed in Schoenersville Lutheran and Reformed Church by Reverend John Guth.

In 1907 your parents moved from the farm to East Catasauqua, and you were hired as an apprentice carpenter by Goldsmith & Son (General Contractors).

Enrolling in the Scranton Correspondence School you soon learned to draw plans and understand them and specifications as well.

Although you liked Catasauqua and recognized it as a nice place to live, you were not satisfied with its progress.

You boarded a train for Emaus and, carrying your tool box, you walked from the railroad station in Emaus to a builder of houses (Emaus Land Improvement Co.) at Ninth and Chestnut Streets and decided that Emaus was to be your home.

In 1913 you became the husband of Pronella Hensinger of South Second Street, Emaus, and in 1914 you were, and you still are, the proud father of a daughter Rachel, now the wife of Gordon Falkenau. They are the parents of three of your grandchildren, Ranelle, Larry, and Robert.

In 1917 your first wife, Pronella, died. Unfortunately your grandson, Robert Falkenau, we sympathetically recall, died this past December 6, 1969, while serving his country as a Lieutenant in the Armed Forces in Vietnam at the age of twenty-five years.

Shortly after you arrived in Emaus, the School District asked for bids for the construction of the Jefferson Building on North Street and, although you were only twenty-seven years of age, with the help of your former employer, you were awarded the contract for this project in 1914, your first contract job, fifty-six years ago and the building is still standing and in daily use.

At this same time you built your own home at 106 Macungie Avenue, Emaus, where you have continuously resided to date.

In 1920, Hattie Ott, a widow, became the second Mrs. Arthur Houser, and in 1929 your daughter, June Marie, was born.

June and her husband, Robert N. Swinehart, for many years an Emmaus Rotarian, have four charming children—Karen, Lisa, Kurt and Heidi.

As a result of being the successful bidder on many jobs since the building of the Jefferson School in 1914, you constructed practically all the manufacturing and industrial plants in the Borough, the Town Hall, several bank buildings in the area, the modern Merritt Lumber Co. office, approximately eight hundred homes and five of our area Churches. You supervised the building of twenty-five to thirty Churches within a twenty mile radius of our Borough.

The building of Churches recalls Robert Lewis Stevenson, who wrote:

"I never weary of great Churches.
It is my favorite kind of scenery.
Mankind was never so happily inspired as
when it made a Cathedral."

Active in the work of St. John's United Church of Christ in Emmaus, housed in the beautiful edifice constructed by you, you served many terms on its Consistory and as an officer of the congregation. As a result you were elected "Elder Emeritus" for faithful and devoted service to the work of your Church.

Additions to Kutztown and East Stroudsburg State Colleges, Brookside, Lehigh and Berkeley Country Clubs and all the new constructions at the Lehigh Valley Club, Allentown, were made under your supervision as General Contractor.

As one of the founders of Security Trust Co. in Emaus in 1919, you became a member of its Board of Directors. Security Trust later constructed the building in which First National Bank of Allentown, Emmaus Branch, is now located since the Bank merger in 1951.

Having been connected with banking since 1919, you were elected a Director of The First National Bank of Allentown in June 1951 and you are serving in that directorship at the present time.

In the field of community service you also held the office of President of Emaus Board of Trade, which later became Emaus Chamber of Commerce, now Emmaus Area Chamber of Commerce.

Largely due to your activity and community interest, several industries settled here. Fred Kalmbach, Sr. brought his industry from New York—General Machine & Foundry—as did the Rodale Brothers, giving employment to many.

You hold membership in, and are a Director on the Board of General Contractors Association of Lehigh Valley, Inc.

In 1969 you turned over the Presidency of Arthur P. Houser, Inc., General Contractors, to your capable son-in-law, Robert N. Swinehart, although you still remain active in the contracting firm.

All of the Emmaus Fire Companies and Macungie Fire Co. and Mercantile Club of Emmaus have your name on the membership roster.

In 1910 you became a member of P.O.S. of A; 1913, Unami Fish & Game Association Lehigh Valley Motor Club; 1916, Emmaus Odd Fellows Lodge; 1917, you became a Mason, joining Edward G. Martin Lodge #689, where you are now a Life Member.

Thereafter you rapidly became a member of the various Masonic bodies—a 32° Mason, Shriner—Jester—member of Lehigh Valley Club and Shrine Club.

Since becoming a charter member of Emmaus Rotary in 1926 you have served 25 years as its Treasurer until your resignation from that office this past year.

In attending more than twenty-five Rotary International conventions in all parts of the world as the ambassador extra-ordinaire of our Rotary Club, you have, by your distribution of the Emmaus Rotary Banner in the many countries in which you attended Rotary, given recognition to our Club.

We in Emmaus Rotary are, as we know you are personally, very proud of your forty-four years of perfect attendance.

You have an admirable record in this and your many other fields of endeavor.

Because we in Rotary are cognizable of this enviable position you hold in Rotary, we present to you a testimonial of our esteem.

We believe it to be a fitting gift for you—*"Emmaus Rotary Man of the Hour"* with forty-four years perfect attendance from the date of our charter, 1926 to 1970, a record fot Emmaus Rotary and one we pray will be made still greater by your continued unbroken attendance.

This is presented to you with the very best wishes of your fellow Rotarians and the hope that every hour in the years ahead will be filled with sixty minutes of good health, happines and continued success.

We joyfully think of tomorrow, your eighty-third birthday and we all join in wishing you, in song, a Very Happy Birthday.

STEADY ECONOMIC GROWTH

SPEECH OF

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. SIKES. Mr. Speaker, regretfully, we in the Congress seldom are reminded of the accomplishments of the present-day Greek Government and the Greek nation. We hear much criticism, some from sources which want Greece to have a socialist government like a number of the north European nations. I am more impressed with the fact that the Greek Government is friendly to the United States and to NATO, and is anti-Communist. It is well to note, also, that it does not give asylum to traitors from the United States or deserters from our Army.

I submit for reprinting in the CONGRESSIONAL RECORD some specific information about the stability of the Greek economy and the progress which is being made by that country in education, social welfare and public health, communications, mineral resources, merchant marine, and agriculture. All of these serve to illustrate the fact that there is a need for the Congress to hear both sides of the story.

The information follows:

STEADY ECONOMIC GROWTH WITH CONTINUED PRICE-STABILITY

The adoption and the implementation of the Five Year Plan of Public Investments (1968–1972) is an important step forward in the economic field.

This is the first public investment plan of its kind in the economic history of Greece. It gives great impetus to regional development and aims at bridging the existing gap between urban and rural areas.

In the monetary field, the Greek drachma, which underwent a crisis between 1966–1967, is today acknowledged to be among the ten "hardest" currencies of the world. The rate of increase in liquidity has been held down in spite of heavy public investment and the substantial growth of incomes.

A striking increase in the volume of personal savings illustrates vividly the confidence that the Greek people place in their economy today. The sum total of savings deposits rose to an unprecedented total of 2.5 billion dollars in 1969, at a net gain of half a billion dollars or 23.7% over similar figures for 1968.

Another significant increase appears in the rise of deposits in foreign exchange made by Greeks who earn their living abroad. Thus the net total of foreign exchange deposits in Greek Banks and Savings Institutions doubled during 1969.

Steady economic growth was coupled with price stability. This was accomplished in spite of the rise in personal incomes and accelerated investments in the public sector. Over the two year-period between 1967–1969 the general price index rose 2.8% only, as compared to a 6.8% increase between 1965 and 1967. In fact, according to figures provided by the European Organization for Economic Development and Cooperation, Greece rates first amongst member-states in economic price stability (1967–1969).

The balance of payments gap, a chronic ailment of the Greek economy, has also been considerably narrowed. The latest figures available (January 1970) provide proof of a strong balance of payments situation.

In January, 1970, the net increase of exports (57.4% over January 1969) and a relative decrease in imports (2.6%) reflect an improvement in the competitiveness of Greek products, a direct result of the successful policy of development.

In this aspect, while the importation of consumer goods decreased, net imports of machinery and other equipment during 1969 rose by 28.4%. This inflow of capital goods was facilitated by low or no import duties and generous financing by the Government which has set, as one of its primary aims, the industrialization of the country.

A steady increase was also noted in the "invisibles" sector. Invisible earnings rose from $57 million in January 1969 to $58.6 million in January, 1970, reflecting a steady increase in tourist earnings, emigrant's remittances and earnings in the merchant marine sector.

Finally, private foreign investment continued to flow steadily, exceeding $308 million during 1969. This figure represents an increase of more than $70 million over 1968 and reflects the confidence of foreign private capital in the continued well-being of the Greek economy.

EDUCATION

Fully aware of the fact that education constitutes a basic prerequisite for progress, the Greek Government has spared neither effort nor expense in providing for the necessary infrastructure at all levels of instruction.

During the past two years a vast program for the construction of school buildings has been carried out. A total of approximately $20,000,000 was allocated during the two years 1967–1969 to new constructions as against $2,000,000 for the same purpose between 1965-1966.

A field to which the Government attaches particular importance is that of university education. This special interest is reflected in its efforts to meet the needs of Greek higher education both in personnel and in infrastructure.

In this context a loan of $50,000,000 was recently granted to the University of Athens, earmarked for building the Athens University Town, which when completed will concentrate in one campus all the faculties of that institution which are presently dispersed in a wide area of the Greek capital. Other substantial grants were made to the Universities of Ioannina and Patras, and to the Panteios School of Political Science.

The appointment of 3,986 additional university assistants (corresponding to assistant professors in the United States University system) more than tripled the number of the teaching personnel at Greek universities, providing better opportunities for education to Greek youth.

On the secondary and primary level school level 2,013 additional teachers were appointed. In this field it is the intention of the Greek Government to raise, in the near future, compulsory education from today's minimum of six years to a total of nine years.

Vocational training is also receiving due attention, since it constitutes one of the cornerstones of the policy of industralization of the country. This is a sector which has been ignored in the past, although graduates of vocational schools are in great demand by the growing Greek industry.

Probably one of the most important steps was the complete abolishment of tuition fees, at all levels, realizing for the first time, the ideal of "free education".

Along with tuition fees, school manuals, books, laboratory training and other similar items are now given free of charge to every Greek pupil and student.

Student loans, at very low interest rates, have become available and now Greek students can obtain financing for their needs while studying.

The number of scholarships has also been greatly augmented so that worthy young men and women are provided with the means of furthering their education.

SOCIAL WELFARE AND PUBLIC HEALTH

These are two sectors to which the present Greek Government attaches the foremost importance since they concern the well-being of the Greek people.

Today, more than 95% of the population is covered by health insurance and enjoys pension benefits. For the current year the total expenditure in the sectors of health and social welfare in general (pensions, unemployment benefits, etc.) amounted to an unprecedented total representing 14% of the gross national revenue.

For the first time the concept of a "minimum legal pension" was established so that every Greek "senior citizen" would have a guaranteed income. Pensions both for farmers and persons enjoying social welfare were substantially increased.

Public housing is another sector where the government has been focusing, for the last three years, a great deal of attention. Its goal is to see that all Greek families acquire eventually a house of their own. This goal, which envisages construction of 500,000 new dwellings for lower income families, is to be reached within a period of ten years. To this date a total of more than 100,000 homes have been constructed and turned over to their new owners.

In parallel with the public housing program which is carried out by governmental agencies, and as an added initiative for the construction of new low cost housing, the government, through the Bank of Greece, released substantial funds which were in turn made available to certain categories of the population in the form of mortgages for the construction or improvement of habitations. It is to be noted that this is the first time that mortgage loans were made to such a great number of persons.

In the sector of public health the Government has drawn up an extensive five-year plan to build large hospital units of a total capacity of 10,000 beds. These hospitals will help provide high quality medical service to all who may be in need of hospitalization.

COMMUNICATIONS

During 1969 large sections of the National Road System totalling more than 500 kilometers, were either built or completed. In addition to that, infrastructure projects (earth works and other structures) on a network of about 800 kilometers were completed.

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The ambitious five-year road construction program aims at the following objectives:

(a) To link the major urban centres of mainland Greece and of Crete by expressway.

(b) To provide road circuits in the developing tourist areas.

(c) To connect eastern with western Greece and thence directly with the countries of the common market.

Significant progress has also been made in the development of harbour facilities and airports to cope with the ever increasing passenger and tourist traffic and to keep up with rapid developments in the technology of sea and air communications.

In addition to large projects carried out in the ports of Piraeus and Thessaloniki, harbour facilities were constructed in the ports of Corfu, Alexandroupolis, Herakleion, Rhodes, Kalymnos, Kos, Raphina, Syros, Agia Galini (Crete), Halkis, Mytilene, Volos and Laurion. Large-scale facilities were also completed in the airports of Athens, Thessaloniki, Herakleion, Corfu, Kavalla and Andravida.

A program for the improvement of the State Railways has also been drawn up. In 1967–1968 the government financed railway development projects with 841 Million Drachmae ($28,000,000.) compared with 614 million Drachmae ($20,500,000), between 1965 and 1966. The purpose of this was to make this basic means of transport an economically self-sufficient and fully modernized instrument in the service of the country's communications.

MINERAL RESOURCES

Substantial progress has also been made in the systematic exploration of the Greek subsoil with the aim of determining existing mineral resources. Thus, within the scope of the five-year mining survey program, to which $17,000,000. have been allocated during the last two years, geological, hydrogeopogical, geophysical, surveys and mineral deposits explorations, studies, mapping, etc., were carried out, using every means made available by modern technology. As a result of this intensive activity, the following mineral resources were discovered:

(a) Ferronickel deposits in Central Euboea, with probable reserves amounting to tens of millions of tons.

(b) New nickel-bearing deposits at Laryna.

(c) New copper deposits in considerable quantities at Stavros, Halkidiki.

(d) Bauxite deposits in East-Central Greece.

The government has also initiated a project which aims at ascertaining the quantity and quality of uranium-bearing deposits in the country.

In another related field an agreement has been signed with Texaco, which will invest $7 million in a quest for hydrocarbons (oil and gas) in the gulf of Thessaloniki.

MERCHANT MARINE

The Greek Merchant Marine comprised in December 1969 a total of 2072 ships (approximately 11 million tons). This number represents a net increase of 297 vessels (approximately 2,731,000 tons) since April 1967. This rapid growth is a direct result of well planned measures conceived and implemented by the present Greek Government.

Various steps have also been taken aimed at protecting Greek seamen and providing incentives for the Greek merchant marine industry.

The primary goal of the Government's policy is to attract to the Greek flag vessels of Greek ownership, which, mainly because of favourable tax conditions, are presently under foreign registry. This policy has been, to a large extent, successful and by the end of 1969, 189 companies, operating previously abroad, had already established their headquarters in Piraeus.

The increase of vessels under Greek flag has brought about a substantial rise in the employment of Greek seamen.

Incentives were also provided for the expansion of the ship-building industry. Generous financing, in certain cases up to 80% of total cost, coupled with low interest rates, have provided the necessary impetus.

Presently, one of these industrial complexes, that of the Skaramagas shipyards, is capable of constructing ships (bulk carriers) up to 36,000 tons gross weight. All shipyards employ local skilled labour.

The Government has created a number of schools for vocational training which will provide the industry with skilled technicians.

The Merchant Marine has always contributed substantially to the invisible earnings which cover the chronic gap in the Greek balance of payments. As a result of the Governmental policy outlined above (incentives for the attraction of vessels to the Greek flag, the creation of new jobs for Greek seamen, the expansion of a ship building industry) the contribution of the merchant marine in the balance of payments has increased during 1967–1968 by more than 32% over the period between 1965–1967.

AGRICULTURE

Government efforts were channeled toward:

(a) The provision of the necessary infrastructure.

(b) The improvement of the marketing and processing of agricultural products.

(c) The development of livestock breeding.

(d) The protection of crops from pests and plant diseases.

(e) The development of fishing.

Thus:

1. Important projects were implemented including the establishment of plant health control centres, packaging units for fruit, vegetables, grapes and edible olives, cold stores, phytopathologic stations, research institutes, regional agricultural research experimental stations, model livestock breeding centres, etc.

2. Considerable work has been done throughout the country towards:

(a) The harnessing of torrents.

(b) The construction of forest roads.

(c) The development of woodlands at Drama, Litochoron, North Pindos and Acheloos.

These will supply timber to the wood processing industries to be established in these districts.

3. Important projects have been started for the overall development of mountainous districts aiming at the full utilization of the resources of these backward regions on a national basis.

4. Fish-receiving centres have been created in an effort to support the fishing industry. Five large fishing jetties with auxiliary facilities have been built at Patras, Piraeus, Thessaloniki, Kavalla and Halkis.

An important effort has also been undertaken in the field of land reclamation.

In 1967–1968 a series of land reclamation projects were financed by a total of 3,727 million Drachmae, compared with 2,667 million Drachmae in 1965–1966. ($125,000,000 and $80,000,000 respectively).

Completion of these basic projects will ensure irrigation for 250,000 hectares, drainage for 200,000 hectares, flood control for 120,000 hectares, and will claim 40,000 hectares of new arable farm land.

HOUSE OF REPRESENTATIVES—*Tuesday, April 28, 1970*

The House met at 12 o'clock noon.

The Reverend Joseph Long Perry, Jr., minister, Reformed Church of Linden, Linden, N.J., offered the following prayer:

O Lord, in a world of loud voices and violent spirits, give us the cool to think clearly, and the courage to act decisively. Where we are wrong, correct us. Where we are right, confirm us, and, in our deliberations, grant us the grace to be true to ourselves, honest with our neighbors, candid with Thee, and alert to truth in whatever form it may confront us. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona;

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; and

H. Con. Res. 582. Concurrent resolution to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes;

S. 93. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases;

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba;

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 2323. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 079626);

S. 3007. An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Montana, to the landowners within the unit;

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes;

S. 3153. An act to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs;

S. 3222. An act to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness;

S. 3279. An act to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes;

S. 3348. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes;

S. 3435. An act to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy; and

S.J. Res. 193. Joint resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution.

JUSTICE DOUGLAS' DISQUALIFICATIONS

(Mr. WYMAN asked and was given permission to address the House for 1 minute.)

Mr. WYMAN. Mr. Speaker, the fact that Justice William O. Douglas has yesterday disqualified himself from participating in no less than three cases coming before the U.S. Supreme Court is some indication of the extent to which his extrajudicial activities demonstrably impair his usefulness on that body. One of the cases involves the publisher of Evergreen magazine in which Justice Douglas has written that the Government of the United States like George III of England "may face a glorious revolution." Another involves the company's promotion of the film "I Am Curious Yellow," which has resulted in an appeal from a lower court conviction on obscenity charges.

These disqualifications indicate two things of relevance. First, that Justice Douglas should have disqualified himself in handling the Ralph Ginsberg appeal but did not. Second, that there are going to be increasing numbers of cases coming before the Court in which his prior statements or activities of the Court involve a conflict of interest if he sits in judgment on them.

This derives not only from financial and policy associations but from his penchant for publicly expressing his personal views on many issues to come before the Court.

The latest development further confirms that the Justice's usefulness on the High Court is limited because of his own extrajudicial activities in conflict with the canons of judicial ethics and the requirements that judges refrain from public partisan advocacy. The High Court, already short one member, should not be denied the participation of still another, yet this situation results from Justice Douglas' continuing extrajudicial activities and statements.

DESIGNATING MAY 1, 1970, AS A DAY FOR AN APPEAL FOR INTERNATIONAL JUSTICE FOR ALL AMERICAN PRISONERS OF WAR AND SERVICEMEN MISSING IN ACTION IN SOUTHEAST ASIA

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 582) to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments as follows:

Page 2, line 12, strike out "and".

Page 2, after line 12, insert:

"(4) That the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans; and".

Page 2, line 13, strike out "(4)" and insert: "(5)".

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MILLER of Ohio. Mr. Speaker, we, as Members of Congress, are all too familiar with the magnitude of the problems and frustrations that have accrued as a result of the war in Vietnam—the ever-increasing casualty lists, the tight budgets, the campus unrest.

We have experienced severe hardship both as a country and as individuals as we have dealt with this war.

No one, however, has been asked to endure the anxiety and frustration of our Nation's involvement as have the families and loved ones of our fighting men in Vietnam. These courageous and loyal Americans have borne the burden, with patience and dedication, at great personal sacrifice they have suffered through misery and hardship.

For many, the ordeal has become constant. The families of those fighting men who have been listed as missing in action have been subjected to the most trying and fatiguing form of frustration. They live in a limbo-like state—their thoughts and plans imprisoned by the state of not knowing—not knowing whether their loved one is alive and being held captive or whether he has given his life for his country. Time is the torture. Days run into months, months into years.

We, as Americans, sympathize with these families and pray that their load will be lightened. But this is not enough. We are dealing with a callous enemy, one devoid of understanding and respect for the codes of international ethics.

He does not listen to our pleas, he does not honor our offers of armistice, he plots and pursues this unconscionable war, indifferent to the wants and desires of his people.

To change his ways, we are going to have to change our tactics, we are going to have to bring new diplomatic and international pressures to bear. We have to enlist the efforts of friend and foe alike, in convincing the North Vietnamese Government that their truculence will not be rewarded, that only through constructive exchange and communication can the peace talks in Paris progress to a successful conclusion. We must convince the North Vietnamese that an acknowledgment on their part as to who they hold captive must be forthcoming before any meaningful settlement can be reached.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ANNOUNCEMENT OF A SPECIAL ORDER ON AN ANTITRUST SUIT

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I wanted to announce to the House that today, after the rest of the normal business of the House is concluded, I am taking the floor for half an hour on a special order to discuss the antitrust suit instituted by the Department of Justice against the Westinghouse Corp. on a restraint of trade in which a complete new action

XUM

has been started and in which they are going to prove that Westinghouse is restraining international trade because of a covenant in an agreement with the two Mitsubishi companies in Japan whereby Westinghouse granted the right to Mitsubishi to produce equipment in their heavy industries and consumer goods and other manufactures produced in the United States by Westinghouse. They have restricted the sale of Japanese-made products in the United States by not allowing any of the products to come back into the United States to be sold in the domestic market of Westinghouse. This suit, if won by the U.S. Government, may well open up the American market to every other nation under the most-favored-nation clause of the trade agreements.

I say to you, gentlemen, this is the greatest job and production threat to the American economy in our lifetime.

POSTAL REFORM

(Mr. POFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. POFF. Mr. Speaker, last month's postal employee walkouts put the spotlight on the Post Office, and the public did not like what it saw.

The public was sympathetic, as a whole, with the employees who refused to go to work. The public saw that the employees were underpaid, particularly those in metropolitan areas. The public realized that the workers were underpaid because of an archaic system of paysetting.

The public further saw that the Post Office itself was outdated. That postal management had no way of responding directly to the needs of its employees became obvious when the first employee refused to go to work. Other faults of the system also came under public scrutiny, and it became obvious to all that a change was in order. Congress must recognize that the system is irresponsible and that reorganization has become irresistible.

PROVIDING FOR CONSIDERATION OF H.R. 16200, ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 945 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 945

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16200) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16200, it shall be in order to take from the Speaker's table the bill S. 3544 and to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may use, and yield 30 minutes to the gentleman from Ohio at the conclusion of that time.

Mr. Speaker, House Resolution 945 provides an open rule with 1 hour of general debate for consideration of H.R. 16200 to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors. The resolution also provides that after passage of the House bill, it shall be in order to take S. 3544 from the Speaker's table and consider the same.

The purpose of H.R. 16200 is to authorize an appropriation of $17,500,000 to finance the operation of the Arms Control and Disarmament Agency for a 2-year period. The Agency has programed $8.3 million for fiscal year 1971 and $9.2 million for fiscal year 1972. This authorization is $1 million less than the authorization for fiscal years 1969 and 1970.

The Arms Control and Disarmament Agency is an independent agency which provides recommendations and advice to the President, the Secretary of State, and other officials of the executive branch on matters relating to arms control and disarmament. Except for the authorization of funds, the bill, as reported, makes no change in the existing authority of the Agency.

Mr. Speaker, I urge the adoption of House Resolution 945 in order that H.R. 16200 may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the remarks just made by our colleague the gentleman from Massachusetts (Mr. O'NEILL) concerning this rule and concerning the bill. The purpose of the bill is to authorize funds for fiscal 1971 and 1972. There are no substantive changes in the basic act except the extension of the authority to appropriate funds.

For the 2-year period—fiscal 1971 and 1972—the amount authorized is $17,500,000. This amount is not fixed or divided by year. The Agency has programed $8,300,000 for 1971 and $9,200,000 for 1972 as its budget.

Mr. Speaker, I have no requests for time but reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 15693, NONMAILABLE MATTER

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 944 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 944

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15693) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 944 provides an open rule with 2 hours of general debate for consideration of H.R. 15693 to amend the United States Code to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes.

H.R. 15693 has two purposes—the protection of those under 17 from mailings harmful to minors and the protection of the privacy of those mail patrons who do not want to receive sexually oriented advertising.

The bill provides that certain pornographic literature may not be delivered or distributed by mail to a person under 17 years of age, as well as adults who do not desire to receive such mail.

A sender of any sexually oriented mail must place his name and address on the envelope as well as a mark or notice prescribed by the Postmaster General.

Any person who does not desire to receive such mail may file a statement to that effect with the Postmaster General.

The district court may enter a temporary restraining order or preliminary injunction against anyone violating the statute and a civil action may be brought.

Anyone willfully violating a regulation of the Postmaster General regarding sexually oriented advertising may be fined not more than $5,000 or imprisoned not more than 5 years, or both, for the first offense, and not more than $10,000 or 10 years imprisonment for each subsequent offense.

The provisions of the legislation shall become effective on the first day of the sixth month after enactment.

Mr. Speaker, I urge the adoption of House Resolution 944 in order that H.R. 15693 may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as one of the sponsors of this legislation designed to protect the public from the receipt of pornographic matter through the mails, it is needless for me to say that I am for this rule as well as for the bill. The passage of this legislation by the House today will be good news to all citizens desirous of keeping this unwanted material from their homes, but who have been powerless to do so. Why the Committee on Post Office and Civil Service did not act on this legislation before this is still a mystery to me, but nevertheless, I commend them for finally reporting the bill to us.

Mr. Speaker, this bill is in three parts. The first part makes it a Federal offense, punishable by a fine of not more than $5,000 or imprisonment for 5 years or both for the first offense and a fine of not more than $10,000 or imprisonment for not more than 10 years or both for the second or subsequent offenses, to use the mails to sell, deliver, or distribute or to offer for sale, delivery, or distribution, pornographic material as described in the bill.

The second part provides that the sender of such pornographic material must put the individual recipient on notice of the contents of the letter or package by placing on the outside of the envelope or cover a distinguishing mark to be predetermined by the Postmaster General for such mailings.

The third part makes provision for a person not wanting pornographic material sent into his home to file a statement to such an effect with the Postmaster General. The Postmaster General would be required to keep a list of such individuals and anyone sending pornographic material to persons whose names appear on the list would be in violation of the law.

Mr. Speaker, in my opinion these new provisions will help us in coping with this growing problem and I hope the Senate will act on this bill with all due speed.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I support H.R. 15693. It will pass promptly. However, I want to sound a note of caution. We should not assume when we have finished work on this single legislative chore that we have completed our labors in this legislative field.

President Nixon, in May a year ago, messaged to Congress a tripartite package of pornography control legislation. This package is embodied in H.R. 11031, H.R. 11032, and H.R. 10877. Title II of the bill scheduled for debate contains the language of one of those measures, H.R. 10877, with only minor amendments. The bill under debate also contains in title I the initial thrust of H.R. 11031. However, title I has neither the depth nor the scope of H.R. 11031, and to the extent it falls short of the administration's bill, title I leaves work undone in the vitally important effort to control dissemination of hard-core pornography to children. Finally, the bill under debate does not include any part of the third administration bill, H.R. 11032, which is designed to prohibit the use of interstate facilities—including the mails—for the dissemination of prurient advertisements.

Subcommittee No. 3 of the House Committee on the Judiciary, of which I am a member, has held 14 days of hearings. We have accumulated approximately 1,000 pages of testimony concerning H.R. 11031 and H.R. 11032 and related bills. These hearings were concluded on April 16, but the subcommittee has not yet had an opportunity to consider the bills in executive session. I am disappointed that the House does not have available for this debate the benefit of the study and recommendations of Subcommittee No. 3. Many difficult and delicate legal questions are involved in this complicated field of law, and I am confident that the members of the subcommittee, drawing upon these extensive hearings, could have made a meaningful contribution to the dialog of this debate.

I wish it were possible to structure amendments to expand the scope of the bill under debate to include all three parts of the administration's pornography control legislative package. The difficulty of writing language on the floor and the rule of germaneness make this approach unworkable. Accordingly, I will offer no amendments and will engage in the debate only to help write legislative history to clarify the intent of language and strengthen the function of section 103 of title I.

I do so with the earnest hope that the House Committee on the Judiciary can complete action on the two pornography bills under its jurisdiction in such a way that they will supplement the legislation now under debate.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MICHEL).

RIOTS AND DISORDERS ON OUR CAMPUSES

(By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

Mr. MICHEL. Mr. Speaker, events that have occurred at Yale University during the past week indicate that Vice President Spiro T. Agnew made a telling point when he said that a lot of unqualified people are attending college.

The disruption of the university has come about over an issue that is extraneous to the education process. A few agitators have demanded that the school pay $500,000 for the legal defense of Black Panther Bobby Seale. He has been charged with murder in connection with the death of one of the Panthers who fell out of favor. This internecine warfare among the Panthers has nothing to do with education. Now the irrationality has been compounded by the participation and backing of a student strike by faculty members.

We who are parents paying considerable sums to expose our offspring to what has been billed as superior educational opportunity are in a state of bewilderment. As a matter of fact, we are getting mighty indignant when we see the educational process diverted into academic cul-de-sacs such as this disgraceful shutdown perpetrated by dissidents at Yale.

The idea that any group such as the Black Panthers should be immune from the Nation's laws is fallacious and dangerous. The idea that a university should dabble with our system of jurisprudence is preposterous. The idea that faculty members be allowed to throw their support behind a minority of students protesting about an off-campus occurrence is sickening. The willingness of the faculty to be diverted from education undermines the reputation of the university and demeans the quality of its curriculum. It is an insult to all alumni, a betrayal of the school's academic integrity, and an unwholesome and unworthy adventure into legal quicksand.

Mr. Speaker, I insert the editorial entitled "Murdering Justice" from the New York Times of April 24 and the editorial from the Washington Post entitled "The Rule of Unreason" dated April 26 be reprinted at this point in the RECORD:

MURDERING JUSTICE

Those students and faculty members at Yale who are trying to stop a murder trial by calling a strike against the university have plunged campus activism into new paths of irrationality.

Some are so enamoured with the Black Panthers' revolutionary rhetoric that they reject the legitimacy of any court that might try Panther Chairman Bobby Seale. Others are convinced that the murder charges against Mr. Seale are merely part of a national campaign of harassment. And some, using the Panther issue to further their own goals, are merely seizing the opportunity to bring yet another great university to a halt.

Mr. Seale has every citizen's right to be considered innocent until proven guilty. He is entitled to a fair trial. But in the face of a charge of murder, allegedly committed against a member who broke party discipline, he has no right to expect immunity from trial, nor have his supporters the slightest shred of justification in trying to hold the university hostage in their effort to prevent that trial. In an emotional sermon that stood moral principles on their head, the Rev. William Sloane Coffin Jr., chaplain of Yale, denounced the trial as "legally right but morally wrong," thus doing his best to guarantee moral confusion among his student followers.

Mr. Coffin said that even if Mr. Seale were to be found guilty as charged, the entire nation stands accused of bringing him to the state of mind in which the alleged crime might have been committed. This is a legally and morally wrong and dangerous concept, even when supposedly elevated to the level of theological doctrine. Indeed whether Mr. Seale is innocent or guilty, cancellation of the trial, in surrender to the academic community's pressure, could only be read as giving immunity from prosecution to any group or individual capable of mustering sufficiently powerful support on the campus or in the streets.

Individual students and faculty members are fully entitled to express their views and solicit funds in support of any cause. The

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plan of a seven-man panel from the Yale Law School to investigate the circumstances of the trial and to observe the court's procedure is entirely proper and could, if responsibly and competently pursued, constitute a public service.

But for the university itself to be forced to become a political partisan in this or any other controversy would be the beginning of the end of its independence and academic authority. Those at Yale who are engaged in trying to shut down the university in order to coerce it to use its power to stop a trial which it has no power to stop are only jeopardizing the future of the university as they attempt to thwart the course of justice. This is the road toward legal, moral and intellectual chaos.

The Rule of Unreason

Those who supposed complacently a year ago, when there was so much murkiness and confusion at Cambridge and so much seeming *lux et veritas* in New Haven, that the difference between Yale and Harvard was a difference between men and boys must now revise their judgment, Yalies, too, are capable of frenzy, especially in the springtime. They, too, can go berserk, run amok and revert to adolescence. They need no longer take a back seat to the sons of Harvard in irrationality.

You will have to pay pretty close attention if you are going to follow the intricacies of what is currently going on at Yale. In New Haven, a Connecticut community supposed to be more or less independent of the university, a trial is being conducted in order to determine whether some Black Panthers, including Bobby Seale, the national chairman of the Black Panther Party, were responsible for the murder of an allegedly apostate Panther named Alex Rackley.

As to the merits of the charge against the defendants in this trial, we are as free from opinion as any qualified juror. Among the youths of Yale, however, a very strong conviction appears to have developed that the court is corrupt, the trial political and the verdict foreordained. To demonstrate their disapproval of the whole proceeding, about 80 per cent of the Yale student body staged a strike against—the university. This is to say that they boycotted classes and lectures, picketed the entrances of buildings on the campus and generally disported themselves like young men on a holiday or at some sort of charivari.

The faculty at Yale—now follow this carefully—apparently determined to prove that there is no such thing as a generation gap and that the old can be just as immature as the young, met in solemn conclave on Thursday and resoluted an endorsement of the student strike. "Faculty members," the faculty said, "should be free to suspend their classes; they should take a tolerant position in regard to assignments and papers handed in late, and they should make as much time as possible available for the discussion of immediate and pressing issues."

Now, let's recapitulate and see if we all understand the situation. In order to prevent any improper or undue pressure upon the course of justice and to protect the court from any tinge of political bias, the student body and faculty at Yale have agreed that there shall be no education at Yale until the trial of Bobby Seale is decided the way they think it ought to be decided. Frankly, we haven't heard of anything quite the equal of this since the Ku Klux Klan quit burning crosses in front of courthouses in Alabama.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, it is strange irony that the president of Yale University, Kingman Brewster, Jr., who has been espousing the militant causes of irresponsible student elements, is now at center stage in a potentially violent drama of his own making. Even more sad is the fact that the head of this once distinguished institution has endorsed his student body's protest against the murder trial of a small band of radical Black Panthers, a trial which allegedly symbolizes the purported injustices suffered by blacks in our society rather than symbolizing the tragedies of the victimized at the hands of the lawless, black or white.

The fanatical element is asserting an argument which Mr. Brewster, instead of articulating its fallacy, has chosen to articulate its presumed "validity." With another pidgeon in its pocket, this lunatic fringe will continue to impose its irrational will on the institutions of society—"peacefully" when there is voluntary submission, but unhesitatingly violent when there is any sign of resistance. Mr. Brewster's complete submission, I daresay, notwithstanding all the demands to which he jubilantly claims credit for having implemented at Yale, will stand for nothing short of an open invitation for the persistent creation of new demands the satisfaction of which is dependent more upon the vehemence of their perpetrators than the reason of Mr. Brewster.

It might also be pertinent to add that applications for admission to Yale have dropped off, perhaps attributable to the left-wing ideas emanating from those hallowed walls. Maybe Mr. Brewster can even arrange for a transfusion from the militants at Berkeley whose days of glory and headlines have since faded.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Mrs. MAY).

ARTICLE IN PARADE MAGAZINE ON ATOMIC WASTE STORAGE TANKS AT HANFORD, WASH.

(By unanimous consent, Mrs. MAY was allowed to speak out of order.)

Mrs. MAY. Mr. Speaker, a number of my colleagues have come to me to ask about an article in Parade magazine last Sunday which leaves an impression that the atomic waste storage tanks at Hanford, Wash., are in danger of being ruptured by earthquakes.

Mr. Speaker, this is a preposterous and disproven idea. Further, I am amazed that Parade magazine would allow itself to give impetus and a cloak of respectability to previously discredited allegations.

My colleagues may recall that the NBC First Tuesday TV program made a feature out of the same nonsense last February 3, by giving national prominence to an article in Environment maggagine, authored by Sheldon Novick. Mr. Novick is the nonscientific author of a book, "The Careless Atom," which has been refuted by knowledgeable scientists as opinion not based on fact. The Environment magazine article indicated that the waste storage facilities at Hanford were built right on top of an earth fault and that all sorts of terrible things will happen as soon as an earthquake comes along. All this earthquake and fault speculation is based entirely on the adverse factors from a very brief and inconclusive geological survey made several years ago. More thorough studies since that time have failed to bear out these allegations.

At least, Mr. Speaker, NBC did, technically, cover itself by admitting that other studies showed this danger was not there.

But now Parade magazine has picked up the fiction and has made no effort of any kind to show that the scientific evidence is far different from their own conclusion that, "potentially Hanford, Wash., is the most dangerous site in the world."

Mr. Speaker, this article in Parade magazine is damaging to the Hanford area of my congressional district, and to the State of Washington generally. I suggest that the Tri-City Nuclear Industrial Council, a group of businessmen interested in promoting industrial diversification in the area, might wish to consider bringing a damage action against the magazine, a Sunday newspaper supplement published in New York City. The council has abundant information attesting to the safety record and precautions taken at Hanford. The kind of irresponsible reporting we have just witnessed in the April 26 edition of Parade magazine may be difficult to overcome in terms of impressions left with the general public about the area.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GUDE).

REINSTATE THE JET CURFEW AT NATIONAL AIRPORT

(By unanimous consent, Mr. GUDE was allowed to speak out of order.)

Mr. GUDE. Mr. Speaker, my recent request of the Federal Aviation Administration to reinstate the jet curfew at National Airport and a further ban on use of stretch jets there has brought the FAA response that their action has been "in the best public interest."

I would like to ask how this overcrowding of National Airport by the larger jets and the FAA's failure to enforce the carefully negotiated nighttime curfew can be in "the best public interest." This policy can only lead to increased congestion at National and pressures for expansion of the airport and terminal facilities there. Local planning officials have repeatedly called for a halt to any further expansion of these facilities at National, and have recommended the proper use of Dulles Airport which was designed and built to serve the Washington air traffic needs.

How can this accelerated round-the-clock jet traffic up and down the airspace over the residential and cultural centers of the Potomac Valley be in the best public interest?

The FAA must face up to these conditions and questions and be responsive to the total desires for the public before making such judgment for the public interest.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana.

DOUGLAS ACTION IS ADMISSION OF A CONFLICT OF INTEREST

(By unanimous consent, Mr. WAGGONNER was allowed to speak out of order.)

Mr. WAGGONNER. Mr. Speaker, by disqualifying himself from taking part in a matter coming before the Supreme Court involving Grove Press from whom he has accepted money for printing a portion of his book in one of their pornographic publications, Justice William O. Douglas has tacitly admitted that he should have done the same thing in other similar instances.

To have participated in any decision in which Grove Press, publisher of the "Evergreen Review" would have been a gross impropriety and Douglas' action confesses it. Yet, he did not see fit to disqualify himself in January when the Court refused to hear Ralph Ginzburg's attack on a libel judgment against Avant Garde, another pornographic publication from which Douglas has accepted money.

Douglas' confession to this conflict of interest makes it more difficult to whitewash his misbehavior. While confession is good for the soul, it does not entitle one to automatic absolution for past sins. Justice Douglas should be impeached for these sins he now admits.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TRIBUTE TO THE LATE HONORABLE JAY LE FEVRE

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, it is my sad duty today to inform this House of the passing, at age 79, of a former Member, the Honorable Jay Le Fevre of New Paltz, N.Y., who served in Congress from January 3, 1943, to January 3, 1951. Those 8 years which the Honorable Jay Le Fevre served in this body, were crisis years: The turbulent years of World War II and the critical postwar period which set the historic and legislative pattern for our Nation for the past 20 years.

Some of you will remember our late colleague during that time when he labored faithfully and well for the people of his county of Ulster, his nation, and his district. I speak from a feeling of deep personal loss today, as the passing of Jay Le Fevre marks the removal of a friend and counselor. But the loss we have suffered, the sense of grief that I personally feel, can be nothing when compared to the bereavement of his family and many friends in New Paltz and Ulster County.

For the service to his country, his State and his community was not limited to his years in Congress: Jay Le Fevre's life was a long testimonial of service.

Born in New Paltz, Ulster County, N.Y., on September 6, 1893, and following his attendance at the Lawrenceville Preparatory School in New Jersey, and Dartmouth College, New Paltz and Ulster County were his lifelong home. During the First World War, he served as a second lieutenant in the Reserve Officers Training Corps, Field Artillery, at Camp Taylor, Ark. Following this war service he entered into the coal, lumber, feed, and fuel oil business in New Paltz. He was also a banker and following his retirement from Congress was a member of the New York Bridge Authority, and served on the board of the New York State University at New Paltz.

Besides his 8-year term in Congress, Jay Le Fever also served as a trustee of the village of New Paltz, was a delegate to the Republican State conventions of 1942 and 1946, and was a Republican committeeman in Ulster County for many years.

Mr. Speaker, in these troubled times, I believe the passing of such a man as Jay Le Fevre is a time to pay tribute to this life of dedicated service. As it is just such unselfish dedication as marked his entire life, that has been the hallmark of America of the past, and can serve as a guide for each of our actions for today and for tomorrow.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I was saddened at reading this morning that our former colleague, Jay LeFevre, had passed away. Although I was not privileged to know him extremely well, I did have the benefit of his friendship. I did recognize, as all of us did, the constructive contributions he made to the deliberations in his committee and in the House of Representatives.

Mr. Speaker, I extend to his family my deepest condolences.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I was very sorry to hear of the passing of our wonderful friend, Jay LeFevre, of New Paltz, N.Y. It was my privilege to have served with him during the years he was in Congress. I never knew of a more delightful or more interesting person than Jay LeFevre. He was a most distinguished gentleman. After he had left Congress we missed him so much. We were always pleased to have him return here whenever he was in Washington. He came to discuss with us many of the things that had occurred while he served here and the actions of this great body.

Mr. Speaker, I was proud to call Jay LeFevre a friend. He was a great American and a devoted public servant and one who meant much to his district, to his State, and to the Nation. All of us are very sorry to learn of his passing at this time. I extend to his wonderful family who I was privileged to know, my deepest sympathy in this their hour of bereavement.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I had the privilege of knowing Jay LeFevre when we served together on a committee that studied statehood for Hawaii in 1945. We were thrown very closely together on that occasion and later on in our service here in Congress. Jay LeFevre was a great Congressman and a great friend and a wonderful personality.

Mr. FISH. Mr. Speaker, I thank the distinguished gentlemen.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL of Massachusetts. Mr. Speaker, on behalf of the Committee on Rules, I ask unanimous consent that the committee may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 94]

Abbitt
Anderson, Ill.
Ashley
Baring
Brooks
Brown, Calif.
Burke, Fla.
Bush
Cabell
Celler
Chisholm
Clay
Colmer
Cramer
Daddario
Dawson
Diggs
Feighan
Fisher
Frey
Fuqua
Giaimo
Goldwater
Gray
Hagan
Hanna
Hawkins
Hébert
Johnson, Calif.
Jonas
Kirwan
Landrum
Langen
Lennon
Lukens
McDade
Mann
Minshall
Mollohan
Moorhead
Morse
Morton
Nelsen
Obey
O'Konski
O'Neal, Ga.
Ottinger
Patman
Poage
Pollock
Powell
Reid, N.Y.
Rhodes
Roberts
Rooney, Pa.
Rosenthal
Roybal
Schadeberg
Scheuer
Sisk
Staggers
Stephens
Stratton
Stubblefield
Sullivan
Taft
Teague, Calif.
Tunney
White
Zwach

The SPEAKER. On this rollcall, 359 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MORTGAGE INTEREST RATES RISE AGAIN

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, for the 12th month in a row the interest rates which the American homeowner must pay for a new mortgage have risen to a record high of 8.51 percent for a conventional mortgage. The continued rise of mortgage rates provides further evidence that the Nixon administration cares very little about the hundreds of thousands of moderate-income families

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in this country who want to own their own home. The housing policy of this administration seems to me to be one of pricing this "large silent majority" group of Americans out of the housing market. Only a year ago last March, the effective interest rate on a conventional mortgage was 7.47 percent and in March of this year the interest rate has risen by 1.04 percent to the current 8.51 percent. What this means to a moderate-income family who obtained a $20,000 mortgage at 7½ percent over a 25-year period, and who now must pay 8½ percent for the same $20,000 mortgage, is that he will be forced to pay an additional $4,000 over the life of the mortgage in order to own a home.

How long does the Nixon administration intend to burden the American homeowning public with this intolerable situation? A policy of effectively removing a large segment of our citizens from the ability of owning their own home is an unfortunate and insensitive policy.

SPEED ENACTMENT OF POSTAL REORGANIZATION BILL

(Mr. WOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLD. Mr. Speaker, at the present time the postal service is like a ticking bomb. I fear it is really going to explode if we do not grant someone the authority to deal with the very real problems in this Department.

A month ago we saw the postal service crippled in much of the northeastern part of the United States and in some of the principal cities of the Middle West. After these illegal walkouts were ended, the postal unions negotiated an agreement with the administration which would provide their members with substantially higher wage increases than those granted to other Government employes.

The justification for increases which could amount to some 17 percent is that we would reorganize the postal service and give the Postmaster General the authority to improve working conditions and productivity.

Let us speed the enactment, Mr. Speaker of the postal reorganization bill so management can meet the legitimate needs of our postal workers in exchange for improved standards in this service.

ARMS CONTROL DISARMAMENT ACT AMENDMENTS, 1970

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16200) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16200, with Mr. FULTON of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. ADAIR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, we have before us this afternoon H.R. 16200 which authorizes $17,500,000 to finance the operation of the Arms Control and Disarmament Agency for a 2-year period. This is $1 million less than the amount authorized and appropriated for the 2 years ending in June 1970.

The Executive intends to ask for an appropriation of $8.3 million for fiscal year 1971 and $9.2 million for fiscal year 1972.

The bill makes no change in the existing law governing the Arms Control and Disarmament Agency. It provides an authorization only.

In terms of money, this is not a big bill. We are not talking about billions. The Arms Control and Disarmament Agency operates for less than $10 million a year.

The Agency has only 233 employees—10 less than a year ago.

The Agency was established in 1961 because the United States has been almost continuously in arms control and disarmament negotiations for the last 10 years.

There are some who say that all such negotiations are a waste of time because the Russians are not sincere and cannot be trusted. I do not think there are many of us who believe that Russians can be trusted, but most of us do believe that it is better to negotiate than refuse to do so.

Most of us also recognize that if we are going to participate in such negotiations, we ought to know what we are doing.

Our negotiators have to have the services of a staff of experts to analyze every proposal made by others to determine whether or not such a proposal endangers our security.

Our negotiators also have to be sure that every proposal we make has been thoroughly checked out so that we are aware of its consequences to us and that any loopholes have been plugged up.

The Arms Control and Disarmament Agency has available to it all of the information available from the Defense Department, the Central Intelligence Agency, and the Atomic Energy Commission, but none of these organizations is focusing on disarmament. All are interested primarily in other things.

In addition, there are some arms control problems that are not very important to the Defense Department or any other agency, particularly those relating to verification techniques.

The Defense Department and the intelligence community give a high priority to finding what weapons and military forces our potential enemies have available. They are concerned with discovering information which the foreign government is trying to hide.

The Arms Control Agency has to do research and field testing to devise procedures for determining what armaments another country might have after an agreement has been reached that such information will be made available. The problem of determining what is key information and what techniques might be used to hide violations of an arms control agreement are highly technical and are difficult.

The United States has no intention of entering into arms limitation agreements where compliance cannot be verified either by onsight inspection or by other means.

Much of the work of the Arms Control and Disarmament Agency is devoted to developing and evaluating techniques for doing this important job.

The most important responsibility of the Arms Control and Disarmament Agency in the months immediately ahead are the strategic arms limitation talks, commonly referred to as SALT, which are being carried on with the Russians in Vienna.

In the preliminary talks at Helsinki which ended last December, the Russians appeared to mean business and our people were rather encouraged.

It is essential that the United States have the staff and the information necessary to carry on on a businesslike basis.

In addition to the SALT talks, the United States is taking the lead in trying to work out agreements relating to chemical and biological warfare and the emplacement of weapons of mass destruction on the seabed.

Mr. Chairman, the work of the Arms Control and Disarmament Agency is more important today than at any time in its 9-year history. It proposes to do its job with fewer people and less money than in previous years.

If some sort of verifiable and enforceable agreement can be arrived at during the SALT talks, it might well be the most important development during the decade of the 1970's.

This is not the time to curtail the operations of this important agency. I urge the approval of the authorization.

Mr. ADAIR. Mr. Chairman, I yield myself such time as I may consume.

Mr. ADAIR. Mr. Chairman, I rise in support of H.R. 16200, which would provide a 2-year authorization for the Arms Control and Disarmament Agency.

The bill would authorize $17.5 million for the 2-year period, fiscal year 1971–72. This is $1 million less than the $18.5 million authorized for the Agency in the fiscal year 1969–70 period.

If the authorization request of $17.5 million is approved, the Agency expects to spend the money at the rate of $8.3 million in fiscal year 1971 and $9.2 million in fiscal year 1972.

I believe that the Arms Control and Disarmament Agency is performing a very useful function under the leadership of its Director, Mr. Gerard Smith.

XUM

The Agency must not only advise the President and the Secretary of State, but must prepare for and conduct negotiations. As Members of the House know, the Agency is now actively engaged in the second round of the extremely sensitive strategic arms limitation talks, which hopefully will halt the spread of nuclear weapons.

In his testimony before the House Committee on Foreign Affairs, Director Smith reviewed the sound and balanced program planned by the Agency for the next 2 years. The authorization bill before us today will enable the Arms Control and Disarmament Agency to carry out this work.

I wish Director Smith and his staff well in their important work and I urge your support of H.R. 16200.

(Mr. FRELINGHUYSEN (at the request of Mr. Adair) was granted permission to extend his remarks at this point in the Record.)

Mr. FRELINGHUYSEN. Mr. Chairman, at this point in history it is essential that the U.S. Arms Control and Disarmament Agency be given the unqualified support of Congress as well as adequate funds to carry out its important responsibilities.

Held against the background of the strategic arms limitation talks in Vienna and the Disarmament Conference in Geneva, the work of the Agency assumes added significance and timeliness. The outlook for arms control has brightened somewhat in the past years through direct, face-to-face discussions between the United States and the Soviet Union. These are matters of fundamental importance to both nations, and indeed to the community of nations.

Man now has at his fingertips the awesome power to obliterate in minutes what it has taken him centuries to build. For years we have lived with the knowledge that this power could be unleashed upon the world in an instant. In recent days, we have seen Red China launch an earth-orbiting satellite, confirming the fact that Red Chinese missile technology has made tremendous strides in the past few years.

This achievement of the Red Chinese is one more indication of the need for a strong arms control agency to enable us to work with other nations in developing an effective arms control agreement.

In my judgment, Mr. Chairman, we cannot now afford to lose any opportunity to achieve a breakthrough in the difficult and sensitive area of arms control and disarmament. The support of Congress is imperative for the agency through which our Government seeks to make progress in this field.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I have long been opposed to the expenditure of so much money on a so-called disarmament agency. I am not opposed to having it being a small organization for the purpose of discussing disarmament, but this disarmament agency has grown out of all proportion to its accomplishment and worth.

It was only a comparatively few years ago that Congress provided less than $1 million a year on a disarmament setup at the White House. So far as I know, just as much was accomplished by way of disarmament then as is being accomplished today. I do not know of any more results as the result of spending additional millions.

As a matter of fact, in the interim, there has been created over in the Department of Defense a super sales agency for arms. We now peddle around the world, each year, some $2 billion worth of military hardware of one kind and another. It seems to me most incongruous to be talking about disarmament in one breath and peddling arms at the rate of $2 billion a year in the other. I say again that I think it is unreasonable to have boosted the cost of this disarmament setup from less than $1 million a year to this proposed for $17.5 million for 2 years, or at the rate of more than $8 million a year. It is too much money, particularly in this time of financial crisis. If recognized by the Speaker for that purpose, I will offer a motion to recommit this bill and cut it by 25 percent or a reduction of $4,375,000.

There is one question that perhaps the chairman of the committee can answer. In addition to the $17.5 million that would be expended, how much more could be added to this bill by way of nonreimbursable personnel assigned to the agency? I am sure there are military personnel assigned. Is everyone assigned to this agency reimbursed out of funds appropriated to the agency or are they paid from other sources?

Mr. MORGAN. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. MORGAN. The salary of everyone assigned to the agency is reimbursed out of the fund.

Mr. GROSS. So that the $17.5 million would include all of the personnel employed by the agency?

Mr. MORGAN. It takes care of everything. That is correct.

Mr. GROSS. Consultants, researchers, and all of the rest of them?

Mr. MORGAN. Yes. This is covered in the committee hearings in a discussion between Mr. Frelinghuysen and Mr. Smith.

Mr. GROSS. I thank the chairman of the committee.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman.

Mr. ADAIR. The gentleman was speaking a few moments ago about the fact that in some years past similar if not comparable activities, had been conducted by the White House at a very considerably lower cost. However, I would like to remind the gentleman that in recent years the history has been otherwise. For the years 1964 and 1965 we authorized $20 million. For the 3 years 1966 through 1968 we authorized $30 million, and for 1969 and 1970 we authorized, as has been said here earlier today, $18.5 million. So this year's authorization request of $17.5 million which covers 2 fiscal years does in fact represent a reduction of the authorization for this agency.

Mr. GROSS. I thank the gentleman for the information. I do not know who made the mistakes of years gone by, because evidently a huge mistake was made in kiting funds for this purpose to as much as $30 million. Yes, that was a bad mistake. I am sure that is one of the reasons why we are in the deep water we are in financially in this country today. I would like to see a time come when somebody would talk about saving at least a little money to pay something on the Federal debt; just something. Is it a lost cause around here to pay something on the staggering Federal debt? When is it proposed to do this? The interest on the Federal debt this year alone will be somewhere between $19 billion and $20 billion. How is it expected to reduce the interest cost unless there is the basic action of making orderly payments on the debt?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ADAIR. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GROSS. One additional minute is enough. Yes, I am waiting for the day when somebody——

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. ZABLOCKI. I wish the gentleman would have taken more than a minute of additional time because the gentleman is making a very persuasive argument. I feel there is no one in this House who does not desire to cut back the budget and make some savings and to lessen the burden of our national debt. However, I am sure the gentleman knows that the subcommittee which I have the privilege of chairing on, National Security and Scientific Development, held extensive hearings on the issues of the ABM, the MIRV, and on chemical and biological warfare and on some of the other issues that will be coming before the Disarmament and Arms Control Agency which meets in Geneva, and the SALT talks which meets in Vienna.

I submit to the gentleman from Iowa, and I am sure he would agree, that if we cut further than the committee has already cut this authorization, a 25-percent cut would undermine our various negotiations which are being carried on at the present time and would bring into question the matter of our sincerity, which we would not desire to do in order to lessen our budget. There are other areas with greater expenditures involved than what we in the committee are bringing forth on the question of arms control. This represents a fraction of the amount spent on armaments. I feel that the greater economy can be achieved in other areas. I hope the gentleman will agree that if we cut any further at this time insofar as our sincerity in our negotiations in Geneva and other places are concerned it would be subject to question.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ADAIR. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GROSS. I do not agree with the gentleman that we could not cut this appropriation even more than 25 percent and still accomplish whatever it is to accomplish. For the millions already spent there is no record of accomplishment.

XUM

We have not disarmed anyone. Instead, we are helping arm the world. With all respect to my good friend from Wisconsin, his is the old story all over again—do not cut this bill, wait for something else, the foreign aid bill, for instance?

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. How often and how much does Congress cut the foreign handout bill?

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield——

Mr. GROSS. So, put it on the basis of manana, tomorrow, some other bill, let us cut some other bill and not this one.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, I fully realize that the gentleman would want to cut further than the Foreign Affairs Committee has cut the foreign aid bill. But I would submit that there are other governmental expenditures where we could cut more deeply. You do not hear these voice concerning our national debt at times when we have legislation pending that involves the expenditure of billions of dollars for certain types of programs. But I would want to ask one further question of the gentleman——

Mr. GROSS. If we do not save the dimes and pennies, we are not likely to save the dollars.

Mr. ZABLOCKI. That is very true.

Mr. GROSS. Yes.

Mr. ZABLOCKI. If the gentleman will yield further. During my tenure in Congress I have had an opportunity to visit some of the Latin American countries, and like the gentleman from Iowa I was concerned about our military sales. I would want to share with the gentleman the thought that if there are going to be any sales of military equipment, services and technology to foreign countries, those sales should be made in countries of the Western Hemisphere. Would not the gentleman agree that it would be better that we do the selling rather than the Communist countries or other countries in competition with us for influence in this hemisphere?

Mr. GROSS. No; I do not agree. I do not know how we can be so contradictory as to support this kind of a disarmament program and at the same time peddle arms at the rate we are now peddling them. If we are going to arm the world, we will be in trouble around the world.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, the gentleman knows that some of the arms we are selling in the Western Hemisphere are for their security. They are not strategic arms.

What we are talking about here is disarmament of strategic arms. Let us see if we cannot lower the very high costs of our budgets in these very expensive and very sophisticated military armaments.

Mr. GROSS. Of course, a man is just as dead if killed by a strategic weapon as if killed by any other military weapon.

Mr. MORGAN. Mr. Chairman, if the gentleman would yield, I wonder if the gentleman has taken time to read the ninth annual report to the Congress of the U.S. Arms Control and Disarmament Agency for the year 1969? It was delivered to the Members offices last Wednesday or Thursday.

Mr. GROSS. No, I gave up reading the reports from this Agency when it set up a three-stage disarmament plan for the United States to be administered by the United Nations. That is when I quit.

Mr. MORGAN. I hope the gentleman from Iowa will go back to his office and read the report, because on page 1 there is a letter from President Nixon. I think every Member of the House ought to read it. It makes very clear the usefulness of this Agency. The gentleman has said that he wants to cut the bill 25 percent but he has not read the report. I think this is the best report that has been written by the Agency, and I hope the gentleman from Iowa will take time to read it.

Mr. GROSS. Now that the gentleman from Pennsylvania is on his feet and extolling the report, I wonder if the gentleman can tell me about the accomplishments of this Agency.

Mr. MORGAN. The gentleman from Iowa knows, and I know, that this Agency has negotiated the nuclear nonproliferation treaty which is now in effect.

Mr. GROSS. Bipartisan, did the gentleman say?

Mr. MORGAN. No. It is the work of this Agency.

Mr. GROSS. I do not know that it was a product of this Agency.

Mr. MORGAN. Where did it come from?

Mr. GROSS. I do not know. The gentleman has read the report, and he can tell me.

Mr. MORGAN. The gentleman is making a lot of allegations. I think the gentleman, as he usually does, ought to do his very careful homework.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GROSS. Mr. Chairman, will the gentleman yield me 1 more minute, and I will not ask for further time?

Mr. ADAIR. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I suspect the gentleman from Iowa does his homework about as well as anybody on the Committee on Foreign Affairs when he is not confronted in the House Committee on Post Office and Civil Service, as he has been, with a new postal reform bill about every 15 minutes.

If the gentleman from Pennsylvania can provide me any real accomplishments that have come out of the Agency I would like to hear about them.

Mr. MORGAN. Let me——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MORGAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. Chairman, let me read the second paragraph from the President's letter to the gentleman. It is in the report. It is very short.

Mr. GROSS. Why quote a letter from the President to me?

Mr. MORGAN. The gentleman has said he has not read it.

Mr. GROSS. I do not always follow everything the President does or says, and neither does the gentleman from Pennsylvania.

Mr. MORGAN. I just want to read this one paragraph, if the gentleman will yield to me.

Mr. GROSS. Certainly; go right ahead.

Mr. MORGAN. It reads as follows:

> The events of the past year have shown that through negotiation we can move toward the control of armaments in a manner that will bring a greater measure of security than we can obtain from arms alone.

Mr. GROSS. And the gentleman believes that?

Mr. MORGAN. Yes, I believe this clear and straightforward statement of the President. I hope the gentleman from Iowa, who is a member of the President's party, believes the President.

Mr. GROSS. There will be other sessions of Congress, and I am sure the gentleman from Pennsylvania will be here. If I am not, I hope other Members of the House will call the attention of the gentleman to the events that take place with respect to the statement he has just read.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise today in support of H.R. 16200, the Arms Control and Disarmament Act amendments. As most of my colleagues are aware, the Arms Control and Disarmament Agency was established by act of Congress in 1961. This action was taken at the urging of the late President John F. Kennedy who felt that the question of arms control was far too important to be relegated to a small office in the State Department.

Since the creation of this Agency, we have seen tangible progress in halting the spread of nuclear weapons and limiting the production and use of these weapons by those nations which possess them. In 1963, a treaty was signed in Moscow which banned the testing of nuclear weapons in the atmosphere. Four years later, a treaty was signed which prohibited the orbiting of weapons of mass destruction in outer space.

Most significantly, early last month the Nuclear Nonproliferation Treaty went into effect. It is intended to prevent the spread of nuclear weapons to nonnuclear powers, and it committed the United States and the Soviet Union to pursue strategic arms limitation talks. I hardly need to point out that these crucial SALT talks are underway at this time in Vienna.

While these accomplishments are significant, future goals are exceedingly important also. Included among these would have to be comprehensive test ban treaty, a treaty banning nuclear weapons from the ocean floor, and general disarmament proposals. It is not an exaggeration to say that the existence of mankind depends on how successful we are in achieving these goals.

What we are being asked to do here today is to authorize $17.5 million over the next 2 years to see that work of the Arms Control and Disarmament Agency can continue unabated. This is hardly a high price to pay when the survival of mankind is at stake.

XUM

Later this week we will be voting on a $20.2 billion proposal for military procurement, much of which will be spent on research and development for new, highly sophisticated weapons systems. I urge my colleagues to weigh the actual and ultimate cost of this program against the legislation pending before us today. For me, the priority is clear and is, therefore, a compelling reason for extending my strong support for H.R. 16200.

Mr. BROTZMAN. Mr. Chairman, I rise to speak in behalf of the Arms Control and Disarmament Act Amendments of 1970.

Since the distinguished gentleman from Massachusetts (Mr. McCORMACK) honored me by appointing me a congressional adviser to the Conference of the Committee on Disarmament, I was privileged to travel to the site of the negotiations at Geneva, Switzerland, and confer with the U.S. team—as well as sit in on some of the deliberations.

I know that some of my colleagues are fully conversant with the operations of our team—which, incidentally, is funded under the authority of the legislation which we now debate—but because many are not, I now would like to share the impressions which I garnered in my recent visit.

Frankly, my first concern was over the question of the philosophies and motivations of the men who make up our negotiating team, and so I spent a great deal of time in frank discussions not only with the chief U.S. negotiator, Ambassador James F. Leonard, but also with some of the specialists who round out the delegation.

I was very pleased to find these men dedicated to a proposition in which I deeply believe—that world peace is an achievable goal, but one which can be obtained only by hammering out the details of arms limitations, point by point and with the utmost patience.

They believe firmly that no nation's security may be compromised along the way, and I hasten to add that U.S. security is a mandate. The physical makeup of the U.S. delegation evidences this basic philosophy. It reports not to the State Department but to ACDA, which is an independent office of the Federal Government directly under the President. ACDA augments its staff with personnel from both the Department of Defense and the State Department. This arrangement is quite realistic, I feel, because it brings the defense and diplomatic communities into a single effort, thus providing safeguards against compromises to either our national security or our international relations. The Director of the Agency, Gerard Smith, holds the rank of Ambassador and normally heads the U.S. delegation. However, President Nixon has assigned Ambassador Smith as chief of our SALT negotiating team, and so for the 1970 session of the Geneva talks the Assistant Director for International Relations for ACDA, Ambassador Leonard, heads the delegation, which consists of 11 permanent representatives and advisers. Incidentally, the advisers include personnel from both the Department of Defense and the Atomic Energy Commission.

XUM

The talks have been held, off and on, for nearly a decade and concern themselves with long-term and worldwide arms limitations. Twenty-six nations are parties to the talks, but at the present time one of the 26, France, is not an active participant.

CCD meets at the Palais des Nations in Geneva, once the headquarters for the League of Nations and the site of many attempts by world leaders to bring about a lasting peace.

The record of the past, it should be admitted, has not been good, but I feel there is reason for guarded optimism for the future.

The 1970 talks concern themselves mostly with three subjects—proposed bans on seabed weapons of mass destruction and bans and controls on biological and chemical weapons. When I arrived in Geneva a good deal of progress had been made on the seabed treaty, but the Russians were on that day presenting their first proposal for B weapons and C weapons, as the biological and chemical agents are termed.

I will discuss the seabed weapon situation first, however, because I think both the hazards and opportunities of the Geneva talks are summarized by the history of the seabed proposals.

Russia made the first proposal, a document which was so sweeping that it would have required, in effect, the United States to abandon all of its underseas defenses—even the detection system which we have set up to warn of the presence of potentially unfriendly submarines. This is clearly unacceptable, because it would make possible a sneak attack by nuclear missile submarines—in effect, an underseas Pearl Harbor.

While this does not sound like the stuff from which realistic and equitable treaties are made, it was and is my personal opinion that Russia was employing the old negotiating tactic of demanding the utterly unacceptable for the first round only. The U.S. proposal is much more likely to lead to progress, because it calls for a straightforward worldwide ban on the emplacement of nuclear and other weapons of mass destruction on the bottom of the sea, with appropriate inspection procedures. This ban is much needed, because it would be frighteningly simple for an aggressor nation to place hydrogen bombs in the seabed around the United States and then either destroy us or obtain our surrender through blackmail. The ease with which this could be done makes it mandatory, in my opinion, that we retain the capability of detecting such missions.

Since my return from Geneva it looks, indeed, as if an acceptable seabed arms control treaty is in the making. On April 23 the United States and the U.S.S.R. presented to the CCD a draft treaty containing definite mechanisms for verification of compliance. It would be premature to say that this treaty ultimately will be acceptable to the various CCD parties, but the signs certainly are good.

Progress in the biological and chemical weapon negotiations has not been so marked, and yet there is reason for optimism.

The groundwork for frank discussions was laid last year when President Nixon announced that the United States, as a matter of administrative policy, is ending its research, development, and stockpiling of biological agents, and is sharply limiting its chemical warfare deterrent weapons. The President also has indicated his intention to resubmit the Geneva Protocol of 1925 to the Senate for ratification.

By way of background, it should be explained that the protocol, which banned biological weapons altogether and first use of gases and other lethal chemicals, numbered the United States among its 90 signatories, but was never ratified by the Senate.

The United States has not presented a draft treaty to CCD pertaining to biological and chemical warfare. However, this Nation associates itself with a British draft which would not only outlaw biological weapons but also would set up adequate inspection procedures to assure compliance.

As I indicated previously, the Russian proposal was being unveiled just as I arrived at the Palais des Nations. Ambassador A. A. Roshchin, the U.S.S.R. representative to CCD, delivered a speech which, in my opinion, was more propaganda than constructive bargaining. Boiled down to the essentials, the Russians demanded outright ban of all B and C weapons with virtually no conditions articulated.

On the face of it, Russia is expressing a desire which all reasonable men would find attractive. But the question is more complex than that, for as with the original Russian proposal for the seabed treaty, they go to such an extreme position that the United States would be placing itself in severe jeopardy of surrender, blackmail, or destruction. The Russians flatly rejected inspection procedures to enforce the treaty. Ambassador Roshchin said it is technically impossible to establish international verification of compliance, and so onsite inspection should not even be considered.

It is my feeling that buying this argument would be inviting a modern-day Trojan horse situation. The horse, in this case, would be surreptitious production of B and C weapons while we, acting in good faith, would disarm. This is a particularly ominous possibility because some of the poison gases—phosgene comes patricularly to mind—can be produced in commercial chemical plants with relatively minor modifications. Furthermore, there is every indication that Russia currently has a greater stockpile of poison gas and other chemical agents than we do. Personally, I want more than just their word that they are detoxifying these chemicals—and so do our negotiators.

I came away from Geneva convinced that the elusive goal of world peace is within our grasp, and that the Arms Control and Disarmament Agency deserves top-priority support in its quest for the delicate balance required to deescalate the race to build weapons of mass destruction and yet preserve, with absolute certainty, the integrity of our own national security.

Thus, I urge passage of the 1970

amendments to the Arms Control and Disarmament Act.

Mr. DONOHUE. Mr. Chairman, in 1961 I was one of the original sponsors of the legislation that created the Arms Control and Disarmament Agency in the executive department. Almost 9 years later, I am still proud of having played even a small part in setting up this most important Agency, and I urge my colleagues to overwhelmingly approve this authorization bill providing funds for the continued operation of this essential Government unit over the next 2 years.

There can be no doubt, Mr. Chairman, that the Arms Control and Disarmament Agency has proved to be, in its short history, an invaluable instrument in our search for security, and peace for the world. The Agency is playing a key role in the current discussions on strategic arms limitations.

Mr. Chairman, this measure would authorize an appropriation of $17.5 million for the next 2 fiscal years, a level of spending which is actually less than the current level. In my opinion, this bill represents the barely acceptable minimum. By contrast, Mr. Chairman, we will be asked this week to approve a defense procurement bill totaling not $17 million but 20 thousand million, or $20 billion; and this represents only a small part of the total defense budget, for which the administration has requested over $73 billion. How can we hesitate then, over approving such a small amount in the pursuit of peace; if anything, we should be more concerned about increasing this very limited funding.

Mr. Chairman, this Agency is one of the most vitally important in the Government, representing, as it does, mankind's great hope for world peace. I deeply believe it is eminently worthy of our united support and therefore, I most earnestly urge the swift and unanimous approval of this bill, without any crippling reductions or amendments.

Mr. COHELAN. Mr. Chairman, in 1961, I was one of the original sponsors of the bill to create the U.S. Arms Control and Disarmament Agency—ACDA. During the decade of the sixties, the ACDA has proven its own worth on numerous occasions. Thus I feel it is important that we renew this 2-year authorization contained in H.R. 16200.

Now as we enter the decade of the seventies, the work of the ACDA takes on added significance. The approval of the Nuclear Test Ban Treaty and the continuation of the bilateral U.S.-U.S.S.R. SALT talks in Vienna require the continued effort of ACDA in the area of vital research and evaluation of various arms limitation proposals.

I hold the highest hopes for the success of SALT talks headed by ACDA's capable Director, Gerald C. Smith. I know that research developed in ACDA will be of inestimable value in the long negotiations process in Vienna.

Those of us who have followed ACDA's development are aware of its efforts in the study of mutual limitation of strategic weapons, but it is also noteworthy that ACDA is also engaged in studying various arms limitation plans in the Middle East, Latin America, and Africa. As a member of the Foreign Operations Subcommittee of the House Appropriations Committee, I have been concerned over the level of the developing nations are playing in needless defense expenditures. I know that ACDA's studies will be useful in attempting to find solution to these vexing questions.

Mr. Chairman, I support this 2-year authorization for ACDA.

Mr. PUCINSKI. Mr. Chairman, I rise in support of H.R. 16200, which extends authorization for appropriations of the Arms Control and Disarmament Commission.

I believe this Commission has tried, most effectively, to find new ways for lasting peace in this troubled world.

I was one of the original cosponsors of this legislation, and I believe it has made a significant contribution. While we fully realize it has not found the ultimate road to peace, the quiet, deliberate work of this committee at least gives our Nation an opportunity to probe the various possibilities for finding the ultimate road to peace in this troubled world.

Mr. ADAIR. Mr. Chairman, I have no further requests for time.

Mr. MORGAN. Mr. Chairman, we have no further requests for time.

The **CHAIRMAN.** There being no further requests for time, the Clerk will read the bill.

The Clerk read as follows:

H.R. 16200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "$18,500,000", the following: ", and for the two fiscal years 1971 and 1972, the sum of $17,500,000,".

SEC. 2. Section 24 of such Act (22 U.S.C. 2564) is amended by inserting at the end thereof the following provision: "If an Assistant Director is an officer of the Armed Forces serving on active duty, he shall receive, in addition to his military pay and allowances (including special and incentive pays) for which the Agency shall reimburse his service, an amount equal to the difference between such military pay and allowances and any higher compensation established for the position of Assistant Director."

With the following committee amendment:

On the first page, strike out line 8 and all that follows down through line 8 on page 2.

The committee amendment was agreed to.

The **CHAIRMAN.** Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. FULTON of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16200) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors, pursuant to House Resolution 945, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER.** Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER.** Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The **SPEAKER.** The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill, H.R. 16200, to the House Committee on Foreign Affairs with instructions to report the bill back to the House forthwith with the following amendment:

On page 1, line 7, strike the figure "$17,500,000" and insert "$13,125,000".

The **SPEAKER.** Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER.** The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 87, nays 280, not voting 63, as follows:

[Roll No. 95]

YEAS—87

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Blackburn
Bow
Brinkley
Broyhill, N.C.
Burleson, Tex.
Burton, Utah
Caffery
Casey
Chappell
Clancy
Clawson, Del
Collier
Collins
Cowger
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan

Edwards, Ala.
Edwards, La.
Flowers
Flynt
Foreman
Griffin
Gross
Grover
Haley
Hall
Harsha
Hébert
Henderson
Hull
Hungate
Hunt
Jones, Tenn.
King
Kuykendall
Long, La.
McClure
McCulloch
McMillan
Mann
Marsh
Martin
Michel
Mills
Mizell

Montgomery
Nichols
Passman
Pollock
Price, Tex.
Quillen
Rarick
Reid, Ill.
Rivers
Satterfield
Saylor
Scherle
Scott
Sebelius
Smith, Calif.
Snyder
Steiger, Ariz.
Taylor
Thompson, Ga.
Waggonner
Wampler
Watkins
Watson
Whalley
Whitehurst
Whitten
Wylie
Wyman
Zwach

NAYS—280

Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.

Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.

Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham

Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Camp
Carey
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Cleveland
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Cunningham
Daddario
Daniels, N.J.
de la Garza
Dellenback
Denney
Dennis
Dent
Derwinski
Donohue
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McDade
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mathias
Matsunaga
May
Mayne
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Monagan
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara
Olsen
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rosenthal
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Scheuer
Schneebeli
Schwengel
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Stokes
Symington
Talcott
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Watts
Weicker
Whalen
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young
Zablocki
Zion
Staggers
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Teague, Calif.
Thomson, Wis.
Tunney
White
Widnall

NOT VOTING—63

Anderson, Ill.
Baring
Brooks
Brown, Calif.
Burke, Fla.
Bush
Cabell
Clay
Colmer
Cramer
Dawson
Diggs
Dingell
Feighan
Fisher
Frey
Fuqua
Gettys
Giaimo
Hagan
Hanna
Hawkins
Johnson, Calif.
Jones, N.C.
Kirwan
Landrum
Langen
Lennon
Lukens
McDonald, Mich.
Meeds
Mollohan
Moorhead
Morton
Obey
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Poage
Powell
Pucinski
Rhodes
Roberts
Rooney, N.Y.
Rooney, Pa.
Roybal
Schadeberg
Sikes

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Lennon for, with Mr. O'Neill of Massachusetts against.

Mr. Roberts for, with Mr. Staggers against.

Mr. O'Neal of Georgia for, with Mr. Feighan against.

Mr. Jones of North Carolina for, with Mr. White against.

Mr. Baring for, with Mr. Rooney of New York against.

Mr. Colmer for, with Mr. Ottinger against.

Mr. Gettys for, with Mr. Stratton against.

Mr. Stephens for, with Mr. Rhodes against.

Mr. Stuckey for, with Mr. Thomson of Wisconsin against.

Mr. Cramer for, with Mr. Pucinski against.

Mr. Burke of Florida for, with Mr. Johnson of California against.

Mr. Hagan for, with Mr. Roybal against.

Until further notice.

Mr. Cabell with Mr. Bush.

Mr. Brooks with Mr. Anderson of Illinois.

Mrs. Sullivan with Mr. McDonald of Michigan.

Mr. Moorhead with Mr. Morton.

Mr. Rooney of Philadelphia with Mr. Steiger of Wisconsin.

Mr. Sikes with Mr. Frey.

Mr. Stubblefield with Mr. Langen.

Mr. Patman with Mr. Lukens.

Mr. Fisher with Mr. O'Konski.

Mr. Landrum with Mr. Teague of California.

Mr. Fuqua with Mr. Schadeberg.

Mr. Meeds with Mr. Taft.

Mr. Mollohan with Mr. Widnall.

Mr. Kirwan with Mr. Clay.

Mr. Obey with Mr. Dawson.

Mr. Hanna with Mr. Powell.

Mr. Tunney with Mr. Hawkins.

Mr. Brown of California with Mr. Diggs.

Mr. Giaimo with Mr. Dingell.

Messrs. BIAGGI, CAREY, PETTIS, and RUPPE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred twenty-one Members are present, a quorum.

So the bill was passed.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, pursuant to the provisions of House Resolution 945, I call up for immediate consideration a similar Senate bill (S. 3544) to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 3544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "$18,500,000", the following: ", and for the two fiscal years 1971 and 1972, the sum of $17,500,000,".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16200) was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (S. 3544) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROTECTION OF MINORS AND OF RIGHT OF PRIVACY FROM SEXUALLY ORIENTED MAIL

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15693) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15693, with Mr. STEED in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. DULSKI) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. CORBETT) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 15693 is a truly bipartisan bill to provide urgently needed protection for the American home against the flood of obscenity and pornography that is still finding its way into the U.S. mails.

This bill is sponsored by 23 of the 26 members of the Committee on Post Office and Civil Service.

Similar bills have been sponsored by

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176 other House Members, 14 of whom took the time and trouble to testify in person at our hearings.

For example, the gentleman from Ohio (Mr. Wylie) struck a key note when he exhibited examples of smut which he said "often arrive in envelopes which do not reveal the contents and unsuspecting housewives and children are subjected to this filth unwittingly."

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

I thank the gentleman from New York, the distinguished chairman of the Post Office and Civil Service Committee for his reference to me.

For a considerable period of time the public's outraged cry against the flood of pornography has gone unheeded. In spite of an obvious need, the Congress has not seen fit, until only recently, to do something about it.

In bringing H.R. 15693 to the floor the gentleman from New York (Mr. Dulski) and his committee have performed a great public service, which the people of this Nation will surely applaud.

The distinguished chairman of the committee has, with great skill, guided this concept for the control of pornography and obscene material, which is constitutionally and legally sound, from his committee to the floor of the House.

This legislation, I respectfully suggest to the Members of this House, will protect our youth and the sanctity of our homes from materials which are obscene and perverted. It is a proper first step toward the necessary and ultimate goal of putting all pornographers out of business.

I wholeheartedly support this bill and strongly recommend its passage to the Members of this body.

I compliment the distinguished chairman for his excellent leadership, and I commend him for giving us an opportunity to vote on a bill on this subject during the 91st Congress.

Mr. DULSKI. Mr. Chairman, I commend my friend and colleague, the gentleman from Ohio (Mr. Wylie), who has truly been a leader in the crusade against pornography.

The gentleman has discussed the obscenity problem at length on the floor of the House. Last July, he sent a letter to all Members of the House and the other body who had introduced antiobscenity legislation, urging them to request that hearings be held.

Because of his interest, he was invited to testify before the Subcommittee on Postal Operations of our Post Office and Civil Service Committee.

His testimony and responses to questions were well-reasoned and highly beneficial.

He introduced H.R. 14100, which for practical purposes, is the same as title I of the bill before us today.

Indeed, his active concern has done much to make the passage of H.R. 15693 a reality.

I commend and thank the gentleman from Ohio.

H.R. 15693 is the result of intensive study of the adverse impact of obscene matter on our American way of life, and of loopholes in existing law that can and should be closed.

H.R. 15693 has a dual purpose and effect. First, it is directed to the critical need for protection of young people—those under 17 years of age—from matter harmful to minors that is transmitted through the mails.

Secondly, it affords a much stronger measure of protection than now exists for the privacy of adult patrons who do not want to receive sexually oriented advertising.

This legislation is a special tribute to the chairman of our Subcommittee on Postal Operations—the gentleman from Pennsylvania (Mr. Nix)—and to his subcommittee members.

It is also a credit to the other members of the Committee on Post Office and Civil Service who gave the subcommittee their strong support by cosponsoring his bill, as well as the other Members of the House who have introduced companion bills.

I wish it was possible to say that enactment of H.R. 15693 will foreclose the mails entirely to purveyors of filth—and that it will give absolute protection to children and adults alike who reject such filth. Regrettably, it will not.

But it is certainly a long and very important stride in the right direction—above and beyond even the several excellent antipornography statutes which have been developed by our committee over the last decade.

Further, it is most gratifying to report to my colleagues that the Postmaster General and the Attorney General of the United States strongly support the objectives of H.R. 15693.

I hope and believe that this needed legislation will be approved by an overwhelming vote of my colleagues in the House.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in recent years we have witnessed a "jungle" growth of an insidious industry—that is, smut and pornography. It is found everyplace. But, we are specifically concerned today as to its delivery through the mails.

It is reasoned by some that it is just part of our times; a stage our society is passing through. Others claim it is part of a higher culture representing a force of intellectual freedom. Still others argue that such materials and literature should be and must be available to whomever wishes to receive them.

I am sure all of us have read our mail from the people back home on this subject. They are not happy. They object to receiving this kind of unsolicited mail and they should.

My own personal opinion is, and I believe it is shared by most adults in our country, that pornography and obscene material and generally considered unwholesome materials should be available to those adults who specifically request them, but not to those adults who do not, and certainly not to minors.

It is because of the wholesale mailing of obscenity and the people's outrage which has resulted that brings this legislation before us today.

H.R. 15693, which has the overwhelming support of our Post Office and Civil Service Committee, is a bill designed to give basic protection to mail patrons. Title I is based on the New York State statute which has been upheld by the U.S. Supreme Court in *Ginsberg* v. *New York*, 390 v. 629. Its main objective is the protection of minors from material mailed by smut peddlers. H.R. 15693 adopts from the New York statute a three-element definition of material harmful to minors; that is, material which—

A. Predominantly appeals to the prurient interest of minors; and

B. Is offensive to prevailing standards in the adult community concerning what is suitable material for minors; and

C. Is substantially without redeeming social value for minors.

It also provides an affirmative defense for mailers. That is, those who send purchase orders must state that they are adults. Compliance with this requirement would be sufficient grounds to sustain the affirmative defense thereby entitling the mailer to a finding, that the mailing was not in violation of the new statute. This clearly means that under this title mailers could only be prosecuted if:

First. They did not receive such a statement; or

Second. They sent unsolicited obscenity through the mails.

Title II, in its broad application, protects the privacy of individuals and of minors they are responsible for, from the intrusion into the home of unwanted sexually oriented advertising. It permits any individual to place his name, as well as those of his children under 19 years of age who are in his care and custody, on a list of those who do not desire to receive sexually oriented advertisements through the mails. This list shall be maintained and kept current by the Postmaster General. It shall be made available to mailers for a reasonable service charge.

It is generally believed that this legislation will withstand any constitutional tests.

Therefore, in closing, Mr. Chairman, I urge all my colleagues to support this legislation as an important step to protect any person, and minor who they are responsible for, from the unwelcome, unsolicited mailing of obscenity through the mails.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Nebraska (Mr. Cunningham) the ranking Republican on the subcommittee that produced the bill.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Nix) the chairman of the subcommittee.

Mr. NIX. Mr. Chairman, we are here today to support the passage of H.R. 15693, a bill that does not take away rights but provides for the right of privacy of American homes in an era of automated mailings of sexually offensive advertising.

Federal interest in the regulation of smut mailings is limited to the Post Office Department and the Customs Bureau.

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Today our subject is the domestic mass mailing of unsolicited, unnatural, and sexually degenerate material which is aimed for the most part at adolescents. Such mailings have the effect of undermining parents' efforts to educate their children as to the meaning and purpose of sex. Smut mailings undermine such training because by its very nature it preaches that men and women are sexual objects to be exploited.

Many smut merchants operate by means of mailing lists which contain the names of preteen children. These mailing lists are gathered by purchases of the mailing lists of those who sell to children through stamp and record clubs. These lists are then held. They are aged and sent to those about 15 years of age who are at their most curious.

There is not a Member of this House who does not have filing cabinets filled with some of the vilest material any of us have seen until recent years, mailed to us from outraged constituents. Our people back home are demanding action. Today they will get action in balanced and workman like legislation that will get the job done as far as mass mailings are concerned.

The subcommittee held 7 days of hearings on the bill before you. We have received testimony and statements from 31 Members of Congress supporting legislation similar to that before us today. We have had letters from over 20 Governors supporting our position, and those letters came from States such as New York, Pennsylvania, Rhode Island, Connecticut, as well as many Southern and Midwestern States. We received letters from 34 attorney generals from States as far removed as Michigan, Missouri, Maryland, and California. We received letters of support from mayors of 32 of our largest cities, including the mayor of New York City, the mayors of Buffalo, Boston, Chicago, El Paso, Detroit, Denver, and Cleveland. This material is included in the appendix to part II of our hearings from pages 427 to 497.

I do not believe that the legal problems connected with the field of obscenity are easy to solve.

Justice Thurgood Marshall in writing the opinion for the U.S. Supreme Court in the case of *Redrup* v. *New York*, 386 U.S. 767, 1967, pointed out that there were then four schools of thought as to what the definition of obscenity is, and others have detected five among a group of nine men. Since that time two Justices, Justice Warren and Justice Fortas, have left the Court.

But, we do know this and Justice Marshall in the 1967 Redrup case pointed the way out of this Gordion knot. He discussed in that opinion the grounds on which Government could act and these are where there is an interest in the protection of children, where there is an interest in protecting the privacy of adults and in situations where the advertising material can be considered pandering advertising.

The Redrup case was the start of a new constitutional basis for the regulation of smut mailings.

TITLE I

Title I of our bill is based on a State statute protecting juveniles, a New York State statute that was upheld by the Supreme Court of the United States in the case of *Ginsberg* v. *New York*, 390 U.S. 629, 1968. The Court held in that case that it was not unreasonable for a State legislature to find as a matter of fact that obscenity was harmful to minors even though the same material might not be harmful to adults, the New York statute had a much more difficult task to deal with than we do here today. It was seeking to regulate magazine sales to persons under 17. We are attempting to regulate mass automated direct mailing to the home aimed at children of 16 years of age and under.

There is one difference in the language of our bill H.R. 15693 from that in the New York State statute. We believe that in defining sexual or sado masochistic material which predominantly appeals to the prurient, shameful, or morbid interest of minors; and is offensive to prevailing standards in the adult community concerning what is suitable material for minors, when we add the phrase and is "substantially without redeeming social value for minors," we have met the constitutional test of the cases of the last 3 years.

We did not use the word "utterly" in the phrase without redeeming social importance. We took the word "substantially" from H.R. 11031 introduced by the gentleman from Ohio (Mr. McCulloch) and substituted it for "utterly" because the word "utterly" means "absolutely" and the word "absolutely" in law is impossible to apply. Two of the three judges who used the phrase "utterly without redeeming social importance" have now left the Court, and one of them, Chief Justice Warren, was the Supreme Court Justice who first applied the concept of variable obscenity, that is, what may not be obscene for adults may be obscene for children, and I submit to you persons 16 years of age and under are children. The administration supported the substitution of the word "substantially" for the word "utterly" in the obscenity test in title I.

TITLE II

Title II of this bill is word for word the subject of an administration message and bills introduced at the administration's request.

It provides for a registry system whereby adults for themselves and their children can register their names and addresses with the Postmaster General, asserting a right which this bill gives them to serve notice on all mailers that they do not wish to receive "sexually oriented advertising" which phrase is medically defined in the bill. The phrase "sexually oriented advertising" is defined as the depiction or description of sexual genitalia, natural or unnatural intercourse, sadism or masochism. It is plain enough.

Thirty days after the names and addresses of postal patrons are registered with the Postmaster General, mass mailers will be on notice that material which falls within the definition should not be forwarded to the above-named addressees. If their material is not predominantly sexual and devoted entirely to the depiction or description of sexual organs the mailer will not have to worry.

This bill answers the questions raised in the case of *Freedman* v. *Maryland*, 380 U.S. 51, 1955, and *Manual Enterprises* v. *Day*, 370 U.S. 478, 1962, where administrative action in the field of obscenity was questioned by the Court.

Under section 4013, Judicial Enforcement, the Federal courts are empowered to act civilly against mailers with a variety of court orders taking the place of administrative action under title 39 of the United States Code. Constitutional questions can be immediately raised before Federal judges without loss of time. This is an important step toward making this bill a constitutional one.

CRIMINAL PENALTIES

Criminal penalties are applied in appropriate cases by both title I and title II.

In title I, the usual criminal penalties related to the crime of mailing obscenity are applied but with this difference. A mailer can mail material harmful to minors to adults or even to children who claim on an application blank for the material that they are adults. This meets any question raised by *Butler* v. *Michigan*, 352 U.S. 380, 1956, in that no restrictions are placed on adult reading matter or even on a child who claims to be an adult and applies for material since an affirmative defense is provided the mailer in such a case since he could not have known he was dealing with a child.

But the people this legislation is aimed at are the smut merchants who want to blanket entire communities with occupant mail or mail aimed at 15 years olds, who because of the nature of their operation do now want to wait for applications.

There will be a question asked today, I suppose about occupant mail, what about the poor smut merchant who sends out smut mail addressed to occupant? How would he know he is dealing with a child when he is used to sending unsolicited, unwanted, pornographic junk mail in mailings of millions.

In answer to that concern, I say that the Supreme Court of the United States in Redrup against New York, cited the *Breard* v. *Alexandria* case, 341 U.S. 622, which case stands for the proposition that businessmen have to have some respect for the privacy and rights of others. They may sell their wares but they do not have a right to put their foot in the door and demand that all Americans act like a captive audience for their vicious advertising. The Breard case upheld a city ordinance which provided that door to door salesmen get the permission of the owner of a home before they attempted to sell their merchandise door to door. In this case I say that a balance has to be struck between the American home and the greed of mass mailers. They have other means of getting their advertising message across. Their speech has not been interferred with and the right of privacy and the right to protect your own children from filth has been protected.

The criminal penalties in title II are severe. They are $5,000 or imprisonment for 5 years or both for a first offense and $10,000 and/or 10 years for a second offense.

They may be severe but the mass mailer who regularly buys mailing lists containing the names of all automobile

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license holders in our biggest States can use some of the same energy to avoid mass mailings to those who have publicly stated that they do not want smut advertising in their homes.

Incidently, the number of complaints to the Post Office Department for the past few years on this subject have run about 250,000 a year. If they went up five times in size, computer technology could make such lists easily available. The Postmaster General can under administrative regulation, review and clean lists so that the administration of the program will be a reasonable one. The cost to the Government will be paid for by those direct mailers who indulge in borderline mailings. The administration of a program will be with the mailers where it belongs.

I think we have good legislation here. It will do a job. It will not do the whole job but it is a start considering the state of the law on obscenity.

The American people have the right to be let alone. Your constituents and your families have no obligation to serve as a captive audience for these unscrupulous advertisers. There is no reason why American parents should have to compete with smut mailers in the sex education of their children.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Missouri.

Mr. ICHORD. I wish to commend the distinguished gentleman from Pennsylvania for the statement that he has just made, for the work that he has done as chairman of the subcommittee. I also commend the chairman of the full committee and all members of the Post Office and Civil Service Committee for bringing this legislation to the floor. This deals with an ill within our society of emergency proportions. It is high time that the Congress act immediately to smash a very filthy and lucrative business.

However, I want to make certain that we do have effective legislation in this field. As the gentleman has indicated in his statement, the Supreme Court is quite divided on this subject. Two members firmly believe that this is an area where we cannot legislate at all, that freedom of the press is absolute. One of them holds that you can legislate in the field of hard-core pornography, but does not attempt to define what "hard-core pornography" is. Others have set up the test which the committee is following in this case.

But I want to make certain that this legislation will be effective. As I read the bill, the language in title I, page 3, takes the approach used in the New York statute that was sustained in the case of Redrup against New York, holding that you could take special action in regard to the protection of minors. That language is contained at the bottom of page 3, as I read the bill; is that correct?

Mr. NIX. The gentleman is correct.

Mr. ICHORD. It states as follows:

> (b) If deposited in the mails for delivery to a residence in which a minor resides, matter which is described in subpargarph (1) or subparagraph (2) of subsection (a) of this section, or which constitutes or contains an offer or advertisement therefor or information as to where or how such matter may be obtained, shall be deemed to have been deposited in the mail for delivery to such minor, unless such matter is contained in a sealed envelope or sealed wrapper which conceals completely the contents and unless such wrapper or envelope is clearly, specifically, and personally addressed to an adult who resides at that residence.

Does that meant that if a pornographer mails pornographic material which is open and plainly visible to a household where a minor resides and it has not been solicited by the household, that an offense will have been committed?

Mr. NIX. The gentleman is correct.

Mr. ICHORD. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman in the well yielding to me. I join my colleague, the gentleman from Missouri (Mr. ICHORD), in commending the chairman and his distinguished commitee, and I associate myself with his learned remarks.

Mr. Chairman, I rise enthusiastically in support of H.R. 15693 which is designed to take two giant steps toward remedying existing Federal laws, by protecting minors from harmful mailings of sexually oriented mail, and by protecting the right of privacy of our citizens who do not desire to receive sexually oriented advertising.

Mr. Chairman, in his remarks, the gentleman from Pennsylvania mentioned he had letters from across the Nation, including our State of Missouri. I want to say to the gentleman from Pennsylvania that there is no single subject on which we have consistently received more mail. As the author of two bills similar to this legislation in months past, I again express thanks to the committee for this opportunity. To me, it is an antipollution measure—of the human mind, that is.

Mr. Chairman, I repeat that over the several years that I have had the privilege of serving in the House of Representatives, I can think of no one problem that has more consistently plagued the people of southwest Missouri, or that I have continually received more correspondence on; than the ferocious flood of filth that has inundated our already overburdened postal system, and has violated the sanctity and privacy of our homes. Not only the people of southwest Missouri, but the American people as a whole, are demanding congressional action that will dry up this overflowing rancid river of polluted perversion. The American people realize that the free flow of obscene material constitutes a pollution and environmental crisis, not unlike those confronting our rivers and air. Yes, Mr. Speaker, H.R. 15693, which is similar to the legislation I introduced earlier in the 91st Congress, is an antipollution measure. It will greatly augment our Nation's psychological and mental quality by curtailing the flow of pornography to our youth. In addition, the environmental quality of American homes will be raised by the elimination of unsolicited obscene mailings.

Finally, Mr. Chairman, I compliment the committee for bringing this bill before the House for consideration. I am also pleased that the bill commands great bipartisan support in the Congress and that the administration wholeheartedly supports its enactment. I sincerely hope that both bodies of Congress will expeditiously approve H.R. 15693 so that first giant steps in eliminating the social problem of pornography can be made. It is the least we can do in a representative body, under the public trust.

Mr. NIX. Mr. Chairman, I thank the gentleman from Missouri.

Mr. EDWARDS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. NIX I yield to the gentleman from Louisiana.

Mr. EDWARDS of Louisiana. Mr. Chairman, as author of a companion bill similar to the one before the House, I compliment the gentleman and his committee for their exhaustive study of this particular issue.

I believe the passage of this bill will provide a much needed tool so that prosecutors nationwide will have an effective weapon to punish those who engage in smut peddling in this country. I believe also it will cure a hiatus in the law caused by what I believe are unrealistic decisions of the Supreme Court, and I think it is wise for the Congress now to look into this field and to provide the prosecutors of this Nation and those enforcing the law with a meaningful statute.

Mr. NIX. Mr. Chairman, I thank the gentleman from Louisiana.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I endorse the statement of the distinguished gentleman in the well, Mr. NIX, and I thank him for bringing this bill to our consideration today. Also I commend the entire committee for their work in perfecting this bill.

Mr. Chairman, I hope each of these steps will be strides forward, so that we can eliminate the smut that has been coming into American homes. I thank the gentleman and his committee very much. I rise in strong support of this measure and hope it passes without a dissenting vote in this House.

Mr. NIX. Mr. Chairman, I thank the gentleman from Texas.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I rise in strong support of H.R. 15693 and as cosponsor of a similar bill urge my colleagues to give prompt and overwhelming approval to this measure. It may be an old cliche, but the House of Representatives can strike a blow for decency in America by voting for this piece of legislation which will help curb the flow of obscene and pornographic mail in the Nation. We have heard much talk in the past about taking steps to protect the people of America from being subjected to this unsolicited mail. We have heard talk about prohibiting this kind of mail from being sent to the youth of America. Well, today, we have the opportunity to turn this talk into action.

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We have before us a bill which will make it illegal to send obscene materials to persons under 17 years of age and illegal to send similiar matter to adults who indicate they do not wish to receive it.

I want to commend the Committee on Post Office and Civil Service for their diligence in writing H.R. 15693. They have done an excellent job and are to be congratulated for including language in the legislation which conforms to the latest rulings of the Supreme Court. Of course, I do wish it was a stronger bill but I know this is the best we can do at this time.

As a cosponsor of a similar bill, I am well aware of the need for this legislation. I have numerous letters from people in my home State of Mississippi asking me when the Congress is going to do something to stop the flow of obscene mail. They also ask when the Congress is going to do something to protect the majority of Americans and stop protecting a small group of smut peddlers. I would like to be able to respond to these people tomorrow and say "the Congress has done something about obscene mail. It has passed a law spelling out in no uncertain terms that this type of pornographic material will not be tolerated in America."

Mr. NIX. Mr. Chairman, I thank the gentleman from Mississippi.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman in the well for yielding. I take this occasion as the author of a companion bill to commend the gentleman, as chairman of the subcommittee, and also the chairman of the full committee for successfully guiding this legislation to the House for determination by the Members. It is in my judgment a substantial forward step in contributing to the mental health of the young of America.

Mr. NIX. Mr. Chairman, I thank the gentleman from New York.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman for his presentation and thank him for yielding.

Mr. Chairman, I have one question, and that is whether or not, on page 3, line 25, where there is a presumption that the act is violated unless the matter is contained in a sealed envelope addressed to an adult, the term "adult" there means any person who is not a minor under the definition of the act, or whether an adult at that point means a person of 21 years of age or older. I think it would make a difference, because if an 18- or 19-year-old couple with a 1-year-old baby had matter addressed to the 19-year-old couple, the presumption would exist that the pornographic material was improperly distributed if an adult means a person of 21 years old or older. If, on the other hand, the adult is the other side of the coin from the definition of a minor, that would not be a violation.

Mr. NIX. Will the gentleman indicate again the line on page 3?

Mr. ECKHARDT. It is the last line, which says "and personally addressed to an adult who resides at the residence."

Now, the definition of "minor" is contained on page 4, where it is said:

> "Minor" means any person under the age of 17 years.

If there were another definition, saying " 'adult' means any person of 17 years or over," it would be clear what it is intended by "adult" on page 3.

Considering the fact that 21 years is used to define certain bases for determination in title II, it would seem to me that this should be spelled out by definition. I merely submit this as an observation. I have no strong feeling on the matter.

Mr. NIX. I am grateful, and I know the committee is, for the gentleman's observation.

I must also advise, that question did come up during the hearings in the committee. It was thought that we would proceed in the manner in which the bill has been drawn.

Mr. ECKHARDT. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I would like to commend the gentleman for the remarks he has made and for the fine report brought in by his subcommittee and the very constructive bill which is now before the committee. This is long overdue.

I would like to report to the gentleman that, judging from my own congressional district, I do not believe there has been anything more disturbing than the outpouring of filth through the mail day after day, really unchecked to the point that many parents have been driven to distraction because they feel there is nobody in the United States trying to hold it in check.

I congratulate the committee on its wisdom for bringing this bill in and giving us the opportunity to act on it.

Good luck. I am sure you are going to receive a great vote from the House.

Mr. NIX. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NIX. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman, the chairman of the subcommitee, Mr. NIX, for the expeditious manner in which he has handled this bill and brought it to the House floor. It has been my privilege to be one of the cosponsors of this particular legislation.

I have no doubt that this measure will be assailed in the courts as quickly as some purveyor of smut can assail it. It would be my hope that the gentleman, his subcommittee, and the full committee would respond promptly, if this restriction, like others before it, is nullified by the Supreme Court. I hope the committee will come right back again and keep the Court busy until a way can be found to stop this business of sending filth and smut through the mails indiscriminately to people of all ages.

Again I commend the gentleman for his good work.

Mr. NIX. I thank the gentleman.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding and I commend him for his tireless efforts in this field. In addition, I commend the committee for its attention in this matter. Due to its wisdom, I feel that H.R. 15693 will both pass the test of constitutionality and protect our youth and our privacy from those who deal in sexually oriented mail.

I rise in support of H.R. 15693, a bill aimed at immediately stopping the flow of unsolicited, hard-core smut through the U.S. mails.

This antipornography bill has a twofold purpose. First, it is designed to protect youngsters under 17 from mailings which are of predominant appeal to prurient interest, which are offensive to prevailing standards in the community, and which are substantially without redeeming social value. Second, H.R. 15693 protects the privacy of individuals, and of minors they are responsible for, from the intrusion into the home of unwanted sexually oriented advertising.

H.R. 15693 denies the use of the mails for the delivery to our youth of smut. In addition, this measure would require mailers and potential mailers to respect the expressed wishes of those who find sexually oriented advertising offensive to their taste.

The need for this legislation is clear. The people are fed up. Over the months, my office has received an ever-increasing number of samples of unwanted, unsolicited, and, to the recipient, deeply offensive sex-oriented mail.

Upon contacting the Post Office Department, I found that throughout America citizens are being bombarded with the largest volume of salacious mail in our history.

In responding to this need for action, I introduced an antipornography bill nearly 1 year ago. My bill, although technically different from H.R. 15693, had the same aim—prohibiting pornography from falling into the hands of our youth, and requiring mailers to respect the expressed wishes of those citizens who do not solicit or want sex-oriented materials sent into their homes.

Thus, Mr. Chairman, in closing, it is with enthusiasm that I speak in full support of this bill.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Ohio.

Mr. WYLIE. I also wish to commend the gentleman in the well for his outstanding work on this bill. I rise primarily for that purpose, and to thank the gentleman from New York (Mr. DULSKI) for his kind remarks concerning my efforts on this subject. But, also, I should like, for purposes of the record, to have an interpretation or a clarification of the question where a 19-year-old couple with a 1-year-old child received obscene materials in their home, as to whether this

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would be in violation of the law if this bill passes.

It seems clear to me that, under the definition in the first section of the bill, a minor is a person 17 years of age or under. Those persons are defined as minors. I would assume that everyone over the age of 17 years would be considered an adult within the purview of this bill.

Mr. NIX. So far as this bill is concerned, it is directed toward the protection of youngsters under a definite age as set forth in the bill, and those over 17 would be considered adults for the purposes of title I.

As to the 19-year-old couple, I believe generally under the law they would be classed as adults. They are a 19-year-old couple. They are married. There is that feature connected with it.

That would be my opinion.

The CHAIRMAN. The gentleman from Pennsylvania has consumed 33 minutes.

Mr. NIX. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, first I would like to thank the chairman of the subcommittee (Mr. NIX) for yielding this time to me and for his leadership and very energetic work on this legislation.

Mr. Chairman, the most important resource any nation has is its children. The entire future of the United States belongs to them.

One of the matters that every parent must devote time and attention to is the education of his children, including matters of sex and the responsibilities of parenthood that they will take up themselves.

Why should the parents of America submit to receiving by mail perverted and degenerate material mailed to their children, usually as unsolicited mail?

That is our situation today, as has been pointed out by others. Every Congressman's office has been flooded with angry constitutent mail with enclosures that shock us and our staffs as well.

I do not believe that Congress is helpless to deal with this problem. We must try to deal with it and within the framework of the Constitution.

In the case of *Redrup* v. *New York*, 386 U.S. 767, the Supreme Court pointed out the way for legislation that would be upheld. The Court said that legislatures had a legitimate interest in protecting children, in protecting privacy, and in limiting pandering advertising.

In this bill today, we have followed the Court's lead and I think we have a bill that is not only constitutional but effective.

Title I of the bill provides criminal penalty for mailing to a child 16 years of age and under obscene material and which obscene material is defined according to a test suitable to minors. That is, there is a recognition in this title that there should be such a thing as variable obscenity in that what is not obscene for an adult may be obscene for children. The Supreme Court upheld this view in the case of *Ginsberg* v. *New York*, 390 U.S. 629 (1968).

In that case the Court stated that the Government had a profound interest in the raising of children and it is not unreasonable for a legislature to find that obscenity is harmful to children.

Title II of the bill establishes a registry which will give every parent an opportunity to register himself and his family with the Postmaster General and 30 days after his name and the names of members of his family appear on that list mailers are on notice that these people do not want to receive sexually oriented advertising. The term "sexually oriented advertising" is defined in medical terms. It is a very specific term as an examination of the bill will show. This title was one of President Nixon's major requests for action of the Congress and the bill has not been changed from his message in any respect.

There is a feature of title II in which I am especially interested. That is, it not only provides criminal penalties but it provides as well for judicial action through court orders, a civil remedy for the violation of the act. I think this is important because it brings the constitutional questions involved immediately to a court, rather than delaying such matters in administrative tribunals. This to me is most important.

I think that the committee has done a good job. We not only contacted Governors, attorney generals, and mayors of our larger cities, but foreign nations as well. Much has been made, for instance, of Denmark repealing national laws on obscenity in their country. What the press does not mention is that they have very strict local ordinances which limits advertising and window displays in stores. What is more, they have almost no direct mail advertising industry in their country and we have a giant direct mail advertising industry—and that is our Federal concern today, the unscrupulous smut mailer who uses the direct mail means to get his material to our children and the public at large.

I support this legislation and I hope it is swiftly reported out of the Senate and sent to the President's desk for his quick signature.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the distinguished gentleman from North Carolina, the dean of our delegation.

Mr. FOUNTAIN. I thank my distinguished colleague (Mr. HENDERSON) for yielding to me at this point.

Mr. Chairman, I have introduced a number of bills designed to prevent the sending of pornographic materials through the mail, especially to minors. I therefore wish to commend the gentleman from North Carolina (Mr. HENDERSON) as well as the chairman of the subcommittee (Mr. NIX) and other members of the committee for bringing this legislation to the floor of the House for consideration here today. The legislation does not go as far as I would like to see it go but I realize the committee took into account applicable decisions of a seemingly unconcerned Supreme Court. And so I strongly support H.R. 15693. There is no subject about which my own constituents have written to me more often and with more dedicated concern than the subject of pornography. I am satisfied that the passage of this legislation will help alleviate the problem, though much more needs to be done to even substantially solve it. It will also be a source of encouragement to the many mothers and fathers who properly and justifiably are so deeply concerned about what is taking place in our country and the extent to which pornographic materials of all kinds are corrupting the minds and morals of so many of our people, young and old alike, but especially our young people.

Again, I wish to commend my very able and dedicated colleague (Mr. HENDERSON) for his persistent efforts to get legislation on this subject passed by the Congress and especially for the major part he played in bringing this particular bill to the House for consideration and action.

I also thank the gentleman for yielding to enable me to indicate my longstanding support for legislation of this kind as well as to pay tribute to him for his own efforts.

Mr. HENDERSON. Mr. Chairman, I want to thank my colleague from North Carolina (Mr. FOUNTAIN) not only for his support today as the measure is here for a vote, but to recognize his continuing interest in and support on this subject for quite some time. I want to personally thank the gentleman for his help as we continue to work toward the resolution of a very difficult constitutional question with respect to this legislation.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I commend the gentleman in the well for his statement and the outstanding work he has done on this legislation.

I would like to ask, in order to make some legislative history, one question of the gentleman in the well, or the chairman of the subcommittee, either one.

Under title I, "minor" is defined as a person under 17 years of age. In title II, you use the term "over 19 years of age." I am referring to page 7, subsection (b) of the bill, which reads as follows:

> (b) Any person, on his own behalf, or, if such person has reached the age of twenty-one years, on the behalf of any other person who has not attained the age of nineteen years and who resides with him or is under his care, custody, or supervision, may file with the Postmaster General a statement, in such form and manner as the Postmaster General may prescribe, that he desires to receive no sexually oriented advertisements through the mails.

Let me pose this hypothetical question to the gentleman from North Carolina: Suppose you have a married couple with one child 18 years of age. The 18-year-old requests pornographic material from a smut mailer. Previously thereto, the father had turned his name in to the Postmaster General asking that no such mail be sent to his residence. Let us further assume that the smut mailer mails out in response to the request of the 18-year-old. Would there be a violation of title II?

Mr. HENDERSON. Well, it is my opinion, and I stand to be corrected by the chairman of the subcommittee if I am

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wrong, that in the specific instance about which the gentleman is talking, the bill specifically provides that it shall be a violation to mail or cause to be mailed any sexually oriented advertisements to any individual whose name or address has been on the list for more than 30 days.

However, I think that any mailer who could prove that the mail was sent by him or his company to one 18 years of age who would be excluded under the title I, at the specific request of that person, would refute in court any intent to violate the criminal provisions of this bill. I think that this is adequate protectior. for the minor, and likewise does not cause the mailers to be subject to criminal penalties. We have to be very careful that the decisions not rest on the intent of the mailer, so we have clearly defined the age limit which we think will put a stop to the mail houses using indiscriminate mailing without request. It would be my opinion, that if the mail was specifically requested by an 18-year-old that that evidence of request would refute the criminal intent.

Mr. ICHORD. I thank the gentleman for his explanation.

Mr. Chairman, I support the concept of H.R. 15693, and as a sponsor of similar legislation to combat the evils of pornography, I look forward to the day when this blight is swept from our newsstands, theaters, and mail.

The spread of pornographic literature and the availability of lewd movies to the youth of America has become a national crisis. I have been shocked by the unbelievably lewd and obscene nature of the deluge of literature which has been sent through the mails to the minor children of my own constituents and later forwarded to me by their indignant parents. It is regrettable that we should permit such filth to come into the hands of innocent, impressionable children.

Last October I appeared before a judiciary subcommittee hearing on this subject and submitted examples of pornographic material forwarded to me by irate constituents. These items were only a small fraction of the volume of such material sent to me mostly by parents of teenage children. The samples I submitted were so shockingly repulsive, I doubt that the Government Printing Office would be permitted to print such material in the record of the hearing under existing law, although the same are allowable for delivery in the U.S. mail system. Several of the samples were sent to me by the headmaster of a boys' school who advised that mail of this nature, which he termed "adult mail," was required to be opened in the presence of a faculty member. Because mail of this nature was received in such volume, directed to young cadets, the headmaster felt certain that the pornographers, in some way, obtained a list of names of young boys to become the recipients of the smut advertising.

Such hard-core obscenity items as bawdy films, pornographic records, pictures, playing cards, and comic books produced in prolific quantities are available on the open market to buyers of any age. Many newsstands, bookstores and "novelty" shops openly flaunt obscene material representing every imaginable degree of perversity.

Obscene material in the hands of curious adolescents does untold damage and leads to disastrous consequences. Pornography, in addition to being a moral weakness that jeopardizes the very fabric of our society, is one of the breeding grounds of crime. Mr. J. Edgar Hoover, Director, Federal Bureau of Investigation, writing in the "FBI Law Enforcement Bulletin" a few years ago, noted:

> Sex crimes and obscene and vulgar literature often go hand-in-hand. The time for half-hearted oblique actions against dealers in depravity is past. Although their despicable trade reaps $500 million a year, this diabolical business is costing the Nation much more than money. It is robbing our country and particularly our younger generation of decency—it is a seedbed for delinquency among juveniles and depravity among all ages.

The U.S. mails today are flooded with obscene materials and a staggering volume of complaints has been received by the Post Office Department. In 1968, alone, postal authorities received over 165,000 complaints from recipients of obscene mails. Most of the complaints came from parents of junior high and high school students. Arthur Summerfield, former Postmaster General, warned of the enormous size of the problem confronting his Department in 1960, when he told the National Congress of Parents and Teachers:

> Mail order obscenity has become a racket of gigantic proportions. There are no more dangerous, unprincipled criminals in existence than those exploiting this racket. Their overriding goal is to extend the vast market for their filth among the children of America. Already, we can estimate that one million children a year are receiving pornographic filth in their family mailbox.

Obscenity and pornography develops when there is no longer the pride or the determination to do something about it. Americans in growing numbers are developing a dangerously indulgent attitude toward this moral wasteland. Our increasingly affluent, materialistic, and permissive society has encouraged an "anything goes" attitude in personal and collective moral standards which has resulted in an alarming breakdown of the moral fiber of American society. Many college student publications delight in the use of four-letter word obscenities. The New Left underground publications are replete with loathsome vulgarisms aimed at the morbid curious.

The real problem in my opinion is the effect on children and adolescents of the brazen presentation of vulgar and salicious material. Obscene material glamorizes and glorifies indecency, lewdness, and promiscuity. At the same time it ridicules the accepted standards of social behavior. Read by youth, such publications interfere with normal development of decent sex habits and thwart proper moral and ethical development. They teach children everything that is immoral and cruel in regard to their relationship with the opposite sex.

Parents bear a heavy responsibility in seeing that their children are not harmed by exposure to filthy literature. Thus, adequate consideration must be given to the rights of parents to protect their minor children from exposure to material which parents deem to be harmful. The maturing of children along wholesome lines is in danger when their future abilities to form sound adult relationships are jeopardized by confusion in their minds of the role of sexuality. Apart from juvenile crime and youthful immorality, a prime consideration for passing legislation to bar smut peddlers from trafficking with youth, is the importance of giving meaningful protection to parental prerogatives in raising children. Parents who desire to bring up their children in an atmosphere of decency need statutory assistance to quarantine obscenity. While adults may have a constitutional right to choose vulgarity, other factors come into play with respect to children. The freedom to raise one's children with a solid foundation of spiritual and moral values is a cherished right. It is one which Congress should be willing to take necessary legislative steps to safeguard.

The tidal wave of pornographic materials is so strong that anyone attempting to resist it is stamped as an enemy of free speech. Defenders of pornography see little or no evil in its presence. The principal argument against antipornography legislation is that it will encroach upon the constitutional prohibition against any law "abridging the freedom of speech, or of the press." This philosophy tends to dull sensitivity to the need for corrective action. Many citizens shrug their shoulders and ask, "What can be done?" My answer is that we need not stand by helplessly. The purveyors of smut are vulnerable to the processes of law which can be set in motion by carefully drawn legislation. The first amendment to the Constitution does not render them immune to prosecution. In the case of *Roth* v. *United States*, 354 U.S. 476, 485 (1957), the U.S. Supreme Court has declared:

> Implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. Obscenity is not within the area of constitutionally protected speech or press.

It is time to serve notice that the panderers of filth for profit will no longer be given a free hand in contaminating our youth. H.R. 15693 is designed to crack down on dealers in pornographic literature. Its enactment should provide a powerful weapon in the drive to ban pornography directed to children.

I therefore support the bill with the hope that it will be enforced with the diligence and firmness necessary to eradicate an ill of emergency proportions in our Nation.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I too want to pay tribute to those who have worked on this legislation. I would like to go back 10 years ago when I became the ranking minority member on the Subcommittee on Postal Operations. At that time the chairman was our beloved colleague, Congresswoman Granahan of Pennsylvania. At that time there was very little attention paid to this smut problem. Our

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subcommittee held hearings all over the United States, in all sections of the country, and we built up voluminous records and we built up public opinion.

Because of that early pioneering work the Nation has become acutely aware of the danger that is involved in this problem because we do not allow drugs to go through the mail, because they poison the body, but we allow pornographic material to go through the mail that poisons the mind.

But in those early days when the country was not aroused, our Subcommittee on Postal Operations and then the full committee did enact some legislation. First we got through what is called a judicial officer in the Post Office Department. I will not go into the details, but this was a very important move.

Another bill that we had enacted into law would allow prosecution of these smut merchants, either at the place their material is mailed or at the place where it is received, or any States through which it passes.

This was very important, because in New York City where this material entered the mails, if a prosecution was brought the jury might be more liberal than it would in the Midwest or some other section of the country. So we passed that second milestone in this field, so that prosecution can be brought in any State in which this smut material passes, and particularly where it is received.

Mr. Chairman, while we are thanking the various people who have brought this legislation here today, I cannot neglect to point out that one of the greatest champions, and one of the outstanding men in this country, our beloved Speaker, gave Mrs. Granahan and me encouragement in those earlier years, when we were bringing this to the attention of the public and when we were bringing legislation against smut dealers to the floor of the House. While we are passing out these compliments—and they are well deserved by these other people, this Congressman from Nebraska cannot stand here and not recall the tremendous support that our beloved Speaker gave to all of us working in this field in those early days.

We passed another piece of legislation—and this took a lot of doing, I might say—where the Speaker of the House, the gentleman from Massachusetts (Mr. McCORMACK) was particularly helpful. This was passed overwhelmingly in the House in the 87th Congress, I believe it was, and again in the 88th Congress. But it went over to the other body and it was bottled up. So it did not become law then. It provided that if this pandering advertising, this smut advertising that comes into your home, addressed to you and to your minor child, is offensive to you—all you have to do is to fill out a form and send it to the Postmaster and it will come to the Post Office Department here, and you say that you do not want any more of this coming into your home, and to demand that your name be removed from the smut dealers mailing list, and that of your minor child from that mailer's mailing list or any other mailing list over which he has control. That bill is the law today because it was part of the postal rate bill of 1967. I believe I am fairly accurate in saying that between 500,000 and 600,000 people have taken advantage of that piece of legislation.

Our main problem all during these early years, and even during these later years has been: What can we do about this nasty problem; what can we do that will pass the constitutional test of the courts?

There is much more that we wanted to do. But we always had to have that problem to worry about. This particular piece of legislation which I just mentioned is now on the books and there have been so many people who have taken advantage of it and more people will as they learn about it. This particular piece of legislation was attacked by the smut dealers in California, and three Federal judges upheld this statute.

But these smut dealers are making millions—yes, even billions of dollars in this racket. They hired the smartest lawyers they could get and they appealed the California decision to the Supreme Court. The Supreme Court agreed to hear the appeal. The arguments were presented some 6 or 8 weeks ago, and this particular piece of legislation was vigorously supported by the Department of Justice. The Supreme Court has not yet handed down a ruling on it. But there is no doubt in my mind that we will lick these smut dealers and that this particular piece of legislation will be held constitutional, because there is no censorship involved in it.

The bill simply provides that if parents, who have a parental responsibility to their children, receive some of this filthy advertising material through the mail, they have the right to say, "We do not want our privacy invaded. We do not want any more of this dumped into our mailbox." Your mailbox is a part of your home.

So I have no doubt in my mind that we are going to get a favorable decision. If by some remote chance we should not, we might as well forget about doing anything at all in this field of pornography and obscenity as it goes through the mails and as it appears on the news stands.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the chairman of the committee.

Mr. DULSKI. When I came to the 86th Congress, I got very well acquainted with the gentleman from Nebraska. I wish to pay a personal tribute to him here today, because over the past 12 years he has been one of the pioneers in our committee dealing with smut mail. Many pieces of legislation that are on the books today and some of the sections we have in the bill before us are the result of the hard work of the gentleman and that of the constitutional lawyers with whom he has worked to bring this effort to reality. I think it is a great tribute to the gentleman today.

Mr. CUNNINGHAM. I certainly thank the distinguished chairman. He has been one of the great champions in the effort to do something about this. If it were not for the gentleman from New York, this legislation might not even be before us. So I return the compliment. The gentleman is a great fighter against pornography and obscenity, as is the gentleman from Pennsylvania (Mr. NIX) who is the chairman of the Subcommittee on Postal Operations, of which I am the ranking minority member, that brought this bill to the full committee.

Mr. NIX. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am delighted to yield to the chairman.

Mr. NIX. I will say I am deeply appreciative of the gentleman's dedication in this field. I can say that all of his contributions have been tremendous. Years ago he initiated the legislation in this field, and he has pursued his objective of stamping out smut in this country vigorously. I compliment the gentleman.

Mr. CUNNINGHAM. I thank the distinguished gentleman from Pennsylvania. He has been very kind, and his dedication to get rid of this problem is well known.

Mr. Chairman, on behalf of the administration, I introduced three pieces of legislation dealing with this problem. Two of them went to the Judiciary Committee and hearings have been held on them. I am certain that they are going to act on the legislation that was referred to them.

The third piece of legislation which I introduced, with many co-sponsors, I might add, is title II of the bill we have before us today.

Mr. Chairman, it is a good bill. I do not know that anyone would ever approve of the filth that the American public is being subjected to. This is another major step in ridding this country of this filthy material and this, of course, particularly has to do with the mails.

But if we can get the legislation I referred to in the past upheld and this, if it passes, upheld, we are going to put these fellows out of business, and make no mistake about it. Their backs are against the wall now, and we are going to see to it, with the help of the American people and the serious judgment of the court, that we rid America of this material that poisons the minds not only of our minors but also of our people generally.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, I would like to take a moment here to express my views on this serious problem of controlling the flow of sexually oriented mails into our homes and into the hands of our minor children.

The bill we are considering this afternoon is very similar to one that I cosponsored last September in that it places the responsibility for controlling smut mail on the peddler himself and not on the responsible American who does not want anything to do with pornographic material.

There is no question in my mind that the sexually oriented mail problem has grown to outlandish proportions and this legislation, although long overdue, is very welcome. I am well aware of the problem because my district has been flooded with obscene mail and pornographic pictures for the past few years. It constitutes nothing less than an invasion into the sanctity of our homes, it is an unwanted invasion of privacy to most Americans.

The hard-working American is sick and tired of those who prey on the moral fibers of this Nation in an attempt to make a quick buck. The responsible citizen is sick with despair when he sees the moral convictions of his child being challenged by those who would tempt him with smut and filth. These concerned Americans are awaiting congressional action so that they might be spared from this embarrassing and sickening problem of our society.

The American citizens I am speaking of are not the ones who are responsible for this activity. It has been forced on them through the use of the U.S. Post Office. Why should they have to assume the responsibility for putting a stop to this unwanted mail? Let us place the blame and the responsibility where it belongs, on the illicit mailer, not on the responsible receiver.

The bill we are considering today does not fully accomplish everything that I would like. It does place some of the initiative on the responsible American. He who does not wish to receive smut mail has to make the first move, in that he must submit his name to the Postmaster General. I believe it should be the responsibility of the smut peddler to determine who wishes to buy his trash, not the homeowner.

In all other respects, I favor the bill, for it places strong restrictions on the mailer in regard to minors and would stop the flow of advertising material that is at times more pornographic that the material it is promoting.

This bill is a badly needed first step toward the control of this blight which is plaguing our Nation, and I urge the Congress to take whatever action is necessary to assure quick passage of this bill so that it can become law as soon as possible. The American public has been patiently waiting for Congress to act; they are deserving of the protection that this bill offers.

Mr. Chairman, I have a couple questions I would like to have the gentleman from Nebraska clear up for me if he would.

Under the section that provides for the head of the household to go down and file that he would not wish to receive any of the smut mail, once he files and says he does not want any more of this mail coming into his home, then suppose he receives some smut mail from another company, would he again have to go down and file not to receive any mail from that company?

Mr. CUNNINGHAM. Under the bill that this House has already passed, and to which I referred a moment ago he would have to do that. But when people have asked me that question, I have said that it may take a little extra effort on their part if they receive smut from another source but we want to clear up this racket, and by just a little extra effort that we may have to put in, we can do it.

However, under one section of this present bill we take a different approach, and any adult can be put on a register saying he does not want any of this, and then he will never get any of this, so he will not have to continually send in asking that his name be taken off a particular list.

Mr. MIZELL. Mr. Chairman, I thank the gentleman from Nebraska for his remarks.

Mr. Chairman, I was a cosponsor of legislation that would put the responsibility completely on the back of the smut mailers, rather than on our responsible citizens, so they would not have to take that action of going down and going to the trouble of filing. I think it is the responsibility of the Congress to protect this man's home from the smut mail. I just trust in the future we will have an opportunity to take action on legislation that will be even stronger.

Mr. CUNNINGHAM. Mr. Chairman, I have gone into this matter thoroughly above but I would like to add a more detailed description of the bill before us now. I repeat wholeheartedly my support of H.R. 15693 and the vast majority of the members of the Committee on Post Office and Civil Service support this legislation.

Previously, I introduced title II of this bill in H.R. 10877 on behalf of the administration. This bill is to protect the American home from the invasion of unsolicited smut mail through the family mailbox.

This bill in title I will protect children 16 years of age and under and is based on a New York State statute which was upheld by the U.S. Supreme Court in *Ginsberg* v. *New York*, 390 U.S. 629 (1968). It will be enforced by criminal sanctions. A phrase is used here, "material harmful to minors," which phrase is defined in terms of what is obscene for young people. The Supreme Court in the Ginsberg case adopted the concept of variable obscenity; that is, what is not obscene for an adult may be obscene for a child. The Court also stated that a legislature could reasonably find that obscenity was harmful to young people.

Title II sets up a registry system whereby adults and those who act in the place of adults can register their names and the names of their wards with the Postmaster General. After 30 days on such a register, mailers will be on notice that "sexually oriented advertising" may not be forwarded to those homes. The phrase "sexually oriented advertising" is medically defined and refers to advertising devoted in the main to sex.

This title also provides for judicial civil remedies including court orders which will bring questions under the legislation directly to a court's attention, since the issues involved are constitutional ones.

The title also provides criminal penalties for violation, that is ignoring the registry list, which will be available in mailing list form. Regulations making the registry and its purchase reasonable in the sense of updating the list and keeping it down to a reasonable size will be left to the discretion of the Postmaster General who will administer the program. This process should not be especially cumbersome not only because of computer technology but because for years mailing list brokers have been buying lists such as every licensed driver in a State or in many States.

It is very difficult for parents to properly raise their children when their homes are flooded with smut mail aimed at youngsters about 15 years of age, because of their curiosity. Sex education is a sensitive matter and should remain in the hands of parents without competition with giant pornographic mailing operations trying to make a fast dollar.

As I stated, I have been fighting this battle for 13 years. As I stated, I helped secure passage for a bill that became law which permitted citizens to obtain action in Federal District Courts in the jurisdiction where mail was received and during the 90th Congress, I said I introduced a bill which provided a means whereby mail patrons could get their names removed from the mailing lists of pornographers and others.

This bill is, I think, one of the last steps we will have to take in order to protect the public's privacy. I hope the Congress will see fit to protect American families by passing this legislation and I am confident they will.

Mr. Chairman, I herewith include my individual views on this legislation which appears in the report which accompanies H.R. 15693.

STATEMENT BY HONORABLE GLENN C. CUNNINGHAM

INDIVIDUAL VIEWS

In this bill, the committee is approaching the end of a long road in the regulation of obscenity and the violation of the privacy of the American home. It began for me, 13 years ago when I became a member of the Subcommittee on Postal Operations. Ten years ago the subcommittee began extensive hearings on this subject in the major cities of the country. These hearings resulted later in legislation which I supported which established a judicial officer in the Post Office Department and in legislation which allowed legal action being taken against smut mailers in a U.S. judicial district where such mail was received.

In the 88th Congress, I offered legislation which was passed by the U.S. House of Representatives and bottled up in the U.S. Senate Post Office and Civil Service Committee. The same thing happened in the 89th Congress. We were successful in the 90th Congress in amending postal rates legislation and such amendment contained my essential idea, which had been passed by the House of Representatives in the 88th and 89th Congresses. This is now Public Law 90–206, title III, 39 U.S. Code 4009.

At the beginning of this Congress, I introduced H.R. 10877, which contained what is now title II of H.R. 15693. I also cosponsored H.R. 10867 introduced by Mr. Dulski which contains title II of H.R. 15693 and essentially the same provisions on mailing to minors that are now set out in title I of this legislation.

I believe that we have had adequate hearings and study during this Congress. I also believe that there is 10 years of work behind this legislation and I enthusiastically support it.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Chairman, I would like to make a comment on the remarks of the gentleman from Nebraska with regard to title II. As I understand it, this section permits the individual to place his name, as well as those of his children under 19 years of age, and under his care and custody, on the list of those who do not wish to receive this undesirable advertising and material through the mail. I realize questions on the effectiveness of this approach have arisen since the passage of the previous legislation with which the gentleman from Nebraska had so much to do.

It seems to me, that with the passage of this bill, it would behoove everyone in this body to exert leadership, each in his own district, through communications media, service clubs, and among all those who can help—urging participation in a full-scale educational campaign. A campaign to make every household in the community aware of this new provision of the bill, which does go further than the previous one. Hopefully we can alert the people as quickly as possible after this bill does become law, so that nationwide action against these peddlers of smut will be as immediate and strong as possible.

I think the gentleman will agree that often a longtime gap in public awareness and understanding exists before the provisions and protection of a law become known.

Mr. Chairman, as the gentleman from Nebraska knows, I am one of his colleagues who has been very pleased to follow his leadership in this field, and I am one of the sponsors of the gentleman's bill which has become title II of the legislation before us.

Of course, I support all of the current bill H.R. 15693, and it is especially gratifying that this afternoon we are moving to solve the problem associated with mass mailings of obscene matter to minors and unsolicited sexually oriented advertisements to the public generally.

Once this legislation is on the books, it will work, however, only to the extent that people are aware of the new law and how they can use it.

I believe this is one area where our communications media—television, radio and newspapers—as well as community leaders could participate importantly.

I thank the gentleman for yielding.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Colorado.

Mr. BROTZMAN. I thank the gentleman for yielding.

I should like at this time to rise in support of this particular legislation and to congratulate the full committee and the subcommittee for bringing the bill to the floor.

Particularly I would like to say a word about my colleague from Nebraska, who I know has spent 10 years, as he stated, working in behalf of a sound piece of legislation.

As I served as U.S. attorney for the district of Colorado, I was constantly confronted by legal barriers, legal loopholes of one type or another, that prevented effective and forceful prosecution of those who would purvey smut.

I believe this measure is a quick step ahead. I believe it is an effective piece of legislation. I believe it is going to permit the prosecution of those who would violate the law.

Mr. Chairman, I am pleased to rise in support of H.R. 15693, the bill to exclude from the mails as a special category of nonmailable matter certain obscene material offered for sale to minors, and to protect the public from the offensive intrusion into their homes of sexually oriented mail.

Last June, I introduced three bills which would tremendously strengthen the smut mail laws in accordance with the proposals sent to the Congress by President Nixon. One of those bills, H.R. 11924, was referred to the Post Office and Civil Service Committee and the other two were referred to the Judiciary Committee. I am glad to note that the stiff provisions of H.R. 11924 are included in title II of the bill currently before the House.

Mr. Chairman, of all of the forces which are working today to erode the dignity and basic morality of our young people, I believe the most disgusting is the use of the U.S. mails to purvey obscenity and perversion. I am sure that all of my colleagues are familiar with the tactics used by those vicious men who would do absolutely anything to make a few dollars.

H.R. 15693 adds a new section to the law for the protection of the privacy of individuals, and of the minors for whom they are responsible, from sexually oriented matter. Sexually oriented matter is very specifically defined, and the language of the bill has been carefully considered so that it conforms with the guidelines set down by recent Supreme Court cases.

The new section of the law would provide for the maintenance by the Postmaster General of a register of the names and addresses of those persons (and minors for whom they are responsible) who object to receiving sexually oriented advertising through the mail. The burden of expunging such persons from their mailing lists will fall on the smut dealers. The dealers can be subjected to severe penalties should they mail to a person on the Postmaster General's list.

Under the law passed by the 90th Congress, persons who do not wish to receive smut mail have the burden of filling out a form for each mailing list on which they find themselves. Despite the clumsiness of this procedure over 200,000 persons availed themselves of this procedure.

However, the evidence that even stronger laws, like those found in H.R. 15693, are needed comes into my office each week. I am constantly receiving mail, primarily from parents, which asks why it is necessary to endure the indignity of the original mailing in order to be protected. Today's bill would eliminate that necessity, and I urge my colleagues to join me in casting an affirmative vote.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I thank all those who have had a part in bringing this legislation to the floor. It is a first step, and admittedly it is the most simple step. Beyond this point the job gets infinitely more difficult, because so long as there are people who will buy that which is obscene and pornographic there will be those who will produce it and distribute it and sell it; and we are not going to handle that proposition with a legislative act.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in strong support of the legislation before us to protect minors from smut mail and pornography.

As a cosponsor of legislation introduced early last session which was designed to accomplish this purpose, I would like to take this opportunity to congratulate the members of the committee for developing this legislation to accomplish our purpose.

I know that many of my colleagues have, as I, been receiving a steady flow of complaints from parents whose children have been the targets of this unsolicited filth that is finding its way into the homes of America. The Post Office Department has stated that they have received over 650,000 complaints since the antipandering law was passed in 1967.

A number of my constituents have sent me samples of the latest pornographic mailings and advertisements. In one of these letters the sender informed me that his 9-year-old granddaughter had opened the letter. It was obvious from the content that she failed to appreciate whatever artistic value the contents were supposed to have.

Quite frankly, I feel these unsolicited mailings of hard-core pornographic materials have gone far enough, especially when the recipients are young children. People everywhere are expressing their concern and they want Congress to act—and act now.

We have now before us a legislative vehicle designed to put a halt to this filth and I strongly urge each and every Member to support this legislation.

I would, in conclusion, however, like to admonish my colleagues and every concerned American that this is just the beginning. There are many people commercializing on pornography, both inside our country and in other countries. The ultimate key to success is enforcement of the law and a continuing vigilance on the part of an aroused public opinion.

Pollution of the mind that leads to a disruption of our morals has the potential of destroying this Nation from within, which is the commonly known objective of our country's adversaries.

Every descent American must be aware of this and do everything possible, as an individual to clean up the mails and, hopefully, the minds of people.

We have a long way to go and more legislation will be required to accomplish this.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentlewoman from New Jersey.

Mrs. DWYER. I thank the gentleman for yielding.

I plead with the Congress to support this bill unanimously.

Mr. Chairman, the American people in their high regard for decency and good taste have revolted against the growing mass of obscenity directed into their homes by means of the unsolicited use of the U.S. mails. Within the past 5 years the Post Office Department has received twice as many complaints as in previous 5-year period concerning the receipt of pornographic mail. Similarly, the number of complaints I have received in my congressional office has substantially increased. Many of these complaints are thoroughly justified, as I am certain the files of every Member here will attest.

Three years ago the Congress enacted legislation to provide that if a citizen finds mail "erotically arousing or sexually provocative" he can file an order with the Post Office against the company which directed the mail to him. Unfortunately, this approach, though a step in the right direction, was limited. It only allowed the stoppage of mail on a piecemeal basis—company by company—and it did not place any responsibility for discretion on the mailing party.

Clearly, new legislation is urgently needed. The bill we have before us today is our response to the legitimate concerns and demands expressed by so many of our citizens. Our response is a measured and effective one. It avoids the extremes of curtailing civil liberties on the one hand and of masquerading ineffective measures under the appearance of effective regulation on the other. As a cosponsor of similar legislation, I support it strongly.

H.R. 15693 has a twofold purpose: First, protection of minors from harmful mailings, and second, protection of the right of privacy for those adults who do not want to receive such advertising.

This legislation protects minors by defining what is "harmful to minors" and prohibiting the mailing of such material to persons under 17. It also protects the rights of both adults and minors by providing for the maintenance by the Postmaster General of a register of the names and addresses of those persons who object to receiving "sexually oriented advertising through the mail," and by prohibiting the mailing of such matter to those so listed.

Much mail that is now being received is unwanted, unsolicited, and offensive. Too often it has been delivered as subsidized, third class mail, and this fact arouses the ire of the unwilling citizen-taxpayer even more. There obviously is no simple solution, but the legislation we have before us appears to be the best possible means of assisting parents seeking to protect their children from undesirable materials, and will also protect the adults' right of privacy.

The real case for the legislation can be made by those who have been adversely effected by such mailings. These are the Americans who have received this unwanted, unsolicited trash, whose children have been subjected to it, and who now demand some recourse at law.

A concerned mother wrote me:

> We have tried to raise our daughters decently, and it is very discouraging to have such smut come into our home.

Another woman stated:

> I shudder to think what might happen if youngsters should get hold of this kind of mail.

A thoughtful constituent wrote:

> I feel that our forefathers did not intend this abuse of the "freedoms" to take place in our republic and feel that the upsurge of this type of available information printed . . . is degrading to us individually and as a country and can only have a future result of further erosion of our moral fiber.

We in the Congress must now respond to this problem. No company has the right to expose minors to pornographic materials or the right to invade the privacy of our citizens. Such factors necessitate enactment of H.R. 15693 immediately.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I rise in support of this legislation. I congratulate the authors and the committee for bringing this legislation to the floor.

As a coauthor of a similar bill, I wish to say I believe this is long overdue. I am sure speedy action here will enable us to clean up the mails and to clean up the type of literature going into American homes.

Mr. Chairman, I am happy to rise in support of H.R. 15693 which would control the mailing of obscene material to a home where a minor resides. I feel confident an overwhelming number of my colleagues will join with me in passing this much needed legislation.

As cosponsor of similar legislation from which this measure was drafted, I want to commend the Committee on Post Office and Civil Service for reporting this bill in the face of some criticism from those who do not share our concern about the mailing of unsolicited obscene and pornographic material. We all should be concerned about the effect this kind of material might have on our children.

Congress has struggled long to cope with the problem created by the mailing of obscene material.

Three years ago, we attempted to bring protection to families not wanting offensive advertising material through the so-called pandering advertising amendment to the Postal Revenue and Federal Salary Act of 1967.

Lacking criminal penalties, the present law provides a cumbersome and time-consuming process. Unfortunately, this law puts nearly all the burden upon the family not wanting such mail and the Post Office Department. Some 200,000 American have sought Post Office orders against obscene mailings since that law went into effect. However, there is little evidence they are receiving any protection.

Recognizing these defects, President Nixon has sent Congress three proposals which offer genuine hope of curbing this despicable activity.

The trend of most Supreme Court decisions in recent years has caused some Members of Congress to throw up their hands and take the attitude that little or nothing can be done about obscene mail.

But now we appear to have found the means of stopping the flood of obscene mailings directed to our youth and adults as well.

Court decisions have made the job of enforcement difficult. I believe this legislation may be the best way to fight the battle of pornography. It would protect our young people and at the same time rely on the mature judgment of our adult citizens to decide the issue of obscenity for themselves.

We are all conscious of the first amendment which protects the freedoms of speech. However, we are conscious also of our responsibility to protect millions of American children from the products of the Nation's smut peddlers.

The parents of America have had enough. They have no way to turn but to their Representatives in Congress to protect themselves against repeated mass mailings designed to get by their guard.

Pornography has no place in the American home or in the family mailbox. It is my hope that this measure will be cleared for the President's signature at the earliest possible time so that the overwhelming majority of our constituents can be protected.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, today must be considered a day of primary importance in the annals of the 91st Congress and the American people. Too long our citizens—especially our children—have been subjected to sexually offensive literature and pandering advertisements through the instrumentality of the U.S. mails.

The human vermin that print and distribute this material, with a view toward exploitation of the teenage market, are reprehensible beyond words. Their depravity is an affront to the public sense of decency. Their business activity is a gross distortion of the free enterprise ideal. Their assertion of first amendment "free speech" and "free press" protection is an unwarranted extension of those sacred principles that would have outraged the Founding Fathers of this Republic.

Pornographers richly deserve containment and control. Today the House of Representatives should move to limit distribution of offensive literature through the mails for the protection of all the people, particularly the young.

THE 1967 ANTIOBSCENITY LAW

Most of us who were Members of the 90th Congress supported the 1967 antiobscenity law.

Recognizing that pornographers had almost unlimited opportunity to use the mails for solicitation and distribution, and recognizing further that individuals had no way to protect their privacy from obscene intrusions via the mail-slot, the 90th Congress enacted legislation which represents a first step in this important struggle.

The law has proved helpful but inadequate to deal effectively with the total problem of pornographic mail. It provides that any person may obtain a judicially enforceable order from the Postmaster General prohibiting a sender from making further mailings of offensive material to his home. Only 170,000 persons have obtained such orders. This fact alone demonstrates that many do not know of the legislation or do not know how to seek the remedy it provides.

The 1967 act should, however, remain on the statute books to complement the legislation under consideration today. It contains unique provisions granting each individual the power to protect his home from deliveries which he—in his own judgment—considers offensive. Thus a citizen, under the 1967 act, may obtain an order from the Postmaster General prohibiting deliveries that his neighbor considers wholly inoffensive.

I recently read of an amusing effort on the part of one citizen from San Francisco to avail himself of the privileges of the 1967 act. He declared that he considered all communications from the Internal Revenue Service to be obscene, and sought an order prohibiting delivery of IRS letters and forms.

That was one requested order that was disapproved, but I rather suspect that most are approved by the Postmaster General when sought in good faith.

ELEMENTS OF H.R. 15693

Mr. Chairman, the legislation before us today goes far in protecting the public from those invasions of privacy that obscene mail and pandering advertisements necessarily impose. At the same time, this bill has been drafted carefully to pass constitutional muster, for it is consistent with the spirit of the most important and recent Supreme Court decisions in the area.

The Court has held that legislation controlling the distribution of offensive material may properly:

Reflect a specific concern for juveniles;

Reflect a concern for an assault upon the privacy by a publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it; and

Reflect a concern with "pandering," or offensive selling practices, to anyone regardless of age.

H.R. 15693, if enacted into law, will deal effectively with each of these three areas of concern and legitimate legislative control.

PROTECTION OF MINORS

Primarily, this bill provides for a new category of nonmailable matter with respect to persons under 17 years of age. This category of nonmailable matter is defined to include material commonly termed "pornography." Federal criminal sanctions are prescribed for the punishment of persons who send pornographic material to a minor, and, subsequently, cannot demonstrate a reasonable basis for believing their addressee was an adult.

PROTECTION OF THE PUBLIC AT LARGE

The Committee on Post Office and Civil Service has found that the U.S. mails are being used to exploit sexual sensationalism for commercial gain, that much of the matter consists of unsolicited mailings, and that such mailings are profoundly shocking and offensive, and, as unwarranted intrusions, violate the right of privacy that each American has the right to enjoy.

Title II of the bill before us requires all persons who mail sexually oriented material to place an identifying symbol on the envelope or cover. It further provides that any citizen not desiring to receive sexually oriented advertising may register his name and the names of his children with the Postmaster General. No mailings of sexually oriented advertising may be made to persons so registered for more than 30 days.

Any advertiser who willfully violates these provisions will be subject to fines of up to $5,000 and/or imprisonment of up to 5 years for the first offense.

Mr. Chairman, I sincerely hope this legislation, upon enactment, will provide swift relief for persons seeking protection from offensive, unsolicited mailings. The American public has suffered indignity and intrusion patiently, while Congress and the courts have struggled to find the appropriate constitutional relief for their grievances.

As a sponsor of similar legislation in this Congress, and as one who has been seeking legislative measures for the control of lewd material since coming to this House, I urge my colleagues to support this bill.

I am convinced that control of sexually oriented mailings and affirmative protection of the young from mail-order pornography will help this Nation regain the moral stature and self-discipline that have been the foundation of our heritage. In recent years, we have come to understand that moral decay at home is more treacherous than any enemy from abroad.

Today, this House has the opportunity to take a stand for decency through enactment of constitutional legislation that will protect the young from mail-order pornography. The vast majority of the American people will applaud the initiative we take here today.

Mr. CLANCY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Ohio.

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 15693 and join with my colleagues in urging its adoption. The bill under consideration today is similar in most respects to one that I introduced some time ago. The two main purposes of this legislation is to protect those under 17 years of age from mailings harmful to minors and to protect the privacy of those citizens who do not want to receive sexually oriented material. This material is unsolicited and undesired and parents throughout the Nation are gravely concerned over these mailings falling into the hands of teenage children.

This disgusting, unwanted obscenity and pornography has been foistered upon decent citizens and their children for far too long. Whether through the mails or at the corner newsstand, it is impossible to calculate the devastating damage done by exposing impressionable young people to salacious literature.

This legislation will impose restraints on individuals and upon persons who flood the mails with offensive advertisements intended to produce a profitable market for the smut that they disseminate by stimulating the prurient interest of the recipient.

Under this legislation a first violation would be punishable with a prison term up to 5 years or a fine of $5,000 or both. Second or subsequent offenses call for a fine of $10,000 or imprisonment up to 10 years or both.

The problem of pornography and the mailing of smut has been monumental and everyone recognizes that there is no single solution. However, adoption of this legislation is certainly a step in the right direction and will go far to eliminate this offensive material that has flooded each of our districts.

The need for strong, emphatic and enforceable obscenity control legislation at both the State and the Federal level is clear. In order to stamp out the poison of pornography in our Nation we must act decisively. This compelling problem requires our immediate attention and action. It is time to stand up for decency in America. I, therefore, urge the immediate passage of the legislation before us today.

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. Mr. Chairman, I wholeheartedly support H.R. 15693, to prohibit the mailing of obscene material and advertising to certain individuals.

There is a real need for prohibitions such as this bill provides to protect the privacy of individuals who do not wish their homes invaded by pornographic advertisements, and to prevent such offensive and unhealthy material from falling into the hands of minors. I have received innumerable letters from my constituents expressing the need for safeguards in this area and I am pleased that this bill is now under consideration here in the House of Representatives.

This legislation would exercise Federal controls over the mails in two areas, both of which have been recognized as constitutional by the courts. It would prohibit the mailing of obscene material which is determined to be harmful to minors to those under age 17. This is in accordance with the legally recognized theory of variable obscenity—that a thing may be obscene as it affects minors, while not obscene for adults.

The bill would also protect the privacy of individuals from receiving unwanted, sexually oriented advertising in their homes through the mails. This would be accomplished by the maintenance of a list by the Postmaster General of those who object to receiving such advertisements, and mailers of this material would be required to check this register before sending such advertising through the mail. The cost of maintaining the list would be borne by the mailers, through a small service charge.

The Congress acted in this area in 1967 when it passed legislation allowing individuals who had received obscene advertisements to protect themselves from receiving further mailings from the same source. At that time, I served on the House Post Office and Civil Service Committee, and I worked for and supported this legislation. I feel that we must now go a step further and allow people to protest the receipt of such offensive material before receiving it. I also feel that it is justifiable to put the burden of action on the sender rather than the receiver of this type of advertising.

A year ago, President Nixon sent a thoughtful and detailed message to the Congress on the problem of obscenity in the mails and recommended three specific bills embodying his proposals to solve this problem. At that time, I joined with many of my colleagues here in introducing the President's bills. While H.R. 15693 differs in some respects from the legislation I have sponsored, I feel that it will be effective in alleviating this growing problem.

Again, I recommend the passage of this bill to my colleagues. It is a sound bill based on court decisions and definitions. There is no question in my mind as to its constitutionality, and I hope that it will be enacted. Certainly, this legislation will provide some of the legal tools needed to deal with the alarming trend toward mass mailings of lewd and obscene materials by smut merchants. Hopefully, this legislation will help to put them out of business.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

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Mr. GOODLING. Mr. Chairman, I have a vital interest in H.R. 15693 because it is designed to accomplish the same objectives of legislation I have introduced to the House of Representatives.

Mr. Chairman, today all of us have, in some manner or other, become keenly conscious of pollution; namely, air pollution, water pollution, and pollution of our land. The legislation before us today deals with what is, in effect, another kind of pollution; that is, people pollution, with particular emphasis on our young people.

As we all know, a flood of filth is sweeping across our land in the nature of obscene periodicals in various printed forms. The irony of it all is that the U.S. mails are being used to convey this smut into family mailboxes, offending adults and posing as a threat to the emotional health of our youth.

It should be noted that efforts have been made to control the circulation of these smut materials in our society. Individual parents have, for instance, taken the initiative in policing the family mailbox and ferreting out materials that could prove harmful to their children. Various community groups have organized for the purpose of expressing their deep-rooted concern and exploring ways of dealing with this problem. The Federal Government currently has a law on the books which permits the recipient of obscene materials to have the Postmaster General guard against repeated mailings of such materials.

While this is a start, it is not enough. There are, for instance, times when individual parents cannot be on hand to perform surveillance of the mailbox. Community groups can prompt a social consciousness of this evil but they have no policing powers. The Federal Government has made a very worthwhile attempt to control this invasion on decency and privacy, and the time has come to bolster this effort.

What is really needed is an approach that is designed to kill this evil at its roots. H.R. 15693 is directed toward this end because it places a heavy strain of responsibility squarely where it belongs; that is, on the sender or peddler of these smut materials. It does this by requiring this sender to check with the Postmaster General. He will have on hand a register containing the names and addresses of individuals—and minors for whom they are responsible—who object to receiving offensive materials.

It is an American tradition to play square, and the legislation that is before us is in tune with that concept for, in effect, it serves fair warning on the sender of smut materials, affording him an opportunity to determine whether or not a given household is interested in receiving these materials and, in the process, avoid becoming involved in either the civil or crimnal suts that are part of this legislation. The important thing in this bill is that it places increased responsibility on the sender of smut materials, requiring him to make an effort to see if he is sending these materials into residences that do not want such trash.

The peddlers of offensive materials have, for long, hidden under the umbrella provided by the "freedom of the press" guarantee of the first amendment to the American Constitution. The bill before us is unique in that it gives due recognition to the right of "freedom of the press" and, at the same time, provides American families with the right of "freedom from filth." In effect, this bill says to the dispenser of smut materials:

> You have the right to print what you want, but the American citizen has the privilege of determining whether or not he wants to receive what you have printed.

We should not make the mistake of believing that this legislation is an absolute and total solution for this problem of people pollution. The Federal Government can supply building materials, but it is the people who must erect the barrier that will turn back the tide of filth that is polluting our American culture. I feel confident that the people are anxious to build a dike against the offensive materials that are flooding our land. H.R. 15693 provides the materials for such a barrier, and I heartily recommend its approval by the House of Representatives.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Chairman, I wish to commend at this time the gentleman from Nebraska. Of course, we are all very grateful to our friends on the majority side, and we appreciate the tremendous work that has been done by the gentleman from Pennsylvania and others. When I first came to the Congress some 7½ years ago and was privileged to serve on the Post Office and Civil Service Committee, the gentleman from Nebraska was indeed the lone voice crying in the wilderness. He was the one who really pursued this particular problem in an aggressive manner.

Of course, we had not been inundated with so much pornography at that time, as we have subsequent to some recent Supreme Court decisions in this particular field.

I believe we see here today, as we have seen with earlier legislation, the fruits of the persistence, patience, and determination of the gentleman from Nebraska during his able and distinguished service in this body. I commend him.

I feel that this bill will pass unanimously, and hopefully the same will occur in the other body.

Of course there is a great deal of discussion about environmental pollution these days, and I am glad that the American people have shown such great unity in meeting this crisis. But, in our efforts to eliminate environmental pollution, we should also make every effort to curb pollution of the mind by the merchants of pornography.

In the past couple of years I have written numerous letters to the Post Office Department expressing my concern about the mail system being used as a vehicle to distribute sexually offensive propaganda. However, Post Office officials have told me that, while they are anxious to clamp down on smut publishers, the various Supreme Court decisions tend to undercut their efforts.

In my opinion, the filth merchants have taken advantage of the confusion that has been created by the Supreme Court decisions in the area of obscenity by using every means available to them to peddle hard-core pornography through the mails.

I believe it is past time for Congress and the courts to get tough and break up the activities of these brazen dealers in lasciviousness. Heretofore, about the only penalties that the pornography pushers have received were a few mere fines and slaps on the wrists. However, once a dealer in pornography realizes that he is going to be subjected to a stiff prison sentence and high fines, he will think twice before making his product available to decent American citizens.

No one can convince me that anyone has the right to use the U.S. mail to exploit sexual sensationalism for commercial gain or to invade a person's privacy by filling his mailbox with filthy, pandering advertisements. I have received hundreds of complaints from justifiably irate parents whose mail contains items of sex-oriented materials, and in many instances children will open mail which only seems to be an advertisement. Tragically, most of the advertisements are not limited to a written description of the product for sale, they are also accompanied with candidly illustrated brochures which leave nothing to the imagination. I am convinced that the bill before the House today, should it become law, will be the first significant step by this Congress and the American people to crack down on the pollutants of the mind.

I hope it will be aggressively implemented by the responsible officials.

Then, adding one further word, if the gentleman will yield, the Government can only do so much, as the President has said. Perhaps we can shore up the dike a little bit, but ultimately the responsibility rests with the people. As the President said, when smutty indecent literature becomes no longer salable, when pornographic films cannot draw an audience, and when obscene plays draw empty houses, then the tide will have turned. The Government can maintain the dikes but only the people can turn back the tides.

Again, Mr. Chairman, I wish to commend the gentleman from Nebraska for his long, patient, persistent, and now apparently fruitful efforts.

Mr. DENT. Mr. Chairman, will the gentleman yield on that point?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. DENT. I understood the gentleman from Nebraska in the dialog with the gentleman from North Carolina (Mr. Mizell) when he asked you if a person who represented to the Postmaster General that he did not want to receive this particular type of literature to say that if he later received it from another mailer, he would have to go back and sign up again or notify the Postmaster General again. Is that correct?

Mr. CUNNINGHAM. No. What I said was that in present law if you or a minor received a piece of this smut material or pandering advertising, there is a form provided which you can send to your postmaster, which eventually gets back here, which says, "I demand that my name and that of my minor children be removed from the smut mailers list." Now, you may get another similarly objectionable piece of material and you would have to go through the same step again. However, this legislation before us today goes further. This says that you will be allowed to put your name on a register and you will never have to write in again. Your name or the names of your children will automatically be taken off of every list that contains this kind of material and you will never receive it.

Mr. DENT. In other words, the language on page 8 will be withdrawn. After 30 days the name is on a permanent list and no matter if the mailer of the literature is knowledgable of the fact that you are on the list or not, he is still liable. Is that the way I understand it?

Mr. CUNNINGHAM. That is correct.

Mr. DENT. That is perfectly all right. I want to compliment the committee for bringing this particular legislation to our attention. I am grateful for the action and hope one of these days other committees having to do with theaters and restaurants around the country will take the kind of action that is needed in that particular area where this very great violation occurs, in my opinion, to the morals of our country.

Mr. CUNNINGHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. McClure).

Mr. McCLURE. Mr. Chairman, I would like to join with my colleagues in commending the chairman of the subcommittee (Mr. Nix) the gentleman from Pennsylvania, for having conducted these hearings. He has been very diligent in holding the hearings and offering the necessary amendments to the proposed legislation to bring the matter to the floor at this time. Of course, the chairman of the full committee has been extremely helpful, also, in formulating this legislation and leading the way to the production of the legislation before the House.

Mr. Chairman, much has been said about the role played by the gentleman from Nebraska (Mr. Cunningham) in the long historical sequel of which this is this final chapter.

Now, Mr. Chairman, I would like to indicate very briefly that this is not the end of the road. This deals with only one very small segment of the total problem dealing with obscenity and pornography, but it is a realistic step forward. It is one step that we can take now. It is one that the courts have indicated is acceptable and represents another step forward, although certainly only just that, a step toward the goal which is not yet so clearly attainable.

Mr. Chairman, the legislature in my State this last year passed a new obscenity statute. They accepted the same kind of test that has been applied here because it has been tested by the courts. They used the same age limitation used under title II of this bill. Therefore, I think we are developing across the country a kind of generalized acceptance of the approach we are taking here today and actually which flows through the Nation.

Mr. Chairman, we have heard a great deal in the last few weeks about the deterioration of our environment. We are very concerned about clean water and clean air. We are concerned about the impact of human beings on the natural beauty surrounding us, but how much concern has been expressed about the deterioration of our moral environment? How many people have taken to the streets to let the rest of the people of this Nation know of their concern about what is happening to the social and moral values upon which we founded this Nation? Is this not more fundamentally important to us than the status of our water or our land, as important as they may be. It would do us no good to clean up our environment unless we also cleaned up the kind of social and moral environment in which our people live. This, again, Mr. Chairman, is a very significant step forward in that never ending and continuing battle, but it is not the end of the road but just another beginning.

Mr. Chairman, the question before the House, in discussing H.R. 15693, is whether or not the Congress can do anything to stop the smut mail traffic aimed at the 15-year-old market.

Vast quantities of material are sent each year by mass mailers. Examples of such material have been forwarded to every congressional office. I think this kind of thing has offended your staff, and it certainly has outraged the average American.

The filth merchants flood neighborhoods with either mail addressed "occupant," or with the names of young people gathered from stamp and record clubs.

The occupant mail is the easiest to send in mass quantities in the millions.

The youth mail is aimed at the curious youngster of 16 and under.

In this process of sending vast quantities of this type of trash, the mailer hopes to hook individuals on the pornography habit. If they get adults to respond, this legislation will not interfere.

It will, however, clamp down hard on the mailing of unwanted and unsolicited sexual and sadistic material to persons 16 years of age and under. I say unsolicited material because title I of the bill provides the smut merchant with a defense to criminal charges, if a youngster requests sexual or sadistic material, and claims he is an adult in an application for this kind of thing. The committee feels that in such a case, the problem is between the youngster and the parent. That leaves the mailer in the position of not deliberately sending material to children 16 years of age and under, under threat of criminal sanctions. This is not much of a burden for the mailer.

Title II of the bill makes up for whatever weaknesses are in title I of the bill in protecting juveniles. Title II is taken from a Presidential message on this subject.

It is a unique proposal. It enables the average citizen to list the name of himself and his children with the Postmaster General, and such listing within 30 days provides public notice to smut mailers that the families listed do not want to receive sexually oriented advertising which is defined in title I. This would not affect the legitimate advertising industry.

Title II provides for judicial court orders which will put a stop to the operations of smut merchants in the field and at the same time give an immediate hearing on constitutional questions, if there are any.

Mr. Speaker, my support for this legislation is primarily based on the belief that any person, and minor who he is responsible for, should have the fundamental right to protect himself and his family from the intrusion of obscene material through the mails. I strongly urge the approval of my colleagues on this immediate question.

Mr. CUNNINGHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. Hogan).

Mr. HOGAN. Mr. Chairman, as a cosponsor of H.R. 15693 and as a member of the Post Office and Civil Service Committee which today brings this bill before the House, I would like to add my voice to those who are urging its passage.

It is apparent from the tens of thousands of pleas which have been sent to the Post Office Department, the White House and the Congress by irate families that Congress must take further action against smutmailers.

My main concern and the area which I believe demands immediate action is the availability of this material to our children. The legislation before us today would prohibit the use of the U.S. mails for the sale, distribution, or delivery to minors of material offensive to prevalent standards in the adult community. It is imperative that we cut down on the market for the disseminators of this smut mail. We have gone much too far already when we stand by while 2-year-old children are used as models in some of this salacious literature as was revealed in last week's indictment of a local Washington smut-dealer. Hopefully, this legislation will so cut down on the peddler's prospective market that this vicious use of innocent children will be eliminated before it is allowed to degenerate any further.

Concerned parents in my district regularly write to express their disbelief and infuriation at the type of pornography available on the newsstands, at the theaters, and particularly being thrust into the home, unsolicited, through the mail. I receive such comments as:

> The pictures of items offered for sale were shocking to me . . . and I've been married 26 years. . . . Can nothing be done to stop this? Think of the effect on young people, or borderline mental cases, or psychotic persons, or just plain decent people. Please help if you can.

Mr. Chairman, this legislation will strengthen the hand of the Post Office Department in curbing the influx of this unsolicited literature into homes where it is unwanted and most objectionable. The provision in this bill permitting persons to inform the local post office that their mailbox is off limits for smut mailings before they receive any obscene mail is a refinement of present law under which persons can request that their names be removed from smut peddlers' lists after receiving such mailings.

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The limited authority of present anti-obscenity statutes will be extended by this legislation, but I wish to emphasize that this bill has been strictly constructed within the confines of constitutionality. The bill before us today reflects a concern for juveniles; for an assault upon privacy by a publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it; and a concern with pandering as defined in Ginzburg against United States.

As such, this legislation has a solid constitutional foundation as well as an overwhelming measure of citizen approval and I urge that this body respond to the public appeal and act favorably on the bill before us today.

Mr. NIX. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I appreciate the distinguished gentleman from Pennsylvania (Mr. NIX) yielding to me. I rise in support of H.R. 15693, a very important proposal to help eliminate the indiscriminate dumping of pornographic materials in the mails. It is absolutely a violation of all decency and moral principles for the American people to be subjected to this unsolicited and unwanted trash now being sent through the mails to households where in many instances some child opens the mail for their parents and finds this indecent literature. In some cases the envelope is addressed to the child having been taken from a mailing list.

Mr. Chairman, the people of the 21st Congressional District of southern Illinois are outraged as people from all over the country are, that Congress has not taken more action than we have in this field. The Supreme Court is to blame for much of the smut that is now going through the mails, by their adverse rulings.

Mr. Chairman, as we consider this legislation today I want to pay tribute to a friend and constituent, Mr. Don Michel, manager of radio station WRAJ, Anna, Ill., who launched a nationwide "stamp out smut" campaign in memory of the late minority leader in the Senate, Everett McKinley Dirksen. Senator Dirksen had sponsored legislation which I had the priviledge of cosponsoring in the House to give local courts the authority to determine once and for all what is obscene and pornographic, so the problem could be controlled locally and without interference from the Supreme Court. This legislation is pending in the House and Senate Committees on the Judiciary and I am hopeful that hearings can be scheduled on these bills.

Mr. Chairman, in closing I want to commend my friend the gentleman from Pennsylvania (Mr. NIX) and the full committee chairman, the gentleman from New York (Mr. DULSKI), the gentleman from Nebraska (Mr. CUNNINGHAM) and the other members of the committee for their hard work in bringing out the legislation before us. I am proud to be a cosponsor of this legislation and I know it will be another step in the right direction of cleaning up the moral pollution that is now prevailing in our country. Thank you.

Mr. NIX. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman. At the risk of being thought presumptuous I would like to break the monotony of this debate by coming to the floor to indicate that I have something less than "overwhelming enthusiasm" for the great and glowing success that this legislation is going to produce in curbing the distribution of harmful material to the young people of this country.

Mr. Chairman, I come to this floor with the greatest respect, as a member of the Post Office and Civil Service Committee, for both the chairman of the full committee the gentleman from New York (Mr. DULSKI), and for the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX) and for the gentleman from Nebraska (Mr. CUNNINGHAM) who so many people have referred to as the person who has worked the longest on this legislation. I have the utmost respect for their motivation in supporting this legislation and for the worthy motives that the legislation is intended to serve.

However, I do not believe it is quite fair to the American people or to the constituents of any of us to try to get them to believe that this bill is really going to have very much effect on the flow of the kind of material that everybody has been describing here, and that everybody has been viewing with horror.

For example, one of the things that bothers me about the legislation is that it directs itself only to the kind of material which the Postmaster General and his employees have access to. And, of course, this part bothers me more than anything else in that I think that we should regard the Postmaster General as the person with the prime responsibility for protecting the security of the mail. I believe that when I put a letter into the mail it is his business to see that it gets to the person I mail it to, and that it is none of his business what is in it. And I view with some concern anything that might indicate that we are going to change the head of that great transportation system known as the Post Office Department into a substitute for the Attorney General of the United States. He is not appointed because of his law-enforcement propensities or qualifications; he is appointed because he is supposed to understand how to run that big transportation system for the purpose of moving the mail. I think we confuse his purpose when we try to heap on him law-enforcement duties. We would be much more effective if we passed some of the legislation that is pending before the Committee on the Judiciary, that would absolutely prohibit the distribution of this kind of material no matter how it is distributed, whether through the U.S. mails, the Pony Express, floating down the river in a sack, or how it is done.

I see the distinguished minority leader from Michigan is on the floor. I noticed the other day on the floor that he had a copy of what he described in the RECORD of the proceedings as a "dirty" magazine that had not been mailed through the mails, but had been procured by purchasing it off a newsstand. I suspect that there are as many of my constituents who are disturbed about the material which our children have access to on the newsstands as they are the material that is coming into their homes through the mails.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I will be glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I might make this comment. It is my understanding that this particular magazine, Evergreen, primarily is procured by subscription through the mail. If these photographs which were associated with the article in the magazine are in the issue—that is the article by Justice Douglas—are indicative, it would seem to me, that this particular magazine might well fall within the purview of this legislation.

Mr. WILLIAM D. FORD. I am not at all familiar with the magazine. I have never seen a copy of it. But I understood that you got your copy from the newsstand and not through the mail.

I would like to ask the chairman of the subcommittee a couple of questions to establish some legislative history.

Mr. Chairman, is it the intention of this Committee in putting forward this legislation to confer authority on the

Postmaster General to in any way censor the content of mail under the guise of seeking out pornographic mail?

Mr. NIX. If the gentleman will yield, the answer is, "No."

Mr. WILLIAM D. FORD. Mr. Chairman, the answer is, "No, we do not intend to give the authority to censor"—or is the answer "Yes, we do"?

Mr. NIX. If the gentleman will yield, the answer is "No."

Mr. WILLIAM D. FORD. If in enforcing title I—and this deals with the nonmailability of material—is it the intention of this legislation that the Postmaster General or his employees will have authority by anything written in this act to exercise their individual discretion to determine what is or what is not pornographic material?

Mr. NIX. The answer again, if the gentleman will yield, is "No."

Mr. WILLIAM D. FORD. I thank the gentleman very much, and relying upon these assurances I will vote for the bill on its passage.

Although I find myself compelled to dissent from the committee's enthusiastic support of H.R. 15693, I also share their concern at the quantities of truly obscene material which finds its way into the hands of children or into the homes of those who find it objectionable. I am, however, equally concerned with the need to preserve and protect the individual's freedom to send and receive material protected by the first amendment without having to exercise that freedom in the shadow of heavy criminal penalties. We already have on our statute books adequate protection against the mailing of obscene material to adults. And while it may be necessary to have further legislation to govern the mailing of obscene material to minors, I have serious doubts about both the wisdom and the constitutionality of this bill.

TITLE I

The Supreme Court has ruled that obscenity falls outside the protection of the first amendment and can be barred from the mails. *Roth* v. *United States*, 354 U.S. 476, 1959. It has further ruled that a State may constitutionally prohibit the sale to minors of publications which would not be obscene if sold to adults. *Ginsberg* v. *New York*, 390 U.S. 629, 1968. The Court in Ginsberg altered the Roth standard, not by deleting or changing any of its three-part test, but only by holding that the test was to be applied with reference to the special characteristics of a minor.

In its review of this bill, the committee has revised the definitions of proscribed material which were used in H.R. 10867, so that the language now is similar to the language of the New York statute upheld in Ginsberg against New York, supra. The majority has, however, made one significant word change which makes H.R. 15693 substantially broader than the Ginsberg statute, and, in our view, renders it unconstitutional. In Ginsberg, the statute validated by the Court had as part of its standard the requirement that the publication be "utterly without socially redeeming value." Section 4011(c)(6)(C) of this bill requires only that the material be "substantially without redeeming social value." This seemingly small change drastically enlarges the scope of the prohibition, infringing upon the right to send and receive constitutionally protected materials well beyond the limits established by both Roth and Ginsberg. Moreover, the "substantially" standard is much less capable of precise definition, making it much more difficult for the publisher to ascertain the "dim and uncertain line" between obscene and nonobscene. *Bantam Books, Inc.* v. *Sullivan*, 372 U.S. 58, 66, 1963. This imprecision is precisely what the Supreme Court has rejected in dealing with the first amendment.

Even if section 4011(c)(6)(C) were revised to square with Roth and Ginsberg, the manner in which title I seeks to implement the banning of "obscene" materials to minors would still render it unconstitutional. There is a very significant difference between the present bill and the New York act validated in Ginsberg. In that case, the statute was aimed at face-to-face sales to minors. The seller could look at his customer and decide whether he was an adult or a minor, or at least whether it would be prudent to request some proof of age. Title I of this bill is aimed solely at sales through the mail. The publisher wanting to send out unsolicited mail is charged with determining whether minors live at the thousands of addresses on a mailing list.

Moreover section 4011 prohibits mailing this material not only to minors but also to any household where minors reside. Section 4011(b) establishes a presumption that all such mail is intended for a minor unless it arrives in a completely sealed envelope personally addressed to an adult residing at that address. In the first place, this presumption has no factual basis and as such will not survive Supreme Court scrutiny. See *Leary* v. *United States*, 395 U.S. 6, 1969. More importantly, because it will be totally impossible to establish with any certainty whether a particular household contains a minor, publishers already faced with the difficult task of determining whether a particular mailing falls within the prohibited categories will be forced to choose between ceasing all unsolicited mail to adults or limiting this material to that which is not obscene for minors, except where such material is specifically ordered by an adult. Adult readers will then be deprived of materials which are not obscene with reference to them and which, therefore, they have a constitutional right to receive through the mails. The Supreme Court has repeatedly held that protected material cannot be proscribed along with nonprotected material, even when the goal is protecting children from sexual material. *Butler* v. *Michigan*, 352 U.S. 380, 1957. The majority, in relying on the Supreme Court's decision in Ginsberg, supra, has ignored the Court's clear statement that the statute upheld there did not in any way impede sales to adults, 3990 U.S. at 634–35. That is not the case here, and, therefore, we do not believe that Ginsberg can be used to support the constitutionality of this bill.

The vagueness and uncertainties of coverage inherent in this bill are made more intolerable by the presence of severe criminal penalties. Violations of section 4011 will be punishable under 18 United States Code, section 1461 by $5,000 and/or 5 years imprisonment for the first offense and $10,000 and/or 10 years for subsequent offenses. The committee has attempted to overcome this problem by writing a scienter provision into the bill which gives the seller an affirmative defense if he reasonably believed the addressee to be an adult. Section 103 gives the seller a defense under a single set of circumstances—if a minor lies about his age, and orders some prohibited material. However, in light of the presumption in section 4011(b), a mailer could be prosecuted under section 4011 even though he had no idea—and no practical way to establish—whether a minor in fact resided at a particular address. See *Smith* v. *California*, 361 U.S. 147 (1959).

Furthermore, the mailer will be subject to these severe criminal penalties if he makes a mistake about whether a minor resides in a certain house or about whether a certain piece of material is prohibited. Because material "substantially" without redeeming value is proscribed, the line between obscene and nonobscene is enormously vague. Despite these ambiguities, prosecution and criminal penalties face the publisher who exercises his judgment incorrectly.

TITLE II

Section 4012 seeks to limit the mailing of sexually oriented advertising to those persons who have not objected to receiving them. Any person may inform the Postmaster General on his own behalf or on the behalf of any other person who has not yet attained the age of 19 and who resides with him or is under his care, custody, or supervision that he does not wish to receive sexually oriented advertising. Thirty days after a person's name is listed, anyone who mails such advertising to him is subject to criminal penalties of $5,000 and/or 5 years in jail for the first offense and twice that for each subsequent offense. Further, the Postmaster General has the power to go to court and obtain an injunction against anyone he "believes" to have violated section 4012, barring that person from sending and receiving such advertisements, even legally, and subjecting all of his outgoing or incoming mail to postal inspection, whether or not related to the advertisement. Unlike 39 United States Code 4009, which gives the sender a right to a hearing on the question whether he has violated the statute, this bill allows the Postmaster General to proceed on his belief alone. The court can impose these civil liabilities without any need to prove in a criminal trial that the person has violated section 4012.

In addition to the constitutional problems inherent in this procedure, we have some doubts about the wisdom of giving the Postmaster General these law enforcement functions when he is about to become the head of a business corporation. We should give further consideration to transferring these functions entirely to another Government agency.

Section 4012 proscribes the mailing of an enormous variety of nonobscene ad-

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vertisements. Section 1461 of title 18 of the United States Code already bans the mailing of obscene articles, nonobscene advertisements for such articles, and obscene articles. Moreover, 39 United States Code, supplement IV, 4009 already permits persons to stop mailing of pandering advertisements offering erotically arousing or sexually provocative matter to his home by giving notice to the Postmaster General.

Section 4012 goes well beyond these existing statutes. It is not limited to obscene advertising, or nonobscene advertising for obscene matter, but includes even nonobscene advertising for nonobscene matter. Its scope is virtually unlimited. Even the publisher who makes a careful judgment about a particular piece of his advertising, and sends it to a person on the list may still find himself facing stiff criminal penalties. We must keep in mind that we are not dealing here with the purveyor of hard-core pornography, but with the legitimate publisher who must make fine judgments about admittedly nonobscene advertising for nonobscene material in the face of harsh criminal penalties. Unfortunately we do not share the confidence of the majority of this committee that the Supreme Court will accept this result because of its decisions in *Valentine* v. *Chrestensen,* 316 U.S. 52 (1947) and *Breard* v. *Alexandria,* 341 U.S. 622 (1951), generally holding that advertising is entitled to less protection than noncommercial speech.

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Even the Justice Department appears to question whether criminal penalties can validly be imposed where the class of prohibited advertisements is so broad and undefined. In a brief in support of the constitutionality of the broadly worded 39 United States Code 4009, the Solicitor General relied heavily on the fact that no criminal sanctions could be applied to the mailer until a court order prohibited him from doing a particular act and he subsequently violated it. Government's Motion to Affirm in *Daniel Roman* v. *United States Post Office,* No. 309, October term, 1969, cited in "Hearings on H.R. 10867 before the Subcommittee on Postal Operations of the House Committee on the Post Office and Civil Service, 91st Congress, first session, ser. 91-92, p. 2 at 419 (1969).

There is no such requirement here and, therefore, the scienter required by the Supreme Court in *Smith* v. *California,* 361 U.S. 147 (1959), is unquestionably absent.

I am concerned as well about the enormous administrative burden which the bill would place on all publishers. Although each publisher has 30 days to obtain the name of each person who notified the Postmaster General, the statute in effect requires him to upgrade his list every day. Some publishers who would come within the scope of this bill, have mailing lists containing millions of names. The opportunities for mistakes, as well as the costs, are enormous. And noncompliance in even the smallest degree can result in criminal penalties. It would be far better to compile such a list on a monthly or quarterly basis.

The bill has other troublesome or confusing provisions. First, title II permits any person on behalf of any person under 19 who resides with him or is under his care, custody, or supervision to stop the sending of sexually oriented advertisements to his address. Unlike H.R. 10867 which was limited to a person's children under 19 who reside with him, H.R. 15693 would permit, for example, a school headmaster who supervises his students to attempt to control the mail they receive at school. This is unnecessarily broad authority for a statute which purports to be in support of a parent's desire to influence the mail his child receives.

Second, title II sets 19 as the age limit under which parents or others may assert control over the mail the minor receives. Title I, however, defines minor as a person under 17. We can find no logical reason for using different age limits in title I, and title II, and recommend, therefore, that title II be revised to exclude 18- and 19-year-olds from its coverage.

Third, section 1736 attempts to foreclose any claims that compliance with section 4012 violates the privilege against self-incrimination. The Supreme Court long ago held that immunity provisions can be substituted for the privilege against self-incrimination, long ago, but only if there is "absolute immunity against future prosecution." *Counselman* v. *Hitchcock,* 142 U.S. 547, 1892. As a practical matter, this is no protection at all against prosecution. Section 1736 is therefore inconsistent with the privilege against self-incrimination. Some have relied on *Murphy* v. *Waterfront Comm'n,* 378 U.S. 52, 1964, to justify this result. However, the Court has more recently cast doubt as to whether any protection less than absolute immunity from prosecution is adequate under the Fifth Amendment. *Stevens* v. *Marks,* 383 U.S. 236, 1966.

I believe this bill contains constitutional defects in its scope and operation. It is my view and I would prefer that congressional passage of antiobscenity legislation ought to wait until we receive the report of the Commission on Obscenity and Pornography sometime this summer. The problems caused by obscenity are not limited to use of the mails for its transmittal. When the commission publishes its report, I suspect we might find it desirable for the Post Office and Civil Service Committee to join with members of the Interstate Commerce and Judiciary Committees to act together on the recommendations of the commission.

Mr. MIKVA. Mr. Chairman, will the distinguished gentleman from Pennsylvania yield for a question?

Mr. NIX. I yield to the gentleman.

Mr. MIKVA. If the distinguished chairman or anyone else on the committee knows the answer, I would call your attention to page 7, lines 18 and 19. The section reads as follows:

> (a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postmaster General may prescribe.

That has to do with the mark or notice that the Postmaster General may direct people who mail sexually oriented advertisements to put on the outside wrapper or the envelope.

My question is—what function that mark or notice will serve, since it will, in fact, invade the privacy that I thought was being protected in other sections of title II?

Mr. NIX. The answer to the gentleman's question is—it invades no privacy.

That situation has never arisen. It is not contemplated that it will arise. I do not see how there can be any valid objection to it.

The only thing the section says is that any person who mails such material shall place his name and address on the envelope as the sender thereof.

Now you object to this, I take it?

Mr. MIKVA. That is correct.

Mr. NIX. And such mark or notice as the Postmaster General may prescribe.

Mr. MIKVA. Yes.

I am not objecting to the name and address. It is really as to the mark, and the question is—what function it will serve?

Mr. NIX. First of all, the assumption that you make is that something is going to be proscribed by the Postmaster General. There is no valid reason to make the assumption. The time to take it up is if and when such a mark is required. That mark, or whatever it is, offends against some rights that an individual has. As of this time, it is meaningless.

Mr. MIKVA. With all due deference, will the gentleman yield further?

Mr. NIX. I yield to the gentleman.

Mr. MIKVA. I would suggest if there is no specific function for it at this point, I am reluctant to give the Postmaster General the authority to force the sender to identify mail in some specific way. Specifically, let me give you an example that bothers me.

There are people who presumably like to receive this sexually oriented mail. This bill does not make that illegal. If they are entitled to receive it and they are receiving it via first-class mail, I see no reason why the Postmaster General should require the sender to put an "X" on this sexually oriented mail so that the postman or any snoopy neighbors might know that somebody is receiving it—if we are not making it illegal. Unless it performs some function, I would rather see that language removed. It seems to me, from the testimony we heard before my committee, that the Post Office Department could continue to function without such a provision in it.

Then, if at some later date there is need for some additional legislation, I would rather see them come to us at that time, rather than our now giving them a carte blanche to identify mail in some way which would invade the privacy of the recipient.

Mr. NIX. I appreciate the gentleman's concern. The committee discussed this matter. I can assure the gentleman his fears are groundless.

Mr. Chairman, I have no further requests for time.

Mr. CUNNINGHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, when approaching the problem of pornographic material being sent through the mails, it was studied with a view of drafting legislation to correct the situation, we tried to analyze all of the problems presented.

First, it appeared the problem became more acute as the Supreme Court continued to render decisions regarding the definition of "obscenity." In my research, I studied several of the leading cases of the Supreme Court and determined there is a great deal of confusion existing in the minds of the Justices as to exactly what constitutes obscenity. Therefore, it was concluded that the first step should be for Congress to define legislatively what is or is not obscene.

We started out on this premise and I do not look to the Supreme Court for any guidance in this area. Their decisions have brought on the problem; therefore, let us not look to the cause for the solution.

Having established what constitutes obscenity, we then examine existing laws regarding the use of U.S. mails that have been enacted by Congress and enforced by the Post Office Department regarding nonmailable material. Congress has, on other occasions, enacted legislation which defines specific items as nonmailable and the Postmaster General can apply to the various courts for permission to examine suspect mail and if he finds nonmailable items contained therein, he can refuse to accept them. Examples of this are the recent firearms legislation and legislation affecting surveillance material.

Since we have established a procedure which does work, it should be used as a guide for establishing the procedure to enforce the nonmailable provisions of existing section 1461 of title 18, United States Code.

Although there seems to be some thought that Congress may not have the right to regulate the use of the mails and by stretching some of the pornographic cases, attempt to bring the use of the mails under the freedom of expression definitions, I do not subscribe to this theory.

I do not find any ambiguity in the U.S. Constitution giving the U.S. Congress jurisdiction over the U.S. postal system, although I acknowledge that the Library of Congress has published a study dealing with Federal group defamation legislation in which they speculate on this matter. Specifically, under a study prepared by the Legislative Attorney, American Law Division, August 13, 1964, the following wording appears:

> While some of the earlier Supreme Court cases suggested that the use of the mails is a privilege to which Congress could attach such conditions as it chooses, more recent decisions have rejected this view. Today, the Court would probably agree with Mr. Justice Holmes who said: "the United States may give up its Post Office when it sees fit, but while it carries it on the use of the mails is almost as much a part of free speech as the right to use our tongues."

It is interesting to note this speculation is based upon the dissenting opinion, and other cases cited are equally divided between controlling and dissenting opinions.

I disagree with the conclusion reached by the Counsel and in my opinion, Congress has the right to regulate the use of the mails and may do so without the help of the Supreme Court.

Accordingly, I have prepared the bill H.R. 11815 in an effort to prevent the U.S. Government from being a participant in the dissemination of obscene and filthy material.

I exhibited some examples of material that have been forwarded through the mail, unsolicited, which, in my opinion, is not within the province of this Government to help distribute.

The purpose of the proposed bill I introduced to control pornographic literature being sent through the U.S. mails is to define what constitutes obscene, lewd, lascivious, pornographic material and to establish tests whereby the Postmaster General may apply these definitions to material submitted for delivery.

It is my purpose not to prosecute those depositing this material in the mail but to enable the Postmaster General to exercise the discretion given him by the Congress of the United States not to deliver such material and not to become a purveyor of filth such as the obscene, lewd, lascivious pornographic material described.

It is my opinion that persons or companies involved in the publication, distribution, and exploitation of this material will soon abandon their activities if they are denied the right to send it through the U.S. mails and to expect financial gain through this distribution media. The question of whether they have the right under the Constitution to publish it would not be an issue, in my opinion. It is well settled that the Congress can prescribe the limits of the operation of the Post Office and we have, on numerous occasions defined nonmailable material.

The Congress recently prohibited the mailing of handguns through Post Office facilities; it had previously pronounced dope, narcotics, barbiturates, to be nonmailable and, on other occasions, has prescribed surveillance and listening devices to be nonmailable items. Since it is within the power of Congress to define what shall or shall not be carried through the U.S. mails, I suggest that the nonmailable definition of "lewd, obscene, pornographic, lascivious material" be implemented by the right of the Postmaster to examine suspect mailings and if found to meet the tests of obscenity described in my bill, refuse to deliver or return such material. The depositor of such material would then have suffered a financial loss by reason of his publication costs, purchase of mailing lists, and the affixing of stamps, which would be forfeited when deposited in the U.S. mail.

In summary, I feel the best attack upon this type of activity is to limit the marketability through the use of mails and assuming any publisher desires to "legally" print and publish this material under the decisions as rendered by the Supreme Court, does not ipso facto give him the authority to mail it in the U.S. mails.

(Mr. THOMSON of Wisconsin (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in support of H.R. 15693 and urge its adoption because I feel we must take action to exclude certain nonmailable matter from the mails. I hope the House will pass this legislation by a unanimous vote.

Mr. McCULLOCH (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCULLOCH. Mr. Chairman, I am deeply troubled by the serious threat to the moral fabric of our society posed by the mountains of obscene materials which daily pour through the mails.

The purveyors of this smut do not respect the sanctity of your home or your time-honored right to privacy. They do not respect your right to protect your minor children from exposure to this material. They do not respect the human body; rather they defile it. They do not respect the need for decency and morality in America.

In fact, Mr. Chairman, the pornographers respect only one thing: the fast buck they get from plying their dirty trade.

Sensing the need to enact legislation to correct this most vexing problem, the President in May 1969 recommended to the Congress a program for a three-pronged attack on obscenity.

The first administration bill, H.R. 11031, of which I had the privilege to be the principal sponsor, is designed to help parents protect their minor children from obscene materials. H.R. 11031 would make it a crime to knowingly mail or transport in interstate commerce matter to persons under age 18 which describes or represents nudity, sexual conduct or sado-masochistic behavior, which is offensive to prevailing community standards concerning what is suitable material for minors and which is substantially without redeeming social value for minors.

The second bill, H.R. 11032, of which I also had the privilege of being the principal sponsor, is aimed at the mass of obscene and objectionable advertisements that are sent out indiscriminately in mass mailings by the purveyors of pornographic literature. H.R. 11032 would prohibit knowingly mailing or transporting in interstate commerce any advertisement or solicitation designed to appeal to a prurient interest in sex.

My good friend, the Honorable GLENN CUNNINGHAM of Nebraska, was the principal sponsor of H.R. 10877, the third bill in this antiobscenity package. H.R. 10877 would prohibit the mailing of any "sexually-oriented advertisement" to any person who filed with the Postmaster a statement that he desired to receive no such materials through the mails. This bill strikes directly at the problem of the unsolicited obscene advertisements which have flooded our homes.

H.R. 15693, the bill now before the House, is most laudable and deserves our support in that it contains two of the President's three proposals. Title I is a

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protection of minors provision based on H.R. 11031 and also on a New York State statute on the subject which was upheld as constitutional in *Ginsberg* v. *State of New York*, 390 U.S. 629 (1968). Title II of this bill contains the provisions of H.R. 10877 almost verbatim.

Mr. Chairman, the problem of pornography will not go away by itself; we must pass effective and constitutional legislation to root out this evil in our midst. H.R. 15693, on which the Committee on Post Office and Civil Service has labored long and hard, represents a constructive legislative approach. The control of pornography sent through the mails, unsolicited or to minors, is an idea whose time has long since come. It is in fact long overdue. I therefore strongly urge the adoption of H.R. 15693.

(Mrs. REID of Illinois (at the request of Mr. Cunningham) was granted permission to extend her remarks at this point in the Record.)

Mrs. REID of Illinois. Mr. Chairman, as the sponsor of a similar bill—H.R. 9372—I am glad to give my support to H.R. 15693, to protect minor children from receipt of unsolicited obscene materials through the mail. I find it very encouraging that legislation against pornography has been brought to the floor of the House and that it is high on the list of priority measures for final enactment during this session.

There is no question that most Americans are deeply irritated by the outpouring of filth which bombards their homes. Who among us has not received numerous letters from constituents urging that we take new initiatives to control the dissemination of indecent materials? Another indication of the enormity of the problem is reflected in the fact that well over one-half million persons have filed complaints with the Post Office Department in the last 3 years specifically objecting to obscene mailings.

Pornography peddlers have literally solicited thousands of decent families around the United States right in their own homes. Often families have received in the mails plainly addressed envelopes containing unwanted sex-oriented literature. The primary purpose of the mailing is to sell even more objectionable pornographic material. Sometimes the peddlers seek legitimacy by comparing their so-called "literature" to the volumes in the Vatican library and the British Museum. When received, it could be opened by the youngest, most innocent child in the home.

The time has come to act decisively in stamping out the menace of pornography in our Nation. The Supereme Court in recent opinions has indicated a constitutional basis for legislation on the subject of obscenity and the protection of the privacy of those mail patrons who do not want to receive sex-oriented advertising. Thus, in reporting H.R. 15693, the Committee on Post Office and Civil Service has acted to solve the problem created by mass mailings of obscene materials to minors and the mass of unsolicited sexually oriented advertisements going through the U.S. mails. At the same time, the legislation presented for consideration should not have any difficulty in meeting the standards of constitutionality

The penalties provided in this measure—$5,000 fine and/or imprisonment for 5 years for first offense and $10,000 fine and/or 10 years for second and subsequent offenses—should provide a clear deterrent to assure that our youth are protected from degenerate matter. The Supreme Court has very specifically set out an area in which legislation is valid, and, in my opinion, necessary, and I would urge the Congress to move swiftly in enacting H.R. 15693.

(Mr. McKNEALLY (at the request of Mr. Cunningham) was granted permission to extend his remarks at this point in the Record.)

Mr. McKNEALLY. Mr. Chairman, I rise in support of H.R. 15693, a bill to exclude from the mail a special category of obscene material to protect minors. It is similar to my own bill, H.R. 7484.

My office has been deluged with complaints from horrified parents. In each instance the pornographic material received by the children was enclosed. I can report to you, Mr. Chairman, that a civilized man viewing the material would have to report his puzzlement about the prolonged discussion of what really is obscene. If the pictures of sexual perversions calculated to excite and at once appall their viewers are not obscene then it is high time that we invented a new word. The purveyors of this are aware that they are doing something hideously wrong but their interest in money countervails. What do they care about the ruination of youth provided they make money. The decisions of the Supreme Court have played precisely into their dirty hands. It is high time that this House did something about it.

A nation would be manifestly insane if it failed to take proper steps to protect its children against the corruption of their minds and their souls. We hear much talk of the pollution of the atmosphere—a good deal of emotion charged chattering and condemnation. We behold marches and demonstrations and protestations of pollution in the air and water. We have even been told that the environment must be protected against the birth of children. There is abuilding a great campaign, a great crusade, if you please, by which our country will be rescued from the evils of pollution. From all of these orators and all of these singers and all of these marchers, I have not heard one word directed toward curbing those of the evil pornography industry which seeks to pollute and to render vile the minds and personalities of our youth. How hypocritical can people be? We have doomsayers who have not any idea what real doom is.

This bill is the long-awaited one directed to forestall the real doom of our youth. The time was when the normal restraints of the people of this country would prohibit the growth of the pornographic industry. With the new permissiveness, the breaking loose from our moral moorings, with the curious development among our various religious denominations which seems to have traded religious injunctions for sociological patterns, we now must take to the law to protect us. The bill under consideration seeks to fill in a gap between self-restraint and no restraint. If we fail to fill that gap, we have betrayed our youth. I urge the support of this measure.

(Mr. DERWINSKI (at the request of Mr. Cunningham) was granted permission to extend his remarks at this point in the Record.)

Mr. DERWINSKI. Mr. Chairman, the salesman who puts his foot in the door and makes his sales pitch may be convinced that he has made a mistake if the door is slammed on that foot.

Smut mailers put their foot in the door by filling the family mailbox with constant persistent, unwanted, and unasked for sexually oriented material. What is worse, many of them aim their material at those 16 years of age and younger. The smut mailers are persistent because they know that with repeated mailings they may be able to get past alert parents.

The mailbox has to be shut to unwanted and uninvited material directed at the curiosity of youngsters and as an attack on the privacy of adults.

H.R. 15693 does this in two ways: It forbids the mailing of material harmful to minors which is defined in terms of obscenity directed at minors, and which has been called variable obscenity by commentators. The theory of variable obscenity by the way was a concept which originated with Chief Justice Warren.

In title II of the bill, which is in accord with a Presidential request, a registry is set up which will allow American adults to list their names and the names and addresses of their children with the Postmaster General so that after 30 days, smut mailers are on notice not to forward sexually oriented advertising to the named persons. This title has two sanctions, judicial civil sanctions or court orders and criminal penalties. The cost of maintaining the list would be borne by the mailer.

I believe that the American people should be able to demand from the Congress, the only body that can control the postal system, reasoned action. I strongly urge the approval of this legislation.

(Mr. PELLY (at the request of Mr. Cunningham) was granted permission to extend his remarks at this point in the Record.)

Mr. PELLY. Mr. Chairman, it has been said in the Seattle, Wash., area, and throughout the country by postmasters, that they simply do not have the legal authority to do anything about pornography, the circulation of which has increased so much in the mails recently. The Postal Department's only weapon is to have the addressee fill out a form authorizing the Post Office to send a prohibitory order to the mailer ordering him to remove their names from his mailing list.

This situation led me to introduce legislation in the first session of the 91st Congress to help cure this situation.

But, now we are considering a bill that goes well beyond my legislation, and I rise to support it.

Mr. Chairman, it is contrary to the public policy of the United States for its Post Office Department to be used as an

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instrument for the distribution of such sordid materials to persons who do not want their privacy to be so invaded or who wish to protect their minor children from exposure to such material.

I urge my colleagues to support this bill and hope that it will halt the practice of using the mail system to peddle filth; a practice which, as I said, has increased so alarmingly in recent months.

(Mr. PRICE of Texas (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Texas. Mr. Chairman, I rise in support of H.R. 15693, and I commend my colleagues on the Post Office and Civil Service Committee for their diligent work and interest in this vital area of obscenity control. The bill before the House today directly attempts to solve the problems created by obscene materials presently being mailed in large numbers to minors. It also attempts to solve the problems created by the mass of unsolicited, sexually oriented advertisements that flood the mail.

In my opinion, few evils in American society today provide cause for more widespread alarm than does the ever-increasing flood of obscene materials that is engulfing communities across the land. An indication of the magnitude of this menace is seen in the fact that the smut industry is publishing obscene materials whose sale will gross $500 million and $2 billion this year. Contrast this, if you will, to the sales of the chief public publishing house, the Government Printing Office. It will only sell an estimated $17 million worth of printed materials this year.

The public reaction to the rising tide of obscenity is demonstrated by the growing numbers of citizens throughout the Nation who are turning to the Federal Government for relief. In fiscal year 1968, the Post Office Department received over 167,000 complaints about obscene mail. During the first 11 months of fiscal year 1969, the Department received more than 200,000 such complaints. The Post Office also reports that while over 200 firms are engaged in peddling smut, it is estimated that over 95 percent of all obscenity complaints received by the Department result from the direct mail advertising of perhaps 16 major promoters. These unscrupulous purveyors of filth have adopted mass mailing techniques, and obtained mailing lists from such innocent sources as postal patrons lists and high school honor rolls.

Mr. Chairman, the most tragic aspect of this problem is the effect that it is having on our Nation's youth. More than 1 year ago, J. Edgar Hoover, Director of the Federal Bureau of Investigation, warned:

> It is impossible to estimate the amount of harm to impressionable teenagers and to assess the volume of sex crimes attributable to pornography, but its influence is extensive.

In this connection, FBI statistics show that sexual violence is increasing at an alarming pace. Mr. Hoover also reports that pornography in all its forms is a major cause of sex crimes, sex aberations, and sex perversions. More recently, the Senate Subcommittee on Juvenile Delinquency, as a part of its continuing investigation into the causes of youth criminality, reported:

> The moral fiber of the country is being undermined by a deluge of vile and filthy books, pictures and other pornographic materials. Worst of all, up to 75 percent of it falls into the hands of minors.

I believe that Congress has the clear responsibility and duty to enact legislation to halt the flow of obscene materials into the homes of America. In my view, the best way to accomplish this is by closing the mails and the facilities of interstate commerce to smut peddlers. If the mails and facilities of interstate commerce are close to them, they will no longer be able to distribute enough material to make their operations profitable.

In an effort to rectify this deplorable situation I have introduced bills to stop smut merchants from sending unsolicited obscene materials through the mails, to give minors new protection from obscene materials, and to provide stiffer fines and prison sentences for offenders. In addition, I have testified in behalf of these bills before the Post Office and Civil Service Committee when they held hearings on the issue of obscenity control.

I am most gratified that the committee has adopted some of my suggestions and incorporated them into H.R. 15693. Although this bill is by no means a cure-all, it does represent an effective first step in asserting appropriate Federal regulations in this vital area. Accordingly, I urge my colleagues to join together in a nonpartisan spirit and support this legislation.

(Mr. KING (at the request of Mr. CUNNINGHAM) was granted permission to extend his remarks at this point in the RECORD.)

Mr. KING. Mr. Chairman, I rise in support of this legislation and commend the committee and its members for bringing this legislation to the floor. I do, however, feel that is only a small step in the long road that we must take to totally and completely obliterate this type of material from the mails.

A citizens' revolt is growing against the torrent of obscene materials pouring into every home in our country. Pornography has become a multimillion-dollar racket, invading homes of many, unasked and unwanted. The community standards of our people are affronted by an aggressive campaign of commercial exploitation, conducted from a few well-identified production centers.

A particularly vicious aspect of this racket is that it preys upon inexperienced young people at the very time of their character formation. By invading the home, it attacks the family bond, subverting the principles of morality that decent parents are trying to instill in their children. Pornography threatens to leave impressionable youngsters scarred with a distorted sense of values.

In the large part, the onrush of pornography has been released by a long series of U.S. Supreme Court decisions that have overturned determinations of obscenity. By turning these people loose, the Supreme Court has given them license to impose their degradation upon the rest of the community.

I believe the bill we are considering today is a step in the proper direction toward the regulation of obscenity and the violation of the privacy of the American home, and I am pleased to enthusiastically support it.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, I would like to add my support to H.R. 15693, similar to a bill I introduced, which would prevent the bulk of unsolicited, unwanted, and deeply offensive material from being sent to our homes through the U.S. mail.

The thrust of the legislation is to protect our children and our homes from invasion by this salacious material. By putting the publishers of this literature on notice that they can no longer send such pandering to our homes, we will insure the privacy to which our families are entitled.

Of course, such booklets and advertisements, while offensive, may be discarded by us, but the formative young may be adversely affected by this obscene material. It is they who we seek to protect. The relationship between man and woman should not be perverted for the purpose of lining pockets.

The complaints I have received from my district point out correctly that the material is designed for one purpose—to appeal to prurient interests for profit.

We must—and I am confident we will—find in this Congress a solution to the serious situation presented by the wholesale mailing of smut and this legislation is in the public interest.

Mr. CUNNINGHAM. Mr. Chairman, I will close by saying again only this, that one of the great men of this Nation was the real backbone in getting this problem of smut moving through the mails and this smut problem in general solved. I am referring to our beloved Speaker, because I know in the early days and until this very moment he has been tremendously interested and he has done a great deal to bring into being the accomplishments we have already and has assisted in accomplishments we hope to bring into being in the future.

Mr. BOLAND. Mr. Chairman, I want to express my support for this legislation to prohibit the mailing of pornography to children 16 years of age and younger. Drafted with care and precision, this bill answers a pressing need. Pornography—hard-care pornography of the most sordid kind—is a growing menace to this country's youth. I want to emphasize that I am not talking here about conventional girlie magazines or book club novels. I am talking about material that anyone, no matter how conservative or how liberal, would consider plainly and patently obscene.

Exploiters of sex and sensationalism are almost literally flooding the mails with advertisements for such smut—advertisements directed mainly at children. The neighborhood postman is delivering these wholly unsolicited ads to boys and girls as young as 12—sometimes younger. Parents are astonished to find their children reading booklets and scanning photographs dealing with the most bizarre sexual perversions.

One mother, a woman from my home city of Springfield, Mass., sent me an advertising pamphlet her 12-year-old son received in the mail. It contained a series of photographs bluntly showing a man and woman locked in almost every conceivable kind of embrace. Parents are justifiably alarmed about pornography that intrudes unwanted into their homes. Protest mail to the White House and the Congress is reaching unprecedented proportions.

The legislation now before us, quite similar to a bill I introduced early in this Congress, would shield children against unsolicited hard-core pornography without jeopardizing our most precious constitutional right—the right to freedom of speech. The Supreme Court has upheld the constitutionality of laws protecting children against pornography—just as long as such laws meet certain rigorous judicial tests. H.R. 15693 meets these criteria. It explicitly defines pornography, eliminating the hazy muddle of words the Supreme Court has found too vague in many obscenity statutes. It would close the mails to nothing but unsolicited hard-core pornography devoid of redeeming social value. And it would close the mails only to the smut directed at minors—children 16 or younger who did not request such material in the first place.

Another provision of the bill would bar the delivery of pornography to any person—no matter what his age or status—who has signed a post office form requesting that such mail not be delivered. There is no question, of course, about the constitutionality of this provision. It merely honors the specific, written request of people who do not want pornography entering their homes.

This legislation would strengthen our rights rather than weaken them.

It would keep the smut marketplace out of our homes.

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Mr. OLSEN. Mr. Chairman, the American who opens direct mailed advertisements containing pictures of homosexual activity and addressed to his son is an angry American. He has a right to be. An American wife who opens up direct mail advertising addressed to her husband depicting unnatural sexual intercourse is shocked and she has a right to be.

These Americans, and the vast majority of Americans need some protection of their privacy. They need protection for their children, especially those 16 and under. They have a right to ask Congress to act. I believe that they have in a truly astonishing outpouring of constituent mail.

There may be those in the publishing industry who because they are afraid that Congress or State legislatures will in the future look into their activities, will oppose this and any legislation that threatens even indirectly the smut dollar.

I say to them that this bill does not threaten or regulate them. It is a bill aimed at direct mail advertising only and their fears do not count in the balance against the wrong being done American families. The person who buys a book does so on his own volition. When he reads, he may not buy another like it or he may seek out such material.

The distinction here is clear that for the most part direct mailings are sent in response to requests. They are an involuntary invasion of the home.

The bill is divided into two parts. Title I is based on the New York State statute which has been upheld by the Supreme Court of the United States in Ginsberg against New York, a statute that was directed against magazine sales. We are dealing with much more serious situations in the direct mail problem. Criminal penalties are provided under title 18.

Title I is strictly drawn in that it is restricted to the protection of those 16 years of age and under.

It substitutes the word "substantially" for the word "utterly" in the so-called social value test. The social value test is only upheld by one judge on the Supreme Court today, Justice Brennan. Nonetheless, the test remains but in a reasonable form, striking the word utterly which means absolutely and substituting the word substantially.

Title II provides a registry by which Americans can list their names and addresses with the Postmaster General under reasonable administrative controls. After 30 days criminal penalties will apply to those who ignore this notice.

There may be those who will say that this will be expensive for direct mailers. Judging by the past performance of the Internal Revenue Service that sold gun registration lists of 140,000 names for $140, the cost should not be too great because complaints to the Post Office Department have hovered around a figure of 250,000 a year for some time.

I think those who attack this bill are matching the dollars of a few unscrupulous mailers against the welfare of children and the privacy of adults.

Because this bill has been carefully drawn to survive any constitutional test, I ask my colleagues to support it without amendment lest the constitutional balance in the bill be lost.

This is a difficult area. This is a good bill. I ask the House to support it.

Mr. POFF. Mr. Chairman, I am profoundly disturbed by the grave threat to the moral and social fabric of our Nation posed by the mass of pornography which pours through the mails and travels, it would seem, almost unhindered across State lines in interstate commerce.

President Nixon in May 1969—almost a year ago—proposed to the Congress a three-pronged assault on the pornographers and their product.

The first proposal, embodied in H.R. 10877, would prohibit the mailing of any "sexually oriented advertisement" to anyone who, for himself or on behalf of his minor children under age 19, files with the postmaster a statement that he desires to receive no such materials through the mails. This proposal, with minor changes, is contained in title II of the bill now under consideration, H.R. 15693.

The second administration proposal, introduced as H.R. 11031 and referred to the Judiciary Committee, is designed for the protection of our minor children. This bill would make it a crime knowingly to mail or transport in interstate commerce to minors matter which is "harmful to minors," defined as matter which describes or represents nudity, sexual conduct, or sadomasochistic behavior and which is offensive to prevailing community standards concerning what is suitable material for minors and is substantially without redeeming social value for minors. Knowingly mailing or transporting in interstate commerce to minors matter containing advertisements for such material or information would also be made illegal.

Although title I of H.R. 15693 is a laudable attempt to deal with the problem of protection of minors and deserves support, it falls short of the broader scope and coverage of H.R. 11031 in certain crucial respects:

First. Most importantly, H.R. 15693 applies only to the use of the mails, rather than to all instrumentalities of interstate commerce.

Second. A minor is defined as one under age 17, rather than age 18 as in H.R. 11031.

Third. The definition of "harmful to minors" in H.R. 15693 requires that the material appeal to the "prurient interest" of minors, thereby possibly allowing certain materials to escape coverage.

Fourth. The criminal penalties in H.R. 15693 are a $5,000 fine or 5 years in jail for the first offense and $10,000 or 10 years for a subsequent offense, as compared with the penalties in H.R. 11031 of $50,000 or 5 years for the first offense and $100,000 or 10 years for a subsequent offense.

The President's third proposal, introduced as H.R. 11032 and also referred to the Judiciary Committee, would make it a crime knowingly to deposit in the mail or transport in interstate commerce an advertisement designed to appeal to a prurient interest in sex. This bill would strike directly at what is probably the most troublesome aspect of this whole problem of pornography: the millions of obscene advertisements sent, unsolicited and unwanted through the mails into people's homes by the panderers and profiteers of filth who buy mailing lists and indiscriminately send out mass mailings to all persons on these lists.

Unfortunately, none of the provisions of this most important bill, H.R. 11032, are contained in H.R. 15693.

It would be my strong desire, Mr. Chairman, to offer an amendment to the bill now before the House, which would replace title I with the language contained in H.R. 11031 and H.R. 11032. Unfortunately, I am precluded from offering such an amendment by the rule of germaneness.

Under the rules of the House, the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill. Under the precedents, an individual proposition may not be amended by another individual proposition even though both belong to the same class. The thrust of title I of H.R. 15693 is the protection of minors by the regulation of the distribution of materials unsuitable for minors, while H.R. 11032 protects adults as well as minors and is aimed at a particular type of advertising. The language of H.R. 11032 would therefore not be germane as an amendment.

More important is the rule that a specific subject may not be amended by a provision general in nature. Thus, to a bill relating to all corporations in interstate commerce, an amendment relating to all corporations was held not germane—"V. Cannon's Precedents," section 5842. Under this rule, the language of both H.R. 11031 and H.R. 11032 would not be germane because these bills cover the general class of all instrumentalities of interstate commerce rather than just a single category within that class, use of the mails, as does H.R. 15693.

Mr. Chairman, I deplore the fact that the rule of germaneness will prevent all of the President's antiobscenity package from being considered by the House today. I can only hope that this urgently needed legislation will soon be favorably reported by the Judiciary Committee.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 15693, a bill to protect minors from hard-core pornography and to safeguard the privacy of families who do not desire to receive sexually oriented mail.

The legislation before us today, which is similar to my bill H.R. 4591 introduced on January 27, 1969, has been carefully drafted to safeguard the constitutional guarantees of freedom of speech and expression. As such, it conforms with the most recent Supreme Court decisions in this area, is directed to the protection of children, and sets forth clearly the materials which may be prohibited from the U.S. mail.

Specifically, the bill will prohibit the mail order sale of obscene materials to children under 17. In addition, families with minors will be permitted to request that no sexually oriented advertisements be mailed to their homes. Fines of up to $5,000 and prison terms of no more than 5 years are provided for first time violators.

H.R. 15693 is a clear improvement over earlier anti-pornography legislation. For example, the Anti-Pandering Act, enacted into law during the last Congress, provides only parital protection from obscene mailings. Under that statute, the burden of enforcement is placed primarily upon the innocent recipient of pornography who may take action only after the objectionable mailing has been received in his household. Thus, the act does not serve as a deterrent to a first-time unsolicited mailing and its sole penalty for the smut merchant is loss of a name from his mailing list.

Mr. Chairman, this problem is national in scope. During 1968 the Post Office Department received over 165,000 formal complaints from recipients of obscene materials. Most came from shocked and concerned parents of school age children. Throughout my tenure in the Congress, I have received numerous communications from harassed constituents regarding the use of the U.S. mail to bring filth and obscenity into their homes. In recent years I have noted with consternation that these legitimate complaints are increasing as the flood of pornography through our Nation's mail reaches unparalled proportions.

H.R. 15693 will enable parents to protect their youngsters from hard-core pornography without endangering our precious freedoms. I urge its favorable consideration by the House.

Mr. MURPHY of New York. Mr. Chairman, I recently cosponsored a measure in the House, a revised bill, prepared and introduced by my good colleague (Mr. DULSKI) which incorporated various proposals to combat the spread of hard-core pornography.

As many of you closely associated with this problem are aware, our most critical consideration is to draft legislation that will stand court scrutiny. The bill under discussion has the benefit of court experience by legislation enacted sometime ago by the State of New York. We would extend the New York law approach to all 50 States as well as to impose other restrictions on smut peddlers.

We are aiming at special categories of mail. In particular, we are seeking to put the burden on the senders to make it unlawful, as well as very unprofitable, to send obscene material to homes in which reside children who are under the age of 17.

Not only do I know about these mailings because of the many complaints I have received, but also because of the fact such a mailing was made to my own home last year. And I have minor children.

In a previous Congress a law which permits householders to demand that their names be removed from mailing lists of those who have sent them objectionable material was passed.

This law is one approach and the postmasters around the country have received thousands of requests for names to be removed from mailing lists.

But this law is not enough simply because it applies after the fact. You cannot make the request until after you get the first mailing. So far as I am concerned—and my view is widely shared—I want to stop the first mailing as well as the subsequent mailings. This new bill would do just that, with penalties for those smut peddlers who violate the law.

An important part of this bill is the detailed specification of what is considered obscene. Hopefully, this will make clear in law what we are concerned about and thus will overcome legal fights as to what Congress means by obscene material.

Besides protecting those homes where minors reside, the new legislation also would provide protection for those who simply do not want to receive any sexually-oriented advertisements.

The bill provides for the Post Office Department to maintain a list of such individuals and then the mailers are made responsible to see that they do not send any objectionable material to those persons.

As you can see, this is one step beyond the present law. It is designed to protect our citizens against the first mailing, as well as against subsequent mailings.

Smut is a big business activity today. It involves a lot of money and produces high profit. It is no small-time operation. The operators can afford the finest legal talent and can justify going all out to thwart legislative efforts to curb their activities.

Mr. MESKILL. Mr. Chairman, I want to speak out in strong support of H.R. 15693, a bill which I have cosponsored in order to curtail the offensive intrusion into private homes of sexually oriented mail.

The proliferation of frankly obscene material—printed matter, photographs, advertisements and the like—has reached such proportions as to be considered a national scandal.

Much of the material is now mailed—unsolicited—into private homes and does not qualify even under the Supreme Court's liberal Roth decision as having the smallest iota of "redeeming social value." It is plainly and unequivocally of the most sordid prurience and is offensive to both individual privacy and common decency.

It is, Mr. Chairman, time to deal with the unsolicited dissemination of obscene material through strong legislation.

The bill states, and I wholeheartedly agree, that the Congress finds "that it is contrary to the public policy of the United States for the postal facilities and services of the United States to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material."

Detailed explanations of the bill have been presented and so I want to direct my remarks to my reasons for cosponsoring and supporting it.

There are some who maintain that the unrestricted sale of pornography is harmless, or even conducive to decreasing sexual looseness and violence. I do not believe that substantial research has been conducted which can prove the validity of this point. Even greater is my concern, however, with the increasing frequency with which unsolicited pornography is finding its way into individual households.

Such activity is clearly an encroachment upon the privacy of millions of American citizens, and furthermore, a blatant misuse of the function of the Post Office. It is intolerable that this offense be allowed to continue.

As an example of the degree to which the mailing of objectionable material has become a national problem, I cite recent Post Office Department figures: During the first 10 months of fiscal year 1969, the Post Office Department received 200,000 complaints from recipients of unsolicited, sexually oriented materials.

And while the laws currently on the books have allowed some action by the Post Office Department and the Department of Justice in allaying this flow of filth, the available statistics clearly indicate the need for more stringent laws.

President Nixon said last year:

> There are constitutional means available to assist parents seeking to protect their

children from the flood of sex-oriented materials moving through the mails. The Courts have not left society defenseless against the smut peddler; they have ruled out reasonable government action.

I suggest that H.R. 15693 constitutes not only "reasonable Government action," but urgently necessary rectification of the current disgraceful situation. Both the well-being of minor children throughout the country and the inviolability of household privacy demand Government response to curb the appalling influx of pornographic materials where they are neither asked for nor desired.

I urge immediate passage of H.R. 15693—we can afford no further delay.

Mr. LONG of Louisiana. Mr. Chairman, the right of the individual to protect himself and his family from violent assault, especially in his own home, cannot be denied, not by the Congress nor by the Federal courts. Yet today millions of Americans are prevented from establishing this protection for themselves and their children from the vicious assault of pornographers, both domestic and foreign, upon their spiritual and intellectual freedom. These assaults, especially those upon innocent children, are deeply affecting the peace and tranquillity of our homes. This situation is a profound commentary upon the viability of democratic government, when we have not already moved to provide adequate protection to both parents and children. I believe we must act now to prevent this intellectual violence.

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With this in mind I introduced H.R. 11722, the purposes of which have been incorporated in H.R. 15693, introduced by Chairman DULSKI and others, to exclude from the mails certain material offered for sale to minors and to protect the public from the offensive intrusion into their homes of sexually oriented mail matter.

Mr. Chairman, I am in complete agreement with this bill, and I will wholeheartedly support it. I urge the House to consider it favorably on final passage.

Mr. CHAMBERLAIN. Mr. Chairman, I rise in support of H.R. 15693, which would provide for the protection of minors and of the right of privacy from sexually oriented mail.

Hardly a day goes by without my mail bringing another protest from someone who has received advertising mail which the recipient considers obscene. Last year, President Nixon recommended that additional steps be taken, and to urge action I joined in sponsoring this legislation.

Specifically, this bill would prohibit the use of the mails to sell pornographic material to persons under 17 years of age. This section is patterned after a New York State law whose constitutionality was upheld by the U.S. Supreme Court in 1967.

In addition, the bill also permits persons, whether they have ever received such mailings before or not, to place their name on a do-not-send list maintained by the Post Office. This is designed to protect against offensive first mailings and thereby extends the present law, which currently deals with only second and repeated mailings by the same sender.

Violation of either of these sections carries first offense penalties of up to a $5,000 fine, or 5 years in jail, or both.

Under present law, mail patrons can take steps to curb the flow of offensive sex-oriented advertisements into their homes under the provisions of the Pandering Advertisements Act that became effective in April 1968. This law provides that a person who receives through the mail a pandering advertisement for "erotically arousing or sexually provocative" material may obtain an order from the Post Office directing the mailer to stop sending him further materials.

The Post Office Department has reported that approximately 350,000 prohibitory orders have been issued against mailers at the request of postal patrons since the law went into effect.

The increased enforcement activity by the Post Office and Justice Departments in this field, which in recent months has resulted in some 29 Federal indictments against smut peddlers is encouraging, and I believe these additional measures will help as well.

There is no reason why we have to tolerate this "pollution" of the mails and our homes.

I commend the Committee on Post Office and Civil Service for its action and urge passage of the bill.

Mr. WRIGHT. Mr. Chairman, I rise in support of this bill, and I earnestly congratulate the committee upon its draftsmanship and presentation.

Early last year, in response to numerous expressions from citizens in my own area, I introduced a bill embodying many of the identical provisions which are incorporated in the bill presently before us.

In recent months a tidal wave of obscene and pornographic advertising has been flooding our post offices. Fly-by-night promoters are sending out carload upon carload of utter filth, flagrant advertisements promoting shoddy sex films and photo publications.

The mailing pieces pander to raw sex in almost every conceivable form—perversion, sadism, masochism, and some grotesque fixations for which there probably is no polite name. More and more Americans are finding such horrors in their mailboxes.

Featuring lurid photographs which leave absolutely nothing to the imagination—and sometimes crudely flaunting the ugly little four-lettered words which most boys quit snickering over in about the fourth grade of school—these sick and offensive advertisements are being sent, wholly uninvited, to entire mailing lists of homes and offices. Often the outer envelope gives no clue as to its contents.

Most of us do not want our children, or the ladies who open mail in our offices, exposed to this sort of depravity. Neither did most of the growing thousands who have received such trash lately.

Yet there it is one day—right there in your mailbox, right at the portal of your home—sometimes even addressed to your children or teenagers.

When an outraged family complains to me about receiving such a mailing, I send the offending advertisement to the Postmaster General for appropriate action under one of the five antipornography statutes we have passed since I have been in Congress. Almost invariably now, the reply is that the Federal prosecutors do not think they could obtain a conviction against the mailers in light of recent court rulings on the definition of obscenity.

In attempting to define what is and is not obscene, the courts have let down the barriers as never before. In the view of some of our courts, apparently nothing can be legally described as "obscene." Today, almost literally, anything goes.

Well, whether legally obscene or not, some of the stuff now going through our mails is the nastiest and most nauseating I have ever seen. I am a grown man, and no prude. But some of these perverted sex advertisements would make a marine top sergeant blush. They are produced by depraved minds, to prey on sick minds, for profit.

Obviously, something needs to be done. It simply is not right for America's millions of decent and healthy families to be rendered absolutely defenseless against the unwanted intrusion of offensive vulgarity into their homes and lives.

Last year, I introduced a bill which I hoped could be an effective weapon in the struggle to curb these purveyors of filth. My bill, H.R. 11776, would protect the privacy of families and individuals who do not want to receive sex advertisements and other lascivious literature in their mailboxes. As I have said, those provisions have been incorporated into this present bill.

This bill, unlike some existing laws, would not be vulnerable to judicial interpretations of what constitutes "obscenity." It spells out, in clear legal language not subject to misinterpretation, exactly what kinds of advertising it concerns.

Additionally, the bill would not raise the constitutional question of free speech or press. It would respect the right of any citizen who actually wants to receive this kind of thing through the mail, but it also would safeguard the privacy of those who emphatically do not.

Under the provisions of my bill, each postmaster would keep a register of people who desire not to receive any of this type of advertisement. Families would be invited to sign this register, if they wish, and to list any children under the age of 19. The register would be kept up to date in every community, and it would be the duty of any promoter who was planning a mass mailing of sexually-oriented advertising material to remove all such names from his mailing list before sending out his mailing.

The burden would be on the mailer—not the recipient. It would be up to the mailer to make sure that no such pandering advertisement was sent to any person who had placed his name on the local postmaster's register asking to be protected from it.

Violations would be punishable by a fine of $5,000 and up to 5 years in prison. On the second offense, both the fine and the prison sentence could be doubled. Each violation would constitute a separate offense, and legal action could be brought in the jurisdiction where the offending advertisement was received.

This bill would, in effect, broaden a somewhat similar law that was enacted during the last Congress. Under that statute, a family which receives a pandering advertisement has the right today to fill out a special post office form which orders the particular mailer to take his name from the mailing list and never again to send him any such material. More than 2,600 families in the Fort Worth area already have availed themselves of this right although it probably is little known.

This existing law is all right, but it does not go far enough. For one thing, a family must receive at least one pandering advertisement before it can act. The present bill would allow the family to specify in advance that it does not want any such trash in the family mailbox.

Moreover, certain promoters of pornography for profit have gotten around this present law simply by disbanding their "company" after each effort, reorganizing under a new name at a new post office box, and sending a new mailing to the selfsame list. Technically, they do not constitute the same organization to which the recipients earlier objected. My bill would place the onus on any and all mailers of sex advertisements to refer first to the registries at local post offices and expunge from their lists all names appearing there.

Since presumably additional families will from time to time be adding their names, this would have to be done within 30 days of each mailing to avoid the penalties provided in the bill—and it would have to be done in each town to which such mailings were planned.

One of the advantages of this approach would be to take a lot of the profit out of this otherwise apparently lucrative traffic which preys on sick minds and exploits rank vulgarity for commercial gain.

This may not be the whole answer, but it would be a step in the direction of decency. I earnestly hope that it will be adopted by a truly overwhelming vote today.

Mr. DUNCAN. Mr. Chairman, I rise in support of H.R. 15693 and I speak not only as a Member of this body, but as a parent and a concerned citizen when I say we must do everything in our power to eliminate obscene literature and pornographic materials of all sorts from our mail.

I am for completely getting rid of this smut, but with the constitutional provision of freedom of speech I realize that where this material is solicited we cannot interfere.

However, we can interfere with its being delivered to our young children and we can stop such trash from cluttering the mailboxes of good citizens who do not want such junk in their homes. The primary aim of H.R. 15693 is to keep smut from being sent through the mails to youngsters.

Parents, try as hard as they may, cannot stand watch over their children 24 hours a day, and they would not want to be so restrictive. However, they do want to protect their youngsters from physical harm, from mental strain, from emotional damage—they want to protect them from the peddlers of lewd movies, obscene articles and stories, abnormal sex practices, and dirty art.

Making it illegal to mail any pornographic materials to minors would be a great help to parents and to society in general.

The increasing flow of pornography can only lead to depravity. Growing permissiveness in the homes, schools and churches—our basic institutions—has led young people to violently search for identity and their own standards and has contributed to the lack of social and personal responsibility in many. We can help our youngsters by voting for H.R. 15693 today.

Mr. BEALL of Maryland. Mr. Chairman, I would like to congratulate the committee on bringing this legislation to the floor of the House and I join those who are in support of H.R. 15693.

I am sure that all of you have received from your constituents examples of the material that we are trying to restrict today. The amount of obscene material being sent through the mail has been increasing at a rapid rate and certainly legislative protection in this area is overdue.

H.R. 15693 attacks this problem in several parts. First, it establishes a new special category of nonmailable matter with respect to all persons under the age of 17 years. Such restriction has been upheld by the Supreme Court of the United States in their consideration of a similar New York State statute.

Second, the bill provides for the protection of the invasion of privacy of all our citizens by establishing a method of objecting to receipt of offensive material before any such material is received. Present law operates after the fact by assisting an addressee to have his name removed from a mailing list, usually only after he has received the offensive mail.

Under this bill new tools will be available to the Attorney General to enforce the new restrictions and he will be able to institute civil proceedings to enjoin the continued dissemination of offensive material under certain circumstances.

The passage of this legislation will show to parents across the country that the Federal Government is anxious to become a partner in protecting from much of the undesirable traffic in pornography.

Mr. Chairman, while this does not settle the problem, it is a strong first step and with diligent and vigorous enforcement we may soon be able to assure our citizens that they will once again be free from this unwelcome and unintended use of the mailing privilege.

Mr. QUILLEN. Mr. Chairman, I have introduced four bills dealing with the mailing of smut materials through the mail and so H.R. 15693, which is being considered today, is of particular importance to me.

Unquestionably, the time has come to end this flood of filth—we must no longer let the Post Office Department be the primary instrument for the pornography profiteers of this country.

Of all the forces at work today eroding the dignity and basic morality of young people, I feel the most disgusting and degrading is the use of the U.S. mails to purvey obscenity and perversion within the privacy of the home. Pornography has become a multimillion dollar racket that invades the homes of thousands of Americans.

There is no question but that smut peddlers prey upon the inexperienced and impressionable young people at the very time of their character formation, subverting the principles of morality that decent parents are trying to instill in their children.

Vicious pornography profiteers use mailing lists derived from such innocent sources as high school honor roll lists to flood the mails with offers of hard-core smut. Even the promotional materials which they send unsolicited are far too graphic and obscene to be allowed into the hands of vulnerable youngsters, and a decade ago would have qualified the sender for a few years in a Federal penitentiary.

My bills place special emphasis on protection of children under 18, but the legislation also protects the privacy of adults who make known their objection to receiving such filth.

It is my hope that this bill under consideration today will be approved so that Americans can be rid of this menace once and for all and safe from the purveyors of filth who have too long profited from exploitation of the innocent.

Mr. ABBITT. Mr. Chairman, I rise in support of H.R. 15693 and strongly feel that some effort should be made to deal with the growing problem of the circulation of pornography among our young people.

I introduced H.R. 13980 which was referred to the House Post Office and Civil Service Committee and have followed with much interest the sessions which have been carried on by that committee in trying to deal with this problem. There are, of course, many ideas and approaches for dealing with the threats being made to the moral fiber of America by the growing business of pornography. The committee has considered many of these and the bill which we had before us today is the result of long hours of consideration.

The bill does not, of course, solve all of the problems nor will it eliminate the distribution of pornography among our young people, but it will be a step in the right direction.

I commend the committee for its diligence in going into this problem and feel that Congress should give serious consideration to combatting this menace which has so permeated our society. History has shown that great nations have most frequently faltered when the morals of their citizens became corrupted and I am convinced that there is more than simply a commercial interest in the dissemination of pornography in our country today. It is a gigantic business enterprise and estimates of the total annual cost of pornography in America are shocking.

One has only to view some of the materials which have been freely sent

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through the mails to realize the seriousness of the problem and the extent to which the purveyors of this smut have gone in trying to take advantage of our young people.

The Post Office Department in fiscal year 1968 received over 160,000 complaints about obscene mail and in fiscal 1969 the total exceeded 200,000. It is, of course, obvious that many people who received such material do not formally complain so the total output is probably much greater than these figures indicate. Many of our citizens have become outraged about this and do not understand how the mails can be used so freely and so obviously to disseminate materials of this kind.

The U.S. Supreme Court, by some of its more recent decisions, has given a great deal of aid and comfort to those who publish and distribute these materials but the bill before us is to pass the test of constitutionality and at the same time close up some of the loopholes which the courts have left as a result of their decisions. I believe that Congress has not only the authority but the responsibility to protect minors in this regard. If the companies which produce these materials assume no responsibility for policing the distribution of their wares then Congress should step in and act. This bill is for the protection of those under 17 from mailings harmful to minors and in addition it seeks to protect the privacy of those mail patrons who do not want to receive such sexually oriented advertising. Character of the advertisements which are widely being distributed would in fact be questionable if they were actually requested by the people who receive them. They are even more objectionable when they are mailed indiscriminately to addressees without regard as to who is likely to open them and be affected by them.

I am convinced that the lowering of moral standards in the United States today is to a large extent attributed to the wide dissemination of material of this kind and those who are the promoters of such smut material appear to care little about the end result. Therefore, it is high time that somebody step in and take a stand on it and I feel that the Government should do this. It is ridiculous that the Government mail should be used to promote this sort of operation and I earnestly trust that Congress will approve the legislation forthwith and by so doing, to curtail this ignominous business.

It is perhaps impossible to stamp out pornography as such and it is questionable whether we could do this constitutionally anyway. However, if a person does not want to receive such materials, Government ought to protect his right just as much as it seeks to protect the right of those who publish and promote the distribution of these items. If a person contacts one of these distributors and orders such material, both he and the distributor would have presumably a legal right to engage in such business unless and until action were taken to wipe out the business itself. However, the householder who receives such advertisements, unsolicited, in the mails has a clear right to object to any right which the Government bestows upon the mailer who sends this material to his home.

This is even more true with reference to minors. Many families are frankly embarrassed by having such materials sent to their home and frequently the minors themselves have made no contact with the company which distributes the materials. Names are secured from mailing lists which may have been compiled on the basis of orders for other totally unrelated items and such lists are frequently purchased or rented from various sources. It is estimated that 95 percent of the complaints received by the Post Office Department result from direct mail advertising of 15 major promoters. They have adopted a mass mailing technique including the use of mailing lists obtained from many different sources. These lists contain for the most part names of people who do not want this kind of mail and are now demanding that Congress do something about it. Obviously the purveyors of this pornographic material depend to a large extent on the use of the mails in order to promote their business. If mail facilities are curtailed or limited in some way they no longer will be able to distribute enough material to make their operations profitable. Thus, if Congress is going to take some action it would appear that this is the most logical approach at this time.

Frankly, I would like to see more of the administrative workload placed on the promoters of pornographic material rather than on the Post Office Department or the Department of Justice. Under the terms of my original bill, a system would be set up where the advertiser would have to obtain permission of the recipient before mailing the offensive material. This would have prohibited all together the mailing of offensive material to minors where the minor's State of residence has a law prohibiting such dissemination but does not prohibit the mailing of sexually oriented material to persons ordering it for themselves. It seems to me that this actually would be better than to require persons who do not want to receive such material to file a statement with the Department which would put the burden on the recipient whereas my proposal would have shifted the responsibility to the people who should bear it.

Nevertheless, I feel that some action is needed and needed now. I do not believe that we can take this problem lightly in view of the rising spread of juvenile delinquency and crime. We must realize that the problem of pornography is an integral part of the deterioration of moral standards. Congress cannot legislate morality but we do have an obligation to see that those who are outraged by the unsolicited mailing of pornographic material to their homes do have some recourse.

All of us are aware of the scope and seriousness of this problem. It does not require an exhaustive examination of the facts as these are evident to us. The bill seems to set forth in very cogent language the congressional findings which prompt the offering of this legislation. The question is whether Congress is prepared to forthrightly attack the problem and I hope that there is now sufficient public sentiment to see that this is done. There seems to be no question that the overwhelming majority of the American people not only support us in this effort but feel frankly that if we do not exercise our responsibility to take corrective action, we will have failed to do that which should be done.

Mr. SCHWENGEL. Mr. Chairman, this year I have received a large number of letters form constituents protesting the blatant pornography they and their children are receiving in the mail. It is obvious that the present laws are not adequate. It is also obvious that my constituents are fed up with this kind of material, and want action now to stop it.

The present procedure requires the recepient of the pornographic or obscene mail to file a formal complaint with the postmaster. Assuming he has gone to the trouble of doing this with respect to one publisher, there is no assurance that he will not receive similar material from other publishers. In fact, it is likely that he will receive more of the material because the smut peddlers frequently exchange mailing lists.

In the last session, I introduced legislation to put a stop to the smut mail. My bill required the advertiser to obtain permission before he could send to a customer any sexually provocative advertising. The permission could be obtained only through use of a form letter which contained no pictures or lurid language. This would have put the burden of getting permission on the smut peddlers, where it should be. My bill would have been more effective in eliminating the mailing of this sort of material to minors under the age of 17 years in those States where it is now illegal.

Unfortunately, Mr. Chairman, the bill we have before us today leaves the burden of getting rid of the smut mail on the unwilling recipient. The citizen who wants to stop the flow of this smut mail to his home must still take the affirmative action of notifying the postmaster. Granted, he will presumably only have to notify the postmaster once. However, I still see no reason to put even this relatively small burden on the innocent citizen. It should be the smut peddler, and he should be required to obtain an affirmative request from those who desire to receive this material.

Mr. Chairman, I feel this bill is considerably weaker and will be much less effective than the bill introduced by the gentleman from Illinois (Mr. ERLENBORN) and myself. However, as I have indicated, my constitutents want action now and so I will reluctantly support this halfhearted attempt to deal with the problem.

The aspect of this whole problem which disturbs me the most is the fact that the end result of this material is a weakening of our moral character through a blatant appeal to our baser instincts. As the character of our individual citizens is raised or lowered, so goes the national character. Thus, even a relatively weak effort to protect the moral character of our individual citizens is an important

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step toward protecting and improving our national character.

Mr. EDMONDSON. Mr. Chairman, action by the Congress to check abuse of mailing privileges by smut peddlers is long overdue, and demand is strong in Oklahoma for legislation along the lines of this bill.

I commend the committee for the work it has done to produce an effective new measure, and sincerely hope this bill will provide much-needed protection of our children and the general public.

This bill should be passed overwhelmingly, and I am confident it will be.

Mr. BENNETT. Mr. Chairman, I wish to congratulate the members of the House Post Office and Civil Service Committee on reporting out H.R. 15693 to help curb the flow of pornographic material to our Nation's youth.

Early last year I introduced legislation, H.R. 5171, to halt smut traffic to our youth. The legislation which I introduced with 46 cosponsors and with 25 other identical bills was written to cover all types of pornographic materials—such as movies, magazines sold on newsstands, and other harmful books and leaflets sent through interstate commerce and the mails to children.

I testified before the House Judiciary Committee's subcommittee studying this problem in America. I am hopeful that the Judiciary Committee will soon act on broader legislation to put a stop to smut peddlers.

This bill the House of Representatives is considering today, H.R. 15693, which deals only with smut materials moving through the mails, is a great first step in keeping pornographic materials out of the hands of minors. The bill today and my bill are patterned after a New York statute which has been upheld by the U.S. Supreme Court. My bill would prohibit the dissemination in interstate commerce or the mails materials harmful to children.

I can personally testify, along with the other 200 Members of Congress who are supporting antismut legislation, that my constituents are outraged at the quantity and character of obscene material which is being disseminated in the country. American parents do not want this material for themselves, and more important, do not want it to fall into the hands of their children whom they are trying to prepare for happy, normal lives.

The estimates on the total annual cost of pornography in the Nation vary from $500 million to over $1 billion. The Post Office Department in fiscal year 1968 received over 167,000 complaints about obscene mail. During the fiscal year 1969, the Post Office according to the Postmaster General, had 234,072 such complaints.

Since probably most people who object to receiving this type of mail do not make a formal complaint, it is apparent that the actual volume of this objectionable mail greatly exceeds these figures. As Members of Congress we are aware of other smut material going to American homes and appearing in retail outlets.

It is estimated that 95 percent of all such complaints received by the Post Office Department results from direct mail advertising of perhaps 15 major promoters. They have adopted mass mailing techniques including the use of mailing lists obtained from a wide variety of sources. Such lists contain, for the most part, names of people who do not want this kind of mail and would like to see the practice of sending it to them stopped.

To sellers of smut, the use of the mails and the facilities of interstate commerce are essential to their business. If the mails and facilities of interstate commerce are closed to them, they no longer will be able to distribute enough material to make their operations profitable.

This legislation would help to dry up the business of these operators in smut by making unavailable to them the use of the mails to transport objectionable material which is destined to fall into the hands of young children.

My bill, H.R. 5171 would add a new section to be numbered "section 1466" to title 18 of the United States Code and make it a Federal crime, punishable by stiff fine and imprisonment, to knowingly sell, or otherwise make available, to minors under 18 years of age certain objectionable and textual material and certain objectionable motion pictures.

The legal standards for establishing the obscene character of material are not set forth in detail in Federal statutes, but are laid down by the Supreme Court in various decisions; and these criteria comprise what is called, for convenience, the "Roth test," having been set forth in the decision involving a defendant of that name and later amplified in other decisions.

As to material which is intended for adult audiences, it now seems established under recent Supreme Court decisions that only that which is legally obscene under the criteria established by the Supreme Court in the now adjusted Roth test may be legally barred by Congress from the mails and facilities of interstate commerce.

The application of the rules laid down by the Supreme Court to specific material to determine if the material is of a legally obscene character has proven difficult for law-enforcement authorities and for the courts. Much material of a highly offensive nature has been held by the courts not to be legally obscene and therefore not subject to being constitutionally barred from the mails or from commerce.

In the belief that material which might not be legally obscene for adults might nevertheless have harmful effects on children exposed to it, attempts were made by many State and local governments to enact laws to check the flow of such objectionable material to children even though the same material could not be barred from adults under the Roth test as announced by the Supreme Court.

Prior to the 1968 Supreme Court decision holding constitutional a New York penal statute designed specifically to protect children from objectionable materials, many State and local statutes designed to protect children from objectionable material were held to be invalid. One of the most common criticisms of such statutes by the courts was that the language used in the statutes was too imprecise, too vague, to support a conviction for violation of the offenses charged under them. New York, after several unsuccessful efforts to have a statute upheld, enacted a statute which would protect children from obscenity and yet conform to the court imposed requirements of definiteness. These provisions were embodied in the New York Penal Law before the Court in *Ginsberg* v. *New York*, 390 U.S. 629, 1968, wherein the defendant had been convicted of selling a magazine containing pictures of nudes to a 16-year-old boy. My legislation, H.R. 5171, is patterned after the statute in that case.

Under both my bill and the New York law, the textual material which would be barred would include legally objectionable books, magazines, other printed material and sound recordings.

H.R. 5171, like the New York statute, provides for a three-pronged test for judging the obscene character of the material sold to minors under a stated age and this test is essentially the Roth test which the Supreme Court has held must be applied to determine the obscene character of material intended for an adult audience but is different from the Roth test in that the test to be applied in H.R. 5171, as was the test in the New York law, is adjusted to take into consideration the fact that the sexual effect of such material upon children will frequently be different from its effect upon adults.

Prior to the Supreme Court decision in the Ginsberg case, the New York Court of Appeals had upheld the power of the New York State Legislature to enact a statute which employed different standards for judging the obscene character of material for children than for adults, a recognition of the so-called variable concept of obscenity, that is, whether the material to be considered to be obscene varies according to the character of the audience to which it is directed.

The U.S. Supreme Court quoted with approval from the New York Court of Appeals decision which held:

> Because of the State's exigent interest in preventing distribution to children of objectionable material, it can exercise its power to protect the health, safety, welfare and morals of its community by barring the distribution to children of books recognized to be suitable to adults. (218 N.E. 2d at p. 671).

The Supreme Court held that it cannot be said that the New York Legislature had no rational basis for its determination that material of the type condemned for sale to minors in the New York Penal Law could harm children (390 U.S. 643). I maintain that Congress also has rational grounds for believing that such material is harmful to children when sent through the mails or in interstate commerce and can legislate to protect them from such harm.

The language of H.R. 5171 is not subject to the charge of being indefinite because the identical New York statute language was held not to be invalid for this reason. The Court held that as applied by the Court, "harmful to minors" gives:

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Adequate notice of what is prohibited and thus does not offend due process. (390 U.S. at p. 643).

The principle that one must have reason to know that certain actions will subject him to criminal penalties is recognized in my bill, as in the New York statute. H.R. 5171 only would punish those who "knowingly" violate the law.

I am aware that the argument may be made that under the constitutional distribution of powers between the Federal and State governments, the States, especially under their police powers, have the primary authority to legislate in many areas of human conduct and may therefore be able to legislate more extensively with respect to matters falling in such areas than can the Federal Government.

To those who would argue that for this reason Congress does not have the power to enact legislation of the type I propose, I would reply that I believe Congress has authority because the Constitution delegates sole responsibility for the postal power and the regulation of interstate commerce to Congress. I would point out that the Supreme Court in *Roth* v. *United States,* 354 U.S. 476, 1957, specifically rejected a contention that the ninth and 10th amendments to the Constitution reserve to the States and to the people the power to punish speech and press where offensive to decency and morality, and held instead that the postal power delegated to Congress by article I, No. 8, clause 7 of the Constitution empowers Congress to enact legislation punishing the use of the mails for sending obscene material (354 U.S. at pp. 492–3).

I would also point out that ideas of the constitutional areas where Congress can legislate has changed over the years. At one time, the Supreme Court held unconstitutional a Federal law designed to protect children from being exploited as a source of cheap labor on the ground that it would take an amendment to the U.S. Constitution to empower Congress to enact such legislation. In 1941, the Supreme Court upheld the right of Congress to bar from interstate commerce goods made by child labor and this provision of the Fair Labor Standards Act of 1938 remains in the law today.

Provisions of this bill which I consider to be of great importance are those which would withdraw from the Federal appellate courts and the U.S. Supreme Court jurisdiction to review determinations which the lower courts made that material described in subsection a of the bill is harmful to minors.

That Congress has the constitutional power to enact provisions of this type is, to me, indisputable and I will attempt, as briefly as possible, to demonstrate why this should be done in this field of legislation.

Article III of the Constitution vests the judicial power of the United States in one Supreme Court and such inferior courts as Congress may from time to time ordain and establish.

Article III goes on to describe the power of the Judicial Branch as extending to all cases arising under the Constitution, and in various other situations. It provides that in certain designated cases, the Supreme Court shall have original jurisdiction. The cases designated for original jurisdiction include cases affecting ambassadors, other public ministers and consuls and where a State is a party to the action. In all other cases, article III provides that the Supreme Court shall have "appellate jurisdiction both as to law and fact, with such exemptions, and under such regulations as the Congress shall make."

Article I, section 8, clause 9 of the Constitution provides that Congress has the power to establish an inferior system of courts.

Heretofore, Congress in the exercise of this constitutional grant of authority, has enacted laws in title 28 of the United States Code describing the instances where an appeal may be carried to higher courts.

Section 2 of my bill would amend these sections of title 28 to provide that the U.S. Supreme Court shall not have jurisdiction under sections 1252 or 1253 and that the Federal courts of appeals shall not have jurisdiction under sections 1291 and 1292 to review any determination made under the new proposed section 1466 of title 18 of the United States Code that any material described in subsection 2 of my bill is harmful to minors.

While I have heard it argued that the constitutional limits on Congress' power to withdraw issues from judicial review have not been completely delineated, it is my firm conviction that Congress has the power, and should exercise it, to withdraw appellate review in instances provided for in my bill.

While original jurisdiction of the Supreme Court flows from the Constitution, appellate jurisdiction does not rest on a specific constitutional grant of authority but rather depends on two factors, one whether the court involved has the capacity to receive appellate jurisdiction and, second, whether an act of Congress has conferred such right. This interpretation has been accepted from 1796 to the present in many decisions as, for example, *The Mayor* v. *Cooper,* 6 Wall. 246, 252, 1868; *Shelden* v. *Sill,* 8 How. 441, 1850; *Kline* v. *Burke Construction Co.,* 260 U.S. 226, 1922.

Consequently it is the view of constitutional authorities that, before the Supreme Court can exercise appellate jurisdiction, an act of Congress must have bestowed it, and affirmative bestowals of jurisdiction are interpreted as exclusive in nature so as to constitute an exception to all other cases. This rule was first applied in *Wiscart* v. *Dauchy,* 3 Dall. 321, 1796, where the Court held that in the absence of a statute prescribing a rule for appellate proceedings, the Court lacked jurisdiction. It was further stated that, if a rule were prescribed, the Court could not depart from it. Fourteen years later Chief Justice Marshall observed that the Court's appellate jurisdiction was derived from the Constitution, but that nevertheless there must be an affirmative bestowal of appellate jurisdiction by Congress—*Durousseau* v. *United States,* 6 Cr. 307, 1810.

The power of Congress to make exceptions to the Court's appellate jurisdiction has thus become, in effect, a plenary power to bestow, withhold, and withdraw appellate jurisdiction, even to the point of its abolition. And this power extends to the withdrawal of appellate jurisdiction even in pending cases. In *Ex parte McCardle,* 6 Wall. 318, 1868; 7 Wall. 506, 1869, Congress fearing a test of the constitutionality of the Reconstruction Acts enacted a statute withdrawing appellate jurisdiction from the Court in certain habeas corpus proceedings—15 Stat. 44, 1868—and the Court then dismissed the McCardle appeal for want of jurisdiction. Later decisions were consistent with this holding and the result is that Congress has an unrestrained discretion to curtail and abolish the appellate jurisdiction of the Supreme Court.

Also, in the decision, *The Francis Wright,* 105 U.S. 381, 1882, the right of Congress limiting the Court's review in admiralty cases to questions of law appearing on the record was upheld and the Court said that whole classes of cases may be kept out of the jurisdiction of the Court to review, and that particular classes of questions may be subject to review and others not so subject.

I have been discussing cases involving the power of Congress to withdraw appellate jurisdiction from the Supreme Court, with respect to Congress withdrawing such power from the lesser appellate Federal courts; this power of Congress over the lower Federal courts is considered to be derived from the power to create lesser judicial tribunals under article I, section 8, clause 9, and the general power under the necessary and proper clause article I, section 8, clause 18 and the provisions of article III vesting the judicial power in the Supreme Court and such inferior courts as "the Congress may from time to time ordain and establish."

For purpose of illustration, I will cite one or two additional instances where Congress had limited jurisdiction of the Federal courts. The Emergency Price Control Act of 1942, 56 Stat. 23 provided that a special court, the "Emergency Court of Appeals," and the Supreme Court on appeal, should have exclusive jurisdiction to determine the validity of any order under the act, and that no other court, Federal, State, or territorial should have such jurisdiction. These restrictions were upheld in *Lockerty* v. *Phillips,* 319 U.S. 183 (1943); *Yakus* v. *United States,* 32 U.S. 414 (1944).

And to take a more recent example, in the Voting Rights Act of 1965, 79 Stat. 437, 42 United States Code No. 1973 et seq. Congress provided in No. 14b that no court other than the District Court of the District of Columbia or a court of appeals reviewing certain determinations of Civil Service hearing officers was to have jurisdiction to hear any broadgaged attack on the act or to issue injunctions restraining its enforcement. The Supreme Court upheld this provision as a valid exercise of Congress power to "ordain and establish" inferior Federal courts. *South Carolina* v. *Katzenbach,* 383 U.S. 301, 331–332, 1966.

The reason for not allowing appeal on the facts on harm to juveniles as distinguished from the legal questions, is

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that what may be pornographic, harmful and dangerous in some geographical areas may not be so in others. The legislation can therefore, in the form I have introduced it, be a much more effective tool for good since it can protect against harm in areas where there is a low tolerance or flash point, and not be required to be ineffective because of extremely high tolerance in such matters in other areas.

There is strong evidence that the spread of pornography increases juvenile delinquency and crime. The New York Academy of Medicine's Public Health Committee stated in an article published in 1963 in the Bulletin of the New York Academy of Medicine:

> Although some adolescents may not be affected by the reading of salacious material, others may be more vulnerable. Such reading encourages a morbid preoccupation with sex and interferes with development of a healthy sex attitude and respect for the opposite sex. It is said to contribute to perversion. In the opinion of many psychiatrists, it may have an especially detrimental effect on disturbed adolescents. It may be postulated that there is a correlation between an increase in teenage venereal disease and illegitimacy and the apparent rise in the sale of salacious literature.

FBI Director J. Edgar Hoover has also indicated there is a relationship between pornography distributed to minors and incidents of crime by minors.

As President Nixon has said:

> American homes are being bombarded with the largest volume of sex-oriented mail in history.

I sincerely hope the House will overwhelmingly approve this legislation before us today, and that the House Judiciary Committee will further strengthen our laws to halt pornographic materials to youth sent in interstate commerce.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of H.R. 15693, a bill to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors and to protect the public from the offensive intrusion into their homes of sexually oriented mail.

Last year, I introduced legislation to fight mail-order pornography. I am happy to say that H.R. 10867, which I cosponsored with Mr. DULSKI and three other colleagues, is almost identical to the committee bill now on the floor.

For years smut peddlers have trafficked obscene and distasteful magazines, stag films, paperbacks, and other materials through postal channels. A substantial amount of unsolicited mail, advertising the sale of pornographic materials, floods the mail boxes of American families every year, and it often falls into the hands of children. During the fiscal year 1969, the Post Office had well over 200,000 complaints from people who had received such mail. My constituents have continually expressed their desire that Congress take action to curb the flow of this mail. They do not want this material for themselves, nor do they want it to fall into the hands of their children for whom they are attempting to establish a healthy family environment.

For years law enforcement agencies have been struggling to interpret which types of materials are obscene from an eclectic assortment of hazy laws and Supreme Court guidelines. H.R. 15693 defines in very precise terms the categories of nonmailable matter which are deemed harmful to minors. The explicit definitions which are encompassed by this legislation will go far to eliminate the confusion, dispute, and debate which have developed around the ambiguous judicial tests that the law enforcement agencies face today.

The legislation now before us is based on the principle that material may be, because of its content, harmful to persons under 17 years of age. The provisions of this bill will reduce the chance of this unsolicited material falling into the hands of our children whose character is developed during adolescence by the quality of environment. Access to certain pornographic materials may cause monumental psychological aberrations in the otherwise healthy attitudes of our children as well as to intensify the detrimental effects on mentally disturbed youth.

I urge my colleagues to join with me in supporting this important piece of legislation to help clarify the ambiguous judicial standards which hamper and confuse our law enforcement agencies today. I urge prompt passage of a bill which will protect the interests of parents and their children in our Nation.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in enthusiastic support of H.R. 15693, passage of which will protect those under 17 from mailings harmful to minors and also protect the privacy of those mail patrons who do not want to receive sexually oriented advertising. I also want to commend our colleagues on the Committee on Post Office and Civil Service for the outstanding job they have done in formulating this legislation.

The U.S. mails are literally being flooded with obscene, pornographic materials, much of which falls into the hands of children. Every day I receive complaints from residents of my northern Virginia district who are receiving unsolicited invitations to buy pornographic books and movies. Even the advertising material itself is obscene.

As our colleagues know, this Congress has acted in the past to make sending of obscene matter a violation of Federal law. But our courts, and especially the U.S. Supreme Court, have, during the past few years, so confused and distorted the definition of obscenity that prosecuting attorneys are virtually handcuffed in attempting to bring criminal actions.

In its more recent decisions, the Supreme Court has finally provided a constitutional basis for legislation on this subject. Justice Thurgood Marshall in the case of Redrup against New York set out in his opinion three separate bases on which we might legislate in the area of obscenity; that is, cases of statutes which first, reflect a specific and limited concern for juveniles; second, reflect a concern for an assault upon privacy by a publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it; and third, reflect a concern with "pandering". Our committee colleagues have carefully formulated legislation in H.R. 15693 which reflects a concern for all three of these elements and which therefore has a solid constitutional foundation.

H.R. 15693 recognizes that a thing may be obscene as it affects minors, while not being obscene for adults. The standard for obscenity for adults is contained in the basic case upholding the constitutionality of 18 U.S.C. 1461, where the test was determined to be "whether to the average person, applying contemporary standards, the dominant theme of the material taken as a whole appeals to the prurient interest." The term "prurient" defined as "a shameful or morbid interest in nudity, sex, or excretion, and it goes substantially beyond customary limits of candor in description or representation of such matters."

With regard to minors, H.R. 15693 defines material harmful to minors as material which first, predominantly appeals to the prurient, shameful, or morbid interest of minors; second, is offensive to prevailing standards in the adult community concerning what is suitable material for minors; and third, is substantially without redeeming social value for minors.

H.R. 15693 protects the privacy of individuals and of the minors they are responsible for, from the intrusion into the home of unwanted sexually oriented advertising. It provides for the maintenance by the Postmaster General of a register of the names and addresses of those persons who object to receiving such mailings.

Upon enactment the legislation will provide that first, persons who mail or cause to be mailed sexually oriented advertisements are required to place a symbol prescribed by the Postmaster General, and his name and return address on the envelope or cover used to send such mail; second, permits any person to place his name, as well as those of persons under 19 years in his care and custody, on a list of those who do not desire to receive sexually oriented advertisements through the mail, and that no such mailings shall be made to persons who have been so listed for more than 30 days; third, prohibits persons from trafficking in such lists and restricts their use to the sole purpose authorized by the legislation; and fourth, defines sexually oriented advertisements in a manner designed to cover material found to be most offensive to a substantial number of citizens. Willful violation of these provisions or of any postal regulation issued thereunder would subject the violator to fines of up to $5,000 and/or imprisonment of not more than 5 years for a first offense, and fines of up to $10,000 and/or imprisonment of not more than 10 years for a second offense.

Mr. Chairman, earlier this year, I sponsored three bills which I hoped would put a stop to the activities of these smut peddlers. Under provisions of my bills, the restrictions we are placing on mailing of sexually oriented advertising would be extended to all forms of interstate transportation, and the penalties would be more severe. However, I do commend our committee colleagues on this effort, and hope it represents a giant step toward the virtual elimination of an industry which preys on the weak and the young. I believe we may succeed, not only because our highest court is changing, but also because the American people are fed up with the filth peddlers.

Mr. LLOYD. Mr. Chairman, first, I express gratification that this House has now come to grips with legislation aimed at the hard-core pornographer who uses the mails to send unsolicited obscenity into the American home. Largely as a result of the U.S. Supreme Court decision in Roth against United States, decided in 1957, postal authorities report that in 1968 alone, 167,792 complaints were received from people who received lurid advertising.

The Roth decision established a legal definition of obscenity which could be sent through the mails. The definition provides that to be legally obscene, the dominant appeal of the material must be to prurient interest in sex, must affront community standards, and these are the key words, "must be utterly without redeeming social value." Thus, under cover of some palpably saving words of social value, seemingly limitless obscenity may be distributed to the American home through the mail. Included with this statement, Mr. Speaker, is a newspaper article carried in the Washington Post of June 29, 1969, reporting that one Marvin Miller of Los Angeles, owner of only one of a reported 200 companies who have profited as a result of the Roth decision, is reaping annual profits of several hundred thousand dollars and has a net worth exceeding $1 million as a result of an initial investment of $25,000 made only 3 years ago in the pornography-by-mail business.

Unsolicited mailed obscenity going into my district, the Second Congressional District of Utah, including the State capital, Salt Lake City, probably is typical of that mailed to other areas of the United States. The mailings apparently follow no set pattern. They may blanket an entire area, such as "postal patron" mailing to every house in a small community in my district, which happened last year, or a family may discover it is on a patterned mailing list, or it may be a random mailing out of the telephone book. However the mailing list may be determined, the work of the pornographer in sending unsolicited obscenity into homes where there are minors is equally as violative of the concept of free speech, in my opinion, as slander and libel.

In the first days of this session, on January 13, 1969, I introduced legislation similar to the legislation before us today, and appeared before the Judiciary Committee to plead for its acceptance to attack the excesses of free speech, an excess which has witnessed the development of free speech into pornography and pornography into degeneracy.

This bill is aimed not so much at pornography as it is to the pernicious, predator pornographer, sending unsolicited obscenity into homes where there are minor children. I emphasize that this legislation is not, in my opinion, proscribed by the guidelines established by the Roth decision. In accordance with current Supreme Court opinions of constitutional criteria, it claims no jurisdiction over the newsstand, the bookstore, the stage, or the motion picture theater, and it places no inhibitions over the individual in his free choice of reading material. It targets only at the distributor through the U.S. mails of indiscriminate and unsolicited obscenities to homes where there are minor children. It responsibly sets off limits to those who profiteer by preying upon the excessive and all-consuming obsessions of the pornographic junkie. Thus, I believe the Roth case will not be a barrier. In the decision of Ginsburg against New York, decided in 1968, the Supreme Court held that sexually offensive materials are not constitutionally protected where the interests of minors are concerned. The Court stated:

> Constitutional interpretation has consistently recognized that parents' claim to authority in their own household to direct the rearing of children is basic in the structure of our society.

This bill will prohibit mail-order sales of obscene materials to children of school age and make the unsolicited mailing of hard-core pornography, or offers to sell the same, to a family with minor children a Federal crime punishable by fine and jail sentence. The only materials proscribed from unsolicited mailings or sale to minors are the stock-in-trade of the smut merchant: explicit portrayals of sexual intercourse, sodomy, homosexuality, and sado-masochistic abuse, with no artistic purpose other than the appeal to prurient interests.

I agree with the words of a distinguished Member of this House who has said:

> Anyone familiar with the lives and working of the Founding Fathers would be doubtful, at the very least, that they risked their lives, their fortunes, and their sacred honor, so that some cunning pornographers would use the U.S. mails to destroy the moral fiber of young Americans. I believe, if somehow these great Americans of revolutionary times could come back to us, they would not hesitate to deal with these oligarchs of obscenity, these princes of pornography, these sultans of smut, with a directness and dispatch that might shock some who are more sensitive to their rights than their wrongs.

I include an article from the Washington Post:

Pornography Producer Keeps Samples From Staff

(By Frank Murray)

Los Angeles, June 28—Marvin Miller has one unbreakable rule for the 50 employees who print and ship pornographic books at his factory—no free samples.

Even Miller's 16-year-old son, in the mail room sending out books and magazines with pictures that make the Playboy style of nudity look like kid stuff, can't carry home any of the 500 titles.

Miller doesn't want gifts or free-lance sales by his employees cutting into his $10 million annual volume as one of the Nation's major producers of erotic material which he advertises as pornographic, but denies is obscene legally.

"I'm in the business primarily to make money," said the graying and bearded Miller at his desk before a map of his marketplace, the United States.

Pornography is big business in America. It's made millionaires of Miller and others. And it's made monumental problems for parents and public officials.

An Associated Press investigation disclosed:

About 200 companies in the country produce pornographic books, magazines and films. Their works flood, uninvited, into millions of American mailboxes and through a chain of distributors, onto the shelves of bookstores across the country.

Total sales of pornographic material are staggering. Estimates range upward from $500 million a year, dwarfing the likes of the huge Government Printing Office ($17 million annual sales). Miller says his hottest item, an amply illustrated handbook on intercourse, sold 500,000 copies in a year—or roughly equal to first-year sales of William Manchester's "Death of a President," 1967's best seller.

Postal authorities are swamped with complaints—167,792 in 1968 alone—from people who receive lurid advertising. President Nixon has demanded a law to keep offensive sex ads out of the mails, and 187 bills are pending in Congress to control the tidal wave of pornography.

Since 1957, when the Supreme Court decided the case of Roth vs. U.S., meeting the legal definition of obscenity has been as difficult as holding a greased pig. The Roth decision said that, to be obscene, the dominant appeal of material must be to prurient interest in sex, must affront community standards and must be utterly without redeeming social value.

In the dozen years since that decision, a flood of pornographic mail has inundated American mailboxes.

New court decisions generally have reinforced Roth. Almost any printed material with a story line, no matter how thin, is redeeming to a book of pictures otherwise obscene. And the community standard is being met, the courts have held, so long as others are selling material as explicit and lurid as what you've got to offer.

The latest decision, in a Georgia case, overturned laws forbidding possession of material admitted to be obscene.

". . . The mere private possession of obscene matter cannot constitutionally be made a crime," said the court. "If the first amendment means anything, it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch."

Miller has cashed in on the court rulings. He reprinted the most recent decision as the cover page on his latest catalogue of sex publications. It not only helps sales, but, he says, it reinforces "my moralistic point of view: that the establishment shouldn't control the thoughts nor the ways in which people wish to enjoy themselves."

Sales have been good. By his own accounting, Miller went into business three years ago with $25,000. Now, he says, his annual profit it several hundred thousand dollars and his net worth, more than a million dollars. Evidence indicates his figures may be conservative. For example, his initial investment in the top-selling sexual manual was $2,000, including $1,000 to the couple who posed for the photos. His sales so far: $2.5 million, or a thousand times his initial investment.

But other business costs run dear. Miller, 40, says he's been arrested 30 times in two years. Last December he was convicted on three counts of mailing obscene matter and sentenced to five years in prison. He's free on bail while he appeals.

In Los Angeles alone, Miller is fighting 54 counts of selling obscene books. He says his legal expenses last year topped $200,000.

Police say that of the more than 200 companies in the erotic trade, 75 percent of them are in Los Angeles and suburbs.

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Mr. BROOKS. Mr. Chairman, the people of my district have become increasingly concerned over the flow of obscene advertisements that are being delivered to their homes through the U.S. mail. In the last year or so there has been a veritable avalanche of the most disgusting nature that revolts and upsets the thousands of people that innocently receive this material through the postal service. In addition, our hard-working postal employees are disgusted and annoyed that they must act as the unwilling agent of these purveyors of filth in delivering their degenerate products to the homes of millions of American people.

In July of last year, the Government Activities Subcommittee, which I serve as chairman, received testimony from the Postmaster General outlining what his Department was doing to stop the flow of obscene material through the mails. Incidental to our hearings, it was suggested that the Postmaster General issue a regulation under present statutory authority banning unsolicited advertisements of obscene photographs, drawings, and pictures of any kind that depicted subjects most people would consider to be obscene per se when the advertisement illustrated the contents of the item offered for sale.

Unsolicited advertisements of material containing illustrations of an obscene nature when the advertisement contains samples of the item to be sold constitute the crux of the present obscenity problem as it relates to the use of the U.S. mails. This proposed regulation would not have affected any written material of any kind.

Furthermore, this proposed regulation would carefully balance the individual's right to privacy against the constitutional guarantee of freedom of expression, which we must protect.

Unfortunately, the Postmaster General refused to act. From an intellectual standpoint, he placed himself in the unique position of objecting to this proposed regulation on a constitutional ground at a time that he recommended much broader legislation to the Congress.

I support the legislation before the House today, but with reservations. First, I question the effectiveness of the complex programs the legislation would establish, which may well be too cumbersome to keep up with the fast moving operators in the obscenity business. As a practical matter, the development of extensive lists of postal patrons to whom obscene material cannot legally be delivered has not and, in my opinion, will not work effectively.

I also have reservations concerning the legislation as it relates to written text as contrasted to illustrations in advertisements. Peddlers of obscenity are not growing rich through the mailing of advertisements that contain no illustrations of their wares. To the smut peddler, it can be said that a picture is truly worth a thousand words.

Last July, I recommended this more limited, but more effective approach to controlling the mailing of obscene advertisements containing illustrations. Following the refusal of the Postmaster General to issue an appropriate regulation, I introduced H.R. 12788 to place this more limited, but I believe more effective, approach into operation. Hopefully, as the legislation we consider today goes through the legislative process and is enacted, the Postmaster General will take a more realistic view of his responsibilities under the statutory authority Congress has provided and recognize the effectiveness of the regulatory approach that I have suggested—an approach carefully tailored to meet the need without burdening the constitutional guarantee of freedom of expression which we must protect and maintain.

Mr. HANLEY. Mr. Chairman, I am pleased to join with my colleagues in supporting House approval of H.R. 15693. The bill has two purposes: one, to create a special category of nonmailable matter aimed at the sexually oriented materials now being mailed unsolicited to young people, and two, to develop a mechanism whereby any citizen can indicate his desire not to have his home invaded by sexually oriented mail matter, and have that desire respected.

Since coming to Congress in 1965, I have devoted a great deal of study to this practice of using the U.S. mail service as a vehicle for the delivery of obscene and sick materials into our homes. Each year, the number of citizens who have written to me to express their anger and frustration at having such material enter their homes has grown very significantly. I have also noted two other features over the years; one, the material has grown steadily more pornographic and more sick, and it is now being mailed directly to minors, to children.

Unfortunately, the relief we had hoped for from the prohibition against pandering advertisements, contained in Public Law 90-206, has not materialized. Instead the problem has gotten much worse.

Much of the difficulty society has in controlling the flow of such filth stems from the looseness of our laws and the zeal of the courts in protecting the smut merchant's rights. We cannot, however, be content with just blaming the courts. Many of the pornography statutes around the country are so poorly drawn that they cannot lead to a conviction that will stand up against the test of constitutionality.

Embodied in this bill is a principle which the committee feels can stand up to this test. As a matter of fact, it has already been tested because this legislation is very similar to a New York law whose constitutionality was upheld in 1968.

I am particularly pleased to see this legislation under consideration today because it is patterned in large measure on a proposal which I introduced in April of 1968. I want at this time to publicly commend and thank former Syracuse attorney John C. Klotz who, as a member of the Greater Syracuse Anti-Pornography Commission, provided invaluable assistance in researching and drafting the bill.

The point of the matter is that it is possible to define obscenity differently for minors, and the courts have accepted the principle of variable obscenity.

The second major feature of the bill is an attempt to attack the more difficult problem of hindering the pornographier in his effort to fill every household in the country with the sick and filthy advertisements. To my way of thinking the flow of such trash unrequested into the home constitutes an invasion of privacy, and the citizen ought to have some recourse, some protection against this invasion. Under the provisions of the bill, the Postmaster General shall maintain a register of the names and addresses of citizens, and minors for whom they have a responsibility, who object to receiving sexually oriented advertising through the mail. The bill would authorize restraints against pornographic mailers who send such materials to those who indicated their desire not to receive it.

I expect that there will be those who will criticize this legislation as an attack on the freedom of speech. I look upon the bill as an integral part of the national effort to restore and clean up the environment. Even as we work to rid our lakes and streams of sewage and other pollutants, we can also work to free the United States mail from sick and pornographic materials which now move freely in it.

Mr. FRIEDEL. Mr. Chairman, as a cosponsor of H.R. 14061, I am deeply gratified that today this House will at long last act meaningfully to end the pernicious flow of filth which daily gluts our postal system.

A large measure of the credit for our action today is due to the leadership of the gentleman from Pennsylvania (Mr. NIX) whose Subcommittee on Postal Operations has reported this legislation. I commend the gentleman and all the other members of the committee for their fine work.

Pornography and obscene literature is a matter which daily plagues my fine city of Baltimore and its environs. For instance, just today there is a story in our morning paper regarding pornography charges that have been brought and now dropped by city officials as a result of remedial actions taken by the accused offenders. In other words, the offending obscene material has been removed from sale to the public because the local officials got tough.

We, national public officials, must take an equally strong position on this issue in order to buttress and support the local and State law enforcement officials in their everyday struggle to rid our cities of this offending material. The measure that we are discussing today and that will, I am sure, pass this House will go a long way in providing this kind of support.

Mr. BEVILL. Mr. Chairman, I rise to express my support of H.R. 15693, a bill aimed at prohibiting the mailing of obscene material to a home where a minor resides.

The people of this country are deeply concerned over the ever-increasing flow of pornographic material into the hands of young people and children. Some effective method must be adopted to stop the

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flow of this unsolicited material. I believe this bill would be effective in keeping pornographic material out of the hands of minors.

The quantity of obscene material moving through the mails has reached enormous proportions. Parents are exasperated. They are looking to Congress for help in fighting this growing menace.

Passage of this bill will help solve the problem created by mass mailing of obscene materials to minors.

The annual estimated cost of pornography in the United States varies from $500 million to over $1 billion. The Post Office Department in fiscal year 1968 received over 167,000 complaints about obscene mail. There has been a substantial increase thus far in fiscal 1969. Under the provisions of this bill, sellers of obscene material could not use the facilities of the mails to peddle their pornographic material.

There is growing evidence that the spread of pornographic material increases juvenile delinquency in crime. It certainly can be said that the character of this obscene material can only be detrimental to the normal growth and development of children and teenagers. Seldom a day passes that I do not receive correspondence from anxious parents urging me to continue my efforts to obtain the enactment of legislation which will protect our children from this obscene material.

This bill, in my judgment, will do this, and it has my strongest support.

Mr. JOHNSON of California. Mr. Chairman, I rise to support H.R. 15693, to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes, of which I am coauthor. I hope and pray this legislation will be enacted and thereby solve a problem of desperate proportions—the flood of pornography which has invaded the homes of this Nation.

As a native Californian, I am ashamed that a great percentage of this trash originates in our Golden State which has the infamous reputation of being the smut center of the Nation. Based on my discussions with the people residing in the regions of California which I represent and from my mail from home during past months, I can assure you that Californians also are suffering gravely as the victims of this wave of filth. It appears that the smut peddlers are trying to place their product into every California home regardless of who lives there, young or old, married or single.

Existing laws, as you well know, permit a recipient of this type of material to instruct the mailer, through the post office, never to mail anything of this type to him again. And if the mailer does this, he is subject to fine and jail.

The weakness of this law is that it locks the bar door after the horse has been stolen. The law involves only a single citizen and a single mailer, and cannot be implemented until after the citizen has received objectional material.

It has been estimated that there are 200 companies producing hard-core filth. By judicious exchanging of mailing lists, a single citizen could receive pornographic advertisements from each of them before legally he could be protected from further mailings.

That would add up to quite a pile of garbage.

During the last 3 years, the Post Office Department has received approximately a half million complaints, half of these in the last year alone as the tide of pandering advertisements mounts. This is the number of complaints and when you consider the millions of people who in disgust just discard the advertisements, or return them unopened you can appreciate the volume with which we are dealing. With that amount of trash swamping our homes, is it no doubt but thousands of these have found their ways into the hands of youngsters.

This must be stopped.

Many of our States have tried to fight smut pollution, but the Supreme Court has wiped out attempts of 13 States to control the distribution of this type of filth. This came in spite of a 1957 ruling of the Supreme Court that obscenity is not within the areas of freedom of the press or freedom of speech protected by the Constitution.

If courts, in trying to define obscenity, will not let the States fight this battle, then it becomes the responsibility of the Federal Government, which in the final analysis is proper because much of this involves interstate commerce and much smut is peddled through the U.S. mails.

The legislation which we have before us would mean a major victory in the war against smut. It would provide protection of those under 17 from mailings harmful to minors and would provide protection of the privacy of those mail patrons who do not want to receive sexually oriented advertising.

In other words it would permit us to lock the barn door before the horse is stolen.

In conclusion, I believe that the voices of the people speak best in matters of concern of this nature. I complete my plea by passing on to you the pleas of a group of representative individuals who have urged me to take appropriate action to stamp out smut:

> I am an irate parent! Am tired of teachers, politicians, and "highly credentialed" people pointing their fingers at we parents, saying we are not raising our children properly.
>
> I am enclosing some literature.
>
> Unless you're a dirty old man you will agree with me that this is something that no parent wants circulated any place in the U.S. For the first time I am grateful that we do not have home delivery of the mails here. Please note the credentials beside each name involved with this pornography.
>
> Certainly it has a note on the outside of the envelope that plainly says I do not have to open it and can return it and an effort will be made to remove my name from their mailing list, by what right do they have my name? I never gave it to them.
>
> I am 67 years old and deeply religious and while I do not consider myself a prude, these things are offensive to me but most of all I think they are bad for my country.
>
> The mere statement that if you are under 21 do not open this envelope is the best kind of invitation to a minor.
>
> We understand that California is considered the Smut Capitol of the United States. Is there any way we can help change this infamous honor?
>
> We are aware that Quincy residents are not alone in their disgust at having this type of medical and cultural education so readily available to their children.
>
> As a parent, we are sure you—and Mrs. Johnson—understand our concern not only for our children, but any child who might be exposed to this type of material through parental neglect or indifference.
>
> Laws should be passed to prevent this sort of thing. In addition they should have provisions to prosecute the guilty parties. We consulted the post office locally. They were helpful but ineffective. Would you press on any work that can be done to prevent these occurrences.
>
> This advertisement is thoroughly disgusting and I believe it is obscene as well. What kind of a country are my intelligent, lovely children going to live in? The kind that decent people make for them or the kind that decadent people make for them.
>
> The least we can do is clean up the mail.
>
> With all due allowances for the new era in which we find ourselves, I feel that the subject mailing is about the most offensive and generally reprehensive piece of direct mail that it has been my misfortune to receive. My feeling about this item is not based on the fact that it is salacious information, but rather because it travels under the guise of seeking to lower the divorce rate, uplift morality, etc., by reason of shedding light on the ignorance of mankind. This is the rankest kind of pretense.
>
> I would rather not dread going to my mailbox.

Mr. SKUBITZ. Mr. Chairman, I would like to congratulate the committee for reporting out a bill that prohibits the sending of pornographic literature to minors. In January 1969 I introduced a bill that would have regulated mail-order sales of pornographic material. I am sure that the Post Office Committee after many hours of testimony and considerable thought has come up with the best measure possible under the circumstances confronting it. Throughout the Nation both local and State law officials are waging a never-ending fight against the sale of smut to schoolchildren. Parents are advocating vigorous enforcement of existing obscenity laws.

There are countless numbers of parents who do not want their children's sex education to be influenced by smut merchants. The heavy volume of constituent complaints attests to the fact that something must be done to bring about an end to the problem.

Although this bill is not as stringent as I would like for it to be, I am delighted that we are able to get legislation to stop the smut merchant. I strongly urge passage of this measure which would protect minors from receipt of obscene materials through the mail.

Mr. FISHER. Mr. Chairman, as one of the sponsors of the pending bill, I am, of course, very anxious that it be promptly approved. This measure should be very helpful in the battle against the movement of pornographic material through the mails. The seriousness of this traffic in smut is well known. It is an annual half-billion dollar racket, and every possible way should be explored to stamp it out.

We are all aware of the difficulties in controlling this movement of filth, brought on by Supreme Court decisions.

It is believed, however, that the pending measure will not be knocked out by that tribunal. I am a cosponsor of another bill on this same general subject, pending before the Committee on Judiciary. Hearings have been held there, and I would hope that measure may soon be advanced, or incorporated in this legislation. At least some portions of it would seem to implement the provisions contained in the pending bill.

Mr. Chairman, there is no point in belaboring the issue involved here. This bill should be enacted promptly.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of H.R. 15693, to exclude from the mails certain nonmailable matter. This cancer which has been permeating our society, and particularly our youth for too long, must be excised and it is my hope that the House today will pass overwhelmingly the bill we are now considering.

Mr. ALBERT. Mr. Chairman, I rise in support of H.R. 15693. I have long felt that legislation of this type is needed in order to curb the unprecedented flow of pornography which descends daily upon America's young people from the greedy hands of the depraved smut peddlers which seem to abound in our country today.

I salute the distinguished Committee on the Post Office and Civil Service and the distinguished chairman, the gentleman from New York (Mr. Dulski) and the distinguished chairman of the subcommittee which brought out this legislation, the gentleman from Pennsylvania (Mr. Nix). They have done an outstanding job in bringing to the House of Representatives a bill which is designed to impose additional restraints and restrictions upon those who use the mail to purvey filth to our Nation's young people. This bill obviously is the result of a great deal of work in the subcommittee and in the committee and I am convinced we have here a workable, constitutional piece of legislation which will survive any reasonable test imposed upon it by the courts.

Legislation such as this has been needed for a long time. I have received letters from constituents throughout my district protesting the unsolicited sexual advertisements which have been sent to them. I am glad the committee has heeded those protests and has reported out this bill. I believe the House should adopt it and I am confident it will receive overwhelming approval.

There is obviously still much to be done in our fight against the increasing flow of pornography in our society. I hope this distinguished committee and the Committee on the Judiciary will continue their efforts to prevent the continued inroads upon our society made by the peddlers of filthy, pornographic, and obscene material.

I most strongly urge that the bill be passed.

Mr. HARSHA. Mr. Chairman, today, we are considering what may well be one of the most influential pieces of legislation, as far as the underlying morality of our Nation is concerned, that we have debated in this session of Congress. H.R. 15693 embodies, in part, the administration's proposals for the control of pornography that is distributed through the U.S. mails. But, as some of my colleagues have also suggested, this legislation is a step in the right direction, but by no means the final step.

Last year, I authored a bill similar to the one we are considering today which also dealt with the problem of peddling pornographic material to unsuspecting youth. The bill I designed offered effective, enforceable regulations that would have been imposed against those merchants who ply their obscene wares through the mails. It also stipulated fines of up to $5,000 and imprisonment of up to 5 years for those convicted, on first offense, of mailing filth to minors and fines of not more than 10 years for subsequent convictions. The bill was designed to give our legally handcuffed authorities the strict legal weapons they needed to do a job, that so obviously needs to be done—ridding our society of those individuals who seek financial profit by distributing objectional material to our impressionable young people. As you can see, the legislation we have before us today carries many of the same provisions. Although I feel it lacks the depth and strength of other proposals on the subject, it is a clear beginning.

I am urging passage of H.R. 15693, and I am sure the bill will be expediently approved. But I would also like to take a moment to remind my fellow Congressmen that we still have much work to do. I do not know precisely how many millions of dollars fall into the hands of pornographic profiteers each year; nor do I know precisely how many millions of dollars society pays for the resultant delinquency, violence and general criminal damage. And no one in our generation will ever be able to judge the infinitely greater cost of the awesome damage to the national moral fiber, thought and conduct. Parents, clergymen and law enforcement officers are gravely concerned about the pornography problem.

We cannot simply assume we have won the battle against pornography with this single piece of legislation. A year ago President Nixon asked for a threefold package of pornography control legislation. Part of the language of that legislation is contained in the bill we are considering today, but, to a great extent, it falls short of the necessary measures. Title I of the bill before us leaves some work undone in the effort to control distribution of hard-core pornography to children. Title II of the bill contains, with only minor amendments, the language of the administration proposal to protect the individual from receiving unsolicited sexually oriented advertisements. The third proposal made by the administration, however, is not covered in this legislation. It is designed to prohibit the use of interstate facilities, including the mails, for the dissemination of prurient advertisements.

Post Office statistics reveal that almost 80 percent of the obscene mail is unsolicited and unwanted, yet Americans continue to be deluged. The vast majority of the population want the necessary legislation quickly enacted, and I think it is up to this Congress to see that we do not become complacent. We must complete the legislative task and call a halt to the abuse of the postal system and affront to moral dignity.

Mr. GRIFFIN. Mr. Chairman, I rise to urge unanimous approval of H.R. 15693, a bill to exclude from the mails sexually oriented mail matter intended for delivery to minors.

It is to be hoped this first step toward limiting the availability of pornographic publications will be enacted into law. It is carefully drawn to meet previous Supreme Court tests.

However, it is deplorable that Supreme Court decisions prevent the passage of legislation which would ban all such filth—rather than ban its delivery to persons under 18 years of age as this bill does.

So, once again, Mr. Chairman, we face the continuous problem of overturning, or modifying, Supreme Court decisions to protect the basic rights of the American people—the right to raise their children in a decent moral environment, free from the evil avarice of smut peddlers.

Mr. PICKLE. Mr. Chairman, today, the Congress is putting some muscle into our laws which I hope will help to eliminate the obscene literature which is currently flooding our mails. Today, the Congress can take definite steps to protect children from unsolicited obscene materials. And, today, the Congress can enact legislation which will take some of the profit out of smut mail.

I want to congratulate the committee and the authors of this legislation. Particularly, I commend my colleague from Texas, Congressman Dick White for his strong role in putting this bill together and in ushering it through to final passage by the House. Mr. White's imprint is definite in this bill—he coauthored H.R. 15693 and championed it during hearings held by his Post Office Committee.

Mr. White, and each of the members of the committee, are to be commended for a well-drafted bill which finally sets forth guidelines on what can and what cannot be sent through the Government's mail system. Additionally, the committee has built into the bill several safeguards to see that the intent of the bill is not shunted aside by some loose administrative ruling.

In straightforward manner, the bill prohibits the mailing of obscene material. It then goes a step further and creates the procedures by which the individual can guarantee that he will not continue to be deluged by the filth that has made a sewer of our mails and a circus of sex. This extra step tightens the law so that people will no longer receive mail which they deem to be offensive.

I share Congressman White's concern. Although this bill is different in several aspects from legislation which I introduced earlier this session of Congress, it does do two things which I designed my bills to do. Therefore, I am pleased to support Mr. White's legislation. In one swoop, this bill protects our children, as my legislation would have done. And the bill puts in some penalties, fines, and prison sentences which just might be enough to hit the smut merchants in the pocketbook.

Mr. Chairman, I am fully aware that this piece of legislation goes beyond any

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previous bill to rid our mails of obscene literature. In doing so, we are likely to come under attack by libertines who would pursue a sense of freedom—at the direct expense of all that is moral and all that is decent and all that is innocent. I am certain that there will even be critics who would say the explicit language of the bill is no more obscene than the smut mail. In candor, the bill does present vivid descriptions of what we are trying to prohibit—but we have been forced to this role because neither the courts nor the Post Office would take the bold steps necessary.

Let us hope this bill will put a brake on the mailing of obscene mail. It is morally right that this be done.

Mr. ZABLOCKI. Mr. Chairman, I am pleased to support H.R. 15693, legislation to protect minors from sexually oriented mail and otherwise protect the right of privacy.

The distinguished chairman of the House Post Office and Civil Service Committee, the Honorable THADDEUS DULSKI, and the chairman of the House Postal Operations Subcommittee, the Honorable ROBERT NIX, are to be commended for their joint effort in bringing this much needed legislation before the House.

As you know, Mr. Chairman, I have long been interested in and concerned with the ever-increasing presence of smut in the mails. Several provisions of bills which I have introduced have already been enacted through the passage of other bills considered by the committee. The traffic in smut, is a matter with which many of us have been concerned for many years.

It is therefore personally gratifying to me to have this bill before the House and urge its adoption by an overwhelming vote.

With the enactment of H.R. 15693 I sincerely hope that we will effectively be able to protect millions of American children from the contaminating influences of pornographic mailings. Its provisions are the result of endless hours of dedicated work by the committee. In particular the distinction it draws between materials considered obscene for adults and materials considered obscene for children is especially commendable.

It is time—high time—that we put a stop to smut peddlers who place their greed for profit above all else. I believe this bill will effectively stop smut peddling and I urge my colleagues to vote for it.

Mr. DONOHUE. Mr. Chairman, as a sponsor of similar legislation, I most earnestly urge and hope that the House will overwhelmingly approve this measure before us, H.R. 15693, providing for the protection of minors and of right of privacy from sexually oriented mail.

From all the evidence that has been repeatedly spread upon the congressional hearing records on this subject, there is absolutely no doubt that the United States mails are being increasingly used, or rather misused, I think, by unscrupulous sources to flood the American people with offensive and unwanted solicitations for the sale of pornographic and salacious material, which is all too often either directed to or falls into the hands of our young people.

Of course, there is no doubt that the peddling of his smut through these channels of solicitation carries with it a very grave danger to the moral structure of our society.

This most offensive invasion of our national mail boxes and vicious commercial assault upon the moral senses of our people, particularly the young, has become so great and so bad that I, and I am sure you and all other Members of Congress, have received a tremendous number of written protests against this evil. I am sure you have also been stopped, just as I have been, on the streets of your home district, by constituents pleading and urging for sensible restriction and control of this immoral disease that threatens to destroy us if appropriate measures are not taken to cure it.

It, therefore, seems clear that we must find the ways and the means to strengthen the laws of our Nation, in order to try to prevent this evil disease from spreading its infectious poisons any deeper into the moral fabric of this country.

Admittedly, this is a challenging legislative area because of outstanding court decisions, but the instruments and channels through which this evil is spread around the country are, in substantial measure, subject to pertinent Federal regulation and control.

Of course, in matters of this kind, we always hear a great deal of sincere talk about the right of free speech and expression, but I submit that there are other fundamental rights involved in this particular subject. For instance, the right of a person not to have his privacy invaded; the right, as well as the duty, of a parent to shield the child from what the parent considers evil; and the right of a community to encourage the maintenance of high moral standards.

Mr. Chairman, few of us have to be reminded that we are now engaged in the greatest crusade of our history against pollution of our waters and of our atmosphere. Under these circumstances, I think it quite proper to ask if the attempt to prevent the moral pollution of the minds and the wills of our people, and particularly our young people, is any less important than the attempt to stop the pollution of our natural surroundings; I think that you will agree, if anything, it is even more important.

Mr. Chairman, our basic legislative obligation, in summary, is to try to improve the quality of life for all our citizens, and that certainly includes our children and all American youth. This is an earnest, studied legislative effort toward the correction of a great moral evil that is plaguing our modern society. Its objective is urgent, its procedures are reasonable, and its result will be undoubtedly wholesome in the promotion of the common good. I again urge the House to speedily approve this measure, without prolonged delay.

Mr. MOLLOHAN. Mr. Chairman, the legislation we are considering today is of great importance to parents across our Nation. This legislation has been of increasing concern to parents throughout West Virginia who want to prevent their children from exposure to some of the filth and smut that daily is mailed to juveniles. The legislation before us, Mr. Speaker, has been carefully worded and thought through so that it does not conflict with the first amendment protection of free speech or free press. It does not hinder any kind of activity in that connection. It does ban such material from being sent through the mails to persons under the age of 17 and it does allow a private citizen to effectively prevent a mailer of this filth from sending him additional smut.

Mr. Chairman, this bill has been carefully prepared so that it protects the rights of adults to be as foolish and degenerate as they desire in their writings. This seems to be the interpretation that the Supreme Court puts on the first amendment, and I, for one, am more interested in legislating in a needed area to protect the children than I am in writing a law that would be declared unconstitutional. Consequently, while this legislation does not deal with hard core pornography entirely, it does deal with that area where legislation is necessary in a way that is best designed to withstand a constitutional test in the courts.

As a result, passage today of this legislation will allow us to accomplish two basic goals. First, we have made it a criminal offense for failure to comply with the provisions of the act, and thereby we will guarantee a much larger degree of compliance. Second, it offers adults an opportunity to stop this pornographic literature from ever reaching their house and their children by placing their names on a registrar by the Postmaster General who will in turn offer it to smut mailers. Failure to comply has been made a violation of the law.

Mr. Chairman, I earnestly urge my colleagues to accept this bill in its entirety for if we are going to crack down on the smut mailers, we must crack down hard and at once before the situation gets more out of hand than it already is.

Mr. TAYLOR. Mr. Chairman, I rise in support of this legislation. Earlier in this session of Congress, I introduced similar legislation to prohibit the mailing and distribution of harmful pornographic material to minors. I also introduced a bill which would cancel the third-class mailing privilege of any concern distributing obscene literature. The people in my congressional district of North Carolina are very concerned over the unwholesome nature of many of the unsolicited advertisements that postmen are forced to deliver to their homes and their offices. Each year the Post Office Department receives thousands of protests from citizens concerning this material. In fact, the Postmaster General was quoted in a newspaper article as saying that his office had received 200,000 complaints in the past year. I have received many such letters of complaint from constituents.

The flow of smut materials to our youth is reaching alarming proportions, and we must find a way to stop it. The Supreme Court has made our job more difficult, but this legislation seems to be constitutional and in line with the U.S. Supreme Court case of Ginsberg against New York.

National polls indicate that well over

70 percent of the people of the United States object to the receipt of obscene material through the mail. The vast majority of our citizens do favor a decent America and they want Congress to take effective action to exclude the sending of offensive material through the mails to minors.

Mr. COLLINS. Mr. Chairman, one of the foremost issues which we are vitally concerned with is the pollution of our environment and its harmful effects on man. As of now, there are no specific laws which deal with another type of pollution, the distribution of filth, of pornographic material, to our children. H.R. 15693, through its concise statements defining pornographic materials, through its provisions dealing especially with the mailing of such to minors, through its measures explaining punishment which can be meted out to offenders, would help fill this vast void.

The views of our constituents call for an expedient passage of this bill.

In a recent Gallup poll, 85 out of 100 adults favored stricter laws dealing with obscene materials sent through the mail.

In 1967, 140,786 citizen complaints were received by the Postal Inspector General. In 1969 this figure had doubled to 232,072.

From the Third Congressional District alone, I have received over 4,677 complaints.

But most importantly, we must keep this vile material from reaching our children. In order to show you just how badly immediate legislation is needed to protect our children, I would like to recount to you the efforts of one of our Dallas residents to prevent salacious advertisements from coming to his 11-year-old daughter and 15-year-old son. This gentleman has been required to complete prohibitory orders on 11 different occasions because his children have received pornographic advertisements from Twentieth Century, Surgical Supplies, Inc., Freedom Press, Medical Products, G. & M. Enterprise, The Medicon Co., Daro Distributors, and Cybertype Corp. He has completed prohibitory orders on two occasions in an effort to keep Cybertype advertisements from his children because as a result of his first prohibitory, Cybertype deleted only the middle initial of his daughter's name and began mailing to her again using the altered name.

Something must be done to thwart the flow of perfidious pornography to our residences. The administration is seeking to take positive action to rid our mail of this shameful smut by attempting to make arrangements through the State Department to keep foreign countries from sending pornographic materials into the United States. Of all cases investigated by postal inspectors which went to trail last year, 98.3 percent resulted in convictions. Recently, two Federal convictions of mail-order dealers in obscenity were handed down. In addition, seven more indictments have been issued against smut dealers. The administration is moving forward on this issue but is limited by our inadequate laws. Postmaster General Blount recently stated that though 275,000 prohibitory orders have been issued by the Post Office enactment of the Pandering Advertisements Act, our homes are still being flooded with lewd material.

The amount of filth that still filters through the mail graphically illustrates the need to enact legislation which will rid us of the loopholes employed by the smut peddlers. An often used loophole is the smut peddlers' sending of so-called material of medical significance to doctors. I have conferred with doctors in my district and they wish to be rid of this junk which certainly has no redeeming social value.

We need to act quickly by passing this bill, which I see as our first battle in what should be a declared war against obscenity and the purveyors that profit from this smut. After enactment of this bill, I urge passage of one which I have introduced. This bill would empower a local jury to determine what constitutes pornography in light of "community standards." The final decision determining what is or is not obscene would lie within the State court system. Such legislation would make allowances for the varying climates of opinion in different parts of the country, for what is pornography to people in Dallas is not necessarily regarded as such by the people of Las Vegas or New York City.

On many issues we are divided. On this issue, let us unite to rid our mail of the filth that defiles our homes and our businesses, to clean up the moral pollution that is degrading our Nation.

Mr. STRATTON. Mr. Chairman, the flood of pornography that has been invading our homes has become a national disgrace and today the House is considering legislation to deal with that problem. The situation has reached the point where it is no longer a question of freedom of the press, but of freedom of privacy in the home. Every day I receive at least one or two letters from justifiably irate parents, enclosing the pornographic material that was mailed to a youngster in their home. And it is ironic that the offended citizens are helping to pay for the delivery of this smut through their taxes. Two years ago Congress tried to deal with this problem by enacting legislation that allows the recipient of obscene mail to fill out a form obtained at the post office and mail it back to the sender demanding that his name be removed from their mailing list. Obviously, this has not been effective. Oftentimes the procedure is too cumbersome, besides the fact that action to halt the delivery of smut mail cannot be taken until such mail is actually received. The harmful effects are inflicted upon the child as soon as he is exposed to the obscene photographs and literature.

I introduced legislation myself last summer to deal with this serious problem. Like the committee bill, my bill would have forbidden pornographers from mailing material to minors. Unlike the committee bill, however, my bill would forbid all mailing of the obscene literature unless it was specifically requested in writing by the addressee. Penalties in my bill provided for $50,000 in fines and 5 years in prison. My idea in drafting the bill was that no one should be exposed to the trash that is being sent through the U.S. mails if he does not want to be.

Frankly, I had hoped the committee would report a tougher, more effective bill. As I understand the legislation before us now, a person 21 years of age or older may have his name and the names of his children under 19 years old placed on a list of those who do not want to receive pornography in the mails. That list is then made available to the mailers, who are prosecuted if they send obscene material to anyone on the list. First offenders face a $5,000 fine and 5 years in prison. The committee bill's provisions and its penalties seem weaker than is necessary to deal with this pressing problem. Parents probably will not be prompted to have their names or their children's names placed on the list unless they find the pornographic literature in their mailbox, or until they discover their children leafing through a pandering advertisement. Again, the damage will have already been done.

However, the bill before us is a step in the right direction and I intend to vote for it. It is a 100-percent improvement over the old law, and the people who have been outraged by the appearance of pornographic literature in their mailboxes can now really put a stop to it. While we still are not taking strong enough steps to stop those who use the U.S. mails to sell their filth, the pending legislation will at least make it more difficult for them. I, therefore, express my support for H.R. 15693 and urge its passage by the House. At the same time, however, I hope the committee will now begin to consider more stringent legislation to put a stop to this national disgrace once and for all.

Mr. BUCHANAN. Mr. Chairman, I take pleasure in indicating my full support for H.R. 15693. In this bill the Congress takes another step toward effectively dealing with the growing problem of the intrusion into our Nation's homes of unsolicited pornographic mail. H.R. 15693 would provide for both the protection of those under 17 from mailings harmful to minors and the protection of the privacy of all mail patrons who do not want to receive sexually oriented advertising.

There is certainly no question concerning the urgent need for legislation to deal with the growing traffic of pornography through the Nation's mails. The large number of bills dealing with this problem which have been introduced during this Congress alone attests to the tremendous concern among the Members of Congress. This is, in turn, a direct reflection of the increasing distress expressed by thousands of citizens throughout this country who are receiving unsolicited obscene materials in their homes through the mail. The mail coming into my congressional office clearly indicates that few other subjects have been such a consistent and continuous object of my constituents' concern as the receipt of this pornography.

It is my firm conviction that these citizens have a right to protection from the unsolicited intrusion into their homes of pandering materials which are completely offensive to them and which, even more importantly, can be harmful to their children. In the firm belief that the

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Congress must act now in providing this protection, I have already joined in the introduction of five bills dealing with various aspects of the distribution of pornography and have testified before both the House Post Office and Civil Service Committee and the House Judiciary Committee urging immediate action on such legislation. I am pleased that some of the provisions of these measures are included in the bills before us today.

The threat to the normal and healthy development of our Nation's young people is, tragically, the greatest threat presented by the increasing traffic in pornography. Obscene materials too often fall into the hands of young people who do not yet possess the maturity with which to properly evaluate them and whose minds are very impressionable. The primary responsibility for the protection of children from such harmful influences must, of course, lie with the parents. However, even the most diligent parents are finding it impossible to keep all of the offensive material traveling through the mails out of the hands of their children. H.R. 15693 addresses itself to this problem by setting forth a category of nonmailable matter with respect to persons under 17 years of age. Title 1 of the bill, which is entirely based on a New York State statute already upheld by the U.S. Supreme Court, sets forth a three-element definition of material harmful to minors. Under the provisions of this title, such material would be that which—

> (a) Predominantly appeals to the prurient, shameful, or morbid interest of minors; and (b) is offensive to prevailing standards in the adult community concerning what is suitable material for minors; and (c) is substantially without redeeming social value for minors.

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Title II of H.R. 15693 protects the privacy of all individuals, as well as of minors they are responsible for, from the intrusion into the home of unwanted sexually oriented advertising. This title would permit any person to place his name, as well as those of his children, on a list to be maintained by the Postmaster General indicating those who do not desire to receive sexually oriented advertisements through the mails. The bill clearly defines sexually oriented advertisements in a manner designed to cover material found to be most offensive to a substantial number of citizens. Mailings to any persons who have been on the list for more than 30 days would be prohibited. Mailers of sexually oriented advertisements would also be required to place a symbol—to be prescribed by the Postmaster General—and his name and return address on the envelope used to send such mail.

Under the enforcement provisions of H.R. 15693 the Postmaster General may request the U.S. Attorney General to commence a civil action in a Federal district court seeking an injunction or restraining order against an offending mailer. The bill provides broad discretion for the courts in the civil proceedings as to the type of court order that may be issued. Mailers may be barred from mailings to specific persons or all persons and postmasters may be ordered to refuse to accept for mailing such matter and to withhold, under certain conditions, relevant mail addressed to such senders. Violations of this act would be punishable by fines of up to $5,000 or imprisonment of up to 5 years, or both, for the first offense. Subsequent offenses would carry fines up to $10,000 or imprisonment up to 10 years, or both, for each offense.

While I have no illusions that H.R. 15693 will eliminate the growing problem of pornography dissemination in this country, and while I personally believe that further and more extensive measures will be needed to effectively deal with the problem; the legislation before us today does represent a step in the right direction.

The time is now at hand for the Congress to act on this important matter and I urge my colleagues in the House to join me in voting for H.R. 15693.

Mr. VAN DEERLIN. Mr. Chairman, I am happy to rise in support of H.R. 15693. I believe enactment of this measure will significantly alleviate the flow of smut through the mails.

As the author of another antiobscenity bill, H.R. 10516, I am especially pleased that the Post Office and Civil Service Committee has seen fit to adopt as the rationale for its legislation our citizens' right to privacy, as interpreted and defined in our highest courts. My own proposal was similarly based, in that it would also protect the sanctity of the American home from the intrusion of unwanted pornographic mailings.

Both bills would, nevertheless, permit an adult who did not object to such mail to continue to receive it. In this fashion both H.R. 15693 and H.R. 10516 assure that the basic right of privacy is protected in two ways. If a man is entitled, as the Supreme Court has held, to read what he pleases in the privacy of his own home, by the same token the individual citizen should also be able to avoid exposure to matter which he personally finds objectionable. It is to this negative, but certainly undeniable, right, that the bills address themselves.

The committee also has acted wisely in providing for civil actions against mailers who persist in sending salacious advertisements over the objection of recipients. H.R. 15693 sets forth a logical series of steps that may be taken in and by the courts to dissuade the senders of unwanted materials, ranging from temporary injunctions to class actions to criminal sanctions. The language in section 4013 of the bill makes abundantly clear the intent of Congress while still giving the courts considerable leeway in the handling of individual cases.

The section in the legislation prohibiting the mailing of pornographic material to minors under 17 is also most reasonable and deserves the support of the entire membership. I note with approval that the committee has based this title almost entirely on a New York State statute—which has already been upheld by the U.S. Supreme Court.

In summary, the bill before us this afternoon strikes a careful balance between the needs to preserve our precious freedoms of speech, and to protect our citizens against a flood of patently offensive trash.

When it becomes law, a lot of people who have made a career of the four-letter word may actually have to work for a living.

Mr. MONAGAN. Mr. Chairman, I support H.R. 15693, a bill to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, and to afford the public greater protection from the offensive intrusion into their homes of sexually oriented mail matter.

At the outset, Mr. Chairman, I want to make it eminently clear that I do not espouse the cause of reckless censorship. I recognize the difficulty of establishing official guidelines for identification of pornography. Those who have reached maturity in years and who wish to indulge themselves need no protection and it is not my purpose to endeavor to legislate in their regard. However, it is my belief that parents have a right to protect their children from the dangers of materials, photographs, and publications which are obscene or salacious and it is in their interest that I take this position of support.

H.R. 15693 as reported by the committee encompasses the substance of three antiobscenity bills which I introduced in the first session of this Congress. I filed legislation in this area when it became apparent that unscrupulous and avaricious publishers and dealers in obscene materials were insensitive to the growing public indignation over the intrusion into homes of pornographic materials. Publishers of obscene materials have demonstrated contempt for the right of privacy of American families and they have no concern for the possible dangers that obscene materials can have in the hands of minors. My Connecticut constituents and citizens from other parts of the country continuously write to me demanding that Congress take some action in the direction of giving individuals and families greater protection from this flood of unsolicited smut materials. We must also look to the Post Office Department, the courts, and the Justice Department for action in this important venture.

In the first session of this Congress I wrote to Chief Justice Burger concerning the growing citizen resentment over the unfettered flow of smut materials in the mails, and I wrote to Attorney General Mitchell requesting that existing antiobscenity laws be strictly enforced in the hope that an increase in convictions would bring home to mailers of pornography the realization that constituted authority intends to put a stop to their flagrant disregard for decency and for law.

I also wrote to the Postmaster General on several occasions requesting that remedial action be taken to reduce the volume of obscene materials being sent through the mails. On March 20 of this year, Mr. W. J. Cotter, Chief Postal Inspector of the Post Office Department, reported to me that in fiscal year 1970 the numbers of convictions, indictments and arrests have increased substantially over a similar period in fiscal year 1969. As of March 20, 1970, there have been 12 persons convicted under the postal obscenity statute, 39 operators have been indicted charging violation of the statute, and 15 cases have been presented to U.S. attorneys for consideration of instituting criminal action under the obscenity statute. While I am encouraged by the increased enforcement activity in this area, I am convinced that additional remedial legislation is in order.

The main thrust of the bill under consideration, like my own legislation in this area, is to afford greater protection to minors from the harmful effects of being exposed to perverted sexual depictions of human beings, and to set up some effective machinery to enable individuals and families to maintain the privacy of their homes.

This bill, like my bills, provides for a new standard of obscenity tailored to protect minors under the age of 17 years. The standard is based almost entirely on a New York statute which was upheld by the U.S. Supreme Court in a 1968 decision. The new standard of obscenity rightfully places a greater burden on mailers of obscene materials to determine the audience of their publications, and it puts into effect the congressional intent to protect the moral well-being of minors from degrading attacks.

The bill also protects the privacy of individuals and families from the intrusion into the home of unsolicited, unwanted sexually oriented advertising. Under the provisions of the bill a person who does not desire to receive sexually oriented mail may place his or her name as well as those of his or her children or others under 19 years of age, on a list to be maintained by the Postmaster General, and no sexually oriented advertisements can be mailed to persons who have been listed for more than 30 days.

Admittedly it is very difficult to proscribe the constitutionally protected freedom of communication, but there is also a protected right of privacy, and what we are trying to do today is to strike a fair balance between the two. The protection of the free exchange of ideas is a basic objective of our society, but the protection should not be used to protect actions which are clearly undesirable and have a degrading impact upon efforts to maintain the quality of the human condition.

I think this is a good bill. It regulates publishers of obscene materials only to the extent that their disregard for decency and privacy is outrageous and restores to American individuals and families the right of privacy they demand and deserve. I urge my colleagues to join me in voting favorably for this much needed legislation.

Mr. ASHLEY. Mr. Chairman, H.R. 15693 seeks to solve the problem created by mass mailings of obscene materials to minors and the mass of unsolicited, sexually oriented advertisements going through the U.S. mails, and at the same time meet the test of constitutionality.

I regard this bill as a step in the right direction, Mr. Chairman, until a more thorough and concerted attack can be directed at the problem of pornography. A number of bills, presently being considered by the Committee on the Judiciary, would extend constructive action in this area and I trust they will continue to receive particular consideration.

Title I of H.R. 15693 contains congressional findings bearing on the need for legislation to protect those under the age of 17 years from mailings of obscene matter and describes a special category of nonmailable matter with respect to persons under 17 years of age.

Title II is based upon congressional findings that: the U.S. mail is being used to exploit sexual sensationalism for commercial gain; much of the matter consists of unsolicited mailings; such mailings are profoundly shocking and offensive and, as unwarranted intrusions, violate the right of privacy; and, the use of the mails for such matters reduces the ability of responsible parents to protect their children from exposure to material which the parents believe is harmful to them.

Under the provisions of H.R. 15693, persons who mail sexually oriented advertisements are required to place a symbol, together with their names and return addresses, on the envelope or cover used to send such mail. It permits any person to place his name, as well as those of his children or others under 19 years of age who are in his care and custody, on a list of those who do not desire to receive sexually oriented advertisements through the mails.

This list, to be maintained and kept current by the Postmaster General, is to be made available to mailers upon payment of a reasonable charge and mailings are forbidden, under penalty of law, to persons who have been listed for more than 30 days.

While I support this legislation, Mr. Chairman, I regret that it is limited to sexually oriented advertisements and that the burden of forestalling the receipt of such advertisements is placed upon the potential recipient rather than on the advertiser himself.

In sum, H.R. 15693 is more worthy of support than confidence. It is to be hoped that Congress will take more meaningful steps to curb the flow of obscene materials in the early weeks ahead.

Mr. BOB WILSON. Mr. Chairman, I am pleased to support the bill before us today, H.R. 15693, which is a realistic approach to protecting the public from the smut peddler whose filth has been thrust into our homes with no legal recourse available to the receiver. Under current law, if a person receives a piece of pornographic mail, he can return it to the postmaster with instructions to have his name removed from the smut peddler's mailing list for future mailings. There are two weaknesses in this procedure. First, the individual has to receive at least one pornographic mailing before he can initiate the procedure for having his name removed from the sender's mailing list. Second, the Government's directive to have a smut peddler remove an individual's name from the mailing list does not always work. This is because some smut peddlers put out successive mailings under a different company name, usually with different company officers listed. The Government's directive applies to the old company, but not to the new one which more often than not is operated by the same people.

H.R. 15693 would correct these two weaknesses. Under this bill, an individual would advise his postmaster that he desires to receive no sexually oriented advertisements through the mails. The Postmaster General would maintain a current list of those persons who have made such requests, and the smut peddlers would be required by law not to address any such material to those persons. The list maintained by the Post Office Department would be made available to the smutsmiths for a fee covering the Government's cost of compiling and maintaining the lists. This procedure would hit the senders of pornographic material where it hurts the most—in their pocketbooks.

This legislation combines the major features of two bills I sponsored earlier in this Congress. One bill prohibited the mailing of offensive materials to minors under age 18 and the other established a mailing list of those not desiring unsolicited pornography materials. I am pleased that the Post Office and Civil Service Committee has included these provisions in H.R. 15693 and am hopeful that the House will complete rapid and favorable action on this important legislation.

Mr. BIAGGI. Mr. Chairman, I rise in support of the bill before us to protect minors and adults from unwanted sexually oriented mail. As a parent concerned for his family and neighbors, and as a Congressman who knows that thousands of his adult constituents are deeply offended by the receipt of unsolicited pandering advertisements and pornographic materials through the mails, I urge the immediate passage of H.R. 15693.

I have long been fighting for the passage of an effective antipornography measure. Some time ago, with the backing of thousands of constituents from the 24th Congressional District of New York whose petitions urged Federal action in the area of pornography, I introduced my first antipornography bill designed to impose a fine on the senders of smut mail. More recently I introduced an identical measure to H.R. 15693 in the belief that this legislation contained the necessary elements to fight a national problem without sacrificing essential constitutional rights.

The right to privacy is as essential as the right for an adult to determine what is, in his judgment, pornographic. This bill tramples on neither right. However it does mark a major milestone in Federal legislation designed to protect a precious public wealth—its youth. By defining what is obscene and harmful to youth, this bill projects an image of a socially and morally conscious Congress which is concerned with and aware of the needs of its citizens.

Mr. Chairman, I have come to regard pornography as a kind of poison infecting the minds of an increasing number of our youth. Pornography puts an undue emphasis upon sex which can, quite easily, create within a young person an abnormal obsession with sex that might result in a life of crime and severe antisocial behavior.

By adopting the New York State statute definitions which were upheld in the U.S. Supreme Court, this bill advances

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the theory of variable obscenity to the Federal level. Variable obscenity protects an adult's right to determine what to him is obscene or not, while at the same time it allows for the definition of what materials have no social redeeming value for minors. This is an innovative and workable plan that is essential for the future protection of our youth.

By applying the right of privacy of individuals to the unwanted intrusion into their homes of sexually oriented mail, this bill takes yet another step in the direction of social awareness by applying a constitutional safeguard. This is accomplished by requiring the Postmaster General to maintain a list of names of all those adults and their children under 17 who do not want sexually oriented advertisements sent to their homes or offices.

To enforce this statute, the Postmaster General may request the Attorney General to institute civil action in any Federal district court by seeking an injunction to restrain an offending mailer from sending pandering or other pornographic materials to a specific addressee, group of addresses, or to all persons.

The court may also direct any postmaster to refuse to accept for mailing such matter and to withhold, under certain conditions, relevant mail addressed to a sender. All sexually oriented mail must have a special symbol on the envelope to be designated by the Postmaster General, and trafficking in the mailing lists is prohibited. Their use is restricted to the sole purpose authorized by the bill. A violation of the trafficking prohibition could result in fines up to $5,000 and/or imprisonment of not more than 10 years for the second offense.

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Mr. Chairman, we can no longer afford complacency where pornographic mailings are concerned. It is corrupting young Americans in increasing numbers and I urge all my colleagues in the House today to join with me by voting yea for the passage of H.R. 15693.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation which I believe will go a long way toward curtailing the flow of pornographic material in this country. I am particularly interested in this legislation because its main threat is to prevent the sending of unwanted and unsolicited material of a pornographic nature to minors.

As a father of a 12-year-old boy, I know what a serious problem this can be because my son is a subscriber to many scientific journals and other magazines of general interest to young boys. The master mailing lists on which his name appears are frequently sold to smut peddlers, and as a result, it is not uncommon to see undesirable and unsolicited material sent to young people. I believe the committee deserves our recommendation for bringing this legislation to the House, and I am pleased to add my support.

Mr. HORTON. Mr. Chairman, it is time that we enact hard-hitting and responsible laws to protect our youth from pornographic material sent to their homes through the mail.

Hundreds of constituent parents have written to me, pleading that Congress do something to stop the flow of smut into their homes. I was reassured last year when my staff and I found Attorney General John Mitchell very cooperative in seeking solutions to this problem—and very anxious to afford priority attention to the war on smut.

I am, therefore, most hopeful that my colleagues will see the need of passing the bill we have before us today, H.R. 15693. This bill would protect minors and also the privacy of those mail patrons who do not want to receive sexually oriented advertising.

President Nixon realized the need for such legislation in his message to Congress, May 2, 1969. The bill we have before us today contains his recommendations.

H.R. 15693 makes it a Federal crime to send obscene material to minors under 17 years of age. The penalty would be a $5,000 fine or 5 years imprisonment or both for the first offense, and not more than $10,000 or more than 10 years imprisonment or both for subsequent offenses.

H.R. 15693 also provides that the Postmaster General maintain a list of names and addresses of those people and the minors they are responsible for who do not want to obtain sexually oriented advertising through the mail.

If the rights of privacy of these people are violated, it provides that the Postmaster General request the Attorney General to institute a civil action in Federal district court to seek an injunction restraining mailers from sending such material.

Mr. Chairman, my fight against pornography has gone on for several years. In the 90th Congress, I joined in sponsoring legislation designed to stop unscrupulous publishers and dealers who use the mail as a pipeline for the unconscionable flow of smut and obscenity to minors.

I felt that Congress had helped to slam the door on filth peddlers when the antismut amendment to the omnibus postal revenue bill passed into public law in 1967.

However, Mr. Chairman, in 1968 alone, postal authorities received over 168,000 formal complaints from recipients of obscene mailings. Most of these complaints were from parents of children who are of school age.

In February 1969, I once again joined in the attack against filth merchants by introducing a much stronger bill which would specifically prohibit mail order sales of obscene materials to children under 16 years of age.

This bill would have made the unsolicited mailing of hard-core pornography to any family with children under 16 a Federal crime punishable by heavy fine and a jail sentence.

The Supreme Court has continually held that "obscenity is not within the area of constitutionality protected speech or press" where the interests of children are concerned.

In a landmark decision—*Ginsberg* v. *New York* (390 U.S. 629)—the Supreme Court held a New York State statute constitutional, which prohibited the sale to persons under 17 years of age of materials defined as obscene to minors, even though the same material might not fulfill, in reference to adults, the Court's definition of "obscenity."

The Court recognized that "exploitation" of otherwise noncensorable material "entirely on the basis of its appeal to prurient interests" can so taint the distribution of such matter as to take it out of the realm of constitutional protection.

The right of parents to direct their children's education and upbringing, including the ability to protect them from offensive and obscene material, is established in Ginsberg against New York. The Court said it had only to "be able to say that it was not irrational for the legislature to find that exposure to material condemned by the State is harmful to minors."

Patterned on this approach, the legislation I introduced made it a violation of Federal law to use the mails to sell, offer for sale, deliver, distribute, or provide to a minor any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, sadomasochistic abuse in a manner designed primarily to appeal to the viewer's prurient interests.

Prohibiting the mail-order distribution of pornography to minors or to families with minors puts the burden of responsibility for protecting our youth from access to filth on the smut peddler, where it belongs—and not on victimized families.

Mr. Chairman, parents, churches, and schools spend years educating our young people in the moral values of our society. Now the Congress has an opportunity with H.R. 15693 to aid parents and put a crimp in the activities of smut merchants by making it a Federal crime to mail obscene materials to minors.

Pornographic material can lead to antisocial behavior and contribute to juvenile violence and delinquency. This bill offers an effective way to stop the alarming flow of pornographic literature and material that reaches the hands of minors through the mail. I hope that every Member of Congress will support its prompt enactment into law today.

Mr. RANDALL. Mr. Chairman, the membership of this House should all be grateful to the Post Office and Civil Service Committee for the opportunity accorded us today to stop some of the smut peddlers who prey on the youth of America.

In October 1969, I introduced H.R. 14525 which sought to exclude from the mails unsolicited offers to sell, loan, or rent certain obscene literature or materials. While the same terms were contained in our bill, today's measure, H.R. 15693 provides more detailed definition and I would be the first to concede improved definitions of what constitutes nonmailable matter.

Of course, the reason today that so much of this objectionable matter is going into the mails is because of a series of Supreme Court decisions in recent years which under the cloak or guise of free speech has accorded rights to peddlers of filth and pornography to use the postal system as a conduit for delivery of these obscene materials. In other words, it seems our Supreme Court has held the rights of the filth peddlers superior to the rights of the American public and particularly our youth to a reasonable protection against assaults on their sensitivity.

Now, the Post Office and Civil Service Committee has done its best to find a constitutional basis for this legislation by attempting to adopt it to the most recent opinions of the Supreme Court. Even the present-day Supreme Court has said that it is possible to fashion reasonable legislation in the area of obscenity if it reflects a specific and limited concern for juveniles or if such legislation reflects concern against assault upon a persons privacy by publication in a manner so obtrusive as to make it almost impossible for an unwilling individual to avoid exposure to it.

H.R. 15693 in title I sets up specific definitions of unmailable matter for the protection of minors and in title II makes finding concerning protection from invasion of privacy through sexually oriented advertisements.

While I admire the care of the committee in seeking to find a solid constitutional foundation for the specifics of this bill, I am astounded at the go-slow attitude of some of my colleagues toward the enactment of such legislation as this. They have argued we must exercise the very greatest of caution to shape a bill that will meet the Constitutions free speech guarantees. In the light of several recent U.S. Supreme Court decisions this freedom really means not free speech in a conventional or orthodox sense of a citizen having the right to express himself on the issues of the day but it means a license is granted to entrepreneurs of filth to send the products of their depravities into American homes without restraint.

All of us want to support with vigor the rights guaranteed by our Constitution but who can say that the minds of the framers of our great Constitution could conceive that money-mad traffickers in smut and filth would ever stoop so low as to invade our homes and assault the minds of our youth with photographs and literature that we are trying to drive from the mails with this kind of bill?

We passed legislation 3 years ago which permits postal patrons to have their names removed from the mailing list of pornographers but this is an after the fact remedy or one that is available only after the pollution of pornography has had its impact. It is encouraging to note 200,000 prohibitionary orders under this legislation were issued by the Post Office Department last year. This is well and good but the facts are some damage has already been done before such kind of protection comes into being.

Today, about all we can do is have our names removed from the mailing list of those who advertise and deliver their smut by mail. The chances are when our names are removed from one list they will crop up on another.

Today, we are acting in accordance with a communication from President Nixon of May 1969 when he urged Congress to make it a Federal crime to deliver to anyone under 18 years of age sexual material unsuitable for young people. At that time he also asked that it be made a Federal crime to use the mail for commercial exploitation of prurient interest in sex through advertising. In effect, the President requested the Congress to extend existing law to enable a citizen to protect his home from any intrusion of sex oriented advertising regardless of whether or not a citizen has ever received such mail.

We should not be misled that the present bill will bring about as much protection as most of us would prefer against the offensive character of much of the material now being carried in the postal system. Some of our limitations to enact a better measure is due to the unrealistic attitude of our courts as to their definition of obscenity and pornography. These decisions have made effective legislation in this area extremely difficult to accomplish within what the U.S. Supreme Court has said conforms to the Constitution.

But in H.R. 15963 we have made two meaningful addition to the law. First, the person who mails sexually oriented advertisements must place on the envelope or cover thereof his name and address as the sender. And moreover he must identify such material by a symbol or some kind of mark or notice that the envelope contains sexually oriented advertisements. Such mark or symbol must be of a kind or character as the Postmaster General may prescribe.

Moreover, there is provided for the first time, both civil and criminal action against the violators as contained in this bill and finally there are much clearer definitions of what is nonmailable matter.

With all its limitations H.R. 15693 is a step in the right direction. By its enactment significant numbers of smut peddlers can be driven out of business.

Mr. CHAPPELL. Mr. Chairman, in this day of great permissiveness, every effort must be made to assist parents throughout the Nation who are concerned for the well-being of their children.

Many letters have come to me from parents expressing great indignation and outrage about pornographic material that has been mailed into their homes. How can we ever hope that parents can protect their young from obscenity, unless we pass laws that will keep their very homes from being invaded by the purveyors of filth?

Last year, I introduced a bill, H.R. 12627, which provided for the protection of minors by prohibiting the mailing of pornographic materials into homes where there are minor children. Today, we are considering a similar proposal, as recommended by the Committee on Post Office and Civil Service.

Mr. Chairman, I most urgently request all Members of the Congress to join with me in supporting this bill. Let us, by our action here today, demonstrate to the parents of America that we, too, care about the well-being of the children of this land and share their concern about pornographic material intruding into their homes. I urge the passage of H.R. 15693.

Mr. ZWACH. Mr. Chairman, the examples of pornographic and obscene mail which my constituents have sent to my office with their letters of protest, are really sickening. They are the marks of a sick society.

Under present law, we have no recourse against this type of mail, except to order our name removed from the mailing list after we have first received the material. Another company, and there is a huge proliferation of them, can put our name on their list and make another initial mailing. And so, actually, there would be no lessening of the traffic.

It is easy to see that under present law there is no protection for our young people from this flood of filth.

H.R. 15693, similiar to a bill which I had introduced, makes it a crime to make the initial mailing and provides for penalties of up to $5,000 for the first offense and $10,000 for the second offense.

Mr. Speaker, Congress can no longer permit this traffic in pornograpy to continue to pollute the minds of our young people. We owe it to ourselves and to our children to provide laws that have a chance of shutting off this stream of filth.

I support, and I urge the support of my colleagues for H.R. 15693.

Mr. DANIELS of New Jersey. Mr. Chairman, H.R. 15693 is a bill that takes a long step toward taking sex education out of the hands of smut peddlers and putting it back in the hands of parents where it belongs.

Much of the sex advertising that comes unwanted and unsolicited through the mail is directed toward children.

Many smut mailers now use first-class mail in order to frustrate any possible seizure by the Post Office Department.

Parents find themselves helpless in the face of a deluge of direct mail pornography, that is sadistic, often unnatural sometimes homosexual in content as well as depicting sexual intercourse. An entire industry is devoted to mail prostitution and it is aimed at youngsters 16 years of age and under.

This bill attempts to deal with this problem in two ways. First, it makes it a crime to mail material which may not be obscene according to the Supreme Court's definition of what is obscene for adults is obscene as to juveniles.

Second, it protects the privacy of adults and families by setting up a registry whereby parents can register their own and their family names and address with the Postmaster General. The presence on this registry of these names for 30 days provides public notice to mailers that the named individuals do not wish to receive "sexually oriented advertising" which is defined in medical terms and refers to the description of sexual genitals as an advertising gimmick for instance.

This particular portion of the bill will be administered by the Postmaster General when it becomes law. The list will be updated regularly and the costs should be within reason since the actual number of complaints directed to the Postmaster General are about 250,000 a year, the cost of the program should not be excessive.

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Many people in the fields of literature and the arts as well as public officials support legislation in this field. Barbara Tuchman, famous authoress, as well as people like Dr. Spock say that the time has come to act against this deluge of pornography especially that indulged in by the direct mail industry which reaches into our homes through the mailbox.

Mr. MIKVA. Mr. Chairman, I take no joy in casting my vote against this legislation. I do so not because I think that pornographic materials and sexually oriented advertisements—assuming they can be as easily identified as the bill seems to contemplate—should circulate freely among our Nation's young people. I believe that the Government has no obligation to send the mail facilities to any kind of material which is offensive to individual recipients. But this is simply bad legislation. It is carelessly drafted. It uses a vague and irrational legal presumption to define a criminal offense, which may ultimately result in its being held a violation of due process of law and unconstitutional. And most important it will never deliver on the promise of freedom from intrusive mailings which it seems to hold out. It raises false hopes which the American people will never see fulfilled.

The urgency of this legislation is not so great that we should enact a bad law simply in order to point to it and say to our constituents: "See, we are doing something." The problem of intrusive and offensive sexually oriented mail is a large and difficult problem. But this bill is not a very apt solution. There is already on the statute books a law which allows the individual postal patron to reject mailings which he considers objectionable. As the President noted in his message to Congress on pornography, the real problem is that not enough Americans are aware of these existing procedures and not enough are using them for self-protection from offensive mail.

I would have much preferred to see the Post Office and Civil Service Committee take a broader approach to intrusive mailings, an approach which would protect postal patrons from any unwanted commercial advertising, not just from that which is sexually oriented. People find unsolicited advertisements objectionable for all kinds of reasons; this bill provides protection against only one kind of objectionable mail.

I introduced earlier this year a bill which would allow a postal patron to inform his local postmaster that he wished to receive no more commercial ads of any kind from a given mailer. Moreover, the postal patron could go further and indicate that he wished to receive no unsolicited ads in the mail from any source whatsoever. This bill would have given postal patrons far greater protection than the prohibitions in H.R. 15693, and it would have done so without involving the Federal Government or the Postmaster General in the business of deciding what is harmful to minors and what advertising is sexually oriented. I would still urge the Post Office and Civil Service Committee to seriously consider holding hearings and taking action on the Junk Mail Control Bill, H.R. 16669.

Another reason that this particular bill is not a good solution to the overall problem is that much of the worst pornography which is now being received in homes across the Nation is already illegal under existing law and could be stopped by more effective enforcement of the laws now on the books. Section 1461 of the Federal Criminal Code—title 18—makes "every obscene, lewd, lascivious, indecent, filthy or vile article" nonmailable matter and imposes criminal penalties of up to 5 years in prison or a $5,000 fine for the first violation in mailing such materials. Of course, there is a large enforcement problem, but the validity of the statute has specifically been upheld by the Supreme Court and the Post Office Department—as to some extent it already has—can make great headway in this area by moving against the few major smut mailers who dominate the market. I emphasize again that this statutory provision prohibiting the mailing of any obscene material is already on the books. Along wtih the postal patron self-protection provision described earlier, it already provides some protection against undesirable sexually oriented mail.

There is now in existence a National Commission on Obscenity and Pornography. This Commission was created by Congress in 1967 specifically to study the problems of controlling traffic in obscene and pornographic materials. The Commission has made an interim report, but it has not yet made its final conclusions available to us. Indeed, it is holding hearings currently. I believe that in light of the imminence of the Commission's report—it is due to be sent to Congress within the next year—it is now premature to attempt to legislate comprehensively on this subject. The Commission is studying patterns of distribution, the volume of traffic in obscenity, the existing Federal laws to control this traffic, and the effects of pornography and obscenity on the public. It is specifically charged by Congress with making legislative recommendations for more effective control laws. I believe we are being most shortsighted—and wasteful of the taxpayers' money which has been spent in the Commission's investigations—not to wait until the results of the Commission's study are available to us before moving blindly ahead.

H.R. 15693 consists of two principal approaches to controlling obscenity in the mails. Title I of the bill prohibits use of the mails to send to minors sexually provocative pictures, photographs, or written descriptions which are "harmful to minors." I have absolutely no quarrel with this prohibition and would have voted in favor of it, standing alone. But title I of the bill does not limit itself to this straightforward prohibition. It also establishes a legal presumption that any matter defined as "harmful to minors" and deposited in the mails has been sent to a minor unless it is enclosed in a sealed wrapper and is addressed personally to an adult. The bill then makes this presumption the basis for finding a criminal violation with the resulting fines and prison terms.

I do not object to a bill which prohibits mailing the kind of material described above to minors and makes violation of that prohibition a criminal offense. But I do not believe that we can rely on a presumption—a shortcut eliminating the need for proof of criminal intent—in defining that criminal offense. Under the bill as drafted, certain kinds of material dropped into the mail are presumed to have been sent to a minor, whether they were or not. And that act of sending material to a minor is a criminal offense carrying a possible jail term of 5 years. I cannot make myself believe that a criminal statute which relies on this kind of loosely drawn presumption will meet the requirements of due process of law when examined by the courts.

I offered an amendment on the floor of the House during the consideration of H.R. 15693 which would have eliminated the presumption I have described, and would have strengthened the bill in other respects. Unfortunately, the amendment was rejected, leaving the bill in the same state of precarious validity as when reported to the committee.

The second part of H.R. 15693 attempts to limit the mailing of "sexually oriented advertisements" by allowing postal patrons to reject in advance any such ads. This general approach is reasonable, but instead of contenting itself with a prohibition on such mailings to persons who express a desire not to receive such ads, the committee went further and required an identifying mark on all sexually oriented advertisements. To me this marking requirement appears to be an invasion of the privacy of those citizens who do wish, for whatever reasons, to receive such ads. When a citizen wishes to receive ads for guns, or liquor, or other items which not everyone approves of, we do not require such ads to be labeled in a conspicuous manner so that the entire world is aware of that citizen's interest. But, the committee bill would require a conspicuous identifying mark on all such mail, thus immediately identifying recipients of such ads to their postman, and perhaps to their neighbors, the police, or other local officials. I believe that such identification is unnecessary and an unjustifiable governmental intrusion on the citizen's right to privacy.

The most damning criticism of H.R. 15693 is that despite its presumptions and its mandatory identifying marks, it simply will not be very effective in reducing the volume of obscene mail to minors and the amount of sexually oriented advertising which is being sent through the mails. I do not believe that we should hold out this bill as an answer to the people's justified complaints about the intrusion of unwanted commercial advertising into their homes. To the extent that it is possible for the individual postal patron to control the flow of sexually provocative advertising into his home, the procedures for him to do so are already part of the law. If those procedures have been used by only 170,000 citizens, I believe that is the fault of the Post Office Department or the citizens themselves. To the extent that the Post Office can stop obscene or lewd mail, it already had the authority to do so under existing law. Thus, no matter who is trying to control this flow of unwanted mail, H.R. 15693 will add little if anything to the legal sanctions available.

We ought not kid the people that we

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are meeting a problem when we are not. They deserve better than that by way of leadership.

Mr. NIX. Mr. Chairman, I have no further requests for time.

Mr. CUNNINGHAM. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROTECTION OF MINORS FROM RECEIPT OF OBSCENE MATERIALS THROUGH THE MAIL

SEC. 101. The Congress finds—

(1) that the United States mails are being used to effect the sale, distribution, and delivery to minors of matter offensive to prevailing standards in the adult community concerning which materials are suitable for, and should be made available to, minors;

(2) that it is against the public interest that the United States mails be used to convey this offensive matter to minors; and

(3) that, in order to protect the children of the United States from exposure to harmful and offensive matter by means of the United States mails, it is sound public policy to establish, in addition to other classes of nonmailable matter, a special category of matter which may not be sent to minors through the United States mails.

SEC. 102. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4011. Special category of nonmailable matter with respect to minors

"(a) The mails may not be used to make to a minor a sale, delivery, or distribution, or an offer for a sale, delivery, or distribution, of any matter described in this section. Such matter constitutes a special category of nonmailable matter with respect to minors; as follows:

"(1) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or a portion of the human body, which—

"(A) depicts nudity, sexual conduct, or sadomasochistic abuse; and

"(B) is harmful to minors; or

"(2) any book, pamphlet, magazine, or other printed matter, however reproduced, and any sound recording, which—

"(A) depicts nudity, sexual conduct, or sadomasochistic abuse or contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse; and

"(B) taken as a whole, is harmful to minors.

"(b) If deposited in the mails for delivery to a residence in which a minor resides, matter which is described in subparagraph (1) or subparagraph (2) of subsection (a) of this section, or which constitutes or contains an offer or advertisement therefor or information as to where or how such matter may be obtained, shall be deemed to have been deposited in the mail for delivery to such minor, unless such matter is contained in a sealed envelope or sealed wrapper which conceals completely, the contents and unless such wrapper or envelope is clearly, specifically, and personally addressed to an adult who resides at that residence.

"(c) As used in this section—

"(1) 'minor' means any person under the age of seventeen years;

"(2) 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(3) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's covered or exposed genitals, pubic area, buttocks or, if such person be a female, breast;

"(4) 'sexual excitement' means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

"(5) 'sadomasochistic abuse' means (A) flagellation or torture by or upon a nude person or a person clad in undergarments, a mask, or bizarre costume, or (B) the condition of being fettered, bound, or otherwise physically restrained on the part of a nude person or a person so clothed;

"(6) 'harmful to minors' means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors; and

"(B) is offensive to prevailing standards in the adult community concerning what is suitable material for minors; and

"(C) is substantially without redeeming social value for minors.

"(d) Nothing in this section shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 4006, 4007, 4009, 4012, or 4013 of this title.".

(b) The table of sections of chapter 51 of title 39, United States Code, is amended by adding—

"4011. Special category of nonmailable matter with respect to minors."

immediately below—

"4010. Nonmailable motor vehicle master keys.".

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Page 3, line 25, strike out "an adult" and insert "a person who is not a minor".

Mr. ECKHARDT. Mr. Chairman, this goes to the question I asked the able chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX), which is the question about the presumption which appears on page 3, section b, which provides a presumption that a person is presumed to have directed the material to minors unless he sends the material in a sealed envelope and to an adult.

It is always dangerous to indulge in a presumption in a criminal statute unless that presumption is stated extremely clearly. The definition for "minor" is a person less than 17 years of age. Therefore, one might expect that "adult" means everyone else besides a minor.

I am not sure that is what "adult" means, because title II deals with a certain kind of adult of 21 years of age, and it also provides that a person of 19 years of age is subject to certain limitations of that title.

It would seem, therefore, that it would be far better to avoid the use of "adult" altogether and simply provide here that the material, in order for the presumption not to apply, must be in a sealed envelope clearly and specifically and personally addressed to a person who is not a minor.

Let me point out how there could be a difference in the two situations, and how the court might not know how to resolve it. Suppose an envelope were addressed to a young couple of 19 and suppose that young family includes an infant aged one. If this act means what I hope it does, and what I have tried to make it clearly mean, then this is not a violation, because the young family of 19 are not minors, and an "adult" means "not a minor."

If, on the other hand, "adult" means someone 21 years of age, then there is a violation in that instance, for the material went to a family with a minor child, a baby, and went to a nonadult.

Mr. NIX. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Pennsylvania.

Mr. NIX. We on this side accept the amendment.

Mr. ECKHARDT. I thank the gentleman.

Mr. CUNNINGHAM. Mr. Chairman, we accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 103. Section 1461 of title 18, United States Code, is amended—

(1) by inserting "or section 4011 of title 39" immediately after "declared by this section" in the penultimate paragraph thereof; and

(2) by inserting immediately before the last paragraph thereof the following new paragraph:

"It shall be an affirmative defense to a charge of violating section 4011 of title 39 that the defendant reasonably believed that the addressee of the matter in question was an adult residing at the address shown on the sealed envelope or sealed wrapper referred to in section 4011(b) of title 39. Such reasonable belief may be based upon reasonable reliance by the person so charged on a purchase order or other declaration which such person in good faith believed to have been executed by the addressee, representing such addressee to be an adult, or on other evidence.".

TITLE II—PROTECTION FROM INVASIONS OF PRIVACY THROUGH MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

SEC. 201. (a) The Congress finds—

(1) that the United States mails are being used for the indiscriminate dissemination of matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

(2) that such matter is profoundly shocking to many persons who receive it, unsolicited, through the mails;

(3) that such use of the mails subjects these persons to offensive and unwarranted intrusions upon their right to privacy; and

(4) that such use of the mails reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to their children.

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(b) On the basis of the foregoing the Congress determines that it is contrary to the public policy of the United States for the postal facilities and services of the United States to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

SEC. 202. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new sections:

"§ 4012. Mailing of sexually oriented advertisements

"(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postmaster General may prescribe.

"(b) Any person, on his own behalf, or, if such person has reached the age of twenty-one years, on the behalf of any other person who has not attained the age of nineteen years and who resides with him, or is under his care, custody, or supervision, may file with the Postmaster General a statement, in such form and manner as the Postmaster General may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Postmaster General shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as he may prescribe, including the payment of such service charge as he determines to be necessary to defray the costs of compiling and maintaining the list, keeping it current, and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than thirty days.

"(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Postmaster General pursuant to this section.

"(d) 'Sexually oriented advertisement' means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"§ 4013. Judicial enforcement

"(a) Whenever the Postmaster General believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 4012 of this title, he may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, it may issue an order including one or more of the following provisions as the court deems just under the circumstances:

"(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

"(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; and

"(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 4012 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity in violation of section 4012 of this title.

"(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the agent or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

"(c) In preparation for or during the pendency of a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

"(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in which any sexually oriented advertisement mailed in violation of section 4012 has been delivered by mail according to the direction thereon.

(e) Nothing in this section or in section 4012 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 4006, 4007, 4009, or 4011 of this title.".

(b) The table of sections of chapter 51 of title 39, United States Code, is amended by adding at the end thereof—

"4012. Mailing of sexually oriented advertisements.

"4013. Judicial enforcement.".

SEC. 203. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new sections:

"§ 1735. Sexually oriented advertisements

"Whoever willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 4012 of title 39, or willfully violates any regulation of the Postmaster General issued under such section; or

"Whoever sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 4012 of title 39, uses a mailing list maintained by the Postmaster General pursuant to such section—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"§ 1736. Restrictive use of information

"(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 4012 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"(b) The fact of the performance of any act by a natural person in compliance with any provision of section 4012 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.".

(b) The table of sections of such chapter 83 is amended by adding at the end thereof—

"1735. Sexually oriented advertisements.

"1736. Restrictive use of information.".

TITLE III—SEPARABILITY PROVISION AND EFFECTIVE DATE

SEC. 301. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SEC. 302. The foregoing provisions of this Act shall become effective on the first day of the sixth month which begins after the date of enactment of this Act.

Mr. NIX (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and printed in the RECORD, and that the bill in its entirety be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 3, line 15, strike out all down to and including the words "to such minor," in line 21, and insert in lieu thereof the following: "(b) No person shall deposit or cause to be deposited in the mails any matter which is described in subparagraph (1) or subparagraph (2) of subsection (a) of this section, or which constitutes or contains an offer or advertisement therefor or information as to where or how such matter may be obtained,".

Mr. MIKVA. Mr. Chairman, by way of explanation, let me say first I am inclined to agree with the distinguished gentleman from Michigan (Mr. WILLIAM D. FORD) about my doubts as to the efficacy of this legislation. I really question whether in fact the problem is not, as the President said, something that is going to have to be resolved in the home rather than by Government.

However, if we are going to try to give the bill a chance, it seems to me we ought to try to clarify what I consider to be a dangerous ambiguity.

As I learned the criminal law, from a strict constructionist, I was told that presumptions should be used very sparingly in the criminal law.

There is a presumption on page 3, subparagraph (b) which I feel has a serious

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constitutional limitation. My amendment would change that presumption. It would say, simply, that if someone is going to mail out matter described in (A) or (B) he should send it in a wrapper that is closed and he should specifically address it to an adult. If he does that, he is clear. If he violates either of those provisions, then he has violated the act.

I believe it is a plain effort to do what the bill seeks to do by presumption. I have thought carefully about what its implications are. I believe it will possibly create a little extra burden on the sender, but it will lighten the burden on the prosecutor. As to this extra burden on the sender, the only extra burden involved here is that he will have to be a little more careful about using mailing lists. If we were serious about using this bill, we should not worry about that. This amendment by and large is a clarifying amendment. It seeks to do specifically what the present language does by presumption—a presumption which I think will get knocked down as unconstitutional in a criminal law where penalties go up to 5 years and $5,000. Therefore, I respectfully urge the adoption of my amendment.

Mr. SCHEUER. Mr. Chairman, I urge my colleagues to reject this well-intended measure—H.R. 15693. As the father of four kids in their teens, I am deeply concerned about unsolicited filth being delivered by mail to minors. I believe in parental censorship in wise and prudent doses. But I do not believe in the kind and degree of governmental censorship contemplated by this bill. Therefore, because this bill is premature, of questionable effectiveness, probably unnecessary, and of dubious constitutionality, I urge my colleagues to vote against it.

It is premature because the President's Commission on Obscenity and Pornography is due to make its report in July, and we should not try to second-guess them. We should await their report and recommendations before enacting new laws in an area in which existing laws, in the opinion of many, are adequate if properly enforced.

It is probably unnecessary because the Justice Department is already engaged in vigorous prosecution of those few publishers responsible for most of the obscene matter in the mails. To quote Mr. David Nelson, general counsel for the Post Office:

> Ninety-five per cent of the current complaints about obscenity in the mail result from the indiscriminate direct mail advertising of some 15 major promoters. One of these dealers has already been convicted of violating the postal obscenity statute and his appeal is now pending. . . . Ten more of these major promoters are under indictment and evidence relating to mailing activities of the remaining four is in the hands of the appropriate U.S. attorneys. We hope that indictments against these four will be returned promptly.

Finally, H.R. 15693 raises grave constitutional issues. Its vague standards for what is considered harmful to minors—less clear than the New York statute upheld by the Supreme Court—would make it extremely difficult for a publisher to know what is permissible and what is not. The requirement that publishers' mailing lists be kept "current" with the proscribed list of the Postmaster General would, as a practical matter, be impossible for small publishers to meet.

Under present law, a resident can notify the Postmaster General that he does not want to receive the mail of a specific publisher. The publisher is notified and prohibited from sending further mail to the residence. Under this bill a resident would add his name to the Postmaster General's list of those who do not want to receive "sexually oriented advertising." The burden would fall on the publisher to keep his mailing list current with the proscribed list of the Postmaster General.

Further, the definition of "sexually oriented advertising" in title II of the bill is so broad it would be impossible for a publisher to know with certainty what is permissible. Any number of publishers could be viewed as being in violation of that vague prohibition. The effect would be to inhibit the mailing to adults of permissible adult material. In *Butler* v. *Michigan* (352 U.S. 380 (1957)), the Supreme Court firmly rejected an unwarranted restriction of first amendment rights the notion that protected material can be proscribed as part of an effort to keep unprotected material away from minors.

To restate my reasons for opposing this measure, I regard it as premature, of questionable effectiveness and of dubious constitutionality, however desirable and beneficent its aim may be, and however much we may agree on the desirability of preventing unsolicited filth from coming freely into our homes.

Mr. NIX. Mr. Chairman, I rise in opposition to the amendment.

I shall not take my 5 minutes but only say that we held hearings on this legislation for 7 days and had 30 witnesses. We communicated with the attorneys general of about eight or 10 States and had the opinion of persons knowledgeable in the law. We studied the legislation as it related to the decisions of the Supreme Court. This is the result of our deliberations. I am convinced the legislation as presented here is proper and is the best that could be done.

I oppose the amendment and ask for its defeat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15693) to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their home of sexually oriented mail matter, and for other purposes, pursuant to House Resolution 944, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CUNNINGHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 375, nays 8, not voting 47, as follows:

[Roll No. 96]

YEAS—375

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith

King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lloyd
Long, La.
Long, Md.
Lujan
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stokes
Stuckey
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—8

Bolling
Burton, Calif.
Conyers
Harrington
Lowenstein
Mikva
Ryan
Scheuer

NOT VOTING—47

Anderson, Ill.
Baring
Blatnik
Brown, Calif.
Burke, Fla.
Bush
Byrnes, Wis.
Cabell
Chisholm
Clay
Colmer
Cramer
Davis, Wis.
Dawson
Diggs
Feighan
Fisher
Frey
Fuqua
Giaimo
Hanna
Hawkins
Johnson, Calif.
Kirwan
Langen
Lennon
Lukens
Mollohan
Moorhead
O'Konski
O'Neal, Ga.
Ottinger
Patman
Poage
Powell
Roberts
Roybal
Schadeberg
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Taft
Teague, Calif.
Thomson, Wis.
Tunney
White

So the bill was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Lennon with Mr. Burke of Florida.
Mr. Roberts with Mr. Lukens.
Mr. O'Neal of Georgia with Mr. Cramer.
Mr. Feighan with Mr. O'Konski.
Mr. Johnson of California with Mr. Byrnes of Wisconsin.
Mr. Stratton with Mr. Davis of Wisconsin.
Mr. Ottinger with Mr. Teague of California.
Mr. White with Mr. Frey.
Mr. Cabell with Mr. Schadeberg.
Mrs. Sullivan with Mr. Taft.
Mr. Moorhead with Mr. Hawkins.
Mr. Fisher with Mr. Langen.
Mr. Patman with Mr. Bush.
Mr. Giaimo with Mr. Steiger of Wisconsin.
Mr. Brown of California with Mr. Diggs.
Mr. Tunney with Mr. Clay.
Mr. Kirwan with Mrs. Chisholm.
Mr. Roybal with Mr. Thomson of Wisconsin.
Mr. Hanna with Mr. Powell.
Mr. Baring with Mr. Colmer.
Mr. Mollohan with Mr. Dawson.
Mr. Fuqua with Mr. Stubblefield.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. NIX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed, H.R. 15693.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WELCOME TO THE "PAY-AS-YOU-GO CLUB"

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, will wonders never cease? Apparently not. Yesterday's news carried an item which is bound to go down in "Ripley's Believe It or Not." According to Evening Star writer Robert Walters, the new Democratic national treasurer, Robert Strauss, has instituted a pay-as-you-go policy at party headquarters. When Mr. Strauss took over the purse strings of the party, he was handed $9 million in unpaid bills and an empty purse.

After assessing the situation, Mr. Strauss concluded that the only way to erase the debt was to pay the bills and keep them paid. His action must surely come as a shock to most Democrats who have long touted the virtues of deficit spending and advised us that debt is a mythical beast of the mind which will somehow vanish if ignored.

Now Mr. Strauss comes along and proposes this revolutionary new philosophy. In his words:

> We're going to be in the black this year because we're going to take in more than we spend. It's that simple.

I would not doubt but what some Democrats are already calling for Mr. Strauss' scalp and are charging that he must really be a rock-ribbed Republican masquerading in the garb of a donkey. For who but a Republican would be urging pay-as-you-go and fiscal responsibility? Who but a Republican would have the audacity to publicly advocate taking in more than is spent and remaining in the black?

I am certain that these Democrats must consider Mr. Strauss' proposal a Republican plot to embarrass a Democratic Congress bent on national budget-busting in an election year. For who but a Republican would publicly expose the Democratic Party to the obvious charges of hypocrisy and double standards by urging a budget surplus for a party devoted to a national deficit? Who but a Republican would be preaching the heresy of a budget surplus within Democratic ranks? Why, the next thing you know, Mr. Strauss will be saying that what's good for the party is good enough for the Nation; and then they will have to dispatch Walter Cronkite to Texas to help rewrite another chapter in the history of the sixties.

I must confess to my Democratic colleagues that to the best of my knowledge this is not a Republican plot and Mr. Strauss is not one of our agents sent to infiltrate Democratic ranks. I will not deny the possibility that Mr. Strauss may have been reading some of our literature including the President's budget message. And I realize that for those who take the time to read this remarkable document, the sheer logic is rather overpowering.

And so, to my Democratic colleagues in this Chamber, let me say, welcome to the pay-as-you-go club. We in the minority party have been fighting a lonely and losing battle for a budget surplus for many years. While we may claim pride in authorship, we have no copyright and are more than happy to let you borrow a page from our book. We have long felt that when it comes to fiscal responsibility, we are not simply Republicans or Democrats—we are Americans. Let us consider the pending budget in that spirit.

U.S. CHAMBER OF COMMERCE SELECTS A MINISTER, A CHAMPION, AN EXPLORER, A COMMANDER, A TRUSTEE, AND A BUSINESSMAN AS ITS NEW PRESIDENT: F. RITTER SHUMWAY

(Mr. HORTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. HORTON. Mr. Speaker, yesterday, the Nation's largest organization of private businesses elected the man who will lead American private enterprise into the 1970's. The Chamber of Commerce of the United States elected F. Ritter Shumway as its president for the coming year.

While the U.S. Chamber elects a new president annually, the selection of F. Ritter Shumway to this post has special meaning for me for two reasons.

The first is a selfish reason. Ritter Shumway is a very close personal friend and constituent of mine, and his selection is a tribute to the Rochester business community and Rochester Chamber of Commerce from which he comes.

Second, the kind of leadership that this vast organization selects to launch its policies of the 1970's will be crucially important not only to private business, but to our society as a whole. America is facing a myriad of crises that cannot be solved by government alone, or by business alone. More than any past era of our history, the present domestic situation calls for almost superhuman collaboration and effort on the part of the public and private sectors, working together. I am not talking about the rote repetition of the government-business partnership which is the favorite subject for public officials speaking at chamber of commerce gatherings.

I am not speaking of a government-business partnership where business participates in those areas which do not compromise its special interests and which do not require too great an investment. I am speaking of a partnership in the coming decade in which both government and private enterprise must collaborate fully, as though both were charged with the public responsibility of solving these public problems, whatever the sacrifice.

This new dimension in government-business cooperation, and in business involvement in the problems of society and environment will require a new dimension of business leadership. I strongly feel that F. Ritter Shumway can provide this leadership.

Ritter Shumway quite literally supplies the merger between business acumen and compassionate spirit that is needed for this task. He is one of the few, if not the only head of a large corporation who is also an ordained minister. Many would say that Ritter, as chairman of the board and chief executive officer of Sybron Corp. has brought the conscience and humanness of his Presbyterian ministry to the helm of the business world.

Sybron Corp., with headquarter offices in Rochester, N.Y., now has more than 50 divisions and subsidiaries in 14 countries around the world. The company manufacturers specialty chemicals, instruments, and control systems and a broad range of equipment and supplies for industry, laboratories, for dental and medical use and for pollution control application.

Somehow, in addition to leading and assembling this large health-scientific conglomerate, Ritter Shumway has found time to lend his leadership and enthusiasm to more than 30 outside organizations.

Ritter was president of the Rochester Chamber of Commerce in 1947–48. He was elected president of the Empire State Chamber of Commerce for five separate 1-year terms, and has served as a vice president of the U.S. Chamber for the past 4 years.

He has also been instrumental in rebuilding the U.S. olympic figure skating team after a tragic air crash in Belgium in the early 1960's killed many of the Nation's finest skaters. Ritter became president of the U.S. Figure Skating Association shortly before the accident and has worked since, as president and as past president to promote the sport in America and abroad.

A champion skater in his own right, Ritter Shumway has won the veterans' dance event of the eastern figure skating championships 12 times, the most recent being in 1970. Ritter is quick to note with modesty that the veterans' dance event is a seniors event, open only to those over 35 years of age. He is 64 years old.

He has also served as national chief commander of the U.S. Power Squadron, and has been an able adviser to Congress on matters pertaining to pleasure boating. Most recently, he testified before the House Public Works Committee and offered guidance to individual Members of Congress on the technical problems connected with boating pollution.

Ritter's boating interest has also made him a modern-day waterway explorer. For the past 10 years, he has spent time charting and exploring many of the uncharted reaches of Georgian Bay which reaches into the Canadian wilderness.

No discussion of Ritter Shumway's background or abilities would be complete without underscoring his record of community service, and his personal record of commitment to a strong government-business partnership.

Ritter is first vice chairman of the board of trustees of the Rochester Institute of Technology, an institution he has had a heavy hand in helping and molding. His company, Sybron, has been very active in the many business-oriented efforts that have been made in the Rochester community to alleviate problems of the inner city.

Rochester was the first city in the Nation to form a combine of its major corporations and businesses including Sybron, for the purpose of hiring and training the hard-core unemployed. This effort, called Rochester Jobs, Inc.—RJI—has resulted in the upgrading and training of thousands of men and women in our city who formerly could not hold jobs.

In a similar vein, Sybron joined with other Rochester businesses in forming and supporting RBOC, the Rochester Business Opportunities Corp.—an organization designed to promote and finance new minority-owned businesses in the Rochester area. This, too, was the first effort of its kind in the Nation.

I expect that F. Ritter Shumway will bring to the presidency of the Chamber of Commerce of the United States the same energy, the same conscience and compassion, and the same pioneering spirit of involvement in economic, environmental, educational, and social problems that have been the hallmark of his life.

I am certain all of my colleagues will join me in wishing Ritter well on his new and exploratory voyage into the reaches of the government-business relationship of the 1970's.

STUDENTS STUDY NATIONAL GOVERNMENTAL PROCESS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, yesterday it was my pleasure to meet with and listen to students in Washington for a semester of on-the-scene study and observation of the national governmental process. These students represented several campuses, most prominently the State University of New York, and, from the opposite end of the country, the University of the State of Washington.

These young people were kind enough to grant my request that we get together before they returned to their colleges for a general discussion of campus unrest. While most of their remarks were directed to problems with which we have long been familiar, I found their comments insightful and their presentations splendidly articulate.

It was particularly enlightening for me to hear their comments on problems of university governance, the relevance of curriculum requirements to today's world, faculty tenure, and—perhaps the most insistent theme—their struggle against the "publish or perish" philosophy that has drained from the classroom an already insufficient quantity of teaching talent.

I am glad to inform Members of the House that we have scheduled a second meeting with the group for next Tuesday, May 5. I will try to get out a flyer to all Members announcing the room and hour of meeting, but I would like to take this moment now to strongly urge that my colleagues take advantage of this opportunity to hear a decidedly intelligent and responsible group of students "tell it like it is" on the college campus today.

INEQUITIES AND COSTS OF THE SET-ASIDE PROGRAM

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, for some time, I have been concerned about the potential inequities and costs of the set-aside proposal which the Department of Agriculture has tentatively "sold" to the House Agriculture Committee.

Under the administration's set-aside scheme, farmers are going to be required to set aside their conserving base acreage, plus some percentage, set annually by the Secretary of Agriculture, out of their wheat, feed grain, or cotton acreage allotments.

Having done that, they will be free to plant all the remainder of their cropland, or not plant it, as they please, to whatever crop they please.

Out in my State of Montana, farmers have been assigned a "conserving base" of cropland to be kept out of production which amounts of 49 percent of all our cropland. In some States, the conserving base amounts to only 8 percent of all cropland.

With nearly half of Montana's farmed land as conserving base, plus a percentage of allotments set aside, we are not going to have any extra acres to plant as we please; we are going to have to fight to conserve our soil which will start blowing away and polluting the atmosphere under double, or 2-year, summer fallow.

But in States with small conserving base assignments, it appeared that millions of acres in excess of actual crop acres in past years, would be freed to be planted.

I requested a report from the Legislative Reference Service on this, and the potential costs of the set-aside program as a consequence. The report, prepared by Dr. Walter Wilcox, indicates that under set-aside there will be 267 million crop acres in the Nation which are free

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to be planted—109 million acres more than actually planted to wheat, feed grains, and cotton in 1969. As a consequence, the report forsees actual plantings of wheat, feed grain, and cotton in excess of past years, causing excessive surplus which Dr. Wilcox estimates will increase the costs $1 billion more in 1971 than current programs.

His report states there would be wide variations in the acreage that would become available by States, and consequent inequities.

In the State of Washington, producers would have to cut their acreage 5 percent under 1969 to meet set-asid requirements as indicated to the Agriculture Committee by Department officials.

In my State of Montana, we would have 2 percent more acres free in 1971 than we planted in 1969.

But in the South and Midwest, very large acreages would become free, according to Dr. Wilcox, with some States more than doubling their acres planted to surplus crops.

Mr. Speaker, I submit the report for the RECORD since nearly all members will be concerned with its content and will want to evaluate the projected crop plantings and yields leading to great surpluses.

ECONOMIC ASPECTS OF ADMINISTRATION'S PROPOSED SET-ASIDE FARM PROGRAM

The main features of the administration's proposals as of April 20 were:

For the 1371, 1972 and 1973 crops cooperating producers who set aside a part of their cropland would be eligible for price supporting loans at world levels, plus government payments equal to the difference between the average market price the first 5 months of the marketing year and 18 cents a pound for cotton, $1.35 a bushel for corn and $2.77 a bushel for wheat. Wool payments would be continued at the 1970 level. The payment rates would apply to the domestic allotments of cotton and wheat and to ½ of the production on the feed grain base.

Secretary Hardin in testimony before the Senate Committee on Agriculture and Forestry, March 23, 1970, indicated that under this program, in 1971 cotton and wheat producers probably would be required to set aside 50 and 75 percent respectively of their domestic allotment acreages, and feed grain producers 30 percent of their base acreage.

Secretary Hardin estimated government payments under this program would total $3.1 billion in 1971 as compared with $3.3 billion in 1969 and a projected $3.4 billion under the present program. He indicated he expected government payments to continue at about the same levels in 1972 and 1973 (p. 808, Senate Agriculture Committee Hearings).

U.S.D.A. analysts arrived at these estimates by assuming government non-recourse loan levels in 1971 at 18 cents a pound for cotton, 95 cents a bushel for corn, $1.10 a bushel for wheat, and market prices 5 percent above the loan rates.

EFFECTIVENESS OF SET-ASIDE QUESTIONABLE

ASCS records indicate the conservation bases on U.S. farms accounts for 100 million out of a total of 430 million acres of cropland. Each cooperator in the set-aside program would be required to maintain his conservation base in addition to setting aside additional cropland. Even though 63 million acres were set aside in 1971 and the conservation base acreage maintained, a total of 267 million acres would be available for cropping. This is 109 million acres more than was planted to cotton, feed grains and wheat in 1969.

The planted acreages of cotton, feed grains and wheat in each state in 1969, and the free cropland remaining after deducting estimated 1971 set-aside and conservation base acreages are shown in Table 1. The 1969 planted acreage of the controlled crops is also shown as a percentage of the estimated cropland available for use in 1971.

It is evident from this table that under a set-aside program there would be a wide variation from state to state in the ratio of free cropland to the acreage of the controlled crops planted in 1969.

In general, southern states would have a high proportion of free cropland in 1971 in relation to controlled crops planted in 1969. The acreage planted to controlled crops in 1969 as a percentage of estimated free cropland in 1971 in Alabama was 34, Arkansas 27, and South Carolina, 27. In the heart of the Corn Belt the percentages were, Illinois, 62, Indiana, 56, and Iowa, 52. The 1969 acreages of controlled crops were relatively high in relation to the estimated free cropland in Oklahoma, Montana and Washington, 89, 98 and 105 percent respectively.

Professor Luthur Tweeten of Oklahoma State University presented a paper entitled "An Economic Appraisal of the Set-Aside Proposal" at a seminar sponsored by Iowa State University in January, 1970. In this paper he concluded that if 58 million acres of cropland were set aside in 1971, equivalent to the acreage idled in 1969, an additional 12 million acres probably would be planted to feed grains and wheat.

Secretary Hardin estimated feed grain and wheat production in 1971 under a set-aside program at 187 million tons and 1.4 billion bushels respectively. Professor Tweeten, however, on the basis of his analysis concluded 200 million tons of feed grains and 1.5 billion bushels of wheat would be produced in 1971, under a set-aside program.

At this level of production Tweeten estimated the seasonal average market prices for corn and wheat would be $.90 and $1.10 a bushel respectively. Because of this drop in price he estimated the value of feed grains and wheat produced under a set-aside program in 1971 would be $0.8 billion less than under a continuation of the current program.

Professor Tweeten's estimate of cotton production, 12.6 million bales corresponds closely with Secretary Hardin's estimate of 12.8 million bales. Professor Tweeten's estimate, however, was based on a set-aside of 75 percent of the domestic cotton allotment acreage while Secretary Hardin's estimate was based on a 50 percent set-aside for cotton producers with permission to plant cotton on a part of the set-aside acreage.

The set-aside program eliminates mandatory marketing quotas for cotton and there is little basis for projecting the extent of the increase in cotton acreage in the more productive areas when penalties for overplanting allotments are removed.

Dr. Chappell of the U.S. Department of Agriculture, in an article published in May of last year, "Cotton Looks Good Against Other U.S. Crops", Cotton: International Edition, Meister Publishing Co., Memphis, Tenn. found that at the world price levels prevailing at that time cotton was a profitable crop without subsidy in the more productive cotton producing areas. In his words, ". . . one might conclude that about two-thirds of the nearly 15 million acres enrolled in 1968 (in the cotton program) can compete with other crops at world price levels for cotton. If this acreage were weighted by yields per acre, this proportion might rise to about 75 percent."

In recent weeks, however, cotton producers have expressed the fear that unless all cotton producers are given a direct subsidy they would not produce enough cotton to supply domestic needs and continue exports at recent reduced levels. It is clear that there is a sharp contrast between the expected response of cotton and grain producers in the United States to world prices. Although grain producers would expand production and cause a drop in prices if the voluntary adjustment programs were discontinued, cotton producers appear unlikely to do so.

When new program provisions, such as in the set-aside proposals, are under consideration analysts may be expected to differ in their projections of results. With 267 million acres of unrestricted cropland available in 1971 it is likely that producers would increase their acreage of the controlled crops 10 to 12 million acres beyond the 158 million acres planted in 1969 under the present program. Most of the additional acreage would be planted to feed grains. Sufficiently drastic adjustments in conservation bases to assure an effective grain acreage adjustment program probably would not be politically feasible.

It is probable that both grain and cotton production in 1971 would be higher than Secretary Hardin estimated. And production of both cotton and grains might well be larger than estimated by Professor Tweeten. The set-aside requirements are not sufficiently restrictive to project probable 1971 production with accuracy.

If larger acreages are planted market supplies might well be large enough to push prices 5 to 10 percent below the government non-recourse loan levels during the first 5 months of the marketing year. If this happened government payments would under the support floors proposed, set new records $400 to $500 million higher than the $3.1 billion estimated by Secretary Hardin and $200 million or more higher than in 1970. Government outlays also would be increased by the increased loan activities of the Commodity Credit Corporation. Under these conditions the value of the grain crops produced might be as much as $1 billion less than under a continuation of the present program.

The value of the 1971 cotton crop also would be lower but the larger supplies of cotton would only rebuild depleted stocks. Carryover stocks of grain, however, are at maximum desirable levels and if the larger grain supplies were converted into livestock products farm income would be depressed even further, perhaps another billion dollars.

House Agriculture Committee Print No. 7, April 8, 1970 includes authorization for the Secretary of Agriculture to limit the acreages planted to feed grains and wheat in 1971 and 1972 as he determines necessary to provide an orderly transition to the set-aside program. If this authorization is utilized and the major provisions of the feed grain and wheat programs are continued it should be possible to restrict grain production and maintain prices and incomes as under the present program.

It is of interest to note that almost all producers would comply with a set-aside program if acreage limitations for specific crops are not included. Producers who are not complying with the present voluntary wheat and feed grains programs because their allotments are too low in relation to current farming plans, would find the set-aside requirements easy to meet.

On a national average basis, using Secretary Hardin's estimates, cotton producers would receive $158 per acre set-aside if they set aside 50 percent of their domestic allotment acreage, (or $231 per acre if they set aside 33 percent of their domestic allotment acreage). Feed grain producers would receive $40 an acre (corn producers $45 to $50) and wheat producers $64 an acre. The higher acre payments for the cotton and wheat producers are income supplements not associated with achieving desired supply or resource adjustments.

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TABLE 1.—CROPLAND IN EXCESS OF CONSERVATION BASES AND 1971 SET-ASIDE, TOTAL ACRES PLANTED TO COTTON, FEED GRAINS, AND WHEAT, 1969 AND ACREAGE OF THESE CROPS AS A PERCENTAGE OF ESTIMATED UNRESTRICTED CROPLAND IN 1971, BY STATES

State	Cropland in excess of set-aside and conservation base, 1971 acres (1,000)	Acres planted to corn, grain sorghum, barley, wheat, cotton 1969 (1,000)	Acres planted in 1969 as percent of "free" cropland
Alabama	4, 237	1, 456	34
Arizona	962	798	83
Arkansas	6, 038	1, 647	27
California	5, 148	3, 154	61
Colorado	5, 400	4, 626	86
Connecticut	31	46	148
Delaware	384	235	61
Florida	1, 096	479	44
Georgia	5, 644	2, 265	40
Idaho	3, 187	1, 853	58
Illinois	18, 775	11, 548	62
Indiana	10, 448	5, 804	56
Iowa	19, 732	10, 334	52
Kansas	17, 191	16, 568	96
Kentucky	2, 735	1, 455	53
Louisiana	2, 997	731	24
Maine	29	16	55
Maryland	947	801	85
Massachusetts	26	31	119
Michigan	7, 096	2, 375	33
Minnesota	16, 047	6, 453	40
Mississippi	5, 713	1, 853	32
Missouri	10, 530	4, 778	45
Montana	5, 649	5, 554	98
Nebraska	12, 515	9, 990	80
Nevada	105	37	35
New Hampshire	7	15	214
New Jersey	400	188	47
New Mexico	1, 629	927	57
New York	2, 563	1, 009	39
North Carolina	5, 038	2, 027	40
North Dakota	16, 302	9, 757	60
Ohio	8, 092	4, 151	51
Oklahoma	8, 252	7, 359	89
Oregon	1, 874	1, 313	70
Pennsylvania	2, 774	1, 794	65
Rhode Island	4	5	125
South Carolina	3, 460	949	27
South Dakota	11, 567	6, 225	54
Tennessee	4, 122	1, 489	36
Texas	25, 580	17, 735	69
Utah	644	431	67
Vermont	56	74	132
Virginia	1, 844	945	50
Washington	3, 188	3, 355	105
West Virginia	176	108	61
Wisconsin	5, 742	2, 798	49
Wyoming	780	493	63
Total	266, 761	158, 063	59

ZENON C. R. HANSEN AND MACK TRUCKS, INC., ALLENTOWN, PA., "THE TRUCK CAPITAL OF THE WORLD"

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, this week—today through May 2—in Allentown, Pa., the home of Mack Trucks, Inc., and known as the truck capital of the world, and in Pennsylvania, marks the observance of "Mack Week" by formal proclamation of Gov. Raymond P. Shafer and Allentown's Mayor Clifford S. Bartholmew.

The significant occasion will mark the formal opening of Mack's multimillion-dollar world headquarters, as well as the 70th anniversary of the firm which has played a major role in transportation history in this great Nation of ours.

Also "Mack Week" will serve as a tribute to Zenon C. R. Hansen, Mack chairman of the board and president, who has revitalized Mack trucks and elevated it to record heights since becoming the chief executive officer a mere 5 years ago.

The ever-present bulldog on the hood of each Mack Truck is a familiar sight around the globe, and the words "Mack truck" are used by so many people in so many ways to denote strength, durability, and tenacity that the firm's name has, in effect, become a "part of the language."

Typical examples are the football player who "hits runners like a Mack truck," or the demolished building that "looks like a Mack truck slammed through it." A high Federal official, in fact, recently stated the Federal tax reform bills "will hit banks like a Mack truck."

Mack Trucks Inc., as we know it today grew out of a wagon shop in Brooklyn, N.Y., operated by the original Mack brothers, who produced in 1900 America's first successful gasoline-poowered vehicle—a sight-seeing bus. It often has been said the first Mack was a bus—and the first bus was a Mack.

After 8 years of use in Brooklyn's Prospect Park, as though to signal what the future held for Mack, that first vehicle was converted to a truck and was driven an additional 9 years before it was retired after recording more than 1 million miles.

Mack business grew to the extent that the firm relocated in Allentown in 1905, where it continued to produce quality trucks, made the first hook and ladder fire engine in 1910 and also was widely acclaimed as a builder of rail cars.

The most famous older Mack truck of them all, the snub-nosed AC Mack, first was built in Allentown in 1914 and continued in production—although steadily improved—for 25 consecutive years. That American motor vehicle record stands today.

It was the AC's front-end appearance and its never-failing service on the battlefields of France in World War I that won the trucks the name of "Bulldog" by the doughboys and English tommies who drove them. Today, a Mack still is a bulldog—and bulldog means Mack.

Mack has had a pioneering role in the development of the motor vehicle and lists these "firsts" in the industry: Power brakes, rubber steering column supports, oil filters, power steering, air cleaners, rubber mounts for engine and transmission, unitized body and frame, valve seat inserts, directed waterflow, multispeed transmission with integral compounds, offset combustion chamber, and many others.

During World War II and the Korean conflict, as they are doing today during the Vietnam battle, Mack vehicles and Mack-made components played a major role in diesel-powered military vehicles. Following World War II, Mack awakened the country to the coming of the diesel in transportation with its 7½-month "diesel caravan," in which truckmen and trucking personnel were told about the diesel engine's advantages.

Mack continued its development of diesels and followed with its thermodyne engine in 1953, then introduced its revolutionary "constant horsepower" maxidyne diesel with maxitorque transmission in 1966.

In the motor truck industry, the accomplishments of Zenon C. R. Hansen, Mack chairman of the board and president, are almost as legendary as the company he directs. In the 5 years that he has served as chief executive officer, Mack sales jumped 94 percent, earnings per share rose 471 percent, production climbed more than 70 percent, and deliveries were up 57 percent.

An autonomous subsidiary of the Signal Companies, Mack Trucks accounted for 59 percent of pretax earnings last year in Signal's major divisions. Mack, which joined Signal in 1967, last year set records for sales volume, earnings per share, net income, production, and deliveries.

While known internationally for his many feats during almost 43 consecutive years in the truck business, Mr. Hansen also is famous for his never-ending efforts to help youth through such worthwhile activities as the Boy Scouts, and his constant attempts to accent America and make full-time patriots of all Americans. An Eagle Scout at 16 who earned the amazing total of 81 merit badges instead of only the required 21, he never has forgotten those who helped him appreciate America through various activities of the Boy Scouts. Today, he is the treasurer and finance committee chairman of the National Council of the Boy Scouts of America.

Mr. Hansen gained additional fame last February when the Freedoms Foundation at Valley Forge presented him the Free Enterprise Exemplar Medal—only the third time that award ever has been presented.

The coveted Gold Medallion of the Centennial Legion of Historic Military Commands was awarded him at a program in Philadelphia that same month, sponsored by the Old Guard City of Philadelphia, for his defense of the Michigan National Guard adjutant general, who was summarily dismissed, without cause or proper authority, by the Governor. Mr. Hansen took the case to court with personal and public donations, and just last year the Michigan Supreme Court ordered that general reinstated "under honorable conditions" retroactive to the date of dismissal.

Young and old alike who fail to pay proper respect to the flag of the United States quickly feel Mr. Hansen's wrath. Concerned that many people do not know how or when to properly salute Old Glory, he has had Mack Trucks distribute more than 300,000 flag folders telling when and how to salute the flag.

Mr. Hansen truly is a great American behind the prominent American industry of Mack Trucks, Inc., now observing its 70th anniversary during "Mack Week."

COUNCIL OF NAVAL EMPLOYEES

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, last week the National Council of Naval Air Station Civilian Employee Organizations met in Washington for their annual conference. At this meeting, a resolution was passed which expressed a growing concern over the contractual policies of the Department of Defense and particularly the Department of the Navy.

The Council of Naval Employees represents over 35,000 Government workers at seven air rework facilities located on both the east and west coast. They are especially equipped to maintain our military air defense readiness yet the Department of Defense insists on continuing their policy of contracting out aircraft maintenance which in my opinion not only reduces our national defense readiness but also increases the cost of these repairs to the taxpayer.

It is my feeling that the Congress should examine this problem whether by way of appropriate standing committees or by the institution of a select committee. The time has come for a reappraisal of this practice.

Mr. Speaker, I submit at this time for inclusion in the RECORD a letter from the president of the National Council of N.A.S. Civilian Employee Organizations, Carl O. LaMunyon, to Secretary Laird and Secretary Chafee reiterating the council's concern of our present policy with respect to contracting out-of-house and asking for a meeting to discuss this matter:

APRIL 22, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.
Hon. JOHN H. CHAFEE,
Secretary of Navy,
Washington, D.C.

DEAR MR. SECRETARIES: The National Council of Naval Air Station Civilian Employee Organizations, representing over 35,000 government employees at seven militarily strategic locations, today passed a resolution indicating extreme and growing concern over recent indicated contractual and costing policy changes, which we feel, will:

(a) *Increase costs to the taxpayers*—by contracting out aircraft maintenance/rework regardless of the resultant higher "total cost." This in effect involves hidden subsidies to aircraft manufacturers.

(b) *Reduce national defense readiness*—by reducing number of mission ready aircraft commensurate with increasing the "in-work," in-process, inventory.

(c) *Cause the loss of the Navy's trained cadre* of highly skilled civil service industrial personnel and thereby reduce the Navy's efficient and effectively responsive Fleet Operation's support.

(d) *Destroy the emphasis and support* for employee action to further increase true effectiveness and reduce true "total costs."

(e) *Widen the credibility gap*—the growing lack of confidence in the integrity of the Federal Government.

Particular concern is expressed over the distortion of the true "total costs" to the taxpayers by failing to include aircraft pipeline "in-process" inventory values or costs. Contracting out of aircraft maintenance, for example, ties up more aircraft in the non-mission-ready condition and thereby reduces national defense readiness yet increases the "total cost."

We ask you to initiate positive action to reverse this policy and correct this condition through the time-honored and successful use of Federal employees to support directly the Navy's fleet operations.

We would welcome an opportunity to talk with you personally on some of the details of how, in our opinion, total defense costs to the taxpayer can be lowered; namely through optimizing the use of in-house maintenance capability and (if need be) give a direct retainer subsidy to the aircraft manufacturers in lieu of hidden, wasteful and ineffective subsidies under the guise of contracting maintenance rework.

With best wishes, I am
Sincerely yours,
CARL O. LAMUNYON,
President.

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EMERGENCY HOME FINANCE ACT OF 1970

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, I am today introducing legislation identical to the Emergency Home Finance Act of 1970—S. 3685—which has come to us from the other body where it was passed by a 72-to-0 vote.

The title of the act includes the word "emergency," and it very well should. Our housing situation is critical. We do indeed face an emergency.

In the past 5 years, this Nation's total housing production has fallen more than 1.1 million units short of the volume needed to keep pace with population growth and losses of existing units. Vacancy rates are at the lowest levels in 20 years. This is an emergency.

Housing construction is in the doldrums. Mortgage money has all but disappeared from the market. And the average price of such new housing as is available has risen to such a point that the majority of our people are priced out of the market. The average man cannot afford a house, and he has trouble finding an apartment. All this adds up to an emergency.

The Emergency Home Finance Act responds to this challenge by fortifying the mortgage market and by making it possible for more people to become homeowners.

It authorizes a new subsidy program that will allow eligible middle-income families to purchase homes with mortgage loans at interest rates as low as 7 percent. Expenditure of $60 million per year for 3 years is authorized. This will allow for construction of about 150,000 subsidized homes each year, for a total of 450,000 units. This is a substantial number of new units. This program in itself will not end the housing emergency, but it moves in the right direction.

The bill also increases the availability of mortgage money by authorizing FNMA to purchase conventional mortgages as well as FHA and VA paper; authorizing a $250 million subsidy that Federal home loan banks can use to stimulate mortgage lending by savings and loan institutions; giving GNMA more flexibility in its use of $1.5 billion in special assistance funds that support the mortgage market.

These provisions of the act, together with its other provisions for increasing the flow of mortgage funds, will offer a much needed stimulus to our faltering home-construction industry, and they will open doors for many families who want to own homes but are priced out of the market. A section-by-section summary is included for the RECORD.

At this time, I must also express my deep concern over the fact that the House has not demonstrated any sense of urgency with respect to our housing problems. The Banking and Currency Committee held 13 days of emergency housing hearings between February 2 and February 25. The situation was so urgent that we held hearings on Saturday to hear from Chairman Burns of the Federal Reserve Board. Unfortunately, no action has followed and since the 25th of February there has been no concern shown by the committee for these acute housing problems.

We have before our committee numerous bills affecting housing in one way or another, many of which are extremely controversial, on which it is very unlikely we could take action any time in the near future. It is my view that we cannot delay action on the emergency housing bill until the problems associated with those other measures have been solved. This emergency housing legislation must be passed and promptly for appropriations must also be requested and enacted before its provisions can be made effective. It will not suffice for us to delay action until the late summer or the fall. Action to assist in obtaining housing is needed now and I urge all Members to join in cosponsoring this legislation and urging prompt action on it.

Both the housing industry and the administration support this legislation. Some have asked whether the appropriations requested are consistent with the President's program and I can assure you that they are and that this measure is fully supported by the administration and that we have been assured that upon its enactment, appropriations will be promptly requested.

The section-by-section summary follows:

SECTION-BY-SECTION SUMMARY OF THE PROVISIONS OF THE EMERGENCY HOME FINANCE ACT OF 1970

1. Title I authorizes $250 million subsidy for the Federal Home Loan Banks. It will be used to stimulate mortgage lending through savings and loan associations. Without this subsidy mortgage lending by these institutions is likely to be curtailed sharply this year (see attachment).

2. Titles II and III provide for a secondary market for conventional mortgages in FNMA and in the Federal Home Loan Bank System. This will help increase the fluidity of the mortgage market.

3. Title IV provides more flexible authority for $1.5 billion of GNMA special assistance funds. This will permit HUD to use these funds as necessary in its Tandem Plan operations to support the mortgage market.

4. Title V authorizes a new subsidized housing program to help middle income families obtain mortgage loans at interest rates as low as 7%. The Budget authorization is $60 million a year for the first three years. That should support construction of 450,000 housing units over a three year period.

5. Title IV authorizes:

(a) A dual market system for FHA–VA mortgages, giving more flexibility to the FHA–VA interest rate.

(b) Regulation and study of closing costs.

(c) Establishment of a special advisory commission on housing goals to report annually to the President and Congress.

(d) A few technical changes in statutes regulating commercial banks and savings and loan associations, that should be marginally beneficial to the mortgage market.

(e) A perfecting amendment to make good on the promise of Federal guarantees on loans authorized under HUD's New Communities program.

(f) An amendment to the public housing and urban renewal statutes removing a restriction which might have prevented continued sale of notes and bonds under those programs.

INTERSTATE COMMERCE COMMISSION SHOULD PROVIDE LEADERSHIP TO END TRUCKER DISPUTE IN CHICAGO

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I have today asked the Interstate Commerce Commission to provide the leadership in bringing to an end the lockout of truckdrivers in Chicago, which has created problems now being felt not only in the Chicago area but throughout the Nation.

This crippling lockout has lasted long enough, and I believe that the only way the impasse in negotiations between the truck operators and the Teamsters Union can be brought to an end is for the Interstate Commerce Commission to signify that it will take under serious consideration whatever applications are made by the trucking industry to adjust its rates to make up the differences in operating costs as a result of the settlement in Chicago. The trucking industry is a regulated industry and truck operators should have some indication what the Commission's attitude will be toward any settlement they may reach.

There can be no doubt that the key to resolving the Chicago dispute lies in some indcation by the Commerce Commission that it will recognize the need for the increased rates. On the best information that I have been able to compile, contracts now being signed by the Teamsters in Chicago calling for a $1.65-an-hour increase over the next 3 years and a $10 increase for the same 3-year period in health and welfare benefits would require an increase in rates totaling approximately 7½ percent for the truckers to meet their new operating costs.

There can be no question that sooner or later, the Commission will have to allow an increase in rates and while I do not believe that the Commission is in any position at this time to indicate how large the increase would be, surely, it would be in order for the Commission to assure the truckers that it will give sympathetic consideration to their request if, under the exceptional conditions which now exist in Chicago, they were to sign the contract with the truckers.

I say "exceptional" conditions because ironically, the trucking industry in Chicago made a huge mistake when it locked out the drivers and compelled the Teamsters Unions to negotiate separate contracts with individual trucking concerns. The Teamsters already have more than 2,000 trucking firms in Chicago involving almost 20,000 drivers signed up under the new contract providing $1.65 per hour over the next 3 years.

Once the Teamsters began negotiating individual contracts with trucking concerns in the Chicago area, they assumed a posture of "no turning back" and it is now literally impossible for the Teamsters to go back on those drivers already under contract.

Even if the Chicago Teamsters were to agree to terms lower than those negotiated with the 2,000 truckers, it is quite apparent that those drivers already under the new contract would never accept any reduced terms. Surely no one could seriously suggest a dual wage structure in Chicago.

In other words, Mr. Speaker, Louis Pieck, president of Teamsters Local No. 705, the principal negotiator for all the Teamster locals in Chicago, and Mr. Ed Fenner, president of the Independent Teamsters, cannot go back and renegotiate with those employers already under contract for the next 3 years, even if they wanted to. It occurs to me, therefore, that the only way the Chicago dispute can be brought to a successful conclusion is for the remaining truckers to sign up and seek their relief from the Interstate Commerce Commission.

In evaluating the validity for any new rate increases, the Commission obviously will have to take into consideration whether the Teamsters new pay scale in Chicago is excessive and out of line. In the light of recent other wage developments in the Chicago area, the Commerce Commission may well conclude that the Chicago Teamsters demands are not excessive.

Mr. Speaker, the operating engineers in the Chicago area recently negotiated a contract which gives them a $4.50 increase an hour over the next 41 months.

The carpenters received an increase of $2 an hour over the next 2 years.

The Machine Movers, another Teamster local, received $2.10 an hour for each of the next 3 years.

I wish that we could find some better way to meet the needs of the workingman than through these periodic raises, but if you realistically look at the situation today, you cannot draw any other conclusion than the fact that any further delay in bringing the trucking dispute in Chicago to an end will only add to the Nation's problems.

I recently said that unemployment in this Nation may reach 5 percent by the end of May. I have additional information which indicates that by spring of 1971, unemployment could reach 6½ percent in this country.

Mr. Speaker, I do not believe this is any time to further endanger our economy with needless and prolonged lockouts and strikes. It is for this reason that I hope the Interstate Commerce Commission will assume the leadership by indicating to both sides in the trucking dispute in Chicago that it will give sympathetic consideration to the legitimate needs of the trucking industry for adjustment of its rates. The Commerce Commission does not want to drive anyone out of business, and therefore, it is reasonable to assume that the Commission will grant the rate increases necessary to keep the trucking industry going after settlement of the Chicago dispute.

WESTINGHOUSE LAWSUIT BY DEPARTMENT OF JUSTICE

The SPEAKER. Under a previous order of the House, and with the permission of the gentleman from Louisiana (Mr. BOGGS), the Chair recognizes the gentleman from Pennsylvania (Mr. DENT) for 30 minutes.

(Mr. DENT asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. DENT. Mr. Speaker, a recent news story called attention to a preposterous lawsuit against the Westinghouse Corp. by the Department of Justice. An antitrust suit charges Westinghouse with a restraint of international trade because of a restrictive covenant in a licensing agreement between Westinghouse and two Mitsubishi companies in Japan. It appears that Westinghouse has granted Mitsubishi a license to manufacture, under Westinghouse patents and designs, certain heavy equipment—probably earth-moving equipment—as well as certain consumer items. The suit stems from the restrictive clause in the agreement whereby Westinghouse forbids the sale in the U.S. market of products manufactured under the agreement. Westinghouse properly argues that this would open up its domestic market to like products produced in Japan at the lowest possible wages, thereby destroying not only Westinghouse's ability to sell in the United States, but thousands of American jobs. This is not an isolated situation. Many American companies protect their markets both here and abroad with limited licensing agreements. While all details are not available, it would appear that the Japanese will have a worldwide market if this suit is won by the Government. The question then follows, whether or not under the favored-nation clause of our trade agreements, every other nation would be able to produce Westinghouse products not only for their own markets, but would dump the same into the U.S. market. Under the same trade agreements, buttressed by a favorable decision of the State and Justice Departments, all quota laws, voluntary or legislative, would be subject to the same interpretation, making a farcical use of the so-called voluntary agreements that we seek with Japan in textiles, steel, and other import-sensitive U.S. industries.

When one considers that we have lost between 10 and 75 percent, even more in some cases, on a great number of American competitive goods and products there must be serious concern for the future. Check if you wish, on shoes, glass, steel, clothing, textiles, umbrellas, small tools, electrical equipment, televisions, transistors, pianos, ladies handbags, leather goods, fish products, motorcycles and bikes, and very shortly, the automobile industry; tires, tennis balls, tool steel, cookware, tableware, earthenware, fine china, select tile, and hundreds, even thousands of other items, many of which have disappeared completely from the U.S. production lines.

Two notable events took place in the last 60 days. On March 1, the largest single steel company went into business in Japan, passing U.S. Steel by 250,000 tons a year capacity. The second event was the closing down of the last malleable iron plant, H. A. Byers of Pittsburgh, leaving this U.S. market completely without producers and dependent upon imports. While talking about manufactured products, let's not forget imported mushrooms, beef, strawberries, mellons, tomatoes, dairy products, and canned soups and fruits, that have taken thousands of U.S. jobs from our agriculture industry.

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Even without the proposed "open-doors" to all countries, we are in serious trouble. Hundreds of thousands of clothing workers took a 1-day holiday to protest imported clothing and its serious effects upon their jobs. The dangers to the U.S. job economy cannot be immunized by any pro forma free trade arguments. The day for sophomoric trade economics is long gone. That day is past, and U.S. job opportunities are in the twilight of our needs. This decision could well bring on the darkness of midnight of our power, our leadership, and our growth as a nation.

Only a mule skinner has the proper vocabulary to describe our blindness or stupidity, or both. I have a few choice adjectives of my own, but they are wholly inadequate to express by disgust and discontent with our State Department and the continuing blindness in Congress and the administration. The danger is not in the future, it is already here. If Japan gets the right to manufacture under U.S. corporation patents and specifications, then the same right will automatically be given to every other nation under GATT because of our favored-nation clause. The Nixon plan, supported by Congress, is twofold: First, to provide a market for all countries—unrestricted or partially so—by voluntary agreements that aren't worth the paper they are written on. Ask the tableware manufacturers, the steel makers, the oil producers, the textile industry, the shoemakers, the bakers, and even the candlestick makers. Second, the Nixon family maintenance plan will be used to create jobs. This will give industry, business, and agriculture a way out. Instead of laying off workers to maintain a full week's work for fewer workers in our import crippled industries, they can reduce workweeks to less than 40 hours. The Nixon administration will then pay the difference between what the worker earns and what is considered to be his needs for the size of his or her family. Pennsylvania has such a law and there are a few cases under the Pennsylvania law from the records of the department of public assistance.

And now I call upon the State Department and the eager free traders in that State Department to answer these questions. If Westinghouse is guilty of antitrust and restraint of trade, what is the State Department guilty of in the Pronaf Mexican border trade agreement? This agreement was made under section 807 of the 1954 Eisenhower amendments to the Reciprocal Trade Act—a questionable interpretation at best. Under the agreement, U.S. industry is free to cross the Rio Grande for an 11-mile-wide area along the whole border of the Rio Grande, plus all of Baja California. In Mexico, the U.S. plants can produce anything from textiles to automobile motors, but are prohibited from selling any of their finished products in Mexico. They must export all products back to the United States for further sale internally or externally. The latest information places jobs in Pronaf at 50,000 with wages from $1.70 to $3 a day. The American worker in any of these runaway industries earns more than this an hour. These jobs were created in less than 3 years. The footer being poured for new industry will create a boom in at least one industry—cement.

Being 62 years of age has some compensation. I will not have to live to see my seven grandchildren, and yours, being in a job hungry economy depending upon our industrial colonies created all over the world. In my generation, the most important single item in our lives was a job; doing something, producing something, and getting paid for it. Maybe the new generation can get along without working, but we may end up in the best educated, most underworked people in the world.

I do not know whether we are just plain stupid, whether we are blind to the facts, or whether we just do not care.

Mr. Speaker, I predict, as the gentleman from Illinois, who is on his feet at this moment, said before our committee the other day during a committee hearing in which we had the Secretary of Labor as a witness, that he definitely believed that the unemployment would reach five percent before the middle of this summer.

At this point I would like to ask the gentleman from Illinois (Mr. Pucinski) whether the prediction has been made by someone who has made a great study of the unemployment prospects in this country.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield, we are not only concerned about the prospects of 5-percent unemployment, but rather, the most authoritative studies on the labor trends in this country, indicate that by early spring of 1971 we may have a 6.7 percent—not we may—we will have a 6.7 percent unemployment in this country.

Mr. Speaker, I believe that the statement being made by the gentleman from Pennsylvania (Mr. Dent) is one of the most historic and one of the most significant statements made in this House in many years. The gentleman deserves the credit of all of us for calling attention of the House to the lawsuit which is now pending, and the devastating effects and ramifications of this legal action.

The gentleman is absolutely correct, that indeed, if the Japanese Government wins this case it will mean total and complete chaos in the ranks of the American labor forces all over this country. I further believe that the gentleman is underestimating the impact of the Westinghouse situation if this lawsuit should be won by the Japanese Government.

I say this: The gentleman in the well has been sounding the alarm in this House and in this Chamber for many years. I remember when the gentleman first began warning us of the trend and the damage that it was doing to the American industrial environment. There were those who ridiculed the statements made by the gentleman. There were those who threatened his political career. There were those who even withheld support for the gentleman because he had the courage to stand here and tell us what was happening.

Today the predictions that he has been making in the Chamber have become stark and grim realities.

Mr. Speaker, I say that what the gentleman is saying today is of the most profound interest and concern to every American. I congratulate the gentleman from Pennsylvania for calling the attention of the House to the legal action that is now pending. This is a landmark case, and could have profound effects not only on the international relations of this country with other countries of the world, but on the economic stability of the United States.

I do not believe that we can put too much emphasis on the statements the genleman is making here.

Mr. Speaker, I am proud to be able to serve under the gentleman on the Committee on Special Labor.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I want to join in commending the gentleman in the well for his patient persistence, and I know that his persistency will continue in the future. I am glad the gentleman is concerned, and primarily it may be because the dangers he speaks of are general throughout the country, but specifically because we have 15,000 to 16,000 employees in the Westinghouse Air Brake Co., and in the Westinghouse Electric in Mon-Yough who are affected. I have discussed this matter with the gentleman on several occasions, and I would like to ask the gentleman to expound a little and to explain and call attention to the dangers involved, and that they are not only limited to the machinery that he has suggested, but that there are other implications. Is that not correct?

Mr. DENT. That is true.

We have before us here a press release from an organization known as the American Retail Federation.

It is typical of the type of propaganda fed to this Congress every time there is action contemplated on the Trade Agreements Act, it is the kind of propaganda published in my daily newspapers at home as the truth. It is the greatest pack of untruths ever published to fool the American Congress and to lull the American people to sleep.

This is signed by a Eugene A. Keeney, president of the so-called American Retail Federation.

This is what he says in part. He said:

> There is no doubt if Pennsylvania passes this bill dealing with clothes, shoes, and textiles, that foreign countries will retaliate by limiting shipments of exports to their own markets.

Then he proposes to show the growth of exports from my State of Pennsylvania. Everyone of you will receive this detailed report concerning your State. I warn you now—it is the most exaggerated piece of falsehood I have ever had the opportunity to dissect, and to find out the truth about.

Let me give you just a little illustration as to how these foreign agents, following the internationally oriented State Department, get away with propagandizing our daily newspapers in the country—and they foolishly follow it without checking—because mine have written editorials on this particular information—he says:

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In 1966 exports from the State of Pennsylvania amount to $1,167,000,000.

Seven years later, at the end of 1966, the exports were $1,342,000,000—or a gain of $70 million in value—which means that at least 25 percent of the volume of exports was cut down, but the increased cost of exports brought it up to that figure.

Now in 7 years, from the factual figures that the Department of Commerce gives you and gives me and gives to this agent, we find that there was about a $7 million increase in the money volume of exports.

Then he goes into 1969, and he says that the increase from January 1967, until October 1969, rose from $1,342 million to $2,239 million.

So I searched, and I received this reply to my question as to where the authority for this figure came from. This is the answer:

The 1969 figures are estimates based on a projection of 1966 figures, assuming that the growth rates in Pennsylvania exports in specific areas are parallel to the national growth rate of these particular products in the United States of America.

There is not any proof whatsoever that 1 dollar's worth of these products were sold. When I look over the list, I find that glass is supposed to have climbed from $29,000,000 worth of glass exports in 1960 to $48,000,000 in 1967.

Well, I want to remind this gentleman that just 2 months ago one of the three remaining glass plants in Pennsylvania where we had 46 of them not over 10 or 15 years ago closed down and 650 more workers were put out of their jobs.

The glass industry is impacted by 58 percent of the total volume of glass sold in the United States. This man says we sold $48,000,000 worth in Pennsylvania. He claims that we sold nonelectric machinery totaling $500,000,000 or twice as much as we sold in 1960. He says that we are selling instruments, electric machinery, fabricated metal products, and transport equipment, but what he does not tell the people is that most of these items are part of an economic-aid effort of this country, paid for by the American taxpayers. If anybody can export it for you, buy it yourself and give it away. That is what the vast majority of the volume of exports from Pennsylvania amounts to.

I have a few choice adjectives that I use when there are no ladies present, but they are wholly inadequate for me to describe my contempt for this gentleman and the organization which he represents, and my contempt and disgust with our own Government, which is trying under our antitrust laws an international situation which is one-sided, to open up the markets of the United States, and in no way can we open up the markets of foreign countries for our products because our State Department negotiated the contract with the Mexican Government which forbids products made in Mexico by American manufacturers to be sold in Mexico.

The gentleman from Massachusetts I know is vitally interested in electronics. I want to give you a little story about electronics, sir. The first industry that moved across the Rio Grande River was the electronics industry. They now have 18,000 American jobs shipped over to Mexico to make the products that we were making in my State, and that were being made in your State, in Maryland and in Illinois. They are paying from $1.70 to $3 a day against an American wage averaging $3.28 an hour. Now all of these products are flowing back into the United States and taking the jobs of Americans.

We can pass all the relief laws we want; we can pass all the family maintenance bills we want; we can pass all of the legislation on manpower training that we want, and all we will do is succeed in impoverishing this Nation and destroying the greatest industrial complex that was ever created on the face of the earth.

I include at this point in my remarks a press release from the American Retail Federation:

PENNSYLVANIA'S BOOMING EXPORT SALES, ESTIMATED AT $2.3 BILLION, THREATENED BY DRIVE TO IMPOSE SHOE, TEXTILE IMPORT QUOTAS

WASHINGTON, D.C., January 1970.—Pennsylvania's booming export sales, which have soared to an estimated $2,239 million from $1,137 million in 1960, are threatened by a drive to impose restrictive quotas early in 1970 on imports of shoes and textiles.

"Quotas on shoes and textiles would inevitably result in a strong backlash against U.S. exports by foreign countries, and would be particularly costly to big exporting states," says Eugene A. Keeney, President of the American Retail Federation. Pennsylvania stands to be particularly hard hit, since the state is the nation's sixth exporter, and Philadelphia is fourth in importance among industrial centers producing for foreign markets, as well as being one of the country's biggest exporting ports—a major producer of income directly and indirectly from foreign trade.

Pennsylvania is also a large producer of shoes, and its shoe manufacturers claim to be seriously threatened by imports (see attached research). But the objective danger to the shoe injury is slight compared to the threat to Pennsylvania's huge export interests if the nation reverses its 35-year foreign trade policy. Yet apparently for lack of public awareness of the state's enormous stake in export trade, and of how its foreign sales would be endangered by import quotas, the state's political weight in Congress is preponderently protectionist, particularly as concerns shoe quotas.

MACHINERY, STEEL TRANSPORT EQUIPMENT BIGGEST EXPORTS

Pennsylvania's machinery and metal products alone account for an estimated $1,446 million in exports. Nonelectric machinery by itself now reaches an estimated $500 million in foreign sales, made up of a wide variety of construction, metal working and industrial machinery, plus engines and turbines. Electric machinery accounts for another estimated $225 million in exports; these consist largely of electrical distribution products, electronic components and communications equipment.

The phenomenal jump in steel exports this year brought Pennsylvania's foreign shipments of primary metal products to an estimated $365 million, while its foreign sales of fabricated metal products amount to about $156 million. Chemicals and pharmaceuticals sold abroad for an estimated $210 million, while exports of transportation equipment (mostly road vehicles, railroad equipment and aircraft) accounted for an estimated $252 million.

In addition, Pennsylvania exports some $95 million of instruments, $50 million of food products, $48 million of apparel, $34 million of stone, clay and glass products, $21 million of paper products. The state also exports substantial amounts of printed matter, tobacco manufactures, wood and leather products.

Finally, the state exports an estimated $65 million of farm products, consisting largely of wheat, tobacco, feedgrains, fruits, and dairy products. Its coal exports add another estimated $53 million to the state's total.

PITTSBURGH, ALLENTOWN, ERIE, YORK BIG EXPORT CENTERS

Following Philadelphia, Pittsburgh is the most important export center in the state, shipping large amounts of nonelectric machinery and electric machinery abroad as well as its major export, primary metals. Other key areas producing substantially for export are Allentown-Bethlehem-Easton area, Erie, York and Lancaster.

PENNSYLVANIA'S CUSTOMERS WOULD BE HIT BY SHOE, TEXTILE QUOTAS

Foreign buyers of Pennsylvania's big exports are principally the countries of Western Europe, Japan and (to a lesser degree) Asia—countries substantially dependent on their sales of shoes and textiles to buy U.S. products. Countries selling us shoes include Italy, France, United Kingdom, Spain, Japan and Taiwan. Big foreign suppliers of textiles include these same countries plus West Germany, Belgium, Holland, Israel, Korea, Mexico and Colombia. All these countries would be hurt by U.S. restriction of their sales, and would predictably retaliate by limiting shipments of U.S. exports to their own markets, and notably of those which represent the bulk of Pennsylvania's foreign sales.

In sum, whatever advantages quotas might bring to Pennsylvania's shoe industry they would be paid for many times over by loss of its profitable export trade, which encompasses the state's most efficient, dynamic and best-paying industries.

EXPORTS FROM PENNSYLVANIA, 1960-69

[In millions of dollars]

Products	1960[1]	1966[1]	Estimate 1969[2]	Percent increase
Total	1,167	1,342	2,239	92
Nonelectric machinery	242	387	500	107
Primary metal products	208	215	365	75
Chemicals and allied products	105	166	210	100
Transport equipment	128	137	252	197
Fabricated metal products	62	134	156	150
Electrical machinery	83	159	225	170
Instruments, related products	43	73	95	116
Miscellaneous manufacturers and ordnance	39	40	60	54
Food and kindred products	30	42	49	63
Petroleum, coal products	27	31	40	49
Apparel and related products	24	29	48	100
Stone, glass, and clay products	21	26	34	62
Textile mill products	17	21	21	23
Rubber and plastic products	11	17	22	100
Paper and allied products	10	17	21	110
Other manufactures	30	35	63	110
Agricultural commodities	53	74	65	22
Coal	(3)	41	53	....

[1] As compiled and reported in "Survey of the Origin of Exports of Manufactured Products" by the Bureau of the Census, issued Jan. 17, 1968, and "Foreign Agricultural Trade of the United States," issued by the Department of Agriculture.

[2] 1969 estimates are based on a projection of 1966 figures, assuming that the growth rates of Pennsylvania's exports in specific categories (such as electrical machinery) are parallel to national growth rates from 1966 through October 1969. While subject to later refinement, this permits a valid estimate of the present level of the State's exports.

[3] Not available.

Source: Material prepared by Scott, Runkle, & Associates for the American Retail Federation.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. I want to compliment the gentleman from Pennsylvania on the statement he is making today before the House. This is a matter which the great majority of the Members of the Congress are interested in and have been interested in over the years and, as the gentleman has indicated, there is some relief provided in the laws of this Nation, particularly with respect to manpower training. But that really is not the answer, is it, to the problem that faces textiles, shoes, electronics, glass, and a host of other industries in the Nation. What do you think is the most important problem that faces this country with respect to the importation of products from foreign countries?

Mr. DENT. The most important subject matter before us at any time in an industrial and agricultural complex is the opportunity to work and to be paid for working, and the most important and serious matter that this Congress is facing today is the question of the destruction of job opportunities in this country.

Mr. BOLAND. I think the gentleman hits the point precisely on the head. If you will listen to some of the editorial writers, they say that industries which cannot compete with foreign-made products ought to go and we ought to retain the workers for some other jobs. What kind of jobs, I ask the gentleman from Pennsylvania?

Mr. DENT. In the committee chaired by my good friend from Louisiana—and I thank him for allowing me to precede him because I have a very serious date—in the Joint Economic Committee in 1960, I believe, in your meetings, Mr. BOGGS, a witness before you said that this country's solution to the problem of imports coming into America made by cheap labor would be for this country to get out of the unsophisticated industries, which would be textiles, shoes, and things of that nature.

Mr. BOLAND. And put them where?

Mr. DENT. And put them into industries like the Steuben Glass. What he does not know is that 10 makers will make all of the Steuben glass this country will consume in a month.

Mr. BOLAND. The gentleman mentioned that over the past few years we have received increasingly severe complaints about the expanding import competition in the electronics industry. I would like to say in 1968 the electronic industry testified before the House Ways and Means Committee that nearly 100,000 jobs were lost because of expanding imports of like or competitive electronic products and components. In 1967 imports rose to more than double the total of 1964. And, at the end of the first quarter of 1968, imports of consumer electronic products expressed as a share of the U.S. market were even more alarming: TV, 11 percent; radios, 78 percent; phonographs, 30 percent; tape recorders, 85 percent.

So the gentleman does well to call attention to this very serious problem now affecting American workers, not alone in New England, which is a highly industrialized part of the Nation, but also across the whole United States.

Again I commend the gentleman for taking this time and calling to the attention of the House this very important problem.

Mr. DENT. Mr. Speaker, I thank the gentleman from Massachusetts.

The gentleman from Louisiana has been very kind to allow me to step in, but he also has a very important engagement, but I would like to say just a few words in addition.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, it seems to me we have to protect the American market, but it seems to me we have to get back to the issue of protective tariffs.

Mr. DENT. I am not so sure about that. I think we must develop a compensating factor at the customhouses or at the ports of entry that will make up the difference between a mandated labor cost in this country, caused by the Labor Standards and Fair Labor Acts and so on and apply that to the imports.

Mr. GROSS. Against the import trade?

Mr. DENT. On the imported products.

Mr. GROSS. That is the same.

Mr. DENT. It is a form of it, but it is a form which is used by Germany and which is used by Italy and which is used by Japan and by every other country, and they call it everything but a tariff.

Mr. GROSS. If that will do it, I am for it, but when can we, does the gentleman suppose, get the Ways and Means Committee to do this, because this comes within their purview, as we know. When can we get them to do something toward saving the markets in this country?

Mr. DENT. I know the Ways and Means Committee is going to work on it. The chairman has announced that. But I suggest it ought to be carried in the RECORD at this moment that I will fight with every ounce of my strength to fight against a closed rule when it comes out of that committee.

Mr. GROSS. We have on the floor of the House a member of the Ways and Means Committee, and we can take it up with him.

Mr. DENT. I will take it up with the gentleman when I can talk to him about that.

Mr. Speaker, the dangers to the U.S. economy cannot be minimized by pro forma free trade arguments. The day for sophomoric trade economics is far gone. The day is past when the U.S. job opportunities can be treated in that light. We are in the twilight of our needs. This country will be led into darkness or midnight as far as its power and leadership and growth as a nation. Only a really seasoned muleskinner has the proper vocabulary to describe our blindness and our stupidity—or both.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, we have all heard the adage: If something looks like a duck, walks like a duck, quacks like a duck, and runs around with other ducks, chances are that something is a duck. But we have also learned that is not necessarily true.

For instance, early this year I became quite concerned over reports the administration was weighing the possibility of liberalizing quotas on imported steel. If this were so, I felt such a policy would destroy the woefully weak protection the steel industry and its employees now have under the voluntary restraint arrangement with Japan and ECSC.

I wrote the administration for an official confirmation or denial of the reports. Two months later I received an answer which said absolutely nothing. I was left in the same state of puzzlement over the administration's plans as I had been previously.

Therefore, you can imagine how relieved I felt late last month when I read a release by a high-ranking member of the administration which indicated the threat from foreign imports, along with the dangers they posed to American industries and workingmen, was recognized by the White House. I read the statement of Secretary of Labor, George P. Shultz, with considerable interest.

In it, Mr. Shultz boldly declared no American worker can be allowed to suffer while the Nation reaps the rewards of foreign trade. He advocated steps to be taken whereby adequate protection is given those whose livelihoods are endangered by import competition. The proposed Trade Act of 1969, Mr. Shultz said, would provide that protection by giving adjustment assistance to more workers dislocated by import competition through broadening the eligibility criteria.

Secretary Shultz explained:

> For a worker to receive assistance, the rise in imports wouldn't have to be related to a prior tariff cut. Under the proposal workers could be certified as eligible for assistance when increased imports—regardless of their reason—are found to be a substantial cause of actual or potential injury.

At first glance, Mr. Speaker, I thought I had found an ally in the administration's cabinet; an official who did, indeed, share my fears, as well as those of many of my colleagues, over the import problem.

Then, I realized, while the statement looked like a duck and quacked like a duck, it was not a duck at all. It was horse feathers. Once you got down to the nitty-gritty, you found a plug for an industrial welfare program or work-fare program.

There was no protection offered to the industry or the worker from foreign imports. Instead, there was an offer to pay him once he got hurt. Nowhere did I read anything calling for strong protective measures to prevent the worker from getting hurt in the first place. All it said was: "If you do get hurt, we'll pay you for the injury." You bet we would pay—and through the nose.

I have the gnawing thought now, Mr. Speaker, that the Shultz statement goes hand-in-glove with the earlier reports concerning doing away with or lowering existing quotas. The idea, of course, is to combat inflation by driving down domestic prices.

But, as I have said before, I visualize chaos if imported products are released,

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uncontrolled, upon the American market. The articles, produced by cheap labor and low production costs, would sell far below their American counterparts, driving thousands upon thousands of our workers in a variety of industries into the ranks of the unemployed.

These men, even if compensated for their imported injury, would have to stretch any check they receive to make it go as far as possible. That means, in many cases, the American worker would be forced into buying imported items of necessity simply because they were cheaper. For every foreign-made article he buys, another American worker in another industry may feel the pinch. Ironically, he might even be forced into buying the product he used to make until he lost his job to an overseas competitor.

I can see the sales of imported goods zooming sky high, creating additional pressure on domestic industries in the fight for survival. Others might succumb to the pressure, close their doors and throw their employees into a stagnant labor pool.

Of course, these nonworking workers are to be compensated under the proposed Trade Act of 1969. But where will the money come from? The taxpayer? What taxpayers? Most of them, I fear, will be waiting for the assistance check. And how long will those fortunate enough to have a job be able to support an ever-increasing industrial welfare roll? In the end, the working taxpayer will try to stretch his salary. He, too, will turn to purchasing cheaper foreign-made goods over the more expensive domestic item, thereby taking another whack at a reeling American economy.

Mr. Speaker, I submit the American worker, in this battle against foreign imports, does not need or want pity or a payoff. He wants and needs protection, not a mad money merry-go-round.

Mr. Speaker, in recent months I have found myself involved in three incidents dealing with foreign imports. The incidents may have been humorous to some but not to those colleagues who represent districts where industries and workers have been hurt by overseas competition.

If you recall, the first occurred in January during lunch at the cafeteria in the Longworth Building. While toying with my food, I discovered the knife I was using was stamped "Made in Japan." I was appalled to learn imported silverware was used in a cafeteria utilized by representatives of this Nation's Government.

A few weeks later I was informed a novelty shop in Pittsburgh, Pa., near the Federal Building where my district office is located, was advertising another imported produce—unemployment. The shop was selling automobile bumper stickers with the message: "Unemployment—Made in Japan."

The latest incident happened last week in the cafeteria of the Federal Building in Pittsburgh. One of my staff had taken a guest to lunch and told him of my finding the Japanese knife in the Longworth Cafeteria. The guest chuckled at the story but promptly checked his own silverware.

You have guessed, I am sure, at what he found. Stamped not just on the knife, but on every piece of silverware checked, was the legend bold as brass: "Stainless Steel, Made in Japan."

Mr. Speaker, I cannot understand why any Federal building with cafeteria facilities cannot use American made silverware, utensils and appliances. Perhaps we do not manufacture such items anymore; perhaps those industries already have gone down the drain.

I do not believe the Federal Government would ever permit the use of foreign steel in the construction of its buildings. Why, then, should it be stocked and supplied with foreign made equipment and supplies.

I am curious to know how widespread this practice might be. Are all Federal cafeterias equipped with foreign silverware and china? Is there other foreign made equipment and material used in their operations? What about Federal buildings without cafeterias? What inroads have foreign products made in their operation? Did we get a good buy on the articles? More important, what did it cost in American jobs?

A partial answer to the last question can be found in a report on a conference held in Pittsburgh last month by Cutlery, Hand Tools and Tableware local union representatives of the USWA.

At the 2-day meeting delegates were told by USWA Director Mitchel F. Mazuca of district 4, conference vice chairman, "the cutlery industry will be disappearing from the scene if we don't do something about imports—If we do not do something soon, we won't have any members in this industry."

A union local president said his plant cut employment from 700 to 300 in 4 years due to imports of stainless steel. Another described the industry's situation as "living in a house of straw held together by a few defense contracts which could terminate at any time."

Mr. Speaker, I fear many of those who advocate liberalization of import quotas to fight inflation, who feel American workers will not lose their jobs as a result, may have to eat a lot of crow and they will eat it using imported silverware.

OFFSHORE LEASE SALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana is recognized for 30 minutes.

Mr. BOGGS. Mr. Speaker, I have supported without exception the acts passed by the Congress to clean up our environment and to protect all forms of life.

Some of these laws were the Accelerated Public Works Act of some years back, the Clean Air Act, and a very important act just signed by President Nixon this month, the Water Quality Improvement Act. I am one of the principal cosponsors of the proposed Joint Committee on Environment and Technology.

Mr. Speaker, off the coast of Louisiana nature has been very generous. We have enormous deposits of salt, sulfur, oil, and gas. We are one of the principal producers of shrimp, oysters, and fisheries of all types.

For over 20 years the oil and gas industry and the marine-life industries have lived together in complete harmony.

Mr. Speaker, the adverse economic impact of recent administrative actions directed by the Department of the Interior against the offshore oil and gas industry has reached such proportions that it deserves the attention of this body. These actions, taken in the name of environmental control, have consisted of a suspension of offshore lease sales, the shutting in of entire fields, and the overly harsh enforcement of new, stringent regulations and orders that are seriously curtailing routine day-by-day operations. The new restrictions not only are having a devastating effect upon the State of Louisiana and its citizens, they are causing, and unquestionably will result in, substantial loss of revenue to the United States.

My remarks are applicable to offshore drilling and production in all coastal States. I shall restrict my factual data to offshore Louisiana, however, since I have ready access to the statistics relating to the operations in my State.

Current production from offshore Louisiana totals approximately 1 million barrels of crude oil and condensate per day, or 10 percent of the total domestic rate. Both oil and gas production offshore have been growing at an annual rate in excess of 15 percent. Presently about 3.4 million acres of the Continental Shelf are under lease. At the major sale in June 1967, industry leased 158 tracts covering about 744,500 acres and paid a bonus of $510 million. This is $685 per acre.

Since offshore operations started, the oil industry has paid $2.8 billion in lease bonuses and rentals to the State and Federal Governments, and $1.8 billion in royalties and production taxes. If we consider State royalties and production taxes on remaining reserves, the total amount returned to the public will be about $1 for every barrel of oil produced offshore.

It is estimated that industry has invested a total of $8.3 billion in offshore Louisiana. For the past 15 years, an average of more than $1 million per day has been spent in offshore Louisiana for capital investment. An amount one-third to one-half as large has been spent each day operating the properties that have been previously developed. The return on this tremendous investment has been $4.6 billion. The current payout status is $3.7 billion in the red.

Based on all available facts, the following points are indisputable:

First. The governments of the United States and the State of Louisiana have realized huge sums of money from the prior orderly and periodic leasing of offshore Louisiana lands, and that leasing practice should be restored and continued.

Second. The oil industry under the free enterprise system has invested tremendous moneys in a high-risk venture in a hostile area for an average rate of

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return below that expected from the normal manufacturing investment.

Third. National security has been strengthened by the additional reserves added by offshore exploration. The importance of adequate domestic reserves was graphically illustrated by the closing of the Suez Canal.

Fourth. The Interior Department, while justified in tightening its supervisory regulations to prevent and control oil spills and other offshore accidents, should administer its new regulations in a calm and businesslike fashion and avoid the emergency shutting-in of entire fields wherever possible.

I would be the last to advocate that the oil and gas industry be given free and unbridled rein to conduct their operations without regard to possible damage to marine and aquatic life or to the beaches of our coastal areas. No one, not even the industry itself, advocates this. This Congress, through its recent enactment of the amendment of the Federal Water Pollution Control Act, has taken cognizance of the need to impose a greater measure of liability for damages resulting from the pollution of our offshore waters. But what is not generally known is that the oil and gas industry is devoting a tremendous effort to self-police its offshore activities and to reduce oil spillage to an absolute minimum.

In Louisiana, the oil and gas industry is represented by an organization known as the Offshore Operators Committee, which is composed of representatives of over 90 percent of the companies operating there. That committee has in the past and currently is evolving systems and plans for the improvement of its offshore techniques and for the prevention and control of pollution. One example can be found in the recent oil pollution of the fishing resort town of Grand Isle in my congressional district. Without waiting to determine the cause of this pollution, the Offshore Operators Committee, acting through one of the companies with facilities on the island, immediately cleaned up the beach and restored it to a condition better than existed prior to the accident. Industry was publicly commended by the officials of the town for its prompt action. Moreover, it was later determined by governmental officials that the offending oil did not come from any offshore operation at all, but rather was refined oil that apparently escaped from a damaged tanker.

Another example of industry's effort was the recent adoption by the Offshore Operators Committee of a plan of joint air surveillance and a program of reporting and cleaning up of any accidental oil spillage found in the Gulf of Mexico or in the bays and estuaries of the State. This program, which will entail a substantial expenditure, should do much to keep to a minimum and under control any accidental spills in this area.

Mr. Speaker, the environmental issue is a comparatively new one. Public interest in it commenced with the *Torrey Canyon* incident in England and has been heightened by the Santa Barbara and Chevron incidents. But what is completely overlooked by many is the fact that the oil and gas industry has operated in offshore Louisiana waters for more than 20 years. More than 10,000 oil and gas wells have been drilled and some of the Nation's most important reserves have been established. During this entire 20-year period, the shipping interests, the commercial fishing and oyster industries and sports fishermen have been utilizing the same area and have prospered. All have contributed heavily through taxation to the welfare of both the State and Federal governments. All interests have learned to operate in such a manner so as to respect the rights of each other. To me, Mr. Speaker, this represents an outstanding example, based on proven facts occurring over many years as contrasted with one or more single incidents, of the multiple use of a natural resource without significant damage to the natural environment or ecology.

I must say to you that in an operation of the magnitude that I have described, some accidental oil spillages are inevitable. My investigation establishes, however, that reports of the damages caused by these spills have been magnified out of all proportion. The recent Chevron Oil Co. blowout and fire, which occurred off the coast of my State, was described by the news media as a disaster of major proportions. The facts do not bear this out at all.

The Chevron fire started on February 10, 1970, and continued to burn until March 10, 1970. During this interval very little oil spilled into the gulf because virtually all of the oil coming from the wells was being consumed in the fire.

In order to gain access to the burning wells so that they could be capped, it was necessary, on March 10, 1970, to extinguish the fire. Although oil from the wells did spill into the water from March 10 until March 31, 1970, Chevron during this interval used all possible means to contain and to skim the oil, an effort which cost approximately $3,000,000. At the same time, the extremely dangerous job of capping the wells was being accomplished at an additional cost of some $4,000,000. Again this company was aided to the maximum extent possible by all other offshore operators.

Despite the public outcry about the major damage caused by the Chevron blowout, the true facts are these: only a very small, almost minute, amount of oil settled on the beach of one uninhabited island. That oil was promptly cleaned up by a competent crew employed by Chevron with no residual damage. In addition, there has not been the slightest bit of evidence produced that the oil spillage from the blowout resulted in any harm whatever to marine or aquatic life.

A comparison should be made of the quantities of oil which escape from an accidental blowout such as that occurring to Chevron to the loss of oil occurring in exactly the same area of the Gulf of Mexico during World War II.

In 1942 and 1943, the Gulf of Mexico was a happy-hunting-ground for German submarines, and the area just offshore of the mouth of the Mississippi River was designated by the Navy as "torpedo junction." A total of 92 cargo vessels were sunk in the gulf during this period. Many, if not a majority, of these were oil tankers.

Using estimates of the U.S. Geological Survey of the rate of spillage from the Chevron wells—approximately 500 barrels per day—the total oil spillage from the Chevron accident was approximately one-third the amount of oil that was discharged into the gulf by a single 10,000-ton torpedoed tanker. It is easy to see, therefore, that the total amount of oil released in gulf waters during World War II was of astronomical proportions as compared with the Chevron blowout. Yet the fact remains that, immediately after the war, the oyster, shrimp, and fishing industries resumed full-scale operations with no indication of damage from the prior oil spillage.

In my opinion, the continued suspension of offshore lease sales will result in a devastating economic crisis to the State of Louisiana and its people. The offshore oil and gas industry is served by literally hundreds of related industries who employ thousands of people. The oil companies have already commenced curtailing their operations and this has resulted in a noticeable decline in employment among these service industries. This will continue and greatly accelerate unless future leasings are announced so that the companies can plan new exploration programs in the gulf.

The second adverse effect of a continued suspension of leasing is far more serious since it relates to the public interest of the United States. Offshore Louisiana exploration is conducted through the use of expensive platforms and drilling rigs. These cost millions of dollars. Their owners cannot possibly stand by and allow these rigs to remain idle. The only alternative is to move them to foreign waters where no drilling restrictions exist. The trend toward this move has already commenced. If it is continued, there will be a serious decline in the discovery and development of new domestic reserves in the offshore waters of the United States. This definitely would be harmful to the national interest.

I submit to you that the Secretary of the Interior immediately should resume and announce in advance an orderly program of future offshore leasing. He should combine this with a continued strict and reasonable supervision over offshore drilling and producing operations. In this manner, the future multiple use of the natural environment in this area can be utilized to the maximum extent.

SUPPORT FOR THE PRESIDENT IN THE CAMBODIAN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington (Mrs. MAY) is recognized for 30 minutes.

Mrs. MAY. Mr. Speaker, last year in his inaugural address to this Nation the President of the United States, during that talk, expressed a hope that we in this country—and this is somewhat of a quote of his words, I believe—would

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stop shouting at one another and listen to one another.

I have thought of that statement often in these last few days as the political dialog on Cambodia seems to be peaking to a screeching decibel strength.

My concern is that the general public is not going to be able to hear the facts because of the noise. Even before the President has had time to evaluate and assess each change in the Cambodian situation, political detractors from all corners start shouting their criticism of or their opposition to a Presidential policy that has not even been determined, much less announced.

In this fast-moving and serious Cambodian crisis, I just wish everyone would remember that the President of the United States has every bit of knowledge on Cambodia at his command as anyone in this Nation can have. We also must remember that the President, above all others in this country, is tuned in to the potential dangers on every alternative decision and military move. This tuning in is based on recent years of grim experience with regard to Vietnam. Can we not remember that and hopefully keep our vocal cool for awhile? Except, of course, for that man or woman among us who is omnipotent. Let him or her speak up immediately. To that one we will listen. Meanwhile I know one thing for sure. There is no one in this country more dedicated to world peace than the President of the United States. There is no one more seriously concerned for America's security than the President of the United States. On this I base my confidence in President Nixon's ability to make the right decisions in the crucial Cambodian situation.

Mr. ADAIR. Mr. Speaker, I think we are all aware of the tremendous burden that President Nixon carries as he studies the request of the Government of Cambodia for arms. Any informed thinking person must realize the great responsibility connected with finding an answer to this problem. We desire to assist the people of Cambodia in their efforts to resist Communist aggression, but certainly must not take steps which would involve us further in combat in Southeast Asia.

We can find assurance in the fact that the President has access to all available sources of information, that he receives advice from those most competent to provide it, and that he is giving this matter the most careful and, I am sure, prayerful study possible. Thus, whatever the decision, I am confident that it will be the best possible one.

Mr. RHODES. Mr. Speaker, few of us know with certainty what future course of action the North Vietnamese communists have in mind with regard to the government of Cambodia.

We do have certain facts before us. We know that there are at least 40,000 North Vietnamese combat troops in Cambodia at the present time. We know that just last weekend, at a top-level strategy session held in Red China, former Cambodian Chief of State Prince Sihanouk, Pathet Lao leader Prince Souphanavoung, North Vietnamese Premier Pham Van Doung and Vietcong officials called for an Indochinese Popular Front to overthrow the governments of South Vietnam, Laos and Cambodia. We also know that the developments in Indochina cannot be viewed in isolation; what happens in Cambodia affects the future of South Vietnam.

The decision that our President must make regarding the request of the government of Cambodia for limited arms assistance is difficult and agonizing at the very least. I take reassurance in the fact that President Nixon is subjecting this matter to the closest scrutiny and analysis with a view toward the far-reaching consequences of his decision. Whatever that decision may be, I am confident that the President will act with wisdom and dispatch in the interest of all Americans.

GENERAL LEAVE TO EXTEND

Mrs. MAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

END THE WAR IN INDOCHINA BY NOT GETTING INTO IT IN THE FIRST PLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 10 minutes.

Mr. FARBSTEIN. Mr. Speaker, the surest way to end a war is not to get involved in it in the first place. And the administration in weighing the Cambodian request for military assistance, no doubt with American advisers going along to train the Cambodians on how to use the weapons, is in effect deciding whether it will widen the war to an all-Indochina war or pursue a policy of gradual withdrawal of American forces from Vietnam.

Some of the arguments we are hearing for American military involvement are quite reminiscent of the period immediately preceding American entry into the Vietnam war, which no one wanted either.

Some Pentagon officials are arguing that an all-out allied attack in Cambodia could win us the war in Vietnam—if only we would expand it.

Five years ago, we heard these same arguments being used about driving the Communists out of Vietnam. If only we committed American forces, we could save Vietnam from Ho Chi Minh.

When, in spite of American commitment in Vietnam, the Communists were not routed from the country, we were told, if only we bombed the Northern ports, it would destroy the spirit of the North Vietnamese and bring military victory.

In spite of the presence of massive numbers of American troops and the expenditure of thousands of lives, military victory could not be achieved.

In spite of the massive and intensive bombing of the North, the spirit and determination of the North Vietnamese could not be broken.

Ironically, our military position began to improve after we stopped the bombing and began to withdraw some of our forces.

Now we are hearing the same "we can win the war if only we expand it" logic applied to Cambodia.

We also hear another argument reminiscent of 5 years ago that we have to intervene to save the people from an oppressive and tyrannical regime.

We intervened in South Vietnam so that the South Vietnamese might continue under the rule of the Diem regime, which was responsible for the deaths and imprisonment of thousands of non-Communist citizens. We remained in Vietnam to protect the Thieu-Ky regime which closes newspapers, and jails political opponents.

Now we are being asked to come to the aid of the Lon Nol regime, which has massacred hundreds of innocent Vietnamese civilians because of their race, and whose armed forces are using unarmed Vietnamese civilians as an advance guard to draw enemy fire.

The administration faces a siren appeal to win the war by escalation. There is no excuse for the President or any of us to accept any enlargement of the war without anticipation of the consequences.

THE FEDERAL RESERVE MONOPOLY—COSTLIEST OF TAXPAYERS' SUBSIDIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, the American people are fed emotional jargon about "special interests" being granted tax dollar subsidies and preferred treatment. The military defense system is attacked as a monster military-industrial complex, absorbing funds which the liberals feel might otherwise go into urban and social welfare projects.

The space program has also experienced financial setbacks. The farm program can anticipate vote-getting support only by severe limitations on subsidies. Each is accused of power lobbies and pressures on the Hill.

Yet, these attacked programs are infinitesimal compared to the tax subsidy going to the Federal Reserve and international bankers. We hear of no efforts to limit or control the Federal Reserve subsidy—nor of suggestions of conflict of interest.

This is why I have introduced H.R. 17140, a bill to vest with Congress the control over our money.

A most informative dissertation by Gary Allen, on the Federal Reserve appeared in the April edition of American Opinion and I include it along with a statement of Dr. Russell Lee Norburn entitled "The Federal Reserve System after 50 Years":

FEDERAL RESERVE: THE ANTI-ECONOMICS OF BOOM AND BUST

Gary Allen, a graduate of Stanford University and one of the nation's top authorities

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on civil turmoil and the new Left, is author of Communist Revolution in the Streets—a highly praised and definitive volume on revolutionary tactics and strategies, published by Western Islands. Mr. Allen, a former instructor of both history and English, is active in anti-Communist and other humanitarian causes. Now a film writer, author, and journalist, he is a Contributing Editor to American Opinion. Gary Allen is also nationally celebrated as a lecturer.

On October 30, 1969, Mr. Mobley Milam, who until the nineteenth of that month had been Chief Assistant U.S. Attorney for the Southern District of California, walked into the Los Angeles Branch of the Federal Reserve Bank of San Francisco and asked to redeem a fifty-dollar bill in "lawful money." Mr. Milam was received with courtesy, taken into a large vault, and shown great stacks of paper currency. He was told he could have his choice of any other fifty-dollar bill, or of any combination of smaller bills totaling fifty dollars.

Attorney Milam pointed to the contractual guarantee printed on his fifty-dollar Federal Reserve Note. It read: "This note is legal tender for all debts public and private, and is redeemable in lawful money at the United States Treasury, or at any Federal Reserve Bank."

Since this was a note redeemable in lawful money, it was obviously not itself lawful money. The bank employee said he was very sorry, but he had no lawful money to give Mr. Milam and again offered him his choice of identical paper bills. "That," the former Assistant U.S. Attorney objected, "is like saying green stamps can only be redeemed in green stamps." It is somewhat like presenting the claim check for your automobile at a parking lot and being given your choice of any other claim check, the parking lot having sold your car at a wholesale price to a used-car dealer.

Attorney Milam proceeded immediately to file suit to force the government and the Federal Reserve System to redeem Federal Reserve Notes in gold or silver. Mobley Milam explained:

> This suit strikes at the root cause of our basic problems of inflation, the public debt. . . .
>
> The law specifically states that Federal Reserve notes shall be redeemed in lawful money (Title 12, United States Code, Section 411). The Treasury Department's contention that Federal Reserve Notes shall be redeemed in themselves is illogical, contrary to the plain meaning of ordinary English, and in fact is ludicrous. . . . Federal Reserve Notes, until they were recently changed by bureaucratic fiat, specifically promise to pay the bearer on demand so many dollars. A "dollar" has throughout our history been defined by statute as so many grams of silver or gold and nothing else. It is still so defined by law (Title 21, United States Code, Section 314 and 316). The only other thing ever defined by the statute as "lawful money" is United States Notes (Civil War "Greenbacks").

The Milam suit, which comes to trial in June 1970, places the Federal Reserve in a very serious situation. It cannot give gold because, since 1933, it has been illegal for Americans to own gold bullion. And, what little of our once enormous supply of silver is left, including the melt from our once plentiful silver coins, is being sold. The Federal Reserve, the law notwithstanding, no longer has any "lawful money" with which to redeem Federal Reserve Notes. It has thus deleted the "promise to pay in lawful money" from new currency. The once redeemable Federal Reserve Note is now treated as fiat money unbacked by anything of value.

By challenging the Federal Reserve, Mr. Milam is confronting what may be the most powerful body in the country—already in complete control of the American economy. It is a matter of considerable concern.

The prototype for our Federal Reserve, and for central banking in all modern nations, was created in 1716 by one John Law. A Scotsman forced to spend most of his years on the Continent because of a conviction for murder in England, Law made his living as a professional gambler. That is, until he discovered the Bank of Amsterdam was operating a racket that beat working the tables at Monte Carlo.

The Bank of Amsterdam had begun as a warehouse for safe storage of gold belonging to merchants. A merchant would deposit his gold for safekeeping, and the banker would give him a warehouse receipt with which he could reclaim his gold just as you reclaim your car at a parking lot by presenting your claim check to the attendant. The banker made his money by charging a fee for providing safekeeping. Soon, however, merchants found it more convenient to exchange the warehouse receipts than to go to the bother of physically withdrawing and exchanging gold.

It was not long before the bankers observed that only about ten percent of their customers wanted liquid use of their stored gold at any one time. They decided to go into the loan business. But they did not loan out gold; rather, they printed mere receipts for gold and loaned these at interest—literally manufacturing money out of thin air. It all depended on only a small percentage of customers wanting to redeem their certificates in gold at any one time.

After studying this system, the mountebank John Law developed a monetary theory quite similar to that propounded over two centuries later by John Maynard Keynes, the English dandy. Political economist John T. Flynn wrote of Law's plan in *Men Of Wealth* (Simon and Schuster, New York, 1941). He explained:

> This theory was that the economic system of that day was being starved because of insufficient supplies of money. And, using the Bank of Amsterdam as a model, he had a scheme for producing all the money a nation needed.

For nearly two decades John Law tried unsuccessfully to sell his scheme to the various governments of Europe. Then he found his pigeon. Louis XIV had spent France into bankruptcy; desperate, Louis XV welcomed Law's plan and gave him full rein. In order to provide this fountain of financial youth, Law established the Banque Generale with himself as the chief stockholder. Soon it became the Royal Bank, with a monopoly on issuing money. John Law had become the financial dictator of France.

The issuance of bales of paper money triggered a boom in the economy. Like all booms created by inflation (an increase in the supply of money) rather than production, it was a fraud. But, fraud or not, booms are a heady champagne. As the printing presses began to run, Law was the hero of the hour. Flynn says:

> It is not to be wondered that for a few brief months Paris hailed the magician who had produced all these rabbits from his hat. Crowds followed his carriage. People struggled to get a glimpse of him. The nobles of France hung about his anteroom, begging a word from him.

The basis of John Law's "new economics" was the accumulation of all gold and silver in the hands of his Royal Bank. For a while it worked. "Economics for a modern age," it was said, had made of silver and gold relics of a barbarious past. Then, quite suddenly, Frenchmen recovered their taste for silver and gold. Law's problem was now to stop speculative hoarding and check the flow of gold out of the country. This became ever more difficult as the little inflation which had been considered by the "new economists" of that day to be such a healthy sign began to become a big inflation.[1]

Law did what every such financial dictator since his day has done; he arranged to outlaw public ownership of gold. In the end, of course, it was to no avail. The French counterparts of Mobley Milam, demanding gold, assessed the situation correctly. The economy of France collapsed beneath the weight of worthless paper, debt, and devaluations. John Law fled the country in 1720, with the mobs which had once hailed him as a financial wizard calling him to be hanged. Through he died nearly penniless, a victim of his own charlatanry, his legacy is all about us today. John Flynn observed in 1941:

> As a New Dealer he [Law] was not greatly different in one respect from the apostles of the mercantilist school—the Colberts, the Roosevelts, the Daladiers, the Hitlers and Mussolinis . . . who sought to create income and work by state-fostered public works and who labored to check the flow of gold away from their borders. He introduced something new, however, that the Hitlers, the Mussolinis, the Roosevelts, the Daladiers, and the Chamberlains have imitated—the creation of funds for these purposes through the instrumentalities of the modern bank. Law is the precursor of the inflationist redeemers.

While John Law's scheme was based on the eternally false premise that governments can create something for nothing, he was but a conniving opportunist, a mountebank and fraud. In his wake, however, genuinely sinister conspirators have adopted the essentials of his scheme, relying on the fact that the public can be made to believe it too complicated to be understood. According to Congressional Hearings, the Rothschild Brothers of London, pushing the National Banking Act of 1863, wrote to a firm of New York bankers on June 25, 1863:

"The few who can understand the system [checkbook money and credits] will either be so interested in its profits, or so dependent on its favors, that there will be no opposition from that class, while on the other hand, the great body of people mentally incapable of comprehending the tremendous advantages that capital derives from the system, will bear its burdens without complaint, and perhaps without even suspecting that the system is inimical to their interests."

As we have noted in these pages in our earlier discussion of this matter, central banking has been promoted both by international financiers and international socialists. These may seem like strange bedfellows, but they have worked closely together for over 150 years. Both groups desire that power reside in the executive of a socialist State, which plans to control.

Central banking, of course, was literally a case of life or death with the goldsmiths who as warehousers of gold eventually evolved into the major bankers of Europe. Loaning out ten times as many warehouse receipts as they had gold was enormously profitable, but it was also risky. If the word got out that there was not enough gold to cover outstanding receipts, a run on the banks developed. The first depositors to get to the warehouse emptied it, and the rest were left holding worthless receipts. Judge Lynch often presided over the ensuing hasty "trial," and many a money lender suffered an acute case of rope burn!

In order to avoid these circumstances, which choked off commerce, central banking systems after the fashion pioneered by John Law were established so that funds could be pumped from the central bank to any bank in trouble. This allowed the bankers to institutionalize their subterfuge. The risks were diminished while the bankers continued "creating" money with pen and ink

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Footnotes at end of article.

entries in their books, supported by the issuance of unbacked currency. The international bankers used their control over European central banks (a license to create money with pen and ink) to finance acquisition and capitalization of vast industries and natural resources around the world.

For their part, the international socialists saw the central bank as a method to establish Communism by using it to create and enforce an economic dictatorship. One remembers that Karl Marx, who was hired to write *The Communist Manifesto* by a group calling itself "The League of Just Men" (which, one notes, included international financiers), enumerated ten prerequisites to a successful revolution pursuant to a socialist State. Point Five reads: "Centralization of credit in the hands of the State, by means of a national bank with State capital and an exclusive monopoly." And it cannot be overemphasized that Lenin concluded the establishment of a central bank meant a Communist revolution was a good ninety percent toward success.

Our own central bank, the Federal Reserve System, was as we know created in 1913. The man most responsible for its creation was Paul Warburg, the scion of a powerful international banking family in Europe with close ties to international Communism. We provided a detailed report on Warburg's role in establishing the Federal Reserve System, and in promoting the Communist Revolution in Russia, in the last issue of AMERICAN OPINION. To recap: Warburg had come to America from Germany in 1902 and became a citizen in 1911. After playing the key role in creation of the Federal Reserve, modeling it after the privately owned European central banks with which he was so familiar, Mr. Warburg relinquished a $500,000 a year job with the international banking firm of Kuhn, Loeb and Company to accept appointment as the first Governor of the Board of Directors of the Federal Reserve Board at a salary of $12,000 per year.

We are asked to believe that Mr. Warburg was a *very* public-spirited citizen.

The appointment of Paul Warburg to the Federal Reserve Board should have exposed as a hoax the idea, still pushed in American classrooms, that the creation of the Federal Reserve was a great triumph of democracy, having stripped the Wall Street barons of their power. The fact is that the entire "monetary reform movement" was instigated and financed by the very international monopolists it was supposed to be bringing to heel. As Professor Gabriel Kolko writes in his monumental work, *The Triumph Of Conservatism:* "the banking reform movement was initiated and sustained by big bankers seeking to offset, through political means, the diffusion and decentralization within banking."[3]

The appointment of Warburg to the Board was considered by many Senators as the modern equivalent of putting Teddy Kennedy in charge of a harem. Warburg refused to submit to public Hearings where he could be questioned about his European connections, and finally got by with a closed conference with a Senate Subcommittee, the minutes of which were never published. Nonetheless, despite his radical commitment and incredible conflict of interest, Paul Warburg's appointment was approved.[4]

By May of 1918, in the midst of World War I, it was made public that Warburg's brother Max, the head of the family banking firm of M. M. Warburg and Company of Hamburg, was not only in charge of Germany's finances but was a leader of the German espionage system. Paul Warburg resigned his post with the Federal Reserve Board without a peep of protest, and civic-minded Kuhn, Loeb and Company welcomed him back at his former salary.[5]

One Warburg was running America's financing of the War, and another Germany's. Max Warburg was also responsible for transporting Lenin and his crew of cut-throats from Switzerland across Germany (in the famous sealed train) to instigate the Communist Revolution in Russia. And, Max provided financing for Lenin and Trotsky through the Nye Banken in Sweden.[6] And, while brother Max was financing the Communist Revolution from Germany, Jacob Schiff—Paul Warburg's partner in Kuhn, Loeb and Company and the father-in-law of his brother, Felix—was financing the Russian Reds from New York to the tune of $20 million. Both Paul and Max Warburg attended the Versailles Peace Conference as representatives of "their" respective governments.[7]

World War I was a catastrophe of such magnitude that, even today, a healthy imagination has difficulty grasping it. The War changed the historical foreign policy of this nation, established the Bolsheviks in Russia, destroyed the old balances of power in Europe, and set the stage for World War II. International bankers in New York and London maneuvered America into entering that fray. Thanks to the progressive income-tax and the Federal Reserve Act—both passed in 1913, and both contained in the Ten Points of *The Communist Manifesto*—Woodrow Wilson was able to spend nearly twice as much in eight years as all the American Presidents before him had spent in 125 years. (See *U.S. News & World Report,* February 16, 1970.) Cordell Hull, one of the original backers of both the income tax and Federal Reserve, remarked in his *Memoirs*:

> The conflict forced the further development of the income-tax principle. Aiming, as it did, at the one great untaxed source of revenue, the income-tax law had been enacted in the nick of time to meet the demands of war. And the conflict also assisted the putting into effect of the Federal Reserve System, likewise in the nick of time.

Alexander Noyes observes in his book, The Market Place:

> Exactly how our own participation in the war would have been financed, without this statute and without the constitutional amendment, ratified in 1913 and authorizing a practicable federal income tax, will always remain a matter of conjecture.

Oh how convenient, and (as Hull said) just in the nick of time. Had we stayed out of that war, it would have ended in the same stalemate as most other European wars, the Communists would never have seized Russia, and there would have been no World War II.

During the War to end all wars, an international banker named Bernard Baruch was made the absolute dictator over American business when President Wilson appointed him Chairman of the War Industries Board, where he had control of all domestic contracts for Allied war materials. Baruch made lots of friends while placing tens of billions in government contracts, and it was widely rumored in Wall Street that out of the War to make the world safe for international bankers he netted $200 million for himself.[8]

While international banker Paul Warburg controlled the Federal Reserve, and international banker Bernard Baruch placed government contracts, international banker Eugene Meyer, a former partner of Baruch and the son of a partner in the Rothschild's international banking house of Lazard Freres, was Wilson's choice to head the War Finance Corporation, where he apparently made a little money. According to Congressman Louis McFadden, then Chairman of the House Banking Committee:

> I call your attention to House Report No. 1635, 68th Congress, 2nd Session, which reveals that at least twenty-four million dollars in bonds were duplicated. Ten billion dollars worth of bonds were surreptitiously destroyed. Our committee on Banking and Currency found the records of the War Finance Corporation under Eugene Meyer, Jr. extremely faulty. While the books were being brought before our committee by the people who were custodians of them and taken back to the Treasury at night, the committee discovered that alterations were being made in the permanent records.

Even so shady a background did not prevent Eugene Meyer from being appointed to the Federal Reserve Board, nor from being named Chairman of the Reconstruction Finance Corporation.[9] Such cases, alas, are no rarity.

When the Federal Reserve Act was passed it was touted as a guarantee of ending inflation and deflation, boom and bust, forever. The Act was also supposed to emancipate small business and farmers from manipulation by the international bankers of Wall Street. Yet, in 1920 the Federal Reserve Board engaged in a deliberate conspiracy to create a depression. So successful was it that commodity prices fell fifty percent, and industrial production thirty-two percent. During the War, farmers had been encouraged by the government to borrow heavily and expand their production. And, thanks to this contrived depression, the farmer who had borrowed the equivalent of two thousand bushels of wheat had to pay back to the banker the equivalent of four thousand bushels plus interest. Thousands of farms were foreclosed in 1920–1921. Called before the Senate Silver Hearings in 1939, Senator Robert L. Owens, Chairman of the Senate Banking and Currency Committee and repentant co-author of the Federal Reserve Act, testified concerning the conspiracy which created the "Panic of 1921":

> In the early part of 1920, the farmers were exceedingly prosperous. They were paying off their mortgages and buying a lot of new land, at the insistence of the Government, had borrowed money to do it—and then they were bankrupted by a sudden contraction of credit and currency which took place in 1920.
>
> What took place in 1920 was just the reverse of what should have been taking place. Instead of liquidating the excess of credits created by the war through a period of years, the Federal Reserve Board met in a meeting which was not disclosed to the public. They met on the 18th of May, 1920, and it was a secret meeting. . . . Only the big bankers were there, and their work of that day resulted in a contraction of credit (by ordering banks to call-in outstanding loans) which had the effect the next year of reducing the national income fifteen billion dollars, throwing millions of people out of employment, and reducing the value of lands and ranches by twenty billion dollars.

Writing of the panic of 1921 in his book, The Economic Pinch, the late Congressman Charles A. Lindbergh noted:

> Under the Federal Reserve Act panics are scientifically created; the present panic is the first scientifically created one, worked out as we figure a mathematical problem. (Page 95.)

This contrived policy of The Fed broke over 5,400 banks. Countless Americans lost their savings, homes, and businesses. Of course, one man's loss is another's gain. The giant banks picked up the assets of the broken ones—in many cases at five to seven cents on the dollar—and many of the larger bankrupt businesses were acquired by corporations owned or controlled by the same Insiders.

Using a central bank to create alternate periods of inflation and deflation, and thus whipsawing the public for vast profits, has been worked out by the international bankers to an exact science. A corollary is to drive countries deeply into debt during wartime, using paper money, and then to revert to hard money when the war is over. Thus their debt bonds, acquired with cheap money, are redeemed in gold.[10]

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After recovery set in from the Panic of 1921, the Federal Reserve began laying the inflationary groundwork for what became the greatest whipsaw operation of all time—the "Crash of 1929." In "America's 60 Families," Ferdinand Lundberg reveals:

> [D.R.] Crissinger [Comptroller of the Currency] came under the influence of Benjamin Strong, a Morgan deputy, who began counselling from the New York Reserve Bank that the Reserve system buy government securities in large volume thus flooding the banks with liquid funds that demanded profitable release in credit channels.
>
> The Federal Reserve Act permitted this, but only as an emergency measure. There was no emergency in 1923 when the Federal Reserve System began buying "governments," so the scheme was obviously predicated upon other considerations. For three years the Reserve System maintained this new policy, and the speculative boom was well started. Between 1924 and 1929 loans, which were enormously profitable to the big banks, increased by ten billion dollars, all of the increase being devoted to stock-market paper, there was little variation in the total of commercial and industrial loans. At the end of 1922, for example, loans to brokers stood at $1,926,800,000; at the end of 1929 they totaled $8,549,338,979.[11]

At the same time that enormous amounts of credit money were being made available, the mass media began to ballyhoo tales of the instant riches to be made in the stock market. According to Lundberg:

> For profits to be made on these funds the public had to be induced to speculate, and it was so induced by misleading newspaper accounts, many of them bought and paid for by the brokers that operated the pools. . . .

Was the inflationary build-up which exploded in the "Crash of 1929" a result of mere stupidity, or of careful planning by the insiders who controlled the Federal Reserve and hence the engine of inflation? Many students of the era are convinced that the international bankers represented too many generations of accumulated expertise to have blundered into "the great depression." Writing in Year of Plunder, Proctor Hansl observed:

> Unquestionably the virus had affected us and it found eager devotees both in Washington and Wall Street, but in banking circles at least there is little room to believe that the process was wholly one of delusion. It is difficult to believe that the Morgans, Bakers, Schiffs and other financial leaders of long experience both in Wall Street and in the money markets of the world were ignorant of the consequences that were sure to follow such unbridled inflation as came to be forced upon the country during the Twenties and was maintained for seven long years without protest from the big banking interests. . . .
>
> From time immemorial every period of inflation has ended in panic and depression. Were the minds that ruled Wall Street so obtuse that they failed to recognize this fact? Were bankers so swept away by the new school of thought that they deliberately ignored the experience of centuries? It is to be doubted. . . .[12]

To which historian Ferdinand Lundberg adds:

> Various governmental investigating bodies have heard copious confessions to "mistakes" and "errors of judgment" from the executive representatives of the multi-millionaire dynasties. But there were really no mistakes or errors of judgment. Except for the culminating debacle of 1929–33, everything happened according to plan, was premeditated, arranged, sought for.

Congressman Louis McFadden, the scholarly Chairman of the House Banking and Currency Committee, commented:

> It (the depression) was not accidental. It was a carefully contrived occurrence. . . . The international bankers sought to bring about a condition of despair here so that they might emerge as the rulers of us all.

Of course, the free enterprise system in general has been blamed for the "Crash of 1929," and this has been the excuse for much radical legislation, including the further centralization of control of our money in the Federal Reserve. Actually the Federal Reserve, whose proponents had guaranteed to make depressions as obsolete as ankle-length skirts, provided the tools to create the Crash. Had the Insiders not had a Federal Reserve by which they could control and manipulate inflation, the depression would not have occurred. As Professor Murray Rothbard, the nation's top expert on economic depression, notes:

> . . . Central banking works like a cozy compulsory bank cartel to expand the banks' liabilities; and the banks are now able to expand on a larger base of cash in the form of central bank notes as well as gold.
>
> So now we see, at last, that the business cycle is brought about, not by any mysterious failings of the free market economy, but quite the opposite; by systematic intervention by government in the market process. Government intervention brings about bank expansion and inflation, and, when the inflation comes to an end, the subsequent depression-adjustment comes into play.[13]

The House Hearings on Stabilization of the Purchasing Power of the Dollar disclosed evidence in 1928 that the Federal Reserve Board was working closely with the heads of European central banks. The Committee warned that a major Crash had been planned in 1927 at a secret luncheon of the Federal Reserve Board and heads of the European central banks. The international bankers were tightening the noose.

Montagu Norman, Governor at the Bank of England, came to Washington on February 6, 1929, to confer with Andrew Mellon, Secretary of the Treasury. On November 11, 1927, the Wall Street Journal described Mr. Norman as "the currency dictator of Europe." Professor Carroll Quigley notes that Norman, a close confidante of J. P. Morgan, admitted: "I hold the hegemony of the world." Immediately after this mysterious visit, the Federal Reserve Board reversed its easy-money policy and began raising the discount rate. The balloon which had been inflated constantly for nearly seven years was about to be exploded.[14] The Federal Reserve Bank of New York raised its rate to six percent on August 9, 1929. The following month European investors began deserting the American stock market. Professor Quigley recounts:

> At this critical moment, on September 26, 1929, a minor financial panic in London (the Hatry Case) caused the Bank of England to raise its bank rate from 4½% to 6½%. This was enough. British funds began to leave Wall Street, and the overinflated market commenced to sag.

On October twenty-fourth, the feathers hit the fan. Writing in ***The United States' Unresolved Monetary And Political Problems,*** William Bryan describes what happened:

> When everything was ready, the New York financiers started calling 24 hour broker call loans. This meant that the stock brokers and the customers had to dump their stock on the market in order to pay the loans. This naturally collapsed the stock market and brought a banking collapse all over the country because the banks not owned by the oligarchy were heavily involved in broker call loans at this time, and bank runs soon exhausted their coin and currency and they had to close. The Federal Reserve System would not come to their aid, although they were instructed under the law to maintain an elastic currency. The Federal Reserve was a great aid and comfort to banks owned by the oligarchy. They had no trouble drawing cash out of the Federal Reserve banks. Many thousands of the other banks had to close their doors.

The investing public, including the vast majority of stock brokers and bankers, took a horrendous blow in the Crash, but not the Insiders. They were either out of the market or had sold "short" so that they made enormous profits as the Dow Jones plummeted. For those who knew the score, a signal from Paul Warburg had provided the warning to sell. That signal came on March 9, 1929, when the ***Financial Chronicle*** quoted Warburg as follows:

> If orgies of unrestricted speculation are permitted to spread too far . . . the ultimate collapse is certain . . . to bring about a general depression involving the whole country.[15]

Insiders like Bernard Baruch, escaped unscathed. "By 1928," he says in his memoirs, "I had begun to liquidate my stock holding and to put my money into bonds and into a cash reserve. . . . I also bought gold . . . [In September, 1929] I began to sell everything I could, in anticipation of the break I now felt to be imminent." Joseph P. Kennedy, who was to make millions in the early Thirties fronting for international bankers by selling "short" on huge quantities of stocks during any night that the market started to rally, was also out of the market in 1929. (See Dall. Page 119.) In the winter of 1928–1929, writes Richard J. Whalen in The Founding Father:

> Kennedy . . . thought long and hard about what was happening to the stock market [and] decided to get out . . . The profits he took from the sale of his . . . holdings were not reinvested, but kept in cash.

We do not know the names of all the giants who escaped the Crash; such detailed information would obviously provide some strong clues as to who was on the "inside" and who was not. We do know, that, among others, international bankers Henry Morgenthau and Douglas Dillon cashed out in the nick of time. (See Hansl, Page 252.) In the next decade there would be excellent opportunities for reinvestment as stocks fell ninety percent from their 1929 highs, and were kept down by the economic policies of Franklin D. Roosevelt which prevented the recovery that normally follows such a depression.[16]

We have been told that the Federal Reserve was created to function as a common reservoir for the banks in times of emergency. In practice, when the emergency came, the tap was turned off and the banks were worse off than previously. At what seemed the height of the market panic the New York Times of October 30, 1929, carried the announcement: "Reserve Board Finds Action Unnecessary"—and the panic steepened. Economist William Bryan writes:

> If the Federal Reserve System had been maintaining an elastic currency, they could have stopped the runs on the banks immediately and only those people who had purchased over-priced stocks would have been hurt. The speculative banks could have been "bailed out" with little or no cost to the Fed, but of course this was not the plan.

According to the House Banking Committee, "the Nation's total money supply decreased by about $8 billion, or one-third, between 1929 and 1933. Such a reduction in the money supply could not help but magnify if not initiate any crash in prices and output—and it did." [17]

While money was scarce in America, the Insiders of the Federal Reserve were making it available to Russia, even though the Soviet Government had not yet been recognized by the United States, Congressman McFadden revealed:

> The Soviet government has been given United States Treasury funds by the Federal Reserve Board and the Federal Reserve Banks

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Footnotes at end of article.

acting through the Chase Bank and the Guaranty Trust Company and other banks in New York City. England, no less than Germany, has drawn money from us through the Federal Reserve banks and has re-lent it at high rates of interest to the Soviet government or has used it to finance its sales to Soviet Russia and engineering works within the Russian boundaries. The Dnieperstroy Dam was built with funds unlawfully taken from the United States Treasury by the corrupt and dishonest Federal Reserve Board and the Federal Reserve banks.

Open up the books of Amtorg, the trading organization of the Soviet government in New York, and of Gostorg, the general office of the Soviet Trade Organization, and of the State Bank of the Union of Soviet Socialist Republics and you will be staggered to see how much American money has been from the United States' Treasury for the benefit of Russia. Find out what business has been transacted for the State Bank of Soviet Russia by its correspondent, the Chase Bank of New York; . . . the Guaranty Trust of New York, the Central Hanover Bank of New York, the Chemical Bank and Trust Co., H. Clews & Co., Kidder Peabody and Co., Winslow Lenair and Co., and Lee Higginson and Co. . . .[18]

McFadden not only chaired the House Banking and Currency Committee for twelve years, but he had been president of the Pennsylvania Bankers' Association and was elected to office on both the Republican and Democratic tickets. He knew banking and the international bankers. And, he was not fooled by the propaganda about President Roosevelt being a great proletarian. McFadden told Congress on January 24, 1934:

> All . . . the artful propaganda that has been thrown around the monetary policy of Franklin D. Roosevelt cannot disguise the fact that he was selected by the international bankers to carry out the work they started with the great depression; that is the pauperization of the masses and the seizure of American property for their own use and benefit, and that he has lent himself to their schemes by unconstitutionally demanding and assuming the dictatorial powers which enable him to carry them out.

While F.D.R. went through the motions of being a champion of the downtrodden masses, his fiscal and monetary policies served the purposes of the Insiders of international finance. As McFadden noted on May 4, 1933:

> The week before the bank holiday was declared in New York State the deposits in New York savings banks were greater than the withdrawals. There were no runs on New York banks. There was no need for a bank holiday in New York or a national holiday. Roosevelt did what the international bankers ordered him to do.

A number of competitive banks were destroyed by this move. That was part of the game. When Paul Warburg was designing the Federal Reserve he made it clear he hoped that it would eliminate the small banks. (Kolko, Page 186.)

As President Roosevelt took to the airwaves to denounce the "malefactors of great wealth" he was making hundreds of millions for those same malefactors. For example, Bernard Baruch had mentioned to F.D.R.'s son-in-law that he (Baruch) owned five-sixteenths of the world's silver. One of Roosevelt's first actions in office was to double the government's price for silver—"to help out western miners." (Dall, Page 74.) The President even arranged to have these "malefactors" run the U.S. Treasury for him. Vice President John Nance Garner complained bitterly:

> There is a condition in the U.S. Treasury which would cause American citizens, if they knew what it was, to lose all confidence in their government. That is a condition that Roosevelt will not have investigated. He has brought with him from Wall Street, James P. Warburg, the son of Paul M. Warburg, the Organizer and first Chairman of the Board of the Federal Reserve System.
>
> He holds no office in our Government, but I am told that he is in daily attendance at the Treasury and that he has private quarters there! In other words, Mr. Chairman, Kuhn, Loeb & Co. now control and occupy the Treasury.

Warburg doubtless helped lay the groundwork for "the gold swindle." Like John Law, President Roosevelt called in gold from the American public ("to stabilize the currency") and promised that it would be returned when the emergency was over. As soon as the people's gold had been collected, F.D.R. made it un-lawful for Americans to own gold. But Insiders had already shipped more than $400 million worth of gold overseas to be held in the names of foreign relatives, partners, or in Swiss bank accounts. After the citizenry had surrendered its gold at twenty dollars an ounce, the price was gradually raised by F.D.R. to $35 an ounce—allowing the Insiders to sell their hordes of gold back to the government at an enormous profit.[19]

Although we have not had another depression of the magnitude of that which followed 1929, we have since suffered regular recessions. Each of these has followed a period in which the Federal Reserve tromped down hard on the money accelerator and then slammed on the brakes. Since 1929 the following recessions have been created by such manipulation:

1936–1937—Stock prices fell fifty percent; 1948—Stock prices dropped sixteen percent; 1953—Stock declined thirteen percent; 1956–57—The market dipped thirteen percent; 1957—Late in the year the market plunged nineteen percent; 1960—The market was off seventeen percent; 1966—Stock prices plummeted twenty-five percent; 1970—Currently the market is down over twenty-five percent.

Is this constant whipsawing of the economy the fault of the bank manipulators or of the free-spending politicians? The man in the best position to know is Wright Patman, for many years Chairman of the House Banking and Currency Committee. Chairman Patman noted in his newsletter of June 6, 1968:

> Since the Federal Reserve System was established . . . the big bankers have maneuvered to gain more and more control of all monetary policy and to move the Federal Reserve completely out from under the government . . . they have enough control to absolutely carry out the policies of the bankers. . . .

The House Banking Committee's A Primer On Money explains:

> Congress has delegated this power [the creation of money] in part to the Federal Reserve System and in part to private commercial banks. Furthermore, it has delegated to the Federal Reserve System the power to determine how much money shall be created [out of thin air]. . . . Although a creature of Congress, the Federal Reserve is in practice, independent of that body in its policymaking. The same holds true with respect to the executive branch. The Federal Reserve neither requires nor seeks the approval of any branch of Government for its policies. The System itself decides what ends its policies are aimed at and then takes whatever actions it sees fit to reach those ends. (Pp. 21–22.)

It is true that the President appoints the seven members of the Federal Reserve's Board of Governors, one every two years. But, as the Primer notes:

> The 14-year term of the Board of Governors makes the board only slightly accountable to any single President. . . . (Under ordinary circumstances, a President can appoint four of the seven-man board by the end of his sixth year.)

Most students of money doubt that the President can make these appointments independently. It is nearly impossible for a man to become President over the strong opposition of the Insiders of the banking clique. In 1952, for instance, Robert Taft found that a number of his delegates were threatened with having business loans called by local banks which were being pressured by financial powers in New York. The super-rich international bankers in New York finance Presidential candidates from both Parties, and their financial control of the mass media insures vigorous attacks on such independent candidates as Taft, Goldwater, or Wallace. Those candidates subject to their influence are promoted.[20] Well aware of this, Presidents appoint men to the Board of Governors of the Federal Reserve who are congenial to the international bankers.

Professor Carroll Quigley makes it abundantly clear that, even in Europe, those who have run the central banks are not powers themselves, but pawns of the banking clique that put them there. (Quigley, Page 326.) Since the international bankers created the Federal Reserve for their own purposes, it is naive to believe that they would not build into it means by which they could always maintain control.

It must be admitted, however, that there is much we do not know, and cannot know, about the Federal Reserve. We can learn nothing of the private meetings which take place between the banking Insiders and the President, Secretary of the Treasury, and members of the Federal Reserve Board (or of its key Open Market Committee). The minutes of meetings of the Open Market Committee are kept secret, even from the President, for six years. Of course prior knowledge of changes in monetary policy could mean millions of dollars in profits. Yet, according to Congressman Patman, about three thousand persons, including international bankers connected with the Federal Reserve, are privy to this prior knowledge. We are asked not to suspicion that any of these people make use of such knowledge.

Another reason why there is much we cannot know about the Federal Reserve is that although it is fifty-six years old, it has yet to be audited. In 1967, Wright Patman tried unsuccessfully to attach a rider, to another bill, requiring an audit of "The Fed" by the Government Accounting Office. The headline in the New York Times of September 14, 1967, tells the story: "Federal Reserve May Face Audit: Threat To Independence Seen." In 1957, the Senate Finance Investigating Committee began looking into the Federal Reserve, but the inquiry was concelled before its completion and two of the members of that Committee, William Jenner and George Malone, announced they would be unable to seek re-election. Many have questioned why the Federal Reserve so fears audits and investigations if it has nothing to hide.

The main power of the Federal Reserve, of course, does not lie with the Board. A Primer Of Money says "the board is not the crucial policymaking body. The Open Market Committee is." The Open Market Committee, says this government document, "determines in general the amount of Government securities the Federal Reserve shall buy and sell in the open market, primarily to determine the level of reserves. In essence, the Committee determines U.S. monetary policy."

It other words, "the central decision making body, which decides whether the System will press the accelerator or the brake [fabricating boom or bust], is the Federal Open Market Committee." This Committee is made up of twelve voting members. They include the seven members of the Board of Governors, who are appointed by the President. While the presidents of each of the Federal Reserve banks are members of the Committee

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Footnotes at end of article.

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(as far as the secret discussions are concerned), only five are voting members. The president of the New York Federal Reserve Bank is always one of the five permitted to vote. The conflict of interest here is absolutely fantastic, but most Congressmen and Senators are afraid to even broach the subject.

At stake with the decisions of this Committee are not only inflation or deflation, the mood of the stock market and interest rates—that is, the economy of the nation—but billions of dollars a year in interest which are paid to the international bankers who hold the government bonds on government debt. In 1968, $608 billions in government bonds were traded through the O.M.C. The majority of these bonds go to the giant banks in New York. As A Primer Of Money puts it:

It may appear that the Secretary of the Treasury is issuing these new securities to the general public, but, in fact, he must sell the bulk of any particular issue to a relatively small group of buyers—a few big banks and financial houses. Therefore, he calls on advisory committees of representatives of these banks or financial houses for advice about setting the interest rate on any new security he anticipates issuing.

This is where conflict often arises between the politicians and the international bankers. Both the politicians and the giant bankers like to see unbalanced Budgets, which must be financed by loans (bonds) from the banks. The politicians avoid raising taxes and use debt money to buy votes, and the banks collect the interest. Yet, the politicians want low interest rates on the bonds, and the Insiders who own the great private banks want high interest rates.

Guess who wins? The cost of government borrowing has gone up more than thirteen times since World War II. The Treasury is now paying 8.25 percent on some government securities, the highest since 1859. Since 1930, the government has paid out nearly $230 billion in interest on the national debt. Interest on the national debt has climbed from $9 billion in 1961, to $18 billion in 1970. While the debt was rising 24 percent, the cost of carrying it has gone up 100 percent. And the national debt (bonds held primarily by bankers) continues to climb even though the government is now announcing its third "balanced" Budget in as many years.

President Nixon, while hypocritically proclaiming a balanced Budget, has had to ask to raise the limit on the national debt to $372 billion. The total borrowing required for the "balanced" Budgets of 1969, 1970, 1971, will be (according to Congressman George Mahon) some $19.9 billion, including a $7.3 billion deficit in President Nixon's "bare bones" $200.8 billion Budget.[21]

The claims for the three "balanced" Budgets are based upon the fact that the Budget contains an administrative section plus the trust funds (Social Security, etc.). The trust funds show a surplus, but those monies cannot be spent in the administrative budget so the government is forced to borrow large sums while technically showing a Budget that is balanced. It is no wonder that the cost of living rose 6.1 percent last year and shows no signs of stopping despite an imminent recession.

The irony is that the giant private banks acquire the bonds (national debt) through John Law's system of creating money out of thin air—simple bookkeeping entries. A Primer Of Money explains:

However, it has long been one of the political facts of life that private banks must be allowed to create the lion's share of the money, if not all of the money. Thus there is little opposition to the Government's printing bonds and then permitting the banks to create the money with which to buy those bonds. . . .

The bonds are then used by the banks as the basis of printing currency. In other words, under this monetary system, if we had no debt we would have no currency.

Every dollar "Federal Reserve Note" you are carrying in your wallet is costing you a nickel a year in interest on the bonds that back it. This has got to be the weirdest money system ever designed, but it is great for the banking Insiders. They denounce as "funny money" any suggestion that the government print its own currency without going in debt, as Lincoln did with his "Greenbacks." The point is well made as long as the government does not back its money with gold or silver; but, it is no more "funny money" than the debt-backed currency now being issued. Printing-press "Greenbacks" are no more inflationary than a "Federal Reserve Note," and by issuing them the nation could save billions of dollars per year in interest to the Insiders of international banking.

Still, the argument over whether the socialist bureaucrat or the radical international bankers should have a monopoly on printing funny money is one of false alternatives. The only thing that will stop politicians and the Insiders of international banking from taking control of this country by destroying its economy with inflation and bust is to have a currency that is backed by tangible wealth—gold and silver. But the international bankers have claims on all of our gold (through dollars held by banks overseas), and the Johnson and Nixon Administrations have been feverishly melting all of our silver coins to sell the bullion to users and, apparently, to the international bankers. Soon these bankers will have a corner on gold and silver with which they can buy up industry and natural resources following a depression caused by inflation a la 1929. It is the same old swindle that has been played successfully over and over again.

A first step in getting out of bondage to these conspirators is for a sufficient number of Americans to understand the problem. That is where you come in.

FOOTNOTES

[1] Inflation is by definition an increase in the money supply. If the supply of money rises faster than the increase in availability of goods and services, prices rise. The economy is like a giant auction, and if the buyers at the auction are suddenly given more money, they will bid up the price of the goods being auctioned. Inflation, as commonly defined, is a rise in prices. The price rise is not the cause of inflation, but its effect.

[2] *National Economy And the Banking System Of the United States,* Document Number 23, 76th Congress, 1st Session, U.S. Government Printing Office, Washington, 1939.

[3] Gabriel Kolko, *The Triumph of Conservatism,* Quadrangle Books, Chicago, 1967, Page 253.

[4] We will not review the proofs supporting the fact that the appointment of Warburg, as well as most of the other members of the original Board, was arranged by the mysterious Edward Mandell House, an agent of the international financial clique who was referred to by President Woodrow Wilson as "my alter ego." See George S. Viereck, *The Strangest Friendship In History,* Liveright, New York, 1932, Page 47.

[5] Warburg was replaced on the Board by another "proletarian," Albert Strauss, partner in the international banking firm of J. & W. Seligman.

[6] See *Papers Relating To The Foreign Relations Of The United States-Russia, 1918,* House of Representatives Document No. 1868, U.S. Government Printing Office, Washington, 1931, Volume I, Pp. 374–376.

[7] Incredible as it seems, Max Warburg was later involved in the financing of Adolf Hitler. (See Stephen Birmingham, *Our Crowd,* Pp. 428–430.) Paul Warburg recovered from his pay-cut while with the Federal Reserve to become instrumental in Western Union, Westinghouse, Wells Fargo, Union Pacific, Baltimore & Ohio, American I.G. Chemical Co. (I.G. Farben). Afga-Ansco Corporation, National Railways of Mexico, International Acceptance Bank, Westinghouse Acceptance, Warburg Company of Amsterdam, and many other vast corporations. Yet the financier Warburg had no fear of socialism. He told the Commercial Club of Chicago in April 1917: "In the state of the future, particularly in Europe after the war, the most efficient Government promotion of industries in many lines will be held to exist in actual Government ownership and operation." (B.C. Forbes, *Men Who Are Making America,* Page 404.)

[8] Curtis Dall, *F.D.R. My Exploited Father-in-Law,* Christian Crusade Publications, Tulsa, 1968, Page 71.

[9] The Meyer family now controls the ultra Leftist *Washington Post* and *Newsweek* magazine—yet another curious tie between international banking and the Left. Jacob Schiff's granddaughter Dorothy owns the *New York Post,* which contends with the *Washington Post* for the epithet of "uptown *Daily Worker.*"

[10] Carroll Quigley, *Tragedy And Hope.* The Macmillan Company, New York, 1966. Page 316.

[11] Ferdinand Lundberg, *America's 60 Families,* Vanguard Press, New York, 1938.

[12] Proctor W. Hansl, *Years of Plunder,* Harrison Smith & Robert Haas, New York, 1935.

[13] Murray Rothbard, *Economic Depressions Causes and Cures,* Constitutional Alliance, Incorporated, Box 836, Lansing, Michigan 48904. In this highly readable forty cent booklet, Dr. Rothbard uses layman's language to povide a clear explanation of the economics of boom and bust.

[14] Since the stock market is an auction, if the money supply is deflated, the buyers have less money with which to bid for stocks and prices must fall.

[15] *American Heritage,* August, 1965, Page 90.

[16] For details see Hans Sennholz, "The Great Depression," *The Freeman,* October, 1969.

[17] *A Primer On Money,* Subcommittee on Domestic Finance, Committee on Banking and Currency, House of Representatives, 88th Congress, U.S. Government Printing Office, Washington, 1964, Page 83.

[18] Congressman McFadden's speech can be found in the *Congressional Record,* June 15, 1933. In 1967, the Rockefeliers' International Basic Economy Corporation merged with Cyrus Eaton's Tower International to take over the purchasing of patents in the United States for the Soviet's Amtorg. See *New York Times,* January 15, 1967.

[19] Congressman McFadden charged, correctly, that the seizure of gold was an operation run for the benefit of the international bankers. He was powerful enough to ruin the whole deal, and was preparing to break the full story when he collapsed at a banquet and died. As two assassination attempts had already been made against him, many suspected poisoning.

[20] Note that Richard Nixon began his political career in 1946, by defeating incumbent Congressman Jerry Voorhis. Voorhis was an ultra-"Liberal," but unlike other ultra-"Liberals" he had challenged both the international bankers and the Federal Reserve. Congressman Voorhis introduced bills in Congress calling for the repeal of the Federal Reserve Act, and had written a book titled *Out Of Debt—Out Of Danger* which advocated paying off the national debt, both anathema to the international bankers. Voorhis had to go. It is reported that giant New York bankers poured huge amounts of money into Nixon's campaign, providing a

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high-powered Madison Avenue advertising agency (Batten, Barton, Durstine and Osborn) to run his Congressional campaign in California.

After his defeat for the Governorship of California in 1962, Richard Nixon moved to New York, took a $100,000-a-year apartment in a Rockefeller apartment building, went to work for the law firm of Nelson Rockefeller's personal attorney, John Mitchell (See the *Wall Street Journal*, January 17, 1969), and was made a wealthy man. In becoming President, Mr. Nixon incurred many political debts to the *Insiders* of international banking.

[21] L.B.J.'s 1967 Budget was $158 billion, and *candidate* Nixon was calling for that to be cut by $20 billion.

The Federal Reserve System After 50 Years: Hearings Before the Subcommittee on Domestic Finance of the Committee on Banking and Currency House of Representatives

(Statement by Dr. Russell Lee Norburn, Asheville, N.C.)

Gentleman, thank you for the opportunity to make a comparison of the legal tender currency issued by the Treasury under the supervision of Congress and the Federal Reserve note currency issued by that regulatory agency.

It is my purpose also to bring for your consideration a proven plan which implemented by the Congress would bring under control the monetization of debts, Government deficit financing and inflation.

Supporting facts based on the highest authority will be as brief as the importance of this subject permits.

Legal tender has been used as far back as we have a history of a medium of exchange.

In our research, Alexander Delmar, "History of Monetary Systems," page 38, states that within the Roman Empire "there was no individual coinage. Within prudent limits it made no difference whether the coins were pure or impure, light or heavy, yellow or brown; no one could lawfully stamp them except the state." The record shows that for a period of nearly 900 years the empire had a more stable legal tender medium of exchange than the Federal Reserve has provided the United States during the past 50 years.

Private coinage began in Europe during the 16th and 17th centuries, with the gold standard, silver standard, and double standard. Delmar is the authority for stating that "so long as money was governed by law, it was the whole number of coins, reduced to one denomination that determined prices. When money ceased to be governed by law, as was the case after the legislation procured by the Dutch and English East India Cos., it was the whole quantity of metal that determined prices."

The fundamental cause of the American Revolution was the conservative policies of the privately owned and controlled Bank of England in failing to supply the colonies with money and because of their monopolistic system of financial exploitation of the British Government.

Practical Benjamin Franklin pioneered and printed legal tender note currency for the colonies. Among the reasons for this "continental currency" not being worth a "continental" was the ease with which it could be counterfeited. (Exhibit sample.) It was struck off on commercial paper of nonuniform size. The British Army used the counterfeit money as a weapon and flooded the country with the currency. The economic chaos it produced nearly caused General Washington to lose the war. It may have been the reason he finally approved Hamilton's plan of placing the issue of money for the new government under the control of vested interest like the Bank of England and other established European banks of that day.

It might be said, in passing, that after the Revolutionary War the new Government paid the continental issues at par—not to the soldiers who had received it as pay, however, but mainly to speculators.

Washington was worn out by war. Authorities state that he wanted peace and considered the first U.S. bank only an expediency and its 20-year charter a time during which a monetary system in keeping with a republican form of government could be implemented. Washington, of course, could not foresee that while winning the revolution, the people had lost their hard-won economic freedom which is just as basic as freedom of speech, religion, or any other freedom.

The unfortunate experience of the continental currency was used by special interest and international bankers as propaganda against the United States using its legal tender as a medium of exchange. Thus, the newly formed Government lost the control of its hard-earned economic freedom to predatory financiers. This is exactly what was done when the French money was destroyed at the time of the French Revolution.

Counterfeit money was printed in England and was injected into the French monetary system. It has been reliably stated that 17 printing presses and 400 men were employed in England at that time to manufacture and carry on the traffic in this counterfeit money. By this means the French revolutionary government's money (assignats) was destroyed. Later, the private bankers and financiers regained control of the new money system and acquired possession of most of the property of France.

On the return of Thomas Jefferson from his office as Ambassador to France, to become Secretary of State, he found the first U.S. bank an established fact.

He was bitterly disappointed and opposed the bank as being unconstitutional, saying that it was an expediency and not a paramount necessary. Later Jefferson used stronger language and denounced the institution as "one of the most deadly hostilities existing against the principles and form of our Constitution."

Some have said that Jefferson did not favor a strong central bank. What he did not favor was the delivery of our monetary system into private hands to be run for private profit as he had witnessed in England and France. He was in favor of a U.S. legal tender note currency and died protesting the evils of our banking system. "His purpose was, instead of an aristocracy of wealth, to make an opening for an aristocracy of virtue and talent."

Andrew Jackson, too, saw the advantages of the Government having full control of the issue of legal tender note currency. He said: "If Congress has a right under the Constitution to issue paper money, it was given them to be used by themselves, not to be delegated to individuals or corporations." Jackson's veto message for renewal of the second U.S. bank is a classic. The real U.S. bank that Jackson wanted was not established and a long period of disaster followed.

It is not within the scope of this paper to follow all the vicissitudes of our country's banking system. It is, however, necessary to relate in somewhat more detail the circumstances surrounding Lincoln's issuance of the U.S. legal tender notes.

In 1858 there were listed 5,400 separate descriptions of counterfeit notes. In 1862 there were about 1,600 banks chartered in the 29 States, together issuing 7,000 different kinds of banknotes of varying value. Payment in gold had been stopped by all banks. Bankers were demanding 28-percent interest for money loaned to the Government.

Into this confused atmosphere, and in order to finance the Civil War, Abraham Lincoln, with the approval of Congress, ordered the Treasury to issue inconvertible U.S. notes to be used as legal tender. Lincoln's foresight at this critical period of our history not only enabled him to finance the war but also showed the way to free mankind from economic slavery. When issued, this currency was accepted at face value as a medium of exchange. It gave a boost to the economy, and some historians believe it enabled Lincoln to save the Union.

Woodrow Wilson, referring to this period in his history, states:

> Money was once more easy to get . . . and could be used at its face value as well as gold itself to pay the mortgages off which the older times of stress had piled up. The "greenbacks" of the Government became for the agricultural regions of the North and West a symbol of prosperity.

It may be added that when the farmers are prosperous, others in the main are prosperous. In any event, there has been at least one time when the people were not accumulating interest-bearing debts faster than property. That time was when Lincoln was issuing legal tender nonconvertible notes.

When special interest in control of banks and the gold found that the Treasury was encroaching on their own profitable monetary system, they used their great wealth and propaganda—the gimmick of gold—to sabotage the new currency by prevailing upon those in charge to put crippling wording upon the notes and by persuading the people to refuse to accept it.

We see today that the crucial issue was the determination of special interest to continue to usurp the prerogatives of State and regain control of the Nation's money. The man who led and won this fight for the bankers were Salmon P. Chase, Lincoln's Secretary of the Treasury. Chase was a lawyer like Hamilton and worked hand in glove with the financial interests. In 1863 he succeeded in establishing the national banking system, returning the privilege of the issue and control of currency to private hands.

The National Bank Act which may have been drawn up by the British Banking Association "became law by an act of a servile Congress over President Lincoln's strong protest." Lincoln's primary interest at that time, however, was to save the Union, and he could not at the same time fight the Confederacy, the international bankers, and financiers like Jay Gould, who owned the gold and controlled the banks.

Due to all this—to the fortunes of war which threatened the Government itself—the value of the U.S. legal tender notes bearing the words "—legal tender—except for duties on imports and interest on the public debt," which had to be paid in gold, depreciated to a value of 35 cents on the dollar when Lee invaded the North. Those notes were not the only ones that fell. Most private bank notes of the time became worthless and were never redeemed.

In 1869 the Supreme Court declared the issue of legal tender currency by the Government unconstitutional, but only by a single vote. Changes in the Court's personnel occurred almost immediately, and in 1870 the decision was reversed. Despite this, the owners of the national bank retained their control of the issue of the people's money. Money remained scarce and times hard.

In 1874 a small group of patriotic and farseeing men attempted a real reform of our monetary system. Unable to interest existing political parties, they formed a new party, the American Independent National Party. This party advocated increasing the volume of Lincoln's U.S. notes, and with these paying all Government bonds not expressly payable in gold coin. The new party also advocated the suppression of all issues of currency by private banks.

In 1878, after fusing with certain labor parties, the name was changed to the Greenback Labor Party. This symbol was chosen because the U.S. notes were printed with green ink, so they might be readily distinguished from the yellow-colored gold certificates. In that year its members cast more than a million votes and elected 14 Congressmen.

Alarmed at the threat to their privileged position, the bankers rallied to the fight. Such misrepresentation of facts, vilification, and ridicule has probably never before nor since been used in American politics. These attacks aroused old superstitions and new fears in the minds of men who had since childhood been taught that gold coin was the only real money; who could, between panics, take paper money to a bank and exchange it for gold. The party's following decreased and soon after the 1884 election, passed out of existence.

The next year Congress firmly reestablished the Government's promise to redeem the U.S. notes, whereupon they went to par and the speculators who had bought up the currency made their enormous profit. Three hundred and forty-six million dollars of these "greenbacks" are still in circulation—the soundest money on earth because they are as sound as our Government. In over 2,500 years there is no official record of legal tender currency having caused inflation where a responsible, strong government was in full control of the issue of all its money.

The country was on a rigid gold standard when it ran head on into the severe panics of 1893 and 1907. In the panic of 1907, banks being unable to supply the people with money, many industries, banks, and large companies printed small slips of paper tokens which were accepted by workmen and merchants as money in the exchange of goods and services.

The Nation's discontent with the defects of the privately owned and controlled national banking system caused Congress to talk of monetary reforms.

Senator Norris and other men of vision felt that the Government should issue and handle its own currency and wished to establish a true U.S. bank which would be owned and controlled entirely by the Government. Their views were cried down and a powerful machine-picked Senate committee appointed.

The Aldrich Commission, after months abroad visiting European banks, reported in favor of what amounts to a privately controlled system, eminently satisfactory to creditor interest. A prototype of the Reichsbank was approved by Congress December 23, 1913. It was named the Federal Reserve Act. The word "Reserve" indicated its 40-percent gold requirement which was claimed to be its very cornerstone.

The Federal Reserve was a banker's bank. Despite some doubletalk as to who was to own the stock, it was provided that member banks had its refusal. They took all and still, today, own 100 percent of it. When I say "member banks" I mean bankers and those they represent. It is not as impersonal as it sounds. The provision that the Governors of the Federal Reserve should be appointed by the President with advice and consent of the Senate was not consistent with the Constitution which, in lising the duties of Congress, section 8, includes the words, "To coin money, regulate the value thereof, * * *." In fact, any participation by a Congressman was expressly forbidden by the act.

The small handbook printed by the Federal Reserve sounds fair enough but gives no idea of what is involved. "The Federal Reserve Act of 1913 With Amendments and Laws Relating to Banking" compiled by Gilman G. Udall, Superintendent Document Room, House of Representatives, shows that from August 4, 1914, to July 5, 1958, Congress approved over 200 amendments. These with the 27-page act make a volume of fine print with 487 pages, so complicated that the average citizen cannot understand it nor could the best meaning Board of Presidential Appointees administer the act in such a way as to give the same equality of opportunity to each kind of business as the banks enjoy.

We have no intention today of entering this veritable maze. We must say, however, that as confusing as this is, the mind is even more baffled when it attempts to fit reports from this institution into actualities. As this leads to our point, we wish to give an example:

The 45th Annual Report of the Board of Governors of the Federal Reserve System, covering operation for the year 1958, page 15, states:

The great bulk of the gold holdings of the United States (at the end of 1958, $20 billion out of a total $20.6 billion) is held in the Treasury as security against a corresponding amount of gold certificates issued to the Federal Reserve banks. These gold certificates, owned by the Federal Reserve banks, together with their holdings of the U.S. Government securities, advance to member banks and other assets, serve as backing for Federal Reserve liabilities. Under the Federal Reserve Act, holding of gold certificates must not be less than 25 percent of Federal Reserve notes and deposit liabilities; actually the amount held greatly exceeds this minimum.

This seemed a strange report. Knowing that the system's gold requirement had by repeated suspensions been virtually eliminated; and having read several articles indicating that the report was misleading in that the United States owed more gold than we owned; and that foreign currencies had been pyramided on the gold stored in our vaults, I came to Washington in June 1960 in an effort to learn the truth.

At the U.S. Department of Commerce I was told as a fact that we owed more gold to foreign interests than was stored in the Nation's vaults and that it only remained in the United States through "a gentlemen's agreement."

Thus it is seen that though the Federal Reserve banks have no "reserve," the gimmick of gold is still used. If this is not to confuse, what then? The truth is that we are not on a gold standard, and should not be. Such ideas have no place in our thinking. For over 30 years we have not been able to exchange a single paper dollar for gold coin. It may be said in passing that you can exchange paper dollars for all the gold jewelry you want. Conversion into silver is now being brought to an end. The new $1 Federal Reserve note omits the meaningless promise of redemption in "lawful money" and stands for what is and all the rest of our currency really is—fiat money, pure and simple. This is as it should be, but that is not the whole story.

The Federal Reserve notes are issued by the Treasury on the order of officials of the Federal Reserve System and enter the economy through a complicated, privately owned and/or controlled banking system.

In all our Government the Federal Reserve System is the only place where those in control are allowed to have a conflict of interest.

Fifty years have passed since the Federal Reserve banks took over our monetary system and the management of our Government bonds. Have the benefits accrued to the general public or have they accrued to the bankers and those they represent? Let us see.

In 1914 the per capita debt was about $12 and in 1963 around $1,600, although population had more than doubled. There have been more business failures made during the past few years than since the early thirties and there are relatively fewer homes free of debt than 50 years ago. We cannot gloss over the fact that under present economic conditions, more hospital beds are filled with mental cases than all other ailments, and that doctors' offices are swamped with emotional and nervous wrecks. In my work as a physician I have often traced illnesses to tensions due to economic strain. This is true of many of our most gifted and cultured citizens, as well as others in this land of abundance. Skyrocketing debts and crime increasing five times as fast as population are largely due to the evils of our monetary system.

The individual who buys Government bonds does so with hard earned dollars saved after taxes. Does this individual get the same value and protection that the banks receive? Of course he does not. If he holds his E bonds until maturity, his investment increases by one-third. In most cases inflation more than wipes out the increase as well as much of the value of the invested dollars. If he uses the bond as a collateral, he must pay the bank more interest than is accruing on the bond.

To banks, however, the bonds gravitate as naturally as water flows downhill. The Conference on Economic Progress explains it this way:

Further, the Treasury had to borrow about $200 billion during the war, of which only about $50 billion were loaned to the Government by individuals. The balance was loaned mostly by banks, which acquired these holdings virtually without cost to their stockholders. The banks "paid for" these bondholdings merely by setting up on their books "credit to the Treasury."

And again—Dr. Dean Russell of the Foundation for Economic Education, Inc., in his monograph on Money, Banking, Debt, and Inflation (How the Federal Reserve System Works), page 16 and 17, describes in detail the bewildering manipulations used by the banks in obtaining ownership of Government bonds and fully justifies his conclusion which is as follows:

Thus the $6 billion worth of still unsold bonds was absorbed as planned by commercial banks which, in effect, had been given the money by the Fed to buy them.

No matter how acquired, the interest the Government pays on these bonds is but a trifle compared to the profit from the manipulation of Government and other credit. From less than one-fifth in 1939, Government securities had become more than two-thirds of the earning assets of the banks by 1944.

In 1940 cash dividends declared by member banks of the Federal Reserve was $210,500,000 and $832 million in 1962. My inquiry as to whether new capital invested in the banks warranted this increase was answered by the spokesman of the Board of Governors of the System, as follows:

Average total capital accounts of member banks were $5,597 million in 1940 and $19,066 million in 1962. The ratio of dividends declared to total capital accounts was 3.8 percent in 1940 and 4.4 percent in 1962. Although many other factors were important, retained earnings of member banks have totaled $11,366 million over this period and accounted for most of the increase in total capital accounts.

The $11,366 million additional capital accruing between 1940 and 1962 represents earnings above published dividends paid out by these banks during this period. Was not the actual interest received on investment in 1962 10.8 percent? This example shows that the Federal Reserve System has grown into such a Frankenstein that the average citizen is misled by their financial reports as well as their manipulation of Government credit, and that any Government supervision is of little value.

Congressional Record, appendix 11, 1961, pages A6293 to A6296 show facts to prove that the annual Federal subsidies to commercial banks amount to over $5 billion, and that with capital of $23 billion banks have accumulated assets of $252 billion. The truth is that it is not practical for the Government to support each type of business and all individuals just as it does the Federal Reserve System and the financiers.

Our progress has been due to developing a part of our great inheritance of natural resources during a favorable period of history by the many divisions of our economy and

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not to vested interest controlling the money created by the bankers. Our progress has indeed been great, but it is sobering—indeed a darkening thought to remember that it is not paid for—that we owe over a trillion dollars and that this amount continues to mount.

The result of 50 years shows that our present monetary system is merely a finesse for perpetuating financiers dedicated to maintaining the status quo instead of the public good. Their use of gold, Federal Reserve notes, and bank credit has resulted in exploitation of the Government and people and enslavement of these in astronomical debts.

This is the true state of the Union. No, the Federal Reserve System has not worked to the benefit of the Nation as a whole. It did not prevent the great depression of the thirties nor will it prevent another, a greater, and this time perhaps a fatal one. We have done some patchwork, but the fundamental causes of the great depression have not been solved. The inherent fallacy of the System will inevitably bring the day of reckoning. There is already the feel of the late twenties in the air.

Let us compare a U.S. note with a Federal Reserve note. (Exhibit notes.) Both were paid me for my services. These notes are identical except that at the very top the words "United States Note" has on one note been replaced with the words "Federal Reserve Note," and the seal of the Federal Reserve Bank has been added to our Treasury seal. Both notes are made legal tender by Government decree and both are obligations of the United States. Neither can be exchanged for gold.

The difference of these two notes lies in the fact that the U.S. note was issued by the Treasury and entered direct into circulation as a medium of exchange for goods and services. The Federal Reserve note was issued by officials of the Federal Reserve Bank upon authority delegated to them by Congress and enter circulation under the cloud of their monetary system. This authority has opened the door of the Treasury to special interest and their manipulation of bank credit and interest-bearing Government bonds.

The banks and bankers are already receiving interest on their promissory notes. That is enough. The Nation should not continue to favor this group by continuing to supply them with money on unequal terms. Nor should it continue a practice which, in exchange for bookkeeping, transfers to them enormous wealth in the form of interest-bearing Government bonds.

Government decree makes $30-odd billion of these Federal Reserve notes legal tender money.

Now let us examine the U.S. note. Though only a handful compared to the others $346 million in these U.S. notes are still in circulation. They were issued by Lincoln and have been used to pay for goods and services from that day to this. In the past hundred years these notes have not cost the Government 1 cent in interest, or added $1 to the public debt. Thirty years ago Congressman William Lemke, in speaking of these Civil War notes, said:

"Of all the money, these notes have rendered the greatest service to the American people. They helped to win the Civil War. They have saved the Nation more than $12 billion interest since issued."

These notes are the best currency in the world. Despite what we may have been told, you and I know they have no gold backing and need none. They are backed by the seal and might and all the wealth at the disposal of the U.S. Government. They are declared by it to be full legal tender for all debts public and private, and are accompanied by the Government's promise to redeem them by accepting them as taxes; which, in the last analysis, is the only way any government can pay its notes.

The official record shows that in our own day at a time of great stress, Congress acknowledged this as true; and turned to the U.S. note as our basic medium of exchange and the one way, except by repudiation, of bringing debts under control.

In "The Federal Reserve Act of 1913" U.S. Government Printing Office, Washington, 1958, on pages 150 and 151, under "(extract from) (Public No. 10, 73d Congress)" is found the following: "Title III—Financing: * * * and exercising power conferred by section 8 of article I of the Constitution: 'To coin money and to regulate the value thereof.' "

On May 12, 1933, Congress authorized the President to issue $3 billion of these U.S. notes and stated that they were to be the same notes as those approved by Congress February 25, 1862.

The President was persuaded by the financiers not to do this, assuring him that they were able to supply the money.

If, at that time, Congress had asserted the authority given it by the Constitution and had done its plain duty, Members of Congress would have seen to it that the $3 billion of this sound legal tender notes were issued and used. Instead of authorizing more interest-bearing bonds, the public debt and inflation would be much less today. Increasing the interest-bearing public debt is like fighting fire with gasoline. Keeping currency scarce forces the people to pay interest for bank credit. Bank credit now has increased to over $300 billion. Thus there is 10 times as much bank credit as there is currency to pay it.

Today's bank credit comes into existence every time the bank lends and disappears every time the loan is repaid to the bank. When thrifty people borrow from the bank for the production of goods and then repay their loans, the money (bank credit) disappears, leaving the consumer empty handed. In bad times when the banks will not lend, and when those who have deposits will not invest, there is no money with which to pay. This is what makes prosperity so dangerous. It destroys money just when it is most needed. Automation and unemployment will compound the danger. Less bank credit and more U.S. legal tender currency is the answer for the foreseeable future.

These non-interest-bearing U.S. notes, then—legal tender currency based on the economic freedom won by the American Revolution—are the best medium of exchange to move the goods produced by industry and the farms into the hands of the consumer. It was the note Thomas Jefferson had in mind, 170 years ago, when he said that if the people were able to regain control of their money and issue legal tender notes, the Government would never incur a public debt. All other currencies should be gradually retired and the U.S. note, and this note only, should be made the basis of our monetary system.

The principle of such a currency is so simple that a child can understand it; that it is a government's duty to furnish to all its people, on equal terms, a medium of exchange in sufficient quantity to meet their needs.

The present-day issue of U.S. notes would be as follows: The Government, needing goods or services, or to pay its obligations, issues its bonds in the form of small, non-interest-bearing notes, and declares these legal tender. The U.S. note should be paid directly by the Treasury (or, as checks mostly are used, send a check and credit the receiver's account). As the note is full legal tender money, the receiver may spend it in the nearest store, pay for services, invest it, save it, or lend it at interest. The note travels from hand to hand satisfying exchanges and debt. That is the history of the note I hold in my hand. The time for redemption is immaterial for it bears no interest. I or another will finally present it to the U.S. Treasury, as payment for taxes. The Government accepts it, thus satisfying the debt it made during the Civil War. The cycle is complete. This little bond has cost not 1 cent in interest. It may be retired or may be reissued.

The agency for handling legal tender currency and notes should be a department of the Treasury under control of Congress. It should be composed of well qualified and reliable men. Payments for services and goods for the Government and payment for the Government's other obligations should be made direct by the Treasury. The Treasury, too, may make under direction of the President, where authorized by Congress, long-term loans at low interest to distressed areas. All large operations should be handled by credit and debit on books, as at present. Circulating notes should be kept at safe levels by the use of computers, but the supply should be great enough so that interest-bearing bank credit is not forced upon the economy to the extent it is today. For general circulation the money might be loaned to banks at the proper interest so that the banks in turn might lend it to their customers.

Soon the Treasury should establish a school, somewhat similar to West Point, where personnel could be trained. These men, with the integrity of the postal employees or the Federal Bureau of Investigation, could advise and administer the system. They could also work out a method of foreign trade balances much superior to the present one. Japan, which has no gold, carries on extensive foreign trade.

As an example of the working of this system: the Secretary of the Treasury has now asked Congress to raise the Federal debt ceiling from $315 to $324 billion. (This money will not pay this year's interest on the public debt.) Instead of Congress authorizing the issue of $9 billion in additional interest-bearing bonds (at 4 percent) Congress should authorize the issue of $9 billion legal tender notes bearing no interest. (It cannot be said that this is irresponsible and inflationary financing with nonconvertible U.S. notes—we are going to increase credit this much anyway.) This would have $360 million interest during the current year and many, many billions in the years ahead.

To sum up: Our un-American monetary system should be replaced by one adequate to meet today's economy—one understandable to the average citizen.

Monetary stability is fundamental for a sound economy working within the law of supply and demand. The Government's fiscal as well as its debt policy must be coordinated by civil service economists in the Treasury who are dedicated to the public interest. It is the mandatory duty of Congress to assert its authority in seeing that U.S. note currency is issued by the Treasury and that it is used as a medium of exchange. All other paper money should be retired as fast as it wears out. This would be the first step toward freeing our people and economy from the control of financiers and international bankers who have used the Federal Reserve System as a tool for exploitation beneficial to creditor interest.

All Government bonds should be retired as fast as feasible with non-interest-bearing U.S. notes with the view of bringing to an end the issuing of interest-bearing Government paper.

A true American monetary system consistent with the Constitution and our republican form of Government would free the people and Government from astronomical debts, make for a strong economy, be a step toward peace, and become the standard of the world.

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M. E. EWING, PUBLIC SERVANT

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. HALL. Mr. Speaker, it is always a pleasure to pay tribute to American citizens who unselfishly contribute their time and energy in service to their fellow man.

Such an individual is M. E. Ewing, who recently retired as president of the Polk County, Mo., selective service board. He has considered judgments from the grassroots point of view, which are well expressed.

The story, detailing Mr. Ewing's 22 years of service to his Nation recently appeared in the Bolivar, Mo., Herald-Free Press. The story, incidentally, was written by a young lady named Carol Rolf, who was spending a week working for the paper as part of her course in "community newspaper" at the University of Missouri School of Journalism, in Columbia, Mo.

I commend Mr. Ewing for the excellence of his public service, and I commend Miss Rolf for the excellence of her reporting. The account follows:

EWING RETIRES FROM BOARD—GIVES 22 YEARS OF HIS LIFE TO NATION'S SELECTIVE SERVICE

(By Carol Rolf)

After 22 years of dedicated service to his country, M. E. Ewing has retired effective March 6 as a member of the Selective Service Board No. 88. At the time of his retirement Mr. Ewing had served as president of the board for 19 years.

He will receive a Certificate of Appreciation personally signed by the President of the United States, Director of Selective Service, Governor of Missouri and State Director of Selective Service. A retirement lapel emblem also will be awarded.

No replacement has been named at this time.

Others members of the Polk County Board are John McReynolds and Robert Jump, both of Bolivar.

Born and raised in Morrisville, Mr. Ewing says he received little formal education. He entered the University of Missouri in 1915 but World War I interrupted his studies. He again entered in 1920 and left in June, 1921. He didn't receive a diploma until 1923. There was some question about his required hours and subjects taken, but because of his schooling in the service, he received a bachelor of science degree in 1923.

Mr. Ewing entered the Army in 1915. He says, "I didn't want to go, but my father brought me down here and told me I was going to fight for my country and my fellow man. That's not how it is today."

"When I brought my son down thirty years later, I didn't want to see him go and he didn't want me to enter the building with him."

During his service with the Army in World War II he taught heavy field artillery at Ft. Sill, Oklahoma. He taught G. I. trainees for both world wars and also taught World War II veterans.

Mr. Ewing has been involved with the armed services through World War I and II and the Korean conflict and now the Vietnam war.

"I don't know whether this war is right or wrong," he says regarding the Vietnam war. "All war is hell. It's not clear why we're over there and war has never been declared. I think if war had been declared, this thing would have been straightened out a long time ago."

He says the attitudes about war have changed, but that it's been a gradual change instead of a sudden one as many people believe.

"People have less respect for law and order, morality and respectfulness," he comments. "But it's been going on for a long time."

"I don't see anything wrong with the lottery," he says. "I can't see where it's going to be any more effective. There's not much change to it and I think it takes people a long time to get used to anything new."

Mrs. Virginia Johnson, clerk of the Board, said Polk County's highest draft number so far has been 99. There has been some local question as to whether Polk County has been operating under the lottery because of the few men going into service. Mrs. Johnson said there is no other way for them to operate. Mr. Ewing and Mrs. Johnson both think the lottery will take a lot of the blame off the local board.

Mr. Ewing began his job as a board member in October, 1948.

"I have nothing to do with the law-making," Mr. Ewing explains. "I've tried to make it just and equitable to all the trainees."

"I always figured that when one boy had had the chance to have four years of schooling that it was someone else's turn after he got back. Sometimes it's hard to be just."

Mr. Ewing believes the volunteer army is the only thing that will satisfy the public. "We're ruined if we start it," he believes. "They tried it at the beginning of the Revolutionary and Civil Wars, but it didn't work then and it won't ever work."

He says he's never received any pay for anything he's ever done in his life. The board members receive no pay for their work.

"I'm just a farmer," he says. "And now that I've had to retire (the government makes them retire at 75) I'll just keep on working.

"I don't apologize for two things: I've always worked with my hands and I've always lived on a farm."

Mr. Ewing is very active in Masonic and church work. Only two men in the state of Missouri are higher in the Masonic order than he is: Harry Truman, former U.S. President, and Forrest Donnell, former governor of Missouri.

"There's so much autocratic power in the government today. There's no leadership to it—it's a dog eat dog world and that's what's wrong with the country.

"People don't want to promote each other's welfare or enjoy each other's prosperity. They've forgotten about the good things and most people are in it, whether it be government or whatever, for what they can get out of it. 'The ins, they grin and the outs, they pout.' That's politics today."

CONDUCT OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

(Mr. CEDERBERG asked and was given permission to speak out of order, to revise and extend his remarks, and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, I include editorial comments from recent issues of Life magazine, the Northern Virginia Sun, and the Mansfield, Ohio, News-Journal on the conduct of Associate Justice William O. Douglas of the Supreme Court in the RECORD following these remarks:

[From Life magazine, May 1, 1970]

REVOLUTION, RANT, AND JUSTICE DOUGLAS

(By Daniel Seligman)

I picked up a copy of *Points of Rebellion* the other day to see if its author, Supreme Court Associate Justice William O. Douglas, had actually been promoting revolution as strenuously as his critics, some of whom want to impeach him, allege. I discovered soon enough (you can read the book in an hour) that his views on revolution are not what's mainly interesting about Douglas these days.

The real news is that he seems unable to think straight about *any* subject he brings up. He has become a ranter. His life-long concern for the rights of dissenters has now been translated into a near-paranoiac insistence that we have already lost our basic freedoms to an omnipotent and malevolent Establishment. According to Douglas, this Establishment demands conformity from all citizens: it relentlessly searches out "the ideological stray." It controls both major parties and makes independent political action difficult. It is itself controlled by a few insiders. At one point Douglas quotes from a letter sent him by a GI in Vietnam, who says that we have "moved from a government of the people to a government of a chosen few." These have achieved their position "by birth, family tradition or social standing"; they now have "all the wealth and power" and they "control the destiny of mankind." Douglas soberly characterizes all this foolishness as "bald truth." What his numerous fans, who have praised him for helping to preserve American freedoms. will make of his view that we've lost them I cannot imagine.

He has also stopped bothering to get facts straight: *Points of Rebellion* is a treasure trove of astounding statements that turn out to be quite untrue. Part of the problem seems to be that the author is living in the past. Carrying on about "goose-stepping and the installation of conformity as king," he refers to the loyalty and security hearings instituted by President Truman in 1947, and observes that: "anyone who works for the federal or for any state government must run the gauntlet." But these procedures, which were never adopted by most state governments, ended in 1953! As a current instance of the Establishment's ability to "brainwash us about Asia," he cites the activities of "the China Lobby, financed by the millions extorted and extracted from Americans by the Kuomintang." For younger readers it is perhaps necessary to add that the lobby in question, which supported

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Chiang Kai-shek's Nationalist government, has been stone cold dead for years.

Even in talking about problems that are still real and still serious, Douglas does not use the current figures. He says that "two out of three Negro families have earned less than $4,000 a year" (the current proportion is about one out of three); and that "only one out of five Negro families has made $6,000 or more" (current figures suggest that almost half of Negro families make $6,000 or more). In talking about "the specter of hunger that stalks the land," he says that 11 million American families make less than $2,000 a year (the correct figure is 2,600,000 families) and that five million families make less than $1,000 (the correct figure is under a million).

By way of showing how easy it is for the Establishment to push us around, he says, "The electronics industry is firmly entrenched in the Pentagon and that industry will reap huge profits from ABM which started as a $5 billion item, quickly jumped to $10 billion and $200 billion and even $400 billion." This passage is one of several in which Justice Douglas uses language that blurs the difference between what has actually happened and what some people—in this case the most extravagant critics of ABM—say *might* happen in the future. In the course of demonstrating that the concerns of the young are legitimate, he notes: "German students are inflamed at our use of napalm in Vietnam, putting to us the embarrassing question, 'It's a war crime, isn't it?'" Now whatever one thinks about the use of napalm, the term "war crime" has a precise legal meaning. It refers to a variety of specified actions that were held, at Nuremberg, to violate the customs of war. And using napalm was not one of the actions specified.

The young, oozing relevance at every pore, are the heroes of Douglas' exercise. We have all, by now, been exposed to heavy doses of sentimental nonsense about the nobility of youth, but I can't recall reading anyone who lays it on as thick as Douglas does. The following is a fair specimen of the patty-cake prose and tone of voice he brings to the subject:

"Yet another major source of dissatisfaction among our youth stems from the reckless way in which the Establishment has despoiled the earth. The matter was put by a 16-year-old boy who asked his father, 'Why did you let me be born?'

"His father, taken aback, asked the reason for the silly question.

"The question turned out to be relevant, not silly.

"At the present rate of the use of oxygen in the air, it may not be long until there is not enough for people to breathe."

Douglas has a ready answer to those who inquire what the young really want. They want an end to the repression they suffer at the hands of the Establishment. They want a return of freedom—"the freedom of choice that their ancestors lost."

If they don't get it peacefully, they may of course be compelled to take it violently. The notion that those who use violence really have no choice about the matter recurs a number of times in *Points of Rebellion*. About violence in the schools, for example, it appears that "much of modern education fills young tender minds with information that is utterly irrelevant. . . . Students rightfully protest; and while all their complaints do not have merit, they too should be heard, as of right, and not be compelled to resort to violence to obtain a hearing." There is also an implicit argument for violent revolution in Douglas' analogy between today's Establishment and George III. ("We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution.") And there is again the notion that the outcome depends, not on the prospective revolutionaries, but on the Establishment; if it acts wisely and accedes to the just demands of the young, there doesn't have to be any trouble at all. What could be fairer than that?

Maybe it is, as Douglas' critics contend, a very serious matter indeed when a member of the highest court in the land suggests that violent revolution is appropriate in the United States today. But I suspect that many readers will find it imposible to take anything in *Points of Rebellion* very seriously.

[From the Northern Virginia Sun, Apr. 22, 1970]

E. M. K.'s Douglas Defense "No Surprise"

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON.—Sen. Edward Kennedy's precipitate defense of impeachment-threatened Justice William O. Douglas was no surprise to intimates of both men.

The ultra-liberal peacenik jurist has been a close personal, legal and political adviser of members of the Kennedy family for some 35 years.

Similarly, it was no surprise to insiders that former Justice Abe Fortas rushed to the support of Douglas. They long were close friends before Fortas went on the Supreme Court, and he consulted Douglas repeatedly before deciding to quit to avoid impeachment.

Among insiders, Douglas has long been known as the "household attorney of the Kennedys."

As a young member of the faculty of Yale Law School, Douglas was brought to Washington by the late Joseph Kennedy, head of the family and at that time chairman of the newly established Securities and Exchange Commission. Several years later, Douglas succeeded him in that job through Kennedy's influence with President Roosevelt.

Years later, when John Kennedy became President and Robert Kennedy Attorney General, both frequently consulted Douglas on a wide range of problems.

It was at Douglas' urging that they launched the nationwide drive to ransom for $65 million in drugs and medical supplies the Cuban prisoners in the botched and disastrous Bay of Pigs invasion attempt.

Similarly, Douglas had a great deal to do with "Bobby" Kennedy's jumping into the Democratic presidential race in the spring of 1968. Douglas had wanted him to run before Sen. Eugene McCarthy announced. When the latter made an unexpectedly strong showing in the New Hampshire primary, Douglas resumed his prodding and this time "Bobby" heeded him.

After the latter's death, "Teddy" turned to Douglas for counsel and guidance.

Douglas was consulted during the still-sputtering Chappaquiddick affair, and on related matters since then. Last month, Douglas reportedly advised "Teddy" to discreetly revive his presidential aspirations with attacks on the Nixon Administration's handling of the tortuous Vietnam problem and domestic economy policies.

It is significant that in the last few weeks Kennedy has done a lot of talking, in the Senate and at political meetings, along these lines. Sources close to him indicate there will be more of these partisan attacks.

TALKING OUT OF TURN

"Teddy's" precipitate defense of Douglas backfired fast and stingingly in the Senate and elsewhere.

Senate Republican Whip Robert Griffin, Mich., sharply rebuked Kennedy for speaking out of turn and, in effect, disregarding his constitutional obligation to keep his mouth shut.

"A statement in the Senate," caustically pointed out Griffin, "questioning the motives of House members comes dangerously close to giving the appearance of prejudgement on the merits. In order for the Senate to be in a position to carry out its solemn responsibility under the Constitution, senators should be particularly aware at this time of the importance, not only of keeping an open mind, but also of refraining from public statements which give the appearance of having prejudged the case against Justice Douglas.

"If the House should vote to impeach Justice Douglas, then the Senate, under the Constitution, has the sole and solemn responsibility to sit as judges and jurors to hear the evidence and to determine the guilt or innocence of the accused. That is why each senator should realize that it would be a serious breach of his obligation under the Constitution to involve himself in public discussion of the merits or demerits of the possible impeachment of a Supreme Court justice. . . . Certain restraints are imposed upon senators under the Constitution in a situation such as this."

Since Griffin's forceful reminder, Kennedy has been publicly silent. Privately he has continued to berate the strongly bipartisan move in the House to bring about Douglas' impeachment.

Already there are backstage intimations that should the House vote impeachment and the case go to the Senate for trial and judgment, a formal demand may be made that Kennedy be required to abstain from participating on the ground of publicly voiced bias and pre-judgment.

Throughout the nearly 200-year-old history of the Supreme Court, only one member, Justice Samuel Chase, was impeached by the House and tried by the Senate. He was acquitted by the Senate. A two-thirds vote of that chamber is required to convict.

At a fund-raising reception in Montgomery County, Md., adjoining Washington, for Adlai Stevenson III, running for the Democratic senatorial nomination in Illinois, "Teddy" acclaiming him said, "I know what it is like to run on a famous name. But I am sure the voters will judge Adlai as they did me—on my achievement."

Kennedy gave no clue as to just what that "achievement" is.

[From the Mansfield (Ohio) News Journal, Apr. 15, 1970]

The Justice Is an Embarrassment

Justice William O. Douglas could save everybody a lot of trouble by resigning his seat on the U.S. Supreme Court.

An investigation of his conduct as proposed by House Minority Leader Gerald Ford, will produce substantial embarrassment, if nothing more, for the whole country.

Some men at 71—which is Douglas' age—are full of natural dignity and an accumulation of experience which entitles them to general respect and even a certain amount of humoring with regard to their foibles.

There is a natural tendency to regard Douglas that way even though, in our opinion, he has foregone that privilege by trying to behave like a physical and mental creature a third his age.

As a member of the highest court in the land, his writings, if they had substance, would certainly be welcome in the nation's best publications. Indeed, Douglas has in the past contributed to the highly respected National Geographic as well as other magazines.

But his latest literary pullulation apparently could find a market only in a review that prints numerous advertisements for sex books and liberally sprinkles its pages with pictures of nude women.

This is just another example of Douglas' ridiculous quest for a youth long past. He is publishing like a college boy making his first inexperienced foray against the Establishment.

What Douglas has to say indicates some of the same juvenility—senility is not the word in this case.

Although he represents the very epitome of justice by legal process, Douglas advocates violence as an alternative to peaceable dissent.

He is of course entitled to that view as an individual and as a citizen; he is not entitled to it as a traitor to the position of trust which he was granted for life on the Supreme Court.

Perhaps Justice Douglas would relish whatever scandal an investigation and impeachment proceedings can produce.

Younger, more mature citizens of the nation will not relish it.

Douglas ought to take his juicy pension and get out of official life. What antics he may choose to continue as a private citizen will be his own business.

LENIN: ORIGINATOR OF COMMUNIST TERROR AND GENOCIDE

(Mr. DERWINSKI asked and was given permission to speak out of order, to revise and extend his remarks, and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, on April 22, Moscow and its Red satraps inaugurated the Lenin centennial, the celebration of the totalitarian Russian's birthday. The propaganda surrounding this event already shows how desperate the totalitarian Red governments are in coping with the psychological resistance of the captive peoples and nations, particularly those in the Soviet Union itself where its effects have been witnessed for some time in the economy, Russian/non-Russian relations, and intellectual dissent. Among Lithuanians, Ukrainians, Latvians, Turkestani, and other captive non-Russian nations, the myths of Lenin and Leninism are a reservoir of subtle jokes that they can enjoy until the time arrives for the final elimination of the myths themselves.

On this occasion the Ukrainian Congress Committee of America has performed a valuable public service by publishing and distributing an incisive memorandum, titled "Lenin: Originator of Communist Terror and Genocide." Signed by the president of this national organization, Dr. Leo E. Dobriansky of Georgetown University, the covering letters to U.N. Secretary General U Thant, UNESCO's Director Alfonso de Silva and others indicate only in part the wide distribution given to this thought-provoking memorandum. The accompanying press release "Ukrainian Congress denounces UNESCO for honoring Lenin, founder of totalitarian system" also indicates the nature of the crimes committed by Lenin. The memorandum and this additional material make for productive reading and instruction at this time:

APRIL 14, 1970.

Hon. U THANT,
Secretary General of U.N.,
United Nations, N.Y.

DEAR MR. SECRETARY: We are taking the liberty of sending you a copy of the Memorandum dealing with the 100th centenary of Vladimir I. Lenin, which was issued by the Ukrainian Congress Committee of America today.

As you will note, the Memorandum deals with beliefs and policies of Lenin during his lifetime, and also with the political heritage he bequeathed to his successors, including the present leaders of the Soviet Union.

We trust the Memorandum will provide you with a new and different viewpoint on Lenin, not that accepted in the USSR.

Sincerely yours,
LEV E. DOBRIANSKY,
President Ukrainian Congress, Committee of America.

APRIL 14, 1970.

Hon. ALFONSO DE SILVA,
Director General of UNESCO.

DEAR SIR: We take the liberty of sending you a copy of the Memorandum of the Ukrainian Congress Committee of America, which deals with the much-publicized centenary of Lenin's birth and which describes Lenin for what he really was.

The memorandum criticizes UNESCO and the U.N. Commission on Human Rights, which sponsored a Lenin Symposium, held in Tampere, Finland, over the objections of the U.S. delegations and others, and with a great number of non-Communist states either abstaining or not voting at the UNESCO Conference, which decided to honor Lenin on his 100th birthday under its sponsorship.

The Memorandum also depicts Lenin as the originator of Communist terror, advocate of total violence as the instrument of government and violator of human rights, particularly religious and political freedoms.

We shall be very grateful to you, Sir, if you would kindly forward the enclosed copy to your Government for background information, and ask it not to participate in any observances honoring Lenin.

Thank you for your attention.

Sincerely yours,
LEV E. DOBRIANSKY,
President, Ukrainian Congress Committee of America, Inc.

[News Release from Ukrainian Congress Committee of America, Apr. 14, 1970]

UKRAINIAN CONGRESS DENOUNCES UNESCO FOR HONORING LENIN, FOUNDER OF TOTALITARIAN SYSTEM

NEW YORK, N.Y.—"UNESCO should take another look at its decision to help celebrate the birthday anniversary of a tyrant, who in his philosophy and his everyday life was the antithesis of everything which is inscribed in the enlightened Charter of the United Nations," stated the Memorandum of the Ukrainian Congress Committee of America issued today.

Dr. Lev E. Dobriansky of Georgetown University, President of the Ukrainian Congress Committee, asked in a covering letter that governments of the free world abstain from official participation in any observances honoring Lenin.

The Memorandum stated that UNESCO and the U.N. Commission on Human Rights, over strong protests of the United States and other members of the U.N., sponsored this month a Lenin Symposium in Tampere, Finland, at which Lenin was eulogized as a "great humanist" and a "promoter" of culture, science and human rights.

In fact, the Memorandum says that Lenin was the very symbol of everything contrary for which the U.N. stands. He was the founder of the notorious Cheka, which provided political and ideological foundations for succeeding Soviet secret police systems, such as the GPU, NKVD, MVD and the present KGB.

According to the Memorandum, Lenin was the originator of the phrase, "religion is the opiate of the people," and he was responsible for the destruction of all religions, such as Orthodoxy, Catholicism, Protestantism, Judaism and Islamism. Lenin also preached that the Communist government should adopt terror as the instrument of rule, and that all other parties should be eliminated. He also advocated the overthrow of the capitalist system, destruction of the Western-type democratic governments, and the imposition of his "dictatorship of the proletariat."

The Memorandum appeals to all governments of the free world not to honor Lenin "either in the U.N. or on their own soil," as he was responsible for the establishment of the Soviet totalitarian system, which destroyed millions of human beings and which remains a permanent threat to the free world today.

LENIN: ORIGINATOR OF COMMUNIST TERROR AND GENOCIDE

(A memorandum published by Ukrainian Congress Committee of America, April 1970)

INTRODUCTION

For almost two years the powerful Soviet Russian propaganda machinery has been set in motion to publicize, at home and abroad, the 100th anniversary of *Vladimir I. Lenin's* birthday, which falls on April 22, 1970.

Lenin, whose revolutionary alias was *Vladimir Ilich Ulyanov,* is being represented as a great "humanist" and benefactor of humanity. The Kremlin opinion-makers, more mendactious than ever, go so far as to depict him on a par with Buddha, Ghandi and Marx.

The main effort during these two years has been a reissue of Lenin's books, writings and speeches, accompanied by an outpouring of laudatory articles in Communist publications. In addition, on tap are international observances under the sponsorship of world leaders and organizations, calculated to shore-up Communist prestige and power, especially in the non-communist lands of the world. The Soviet system is exploiting the name of Lenin to create veneration approaching adulation, and therefore, as one Canadian journalist aptly points out, to feed the myth "new works and writings of Lenin keep being discovered" almost every day (Peter Worthington: "After A Century: Lenin," *The Telegram,* Jan. 10, 1970, Toronto).

This mythology depicts Lenin as a "lover of children," a believer in the dignity of man and his progress, and a staunch supporter of cultural development and humanism. In being ascribed Christ-like qualities, this exponent of force and violence is emerging as a deity of the Soviet system.

On December 23, 1969, *Pravda,* official organ of the Communist Party, printed the "Theses" of the Central Committee of the Communist Party of the Soviet Union, which have been serving as guidelines on how to observe and interpret Lenin's writings and deeds on the centenary of his birth.

While *Pravda* issues are destined for domestic consumption, the *Moscow News,* which appears in several international editions, has given the "Theses" world-wide dissemination.

As Soviet propaganda, these "Theses" are, to be sure, nothing new, but they merit attention because they labor points that the Russian Communist leaders think are important and timely.

The "Theses" should be studied by all who believe that Communist Russians have mellowed under the Brezhnev-Kosygin leadership. Therein we find that the "chief obstacles to social progress" are the United States and West Germany; that the capitalist system is about to die; that the Communists "highly appreciate the rise of the youth movement, including the student movement" and that they are actively "spreading the ideas of scientific Communism among the youth," and the like.

It should be important to every free man and every free country to know that the "Theses" advocate the abolition of private property and ownership of the means of production. Furthermore, the Russian Communist leadership makes it clear that there will be no let-up in their support of "wars of national liberation." They give up only when they have no other real choice, as in the Korean War; they continue indefinitely when it is advantageous for them to do so, as in Vietnam. We learn that the role of the Communist party in the capitalist countries is to serve the aims of the world Communist movement, directed from Moscow, culminating in an over-all assult by the youth.

To be recalled on this occasion is an order Lenin sent to Russia during the 1905 revolution, which reads:

"Go to the youth. Organize at once and everywhere fighting brigades from among the students and particularly the workers. Let them arm themselves immediately with whatever weapons they can obtain . . . a knife, a revolver, a kerosene-soaked rag for setting fires. . . . Let the squads begin to train for immediate operations. Some can undertake to assassinate a spy or blow up a police station, others can attack a bank to expropriate funds for an insurrection. Let every squad learn, if only by beating up police."

Lenin was true to his beliefs, and above all he believed that *violence* and *force* are indispensable for the attainment of power. He derided democracy as a "bourgeois" invention. In comparing the Jacobins with the Bolsheviks, his chief lieutenant, Leon Trotsky, derided the former as "thoroughgoing idealists," in contrast with those "thoroughgoing materialists," the Bolsheviks. "Lenin would rather guillotine than convince . . ." (C. *Stalin: A Critical Survey of Bolshevism.* By Boris Souvarin, Longmans, Green, Co., New York, 1939, p. 65).

Yet the Soviet government would have all believe that Lenin was a saintly and outstanding "humanist." Indeed, it has imposed this twisted image of Lenin upon one of the most important agencies of the United Nations.

I. UNESCO AND LENIN SYMPOSIUM FANFARE

As far back as the fall of 1968 the Soviet Mission to UNESCO, with the assistance of the puppet mission of the Ukrainian SSR, presented a resolution that proposed a symposium on the theme "V. I. Lenin and Questions Relating to the Development of Education, Science and Culture." The Russian proposal read:

"The name of V. I. Lenin is included in the list of great personalities and events whose anniversaries the National Commissions propose to commemorate in 1969 or 1970. The proposal to include the commemoration of the centenary of Lenin's death in the UNESCO program in the form of a symposium attended by about eight experts would entail an expenditure in the region of $5,000.00." (Cf. UNESCO Circular, 15 C/DR. 38, Paris, October 23, 1968).

According to the October 12, 1968 issue of *Radyanska Ukraina,* official organ of the Communist Party of Ukraine, Prof. Peter E. Nedbailo, delegate of the Ukrainian SSR to the U.N. Commission on Human Rights, stated that the U.N. Commission on Human Rights has recognized Lenin as a "great humanist."

A resolution, adopted at the Convention of the American Legion in August, 1969, denounced the proposed Lenin Symposium to be held in April, 1970, in Tampere, Finland, stating:

"To honor Lenin for his supposedly having served the interest of humanity and justice is pure burlesque and is an insult to the millions of innocents who have died through Lenin's terror." (Cf. "UNESCO: A Vehicle for Soviet Propaganda?" Editorial, The Ukrainian Quarterly, Vol. XXV, No. 4, Winter, 1969).

In 1950, on the fifth anniversary of the end of World War II, *Pravda* thus eulogized the "Russia of Lenin":

"Russia became Leninism's homeland, that zenith of world science and culture. The Russian people gave humanity the greatest man of genius—Lenin. . . . The Russian workers' class has played an advanced role in the history of all humanity. First to achieve the Soviet revolution, with this it founded a new era." (Pravda, May 24, 1950, Moscow).

It is reliably reported that UNESCO and the U.N. Commission on Human Rights have endorsed the Lenin Symposium to be held in Tampere, Finland, this month. Lenin will be honored for the "historic influence of his humanistic ideas and activity in the development and realization of economic, social and cultural rights. . . ."

The Russians, it would appear, did not win their victory in UNESCO without opposition. In the roll call vote at the 15th Session of the UNESCO General Conference, 48 member-states of the United Nations, mostly Communist-bloc and African nations, voted for the Soviet proposal, but 21 member-states abstained from voting, while 47 member-states were recorded as absent, although many were in fact present but preferred to refrain from participation in the vote.

Firmly against the Soviet proposal to honor Lenin were the *Dominican Republic, Spain, the United States, South Vietnam, Argentina, Australia and the Republic of China.*

The head of the U.S. Delegation, in rejecting the proposal, stated:

"My delegation is of the opinion that it is exceedingly difficult to place the draft resolution before us—for a symposium on V. I. Lenin as a 'precursor of world science' and to study his relationship to the problems of culture, science and art within the same category. I must confess that as an historian my first reaction to the present proposal was to be overwhelmed by admiration for its audacity. I have no doubt that Lenin was a very great man. But his greatness was of the sort that puts him in the historical company of Bismarck or Napoleon, not of Gandhi or Buddha or Marx. Like Napoleon, Lenin led his nation through the later stages of a great revolution; like Napoleon, Lenin turned his revolutionized society to an aggressive international policy; like Napoleon, Lenin came to power promising freedom and became instead an innovator in what might be called the technology of the police state; just as Napoleon became the patron saint of military strategists in the nineteenth century, so has Lenin become the patron saint of advocates of violent revolution in the twentieth century. Certainly these were very great accomplishments, of profound importance to the people who experienced them; but are they the kind of accomplishments to which UNESCO wishes to lend its imprimatur? Do we really wish to commemorate a man whose whole political philosophy is perhaps best summed up in his statement: 'Every man must take either our side or the other?' Is it not in some way inappropriate that on this eve of the 50th anniversary of the establishment of the Czechoslovakian Republic, UNESCO considers an appropriation to commemorate the man whose declaration that all Communists must 'fight against petit-national narrowmindedness' is cited by Pravda to justify the recent unhappy events in that country?

"An international symposium on Lenin, and his relationship to the development of culture, science, and art—if held under conditions of free inquiry and free expression—might prove very embarrassing to this organization; I have no doubt at all that it would prove very embarrassing to the sponsors of this proposal." (Cf. Statement of the U.S. Delegation to the UNESCO General Conference Subcommittee for Social Sciences, Human Science and Culture, October 24, 1968).

Despite the U.S. opposition, however, the Lenin Symposium will be held under the sponsorship of the U.N. agency to the great shame and detriment of the prestige and standards of the United Nations.

II. LENIN THE TERRORIST

The U.N. Commission on Human Rights, under Soviet persuasion, has paid tribute to Lenin as "an outstanding humanist." Lenin was undoubtedly a lot of things; a "humanist" he was not.

It was Lenin who founded the All-Russian Extraordinary Commission, the *Cheka,* that dreaded symbol of the Russian revolution which provided the ideological basis for the succeeding Soviet security networks: *GPU, NKVD, MVD* and the present *KGB*. He advocated violence as a necessary step towards success:

"The revolutionary dictatorship is the power conquered and supported by the violence over the bourgeoisie, power which is not bound by any laws." (V. I. Lenin, The Proletarian Revolution and Renegade Kautski, cf. V. I. Lenin, Collected Works, Vol. 28, pp. 207–302).

Boris Souvarin in his *Stalin* pointed out that the Bolsheviks, led by Lenin, instead of establishing the "dictatorship of the proletariat," proceeded to organize the "dictatorship over the proletariat. . . ." Plekhanov saw Lenin as a "theorist vowed to isolation, dangerous because of his narrow and rigid interpretation of Marxism." He predicted the evolution of Bolshevism to the "final end, when everything would revolve around one man who will, *ex providentia,* unite all power in himself. . . ."

Only the premature death of Lenin in 1924 precluded the realization of Plekhanov's prediction. But his successor, Stalin, was able to fulfill the prophesy, succeeding in making himself the supreme ruler of the USSR and the despotic tyrant *over* the proletariat.

Lenin preached his conviction that man could be molded into a blind instrument of Communist power. His instructions are replete with suggestions of "brain-washing" and the "remolding" of men and society as a whole, because only after this "remolding of souls" could socialism, i.e. communism, be imposed upon a nation. He derided Russian socialists for their rejection of terror as a method of government, holding it to be indispensable.

In August, 1918, Lenin sent a telegram to the Soviet in Novgorod Nizhny, in which he stated:

"A mass terror has to be immediately applied. Execute and deport prostitutes who debauch soldiers and former officers. There should be no delay. Make mass searches and hold executions for found arms, and implement mass deportations of Mensheviks and all other unreliables." (V. I. Lenin, Collected Works, Vol. 35, 4th edition, p. 286).

Lenin considered as "unreliable" all priests and wealthy peasants and any other segments of society that were opposed to his methods of government. Conservative estimates are that during Lenin's rule of terror the Cheka, under Lenin's orders, executed 2,300,000 persons, half of whom were workers and peasants.

Lenin was himself faithful to what he preached and propagated. All opposition to his rule was physically eradicated, a trait which he bequeathed to his successor, Stalin. During the 50 years of communist power the Communists have killed over 40 million people, especially during the civil war in Russia, in the Ukrainian-Russian war originated by Lenin, the war against Poland, and later in the war against Finland. In Ukraine during the man-made famines (instigated by the Soviet government) in 1921–1922 and in 1932–1933 some 8 million Ukrainians died of starvation. Another 20 million perished in Soviet concentration camps, and still another 20 million during the German-Soviet war of 1941–1945.

American author John Reed (*100 Days That Shook the World*), himself a Bolshevik sympathizer and eye-witness to the communist takeover in Petrograd in 1917, wrote that Lenin propagated that it was the duty

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of the Soviet government to subsidize all "revolutionary Communist movements" in the world, directed against non-Communist governments. This principle is being vigorously applied by the present rulers of the USSR, as evidenced in Cuba, South Vietnam, Laos and elsewhere. Of course, this Moscow-inspired subversion is euphemistically called "wars of national liberation" of the Asian and African peoples.

As the "father of Communist terrorism," Lenin also preached, and eventually practiced, another totalitarian principle, namely, that Soviet courts are not there to administer justice, but to serve as tools of the communist totalitarian regime. He recommended:

"The courts should not outlaw terror, and to promise that this will happen is to delude oneself: what must be done is to insure it as a matter of principle, clearly without falsity and embellishment" . . . (V. I. Lenin, Collected Works, Vol. 29, 2nd edition, p. 489).

Since the so-called "thaw" in the USSR which began in 1956 with the degrading of Stalin by his erstwhile henchman, Nikita S. Khrushchev, much has been written about the resurgence of "Leninist democracy" in the Soviet Russian empire. The question is: What kind of democracy did Lenin believe in? He made it clear there was no "contradiction between democracy and the application of dictatorial power by individual persons. How can the most severe unity of will be insured? By the subordination of the will of thousands to the will of one person . . ." (V. I. Lenin, *Collected Works,* Vol. 27, 4th edition, pp. 238–239).

Lenin was also the creator of "Soviet morality," whereby he preached that all means and methods are good for the attainment of communist power: treachery, deceit, betrayal, breaking of treaties and agreements, cheating. And he also was an ardent Russian imperialist and aggressor, for he coveted domination of his Russian communist rule over all other countries of the world.

III. LENIN THE AGGRESSOR

Perhaps Lenin's entire philosophy and political program of deceit, perfidy and aggression are best exemplified by his relations and policies vis-a-vis Ukraine.

The Communist rulers of Ukraine, ever fearful for the loyalty of the 46-million Ukrainian nation, have always done everything they could to depict Lenin as a "friend and liberator" of the Ukrainian people. Lenin did write many articles and brochures on the Ukrainian question, in which he recognized the injustices perpetrated on the Ukrainian people by the Russian Czarist regime. These writings were gathered and published, in Khrushchev's time, in one volume, entitled *V. I. Lenin on Ukraine,* in both Ukrainian and Russian (752 pages). In the preface of the volume, the Communist editors wrote that the "materials in the volume, despite their voluminousness, do not embrace all the Lenin literary heritage, all the works and documents of V. I. Lenin which contain reference to Ukraine. . . ." Evidently, all the negative comments of Lenin on Ukraine and on the aspirations of the Ukrainian people to freedom and independence were judiciously eliminated from the volume.

Like all other Russian imperialists Lenin knew well that without Ukraine the Russian empire could not fare well, much less be powerful. Lenin saw a menace in the Ukrainian peasantry, which was always conservative and always opposed to Russian domination, White or Red, and he was violently opposed to any Ukrainian political parties, socialist or non-socialist, as he knew, too, that all Ukrainian political groups aspired to freedom and national statehood. Lenin was extremely hostile to all separatism, say Polish or Finnish, but he was pathologically dead-set against Ukrainian independence. Although it was proper to protest against oppression of Ukrainians by Russian Czarism, the idea of Ukrainian autonomy, or of Ukrainian independence, for him was a "product of the bourgeoisie." Lenin was also an opponent of any national culture, because he believed in a strong centralized Russian state empire. He dismissed the Jewish national culture as being inspired by "foreign capitalists."

When in March, 1917, the Ukrainian Central *Rada,* as an all-Ukrainian national representative body, was established in Kiev, Lenin unleashed fierce attacks to destroy the *Rada* and establish a communist government in Ukraine. In December, 1917, the Bolsheviks made a supreme effort to take over the All-Ukrainian Congress of Peasants, Soldiers and Workers' Deputies, but the attempt failed miserably: only some 60 out of 2,500 delegates could be mustered in support of Lenin. It took Russian military aggression to subdue Ukraine.

But Lenin realized that the tide of nationalism that swept Ukraine, Finland, the Baltic countries, the Caucasus, Byelorussia and other parts of the Russian empire could not be stopped by Russian arms alone. He was cunning enough to forestall these movements.

In his "Summary of the Discussion on Self-Determination," Lenin wrote:

"We would be very poor revolutionaries if, in the great liberation war of the proletariat for socialism, we should be unable to take advantage of any national movement directed against imperialism, in order to sharpen and deepen the crisis." (V. I. Lenin: Collected Works, Vol. 19).

Following this principle, on November 3, 1917, the Central Committee, instigated by Lenin, issued its deceitful "Declaration of the Rights of the Peoples of Russia," providing for the right of self-determination, "including the right of complete separation from the Russian Soviet Federative Socialist Republic."

What Lenin actually thought of national self-determination is plainly explained in an article, "V. I. Lenin in the Struggle for Socialist Culture in Ukraine," by Y. Kurylenko, which appeared in the November 2, 1969 issue of *Kultura i Zhyttia*:

"In the Leninist concept of a nation's right to self-determination, the demand for equality of languages and cultures is subordinated to the principle of unifying the leading forces of society. . . . He adjured Ukrainian Marxists to 'preserve all opportunities for uniting with the Great Russian worker, with his literature and with his sphere of ideas'."

Lenin's further thoughts on self-determination speak for themselves:

"The propaganda of self-determination is of very great importance for the fight against the ulcer of nationalism in all its forms. . . . Recognizing the right of separation reduces the danger of the disintegration of the state. . . . The question of a nation's self-determination should not be linked with the problem of implementation or purposefulness of the separation of some nationality." (V. I. Lenin: Collected Works, Vol. 19).

On December 17, 1917, the Council of People's Commissars issued a special declaration, whereby it recognized the Ukrainian National Republic:

"Therefore, the Council of People's Commissars recognizes the Ukrainian National Republic and its rights to full separation from the Russian Soviet Federative Socialist Republic, and that it may enter into negotiations with the Russian Republic in the matter of federal and other relations." (Oleh Pidhainy: The Formation of the Ukrainian Republic, New Review Books, Toronto, 1966, p. 415).

This declaration was accompanied by an "ultimatum" that specified several demands to be met by the Ukrainian Central *Rada.* Failure to comply with these would mean war with Communist Russia.

The ultimatum was rejected. Lenin thereupon sent at least 50,000 fanatical troops into Ukraine under the command of Gen. V. Antonov-Ovsienko and Col. M. Munraviev. The latter, in his Order of the Day, No. 14, February 14, 1918, wrote:

"We bring this government from the North on the blades of our bayonets, and where we set up our rule, we support it with all means by the force of these bayonets." (Annals of the Revolution, No. 1, p. 162, Kharkiv, 1928).

The invading Russian communist troops were ordered to slay all Ukrainians without discrimination and without a shred of due process of law. One of Lenin's leaders in Ukraine, Communist V. Zatonsky, wrote, "Here (in Ukraine) they executed everyone who had any relation to the Ukrainian Central *Rada.* Ukrainians, men and women, wearing Ukrainian national dress were executed on the spot, because such was the order of Lenin."

In the confusion that followed Stalin's death, life in the USSR underwent a "thaw." The reins of terror temporarily slackened, raising false hopes that a greater measure of liberty was just around the corner. If Khrushchev relented on the use of violence, he made up for this by redoubling the threat of terror. Today, there is certainly no "new reign of law" in the USSR, despite what some optimistic writers in the West would have us believe. Even under Khrushchev a "people's militia" was created to act as a "parallel arm" of the dreaded secret police—KGB.

IV. LENIN AND HUMAN RIGHTS

Lenin, as the supreme dictator and advocate of terror as an instrument of government, stands guilty of violating and destroying human rights.

UNESCO and the U.N. Commission on Human Rights are supposed to be guardians of these cherished principles. Instead, they glorify the man who made a mockery of them.

The Universal Declaration of Human Rights insures for all mankind "all rights and freedoms set forth . . ." without distinction of any kind, *such as race, color, sex, language, religion, political or other opinion.* (Art. 2), and "the right to freedom of thought, conscience and religion" (Art. 18).

But it is Lenin who is the author of the phrase, "religion is the opiate of the people." It was he who ordered the destruction of the Orthodox Church, the Catholic Church in Russia and Ukraine, and, subsequently, the Protestant, Judaic and Islamic religions.

He persecuted the peasants as a separate class, the so-called *kulaks,* and in addition those liberal intellectuals who opposed his unbridled terror.

As a Russian imperialist, Lenin engineered the conquest of Ukraine, Byelorussia, Georgia, Armenia and Turkestan, followed by his policy of national genocide for the non-Russian peoples.

Such was Lenin, the founder of the Soviet totalitarian state.

Today, Lenin's successors are confronted with a Gordian knot: whether to compromise with the ever-rising opposition within the USSR or to re-impose full violence and terror. In Russia the advocates of freedom Yuli Daniel and Andrei Sinyavsky, Alexander Ginzburg, Andrey A. Amalrik and Alexander Solzhenitsyn—and in Ukraine Vyacheslav M. Chornovil, Ivan Dzyuba, Sviatoslav Karavansky, Valentyn Moroz and many others—all have been imprisoned for their intrepid stance on freedom.

The outlook is grim. The image of Stalin is again emerging in the USSR, while Felix Dzierzhinsky, Lenin's first chief of the dreaded secret police—the Cheka—is being glorified as a "great Soviet patriot." Scarcely less comforting is the fact that four members of the current Politburo—Suslov, Pelshe, Shelepin and Mazurov—each spent important years in secret police operations, and, moreover, the fact that Suslov and Shelepin enjoy much "greater respect" within the Party than either Brezhnev or Kosygin.

Perhaps Khrushchev spoke more prophet-

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ically than he knew when he stated: "Our enemies are hoping that we will relax our vigilance, that we will weaken our state security agencies. No—this will never happen! The proletarian sword must always be sharp."

It remains as sharp as ever.

Anatole Kuznetsov, Soviet defector, predicts that large-scale purges will soon take place in the USSR.

UNESCO should take another look at its decision to help celebrate the birthday anniversary of a tyrant who in his philosophy and his everyday life was the antithesis of everything which is inscribed in the enlightened Charter of the United Nations.

It is our hope that no government in the free world will participate in the Lenin celebration—either in the United Nations or on their own soil.

For Lenin is responsible for the destruction of millions of innocent victims in Russia and Ukraine and elsewhere. They died simply because one obessed man deemed them unworthy and a threat to his tyrannical rule.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1968, Americans spent $15,825 million in charitable donations. This was more than the entire gross national product of 46 nations in the world.

DIAMOND POWER SPECIALTY CORP.

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, as a native and former mayor of Lancaster, Ohio, I have become well acquainted over the years with the Diamond Power Specialty Corp. and its parent corporation, Babcock & Wilcox.

As one eager to attest to the attributes and accomplishments of the Lancaster community, one immediately calls to mind the many contributions the Diamond Power Specialty Corp. has made to make this success possible.

In this vein, I would like to share with you today a recent article which appeared in the B. & W. periodical concerning the Diamond Power Corp. and its hometown of Lancaster. Once again this fine corporation is to be commended for doing its part to promote this outstanding community.

The article follows:

At Home With Diamond Power, Lancaster, Ohio

To B&W people, Lancaster, Ohio, is the home of Diamond Power Specialty Corporation. To the tourist visiting the Central Ohio town, it is the birthplace of Civil War General William T. Sherman; the headquarters of the largest producer of table glassware in the world; the location of the oldest county fair in Ohio in continuous annual operation; and a typical Midwest town, as American as a George M. Cohan song.

To residents, it a good place to live and work.

Lancaster was founded in 1800 by Ebenezer Zane, the man who built the first road through Ohio—Zane's Trace. Many of the predominantly German early settlers came from Lancaster, Pa., and one of the Pennsylvanians requested that the new settlement be named New Lancaster. In 1805 the Ohio Legislature shortened the name.

General William T. Sherman was born in Lancaster as was his brother John. John Sherman was U.S. Senator, Secretary of the Treasury and Secretary of State but is possibly best known as the father of the Sherman Anti-Trust Act. The house where the brothers were born is now a state memorial.

Before the town was founded, Standing Stone, another Lancaster landmark, was the setting for local history. The picturesque rock formation rises abruptly almost 300 feet above the surrounding valley. Word reached a nearby garrison that the Wyandot Indians and their Shawnee allies were gathering in force near Standing Stone to attack a nearby settlement. Two scouts were sent out to determine the Indians' strength and their probable point of attack. From the top of Standing Stone, the scouts observed the preparations in the valley below. One of the scouts was able to rescue a white woman who had been captured by the Indians, and brought her back to the hiding place on Standing Stone. When the Indians attacked, the two scouts and the woman held off the Indians all day and escaped down the Hocking River that night.

At the foot of Standing Stone—now Mt. Pleasant—is the Fairfield County Fairgrounds, founded in 1850. After a pocket of natural gas was discovered beneath the fairgrounds in 1889, pipes were sunk and the fair became famous for trotting races by gaslight, probably the first horse racing at night in the country.

Today, Lancaster has a population of over 34,000. It is the center of a rich agricultural region, and in recent years has been attracting many industries including food processing concerns.

The Penn-Central and Chesapeake & Ohio railroads service the town, and Columbus Airport is less than an hour's drive away.

Transportation is not the only factor in Lancaster's growth, however. Stability also helps to promote development. In the town, almost 85 per cent of the people own their own homes. These factors, including the availability of a reliable work force, motivated Diamond Power to move from Detroit to Lancaster in 1950. And Diamond people agree that Lancaster is a good place to live and work.

INFORMATION ON THE DRAFT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on April 23, we received a message from the President in which he stated that he supported the basic conclusions of the Gates Commission which recommend that the draft be terminated by July 1, 1971. In the meantime, the President has proposed that occupational, agricultural, and student deferments no longer be granted to individuals.

In the meantime, the draft goes on and because of the law's complexity many draft age men are not aware of their rights and the deferments available to them. Because of the lack of information readily available to draft eligibles, on February 12, 1970, I proposed by letter to Col. Paul Akst, director of the selective service in New York City, that a program be undertaken in the high schools informing the students of exemptions and deferments available to them under existing regulations. I received his response in which he stated his desire to provide such information.

I then advised all of the public, parochial, and private schools in my district of this opportunity to have a speaker from the selective service appear at schools and provide the students with basic information and answers to their special questions. A number of the school principals have written to Colonel Akst requesting such speakers. I am setting forth the exchange of correspondence with the thought that high schools in other districts would benefit from a similar program.

I recommend to our colleagues that they request a similar information service for their selective service headquarters.

Lastly, with the additional thought that an analysis of the Gates Commission Report supporting the termination of the draft would be helpful, I am annexing a copy of an analysis made by an ad hoc committee of citizens with the assistance of the National Council to Repeal the Draft.

The material follows:

FEBRUARY 12, 1970.

Col. PAUL AKST,
Director, New York City Headquarters,
Selective Service System,
New York, N.Y.

DEAR COLONEL AKST: Due to the complexity of the Selective Service law, there has arisen a great need to have this law explained as clearly as possible to the registrants whom it affects. I would like to ascertain if you, as State Director of the New York City Headquarters, feel a responsibility to provide information on the draft law and on the exemptions and deferments available under the current regulations directly to high school students in the area. I would appreciate your informing me if there are plans for initiating a concrete program of this nature.

Thank you for your attention to this matter.

Sincerely,

EDWARD I. KOCH.

SELECTIVE SERVICE SYSTEM,
New York, N.Y., February 17, 1970.

Hon. EDWARD I. KOCH,
House of Representatives.

DEAR MR. KOCH: This is in reply to your letter of February 12.

I wish to assure you that as the New York City Director of Selective Service, I feel and have felt for a long time (at least the last 15 years) a keen responsibility to educate and inform the public on the many ramifications of the Selective Service Law and Regulations. It has been my policy to do this because I have always felt that a well informed public is our best ally. I do not intend to stop doing this in the future because this has been an ongoing program for my staff and me.

I don't know what you mean when you ask if we are going to initiate a "concrete program." We are always anxious to speak, not only in high schools where you think there is a dearth of information concerning the draft, but also, to associations, colleges, etc.

Sincerely yours,

PAUL AKST,
Colonel, U.S. Air Force, ret.,
New York City Director.

Robert Louis Stevenson School,
New York, N.Y., April 7, 1970.
Hon. Edward I. Koch,
New York, N.Y.

Dear Mr. Koch: I am indeed interested in having a qualified member of the Selective Service Staff speak to our student body. Acting upon your suggestion I have sent a request for such a speaker to Col. Paul Akst.

I am in complete agreement with your position that draft-age high school students need a detailed explanation of Selective Service regulations, with particular emphasis upon individual rights and options.

You are to be commended for your efforts to have this necessary service provided to all high school students.

Sincerely,

Elio Bruschi, Ph. D.,
Principal.

Trinity School,
New York, N.Y., April 7, 1970.
Col. Paul Akst,
New York, N.Y.

Dear Colonel Akst: At the kind suggestion of the Hon. Edward I. Koch, Representative 17th Congressional District, I hereby write your office to request formally the pleasure of a member of your staff to explain to our boys nearing draft age an explanation of all the options among which they may choose with regard to their obligations.

Since the school term has only nine further weeks and our oldest boys begin independent work about May 1, I respectfully request action in this matter at as early a date as is convenient to you and your staff.

Sincerely,

——— ———.

April 9, 1970.

Col. Paul Akst,
New York, N.Y.

Dear Colonel Akst: At the suggestion of Congressman Koch, I am writing to request that you consider sending a qualified speaker from your office to address our seniors and juniors concerning Selective Service regulations, their rights and their responsibilities.

We have a regular ongoing program which is built into our regular schedule. Presently, we would be interested in having a speaker for Tuesday, May 5th at 10:00 a.m. He would have an hour with the boys, and the time could be used partly for presentation and partly for a question and answer period.

While May 5th, is our preferred date, it would also be possible to arrange the program on May 19th. Unfortunately, previous commitments limit us to these two dates; we are hopeful that you can accommodate us, since this is area of immediate concern to our students. We feel that we have a special obligation to provide them with accurate information, and we would appreciate your help in this regard.

Sincerely,

Michael J. Guerra,
Headmaster.

The Citizens Ad Hoc Committee Signatories

The Rev. Ralph David Abernathy.

Major General Leroy Anderson (Ret.).

Sam Brown, Co-Chairman of the Vietnam Moratorium Committee.

Representative Shirley Chisholm (D.-N.Y.).

Representative John J. Conyers, Jr., (D.-Mich.).

The Right Rev. William Davidson, Episcopal Bishop of Western Kansas.

Representative Leonard Farbstein (D.-N.Y.).

Senator Ernest Gruening.

David Hawk, Co-Chairman of the Vietnam Moratorium Committee.

Karl Hess.

Mrs. Martin Luther King, Jr.

Representative Edward I. Koch (D.-N.Y.).

Bishop John Wesley Lord, The United Methodist Church.

Senator George McGovern (D.-S. Dak.).

Rev. Channing Phillips, Democratic National Committeeman for the District of Columbia.

Dr. Benjamin Spock.

An Analysis of the Gates Commission Report

INTRODUCTION

Less than a year ago the President appointed Thomas S. Gates, former Secretary of Defense, to chair a Commission of prominent Americans to review the problems and possibilities of returning the American military to a volunteer system of manpower recruitment President Nixon thereby took a first step in keeping his campaign pledge to end the injustice of the draft. On Feb. 21 the "Gates Commission" presented its final report to the President. It included thorough research on every aspect of the voluntary military, and proposals for implementing its findings this year.

It is the first public body to make such far-reaching proposals. Other commissions and study groups have dealt only with the Selective Service System and its inequities, or if they have treated the possibility of ending the draft, they have done so only in cursory and negative manner. Among these groups were the Marshall Commission, the Clark Panel, the Magruder Commission and several others in recent years. Their recommendations for various reforms were largely ignored or tabled. One such reform, proposed in 1966, was finally and then only partially, initiated in late 1969. This is the lottery for nineteen-year-olds. Even such belated attempts at reform have proven little help in improving a thoroughly unjust system. The lottery has in fact been poorly administered and has brought with it some new problems.

The Gates Commission proposals go far beyond any such reforms. They demand immediate attention from the President and the Congress. The situation of deep dissatisfaction with the draft and dissent among the young men who are draft eligible makes any attempt to delay a response intolerable. The exhaustive work of the Commission makes any tabling for further study wholly unnecessary. Action at this time must be focused not on reforms of the present system, but on means whereby the whole undemocratic system of conscription can be abolished.

The significance of the Commission Report is that it shows a goal, desired by most Americans as just, to be practical and immediately possible as well. It is most noteworthy that this body of established statesmen, educators, lawyers, military men and others has urged an all-volunteer force as practical, necessary to the defense, and required by our democratic tradition. Most compelling is the Commission's suggestion that the draft be ended next year. Many of us have urged an end to the draft for some time. We know it is a moral and political imperative. Now we have expert advice that it is also a realistic goal for this year.

The crisis produced by the draft, the growing number of those who resist or who flee abroad, and the lasting scars wrought by conscription demand immediate and full attention. No more delays and no amount of patchwork will suffice. It is the purpose of our own response to underline the full significance of the Gates report to generate wide public support for its recommendations, and to urge Congress to act to end the draft this session.

About two weeks before the release of the Gates report, Senator Edward Kennedy made public the findings on the draft of the Senate Judiciary Subcommittee on Administrative Practice and Procedure which he chairs. Although the Subcommittee may have gone beyond its normal jurisdiction, it gathered excellent testimony from many qualified sources on the practices of the present Selective Service.

Some of the proposals of the Subcommittee—such as ending student, occupational and most other deferments—go a long way to correct specific injustices of the present Selective Service Act. Other suggestions, if applied, would give rise to entirely new problems. Such is the suggestion that selective conscientious objectors be allowed, but that an appropriate percentage of the men so classified be subjected to comparable battle risks to those endured by their combatant counterparts. Besides the difficulties in determining percentages and degree or type of risk, such a plan confronts selective conscientious objectors with participation in the very war they oppose and would be unacceptable to many of them. The present trend in motivation and form of opposition to military service indicate that the most effective provision for modern conscientious objection will be an end to conscription. In dealing with these reforms, the Subcommittee has added confusion to the usage of "wartime" and "peacetime" by defining the present as "wartime." Such usage abets the erosion of the power of Congress to declare war, and erosion brought on in part by the Executive power to draft men for undeclared wars. All of these problems indicate the inherent contradiction in every attempt to make fair a defense system by compulsion of a few on behalf of many.

It is regrettable that the Kennedy Subcommittee has also suggested that "the draft will remain a part of American life," hinting at "social, economical and political costs" of a volunteer force "which are too great for the Nation to bear." Such remarks were premature and most unfortunate at a time when most Americans—including the President's Commission—were seeking ways to end the draft entirely. In the light of the findings of the Commission and the growing sentiment among the people for repeal, the Subcommittee's finding for reform are strangely out of date.

AN ANALYSIS OF THE IMPORTANT RECOMMENDATIONS OF THE GATES COMMISSION

The Report of the Gates Commission is a remarkable document. This is true not alone because of its conclusions, but because of its basic assumptions. The purpose of the Report was to find the practical and proper means to provide military manpower for America. Official reports are issued each year on every aspect of American defense. Most of them overlook the goals of that defense and begin with purely technical and tactical matters. The Gates Commission Report does not do that. It begins by reasserting the basic reasons for defense in the first place. These reasons are found in the Constitution, where Congress is charged to provide for the "common defense," and where the promise of "life, liberty and the pursuit of happiness" is given to all the people. It assumes that any means of manpower procurement must first be tested by these assumptions, and only secondarily by other standards. The means of defense must support "the aims of the Republic," they must not endanger or compromise them. Such a document on military policy is sadly unique in a time when so much money and so many lives are spent for military ends, yet so little thought is given either to the goals or to the effects of those policies.

Looking simply and straightforwardly to the Constitution brings into sharp relief the central issues. These are not the questions of cost and efficiency, nor even those of political expediency, but rather, "How is forced labor or a tax in kind of a few compatible with our democratic principles?" A second question follows, "Does the draft or the voluntary military provide a better guard against militarism and possibly tyranny?" The bulk of the Gates Commission Report deals with these questions from the perspectives of history, ethics, politics and sociology. The remainder of the Report assumes that the "aims of the Republic" point up the urgent need to end the draft as well as the acceptability of a voluntary military in a democratic nation. This portion of the Report is a study in how to achieve an end to the draft and a transition to volunteers with few costs and fewer problems. The economic section of the book is outstanding for its thorough and concise data, but it is all the more remarkable that the well-known economists who wrote it have put the economic and feasibility factors into their appropriate place, dependent upon political, social and moral considerations.

Because of the clarity of our Constitutional tradition, the Commission assumes very early that it would *at least* be desirable to replace any compulsory service with a voluntary one. It then seeks to prove that this can be done (a) without great additional cost, (b) without endangering external defense, and (c) without creating new internal threats or political or social problems. The Report asserts that the voluntary force will actually bring economic savings, improve the excellence of the defence force, return us to a tradition of free choice to strengthen the integrity and legitimacy of our government, and force a public debate before major military adventures abroad. The Commission urges immediate implementation of its suggestions so that the draft can be ended in just over a year. It suggests that the draft not be reactivated without both Presidential recommendation and a joint resolution of Congress. This is to insure that the decision to raise a large army and involve the nation in conflict abroad will be left to the Congress as the Constitution requires, rather than determined by Executive initiative as the draft now allows.

In summary, we find these recommendations of the Gates Commission to be most important:

1. That voluntarism is preferable in our society to compulsion.

2. That a volunteer military will cause only a small budget increase, and will actually be cheaper in real economic terms than the draft. The costs for a volunteer force are much lower than any previous figures suggested by a government or other public source. That the present cost of the draft is hidden, and that an all-volunteer force would provide a more honest estimate of cost for public consideration of military expenditures.

3. That it is possible with a small budget increase ($2.7 billion) to move to an all-volunteer force this year while meeting existing and anticipated troop level requirements. That the all-volunteer force can be achieved by July, 1971, and that the draft can and should be ended then. That such a change can occur even during continued though slightly reduced involvement in Vietnam.

4. That a volunteer force is adequate to defend the nation, and that a peacetime draft is not required to protect the nation in case of sudden attack. That improved incentives and training for the Ready Reserves are far more important in case of emergency than application of conscription.

5. That a stand-by draft should be minimal, including computerized registration, and should be reactivated only by a joint resolution of Congress upon recommendation of the President.

6. That a volunteer military is not more isolated from society than the present mixed force. That military adventurism is fostered not by the volunteer force, but by a peacetime draft which requires no public debate or Congressional action for an increase in manpower. That an end to the draft will terminate the practice of "channelling" which provides the military and government with powers bordering on those of a dictatorship. That isolation of the military can be decreased in any case by civilianization of medical, housing, food and other services now provided by the military and by less salary in kind.

7. That a volunteer military would not vary greatly in makeup from the present mixed system, particularly with regard to the number of Negroes serving and the economic profile.

VOLUNTARISM IS PREFERABLE IN OUR SOCIETY TO COMPULSION

The primary proof of this is found in the Constitution. The draft deprives an individual of his freedom. The draft is a tax in kind which some, usually the poor, pay for the benefit of all. We reject the idea of taxation in kind elsewhere and should also do so in military service. Equality of selection (as in the lottery) does not mean equality of service—some must still bear an unfair burden while others go free. Random selection creates new injustices for the old ones under the varying and often arbitrary selection by draft boards. In short, the draft is not true to the spirit of our Constitution. Beyond that, however, it fosters attitudes which tend to destroy the fabric of our society and the legitimacy of our government. We agree fully with these conclusions.

COST OF AN ALL-VOLUNTEER FORCE

The Gates Commission has reached a definitive cost figure—both budgetary and social—for the all-volunteer armed force.

The Commission's research places the *additional budgetary expenditures* for an all-volunteer army, ranging in size from 2 to 3 million men, at $1.5 to $4.6 billion. These figures are encouragingly low. Yet, they probably *over-state* the expense of the volunteer army. In determining costs, the Commission consistently uses estimates from the high end of the scale for the variables involved. The savings inherent in employing a better motivated and more experienced army, while admitted, were not computed. Nor were the possible savings that would derive from a more efficient allocation of manpower within the military. An added appropriation of $2.7 billion for the fiscal year 1971 would seem to be the outside estimate for ending the draft and changing to an all-volunteer army, given presently anticipated levels of manpower.

The Gates Commission emphasizes that this additional budgetary expenditure is not the true cost of the volunteer military. The draft exacts its own hidden payments that mask its real economic cost to society. Not subtracted from the budget figure of $2.7 billion, for instance, is the extra tax, amounting to $3600 per year, that each unlucky man who is drafted into the army must presently pay to subsidize his own service. This is a tax that should be charged to society as a whole, both to be fair to the soldier and to make evident to all citizens the true costs of their military forces. And while the Selective Service System would be forcing ever greater numbers of unwilling men into the military, the more efficient volunteer army would be freeing them for productive jobs in the civilian economy.

The greatest costs of conscription lie in a different category, though. The Gates Commission talks of "distorted careers," "the infringement of freedoms," "the disillusioned youth," "government channelling," "denial of Constitutional rights and due process of law," "the weakening of a free society."

Ultimately, it is these costs, not directly monetary but much more real, that lead the Gates Commission to the conclusion that "the actual cost to the nation of an all-volunteer force will be lower than the cost of the present force."

ENDING THE DRAFT THIS YEAR

The Gates Commission foresees little problem in completing the transition to an all-volunteer military by July 1 of 1971. Previous studies by the Department of Defense and a number of other groups indicate that pay increases of about $135 a month for first-term enlisted men and $150 a month for first-term officers originating on June 1 of this year should be sufficient, almost by themselves, to make conscription entirely unnecessary a year later. (The Gates Commission would advocate this additional compensation on the grounds of equity alone.) The Gates Commission also calls for undeniable improvements in the condition of military service and a slightly more vigorous recruitment effort on the part of the various services. Discharge upon request, choice of military occupation, entitlements to moving expenses when transferred would seem to be the elemental rights of all servicemen. As far as recruitment, the Gates Commission rightly intimates that the military has justified the draft by deliberately continuing to use it even when the necessary manpower probably could have been raised by encouraging just a few more enlistments.

In sum, the total cost of converting to an all-volunteer armed force will be $2.7 billion. Given what we have to gain, economically, socially, and politically, this is really no price to pay at all.

DEFENDING AMERICA WITHOUT THE DRAFT

The Commission has found that a force of sufficient size to defend the United States in what passes as "normal times" in the atomic age can be raised by volunteers at little or no extra cost to the nation. Beyond that, the Report claims there is no substantiation to the claim that a continuing peacetime draft is necessary to provide for sudden emergencies. We find this point extremely important since the last Presidential Commission on the draft came to the opposite conclusion (though with no supporting evidence). The Marshall Commission used the fear of the inability of a volunteer force to meet sudden changes in international affairs as its chief and "uncontested" reason for not supporting the volunteer plan. A member of this Ad Hoc Committee, Major General Leroy H. Anderson, made the case in testimony for Senator Kennedy's Subcommittee:

"The military power of the United States is sufficient to make extremely unlikely a sudden or direct invasion. It is almost inconceivable that massive land warfare with a requirement for millions of soldiers will ever again develop. In modern warfare including nuclear attack or guerrilla and counterguerrilla engagements, sudden escalation of manpower is not a requirement at all. On the other hand, the kind of flexibility which allowed the Executive to steadily increase military commitment over a long period by using the draft is precisely that which should be avoided. Crises like those in the Lebanon, Berlin, The Congo and Suez do not involve a need for a sudden draft of men, but rather the need for already trained troops like the Reserves.

Even in a situation like World War II, the most immediate need is not a draft, but methods of procurement and training."

Beyond this, the Gates Commission suggests that improvements in salary and training for the Ready Reserves are crucial to provide for adequate defense in emergencies. The Commission could have gone much further in its criticism of the present Reserve system. The very fact that the Reserves have not been used in military emergencies like Vietnam indicates serious problems. It is generally agreed in military circles that the present Reserve is inadequate and insufficiently trained for such contingencies. These problems will not be increased by a transition to an all-volunteer force, and the Gates Commission has suggested ways in which the Ready Reserve can be improved in that connection.

THE STAND-BY DRAFT: ENDING THE PRESIDENT'S POWER OF INDUCTION

As the Report itself notes, the crucial recommendation of the Commission is that the draft be reactiviated only after a joint resolution of Congress. This provision means that the Executive would no longer be able to increase military involvement rapidly without taking his needs to Congress. Future Vietnams might well be avoided if the public debate on their wisdom was necessitated *before* the involvement, not afterwards as in the present tragedy. Certainly, ending the draft is only one step in re-ordering national priorities and returning control of war-making to Congress, but it is an important one. To implement all of the other proposals of the Commission, but to leave the power to reinstitute inductions in the hands of the President would, in our opinion, be completely insufficient. In many ways it could be viewed as an attempt to gain the benefits of popular approval for "'ending the draft" without truly ending it. Uncertainty would hang even more heavy over the heads of our young men, with the President deciding when an "emergency" required the draft again. We look to President Nixon to approve this key recommendation of his Commission.

It must be added that even the need for a minimal stand-by draft, as advocated by the Commission, is questionable, since modern computers could register and classify much more rapidly than the primitive systems employed in the two World Wars. If the nation were clearly in danger of invasion or other dire circumstance, Congress would act quickly in the spirit of national unity. History shows that this has been so in the past, and democracy demands that we trust the representatives of the people to act accordingly in the future. The commonly held belief that in September, 1941, the draft was extended by only one vote is untrue. Actually the "Selective Service Extension Act" of 1941 did pass by one vote, but it extended only the period of required military service from 12 to 18 months. The draft itself had been instituted in 1940 for a five year period. A more comprehensive wartime draft was passed by an overwhelming majority immediately after Pearl Harbor. Since registration and the accompanying regulations concerning the carrying of a card and the advance notice of travel abroad are infringements on the privacy of the individual and could be used to restrict his freedom, much closer attention needs to be given to the possibility of repealing these measures as well.

THE THREAT TO DEMOCRACY OF A MILITARY ELITE

The Report has analyzed in great detail in chapters 2 and 12 all of the accusations that an all-voluntary force would produce militaristic trends in our society. The Report's initial point is entirely correct—that a volunteer force would be very little different from the existing mixed military, and hence the impact would not differ greatly. They also are correct in saying that the draftee has little or no democratizing effect on the military and that attitudes and trends in the military are determined by the make-up of the officer at higher ranks. This condition is not altered by ending forced labor at the lowest level. The Commission repeats its argument, with which we agree, that the draft has a dangerous impact on foreign policy.

The Commission has included studies of voluntary militaries abroad (particularly England and Canada) which show no tendency toward isolation or militarism. They mention, although do not cite the abundant evidence, that military *coups* in Europe and Latin America are at least as frequent in draft based armies as in mixed or volunteer forces. In Africa, hired mercenaries in dictatorships at the non-commissioned officer level are usually supplemented by forced labor below.

Although the draft has provided an avenue for dissent, the Commission rightly points out that it is not the primary cause of that dissent. A voluntary system, we would add, will allow objective dissent from military policy without the added confusion of the draft. The Commission has noted a reduction in the number of veterans in the society as a result of an all-volunteer force—from a present 13% to about 8% in the year 2000. The Commission indicates that there is no evidence to support conclusions that this reduction would be harmful in terms of attitude changes toward patriotism and support of the government against foreign threats. We would go further to note that veterans organizations today, with a few noted exceptions, tend to be most supportive of all military budget requests and other policies, and that a reduction in their numbers and power would increase the possibility of public control and criticism of these important matters.

Finally, the Commission has noted that it is important at all times for civilians to keep the military sector under control. They suggest one very important method for increasing that control: a reduction in the isolation of the military by reducing payment in kind. This in turn reduces the tendency for military personnel to become entirely dependent on the military for all their needs. Civilianization of medical facilities and employees, housing, food and clothing (the Commissary network) and the increase of lateral entry (use of civilian employees) are suggestions which we endorse. We would urge a further study to implement the rather general remarks of the Report on this subject. A report on these and other ways to control the military within a democracy is now being prepared by Karl Hess and others for the National Council To Repeal the Draft. It will be published in the fall by Random House, and a summary will be available for the Congressional hearings scheduled this spring.

We feel that the Gates Commission Report has made a wholly adequate study of objections to the volunteer army on grounds that it would be "mercenary." Such arguments overlook the fact that our present officer corps is well paid, as are the police and others who provide for security and defense—yet they are not called mercenaries by reason of their salaries. We would stress more strongly than the Commission that we now have a professional military which has some tendencies toward militarism and isolation, and which has gotten somewhat out of control. Ending the draft would not increase these dangers, but could be a first step in creating checks upon the power of the military establishment.

RACIAL AND ECONOMIC BALANCE IN A VOLUNTARY SYSTEM

The Commission Report deals at length with these problems and indicates that the increase of blacks in an all-volunteer force, given present trends, will be negligible. It points out that higher numbers of Negroes in a volunteer force is not an indication of racial discrimination, while the presently high number of Negro draftees (who die at a higher proportion than volunteers) is indicative of injustice. We concur in these findings and would add that recent changes within the black community may lead to a reduction of Negroes in the military. These include the increasing consciousness of black people of racial pride and a sense of community apart from the white community, and sometimes in opposition to it.

The parallel argument that a volunteer force would be made up primarily of the lower income groups is also refuted by the Gates Commission. Our present military men below officer rank include a very high percentage of men from lower income families—and these are often draftees. Such taxation of the poor is obviously wrong. A volunteer force would offer high wages and if the poor joined they would do so by choice. Members of middle income groups would be increasingly attracted to the higher salaries, and there would be a probable reduction of the percentage of poor in the services.

RECOMMENDATIONS OF THE CITIZENS COMMITTEE

We commend the members and staff of the Gates Commission for their excellent Report and we recommend that the Report be taken up at once by the Armed Services Committees in both Houses of the Congress. Hearings should be held, as promised, early in this session. At those hearings, the legislation already put forward to end the draft should be considered and reported to the floor. Three bills deal with these matters at present: S. 503, H.R. 10174 and H.R. 13379. They deserve immediate attention. Other recommendations of the Gates Commission should be incorporated into these bills as amendments, or new legislation should be formulated and considered by the Committees.

We recommend that the Congress move on this issue before adjournment this session. In addition to providing for a volunteer military along the lines suggested by the Commission, it is important that Congress set a date for termination of the President's authority to induct. We suggest that this termination be at the time that power is now scheduled to expire: June 30, 1971.

We suggest that the Gates Commission has presented ample evidence that draft repeal need not await the end of the Vietnam conflict. (Recent polls show a majority of the American people favor a voluntary military over any form of the draft). Young people, black people and many other groups are nearly unanimous in demanding an end to the draft now. The Gates Commission Report will add to their determination, and as its suggestions are unheeded or compromised, their dismay and distrust will grow as will the division in our whole nation.

We therefore urge the Congress to act to end the draft next year. A stand-by draft should be a minimal registration of eighteen-year-olds. Even this may prove an unnecessary infringement of privacy. Especially important is the recommendation that the draft be reactivated only by a joint resolution or Act of Congress, not by Executive order or decree. Under no circumstances should the President continue to hold the power of induction beyond June 30, 1971.

We are presenting our recommendation as an appeal to the President of the United States, his aide, Mr. Martin Anderson, and to Senator John Stennis (Senate Armed Services Committee), Congressman Mendel Rivers (House Armed Services Committee) and Senator Edward Kennedy (Senate Judiciary Committee).

CORRUPTION IN THE NEW YORK CITY POLICE DEPARTMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on April 25, 1970, the New York Times commenced a series of articles authored by David Burnham. Those articles deal with police corruption existing in the city of New York. A sordid picture, including protection of drug dealers and the gambling industry, and the charging of fees by po-

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licemen to businessmen engaged in legitimate business operations, is revealed by this scathing series. The most distressing aspect of the articles is that reports of police corruption were brought to high officials in the city government but they refused to investigate because of their fear of investigating the police. The most redeeming aspect was the revelation that the corrupt activities of many policemen were brought to the attention of the public by a small group of dedicated young policemen who pursued this matter at the risk of their lives. When they saw no opportunity of having the city administration investigate the corruption they brought this intolerable situation to the attention of the New York Times.

I have no doubt that what has been revealed as taking place in the city of New York takes place in many other cities in our country.

The author of the series, David Burnham, deserves a Pulitzer Prize for his investigation and series of articles, and the police officers who brought these corrupt activities to the attention of the public through Mr. Burnham each deserves the city's medal of honor. I hope that the investigation finally commenced by the administration of the city of New York will culminate in a thorough top-to-bottom cleanup leading to criminal prosecution and dismissal from the police force of those who have betrayed the public trust.

I recommend that the articles which I am annexing be read by our colleagues:

[From the New York Times, Apr. 25, 1970]

GRAFT PAID TO POLICE HERE SAID TO RUN INTO MILLIONS

(By David Burnham)

Narcotics dealers, gamblers and businessmen make illicit payments of millions of dollars a year to the policemen of New York, according to policemen, law-enforcement experts and New Yorkers who make such payments themselves.

Despite such widespread corruption, officials in both the Lindsay administration and the Police Department have failed to investigate a number of cases of corruption brought to their attention, sources within the department say.

This picture has emerged from a six-month survey of police corruption by The New York Times. The survey included an examination of police and court records and interviews with scores of police commanders, policemen, former policemen, law-enforcement experts and private citizens.

The picture also is drawn from interviews with a group of policemen—including several commanding officers—who decided to talk to The Times about the problem of corruption because, they charged, city officials had been remiss in investigating corruption.

The names of the policemen who discussed corruption with The Times are being withheld to protect them from possible reprisals.

On Thursday, Mayor Lindsay announced the formation of a special five-man committee to review the city procedure for investigating police corruption. Corporation Counsel J. Lee Rankin was named chairman and Police Commissioner Howard R. Leary is a member of the panel.

The announcement followed a series of meetings held at City Hall and Police Headquarters during the last few weeks after the Lindsay administration learned The Times was conducting a survey of police corruption.

The policemen and private citizens who talked to The Times describe a situation in which payoffs by gamblers to policemen are almost commonplace, in which some policemen accept bribes from narcotics dealers, in which businessmen throughout the city are subjected to extortion to cover up infractions of law and in which internal payoffs among policemen seem to have become institutionalized.

"Police officials always talk about the occasional rotten apple in the barrel when corruption comes up," said Ralph Salerno, a recently retired New York police sergeant and nationally respected expert on organized crime. "They'd be a lot more honest if they talked about the rotten barrel."

Only a relatively few cases of corruption are successfully investigated by the Police Department. In a recent letter to State Senator John Hughes, chairman of the Joint Legislative Committee on Crime, Commissioner Leary said that in the 137 cases of police misconduct referred to the department in the last three years, seven policemen were dismissed.

During a recently tape-recorded conversation with a policeman that was made available to The Times, the top uniformed police official responsible for stamping out corruption in his department—Supervising Assistant Chief Inspector Joseph McGovern—was asked what he had accomplished.

"What have we accomplished?" he replied. "I think I have done a damn good job protecting the Commissioner against the onslaughts of outside agencies."

MAYOR'S ORDER CITED

An example of the department's reluctance to openly acknowledge corruption as a problem is its response to an order issued by Mayor Lindsay to all city agencies last May 12.

The order required that "all allegations or indications of possible corruption or wrongdoing" be reported immediately to the Investigation Department before any action was taken by the agency involved.

According to a source in the Investigation Department, the Police Department has refused to comply with Mayor Lindsay's order.

One of the policemen who came to The Times discussed the effect of the department attitude toward corruption on the individual policeman.

"I believe that 90 per cent of the cops would prefer to be honest," he said. "But they see so much corruption around them that many feel it is pointless not to go along."

PUBLIC'S FAITH AFFECTED

In addition to tarnishing the policeman's attitude toward himself and his job, students of law enforcement say, corruption also imposes a massive secret tax on the citizens of New York, dilutes the enforcement of many laws and undermines the public faith in justice.

Some of the assertions made by policemen in The Times survey follow:

Arnold G. Fraiman, now a State Supreme Court justice, and until January, 1969, head of the city's Investigation Department, refused to look into charges that Bronx gamblers were paying policemen between $800 and $1,000 a month.

Mr. Fraiman learned about the case during a three-hour conversation with two policemen in his Park Avenue apartment on May 30, 1968.

Just about a year later, with no known assistance from the Investigation Department, eight of the plainclothes men whom Mr. Fraiman had been told about were indicted as a result of an independent investigation by a Bronx grand jury.

Justice Fraiman said yesterday that there was a meeting with a plainclothes man who provided him with information, but he denied that he had ever discontinued an investigation of police corruption. He added that the information provided was extremely general and that "no specifics were ever given."

KRIEGEL OUSTED

Jay Kriegel, Mayor Lindsay's staff assistant for law enforcement, told a policeman early in 1968 that the administration could not act on charges of police corruption because it did not want to upset the police during the possibly turbulent summer ahead.

About a year before making this statement, Mr. Kriegel arranged for Mayor Lindsay to meet a group of policemen so he could get a realistic understanding of the problems of corruption. The meeting was called off at the last moment with urgent instructions from Mr. Kriegel to the policeman assisting him to forget that it had ever been scheduled.

Mr. Kriegel had no comment yesterday.

A detective with many years of experience in the narcotics division said one of his colleagues had arranged payoffs to the police from major heroin dealers of up to $50,000, in return for such favors as the destruction of evidence gathered on secret wiretaps.

Because the detective arranging the payoffs was shot under mysterious circumstances a few months ago, he now is under investigation.

Some aspects of police corruption in New York and the related costs were discussed recently in a report by the Joint Legislative Committee on Crime. The committee charged that gambling in the slums of New York "could not function without official tolerance induced by corruption."

"Testimony before this committee clearly reveals," it said, "that the ghetto residents are perfectly aware of the corrupt relationship between police racketeers and certain elements in the Police Department, and, for this reason, have a deep cynicism concerning the integrity of the police in maintaining law and order in the community."

Another aspect emerged in the anger of a Brooklyn bookmaker who complained that the plainclothes men he regularly bribed continued to demand payments even after they had been transferred out of gambling enforcement to the narcotics division. He said his payment was $1,200 a month, divided by four levels of the department including one unit at headquarters.

The bookmaker said in an interview that some of his busier colleagues paid the police as much as $2,400 a month and that the police imposed an extra payment if a bookmaker took bets on both the flat races and the trotters.

FOOD PAYOFFS

Putting an exact price tag on corruption is impossible. The Joint Legislative Committee on Crime recently reported, however, that the city's 10,000 small Puerto Rican grocery stores were estimated to give the police $6.2-million a year in small weekly payments and free food to avoid summonses on minor charges.

Numbers operators, according to Federal and state agencies and private researchers' estimates, make payoffs between $7-million and $15-million a year. Builders in Manhattan report they sometimes pay local patrolmen between $40 and $400 a month for each building site or renovated building.

One West Side liquor dealer said he paid the police about $2,000 a year in cash tips and free and cut-rate liquor.

Beyond the financial cost of corruption is its corroding effect on the self-esteem of the policeman.

"One plainclothes man got a bit philosophical about taking it," a policeman recalled recently. "He stated he was a poor boy and one of the minority groups and he never had any money and now was his big chance. He said, 'I don't care what they offer me, a thousand, a hundred, two dollars, I'll take it.'

"And I said, 'Oh, my God, think about it.' And he said, 'If I did, I'd blow my brains out.' "

This sort of corruption, according to many on the force, is woven into the very fabric of the policemen's professional life. The men assigned to enforcing the gambling laws, for example, are expected to give the precinct desk officer a $5 tip for each gambler that the plainclothes man arrests and the desk officer must process.

"Of course a gambling arrest is a lot of extra work for the desk officer," a senior police official explained. "But the real reason for the tip is that the desk officer knows the plainclothes man is making a lot of money—that the arrest usually is in some way phony—and he wants his share of the pie."

SOME DON'T GO ALONG

Some desk officers do not accept the tips to expedite the paperwork. "When I had a precinct," one unit commander said, "I had a desk officer that was not going along with this practice. I'd be in my office and I would hear him shouting: 'You put that back in your pocket! I get paid for this.' "

A plainclothes man agreed, in recalling an encounter with a desk officer, that the $5 tip was not mandatory. "I don't have a pad," he told the officer. "I'm not on the payoff. I'm not taking anything and there's nothing going out."

"And I was really surprised that this time I hit someone who was really impressed," the policeman added. "And he said, 'fine, that's O.K. with me.' "

In some precincts, policemen say, even to get a "good seat" in a radio car they must pay.

"I was recently a patrolman," a sergeant said. "In my precinct you were supposed to pay for getting a good sector on Sunday, for getting a good post. It's so systematized that the roll-call man actually would know in a dollar figure how many pickups were on your post, and you were supposed to kick in accordingly."

By "pickups," he said, he meant small weekly payments made by many businesses so they could operate on Sunday in violation of the state's sabbath law.

POLICY THE MAIN SOURCE

According to the Joint Legislative Committee on Crime and most law-enforcement experts, the numbers racket, or policy game, is the single most regular source of police corruption in New York. The numbers racket—a six-day-a-week lottery in which players can put down small amounts of money—is an enormous business.

One estimate by United States Treasury agents several years ago figured that the five major number operations, or banks, in New York were receiving $1.5-billion a year in bets. If this estimate is correct, the numbers operation's annual gross is bigger than that reported by one of New York's major industries—dressmaking.

Some experts estimate that 1 per cent of the gross of the numbers operation, of $15 million a year, is spent on payoffs at all levels of government.

Assigned to stamping out this popular, carefully organized and well-financed industry are 600 plainclothes men—patrolmen assigned to the uniformed force but who wear civilian clothes. The result, according to many knowledgeable sources, is corruption and the transformation of many of these units from law-enforcement agencies trying to suppress gambling to regulatory agencies licensing it.

Some policemen recalled that when they went to plainclothes school some of their classmates complained that going to the school was delaying them from getting out into the street and collecting graft.

Others asserted that the relationship between gamblers and policemen was so well organized that a special mark was put on the envelopes containing the number slips. The mark, they said, indicated to knowledgeable policemen that the "work" had been paid for and should be returned if possible.

CONTROLLER'S MARK

"These markings are put on by the controller (a top man in the numbers racket)," one policeman said. "If there's an arrest made in the meantime, and the plainclothes men are on this, work is supposed to go back because these people are paying for protection."

During the recent trial of a numbers operator who conducted his business in a hallway in the garment district, a policeman testified that he had stood in line and let 18 gamblers do business with the operator before he arrested him.

After the arrest, the special headquarters-level policeman testified he told the gambler, "You act as if you have a license."

"I do," the gambler was quoted by the policeman as saying. "You don't think I'd operate in the open like this without a license." The policeman testified that the gambler then showed him two old lottery tickets that apparently had been given the gambler by a lower-level policeman as a sign that would guarantee freedom from arrest.

HARASSMENT CHARGED

A plainclothes man working in Brooklyn said his Manhattan colleagues harassed him because he arrested every gambler he could, rather than the ones who failed to pay off.

"There were some who paid and seldom got arrested," he said. "It seemed like our real purpose was to beat down the competition of the gamblers who paid, to help them maintain their monopoly."

Shortly after this policeman was assigned to a plainclothes squad, another policeman handed him an envelope with $300 in it. "This is from Jewish Max," the policeman was told.

The policeman, disturbed by the corruption, took his complaint to Capt. Philip J. Foran, then commander of the police unit assigned to Commissioner Fraiman's Investigation Department.

"Well, we do one of two things," the policeman and a colleague quoted Captain Foran as saying. "I'll take you into the Commissioner and he'll drag you in front of a grand jury and by the time this thing is through you'll be found floating in the East River, face down. Or you can just forget the whole thing."

After a discussion about what he should do with the money, the plainclothes man said, he "gave the envelope to my supervisor, who was a sergeant of plainclothes, and he was very grateful for it—he snapped it out of my hand like he was an elephant and I had a peanut."

CONVERSATION IN A BAR

In another instance, this time in the Bronx, a young plainclothes man was taken to a bar by another policeman and introduced to the gambler.

"This guy reached into his pocket and took out some bills, and he peeled them off and he gave some to the other officer and peeled off some more and offered it to me," the policeman recalled.

"And I said to him, 'What's that for?' He says, 'Get yourself a hat.' And I said, 'Well, I have enough hats.' So he said, 'Go on, take it.' I said, 'If you have anything for me, give it to him,' and turned around and walked out."

The policeman explained that to have taken any action against the gambler would have violated all the "rules" of plainclothes men and possibly put his life in danger. He went on:

"I know the payoff was around—it would fluctuate from $800 to $1,000 a month per man. I would go around with them and at times I've even helped them count it. They would put it into neat little bundles for everybody.

"They would have meeting places and some of the guys would maintain private apartments. And they would allot double or a share and a half for lieutenants."

"I'LL KEEP IT FOR YOU"

The plainclothes man refused to keep any money for himself. "Well, it seemed that my partner told them that I was O.K. but he probably was keeping a double share for himself," he said.

He recalled one policeman who was "nice enough to say: 'I'll just keep it for you. Whenever you want it, I got it. And if you ever change your mind, I'll have it for you.' "

A lieutenant who did not know that the plainclothes man was not "on the pad" offered "to store my money—my share of the money—in his attic—he said he had a quite adequate amount of room in his attic."

The plainclothes man, appalled by what he saw, said he took the information about corruption in the Bronx to Cornelius J. Behan, now an inspector in charge of the Police Department's prestigious planning division, and to Mr. Kriegel, the mayoral assistant.

Both meetings took place in the fall of 1967 he said—one in a parked car and the other in Mr. Kriegel's basement office in City Hall.

Inspector Behan, according to the plainclothes man, said he would inform First Deputy Commissioner John F. Walsh. Mr. Kriegel said he would look into the matter, the plainclothes man said.

The plainclothes man said he went to Inspector Behan because he was a man of widely recognized integrity.

SIX MONTHS LATER . . .

Six months later, with no sign of activity from Police headquarters or City Hall, the plainclothes man and a policeman friend who knew Mr. Fraiman said they met in the then Commissioner's apartment.

"That night, his reaction you know, really, he was sitting on the edge of his chair," the friend recalled. "Then we started discussing technical things of how we were really going to handle it. And the decision was made that I was going to get a bug and we were going to meet and I was going to bug the surveillance truck."

The surveillance truck was used by Bronx policemen to secretly observe gambling operations.

According to the policeman's account, two days after the meeting in the Fraiman apartment, Captain Foran, the commander of the unit assigned to the Investigation Department, called the policeman informant's friend. He said he was told to "bring the bug back to the office forthwith."

A few days later, according to the account, Commissioner Fraiman was asked by the plainclothes man's friend why the investigation was called off.

"He literally would not discuss it," the friend asserted. "He wouldn't discuss it for months. Ultimately, after months, the only answer Fraiman would make was that he [the plainclothes informant] was a psycho and that they couldn't get involved and that he wasn't willing to cooperate. And that just absolutely was not the case."

After many months of no visible action from Headquarters police investigators, the Police Department learned that the Investigation Department had also been informed about the regular payoffs to policemen in the Bronx. Information about the case then was sent to police officials in the Bronx and to District Attorney Burton B. Roberts.

In February, 1969, a Bronx grand jury indicted eight policemen on perjury charges and numerous gamblers for contempt charges, including one who was revealed to

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be an agent of Joseph (Bayonne Joe) Zicarelli. The case against one of the policemen now is being tried and the jury is expected to hand up its decision Monday. The cases against the seven other policemen are pending.

Police corruption in narcotics enforcement, according to all policemen interviewed, is nowhere near as carefully organized as corruption in gambling enforcement.

But because the potential profits are much larger, individual narcotics detectives are constantly tempted. In recent years, for example, three New York narcotics detectives, two Nassau County investigators and a Federal agent were arrested on charges of selling drugs.

Last year two detectives were arrested and accused of trying to bribe an assistant district attorney in the Bronx to go easy on a heroin wholesaler.

THREE CHARGED WITH EXTORTION

Only last month three detectives were charged with extorting $1,200 in cash, 105 "decks" of heroin and a variety of personal possessions from five New Yorkers.

But there is some evidence that a more regular kind of corruption is not entirely unknown. One policeman, with six years of experience in the narcotics division and its elite special investigating unit, said one of his fellow detectives arranged payoffs to policemen from the largest heroin dealer.

These payoffs, he said, ranged from $5,000 for changing testimony just enough so a drug-seller would not be convicted to $50,000 for the sale of a "wire"—the recorded conversation made by a police wiretap or bug.

The detective who allegedly arranged the payoffs recently was shot and seriously wounded in a gun battle near a Bronx hangout of major heroin importers. The case now is under investigation.

The detective who described the alleged incident to The Times said that, in at least one case he knew, several of his colleagues collected a great deal of damaging evidence about a major heroin dealer, let the alleged payoff arranger know they had the evidence and then waited for a bid from the criminals. The bid came and the money was collected, he said.

Several high-ranking police officials said in interviews that many narcotic detectives—because they are encouraged to meet a quota of four felony arrests a month and because so little money is available to pay informers—resort to stealing drugs from one addict and giving it to another to buy information.

In addition to the graft potential in the narcotics traffic itself, corrupt policemen are in a position to exert considerable pressure on the owners of bars and restaurants. This is because a narcotics arrest in such an establishment means the owner can lose his liquor license.

A detective with several years of experience in narcotics enforcement said he heard a top commander in the narcotics division chastising another official for not demanding and receiving regular payoffs from the bars in his jurisdiction.

But the payments to policemen by an unknown number of New York's 4,434 licensed taverns is only one of a variety of payments made by legitimate businesses and institutions in New York.

Some of the 2,232 licensed liquor stores, for example, also make various kinds of payments to the police. One busy West Side liquor dealer said:

"At Christmas time, the eight men working in the patrol car get $5 apiece, the five sergeants get $10 each and the two lieutenants get $50 each. Then there are the Christmas bottles—they usually want the most expensive brand of Scotch—for the traffic policemen, the mounted policemen and eight or nine precinct patrolmen who come in with their hands out.

"Then over a year, the guys will come in and say, 'Well, I'm going on vacation, how about a bottle?' or give some other excuse why they should get something for nothing. Finally, I'm expected to sell at cost—no profit at all—to all the cops in the area. I estimate that all of this costs me between $2,000 and $3,000 a year."

VALUE RECEIVED

The businessman knew he was acting in violation of state law, but said he got something for his money.

"First, I want my customers and suppliers to be able to double-park for a few minutes without getting a summons," he explained. "Second, I know that when I call for help the precinct will come pretty fast."

Construction companies are another vineyard for the police, although the amount paid seems to vary from borough to borough and even from precinct to precinct. A Manhattan architect said that it was his experience that the standard fee for the police was $400 a month and that the money usually was picked up by the sergeant.

A Greenwich Village contractor said in an interview that he recently paid the police $500 while he was renovating a brownstone.

"This guy came around and said. 'I've come to see you for the boys,' " the contractor declared. "I was amazed because he was so open. There were five laborers standing around watching. The job was pretty messy so I decided I better pay. I reached in my pocket and gave him $20. He said, 'That's not enough; it's $40 a month for the sergeant and $5 a month—$40 altogether—for the eight guys in the patrol car.' What annoyed me was that this payment didn't even stop the parking tickets."

Another contractor new to the city and on his first job—a Lower East Side renovation—said a policeman came around and told him he wanted to make "some financial arrangements."

"The sergeant told me the fee for his services would be $40 a month," the contractor said. "I asked him what the $40 would give me and he said something about there being 13 sergeants in the precinct and they would leave me alone.

"After I gave him the money he was very congenial and kept asking me whether all the financial conditions were satisfactory. He was very pleasant. Prior to that he was sort of demanding."

According to another contractor, the extortion of money from construction companies is so regular that members of the force in one precinct did not even hesitate when the contractor started building a new precinct house for them. "I was amazed; they came around and put the arm on me for $40 a week," he said.

Another source of illegal money is said to be the "reward" some insurance companies and other concerns pay detectives for the return of stolen goods.

A few months ago a lieutenant and detective on the Lower West Side were indicted on charges of extorting $5,000 from Montgomery Ward with the promise that with the money they would be able to find two trucks filled with radio equipment that had been hijacked.

Because such arrangements usually remain secret, it is not easy to estimate how frequently they take place. But one knowledgeable agent of the Federal Bureau of Investigation said he felt the payments of rewards was not unusual.

"It's a lot cheaper to pay a $5,000 bribe," he said, "than to lose $100,000 worth of mink coats."

The $25 finder's fee normally given by car-rental agencies for the recovery of one of their stolen cars was described as another source of illegal income for policemen. "I don't see anything wrong with it—even though taking the dough is against regulations," a detective said.

Many policemen become lonely, despairing and frustrated because they feel there is nothing they can do about the continuing corruption they witness every working day.

"I remember one time we went on a call," a Brooklyn policeman said. "A girl had tried to commit suicide by taking an overdose of pills. Three patrol cars responded and there were six of us standing around this little one-room apartment, the girl lying there, just breathing.

"One of the guys walked over to her dresser and scooped up a large handful of subway tokens and dropped them in his pocket. No one said a word. It killed me, but there was nothing to do. There was no sense telling the sergeant because he was part of the club."

[From the New York Times, Apr. 26, 1970]

GAMBLERS' LINKS TO POLICE LEAD TO VIRTUAL "LICENSING"

(By David Burnham)

New York gamblers maintain an intimate and financial rewarding relationship with many policemen that at times perverts law enforcement into a system of "licensing" the city's vast gambling industry, according to some police sources.

This association between gamblers and many of the policemen assigned to the department's specialized anti-gambling units was described by police officials, policemen and former policemen in a six-month survey undertaken by The New York Times on the problems of police corruption.

A special committee set up by Mayor Lindsay to investigate corruption after he learned that The Times was planning to publish its survey said yesterday that it would hold its first meeting tomorrow morning. Citizens were urged to report any specific information they had on wrongdoing.

The names of the policemen who discussed corruption with The Times during the survey are being withheld to protect them from possible reprisals.

Although the Times survey showed there were many sources of police graft, virtually all knowledgeable experts agreed that the highly organized and superbly efficient gambling industry contributed the most.

There are two major kinds of illegal gambling in New York. One is the "policy game" or "numbers racket"—a six day a week lottery. The other is bookmaking, where individual citizens can place bets on events such as football games and horse races.

Estimates of the annual take of the gamblers vary. But two New York Treasury Department agents a few years ago set the yearly gross of the five major policy games in New York City alone at $1.5-billion.

Some law enforcement experts say in general only that those gamblers who pay bribes are allowed to operate.

As a result, the primary function of corrupt policemen in big cities "is not the enforcement of law, but the regulation of illegal activities," William F. Whyte wrote in his book about law enforcement, "Street Corner Society."

Many policemen, of course, are not corrupt. But interviews with policemen here suggest that large numbers of plainclothesmen—the policemen assigned to controlling gambling—become tainted.

"Each plainclothes unit has a regular monthly meeting to decide which gamblers to take on and which gamblers to drop—because they've become too hot," one plainclothesman explained.

"At this monthly meeting, they also talk about how much each gambler should be charged," he continued. "The decision is based on how much he takes in."

The plainclothes man said that numbers

operators sometimes tried to shortchange the police by lying about the number of "collectors" employed to pick up bets. "When they do this," a plainclothes man said, "they fine the gambler the amount he held back on them."

"At the same time," he continued, "if a plainclothes man arrests a gambler who is "on the pad" by mistake, he also will be fined—maybe a hundred bucks or so."

The plainclothes man also said that arrests sometimes were made by appointment. "Me and this other guy spotted this collector and we grabbed him and he said he was a cousin—paying the cops."

"The guy I was working with said he was sorry, but they had a complaint and had to make a collar. The gambler told him he understood, but 'please don't hold me up now, it's my busiest time.' "

"So the collector and the cop made an appointment—he agreed to be in front of the precinct house at the end of the business day," the policeman said. "And sure enough three hours later, he was standing there with a smile on his face and his made-up evidence—a few phony policy slips—in his hand."

On another occasion, several plainclothes men arrested a collector who was operating in a hallway.

"He said he was a cousin," the policeman said, and asked us to let him go. I said "no soap, we had to have a collar. He said he understood and would be glad to provide a flunkie to take the arrest."

Because the policeman telling the story wanted to make the arrest—and not be considered an enemy by his colleagues—he said he developed a little story.

"I told him I was sorry," the policeman recalled, "but that I thought internal security might be watching and I didn't want to get in trouble by bringing in a substitute."

A number of New York policemen agree that the basic payment to corrupt plainclothes men from gamblers was $800 to $1,000 a month—tax free—with lieutenants sometimes getting double.

But they agree that some plainclothes men make a great deal more.

"You really are limited only by your own initiative," one plainclothes man said. "Like you can go out and make your own scores. I heard one guy openly boasting that he made $60,000 in the past two years."

[From the New York Times, Apr. 27, 1970]

POLICE CORRUPTION FOSTERS DISTRUST IN THE RANKS HERE

(By David Burnham)

Corruption in the New York Police Department, which reportedly involves millions of dollars a year in graft, has created an atmosphere of suspicion, distrust and fear for many New York policemen, police sources report.

Threats of death are not unknown, police investigators make secret visits to the offices of even the highest commanders and secret tape recorders are almost commonplace, according to policemen and former policemen interviewed by The New York Times in a six-month survey of corruption.

Some effects of the publication of reports on the survey and the formation of a five-man city panel to investigate police corruption were already being felt.

The City Department of Investigation said some 80 persons had responded thus far to an appeal by Mayor Lindsay for confidential information on police corruption, and a spokesman said that many of the callers had provided "specific" and "useful" material.

In addition to instances of outright graft, the Police Department is troubled by a corrosive atmosphere and official inaction that, according to sources within the department, is affecting the lives of policemen who accept payoffs, the many who do not and the police officials charged with eliminating corruption.

On at least two occasions in the last two years, for example, one policeman with a reputation for being strongly opposed to corruption says that he has been threatened by other policemen who thought he was giving information to his superiors.

"I was in the Criminal Courts Building," the policeman recalled about one of the incidents. "One of the plainclothesmen pulled his gun out and put it in my belly—and he said 'You're a rotten kind of a guy, and if you ever involve me, you know what's going to happen.' "

The suspicion and fear reportedly extends to the highest ranks of the department. This was evidenced, police sources say, by a physical tussle between Chief of Detectives Frederick M. Lussen and the Assistant Chief Inspector Joseph McGovern, the top uniformed corruption investigator in the Police Department. This broke out last summer, the sources say, when Chief Lussen returned from lunch and unexpectedly found Mr. McGovern in his office.

The relations between some officers and their men is also reported difficult. One police commander said that when he was assigned to a new office, the men in the unit began to follow him secretly to see if he was trying to get evidence of corruption.

"One day I am driving around," he recalled in an interview, "and I suspect they're tailing me, and I had this guy along with me I know I couldn't trust and he kept looking behind.

"I'm driving, you know, and he's sitting alongside me, and I just said, 'Is my tail with me?' And he gave me a look. They were tailing me to find out where I was going and what I was interested in."

The policeman who said he had been threatened with a gun also told this story:

"I wasn't with this unit very long when I was approached by a plainclothesman I had worked with before. He approached me and said, 'Look, we got a phone call before you came up here and they said not to trust you.'

" 'But I don't care, I don't give a damn,' " the policeman quoted the plainclothes man as saying. " 'I know you from before, and I'm willing to take a chance.' He then took me right over to a bar and introduced me to a 'KG,' known gambler."

CODE NAMES USED

The warning phone call, the policeman said he subsequently learned, came from a police official specifically entrusted with reducing corruption.

Policemen often use code names to avoid security breaches with gossiping policemen assigned to various offices.

One policeman, when calling Chief McGovern, said that he arranged to be known as Mr. Mitchell. "But then McGovern told me not to use Mr. Mitchell, because he knew a real Mr. Mitchell, and that any time I called I should say it was Mr. James," the policeman related.

One police official with 30 men on his staff was asked how many of them he trusted to enforce the law properly. "I trust definitely four, possibly a fifth man," he replied. "The rest I don't know whether to trust or not. I couldn't definitely say how many are on the take. I would say, I'm pretty sure, that five aren't."

The officials said he did most of his own investigating because of his worries about the honesty of some of his men. He explained that since the changes made in the nineteen-fifties following the discovery that Harry Gross, a Brooklyn bookmaker, was paying the police millions of dollars a year, men in his position were assigned men rather than being permitted to pick them.

"These changes were pretty good in theory," the official explained, "but they didn't work. I think the gambling inspectors ought to be allowed to pick at least some of their own men, so they'll be loyal to them. In my personal opinion these changes were an administrative paper thing.

"They didn't want to stop it—it was too lucrative—and the money was going so high that they really didn't want to end it. But, however, they had to set up a new system to appease the public and appease the press."

Another policeman, reflecting on the fearful and suspicious ways of the department, said, "You know, it's just like something out of the movie 'Z'."

And oddly enough, Mayor Lindsay arranged a private showing of the film about political repression in Greece for about 10 top police commanders and their wives last Jan. 21 in a small auditorium of the Time & Life Building.

NATIONAL VOLUNTEER FIREMEN'S WEEK

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am very pleased to announce that 42 of our colleagues are joining me today in the introduction of House joint resolutions to authorize the President to proclaim a "National Volunteer Firemen's Week," from September 19 to September 29, 1970.

At this point, 139 Members of the House are cosponsoring the resolutions. Forty-three of the 50 States are represented, and 67 Republican and 63 Democratic Members are among the cosponsors. You will also be interested to learn that a companion resolution will be introduced in the other body by the Honorable Hugh Scott, of Pennsylvania on Thursday, April 30, 1970.

Naturally, I am proud to point out that 22 of the 27 Members of the Pennsylvania congressional delegation have joined in urging passage of this tribute to our Nation's volunteer firemen.

The House joint resolutions follow:

H.J. Res. —

Mr. SAYLOR (for himself, Mr. Brotzman, Mr. Smith of New York, Mr. Snyder of Kentucky, Mr. Steiger of Wisconsin, Mr. Hammerschmidt, and Mr. Wold) introduced the following joint resolution; which was referred to the Committee on the Judiciary.

Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

H.J. Res. —

Mr. SAYLOR (for himself, Mr. Abbitt, Mr. Brown of Michigan,, Mr. Crane, Mr. Dent, Mr. Flowers, Mr. Goodling, Mr. Hansen of Idaho, Mr. Lukens, Mr. Lujan, Mr. Meeds, Mr. Nix, Mr. Pepper, Mr. Poff, Mr. Pollock, and Mr. Reifel) introduced the following joint resolution; which was referred to the Committee on the Judiciary.

Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970

Resolved by the Senate and House of Representatives of the United States of America

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in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

H.J. Res. —

Mr. SAYLOR (for himself, Mr. Anderson of California, Mr. Bevill, Mr. Brademas, Mr. Brock, Mr. Camp, Mr. Chappell, Mr. Daniel of Virginia, Mr. Davis of Georgia, Mr. Edwards, Mr. Friedel, Mr. Hamilton, Mr. Hays, Mr. Jones of North Carolina, Mr. McClory, Mr. Patten of New Jersey, Mr. Preyer of North Carolina, Mr. Railsback, Mr. Symington, Mr. Tunney, Mr. Waldie, and Mr. Whitehurst) introduced the following joint resolution; which was referred to the Committee on the Judiciary.

Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

EXTENDING VOTING AGE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the President has written me a letter in which he discusses the vitally important question of extending the vote to Americans between the ages of 18 to 21.

The President favors conferring voting privileges upon 18-year-olds. I agree with him. I think a large majority of House Members feel likewise. Where some of us disagree is on how that objection is to be accomplished.

The President and I believe a Constitutional Amendment to be the only sure and safe route to making 18-year-olds throughout the Nation eligible to vote. We, therefore, believe the House should separate the 18-year-vote rider from the voting rights bill approved by the Senate and sent to the House.

There is good reason to believe that an 18-year-vote Constitutional Amendment could be readily approved. A resolution proposing such an amendment has been sponsored by two-thirds of the Members of the Senate. I personally believe the House is similarly inclined. That kind of support would be persuasive among members of the State legislatures.

There is danger in attempting to give 18-year-olds the vote by simple statute. How soon the law would be tested in the courts is doubtful. This poses the possibility that the outcome of thousands of State and local elections could be placed in question. And if an 18-year-vote statute later were declared unconstitutional, the impact on elections which had taken place could be catastrophic.

Mr. Speaker, I believe the only judicious course for the House to take is to separate the 18-year-vote rider from the Senate voting rights bill, send the voting rights legislation to conference and then accept the results of that conference. Meantime, an 18-year-vote Constitutional Amendment could be speeded through the Congress.

Mr. Speaker, I commend a reading of the President's letter to the Members of the House. The letter follows:

April 27, 1970.

Hon. Gerald R. Ford,
Minority Leader,
House of Representatives,
Washington, D.C.

Dear Congressman Ford: A constitutional issue of great importance is currently before the House. As you know, the Senate has attached to the bill modifying and extending the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State and local elections.

I say "purports" because I believe it would not in fact confer the vote. I believe that it represents an unconstitutional assertion of Congressional authority in an area specifically reserved to the States, and that it therefore would not stand the test of challenge in the courts. This belief is shared by many of the Nation's leading constitutional scholars.

I strongly favor the 18-year-old vote. I strongly favor enactment of the Voting Rights Bill. But these are entirely separate issues, each of which deserves consideration on its own merits. More important, each needs to be dealt with in a way that is constitutionally permissible—and therefore, in a way that will work.

Because the issue is now before the House, I wish to invite the urgent attention of the Members to the grave constitutional questions involved in the 18-year-old vote rider, and to the possible consequences of ignoring those questions.

STATUTE VS. CONSTITUTIONAL AMENDMENT

The matter immediately at issue is not whether 18-year-olds should be given the vote, but how: by simple statute, or by constitutional amendment.

The argument for attempting it by statute is one of expediency. It appears easier and quicker.

The constitutional amendment route is admittedly more cumbersome, but it does appear that such an amendment could be readily approved. A resolution proposing such an amendment already has been introduced in the Senate, sponsored by two-thirds of the members, the same number required for passage. Sentiment in the House seems strongly in favor. Some contend that ratification would be a long and uncertain process. However, public support for the 18-year-old vote has been growing, and certainly the submission to the States of a constitutional amendment, passed by two-thirds of both Houses and endorsed by the President, would provide powerful additional momentum. An historical footnote is pertinent: When the women's suffrage amendment was proposed in 1919, many said the States would never go along—but ratification was completed in less than 15 months.

If the Senate provision is passed by the Congress, and if it is later declared unconstitutional by the courts, it will have immense and possibly disastrous effects.

At the very least, it will have raised false hopes among millions of young people—led by the Congress to believe they had been given the vote, only to discover later that what the Congress had purported to confer was not in its power to give.

It will have cost valuable time, during which a constitutional amendment could have been submitted to the States and the process of ratification gone forward. It would almost certainly mean that the 18-year-old vote could not be achieved before the 1972 election.

Beyond this, there looms the very real possibility that the outcome of thousands of State and local elections, and possibly even the next national election, could be thrown in doubt: because if those elections too place before the process of judicial review had been completed, no one could know for sure whether the votes of those under 21 had been legally cast. It takes little imagination to realize what this could mean. The Nation could be confronted with a crisis of the first magnitude. The possibility that a Presidential election, under our present system, could be thrown into the House of Representatives is widely regarded as dangerous; but suppose that a probably unconstitutional grant of the 18-year-old vote left the membership of the House unsettled as well?

The Senate measure contains a provision seeking an early test of its constitutionality, but there can be no guarantee that such a test would actually be completed before elections took place. And the risk of chaos, if it were not completed, is real.

THE CONSTITUTIONAL QUESTIONS

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise: within certain specified limits, this power belongs to the States. Three separate provisions vest this power with the States: Article I, Section 2 (election of members of the House of Representatives), the Tenth Amendment (reserved powers) and the Seventeenth Amendment (direct election of Senators) all lodge this power with the States. There are four provisions placing limitations on this power: the vote cannot be limited on grounds of race (the Fifteenth Amendment), sex (the Nineteenth Amendment), or failure to pay a poll tax (the Twenty-Fourth Amendment); nor can States impose voting qualifications so arbitrary, invidious or irrational as to constitute a denial of equal protection of the laws (the Fourteenth Amendment).

Advocates of the proposal that passed the Senate rely on the power given Congress under the Fourteenth Amendment to enforce equal protection of the laws, and particularly on the Supreme Court's 1966 decision in the case of *Katzenbach* v. *Morgan*. This case upheld Federal legislation enfranchising residents of New York who had attended school in Puerto Rico, and who were literate in Spanish but not in English. However, I do not believe that the Court's decision in *Katzenbach* v. *Morgan* authorizes the power now asserted by the Senate to enfranchise young people. Neither do I believe it follows that because Congress has power to suspend literacy tests for voting throughout the Nation, as the new Voting Rights Act would do, it has power also to decide for the entire Nation what the proper age qualification should be.

Where Puerto Ricans were denied the right to vote, the Court could readily conclude that there had been discriminatory treatment of an ethnic minority. This was especially so because of the particular circumstances of those whose rights were at issue: U.S. citizens by birth, literate in Spanish, but not literate in English because their schools, though under the American flag, had used Spanish as the language of instruction.

Similarly with literacy tests: the Court already has upheld the right of Congress to bar their use where there is presumptive evidence that they have been used in a discriminatory fashion. If Congress now finds that literacy tests everywhere impose a special burden on the poor and on large numbers of black Americans, and for this reason abolishes literacy tests everywhere, it is using the same power which was upheld

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when the Court sustained the Voting Rights Act of 1965.

To go on, however, and maintain that the 21-year voting age is discriminatory *in a constitutional sense* is a giant leap. This limitation—as I believe—may be no longer justified, but it certainly is neither capricious nor irrational. Even to set the limit at 18 is to recognize that it has to be set somewhere. A 21-year voting age treats all alike, working no invidious distinction among groups or classes. It has been the tradition in this country since the Constitution was adopted, and it was the standard even before; it still is maintained by 46 of the 50 states; and, indeed, it is explicitly recognized by Section 2 of the Fourteenth Amendment itself as the voting age.

If it is unconstitutional for a State to deny the vote to an 18-year-old, it would seem equally unconstitutional to deny it to a 17-year-old or a 16-year-old. As long as the question is simply one of judgment, the Constitution gives Congress no power to substitute its judgment for that of the states in a matter such as age qualification to vote which the Supreme Court has recognized is one which the States may properly take into consideration.

ONE CONSTITUTION

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision, because we are impatient to achieve our purposes.

To pass a popular measure despite the Constitutional prohibition, and then to throw on the Court the burden of declaring it unconstitutional, is to place a greater strain and burden on the Court than the Founding Fathers intended, or than the Court should have to sustain. To enact the Senate proposal would be to challenge the Court to accept, or to reject, a fateful step in the redistribution of powers and functions, not only between the Federal Government and the States but also between itself and the Congress.

Historically, under the Fourteenth Amendment as well as under many other provisions of the Constitution, it has been the duty of the Court to define and enforce the division of powers between the Federal Government and the States. Section 5 of the Fourteenth Amendment gives Congress power to "enforce" Constitutionally-protected rights against intrusion by the States; but the primary role in defining what those rights are belongs to the Court.

For the most part, the Court has acted with due deference and respect for the views of Congress, and for Congress' assessment of facts and conditions and the needs to which they give rise. But the Court has had the last word.

However, it is difficult to see how the Court could uphold the Senate proposal on the 18-year-vote without conceding that Congress now has the last word.

To present this challenge to the Court would thus raise equal and opposite dangers: on the one hand, if the Court acquiesced, its own power as the protector of our rights could be irreparably diminished; and on the other, if the Court rebuffed the challenge, the often valuable latitude Congress now has under broad readings of its Fourteenth Amendment power might in consequence be severely limited. Neither outcome, in my view, would be desirable.

THE PATH OF REASON

I have recently canvassed many of the Nation's leading constitutional scholars for their views on the Senate proposal. Some feel that, by a broad reading of *Katzenbach v. Morgan*, the proposal's constitutionality could be sustained. The great majority, however, regard it as unconstitutional—and they voice serious concern not only for the integrity of the Constitution but also for the authority of the Court, if it should be sustained.

At best, then, it would be enacted under a heavy constitutional cloud, with its validity in serious doubt. Even those who support the legislation most vigorously must concede the existence of a serious constitutional question.

At worst, it would throw the electoral process into turmoil during a protracted period of legal uncertainty, and finally leave our young people frustrated, embittered and voteless.

I therefore urge:

That the 18-year-old vote rider be separated from the bill extending the Voting Rights Act.

That the Voting Rights Bill be approved.

That Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity: Constitutional amendment.

Sincerely,

RICHARD NIXON.

VOTING AGE

(Mr. McCORMACK (at the request of Mr. ANDERSON of California) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, I include in my remarks the reply of Senator EDWARD M. KENNEDY to President Nixon's letter on voting by 18-year-old citizens of the United States. The reply of Senator KENNEDY is a sound presentation of the constitutionality of the Senate amendment to the extension of the voting rights bill relative to the vote at 18 years of age:

SENATOR EDWARD M. KENNEDY REPLIES TO PRESIDENT NIXON'S LETTER ON 18-YEAR-OLD VOTING

Yesterday's letter from President Nixon to leaders of the House of Representatives, questioning the constitutionality of the Senate's action in lowering the voting age to 18 by statute, offers no new arguments on this issue. The same constitutional argument against acting by statute was made on behalf of the Administration, not only in testimony before the Senate Subcommittees considering the issue, but also during the floor debate in the Senate. These arguments were discussed in detail and found wanting during the Senate debate last month. By the overwhelming majority of 64–17, the Senate rejected the Administration's arguments and adopted the amendment to reduce the voting age to 18.

Contrary to the Administration's suggestion, I believe that the Senate acted responsibly on this issue. We acted responsibly, because like the Executive Branch and the Judicial Branch in our system of government, we in Congress have the obligation to exercise the powers conferred on us by the Constitution. Section 5 of the Fourteenth Amendment gives Congress the power to enforce the Equal Protection Clause and all the other great provisions of the Amendment, by whatever legislation Congress deems appropriate. The Supreme Court has unequivocally made clear that it will sustain such legislation, so long as the court is "able to perceive a basis" upon which Congress might act.

In essence, the Administration's message to Congress is a message that asks us to abdicate our function of interpreting the Constitution and carrying out its mandate. It is disturbing to note that this is not the first time in recent weeks that the Administration has sought to derogate from the power of Congress in our system of government. Near the end of the debate on the nomination of Judge Carswell to the Supreme Court, the President sought to minimize the power bestowed on Congress by the Constitution to advise and consent to the nomination of Supreme Court Justices. Now, the President draws into question the power of Congress to exercise the Constitutional authority given us not only by the specific language of Section 5 of the Fourteenth Amendment, but also by the clear invitation of the Supreme Court.

There is another and equally important reason why Congress cannot and must not abdicate its responsibility to define and interpret the Equal Protection Clause. In our Constitutional system, the Judicial Branch is poorly suited for the sort of detailed, fact-finding investigation that is necessary to weigh the many complex considerations involved in the resolution of the great political and social issues of our time. The legislative process is far more conducive to balancing the relevant interests. Indeed, I believe that, far from opposing the exercise by Congress of its responsibility in these sensitive areas, the courts would welcome action by Congress as much needed relief from the slow and painstaking process of constitutional litigation that has too often been the only avenue of social change in our recent history.

Also, and again contrary to the Administration's suggestion, I believe that Congress has acted realistically in reducing the voting age by statute. The Administration's optimism about the speed with which a constitutional amendment could be adopted to reduce the voting age is unfounded. Members of Congress are all too familiar with the decades of frustration that have met all our previous efforts to gain this reform. We know that the Voting Rights Act is the only realistic hope of achieving the goal of bringing our youth into the mainstream of the political process in America. To counsel delay when success is at last within our grasp is to counsel defeat and generate intolerable new frustration for millions of young Americans.

In closing, I would like to deal briefly with a number of the specific legal and procedural questions raised by the President's letter

First, it is worth emphasizing that the constitutionality of lowering the voting age by statute is strongly supported by Professor Paul Freund, the most renowned constitutional authority in America, and by Professor Archibald Cox, one of the greatest Solicitor Generals the nation has ever had. The views of Professors Freund and Cox were set out repeatedly and at length in the course of the debates on the Senate amendment. They are spread out on the record for all to see, and no useful purpose would be served by repeating them here. In the end, every member of Congress must weigh the merits of the arguments and decide the issue for himself. For my part, I am convinced that Congress has both the constitutional power and the constitutional responsibility to take this action.

Second, the President's letter ignores a fact that was repeatedly emphasized in the Senate debate—the same bill now pending to lower the voting age also contains an Administration-sponsored provision to reduce state residence requirements for voting. In the Senate and House hearings on the bill, the

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Administration strongly supported the constitutionality of the residence provisions, and cited *Katzenbach* v. *Morgan* as authority for this view. Surely, if Congress has the power to act by statute to change state residence requirements for voting, then it also has the power to act by statute to change state age requirements for voting.

Third, the President proposes to restrict the Supreme Court's holding in the *Morgan* case to circumstances involving discrimination against ethnic minorities. However, neither the equal protection clause of the Fourteenth amendment, nor Section 5 of the amendment, nor any language in the holding of the *Morgan* case supports any such limitation. As the Supreme Court clearly held in the *Morgan* case, Congress has broad power under Section 5 to weigh the facts and make its own determination of discrimination under the Equal Protection Clause, whether the discrimination is based on race or any other ground. So long as the Supreme Court can find a reasonable basis for Congress's determination, the Court will sustain it.

Moreover, precisely the same constitutional justifications based on racial discrimination which are invoked by the President to distinguish the Administrations proposed nationwide ban on literary tests for voting can also be invoked in the case of age requirements for voting. Indeed, one of the justifications relied on by the Senate in lowering the voting age to 18 was that the action would tend to bring Black Americans and other minorities into fuller participation in the political process, and would thereby promote the more rapid elimination of racial discrimination. Thus, even if the *Morgan* case is arbitrarily interpreted as applying solely to cases involving discrimination against ethnic groups—and, I repeat, nothing in the holding of the Morgan case or the Fourteeenth Amendment justifies such an interpretation—it is still possible to find strong constitutional support for reducing the voting age to 18 by statute.

Fourth, the President suggests that, in any event, there is no discrimination in state restrictions setting the voting age at 21, because they apply equally to all young Americans in 46 states.

Obviously, if a racial minority were denied the right to vote, no one would argue that the denial was non-discriminatory merely because it applied equally to all members of the group. Similarly, merely because all 18 year olds are denied the right to vote in 46 states, does not mean there is no discrimination against them.

By its overwhelming vote last month, the Senate found that such discrimination does exist. The Senate found that laws setting the voting age at 21 unfairly discriminate against millions of 18, 19, and 20 year old Americans who fight and die in Vietnam, who work, marry, and pay taxes, and who are treated as adults by the criminal law, but who are denied the most basic right of all in our Democratic society—the right to vote.

Fifth, the President raises the objection that litigation over the voting age provision may cloud the validity of future elections, including even the presidential election of 1972. The objection is insubstantial. The Senate amendment itself contains a series of provisions designed to expedite judicial review, in order to avoid any adverse impact on future elections. Indeed, as I discucs in greater detail in an appendix to this statement, I believe that a judicial test of the provision can be initiated as soon as the bill is signed into law by the President, and that a Supreme Court decision on the constitutional question can be rendered even before January 1, 1971, the date the voting age provision comes into effect.

In sum, I believe there is a sound constitutional and procedural basis for Congress to reduce the voting age to 18 by statute. There is no need for us to pursue the arduous route of constitutional amendment to reach our goal of enlarging the franchise to include 18 year olds. Millions of young Americans have earned the right to vote, and it is long past time for Congress to Act.

Appendix—Prompt Judicial Test of Statute Reducing the Voting Age to 18

Six weeks ago, the Senate overwhelmingly approved an amendment to the Voting Rights Bill, effective January 1, 1971, to lower the voting age to 18 in all elections, Federal, State, and local. As the debate on the Senate floor made clear, the principal reason for postponing the effective date of the provision until next January was to enable appropriate litigation testing its validity to be initiated and resolved by the Supreme Court, free of the possibility that any uncertainty over the provision might cloud the forthcoming Congressional and State elections in November 1970.

In fact, the choice of January 1, 1971, for the effective date of the statute was especially propitious, since I believe that it may well provide the opportunity to obtain a decision by the Supreme Court on the constitutionality of the provision even before the law actually goes into effect next January. On the basis of a brief review of the existing law and precedents, it seems entirely reasonable to conclude that a test case of the validity of the 18-year-old voting provision could be filed as soon as the legislation is signed by the President, and that a decision on the constitutionality of the provision could even be obtained prior to January 1, 1971.

Section 303 of the bill passed by the Senate authorizes the Attorney General to test the provision by instituting actions against State or political subdivisions including actions for injunctions. The section also gives district courts of the United States jurisdiction of such proceedings, and provides for an expedited trial before a special three-judge district court, and an expedited appeal directly to the Supreme Court.

Although the section does not specifically mention actions for declaratory judgment, the general language of the section is obviously broad enough to cover such actions. As the Federal Declaratory Judgment Act, 28 U.S.C. 2201, makes clear, any court of the United States may, "in a case of actual controversy within its jurisdiction," declare the rights and legal relations of any interested party seeking such a declaration.

The provision that there must be an actual controversy is a constitutional requirement that must exist before Federal courts have jurisdiction to decide any case. Thus, as *Marbury* v. *Madison* and other leading Supreme Court decisions establish, the Federal courts do not have jurisdiction to render "advisory opinions." They can only decide "actual controversies."

To be sure, the dividing line is vague in constitutional law between rendering an "advisory opinion" and deciding an "actual controversy." However, it seems clear on the basis of existing precedent that the elements of an actual controversy over the 18 year old voting provision will be sufficiently present, once the bill is signed into law, to justify the courts in ruling on the validity of the provision, and that a court test need not be postponed until after the effective date of the statute.

For example, in *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925), the Supreme Court held that a law of the State of Oregon prohibiting parents from sending their children to private schools was unconstitutional. The law was enacted on November 7, 1922, and its effective date was September 1, 1926—four years after its enactment. Yet, the Supreme Court held that a lower Federal court had acted properly in 1924 in granting an injunction against enforcement of the law. As the Supreme Court emphasized, the mere prospect of enforcement of the measure against private schools was sufficient to make the issue an "actual controversy" and therefore to give jurisdiction to the courts, since parents had already begun to withdraw their children from private schools in Oregon in anticipation of the effective date of the law.

Similarly, in the case of the 18 year old voting provision, there is the obvious prospect of enforcement of the provision in all elections—Federal, State, and local—after January 1, 1971. It is likely that in many states, efficient election procedures will make it necessary or desirable for officials to offer registration to 18 year olds and adopt other procedures well before the effective date of the statute. Just as in the *Pierce* case, the prospect of future enforcement of the law is sufficient to produce a very real present effect on both public officials and private citizens.

Moreover, even in the absence of precedents like the *Pierce* case, it would be reasonable for the courts to recognize the obvious need to resolve the constitutional issue of 18 year old voting before the orderly procedures of state and local registration, primaries and elections are disrupted by whatever uncertainty might exist over the validity of the provision.

In general, there are several possible ways in which a test case of the constitutionality of the voting age provision could be rapidly decided by the Supreme Court. Among the most likely procedures are the following:

First, a State could file a complaint in the Supreme Court against the U.S. Attorney General, requesting a declaratory judgment that the provision is unconstitutional and an injunction against its enforcement. Conversely, the Attorney General could file a complaint in the Supreme Court against a State. Under this procedure, the case would be brought initially in the Supreme Court, and would bypass the lower Federal courts. The jurisdiction of the Supreme Court in such a case—called the court's "original jurisdiction"—would be based on Article III, Section 2 of the Constitution, which allows certain cases in which a State is a party to be initiated directly in the Supreme Court. This was the procedure followed in *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966) in which the Supreme Court upheld the constitutionality of the Voting Rights Act of 1965.

Second, by analogy to section 303 of the pending legislation, the U.S. Attorney General could file a complaint against State or local election officials in a three-judge Federal district court, challenging the validity of a state law setting the voting age at 21. This was the procedure followed under Section 10 (the poll tax provision) of the Voting Rights Act of 1965, which directed the Attorney General to bring a constitutional challenge against state poll taxes. Pursuant to this provision, the Attorney General initiated suits against Alabama, Mississippi, and Texas. See *United States* v. *Alabama*, 252 F. Supp. 95 (1966); *United States* v. *Texas*, 252 F. Supp. 234 (1966). Technically, the provisions of Section 303 do not themselves become effective until January 1, 1971, but it is possible that the Attorney General could initiate comparable three-judge court litigation, with direct appeal to the Supreme Court, under the general authority of similar provisions in the Federal Judicial Code, such as 28 U.S.C. 2281–2284, 1253.

Third, state officials could seek to initiate three-judge court suits against the Attorney General, challenging the constitutionality of the new federal statute lowering the voting age to 21. As in the case of an action initiated by the Attorney General, the decision of the three-judge court could be appealed directly to the Supreme Court.

Fourth, a person under 21, who was denied the right to register to vote in a State, could file a suit against the appropriate State or local election officials challenging the constitutionality of the State law setting the voting age at 21. In such a suit, the Attorney General would also be able to participate, since the validity of a federal statute would be drawn into question. This was the procedure followed in *Harper* v. *Virginia Board of Elections,* 383, U.S. 663 (1966), in which a group of Virginia residents brought an action to have Virginia's poll tax declared unconstitutional.

The advantage of the three-judge court procedure is that it follows the normal judicial route by which a record is established in a trial court on issues of law and fact. Since there is an immediate appeal directly to the Supreme Court, it is possible to avoid the intermediate appellate procedure used in other cases, which requires a decision by a court of appeals before the case can be taken to the Supreme Court.

In light of the traditional schedule and timing by which cases are heard in the Supreme Court itself, the use of the three-judge court procedure to test the 18 year old voting law would probably not cause any greater delay in resolving the constitutional issues than would occur if the "original Supreme Court jurisdiction" procedure is used. By either approach, the Supreme Court could easily decide the issue before January 1, 1971. Ordinarily, the Supreme Court is in recess from the middle of June until the first week of October each year. Thus, it is unlikely that an original case could be filed in the Court and decided before the Court's summer recess this year. If a three-judge court is initiated promptly after the pendng legislation is signed into law by the President, it should be possible for the trial court to decide the case well before the Supreme Court's annual summer recess ends. As a result, the appeal from the trial court's decision could be awaiting action on the Supreme Court's docket as soon as the Court convenes its 1970 term in October, and the Court could reasonably be expected to hand down its ruling before the end of the year.

Indeed, it is worth noting that there are a number of recent cases in which major constitutional questions were determined expeditiously by the Supreme Court:

In *South Carolina* v. *Katzenbach,* already referred to, the Supreme Court upheld the constitutionality of the Voting Rights Act of 1965. The State of South Carolina filed its bill of complaint for an original action in the Supreme Court on September 23, 1965. Attorney General Katzenbach replied with complaints of his own against Alabama, Louisiana, and Mississippi. The South Carolina case was accepted by the Court on November 5, 1965. It was argued on January 17, and 18, 1966, and was decided on March 7, 1966, less than six months after the complaint was filed, and only seven months after the Voting Rights Act was signed into law.

In *Williams* v. *Rhodes,* 393 U.S. 23 (1968), the Supreme Court held that certain restrictive election laws of the State of Ohio were unconstitutional, because they unfairly discriminated against minor political parties. Therefore, the Court ruled, George Wallace's American Independent Party was entitled to a place on the Ohio ballot in the 1968 Presidential election. The application for review of this case in the Supreme Court was filed on September 19, 1968. The case was argued on October 7, 1968, and was decided on October 15, 1968, less than a month after Supreme Court review was sought.

In *Alexander* v. *Holmes County Board of Education,* 396 U.S. 19 (1969) the Supreme Court held that dual school systems based on race were no longer constitutionally permissible under the standard of "all deliberate speed," and that a unitary school system must be established immediately in each school district. In this case, the petition for Supreme Court review was filed on September 23, 1969. The case was argued on October 23, 1969, and was decided on October 29, 1969, only slightly more than a month after Supreme Court review was sought.

XUM

In sum, there is ample precedent in both law and practice for a prompt determination by the Supreme Court of the constitutionality of the bill now pending to extend the franchise to 18 year olds. I believe that litigation clearing the way for nationwide enforcement of the provision should be initiated as soon as the bill is signed into law, and that a decision by the Supreme Court on the constitutional question can be rendered even before January 1, 1971, the effective date of the statute.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOLEY, for April 29 through May 8, on account of official business.

Mr. PATMAN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore, entered, was granted to:

Mr. RARICK (at the request of Mr. ANDERSON of California), for 30 minutes today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MIZELL) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 10 minutes, today.

Mrs. MAY, for 30 minutes, today.

(The following Members (as the request of Mr. ANDERSON of California) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ICHORD, immediately following the remarks of Mr. HENDERSON during general debate in the Committee of the Whole today on H.R. 15693.

Mr. SCHEUER to follow the remarks of Mr. MIKVA on his amendment to H.R. 15693.

Mr. CUNNINGHAM to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 15693.

Mr. MCCORMACK (at the request of Mr. ANDERSON of California) and to include extraneous matter.

(The following Members (at the request of Mr. MIZELL), and to include extraneous matter:)

Mr. GUDE.

Mr. QUILLEN in four instances.

Mr. BROOMFIELD.

Mr. SANDMAN in two instances.

Mr. WYMAN in two instances.

Mr. ASHBROOK.

Mr. DERWINSKI in two instances.

Mr. SCHERLE.

Mrs. MAY in two instances.

Mr. HUNT.

Mr. KLEPPE in two instances.

Mr. LLOYD.

Mr. MCCLORY.

Mr. SNYDER in three instances.

Mr. HOGAN.

Mr. MESKILL.

Mr. BUTTON in two instances.

Mr. BELL of California.

Mr. BOB WILSON in four instances.

Mr. FOREMAN.

Mr. HOSMER.

Mr. CONTE.

Mr. DUNCAN.

Mr. ESCH.

Mr. FREY.

Mr. SCOTT in two instances.

Mr. LANGEN.

(The following Members (at the request of Mr. ANDERSON of California), and to include extraneous matter:)

Mr. DENT.

Mr. RIVERS in two instances.

Mr. FRASER.

Mr. GONZALEZ in two instances.

Mr. EDWARDS of California in three instances.

Mr. O'NEILL of Massachusetts in three instances.

Mr. ROONEY of New York.

Mr. FOUNTAIN in two instances.

Mr. MATSUNAGA.

Mr. JOHNSON of California.

Mr. HUNGATE.

Mr. MOORHEAD in three instances.

Mr. EVINS of Tennessee in three instances.

Mr. RARICK in three instances.

Mr. BRADEMAS in six instances.

Mr. FARBSTEIN in four instances.

Mr. WOLFF in two instances.

Mr. BINGHAM in two instances.

Mr. FRIEDEL in two instances.

Mr. ABBITT.

Mr. DINGELL.

Mr. RODINO.

Mr. STEPHENS.

Mr. BENNETT in two instances.

Mr. DORN in two instances.

Mr. EDMONDSON in six instances.

Mr. DANIELS of New Jersey.

Mr. HAGAN in two instances.

Mr. BYRNE of Pennsylvania.

Mr. ANDERSON of California.

Mr. RYAN in three instances.

Mr. GALLAGHER.

Mr. GRIFFIN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 58. An act providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 93. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases; to the Committee on Interior and Insular Affairs.

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba; to the Committee on Interior and Insular Affairs.

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Olahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2323. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 079626); to the Committee on Interior and Insular Affairs.

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3153. An act to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; to the Committee on Merchant Marine and Fisheries.

S. 3222. An act to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness; to the Committee on Interior and Insular Affairs.

S. 3279. An act to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3348. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

S. 3435. An act to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4145. To provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 10912. To amend title 38, United States Code, to liberalize the conditions under which the administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 13106. To extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. For the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. To provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. To amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 29, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1985. A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1971 involving a decrease for the Department of the Interior (H. Doc. No. 91–327); to the Committee on Appropriations and ordered to be printed.

1986. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

1987. A letter from the Deputy Assistant Secretary of the Interior, transmitting a proposed concession contract to provide services in the Glacier Basin and Moraine Park areas of Rocky Mountain National Park, Colo., for a 10-year term, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1988. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report relative to American citizens of Mexican descent, pursuant to Public Law 85–315, as amended; to the Committee on the Judiciary.

1989. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 7, 1969, submitting a report, together with accompanying papers and an illustration, on Beresford Creek, S.C., authorized by the River and Harbor Act approved July 14, 1960; to the Committee on Public Works.

1990. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 12, 1969, submitting a report, together with accompanying papers and illustrations, on Eagle Harbor, Wash., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 10, 1962; to the Committee on Public Works.

1991. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 9, 1969, submitting a report, together with accompanying papers and illustrations, on Quilcene Bay Harbor, Wash., authorized by the River and Harbor Act approved June 30, 1948; to the Committee on Public Works.

1992. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 9, 1968, submitting a report, together with accompanying papers and an illustration, on Goose Creek, Somerset County, Md., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 8, 1947. No authorization by Congress is recommended as the desired improvement has been approved for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act; to the Committee on Public Works.

1993. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 14, 1968, submitting a report, together with accompanying papers and an illustration, on Buck Creek and tributaries, North and South Carolina, requested by resolutions of the Committee on Public Works, House of Representatives, adopted April 5, 1949, and June 19, 1952. No authorization by Congress is recommended as the desired improvement has been approved for accomplishment by the Chief of Engineers under the provisions of section 205 of the 1948 Flood Control Act, as amended; to the Committee on Public Works.

1994. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 19, 1968, submitting a report, together with accompanying papers and an illustration, on Little Harbor, N.H., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 2, 1949; to the Committee on Public Works.

1995. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 12, 1969, submitting a report, together with accompanying papers and an illustration, on Neah Bay (Hoko River-Clallam Bay), Wash., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted August 4, 1958, and resolutions of the Committee on Public Works, House of Representatives, adopted June 3, 1959, and May 10, 1962; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 15929. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting American heroes of the past; with amendments (Rept. No. 91–1023). Referred to the House Calendar.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on the availability of 1970 census data for congressional and State redistricting (Rept. No. 91–1024). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16661. A bill to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes; with amendments (Rept. No. 91–1025). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 16739. A bill to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines (Rept. No. 91–1026). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. S. 1508. An act to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States; with amendments (Rept. No. 91–1027). Referred to the Committee of the Whole House on the state of the Union.

Mr. SISK: Committee on Rules. House Resolution 952. Resolution for consideration of H.R. 17123, a bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (Rept. No. 91–1028). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 953. Resolution for consideration of S. 2315, an act to restore the golden eagle program to the Land and Water Conservation Fund Act (Rept. No. 91–1029). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 954. Resolution for consideration of H.R. 16595, a bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 91–1030). Referred to the House Calendar.

Mr. SISK. Committee on Rules. House Joint Resolution 1117. Joint Resolution to establish a Joint Committee on Environment and Technology (Rept. No. 91–1031). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 17276. A bill to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; to the Committee on Agriculture.

By Mr. CELLER (for himself, Mr. Addabbo, Mr. Bingham, Mr. Brasco, Mr. Button, Mr. Carey, Mrs. Chisholm, Mr. Conable, Mr. Delaney, Mr. Dulski, Mr. Farbstein, Mr. Gilbert, Mr. Hanley, Mr. Hastings, Mr. Horton, and Mr. King):

H.R. 17277. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. CELLER (for himself, Mr. Koch, Mr. Lowenstein, Mr. McCarthy, Mr. McEwen, Mr. McKneally, Mr. Murphy, of New York, Mr. Ottinger, Mr. Pike, Mr. Reid of New York, Mr. Robison, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Smith of New York, Mr. Stratton, and Mr. Wolff):

H.R. 17278. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. DENT:

H.R. 17279. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FARBSTEIN (for himself, Mr. Addabbo, Mr. Barrett, Mr. Biaggi, Mr. Brasco, Mr. Brown of California, Mr. Cohelan, Mr. Daniels of New Jersey, Mr. Edwards of California, Mr. Gilbert, Mr. Halpern, Mr. Hamilton, Mr. Harrington, Mr. Koch, Mr. Lowenstein, Mr. Mikva, Mr. Minish, Mr. Olsen, Mr. Ottinger, Mr. Patten, Mr. Podell, Mr. Powell, Mr. Rodino, Mr. Rosenthal, and Mr. Ryan):

H.R. 17280. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Public Works.

By Mr. FARBSTEIN (for himself, Mr. St. Onge, Mr. Tunney, and Mr. Van Deerlin):

H.R. 17281. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Public Works.

By Mr. GRIFFIN:

H.R. 17282. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. KING:

H.R. 17283. A bill to incorporate the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 17284. A bill to amend title XVIII of the Social Security Act to eliminate the provisions which presently prevent an individual from enrolling in the supplementary medical insurance program more than 3 years after his first opportunity to do so; to the Committee on Ways and Means.

By Mr. ROGERS of Florida:

H.R. 17285. A bill to amend the Internal Revenue Code of 1954 to provide that the spouse of an individual who derives unreported income from criminal activities, if such spouse had no knowledge of such activities or such income, shall not be liable for tax with respect to such income even though a joint return is filed; to the Committee on Ways and Means.

By Mr. MIKVA (for himself and Mr. Brown of California):

H.R. 17286. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 17287. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17288. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17289. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17290. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17291. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17292. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17293. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17294. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

H.R. 17295. A bill to extend certain benefits to National Guard technicians and for other purposes; to the Committee on Armed Services.

By Mr. STEIGER of Arizona:

H.R. 17296. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 17297. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 17298. A bill to amend title 38, United States Code, to provide that checks issued in settlement of national service life insurance maturing on or after August 1, 1946, which are received by the payee but not negotiated prior to his death shall become assets of his estate; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 17299. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

H.R. 17300. A bill to include prepared or preserved beef and veal within the quotas imposed on the importation of certain other meat and meat products; to reduce the percentage applied to certain aggregate quantity estimations used, in part, to determine such quotas from 110 per centum to 100 per centum; and for other purposes; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 17301. A bill to provide that the oath required for verification of an initial passport application may be administered by a notary public; to the Committee on Foreign Affairs.

By Mr. WIDNALL (for himself, Mrs. Dwyer, Mr. Halpern, Mr. Brock, Mr. Johnson of Pennsylvania, Mr. Stanton, Mr. Mize, Mr. Blackburn, Mr. Brown of Michigan, Mr. Williams, Mr. Wylie, Mrs. Heckler of Massachusetts, Mr. Crane, Mr. MacGregor, Mr. Rees, Mr. Bevill, Mr.

Gettys, Mr. Stephens, Mr. Griffin, and Mr. Chappell):

H.R. 17302. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. ANDERSON of California:

H.R. 17303. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BELL of California:

H.R. 17304. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. CHAPPELL:

H.R. 17305. A bill to prohibit the movement in commerce of certain crocodilian hides, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLANCY:

H.R. 17306. A bill to provide equitable access to the U.S. market for imported textiles; to the Committee on Ways and Means.

By Mr. COWGER:

H.R. 17307. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 17308. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

By Mr. MESKILL:

H.R. 17309. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 17310. A bill to establish a national cemetery in New England; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself and Mr. Colmer):

H.R. 17311. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 17312. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. RIVERS:

H.R. 17313. A bill to amend title 37, United States Code, to further the reduction of draft calls in the Armed Forces of the United States by increasing the pay rates of certain enlisted members of the uniformed services; to the Committee on Armed Services.

H.R. 17314. A bill to amend the Military Selective Service Act of 1967, and for other purposes; to the Committee on Armed Services.

By Mr. ROSENTHAL:

H.R. 17315. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning environmental protection and for other related educational purposes; to the Committee on Education and Labor.

By Mr. ST. ONGE (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Burton of California, and Mrs. Green of Oregon):

H.R. 17316. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. Bevill, Mr. Broomfield, Mr. Button, Mr. Cleveland, Mr. Derwinski, Mr. Esch, Mr. Horton, Mr. Lukens, Mr. McClory, Mr. Mosher, Mrs. Reid of Illinois, Mr. Robison, Mr. Schwengel, Mr. Steiger of Wisconsin, and Mr. Whalen):

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.J. Res. 1195. Joint resolution proposing an amendment to the Constitution of the United States providing for representation in the Congress for the District constituting the seat of Government of the United States; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 1196. Joint resolution establishing the Commission on U.S. Participation in the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GOODLING:

H. Res. 955. A resolution creating a select committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ADDABBO (by request) introduced a bill (H.R. 17317), for the relief of Cynthia Irene Popham, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

464. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to establishing a Subcommittee on the Credit of the United States within the Committee on Ways and Means, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE CASE AGAINST JUSTICE DOUGLAS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. PRICE of Texas. Mr. Speaker, another facet in the case against Justice Douglas unfolded earlier this week, the chief initiator was none other than the Justice himself.

Without explanation Justice Douglas took himself out of a Supreme Court decision to permit the filing of briefs by outside parties in cases involving the lewd film, "I Am Curious Yellow." Despite the Justice's silence on the matter, I think the conclusion to be drawn is rather obvious. In my opinion, he excused himself because he has a conflict of interest in the case. The film "I Am Curious Yellow" is distributed in the United States by Grove Press, Inc., whose president also published the Evergreen Review, the magazine that printed excerpts from Douglas' new book next to pictures of nude couples engaged in highly suggestive activity. While this candor on the part of the Justice is certainly refreshing, I think the question can be fairly asked in light of his past activities: Why is he so tardy a convert to the cause of impartial justice? He obviously did not feel quite so imbued with the spirit of judicial impartiality when he took part in the libel case concerning publisher Ralph Ginsburg and Senator Barry Goldwater. Douglas was not then bothered by the fact that while the Ginsburg-Goldwater suit was headed for the High Court, he had written an article for profit, for one of Ginsburg's magazines. On the contrary, he joined in a particularly strong dissent against the majority of the Supreme Court Justices in regard to the Court's ruling against Ginsburg.

Mr. Speaker, I would suggest that the conflict of interest which caused Douglas to excuse himself in the obscenity case presently before the Court, equally applied in the Ginsburg case. Moreover, this is a matter which should be examined most closely by the House Judiciary Subcommittee which has met today to begin a 60-day investigation of the misconduct charge against Justice Douglas.

Until the Judiciary Committee instituted action, there had been some question as to which committee should conduct the investigation, the Judiciary Committee or the Rules Committee. Since the former has asserted its primary jurisdiction in this matter, it is my hope that the investigators will discharge their responsibilities in a truly objective and nonpartisan matter. For, if Justice Douglas has been guilty of such misconduct as would warrant impeachment under the terms of the Constitution, the subcommittee members have the solemn duty to fully report their findings. By the same token, if the results of the investigation warrant it, the House must not hesitate one minute in instituting full impeachment proceedings. To adopt any other course of action would be to make a mockery of our principles of justice and our judicial institutions.

As a personal matter, I have grave reservations about the judicial and extrajudicial activities of Justice Douglas. In my view, however, justice and fairness dictates I withhold my personal expressions until after all the evidence is in. I plan on taking a dispassionate view of the charges made against Justice Douglas and whatever evidence is unearthed by the subcommittee's investigation. I do this contrary to the examples set by those who prejudged Judges Clement Haynesworth and Harrold Carswell on the basis of half-truths, innuendos, and outright misrepresentations made by certain enemies of constitutional government.

It is in this fashion that I hope to contribute to an atmosphere that will insure that the needs of justice and the needs of society will be fully accorded in the case against Justice Douglas.

GUARANTEED CHARITY—THE LATEST MERRY-GO-ROUND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 27, 1970

Mr. RARICK. Mr. Speaker, the "sell" job on the recently passed guaranteed annual income legislation—affectionately called "family assistance" by its manipulators, seems to have been highly effective. As yet, no one reminds the people at home where the money will come from. Santa Claus will write the checks.

Here in the District of Columbia, testimony is given of working people who are quitting employment because they can do better on welfare. Others already are asking that the $1,600 qualification level be increased so they can continue jobs at $6,000 to $7,000 per year and still get some of the easy money.

Already, from my constituents, I am receiving inquiries "to get all the facts" so they can figure on how to come out best—by continuing to work in order to try to make ends meet or to quit and go on the "charity subsidy."

I am not speaking lightly—the opinion moulders have done a terrific job as salesmanship and these inquiring people are in earnest. The land is flowing with milk and honey. Utopia is here at last. Charity is no longer an act of love—it has nothing to do with one's neighbor, the church, fraternal order or God. One has only to look east to Washington, D.C.

Those who will continue to work, despite higher deductions from their paychecks to offset the subsidized inflation, will need to increase their earnings by the amount paid those as a reward for not working. We can expect all prices and costs to correspondingly increase, and by every economic theory, we will all just start over—except that those who enter higher pay brackets will also find themselves in higher tax brackets. But, the tax-free foundations will continue to flourish.

The Washington merry-go-round continues to turn. If such a bonanza had been the program of a Democrat, it would have immediately been denounced as Communist. Since it is the requested program of a Republican, it is politely called Socialistic. Do not the Bolsheviks in Russia call themselves Socialists?

In 1969, a thought-provoking paper entitled "Legal Plunder" was distributed by the Economic Council Letter. I think it is more timely today than in 1969.

If charity is to the Christian an act of love, can we by force of law, steal from the worker to give to the nonworker and still retain love? If so, we may still return to a Christian nation—one by compulsory love by an act of Congress.

I insert the council letter, a pertinent news clipping, and a copy of my remarks of February 6, 1969, as follows:

[From the Economic Council Letter, May 1, 1969]

LEGAL PLUNDER—WORK WITHOUT PAY VS. PAY WITHOUT WORK

According to official figures, about 75 million people are gainfully employed in the United States. What official figures don't show, however, is that more and more have been working without pay in recent years without realizing it. They work for the government increasingly, without pay, because of the steady rise in the tax take. The effect steadily tends toward forced labor. Despite the great ingenuity of the average American, none seems yet to have figured out the trick of how to work for government and get paid for it without becoming a part of it.

What we are considering here is a proposal to extend legal plunder still further. Whether it is called assured annual income, a guaranteed annual wage, or income without work, makes no difference. It is just a scheme for another form of legal plunder. This is because the proposal goes beyond mere support of the government for itself. It is to compel the producers, who must carry the whole population of 200 million people on their backs, to pay an extra exaction through government to perhaps 30 million people or family units, for not working at all.

Thus we would have three major categories on nonproducers to be carried by the producers. Roughly, it would mean that the 75 million producers must first carry the 14 million nonproducers called government officials and employees. Then they would have to carry an additional 30 million indigent nonproducers who would be paid for not working at all. And this would be in addition to carry indirectly, as they now do, most of the 81 million others that we call dependents.

THE ORIGIN OF PROPERTY

A man can live and satisfy his wants only by ceaseless labor; by the ceaseless application of his faculties to natural resources. According to the French philosopher Frederic Bastiat, in "The Law," this process is the origin of property.

But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of others. This process is the origin of plunder.

Now, since man is naturally inclined to avoid pain—and since labor is pain in itself—it follows that men will resort to plunder whenever plunder is easier than work. When, then, does plunder stop? It stops when it becomes more painful and more dangerous than labor.

The proper purpose of law is to use the power of its collective force to stop this fatal tendency to plunder instead of to work. All the measures of the law should protect property and punish plunder. But generally the law is made by one man or one class of men. And since law cannot operate without the sanction and support of a dominating force, this force must be entrusted to those who make the law.

Thus it is easy to understand the perversion of law, how instead of checking injustice, it becomes the invincible weapon of injustice.

SOCIALISM IS LEGAL PLUNDER

Those who would fight Socialism as legal plunder, in many cases delude themselves with the statement: "The war that we must fight against Socialism must be in harmony with law, honor, and justice."

Such a statement upon examination turns out to be a non sequitur. It means that one who makes it has enmeshed himself in a vicious circle. He would use the law to oppose Socialism? But it is upon the "law" that Socialism itself relies. Socialists desire to practice legal plunder, not illegal plunder. Socialists, like all other minority monopolists, desire to make the law their own weapon. And when once the law is on the side of Socialism, how can it be used against Socialism? For when plunder is abetted by the law, it does not fear courts, troops, or prisons; rather, it may call upon them for help.

There are only three things which can happen under legal plunder:

1. The few plunder the many.
2. Everybody plunders everybody.
3. Nobody plunders anybody.

The choice must be made among limited plunder, universal plunder, and no plunder. The law can follow only one of the three.

THE SEDUCTIVE LURE OF SOCIALISM

One of the most popular fallacies of our times proceeds from the notion that it is not sufficient that the law should be just; it must be philanthropic. Nor is it sufficient that the law should guarantee to every citizen the free and inoffensive use of his faculties for physical or intellectual and moral self-improvement. Instead, it is demanded that the law should directly extend welfare, education, and morality throughout the nation.

This is the seductive lure of Socialism. But it must be emphasized that these two uses of the law are in direct contradiction to each other. We must choose between them. A citizen cannot at the same time be free and not free.

CHIMERAS

Periodically during the past 250 years, a glittering chimera has captured the mass mind. The effect usually has been to undermine and upset the social and economic stability of one or several nations for some time. Chimeras are the stock in trade of Socialism.

The dictionary calls a chimera an absurd creation of the imagination; a foolish or horrible fancy; an incongruous medley; a hybrid of mixed characteristics produced by grafting.

Among the more conspicuous mass madness engendered by one chimera or another during recent centuries have been the Mississippi Bubble in France, the South Sea Bubble in Great Britain, the Tulip Bubble in Holland, and the Welfare Bubble in the United States. Each grew out of chimeras of similar nature, such as those which are implicit in the mass madness of the United States during the past 35 years. Among these chimeras are the following:

The more abundant life.
Get rich quick.
Something for nothing.
Government can do anything.
There is all the money one needs.
We owe it to ourselves.
I am my brother's keeper.
Poverty can be abolished.
Social Security.
Pay without work.

PAY WITHOUT WORK

The proposal of an assured annual income, or pay without work, is just another chimera. Life is competitive, and competition sets the minimum level of individual human effort which nature will tolerate in return for the right to live.

There is no right to income without work for anybody at any time or in any place.

either in theory nor in practice, in religion or the Bible, in politics or economics, in the Constitution or jurisprudence, or even in majority insanity is there or can there be any such right.

Work is a means to life. To remove the necessity for exercise (mental or physical) or to weaken its importance, atrophies life processes and invokes death processes.

Individuation is a cardinal feature of the pursuit of happiness and the flowering of personality. For life and growth it requires the stimulus, guidance, and control of the mental and physical capacities of the individual, activated by the catalyst of work.

Enterprise is the basis of all well-being. It represents work applied to the purposes of leadership. Enterprise is the cornerstone of a going-concern economy. Its objective is the exercise of leadership to make it possible for many to work together in production, distribution, and service in the hope of profit.

Work is the cornerstone of civilization. Without work, there can be no earnings or income. Without earnings, there can be no savings. Without savings, there can be no capital. Without capital, there can be no science or technology.

There is no power in government or law to change such fundamentals. There can be no "absolute constitutional right to an income."

WHERE WOULD THE MONEY COME FROM?

Guaranteed-income advocates insist that the government make its relief payments in cash. They base this fantastic nonsense on a spurious argument. They say that the only trouble with the poor is lack of money. We should, therefore, give them the money and not attempt to dictate how and on what they should spend it. There must be no relief in kind, because we should not interfere with their liberty to spend their government cash, but "let them make their own mistakes."

Such a preposterous proposal ignores the simple fact that one reason they are poor is their incompetence. Most cannot manage the cash they have. Incompetence to earn and incompetence to spend: just look at the daily papers for examples. Cash is the very last and worst thing to be given to a compulsive gambler, a drunkard, or a drug addict. As soon as one has gambled the money away or spent it on whiskey or heroin, is government to telegraph him more? And if it doesn't, how is it to see that he and his family get proper nourishment, or that he has enough left over for the rent, or that his family are decently dressed, or that his children are properly educated?

If, as some think, there might be 30 million units (half the national total of 60 million) thus to be financed with cash, and if at the start each of these units is to be given $3,500 a year, it would mean a total of $105 billion to be added to the nonproductive overhead expense of the economy (now over $300 billion) and subtracted from the income of the producers. Thus, in order to start such fantastic nonsense, there would have to be a tax increase of more than 25 percent. The money would have to come from the producers. There could be no other source.

However, the point of diminishing returns in taxation already has been passed, so that there is no reason to assume that it might be possible to move from the prevailing 60 percent of nonproductive overhead expense to 75 or 80 percent.

In other words, the money could not come from anywhere for long. In fact, such profligacy would be so extreme that the present declining incentive to producers would accelerate, and before long the question to be faced would be: Who will do the work? Just look at the effect of the Social Security chimera in but 30 years. Look at the effect, also, of the compulsory retirement chimera. And look at the effect of the welfare chimera in the field of relief in just a decade.

THE ABILITY OF GOVERNMENT

The proposal of an assured annual income, to be guaranteed by government, pursuant to law, means management by government and politics.

You can look upon the past 35 years in the United States as a laboratory experiment in management by government and politics. It provides more evidence on the subject than you can use.

The record clearly shows that in addition to the unsound moral, economic, and philosophic basis of what has been taking place, there is a record which shrieks eloquently that government really can't manage anything. It just doesn't have the capacity.

The minds which have shaped and controlled government in the United States during the past generation could hardly be classified as on a level above the adolescent stage. Probably the most profound shortcoming of those who have been running things has been their complete unwillingness to consider or use elementary means of measurement. They do not respect or capitalize upon the structural elements which are indispensable for a complete anatomy. They are intolerant of balance, proportion, and equilibrium. Their half-baked position is like that of one who insists on eating his cake and having it, too. They want the benefits of science and technology, but they absolutely refuse to respect the essential principles of science and technology as means to ends to achieve and retain such benefits. Therefore, without knowing it, they have given us an economy in liquidation. And, what is worse, they don't even know the meaning of a going-concern economy.

Therefore, we have a steady degeneration which spreads while you sleep throughout all of life. You now live in a quicksand economy. The prevailing economic illiteracy is an all-pervading force among politicians and political lawyers and represents a form of economic illiteracy. The result is that their thinking is half-baked, and their practices are half-baked. We have a half system of government.

Another light on the ability of government is provided by pointing out the infantile attitude those in control take with respect to the tax base. There is no indication that they are even aware of the fact that the tax base is of equal importance to the tax rate. Thus, their approach to taxation also is half-baked. Moreover, they are not aware of the fundamental importance of the rate of change in a tax. The rate of change in a tax usually is a more serious matter than the amount of change.

One of the most outstanding manifestations of political insanity in recent history is so-called Social Security. It represents one of the most gigantic frauds ever erected. Not only is it a fraud from the standpoint of both producers and beneficiaries, but it is also a progressively degenerative force in its effect upon the entire national economy. Yet, the superman of politics, education, and government do nothing about it.

In Summary—

This additional scheme for legal plunder on a scale without precedent in all history is proposed to wipe out poverty in one fell swoop because a group of social reformers are impatient with the present "rag bag" of measures to combat poverty.

Such a preposterous sophistry can get attention only because of the complete failure of education to prepare the individual for life. Upon this failure is superimposed the driving power of the Communists and Communist sympathizers. If taken seriously, the idea of pay without work certainly would implement the Communist objective of making Capitalism pay for its own funeral.

The idea of pay without work would mean the cruelest kind of misrepresentation by those spearheading it—propagation of the belief that such a thing might be possible. In other words, encouraging millions to expect the impossible and to think they might have a right to anything of the kind.

In figures, it appears that from $105 billion to $150 billion a year would be taken from the 75 million producers of the country in addition to the $300 billion they are now coughing up for government. This would be paid in cash to 30 million nonproducers for not working, and it would be done as a matter of right.

But experience shows that this would be merely the beginning. Look at the precipitate rise in government expenditures. Look at Social Security. Look at welfare. The record shows no case in all history where once the politicos got control of the currency, they failed to debauch it. Lenin and Stalin knew this, too.

The management of this colossal delusion of pay for not working would be committed to government, in total disregard of the overall record of history, showing the incompetence of government management in large-scale economic and fiscal affairs. Also, it would be in disregard of the record of the past 35 years which clearly indicates the incompetence of government management. In other words, government cannot be capable, honest, or constitutional in the hands of those now running the country.

Then there would have to be disregard of the fact that the financial position of government today has been so undermined as to suggest quicksand and near total loss of credit. One measure of this is the destruction of three-fourths of the purchasing power of the dollar in 35 years, since 1933. The dollar is now worth less than 25 percent of its value at that time. Where would the money come from?

Disregard would be necessary, also, of the effect of reducing further the incentive to producers to work. Who would do the work?

However, if all these factors were to be ignored—and we don't think they will be—there is very little prospect that such a totally crazy idea will receive serious consideration, because the Welfare Bubble will burst long before that point is reached. Our ridiculous monetary situation has absorbed so many crazy ideas that it is fast approaching the point of a super nuclear detonation in the area of economics and mathematics.

The politicians in France followed a course similar to what we have been following since 1933. In 44 years, from 1914, they wiped out 99.6 percent of the value of the franc. In other words, when the insanity finally stopped, the franc was worth only four tenths of one percent of its value in 1914.

Finally, and in view of what we have said, we think you won't have to worry much about this scheme of legal plunder in false whiskers if you expose it for what it is.

[From the Washington Star, Apr. 24, 1970]

Quandary for Mothers—Pay Increase Hurts

(By Betty James and Jack Kneece)

A growing number of District mothers whose children have been in day-care programs are leaving good jobs and reapplying for welfare because of an out-of-date salary formula in the District's working mothers program, a Senate panel has been warned.

After hearing this yesterday, Sen. William Proxmire, D-Wis., called for liberalizing the law governing day-care grants for working mothers.

Witnesses said many mothers receiving a small subsidy that allows them to place their children in day-care centers often resign their jobs and reapply for welfare when they receive a small raise making them ineligible for day-care benefits.

Mrs. Charles Runyon, chairman of the District's Public Welfare Advisory Committee, cited several examples she said are typical of mothers being forced to drop out of the day-

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care program, becoming candidates for welfare roles again.

"These people are not on public assistance and they don't want to be," said Mrs. Runyon.

"Almost half of all the children now in welfare's day-care program," she told the District Appropriations subcommittee, headed by Proxmire, "have mothers or fathers who are working.

"They are single persons, heads of households earning less than $6,000 annually. The department shares in their day-care costs according to a fixed schedule.

"A parent may have to pay anywhere from 50 cents per week to $2.50 per week per child," she said, according to a formula.

She said the cost of living has increased 14.3 percent since the formula for the day-care subsidy was devised.

The formula is in such serious disproportion to the cost of living, said Mrs. Runyon, that an average of 30 mothers per month are leaving the day-care program.

Among the several examples cited by Mrs. Runyon was the case of the working mother who paid $8.50 per week for her three children, then $18.50 after one raise and finally she was forced to pay $30 weekly when another raise priced her out of eligibility, negating the effect of her raise.

Mrs. Runyon's 26-member group is seeking $291,000 to allow an increase in the cutoff level from $6,000 to $7,000 annually, among other changes.

She said there now are 1,225 children in the District whose mothers work while they are in day-care centers or licensed private homes in the day-care program. About half the mothers work and the other half receive funds under the Aid to Families with Dependent Children (AFDC). Those who aren't working are training in the District's Work Incentive Program, known as WIN.

She said more than 400 mothers are expected to complete WIN training by Jan. 1, and thus be dropped from welfare rolls.

In addition to changing the cutoff point, Mrs. Runyon's committee, which is composed of representatives from each District social service agency, recommended that Proxmire's subcommittee:

—Allow the department to pay a higher share of the day-care costs.

—Provide for a differential to nonwelfare families as a built-in work incentive.

—Raise rates paid to day-care "mothers" who now receive $15 per week per child in their care.

"This is so logical and sensible," said Proxmire. "I hope we will be able to find out how we can . . . get more action promptly."

[From the CONGRESSIONAL RECORD, Feb. 6, 1969]

SALARY RAISES—A VICTORY FOR WHOM?

Mr RARICK. Mr. Speaker, now that the Rules Committee has tabled any possibility of bringing the Federal salary increase to the floor for approval or disapproval by the full membership, we hear the rumor—"This is a victory." Apparently the pay raise is now automatic on February 14, 1969, and there can be no vote—no chance to show our constituents opposition to this increase of 41 percent on our own salary.

"A victory for whom?" may haunt us. For we, the recipients of a salary increase, were not even permitted an opportunity to express by record vote the wishes of our people.

A strange victory when we consider that the action of a few must have assumed the attitude that the full membership could not be entrusted with our own decision as to whether or not we approve of this increase. The inference is that gag action was necessary to keep the bill from the membership because—had the pay bill been discharged the Members would have voted to kill it.

Will we benefit by a pay raise, when we can anticipate the increase will be immediately offset by additional inflationary increases in other areas of the economy. Can we not expect that the private and public sector will immediately follow suit—and justify their increases on our leadership?

Labor will demand appropriate increases, the farmers will feel justified in seeking higher prices or larger supports—business executives will feel free to upgrade their salaries to induce capable men into the ranks of free enterprise. Caution against inflation has been scattered to the winds. In short, the entire producing economy of our country will overnight be dissatisfied. We have but opened a Pandora's box to a renewal of revolutionary inflation.

Many among the citizenry already feel themselves aggrieved—our retired citizens, pensioners, salaried people, and welfare recipients can be expected to see in our indiscretion the need for reaction so they, too, can offset the spiraling losses in the purchasing price of our dollar.

And what of our young men in the military forces? In Vietnam under combat conditions a private receives $186.40 per month, a captain receives $621.80 per month. These are men who face death at any moment Can we refuse to grant them a 41-percent military pay raise?

Salaries and costs have already all but priced us out of competition on the world market. Where will there be victory on the world exchange from such action?

Consider also the precedent now established—that is, that a committee can circumvent the wishes of the full membership of the House. Can we distinguish such action from taxation without representation?

Can we allay, as unfounded, the growing uneasiness of our people that a committee may be established to raise taxes without any vote or the opportunity of the constituents to express disapproval. Government which denies its people a voice is not representative government. Rather, it is called government by committees—soviets.

The pay raise may be considered a victory by some, but I fear it will be a short-lived victory which can only usher in further chaos and disorder among our concerned people.

WE MUST SUSTAIN THEM

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. KLEPPE. Mr. Speaker, I wonder how many of us can completely visualize the living conditions in a North Vietnamese prisoner-of-war camp—the solitary confinement, the mental anguish, lack of medical attention, inadequate diet, the public spectacle and humiliation as American prisoners of war are paraded through North Vietnamese villages.

I wonder how many of us would find it possible to maintain our sense of reason. I wonder how many of us would feel like giving up, after 5 years under conditions that are virtually indescribable.

More than 1,450 soldiers, sailors, marines, and airmen are either prisoners of Hanoi or are missing in action. At least 430 are known to be prisoners. More than 2,600 next of kin in all 50 States are enduring a tragic state of anxiety for their loved ones.

All of us received in our offices last year a picture of a handsome little boy, 2½ years old. He has never seen his daddy, who was shot down over North Vietnam. He does not know if his daddy is a prisoner of war or if he was killed in action. His mother does not know. His grandparents do not know.

The picture of this little boy touched my heart as I realized that we Members of Congress had had an opportunity to see something this little boy's daddy had never seen—the face of his son.

I am sure all of us have received anguished letters from parents and loved ones pleading with us, as Members of Congress, to do something—anything. I felt helpless as I wrote them telling them the House and Senate had passed resolutions calling upon North Vietnam to comply with the Geneva Convention which provides for the humane treatment of prisoners of war. I felt helpless as I did this, because Hanoi, one of the 123 signatory nations, has repeatedly refused to comply with the humanitarian objectives of the Geneva Convention.

Mr. Speaker, when this body passed the above resolution, and the Senate passed an identical resolution, while it did not move Hanoi from its apparently inflexible position, it emphasized again, for all the world to see, that it is not the United States but the Government of North Vietnam which has been inhuman.

We must find a way to convince Hanoi that the United States of America will not stand by any longer and tolerate this inhumane treatment. The incredible torture being perpetrated on American servicemen should be enough to bring the wrath of the entire civilized world down on Hanoi.

Words alone avail nothing. We must act. Hanoi has capitalized on the division of American public opinion on this war, stalling and delaying peace talks in the hope of winning at the peace table what she has failed to take by military action. It is clearly manifest that Hanoi is responsive to public opinion. Let us take advantage—let us take the initiative—and embark upon a massive letter-writing campaign to the Hanoi delegation in Paris, expressing our dissatisfaction and urgent concern in this matter.

Mr. Speaker, this Nation of ours is more than 200 million strong. We must let the North Vietnamese know—and the entire world—that we are as one voice demanding humane treatment of our American servicemen captured in battle.

I sincerely hope that my colleagues will find it possible to pay tribute to these brave Americans on May 1, "An Appeal for International Justice Day," at Constitution Hall. I hope Constitution Hall will be filled and overflowing with Americans from all walks of life—Americans concerned about other Americans who have made a greater sacrifice than any of us can imagine.

We summoned these fine young men to battle, they responded willingly and marched bravely to the conflict prepared to lay down their lives for this Nation—for you and me. If a merciful God has spared them, we must sustain them. We can do no other.

UTAH RETAIL GROCERS ASSOCIATION FLAG PROJECT

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. LLOYD. Mr. Speaker, if there is a frontline American it is the retail grocer, particularly the independent retail grocer who daily communicates personally with a large cross section of America. I had the honor of representing the retail grocers of Utah during a large part of my life and know of their dedication to American ideals of work, thrift, obedience to God and country. A former President once stated:

> Ask not what your country can do for you, but what you can do for your country.

I know of no business or profession whose members more appropriately fullfill that injunction than America's retail grocers.

The Utah Retail Grocers Association, representing free-thinking businessmen in every city and town and at virtually every commercial crossroads of our State is now engaged in an activity to offer 25,000 American flags to Utah's citizens. Virtually all citizens go regularly to their food markets and grocery stores. These frontline Americans of my State have adopted this project because they love and respect their citizenship and because they are in a strategic position for performing this public patriotic service. Officers of the association include Harold H. Smith, Heber City; President J. W. Williams, of Morgan; Ralph Miller, Jr., of Moab; Waldo L. Macey, of Salt Lake; H. Dee Hutzley, Ogden; and H. Vern Brazell, executive director, Salt Lake City. A report of their activity is contained in the following news release:

UTAH FOOD STORES OFFER FLAG OPPORTUNITY

Ten thousand American flags, the first part of a 25,000 shipment, arrived in Salt Lake City this week aboard a special IML Flag Express from Valley Forge, Pa., to support the Utah Retail Grocers Association Flag Waving Program.

The flags will be distributed to food stores in the state, according to Harold H. Smith, Heber City, president of the association. They will go on sale May 13. He said, "Our goal is to make American flags available at the neighborhood level. Many people who would like to have a flag and would display the flag to not have one because they find they have to write away or make a special trip someplace to get one. By having them available in the grocery stores flags can be taken home with the groceries. We want to put a flag in every Utah home that wants to have one, wants to give the respect it deserves and wants to display it."

The flags are five by three feet, stitched, color fast cotton and come in a kit complete with pole, rope, mounting bracket, and display instructions. Kits are expected to sell for $3.49. Individual grocers will give special discounts to scout groups, cub packs, explorer posts and other civic or religious organizations that wish to sell flags. Those organizations will sell the flags at $3.49 and keep the discount from the grocer, says Mr. Smith.

In addition to selling flags, the Utah Retail Grocers Association will run an educational campaign about flags, the history of our flag and the proper use of it. Every grocery store is being urged to fly a flag on the front of the building as part of the Flag Waving Campaign.

LOYALTY DAY TO HONOR POW'S AND MIA'S

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mrs. MAY. Mr. Speaker, the President of the United States, by proclamation, has called upon the people of the United States, and upon all patriotic civic and educational organizations to observe Friday, May 1, 1970, as Loyalty Day, with appropriate ceremonies in which all of us may join in a reaffirmation of our loyalty to the United States of America.

The full meaning of ordinary words is often discovered only when we know their origin. The President's proclamation points out that the word "loyal" has its origins in the Latin word for "legal." Ultimately, to be loyal means not only to be faithful to a person or a cause or a nation, but to be lawful as well.

It is particularly fitting, therefore, that Loyalty Day on May 1 will be the day that a special tribute will be paid to Americans who are missing in action or prisoners of war in Southeast Asia. This will be a resounding demonstration of support for these brave Americans and our support of the ideals of justice under law between nations.

As one of six Representatives and six Senators assisting Senator BOB DOLE of Kansas in this special tribute at Constitution Hall this Friday, I urge the participation of all Americans regardless of how they may feel about the conduct of the Vietnam war. By this action we will declare our support for these missing Americans and prisoners of war within the context of Loyalty Day to emphasize our belief in the rule of law which is embodied in the 1949 Geneva Convention on prisoners of war, and which both North Vietnam and the NLF have continued to violate. We hope to turn world attention to the continued violations of the North Vietnamese and the NLF in refusing to provide proper nourishment and humane treatment for all American prisoners of war, their refusal to identify all prisoners, their denial to American prisoners the right to communicate regularly by mail with their families, and their continued detention of the seriously ill and wounded.

Mr. Speaker, the total number of American military men who are classified as prisoners or missing in action is today reported at 1,472. Of these, 1,008 have been prisoners or missing more than 2 years; 493 have been missing more than 3 years; and 171 more than 4 years. Twenty-two have been missing more than 5 years. One prisoner of the Vietcong, an Army sergeant recently observed his 6th year in captivity.

In his report to the Nation on Southeast Asia last week, President Nixon again stated the deep concern of all Americans concerning the American prisoners of war held so cruelly and treated so badly by the North Vietnamese and Vietcong.

This week in Washington, D.C., concerned Americans will have an opportunity to show their concern and to pay tribute to American prisoners of war and those missing in action. I look forward to a very large and meaningful participation in that meeting in the interests of human decency and international justice.

POSTAL REFORM BILL H.R. 17070

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. SCOTT. Mr. Speaker, I have today received a memorandum from Reed Larson, executive vice president of the National Right to Work Committee which is addressed to all members of the House Post Office and Civil Service Committee regarding the postal reform bill, H.R. 17070.

In order that the entire membership will be aware of the position of the National Right to Work Committee on this legislation, I am inserting the memorandum and proposed testimony in the RECORD in its entirety:

NATIONAL RIGHT TO WORK COMMITTEE,
Washington, D.C., April 27, 1970.

MEMORANDUM TO: ALL MEMBERS, HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE

Attached is a copy of our statement on H.R. 17070, hearings on which were summarily concluded after only three days of testimony.

We are sending this to your office for consideration because we were given no opportunity to present it to your Committee. We asked Chairman Dulski on April 16, the day this bill was introduced, for an opportunity to testify. That letter, and a subsequent wire, have not even been acknowledged.

Since the testimony of those critical of this complex and radical 156-page bill was limited to *one day*, we must assume that it is the intention of the promoters of the "postal reform" deal to muzzle critical comment.

H.R. 17070 is the fourth Administration-sponsored version of "postal reform." Significantly, each of the three earlier bills (H.R. 15430, H.R. 11750, and H.R. 4, as amended) was presented in a way which avoided any Committee hearings whatsoever—and this time the critics of the bill get one day!

We respectfully request your careful consideration of the enclosed statement.

REED LARSON.

STATEMENT DELIVERED INDIVIDUALLY TO MEMBERS, HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE, BY REED LARSON, EXECUTIVE VICE PRESIDENT, NATIONAL RIGHT TO WORK COMMITTEE, APRIL 27, 1970

Mr. Chairman, Members of the Committee: My name is Reed Larson. I am the Executive Vice President of the National Right to Work Committee, a single-purpose citizens' organization dedicated to the concept that union membership should be voluntary, not compulsory. We represent a cross-section of workers from all walks of life, including many members of unions both in the private sector and in public employment.

We regret very much the crisis atmosphere under which this very complex legislation is being pressed upon the Congress and the American people. The impression has been widely circulated that, unless Congress quickly rubberstamps this package, precisely as presented by the AFL–CIO and the White House, the Nation will be faced with another illegal postal strike.

It seems clear to us the primary reason for the attempt to railroad this measure through the Congress is that some of its provisions will not stand up under the glare of public inspection. This is unquestionably the case with the provision authorizing compulsory unionism—and it may likewise be true of other Sections of this complicated 156-page proposal.

The *Washington Daily News* summarized this issue cogently when it said editorially on April 17: "Mr. Blount says that this agreement if it goes through Congress would permit unions to negotiate for union shops. Union shops require all employees to join the union, whether they want to or not. This is common in private industry, but is it good public policy? In principle, no. The question for Congress is whether this is too stiff a price to pay for reform of the postal system, desperate as that need is. If the union shop possibility isn't in the package, the whole deal could be defeated by the union lobbies, even though an eight per cent pay raise is at stake. This is a sharp turn-around in public policy, which Congress should examine with extreme care; and on which outpouring of opinion from the public at large would be decidedly in order."

Without question the American people, in overwhelming numbers, oppose this radical turn-around in public policy. But they are about to get it rammed down their throats.

The hasty consideration being pressed by the White House is apparently designed to foreclose any careful examination of the measure, or public awareness of the magnitude of the sell-out of the public employee's freedom which is involved.

Section 222 of this proposal would subject postal employees to coverage of Section 7 of the National Labor Relations Act. Section 7 is the provision which has led to the wide-spread practice of compulsory unionism in private industry. It purports, on the one hand, to guarantee the rights and privileges of employees, while cynically destroying those rights on the other. Section 7 specifies that employees shall have the right to form, join or assist unions and the right to refrain from such activities, but shall be deprived of these rights "to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment."

It is important to recognize, furthermore, the distinction between compulsory unionism in private industry and compulsory unionism in government. Bad as the practice is in private industry, it is abhorrent in government employment. No official in the federal government other than Postmaster General Blount has ever tried to defend it. The right of federal employees to refrain from union activity was reaffirmed by President Kennedy, and strongly defended by his Secretary of Labor Arthur Goldberg, who told a union convention: "I know you will agree with me that the union shop and the closed shop are inappropriate to the federal government. And because of this there is a larger responsibility for enlightenment on the part of a government union. In your own organization you have to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility and your own achievements."

Protection of this right was pledged by the 1968 G.O.P. platform. It was reaffirmed last year by President Nixon, and supported by Secretary of Labor George Shultz. Secretary Shultz as recently as last November said that "a person should not have to be a member of any organization to be able to work for the government."

One of the factors which makes compulsory unionism in government particularly offensive to those who genuinely believe in the civil rights of government employees is the fact that union resources, directly and indirectly, are used in substantial amounts for political purposes. The imposition of compulsory unionism on government employees means that an individual, in order to work for his own government, can be compelled to pay money to a private organization which uses his money for political purposes with which he may disagree.

This legislation amounts to a renewal of the old Spoils System in its most ugly aspects. Political activity on the part of government employee unions, even when membership is voluntary has been severely criticized, but to add the injustice of compulsory union membership makes it an outrage which this Congress will surely reject—if given an opportunity to consider the issue. In this connection, the New York Times commented editorially last November, under the hearing, "Backing The Boss In Politics": "It is true that postal unions and other federal employee organizations have found many ways to circumvent the rules that are supposed to keep them out of direct support for favored candidates. But none of this makes less improper the situation in New York in which unions embracing a third of a million municipal employees provide major financial help to elect or defeat the man who has a decisive voice in determining how much money they will receive from the public purse in higher wages, larger pensions and the other benefits they regularly seek. Whether or not the law condones it, here is a real conflict of interest."

On this point, Supreme Court Justice Hugo Black wrote a few years ago, "There can be no doubt that the federally-sanctioned union shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political, economic and ideological hopes of those whose money has been forced from them under authority of law."

Mr. Kurt Hanslowe, former assistant general counsel of the United Auto Workers, now a professor at Cornell University, put it this way: "The union shop in public employment has the potential of becoming a neat mutual back-scratching mechanism, whereby public employee representatives and politicians each reinforce the other's interest and domain, with the individual employee and the individual citizen left to look on, while his employment conditions and his tax rate and public policies are generally decided by entrenched and mutually-supportive government officials and collective bargaining representatives over whom the public has diminishing control".

Published figures indicate that about 200,000 of the 750,000 postal employees have chosen not to join any union. The freedom of these employees to work for the government without being compelled to join or pay dues to any private organization is, in itself, an issue of major national significance. In addition, those who have chosen to join a union deserve the protection of their right to quit paying dues to any union which they feel is not serving their interests or the interests of the country.

But even more significant is the precedent which will be set by passage of this legislation. As George Meany told this Committee on April 23, "We think this bill is only the beginning. . . . We in the AFL–CIO hope to be back before this Committee in the very near future, urging adoption of a measure that will insure genuine collective bargaining for all aspects of employment for all civilian workers of the federal government." The official publication of Mr. Meany's organization acknowledged the far-reaching consequences which could be expected from Congressional endorsement of an authorization for compulsory unionism. Said the AFL–CIO News: "What's good enough for Uncle Sam ought to be good enough for every state, county, and city."

The Postmaster General, and some of his defenders have tried to portray this bill, negotiated at AFL–CIO headquarters as a compromise. They contend that because some employees in the present 19 Right to Work states may not lose their Rights to Work protection through this bill, it is a case of meeting union officials half-way. Like other information circulated by the Postmaster General about the compulsory union shop authorization, this is inaccurate and deceptive. The fact is that 750,000 postal workers now enjoy protection from compulsory unionism. Even if the Postmaster General's assertion that state Right to Work laws would apply to postal workers is correct—and it is not—this means that some 550,000 postal workers would lose their Right to Work protection. Even for those who are willing to use an employee's freedom of choice as something to be placed on the auction block in political horse-trading, this is, indeed, a shabby compromise.

We believe that this entire package is a sell-out, not only of the postal workers, but of all public employees. It provides what George Meany and other union officials want most—compulsory unionism—in exchange for their support of a so-called postal reform bill. Mr. Meany made it clear when he appeared before this Committee last Thursday that, if he doesn't get his compulsory union shop authorization, he won't support the bill. I don't know how the subject could be put any more clearly.

The entire issue has been summarized succinctly in a letter we received from a long-time postal employee in New York City. His name is Joseph Romeo, Jr. On March 30 he wrote us as follows: "I am personally interested in forced unionization of postal employees because I am a postal employee and I stayed on the job during the recent strike. I was a member of a postal union for eleven years until I quit my membership last year because the union began to favor striking against the government. Sometime ago I wrote my Senators and Representative expressing my opposition to forced unionization of postal employees."

Should Joseph Romeo be fired for refusing to pay dues to a union which promoted an illegal strike? President John F. Kennedy said no! The 1968 GOP Party platform said no! And present Federal policy (Executive Order 11491) says no—it protects the freedom of all postal workers to work whether or not they pay money to a union—but H.R. 17070 proposed by the Administration would change all that. It would strip postal employees of their Right to Work protection.

Mr. Chairman, Members of the Committee, I cannot believe you agree that people like Joseph Romeo should be fired for refusing to pay dues to a union which advocates illegal strikes against the government or any other policy which offends the conscience of the individual employee. That is exactly what will happen if this bill is adopted as written—and neither of the architects of this bill, Postmaster General Blount, or AFL–CIO president George Meany can deny it.

We are greatly heartened that several distinguished members of this Committee have voiced their concern about this provision. We are also heartened by the fact that no member of this Committee has ever indicated that he believes postal workers should be deprived of their right not to join a union. At least two members of the Committee, one Democrat and one Republican, have publicly announced their intention to submit an amendment which will retain for postal workers the freedom of choice which they presently enjoy under federal policy. Congressman Henderson released a statement on April 22 announcing the language of the amendment which he will offer. We strongly endorse that proposal. We also endorse a similar proposal which Congressman William Scott of Virginia has indicated that he will offer.

Gentlemen of the Committee, we would like to close with a final plea that each of you take your stand with the individual

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postal worker, defending his interests rather than the special interests of Mr. Meany and other union officials who wish to compel membership in a union as a condition of employment.

Unless it is amended to preserve the freedom of choice which postal employees presently enjoy, we urge that H.R. 17070 be rejected by this Committee.

COLLEGE FACULTIES FED UP WITH CAMPUS MILITANTS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. HUNT. Mr. Speaker, an editorial appeared in the April 26 issue of the Philadelphia Inquirer to which I can only add my "Amen." It discusses a recently released survey conducted by the Carnegie Commission on Higher Education which, contrary to popular belief, indicates that the overwhelming majority of college faculty members are fed up with campus militants and favor effective measures to maintain order.

I urge your attention to the message contained in the editorial, the full text of which follows:

DISENCHANTED PROFESSORS

With the belated arrival of spring weather, when college students traditionally take to the out-of-doors with a mixture of exuberance and mischievousness, a number of campuses around the country have been hit by outbreaks of violence.

There is especially timely interest, therefore, in the results of a survey just released by the Carnegie Commission on Higher Education—presenting the views of more than 60,000 college and university faculty members on campus disorder and related subjects.

It will be recalled that, when campus violence erupted on a large scale several years ago, faculty members frequently gave the disorderly students vocal and even active support.

The faculty members in this category may always have been only a small minority of the total but their militancy gave many people the impression, rightly or wrongly, that professors and instructors were predominantly sympathetic to student uprisings.

Whatever may have been the case at one time, the Carnegie survey indicates that the overwhelming majority of college faculty members are fed up with campus militants and favor effective measures to maintain order.

The survey, taken during the 1968–69 academic year, reveals that more than 80 percent of the faculty members responding to the question believe that "campus demonstrations by militant students are a threat to academic freedom."

More than 76 percent feel, "either strongly or with reservations," that "students who disrupt the functioning of a college should be expelled or suspended."

A majority of the faculty members expressed opposition to lowering admission standards for students from minority groups and to abolishing grades and making all courses elective.

None of this is to be construed as a lack of awareness on the part of college faculty members relative to the need for change. Most of them went on record in favor of improvements in curricula and were critical of policies that "reward conformity and crush student creativity."

It well may be concluded from the survey results that large numbers of college professors have grown a bit weary of smashed windows, occupied buildings, marching mobs throwing rocks, shouting obscenities, and the various other unpleasantries to which they have been subjected.

"IF I WERE 21 TODAY" IS SUBJECT OF KEELER ADDRESS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. EDMONDSON. Mr. Speaker, one of the most respected and thoughtful business and civic leaders of the Nation is the distinguished principal chief of the Cherokee Tribe in Oklahoma, W. W. Keeler of Bartlesville, who is better known in the business community as the chairman and chief executive officer of the Phillips Petroleum Co. and chairman of the National Association of Manufacturers.

On April 20, in Detroit, Mich., Mr. Keeler spoke before the Economic Club of Detroit on the intriguing subject "If I Were 21 Today."

The speech was not only an eloquent affirmation of faith in the 21-year-old of today, but a commanding challenge to the business community of the Nation.

I believe it is one of the finest speeches I have read in a long time, and I offer it for the RECORD in the hope that many Members of the House will share my view regarding it.

The text of the speech follows:

IF I WERE 21 TODAY

(Address by W. W. Keeler)

It was just 207 years ago today that an Indian last made a speech in Detroit—or so I've been told. His name was Pontiac. What he said that day brought on a five-month siege of your city and a frontier war which lasted for two and a half years. I am pleased that the people of Detroit have finally agreed to let bygones be bygones. While I intend to address myself today to the concerns of young people, let me assure you that it isn't with the intent of putting them on the warpath. My purpose today is simply to discuss what I would do if I were 21 today.

Recently a Michigan educator put this provocative thought before members of his graduating class: "Half of everything I have taught you for the last four years is wrong. The problem is that I don't know which half is which." We all have this problem of sifting out the facts and trying to make valid judgments based on what we think is right.

Surely, in today's complex world the 21-year-old faces a staggering task in sorting out truth from fancy as he begins to focus on possible lifetime pursuits. Yet it is terribly important that the 21-year-old masters this task. The young men and women now in their early twenties will someday hold the future of this land; they are to be the inheritors of our system. So we need to consider our complex world from *their* point of view. To the degree we can understand these young people, we may be able to leave them something of value on which to build the better world.

You and I see today's young people as the most singularly blessed of all generations; the best informed and educated, the most affluent, the healthiest, the most dedicated. We must also see them as so many of them see themselves—as the most challenged group of young people in history. Our older generation should try to help these gifted younger men and women meet these challenges by encouraging and somehow guiding their enthusiasm and abilities.

We need to help them see that our world is not only one beset with problems, but also a world bursting with opportunities. Opportunities, both to solve these problems and to adventure boldly into the future. We can help them, because any of us who try to imagine ourselves as 21 year-olds, do so from a perspective of experience and observation not possible to today's generation.

If I were 21 today, my greatest concern would be over what is broadly labled "the quality of life." This covers everything from the air we breathe to the nature of the people who breathe it. It embraces the crisis in our cities; the growth of dissent among people of all ages, but particularly among the younger generation; the issue of war and peace; hunger in the world; and the lack of trust between individuals, groups and nations.

If I were 21, I suspect I would be impatient with The System for being so tardy in supplying solutions to these critical concerns. I think, too, I would be resentful of the amount of attention my elders are paying to the comparatively few young people who have "copped-out" on the world and are substituting withdrawal, rhetoric, rebellion and drugs for creative problem-solving and hard-won achievement.

Given an overriding concern with the quality of life and a strong commitment to change it for the better, where would a 21-year-old find his best chance for translating his concern and commitment into achievement? Obviously there are many callings and each young person must find the one best suited to his talents, education, and goals. I think Bill Keeler, if he were 21 again, and wanted to bring about constructive changes, would consider possibilities in four vocational areas—government, social service, education, and business.

Let's look at the possibilities in government. As a 21-year-old, I would have been amply exposed to the philosophy that government, with its political power, can "do it all" in changing, re-shaping and bettering the lot of mankind. But I would wonder just what major problems government has solved in the past, and which problems it seems likely to conquer in the future. I might see government, and those who serve in it, as catalysts of change; shapers of priorities; *but not really as problem-solvers*. And if I were 21 today, I would want to be where the action is—where the answers can be found to problems that are developing.

As for social service, certainly the young man or woman who has the desire, talent and training for working with people faced with the difficult conditions created by many of the problems of our society, will find a rewarding career in this profession. But, as significant as his role is, the social service worker seldom gets the opportunity to grapple with the causes of despair, only with the consequences. The man who gets at the causes is the one who solves the problems. And, if I were 21 today, I would want to be a problem-solver.

How about the possibilities in education? If I were 21, and were inclined by interest and ability to shaping men's minds, I am sure I would want to teach. There can be no denying the importance of educating others for the quality of our life may very well hinge on how well those who teach our children do their job. But, if I were 21 today, I am sure I would be happiest and most productive as a shaper of action rather than minds—again, a problem-solver. And so, in my search to find where the action is I would finally ask myself: "*What about business?*"

I would learn that only a small percentage of my classmates are headed for careers in business. But I would also discover that a large percentage of those in the leadership, problem-solving roles in our society have a business background. I would learn that industry stands accused as the Great Polluter of our world, but I would hope that men like you would refute this accusation and demonstrate to me that only the genius of private industry can solve the problem. I would learn that many of today's consumers are disenchanted with some of the products and services of American industry, but I would hope that men like you would tell me that the products of industry are making man's life longer, happier, and more useful. I would learn that industry has been charged with exploiting the working man, but I would hope that men like you would document for me industry's long and successful efforts to bring the host of benefits of our system to all working people.

And so, if I were 21 again and had this knowledge to face the future with hope instead of frustration; if I were really serious about coming to grips with today's great problems, even at the risk of creating some new ones, I would cast my lot with American business and industry. This is the force in our society which has proved its creativity in solving problems. I would choose business now, as I did 40 years ago, because I am certain I would find in it the very best opportunities to deal effectively with the issues affecting the quality of life.

War and peace would be an issue deeply troubling me as a 21-year-old intensely concerned about the quality of life. I hope I would encounter business leaders who are encouraging people to work together regardless of national boundaries, and who are working themselves to ease international tensions especially through their contacts with people in other lands as a by-product of trade transactions.

The idea that economic power, used constructively, can be a deterrent to the use of raw military power would have a deep appeal and I hope you would be demonstrating this to me. I am sure I would find it significant that American business influence is on the rise around the world at a time when American political and military impact appear on the wane. I, and many other 21-year-olds, would want to participate in the transfusion of American technology, American resources, and business know-how into other lands—an important step in insuring world peace by increasing the standard of living of people around the globe.

World hunger would be another aspect to the quality of life that would particularly trouble me as a 21-year-old. I would know that my country possesses the technology and experience to help solve this problem. I would want to hear more from business leaders about exciting new solutions, such as the establishment of a worldwide extension service. Modeled along the lines of our Farm Bureaus, this service would carry improved methods to the farmers of the world, particularly those in emerging nations in language they could understand. Concerned 21-year-old youths could put their hearts and energies into an effort such as this.

Environment would be an aspect of the quality of life of immediate concern to me as a 21-year-old. I would no doubt be taking part in this week's environmental teach-ins being held at campuses across the country. I would be angered that environmental pollution and related problems have been permitted to reach such magnitude. I would be frustrated at the apparent lack of action to correct them. I would find it significant that recent public opinion studies reveal that Americans believe that pollution is one of the most crucial—if not *the* most crucial—problems facing the nation.

I would look to business to challenge me in the search for creative ways to solve pollution problems. I think I would be intrigued, if I were an engineer for instance, at the prospect of joining one of Detroit's great automobile companies in the development of new engines and new devices to solve the problem of pollution from exhaust discharges; I might be challenged by the efforts of one of the great energy companies to develop fuels to power the pollution-free engines of the future.

I would be excited by the regional approach to the problem of water resources, such as the Ohio River Valley project. For more than 22 years, this project has been quietly benefiting eleven and a half million persons in the Ohio River Valley. I would be impressed by the fact that the Authority which operates this system was created and is funded largely through business leadership.

I would also be impressed at the good-citizen role being played by a New Jersey chemical company, which makes its water treatment facilities available to the surrounding community. I would be intrigued by a container manufacturer's experiments with roadways paved with ground waste-glass as a means of utilizing solid wastes.

Deterioration of our urban centers would also distress me as a 21-year-old. I would be cynical because politicians seem able to offer only modifications of discredited programs, thus producing only further frustration among the people. On the other hand, I would be encouraged by companies that have assumed leadership roles in solving urban problems. For example, Detroit Edison is drawing upon the imaginative contributions of great urban planners such as Constantinos Doxiadis. Pioneering accomplishments are being achieved in low-cost housing by such business leaders as Eli Goldston in Boston and John Humphrey in Cincinnati.

If I were 21 today, I believe I would join forces with forward-looking business leaders who are determined to restore our great cities. Whether I were an engineer, architect, city planner, sociologist, training specialist or banker, I would be eager to help business solve such knotty problems as urban renewal, traffic control, mass transit and providing risk capital for new businesses.

The plight of our minorities would concern me if I were 21. I would be troubled that they have been neglected for so long. Being part of a long neglected minority group myself, I would have a special understanding of the resentment against a society which for too long has said to its minorities: "You aren't a part of us." But I would realize that business and industry can be the most effective force in bringing a segmented society together.

Nowhere would I see this leadership being more effectively exercised than here in Detroit where men like Henry Ford, Jim Roche, Lynn Townsend, and NAM's former chairman, Guy Peppiatt, have sparked a drive to provide training and jobs for what used to be called the "hard-core" unemployed. It is significant that two of the three men to head the National Alliance of Businessmen have come from your city. Any 21-year-old should have confidence that the automobile industry, which has done so much to help minority groups through emplyoment, will continue this important task. The dignity of work is priceless, to a man, and business may be justly proud of the role it has played in recent years in providing this dignity to so many of our nearly forgotten citizens.

Of course, there are other problems related to the quality of life which business may play a dynamic role in helping solve in the years ahead. But just the few I have discussed illustrate the opportunities business offers to young people who care seriously about the quality of life and want a really active role in improving it.

But despite opportunities for action, if I were 21 today I would be helpless in one regard. I would have little or no immediate influence on the key factors which determine the success or failure of our business system. Only you have that power. Therefore, if I were 21, I would leave you responsible leaders with one earnest admonition. And that is, "Don't blow it, Dad." Don't blow our free enterprise system before I get a chance to participate in it.

As a 21-year-old, I would realize that despite my eagerness and self-confidence, the world of business won't be turned over to me today. And so, as I begin to climb the ladder of achieving a better quality of life for people in our land, I need the assurance that the steps won't be pulled out from under me.

So if I were 21, I would urge you gentlemen to keep our system sturdy and sound. To do this requires first maintaining a stable national economy. Business cannot survive long in a climate of runaway inflation—nor can it remain healthy in a climate of "no-growth." The balance is delicate and the decisions businessmen sometimes have to make regarding wages, prices, investments and other such factors may not always win public plaudits. But these hard decisions must be made—and wisely—if the generation of 21-year-olds is to inherit a viable system.

I would urge you also to continue the "good works" which embrace all the aspects of what is termed the "social responsibility of business." It's this responsibility that attracts dedicated youth to the business world. Nothing turns them off faster than your turning away from living up to this responsibility. I suspect we are moving into an age in which the willingness to live up to our social responsibility may become a part of the public franchise to do business. This may be voluntary—in which case our system of free enterprise survives; or by edict—in which case the system fails. If you are going to win and hold today's 21-year-old, and also keep our system free, then the choice for you is clear.

If I were 21 I would urge you to meet the demands of the marketplace head on. You are part of a system in which the competitive market ultimately judges the worth of your efforts. This competitive market is the very sinew of our national economy. Today, that market is demanding better and safer products, finer service, and more reliable warranties. You should be running hard in the competitive race to best meet these demands. And you must meet these demands on your own before government forces you to do so. Your customer will be far better served by the constructive results of your own initiative, than by the restrictive results of Federal regulation. History shows that such regulation may lead to complete state control. If I were 21, I would hold that the worst legacy that could be left me would be a state-controlled economy—a legacy left by an industrial management that failed to provide the leadership and the foresight to come to grips with change.

Furthermore, if I were 21 and wanting to inherit a viable business system, I would also urge you to maintain stable, effective labor-management relationships. I would think it important to retain the workability of the collective bargaining process if I am to be an effective achiever through business. Turning unresolved disputes over to third parties for arbitrary settlement will, in the long run benefit neither you nor your employees. Worse yet, it will relinquish my birthright—and your obligation—to the management of corporate affairs.

Finally, if I were 21 I would urge you to make room for me and my generation in the exciting and challenging world of business. When young people come to work for you, give them something to do which is meaningful. Let the 21-year-old have his fair crack at applying his ambition and dedication to building a better world. If you don't give him this chance, you will most

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surely lose him to some competitor, or another segment of society which does offer him the kind of action that will fulfill his ambition.

If I were 21, I would have faith that you would not let me down. That is why, if I were 21 again, I would cast my lot with you. And in doing so, I would face the future with optimism. An optimism built on faith in a system which has met and solved every problem which it has confronted. I would be eager to tackle my opportunities as a problem solver in this system.

There are no such problems, and thus no such opportunities, on the moon. Neither does any life exist there.

SUPPORT OUR SPACE SCIENCE AND TECHNOLOGY

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. FREY. Mr. Speaker, on Saturday, April 25, Red China placed its first satellite in orbit about the earth. The announced weight of the satellite—380 pounds—is clearly compatible with a launch vehicle that could also serve as the booster for an intercontinental ballistic missile.

On the same day, Soviet Russia made a new stride forward in space capability by launching eight satellites with one rocket vehicle. Meanwhile, the Soviets are continuing their work toward a manned space station, as indicated by their current series of Soyuz flights.

These events illustrate once more that the international competition is keen for the technological leadership signified by space achievement. While we steadily reduce our investment in science and technology, others continue to move forward.

All Americans were proud last summer when our astronauts achieved man's first landing on another celestial body, the moon, and returned safely to earth. We were proud again this month when the Apollo 13 crew—with outstanding support from the worldwide ground support team—returned safely after encountering an emergency that had crippled their spacecraft as they neared the moon.

But so far as investment in future progress is concerned, we may be acting like the fabled hare who took a nap and let the tortoise win the race. The space budget in fiscal year 1971 will decline for the fifth straight year, even if the other body should agree to the modest authorization approved by the House on April 23. And there were those in this House who would have eliminated the entire future from the space program.

If we do not support the future, we invite a repetition of the challenge of the late 1950s and early 1960s, when the Soviet Sputniks and cosmonauts alarmed the world and threatened the success of our efforts to achieve peace. If we fall behind once more we may have to exert extraordinary efforts and excessive funds to catch up.

Would it not be wiser to provide steady support for our space science and technology, and avoid another Sputnik crisis?

PETER WESTOVER'S HOPES FOR AMERICA'S FUTURE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. FRIEDEL. Mr. Speaker, in these days, when young men seem more interested in criticizing our Nation rather than praising it, more interested in discarding our fine traditions rather than honoring and maintaining them, it is particularly encouraging to me to know there are still young people who do believe in patriotism and in upholding their country's traditions.

It is an honor to announce that one such a young man, a Vietnam-based soldier and a constituent of mine, Sp4c. Peter Westover II, of Relay, Md., has won the highest award in the 1969 Freedom Foundation Letter Awards program.

Specialist Westover, a 101st Airborne Division soldier, received the first prize Defender of Freedom Award in ceremonies at the Freedom Foundation headquarters at Valley Forge, Pa., in February. The award consists of an encased George Washington Honor Medal and $1,000 cash.

The full text of Mr. Westover's letter follows:

MY HOPES FOR AMERICA'S FUTURE

(By Sp4c. Peter Westover II, U.S. Army)

SIRS: Let's be honest: the greatest hope for any citizen army is peace; we want to go home.

But since it seems unlikely we shall have any reasonable peace without victory, then peace can wait and we can wait. Because when we go home, we're going home with our peace; a real peace, to go home to. Citizen soldiers we might be. But Americans and soldiers, by God we are.

A great deal more than that there is not. One tends to think there is so much to hope for until one stops to think about it and realizes how much we have to be thankful for and how little we've got to hope to change.

Peace, yes. But perhaps the greatest hope should be this: that we have the good sense to maintain our traditions:

Patriotism: that we have the love of our country to put its good before all things.

Unselfishness: that we have the love of our fellow Americans to put their good on par with our own.

Judgment: that we judge our fellow Americans fairly and do not forget to weigh our own value; that we judge by intent as well as ability, by effort but not necessarily result.

Honesty: that we are fair with our country and fair with our fellow Americans.

Courage: that we have the courage to speak out and the greater courage to act at whatever personal cost when something is wrong; that we also have the courage to accept what is right for our country even when we do not personally like it.

Common Sense: that we continue to govern ourselves, to improve, to progress, in the manner of the Constitution. It has served us some two centuries now, without failure. And if history never teaches us anything else, it should teach us to stick to that path.

Plainness: that we speak openly and plainly in all our dealings and act upon them in the same manner.

Steadfastness: that when right, we never retreat, however hard the course; conversely, that when wrong, we act as strongly to correct ourselves.

God-fearing: that we do our best by country and fellowman and in so doing, our best by the God that made us.

These are great traditions. They have been with us since even before Lexington and Concord. They have made America all it is. And, maintained, they will maintain her.

Peace, yes. And that one hope: that we have the good sense to maintain our traditions. With them, fortunes may rise and fall, dissent and disorder come and go, but our country will stay the greatest nation on earth . . . and the greatest home.

Yes, we have some changes to make. Not just America. But us. And, yes, it can be a better America. But without our traditions intact and adhered to, there is no "can be" about it. It's a "will be."

RESOLUTION SUPPORTS BYELORUSSIAN FREEDOM

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. ROONEY of New York. Mr. Speaker, in New York recently a group of devoted men and women met to once again publicly denounce the Soviet occupation of their homeland, Byelorussia. In these particularly troubled times we sometimes overlook the struggle of those people who were among the first victims of Soviet aggression. Theirs has been a long fight, almost five decades, yet it is one from which these people, who are dedicated to once again seeing their country free, have never wavered. They deserve our encouragement, praise, and prayers.

Mr. Speaker, at the New York meeting in the Biltmore Hotel a resolution was unanimously adopted by the delegates marking the commemoration of the 52d anniversary of the Declaration of Byelorussian Independence. Under the permission heretofore unanimously granted me I include it at this point:

RESOLUTION UNANIMOUSLY ADOPTED BY THE RALLY COMMEMORATING THE 52ND ANNIVERSARY OF THE PROCLAMATION OF BYELORUSSIAN INDEPENDENCE HELD AT THE BILTMORE HOTEL IN NEW YORK CITY ON MARCH 22, 1970

Byelorussians living in the United States and Americans of Byelorussian descent fully realize the important role and immense responsibility which they share in the struggle for promoting and maintaining the human, the social, and the national rights of the Byelorussian nation. While enjoying the civil rights guaranteed all citizens of the U.S.A., Byelorussian-Americans have made use of underlying American democratic principles to direct the attention of American society and the Government to the facts concerning the economic exploitation of Byelorussia by the central Soviet authorities as well as the systematic attempts to stifle Byelorussian national culture.

The Byelorussian people, cut off from the outside world by the barbed wires of the Soviet-Russian empire and the Communist propaganda curtain, are today deprived of their rights to be masters of their own land and lives. The key positions in Byelorussia are occupied by Moscow's stooges, party bureaucrats whose main objectives are to siphon from Byelorussia her economic wealth and by means of Russification to thwart the development of Byelorussian national culture. Imperialistic Moscow, in order to better camouflage her policy of exploitation, keeps secret from the Byelorussian people and the outside world the main indicators that reflect the real nature of Soviet Byelorussia's statehood, economy, and culture. An array of unanswered questions constantly persists.

What percentage, for example, of administrative and party positions in the Byelorussian Soviet Socialist Republic (BSSR) are occupied by Russians? Will the Soviet 1970 census indicate an answer to such a question? Probably not!

What is the balance of industrial and agricultural export versus import in the Byelorussian Republic? Have the Muscovite colonizers ever answered this question? Never!

How many books and periodicals are currently being disseminated in the BSSR in Byelorussian versus Russian? Has anyone ever received an answer to this question? No one, not ever!

How many schools in the BSSR are teaching in the Byelorussian language and how many in the Russian language? Why has the Education Ministry of the Republic shamefacedly kept mute on this score?

In spite, however, of intensive Soviet propaganda by which the Soviet Communist Party attempts to cover the gloomy reality that exists today in captive Byelorussia, the effects on Byelorussia of the economic and cultural oppression of her people are widely known to the outside world. And national resistance in Byelorussia is on the rise: there have been requests from Mieńsk (Minsk) for greater rights for the Republic's administration; requests for an increased usage of the Byelorussian language in official life of the BSSR; drives for an increased number of national theaters, museums, books and periodicals; repeated attempts by Byelorussian intellectuals to wrest from party falsifiers the treasures of their national past. That all this has been known in Western countries, is the result of the unrelenting efforts of the Byelorussian political emigres.

To paralyze these efforts toward exposure of the Soviet regime in Byelorussia, the Government of the BSSR has been conducting among Byelorussian emigres subversive activities channeling them both through the newspaper *Voice of the Homeland* and through broadcasts of the short-wave radio station *Soviet Byelorussia.*

In order to render harmless the influence upon the Byelorussian people of news on the political activities of Byelorussian emigration, the State Security Committee of the BSSR, moreover, has increased its public attacks on Byelorussian national organizations abroad. Perhaps, the most recent proof of this are the publications of a book, *In the Light of Undeniable Facts,* by Academician Lauren Abetsedarski and a so-called "novel-lampoon" of Ilia Hurski, "Foreign Bread" published in the literary magazine *Polymia.* Yet, neither the falsifier of history, Abetsedarski, nor the graphomaniac Hurski have been able to divert the attention of the Byelorussian people from the plight of their economic and cultural deprivations. Such evil is readily understood and that is why at a recent conference in Mieńsk in January 1970 Pilatovich, the Secretary for Ideological Matters of the Central Committee of the Communist Party of Byelorussia, warned his watchdogs that currently "one of the most common dangers lies in revival of nationalism."

We convene today as participants of the 52nd Anniversary of the proclamation of the Byelorussian Democratic Republic and solemnly decide and support the following declaration:

Byelorussians everywhere—whether living in Byelorussia, or dispersed across the expanses of the Russian empire, or settled in the countries of the Free World—have never in the past nor will ever in the future become reconciled with the oppressive Communist-Russian regime in Byelorussia. With all our might and all our means we shall continue the struggle against the enslavement of the Byelorussian nation. We shall forever strive for the restoration of genuine national sovereignty and integrity as well as for the realization of freedoms set forth by the historic Charters of the Council (Rada) of the Byelorussian Democratic Republic and by the Declaration of Human Rights of the United Nations.

Long live the Byelorussian Democratic Republic!

Long live a fighting Byelorussia!

A RESOLUTION URGING HUMANE TREATMENT FOR ALL FELLOW PRISONERS OF WAR

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. SANDMAN. Mr. Speaker, on Saturday, April 23, I had the honor of attending the 25th annual reunion along with fellow prisoners of war interned in Stalag Luft Three in Germany during World War II. Representative BURT L. TALCOTT, of California, also a prisoner at the camp, and I, introduced a resolution in support and urging humane treatment of our prisoners of war in Vietnam. The resolution was adopted unanimously by the 430 former prisoners of war attending the reunion. I would like to have this resolution placed in the RECORD today because I think it has a special significance coming from the hearts of men who have been prisoners of war themselves and who also know better than anyone else the ordeals suffered by parents and loved ones at home during the uncertain periods of incarceration.

The resolution adopted by those attending the reunion follows:

RESOLUTION URGING HUMANE TREATMENT FOR ALL FELLOW PRISONERS OF WAR

We, as former Prisoners of War:

Knowing first-hand the agonies of prisoners of war and their loved ones;

Realizing that individual servicemen have no authority in determining the military or diplomatic decisions of their national governments;

Believing that humane treatment should be accorded every individual regardless of his race, nationality, station in life, or charge against him;

Shocked by the knowledge that the government of North Viet Nam refuses to disclose to our government or to the next of kin information concerning the capture, condition or location of prisoners;

Appreciate the anxiety and loneliness of wives, parents and children who are not informed concerning the locations and conditions of their missing servicemen; and

Having uncontroverted evidence that prisoners now in the custody of the North Vietnamese Government, Viet Cong and Pathet Lao are being mistreated and their families subjected to unimaginable torment in clear contradiction of the Geneva Convention and the fundamental rights of men;

Now, therefore, in the interests of *basic humanity* and *universal comradeship,*

We:

Urgently urge that all civilized persons of all nations insist on the elemental judicial privilege of *habeas corpus*—which accords any next-of-kin to have the person of a prisoner identified or produced or his place of burial known—for themselves and for all others;

Strongly advocate that all nations and governments comply fully with the Geneva Convention pertaining to prisoners of war; and

Earnestly implore every human being in every land to make their feelings known directly to the authorities of North Viet Nam by writing to:

Office of the President
Democratic Republic of Viet Nam
Hanoi, North Viet Nam

Executed in open convention during the 25th National Reunion of the Amerikanish Kriegsgefangenen (former American prisoners of war) at Cincinnati, Ohio, U.S.A., April 25, 1970.

IT'S YOUR MONEY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. SCOTT. Mr. Speaker, the Caroline Progress, a weekly newspaper in my congressional district, had an editorial in its April 22 issue commenting on the amount of the public debt and what could be done with the annual interest approximating $18 billion per year if we did not have to pay it and the Nation had not been guilty of deficit financing over the years.

Of course, we cannot turn back time but this thoughtful editorial may be persuasive in determining the future course of congressional action.

The editorial is set forth in full at this point:

IT'S YOUR MONEY

If you would like to have something really big to stew over, why not consider the federal debt, which now stands at $277 billion. If that is too overpowering, take the annual interest on the debt alone—approximately $18 billion dollars.

Suppose that we had no national debt, and that the huge sum we pay in annual interest could be put to a really constructive use.

For example, President Nixon has proposed that an additional $10 billion be spent for municipal waste treatment plants, over the next five years. If the $18 billion now going to interest were available, the entire project could be under way this year!

Stewart Udall recently said that it would take about $100 billion until the end of the century to restore the water, land and air to its natural quality. Again, if that $18 billion didn't have to go for debt charges, pollution might be controlled in a half-dozen years instead of thirty.

Well, you may say, all this is useless speculation because the debt is there—all $277 billion of it—and we have to pay the interest each year. True enough, but just stewing about the problem should show the folly of ever again having an unbalanced federal budget except in a national emergency. During the past five years alone interest costs increased by some 70 per cent. Isn't it about time for all of us to do more worrying and begin to apply the brakes on government spending?

REFLECTIONS ON EARTH WEEK

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Washington Star of April 27, 1970, in an editorial emphasized that we are all passengers on the spaceship earth together and that we must all work together to preserve our environment and to find the answers to other national problems.

Because of the interest of my colleagues and the American people in this important subject, I place the editorial in the RECORD.

The editorial follows:

REFLECTIONS ON EARTH WEEK

The first great environmental teach-in is now history. On balance, the country probably is the better for it—somewhat more aware of the pollution problem and of the depth of public concern, and more informed about the sacrifices that will be demanded if the environment is to be saved.

But Earth Week cannot be recorded as a complete success. It produced its share of serious disappointments. It is regrettable that a fair number of the Daughters of the American Revolution saw the flap over ecology as a subversive plot. It is unfortunate that some black activists considered it a honky diversionary tactic. President Nixon, who has tabbed the environment as the number one national priority, might have unleashed a bit more enthusiasm for the event. And some of the Earth Week leaders should have curbed their instinctive enthusiasm for the jugular attack on the administration, the system and the establishment.

A degree of suspicion and indifference is inevitable and excusable. But the fiery rhetoric of some of the Earth Week oratory is not.

The purpose of the week-long event was, presumably, to educate, to interest and to involve the total community in the process of reversing the poisoning of the planet. The purpose was not—or should not have been—to mount a blatantly partisan attack on the Nixon administration. The President may be open to criticism for moving too slowly and cautiously in pressing for implementation of his own environmental program. He should, however, be encouraged to do more and to move faster—not vilified for what he has done.

Industry is another logical target of the militant ecologists. But the logic of applying pressure to the main polluters was, in a dismaying number of instances, counterbalanced by supreme logic. Offers from industry to discuss the problem and to search for solutions were disdainfully dismissed. Offers of financial support from industry were, in some cases, refused as tainted money. The issue, in short, became more important than the solution.

These self-proclaimed teachers have one important lesson to learn. The environment is no one's sacred preserve. There will be no solution unless the administration in power and the industrial leadership join in the search for it. All of us—the DAR, the Black Panthers, the SDS and General Motors—are in this together and have exactly the same stake in the outcome. No offer of help or show of interest, whatever the source, can be refused. For—assuming that the prophets of ecological doom are right—we all work together, or we all go separately.

ELIMINATE POVERTY IN THE MILITARY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. BENNETT. Mr. Speaker, it is a national scandal that members of our country's armed forces are required to live below the poverty level. On Monday, April 27, 1970, I introduced legislation, H.R. 17261, to eliminate, from poverty, all members of the military and their dependents.

The situation with regard to poverty in the military is much greater than many would believe. For instance, a report issued by the Department of Defense in January of this year indicates that at least 12,589 military families are actually receiving welfare. The breakdown by States is as follows:

Summary of military families by State who are receiving public assistance

(*Indicates that the State declined to participate in survey)

State:	*No. of Families*
Alabama	88
Alaska	10
Arizona	130
Arkansas	0
California	7,500
Colorado	91
Connecticut	*
Delaware	36
District of Columbia	6
Florida	111
Georgia	1,116
Hawaii	75
Idaho	58
Illinois	211
Indiana	133
Iowa	*
Kansas	142
Kentucky	207
Louisiana	*
Maine	*
Maryland	0
Massachusetts	200
Michigan	122
Minnesota	*
Mississippi	21
Missouri	*
Montana	19
Nebraska	66
Nevada	0
New Hampshire	1
New Jersey	[1] 130
New Mexico	*
New York	1,653
North Carolina	54
North Dakota	25
Ohio	*
Oklahoma	184
Oregon	*
Pennsylvania	*
Rhode Island	*
South Carolina	0
South Dakota	23
Tennessee	*
Texas	43
Utah	*
Vermont	*
Virginia	63
Washington	*
West Virginia	*
Wisconsin	34
Wyoming	25

[1] Does not include Cumberland, Monmouth, and Passaic counties.

During debate on the welfare bill, it was estimated that almost 150,000 servicemen and their families live at below poverty level.

It seems inconceivable to me that we can have serious hope for an all volunteer military service when pay conditions require men to be compensated below the poverty level exist.

What man would volunteer for poverty?

Local governments are currently having a very difficult time filling available policemen and firemen positions with $6,000–$9,000 beginning salaries. There is no comparison between this and the military enlisted man in the pay grade E–1 who receives $1,596.40 basic pay per year.

My bill also raises compensation for those in the pay grade E–1—recruit through E–7 in the first 2 years of service by 25 percent. The bill allows the servicemen to receive this or the poverty level provision whichever is greater.

As an example of poverty in the military, I cite the case of a serviceman in the pay grade E–1 with three dependents. This serviceman, with the new pay raise, receives total pay and allowances of $285.38 per month. The current poverty level for this size family is $310 per month, according to the Department of Health, Education, and Welfare. By virtue of serving in the military this man is compensated at well under the current poverty level. Many servicemen do receive allowances for housing and food; but, as in the example cited, even with these allowances many servicemen are forced to live below poverty level.

No one should be drafted into the military service and then be forced to live on resources below poverty. My bill would eliminate this now and in the future.

SURRATTSVILLE HIGH SCHOOL PUBLIC HEALTH SERVICE AWARD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of my colleagues a recent Public Service Award given Surrattsville High School in Prince Georges County, Md.

In this time of keen awareness of man's effect on his environment, none of us can afford to turn from any measure of responsibility.

Last month about 100 students from Surrattsville High School organized a campaign in which they spent several days clearing roadways and vacant lots. The campaign, in conjunction with the Prince Georges Department of Public Works, was deemed a success, so much so that the students have been asked to present their program to other student governments in the county.

In commenting on their award, I add my congratulations and personal commendation for a project well conceived and well done.

OBITUARY FOR THE CALIFORNIA ZEPHYR

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. JOHNSON of California. Mr. Speaker, I was greatly disappointed with the decision by the Interstate Commerce Commission to permit the death of our Nation's best known passenger train service, the California Zephyr.

I was saddened with that action because I do believe the traveling public must be served, and there are many who do want to take the train as was demonstrated so well by the Zephyr which operated with a high percentage of its capacity filled. For this reason, I also strongly support positive action by the Congress.

My position has been clear over the years as a strong supporter of the continuation of rail passenger service. We must continue our fight to secure adequate legislation to keep the passenger trains running, because if we do not accomplish this goal in the immediate future, we will not have any passenger trains left to save.

Because there were so many of us who fought for the continuation of the California Zephyr, I want to share with my colleagues a recent article appearing in the San Francisco Chronicle, which I insert at this point in the RECORD:

LAST MAGICAL TRIP OF THE ZEPHYR

The California Zephyr died yesterday—and some of America died with her.

Hundreds lined the Western Pacific tracks in Northern California to snap pictures and wave good-by to the loveliest and most loved train in all the country.

And when she rolled into Oakland's Third and Washington streets station for the final time last night, and when her groaning engine sounded a haunting farewell whistle blast, there weren't many dry eyes among the 350 passengers.

"What a tragedy that the Government didn't step in—we're losing a natural resource," observed a balding, cigar-chomping gentleman who was among the huge crowd to greet the streamliner at the depot.

What sort of magic did this silver train weave upon those who rode her?

It might have been the spectacular scenery she passed through, much of it timed for daylight viewing on the leisurely 2½-day run between Chicago and Oakland.

There was something irresistible about a train that each day for 21 years meandered through the Feather river canyon, snaked her way across the Colorado Rockies, and then continued her serpentine course over the Mississippi River into the heartland of America. And back.

To many, the Zephyr was unquestionably a time machine that carried them off to an earlier era—when the living was supposed to be easy, or at least looked that way from the observation club car.

The Zephyr was one of the few good trains, and probably the only great one, still around in 1970.

The carnations on the dining car tables weren't plastic. The silverware, the crystal and the linen tablecloths and sheets were real. The stewards and conductors exuded politeness.

. But perhaps it was more basic than that, tapping something more fundamental to the human psyche than nostalgia.

"I don't care if it costs a billion dollars to run this—it would still be worth it," said Amy Robertson, 9, of Arlington, Va. She was on the last run, and it was her first railroad trip.

"The neatest thing I've ever done," exclaimed her companion, Tom Schneider, 9, of Kankakee, Ill. He was staring out a vista dome as the Zephyr wound its way across the Utah desert under a full moon.

INHERITANCE

Millions of other youngsters, of course, will never ride a train. Whether they like it or not, they have inherited a frenetic new age that emphasizes speed and the future over being and nowness.

Their pablum has been the freeways, the jets, the instant electronic communications—and instant pablum.

It's not that they wouldn't appreciate, if ever they were given the chance, standing on open vestibules like yesterday's Zephyr passengers, breathing fresh air, staring wonderously at the mighty pine and spruce trees along the Feather river, feeling the wind ripple across their faces, hearing the clickety-clack of wheels upon rails, and existing for that particular moment—suspended in time, and somehow impervious to time's tyrannys.

LOSSES

"We lost $2.5 million this last year because there weren't enough passengers," a Western Pacific official said while carving some ham at breakfast in the dining car.

"The money is in freight," he added, as the Zephyr eased past some clear blue pools of quiet water high up in the Sierra.

His company, which operated the Zephyr in fine style from Salt Lake City west, spent four years pleading with the Interstate Commerce Commission for permission to discontinue its end of the service.

Justifiably upset over the losses, the executives and the accountants triumphed, of course, over the crew members, romanticists and fellow-travelers who rallied to the Zephyr's cause.

And last month the ICC consented to the train's demise.

STEWARDS

"Where do I go from here?" asked steward Robert DuBoce, as he polished glasses behind his bar in the rear lounge car.

Although most of the 235 Western Pacific crew members on the six Zepher trains will be shuffled into freight jobs, nearly 90 sleeping and dining car stewards will be without any work.

The severance pay isn't enough to sneeze at," glumly observed DuBoce, who is 59 and has spent all of his life on the rails.

His dank mood fell in sharp contrast to the bright rays of sun streaking through his car's vista dome.

The Zephyr was coming home now, highballing through the gentle rolling hills of the Sacramento Valley.

STOP ARMED ATTACKS ON AIRCRAFT

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. FARBSTEIN. Mr. Speaker, on March 3, 1970, faculty members of the Columbia University School of Public Health and Administrative Medicine sent the following letter to President Nixon:

DEAR MR. PRESIDENT: We are professional colleagues of Professor E. R. Weinerman, Professor of Public Health, Medical Care and Medicine at Yale University, who together with his wife, died in the recent Swiss air crash. Professor Weinerman has made distinguished contributions to the study and development of health services in this country, and his loss can be ill-afforded. The act which destroyed Professor Weinerman and his fellow-passengers is deplored by all civilized people, wherever their political and national sympathies may lie. We are moved by compassion to urge you to initiate and to support whatever measures may prevent terrorism in the air. We are moved by larger dangers, which Professor Weinerman's death has brought home to us, to urge you to seek every possible means to bring the warring parties in the Middle East to negotiate peace.

Respectfully yours.

The recent terrorist attacks on planes, culminating in the tragic loss of 47 lives in the crash of a Swiss air jet over Zurich, has brought strong worldwide reaction and calls to stop this premeditated horror. There have been a number of suggestions with regard to bringing an end to these terrorist acts, including my own resolution—House Concurrent Resolution 533—urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel. I urge our Government to pursue every possible avenue toward a solution. Let it be hoped that through a concerted and international effort, this needless loss of life can be stemmed and freedom of travel without fear can be reestablished.

THE GREEK COLONELS AND THEIR PENTAGON PALS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. EDWARDS of California. Mr. Speaker, the Pentagon's support of the Greek military junta should be of concern to us all. The following editorial from the San Francisco Chronicle states the grounds for public dismay over the Pentagon's flagrant disregard for the will of Congress:

It is reported that the Defense Department has been flouting national policy and overriding congressional authorization by secretly shipping millions of dollars worth of military equipment to the military junta that has usurped the government of Greece.

The reports have understandably outraged members of a Congress that has imposed strict limitations on such shipments and is told that the restrictions are flagrantly disregarded, through the expedient of supplementing authorized military aid with so-called "surplus stocks."

A sharp cutback in the quantity of such aid was imposed in 1967 after the Greek colonels ousted the constitutional government and imposed a military dictatorship that jailed hundreds of Greek citizens and instituted highly repressive measures on the pretext that the country was in danger of a Communist takeover.

No such danger existed, the Council of Europe has now declared in a 40,000-word report that accuses the junta of inflicting torture and other ill treatment upon its numerous political prisoners as a matter of common "administrative practice."

A victim of those practices, the Greek composer Mikis Theodorakis, has asserted

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upon his recent release from detention that the junta's system of prisons and concentration camps is "inadmissible" in any European country and for "every man who is civilized and free."

The council report, approved by 15 European nations, calls upon the military government to abolish torture, to release its political prisoners, and to restore without delay the human rights and fundamental freedoms it has denied to Greeks. Until it does so, any approval of its methods such as is implied by lavish shipments of arms, is certain to arouse hostility and resentment not only here at home, but also abroad.

POSTMASTERS VISITED WASHINGTON

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. DENT. Mr. Speaker, it was my very pleasant experience last Wednesday to receive a delegation of postmasters from my congressional district. The postmasters are members of the Westmoreland County Chapter of the National Association of Postmasters, and the delegation also included guests from Fayette and Armstrong Counties. Stanley Mokowski, from my hometown of Jeannette, is chapter president. Arrangements for the trip to Washington were under the direction of George Yedlicka from Rillton and Ruby Briner from Acme. The county representative on the State committee for arrangements was Bob DeLotto from New Kensington.

Mr. Speaker, I hope the postmasters enjoyed their visit to Washington and I hope it was a fruitful visit for them. I know it was both enjoyable and fruitful from my standpoint. We had an opportunity to discuss many matters; problems and concerns that they had as well as issues that affect our communities. We also had an opportunity to just socialize, and that allowed me to renew so many long and cherished friendships.

Sometimes we have a tendency to take things for granted. The operation of our post offices is an example. We get out mail and answer it. We send and receive important and valuable documents and parcels. In all of these instances and more, we assume efficiency and reliability and honesty and we get it. But we should pause occasionally to express our appreciation to the selfless men and women who administer our post offices and the dedicated employees who work under their direction. Over the years, they have proven to be more than good public servants. They are often found in positions of civic leadership and their role in our communities are invaluable. We are truly fortunate to have people of this caliber administering one of our Government's earliest and most vital functions and I am especially fortunate to have the outstanding type of postmaster we in Westmoreland County do have.

I WOULD RATHER WORK

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. LANGEN. Mr. Speaker, in this day when there is fear that so many people are turning to welfare as a way of life, it is indeed encouraging to find an example of a person who is determined to go it alone.

Such a person is Mrs. Joan Gorder of St. Paul, who as a member of a rare breed, has a story worth telling. Could it be that we are missing something?

The article follows:

[From the St. Paul Pioneer Press, Apr. 26, 1970]

MOTHER OF FOUR CHOOSES TO WORK INSTEAD OF RECEIVING AFDC FUNDS

(By Eleanor Ostman)

"I'm not only on a treadmill; I feel like I'm in quicksand," says a St. Paul mother of four who has chosen to support her family by her own labors rather than go on welfare.

She tells her children, "You have a right to only that which you earn," and she has adhered to that philosophy herself for the last seven years although she is becoming ever more disillusioned "as the fine line" between the financial benefits of earning a living and going the Aid to Families with Dependent Children (AFDC) route "gets thinner and thinner."

Mr. Joan G. Gorder, 1818 Dayton Ave., spoke of the frustrations she and others who choose to work feel when she wrote a letter to the Pioneer Press Mailbag recently.

Basing her letter on the fact that during a recent month, Minnesota had the highest AFDC payments of any state in the nation and that Ramsey County pays more than neighboring Hennepin County, she wrote, "Have you been paying attention? Are you aware . . . that we here in Ramsey County pay the highest amount to our welfare and AFDC recipients of anyone else in the country? Yet the WRO (Welfare Rights Organization) women are . . . wailing for more money for furniture and clothing. What's going on? We have neither the highest cost of living nor the highest wage scale. But we sure do have the biggest give-away program in the nation. What a demoralizing honor for the taxpayers."

During an interview, Mrs. Gorder expanded upon the points in her letter and the frustrations of taking what she had always, until recently, felt the honorable path. She calls herself "a staunch conservative" and that led to her decision, made seven years ago when her youngest child required surgery and she found herself in dire financial straits.

In process of divorce, she turned to public assistance, asking them to pay a mounting light bill "so at least we would have the lights on while we tried to see our way out of the mess," she says. "I didn't want permanent help." At the time, although nearly penniless, she didn't qualify for help so she vowed "never to take a cent from any welfare agency."

"Somehow we kept the lights on. I took in sewing and was licensed by the state to do babysitting in my home. Somehow we kept body and soul together and by staying home, I saved money. There were no work clothes to buy, I could cook from scratch, bake bread and sew all the children's clothes." Her children are now 16, 13, 12 and 7.

She "wasn't about to take something for nothing," but looking back and foreseeing the future, the advantages of AFDC for a person in her situation keeps increasing. She's had some college and if, as an AFDC mother several years ago, she'd taken advantage of the education opportunities, she could have had the time to earn a master's degree by now and already would have been working at a substantial salary.

Instead, she went to work at the Main Post Office. By working a less desirable shift and by studying to become a mail sorting machine operator, she earns two extra pay premiums. Before the postal workers strike, her take-home pay was $68 a month more than that of an AFDC mother. Even the six per cent raise recently won by the strike will not compensate for cost of living increases. She cited her co-workers who do not earn the extra pay premiums and may earn less than public aid payments.

She just took her children to a dentist—paid for out of her own funds. So are medical bills, but AFDC recipients get all medical and dental payments in addition to their allotments. She does not get food stamps. "I've had my stove for seven years and it was old when I got it; I paid $40 for it. My refrigerator was used when I bought it; so were the washer and dryer."

Gesturing to her surroundings in the modest duplex where she and the children live she said, "You can see we don't live in the lap of luxury." Her refrigerator's freezer conked out months ago and a good deal of food was lost. "If I were on AFDC, I'd call the Welfare Department and they'd fix or replace it."

"If I buy it and pay for it, then I take care of it because I know how much it cost," she says. She tells her children the same thing. "If you get something new and you wreck it, you haven't earned the right to have it replaced."

Mrs. Gorder longs to have a home of her own but she can't afford the substantial down payment. But she reads of programs to buy homes for people on welfare. With her tax money.

"There are others like me in the same boat. We wonder who's crazy? Why are we beating our heads on the wall?" she muses.

"Some people have no other route than to go, but on the welfare rolls." She cited a woman she knows with a ninth grade education and five children.

"I've always been a blooming optimist but now I wonder where we've gone. Most of the people I know are unhappy—they're fed up to the teeth. This give away permissiveness has got to stop. I wish taxpayers could revolt and we probably would if we didn't live under a take-your-money-before-you-see-it situation."

Her "blooming optimism" is fading because she feels American society is disintegrating.

"'Help yourself' doesn't mean anything anymore—it's just words; 'Respect' is ancient history—it should be marked 'archaic' in the dictionary; 'Responsibility' is semi-archaic and 'Morals' are a thing of the past," she mourns.

One of her main concerns is the divorce system of this nation, and that the availability of welfare funds "is a government program aiding and abetting the downfall of the American family."

Despite her status as a divorced woman, she's worked long and hard to give men equal rights in the divorce courts. When she and her husband separated, they agreed that they were mutually responsible for their children; that although he does contribute some funds to their support that she would work, too. They concur that it is important that children of a divorce know both par-

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ents and do not become pawns in the parents' disagreements.

"The AFDC caseload would be reduced by half if divorce laws were more stringent," she commented. "The mother automatically gets the kids; the father automatically pays. If he does not pay under such unequal terms, then the wife and children turn to AFDC. Men who might by some fluke keep the children don't get welfare payments, however. If a woman knew that when she went to a lawyer to start divorce proceedings, she stood an equal chance of losing the children and having to pay support to her husband, she might think twice."

Mrs. Gorder is interested in a program underway in Minneapolis and now making a foothold in St. Paul. It's called WORKfare and one of its major aims is to sit in at divorce proceedings to see if a fair decision is made, if the better parent gets custody of the children, and if when the mother gets the family, how many go directly to AFDC for help. "This group is getting at the root of the problem," she believes.

"The looseness of the whole situation reflects on the children. When partners don't have responsibility toward marriage, when they value freedom more than their family, we will see the destruction of the American family," she believes. "And what's this really doing to the children?"

Mrs. Gorder is an articulate woman who reads voraciously, researches her topics and would like to have the time to write about her beliefs. She believes that many women now on AFDC could work if they could alternate babysitting chores with another mother working an alternate shift. "Another woman and I did that. We saved babysitter money we might otherwise have paid. What's a few more kids around the house when you have your own anyway?" she says.

She'd like segments of society to get away from thinking they have unearned rights. She'd like to see the belt tightened; to get respect, responsibility and morals back into the fiber of national life. What can we do?

"We can put every ounce of pressure possible on our elected officials," she urges.

But there's always that fine line growing thinner and thinner. If the time should ever come that she herself must go on welfare, she says. "I would take advantage of every educational program available to equip myself for a better life. I couldn't live with myself if I just sat back and enjoyed the free ride." And if her name was ever on the AFDC rolls, she would tell everyone who would listen how much it was costing the taxpayers to support her and her family.

The plight of people in postal service was emphasized during the recent strike with some strikers earning less than they would get on public assistance. "We went on strike on the 20th of March. Welfare checks weren't to be mailed until the 31st, and yet the minute the strike was declared, we heard stories of welfare and AFDC people who were already starting to wonder if they would get their checks on time."

If the strike had continued through the 31st, Mrs. Gorder vowed to her fellow picket carriers that she would take her picket up to 476 St. Peter (site of the City and County Welfare offices) and march back and forth of their door.

For people in her situation at basically low-paying jobs, she says the challenge is gone when compared to public assistance. "It used to be that you earned money to get ahead, but when some people get as much for doing nothing, we start to wonder. When people feel that they're going to live off the fat of the land, the situation will never change."

Speaking as a taxpayer, Mrs. Gorder said, "I have sympathy for the guy who's paying. The noose gets tighter and tighter."

VETERANS' LEGISLATION

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. MESKILL. Mr. Speaker, I rise to recommend two important pieces of veterans' legislation to this body which I am introducing today. The first bill proposes the establishment of a national cemetetry in New England. It authorizes and directs the Secretary of the Army to acquire land not exceeding 500 acres in New Hampshire, Vermont, Maine, Massachusetts, Rhode Island, or Connecticut for this purpose.

For years now, Mr. Speaker, there has been an urgent need for a national cemetery in New England. The need has not diminished.

There are 98 national cemeteries in this country, but there is no national cemetery in the New England area. This region is being discriminated against.

Mr. Speaker, this is a matter of urgent concern since it is the right of every veteran to be accorded the honor of a burial in a national place of honor. The saturation point of our national cemeteries in other areas of the country is rapidly being reached. This places an additional burden on the families of our veterans who wished to have their loved ones buried in one of this Nation's national cemeteries.

Moreover, the need for the acquisition of new land is pressing. Land is becoming more and more scarce and land costs are soaring. If we continue to wait to acquire land for a national cemetery in New England, the cost will become prohibitive and New England will find itself permanently without burial facilities for its honored and patriotic veterans.

Our veterans have been willing to make the greatest sacrifice any man can make. They have offered their country their lives in an effort to keep America free. Is it too much to ask, Mr. Speaker, that these loyal Americans be afforded the honor of burial in a national cemetery? I think not. Therefore, I urge that this body take immediate action on this legislation directing the Secretary of the Army to acquire land in New England to be used as a national cemetery.

Mr. Speaker, the second piece of legislation that I am introducing today would provide for annual adjustments in the monthly benefits received by our veterans. This legislation is essential.

Inflation has hit hardest those of our citizens who are dependent upon pensions for their economic support. The cruelty of inflation is that it hurts the very most those who can least afford it—those who are forced to live on fixed incomes.

This situation is unfair. Our veterans have given unselfishly of themselves. They are not the draft card burners or the protestors. They are not Americans bent on revolution or the destruction of our society. These are the patriotic Americans who form the backbone of our Nation.

Many of these veterans depend almost entirely upon their monthly veterans' benefits for their support. But during a period of inflation, such as we are enduring at the present, their benefits pay for less and less. Prices are rising while monthly benefit checks remain the same. In effect, the dollars they receive are shrinking in pay power. This is a serious problem, and one that must be corrected without delay.

The legislation that I am proposing today would end this inequity. It would provide that annual adjustments be made in the monthly monetary benefits administered by the Veterans' Administration based on the changes in the Consumer Price Index.

This is good legislation. It is needed legislation. It is time we stopped bending over backwards to make excuses for the hippies and yippies and draft-card burners who care more for their own skins than for the security of America. It is time that we did something to help this country's defenders—her veterans.

Mr. Speaker, I commend this legislation to my colleagues in the hope that they will see fit to take prompt action on this matter of great importance.

PILOT FATED TO DIE WRITES WHY HE GAVE SERVICE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. BOB WILSON. Mr. Speaker, in the heat of dissension, we lose sight of the basis of our commitment in Vietnam. The night before he was tragically killed in a plane crash, Air Force Lt. John Banks III very movingly outlined his reasons for being in Vietnam and his dedication to serve his country. I know all my House colleagues will find his comments very poignant and I am honored to share the attached article from Stars and Stripes:

PILOT FATED TO DIE WRITES WHY HE GAVE SERVICE

Lieutenant John Banks, III, of the Air Force was killed in the crash of a transport plane he was co-piloting in Viet Nam. The day before he was killed, he completed an essay which he planned to enter in a contest. A companion forwarded it to his father who lives in Superior, Wis.

Dorothy Brussard, AMVET's Auxiliary publicity official, forwarded a copy of it. It was titled, "For Those Who Wonder Why." Herewith the Stars and Stripes prints the document.

"I am an American—a defender of freedom and guardian of the Nation. The service I render to my country is not only duty, but an honor and a privilege—duty, as a citizen whose life holds responsibility for country in high regard. Honor, as an individual before God with respect for the ideals that make these United States a democracy. Privilege, for the ability to give, and fortunate enough to have been born in a land where my life, mind and ideals are my own.

"To serve our country as a fighting man is a trust bestowed on me by the people. It is my hope for millions outside our borders who suffer under the rampage of tyranny, the absence of justice and freedom.

"As an American fighting man, I find faith in my God and courage from those who have gone before me. My reason for service is a symbol for all men to see that the sacrifices of my fellow Americans was not in vain. I make no claim to another's land or government but stand ready at the borders of freedom, not as an aggressor, but as a defender; and the nations of the world will know that 'the pursuit of happiness' is more than spoken words, but a way of life.

"The orders I receive are derived from the people and I am responsible to them."

I AM A REACTIONARY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. GRIFFIN. Mr. Speaker, we live in an age when fundamental human values are often mocked and derided; when manifestations of love of the flag and America are frequently scorned.

Many tend to associate the rantings and ravings and violent rebellion of a few young people with all of America's youth. I reject this assumption because I feel that most young people are orderly, stable, and hold basic tenets of belief in decency in society.

It is deplorable that the disorderly youth get more television exposure than the orderly. Discord and dissention make the front page. Good behavior is not news and never reported.

Are young Americans radicals or reactionaries? I think most are reactionaries in the context of the following article written by a teenager and reprinted in the April 9, issue of the Mississippi Baptist Record. I commend it to my colleagues:

I AM A REACTIONARY

In the church bulletin of the First Baptist Church of Wichita Falls, Texas, where Dr. Landrum P. Leavell is pastor, we found an article of such interest and so potent that we pass it on to our readers.

"Just for the record—and with out apology—I AM A REACTIONARY! I react to sin and sadism, riots and revolution, gutlessness and Godlessness! I re-act to Hedonism and humanism; to philosophies and sophistries which seek to destroy those values which made this country great; which fashioned the fabric of civilized mankind. I re-act to dancing the permissive polka with those who'd whirl me all the way to Hell while whispering that God is dead and the Devil is a myth; to those ministers who'd convert my house of worship into a hootenanny hall or political forum.

"I re-act to the emasculation of my Faith in the name of humanistic togetherness; to my love for the Holy Bible, my loyalty to the flag and my esteem for the police. I re-act to being scourged with the lash of collective guilt—as if I personally poured liquor down the alcoholic's throat, peddled the heroin, mugged the little old lady, created the slum and invented The Bomb!

"I re-act to the glorification of welfarism over work; Pot over pink lemonade; the Pill over purity; demonstration over dedication; desire over discipline, nihilism over nobility; selfishness over sacrifice, hauteur over humility, 'rights' over right.

"I re-act to the portrayal of my American friends as 'Fascist beasts' and Ho Chi Minh as Santa Claus; to those who consider love as nothing more than sex act; who preach 'peace' to promote surrender. I re-act to student radicals who are so enamored of their own worth that they must destroy all other worths—who are FOR nothing except their 'right' to be against everything!

"I re-act to the stupifying sentimentality of amateur do-gooders who, like carved wooden monkeys, see no evil, speak no evil and hear no evil—even when it runs riot with a shotgun, molotov cocktail or plastic bomb; who would re-write Little Red Riding Hood to have her 'rehabilitate' the wolf while screaming 'hate-monger' at the rescuing woodsman!

"You'd better believe I'm a reactionary. In my book, it's time all responsible adults began reacting instead of suffering the insults, inconveniences and intimidations of a noisy minority who would sacrifice their own freedom and ours on the altar of atheistic materialism: If we did, the kooks and creeps would soon crawl back under their rocks and this tired old world would have time to bind its wounds and regain its sense of humor."

This sounds like it might have been written by an over 30, moss-backed conservative member of the "establishment," but it was written by a teenager to the editor of the Nashville Banner. May God give us more such teen-agers.—Bulletin, FBC, Clinton.

ABUSE OF OUR FLAG

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. WYMAN. Mr. Speaker, the inner anguish concerned Americans feel as some young Americans despoil the flag of our country is graphically and poignantly expressed in a letter to the editor of today's Washington Star by John Delizza. This is particularly tormenting for former American servicemen who have fought, often been wounded, and seen their buddies die—all to preserve, protect, and maintain freedom and liberty in the United States of America and a reasonable facsimile thereof in other countries of the world.

It is both devastating and tragic that some young people could have become so misguided, so valueless, so deliberately unpatriotic and disrespectful of abiding faith, as to do these things. Again one asks, who is responsible? How did they get that way? It cannot all be dope, or disenchantment with Vietnam, or the perennial "revolt of modern youth."

Let us hope and pray that in most cases they will find themselves and become useful citizens. If irremediable in individual cases, then perhaps Mr. Delizza's "one-way ticket" is the best response.

The article follows:

"I WAS SHAMED"

LETTERS TO THE EDITOR.

Sir: Twenty six years ago I was in a small town outside Salerno, Italy. It was around the end of World War II. The town had been completely destroyed, deserted by all the inhabitants—smoke, ruins, flame and destruction were all around us.

I was a young boy then. My friends and I were looking around for food; we were starving and scared. The Germans were all around us. All of a sudden we heard the terrible noise of machines—tanks were coming our way. We were scared; we embraced each other from fear. Who was the enemy? Were they Germans? If they were, they would certainly kill us.

Suddenly, in all these clouds of smoke we saw a flag; we saw a flag standing up straight, full of pride and honor. You should have been there; it was the most beautiful sight any man could have wished for. The tanks were getting closer; we didn't know what to do. We kept looking at that flag, looking, looking; and all of a sudden a smile was coming back to our face, first slowly and then bigger, bigger and deeper. It was the American flag, the American flag; and we cried and screamed with joy in our heart. The fear was gone, there were no more soldiers to kill us.

"It's the American flag; the Americans, the Americans are here," we cried. "We are free; freedom is here at last." And we ran down the hills, we ran to our mothers hiding in the hills, in caves, even in wells. We ran with the scene of that beautiful flag we had just seen in these clouds in our eyes. . . . The Americans, the Americans are here. Boy! What a joy it was; what a sight to remember.

We cried; we cried in our mothers' arms with joy; and I remember saying to my mother: "We are not going to be killed any more, mother, the Americans are here."

How I have learned to love that flag ever since. How beautiful it was to see the sight of those American soldiers coming to our town to bring us justice, liberty, peace. How we learned to love those soldiers standing there outside of their tanks, beside the American flag. What men they were; what heroes.

Now, after twenty six years, I am living in America. I have lived here for 24 years and have been a citizen for 20 years. I have learned to love and respect that flag more and more; and, today, I feel just as strong about it as when I first saw that flag on the hills of Salerno. But the other day, when I saw on television, in the Capital of this great nation, a young American burning the American flag in the middle of Dupont Circle and waving the Communist flag straight up in the air, I could not feel anything but horror. I was shamed, broken-hearted. Then tears came down to my face. "Man," I said, "you are not an American. Your father could not be the same soldier that gave me life, freedom and justice on these far hills of Salerno. You are not an American. You don't really know what freedom means. If you believe so deeply that your country is wrong and the enemy is right, then go there. Go to China, to Russia, wherever you think that you want to be. I will pay your one-way ticket.

"I am sure that down deep there are many Americans that would be more than willing to help you and other people like you with a one way ticket out of this country; but don't come running back home to us because you didn't find running water."

To burn the American flag is treason. Ignoring the act is worse.

JOHN A. DELIZZA.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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THE STUDENT IN THE UNIVERSITY AND SOCIETY OF TODAY, NO. 8

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. McCLORY. Mr. Speaker, last week some students from the University of Illinois were in Washington to visit with Members of Congress about the financial plight of many college enrollees from lower income families.

I was particularly impressed by the initiative taken by University of Illinois students in voting to assess themselves a nominal fee each semester to be used as a fund to assist those among their colleagues facing financial difficulties in the achievement of their educational goals.

With the hope that this extraordinary initiative will be of interest to lawmakers, college officials, and citizens concerned about problems of higher education in other States as well as Illinois, I include as part of my remarks today additional information on the University of Illinois initiative to help needy students.

I call attention to a most interesting discussion of the various forms of public aid to higher education by Frank W. Lowe, a doctoral student in economics at the University of Maryland. Mr. Lowe's paper, "Public Financing of Higher Education: The Implications of Various Forms of Public Aid in Terms of Efficiency, Income, Distribution, Etc.," was prepared for an economics seminar last semester. I include the paper in the RECORD at the conclusion of my remarks:

UNDERGRADUATE STUDENT ASSOCIATION,
UNIVERSITY OF ILLINOIS,
Urbana, Ill., April 13, 1970.

HON. ROBERT MCCLORY,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCLORY: This letter is being sent to Illinois Congressmen with whom we are seeking appointments during our visit to Washington this week. (We apologize for Xeroxing; but we know you would rather have us in class than typing!) We are coming to discuss present and proposed federal student aid programs and the plight, at present, of students from low-income families. Our purpose here is to introduce ourselves and to state our objectives in making this trip to see you.

We are not coming to Washington with panaceas. We believe you know the importance of attaining what President Nixon termed, in his message on higher education three weeks ago, "a great American goal:" that "No qualified student who wants to go to college should be barred by lack of money." We are certain that you share our concern that federal programs to this end should be both effective and fair.

Therefore our first objective is to make ourselves available to you for your questions. We are familiar with many of the problems of the needy students on our campus. We have noted the effects of state, federal, and private aid programs and where their greatest lapses seem to have been. We invite you to use our visit as an opportunity to ask students whatever questions would help you reach or review your positions both on this year's Office of Education funding for student aid, and on new programs presently being proposed by the President and others.

Second, we hope to learn a great deal ourselves, from you and from each other. We will share experiences with the other students from other states and types of institution who will also be in Washington next week for this purpose. For example, many of them have expressed interest in the new student fee which we (Students for Equal Access to Learning) proposed and which was approved, 3 to 1, by our student body this February.

This student-initiated project will raise from Urbana students up to $100,000 next year to help our neediest classmates—those most threatened with being unable to enter or continue. The crisis on our campus, as on most, is due to shrinking student aids and sharply rising enrollment and costs (just last week our tuition was raised 70%).

To stimulate greater attention to this situation and generate new resources for our neediest classmates, we challenged the state government of Illinois to match what we raised. We will also soon issue a challenge to our alumni to join us. We enclose information about this self-assessment and a copy of our letter to the executive director of the State Board of Higher Education. In it we describe the present dismal situation and ask the state to begin doing as much for the very needy as it has, through the generous and welcome Illinois State Scholarship Commission, for middle-income college applicants.

Students at other schools have voted similar assessments upon themselves; we know of such actions at Eastern Illinois University, the University of Colorado, and, if it passes in a referendum being held now, at the University of Southern California. We find that groups of students on campuses all over the nation are discovering that an important battle in the war on poverty is being fought and lost right on our campuses. Each year rising costs and rising numbers of students overwhelm the limited available aid funds, making the chances of the poor to participate in higher education slimmer and slimmer.

As you can see, many of us across the nation are trying to do our part in reversing this trend. Naturally we are keenly interested in state and federal programs which would help achieve the same purpose. So we hope to learn more about the President's fiscal year 1971 education budget requests and about the various new items of student aid legislation being proposed and considered.

Our third and final major objective this week is to initiate a coordinated, continuing national student effort to bring attention and resources—private, state, and federal—to the great need for new grant and loan funds. At present, thousands of potential college students cannot build viable programs of self-help to put themselves through college because they are unable to find necessary supplements to their own resources.

We agree with Mr. Nixon that it makes excellent social and economic sense to allow each American to develop fully his talents, through education for which he is able and in which he is interested. We think the country needs every man it can get in these difficult times. We want to do all we can to increase this critically important, high-yield investment in people.

We would greatly appreciate time with you and hope you can fit us into your schedule.

Sincerely yours,

JAMES HARMS,
Chairman, Undergraduate Student Association.
BILL PEARSON,
Steering Committee, SEAL.

STATEMENT BY STUDENT REPRESENTATIVES FROM THE UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN, APRIL 13, 1970

For the second year in a row our concern over shortages of student aid funds affecting over 100,000 American college students brings us on an urgent trip to Washington.

President Nixon said in his message to Congress this March: "Something is basically unequal about opportunity for higher education when a young person whose family earns more than $15,000 a year is nine times more likely to attend college than a young person whose family earns less than $3,000."

At the University of Illinois there are four times as many freshmen this year from the upper income half of the state as from the lower. This represents no improvement, and possibly a deterioration from the situation which first concerned us and brought us here last year.

President Nixon, March 19, 1970: "No qualified student who wants to go to college should be barred by lack of money."

The President called this "a great American goal." We agree. In the meantime the actual level of funds available to meet this goal is decreasing relative to the need.

Restricted access of the poor to higher education is highly costly to the excluded individuals. This is justification enough for renewed action to reduce these economic barriers. However, it should not be forgotten that there are considerable short- and long-run costs to society which come from our failures to invest in the development of human resources.

We students at the University of Illinois acted on our concern over this situation when, in February, we overwhelmingly approved an extraordinary new fee through which we will contribute up to $100,000 a year in additional aid for our neediest classmates.

At that time we emphasized that we have neither the responsibility nor the resources to solve the problem of unequal access to our university. We called on the State of Illinois to match our contribution by an equal amount of new, targeted, aid for these students. We shall also ask our alumni to join us

We are here this week to thank Congress for its continued firm support for the principle of equal opportunity in higher education and to ask that federal programs to help accomplish it be funded this year at levels commensurate with the need. In recent years our colleges have encouraged application from the needy who, though academically able, might not have had hopes of meeting the sky-rocketing costs of higher education. They must not now be told that those funds are, indeed, unavailable.

We will present to our Congressmen details of how present funding levels are crippling needy students already at our campuses and will bar others from coming at all. We are being joined by other students from across the nation, a number of them from schools whose students have recently approved special self-assessments, like ours, to help their needy classmates.

JAMES HARMS,
Chairman, Undergraduate Student Association.
ROSE MIRANDA,
PORFIRIO ROSALES,
Students, Special Educational Opportunities Program.
KEITH PATTEN,
BILL PEARSON,
Steering Committee Members, Students for Equal Access to Learning.

[From the University of Illinois Mothers Association Illi Notes, April 1970]

STUDENTS CHALLENGE THE STATE TO JOIN THEM IN RAISING $1 MILLION FOR THEIR NEEDY CLASSMATES

Last spring a group of University faculty pledged 1 percent of their annual salaries to help students from needy families whose continuance or initial attendance at the University was threatened by curtailed federal student aid programs. In doing so they founded the Human Resources Investment

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Fund in the University of Illinois Foundation, to which they and their colleagues have contributed almost $28,000 since last April.

Almost as soon as this faculty generosity became known on campus, a group of students in the University Y.M.C.A. decided to join in the effort. They formed Students for Equal Access to Learning (SEAL) and circulated a plan among campus oragnizations which called for a program of voluntary student giving to help meet the present aids crisis.

SEAL's first activity was to gain University approval for a special contribution card at registration in September, 1969. As a result, over $6,000 was collected from students for the Human Resources Investment Fund. More than 250 needy students have received grants from HRIF or from its Martin Luther King Fund division as a result of the generosity of these faculty and students.

Despite these efforts, the University remains seriously short of student aid funds. Last year a needy student whose circumstances changed during the year was able to receive an adjustment in his federal Educational Opportunity Grant as late as May. Adequate funds were available for all students eligible to receive them. But this year, all EOG funds were committed before school even started. And loan funds were so scarce that many students received only 80 percent of the amount for which they were eligible. Rising college costs and failure of aid programs to grow were the major reasons for the worsening situation, which affects hundreds of students at Urbana.

A measure of the magnitude of the aids shortage is the fact that the University's Special Education Opportunities Program, which expected to enroll 400 new students, was cut back to only 275 beginning students. Comparable cuts in the number of non-SEOP students from equally needy backgrounds were experienced at Urbana.

As the fall progressed, SEAL members Ed Leuchs, sophomore in planning from New Jersey, Keith Patten, sophomore in general studies from Elmwood Park, and Bill Pearson, junior in chemistry from Springfield, continued to study the national problem of restricted access of the needy to higher education. Together with SEAL adviser David Eisenman, an assistant dean of student personnel, they began to develop the plan which was passed in a special referendum at registration in February.

The new fund-raising effort could produce as much as $1 million over the next four years. It has been hailed across the state in editorials—one in the Springfield *Illinois State Journal* and over radio station WBBM in Chicago, among others—as an excellent example of constructive student action.

In the February referendum students voted 14,879 to 5,025 to authorize the University to collect $2.00 from them at registration each semester for up to four years. Any student not wishing to participate can obtain a refund several weeks after registration. All proceeds will be used for grants to needy students, administered by the University's Student Financial Aids Office.

But the most interesting feature of all is that the plan will be in operation for only one year unless the state of Illinois agrees to match the students by giving an equal amount in new money to help students caught in the aids shortage.

The Board of Trustees has approved the new assessment and will appeal to the State to match what the students raise next year and in the three following years. After four years the students hope the aid crisis will have passed. It has not, a new vote of the student body will be necessary if the assessment procedure is to continue.

The decision to challenge the State to match student contributions was reached after SEAL's study of the problem. Jim Harms, chairman of the Undergraduate Student Association, became involved in SEAL in December. "We do not pretend that students either should or can meet the problem of economic barriers to higher education," Harms says. "Our objective is to attract greater public attention and public funds to investments in human resources. That is why we are requiring the state to match our commitment."

SEAL advertising prior to the referendum in February emphasized that grants to needy students not only benefit the student, but also lead to social dividends which fully repay society for its investment. For example, GI's educated under the GI Bills have paid back more than the entire cost of these programs in increased federal income taxes alone—taxes on the added earnings which can be attributed to their continued education. And their higher earnings continue to produce about $1 billion each year in taxes.

Ed Leuchs thinks it is important that people understand how profitable for everyone our investments in education for the needy can be. "We could go down to Springfield and present studies showing how it pays, in dollars and cents, to educate everybody who has the ability and the desire," he says. "Then we could turn it around and show how much it costs the taxpayers if they fail to enlarge access to higher education, by pointing out such things as welfare costs, limited productivity, lost tax revenues, and the other consequences of failure to develop fully each man's potential."

Leuchs and the other members of SEAL became convinced that their message would be more likely to get through if, as Leuchs says, we students put our money where our mouths are." Hence, the decision to ask the students to commit themselves to an ambitious new contribution program if the state would match them.

SEAL's plan, and the Illinois referendum, are not the first actions of this sort in the nation. But the requirement that the state match the proceeds, and the arrangement for refunds to any students who do not wish to participate, are unique. Last spring students at the University of Colorado voted to assess themselves a mandatory $5.00 per semester for the next ten years to help their needy classmates. This fall students at Eastern Illinois University narrowly defeated a referendum to give $2.00 per semester, but the fee was approved by the administration and Board anyway, when Eastern's President explained that there was more student support for the plan than the vote indicated.

Bill Pearson explains why SEAL decided to include the refund procedure: "Taxes, as opposed to voluntary contributions, ought to be borne by the entire group which benefits from the programs they support. Our whole society—not just us—benefits from the increased productivity, self-reliance, taxes, and civic participation which college education typically makes possible. It is inappropriate to tax students to pay an uneven share of the costs," he says.

What are SEAL's members doing now that the referendum has passed and the challenge to the state is being handled by University administrators? Keith Patton explains that SEAL is working on a national effort to bring to Congress reports of the need for increased student aid. Delegations from universities all over the country may go to Washington this spring to bring reports of what program cuts have done to needy students on their campuses.

And SEAL may ask alumni to match them if the aid deficit turns out to be bigger than they and the state can handle.

In any event, it will be a busy spring for some young men and women concerned about their classmates, about equality of access to higher education, and about their society and its priorities.

FROM OFFICE OF PUBLIC INFORMATION: UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

URBANA, ILL.—Student leaders at the University of Illinois at Urbana-Champaign urged the Illinois Board of Higher Education today to reconsider its rejection of a unique offer by students to pay half of a student aid proposal themselves.

The proposition, designed to help low-income students, hinged on a legislative appropriation of matching funds.

Federal funds for student aid were cut sharply this school year.

A group of students organized as Students For Equal Access to Learning had won overwhelming approval for the plan among fellow students on the Urbana-Champaign campus, and secured the backing of the university administration and the U. of I. Board of Trustees.

But the plan foundered Tuesday when the Board of Higher Education refused to forward it to the legislature.

Students for Equal Access to Learning and the Undergraduate Student Association at the U. of I. at Urbana-Champaign said the board's staff missed the point when it suggested the matching funds might come from the university budget.

"It is SEAL's intention by its assessment plan to induce the state government of Illinois to make an absolute increase in expenditures on education," the two student organizations said in a statement. "It was not and is not SEAL's intention to establish new priorities within the education budget of the state, however important it may be to do that."

Under the proposal, students would tax themselves $2 apiece each semester for four years, providing the legislature would match their contributions on a dollar for dollar basis.

Student approval of the plan was by nearly a three to one margin. The vote, during registration in February, was 14,879 to 5,025. The total vote of 19,904 out of 30,167 students registering was the largest in any student referendum in U. of I. history.

The U. of I. Board of Trustees promptly approved the plan at its February meeting, just nine days after the votes were counted.

The SEAL and UGSA statement noted that their request amounted to an additional sum of only three-tenths of 1 per cent of the Illinois State Scholarship Commission budget.

"In 1968–69, fully 83 per cent of Illinois State Scholarship Commission money went to students at private Illinois colleges, two-thirds of whom were from the upper income half of Illinois," the statement said. "Surely it makes sense to spend very modest additional sums to insure that the able sons and daughters of lower income families will have a chance at least to attend the relatively less expensive state institutions.

"The action by the Board of Higher Education ignores entirely the real issues which led to our unprecedented self-assessment," the students said.

STUDENTS FOR EQUAL ACCESS
TO LEARNING,
UNIVERSITY OF ILLINOIS,
Urbana, Ill., April 3, 1970.

DR. JAMES HOLDERMAN,
Illinois State Board of Higher Education.

DEAR DR. HOLDERMAN: As you know, in February we students at the University of Illinois, Urbana campus, approved a new semesterly student assessment; its proceeds will be used for grants to our classmates whose need remains unmet after existing state, federal, and private aid funds are exhausted. Next year we expect this program to raise as much as $100,000 to meet the severe shortage of student aid which we expect at Urbana.

It is our understanding that the Board of Higher Education has approved this extraordinary student-initiated assessment. We

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also understand that you have deferred action on our request that what we raise from ourselves be matched by equal sums of *new* state grant funds, *over and above* the U of I and ISSC budgets presently under consideration.* These new funds we are requesting would be administered by the Student Financial Aid office at Urbana (as our contributions will be) for those among us whose unmet need—after considerable self-help, reasonable debt, and whatever existing aid funds are available—most threatens their enrollment or continuation here.

This letter is intended to explain our request further. We trust that this will be useful to you in your deliberations.

For reasons which were stated eloquently by President Nixon in his special message to Congress on higher education two weeks ago, we believe that insuring students of equal ability an equal chance to develop that ability through higher education is nothing more than sound—and essential—economic and social policy. However it is an inescapable fact that the proportion of Illinois college students from families with incomes in the lower half of the state's distribution continues to be dishearteningly low. This year our freshmen were *four times* more frequently from families in the top half of the state's income structure than from the lower half. At private institutions the imbalance is even greater. Much of it can be traced to purely economic barriers which are keeping talented sons and daughters of low-income families from developing fully their talents.

As the enclosed figures indicate, there has been no improvement in the past few years—and may even have been deterioration—in this statistic for our campus, even though in these same years funding of Illinois State Scholarship Commission programs has approximately *doubled*. One reason why these substantial (and commendable) state expenditures have not had much effect in improving the posture of the needy in their access to campuses such as ours may be the restriction of ISSC awards to sums not exceeding tuition and fees:

A middle-income student wishing to attend a private Illinois institution may have a net need (after his parents' standard contribution, his summer and term-time earnings, and a reasonable amount of borrowing) of $1,000. Since this will generally be less than the private college's tuition and fees, he can be given an ISSC grant for this entire sum. Another student, from a family of considerably more modest means, may find that *he* is $1,000 short of meeting the *lower* costs of a publicly supported institution. But since that institution's tuition and fees are considerably less than $1,000 his *identical* net need *cannot* be fully met by an ISSC!

Federal programs, and even private endowments, are equally prone to guidelines which have the effect of denying adequate aid to clearly needy students while granting equally large or larger awards to equally- or less-needy classmates. Financial aids officers see such cases daily.

Thus, even if federal, state, and private programs were sufficiently funded that every student who *qualified* for aid actually *received* that aid (and, as you know, this is far from the case at present), there would be a need for discretionary funds to be administered by the universities for the appreciable number of students whose unmet need—after considerable self-help, including indebtedness—would *not* be covered by these programs under their existing guidelines.

We are not criticizing the ISSC. There can be no doubt that its programs have been enormously successful in what we take to be their primary objective: keeping *private* Illinois colleges accessible to *middle-* and *upper-middle*-income Illinois youth. (In 1968–69, 83% of ISSC funds went to students at private institutions. And only a third of these grants went to students from the lower income half of Illinois.) We *are* arguing that if this goal has been worth these sums ($26 million this year) to the people of Illinois—and we think it has been—then surely it makes sense to spend very modest additional sums to insure that the able sons and daughters of *lower*-income families will have a chance to attend at least the relatively less expensive *state* institutions.

Our action in assessing ourselves to provide new funds for these lower income students affirms our belief in the social and economic importance of what President Nixon has termed (in his March 19 Congressional message) "a great American goal." We agree with the President that "No qualified student who wants to go to college should be barred by lack of money."

We greatly appreciate and applaud the President's pledge of substantial new federal resources toward the achievement of this critical national goal. And we do not feel that it detracts from this welcome new federal initiative that he called upon state and private agencies to increase *their* investments in these human resources. We had already taken what we think is a modest but significant step in this direction. Soon we will be asking the alumni of our institution to join us in this effort.

We hope that the Board of Higher Education will forward our request for matching funds to the Governor as soon as possible. We trust that with the President's voice added to our own, the state government of Illinois will respond, taking the lead in a renewed national effort to achieve equality of access to higher education and fuller utilization of the talents of *all* Americans.

Even if we had not taken our initiative; even if the President had not chosen this time to make a renewed federal commitment; beyond these acts there remains the basic situation we have sketched in this letter. These facts, themselves, justify additional state expenditures for aid to the needier Illinois students and potential students. These expenditures will pay back enormous social and economic dividends.

We urge the state of Illinois to accept our challenge, and make its matching money a first step toward a new effort to equalize access to higher education for Illinois youth.

Sincerely yours,

JAMES HARMS,
Chairman, Undergraduate Student Association, University of Illinois, Urbana.

WILLIAM PEARSON,
Steering Committee Member, Students for Equal Access to Learning.

PUBLIC FINANCING OF HIGHER EDUCATION: THE IMPLICATIONS OF VARIOUS FORMS OF PUBLIC AID IN TERMS OF EFFICIENCY, INCOME DISTRIBUTION, ET CETERA

(By Frank W. Lowe)

BACKGROUND

Public support of higher education in the United States dates back to almost as early as the Declaration of Independence. In fact, the first state-supported institution, the University of the State of New York, was established in 1784. By 1853, there was a total of 17 state-supported universities.

The first substantial Federal support of higher education was the Morrill (or Land Grant) Act of 1862. This act authorized 30,000 acres of land for each Representative or Senator in the State for agricultural and mechanical arts colleges. The Nelson Act of 1907 provided substantial increases in Federal aid. Even more significant, however, was the later "G.I. Bill" of 1944 which provided tuition and subsistence payments to several million veterans of World War II. Many of these benefits were to be later extended to Korean and Viet Nam veterans.

Both Federal and State and local government aid to higher education have grown rapidly in the last few decades. Federal expenditures for higher education increased from about $159 million in 1945 to some $4.7 billion in 1969. Likewise, State and local government expenditures rose from about $800 million in 1950 to about $6½ billion in 1969.

Public support of higher education has been to a great extent defended on the basis that it was desirable to the effective functioning of a democratic society; further, that all competent individuals who sought a higher education should have the opportunity to do so. Likewise it is argued that higher education results in significant external economies (social benefits) to the community as a whole in other respects; namely: (1) greater earnings resulting in additional tax revenues; (2) better citizens who are less likely to commit crimes; (3) greater mobility to meet the needs of the labor market; and (4) a pool of talent that contributes to the health, welfare and security of the nation.

On the other hand there are many who maintain that higher education results in largely private benefits; that, the individual is rewarded by receiving a higher return for his services than he could otherwise command. In fact, Milton Friedman attributes none of the neighborhood effects to vocational and professional schooling that are associated with a general education. He would treat as similar the investment in higher education (human) or non-human capital, and maintains that, except for market imperfections, capital would be as readily available for investment in human beings as for physical assets and the rate of return would be roughly equal between the two.[1] However, the wide support for public aid to higher education is reflected in the ever-increasing Federal and State and local expenditures in this area.

Types of assistance to students and institutions

Public support of higher education is normally classified as either direct student aid or institutional aid. In the case of direct student aid, assistance is given directly to the student in the form of loans, scholarships or other subsidies. Normally, the student may select the institution that he wishes to attend. In the case of institutional aid, funds are made available directly to the university or college, primarily in the form of research or education grants.

Of the total Federal outlay of approximately $4.7 billion in fiscal year 1969 for higher education, about $1.1 billion represented direct student aid. The remainder, some $3.6 billion, represented institutional aid. State and local government aid is almost wholly in the form of institutional aid.

The following are the major Federal programs for student aid:

1. *"G.I. Bill"*. Some $466 million was paid to Korean and Viet Nam veterans in fiscal year 1969. A total of some 400,000 veterans were enrolled in vocational or professional schools. Under this program, students are paid $110–$160 monthly, out of which tuition and other expenses must be paid.

2. *Loans*. Assistance in the forms of loans is made available under the National De-

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*In our discussions with the University administration we emphasized that in making this request it is *not* our intention to put an additional claim on the University's already-tight budget. We are asking *the state of Illinois* for a very modest, special-purpose *absolute increase* (of about three-tenths of one percent of the ISSC budget) in state expenditures on student aid.

Footnotes at end of speech.

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fense Education Act of 1958 and the Higher Education Act of 1965. Under the former, needy students are given an opportunity to borrow at an interest rate of 3% with the Federal government furnishing 90% and the institution 10% of the loan funds. Under the latter program, the student can obtain loan from private banks, savings and loan associations, credit unions or the institution itself. The government pays a maximum of 6% interest while the borrower is in school and 3% on unpaid balances afterwards. It is anticipated that some 398,000 loans under the National Defense program and some 924,000 loans under the guaranteed loan program will be awarded in fiscal year 1970.

3. *Grants.* The three major grant programs are:

(a) Work-Study under the Economic Opportunity Act of 1964;

(b) Educational Opportunity Grants under the Higher Education Act of 1965;

(c) Upward Bound under the Economic Opportunity Act of 1964.

The Work-Study program pays a part of the student's expense by providing part-time jobs. The other programs provide funds to those with exceptional financial need, with the Upward Bound program directed to assisting young people from low-income families to stay in high school and continue on to college.

4. *Scholarships.* The National Defense Education Act of 1958 established 23,000 scholarships annually for four years. The primary purpose of the program was to provide graduate fellowships in the sciences, mathematics and languages to enable the U.S. to "catch up" with Russia.

Some 7,500 scholarships are presently awarded under this Act. Additional scholarships are also made available by other Federal agencies, some of which are: The National Institute of Health, the Atomic Energy Commission, and the National Science Foundation. These, like the National Defense scholarships, are principally directed towards the physical sciences.

Federal support in the form of institutional aid is provided in two major areas: (1) loan funds for the construction of college dormitories, classrooms, libraries and other facilities; and (2) research and education grants.

In fiscal year 1969, Federal funds totaling some $700 million were made available for construction of higher education facilities. At the same time, nearly $3 billion was provided for academic research and development.

Since student fees provide only about 50% of the total costs, State and local funds largely make up the deficit in the operation of public universities and colleges.

Efficiency and income distribution aspects of public aid

Perhaps the two primary criticisms relative to the efficiency and income distribution aspects of public aid to higher education are that: (1) the process is wasteful in that it encourages many less-talented individuals to enter college rather than go into the labor force; and (2) the assistance goes primarily to the children of middle and high-income families while the children of poor families are unable to attend college.

As Theodore W. Schultz has pointed out, the present financing of higher education is in general quite regressive. It adds to the value of the human capital of those who attend college relative to those who do not go to college because it increases the lifetime earnings of college graduates in part at the expense of others; also, because higher education provides educational services predominately for students of middle and upper income families and a part of the cost of these educational services is paid for by taxes on poor families. Schultz maintains that the present public financing results in substantial amounts of valuable assets being transferred by society to a particularly intellectually elite set of individuals.[2]

In a similar vein, Burton A. Weisbrod recently testified that State-supported institutions of higher education by charging the same tuition rate to all regardless of the ability to pay have given large subsidies to the more affluent. His study of public higher education in California revealed that the affluent benefited disproportionately from the public subsidies because they are more likely to attend a public college, more likely to attend a high-subsidy school, and more likely to remain until graduation. The following estimated distribution of subsidies by level of family income were indicated by Weisbrod's study:

	Families without children in public higher education	Families with children in public higher education—children in—		
		Junior college	State college	University of California
Average income	$7,900	$8,800	$10,000	$12,000
Average subsidy	0	$1,050	$3,810	$4,870
Subsidy as percent of income	0	12	31	41

As Weisbrod points out, rather than charge differential rates according to the ability-to-pay, public supported institutions have preferred to keep tuition rates as low as possible to all students. The difference between the above and the pattern that would exist if vertical efficiency were being maximized—all subsidies going to the poor—is obviously great.[3]

Seymour Harris has likewise pointed out that state tax systems which provide a substantial amount of support to public higher education are hardly progressive. State and local income taxes tend to be heavier on the low-income than on the high-income groups. In 1954, for example, the average rate for incomes up to $2,000 was 9.8% as against 7.4% for those incomes over $10,000. Of course, a burden of 10% imposed on low incomes is much greater in welfare terms than 10% levied on an income above $10,000. Yet instead of State and local tax rates rising with rising incomes, they fall. Thus, it is the low-income family that bears a heavier burden of State and local income taxes which form a significant source for support of public higher education, and at the same time it is these families whose children are less likely to attend public colleges. Thus, the poor lose some or all of the public subsidy.[4]

In the case of the Federal college housing loan program, it is likewise apparent that a substantial subsidy is provided to middle and upper-income families. This program provides long-term Federal loans at 3% to public and private educational institutions for the construction of housing facilities. Charles L. Schultze estimates that the lower interest rate made available by the Federal government reduces room rent by $6 to $7 per month for students at publicly-supported institutions of higher education. Since approximately 45% come from families with incomes above $10,000 per year (also for students who board away from home, the proportion is probably even higher), the subsidy involved in the college housing program substitutes for funds that these families, who are not in the lower income group, would have spent.[5]

Since 1965, the Federal government has assisted in the construction of more than $9 billion in academic and housing facilities. Approximately $3.6 billion of this total has been used for construction of dormitories and housing facilities. It is estimated that living quarters have been provided for some 600,000 students. This would provide an annual housing subsidy of some $36 million, with about 50% of the subsidy going to students of middle and upper-income families. As pointed out by Schultze, the expenditure of these funds may be desirable, but to the extent that the objective is to increase the flow of funds into higher education, and not merely to subsidize college housing for the sons and daughters of middle- and upper-income groups, this use of Federal program funds is debatable.

As previously noted, the largest item in the form of direct Federal aid to institutions of higher education is that of academic research and development grants. This assistance totals some $3 billion annually (or about 60% of the Federal outlay) and supports about two-thirds of all research and development at universities. Some 30,000 research assistants are employed in these programs.

There has been much debate on the effects on higher education of these Federal grants. It has been argued that such grants cause the universities to suffer financially in that the Federal government does not pay the full overhead and indirect costs attributable to these programs; also, that the Federal grants divert teaching personnel into specialized grant programs thus adversely affecting the overall educational program; that they aid physical sciences at the expense of the social sciences and humanities; that they deprive the smaller colleges of talented personnel who go to the larger, favored institutions, and that they further aggravate the inflationary problem in universities and colleges.[6]

There is no doubt that Federal grants are increasingly being used to bid salaries and allowances up and bid teaching assignments down. Teaching talent is being siphoned away from the classroom into highly specialized grant programs. Likewise, since few Federal fellowships are offered in the social sciences and humanities, many of the more talented students are drawn into the physical sciences and engineering. Further, to the extent that Federal funds create added inflationary stimulus and increase tuitions and other costs, additional barriers are placed on the opportunities for sons and daughters from low-income families to attend universities and colleges.

Among other criticisms of institutional aid is that it is wasteful and inefficient since it keeps tuitions low and tends to attract students of lesser talent who would not have otherwise gone to college. Thus, some 50% of entering students fail to complete college. Also, the low tuition helps all students equally including those who could afford to pay higher tuition. By raising tuitions according to the ability-to-pay, brighter children from poorer families could better afford to go to college.

Some economists argue that direct student aid in the form of loans, scholarships and other subsidies is much more effective than institutional aid. It is maintained that such aid tends to separate the serious from the casual student, that it better aids the sons and daughters of low-income families, and that since higher education primarily rewards the recipient in the way of increased future income, it rightfully places the repayment burden on the borrower.

Of course, many studies relating income to education confirm that higher education generally results in higher future earnings. Data cited by Edward E. Denison show that median income for college graduates in 1958 tended to be about 47% higher than for high-school graduates and about 72% higher for individuals with an eighth-grade education. Similarly, in 1961, the differential was 45% and 68% with regard to high-school and eighth-grade levels, respectively.[7]

Footnotes at end of speech.

Recent studies by James Morgan and Ismail Sirageldin indicate that the type or "quality" of the college degree has an important bearing on income expectations. The following are annual earnings for family heads in 1964 according to the quality of college:

Types of degree:	*Average Annual Earnings*
Most selective (medicine, law, etc.)	$15,200
Selective (engineering, accounting, etc.)	9,450
Nonselective (general, arts, education, etc.)	8,400
No degree	5,500

Since it appears that professional schooling results in higher earnings, it has been suggested by Morgan and Sirageldin (among others) that these individuals should bear heavier educational costs than the less selective degree earners.[8]

One of the major criticisms of the loan program is that it diverts many students from the ranks of education, social service, civil service and education to the more liberally rewarding sciences and professions. It is pointed out that it is much more difficult to take a "flier" into the lower-paying services when one is carrying a $10,000 indebtedness on one's back. One proposal frequently advanced is that the amount that individuals pay back should be governed by their earnings. Thus, individuals who entered into low-paying but socially-beneficial occupations such as teaching, writing, preaching, and social services would not be penalized or disadvantaged.

Theodore Shultz in supporting public investment in higher education has estimated the private rates of returns to those of corporate firms and the private domestic economy.[9] During the period 1958-1961, Shultz estimated that a college education yielded a return of nearly 15%. On the other hand, the return to corporate manufacturing firms and the private domestic sector averaged about 7% and 11%, respectively, during this period.

Other economists tend to disagree with Schultz's findings. Gary S. Becker, for example, in his study found that the rate of return on college education was comparable to the rate earned on investment in tangible capital. Becker indicates that by making adjustments for ability and other factors the average return to all college graduates would be somewhat less than 9%. At the same time, Becker estimates the average return on all business capital to be about 8%—not very far apart from the return for college education.[10]

While Schultz neglects to adjust his figures for opportunity costs, he has pointed out that such costs are far from negligible. He has estimated that in 1956 the total outlay on formal education in the United States was $28.7 billion, of which $12.4 billion was income foregone. Other economists who question that there is an underinvestment in higher education likewise maintain that the inclusion of these costs would substantially reduce the estimated return on education.

Milton Friedman maintains that if capital were as readily available for investment in human beings as for investment in physical assets, the rate of return would be roughly equal between the two. However, he feels that there is sufficient evidence that the rate of return on investmnt in professional schooling is very much higher than the rate of return on investment in physical capital. This difference, he suggests, arises from the existence of underinvestment in human capital. He believes that this underinvestment reflects an imperfection in the capital market. This imperfection arises to a great extent from the risk involved in the investment in human capital. If a sufficient interest rate to cover the risk were charged, Friedman believes that the rate would probably conflict with usury laws and make the loans unattractive to borrowers.

Friedman would justify government intervention on the grounds that this "technical monopoly" causes underinvestment in educational; also, that these imperfections tend to restrict the more expensive vocational and professional training to individuals whose parents can finance the training required. Such individuals are thus made a "non-competing" group sheltered from competition by the unavailability of the necessary capital to many able but poorer individuals. Government intervention would then make capital more widely available and would thereby do much more to make equality of opportunity a reality, to diminish inequalities of income and wealth, and to promote the full use of our human resources.[11]

Friedman would accomplish the above by making funds available to individuals who would in turn agree to pay to the government in future years a specified percentage of their earnings in excess of a specified sum for each $1,000 that they received from the government.

Under Friedman's proposal, the individual (or his parents, etc.) would generally bear all the extra costs of higher education and in turn receive all the extra returns. This he would support on the basis that there are little if any social benefits derived from professional or vocational training.

Various plans have been suggested for educational tax relief. Critics of these plans generally argue that such plans would provide relatively greater benefits to families in higher income brackets. This would not be wholly true of some plans such as the flat percentage tax credit plan and the 100% credit plan with dollar ceiling and the sliding scale credits which are graduated so as to favor students in low-tuition institutions.

Under the Ribicoff Amendment (introduced in 1964), upper middle-income families who have children in high-tuition institutions would get relatively small credits and wealthy families would get none. Under the plan, a family with an income under $25,000 with a student in a university or college with tuition between $1,000 and $1,500 would get a credit which equaled between 21% and 27% of outlay. The credit would be reduced by 1% of the amount by which income exceeded $25,000 and would reach zero at an income level of $57,000. In contrast, a student at a low-tuition college with $200 expenses would get a credit of $150 or 75% of his outlay so that his cost would be reduced from $200 to $50.

Under the Ribicoff Amendment, tax credits would be distributed as follows:

Adjusted gross income class	Amount	Percent of tax savings
Up to $3,000	$10.0	1.0
$3,000 to $5,000	85.0	11.0
$5,000 to $10,000	375.0	51.0
$10,000 to $20,000	205.0	28.0
$20,000 to $50,000	65.0	9.0
$50,000 and over	2.5	0.5
Total	740.0	100.0

The above plan would result in about 91% of the tax savings going to families with an income under $20,000. Families in the $20,000 to $50,000 bracket would get 9% of the total and those above $50,000 would get about ½ of 1%

Proponents of the Ribicoff plan point out that the oft-repeated claim that much of the educational tax credits would help those who need it least is a myth. Under this plan, most of the savings would go to middle-income and lower-middle-income groups. The rich would get none.[12]

It has also been suggested that repayments under loan programs should be made deductible from income for tax purposes. At present, it is anomalous that such repayments are not deductible, while contributions made in recompense for scholarship aid, for which the obligation is moral rather than merely legal, are.

Summary and critique

In general, it is apparent that the present pattern of public support to higher education is economically inefficient and results in adding to the future income stream sons and daughters of middle and high-income families in part at the expense of those who cannot afford a college education.

Low tuitions result in large subsidies to the more affluent. Likewise, housing subsidies from the Federal college construction program which amount to over $300 million annually substitutes for funds that families in the middle and upper-income levels would have otherwise spent. Also, colleges admit at least two freshman for every one who will survive to graduate. If these colleges charged full costs, many who lacked capabilities might be motivated not to enter college or to drop out sooner and enter the labor market. Some may argue, however, that this extra cost is necessary in the "discovery" process, and that it might be worthwhile since some talented students would not be "discovered" if they were required to pay the full costs of education.

It is clear that Federal fellowships and scholarships provide substantial aid to the physical sciences, mathematics, and engineering, but little to the arts and humanities. Likewise, the National Defense Student Loan program provides greater resources to the student in the professional schools. Graduate and professional students may borrow up to a maximum of $10,000. On the other hand, a student who may be interested in teaching or the ministry or other fields that yield less income but much greater social benefits is limited to a maximum loan of $5,000. Thus the opportunity to put the weight of the Federal loan assistance to the neglected social sciences and humanities is lost. Likewise, research and other Federal aid to students is concentrated in the physical and life sciences and engineering. Virtually no student aid is granted in the social sciences and humanities.

Undoubtedly, the most serious defect in the present pattern of public support of higher education is that little opportunity is given to competent but poor students to either enter college or remain once they are enrolled. It is estimated that there are some 600,000 low-income students who have college potential. Of these, there are some 100,000 of outstanding ability each year who fail to continue their education because they cannot hurdle the economic barrier. This group of superior students constitutes an untapped reservoir of potential leadership.

Despite a false but widespread impression to the contrary, the Government is making virtually no effort to conserve and develop this talent. Even where low-income students are able to enter college, little is done to avert dropouts among talented students for economic reasons. Many financial-aid officers, even where loan funds are available, are reluctant to authorize loans as large as low-income youngsters require since if they rely on loans alone it is felt that they are assuming an undue burden of debt. There are no general Federal scholarships at any level except for a few restricted programs. Fellowships are concentrated in the graduate studies.[13]

In addition to low-income backgrounds, many talented youngsters have had inadequate secondary school preparation, have come from culturally disadvantaged environment, have had little or no motivation, and have lacked adequate health services.

Footnotes at end of speech.

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Until 1965, there were no Federal programs designed to generate skills and motivation necessary for success in education beyond high school among young pepole from low-income backgrounds and inadequate secondary school preparation.

The Economic Opportunity Act of 1964 authorized the Upward Bound program to remedy poor academic preparation and motivation in secondary school and thus increase a youngster's promise for acceptance and success in a college environment. During the program years ending in 1966, 1967, 1968, and 1969, the program has provided some 70,000 disadvantaged student participants with opportunities which they would not have otherwise received to overcome handicaps in academic achievement and in motivation to complete high school, and to enter college. Studies of program results have shown that Upward Bound participants have a substantially lower high school dropout rate than is considered normal for the low-income population. Participants have also had a considerably higher admission rate to colleges—approximately 79% of Upward Bound students enrolled in colleges as compared with an average of 20% for older brothers and sisters and 40% for the national student population.

In addition to changing college admission patterns among low-income students, the Upward Bound program has achieved retention rates of about 80%, which is higher than those of the national student population. The graduation rate is as yet unknown, but the exeprience to date indicates that it will compare favorably with the national average of about 50% of entering freshman.[14]

It is apparent that the Upward Bound program has been successful in enabling a student who may be apathetic or even hostile because he comes from a disadvantaged environment or has shunned meaningful educational pursuits because of inadequate school experiences to release his real talent. Quite often the potential that such a student possesses may not be shown in traditional measurements such as test scores or grades.

Because of woefully inadequate Federal financing, this program has only been able to serve approximately 4% of the 600,000 low-income students who have college potential. Most of these talented youngsters could not have surmounted the economic hurdle or the barriers of a disadvantaged background had they been limited to help from traditional programs. Given 10% of the total public outlay for higher education, it is likely that this type of program might enable most or all of the 600,000 students from low-income families with college potential to go to universities and colleges.

It is apparent that a program such as Upward Bound in which the subsidy goes to the low-income family in its entirety is much preferable to the pattern of public support to institutions of higher education in which the affluent benefit disproportionately from the public subsidies.

Two new programs have recently been initiated by the Office of Education which seek to encourage disadvantaged students to enter and remain in institutions of higher education. One, "Talent Search", attempts to alert students of high intellectual ability to the advantages of a college education and how it might be financed. The second, "Special Services", provides tutorial and remedial aid to students already enrolled in college in an effort to ease their adjustment to a new intellectual and cultural environment.

The modest resources available to these programs, however, provides little encouragement to those who would hope for a significant improvement in public policy. Furthermore, it is rather tragic that some $30 billion is expended annually for higher education, yet there is little provided for research on those factors related to social and fiscal policies in this area, and only limited attention is available from the best minds to guide the American people in the important choices that they must make. Little research has been sponsored by the Federal Government, by state governments and by university research centers relative to: What are public practices, policies and plans in the definition of who should go to college? in the distribution of the cost burden? in assuring quality of educational opportunity adapted to the needs of modern life? in the study of cost-quality relationship? in achieving economy and good fiscal practices? in determining just how much should in the aggregate be spent on higher education? and in the coordination of objectives, functions, and activities?

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FOOTNOTES

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[9] Schultz, Theodore, op. cit.

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[11] Friedman, Milton, op. cit.

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THE FLATBUSH BOYS' CLUB HONORS DR. CHARLES W. MUELLER

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. PODELL. Mr. Speaker, on April 23 the Flatbush Boys' Club honored one of Brooklyn's most distinguished citizens. Dr. Charles W. Mueller, a prominent

Brooklyn obstetrician and gynecologist, was guest of honor at the 66th Annual Dinner of the Flatbush Boys' Club. It was an honor well deserved.

Today, there are more than 600 boys' clubs affiliated with the national organization in the United States. Because of the work of such concerned people as Dr. Mueller, the club has remained relevant to the needs of young men. I am proud to say that the Flatbush Boys' Club is one of the finest clubs in the Nation. The club has continued to work to develop the interests and the talents of boys in the community—boys who have gone on to make important contributions to their country and their community.

As we all know, the incidence of drug abuse in this Nation has increased to the extent that it has become the most serious problem confronting our youth. The Flatbush Boys' Club has been a leader in the fight against such abuse because it is fortunate to have a program entitled "Preventive Drug Addiction" for the youth of the community.

The program was the inspiration of Dr. Charles Mueller. It includes the distribution of information to members of the community to aid in the detection of addicts. It allows such drug centers as Odyssey House to use the center's facilities at designated times. In addition, the activities at the center give young men in the community the opportunity to engage in meaningful activity. Indeed, if there were more such clubs and programs, we might well witness a sharp decrease in the incidence of addiction among our youth.

It is with pride that I add my name to the long list of people honoring Dr. Charles W. Mueller for his work for the Flatbush Boys' Club.

THE DRAFT BEFORE, NOW AND IN THE FUTURE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. HUNGATE. Mr. Speaker, the New York Times of April 24, 1970, carried an article on the draft before, now, and under proposals for the future, which I believe should be of interest.

The article follows:

THE DRAFT BEFORE, NOW AND IN FUTURE

WASHINGTON, April 23.—Following is the White House analysis of "The Impact of Draft Reform on Individual Registrants":

STATUS YESTERDAY	STATUS TODAY	STATUS IN FUTURE UNDER THE PRESIDENT'S PROPOSALS
If yesterday, a registrant was:	Today, the registrant is:	After the second executive order to be issued if the Congress passes proposed legislation, a registrant's status would be as follows:
1. Attending college as a student for baccalaureate degree.	Eligible for student deferment as before.	Same as today.
2. Planning to enroll in college.	Eligible for student deferment after he enters college until the Congress passes proposed legislation and the President issues a second executive order.	Ineligible for student deferment. If called for service after he enters college, a student would be granted postponement of induction until end of semester or term. College men enrolled in R.O.T.C. or other military programs could postpone active duty until completion of their study programs.
3. Attending junior or community college or approved technical school (but not studying for baccalaureate degree), or participating in approved apprentice program.	Eligible for student deferment as before.	Same as today.
4. Attending junior college or community college in a program leading to baccalaureate degree from a four-year college.	Eligible for student deferment as before. Deferment will be continued upon transfer to a four-year institution.	Same as today.
5. Planning to enroll in a junior college, community college, or approved technical school or apprentice program.	Eligible for student deferment after entry until the Congress passes proposed legislation and the President issues a second executive order.	Ineligible for student deferment. If called for service after beginning a program, a registrant would be granted postponement of induction until appropriate breaking point in program.
6. Holding a deferment granted because of employment (including agricultural).	Eligible for employment deferment as before.	Same as today.
7. Not holding an employment deferment.*	Not eligible for employment deferment.	Same as today.
8. Holding a paternity deferment.	Eligible for paternity deferment as before.	Same as today.
9. Not holding a paternity deferment.*	Not eligible for paternity deferment. May be eligible for hardship deferment.	Same as today.

*Registrants with applications for employment or paternity deferments pending before today will be eligible for such deferments so long as qualified under regulations in force yesterday.

DEDICATION OF GEORGIA REHABILITATION CENTER

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. STEPHENS. Mr. Speaker, the State of Georgia has reason to be very proud of its accomplishments in the field of vocational rehabilitation. Recently, another milestone was reached in Georgia's program to assist the disabled in returning to productive roles in society. On March 1, 1970, Dr. Edward Newman, Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare, gave the principal address at the dedication of a $1 million addition to the Georgia Rehabilitation Center at Warm Springs, Ga. Mr. Jack P. Nix, Georgia superintendent of schools was kind enough to send me a copy. The Georgia Rehabilitation Center is now a $3,500,000 complex which renders treatment to the seriously disabled. I believe that Commissioner Newman's remarks on the program being carried out at Warm Springs deserves full consideration and widespread distribution. Therefore, I have asked that Commissioner Newman's remarks be inserted in the RECORD:

REMARKS BY COMMISSIONER EDWARD NEWMAN

When I say that I am particularly honored and gratified to be here with you today, I hope you will believe that it is not just the ceremonial oratory to be expected from a Federal official on such an occasion as this.

Long before I became Commissioner of the Rehabilitation Services Administration—indeed, long before such a possibility ever entered my mind—I had resolved to visit, if the opportunity ever arose, the State whose vocational rehabilitation program is often cited as the model of excellence.

As director of the Massachusetts Vocational Rehabilitation Statewide Planning Project, I had heard many good things about the Georgia program.

You have every reason to be proud of the outstanding accomplishments of your State program. You have been a consistent leader in State rankings each year—both in numbers of rehabilitants and per capita rate of rehabilitation. Your vocational rehabilitation program is truly an ornament to the reputation of your great State of Georgia.

I do not think it accidental that we find in the South some of the most vigorous and dynamic programs of vocational rehabilitation. There is a spirit here of willingness to help one's neighbor to help himself, as well as pride in self-reliance and personal dignity. Both of these characteristics I admire and respect, and find them much in common with our New England outlook.

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One of the most rewarding aspects of this work is the opportunity to meet people who are courageous beyond the customary demands of that trait. I am not among those who subscribe to the belief that dependent people are anxious to remain so—whether we speak of those casualties of our society or economy who, for one reason or another, are obliged to depend on welfare, or of our nation's disabled citizens handicapped by birth defect, accident or disease, who are anxious to return to as normal a life as they can, and to resume a productive role in society. The very best in the American character, from which the vocational rehabilitation movement springs, is illustrated by the Georgia Rehabilitation Center, and this new addition which we dedicate today.

With this $1,000,000 addition, the Georgia Rehabilitation Center will double its bed capacity from 125 to 250, and a medical clinic and auditorium have been added along with additional space for program services. The Center's limited bed space has resulted in long waiting lists of clients who are in need of evaluation and vocational training, but with this new addition we hope that waiting time will be substantially reduced.

There are other reasons why the Georgia Rehabilitation Center is of particular interest to me, as a Commissioner of vocational rehabilitation relatively new in office—and as one who had his basic training at the State level in the administrative, fiscal, technical and planning problems of the program.

I came to this post with some ideas of my own that I hoped to be able to put into practice on a natioinal scale, ideas which I find, happily, are being implemented right here in Warm Springs.

For example, it is no secret among rehabilitation people that our program has sometimes been accused of playing a "numbers game" or meeting some kind of "production quotas" each year. Our critics say we do that by singling out for services a good number of people with minor impairments which may lend themselves to a higher likelihood of success. But here in Georgia you are meeting the challenge of the hardcore, seriously disabled, whose cases are costly, time-consuming, and which stretch your professional abilities to their limits.

The Georgia Rehabilitation Center is designed to serve these seriously disabled people. 30% of the patients here are in wheelchairs, for example.

As Commissioner of the Rehabilitation Services Administration, I believe that our program should move toward widening its responsibility to more severely disabled people. I am intensely interested in the development of a delivery system of rehabilitation services which will make our State-Federal program truly a community program. I welcome the disappearance of red tape and long waiting periods. I would like to see a network of available, accessible, and responsive community rehabilitation programs.

We know that any assault on the multiple problems of the disabled will also be an assault on the problems of poverty and welfare dependency. Not only do disabled people often become poor, but poor people become disabled with a statistical frequency which is more than a mere coincidence. Without question in my mind, poverty breeds illness, mental retardation, disability, and a dependency cycle which feeds upon itself.

While I have a vision of community rehabilitation programs for the large majority of disabled people for whom even routine services will make a tremendous difference in their lives, the seriously disabled must have a resource such as this to turn to: a regional or State-wide rehabilitation facility like this Center, bringing together a wide range of competent people in their respective professional specialties, where those who require intensive services may live on the premises while being served.

Another aspect of this outstanding facility which is especially gratifying to me is the genuine working partnership which exists between the voluntary agency and the federal and State programs. This partnership pays more than mere lip service to the concept of voluntarism. It is a partnership in which the whole is more than the sum of its parts.

Without the unselfish and wholehearted cooperation of the Warm Springs Foundation, the new Center and the addition which we dedicate today would not have been possible. The land on which this Center was built, as you know, was donated by the Warm Springs Foundation. The walkway which connects these two facilities—one owned and operated by the Foundation, the other by the Georgia Office of Rehabilitation Services—is a physical symbol of the working partnership here in Warm Springs. This is a model of the voluntary agency working with the State agency, which encourages and stabilizes the voluntary services.

Georgia is one of those States which have led the way in developing a plan to promote the orderly growth and development of voluntary agencies serving the disabled. An annual agreement for purchase of services permits voluntary agencies to plan for the year ahead, and offers them a measure of fiscal stability.

Today, in view of this handsome complex of buildings valued at more than $3,500,000 let us not lose sight of another aspect of the Georgia Rehabilitation Center which reflects the basic philosophy of our movement. You treat *people* here, not cases or file numbers. The genius of the vocational rehabilitation program since its founding 50 years ago has been its ability to keep the individuality of each disabled person paramount. Rehabilitation is unique among public social programs, in that it keeps foremost the goal of gainful occupation for each handicapped client. It develops an individualized plan for each client, and maintains flexibility in the provision of client services, with the freedom to create for the individual client a "mix" of services purchased from a variety of public and private resources. The boundaries between various jurisdictions (Federal, State and local—) have often proven to be insurmountable barriers to other human service programs, but vocational rehabilitation learned to cross them.

Finding the money to encourage development of other facilities around the nation, like this one at Warm Springs, will be difficult at present. Money for construction, as well as for many other urgent needs in human service programs, is tight. But I plan to be around awhile—and you do, too—so that I feel free to look ahead at a vision of what the future might hold.

This June, the State-Federal vocational rehabilitation program will mark its 50th anniversary. In the decade ahead, I believe the rehabilitation movement will emerge as a major contributor in the fight against disability, poverty, and dependency. Our success will depend upon the working partnership between public resources and private initiative. The Georgia Rehabilitation Center is an example of this kind of partnership.

I hope to learn a great deal on my visit to Warm Springs, both from my opportunity to walk through the Center and meet its staff and patients—and from my tour of other State agency programs in the area. Georgia has a great deal to show the rest of the States about the administration of a model program.

In the decade which lies ahead, I hope to see a door opened to the disabled in every community—a door, such as the one on this very building, leading to a planned program of comprehensive services for the disabled. I see the involvement of the rehabilitation agency, even if needed services range beyond the traditional limits of vocational rehabilitation, and extend into such areas as transportation and housing for the disabled, for example.

I would like to see the rehabilitatien agency in each community to be that Open Door to a new life for America's disabled citizens.

Here in Warm Springs, at the Georgia Rehabilitation Center, you are doing much to help make that vision a reality. I commend you for your compassion, for caring, and for helping disabled people to use their courage and determination to lead productive, dignified lives.

THE CATHOLIC URBAN SCHOOL: THE PATTERNS OF SURVIVAL

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, recently Dr. Francesco Cordasco, professor of education at Montclair College in Montclair, N.J., provided me with a copy of an address he delivered before the 67th annual National Catholic Education Association Convention in Atlantic City.

Dr. Cordasco's address defines the problems facing Catholic urban schools and suggests a program for their survival, including:

Continuing attention by Catholic schoolmen to the urban poor;

A new awakening of community support for Catholic urban schools;

The involvement of all Catholic institutions in the educational service to assure needs for the child and his family;

A recognition that the decline in religious vocations must be reversed;

A new liaison between suburban and urban Catholic schools; and

A continuous involvement in educational experimentation by Catholic colleges.

The problem of Catholic education is a vital part of the entire context of urban education. I commend this address to the attention of my colleagues. The address follows:

THE CATHOLIC URBAN SCHOOL: THE PATTERNS OF SURVIVAL

If there is agreement on anything in American Catholic education, it is in the grim statistical data which delineate a symptomatology of decline in enrollments and the closing of schools. Catholic school enrollment has dropped 500,000 in two years; in June 1969, some 301 Catholic elementary and secondary schools closed throughout the nation, and some 111 more began phasing out grades and consolidating classes. In 1968, school closings numbered 445 with the heaviest attrition in the elementary sector; the school mortality pattern in American Catholic education was inexorably progressive: in 1966–67, 50 elementary schools closed; in 1967–68, 152; and in 1968–69, 225. The National Catholic Education Association has predicted that some 200 schools will close in 1969–70. According to Msgr. James C. Donohue, director, Division of Elementary and Secondary Education, U.S. Catholic Conference, "Enrollment in Catholic elementary and secondary schools has dropped from 5.6 million in the 1964–65 school year to an estimated 4.86 million in the current school year (1969–70)—a decline of three quarters of a million students in only five years." And Msgr. Donohue couples with his notice of the declination of enrollments the severe financial straits in which Catholic schools currently find themselves, and the adverse fiscal burdens which the loss of children from the Catholic schools impose on the public schools:

The reason is obvious. When children leave a Catholic school which has closed or been forced to cut back its operations for financial reasons, they do not vanish. They go to school somewhere, and "Somewhere else" means the local public school.

The dollars and cents implication for public schools are clear. The more former students of Catholic schools enroll in public schools, the more public schools will be obliged to provide additional teachers, classrooms, equipment, and materials—and this is at precisely the time when they are increasingly hard pressed for funds. Indeed, the conclusion seems inescapable that the worse by the financial crisis in non-public education.

The available figures demonstrate that this is no fantasy. For instance, it is estimated that taxpayers in the Detroit area have paid some $90 million over the past four years to accommodate in public schools some 50,000 former Catholic school students who have been forced out of Catholic schools which have closed, consolidated, or curtailed classes. This is, furthermore, a continuing expense, since these students will continue to be a drain on the taxpayers' pocketbook for as long as they remain in public schools.

There can be no retreat before the appalling attrition in Catholic school enrollments; and there can be no denial of the fiscal burdens which have rendered, in a period of inflationary havoc, Catholic schools no less immune to the rigid and iron laws of economics. But Catholic leadership has failed to examine the total context out of which the declining enrollments have emerged. For the most part, Catholic educators have attributed the closing of their schools simplistically to severe financial strain, an equation which has assumed the force of a *post hoc, ergo propter hoc* demonstration in logic; and if they have not sought a causal connection between declining enrollments and the phenomenon of fiscal crisis, they have squandered an immeasurable prodigality in pleading the righteousness of their quest for public funds. But like Odysseus, the Catholic educator has not yet made his way home: for if he has encountered and vanquished federal interdiction (Polyphemus), he has been lost to the ideologies of extravagant praise for Catholic schools in America's search for a true pluralism, or to grim warnings (such as those expressed by Msgr. Donohue) to the public sector as to the grave financial consequences that must follow the closing of Catholic schools.

In my judgment, Catholic educators, in their emphasis on the search for financial support, have made a twofold tragic error. First, they have attributed to the need for money, the grave and imperiled condition of Catholic schools; and second, they have failed to discern that the struggle for public support for Catholic schools can no longer be argued in the rhetoric and language which characterized the 1950's and early 1960's. And this is not to minimize the struggle of those earlier years, or to suggest that the history of public support for private schools in America has been fully written. It is as yet an unfolding story, but the enactment of the Elementary and Secondary Education Act in 1965, with its provisions for Federal support to private schools, has unequivocally established the principle of support.

A survey conducted by the American Jewish Congress showed that bills to provide direct state aid to parochial and other private schools were considered by 20 state legislatures in 1969, with passage achieved in three of the legislatures, but with "a continuing effort by religious groups to win public funds for parochial schools." Whatever form public support of private schools assumes, it is, in my judgment, inevitable; and the intricacies of the pattern it assumes will be formulated within the ensuing few years. The questions which should concern Catholic educators are those which ask: What is the quality of our schools? Whom are we (and whom should we be) educating? What are our responsibilities to the new poor in the cities in which our schools have been traditionally located? Have we a philosophic commitment and a set of clearly defined objectives which justify Catholic schools? What is to be done about the declination in religious vocations and the staffing of parish schools?

As always, history can be used as an instructive force in confronting current problems. The history of Catholic education in America has been written more as church history than as social process and as a consequence many of the dynamics which underlie the origins of a parochial school system have been adumbrated under the religious rubrics of the third Plenary Council of Baltimore (1884), religious protocol, and clerical and episcopal intransigence faced with the reputedly irreligious public school. What (in our judgment) has been paid little attention to is the struggle and social adaptation of an Irish peasant immigrant urban subcommunity out of which the parish school (fashioned in the mandates of the Third Plenary Council) emerged. It is my view that the impoverished urban Irish community created a community school system to serve its children and that its motivation was political and social; only incidentally were the strategies of a church-school system evolved, in a measure dictated, in order that the Irish community school be given cohesiveness, a *Gemeinschaft* strength, and an inviolable religious ideology. And this is not intended to demean the religious motivation: it is rather to note that an impoverished and deprived ("disadvantaged," if one prefers the current euphemism) urban community used both ethnicity and religion as the basic weapons against an oppressive establishment. Seen in this perspective, the Catholic parish schools are an historical analogue which should help explain the efforts of the contemporary urban poor (predominantly Black, Puerto Rican, and Mexican-American) to create community school systems which reflect their *ethos* and assure their cultural survival; and out of a multitudinous experience, Irish Catholic schoolmen should be, not only the best informed educators on urban education and the aspirations of ethnic enclaves, but should be (as they have not been) the most stalwart defenders of urban educational decentralization and of community control of schools. The two basic ingredients which irretrievably relate Catholic schools to the contemporary urban context are poverty and ethnicity; and the contemporary setting is an urban America in which the parish school originated and in which it has traditionally prevailed.

The contemporary urban educational scene is one of confusion, bitterness, a worsening reality which persists despite massive federal aid and a plethora of ambitiously experimental constructs: the answers to a multitude of problems are not easy, but as Daniel P. Moynihan (who is an exemplar both of ethnicity and social class) sardonically observes, it may be that the problems have not been correctly defined:

As the decade closed the New York City Master Plan was to declare: "The plain fact is that no one yet knows how to make a ghetto school work."

This statement in itself is a considerable advance, even though the problem is still poorly stated by describing the slum school as a "ghetto" school.

(The plain fact is that nobody knows how to make a real ghetto school—that is, one made up of European Jewish students—not work. The ghetto schools of Europe were where Nobel physicists first learned calculus. One of the most profound misstatements of the situation of the black in urban America—or, for that matter, that of the Irish, Italian and other agricultural immigrants who arrived in the cities in circumstances comparable to those of the blacks—has been to state it in terms of the Jewish experience.)

Nonetheless, the illusion of knowledge faded with the New York City Master Plan, and this at least is the beginning of problem solving.

Characteristically, Moynihan will have infuriated some people, but with typical perspicacity, he has cut down to the root of the matter. If education is to be effective (Moynihan is saying) in urban schools (which have traditionally been the schools of the minority poor), then it must reflect the lifestyles, the mores, and the needs of its constituency: in sum, it must be both of and by the community. The public schoolmen have not yet comprehended this elemental dynamic: the complexity of the struggle for the control of public schools cannot be understood unless one sees the struggle in ethnic and community terms with all of the intricacies of a socio-economic tableau in which new destines and power are being forged.

But the Catholic schools do understand the dynamic; both their genesis and experience confirm the fact. For the Catholic urban schools, the problem has a different dimension. As community schools, the problems of community relevancy and participation would (in my view) be quickly resolved for urban Catholic schools. An Irish, Italian, or Polish Catholic slum school which has kept intact its ethnic wellsprings and community anchorages can be equally as well a Black or hispanic Catholic slum school with the strength which ethnicity and community afford. For Catholic schoolmen, the problem quite simply is: "Will we undertake to educate the Black and hispanic poor who are the new constituencies of our urban parishes?" And the answer to this question must be forthright and honest; on it hinges the survival of the urban Catholic school.

It is not an easy question. And it cannot be dismissed by noting that the Black urban poor are, in the main, non-Catholic: for, if this imposes the need to define Catholic endeavour in apostolic terms, it cannot obscure the relatively modest efforts of American Catholicism in behalf of Black Americans. But what of the hispanic poor, traditionally Catholic, and the mission of the Catholic urban school? How are we to explain our essentially unsubstantial efforts in their behalf? Has the urban parish school retreated so far from its twin dynamics of ethnicity and community that the hispanic poor are invisible in its midst?

It is the urban *demos* which Catholic schoolmen must redefine once again. With this done, other problems will be easily resolved. If we keep in mind that it is to the urban citadels of the poor that Father McCluskey is referring in his apostrophe to the Catholic school, his words have a poignant eloquence:

"Have the Catholic schools in America been a failure or a success? The first answer is a retort: Has any human institution been an unqualified failure or success? One could as easily ask: Is any marriage an unqualified failure or success? Perhaps in all fairness, we should let each generation return its own answer. In general, however, it can be readily said that in many important ways, as shall be seen, the Catholic school has been and is an outstanding success. Frankly, where it may have fallen short of its demanding ideal, a portion of the blame can be laid at the door of government whose policies on support have made the burden of financing the Catholic school such a heavy one. In any event, the Catholic school has tried to keep troth with the transcendent character of its Master's mission."

I have prepared a seven-point check list of recommendations for Catholic schools, and they are skeletally appended; in my text I have intruded on most of them, and they might be considered an inventory for survival. No one of them is listed without a full awareness of the difficulties imposed and the uncertainties to be encountered. Yet, in my considered judgment, they point the way to a renaissance of Christian effort in behalf of children: For Catholic schools there can be no retreat from the urban centers and the contexts of socio-economic deprivation; Catholic schoolmen must define as their major constituency the urban poor; ethnicity and community must provide the animus which gives meaning and dimension to educational programs, governance, and participation; Catholic schools must draw support from all Catholic institutions (health services, *etc.*) to assure all needed service for the child and his family; the declination in religious vocations must be reversed, and the dominant administrative and teaching cadres of Catholic schools must be the religious; liaison between suburban and urban Catholic schools must be established with a major assumption of fiscal support borne by affluent suburban parishes, with a continuing exchange of staff, students, and an eclectic sharing of facilities; Catholic colleges and universities must be continuously involved in educational experimentation within Catholic schools and must become the major resource for innovation and advisement.

My recommendations are neither naive nor quixotic. If money is a necessary ingredient, it is not the major element which prognosticates success or failure. The major ingredient must be a commitment to the ideals of Christian education, and the tenets of an Judaic-Christian ethic. All else is, at best, relative. Catholic schoolmen in today's troubled times, should find encouragement in the words of St. Jean Baptiste de La Salle, an earlier Catholic educator of modest talents, who faced the staggering problems of his devout commitment with these words: "As our office offends the schoolmasters, we have in everyone of them a declared and inveterate enemy, and all in a body they have often armed the powers of the world to destroy us. Yet, notwithstanding all, the edifice is standing, although it was so often trembling on the brink of ruin. This is what leads me to hope that it will endure, and render to the Church the services she has a right to expect from it."

MANDATORY RETIREMENT AT 100

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. FRASER. Mr. Speaker, I received a letter from one of my Congressmanless Washington, D.C., constituents. I thought I should share his comments with all the Members of this eminent body.

I do not necessarily share my correspondent's views on the need for a mandatory retirement age. Age is not an infallible indication of either ability or incompetence. But barring other reforms of the seniority system, this may be an alternative:

I am sure the Democratic Study Group has given much thought to means of getting younger, more capable men in positions of authority. It's clear that most men will not relinquish power voluntarily and therefore it is necessary, or at least desirable, to come up with a proposal which would permit as little rational opposition as possible.

Few men who are 70 will vote to have an age restriction of 70 or even 75 imposed on committee chairmen. Even men of 75 or so would see themselves threatened if a limitation of 80 were to be imposed. But what about this: who, with a straight face, could seriously insist that a man of 100 years be given a committee chairmanship? A bill to prohibit centogenarians from being committee chairmen should be relatively easy to get through the House. Clearly, no one is affected. The same is true for 95 and even 90.

My suggestion would be that a bill be introduced to limit the age of committee chairman to 100 as of 1970; to 95 as of 1971; to 90 as of 1972; etc. Thus, in seven years, we would have a livable maximum age of 65.

This de-escalation is too rapid, of course, and compromises would have to be worked out.

In compromising, a maximum age of 70 might be agreed on and perhaps the seven years could be extended to ten or twelve. But, the dam would be broken.

UNITED STATES SHOULD SEEK U.N. CONSIDERATION OF THE CAMBODIAN CRISIS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. BINGHAM. Mr. Speaker, we are being told that Cambodia is being invaded. The Nixon administration says it is giving consideration to Cambodia's request for massive military assistance. We do not have any assurance that such assistance, if rendered, would not include American advisers or even troops. This is clearly a case for consideration by the United Nations, not a case for unilateral intervention.

I have sent the following telegram to the Secretary of State. It is my fervent hope that by taking this case to the United Nations, we can avoid the quagmire of another Vietnam.

The telegram follows:

It is imperative that the Cambodian crisis be submitted to the United Nations Security Council at once. If the Security Council can come to no agreement on the matter, then the issue should be referred to the General Assembly, at a Special Session to be called for the purpose, under the "Uniting for Peace Resolution."

If an invasion of Cambodia by North Vietnam is in progress, as you have suggested, then this is clearly a case of aggression and should be handled in accordance with the provisions of the Charter. I cannot understand why this has not been the Administration's position from the beginning.

If an appropriate body of the U.N. finds that aggression is being committed and that collective action should be taken under U.N. auspices, then the United States should fully support that action. If, on the other hand, there is no such finding by a U.N. body, then the United States should not attempt once again to play policeman on its own or with a handful of allies. The American people want no more Vietnams.

I understand that a new Cambodian Ambassador has just arrived in New York, and I hope Cambodia will take its case to the Security Council. But if Cambodia does not do so promptly, the United States should.

PHILADELPHIA CITY COUNCIL RESOLUTION MEMORIALIZING THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE TO HELP ESTABLISH A CENTRALIZED FACILITY WITHIN PHILADELPHIA FOR THE DIAGNOSIS AND REFERRAL OF DRUG ADDICTS AND FOR COMPREHENSIVE PROGRAMS OF DRUG ABUSE EDUCATION

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Paul D'Ortona, president of the City Council of Philadelphia, has brought to my attention Resolution 248, which was adopted unanimously by the council on April 16. This matter is of vital importance to the city of Philadelphia, and I call this resolution to the attention of my colleagues:

RESOLUTION No. 248

Memorializing the U.S. Secretary of Health, Education and Welfare to help establish a centralized facility within Philadelphia for the diagnosis and referral of drug addicts and for comprehensive programs of drug abuse education.

Whereas, Recent investigation has confirmed that the extent of drug addiction in Philadelphia has reached alarming proportions; and

Whereas, Drug addiction is a disease that results in debilitating effects on the individual and his social environment; and

Whereas, Addicts often are forced to resort to supporting their habit by crimes against property and persons; and

Whereas, Drug-related thefts are estimated to involve millions of dollars of property each year in this city; and

Whereas, Existing treatment settings in the Greater Philadelphia area do not have adequate facilities to treat the great number of addicts needing rehabilitation; and

Whereas, There is a demonstrated need in the City of Philadelphia for a centralized diagnostic, referral and educational facility; and

Whereas, President Nixon has recognized the need for expending more federal funds for strengthened enforcement, more research, and improved rehabilitation; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the Honorable Robert Finch, Secretary of Health, Education and Welfare, to help establish, through the National Institute of Mental Health and other appropriate agencies, a centralized facility within the City of Philadelphia for the diagnosis and referral of drug addicts and for comprehensive programs of drug abuse education.

Resolved, That certified copies of this Resolution be sent to the President of the United States, Vice-President, Speaker of the House, President Pro Tempore of the Senate, United States Secretary of Health, Education and Welfare, Congressional representatives from Philadelphia and United States Senators from Pennsylvania, as evidence of the sincere sentiments of this legislative body.

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Certification: This is a true and correct copy of the original Resolution adopted by the Council of the City of Philadelphia on the sixteenth day of April, 1970.

PAUL D'ORTONA,
President of City Council.

Attest:

CHARLES H. SAWYER, JR.,
Chief Clerk of the Council.

ERNEST CUNEO WRITES ABOUT VIETNAM

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. RIVERS. Mr. Speaker, a former colleague, Morgan M. Moulder of Camdenton, Mo., has brought to my attention an article from the St. Louis Globe Democrat by Ernest Cuneo concerning our policy in Vietnam. At Mr. Moulder's suggestion, I bring it to the attention of the Members of the House. The article follows:

"BACK TO AMERICA" OR "ON TO HANOI"?

(By Ernest Cuneo)

WASHINGTON.—We are not listening to a great debate on American foreign policy for the simple bad reason that full consideration of available courses are not being considered.

The Senate is determined that we vacate Vietnam immediately. The President is in accord with the objective of Vietnam withdrawal, but asks for time.

No one pretends that this is anything but an American defeat, and the world so regards it.

Reasonable senators very reasonably declare the United States should never have entered Vietnam in the first place. This may be true, but these same reasonable senators ought to consider what other reasonable men believe we should have done when we got there. Unfortunately, this is not being mentioned, much less debated.

But there is authority, from Shakespeare to Von Clausewitz, that what we did after we landed in Vietnam has a great deal more to do with the present deplorable state of our affairs than the intervention itself. Declared Shakespeare's Polonius, "beware of entrance to a quarrel; but being in, bear't that the opposed may beware of thee."

This, of course, is exactly what the United States has not done in Vietnam. On the contrary, we have repeatedly assured the enemy that we fight a limited war for limited objectives.

We have not only limited our weapons, but we have informed the enemy of vast areas in his own country where even these would not be used.

We have assured the enemy and the world that we will permit strikes at us from sanctuary border states.

We have accepted his denials that he has an army in Laos, even when that army attacks in vast force.

We have withdrawn troops, thus exposing those remaining.

The vital military element of surprise, we have abandoned. Our military are regularly hauled before Congress to reveal publicly their tactics and strategy.

In an effort to bring about negotiation, we have deprived our own troops of air protection. The American casualties since negotiations started are appalling. Yet the only thing decided is the shape of the table. Nothing else has been offered by the enemy.

From this, it is at least an arguable inference that defeatism and palliation of the enemy may be the very cause of our misfortunes.

Worldwide pressure has mounted, not eased, since American policy wavered. The Middle East has been raised to the point of explosion. Small powers order us out, our allies leave us. In other quarters of the globe, large American properties are seized; our embassy compounds are assailed by rioters.

Withal, we have the greatest military force in world's history. Its effectiveness is magnificient, its morale high. Indeed, from the standpoint of Von Clauswitz, the performance of our armed forces is miraculous.

Incredibly, our armed forces have not even been allowed a military objective. The final military objective is to break the will of the enemy's army to fight. In order to break the will of an army, it must be defeated in battle. In order to defeat it in battle, it must be cut off from its base or its base destroyed.

But the United States armed forces have not been permitted by Washington to invade North Vietnam, in general, nor to assail the enemy's main bases, Hanoi and the port of Haiphong, in particular.

"WELFARE CADILLAC": THE SONG THE PRESIDENT DIDN'T HEAR

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the song "Welfare Cadillac" initially requested by President Nixon for a Johnny Cash performance at the White House created such a controversy that the song was omitted from the program.

Without commenting on the merit of the song, I thought it would be of interest to make the words available through the CONGRESSIONAL RECORD as a matter of information.

The words of the song, as published in Human Events, follows:

THE WELFARE CADILLAC

Well I never worked much
In fact, I've been poor all my life. I guess all I really own is 10 kids and a wife
This house that I live in is mine
But it's really a shack
Yet I always manage somehow to drive me a brand-new Cadillac.

The back door steps they done fell on down
The front screen door is off and layin' somewhere out there on the ground
The wind just now whipped another piece of that old tar roofin' off the back
Sure hope it don't skin up that new Cadillac.

The front porch posts they're loose at the bottom
In winter time we sometimes have some snow blow through the cracks
It isn't too bad, we just pile up and sleep back under that new Cadillac.
I know the place ain't much
But I sure don't pay the rent
I get a check the first of every month from this here federal gov'ment
Every Wednesday I get commodities
Sometimes four or five sacks
Pick 'em up down at the Welfare office drivin' that new Cadillac.

Some folks say I'm crazy and I've even been called a fool
But my kids get free books and free lunches at school
We get peanut butter and cheese, and man they give us flour by the sack
Of course them welfare checks they make the payments on this new Cadillac.

Now that I see it these other folks are fools
They're work'n and payin' taxes just to send my youg'uns to school
The Salvation Army cuts their hair and gives the clothes we wear on the back
So we can dress up and ride around and show off this new Cadillac.

But things still are goin' to get better yet or at least that's what I understand
They tell me this new President put in a whole new poverty plan.
He's goin' to send us poor folks money
They say we're goin' to live down here in style
In fact, my wife's already shoppin' around for her new Cadillac.

HE GAVE LIFE TO THE LAW

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. WATSON. Mr. Speaker, just recently, one of the most respected and distinguished legal scholars in this Nation, Charles B. Elliott, passed away in Columbia, S.C.

"Mr. Charlie," as he was affectionately called by thousands of aspiring young attorneys, including myself, dedicated his entire career to the law and preparing others for a legal career. He revered the law, and he inspired in his students a healthy respect for those legal principles upon which our great democracy was founded.

I have never seen his equal in the field of constitutional law. I have often said that if the Warren Court had taken Mr. Charlie's "con law" course, quite possibly, our Constitution would not have been so manhandled by the Court in the past 15 years. Like our distinguished colleague in the other body, the Senator from North Carolina, Mr. ERVIN, Professor Elliott could quote verbatim from the major cases which have been decided by the High Court in its history.

Mr. Charlie is survived by his dear wife, Mrs. Irene Elliott. Like her late husband, Mrs. Elliott has devoted an outstanding and unselfish career to the education of our youth. Among the many English courses she taught at the University of South Carolina before a well-deserved retirement were the legendary Great Books and Epic Poetry. My profound expression of sympathy goes to Mrs. Elliott upon her great loss.

Mr. Speaker, the following editorial which appeared in a recent issue of the State newspaper is a tribute to Mr. Charlie. It says far better than I how deeply we shall miss this remarkable and gifted man, and I commend it to my colleagues and the Nation as follows:

HE GAVE LIFE TO THE LAW

The world has too few people like Charles Bell Elliott; now it has one less.

When he died Sunday at 84, "Mr. Charlie" had been out of the mainstream of South Carolina affairs for some years. Yet few men were remembered with greater fondness and

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respect than this man who left such a strong imprint on the law of the state and upon the hearts of those who knew him.

His great, domed head was a veritable law library, but his specialties were property and constitutional law. He practiced and taught law with zest and rare skill. His scholarship, particularly in the area of property law, contributed greatly to its development.

A great human and a great humorist, "Mr. Charlie," for 25 years a teacher at the University of South Carolina Law School, had a rare ability to make such dry and obtuse subjects of Future Interests (Property 4) interesting and understandable. He regaled his students with anecdotes from his long career as a lawyer, even injecting a large dash of wit, and the law became alive.

On May 31, 1967, many of those former students gathered to pay homage to this great lawyer, great teacher and old friend. The group included the state's most prominent leaders of the bar and of politics. Governor McNair, former Governor Russell were among those making testimonial remarks, and the Charles B. Elliott Fund was established at the University. The prevailing sentiment was affectionate appreciation.

Those who missed "Mr. Charlie" along the way missed an experience and a treat.

COMMENDATION OF COMMISSIONER DONALD JACKSON AND HIS ICC STAFF

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. BELL of California. Mr. Speaker, one of the most frequently heard and often believed complaints today is that the Federal bureaucracy is so weighted down by its own bulk that it is incapable of responding to the citizenry it is supposed to serve. We know, from our own volume of individual casework, that while there is sometimes merit to this allegation, for the most part our Government employees perform their jobs with distinction. It is especially pleasant, therefore, to bring to the attention of my colleagues just one example—representative of countless thousands—of the kind of outstanding service that the agencies of our Government do perform, every day, for the citizens of our Nation. This particular case is explained in the following letter of appreciation to Commissioner Donald L. Jackson and his staff at the Interstate Commerce Commission for their expeditious solution to the kind of frustrating problem with which we are all familiar. I would like to add my own commendation for the fine work of the ICC.

The letter follows:

MUNICIPAL COURT LOS ANGELES
JUDICIAL DISTRICT,
Los Angeles, Calif., April 17, 1970.

Commissioner DONALD L. JACKSON,
Interstate Commerce Commission,
Legislative Office, Washington, D.C.

DEAR COMMISSIONER: We wish to thank you and your staff for your assistance in locating and expediting delivery of our special trust refund check forms shipped from Chicago and unobtainable due to the recent wildcat strikes in the trucking industry.

The shipment had been delayed for more than a week. Our attempts to locate it were fruitless. We had called, the bank had called and the printer had called. The only answer we received was that the shipment could be anywhere between Chicago and Los Angeles.

Your office was contacted at noon on April 6 and at 4:00 p.m. that same day we were notified that the shipment was in Los Angeles and could be picked up immediately.

Your efforts prevented any delay in our continuous mailing of approximately 300 bail refund checks per day to many recipients badly in need of the money.

Very truly yours,
GEORGE J. BARBOUR, *Clerk.*

SGT. GARY SCHOBORG

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. SNYDER. Mr. Speaker, on Tuesday, April 21, Sgt. Gary Schoborg, 20, died in a hospital in Da Nang of wounds suffered in a battle on April 13.

I never met Gary Schoborg, but I feel as if I knew him very well. When I heard the news, there was little I could do. His parents had written me about Gary before. I sent them a message of regret and then I sat down and looked over the letters I had received from Gary over the past year.

I first heard from him on May 12, 1969. He had been in the Army for less than a year. He was at Fort Riley at the time and he described it as "an all right place but I do not feel that I am doing my duty here." He continued: So I have volunteered to go to Vietnam."

Gary ended this first letter this way:

> I know what I want. I thought about it for a long time and I'm ready to go. I know there is a chance I might not come back but that is up to God—and I have faith in Him.

By the time Gary received my reply, his orders had come through and he was to go to Vietnam in August. He wrote me again in July 1969, thanking me for helping him with his orders. His only request was that I write his family. He thought that it might make them feel better about his assignment. So I wrote Mr. and Mrs. Schoborg that same day.

On April 21, 1970, I heard the news.

There is very little a man can say to a family which has given its son in a war. I rise here today to pay tribute to Gary Schoborg. I rise on behalf of the American people for whom Gary paid the highest sacrifice.

Gary was not content to let others do the fighting. He wanted to do it himself—and he did.

At a time when the loyalty of American youth is often brought into question, Gary Schoborg stands as a man who gave unselfishly of himself for his country. Though words of praise and gratitude can never fill the void in the Schoborg family, it humbles those of us whom Gary died protecting, to know the kind of man, the kind of true hero he was. Those of us whom he left in this world honor the memory of Gary Schoborg. I wish I could have met him—but I am proud to have known him.

The article by Howard Raver reporting Gary's sacrifice, from the Kentucky Post of April 24, follows:

"A FEW DAYS AND I'LL BE HOME"—THEN DEATH IN VIET

(By Howard Raver)

Gary Allen Schoborg was a boy who, when he knew he had to do something, wanted to get it done

That's how it was when he went into the Army. He felt strongly about the war in Vietnam, was anxious to get it over with.

So Gary wrote his congressman, Gene Snyder, and asked that he be sent to Vietnam.

And Gary is northern Kentucky's latest battle casualty. He died Tuesday in a hospital at Da Nang from head wounds he suffered April 13.

Sgt. Gary Schoborg, 20, was the son of Mr. and Mrs. William H. Schoborg of 2745 Dakota avenue, Covington.

An artilleryman he had been stationed at Fire Base Nancy, 13 miles from the Demilitarized Zone in Vietnam, with a battery of the 1st Battalion, 39th Artillery.

His family learned by telegram that Gary had been wounded by shrapnel when the base was attacked by hostile forces.

Wednesday an Army officer came to the Schoborg home with the sad news that Gary had died. He never regained consciousness, his parents were told.

Gary had just graduated from Holy Cross High School in June 1968, when he enlisted in the Army He went into service shortly thereafter, on July 3.

He took his basic at Ft. Benning, Ga., then trained as a gunner at Ft. Sill, Okla. From there he went to Ft. Riley, Kan., then took survival training—by his own request—at Ft. Polk, La.

Early in 1969, during the Russian-Czechoslovakian trouble, Gary was sent to Germany to take part in war games along the Czech border. He was there three months.

"He felt he should be in Vietnam, so he wrote Mr. Snyder," Mrs. Schoborg said.

"Gary came home on leave, and when he got back to Kansas he had a letter from Mr. Snyder saying he could go to Vietnam," she said.

Gary left for Vietnam last September.

He kept his family informed by letter—at least three or four a week—of his experiences in Vietnam.

In his last letter, Gary wrote that he was due home June 1, when he would be out of the Army, too.

He had an R&R (rehabilitation and recreation) leave coming up May 16 to 22—"and when I get back I'll have only a few days to serve and I'll be home," he wrote.

On April 6, Gary was assigned to Fire Base Nancy. "I don't like it," he confided in his letters. "We're getting hit too often. Nobody seems to be out to win."

On the heels of word of Gary's death came a telegram to the Schoborg family from Rep. Snyder, who had been keeping in close touch with his case.

"Gary gave his life for his country without question," Snyder said "He exemplified the highest ideals of duty, honor and country."

Gary is the area's 108th serviceman to give his life in Vietnam, and Kenton County's 43d casualty. His is the first area death since mid-January.

Besides his parents, Gary is survived by three sisters, Mary Ellen, Roselyn and Kathi Schoborg, all at home, and two brothers, Randy, at home, and Dennis Schoborg, Covington.

Mr. Schoborg is an assistant supervisor at the Southwestern Publishing Co., Cincinnati.

Swindler Funeral Home, Latonia, is in charge of arrangements.

XUM

COMMUNIST INFLUENCE NOW RECOGNIZED IN BOMBING OF PUBLIC, PRIVATE BUILDINGS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. EVINS of Tennessee. Mr. Speaker, we all deplore and condemn the bombing and burning of public and private buildings, purportedly as a form of protest.

Dean Clarence E. Manion in Manion Forum points out in a recent issue that both liberals and conservatives are now recognizing the Communist influence in this brutal campaign of anarchy and destruction.

Because of the interest of my colleagues and the American people in this vital and important matter, I insert this recent issue of Manion Forum in the RECORD:

EVEN LIBERALS NOW RECOGNIZED RED PLOT: PRESIDENT SHOULD ADMIT THE NATURE AND EXTENT OF WORLDWIDE COMMUNIST CONQUEST

(By Dean Clarence E. Manion)

Encouraged by President Nixon, our Congressmen are pushing passage of legislation to end the terrifying bomb blasts that have been rocking various parts of our country. Security officials agree that the New York and Maryland explosions are merely the beginning of a new wave of such attacks.

What is the motivation for this destruction? At whom and at what should these new antibomb laws be aimed?

Any of your lingering doubts about the firm Communist connections of this revolutionary guerrilla movement that has been exploding in and throughout the United States in recent years may now be dismissed forthwith. Arch-Liberal Max Lerner of the *New York Post* has definitely conceded the point. He even gives us the technical specifications.

Writes Lerner: "Ever since the SDS turned into a Communist outfit two broad approaches to strategy have been in contest. The strategy of the SDS Maoists (Mao disciples) is that of classical Marxist-Leninist revolutionaries . . . (i.e.) to treat the black worker as part of the working class and to ally students with the proletariat.

"The strategy of the SDS Weatherman (faction) and its various splinter groups on the other hand has been to abandon class or race, to focus on the blacks as the only immediate revolutionary force in America and to use campus disruption and finally the terrorism of the urban guerrilla movement to break up the fabric of the American life system." (Chicago Sun-Times, March 17)

The remarkable thing about the Max Lerner diagnosis is that while it was being printed Conservative Senator James Eastland of Mississippi was telling the U.S. Senate substantially the same thing. Whatever Senator Eastland and Max Lerner agreed upon is, ipso facto, news, and when their agreement has to do with the activity of the Communist conspiracy in this country, you may be sure that the terms of the accord are immediately removed far beyond the possibility of serious dispute.

Senator Eastland's specifications dealt directly with Castro's responsibility for the growing "chaos, anarchy and terror" in the United States today. His speech focused upon Castro's "venceremos brigade" of American sugar cane cutters who recently went to Cuba, ostensibly to help with the Red sugar harvest.

The Senator insisted that the 1,002 American youths who went to Cuba on this junket were trained there to attack and destroy America. He declared that the purpose of the project was not to cut sugar cane but to hack away at the foundations of the United States. The Senator announced that his Senate Subcommittee on Internal Security will soon conduct hearings on the Communist cane-cutting venture.

The purpose of the hearing, he said, will be to "direct attention to some of these visitors to Castro's domain and to their violent, destructive and revolutionary actions in this country . . . Jerry Rubin, Dave Dellinger and Tom Hayden are veterans of Cuba and veterans of an attempt to disrupt a national convention and to destroy our judicial system . . . Mark Rudd made his journey to Havana and returned to lead riots which almost wrecked Columbia University. Rudd moved on to the leadership of the dangerous Weatherman faction of the SDS."

Other visitors to Cuba, said Eastland, include "Yvonne Bond, a Berkeley riot leader" and "Robert Collier, mastermind of a plot to blow up the Statue of Liberty . . . Ralph Featherstone, who was recently killed in a bomb explosion in Maryland, attended a conference in Havana in 1968 along with Tom Hayden and Dellinger, the prime organizer of this traveling circus."

So now, at long last, it has become apparent to both Liberals and Conservatives that the "liberating" Communist outlaws are inside this country in force, following the same bombing, burning and killing routine that their Red counterparts are employing in Viet Nam, Laos, Cambodia, Calcutta, Guatemala and the Philippines.

President Nixon is reported to be working hard on a timetable for the complete removal of American troops from Viet Nam, but there is still no evidence of a complementary administrative effort to get Communist troops out of this country and/or to formulate an American foreign policy that is realistically attuned to the state of war that the Communists are conducting against us here and all over the world.

The time has come for our President and the great patriotic silent majority of the American people—Liberals and Conservatives—to recognize, however, reluctantly, the obvious fact that the U.S. is now beseiged from within and without by a carefully coordinated conglomeration of forces fanatically dedicated to the complete destruction of our established institutions of freedom and the subjection of the American people to the horror of an alien, ruthless and completely materialistic tyranny.

This is the hard but inescapable truth that the President of the United States must find the courage to tell the American people, and to tell them *now!*

NIXON MUST AVOID JOHNSON ERROR

Over this microphone two weeks ago, Arthur Motley, the distinguished publisher of Parade Magazine, explained the final, and now self-acknoweldged collapse of President Johnson's plans for his own re-election in 1968. According to Motley, the collapse resulted from the President's deliberate failure promptly and regularly to tell the American people the whole unpleasant truth about our military involvement in Viet Nam. Publisher Motley maintained that this unfortunate, politically motivated mismanagement of the Viet Nam war news finally backfired on President Johnson and ultimately forced his dramatic, humiliating retirement from public life.

President Nixon must now profit from this bitter experience of his immediate predecessor. In the interest of his own political future and in the vital interest of his county's survival, our President must now candidly and fully disclose the nature and ramified extent of the Communist conquest of this country.

For even to the casual observer of current developments in Laos and Cambodia, it is becoming ever more obvious now that our Communist enemies have no intention of permitting us to "cut and run" out of Southeast Asia. Our tragic "no-win war" in South Viet Nam has paid too many rich dividends to the worldwide Communist conquest for the Red directorate to permit us to escape merely at the price of our presently accumulated losses in men, money and international prestige.

For instance, what would the SDS and its sundry affiliates do for a recruiting battle cry in this country if we should suddently and miraculously disengage and remove our military presence from Asia? What would they do with the big supply of Viet Cong victory flags that are now immediately available for all of their American demonstrations of destruction on our campuses and in the streets of our cities?

Any American who is naive enough to believe that our complete withdrawal from Viet Nam would immediately pacify our marching mobs and restore sweet peace to our universities had better play back my quote from Max Lerner.

The President has been informed that large Soviet-built helicopters, piloted by Russian fliers, are now being used by North Viet Nam to ferry troops and supplies to Laos in preparation for a new Communist military offensive against that country. The immediate Communist objective in Laos is to force the installation of a new pro-Communist coalition government upon that country, which will then prevent the continuation of our bombing of the Laotian Ho Chi Minh trail into South Viet Nam. When the bombing ends, the Communist troops in Laos will have a safe sanctuary in which to prepare for their climactic assault upon Saigon.

President Nixon knows now that Thailand is preparing militarily to come to the aid of the Laotian government's desperate defense against the invasion and occupation of Laos by 65,000 North Vietnamese troops. But the President does not yet know how much and what kind of American military assistance Thailand will expect us to supply to support its effort to help the Laotian forces.

However, both President Nixon and the Thai government know that if the North Vietnamese take over Laos, then President Nixon's prospective Vietnamized defenses of South Viet Nam, shorn of American military assistance, will promptly collapse. When that happens the successful Communist conquest of Thailand will follow immediately. The big Red pointer will then swing toward Taiwan, Indonesia and the Philippines.

The basic continuing misrepresentation of the "Viet Nam War" has been just that, namely, that it was and is a war for Viet Nam. The bitter truth, untold by President Johnson, was and is that Viet Nam is merely one segment of the Communist war for the world. Rusk, Rostow and McNamara knew that, of course, but they lacked either the will or the wish to contest the big war with the Communists on the critical ideological level, the only plateau where the war could have and still can be won.

So President Johnson was led to believe that the Viet Nam engagement could be plausibly presented as a "holding action," pending the accommodation of the American popular mind to some sort of a semi-civilized compromise with a Communist world, a compromise that would keep us all alive—at least for the time being.

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NIXON KNOWS RED TECHNIQUE

From his critical, firsthand experiences with Alger Hiss and Whittaker Chambers, President Nixon knows that while the Communist war is total and completely ruthless, its primary weapons are aimed, in this order, at the sophistication, subversion and, ultimately, at the wholesale dementation of its enemies. Theoretically, Communist military troops are to be used as police forces to hold and control populations previously conquered by these Communist processes of creeping menticide.

When the intellectual leadership of a Communist target country has been misled into the delusion that the Communist idea is sound and that its ultimate acceptance in one form or another is inevitable, the effective military defenses and defenders of that country will first be enervated, then discredited, and in time will come to be despised.

When you observe these ideas blossoming in the universities, in the communications media and finally in the pulpits, you may rest assure that the hot Communist Summer is nigh. Unlike Hitler's Nazi, the Communist totalitarian is not confined in the narrow conception of a master race—he is driven ruthlessly through all boundaries, races, colors and creeds by the force of a master idea.

Out of the depth of his own bitter experiences, Whittaker Chambers comes up with its best expression. He says, "The tie that binds Communists across the frontiers of nations, across the barriers of language . . . in defiance of religion, morality, truth, law, honor, even unto death is a simple conviction, (namely) *it is necessary to change the world* . . . It is man's second oldest faith. Its promise was whispered in the first days of creation under the tree of the knowledge of good and evil: Ye shall be as Gods. The Communist has chosen," says Chambers, between "irreconcilable opposites." He has chosen man instead of God; mind instead of soul; Communism instead of freedom.

"Communism is what happens" he continues, "when, in the name of mind, men free themselves from God." The Communist ignores the historical fact that "there has never been a society or a nation without God (while) history is cluttered with the wreckage of nations that became indifferent to God—and died." (Whittaker Chambers, "The Witness," Random House, pp. 16 and 17)

President Nixon spent two years studying the Hiss-Chambers case as a Member of the House of Representatives Committee on UnAmerican Activities which confronted and exposed Hiss and Chambers in 1948. I am therefore sure that he is thoroughly familiar with the remarkable book of Chambers' confessions from which I have just quoted. This is why it is difficult for so many of Mr. Nixon's friends to understand why, as President of the United States, he now attempts to build bridges of trade and aid over the "gulf of ideology" that separates us from Communist regimes that rest upon the corpses of their own murdered people.

These same friends fail to understand why the President has forbidden Americans to travel to or trade with friendly anti-Communist Rhodesia while he encourages more Americans to travel to and trade with Red China, which is a main military support of our Communist enemy in North Viet Nam.

To what purpose is President Nixon attempting to appease our Communist enemies in their diplomatic chancelleries while we fight with them in our streets and bury the American boys whom they have killed on the battlefield?

The President must know something good about these Communists that we do not know. Why don't we all ask him to come back on the air and tell us what it is?

CONSPIRACY AT ISLA VISTA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. BOB WILSON. Mr. Speaker, one of the first cries during the recent violence at Santa Barbara was the charge of police brutality, issued appropriately within easy reach of the news media. Such tactics are part of the common stock of techniques used by the organized radicals who plague many of our campuses. Robert Betts explores a number of these tactics in the second of a series of articles from the San Diego Union and I know my House colleagues will discover his findings of particular interest.

The article follows:

[From the San Diego Union, Mar. 30, 1970]

CONSPIRACY AT ISLA VISTA—DEVICES USED BY RED-FRONT GROUPS SWAYED REBELLION ON CAMPUS

(By Robert Betts)

(Second of four articles)

The residents of Isla Vista, a few miles up the coast from Santa Barbara, Calif., were the latest to feel alarm at the fury of what is commonly called "student protest."

Police grappled during the rioting with a tall, scruffy-looking youth and brought him, struggling and stumbling, to a patrol car to be handcuffed, searched and bundled inside.

"Oh, please don't hurt me, don't hurt me!" he cried. "I've done nothing. I'm innocent. Oh, you're strangling me!"

It was a pathetic wail and it was heard by newsmen standing nearby with their cameras, microphones and tape recorders. The youth had seen them. Perhaps they would duly take note of one more incident of "police brutality."

NOT IMPRESSED

Those who had covered similar events in other places, and who were becoming familiar with the strategy and ploys of the militants, were not impressed.

Only the representatives of the radical propaganda press, busily flashing their pictures, were ready with gory tales of "pigs" beating up students.

"For years it has been a Communist policy to charge 'police brutality' in a calculated campaign to discredit law enforcement," said J. Edgar Hoover, director of the FBI. "The riots and disorders of the last three years clearly highlight the success of this smear campaign . . . to the point where it has been accepted by many individuals having no affiliation with or sympathy for the Communist movement."

The revolutionaries make no secret of their aim to destroy the police forces. Members of the Students for a Democratic Society attending Communist "New School" lectures in New York have been told: "The plan is to force the police to shoot at unarmed students and thus discredit themselves with the petit-bourgeoisie and bring them into rapport with the revolution."

An FBI agent on the scene during most of the Isla Vista rioting, during which 125 arrests were made, said, "We've recognized several familiar faces—agitators from Berkeley, San Diego and other places in California as well as some from out of state.

"It's the same old pattern. They use some local issue, real or phonied up, and gain student support. A lot of students do have grievances. They're unhappy with the way things are—in society and in their education, and they're impatient for changes. The agitators—hard-core militants—however, are not interested in the welfare of students. They're out to break the educational system. They use student grievances to arouse youthful passion and rebelliousness to a point where it only needs some little incident like an arrest or police questioning over some misdemeanor to spark off violent insurrection.

"Sometimes, when they think the time is ripe, the agitators will create an incident in the hope of forcing an arrest.

"Most of the disorders that have occurred in the last six years were sparked by a single incident, generally following an arrest for some minor breaking of the law. The strategy is so unvarying, it's a wonder Americans aren't wise to it by now."

The method of working up student protest and fueling it so that it flares into violence has been set out in directives issued by the SDS and other leftist organizations which in turn draw inspiration, counsel and sometimes their orders from the organization most experienced in subversion—the Communist party.

The first move is to set up a "free speech" stand on campus, invite opposing as well as primed speakers, petition, hold rallies, get people involved in debate and organized for political action.

Once students have been manipulated into confronting the authorities over some issue, the object is to maintain their support as demands are stepped up until they become "non-negotiable."

If the authorities yield on one demand, the radicals move on to another issue, dramatizing it with demonstrations, organizing strikes, sit-ins or other acts of civil disobedience that will challenge the authorities to take disciplinary action.

"ALWAYS PUSHING"

"We use the technique of demands, always pushing and pushing on through demands, to an end where they have to give in or fight against the revolution," admitted Dave Gilbert, an SDS organizer.

"The role of organizer is crucial," says chief SDS theoretician Carl Davidson. "He or she should neither passively go along with the students government 'reformer' types nor stand apart from the action denouncing it as a 'sellout.' Rather, his task is that of constant criticism from within the action. When the reformers fail, become bogged down, or are banging their heads against a wall, the organizer should be there as one who has been with them throughout their struggle to offer the relevant analysis of why their approach has failed and to indicate future strategies and tactics."

Davidson points out: "We should be well aware of the fact that the kind of power and changes we would like to have and achieve are not going to be given us gracefully. Ultimately, we have access to only one source of power within the knowledge factory.

"And that power lies in our potential ability to stop the university from functioning."

The extremists have emphasized that they want to use the university as a launching base for revolution, that they are interested in student "reforms" only so far as they win young recruits for the wider assault on authority at large.

The ranks of the malcontents are swelling and each demonstration becomes potentially more dangerous.

"We are going to be on the streets in every part of the country from now on," declared

XUM

Bernadine Dohrn, self-styled "revolutionary Communist" and an SDS organizer.

Isla Vista residents who thought the violence there was a spontaneous outburst on the part of angry UCSB students changed their minds when they learned that handbills from a Los Angeles group calling itself "The Conspiracy" had been distributed the day before, directing students to a park near the local Bank of America building—the one which later was burned to the ground.

Open use of the title "conspiracy"—adopted from the Chicago "conspiracy" trial—is a semantic trick intended to bring ridicule on the "Red-hunters," while providing a convenient cover term for all those interested in fighting "fascist repression," as well as those engaged in subversive activities.

The SDS has called on students to "join the Conspiracy"—to "organize conspiracy rallies locally."

The Los Angeles "Conspiracy" was identified as sponsor of a rally at UCLA campus a few days before the Isla Vista rampage. The UCLA group, shouting "Right On!" (the current revolutionary slogan), marched to nearby Westwood Village and broke windows in the Bank of America branch there, as well as in several other business offices, before police broke up the demonstration.

A few days later, while police and the National Guard were restoring order in Isla Vista, a fire bomb was hurled through the window of another Bank of America branch in San Clemente, Calif.

"We are focusing on those financial centers in our community which profit from war and exploitation," the Conspiracy announced, charging that the Bank of America was one of the institutions responsible for "draining the economic resources of this and other countries.

XUM

THE REVEREND JOSEPH L. PERRY, JR.

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. GALLAGHER. Mr. Speaker, I am certain that my distinguished colleagues in this body were as inspired as I by the eloquent and beautiful prayer of Reverend Perry.

Mr. Speaker, it is both a privilege and a personal pleasure for me to welcome the Reverend Joseph L. Perry, Jr., to our Nation's Capitol.

Reverend Perry is the minister of the Reformed Church of Linden, N.J.; he has served the people of Linden in that capacity for more than 14 years.

At this point, Mr. Speaker, the Linden Reformed Church is preparing to celebrate its 100th birthday. While this makes the Reformed Church the oldest place of worship in Linden, it does not detract from the youthful spirit and vigor of the congregation and its minister.

The members of the Reformed Church exemplify the highest traditions of service to faith, to the community, and to the country. In Reverend Perry, the Linden Reformed Church has found a pastor whose own life is a reflection of this service, and whose good works are a source of comfort and meaning to all who have had the pleasure to know him.

I am honored to represent the congregants of the Linden Reformed Church in the Congress, and prouder still to publicly acknowledge their many contributions to our State of New Jersey and to our Nation.

The history of the city of Linden and the Linden Reformed Church are closely interwoven in a pattern of progress and success. Today, we wish the Reformed Church a very happy birthday as it enters its second century.

MRS. EDITH ROBIS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. GAYDOS. Mr. Speaker, recently in McKeesport, Pa., in my 20th Congressional District, some of the most prominent figures in public life joined with the hometown people to pay tribute to an individual who gave more than 30 years of dedicated service to others with little personal recognition.

The individual was a generous, warmhearted woman, Mrs. Edith Robis, retiring as supervisor of the city's recreation board after 36 years. Her title was a formal one. She was better known, and will continue to be so, as "The First Lady of Recreation" or "Mrs. Recreation" by all who worked with her over the span of three decades.

Mrs. Robis began her career in recreation work by helping organize activities for children at various churches and schools in the city. She joined the city's recreation staff in 1933 and organized basketball leagues throughout the town. Under her leadership, she watched the program grow to a point where more than 500 youngsters were playing in approximately 50 leagues for various age groups. Some of her "teams" have won trophies in competition; some of the youths, whose talents she first developed, have gone on to achieve prominence in higher levels of athletics.

It is impossible to know just how many lives were touched by this woman. Her interest and love of children went far beyond regulated games and activities. Her organized programs included field trips, boat outings, dances, and other programs. She sewed uniforms for youngsters marching in downtown parades and recently formed a fife and drum corps, demonstrating her and the city's feeling of patriotism.

It is not surprising then to understand why accolades were showered upon her on retirement by local, county, and State governmental leaders, civic and educational figures and clergymen. The list of speakers included the Honorable John G. Brosky, president judge of the family division of common pleas court; Leonard C. Staisey, chairman of the Allegheny County Board of Commissioners; State Representative John T. Walsh; McKeesport Mayor Zoran Popovich, and two former mayors, Charles A. Kinkaid and Albert Elko; City Councilman Julius T. Lenhart; and school directors William Bechtol and William Lickert.

There were others, just as sincere, who spoke in voicing their love and respect for Mrs. Robis. These included William Matta, commander of the Catholic War Veterans post; Dr. Leonard Winograd, rabbi of Temple B'Nai Israel; the Reverend Father Stanley Idzik of St. Mary's Polish Church; the Reverend Father Eric past director of Auberle Memorial Boys Town; Samuel LaRosa, director of McKeesport Boys Club; the Reverend Father Method Royko, pastor of St. Nicholas Greek Catholic Church; the Reverend James Cherry, of Bethlehem Baptist Church; and Mrs. June Markosky and Joseph C. Puskaric, who organized the testimonial dinner.

President Nixon also joind in eulogizing Mrs. Robis. In a personal letter to her, presented by Joseph Zajicek, administrative assistant at my Pittsburgh office, the President wrote:

> I know your work has meant a great deal to the people of your community and that many of the projects you initiated will continue to serve McKeesport for decades to come . . . It is a great pleasure for me to commend you for your exceptional work and to wish you many years of health and happiness . . .

Mr. Speaker, the President joined more than 30,000 residents of McKeesport in voicing that same wish.

PRESIDENT NIXON'S ANTIHEROIN ACTION PROGRAM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. CONTE. Mr. Speaker, as my colleagues so well know, the drug problem in the United States has reached alarming proportions. I am pleased, however, that President Nixon is committed to attacking this problem in every way possible.

The President's antiheroin program is a case in point. It is a major part of the administration's program against drug abuse. The full extent of this program was recently set forth in great detail and with great accuracy by the very able Assistant Secretary of the Treasury for Enforcement and Operations, Eugene T. Rossides.

In remarks delivered before the Bronx Board of Trade and Chamber of Commerce, New York, on April 16, 1970, Mr. Rossides gives a good picture of the varied aspects of the antiheroin program. It includes not only enforcement, but also education, research, foreign policy, and cooperation with States and the private sector.

I would also call to the attention of my colleagues the very distinguished and effective role being played by the Bureau of Customs in the drug program. When this body debated the Treasury-Post Office appropriations bill, H.R. 16900, on April 13, I spoke at length about the importance of this old-line agency at page 11282 of the RECORD. Mr. Rossides' remarks give a good idea of the work that Customs is doing right now.

I would like to include the speech by Assistant Secretary Rossides at this point in the RECORD:

President Nixon's Anti-Heroin Action Program

I would like to discuss with you tonight President Nixon's action program to curtail the flow of heroin into the United States, to curtail its use in the United States, and Treasury's role in this program.

The anti-heroin program is a major part of the overall anti-drug abuse program of this Administration. The problem of drug abuse and particularly heroin abuse was not created overnight, and it will not be cured overnight. The drug problem of the 1950's became the drug crisis of the 1960's. It will take hard work and cooperative effort in the 1970's by many groups on the Federal, State, and local levels to win this battle. I bring you a message of hope tonight but also a message of hard work ahead for all of us.

President Nixon recognized the problem during his campaign for the Presidency in a statement that he made at Anaheim, California, on September 16, 1968. In that statement, the President said:

"Four weeks ago, after the convention at Miami Beach, I came out to Mission Bay to rest and to work. When I was there, a letter was delivered to me from a 19-year-old girl. She described to me her involvement with narcotics from the time she was sixteen years old; she told me how many of her teenage friends had also become hooked on drugs; she gave the details of the horrible life they led, and the gruesome things they did to support their habit. She asked me what I could do to help her generation, and because she was still on drugs she never signed her name.

"This was not some statistic that sent me this letter. It was a human being, someone's daughter—and in a letter like this the evil of narcotics comes through a good deal clearer than it does from reading statistics or a local newspaper.

"I don't have to tell you this story, many of you are aware of the wholesale destruction of lives within your own area." . . .

"Let us begin to face facts—and to act upon that knowledge. Narcotics are the modern curse of American youth. Just like the plagues and epidemics of former years, these drugs are decimating a generation of Americans." . . .

How many of you know people in your neighborhoods, perhaps on your street or perhaps in your family, who have become victims of drugs?

That young girl asked what the President could do to help her generation.

The President has acted on several fronts:

First, he has elevated the drug problem to the foreign policy level and, indeed, to the level of personal Presidential initiatives in foreign policy.

Second, he has stressed the role of education, research and rehabilitation and provided for increased funds and emphasis in these essential areas.

Third, he has recommended differentiation in the criminal penalty structure between heroin and marihuana.

Fourth, he has provided a substantial increase in budgetary support for law enforcement in this area.

Fifth, he has stressed the need for cooperation with the States and the involvement of the private sector.

In short, the President has highlighted the multi-dimensional aspects of the problem and has moved on many fronts, both governmental and non-governmental, to meet a problem of crisis dimensions.

For the first time in history, we see not only the total involvement of the institution of the Presidency in the battle against drug abuse, but also the personal involvement of the President himself.

FOREIGN POLICY

President Nixon has made the drug problem a foreign policy issue and has taken personal initiatives in eliciting the cooperation of the governments of Turkey, Mexico, and France.

Once President Nixon has raised drug abuse to the foreign policy level, the Department of State, as the primary representative for communicating to foreign governments the vital interests of the United States, became responsible for doing everything necessary to advance our drug abuse policy through diplomacy.

Secretary of State William P. Rogers has given high priority and personal leadership to the State Department's efforts in this area. Last year, he appointed a senior Foreign Service Officer as his Special Assistant for Narcotic Matters in order to better coordinate and push forward the various elements of the campaign against narcotics which have foreign relations implications.

This new role of the State Department in the Administration's war on narcotics has had a unique and immediate impact. In the past, the primary contact with foreign governments in this area had been almost exclusively limited to the enforcement level. Through the use of diplomacy, however, we have, in my judgment, achieved a substantial advance in our objectives. As Under Secretary of State Elliot Richardson observed recently:

"We have made processing and producing nations aware of the terror drugs have brought to our society. We have stressed that what has happened here can happen to them.

"Diplomacy is . . . a means of achieving national objectives. In the case of narcotics I believe we have successfully employed it to transmit our sense of urgency to . . . [Turkey, Mexico, and France] so that, even though their own immediate interest in tighter measures of control is a good deal less acute than our own, they are moving ahead with encouraging speed."

Our first, and to date most fruitful diplomatic advance, was made with the Government of Mexico. It is estimated that 15 percent of the heroin and 85 percent of the high-potency marihuana consumed in the United States is illegally grown and refined in Mexico and smuggled into the United States.

Operation Cooperation, the successor to Operation Intercept, has led to a meaningful working relationship between the two governments in the area of opium poppy and marihuana eradication and smuggling suppression. Our very able Ambassador to Mexico, Robert McBride, has the drug problem on the top of his priority list. I predict that the two governments will be working together in ever-increasing harmony and effectiveness.

It is estimated that 80 percent of the heroin entering the United States annually originates in Turkey. That is why, as Mr. Richardson said, "Turkey has figured so prominently in our diplomatic activities on narcotics." Our efforts have been aimed at helping the Government of Turkey bring the illicit opium traffic completely under control. We are in the advanced stages of negotiations with the appropriate levels of the Turkish Government. Our Ambassador to Turkey, William Handley, also has the heroin problem at the top of his priority list.

Our diplomatic efforts with the Government of France have also been helpful. France has become concerned with its own increasingly serious heroin problem and has launched a major drive against the operators of clandestine heroin production laboratories operated on her soil, often by foreign traffickers.

RESEARCH

The national dialogue on drug abuse has demonstrated that our knowledge of many of the most abused drugs is far from adequate. Little is known, for example, of the long-range effects of the continued use of marijuana and the vastly more powerful LSD. We do know that there are no known beneficial effects, and that both can induce psychological dependency and loss of goal orientation. Far more must be known, however, about LSD and marijuana if we are to prevent their use through persuasion.

In this connection, the outstanding contribution of Dr. Stanley Yolles, Director of the National Institute of Mental Health of HEW, to the Administration's program, should be noted. It is under Dr. Yolles' auspices that the bulk of the research sought by the President will be accomplished.

DIFFERENTIATION IN PENALTY STRUCTURE BETWEEN HEROIN AND MARIJUANA

But Dr. Yolles has already made his mark. It was his cogent and articulate testimony which laid the groundwork for the Administration's decision to reverse the traditional approach to marijuana by differentiating in the penalty structure between heroin, a true narcotic, and marijuana, an hallucinogen. Both are treated the same under present Federal law. The President's decision to seek revised penalties for marijuana violations has gone far toward achieving another Administration goal: credibility with the young.

EDUCATION

The drug abuse problem is one of both supply and demand, and President Nixon's response has been guided accordingly. While we are battling to eliminate the supply at the source and to stop the smuggling of illicit drugs into the United States, the goal of eliminating the demand for drugs among our young is, in my judgment, also central to success.

The key to eliminating the demand for drugs lies in education. President Nixon is convinced that much of our problem is attributable to the mass of information and street corner mythology which has filled the vacuum left by our failure in the past to deal with the young on a mature, reasoned and factual basis. In the past, government took the easy but ineffective route of "do as I say because I say so" rather than the more difficult route of clearly presenting the facts necessary for informed decision.

Again stressing the theme of prevention through persuasion on March 11 President Nixon released a million dollars to the National Institute of Mental Health for marijuana research, and another million dollars to NIMH for an expanded program of public education and information on drug abuse, including creation of a national clearing house for drug abuse information.

INCREASED ENFORCEMENT BUDGETS

Drug law enforcement is a difficult and dangerous business. It demands the highest standards of professional competence of enforcement agents. President Nixon has increased substantially the budgets of the two Federal agencies primarily concerned with drug law enforcement—the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs.

The burdens carried by these agencies are illustrated by the record of the Treasury Agents of the Customs Service, who in 1969 worked over 111,000 hours on their own time without pay to meet the challenge of drug abuse.

In enforcing the law, only half the job is done when the suspected violator is arrested. Society is not protected until a jury is persuaded of guilt beyond a reasonable doubt. Skillful prosecution is necessary.

The Department of Justice is meeting this challenge with a new aggressiveness inspired by this Administration, backed up by substantial funding for the narcotics prosecution section of the Department.

XUM

COOPERATION WITH THE STATES AND THE PRIVATE SECTOR

No one is more aware than President Nixon of the vital and necessary role of the States in the battle against drug abuse. In December, the President was host to the State Governors at a White House conference designed to produce the closest cooperation between the Federal and State Governments.

The State of New York, of course, under Governor Rockefeller, has led the way for all the States in combatting drug abuse.

It was under Governor Rockefeller's leadership and at his personal initiative that New York's pioneering mandatory treatment program for addicts was born. For the first time, as the Governor said, we have a "program for getting addicts off the street where they endanger others and under confinement and treatment where they can help themselves."

In January, Governor Rockefeller again broke new ground when he proposed the Nation's first State methadone maintenance program which it is hoped will in time return up to 80 percent of the hard-core heroin addicts to an orderly and productive life.

If the State of New York provides the finest example of State participation in the anti-drug campaign, the Advertising Council shows the way for the private sector.

In a campaign under the auspices of the National Institute of Mental Health, the Advertising Council is using youth-oriented media to educate rather than to frighten. The Council reports "fantastic interest" in the program, directed at the intellect rather than the emotions. It is a perfect example of President Nixon's theme of prevention through persuasion.

TREASURY'S ROLE IN THE PRESIDENT'S ANTI-HEROIN ACTION PROGRAM

Treasury is playing a major role, primarily through its Bureau of Customs, in the enforcement phase of the President's antiheroin action program.

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In his September 16, 1968, Anaheim, California, speech, the President stated:

"Let us recognize that the frontiers of the United States are the primary responsibility of the United States Bureau of Customs. I recommend that we triple the number of customs agents in this country from 331 to 1000."

The President has followed through on that pledge. In his July 14, 1969, Message to the Congress on the Control of Narcotics and Dangerous Drugs, he stated:

"The Department of the Treasury, through the Bureau of Customs, is charged with enforcing the nation's smuggling laws. I have directed the Secretary of the Treasury to initiate a major new effort to guard the nation's borders and ports against the growing volume of narcotics from abroad. There is a recognized need for more men and facilities in the Bureau of Customs to carry out this directive."

This directive was backed up with a substantial antinarcotic supplemental budget request. The Congress responded magnificently and passed in late December of 1969 an appropriation for 8.75 million dollars for 915 additional men and for equipment.

The leadership role of Congressman Tom Steed of Oklahoma, Chairman of the House Appropriations Subcommittee which handled the President's request, and the then ranking minority member, Congressman Silvio Conte of Massachusetts, in support of the supplemental appropriation request, is an outstanding example of bipartisan action in our Nation's war against drug abuse.

The House Appropriations Committee Report, in relevant part, stated:

"The Department testified that every available index indicates that problems associated with the use of marijuana and narcotics in the United States have reached major proportions. Drug usage is now widespread both geographically and among strata of society in which previously such usage was rare. Usage among college and even high school students is reported as commonplace.

"In order to deal with this problem, the Department proposes to substantially increase the law enforcement effort against smuggling. The whole problem is put into sharp focus by the following testimony from the Treasury Department:

"'Almost all of the marijuana, all of the hashish, all of the cocaine, and all of the smoking opium used in the United States is smuggled into this country.'

"Operation Intercept," a recent blitz law enforcement effort along the Mexican border, demonstrated rather conclusively that smuggling activities can be substantially reduced by increased enforcement efforts. "The Committee strongly supports the Department's objective of reducing to a minimum the smuggling of this contraband into the United States. The Committee specifically allows the 915 additional positions requested and urges the Department to move ahead on this project as rapidly as practicable."

Customs has moved expeditiously to implement the supplemental appropriation, and I am pleased to report that the Commissioner of Customs, Myles J. Ambrose, has informed me that commitments have been made for the entire number of 915 additional personnel authorized by the supplemental appropriations and they will all be on board by June 30, 1970. A substantial amount of this new manpower will be assigned to the New York metropolitan area, as well as to the Mexican and Canadian borders and other trouble spots, to interdict the flow into the United States of narcotics, marijuana, and dangerous drugs.

NARCOTICS INTELLIGENCE GROUPS

Customs has established international narcotics intelligence groups with offices in New York, Houston, and Los Angeles. Additional intelligence offices will be opened in Miami and Chicago in the near future. These groups will provide better evaluation of the information relating to smuggling into the United States. They will permit more extensive dissemination of intelligence throughout the national and international enforcement community.

AUTOMATIC DATA PROCESSING

In support of the intensified enforcement effort, the Bureau of Customs is currently installing a central ADP intelligence network which will provide a comprehensive bank of suspect information on a twenty-four hour a day basis, to agents and inspectors. On April 1, 1970, Customs established a computer center to process enforcement intelligence information, and a trained operation and programming staff is supporting the data processing center located in San Diego, California. Expansion of the system to cover all inspection stations along the Mexican border will be completed by November, 1970.

The initial data base has been compiled from existing suspect records. With the coordinated efforts of the various Customs offices, rapid growth of the data base is expected. Data concerning suspect aircraft and vessels are being added to the system. A task force has begun to define nationwide law enforcement intelligence needs of the Bureau of Customs. This study will be completed by November, 1970.

FACILITIES

New Customs facilities along the Mexican-United States border are being acquired and present facilities are being enlarged to accommodate the additional Customs enforcement personnel. At some ports, these improvements involve creation of additional vehicle and pedestrian lanes and rearranging traffic patterns to provide more expeditious handling of vehicles and persons crossing the border. At others, trailers and prefabricated equipment are being acquired for use until such time as permanent facilities can be installed.

LABORATORIES

New laboratories have been established in San Antonio, Texas, and San Diego, California, with the analysis of narcotics as their primary purpose. These laboratories will provide more rapid identification of narcotics and dangerous substances and thus accelerate the judicial processing of violators.

TRAINING

Customs has embarked on a major training program stressing anti-narcotics smuggling. This training has been particularly important for inspectors and commodity specialists. Training will continue to be a major activity as we process the 915 new employees authorized by the supplemental appropriation.

ADDITIONAL EQUIPMENT

The supplemental appropriation provides for five additional aircraft, four additional boats, and 148 additional interceptor-type automobiles.

RADIO COMMUNICATIONS

The Bureau of Customs is modernizing and supplementing present radio communications in order to obtain complete coverage along the Mexicon border. This improved communications system will contribute greatly to the effectiveness of both United States and Mexican officials in Operation Cooperation.

INTENSIFIED INSPECTION PROGRAM

A program of intensified examination of passengers and their baggage arriving at all major airports, and of foreign mail parcels and commercial cargo has been instituted.

Customs' Office of Operations has created a new Enforcement Inspection Section which will be responsible for developing plans and procedures for carrying out the enforcement responsibilities of the augmented inspection force.

A team concept was initially tested in Philadelphia and Buffalo for agents, inspectors, and commodity specialists jointly to select and examine commercial cargo shipments for both contraband and revenue purposes. Based on their activity and success, guidelines have been established. This team concept will be in operation throughout the United States by the end of May, 1970. New agents entering on duty throughout 1970–71 will permit increased coverage and blitz operations at airports of entry.

It should be noted that the vast percentage of Customs seizures are made by the inspectors without advance information, and that Customs seizes more drugs than all other Federal agencies put together.

Customs is presently reviewing all its procedures and methods with a view to increasing its enforcement effectiveness, particularly in procedures called preclearance and the Accelerated Inspection System. Treasury and Customs will be consulting with industry and government representatives to review each preclearance operation to determine if enforcement can be raised to a satisfactory level.

The Accelerated Inspection System, which has proved so successful in facilitating the flow of passengers, has been under evaluation for its effectiveness in suppressing smuggling. Preliminary study indicates that enforcement must be improved while still preserving the benefits of facilitation.

CARGO THEFT STUDY

Treasury has now under serious consideration by a special task force proposed administrative actions and legislative proposals to prevent theft of international cargo at all ports of entry—airports and seaports—throughout the nation. This includes, of course, New York's Kennedy International Airport.

Because of the jurisdiction of the Bureau of Customs over theft from Customs' custody and because of its existing presence and responsibilities at all ports of entry, Customs is uniquely qualified to take the lead in solving this problem.

A by-product of this effort will be increased risks for the drug smuggler.

PUBLIC SUPPORT AND COOPERATION

In this situation we cannot hope to do business as usual. Our current anti-smuggling enforcement drive will mean that more travelers are going to be inspected more closely, more baggage examined and new inspectional techniques employed for detecting criminal smugglers. It will mean some additional inconveniences for the international traveler. It may require a few more minutes for customs clearance. We suggest that this is a small price to pay to help keep drugs out of the hands of your children, my children, and the boy or girl next door.

I am convinced that the American public fully supports this program. Enforcement officials cannot do the job alone. We need the cooperation of the public on many fronts. Regarding inconveniences, we need the public's understanding, patience, and cooperation.

Government cannot do the job alone. We need the support of the private sector for maximum effectiveness. We have spoken with a number of representatives from industry and labor and will be talking to many more. Treasury is most pleased that all the groups we have met with have volunteered to cooperate in the drive to suppress drug smuggling.

To sum up, President Nixon has highlighted the multi-dimensional aspects of the drug abuse crisis and has taken several major initiatives:

First: He has elevated the drug problem to the foreign policy level and made it a matter of personal Presidential concern.

Second: He has stressed the role of education, research and rehabilitation, and provided increased funds in these essential areas.

Third: He has recommended differentiation in the criminal penalty structure between heroin and marijuana.

Fourth: He has provided a substantial increase in budgetary support for law enforcement in this area.

Fifth: He has stressed the need for cooperation with the States and the involvement of the private sector.

Let there be no false optimism. The road ahead is long and hard—and requires the active participation of all of us.

CONGRESSMAN BOB ECKHARDT DESCRIBES CONSUMER CLASS ACTION BILL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. MIKVA. Mr. Speaker, "consumerism" is a movement which is very much in vogue these days. No legislative measure I know can contribute more to that movement than the consumer class action, and no man deserves more credit for the pioneering legal work done on the consumer class action concept than the distinguished gentleman from Texas, Congressman BOB ECKHARDT.

While many lawyers and consumer advocates were still talking about what a great idea a consumer class action would be, BOB ECKHARDT was doing the kind of hard legal research and disciplined thinking about the subject which is an essential foundation for a sound legislative proposal. Thus, when our colleague from Texas speaks about consumer class actions, he speaks not only with his usual keen insight, but also with the authority of experience.

When BOB ECKHARDT talks about consumer class actions, we all should listen. I am happy, therefore, to be able to include in the RECORD at this point a recent talk by our colleague from Texas delivered before the Business Executives Seminar at the Brookings Institution:

STATEMENT ON THE CONSUMER CLASS ACTION BILL BY HONORABLE BOB ECKHARDT, MEMBER OF CONGRESS, BEFORE THE SEMINAR FOR BUSINESS EXECUTIVES, THE BROOKINGS INSTITUTION, WASHINGTON, D.C., APRIL 15, 1970

"Quality of the environment," "consumerism"—these are the slogans of the day. Everyone is for them. The problem is: how to put together good, sound legislative machinery to accomplish an objective which is generally conceded to be desirable. First, I should like to lay out the problem of protection of consumer rights, giving some idea of its magnitude. Then, I should like to state in rather specific terms an approach to its solution.

MAGNITUDE OF DECEIT AND OVERREACHING AGAINST CONSUMER

Recent statistics on the amount of fraud and deception in the marketplace indicated that as much as $30 to $40 out of every hundred dollars that the consumer spent is wasted or lost forever because of fraud and inefficiency and greed. The total amount that Senator Philip Hart has estimated that is spent for goods and services of no value, comes to $174 to $231 billion each year. His Subcommittee on Antitrust and Monopoly Legislation calculated the following amounts wasted by consumers each year:

1. Monopolistic pricing above competitive levels, $45 billion.

2. Food prices based on a study showing that deceptive packaging forces consumers to pay 11% more than necessary, $14 billion.

3. Automobile repairs for work done improperly or unneeded or not done at all, $10 billion.

4. Oil quotas adding this amount to prices that would otherwise be paid based on free market prices outside the U.S., $8 billion.

5. Auto insurance based on subcommittee figure showing what could be saved, $3 billion.

6. Life insurance based on records outside the subcommittee showing total death benefits and company expenses totaling only 30% of premiums paid by policyholders, $14 billion.

These six items alone account for $94 billion and they do not include the huge amounts of waste and cost of medical care, housing, credit, frauds, defective products, and worthless drugs.

What is Congress doing about it? The Task Force on Consumer Affairs of the Democratic Study Group recently presented a consumer message to Congress.

A PROGRAM ON CONSUMER MATTERS

The report of the Democratic Study Group Task Force on Consumer Affairs is an encouraging innovation in Congressional process. During his term in office President Johnson delivered many messages to the Congress setting out in some detail the framework of various public programs dealing with consumers, poverty, crime control, housing, and the like. President Nixon has not at this late date in the session spelled out a national program.

Some of us in Congress are attempting to fill the need for direction and purpose thus left unfilled, at least in the field of consumer affairs. I am one of 17 members who have prepared a message to Congress on this matter. It sets out many important areas for consumer legislation.

First, the Task Force endorses the establishment of a separate federal agency devoted exclusively to the consumer. This agency would represent the consumer viewpoint before Federal regulatory agencies, courts, and the like. It would receive complaints and serve as a voice for the consumer.

Second, the Task Force endorses legislation in the fields of product safety, food safety, and medical safety. It also seeks legislation requiring that information important to consumers be readily available, such as disclosing nutritional value, and the like.

The Task Force also recommends processes for protection against deception and fraud. These would include authority for the Federal Trade Commission to seek temporary injunctions and restraining orders to stop deception in the marketplace, and provision for class actions based on violations of State or Federal consumer protection laws. Under the legislative proposals, retail outlets that deal in trading stamps would be required to offer honest cash redemption, and manufacturers would have to warrant that they would repair or replace faulty merchandise.

The message also deals with protection of consumers against defamation by credit agencies, and it calls for a Federal Consumer Credit Code to deal, generally, with the problems of consumer credit.

THE POSSUM GUARDING THE CHICKEN COOP

Many proposals in Congress deal with improvements in the Federal Trade Commission or other federal agencies. But I have little faith that the FTC will ever be effective to fully protect the consumer.

As is all too well known by those dealing with them, government agencies are not always energetic and prompt. Relief is often inadequate. Take, for instance, the Federal Trade Commission. It was created as an administrative agency to protect the consumer against unfair and deceptive trade practices. The Holland Furnace Company case illustrates the inadequacy of this protection.

In December 1936, the company agreed to a Federal Trade Commission consent order against certain misleading advertising claims and the proceedings dragged out through 1954. Not until 1958 was a cease and desist order issued. This prohibited Holland "from engaging in a sales scheme whereby its salesmen gained access to homes by misrepresenting themselves as official inspectors and heating engineers. Having gained entry they then dismantled furnaces on the pretext that such was necessary to determine the extent of necessary repairs." Holland Furnace Company ignored the court decree enforcing the case and desist order and was heavily fined for contempt of court in 1965.

If it thus takes 29 years for the consumer to get relief, I have come to have serious misgivings about the ordinary policing agencies' ability to protect the people. Administrative budgets and personnel are limited, and the agency stumbles over its own processes. Hurdles and barriers are written into agency laws by lobbyists for the industries controlled, and the possum is set to guard the chicken coop.

In trying to devise legislation that will work in the consumer field, I have kept these points in mind: Good legislation must envisage the existence of competing interests or of forces which are otherwise self motivated. And it must supply machinery, readily at hand, to accomplish the public purpose.

The public purpose may be the sharing of increased productivity and the furtherance of industrial justice—as in the Labor Act—or it may be the extension of the availability of electric power—as in the TVA and REA programs. Here it is the protection of consumers in the marketplace—the protection of one who deals occasionally with another who makes it a business to engage in that particular selling activity.

The diffuse interest of the purchaser engaging occasionally in the particular type of transaction does not measure up to the intense interest of the seller in making that transaction highly profitable when repeated thousands of times. The techniques used may include conditions or provisions that are illegal or unenforceable, but it is simply not practicable for the single purchaser to contest them.

For instance, a lodging place alters its room rate, in breach of the desk clerk's stated agreement with the lodger, by placing in effect some special rate for the Sugar Bowl season in New Orleans. The lodger must pay the rate or suffer the inconvenience of having to try to extricate his luggage by judicial process. The practice is one which can be perfected by the landlord over many Sugar Bowl seasons, but the customer confronts the problem perhaps once in a life time.

THEORY UNDERLYING H.R. 14585 AND NEED FOR IT

It is, in my opinion, not practical to try to delineate all the types of practices perpetrated against consumers which entail fraud, deception, overreaching, and vending such shoddy merchandise as to breach an implied warranty that the merchandise is suitable for its apparent use. Neither is it practical to establish at a federal level an entire new substantive law of deceit. And, as we have seen, dependency on governmental nursemaiding is likely to result in disillusionment.

I think it is better to rely on existing statutory and common law, and developing concepts of the duty of the seller to deal fairly in the marketplace—concepts which are developing in the courts in civil cases and in the Federal Trade Commission in proceedings there. Such development should be encouraged by federal procedural law like that contained in H.R. 14585.

XUM

Existing substantive law is, or is becoming, adequate to protect the consumer's interest in the marketplace. But the machinery of protection is not adequate. State procedural law is in most instances clumsy and antiquated.

As we have already intimated, the main reason why consumers cannot be properly protected under existing process is that their individual claims are too small and they cannot be aggregated in class actions in most instances and in most jurisdictions.

Deceptive advertising, usurious interest rates, overpriced drugs and food, and adulterated meat are all wrongs involving small amounts of money, many under $200. Very few would be large enough so that a wronged consumer could effectively secure his rights through the law. The duped consumer is apt to have precious little money to support a test case to establish the rights of the many. The amount he may recover is not likely to pay the court deposit, let alone the lawyer's fee.

Few lawyers, other than the very young and very idealistic, are to be found who are anxious to endure time-consuming litigation for a $50 fee. A $200 judgment is not likely to be a powerful deterrent to the wrongdoer. The usury laws prove this. In a study conducted under the auspices of the University of Pennsylvania, it was concluded that "(t)he number of consumers having no redress because the amount lost is not commensurate with the attorney's fee constitute the vast majority." Small claims generally do not warrant individual litigation and the misbehaving corporations that bilk the consumer know it. "In many instances, fraudulent operations carefully avoid cheating individuals out of large sums of money because they realize that no one bilked out of fifty dollars is going to pay a lawyer to get his money back."

In testimony before the Interstate and Foreign Commerce Committee, Phil Schrag, a lawyer with the NAACP legal defense fund, described a food freezer swindle in which people were promised a freezer along with the normal amount of food it would take to feed a family each week. Because Mr. Schrag had his salary paid by the defense fund he could take the case. He calculated the amount of time it would have taken had a private attorney been engaged in the litigation. He eventually recovered $700 which was the amount that this particular family had been swindled out of and for that $700 he spent 119½ hours of his time. If he had been a private attorney charging a fee for urban practice of say $40 an hour, his time on the case would have cost $5,136 to recover $700.

THE CONSUMER CLASS ACTION ACT

As we have indicated, state laws have gone a fair way to devise substantive provisions for consumer protection. And the State courts have hewed out, by common law process and statutory interpretation, a considerable body of consumer law. But the processes of the State courts do not afford effective means of permitting many persons who have bought from different agents of a given defendant, or from the same agent in different transactions, an opportunity to lump their claims together so as to have a large enough damage claim to finance the suit; the court costs involved, the lawyers' fees, and such notices as must be printed. Therefore, the Consumer Class Action Act, H.R. 14585, establishes Federal policy that this machinery shall be available through use of the Federal courts and their liberal procedure for joining many persons in class actions.

Section 4 contains the gravamen of the bill. It makes an "act in defraud of consumers which affects commerce" an unlawful act which will give rise to a civil action triable in the district courts of the United States. Such suits may be tried without regard to the amount in controversy. An "act in defraud of consumers" is defined as including two distinct things: An unfair or deceptive act or practice as the Federal Trade Commission Act condemns in Section 5(a) (1); and an act which gives rise to a civil action by a consumer or consumers under State statutory or decisional law for the benefit of consumers.

Such a suit in Federal court would apply the law of the States in exactly the same manner that the Federal courts apply such law in a diversity of citizenship cases. Thus, the court in any suit is dealing with a definite body of law in a manner in which it is accustomed to deal with such law. There is nothing unfamiliar in the act which would make it difficult for the court to proceed according to customary practices. For instance, the conflict-of-law law which ordinarily applies in diversity cases would establish the law applicable to any body of facts before the court.

SHORTCOMINGS OF DIVERSITY JURISDICTION

It is very important, however, that these substantive offenses, initially spelled out in State law, be considered as Federal offenses triable in a Federal court and that the basis for jurisdiction be without respect to amount in controversy.

Of course, suits in Federal court on diversity of citizenship can presently be tried on the basis of State substantive law, just as suits under this act would be tried—with one exception: There is no requisite of jurisdiction based on jurisdictional amount in this act. This is important because in *Snyder* v. *Harris*, 89 S. Ct. 1053 (1969), it was held that claims of the individuals in the class action cannot be aggregated toward the $10,000 minimum.

As is well known, cases come into the Federal court through two doors: First, diversity of citizenship with a $10,000 jurisdictional amount; and second, Federal question jurisdiction.

In the latter type of case the jurisdictional requisite may apply but the statute involved itself may waive it. That is what is done here.

The Class Action Bill will allow consumers to achieve justice in federal court if state class action statutes are inadequate and too rigid to protect legal rights. Perhaps the most notable failure is in New York where the recent case of *Hall* v. *Coburn* has been litigated.

This case involved a consumer class action against a finance company which had allegedly violated the New York Retail Installment Sales Act by using contracts printed in less than 8-point type. The NAACP legal defense fund sought refund of the service charge, a statutory penalty, on behalf of all consumers who had signed small-type contracts prepared and repurchased by Coburn Corporation within the period of the statute of limitations. However, the action was dismissed on two grounds; first, aside from the request for identical damages caused by identical conduct, the class was not united in interest; and second, maintenance of the class action would deprive members of the class of other remedies which they might prefer to pursue against the defendant or against the merchants with whom they had dealt.

Neither of these grounds is compelling. The fact that identical damages are sought for identical conduct makes a case more suitable than unsuitable for class action treatment. Furthermore, class members' interest in pursuing other remedies can be preserved by limiting the scope of the judgment in a class action to the remedies that are actually sought. *Hall v. Coburn* Corporation is typical of state class action law. Similar unnecessarily restrictive state decisions can be found in such states as Mississippi, Massachusetts, Indiana, Ohio, Michigan, and Washington. Other states, like North Carolina and West Virginia, have too few reported cases to predict the viability of a consumer class action. In these jurisdictions the status of consumer class actions is, at best, uncertain.

In some states, the class action procedure is wholly adequate. I have, therefore, included a provision in my bill to prevent removal from the state court to the federal court by the defendant where the state forum has been chosen. It provides:

"This section shall not be deemed to prohibit a plaintiff from choosing a State forum without the case being subject to removal on grounds of federal question jurisdiction under Title 28, Section 1441, United States Code."

The election given to the plaintiff to proceed in either the state or federal court is just what is done with respect to *in personam* maritime claims in the "savings clause" of 28 U.S.C. Section 1333. Removal under Section 1441 is not a constitutionally compelled but a prudential disposition, subject to whatever qualification Congress may dictate.

This bill provides that injured consumers may bring class actions in the district courts of the United States under the Federal Rules of Civil Procedure, including Federal Rule 23, the most modern class action procedure in the United States. These class actions would be available in transactions affecting interstate commerce where violations of state or federal consumer protection law have occurred.

The proposed law dispenses with jurisdiction amount and diversity of citizenship for purposes of class actions.

PRESIDENT'S CONSUMER BILL IS ILL-CONCEIVED

Several months after my bill was introduced, the President endorsed generally the concept of class actions and subsequently had his own legislation introduced, H.R. 14931 and S. 3201. I submit, the Nixon bill is itself unfair and deceptive to the public. In theory it purports to establish a buyer's bill of rights. In fact, it attempts to sell to the buyer a bill of goods. It lulls the public into thinking they will be protected. Let us examine what is, in fact, done:

Under the Nixon approach, no action may be brought by an individual or a class until the government has successfully terminated its own lawsuit. There is no precedent in the annals of Federal legislation for this. The Government would decide which private rights are to be enforced. The Attorney General and FTC stand, as it were, like a traffic policeman, giving the green signal to one group of would-be litigants and the red signal to others.

There is, it seems to me, a serious constitutional question here involving procedural due process. Can Government establish that certain acts are prohibited and that their commission may result in civil liability but then afford a remedy only to those injured by that wrongful act which the Government chooses to single out?

It would seem that all consumers affected by the prescribed activity of fraud, deceit or overreaching would constitute a class or persons whose rights under the law have been invaded. But the violation of the right of any one of them gives rise to a remedy subject to the discretionary action of the Department of Justice in bringing a governmental action against the offender.

For instance, suppose Montgomery Ward and Sears Roebuck both manufacture chain saws whose lubrication systems are so defective that the links wear out and the chains fall apart at a time far short of the warranty. By selling the saws under such warranties, exactly the same breach of duty has been committed against the purchasers of both companies. But the Attorney General chooses to sue only Sears Roebuck. The Attorney General, under the Act, can thus choose which potential civil litigants, whose rights have been invaded, shall have a remedy.

If this is not actually unconstitutional, it is a policy which is most reprehensible, one which is conducive to official corruption.

The hypothesis assumes a defective lubrication system and a violation of law. But in any actual case this question cannot be determined until after trial. Suppose the allegations upon which a case must rest cannot be sustained in either the case of Montgomery Ward or Sears Roebuck. The bringing up of the case agains Sears Roebuck opens up a flood of expensive private, civil litigation against that firm, with attendant bad publicity, but insulates Montgomery Ward. Such a provision of law would invite politics and graft in the governmental process.

The same situation does not exist in the case of the antitrust laws. There a federal civil antitrust action does not have to await a criminal action.

The process provided under the Nixon approach is further defective in that inherent in it are the same defects that presently exist in dependence upon the FTC as the consumer's watchdog. It merely utilized the Justice Department in the same general way that present law utilizes the Trade Commission. Of the two the Commission is better staffed and better versed in the subject matter than the Department.

FTC CANNOT FEASIBLY CARRY THE WHOLE LOAD

The Federal Trade Commission receives 9,000 complaints a year. They are able to investigate only one out of eight or nine of those complaints. Of the 10% or so that are investigated, not even one in ten results in a cease and desist order. To make that kind of record, the FTC has 1,300 people, including 500 lawyers and a $14 million budget.

The Administration proposes to allow the Justice Department to receive complaints, investigate each one of them, and then decide whether to bring suit.

To do the job that the understaffed FTC has been trying to do, Justice proposes to establish a department of 30 people for the first year at a cost of $1.3 million. The second year, 60 people are envisioned.

One witness testifying on behalf of consumer class actions estimated that in order for a federal agency to handle adequately the justifiable consumer complaints susceptible to class action treatment, it would take a budget of $35 billion a year. This same $35 billion effect, and more, could be achieved under my bill at no cost to the taxpayer except for whatever small additional administrative cost, if any, incurred by the federal court system.

It may be argued that the existing attorneys can do the job of investigating and bringing suit. Yet one need only examine the record from the Hearings before the Committee on Appropriations for the Justice Department to see how the Department of Justice is already overburdened.

As John Mitchell has himself said ". . . We are convinced, however, that a substantial increase in manpower is absolutely necessary to deal with the magnitude of the problem and that additional manpower can be effectively deployed along the lines indicated." The Solicitor General, Erwin Griswold, said, "A year ago I was overwhelmed with work; yes, I still am." His department is typical yet the Administration proposes additional workloads on an already understaffed department. The consumer will pay the price.

The Justice Department, if we are to be realistic, will have to establish priorities. They will have to decide what *they* consider important or unimportant. The priorities of the Justice Department may not always coincide with those of the victimized consumer.

The small consumers stand to benefit least from this provision. Poor, uneducated, and somewhat skeptical of the Government to begin with, he probably will have little success in convincing an agent of the Federal Government by letter or in person that he has a valid case. If the small consumer cannot get the Department of Justice to seek relief for him, he is left with very little means of help under the Nixon approach.

The only way that some may get action may be to hire a lawyer to represent them before the Department of Justice. Thus, a consumer may, in effect, have to press his case twice: once before the Justice Department or the FTC and then again, if he is lucky, before the court.

But who is most likely to be able to hire a lawyer to press his case with the Justice Department? These are:

(1) A competing seller who would like to open the gate to civil litigation against his competitor, or

(2) Any seller who would like to keep the gate closed to litigation against him.

The consumer himself is the *last* person likely to be represented by counsel before the Department of Justice—and the consumer is the last person likely to get justice. This proposition is not altogether unprecedented.

The people best able to protect the rights of the consumer are the consumers themselves. The Government can help but it should not be able to prohibit. That is why our bill allows class actions directly without Government interference.

POTENTIAL OF DELAY GREATEST DRAWBACK

The potential of delay, though, remains the greatest drawback in the Administration approach. The complaint must come in, be considered, investigated, sent up for further action, and then prosecution may result, just as in the case of the FTC. All of this takes time. In a case before the FTC involving the Crawford Corporation and interlocking directorates in the prefabricated housing industry, the case was dropped on April 4, 1969, when it was discovered that the Defendant had withdrawn from the prefabricated housing business in the early months of 1964, five years earlier.

On April 4, 1962, the FTC field office in Chicago began to investigate the Vollrath Company of Sheboygan, Wisconsin for "making false savings claims and misrepresentations about the construction, efficacy, and other features of stainless steel cookware. Four years later, the case was given to the Bureau of Deceptive Practices for prosecution. Another year passed before a hearing examiner made the initial decision in the case and still another year before the Commission made its final decision. The time lapse from investigation to decision was six years.

In the Federal Trade Commission the average time lapse is four years with two years of investigation and two years of prosecution in the central office. Until the end of that period, there is no halt upon the activities of the company. The Justice Department, with far less resources than the FTC devoted to consumer affairs, cannot hope to even achieve that degree of promptness.

The ABA Consumer Committee and Its Recommendations

The American Bar Association has set up within its Section of Antitrust Law a special Committee on Consumer Legislation. A third of this committee is composed of members of Washington law firms with a strong interest in administrative agencies and the methods of influencing them. Another third is composed of lawyers from New York firms, all primarily corporation defense oriented and at least one with present interests in the defense side of antitrust class actions. The remaining third is composed of lawyers from very large firms in Chicago, Los Angeles, and Cleveland representing such clients as U.S. Steel, major book publiishers, General Motors, Chrysler, Firestone, Timken Roller Bearing, Westinghouse, and others.

This committee of nine has come out against consumer class actions as a means of revitalizing American law for the protection of the consumer and in favor of relegating this important subject matter to the old, tired processes of the Federal Trade Commission. All the consumer bills dealing with this subject—my bill in the House, Senator Tydings' bill in the Senate, and the Administration's proposals—call for consumer class actions, yet this small defense lawyer-oriented splinter of the whole body of the bar proposes altogether bureaucratic processes for protecting consumers.

"PLEASE THROW US IN THE BRIAR PATCH"

They are saying, "Please throw us in the briar patch," the briar patch of the Federal Trade Commission. Indeed, this is exactly where they want to be thrown.

As Ralph Nader has pointed out, administrative agencies have fallen down in their duty to protect the public interest. They have become the hospitable briar patch into which malefactors against consumers wish to be thrown, and the lawyers for these interests do not even have the subtlety of Brer Rabbit but plead directly their preference for the briar patch of the Federal Trade Commission. What a comfortable and sound hedge against effective action this has become! It is a familiar ground of the Washington lawyer who can speak directly to the commissioners and other administrative personnel of the agencies. He cannot speak directly to the judge who is trying the case in which he is involved about the merits of that case. He has come to be more comfortable with those before whom he may plead over lunch than before those he must address at the bar.

Naturally the typical defendant lawyer who wants to isolate his client from the risk of a large and successful class action does not want to put this effective instrument in the hands of the consumer.

The consumer class action is good enough for big plaintiffs who own stock in corporations whose directors have allegedly cheated them. Why is it not good enough for little people who have been massively bilked for defectively manufactured products? Why, merely because the amount in controversy is something less than $10,000 should consumers go without an effective remedy?

Who Shall Determine Private Rights: Courts or Bureaucrats?

Some of the Committee's objections to court relief are most puzzling unless considered in light of the interest of Washington lawyers in controlling the process. For instance, on page 30 of the report the Committee shows a preference for the use of the Federal Trade Commission hearing examiner over the use of what the Committee calls "an often distant Federal Court." It is true, of course, that a "hearing examiner" can ride circuit for the distant commission. But for myself I would rather entrust my rights to courts and juries located in my State, usually my town, than to the tender mercies of the FTC in Washington, D.C., particularly when members of this Committee of the Bar are in Washington with much closer access to them than I am.

With all its shortcomings our system of using judges and juries to determine private rights is far better, far less corruptible than any other system of determining private rights and remedies. I submit that it is better than the so-called "prompt and uncomplicated" procedure for "recovery of actual damages by consumers" proposed by the Committee. Listen to this uncomplicated and prompt procedure:

"As soon as final determination of liability in a proceeding commenced by the Justice Department or the FTC either through a final court judgment or a final Commission order, the Commission will designate a hearing examiner to see that injured consumers are accorded relief. The hearing examiner will immediately enact a process by which consumers who have suffered from the practice will be made aware that they can obtain monetary recovery and any other appropriate relief."

The report, in outlining its proposed process, requires that the consumer await the go-ahead sign from the Commission. It says on page 31:

The Commission will then ask the consumer to complete a form setting forth the basis of his claim.

Now, what does this mean? It means that if Betsy Smith has bought a deceptively advertised and faulty dishwasher, she first hires a Washington law firm to lobby with the FTC or the Justice Department to bring a general action against the Dixie Belle Washing Machine Company. After the case has wended its way through the FTC and the Justice Department processes, an order will be issued. Of course, she has no way of influencing the nature of that order, though her rights may depend on its terms. She then must present her case before the hearing examiner.

Peculiarly, the Bar Committee suggests that she may not need a lawyer in this process. Presumably the Dixie Belle Washing Machine Company will be represented by counsel. (In passing, I must say that I am always suspicious of those who advise me that the proceeding I am engaged in is "so uncomplicated that no lawyer may be required.") Her case is not decided by a jury of persons living in her community but by a hearing examiner sent down from Washington.

If Betsy Smith gets a favorable determination from the hearing examiner, the Dixie Belle Washing Machine Company will probably want to appeal the case and the "simple and prompt proceeding" may lose such character as it wends its way through the federal court system.

REFORM OF FTC DESIRABLE BUT SHOULD BE COMPLEMENTARY TO CLASS ACTION RELIEF

It should be understood here that I am not arguing against reform of the FTC processes, but I reiterate what I said to the Committee upon the opening of the hearing:

Congress has the means of making [a vehicle for justice for consumers] one that is self-induced and self-propelling, not one that depends for its impetus upon the good motivations and energetic administration of a commission. Commissions are not always well motivated. Many exemplify the principle of the possum guarding the chicken coop.

The Commission processes are necessary for the protection of many very small consumers. Many reprehensible practices should be curbed by cease and desist orders as they are now. It may be desirable to provide a system of fines and of some degree of restitution in a proper case.

But I still insist that the following principles of law and justice are paramount:

Just as the fear of criminal prosecution goes a long way toward making men honest, the threat of an effective civil suit goes a long way toward making them scrupulous. Though lawsuits are sometimes complicated and protracted, the fact that they are available induces people dealing with each other to deal fairly. Unless there is an effective process for individuals, acting either alone or in concert, to obtain redress, without the prior intervention of a governmental agency, honesty and fair dealing rest solely upon the consciences of the dealers and the bureaucrats, and the sensitivity of these consciences I am not willing to trust.

CONCLUSION

The Consumer Class Action Act would allow a group or class of consumers to sue the defendant directly. This approach needs no government subsidies to pay for it. It needs no department to administer it. In contrast, the Administration bill not only will require lawyers, investigators, and economists all paid for by the Government, but it will require two lawsuits where one is sufficient. The federal courts are already overburdened and it makes little sense to have the Government institute one lawsuit and then the individual litigate the same matter in a different suit later.

H.R. 14585 affords an extremely practical and effective way of establishing a strong body of consumer law. It acts pragmatically under existing law, permitting a common law approach for remedying and curbing overreaching in the marketplace. It does not attempt to anticipate in exquisite detail every fraud or act of overreaching which might give rise to a consumer class action. But since it adopts State law as Federal law, it gains all of the specificity of existing statutory and common law applicable to the facts: The businessman has notice of what activities are to be considered illegal in exactly the same manner that he has such notice in a case which is in Federal court on the basis of diversity of citizenship.

It is the sponsors' hope that this bill will afford an opportunity, on a nonpartisan basis, for Congress to give the consumer what he has long needed—a fair break in his day-to-day dealings in the marketplace. It is not only the consumer that needs the assurance of the fairness of the marketplace but also the vast majority of merchants who do deal fairly. The good reputation of the marketplace is essential to a healthy free competitive economy.

ANGOLA AND GULF OIL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. ROSENTHAL. Mr. Speaker, the colonial control of Angola, Mozambique, and Guinea by Portugal has been one of economic exploitation, forced labor, and the denial of fundamental human liberties. While other European nations have recognized the rights of nations to self-government, Portugal stands alone in trying to stifle popular movements now fighting for independence.

The United States preaches self-determination around the world, yet its actions in this situation affirmatively encourage the opposite situation. Our Government supplies Portugal with funds, knowledge, and materials. And Portugal's illegal use of American military equipment in Africa elicits no outcry, let alone embargo, from Washington.

Furthermore, the activities of the American-owned Gulf Oil Corp. in Cabinda, Angola, serve to further solidify Portugal's colonial interests. Portugal's 1969 profit of $20 million on the Gulf operations paid for half of the Angolian military budget. And, while the European power consumed 78,000 barrels of this oil herself last year, she exported another 72,000 barrels during that same period, thus helping to stabilize her weak economy and enabling her to sustain a long-term military commitment against the Angolan insurgents.

The American Committee on Africa is today presenting a statement at Gulf's annual shareholders meeting. By this action, it is attempting to draw public attention to the active cooperation of the American Government and Gulf in Portuguese colonialism. As a member of the Subcommittee on Africa of the Foreign Affairs Committee, I am deeply concerned with this situation. Accordingly, I am placing the committee's statement in the Record. The statement follows:

AN OPEN STATEMENT TO THE ANNUAL MEETING OF GULF CO., 1970

We, concerned citizens and representatives of organizations, address this statement and appeal to the Gulf Oil Company on the occasion of the annual stockholders' meeting on April 28, 1970. We call upon the Gulf Oil Company to withdraw immediately from its operation in the Portuguese-ruled enclave of Cabinda, a part of the West African colony of Angola. Our reason for this is that Gulf is giving substantial support to Portugal in her war against the African people of Angola, Mozambique, and Guinea (Bissau) to keep them indefinitely in colonial status. Gulf supports Portugal's refusal to recognize the right of the people in the Portuguese colonial areas of Africa to self-determination and independence. Too small and poor a country to control a rebellious empire without help, Portugal depends on outside assistance such as the support received from U.S. corporations like Gulf.

Portuguese domination of Angola, Mozambique and Guinea (Bissau) has been characterized by economic exploitation of the country and its people; the practice of a forced labor system; the denial of political expression to almost all the people; and the

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perpetuation of educational practices which have resulted in an illiteracy rate of more than 90%.

We believe the people in the Portuguese colonies (which Portugal calls "overseas provinces") have the right to freedom and independence. Popular movements in all the Portuguese colonial areas are now fighting for this freedom. The aid which Gulf gives to Portugal in defiance of United Nations resolutions, the Organization of African Unity and the just aspirations of the people of Angola, Mozambique and Guinea (Bissau) must end. * * * independence in Asia and Africa after World War II, Portugal merely changed the technical names of her colonies to "overseas provinces" and called them an integral part of Portugal. She claimed a "civilizing mission" and acknowledged as "civilized" only those who were "assimilado," that is, educated in the Portuguese language, culture, and religion. By 1960, Portuguese figures indicated that only 15 per cent of the population of Mozambique could read and write at all, and many had become literate while working in the gold mine of South Africa. In Angola they could claim literacy no higher than 10 per cent. In Guinea, with the population of a million, only 11 Africans had obtained a university education.

A Police State. Portugal itself is a police state, and the colonies are run with even less democracy and greater brutality. The "overseas provinces" are ruled from Libson through the Overseas Ministry. All officials are appointed, and top officials are chosen in Lisbon. Censorship, prohibition of trade unions, the single-party system, and the extraordinary powers of the secret police mean that no effective expression of opinion by the people is possible. A passbook containing tax and labor record must be shown on demand (with the penalty "correctional labor") or stamped to permit travel; this is an efficient control of movement and labor supply.

Nearly all (90 per cent) of the African people still live and work on the land. Portugal actively promotes European settlement through land grants and other concessions, most successfully in Angola. The average land acreage occupied by Europeans is 60 times that of Africans. Seventy-five percent of Angolan coffee (the chief export, and the chief U.S. import) is produced on 550 European plantations. In the agricultural settlements in Mozambique, the European farmer is granted 125 acres of land while the African farmer is given 25.

Revolt. All through the 1950's while other colonies were moving towards independence, the growing peaceful protests of the peoples of Angola, Guinea, and Mozambique were met by intransigence and increasing violence. Each country experienced a police massacre which solidified opposition to Portuguese rule. In Guinea, in 1959, 50 striking dockworkers were killed. In Angola, in a protest march in 1960 following the arrest of many political dissidents, 30 were killed and 200 wounded, and two villages destroyed. In Mozambique, in a dock strike in 1956, 49 were killed and in 1960, at Mueda, 500 unarmed people were shot down as they demonstrated. Popular rebellion broke out in 1961 in Angola, in 1963 in Guinea-Bissau, and in 1964 in Mozambique. The African nationalist armies in each of the three territories now control large areas in which they have introduced their own schools, clinics, markets, local governments, and other social institutions. They have pinned down an estimated 150,000 Portuguese troops and forced Portugal to spend half of her national budget for military purposes with consequent rising dissatisfaction and draft resistance at home.

GULF AND THE WAR IN ANGOLA

Cabinda. Gulf is now prospecting for oil in Mozambique, but its major operation is in Angola. Gulf started looking for Angola oil in 1954 and made its first strike in Cabinda in 1966. It is the sole concessionaire in Cabinda, a small enclase between the two Congos north of Angola but ruled by Lisbon as part of that colony. It is the most profitable oil area in Portuguese Africa and will probably rank among the first six oil producers in Africa; until the Cabinda strike, Portugal had to import oil from the Middle East.

The *Wall Street Journal* has estimated Gulf's expenditure on exploration and development at $130 million by 1969; World Petroleum 1969 reported expansion plans at a probable cost of $76 million which would bring production up to 150,000 barrels a day by the end of 1970.

Financing the War. Portugal's profit on the Gulf operation, in addition to the availability of the oil, is considerable. Under a 1968 agreement between Portugal and Gulf, Gulf made advance payments when Portugal was hard pressed financially by escalation of the three wars. Payments include surface rents, bonuses, income tax equivalent to 50 per cent of profits, a 10-cent royalty payment on each barrel of oil, and certain concession payments. Total payments in 1969 were approximately $20 million, about half the Angolan budget allocation for military purposes. In the contract Portugal retains the right to take all the crude oil produced, or its equivalent in refined products, should her military or political needs dictate it. In 1969 Portugal consumed 78,000 barrels, so that the anticipated output of 150,000 barrels should leave a considerable amount for export. (With the increased production profits to Portugal will also increase.) This strengthens Portugal again by strengthening her neighbor and supporter South Africa, who lacks only oil for sufficiency against possible world sanctions.

War in Cabinda. The close relationship between Gulf and war operations in the Cabinda area is revealed in a book, *The Terror Fighters*, by a South African journalist, A. J. Venter, wholly sympathetic to Portugal. He writes of Cabinda:

"After the initial onslaught which followed close on the heels of the March 1961 attacks in Northern Angola, the insurgents were successful in occupying more than 90 per cent of the enclave. . . . They were successful in routing the ill prepared Portuguese militia and police and stopped just short of the capital, Cabinda."

He describes the crucial importance of air support (he saw U.S. built planes) to Portugal's long struggle to re-establish control. Of Gulf itself, he says,

"Although they were obliged to suspend operations during the worst of the terrorist raids in 1961, machine gun muzzles were barely cold before they moved in again."

Eight years later "it is still necessary to travel in the interior with some means of protection." (From Venter's comments it is clear that guerrilla activities continue in Cabinda.)

Portugal Defends Gulf. When Gulf struck oil in 1966, Portugal moved additional troops into the area and intensified its "resettlement" program which involved building new villages (strategic hamlets) with unusual amenities such as schools and water supplies, and moving the African population into them; in 1967 Cabinda received the largest allocation for rural re-grouping projects.

The Gulf contract with Portugal itself stipulates that the government "agrees to undertake such measures as may be necessary to ensure that the Company may carry out its operations freely and efficiently, including measures to permit the company the use of and free access to public land and such measures as may be necessary to prevent third parties from interfering with the company's free exercise of its contractual rights."

Further, the authorities agree "to provide military guards to protect the oil fields if special security measures prove necessary." Venter describes oil camps "surrounded by 8-foot barbed wire and spotlights" in fortified isolation from the community. All this "defense" is, of course, directed against the African majority which, in turn, naturally views Gulf as part of the Portuguese enemy.

PORTUGAL AND U.S. SUPPORT

Gulf is not the only visible sign of the U.S. alignment with Portugal in her African wars, and the Gulf operation seems to the African people quite consistent with what else they know of the United States. Its actions speak louder than its voice which officially condemns colonialism and supports the right of people everywhere to freedom and independence.

Military Aid. The United States has a direct military alliance with Portugal and supplies Portugal with funds, knowledge and material. And although it stipulates that U.S. military equipment is not for use outside the NATO area (i.e. in Africa), repeated proof of its use in the colonial wars has brought no embargo from Washington. The U.S. maintains a permanent Military Assistance Advisory Group in Portugal (some of whom visit Africa) and operates a large base in the Portuguese Azores. Further, the U.S. proposed and ensured Portugal's membership in NATO, and other NATO members, particularly West Germany, now aid the Portuguese military effort more directly than does the United States.

Economic Interest. Although the military need for the Azores base and the Portuguese alliance is challenged on technical, nonpolitical grounds by some current analysts of the military establishment, the growing economic involvement of giant corporations like Gulf in the Portuguese colonial economy is forging new and stronger links between the United States and Portugal. And this is being done at the expense of incurring hostility of the people of the colonies, and in Portugal as well.

QUESTIONS AND ANSWERS

1. If the Gulf Oil Company didn't have the Cabinda oil concesion, wouldn't some other company from some other country?

Perhaps so, and we oppose any exploitation of the natural resources of a country for the benefit of others, and any force that aids colonialism. But Gulf is a U.S. company and we therefore have a particular responsibility to try to change a policy which we believe to be wrong politically, economically, and morally.

2. Isn't the Gulf Oil Company helping the people of Angola economically through its operation?

It is helping the government a great deal but that isn't the same thing. Little trickles through to the people in the form of social services or local improvements, or directly as wages. Cabinda is a "boom town" development, with the inflated costs, and scarcity of housing and other essential commodities, that connotes. This hurts the people, for only skilled technicians get "boom" salaries to match costs. Gulf is reported to have employed about 2,000 people; of these about 500 are from the United States and another 1,000 from abroad, leaving only 500 possible positions for "Portuguese" Angolans. With full operations, total employment has decreased.

3. An individual company can't set foreign policy; shouldn't the U.S. government speak and the company follow its lead?

We believe that the U.S. government should support United Nations policy by ending both military and economic involvement in the Portuguese colonies. The government's failure to do so does not absolve Gulf of responsibility for its actions. Gulf may have decided to invest in Angola purely as a money-making proposition, but it is not "neutral" or able to refrain from participating in internal politics. Gulf is strongly supporting Portugal, a colonial power, in a war against "rebellious" subjects, and (aside from the war) in maintaining control of country without even consulting the inhabitants. It should get out, and its stockholders who do not wish to defend the Portuguese empire should insist that it do so.

4. Doesn't Gulf serve a useful function in training Angolans for modern life and industry?

Very few Africans are employed in the Gulf operation, though an additional number are employed by various other U.S. companies. But even if many were employed with adequate salaries and on-the-job training and upgrading, this would not compensate for the aid Gulf gives to the people's primary oppressor—Portugal. Every question must be viewed in the light of the bitter eight-year struggle for independence Angolans are waging despite the enormous handicap of an underdeveloped people challenging a nation with modern arms and industry supported by the NATO countries. To offer training to a handful of people in the face of this struggle is not even a bribe, but only an insult.

5. Doesn't the involvement of modern Western corporations in a colonial economy exert a moderating influence on the government?

The slight change in Portuguese policy came when it first let the outside investors in, changed the name of colonies to provinces, and moderated some features of dictatorship. It did this when it entered the United Nations in an effort to forestall reporting on the colonies and finally surrendering them, and the change was a response to strong anticolonial pressure, not to friendly support and financing. The incredible violence—including massacres—with which Portugal met the outbreak of nationalist resistance, without any suggestion that negotiation or compromise was possible, indicates her inflexibility. The Western corporations, especially Gulf, are helping Portugal continue a war which she would have had to abandon if dependent on her own resources. Far from a moderating influence, they are her lifeline.

6. Do you really expect Gulf Oil to abandon its profitable Cabinda operation?

Probably not, while profits continue high, and the United States continues to ignore United Nations resolutions, and Portugal, which needs Gulf, maintains control. But that does not mean that we have no responsibility to do what we can to change the situation, or to expose the role of Gulf.

WHAT CAN BE DONE?

Find out now how you can work with the campaign against Gulf Oil, and with other activities to break the United States-Portugal alliance. The American Committee on Africa has background information on Gulf and other U.S. corporations functioning in the Portuguese areas, the U.S.-NATO-Portugal alliance, and the African liberation movements. Write to ACOA for more information.

American Committee on Africa, 164 Madison Avenue, New York, New York 10016.

WHY WE PROTEST GULF OIL COMPANY'S OPERATION IN PORTUGUESE AFRICA

As you know, oil and its derivatives are strategic materials indispensable to the development of any territory; they are the nerve-centre of progress, and to possess them on an industrial scale is to ensure essential supplies and to dispose of an important source of foreign exchange.

Apart from this, in the mechanised wars of our times, its principal derivative—petrol—plays such a preponderant part that without reserves of this fuel it is not possible to give the Army sufficient means and elasticity of movement. The machine is the infrastructure of modern war, and machines cannot move without fuel. Hence the valuable support of Angolan oils for our armed forces.

REBOCHO VAZ,
Governor-General of Angola.

(NOTE.—African World Annual 1967–68, p. 29.)

THE U.S. AND PORTUGAL

A growing number of individuals and organizations in the United States are protesting the "indispensable support" through oil production which the Gulf Oil Company is giving to Portugal in three desperate wars to maintain colonial rule in Angola, Guinea, and Mozambique. Portugal is too poor a country, and too small, to keep her empire without help. This help comes from her NATO allies, from her military alliance with the United States, and from giant corporations like Gulf who help her to exploit the African people and rob them of their natural resources. In protesting the operation of Gulf Oil Company in Portuguese Africa, we protest U.S. complicity in colonialism and military repression.

THE LAST EMPIRE

The Portuguese have been in Africa for 500 years, though their full control is less than a century old and resistance never completely ended. * * *

We make these charges in demanding that Gulf Oil disengage from the Cabinda oil operation:

1. *The Gulf Oil operation, by giving financial support to Portugal, subsidizes Portugal's war against the African people.* It is estimated that this year, the Cabinda oil operation will produce 150,000 barrels per day which will provide Portugal with royalty payments of $15,000 a day. The expected proceeds to the Portuguese government, when one adds in not only royalties but also income tax, mining development fund and other proceeds, amounted to almost 20 million dollars in 1969 according to a United Nations working paper. This was almost half of Angola's total military budget in 1969.

2. *The Cabinda oil operation, while helping the Portuguese government, does not enhance the economic well being of the African people.* Out of hundreds of staff positions, most jobs have been reserved for Portuguese citizens and for technical and engineering personnel recruited from Gulf subsidiaries in the rest of the world, eliminating Africans almost completely. The revenue is shared between Gulf and the Portuguese colonial government, and little trickles through to the people in social services or local improvements. This is the nature of colonialism.

3. *The Cabinda operation further strengthens Portugal's ability to wage its war by providing a strategic product.* Cabinda is expected to become the sixth largest oil producer in Africa, and can provide all of the oil needed by Portugal. In 1969, Portugal imported approximately 75,000 barrels per day. By the end of 1970 Cabinda production alone should be twice that amount. Futhermore, under the agreement with Cabinda Gulf, the Portuguese government has retained the right to take all crude oil that is produced or the equivalent in refined products should her military or political needs dictate it. Angola's Governor General recently observed, "The machine is the infrastructure of modern war and machines cannot move without fuel. Hence the valuable support of Angolan oils for our armed forces."

In addition, the Cabinda strike will ultimately be able to provide oil for South Africa, the one necessary commodity not yet discovered by the apartheid regime.

4. *The operation of Gulf Oil in Cabinda, where the struggle for liberation predates the oil strike, is dependent for its security upon the military power of the Portuguese government.* The arrangement made with Portugal in 1966 and in 1968 stipulates that the Portuguese government "agrees to undertake such measures as may be necessary to ensure the company may carry out its operations freely and efficiently . . . to prevent third parties from interfering with the company's free exercise of its contractual rights." This means that a major American corporation relies on the colonialist Portuguese government to protect it from the very people who should be served by the natural resources of their own country.

The Gulf Oil operation in Cabinda represents the U.S. and its people in the eyes of Angolans. American resources and prestige are therefore on the side of the exploiter. Therefore, we, as concerned citizens and representatives of organizations, demand that the Gulf Oil Company divest itself of its involvement in the Cabinda oil operation and in other Portuguese colonies; discontinue its support for the Portuguese economic and military effort to perpetuate colonialism, and use its profits already made in this operation to support the people who are fighting to bring freedom and independence to their country.

PORTUGAL IN AFRICA

The Portuguese presence in Africa today is still characterized by ignorance, repression and a careless exploitation of the African people and in purely human terms the lessons of the past offer little hope for the future. (James Duffy, *Portuguese Africa*, 1959.)

PORTUGAL IN AFRICA

Portugal is the last old-style colonial power in the world. With a population of about nine million in a 35,000-square mile corner of Europe, she still attempts to rule 14 million people occupying nearly 800,000 square miles in Africa (and outposts in Asia as well). Since 1961, nationalist African forces have been challenging the Portuguese occupation by armed rebellion.

PORTUGAL'S AFRICAN TERRITORIES

Portugal's colonies in Africa include Angola, Mozambique, Guinea, the Cape Verde Islands off the coast of Mauritania-Senegal, and Sao Tome and Principle, islands in the Gulf of Guinea. Guinea (Bissau) is a small enclave between Guinea (Conakry) and Senegal in West Africa, with a population just over half a million, and a subsistence agricultural economy. Angola on the Atlantic and Mozambique on the Indian Ocean are the northern outposts of suppressed southern Africa, vast territories with rich agricultural lands, untapped mineral wealth including oil, and enormous economic potential.

Despite the subsidized efforts of Portugal to encourage European emigration to the colonies, and the migration of hundreds of thousands of refugees fleeing the war zones, Africans outnumber Europeans in the colonial areas of ratios of 15 to 1 and up. The population breakdown in 1960–62 was:

	Total	White	African	Metico (racially mixed)
Angola	4,957,500	[1] 300,000	4,604,000	53,500
Mozambique	6,581,465	150,000	6,400,000	31,465
Guinea	534,568	3,000	527,000	4,568

[1] Since this period the white settlers in Angola have increased substantially with an estimated white population of 420,000

BACKGROUND

The Portuguese first made contact with the African peoples and states in her present territories in the fifteenth century, but did not control them administratively until after World War I. The 500 years of Portuguese rule is a carefully fostered myth. On both coasts Portugal found complex and flourishing civilizations and her control was limited to coastal forts to protect trade and alliances with local chiefs and princes. The subse-

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quent introduction of the slave trade in Angola led to war, depopulation, and chaos in the interior. For two centuries Africa, for Portugal, was primarily an outpost on the way to India. Only when the eastern empire met reverses was serious consideration given to the African interior, and a search for gold and silver undertaken. African uprisings were frequent on both coasts well into the twentieth century, and control was not established by Portugal until after other European powers had set the pattern with greater colonial strength and stability.

Throughout the whole period, Portugal proclaimed a civilizing and Christian mission in Africa. But it was not until 1951 that she claimed the colonies as provinces of Portugal. Then they were reclassified in preparation for Portugal's entrance into the United Nations, to forestall possible international concern about non-self-governing territories.

Portugal's colonies differ from South Africa in the absence of apartheid, and the color line is not sharply drawn. Until the sixties, when the independence of most of Africa created new pressures, the colonial populations were divided into Europeans; *assimilados,* Africans or meticos officially equal to the Europeans; and *indigenas,* the native population. After the theoretical 500 years of civilizing rule, only 1 per cent of the African population had reached *assimilado* status. The structure and theory of Portuguese colonial power are economic, social and political, not specifically racist, but *the effect is the same.*

The most that can be said on behalf of equality and multiracialism in the Portuguese colonies is that the people of Portugal, like the people of the colonies, suffer under a militarized dictatorship and economic oligarchy; their poverty is crushing, their literacy low, their civil liberties in abeyance.

Public opinion about Portugal's colonial progress was jolted by the 1961 revolt in Angola, and today the colonialists face major wars of liberation in all three territories of Angola, Mozambique and Guinea. The Lisbon Government has been forced therefore to remodel her myths by passing reforms for the provinces, by accelerating economic and educational development, and by trying to modernize the colonial structures. But any political opposition, particularly the African nationalist movements, is branded and propagandized as being Communist-inspired. Thus behind the facade of Portuguese flexibility is the continued brutal repression of popular elements and the denial of self-determination.

THE POLICE STATE APPARATUS

The police state in the colonies is an extension of the police state in Portugal itself and the recent change in rulers did not alter the structure. For three decades, Premier Antonio de Oliveira Salazar built up a firm control of Portugal and its empire through an elitist coalition of business, military, and church powers. At home, opposition is silenced by imprisonment or exile; in the colonies by imprisonment or execution.

The most feared arm of the government in the suppression of dissent is the Gestapo-like PIDE, the International Police for the Defense of the State. But the government structure and its supporting legal system are themselves totalitarian. Government censorship, the prohibition of trade unions, and a single-party political system aid in close control of the populace. Enfringements on possible rights of the accused include a six months' renewable detention without arraignment, legal charges, or right to counsel; the constant "unavailability" of legal counsel; the use of torture to extract confessions with no check on interrogation procedures; and the interference of the PIDE in legal affairs. Prisoners are threatened with "fixed residence" in concentration camps and state "security" measures are used to prolong sentences.

The colonial situation aggravates these injustices. The people overseas are more defenseless (more than 90 percent do not even understand the language of their rulers), the police more ruthless, and the state personified in any Portuguese citizen, particularly an employer. Missionary accounts detail the brutality with which the African majority is controlled.

The *indigenas*, even without the name, are subject to a passbook system not unlike that of South Africa. The *caderneta* (passbook) contains the tax and labor record of the bearer, and names of members of the family with photographs and fingerprints. It must be shown on demand, and stamped before the bearer can travel. If papers are lost or not in order, the bearer may be sentenced to correctional labor (a possibility that furnishes a convenient labor-supply control). Intellectuals, or *assimilados,* are subject to different harassment. For example, the PIDE arrested a group of Mozambicans including authors, journalists, an artist, a student, and a medical assistant in December, 1964. They were accused of contact with subversive nationalist organizations. They were detained until February, 1965, and not placed on trial until the next year, when Lisbon annulled the trial because of unsubstantial evidence. Yet after this, in April, 1967, the men were brougth to trial again, and they are in prison today.

COLONIAL ADMINISTRATION

Although they were declared integral provinces of Portugal by the 1951 Overseas Reform Act, the colonies are still administered through the Overseas Ministry as colonies. Central policy decisions are made by the autonomous Council of Ministers, with the Premier presiding, in consultation with the Overseas Council and other bodies. Since 1964, the "provinces" have been represented on the Overseas Council by two members and an alternate elected by each provincial Legislative Council. The Legislative Councils are not representative and their functions are only consultative. Their elected members (15 out of 36 in Angola and 3 of 29 in Mozambique) are chosen by a narrow electoral roll which virtually excludes Africans in Angola, and by chiefs in the land reserves in Mozambique. Top officials such as the Governor General are chosen in Lisbon, and all officials are appointive. A three-layer bureaucracy controls the people: civil, military and PIDE.

THE ECONOMY

The potentially rich colonies of Angola and Mozambique serve the traditional colonial function of providing the mother country with raw materials, external markets, and, because of their wealth, foreign exchange. Major export earnings come from primary agricultural products that are mostly in the hands of Europeans: in Angola, coffee, sisal, maize, cotton, and sugar; in Mozambique, cotton, cashews, sugar, copra, sisal, and tea. In Angola, secondary earnings come from mining; in Mozambique, from transportation (port and rail). Angola has oil, diamonds, and iron ore resources for significant economic development.

Thus far, industrialization has been minimal in both territories, confined to some processing of primary products and light manufacturing for local consumption. However, something of an economic boom has started—in Angola as the result of exploitation of oil by U.S. companies and in Mozambique as the result of heavy South African investment, exemplified by the new hydro-electric complex, the Cabora Bassa.

Among the recent changes made by Portugal in reaction to world opinion was to open the territories to foreign investment. Portugal's own resources do not permit full exploitation of the natural wealth of the colonies or diversification of their economies, but it was not until 1965 that foreign investment was encouraged (when war expenditures were draining Portugal's resources while the wars called attention to the backwardness of the colonial economies). Such investment currently is being concentrated in mining, including oil; processing of agricultural and fishery products; and land (plantation) ownership. Both Angola and Mozambique have increased their share of the world export market and are benefiting from an expanded infra-structure, including hydroelectric and irrigation projects. Reforms in trade relationships between Portugal and the expanding colonies are too recent for analysis, but there is conflict over the lack of free convertibility in currencies and also budgetary deficit problems.

LAND POLICY AND USE

Some 90 per cent of the Angolan and Mozambican people still live on the land and try to make their living from it. Thus land policy is closer to the life and livelihood of the people than any other.

Portuguese land policy is one of actively promoting European settlement in the colonies through land concessions and settlement schemes. This is part of a plan for better utilization of land by the total population, but, even more important, for the strengthening of European control. Approximately 12,000 settlers enter Angola annually, and a lesser number Mozambique, but European colonization is growing in both countries. Poverty in Portugal is a strong inducement.

Land policy favors the settler to the extent that in Angola average land acreage occupied by Europeans is 60 times that by Africans; 550 European plantations produce 75 percent of Angolan coffee, the major export crop.

Africans have no representation on the plenary councils of the provincial settlement boards which advise on matters of land settlement and rural reorganization. The latest administrative moves include expensive settlement projects for Portuguese peasants (i.e. in the Mozambique Limpopo Valley) and inducements for Portuguese soldiers to settle in the colonies for economic and defense purposes. South African farmers, too, are settling in Mozambique.

The administration is also forcibly relocating the people in *regedorias,* African land reserves. Ostensibly, the resettlement provides opportunity for medical, educational, and technical assistance to Africans. But the relocations, often regimented, barrack-like villages, also make possible easier administrative and military control of the people. Although in some cases Africans if registered under Portuguese civil law may own land, the *regedorias* are communal areas; Africans who live outside of them are subject to removal from their land if it is not cultivated for two years.

The difference between European and African agricultural settlements is deeply discriminatory, at least in Mozambique. A *Colonato* is considered a European-type of settlement and the farmer is granted 125 acres of land together with technical and financial aid, in the *ordenamento,* the African-type settlement, the farmer is alloted 25 acres. Gross annual returns on these projects average $16,200 per settler family in the *Colonato;* $600—one thirtieth as much—in the *ordenamento.* Theoretically, an *ordenamento* farmer who proves his skills may join a *colonato,* but his starting handicap is enormous.

LABOR

Recent reforms have modified the traditional system of forced labor in the colonies that differed little from slavery. But administrative control and coercion still force African men to provide labor for colonialists' agricultural, mining, and public works schemes without any say in what their wages

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and working conditions will be. In 1958, Marvin Harris wrote in reference to Mozambique:

"All that is necessary for (this) system to function is for the administrator to have the power to indict the Africans as malingers without having to prove it in a court of law. Under existing laws, natives so accused are faced with the alternative of being conscripted for public works or of "voluntarily" signing a contract with private employers. These laws indirectly equip the administrator with almost complete discretionary power over the Africans' mode of employment."

The extent of pressure exerted is revealed indirectly by statistics showing that less than 10 per cent of the male population live and remain at home throughout the year. This, in turn, has potential for the loss of unworked land, discussed above.

Wages. The absence of trade unionism or even minimal civil liberties means that African workers have no protection from coercion and wages are abnormally low. Only random figures are available: the average unskilled migrant worker in Angola earns $22.70 per month, $10 of which is given to him "in kind;" while non-migrant unskilled workers receive $23.00 per month. A skilled worker may earn up to $116 a month, although the minimum subsistence income needs for a family of five in a city such as Luanda are more than $200 per month. The average daily wage of agricultural workers in Mozambique is 18 cents a day, and estimated earnings of Mozambican cotton workers are less than $30 per year.

The low wages of Africans depress the per capita annual income to an estimated $97 to $143. On the other hand, improvement in wage scales (at least compared to Portuguese home wages) is one of the attractions used to spur European migration. Although racial breakdowns in the wage schedules are not published, it is clear that in general European workers receive up to three times the wages of Africans.

The European profit from low African incomes can be seen also in price differentials. Annual per capita income for independent coffee farmers in Angola is $42 and their coffee sells in rural markets at $175 a ton. The export price paid to the European exporter is $630 a ton

Migrant Labor. The exploitation of Mozambique labor at home has made Mozambican workers a good recruitment source for the mining industry in South Africa, where one third of the total work force is now Mozambican. The workers are recruited by labor associations representing South African mines. In southern Mozambique, the primary recruiter is the Witwatersrand Native Labor Association (on whose Board sits the American financier, Charles W. Engelhard).

As an average, 100,000 Mozambicans are recruited annually for a maximum 18-month period, and the contract seems rather to be with the Portuguese government than with the men themselves. The Portuguese collect a service charge of approximately $5.25 per laborer, and Portugal is allowed to maintain taxation collection posts in South Africa. Half of the workers' wages are returned by the employers to Mozambique to be paid only when the recruits return home. As part of the current contract, South Africa agreed to use the Mozambican port of Lorenzo Marques as the import facility for half of the goods coming into the Transvaal region of South Africa.

Workers from Mozambique also enter South Africa for other work, sometimes illegally, and additional workers go to adjacent countries. An estimated 300,000 leave the country annually as migrant workers.

Social Services. Very little is recorded on the general social services (health, pensions, insurance) provided to Africans, but in the most developed territory of Angola life expectancy is only 28 to 35 years, while one out of every three children dies at birth.

EDUCATION

The Portuguese maintain that there is no racial discrimination in education, and no racial breakdown on student population is available It would, however, be fair to say that rural schools are almost completely African while urban schools vary from African through integrated to wholly white. At the more advanced levels of secondary schools, there are progressively fewer Africans. The 1965 statistics given below refer to school population, the number in schools, and not to the full population of school age.

	Angola	Mozambique	Guinea (1964)
Rural primary (1st 3 years)	118,372	373,912	1,376
Percent of total school enrollment	45	75	....
Full primary (1st 5 years)	106,773	68,153	11,664
Percent of total school enrollment	43	20	....
Secondary (academic, technical)	27,797	24,887	787
Percent of total school enrollment	10.6	4.4	....

Present emphasis is on technical education and the growth of rural primary schools. This may mean that more children will have three years' elementary schooling; but adults with five years of schooling and less are usually classified as functional illiterates. At present it is estimated that more than 90 per cent of the people are illiterate; these figures indicate that the illiteracy rate will not drop below 90 per cent.

THE WARS OF LIBERATION

Open fighting between Portuguese troops and African nationalist forces has been continuous in Angola since 1961. Three major nationalist political groups are involved: the Revolutionary Government of Angola in Exile-National Front for the Liberation of Angola (GRAE-FNLA), with headquarters in Kinshasa, Congo; the Popular Movement for the Liberation of Angola (MPLA) with headquarters in Brazzaville, Congo; and the National Union for Total Independence of Angola (UNITA). In Mozambique, two major parties exist, the Mozambique Liberation Front (FRELIMO) and the Mozambique Revolutionary Committee (COREMO). Fighting by Frelimo began in northern Mozambique in September, 1964; three provinces are now under siege. In Guinea, half of the country is controlled by the forces of the African Party for the Independence of Guinea and the Cape Verde Islands (PAIGC).

In all three countries, as nationalist organization and military effectiveness have increased, economic, social, and political institutions are being established by the populations living in areas no longer under Portuguese domination.

The Portuguese Response. The costly struggle on widely scattered fronts is a severe strain which Portugal could not bear without help from other nations. In 1967, military expenditures accounted for 45 per cent of her national budget. Troops in the African territories are estimated at between 130 and 150,000 and to maintain them a new military service law in 1967 expanded both eligibility criteria and length of service.

The presence of South African troops has already been reported in Mozambique, and South African equipment in Angola. It is obvious from the South African press that South Africa considers defense of white minority rule throughout southern Africa (including Rhodesia as well as the Portuguese colonies) as an integral part of her own self defense.

NATO. However, throughout the years, the bulk of the support for Portugal has come from her allies in NATO, and particularly from France and West Germany. Portugal was invited to join NATO in 1949 by the United States, despite NATO's founding "on the principles of democracy, individual liberty, and the rule of law."

The present Commander of Allied Forces in Europe, Lyman Lemnitzer, defended the alliance on May 8, 1963: "Portuguese soldiers, while fighting for the defense of principles, are defending land, raw materials, and bases, which are indispensable not only for the defense of Europe but for the whole Western world." Recently Portuguese officials have pressed NATO to extend its official sphere to include the southern Atlantic and Indian Ocean areas. African nationalists who are engaged in a difficult struggle against the Portuguese quite naturally identify NATO with the Portuguese enemy.

Portugal's direct gains from NATO membership, other than ideological support, are: an annual military review which makes recommendations for the improvement of military forces; information from planning committees in the fields of petroleum, coal and steel, and agricultural and industrial materials; and officer training at the NATO Defense College.

The United States. In addition to undetermined amounts and kinds of NATO contribution to Portugal's defense, military relations are conducted on a bilateral level. For the United States the use of the Portuguese Azores as a military base is deemed the most significant security interest. This agreement, after the termination of the contract in 1962, is based on ad hoc Portugese consent. The U.S. also maintains a permanent military mission in Portugal and military and naval officials have been cited as accompanying Portugese officials on tours of the African territories. Under the U.S. Military Assistance Program, Portugal received before 1960 $300 million worth of military equipment, although after 1961 this amount has been substantially reduced to less than $5 million per year. The U.S. has also lent $15 million for the building of three naval escort destroyers, and in 1967 renewed the loan of two such ships to Portugal with the stipulation that they not be used south of the Tropic of Cancer.

But ambiguity still surrounds the extent of American military aid. In 1965 a group of international arms salesmen and pilots were indicted in the U.S. for exporting, without a license, seven Douglas B-26 Invader Bombers to Portugal. The aircraft, part of a total Portuguese order of 20, were flown from the U.S. through Canada to Portugal. The defendants in the case claimed to be working under the protection of the Central Intelligence Agency, and although the C.I.A. denied involvement, the men were never convicted. Other more indirect sales of American armaments occur through sub-contracting by American aircraft corporations, with the ultimate sale of American equipment to Portugal.

The United States insists that all such military aid which is officially directed to Portugal is used only to bolster mutual security interests in the Atlantic, while material cannot be used for Portugal's African wars and control is maintained over certain types of private sales as well. Although Portugal is openly receiving more naval and aircraft from European allies, it is undeniably that any military aid to the Portuguese regime or to its NATO partners supports the overall strengthening of the military and thus the reallocation of resources to the major African battlefront.

UNITED NATIONS ACTION

In 1960, the General Assembly declared that Portugal's colonies were under the jurisdiction of the U.N. Charter, and requested that Portugal report to the Secretary General about her non-self-governing territories.

Portugal refused, stating that the territories were a domestic concern. In 1961, the General Assembly established a sub-committee to examine conditions in Angola after the war began there. Following a year-long study, it called upon Portugal to cease its war of repression and to transfer power to the Angolan people.

In 1963 and 1965, the Security Council, recognizing the right of the territories to independence, called on all nations to refrain from offering any assistance, including arms supplies, which would enable Portugal to continue suppressing the people of the territories. The General Assembly, in 1965, asked all nations to break off trade and diplomatic relations with Portugal. On all of these resolutions, the United States abstained.

In 1966, the U.N. Special Committee of 24 on Decolonization called for the sanctions of the 1965 resolution to be made obligatory for all member states. Due in part to United States opposition, the General Assembly did not take that action. The Assembly has continued to call for an end to military, financial and other aid to Portugal, and has recently added a call for moral and material assistance to the African people. Representatives of the Republic of the Congo, Senegal, Zambia, Tanzania, and Guinea have submitted complaints to the U.N. about Portuguese military actions taken against their countries. In addition agencies of the United Nations are involved in the care of hundreds of thousands of African refugees from the territories.

U.S. INVOLVEMENT

The United States' primary concern in relations with Portugal has been for the strategic value of the Azores base and the Portuguese role in European defense. But there are growing economic reasons for U.S. interest in a stable Portugal and continued Portuguese control over African territories.

Trade. The United States is Portugal's third largest trading partner, taking 9–10 per cent of Portuguese exports worth $68 million, and providing a comparable amount of her imports. The U.S. is also Portugal's third largest source of income-producing tourism. The U.S. takes 26 per cent of Angola's exports, valued at $57 million (1965–66), and provides 9 per cent of her imports, including wheat, automobile parts, machinery, worth $21 million. One-half to two-thirds of Angola's coffee and more than half her fishmeal go to the United States. In 1965, exports from Mozambique, mainly tea and cashews, to the U.S. were worth $7.5 million, and imports, $9 million.

Loans. The Interamerican Capital Corporation of New York has made large loans to Angola and Mozambique for the construction of a textile factory, paper mill, hydroelectric installations, roads, and airports. The Export-Import Bank loaned $2.5 million, guaranteed by the Portuguese Government, to the Companhia Minero de Lobito e Sociedade Mineira do Lombige to purchase 30 American-made diesel locomotives for the transport of Angolan iron ore; and more than $5.5 million has been loaned to the Portuguese Government since 1961. The Bank of America is involved in the financing of the large hydroelectric dam project, the Cabora Bassa, in northwest Mozambique, and brokers Dillon Read and Company have arranged a number of American-backed loans to Portugal.

Investment. Since Portugal relaxed foreign investment regulations in 1965, major U.S. companies have invested in the African territories. Allis Chalmers has nine branches in Angola and has contracted for the processing of iron concentrates. Firestone plans to invest $5 million in a Mozambique factory. General Tire and Rubber Company holds stock in an Angolan manufacturing firm. Standard Electric of Portugal, a U.S. subsidiary, will manufacture telecommunications electrical parts in Luanda, Angola. Pfizer Laboratories and Singer Sewing Machines have branches in the territories, and Anglo-American Corporation, through its South African company with American capital, holds growing interests in Angolan fisheries, a cashew business in Mozambique, and mineral prospecting in Angola (copper) and Mozambique (iron). An American businessman sits on the Board of Directors of the Angola Diamond Company (DIAMANG) the largest employer in Angola. This Board receives net profits four times the amount of the official wages paid in cash to the more than 25,000 workers.

Oil Companies. More important than these for both financial and strategic reasons is the involvement of American oil corporations. The major company is the Gulf subsidiary, Cabinda Gulf Oil Company, which has had an exclusive concession from the Portuguese Government for exploration off the Cabinda enclave since 1957. At a cost of $125 million, a rich strike was finally made in 1966. Angola will receive 50 per cent of the profits, providing Portugal with much needed revenue of $10 to $20 million a year. By 1970 Portugal will be self-sufficient in oil and, in fact, an exporter. If production aims are met, Angola will be the fourth largest oil producer in the world, and of strategic importance to the entire economic system of southern Africa, especially industrialized South Africa which is still exploring for oil off her own coast. The oil discovery has spurred government rural reorganization of Africans in Cabinda and strengthened defense arrangements to prevent attacks against the oil installations. Recently Diversa of Dallas received a 20 thousand square mile diamond and oil concession in Angola. Mobil Oil and Texaco companies act as distributors of fuels and lubricants in Angola.

In Mozambique, the Mozambique Gulf Oil Company, a subsidiary of Gulf Oil and Pan American International Oil Company, discovered butane gas deposits off the coast, and a gas line is being built to supply the Transvaal area of South Africa. Other U.S. firms with oil exploration concessions include Hunt International Petroleum Company, Sunray Mozambique Oil Company, Clark Mozambique Oil Company, Skelley Mozambique Oil Company, and in northern Mozambique, Texaco. Caltex and Mobil distribute oil products in Mozambique.

In Guinea, Standard Oil of New Jersey, through Esso Exploration, Inc., has a sixty-year petroleum concession and has thus far invested more than $8 million.

These corporations not only provide Portugal with tax returns but also contribute to a special tax established in 1965 for corporations whose annual profits reach $16,000 or more. Other corporations have made contributions to Volunteer Corps in Angola.

POLICY RECOMMENDATIONS

In effect, the United States is at present supporting Portugal in its attempt to maintain an African empire despite the rebellion of its subjects in every area and the opposition of most of the world. The U.S. is allied militarily with Portugal; its economic interests in the African territories are growing; and its influence has already prevented meaningful United Nations action to aid the nationalist struggles for freedom.

We urge the reversal of this policy:

1. The strategic necessity of the Azores base is doubtful, in view of long range aircraft and missile development. Nor is it certain that Portugal would insist on U.S. evacuation of the base in reprisal for anti-colonial actions by the U.S. In any case, the U.S. loses more than it gains from the base and the military alliance if the price is alignment with colonialism in Africa, for colonialism is doomed.

The alliance with Portugal should be ended and the Azores base relinquished.

2. United States trade, loans, and investment in the Portuguese African territories should be discouraged before the stake of U.S. business grows larger. It might be pointed out as a matter of self-interest that, aside from the moral question of support for colonialism and the danger of wars spreading, these businesses are involving themselves in a losing cause.

3. Without military and economic pressures to aid Portugal, it should be easier for the United States to support the recommendations of the U.N. Decolonization Committee for sanctions against Portugal and aid to the freedom movements, and the U.S. should do so.

4. Private as well as government action is needed. Investors should make certain that their own funds are not used by banks and companies that do business in the Portuguese territories. Private and public influence should be brought to bear on such institutions to disengage.

A variety of ways are open for direct support to the nationalist movements that are struggling for freedom. They need funds for schools, medical clinics, their organizational apparatus and their armed forces. One way to reach them is through the Defense and Aid Fund of the American Committee on Africa, which can also supply further information, if desired.

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AMERICAN COUNCIL ON EDUCATION EXPLOITS ITS TRUST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. RARICK. Mr. Speaker, last Monday, April 20—page 12531—I called to the attention of this body the highly controversial activities of the American Council on Education, in exploiting its academic confidences.

At that time I related that the answers to the college entrance questionnaires, completed by most of our students seeking college admission were "safeguarded" by storage in an undisclosed foreign country. The identity of this Nation, which the American Council on Education feels more trustworthy than the United States, leaves much to conjecture as well as objective. Could it be Britain, Yugoslavia, Sweden, or Russia? Nobody knows but ACE.

Now the ACE experts have further diverted their attention from curriculum and educational endeavors. Their research chief, Alexander W. Astin, utilizes the power of suggestion to enhance more violence on college campuses while its special committee on campus tensions, headed by Sol M. Linowitz, blames Vice

President Agnew and Governor Reagan for campus unrest and tension, if not violence.

Who is going to tell the American people what Nation's intelligence banks "safeguard" the confidential key, compiled by ACE, and who on our campuses are sympathetic with violence?

I insert several news clippings, as follow:

[From the Washington Post, Apr. 12, 1970]

Campus Protests Show No Sign of Declining

(By Eric Wentworth)

Contrary to official expectations, there have been at least as many campus protests this year as last.

Upheavals struck campuses from Quinnipiac College in Connecticut to the University of Arizona.

The first weeks of spring have brought a seasonal upsurge in rallies, demands and vandalism. Some of last year's prime battlegrounds are already back in the news: Cornell, Harvard and Columbia, for example.

But tallies by two research teams show the volume of protest actions was surprisingly heavy even before the current post-vacation outbreaks.

Alexander W. Astin, research chief for the American Council on Education, reports one or more incidents at 155 of 195 campuses that his team surveyed from last September through February.

Astin's figures include 175 protests against the college or university itself on 84 of these campuses, plus 260 protests involving the Vietnam Moratorium, antipollution, the "Chicago Seven" trial or other off campus issues on a total of 141.

The Chicago-based Urban Research Corp. reports its latest boxscore shows at least one protest on more than 90 campuses from Jan. 15 to April 1, or just as many as during the same period last year.

Neither group has kept tabs on the suspicious fires in ROTC offices and other campus vandalism that could not be linked directly to student demonstrations. But Astin reports that his September-February survey shows demonstrations leading to property damage in 14 cases, physical violence in 18 and one or more arrests in 24.

These figures together give the lie to the cautious optimism for a quiet year voiced by certain Nixon administration officials before classes began last fall. They also belie the assumption that campuses by and large have been relatively calm so far this year.

One reason for this assumption may be a tendency among newspapers, magazines and broadcasters to give campus protests less exposure, especially with high school uprisings vying for the limelight.

A well-placed source confides that some of the same university administrators who last year complained that press and television were giving campus protests too much attention now mutter about "suppression" of such news.

From the academic authorities' standpoint, one benefit of less public attention has been the virtual silencing of last year's congressional outcry for antiprotest laws.

But Rep. (Blank) warns that campus unrest is "a dormant issue, not a dead issue" on Capitol Hill. "The issue will come back sure as shooting," he adds, if a new wave of demonstrations this spring stirs public opinion just as Congress is at work on a major new higher-education bill.

Astin and Urban Research's president John Naisbitt, among others, fear just such a wave is on its way. "I think everything points to that," Naisbitt says.

A new round of anti-war protests this coming week could offer the occasion for major demonstrations on or near some campuses.

The Boston area may be one trouble spot.

Harvard radicals harassed a committee of prominent visitors at that university's Center for International Affairs this past Thursday, and have talked of a building occupation this spring.

At Massachusetts Institute of Technology, which saw repeated demonstrations earlier this academic year, one highly placed source familiar with student moods reports "a calm that is even more worrisome." It reflects, he explains, a deep sense of frustration.

Many causes that student protestors have been espousing have a familiar ring.

Of the 175 anti-institution protests Astin reports from September through February, 62 were "war-related" against such targets as ROTC, research for the Pentagon, and recruiting by the military services for defense contractors such as General Electric Co. (A GE official reports company recruiters this year visited 400 campuses, and encountered protests on about 30—most of them orderly.)

Another 42 incidents, according to Astin's survey, involved black students' demands for black studies programs, more black faculty members, admission of more black students, and the like. At Yale, blacks blocked a showing of "Tarzan the Ape Man" in March, calling the film "racist."

In the West, athletic ties with Brigham Young University touched off protests at several major universities, including Arizona, New Mexico, Washington and Wyoming because of the Mormon Church's ban on admitting blacks to priesthood.

The Mormon university responded in late March with full-page newspaper ads asserting the belief that "all men are brothers" and suggesting "the time will come" when blacks can become priests.

The other 71 anti-institution protests in Astin's tally mostly involved familiar issues of university governance (a greater student voice in policy-making), campus social rules, course requirements, tuition increases and the hiring or firing of professors.

Locally, 87 were arrested at the University of Maryland last month after a building occupation to protest the philosophy department's denial of tenure to two assistant professors.

This past week, 181 students at predominantly-black Maryland State College on the Eastern Shore were arrested after demonstrations demanding an audience with President John Williams to discuss grievances.

Preserving the environment has become a lively issue among thousands of college students as well as adults, with a wide array of demonstrations planned for "Earth Day" on April 22. By and large, however, blacks and white radicals have tended to steer clear of this movement or try to divert it to their own concerns.

"Most of the blacks and chicanos see it as a cop-out," Naisbitt observes. He refers to an incident at San Jose State College in California, where students gained nationwide attention in February by burying a new automobile to protest smog. Less noticed was a counter-protest by 75 blacks and chicanos, who according to Urban Research carried signs reading "Don't Bury the Car" and "Ecology Is Not the Issue."

Many of the protests so far this year have come on campuses already battlescarred from previous confrontations from the mammoth Universities of Michigan and Wisconsin to tiny Voorhees College in Denmark, S.C.

But Urban Research, in a closer look at protests on 65 campuses from mid-January through early March, found roughly half occurred at previously tranquil institutions.

Like the urban riots that spread from Los Angeles, Newark and Detroit to smaller cities, campus protests have been cropping up at obscure private colleges, two-year community colleges and even seminaries (Fifty-two students at St. Thomas the Apostle Major Seminary in the state of Washington, according to Urban Research, called for a boycott to protest suspension of one student because of "scandalous" publicity when he visited a tavern to recruit entertainers for a rock show at the state reformatory).

Quinnipiac College in Connecticut, an independent school with roughly 2,000 students near New Haven, is another example of this trend.

At previously quiet Quinnipiac, a college spokesman related, students staged a one-day, round-the-clock sit-in in the campus library last month while leaders negotiated a list of 16 demands with college trustees and administrators. As many as 267 slept in the library during the non-disruptive demonstration.

The students left voluntarily after resolving a number of issues, which generally concerned such matters as voting seats on the board of trustees, curriculum reform, and tuition rates.

Meanwhile, the National Student Association has been extending legal advice to restless students on such diverse campuses as Emmanuel College in Boston, Augustana College in Rock Island, Ill., Calvin College in Grand Rapids, Mich., and Fisk University in Nashville, Tenn.

One prominent educator, a veteran of campus uprisings, believes protests will be a fact of life in American higher education for many years to come. He compares it to the labor movement: People warned of a revolution at first, but have learned to live with recurring strikes.

[From the Washington Post, Apr. 26, 1970]

Agnew Held Fanning Unrest—Campus Report Also Hits Legislative Action

(By Eric Wentworth)

A committee studying campus unrest warns that "political exploitation of campus problems by some public figures" has become one of the factors dividing academic communities.

Sol M. Linowitz, chairman of the American Council on Education's Special Committee on Campus Tensions, told questioning reporters at a briefing that these public figures include Vice President Spiro T. Agnew and California Gov. Ronald Reagan.

"The Vice President's remarks have not been helpful," said Linowitz, who was President Johnson's envoy to the Organization of American States. He said students repeatedly mentioned Agnew's suggestion . . . that all student protesters can be tarred with the same brush"—an evident reference to the Vice President's "impudent snobs" speech last October.

"Public officials and others having the public's attention," the special panel said in its report released today, "should gauge their responses to campus disruption in the light of the fact that repressive and provocative pronouncements by those in authority may have the same inflammatory effect that extremist rhetoric has on the campus."

This was but one of scores of findings and recommendations by the 18-member committee, which also included university presidents and professors, student leaders, a trustee, publisher Bill D. Moyers of Newsday (a former press secretary to President Johnson) and executive director Whitney Young of the National Urban League.

The ACE announced plans to set up the committee last June to show, among other things, that the academic establishment could cope with campus problems itself without needing anti-unrest measures pending in Congress and state legislatures.

"Efforts to politicize colleges and universities risk public reprisals, with consequent restrictions on free inquiry," the panel said in today's report. "Legislative moves in this direction, at both state and federal levels, are already deeply disturbing."

XUM

The 79-page report represents the most comprehensive effort to date to catalogue the causes and symptoms of campus tensions and suggest possible remedies. All members gave the report their "general support"—a fact that helps explain the broad-brush nature of its recommendations.

It coincides with a growing round of campus protests, peaceful and in some cases violent, around the country. "The arrival of spring," the committee noted, "signalled disruption that may, in total, surpass that of the record year, 1968–69."

The problem in America, the panel said, is "far less severe" than in some countries. But behind the data on demonstrations the group found a "deeper crisis: confusion and uncertainty about the proper direction of change in higher education."

In listing the main sources of student unrest, the committee covered largely familiar ground. Complaints ranged from institutional indifference to institutional racism.

"The war in Vietnam and the draft system, in concert," the committee said, "contribute heavily to campus unrest. Until the nation ceases to force young men to fight in a war they believe unjust, a major source of campus tensions will remain."

At another point, it observed, "avoidance of the military draft all too often is a factor in a student's decision to attend or to remain in college."

The report found campus tensions in almost every cranny of the academic community, but said these are "not necessarily harmful . . . it is the responses to tension that lead to constructive or destructive outcomes."

At the Friday briefing, Linowitz agreed that the panel's recommendations tended to be general and often obvious. They ranged from giving students a voice in policy-making and rewarding professors who teach well, to broader representation on trustee boards and in improving campus communications channels. They stressed the need for fairness, due process and mutual respect.

The committee chairman said, however, that these self-evident truths are being neglected or misunderstood on many campuses today.

The committee appeared at odds with Vice President Agnew in recommending "novel admission practices" at some institutions. Agnew has criticized quotas and open admissions policies, which Linowitz said this recommendation would include.

One of the report's more controversial recommendations called for a review of policies on faculty tenure—the job security a person enjoys once he has proved his competence. The basic defense for tenure is that it protects a professor's "academic freedom" to espouse unpopular views.

The committee said, however, that tenure has come to provide job security in the trade union sense as well, and "sometimes has been a shield for indifference and neglect of scholarly duties."

POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. DULSKI. Mr. Speaker, our Committee on Post Office and Civil Service began executive sessions this morning on the new postal reform bill submitted to Congress by the administration.

Our committee has been working actively on postal reform for more than a year. Indeed, it was a year ago last Wednesday—April 22, 1969—that we began open hearings on postal reform legislation. I had introduced comprehensive postal reform legislation—H.R. 4—more than 3 months earlier on the opening day of the 91st Congress.

On the day that the administration sent the President's message and its new reform bill to Congress—April 16—I introduced the bill in the House and announced that public hearings would begin the following Wednesday, April 22.

We had held 35 days of public hearings last spring and summer on this subject and the 3 additional days of hearings completed yesterday were restricted to the new factors in the reform issue as a result of the negotiations downtown.

Those hearings ran until after 6 p.m. last evening in order to give the parties full opportunity to express their views.

COMMITTEE GOOD FAITH CLEAR

The good faith of our committee is clear. We have moved once again in a very prompt manner to deal with the very controversial issue of postal reform which now has been linked, unfortunately, with immediate employee benefits. These immediate employee matters probably should be handled separately.

I want to take exception to the untimely remarks yesterday of the Postmaster General—as reported in the press—on the matter of postal reform in an appearance at the National Press Club.

The General has been a vigorous and adamant advocate of his views on postal reform. I cannot quarrel with his basic desires. But I do raise question about the propriety of some of his remarks.

All of us in this House are well aware of the crisis that developed in the Post Office Department last month with the shutdown of operations in several areas. The bill we now have before us results from the unique downtown negotiations which were initiated after the mail stoppage.

THE GENERAL'S WARNING

Now, the General is warning of a new stoppage unless we in Congress act in haste on postal reform. His desire for action is understandable, but his threat is no asset.

My position on the need and desire for postal reform is clear. So, I believe, is the sincere concern of our committee.

The administration blamed last month's mail crisis on the failure of Congress to act earlier on postal reform. Now, the Postmaster General is raising the prospect that we face another crisis unless we railroad his postal reform bill unchanged through the Congress in the next few days.

Mr. Speaker, I believe the Postmaster General is overzealous in his postal reform efforts.

It is a matter of fundamental fact that even if postal reform legislation had been passed into law last year—when I was trying very hard to hammer out a bill—it still would not have prevented last month's crisis.

HASTY ACTION NO SOLUTION

Nor would hasty action on postal reform itself by Congress at this time make any immediate changes in the situation.

What the General is referring to, of course, is his mandated proviso in his so-called package that an additional pay raise and other employee benefits are contingent upon approval of the administration's version of postal reform.

I recognize the needs of the postal employees and I have right along. Our committee and the House recognized this need last October with the passage of H.R. 13000, which the President threatened to veto.

The crux of the employee problem is separate from the overall matter of postal reform. To combine them in one package and put a gun at the head of Congress to act is hardly the sensible and responsible way to accomplish meaningful reform.

COMMITTEE PROCEEDS IN ORDER

For the administration to persist in putting a gun at the head of Congress and promoting crisis talk is irresponsibility of the first order.

Our committee is proceeding in an expeditious, but orderly, fashion. We could not defend before the American people any different approach.

There are honest differences of views and these must be given reasonable consideration. I hope and expect our committee to act promptly—but responsibly.

We can use some similar support from the other end of Pennsylvania Avenue.

EXPULSION FOR CAUSE—A NEEDED UNIVERSITY POLICY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. WYMAN. Mr. Speaker, the disgusting performance by some students at Harvard University on April 15, 1970, is dismayingly reported by another Harvard student in William Buckley's column in the Washington Star of April 27. To gain perspective of what is involved in terms of long-range planning this report should be read with care.

Students who deliberately break college regulations—students who deliberately destroy property or assault police or assist others in doing so—should be expelled forthwith. It should be made clear to them as they enroll that this will be done without exception by college administrators.

Why this has not been the policy, at other than a few institutions, is hard to understand.

The article follows:

RIOTS WILT THE CHILDREN'S FLOWERS

(By William F. Buckley Jr.)

I turn this column over to a sophomore at Harvard, Mr. Laurence T. May, who writes about the events in Cambridge on April 15. . . .

Dear Mr. Buckley: You probably read the piece in the New York Times concerning the riot in Harvard Square last Wednesday. The article was a bit brief for an event described by the commissioner of public safety as "the worst civil disturbance in the history of the state." I was there for a lot of the action and will agree with the statement.

XUM

The mob was the most ugly I have ever seen. The ferocity, the determination, the hatred they felt for the police was frightening. People who think that these kids are only frustrated youths, upset about the war or whatever, have no conception of what they are really dealing with in situations like this riot.

I don't think I'm at all astray if I say that what I witnessed was nothing more than the collective expression of the criminal mind.

These kids were, a lot of them anyway, on drugs. I have never seen groups of "kids" quite as literally mad as I saw Wednesday. They were shrieking, chanting, yelling; the ones with painted faces added to the barbaric imitations.

The defiance was unmatched; even in prison where you would expect a hell of a lot more frustration than what is caused by a war 5,000 miles away, the inmates would not repeatedly return, repeatedly club cops, repeatedly throw wine bottles or whatever. Convicts at least exhibit some cunning in riots; the Harvard riots had none of that, unless you count the attempts by professionals to firebomb buildings. Imagine if you can, kids so passionate as to run through clouds of tear gas to hurl cobblestones at retreating police.

The mob arrived in Harvard Square at 7 p.m., there being four officers on duty there. One officer tried to "reason" with the group near him and they simply laughed in his face shouting "pig" and obscenities.

By 7:30 Cambridge police were lined up behind the "MBTA" Kiosk. Above them, on the wall surrounding Harvard Yard, ten feet off the ground, were at least 150 "street-people." The rioters threw rocks, bottles, boards, bricks . . . you name it . . . down onto the police who simply stood in rank. Down went one cop, hit by a brick, down went another. Still they didn't move from ranks.

Behind the wall, Harvard University police moved to clear the kids off. Incredibly, a senior tutor and an assistant Dean of the College told the university police to leave the kids alone: "We don't want any trouble. Don't start a riot." This while a full riot was in progress.

The incident has caused understandable friction between university and city police. A university cop told me last night that he is afraid that if they need assistance from Cambridge police some day, it will not be given quickly.

Harvard students generally abstained from actual rioting, though there were a number of identified exceptions. Mostly, they were just stupid: Stupid not to stay off the streets, so they got clubbed or gassed or obstructed police.

The rioters were mostly those the press rather charitably called "hippies"—the dropouts, the long-haired welfare recipients, the panhandlers, the druggies, and the ubiquitous professionals.

George Wald, Harvard's Nobel-winning flower child, was of course in the middle of things. He actually went up to policemen in the streets, demanded that they stop, demanded that they "use reason" with the kids. While he was so engaged, a kid hit a cop with a baseball bat painted black (doesn't show up at night, nor in news photos usually). Wald, by the way, says he fears "lower-class Catholics becoming outraged." Imagine if I told him I feared middle-class Jews rioting in the streets!

The next target is New Haven on May 1st. Unless the Panthers are freed and $10,000,000 indemnity paid to their party, the "political dissenters" say they'll destroy the city.

Do you think there are Communists involved? My fellow students don't, even when the Communists say they're Communists! You see, the riot was caused by the frustrations of the kids in the Harvard ghetto.

Perhaps we'll have a federally sponsored summer program soon, or a swimming pool in Harvard Yard.

Better, a Head Start course for Harvard students.

QUESTIONNAIRE RESULTS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. BROOMFIELD. Mr. Speaker, more than 25,000 residents of the 18th Congressional District of Michigan have replied to my 1970 questionnaire on important national issues. It was one of the most enthusiastic responses ever to this annual program. Their views on Vietnam, welfare, 18-year-old voting, drugs, and Government spending offer an interesting look at the directions in which some Americans would like to see our country move. May I call the attention of my colleagues to the following tabulation of questionnaire replies and summary letter which was sent to President Nixon:

DEAR MR. PRESIDENT: I am writing to inform you of the results of my 1970 Congressional Questionnaire program. More than 25,000 residents of the 18th Congressional District in Oakland County, Michigan, took the time and trouble to respond—one of the most enthusiastic returns ever to this annual program.

In addition, Mr. President, high school seniors throughout my District were invited to participate. I thought it would provide a method for them to make their views known at a time when so many young people urgently need a sense of participation. Nearly 3,400 seniors replied. Their opinions are also summarized in the enclosed tabulation and provide an interesting comparison with the replies of adults.

A majority of both adults and teenagers agreed in their support for gradual withdrawal of troops from Vietnam and Vietnamization of the war. But one-quarter of those who replied called for immediate and complete U.S. withdrawal, many of them underscoring their concern in personal letters. Nearly 20 percent said they favored increased military action in an effort to end the war.

Similarly, both groups urged that less tax dollars be spent on foreign aid, the space program and the military. They agreed more dollars should be allocated for pollution control and crime prevention. Three-fourths of those who replied favor abolishing the Electoral College and replacing it with direct election of the President. A majority endorsed a national primary.

Not surprisingly, 70 percent of the young people urged that the voting age be lowered to 18, while only 32 percent of the adults thought it a good idea. More than half of the students who replied said they favor more spending on education but only 44 percent of the adults indicated agreement.

Revenue sharing, your plan to return a percentage of Federal taxes to states and local governments, was endorsed by 57 percent of the adults but only 21 percent of the young people. Welfare reform got strong backing from 77 percent of the adults but only 44 percent of the teenagers. A majority of both groups agreed on the need for draft reform, linking Social Security benefits to the cost of living, stiffer penalties for drug sellers and cuts in Federal spending to curb inflation.

The opinions of people in my District are important to me. I know you will be as interested as I was in their views on these important national issues.

QUESTIONNAIRE RESULTS

[In percent]

	Adults	Students
Vietnam: Do you favor—		
Increased military action in an effort to end the war	19	12
Gradual withdrawal of U.S. forces and Vietnamization of the war	54	61
Immediate and complete U.S. withdrawal	24	26
Which new national policies would you favor?		
(a) Draft: Additional reforms including the establishment of an all volunteer army after Vietnam	54	61
(b) Welfare: The President's new plan to make basic changes in the present system with emphasis on the work incentive	77	44
(c) Voting age: A constitutional amendment lowering the voting age to 18	32	70
(d) Social security: Benefits linked to the cost of living so they would increase automatically in an inflationary period	71	56
(e) Inflation: Cuts in Federal programs and spending to balance the budget and slow inflation	74	49
(f) Revenue sharing: A return to State and local governments, for use as they see fit, of a percentage of the money now collected in Federal income taxes	57	21
(g) Drugs: More flexible legal penalties for possession and sale of marihuana provided sellers are subject to more severe penalties	69	52
(h) Electoral college: Abolish it and replace it with direct election of the President	77	73
(i) Primary: Establishment of a national primary to nominate candidates for President	58	44

	Adults		Students	
	More	Less	More	Less
In which 3 of the following categories would you spend less (more) tax dollars?				
(a) Education	44	10	54	27
(b) Foreign aid	2	74	4	68
(c) Housing	22	10	20	8
(d) Welfare	6	38	12	23
(e) Space exploration	8	47	10	54
(f) Conservation, natural resources	53	6	38	6
(g) Military expenditures	6	57	4	64
(h) Crime prevention, control	61	5	49	2
(i) Transportation, ground and air	14	11	5	30
(j) Pollution abatement	65	2	68	2
(k) Health services	19	5	17	4
(l) Antipoverty programs	14	24	31	8

Source: Tabulated by Data Management, Inc.

POLISH GOVERNMENT IN EXILE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. DERWINSKI. Mr. Speaker, may I remind the Members that the Polish government in exile continues to function in London on behalf of the oppressed people of Poland as its legitimate and proper voice.

Therefore, I insert into the RECORD at this point, the address of His Excellency August Zaleski, President of the Republic of Poland, on April 11, at the opening of the fourth session of the Council of the

Republic of Poland, a body which functions as a parliament in exile.

The text of President Zaleski's speech follows:

ADDRESS OF THE PRESIDENT IN EXILE OF THE REPUBLIC OF POLAND

Ladies and Gentlemen of the Council: In opening the fourth session of the Council of the Polish Republic in its present term I have to state at the outset that there has been no improvement in the political situation of our country. Poland is still not an independent state and remains under the domination of Russian imperialism which has forced upon the Polish people an alien Communist system. Throughout the thousand years of her history Poland has given innumerable proofs of her love of freedom and justice which were always the cornerstones of the Polish system of government, until our imperialistic neighbours formed an alliance designed to partition the Polish Commonwealth. The purpose of this alliance was not merely territorial aggrandizement. It aimed at the total destruction of a neighbouring state in whose system of government they saw a threat to their own autocratic systems. And there is no doubt that even today Russian policy towards Poland is motivated by the same two aims.

Russia has made full use of the agreement which our Western allies signed with her, without our knowledge and in contravention of their treaties with us. This agreement, which gave Russia direct possession of the Eastern part of Poland and established in the remaining part an allegedly independent state within the Russian sphere of influence, has in fact given her effective control over the whole of Poland.

No wonder that the Polish people view this political reality with unabated hatred. The recent trials of Polish intellectuals accused of reading emigre periodicals are evidence of this. When young people in Poland read foreign newspapers the regime feels itself threatened and thinks it necessary to put them on trial and send them to prison. This, on the one hand, shows how little support the regime has among the people; on the order, it is evidence of an all-important positive fact: that it has proved impossible to eradicate the Polish aspirations to freedom, to freedom of thought in particular. Poles are faithful to their agelong tradition and are willing to fight for it.

The younger generation in Poland have to cope with other difficulties and anxieties as well. It is difficult for them to find work for which they are qualified. In every walk of life they have to struggle against overwhelming economic difficulties caused by a slavish adoption of foreign economic patterns. We hear that the regime is now trying to overcome these problems by way of some new, as yet unspecified, methods of economic planning. But we know only too well the results of this kind of bureaucratic planning, rigidly tied to an inflexible doctrine and ignorant of the basic drives of human action. Communist planners are unable to concede that their doctrine is by no means universally applicable.

As the capitalism of Marx's time a hundred years ago was found wanting, so the new state economy has also been found wanting. This so-called socialism has shown itself to be not only economically wasteful, squandering human and material resources. It is also a new form of exploitation of the workers which, moreover, cannot function without compulsion and supression of economic, as well as political and cultural, freedom.

It is true that nowhere in the world has a system been found which would satisfactorily reconcile the age-long aspirations of mankind to social justice and freedom. But it is also true that many democratic countries of the free West have evolved far better solutions to the problem of an equitable distribution of their wealth and income.

In the international field we also find little reason for comfort.

The concept of spheres of influence evolved in the wake of the last war and the subsequent division of the world into West and East, a world of freedom and un-freedom, a world of private enterprise and state enterprise, has failed to give mankind the security and peace it so ardently desires. The Soviet Union, adopting the well-tried methods of Tsarist diplomacy, has a hand in every conflict and international tangle which abound in the post-war age. Whether it be in the Middle East, in the Arab-Israeli war, or in Vietnam, or on the continents of Africa and Latin America, Russia is now appearing as a champion of nationalism, now as an anti-colonialist power; at one time she is the advocate of the oppressed, at another's defender of peace standing for law and order; often she plays several parts at once. But the real purpose is always the same: an increase of her own power and influence.

To us Poles, it is astonishing that there are so many people in the free world who purport not to see this. Russian politicians managed to mislead many Western statesmen at Tehran and Yalta, and today they are no less successful at misleading credulous politicians and intellectuals of the free world.

The agreements of Yalta of 25 years ago are not binding us Poles, because the Polish Government was not a party to the conference and has not accepted its decisions. These, from the point of view of the Polish people, are invalid. This must be clearly stated now, as it was stated 25 years ago by the Polish Government which was then still a Government fully recognized by the Allies. Nevertheless it remains a fact that the Yalta agreements have sanctioned the influence of Russia over an enormous area with a population of some hundred million. This has led directly to the present situation in which two super-powers, the United States and Soviet Russia, are confronting each other, and to the belief that all other international relations are dependent on the state of that confrontation. There is a great deal of truth in this. Let us not forget, however, that Russia, notwithstanding her size, is not on the same level of development as the United States, whether in the economic or cultural field. There is, of course, fear of Russian aggression. But we are rightly outraged when we find that there are people who consider that the best way of countering Russian aggression is an atomic destruction of Poland. Are they not aware that Russian aggression proceeds along many other avenues? It is no exaggeration to say that wherever in the world there is strife, Russia immediately finds a way to take part in the struggle, either directly, or through arms deliveries, or any way of diplomatic intervention.

It is just 30 years since that tragic year of 1940 when 15,020 Polish officers were murdered in POW camps in Soviet Russia. This terrible crime against Poland and the whole of mankind is one that has still to be tried. We believe, however, that justice will triumph in the end and that the perpetrators of this heinous crime will be punished.

Recalling now this painful anniversary of the Katyn massacre, I call on all those present to rise and honour the memory of all our innocent countrymen who met a martyr's death in Soviet Russia in 1940 by a minute of silence.

The Government will report to the Council on its activities and will present its plans for further action.

I declare the fourth session of the Council of the Polish Republic open and I pray God that He may bestow His blessings on its proceedings.

WATERVLIET ARSENAL AIDS POLLUTION FIGHT

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. BUTTON. Mr. Speaker, in February of this year, the President of the United States issued an Executive order which expressed grave concern for the environmental pollution that is affecting our country. Subsequent statements by the President pointed to the need to correct air and water pollution by Federal installations.

In my district, industrial operations at the Watervliet Arsenal have historically contributed to the pollution of the Hudson River. However, positive steps were initiated by the Army several years ago to neutralize the contaminated wastes. Construction of a water pollution control plant has recently been completed and will be placed in operation within a few weeks.

The material follows:

WATERVLIET ARSENAL AIDS POLLUTION FIGHT

This action places the arsenal among the first of the Federal and industrial installations in the upper Hudson River Valley to take definite steps to end water pollution. The facilities, involving the most modern waste treatment technology, have been installed at a cost of approximately $1,700,000.

Watervliet Arsenal started planning for antipollution measures immediately after the State of New York established the pollution control laws. In 1967, Congress approved the project to build the facilities for halting pollution of the Hudson River.

Two waste treatment plants are used to neutralize contaminated water. One facility treats cyanide and is located adjacent to the main heat treat building at the center of the arsenal. The other facility treats all other liquid wastes, except nonsoluble oils, and is located near the southeast corner of the arsenal. Nonsoluble oils are collected separately and hauled away from the post. Future plans call for the construction of an incinerator that will burn oils and solid wastes.

MAIN TREATMENT PLANT

The main treatment facilities are designed to treat a total of 35,000 gallons of waste per day. Two separate pipelines have been installed to collect and carry the wastes from various buildings in the arsenal to the treatment plant. One line carries only cleaning solutions and solutions of soluble oils used in machining operations. The other line, made of corrosion resistant material, is used to carry acid and metal-bearing solutions which come from metal plating operations. Each of these lines discharges to a separate storage tank of sufficient capacity to handle a wide range of production rates.

VERSATILITY

The treatment facilities are completely versatile and can be automated to run on a round-the-clock basis, or can be set to run on a shorter time basis. The facilities will handle a variety of wastes over a wide range of production rates.

A modern control laboratory is used to ensure that proper dosages of treatment chemicals are maintained. In addition, constant surveillance of effluent streams are made to insure that all standards and public health regulations are met or exceeded.

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DESIGN, CONSTRUCTION, OPERATION

Design and construction of the plant was accomplished through the New York District, Corps of Engineers. Project criteria, coordination and control of design and construction was the responsibility of the Post Engineer and Engineering Branch of Watervliet Arsenal. Operation of the plant systems is placed in the Utilities Branch of the Post Engineer organization. Consultant services to the arsenal and the District Engineer were provided by Dr. W. W. Shuster, chairman, Department of Environmental Engineering, Rensselaer Polytechnic Institute.

The treatment facilities were constructed by Thompson Construction Co., Albany. Waste treatment equipment was supplied by the Graver Water Conditioning Co., controls by Robertshaw Control Co.

PROJECT DATA

Types of wastes: Water soluble oils, vapor degreasers, cleaning solutions, chrome plating solutions, lead plating solutions, salt solutions, sodium cyanide, surface treatment, and plating solutions.

Treatment rates: Soluble oils, miscellaneous wastes, 1,000 gallons per hour. Acids, 5,000 gallons per hour. Cyanide, 300 gallons per hour.

Holding tank capacity: Soluble oils, miscellaneous, 6,000 gallons. Acids, 40,000 gallons. Cyanide, 13,000 gallons.

Treatment plant processes: Main plant—Oils: Coagulation and sedimentation. Acids: Neutralization and coagulation of heavy ion metals.

Second plant—Cyanide: Oxidation of cyanides by use of hypochloriate.

Piping: Oil carrying, 6,200 linear feet. Acid carrying—specially lined—4,800 linear feet.

Cost: $1,700,000.

In observance of this accomplishment, a nationally significant event is planned for May 9 to call attention to the Army's concern and contribution to the battle against pollution.

At this time, I wish to cite particularly the personnel at the arsenal who, under the commandant, Col. William Mulheron, Jr., have completed this important installation in the national interest—a role to which the Watervliet Arsenal is, in fact, of course dedicated.

RONALD MASELKA HONORED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. DULSKI. Mr. Speaker, last December I placed in the CONGRESSIONAL RECORD a series of 22 articles on campus unrest which had been written by Ronald J. Maselka of the Buffalo, N.Y., Evening News Washington bureau.

I commended those articles at the time as being an excellent interpretation of conditions in colleges and universities in various parts of the country. Mr. Maselka visited 10 campuses and interviewed students, professors, administrators, and others on campus matters.

This year, the American Association of University Professors sponsored for the first time an education writer's award to be given for the best interpretive report on higher education.

Winner of the first award is Mr. Maselka for his series last fall on "College Campus Unrest." He received a plaque at the association's 56th meeting held in Los Angeles last week.

The award is well deserved. Mr. Maselka, an able reporter and writer, offered for his readers an excellent interpretation of the problems on the Nation's campuses. The award is an appropriate recognition for a fine newsman who is a credit to his profession as well as to his newspaper.

NATIVE OF BUFFALO

Mr. Maselka is a native of Buffalo who graduated from Fordham University in 1961 and received a master's degree from the Columbia School of Journalism the following year.

He worked as a general assignment reporter, Federal court reporter, and night city editor of the Buffalo Evening News before being assigned to its Washington bureau in 1968.

The Education Writer's Award is presented by the American Association of University Professors in recognition of outstanding interpretive reporting on higher education in radio, television, film, and printed media.

Entries were judged on objectivity, timeliness, and significance of content to the public.

The American Association of University Professors has over 85,000 members in 1,200 chapters at colleges and universities throughout the United States. Founded in 1915, the AAUP has worked to establish the principles of academic freedom and tenure throughout American higher education.

Mr. Speaker, for reference, the Maselka articles appeared in the CONGRESSIONAL RECORD, volume 115, part 28, pages 37434, 37453, 37786, and 38059.

RESERVISTS' COMMITTEE TO STOP THE WAR CALLS FOR IMMEDIATE WITHDRAWAL FROM VIETNAM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. RYAN. Mr. Speaker, opposition to the war in Vietnam increases daily. Opposition to our involvement in any more Vietnams is close to unanimous. And this opposition has not gone unheard. Responsible and concerned dissent has helped to turn this Nation around on this issue.

Opposition has not been limited to the civilian population. Many within the armed services have expressed, and continue to express, their opposition to the Vietnam war under circumstances certainly not conducive to disagreeing views.

Certainly, one of the prime safeguards against a military attuned solely to its own interests—which may not always converge with those of the public—is disavowal of unthinking, automatic response. This country, committed above all to individual rights, can never accept the premise that the freedom to think and to speak are barred to men and women in our armed services, who are charged with defending those very rights.

The Reservists Committee To Stop the War, composed of more than 500 Reservists and National Guardsmen throughout the country, is sponsoring a statement calling for total withdrawal from Vietnam.

I am including the text of the statement in the RECORD for the benefit of my colleagues:

RESERVISTS AND NATIONAL GUARDSMEN SAY "NO" TO THE WAR

P.O. Box 4398, *Berkeley, Calif.*

We, the undersigned, are officers and enlisted men of the United States military Reserve forces.

We wear the same uniform as the American troops being killed and maimed every day in Vietnam. We want those soldiers home—alive.

We demand total withdrawal of all our fellow American soldiers from Vietnam now. Not just combat troops, not just ground forces but all troops.

We demand total withdrawal now of all the American soldiers advising the armies of dictatorships throughout Latin America and Asia. We don't want Guatemala, Thailand, or Bolivia to become the Vietnams of the 1970's. One Vietnam is enough; too many people have been killed already to preserve America's overseas empire.

As men who have served in the armed forces, we have seen first hand the dangerously growing power of American militarism. As soldiers and as citizens, we believe we have a special obligation to speak out against it.

RESERVISTS' COMMITTEE TO STOP THE WAR.

ECOLOGY "IMPACT"

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. GUDE. Mr. Speaker, April 22 marked the observance of Earth Day—a nationwide demonstration indicating man's concern for the earth's natural environment and, indeed, for man's future on this planet.

The Tattler, Bethesda-Chevy Chase High School's newspaper in Bethesda, Md., published a most appropriate and informative "impact" issue on ecology. This newspaper was judged good enough to be reprinted and distributed to 12,000 Montgomery County, Md., schoolchildren.

I am inserting in the RECORD several articles from the Tattler's ecology "impact." I strongly recommend them to all of my colleagues as an excellent example of responsible student journalism. I wish I could insert the issue's fine photographs and drawings, too.

Mr. Speaker, I would especially like to commend the Tattler's editor in chief, Peter A. Dratch, and the entire staff of the B-CC newspaper for a job well done.

The articles follow:

SENATOR GAYLORD NELSON PROPOSES ECOLOGY DAY

(By Peter Dratch)

"I think of all the problems the world faces—whether it's a matter of hunger, civil rights, or peace—none of these, as serious as they are, are as important as the environ-

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mental problem. Because it is a question of survival."

In these words, Wisconsin Senator Gaylord Nelson emphasizes the threat he sees in environmental pollution. He maintains that all other world crises will become irrelevant "unless we make a commitment to save the quality of the environment in which we live."

It was Senator Nelson who conceived and proposed next Wednesday's E-Day. He thought of the idea last fall while traveling from Santa Barbara to make a speech on ecology in Berkeley.

Senator Nelson then proposed his idea to the Senate and set up a national E-Day office. William Proxmire, Wisconsin's senior Senator, praised Nelson's legislation, saying, "In my twelve years in the Senate, I have not heard or read a more important speech."

The E-Day movement has mushroomed even before Senator Nelson's expectations. Over 7,500 high schools and 2,000 colleges will participate in the teach-in.

The Senator is a veteran in the flight for an ecological balance. He has been actively concerned for the past twenty years, all of his political career. Having spoken on the problem on college campuses all over the United States, he says "the interest and concern among students on this issue has been high."

Senator Nelson attacks all types of pollution in all areas of the nation.

Automobile exhaust is one of the most dangerous pollutants in large cities. The Senator points out that in major urban areas "automobiles produce 70, 80, in some places even 90 percent of all air pollution."

Nelson believes that there are already too many cars in this country and attributes our inability to solve the problem to "America's great love affair with the automobile."

"What we need to do is slow up the production of cars, reduce their power," he suggests. "We then must build mass transportation systems—railroads, busses."

As far as water pollution, Senator Nelson sees the need for an immediate financial commitment. "We can develop the equipment, install the equipment and set the standards that would reduce the amount of pollutants going into the water quite dramatically." The senator has legislation pending that would stop all new underwater drilling "until we need the oil and have the technology to extract it without threat to the environment."

Nelson points out that Earth "is a very limited planet with limited space and finite resources. There is only a certain amount of air, water, and soil." Realizing the limitations of the Earth, he advocates birth control.

"The growth of population is putting pressure on the planet that it can not sustain," Nelson says. "Unless the population stabilises at what it now is or less, I don't think there is any way to save the livability of the planet."

Refuting the argument that an ecological crisis won't develop for 35 years, Senator Nelson asserts, "We are in an environmental decline right now. The serious question is whether people are prepared to spend the money and make the sacrifices necessary to do something about the environment before we face a catastrophe."

The senator calls for a complete revision in national philosophy to one that values quality of life higher than quantity. "But you can't be effective in doing something about a serious problem unless you understand it," according to Nelson.

The Wisconsin Democrat believes that ecological reform is the responsibility of Congress and the President as well as the citizens. "We will have to make a commitment to preserving our environment that is as great as developing a military machine or exploring space," he says.

"There is no way for this issue to disappear because every day, when you walk outside, the quality of the air is lower; every day the water quality is lower; every day our scenic beauty is destroyed. So the problem can't go away. It will be present with every generation."

CARS POLLUTE AIR

(By Sally McLean)

Automobiles contribute between 60 and 85 per cent of the air pollution in major American cities and cause a nuisance and possible health hazards from noise.

The percentage may be higher in the Washington area because the metropolitan area has proportionally less industry than most major cities.

However, according to Mr. Lou Hastings of the Automobile Manufacturers Association, "air pollution generated in one area does not necessarily stay there." It is difficult to measure pollution from any one source in a city because pollution may be coming on the wind from other places.

In 1968 there were 224,000 cars registered in the District of Columbia. Each car contributed to the 8,000 to 10,000 tons of pollutants put in the air over the United States each day.

Cars create noise as well as pollute the air, despite the fact that each car is required by law to have an operating muffler. Scientists estimate that if the noise level in large cities continues to rise by an average of a decible a year, as they do now, all urban dwellers will be deaf by the year 2000.

In 1968 national legislation was passed requiring equipment on all cars controlling air pollution. Different companies use different methods to meet national standards. By 1971, all new cars will have to have an evaporation control to keep gasoline from entering the atmosphere.

Extensive use of buses and public rapid transit systems has been suggested to alleviate the problems posed by cars. An automobile uses an average of four or five times as much fuel per passenger as a bus.

However, Mr. Hastings said that the AMA estimates that the decrease in the use of cars resulting from the installation of a rapid transit system would only compensate for the five per cent annual increase in the number of cars in the Washington area.

Several specific steps have been suggested to cut down on the pollution caused by automobiles:

Bond issue for public transit.

Tax money from gasoline sales to be used for rapid transit systems.

The ending of the oil depletion allowance.

More bicycle and walking paths.

Better train service.

Increased power rates when power is used for luxuries and an end to the present system whereby large customers pay less.

Cars not only contribute greatly to air pollution but they necessitate vast numbers of highways which use valuable land. In addition, cars use huge amounts of fuel, helping to deplete the nation's reserves.

PHOSPHATES THREATEN FISH

Although they may clean clothes effectively, Axion, Biz, Oxydol, Tide and Ajax are killers.

These detergents contribute significantly to eutrophication, a major cause of the water pollution which killed 15 million fish in 1968.

Eutrophication is the process in which the number of nitrates and phosphates from sewage run-off, detergent components, and farm fertilizer run-off increase. Too high a concentration of these nutrients in the water causes the rapid multiplication of algae and other bacteria.

The bacterial plants require great quantities of oxygen. The supply of oxygen in the water becomes so depleted that other life forms can no longer survive.

"Very recently," Senator Edmund Muskie (D-Me.) said, "the soap and detergent industry contended that because it is not the only cause of lake eutrophication, it should not be asked to find substitutes for phosphates in its detergents."

R. M. MOUNTCASTLE EULOGIZED AT HISTORICAL SOCIETY MEETING

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. EDMONDSON. Mr. Speaker, one of Oklahoma's most distinguished lawyers and leaders, R. M. Mountcastle, who died last February 11 after a brief illness, was appropriately eulogized last week in the auditorium of the Oklahoma Historical Society by an old friend and associate in the legal profession, Earl Boyd Pierce.

Mr. Mountcastle, affectionately known as "Mounty" and as "Bob" by a host of friends, was one of the most unforgettable men I have ever known—a warm, generous, and loyal friend who was a veritable giant in the courtroom and a valiant and courageous warrior in political battle.

"Mounty" was a man who thoroughly enjoyed the battle of wits in the courts and the heated exchanges of public debate, but he was also a man who possessed a keen sense of right and justice and a fierce love of his country. In the plainly stated eloquence of Mr. Pierce he "was a true patriot of Fort Gibson."

He was also a patriot who believed in speaking out, firmly and without qualification, for what he believed. Politically and personally, he was a man without fear—and America has need of all men who answer that description.

"Mounty" will be missed by many who admired his legal scholarship, his courage, his industry, and his integrity. Those of us who knew him as a friend are keenly aware that something very strong and good has gone out of our lives—although the memory of this fine man will always be with us.

To "Mounty's" lovely partner in life, Margaret, who helped so significantly to share and strengthen his constructive role in the community and the State, many Oklahomans have already expressed their deep sympathy.

Earl Boyd Pierce's eulogy, which follows, is an eloquent new monument in oratory to our fallen friend:

ROBERT MILLIGAN MOUNTCASTLE, 1888–1970, EULOGY DELIVERED BY EARL BOYD PIERCE, OKLAHOMA HISTORICAL SOCIETY, OKLAHOMA CITY, OKLA., APRIL 23, 1970

Mr. President, Governor Bartlett, Fellow Members of the Society, Distinguished Guests and Friends: It is an honor for me to express the admiration and respect we have for the memory of a worthy associate and friend. Excepting only one other, Dr. Edward Everett Dale, Judge Mountcastle had served our Society longer than any other member of the present board. He was chosen to serve on our Board at the request of the late Honorable Robert L. Williams, whose signal service to our Society, the State of Oklahoma, and to the United States of America is renowned.

Mr. Mountcastle was one of the very few men who enjoyed the absolute confidence of Judge Williams, under whom he dutifully served as United States Commissioner for twenty years. Of all men in high public office in our State and Nation with whom Mr. Mountcastle was acquainted, without doubt, Judge Williams knew him best and gave to him more of his trust than to any other man.

Judge Williams knew that Mr. Mountcastle as an Attorney was inferior to no lawyer in Oklahoma, just as every lawyer and every client with whom he dealt knew that he possessed as pure and incorruptible integrity as any man who ever practiced law in Oklahoma.

It was my good fortune to enjoy his friendship and affection for over 57 years. He was an intimate friend of members of four generations of my family. While his loss to the State of Oklahoma, to Muskogee County, and to Ft. Gibson is irreparable and great, to those who depended upon him for so long a time, their loss almost approaches in poignancy that of his beloved and talented widow. His close friends and associates in our noble Society, his colleagues at the Bar, and his fellow citizens who were his clients and friends perhaps will welcome a bit more knowledge of his origin and background.

Robert Milligan Mountcastle was born in historic Jefferson City, East Tennessee, March 17, 1888. He died at Muskogee February 11, 1970; aged 81 years and 11 months.

He was the beloved son of W. H. and Maude C. Mountcastle, whose forebears were pioneers in Eastern Tennessee. After finishing local public schools, he graduated from Carson-Newman College in Jefferson City in 1909 with an AB Degree. He was a stellar baseball player at Carson-Newman and throughout his life was an ardent follower of the sport. In 1912 he received his L.L.B. and Doctor of Jurisprudence degrees from the University of Chicago. Here he had been a classmate of another former colleague of our Board, the late Honorable Kelly Brown, who, it is said, as a fellow student, enlisted Mr. Mountcastle's interest in far off Oklahoma.

In early summer, 1912, Mr. Mountcastle arrived in Oklahoma City and was one of 208 attorneys admitted to practice in this State between May and August of that year. And, unless I am mistaken, the distinguished Veteran Attorney, Mr. Roy Frye of Sallisaw, is the sole survivor of this large roster of Oklahoma Attorneys who began their practice in 1912.

After his admission, Mr. Mountcastle, together with his cherished, widowed mother and only sister, chose to settle in Ft. Gibson, and there the devoted son and brother entered the first of his two law partnerships in his lengthy career. You are acquainted with his second partnership with our colleague, Mr. Q. B. Boydstun, who at the suggestion of Judge Williams in 1919 formed a law partnership with Mr. Mountcastle in old Ft. Gibson. This partnership continued until 1928 when Mr. Boydstun was elected to the Legislature. Judge Mountcastle's first law partner, like Mr. Boydstun, was also a distinguished and able Attorney who came to Ft. Gibson in 1909 from his native State of Ohio, Earl H. Ortman.

Mr. Mountcastle, a life-long Democrat, was a leader in political affairs in Oklahoma. He was a friend of Eastern Oklahoma's long-time Congressman, W. W. Hastings, who in January, 1917, tendered to Mr. Mountcastle the office of Postmaster of our beloved little city. He served in this capacity, by name at least, throughout World War I; although in January, 1918, he volunteered as a Buck Private in the United States Army, and before the War ended he had achieved the rank of Sergeant and continued to serve overseas until he was honorably discharged at the end of May, 1919. Upon his return to Oklahoma, former Governor Williams, then Federal Judge at Muskogee, appointed Mr. Mountcastle United States Commissioner, in which office he served the United States and the citizens of Eastern Oklahoma until 1939.

As an admirer and observer of his conduct and effort as a citizen and lawyer for over fifty years, I am happy to attest that it was the long considered judgment of the Muskogee County Bar that no lawyer consistantly worked longer and harder in preparing his cases and no lawyer came to Court better prepared. His good habits in this important respect inspired our younger attorneys who strove to emulate his example. His energy and industry, as well as his unique business ability, earned for him the confidence and respect of citizens generally and especially the top leaders in business and financial circles throughout Oklahoma.

Furthermore, no citizen of our County regarded our land and other natural resources better than this great lawyer. He was the owner of two fine bottom farms and a considerable amount of improved pasture land in eastern Oklahoma. He husbanded these land resources intelligently and successfully. In a word, his business sagacity was unexcelled among the members of our Bar.

His long and active professional and business career under the admiring gaze of his neighbors convinced us all that Mr. Mountcastle was a man of high principle, who in early life had been taught that the best way to help others, the community at large, is to do one simple duty in one's proper sphere. Many will affirm that he was correct in this, as we reflect how the unsuccessful man frequently clogs his immediate surroundings, and all are aware how this can be costly to a community, when call is made for help for others. We simply cannot rise in this world without helping others to rise, just as it became a maxim to our friends, it all comes back to ourselves first. We ourselves must learn before we can teach others.

In departing this life, our good friend is survived by his beloved widow, Margaret Haney Mountcastle, with whom he was united in marriage in Muskogee on October 15, 1931, and who together developed one of Oklahoma's finest historical ornaments, their home at the top of the Garrison in old Ft. Gibson.

Mr. Mountcastle served as Executive Secretary to a noble Governor of Oklahoma, the Honorable Henry S. Johnson.

In later years, he served in the State Legislature from our County, the 18th and 19th sessions, and was elected Speaker Pro-Tem of the latter by that body.

Mr. Mountcastle was a true patriot of Ft. Gibson. Although he resided in Muskogee for many years he never changed his voting precinct, the Town hall, in Ft. Gibson.

He was admitted to practice before all State and Federal Courts, including the Supreme Court of the United States, and was a member of the County, State, and American Bar Associations. He was a charter member of the Frank Gladd Post of the American Legion.

His Masonic affiliations consisted of Membership in Alpha Lodge #12, his hometown Blue Lodge at Ft. Gibson. He was a 32nd degree Mason and Shriner (Bedouin Temple) Muskogee, and was a member of the Royal Order of Jesters.

He was an active life-long member of the Baptist Church.

He became a member of the Board of Directors of the Oklahoma Historical Society on the 28th day of October, 1943, and as its records will disclose, he faithfully attended the quarterly meetings of our Board, contributing greatly to the success of the Society. May his good name and worthy deeds be held forever in respectful remembrance.

OBJECTIVE CRITICISM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. DERWINSKI. Mr. Speaker, in many of the radical left escapades, individual clergymen have become prominent participants. It is obvious that the inherent respect the public has for religious leaders has served to shield this type of radical from public criticism and even punishment of the law that their lawlessness would merit. Therefore, I feel a column in the New World, Friday, April 24, by Father Andrew Greeley which is a very thoughtful, objective criticism of radical clergymen, deserves special attention.

The item follows:

COUNTERPRODUCTIVE MOVEMENTS—BOMBS—RADICALS

(By Fr. Andrew Greeley)

I heard recently that an editor of a prominent liberal journal, which printed on its cover a formula for making a Molotov cocktail, is afraid to go into public buildings in New York for fear there will be an explosion. When someone suggested there might be a connection between the legitimation his journal had given to violence and the activity of the Weathermen, he was outraged and horrified. Such an idea was absurd!

And one reads in the New York Times that the tenured faculty at Columbia is now organizing to combat student unrest. Well they might, since apparently some of their former SDS heroes were planning to blow up Columbia when they blew themselves up instead.

It apparently does not occur to the Columbia professors that their actions are a bit tardy. They made Mark Rudd a national personality two years ago to engage in their vendetta with President Grayson Kirk and now are surprised that Rudd is coming back to haunt them.

It is fashionable in some circles to argue that the whole U.S. government (if not the whole nation) is responsible for the ugly murders at My Lai.

One could use the same line of reasoning to assert that those liberals who have thrown the cloak of sanctity around the student radicals are equally responsible when the radicals begin to throw bombs.

Indeed the government never distributed to its soldiers a formula for killing natives, though the New York Review of Books was only too ready to pass about its instructions for making fire bombs.

Liberals are also busy wringing their hands over the possibility of a "reaction" to the extremism of the bomb-throwers. We are told that a "reactionary wave" led by Attorney General Mitchell may sweep the country. It is surely a marvelous bit of magic! The threat to the Republic comes not from the bomb throwers but from those who are going to try to stop them.

I make no case for Mr. Mitchell, but I think he is far less dangerous, than the flabby-minded, guilt-ridden liberals who have provided justification for the insanity of the Panthers and the Weathermen.

Neither group speaks for those they claim to represent. The SDS is abhorrent to most students and the Panthers to most blacks. To identify the extremists with the just causes of the young and the black is an act of lunacy, yet if the liberal journalists and intellectuals who have cooperated in this lunacy have any regrets for providing legitimacy to the extremists, they certainly do not show it.

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Quite the contrary, they are busy making folk heroes out of the so-called Chicago Seven, quite oblivious to the fact that if the advice of some of the Seven were taken literally, young people would be shooting their parents.

The liberals reply that of course the Seven ought not to be taken seriously. But that's what they said about Mark Rudd.

Probably, too, they are not likely to face the mass of data piling up about the harm the autumn moratoria did to the peace movement. Forty-five per cent of the public approved the handling of the war before the moratoria, 65% approved after them.

The percentage has fallen to 48%, but the "spring offensive" of the New Left darlings might be a big success and boost the percentage back up again. With enemies like that, Mr. Nixon hardly needs friends.

I would make the same charges against the Catholic liberals who idolize the kooky antics of the Berrigan brothers. The "liturgical gestures" of the Catholic radicals may contribute to their feeling of moral superiority and to the guilt feelings of Catholic liberals (and a party-line liberal is overjoyed when he can feel guilty).

But Father Daniel Berrigan has made it quite clear that he is not interested in making converts to the cause of peace (see the New Yorker profile, shortly to appear in book form). And those of us who are not ready to display our moral purity by going to jail are told we have no right to sit in judgment.

Well, I'm not ready to go to jail just yet, but I'll sit in judgment: It is immoral to engage in activities in the name of the peace movement that are clearly counterproductive to the cause of peace.

It is equally immoral to engage in politics and then choose techniques which are explicitly designed to defeat the cause one is allegedly fighting for.

It is immoral to pursue political defeat in the name of one's own moral self-righteousness when the way to victory may be open to those who are willing to wait for the proper time and the proper coalition.

And it is equally immoral to support what Irving Howe, that grand old radical (and a real one, not a phony), calls the Kamikaze radicals. It is time that all of them, including the sainted Berrigan brothers, be exposed for the frauds that they are.

PARENTS BEREAVED, BUT PROUD OF SON

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. KLEPPE. Mr. Speaker, I would like to share with my colleagues a letter written to the editor of the Morning Pioneer of Mandan, N. Dak., by Mr. and Mrs. Lawrence Kelsch of Selfridge.

As a father of an only son who has been serving in Vietnam since last summer, I know the pride they feel for their son, Larry. I know the heartfelt thanks they feel each and every time someone goes out of their way to help our young men who are giving so much.

Mr. Speaker, at this point, I include the April 26 letter to the editor:

PARENTS BEREAVED, BUT PROUD OF SON

SELFRIDGE.

Letter to the EDITOR:

On April 13th, we received word that our son Sp-5 Larry Lee Kelsch, was wounded in action in Vietnam, and lost his left arm, while on a military mission. The message read, "do not phone, report delivery in person." We live 6½ miles out of town, the roads were blocked with heavy snow and now a week later are still blocked. Our local city sheriff received the message, and made every effort to deliver it. County equipment was available to open the road, but the snow plow operator refused to open the road and suggestd other means. The sheriff then sought a friend with a four wheel drive and managed to get the message to us.

To the people of our little community of Selfridge, who made very little effort to help, and to the ones that made this remark, "he was over there and served his time, why did he go back?" we would like to take this means of letting them know what type of youth went back to Vietnam and why we are proud of what he did.

Larry enlisted in the army on July 18, 1968. He came home last Christmas on a surprise visit back. When he rang the door-bell at 3 a.m. in the morning, I was the one that answered it. Tears of joy were shed, and I felt all over him to see if all of him came back. With a sigh of relief all of him came back, he threw his arms around me, hugged and kissed me and said. "Mom, I am home." Bubbling over with happiness, he hugged Dad, kissed his little brother, and almost in the next breath told us."

"I am going back to Vietnam on January 7th." In sad thought and my own selfishness I looked at him and asked.

"Why?" He replied, "I have twenty five very good friends back there, who did not get to come home for Christmas. If I go back and help, maybe next year we will all be home for Christmas."

On September 18, 1968 he wrote, "I had the honor of raising the flag on the post this morning. After I had finished I stepped back to salute the flag, and they played the National Anthem, cold chills went up my back and for the first time, I realized why I was in the Army."

On May 5th, 1969, for Mothers Day he wrote, "Dear Mom and Dad, I want to take this chance to tell you that I am very sorry in any way, that I have ever hurt either one of you, I may never ever have the chance to tell you, as I never know when "charlie" will be waiting around the corner for me."

This is what Larry stood for, he left our little community with a clean slate, and to our knowledge never hurt anyone. He grew from babyhood to manhood here, but somewhere along the line, someone didn't find the time or make the effort, to try and help bring a wounded soldier boy's message to his parents. May our letter be a message to others, please humble yourselves a little, give a little of your time, our boys over these are giving so much.

MR. & MRS. LAWRENCE KELSCH.

THE FORTUNE SOCIETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. ROSENTHAL. Mr. Speaker, it is usually accepted as common knowledge that our prison system falls far short of serving the people in the greatest possible way. Prisons, while successfully isolating criminals from the masses, are not performing satisfactorily in other areas. Specifically, the prisons should be rehabilitating criminals to the point that when they finally leave their walls of confinement they will be able to become productive members of society.

The system not only does not accomplish this; it serves to make prisoners less fit for life outside prison walls.

Prisons are degrading and dehumanizing. Men are crowded into undersized cells and are forced to live under poor and inadequate health and sanitation conditions. In the few cases where vocational programs are being employed, the prisoner often leaves with no place to go. He leaves poor and jobless. Therefore it is no surprise that many immediately return to criminal acts as a means of support soon as they are set free.

Fortunately, there are those who are not willing to merely accept the poorer aspects of the system. The Fortune Society was formed only a few years ago for the purpose of making weaknesses in the system known to the public. The society is composed mainly of ex-convicts but membership is open to all. It is dedicated to improving the life of the convict both in and out of the prison. The society is a nonprofit, tax exempt organization, and based in New York, with members all over the country.

I include an article taken from the April 1970 edition of "Fortune News," the official newsletter of the Fortune Society. The article, written by an inmate's wife, deals with degrading and dehumanizing effect which is felt not only by the convict, but by his wife and family as well. I am also including the full newsletter of the Fortune Society for February 1970 which I believe may be of special interest to my colleagues:

PRISON VISITS

(By Barbara Allen)

It's not easy to be married to a man in prison. We survive the financial hardships, the lonely isolation, frustrations, guilt feelings, etc.—but we are prisoners in our own little world. We, who have never committed a crime—are kept prisoners when we sentence ourselves to wait for our loved ones.

But why does the state of New York add to the burden we carry by insisting on the most dehumanizing conditions for a visit to an institution. I'll go even further—the counties and the cities, as well as the State, stand accused. It is such that I share equally the punishment the court meted out to my husband. Each time I try to visit him, archaic rules and regulations, screens, glass windows, unreasonable visiting hours, telephones that seldom work (the only means of communication in county jails), being kept waiting, being searched, rude correction officers—this all tears at my heart.

The same bad conditions do not exist at all institutions. Some have one, some have another and a third may have both. In New York State, Sing Sing visiting conditions are much more humane than others which only makes me wonder why others can not implement that which is used at Sing Sing. At Sing Sing, no screen is used to separate a man and his wife. I was able to bring my children there to visit their father so they could be assured that he was not dead.

My husband is kept in a cage during most of his imprisonment. But when I go to visit him, why must I visit a zoo? Do my children have to equate their father with the monkey they saw at the Central Park Zoo?

Please don't answer my questions with "security." I'll answer that one into the ground. Don't answer me, "no coddling the criminal." I am not asking for coddling. I ask for me to be treated as a human and for my children to be given that. We have not been convicted of committing a crime.

Do not alleviate overcrowding in city jails by sending my husband to an institution 300 miles away. How can I afford to go visit him? And I *need* to visit him. That's all I have left in my life.

How can you talk rehabilitation? What is more important to rehabilitation than family stability. I will try to do your job of rehabilitation through "love"—if you'll allow it. I'm not asking for conjugal visits and I'm not asking for weekend passes. I'll start by asking you to tear down the screens, have more realistic visiting hours for the wife who must work to hold the family together. Don't force me to go on State welfare so I might have a day per week to visit my husband. One Saturday or Sunday visit per month will not suffice.

My husband must be reassured that his family is surviving, that his wife is being faithful, that his children remember him. Without that, you can take your schooling, your job training and your other token programs and junk them. You will not begin to rehabilitate the man unless you understand the key words in rehabilitation are human contact and love. I can give him that.

You worry about security. My husband will be less apt to cause you any trouble if he knows that his children are going to be up to visit him. If you are worried about him receiving contraband, I think you'll find your correction officers are more likely to be the carriers than the wife who does not want to endanger her visiting privileges.

We should have a common goal—to rehabilitate my husband. Try for some continuity. I'll help if you'll let me.

I'm Coming Out

(The author of this article has just been released from a state prison in New Jersey)

Have you ever been in a penitentiary? Have your eyes ever rested on the inside of those high, guntowered, grim walls where so many human lives are packed to vegetate and decay; awaiting the hand of time to spring the rusty gate that will release them to prey once again amongst you?

And I ask you, were you ever forced to live with three other men in a cubicle built to accommodate one? Or forced to smell the dirty, stinking, sweat of unwashed bodies because of lack of ventilaton?

You speak rehabilitation to me but don't offer me a trade to learn. You force education down my throat as though I were a goose being fatted for market and ask me to think in terms of "redeeming human values." But are you aware, I wonder, that in this subhuman world I live in—there are no values but that the strong shall survive? Where men compromise their very manhood for a sandwich to ward off hunger?

I'm sure you didn't have the slightest idea that prison grinds every ounce of initiative from a man; or that he loses pride in productive work, and his most trivial affairs become tinted with an underworld viewpoint—a world that thinks like a wild beast rather than a productive human being.

You have placed us here for punishment (you say) but the quest for revenge lights your lectures. Even so, if prison is for punishment and the method derived to inflict that punishment is calculated to strip us of our initiative, decency, pride and respect then you have failed miserably—and you have.

After many years of degradation, humiliation and living a life of intrigue and perversion, you ask me to step from my "den of iniquity" into your paradise; to obtain gainful employment in industry and you expect me to make this transition overnight. I marvel at your naivete.

Do you honestly believe that a man such as I can make this transition? Have you ever considered the idea of preparing us during the last year of servitude for the challenge awaiting us? No, you didn't; you were too apathetic—so smug in your belief that we were safely tucked away. But now I hear that rusty, steel door inching open.

Keep your jobs and handouts, and most of all—your rehabilitation, it reeks of hypocrisy; like this prison reeks of human excrement; where love and kindness are weaknesses; and where human values are nonexistent.

Fate stirs the finger of fear within me. Like a wild beast, I shall soon be unleashed to prey amongst you. Did you know that here in prison men have knifed each other over a pack of cigarettes? How will I react to seeing you with so very, very much—when I have so little? And will your wives and daughters be safe from my lustful and carnal desires?

I have survived my ordeal in this concrete and steel jungle and I am ready for the hunt....

Knowing this, which of you, my "fellow brethren" will now invite me to live and work in their community?

Grand Hotel, 1970

Many men who come out of prison have virtually no money. Inmates released from New York City prisons ars given $1.00; inmates released from New York State prisons are receiving $40.00.

In either case, the man is a likely one to resort to crime since he has the need as well as the knack. Some men, exhausted from prison, motivated by themselves and wanting a change in their life pattern, go to Welfare. And a new problem arises.

In addition to the inevitable bureaucratic indignities and changes that are often suffered, one complaint is heard over and over again. Welfare assigns men to specific hotels with their welfare check. Time after time, men visiting at the Fortune Society tell us that welfare has sent them to hotels inundated with winos, drug addicts, petty thieves and prostitutes.

While men are questioned about associating with ex-convicts for positive reasons, they are placed in a living situation which, if not dangerous to the man, is a severe challenge.

Consider the reality. Paul Jones, 11 years in prison, knows no one on the street except ex-cons from state prison. (He can't associate with them because of parole stipulations.) All of his straight friends he lost contact with many years ago. Their lives have gone separate ways.

A welfare person then assigns him to the Dippity-Do Hotel. The room is bleak with an unshaded light bulb, a broken paper shade, and a prison-like cot. There are people roaming the hallways, people shooting drugs, people offering 14 things which could constitute a parole violation.

Paul Jones hasn't enough money to go to a movie, buy a book, nor does he know anyone to visit. He locks himself in his room (frequently interrupted by tappings on the door with illicit and illegal requests) and he lies there with his eyes open wide, his needs no less than any other man.

Paul Jones is a fictional name. The situation isn't. We have it told to us at least once a week, from a man who comes to the Fortune Society. What happens to the thousands who don't find a group to whom they can relate. What do they do on their third night or fourth night?

Perhaps some committee investigating crime might consider this.

On Stage—T.F.T.F.

An actor, Akila Couloumbis, and an actress, Beverly Rich, decided that they could affect change and the Theatre for the Forgotten was born. The pair of young actors, with the help of other professionals, have set up a drama workshop amid the inherently dramatic surroundings of Rikers Island.

Weekly, they meet with a group of 25 young inmates. These men study with professionals—and four times a year—present a play to the entire population. The plays enlist the talents of professionals as well as inmates, with the convicts making up most of the backstage crew.

Is Theatre for the Forgotten the answer to the drudgery and absurdities on Rikers Island? Mr. Couloumbis and Miss Rich would be the first to say—"Of course not." But—on the other hand—one inmate in the group recently stated at a rehearsal attended by us—"This is so important. It's contact."

If TFTF is not the answer, it is part of the working out of a solution. It permits caged men, cut off from the world, to come in touch with honest emotions which they must control through acting skills. It also permits them to create, to participate in something positive, to have something to anticipate.

In addition to its work on Rikers Island, TFTF conducts drama workshops at Hart Island, as part of the Phoenix House program and at State Prison of New Jersey in Rahway.

Ironically, at Rikers Island, correctional staff members give little support to the visiting artists who donated their time to TFTF. They are often kept waiting; the inmates cannot be located; the facilities are not usable, and much of the allocated time is lost. The inmates suffer though it is evident that the program is important to the two dozen or so inmates who participate in it.

Here is a perfect example of concerned outsiders providing a meaningful service, at no cost to the city, at no extra trouble to the correctional staff, and they are confronted with the administrative indifference and obstacles.

But the Theatre for the Forgotten will survive the correctional game. Because, already men returning to the streets from the program, are getting involved in the after-release workshop of TFTF.

Miss Rich and Mr. Couloumbis and their dedicated staff need support, help, involvement and concern. They are pioneers in the penological future—concerned citizens preparing inmates to return to society, rather than adjusting to their primitive prison surroundings.

Power to the Playcrafters!

Parole Change

The New York State Division of Parole has informed the parolees of this state that there has been an alteration of policy concerning association with the Fortune Society. It has been stated that ". . . this is to advise that parolees are not considered to be guilty of association if they (1) visit said organization, accept offers of help by way of counselling, job or residence reference, etc. (2) Accept passes of free tickets from said organizations to sporting events or theatrical productions, etc. and attend such affairs in the company of other ex-offenders. (3) When unemployed or during leisure hours, visit said organization to await job referrals or to volunteer their time and talents for 'the good of the organization.' These visitations naturally would not be acceptable if they interfered with parolee efforts to obtain employment or in any manner prevented him from fulfilling obligations to work and family."

A complete copy of the Parole memo can be had by calling or writing to us.

What We Can Use

There are many things which we can use to distribute to men coming out of prison, for families of inmates and to help the Fortune Society function. Items should be brought or sent to our offices at 1545 Broadway.

NON-PERISHABLE FOODS

We distribute foods to families of the men still in prison and to men just returning to the streets.

XUM

CLOTHING

Particularly adult men's clothes are needed for men just coming out of prison.

OFFICE SUPPLIES

Index cards, onionskin paper, mimeo paper, pens, pencils, stencils, In and Out boxes for the Fortune Society office.

FORTUNE HIGHLIGHTS

It was inevitable that a monthly highlight column came to be in the *Fortune News*. There is enough news data which cannot be reported in detail that we will pass on to you in capsule form. If more information is needed—call or write us. . . . Mell Rivers, president of the Fortune Society, will be a consultant for the Safe Streets Program in Philadelphia.

The New York Civil Liberties Union will soon have a full time attorney whose responsibilities will deal solely with prison conditions, inmate rights, etc. Professor Herman Schwartz of the University of Buffalo Law School is slated for the post.

"Max-Out," a documentary film about a man being released from prison—and featuring Fortune Society members, will be shown Friday eve., Feb. 20 (8:30 P.M.) at the Ethical Culture Society of Bergen County.

William Statsky, recently a VISTA-lawyer and administrator of Reality House, a rehabilitation program under the New York State Narcotic Addiction Control Commission, is now devising a program at Columbia University School of Law whereby law students will be driven to prison once a week to provide legal assistance to the inmates. It appears that the program will first be tried at Green Haven Prison in Stormville, N.Y.

Fortune Society members participated in a conference in January at Columbia Teachers College, sponsored by the National Educational Program for Institutionalized Children . . . Former Arkansas prison head, Thomas Murton has authored a book called "Accessories to the Crime" published by Grove Press.

The off-Broadway production of "The Concept," created and acted by residents from the Daytop Village community is an effective and important offering. It reveals dramatically much about the drug situation and the effective efforts of therapeutic communities such as Daytop Village.

The Fortune Society's Greenwich Village shop, the Fortune Store, is now seven months old. When it first opened, it sold goods representing the talents of 3 ex-convicts and one inmate. It now has representative crafts of a dozen inmates and ex-inmates.

Law students can be helpful to the Fortune Society by doing valuable research on test cases or proposed legislation. At present, research is being done by students from NYU and Columbia. If you're a law student and can help, please write or call and offer your services.

Fortune Society members will have another opportunity to meet with Dr. Karl Menninger. Fortune members will participate in a three-day session at Illinois Institute in Chicago at the end of this month, under the auspices of the Stone-Brandel Center. The program will be under the Correctional Authors and Artists program.

Friends of Fortune now are flourishing in Bergen County, New Jersey and has begun in Garden City, Long Island. Each group will continue probing into conditions of prisons in their own geographical area as well as working with families of inmates and men released from prison.

FORTUNE SOCIETY MEMBERSHIP

The Fortune Society newsletter is now received in 48 states (none in Oklahoma and Utah and in 14 nations. Readers might be interested in who is where, particularly when it is recalled that two years ago, 37 persons received our first one page mimeograph sheet. Our 7600 readers are from—

New York—4439; New Jersey—1012; Pennsylvania—209; Massachusetts—228; Conneticut—119; and California—118;

Illinois—85; Colorado—58; Ohio—47; Washington, D.C.—40; Maryland—36; and Michigan—35;

Florida—34; Wisconsin—34; Delaware—30; West Virginia—34; Washington—25; and Texas—21.

GOD'S HUSTLER—SPIRITUAL BELLHOP

When members of the Fortune Society speak to suburban religious and civic groups, one question is frequently posed. That question is, "What spiritual guidance did you have in prison?" One man answered; "My spirit was destroyed, therefore, it couldn't be guided."

But religion's role of indifference in the prisons is being confronted in many locales. Rev. Ron Bell, the prison chaplain at Somerset County in New Jersey, is one challenger who came to our attention over a year ago.

An inmate at state prison in Rahway, New Jersey first told us of Rev. Bell. He was in his cell at the county jail and a young man came to the bars and extended his hand for a shake and said, "I'm Ron Bell." The inmate was sent from county jail, to state prison, and was recently released after serving 30 months. He never lost contact with the chaplain who extended his hand. On his day of release last month, the Rev. Bell was at the gate with his hand extended. The inmate's family was in continual contact with Rev. Bell—and the man confronted his past life and began preparing for his future.

No traditional religious magic has been extended by the Illinois born and reared pastor. Rather, he is a man who helps men. He recognized that men in prison, like all men, have needs, desires and dreams.

In his own Somerset County, Rev. Bell has organized community support for his beliefs. Citizens have joined with him to help families of inmates.

The concern and involvement of one man in a position to reach the inmate has had an enormous impact. Rev. Ron Bell has had a positive effect on many lives. Men, who were previously anti-social, have been returning to a community that has shown concern and understanding.

Rev. Ron Bell is one of a new breed in religion. He is serving his community in a manner new to penological pastors.

All the political solutions offered for fighting crime have not come as close to the truths—probed and confronted—by concerned men such as this spiritual bellhop.

FEBRUARY SPEAKING ENGAGEMENTS

Feb. 3—Tappaqua H.S., N.Y. (Noon).

Feb. 4—Birch Wathen H.S., N.Y. (2 P.M.).

Feb. 5—Sid Rose AZA, Little Neck, N.Y. (8:30 P.M.).

Feb. 6—Tenafly H.S., N.J. (8:15 A.M.).

Feb. 7—Princeton Univ. (4 P.M.).

Feb. 9—Masonic Hall, N.Y.C. (9 P.M.).

Feb. 10—Montclair Rotary, N.J. (Noon).

Feb. 12—Brandeis Univ., Boston.

Feb. 13—Emerson College, Boston.

Feb. 16—St. Francis Cabrini, Bklyn (9 P.M.).

Feb. 17—Saddle River Lions, N.J. (9 P.M.).

Feb. 18—Marymont College, N.Y.C. (12:45 P.M.).

Feb. 19—Hunter College, N.Y.C. (6:10 P.M.).

Feb. 20—Princeton Day School, N.J. (11:30 A.M.).

Feb. 20—Princeton High School, N.J. (2:30 P.M.).

Feb. 22—St. Peters Church, N.Y.C. (5 P.M.).

Feb. 24—Sacred Heart Church, N. Merrick (7:45 P.M.)

Feb. 25—Harrison H.S., N.Y.C. (10 A.M.).

Feb. 26—Jamaica Lions Club, L.I. (Noon).

Feb. 27 & 28—Correctional Authors and Artist Program, Chicago, Illinois.

SKYROCKETING COST OF MEAT

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mrs. MAY. Mr. Speaker, on Sunday, April 19, the office of the mayor of New York City made public the contents of a letter from Mayor John Lindsay to members of the New York City congressional delegation, in which he expressed concern over what he termed "the skyrocketing cost of meat to New York City consumers."

Mayor Lindsay stated his belief that "The price of meat is kept artificially high because of a restrictive meat import formula which guarantees that demand will outstrip supply and which insures inflated profits for the Nation's ranchers exacted at the expense of the Nation's consumers."

The mayor recommended that "Legislation repealing the meat import quotas should be passed."

Mr. Speaker, it is regrettable that the mayor was unable to research the subject of his letter more thoroughly, for his statements reflect incomplete and inaccurate statistical information as well as an inadequate understanding of the facts.

Mayor Lindsay's allegations do a disservice, not only to the U.S. beef industry, but to the American consumer as well.

I certainly share the mayor's concern over the additional financial burdens imposed by inflation, not only on New Yorkers, but on all Americans. And, I fully support President Nixon's efforts to bring these inflationary forces in our economy under control. The costs of everything, from garbage collection to medical care have increased significantly in recent years, but food prices have increased much less than most other items. And, little of this increase has been returned to our Nation's farmers and ranchers who have been plagued with price and income levels far below those received by other segments of our economy.

One study which came to my attention recently, indicates that while wages have increased some 94 percent, transportation costs 48 percent, medical care 98 percent, and housing costs 41 percent from 1951 to 1969, retail prices for chuck roast and hamburger have risen only 15 percent. The study shows that at the same time, the costs of operating a cattle ranch have gone up some 110 percent.

This report also reveals that 1 hour of labor in 1951 would have bought 3.2 pounds of chuck roast or 4.2 pounds of hamburger, but that in 1969 an hour of labor could purchase 5.3 pounds of chuck roast or 6 pounds of hamburger. In other words, since 1951, chuck roast and hamburger have become relatively less expensive in terms of the purchasing power of average hourly labor.

Mr. Speaker, the facts simply do not bear out Mayor Lindsay's charge of "inflated profits for the Nation's ranchers." The American National Cattlemen's Association reports that "the average return on investment for the Nation's basic beef cattle producers is somewhere around 1.5 percent annually." By no stretch of the imagination could this level of return be considered "inflated profits."

In addition, I question the mayor's contention that lifting our meat import quotas would have the "beneficial" effects of "streamlining of the domestic meat industry, through the elimination of noncompetitive fringe producers and of unnecessarily high distribution costs that now plague producers and consumers alike."

Elimination of any noncompetitive fringe producers would have little effect other than reduction of total domestic beef supply, but the elimination of competitive producers which would accompany increased beef imports would have much more significant and adverse long range consequences. And, I think "deterioration" of the domestic meat industry is a more appropriate term than "streamlining." Reduction of domestic supply would also tend to increase, rather than decrease industry distribution costs because when supply goes down, per unit costs go up.

Beef producers in this country have been supplying the American public with high quality beef at reasonable prices and can continue to do so in the future if they are provided with adequate economic incentives. Unrestricted meat imports into this country would erode those incentives, and threaten our future domestic beef supply—a situation which could result in far higher retail meat prices in the future.

Repeal of meat import quotas might cut retail meat prices by a few cents temporarily, but would be much more expensive to consumers in the long run.

Mr. Speaker, at this point, I include in the RECORD a copy of the press release issued by the office of the mayor of New York City, and a response to Mayor Lindsay's letter, from Mr. W. D. Farr, president of the American National Cattlemen's Association. I am sure that Mr. Farr's sound and considered comments will be of interest to my colleagues in the House.

The press release follows:

SKYROCKETING COST OF MEAT

In letters to the members of New York City Congressional delegation, Mayor John V. Lindsay today expressed his concern over the skyrocketing cost of meat for New York City consumers.

The Mayor said he is particularly troubled because meat prices are kept artificially high by government import quotas.

The Mayor said that if action was not taken, it will soon be the case that hamburgers meat "is going to be as costly as a cut of porterhouse" and "even such a universal American food as frankfurters" will be considered in the luxury class.

While the Mayor's letter dealt specifically with costs in New York City, he said the implications of Federal import quotas affect prices for all American consumers.

In his letter the Mayor said:

"The Commission on Inflation and Economic Welfare, which I appointed last August, has reported that the price of meat, fish, and poultry in New York City has risen by 18 percent in the last year.

"For a family of four earning $6,000, the additional cost per year to put meat on the table is $101; for a family of four earning $9,500, the additional cost is $135.

"The meat import quotas must be revised, if not lifted altogether, to cut consumers prices."

Following is the text of the Mayor's letter:

"I am writing to urge you to give your attention to a very serious problem affecting all New Yorkers. That is the highly inflated price of meat, particularly manufactured meats such as hamburgers and frankfurters, now prevalent in all the grocery stores and supermarkets of New York City.

"The Commission on Inflation and Economic Welfare, which I appointed last August, has reported that the price of meat, fish, and poultry in New York City has risen by 18 percent in the last year. For a family of four earning $6,000, the additional cost per year to put meat on the table is $101; for a family of four earning $9,500, the additional cost is $135.

"As we all know, these are substantial increases in necessary expenditures, which are borne by the average citizen regardless of how much he wishes to economize or how carefully his wife shops in her local supermarket.

"The Commission correctly observed that numerous factors have contributed to this extraordinary price increase, many of which are also influencing other sectors of our economy.

"At least one important factor, however, is unique to the price structure of meat. The price of meat is kept artificially high because of a restrictive meat import formula which guarantees that demand will outstrip supply and which insures inflated profits for the nation's ranchers exacted at the expense of the nation's consumers.

"That restrictive formula was passed into law in 1964, the only year in the last eight in which domestic production rose more rapidly than domestic consumption. Moreover, the formula is keyed not to the level of consumption, which would ensure a stable price for consumers, but to the level of production, which allows the cattle industry to increase meat prices simply by holding down production and has a multiplier effect on prices by keeping imports down when domestic production is down.

"Consider for a moment the incredible arrogance of the American Cattlemen's Association representative when he had the audacity to testify before a Congressional Committee that in slowing down production by 5 percent: 'We were attempting to balance supply with demand hopefully so we could improve our income position.'

"The time has come for the representatives of our nation's big cities, both in City Hall and in the Congress, to exert leadership on behalf of all our citizens and consumers.

"If we do not act, it will not long be hyperbole to say that a hamburger is going to be as costly as a cut of porterhouse and that even such a universal American food as frankfurters will become so expensive that a large percentage of our citizens will consider it a luxury to purchase them.

"The meat import quotas must be revised, if not lifted altogether, to cut consumers' prices. Coincidentally, the side effects of lifting the embargo will also be beneficial. We will establish better trading relations with our allies in Australia, New Zealand and Ireland, and we will bring about the streamlining of the domestic meat industry, through the elimination of non-competitive fringe producers and of unnecessarily high distribution costs that now plague producers and consumers alike.

"Our case here is irrefutable. Our cause is one dear to every housewife who watches her nickels and dimes and to every workingman who likes his three square meals a day.

"Legislation repealing the meat import quotas should be passed."

AMERICAN NATIONAL CATTLEMEN'S
ASSOCIATION,
Denver, Colo., April 24, 1970.

Hon. JOHN LINDSAY,
Mayor of New York City,
New York, N.Y.

DEAR SIR: It is unbelievable that you, holding a respected and high office, would write a letter full of erroneous information such as contained in your April 19, 1970 communication directed to the New York City congressional delegation. It also is unbelievable that you should attack the largest segment of American agriculture, representing approximately 25 percent of the sales of all agricultural products, which has operated free of government subsidies, therefore never being a drag on the nation's taxpayers.

Whoever supplied your Commission on Inflation and Economic Welfare with statistical information did not have the right facts. For example, you state ". . . in 1964, the only year in the last eight in which domestic production rose more rapidly than domestic consumption." I call your attention to a table attached to this letter . . . dating back to 1940 . . . illustrating beef cow population, commercial beef production, and beef per capita consumption.

Note particularly the column on beef per capita consumption. In 1964, the year you cite, consumption was 100.1 pounds. It dropped one-half pound in 1965 and has steadily shown an increase since that time. Also please refer to the annual increase in commercial beef production. This shows a steady increase in every year since 1951!

These figures factually prove beef production has risen at a more rapid rate than human population and this is why there has been a continual rise in per capita consumption.

You also cite the American National Cattlemen's Association as being "arrogant." Obviously, the quote attributed to our organization, when appearing before a subcommittee of the House Government Operations Committee, was taken out of context. Our testimony made very clear the beef cattle industry since 1951 generally has not been making a net profit. Inasmuch as we operate in the free-market system, free of price support programs, we must rely solely on supply and demand to establish our price. Since this is the case, our recommendation to the cattlemen of the nation . . . millions of them . . . was to voluntarily cut back on beef tonnage . . . not numbers . . . thereby accomplishing two things: 1) Balancing supply with demand, just as any other soundly run business would do; and 2) cutting down on the overfinishing of cattle which would provide the consumer with a more desirable product as it would be more lean and have less waste fat. How can anyone find fault with those recommendations?

Your statement with respect to the relative cost of porterhouse steak and hamburger is "hyperbole" and nothing more. Please refer to the April 4, 1970 Wall Street Journal where a story appeared with respect to retailing. Quoting from the story, a retailer made the following statement: "There is more profit in hamburger than sirloin steak." Has it occurred to you that you are blaming the wrong industry when your April 19 letter said: ". . . inflated profits for the nation's ranchers exacted at the expense of the nation's consumers"?

The average return on investment for the nation's basic beef cattle producers is somewhere around 1.5 percent annually. Do you consider this an "inflated profit"? I ask you to look only around the City of New York where you will find almost every business expecting and insisting upon a return on investment far in excess of 1.5 percent.

The retail price of beef has increased far less than the cost of other consumer services or goods. From U.S. Department of Commerce and U.S. Department of Agriculture figures, using 1957-1959 as a base of 100 percent, in 1969 public transportation was 148.9 percent: medical care—155 percent: reading and recreation—135.5 percent, while retail beef prices were 124.4 percent. This was in 1969! And, I strongly suspect that with the transportation difficulties you have experienced in New York City your public cost of transportation is far in excess of the 148.9 figure now. Meanwhile, beef prices are unquestionably lower nationally today than the average for 1969.

You should also be aware of a serious consequence contained in your letter which could be the basis of a critical crippling of the food supply of the United States in the future should be the intent, at least as you implied, be carried out. You said: "We will establish better trading relations with our allies in Australia, New Zealand, and Ireland, and we will bring about the streamlining of the domestic meat industry through the elimination of non-competitive fringe producers . . ."

The only assumption from the above is that you favor the elimination of "smaller" beef cattle producers, many of whom are of the family-type. It occurs to me that if this were the case you merely are asking for a compounding of the problems currently existing in the metropolitan areas of the U.S., including New York City, where the mass immigration of rural people who have been put out of business has been causing many of these city's financial problems. It is better for these smaller operators to continue to operate without the unfair competition created by excessive beef imports, and thus automatically eliminate many of the city problems, by allowing them to remain on the farm or ranch.

Finally, I want you to be perfectly aware of the facts as to the consist or "mix" of the beef being shipped into the United States. You have been led to believe that the beef arriving here is of so-called manufacturing quality. I am sure you will find that the importers are bringing in cuts of beef which do not find their way into hamburger or frankfurters. This compounds the problem of hamburger and frankfurter prices, as you cite. Due to the importer's own selfishness, they are handling as much as 40 percent of the beef imports in the form of cuts because they can obtain much wider margins and profits on this type of product. If this problem alone were eliminated, you would find hamburger prices should respond accordingly.

Because of your high office and responsibility to the public, we implore you to look at the facts before permitting your name to be placed on a letter that is extremely damaging and not factual. The long range implications are great. The U.S. domestic beef cattle industry is pledged to producing supplies of the finest quality, most wholesome beef available anywhere in the world at reasonable prices. There is only one critical factor . . . the economic incentive which made America so great . . . is the basis of our industry. If unlimited beef imports are permitted, the economic and psychological incentives to produce beef cattle are destroyed. Because of this, in the long run, it will be the U.S. consumer who will suffer the consequences of unrestricted imports.

Sincerely,

W. D. Farr,
President.

Year	Total beef cows 2 years and older [1]	Percent of change [1]	Annual change in commercial beef production [2]	Percent of change [2]	Total beef per capita consumption (pounds) [3]	Percent of change [3]	U.S. population [4]	Percent of change [4]
1940	10,676	+6.9	6,948	+2.4	54.9	+0.4	132,594	+1.2
1941	11,366	+6.5	7,858	+13.0	60.9	−11.0	133,894	+1.0
1942	12,578	+10.7	8,592	+9.3	61.2	+.5	135,361	+1.1
1943	13,980	+11.2	8,306	−3.3	53.3	+13.0	137,250	+1.4
1944	15,521	+10.2	8,801	+6.0	55.6	+4.3	138,916	+1.2
1945	16,456	+6.0	9,936	+12.9	59.4	+6.9	140,468	+1.1
1946	16,408	−.3	9,010	−9.3	61.6	+3.7	141,936	+1.1
1947	16,488	+.5	10,096	+12.0	69.6	+13.0	144,698	+1.9
1948	16,010	−.3	8,766	−13.2	63.1	−9.3	147,208	+1.7
1949	15,919	−.6	9,142	+4.3	63.9	+1.3	149,767	+1.7
1950	16,743	+5.2	9,248	+1.2	63.4	−.8	152,271	+1.7
1951	18,526	+10.6	8,549	−7.6	56.1	−11.5	154,878	+1.7
1952	20,863	+12.6	9,337	+9.2	62.2	+10.9	157,553	+1.7
1953	23,291	+ 1.6	12,055	+29.1	77.6	+24.8	160,184	+1.7
1954	25,050	+7.6	12,601	+4.5	80.1	+3.2	163,026	+1.8
1955	25,659	+2.4	13,213	+4.9	82.0	+2.5	165,931	+1.8
1956	25,371	−1.1	14,090	+6.6	85.4	+4.1	168,903	+1.8
1957	24,534	−3.3	13,852	−1.7	84.6	−.9	171,984	+1.8
1958	24,165	−1.5	12,983	−6.3	80.5	−4.8	174,882	+1.7
1959	25,112	+3.9	13,233	+1.9	81.4	+1.1	177,830	+1.7
1960	26,344	+5.0	14,374	+8.6	85.2	+4.7	180,684	+1.6
1961	27,102	+2.8	14,930	+3.9	88.0	+3.3	183,756	+1.7
1962	28,305	+4.4	14,931	+.1	89.1	+1.3	186,656	+1.6
1963	29,960	+5.9	16,049	+7.5	94.6	+6.2	189,417	+1.5
1964	32,794	+9.5	18,037	+12.4	100.1	+5.8	192,120	+1.4
1965	34,238	+4.4	18,325	+1.6	99.6	−.8	194,590	+1.3
1966	34,433	+0.6	19,493	+6.4	104.2	+4.2	196,920	+1.2
1967	34,685	+.7	19,991	+2.6	106.3	+2.0	199,100	+1.1
1968	35,300	+2.1	20,662	+3.4	109.0	+2.5	201,100	+1.0
1969	36,227	+2.3	20,953	+1.4	110.0	+1.0	203,200	+1.0
1970	37,433	+3.2						

[1] Livestock and Meat Statistics, 1962, table 7.
[2] Livestock and Meat Statistics, 1962, table 113.
[3] Livestock and Meat Statistics, 1962, table 209.
[4] Business Statistics, 16 biennial edition, 1967, p. 65.

EAST STREET VALLEY EXPRESSWAY—BOONDOGGLE OR BONANZA FOR THE PEOPLE?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. MOORHEAD. Mr. Speaker, if it is true, as they say, that the object of government is the welfare of the people, then somewhere along the way our priorities have become lost in the pell-mell shuffle to construct Interstate Highway 79. Of specific concern to me is the part known as the East Street Valley Expressway which directly affects some 8,000 of my constituents on Pittsburgh's North Side.

Long, arduous efforts to try and resolve their dilemma have given me ample opportunity to understand the problems involved in this bureaucratic charade.

At various times I have worked singly or in concert with the chairman of the Subcommittee on Roads of the House Public Works Committee; the Bureau of Public Roads of the Federal Highway Administration, and other officials in the Department of Transportation; the State highway department; an extremely concerned and active citizens' group on the North Side called HEART; local Pittsburgh officials; and my own Housing Subcommittee to try to help the residents of the East Street Valley area receive favorable and just treatment.

I include in the Record a recent article by Ralph Hallow of the Pittsburgh Post-Gazette which accurately and dispassionately depicts the sorry plight of the homeowners and businessmen located in this area.

State and Federal officials have assured me that safeguards in the State and Federal laws that are designed to avoid precisely what has befallen some residents of East Street will be employed in carrying out the final phases of the highway construction program.

In addition to relocation assistance guarantees, property acquisition rights, and appropriate consequential damages payments, the citizens have been assured that their position will be heard at the forthcoming "design public hearing" scheduled for the North Side late this summer.

I only hope that for the balance of the East Street Valley citizens and for future participants in highway relocation plans, these assurances do not come too little and too late.

The article follows:

I-79 Has Spelled Trouble for Everybody: Northside's East St. Valley Is a Mess: Who's Responsible?

(By Ralph Z. Hallow)

Thanks to a conspicuous lack of leadership and sensitivity to people's needs by bureaucracy at the federal, state and local levels, the 6,000 to 8,000 Northside citizens who live in the path of the proposed East Street Valley Expressway (Interstate-79) are in a mess.

The federal government pays 90 per cent of construction and relocation costs for I-79; the State, 10 per cent. The State Highways Department, acting as agent for the U.S. Department of Transportation hired the Urban Redevelopment Authority to appraise property in Phase I (one-third of the affected area) and Phase II, but largely because URA Director William Farkas and his staff tried to get liberal compensation for displaced businessmen, the Highways Department fired URA from involvement in Phase II.

Meanwhile, instead of coming up with complete plans for relocating every affected person before going ahead with appraisal and acquisition, the State and its agencies seem to have gone "cherry picking"—buying up a few houses in selected blocks.

Since the State announced property acquisition plans four years ago, residents have seen some properties bought up and razed, others boarded up and still others sold to the State for what they consider unfairly low prices.

As increasing numbers of tenants and homeowners fled the doomed area, businesses—robbed of their former customers—have teetered on the edge of bankruptcy or have gone under.

With tenants deserting, building owners have found it difficult to lure new tenants who know they'll have to leave soon anyhow.

Many residents say the State and its agencies have not lived up to the intent of the Federal Highways Act of 1968 and the State enabling legislation of 1969. The legislation provides that displaced property owners may be compensated up to $5,000 more than the State-determined market value of their property. The idea is that replacement value or what it costs to find a comparable, safe, decent and sanitary home will be more on an inflated market than the present property is worth. The law allows tenants up to $1,500 over two years to find comparable living space near where they work.

The so-called cherry picking tends to prod the remaining residents to sell out to the State for less than they are entitled to, the psychology being, as disgruntled citizens see it: "It's worth taking a loss just to get out of this deteriorating neighborhood quickly."

In addition, unhappy residents say the State appraisers seem to make arbitrary appraisals, and the complaint seems justifiable. After the State Highways Department determines that the market value of your home is $10,000, for example, four State "fee appraisers" fan out to find comparable homes—not necessarily on the Northside. They may find that these "replacement" homes are worth $10,000, $11,000 and $12,000. So the Highways Department passes the word to the Pittsburgh Relocation Agency which in turn passes it to you: You've been awarded a "replacement value" bonus of $2,000 ($3,000 less than the maximum the law allows).

Fine for everybody—except for you. You were led to believe that you could get up to $5,000 over market value. Being of sound enough mind, you naturally figured—like most of your neighbors—that any fair appraisal would award you $5,000 or close to it (you, after all, have a lot of time and love invested in your home).

Worse still, the State tells you that you can replace your $10,000 home with one for $12,000 but doesn't tell you where that pie-in-the-sky house is. Or it won't tell you unless you refuse to sign a form saying you accept the amount offered. You may then appeal the appraisal before a three-man, State-appointed appeals board which then tells you which houses the fee appraisers looked at.

But so what? The appraisers dug up three homes comparable to yours, but nobody said the owners would be willing to sell—now or ever, to you or anybody else.

You've lived and worked all your life on the Northside. Your kids go to school there. Then the highway comes through, but nobody makes sure that when you're uprooted, you'll have a place to go that you can afford. Understandably, you may feel that you've been unfairly evicted and cheated by the inexorable workings of an indifferent state in the name of transportation progress.

Businessmen in the valley, are, moreover, at least as badly off as homeowners. In four years, the State has yet to make an offer to any of the approximately 185 entrepreneurs in Phase I. Yet these business people have been suffering because their former customers have been leaving the area.

Part of the problem seems to be that layer after layer of government agencies are involved, with no single body empowered to force decisions in the people's interest. Concerned with I-79 planning and construction, for example, are the federal Bureau of Public Roads under the U.S. Department of Transportation; the State Highways Department and its central highways office in Harrisburg; the State district highway office; and in Pittsburgh, the City's Urban Redevelopment Authority, Relocation Agency and Planning Department. Then there's the Congress itself, the State Legislature and the Pittsburgh City Council (which, partly because of the complexity of the problem, has not asserted itself on behalf of the East Street citizens).

Few persons involved seem to like the way the State Highways Department and its head, Robert G. Bartlett, have handled the requests and complaints of the East Street citizens. Secretary Bartlett's department, understandably—in terms of conventional governmental priorities—sees its main job as one of getting the expressway link of I-79 built as expeditiously and inexpensively as possible.

Citizens organizations such as HEART (the Highway Emergency and Relocation Team led by East Street Optometrist Dr. Martin Krauss) have worked long and hard to publicize the residents' plight. Their efforts helped produce the 1968 federal and 1969 State highway legislation. HEART believes, moreover, that Mr. Bartlett's concern is exclusively with getting the construction done and therefore in buying the property as cheaply and quickly as possible, regardless of the hardships wrought on businessmen and residents.

So who's really to blame? It's not the Relocation Agency's fault. It just passes the State's replacement-value figures on to property owners. Nor is the Highways Department out to rob the people. It's merely following the letter—if not the humane intent—of the law. After all, bureaucrats traditionally believe that if they were to interpret the rules liberally, they'd only be making trouble for themselves. Apparently, nobody has told them to give every businessman or homeowner the benefit of the doubt.

Wiser legislation would have eliminated the "replacement value" hassle simply enough. Instead of a sliding scale of up to $5,000, the law should now be amended to give all displaced home and business property owners a flat bonus fee of, say, $3,000 or a $3,000 minimum and a $5,000 maximum.

Secondly, new houses and apartment and business complexes should be constructed before acquisition. Last month, Secretary of Transportation John J. Volpe said, "Housing must be provided, built if necessary, before approval will be given for any construction project."

Then, property acquisition should proceed smoothly, quickly and evenly.

Since businessmen are the first to feel the brunt of highway displacement, the State should buy out and compensate the local entrepreneurs first, before beginning to deal with homeowners (you can replace a home much more easily than you can relocate and build up a business). Liberal compensation for business machinery and equipment—a concession which URA's Bill Farkas has tried to win from the State Highways Department—should be built into the acquisition system.

Finally, a single agency such as URA should be legally designated to quarterback the work of other agencies and to represent the citizens' interests. Community groups like HEART and the East North Side Citizens Council should be able to elect full-time, State-paid representatives to work with the agency.

A highway coming through your neighborhood is not a natural disaster, like a flood or a twister. It is a socially planned disruption, and it's unacceptable that citizens should be uprooted willy-nilly, Government has a responsibility not to wreak havoc on a community in the name of progress.

THREE CAGE STARS HONORED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. DULSKI. Mr. Speaker, the basketball season for 1969-70 is behind us and it is baseball time again.

But back in my home city of Buffalo, N.Y., we are still talking basketball. We just have not run down yet—and we are not going to right away; for good reason.

Tomorrow night—Wednesday, April 29—in Buffalo's Statler-Hilton Hotel, the community will gather to pay honor to three basketball stars who had us literally on the edge of our seats throughout the recent season.

Two of them—6 foot 11 Bob Lanier of St. Bonaventure University and 5 foot 10 Calvin Murphy of Niagara University—made the all-America team, a well-deserved and coveted honor.

The third cager being feted attends a school not associated with the NCAA, but he ranked high in the running for the little all-America. He is Randy Smith of Buffalo State College.

COMMUNITY TESTIMONIAL

Arrangements for the community testimonial were made by a local committee of which Dick Fischer and Arthur Eve are cochairmen.

Buffalo and all of western New York are proud of these fine athletes. It marks the first time that two athletes from the Little Three—St. Bonaventure, Niagara, and Canisius—made the all-America. Bob Lanier is the first Buffalonian to make the first team.

At a time when there is frequent criticism of certain of our college students, it is indeed an honor and a privilege to bring to the attention of the Members three outstanding college students who have made their college name on the basketball court.

I know that I speak for all western New Yorkers in paying tribute to these three fine athletes on this community occasion. Our hearts sank when Bob Lanier was hurt in the semifinal of the playoffs, but thankfully he is doing fine again.

Mr. Speaker, as a part of my remarks I am including three newspaper articles about our two all-Americas:

[From the Buffalo (N.Y.) Evening News, Mar. 4, 1970]

Bon's Lanier Rates WNY Cager of Century

(By Cy Kritzer)

St. Bonaventure's Bob Lanier, named today to the All-America team as the center, could be the greatest basketball player produced in the city of Buffalo or Western New York.

And, who knows, maybe the greatest of the 1970s?

Buffalo Bob is averaging 30.05 points a game for 22 games, shooting 58.2 per cent from the field and 73 per cent from the free throw line; six weeks ago he set Bona's all-time record for rebounds. He is the leading scorer in Western New York.

Statistics don't half-way measure why he will be a 1-2 choice in the National Basketball Association draft March 30 and why he may become a millionaire on his first pro contract.

Lanier is a big man who can shoot outside with the accuracy of a back-court star.

He intimidates the opposition because he blocks so many shots.

He wrecks a passing attack because he deflects so many passes.

He has the quick hands and the physical power to dominate the backboards, and rebounding is the name of the game.

SCHOLARSHIP OFFERS

Buffalo's scholastic scoring champion at Bennett High, he had dozens of scholarship offers but chose Bona because it was near his home.

His parents are Mr. and Mrs. Robert J. Lanier, 478 Northland Ave. His father owns and operates a small trucking business and his mother, a teacher in the city schools for 14 years, is a social worker.

As a boy, Buffalo Bob won attention with his ambidexterity in winning table tennis championships and as a baseball player who can hit the ball a "mile" and as a pitcher of no-hitters in the boys' leagues.

Lanier took the Bonnies to the National Collegiate Athletic Association as a sophomore when he averaged 27 points a game; he was the star as they had another winning season in his junior year. But the Bonnies were barred from postseason play because of a recruiting violation.

Now they're on their way to the NCAA again, and the Bona partisans are sure they'll reach the national finals if Buffalo Bob stays healthy.

As a co-captain of the Bonnies, he has proved a natural leader whose dressing-room talks will be long remembered by his teammates.

GOOD STUDENT

He also has distinguished himself as a sports dinner speaker. But above all, the genial giant is a humorist who keeps life happy for those around him.

He's a better than average student, too.

Lanier is modest about his ability because of his exposure to the pros when he was a camp counsellor last Summer.

At the camp of Willis Reed, the star of the New York Knickerbockers, Lanier went head to head against such established pros as Reed, Johnny Green, Walt Frazier, Dave Stallworth, Bill Bradley and Cazzie Russell.

"People tell me that I look a lot like Willis," said Bob. "But he's a lot better than I am."

They have one asset in common, that soft left-hand jump shot. Bob may be more accurate with it than Reed from outside.

Lanier thinks that Pet Maravich of Louisiana State is the best shooter he's seen.

"I couldn't believe it when I saw Pete in a tournament at Oklahoma City. Man, he is tremendous!

"I'm not taking anything away from Calvin Murphy, but Maravich is something else."

SHARES CREDIT ON TEAM

Buffalo Bob is Billy (The Kid) Kalbaugh's No. 1 booster.

"Billy never gets enough credit," said Buffalo Bob. "He can really handle the ball. They press and double team the little guy but he takes the ball up the floor without help. He doesn't shoot a lot and goes unnoticed.

"Look at his shooting percentage, right up in the 50 class.

"We have great unity on this team, and Billy does a lot to make it that way. The coach (Larry Weise) gives us the privilege of calling a meeting whenever we think there should be one, and of giving pep talks to the younger players."

Billy is special to Lanier because being an All-America does have its drawbacks.

"People hold you in awe," said Lanier. "It's not easy to have a friend for just a friend outside of the basketball team.

"Somehow, people think I'm different because I'm a big fellow (6 feet 11 inches, 270 pounds). But basketball players are just as normal as anyone else."

[From the Buffalo (N.Y.) Evening News, Mar. 4, 1970]

CHEERS HAVE NOT CHANGED CALVIN—NOR HAS "LAST HURRAH" SOUNDED

(By Larry Felser)

NIAGARA UNIVERSITY, March 4—The manner is more self-assured, the clothes more fashionable and the outlook more sophisticated.

But basically it's the same Calvin Murphy who brought along his baton when he visited Niagara University for the first time to talk about playing basketball. He was a senior in high school at Norwalk, Conn. The varsity was playing a game in the Student Center and Calvin was introduced at halftime.

The crowd gave him an ovation.

They haven't stopped cheering him yet.

Today he was named to the All-America team for the second consecutive season and soon he will finish his college career in the National Collegiate Athletic Association Tournament.

The other day he chatted about that career, which went through a period of depression, another of individual success and finally, this year, blossomed into a triumph for both Murphy and his team.

NO REGRETS ANYMORE

"Do I have any regrets about coming here?" he answered. "If you had asked me that in my sophomore year I would have given you a lot of regrets.

"But everything worked out. One day I sat down and thought about it. I received much more from Niagara than I gave it.

"On May 30 I'm going to receive my degree. We're playing in the NCAA Tournament. I met and married a very lovely girl here (Vernetta Sykes of Buffalo). I learned a lot about life at Niagara."

For a time it seemed Murphy would learn nothing but controversy. There was an unhealable friction between the former basketball staff and the school administrator. It received wide attention in the national press and gave birth to rumors that Calvin would transfer to another school.

But in two years Niagara basketball changed. From an erratic loser featured by an incredible shooter, the Eagles became a cohesive unit which won 20 games, won the All-College Tournament at Oklahoma City and earned its first berth in the NCAA Tournament.

"No one ever did more for me than the two coaches who recruited me for Niagara (Jim Maloney and Ed Donahue)," he says. "They were wonderful and they still are. But the turning point for us came when they left. The feud between them and the administration had gone too far.

"What we needed was a new atmosphere."

NEW ATMOSPHERE

What accounted for the new atmosphere was a dynamic new coach, Frank Layden. But even Layden's first season was a losing one. Before his senior season, Murphy was called in for a talk with the coach.

"He told me that for us to be a winning team, everybody had to sacrifice," says Murphy. "My particular sacrifice was in not shooting as much as I had been.

"Well, I like to win, just like everybody else. It's a lot more fun. It was a brand new experience, too, playing defense for 40 minutes, from end line to end line setting up my teammates around the basket."

But as Niagara started to play sound, all-around basketball, Murphy's chance to challenge Pete Maravich of Louisiana State for the national scoring championship evaporated.

He couldn't care less.

"Pete's a great All-America," he says, "but personally, I can't see how his teammates can enjoy playing with his taking 55 shots a game. It's not basketball. I just couldn't shoot as much as Pete does."

HIS SOCIAL LIFE

As Murphy settled into his career at Niagara, he found his social life, too—in Buffalo, not neighboring Niagara Falls.

"The black community didn't take to me too well," admits Murphy. "They've said that I'm an 'Uncle Tom' who was used by the white people in the school up on the hill.

"I've never tried to explain things to the people in the Falls I grew up in a ghetto, too, and I didn't feel I had to explain myself."

Instead he spent most of his time in Buffalo where he made friends like Gene Roberson and Roger Brown, before they were basketball players at Canisius, and later, Bob Lanier.

"As you can tell, there's no love lost between Bob and I when we're on the basketball court, but I know him quite well and we're friends off the court. He has a wonderful mother and father."

CLOSE TO FAMILY

Family means a lot to Murphy, who is extremely close to his own mother and stepfather, Mr. and Mrs. Robert Murphy of Norwalk.

"They're just beautiful people," he says.

His "substitute parents" in Buffalo for the last four years have been Mr. and Mrs. John Ogden. The Ogdens told him to make himself at home with them when he was a freshman and he took them up on it.

"I just moved in," he laughs. "They've seen me grow up. They've heard my gripes and heard my pleasures. They've been great to me."

And now it will be over for Calvin Murphy at Niagara.

"But the game doesn't end for Niagara without Calvin Murphy, or without Bob Churchwell or without Mike Brown.

"The Eagles are going up. The Little Three's going to belong to Niagara from now on," said Calvin.

[From the Buffalo, N.Y., Courier-Express, Mar. 19, 1970]

WHAT'S NEW, HARRY?

(By Phil Ranallo)

The fullest hospital bed in Western New York is located in a bright corner room on the fourth floor of the Buffalo General. The bed, its springs under stress and strain, is chock-full of one fellow—Bob Lanier.

Wednesday morning, the St. Bona All-America basketball player who will miss tonight's big one—Bona's NCAA Tournament match with Jacksonville—was sitting up in bed and obliging nurses and hospital employes who streamed into his room and requested autographs.

Bob Lanier, as he scribbled away, was The Establishment's picture of the All-American boy. His strong face had that scrubbed look. The hair was cropped short. The sideburns did not extend beyond mid-ear.

A visitor studied the 6-foot 11-inch athlete. "You're amazing, Bob. In this day and age, there you are—no Afro-cut, no mutton-chops, no mustache, no goatee. How come?"

The man standing beside the bed—Robert J. Lanier, Bob's father—beat his son to the answer.

BOB IS CLEAN-CUT

"His mother and I brought him up a clean-cut kid," Mr. Lanier said, "and that's the way Bob's going to stay—because I make him listen to me."

Big Bob Lanier laughed, and his hearty laugh made the bed jiggle, forcing the bedsprings to play strong defense.

A nurse appeared in the doorway, beckoned to Mr. Lanier, and Bob's dad left the room.

"My dad's old-fashioned," Bob Lanier said, chuckling. "He brought me up the old-fashioned way—and the funny thing about it is I'll probably bring up my children the same way."

The visitor noticed a large cardboard box in a corner of the room. The box measured about three feet square, and was filled to overflowing with telegrams, letters and get-well cards.

He stuck a hand in the box to find out if it had a false bottom. It didn't.

Bob Lanier's eyes sparkled. "I just wish there was a way for me to let all those wonderful people know how much they've helped me."

BOB HAS CONFIDENCE

Lanier stared at the cast on his right leg. Then he talked about his teammates—the Bonnies, who tonight must face the nation's tallest team without him.

"They've got a chance," Lanier said, "and I'm not kidding when I say that. I'm being realistic.

"They can do it—if they put it all together. Bubba (Greg Gary) and Matt (Gantt) have got to block out underneath and make those big Jacksonville players know they're in a battle.

"And Billy (Kalbaugh) and Mike (Kull) have got to do some fabulous outside shooting—which they're certainly capable of doing.

"And all our guys have got to grab most of the loose balls.

"Our guys are gutsy. They'll play real well."

Lanier said he has not decided which pro league he will play in—the National Basketball Assn. or the American Basketball Assn.

"But I'll decide by the first of the week," he disclosed.

Which means he is within four or five days of becoming a millionaire.

BIDDING IS HIGH

It has been reported that the New York Nets, the ABA club with the rights to Lanier, have offered the Bona star $1,300,000.

Lanier chose not to comment on the report.

If Lanier decides to cast his lot with the NBA, he probably will be corraled by San Diego, Boston or Detroit, the NBA's bottom teams.

Lanier gives indication he is leaning toward the NBA. "My decision will not be based entirely on money—regardless of what my father tells you."

Bob glanced his father's way, and laughed. "Prestige means something to me."

Asked if he regarded the NBA as the prestige league, Lanier said, "Yes."

A man in a wheelchair and with a cast on his left leg appeared in the doorway. "How're you feeling today, Bob?" he asked.

"Much better, thank you, sir," Lanier replied.

A few minutes later, the visitor said goodby to Lanier and left. In the corridor, he chatted with the man in the wheelchair.

"That Bob Lanier is a truly fine young man," the gentleman in the wheelchair said.

The gentleman should know. He has been a good judge for a long time. He's Judge William J. Reagan.

POSTAL REFORM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. RARICK. Mr. Speaker, now that the Federal pay raises have passed into history, we hear new noises about additional pay increases possibly as inducements for postal employees to rally support for a radically new postal reform scheme.

According to the proposed reform, the post office operation would become "an independent establishment, self-supporting by January 1, 1978" and "empowered to raise up to $10 billion through the issue of bonds"—which can be expected to have the guarantee of the U.S. taxpayers.

In the absence of contrary facts, it is safe to assume that this independent, self-supporting establishment will be tax exempt, nonprofit, and probably free from congressional investigation. It most certainly would not be entrusted to free enterprise because it would be a profitable, taxpaying venture at present postal rates.

No comment is offered that under the U.S. Constitution article I, section 8, Congress is expressly delegated by the people and the States with the responsibility "to establish Post Offices and post roads" just as we are charged with such responsibilities as regulating foreign commerce, establishing inferior courts, to raise and support armies and to declare war.

Congress has before abdicated its responsibility. In 1913 the power to coin and regulate money was conferred on the Federal Reserve—a private banking monoply—the experience of which should by now have proven the error of Congress and the wisdom of the Founding Fathers in placing money under the control of Congress and thereby the people.

Thinking Americans are pondering over the postal situation? They wonder why salaries for some postal employees are continued at a level as if to want employee discontentment. Why a money-losing bureaucracy is continued so top heavy with management and experts? Why complaints of mediocre service are handled with such unconcerned supervision? Why illegal strikes and work stoppages were tolerated without prosecution? Why the continued threat for higher and higher postage rates? It seems almost as if a design exists to prove to the American people that the postal service is unmanageable and incompetent—that Government is incapable of discharging its responsibility.

Questions are arising. Who would be interested in operating a money losing postal department? Who could be expected to purchase $10 billion in postal bonds? Who except for a sovereign power would have such extensive financial capital? Who would want another private monopoly?

Could it be the invisible empire of the international bankers?

Mr. Speaker I submit the White House fact sheet which follows:

THE POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

1. Title I of the proposed legislation would provide for creation of "an independent establishment" in the Executive branch of the Government, appropriately insulated from direct control by the Congress, the White House, the Budget Bureau, or the Treasury, to be known as the United States Postal Service. The independent establishment would be charged with providing a postal system adapted to "the needs of all the people."

2. The operating head of the Postal Service would be a Postmaster General, to be named by nine "Commissioners on Postal Costs and Revenues" (not more than five from any one political party) appointed by the President with the advice and consent of the Senate. The Postmaster General, who would not be a member of the President's Cabinet, would become the tenth member of the Commission on Postal Costs and Revenues and these ten would name an eleventh member, who would be designated Deputy Postmaster General. The eleven-member Commission would have broad authority over postage rates, rates of pay, postal services and postal finances. The Postmaster General would appoint a General Counsel and such Assistant Postmasters General as he deemed necessary.

3. The Presidentially appointed Commissioners would serve for nine-year staggered terms. The tenures of the Postmaster General and the Deputy Postmaster General would be fixed by the Commission on Postal Costs and Revenues.

4. A thirteen-member Advisory Council would be established to advise the Commission on Postal Costs and Revenues on postal rates, service, and compensation. The Postmaster General and the Deputy Postmaster General would be Chairman and Vice Chairman, respectively, of the Advisory Council, and the remaining eleven members would be appointed by the President. Four of the members would represent major mail users, four would represent postal employee organizations, and three would represent the general public.

5. The independent Postal Service would be required to "plan, develop, promote and provide adequate and efficient postal service at fair and reasonable rates and fees," to serve, as nearly as practicable, "the entire population of the United States." It would be prohibited from closing any small post office solely for operating at a deficit, "it being the intent of Congress that effective postal service be insured to residents of both urban and rural communities."

6. The proposed bill would authorize collective bargaining over wages, hours, grievance procedures, seniority rights, holidays and vacations, insurance, overtime, training, safety, leaves of absence, promotions, demotions, transfers and other matters subject to collective bargaining in the private sector, with final and binding arbitration to resolve impasses, in lieu of the right to strike.

7. Collective bargaining agreements would have a minimum term of two years, with negotiations on a new agreement commencing 90 days before the termination date of the then existing contract.

8. Failure to reach agreement on the terms of a new contract prior to the expiration of the old agreement would result in the appointment of a three-man fact finding board. Labor and management would each select a member of the fact finding board from a list prepared by the Federal Mediation and Conciliation Director and those two would select the third member.

9. At the expiration of a 90-day cooling off period, if there were still no agreement, the impasse would be referred to final and binding arbitration by a three-member board composed of a designee of management, a designee of labor, and a chairman chosen by the first two. The fact finding board would frame the issues to be arbitrated if the parties could not agree thereon.

10. Postal employees would become members of the "Postal Career Service." They would be covered by a newly developed federal merit personnel program which would retain the advantages of the Civil Service but provide for more flexible personnel procedures and greater opportunity for advancement. All employees would retain their full benefits under the Civil Service Retirement system. The provisions of the Veterans' Preference Act and the Workmen's Compensation system for Federal employees would continue to apply. Present fringe benefits would be retained as a floor, subject to improvement through collective bargaining.

11. Political influence on the selection or promotion of postal personnel or on the management of postal affairs would be pro-

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hibited, but the right of postal employees to petition Congress would be expressly preserved.

12. The Postal Service would be empowered to raise up to $10 billion through the issue of bonds.

13. Final decisions in postal rates and postal services would be made by the nine public members of the Commission on Postal Costs and Revenues, after hearings by a three-man Rate Board, subject to veto by two-thirds of either House of Congress within 60 days after the decision by the Commissioners.

14. The Postal Service would be required to be generally self-supporting by January 1, 1978.

15. Title II of the proposed bill would provide an 8% pay increase to Postal employees and would require the Postal Service to negotiate a new wage schedule compressing from 21 years to 8 years the time required for a rank and file employee to move from the bottom step of his grade to the top step.

16. Promptly after enactment, collective bargaining will be required on wages, hours, and working conditions.

HORTON SAYS UNITED STATES SHOULD BE AN INTERNATIONAL LEADER IN PROMOTING FREE TRADE, BUT NOT AN INTERNATIONAL PATSY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. HORTON. Mr. Speaker, since the early 1960's when the Kennedy round trade negotiations opened up new horizons in the quest for free and fair trade among Western nations, the United States of America has taken the lead among all nations in opening its doors to foreign products under reasonable and fair terms.

It is right and proper for the United States, the world's richest market and most plentiful manufacturer, to demonstrate its sincerity to its trading partners by adopting policies which will encourage the expansion of freer trade in more and more commodities. Economic theory states that free trade, once accomplished, would provide for more efficient production and distribution of goods around the world, because eventually each nation would supply itself and the rest of the world with those products and services which it is best equipped to supply.

I applaud the leaders of our Government who have guided America along a course which has encouraged free trade. But somehow, our leadership in this area and our sincerity has not had the desired result in the world community.

Our liberal import policies on many items has not encouraged our trading partners to follow suit by lowering trade barriers to U.S. goods by a similar degree in their own countries. In fact, the effect has been quite the opposite.

Instead of a good faith reciprocity in lowering trade barriers to the mutual benefit of trading countries, our trading partners in too many instances seem bent on a policy of taking Uncle Sam for whatever he is worth.

While we have extended easier trading policies with Western European nations, their reciprocal moves to lower the barriers against American agricultural and automotive products have not been forthcoming. Despite the brisk trade across the Pacific from Japan to the United States, the Japanese have been particularly intransigent about taking steps to reciprocate. They enjoy increasing export markets for electronics, textiles, automobiles, pianos, and other products in this country, but their barriers against many U.S. products remain steadfastly noncompetitive.

The result has been a tragic one for the trend of America's economy. While once we enjoyed an export surplus which served as the backbone of our international balance of payments, there is barely a trace remaining of this surplus. Instead, our imports have skyrocketed, and this unhealthy situation has coupled with other factors to accelerate our dangerous rate of inflation over the past few years.

The rise of imports has been particularly fierce in certain product areas. Pianos and dairy products are two which I have been concerned with in the past. But even more severely injured have been the textile and footwear industries in America. A larger and larger share of the U.S. market for these items is being corralled by countries whose laborers in these industries are paid only a tiny fraction of what skilled American shoe and textile workers are paid.

The Nixon administration has recognized the serious problem facing these industries. They did not see a need for drastic retaliatory action. Instead, they have approached the countries concerned repeatedly to renegotiate the basis for trade in these products.

Not seeking or wanting to reverse the trend of U.S. leadership toward free trade, the administration has sought responsibly to work out these problems without taking countermeasures that could shatter the progress we have made over the last 10 years.

But these nations have turned a cold shoulder to administration overtures for negotiation on trade questions. They have enjoyed vast profit and economic improvement in their own countries as a result of our liberal trade policies. Now, in the face of requests that they help avoid needless damage to these crucial U.S. industries, they refuse to cooperate.

I need not launch into an extended discussion of the effects of skyrocketing foreign imports on the U.S. shoe and textile industries. The potential, and in many cases the realization of plant closings and unemployment is apparent to all of us.

I agree with the President that it would be unwise and unnecessary to slam the door against all imports of these items, even though the temptation to retaliate for inflexible trade policies of some of our trading partners is real.

We cannot abandon our long-range and present desire to further world trade, which can benefit the economic health of every nation.

Nor can we allow ourselves to be taken by any trading partner as an international patsy for allowing our Government to demonstrate its sincere desire to promote trade by taking the lead in lowering trade barriers.

I believe the most responsible approach that Congress can take is to give the President a trump card in his attempts to get meaningful negotiations started in the footwear and textile trade questions. The esteemed chairman of the House Committee on Ways and Means, Wilbur Mills, has introduced a bill which provides alternative relief to these American industries.

It provides a quota for these imports which would automatically be lifted if the President is able to negotiate an international agreement on trade policies affecting textiles and footwear.

Thus, the only instance where this quota would become effective, is where a trading partner refuses to enter meaningful negotiations. In this event, it is up to Congress to apply protections for these vital domestic industries, as a substitute for international good faith in pursuing a reciprocal and mutually beneficial course.

Mr. Speaker, I wholeheartedly support the prudent and responsible approach of the Mills bill, H.R. 16920. I have indicated my support by co-sponsoring this bill, and I will be glad to testify in its support when the Ways and Means Committee considers trade problems later this year.

Many businesses in both the textile and shoe fields are endangered by current import trends, and several are located in my congressional district.

Mr. Speaker, I would like to include in the Record the text of letters I have received from a nationally respected labor leader in my district, from the head of an important apparel firm in Rochester, N.Y., and a letter from the mayor of Rochester, who has supported responsible legislative action in this area. In addition, I would like to include the text of the legislation I have submitted, which is parallel to the Mills bill, H.R. 16920:

Rochester Joint Board, Amalgamated Clothing Workers of America,
Rochester, N.Y., April 24, 1970.

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Congressman Horton: I am writing in behalf of the more than thirteen thousand members of the Rochester Joint Board of the Amalgamated Clothing Workers of America, AFL–CIO to urge you to co-sponsor the bill recently introduced by Chairman Wilbur Mills and others to regulate imports of textiles and apparel.

The growing flood of imports from Far Eastern nations, made at wages as low as 7¢ an hour, are having a serious effect on employment and earnings of our membership. The needle trades are our nation's largest manufacturing industry, and are particularly needed for the job opportunities they provide to women and members of minority groups with moderate skills. The nation cannot afford major unemployment in the textile-apparel industry.

And yet that is precisely what will occur if imports of these items are not brought under control. Almost ten years ago the United States signed an international agreement regulating imports of cotton textiles-apparel. The agreement has served both importing and exporting nations well, by enabling both to plan ahead and absorb the impact without disruption. In the years since, however, imports of textiles-apparel made of wool and man-made fibers have climbed at tremendous rates—from 40 percent to 300 percent a year in many categories.

If these imports are not brought under regulation, you can expect growing unemployment in this industry, among workers whose only alternative may well be the welfare rolls.

The recently introduced Mills Bill provides quotas for textile and apparel articles, with provision for exporting countries to maintain a proportionate share of our market in future years. It also provides that if the President is able to negotiate an international agreement, the quota will be dropped. In other words, exporting nations will have an incentive to negotiate such agreements—which until now, despite the government's efforts, they have refused to do.

The Amalgamated, like most trade unions, is a firm believer in international trade. But trade which goes only one way (most exporting nations don't permit imports), and which destroys jobs and working conditions cannot be defended. It is particularly vital to our community that this legislation be passed without delay, and I hope it will bear your name as sponsor.

Very truly yours,

ABRAHAM CHATMAN,
Manager.

SUPERBA CRAVATS, INC.,
Rochester, N.Y., April 23, 1970.

Hon. FRANK HORTON,
House Office Building,
Washington, D.C.

DEAR FRANK: I believe this is the first time that Superba Cravats has asked you to back certain legislation. This should be very understandable because basically the management of this firm has been very mindful of a free trading philosophy and because our fashion inspirations used to (no longer so), come from foreign lands.

Today we are still dependent on imports from European fashion-oriented mills to supplement the creativity of our small but flourishing domestic industry, which domestic industry we have consciously furthered over the years with total disregard for our monetary interests. Nothing is more important to us as management of a concern almost 100 years old, than the consciousness for the need of a strong domestic base on the weaving level as well as on our own, the cutting level.

We have never asked for protective measures and if we do so today we do it by backing a very carefully written law which gives minimum protection to our workers. Since there are neither wage nor price controls in effect and since the inflationary pressures of a tremendous defense budget tend to raise cost-of-living indexes, the protection of the living standard of our workers on all levels demands that indiscriminate, unhampered import of products from countries who have bowl-of-rice living standards must be stopped.

A study of bill H.R. 16920, copy of which is attached, will show that it provides for reasonable importation as well as protection against the flood of cheap labor importation.

I phoned your office yesterday and asked that if you agreed with the tenor of the bill you introduce your own bill along similar lines. I ascertained from your office that you are concerned with the problem and are working on future legislation.

In all the years you have represented this district in Congress, you know that we have never made requests of you on the legislative level. The fact that we do ask for your help at this time will show you how concerned we are.

Thank you very much for whatever you can do in the interest of a large group of your constituents and in the interest of the whole apparel industry, the existence of which is seriously threatened at this time.

Please do not construe our attitude as being opposed to foreign competition per se.

Cordially,

HELMUT HERTZ,
Chairman of the Board, Chief Executive Officer.

CITY OF ROCHESTER, N.Y.,
March 23, 1970.

Hon. FRANK HORTON,
U.S. House of Representatives,
Washington, D.C.

DEAR FRANK: Enclosed you will find a copy of a proclamation I have issued on behalf of the Amalgamated Clothing Workers campaign to curb the flood of unregulated imports from low-wage countries. As you may know, some seven thousand Amalgamated members marched in Rochester in support of this cause.

Because of the vital importance of this subject to literally thousands of Rochesterians I will appreciate anything you can do to support their program to set reasonable limits on clothing imports.

Very sincerely yours,

STEPHEN MAY.

H.R. ——

A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. The Congress finds that the markets for textile articles and articles of leather footwear in the United States have been disrupted by the large volume and increased amounts of such articles of foreign origin entered, or withdrawn from warehouse, for consumption in recent years.

The Long Term Cotton Textile Arrangement entered into by the United States and other nations in 1961 is not adequate to prevent disruption of markets for textile articles in the United States because the Arrangement is limited to cotton textile articles whereas advances in textile technology and marketing practices have made textile articles of cotton, wool and man-made fibers, as well as articles of blends of these and other textile fibers, competitively interdependent. The continuing high and increasingly disruptive level of imports of wool textiles, and the large and rapidly growing volume of imports of textile articles of manmade fibers, and of blends of these fibers with other fibers have increased the extent and severity of the disruption of markets for textile articles in the United States far beyond that which the President has been able or empowered to remedy under the Long Term Cotton Textile Arrangement or its enabling legislation.

The Congress also finds the rapidly increasing penetration of U.S. footwear markets by imported shoes to be a specific cause of footwear plant closings in the U.S. This increase has been relentless for more than 10 years. No change in this alarming trend is now foreseen.

As a result, the increasing disruption of the nation's textile and footwear markets has injured workers in the domestic textile and leather footwear industry through underemployment and unemployment. The standard of living of the nation's textile and leather footwear workers, and the economic well being of their communites, is being threatened by the ineffectiveness of present laws and international arrangements to regulate imports of textiles and leather footwear articles in a manner consistent with continued participation of domestic producers of such articles in the growth of the textile and leather footwear markets of the United States on a reasonable and economically sound basis.

SEC. 102. It is the policy and purpose of this Act to provide for the regulation of commerce in textile articles and in articles of leather footwear among the several States and with foreign nations so as to foster the maintenance and expansion of economically strong textile and footwear industries in the United States and to avoid the disruption of markets for textile and leather footwear articles in the United States. This regulation shall be accomplished by the imposition of quantitative limitations, by categories, on imports of all textile articles and on imports of all articles of leather footwear in accordance with the provisions of Sec. *103* of this Act, or by agreement with other governments or instrumentalities providing separately for limiting imports, by categories, of all textile articles or all articles of leather footwear, or both, from such nations or instrumentalities into the United States in accordance with the provisions of Sec. *104* of this Act.

SEC. 103. Except as provided in Section *104*, the total quantity of each category of textile articles and articles of leather footwear originating in any country which may be entered, or withdrawn from warehouse, for consumption during the calendar year beginning January 1, 1970 shall be limited to the average annual quantity of such category originating in such country which was entered, or withdrawn from warehouse, for consumption during the two calendar years 1967–68. Beginning with the calendar year 1971 the total quantity of each such category originating in any country which may be entered, or withdrawn from warehouse, for consumption during that calendar year and during each succeeding calendar year shall be increased or decreased by an amount proportionate to the increase or decrease in domestic consumption of that category during the preceding calendar year as compared with the average domestic consumption thereof during the two calendar years immediately preceding such calendar year as determined by the Secretary of Commerce.

SEC. 104. The President is authorized to enter into international arrangements or agreements with foreign governments or instrumentalities separately regulating, by category, the quantities of all textile articles or all articles of leather footwear, or both, originating in such nations or instrumentalities which may be entered, or withdrawn from warehouse, for consumption. The provisions of each such arrangement or agreement entered into hereunder shall substantially carry out and implement the declared purposes and findings of this Act and assure the avoidance of the disruption of the markets for textile articles and articles of leather footwear in the United States. The President shall make such arrangements or agreements effective by proclamation and is authorized to issue regulations necessary to carry out the terms thereof. The total quantity of each category of textile articles or articles of leather footwear which may be entered, or withdrawn from warehouse, for consumption from any country which has entered into such an arrangement or agreement hereunder covering that category shall not be subject to the provisions of Section *103* while such agreement is in force and effect. Nothing herein shall affect the authority provided under Section 22 of the Agricultural Adjustment Act of 1933, as amended.

SEC. 105. The quantitative import limitations on textile articles of cotton heretofore established by the United States pursuant to the Long Term Cotton Textile Arrangement or pursuant to bilateral agreements heretofore entered into by the United States as provided in such Arrangement shall supercede the provisions of this Act until the expiration of the Arrangement.

SEC. 106. For the purpose of this Act—

(a) The term "textile articles" includes top, yarn, fabric, apparel, household and industrial textile products, cordage products, man-made staple fiber, filaments, and filament yarns, and all other textile manufactures, whether spun, woven, knit, felted, bonded, laminated, or otherwise manufactured of cotton, wool, manmade fiber, or silk, or of any combination or blend thereof, or in combination with other fiber(s) or substance(s) including animal hairs or furs. The term "textile articles," for the purposes of this Act, shall not include natural fiber in its unprocessed state such as raw cotton, raw wool, raw silk, or raw jute; spun yarns or silk, wholly of non-continuous silk fibers, not colored; or any article which is now entitled to entry free of duty.

(b) The term "leather footwear" includes those articles of leather and of vinyl specified in Items 700.05 through 700.45, inclusive, Item 700.55, and Items 700.66 through 700.85, inclusive, of the Tariff Schedules of the United States, Annotated.

(c) The term "category" means a subdivision of textile articles, or of articles of leather footwear, as the case may be, as determined by the Secretary of Commerce for the purposes of this Act, using as a guide the five-digit and seven-digit item numbers applicable to such articles in the Tariff Schedules of the United States Annotated (1969), as published by the United States Tariff Commission, or as subsequently amended, modified, or revised.

(d) The term "textile industry" means all establishments in the United States engaged in the production of textile articles.

(e) The term "footwear industry" means all establishments in the United States engaged in the production of leather footwear.

TITLE II—ADJUSTMENT OF IMPORTS AND ADJUSTMENT ASSISTANCE FOR FIRMS AND WORKERS

SEC. 201. The Congress finds that the assistance which it intended be available to domestic industries, firms, and groups of workers caused or threatened with serious injury by increased imports has, in the administration of title III of the Trade Expansion Act of 1962, been denied virtually all applicants. The Congress intends, and finds it in the national interest, that the forms of assistance specified in such Act be promptly and readily available for any industry, firm, or group of workers caused or threatened with serious injury due in any substantial degree to increased imports even though other economic factors are found in equal or greater degree to contribute to such actual or threatened injury. It is the purpose of this title to provide for a reform of the administration of title III of the Trade Expansion Act of 1962 to this end.

SEC. 202. (a) Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended as follows:

(1) Subsection (b)(1) is amended by striking out "as a result in major part of concessions granted under trade agreements,".

(2) Subsection (b)(3) is amended by striking out "the major factor in causing, or threatening to cause, such injury" and inserting in lieu thereof "a substantial cause of serious injury, or the threat thereof".

(3) Subsection (c)(1) is amended by striking out ", as a result in major part of concessions granted under trade agreements,".

(4) Subsection (c)(2) is amended by striking out ", as a result in major part of concessions granted under trade agreements,".

(5) Subsection (c)(3) is amended by striking out "the major factor in causing, or threatening to cause, such injury or unemployment or underemployment" and inserting in lieu thereof "a substantial cause of such injury or unemployment or underemployment, or the threat thereof."

(6) In subsection (b) the paragraph renumbered (3) is amended by adding the following sentence: "For purposes of this paragraph, reports made during the 1-year period preceding the date of enactment of this Act shall be treated by the Tariff Commission as having been made prior to that period."

(b) Section 302 of the Trade Expansion Act of 1962 (19 U.S.C. 1902) is amended as follows:

(1) Subsection (b)(1) is amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused serious injury or threat thereof" and inserting in lieu thereof "have been a substantial cause of serious injury, or the threat thereof,".

(2) Subsection (b)(2) is amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment" and inserting in lieu thereof "have been a substantial cause of unemployment or underemployment, or the threat thereof,".

(c) Section 317(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1917(2)) is amended by striking out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1)".

(d) Section 337 of the Trade Expansion Act of 1962 (19 U.S.C. 1977) is amended by inserting ", including training not otherwise available," after "adjustment assistance".

(e) Section 351 of the Trade Expansion Act of 1962 (19 U.S.C. 1981) is amended as follows:

(1) Subsection (a)(1) is amended by striking out "causing or threatening to cause serious injury" and inserting in lieu thereof "increased imports of which have been found by the Commission to be a substantial cause of serious injury, or the threat thereof.".

(2) Subsection (a)(4) is repealed.

(3) Subsection (c)(1) is amended by striking out clause (B) in its entirety, and deleting "-(A)" in the body of the subsection and ", and" following the word "interest", and inserting a period after "interest".

(4) Subsection (c)(1) is further amended by striking out "(1)".

(5) Subsection (c)(2) is repealed.

(6) Subsection (d)(3) is repealed.

(7) Subsection (d)(4) is redesignated (d)(3), and subsection (d)(5) is redesignated (d)(4).

(f) Section 352 of the Trade Expansion Act of 1962 (19 U.S.C. 1982) is amended by striking out in subsection (a) "causing or threatening to cause serious injury" and inserting in lieu thereof "increased imports of which have been found by the Commission to be a substantial cause of serious injury, or the threat thereof,".

(g) Section 405 of the Trade Expansion Act of 1962 (19 U.S.C. 1806) is amended by adding a new subsection 7 as follows:

"(7) For the purposes of section 301(b)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(b)(1)), as amended by this Act, the term 'domestic industry' means the aggregate of those firms or appropriate subdivisions thereof which produce the like or directly competitive article. Where the article is produced in a distinct part or section of an establishment, whether or not the firm has one or more establishments, such part or section shall be considered an appropriate subdivision."

SEC. 203. (a) For the limited purpose of providing the President with authority to enter into such trade agreements as he may find to be appropriate in carrying out existing trade agreement obligations which he finds applicable as an incident to actions taken by him pursuant to section 351 of the Trade Expansion Act of 1962 (19 U.S.C. 1981), section 201(a)(1) of that Act (19 U.S.C. 1821 (a)(1) is amended by striking out "July 1, 1967" and inserting in lieu thereof "July 1, 1973".

(b) The limitations set forth in section 201(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(b)) shall be applicable, without exception other than as provided in section 254 of that Act (19 U.S.C. 1884), to proclamations issued pursuant to the authority granted under subsection (a).

SEC. 204. Any investigation by the Tariff Commission under section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) for tariff adjustment under section 351 of that Act (19 U.S.C. 1981) or for a limitation of imports under orderly marketing agreements pursuant to section 352 of that Act (19 U.S.C. 1982) which is in progress on the date of the enactment of this Act shall be continued under said sections 301, 351 and 352, as amended by this Act, as if the petition had been filed originally under the provisions of such amended section. For the purpose of section 301(f) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(f)), such petition shall be treated as having been filed on the date of the enactment of this Act.

HOUSE OF REPRESENTATIVES—*Wednesday, April 29, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

1 John 4: 4. *He who is in you is greater than he who is in the world.*

Eternal God, our Father, we lift our hearts unto Thee in prayer and with our hearts our hands to do Thy work in this disturbed and disordered world. During this time of trouble and turmoil be Thou our stay, our shield, and our support. Steady our minds, strengthen our wills, sustain our spirits.

Restrain those who with wild oratory and violent means would intimidate our leaders and even destroy our Government. Do Thou make strong and stable the hearts and hands of those who seek freedom for all, justice among all, peace to all, and good will by all.

May those who labor for the good of their fellow men feel the support of Thy presence in their endeavors to make our country great in goodness and to keep her good in greatness.

In the spirit of Him who went about doing good we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 23, 1970:

H.R. 15349. An act to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives of the National Railroad Adjustment Board, and for other purposes.

On April 24, 1970:

H.R. 8654. An act to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone.

On April 27, 1970:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

FLAG DAY—AUTHORITY FOR THE SPEAKER TO DECLARE RECESS

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, Sunday, June 14, will mark the 193d anniversary of Flag Day. It has been the practice of the House for a good many years to have proper observances commemorating Flag Day here in the House.

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Monday, June 15, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DESIGNATING COMMITTEE FOR APPROPRIATE CEREMONIES ON FLAG DAY

The SPEAKER. The Chair will state for the information of the Members of the House that after consultation with the distinguished minority leader, the Chair has informally designated the following Members to constitute a committee to make the necessary arrangements for appropriate ceremonies in accordance with the unanimous-consent agreement just adopted:

The gentleman from Texas (Mr. BROOKS), the gentleman from Alabama (Mr. NICHOLS), the gentleman from Indiana (Mr. ROUDEBUSH), and the gentleman from Missouri (Mr. HALL).

IN FAIRNESS TO HIM, OUR AMBASSADOR TO SWEDEN SHOULD BE WITHDRAWN

(Mr. RIVERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, I think the indignities our distinguished Ambassador to Sweden has had to undergo are absolutely inexcusable. Jerome Holland is a great American, and a great educator. He served on my draft panel. He helped us to write the present draft law. He was a great athlete and an All-American football player. He knows what fair play is.

These Swedes have not given him proper respect, not even respectability.

Mr. Speaker, I think Jerome Holland should be invited home by the President, and the President should consider reducing our Embassy in Sweden to that of a consulate not only for this indignity, but for other actions where they have decoyed our servicemen away from their posts of duty and caused them to be traitors to their country by letting them go to Sweden to live.

Mr. Speaker, we have adequate grounds for letting Sweden know that we know they are no longer our friends, and not worthy of the present diplomatic recognition accorded them.

PERSONAL EXPLANATION

Mr. MEEDS. Mr. Speaker, yesterday on rollcall No. 95 I was in my office. The bells did not ring in my office. If I had been present I would have voted "nay."

CONFERENCE REPORT ON H.R. 515, SCHOOL FOOD SERVICE PROGRAM

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions:

CONFERENCE REPORT (H. REPT. No. 91–1032)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d)(5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 2. Sections 5(a) and 5(b) of the Child Nutrition Act of 1966 are amended to read as follows:

"(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed $38,000,000, for the fiscal year ending June 30, 1972, not to exceed $33,000,000, for the fiscal year ending June 30, 1973, not to exceed $15,000,000, and for each succeeding fiscal year, not to exceed $10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available

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to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966,

shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needly children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(d) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there by any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof the following: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence. None of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in households with incomes of less than $4,000 per annum bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for such additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive, within a maximum per meal amount established by the Secretary for all States, shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

"(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated, by all nonprofit private schools participating in the program under this Act in such State, bears to the number of such free and reduced-price lunches served during such prior year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

"(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

"(h)(1) Not later than January 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free or reduced price lunch to every needy child in accordance with the provisions of section 9; (B) to extend the school-lunch program under this Act to every school within the State; and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

"(2) Each school participating in the school-lunch program under this Act shall report each month to its State educational agency the average number of children in the school who received free lunches and the average number of children who received reduced price lunches during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.

"(3) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free lunches and the average number of children in the State who received reduced price lunches during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch."

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

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NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

"(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

"(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council."

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 10. Section 4(a) of the Child Nutrition Act of 1966 is hereby amended by striking out "$12,000,000" and inserting "$25,000,000".

And the Senate agree to the same.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
WILLIAM D. FORD,
WILLIAM H. AYRES,
ALBERT H. QUIE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
HERMAN E. TALMADGE,
GEORGE MCGOVERN,
GEORGE D. AIKEN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, submit the following statement in explanation of the effect of action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a new text. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

Except for minor, clarifying and conforming provisions, this statement explains the action of the managers on the part of the House.

FREE OR REDUCED-PRICE MEALS

The conference amendment to the eligibility standard for free and reduced-price lunches makes it clear that every child from a household with an income below the poverty level shall be served free or reduced-price meals. A national standard for the poverty level, as determined by the Secretary of Agriculture, shall be used as the standard of eligibility in lieu of the multi-standard as included in the original Senate-passed bill. It is expected that this will be the same as established by the Department of Health, Education and Welfare and the Office of Economic Opportunity.

While it is the intent of the managers that every child from an impoverished family shall be served meals either free or at reduced cost—not to exceed 20¢ per meal—it is also the intent that free lunches be provided for the poorest of the poor and under no circumstances shall those unable to pay be charged for their lunches. The determination of income of an eligible household shall be made solely on the basis of an affadavit and such a family shall be judged eligible for free or reduced-in-price meals until it is proven otherwise in a proceeding subject to the approval of the Secretary of Agriculture.

It should be clear that, although the poverty guideline is the only mandatory national standard, children from a family meeting other criteria shall also be eligible for free or reduced-price school lunches.

APPORTIONMENT OF SPECIAL ASSISTANCE FUNDS

The Senate amendment provided for apportionment of special assistance funds (Sec. 11) to the States on the basis of the number of school children from families with an income equivalent to $4,000 or less per year for a family of four. The conference amendment provides that the total number of children aged three to seventeen, inclusive, in households with incomes of less than $4,000 be the basis of apportionment among the States. These data are more readily available from official sources.

SCHOOL BREAKFASTS

The Senate amendment made a number of changes in the school breakfast program, including an extension and increase of appropriation authorizations (from $12 million for fiscal year 1971) to $25 million for fiscal year 1971, $50 million for fiscal year 1972, and $75 million for fiscal year 1973. In the conference substitute the authorization of appropriations for fiscal year 1971 is increased to $25 million. There are no further extensions or increases nor other amendments.

STATE PLANS AND REPORTING

The Senate amendment required each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, the first of which would be due by June 1, 1970, which must describe the manner in which the State agency proposes to include every school in the national school lunch program by the start of the 1972–1973 school year. The substitute requires the submission of the State plan by January 1 of each year, and removes the target date for extending the program to all schools.

The Senate amendment required all schools and each State educational agency to file monthly reports listing the numbers of children eligible for free and reduced-price lunches. The substitute requires school officials to estimate the number of children eligible by March 1 and October 1 of each year.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
WILLIAM D. FORD,
WILLIAM H. AYRES,
ALBERT H. QUIE,
Managers on the Part of the House.

61ST ANNUAL NATIONAL RAISIN WEEK

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, the 61st annual National Raisin Week, the Nation's oldest food festival, calls attention to one of California's most vital industries.

The quarter-billion-dollar raisin industry, which effectively utilizes the modern tools of sales promotion and advertising, supply management and bargaining, had its roots in antiquity.

Raisins were grown by the Egyptians and Persians in 2000 B.C. and the Bible mentions that an Israelite brought cheese and raisins to pay his taxes to King David.

In Rome during the time of Nero, the wealthy always had raisins on the menu of their feasts.

Raisins were once an expensive food, and only the wealthy ate them. Today, everyone can enjoy raisins for eating out of hand, and in puddings, cakes, cookies, bread, and a multitude of other delicious food forms.

Today, the California raisin industry's vineyards produce some 250,000 tons of raisins each year for processing and marketing throughout the world.

I would like to commend the California Raisin Advisory Board, as the industry's research, promotion, and advertising arm, for the highly effective job it has done in promoting sales of raisins in the United States and overseas in cooperation with the U.S. Department of Agriculture's Foreign Agricultural Service.

Despite increasing competition from foreign competitors and from other products, the California raisin industry has become the largest in the world.

Special commendation should go also to the Federal Raisin Advisory Board and the Federal Raisin Administrative Committee for their effective efforts under Federal marketing orders which have had great success in bringing about the orderly marketing of raisins and which have also been effective in development of export markets.

I would also like to commend the Raisin Bargaining Association for its work in improving grower returns for their crops. In less than 4 years, the association has brought the raisin growers together in a concerted effort which has given them a strong voice in determining the reward for their labors.

The raisin industry, for its effective efforts in producing, processing, and marketing its crop, one-half of the world's raisin supply, well deserves special recognition during National Raisin Week.

THE CRISIS IN SOUTHEAST ASIA

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, events have moved so swiftly in Southeast Asia these last few weeks that it is not easy to keep up with developments, let alone to evaluate them. Nonetheless, I feel compelled to comment briefly on today's news reports that our Government has reached a major decision regarding Cambodia.

Apparently troops have entered Cambodia. Initial reports indicate that they are there, not in a "combat" status but in logistical support of the South Vietnamese. How much significance such a distinction represents is problematical.

We know too little thus far about the nature of the movement into Cambodia. Whatever may be the justification for this decision, and whatever may be the consequences, my basic reaction is one of dismay. For over a year now earnest efforts have been made, by two Presidents, to reach a settlement in Vietnam and to reduce our commitment there. What will this step lead to?

Perhaps it is premature to pass judgment on this decision, or to forecast the result of this move into Cambodia, but my strong feeling is that we are on weak ground. Certainly, the way in which such a momentous decision became known was unfortunate, especially as Secretary of State Rogers could have indicated the administration's plans in his appearance before the Senate Foreign Relations Committee.

The President unquestionably has the basic responsibility for a decision of this kind. I sympathize with him as he grapples with the problem of how best to protect the interests of the United States. Nonetheless, I fail to see why this step was taken as it was. Surely, most people today want an early end to hostilities; virtually none could want a wider war. Under such circumstances, the path of wisdom would seem to me to proceed slowly, and then only if there is no valid alternative. Furthermore, what is needed—insofar as this is possible—is the support and understanding of the people back home.

SALE AND DELIVERY OF JETS TO ISRAEL IMPERATIVE

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FARBSTEIN. Mr. Speaker, I have today sent the following telegram to the President of the United States:

> The revelation in this mornings press that Soviet airmen are manning MIG 21's with Egyptian markings is an indication of an intensified Soviet involvement in the Middle East fighting and will undoubtedly have an immediate effect on the balance of forces there.
>
> The United States must, therefore, at once redeem its pledge to preserve the military balance in the area by reconsidering its decision to delay the sale of phantom jets to Israel. Unless the United States determines to make available to Israel its military needs and publicly says so, the Soviets may very well be encouraged to further widen the balance in favor of Nasser.
>
> With the Soviets assuming the defense of the UAR, Nasser's best pilots are thereby released for the purpose of attacking Israel. This, in my opinion, is the beginning of a war of attrition.
>
> With Russia continuing to supply Egypt with planes and pilots and no one replacing Israel's planes, it is obvious Israel will not be able to defend itself very long.
>
> It is imperative therefore that the sale and delivery of jets to Israel no longer be delayed. Those few Phantom jets can make the difference between life for the Middle East's only democracy and a tilt toward the communists eventual domination of that linchpin of the world.
>
> In the name of compassion, love of freedom and a desire to stop the rush of communism, you should and I hope will act.

The President has been warned time and time again that failure to sell Israel the airplanes it needs would encourage deeper Soviet involvement in the Middle East conflict.

It is not too late to demonstrate to both the Arabs and the Soviet Union that the United States will not stand idly by while Israel is being slowly destroyed.

PERMISSION FOR SELECT SUBCOMMITTEE ON LABOR, COMMITTEE ON EDUCATION AND LABOR, TO SIT DURING GENERAL DEBATE TODAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Select Subcommittee on Labor of the Committee on Education and Labor be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT TO PRECLUDE USE OF AMERICAN GROUND TROOPS IN CAMBODIA

(Mr. REID of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID of New York. Mr. Speaker, the Pentagon, as we all know, has announced that we will send advisers, tactical air strike materiel, and other support to assist South Vietnamese operations in Cambodia.

I firmly believe that any further involvement of U.S. military forces in Cambodia would be in pursuit of a military mirage and would be a tragedy for this Nation and the world.

Mr. Speaker, I plan to introduce in the upcoming military procurement authorization bill an amendment which will say specifically:

> In line with the expressed intention of the President of the United States, no part of the funds appropriated pursuant to this bill shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia.

With the addition of Cambodia, this is identical to the language presently in the fiscal year 1970 appropriation statute. It would be a limitation, precluding the use of American ground combat troops in Cambodia.

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–329)

The SPEAKER laid before the House the following message from the President of the United States; which was

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read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed with illustrations:

To the Congress of the United States:

Transmitted herewith is the Annual Report of the Department of Housing and Urban Development for 1968, submitted in accordance with section 8 of the Department of Housing and Urban Development Act.

RICHARD NIXON.

THE WHITE HOUSE, *April 29, 1970.*

PROVIDING FOR CONSIDERATION OF H.R. 17123, AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH, 1971

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 952 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 952

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and all points of order against lines 5 through 15 on page 5 of the bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself 5 minutes.

The SPEAKER. The gentleman is recognized.

Mr. SISK. Mr. Speaker, House Resolution 952 provides an open rule with 4 hours of general debate for consideration of H.R. 17123 authorizing appropriations for fiscal year 1971 for military procurement, research and development, and reserve strength, and for other purposes. The resolution further provides that the bill shall be read for amendment by titles instead of by sections and waives points of order against lines 5 through 15 on page 5. Points of order were waived because of a transfer of funds in the specified language in connection with the section.

The purpose of H.R. 17123 is to authorize a total of $20,237,489,000—$12,971,889,000 for military procurement and $7,265,600,000 for research, development, test, and evaluation for fiscal year 1971.

The total authorization is $34 million less than the amount requested by the Department of Defense and $473,013,000 less than the authorization for fiscal year 1970.

In addition to authorizing funds for procurement, research, development, test, and evaluation, the bill continues the authority for merging military assistance for South Vietnam, other free world forces there, Laos, and Thailand, with the funding of the Department of Defense; authorizes personnel strengths for fiscal 1971 for the Selected Reserve of each of the Reserve components of the Armed Forces; and provides other authorities and imposes certain limitations with respect to procurement actions.

None of the funds authorized for the construction of naval vessels shall be obligated until the National Security Council has made recommendation to the President regarding construction of the attack aircraft carrier designated as CVAN–70. This is to require the early completion of studies now in progress "to assess future requirements for attack carriers."

Mr. Speaker, I urge the adoption of House Resolution 952 in order that the bill, H.R. 17123, may be considered.

Mr. Speaker, this bill, of course, deals with a very large amount of money. Yet it is again only a part of our total military expenditures dealing with salaries and a variety of other things that are not necessary for annual authorization.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, as I understand the explanation of the gentleman, it is that this is a typical rule in conformity with the rules of the House.

Mr. SISK. That is exactly right.

Mr. HAYS. It is not a rule, as I understand from reading the paper, which is to let the minority run the House. This still preserves the majority rule. Is that correct?

Mr. SISK. As I understand it, this definitely preserves the majority rule.

Mr. HAYS. Mr. Speaker, I thank the gentleman. That is the kind of procedure I am in favor of.

Mr. SISK. Mr. Speaker, I thank my friend, the gentleman from Ohio.

Mr. Speaker, let me say the gentleman from South Carolina, the distinguished chairman of the Armed Services Committee, made a very splendid presentation of our military posture in a very brief way to the Committee on Rules. I think our committee was deeply impressed with the statements he made and with the concise way in which the presentation was made.

Also the gentleman indicated the great concern he personally held and that of his committee with certain conditions in forces, particularly and specifically the condition of the Navy. Certainly he aroused in this member, and I am sure in other members of the Committee on Rules, concern as to where we are going and where priorities should lie in connection with our defense expenditures.

I would simply like to urge at this time, because of the great interest nationally, that Members remain on the floor and listen to the discussion. I am sure there are going to be some controversial points made. The Committee on Rules did increase by 1 hour the time requested by the chairman in order to be sure all Members had an ample opportunity to discuss the points at issue, and it is my understanding there probably will be some amendments offered in connection with certain areas.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from California (Mr. SISK), House Resolution 952 is a typical House rule, which provides for 4 hours of general debate under an open rule. So far as amendments are concerned, it does waive points of order on page 5, lines 5 through 15, because this is a transfer of funds. In addition, it provides for reading the bill by title rather than by section. The bill referred to is H.R. 17123, the military procurement, research and development, and Reserve strength authorization for 1971.

The purpose of the bill is to authorize funding for the Department of Defense for fiscal 1971 in the areas of military procurement, research, testing, and development. The bill also sets personnel levels for the fiscal year in the Reserves of each of our Armed Forces and continues existing authority with respect to funding of our assistance to Southeast Asian nations through the Department of Defense.

Total funding authorized by the bill is $20,237,489,000, a cut of $34,000,000 from the departmental request. Within the bill itself the committee reduced procurement requests by $333,000,000 and research and development requests by $136,000,000. One major addition was made, $435,000,000 for ship construction for the Navy, leaving a net reduction of $34,000,000. The final authorization total of the bill is $925,969,000 above 1970's appropriation level.

The bill is divided into two general categories of authorizations.

Procurement for the Armed Forces is authorized at a level of $12,971,889,000 for all programs. The total authorization for all research, testing, development, and evaluation projects is $7,265,000,000.

The reductions recommended by the committee are in a number of existing programs which do not seem to be justified any longer. These include several tactical missile systems, aircraft and other weapons, as set forth on pages 16 and 17 of the report. The one addition recommended is concerned with our Navy. It is largely overaged and, according to the Chief of Naval Operations, a $4 billion a year program is needed to make the Navy really modern by the end of the 1970's. With this view in mind the committee increased the departmental request for the Navy by some $435,000,000, which sum the Secretary of Defense indicated could be well used.

Specific programs included in the bill are:

XUM

C-5A transport: The original 1965 agreement with Lockheed was for 115 planes at a cost of $1,900,000,000. When this cost figure increased to $3,200,000,000 the Government reduced its purchase agreement to 81 planes, contrary to the recommendations of the military planners. The committee believes the departmental decision was incorrect and that the original number of planes is absolutely necessary. The bill authorizes the additional funding necessary—$544,400,000. Of this amount $344,400,000 is required in fiscal 1971 for prior production commitments. The additional $200,000,000 is to be available for expenditure when satisfactory contractual arrangements are concluded with the contractor and are cleared with the appropriate congressional committees.

F-111 fighter bomber: The bill authorizes $483,500,000, as requested, for procurement.

Safeguard anti-ballistic-missile system: The bill authorizes $1,026,000,000, as requested. This will allow the continuance of phase I, already authorized by the Congress, and allow a start on phase II. Of this amount, $823,000,000 is earmarked for phase I and the remainder, $203,000,000 for phase II. This will permit one additional site, at Whiteman AFB, Mo.

F-14 Navy plane: The bill authorizes $982,200,000 for procurement and advanced research on this plane, which replaces the scrapped Navy version of the F-111.

F-15 New Air Force plane: $370,000,000 is authorized for development of the plane.

Advanced, multiheaded missiles: The bill authorizes $475,700,000 for new Minuteman III missiles. Also authorized is $550,500,000 for procurement of the new Poseidon missile for our Polaris submarines. Both of these missile systems have the newly developed MIRV warheads; each such warhead has three missiles which can be independently targeted.

Title III of the bill provides for the personnel levels of our military reserves. For the fiscal year 1971 the figures are:

Army National Guard	$400,000
Army Reserve	260,000
Naval Reserve	129,000
Marine Corps Reserve	47,715
Air National Guard	87,878
Air Force Reserve	47,921
Coast Guard Reserve	16,590
Total	969,104

Title IV of the bill continues the existing authority to merge military assistance funds for Southeast Asia with similar Department of Defense funding accounts, in order to insure coordination of operations. This is similar to the method of operations adopted during the Korean war.

Mr. Speaker, there were a number of additional and dissenting views. I anticipate that some amendments will be offered on the floor, according to letters which a number of Members have sent around to all of their colleagues.

So far as I am personally concerned, I do not presume to have the expertise to know about all these programs. I do not have the necessary confidential or restricted information, so I personally will rely upon the committee and its recommendations.

I believe the distinguished chairman and the ranking minority member have done an outstanding job, as have all the members of the committee and their staff. I commend them, Mr. Speaker, and I intend to support the bill as it is.

I urge the adoption of the rule and I reserve the remainder of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. While I do not like waivers of points of order on rules, nevertheless the waiver in this case may be justified. So that we may have a little history in the RECORD, do I correctly understand that these funds authorized for appropriation will be used, under the language of this bill, only for the purposes for which they were authorized?

Mr. SMITH of California. That is the way I understand it. As the gentleman from Iowa knows, the Committee on Rules is attempting to tie down these waivers of points of order to specific language where they are requested rather than just waiving points of order against the whole bill. As the gentleman from Iowa knows, we may get amendments offered to this bill which will turn out to be in order even though points of order are being waived against a portion of the bill. This is a transfer of funds.

Mr. GROSS. I commend the Rules Committee for at least giving that much protection to the House of Representatives in that waivers of points of order are confined to specific language in the bill.

Mr. SMITH of California. I do not think that this will bar any amendments.

Mr. Speaker, I now yield 2 minutes to the gentleman from Illinois (Mr. MICHEL).

(By unanimous consent, Mr. MICHEL was allowed to speak out of order and to revise and extend his remarks and include extraneous matter.)

GET THE BULLDOG OUT OF BED WITH THE PANTHER

Mr. MICHEL. Mr. Speaker, it is regrettable that the situation at Yale University has been allowed to deteriorate to the extent that it has become a national cause celebre. Aside from the emotionalism and the slick, artful pinning of the racist badge on anyone who opposes the student insurrection, the cold, hard fact is that this blot on the school's long, proud history is simply a breakdown of law and order. Defending the Black Panthers' rights to free expression is one thing. Trying to obstruct the trial of the Black Panthers for murder is another. What are these students defending? The right to kill in the name of rights crusading? This is a nation of law and must remain so. Students are young, impressionable, energetic, and idealistic. They can be misled. But, it is reprehensible and indefensible that members of the faculty, including the chaplain and the administration at Yale have backed this sophomoric display. Apparently those who have been hired to lead at Yale have fallen victim to emotion at the expense of reason. Their adamant insistence on giving moral support to an immoral attempt to evade justice has shaken our confidence and respect for them. The Sons of Eli have a major task in restoring the university to sanity, and the first order of business is to get the bulldog out of bed with the panther.

An editorial from today's Washington Post together with an editorial from the Yale Daily News provide some commonsense observations on this wholly unhappy situation, and I include the two editorials in the RECORD at this point:

MORAL FOLDEROL AT YALE

Behind the furor over the Black Panther trial in New Haven, there is a stark, elementary, inescapable fact which most of the student body, much of the faculty, the chaplain of the university and even President Kingman Brewster seem to have forgotten. The fact is that the case has a *corpus delicti*. A year ago the body of a Black Panther named Alex Rackley was found floating in a Connecticut river; apparently Rackley had been tortured before being shot to death. This is not a fact which a civilized society can ignore.

Bobby Seale, national chairman of the Black Panther Party, and 13 other Black Panthers have been indicted for the murder of Alex Rackley. A witness for the state has testified that he was present in a New Haven apartment last May and heard Seale call Rackley a "pig" and give an order to have him killed; the witness says that he himself took part in the killing. Whether Rackley was a loyal Panther or a "pig" we do not know. Nor do we have any opinion respecting the reliability of the prosecution witness accusing the defendants; this witness was, himself, responsible for the murder according to some of the defendants. We believe, however, that the fairest and most efficacious way to determine responsibility for a murder is through a criminal trial conducted in accordance with due process of law.

It was, in our judgment, unwise and intemperate for the chaplain of Yale, William Sloane Coffin, to say that the projected trial of the indicted men is "legally right but morally wrong." And the same must be said of President Brewster's assertion that he was "skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States." Admittedly, it is difficult for a legal system to deal dispassionately with those who defy it and cast themselves outside it. But the remedy is not to be found either in letting them have their way or in abandoning the rule of law.

If the defendants in the Rackley murder trial are convicted, their trial will be subject to review by courts of appeal sitting in greater calm and detachment than is possible for the trial court. If the constitutional rights of the defendants are infringed in any way, they will have recourse to the appellate courts of the United States as well as to those of Connecticut. The proceedings at every stage will be carried on in public and will be reported to the American people.

We share the views expressed by Prof. Eugene Rostow of the Yale Law School in a letter written to the Yale Daily News prior to President Brewster's unfortunate statement . . . "Our chaplain," Professor Rostow said, "would have served the cause of social justice, peace and brotherhood better if he had pronounced his anathema not on those who seek to do justice but on those who seek to prevent justice from being done." It is, he added, "intellectually and morally wrong to charge that no black man can get a fair trial in American courts today."

We feel a great deal of sympathy, in addition, for Connecticut Superior Court Judge Herbert S. MacDonald who asserted that the impediments to a fair trial for the indicted Black Panthers come in large measure from their champions. "They are the ones who have created the atmosphere of which they now complain," he said, "and I include Kingman Brewster in that category." The idea of a mass demonstration designed to affect the outcome of a trial is offensive to the most elementary concepts of due process. Those who give countenance to such a tipping of the scales of justice need only reflect on their reaction if the Ku Klux Klan had staged a mob scene at the courthouse where James Earl Ray was convicted of the murder of Dr. Martin Luther King.

President Brewster has now said that he "did not intend to disparage the legal system." And no doubt he and Mr. Coffin meant only to display compassion for the defendants and concern for their constitutional rights. But they can hardly be credited with cool leadership in a tense situation. Perhaps the most sensible leadership came from the Yale Daily News in an editorial printed elsewhere on this page today.

A Yale Student Editor's View

(Note.—The following editorial, on the call for a student strike at Yale in support of the Black Panthers facing trial in New Haven, is reprinted from the Yale Daily News of last Wednesday.)

Last night's meeting at Ingalls Rink leaves us deeply troubled—not because there were calls for a strike we think is unwise, but because the meeting revealed just how great is the confusion, the fear, and the ambivalence within the university in the face of the Panther trial and surrounding events. We are all facing a crisis of loyalties within ourselves. Although we cannot be sure that we are right, we believe that our institutions can be refashioned around our ideals if we are willing to make a commitment to that task. The Panthers are calling our attention to legitimate grievances, but we believe their rhetoric and strategy is directed at leading the Yale community to a polarity we will not accept. It is with this conviction that we have opposed the shutdown of the university many will attempt to begin today. The strike will not bring justice to Bobby Seale and his co-defendants. Even if we knew at this point precisely what that justice was, it is naive to believe that Yale could command and justice would be done. The strike, we fear, will only further divide and polarize us.

But our opposition to the strike does not mean that we can avoid the fact that many may choose to participate in it. Because it is unclear whether the strike aims to attract attention to our concern over the Panthers, whether it aims to force Yale to yield on a number of long-standing grievances, or whether it aims to accomplish something else, the strike is hard to evaluate. Whatever its purpose, the strike must remain nonviolent and non-coercive. We also hope that the strike will not go on indefinitely. If it lasts beyond a few days, a strike supposedly for social justice will clearly become a strike against the university and the free inquiry for which it stands. If the strike is to have any usefulness to any except those who would destroy the university, its purposes must be clear and it cannot be allowed to drift into destructiveness.

What happens beyond the strike is largely in the hands of the Yale student body. Over the last few days, the administration and the faculty have lost control of the university. We can only hope that our fellow students will use their power with restraint. If the community becomes further divided, if the rhetoric goes to higher levels, if violence begins, closing the university for the year may become a serious possibility. Already closing for the week around the May 1 weekend is being considered by the administration. We do not think such action is necessary yet. We firmly support those members of the community who think we should welcome those who come for that weekend and do everything possible to alleviate the consequences of the violence which may develop. In the absence of anything approaching leadership from the university and the city administration, it is good to see something approaching sanity from some members of the community. It has given us some reason to believe that Yale will emerge from this crisis intact without falling victim to those who countenance violence and lawlessness as answers to the problems black people face in our society.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Maryland (Mr. Gude) as much time as he may use.

(By unanimous consent, Mr. Gude was allowed to speak out of order and to revise and extend his remarks and include extraneous matter.)

NATIONAL CAPITAL HISTORIC REGION

Mr. GUDE. Mr. Speaker, 6 years from now, the United States will be celebrating the 200th anniversary of her founding as a nation. As we think about the significance of our bicentennial celebration, we must also consider the significance of our Nation and its heritage.

What were the Founding Fathers of our country fighting for 200 years ago? And which of their goals have we achieved.

They fought, of course, to guarantee to American citizens life, liberty, and the pursuit of happiness. And as we know, although many of our citizens enjoy these benefits of American citizenship, there still are a great many whose poverty, illiteracy, poor health, inadequate housing, or other problems mitigate against the realization of one or more of the ideals that were to have been guaranteed to all of us.

I would hope that the national bicentennial celebration that is planned for 1976 and afterwards would be more than a party—more than a world's fair, for example.

The National Capital Historic Region, including the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, made a proposal to the President's Commission in September of last year that included elements of celebration and commemoration, as well as a new approach to the problems that remain to be solved if all Americans are to be guaranteed life, liberty, and the pursuit of happiness.

Briefly, the National Capital Historic Region's proposal suggested that a panel of experts be called together by the President to determine what should be done to make an urban area—initially, the Nation's Capital—the economically and socially progressive area that it ought to be. Then, this or another panel would determine how to achieve the goals that are set.

The National Capital Region's spokesmen envision a redirection of existing resources, rather than a massive infusion of new funds. This comes as good news at this time, when the President is trying to control inflation.

In effect, the entire city of Washington would become an exposition if the National Capital Historic Region's proposal were adopted. It would be the first such exposition in history. There would be no costly admission charge to exclude the poor. Rather, every citizen could freely and safely explore our great Capital City.

Special activities and facilities would be planned in Maryland and Virginia to highlight the great historical significance of the region and to entertain and otherwise educate the masses of visitors who would come here.

Of all of the proposals that have been made to the President's Commission, the National Capital Region's is the only one that would have significant residual benefits for every State in the United States and every foreign country, as well. What greater challenge could we prepare to meet in the third century of our history than the challenge of the condition of urban man?

Surely, there could be no more significant commemoration of American freedom.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. Vanik).

(By unanimous consent, Mr. Vanik was allowed to speak out of order and to revise and extend his remarks and include extraneous matter.)

THE TEAMSTER STRIKE

Mr. VANIK. Mr. Speaker. I feel it necessary at this time to apprise the House of Representatives of the crippling effect of the continuation of the Teamsters' strike in my community.

Industry after industry is facing shutdown as existing supplies of materials are being exhausted. Unemployment is mounting by the hour. Passions are building.

Thirty thousand people have been added to the unemployment rolls in the past 10 days. Since this strike began, unemployment compensation filings have been increased by 8,800 new claims. In the past week, 1,922 new families suffering from strike-related unemployment have been added to the relief rolls.

I urge the Federal Establishment to utilize its resources to bring this costly controversy to an equitable settlement before it completely paralyzes my community.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. Zablocki).

(By unanimous consent, Mr. Zablocki was allowed to speak out of order.)

RALLY AT CONSTITUTION HALL IN BEHALF OF AMERICAN PRISONERS OF WAR

Mr. ZABLOCKI. Mr. Speaker, I have asked for this time in order to inform the Members and my colleagues that the Subcommittee on National Security and Scientific Developments this morning held its first of a series of hearings on the problem of American prisoners of war. Today's leadoff witness was our esteemed colleague, the distinguished chairman of the House Committee on Armed Services, the Honorable L. Mendel Rivers, of South Carolina, who very eloquently gave testimony in support of his House Concurrent Resolution 499.

The committee also heard from our former colleague in the House, the distinguished Senator from Kansas, the Honorable Robert Dole, and Mrs. Bruce Johnson, of Salina, Kans., upon her return on Tuesday from Paris.

Mr. Speaker, the next meeting in this

series of hearings on the prisoner-of-war problem will be Friday, May 1, at 10 a.m. in the main Foreign Affairs Committee room—room 2172 of the Rayburn Building. Witnesses at that time will be five wives of American servicemen who are either known prisoners of war or listed as missing in action. The subcommittee will also hear testimony from H. Ross Perot, the Texas businessman who has been active on behalf of our POW's and their families.

During this morning's hearings Senator Dole emphasized how necessary it is that we participate in the rally at Constitution Hall on Friday, May 1, at 8:00 p.m. Unfortunately, some of us have made prior commitments to appear in our own communities. I, as others, find myself in this predicament. It is my intention, however, to send a message to the participants at the rally and I urge my colleagues to do likewise. Further, Mr. Speaker, as we commemorate Law Day in our respective districts let us call attention to the rally at Constitution Hall on Friday, May 1, and point up the problem that the North Vietnamese have caused to our brave, courageous servicemen held captive and whose fate is unknown. Let us underscore the heartaches the North Vietnamese and the Vietcong have caused to their loved ones. Let us on Sunday, May 3, participate and encourage others in a day of national prayer for the victims of the brutal inhumanity of Hanoi and the Vietcong. May our prayers result in the early release of the prisoners and ultimate reunion with their families.

Mr. KLEPPE. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I shall be happy to yield to the gentleman.

Mr. KLEPPE. Mr. Speaker, I want to compliment and commend the distinguished gentleman from Wisconsin for the point he has just made with reference to this rally on Friday night at Constitution Hall. I think the fact that the gentleman has called attention of the Members of the House to this matter today is a very noteworthy proposition from the gentleman's standpoint and I wish to commend him for doing this.

I shall be in attendance at that rally on Friday night because I learned about it before I had other commitments. I certainly hope as many Members as possible can be there.

Mr. ZABLOCKI. The rally should be attended by all Members of Congress. If we cannot be there, certainly we should send a message.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I shall be glad to yield to the distinguished gentleman from New York.

Mr. PIRNIE. Mr. Speaker, I wish to join in commending the gentleman from Wisconsin (Mr. Zablocki) for calling to our attention the importance of this occasion.

Just today I had a visit in my office with a father and mother who have been waiting now 3 years for word about their son who has been missing. They have my deepest sympathy. I know the psychological benefit to those who are waiting to hear word from their loved ones to be assured that we in Congress and the people in the Nation's Capital share their concern and anxiety.

Mr. SISK. Mr. Speaker, I have no further requests for time, and I urge the House to adopt House Resolution 952.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. DANIELS of New Jersey. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 97]

Baring
Brown, Calif.
Burke, Fla.
Burton, Utah
Bush
Button
Byrnes, Wis.
Cabell
Celler
Chisholm
Clancy
Clark
Clay
Colmer
Conte
Cramer
Daddario
Dawson
Dulski
Edwards, La.
Fisher
Foley
Ford, Gerald R.
Gallagher
Giaimo
Gibbons
Halpern
Hanna
Hébert
Holifield
Johnson, Calif.
Jones, N.C.
Karth
Kirwan
Kuykendall
Langen
Lennon
Lukens
McCarthy
Madden
May
Mills
Mollohan
Moorhead
Morton
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Pettis
Poage
Powell
Roberts
Scheuer
Schneebeli
Springer
Stafford
Stubblefield
Sullivan
Taft
Teague, Calif.
Tiernan
Tunney
Vander Jagt
White

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND STRENGTH AUTHORIZATION, 1971

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17123, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from South Carolina (Mr. Rivers) will be recognized for 2 hours, and the gentleman from Illinois (Mr. Arends) will be recognized for 2 hours.

The Chair recognizes the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, on behalf of the Armed Services Committee, I bring before the House the annual authorization to procure weapons and provide research and development for our Armed Forces.

The members of our committee have been working diligently on this bill for months. We bring the bill to the floor of the House today 5 months earlier than we managed to do it last year. This is possible only because of the hard work and the cooperation of all of the members of the committee, and I would like to express my appreciation to them. They have put in many long hours on this legislation.

The bill before you today totals $20,237,489,000. This includes $12,971,889,000 for procurement and $7,265,600,000 for research, development, test, and evaluation.

The bill is $473,013,000 less than was authorized for fiscal year 1970. The bill is $34,000,000 less than the amount requested by the Department of Defense.

However, the bill as submitted includes $75,389,000 in authorizations for "Other Weapons" which did not require authorization last year. This is the authorization for weapons such as machineguns, grenade launchers, mortars, and rifles. The biggest single item in this category is $27 million to procure M-16 rifles. The requirement for authorizing appropriations for other "Other Weapons" was enacted by the Congress last year as an amendment to the fiscal year 1970 procurement authorization bill. If this new authorization requirement were excluded and a comparison made on the basis of items which required authorization last year, the bill would be $109,389,000 less than the amount reported.

The hearings of our committee on this bill fill 1,856 pages. This includes the hearings of the full Committee on Procurement, the hearings of our Research and Development Subcommittee under the distinguished Mr. Price of Illinois, and the hearings of our Subcommittee on Reserve Strength under the distinguished Mr. Hébert of Louisiana.

The committee has made some reductions in the bill and made one major addition in the area of shipbuilding.

The committee has on a number of occasions reported to the House our deep concern over the age and deterioration of our Navy, and special studies by our subcommittee have indicated clearly that the modernization of the fleet must proceed at a more rapid rate if we are not to fall hopelessly behind the Soviets. However, today I must report to you that the Soviet navy, ship for ship, has vessels which are faster, newer, and have longer range armament than our Navy. The committee has added $435 million to the shipbuilding account to speed up the process of modernization. The additions increased the ship construction authorization from $2,728,900,000 in the budget request to $3,013,900,000. As a matter of interest, the Chief of Naval Operations—who was recently selected as the new Chairman of the Joint Chiefs of Staff—has told the committee that an annual shipbuilding program of $4 million is required to adequately modernize the Navy by the end of the 1970's.

The $435 million added to the bill for ship construction will provide an additional nuclear submarine, a submarine tender, a destroyer tender, two research ships, new service craft costing $24 million, and a new landing craft costing $10 million.

Now, how did we arrive at the $435 million figure?

The Secretary of Defense indicated to the committee he thought the bill was a minimum acceptable. When we asked the Secretary what his priorities would be if additional funds were added to the authorization bill, he responded:

> If additional money is available, I would place shipbuilding ahead of (other programs) . . . I would recommend putting additional funds in the shipbuilding account first.

The Secretary submitted to us a list of the shipbuilding he would provide as first priority items, and it is that list which we have included in the $435 million add-on. Let it be clearly understood that the Secretary of Defense says he would build these additional ships before he would add funds to any other Defense account.

XUM

The bill before you contains $152 million as included in the original authorization request, for a new nuclear aircraft carrier, the CVAN–70. As required by last year's Authorization Act, Public Law 91–121, the Committees on Armed Services of the House and Senate set up a joint subcommittee to study the need for attack aircraft carriers. The distinguished gentleman from Florida, Mr. BENNETT, served as chairman of our committee representatives on that subcommittee. The subcommittee report is available to Members of the House. In line with the subcommittee's recommendation, our committee has included in the bill the funds requested for the CVAN–70. In reporting the bill, your committee has added an amendment which reads as follows:

> *Provided,* That none of the funds authorized for appropriations by this Act for the construction of naval vessels shall be obligated until the National Security Council has advised the President of its recommendation in respect to construction of the attack aircraft carrier designated as CVAN–70.

The reason for this amendment is very simple.

In addition to the joint House-Senate committee, the carrier is supported by those officials in the executive branch charged with responsibility for national security requirements—the Chief of Naval Operations, the Joint Chiefs of Staff, the Secretary of the Navy, and the Secretary of Defense. In spite of this weight of opinion, the President's budget message included the announcement that "the advance procurement funds for the third carrier will not be obligated until completion of studies in progress to assess future requirements for attack carriers." The study referred to, the Secretary of Defense advised the committee, is being made by the National Security Council. The Secretary also advised the committee that "it will be completed in September or slightly thereafter."

The committee believes that a sense of urgency should be created with regard to a decision of this importance. We have, therefore, added the amendment which prohibits the obligation of funds for naval ship construction in fiscal year 1971 until the National Security Council study is completed. This is to assure that the study is completed in a timely manner. In the absence of the amendment there is no guarantee that the National Security Council Study will be resolved within the current calendar year. This issue is so vital and so interrelated with many other shipbuilding provisions that your committee believes its prompt resolution by the National Security Council is essential.

COMMITTEE REDUCTIONS

The reductions made in the bill by the committee more than offset the funds added for shipbuilding. Reductions were made in the procurement section of the bill totaling $333 million and reductions in the R.D.T. & E. section totaling $136 million.

The committee deleted $334.8 million which had been included in various programs under "Prior Programs To Be Justified" involving both procurement and R.D.T. & E. Briefly, the funds that would involve reauthorization for prior programs in the cases where the funds have not been obligated and the departments are required to report the amounts to the Appropriations Committee for possible recision.

Your committee felt that if the Appropriations Committee was persuaded that the funds should be retained, there would be no requirement for the Armed Services Committee to recommend new authorization. Conversely, if the Appropriation Committee decided the Department should not retain this authority, there would appear to be no purpose in the Armed Services Committee authorizing appropriations for a program no longer requiring funds.

Also included in the reduction in procurement funds was $54.2 million requested to initiate production of two air-to-surface missiles which the committee believes have not been sufficiently developed and tested to warrant release for production. These reductions are $25.3 million for the Air Force's Maverick missile and $28.9 million for the Navy's Condor missile. Research and development funds for both missiles were authorized in the amounts requested.

Additional reductions were made in the R.D.T. & E. category in the amount of $80 million. The $70 million of this is a reduction from the Army's R.D.T. & E. budget and $10 million is the combined reduction applied to three defense agencies: Advanced Research Project Agency, Defense Communications Agency, and Defense Supply Agency.

The reduction applied to the Army's research and development budget results in a total amount recommended for authorization which is approximately the same level as authorized by the Congress last year.

SAFEGUARD

I want to particularly urge that Members of the House read the discussion of the Soviet threat in the section of the report which outlines our decision on the Safeguard anti-ballistic-missile system.

When we outlined last year the threat of the Soviets' growing arsenal of huge SS–9 missiles, there was some scoffing. The latest intelligence, however, indicates that last year's estimates were on the conservative side. It is this awesome, ever-increasing Soviet threat which persuaded the committee to approve the continued development of Safeguard at the level requested by the President. This includes the continuation of Phase I, which was authorized for deployment last year, and the start of the Modified Phase II, which will include an additional Safeguard site at Whiteman Air Force Base in Missouri, provide for additional Sprint missiles at Phase I sites at Grand Forks Air Force Base in North Dakota and at Malmstrom Air Force Base in Montana, and provide long leadtime advance work for the preparation for five other sites.

The bill authorizes $1,026,000,000, the amount requested, for Safeguard. This includes $823 million for continuation of Phase 1 and $203 million for beginning procurement of the Modified Phase II. The Members should clearly understand that additional funds will be required for Safeguard which are not authorized in this bill. That includes construction funds which are authorized separately and operation and maintenance and personnel funds which do not require authorization. The total of these other funds is $424 million.

Your committee has seen no evidence which would indicate the continued work on the ABM, which will not be operational until late 1974 at the earliest, would in any way interfere with the Strategic Arms Limitation Talks—SALT. I would like to particularly bring to the Members' attention a statement made to our committee by the Secretary of Defense:

> As we reduce our defense spending and move further into negotiations, we should have no illusions about the current state of world affairs. I am obliged to report to you, for example, that the Soviet Union is not making similar reductions in its defense budget. In fact, the Soviet is pulling abreast of us in many major areas of military strength and ahead of us in others. The Soviets are continuing the rapid deployment of major strategic offensive weapons systems at a rate that could, by the mid-1970's, place us in a second-rate strategic position with regard to the future security of the Free World.

If the Soviets are making no effort to reduce their swift expansion of weapons systems in preparation for SALT, I would like somebody to tell me why we should do so.

I will not go into detail on all of the systems that our committee has approved. Other members of our committee, I know, wish to discuss some of the specific authorizations in depth.

Let me stress to the Members two particular points in considering both the general rate of our spending on weapons and the development of specific systems:

First. We are in a time of reduced defense expenditures, rising prices, rising personnel costs, and a growing Soviet nuclear threat. In such a circumstance, it is particularly important that the weapons systems we provide to our Armed Forces are the best that can be made available.

Second. In virtually all cases, the new weapons systems authorized in the present bill, or approve for development with funds in the present bill, are replacements for aging systems or are required to fill gaps in our defense posture. In almost every area, the Soviet rate of replacement and modernization of tactical weapons systems, as well as strategic weapons systems, is more rapid than our own.

The one thing we cannot surrender to the Soviets without endangering our security is technological leadership. Since we have fallen behind the Soviets in quantity of weapons in so many areas, it is vitally important that we do not fall behind in the quality of weapons systems.

MAJOR SYSTEMS

Let me briefly run down some of the major systems approved in the bill. We have approved funds for continued deployment, at rates approved by the Congress in previous years, of the Minuteman III missile and Poseidon missile. As you know, the Minuteman III and the Poseidon, which is being retrofitted into the Polaris submarine, contain MIRVed warheads—that is, the ability to deliver several independently targeted warheads off one missile.

The decision to MIRV part of the Minuteman force was made 3 to 5 years ago. Similarly, this is the third year buy of the Poseidon program. When these decisions were made to deploy these missiles, the threat they were designed to face was considerably less than that posed today.

It should be understood that the MIRVed missiles carry relatively smaller individual warheads. We have not increased our nuclear destruction force; we have only attempted to increase the ability of those forces to survive.

Members should understand that the MIRVed weapons will be a subject for negotiations at SALT, and deployment of them could be stopped at any time if an agreement is reached and if corresponding steps are taken by the Soviets.

The bill provides $544.4 million—the amount of authorization requested by the President—to continue the procurement for the C-5A aircraft. Present plans call for a total buy of 81 aircraft—four squadrons.

I am not going to discuss the financial problems of the C-5A contractor. I am sure there are those prepared to regale the Members with horror stories in this regard.

But I want the Members of the House to be particularly aware of the great contribution that the aircraft can make to our airlift capability—a capability that will be particularly important in future years. Your committee had to consider the need for the aircraft itself, and we found that the need is unquestionable. As a matter of fact, the Joint Chiefs of Staff have recommended six squadrons—120 aircraft—of C-5A's. The Deputy Secretary of Defense, who has personally involved himself in the determination concerning the contract for the C-5A, related to our committee that these funds were required to assure that we could continue the procurement of this aircraft. The committee is not happy with the contracting history of the C-5A. But our decision to approve the funds for this plane are predicated strictly on national security requirements.

The funding request for the C-5A is plainly spelled out in our report and in the hearings of the committee; $344.4 million is required for production commitments made in prior years which have not been previously funded.

An additional $200 million is in contingency funds because the Department of Defense was doubtful that the contractor would have the capability to cover all expenditure requirements in fiscal year 1971. The Deputy Secretary of Defense, Mr. Packard, gave the committee this assurance:

> This additional funding will not be used until satisfactory contractual arrangements are concluded and are cleared with the appropriate committees of the Congress.

The committee approved $483.5 million, the amount requested, for the F-111. This is another program where the unquestioned need for and unmatched capability of the aircraft for its mission must be a prime consideration and should not be confused with contracting difficulties.

The distinguished gentleman from Texas (Mr. Wright) made one of the most outstanding presentations I have ever seen before our committee in discussing extensively the requirements, the capabilities, and the true facts about the F-111. I point out, to give just one example, the superb safety record, when compared with other combat aircraft, of the F-111, although it has been endlessly criticized in the press as being accident prone.

The F-111 is a fighter-bomber that performs a wide variety of tactical missions and with its terrain-following radar it can perform deep penetration missions undetected by enemy radar, a capability unmatched by other aircraft in our inventory. The authorization for funds in the bill will provide for up to 40 aircraft, the number required to complete the fourth wing. However, in an unprecedented decision, the Department of Defense has required that the cost of an extensive inspection procedure to prevent a repeat of an accident that occurred last December, must come out of the available F-111 procurement funds. This will reduce the buy below the 40 aircraft and may result in an inadequate number of the airplanes for this mission in the Tactical Air Command. I certainly think consideration should be given to further procurement as dictated by military requirements.

I want to yield to other members of our committee who wish to be heard. Let me just briefly run down some of the other major procurements authorized by the legislation:

Continued development of the F-15 air superiority fighter for the Air Force, possibly the highest priority program in the Air Force today. Three hundred and seventy million dollars is authorized to accomplish the major portion of engineering development, detailed design for the airframes and avionics, fabrication of components, static and fatigue tests.

Five hundred and seventeen million dollars to purchase 26 of the F-14A's, the Navy's new air superiority fighter for fleet defense. Also authorized is $60.1 million for advance procurement of long leadtime items, $80.9 million for initial spares, and $324.2 million for continued R.D.T. & E.

Authorization included in the amount of $106 million for a heavy antitank weapon with which is coupled the requirement for the Army to determine over the next 8 months the adaptability of the Shillelagh for use in the infantry mode and thereafter determine on a competitive basis whether the antitank missile procured should be Shillelagh or TOW. Mr. Stratton will discuss this item in more detail.

First procurement of the Army's surface-to-surface Lance missile at a cost of $31.8 million, with continued R.D.T. & E. effort of $51 million.

One hundred million dollars in research and development for the B-1 aircraft, the advance manned strategic aircraft which our committee urged for many years.

Twenty-seven million nine hundred thousand dollars to continue development of prototype aircraft looking toward procurement of the A-X. This aircraft will be specifically designed for the close air support role.

The Selected Reserve strengths of the Armed Forces are also authorized by this bill. The strengths are, except for the Coast Guard, unchanged from what was recommended by the administration. The average Selected Reserve strengths provided are:

National Guard	400,000
Army Reserve	260,000
Naval Reserve	129,000
Marine Corps Reserve	47,715
Air National Guard	87,878
Air Force Reserve	47,921

In addition, our bill provides a strength of not less than 16,590 for the Coast Guard Reserve.

Someone in the administration decided that the Coast Guard Reserve is not necessary—without bothering to consult the Commandant of the Coast Guard, or the Navy, about the decision.

Our Subcommittee No. 2 looked into this matter and found a distressing disregard for the Coast Guard. Mr. Pirnie will speak to this item today.

In summary, this bill represents the combined judgment of the overwhelming majority of our committee members in deciding what is required for our Armed Forces in the coming fiscal year. The committee has worked its will on the legislation. I would ask all Members to particularly keep in mind the background of the threat against which the legislation is developed and the repeated reminders from the senior officials of the Department of Defense that it is a budget that involves greater risks than previous years.

XUM

Mr. Chairman, the committee approved $483.5 million for the F-111. It so happens that I saw the F-111 the other day. I talked to a colonel who was flying this plane. The gentleman from Texas (Mr. WRIGHT) is on the floor and can add further to this, but I have never been so impressed with an aircraft in my life. I have heard all kinds of stories about the F-111. I am talking about the fighter-bomber version now. This plane, in the opinion of this young man, is ready to work. He tells me the recent trouble which caused these aircraft to be grounded was in some portion of the wing. I wish the gentleman from Texas (Mr. WRIGHT) would comment in this regard. It was faulty material.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I am happy to yield to the gentleman from Texas.

Mr. WRIGHT. The action which caused the grounding of the F-111 was a crack in a piece of steel which goes into the wing box. The steel was not made by the prime contractor but by a subcontractor, and a good subcontractor. The tragedy was the fact that in this particular piece of steel it was exactly vertical. The general inspection procedure used by the entire industry was to put a scanning light over the top and had it been at any angle at all it would have been detected. However, it was exactly vertical which enabled its detection to escape the inspectors.

I thank the gentleman from South Carolina for his comments because I was with the gentleman the day when he talked to the colonel who had flown the F-111 in combat in Southeast Asia. I certainly agree with the gentleman since this particular aircraft had actually been flown under the most arduous conditions but they were still enthusiastic about it.

I thank the chairman for his comments.

Mr. RIVERS. We have spent enough money on this plane for it to work. It has the most sophisticated radar in existence. No plane on earth possesses radar of this sophisticated type. It can fly from Washington to Los Angeles and back and not refuel. I am glad it has promise, and God knows, we have been patient with it over the past 6 years during which time we have been building them. It seems that they have now corrected the wing trouble. This plane has great promise. I have great hope for its future service.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I yield to the distinguished gentleman from Iowa.

Mr. GROSS. How many of these planes does the Air Force have operational at the present time?

Mr. RIVERS. Let me try to answer the gentleman's question, but first let me state that they are grounded at the present time. However, they have in the inventory——

Mr. WRIGHT. They have 230.

Mr. RIVERS. They have 230.

Mr. GROSS. How many of them are on order? Is that figure in the neighborhood of 50[illegible]

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield, the present procurement authorization in the bill before us is for 40. There were 40 authorized, which is the amount the Air Force requested for fiscal year 1971.

Mr. RIVERS. Making a total of how many?

Mr. WRIGHT. Making a total or 270 when these are in the inventory. It is anticipated, of course, that more will be authorized in subsequent years, particularly of the FB-111, the strategic bomber version.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, as I remember the story surrounding the production of these planes, they were supposed to produce these planes for about $3.8 million per copy.

Mr. RIVERS. Let me see if I can answer the gentleman. There are two or three versions of this. I am talking about the fighter-bomber. There are some other versions. However, I am talking about the fighter-bomber.

Mr. GROSS. The fighter-bombers are what?

Mr. RIVERS. I am speaking about fighter-bombers.

Mr. GROSS. Well, perhaps we can approach this in another way, if the gentleman will yield briefly.

What is the present cost? Let me say to the gentleman that I have seen two figures recently, one is $13 million and and a fraction, and the other the price that Senator McCLELLAN put on it of $16.4 million per copy.

Mr. RIVERS. I think it is near the area of $13 million. But the gentleman must remember, if the gentleman will pardon, that as we cut down the total procurement number the unit price increases.

Let me say this: This has cost us a lot of money, but I think it is on the threshold of being operational. I was very much impressed with it.

Mr. GROSS. If it is, it is not being demonstrated as of this day and hour, because you have seven of them, apparently, that are being used for test purposes, and the other 230 are on the ground.

Mr. RIVERS. That is a precautionary measure to solve a problem. I certainly hope this plane will work. We have been patient with it. I am like the gentleman from Texas. I know it will work.

Mr. GROSS. I know we raised this subject last year, and the gentleman complained to us about it.

Mr. RIVERS. I know.

Mr. GROSS. At that time the gentleman was not so enthusiastic.

Mr. RIVERS. Not as much as I am now, after having seen it. I think more of us should go down to see it. I have invited them to see the C-5A, to go down to see it. I invite anybody who wants to see them to see them. Go down here to Lejeune, N.C., and see what the Marines have. You would be amazed to see what they have by way of new amphibious vehicles and aircraft. We do not see enough of what we have, none of us—none of us. The only Member I have in mind at the moment who takes the time to see a lot of this is the gentleman from Missouri, (Mr. HALL).

I think he sees more than any of us. We have other Members who see a lot, but I urge our Members to travel and take some time to do it. It would change their opinion on lots of things. And I beg people to go to see the C-5A and make up their own minds. I think it is important.

I took one of our great aircraft engineers, one of the greatest in America, Dr. Bisplinghoff of MIT, to see the C-5A. I did not want to trust my layman's impression. Let me add that I know something about airplanes. I think they will be here a long time. I do not think the manned aircraft system is gone by any means.

Our subcommittee looked into this matter and found this distressing disregard for the Coast Guard, the most overcalled-on and the most underappreciated branch of our service in America.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. HUNT. First, let me say I am very glad the gentleman has called this to the attention of the House. I refer now to the Coast Guard Reserve. A little over 16,000 men in number, which was to be deleted.

Mr. RIVERS. I just said that.

Mr. HUNT. Without anything being said to the Committee on Armed Services.

This group of men, the Reserve unit that we are talking about, is especially trained and is the only trained unit to take over port security in case of hostilities. There is no other unit in the entire armed services category that receives the training that the Coast Guard Reserve receives. They are specifically earmarked to take over security at all ports. God knows how important our ports can become in case we are under enemy attack.

I want to compliment you, sir, for your fight in putting this back. I am quite sure the Coast Guard is very receptive to it.

Mr. RIVERS. You have just made Mr. HÉBERT's speech. Mr. HÉBERT's committee did a great job on this. Nobody knows more about port security than the Coast Guard and nobody is equipped to do it.

Somebody just made a slip-up, and Mr. HÉBERT and his fine subcommittee have repaired it.

Mr. Chairman, this is the bill. It represents the combined judgment of the overwhelming majority of our committee. Only three members voted against it on a rollcall, in stating what is required for your armed services for the coming fiscal year. The committee has worked its will on this legislation and I would ask all Members particularly to keep in mind the background of the threat against which this legislation is brought to your attention. Remember, it is the very lowest that we need, and we need much more—we need much more.

The CHAIRMAN. The gentleman from South Carolina has consumed 47 minutes.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may require.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. ARENDS. Mr. Chairman, the bill before you today provides $20,237,489,000 to authorize the financing of major weapons—missiles, planes, and ships—for what Secretary Laird has told us is a transitional budget. It is a stand pat budget. It continues most major weapons systems at about the rate we have been developing them over the last several years or, in some cases, at a slower rate.

It is a transitional budget to take us over the next year as the administration and the Congress determine the kind of defense posture and strategy appropriate to the seventies. It is a transitional budget which allows us a year in which to attempt to get negotiations on arms limitation started.

It merely continues our defensive capabilities at the minimum prudent level, while we see what course the efforts toward negotiation might take. Defense decisionmaking is no automatic or static process. We have to prepare our defenses for the kinds of challenges we may be required to meet; and, in reviewing those requirements each year, your committee reevaluates the threats in the world we live in. We have to consider our national defense requirements in terms of the minimum level of defense required. If the Soviets were scaling down their defense, reducing their number of strategic systems, and moving away from a threatening posture, we could scale down our defense and our committee could bring in a bill significantly lower than the bill before you today. Nothing would make me happier.

Unfortunately, such is not the case.

Your committee has worked hard on this bill. We've had morning and afternoon sessions over a period of several months. We have quizzed Defense officials, military and civilian leaders, closely. We have looked carefully at intelligence estimates of what the Soviets are doing, what the Chinese are doing, and what the challenges of the future are.

The bill is $34 million below the request of the administration. It will be pointed out that this is a relatively small reduction. But when you consider that it includes $75 million authorization for other weapons which were not included in last year's bill, because at that time they did not require authorization; and when you consider the rise in prices over the last year, and when you consider the growth in the threat that these weapons systems are designed to face, the fact that we were able to make any reduction at all in the bill is significant. It speaks well, I think, for the efforts of all members of the committee.

And I want to express my appreciation to the members of the committee on both sides of the aisle and to the outstanding committee staff for the manner in which they worked on this most vital legislation.

The chairman has explained the principal provisions of the bill in detail. Rather than review all of the provisions again, I would like to depart from customary procedure and use my time to discuss the strategic threat which our Nation faces. I do this for a particular reason.

It seems to me that an inadequate amount of information is given out to the American people, and possibly to the Members of Congress themselves, about what the Soviets are doing, about how the threat to our survival is changing, and about what the strategic realities we face really are.

What I seek to do, as best I can, is to present to you some of the facts in substantiation of Dr. John S. Foster's disturbing statement before the American Newspaper Publishers Association on April 23 when he said:

> The Soviet Union is now about to seize world technological leadership from the United States. If we lost this leadership we will lose the protection we now have against Soviet secrecy and surprises.
>
> The trends are clear. Ten years ago, Soviet spending for all of their national R. & D. was half of ours. Today Soviet funding is estimated to be only 20% less than ours. In another few years, if the trends continue, we will clearly be in second place.

For that reason, I would like to discuss the Soviet missile buildup in a little detail.

The possibility of a continually growing and improved Soviet force, which could pose a threat to our land-based missiles and alert bombers, had been seen for some years by the intelligence community. It had been hoped that when parity was reached in ICBM's the Soviet buildup would level off. But it has not.

When the present administration took office, it learned from the intelligence community that the Soviet expansion of its missile force was continuing, not leveling off.

The expansion has continued the past year. The expected Communist Chinese ICBM development, meanwhile, has continued to lag behind expectations.

In this year's review of the Safeguard anti-ballistic missile system, the developments in the threat that have occurred in the year since the administration decided to undertake phase I, have been carefully evaluated. Let me summarize what has happened in that year:

First, Communist China has continued to test nuclear weapons which are expected to be suitable for ICBM application by the time their missile has been developed. There is new evidence that they continue to press toward an ICBM capability, but the earliest date by which they could achieve an initial ICBM capability now seems to be in the early part of 1973. This represents about a 1-year slippage from last year's estimate.

It is important to note that even if the Chinese deployment does not attain a capability until 1976, our Safeguard area coverage—if authorized—would not be fully complete until 1978 at the earliest.

Second, the Soviet buildup of SS–9's deployed, or believed to be under construction, has now passed 275, as compared to about 230 last spring. Development and testing of the three-reentry vehicle, SS–9 configuration, continues. It is agreed within our intelligence community that the Soviets are likely to develop multiple independent reentry vehicles—MIRV—in the next few years.

Third, the number of SS–11's operational or under construction, estimated at about 700 last spring, is now more than 800. Since last spring, Soviet testing of their smaller SS–11 ICBM suggests that certain improvements probably aimed at improving their penetration capability are under development.

If the Soviets go on to develop a more accurate SS–11 reentry vehicle and an improved guidance system, as is possible by the mid-1970's, the SS–11 could become effective against our Minuteman silos, as well as against the Safeguard radars.

Fourth, production of nuclear-powered ballistic missile submarines is continuing at two Soviet shipyards, which together can produce six to eight boats a year. Several of these Polaris-type vessels, each with 16 missiles, are now believed to be operational.

Based on this intelligence, the President made the logical decision that we must take steps now to hedge against continued growth of the Soviet missile force but that we could postpone a hedge against the Chinese ICBM.

That, in essence, was the administration's ABM decision. It is now up to the Congress to vote funds for the prudent move to counter the still growing Soviet threat.

The ABM is a complex issue, and our committee gave it great consideration.

We have to decide if there is some potential threat to American security and whether we must do something to counter the threat.

Let us look closer at some of the issues behind the decision. Our decision to seek a hedge against one growing threat and postpone a hedge against a suspended threat is a most important one. I want to explain in some detail now how the threats have developed—and, in the case of the Chinese, failed so far to develop.

First, the problem with the Soviet missile forces. The Soviets, as you know, began installing ICBM's some years ago. In 1965 they accelerated the deployment of land-based missiles and carried on a serious development program for an advanced submarine-based missile. We watched their progress carefully.

But, the Congress and the executive branch concluded that these forces were not, at least in the immediate future, a threat to our deterrent forces. The intelligence community pointed out that the Soviet forces either could continue to grow at a rapid rate or level off. If they leveled off, say, at a point comparable to our own forces, then we could conclude that the Soviets were adopting a responsible, deterrent, nuclear policy. But if the Soviet force were to continue to grow, we could not continue to believe that the Soviets were only trying to deter us. In view of the uncertainties, previous administrations and the Congress provided hedges against the eventuality of continued Soviet offensive expansion.

Today there clearly is no question of our ability to deter a Soviet attack. If the Soviets were so foolish as to strike us, our surviving missiles and bombers—even under the worst foreseeable circumstances of war—would be able to destroy

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a high percentage of the Soviet population.

We are positive, and we believe that the Soviet Government is equally positive, that our Polaris missiles at sea would survive, that most of the Minuteman force would survive, and that most of our alert bomber force would survive.

But what of tomorrow? As the Soviet Union continues to install ICBM's, the percentage of our Minuteman missiles and alert bombers that can be counted on to survive and strike back against the enemy gradually diminishes. We are concerned particularly about the ever-growing number of SS–9 Soviet missiles. It is a missile somewhat larger than our own Titan II. If the Soviets installed about 50 SS–9's—a force equivalent to our Titan II force—we would simply assume that the Soviets wanted that number of large missiles to be able to destroy that number of large American cities. An SS–9 force of 100 missiles could be viewed by us as an effort by the Soviets to hedge against failures and still take out our largest cities.

A Soviet force of 200, however would indicate that the SS–9 is intended not for cities but for "hard" targets. We simply do not have enough large cities to provide for 200 SS–9's.

We have further grounds for concern when we look at the many hundreds of SS–11 missiles, a smaller, cheaper rocket, well suited for mass destruction of cities. The SS–11 is not accurate, but pinpoint accuracy is not necessary against cities.

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Our Minuteman silos are appropriate targets for a missile of the size and accuracy of the SS–9. As the Soviets have built approximately 275 SS–9's and head rapidly toward ever higher numbers, it would be foolhardy not to recognize the future threats to Minuteman. And bear in mind that the Soviets can put more than one large nuclear warhead on the SS–9 and give those warheads individual guidance and good accuracy.

The Soviets have been testing multiple warheads on the SS–9. Thus, instead of, say, 400 warheads appropriate for destruction of Minuteman, the Soviets could be shooting for 1,200—or even more.

Of course, we do not know what the Soviets intend to do with their SS–9 or with any other weapon. We cannot read the minds in the Kremlin. All we can do is look at the capabilities and take prudent action to discourage the Soviets from contemplating a nuclear holocaust.

The hard fact is that the Soviets are still installing a missile that makes no sense except as a threat to our Minuteman. We must take the problem seriously. We must look to the future.

At some point in the expansion of the Soviet hardpoint offensive force, the number of Minuteman missiles which we can be sure will survive an attack begins to diminish below an acceptable level. At that point, we must be able to provide more protection for Minuteman and prevent further erosion of that deterrent force.

To put it simply, when the Soviets add another SS–9 or another independently targetable warhead to an SS–9, we will have to assume a diminished chance of survival for one more Minuteman missile.

As the Soviets keep on adding SS–9's, we will have to offer that missile some added measure of protection so that it will continue to have an acceptable chance of survival.

We could add that extra measure of protection in a number of ways—and, in fact, a number of options were considered by Congress in previous years. First, we could simply add to the number of Minuteman missiles. This has been rejected because it would be a clear escalation of the arms race.

We could put in bigger missiles with more or bigger warheads. But this also would further stimulate the arms race.

We could increase the hardening of Minuteman. We have considered further hardening for some Minuteman missiles, but there is a limit to the advantage one achieves by this approach. Further hardening can be matched by further increased Soviet accuracy and warhead size.

We could also provide the protection of a ballistic missile defense. This would not stimulate the arms race and would be effective against any kind of additional missiles the Soviets wanted to deploy.

The ABM will take some years to install. The first Minuteman sites, under present plans, will not receive any protection until late 1974 at the earliest.

This delay is acceptable for two reasons. One, it provides time to talk arms control with the Soviet Union and to try to negotiate an end to the arms race. If the Soviets stop their present alarming rate of SS–9 and other missile deployment, then we can suspend the Safeguard program.

But if the Soviets are not serious about arms control, then the first ABM protection can be installed in time to meet an unacceptable buildup of the threat.

Thus, the Safeguard will be adequate as needed but can be abandoned if not needed.

Our bill provides for three multipurpose ABM sites that include protection of three Minuteman wings. If arms control fails and if the threat continues to grow, installation will not be started for other wings until the President and the Congress have weighed the threat and concluded that further installations are necessary.

I want to remind you that we have three kinds of deterrent forces, not just one. We have the Polaris, which today is as invulnerable as any weapon could be. It would be tempting to rest content with only this one type of deterrent if it were not for the fact that no weapon can remain invulnerable indefinitely, particularly if a potential enemy can concentrate on ways of countering that single force.

We know that the Soviets have started down several paths designed to counter the Polaris. I do not propose to tell you or them which of those paths might be successful. But I will tell you we cannot assume that Polaris will continue to be near invulnerable forever.

One type of deterrent clearly is not enough to give us assurance that we will always be able to deter nuclear war. We try to preserve three kinds of deterrent forces—submarine-based missiles, land-based missiles and alert bombers—against unacceptable erosion.

I want to emphasize that all three types of deterrents will survive today in sufficient numbers to destroy the Soviet Union as a modern society. But that's not the question here. We must look to the situation as it will be in the next few years.

If we are to continue to insure the safety and security of the American people, then we must take steps to insure that our deterrents will never be less than adequate at any time.

Safeguard work must proceed at the level recommended by the President so that if it is ever needed, it will be ready in time.

Mr. Chairman, I have gone into this matter at unusual length because I believe you should have the background against which these hard decisions are made.

Nobody likes having to spend $20 billion on weapons of destruction.

It is the sad paradox of our age that we have to spend billions on nuclear weapons to be sure that such weapons are never used.

Nuclear deterrence is expensive, terribly expensive.

But we are like the man who was celebrating his 94th birthday and someone asked him what it felt like to be 94. And he said, "Pretty good, considering the alternative."

The Russian threat is there. Those giant ICBM's are real. And remember, I have been talking only about missiles.

The Soviet naval developments, about which I am sure other members of the committee will talk in more detail, are alarming. The Russian surface Navy is expanding in size and firepower. The Soviets already have the largest attack submarine fleet in the world. Likewise, Soviet tactical weapons development is advancing at a much more brisk pace than our own.

I am not an alarmist. I am a realist—trying to tell the story as I see it from the best facts and information—on and off the record—that I possess.

What our committee is recommending here today constitutes our affirmation of these sobering words of our President:

> I have asked only for those programs and those expenditures that I believe are necessary to guarantee the security of this country and honor our obligations. I will bear the responsibility for those judgments. I do not consider my recommendations infallible. But if I have made a mistake, I pray it will be on the side of too much and not too little. If we do too little, it may cost us our lives.

I urge you all to support this bill as necessary to guarantee the safety of our country.

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, I rise to add to the sentiments which have been expressed by the distinguished minority leader of the committee in making reference to another threat.

History provides irrefutable testimony to our Nation's maritime reliance. Equally true, our future is linked to the sea and our continued ability to operate at will on the high seas of the world. To be denied this freedom may well spell the eventual decline of this Nation and those others who look to us for leadership, guidance, and assistance in times of need.

Yet despite its obvious importance, we continue to permit the steady deterioration of our naval and maritime power while that of our principal adversary continues to expand and modernize. Soviet maritime forces are second only to our own—a fact not readily conceded by them—and as each day passes our evaporating lead becomes more precarious. Even as I speak now, the Soviet Navy is conducting the largest naval exercise, more global in scope than anything they or anyone else, including ourselves, have ever conducted.

OPERATION OKEAN (PRONOUNCED OKAY-AHN)

This operation called OKEAN—OCEAN—is obviously designed to demonstrate to the world, and especially this Nation, that the Soviet Navy has come of age. Soviet Navy Commander-in-Chief Gorshkov has announced that the maneuvers areas will include the Barents Sea, Norwegian Sea, North Sea, Sea of Okhotsk, Sea of Japan, Philippine Sea, and the Mediterranean, Black and Baltic Seas. Soviet Navy forces are also operating in the Indian Ocean.

While the over 200 naval and naval-associated Soviet ships now deployed from home waters are only in the early stages of assembly for the exercise to come, the sheer magnitude of coordinating numerous strike and reconnaissance aircraft along with 55 surface combatants, 50 auxiliaries, 45 submarines and nearly 50 other intelligence collectors, research ships and naval-associated ships, all operating in accordance with a single operation plan in different oceans of the world, should impress even the casual observer and seriously concern the student of naval affairs. Such an undertaking constitutes an impressive display of the Soviet practice of total command and control. Operation OKEAN has shown us the folly of an argument that is frequently presented in attempts to degrade the seriousness of the threat that exists. The Soviet Navy is not bottled up in its inland seas. Ships normally home ported on the inland sides of the Denmark, La Perouse, and Tsushima Straits and the Bosporus simply are not there. Anyone who suggests that major elements of the Soviet Navy would be effectively neutralized by closing these choke points at the commencement of hostilities, lacks adequate appreciation of the facts. The Soviets will never allow this to happen and at this very moment have deployed enough forces to demonstrate their ability to neutralize this geographical disadvantage.

Operation OKEAN is a global operation. No nation in peace or war has ever conducted such a massive and multi-ocean coordinated exercise. The Eurasian land mass, in effect, is encircled. Soviet task forces are demonstrating their ability to station themselves in every strategic location on the approaches to regions of U.S. interests and concern. Naval reconnaissance Bear D aircraft just touched down in Havana on an unrefueled and nonstop flight from Russia.

The Soviets are fully aware of the importance of their maritime effort and complete command and control enables them to effectively utilize all their maritime assets to whatever end they consider to be in their best interests. Last July, Soviet warships operating in the Gulf of Mexico could only have received instructions direct from naval headquarters in Moscow. You will also recall the ease and efficiency with which Soviet merchantmen, as well as naval forces, were alerted and directed to render all possible assistance to the Apollo 13 recovery mission in the potential splashdown areas. Another recent demonstration of this control facility can be seen in the rescue attempt of their November class nuclear submarine in the eastern Atlantic. Newspaper accounts made only casual reference to the fact that the submarine was being assisted by "civilian" ships. What was ignored was how they got there. Surely Soviet and Warsaw Pact merchant ships and intelligence collectors did not just happen to be passing by when their help was needed. I can assure you that these ships were directed to proceed to the submarine's position and to render assistance. In order to do this the Soviets obviously have complete knowledge of the whereabouts of all their maritime assets and those of their allies and the ability to direct their operations. This ability results in a multiplication of the effectiveness of available assets far beyond that which would normally be expected from numbers alone.

And, as if this were not enough, we are rapidly approaching the date when even their numbers will place the United States in second place unless measures are taken now to insure our continued supremacy.

Impressive progress is being made by the Soviets in both quality and quantity in their new Navy programs. New construction Soviet surface ships are at least the equal of the U.S. counterparts in almost all aspects, with the possible exception of endurance. Modern Soviet shipyards are turning out a great variety of modern, well-equipped ships and submarines capable of supporting Soviet naval policy.

Surface ships under construction today include guided-missile cruisers, guided missile frigates, submarine chasers fast patrol craft, and guided-missile patrol craft. Similar programs are underway to provide the Soviets with new amphibious and mine warfare vessels. More new classes of guided-missile cruisers, frigates, and amphibious ships will be introduced in the next few years. At the same time, older classes of ships are being modernized and improved. Two excellent examples are the guided-missile conversion programs for the *Kotlin* and *Krupny* class destroyers.

Submarine construction continues to be the most impressive element of the total Soviet program. They have the largest and most modern submarine building yards in the world, and since the end of World War II the Soviets have constructed some 575 submarines of all types while we have built only 125. Eighty of theirs have been nuclear powered. Although 88 of ours have been nuclear powered, this slight lead will not last through the end of this year. Most significant among their submarines are their nuclear-powered *Yankee* class ballistic-missile units. They carry 16 submerged-launch ballistic missiles, and are similar to our own Polaris-type submarines. More than 10 of these submarines are now operational, and every month and a half an additional unit joins the fleet. By 1974 we expect the Soviets will have 35 to 50 *Yankees* carrying 560 to 800 ballistic-missile launchers.

Cruise missile units can attack our surface forces from great distances—up to 400 nautical miles. There are some 60 of these submarines carrying over 300 thermonuclear-capable missiles. Such units, in addition to the rapidly increasing numbers of ballistic missile submarines, are on patrol at all times with the ability to strike. The threat is there and it will not wait for us to react. Instead it will continue to grow day by day until the Soviets have satisfied themselves that they have attained an insurmountable superiority at sea.

For years, the Soviet Navy has been preparing to wrest superiority at sea from the Western World. Every move they make in operations improvement, weapons, electronics, communications, and countermeasures development has been carefully programed and amply funded to provide the Soviet Navy with ultimate victory, and we have been helping them at every step along the way. Since the first Soviet intelligence collection ship—AGI—was identified in 1956 near Japan, the AGI fleet has grown to almost 50 units with full-time assignment to the collection of intelligence on the West. Their priority targets are evidently Polaris operations, carrier strike operations, antisubmarine exercises, amphibious exercises, and other items reflecting U.S. research and development progress. Using the intelligence collected, the Soviet Navy has equipped itself with an impressive array of ships, weapons, and electronics designed to make good their goal, expressed by Admiral Gorshkov, of becoming a navy "second to none."

The extensive cutbacks made in our own naval forces equate to additional Soviet gains in their striving toward parity. Make no mistake. The Soviets have accepted the implicit challenge of the West and unless we take immediate steps to preserve Western supremacy, the Soviet program will succeed.

Mr. RIVERS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, the R.D.T. & E. portion of this authorization bill was reviewed in depth this year by a subcommittee of nine members of

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the Armed Services Committee. I was privileged to be chairman of this R. & D. subcommittee.

Upon completion of our review, the subcommittee agreed unanimously to recommend authorizations totaling $136 million less than the amount requested by the Defense Department. The amount recommended in the bill for R.D.T. & E., $7,265,600,000, is $30.4 million less than the Congress authorized last year and is $103.2 million less than was appropriated. The amount recommended is $528.1 million less than was authorized for fiscal year 1969 and $956.8 million less than was requested last year.

The research and development appropriation authorized for the Army is only $1.8 million more than the Congress authorized last year. If inflation is considered, the amount recommended will provide less effort than last year. However, in a period of economy with austere budgets for military programs, the committee believed that the Army should also practice economy and efficiency. Hopefully improved management practices will allow the Army to adequately fund the highest priority programs to develop the weapons systems needed during the decade of the 1970's.

The new obligational authority recommended for the Navy appears to be $229 million higher than authorized by the Congress last year. On close examination one finds that Congress approved a transfer last year of $266 million from the Navy procurement account for the F-14 aircraft to the research and development account, thus, the new authorization is actually less than last year by the amount of about $67 million.

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The research and development program authorized for the Air Force reflects a drastic reduction from last year of almost a quarter of $1 billion.

In terms of actual dollars, this is the smallest R.D.T. & E. program request that has been submitted in the last decade. In terms of buying power, the recommendations are even more severe. Comparing the fiscal year 1971 authorization with 1963, the first year of the present R. & D. accounting method, the Air Force will be buying 45 percent less R.D.T. & E. this coming year than in that base year, 1963.

In terms of actual effort that can be supported by all of the military departments, considering the increased cost of research and development, the fiscal year 1971 authorization represents about a 7-percent decrease from the fiscal year 1970 level of effort.

I tend to agree with defense witnesses who described this as a "rock bottom budget." It was described as having been "formulated in recognition of other urgent national needs which must be met by the Federal Government and in full consideration of the administration's goal of stopping the inflationary trend in the economy."

I recognize and support these other urgent national needs. However, I also support this budget as a cornerstone of our future defense posture. The research and development programs of today become our weapons systems for the next decade. Research and development cannot be turned off and on like a faucet but must be continued at a reasonable and constant level in order to avoid gaps in our future defense posture.

Speaking as one who has been closely associated with Government research and development programs for the past decade, I am concerned about the trend of financial support for our efforts in this vital area at a time when our valuable technological superiority is being challenged strongly from abroad. The most serious challenge comes from the Soviet Union, whose annual defense-related research and development investment caught up with ours a year or so ago and now substantially exceeds it. During the past few years, Soviet research and development effort has been growing by roughly 10 percent per year while U.S. R. & D. effort has essentially leveled off. For the entire decade of the 1960's, Soviet R. & D. devoted to military, atomic energy, and space applications grew by about 13 percent per year, and this vigorous growth rate appears to be continuing. Obviously the Soviets continue to emphasize R. & D. for military, space, and atomic energy applications.

Looking at the military component alone, during the 1960's the Soviet military R. & D. increased by about 60 percent while the U.S. military R. & D. increased by roughly 30 percent. Overall, Soviet funding for military, space and atomic energy R. & D. is now about $16 to $17 billion while comparable U.S. funding is about $13 to $14 billion yearly. In the last 2 years the Soviets have also shown considerable concern over the lagging technological level of its civil industrial base and appear to be adding resources to this sector, but not at the expense of continued growth in their defense, space, and atomic energy efforts.

Our past national position of technological leadership is being eroded and today is being challenged seriously by both our friends and our potential enemies.

Some critics of military spending have argued that, because other national needs should be assigned a higher priority in the future, Defense R. & D. is less important than the R. & D. related to these other national needs. Other critics add that the Defense Department has dominated university research far too long and that this situation should be changed. The Research and Development Subcommittee of the Armed Services Committee received some interesting facts on these areas during our recent hearings. For instance, over the last 30 years the Defense Department's share of the national research and development activity has declined significantly. In the late 1940's, most of the Federal support of the Nation's research and development was provided through the Defense Department. Today, the situation is quite different:

First, more than half of the total Federal expenditures for research and development—about $8.2 billion out of $16 billion—is provided by civilian agencies.

Second, almost 75 percent of the total national expenditures for research and development—about $20 billion out of $27 billion—is provided by civilian Federal agencies and independent, for example, industrial, organizations.

Third, more than 85 percent of the Federal support for academic R. & D.—about $1.3 billion out of about $1.5 billion—is provided by civilian agencies.

These facts should dispel the popular assertion of "Defense Department dominance." It should make it clear that the Nation's many growing needs for civilian technology are reflected in the changing national pattern of research and development.

Mr. Chairman, I am not advocating a reduction in our Federal or national research and development effort to solve the problems of our environment, health, education, or welfare of our people. Neither am I advocating further reductions to the technological base that is so necessary to our future national security. That vital base of research and technology has been declining for the past 5 years. I agree with Dr. John S. Foster, Jr., Director of Defense Research and Engineering, who recently testified that—

> Further erosion of that base will expose the nation to the technologically based threats of the seventies and eighties, protected only by the technology of the sixties.

As a nation, we cannot afford not to adequately support a national program for the social benefit and security of our citizens, and neither can we afford to overendorse one to the detriment of the other. The defense research and development appropriation authorized in this bill is the minimum required to maintain an adequate defense posture during the decade of the seventies.

I urge the membership of the House to support this authorization bill as reported by the Armed Services Committee.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I want to take this opportunity to associate myself with the remarks of the distinguished gentleman in the well, who serves as Chairman of the House Armed Services Committee on Research and Development. The gentleman in the well has served in this capacity for many, many years. He has served the House Armed Services Committee, this body, and the Nation, with great distinction, and I say to the gentleman from Illinois, that it is a great privilege for me to be a member of your subcommittee.

Not in the memory of most persons today has there been a more thorough, searching analysis of a proposed defense budget than that undertaken by the current Congress. This unprecedented analysis has been prompted by a number of facts: the rebellion by the taxpayer; the desire to find funds for other non-defense-oriented projects; and the publicity given cost growth in some development efforts.

Mistakes have been made; there have been instances of waste; but I do want to make this point very clear: increased costs, in themselves, are not prima facie evidence—or even an indication—of mismanagement.

Let me begin first by pointing out that

in many ways the R. & D. business in the military is very similar to private industry. Research and development are vital to both—if you are not progressive, the competition will gobble you up. Do you think the Du Pont Co. would stay in business without the stream of new products from its research and development? Not long ago, a Du Pont executive stated that by 1980 50 percent of its work force will be making or selling products that were unknown in 1965. I submit for your equal consideration: How long would the United States remain a free sovereign nation if our Army were content to stay with its 1950–60 vintage material?

It is pretty well understood by a portion of our citizenry that there is an inherent thing called leadtime in this research and development business. Unfortunately, there are those who fail to understand that R. & D. is not like production; it is not like a tap that can be turned on and off at will, and when turned on again the same volume and force will emerge.

Because of the demands of the Vietnam war, the defense research and development efforts has had to deemphasize some long-term work at the expense of projects that were needed immediately or that appeared to promise early completion.

Complicating the problem further is inflation. By generally accepted figures, the cost of doing research and development has been rising at a yearly rate of about 5 percent, but the budgets have not provided a hedge against this. In effect, the research and technology base has suffered.

Recently, a widely read periodical commented that the so-called military-industrial complex is, in part, just another "convenient house devil" for which Americans have been prone to search with recurring frequency; a whipping boy for those who wish to vent their frustrations about the war in Vietnam. It might appear that the so-called M–I complex has become a convenient scapegoat to some people for all our Nation's current troubles. As for defense-oriented industry, the magazine I quoted calls it the "world's most efficient producer. It is the basis of American power." Surely that is the important judgment to consider. To ignore the achievements of the M–I complex and concentrate only on alleged faults would be foolish. We should not have a panic reaction to the critics of the M–I complex.

There are those who say that the threat to U.S. security from militant communism is really a phony threat, born of the imagination of a military-industrial lobby. I wish it were phony, but nothing could be further from reality. The fact is that the Soviets have large, combat-ready Armed Forces, and, as reported recently by the Organization for Economic Cooperation, they are now spending more each year for research and development than we are.

It is also a fact that the large Soviet forces that invaded Czechoslovakia are well equipped with modern weapons; and Defense Secretary Laird stated in open testimony before Congress, the development by the Soviets of intercontinental ballistic missiles with 25 megaton warheads can scarcely be called a phony threat. His was not an attempt to frighten the American people, but a sober assessment of growing Soviet capability.

Evidence that Communist nations are exploiting the technological and scientific explosion for military applications is incontrovertible. The evidence of Communist Chinese thermonuclear warhead development, as well as ballistic missile development, is not conjectural. The modern sophisticated equipment and techniques displayed by the Soviets in their invasion of Czechoslovakia were not figments of imagination. The only conjectural question for debate is what these Communist nations propose to do with their growing military capability. Until there is hard, factual evidence that the free world does not need to fear military action against us by these Communist powers, simple prudence dictates that we must maintain an effective military posture.

The crux of the problem is simply whether or not the people of the United States—the most powerful and richest nation the world has ever known—want this Nation to be the active military guardian and leader of a sociopolitical structure that we call the free way of life; or do we choose to forgo this role that the free world has thrust upon us? There are many changes that I believe we should make but I do not believe we should change from a nation that is strong militarily to one that is weak militarily. I favor negotiation but I favor negotiation from a position of strength. We live now in the world "as it is," not in the world as we "would have it be." I do not believe that we can make any contribution toward a future peaceful world by cutting back on the defense capability of the Nation at this time. World conditions are such that we have no choice except to remain strong militarily and to continue to develop an adequate defense in the future by research and development expenditures.

It is very difficult for me to understand the reasoning and philosophy of those who oppose all efforts to maintain an adequate military posture. The road to oblivion is paved with fallen nations that became too self-centered, too materialistic, and too apathetic to be bothered by the necessary task of having its citizens prepared and trained for war.

We cannot let our country run this risk. The Armed Forces of tomorrow must be modern; it must be modern because the threat requires it if we are to maintain a creditable defense posture. To be modern requires a dedicated R. & D. effort. We cannot afford anything less.

Mr. PRICE of Illinois. I thank the gentleman, and while I have about 30 seconds left, I would like to express my concern over the possibility of an amendment being offered calling for a 5-percent across-the-board cut.

I would like to point out what it would do to the R. & D. program. The committee already has cut the recommendation of the Defense Department by $136 million. A further 5-percent cut would add a $363 million cut to the R. & D. program.

Mr. GUBSER. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, although I rise in strong support of our military procurement bill, H.R. 17123, I plan to direct my remarks to title III of the bill, particularly insofar as it relates to the Selected Reserve of the Coast Guard.

The procurement request as presented by the administration to the Congress included no Selected Reserve for the Coast Guard. This was the first that we had been alerted that a phaseout was planned. To eliminate the Selected Reserve of the Coast Guard would require legislation, for current law requires:

> Beginning with the fiscal year which begins July 1, 1968, and for each year thereafter, the Congress shall authorize the Selected Reserve of each Reserve component * * *

Each year since the enactment of Public Law 90–168, the Congress has authorized the strength figures for the Selected Reserve of each Reserve component including the Coast Guard—and the strength figures are contained in title III of H.R. 17123 as reported by the Armed Services Committee.

On February 26, 1970, the President submitted to the Congress a message on reduction or elimination of various Government programs. This was accompanied by an omnibus bill relating to 10 areas which required legislative action to accomplish the actions specified in the message. One of these areas related to the phasing out of the Coast Guard Selected Reserve by the end of fiscal year 1971. The President's legislative proposal was referred to the Government Operations Committee, but the chairman of the Government Operations Committee divided the bill into its component parts and introduced 10 separate bills. The portion relating to the Selected Reserve of the Coast Guard is contained in H.R. 16650. It has been referred to the Committee on Merchant Marine and Fisheries.

I find this procedure somewhat strange—for, in essence, it bypasses the the Armed Services Committee which has the jurisdiction over the various Reserve components, including the Coast Guard Reserve. However, despite this unusual legislative procedure, when we considered the administration request for Reserve forces, we also considered the President's recommendation to phaseout the Selected Reserve of the Coast Guard by the end of fiscal year 1971. It was only right that we did so because in the event of war, the Coast Guard Reserve mission and direction would fall under the cognizance of the Department of the Navy. Also, the underlying purpose of any Reserve component is to supplement the active duty forces as needed.

I was privileged to serve on the subcommittee under Chairman HÉBERT which we examined into the factual background of the legislative recommendation to determine first, whether the mission of the Coast Guard Selected Reserve could be met by the personnel outlined by the President; second, whether the mission of the Selected Reserve of the Coast Guard had been changed; and third, whether the Navy or some other force could be called upon to perform the

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mission assigned to the Coast Guard without impairment of their already assigned mission.

Let me give you the result of our studies. In the latter part of 1968, and the early part of 1969, an indepth study was made by the Coast Guard entitled, "Reserve Training Concepts and Force Analysis," which reviewed the mobilization requirements and developed the composition and strength of needed forces which could not be met from non-Reserve components. The Ready Reserve was fixed at 16,590.

We examined this report in depth and were convinced from classified information presented that the strength which we have recommended; namely, 16,590 personnel is required to perform its wartime missions and cannot be met from any source other than from a Selected Reserve.

We disagreed with the position taken by the administration because in the event of a full-scale war, it is essential that the port security mission for which the primary responsibility rests with the Coast Guard, be undertaken promptly. Sufficient personnel for the mission must be available within the first 15 to 30 days of mobilization and, in our opinion, they will not be available from the sources cited in the Presidential message for the following reasons:

First. Specialized training is required.

Second. Not more than about 70 percent of retired personnel is estimated to be available and qualified.

Third. Personnel released from active duty, as referred to by the budget, is in the Ready Reserve for only 1 year.

Fourth. There would be insufficient numbers of those for the requirement.

Fifth. Even that source would dry up with discontinued Reserve training.

Sixth. The Standby Reserve could not be qualified to active duty within the required time period.

Seventh. Without current training and organization to perform as units at preassigned ports, even the inadequate pool referred to by the budget would be ineffective.

Eighth. With no organized Reserve training program, there would be no incentive for the specialists who have been trained to remain in the Coast Guard Reserve.

Ninth. There would be no incentive for anyone to enlist in the Coast Guard Reserve, especially the prior service petty officers which are so badly needed.

Now, let us look at the missions that are assigned to the Coast Guard.

First. Port security: Covering the protection of ports, waterfront facilities, vessels, vital locks, bridges and so forth, from damage or destruction due to subversion or accident; control of anchorages, and movement of vessels; regulation and control of fishing vessels; prevention of the entrance into the United States of persons or objects inimical to national security; regulation and supervision of dangerous cargo handling; screening of persons having access to the waterfront; water and land patrols.

Second. Wartime manning of additional Coast Guard and Navy vessels for duties as assigned.

Third. Expansion of search and rescue operations to support military requirements.

Fourth. Expansion of aids of navigation, icebreaking, and ocean station operations in support of wartime military requirements.

Fifth. Naval patrolling operations.

Sixth. Augmentation of fleet to war manning level.

The primary responsibility for port security rests with the Coast Guard, in accordance with the Espionage Act of 1917 (50 U.S.C. 91) and the Magnuson Act—Public Law 81-679.

The validity of the mission and of the Reserve program has been subjected to at least two exhaustive studies.

A thorough management survey of the Coast Guard and the Coast Guard Reserve program, ordered by the Secretary of the Treasury, was conducted in 1962 by an interdepartmental group, including membership from the Bureau of the Budget, the Treasury, the Department of Defense and other agencies. This study, known as the Roles and Mission Study, examined the Coast Guard programs as against its statutory authorities and responsibilities to determine whether the programs were still valid and were being carried out reasonably. The study generally found that the programs were well founded. The study stated:

> Since port security will probably be a key activity during the start of hostilities, these Reservists are being trained to go into action immediately upon declaration of a national emergency.

Its primary recommendation said:

> The specialized demands of modern warfare led the study group to advise the Coast Guard to reevaluate its overall Reserve wartime requirements in order to be sure of having adequate trained personnel and material to meet M+15 days mobilization task assignments.

This was done in the "Reserve Training Concepts and Force Analysis" study.

We are convinced that the missions assigned remain valid and that in order to perform these missions, a Selected Reserve continues to be essential to national security.

So, having established that the missions are valid and the manpower resources described by the President are not factually correct, the question is, Can the mission be performed by any other source?

During the hearings, the Commandant of the Coast Guard, in response to questions, made the following points:

That the Coast Guard had recommended a Selected Reserve in the amount of 16,590, the amount called for in the force analysis study.

That his opinion was not sought by anyone on the availability to meet the wartime mission of the Selected Reserve of the Coast Guard.

That he first learned of the decision to phaseout the Selected Reserve of the Coast Guard when it was presented to him "as a decision in connection with the President's budget."

That to his knowledge, no one in the Coast Guard furnished to the administration any figures justifying the statement:

> The wartime functions of the Selected Reserve can be handled by the growing numbers of Coast Guardmen on the retired rolls and enlistees who are required to serve on a standby status for 2 years after completing 4 years of active service.

To the contrary, information furnished to the Secretary of Transportation in the middle of 1968, as the result of the force analysis study indicated that it would be impossible to meet these requirements unless there was a Selected Reserve in the number of 16,590.

That the number of 16,590 was the minimal need to fulfill the mission assigned without impairment to the national security.

That there have been no mission changes from the date of the submission of the force analysis study to the Secretary of Transportation.

We questioned the coordination on the matter of the phaseout of the Coast Guard Selected Reserve with the Assistant Secretary of Defense for Manpower and Reserve Affairs, whose jurisdiction embraces the Coast Guard Reserves in wartime. He told the committee:

> The first time I learned about it was when I learned a bill was going forward that would have the effect of eliminating the Coast Guard Selected Reserve and, then subsequently, I learned of the Omnibus Bill which included as a part of it the eliminating of the Selected Reserve of the Coast Guard.

When queried as to why he requested the Navy to make a study upon the effects of the elimination of the Selected Reserve of the Coast Guard, the Secretary replied:

> Well, the thing that caused the study was our being informed by the Bureau of the Budget that the authorization that had been previously approved for the Selected Reserve of the Coast Guard was not supported by the budget of the Department of Transportation.
>
> In fact, the Transportation budget caused the elimination, or recommended the elimination of the Selected Reserve. Therefore, Bureau of the Budget advised us they would delete the authorization from Title III.
>
> Up to that point, there had been no coordination with the Department of Defense on this whole matter. Upon looking at that, the initiative taken in my office was to recommend to the Secretary that this matter deserved the most careful kind of study, and upon completion of our study, coordination with the Department of Transportation.

The Navy reply, dated February 25, 1970, stated:

> Based upon the Navy's experience with full and partial mobilization of Reservists, it appears highly questionable whether the Coast Guard would have access to adequate resources of Reserve personnel with which to meet fully their port security requirements in either a partial or general mobilization situation if their Selected Reserve force is disestablished.
>
> An extensive "Reserve Training Concepts and Force Analysis" study updated in September 1969, identified a requirement for a Selected Reserve force of some 16,700 officers and men to meet the Coast Guard's M+30 days mobilization needs. Some 11,600 of the Selected Reserve have been provided specialized training and earmarked specifically for the unique mission of port security. This highly specialized training is not provided to active duty personnel.
>
> Port safety and port security is the long standing unique and important mission of the Coast Guard in peace, in war and also in

> the event of partial mobilization. This mission is assigned to the Coast Guard under U.S. Code, Title 50, USC 191, and four Executive Orders. Consequently, the Navy had not planned for the material and manpower resources or the unique expertise to assume this mission in peace, war, partial or full mobilization.
>
> Therefore, it is recommended that the Selected Reserve in the Coast Guard *not* be phased-out. A Coast Guard Selected Reserve is required to accomplish the port security mission in either a partial or full mobilization situation independent of whether they are operating under the Department of Transportation or the Department of the Navy.

Mr. Chairman, that is the record.

We believe that from the foregoing, it is obvious that budgetary rather than national security considerations were paramount in arriving at this administration decision. We believe that the very first priority in this country is its protection from its enemies. We believe that the elimination of the Selected Reserve of the Coast Guard would imperil seriously the defense of this Nation, particularly as it pertains to port security.

Two observations appear pertinent at this point:

First, it is disturbing to learn that some reviewer in the Bureau of the Budget would take it on himself to recommend the elimination of this vital portion of the national defense structure without first discussing the matter with the Commandant of the Coast Guard or any official within the Department of Defense. It is equally frightening that responsible officials in the Department of Transportation and the White House would adopt such a recommendation without first having coordinated an action so important as this, with those responsible for our national defense missions. I can only conclude that those who initiated this recommendation had no real understanding of the wartime mission assigned to the Coast Guard Reserve.

Second, some who have expressed concern over the lack of a peacetime mission for the Selected Reserve of the Coast Guard seems to have missed the point of the entire Reserve structure. The uppermost and primary mission of any Reserve component must continue to be of assistance to the regular military forces in time of war or a national emergency. It is obvious if we are to remain strong militarily that we have either a larger standing active military force or our active force must be supplemented by a strong Reserve force fully equipped and trained. Are those who would deprive the Coast Guard Reserve of capacity to meet its wartime mission willing to increase the numbers of active duty personnel in order to undertake this role. If so, the cost will considerably exceed the $25.9 million which retention of the Coast Guard Selected Reserve at a strength of 16,590 would entail. Where is there any economy in this approach?

Until some other segment of our military forces is capable of handling the military mission assigned to the Coast Guard Reserve at a cost cheaper than the present program—and as long as the military mission remains valid, I think we have an absolute obligation to retain the Selected Reserve of the Coast Guard—as a vital element of our national defense structure.

I urge your support of this program and those within the scope of the military procurement bill.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. Yes, I shall be glad to yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I have asked the gentleman to yield to me at this time because of the masterful and erudite statement which he has just presented to this body. It is probably one of the most important statements that will be made during this entire debate on the measure now pending before us. It is important because of the fact that this is merely the beginning of a new assault on the Reserve organizations in this country. It is an attack that has been made and has continuously been made against the Coast Guard Reserve. It is my opinion that the content of the statement which the gentleman from New York has just made sets to rest any argument which could be made against the organization, not only of the Coast Guard Reserve, but the Reserves of all elements of our defense.

I want to say to the gentleman that he bespeaks the words of the entire membership of the Committee on Armed Services. The committee is in his debt for having done so and for having explained so fully and well our position.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL of Virginia. Mr. Chairman, I desire to commend the gentleman who has just spoken, and the chairman of the subcommittee, from Louisiana.

Mr. DANIEL of Virginia. Mr. Chairman, after months of work and review by the members of the Committee on Armed Services, I am happy to rise in support of H.R. 17123.

This afternoon, I want to discuss with you briefly an add-on which we made to title III of the bill; that is, the Reserve portion—when we authorized a strength of 16,590 for the Selected Reserve of the Coast Guard.

For two reasons I am extremely concerned about the procedure which was used to eliminate the Coast Guard Reserve. Let us briefly review the facts. After a 2-year study of the Reserve training concepts and force analysis, the Commandant of the Coast Guard recommended a reduction in the size of the Selected Reserve and presented to the Secretary of Transportation his recommendation of a Selected Reserve in the strength of 16,500. This report was accepted in toto by the Secretary in the summer of 1969. The Commandant and other representatives of the Coast Guard testified before various committees of Congress that the minimal strength required in order to meet its assigned military missions was 16,590.

In making up the budget for fiscal year 1971, the Commandant recommended a Selected Reserve in that number. The Secretary of Transportation approved that personnel strength in the budget submission made to the Bureau of the Budget. While the budget was being reviewed in the Bureau of the Budget, the suggestion was made by some unnamed clerk to eliminate the Selected Reserve of the Coast Guard. This was done without consultation with any appropriate official within the Department of of Defense or with any responsible person within the Coast Guard organization. It was returned to the Secretary of Transportation who accepted this recommendation and presented it to the Commandant of the Coast Guard as a fait accompli. Thereafter, the White House, as an economy measure, accepted the recommendation, again without clearing it with responsible officials with the Department of Defense, the Department of the Navy, or the Coast Guard.

By philosophy, I am conservative and dollar savings are important but our defense programs should be cut only after a thorough analysis of the facts and only after coordination with responsible officials of the affected departments.

Second, I am concerned with the thinking, which I consider to be misguided, concerning this area of national defense. We know that it is a vogue today to try and find means to curtail military spending. But we believe that national defense, of necessity, must be the very first priority in this country for, without security, all other problems became academic. To eliminate a program so vital as port and coastline security is something that cannot be tolerated.

Third, I am afraid that this may have been a test case to weaken the entire Reserve program. This greatly concerns me because we are now discussing reduction of our Active Forces. Reducing the Reserves simultaneously with the reduction in the Active Forces necessarily means a weakening of the security posture of the United States. We cannot and must not permit this to happen. In my opinion, not only should the Reserves not be weakened, they should be strengthened. I am only sorry the bill before you does not reflect the strengthening of the program but the very minimum we can do this year is to insure the retention of the Selected Reserve of the Coast Guard.

I urge your support.

Mr. HÉBERT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentleman from New York (Mr. PIRNIE). As one who has had the privilege of being very close to the Coast Guard for a long time, having served as the Chairman of the Board of Visitors of the Coast Guard Academy, I know somewhat of the work the gentleman describes. It has played a great part in this country, and to withdraw from the complex of that defense the very well trained and very important part of it, the Coast Guard Reserve, would be wrong.

Again I congratulate the gentleman from New York for his statement.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hope that after this colloquy and this exchange, and the presentation in such an admirable manner by the gentleman from New York, that those responsible for the attacks being made against the Coast Guard Reserve will get the message.

Certainly this House rose up almost with a unanimous protest when it first became known that an attempt was being made to destroy the Coast Guard Reserve. The Members who contacted the committee were assured that this would not happen. I now issue a warning that an effort is liable to be made again next year not only to destroy the Coast Guard Reserve, but other segments of the Reserve program.

Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, we have heard a great deal about the fact that this is a rock-bottom proposal, and a rock-bottom budget. I would like to suggest that not even the President of the United States believes that. Although we have reduced this authorization bill by $34 million, the bill is still $300 million more than the President's budget request for procurement and research and development. The Pentagon simply asked for $334 million worth more of research and development and procurement than they put in the President's budget. We cut it $34 million, but we gave them $300,800,000.

Mr. Chairman, the Secretary of Defense made a great speech a week ago Monday in New York to the Associated Press on the subject of credibility of the Defense Department. He started off saying:

> When I assumed office 15 months ago, I immediately established as a top priority goal the restoration of credibility in the Department of Defense. Since then we have attempted to follow President Nixon's stated desire to make more information available to the American people.
>
> The editors of the Associated Press and all members of the communications media in this country have a deep interest in this subject. I pledge to you that we shall continue to devote maximum attention to reducing and hopefully eliminating overclassification in the Department of Defense. And, we will provide all the information we can within the limits of national security, consistent with the safety and legal rights of our citizens.
>
> This open news policy has brought about significant progress in at least five major areas where information was previously withheld from the American people.

Then he cited five areas in which they had moved to do this. I think the one that is most important to us at the present time is the question of the cost of weapons systems, and this is what the Secretary of Defense said:

> Previous practices on reporting the costs of major weapons systems led to a major credibility problem in the Department of Defense. Our new policy of full disclosure on major weapons costs will help to restore the Department's credibility and will assist us in gaining better control of costs and in developing better management practices.

Well, it should be clear, but the question is having said this, what do they do? One of the things that you will find in the hearings is this colloquy, and this has to do with the Condor missile, and this was the chairman of the committee:

> The CHAIRMAN. I understand the cost overrun on this is pretty good. You start off with [deleted]—I am talking to you, General Crow.
>
> You start off with [deleted], $250 million. For [deleted] it is $338 million.
>
> General CROW. Mr. Chairman, I don't recognize those figures.
>
> The CHAIRMAN. Let's talk about the [deleted]. Isn't that the number planned?
>
> General CROW. [Deleted]——
>
> The CHAIRMAN. Are going to cost how much?
>
> General CROW. At the time of contract definition, we had an estimate of $123 million for R.D.T. & E., and for production, $259 million, and on a production unit-cost basis, at this time, we had an estimate of [deleted].
>
> Currently, with the quantity cut back from [deleted] we have a production unit cost estimate of [deleted]. So it has escalated, if you will, from that point in time, from [deleted] a copy on a production unit-cost basis.
>
> Considering the cutback in quantity, I don't think that is bad, Mr. Chairman.

Well, apparently our chairman did think it was a little bad and Condor is no longer with us in this procurement bill.

The big item, which is in some controversy, is the ABM and you will find that discussed on page 7750 of the hearings. This is Colonel Thomas discussing the matter with the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL asked what the cost was and Colonel Thomas says:

> The unit costs for the Sprint missile, sir, for the phase I program, which is what this is part of, we estimate to be [deleted] as a unit cost. This missile average production unit cost includes the complete missile, launch equipment, ground support equipment, and applicable level of effort costs for preparation for production, production services, logistic support, and installation and test. These costs exclude military construction, Army (MCA) costs and AEC costs.
>
> Mr. RANDALL. [Deleted] thousand dollars?
>
> Colonel THOMAS. Yes, sir.
>
> Mr. RANDALL. Unit cost—thank you.
>
> Colonel THOMAS. And for the Spartan, for a phase I, which is what this represents, a [deleted] unit cost. This missile average production unit cost includes the complete missile, launch equipment, ground support equipment, and applicable level of effort costs for preparation for production, production services, logistic support, and installation, and test. These costs exclude military construction.
>
> Mr. RANDALL. [Deleted] each?
>
> Colonel THOMAS. Yes, sir.

It sounds just great when they say that they are going to tell us all about these costs, but they do not tell us any of the costs.

I tried to ask some questions on the subject of Lance, and this can be found on page 8353 of the hearings.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PIKE. Mr. Chairman, I will simply have to wrap this up by saying that there is no credibility, if you cannot get the cost figures out of the hearings. They just plain are not there.

Mr. GUBSER. Mr. Chairman, I yield the gentleman 2 minutes.

Mr. PIKE. I am very appreciative of that, Mr. Chairman.

The question with reference to the Lance was:

> Mr. PIKE. What is your current estimate, per missile, for a Lance?
>
> General BETTS. I presume that is in here somewhere. In that December SAR, on this same page, opposite production and the missile item, you will see that the current estimate—well, of the total program, that is expressed in [deleted] million.
>
> I expect that the footnote will give us a unit item. The unit cost is [deleted] per missile.

Now this is what happened while the Secretary of Defense says that a new policy of full disclosure on major weapons costs will help to restore the Department's credibility. What we are talking of here—and I would like to emphasize the fact that those of us who wrote the minority views which you will find in the last 2½ pages of the report agree with 90 percent of this bill is national priorities. We do not question anybody's motives in pushing for anything. What we have to do is exercise judgments as to what our national priorities ought to be and exercising judgments on what our national priorities ought to be requires that we know the cost of what we are buying. We cannot find out the cost of what we are buying because the Department of Defense will not tell us, except in classified testimony. The general public never knows.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I wish to express my deep appreciation to the committee for permitting me this brief time to talk a bit about the F-111. For those Members who are on the floor today it should be very interesting to put into perspective some of the positive facts about this truly revolutionary and extremely effective aircraft. It has been the subject of so much negative and confusing comment, and so maligned in the news media, that it is important for us to understand some of the very good reasons why the Air Force wants more of the F-111's.

I recommend to every Member a careful reading of that section of the committee report which deals with the F-111. It begins on page 26 of the committee report. This section represents the measured judgment of the Armed Services Committee, whose members have made a somewhat exhaustive study of the F-111.

The first thing that I think may surprise some Members and please most of us, I am certain, is the discovery that, contrary to popular misconception, the F-111 is the safest airplane, not just one of the safest, but the safest aircraft that has been produced since the Korean war when measured in terms of the total number of accidents per hours flown. At 10,000 hours, at 25,000 hours, at 40,000 hours, and now at 60,000 hours, the F-111 has had fewer accidents than any other aircraft in the century series at each such level. The chart which I am holding here gives the figures.

For example, at 60,000 hours of flight, there have been 18 F-111 accidents, but at the same number of hours flown the F-102 had 40 accidents, the F-104, 51, and the F-100, 59—more than three times as many accidents as the F-111 has had.

It is further significant, I think, that the single accident that caused the F-111

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to be subjected to this unprecedented test in freezing conditions—they now test in 70 degrees below zero, putting more weight on each wing than they will ever be expected to carry—was preceded in 1 week by five accidents of one of our other aircraft, and nothing was ever said about it. That aircraft was not subjected to these strenuous tests. Of course, those accidents, because they did not concern the F–111, did not make headline stories.

Perhaps you might be under the impression then, because of the inordinate publicity surrounding the relatively fewer F–111 accidents that more of the F–111 accidents were fatal. That is not true, either. Only one of these other eight aircraft in the century series has had fewer fatalities than the F–111. By the clear measurement of statistics, the F–111 is the safest aircraft in our modern inventory.

Of course, to say merely that it is a safe aircraft is not enough, unless it has good performance characteristics that the country actually needs.

Let us compare the range and payload of the F–111 with our very best other tactical bombers in inventory. Please observe this second chart. In comparing the number of bombs that can be carried and the distance they can be carried, it is clearly seen that the F–111 can carry three times the bomb load for better than twice the distance of our next best tactical bomber in the inventory. Furthermore, its proven bombing accuracy is best of all those in the inventory. Note the two drawings on this third chart. First, when measured in terms of clear, daylight bombing against undefended targets, the ideal situation, in proven circular error comparison, the F–111 is first and the A–7 is next. Next are the F–105, and the F–4. This is classified information. I cannot state in precision, therefore, the exact number of feet this radius line represents, but I can say to you that this average circular error from center of target is less than the length of this room. Visualize that if you will.

But the truly significant difference is in bombing accuracy at night and in bad weather against defended targets. The F–111 is far and away the best by its proven performance. As this chart demonstrates, it is in a class all by itself. It still gets the bombs right on the target, whereas, all the others, of course, are subject to much wider errors.

This is due in large part to the F–111 terrain avoidance system, a unique and truly revolutionary concept. I have tested the plane. I have flown the aircraft, as has the gentleman from Texas (Mr. PRICE) and Senator GOLDWATER of Arizona as well as a few others. Senator GOLDWATER, for example, was very critical of the aircraft until he flew it and talked with pilots who had flown it. Now he is one of its ardent and active champions.

This plane will come in on the deck, and because of its terrain avoidance system, it can fly under the enemy radar and avoid detection.

The plane was tested in Vietnam on some 50 combat missions, 87 percent of them against defended targets at night and in weather which had grounded all our other aircraft. What happens, of course, is that in order to avoid radar detection, the pilot flies in low under the radar cone, drops his bombs, and is away again before detection. That combat experience was most successful. The enemy initiated ground fire in most cases, but too late. Not a single F–111 in all these 50 successful missions had a single flak hole in it upon its return.

This capability, unique in the F–111, takes on added significance when we realize that there is bad weather and visibility, grounding other aircraft, about 70 percent of the time in Asia and about 40 percent of the time in Europe.

I think a very pertinent fact is that the Battle of the Bulge in World War II, which many of us remember, was made possible because there were 19 straight days of bad weather, when Western Europe was so fogged in that our aircraft could not operate against the massing German Armies. Because of that fact, the war was prolonged by months and many thousands of American boys lost their lives. If we had something like the F–111 at that time to interdict the Germans in spite of the weather, there would not have been the Battle of the Bulge.

There have been cost overruns on the F–111. They have been widely advertised. I am prepared, to discuss this in all candor. There have been cost overruns in every new aircraft production program in our history. The more sophisticated the aircraft have become, the greater the stretch of new technology, the greater the cost overruns, particularly in the first 100 or 200 aircraft. After that number, unit cost declines sharply.

The gentleman from Iowa asked about actual F–111 costs. Counting all the investment from the very beginning, the Nation has inveested $6.5 billion in this aircraft. There are 230 aircraft. Including the research and development, the design phase, the tooling up and all of it, the unit cost actually comes to more than the figure the gentleman from Iowa mentioned. Probably it would be something like $26 million apiece, if we count everything that has gone into the program. Those now coming off the production line are running $8.7 million each.

But the significant thing is that this declining cost curve is true on all new aircraft. All of them had cost overruns. The only way we ever can capitalize on our initial costs and make them pay us the dividends of low unit price, is to produce the aircraft in sufficient numbers, just as with other mass-produced items. The big costs are already absorbed. At this point we can have the 324 additional F–111's the Air Force says it needs for only about $1.5 billion, or at an average cost of only $4.6 million each which compares very favorably with the unit cost for our older, even subsonic aircraft.

Clearly, then, the F–111 is demonstrably a safe aircraft. Its proven performance capabilities far exceed those of any other aircraft available to us. The United States needs those capabilities. And now is the time to reduce the unit cost by procuring F–111's in sufficient quantity to serve our national needs.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I rise in support of retaining the full authorization provided by the House Armed Services Committee for the F–111.

My experience with the F–111 has not been shared by many of my colleagues, for I have flown the F–111.

I realize, however, that my personal experience with this plane although persuasive to me, may not be persuasive to those of my colleagues who are not acquainted with the dynamics and intricacies of aviation science. Consequently, I believe that a useful way to discuss the F–111 is to relate it to the hearings that are now going on in the other body, and specifically to a news article that appeared in the Washington Post on last Sunday. From its context it is clear that the article is intended to be a summarization of the objections raised during the hearings in the other body, and at the end of it there is a listing of what are called the "shortfalls" of the F–111. What exactly are these "shortfalls"? What relationship do they have—to the extent they actually exist—to the F–111 in the performance of its assigned Air Force mission? And in the real world of combat aircraft, do these "shortfalls" represent actual deficiencies or do they represent instead a calculated fabrication of facts and figures that are technically correct while at the same time being wholly misleading? Lets look at them.

The first one is take-off weight. The F–111 specifications asked for an aircraft weighing 69,000 pounds. The newspaper article points out that this weight rose by 13,500 pounds. This is exactly correct, but while being correct it is also virtually meaningless since the tactical significance of not meeting the lower weight is exactly zero. And let us understand that no modern combat aircraft—and it was probably true of World War II aircraft also—ever met the hoped-for weight set for it in the beginning.

The F–111 grew 26 percent in weight, but in studying the weight increases of other current aircraft, aircraft in our inventory today, the names of which would be immediately familiar to you, I see weight increased figures of 27 percent, 33 percent, and two others exactly the same as the F–111 at 26 percent. If there have been any aircraft even remotely comparable to the F–111 that has grown in weight less than it, then I am unaware of it.

As far as the combat capability of the F–111 is concerned—and as far as the Air Force is concerned for that matter—the increase in weight is interesting only as a statistic and in no way impedes the performance of the F–111's mission. So much for weight.

The next matter dealt with in the article is the take-off distance. The article recites that the F–111 requires 3,550 feet to take-off instead of the 2,780 feet "promised." Another technically correct score for the degraders of the F–111. It does require 770 additional feet to take-off. But what does this really mean? We judge aircraft on the same basis that we judge just about anything else, that is by comparison with other similar things. And on a comparative basis, the

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F–111 requires one half—I repeat, one half—the distance of any of our other combat aircraft to take-off with the single exception of the F–4. And the F–111 is better than the F–4. And again here, the actual capability of the airplane is not affected by the thickness of a dime. In current parlance, the Air Force could not care less that it takes 770 feet more runway for the F–111 to take-off. Most of the runways in the world are twice as long as the distance required for the F–111 to take-off. At National Airport, the F–111 would use up about three-fifths the length of the shortest regular runway. One has to be really intent on degrading the F–111 to make anything whatsoever out of this so-called deficiency.

And I might mention that the landing distance, which was not mentioned in the article, is 19 percent better than the specification called for. Naturally that was not mentioned.

Let us go to the next "shortfall" brought up in the article. This is ferry range. As to ferry range, the article does not stop at being misleading, it sinks to downright inaccuracy. The article states that the specifications called for a ferry range of 4,180 miles while the F–111 is capable of only 2,750 miles. In actual fact the adjusted specifications for the ferry range of the F–111 is 3,028 miles and the F–111 beats this by over 400 miles.

Mr. Chairman, I hope it is becoming clear that these fabricated objections to the F–111 tear apart rather easily upon examination.

We will now proceed to the next objection which is best stated by quoting the article itself. The article says:

> It flies under enemy radar close to the ground at supersonic speeds for 30 nautical miles; 210 miles was promised.

What is being spoken of here is the supersonic dash distance. A lot has been made of this, with the implication that there is a serious deficiency in the aircraft in this particular area. Again, in the interests of injecting an element of reality into the situation, I will point out that according to my own study there is not, and never was, any specification of requirement for supersonic dash distance. The actual requirement is for what is called the low-low-high mission, of which the dash is a part. Now, on such a mission the dash comes just before the half-way point in a mission that covers many hundreds of miles. The actual number of miles is classified information. To look at dash performance only is something like criticizing the running of a 4-minute mile because the last 100 yards was not run in less than 9 seconds. Essentially, the objection—to put it as kindly as possible—is unrealistic. Everyone involved in the design of the F–111 agreed that so far as the dash capability was concerned it was an area in which tradeoffs could be accepted. And very good tradeoffs can be made as a matter of fact. For example, if the dash speed is reduced to mach 0.9, the requirement in the low-low-high mission can actually be substantially exceeded.

The last of the "shortfalls" mentioned in the article is acceleration time. The article states that it takes 240 seconds to accelerate from mach 0.9 to mach 2.2; 105 seconds, the article states, was "promised." In the first place this matter of acceleration was not what is called a specific operational requirement for the F–111. Desirable perhaps, but not required. And the whole matter of acceleration has pertinence only if the F–111 is flying at high altitude. In the light of the mission assigned to the F–111 today the matter of acceleration is quite unimportant. But what is very important indeed is the fact that the F–111 can fly at very high speed—even supersonically—at tree-top level and it has all the capability for acceleration that it needs for performing this and other critical parts of its mission.

Mr. Chairman, these remarks have been brief and I hope to the point. In the F–111 we have the most versatile, most capable aircraft in the inventory of any nation in the world today. If I have helped in making this fact somewhat clearer then I will consider my job well done.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I am happy to yield to the gentleman.

Mr. WRIGHT. The gentleman has made a very excellent and well-informed statement. Does not the gentleman think the truly significant fact here is that the F–111 is the only aircraft we have in our entire inventory which can make a supersonic bomb run at low, low levels and that we need this capability?

Mr. PRICE of Texas. That is certainly true.

Mr. GROSS. Will the gentleman yield?

Mr. PRICE of Texas. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. That is if they can keep them in the air.

Mr. PRICE of Texas. This is also true of many other aircraft. I might say that there are a number of examples I have seen in my flying experience of over 3,000 hours of jet fighter time where I can cite examples of planes being grounded for many months—not only this airplane but others—so that we could see that the faults were corrected and that the planes would be able to fly safely.

Mr. GROSS. What has happened to the orders on the part of foreign countries for this particular aircraft?

Mr. PRICE of Texas. Is the gentleman speaking of Australia? I understand they are waiting to see the results of the tests being made at the present time.

Mr. GROSS. Did the British cancel their order?

Mr. PRICE of Texas. I do not know about that.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, these are most difficult days in which to serve as a member of the House Committee on Armed Services. One does not need to be new in the assessment of public opinion to realize that this Nation is now engaged in a very unpopular war. There is a national wave of public revulsion against that war. It is only natural that that revulsion has been carried over into a repudiation of our military establishment. It is only natural that in these days and in such a climate of public opinion that some people would seek to fan those flames and do what they could to place the military in a bad light.

But we in the Committee on Armed Services have a responsibility to do more than react to current public opinion. We have a responsibility to assess the world threat to the United States in the most realistic terms that we can command and on the basis of security information which is available to us as members of the Committee on Armed Services. We have the responsibility to assess the reasoning behind the fact that in 1962, as Secretary Laird stated, we had a 4 to 1 superiority over the Soviet Union both in numbers of missiles and in megatonnage capable of being delivered. Yet, as early as May 1969, according to the Secretary again, in published public testimony, this superiority in megatonnage has totally disappeared. We have the responsibility, Mr. Chairman, of asking why has this happened and what could possibly be the intention of the Soviet Union in bringing this about. We have the responsibility of understanding the reasons behind Operation Okeon, in which the Russian fleet, formerly confined to the Baltic and Black Seas, has now stretched itself out across the oceans of the world, including the Indian Ocean, to become a multiocean naval power and a serious international naval power.

Mr. Chairman, we have the responsibility to ask, why Russia is resuming development of a fractional orbital bombardment system which they once discarded? Why are they developing a brandnew intercontinental bomber? Why are they concentrating upon offensive capability and the power to overrun Western Europe against a weakened NATO defense? And, why are they continuing their military research and development effort on an ever-increasing and nonfluctuating basis and why do they continue to devote a very major share of their gross national product to the achievement of goals which are strictly military?

Mr. Chairman, it is our responsibility to look at these facts and say, "Why?"

I admit that in discharging this responsibility we are looking into the minds and hearts of other human beings. We are trying to assess a state of mind in the Soviet Union. But it is an assessment that we cannot afford to be wrong on because if we are wrong once, we may never have the chance again to be right.

Mr. Chairman, I cannot help but believe that the true facts lead to the firm conclusion that there is a threat and that time is against us.

Now, I am not opposed to reordering our national priorities. I would like to see this done. I hope that we can approach the problems of the ghetto and racial problems and improve our education and take care of the pollution of our environment. Of course, any decent American wants to do these things.

I would like to be able to cut this defense budget down to zero and take every last cent of it and devote it to these problems which I just mentioned.

But, on my obligation as a member of the Armed Services Committee who must do more than react to public opinion and

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who has the responsibility of assessing the state of mind of the Soviet Union, I say we are in a dangerous position and we cannot allow ourselves to let that situation further deteriorate.

Mr. Chairman, it is well and good to say we can treat our national defense budget as a bottomless well, and divert defense expenditure to the solution of social problems.

Perhaps we can cut defense spending and perhaps we should. I recognize that there are places where fat can be cut. I submit that the Department of Defense is doing that right now, and so is your Committee on Armed Services.

However, Mr. Chairman, let us be realistic and take an honest look at the budget. Let us not forget that there are certain statutory requirements about which the Department of Defense and the Congress can do nothing. For instance, over 61.2 percent of the current military budget is made up of personnel costs, $21 billion; retired pay, $3.2 billion; operations and maintenance, $19.5 billion. These are practically untouchable. It is almost impossible to cut them.

This means that only the remaining portion of the budget is susceptible to cut.

Now, let us take a look at what we have been doing in the past few years.

The current budget before the Appropriations Committee of this House for national defense is down by $5.2 billion, while all other Federal outlays have been increased by $8.6 billion.

This fact alone is enough to belie the often made statement that defense spending continues to rise while domestic programs are starved.

Defense spending under the new budget currently before you will be 7 percent of the gross national product, as compared with 13 percent just a few years ago. Military expenditures represented about 43 percent of the Federal budget 4 years ago, and it is now down to 34.6 percent, the lowest ratio since 1950 in the days of Louis Johnson.

The trend in defense spending is better understood when it is related to the past pre-Vietnam budget of 1964.

In that year the Pentagon requested $50.8 billion from Congress. The 1971 budget submitted by Secretary Laird when converted to 1964 dollars is $54.6 billion, or $3.8 billion above the 1964 level. So the real increase since 1964 in defense spending is $3.8 billion.

This new budget in the current year includes the entire cost of the war in Vietnam. It includes a 130 percent increase in personnel costs, and it includes a $2 billion increase in the cost of military retirement. When one considers that the cost of Vietnam is somewhere in the neighborhood of $20 billion, and you place that fact alongside increased personnel and the retirement costs, it is obvious that the Defense Department must have made other cuts in excess of $20 billion in order to stay within a $3.8 billion real increase in the 7 years since fiscal year 1964.

Now, as further evidence of his real desire to cut military spending, Secretary Laird—and I urge you to listen to this—will drop 551,000 military personnel during his first 2 years in office, and he will drop 130,000 civilian Defense Department employees. In addition, the reduced procurement of military hardware will cause the loss of 640,000 defense jobs across the Nation.

Now, add that up and you have 1.2 percent of the national labor force, enough to swing us from the point which divides a recession from a reasonable economic period.

Now, I am not advocating for one minute that we increase defense spending in order to stabilize our economy. I do not advocate that. But I do think if you want to be realistic you ought to know these facts and recognize them as a sincere effort to cut defense spending.

Personally, I applaud the dedicated efforts of Secretary Laird to reduce defense spending and to make more money available for the solution of domestic problems. But in all frankness I must warn those of you who look upon the defense budget as a bottomless well of dollars available for domestic spending that there must be a limit.

In 1960 I pleaded with my constituency not to believe the politicans who asserted that there was a nonexistant missile gap. The public did not listen, and in the next few years we saw a vast series of crash programs for the purpose of closing a nonexistant gap. We saw the C-5A, we saw the F-111, we saw the MBT and the Cheyenne, and all of these programs came during that period of crash effort to close a nonexistant defense gap.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. GUBSER. But now the winds of public opinion are blowing strongly in the other direction, and the loud voices from the political arena are crying out for vital cuts in our strategic posture and in very important areas like research and development.

There is a strategic gap in being today, and it will not be 5 years until the political voices will be pointing the finger of indictment at somebody, trying to blame them for allowing us to become subject to nuclear blackmail at a future conference table. This will happen, I predict, within a period of 4 years. We are setting the stage today for another series of wasteful crash programs just like those that are being decried here on this floor today.

Let us look at this defense authorization bill carefully. If there are legitimate ways and places to cut it, let us cut it, but when we do so let us be statesmen and let us take the long look, 5, 10 years from now. Let us not just look at it from the standpoint of our constituents after sniffing the winds of public opinion and act like a bunch of cowards; let us do it like statesmen.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, today in this House, we culminate many months of serious deliberation on matters which affect the present and future security of our country.

I am happy to rise in support of H.R. 17123 for fiscal year 1971 for military procurement, research and development, and Reserve strength, and for other purposes.

I plan to direct my remarks to title III of the bill regarding our Reserve forces. In so doing, I want to emphasize at the outset that we included an authorization for the Selected Reserve of the Coast Guard in the amount of 16,590, the number determined in a recent Coast Guard study to be required to meet its currently assigned military mission. My able colleague and a member of the Subcommittee on Reserves, the Honorable ALEXANDER PIRNIE of New York, is going to discuss with you the President's proposal to phase out the Selected Reserve of the Coast Guard in 1971.

I have read Mr. PIRNIE's statement and I know it puts into proper perspective the lack of coordination concerning this program and the serious effect its phaseout will have upon our national security. Because of his complete statement, this is all I plan to say about the Coast Guard. I will direct these remarks to the other portion of the Reserve program. I would, however, call your attention to the material in our report beginning at page 71 relating to the Reserve forces.

At the very outset when we are beginning to think of a reduction in our active military forces, we must begin to realize that the Reserve forces will in the immediate future play an even more significant role to secure the safety of our Nation. At this moment, I am not speaking of any substantial increase in numbers but rather I am referring to a better training program of units structured to the current and projected needs of the active forces and units fully equipped with modern equipment in order to fulfill its assigned military role.

We know that there are proposed changes in our national strategy and I must admit this bill does not reflect those changes. When we questioned the witness from the Department of Defense on this, he answered:

> This is a transition budget which retained the major mixture of forces already in existence (except reduction of U.S. military effort in Vietnam and economies made in order to provide for some reallocation of Federal resources to meet changing national priorities). The change in national strategy, military strength and forces will not be reflected until FY 1972 . . . thus, the force structure of the Selected Reserves of the reserve components is not materially affected in the FY 1971 budget, except that cognizance is given to the new strategy objective for more efficient general forces.

So, in this year of transition, our aim and the Department of Defense aim is to improve our current Reserve posture.

One of the greatest deficiencies in our present Reserve structure has been the diversion of funds ostensibly appropriated for support of the Reserve components but which have been diverted to the use of the Active Forces. I am happy to report that steps have been taken to correct this major deficiency. Separate account responsibility has been established at the direction of Secretary Laird which have resulted in the establishment of separate control responsibility. I am sorry to say, however, that this relates primarily to operation and maintenance funds and not in the area of equipment

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which, as I pointed out, is probably the area in which the Reserves are most deficient. The matter is being thoroughly studied within the Pentagon and I am hopeful that by next year procedures will have been established wherein we can have assurances that the Reserve Forces will obtain equipment on the same basis that the Active Forces obtain theirs. It is essential that we achieve this objective even though it is an expensive one; for a Reserve organization to be effective, the men must be trained on the equipment they will be required to use in case of war or national emergency in the shortest possible time after mobilization day.

Turning now to another area which affects all of the Reserves, we questioned each of the witnesses concerning participation by members of minority groups in the Reserve program and, while we have been successful in eliminating any possible trace of discrimination and have created an atmosphere of equal opportunity for members of minority groups, enlistments are slightly down from last year. All we can do is to offer equal opportunity and not coerce people into joining the Reserve program.

I must mention, too, that we have reached a point where the waiting list to get into a Reserve organization is much smaller than it has been in prior years. In fact, there is almost a reversal in the program and now the services are being required to actively recruit personnel to fill their units. At this point, we have not reached a critical stage and I personally do not believe that any remedial legislation is necessary at the moment. But we must keep a careful watch on the numbers entering the Reserve organization during this coming year. With the decrease in numbers desiring to join, the problem of getting early training has been practically eliminated.

I want to report that the last of the Reserve units called in to active duty were released by December 15, 1969. The record of these Reservists is unexcelled. They served their country's interest well and I take this opportunity to salute them on a job well done.

Let us now look into the programs of each of the Reserve components.

ARMY NATIONAL GUARD

For the Army National Guard, we have authorized in this bill a total strength of 400,000, an increase of approximately 7,000 from last year's authorized strength. This would support a force of eight divisions, 18 combat brigades and support units. Within this structure, there are scheduled to be 3,038 units. They will be manned at approximately 93 percent or higher.

Like the other units of the Reserve, lack of equipment is at present the major problem. A minimal amount of program was made in this area in fiscal year 1969 when the Army National Guard received about $63 million worth of class A and B combat serviceable equipment and in the first two quarters of fiscal year 1970 they had only received $67 million worth of equipment. But when we compare this with the total value of the equipment shortage in the Guard of over $1 billion, we are making too slow of a beginning.

ARMY RESERVE

We have authorized in this bill an average of 260,000 for the Army Reserve, an increase of approximately 4,500 personnel. This will provide for 13 training divisions, three separate infantry brigades, seven support-type brigades, two maneuver area commands, seven support-type commands, 10 medical units, three civil affairs commands, 18 Army Reserve Commands for Command and Control, 64 combat/combat support/combat service support battalions and other support units.

These units have authorized strengths ranging from 93 percent to 100 percent of Table of Organization strength with the overall average being 95.6 percent.

Again, lack of equipment and adequate training facilities seem to pose the major problems for the Reserves. Although the training program has been the subject of some congressional correspondence to Members of Congress, to the President, the Department of Defense, and to this committee. So, during our discussions, we explored this portion of the program in considerable depth. Let me put those complaints somewhat in perspective. For instance, last year, the Army Reserve trained in its summer camp program approximately 350,000 personnel. Complaints on the nature of this training probably totaled no more than 100. To give a special emphasis to these 100 letters of complaint while ignoring considerably more than 300,00 who did not complain, is to take out of perspective the nature of the complaint. I bring this to your attention particularly because some have advocated a complete restructuring of the progrram in order to accede to the few dissatisfied Reservists. Naturally, we shall continue to monitor and to insist upon a quality of training in consonance with the importance of the mission to be performed.

NAVAL RESERVE

We authorized a strength of 129,000 for the Naval Reserve. This is the same number as was authorized last year. While we did not object to this figure, it is somewhat of a disappointment because during the authorization hearings for fiscal year 1969, a strength figure of 139,000 had been determined as the ultimate strength objective for the Selected Reserve of the Navy and an annual incremental growth of 3,000 for meeting that objective was considered desirable. While I believe the present mission assigned to the Navy can be met with this force on an interim basis, I think that ultimately we will have to go to the 139,000 strength as the Reserves take over a greater portion of the missions currently assigned to the active duty forces of the Navy.

With the deactivation of so many ships, the equipment problem of the Naval Reserve has been somewhat alleviated this year because certain of these mothballed ships have been turned over to the Reserve Forces for training purposes. By the end of fiscal year 1970, 16 destroyers from the active fleet fallout will have been added to the Naval Reserve inventory as replacements for ships in a lesser state of material condition or possessing outdated equipment. This represents approximately a 50 percent replacement of ships of this type. Also, a total of two mine sweepers will have been added to the Reserve inventory for a total of 15 ships in this category. I am concerned, however, with the lack of a modern replacement of a transport-type aircraft for the Reserves. I am hopeful and I have been given assurances that this problem can be alleviated within a relatively short period of time.

One thing, however, that does concern me is the closure of certain Naval Reserve facilities and the plans to fly certain of the Naval Reserve personnel to other bases for the purpose of Reserve training. We accept the general premise that any Reserve force must be structured to meet the current active force requirements. We hope that this is the primary purpose of the reorganization now being undertaken by the Navy and not merely a means to close certain Reserve installations.

MARINE CORPS RESERVE

We authorized an average strength for the Marine Corps Reserve of 47,715 which is a decrease of approximately 1,800 persons. This will provide for the 4th Marine Expeditionary Force which consists of a fully structured air-ground team similar to an active Marine Expeditionary Force. It is composed of the 4th Marine Division, the 4th Marine Aircraft Wing, and combat support and combat service support units. While we were extremely disappointed that for the past 2 years the Marine Corps has not met the average strength requirement imposed by law, we are heartened that progress this year makes it likely that this average strength will be met for fiscal year 1971.

Unlike the other Reserve components, the equipment for the 4th Marine Divisions and units which support the division-wing team is on hand or under procurement.

During the past year, substantial progress was made in upgrading the equipment posture in such fields as engineer and motor transport equipment. The 4th Marine Aircraft Wing continues to have some equipment deficiencies in the capabilities, obsolescence and number of its jet aircraft and helicopters. However, during this past year, the wing has received its full authorization of UH-34 helicopters and OV-10A reconnaissance aircraft. I believe it can be safely said that the Marine Corps Reserve is in a high state of readiness and can mobilize and deploy a combat-ready force anytime subsequent to mobilization plus 60 days.

AIR FORCE RESERVE

We have authorized an average strength for the Air Force Reserve for fiscal year 1971 of 47,921, a decrease of approximately 2,800. One of the reasons for the decrease is the failure on the part of the Air Force to meet its lawful average strength requirement for fiscal year 1970. We are extremely concerned that insufficient attention was paid to recruitment during this fiscal year which has permitted deterioration of the Air Force Reserve program. One of the primary reasons for their failure to meet the strength requirement is the transfer of Reserve units from one part of the United States to another. Unlike the active

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forces, a Reserve unit can be transferred in name only. You cannot transfer personnel assigned to the Reserve because the very nature of the Reserve program is to permit its members to be both citizens and soldiers simultaneously. Their businesses and occupations are geared to a local community with a Reserve obligation playing only a secondary role except in time of national emergency.

I am afraid that base closure decisions have been made without taking into cognizance the need of the Reserve structure. Within the past several weeks after prodding by members of this committee, I have every confidence this trend will be reversed because the Assistant Secretary of Defense for Manpower and Reserve Affairs has issued new instructions placing the needs for Reserves above the base closure actions.

I might add, too, we are concerned that in the phase-out of the C118 airlift aircraft squadrons, the units will be deactivated with the resultant loss of this valuable trained manpower source. If these planes are to be phased out, we feel strongly that new missions should be assigned utilizing the skilled personnel currently assigned to these units.

The strength figure for fiscal year 1971 will allow for an average manning of 92 percent in the flying units and 82 percent in the nonflying units.

We are pleased that units will be retained at O'Hare International Airport in Chicago and Willow Grove Naval Air Station, Pa.

AIR NATIONAL GUARD

We authorized an average strength for the Air National Guard for fiscal year 1971 at 87,878. This is approximately 1,200 less than authorized last year. Despite this reduction, we will still have the same general distribution of the units to every State, the Commonwealth of Puerto Rico and the District of Columbia. We will have the same 24 Flight Wings with 92 flying groups and their support units. We will continue 45 communication and electronic organizations with their supporting units. These units will be manned at approximately 86 percent of their unit manning documents. I think it is interesting to note that the airlift support activity of the Guard flew 70 million ton-miles in moving 26,000 tons of cargo over half of which went to Southeast Asia. In addition, the medical evacuation units carried 2,474 patients. The ADC committed units of the Air Guard provide 24-hour-a-day alert capability as a supplement to, or a replacement for, the active Air Force, Tactical, Fighter and Reconnaissance Air Refueling Tanks flew 659 sorties in 1969 off-loading almost 15 million pounds of fuel. All of these activities in 1969 were a prime concern to national defense but they have also made substantial contributions here at home. One major activity in this area concerns the catastrophic blow delivered to the gulf coast by Hurricane Camille. After receiving a call for help, the Air National Guard units flew 108 machines, transporting 2,333 people, evacuating patients, bringing in medical personnel, workers and troops along with 980 tons of equipment, food and supplies to alleviate the devastation and human suffering experienced in that single incident.

COAST GUARD RESERVE

The committee authorized a strength of 16,590 for the Selected Reserve of the Coast Guard for fiscal year 1971. This is the minimal number of personnel required to meet the missions assigned to the Coast Guard Reserve.

Gentlemen, this is our Reserve story. There are conditions which could improve but overall, we believe the Reserve Force has made and will in the future continue to make significant contributions to our national defense efforts.

I urge each of you to support H.R. 17123.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, the United States needs carriers, on that, there is no question. The exact number of carriers may be debatable.

At this time we have extensive overseas commitments, especially with NATO. While these commitments have not been reduced, the forces with which we will support these commitments are being cut back. As we reduce the size of our forces, we must go to the most modern weapons systems to be sure we can support our commitments.

We are vitally dependent upon sea-carried imports for our strategic materials and for the materials for our everyday living. Petroleum is one of our largest imports. Over 95 percent of our logistics for overseas operations is carried by sea.

We must have superiority on the seas in order to fulfill our commitments, keep our economy running at home, and supply our forces. We have long depended upon the British Navy to provide superiority on the seas for the free world, but the British have drastically cut back their forces, pulling back from east of Suez—and beyond. Even while the British were providing strong naval support, our country had and maintained a two ocean Navy. The need for a two ocean Navy is even more important today.

The Soviets are expanding their navy and their merchant marine. The Soviet surface fleet is about the same in size and number as ours, except for our aircraft carriers. The Soviet submarine fleet is very large—running to nearly 375 ships. However, the Soviet fleets are new in every sense of the word—new ships, new electronics, new missiles, new propulsion machinery. Our fleet is old—its average age is over 16 years.

The Soviets are moving into many of the areas where the British used to be. They have fleets in the Indian Ocean. Their fleet in the Mediterranean is increasing. Their merchant marine is expanding into many new markets, and beginning to compete on old trade routes. They have shown an awareness of the need for sea power that we are forgetting.

The Soviets face both the Atlantic and the Pacific Oceans, so that if a NATO conflict should erupt, they would probably be opposing us in both places. We need carriers which can meet the threats. If we are forced to reduce the number of carriers we have, then we need to have the most modern carriers. Our carriers cannot go through the Panama or Suez Canals. Therefore, we need nuclear carriers so that they can move to any trouble spot without the need for refueling. The fewer carriers we have, the more responsive they have to be.

The tasks of fighting in the air are becoming more complex. The aircraft needed for these tasks are also becoming more complex and hence heavier. They need the most modern carriers from which to take off—the older carriers will not support them. These planes are not only the advanced fighters, but also reconnaisance and early warning planes, which are more difficult to handle. These planes are needed not only to fight enemy planes, but also to fight enemy missiles, particularly the guided missiles with which the Soviet fleet is armed.

The oldest carriers we have—the *Hancock*, the *B. H. Richard* and the *Oriskany*—cannot base these modern aircraft. The *Midway* will be 30 years old in 1975, and will still have the original hull and propulsion machinery. It will not be nuclear—with all of the advantages that go along with that. It will not have the growth potential for taking any later designs of airplanes.

The Joint Chiefs of Staff have recommended that we have 16 carriers into the mid and late 1970's, compared to our present number of 15. Perhaps the reasoning behind the positions of those who want fewer carriers is best explained by Secretary Forrestal, who feared that the Navy would be lost in any unification of the services. His misgivings "stemmed from the feeling that even the top command in the Army had no true appreciation of sea power or what control of the sea meant." Despite this foreboding, one of the best presentations made to the Joint Committee on the need for CVAN-70 was made by the present Chairman of the Joint Chiefs of Staff, who came up to that post from the Army. Whatever variances there might be on the total numbers of carriers ultimately to be had in the fleet, the Joint Chiefs of Staff unanimously support the construction of CVAN-70.

The clear advantages of having control of the sea, even in the missile age, was conclusively demonstrated during the Cuban missile crisis. Then the United States put a quarantine around Cuba using three attack carriers and five antisubmarine carriers as the heart of the force. This gave us assured control of the surface of the seas, the air above the seas and the waters in the seas. This strategy also gave the Soviets time to reconsider their moves in installing missiles in Cuba—and they eventually backed down and removed them. How can the value of the carriers be measured in terms of dollars during a time like that? The fact that the carriers were there and on the line ready to act was the important factor.

Nuclear power gives extra flexibility and dependability. Nuclear submarines and surface warships have steamed more than 15 million miles in the 15 years since the *Nautilus* first went to sea. Our fleet of 41 Polaris submarines have completed more than 750 patrols, none of which have ever been aborted because of a failure in the nuclear propulsion plant. These submarines have completed more than 45,000 days of submerged patrol duty, the equivalent of 123 years under water. At a time when our bases overseas are being closed down or denied to us, these factors become even more important. In addition, the smaller our naval force, the more modern and more maneuverable it must be.

In accordance with the 1969 statute the House and Senate Armed Services Committees conducted a special study on nuclear aircraft carriers and the CVAN-70 in particular. During those hearings we invited to testify those who were opposed to the nuclear aircraft carrier, as well as the Navy and the Chairman of the Joint Chiefs of Staff. Those who were opposed suggested other persons from whom the subcommittee should hear testimony. We were able to hear two of those persons and surprisingly even this testimony of one of these turned out favorably for the carriers. The other might be classed as neutral on the issues. Indeed, even the original paper that he had written 4 years ago and which has been cited so often against carriers, favors carriers when you look at the entire study.

None of the other persons mentioned, except for a witness from Brookings Institute, were able to appear. It must be said that the two persons named who are currently employees of the Department of Defense were not asked to come since the subcommittee's request to have the Assistant Secretary of Defense of Systems Analysis appear was turned down by the Secretary of Defense. There was one man in particular whose works have been cited as being the authority against the carrier. This person had been an employee of systems analysis at the Department of Defense. Neither of the two studies that he did there on the subject were allowed to become official papers we were told because of errors contained. This person then went to Brookings Institute and submitted papers in virtually the same form. Now Brookings Institute refused to release it, again we were told on the grounds of errors contained. The subcommittee tried to reach this man but found that he no longer worked at Brookings and no longer in town or available. These are the kinds of authorities the opponents relied upon: One authority whose work, when you read it carefully, is in favor of carriers; and one authority whose work is so filled with errors that three times it has been denied official status both within and out of the Government; and one who took a neutral position.

Mr. Chairman, because of the condition imposed on the CVAN-70 funds in the President's budget message, the House Armed Services Committee decided to recommend a ban on the use of all construction funds by the Navy until the National Security Council made a decision with respect to the CVAN-70. This decision was supposed to have been made a year ago. We believe that this statutory ban should force the National Security Council into prompt action; as the full committee was of the opinion that this important decision should be made within the total picture of what is needed in all Navy ship construction.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, today we begin consideration of the single largest authorization bill to come before the Congress each year. I think it is a fair statement that up until recently the Congress has not accorded to this bill the same scrutiny, the same degree of debate that we have accorded to other authorization proposals of a lesser sum of money.

We are aware, however, that last year this situation changed. For example, the Senate spent 38 days discussing the procurement authorization bill. The ABM amendment lost by one vote in the other body. Even in our own Chamber we spent 3 days debating this bill and considering a number of amendments.

I think that the public probably wonders what brought about this dramatic change in the attitude of Congress regarding the military procurement authorization bill. It goes without saying, as the gentleman from California (Mr. GUBSER) has already noted, that we in Congress tend to share the concerns of our constituents. And certainly it is quite obvious that our constituents have become greatly concerned in the last 2 years about the level of military spending.

This is so, I believe, for four reasons:

First, as the gentleman from California (Mr. GUBSER) noted previously, we are engaged in an unpopular war in Southeast Asia. Thus, the average American now is concerned about military spending, even that which is not directly related to our Vietnam involvement.

Second, I think the average American realizes that the 10-percent tax increase which the Congress enacted in 1968 was the result of greatly increased military expenditures. So they are beginning now to be concerned about where their tax dollars are going.

Third, the average American is concerned today about the revelations of cost overruns, delivery delays, deficient equipment.

Fourth, and finally, I believe there are many people who, while not very knowledgeable about military expenditures, realize that funds for education, for transportation, for health and other areas in which they are interested are perhaps being diverted to national defense.

So I say this has generated concern on the part of the American public regarding military spending.

We might also ascribe a fifth reason to congressional concerns about military spending, and that is simply this: I believe we realize it is our responsibility to subject military spending to the same scrutiny, to the same degree of debate, as we do the other measures that come before us, including budgets for health, education, welfare, poverty, and so forth.

So as we begin this debate today on the fiscal year 1971 military procurement authorization bill, I would express the hope that the Members of this body, and certainly the Members of the other body, will accord to this bill the same degree of debate and scrutiny that we accorded it last year.

In the few minutes remaining, I would like to touch on two subjects. First, I shall address myself to the level of spending which is authorized in this particular bill; second, I shall try to answer the question, which I am sure is on the minds of the Members here and most Americans, Can this authorization bill be reduced without at the same time impairing our national security?

First let us consider the level of funding in this authorization bill, which is $20.2 billion. As we have read in the committee report, the committee reduced the authorization request by a total of $34 million. This represents a seventeen one-hundredths of 1 percent reduction. Certainly this is infinitesimal when we compare it to the reduction made by the committee last year in the amount of $616 million and 2 years ago in the amount of $748 million.

I think it also should be noted that of the gross reductions made, $334 million was for reauthorization requests for funds which were approved from two to five years ago.

So I would say to the members of this committee that the reduction of $34 million actually is illusory.

Second, let me just touch on the question, can reductions be achieved without impairing the security of the United States? Two of my colleagues and I on the Armed Services Committee believe it can, and we have outlined our views in the committee report in the minority views. We intend during consideration of this bill at the appropriate time to introduce four amendments which, if passed, would achieve a $1.4 billion reduction overall in this authorization. I will touch on each of these very briefly, and they will be explained in greater detail during the amendment period.

The first amendment we intend to introduce is to delete what one pundit refers to as a $200 million slush fund for the C-5A. I think it should be noted here that the money this year being authorized for C-5A procurement will not buy one additional aircraft. Rather, $335 million of the total amount of $535 million is to take care of past cost overruns. The other $200 million—and this reflects the amendment we are going to introduce—represents a sort of contingency fund. This is $200 million which the Federal Government says it does not owe. I think we are all familiar with the operation of the private sector of our economy. If there is a difference of a contract, certainly the one who claims he does not owe funds is not just going to say, well, let us go ahead and pay it, and let us argue about it later. It is for this reason we plan to introduce this amendment which would strike the $200 million from the C-5A procurement which the Department of Defense says it does not owe.

The second amendment will be to delete $435 million for ship procurement

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which was added by the committee over and above the request by the Department of Defense. It should be pointed out that between 1969 and 1970 fiscal years, Congress tripled the amount of funds appropriated for ship procurement. For fiscal 1971 the Department of Defense requested an additional $140 million over the ship procurement appropriation last year.

Mr. RIVERS. Mr. Chairman, will the gentleman yield so we can set the record straight?

Mr. WHALEN. I yield to my chairman.

Mr. RIVERS. Mr. Chairman, if the gentleman had been in the committee, he would have heard Secretary Laird say he was laying up 180 ships, and if he got additional funds, he would spend that for these identical ships which we put in under the amendment, in which we did not add any more money, but we rearranged several categories of the R. & D. and procurement sections of the bill sufficient to take care of these categories of ships which the Navy said they needed badly. How can the gentleman say the DOD did not want them? Secretary Laird said it was his highest priority. Did the gentleman not hear him say that?

Mr. WHALEN. Mr. Chairman, I think the record should show first of all that this Member was present when Secretary Laird testified before the committee. I think also the record should show that as a member of Subcommittee No. 3, I was attending meetings of that subcommittee on that day when the Secretary of the Navy testified before the remaining members of the full committee. However, I did hear Secretary Laird's presentation, and we did receive the letter from Secretary Laird, indicating, in response to the chairman's particular communication, his priorities—No. 1 being ship procurement—over and above that which has been requested by the Department of Defense and approved by the Bureau of the Budget.

Mr. RIVERS. I will be glad to yield the gentleman further time, if the gentleman from Illinois (Mr. ARENDS) does not have available time.

Then, in response to a question by the gentleman from Florida, Mr. SIKES, Mr. Laird said this before the Appropriations Committee:

> I would have to say that one of the primary areas would be the construction of ships.

He delineates them, and they are identical, verbatim.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. RIVERS. They are identical with the ships we put in. How can the gentleman say that these ships are not needed?

Mr. WHALEN. I will respond to my chairman simply by saying that the record will show between fiscal year 1969 and fiscal year 1970 the Congress tripled the appropriation for ship procurement, and that, in addition, the Department of Defense requested $140 million over and above the appropriation level for fiscal year 1970.

I believe perhaps we can explore this particular amendment, Mr. Chairman, in greater detail when it is offered.

Mr. RIVERS. We will explore it, all right.

Mr. WHALEN. Yes.

Mr. RIVERS. I just wanted to set the record straight.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from California.

Mr. COHELAN. I thank the gentleman for yielding. I take this opportunity to commend the gentleman for the fine statement he is making and to call attention of the Members of the House to the fact that in the gentleman from Ohio we have another distinguished economist serving on the committee.

Mr. WHALEN. May I interrupt? Who is the "other distinguished economist"? Does the gentleman include himself?

Mr. COHELAN. We formerly had the distinguished Member from Maryland serve on the committee, and other, but the gentleman from Ohio is bringing his critical professional capabilities to bear on a vital problem which is reassuring to many of his colleagues.

Mr. WHALEN. I thank the gentleman for establishing my pedigree.

Mr. COHELAN. Again I wish to say that what the gentleman is bringing to the attention of the Committee is extremely important. I should like to associate myself with his remarks and to say that I, too, will have an amendment to offer at the appropriate time. I hope we can win support in the Committee at that time.

Mr. WHALEN. I thank the gentleman from California.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield again to the gentleman from South Carolina, the chairman of the Committee on Armed Services.

Mr. RIVERS. I agree with the distinguished gentleman; we can explore this further.

Mr. WHALEN. Mr. Chairman, I will make just two more points regarding amendments which will be offered by members of the Armed Services Committee.

Third, is the amendment to delete $100 million from the bill for the B-1 bomber contained in the research and development section of the bill? Here I would make the point that if we go ahead with the approval of the $100 million contained in this budget, this will provide authority for the Department of the Air Force to go ahead with the purchase of five prototypes at a cost of $2.33 billion, or approximately a half billion dollars per copy.

The fourth amendment that will be offered will be presented by the gentleman from California (Mr. LEGGETT). It would delete $665 million for the deployment of the Safeguard antiballistic missile. Let me make one further comment in this regard.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WHALEN. My additional comment in this regard is, if this amendment, which would delete all deployment funds for the Safeguard, is defeated, a second amendment will be offered by the gentleman from California (Mr. LEGGETT) which would delete the funds for phase II deployment.

I would say to the members of the committee who supported the deployment of phase I last year that the funds have not been spent, that phase I has not been deployed, has not been tested. I believe, therefore, there is a very persuasive case for deferring the deployment of phase II until such time as we have had an opportunity to test and research phase I deployment.

I would conclude by saying that this authorization bill was given careful scrutiny last year by both bodies. I would certainly hope that we once again would give careful consideration to the amendments which the four members of the Armed Services Committee will offer, along with other amendments which I am certain will be presented by other Members of this body.

Mr. RIVERS. Mr. Chairman, I yield such time as he may desire to the gentleman from California (Mr. COHELAN).

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Chairman, most of my colleagues realize that I have fought various versions of the anti-ballistic-missile system—Nike X in 1966, the Sentinel system in 1967–68, and the Safeguard system in 1969 to the present. My overriding concern is that whatever name or components of an ABM system, there have not been adequate tests demonstrating that the entire system will work. Now we are asked to even further deploy this untested system. This decision flies in the face of logic.

Also, the official justification of an ABM system is confounded by the strategic objectives of the ABM. In 1968 we were to build an ABM against the Chinese threat, in 1969 it was the Soviet threat, and now in 1970 it is the threat from the Chinese again. What is more discerning is that Secretary Laird himself predicts that if the U.S.S.R. continues in their present pace in ICBM production and development, by 1975, the year of the operational Safeguard, the Safeguard ABM could not provide adequate protection for our Minutemen missiles. I am further disturbed because the assumptions of a future Chinese nuclear ICBM capability is predicated upon the belief that the Chinese could not develop ICBM's with enough decoys that could exhaust our ABM missile contingent. If the Chinese get this capability to have the ICBM's and the decoys, they could exhaust our ABM system.

There are questions that I have raised in the past in regard to the ABM and I have yet to receive satisfactory answers to them.

Even if the ABM system should work—a big "if"—will not the resultant pollution of an interdicted Soviet first strike against our Minutemen missiles result in widespread death and pollution within the United States because of nuclear fallout?

What will be the final cost of the

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ABM? Safeguard was to cost only $10 billion in 1969, and now the projected cost for the same Safeguard system is $12 billion.

Are the Safeguard radars, MSR, invulnerable to attack or sabotage? If they are not, would this then incapacitate the entire ABM system?

Thus, Mr. Chairman, I feel that the Safeguard ABM should be confined to research, development, and testing, and should not be deployed. I urge the House to adopt the amendment as offered by the gentleman from California (Mr. LEGGETT).

Mr. Chairman, I insert a detailed study of the ABM by Professors Rathjens and York at this point in the RECORD and I urge my colleagues to read this report:

COMMENTS ON SAFEGUARD—1970

(By George W. Rathjens and Herbert F. York, April 5, 1970)

SUMMARY

The Administration's case for Safeguard as a defense for Minuteman is far weaker than it was a year ago. The actual technical situation has not changed materially but it is now conceded that if Soviet missile forces grow as projected in intelligence estimates, even the full Phase II of Safeguard would be inadequate to defend our Minuteman force against a pre-emptive attack. The defense would be effective only if the Soviet Union were to tailor its threat to match Safeguard's limited capabilities. Safeguard as a defense of Minuteman now looks so bad on cost effectiveness grounds, even to the Administration, that it can not be defended on its own merits. It is now being rationalized on the grounds that since we need an anti-Chinese defense anyway, the defense of Minuteman can be justified as an addition.

There is no need to go ahead with Minuteman defense at this time. We could safely wait a year to see how the "threat" is developing, and then make decisions, if necessary, to buttress our retaliatory strength. Options other than Safeguard would be less costly, more effective, and, even with a year's delay, available on a shorter time scale than Safeguard. Cancelling Safeguard (and deferral for a year or so of decisions to go ahead with additional offensive forces as well) would be highly desirable both because of dollar savings and because the prospects for a successful SALT outcome would be enhanced.

The arguments that Safeguard is needed to cope with a possible Chinese attack and that it could do so infallibly are both wrong. We can and should rely on deterrence vis-a-vis China (while at the same time trying to bring China into the world community). Safeguard is unlikely to be available by the time the Chinese have their first ICBM's. When it is available, the Chinese are likely to have capabilities for penetrating it. Certainly it would be foolhardy for the United States, in a belief in Safeguard's infallibility, to take actions some years hence that might lead to a Chinese attack.

Any attempt to maintain even a moderately effective defense in the face of an evolving Chinese "threat" is to commit ourselves to a program that will require continuous improvement and massive expansion. The money being asked for this year should be recognized as but the ante in a program that will involve the expenditure of billions each year with no end in sight and no increase in our security.

Not only should there be no expansion of Safeguard, the program should be cancelled forthwith. With Safeguard having been approved last year by a single vote it is clear that the collective view of the Senate was that the case for even Phase I was very marginal. Those Senators who had doubts resolved this year in favor of cancellation. The Administration has now gone most of the way in conceding the validity of the opposition's arguments of a year ago. This is apparent from a careful reading of Defense Department statements of this year. It will become more apparent with questioning of Administration witnesses.

(1) DEFENSE OF MINUTEMEN

The Administration now recognizes that the radars are the Archilles' heel of the Safeguard defense of Minuteman.

There are two problems with the radars: they are relatively soft targets (perhaps able to withstand 1/10 the blast overpressure that Minuteman missile sites can withstand); and they are very expensive (of the order of $200 million each.)

Because they are so soft, weapons with relatively poor yield-accuracy combinations will be able to destroy them. This means that the Soviet SS-11 missiles, of which there are very large numbers, would suffice. Also, if the Soviet Union should develop a MIRV capability for its SS-9 missile, that missile could carry large numbers of warheads of yield adequate to destroy the Safeguard radars. The defense cannot function at all if the Missile Site Radars (MSR's) are destroyed. Therefore, a large fraction of the defensive interceptors must be deployed so they can protect the MSR's. Because the range of the Sprint interceptor missiles is only about 25 miles, interceptors that are deployed so that they can defend the MSR's will be unable to defend many of the Minutemen in any given complex (the complex at Great Falls is about 200 acres across). Interceptors deployed to defend the more remote Minutemen would be unable to protect the MSR's. In addition, controlling the interceptors remote from the radar could be something of a problem."

These problems could be very largely alleviated if it were feasible to employ a number of redundant radars at each Minuteman base. However, the very high cost of the radars makes this unattractive. Opposition witnesses suggested that the system might be greatly improved by developing and utilizing a radar specifically engineered for hard-point defense. However, the Administration brushed aside such suggestions. Thus, Dr. Foster, the Director of Defense Research and Engineering said:

"Each year we have looked for a cheap radar that could defend hard sites, and each year we have tried to think of a way of having a lot of radars that could do the job. And then we have come down on the decision that you really have to have a radar that can cope with all of the kinds of things that the enemy might throw at those hand points that you are trying to defend, and that is not a cheap radar. It is a rather expensive radar.

"This radar, from Raytheon, costs about $40 million.[2] Now you could get a radar for $10 million, but it would not do the kind of things that we think the radar has to do if it is to accomplish the mission." (ref. 3, p. 194).

and Secretary Packard:

"There has been talk about the possibility of using smaller harder radars for the defense of Minuteman. There are some areas where smaller and harder radars might be utilized, but the question has in fact been investigated. It is our conclusion, after looking at all aspects of the matter, that we need the kind of capability that the Missile Site Radar we are recommending here has, and we need the size in order to achieve that capability." (ref. 3, p. 1681-1632)

The Administration is now actively facing up to the fact that an effective defense against a heavy threat cannot be based on the MSR.

Thus this year we have Dr. Foster saying: "If the Soviet threat to Minuteman should increase beyond levels that could be handled by the Phase II Safeguard multi-purpose defense, we might wish to augment the system by deploying several terminal defense radars in each Minuteman field. For this reason we have budgeted for development of a new radar, smaller and less expensive than the MSR. The new radar, although less capable than the MSR, could be deployed in greater numbers to improve defense survivability." (ref. 4, p. 2)

The Administration now concedes that Safeguard, including the full Phase II deployment, will be quite inadequate if Soviet forces grow as projected.

Secretary Laird now says:

"We are now faced with the following possibilities concerning Minuteman:

"(a) That the Soviets do not increase the deployment of the SS-9 and the SS-11, do not develop a MIRV for the SS-9, and do not improve ICBM accuracy. Under these circumstances there is no need for a defense of the Minuteman force.

"(b) That the Soviets stop building ICBM's beyond those now operational or started; they do not develop a MIRV for the SS-9; but they do improve the accuracy of their entire ICBM force. Under these circumstances, the force could constitute a threat to the Minuteman force and Safeguard would be quite effective against that threat.

"(c) That the Soviets deploy a MIRV on the SS-9, improve their ICBM accuracy, and do not stop building ICBM's at this time, but continue building them at their present rate. We would then be faced in the mid-70's with a threat which is much too large to be handled by the level of defense envisioned in the Safeguard system without substantial improvement and modification. (ref. 5, p. 48)

"To be perfectly candid, Mr. Chairman, it must be recognized that the threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle. That is one reason we have decided to pursue several courses which should lead to less expensive options for the solution to this problem than expanding Safeguard to meet the highest threat level." (ref. 5, p. 49)

The contingency suggested in paragraph b of the quotation above implies a less active Soviet program than even the "Low-Force-Low Technology" estimate of the intelligence community. That estimate, according to Secretary Laird, credits the Soviet Union with possibly "hard target multiple RV's as early as mid-1972", and with a "hard target kill capability [that] would be considerable" (ref. 5, p. 104). It is not much of an exaggeration to say that the only circumstance, by the Administration's own admission, under which Safeguard would be effective would be one where the Soviet Union could be induced to tailor its strategic force to match the meager capabilities of Safeguard! Such a Soviet force posture might result if the SALT negotiations were successful, but otherwise seems exceedingly unlikely. Contrast this situation to that of a year ago when the Administration was claiming that Safeguard was needed in case the SALT negotiations failed. Secretary Packard:

"It provides a hedge against failure of arms control. If the Soviets refuse a workable agreement, then this country will be able to move to a protection of its second-strike force, if the Soviets continue to install more effective weapons." (ref. 1, p. 263)

Also contrast this with the Administration contention that Safeguard would be effective against a Soviet missile threat *including* one that involved not only increased accuracy but also MIRV's and increased numbers of SS-9's. Secretary Laird last year:

"The relative effectiveness of Safeguard option 2A in defending our Minuteman force can be measured in terms of the threat I mentioned earlier; namely, the large Soviet SS-9 type missile equipped with three independently targetable 5-megaton warheads

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Footnotes at end of article.

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with an accuracy of one-quarter of a mile. With a force of 420 of these missiles on launchers and an assumed failure rate of 20 percent, the Soviets could place over the Minuteman fields about 1,000 warheads. Without any ABM defense, it is possible that only about 50 Minutemen would survive. (A mixed force made up of fewer large missiles but including a number of highly accurate small missiles could produce similar results.) With Safeguard Phase I, perhaps two or three times as many Minutemen would survive and with Safeguard option 2A perhaps five or six times as many." (ref. 2, p. 27–28)

and Dr. John Foster:

"We think on the basis of those kinds of calculations that we can on an economic and practical basis, defend the Minuteman field against anything the Soviets will throw at us." (ref. 3, p. 225)

Because Safeguard is patently an uneconomic approach to defense of Minuteman, the Administration is now rationalizing its deployment as a desirable add-on to a nationwide defense that should be deployed against China anyway.

Secretary Laird.

"We have further decided to continue deployment of Safeguard because the additional cost, needed to defend a portion of Minuateman is small if the full area defense is bought." (ref. 5, p. 49)

Secretary Packard has estimated the costs for Safeguard Phase I to be $4.5 billion and for the modified Phase II (i.e. adding more interceptors and the defense at Whiteman Air Force Base) to be $5.9 billion (ref. 6, p. 16). From Secretary Laird's statement that with Phase I at least 10–20% of the Minuteman would have a heavy defense (ref. 2, p. 46) one might reasonably infer that at most 150 to 225 would be defended by Sprints in the case of Phase I. These figures are obviously *an upper limit* on the number that could be saved no matter what the weight of attack (provided it is of a quality such that it can penetrate the Spantan defenses). Thus, the minimum cost per Minuteman saved will be $20–30 million with the Phase I deployment. Perhaps 50% more Minutemen could be saved *as an upper limit* with the expansion to include Whiteman. In that case the minimum costs would run about $20–25 million per Minuteman. Compare these costs with those for buying additional Minutemen (6 or 7 million each for *super-hard silos* [ref. 2, p. 48] plus perhaps 2 million for missile), or with the most of additional Polaris boats. (The whole Polaris force cost only about twice the cost of Safeguard Phase I.)

Looked at another way the Soviet problem of overwhelming Safeguard would be simple indeed, particularly if they have MIRV's. The SS–9 should be able to carry a dozen or so warheads of yield adequate, even without accuracy improvement, to destroy the MSR. A few month's production of SS–9's would suffice to exhaust the Phase I defenses and probably less than a year's production would exhaust the modified Phase II defenses.

This rationalization is fantastic particularly considering that there is not now a commitment to the full 12 site program, and there may never be. As will be apparent subsequently, the rationalization for a nationwide Safeguard i.e. full Phase II, is about as weak as that for defense of Minuteman. If as primary, the order of implementation of the Safeguard program would be far different than the Administration plans. The first two sites deployed will provide coverage over only about 7% of the population and will be the least effective of the twelve in defending U.S. population. Two sites deployed for optimum defense of population would provide coverage over an area containing ten times as many people. Grand Forks and Malstrom would be the last sites deployed if we were primarily interested in population defense against China. Considering that, and the fact that there is considerable likelihood that we will never go through with a full Phase II deployment, virtually the cost of the first two sites, and Whiteman as well, must be charged to defense of Minuteman.

Secretary Laird now concedes that we could have much greater confidence in the deterrent capability of the Polaris-Poseidon fleet alone than he was prepared to admit a year ago.

In the Administration's first rationalization of Safeguard they were scarcely willing to admit the deterrent role of Polaris with criticism and under questioning, they eventually did so. Even then, however, they suggested that Polaris might be vulnerable to Soviet ASW effort to a degree inconsistent with reasonable technical judgment. Following further criticism they now take a more realistic view. The technical situation remains essentially as it was a year ago, but there is considerable difference in Administration statements as the following examples illustrate. Note particularly in 1969 Secretary Laird indicated serious concern *after 1972–73*, but that this year he suggests *some* increase in Polaris vulnerability after the mid 1970's, March 30, 1969 Secretary Laird:

"The next question: Is there any reason to believe that our Poseidon force will be vulnerable to preemptive attack during the early 1970's?

"If this particular question is limited to the period through 1972–73, I would say I believe that our force will remain very free from attack. If you go beyond that time period, I would have to question that seriously . . . ." (ref. s. p. 192)

February 20, 1970 Secretary Laird:

"According to our best current estimates, we believe that our Polaris and Poseidon submarines at sea can be considered virtually invulnerable today. With a highly concentrated effort, the Soviet Navy today might be able to localize and destroy at sea one or two Polaris submarines. But the massive and expensive undertaking that would be required to extend such a capability using any currently known ASW techniques would take time and would certainly be evident.

"However, a combination of technological developments and the decision by the Soviets to undertake a worldwide ASW effort might result in some increased degree of Polaris/Poseidon vulnerability beyond the mid-1970's. I would hope that Polaris would remain invulnerable at least through the 1970's. But, as a defense planner, I would never guarantee the invulnerability of *any* strategic system beyond the reasonably foreseeable future, say 5–7 years." (ref. 5, p. 40)

The Administration suggests that the alternative to expanding the Safeguard deployment is to decide now to build new offensive systems thereby exacerbating the arms race. The argument is inconsistent with lead time realities.

We need not make decisions at this time to deploy any new offensive systems if Safeguard is held to Phase II or cancelled. The defense of Whiteman Air Force Base will not be operational until 1975 at the earliest (and the other sites probably won't be either). Additional Minutemen could be deployed in considerably less time. This, Secretary Packard concedes:

"We think it (deployment of additional Minutemen) would take three or four years, including all of the administrative lead time)." (ref. 3, p. 1741).

The deployment of additional Minutemen at a time when they may be obsolescent because of MIRV development is hardly very attractive, but neither is spending billions on an ineffective defense of those we have. However, if one insists on increasing the number of Minutemen that would survive a Soviet first strike in the second half of the decade, clearly deploying more is an option that is preferable to defense. It would be considerably cheaper. It would be considerably more effective in increasing the number of surviving Minuteman we would have in the event of an attack against the force. This would be particularly so if they could be superhardened as may well be possible. And, what is most important, *no decision would have to be made now.* We could wait at least a year, and more likely two, while we tried to negotiate an end to the arms race. If at that time the construction of more Minutemen was indicated, we could begin and they would be operational as soon as Safeguard would be.

Realistically, we could also wait a year or so and then build more Poseidon submarines if it appeared necessary. They too would be more cost-effective, and they could probably also be operational by the time Safeguard would be.

Thus, Secretary Laird is being disengenuous when he says:

"In summary, our decision now to proceed with further deployment of Safeguard gives us another year in which to pursue SALT without ourselves exacerbating the arms control environment through actions on offensive systems." (ref. 5, p. 50)

(2) DEFENSE AGAINST CHINA

Safeguard is unlikely to be operational by the time a "Chinese Threat" develops.

According to Secretary Laird the Chinese may have an initial operational capability (IOC) with ICBM's by early 1973 though more likely in 1975 or 1976 (ref. 5, p. 109). The last of the twelve Safeguard sites could be installed by the late 1970's (ref. 6, p. 17).[4] Obviously as a defense against China Safeguard won't be much good until completed since if a few large cities are undefended they could be attacked even if the remainder of the defense were operational. If present plans are implemented there would be at least several years during which the Chinese would have an operational ICBM force when the large cities of California and those of the south would be undefended. *The President's statement that Safeguard could provide a "virtually infallible" defense against China (ref. 7) is technically unrealistic and dangerous.*

A single Chinese weapon of the yield they have already tested, 3 megatons, and which is suitable for their ICBM's (ref. 4, p. 4) could inflict well over a million fatalities if delivered on a large American city and a force of 25, even if only 40% reliable could inflict 11–12 million fatalities (ref. 5, p. 43). A defense might well reduce the number of Chinese weapons that could be delivered but it is totally unrealistic to expect none to get through, and it is quite likely that several will. There are a number of reasons for this: the radars might be blacked out, the Chinese might concentrate their attack against one or two areas, they might use penetration aids that would be highly effective, and the defense might just fail catastrophically.

The President's statement is a dangerous one in four respects:

(1) It was claimed that the anti-Chinese defense was needed so that we could credibly deter China from aggressive behavior vis-a-vis its neighbors. The clear implication is that with Safeguard in place the United States might take actions that it could not prudently take in the absence of defense. This suggests that millions of American lives might be lost if a future president, in an unwarranted belief in Safeguard's "infallibility", should take actions which might trigger a Chinese nuclear attack against us.

(2) The statement suggests an aggressive approach to dealing with China, not consistent with the Administration's otherwise constructive moves in this area.

(3) The statement, like the whole Safeguard proposal, will cause a reduction in confidence of the American public and the world in the U.S. Government as the incredibility of the argument becomes apparent.

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(4) The statement suggests that the President is being dangerously isolated from responsible technical opinion on questions that seriously affect the security of the nation.

The Administration's attempt to buttress its case for an anti-Chinese defense by arguing that deterrence may not work vis-a-vis China is unconvincing.

Secretary Laird has argued (ref. 5, p. 43–45) that deterring China may not be feasible because such a large fraction of Chinese population is rural and because we must have enough weapons after war with China to deter the Soviet Union.

It is true that only a small percentage of Chinese population is in large cities but most of the industry and the technical and political leadership is concentrated there. A modest number of weapons delivered against the large cities would, therefore, probably destroy the government if not a large percentage of the people. But even aside from that, rural China is very vulnerable and this the Secretary has not recognized. Some ⅔ of China's population is concentrated in only about ⅙ of its area. Considering that, China would be very vulnerable to a fall-out attack. This will be especially so since outside the cities fall-out shelter potentialities are likely to be poor and stockpiles of food and medical supplies inadequate. A few hundred B–52's if loaded with high yield, surface burst weapons could probably destroy both China's urban *and* rural population. Thus, we can deter China without compromising in any way our missile capabilities. Moreover, considering China's poor air defenses virtually all our bombers would probably survive a single attack or even several round trips against China. Thus, our bomber capabilities vis-a-vis the USSR would be reduced only slightly should we ever execute a strike against China designed to destroy her totally.

The Administration's claim that the Chinese are unlikely to develop effective penetration aids by the time Safeguard is fully deployed or soon thereafter (ref. 6, p. 9) is unrealistic.

Secretary Packard argues that the Chinese lack complex range instrumentation and skilled technical people that would be required to design and test penetration aids in which they could have confidence (op. cit.). In making the argument he totally misses the point that it is *we* who must have confidence that Chinese penetration aids will *not work* if we are to behave as if our defenses were "infallible"—not China that must have confidence that they will work. The Chinese could not attack the United States whether they had effective penetration aids or not without inviting the total destruction of China. Thus, the only rational purpose that a Chinese ICBM capability can serve vis-a-vis the U.S. is as a deterrent to us. For that purpose it is *our* view of Chinese penetration aid effectiveness that will be relevant. We cannot be sure they will not work.

In denigrating Chinese penetration aid potentialities Secretary Packard is probably wrong on technical grounds as well. He cites the fact that it has taken us ten years to develop high-confidence penetration aids, and uses this to buttress his argument that "Safeguard Phase II is expected to have a capability more than adequate to cope with the Chinese threat in the late 1970's" (ref. 5, p. 9). In so arguing, he completely misreads the history of technological emulation, and that is that once a new device or technology has been developed somewhere in the world others can repeat the development at much less cost and in a much shorter time than the original pioneers. There are countless examples of this but perhaps few that are as relevant and dramatic as the development of thermonuclear weapons. The intervals between a first nuclear explosion and a first thermo-nuclear explosion were 7.3 and 2.7 years for the United States and China respectively. Belief that the Chinese cannot develop high quality penetration aids in a much shorter time than it has taken us is wishful thinking. If they test their first ICBM in, say, 1974, we must expect them, by the time Safeguard is fully deployed, to have penetration aids as effective as those we now have; and against such penetration aids the Safeguard area defense would be ineffective.

While the weapons enthusiasts may have schemes in mind for upgrading Safeguard so that it would be effective against an evolving Chinese capability, there is no realistic basis for Secretary Packard's contention that we could do so without a general thickening of the system (ref. 6, p. 10). The best hope of providing a reasonably effective defense against a late 1970 Chinese capability, and *it would not be "infallible"* would be to begin building *now* a defense very much like the kinds we have considered for defense of population and industry against the Soviet Union, i.e., terminal type defenses for all large American cities, and a nationwide fallout shelter program. A realistic anti-Chinese defense implies an unending program requiring the expenditure of probably five to ten times the amounts projected for Safeguard and it implies a defense to which the Soviet Union would probably react by further expanding its strategic offensive forces.

(3) DEFENSE OF BOMBERS

With the erosion of its Minuteman and anti-Chinese rationales for Safeguard, the Administration is likely to play up the defense of bombers, but it has yet to explain why such a defense is necessary.

Leaving aside entirely the extreme unlikelihood of the Soviet Union being able to destroy the Polaris force simultaneously with an attack against our ICBM's and bombers, the Administration still has not explained how the Soviet Union could confidently attack the latter two forces. If an attack were designed so that Soviet missiles would impact simultaneously on both our missile and bomber bases, we would have 15 to 30 minutes warning of the launch of Soviet ICBM's before impact. If the bombers are in a reasonable alert status a very large fraction should be air borne before the arrival of either Soviet ICBM's or SLBM's over the bomber bases. On the other hand, the Soviet Union could hardly defer launching its ICBM's against our Minuteman bases in an attempt to deliver a surprise SLBM attack against the bombers. Were they to do so, they would have to expect that the bulk of the Minuteman force would be launched between the time they destroyed our bombers and the time their ICBM's would arrive over our Minuteman bases.

Even if fully implemented Safeguard Phase II will provide very little defense for bombers against a Soviet SLBM attack.

While there has been little if any discussion of a possible MIRV program for Soviet SLBM's, it would be surprising if such a program did not develop if other MIRV programs continue. If the Soviet SLBM's use either MIRV's or high quality penetration aids, the Safeguard area defenses may be quite inadequate. Those air bases not defended by Sprints will have very little protection. The Administration has indeed proposed terminal defenses at the bomber bases (ref. 2, p. 78). Yet, MSR's and Sprints will be located near at most ¼ of the main operating bomber bases (ref. 3, p. 1749) that are near enough to our coasts to make a surprise SLBM attack feasible. To provide even a moderately effective defense for bombers would require increasing greatly the planned numbers of MRS's and Sprints.

(4) DEFENSE AGAINST ACCIDENTS

The Administration still argues the Safeguard would be useful in coping with the arrival over the U.S. of one or a few accidentally launched missiles. Yet, it does not explain how the command and control problem would be solved.

If Safeguard is to be effective in dealing with accidents, it must be usable at all times. This almost certainly implies delegation to launch down to very low command echelons including possibly even to the computers. Administration spokesmen continue to be obscure about this point, presumably either because they do not want to upset the public or because they have not yet decided on the command and control philosophy that will prevail.

(5) COSTS AND SCHEDULES

Not surprisingly Safeguard costs have escalated and the deployment schedules have slipped during the last year.

Last year it was claimed that the full Safeguard Phase II (including RDT & E but excluding AEC costs and annual operating costs) would be $9.1 billion (ref. 2, p. 29). Ten months later the corresponding figure is $10.7 billion (ref. 6, p. 17), an increase of over 17%.[5] And the program has slipped somewhere between 6 months and 10 months during the last year. (Secretary Laird admits to six or seven months slippage [ref. 8, p. 8] but Secretary Packard admits to 8 to 10 months [ref. 6, p. 6].)

The latter's explanations regarding slippage and increases in costs are interesting. The attributes 3 months' slippage to delay in getting Congressional approval for the Safeguard last year, but asserts that the remainder is "deliberate, to allow a more economical and less compressed construction schedule (5 to 7 months)" (ref. 6, p. 6). Curiously, later on Secretary Packard attributes 6% of the 17% increase in costs to the stretch-out of deployment (ref. 6, p. 18). (Of the remaining 11%, 4% he claims is due to inflation and 7% to design changes and more detailed estimates.)

We stretch out programs so that they will be more economical, but they cost more because we stretch them out!

(6) SAFEGUARD—SOVIET REACTIONS AND SALT

Now that expansion beyond Phase I is contemplated, the Administration's contention that Safeguard is unlikely to lead to an expansion in Soviet Strategic capabilities is even less convincing this year than it was last year.

If we are to have a defense that will be significantly effective in coping with an evolving Chinese ICBM force, the defense too must evolve. Unless that is contemplated there would be no sense whatever in starting on an anti-Chinese defense program. Yet, if we do try to build a defense that will be effective a decade hence, it will almost necessarily have to be a "thick" one, and deployment of large numbers of MSR or similar type radars will have to begin soon. With such moves, the Soviet Union is likely to further expend its offenses to offset its *extrapolations* of what that deployment may portend in the way of a large-scale nationwide ABM system. That would certainly be the American reaction were we to see a similar deployment in the Soviet Union.

A similar reaction is likely to follow a serious effort to defend bomber bases. A number are near enough to larger cities so that MSR's used for defense of the base could also be used to defend a city, and in some cases the bases and cities are so close to each other than the same Sprint interceptors could be used to defend both. If we don't put in MSR's and Sprints near the bases we won't have much of a defense. If we do, the Soviet Union is likely to perceive a need to expand its offenses to offset the implied city defense capability.

Defense of Washington will almost certainly lead to whatever Soviet targeting they feel is required, and if need be to increases in overall force levels, just as the Soviet defenses of Moscow have resulted in heavier American targeting of that city.

The Administration has argued that a full-scale Safeguard will be less likely to stimulate a Soviet response than Sentinel would have been because the radars will be more remote from large cities. However, if the map prepared by the Administration is even approximately correct MSR's will be deployed within 50 or 100 miles of a number of large American cities: Seattle, San Francisco, Los Angeles, Dallas, Kansas City, Detroit, Washington, Baltimore, and Boston. Sprints 50 miles from such cities could not defend them. However, the Sprints can be added relatively quickly if the radars are available and close enough to control them. Again, a Soviet reaction is likely. We may believe we have deployed the radars too far from cities to be useful for terminal defense, but will they? Would we discount MSR's 50 or 100 miles from large Soviet cities? Not likely.

The argument that we need Safeguard so that we will have a strong hand in the SALT negotiations is far weaker this year than last.

It is now admitted that Safeguard cannot cope with the kind of Soviet threat that is to be expected if the SALT talks fail, and it is rationalized on economic grounds as an add-on to a nationwide anti-Chinese defense. Under the circumstances, neither the anti-Chinese part of Safeguard nor the Minuteman defense is a very impressive card in the SALT negotiations. The former is hardly negotiable with the Russians; and the latter is so ineffective that it is hardly likely to impress the Soviet Union as something which they should pay a price to have us forego.

REFERENCES

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(2) Safeguard Antiballistic Missile System, Hearings before Subcommittees of the Committee on Appropriations, House of Representatives, Ninety-first Congress, First Session, May 22, 1969.

(3) Authorization for Military Procurement, Research and Development, Fiscal Year 1970, and Reserve Strength. Hearings before the Committee on Armed Services, United States Senate, Ninety-first Congress, First Session, March 19, 20, 25, 26, 27; April 1, 2, 3, 15, 16, 17, 22, 23, 29, 30; May 13, 14, 15; June 3, 4, 1969.

(4) Statement by Dr. John Foster, Director, Defense Research and Engineering, on FY 71 Modified Phase II Safeguard Program, 24 February 1970.

(5) Statement of Secretary of Defense Melvin R. Laird before a Joint Session of the Senate Armed Services Committee and the Senate Subcommittee on Department of Defense Appropriations on the Fiscal Year 1971 Defense Program and Budget, February 20, 1970.

(6) Statement of Deputy Secretary of Defense David Packard to Committee on Armed Services, United States House of Representatives, March 9, 1970.

(7) President Nixon's News Conferences on January 30, 1970.

(8) Secretary of Defense Melvin R. Laird's New Conference of February 24, 1970.

FOOTNOTES

[1] The problems of the defense of remote Minutemen were not well developed in last year's debate. In March Secretary Laird claimed with reference to Safeguard Phase I, "A heavy cover would be provided to roughly one-third of our Minutemen missile force" (ref. 1, p. 180). The use of the figure 1/3 implied that virtually all of the Minutemen at Grand Forks and Malstrom would be defended. Opposition witnesses pointed out that if the remote missiles were defended the same interceptors could not be used to defend the MSR's. There is an additional problem in that the MSR would be unable to "see" the remote Sprint missiles until they were well above the ground (for those as far as 80 miles away the altitude would be several miles above the horizon). This problem arises because of the earth's curvature and because radars do not work well against targets that are only a degree or two above the horizon.

Presumably in recognition of these problems Mr. Laird changed his position regarding the coverage for Minuteman that could be provided by Safeguard. Thus he said in May "We would have heavier protection for at least 10 to 20% of our Minuteman force" (ref. 2, p. 46)

There is no admission in the record that with this reduction in the number of missiles defended by Sprints there would be a reduction in Safeguard effectiveness.

[2] The cost of an MSR installed with the associated data processing equipment is now estimated at $150–200 million.

[3] Just how practical and economic the presently proposed defense is likely to be can be illustrated by some simple calculations.

[4] Last year Secretary Laird suggested that the full Safeguard deployment could be completed by mid-1976 (ref. 2, p. 28, 85), Secretary Packard more cautiously suggested) 1977 (ref. 1, p. 295).

[5] If costs continue to rise at this rate we will be at the $25–40 billion level by the time the full Phase II deployment could be implemented.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, our military experts and the Secretary of Defense have proposed that we move forward into engineering development of the B–1 aircraft, formerly known as the Advanced Manned Strategic Aircraft, during fiscal 1971. The military procurement bill, H.R. 17123, includes $100 million for this purpose. I rise in support of this request.

Since coming to Congress I have consistently maintained that we must have a proper mixture of both manned bombers and missiles as a deterrent for any would-be aggressor. Such a mix provides the best assurance that the Soviets will not be able to negate the effectiveness of our strategic forces by technological advances in one or more areas.

The development of the B–1 is a logical step to insure the security of our Nation in the 1980's.

Our strategic bomber force has been cut drastically in recent years. The entire B–58 force has been phased out sooner than previously planned. The Air Force buy of the FB–111 has been reduced from 264 to 76 aircraft. Retirement of the B–52C through F models continues.

The B–52 prototype dates back to 1952, and the latest models were built in 1962. With certain modifications now programed, they can remain operational until the late 1970's or early 1980's.

The Defense Department and the Air Force have carefully planned and proposed an orderly, well-balanced and low-risk development program leading to the first flight of a B–1 prototype about June of 1974.

No production commitment on the part of the Government is planned until after the prototype flies. It probably would not be until 1978 that the initial B–1 aircraft could be operational, if the decision is made to proceed with production. By that time the B–52's will be 17 to 20 years old. We have reached the point where a sounder investment is to acquire a new bomber rather than to keep modifying the old.

Mr. Chairman, I am interested in reducing our defense spending wherever possible, just as any other Member of the House. However, we must be realistic about taking the necessary actions to insure the security and freedom of America today and tomorrow.

The Secretary of Defense, our former colleague in the House, Melvin R. Laird, told the Armed Services Committee:

> As we reduce our defense spending and move further into negotiations we should have no illusions about the current state of world affairs. I am obliged to report to you, for example, that the Soviet Union is not making similar reductions in its defense budget. In fact, the Soviet Union is pulling abreast of us in many major areas of military strength and ahead of us in others. The Soviets are continuing the rapid deployment of major strategic offensive weapons systems at a rate that could, by the mid-1970's, place us in a second-rate strategic position with regard to the future security of the Free World.

I choose to heed the advice of our Nation's acknowledged military experts on matters of defense and security.

In this military procurement bill, we are told that it will provide the smallest Air Force since pre-Korea days and the lowest aircraft buy in the history of the Air Force, and half of the aircraft to be procured are for Southeast Asia forces.

It is logical and in the best interest of the Nation that we follow the counsel of the experts and the recommendations of the distinguished Armed Services Committee and provide funds for the B–1 system engineering development.

Mr. ARENDS. Mr. Chairman, I yield such time as he may use to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, the only reason that history repeats itself is that we never seem to learn anything from it the first time around.

Today we are seeing many of the world political phenomena of the post-World War I and pre-World War II era being repeated in America.

Learned men who should know better would have America again retreat to her own shores.

Wishful Congressmen, ready to believe that everyone wants peace as badly as they do, are ready to disarm unilaterally.

The Chamberlain model umbrella should sell well in America this year.

Mr. Chairman, it is not enough, in today's world, to assume the fetal position in the womb of mother America and say we are safe because we are there.

It is time now that we tried to make some of these idealistic, well-meaning persons aware of what the world outside is really like.

It is time for all of us to face reality.

We are not living in a world of nice guys who are willing to iron out differences; we are living instead in a world where there are those who, if they would not enslave us, would at least isolate us and make us subservient to them.

This is a world where those nations who sit on the sidelines and watch the struggle for supremacy always go one way—with the winner.

This is a world where it is nice to be right but where might is essential to freedom.

Mr. Chairman, so long as the United States is the mightiest nation on earth, we will lead the free world. We will stand between the free nations and those who would enslave them.

And "enslave" is the right word. Ask any Czech. But we stand to lead the free world only so long as we are the strongest. When the time comes that we know and Russia knows and the world knows that we are only No. 2 because we did not try harder, then the free world, and freedom in the world, will slip away. Then we will be isolated.

Then, if we have to fight, we will stand alone.

Mr. Chairman, the United States did not ask to be the guardian of the free world. After World War II there simply was no other to pick up the torch of freedom. There is still no other.

And yet there are those who would have us abandon that role.

Mr. Chairman, the fact is, we do not have to abandon it. All we have to do is sit here doing nothing and the grim future will overtake us. It always does.

And the color of that future is red. Not red ink as is so often the case. Just red.

Mr. Chairman, I think it is time we looked at the challenge we face. Not the challenge of Red China—yet—although I would point out that those who viewed the first Russian satellite as a ping-pong ball in space learned what that was all about the hard way—but the challenge of Red Russia. It is not a reassuring view.

While the Congress sits here and debates whether we should have three anti-ballistic-missile sites, the Russians have already deployed or are deploying four ABM's around Moscow.

Last year we did not add a single nuclear submarine to our Navy, but the Russians added eight.

Incidentally, Mr. Chairman, I would like to call the attention of my colleagues to the survey of the growing Soviet naval threat by Defense Secretary Laird and put in the RECORD by Senator THURMOND. You can find it on page 13160 of the RECORD of April 27. It is worth looking at.

The real significance of this is that the Russians are attempting to meet or surpass us in every area of defensive and offensive weapons, land and sea and air.

Are some of us still so naive as to believe they do this only because they fear a U.S. attack? Mr. Chairman, the time for attack, militarily speaking, was when we had a clear superiority, not during a period of near equality. Certainly, the Russians must know this. They cannot any longer say they really fear American attack.

This cannot be why they spent last year the equivalent of 25 billion American dollars on nuclear weapons, why they are building another 125 ICBM's, why they are building 320 more submarine-launched missiles and 27 more ABM launchers.

No, Mr. Chairman, they mean to dominate the world militarily. No reasonable person can really deny that.

The question is, Are we going to take the risk of letting that happen? I sincerely hope not.

Mr. Chairman, there appear to be two ways of avoiding that possibility. One is to escalate the arms race. Certainly we do not want to do that. We have better things to do with our resources, just as the Russians should have.

The other way is to obtain a meaningful agreement on arms limitations.

That is what we are striving for now in the so-called SALT talks. These may be more appropriately named than many imagine. They will prove whether our negotiators are worth their salt or whether we are to wind up "SALT creek."

Under this administration I think you will find that our negotiators are indeed worth their salt.

But they need help from us in the Congress. They need to be able to negotiate from a position of strength; they need bargaining points and bargaining power.

But, Mr. Chairman, there is nothing to bargain with and no reason for the Russians to bargain if, unilaterally, we decide not to increase our ABM defenses, if we decide not to build MIRV, if we just surrender the game.

That is plain elementary logic.

I fail to see how in these times any man who genuinely loves both peace and freedom can call on the United States to weaken itself vis-a-vis Russia, to depend on the good will of a nation that has never shown international good will.

Mr. Chairman, I urge this Congress, I urge the Members of both Houses to give the President what he needs to defend this country and to negotiate for this country.

To do less is worse than shortsighted. It is worse than criminal. To do less, in the long run, can only be fatal.

Mr. Chairman, in the past America has always been worth defending. To me, it still is.

Mr. RIVERS. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia, Mr. HAGAN.

Mr. HAGAN. Mr. Chairman, I would like to address myself to the need for continuing production of the C–5A, as the authorization bill provides. In order to provide the proper perspective I will spend some time reviewing with you how the C–5A fits into our overall airlift posture.

The first basic point is that the C–5 was designed specifically to carry the heavier and bulkier items of Army equipment, primarily tanks, self-propelled guns and assault helicopters—items too heavy or too large to be carried by any other aircraft, including the new Jumbo Jets.

The second basic point is that, looking into the 1970's, there will be basically three components of our total strategic airlift capability.

The first major component will be the commercially operated aircraft. These are utilized routinely, and economically, on a charter arrangement. Under periods of crisis, several hundred of these commercial aircraft can be made available to the Government through the Civil Reserve air fleet program. These aircraft are limited to carrying passengers and some smaller items of equipment because of the size of doors and cargo compartments.

The second major component will be the 14 squadrons of C–141 aircraft. They can carry some larger items of equipment.

The third component will be the C–5's. They can carry the largest items of equipment.

There are various ways of comparing these three components. Taking, for example, a deployment of Army units from the continental United States to Europe in 1972, it is estimated that the Civil Reserve Air Fleet could carry 5,500 tons per day on a sustained basis compared to 2,100 tons per day for the C–141 aircraft and 2,800 tons per day for the currently authorized C–5 fleet—70 in operational units out of total bay of 81.

The C–5's, however, are vital because they allow us to exploit the full potential of our other airlift components. Without the C–5 the commercial aircraft and the C–141 simply cannot carry some of the most important pieces of guns, and assault helicopters. Without the C–5 the Army would not be able to airlift armored or mechanized division with anything like their full equipment and firepower.

The question of how many C–5 aircraft to procure is answered by two basic considerations: First, while the production line is open we should buy all we are going to need. These aircraft can be expected to last 20 years at least. Second, we should buy at least enough C–5 aircraft to exploit the full capability of the other components of our airlift fleet. I say, at least, because the C–5 has several other unique features, in addition to the basic feature of carrying large, important items of Army equipment.

These other features include: First, low operating costs, roughly half as much as the C–141 fleet on a ton-mile basis, second, ability to land and take-off from modest airfields without damaging the runways, and third, ability to load and unload rapidly with minimum need for ground equipment.

This year's bill provides most of the funds needed to finish the buy of 81 aircraft authorized last year. This buy, which provides 70 aircraft for operational squadrons, does not, in fact, measure up to our basic need to balance the number of C–5 aircraft with our C–141 fleet and Civil Reserve Air Fleet. We would need 84 C–5's in operational units for a balanced deployment of a mechanized division and 95 C–5's for a balanced deployment of an armored division. Consequently, there can be no doubt but that the current authorization to buy 81—to provide 70 in operational units—is a frugal program and well below our needs.

We can, to some extent, hedge against our lack of C–5 capability to carry large important Army equipment by prepositioning such equipment in likely trouble spots. Such prepositioning is not without its drawbacks. You cannot really preposition at just the right spot. A tank, for example, has limited ground mobility. A hundred miles is a good run and after 300 or 400 miles substantial maintenance is in order. Then too, we have commitments and vital national interests throughout the free world. Do we really

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envision prepositioning at all likely trouble spots? I hardly think so, nor would such U.S. military presence always be appropriate to the diplomatic situation, No, the right answer is to have the airlift—not try to get along without it.

For years we have been a major national power, but we have always been a defender not an aggressor. In this same role we intend to honor our commitments to our allies in both Europe and Asia. We obviously will carefully consider our own interests, as well as our concern for the offended country, before we determine our response to some aggressive action against one of our allies. But we must stand ready to honor those commitments.

I cannot possibly envision how we can honor our commitments or have a credible deterrent to aggression without the C–5A aircraft. It is as simple as this—with the C–5A, we have a rapid deployment capability, without it we do not.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, the President has been confronted with the problem of grave new threats to the peace and stability of Southeast Asia. Cambodia is close to a Communist takeover and is in desperate need of outside help. It has been made clear that U.S. policy will not permit direct involvement of U.S. troops in Cambodia. There remained the possibility of making substantial quantities of weapons and ammunition available to the Cambodian forces or supporting action by South Vietnamese forces against the Communists in Cambodia. For the moment, the issue has been resolved by the latter action.

There is, of course, the possibility of a wider involvement by the Communists but there is no reason to believe this would not have taken place anyway had it suited their purposes. To provide weapons alone to the Cambodian forces probably would not have insured the survival of the present Cambodian Government. Their forces are poorly trained, they have not had the benefit of combat experience, and they have proved to be no match for battle-hardened Vietcong forces. Nevertheless, they badly need additional weapons. The ones they have are hodgepodge, and they have been obtained from a number of different countries. Many are obsolete or lacking in spare parts. Ammunition is critically short. Effective use of additional weapons would necessitate advisers for training purposes, and presumably these could be Vietnamese. This action would be time consuming. On the contrary, a diversionary attack on the Vietcong in Cambodia by South Vietnamese forces is of immediate value. It appears that they have this capability, and such an attack could take much of the pressure off the Cambodian forces.

Unless steps are taken to help Cambodia, the North Vietnamese and the Vietcong forces, which already are on Cambodian soil in large numbers, could be expected within a short time to take over control of the country's major cities and hand the government back to Sihanouk.

Before his ouster by the present Cambodian Government, Prince Sihanouk was neutral on the side of the Communists, and one of their principal supply routes was from the Cambodian port of Sihanoukville to the fighting front in the Vietnamese delta. With Sihanouk out of power the supply line can be closed, and rest and training sanctuaries, which have been enjoyed inside Cambodia for a number of years by Communist forces, would eventually be eliminated. With Sihanouk back in power, the Cambodian Government would be openly the puppet of the Communists and the task of Vietnamization would be greatly increased, as would the problems of Laos. The safety of U.S. forces in Vietnam would be directly affected. The psychological effect that new Communist successes would have on the peoples and governments adjacent to Indochina must be taken into account. These include Thailand, Burma, Malaysia, Indonesia, and the Philippines. All of them are trying to read the signs of the times and to shape their courses accordingly.

The situation is much more grave than many Americans appear willing or able to comprehend. Some help for Cambodia is essential if the present government is to have a chance to survive. This help must be provided without the active commitment of American forces and without undue American involvement. It is my understanding that this is to be the situation under the plan for direct assistance to Cambodia by Vietnam with specified limited American support. If we are truly concerned with the course of events in Southeast Asia, America should not turn its back at this crucial moment. Unfortunately, the problem confronting the President and the United States has not been clearly described to the American people. We have much at stake. Mr. Nixon should now be able to count on assurances of support from people who are knowledgeable and who have not yet spoken out.

Now let me go a step further and comment on the defense authorization bill which is before the House. In a world that is far from peaceful, I think we should be concerned with the level of defense spending in our own country. Please bear in mind that it is the Department of Defense which is being required to carry the brunt of economy efforts, both by the administration and by the Congress. Last year the Congress reduced the Defense budget by about $5 billion, and if you will examine the records, you will find that this is about the only significant budget cuts that were made. The administration proposes another $5.2 billion reduction in defense spending for the current fiscal year and the authorization bill which is before you is based upon those recommendations. We are spending proportionately less on defense than we have at any time since the beginning of the Korean war, And more on everything else. Necessary expenditures in Vietnam have taken a big portion of defense spending in recent years and has gravely interfered with modernization of our weapons and equipment. The Russians have had no such problem and they do have modern aircraft, modern ships, and modern weapons, not only for their own forces but to share with their satellites. We have nothing that is fully modern for any of our allies except the South Vietnamese.

The current budget is not going to improve this picture. Secretary Laird has called it a "bare bones, rock-bottom Defense budget" and he is right. It is more than a little significant that he recognizes the gravity of the situation to the extent that he has suggested how additional funds could well be provided, and in response to questions from me, recommended increases totaling $809 million. These include a $435 million increase in the Navy's shipbuilding program, $200 million for defense research and development, $30 million for tank modernization, and $148 million for the purchase of 48 additional F–4 fighter planes for the Air Force. Congress should provide the authorization and the funding for the additional items which Secretary Laird has suggested. There should be no serious thought of further cutbacks in the defense program.

Mr. Chairman, I feel that I should discuss two limitations which have been written into the pending bill. Let me call to your attention testimony contained in the hearings of the Defense Subcommittee of the House Committee on Appropriations on Tow and Shillelagh. This has to do with restrictive language written into the bill now before us which is contrary to recommendations of the Department of the Army. The material in question appears in "Army Research and Development" hearings under the heading of "Ordnance, Combat Vehicles, and Related Equipment," and it is soon to be available in printed form. I offer the questions and testimony verbatim. You will note that Army witnesses state there will be dangerous effects both from the standpoint of time lost and from the standpoint of added costs if the Tow and Shillelagh controversy is allowed to continue. The language of the House hearings follows:

ORDNANCE, COMBAT VEHICLES, AND RELATED EQUIPMENT

Mr. SIKES. There is some controversy on Capitol Hill, notably in the Armed Services Committee of the House, on the relative merits of Tow and Shillelagh. This committee has supported the departmental recommendations.

What would be the effect on the program of the language inserted in the Armed Services authorization bill this year?

General BETTS. As we understand what that language is intended to require, it would call for us to allow the Tow production effort either to terminate or to stretch out so we could go through enough development of a ground launcher system for Shillelagh to give us a meaningful test of that missile in the ground role against the Tow missile as it is already designed for the ground role.

The contractor has suggested it would take about 6 months for such a proof.

Mr. SIKES. What do you estimate the total loss of time to be?

General BETTS. We have to go through that kind of exercise before we can make an evaluation between the two. Then we have the full development, test and evaluation program for the ground launcher system before we can commit to production of that ground launcher system. We see a delay of some 58

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> months between the time that we could have the first Tow unit in the hands of troops in the field as against a comparable date for Shillelagh.
>
> But there is a more important comparison I would like to make. Recognizing where we are in the Tow program and assuming that everything worked out well for Shillelagh and we decided to go the other way, the comparison comes out to say that we can have the full European force equipped with Tow launchers and their basic unit fill of Tow missiles very much earlier. We cannot even have the first acceptable production launcher of the Shillelagh system that quickly.
>
> Mr. Sikes. What additional costs do you see associated with this requirement?
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> General Betts. The costs are the most difficult thing to pin down, because we are trying to project what reductions we would expect to get in the Tow missile production by competition. You are aware that we used the funds given to us in previous budgets to set up a second course, in this case Chrysler, so the Hughes Company would have cost competition in the next big buy of the Tow missile.
>
> Our previous experience on the reduction in costs we get by that approach has ranged all the way from a relatively few percent to in some cases as high as 35 percent.
>
> It is our estimate, from analysis of the Shillelagh program, that by competition we cut their costs by 29 percent. The Shillelagh people dispute this, but we believe it to be true.
>
> Nevertheless, if we assume that our people at the Missile Command who are dealing with both of these contractors know well enough what is going on in both programs to make good at them, they have concluded that if we go the Shillelagh route rather than Tow, we will not save money, but it will more likely cost us something like $40 million to $70 million more than would the other program.

I have noted also a provision in the bill now before the House which requires the Secretary of the Army to certify to the Congress that at least three active production sources for M–16 rifles will continue to be available within the United States during fiscal year 1971 prior to obligating any funds authorized for procurement of these weapons. This requires further study.

I can readily understand the desire of any Congressman that manufacturing capabilities for the Department of Defense within his district be protected and continued. However, it should be obvious that this requirement is one which will cost additional money. I think the Congress should face up to the facts, and I have obtained these facts from the Department of the Army.

Existing contracts for procurement of M–16A1 rifles are scheduled for completion as follows: Harrington & Richardson, fiscal year 1969, November 1970; Hydramatic Division, General Motors Corp., fiscal year 1970, January 1971; Colt's, Inc., fiscal year 1970, April 1971.

It is planned to negotiate competitively for the production of M–16 rifles during fiscal year 1971. This would include dropping all but one manufacturer of these weapons. It is estimated that to maintain three active producers of M–16 rifles during 1971 by noncompetitive negotiated procurement beginning after the completion of existing contracts, the average unit cost of the rifles would be $141, the total program cost would be $36.5 million, and this would mean a budget add-on of $9.4 million to maintain three active producers during fiscal year 1971.

If, however, the intent of the cited provision is to require that all funds authorized for fiscal year 1971 procurement of M–16A1 rifles be used to sustain three producers, an alternative method of procurement is to make noncompetitive negotiated awards to all three producers for a total of 253,738 rifles at the minimum sustaining rate, with delivery to begin upon completion of existing contracts. Average unit cost of rifles procured in this manner is estimated to be $163.50. Total program cost is estimated to be $41.4 million. A budget add-on of $14.3 million would be required to maintain three active producers in this manner.

The Army fiscal year 1971 budget request for $27.1 million is now based on competitive procurement of 253,738 rifles at a unit cost of $107 with a delivery schedule of 20,000 rifles per month from one producer. The requirement of the cited provision cannot be fulfilled with the option contained in the House bill.

The Army states that its proposal will obtain the required rifles at the most economical price and sustain one producer as an active production source, which is all that is required. The other two production sources would be maintained in a layaway status.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, not being a member of this committee, I doubly appreciate the privilege of this time. I realize that there is very little enthusiasm for prolonging the general debate on this bill. Yet at the same time, it is highly important that once in a while we take a moment here in this body and reflect upon some fundamental questions.

A question that naturally arises from a bill of this character and magnitude dealing as it does with military hardware, aircraft, missiles of various sorts and warships goes beyond the specifics of what we are going to provide to the executive branch to augment our defense capability. Even more important, far more important, is the question of the circumstances under which these forces may be used and the place or places at which the decisions will be made.

Mr. Chairman, we have a grave responsibility under the Constitution that I am afraid we do not very often reflect upon. It is not only the responsibility to raise armies and provide a navy as set forth in article I, but also to provide for the regulation thereof.

We can properly ask ourselves, what provisions have we made for the regulation of the tremendous military potential that is to be authorized by this bill?

What are the circumstances under which it may be used? And this becomes especially important in view of the concern over what may develop in Cambodia and the role of the United States in the unfolding events there. Will arms be used over the air space in Cambodia manned by U.S. military personnel? Is it conceivable that our naval forces would be involved in any way in operations immediately off the coast of Cambodia?

What have we provided? Under our Constitution have we seen things change so radically that the President of the United States by virtue of his position as Commander in Chief has in effect a 4-year blank check on the use of these military forces?

Three years ago, I believe it was, on a similar military procurement bill, I asked for time and asked the ranking members of this committee if they knew of any limitation placed upon the President as Commander in Chief in what he could do with these military forces, and I raise that same question today. Then the answer was that no limits existed. Today are there really any practical limits on the uses the President of the United States may make of what is provided in this bill? Would anyone like to respond to that question? Are there any restrictions upon the scope of operations by the Commander in Chief in using these military forces? Can he send them anywhere for any purposes he deems proper?

Put it another way: What is the real role of the Congress of the United States in approaching these fundamental decisions, in regard to the awesome power of the sword?

I do not see anyone jumping to his feet to respond to that question. In fact, that inclination not to respond deepens my concern. Have we really completely abdicated our responsibility for making fundamental decisions on military policy? Certainly the Constitution of the United States gave us that responsibility when we took the oath of office here, and yet what have we done, and what are we doing?

Well, there are circumstances, of course, in which the Congress cannot be consulted before military force is used by the Commander in Chief. It would not be practical for the President of the United States to have to run to Congress to get approval before he could respond to an attack thrown our way by the Soviet Union or someone else. It is also very clear that he has a responsibility to protect the lives of U.S. citizens and to some extent their property beyond our borders.

In those circumstances he has responsibility as well as the authority to use military force. But would anyone argue that these opportunities, available to the Commander in Chief, are open ended? I think to the contrary: If we think about it we would instead argue that those must be strictly construed, and the President must not use, under the guise of repelling attack, military force well beyond what is necessary, or in a similar way in protecting the lives of U.S. citizens.

There are responsibilities placed upon the President under treaty and other legislative enactment. For example, the North Atlantic Treaty is unique; I think unique in all human history, because, in effect, it extends the borders of the United States to encompass all of the 14 nations brought together under the North Atlantic Treaty. An attack upon the territory of any of these other coun-

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tries is automatically to be regarded, by our Commander in Chief, as an attack upon our own territory, and we have in advance given the President not only the authority but the responsibility to respond to any such attack.

But I submit that this is the one and only such treaty to which the President can look for authority in using military forces without specific approval of the Congress, beyond the elementary, obvious needs to repel attack and protect U.S. lives.

These are things that we ought to be thinking about as Members of this body, under our responsibility under article I of the Constitution, the fundamental responsibility to make policy decisions on war and peace.

Because in truth, it may be that we are in an interim period in which the somewhat restricted conflict that we refer to as the Vietnam war may be broadened and become the Indochina war. What will be the role of the United States in that case? What should the President do in this hour about aiding the forces that have undertaken an operation on Cambodian territory? What is the limit of his authority to deal in this field?

It may well be that a procurement bill that deals with only the nuts and bolts of our military force is hardly the place to deal with fundamental policy, but I observe to my dismay and regret that the Congress rarely deals with questions of fundamental policy in the military field. We seem content with the relatively passive role of supply sergeant to our military needs. Neglect does absolve us of responsibility, and especially in this hour when decisions on our participation in Cambodian events may be made by the executive branch.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from New York.

Mr. LOWENSTEIN. I thank the gentleman for yielding, and want to express my appreciation to him for his valuable comments today. Millions of Americans are shocked and dismayed by the news of the President's imprudent extension of our military involvement in Southeast Asia. What strange routes we travel on the way to withdrawal from Vietnam.

In this constitutional Republic the will of the people cannot be ignored endlessly without eating away at the framework of the Nation. The Constitution specifies how we are to go to war. It does not authorize Presidents to wage unilateral wars without the explicit approval of the Congress. You would think this limitation would be observed with special care by Presidents who tout themselves as strict constructionists and who were elected on pledges to bring peace.

Be that as it may, this is a tragic decision for the American people, and the way it has been made adds to the dangers confronting us.

Mr. FINDLEY. Mr. Chairman, I must say I believe the President under the implied responsibility to protect U.S. lives can certainly justify some military operations in Cambodia but only to the extent that these are required by our Vietnamization program, our program under which all combat forces are to be withdrawn from South Vietnam.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. HICKS), a member of the committee.

Mr. HICKS. Mr. Chairman, it seems to me we are all interested in the same thing and that is that we should not spend a dollar more on defense than we need to spend. But, of course, that is the point where we get into difficulty.

A dollar more spent on defense than is absolutely necessary is a dollar wasted. But where can you say for sure that we have spent too much money? Congress has to act as a judgment body. To reach a proper judgment on such a vital matter, thorough debate is required. That we have had today. I think in the past we have cut off debate too early. I think in the past we have not permitted those who are in opposition to express their opposition. Today, all Members who seriously desired to voice an opinion in opposition to the measure under consideration were given the opportunity to do so.

And that is as it should be for a program—if it is a good program—is just as good at the end of extended debate as it is when debate is cut off while Members still desire to be heard.

This bill for about $20 billion is a very expensive bill. That is certainly true if you look at it from the basis that we should not spend a dollar for defense—and a lot of people seem to take that attitude. They seem to start from the premise—well, we do not need it and, therefore, we are wasting it if we spend it. But I am not one who subscribes to the theory that all money spent for defense is unnecessary, wasteful, and wrong.

The subcommittee upon which I have the privilege to serve is chaired by the gentleman from Illinois (Mr. PRICE) and that subcommittee as of this year has been given jurisdiction over hearings on research and development funds.

Roughly a third of this $20 billion procurement bill that we have before us today goes to research and development. Certainly if we are seriously interested in the security of this country, we must be interested in the best bill that we can possibly get for research and development, for that is where our security is going to come from down the road 5 years, 10 years, 15 years from now. There just is no question that the Soviet Union has now reached at least equality with this country in funds spent on research and development and very likely our efforts are being exceeded. That, to me, is probably the most serious aspect of this bill. If we fall short at all in it, I think it is in the area of research and development.

If the Soviets gain superiority at that point, then, in the long run, some years down the road, we do become most insecure. The fact that we have no ongoing war with the Soviets nor apparently none immediately over the horizon, I think we tend to get into the attitude that there is no real need to spend really large amounts for defense.

But Czechoslovakia occurred recently enough so that we all should be disabused of that idea.

Because of the tendency to feel we really do not need to spend for defense, I fear that we have pared our research and development budget probably a little thinner than we actually should have. I feel that we must keep our research budget strong and to do that we should have authorized considerably more money for that part of our Nation's defense effort than we have in this bill. As this bill comes to us today, probably some amount could be shifted here or there without adverse effect but on balance it is a good procurement bill. I support it in every respect except one, and that is the one to which I was opposed in the past—the ABM—and I shall be opposed to the ABM this time.

In all other respects I urge passage of the bill.

Mr. KING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, five members of the committee signed separate views opposing the deployment of the Safeguard ABM.

Because I think some of the statements and implications in the views, while I am sure they were honestly arrived at, are incorrect, I take this time to provide some clarification.

The additional views, by a bit of complicated mathematics, arrived at a cost growth of $2.3 billion for the system. The figures here, however, are incorrect. The Deputy Secretary of Defense pointed out to our committee a cost growth totaling $1.6 billion. This is the difference in the estimated cost of the system this year as compared to the estimate last year. It should be understood that this cost growth occurs over the 8 years or so during which a full system would be developed.

However, in their dissenting views, the opponents added $500 million to that figure for the development of the improved Spartan. In point of fact, the cost of the improved Spartan was already included in the cost estimates for last year and for this year so it would not be a cost growth in addition to the $1.6 billion estimate made by the Department of Defense. In addition, the cost estimate for the Spartan is not a cost growth but simply an estimate of what might be spent for the missile over the life of the development of the Safeguard.

In addition, the $200 million added for the new small radar is an estimate of what the development of such radar might cost if it is determined to be needed. Since no decision has as yet been made on the design or the deployment of the small radar, it would hardly be fair to include it as a cost growth. And even if it is eventually developed, the estimated cost is not as I said, a cost growth, but the initial estimate of the radar cost.

In other words, the opponents have added $700 million to a cost growth estimate which are not really cost growths at all.

That kind of careless approach to the facts may have something to do with the opponents not being able to understand the merits of the system.

The additional views accuse the system of using a total of 102,000 people. It is hard to determine what they are trying to prove here since the figure is merely a lumping together of all of those who would be used to operate it once it is in place.

The statement claims that last year the estimate of SS–9's was 255 and that, therefore, there has only been a growth of 20 over the past year. The testimony, the committee report, and all of the records last year show clearly that the estimate at that time was 255 and that in fact the Soviets have put in place an additional 50 missiles over the past year. Again, a needless disregard for facts.

The additional views claim that the Safeguard will have a deleterious effect on the SALT talks. They claimed the same thing last year and, of course, the SALT talks went ahead. They present no evidence to show that the Safeguard would hinder SALT talks this year. In attempting to show that the defense of our Minuteman forces are not necessary, the opponents attribute remarkable survivability to the manned bomber. I find this rather curious. And some of the opponents also opposed the development of a new manned bomber although our last B–52 came off the production line in 1962 and will be of limited effectiveness by the time the Soviet threat is fully developed in the late 1970's.

In any case, it should be clear that the assumption is made here by the dissidents that one deterrent force—the nuclear missile firing submarine will be a sufficient deterrent. I do not think the House would be prepared to risk the country's security on that assumption.

The opponents made a seriously inaccurate charge when they accused the President of changing rationale for the ABM. This is simply not true. The purposes the President listed for the system last year are the same as those he listed this year. The opponents go into a curious bit of computation to determine that the system would be wholly inadequate from a technological standpoint and could be easily defeated by the Russian ICBM's with MIRV warheads.

I am continuously mystified as to how the system could hurt the SALT talks, escalate the arms race, and generally upset the Russians so much if it is not going to work anyhow as the opponents claim. Without downgrading the opponents as military experts, I think it is safe to assume that, if they have figured out how to defeat the system, the Soviets have figured out how to defeat it also.

In point of fact, of course, we are in the unfortunate position of being unable to assume that the Soviets will fight a war, according to the calculations of our Member from California and his colleagues. But I would point out that, in order to make the arguments technically correct, the gentlemen assume a capability on the part of the Russians to put in only three MIRV'ed warheads on the SS–9 but possibly as many as 20 to 25. I would also point out that these are the same gentlemen who tell us that the SS–9 is not a serious threat to our own deterrent force.

I would point out further that in estimating the Soviets could by the mid-1970's have a force capable of knocking out over 90 percent of our Minuteman missiles, the Secretary of Defense assumed three warheads of each SS–9—or 12 to 1,500 in toto. The opponents are assuming something in the nature of eight to 10,000 warheads but, at the same time, are able to conclude that the threat is less than the Secretary of Defense states.

Mr. Chairman, I can only assume that this is the new, new math.

The opponents also attribute to the Chinese the ability to develop penetration aids easily and swifty—although, of course, these are also the men who tell us the Chinese do not constitute a serious threat.

Mr. Chairman, developing reliable penetration aids is not cheap and it is not easy. And while I do not want to underestimate the Chinese technological ability, we have no reason to assume they can develop Penaids in one-quarter the time it took us to do so.

Mr. Chairman, in conclusion, let me point out something in relation to the technological arguments that we said in our report last year and which many people have forgotten:

THE CHALLENGE TO THE ATTACKER

What has impressed the committee is that the final conclusion cannot be based on a series of limited assumptions. Assuming the worst, the ABM could be a catastrophic failure and the enemy could get his missiles through and destroy our deterrent force. But the enemy cannot make his plans on the basis of such assumptions that give the benefit of all doubts to his capability and the least advantage of all of our defense capabilities.

The existence of the ABM that would require an enemy to resort to decoys, chaff, and other penetration devices would, of itself, lessen the level of attack, since the portion of the rocket devoted to carrying penetration aids cannot carry nuclear warheads. With a small warhead, greater accuracy is required and the offense's job is, therefore, complicated. This is what is referred to as "virtual attrition," and it will result whether or not the ABM system actually works.

The penetration aids and other devices for assuring the delivery and accuracy of missiles are extremely complex and complicated and involve thousands of parts and hundreds of things that can go wrong, just as is the case with a defensive program. It is true that our ABM cannot be tested under operational conditions, but it is equally true that all of the enemy's offensive support and penetration aids cannot be so tested either. What an enemy does need if he is planning a first strike attack is certainty and he must, therefore, assume the most pessimistic capabilities for his own force and the most optimistic capabilities for a defending force. Since it would greatly reduce any sense of certainty that the enemy might have about the success of his attack, the ABM, with all of its presumed faults, provides an important deterrent to nuclear attack.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Chairman, nothing is more important for the future of mankind than the avoidance of nuclear war. The purpose of the Safeguard ballistic missile defense is to keep the risk of nuclear war at the lowest possible level. If the risk begins to rise, as we foresee that it may, Safeguard will provide appropriate protection for the American deterrent forces and will reduce the risk again to the present low levels.

Today the risk is no doubt extremely low. Both the United States and the Soviet Union are able to guarantee beyond any possible doubt that an attacker of either country would be destroyed by a retaliatory blow. In the face of this unquestioned ability of both countries to retaliate, there could be no rational reason for one suddenly to attack the other.

Until workable arms control agreements exist, the preservation of this mutual deterrence is the only practical way to insure survival of the people of both countries.

There is today a rough balance of deterrent forces, a rough stability of the mutual deterrent threats. Safeguard is designed to maintain our deterrence no matter what the Soviet leaders may wish to do to change the balance—but at the same time encourage the Soviet leaders to accept the balance, and accept the deterrence, and move realistically toward arms control agreements.

Today, the United States has more warheads; the Soviet Union has larger warheads. In total explosive power the two nuclear giants are, for all practical purposes of deterrence, about equal. Our policy is to maintain an equality, a balance. We are not adding to the number of American offensive missiles and bombers; we are not threatening to overwhelm the Soviet retaliatory missiles and bombers; and we are not, conversely, permitting the Soviets to threaten to overwhelm our retaliatory forces.

In other words, the Kremlin leaders can see that the United States has a responsible, deterrent nuclear war policy and that it is protecting its deterrent weapons.

Our understanding of Soviet nuclear war policies is not at all clear, however. We see certain restraints in Soviet actions and words which give us hope that the Soviet Union also has a deterrent policy, but we see other actions which give us concern. Specifically, we see the Soviets installing large numbers of weapons which are well suited for an attack on Minuteman.

We have no way of knowing what the continued installation and improvement of these weapons mean. To be prudent, we must hedge against the possibility that the Soviet leaders do have as a national policy; that they may be moving to attain a first strike capability, and thus attempting to erode our deterrent capability. We must protect our deterrent forces against whatever the Soviet leaders may intend but add this protection in a way that will encourage the Soviets to adopt and maintain a deterrent policy and agree on arms control.

The Safeguard program, the ballistic missile defense recommended by the President to the Congress, is specifically planned and configured to provide the appropriate kind of protection.

There are five essential elements to the Safeguard defensive system. There

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are two radars, one to detect and track incoming warheads at long distance and calculate a point of intercept and another shorter-range radar to do the same thing for close-range intercepts. The interceptions are carried out by two missiles, the long-range Spartan and the fast, short-range Sprint. The radars and weapons are tied together by the fifth essential element, the data processing system.

This combination of radars, missiles, and command and control system gives an effective and flexible defense against a small number of missiles over a wide area or against a large number aimed at Minuteman fields or bomber bases—that is, a light area defense and a point defense or terminal defense which can be made as light or as heavy as is needed to protect our missiles and bombers from whatever level of attack seems possible.

The defense of bombers and missiles is intended to show the Soviets that they cannot reduce the survivability of our deterrent weapons and thereby raise the risk of thermonuclear war.

The light overall defense which a full Safeguard installation could provide would give us protection against another eventuality. Some other country, Red China, for instance, could build an ICBM force which could threaten our people. Such an offense could be stopped by Safeguard. This is fully within the capabilities of present defensive technology. We cannot determine whether Communist China or some other country would in fact threaten to use ICBM's against us, but a defense is feasible and there is no logic in failing to defend.

Safeguard can carry out its assigned defensive tasks with a high degree of confidence of success. The components are the product of a decade of intensive research and development. They have been tested in operational or prototype form, and they work well. The next necessary step is to take the components out of the laboratory and test range, put them together on operational sites, test them realistically, shakedown the integrated system and make it work. We can test it against a massive Soviet "attack" simulated by electronic tapes made of actual Soviet missile and warhead shots. Scientists and technicians who have actually studied the details of the Safeguard say that there are no unresolved technical problems. But the shakedown period will be needed.

This is an important objective of the first phase of the President's program. Congress authorized two installations, one at the Malmstrom, Mont., Minuteman field; another at the Grand Forks, N. Dak., Minuteman field. These two installations will provide the necessary integrated testing and shakedown and will also provide a base upon which additional protection could be built, when it is needed.

Both sites will be completed by early 1975. However, the potential threat risk is increasing, and it is felt that those two installations are not enough. There is a need for further protection, the Safeguard system should be extended to at least another Minuteman field at this time at Whiteman AFB. Similarly, if the third-country ICBM threat materialized, light but effective Safeguard protection could be extended to the American population.

Meanwhile, arms control talks might diminish the risk of war. In that case, Safeguard protection of Minuteman and bombers might not be needed.

Or, arms control talks could fail. In that case, Safeguard would be available to protect the American deterrent forces to whatever degree was necessary. There are several basic questions that should be addressed before making up one's mind about Safeguard.

Can it be delayed? No, not without delaying the installation of the initial sites beyond the time when the risk could be rising unacceptably high. A delay in the program for 1 year would result in at least a 2-year delay in the operational readiness of the first phase and of the full system. Production of components is going on; people are trained; momentum has been generated as the result of the initial decision and congressional action in 1967 to go ahead with the Sentinel program. This buildup would have to start all over if the program were to be delayed significantly now. To delay completion of the first phase until 1976 and of the full defense until 1980 would be to take a dangerous gamble with the security of the country.

But are there better ways to get the same defense? No, not without the same dangerous delay and not without stimulating the arms race which we are attempting to end.

Will the Safeguard system work? Success seems assured. Tests of the components have gone well. Meanwhile, the scientific and technical community has been analyzing and criticizing the Safeguard components, tactics, and rationale over a 10-year span. Their critiques have been most helpful. Modifications have resulted. However, since the current public discussion started early this year, no new or unresolved points have been raised.

America's long-range nuclear retaliatory weapons are truly vital to us. If their effectiveness were ever to be questioned seriously by a potential enemy, the lives of most of us could be in jeopardy. Therefore, a decision to offer extra protection to those weapons should be made calmly and rationally. That is the way President Nixon made his decision on Safeguard. He is asking Congress for a protection which will help keep the risk of a war as low as possible, will encourage the Soviets to discuss arms control seriously, will use the best technology available in the most effective way, and will meet the minimum needs but only the minimum needs.

Safeguard is an essential response to an unnecessary and intolerable risk.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. Davis).

Mr. DAVIS of Georgia. I thank the Chairman for having yielded 5 minutes. I would like to use a familiar phrase at the outset, and that is this: "I'd like to make one thing perfectly clear," and that is that I represent the district in which the C–5A is made. Having established that fact, I would like to lay before you some facts that are true of the C–5A which will bear scrutiny of minds less prejudiced than mine.

No. 1, I would like to point out a fact which has not been emphasized enough, in my judgment.

It was contained in the remarks made by the Chairman of the Armed Services Committee at the beginning of the day, and it consists of the wording of the last paragraph of a letter from the Deputy Secretary of Defense, Mr. David Packard, to the Chairman of the Armed Services Committee of the House, the Honorable Mendel Rivers, dated April 14, 1970, which reads as follows:

> This additional funding—

And this refers to the $200 million which the gentleman from New York (Mr. Pike) and certain of his colleagues have served notice they will endeavor to delete—

> will not be used until satisfactory arrangements are concluded and are cleared with the appropriate committees of the Congress.

By the phrase "appropriate committees of the Congress' is meant, of course, the Armed Services Committee of the House, the parallel committee in the other body, and the Appropriations Committees of the House and of the other body.

I do not think we can overemphasize this particular point, and I will say that in the event a settlement is not reached, then under the statement of the Chairman and under the position of the Deputy Secretary of Defense and, therefore I say of the Department of Defense, this $200 million would simply be put on ice, so to speak. The day it would be available for expenditure would be the day when satisfactory arrangements had been concluded between the contractor, the Lockheed Aircraft Corp., and the Department of Defense, and the day upon which approval of these arrangements had been made by the appropriate committees of the Congress, which I named a few moments ago.

Mr. Chairman, I recognize my remarks thus far have been more or less confined to the amendment which I expect to be offered, but I would like to address a few remarks to a larger view of the matter of the C–5A. If this $200 million is taken out of the funding, if it is deleted, then I say that in time we shall see that an effective throttling of the entire C–5A program has taken place. To my mind that would be a grievous error and a grievous mistake, not only as regards the defense posture of this country but as to the future conquest of the ocean of air which has become as vital a means of transportation almost as the familiar water transportation which has been mentioned a number of times in the debate today.

May I say that at the outset of the C–5 program the requirement was set up that an airplane be designed—if we will, that it be invented—and built, which would be capable of taking off with a payload of 120,000 pounds, of flying a distance of 5,000 miles, of landing on a

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dirt airstrip 4,000 feet in length, of discharging its cargo, and of taking off from the same airstrip, clearing a 50-foot obstacle, and of executing a return flight of 1,000 miles without the necessity of refueling.

I might say furthermore that this tremendous ship of the air can land at an approach speed of only 88 knots, which is slower actually than other very small airplanes.

It is capable of carrying six Greyhound buses from Washington to London and at the same time to carry all of the passengers that can be carried by a Boeing 707 aircraft.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, I commend the gentleman from the Seventh District of Georgia for the excellent statement he has made. Beyond that, I commend him for the excellent study he has made of the aircraft industry and on his tremendous capacity to understand and articulate the problems of the aircraft industry.

I believe he is one of the most able men in this body from that area.

Mr. DAVIS of Georgia. I thank the gentleman.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I am happy to yield to my colleague from Georgia.

Mr. FLYNT. I should like to associate myself with the remarks of my colleague from Georgia (Mr. DAVIS) and to say I believe he has made an excellent statement relating to the portion of the bill which he discussed and also relating to one of the amendments which we understand may be offered tomorrow.

If I may I should like to add to that statement.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RIVERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FLYNT. Mr. Chairman, the decision to have the C–5A has been made, and I, for one, believe it was a proper decision. I, for one, support that decision to proceed with the C–5A program. I hope that it will be fully implemented and carried out.

I am sure no one regrets the so-called overrun more than the gentleman from Georgia and myself. We wish it had been within the projected figure.

I believe it should be pointed out to this committee that never before, to my knowledge, in the history of military procurement, have the design, research, development, test, evaluation, and procurement for any given weapons system all been included in one package. In view of this, I hope that everyone will listen very carefully to the debate which will take place on this amendment later on today, and that the Members will reject the amendment to delete the $200 million.

Mr. RIVERS. Mr. Chairman, I yield myself such time as I may consume.

I wish to say I know of no Member of the House or of this committee who has given us more aid and assistance in trying to find out the problems confronting Lockheed and the C–5A than the distinguished gentleman who represents that district (Mr. DAVIS). This is one of the reasons why I feel so grateful to him.

This is a very complicated setup, as to the building of a brandnew aircraft, such as the C–141 and the C–130. Over the years the gentleman has been of inestimable help to us in our committee in trying to obtain the C–5A weapon system that is so vital to our strategic mobility capability.

I wanted to make this statement in his presence, and to thank him for the cooperation he has given us.

Now, Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California, a member of the committee (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I rise to support this bill. I do not believe one has to take the position that because he supports a $20 billion defense bill he supports an endless escalation of armed conflict in Southeast Asia. This is not an appropriation bill for the war effort in Southeast Asia. It does not relate really to the effort in Cambodia. It is merely a bill for research and development and hardware and certain things which are authorized under our section 412.

However, I would say that if we do not face the fact that we have reasonably exhausted ourselves by an expenditure over the past 7 or 8 years of $150 billion in Southeast Asia, expanding our national debt by $100 billion for this highly costly and ineffective effort, I am afraid all of the things we are doing here today will be just money poured down the drain.

I think we have to face it that we did not have a missile gap back in 1962, as indicated, and we have moved ahead now to this position we are in. We were far, far ahead of the Russians for a long period of time in many kinds of missilery. Of course, now the Russians are coming up in the other half of the arms race, and this is causing certain people a considerable amount of nervousness and confusion. I think we have to face the fact that our expenditure, the cost in effective expenditure in Southeast Asia, has caused 8.5 percent inflation since President Nixon took office. It has caused 700,000 additional unemployed since the first of the year. We have found out that we can spend $81 billion for defense, as we did the year before last, and $77 billion last year and a projected $75 billion this year, and we still have this famine in our domestic military plant and in our aerospace industry. Why is it that Boeing only made $10 million last year and General Dynamics $2.5 million? Why is it that Lockheed is losing $30 million? It is because we are misdirecting our national effort. I think we have found that we can pour this money down the drain in Southeast Asia and it does not really inure to the benefit of the aerospace industry. Of course, in our shipyards nationally we are down about 10,000 men, so our naval shipyard capacity is not as strong this year as it was 2 or 3 years ago. We have this cleavage in the American moral fabric which I think is one of the strongest disabilities we have with respect to our abiltiy to meet our obligations around the world. I would hope as far as Cambodia is concerned that we do not move as we did in Vietnam before we receive an endorsement of the commitment from both Houses of the Congress. We moved into Vietnam first with material. We were not going to send our men in. Now, of course, we are involved, or we were at one time, to the extent of 535,000 men. Now we are down to 430,000 men. I certainly support President Nixon when he says over the next year, after reviewing all of our commitments on the Indochina peninsula, he is directing the military leaders of the Pentagon to reduce our posture in Southeast Asia by 150,000 men. The net effect of that is that our casualties are going down and actually our posture is going up, because we are de-Americanizing the war and putting the burden back on the Vietnamese.

I believe we have certain obligations and commitments around the world, but I do not believe that those commitments should extend to countries without a track record in favor of democracy. In Israel we found a valued democratic ally which has shown a capability to fight for itself and to do some good with respect to the international balance of power. In Cambodia we have a monarchy of several hundred years that has now evolved——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIVERS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ARENDS. Mr. Chairman, I yield the gentleman an extra minute.

Mr. LEGGETT. I thank the gentleman.

Mr. Chairman, we found that monarchy evolved into a military dictatorship which has shown a tremendous capability in just 1 month to commit genocide. I do not believe at this stage of the record that the United States should get into an open-ended commitment in that area. The country of Cambodia, with a $3 billion economy, while it was playing games with the Communists for many years, caused us no problems, and merely because a few generals today opt for democracy—and we really do not know what they mean by that, because they do not say democracy but say that they are anti-Communist—just because of that I do not think we have to jump to their tune.

Mr. Chairman, the present bill before the House is a good bill—$20.3 billion. It is over $1 billion less than we considered last year and $2 billion less than the funding level in 1969.

And, I say this in spite of the fact that the income of the United States has gone up about 8 percent a year and in spite of the fact that inflation has overtaken us by 8.5 percent since we had the original budget that we considered last year. So, I do not think, overall, it is a bad bill. I do not think you have to subscribe to each and every part of this bill merely because you vote for the bill.

There is one part of it that I think we can object to and that is the ABM. I plan to particularize my remarks about this program a little bit later. We are buying again a multibillion-dollar fire

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department. We are letting the Pentagon move into a program of employing over 102,000 men to build and maintain this system for the indefinite future.

I think everyone who is for economy and military spending can be for this bill and yet support the amendment which I plan to offer.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Illinois.

Mr. FINDLEY. I believe I heard the gentleman state he did not believe we should go in with an open ended commitment in Cambodia. To what extent does the gentleman think we should go into Cambodia?

Mr. LEGGETT. As the gentleman well knows, we do face the Communists across the border at what is called the parrot's beak at the present time and we chase them into Laos and this kind of activity I really have no objection to. I am not trying to change the war. On the other hand, I do not think we have any commitment to the Cambodians in any shape whatsoever. We have got no commitment to the Cambodians. I do not think we ought to make one here today.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I want to spend my few minutes this afternoon talking about the missile race, the strategic nuclear race with the Soviet Union, because I believe that recent statements made by the administration are misleading the American public.

I have in the well of the House here a chart which illustrates the comparative strategic nuclear strength of the Soviet Union and the United States. It is based on a chart supplied by Mr. Laird in his posture statement in February of this year. The figures I have here in the well are Mr. Laird's figures or those of the Department of Defense.

Mr. Chairman, I think the important thing to note about this chart is that in September 1968 the United States had 4,200 deliverable nuclear devices, either missile warheads or bombs. The Soviet Union had 1,100, quite a disproportionate balance being in favor of the United States.

Then, a year later—just some 6 months ago—on September 1, 1969, the United States had gone down 100 to 4,100. I think this is probably due to phasing out some of our strategic bomber force. The Soviets have gone up by 250 deliverable nuclear devices.

The point of this chart is that while the Soviet Union is closing the gap, they are not closing it at the rate which suggests we ought to be having sleepless nights. This means it will probably be quite a few years before they begin to approach the United States in deliverable nuclear weapons.

Now, I want to show you what we have in this bill. We have in this bill the so-called MIRV program in which we are going to put 16 Poseidon missiles in each of 31 submarines. Each Poseidon will carry 10 warheads. Each of the Poseidon submarines therefore will carry 160 nuclear warheads, each capable of hitting a separate target.

In other words, one Poseidon-equipped submarine can destroy 160 Soviet cities. And lest one think that the warheads must be very small when they carry 10 inside one nose cone, let me remind you that the power of those warheads is more than double the power of the warheads dropped on Hiroshima or Nagasaki.

When we are through MIRVing 31 submarines we will make a net addition to the U.S. strategic nuclear arsenal of approximately 4,000 separately targetable nuclear warheads. We are proceeding to do the same thing with Minuteman III. In connection with the Minuteman III, instead of 10 warheads there will be only three, but of course of much larger explosive power. And that will add an additional 1,000 deliverable warheads to the U.S. nuclear arsenal.

We have in the works additions to the U.S. nuclear strength that will bring us, when we have completed these programs, to the total nuclear strength of over 9,000 warheads each capable of being directed to a separate target.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I will be glad to yield, but first I want to point to this other chart. Here is where we have had some misrepresentation of what the facts are. For example, Dr. John Foster of the Department of Defense, who is a very frequent spokesman for the Department of Defense on strategic nuclear weapons, who seems very committed to one viewpoint, said in a press conference on February 24, 1970, that the growth in nuclear capability of the Soviet Union——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRASER. Could I have a few more minutes, Mr. Chairman?

Mr. GUBSER. Mr. Chairman, the ranking minority member in the committee, the gentleman from Illinois, (Mr. ARENDS), has some time left, and he wanted it known that he was going to make that time available to those who oppose this bill so that there could not possibly be any charge that we attempted to gag people who wish to speak against it. I therefore yield 3 additional minutes to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I thank the gentleman very much for the very generous tender of time.

Dr. Foster said in the February press conference that an increase of 150 deliverable operational ICBM's between February 1969 and February 1970 matches peak rates of earlier years.

The facts are quite to the contrary. We have plotted on the chart with a red line the actual operational ICBM's as indicated in the posture statements from the Department of Defense itself. Every figure on here is from the Department of Defense.

Between October of 1966 and October of 1967 the Soviets increased their nuclear capability by 380. The following year, from October of 1967 to September of 1968, instead of 380, the rate of increase dropped to 180. And then this last year the rate dropped to 160. In other words, the rate of addition to the Soviet arsenal in the last year was half the rate that occurred in the beginning year of their buildup.

This is directly contradictory to the statement of Dr. Foster that the rate of growth of the nuclear arsenal was in fact equal to the earlier rates of growth.

The reason that I make this point is that it is important that we understand as we move ahead or propose to move ahead with the MIRV program what the Soviets are facing. They are facing 9,000 deliverable warheads, or bombs, being built by the United States compared to their 1,300, and still the United States continues to increase our nuclear capability.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman.

Mr. WAGGONNER. The gentleman makes a significant point. If I read his chart correctly, he has in black on the chart to which he refers, hard, cold statistics about what we have and about what the Russians have.

Mr. FRASER. Taken from the Department of Defense.

Mr. WAGGONNER. And you have in red on this chart, you have projected the potential of the United States. Would the gentleman care to project, to be fair, the potential of the Soviet Union?

Mr. FRASER. The Soviet Union is testing a three headed war missile, I think, for their SS–9's.

Mr. WAGGONNER. I am not talking about what they are testing in numbers. Would you project what their potential is as you have the American potential?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 1 more minute.

Mr. FRASER. The Department of Defense has indicated that over the next 2 years the Soviets may add another, roughly, 250 or 260 launchers to their arsenal. That is the best estimate that we can get from the writings that have been provided to us. That, of course, would bring this total up in the neighborhood of 1,500 or 1,600.

But the great growth, of course, in warheads comes from the MIRVing of our missiles. This is, of course, what the Soviets are looking at. We are just completing the testing of these MIRV missiles and we have eight submarines being retrofitted for them at this time.

So this information on U.S. plans is obviously what the U.S.S.R. has in mind as they decide what they are going to do.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. SCHADEBERG. I notice under warheads that you have talked about——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 1 more minute.

Mr. SCHADEBERG. Under the warheads, you have a relationship of 4,200 to 1,100. Would you care to tell us what the megatonnage of each of the Soviet and the U.S. warheads are? Are they the same?

Mr. FRASER. No, the Soviets in land based missiles have about 220 SS–9's

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which are capable of very large megatonnage, much larger than can be carried by any of the U.S. missiles.

Those are the missiles they are hoping to MIRV. If they MIRV them whether it is MIRV or MRV—either way you can take it, in three warheads, of five megatons each—they are considerably larger.

Mr. SCHADEBERG. You said—if they are. Is there any suggestion that they might?

Mr. FRASER. Well, the thrust power of the SS-9 is very large, it is larger than our Minuteman missile, and they have been testing a three warhead missile.

Mr. SCHADEBERG. I thank the gentleman.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL), a distinguished member of the committee.

Mr. RANDALL. Mr. Chairman, I am glad to have the opportunity to follow the gentleman from Minnesota. It will enable me to respond to some of the figures.

A while ago the gentleman from Georgia was very forthright and quite frankly stated that he represented the district where the C-5A was made in northern Georgia.

I wish to be equally frank and to tell my colleagues that it is my privilege to represent the area in west-central Missouri where the Department of Defense has indicated it will deploy a new Safeguard unit, near Whiteman Air Force Base, not far from Sedalia, Mo.

At no time have I ever crusaded for Safeguard or in any way urged that particular location. I am sure the selection of the site was the result of careful planning and the decision was made quite some time ago to protect the nearby Minuteman complex that has been located in this area for many years.

The Department of Defense selected Whiteman Air Force Base for the location of a Safeguard unit because it would protect our offensive ICBM's nearby and because the new Safeguard unit at Whiteman would serve to protect that portion of the middle west we describe as the Heart of America.

Now I think we should refer back to the figures contained on the chart of the gentleman from Minnesota who opposes the deployment of phase II of Safeguard.

I wish he had left his charts here in the well so we could have referred to them.

The last speaker tried to show that the United States had not only the 4,100 warheads everyone thinks we have but that because of MIRV applied to Poseidon another 4,000 would be added and that by conversion of our Minutemen missiles to Minuteman III another 1,000 warheads is added. The conclusion he would have us rely upon was that the United States does not have 4,100 warheads but in fact a total of 9,100.

The sudden increase in our offensive strength pictured by the gentleman is, of course, purely in the imagination of the gentleman from Minnesota. All of his figures are speculative and conjectural. They are not what we have now, but what could or might be remotely possible if all of the steps were immediately started, then carried forward to completion to MIRV all of our Poseidons and have all of our ICBM's converted to Minutemen III's.

But, even if his figures are acceptable after the application of MIRV, to all of our existing warheads, then his chart is still misleading because the premises of his conclusions contain the facts that our country will take advantage of MIRV while the Soviet Union will make no effort to convert any of its existing warheads to multiple target reentry vehicles. That sort of presentation is not only misleading but unless corrected is a falacious and false conclusion that is dangerous to consider and more dangerous to accept.

Moreover, if we must listen to these figures and be asked to believe that the United States has suddenly double the number of warheads that we know we have, the gentleman should have told the committee that either today or tomorrow there will be an amendment to delete all of the funds for deployment of MIRV and also another so-called efficiency amendment that would reduce the funds of this authorization by over $1 billion and thus make the deployment of MIRV an impossibility.

The presentation of the gentleman from Minnesota, I submit, is not only misleading but I suggest that he and other members of his group will be the first to support the elimination of funds for the deployment of MIRV which he would try to have his fellow Members believe today is either a reality or will soon become a reality. This sort of reasoning and presentation cannot go unchallenged.

The Safeguard missile is not for Southeast Asia or any place a long way away. The Safeguard is not for Vietnam. It is for ourselves. It is for our own defense. It is for all of America, our homeland.

It seems appropriate that we recall today a few thoughts we need to remember about the Safeguard anti-ballistic-missile defense system. Some of the critics of the system seem to want us to believe that it is not really rational for us to defend the United States of America. They see these defenses as a "challenge" to our enemies to attack us. Now that is plainly ridiculous.

Let us take a look at some recent history in World War II—does anyone believe that Hitler would have attacked Poland or Russia if their defenses had been strong enough to seriously affect the outcome? Or, that Japan would have attacked the United States if our Pacific defenses had been well prepared?

One plain and I am sure provable fact is that our present weapons do not now provide us with a good enough defense that would guarantee the immunity of our cities and population to damage from an attack. But, existing technology does give us the means to protect sufficient numbers of our missile and bomber forces to guarantee the destruction of any enemy capable of attacking us. My use of the word capable is intentional—for we must base our decisions on the capabilities of our enemies—not on their intentions.

In all of our human history of competition—whether it be business or war—intentions have been always based upon capabilities. It is our ability to accurately forecast the capabilities of our enemies that in the final analysis governed the decision by our Defense Department to deploy the Safeguard system.

In our real world of today, there are hundreds, if not thousands of offensive missiles, on alert, ready for launch in less than a minute—therefore it is at our peril to ignore the possibility of an accidental launch of even one of these missiles against our country. With the Safeguard system, we could effectively destroy any such missile without damage to our lives or property. Such possibility does, in itself, justify the entire cost of the system.

On an international scale, the possession of an ABM defense would prevent smaller countries from becoming nuclear superpowers merely through the possession of a nuclear threat—whether it be a Polaris type submarine or hidden ICBM's.

Let me emphasize that if we develop no defense against the enemy's ICBM's then we have no alternative but to enter upon a real arms race to insure that our destructive power so clearly exceeds that of an enemy that he will not attack us unless willing to sacrifice his population and industrial centers. With the ABM defense, we can largely nullify whatever superiority in actual weapons the enemy may have. On the football field would a quarterback throw a pass if the opposition would surely intercept it before it reached its target?

Our critics argue that by not having any defense against missiles we would not "aggravate" or irritate or disturb or upset our enemies. Of course, if we followed such a course and did nothing we would fill our adversaries with elation. They would know that our technology was confined to the drawing board and that we would not apply future technological developments to a system in being and thus keep it updated. They would also rejoice in the knowledge that they could take advantage of technology and, with such a defense, be in a position to order us to do as they pleased by what should be called nuclear blackmail.

While the Safeguard will not protect our cities against a massive attack, it will protect against a small attack—such as the type that Communist China may be able to threaten in the 1970's. There is no logic in denying all of our cities the full and complete defense now possible against such an attack. But that is the Sentinel system and we are not talking about that today. We have no assurance that Communist Chinese "good will" if they have such a quality, is going to spare our cities. There is definite information which reveals the Chinese are capable of building ICBM's with nuclear warheads. They proved within the last week they can orbit a space satellite. It is now apparent that the Chinese could in the not too distant future exercise the same kind of nuclear blackmail that the Soviets would use.

We must protect ourselves against even other countries which may acquire

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nuclear weapons in the future. There is no lucid reason for us to leave our cities open to attack by any small and perhaps irrational, unpredictable, and irresponsible enemy merely because we cannot give ourselves 100-percent defense against massive attacks.

The same reasoning applies to our missile sites. Technologically it is possible to preserve the necessary minimum number of our Minuteman missiles and bombers against anything that any country can throw at us.

In 1969 the Deputy Secretary of Defense, Mr. Packard, said in testimony before the Committee on Armed Services:

> It is obvious that we must insure protection of our people and our resources to the maximum extent possible against a nuclear attack. Naturally against the U.S.S.R. the means available to us is through the maintenance of an adequate retaliatory force to accomplish deterrence. That force must be such that it can effect unacceptable damage on the U.S.S.R. even under a condition of first strike by the U.S.S.R. If its retaliatory effectiveness is threatened in any way, countermeasures must be taken to maintain the required effectiveness. It must be crystal clear to the U.S.S.R. that we do have this capability, we intend to maintain it, and we do have the intention to use it if we are attacked.

We would be foolish, yes, almost an act of stupidity, not to protect ourselves. The Safeguard proposal calls for only the minimum protection consistent with our needs. Without it, the capabilities of our enemies will invite their consideration of overt acts.

Mr. RIVERS. Mr. Chairman, I yield the remaining time to the gentleman from Alabama (Mr. ANDREWS), chairman of the subcommittee of the Appropriations Committee.

The CHAIRMAN. The gentleman from Alabama is recognized for 8 minutes.

Mr. ANDREWS of Alabama. Mr. Chairman and members of the committee, I support this bill, and I thank my friend from South Carolina, the distinguished chairman of the committee, for yielding me this time.

I am burned up with this war in Vietnam, as I am sure many of you are and most of the American people are. I stood in the well of this House 6 or 8 years ago and predicted that if we did not fight to win, we would be there for 20 years. We are fighting a war today that, in my opinion, should have been won 20 years ago in Korea if this Nation had not adopted a policy of "no win," and if we had followed the advice of that great American, Gen. Douglas MacArthur. The enemy is the same—the Communists. The principle is the same—trying to stop the flow of the tide of communism.

Several days ago our committee was told that as of last October the Air Force had dropped more bombs on South Vietnam than were used in both theaters of war in World War II and in Korea. Imagine that. And what have they accomplished?

I told the general, "You can drop bombs from now until doomsday, and unless you hit meaningful targets in a meaningful way, you are whistling in the dark."

Six or 8 years ago Curt LeMay, Chief of the Air Force, was before our committee. He told us, "You can never kill off flies until you destroy the manure pile." We understood that gutter language. We have treated those piles—you know where they are—in North Vietnam—we have treated them as sacred sanctuaries.

There has not been a bomb dropped on a meaningful target in North Vietnam, and, as a result of that sanctuary, today the flies from North Vietnam are spreading all over Southeast Asia. Is that right or wrong?

They are all coming from North Vietnam. Where are those horrible weapons, many of which are better than the ones we have—where are they coming from? They are coming from Russia and Red China, and they are coming down through Hanoi and Haiphong and going through there to the distribution point, and then they go on down to South Vietnam and kill young Americans. Let us fight this war to win or get out of there.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman is talking my kind of language, so pour it on.

Mr. ANDREWS of Alabama. Mr. Chairman, I will say to the gentleman from Iowa, I started off as a hawk, but I have gotten to be a dove. I used to be a prosecuting attorney in Alabama. One night when I was on duty in Birmingham, hanging around the courtroom and waiting for a very important jury verdict to be rendered, an old police officer told me, "Mr. ANDREWS, don't ever pull a gun on a man unless you are ready to kill him." That is pretty good advice for an individual and it is equally good for a nation. A nation ought never to send a young man out to war unless the nation is ready and willing and able to back him up with every resource at its command.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the chairman of the committee, the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, while the gentleman from Alabama is making a Gross-type speech, may I say as part of that Gross-type philosophy, we are paying the price today of gradual escalation—and no nation in the world has ever survived that.

Mr. ANDREWS of Alabama. Mr. Chairman, I thank the gentleman from South Carolina.

Mr. Chairman, it broke my heart to read on the ticker today about what is being planned for Cambodia. I will reserve my remarks on that until after the President's speech tonight, but it is the same formula we had for Vietnam: Advisers, equipment.

If we cannot win, let us admit it as the French did, and get out. I have made a great many mistakes in my life, and I have admitted I have made a mistake.

Never again will I vote to send men to go out to do battle until this Congress has declared war. They say, "Oh, we cannot stop all these draft dodgers and this and that and the other which is going on in this country because the Nation is not at war." Well, it is high time we went to war, because 42,000 young men have given their lives in South Vietnam, and more than 350,000 have been wounded.

Mr. Chairman, I cannot believe the American people will accept as a way of life a casualty list of from 100 to 1,000 a week. I do not believe the American people want to make Southeast Asia the burial ground for the next generation of young Americans. And unless we fight to win, that is exactly what we will be doing.

Do we think Russia and China are going to help us get out of the jam we are in now? We can bet our bottom dollar they will not. They have never had as great a bargain in their lives as they have in South Vietnam today. Russia is putting up $1.2 billion a year to keep the show on the road, and Red China is putting up $800 million a year, and for about $2 billion they have their most powerful enemy pinned down. And when I say pinned down, that is an understatement.

What would we give if Russia and China were pinned down 10,000 miles away from their homeland? We would give many, many times $2 billion. And that is what it is costing.

Do any of us think anything is coming out of those talks in Paris except the delegates who go in to talk? They have been talking there for over 18 months. I think the last account I saw was they had over 65 conferences, and besides drinking tea and maybe something else, they have not accomplished the first thing. Every envoy who goes from Hanoi to Paris stops in Peiping and then in Moscow and then goes on to Paris.

When he returns from Paris, he stops in Moscow and Peking to make reports, I assume, and then Hanoi.

Let us fight to win or get out of there.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I believe it is time we recognized that the business of the committee handling this bill and the Committee of the Whole House on the State of the Union and all Members of this Congress is the defense of this Nation and freedom around the world, against a dedicated enemy's capability.

If I could paraphrase a great man who in time of war rose to an occasion without invoking the need for military security beyond its just desserts, I would say that "never has so much been said by those who know so little about something which should never have been said in the first place," as some of the out-of-context statements and misconceptions that have been stated here today.

Certainly, Mr. Chairman, with Red China sending up a "singing" satellite and Red Russia putting eight satellites in orbit with one booster, we are intelligent enough to know the difference between delivery capability and total megatonnage of destruction once delivered. I believe we should bear that in mind, that it makes little difference whether that delivery capability is from manned bombers, new follow-on AMSA

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type bombers—the B-1—rocket delivery, satellite orbiting capability, of Red China or Red Russia on the one hand or us on the other.

It serves no useful purpose to make projections based on hope of contact with or wheedlings from a dedicated aggressor.

I would simply like to point out—and to set the record straight on—the difference between Soviet gains in delivery potential and nuclear or thermonuclear fission capability. Some of us who have spent a half a lifetime in the research and development thereof know these differences, and I believe we can say it without setting forth unusual classified material.

Point No. 1, Mr. Chairman: It is true that the Secretary of Defense this year did point out that the Soviets are ahead of us in capability. The gentleman from Wisconsin who is not a member of this committee but a member of the clergy, asked the pointed question. He and the Secretary of Defense have pointed out that in 1962, according to charts that have been shown, we had a 4-to-1 superiority both in weapons, delivery capability, and megatonnage. We have elected and chosen not to develop under the Nuclear Arms Control Act higher and higher megatonnage capabilities. We hope to enhance our delivery means.

Yet the enemy as early as May of 1969 held a superiority in megatonnage capability almost the reverse of four to 1. This is the capability against which we must defend. The Soviets are well ahead of us in this capability.

Now, as to the projection on self-drawn charts, or point No. 2, regardless of the source, when one bends the abscissa on the ordinate they must know well from whence they derive this basic information and the trend and the tendency toward which we project this Nation. Its portrayal can be a disservice, if erroneous.

The labeled ICBM force levels, megatonnage of bomb capability, the SCAD containing and penetrator ability. We see an illustrative straight line from mid-1966 through calendar 1969. I want to say when the actual number of Soviet ICBM's are deployed and plotted there is very slight divergence from this straight line. There is not a "hopeful" horizontal bend over to a flat abscissa.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GUBSER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. HALL. I appreciate the gentleman yielding further.

I know that using the figures presented in the same statement, the Secretary of Defense extends his graph of deployments and shows that there is no sine-like curve but a straight increase in the growth of Soviet capability, and it is this against which we must defend. There are no specific estimates for mid-1971 provided in the defense report other than the statement:

> It is estimated that the number of operational ICBM's will continue to increase through mid-1971.

The Secretary of Defense says clearly and simply, referring to the classified statement, the end of the year 1969 estimates for this mid-1971 real time period do in fact show a continuing increase, and he further adds:

> I would note that if Soviet deployment continues at the average rate of the past several years, the figure of 2,500 launchers referred to next spring could be attained by mid-1970.

That is this year. We are approaching mid-1970.

> I am not offering that figure as a forecast,

The Secretary continues:

> but rather as a base, which I as Secretary of Defense must take into account in planning.

The question that evolves really is who are we going to believe? I say that if you are charged with the responsibility of preparing for the defense of this Nation against sworn enemy aggressive capability, I am going to overspend and overprepare in favor of the people of the United States of America and their belief in freedom around the world, not privilege, nor hope, nor charts based on an ethereal and hopeful concept of what the enemy might do, when they have a dedicated capability against us. There is no "privilege" on either side of the coin of freedom. It has responsibility on the other side, and our responsibility, as has been so well said here in this House today, is to defend against that capability. We well know the difference in delivery means. We well know the difference between our MIRV head, our megatonnage capability, and our other heads and those of the SS-9's and the SS-11's which the enemy uses acceptably well. We know of their defensive capability. Why are there those amongst us, who would defend our people less well?

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. I thank the gentleman for yielding.

I would like to say I agree with much that was recently said by my good friend from Alabama (Mr. ANDREWS). We do have a formal constitutional process to follow if we want to commit this country to war, and we have not followed that constitutional process. There is no declaration of war. As a body and as a Congress, we have remained silent too long on this issue. If I understood the gentleman correctly, I heard him say that unless a declaration of war were declared, he would not vote for additional funds to carry out American military operations in Southeast Asia. If I understood him correctly, I think that is a sound notion. I want to say today that I support him in that position and I will vote with him on it. I am wondering how many other colleagues here today, who applauded his remarks, are prepared to do likewise.

Mr. Chairman, with respect to the bill before us today, I think it would be of interest for all of us to know what the estimated value of this debate is by itself in terms of the dollar value of this bill. I have some figures at hand which have been provided by the National Urban Coalition Action Council. These calculations indicate that just the value of the time being spent on the debate of this bill, based on the total amount of the authorization, makes this debate worth $5 billion per hour or about $83.3 million per minute or about $1.4 million per second.

Of course, these numbers are rounded off, but even so at this rate we are disposing of sufficient funds to raise the annual income of every family in poverty by $100 after 5 minutes. We are authorizing enough money, in 3 minutes, to fund all federally supported nonmilitary housing programs. We could provide new schools for 45,000 students after 1 minute of debate. Finally, we could construct two neighborhood health centers each large enough to provide adequate preventive and remedial health care for 75,000 people for every single second of this debate.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. RIEGLE. I thank the gentleman very much.

As I was stating, it would provide remedial health care for from 50,000 to 100,000 people for every single second of this debate.

Mr. Chairman, I would remind my colleagues that it took 8 months to enact the Department of Health, Education, and Welfare appropriation bill on the grounds that it was inflationary. Similarly, the intense scrutiny we provide for the modestly financed Office of Economic Opportunity funding suggests an appalling imbalance in our priorities. There are many other examples which illustrate the absence of consistency in the manner in which we discharge our responsibilities as the keeper of the public purse, but this is one of the worst.

Therefore, Mr. Chairman, I urge the most careful consideration on the part of my fellow Members of each item in this bill within the limited time provided.

Mr. DONOHUE. Mr. Chairman, we are engaging now in a wholesome and refreshing, perhaps even cleansing, exercise: a full and open debate on the bill that provides authorization for military procurement and research and development.

In the past, Mr. Chairman, there existed an easy channel through which spending bills could make their way through both Houses of the Congress. Proponents had only to assert that expenditures provided for in a particular bill were "necessary for the national defense." Of course, a great part of the moneys expended for military purposes, both now and in the past, have been necessary, even urgent, to insure our national security. But certainly, Mr. Chairman, no "code words" should serve as a substitute for studied consideration by the Congress.

Many of us through the years have, perhaps too quietly at times, persistently and conscientiously protested against this practice and urged the Congress not to approve a blank check for unlimited military spending.

That is why I placed in the CONGRESSIONAL RECORD, on May 28, 1968, an article by an outstanding columnist revealing grave instances of military waste and extravagance in various parts of the world. This article commends the employees who discovered and revealed these disturbing instances of careless supervision and inventory.

That is why, in the CONGRESSIONAL RECORD of June 5, 1969, I inserted a newspaper article estimating that sloppy and wasteful procedures in letting defense contracts had cost the American taxpayers some $30 billion in sheer waste over the past 20 years. In this article it was indicated that all too often high Pentagon officials tended to cover up spending blunders of colossal size in defense contracts instead of publicly revealing them and initiating corrective action.

In my own remarks, I appealed to the defense authorities on the ground that it was "far better, in the national interest, to 'put out' the facts about such military spending than to have them 'found out,'" pointing out that the confidence of the American people and the Congress is seriously impaired when those in high public trust withhold the truth for no clear purpose.

Mr. Chairman, that is why, as the author of similar legislation, H.R. 17357 of the 90th Congress, I urged the adoption of and voted for on May 27, 1968, H.R. 17324, a bill designed to keep the profits of industries that contract with the Government for the manufacture of military hardware, under realistic bookkeeping control. The evidence clearly reveals that some contract manufacturers had received unconscionable profits at tremendous, unjust expense to the taxpayers.

Mr. Chairman, that is why I have consistently urged that closest scrutiny and most searching questioning of the legitimate extent and commitment of military spending in the technical areas of research and development.

That is why on February 26, 1969, I again publicly protested and questioned the financial prudence and feasibility of the proposed further deployment of the anti-ballistic-missile system, for which various cost estimates have ranged anywhere from 5 to 50 or 80 billions of dollars. I am still opposed to this unrestricted expenditure.

And that is why, Mr. Chairman, on October 2, 1969, during last year's debate on the military procurement authorization, I urged my colleagues in the House "to effect sound reductions and sensible savings to taxpayers" wherever possible.

Now, these and similar efforts by a determined group of Congressmen seem to be bearing some fruit. Debate on military expenditures has become more respectable, both in the Congress and across the country. This more thorough scrutiny resulted last year in a substantial reduction in total military spending, about $5 billion less than the amount originally requested.

It is with this favorable precedent in mind that we take up the present procurement authorization bill. We are being asked to consider, in relation to the bill itself, a fair number of amendments designed to eliminate or substantially decrease the authorizations in a particular area.

I respectfully submit, Mr. Chairman, that several of these amendments and, to be sure, many of the provisions of the bill as reported, will present us with opportunities for discharging our duty of insuring that every taxpayer's dollar is spent only with the greatest prudence. No Member of Congress would argue against expending the dollars to assure the ability of this country to repel successfully any possible armed threat to our national security. But in providing for an adequate defense against aggression, we must not hand over to the Defense Establishment—or any other faction—the right to a blank check on the account of the American taxpayer.

Mr. Chairman, the military portion of our national budget represents by far the largest single area of expenditure. We must, therefore, subject the Defense budget to the closest examination. Only in this way can we hope for any further substantial overall savings.

As you know, Mr. Chairman, there is a growing demand for a reordering of our national priorities. Both inland waters and the oceans themselves are increasingly unfit for either drinking or swimming, and the very air we breathe is becoming unfit to sustain life. Budgetary limitations have been used to justify inaction on education and housing, cities and crime, medical research and drug hazards, while the twin realities of inflation and economic slowdown hover over us. In the struggle against these domestic ills, any fiscal leeway we might develop through sensible defense reductions would be invaluable.

It goes without saying, Mr. Chairman, that a great many Congressmen and citizens generally are conscientiously concerned about insuring the adequacy of our military deterrent force. Their motives and sincerity are above question. But I, just as conscientiously, consider it our simple obligation to the American taxpayer to hold the Department of Defense purse strings—and those of any Federal department—as firmly as possible.

As we examine and determine the fate of this legislation, therefore, I would earnestly hope that we would predicate our final decision on a principle of legislative prudence and responsibility with the disbursement of our people's money, in the interest of our Nation and the peace of the world.

Mr. O'NEILL of Massachusetts. Mr. Chairman, since the dawn of ages there has always been something in every culture, in every society, that recognizes the madness that comes with spring.

It is spring here in Washington, and the annual ABM madness is before us.

It is madness because the consequences of deploying this system would be the escalation of the arms race at a time when most people realize we are approaching the point of no return in the possibility of controlling arms. The SALT talks may be our last chance to avert nuclear confrontation, and the ABM, MIRV, and the other super-weapons, undermine those talks.

But it is also madness because we are pushing ahead in deploying a system that is untested and according to the scientific community, unworkable. We have here a white elephant. Instead of recognizing that fact, we are being urged to pour more and more money down the drain for this unnecessary, unworkable, unfeasible system. It is frustrating to hear the same rhetoric, sometimes from one's opponents, sometimes from one's colleagues, and sometimes from oneself. All that could have and should have been said has been aired—not just now, but last year and the year before.

Three times I have voted against the ABM, and it is still with us. Three times the facts have been presented, and they are overwhelmingly to the discredit of this system and this proposal, and we still see more and more money going for this worthless system.

I will continue to oppose it. It is a sham, a hoax, and if it were not so tragic it would be a joke. It is tragic because of the international consequences, but more because we are talking about billions of dollars. Billions of dollars which are needed for heath, education, the elimination of poverty, our senior citizens, housing, and food. This is waste of the worst type, for in wasting this money on a useless arms system, we are also wasting the real resources of this Nation, her people. This money should be going to the people, in domestic programs, and not into missile hardware that will not and could not be used.

Mr. MOORHEAD. Mr. Chairman, the joint Senate-House Armed Services Subcommittee established by the 1970 procurement authorization bill to study the justification of CVAN–70 reported to the Congress on April 23, 1970.

It was an interesting report. The subcommittee was to study the relative cost-effectiveness of sea-based tactical air. They concluded there is "as yet no acceptable formula" for such a determination.

The law also called for a review of the present carrier force level. Again they concluded that they were "unable to resolve the question of the number of carriers" needed by the end of the decade.

Yet, the subcommittee's inability to resolve these basic and crucial questions did not prevent it from "strongly recommending" the funding of CVAN–70 in fiscal year 1971.

On April 8, 1970, Senator WALTER MONDALE of Minnesota and I testified before the Joint Subcommittee. Senator MONDALE raised significant questions in the Senate in last year's debate on the authorization bill concerning the Navy's carrier policy and was more responsible than anyone else in the Congress in getting the dialog on this important issue started.

In his testimony on April 8, Senator MONDALE raised the full range of questions which deserve answers:

Relative cost effectiveness of land-based versus sea-based tactical air support;

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The increasing vulnerability of attack carriers to modern submarine and missile attack;

The increasing limitation of the role of the attack carrier; and

The increasing cost to build and operate modern carriers.

He argued his case persuasively and concluded that if only 12 attack carriers are sufficient for defense between now and 1980, then the Congress can afford to postpone any decision to build the CVAN-70—the third of three planned nuclear carriers—until fiscal year 1975.

This is an eminently reasonable conclusion.

This conclusion is bolsted by a secret Pentagon study reported in the Washington Post of April 30, 1970, which concluded that the Nation does not need any additional aircraft carriers and could safely cut its present fleet of 15 to fewer than 12.

I hope that every Member of Congress will find time to read the Senator's excellent testimony. The Congress is being asked to fund CVAN-70 this year which is presently estimated to cost $640 million—the entire task force is estimated to cost $2 billion—excluding the planes and operating costs.

In terms of national priorities it is instructive to point out that we spend more than twice as much—over $400 million—on operating costs of the 15th attack carrier task force for 1 year than we spent for water pollution control programs last year.

I am also including a copy of the report of the Joint Subcommittee on CVAN-70 along with Senator MONDALE's statement on the report in which he concluded that without justification, "it is unconscionable to ask the already hard-pressed American taxpayer to bear the burden of such an expenditure."

I include this package in the RECORD:

TESTIMONY OF SENATOR WALTER F. MONDALE BEFORE ARMED SERVICES SUBCOMMITTEE ON CVAN-70—APRIL 8, 1970

Mr. Chairman: I appreciate the opportunity to testify before this Subcommittee.

Your study of the Navy's attack carrier program is of vital importance. Literally billions of dollars are at stake in determining the proper carrier force level needed to meet various defense contingencies.

At the outset, I want to make it clear that I do not advocate the elimination of the attack carrier from our fleet. Nor have I ever advocated such a position.

Rather, it has been my contention that there is little justification for a fleet of fifteen attack carriers. While carriers have played an important military role in the past, and can continue to do so in the future, the available evidence clearly indicates that fewer than 15 carriers are needed to carry out this role.

The issue, then, which Senator Case and I raised last year—and which I assume you will consider—involves the determination of the number of carriers required in the foreseeable future and the timing of the building and replacement program to maintain the carrier fleet.

The specific question facing Congress this year is whether to begin funding for the CVAN-70, which would be our fourth nuclear attack carrier. I believe that a thorough analysis of the present carrier force level will lead to the conclusion that Congress should authorize no funds for the CVAN-70 until FY 1975, at the earliest.

Before dealing with the more specific issue of funding the CVAN-70, I would first like to discuss my reasons for questioning the continued reliance on a fleet of fifteen attack carriers.

THE LACK OF RATIONALE FOR A 15-CARRIER FLEET

Origin of current force level and carrier's present role

It is generally thought that the force level of 15 carriers originated with the Washington Naval Disarmament Treaty of 1921. This treaty allotted 15 "capital ships" to the United States Navy. When the battleship became virtually obsolete in World War II, the carrier became the capital ship, and the Navy switched from a fleet of 15 battleships to one of 15 carriers.

Since the end of the Second World War, the Navy has maintained, with few exceptions, a fleet of at least 15 attack carriers. This number has been exceeded in only 5 of these years.

During last year's Senate debate on this issue, it was argued that the 15-carrier fleet is a myth and that the actual number of carriers has greatly fluctuated in the past 25 years. But at that time, I pointed to the results of a study by Dr. Desmond Wilson—a Naval Historian employed by the Center for Naval Analysis—showing that the modal number of attack carriers since 1946 has been 15. I am submitting a copy of this study for the record. (See attachment I.)

It is evident, then, that this number "15" is a legacy of the past, maintained without reference to the changing role of the carrier, the changing international situation, or the changing weapons against which the carrier must defend itself. The advocates of 15 attack carriers—like their predecessors who defended the battleship—are following a path of tradition rather than reason.

After World War II, the attack carrier became a force in search of a mission. There were no other surface fleets to engage, and the very existence of the Navy was threatened by the competition of new long range aircraft capable of delivering nuclear payloads. The Navy responded to these events by seeking justification for the attack carrier in strategic nuclear warfare. It appeared to the Navy planners that if the carrier task force was to survive as a major offensive weapon, it would have to get into the business of strategic bombing.

With the advent of land and sea-based missiles such as the Minuteman and the Polaris in the early 1960's, the carrier no longer had any role as part of our nuclear retaliation forces. The Defense Department's posture statement of February 4, 1964, concluded that by 1966, the U.S. would "have a large enough number of strategic missiles in place" to relieve the carrier forces of their strategic retaliatory mission.

Faced with the loss of the *strategic* retaliatory role, the Navy began to emphasize the carrier's potential tactical role in providing air support for ground troops, maintaining air superiority, and destroying supply lines. However, the argument that 15 attack carrier task forces is needed to provide sea-based tactical air power throughout the world is not a persuasive one in view of these changing circumstances.

Land versus carrier-based air power

It is true that where land based air power is not immediately available or where political constraints limit the use of land bases, the carrier may well serve as a *complement to* our overseas bases. But where the carrier clearly *competes with*, rather than complements, land based air power, the role of the carrier must be justified on the basis of its effectiveness and its efficiency.

On these criteria, the maintenance of 15 carrier task forces for the provision of tactical air support around the world appears to be both wasteful and ineffective.

(a) *Overlap and Duplication.*—In the first place, the sustained use of carrier sorties duplicates and overlaps existing and potential U.S. capability for providing land-based tactical air power.

Carrier task forces are assigned to the two major "trouble areas" of the world—9 are available for the Western Pacific and 6 for the Mediterranean. But it is quite clear that our capacity to deploy land-based tactical air power is more than adequate in these areas, as well as in most other parts of the globe where peace or U.S. interests may be threatened.

The United States Air Force maintains 23 wings of tactical fighters and bombers in active forces at home and abroad.

The geographic spread of overseas bases either operated by, or available to, the United States gives us an impressive land-based tactical capability, especially in the Mediterranean and the Western Pacific. In Europe, the U.S. alone—not including NATO forces—has bases in 6 countries, with over 400 tactical aircraft; at least 4 of those bases are within striking distance of the Mediterranean. In the Pacific, we have bases in 7 countries, with over 800 tactical aircraft.

Furthermore, our capacity for creating new land bases as needs arise is almost limitless. There are at least 1000 overseas civilian air fields which the Air Force, within three days time, claims it can convert to a fully equipped tactical air base using the "pre-positioned kits" of the Bare Base Support Program.

These existing and potential bases do not tell the full story of the effectiveness of our land-based tactical air forces. Another important factor is that the range of modern tactical aircraft is between 2 and 3 times greater than that of the older jets.

Secretary McNamara, in calling for a reduced carrier fleet, pointed out in the Defense Department's February, 1964 posture statement that "the increasing range of land-based tactical aircraft has reduced our requirement for forward based air power." This increased range is expanded even further by the use of mid-air refueling. Consequently, our overseas land-based planes are capable of reaching many more targets than they were even 10 years ago; and U.S. based tactical aircraft can be operational anywhere in the world in a short period of time.

The Navy contends that the reduction in the number of our bases justifies the need for a 15-carrier fleet. While these bases have decreased from 119 in 1957 to 47 at the present time, the number of tactical air wings has increased from 16 to 23 during the same period. More important, the greatly increased range of these planes—both in the U.S. and overseas—means that far fewer land bases can provide ample tactical air support in any areas of potential conflict. And the Bare Base Support Program enables the U.S. to supplement existing land bases to the extent that it is necessary to do so. Even with fewer overseas land bases, then, carriers still overlap and duplicate our land-based capability.

This point about overlap and duplication was dramatically illustrated in a September, 1969 letter and memorandum from the Department of the Air Force to Senator Hatfield. Senator Hatfield asked whether the loss of overseas land bases had jeopardized the Air Force's tactical air capability. The Air Force responded that "the capability of USAF tactical air has in no sense been diminished by land base activations." The memorandum to Senator Hatfield also contained an extremely significant statement about the overall capability of land-based tactical air power, which reads as follows:

"There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas."

I am submitting for the record a copy of this letter and the accompanying memorandum (See attachment II.)

The Navy, of course, rejects this evaluation by the Air Force of its tactical air capability.

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It continually relies on the loss of overseas land bases as a primary justification for a 15-carrier fleet.

Thus, the Navy argues that a carrier can always be counted upon for tactical air support in a limited engagement where land bases may not be available because of political constraints. To be sure, there may be times, as in the early days of the Korean War, where land bases are actually held by enemy forces, and carrier-based air support may be a valuable temporary complement to nearly all land bases.

But how much of our over-all defense capability shold be devoted to that unlikely possibility where we might be called upon to defend a nation and, at the same time, be denied the use of its bases for tactical support? And, if the commitment arises out of a multi-nation treaty, such as SEATO, should there not be land bases available to us in at least some of these nations in the treaty organization? If we need carrier-based air power to allow us to meet foreign commitments in areas where the U.S. is denied the use of land base, or it may well be that there is something amiss about the nature of these commitments.

In 1969 Congressional testimony, the Chief of Naval Operations stated that "the carrier will be necessary in the future if the U.S. is to have the flexibility and the selectivity of operations in areas *without first having to make some political arrangement to do so*" (emphasis added). While Senator Case will discuss the foreign policy questions arising from the use of carriers, it should be noted that the carrier's capacity for unilateral action can cause serious problems for the United States.

But leaving aside these foreign policy implications, the Navy's contention that the potential loss of overseas land bases justifies the present carrier force level is a "red herring". Such an argument is only responsive to those critics of the carrier program who favor the elimination of all attack carriers from the fleet.

However, this argument is *not* a relevant response to those of us who have called for a reduced carrier fleet and a delay in the funding of CVAN–70. For in taking such a position, we are acknowledging that *some* carriers are needed (perhaps 10 or 12, or perhaps less) to ensure flexibility in our over-all tactical air capability. And since a delay in the funding of CVAN–70—or a reduction of the present force level—will not impair this flexibility, it makes no sense to use the loss of a base in Lybia as a justification for maintaining 15 carriers. We will still have more than enough carriers to meet this type of contingency.

(b) *Cost.*—More important than overlap alone, however, is the vastly greater cost of carrier-based air power. The Navy itself concedes that the carrier fleet accounts for 40% of its total budget.

The cost of building an attack carrier rose from about $63 million in World War II to $171 million during the Korean War. The original end cost estimate for the first Nimitz-class carrier, the CVAN–68, was $427.5 million; that figure has now risen to $536 million.

But even this figure is not the final chapter on the cost of this carrier. The Navy acknowledges that "if improvements in shipbuilder efficiency do not compensate for the higher than budgeted escalation of labor and national costs which has been occuring, the end cost will increase." A Defense Department official and others have estimated that the cost of this carrier and the CVAN–69 (approved last year) could each run as high as $700 million. That amounts to a cost escalation of 600% since World War II, which is quite high even considering the decreased value of the dollar.

Since the precise cost of a modern nuclear carrier is so difficult to pin down, I strongly recommend that this Subcommittee undertake a study to determine the true cost of these ships. Such a study should also include an analysis of the cost comparisons between land and sea-based air power.

We do know that the cost of the carrier itself is just the beginning of the story. The Navy only operates the carrier with a task force, consisting of various escort and logistical ships. And every carrier is equipped with an air wing.

The Navy estimates a $1.4 billion procurement cost for a nuclear carrier task force—consisting of the carrier and 4 destroyer escorts. The air wing costs an additional $409.5 million—bringing the total procurement cost for the task force—which does not include operating costs, basing costs, and other logistical ships—to $1.8 billion. Needless to say, these costs will often run a great deal higher.

But even this is not a complete picture. For the Navy normally deploys two task forces "on station" in the Mediterranean and three in the Western Pacific on a continual basis. For every carrier task force "on station", two must be held in reserve as backups, since the normal rotation time of a carrier is 4 months. Since each task force contains an air wing, the Navy must pay for 3 wings to keep one "on station." The investment cost of maintaining one nuclear task force on continued deployment, therefore, amounts to a multiple of 3 times the cost of one carrier task force—or $5.4 billion.

These of course, are capital costs, and do not include the operating cost of each carrier. During last year's debate, Senator Ellender supplied valuable data showing that the *annual* operating cost for 16 attack carriers is over $1.5 billion. I am submitting for the record a copy of the chart detailing those costs. (See attachment III.)

The question of the proper attack carrier force level is therefore extremely important. For it is determined that a smaller force level is needed, we will not only save the investment and operating costs of additional carriers, but the cost as well, of numerous escorts, support ships, and air wings.

A land base is a far cheaper operation. According to the Air Force, a base in the Pacific can be built for $53 million; the Bare Base Support Program can convert an existing civilian runway for about $36 million.

The high cost of carrier based air power must be viewed in relation to its effectiveness. The Navy has failed to demonstrate the cost-effectiveness of carrier air power.

For example, we know that the two carrier task forces "on station" in the Mediterranean are capable of providing a maximum of 150 offensive sorties per day. But what is the military significance of this number of sorties? Since we are flying almost 1000 offensive sorties per day in Vietnam, it is clear that 150 sorties would only be of marginal value in a conflict of similar size in the Mediterranean. Given this fact, it is important to determine whether the Navy's policy of continually maintaining a certain number of carriers "on station" is worth the costs.

(c) *Vulnerability.*—The reliance upon carrier rather than land-based air power is made even more questionable by the high degree of vulnerability of the carrier in light of modern weaponry. Carriers are vulnerable to attacks by submarines, aircraft, ship-to-ship and air-to-ship missiles.

Submarines pose a particularly ominous threat to carriers. Because of the very rudimentary nature of anti-submarine warfare, there is very little a carrier can do to defend itself adequately from submarine attacks. The Navy has asknowledged in Congressional testimony that one of the primary missions of the large Soviet submarine fleet is anti-carrier warfare.

Rapid technological innovations in missile development have made the carrier unusable in all but the most limited conflicts. The lethal nature of even the older missiles, such as the Soviet STYX, was recently demonstrated when an Egyptian PT boat sunk an Israeli destroyer with a single STYX. Both the Soviet and the American arsenals contain far more advanced anti-ship missiles, with greater range and higher speed.

Unique to the Soviet inventory, according to the Chief of Naval Operations, is the guided cruise missiles. The Navy estimates that 16% of the Soviet fleet carry 400 nautical mile cruise missiles designed primarily for use against land or sea targets.

In his testimony last year before the Senate Armed Forces Committee, Secretary of the Navy John H. Chafee spoke of the "wide scope and gravity" of the missile threat to our surface fleet:

> In an effort to counter the surface forces, the Soviet Union is developing the capabilities of the terminal-homing cruise missile which may be launched from aircraft, surface units, surfaced submarines, or land sites, at short or long ranged . . . our capability to defend against a cruise missile attack continues to concern us, but we are moving forward with programs directed toward significant long-term improvements.

During secret briefings by the Navy last year, I was told of the rapid advances in missile technology which have led to the development of highly sophisticated anti-ship missiles capable of extremely high speeds. Thus, a vessel designed for combat in World War II will be increasingly threatened by a wide variety of dangerous anti-ship missiles. The implications of this threat should be carefully reviewed, both as to the current and projected state of the art in anti-ship warfare and as to the carrier's capacity to respond to the threat.

The carrier is not completely defenseless against existing threats. Rather, the ever present fear of enemy attack causes the carrier task force to concentrate its resources on defense, thereby substantially reducing its offensive capability. This idea was best expressed in a 1966 dissertation on attack carriers by Desmond Wilson of the Center for Naval Analysis. In Dr. Wilson's words:

"Most of the carriers' usefulness when functioning in support of a land campaign during a limited war appears to be significant only under conditions of little or no submarine opposition. It is a matter of some doubt that the carrier force could continue providing combat sorties in support of a land campaign if the task force commander had to worry about air or submarine attacks."

As Wilson observed, effectiveness of the carrier task forces in limited war is closely related to the problem of vulnerability, which in turn is conditioned by the "rules" of "limits" by which the war will be fought. Threats of escalation, such as the introduction of submarines or aircraft, can diminish carrier effectiveness:

By forcing carriers to stay far at sea, thus diminishing the fuel available to the aircraft for combat purposes; and

By requiring continual movement of the carriers from area to area, thereby preventing it from staying in one locale to provide continual air support.

James Field, a Naval Historian, noted that a carrier task force, in fear of enemy attacks, cannot successfully participate in a campaign of interdiction. He wrote that in Korea, for example, "logistic considerations and the dangers of air and submarine attack made it undesirable for carriers to operate for more than two days in the same location."

Perhaps the most crucial limitation on the carrier's effectiveness is that the threat of

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attack diverts potentially offensive carrier sorties to defense of the task force. Thus, during World War II and the Korean War, 23% of the total combat sorties flown from carriers were defensive. This contrasts with 2.7% flown by planes from land bases during the Korean War.

Fears and uncertainties concerning an enemy's anticarrier warfare potential also affects the "rapid responsiveness" of the attack carrier, which is its strongest attribute. Wilson noted that uncertainties as to weapons, belligerents, and the "limits" of the war did in fact impede carrier deployment early in the Korean conflict. Future limited wars will also be surrounded by "uncertainties as to who will fight and with what weapons."

Because of the tremendous investment in a carrier and its task force and because of the recognition of the vulnerability of the carrier under certain conditions, the Navy is naturally hesitant to commit the carrier to a conflict or potential conflict. Once committed, the ever present fear of enemy attack may prevent the carrier from serving as an effective sea-base for tactical air strikes.

It should be emphasized that the threats which have limited a carrier's responsiveness and effectiveness in past wars are far more dangerous today. And since Naval doctrine, as Wilson points out, "as yet says nothing about treating the attack carrier as expendable in a limited war", there is every indication that the carrier will be even less effective in future conflicts with a sophisticated enemy.

The Navy, however, refuses to fully recognize the vulnerability of carriers. Its planning for the use of carriers illustrates this fact.

The Navy assumes that the carrier will be a vital participant in the full range of conventional conflicts—the relatively minor Dominican Republican type, the "mid-range" Vietnam type, and the full-scale conventional war—whatever that would be in this nuclear era.

By allocating to itself such a major role in such a range of possible conflicts, the Navy is refusing to acknowledge that events have changed the proper role of the carrier since 1945 by limiting the "scenarios" in which carriers can be effective.

When engaged in a major conventional war with a sophisticated enemy, the carrier task force will be exposed to a complete range of anti-carrier weapons. While the Soviet Union represents the greatest military threat to the carrier, other countries possess various weapons designed for anti-carrier warfare. Many of these weapons have been supplied to other nations by the Soviet Union, including such items as long-range bombers, MIG 21's, the STYX and other anti-ship missiles, and long-range conventional submarines.

There are therefore relatively few "scenarios" in which you can imagine a carrier free from threats of enemy action and thus able to function effectively in an offensive tactical capacity. This is not to say that the carrier has no role in a conflict where the enemy has some anti-carrier capability. But as the capability increases, so does the threat, and carriers simply do not operate effectively in such an environment.

The Navy is quick to remind us that land bases for tactical aircraft are also vulnerable to enemy attack. This is of course true. Land bases are subject to attack by aircraft and missiles; in addition, they are uniquely subject to ground attack and artillery, particularly in a guerrilla war as in Vietnam.

But in examining the relative vulnerability of land and sea-based tactical air power, we must look at their relative effectiveness. The historical record strongly suggests that land bases are less inhibited than carriers by the *threat* of attack and that they are capable of delivering more offensive sorties.

The threat of enemy attack also makes the carrier less desirable from a cost point of view. It has been estimated that at least one-half of the cost of a carrier task force is allocated for carrier defense. This high allocation of resources to defense sharply raises the cost of each carrier-based offensive sortie. In return for this large investment in carrier defense, we have carrier task forces which, in all probability, would be of little value against high-level threats . . . and are overly-oriented toward defense against low level threats.

In response to these arguments about the carrier's vulnerability, Admiral Moorer, the Chief of Naval Operations, told a VFW Convention that "in some 50 wars or near wars since 1946, we have not lost a carrier or had one damaged owing to hostile action." At my request, the Navy sent me a classified list of these "wars or near wars", and I am submitting a copy for the record. (See attachment IV for declassified version.)

The list includes 6 "wars or near wars" in which a carrier was merely "alerted" and was not actually present. In at least half of the total incidents, the carrier was only remotely involved, and the alleged enemy had absolutely no capacity—and usually no desire—to damage an attack carrier. Thus, the list included such "wars or near wars" as the "Haiti disorders" and the "Zanzibar riots." The original classified list submitted by the Navy included other incidents of this type, but the Navy refused to declassify several of them.

The fact that the Navy would resort to this type of argument in response to questions concerning the carrier's vulnerability may be indicative of their uneasinesss about this problem. In any event, these questions still remain.

This list is interesting for another purpose. With the exception of Korea, Vietnam, and a few other events, the list demonstrates the relatively minor nature of the carrier's use since World War II. Based on this record of the carrier's rather limited role, a serious question can be raised as to whether 15 attack carriers are really necessary to perform this role.

Failure of other nations to build carriers

It may well be that all of these considerations explain the reluctance of the Soviet Union (and almost every other nation) to rely on attack carriers. In fact, the United States is the only major military power with an attack carrier in its fleet. Neither the Soviet Union or China has built a single attack carrier, and neither plans to do so.

According to a 1969 Report by the Seapower Subcommittee of House Committee Armed Services, the Soviet Union in recent years has built over 500 surface ships in 20 classes. The Report states that the Soviet Union "is developing a massive, well-balanced program in virtually all phases of seapower."

The U.S. Navy not only agrees with this assessment—it constantly stresses the growing menace of the Soviet's surface fleet. Only the absence of attack carriers prevents the Soviet fleet from surpassing ours, according to the Navy. The Chief of Naval Operations recently stated that these carriers "are the key to our present superiority", and that "with too few, or none" in the U.S. fleet, "the Soviets would probably be the leading Naval power."

Even assuming that carriers are the key to our Naval superiority, it is obvious that we do not need as many as 15 carriers to maintain this superiority.

If the carrier is really such a vital ship, the Soviets must not be aware of this fact. They have not constructed a single attack carrier and they have no plans to do so. Since the Soviets are currently in the midst of a massive shipbuilding program and since they obviously have the technological capability to build carriers, their decision to rely on other surface ships cannot be due to limited resources.

The U.S. Chief of Naval Operations offered the following explanation for the Soviet failure to build attack carriers: "Geography, more than any other reason has kept the Soviets out of the aircraft carrier business. The routes of egress from Soviet Naval bases to the open oceans are, by way of choke points, controlled by other powers. For an aircraft carrier such a situation could spell disaster in a shooting war. If the Soviets were to gain control of the points, however, the situation might change."

But this constriction of egress from Soviet Naval Bases to the open seas has not deterred the Soviets from building a large number of almost every other type of surface war ship. If the Soviets can move their carriers and destroyers through those "choke points", then why would a carrier pose a different problem? It would seem that Soviet Naval planners have decided that attack carriers simply are not worth their enormous cost.

The Navy implies on occasion that the Soviets *are* developing a carrier fleet. But the fact is that the Soviet Navy has only two helicopter carriers, and the Soviets apparently have no intention of building the larger attack carriers.

Regardless of the reasons for the Soviet decision not to build attack carriers, our Navy cannot have it both ways. Either carriers are not that vital to a surface fleet and the Soviet Navy is a threat without them *or else* the Soviet's surface fleet is not a significant Naval threat.

Failure of Navy to recognize complementary role

All of these arguments are not intended to prove that there is no need for attack carriers. Indeed, carriers can serve as a complement to land-based air power—but primarily in limited conflicts where land bases are not immediately available.

Despite the Navy's recognition that carriers should be complementary to land-based air power, it has been unwilling to accept the fact that the need for carriers is reduced where there is ample land-based air capability.

Carriers, for example, were useful in the beginning of the Vietnam conflict when land bases were still limited. But a serious question can be raised whether the Navy's *continuing* level of involvement in the Vietnam conflict—once sufficient land bases were constructed there—reflects as much the need to give the Navy a "piece of the action" as a reasoned military judgment.

The designation of 6 carrier task forces to the Atlantic and 9 to the Pacific also attests to the Navy's unwillingness to recognize the complementary nature of carrier-based air power. Commenting on the Mediterranean task forces, Desmond Wilson wrote:

"With the subsequent development of land-based air covering NATO's southern flank, and with the later introduction into the region and coverage of the region by the sea and land-based missile systems, the Sixth Fleet may have become increasingly redundant. It almost certainly became increasingly vulnerable with the marked growth of the Soviet nuclear capability, along with submarine, aviation, and missile delivery systems."

But even this type of fleet deployment can be carried out with less than 15 attack carriers. To begin with, the Navy claims that 15 attack carrier task forces are required to keep 5 continually "on station"—2 in the Mediterranean and 3 in the Western Pacific. While the Navy points out that the rate of "on station" deployment has actually been higher in the past, they continue to insist that 3 task forces are needed to maintain one "on station" throughout the year. This method of deployment is explained as arising from the need to rest the crew, make necessary repairs, and take care of other logistical problems.

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The Navy does concede that, but for the need to relieve the crew, a carrier task force could remain “on station” for a longer period of time. However, they have never satisfactorily explained why the relief of the crew should force the carrier to be withdrawn from forward deployment.

The Navy itself has successfully dealt with this problem in the operation of Polaris Submarines by using what is called a “blue and gold” crew concept—the submarine stays on active duty and the crew is simply rotated. By this method, a Polaris sub is able to stay on active duty for a significantly longer time than the carrier. And yet, the Navy has failed to adapt this method or a similar one to the attack carrier. Such a procedure would make it possible to deploy 5 task forces “on station” with a reduced attack carrier fleet.

Furthermore, it should be pointed out that the Navy’s carrier fleet is not limited to attack carriers. There are, in addition, 4 smaller carriers, used primarily for antisubmarine warfare. These carriers are capable of handling several types of tactical jet fighters, and one of them is being currently used in Vietnam in an “attack capacity.

Surely, such carriers could be used to supplement the existing attack fleet in many cases where limited tactical air power is called for. And if carriers are going to be used for evacuating citizens and for the other relatively minor missions depicted in the Navy’s list of “wars or near wars” then these smaller carriers are more suited for this purpose than the modern attack carrier. It becomes all the more difficult, therefore, to justify the beginning of a brand new attack carrier in light of the overwhelming cost of a fleet which actually numbers 19.

The “one for one” replacement policy

The Navy not only opposes any delay in the funding of CVAN–70; it also maintains that as each new carrier enters the fleet, only one of the oldest carriers should be retired.

But the attack carriers which have joined the fleet since the mid-1950’s are almost double the size of the older carriers, are equipped with the modest modern aircraft, and, therefore, have far greater capability for tactical air than the oldest carriers which they replace. The Navy has stated that the nuclear carrier air wing is tactically more than twice as effective as that of the World War II carriers.

For the record, I am submitting copies of two charts prepared by the Navy. The first lists all active attack carriers. The second illustrates the tactical air capacity of each class of attack carrier. This chart clearly demonstrates that the newest classes have far more tactical air capability than the World War II carriers. (See attachment V for 2nd chart.)

But since the Navy has followed a “one for one” replacement policy in the past, the actual capacity of the carrier fleet in terms of providing tactical airpower is far greater than the 15 carrier force level would imply. The Navy’s carrier replacement policy would, therefore, more accurately be described as a “two for one” policy—an escalation in fact, of the carrier force level. Even if the Navy can support a case for replacing the older carriers with nuclear carriers, there is no reason why at least two of the older carriers could not be replaced as each new carrier joins the fleet.

This increased capability of the carrier fleet means that today’s 15 attack carriers can deliver more tactical air support than the 15 carriers which comprised the fleet in the mid-1950’s.

That is why Secretary McNamara relied on the increased capability of the newer carriers as a justification for reducing the size of the carrier fleet. Unless it is assumed that the need for tactical air power has substantially increased in the past fifteen years, a decision to defer the building of an additional nuclear carrier will not endanger national security.

The emerging criticism of present carrier policy

These questions about our present carrier policy have been expressed in the past by Defense and other government officials, as well as by military historians.

There has been serious criticism within the Pentagon of the attack carrier force level. Much of this debate has been kept from public view. For example, the Defense Department’s Office of Systems Analysis has often recommended cuts in the attack carrier fleet, but the studies underlying these recommendations have not been made public.

One such study conducted by the Office of Systems Analysis was orally summarized for me last year. This study showed that over a 10 year period, the carrier based wing costs almost $1 billion more than a land-based wing. I urge this Subcommittee to obtain this study, as well as others which may be available.

Criticism of present policy did come to light in the Defense Department’s posture statement for fiscal 1965—presented by Secretary McNamara on February 4, 1964—which called for “some reduction in the number of attack carriers by the early 1970’s.” The factors underlying this decision were the increased tactical air capability of modern carriers and modern carrier-based aircraft, the end of the carrier’s role as part of our strategic nuclear forces, and the reduced need for forward based airpower due to the increased range of land based tactical aircraft.

Criticism of the carrier force level from within the Defense Department has persisted. Dr. Arthur Herrington, a Department official, questioned the size of the carrier fleet in a recent speech at the Naval War College (published in the September 1969 issue of *The Naval War College Review.*) He said:

“Today we still plan a 15 (attack carrier) force for the future. Yet over this 25-year period we have seen: a polarization of the world into Communist and non-Communist camps, and lately an increasing fragmentation of both; the development of the Marshall Plan, NATO, the conversion of our enemy in the Pacific, Japan, to an ally, and the conversion of our old ally, China, to an enemy; a doubling of the size of the attack carrier; nuclear propulsion; jet aircraft and nuclear weapons. In truth, 15 attack carriers (or 15 capital ships in the U.S. Navy if you will) appears to be close to an ‘eternal verity’ in U.S. military planning.”

The most revealing admission of the Pentagon’s own doubts about the justification for 15 attack carriers can be found in a Departmental Statement filed last year with the Joint Economic Committee. Representative Moorhead of that Committee asked the Defense Department to explain the necessity for a force of 15 attack carriers. “It is very difficult,” a Department spokesman wrote in reply:

“To determine the precise division of effort between land-based and sea-based forces which will meet our worldwide commitments at the least cost. The program supported by the previous administration included 15 attack carriers. In response to a directive by the National Security Council to examine alternative General Purpose Force strategies, we are currently reassessing both the total requirement for tactical aircraft to meet each alternative strategy and the relative costs and effectiveness of different mixes of land-based and sea-based aircraft. Pending completion of this study, we are not recommending any major changes in the previous program.”

When asked to justify a 15-carrier force level, the Defense Department tells a Congressional Committee that the matter is under study. In the meantime, we are asked to spend millions of dollars to maintain this force level, until Defense officials find the time to determine the proper size of the attack carrier fleet.

Other high level government officials directly responsible for defense planning have also expressed doubts about our carrier policy. Charles Schultze, a former Director of the Bureau of the Budget, testified before the Joint Economic Committee that the request for an additional attack carrier was the first item to be examined in eliminating unnecessary military expenditures.

Similar reservations have also been expressed by military strategists and military historians. In a lengthy case study on the evolution of the attack carrier, Dr. Desmond Wilson raised serious questions about the justification for 15 attack carriers. Dr. Wilson is presently at the Center for Naval Analysis and I recommend that he be called as a witness before this Subcommittee.

RECOMMENDATION FOR DELAYING FUNDING OF CVAN–70

On the basis of the preceding arguments, I believe this Subcommittee should recommend a delay in the funding of CVAN–70 until FY 1975, at the earliest.

The Navy opposes any delay in the funding of this carrier for two reasons.

The first reason was presented by Secretary Laird in the FY 1971 posture statement:

“The Navy considers it important to proceed with advance procurement for CVAN–70 in FY 1971 . . . to avoid having to shut down the Special Nimitz-class carrier nuclear component production lines. Such a shutdown,” the Secretary stated, “would further increase the cost for CVAN–70, if we decide later to proceed with it.”

Before accepting this assertion by the Navy, it should first be determined whether the companies which produce the nuclear components for the Nimitz class carriers also produce nuclear components for our submarines. I believe they may. If this is the case, then it might be possible to keep the carrier component production lines open indefinitely by using them to produce components for submarines and other nuclear vessels—since the need for the latter type of nuclear components will exist for at least several years. Alternatively, the component production lines for these other ships might be adaptable to the carrier components at some later date.

I do not pretend to be an expert in these matters. But I think it might be possible to delay funding the CVAN–70 for several years without increased costs as a result of closing component production lines.

However, even if such a delay would cause a rise in the final cost of CVAN–70, it would be better to accept this increase rather than to fully fund the carrier in the next two years. For this carrier will cost at least $600 million, and probably will run much higher; and this does not include the cost of the air wing, as well as the cost of escort ships comprising the carrier task force.

Thus, instead of spending at least $1 billion in the next two years to buy a carrier which is not needed, the more responsible action would be to delay in the funding of this extremely expensive ship. While the Navy has not specified the loss which it claims will result from such a delay, I do not believe that it can be significant compared to the budgetary and economic impact of a billion dollar plus Federal expenditure over the next two years.

Aside from these reasons, there is something very troublesome about justifying a major military program on the basis of the need to keep production lines open. Such a justification could be used as an excuse for continuing almost any type of weapons system, regardless of military necessity. In the

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case of this carrier, it is quite possible that subsequent events will make it unnecessary to begin funding even in FY 1975.

The Navy's reason for opposing any delay in the funding of CVAN–70 does not rest on this argument of increasing costs. The Navy contends that "regardless of the attack carrier force level that may be decided upon in the future," funding for this ship cannot be delayed. The assumption underlying this contention is that a substantial percentage of the attack carrier fleet will soon become obsolete if the Navy's current building program is not maintained.

But the truth is that the request for funding CVAN–70 in FY 1971 *is* based on the Navy's conception of a proper carrier force level. And the force level which the Navy favors calls for *more than* 12 modern attack carriers.

Consider these facts about the present carrier fleet:

(1) Excluding the oldest carriers, the attack carrier fleet consists of one nuclear carrier (the Enterprise); 8 Forrestal carriers; and 1 Midway which has just completed modernization.

(2) The two Nimitz-class nuclear carriers which have already been funded will both have joined the fleet by 1976.

(3) Under the Navy's "rule of thumb" that an attack carrier is obsolete after 30 years, the oldest of these carriers—the Midway—will not be obsolete until 1980; the oldest of the remaining carriers is the first Forrestal, and it will not become obsolete until 1985.

By 1976, then, the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the Midway—until 1980. Given the 5-year lead time required to build an attack carrier, it will therefore not be necessary to fund the Midway's replacement until FY 1975.

That is why my recommendation to delay the funding of the CVAN–70 until *at least* FY 1975 assumes that at the maximum, the force level should consist of 12 modern carriers. It may well be that fewer than 12 carriers of this type will be required to meet future defense contingencies. But unless it is assumed that more than 12 modern carriers are needed, there is no valid reason for funding CVAN–70 before FY 1975.

The Navy is incorrect, in my opinion, in saying that a determination of the proper carrier force level is irrelevant in deciding whether to fund the CVAN–70 at this time. We would be ignoring our obligation to the already hard-pressed American taxpayer if we approve such a huge expenditure in the next two years without first making this determination.

If the Navy believes that the CVAN–70 should be funded now, then it must show why more than 12 modern attack carriers are required. The burden is, and should be, on the Navy, and this burden should not be disregarded because of the Navy's assertion that force level decisions are irrelevant to the funding of CVAN–70.

In determining whether the fleet should consist of more than 12 of these carriers, the following points should be considered.

To begin with, each carrier over 12 should be evaluated in terms of how it adds to the tactical air capability of the carrier fleet. We know that one carrier can provide a maximum of 150 offensive sorties per day—which has only marginal military significance in a conflict such as that in Vietnam, where we are flying over 1,000 such sorties per day. The question, then, is whether this limited increase in tactical air capability is worth the high cost of another carrier task force.

Even if it is considered necessary to increase our overall tactical air capability, this can be accomplished without funding an additional carrier. The fact that a land base is significantly cheaper than a carrier task force means that we can acquire more tactical air capability by investing in a land-based operation rather than in a 13th modern carrier task force. In short, if our aim is to buy the best defense at the least possible cost, we must take into account this cost-differential between land- and sea-based air power.

It should also be kept in mind that the decision to delay the CVAN–70 funding—thereby relying on a fleet of 12 modern carriers—will not impair our flexibility to provide carrier-based air power where land bases are unavailable. A 12-carrier fleet will more than enable us to meet such contingencies, and it is difficult to see how an additional carrier adds very much to this capability.

And finally, I again call your attention to the Air Force letter of September, 1969, addressed to Senator Hatfield. The Air Force statement that the U.S. has sufficient land-based tactical air capability in Southeast Asia and Europe to meet a major contingency in effect means that no carriers are needed in those areas. If we accept the Air Force evaluation, then it is clear that even a 12-carrier fleet is far too large.

It may be argued that this statement by the Air Force should be disregarded, since it is merely a reflection of the long-standing Air Force-Navy controversy over the role of land- versus sea-based air power. But before rejecting this evaluation as "anti-Navy propaganda," I urge you to consider whether or not the Navy's insistence on funding the CVAN–70 in FY 1971 might also be classified as the effort by one service to maintain its position—with little regard for military realities.

In short, the Congress is faced with conflicting claims: on the one hand, the Air Force asserts that carriers are essentially redundant in furnishing tactical air power; on the other hand, the Navy claims that the CVAN–70 is badly needed within the next several years and that the fleet must include more than 12 modern attack carriers. Without thorough investigation, I do not believe we can reject as self-serving the claim of one service, while accepting the claim of another service as the complete truth.

My own view is that the truth lies somewhere between the two conflicting claims: while *some* modern carriers might be required, there is little justification for more than twelve and even less justification for the continued maintenance of a 15-carrier fleet.

Regardless of whether this Subcommittee shares my view, you are still faced with these conflicting claims. And the Department of Defense has never adequately resolved this particular conflict. We know the Air Force position. We know the Navy position. But we do not know the Defense Department's position.

The National Security Council's study now underway may define the proper "mix" between carrier and land-based air power. But that study will not be completed until September, 1970, and it may be delayed even further. The existence of such a study, however, should not relieve the Defense Department of its own duty to present Congress with a rational and coherent plan for providing tactical air power.

I hope that this Subcommittee, before recommending the funding of CVAN–70 in FY 1971, will insist on a consistent position by the Executive Branch and will then attempt to strike a balance between these two claims by determining the proper carrier force level. If the Navy is unable to demonstrate a clear need for more than 12 modern carriers, the prudent course would be to delay the funding of CVAN–70.

ATTACHMENT I

TABLE XIV.—ACTIVE CARRIER FORCE (1946–64) (ATTACK CARRIERS OR THEIR EARLY EQUIVALENTS)[1]

Year	Atlantic/ Mediterranean	Pacific	Total
1946	7	11	18
1947	9	6	15
1948	7	5	12
1949	7	5	12
1950	9	2	11
1951	9	6	15
1952	10	7	17
1953	9	9	18
1954	9	8	17
1955	7	10	17
1956	6	9	15
1957	6	8	14
1958	6	9	15
1960	6	9	15
1961	6	9	15
1962	6	9	15
1963	6	9	15
1964	6	9	15

[1] See app. A for complete listing of carrier force by ship type.

ATTACHMENT II

DEPARTMENT OF THE AIR FORCE,
Washington, D.C.

HON. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: A few days ago, Mr. Michaelson of your Staff asked the Air Force to provide you with information regarding air bases overseas, quick construction of bases and the performance capability of the F–15. More specifically, I understand your questions were:

1. What is the number of overseas air bases the Air Force has relinquished since the Korean War; why were these bases given up; and has the loss of these bases jeopardized the USAF tactical air capability?

2. What is meant by the "Kit" method of quick construction of land bases as briefly described in the August 25 edition of the *Washington Post*?

3. What is the capability of the Air Force's new air superiority fighter, the F–15?

Although an attempt was made to keep the answers to these questions unclassified, to be completely responsive, an additional classified answer was required for the F–15 because some of the performance parameters of the aircraft was classified and similarly, a portion of the information relating to base closures is classified.

If we can be of any further assistance, please call.

Sincerely,

JOHN MURPHY,
Major, USAF.

MAJOR BASE CLOSINGS

Of the major air bases closed since the Korean War (attachment 1), only those in Morocco, France and Saudi Arabia could be classified as involuntary or political closures. All others and some in France were closed because they either were no longer needed or were closed for economic reasons. Dhahran, Saudi Arabia retains a USAF presence. Many of the bases were used by the Strategic Air Command and as auxiliary bases for tactical air units. Although listed as major installations, those designated "AFB" and "ASN" were not used to base tactical flying units on a permanent basis.

None of the other base changes to date have jeopardized contingency plans nor prevented the formulation of contingency plans to meet current commitments. There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas.

In addition, as demonstrated in Attachment 2, there are airfields all over the world that are adequate to support tactical air combat operations. There are more than 1,700 Free World airfields with runways 5,000 feet or longer and there are 685 airfields with runways 8,000 feet or longer. Any nation which requests the assistance of U.S. military forces can be expected to permit use of its airfields. The Air Force is developing bare base equipment which will provide the capability to deploy to any base which has a runway, taxiways, ramp space and potable water source.

In summary, the majority of the land air bases that have been inactivated were not needed or were closed to decrease expenses, although some were closed for political reasons. The capability of USAF tactical air has in no sense been diminished by land base inactivations. Attachment 3 summarizes the number of inactivated and operational USAF bases and the Free World airfields.

ATTACHMENT III

ATTACK AIRCRAFT CARRIERS

Number and name	Date commissioned	Capability to operate all modern aircraft	Capability to operate F-14 aircraft	Total crew	Estimated annual operation cost (millions)
CVA-14, Ticonderoga[1]	1944	No	No	3,625	$62.7
CVA-19, Hancock	1944	No	No	3,625	62.7
CVA-31, Bon Homme Richard	1944	No	No	3,625	62.7
CVA-34, Oriskany	[2]1950	No	No	3,625	62.7
CVA-41, Midway[3]	1945	All but RA-5C	Yes	3,417	85.4
CVA-42, Roosevelt	1945	do	Yes	3,417	95.4
CVA-43, Coral Sea	1947	do	Yes	4,474	102.3
CVA-59, Forrestal	1955	Yes	Yes	4,948	106.9
CVA-60, Saratoga	1956	Yes	Yes	4,948	106.9
CVA-61, Ranger	1957	Yes	Yes	4,948	106.9
CVA-62, Independence	1959	Yes	Yes	4,948	106.9
CVA-63, Kitty Hawk	1961	Yes	Yes	4,952	108.4
CVA-64, Constellation	1961	Yes	Yes	5,022	108.4
CVAN-65, Enterprise	1961	Yes	Yes	5,499	115.0
CVA-66, America	1965	Yes	Yes	4,952	108.4
CVA-67, Kennedy	1968	Yes	Yes	4,952	108.4
Total				70,977	1,510.1

[1] To become a CVA (ASW carrier) when the "Midway" joins the fleet in fiscal 1970.

[2] Construction stopped for about 5 years following World War II.

[3] Now undergoing $202,300,000 conversion. To rejoin the fleet during fiscal 1970.

ATTACHMENT IV

SUMMARY OF WARS/NEAR WARS SINCE 1946

(The following list represents only major/minor conflicts or crises where U.S. Naval units were involved as prime factors, alerted or redeployed.)

Place, date, and event

Turkey, April 1946: USSR–Iran hostilities and USSR–Turkey dipomatic tensions; Naval unit deployed as affirmation of U.S. intentions to shore up Turks against Soviet imperialism.

Trieste, July 1946: Trieste ownership dispute; U.S. and British Naval units dispatched to scene with open warfare imminent. Commenced Adriatic Patrol which lasted until Trieste issue resolved in 1954.

Greece, September 1946: Politcal crisis. Naval Units visit requested by U.S. Ambassador. One carrier was on the scene.

Indochina War, November 1946–July, 1954: Naval units employed in evacuation, assistance, alert status. Three carriers on the scene during latter stages of the conflict.

Israel, June 1948–April 1949: Naval units assigned UN mediator for the Palestine Truce. Evacuated UN team eventually in July.

Greek Civil War, 1946–49: Presence and alert. Carriers deployed in the Mediterranean during period of crisis.

Korea, 1950–53: Ten carriers engaged in combat operations during the period of the conflict.

Tachens Crisis, July 1954–February 1955: Evacuation of civilians/military personnel. Five carriers on the scene.

Vietnam Guerilla War, September 1955–Present: Presence, assistance, combat operations. During the period between February 1965 to date a total of 15 attack carriers have conducted combat operations.

Red Sea, February 1956: Naval unit patrols established in view of developing Suez Crisis.

Jordan Tension, May 1956: Provided presence. Two carriers alerted and deployed to the eastern mediterranean.

Pre-Suez Tension July 1956: Two carriers alerted.

Suez War October-November 1956: Evacuation, provided presence. Two carriers on the scene, two additional carriers alerted and deployed from East Coast.

Jordan Crisis, April 1957: External conspiracy charged with intent to subvert Jordan. Naval units dispatched. Three carriers on the scene.

Kinmen Island, July 1957: Communist shelling. Naval units dispatched to defend Taiwan. Four carriers on the scene.

Haiti Disorders, June 1957: Alert, surface patrols.

Syria Crisis, August-December 1957: Provided presence. Two carriers on the scene.

Lebanon Civil War, May 1958: Support operations. Three carriers provided air cover for marine landings.

Jordan/Iraq Unrest, August-December 1958: Alert, surveillance, surface patrol.

Cuba Civil War, December 1956–December 1958: Evacuation, provided presence. One carrier on the scene.

Quemoy-Matsu Crisis, September-October 1958: Evacuation, combat operations. Three carriers on the scene, two additional carriers alerted.

Panama Invasion, April 1959: Provided presence.

Berlin Crisis, May 9, 1959: Two carriers alerted and brought to an advanced state of readiness.

Nationalist China-Communist China Crisis, July 1959: Provided presence. Two carriers on the scene.

Panama Demonstrations, August and November 1959: Alert.

Laos Civil War, December 1960–May 1961: Provided presence. Three carriers on the scene.

Congo Civil War, July 1960–August 1963: Alert, evacuation.

Caribbean Tension, April 12, 1960: Alert, air and surface patrols.

Guatemala-Nicaragua, November 1960: Air and surface patrols. One carrier on the scene, one additional carrier alerted.

Bay of Pigs Crisis, May 1961: One carrier alerted.

Zanzibar Riots, June 1961: Alert.

Berlin Crisis, September 1961–May 1962: Two carriers alerted and brought to a higher state of readiness.

Dominican Republic, November 12, 1961: Air and surface patrols. One carrier on the scene.

Guantanamo Tension, January and July 1962: Alert, provided presence.

Guatemala, March 1962: Alert, provided presence. Two carriers alerted.

Thailand, May 1962: Provided presence. Two carriers on the scene.

Quemoy-Matsu Crisis, June 1962: Provided presence. Three carriers on the scene.

Cuban Missile Crisis, October-November 1962: Provided presence and intervention. Eight carriers on the scene.

Yemen Revolts, February-April 1963: Alert, provided presence, surface patrols.

Laos Tension, April 1963: Provided presence. Two carriers on the scene.

Jordan Crisis, April 1963: Provided presence, surface patrols. Two carriers on the scene.

Caribbean Tensions, 1963: Alert, air and surface patrols. One carrier alerted.

Vietnam Civil Disorders, August, September and October 1963: Air and surface patrols. Two carriers on the scene.

Dominican Republic, September 1963: Alert.

South Vietnam Crisis, November 1963: Following death of President Diem. Provided presence. Three carriers on the scene.

Indonesia-Malaysia, December 1963: Alert, provided presence. Two carriers alerted.

Panama, January 4, 1964: Alert, provided presence and evacuation.

Guantanamo Tensions, April 7, 1964: Provided presence, surface patrols.

Panama, May 1964: Provided presence.

Dominican Republic, June and July 1964; Air and surface patrols.

Tonkin Gulf, August 1964: See item 9.

Dominican Republic, April 1965: Intervention and combat operations. Two carriers alerted.

Arab-Israeli War, June 1967: Provided presence. Covered evacuation of U.S. citizens. Two carriers on the scene.

Pueblo Capture, January–April 1968: Redeployment of force; maintained presence in area to take actions as directed. Three carriers on the scene (five carriers participated).

EC-121 Loss, April 1969: Redeployment of forces: maintained presence to take actions as directed. Four carriers on the scene.

ATTACHMENT V

NOMINAL AIR WING COMPLEMENTS

Enterprise/Kitty Hawk/Forrestal classes

2 Fighter Squadrons (F–4).
2 Light Attack Squadrons (A–7).
1 Attack Squadron (A–6).
1 Electronics Warfare/Tanker Squadron (EKA–3).
1 Airborne Early Warning Squadron (E–2).
1 Reconnaissance Squadron (RA–5C).
1 Rescue Squadron Detachment (UH–2).
Total A–4 equivalents, 132.

Midway class

2 Fighter Squadrons (F–8) F–4s assigned when available.
2 Light Attack Squadrons (A–7).
1 Attack Squadron (A–6).
1 Electronics Warfare/Tanker Squadron (EKA–3).
1 Airborne Early Warning Squadron (E–2).
1 Reconnaissance Squadron (RF–8G).
1 Rescue Squadron Detachment (UH–2).
Total A–4 equivalents, 108.

Hancock class

2 Fighter Squadrons (F–8).
3 Light Attack Squadrons (A–4).
1 Electronics Warfare/Tanker Squadron (EKA–3).
1 Airborne Early Warning Squadron Detachment (E–1B).
1 Reconnaissance Squadron Detachment (RF–8G).
1 Rescue Squadron Detachment (UH–2).
Total A–4 equivalents, 83.

Nimitz class (the air wing listed below is planned for the Nimitz in fiscal year 1973)

2 Fighter Squadrons (F-14).
2 Light Attack Squadrons (A-7).
1 Attack Squadron (A-6).
1 Tanker Squadron (KA-6).
1 Electronics Warfare Squadron (EA-6).
1 Airborne Early Warning Squadron (E-2).
1 Reconnaissance Squadron (RA-5C).
1 Rescue Squadron Detachment (UH-2).
Total A-4 equivalents, 152.

(NOTE.—The *types* of aircraft which can be operated by a carrier depend primarily upon the flight deck and its installations such as the catapults, arresting gear and elevators. Ship-installed support facilities also limit aircraft types which can be operated. The *number* of aircraft which can be carried depends upon deck area and the mix of types. Some types of aircraft are considerably larger than others, and a smaller total of generally larger aircraft can be physically accommodated. The smallest tactical aircraft in the U.S. Navy's carrier inventory is the A-4 Skyhawk. Therefore, for standardization purposes, the Navy expresses carrier aircraft capacity in terms of A-4 equivalents.)

REPORT OF THE JOINT SUBCOMMITTEE OF THE HOUSE OF REPRESENTATIVES AND SENATE COMMITTEES ON ARMED SERVICES ON THE STUDY FOR THE CVAN-70

STATUTORY REQUIREMENT

This report responds to the requirement set forth in the Military Procurement Authorization Act for fiscal year 1970 (Sec. 402 of Public Law 91-121). The provision is as follows:

"SEC. 402. (a) Prior to April 30, 1970, the Committee on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN-70.

"(b) In carrying out such study and investigation the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary."

BACKGROUND

The cited statutory study requirement resulted from a House-Senate conference agreement to delete, from the fiscal year 1970 procurement program recommended by the Department of the Navy, an item proposing the procurement of the long leadtime items required for the construction of a new nuclear-powered attack aircraft carrier, the CVAN-70.

SUBCOMMITTEE ACTION

Pursuant to the statutory requirement, the following members were appointed by the respective chairmen of the Armed Services Committees to serve on this special subcommittee;

From the Senate Committee on Armed Services: Senators John C. Stennis, Stuart Symington, Henry M. Jackson, Strom Thurmond, John G. Tower, and George Murphy.

The House members designated were Charles E. Bennett, Samuel S. Stratton, and Robert T. Stafford.

By unanimous consent of the group, Senator Stennis and Congressman Bennett served as co-chairmen.

The subcommittee in its desire to fully discharge its statutory responsibilities agreed to solicit the expert testimony of those individuals who by their previous identifications with this complex subject matter, could make a meaningful contribution to the subcommittee's effort.

These individuals, except in a few instances, accepted the invitation of the subcommittee to participate in this study and appeared as witnesses in the following order.

April 7, 1970—Hon. John H. Chafee, Secretary of the Navy; Adm. Thomas H. Moorer, Chief of Naval Operations; Rear Adm. James L. Holloway III, CVAN program coordinator.

April 8, 1970—Senator Walter F. Mondale and Congressman William S. Moorhead, Senator Case submitted a statement for the record.

April 10, 1970—Adm. Thomas H. Moorer, Chief of Naval Operations, and Rear Adm. James L. Holloway III, CVAN program coordinator.

April 13, 1970—Dr. Desmond P. Wilson, professional staff member, Center for Naval Analyses.

April 15, 1970—Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, and Vice Adm. H. G. Rickover, Deputy Commander for Nuclear Propulsion, Naval Ship Systems Command.

April 16, 1970—Dr. William W. Kaufmann, senior fellow, Brookings Institution, on leave as professor at Massachusetts Institute of Technology.

The testimony received by the subcommittee during its proceedings will be printed, and except for deletions made necessary by national security considerations, will be published in its entirety as a public document. The subcommittee, in fulfillment of its statutory obligation, has completed its hearings and study of the past and projected costs and effectiveness of attack aircraft carriers and their task forces, and the considerations which went into the decision to maintain the present number of attack carriers.

THE CARRIER STUDY AND ITS RELATION TO THE CVAN-70

The statute provides for a comprehensive review of the entire concept of naval attack carrier forces. The subcommittee recognizes that implicit in the study requirement is the necessity for determining whether to provide congressional approval for the ultimate construction of a nuclear aircraft carrier identified as the CVAN-70.

THE PRESIDENT'S RECOMMENDATIONS

The President, in his budget message to Congress for fiscal year 1971, specifically recommended that he be provided authority to procure long leadtime construction items for the CVAN-70 in the amount of $152 million.

The presidential budget message contains the following statement with respect to the requested funds for long lead items:

"The Budget also provides for additional large assault ships for our amphibious forces, together with funds for advanced procurement related to construction of the third nuclear-powered *Nimitz* class attack carrier. However, the advance procurement funds for the third carrier will not be obligated until completion of studies in progress to assess future requirements for attack carriers."

THE SECRETARY OF DEFENSE'S RECOMMENDATIONS

The Secretary of Defense, in presenting to the Congress the fiscal year 1971 procurement program for the Department of Defense, strongly urged congressional approval of the President's request on the CVAN-70.

Subsequently, the Secretary of Defense, while recognizing the necessity for completion of the National Security Council review, has reaffirmed his support of the CVAN-70 in a letter to the chairman of the Senate Armed Services Committee on April 3, 1970, when he said:

"The requirements and commitments of the current strategy make it necessary, in my judgment, for this Nation to proceed with the construction of this final ship of a three-ship construction program first laid out in fiscal year 1967."

THE JOINT CHIEFS OF STAFF RECOMMENDATIONS

The Joint Chiefs of Staff have unanimously endorsed construction of the CVAN-70 despite the fact that there exists a difference of opinion among the service chiefs as to the number of carriers we should have in our carrier force in future years.

CONCLUSION AND RECOMMENDATION OF THE SUBCOMMITTEE

As a consequence of the extensive hearings conducted by the special Senate-House subcommittee as directed by section 402 of Public Law 91-121, a majority of the Senate Members and all of the House Members strongly recommend that the Congress approve the request of the President for the funding of long leadtime construction items on the CVAN-70 for fiscal year 1971.

Findings on which the subcommittee's recommendations are based include the following:

ON ROLES AND MISSIONS OF CHARTER

The attack aircraft carrier has in the past and will into the foreseeable future, continue to perform a vital and indispensable role in insuring the control of our sealanes essential to our commerce. Our industrial operations could not last more than a very short time if our strategic materials were to be cut off from overseas.

In addition, carrier air forces are able to provide tactical air in support of land forces operating far beyond existing American air bases or where such bases have been rendered inoperative. In particular, with the current emphasis on reducing American commitments abroad in both Europe and the Pacific, the highly mobile carrier provides a unique means of providing American air power in distant locations without establishing bases and installations ashore.

MODERNITY OF CARRIER

The attack aircraft carrier, like every other major weapon system of our national defense, is subject to obsolescence induced by age and advancing technology. Therefore, like all other weapons systems, the attack carrier system must be modernized on a timely basis despite the significant costs involved.

The following table is an illustrative example of the relative capabilities of old and modern attack carriers, by class, reflecting single strike capabilities and air ordnance, jet fuel, and steaming endurances without replenishment:

	Hancock	Midway	Forrestal	Nimitz
Commissioning periods	1944–50	1945–47	1957–68	1972—
Single strike capability	1.0	1.3	1.6	2.0
Ordnance endurance	1.0	1.4	2.5	3.8
Jet fuel endurance	1.0	1.8	2.6	5.2
Steaming endurance	1.0	1.0	1.0	([1])

[1] Virtually unlimited.

COMPARATIVE COSTS OF CARRIER AND LAND BASED TACTICAL AIR

The subcommittee attempted to satisfy the statutory requirement for the study of past and projected costs of the attack aircraft carriers and their task forces. Several different analyses were presented to the subcommittee on this matter comparing sea-based tactical aviation with land-based tactical aviation.

It is significant that the Department of Defense advised the subcommittee that even though the comparative costs of the various alternatives have been under study for some time by the Department of Defense, there is no agreed-upon position within the Department on this matter.

To illustrate the difficulties encountered

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by the subcommittee in attempting to address this question, General Wheeler, Chairman of the Joint Chiefs of Staff, stated:

"Now this is an extremely complex problem, and the reason it is complex is that you have to figure out what you are going to charge off against the cost of land-based tactical air versus what you charge off against sea-based tactical air, and depending upon what you charge off, you come up with these varying figures.

"I must say that I don't regard any of these studies myself as being definitive, and they certainly are not convincing to me as a basis for making a judgment as to the need for sea-based tactical air."

In view of these circumstances, it is evident to the subcommittee that there is as yet no acceptable formula for accurately quantifying and measuring the precise cost-effectiveness of land-based versus sea-based tactical airpower.

ON THE NUMBER OF CARRIERS

The Defense budget for fiscal year 1971 supports a force of 15 attack carriers plus the one additional CVS (antisubmarine warfare) carrier authorized for use as an attack carrier during the Vietnam war. Unless there is a substantial change in our international commitments and the Vietnam war, the subcommittee supports the number of carriers provided for in the President's budget for fiscal year 1971.

The subcommittee was unable to resolve the question of the number of carriers that should be provided to our Armed Forces in the 1975–80 time frame, an issue which will be influenced by the degree of modernity of the carriers in being. This question also involves future foreign policy decisions which remains to be determined.

The subcommittee, in consideration of the full range of carrier capabilities including modernity and the exceptional advantages of nuclear power, is of the opinion that the long lead funds for the CVAN–70 should be approved.

Senators: John C. Stennis, *Co-chairman;* Henry M. Jackson; Strom Thurmond; John G. Tower; and George Murphy.

Representatives: Charles E. Bennett, *Co-chairman;* Samuel S. Stratton; and Robert T. Stafford.

ADDITIONAL STATEMENT OF SENATOR JOHN C. STENNIS

I fully support the concept of adding the CVAN–70 to our attack carrier fleet and personally think the leadtime items should be provided for in the fiscal year 1971 authorization bill. As stated before I will not be in a position to make a firm recommendation for including this additional carrier in the fiscal year 1971 authorization bill until there is a firm request therefor by the executive branch.

MINORITY VIEWS

One of the primary reasons for the establishment of this Joint Senate-House Armed Services Subcommittee on the CVAN–70 Aircraft Carrier (appointed pursuant to sec. 402 of Public Law 91–121) was the desire of the Congress to have a joint committee conduct a study and review of the entire matter of force levels and costs with respect to attack carriers. It was presumed that in connection with any new carrier the Congress would have a firm position from the administration. The budget message, however, states that "the advance procurement funds for the third carrier will not be obligated until completion of studies in progress to assess future requirements for attack cariers."

Without any clear direction from the executive branch, and because of (1) the high cost of this proposed additional nuclear aircraft carrier; (2) the possibility that a review by the National Security Council of strategic and tactical force levels will result in the recommendation of a future carrier force level which would not necessitate the construction of the CVAN–70 at this time for the 1975–80 time frame; (3) increasing evidence that we must give more recognition to such growing domestic needs as education, housing, control of various forms of pollution, and so forth; and (4) the growing financial crisis incident to further depreciation in the purchasing power of the dollar, I wish to withhold my decision with respect to recommending the authorization of long leadtime items for the CVAN–70 until we have the opportunity to review the results of this report from the National Security Council with respect to overall national strategy for the 1975–80 period, including the proper attack carrier force level.

Senator STUART SYMINGTON.

STATEMENT OF SENATOR WALTER F. MONDALE, DEMOCRAT OF MINNESOTA

A Senate-House Armed Services Subcommittee has recommended funding for a fourth nuclear attack carrier, the CVAN–70. This recommendation was made despite the fact that the Executive Branch has stated that funds for this carrier will not be obligated until the National Security Council completes its present review of strategic and tactical force levels. Their study will not be completed until September, 1970, at the earliest.

I want to commend Chairman Stennis for his position on this important issue. While the Chairman supports the concept of adding CVAN–70 to our carrier fleet, he has stated that he will not make a firm recommendation for funding this additional carrier in FY 1971 until there is a firm request to do so from the Executive.

I also commend Senator Symington, who feels that the results of the National Security Council study should be considered before deciding the question of funding the CVAN–70.

But the Subcommittee itself wants to fund this carrier now. It bases this recommendation on a report released on April 23, 1970, which was required by last year's Military Procurement Authorization Bill. It is my belief that this report fails to fulfill the Congressional requirement for a complete and comprehensive study of the Navy's attack carrier program.

The law called for a study of the carrier's cost-effectiveness. The Subcommittee concluded that there is "as yet no acceptable formula" for determining the cost-effectiveness of land-based verus sea-based tactical air power.

The law called for a review of the present carrier force level. The Subcommittee concluded that it was "unable to resolve the question of the number of carriers" needed by the end of the decade.

Yet, the Subcommittee's inability to resolve these basic and crucial questions did not prevent it from "strongly recommending" the funding of CVAN–70 in FY 1971. According to the report, "the attack carrier system must be modernized on a timely basis despite the significant costs involved."

This is a conclusion based more on instinct than analysis. It is completely unjustifiable to recommend funding for a fourth nuclear carrier without first determining the proper carrier force level.

For the decision to build this carrier can only mean one thing—that we favor a fleet of *more than* 12 modern attack carriers.

An examination of the present carrier fleet demonstrates this fact:

1. Excluding the oldest carriers, the attack carrier fleet consists of one nuclear carrier (the Enterprise); 8 Forrestal carriers; and 1 Midway which has just completed modernization.

2. The two Nimitz-class nuclear carriers which have already been funded will both have joined the fleet by 1976.

3. Under the Navy's "rule of thumb" that an attack carrier is obsolete after 30 years, the oldest of these carriers—the Midway—will not be obsolete until 1980; the oldest of the remaining carriers is the first Forrestal, and it will not become obsolete until 1985.

By 1976, then, the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the Midway—until 1980. Given the 5-year lead time required to build an attack carrier, it will therefore not be necessary to fund the Midway's replacement until FY 1975.

If this Subcommittee believes that the CVAN–70 should be funded now instead of later, it must show why more than 12 modern attack carriers are required. There is no such showing in this report.

I will not be a party to this fund-now-justify-later philosophy. If neither the Subcommittee or the Executive is able to determine whether we need more than 12 modern attack carriers, Congress abdicates its constitutional duty by issuing a signed check for one more nuclear carrier.

I want to make it clear that I do not advocate the elimination of all attack carriers. Nor have I ever advocated such a position.

But I do believe that the Congress must have clear justification for funding a 13th modern carrier task force before approving a potential expenditure of more than $2 billion. Without this justification, it is unconscionable to ask the already hard-pressed American taxpayer to bear the burden of such an expenditure.

Mr. ARENDS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, we have no further requests for time on this side. There are a couple of minutes available, but I want to say that we have diligently worked in an effort to try to provide all the time available to various Members who would like to be heard on both sides of the aisle. I think during the 4 hours of general debate we have had enlightened debate on this bill.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $294,500,000; for the Navy and the Marine Corps, $2,452,200,000; for the Air Force, $3,314,900,000.

MISSILES

For missiles: for the Army, $1,086,600,000; for the Navy, $946,600,000; for the Marine Corps, $27,600,000; for the Air Force, $1,505,300,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,013,900,000, of which $600,000,000 is authorized to be appropriated only for expenditure in naval shipyards.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $206,200,000; for the Marine Corps, $48,700,000.

OTHER WEAPONS

For other weapons: for the Army, $68,200,-

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000: *Provided*, That none of the funds authorized for appropriation by this Act shall be obligated for the procurement of M–16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources for supplying such weapons will continue to be available within the United States during fiscal year 1971; for the Navy, $2,789,000; for the Marine Corps, $4,400,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,647,900,000;

For the Navy (including the Marine Corps), $2,197,300,000;

For the Air Force, $2,909,700,000; and

For the Defense Agencies, $460,700,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1971 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1970, and ending June 30, 1971, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 47,715.

(5) The Air National Guard of the United States, 87,878.

(6) The Air Force Reserve, 47,921.

(7) The Coast Guard Reserve, 16,590.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. No part of the funds appropriated pursuant to this bill may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 30th and June 30th thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

On page 2, line 12, after the word "shipyards", delete the period, substitute a comma, and add the following:

"*Provided*, That none of the funds authorized for appropriations by this Act for the construction of naval vessels shall be obligated until the National Security Council has advised the President of its recommendation in respect to construction of the attack aircraft carrier designated as CVAN–70."

The committee amendment was agreed to.

Mr. NEDZI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. NEDZI. Mr. Chairman, I ask unanimous consent to withdraw my point of order that a quorum is not present.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PIKE:

On page 2, line 6, strike out "$3,314,900,000" and insert "$3,114,900,000, none of which shall be used for the procurement of C–5A aircraft beyond the amount which the Air Force declares to be owed for that purpose."

(Mr. PIKE asked and was given permission to revise and extend his remarks.)

Mr. PIKE. Mr. Chairman and members of the Committee, this is a rather straightforward amendment which cuts $200 million from the procurement of aircraft for the Air Force. The amendment is directed to the particular $200 million which is provided in the bill for the procurement of C–5A aircraft which the Air Force says it does not owe for that purpose.

There is in the bill, as the report states, and as the chairman stated earlier in his opening remarks, $544 million in the bill for the procurement of C–5A's. $344 million of that represents the final balance which the Secretary of Defense told us would be required when he first came before us this year for the entire C–5A program. The balance of $200 million, to which this amendment is addressed, is for what the Secretary of Defense has labeled a contingency fund, and he says:

> We may need it and we may not need it, but we will come to the appropriate committees before we spend it.

I would suggest that all of the Congress might be interested in this amendment and in this sum of money.

Here is the situation where the Air Force says we do not owe them the money, and the Secretary of Defense says, "Yes, but we have to be ready to give it to them anyway."

I would suggest that the Air Force would be a little more likely to defend the taxpayers' position if they did not have the money in their pocket ready to give away.

It is perfectly obvious to anybody that it is going to cost more money than this $344 million—more than the $544 million—to complete the procurement of the 81 C–5A's. As of next December they will have started 42 C–5A's, and all of the money has already been authorized with the passage of this bill without this $200 million. They are not yet halfway through the program, but they say they are getting broke, and I believe them. They are doing other things. They are building, or getting ready to build, a civilian model called the L–1011.

They are building a plant over in Singapore, the corporation is, and I just think we should not be prepared at this time—and that we should not require at this time the authorization of this money and its expenditure so long as the Air Force maintains the position that they do not owe the money.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman.

Mr. THOMPSON of Georgia. You, of course, are aware of the fact that Lockheed maintains that not only is $200 million owed, but something in addition is owed Lockheed under the contract that has been entered into.

Mr. PIKE. I am well aware that Lockheed says that the Government owes them a lot of money. But I am also aware that there are companies all over the United States of America that say the Government owes them money. There have been companies in my district which have said the Government owes them money. To the best of my knowledge, this is the first time that anybody ever came in on a procurement authorization bill saying that we are going to give them the money that the Air Force says is not owed.

Mr. THOMPSON of Georgia. What would be the effect on the defense posture of this country if in court it is determined that not only $200 million but more than this is actually owed, and because of the action of your amendment you were to bring this production line to a halt and it stayed at a halt for 6 or 8 months—what would be the cost to the country and the loss to the country because of such an irresponsible action?

Mr. PIKE. I do not think this is ever going to get into a court action. I think there has to be an overall settlement between the Government and Lockheed as to all of its problems and not just the C–5A.

Mr. THOMPSON of Georgia. The gentleman is not answering my question.

Mr. PIKE. There has to be a settlement of the problems with the S–3A and with its problems on SRAM.

Mr. THOMPSON of Georgia. Will the gentleman answer the question?

Mr. PIKE. I think there has to be an overall settlement. I do not know what the effect would be, but I would say this. If the amendment is not passed and if we give them the money and the court decides the other way, Lockheed will be broke and the taxpayers will never get their money back.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I would like to clarify one little point, if the gentleman from New York will give me his attention.

The gentleman mentioned the Lockheed Aircraft Corp. was engaged in the production of a civilian aircraft known as the 10–11. I trust the gentleman does not mean to imply that any of this $200 million would be devoted to civilian purposes?

Mr. PIKE. I do not mean to imply that I know it would. But, I do mean to imply that one of the Air Force generals who testified before us said that a great deal of Lockheed's fiscal problems come from this 10–11 problem rather than the C–5A problem.

Mr. DAVIS of Georgia. I do not think that justifies the implication that the gentleman places before this committee to the effect that some of this money might go to support the 10–11 development. I might say based on my personal investigation, I can say that is just not the case—not at all.

Mr. PIKE. The principal reason I object to the inclusion of the money at this point is because we do not have the slightest idea where it is going to go. If a determination were made that it is owed to Lockheed they can come in with a supplemental appropriation or they can come in with a reprograming. There are all kinds of ways—legitimate and normal ways of getting this money into Lockheed's hands if it is truly owed to them. But this is an absolutely unique procedure.

Mr. DAVIS of Georgia. The gentleman is aware, I am sure, that there is a legal question as to the amount the Department of Defense owes to Lockheed Aircraft Corp.

The gentleman is further aware, I am sure, that under the position taken by the Department of Defense in a letter from Mr. Packard to Chairman Rivers, it is made abundantly clear that not a penny of this money can be spent until the contract between the Department of Defense on Lockheed is restructured or renegotiated and is approved. I will say again—approved by the appropriate committees of the Congress, which would include the authorizing committee; that is, the Committees on Armed Services of both bodies and the Committees on Appropriations of both bodies.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. Yes; I am happy to yield to the gentleman from New York.

Mr. PIKE. I would say the gentleman's statement is absolutely correct. The only point I am making is that this is the last time that anybody but these committees of Congress are going to have to look at this thing.

Mr. DAVIS of Georgia. May I say that if you consider the alternative, if you close down the Lockheed plant, which at present employs a total of about 28,000 people—and I am not sure how many are on the C–5A line—it is estimated that it would cost $200 to $400 million to get back into production. It is a decision that might not even be reached by the Lockheed Aircraft Corp. So I say you are toying with the destruction of the entire C–5A program, a program into which we have put much, much money, a program which has great promise. There has been no criticism of the performance of the aircraft, for example. There has been one change involving the wing spar, but, I might say, there were something like six changes in the DC–3, which turned out to be the workhorse of World War II. I think the performance record has been in every instance in excess of the requirements of the DOD.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I am happy to yield to the gentleman from California.

Mr. GUBSER. The gentleman has very clearly established the fact, as quoted in the words of Secretary of Defense Packard:

> This additional funding will not be used until satisfactory contractual arrangements are concluded and are cleared with the appropriate committees of Congress.

Would the gentleman agree with this further observation, that this is not an appropriation bill? This will not cause a single dime to be transferred from the U.S. Treasury to the treasury of the Lockheed Corp., that there will have to be an action by the Appropriation Committee to fund this, but it could not be funded through a supplemental appropriation bill unless it were first authorized, and this is the authorization bill. Would the gentleman agree with that?

Mr. DAVIS of Georgia. Yes; I certainly agree with that.

Mr. BRINKLEY. Mr. Chairman, I rise in opposition to the amendment.

On March 9, 1970, Secretary Packard appeared before the House Armed Services Committee to discuss the Lockheed financial plight. I use the word "plight" to indicate my genuine belief that Lockheed's predicament is not exclusively a matter of its own making; rather, it is the collective responsibility of many decisions, developments and happenings not within the control of Lockheed, and it would be grossly unfair to assess Lockheed with the sole accountability and make it the scapegoat for collective deficiencies.

Secretary Packard's appearance before us was prompted by a communication dated March 2, 1970 from the chairman of the board of Lockheed Aircraft Corp., reviewing the status of Lockheed's major Department of Defense programs in connection with which Lockheed had filed claims or had been compelled into contractual disputes with the military services, principally:

First. The C–5A program;
Second. Shipyard claims;
Third. AH56A, phase 3; and
Fourth. SRAM.

May I address myself to the C–5 program?

Lockheed, with its excellent reputation and past production records with the C–130 and C–141, competitively won the right to produce the C–5A. This airplane was to possess the capability for distance, volume, and operation never before equaled, which would permit this country to possess a remote presence within any part of the planet earth. It would give us the capability to respond quickly and effectively in matters of national interest, at any place on the globe, without the maintenance of huge armies in foreign lands.

This airplane is now a reality. It represents the finest technology and engineering known to man. The finished product is a culmination of breakthroughs and newly developed advancements in the state-of-the-art.

This massive project was undertaken under a new type contract which was experimental in nature, to the extent that it was designed under a total package procurement procedure incorporating concurrent testing with production commitments. That is to say, the various testing requirements and development of the airplane were to be conducted simultaneously with production for delivery.

Of course, under that arrangement, there were things about the C–5 which had to be changed or modified.

Research and development, getting the bugs out, was an integral part of the contract, planned to be blended into the production schedule.

The C–5 airplane is an excellent airplane, sound and reliable. The bugs have been eliminated and our judgment must not be made on the basis of a discredited contractual procedure which did not separate research and development from production.

I am not here to defend Lockheed, but I am here to defend the need for C–5A aircraft because the Joint Chiefs of Staff defended again this year the requirement for six squadrons of C–5's.

The need for the extra $200 million for the C–5A results from a legal dispute between the Air Force and the prime contractor, the Lockheed Aircraft Corp. It is inaccurate to describe the contractor's request for interim financing as a "bailout" or "slush fund," since the question is simply one of interim financing until the legal issue can be resolved either through procedures or a negotiated settlement.

Essentially, the legal dispute centers around two questions:

First. Whether the Air Force, in its exercise of its option in January of 1969, ordered an additional 57 C–5A's to bring the total order to 115 aircraft, or whether the order was only for an additional 23

C–5A's bringing the total to 81. The question arising from this issue is whether a "termination for the convenience of the Government" occurred on airplanes beyond the 81.

Second. The other legal dispute centers around the manner in which abnormal escalation costs are applied.

The contractor already has filed its complaint on the legal issues with the Armed Services Board of Contract Appeals, and, although all parties are cooperating toward the earliest possible resolution of these issues, it would appear that a resolution by the ASBCA cannot be accomplished before late 1971. It also is possible that an appeal from the ASBCA decision might be made to the U.S. Court of Claims, which would postpone the finalization of the legal dispute until 1973 or 1974.

The question is whether interim financing should be provided by the Government for the completion of the 81 C–5A's, while the legal dispute is being settled, and in the absence of the ability of the contractor to provide such financing.

This means that the real question is whether we need and want 81 C–5A's. It seems apparent that, in the absence of Government financing, production of the C–5's would reach a highly uncertain state at the end of calendar year 1970, or midway through fiscal year 1971. At that time, approximately 33 C–5A's would have been completed and the balance of the 81 aircraft would be in either a partially completed state at the contractor's facility or be represented by pieces of material and partially completed parts at subcontractors and vendors facilities in several thousand locations around the United States. Inability to complete the production of the remaining aircraft would, of course, be a huge waste of funds spent to date by the Government, the prime contractors and the thousands of subcontractors and suppliers.

On the question of whether the United States needs 81 C–5's, there is ample evidence to support not merely the need for 81 aircraft, but beyond that the need for the originally planned quantity of 120 aircraft. Air Force Secretary Seamans and Air Force Chief of Staff General Ryan have repeatedly stated, to the House Armed Services Committee and elsewhere, that the requirement for C–5A's beyond 81 still exists and that the decision to hold to the production of 81 aircraft is solely due to budget constraints. This view has been endorsed by correspondence to this committee from the Deputy Secretary of Defense, David Packard.

The airplane is well along now through its test program, and all evidence to date continues to indicate that it will meet, or better, all of its basic performance requirements. There have been no defects in the C–5, even during the testing program, of a catastrophic nature. Every single defect had a structural alternate sufficient to withstand the plane's maximum stresses.

I urge your support for the authorization to continue the C–5 program. I urge your support because I think it is right, because I think it is fair, and because I think it is proper.

Mr. LANDRUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I listened with great interest to the discussions between the gentleman from Georgia (Mr. DAVIS) and the gentleman from New York (Mr. PIKE). I want to say at the outset with regard to that colloquy that this does not involve just Lockheed Aircraft nor Lockheed Aircraft of Georgia. This involves subcontractors all over these United States, and if this contingency fund is stricken from this authorization bill, we are going to have chaos all over these United States, chaos just for the sake of spite—just cutting off the nose to spite the face, so to speak.

I have also read with great interest and some considerable concern the colloquy between the gentleman from New York (Mr. PIKE) and the gentleman from Ohio (Mr. WHALEN) and the gentleman from Michigan (Mr. NEDZI). They referred to this contingency fund of $200 million in this bill as a "slush fund" for Lockheed.

To me that is a sadistic term designed to appeal to emotion. They, of course, have a right to do this. They can refer to this item in any manner they see fit.

But I should like to point out just exactly what we are buying. We are buying an airplane that we asked to be and an airplane that we asked to do what no airplane in the world has ever been or done before.

Gen. James Ferguson, the Commander of the Air Force Systems Command, in a recent speech to the 7th Space Congress, summed up very eloquently just what we are buying. I should like to quote some of the statements from General Ferguson's address. He said:

> The technical problems, like all technical problems, are susceptible of solution, and they *will* be solved. So let us look on the positive side for a change, look at what we have really bought in the C–5, and see what it can do for us.
>
> For the first time, an increase in size, weight, payload, range and speed has been accompanied by a *decrease* rather than the usual increase in specific fuel consumption.

That is General Ferguson talking; not LANDRUM.

> And, rather than calling for additional acres of reinforced concrete to support all that mass, this giant can operate into small strips without any concrete at all. What we are going to have, in fact, is an aircraft that has already taken off weighing almost 400 tons, and yet has landed in 1,700 feet on asphalt—and in 2,600 feet on dirt—weighing 532,000 pounds.
>
> Advances in aerodynamics giving the aircraft its high lift characteristics; and advanced landing gear configuration giving a dinosaur the effective footprint of a cat; and high-bypass-ratio fan engines yielding double power at lower fuel specifices—these are some of the things we have really bought.

And that is General Ferguson talking; not LANDRUM.

> And we have bought, for the first time, the real economies of scale in a transport aircraft. In terms of direct operating cost per ton mile, the C–141 Starlifter was already a breakthrough as compared with previous military airlifters. Yet the C–5, being four to five times more productive than the C–141 in ton miles generated per hour, brings these costs down to a level competitive with surface transportation—with the very definite promise of even more significant reductions in the larger military and commercial aircraft to come.
>
> * * * * *
>
> Thus, whatever the degree U.S. assistance may take, the C–5 is eminently suited to support the operation. If our position is to provide no more than military hardware, instructors and advisers, the great size and capacity of the C–5—remembering that it can carry just about every piece of heavy Army equipment—makes it possible to get the men and material to the spot in the briefest time.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(On request of Mr. FLYNT, and by unanimous consent, Mr. LANDRUM was allowed to proceed for 5 additional minutes.)

Mr. LANDRUM. This is General Ferguson talking now:

> If more is involved, the C–5 after all, in concert with the C–141, was designed to move fully equipped divisions rapidly across the oceans—as integral combat units.
>
> Whatever the case or shade of involvement, the C–5 underwrites an entire spectrum of quick reaction options.

What more testimony, what stronger evidence, what else can we seek from the authorities who know the scientific advantages that we have bought here? What else can we ask for? Are we going to be so shortsighted in dealing with the national defense just to spite one operation and deny $200 million, a drop in the bucket?

Are we going to be so shortsighted with this Nation's defense effort as to deny this amount of money that would keep on the line for construction the assurance that the taxpayers of these United States would not have spent in vain what they have already spent in order to develop this great giant of assistance in our military posture? Are we going to create chaos all over these United States simply to spite one little operation where there has been a little cost overrun with an appeal to the emotions of people? Are we going to destroy some subcontractors and upset the whole economy of many communities in this country just to satisfy our desire to deny something that may look politically appealing in the news today?

I do not like cost growth any more than my dear friend OTIS PIKE does. I do not like cost growth any more than any other Member of this House does. But I do not like the idea of denying authorizations for expenditures when we have the assurance that these expenditures are not going to be made until contractual restructuring is done that will protect the interests of the taxpayers. In 1964 when we had the original C–5 contract—and I remember very well when it was negotiated—Federal expenditures were $120 billion. In 1969 Federal expenditures were $196 billion. This is a growth of $76 billion.

I thank the gentleman from Georgia (Mr. FLYNT) for seeking this additional time for me.

I think I can say in behalf of all of the Georgia Members who are vitally concerned with this that we recognize that it is easier for us to see some values that are in our backyard than it is to

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see some further away. However, we also ask you to recall that we have many times over recognized these same values in other parts of the country. We do not come here today in any provincial capacity. We come here seeking to be of benefit in protecting the national security of these United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PIKE. Mr. Chairman, would the gentleman like some more time?

Mr. LANDRUM. I do not care for it. If the gentleman wants to get me some, I will not object.

Mr. PIKE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LANDRUM. I will be glad to yield to my friend.

Mr. PIKE. I thank the gentleman.

You were asking some questions about what more we can ask for. I do not know whether you meant to be rhetorical or not, but I would simply suggest that one of the things that we could ask for in regard to this gigantic aircraft is that it come in at a price of less than $53 million a copy. That is the programed cost which they now tell us it is going to take. Would you not agree that that is a really fantastic cost for this bird?

Mr. LANDRUM. No, I would not agree with my distinguished friend that it is fantastic and especially not fantastic in view of the expenditures we have already had in this most unusual production.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent (at the request of Mr. RIVERS) Mr. LANDRUM was allowed to proceed for 1 additional minute.)

Mr. RIVERS. Will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from South Carolina.

Mr. RIVERS. The reason why we have this figure which was attacked by the gentleman from New York is that we need at least 120 of these aircraft—at least 120.

The Air Force says it needs six squadrons. They are only getting four squadrons. If we delete this $200 million—if this amendment is adopted—God knows what will happen. Even the author of the amendment admittedly does not know. Our military will only have 30 aircraft after December. Your whole planned logistics system will be thrown into a turmoil because somebody wants to serve his fancy and because he does not like Lockheed. It is the same as cutting off your security nose to please his face. This is so ridiculous it is ridiculous.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I doubt sincerely whether or not there is any need to try to convince the Members of this body of the performance qualities or capability of this aircraft. It has amply been demonstrated and I am certain agreed to by almost all. It has been demonstrated that even with the crack in a cap on a wing spar, it was still able to lift the largest load ever lifted by any aircraft. But, I want to speak today particularly to the amendment which has been offered by the gentleman from New York and to the consequences that it would bring about.

The $200 million about which the gentleman is talking is a matter which is a point of controversy. Lockheed maintains they are owed much more under this contract than the $200 million. I, indeed, believe that this is true, possibly as much as $800 million more. By the time all of the legal action has ended I believe this will be clear to all. However, the gentleman talks about the cost of the aircraft as being $50 million per copy. Why, of course, if you were to build maybe 80, it might be that amount. If you were to build 40, it might be $100 million. But if you build the appropriate number that this country needs, the cost goes down. After the research and development cost is paid, we will be talking about something like $20 million per aircraft, an aircraft that will do a job that no other aircraft will do.

But, let us look at the consequences of the amendment to strike $200 million. If we do not approve of the $200 million, the production line will be shut down approximately at the beginning of the year. In order to restart this line, after all of the legal smoke has cleared, it will cost the Government very much more than $200 million. But, let us assume Lockheed is right and that they are owed $200 million. In that event, they will continue production and there would be no disruptive effect on our airlift ability.

But, let us say Lockheed is wrong and the gentleman's amendment is defeated and the $200 million is authorized. Of course production will continue but Lockheed would have to pay this back. They may pay it back in 20 years or under some other terms, but it is in the interest of the country that this procurement proceed regardless of this amendment or who is right from a legal standpoint.

This aircraft is needed not only for the defense of America but, indeed, for the free world. To stop production is unrealistic.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Does the gentleman say that this money is going to be paid to Lockheed before we discover whether or not we owe it, and if we do not owe it to them they will pay it back to us at sometime in the future?

Mr. THOMPSON of Georgia. In response to the question of the gentleman from Colorado, I will say that even Howard Hughes is not wealthy enough to finance the C–5 program and then be paid the money he is owed.

It certainly seems clear to me that the amount owed is in excess of $200 million. The actual figure may be nearer $700 million or $800 million. But the point is this: Though this is a debatable item what are the consequences if we do not go ahead and authorize it?

Mr. EVANS of Colorado. Mr. Chairman, if the gentleman will yield further, as a matter of inquiry, I would ask the gentleman whether or not it would be possible to determine the liability at some time in the future and then find they would be unable to pay?

Mr. THOMPSON of Georgia. That would be a question to be settled. However are we willing to suffer the consequences of not providing the funding which would shut down the assembly line and, perhaps, close down subcontractors throughout the country who are engaged in its development and you would have chaos among the subcontractors. But, if Lockheed is wrong, the United States would still have the airplane we need and then Lockheed would pay the money back over a period of time.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from South Carolina.

Mr. RIVERS. And, then, if the amendment carries, we are shut down and we obviously will want some plane of this type under contract. In other words, we would not know where we stand.

Furthermore, the aircraft will be operational, it will be operational in June of this year.

Mr. THOMPSON of Georgia. That is correct.

Mr. RIVERS. To allegedly save this $200 million now for the taxpayers could possibly mean the sacrificing of the defense of America.

Mr. THOMPSON of Georgia. May I add this one point, whether this amendment is adopted or not we are going to pay for the research and development costs of this airplane. Once that is paid for, as the Whittier report clearly shows, the C–5 is the cheapest possible means for additional air lift capability; there is no other means that is cheaper than the C–5, and rather than accumulating 81 or 120 aircraft, I think you will find that the needs in this country are such that in the years to come there will be a need for several hundred more.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at a limitation of time on this amendment. I wonder if we can agree to complete the debate at 6 o'clock. I think that would be ample time.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. SCHWENGEL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 5 minutes after 6.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. FLYNT).

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Mr. FLYNT. Mr. Chairman, if I could have the attention of the gentleman from Colorado, to further continue the colloquy begun between the gentleman from Colorado (Mr. EVANS) and the gentleman from Georgia (Mr. THOMPSON) the question as to the validity of the claim of the contractor is certainly a debatable question. The only question that is involved in this particular amendment, if it should be adopted, would be that the cost to the Air Force, therefore, the American taxpayer, would be considerably more than if this amount contained in the bill is allowed.

What we are trying to do, and I will say this with great respect to the gentleman from Colorado, is to prevent a shutdown of the production line. The gentleman from Colorado recognizes full well what would be involved if the people who work there had to be laid off, and then the production force had to be rehired. It could not be done without great difficulty.

The gentleman knows what could be involved in terms of cost to the subcontractors for component parts. As a matter of fact, the costs in the bill would be half what they would be if the amendment were adopted.

I hope the amendment will be rejected.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I would certainly like to say a couple of things with regard to the items which have been raised.

First of all, this amendment does not cut one dime from the research and development on this aircraft. It does not cut one dime from what the Air Force says it owes on this aircraft. It does not even require that the $200 million not be spent. It says it will not be spent until such time as the Air Force says it owes the money.

This procurement can go on, as the gentleman from Georgia says, until next December, without getting any additional money. In the meantime there are all kinds of normal and legitimate ways of getting this money. They can get it through a reprograming; they can get it through a supplemental. But here we are being asked to just sign a blank check.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, since I was a little boy in grade school I have been brought up to believe that the hallmark of America is the free enterprise system and that the hallmark of the free enterprise system is to reward efficiency.

This contract has already overcharged the American people by well publicized proportions. I do not think as Representatives of the American people here this afternoon that we should repudiate everything that I learned that this country stood for by rewarding inefficiency. Therefore, I support the gentleman from New York.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, in the short time at my disposal I would like to make three observations.

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First of all, I think that if we authorize the $200 million which the Government says it does not owe, that we are establishing a very dangerous precedent. It would seem to me we are opening the door for other claims of this kind whether they are valid or invalid.

Second, as I pointed out during formal debate, we are asking the Government to do something that you do not ask anyone in the private sector of our economy to do. When there is a difference between two parties with respect to an obligation, the person who is claimed to have owed this sum of money is not going to pay it until it is determined in court or through settlement, whether or not it is owed.

Third, I would suggest an alternative, if the $200 million is not paid. The only alternative is not to shut down the production line—and I can assure you that this will not happen. But it does seem to me that there are other alternatives, and one of them being a reorganization of the company.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I want to take time today to provide the House with my views on the question of the proper size and makeup of this Nation's military airlift fleet. I will include in this discussion the vital role played by our commercial carriers and particularly the provisions we have made for their rapid mobilization in times of national emergency. The purpose of this review is, of course, to provide a proper perspective for the Members in their deliberations in regard to the authorization of continued production of our newest military cargo airplane, the C-5A. As you know, the Congress authorized the procurement of 23 aircraft last year, for a total of 81, and provided funds to purchase long leadtime items. This year, the request is to confirm last year's authorization and to authorize the bulk of the production funds to complete the buy of 81 aircraft. Some additional funds will be needed in fiscal year 1972. No additional aircraft beyond the 81 authorized through fiscal year 1970 are being requested.

As my colleagues well know this House takes justifiable pride in providing to the Nation substantial initiative for increased airlift. Throughout the last decade it has become increasingly clear that modern aircraft technology—in which this Nation excels—could be brought to bear to enhance the capabilities of our military forces in ways that are peculiarly compatible with our national goals, and our time-honored means of achieving these goals.

We are not a nation of aggressors, or occupiers of foreign territory. We do not seek to dominate the internal affairs of foreign governments by establishing military garrisons upon their soil. We do not seek to intimidate these governments by sailing vessels into their harbors.

We do, on the other hand, share the aspiration of liberty and democracy with many peoples in many lands. In this sharing and in our certain knowledge that the rightful destiny of man is to be free, we have been prepared through the decades to use America's abundance to provide economic assistance and, when necessary, military assistance to aid our friends in their times of crisis.

We have, in pursuing this policy, made certain commitments. We have a long tradition of honoring these commitments. The freedom and security of many areas in the globe are dependent upon our honoring these commitments. But notice that these commitments were made in the spirit of help when needed; and without insisting upon interference, intimidation, or subservience of our allies to ourselves. They are our partners and have an equal stake in the fight for freedom.

From time to time, and sometimes for prolonged periods, it has been in our mutual and best interest for the United States to station forces in other countries because of the presence and threatening nature of other forces near their borders. Germany is the key example. Nevertheless, we do not desire, nor do the German people desire, nor do our other allies desire, an enormous U.S. military establishment in central Europe—215,000. Similarly, we have had forces in the Republic of Korea—64,000—for many years, again based on the presence of threatening and aggressive forces to the north.

Over the years we have worked hard to encourage and enable our friends in Europe and in Asia to build their economies and their military forces, so that they might meet their own requirements for security. It has been a delicate matter to provide the amount of American support that is needed; without causing anguish, on the one hand, as to our unnecessary presence or, on the other hand, causing dismay that America might be unwisely reducing its commitments. Each year, indeed each day, we have assessed—and will continue to reassess—the level of American military presence overseas as appropriate to the political and strategic situation existing and projected. Such assessments, as we all know, are an uncertain undertaking and subject to rapid change as well as miscalculation.

Fortunately, we have the technology and the industrial might to produce a substantial solution to this dilemma—and that solution is strategic airlift. It enables us to react swiftly, decisively, and adequately to changed circumstances, or changed perceptions of circumstances. The Congress has wisely, and generously supported the buildup of this Nation's airlift capabilities. In 1950 our first really strategic airlift airplane came into operation, the C-124, which had the range, the size, and the cargo-handling features, allowing us to move units on an intercontinental basis. This was followed by the C-130 in late 1956 and the C-133 in 1957.

The next big step was the C-141 in 1965. The C-141 has provided the bulk of the long-distance airlift support for the current involvement in Southeast Asia. Even as this aircraft was being designated in 1960, there was recognition that it would not be able to carry all of the equipment that an Army would need, and would normally have available for combat. Consequently, in the early 1960's another aircraft, based now upon even more advanced jet engine technology, was designed. This aircraft, originally known as the CX-HLS, and now known as the C-5A; was designed specifically to carry a fully equipped American division, be it mechanized or armored, to wherever it might be needed throughout the world.

In outlining the role of the C-5A in relationship to our other military airlift aircraft and to the commercial aircraft on charter and to the civil reserve air fleet, there are three salient characteristics: First, the C-5A was designed and built specifically to carry bulky Army equipment that is too large to be carried by other aircraft. This is commonly known as "outsize" cargo. Second, the C-5A is very efficient in terms of operating costs. Third, the C-5A was designed and built specifically to land and take off from modest airfields.

These were the prime considerations in designing the aircraft and they have been fulfilled in the execution. The C-5A can handle the outsize cargo, the economy of operation has been demonstrated and the short field takeoff and landings have been made routinely by the "early production aircraft," currently in test. Landing tests on light-duty airfields will take place shortly.

Now, as you and I and every American know, there have been problems with the contract, and there have been problems with the cost of that contract. But I have two things to say about those problems: First of all, I think there has been far more agitation and publicity associated with the C-5 contract than there has been with comparable problems in the past. Second, our national policy, and our military posture to implement that policy are clearly dependent upon obtaining sufficient airlift of the type uniquely provided by the C-5.

It is not big government's job to eliminate our best providers because of sheer bigness.

If to become a second-rate defensive power we must let the U.S. people know, before the fact.

I do not mean to say by either of these points that I condone poor management. Neither do I condone underestimates of programs. But I do think that matters that have occurred, however undesirable they may be, must be viewed in perspective. My perspective is that the troubles of the C-5A cost and contract, while lamentable, are not the crucial matter. Rather, the crucial issue is the unique capabilities of the C-5 to fulfill the very real and present need.

But I might well spend a moment reviewing with you the essence of the costs and contract problems and the Government's current situation regarding them.

The type of contract was an innovation in the procurement of major weapons systems. As you know, it was called a "total single package procurement concept" in which the contractor was given substantial authority to manage the program, substantial responsibility for the execution of it and the contractor agreed to rather definite terms as to the cost of the contract to the Government. This is as opposed to the practice more commonly applied in past years to the development and production of large, complex weapons systems where the contractor received all of his costs, from whatever cause, plus a negotiated fee. Now one result of this new kind of contract is that it makes highly visible any growth in the cost of the program as it goes along. Many other programs, procured under less favorable terms, have not had this visibility.

We now have a good idea what the causes of cost-growth were. They fall generally into four categories: First, there was a certain amount of optimism, or underestimation if you will, on the part of the contractor with regard to the effort needed to produce the airplane including the costs from his subcontractors. Second, the general economy, and the aircraft industry especially, have experienced substantial inflation since 1965. I would remind you that the rate of inflation in the aircraft industry prior to 1965 had been very low indeed and no one expected the sudden, large increase that in fact occurred. The contract's provisions, when viewed honestly, simply did not anticipate—or provide for—the level of inflation we experienced. Third, there was a certain amount of technical rework necessary, as there is on any undertaking of this size and technical complexity. The costs of this rework were simply larger than the contractor estimated. Fourth, some of the earliest estimates failed to make adequate provision for spare parts. These spares were not a part of the original contract with Lockheed and, apparently, some people confused the cost of the original Lockheed contract with the cost of the total program. Finally, perhaps the contractor had too much personnel in depth, but are we to judge?

Let me assure you that the committee as a whole, and the Subcommittee on Airlift in particular, have pressed repeatedly for more visibility with regard to cost and for a clearer accounting of what is included and not included in cost estimates. Under our prodding, substantial improvements in technique and candor have occurred, here and on the scene of operations.

With respect to the contractor's current financial position, and with respect to his pending negotiation with regard to certain issues under the terms of the contract, I do not wish to dwell at length, in order not to prejudice the Government's interests, or those of the contractor.

However, let me share with you a recent communication the committee received from Secretary Packard. He states, in part:

> At the time of the formulation of the FY 1971 budget, $544.4 million was included for aircraft procurement. Of this amount $344.4 million was identified as required during FY 1971 for unfunded prior year production commitments. It was recognized that this amount would not cover contractor expenditures during FY 1971. On the basis of the Air Force's interpretation of the contract it would have been the contractor's responsibility to cover the additional expenditures. However, considering the sums involved it was doubtful that the contractor would have the capability to finance these costs, and an additional $200 million was included as a "contingency."
>
> It is now clear that the contractor does not have the capability to provide this financing. Thus, if the program is to continue beyond December 1970, it seems only prudent to provide this contingency funding of $200 million. If it is not provided the program would have to be terminated under confusing and uncertain circumstances without any clear picture of just what the Government could get for its large investment in the program. The required number of aircraft could certainly not be produced. The prudent course of action is to continue the program to orderly completion.
>
> This additional funding will not be used until satisfactory contractual arrangements are concluded and are cleared with the appropriate committees of the Congress.

Let me now return to review with you in somewhat greater detail the remarkable adherence of the C-5A to the design objectives laid down in 1965. While there are still certain technical difficulties outstanding, but, I might add, less than with most new aircraft development, the C-5A has met its design objectives with remarkable success, far better than most programs of this size. Already it has exceeded many design specifications; and the next year's efforts, to be spent in testing and evaluating performance criteria, are expected to fully exploit and substantiate its future airlift value.

The C-5A has made a heavyweight takeoff of almost 800,000 pounds, which is about 30,000 pounds over the design point for maximum gross takeoff weight. At a landing weight of somewhat over 500,000 pounds it has landed and stopped in less than 1,500 feet. It can land with 50 tons of payload on a short 4,000-foot light-duty runway with enough fuel on board to takeoff and fly 1,000 miles back. If that is not enough, it has provision for air-to-air refueling which could extend its range indefinitely. It has attained an altitude of 40,000 feet and has reached a maximum airspeed of almost 600 mph.

Although this giant airplane is still in the initial stages of Air Force developmental testing, 14 aircraft have already flown over 3,300 accident-free flying hours. Eight of these aircraft are undergoing testing by the Air Force and the contractor. The other five are operational aircraft that the Air Force has accepted. They are being used by the MAC Training Wing and have accumulated over 600 flying hours and about 1,400 landings since December 18, 1969. This equates to over two landings per flying hour for each aircraft. Several members of the committee, including myself, have flown in the aircraft and find that the pilots are enthusiastic about the aircraft and find it easy to handle, especially on landings.

One of the most interesting things about the C-5 is the specially engineered landing gear with four very unique and very useful features. First of all, there are a lot of wheels, 28. This number, added to the fact that the tires can be deflated in flight, means the aircraft can land "softly" on light runways and produce very little damage. Second, the wheels can be canted or cocked at a large angle so that the aircraft can land in a substantial cross wind. Third, each of the four wheel trucks can be lifted individually under the aircraft's own power so that tire changes can be accomplished

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without jacking up the aircraft. Fourth, all of the landing gears can be partially retracted—kneeled—so that the floor of the aircraft can be adjusted to truck bed heights for ease of loading and unloading.

Now my reason for going into all of this detail about the landing gear is to draw your attention to the difference between the C–5, which is designed specifically for the military airlift fleet, and other large aircraft such as the so-called jumbo jets which are designed for commercial service. Commercial aircraft do not need and do not have any of these special features of the C–5. Aircraft built for commercial service are, therefore, essentially restricted to providing airlift between major airports with heavy duty runways. In addition, commercial aircraft need extensive ground handling equipment, some quite special, to aid in the loading and unloading, the C–5 needs essentially none. C–5 operations can be improved by use of standard loading equipment. The jumbo jets entrance doors, and cargo compartments, are not large enough to accommodate many of the important pieces of Army equipment that the C–5 can accommodate, and their floors are not stressed adequately to handle the larger and heavier tracked and wheeled vehicles.

I do not wish to give the impression that the modern commercial airliners are not useful to the military. They are, and the services intend to use them. I will discuss with you later exactly how our military airlift aircraft relate to our civil reserve air fleet concept.

XUM

First, I want to return to some of the performance aspects of the C–5, in particular its economy of operation. Simply stated, the C–5's engine uses just under half as much fuel to produce the same thrust, as the engines on the C–141. This basic economy, coupled with other design features to ease maintenance and ground handling, result in annual operating costs for a C–5 aircraft over a C–141 of only 80 percent more on a per aircraft basis, but with a capacity—ton-miles per day—of from four to five times as much per aircraft. That is to say our operating costs with the C–5, whether viewed on a ton-mile basis or on an average annual operating cost basis, will be less than half, as compared with a comparable capacity in the form of C–141's. When you add that to the fact that the C–5 can carry equipment that the C–141 cannot, and that the C–5 can operate into airfields and in weather conditions that the C–141 cannot, I think you will see that we are really getting our money's worth.

Now let me speak to the manner in which we have gone about deciding upon the proper number of C–5 aircraft to procure. At the outset let me remind you that once you have an aircraft in production it is well to buy all that you need, before the production line is closed down. Aircraft built to standards of American industry can be expected to last 20 years or more. That is why, gentlemen, it is so important to consider thoroughly the merits of continuing the production of the C–5A, until the requirement unanimously recommended by the Joint Chiefs of Staff, is fulfilled. That requirement, reaffirmed earlier this year, is for six squadrons—120 aircraft. Now let us talk about how the C–5 fits into our whole airlift picture. In the future our strategic airlift will consist primarily of three major components:

The first component is the commercial airlift available to the Government under the Civil Reserve Air Fleet—CRAF—program. Certain commercial aircraft are designed, by tail number, as being available to the Government with appropriate compensation upon the declaration of a suitable state of emergency by the Federal Government. Several levels of emergency have been identified, and very smooth administrative procedures have been established for the equitable and prompt implementation of the CRAF program. In the highest state of emergency—declared only by the President—we can expect to have about 324 commercial airliners available in 1972. These aircraft can haul about 5,500 tons per day from the United States to Europe on a sustained basis. They are of various types, some passenger, some cargo, some convertible, but are limited to hauling passengers, recurring supplies and rather small items of equipment because of the restriction of cabin doors and cabin dimensions.

The second component consists of our 14 squadrons of C–141 aircraft, each with 16 aircraft, for a total of 234 in operational units. This fleet can carry passengers, bulk cargo, and some larger items of Army equipment. The C–141 fleet as a whole can carry about 2,100 tons per day on a sustained basis from the United States to Europe. This is about 40 percent of the capacity—tons per day—of the CRAF fleet, but includes quite a few wheeled vehicles in a fully combat posture that cannot be carried on the CRAF aircraft.

The third component will be the C–5's. Of the 81 aircraft currently authorized approximately 70 will be in operational units. This fleet can carry about 2,800 tons per day on a sustained basis as compared with 5,500 for the CRAF and 2,100 for the C–141's. However, the important point for the C–5 is that it is the only aircraft that will carry the heavier and bulkier items of Army equipment.

With that background, let us see how to decide how many C–5's we ought to buy. The first and most important standard of measurement is really quite simple and straightforward. Since the C–5 is the only aircraft that can carry these large items of equipment, we should buy at least enough C–5's to exploit the capability of the other components of our airlift fleet. That is, we do not want the outsize cargo capacity to be the long pole in the tent. Now you might ask, why this outsize cargo is so important? Well, it consists primarily of items like tanks, self-propelled guns and assault helicopters. These are, as you can see, not insignificant pieces of equipment. They contain much of the firepower of our most effective fighting divisions.

I have two tables, which I have already gained permission to introduce into the RECORD, that illustrate this point. The first indicates the percent, by weight, of the authorized equipment for various types of Army divisions—armored, mechanized, infantry, air mobile, and airborne—that can be carried by four classes of aircraft—707, 747, C–141, and C–5. The value of the C–5 shows up clearly. You may have seen other tables with different values that are based on the percent by number of items. I dare say we can agree that such an accounting, which counts a jeep and a tank equally, is not the most perceptive approach. The second table lists some of the significant items of equipment that the C–5 can carry, but the C–141 cannot carry. Again the value of the C–5 is evident.

Now let me give you some examples of how many C–5's it takes, so that the outsize cargo is not the long pole in the tent, and the number of C–5's is balanced to the number of C–141's and CRAF available. For this purpose, about 75 percent of the cargo, and convertible-to-cargo CRAF would be available for oversea deployment, about 160 aircraft in 1972. Using these figures it takes a minimum of 95 C–5's to keep pace with the available CRAF and C–141's, when deploying an armored division. Put another way, if we have at least 95 C–5's we can exploit the full capacity of our C–141's and available CRAF; and deploy an armored division to Europe with essentially full equipment in 7½ days. That is, even with the additional 23 aircraft authorized last year the deployment time will be lengthened because of later arrival of the outsize cargo which can only be carried by the C–5.

Until we have a fleet of C–5's the Army really has only two basic choices in meeting such a requirement. First, it could reorganize its divisions to have only equipment which can be airlifted by the C–141's. In this case we would have an "airliftable" division, to coin a word the Army does not use, whose equipment, firepower, and overall fighting strength is dictated by the airlift limitations, and not by what the Army thinks is right and proper in a fighting unit, or is competitive with known enemy capability. This is certainly not what we want to see happen. Second, the Army could "preposition" its larger items of equipment overseas. We have built such facilities in Southern Germany, for example. But prepositioning has several drawbacks. If the equipment is positioned at what we think is the trouble spot, we may be in error on three counts:

First, we may simply miscalculate where the trouble spots are or they may change in time.

Second, simply because our equipment is there, the threat may be deliberately diverted elsewhere.

Third, the equipment may be captured or sabotaged in the opening phases of a conflict before the full manning of the division can occur.

Now let me press this point one step further, to emphasize to you that tanks and heavy tracked vehicles, do not have long-range mobility on the ground. A hundred miles is a pretty good run for a tank, and 300 or 400 miles is a typical run before substantial maintenance is in order. Consequently, it is an enormous help to have tanks delivered when they are needed and within 100 miles of where they are needed.

In summary, the C-5A is an indispensable element of our General Purpose Forces, of especially our tri-service strike command—if we truly wish to be able to honor our commitments to our allies and freedom around the world. The presently planned buy of 81 aircraft now authorized is not adequate to exploit the full potential of our other military airlift and of our civil reserve air fleet. The C-5 is the only aircraft that can deliver the most effective units of Army equipment to the most effective places, promptly and with minimum regard to weather, airfield condition, and the availability of unloading equipment or lack of need thereof. A C-5 fleet will be economical to operate, less than half as much to maintain and operate on a ton-mile basis as the C-141 fleet.

No one can foresee what the future holds in store in terms of potential or actual conflicts in which our Nation may be involved. But, it should be clear to anyone who has thought about this matter that a reasonably sized force of C-5A's would not only save American lives in an actual conflict by enabling us to get there "fastest with the mostest," but would also operate to deter potential aggression in the first place. Certainly it is the strategic means for bringing presently prepositioned troops home, and keep our needed rapid response capability.

What we ask for, is to finish what we have started. For a modest increase over what this country has already invested in the C-5 program we can have 40 percent increase in capability to deliver outsize cargo and thereby maximize the utility of our existing airlift forces. Now we know, much of the publicity and turmoil surrounding this program has been self-serving. The C-5 is an excellent aircraft and can do the job set for it. I am confident that the sense of this Congress will not permit us to be swayed from the course our national interest demands.

I include the following tables:

TABLE I.—PERCENTAGE OF EQUIPMENT BY WEIGHT IN EACH TYPE ARMY DIVISION (DIVISION BASE PLUS MANEUVER BATTALIONS) THAT IS AIR-TRANSPORTABLE BY TYPE OF AIRCRAFT

Type division	Type aircraft			
	C-5	C-141	747[1]	707/DC-8
Armored	100	52	34	4
Mechanized	100	59	37	4
Infantry	100	74	60	6
Airborne	100	97	89	25
Airmobile[2]	100	93	81	28

[1] Figures for the DC-10 or L-1011 would be roughly comparable.

[2] Figures do not include 6 Mohawk OV-1 aircraft.

TABLE II.—SIGNIFICANT ITEMS OF EQUIPMENT WHICH THE C-5A CAN CARRY BUT THE C-141 AND 747[1] CANNOT CARRY

Item	Total number of each item per division				
	Armored	Mechanized	Infantry	Airborne	Airmobile
Howitzer, self-propelled, 8 inch: 26.5 tons[2]	12	12	4		
Howitzer, self-propelled, 155 millimeter: 22.2 tons	54	54			
Tank, combat, 105 millimeter: 48.5 tons	324	216	54		
Tank, combat, 76 millimeter: 22.3 tons	27	27	27		
Combat engineer vehicle: 54 tons	8	8	4		
Tank recovery vehicle:					
24.2 tons	43	48	16	5	5
53.8 tons	37	27	10		
UH1D helicopter: 2.1 tons	10	10	35	35	176
CH47A helicopter: 7.9 tons					48

[1] 747 type to include DC-10 and L-1011.

[2] Short tons.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. HAGAN).

Mr. HAGAN. Mr. Chairman, in all of the public debate and public statements that have been made about the C-5A, I have become increasingly concerned about the misleading character of some of these statements—which frequently gives an interpretation to the circumstances surrounding the C-5A which is partly or wholly inaccurate.

One glaring example is the frequent allegation that the C-5A contractor does not have any of his own capital at risk in the C-5A, since he is operating out of a Government-owned facility. The fact, of course, is that the contractor has invested 65 percent of the funds necessary to establish the facility in Georgia to manufacture C-5A's, and the Government has put up only 35 percent of the money. And if these facilities were computed on the basis of the depreciated value, the ratio of investment is 84 to 16 percent in favor of the contractor.

This is just one example out of many of the kinds of allegations that have been made in an effort to discredit the contractor and the C-5A program in a period when the contractor admittedly is suffering from severe financial problems.

But the most important misstatement in the current situation is the claim that Lockheed is seeking a bailout from the U.S. Government—or some form of Government charity during this period of financial difficulty. This kind of implication overlooks what is truly the central issue before the House in connection with the C-5 program.

Simply stated, the central issue is that Lockheed and the Air Force have a legal dispute over how much the Government will owe Lockheed for the completion of 81 airplanes. This dispute already has been submitted to the Armed Services Board of Contract Appeals but a decision from that Board probably cannot be expected until late 1971. After that, the dispute might have to be taken to the U.S. Court of Claims, and resolution there might not occur until 1973. Of course, it also is possible that these legal issues may be resolved by a settlement negotiated between the Air Force and the contractor. But in any event, the legal dispute has not yet been resolved.

The contractor has submitted ample evidence that it cannot finance continuing production costs of the C-5A while this legal issue is awaiting settlement. The contractor does not have the money and cannot borrow it, in view of the fact that the contractor already has a loan agreement for $400 million to finance its latest commercial airplane, the L-1011. Lockheed, at this time, has a net worth of approximately $325 million and simply cannot borrow beyond the $400 million already committed.

Thus the entire question facing us today is whether the Government should provide interim financing leading toward the completion of 81 C-5A's until the legal dispute can somehow be settled. Obviously, the Government should not provide such financing unless we need and want the 81 C-5A's. There is ample evidence of the need for these airplanes, and in fact for more than 81 C-5A's. Many military people have testified to this need and the Airlift Subcommittee of the Armed Services Committee, headed by Mr. PRICE of Illinois, has investigated this question thoroughly and endorses strongly this requirement.

It is impossible at this time to know what the courts may decide in respect to this legal dispute. It is also impossible to predict accurately what kind of a negotiated settlement might be made. But one thing has become clear—that the contractor cannot possibly make a profit on the C-5 program—he can only lose, and lose in substantial amounts. The only question in this area is how much the courts or others may decide he should lose.

But in the meantime, until this issue is settled, the contractor cannot provide the financing to assure the continued production of the C-5 and has asked that the Government provide it. So that is the central issue before the House today—whether the Air Force needs the C-5, and if so the interim financing must be provided. It is not a bailout for Lockheed—instead, it is assurance that the C-5A production line can be continued to completion.

(By unanimous consent, Mr. HAGAN yielded his remaining time to Mr. RIVERS.)

The CHAIRMAN. The gentleman from South Carolina (Mr. RIVERS) is recognized.

Mr. RIVERS. Mr. Chairman, I want you to get this as plain as I can give it to you.

Nobody knows what this amendment will do. Let us forget Lockheed. Think about your Air Force and think about your national security.

The Air Force wanted 120 aircraft, said Mr. Packard on April 14, and they were cut back from that 120. Because of budgetary constraints, somebody downtown said we will give you 81.

The Air Force had to rearrange their planning—their deployment plans, if you please, for the most gigantic airlift system that has ever been devised.

Now, if this amendment is agreed to, you can kiss your airlift goodby. It is as simple as this.

Now we hear talk about a slush fund.

This additional funding will not be used until satisfactory contractual arrangements are concluded and cleared with the appropriate committees.

I am speaking of Mr. David Packard. If there is any man in America who has made the free enterprise system work it happens to be Mr. Packard. I think he knows a little something about the free enterprise system. My last report is that he made about a half billion dollars, and honestly, in California. This is the man who has handled the matter. He has nothing to gain. He is thinking of your security. If you want to vote to cut off $200 million and destroy a whole airlift system for which you have already paid about $2 billion, you can do so, but who is going to lose? American security. Make a decision. That is all I have to say to you. That is how simple it is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. PIKE and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 48, noes 90.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. COHELAN:
>
> On page 2, line 10, after the words "Air Force," strike "$1,505,300,000," and insert "$1,033,600,000".

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I do not think we can finish this tonight.

Mr. COHELAN. Mr. Chairman, if the chairman will be kind enough to let me complete my statement, perhaps we can discuss it later.

Mr. RIVERS. Yes, of course.

Mr. COHELAN. Mr. Chairman, this is the MIRV amendment. It is designed to require the President to come to Congress for supplemental authority for a full scale deployment of MIRV'ed Minuteman III missiles. The reason for this amendment is to attempt to stop the scheduled July 1 deployment of land-based multiple warheaded missiles. It is incomprehensible to me to make elaborate preparations for arms limitation talks and then proceed with a unilateral increase in U.S. warheads. This amendment would cut the $471.7 million from the procurement of Minuteman III missiles. This amendment does not affect our submarine program.

I know today that we have a series of amendments to cover some questionable aspects of the Department of Defense procurement but none surpasses the importance of the decision to deploy land-based Minuteman III missiles. The decision to deploy land-based MIRV's in July was casually and seemingly inadvertantly announced, yet no decision in this procurement bill seems to go as far as opening a nuclear Pandora's box as the decision to deploy land based MIRV's.

What this decision means is subject to much informed speculation, but on its face it will be a quantative jump in the number of deliverable warheads in the American arsenal.

This unassailable fact is subject to a variety of interpretations. First, even if one reads the assertion in the committee report, "The American MIRV will not significantly change America's capability for a first strike," it does not strain reason to believe that strategic planners in the U.S.S.R. willl interpret this quantative expansion as the United States going toward a first strike. Each of us realizes that motivational analysis is the central focus of the arms debate and it does not strain our credulity to believe that if our official planners focus on a Soviet first strike, then there is little to suggest that official Soviet planners will be any less intrigued with a U.S. first strike.

Second, it is possible to argue that U.S. land-based MIRV deployment will invite a Soviet first strike. The "three for one" approach would be an appealing fact for Soviet decisionmakers in a crisis situation.

My central concern this afternoon, however, is that SALT will be adversely affected before these talks are given any chance to come to fruition. This concern has been shared by others who are experts in the field of strategic theory. On March 31 to April 2, 1970, a group of distinguished arms specialists who gathered under the auspices of the American Assembly at the Arden House issued a report on MIRV. These specialists came to the conclusion that the decision to deploy MIRV's might close the door on the SALT talks. This distinguished group recommended a 6-month postponement of the U.S. deployment. I will include the full text of this group's report at the conclusion of my remarks.

On April 7 a prestigious Nixon administration advisory group, headed by John L. McCloy, recommended that the United States should immediately propose a mutual halt to the deployment of strategic weapons while they work out an agreement on the control of strategic weapons.

On April 10, the Senate, by a vote of 72 to 6, requested that the President propose a mutual moratorium on United States-Soviet' testing and deployment of all offensive and defensive strategic weapons.

At this crucial time I do not feel that it is appropriate to conduct business as usual. I am not a prophet but I do feel that the SALT talks should be given every chance to succeed. However, I do have considerable experience in negotiations and have come to the conclusion that our bargaining posture is not enhanced by placing a MIRV'ed gun at the head of the negotiator.

I feel that the decision to deploy land-based MIRV's should be made publically by the President, with his analysis of the consequences of this decision, and then be left to the consent of the Congress. I am unhappy that the announcement of this far-reaching decision was left to the Department of Defense. It is of serious concern that this decision is predicated upon the worst case analysis which dominates all arms deployment decisions thus feeding an uncontrollable arms race.

In a recent speech, Secretary Laird pointed out the action-reaction phenomena in the arms race. The Secretary pointed out:

> The fundamental driving force in an arms race is what one country perceives as possible objectives of another country's action.

Thus, I submit Mr. Chairman, that the decision to deploy land-based MIRV's can, and perhaps, will be interpreted by the U.S.S.R. as a unilateral escalation and thereby condemn the SALT talks to an ignominious end.

It is apparent to everyone who has studied the figure that a delayed deployment of land based MIRV's would not affect the strategic balance. Our submarine deterrent alone possesses enough fire power to deter a Soviet first strike. The deployment of this generation of MIRV's, even if they are not able to destroy hard targets such as SS9's and SS–11's as recently disclosed by Senator BROOKE, would create arms limitation problems for our negotiators since once MIRV is deployed, even on a limited scale, only on sight and constant inspection procedures can be used to detect how many warheads a missile contains.

For these reasons, Mr. Chairman, the House should at this crucial time, reject the authorization for the deployment of land-based MIRV's. If the SALT talks are not productive, then the President can ask for supplementary authorization.

FINAL REPORT OF THE AMERICAN ASSEMBLY ON ARMS LIMITATION—1970

(At the close of their discussions the participants in The American Assembly on Arms Limitation—1970 reviewed as a group the following statement. Although it represents general agreement, no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.)

We call upon the President of the United States to propose to the Soviet Union, on a reciprocal basis, an immediate interim halt in the deployment of strategic offensive and defensive weapons and of tests of multiple warheads. To give this proposal a chance of success, we ask the President to defer for six months the impending deployment of Multiple Independently Targetable Re-Entry Vehicles (MIRVs).

The Strategic Arms Limitation Talks are resuming in Vienna at a time when mankind has a unique opportunity to end the nuclear arms race. At present there exists a roughly equal and relatively stable nuclear balance between the U.S. and the U.S.S.R. A rare coincidence of favorable political and strategic conditions provides a real but fleeting opportunity for agreement between the U.S. and the U.S.S.R. to halt the arms race in both quantity and quality of weapons, and then to diminish the threat to mankind posed by existing weapons. Whether agreement can be reached we do not know, but wisdom and common sense require every plausible effort to exploit the present promise.

This opportunity will be put in jeopardy if the U.S. soon deploys Multiple Independently Targetable Re-Entry Vehicles (MIRVs), or proceeds with plans for a modified Phase II Safeguard Anti-Ballistic Missile System (ABM), or if the Soviet Union extensively tests large ICBMs (SS–9) with multiple warheads (which may not themselves be independently targetable but may well be steps in the development of a Soviet multiple independently targetable delivery system).

The introduction of MIRVs into the present nuclear relationship would have the effect of substantially increasing the number of deliverable nuclear warheads available to each side. MIRV program will take on new dimensions as missile accuracy increases. When this occurs, it becomes possible for one side *if it strikes first* with missiles armed with MIRVs to take out more than one missile site with a single attacking missile. The obverse of this frightening coin is that each side may fear that, *unless it strikes first,* the MIRVed missiles of the other side may be able substantially to eliminate its own land-based ICBM force, with the other side still having ICBM force left in reserve.

New and worrisome uncertainties would enter into the strategic calculations. For example, Secretary Laird has testified that 420 Soviet SS–9s with three warheads of five megatons each and an accuracy of one quarter of a mile could eliminate all but 50 of our Minutemen. Similar calculations by the Soviet Union would show that if the U.S. were to MIRV its Minutemen with three warheads, with yields approximating a quarter of a megaton each and having an accuracy of one-tenth of a mile, it could by using 580 Minutemen, eliminate all but 70 or so of the Soviet missile force.

Whatever their validity such calculations make it clear that both sides would feel more secure if neither one had a MIRV. The U.S. plan to *deploy* MIRVed Minutemen III in June of this year, within two months after the beginning of the talks, may well close the door on this possibility. Although the generation of MIRVs which would be deployed would not be capable of a first strike, this step would cast doubts on our seriousness in pursuing SALT. This would persent the U.S.S.R. with a *fait accompli*. One of the most important things that the SALT talks could accomplish is to prevent the deployment of MIRVs. This opportunity should not be lost.

We in this American Assembly therefore call on the President to postpone this deployment for six months. Such deployment at this time would not contribute to our security. Far from improving our bargaining strength at SALT, proceeding with that deployment would make negotiations more difficult, and would invite the Soviet Union in turn to present us with *faits accomplis.* No harm can result to our strategic posture by such delay, which will involve only a handful of land-based missiles in a MIRV program that is already being widely questioned as unnecessary, wasteful, and certainly premature, since the large Soviet ABM program it was designed to penetrate does not exist.

We also suggest that current U.S. and Soviet testing of multiple warheads complicates the political and strategic climate on which these negotiations depend. We urge mutual restraint in this regard.

We also urge postponement in implementing the proposed modified Phase II of the Safeguard System. The argument that going ahead with this program would strengthen our bargaining position at Vienna is not persuasive; authorizing armaments so that they can be included in a disarmament program soon reaches the point of diminishing returns. If both sides play this game, SALT will result in an increase in the arms race. Going ahead with modified Phase II Safeguards so soon after Phase I had been made a separate program would belie the promise of deliberate consideration upon which that separation was in part based. It would more likely give the Soviets the impression that the U.S. was determined to push the complete Safeguards program to a finish, come what may. This would make success in SALT less rather than more likely.

These measures of restraint will give our negotiators a chance. But the negotiation of a treaty at the SALT talks will be difficult and complex and may take years. To keep the present opportunity from eroding during this period, an interim halt is necessary to prevent any substantial changes in the rough strategic balance which now makes such an agreement possible.

We therefore urge the President of the United States to propose to the Soviet Union, *on a reciprocal basis,* an immediate two-year suspension of the deployment of strategic offensive and defensive weapons and of the tests of multiple warheads. Specifically we propose that during this two-year period interim halt there would be:

1. No testing of any multiple warheads, whether MRV or MIRV;
2. No deployment of multiple warheads;
3. No new deployment of land-based intercontinental ballistic missiles;
4. No construction of Anti-Ballistic Missile radars or deployment of anti-ballistic missile interpectors;
5. No new "starts" on constructing submarines for launching ballistic missiles.

In such an interim agreement we see no necessity for limits on air defenses or on new bomber construction because developments in these areas do not carry an immediate potential for upsetting the present strategic balance.

The short term of the agreement and its comprehensive quality would simplify the requirement for inspection. From the standpoint of U.S. security, compliance with these provisions can be adequately determined by national means of verification. In particular, the halt in Soviet buildup of ICBMs and SLBMs, including the SS–9, could be verified. With regard to the restrictions on multiple warhead testing, however, to enhance confidence during the interim halt, an understanding that missile tests will be preannounced and restricted to designated areas may be desirable.

The restraints that we propose and an agreed interim halt would create an environment of stability and mutual confidence. In such an improved climate more lasting agreements, taking account of new technological and political developments, could be achieved.

We have not attempted to blueprint the details of a more permanent agreement, planning for it should take account of what is learned during the interim halt. Some of the major issues which would need to be taken into account during the negotiations of a treaty are:

1. *ABM levels.* A key question appears to be whether some level of ABMs is necessary for the U.S. in light of the developing Chinese nuclear capability. We believe that an area ABM is not vital to protecting U.S. interests in Asia and that we should be prepared to accept a mutually agreed zero ABM level if it improves the prospects for obtaining an effective agreement with the Soviet Union. Without an ABM, deterrence is as effective against China as against others; and a Safeguard system designed for area defense against the Chinese may, in the eyes of Soviet planners, pose a threat to their deterrent.

2. *Control on Missile Testing.* A ban of MIRVs would require a prohibition on all multiple warhead tests and limits on the number and location of all missile tests. We believe that such controls would be feasible and desirable.

3. *Reduction.* We believe that the U.S. should seek agreement on reduction in numbers of strategic systems. In particular the U.S. should consider proposing the phasing out of fixed land-based missiles, which will become increasingly vulnerable even if MIRVs are banned.

Depending on how these and related issues are resolved, a whole range of agreements is possible. One type of agreement which most of us would favor would seek to freeze the existing situation by banning MIRVs and ABMs. A second type would concentrate on banning ABMs and phasing out fixed land-based missiles if it does not prove possible to ban MIRV's. A third type would focus on freezing numbers of offensive missiles and limiting ABMs if it is not possible to ban MIRVs and if the judgment is reached that an area ABM against China is needed. On our current understanding of the issues most of us favored the first type of agreement.

We believe that the initiatives and agreements we propose will enhance U.S. security by improving the prospects for peace. These efforts can also lead to the wise and prudent use of our national resources. The expenditures thus avoided would amount to at least several billion dollars a year in the short run and much more in the long run if the U.S. and the U.S.S.R. enter into a new and costlier phase of the arms race. The SALT talks, and the clearer assessment of our real security requirements which may result from those talks, may prevent these expenditures. More of our resources can then be devoted to human needs, both at home and abroad. This is an important aspect of our national security. Unless urgent social needs are met, our national security may be progressively undermined, not by external threats but by failure to meet internal and justifiable social needs.

The negotiation of a treaty to end the arms race will involve many complex technical details. But the overriding considerations are not technical; they are deeply political. They require a fresh and clear reassessment of the fundamentals of U.S. security.

We must recognize that it is at least as dangerous to focus on "worst cases" as it is to overlook significant threats to our deterrent. If one proceeds from the most pessimistic view of U.S. capabilities, and the most generous view of the Soviet capabilities, one arrives at a U.S. second-strike posture that may look to the Soviets so much like a first-strike posture that they will be inclined to increase their own forces, thereby continuing the arms race and increasing the danger of nuclear war. In fact, the proper test for the adequacy of U.S. nuclear retaliatory power is not the U.S. worst estimate of its effectiveness, but the Soviet estimate of the damage it would suffer in a nuclear exchange. That estimate will not be based on assumptions that take the Soviet performance at its best possible level and the U.S. performance at its worst. If we arm against a "parade of imaginary horribles" on the part of an adversary, the adversary will do the same, and we will have devised a sure prescription for a dangerous and wasteful arms race.

We have made this mistake in the past, from a misdirected sense of caution. In the interests of our own security we must not make the mistake again. We must end the nuclear arms race.

PARTICIPANTS IN THE AMERICAN ASSEMBLY ON ARMS LIMITATION—1970

Adrian S. Fisher, Dean, Georgetown University Law School (Discussion Leader and Director of Drafting).

Archibald S. Alexander, Bernardsville, New Jersey.

William B. Bader, New York.

Lincoln P. Bloomfield, Center for International Studies, Massachusetts Institute of Technology.

Courtney C. Brown, Editor, *Columbia Journal of World Business.*

Nicholas Daniloff, United Press International, Washington, D.C.

Richard Dudman, St. Louis *Post Dispatch,* Washington, D.C.

Lawrence S. Finkelstein, Center for International Affairs, Harvard University.

Benjamin B. Fischer, Harriman Scholar, Columbia University.

Ernest Fitzgerald, Businessmen's Educational Fund, Washington, D.C.

Lewis Gulick, The Associated Press, Washington, D.C.

Morton H. Halperin, The Brookings Institution, Washington, D.C.

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Louis Henkin, Hamilton Fish Professor of International Law & Diplomacy, Columbia University.

Charles M. Herzfeld, Technical Director, Defense-Space Group, ITT, Nutley, New Jersey.

Klaus Knorr, Center for International Studies, Princeton University.

Thomas B. Manton, United Church of Christ, New York.

Rev. Patrick P. McDermott, S.J., Assistant Director, Division of World Justice & Peace, United States Catholic Conference, Washington, D.C.

Leslie Paffrath, President, The Johnson Foundation, Racine.

John G. Palfrey, Professor of Law, Columbia University.

Rev. Allan Parrent, Department of International Affairs, National Council of Churches, Washington, D.C.

Mrs. Richard Persinger, Chairman, Committee on Public Affairs, National Board of the Y.W.C.A., New York.

Wesley W. Posvar, Chancellor, University of Pittsburgh.

George W. Rathjens, Professor of Political Science, Massachusetts Institute of Technology.

Herbert Scoville, Jr., Carnegie Endowment for International Peace, Washington, D.C.

Marshall D. Shulman, Director, The Russian Institute, Columbia University.

Jeremy J. Stone, International Affairs Fellow, Council on Foreign Relations, New York.

Barbara Stuhler, Associate Director, Minnesota World Affairs Council, Minneapolis.

Adam Yarmolinsky, Professor of Law, Harvard University.

STATEMENT OF CONGRESSMAN JEFFERY COHELAN

(Before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs in the House of Representatives, July 8, 1969.)

Mr. Chairman, I am delighted to be here today, and I want to thank you for extending an invitation to me.

I want, too, to comment you and the members of your committee for your initiative in scheduling these hearings at this timely moment.

MUTUAL MIRV BAN BEST DEFENSE

As you know, I have previously addressed the House on the MIRV issue. My statements appear in the Congressional Record of June 24, 1969 and July 2, 1969.

Today, I would like to re-emphasize and underscore those points which I have previously made.

Although I have a rather detailed statement prepared for today, I have in fact only one straight forward point to make to the Committee.

This point is that the safest and surest way to protect the ability of the United States to deter a nuclear attack is to achieve an enforceable arms control agreement with the Soviet Union prohibiting further development and deployment of the multiple warhead missiles now being tested by both countries.

At this time the greatest current threat to the United States strategic deterrent forces is the possibility that the Soviets may deploy missiles with multiple warheads capable of destroying a large fraction of our land based forces in a first strike. Accordingly, we are concerned with meeting this Soviet MIRV threat. The best way I know to defend against the Soviet MIRV is to assure that it is not built. Such assurance is possible only through an enforceable arms control agreement banning MIRV deployment.

Because the Soviets may perceive our MIRV as a threat to their deterrent, the Soviets, too, have an interest in banning MIRV deployment.

Even with this mutuality of interest, problems in concluding such an agreement arise because continued MIRV testing makes it increasingly more difficult to both negotiate and police a ban on MIRV deployment.

Thus for reasons of the preservation of our strategic deterrent and of the achievement of enforceable arms control, I believe we should seek with utmost expedition a mutual moratorium with the Soviets on MIRV testing and deployment. Moreover, I believe we should announce a halt to US testing of MIRV's so long as the Soviets similarly refrain from continuing their current tests.

These beliefs underlie the action taken by Rep. John Anderson and I and one hundred co-sponsors in introducing our resolution calling on the President to propose a mutual moratorium on MIRV flight testing.

Several judgments support my conviction that the interests of national security would be served by a ban on MIRV's.

First. A MIRV ban would avoid a potentially serious escalation in the nuclear arms race.

Second. A MIRV ban would ease fears of nuclear first strike attack.

Third. An enforceable MIRV ban probably can be negotiated if we act now.

I would like to take a few moments to expand on each of these underlying judgments.

I. MIRV BAN WOULD AVOID ESCALATION OF ARMS RACE

As you know, MIRV's can have at least two strategic roles. MIRV's can increase the probability that an enemy ABM will be penetrated. And, MIRV's can increase the number of targets which can be struck by a given missile launcher force.

The planned deployment of American MIRV's on Poseidon submarine launched missiles and on Minuteman III intercontinental ballistic missiles is officially justified by the Department of Defense on the ground that, ". . . we must continue to plan our strategic offensive forces on the assumption that they (USSR) will have deployed some sort of an ABM system around their major cities by the mid-1970's." (1970 Posture statement)

MIRV's increase the number of incoming warheads which an enemy ABM must neutralize. MIRV's thus provide a very efficient means of exhausting ABM batteries. MIRV's combined with penetration aids—chaff, decoys, electronic countermeasures and the like—are an excellent ABM penetration device.

Since the U.S. deterrent is dependent on our ability to cause the destruction of the Soviet Union should they attack us, it is important that we maintain the ability to penetrate any Soviet ABM which protects its cities and industry.

Thus, if the Soviets proceed with a nationwide city defense ABM, I would support the deployment of U.S. MIRV's.

The trouble is that MIRV's can have a second, more provocative role. They can be used to destroy enemy missiles in underground silos.

In fact in late 1967, Paul Nitze told the Joint Committee on Atomic Energy that with the same accuracies, ten 50 kiliton warheads were 1.2 to 1.7 times more effective in destroying hardened missile silos than was a single 10 megaton warhead. And since that time public reports indicate that MIRV accuracies have improved to the point where they are more accurate than the single warhead missiles we now have deployed.

The danger in MIRV lies in this second, so-called counterforce role.

MIRV's will affect the strategic balance if one side perceives the MIRV warheads of the other to be either so large, or so accurate, or so numerous, as to be able to destroy a significant portion of its land based ICBM's in a first strike.

In other words, MIRV's will affect the strategic balance if one side feels that its ICBM force is threatened by the other side's MIRV.

If such a threat is perceived, the threatened side will have to deploy new offensive or defensive weapons to preserve its deterrent.

The crucial question, then, is whether one side sees its adversary's MIRV as a hard target killer, and thus as a threat to its deterrent.

Unfortunately the arms race is on the verge of violently taking off again because there are good indications that both the United States and the Soviet Union feel their deterrents are threatened by MIRV deployment.

U.S. View of Soviet MIRV

At this time it seems clear that the Department of Defense and the President view the possible deployment by the USSR of large numbers of SS-9 ICBM's with MIRV's as a threat to our land based forces. To meet this perceived threat, the Administration has recommended the construction of the Safeguard anti-ballistic missile system to protect our Minutemen and bomber forces.

Thus the possibility of Soviet MIRV has caused us to pursue deployment of a new strategic weapon—an ABM defense.

Soviet View of U.S. MIRV

It is not clear at this time how the Soviets view our plans for MIRV deployment. However, given public reports on the number, yield and accuracy of these weapons, and the statements of U.S. defense officials on the effectiveness of MIRV against hardened missile silos, it would seem reasonable to assume the Soviets will view our *MIRV's* as a threat to their *ICBM's* and will respond accordingly.

How the Soviets view our MIRV deployment is of critical importance. If they see it only as an ABM penetration system, they will not be forced to respond. If however they believe it is or may become sufficiently accurate to pose a threat to their ICBM forces, they will have to respond, and the arms race will have wound up another costly and dangerous notch.

Indications of U.S. MIRV Capability

For this reason it may be worth examining a few of the pieces of evidence which might convince the Soviets that our MIRV threatens their deterrent.

While President Nixon was careful to justify his decision to proceed with the construction of the Safeguard ABM as a "non-provocative" action in the arms race, several members of his administration have not been as careful to be non-provocative in connection with MIRV deployment.

In fact, Secretary Laird, on at least three occasions this year, has testified in support of an increased budget request *for improved guidance for the Poseidon MIRV*. Each time he stated, "This is an important program since it promises to improve the accuracy of the Poseidon missile, thus enhancing its effectiveness against hard targets.

Dr. John Foster testified last spring, "we are beginning (with MIRV) to get a rather effective damage-limiting capability."

And so if our own Secretary of Defense and our Director of Defense Research and Engineering both believe that our MIRV has a significant capability against hardened targets, it seems inevitable that the Soviets must believe that our MIRV threatens their deterrent forces.

Recently the Pentagon has been reported to have been putting out information on the size and accuracy of our MIRV's. This information indicates that our MIRV's may not be particularly good weapons for destroying missile silos. Yet there is no good reason why the Soviets should believe these figures. This is especially true since, as testing continues and as technology improves, accuracy can be expected to improve. Then, too, there is the obligation of strategic planners to plan for

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the worst plausible case, which in this instance means the Soviets must assume that our MIRV's are both larger and more accurate than we say they are.

For these reasons and many others, there seems to be good grounds for the Soviets to fear that our MIRV is a threat to their deterrent—just as we fear their MIRV is a threat to our deterrent.

Thus we are faced with the extreme likelihood of another massive round of weapons deployments—unless we can manage to preserve the credibility of our deterrents by agreeing to an enforceable ban on MIRV deployment.

II. A MIRV BAN WOULD EASE FEARS OF A FIRST STRIKE ATTACK

As grave as the prospect of further escalation in the nuclear arms race is, there is a further even more somber aspect to MIRV deployment:

In times of high tension, once MIRV's are deployed, there will be greater pressure to strike first than there is now—and this will be so even though both sides maintain an assured destruction capability.

This increase in the likelihood of a first strike results from a fundamental change in the strategic doctrines associated with the change from single to multiple warhead missiles.

There is an advantage to an attacker in destroying MIRV missiles in thier silos, as for every MIRV missile launcher destroyed, several times that many deliverable warheads will be destroyed. Thus there is an advantage in attacking first before the other side has launched its MIRV missiles.

However, once a MIRV missile is launched, it may be capable of destroying several enemy missiles in their silos. Thus there is an added advantage in a MIRV world in striking first.

Both because of the advantage of launching MIRV's before they are destroyed in the ground and the advantage of the multiple targets which launched MIRV's can destroy, there is a much greater incentive in a time of stress to launch first in order to minimize the damage which might be caused.

Thus in a very real sense, MIRV deployment puts strategic arsenals on a "hair" trigger.

Even worse, the pressure to strike first is still further heightened when one side has *both MIRV and ABM*. That side might conclude that by striking first, enough of the other sides missile force would be destroyed so that the ABM defense could meet the diminished responsive attack. Thus, with MIRV and ABM, it might be that a country could convince itself that it could win a nuclear war—if only it struck first.

The only way in which to protect against these increasing pressures for a first strike is to prohibit the deployment on all sides of these multiple warhead missiles.

And so to ease the pressure and thus the threat of a first strike attack, I believe we must urgently seek a mutual ban on MIRV deployment.

III. AN ENFORCEABLE MIRV BAN CAN PROBABLY BE NEGOTIATED IF WE ACT NOW

If MIRV deployment both makes the threat of a first strike greater and escalates the arms race, and if we can best protect ourselves against these threats through an arms control agreement, it seems fair to inquire as to the prospects of such an agreement.

The key to a ban on MIRV's, as it is to all arms control agreements, is the certainty that the agreement cannot be breached without the knowledge of the other party.

At the present time, it is possible by satellite surveillance to count and accurately locate ABM, ICBM, and air base sites. Thus through the use of these satellites, it might be possible to police an arms control agreement limiting offensive and defensive missile systems without requiring intrusive on-site inspection.

MIRV deployment complicates this agreement policing function because satellites cannot distinguish the number of warheads carried by a missile, since the warheads would be covered by a shroud and emplaced in a covered silo.

It should be noted, however, that satellites cannot count the numbers of nuclear bombs aboard strategic aircraft, or for that matter even the exact number of such aircraft. Too, satellites probably cannot count the number of ships and submarines carrying nuclear weapons.

Thus MIRV deployment makes agreement policing more difficult—but not impossible, or substantially more difficult than for other forms of existing weapons.

Probably the easiest and best means of policing a ban on MIRV's is to halt flight testing of these weapons before it has advanced to the point where either side might be suspected of proceeding in secret to deploy the multiple warheads.

In this way both sides could be confident that the other side did not have MIRV's because it would know that they had not been fully developed.

This point at which testing makes the policing of a prohibition on MIRV substantially more difficult is quite close. If this point has not already been passed, it certainly will be by this fall. Our test series is nearly half over, and our production of the re-entry vehicles, nuclear devices and other components is under-way. If we proceed too far the Soviets will not be able to be certain that we have not deployed MIRV unless we grant them on-site inspection of some sort.

It is for this reason that I have introduced this resolution urging the President to promptly propose to the Soviets a moratorium on further flight testing of multiple warhead missiles.

In proposing this halt to further testing, I have been mindful of the fact that we can tolerate a delay in our MIRV deployment without sacrificing any national security interest. This is so because we will deploy our first MIRV's within the next 12–18 months. Yet within this time period it is impossible for the Soviets to construct a nationwide city defense ABM of the type which our MIRV is said to be designed to meet. Thus until the Soviet city defense ABM begins to materialize, we can afford to delay MIRV deployment.

In addition to banning further MIRV tests, other controls and means of verification may be necessary to prevent clandestine MIRV deployment in the long run. Additional means of verification which have been suggested include random on-site inspection of ICBM's, short notice diplomatic attache visits to missile testing, and other arrangements to guarantee test monitoring. Each of these methods of verification requires some intrusion, but not an impossible amount if both sides really want to head off MIRV deployment and its attendant threat to their deterrents.

It should be remembered that in the negotiation of the nuclear test ban treaty, Khrushchev offered to allow three on-site inspections of Soviet test facilities each year. This offer was not accepted because at that time we wanted seven annual visits. Yet, as it has turned out we could police such a ban on underground testing if we had been allowed only those three visits a year. Thus it is not impossible that some form of on-site inspection could be worked out.

Furthermore, a great deal can be learned about Soviet developments without on-site verification. We have monitored each of the Soviet tests of multiple warhead missiles. We know their shape and flight characteristics. We know too that neither side can have confidence in the continued effectiveness of its missiles and their accuracy unless they are tested periodically. Thus, observable tests of multiple warhead missiles would be required.

Similarly, the Soviets know that our Polaris missiles cannot carry MIRV's. So if we were to stop the conversion of our submarines, so that they could carry only Polaris missiles, the Soviets would know we had no sea borne MIRV's. Also if we were to halt production of the rockets for the third stage of the Minuteman III ICBM's, the Soviets would have a high degree of confidence that we were not secretly deploying MIRV's on our ICBM's.

We can also determine by satellite how many of the large SS–9 ICBM's the Soviets have deployed.

In short, there is a great deal of information available without on-site inspection, so that with minimal on-site inspection we can have very high confidence of the compliance of the Soviets.

Some knowledgeable people have argued that it is impossible to control MIRV deployment. I do not subscribe to this view.

First, because of the enormous stakes involved. I think control of MIRV's is well worth a try.

Second, because of the information available to us about Soviet developmental and operational testing, about ICBM production and silo construction, and about Soviet technology which is available to us from our own intelligence sources, I think a high confidence ban on MIRV's is possible.

CONCLUSION

In conclusion, Mr. Chairman, I want to reiterate my conviction that the best way to protect our deterrent from the Soviet MIRV threat is to see that the Soviets do not build MIRV's. And the way to do that is through an enforceable arms control agreement.

My resolution urges the President to expeditiously seek such an agreement.

My resolution further provides the President with the support of Congress for an initiative in this area, by urging him to announce the intention of the United States to halt further flight testing of MIRV's so long as the Soviets do so.

Since both countries are conducting multiple warhead tests on a regular basis of several tests each quarter, such a declaration would not entail unilateral action by either side since each would very soon know whether the other had ceased testing.

This resolution does not bind the President. It merely recites the sense of urgency which its 102 co-sponsors attach to the goal of obtaining an arms control agreement prohibiting deployment of the sophisticated new multiple warhead systems which both countries are developing.

I respectfully, but vigorously, urge the prompt and favorable action by this committee on this important resolution.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at a time for a vote.

I ask unanimous consent that all debate on this amendment and all amendments thereto close at 6:20 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. FRASER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 6:30 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair will recognize Members for approximately 1½ minutes each.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

(By unanimous consent, Mr. OBEY yielded his time to Mr. FRASER.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I strongly endorse this amendment.

Many of the weapons-scientists who have looked at the Minuteman the United States has, believe that in not too many years the Minuteman are going to become obsolete weapons in the U.S. nuclear arsenal.

I have heard one nuclear weapons scientist say that about 5 years after the Soviets develop their own MIRV, which surely they will have to do, because we will drive them into it with our own MIRV program, our own land-based missiles will not only be obsolete but any investment made today either to try to upgrade them or to defend them will be good money thrown after bad. I think it would be prudent to defer the effort to update our Minuteman missiles by seeking to put three warheads on the front end of them at least until after we see what the outcome of the SALT talks will be. This amendment goes right to the heart of the question as to whether or not it makes sense to drop another half a billion dollars into a field of Minuteman missiles which we will one day abandon, anyway. It would be far wiser to put this money into the development of the underseas ballistic missile which, so far as we know, will not be detectable for a long time to come than we would be to continue to operate an obsolete system.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. COHELAN. I would like to remind the gentleman that the number he mentioned of three is the minimum number.

Mr. FRASER. I understand that three is the number commonly talked about with respect to the Minuteman. It will have the effect of doubling the number of nuclear warheads that are on land-based missiles. This is an increase in nuclear strength which will simply compel the Soviets to speed up their own reaction and cause them to go to their own MIRV, which will then set us off in another multibillion-dollar arms race. In the end we will have wasted our money and poured it down a rathole and the United States will be less secure than it is today.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

(By unanimous consent, Mr. THOMPSON of Georgia yielded his time to Mr. RIVERS.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, in recent days we have heard a number of statements from high officials of this administration attempting to scare the Congress and attempting to scare the American people about an alleged threat to our security that has grown from the Soviet Union. Yet, if you look at the figures in the Defense Secretary's own posture statement, you see this is only a potential threat somewhere down the road. The fear that is created by an imbalance is much greater on the other side, I am sure, than it is on this side. We are proposing now to triple or quadruple the number of deployed warheads that we have on our land-based missiles. What kind of an effect is this going to have on the Soviet Union, who do not have the MIRV, who have not successfully tested a MIRV, and who are, to be sure, trying to increase the number of their land-based missiles? If we go ahead with the MIRV, they will be way, way behind us in the number of deployed warheads. I say that this is an escalation of fear on both sides that we are witnessing promoted by the men in the military who see this as security. Security lies in an agreement that could limit these weapons, and this amendment would promote that agreement.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I take this time to point out again to the House that this is a crucial step in the history of armaments.

Very few of us in the House have had the opportunity to really get into all of the details of this system. But, believe me, those who have been involved in a concentrated study of MIRV are quite aware that this is a remarkable departure in weapons development.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. As the gentleman knows, I am very sympathetic and have often voted for cuts in various types of arms deployment. However, I was very much concerned by a pronouncement that was recently issued by the Institute of Strategic Studies in London—not in the United States or by the Department of Defense—wherein they pointed out that we are rapidly approaching the time when either Russia or the United States, or both, can have the first strike capability. That makes me wonder whether it would be wise to leave out deployment.

Second, if this is a piece of folly for us to go ahead with, why would not the Russians be smart to let us go ahead and spend our money on this program while they spend their money more effectively and leapfrog later?

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, the schizophrenic logic that seems to mark the arguments of the proponents of this amendment is nothing short of amazing.

Just a few moments ago the gentleman from Minnesota (Mr. FRASER) was in the well of the House with a chart showing us that our strategic capability was so overpowering and so great that the Russians would not possibly consider it a threat. Yet he just left the well of the House a few minutes ago telling us our Minutemen were going to be obselete and they were not any good anyway.

I point out once again that you cannot have it both ways. Let me specifically point out and point out emphatically the fact that MIRV warheads are considerably smaller in size than could be put on the SS–9 missile. They are city busters. However, they are too small to effectively attack a Soviet system in hardened sites. Therefore, they are not first-strike weapons. That is something that will be carried on at the SALT talks. And, incidentally, the President has said anything is negotiable at the SALT talks, including the MIRV.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from South Carolina to close debate.

Mr. RIVERS. Now, Mr. Chairman, believe me, it requires a lot of study to try to keep abreast of these systems. Over 3 years ago we planned the deployment of this system. It is coming in next month. Is it wrong to be ahead of Russia in any area? Answer that question. Is not someone concerned with the survival of this country or our capability to deal with our potential enemy?

Well, we have that capability now. Do you want to voluntarily throw in the sponge and say, "Russia, we are ahead of you but we do not want to stay ahead of you; we know when you sign those SALT talks that you will not violate them—no, not you—but we will junk our MIRV which we have and it will not be deployed on the Poseidon." Do you want to do that?

You know we do not have any designs on anyone. When has America ever threatened a first strike? We have always said we would absorb it.

If you want to voluntarily give up the one possible advantage you have, here is your chance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. COHELAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COHELAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. COHELAN and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 39, noes 85.

So the amendment was rejected.

Mr. RIVERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

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HOUR OF MEETING TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER (Mr. ALBERT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROJECT CONCERN MONTH

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 1178) authorizing the President to proclaim the month of May 1970, as "Project Concern Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1178

Whereas Project Concern, incorporated through its humanitarian efforts to ease pain and suffering throughout the world, has brought credit upon the United States of America, the country which has served as its base; and

Whereas Project Concern, a nonprofit, nonsectarian medical relief organization, has abundantly served mankind in our neighboring country of Mexico, in Southeast Asia, and in Tennessee/Appalachia; and

Whereas Project Concern has brought voluntary medical relief and comfort to the impoverished citizens of Hong Kong, South Vietnam, Mexico, and Tennessee/Appalachia for the first time, in many cases: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the month of May 1970 as "Project Concern Month" and calling upon all citizens of the United States of America to aid in every way possible toward making this worthwhile project a continuing success.

SEC. 2. (a) The Congress hereby commends James W. Turpin, doctor of medicine, founder of Project Concern, for his magnificent humanitarian efforts in bringing medical relief to the people of Hong Kong, South Vietnam, Mexico, and Tennessee/Appalachia, and for the credit he has brought to the United States of America where Project Concern maintains its international headquarters.

(b) The Congress encourages James W. Turpin, doctor of medicine, to continue his benevolent work to ever-expanding vistas.

(Mr. BRADEMAS (at the request of Mr. ROGERS of Colorado) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise in support of House Joint Resolution 1178, which I have introduced with the gentleman from California, Mr. BOB WILSON. The purpose of the resolution is to authorize the President to proclaim the month of May 1970 as "Project Concern Month."

Mr. Speaker, I am very pleased to be a sponsor of this resolution, first because of my high regard for the young California doctor, James Turpin, who founded Project Concern in November 1961, and second, because of the splendid work which Project Concern performs in service to humanity around the world. Since 1961, this nonprofit medical relief program has helped over half a million people meet their pressing medical needs.

I have had the privilege, Mr. Speaker, of personally observing Dr. Turpin at work helping poverty-stricken Chinese refugees on his floating hospital in Hong Kong.

I have been tremendously impressed with the dedication and professional skill that Dr. Turpin and his associates have brought to the difficult tasks they have assumed. Project Concern also operates in South Vietnam's central highland region, in Tijuana, Mexico, and in New Mexico and Appalachia, U.S.A.

This spring, climaxing on May 17, 1970, across America, there will be hundreds of Walks for Mankind. Many will be organized and run by Explorer Scouts of the Boy Scouts of America, Bob Benedicts' TEEN Corps of Minnesota, junior and senior high school students, service clubs, civic organizations, and church groups. Any group might be the organizer for a walk, or organize a community group to run the walk on a cooperative basis. Secure the organizational booklet from Project Concern to get the details. Mr. Speaker, briefly, the plan goes like this:

THE "WALK" PLAN

Mr. Speaker, a walk route—20 miles—is selected and promoted. Walkers of all ages are signed up. Between the time they decide to walk and the actual walk they seek sponsors. Each sponsor agrees to contribute to the work of Project Concern an amount related to the distance its walker covers. For example, the sponsor—friends, family, business firms, organized groups, and so forth—agrees to pay 50 cents for each mile walked. If the walker covers 15 miles, the sponsor would send $7.50 to Project Concern's medical voluntary relief and education program.

If, with the help of your unit, enough sponsors and walkers can be secured, the 200,000 patients anticipated in 1970 will be adequately served. Funds are needed annually to operate the project's two hospitals, six clinics, feeding stations, and many traveling medical and dental teams in South Vietnam, Hong Kong, Mexico, U.S.A.'s Appalachia, Tennessee, Kentucky, and New Mexico's Navajo Indian area.

Walks of this kind have been extremely successful in Europe and Canada. Obtain the plan for organizing and conducting a "Walk for Mankind" by writing Project Concern, Post Office Box 2468, San Diego, Calif. 92112.

Students and sponsors will assist Project Concern by giving direct on-the-scene service. On a limited basis your post can volunteer its manpower in Tennessee, Kentucky, Mexico, or Bisti, N. Mex., to assist in building projects or providing other services. For project and service information write to Project Concern headquarters in San Diego. A superservice commitment for on-the-scene service calls for a strong committee of youth and consultants. Be sure to allow enough time for planning arrangements, financing, transportation, lodgings, and so forth.

Mr. Speaker, Project Concern with its inspiring humanitarian goals represents a unique and meaningful opportunity for service by all American youth.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado:

On page 1, strike out all "whereas" clauses.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

D FOR DECENCY WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 1101) to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1101

Whereas the amount of obscene and pornographic material being sold and otherwise distributed throughout the United States continues to increase at an alarming rate; and

Whereas such material has no redeeming social value to the Nation or the American people; and

Whereas too much of such material is finding its way into the hands of the youth of the country: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That in order to focus national attention on the need to reduce and control the vast quantities of obscene and pornographic materials being distributed throughout the United States, the President is authorized and requested to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D For Decency Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado.

On page 1 strike out all "whereas" clauses.

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The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ONE HUNDREDTH ANNIVERSARY OF FOUNDING OF THE OHIO STATE UNIVERSITY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 573) commemorating the 100th anniversary of the Ohio State University, and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 573

Resolved by the House of Representatives (the Senate concurring), That the Congress sends congratulations and greetings to the Ohio State University on the occasion of the one hundredth anniversary of its founding, and extends the hope of the people of the United States that the Ohio State University will continue to grow and prosper in centuries to come.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ONE HUNDREDTH ANNIVERSARY OF FOUNDING OF OHIO NORTHERN UNIVERSITY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 575). That the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come, and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 575

Resolved by the House of Representatives (the Senate concurring), That the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the one hundredth anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DESIGNATING WEEK OF MAY 24 THROUGH MAY 30 AS "MEMORIAL WEEK"

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 1096) authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 1096

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of May 24 through May 30 of 1970 as "Memorial Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO PROCLAIM NATIONAL VOLUNTEER FIREMEN'S WEEK, SEPTEMBER 19 TO 26, 1970

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 1154), authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, is there a copy of the joint resolution available?

Mr. ROGERS of Colorado. Here is a copy.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 1154

Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolutions just adopted.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE FRAYED SHIRT COLLAR

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BERRY. Mr. Speaker, of all the asinine, stupid projects that the human mind can conceive to stick a dagger into the back of the taxpayer, the Agriculture Department has dreamed up the real one.

Mr. Speaker, the Agriculture Research Department has made a contract with the University of California paying them $59,082 to determine the effects of laundering conditions upon fraying shirt collars.

The chances are, Mr. Speaker, that frayed collars are the direct result of the American taxpayers being required to wear their shirts too long in order that they can send that much more money to Washington to be used for projects such as this. No doubt the Research Service is approaching this subject from the wrong side.

Under unanimous consent I insert the portion of the memorandum from the Library of Congress describing what this $59,082 throwaway amounts to:

Excerpt From Library of Congress Memorandum

The Department of Agriculture has a contract with the University of California in the amount of $59,082 to determine the effects of laundering variables on edge abrasion of durable-press cotton garments. This contract is supervised by the Textile and Clothing Laboratory of the Southern Utilization Research and Development Division in New Orleans, Louisiana. One of the purposes of the textile and clothing research is to develop information basic to improvements in techniques for laundering, disinfecting, and otherwise caring for clothing and house-hold textiles, especially those made from agriculturally produced natural fibers, in order to improve service life and insure safety to health.

Although few consumers realize it, a significant portion of the wear on garments occurs during laundering, and laundering conditions appreciably affect the amount of wear consumers get from garments. Under the contract about which you inquired, the University of California will determine the effects of various laundering and drying procedures on the fraying of cuffs and other

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edges of durable-press garments. Factors to be examined to determine their relative importance in fabric deterioration will include wash water temperature, drying conditions, drying temperatures, acidity or alkalinity of wash and rinse waters, condition and type of laundering equipment, types of detergents and laundering aids such as enzyme presoaks. The ultimate purpose of the laundering study is to be able to recommend laundering conditions that will substantially extend the wear life of durable-press articles for many people using home laundering and drying machines.

APPEAL FOR INTERNATIONAL JUSTICE RALLY

(Mr. McKNEALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McKNEALLY. Mr. Speaker, I rise to call the attention of this legislative body to the Appeal for International Justice Rally to be held on May 1, in Constitution Hall. The purpose of the rally is to display that all Americans are united in the condemnation of Hanoi's and the Vietcong's inhumane treatment of American prisoners of war. Because the enemy's actions are in direct violation of the Geneva Convention of 1949, it is highly appropriate that the rally be held on the day set aside as International Law Day.

Since the objective of the rally is to demand that the North Vietnamese and Vietcong observe the Geneva convention, it is useful for us to consider for a moment the extent of the enemy's violation of the very document to which they agreed in 1957. If there be any doubt as to the application of the convention to the conflict in Southeast Asia, I refer you to article 2. It reads:

> The present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized.

In my opinion, to conclude that the Geneva convention should be observed in Southeast Asia does not require one to possess extraordinary powers of legal insight. At this point, it is worth noting that as long ago as 1965, the International Committee of the Red Cross called on the principal parties to the Vietnam conflict to abide by the "humanitarian provisions of the Geneva conventions."

But the North Vietnamese and the Vietcong have consistently refused to comply with the convention, and in so doing they have chosen to ignore these minimum standards of humane treatment. It is obvious that they feel that it does not suit their purposes to abide by the convention, so they have instead tied the prisoner-of-war problem to the entire settlement of the Vietnam issue. Hence, wounded and seriously injured captured American servicemen and their families are being criminally exploited as political pawns. Yet, the North Vietnamese insist that their "government has applied a humanitarian policy toward them." How are we to be expected to take this claim seriously?

Aside from this initial violation of the convention, the enemy has committed many others which have amounted to a serious threat to the lives of American POW's. The North Vietnamese have detained prisoners in areas adjacent to combat zones. Alarming examples of this practice occurred during the period when we were conducting bombing raids on strategic North Vietnamese industrial areas. Lieutenant Frishman, one of nine released American prisoners, in an interview shortly after his return to the United States, recounted the story of a bombing raid. He said, "the bombs were going off all around us." According to article 23 of the convention, the detainment of prisoners so close to a military target was expressly forbidden. Article 23 states:

> No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Evidently, the enemy has decided to disregard the most elementary principle of so-called humanitarian policy, contained in article 26. It provides that:

> The basic daily food rations shall be sufficient in quantity, quality, and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies.

Each of the nine returned POW's has said that during the initial period of their confinement he suffered a severe loss of weight—as much as 50 or 60 pounds. Also, Oriana Fallaci, the journalist who was granted an interview with two captured Americans just outside of Hanoi, expressed concern for the "thinness" of the prisoners. This testimony strongly suggests that Hanoi's policy is anything but humanitarian.

Perhaps the cruelest of the Vietcong and North Vietnamese violations of the convention is that of not identifying captured American servicemen according to the method specified in article 70. Ambassador Lodge, on May 22, 1969, at the Paris talks pointed to the senseless nature of this most despicable tactic. He said:

> To express myself for a moment in human terms instead of the language of diplomacy, what is involved here is the prisoner's wife who does not know whether her husband is alive or whether he is dead. It is really hard to believe that the security of North Viet Nam would be threatened if this wife were told the truth about her husband's fate.

Though the North Vietnamese have contended that, as part of their "humanitarian policy," captured Americans "are allowed to correspond with their families," the overwhelming majority of wives, of sons, of daughters, and of parents of these Americans argue to the contrary. The fact is that only 110 letters have been received from the more than 1,400 servicemen, known or believed to be, in the hands of the enemy. This is a clear violation of article 71 which specifies that each prisoner shall be allowed to send at least two letters and four cards a month.

In not permitting the International Committee of the Red Cross to visit and inspect POW camps, the North Vietnamese and the Vietcong have violated article 126 of the convention. But in the south, the United States has insisted that the representatives of the Red Cross be at liberty to visit any of the South Vietnamese POW camps which hold more than 30,000 enemy prisoners.

Furthermore, the enemy has not repatriated promptly the seriously sick and the seriously wounded in accordance with article 109 of the Geneva convention.

The record of these numerous violations indicates that Hanoi has elected to turn a deaf ear to growing expressions of international concern for the well-being of American POW's. In September of 1969, the International Committee of the Red Cross adopted, by a vote of 114 to 0, a prisoner-of-war resolution which emphasizes North Vietnam's responsibilities. The resolution found that:

> Even apart from the Convention, the International Community has consistently demanded humane treatment for prisoners, provisions of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals.

Even though this resolution was approved by many of the Communist comrades, the enemy has stood fast in its most inhumane posture.

Mr. Speaker, since the United States has responded to the world conscience and has insisted on the strict application of the Geneva convention with respect to enemy prisoners, we are only asking that the North Vietnamese and Vietcong reciprocate. As President Nixon said in his television address last week:

> The callous exploitation of the anxieties and anguish of the parents, the wives and children of those brave men, as negotiating pawns, is an unforgivable breach of the elementary rules of conduct between civilized nations.

To these actions, we seek an end. We ask nothing more than common decency, but perhaps that is too much.

Mr. Speaker, in the form of an amendment to House Resolution 613, and in House Concurrent Resolution 454, this legislative body has expressed without a dissenting vote our demands for the humane treatment of American prisoners of war. It is, therefore, fitting that I ask each of you to join myself, and our colleagues, Congressman DANIEL of Virginia, Congresswoman MAY of Washington, Congressmen ROUDEBUSH of Indiana, SIKES of Florida, TEAGUE of Texas, and Senators DOLE, DOMINICK, GOLDWATER, MANSFIELD, MURPHY, MUSKIE, and STENNIS, at the Appeal for International Justice Rally, on May 1. There we shall lend support to the families of captured American servicemen; and, there, despite whatever political differences we may have, we shall proclaim to Hanoi with one voice that we will not tolerate their use of American women and children as political pawns. The dire necessities of the moment demand action—we must respond.

PRESIDENT NIXON'S LETTER ON 18-YEAR-OLD VOTE

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I have carefully read President Nixon's letter on 18-year-old voting addressed to the leaders of this House. I can only conclude that the President is inconsistent with his stated desires in urging this House not to take immediate action on this issue.

First, the President says he "strongly favors" the 18-year-old vote, and that he also favors passage of the Voting Rights Act, but then he says that enactment of the 18-year-old vote and passage of the Voting Rights Act of 1970 are entirely separate issues. Well, they quite clearly are not entirely separate issues since they are both contained in the same bill and will—if the request of the Judiciary Committee chairman is granted by the Rules Committee—be voted on at the same time. More than that, the rationale which supports Federal intervention to eliminate irrational voting discrimination against illiterates, or against newly arrived residents in a State, or against Spanish-speaking Americans, supports Federal intervention to eliminate irrational discrimination based on age. Congress is specifically given the power to eliminate such discrimination by section 5 of the 14th amendment. The Supreme Court has made clear that it will defer to Congress' factfinding expertise in judging the existence of discrimination which violates the 14th amendment's equal protection guarantee. Congress, in the Senate-passed bill specifically makes those findings.

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What is separate is the pragmatic effect of separation, and that is so separate that the President does not even mention it. I refer to the fact that the Voting Rights Act will have to go back to the other body even if a conference committee could agree to do what the President wants.

And then what happens. Some members of both parties in the other body do not like the Voting Rights Act. How does the President assure the House and the country that there will be no filibuster, or is that a "separate" separate issue?

The President originally favored a different kind of voting rights act—one that many felt gutted the 1965 act. What happens in conference committee or in the other body? Which version of the bill do we get as to voting rights—one that works or one that does not work? Or is that too a "separate" separate issue?

What is indeed separate is the parade of horrors conjured up in the letter. It is something else. For example, the implication is strong that the whole bill will be jeopardized if 18-year-old voting is found to be unconstitutional. But a very clear-cut "separability" clause makes such an implication entirely unwarranted.

The President overemphasizes the "possibly disastrous effects" of passing the 18-year-old vote. There will be no false hopes raised by passage of this bill. Those young people who care most about obtaining the vote are aware of the uncertainties of changing the present practice by statute. They and their representatives here in Washington—the Youth Franchise Coalition—have determined to go ahead based on an informed judgment about the possible risks and the possible gains. Nor will this attempt to change the law by statute—assuming it should fail—cost valuable time that could be devoted to a constitutional amendment. When we begin talking about an amendment to the Constitution, we are talking about decades or at least years. This statute will be passed and tested in the courts in a matter of months. There can be no real comparison of the time required for the two procedures.

Finally, the "risk of chaos" which the President raises because of elections thrown into doubt is a chimerical doubt. The provisions of the Senate amendments to H.R. 4249 make clear that the degree of electoral confusion resulting from this statute will depend almost entirely on how expeditiously the Attorney General moves to test the statute in the courts. If he moves quickly—as the statute contemplates—the confusion will be eliminated. If he delays, then there may be some confusion. In the final analysis, the answer to this objection rests in the hands of the President himself, and in the hands of his Attorney General. Are we to assume that the Attorney General will act incompetently or inexpeditiously.

The President argues that by passing the 18-year-old voting statute and leaving the ultimate test of its constitutionality to the Court, Congress will be placing the Supreme Court in an untenable position. On the contrary, we will be putting the Court in an untenable position if we do not legislate in this important area—for we will be forcing it to act, based on its own findings of fact, about age discrimination in voting. We will be forcing it to act through congressional default, just as we forced it to act in Brown against Board of Education, in Baker against Carr, and in other landmark cases decided under the 14th amendment. How many times the Court has begged Congress to act, to utilize its legislative factfinding and decisionmaking processes, so that the Court itself will not be called upon to make fundamental social policy factfindings under its responsibility to apply the Constitution, to real life controversies. How many times we have avoided that responsibility on the most divisive and difficult issues of law and politics. Section 5 of the 14th amendment says "Congress shall have the power" to enforce equal protection of the laws. Let us use that power instead of passing the buck to the Court.

The constitutional arguments which the President advances are not new. All of them were considered by the Senate when it passed H.R. 4249, as amended, and none of them was convincing enough to keep 64 Senators from approving the 18-year-old vote. The question of whether title III of H.R. 4249, in fact, confers the vote on 18-, 19-, and 20-year-olds, or only purports to do so—as the President alleges—is not certain. But it is arguable. And against two of the foremost constitutional authorities in the Nation—Prof. Paul Freund of Harvard Law School and former Solicitor General of the United States, Archibald Cox—who does the President advance as his authorities? Only some nameless "constitutional scholars" who apparently would not even go on record in support of the President's view. The fact is that the question of how far Congress can constitutionally go in eliminating irrational discrimination against 18-, 19-, and 20-year-old citizens can finally be determined in only one way: Congress should exercise the power which it believes it has and let the Court decide.

I believe it is worth distinguishing this case from those involving the Bill of Rights' restraints on exercise of governmental power against the individual citizen. Here we are dealing not with an explicit constitutional prohibition, but with a clause which is an express grant of authority to Congress to right wrongs which it finds resulting from State law. In an area where we endanger individual liberties, we must, indeed, proceed with care. But here there is no such prohibition—although the President himself speaks of "the constitutional prohibition." Here there is only a grant of authority, the precise dimensions of which may be disrupted, but as to which the Court has made clear it will defer to Congress' expertise. Here Congress is not endangering rights, but vindicating rights. Here Congress is not only justified but required to exercise its own best judgment.

The President is not convincing about what is required to find a violation of equal protection of the laws. He asserts that:

> A 21-year voting age treats all alike, working no invidious distinction among groups or classes.

What about a State law that set the minimum age at 50? Would that also pass the Nixon "equal protection" muster?

Of course a 21-year voting law treats all 21-year-olds alike and all those below 21 alike. That is not the discrimination at issue. The discrimination here is between 18- to 21-year-olds, on the one hand, and all those over 21, on the other. Why is denial of voting rights to 18-, 19-, and 20-year-olds an irrational discrimination such as Congress can find violates equal protection of the laws? Here are only a few reasons: This group is subject, by law, to adult criminal sanctions. The males in this group are required, by law, to perform military service; 18-, 19-, and 20-year-olds are subject to Federal income taxes; they are covered by social security taxes. In 39 States one or both sexes can marry without parental consent; in over half the States they can make wills. Thus, for many purposes citizens over 18 years of age are treated as full citizens and asked to bear the full burdens of citizenship—but they are denied the right to have a voice in what the laws shall be that govern their lives. Such a discrepancy will fully support a congressional finding of denial of equal protection.

WHAT DOES THE PRESIDENT REALLY WANT?

Mr. Speaker, I have some difficulty in determining what the President really wishes the House to do in this matter. Essentially what he asks is that we separate the 18-year-old vote from the Voting Rights Act and pass them both, the former as a constitutional amendment and the latter as a statute. He says he favors both measures, but not now and not in their present form. There is something contradictory about this position.

If the President favors the 18-year-old vote—but by constitutional amendment—why did he not send his recommendation on an 18-year-old voting amendment to the Congress before April 27, 1970? And what assurances has he given Members of this House and of the other body—and the 18-, 19-, and 20-year-old citizens of this country—that he will be able to hold the members of his own party in line behind a constitutional amendment for 18-year-old voting and insure the necessary two-thirds vote in both Houses of Congress? What assurance has he given that he will even try? What will he do about ratification? Will he take the stump to encourage ratification by 34 of the States?

And if the President favors the Voting Rights Act in its present form—which in itself is quite a notable change of position—what assurance can he give to the Members of the House and of the Judiciary Committee that the other body or his party leaders in this body will not sabotage the Senate-passed version of the Voting Rights Act? I found no such assurance of vigorous support for the present version of the bill in the President's letter.

So the ultimate issue is not really whether we will have the 18-year-old vote by statute or by constitutional amendment. It is whether we will have it at all in the foreseeable future. And the ultimate issue is not whether we will separate the Voting Rights Act and the 18-year-old vote. It is whether we endanger both achievements by sending them through a conference procedure which will almost certainly be inimical to them both.

Shall the House delay indefinitely the enfranchisement of 18-, 19-, and 20-year-old citizens—many of whom are fighting and dying in Vietnam today—and endanger extension of the single most effective civil rights law in our history? Or shall it extend the Voting Rights Act of 1965 for another 5 years and give our 18- to 21-year-old citizens the possibility of voting next year? To state the choice is to foreclose it, in my view. The House should act courageously and straightforwardly as it did in 1965 to insure voting rights without racial discrimination. It should go further and—acting under the same constitutional mandate—insure voting rights without arbitrary discrimination based on residence, literacy, or age. In short, the House should vote to accept the Senate-passed version of the Voting Rights Act of 1970, and it should do so as soon as possible. That is the best way of giving the Attorney General time to have any questions about the constitutionality of 18-year-old voting fully litigated before any elections are held which will be affected by 18-year-old voting.

PROGRESS IN OUR VIETNAMIZATION EFFORTS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. BUCHANAN. Mr. Speaker, in the concern over the widening war in Southeast Asia one pertinent fact that may be overlooked is the quiet, steady progress of the Vietnamization effort within Vietnam, not only the increasing strength and confidence of the Vietnamese military, but the increasing hold of the government of Vietnam in Saigon over the people.

One fine example was pointed out by Joseph Alsop in a recent column on April 20 in which he reported on a visit of his to the delta, a former Communist stronghold, and becoming increasing less so month by month.

There is great progress for Saigon in the Delta. It marks a major failure for Hanoi. The Delta was the expected site of a military campaign which did not happen because of the success of the Vietnamese military and of the government in that important area of Vietnam.

Enclosed herewith is the full Alsop column on this subject:

[From the Baltimore Sun, Apr. 20, 1970]

(By Joseph Alsop)

HANOI'S CAMPAIGN IN DELTA PROVES CATASTROPHIC FAILURE

DINH TUONG PROVINCE.—This is the embattled heart of John Vann's country. That is what the Americans hereabouts call the rich, populous delta of South Vietnam, because Mr. Vann is the brilliant leader of the American civilian effort in the delta, where we no longer have United States ground forces.

It is exhilarating, entertaining and remarkably encouraging to go province-hopping and district-hopping through John Vann's country, preferably with Mr. Vann himself. No one could be a better companion, although, to be sure, there may be a hairy moment now and then.

Mr. Vann insists, for instance, on driving his own helicopter at the lowest possible altitude. Every canal rather closely resembles every other canal. And it is very easy to lose count. So just when we thought we were turning in toward a nice, peaceable district town, we were instead flying at tree-top level over one of the enemy's remaining base areas. The resulting rat-tat-tat of firing made the chopper behave, as is normal in these circumstances, like a bucking bronco stung by a bee.

Barring such accidentally vivid memories, however, the details tend to blur a bit if you cover two-thirds of the delta at Mr. Vann's driving pace. Yet maybe this blurring is useful, since the major points stand out more clearly when the little details fade away.

The first important point is very simple indeed. Six months ago, even three months ago, the enemy was expected to make the southern delta the scene of this year's show-offensive. The high command in Hanoi allotted the equivalent of two divisions of North Vietnamese troops. With no Americans to back up the South Vietnamese army, it looked as though the result might be pretty ugly.

Instead, the result to date has been a catastrophic failure for Hanoi. As Mr. Vann stresses, the South Vietnamese IV corps commander, General Nguyen Viet Thanh, knew how to handle the problem better than the Americans, including Mr. Vann himself. The North Vietnamese big units have had difficulty even crossing the border, and those that have reached the delta have simply been rotting on the vine.

As to the second even more important point, the North Vietnamese invasion of the delta has failed to cause any real loss of momentum by the South Vietnamese. As always in this country, the picture, of course, varies greatly from province to province, and even from district to district.

Dinh Tuong, for example, is one of the two most hotly contested delta provinces. Here, the other side would be close to flat on its back without a heavy in-flow of North Vietnamese replacements, to bolster up the former Viet Cong battalions. And even with these northern replacements, the Viet Cong have lost much ground.

In the other most hotly contested province, Kien Hoa, the enemy still has a considerable recruiting base, so there is nothing like the same dependence won North Vietnamese fillers. But there is a comparable loss of ground, because the government is steadily moving out, to control more and more of the old hard-core districts.

There are other symptoms, bad as well as good. You find the odd district, here in Kinh Tuong and in one or two other provinces as well, where there is no sense of progress at all.

In contrast, however, they used to talk of Rach Gia city as the intended capital of the Viet Cong "provisional government." Yet those reliable weathervanes, the Chinese merchants, have just said what they thought of this forecast with their pocketbooks, by investing millions of piastres in Rach Gia's brand new marketplace.

Maybe the best way to sum up the situation is to let Mr. Vann do it in his own words. He goes so fast, and he has so many pointed questions to ask his people, wherever he alights, that it is not easy to get an overall judgment. But at the end of our days together, he offered his judgment succinctly:

"I'm very satisfied with the way things are going," he said. "I'm satisfied simply because things are steadily getting better for us and harder for the enemy. The enemy is losing strength—a third off, delta-wide, in the last six months, despite the North Vietnamese.

"The northerners are the question mark, of course. But if it goes on as it's been going, I'm ready to project that by the end of 1970, the guerrilla war will be largely over in the delta. Maybe I ought to allow another four to six months. But if it goes on as it's been going, once again, I'm confident that the delta will be the government's strongest base before 1971 is over."

For the former super-pessimist among Americans in South Vietnam, that is a bold projection. But if Mr. Vann does not know the delta, no one can know it.

EMERGENCY HOME FINANCE ACT OF 1970

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, I am particularly disturbed today at the remarks of my good friend, the distinguished gentleman from New Jersey (Mr. WIDNALL) on the floor of the House yesterday. Mr. WIDNALL called the House Banking and Currency Committee to task for failing to take quick action on the Emergency Home Finance Act recently passed by the Senate. I would like to take a few minutes to correct the false implications, as well as factual errors, in Mr. WIDNALL's remarks.

It seems to me, Mr. Speaker, that the House Banking and Currency Committee has taken the initiative in the current mortgage credit crisis. The distinguished gentleman from Texas (Mr.

PATMAN), the chairman of the committee, called emergency mortgage credit hearings in February to discuss ways and means of mitigating the mortgage crisis. At that time, the administration had made no recommendations to deal with the situation. In fact, it was on February 20, after almost 3 weeks of hearings, that the Chairman of the Federal Home Loan Bank Board, Preston Martin, recommended the administration's proposal to subsidize the system's advances to member savings and loan institutions. Furthermore, Housing and Urban Development Secretary Romney's testimony on February 25, the last day of the hearings, indicated that apart from Mr. Martin's announcement, the administration had no specific program to deal with the crisis.

Mr. Speaker, as has so often been the case with this administration, a bill implementing recommendations made with much fanfare was not introduced until March 5 by the gentleman from New Jersey. That bill, H.R. 16331, represents the only piece of legislation recommended to the Banking and Currency Committee by early March that is contained in the recently passed Senate bill. The Department's legislative proposals were not even made available to the committee until their introduction by Mr. WIDNALL on March 25. As most Members know, that bill is essentially a rewrite of existing law and in no way deals with the present mortgage situation.

In fact, Mr. Speaker, the Senate bill—which Members should know, passed as recently as April 16, less than 2 weeks ago—contains only two provisions capable of dealing immediately with the present mortgage crisis: First, the $250 million subsidy for home loan bank board advances, and second, the Proxmire provision, which establishes a new subsidized housing program to help middle-income families obtain loans at 7 percent rates. Virtually all other provisions of the Senate bill deal with long-range solutions which, although they should be examined carefully, Members should realize cannot now help revive the depressed housing industry.

I wish to announce at this time that the Subcommittee on Housing will meet in executive session early next week—either on the afternoon of May 5 or on the morning of May 6—to report out an emergency home finance bill. We expect the full committee to act on that bill by the end of next week. Mr. Speaker, this schedule calls for expeditious action by both the Subcommittee on Housing and the full Banking and Currency Committee, less than 3 weeks after passage of the Senate bill. In addition, Mr. Speaker, I wish to announce hearings beginning June 2 on all other pending housing legislation. As Members know, most HUD programs expire October 1, 1970, and require either extensions or additional funding authorizations. During the June hearings—which are expected to take no more than 2 weeks—we will hear testimony on the administration's overall housing proposals, important bills dealing with new communities, and other miscellaneous housing proposals.

Mr. Speaker, Members can be assured that the Banking and Currency Committee will take the action necessary to deal with the mortgage credit crisis. We will not—as this administration has—permit our attention to be diverted by such public relations gimmicks as Operation Breakthrough, which asks the Congress and the industry to worry about the next decade while the industry goes deeper and deeper into a construction depression, and to worry about a rewriting of existing housing laws in order to make administration more efficient, no matter how worthy that goal. Neither approach can help the industry or our citizens at this moment.

"GREAT LIVING BAY STATER" AWARDS OF 1970

(Mr. PHILBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILBIN. Mr. Speaker, on last evening the Massachusetts Association of Chamber of Commerce Executives and Local Chambers of Massachusetts, at their annual congressional reception and dinner, conferred this year their "Great Living Bay Stater" awards to two outstanding Americans, peerless actress Agnes Moorehead and Dr. Paul Dudley White, world-famous heart specialist.

For me, the occasion was unique because Miss Moorehead was born in my hometown of Clinton, Mass., and Dr. White has resided and visited in the adjacent beautiful community of Harvard, Mass., also in my district.

My able, distinguished, dear friend and colleague, Congressman THOMAS P. O'NEILL, JR., made an outstanding presentation of the award to Dr. White, and I presented the award to Miss Moorehead. I cannot conceive of two awards of any kind that were more fitting or more highly deserved than these two, one of which went to a dedicated woman who has excelled in the performing arts and the communications media, and the other to the greatest heart specialist in the world.

I deemed it a special honor as well as a pleasure to present the award to the famous Miss Moorehead, a distinguished and delightful lady.

Miss Moorehead's father, a highly esteemed and popular divine, and her lovely mother were admired and loved by everyone in my hometown of Clinton. So this young lady got an excellent start in a community well known for its encouragement of young artists and creative people, although she remained there all too short a time.

She got a very early start when her family moved to St. Louis, and was singing in the fine opera company of that great city at an early age, an opportunity reserved only for young talents of highest promise.

Endowed with real intellectual powers, she matriculated at three outstanding schools—Muskingum College, the University of Wisconsin, and Bradley University, and also the American Academy of Dramatic Arts and even became a doctor of philosophy.

Her entire professional career comprises one success after another in virtually every field of the performing, dramatic arts. This brought her wide acclaim in the Nation and the world, encomiums in drama and literature, and a round of achievements in the theater, and radio that marks her as one of the great actresses of her times.

She has played with many of the great performers of stage, moving pictures, and the threater. She won fame as a founder, an organizer, an innovator, a charter member, and player with many of the most famous people in the theater. She has been honored time and time again by cherished Academy Award nominations and outstanding awards for best actress.

There is indeed no facet of her profession that she has not mastered, no segment of the performing arts in which she has not achieved highest recognition.

Her great talents stand out like the Washington Monument, and have won her credits and honors too numerous to mention.

She is certainly one of the great ladies of the theater, and she stands right at the top of her craft and her chosen profession.

She has brought joy, pleasure, and inspiration to millions of people.

Great trouper that she is, she has moved ceaselessly forward in her career toward even higher achievements.

I heartily congratulate the Massachusetts Chambers of Commerce and Association of Executives upon honoring this tremendous woman, who first saw the light of day in my hometown of Clinton, which has been so proud of her, and it is with real honor, gratification, and pride, in the presence of a very distinguished gathering, that I presented the cherished Great Living Bay Stater Award to the dynamic, dedicated genius of the American theater, the outstanding actress and great American, Agnes Moorehead.

I know that I can speak for the people of Clinton when I express deep appreciation to the Massachusetts Chambers of Commerce and their Association of Executives for honoring our gifted native daughter, Agnes Morehead, and the outstanding doctor and leader, Paul Dudley White.

In fact, I am sure that our State, our Nation, and much of the world will be pleased to know of these meritorious awards to two great Americans who have made such great contributions to our times.

LEGISLATION TO CORRECT PROBLEM OF ABSCONDING FATHER WHO CROSSES STATE BORDERS TO AVOID COMPLIANCE WITH SUPPORT ORDERS

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHADEBERG. Mr. Speaker, I am today introducing companion pieces of legislation designed to correct a critical problem: the dire economic strain which is placed on a family by an absconding father who crosses State borders in order to avoid compliance with support orders.

The first bill, which has previously been introduced by my learned colleague, the Honorable GLENN R. DAVIS, makes it a Federal crime, punishable by a fine of not more than $1,000, by imprisonment of not more than 1 year, or both, to travel in interstate or foreign commerce to avoid compliance with an order of a State court having jurisdiction over an individual, directing such individual to make payments perodically to, or for the support of, his spouse, former spouse, or child.

The second bill, which was recommended by the Wisconsin District Attorneys' Association, provides that the Secretary of Health, Education, and Welfare shall make the most recent address of a fugitive father available to a State or local law enforcement official who has the duty and authority to enforce support orders.

Mr. Speaker, the passage of these bills is required by the people, and by the States which are doing all they can to meet the problem, but which need the assistance of the Federal Government.

FATHER HESBURGH OF NOTRE DAME RECEIVES ALEXANDER MEIKLEJOHN AWARD FOR ACADEMIC FREEDOM

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, one of the outstanding citizens of the congressional district I have the honor to represent and, indeed, one of the outstanding citizens of our country, is the Reverend Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame.

In addition to serving as president of this important university, Father Hesburgh is chairman of the U.S. Civil Rights Commission, of which he has been a member under Presidents Eisenhower, Kennedy, Johnson, and Nixon. Father Hesburgh serves as well in an extraordinary variety of other positions of public responsibility.

I take this time, Mr. Speaker, to express my warm congratulations to Father Hesburgh on having this week been awarded the 12th annual Alexander Meiklejohn Award for his outstanding contributions to academic freedom.

Mr. Speaker, the Meiklejohn Award is presented each year to a university administrator, trustee, or group of trustees in recognition of important activities in support of academic freedom.

Father Hesburgh received the award at the 56th annual meeting of the American Association of University Professors in Los Angeles.

Mr. Speaker, I can think of no educator in America who more richly deserves the honor of the prestigious Meiklejohn Award than Father Hesburgh of Notre Dame. At a time when academic freedom faces serious attack from every side, Father Hesburgh has distinguished himself, and the university he so capably leads, as a champion of the freedom of the university community against those who would erode that freedom. Like Alexander Meiklejohn, Father Hesburgh represents as well as he defends the exemplar of the free and educated man.

In nominating Father Hesburgh for the award, members of the AAUP's chapter at Notre Dame cited Father Hesburgh's defense of faculty members who had taken unpopular and unorthodox political and religious positions. They also mentioned his widely publicized letter to Vice President AGNEW in February 1969, in which he urged that the Federal Government maintain a "hands off" policy in regard to campus disturbances. Father Hesburgh's letter is believed to have been a major factor in averting Federal legislation which might have limited the authority of colleges and universities to deal with their own problems.

Mr. Speaker, at this point in the RECORD I insert the text of the remarks made by Prof. Sanford H. Kadish of the Law School of the University of California at Berkeley on the occasion of the presentation of the Meiklejohn Award to Father Hesburgh. Professor Kadish is chairman of the Academic Freedom and Tenure Committee of the AAUP.

His remarks follow:

REMARKS OF PROF. S. H. KADISH ON PRESENTATION OF ALEXANDER MEIKLEJOHN AWARD TO THE REVEREND THEODORE M. HESBURGH, C.S.C., APRIL 24, 1970

The Alexander Meiklejohn Award is designed to recognize and honor university administrators who have made outstanding contributions to the cause of academic freedom. Eleven awards have been made over the years since this award was established. It is my pleasure on behalf of the AAUP to present this year's Alexander Meiklejohn Award to Reverend Theodore M. Hesburgh, President of the University of Notre Dame.

In most instances the award has been given for defenses of academic freedom in an episode of crisis. This year in the case of Father Hesburgh, we honor his sustained and stalwart efforts over the years to restate a role for Catholic higher education which places Catholic universities squarely in the tradition of academic freedom and uninhibited intellectual inquiry. He has made this contribution to Catholic thought generally and has applied these principles to his home institution with admirable success.

THE CHURCH AND THE GREAT EUROPEAN UNIVERSITIES

The formation of what we think of as Western Europe saw the growth of the Catholic Church and with it the origin of the great European universities—Paris, Oxford, Cambridge, Bologna. By the late 19th century, reformation, revolution and decay had severed the Church from the intellectual tradition it had once nourished. Only in the words of a handful of church leaders was the great tradition preserved. Cardinal Newman, for example, could still formulate a vision of the university as "a place of teaching universal knowledge". In developing the idea of a university, he declared, "If we reason, we must submit to the conditions of reason. We cannot use it by halves . . . and we should act more wisely in discountenancing altogether the exercise of reason, than in being alarmed and impatient under the suspense, delay and anxiety which, from the nature of the case, may be found to attach to it. There is no intellectual triumph of any truth of religion which has not been preceded by a full statement of what can be said against it. . . . Great minds need elbow room, not indeed in the domain of faith, but of thought. And so indeed do lesser minds, and all minds."

CHURCH-RELATED UNIVERSITIES IN THE 20TH CENTURY

The conditions necessary for a university might be perceived and eloquently stated by a prophet, but in the 19th century and still into the 20th, Church-related institutions were more often governed by the notions of a seminary than patterned after their medieval exemplars or the vigorous ideal of Newman. For many years church-related institutions have been recognized as second class citizens of the academic community so far as academic freedom is concerned. Even the 1940 statement on academic freedom inferentially accepted this status when it provided that "the limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of appointment."

The relatively brief span of 30 years since adoption of the 1940 statement has witnessed remarkable changes in higher education generally and in church-related institutions. Particularly in Catholic thought has there been a re-examination of the appropriateness of free intellectual inquiry. So much has changed that in the interpretive comments of the 1940 statement which have just been proposed it was possible for us to qualify the 1940 statement with the observation, "Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 statement, and we do not now endorse such a departure."

REVEREND HESBURGH'S LEADERSHIP

Father Hesburgh has been in the forefront of the leadership in this movement for reexamination of traditional Catholic thought with respect to higher education. The now famous "Land O' Lakes Statement" has been widely regarded as the new charter for Catholic universities. No man more than Father Hesburgh was responsible for that statement—he conceived, nurtured and vigorously championed it. It is a declaration of independence for Catholic higher education in America that could well serve as a model for all church-related institutions. The essence of its message is conveyed in the following excerpts:

"To perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself.

"In a Catholic university all recognized university areas of study are frankly and fully accepted and their internal autonomy affirmed and guaranteed. There must be no theological or philosophical imperialism; all scientific and disciplinary methods, and methodologies, must be given due honor and respect.

"The university should carry on a continual examination of all aspects and all activities of the Church and should objectively evaluate them. Catholic universities in the recent past have hardly played this role at all.

"The intellectual campus of a Catholic university has no boundaries and no barriers. It draws knowledge and understanding from all the traditions of mankind; it explores the insights and achievements of the great men of every age; it looks to the current frontiers of advancing knowledge and brings all the results to bear relevantly on man's life today. The whole world of knowledge and ideas must be open to the student; there must be no outlawed books or subjects."

ACADEMIC FREEDOM

His application of these principles to his own university has been widely heralded. It has been largely through his efforts, as the New York Times editorialized last year, that

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the University of Notre Dame has been established "as a citadel of liberalism among Catholic universities." The imposition of external ecclesiastical controls manifested at some other Catholic universities has not been permitted at the University of Notre Dame.

Academic freedom in Catholic higher education was put squarely to the test when many university professors, particularly in theology departments, placed themselves in opposition to Pope Paul's 1968 encyclical on birth control, *Humanae Vitae*. In the resulting struggle between the hierarchy and the academy, Father Hesburgh made his position eminently clear. In a September 10, 1968 address to the Eighth General Conference of the International Federation of Catholic Universities (of which he is the President), Father Hesburgh stated that the task of the university cannot be achieved ". . . without that intellectual climate of freedom that is the essential atmosphere of a university's research program, especially in theology. It is not something that can be accomplished in the face of arbitrary controls from outside the university's professional community of researchers and scholars."

BIRTH CONTROL

Notre Dame's scholars entered into the center of the birth-control furor. The chairman of the theology department addressed a major open meeting and then published a statement, titled "The Bitter Pill," taking sharp issue with the papal pronouncement. A priest on the faculty was reported as having called the encyclical "grossly inadequate and fallacious," and as having compared the Pope's view of marriage to "sexual plumbing." Another priest-professor wrote in a popular magazine that the manly alternative was for the Pope to retract his mistake. Notre Dame social scientists took issue with papal opposition to governmental birth-control programs, and they spoke in favor of federally assisted public contraception campaigns.

This activity led to no restraints at Notre Dame. Confronted with "The Bitter Pill" at a press conference, Father Hesburgh stated, "I'm against half the stuff said around here, but that's irrelevant. The faculty here are perfectly free, as everyone knows . . ." Referring to those who wanted the dissenters silenced, Father Hesburgh said, "There are always a lot of people around who want to get (the University) into trouble. As soon as something comes out, they put it in an envelope and send it over to Rome. It happens all the time. We are in the world of ideas, ideas are going to be discussed. No ideas are out of bounds."

NOTRE DAME—LEADING CENTER OF CATHOLIC INTELLECTUAL THOUGHT

It is no exaggeration to observe that under Father Hesburgh's leadership the University of Notre Dame has become recognized as one of the leading centers of Catholic intellectual thought. The rise of Notre Dame under Father Hesburgh's leadership is powerful evidence of the force of an untrammeled commitment to academic freedom, a commitment which Father Hesburgh put recently in the following words:

"If theology is to re-enter the university, even the great Catholic university, in strength, it will only be accepted as a true university discipline if it proves itself to be relevant to the total scene of knowledge, and operating under the same kinds of university conditions of freedom and autonomy as the other disciplines do in the university.

"The Church does not have to re-enter this world, but if it wishes to do so, it must follow these established university rules of freedom and autonomy, and dedication to all the varieties of knowledge and all the varied ways of knowing which constitute in the modern mind the very conditions of life for the university."

Father Hesburgh, I am greatly honored to present you with the Alexander Meiklejohn Award for 1970.

Mr. Speaker, at this point in the RECORD I insert the remarks made by Father Hesburgh in response to the presentation of the Meiklejohn Award:

REMARKS MADE BY THE REVEREND THEODORE M. HESBURGH, C.S.C., PRESIDENT, UNIVERSITY OF NOTRE DAME, IN RESPONSE TO THE PRESENTATION OF THE ALEXANDER MEIKLEJOHN AWARD FOR ACADEMIC FREEDOM BY THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, LOS ANGELES, CALIF., APRIL 25, 1970

Mr. Chairman: I find it difficult to express adequately how very pleased, honored, and grateful I am to receive the Alexander Meiklejohn Award. May I also accept it in large measure as an award to the University of Notre Dame, and to all my academic associates there who cherish the implications of this award every bit as much as I do. My gratitude is to your whole association in general, and to our Notre Dame Chapter of the AAUP in particular, for they have ever been generous and staunch allies. There has never been any doubt about where they stood whenever there was the slightest doubt that academic freedom might be jeopardized on our campus or in our country. Theirs has been a strength that has always been strongly communicated to our total academic community.

A QUARTER-CENTURY AT NOTRE DAME

This year I am completing twenty-five years at Notre Dame as a faculty member and administrator. These years have seen many and profound changes at Notre Dame and throughout American higher education. Most of us have been so busy looking forward that we have had all too few occasions to look backward, even to the fairly recent past. We hear often that our students think history began yesterday, and I fear we sometimes act as if they were right.

THE MEIKLEJOHN AWARD AND ACADEMIC FREEDOM

The Alexander Meiklejohn Award for Academic Freedom calls our attention to at least two things: First, that academic freedom is by no means a new concern in higher education. Safeguarding academic freedom has been a constant struggle in higher education since universities began and, in the broader sense, since men began to teach one another. In this connection, may I congratulate the American Association of University Professors on its eternal vigilance. I should like to say another word later on the special need for that vigilance today. Secondly, the award, by its very name, reminds us that American higher education has been blessed in its history with a number of educational giants, men of exceptional vision, energy, and talent to whom we are all greatly indebted. Alexander Meiklejohn is included among them. Lawrence Veysey in his brilliant book, "*The Emergence of the American University*, writes, "In 1912 Meiklejohn was to become president of Amherst College and in that role mark out some of the fundamental directions for liberal education during succeeding decades". (p. 211)

ACADEMIC FREEDOM AND THE CATHOLIC UNIVERSITY

I note from the list of previous winners of this award that I am the first representative of a Catholic university to be so honored. As a priest and theologian, I thought I might say just a word about the special meaning that academic freedom has for us in a Catholic university. (Incidentally, in 1967 we published at Notre Dame a book on this precise subject. Its title is *Academic Freedom and the Catholic University*.) Perhaps because of certain historical misunderstandings, we in the Catholic universities particularly are more sensitive to possible infringements on academic freedom than those who have not shared the same experiences and fought the same battles.

Academic freedom, like all freedom, is grounded ultimately in the nature of man and of society and of the development of knowledge and intelligence. Man's greatest genius and dignity, as well as his last best hope, are in his intellect and in his search for truth. In an imperfect and fallible world, man cannot, in fact, be man—he cannot be true to himself—unless he is free to follow any argument, any research, any point of inquiry, wherever it may lead. Those in the academy must be free to share their convictions and responsible conclusions with their colleagues and students, in their teaching and in their writing, without fear of reprisal.

Even if it should want to, which, of course, it does not, the Church could not impose its theological system on anyone. To accept the teaching of the Church is a free act or it is nothing at all. There is no conflict between the goals of the Church and those of the university. These goals and objectives, in fact, complement one another. As was pointed out by Vatican Council II: ". . . the Church recalls to the mind of all that culture must be made to bear on the integral perfection of the human person, and on the good of the community and the whole of society. Therefore, the human spirit must be cultivated in such a way that there results a growth in its ability to wonder, to understand, to contemplate, to make personal judgments, and to develop a religious, moral, and social sense." (The Documents of Vatican II. Walter M. Abbott, General Editor. The American Press, 1966, p. 265)

THE LAND O'LAKES STATEMENT

At the close of Vatican Council II, it seemed important to me—in another capacity as President of the International Federation of Catholic Universities—to have Catholic universities worldwide clarify their commitment to academic freedom. We began by a meeting of North American representatives at Notre Dame's retreat in Northern Wisconsin. This resulted in what has come to be known as the 1967 Land O'Lakes Statement. May I quote three short passages from that statement:

"The Catholic university today must be a university in the full modern sense of the word, with a strong commitment to and concern for academic excellence. To perform its teaching and research functions effectively, the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say this is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities."

"In a Catholic university all recognized university areas of study are frankly and fully accepted and their internal autonomy affirmed and guaranteed. There must be no theological or philosophical imperialism; all scientific and disciplinary methods, and methodologies, must be given due honor and respect. However, there will necessarily result from the interdisciplinary discussions an awareness that there is a philosophical and theological dimension to most intellectual subjects when they are pursued far enough. Hence, in a Catholic university there will be a special interest in interdisciplinary problems and relationships."

"The student must come to a basic understanding of the actual world in which he lives today. This means that the intellectual campus of a Catholic university has no boundaries and no barriers. It draws knowledge and understanding from all the traditions of mankind; it explores the insights and achievements of the great men of every age; it looks to the current frontiers of ad-

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vancing knowledge and brings all the results to bear relevantly on man's life today. The whole world of knowledge and ideas must be open to the student; there must be no outlawed books or subjects. Thus the student will be able to develop his own capabilities and to fulfill himself by using the intellectual resources presented to him."

EIGHTH GENERAL CONFERENCE OF THE INTERNATIONAL FEDERATION OF CATHOLIC UNIVERSITIES

Concurrently with our Wisconsin meeting, other regions of the Federation met in Paris, Bogota, and Manila, and the following Summer all together for the Eighth General Conference of the Federation at Lovanium University in Kinshasa, Congo. To give you a flavor of this meeting, I shall only cite one paragraph of my Presidential Address:

"The university, therefore, is the very quintessence of the pilgrim Church in the intellectual order, seeking answers to ultimate questions in concert with men of intelligence and good will, drawing on all knowledges and every way of knowing and, especially, bringing every philosophical and theological insight to bear upon the monumental task at hand, whatever the source of these insights. This is no task for amateurs or dilettantes, nor for second-rate scholars or institutions less than first class. It is not a task that can be done without that intellectual climate of freedom that is the essential atmosphere of a university's research program, especially in theology. It is not something that can be accomplished in the face of arbitrary controls from outside the university's professional community of researchers and scholars."

CONTINUING FIGHT FOR ACADEMIC FREEDOM

I would like to add to all these fine words that academic freedom does not live by rhetoric alone. Each year brings its new crisis. When the battle seems newly won, hostilities break out on another front. It is not so much that freedom is fragile as that it must be won daily, and exercised daily and responsibly, by each of us. Ignazio Silone puts it well in his book, *Bread and Wine:*

"Freedom is not something you get as a present. . . . You can live in a dictatorship and be free—on one condition: that you fight the dictatorship. The man who thinks with his own mind and keeps it uncorrupted is free. The man who fights for what he thinks is right is free. But you can live in the most democratic country on earth, and if you're lazy, obtuse, or servile within yourself, you're not free. Even without any violent coercion, you're a slave. You can't beg your freedom from someone. You have to seize it—everyone as much as he can."

ACADEMIC FREEDOM TODAY

What Silone says of a person is also true of each institution. Which raises two most central questions for each of us and for each of our institutions today. I do not pretend to know the full answers, but I will pose the questions:

(1) Are we making the best use of our academic freedom today? and (2) Is the world around us developing a climate in which our freedom within will be increasingly disrespected, threatened, diminished, and, if possible, extinguished from without? I believe that the two questions are not unrelated. In fact, if we answer the first question badly, we almost guarantee a bad answer to the second question.

As to the first, we need often to be reminded that academic freedom is not so much freedom *from somebody or something,* as freedom to do something, which raises the whole question of what universities should be doing today with their freedom. Alexander Meiklejohn might come back to haunt me if I did not insist here that we use our freedom to do something really creative and imaginative to reform and revivify liberal education which should be at once the guarantee and the crowning achievement of academic freedom. But beyond this urgent and general task that faces us, what of the particular use of our freedom to view our society critically and to exercise our best moral judgment on a whole host of pressing modern topics: The sacredness of human life, the dignity of man, human rights and human equality, the uses of science and technology, war and peace, violence and non-violence, human as well as physical pollution, the quality, meaning, condition, and effectiveness of academic life, academic commitment, academic protest or protestation or, at times, posturing as we confront these vital issues which sometimes seem more important to our students than they do to us. I am not suggesting the politization of the university, but as a professional class of university men and women, do we effectively bring to our times the wisdom, the insight, the courage, and the moral judgment that should characterize our profession?

As to the second question, I would remind you that as recently as last week a majority of Americans in a CBS News nationwide poll appeared willing to cancel five of the ten guarantees of our Bill of Rights. As James Reston has observed, "The uses of physical violence against the people, property, and institutions of the United States in defiance of the law have created a climate of fear in the country, and under the dominion of fear, a great many people now seem willing to choose order at the expense of their liberties, or at least at the expense of somebody else's liberties." (New York *Times,* April 19, 1970)

The times call for vision and leadership to an extraordinary degree, and hope as well. The French have a saying that "fear is a poor counselor." I suppose that the obverse of that is a call to each of us to use our freedom with courage and, hopefully, with wisdom.

PERSONAL ANNOUNCEMENT

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute.)

Mr. SCHADEBERG. Mr. Speaker, I was in my district taking care of my responsibilities on Monday and Tuesday of this week. While I made arrangements before leaving Washington to have my votes paired, I make this statement for the RECORD to show what my position would be on the following rollcalls had I been present:

On rollcall No. 91 I would have voted "yea."

On rollcall No. 92 I would have voted "nay."

On rollcall No. 93 I would have voted "nay."

On rollcall No. 95 I would have voted "yea."

On rollcall No. 96 I would have voted "yea."

WALKS FOR DEVELOPMENT: MAY 3, 1970

The SPEAKER pro tempore (Mr. ALBERT). Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 1 hour.

Mr. MIKVA. Mr. Speaker, I am pleased to join with several of my colleagues in discussing the commendable efforts of the American Freedom From Hunger Foundation and its young world development program. On May 3, the foundation, a nonprofit, nonsectarian organization, will sponsor some 15 hikes against hunger across the Nation.

In these walks for development, walkers will raise money by soliciting pledges from sponsors who will pay a specified amount for each mile that the walker covers in a 24-mile course. Last year, the walks netted $12,000 for a nutrition center in Honduras and various American nutrition programs. Part of this year's funds will be used to build a nutritional training center in Costa Rica.

The importance of the Walks for Development, however, is not limited to financial contributions. The effect of the walks is to quicken public awareness of hunger and to stimulate involvement in antihunger efforts. And as Members of Congress, we all know the vital role that an informed, concerned public can play in advancing progressive legislation—such as that to fight poverty and hunger.

That fight must be fought; 10 million Americans continue to eat promises instead of protein. I know that my colleagues share this great concern. Many of you have been witnesses to this concern by walking in previous Walks for Development.

I am delighted that many young Americans, such as those in Young World Development, have concluded that hunger is an international scandal. I am heartened that they worry about children going to bed hungry. I hope that we can join them as an "ageless" new generation, dedicated to the task of completely eradicating the scourge of tortured, hungry people in our Nation and all nations, and dedicated to the proposition that the most basic human need must be fulfilled as the most basic human right.

On May 3, thousands will walk against hunger and for humanity. They will march against malnutrition and for humanity. Let us join them and in so doing, affirm that we can indeed be a compassionate people.

Mr. DADDARIO. Mr. Speaker, over 5 years ago the Congress enacted the Food Stamp Act and established a policy, "to safeguard the health and well-being of the Nation's population and raise the level of nutrition among low-income households." This commitment was reaffirmed 1 year ago by the President when he declared that the "moment is at hand to put an end to hunger in America itself for all time."

A review of our food programs and an inquiry into the plight of the poor finds our efforts inadequate and our policies unfulfilled.

The Department of Agriculture estimates that only 5.4 million poor will be participating in the food stamp program by June of this year. At the same time, the Manpower Report of the President in January 1969 estimated that there are 11 million chronically poor people. These and countless other statistics which estimate as many as 15 to 20 million poor, indicate that the food programs have fallen far short of their declared goal. For example, the National Council on Hunger and Malnutrition in the United States estimates that "the average participation rate of poor people in food stamp programs in the 50 States is 21.6 percent."

This week, April 27, Dr. Arnold Schaffer of the Department of Health, Education, and Welfare reported to the Senate Select Committee on Nutrition and Human Needs the data from the first two States to a 10-State study analyzing the nutritional status of the lower quartile income areas in those States that the data indicated widespread malnutrition as signified by growth retardation, anemia, and unacceptable levels of serum albumin, vitamin A, vitamin C, and riboflavin. These data reveal that 30 to 81 percent of all daily diets were low in iron, 26 to 63 percent were low in vitamin A, and 27 to 56 percent low in vitamin C. Low daily thiamine, riboflavin, and protein intakes were found in up to 44, 32, and 54 percent respectively, in certain age groups.

Consistently, anemia was one of the major problems encountered in the national survey. But, "the subgroup whose diets appeared to be most inadequate were infants." Seventy-five of them in one State and 78 percent in the other consumed diets which contained less than 70 percent of the recommended intake.

An analysis of vitamin A deficiency produced similar findings. "The most striking findings were in children and adolescents." In one of the States studied, over 60 percent of these age groups had unacceptable levels.

Unacceptable amounts of the serum levels of vitamin C were, "most evident in children 36 months and younger." When thiamine levels fell short of the standards, "this highest prevalence were clustered in the individuals 10 to 16 years of age." Finally, in the analysis of riboflavin, "the highest percent of subjects consuming diets containing less than 70 percent of the standard were individuals 60 years of age and over with adolescents having the next highest prevalence rates."

I am shaken by these reports and awakened by such testimony. Five years ago we in the Congress made a commitment to insure adequate nourishment for every American. Recent USDA reports and Dr. Arnold Schaffer's research makes it clear that our past and present efforts are failing. I believe our assumptions have been wrong for we assumed that if programs were created which furnished food stamps or commodities, the needy would automatically come to the sources of supply and take advantage of the programs. We did not realize 5 years ago that so many Americans had no cash money at all and hence, could not afford to pay even the smallest amount for stamps. We did not realize that administrative regulations developed by our food programs would become so restrictive. We did not appreciate the fact that so many school systems had no cafeteria or food services and hence could not participate in the free lunch program.

Now we know. A nation with the resources and technical ability so dramatically demonstrated in space can, I am sure, design a better program or method to adequately feed our citizens.

We can begin by providing for programs that allow fuller participation. This means taking care of the "over 9.3 million pupils who lack lunch service"—USDA estimate. It means putting food programs in almost 30 percent of the schools which do not have lunch services. Most of these schools cannot afford the facilities—yet the current administration request for nonfood funds calls for a reduction of over $2 million. But it also requires that when services are available, participation be possible. Presently, only 39.4 percent of the children in elementary and secondary schools participate. In many cases, special attention will have to be directed to those students unable to purchase a lunch. H.R. 515, as amended in the Senate, does much to facilitate these changes.

Also, food stamp legislation which incorporates rather than restricts, which is concerned with participation and nutrition, as opposed to eligibility and possible violation, will do much to fulfill our promises and feed our children.

There are no lingering doubts about the seriousness of the condition of millions in this Nation. We have all the facts illustrating both the need and the failure of our present efforts. It is now time to correct the errors in past programs and take new initiative to provide the most needy with at least the bare essentials of life.

Mr. GUDE. Mr. Speaker, I am pleased to join in commending the walks sponsored by the American Freedom From Hunger Foundation to focus public attention on the problem of hunger and to raise money for self-help projects to fight it. The next series of hikes will be held on May 3 to raise funds for a nutritional training center in Costa Rica and a day-care center in Oxon Hill, Md.

The days are gone when Americans could deny that malnutrition and plain hunger afflict many citizens of the richest country in the world. The plight of the invisible poor has been highlighted by journalists, doctors, and congressional committees. I have seen it myself. Even though the suburbs of the Eighth District of Maryland are among the most prosperous in the Nation, we have pockets of poverty and a real need for programs such as free school lunches. Children who are hungry cannot concentrate on schoolwork. Children who are chronically hungry may be so stunted in their mental and physical growth that they can never hope to earn an adequate income and leave the ranks of the poor. Hunger must be eliminated if we are ever to break the cycle of poverty.

The report of the President's Commission on Income Maintenance Programs pointed out that despite the considerable ingenuity of poor women in stretching meager funds, the Department of Agriculture's 1965 food consumption survey showed that 63 percent of households with incomes under $3,000 had inadequate diets. I strongly supported the President's Family Assistance program because it will begin to provide a basic income, plus food stamps, for needy and hungry families. To this must be added the kind of self-help programs undertaken with the proceeds from the hikes we commend today.

In addition to providing income and food to the poor, we need to make available more training in nutrition and consumer education, and more cooperatives and rural credit programs to help the poor to emerge from chronic poverty. I salute the American Freedom From Hunger Foundation for its work in establishing such programs, both in this country and abroad.

Mr. HANNA. Mr. Speaker, on a lovely September day in 1968 I participated in a unique and rewarding experience. I had the opportunity to join with dozens of fascinating people in a hike against hunger. Each of us were sponsored by a concerned businessman or group who contributed a specific amount of money to the Freedom From Hunger Foundation for each mile we hiked.

Perhaps some cynic might ask why go through the motions of staging a hike in order to obtain contributions for a program whose worthy purpose is so clearly evident. Anyone asking the question misses the point of the walk. For the most part those concerned enough would contribute without an effort that pays by the mile. The hike does something else—something more important. It focuses the attention of the community on the plight of those people assisted by the Freedom From Hunger Foundation. It provides a needed forum. It serves as a poignant reminder that people are starving. The walk also reminds us that everyone more fortunate can help.

It is a pleasure for me to associate myself with the special order of the honorable and distinguished gentlemen from Illinois. He is performing an important service by giving the planned, May 3 "hike against hunger" a forum in the House. I would certainly encourage any of my colleagues who have the time to participate in one of the hikes. Not only is such an experience healthy—it is personally rewarding.

GENERAL LEAVE

Mr. MIKVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAFIA INVASION OF BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, an informative article dealing with the invasion of legitimate businesses by the Mafia has appeared in the March–April 1970 issue of the Harvard Business Review. The article by Mr. Charles Grutzner, a reporter for the New York Times, reveals how insidious are the methods which the Mafia employs to infiltrate the business community. Examples as blatant as murder and threats of physical harm and as sophisticated as corporate mergers and acquisition of businesses by holding companies are listed as the devices through which the syndicate has obtained control of economic units within our society to the detriment of other owners, creditors, customers, and the public generally. The author urges owners and managers to be alert for indications of Mafia infiltration and to take positive, immediate steps to bring such infiltration to the attention of the proper authorities and their businesses' trade associations.

An alert business community is, of course, a great asset in the monumental struggle against the forces of organized crime in business. We Members of the Congress must, however, insure that the Federal Government does its share. There is at the present time before the House Judiciary Committee S. 30 of which title IX is designed specifically to limit and, hopefully, eradicate the dominance of businesses by the families of the Mafia. Title IX prohibits the use of funds derived from racketeering activity to establish or acquire interest in an enterprise in interstate commerce. In addition, it forbids acquisition of businesses in interstate commerce through patterns of racketeering activity and proscribes interstate business operations through patterns of such racketeering activity. Fine, imprisonment, and forfeiture provisions give title IX adequate strength to severely impair Mafia infiltration of business operations.

Hearings have now been scheduled on S. 30, and I am confident that we should be able to process this vitally needed legislation both fairly and expeditiously. I know that the passage of title IX—along with the other provisions of the bill—will give the Government invaluable new weapons in the fight against the invasion of our business institutions by the Mafia and will insure that the Government is carrying its share of the load in the fight against organized crime.

Mr. Speaker, I include the text of Mr. Grutzner's article in the RECORD at this point:

HOW TO LOCK OUT THE MAFIA: MANAGEMENT CAN PLAY A LEADING ROLE IN COUNTERING THE ALARMING INCREASE IN INFILTRATION INTO REPUTABLE COMPANIES

(By Charles Grutzner)

FOREWORD

In this article an expert on organized crime in the United States looks at his subject from the particular viewpoint of business executives. Using actual examples from recent years and drawing frequently on his own firsthand knowledge of cases, he shows how businessmen are victimized by organized crime, what kinds of ruses and machinations are used by the underworld, and how the typical businessman's attempts to extricate himself get him into deeper trouble still. Then he looks at the question of how an executive can detect inroads into his company by organized crime, and what counteraction he should take. Predictions are also made of likely future "growth industries" for underworld organizations.

For the past six years Mr. Grutzner has been writing about the activities of organized crime for *The New York Times*. A veteran newspaperman, he has received a number of awards for excellence in reporting.

The success of organized crime is no longer news to business leaders. It has been well publicized in *The New York Times, The Wall Street Journal, Life,* and many other periodicals. Nevertheless, well-intentioned businessmen continue to play into the hands of underworld organizations. Judging from reports, they are victimized almost as easily now as they ever were. Unwittingly, many often seem to act like passive allies of criminal organizations; and when they are duped into that role and finally wake up to the fact, they don't seem to know what to do to extricate themselves. Other businessmen are really victims of their own greed; they become involved with organized crime in the hope of gaining an advnatage or turning a profit.

These statements are not limited to the proprietors of grocery stores, laundries, appliance outlets, and other small businesses. They apply to the top executives of prosperous, respectable, well-established corporations of all sizes and in many industries. This is one of the facts which I, along with other reporters and many law enforcement officials, find most alarming. What I shall try to do in this article, therefore, is to help business leaders to understand the nature of the problem, and to show them that there are countersteps they can take which are relatively simple, direct, and effective—without jeopardizing their own safety or that of their families.

To begin, let us examine the nature of organized crime and how it infiltrates legitimate business, focusing on the facts and aspects that are important for effective counteraction purposes.

ROLE OF "SILENT MAJORITY"

Despite the efforts of law enforcement agencies and such business organizations as the U.S. Chamber of Commerce, the National Industrial Conference Board, and others, the flood of underworld money, muscle, and managerial activity seems to be spreading faster than it can be drained off. A large part of the explanation is businessmen's reluctance, for one reason or another, to turn over to official investigators and prosecutors their specific suspicions and evidence of infiltrative attempts. The reticence of this "silent majority" has made matters far easier for the underworld—and far more difficult for legitimate business.

GOLDFINGER LENDS A HAND

Perhaps the best way to illustrate the role played all too often by uncommunicative businessmen is to take an actual example from recent experience:

The Progressive Drug Company in New York, a respectable family enterprise that prospered into a $10 million-a-year wholesale business, was sold after the founder's death to the Pawnee Drug Company. Strange things began to happen. As the State Investigation Commission found out later, Twentieth Century Industries, a giant conglomerate whose top officers had dealings with identified members of the Mafia, had created Pawnee for the sole purpose of acquiring Progressive. Under the new ownership, Progressive was milked dry for the benefit of underworld figures and other subsidiaries of Twentieth Century Industries. It went into bankruptcy with losses to creditors.

The weird sequence of events in the rape of the Progressive Drug Company begin with a switch in the company's labor contract, which had been with a reputable AFL–CIO union, to a local of the unaffiliated Teamsters Union. The ploy, listed in the Chamber of Commerce's *Deskbook on Organized Crime*[1] as a telltale indicator of possible hanky-panky, went apparently unnoticed by Benjamin Goldfinger, who had been a vice president of Progressive and whom the new owners kept in the same post after the sale.

Goldfinger was directed by one of his new bosses to put one Dominick (Nicky) Bando on the payroll at $150 as a guard at the company's warehouse in the Bronx, and to hand to Bando an additional $100 in cash each week "to insure labor peace." Testifying as a subpoenaed witness before the State Investigation Commission after the bankruptcy, Goldfinger swore he had been ignorant that Bando was an ex-convict and an associate of Mafiosi. Bando's record showed prison terms for dealing in narcotics and for the acid blinding of Victor Riesel, the journalist who had exposed the labor racketeering of John (Johnny Dio) Dioguardi.

It developed that Goldfinger had also made cash payments in amounts of $100 to $200 at a time to a man he said he knew only as "Abe," who was neither an employee nor a creditor of Progressive but who was connected with another subsidiary of Twentieth Century Industries. There were other payments that Goldfinger knew were, to use the kindest word, "irregular—$13,405 to an affiliate company for "merchandise" never delivered, and $2,000 to the comptroller of another affiliate firm for nonexistent "services rendered."

Goldfinger, a slightly built man who had receding gray hair and who wore glasses, was unable to hide from himself the obvious illegality of these and other transactions. Although he kept silent until the State Investigation Commission people called him in (too late to save the company and its creditors), he was keeping a private journal in which he listed the cash payments against a possible day of reckoning. The Commission induced him to testify at open hearings in 1969 after giving him immunity from prosecution. Other witnesses, from ex-convict Bando to Martin Goldman, Vice President of Twentieth Century (which controls or has interests in mining, drug, soft drink, and plastic companies) invoked the Fifth Amendment against self-incrimination in refusing to answer questions at the hearings.

RESULTS OF RETICENCE

The Progressive Drug case was one of more than a dozen in different industries laid bare by the Commission in seven days of public hearings in New York City. Each case made clear one or another of the ways in which organized crime gains an interest or complete domination of a hitherto legitimate business and either operates it in unlawful or unethical ways to increase its profits and destroy competitors, or else bankrupts the captive company by siphoning off its assets. The perpetrators were found to be at work in the areas of banking, insurance, restaurants, bagel baking, butcher knife grinding, trucking, kosher meat, supermarkets, and plastics.

In not a single case did the legitimate entrepreneur who was the target of the illegal maneuver step forward to inform federal or local law enforcement agencies of the obvious evidence. Such early information, along with a willingness to testify, could have thrown the invasion strategy off balance, saved many businesses from ruin, averted puffed-up costs for legitimate competitors and inflated prices for consumers, and transferred some of the underworld agents from executive offices to prison cells.

Of course, some of the invaders have gone to prison, along with the businessmen and public officials they corrupted. There have been convictions for fraud, labor racketeering, income tax evasion, extortion, larceny, perjury, conspiracy, and other specific crimes connected with business take-overs. But these convictions represent only a fraction of the cases known to enforcement officials. An even larger number of flagrant cases of underworld infiltration gather dust in prosecutors' files, often until statutes of limitation wash them out, while investigators search desperately for witnesses whose testimony is essential for a court case.

The public, including businessmen, frequently wonders why disclosures by Congressional committees and state investigation commissions of clearly illegal activities fail so many times to result in criminal prosecution. The answer is simple. It is one thing to produce the testimony of investigators and subpoenaed books, records, and bank accounts at public hearings, with the public drawing its conclusions from the repetitive invoking of the Fifth Amendment by the principals. But it is an altogether different thing to get people involved in or innocently affected by the criminal acts to mount the witness stand in a courtroom and give the kind of testimony required for conviction.

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[1] Available from the U.S. Chamber of Commerce, 1615 H Street, N.W., Washington, D.C. 20006 ($2 per copy, reduced rates for quantity orders).

Some of the information about the infiltration of legitimate business has resulted from routine surveillance of known members of the criminal organization, some from tedious checking of corporate records, some from wiretaps and electronic bugs, some from underworld informers. But *almost none* has been supplied voluntarily to official agencies by legitimate businessmen who became unwilling or willing associates of criminals.

MASKS OF THE MAFIOSI

How do the leaders of "America's number-one growth industry," as it has been called, get inside legitimate businesses? (See the ruled insert on page 49 for details on the extent of organized crime.) In answering this question, which has an obvious bearing on the strategy of counteraction by legitimate companies, it would be well to keep in mind the two principal motives of the underworld's "top management":

1. It wants to put the profits of its illegal enterprises to work earning more money. The huge take from gambling and loan sharking, for instance, cries for reinvestment in other ventures. This need is so pressing that every major Mafia borgata has its own "money mover"—a member or associate whose function it is to find the weak or willing spots in the business community where the ill-gotten gains can be used as seeds for further profits.

The idea of unemployed capital is as repugnant to the bosses of organized crime as it is to any banker or captain of legitimate industry. And the infusion of tainted capital into the nation's business and industrial fabric requires an underworld organization and highly skilled "money movers." The difficulty of such reinvestment without a coordinated organization is illustrated in the sad plight of "Newsboy" Moriarity, a highly successful, bigtime numbers-game operator in Jersey City who remained independent of the criminal syndicate. Without a "money mover" to handle his surplus from gambling, Moriarity couldn't put his profits to work as fast as they rolled in. The police eventually found $2,500,000 in cash stashed away in the trunk of a car he kept in his garage. The government got most of it for income taxes and penalties.

The No. 1 "money mover" for organized crime is Meyer Lansky (Maier Suchowljansky), a hoodlum who got his start breaking heads in the wars between garment sweatshop bosses and union organizers, and graduated to rum-running, where he became an associate of the Mafia bosses of organized crime and showed a genius in handling their financial investments here and abroad. Lansky's public boast is "We're bigger than U.S. Steel."

2. Many underworld leaders want to seed legitimate businesses with the profits from criminal rackets in order to provide a visible source of earned income. Their principal channels of wealth remain underground. Income from reputable corporations provides a basis for income tax filings, however false in terms of total income, as well as a veneer of respectability.

THE HOOD SAMARITANS

Like guerrilla campaigners in other fields, the agents of organized crime infiltrate their target areas along devious trailways where possible. In the guise of labor relations consultants, they entice businessmen who are willing to pay a price for substandard labor contracts into making deals with labor racketeers. Or they offer to supply merchandise at prices so far below market quotations that only a merchant blinded by avarice doesn't spot it as stolen goods or sequestered stock from a fraudulent bankruptcy.

Once a businessman has compromised himself with the underworld, he is vulnerable to further advances. These may take the form of a suggestion that the labor consultant, the phony union leader, or the cut-rate supplier has a friend with some idle funds he would like to invest in the business. Or the seducer may suggest making a loan to expand the business or to handle an influx of new business which he can guarantee. To illustrate:

A supplier promised a meat purveyor that he could get for him, practically overnight, the business of the city's major restaurants and hotels. "There was strong hint that the restaurants and hotels would change purveyors because they did what 'a powerful guy' told them to do," said a federal prosecutor who eventually sent the businessman and his Mafia associates to prison for bankruptcy fraud. "The businessman wasn't so dumb as not to realize that the promise involved coercion of the hotels and restaurants. No, he wasn't dumb that way. He was just greedy dumb."

The loan-shark approach is used to entrap hard-pressed businessmen who would not otherwise have any dealings with racketeers. This is widely employed in industries like garment manufacturing where competition among small entrepreneurs produces a rags-or-riches business climate. Because of the high business mortality, garment makers often find it difficult to get bank credit for the capital they need each season to try their luck with a new fashion line. They borrow from usurers, confident that their line will become a popular success and that they will be able to repay the loan with exorbitant interest and still come out ahead. But if the season isn't a smashing success and the businessman is unable to meet his obligation to the loan shark, the racketeers settle for a partnership—and then they are on their way.

Contrary to a popular impression, the foregoing approach is not limited to high-risk industries. The loan sharks and their underworld bosses like nothing better than to hook onto a substantial, long-established business whose owners may be hard up for ready cash to ride out a temporary emergency. The New York State Investigation Commission learned that certain bank employees were tipping off Mafia money men whenever a business customer had exhausted his line of credit and was unable to get further conventional financing.

Sometimes, as indicated earlier, business executives take a more active role in becoming associated with the Mafia. Once again, though, an apparently simple liaison may lead to an unintended result for the company:

A large Detroit corporation was willing to do business with the local Mafia to get a mortgage loan from a teamster union pension fund. As a consequence it found itself in the middle of a dispute between two criminal groups. The strange involvement came to light with the indictment of 13 men, 10 of them identified by the government as Mafiosi, on charges of conspiring to pay kickbacks to a pension fund officer. The defendants are awaiting trial in federal court.

The Mid-City Development Company of Detroit, according to the government, needed a large loan to buy an industrial building complex in Warren, Michigan in 1964. Management sought help from Dominick Corrado of Grosse Point Park, a top Mafia figure in the Detroit area. Samuel Marroso, a public relations man in Warren, who is also under indictment now, was drawn into the orbit of the scheme and became instrumental in getting a mortgage loan of $1,050,000 from the Teamsters Central States Southeast and Southwest Areas Funds.

Later, according to the government, Mid-City Development sought Mafia help to obtain an additional loan, that one for $200,000. but there was some bickering with the Detroit Mafia over terms. The company allegedly tried then to make a deal for mortgage money through James Plumeri, a captain in the New York Mafia family of the late Thomas Luchese. This led to a dispute between the Detroit and New York Mafia groups.

The Mafia's nine-man national commission, known as the Supreme Court of the Underworld, ruled that the dispute should be settled on neutral ground by a neutral referee. Frank Amato, 75-year-old alleged Mafia boss of southwest Pennsylvania, sat in judgment at a hearing in a Pittsburgh suburb, according to federal investigators, and made this decision: Detroit having priority on the local deal, would handle the entire matter; after the loan was received by Mid-City Development, the New York Mafia would get a cut of the take. The indictment alleges that an illegal kickback of $5,000 was paid to David Wenger, a certified public accountant and auditor of the teamster pension fund, to influence his decision on the mortgage application. The $200,000 loan never materialized from the pension fund despite the alleged conspiracy and kickback payment, according to the government.

CORPORATE CAHOOTS

Organized crime uses some of its illegal profits to set up its own companies, usually under false fronts or proxies. What appears to be a legitimate mortgage and loan company is sometimes a blind for loan sharking and unorthodox transfers of real estate. Or a trucking company and a union local, both established by the same criminal group, may work in cahoots in the pilferage of millions of dollars of cargo at piers and airports. For instance, large scale infiltration along the waterfront and at Kennedy International Airport has been uncovered by the New York-New Jersey Waterfront Commission and by the New York Investigation Commission.

Further, Mafia-controlled companies having branches in Latin America and interests in Europe serve as conduits for the outflow of profits from illicit operations in the United States. Some of the funds go to the smugglers of raw opium from the Near East; some to the refiners of heroin in France and Italy; others to coded accounts in Swiss banks whence some of the money comes back, through U.S. banks, in the form of untraceable investments in major American corporations or equally untraceable "loans" to the very underworld bosses who started the funds on their roundabout journeys. In the latter instance, a gangster, sending his illicit profits deviously into a Swiss bank account, "borrows" his own money from his unidentifiable Swiss account and gets it back as "clean" money to be used in becoming a shareholder in any legitimate U.S. business in which he wants a stake.

A highly profitable form of infiltration is that practiced by some "money movers":

An agent of a criminal organization ingratiates himself with a branch manager of a large bank or a top executive of a medium-sized bank by placing the accounts of the borgata's businesses in the selected bank. Through strategic deposits and social cultivation of the bank executive, the "money mover" manages to be made a director in the bank (such instances have been verified by law enforcement investigators). He eventually attains an eminence where he can approve, or get a higher bank official to approve, the lending of large amounts, sometimes unsecured, at perhaps 8%. The borrower, a fellow conspirator, is a loan shark who puts the money out on the street at interest of anywhere from 120% to 500%.

I could describe other methods, but the foregoing should make the point that underworld leaders today usually present a businesslike appearance and do their business by negotiation. Gone, for the most part, are the days of frontal attacks on business when gangsters walked into nightclubs and saloons and declared themselves partners, with their shares to be handed over each week—refusal to be followed by beatings, bombings, vandalism, and other acts of terror and destruction. *Some* vestiges of terror tactics have survived (e.g., in garbage collection and waste removal), but they no longer are characteristic.

INGREDIENTS OF INFILTRATION

Now let us look at several cases that highlight typical tactics of criminal infiltrators, all-too-characteristic patterns of response of target businessmen, and likely results of such a response for the victims and their companies.

A PINCH OF EXTORTION

A classic in the annals of infiltration began in August 1967 when Maurice Minuto, the president of the Nylo-Thane Plastics Corps. at Farmingdale, New York, was looking for capital to expand his operations, which were built around a formula for speeding the vulcanizing of rubber. Alan Morrell (not identified further in the subsequent testimony) telephoned Minuto to say he had an investor who wanted to meet with him alone that evening in his office. Instead of an investor, there arrived five or six thugs, two of whom put knives to Minuto's sides while a third put a gun to his head. (In this respect, at least, the criminals' approach lacked contemporary finesse.) The leader, identified later from a rogue's gallery photo as Julius (Julie) Klein, a notorious Long Island racketeer and ex-convict, announced: "We're going to kill you unless you give us $25,000."

Minuto was held overnight in a motel, where he wrote a check for $25,000. He was released next day after one of the kidnappers had cashed the check, according to testimony he gave to the State Investigation Commission nearly two years later. (The Commission happened to learn about Minuto's involvement with members of organized crime during the course of another investigation.) Minuto said he did not report the kidnapping and extortion to the police because of Klein's threat to kill his wife and children. But, he did go to see "Gentleman Johnny" Masiello, a major loan shark who had been publicly identified by the FBI as a "soldier" in the Genovese borgata of the Mafia. Minuto's move was a common type of mistake by businessmen victims; hoping to save himself by backstage maneuvering, he succeeded only in making matters worse.

AN OFFER OF COZY CREDIT

The circumstances of the visit to Masiello, as related by Minuto to the Commission, remain somewhat clouded. Minuto said he had previously borrowed money from Masiello but swore he had not known that the dapper "Gentleman Johnny" who wore striking ensembles of electric blue and a huge diamond pinky ring, was a loan shark or a Mafioso. Minuto said his reason for calling on Masiello was to enlist help in preventing further forays against him by Klein and his desperadoes. He said also he went to borrow $25,000 from Masiello in order to reimburse his company, Nylo-Thane Plastics, for the check he had written against its account.

Masiello agreed to arrange a loan. He sent Minuto to the Royal National Bank, whose president and board chairman, William Goldfine, was a friend of the Mafioso's, with instructions to Minuto to take out a loan of $50,000 and "lend" half of it to Masiello. Minuto said he did just that, hoping that his "loan" to Masiello would "get the Long Island hoodlums off my back." Masiello got *most* of the $50,000, instead of half the amount.

Neither Klein nor his gang ever bothered Minuto thereafter. But the manufacturer, already out $50,000, was far from free of the toils of organized crime. Masiello repeatedly induced him to take out new loans from Royal National, to pledge Nylo-Thane shares for the loans, and to sign over other shares of Nylo-Thane to the Mafioso and his associates. In testimony about one transfer of 25,000 shares to the president of the Masiello-controlled Setmar Holding Company, Minuto explained: "I felt an obligation to Setmar. I just handed this [stock] over to Mr. McKeever and said: 'Thank you for everything you've done for me in the past.' Later Mr. Masiello called me and said: 'Thank you for the shares.' "

Nylo-Thane, which had been offered at $4 a share when it first went public, began in 1967 a meteoric rise to $88 a share. After trading in it had twice been suspended by the SEC, the stock had leveled off at about $22 by March 1969, when the State Investigation Commission hearings were held. By November it had plummeted to 2¾.

As for Minuto himself, the Commission's hearings revealed that he had become obligated for $515,000 in bank loans, of which he had received only $13,500 for himself. A total of $292,500 had gone to Masiello and his associates, and $179,000 had been eaten up by interest, bank discount, premiums on a policy issued by an Oklahoma insurance company, premiums on a fidelity bond of a Florida surety company for collateral for some of the bank loans, other fees, and $45,000 given by Minuto to two Las Vegas hotels to liquidate the gambling debt of a known racketeer. In addition, $1.3 million of Minuto's Nylo-Thane stock was either held by the bank as collateral on unpaid loans or had been given to Masiello and his associates.

The Commission's chart showing all this was captioned: "The High Cost of Protection."

A DASH OF RESPECTABILITY

Not content with his mulcting of the Long Island businessman, Masiello managed also in 1967 to get $466,000 from the United States Government in the form of Small Business Administration loans. In this, as in his dealings with Minuto, the Mafioso had help from the banker Goldfine. The Royal National Bank put up 25% of the amount of the loans to meet the federal requirement for Small Business Administration outlays. As Paul Kelly, Associate Counsel to the State Investigation Commission, later declared, this chain of events in effect "put the federal government in the position of financing Masiello's loan-shark activities." Masiello, a jaunty witness, invoked the protection of the Fifth Amendment in refusing to answer any of the 21 questions put to him at the Commission's hearing, including whether he had used the federal loans for loan sharking.

Goldfine made an interesting witness. Although admitting to a first-name friendship of many years with Masiello, he swore that he never knew Masiello was a loan shark or a Mafioso—matters that had been reported prominently in newspapers over the years. And although Goldfine had sponsored Masiello for the federal loan, he said under questioning that Masiello and his companies constantly were overdrawn by more than $100,000 at the Royal National Bank At that time, Setmar Holding Company (one of Masiello's organizations) owed the bank $106,000; and A.N.R. Leasing Corp., a truck company headed by Masiello's son, John, Jr., owed the bank $135,000.

Goldfine acknowledged that at a dinner marking his seventieth birthday, he had been pledged 5,000 shares of Nylo-Thane by Masiello. He said that the stock was turned over to the Hebrew Home for the Aged in Riverdale, beneficiary of the birthday dinner.

A red-faced Small Business Administration called in the loans to A.N.R. Leasing. The area administrator, pleading ignorance of Masiello's background, explained that the agency customarily relied on information supplied by the sponsoring bank about the prospective recipient. A.N.R. Leasing Corp. also had $2 million in contracts for truck rentals to the Post Office Department. Masiello is awaiting trial in federal court on charges of bribery of postal employees in connection with those contracts.

AN INDUSTRIOUS INSIDER

Less dramatic perhaps, but equally deadly to the target company, was the plot engineered by members of two Mafia borgatas against Murray Packing Company, supplier of meat, poultry, and eggs to wholesalers and markets. The action began when the legitimate owners, a father and son and their partner, found themselves short of working capital. Joseph Pagano, a salesman for the company, arranged for a loan from the Jo-Ran Trading Corportion.

How Pagano, a convicted narcotics trafficker and a member of the Genovese borgata, had got the job as salesman is not clear (from testimony at the trial later on). It developed, through, that Jo-Ran Trading Corporation was a loan-shark operation owned by Peter Castellana, a member of the Carlo Gambino borgata, and by Carmine Lombardozzi, "money mover" for Gambino. The versatile Castellana was also the president of Pride Wholesale Meat and Poultry Corporation, a Brooklyn organization which was soon to become part of the action.

Jo-Ran Trading lent Murray Packing Company $8,500 at interest of 1% a week. As the debt increased, the legitimate owners could not resist Castellana's demand that Joseph Pagano be moved up and made an executive with check-writing authority to "protect the investment."

A systematic looting of the company got under way, simultaneously with a tenfold increase in its purchases from processing plants. As shipments of meat and poultry rolled into the Murray Packing plant in the Bronx, much of it was "sold" at less-than-cost prices to Pride Wholesale Meat and Poultry Corporation. In this way Pride Wholesale and the retail markets controlled by the Mafia were able to undercut legitimate competitors.

This was all done within the 30-day period before Murray Packing's payments to the processors became due. The siphoning off of the funds was accomplished with underworld finesse. Checks from Pride Wholesale to Murray Packing covering the enormous sales to Castellana's company, would be taken by a messenger (who was another Gambino Mafioso) to the bank along with Murray Packing checks made out to cash by Joseph Pagano in the same amounts as the Pride Wholesale checks to Murray.

A phone call from Pagano to an official of the bank then insured that the exact amount of cash would be awaiting the messenger, who had only to go to the designated teller, hand him the checks, and pick up a bundle of money. In a short time $745,000 was stolen. During the bankruptcy proceedings that followed, the conspirators sequestered another $112,000 of Murray Packing's assets. The losers, besides the original owners, were the processors and other creditors.

Castellana, Pagano, the Mafia messenger, and the three original owners were convicted of bankruptcy fraud. In a plea for leniency for the latter, their lawyer described them as victims of "a situation with which they could not cope" and told the court they had not profited from the looting of the company. Judge Dudley B. Bonsal, directing his remarks to the trio, said: "It takes my credulity that you couldn't see that the creditors were being defrauded."

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OR PERHAPS A CONSULTANT

After the Chrysler Building was sold in 1960, there was a strike of service and maintenance men. The new owners, Sol Goldman and Alex DiLorenzo, hired S.G.S. Associates, a self-described "labor relations" firm, to help them. Subsequently, the strikers complained that "goons" with guns in holsters arrived at the building in Cadillacs and took over elevator operations. The strike was settled with the help of the Mayor's office, and the complaint about the "goons" went into limbo.

Five years later, when FBI agents were questioning clients of S.G.S. Associates in connection with another investigation, *The New York Times* revealed that the "G" in the firm's name was Carlo [Don Carlo] Gambino, boss of a Mafia borgata whose members operated in a wide range of legal and illicit enterprises. Gambino's partners of record in S.G.S. Associates were Henry H. Saltzstein, a convicted burglar and bookmaker, and George Schiller. The newspaper disclosed that S.G.S. Associates had been employed to handle labor relations for major industrial and business companies, among them Howard Clothes, Bond Clothes, William J. Levitt, most of whose massive building operations used nonunion labor, the Concord Hotel at Kiamesha Lake, New York, and Flower and Fifth Avenue Hospital in New York City.

These and other contracts with business companies had brought the Mafia-connected "labor consultants" an estimated $500,000 a year.

With Gambino's connection now made public, however, S.G.S. Associates lost clients as a maple loses leaves in a November gale. Spokesmen for most of the legitimate business companies involved professed ignorance of Gambino's partnership. Some revealing anecdotes of the infiltration process were given, of which the following is an example:

Dr. Ralph E. Snyder, President of Flower and Fifth Avenue Hospital, said S.G.S. Associates had first been called in during a strike of hospital employees in 1962. He told the story in these words: "We didn't know what to do. One of our doctors said he had a patient who was a labor relations expert and might help us. It was Mr. Saltzstein. With the settlement of the strike, hospital management and the union agreed on Saltzstein as impartial arbitrator of the contract. Since learning about Gambino I think we ought to eliminate Mr. Saltzstein as impartial arbitrator when the contract expires at the end of this year."

COUNTERACTION AGAINST CRIME

Why have members of the business community so often failed to respond to evidence of inroads into their companies by organized crime? Is the failure due to naivete or inability to read the telltale signals? If so, why have the widely circulated warnings made by law enforcement agencies and other experts somehow failed to get across to businessmen? Or is the failure due to fear of physical or economic reprisal—or perhaps to the strain of larceny which is said to lurk in most humans? If so, do many businessmen *really* believe they can profit from a limited involvement with organized crime without eventually becoming its victims?

Whatever the explanation, it is not likely to hold up under analysis. And it is not an excuse for a businessman to say there is an absence of good alternatives. When signs of criminal inroads are observed, there *are* steps a businessman can take to cope with the problem without inviting reprisals against himself, his family, or his company.

WARNINGS TO WATCH FOR

To begin with, there is no good reason for failure of any businessman to recognize the first overture or stratagem of organized crime. The Chamber of Commerce's *Deskbook on Organized Crime* [2] spells out how to recognize the different approaches and tells how businessmen, acting individually or through trade associations, can effectively counter such attempts. Similar information and advice is being given by the National Council on Crime and Delinquency, which has in the last two years sponsored, in city after city, meetings and conferences at which business executives and corporate security officers have discussed specific problems with experts such as Will Wilson, Assistant Attorney General in charge of the Department of Justice criminal division, state and county prosecutors, police officials, and investigators.

Among the situations listed in the Chamber's *Deskbook* and described at the conferences as indicators of possible infiltration attempts, I believe the following should be singled out for attention:

A change of ownership, not publicly announced, of a customer company.

A marked increase in a customer's orders unrelated to a seasonal increase in business. This could be a tip-off to a fraudulent bankruptcy scheme.

A new account with a name very similar to that of an established company, perhaps even with an address in the same building as the offices of the better known company.

A sudden outbreak of bookmaking or numbers-game activity in an industrial plant. This may mean that organized crime has established a beachhead for other operations.

Picketing by nonemployees, followed by a visit from a "labor relations consultant" offering to "take care of things" for a fee.

Any offer to arrange a labor contract with conditions less favorable to the employees than those prevalent in the industry. Such "sweetheart" contracts are often used by labor racketeers as leverage to open the way to criminal infiltration.

Offers of loans from persons or companies of unchecked background. Such an offer, coming when a legitimate business is known to be in a credit squeeze, is frequently the opening gambit of a loan shark who seeks to put the businessman in his debt as a prelude to a partnership demand.

Merchandise offered at less than wholesale prices, which is likely to be stolen goods.

A series of incidents causing damage to a company's property or equipment, followed by solicitation to join a "trade association" of unfamiliar background.

Discovery that paychecks of several employees are endorsed over to the same person. This could mean that a loan shark or bookmarker is at work and could be particularly dangerous if any employees in sensitive positions become deeply indebted.

PROCEDURE FOR REPORTING

Suppose an executive notices warning signals like the foregoing. Or worse, suppose he does not see them in time and becomes embroiled as did Goldfinger, Minuto, and the others in the examples described earlier. What is his next step?

He can get in touch immediately with the police and tell them what has been going on. The trouble with this step is that other agencies may be in a better position to help. Also, it may lead to reprisals—or, at least, the businessman may *think* it will cause reprisals. Nevertheless, this step should not be discounted; it has turned out to be safe and effective many times.

As an alternative, the executive can consult immediately with his lawyer or with the executive director of his trade association. From them he can gain information as to which law enforcement agency or regulatory body should be contacted for most effective results. Also, perhaps they can act for him and report the situation to the proper authorities. However, this procedure, too, may seem unsatisfactory to the businessman, especially if the warning signals are quite inconclusive. And if he ends up as a witness in court, the prospect of reprisals becomes a problem again.

There is a third course of action which, in my opinion, avoids the difficulties just mentioned and could be especially effective. This approach has been suggested by Alfred J. Scotti, rackets bureau chief for New York District Attorney Frank S. Hogan. Its virtues are that it preserves the businessman's anonymity at the same time that it relieves him of the burden of trying to evaluate whether the suspicious situation he knows about is an isolated phenomenon or part of a larger picture. Scotti proposes that local commerce and industry groups set up committees to which businessmen could make confidential reports. Then, when a committee has reports from half a dozen or more sources in the same industry—as would be likely if infiltration were attempted—the complaints could be brought by it to the proper law enforcement agency without putting the spotlight on just one cooperative witness.

Establishment of such a committee is practicable because it can be done within the framework of the association or organization that exists in almost every industrial community. It is timely because increasing publicity about organized crime has made so many Americans uneasy. If the idea were supported by business leaders, it could be implemented quickly with existing personnel, at least in the beginning.

The need for such a step is now. All over the nation, judging from available reports, prosecutors are failing to get businessmen's cooperation. For two cases in point which I believe to be typical, let me refer to the experiences of Scotti and Robert M. Morgenthau, former U.S. Attorney in the Southern District of New York, where there are more business headquarters than in any other part of the nation. (Morgenthau resigned in January to become Deputy Mayor of New York City.) Both those prosecutors have sent bosses of organized crime and their associates to prison for bribery of public officials to get contracts, and for coercion, fraud, extortion, hijacking, perjury, and illegal business practices. Businessmen have testified for the prosecution in some cases, *but only after being subpoenaed to corroborate evidence the lawmen had dug up on their own.*

Where businessmen were found to have been in cahoots with the criminals, they testified in some cases after being named as co-conspirators. But *none* of the businessmen, whether innocent victims or bilked partners, came forward voluntarily at a time when the acts of infiltration could have been aborted. If industry committees such as those proposed were created, some real progress might be made in correcting this abysmal record.

TIGHTER SECURITY

One vulnerable area in which many companies have been lax is that of internal security. Because of the extent of underworld infiltration and the multiplicity of ways the syndicate has of recruiting employees having no criminal background, management should tighten employment safeguards and, so far as is possible without spying on employees, be more alert to signs of personal problems that might put an employee under obligations to the underworld. Examples of such signs are a person's involvement in an outbreak of gambling in the office or plant, garnishments against his salary, indications he has fallen behind in payments to a loan shark, and deviations from normal standards of conduct.

The infiltration of a company may occur at the ownership level, among top or middle executives, or among supervisors, clerks, mechanics, and other types of workers. The recently publicized stock thefts on Wall

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[2] Ibid.

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Street, accounting in 1969 for the loss of $45 million in negotiable securities, indicate how the bosses of organized crime may strike through employees:

During the surge of stock buying and selling in 1969, when the paper work of brokerage houses, including actual transfers of stocks, was months behind the telephoned transactions in many cases, securities houses were beefing up their backroom staffs as best they could. A tight labor market for qualified clerical help led to many hirings without the checking of references and without personal history investigations.

As a result, underworld groups could steal millions of dollars in securities from offices without their disappearance being noticed until months later, when it was difficult or impossible to trace them. An anonymous informer, who told the New York State Legislative Committee on Crime how $1 million in stock certificates was stolen from one nationally known brokerage firm, said that organized crime had gone into Wall Street in a big way "because there is big money and we are getting more educated people (into criminal ranks) who know how to steal with an IBM machine."

Sometimes the underworld has deliberately planted one of its own in a sensitive business spot. In one such instance, a young messenger who reported he had been held up and relieved of a fortune in negotiable securities, was found to be a nephew of a man highly situated in the Mafia. The messenger appeared several times before the grand jury investigating the possibility that the "holdup" had been faked. While the investigation was under way, the messenger's corpse was found, covered with stab wounds.

These instances illustrate the potential price of loose internal security in any urban business area, not just Wall Street. There is no reason that they could not be repeated on LaSalle Street, Market Street, or other centers of commerce.

NEW LEGAL APPROACHES

A stronger business counteroffensive against organized crime would take on added significance because of the actions of law enforcement agencies. At both the national and local levels, official agencies are stepping up their efforts against the infiltration of legitimate business and are readying some new tools for the job. As a result, executives who report evidence of possible infiltration can be surer than ever that it will be evaluated carefully; there are both more ways of using such evidence and more personnel interested in following it up.

One promising development is the effort to use antitrust procedures in civil actions against crime-tainted businesses in cases where criminal prosecution would be ineffective. This approach was first suggested in March 1969 by Attorney General John N. Mitchell, then only 11 weeks in office. In an address to the American Bar Association's antitrust section, Mitchell said:

"If we can convict a Mafia lieutenant and place him in jail, another may take his place. Perhaps we should investigate the deterrent of financial loss. . . . If we can levy fines on their real estate corporations, if we can seek treble damages against their trucking firms and banks, if we can seize the liquor in their warehouses, I think we can strike a critical blow at the organized crime conspiracy."[8]

Despite doubts about the workability of such a novel approach—for example, Ralph Salerno's opinion that organized crime's "perfect conglomerate . . . need not fear the Antitrust Division"—the first such cases are being prepared by the Antitrust Division for a special federal grand jury sworn in on November 8, 1969, in New York. The special grand jury, impaneled for 18 months, will work with the Antitrust Division and a special federal-state-city task force on investigation of links between organized crime and business, with especial interest in monopoly trends.

Another innovation is the use of special task forces, started about two years ago as federal combinations of agents of the Internal Revenue Service, Securities and Exchange Commission, Bureau of Narcotics, Department of Labor, and other agencies. These task forces are sent into areas of heavy organized crime activity to cooperate with the resident U.S. attorneys. They are now operating in a dozen or so cities, and some of their work—in New Jersey, for instance—has been widely publicized. The first of the special strike forces was sent from Washington to Buffalo, New York, where the resident effort against organized crime and its business allies had been less energetic and successful than the Department of Justice felt it could be. The result, in indictments and pressure on the underworld, was quite successful, and there is every indication that similar task forces in other cities will be effective.

In addition, the Internal Revenue Service, which struck its first telling blows against organized crime a generation ago by sending Al Capone, Johnny Torrio, and other Mafia overlords to prison for tax cheating when other agencies were unable to convict them, is again directing a large part of its manpower to exploring the profits, legal and illegal, of crime syndicate members. IRS Commissioner Randolph W. Thrower has revealed that a recent sampling of 113 major underworld characters showed 98 of them having controlling interest in 159 different legitimate businesses. It is less difficult, generally, to put a syndicate member behind bars for income tax evasion than it is to prove specific acts of violence, bribery, or narcotics traffic. Often it is sufficient, in gaining an income tax conviction, to show a jury that the defendant's scale of living is beyond his declared income.

Another development is the growing realization by state governments that they, too, can crimp the profits of racketeers and in some instances drive them out of a particular business field altogether without having to convince 12 jurors that, beyond any reasonable doubt, an abhorrent crime has been perpetrated. A few states have new laws which in effect could put an apparently legitimate enterprise out of business if it can be shown that a substantial interest is controlled by persons connected with organized crime. In Florida such a law has been invoked by the State Attorney General in civil suits to revoke the charters or the Florida operating permits of a number of hotels, motels, and other businesses allegedly infiltrated by the mob. The outcome of the Florida suits is being awaited by other states which recently adopted similar laws or whose legislatures have such proposals under consideration.

CONCLUSION

There can no longer be any doubt in the minds of perceptive business executives that there has been a massive infiltration of the national economy by members of organized crime. Law enforcement agents and investigators who are best able to observe this phenomenon agree that there is not a commerical, industrial, or professional field in which an honest dollar can be made which has not already been infiltrated or marked for an entry attempt by underworld organizations.

Some of the industries already infiltrated have been mentioned in this article. What about those marked for future infiltration? Investigators who try to anticipate where the underworld will attempt to establish its next beachheads are surveying at least three major business areas which they believe are tempting to the syndicate's "money movers."

The shipping companies are almost the only waterfront business not already infested by organized crime. Because of competition from air freight and air passenger travel, ocean shipping is not attracting all the new capital it requires, here or abroad. Of particular interest to the underworld would be the possibility of using the ships, especially those under foreign registry, as conduits for the international movement of "hot" cash and goods, including narcotics. With members of organized crime already in sensitive dockside positions, the coupling of this advantage with an inside track on the ocean lanes would make a winning parlay indeed.

Some law enforcement agents believe that the criminal syndicate already has placed "sleepers" at the executive level in one or more of the airlines. An "in" at the operational and policy level of the air transportation industry would have advantages similar to, and perhaps greater than, those resulting from infiltration of ocean shipping. Ground operations at international airports are at present permeated by the syndicate or by men under its control, from cargo handling, trucking, and maintenance to some of the ancillary services.

The public sale in 1969 of more than $900 million in oil and gas leases in Alaska appears to have brought the underworld to that state, along with many new legitimate business enterprises. Both Douglas Bailey, U.S. Attorney for Alaska, and Mel Personett, State Commissioner of Public Safety, report evidence that organized crime has begun to move in on the economic upsurge in Alaska. Personett says most criminal activity is in the area of legitimate business. The bosses of organized crime apparently feel that if they are going to extend their operations as far as Alaska, it will be for more substantial gain than those of gambling or loan sharking.

It will be interesting to see what role, if any, businessmen will play in resisting the Mafia's attempts to organize these new areas. Management *could* play a significant role in countering infiltration—just as it could do so in all other industries.

To be sure, the task of actually rooting out the despoilers is one for professionals, not executives in ordinary business. And it must be left up to federal and local prosecutors, the heads of regulatory agencies, police officials, and other experts to decide, after consultation, how to handle a particular situation—whether under conspiracy and extortion statutes, under the labor or antimonopoly laws, as income tax cases, or by initiating other criminal or civil proceedings. But to achieve their purpose they need information from the businessmen who first see signs of infiltration attempts, and they need witnesses who are willing, if required, to take the stand in court or at other hearings.

Each individual manager must decide for himself, as much the directors of his corporation, whether his fear of possible business or personal recrimination outweighs his courage. He must decide whether the lure of immediate competitive advantage from dealing with suspect individuals or companies means more to him than his responsibilities as a citizen and the preservation of sound business practices.

What Is Organized Crime?

Organized crime in the United States involves about 5,000 hard-core members and at least 50,000 associates and employees operating multifarious enterprises across the nation and reaching often overseas.

The hard-core membership, known as the American Mafia or La Cosa Nostra, consists exclusively—according to its rigid rules—of those of Italian birth or descent through both parents. The 5,000 are organized in 24 criminal "families" or borgatas in principal cities from which their rackets and captive legitimate businesses spread out in a nationwide network.

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[8] Reported in The New York Times, March 26, 1969.

The 50,000 associates and employees are drawn from almost every ethnic and national group represented in the population of the United States. Meyer Lansky, the former street hoodlum turned bootlegger and now a "money mover" on an international scale, carries as much weight in the top councils of the Syndicate (as the broader organization is known) as the most powerful of the Mafia bosses. The Jewish associates play such important roles in the Syndicate that the Mafiosi sometimes refer to them as the Kosher Nostra.

A criminal act is not necessarily part of organized crime just because its execution requires organized effort and planning. For instance, a bank robbery carried out by four or five participants acting in concert is not an act of organized crime unless it is part of the ongoing operation of the Syndicate. Nor are the operations of a neighborhood gang of sneak thieves and shoplifters considered part of organized crime just because a receiver of stolen goods has arrangements for handling their loot.

Neither the size nor the kind of criminal act determines whether it is organized crime. As seemingly insignificant an infraction of the law as the collecting of a 50-cent play on a "number" is usually part of a multimillion-dollar gambling operation controlled by organized crime. As simple an act of vandalism as pouring sugar into the gas tank of a truck is almost always part of an organized crime scheme to cut into a legitimate business or to ruin a competitor. On the other hand, a $2-million theft of jewelry is not organized crime if the thief is an independent operator. It may, however, come into the organized crime orbit if the thief has to enlist the help of the Syndicate in disposing of such a valuable haul.

In 1965, 40 law enforcement officials, university professors of criminology, sociologists, systems engineers, and other experts from coast to coast spent an entire day wrestling over a definition of organized crime and came up finally with the following, which is still accepted as the best:

"Organized crime is the product of a self-perpetuating criminal conspiracy to wring exorbitant profits from our society by any means—fair and foul, legal and illegal. Despite personnel changes, the conspiratorial entity continues. It is a malignant parasite which fattens on human weakness. It survives on fear and corruption. By one or another means, it obtains a high degree of immunity from the law. It is totalitarian in its organization. A way of life, it imposes rigid discipline on underlings who do the dirty work while the top men of organized crime are generally insulated from the criminal act and the consequent danger of prosecution." *

An Un-American Success Story

The Prohibition Era provided the training grounds and generated the capital which enabled organized crime to scale the walls of legitimate business.

Even before the turn of the century, the Black Hand and other extortionists had been exacting tribute from small merchants, especially in the immigrant enclaves of cities. And well before World War I, gangsters had made alliances with some industrial managers by hiring themselves out as strikebreakers. But it was a long way from such scattered incidents to the organized infiltration of the economy at executive levels, which occurred more recently.

When the Volstead Act dried up legal liquor sales, the flood of bootleg booze lifted many lowly criminals to higher and richer ground as rum runners, moonshine distillers, brewers, distributors, and speakeasy operators. Shoestring gamblers, smugglers, extortionists, skullcrackers, and armbusters were drawn into business organizations which, while illegal then, required executive abilities and the professional skills of accountants, lawyers, transportation experts, chemists, and salesmen.

The end of Prohibition left the racket bosses with disciplined organizations, vast amounts of capital, and considerable business know-how. They became the owners or partners in legalized distilleries and breweries, importing companies, licensed liquor stores, and restaurants and night clubs. From this beachhead it was an easy step into such related industries as trucking, linen supply, food purveying, and waste removal.

During the renewed labor-management struggles of the 1930's over the issue of unionizing the garment industry, organized crime along the waterfront rented its goons and assassins to both sides. From the shopowners the mob demanded and got partnerships in some companies. And from the unions it wrung an agreement to exempt racket-owned shops from labor contracts. That is why there remain today some Mafia-controlled open shops in areas where the closed shop is almost universal.

To facilitate its black marketing during World War II, organized crime bought into companies dealing in sugar, shoes, meat, gasoline, automobiles, and other short-supply products.

On the basis of estimates by the Federal Bureau of Investigation, the Internal Revenue Service, the Securities and Exchange Commission, and other law enforcement and regulatory bodies, I would say that organized crime today owns or has decision-making influence in 50,000 commercial or industrial companies. These companies represent a very wide and impressive variety of industries. It would be harder to think of businesses in which organized crime is not represented than businesses in which it is represented. And the "money movers" are constantly searching for new areas susceptible to the investment of their increasing profits from illicit and legitimate businesses.

In *The Crime Confederation*, the authors state:

"The corporate giant of crime annually enjoys a profit greater than General Motors, Standard Oil, General Electric, and U.S. Steel combined. Its gross business is larger than that of all American automobile companies put together. . . .

"With a wide record of diversification, acquisitions and mergers, this perfect conglomerate will never be investigated by the Federal Trade Commission. Freely employing restraints of trade and widely utilizing monopolistic practices, it need not fear the Antitrust Division of the Department of Justice." [1]

What would an operating statement look like for this "perfect conglomerate"? Opinions vary widely, as might be expected. A very conservative estimate, based on necessarily inexact information from federal agencies, puts the annual revenue of organized crime at more than $30 billion, with the net profit between $7 billion and $10 billion. The profit rate is higher than in straight business operations because of the advantages organized crime enjoys through income tax cheating, "sweetheart" labor contracts with racket unions, hijacking of merchandise, skimming of profits off the top, and other outlawed practices.

The $30 billion estimate is for revenues from illegal and "legitimate" ventures. Law enforcement officials who are privy to nationwide intelligence reports are generally of the opinion that gambling and loan sharking are the top income producers, with the take from legitimate business a close third and moving up fast. A few officials privately hazard the guess that the profits from underworld investments in legitimate business already exceed those from gambling and loan sharking.

For a less conservative estimate, Dante B. Fascell believes the gross revenue of organized crime in the United States, from its legitimate businesses and illicit rackets, to be "at least $60 billion." [2] The Florida Congressman, who is Chairman of a House Government Operations subcommittee, says this estimate is based on the latest information from government and business sources.

LET'S WIN THE WAR IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Price) is recognized for 1 hour.

Mr. PRICE of Texas. Mr. Speaker, I rise today to issue a personal policy statement on Vietnam and to introduce a resolution calling on the President to pursue total military victory in Vietnam.

At present, the war drags on and on; American and Vietnamese deaths and casualties continue to mount in what has become the most lengthy U.S. military involvement in history.

While the Nation's press has taken the war off the front page of America's newspapers, it has not removed the war from the foreground of peoples' minds. If the 18th Congressional District of Texas is any index, and I think it is, the American people still are vitally concerned about the progress of the war, and they hunger for a just peace with honor in Vietnam.

At the present time, national policymakers speak in terms of these U.S. alternatives in Vietnam: negotiations, total military victory, unilateral withdrawal, and Vietnamization. To date, the Paris peace talks have been marked by much heat, but little light, and calumny, not serious negotiations, has been the rule. Total military victory has been rejected out of hand due to its supposed lack of "political acceptability." Unilateral withdrawal has been rejected because it would mean that the great American sacrifices in Vietnam have all been in vain; additionally, it would constitute proof to the world that the United States is unwilling to live up to and abide by its solemn international commitments.

Vietnamization, in contrast, has been chosen because it provides a means by which U.S. involvement can be reduced as the burdens of military conflict are transferred from American shoulders to Vietnamese ones.

As a former jet fighter pilot in the Korean conflict, I have long believed that whenever this Nation involves itself in foreign military conflicts, it should fight to win. Our Nation's youth should not be sent to fight in foreign lands if they are to be used for political cannon fodder. Their lives are far too precious for that.

Because of my strong feelings on the matter, I have long advocated that the United States pursue total military victory in Vietnam. Let the policymakers make policy; let the military win wars. If military action be diplomacy by other means, then let the military prosecute armed diplomacy with full force and vigor.

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* See Ralph Salerno and John S. Tompkins, *The Crime Confederation* (New York, Doubleday & Company, Inc., 1969), p. 303.

[1] See Ralph Salerno and John S. Tompkins (New York, Doubleday & Company, Inc., 1969), p. 225.

[2] Address to the Second Organized Crime Training Conference of the U.S. Department of Justice, October 28, 1969.

Throughout our involvement in Vietnam I have consistently and vocally adhered to this, my personal philosophy, while I watched the Nation follow a different policy. I have watched the youth of our Nation march off to a war the policymakers would not let them win. I have shared the frustration of countless soldiers who, without being clothed with the armor of full military protection and influence of their Nation, daily risked their lives to bring freedom to the struggling people of South Vietnam. I have shared in the grief of families who lost their sons to a struggle in a far-off land, a struggle we were willing to let our young die for, a struggle our Nation would not devote our massive might to win—even though our cause was just. I have shared the anguish of those whose loved ones are inhumanely imprisoned by the North Vietnamese and the Vietcong, some friends whom I flew combat with in Korea, and whose continued treatment fails to meet even minimum standards of decency and humanity. Finally, I have shared the rage of patriotic Americans who watched peaceniks, anarchists, and militant leftists attempt to sully the memories of our fallen soldiers by using their names for propaganda purposes.

When Richard Nixon assumed the Presidency, I waited eagerly for an indication of his thinking on the war in Vietnam. After spending some months quietly and systematically examining the situation, he declared that a peace with honor could best be achieved through Vietnamizing the war. In proclaiming his program, the President declared that its progress would depend on three factors; the conditions of the Paris talks, the rate at which the South Vietnamese could assume new military responsibilities, and the level of enemy activity.

After much deliberation, I supported the President's Vietnamization program. My support, however, was not without misgivings. I believed the three preconditions of Vietnamization to be less than sturdy foundations for a new American policy in Vietnam.

My reservations about the Paris talks have been consistently confirmed. The Communists are using it as a propoganda forum rather than a negotiations base. To date, the talks have been marked by invective, not progress; and there is little reason to think that such will not be the case in days to come.

Vietnamization, on the other hand, has worked better than I originally thought it would. The process has been facilitated due to the willingness and ability of South Vietnamese military forces to assume ever-increasing responsibilities for bearing the burdens of battle. Valiant RVN troops have been attacking the Vietcong and the North Vietnamese with a new and deadly ferocity. Vietnamization has given them the feeling that on their shoulders rests the fate of South Vietnam, and they are fighting courageously for the cause of freedom.

Recent events, however, have demonstrated that the enemy has not scaled down his activities in response to American troop withdrawals. On the contrary, the Communists are widening the Vietnam war to neighboring Laos, Cambodia, and Thailand. In the process they are attempting to generate new political and psychological pressures on Vietnam's neighbors. They are also trying to rekindle domestic U.S. antiwar agitation, and dramatically demonstrate that peace in Southeast Asia can be obtained only through negotiations rather than Vietnamization. The reason behind this is obvious; the Communists are attempting to achieve at the bargaining table what they have been so singularly unable to achieve on the field of combat.

At present, the spearheads of the wider war lie in Laos and Cambodia. In past years, Communist forces have made annual spring offenses into Laos. This year, however, by virtue of Hanoi's sending a 67,000-man invasion force into Laotian territory, the tiny country may become a very significant Asian battleground.

Mr. Speaker, what is at stake in Laos is the very survival of a free Southeast Asia. A Communist victory would bode several things for the other countries in the area, none of them good from the point of view of the free world.

Should Laos fall, an additional 3 million people would be subjected to the yoke of Communist rule. The Reds would have unrestricted use of the Ho Chi Minh Trail as well as heretofore unused supply routes and bases. Enemy activities and penetrations could be increased and new military and political pressures could be brought to bear on the United States, and all Southeast Asia would be riper for subversion and revolution.

In Cambodia, the present situation appears ominous, indeed. Prior to the recent coup that overthrew Prince Sihanouck and his pro-Red regime, Communist forces freely used Cambodia as a sanctuary from which infiltrations into South Vietnam were made at will. Since the coup, however, North Vietnamese and Vietcong have mounted a campaign to expand and solidify their position. As a result, the death toll in Cambodia has risen dramatically in the wake of the new Communist aggression.

The Communists surely would not be satisfied with the conquest of Cambodia; Thailand would become the next major target of attack. Since 1965, both Peking and Hanoi have threatened to start a so-called war of liberation against Thailand. The fact that Thailand has a 1,000-mile border, virtually indefensible against infiltration, would serve to whet their rapacious appetites even more.

Mr. Speaker, when all the pieces in the Asian puzzle are assembled the picture created is alarming indeed. The Communists in Vietnam are not engaged solely in a civil war for national liberation as they so loudly proclaim. They are, in fact, attempting to subvert and dominate Southeast Asia itself. In this connection, Secretary of State William Rogers has stated:

> More than 40,000 North Vietnamese and Vietcong Troops have invaded and now occupy Cambodia.

In addition, he has declared this invasion to be a clear violation of the 1954 and 1962 Geneva accords, and has called upon the nations of the world to consider what counteractions might be taken.

Experience has shown us, however, that calling on the world community to act is really a ceremonial gesture, for the world community has proven in the past that it lacks the unity of purpose or the will to join in effective collective action to solve vital international problems such as the one posed by Communist aggression in Southeast Asia.

This aggression, when exposed to the naked light of truth, also validates the much maligned domino theory. Vietnam is no longer the focal point of revolutionary action. Laos and Cambodia are also visibly, undeniably, and appallingly menaced by Communist militaristic adventurism. This has not occurred by chance; neither has it occurred by circumstance. It is part of the fruition of calculated planning and it is designed to facilitate the establishment of a new Communist sphere of influence in the world.

Should the Communists be permitted to gain control of Southeast Asia, the free world need talk no further about nations in Southeast Asia determining and maintaining their own forms of government without the pressure or presence of foreign troops. Should the Communists be permitted to gain control of Southeast Asia, the costly sacrifices of blood and treasure that this nation has committed in the name of freedom in that troubled area of the world will also have been rendered in vain.

There are those who contend that we should not talk in terms of sacrifices, at least in the prospective sense, because we are winning the war. My response is simple. By what standards can it fairly be said we are winning the war? Infiltrations by North Vietnamese and Vietcong into neighboring countries are visibly and dramatically increasing. Despite U.S. troop withdrawals, more American soldiers were killed in action in 1969, the first year of the Vietnamization policy, than in 1967 when Lyndon Johnson's war policy was subjected to such heavy political attack, and, so far this month, U.S. casualties are up about 60 percent from February and early March. Civilian deaths are still running at an awesome rate, and each passing day sees an ever-increasing number of refugees being added to the flood of displaced persons in Southeast Asia.

Dr. Henry Kissinger, the chief White House adviser on foreign affairs, stated the crux of the matter when he said:

> The guerrilla wins if he does not lose; the conventional army loses if it does not win.

On this basis, this Nation stands in dire danger of losing the war in Southeast Asia.

The question of whether or not the Communists should be permitted to dominate Southeast Asia also raises vexatious troubles for the new Nixon doctrine. There are those who maintain that the Nixon doctrine precludes U.S. involvement in Cambodia and other threatened countries in the area. I take the opposite view that the very spirit of the Nixon doctrine demands that we take

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an active role in repelling Communist aggressors from these embattled countries. When he was in Guam, the President rightly stated that American forces must not be viewed as the first line of Asian defense and will not be committed automatically even in the event of outside aggression. I do not advocate automatic intervention; neither do I think we should retreat into a "new isolationism" as some have suggested. Rather, I think we should, in the President's words, "help where it makes a real difference and is considered in our interest."

I submit that it would make a real difference and it would be in our interest to involve ourselves more directly, wherever Communist aggression threatens in Indochina. Cambodia is a good case in point, because it has requested our assistance in recent days. In the face of the advances of the North Vietnamese and Vietcong force, the Cambodian Army has been hastily expanding its size. As we well know, however, and the Cambodians are finding out, sheer manpower is not sufficient in battlefield situations when you are confronted by larger numbers of battle-seasoned veterans with superior training and equipment.

This is precisely the position Cambodia is in presently. If we do not come to its assistance and supply it with U.S. military equipment and a sufficient number of U.S. advisers to train the Cambodians to use the equipment to best advantage, the tiny nation may well fall before the Communist onslaught.

In terms of the Nixon doctrine, this could create a credibility chasm in our foreign posture which would remind the world of the posturings of the previous administration, an administration that was hoisted on its own petard in Southeast Asia.

XUM

Mr. Speaker, to put matters in perspective, by weighing present conditions in Southeast Asia against the historical record of U.S. involvement, it becomes obvious that our present peaceseeking policies are gravely deficient. The Communists do not want any peace except on terms which will allow them to enforce their will on millions of helpless Asians. Bitter experiences demonstrate that where dealing with the Reds is concerned, there is no middle ground. Accordingly, I believe that President Nixon should declare a new strategy in Vietnam, a strategy designed to array our military forces against the enemies of freedom in Asia, and focus our military might on bringing the conflict to a speedy close. Such a policy would have the salutary effects of accomplishing our oft-stated objectives with a minimal loss of U.S. life and limb, and at a minimum cost to our national economy.

In an effort to facilitate this declaration, I am today introducing a concurrent resolution calling on the President to issue new orders to our military forces and our allies in the field. Orders that will remain in force until North Vietnam totally surrenders. I am urging him to institute a plan of action of day and night bombardment that will assure the total destruction of North Vietnam's military and industrial installations; population centers after appropriate notices of intention have been disseminated; agricultural production lands; dikes and facilities; transportation and communications lines connecting North Vietnam to neighboring countries; Haiphong Harbor; and other shore facilities. In addition, a program of tactical commando raids by South Vietnamese into North Vietnam should be implemented. Finally, a total air, land, and sea embargo on commerce between North Vietnam and other nations should be established.

In regard to halting Communist aggression throughout Southeast Asia, particularly Cambodia, I urge President Nixon to supply that embattled country with sufficient U.S. military equipment and supplies together with a force of U.S. military advisers to enable the Cambodian Government to withstand the enemy onslaughts. At present, Cambodian troops are ill equipped and ill trained. They need our ordnance and they need our guidance. One without the other would be insufficient.

In contrast to our bitter experience in Vietnam, the U.S. assistance I have outlined should be accompanied by massive round-the-clock airstrikes designed to destroy all strategic hamlets, staging and support areas utilized by the Communists throughout the embattled area. Thus American power will be focused on problem areas at a minimum loss of American life and limb.

Mr. Speaker, I think if these military policies were vigorously pursued, the aggressors would soon be defeated, and a well-earned peace could settle on the area for the first time in over 20 years. The Communists have demonstrated that freedom for Southeast Asia can only be purchased by force. Since they have sown the wind with discord and strife, let them now reap a whirlwind of righteous American power and wrath.

GUN BILL PROPOSED

The **SPEAKER** pro tempore (Mr. VANIK). Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY), is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, Members of Congress, along with the rest of the Washington area population, will feel the effects of spiraling crime in a new way this month when 400 District gas stations stop making change for purchases. Do not be surprised next time you pull into a service station if the attendant demands exact payment in advance for the gas you buy. He is trying only to protect himself from being robbed and possibly shot in the process.

He will protect himself by not having any cash on his person or available to him in the station. The exact change you give him for your purchase will be deposited immediately in a concrete drop safe to which he does not have a key. It is hoped that this will dissuade robberies, although I pity the poor attendant who is confronted with an angered gun-toting man who refuses to believe that the attendant has no money on him and cannot open the concrete vault. Yet, if this experiment works in Washington, it is sure to spread to other urban areas across the country plagued with armed robberies.

Over a year ago, the robbery and murder of a District of Columbia bus driver caused the D.C. Transit Co. to adopt a similar "no change" policy toward bus riders. Perhaps few Members of Congress were directly affected, but many residents of the District were, especially the poor who must use public transportation. If they do not have the exact change—32 cents—they either put in too much money or they do not ride.

This kind of solution can hardly be called crime prevention. It does not in any way contribute to the solution of the total crime problem. It puts no one behind bars. It does nothing to dissuade a person from armed robbery. It penalizes none of those who terrorize society.

All it does is shift the burden of crime to others. The gunman will now turn elsewhere, perhaps rob taxicab drivers and grocery stores instead of bus drivers and service station attendants.

In adopting the "no change" policy, business and working men are surrendering to the rule of the jungle—survival of the fittest and every man for himself. They seem to have no other choice. Since civilized forces have broken down, they are forced to try to shift the burden of crime from their shoulders to someone else. Too often they have witnessed crime's reign of terror from the business end of a .38 revolver.

Private citizens have taken other steps. For many, that means hiding behind locked and bolted doors, not going out after dark, not walking home from work, buying a dog for protection. Millions of Americans live and work in constant fear that they may be crime's next victim.

The national statistics are staggering. From 1960 to 1968, bank robberies rose 302 percent. The number of chain stores robbed increased 210 percent, and the number of residences robbed nearly doubled. Gas station robberies shot up by 187 percent.

What is especially significant is that 63 percent of all armed robberies were committed with a gun.

In 1968, amid much controversy, Congress passed a gun control law which was supposed to make it more difficult for the criminal to arm himself. Many—I among them—questioned whether the steps taken would achieve the predicted results. The law has now been in effect for over 1 year, and preliminary figures released by the Federal Bureau of Investigation are depressing.

While crime in general continues to rise at an alarming rate, crime committed with a gun is increasing even faster.

For example, last year, the first year that the new gun control act was in effect, robbery rose 13 percent over 1968, while armed robbery rose by 16 percent. This dangerous trend shows up elsewhere. While aggravated assaults rose by 9 percent last year, assaults committed with the use of a gun rose by 12 percent.

While it is yet too soon to make a final judgment, it seems clear to me that the gun control act of 1968 has not been effective and will not be effective. Something more must be done.

Senator MIKE MANSFIELD, the distinguished majority leader in the other body, has introduced, and the Senate has passed, a bill which I hope the House will seriously consider, improve, and pass at this session. The Mansfield bill, S. 849, provides for a mandatory sentence for the criminal who uses or carries a gun in the commission of a Federal crime. As the Senator frankly told the Senate Judiciary Committee:

> Gun crime is a national disgrace. And with this bill I offer another approach to curtailing the gun crime rate—an approach that says to the criminal in terms that are clear and simple that his resort to a gun will be met automatically with punishment that fits such an act of violence. In contrast to the present gun law, no burden is imposed on the law-abiding gun owner. No sacrifice is asked. The burden falls squarely where it belongs—on the criminal and the lawless; on those who roam the streets, gun in hand, ready and willing to perpetrate their acts of violence.

Never has the need been greater for Congress to provide for realistic punishments which will deter those who would commit violent crimes and detain those who will not be deterred. It is time that those of us who are charged with making and enforcing the laws designed to control crime quit mollycoddling those who are turning our cities into jungles.

Senseless and macabre brutality has become the trademark of today's criminal. It seems as if a sadistic joy has become an end in itself, beyond the desire for money or revenge. Those who would use a gun to bring fear, pain and even death to their fellow citizens must be made to weigh it carefully against the misery they might impose with a gun. Those who still choose to use a gun after having considered its consequences demand too high a price for our toleration.

By enacting the Gun Control Act of 1968, Congress recognized the national scope of the problem and attempted to provide a means to control the greatest single cause of fear and criminal violence—the gun. That attempt has not been sufficient, and it is now time for Congress to act once again. We must do something to deter the use of guns in committing a crime, and where deterrence will not work, we must make the cost of using a gun commensurate with the cost in anguish and fear the offender would impose upon his victim. Every proper Federal measure must be taken to halt the gun-supported reign of terror in our Nation.

No one is suggesting that we return to the screw and the rack of the dark ages to punish criminals. But neither should we permit the lawlessness and fear of the dark ages to develop in our cities and in rural areas because we are timid and unwilling to act.

The Senate has not been timid, and I trust the House will not be either. In addition, I hope the House will extend the principle of the Mansfield approach to felonies violating State laws as well as Federal law. The bill which passed the Senate provides a mandatory sentence for carrying a gun while committing Federal felonies, such as robbing a bank, a U.S. post office, or killing a Federal official. Most felonies, however, are not violations of Federal law.

The man who shoots down a gas station attendant or robs the corner grocery store and kills the clerk behind the counter has committed no Federal offense, even though he has committed a great atrocity and perhaps brought devastation to a family. Similarly, the murderer or rapist who cowers and degrades his victim before the execution seldom violates a Federal law.

Today, I am introducing, with 16 cosponsors, a bill which will amend the Gun Control Act of 1968, making it a Federal crime to use a gun to commit a felony where the State legislature has made such use a State offense. The bill would also require that a mandatory jail sentence be given to anyone convicted, and the sentence could not run concurrently with any sentence for another offense. The bill is quite similar to the one passed by the Senate. However, where the Senate's version would apply only in the case of Federal criminal offenses, our bill would apply as well in any case where the State legislature had made it an offense to carry a gun while committing a felony.

The approach we recommend retains all the features of the Senate bill, and simply extends Federal coverage to state offenses.

This approach recognizes the longstanding tradition of our legal system that criminal law is primarily a concern of the States. Our bill would not require any State legislature to pass a law which would make it an offense to carry a gun during the commission of a crime, but where States do so, the offense automatically becomes Federal as well as State in character. In those States Federal as well as State penalties would apply, and the investigative resources of the Federal Government would be available to help rid America of the scourge of crime in the streets and the guntoting hoodlums who perpetuate it.

List of sponsors:

Mr. FINDLEY, Mr. BLACKBURN, Mr. BUCHANAN, Mr. CLEVELAND, Mr. COUGHLIN, Mr. DULSKI, Mr. GALLAGHER, Mr. GOLDWATER, and Mr. HARSHA.

Mr. KOCH, Mr. MESKILL, Mr. MILLER of Ohio, Mr. ROE, Mr. THOMSON of Wisconsin, Mr. WHITEHURST, Mr. WIDNALL, and Mr. WINN.

Text of bill:

H.R. 17323

A bill to make using a gun to commit a felony a Federal crime where such use violates state law and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(a) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, or

"(3) uses a firearm to commit any felony, or carries a firearm unlawfully during the commission of any felony, which use or carrying for said purpose is unlawful according to the law of the state in which it occurs,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

INTERVENTION IN CAMBODIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan (Mr. RIEGLE), is recognized for 30 minutes.

Mr. RIEGLE. Mr. Speaker, it is with a deepening sense of despair that I rise this evening to discuss the situation in Southeast Asia. And I rise to talk primarily about today's announcement that U.S. personnel and support have been committed to the conflict now underway in Cambodia.

It is not clear to me what congressional authorization of war power, under the Constitution, the President has used as the basis for today's American intervention in Cambodia. I cannot believe the President would use the dubious and discredited Gulf of Tonkin resolution as the authority to expand American operations into Cambodia. In fact, the administration in recent weeks has taken a public position of neutrality on the question of the repeal of the Gulf of Tonkin resolution now before the Senate. I think this can only mean that the administration does not interpret that authority as its legal basis for continuing American involvement in Southeast Asia.

And, of course, the original intent of the 1964 Gulf of Tonkin resolution was to provide authority for an appropriate Executive response to a specific and limited incident at that time, 6 long years ago. It was not designed to serve, or intended to serve, as the "functional equivalent" of a declaration of war, which was the view of the previous administration. Nor was it intended to serve as an open-ended authority for the executive branch of Government to intervene at will in Southeast Asia with American military effort.

It might be argued that the constitutional legitimacy of the 6-year-old Gulf of Tonkin resolution, with respect to the delegation of war power, is moot—as long as a new President moves steadily to disengage from a war lacking adequate specific congressional authorization. But, conversely, it can be argued that should the process of American disengagement be interrupted, or should the war be widened into neighboring countries, then the President, by Executive determination, may have given the Gulf of Tonkin resolution a new and active life as a presumed constitutional authorization for this new Cambodian initiative.

Is that what the President has done? I hope not, for to do so would mark a major reversal for the United States and would almost certainly begin the same public discrediting of this administration that consumed and destroyed the last administration.

Perhaps the President will cite the SEATO Treaty as requiring American intervention in Cambodia at this time, under these circumstances. I would hope not, for the SEATO Treaty does not carry with it in any way any specific or implied obligation for the United States to intervene in any of the protocol countries defined by that treaty.

Further, nothing in the SEATO Treaty, however interpreted, vests in the President of the United States the authority to commit American forces in Southeast Asia without the express approval and authorization of the U.S. Congress. No such congressional authorization exists that I am aware of, unless, of course, the President wishes to revive the war power myth of the Tonkin Gulf resolution.

A further significant complication in the possible application of the SEATO Treaty to Cambodia is the fact that the Government of Cambodia officially rejected the protocol arrangement and rejected its protocol status in 1956.

In sum, the SEATO Treaty does not provide sufficient legal basis for direct American intervention in Cambodia. And so we find ourselves today facing the same dismal circumstances and rationalizations that have plagued us since 1964 in South Vietnam.

We are told we are expanding the war in order to shorten the war, and this myth has been with us for many long bloody years during which some 50,000 Americans have died in Vietnam in behalf of this notion.

After the expenditure of $120 billion, and after 50,000 American lives have been lost and over 300,000 Americans have been wounded, and after more bombs have been dropped than were dropped during all of World War II and Korea combined, we are now asked to accept the widening of the war into Cambodia with American men and backup effort.

The war in Vietnam and in Southeast Asia has never been worth a strategic commitment of men and resources by the United States. Yet foolishly we allowed ourselves to drift into such a nonjustified commitment. Now we chase a military victory that does not exist into the swamps and jungles of Cambodia.

When will we learn that there can be no American victory in Southeast Asia, any more than the Southeast Asians could ever achieve or produce a victory here in America? Anything that is good and lasting that is going to occur in Southeast Asia is going to have to be produced by the people who live there, by the Asians themselves. The sooner we give their war back to them, the better for all concerned.

Earlier in the day here we heard much concern about the Russians with respect to strategic weapons systems. The Russians laugh at our self-destructive actions in Southeast Asia. Yet as we pour our blood and treasure into Southeast Asia, the Russians carefully conserve their manpower and their resources, and today the Russians steadily approach nuclear parity with the United States as we choose to invest our limited defense resources in chasing Communist guerrillas through the jungles of Southeast Asia.

Here at home we steadily lose the support of our people for endlessly fighting somebody else's war. When are we going to turn our attention to meeting the needs of our own people?

Mr. Speaker, I serve on the Appropriations Committee, and I serve on the Foreign Operations Subcommittee of that committee. Recently the man who heads our foreign aid program in Vietnam was before that subcommittee to testify. In the process of cross-examination, he was asked how well things were going in Vietnam. He was optimistic, as every governmental officer who has come back from Vietnam over the last 8 years has been optimistic. He said:

> Things are going so well in Vietnam that my wife has been out in Saigon with me for the last 10 months. In fact, since coming back to the United States and being here in Washington for a while, my wife has said to me that she feels safer on the streets of Saigon than she does on the streets of Washington, D.C., our Nation's Capitol.

What a pathetic admission. What a sorry state of affairs that this should be so, that we should expend more effort to make the streets of Saigon safer than the streets of our own Capitol, or of Detroit, or of Los Angeles, or of Flint, or any other city.

What kind of madness is this?

We sit in this Chamber today, for 4 or 5 hours, to discuss another $20 billion for more weapons of war. For what? To pour into the war in Southeast Asia?

What a shame—a shame on this Government and on this Chamber. It is a war that is not a war.

We have a Constitution in this country, and it sets forth in clear terms how decisions are to be made about war and peace, and the basis on which this Nation should reach the judgment that it is going to involve itself in war. As I read that Constitution, the President of the United States is required to come to this Congress, in this Chamber, and present the facts, to demonstrate why the strategic interests of this country require that this Nation go to war. And then this Congress, and only this Congress, has to make that judgment. The President cannot make it. That is not his responsibility under the Constitution. That is a responsibility of this body.

It is a responsibility that we have shirked, and we have not faced up to, and we do not face up to today.

We talk about many things here in this Chamber. Often we talk about law and order. And we preach to people around the country how they ought to behave with respect to the question of law and order. But we seldom pause to look at ourselves and to look at the degree to which we practice law and order—the degree to which we follow the Constitution—the degree to which we face up to the questions of war or peace.

As a body we have no stomach for that. There are too many men here who should not be here, in both parties, who are unwilling to face this issue. They do not want that responsibility. They do not want the responsibility that the Constitution invests in them.

And what a shame it is that 50,000 young Americans should be asked to die under these circumstances.

We ask our people to have pride in the institutions of Government and to have pride in this Congress. How can we have pride in a body that refuses to face its most basic responsibility?

Here we are, $120 billion later, after all the misery and the suffering and the waste and the loss of life, and what do we have to show for it? We are moving American personnel now into Cambodia. That is what we have to show for it.

I guess that is the victory I heard General Westmoreland talk about years ago, or the light at the end of the tunnel the previous administration saw 5 years ago.

And we wonder why our people are cynical, and why they lose faith, and why they resent the 10-percent surtax, and why they resent the recession that is building, and why they resent the high interest rates, and why they resent the billions and the billions and the billions that go into defense. It is because we are not discharging our public trust properly.

The measure of that is right out here at Arlington Cemetery, in all those fresh graves over the last 6 years.

We have got to do better. We have to do better. The only way we are going to do better is for the people of this country to decide that self-government is worth it and that we are going to get rid of the men who are unwilling to face up to these responsibilities as they ought to.

We must get rid of the men in this body who do not want to deal with the great issues.

My mind goes back to 1964, the presidential election. Two candidates, GOLDWATER and Johnson. Most of the people I talked to in 1964 did not want to vote for either man, and ended up voting for the man they hated the least. What a sad commentary on our political system. We ought to have two men competing for that job—men so outstanding that we would be delighted to have either man elected. Lyndon B. Johnson was not the man to make the Vietnam decision. He made it because our own apathy and indifference and underanticipation made him the candidate and the President.

We must understand, there is no way that we can avoid the individual costs associated with self-government. We can either make a personal investment of effort early, and determine that the best men and women in this country will run for public office and be elected, or else we will have to live with second-rate public decisions that will not serve our best interests. Now, this takes an effort and a commitment. Either we roll up our sleeves and make that happen now in 1970 or we wait and sit it out and we let the second-raters be elected to the key positions of public responsibility. We can wait until after the election if we wish when a new Congress will convene that also does not have the stomach to face up to the issues of the war. But then we pay a different kind of price, do we not? We pay it with our sons, the most important thing we have to work with. We pay it with inflation, with anxiety and frustration, with mothers that wait day in and day out to get a letter from Vietnam from an only son. We pay in terms of youngsters in Harlem who cannot learn to read because they do not have glasses or because they do not have anything in their stomachs since they have not eaten that day. We have chosen not to have the time or the attention or the money for that, but we can spend $63 million a day in Vietnam. For what? For what? For the pride of a President, the pride of an administration, to cover the mistakes of a Congress that was unwilling to face the facts and ducked out on this issue? Well, that price is too great. That price for even 1 day is too great. And, we are not ready to face the issue tonight. Yet we are moving ourselves into Cambodia.

No American combat or support troops, or any American serving in any military capacity, should be introduced into Cambodia or Laos, in my judgment. I will not vote one dime to support that kind of effort—not one dime. That may be only one vote today, but at least it is one vote today and there will be more. If this body does not face up to its constitutional responsibilities, then it is going to be a tragedy for this country.

Furthermore, I believe we ought to phase out any and all American military operations now in place in Cambodia or in Laos. We must also get the rest of our combat and support troops out of Vietnam. We have been there too long already. That is why this year, in this session of Congress, I intend to offer an amendment to the Defense appropriation bill that will limit the expenditure for Vietnam to only those funds required to carry out the systematic and safe withdrawal of all American combat and support troops from Vietnam by the end of next fiscal year—by the end of June 1971.

I say this, Mr. Speaker, because, frankly, we have got other things to do. We have got things that are important to do. We have got to get on with them. We have got to set the things that are wrong aside. We have got to have the courage to do that. We have got to start to concentrate on saving this country of ours while there is still some time left.

Well, I think those are the issues. And, I doubt that any American in this country will sleep well tonight as we think about a war that is expanding and that is moving in directions that are impossible to forecast. And, what a shame it is; what a shame it is.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. Vanik). Under a previous order of the House the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1966, there were 1,678,700 private hospital beds in the United States. This was more than any other country. Japan was second with 1,077,700 private beds.

COALITION FORMS TO FIGHT SST

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. Reuss) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, it was announced last week that a coalition of citizens groups has been formed to oppose further Federal spending on the supersonic transport—SST. This organization, the Coalition Against the SST, has written to President Nixon asking that he withdraw his request for $290 million in new money to continue developing the SST in fiscal year 1971.

This is the kind of citizen concern and participation we need if our system of government is to work as it should. I urge all organizations concerned with the State of our environment and the need to change our national spending priorities to join in this effort to spare the American taxpayer this unnecessary and misguided expense.

I include the news release announcing formation of the Coalition Against the SST, the statement of Honorary Chairman Arthur Godfrey, the text of the coalition's letter to President Nixon, and a separate letter to the President from the Massachusetts Audubon Society in the Record at this point:

Coalition Forms To Fight SST

A coalition of fifteen organizations asked President Nixon in a letter delivered this morning to withdraw his 1971 $290 million appropriation request for the SST.

The Coalition Against the SST is the first coordinated national citizen effort to stop the SST. Some participating organizations will lobby actively against the appropriation. Others will man grass-roots education efforts.

Arthur Godfrey, Honorary Chairman of the Coalition, said current Congressional deliberations on the 1971 appropriation represent "our last chance to stop the SST."

In a statement issued this morning, Godfrey called the SST "a boom-doggle" and said, "We need the SST about as much as we need another load of rocks from the moon."

Godfrey said: "We are asking other taxpayers to join us in letting our Congressmen know that we don't want them to spend $290 million of our money" on the SST.

"Why don't we spend the $290 million to clean up the pollution we already have—instead of throwing the money away on a plane that's going to make pollution worse," he added.

The $290 million request is part of the Department of Transportation Appropriation package. The Transportation Subcommittee of the House Appropriations Committee yesterday heard three expert witnesses testify on technical and economic problems associated with the SST. Government backers of the project testified on April 14.

The full committee is expected to act on the bill by May 21.

The Coalition has a full-time professional staff member and national headquarters in Washington, D.C.

The following national and state organizations signed the letter to the President: The Alabama Conservancy, Citizens Committee on Natural Resources, Citizens League Against the Sonic Boom, Consumer Federation of America, Environment! Inc., Federation of Western Outdoor Clubs, Friends of the Earth, National Wildlife Federation, Natural Resources Council of Maine, Sierra Club, Town-Village Aircraft Safety & Noise Abatement Committee, The Wilderness Society, Zero Population Growth, Conservation Foundation, and Environmental Action.

Statement by Arthur Godfrey

The SST is a boon-doggle. It's dirty, and it's loud, and some economists say it'll never pay off.

If we let the government build it, it's going to cost us $290 million this year alone.

Who needs it? If we want to get places faster, there are cheaper, quieter, cleaner ways to do it.

The SST is supposed to get from New York to Paris a couple of hours sooner. Well, it already takes a couple of hours just to get out to the airport and back, to get permission to take off and permission to land.

If we've got $290 million lying around this year, and if we're all in such a hurry to get to places like Paris, why don't we spend that money to clear up the congestion that slows up the planes we've got now?

Why don't we spend the $290 million to clean up the pollution we already have—instead of throwing the money away on a plane that's going to make pollution worse?

This is our last chance to stop the SST. We are asking the President to take back his SST appropriation request. We are asking other taxpayers to join us in letting our Congressmen know that we don't want them to spend $290 million of our money on a machine that's going to burst our eardrums, befoul our air even more, and waste more tax dollars for no good reason.

We need the SST about as much as we need another load of rocks from the moon.

April 23, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We respectfully ask that you withdraw your request to the Congress for a $290 million appropriation for fiscal 1971 to subsidize development of a supersonic transport plane (SST).

Our reasons follow:

National Priorities: Many crucial programs urgently need money, but have been cut back in the name of curbing inflation, while the unnecessary SST takes a $290 million bite out of the federal budget.

The Sonic Boom: The SST would bombard millions of people with ear-splitting shock waves.

Unprecedented Airport Noise: At takeoff, the SST would be much louder than the noisiest jet now in commercial service.

Air Pollution: "Heavy discharge of pollutants" by the SST, causing air pollution and ground contamination, was predicted last year by Russell E. Train, then Under Secretary of the Interior.

Climatic Change: The SST would deposit large amounts of water vapor in the stratosphere. A panel of your own SST Review Committee said that this could induce significant changes in world climate.

Balance of Payments: The SST would hurt the balance of payments, not help it, according to your SST Review Committee.

National Prestige will depend on our ability to insure the well-being of all our citizens and to make the United States the first industrial nation to come to terms with its environment—not on spending billions to build an unnecessary, unwanted airplane.

The SST has become a symbol of technology out of control, of priorities misplaced. For the reasons listed above, and to support your own often expressed concerns for the quality of the environment and for eliminating non-essential expenditures, we urge you to withdraw the SST budget request.

Sincerely,

Spencer M. Smith, Jr., Secretary, Citizens Committee on Natural Resources; Erma Angevine, Executive Director, Consumer Federation of America; David Brower, President, Friends of the Earth; Marshall F. Burk, Natural Resources Council of Maine; Stewart

M. Brandborg, Executive Director, The Wilderness Society; William A. Shurcliff, Director, Citizens League Against the Sonic Boom; Frank C. Fickeisen, President, Federation of Western Outdoor Clubs; Thomas L. Kimball, Executive Director, National Wildlife Federation; J. Michael McCloskey, Executive Director, Sierra Club; Carl Pope, Washington Representative, Zero Population Growth; Clifford A. Deeds, Director, TVASNAC (Town-Village Aircraft Safety & Noise Abatement Committee); James W. Spensley, President, Environment, Inc.; Mary I. Burks, President, The Alabama Conservancy.

MASSACHUSETTS AUDUBON SOCIETY,
Lincoln, Mass., April 22, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The 17,000-member Massachusetts Audubon Society endorses the general position of conservation organizations protesting the federal funding of the supersonic transport plane (SST). The conclusive arguments revolve around well-established environmental facts:

(1) The impact of noise upon persons at and near airports;

(2) The impact of sonic boom upon persons, property and wildlife (especially its damage to seabirds and waterfowl on Arctic or oceanic nesting grounds);

(3) The stratospheric pollution and its implications that threaten long-term environmental change;

(4) The human factors and loss of open space involved in enlargement of airports to accommodate SST.

We urge you to withdraw the SST budget request, since the above listed impacts appear irresolvable.

Sincerely,

ALLEN H. MORGAN,
Executive Vice President.

THE FEDERAL RESERVE SYSTEM—BENEFICENT EMPIRE BUILDERS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, the interlocking aspect of the international financial nobility is not only interesting, it is frightening.

I insert a recent financial statement on the 12 Federal Reserve Banks and the well-documented research paper by Gary Allen, entitled "The Bankers—Conspiratorial Origins of The Federal Reserve," from American Opinion magazine, of March 1970, following my remarks.

[From the Commercial and Financial Chronicle, Apr. 27, 1970]

CONSOLIDATED STATEMENT OF CONDITION OF THE 12 FEDERAL RESERVE BANKS

[In millions of dollars]

	Apr. 22, 1970	Apr. 23, 1969
ASSETS		
Gold certificate account [1]	11,045	10,024
Special drawing rights certificate account	400	
Cash	195	204
Discounts and advances	1,349	1,230
Acceptances:		
Bought outright	58	52
Held under repurchase agreement	65	50
Federal agency obligations: Held under repurchase agreement	25	
U.S. Government securities:		
Bought outright:		
Bills	20,692	17,883
Certificates		
Notes	32,073	30,046
Bonds	2,815	4,387
Total bought outright—held under repurchase agreement	55,580	52,316
Total U.S. Government securities	473	
Total loans and securities	56,053	52,316
Cash items in process of collection	57,550	53,316
Bank premises	11,301	9,682
Other assets [2]	118	114
	2,136	2,752
Total assets	82,745	76,424
LIABILITIES		
Federal Reserve notes	46,463	43,482
Deposits:		
Member bank reserves	23,899	22,174
U.S. Treasurer—general account	941	749
Foreign	189	124
Other [3]	885	455
Total deposits—deferred availability cash items	25,914	23,502
Other liabilities and accrued dividends	8,298	7,560
	507	410
Total liabilities	81,182	74,954
CAPITAL ACCOUNTS		
Capital paid in	681	649
Surplus	669	630
Other capital accounts	213	191
Total liabilities and capital accounts	82,745	76,424
Contingent liability on acceptances purchased for foreign correspondents	187	127

[1] Reflects $810,000,000 of securities sold and scheduled to be bought back under matched sale-purchase transactions. Also includes $50,000,000 securities loaned—fully secured by U.S. Government securities pledged with Federal Reserve Banks.

[2] Includes assets denominated in foreign currencies and IMF gold deposited.

[3] Includes IMF gold deposit.

THE BANKERS—CONSPIRATORIAL ORIGINS OF THE FEDERAL RESERVE

(By Gary Allen, a graduate of Stanford University and one of the nation's top authorities on civil turmoil and the New Left, is author of Communist Revolution in the Streets—a highly praised and definitive volume on revolutionary tactics and strategies, published by Western Islands. Mr. Allen, a former instructor of both history and English, is active in anti-Communist and other humanitarian causes. Now a film writer, author, and journalist, he is a Contributing Editor to American Opinion. Gary Allen is also nationally celebrated as a lecturer)

If you will check your wallet you will notice that on new currency all reference to redemption in "lawful money" has been deleted. The United States has taken the final step to a money system unbacked by anything of value and hence inflatable to the point of worthlessness. There are no more gold certificates, no more silver certificates, and the "redeemable in lawful money" clause has been removed from Federal Reserve Notes. Our last remaining gold is triply mortgaged to foreigners, and it is a felony for Americans privately to own gold bullion. The government policy of melting silver coins (our last real money) and selling the silver at artificially low prices was initiated by the Johnson Administration and has been continued by the "New Leadership" team of Richard Nixon.

The matter is very serious indeed, and looks for all the world like a set-up for economic catastrophe.

But, challenging the paper-money policies of our Federal Reserve System means confronting what may be the most powerful body in the country. It controls our money supply and interest rates, and thereby manipulates the entire economy—creating inflation or deflation, recession or boom, and sending the stock market up or down at whim. The Federal Reserve is so powerful that Congressman Wright Patman, Chairman of the House Banking Committee, maintains:

> In the United States today we have in effect two governments. . . . We have the duly constituted Government. . . . Then we have an independent, uncontrolled and uncoordinated government in the Federal Reserve System, operating the money powers which are reserved to Congress by the Constitution.

Presidents, Congressmen, and Secretaries of the Treasury do not tell the Federal Reserve what to do; in the matters of money, the Federal Reserve tells them what to do! The uncontrolled power of "the Fed" was admitted by Secretary of the Treasury David M. Kennedy in an interview for the May 5, 1969, issue of U.S. News & World Report:

> *Q. Do you approve of the latest credit-tightening moves?*
>
> A. It's not my job to approve or disapprove. It is the action of the Federal Reserve.

In his memoirs, William McAdoo, Woodrow Wilson's son-in-law and Secretary of the Treasury when the Federal Reserve Act was passed, makes it clear that "the Fed" was designed to have power over the Treasury. He writes that though ". . . the Federal Reserve Board still has offices in the Treasury Building, it is not at all subservient to the Treasury Department—and never was." [1]

The origin of such unrestricted power calls for considerable explanation.

There are, of course, different types of banks to serve different markets. A pawn shop is the poor man's bank. It takes a man's overcoat as collateral and lends him enough money for a meal and a bed. The credit union is the workingman's bank and holds a claim against his future wages. Most businessmen deal with a commercial bank, and large corporations often obtain capital and loans from investment banking firms. But where do governments obtain the enormous amounts of money they need?

Most, of course, comes from taxation; but governments often spend more than they are willing to tax from their citizens and are forced to borrow. Our national debt is now $372 billion—every cent of it borrowed at interest from somewhere.

The public is led to believe that our government borrows from "the people" through savings bonds. Actually, only the smallest percentage of the national debt is held by individuals in this form.[2] Most government bonds, except those owned by the government itself through its trust funds, are held by vast banking firms known as international banks. In the field of banking, as in all other fields, there is an institution to fulfill every demand, whether it be someone pawning an overcoat or a government borrowing hundreds of billions of dollars.

For centuries there has been big money to be made by international bankers in the financing of governments and kings. Such operators are faced, however, with certain thorny problems. We know that smaller banking operations protect themselves by taking collateral, but what kind of collateral can you get from a government or king? What if when the banker comes to collect the king says, "Off with his head"? The process through which one collects a debt from a government or a monarch is not a subject taught in the business schools of our universities, and most of us—never having been in the business of financing kings—have not given the problem much thought. But there is a king-financing business, and to those who can ensure collection it is very lucrative indeed.

Footnotes at end of article.

Professor Stuart Crane, chairman of the Department of Economics at Bob Jones University, has pointed out that there are two means used to collateralize loans to governments and kings. First, we know that whenever a business firm borrows big money its creditor obtains a voice in management to protect his investment. Like a business, no government or king can borrow big money unless willing to surrender to the creditor some measure of sovereignty as collateral. Certainly international bankers who have loaned hundreds of billions of dollars to government's around the world command considerable influence in the policies of such governments.

But the ultimate advantage the creditor has over the king or president is that if the ruler gets out of line the banker can finance his enemy or rival. Therefore, if you want to stay in the lucrative king-financing business, it is wise to have an enemy or rival waiting in the wings to unseat every king or president to whom you lend. If the king doesn't have an enemy, you must create one. According to Professor Crane:

> If you will look back at every war in Europe during the Nineteenth Century, you will see that they always ended with the establishment of a "balance of power." With every re-shuffling there was a balance of power in a new grouping around the House of Rothschild in England, France, or Austria. They grouped nations so that if any king got out of line a war would break out and the war would be decided by which way the financing went. Researching the debt positions of the warring nations will usually indicate who was to be punished.

There has been an immense amount of drivel written about international bankers. Some would have you believe that no stagecoach was every robbed or damsel sold into white slavery except at the malevolent behest of some international banker. Such a downgrading of private malice and individual capacity for evil disregards the nature of man.

Probably the most comprehensive single source covering the international banking structure is an enormous volume called *Tragedy And Hope*, by Professor Carrol Quigley of the Foreign Service School at Georgetown University.[3] The subject is not one in which authentic information is readily available. Yet, it is impossible to understand the history of the Twentieth Century without an understanding of the role played by the international bankers in our economic and political life. Carrol Quigley spells out their vast aims this way:

> In addition to these pragmatic goals, the powers of financial capitalism had another far-reaching aim, nothing less than to create a world system of financial control in private hands able to dominate the political system of each country and the economy of the world as a whole. The system was to be controlled in a feudalist fashion by the central banks of the world acting in concert, by secret agreements arrived at in frequent private meetings and conferences.[4]

Preeminent among these international banking combines has been the House of Rothschild Professor Quigley says:

"The greatest of these dynasties, of course, were the descendants of Meyer Amschel Rothschild (1743–1812) of Frankfort, whose male descendants, for at least two generations, generally married first cousins or even nieces. Rothschild's five sons, established at branches in Vienna, London, Naples, and Paris, as well as Frankfort, cooperated together in ways which other international banking dynasties copied but rarely excelled." (Page 51.)

There are others, of course. The Georgetown historian lists a few of the most prominent:

"The names of some of these banking families are familiar to all of us and should be more so. They include Baring, Lazard, Erlanger, Warburg, Schröder, Seligman, the Speyers, Mirabaud, Mallet, Gould, and above all the Rothschild and Morgan. . . . they remained different from ordinary bankers in distinctive ways: (1) they were cosmopolitan and international; (2) they were closer to governments and were particularly concerned with questions of government debts, including foreign governments debts . . . These bankers came to be called 'international bankers.' (Page 52.)"

Since the keystone of the international banking empires has been government bonds, it has been in the interest of these international bankers to encourage government debt. The higher the debt the more the interest. Nothing drives government deeply into debt like a war; and, it has not been an uncommon practice among international bankers to finance both sides of the bloodiest military conflicts. They did this, for example, during our Civil War. The North was financed by the Rothschilds through their American agent August Belmont, and the American South through the Erlangers, Rothschild relatives.[5]

Also, the international bankers have often supported revolutionaries—providing enemies for kings and governments they were financing. Radical movements are never successful unless they attract big money and/or outside support. Oswald Spengler, the greatest historian of the Twentieth Century, was one of those who saw what American "Liberals" refuse to see—that the "Left" is controlled by its alleged enemy, the international cartelists and bankers. He wrote in his monumental Decline and Fall of the West:

> There is no proletarian, not even a Communist, movement, that has not operated in the interests of money, in the directions indicated by money, and for the time being permitted by money—and that without the idealists among its leaders having the slightest suspicion of the fact.

For example, these bankers were deeply involved in the bloody French Revolution. Professor Quigley reports:

"At that date [1800], financial power [in France] was in the hands of about ten or fifteen private banking houses whose founders, in most cases, had come from Switzerland in the second half of the eighteenth century. These bankers, all Protestant, were deeply involved in the agitations leading up to the French Revolution. When the revolutionary violence got out of hand, they were the chief forces behind the rise of Napoleon, whom they regarded as the restorer of order." (Page 515.)

The international bankers also bankrolled the Russian Revolution. The chief financier in that case was Jacob Schiff of the New York international banking firm of Kuhn, Loeb and Company. As the New York Journal-American noted on February 3, 1949: "Today it is estimated by Jacob's grandson, John Schiff, that the old man sank about 2,000,000 dollars for the final triumph of Bolshevism in Russia."

Possibly the best source of information on the financing of the Russian Revolution is *Czarism and the Revolution* by an important White Russian named Arsene de Goulevitch, founder in France of the Union of Oppressed Peoples. In this volume, written in French and since translated into English, de Goulevitch notes:

"The main purveyors of funds for the revolution, however, were neither the crackpot Russian millionaires nor the armed bandits of Lenin. The "real" money primarily came from certain British and American circles which for a long time past had lent their support to the Russian revolutionary cause. Thus Trotsky, in his book "My Life," speaks of a large loan granted in 1907 by a financier belonging to the British Liberal Party. This loan was to be repaid at some future date after the overthrow of the Czarist regime. According to Trotsky, the obligation was scrupulously met by the revolution. The financier just mentioned was by no means alone among the British to support the Russian revolution with large financial donations."

A footnote to the above contains this critical addition:

"On April 7, 1917, General Janin made the following entry in his diary ("Au G.C.C. Russe"—at Russian G.H.Q.—"Le Monde Slave," Vol. 2, 1927, pp. 296–297): Long interview with R., who confirmed what I had previously been told by M. After referring to the German hatred of himself and his family, he turned to the subject of the Revolution which, he claimed, was engineered by the English and, more precisely, by Sir George Buchanan and Lord [Alfred] Milner. Petrograd at the time was teeming with English. . . . He could, he asserted, name the streets and the numbers of the houses in which British agents were quartered. They were reported, during the rising, to have distributed money to the soldiers and incited them to mutiny."

De Goulevitch goes on to reveal: "In private interviews I have been told that over 21 million roubles were spent by Lord Milner in financing the Russian Revolution." All of which is very interesting since Czarist Russia was an ally of Britain in the war with Germany then in progress. After the Communists seized power in the October Revolution, Lenin quickly signed a peace treaty with Germany, allowing the Kaiser to shift all of his troops to the Western Front to kill American and English soldiers. It is impossible to calculate how many Allied troops were sacrificed because of the treachery of Comrades Schiff and Milner.

Alfred Milner's role in the Russian Revolution is particularly significant since he was the founder of England's secret "Round Table" group which started the Royal Institute for International Affairs, parent organization of America's powerful and prestigious Council on Foreign Relations—at least seventy members of which now hold top appointments in the Nixon Administration. Quigley reveals on Page 950 of his authoritative book: "In fact, this network, which we may identify as the Round Table Groups [including the C.F.R.], has no aversion to cooperating with the Communists, or any other groups, and frequently does so." He continues:

"I know of the operations of this network because I have studied it for twenty years and was permitted for two years, in the early 1960's, to examine its papers and secret records. I have no aversion to it or to most of its aims and have, for much of my life, been close to it and to many of its instruments."

Among other international bankers financing the Russian Revolution were Olaf Aschberg of the Nye Banken of Stockholm, the Rhine Westphalian Syndicate, and a wealthy banker named Jivotovsky whose daughter later married Leon Trotsky. However, the chief European funding came from Max Warburg of Hamburg, Germany, who was the brother of Jacob Schiff's son-in-law, Felix Warburg, as well as of Schiff's partner, Paul Warburg. Curiously the latter was the man most instrumental in the establishment of the Federal Reserve System.[6]

Jacob Schiff claimed that his massive support of the Russian Revolution stemmed from his hostility to Czarist anti-Semitism. In his fawning collective biography, Men Who Are Making America (1922), B. C. Forbes says:

"When the American Jewish Relief Committee launched its campaign to raise $10,000,000 for Jewish victims of the war, Mr. Schiff invited to dinner several hundred of the most prominent members of the race,

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Footnotes at end of article.

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made a stirring appeal, announced a personal contribution of $100,000 and so aroused the gathering that over $2,500,000 was pledged on the spot. Mr. Schiff's donation, he specified, would be used in establishing a hospital unit in Russia 'in recognition of the emancipation of the Jew, won through the revolution.' (Pp. 334–335.)"

You will note that this book was published in 1922, long after it was obvious what brutal butchers Lenin and his Bolsheviki really were. Schiff was using his fellow Jews as he used everyone else. According to de Goulevitch:

"Mr. Bakhmetiev, the late Russian Imperial Ambassador to the United States, tells us that the Bolsheviks, after victory, transferred 600 million roubles in gold between the years 1918 and 1922 to Kuhn, Loeb & Company [Schiff's firm]."

But, of course, while wars and revolutions have been useful to international bankers in gaining or increasing control over governments, the key to such control has always been control of money. You can't control a government unless you have it in debt, and a creditor is in the best position to demand the privileges of monopoly from the sovereign. That monopoly which the international financiers have most coveted is control over a nation's money. Professor Quigley explains:

"The influence of financial capitalism and of the international bankers who created it was exercised both on business and on governments. . . . [It was] based on the assumption that politicians were too weak and too subject to temporary popular pressures to be trusted with control of the money system; accordingly, the sanctity of all values and the soundness of money must be protected . . . by allowing bankers to control the supply of money."

By private banking interests, Quigley and the international bankers mean a government-granted monopoly. Under this system, observed Reginald McKenna, President of the Midlands Bank of England: "Those that create and issue the money and credit direct the policies of government and hold in their hands the destiny of the people."[7] Once the government is in debt to the bankers it is at their mercy. A frightening example was cited by the London *Financial Times* of September 26, 1921, which revealed that even at that time: "Half a dozen men at the top of the Big Five Banks could upset the whole fabric of government finance by refraining from renewing Treasury Bills."

The instruments through which the international financiers established such monopoly control were their central banks in each major country in Europe.[8]

All those who have sought dictatorial control over modern nations have understood the necessity of a central bank. When the mysterious group calling itself the League of Just Men hired a hack revolutionary named Karl Marx to write a blueprint for conquest called The Communist Manifesto, the fifth plank read: "Centralization of credit in the hands of the state, by means of a national bank with state capital and an exclusive monopoly." Lenin later said that the establishment of a central bank was ninety percent of communizing a country. Such conspirators knew that you cannot take control of a nation without military force unless that nation has a central bank through which you can control its economy. The international financiers set up their own front men in charge of each of Europe's central banks. Professor Quigley reports:

"It must not be felt that these heads of the world's chief central banks were themselves substantive powers in world finance. They were not. Rather, they were the technicians and agents of the dominant investment bankers of their own countries, who had raised them up and were perfectly capable of throwing them down. The substantive financial powers of the world were in the hands of these investment bankers (also called "international" or merchants' bankers) who remained largely behind the scenes in their own unincorporated private banks. These formed a system of international cooperation and national dominance which was more private, more powerful, and more secret than that of their agents in the central banks. . . . (Page 326.)"

The international bankers who owned and controlled the Banks of England and France maintained their power even after those Banks were theoretically socialized.

Naturally those who controlled the central banks of Europe were eager from the start to fasten a similar establishment on the United States. The Founding Fathers had from the earliest days of the Republic been conscious of attempts to control America through money manipulation, and carried on a running battle with the international bankers. Thomas Jefferson wrote in a letter to John Adams: ". . . I sincerely believe, with you, that banking establishments are more dangerous than standing armies. . . ."[9]

But, even though America did not have a central bank after President Jackson abolished it in 1836, the European financiers and their American agents managed to obtain a great deal of control over our monetary system. Gustavus Myers, in his History of the Great American Fortunes,[10] reveals:

"Under the surface, the Rothschilds long had a powerful influence in dictating American financial laws. The law records show that they were powers in the old Bank of the United States [abolished by Andrew Jackson]. (Page 556n.)"

During the early part of the War Between the States, President Lincoln ordered the Treasury to print $450 million in paper money (called greenbacks) unbacked by gold, silver, or the sale of government debt to the international bankers. The world financiers wanted currency printed only when it was backed by interest-bearing government bonds, which would be considered part of the national debt. Neither "fiat-money" greenbacks nor interest-bearing "debt currency" are a sound basis for any money system, but interest on Lincoln's greenbacks would have run to over $2 billion in payments to the international bankers since their issuance in 1861.

However, Abraham Lincoln soon found he could not fight both a Civil War and the international bankers. In 1863, the banker clique succeeded in pushing through the National Bank Act. The Government issued a special series of interest-bearing bonds, which the national banks could acquire and use as the basis for issuing non-interest-bearing bank notes. While the National Banking Act (under which America operated until the passage of the Federal Reserve Act in 1913) was a step towards central banking, and to a degree based the supply of money on the national debt, the financial power was diffused in many banks throughout the country rather than in a central bank, and there were built-in protections against inflation.

Though inflation has been the primary tool used by the international monopolists to whipsaw our economy during the Twentieth Century, deflation was the key ploy of the Nineteenth Century. In the years after the Civil War the government ran consistent budget surpluses, and thus retired the bonds upon which the banks were issuing currency. This deflated the money supply, fattening the bankers and causing great hardship on borrowers who were repaying loans in currency of greater purchasing power than that which they had borrowed. Particularly hard-pressed were farmers—who were victims not only of deflation, but high tariffs.

Yet, by the turn of the century America was expanding so fast, and creating so much capital in diversified hands, that the international finnaciers operating through New York were in danger of losing control. This is quite the opposite of the picture generally drawn, but is nonetheless well documented. Perhaps the best analysis is that by "Liberal" Professor Gabriel Kolko in his excellent book, *The Triumph Of Conservatism.*[11] On the basis of his extensive research, Dr. Kolko comments:

"Despite the large number of mergers, and the growth in the absolute size of many corporations, the dominant tendency in the American economy at the beginning of this century was toward growing competition. Competition was unacceptable to many key business and financial interests . . . . As new competition sprang up, and as economic power was diffused throughout an expanding nation, it became apparent to many important businessmen that only the national government could rationalize the economy . . . .

"Ironically, contrary to the consensus of historians, it was not the existence of monopoly that caused the federal government to intervene in the economy, but the lack of it . . . .

"In the long run, key business leaders realized they had no vested interest in a chaotic [competitive] industry and economy in which not only their profits but their very existence might be challenged. (Pp. 4–6.)"

The names of the international financial groups in America which were so interested in protecting their cartels against competition are indicated by Sereno Pratt in The Work Of Wall Street:

"When we speak in Wall Street of the "private bankers," we refer to the handful of great banking-houses whose operations are on an international scale, and which in the United States represent the same power that the Rothschilds have so long possessed in Europe. These houses may, like J. P. Morgan & Co., Kuhn, Loeb & Co., J. and W. Seligman & Co., Speyer & Co., and Brown Bros. & Co., be closely allied by partnership ties to other powerful firms in other cities; and represent here the great firms and institutions of Europe, just as August Belmont & Co. have long represented the Rothschilds.[12]"

Soon to join the above were the Rockefellers, who went into banking in a big way shortly after the turn of the century when John D. Rockefeller bought the Chase Bank and his brother William bought the National City Bank of New York. The Rockefeller Chase Bank was later merged with the Warburg's Manhattan Bank to form Chase-Manhattan, the most powerful financial institution in the world today.

During the Nineteenth Century the leading financiers of the metropolitan East often cut one another's financial throats, but as their Western and rural victims started to organize politically, the "robber barons" saw that they had a "community of interest" which they must work together to protect from thousands of irate farmers and up and coming competitors.[13]

As Proctor Hansl writes of this era in *Years Of Plunder* (Harrison Smith & Robert Haas, New York, 1935): "Among the Morgans, Kuhn-Loebs and other similar pillars of the industrial order there was less disposition to become involved in disagreements that led to financial dislocation. A community of interest came into being, with results that were highly beneficial . . . ." This diffusion of economic power was one of the main factors stimulating the demands by would-be business and financial monopolists for a central bank. But outside of the major Eastern centers, most American bankers and their customers still distrusted the whole concept.

In order to show the yokels in the hinterlands that they were going to need a central banking system, the international bankers created a series of panics as a demonstration of their power; a warning of what would happen unless the rest of the bankers got

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into line. The man in charge of conducting these lessons was J. Pierpont Morgan, who was American born but educated in England and Germany. Morgan is referred to by many, including Congressman Louis McFadden, a banker who for ten years headed the House Banking and Currency Committee, as the top American agent of the English Rothschilds. He made his first fortune during the Civil War by selling the government defective rifles which had previously been declared unserviceable. . .[14]

By the turn of the century J. P. Morgan was already an old hand at creating artificial panics. Such affairs were well coordinated. Senator Robert Owen, a co-author of the Federal Reserve Act who later deeply regretted his role, testified before a Congressional Committee that the bank he owned received from the National Bankers' Association what came to be known as the "Panic Circular of 1893," which stated: "You will at once retire one-third of your circulation and call in one-half of your loans."[15] That had been a Morgan show. And, of course, J. P. Morgan came to the rescue of his contrived depression. According to Earl Sparling's *Mystery Men of Wall Street*, on "February 8, 1895, J. Pierpont Morgan . . . bearded blunt Grover Cleveland in the White House study and huckstered to him and the nation $65,000,000 of Rothschild gold."[16]

Historian Frederick Lewis Allen tells in *Life* magazine of Morgan's role in spreading rumors about the insolvency of the Knickerbocker Bank and the Trust Company of America which triggered the 1907 panic. In answer to the question: "Did Morgan precipitate the panic?" Allen reports:

"Oakleigh Thorne, the president of that particular trust company, testified later before a congressional committee that his bank had been subjected to only moderate withdrawals . . . that he had not applied for help, and that it was the [Morgan's] "sore point" statement alone that had caused the run on his bank. From this testimony, plus the disciplinary measures taken by the Clearing House against the Heinze, Morse and Thomas banks, plus other fragments of supposedly pertinent evidence, even including Bishop Lawrence's account of Morgan's cheerful singing in the dining car on Sunday morning [on his way to New York to stem the "panic"], certain chroniclers have arrived at the ingenious conclusion that the Morgan interests took advantage of the unsettled conditions during the autumn of 1907 to precipitate the panic, guiding it shrewdly as it progressed so that it would kill off rival banks and consolidate the preeminence of the banks within the Morgan orbit."[17]

The "panic" which Morgan had created, he proceeded to end almost singlehandedly. He had made his point. Frederick Allen explains:

"The lesson of the Panic of 1907 was clear, though not for some six years was it destined to be embodied in legislation: the United States gravely needed a central banking system. . . ."

The man who was to play the most significant part in providing America with that central bank was Paul Warburg, who along with his brother Felix had immigrated to the United States from Germany in 1902. They left brother Max, later a major financier of the Russian Revolution, at home in Frankfurt to run the family bank, M.N. Warburg & Company, which had been in existence since 1798. Paul married Nina Loeb, daughter of Solomon Loeb of Kuhn, Loeb and Company, while Felix married Jacob Schiff's daughter, Frieda.[18] Both brothers became Kuhn-Loeb partners, Paul receiving a yearly salary of $500,000. He had studied international manipulation in Hamburg, London, and Paris before coming to America. B. C. Forbes, in his laudatory Men Who Are Making America, comments:

"Paul M. Warburg more than any other man had made banking reform possible in this country. Trained scientifically in European national and international banking, our anachronistic currency system shocked him." (Page 400.)

It has been theorized that Paul Warburg was sent to America by international bankers in Europe for the purpose of establishing a central bank here. Stephen Birmingham reveals in *Our Crowd:*

". . . he [Paul] was possibly the most brilliant and versatile of all the Warburgs, and, for years, was a sort of itinerant Kuhn, Loeb partner, spending half of each year in New York and the other half with the Warburg bank in Germany, serving as a financial liaison between the two countries. . . ." (Page 415.)

In 1907, the year of the Morgan-precipitated panic, Warburg began spending almost all of his time writing and lecturing on the need for "bank reform." Kuhn, Loeb and Company was sufficiently public-spirited about the matter to keep him on salary at $500,000 per year while for the next six years he donated his time to "the public good."

Working with Warburg in promoting this "banking reform" was Nelson Aldrich, known as "Morgan's floor broker in the Senate."[19] Aldrich's daughter Abby married John D. Rockefeller Jr. (the current Governor of New York is named for his maternal grandfather).

After the Panic of 1907, Aldrich was appointed by the Senate to head the National Monetary Commission. Although he had no technical knowledge of banking, Aldrich and his entourage spent nearly two years and $300,000 of the taxpayers' money being wined and dined by the owners of Europe's central banks as they toured the Continent "studying" central banking.[20] When the Commission returned from its luxurious junket it held no meetings and made no report for nearly two years. But, Senator Aldrich was busy "arranging" things. Together with Paul Warburg and other international bankers, he staged one of the most important secret meetings in the history of the United States. Rockefeller agent Frank Vanderlip admitted many years later in his memoirs:

"Despite my views about the value to society of greater publicity for the affairs of corporations, there was an occasion, near the close of 1910, when I was as secretive—indeed as furtive—as any conspirator. . . . I do not feel it is any exaggeration to speak of our secret expedition to Kekyl Island as the occasion of the actual conception of what eventually became the Federal Reserve System."[21]

The secrecy was well warranted. At stake was control over the monetary system of the United States, and hence control over the entire economy. Senator Aldrich has issued confidential invitations to Henry P. Davison of J. P. Morgan & Company; Frank A. Vanderlip, President of the Rockefeller owned National City Bank; A. Piatt Andrew, Assistant Secretary of the Treasury; Benjamin Strong of Morgan's Bankers Trust Company; and, Paul Warburg. They were all to accompany him to Jekyl Island, Georgia, to write the final recommendations of the National Monetary Commission report.

Vanderlip describes the extent to which the conspirators went in keeping their meeting a secret:

"We were told to leave our last names behind us. We were told further, that we should avoid dining together on the night of our departure. We were instructed to come one at a time and as unobstrusively as possible to the railroad terminal on the N.J. littoral of the Hudson, where Sen. Aldrich's private car would be in readiness, attached to the rear end of a train for the South.

. . . Once aboard the private car we began to observe the taboo that had been fixed on last names. We addressed one another as "Ben," "Paul," "Nelson," "Abe." Davison (Morgan's emmissary) and I adopted even deeper disguises, abandoning our own first names. On the theory that we were always right, he became Wilbur and I became Orville, after those two aviation pioneers the Wright brothers.

The servants and the train crew may have known the identities of one or two of us, but they did not know all, and it was the names of all printed together that would have made our mysterious journey significant in Washington, in Wall Street, even in London. Discovery, we knew, simply must not happen, or else all our time and effort would be wasted." (Page 70.)

Everyone on Jekyl Island, except the servants, was evacuated. Warburg's son James later observed, "My father, who did not know one end of a shotgun from the other, had to borrow a lethal weapon to camouflage himself as a duck hunter."[22] But once they arrived at the palatial Jekyl Island hunting club, it was all work and no play. Frank Vanderlip describes the week in these terms: "We worked morning, noon and night. We put in the most intense period of work that I have ever had . . ."[23]

Paul Warburg still had doubts that America would swallow a central bank, but Aldrich thought the deception could be accomplished. Aldrich's biographer, N. W. Stephenson, has revealed: ". . . Aldrich said to him [just prior to the Jekyl Island trip], 'Mr. Warburg, I like your ideas . . . You say we cannot have a central bank, and I say we can.'" The amazed Warburg later recounted in his own book, The Federal Reserve System:

"It is easy to imagine, but hard to describe, the mixed feeling of joy and bewilderment into which this remark threw me, for suddenly I found our roles reversed. Whereas before I had doubted whether the Senator could ever be persuaded to consider any central reserve plan, I now found it my part to dissuade him from going too far in that direction."[24]

At Jekyl Island, writes B. C. Forbes:

"After a general discussion it was decided to draw up certain broad principles on which all could agree. Every member of the group voted for a central bank as being the ideal cornerstone for any banking system." (Page 399.)

Warburg stressed that the name "central bank" must be avoided at all costs. It was decided to promote the scheme as a "regional reserve" system with four (later twelve) branches in different sections of the country. The conspirators knew that the New York bank would dominate the rest, which would be marble white elephants to deceive the public. The assembled bankers also agreed on the concept of a uniform discount rate, which was the method used by European central banks to eliminate competition and create inflation or deflation. Eliminating competition was another subject discussed. According to Professor Kolko:

"Although they agreed with Paul Warburg's statement that 'it would be a blessing to get these small banks out of the way and have the branches for national banks,' it was realized that this would lead to terrific opposition from smaller banks. It was generally appreciated that the plan would increase the power of the big national banks to compete with the rapidly growing state banks, help bring the state banks under control, and strengthen the position of the national banks in foreign banking activities." (Page 186.)

Out of the Jekyl Island meeting came the completion of the Monetary Commission Report and the Aldrich Bill. Warburg had proposed the bill be designated the "Federal Reserve System," but Aldrich insisted his own name was already associated in the public's mind with banking reform and that it would arouse suspicion if a bill were introduced which did not bear his name. That it was not Aldrich's bill is beyond doubt.

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Professor Kolko says, "The plan which emerged from the conference was very much like Warburg's in principle, and Warburg claimed authorship for it even though Vanderlip actually drafted the final plan." (Page 184.)

The monopolists departed Jekyl Island in an assured mood. The *Banking Law Journal* had announced in December, 1909, that its own extensive poll among bankers showed that fifty-nine percent supported a central bank free from "Wall Street or any Monopolistic Interest." As Warburg told Senator Aldrich: ". . . One cannot help feeling very confident."

But Aldrich's name attached to the bill proved to be the kiss of death since any law bearing his name was so obviously a project of the international bankers.

Since the Aldrich Bill could not be pushed through Congress, a new strategy had to be devised. The Republican Party was too closely connected with Wall Street. The only hope for a central bank was to disguise it and have it put through by the Democrats as a measure to strip Wall Street of its power. The opportunity to do this came with the approach of the 1912 Presidential election. Republican President William Howard Taft, who had turned against the Aldrich Bill, seemed a sure-fire bet for the re-election until Taft's predecessor, fellow Republican Teddy Roosevelt, agreed to run on the ticket of the Progressive Party. In America's 60 Families, Ferdinand Lundberg acknowledges:

"As soon as Roosevelt signified that he would again challenge Taft the President's defeat was inevitable. Throughout the three-cornered fight [Taft-Roosevelt-Wilson] Roosevelt had [Morgan agents Frank] Munsey and [George] Perkins constantly at his heels. supplying money, going over his speeches, bringing people from Wall Street in to help, and, in general, carrying the entire burden of the campaign against Taft. . . .

"Perkins and J.P. Morgan and Company were the substance of the Progressive Party; everything else was trimming. . . .

". . . in view of the vast sums subsequently spent by him [Munsey] and Perkins to forward the Progressive campaign and insure Taft's defeat, the suspicion seems justified that the two were not over-anxious to have Roosevelt win. The notion that Perkins and Munsey may have wanted Wilson to win . . . is partly substantiated by the view that Perkins put a good deal of cash behind the Wilson campaign. . . .

"In short, most of Roosevelt's campaign fund was supplied by the two Morgan hatchet men who were seeking Taft's scalp." (Pp. 110–112.)

The Democrat candidate, Woodrow Wilson, was equally the property of Morgan. Dr. Kolko reports: "In late 1907 he [Wilson] supported the Aldrich Bill on banking, and was full of praise for Morgan's role in American society." (Page 205.) According to Lundberg, "For nearly twenty years before his nomination Woodrow Wilson had moved in the shadow of Wall Street." (Page 112.) A key man in making Wilson President was George Harvey, president of the Morgan controlled Harper's Weekly, which began promoting Wilson for President in 1906. (Lundberg, Pp. 115–116.) According to Ferdinand Lundberg, ". . . The nomination [Wilson's] represented no less a triumph for [Thomas] Ryan, Harvey, and J. P. Morgan and Company." He continues:

"The financial genius behind Woodrow Wilson was Cleveland H. Dodge of the [Rockefeller] National City Bank. . . . Sitting with Dodge as co-directors of the National City Bank at the time were the younger Rockefeller, J. Ogden Armour, and James Stillman. In short, except for George F. Baker, everyone whom the Pujo [Congressional Investigating] Committee had termed rulers of the "Money Trust" was in this bank." (Pages 109 and 113.)

Woodrow Wilson and Teddy Roosevelt proceeded to whistle-stop the country trying to out-do each other in florid (and hypocritical) denunciations of the Wall Street "money trust"—the same group of Insiders which was financing the campaigns of both. A contemporary George Wallace might have observed that there wasn't a dime's worth of difference.

Kolko tells us that, at the beginning of 1912, banking reform "seemed a dead issue. . . . The banking reform movement had neatly isolated itself." Wilson resurrected the issue and promised the country a money system free from domination by the international bankers of Wall Street. Moreover, the Democrat platform expressly stated: "We are opposed to the Aldrich plan for a central bank." But the "big boys" knew better. They knew what they had bought. Many switched ranks from the Republican to the Democrat Party. Among the international financiers who contributed heavily to the Wilson campaign, in addition to those already named, were Jacob Schiff, Bernard Baruch, Henry Morgenthau, Thomas Fortune Ryan, and *New York Times* publisher Adolph Ochs. (Kolko, Pages 205 and 211.)

While they were preparing to elect Wilson, the banker *Insiders* were busy organizing a propaganda machine. Professor Kolko explains:

"It was especially crucial to remove the stigma of its [banking reform] having been originated by Wall Street interests and Nelson Aldrich. During the spring of 1911 the backers of the plan moved to create the National Citizens' League for the Promotion of a Sound Banking System to accomplish the task. Warburg and the other New York bankers behind the Aldrich plan arranged to have the league centered in Chicago. . . ." (Page 186.)

Anyplace but New York! Of course, the Citizens' League was a front, headed by J. Laurence Laughlin of Rockefeller's University of Chicago. Carter Glass, ranking member of the House Banking and Currency Committee hired Laughlin's former student, protégé, and close confidante, H. Parker Willis, to write the bank reform legislation. "Glass," Kolko tells us, "had virtually no technical knowledge of banking. . . ."

During the period Parker Willis was drawing up this legislation he stayed in close touch with Laughlin. In June, 1912, Willis reported to his mentor: "After a good deal of talk with Mr. Glass, I drew up a bill along the lines of which you and I spoke, and turned it into him." (Kolko, Page 219). Whether Carter Glass realized this was the Aldrich Bill dressed up as a plan to liberate the country from Wall Street is not known.

The Insiders' man in charge of keeping Wilson in line and seeing that their program was put through Congress was the mysterious "Colonel" Edward Mandell House, the British-educated son of a representative of England's financial interests in the American South. He was strictly a behind the scenes wire-puller and is regarded by many historians as the real President of the United States during the Wilson years. House authored a book, Philip Dru: Administrator, in which he wrote of establishing "Socialism as dreamed by Karl Marx." As steps toward his goal, House called (both in his book and in real life) for passage of a graduated income-tax and a central bank providing " flexible [inflatable paper] currency." The graduated income-tax and a central bank are two of the ten planks of The Communist Manifesto.

In his The Intimate Papers Of Colonel House, Professor Charles Seymour refers to the Colonel as the "unseen guardian angel" of the Federal Reserve Act. Seymour's work contains numerous documents and records showing constant contact between House and Paul Warburg while the Federal Reserve Act was being prepared and steered through Congress. Biographer George Viereck assures us that "The Schiffs, the Warburgs, the Kahns, the Rockefellers, and the Morgans put their faith in House. . . ." Their faith was amply rewarded.

In order to support the fiction that the Federal Reserve Act was "a people's bill," the Insider financiers put up a smokescreen of opposition to it. It was strictly a case of Br'er Rabbit begging not to be thrown in the briar patch. Both Aldrich and Vanderlip denounced what for all practical purposes was their own bill. Nearly twenty-five years later Frank Vanderlip admitted: "Now although the Aldrich Federal Reserve Plan was defeated when it bore the name Aldrich, nevertheless its essential points were all contained in the plan that finally was adopted."[25] Here was the "principle of reversal" at its most effective. Writing in The Market Place (Little, Brown & Company, Boston, 1938) Alexander Dana observed:

"To those of us who watched the incident sympathetically, though at first incredulously, it afterward seemed not improbable that the banking community's opposition to the administration's plan was itself unwittingly a potent influence in silencing Congressional objectors." (Page 243.)

In his autobiography, William McAdoo, Wilson's Secretary of the Treasury and son-in-law, recalled:

"Bankers fought the Federal Reserve legislation—and every provision of the Federal Reserve Act—with the tireless energy of men fighting a forest fire. They said it was populistic, socialistic, half-baked, destructive, infantile, badly conceived, and unworkable." (Page 213.)

However, the coy McAdoo admits that maybe this was a deliberate fraud:

"These interviews with bankers led me to an interesting conclusion. I perceived gradually, through all the haze and smoke of controversy, that the banking world was not really as much opposed to the bill as it pretended to be . . . .

"Very few events and very few people are what they seem to be. A deft manipulation of mass psychology is often behind historic happenings and popular movements of all kinds." (Pages 225 and 238.)

After considerable shoving and hauling, all within limits acceptable to the *Insiders*, the Federal Reserve Act was passed on December 22, 1913, by a vote of 298 to 60 in the House, and in the Senate by a majority of 43 to 25. Wilson has fulfilled the pledge he had made to the *Insiders* in order to become President. Warburg told House, "Well, it hasn't got quite everything we want, but the lack can be adjusted later by administrative process."

There was genuine opposition to the Act, but it could not match the power of the Bill's advocates. Conservative Henry Cabot Lodge Sr. proclaimed with great foresight, "The bill as it stands seems to me to open the way to a vast inflation of the currency. . . . I do not like to think that any law can be passed which will make it possible to submerge the gold standard in a flood of irredeemable paper currency." (*Congressional Record,* June 10, 1932.) After the vote, Congressman Charles A. Lindbergh Sr., father of the famous aviator, told Congress:

"This act establishes the most gigantic trust on earth. . . . When the President signs this act the invisible government by the money power, proven to exist by the Money Trust investigation, will be legalized.

"This is the Aldrich Bill in disguise. . . .

"The new law will create inflation whenever the trusts want inflation. . . ."

From now on depressions will be scientifically created. (Congressional Record, December 22, 1913).

The Federal Reserve Act was, and still is, hailed as a victory of "democracy" over the "money trust." Nothing could be further

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from the truth. In subsequent years such Wall Street operators as Glass, Laughlin, Willis, and Warburg all claimed authorship of the Act. Glass, Laughlin, and Willis were all involved in writing the actual text, but virtually everything in the Bill was within the boundaries of Warburg's Aldrich Bill. The original impetus came from, and was sustained by, the *Insiders* who were "seeking to offset, through political means, the diffusion and decentralization within banking." (Kolko, Page 253.) In assessing the differences between the Aldrich and Glass versions, Professor Kolko states:

"In major areas the differences between the two plans were of degree rather than kind, and, if anything, the new Act provided for substantially greater centralization. The crucial question is whether the intended functions of the two plans were identical, from the bankers' viewpoint. To what extent did the Federal Reserve Act serve the interests of the big bankers irrespective of its differences from the Aldrich Bill?" (Page 247.)

Much controversy has taken place over just who owns the Federal Reserve System. Technically, the stock is owned by all the national banks, which receive a dividend of six percent each year. The balance of the Federal Reserve's profits are said to be turned back to the Treasury. Because the Federal Reserve Act was modelled after the European central banks which were privately owned profit-making institutions, many have speculated that our system has secret Class A stockholders. Indeed, the original act did provide for private individuals buying up to $2,500 worth of stock, but there is no public record of anyone having done so. It is difficult to believe that a six percent return is especially enticing to operators at the level of the *Insiders*.

Still, the truth is that as the Federal Reserve has since it was founded in 1913 successfully resisted every attempt at an audit, we just can't tell whether there are individual owners or if vast private profits are being drained from the System. It seems unlikely that the *Insiders* could risk exposure that they owned the Federal Reserve when the really important feature is their control over the System, by which they manipulate interest rates and the money supply. Control is the important factor. After all, even after the *Insiders* surrendered technical ownership of English and European central banks, they retained control. Enormous profits *are* made by manipulating the stock and money markets through control of, and prior knowledge of, shifts in monetary policy by the Federal Reserve.

Observers have also carried on endless arguments over whether "the Fed" is (or should be) controlled by a few *Insiders* or Socialist bureaucrats. These are false alternatives. While technically the President appoints the seven members of the Federal Reserve Board for fourteen-year terms, these appointments have been almost universally congenial to both the international bankers and the Socialists. In theory the Federal Reserve is just another government bureaucracy, but Presidents have to be elected and it is very difficult to get elected over the opposition of the international bankers who control vast sums of money and pull the financial wires which control the mass media. The power of the New York banking lobby to make or break almost any politician is simply enormous.

The original Federal Reserve Board was largely handpicked by Colonel House and included Paul Warburg.[26] As was to be expected, the real power of the Federal Reserve was, and is, in New York where the money and government bond markets are. Lundberg informs us:

"In practice the Federal Reserve Bank of New York became the fountainhead of the system of twelve regional banks, for New York was the money market of the nation. The other eleven banks were so many expensive mausoleums erected to salve the local pride and quell the Jacksonian fears of the hinterland. Benjamin Strong, one of the original duckhunters . . . (and) president of the (Morgan) Bankers Trust Company, was selected as the first Governor of the New York Reserve Bank. And adept in high finance, Strong for many years manipulated the country's monetary system at the discretion of directors representing the leading New York banks. Under Strong the Reserve System, unsuspected by the nation, was brought into interlocking relations with the Bank of England and the Bank of France . . ." (Page 122.)

Strong was well aware of the coup the Insiders had pulled and bragged in 1919 that the bankers of New York had ended anti-Wall Street sentiment by insulating themselves behind a bureaucratic curtain.[27] New York was in control. Concerning this domination of the system, Professor Kolko says:

"Until passage of the Federal Reserve Act the relative power of New York in national banking was declining, but from 1914 to 1935 it dominated American banking as it had only in the 1890's. And throughout this period Strong became at least as powerful as Morgan had been in his best years. . . .

The Federal Reserve Act coordinated, if not centralized the banking resources of the nation to an unparalleled degree. The continual and routine decisions of New York banking, because of this situation, affected the entire banking system in a much more important fashion than ever before." (Pp. 251–252.)

The year 1913 had been the crucial one. The Federal Reserve Act, providing the central banking system called for in *The Communist Manifesto,* was passed so that the *Insiders* could force government debt and thereby gain control of the nation's economy. The progressive income-tax also right out of *The Communist Manifesto,* was then passed so that the funds necessary to pay an enormous national debt could be raised. The Constitutional Amendment to allow the Marxist progressive income-tax was introduced by Morgan-Rockefeller henchman Nelson Aldrich at the same time the key *Insiders* were establishing tax-free foundations to avoid the consequences of the taxes they were preparing to heap on the rest of us.

In 1916 the New York Federal Reserve Bank began acting for the entire system on foreign operations. The New York bank was appointed banker for the government in its foreign transactions and has since 1915 served as agent in the government bond market.[28]

In the intervening years since the passage of the Federal Reserve Act, we have experienced recurring recessions, a disastrous depression, and unparalleled inflation—all catastrophies the System was supposed to prevent. Since Woodrow Wilson took his oath of office, the national debt has risen from $1 billion to $372 billion. The total amount of interest paid since then to the international bankers holding that debt is staggering, with interest having become the third largest item in the federal budget. Interest on the national debt is now almost $20 billion every year, and climbing steeply as inflation pushes up the interest rate on government bonds. Meanwhile, our gold is mortgaged to European central banks, and our silver will have all been sold by the end of this year. With economic catastrophe breathing down our neck, only a blind disciple of the "accidental theory of history" could believe that all of this has occurred by coincidence.

FOOTNOTES

[1] William G. McAdoo, *Crowded Years,* Houghton, Mifflin & Company, New York, 1931, Page 286.

[2] Because Americans believe the national debt is in the hands of "the people," most have accepted the "Liberal" placebo that "we owe it to ourselves," and pay little attention to the national debt. Since the true national debt, including unbudgeted promises to pay, is well in excess of $1 trillion—and figures out to over $20,000 per family—the cliche "we owe it to ourselves" applies to you only if you happen to own $20,000 in U.S. Bonds.

[3] Quigley's 1348-page book, published by The Macmillan Company at New York in 1966, is one of the most important ever written about the international conspiratorial apparatus, and is a must for serious students of modern history. Unfortunately, the hardbound edition has recently gone out of print, but the book is yet available as a two-volume paperback. Although Professor Quigley, who taught at Princeton and Harvard, and is a member of the editorial board of *Current History*—writes from the Establishment point of view, he presents considerable information which makes a strong case concerning the existence of an elite international conspiracy.

[4] Some of these meetings we know about include those of the Bilderberger group, which meets in secret session twice a year; the highly secretive Pilgrim Society, whose stated purpose is to create an English-speaking empire; the Council on Foreign Relations, the membership list of which is public but whose meetings are private; and, the Bank of International Settlements, a private group of central bankers which meets monthly at Basel, Switzerland.

[5] See Stephen Birmingham, *Our Crowd,* Dell, New York, 1967. Compare Clement Eaton, *History Of The Southern Confederacy,* The Macmillan Company, New York, 1954.

[6] See *Papers Relating To The Foreign Relations Of The United States—1918, Russia,* House of Representatives Document No. 1868, U.S. Government Printing Office, Washington, 1931, Vol. I, Pp. 374–376.

[7] *National Economy And The Banking System,* Senate Documents, Vol. 3, No. 23, 76th Congress, 1st Session, 1939.

[8] The one exception was Russia, where the Czar refused to allow the establishment of a central bank under foreign control. This may help explain why so many international bankers were involved in financing the Communist Revolution in Russia. Of course, their financial support of Lenin did not end with the Communist victory. See Anthony C. Sutton, *Western Technology And Soviet Economic Development 1917 To 1930,* Hoover Institution, Stanford, 1968.

[9] *The Writings Of Thomas Jefferson,* Vol. X, G. P. Putnam & Sons, New York, 1890, Page 31.

[10] Gustavus Myers, *History Of The Great American Fortunes,* Random House, New York, 1936.

[11] Gabriel Kolko, *The Triumph Of Conservatism,* Quadrangle Books, Chicago, 1967.

[12] Sereno S. Pratt, *The Work Of Wall Street,* D. Appleton & Company, New York, 1916, Page 340.

[13] There has been much anti-capitalist nonsense written about the so-called "robber barons." One should not blame private enterprise for sins committed by bandits who more often than not worked through the government and were the recipients of its favors. That is not *laissez-faire*. In competitive capitalism, the government keeps out of business and *vice versa*.

[14] Gustavus Myers, *History Of The Great American Fortunes,* Pp. 549–552.

[15] Hearings on H.R. 7320, Banking and Currency Committee, 75th Congress, March 2 and 19, 1938, Page 214.

[16] Earl Sparling, *Mystery Men Of Wall Street,* Greenberg, New York, 1930, Page 17.

[17] Frederick Lewis Allen, "Morgan The Great," *Life* magazine, April 25, 1949, Page 124.

[18] See Stephen Birmingham, *Our Crowd*, Page 22. Birmingham reveals that "In the eighteenth century the Schiffs and Rothschilds shared a double house" in Frankfort. Schiff reportedly bought his partnership in Kuhn-Loeb with Rothschild money. The Rothschild family's original name was Bauer, but they adopted Rothschild (red shield) from the crest which hung over the door of their pawn shop.

[19] Ferdinand Lundberg, *America's 60 Families*, The Vanguard Press, New York, 1938, Page 69.

[20] Kolko, Pp. 182–183.

[21] Frank Vanderlip, "Farm Boy to Financier." *Saturday Evening Post*, February 9, 1935, Page 25.

[22] James Warburg, *The Long Road Home*, Doubleday & Company, New York, 1964, Page 29.

[23] Like many other international financiers, Vanderlip did what he could to save the Soviet Union from collapse during the 1920s. Louis Budenz, former editor of the Communist *Daily Worker*, discloses in his *Bolshevik Invasion Of the West:* ". . . Nothing indicates how severely the legs of the 'American Imperialists' were pulled to build up the Soviet Empire more than Lenin's comment on the industrialist [*and Rockefeller agent*] Frank Vanderlip, delivered to the 8th Congress of Soviets on December 21, 1920. Jesting at the "necessity" that the thirst for profits had brought Vanderlip to Soviet Russia for temporary "concessions" then being handed out by Moscow, Lenin sardonically pointed to the fruits of political warfare:

" 'In a number of newspaper articles Vanderlip did everything to recommend an agreement with Soviet power and in one newspaper even wrote that he compares Lenin to Washington. It turns out, therefore, that we have propagandists in the bourgeois countries in favor or in agreement with us, and we obtained these propagandists from among representatives of exploiters of the worst type, such as Vanderlip.' " (Budenz, Page 115.)

[24] Paul Warburg, *The Federal Reserve System*, Page 59, Warburg kept the Jekyl Island meeting secret for many years, stating on Page 60 of this book, "Though 18 years have since gone by, I do not feel free to give a description of this most interesting conference concerning which Sen. Aldrich pledged all participants to secrecy."

[25] Frank Vanderlip, *Saturday Evening Post*, February 9, 1935, Page 72.

[26] George S. Viereck, *The Strangest Friendship In History*, Liveright, New York, 1932, Page 37. Warburg resigned during World War I, when it was brought out that his brother Max, a major financier of the Russian Revolution, was head of the German secret service. Both Warburg brothers represented "their" respective countries at the Versailles Peace Conference.

[27] Benjamin Strong, *Interpretations Of Federal Reserve Policy*, New York, 1930, Page 65.

[28] Kolko, Page 252.

THE NIXON ADMINISTRATION: ENEMY TERRITORY FOR AMERICAN EDUCATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise to discuss one of the most critical areas in our national life—education.

Since coming to Congress in 1959, I have had the privilege of serving on that committee of the House, Education and Labor, which has chief responsibility for writing education legislation. It has been a source of great satisfaction to me, as a member of this committee, to have played a part in writing the extraordinary record of education legislation which Congress, working together with both Presidents John F. Kennedy and Lyndon B. Johnson, has compiled in the last decade.

In particular today, Mr. Speaker, I want to address myself to the attitude toward education of President Nixon and of his administration.

For education—and the role of the Federal Government in supporting it—has now become a major battleground in the Nation's Capital, and the administration of Richard Nixon has become enemy territory for all those who seek to raise the quality of American education and increase access to it.

Indeed, it is not too much to say with respect both to supporting funding of existing Federal education programs and to supporting new programs which would meet urgent needs in American education that the Nixon administration has been following a policy of malign neglect.

Mr. Speaker, Attorney General John Mitchell has urged the American people to judge the administration by its actions, not its words. Applying this standard, the Nixon report card on education can have only one result—a failing grade.

In the 1968 presidential campaign, candidate Nixon said in a telegram to the American Association of Universities on October 23:

> When we talk about cutting the expense of government—either Federal, state or local—the one area we can't shortchange is education.

Yet when Congress last year, in an extraordinary bipartisan action, voted, with majorities of both Democrats and Republicans in support, to add $1 billion to President Nixon's proposed budget for education for fiscal year 1970, the President vetoed the bill as "inflationary."

In his veto statement, the President failed to tell the American people that, in his first budget request for education, he had asked nearly half a billion dollars less than Congress had appropriated for the preceding fiscal year. Nor did he acknowledge that the additional funds voted by Congress for a wide variety of important education programs represented only about one-half of 1 percent of a total Federal budget of $200 billion.

NIXON EDUCATION TASK FORCE WARNS NIXON ON EDUCATION

It should not be surprising that well over a year ago President-elect Nixon's Task Force on Education, a group of top education authorities headed by Alan Pifer, president of the Carnegie Corp., named by the new President to counsel him on education policy for the incoming administration, warned him in the most blunt terms:

> Speaking candidly, we do not believe that President-elect Nixon, with all of his varied and high qualifications for office, would at present by most Americans be considered to have the kind of special concern for education that the times require . . .

Mr. Speaker, the Nixon administration's record on education since that initial admonition on the part of his own counselors seems aimed at proving the validity of their apprehensions.

In addition to slashing the existing budget and vetoing bipartisan efforts to assign education a higher priority on the Nation's agenda, the Nixon administration has, in the last year and a quarter, opposed nearly every initiative in Congress—even initiatives which enjoyed the support of both Democrats and Republicans—to shape sound and effective programs in response to some of the most urgent problems in American education today.

Congress, with Democrats leading in nearly every instance, has been creative and innovative in developing thoughtful approaches to meeting the pressing educational needs.

The administration, on the other hand, has followed a policy of "no, no; not now; never, never; veto."

Mr. Speaker, I want here to discuss some of the most obvious examples of congressional initiatives and administration obstructionism in the field of education.

NIXON ADMINISTRATION'S PROPOSAL SPELLS INCREASED BURDENS FOR BOTH U.S. COLLEGE STUDENTS AND UNIVERSITIES

Mr. Speaker, during the past decade, the Federal Government has assumed an increasingly larger burden of the cost of education in general and of higher education in particular. Federal investment in higher education has risen from a little over $1.1 billion in fiscal year 1958 to about $4.6 billion in fiscal year 1970.

The reasons for this growth in Federal expenditures for higher education are many, and I shall cite only some of the most important factors that have increased the financial needs of higher education.

Enrollment in postsecondary institutions has risen from 2½ million students immediately after World War II to between 7 and 8 million today. This increase reflects a rise in the college age population as well as in the percentage of students who graduate from high school and enter postsecondary institutions, now about 40 percent. Moreover, colleges and universities are a means of social mobility for low-income students, who now are entering such institutions in much greater numbers.

Mr. Speaker, to serve more students, institutions of higher education have had to expand their faculties and their facilities at the same time that salary increases, inflation, and other factors have diminished their ability to pay for such expanded services. The financial needs of higher education will, for similar reasons, grow rapidly in the 1970's, requiring increases in Federal support. The President-elect's own education task force has documented the needs of higher education in the coming decade:

> Among the most serious problems facing education in the nation is that of the financing of higher education. Viewed as a problem extending over the next decade, it is a matter of more than doubling the resources available to colleges and universities from the present $17.2 billion to approximately $41 billion to provide places for an additional 3 million students, many of them from disadvantaged backgrounds, to start some 500 new institutions and to improve the quality of the entire enterprise.

Mr. Speaker, in spite of this plea for urgent action, the President waited over a year even to send a message on higher education to Congress.

In the meantime, his proposed budget for fiscal year 1971 would kill or drastically reduce several programs vital to higher education in the United States, including: grants and loans for graduate and undergraduate academic facilities, aid to land-grant colleges, grants for basic library resources, and grants for foreign language and area studies.

NIXON STUDENT AID PLAN COULD TRIPLE COLLEGE COST FOR MIDDLE-INCOME FAMILY STUDENTS

When finally last month the President did send his higher education message to Congress, he called for eliminating for most students the present program of interest subsidies on bank loans, for cutting many middle-income students out of the national defense student loan program, and for concentrating Federal assistance on students from families with very low incomes.

Mr. Speaker, the Nixon administration's higher education proposal, by insisting that most students bear the major brunt of the cost of their higher education by assuming high-interest market loans, could thus mean a tripling of the cost of college education for the students of middle-income families.

Moreover, the administration's requests for funds for low-income students are grossly inadequate. For example, institutional requests for the educational opportunity grant program for fiscal year 1971 total about $245 million while the administration requested only $185.6 million.

To cite other instances of the administration's inadequate requests for student financial aid programs, the administration budget for the national defense student loan and college work-study programs for fiscal years 1970 and 1971 represented a net decrease of $34 million. This came at a time when colleges and universities were seeking almost double the amount the administration recommended for these programs.

REID-BRADEMAS HIGHER EDUCATION BILL OF RIGHTS

By way of contrast, Mr. Speaker, over a year ago, Congressman OGDEN REID and I introduced the Higher Education Bill of Rights, which is aimed at implementing the major recommendations of the Carnegie Commission on Higher Education, headed by Clark Kerr. The Reid-Brademas bill, through substantial increases in student aid, would help significantly in making equal opportunity a reality in the United States.

It would provide not only additional funds for the existing student aid programs, but also would create several institutional aid programs for starting community colleges and research, and for the general support of institutions enrolling large numbers of low-income students.

Almost every one of these proposals was among the recommendations of the President-elect's Task Force on Education. They reflect the assessment of need by leading spokesmen of the higher education community. The recommendations have all been ignored in the administration's requests for higher education in 1970 and 1971 and in its proposals for 1972.

NIXON ADMINISTRATION OPPOSES COLLEGE FACILITIES LOANS AND GRANTS

Mr. Speaker, the colleges and universities of America—like the students who attend them—are facing serious financial trouble. As with student aid, so too with funds for construction of the classrooms, libraries, and laboratories needed for rapidly expanding enrollments, the policy of the Nixon administration is to compel university leaders to join the students at their friendly neighborhood bank to borrow the money they need—at, of course, the present very high rates of interest.

In regard to facilities, the President-elect's Education Task Force urged the administration to make a review early in 1969 of the serious shortage of Federal loan and grant funds for higher education facilities "with a view to seeking emergency supplementary funds under the fiscal year 1969 budget."

The administration not only failed to ask for additional, "emergency" funds in 1969; it proposed for fiscal years 1970 and 1971 the total elimination of grants and direct loans for construction of academic facilities. The Nixon administration would provide assistance to institutions for construction only through a subsidized loan program, which was passed in October 1968, but which is not yet operational. In the long run, this program would cost the American taxpayer substantially more than a grant program for construction. Moreover, there is serious question whether a subsidized loan program will make it possible for many institutions to undertake the needed construction. Charles L. Wheeler, chairman of the Association of Executive Directors of Higher Education Facilities Commissions, estimates that 75 percent of private and many public institutions will be unable to obtain loans under the subsidy program.

The U.S. Office of Education estimates that enrollment in post-secondary educational institutions in the United States will increase by about a third between 1966 and 1971, and the need for facilities has grown correspondingly. The problem of presently inadequate facilities, especially in public institutions, will only be compounded by the Administration's proposals.

NIXON ADMINISTRATION SEEKS TO KILL FOREIGN LANGUAGE AND AREA PROGRAM

Mr. Speaker, another area in which administration cutbacks seriously jeopardize our national educational resources is the Federal program of support for foreign language and area studies authorized by NDEA title VI. This program was begun in 1958, when American education came under close scrutiny after the first successful Russian satellite. Since that time, the Federal Government has spent about $15 million annually on this effort.

The history of foreign studies is instructive. During World War II, the U.S. Government discovered an abysmal lack of programs for foreign language and area training. Crash programs were undertaken, beginning in almost all cases from scratch. After World War II and until the 1958 NDEA, support for language and area studies on university campuses came chiefly from foundations. By 1969 there were 400 language and area programs at our universities.

The Federal aid under title VI to 109 of these centers has made possible programs covering many major languages and several important areas never before adequately covered. For example, there has been dramatic improvement in Russian and East European studies and in East Asian studies, particularly Japanese and Chinese. The Middle East is fairly well served, particularly in Arabic studies.

However, Mr. Speaker, programs for the study of other areas of the world are grossly underrepresented in the present centers, particularly South Asia and Southeast Asia. Prof. John K. Fairbank, the noted scholar of Asian studies at Harvard, has called our lack of scholarly competence on Vietnam "scandalous."

Mr. Speaker, it is unthinkable to discontinue Federal support to those centers which have developed capabilities in some areas and to fail to support language and area studies for areas largely ignored at present.

The Nixon administration has argued that NDEA title VI is "outmoded" and "unproductive." This conclusion is simply inaccurate. Indeed, as Professor Fairbank has stated:

> If the (Federal) money disappears, you'll have far fewer people to teach the next generation of students, and our study of the (East Asian) area will be badly hurt.

The administration requested only $6 million for NDEA title VI in fiscal year 1971 as compared with $15.3 million in 1970, and would phase it out entirely in fiscal year 1972. The amount requested for fiscal year 1971 would cut off all funding to half the centers presently supported and would cut by more than half the funds available to the remainder.

The Administration has proposed that NDEA title VI, the International Education Act, and other programs be funded through a National Foundation of Education, for which it has requested $200 million in 1972.

But, Mr. Speaker, the foreign language and area studies centers are, of course, not at all assured of funding under the proposed foundation. To leave such vital programs to an uncertain fate in the administration's proposal for 1972 is a poor solution, and the administration offers only greatly reduced support for the centers in fiscal year 1971.

Government cutbacks for foreign area studies come at the same time as foundations are withdrawing their support for area studies, which are more costly for a university to finance than the more traditional disciplines. To curtail rather than expand the title VI program would thus cripple international studies presently being conducted in the United States.

In summary, Mr. Speaker, across the entire spectrum of higher education pro-

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grams, the proposals of the Nixon administration represent a major shift in public policy and a dramatic retreat from an essential national responsibility—helping produce the educated men and women who are the most valuable natural resource of any society.

NIXON ADMINISTRATION OPPOSES COMPREHENSIVE PRESCHOOL-CHILD DEVELOPMENT LEGISLATION

Mr. Speaker, I call to your attention a statement made over a year ago by President Nixon's Education Task Force:

> We believe that nothing happening in American education today can be regarded as more important than early childhood programs, and we regard as tragic the non-availability of these programs to some two-thirds of our children.

Then on February 19, 1969, President Nixon himself said:

> So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for beautiful and stimulating development during the first five years of life.

Finally, on April 19, 1969, just a year ago, Secretary of Health, Education, and Welfare Robert Finch, in announcing the delegation of Headstart to the Office of Child Development, said:

> Our purpose now is to strengthen and improve Head Start.

Mr. Speaker, not surprisingly, such statements as these gave rise to expectations that child development had been adopted as a major concern of the administration.

But this has not been the case.

Now, a year later, the administration has announced not an increase but a cutback in funds for fiscal year 1971 from fiscal year 1970 for the Headstart program.

Still more to the point, perhaps, administration officials have testified in opposition to the Comprehensive Preschool Education and Child Day Care Act which I introduced in August 1969, together with Representatives Patsy Mink, Democrat of Hawaii, and Ogden Reid, Republican, of New York.

Mr. Speaker, essentially, our bill opens up child development programs to all children, not just to the disadvantaged, although the proposal requires that they be given priority. The distinguished child developments authority, Dr. Uri Bronfenbrenner of Cornell University, described the Brademas-Mink-Reid bill as the "most scientifically sound, properly comprehensive, and socially urgent yet proposed in this area."

In the bill we have sought to eliminate the old divisions that have existed among so-called day care programs, preschool education programs, and child health programs. Instead, we have concentrated on comprehensive programs of child development. In brief, all qualifying early childhood programs must contain comprehensive physical and mental health services, food and nutritional services, specialized social services to involve parents in the child's development, and a substantial educational component. The bill will allow broad sponsorship of early childhood programs by industry, community action agencies, local educational agencies, and public and private nonprofit agencies.

Several statistics highlight the need for congressional action in the early childhood field. There are over 5 million preschool children in the United States whose mothers must work, yet day care is now available for less than 15 percent of them.

Three million mothers are rearing their children in fatherless homes; nearly 2 million of these mothers are the sole providers for their children. About 32 million women are working, and many of them are supporting themselves, or together with their husbands, are supporting their families. Yet, only 2 percent of these women make use of group day-care facilities.

Mr. Speaker, the administration nonetheless has confined its support for early childhood programs to the day-care component of the Family Assistance Act passed this month by the House. While this is certainly a step forward, the day-care program in the welfare reform bill excludes literally millions of children of preschool age.

House hearings have recently been completed on the Brademas-Mink-Reid bill, and I am hopeful that congressional initiatives here—so clear and urgent is the need for action in the early childhood field—will overcome the opposition of the Nixon administration.

NIXON ADMINISTRATION OPPOSES ENVIRONMENTAL EDUCATION LEGISLATION

Mr. Speaker, Democrats in Congress, Senators Jackson, Muskie, and Nelson, and Congressmen Dingell, Farbstein, and Reuss, have led the fight for measures to combat pollution and protect the environment. Yet I venture to say—and I do not think any champions of clean air, land, and water would disagree—that if we are to be able to make substantial advance in meeting the ecological crisis, we are going to need a citizenry informed and educated about the whole spectrum of issues that are called environmental. We are going to need, as well, changes in basic attitudes toward the environment and man's place in it.

In an effort to stimulate education about the environment, I have introduced in Congress the Environmental Quality Education Act—a bill that would authorize Federal funds to support elementary and secondary courses in environmental studies, adult education, and community services on ecology, as well as curriculum development and teacher training in environmental studies.

Mr. Speaker, nearly every witness during our current hearings on this proposal has strongly endorsed it, as have environmental experts and ecologists across the country.

There was some reason to think, particularly in light of the enormous rise in awareness of the environmental crisis at the present time, that the Nixon administration would give strong support to the environmental quality education bill, a proposal which enjoys bipartisan support in the House of Representatives. Its cosponsors are Congressmen Brademas, Democrat of Indiana, Scheuer, Democrat of New York, Reid, Republican of New York, and Hansen, Republican of Idaho.

In recent speeches, President Nixon has said it is "now or never" on measures to protect the environment; Secretary of Health, Education, and Welfare Robert A. Finch has warned, "we mean business'" on environmental education; and James E. Allen, Assistant Secretary of HEW and U.S. Commissioner of Education, previously has called for "legislation for Federal initiatives in environmental education."

Yet, Mr. Speaker, on April 21, on the eve of Earth Day, Mr. Allen testified, speaking for the Nixon administration, against the environmental education bill. He opposed it as unnecessary.

Under questioning, the Commissioner admitted that the Task Force on Environment-Ecology in the U.S. Office of Education has a staff of only three, backed by some students, two consultants, and no specific budget. Yet the Citizen's Advisory Committee on Environmental Quality, headed by Laurence S. Rockefeller, sharply criticized as inadequate the environmental programs of the Office of Education.

Mr. Speaker, once again, the Nixon administration has not heeded the recommendations of its own advisers.

Once again, now in the field of environmental education, the Nixon administration has gone on record in opposition to congressional initiatives for educational resources which the Nation sorely needs.

NIXON ADMINISTRATION OPPOSES DRUG ABUSE EDUCATION LEGISLATION

Mr. Speaker, in early 1969, Congressman Lloyd Meeds, Democrat, of Washington, introduced the Drug Abuse Education Act, aimed at helping to educate Americans, especially schoolchildren about the dangers of the abuse of drugs.

The Select Subcommittee on Education, which I chair, held extensive hearings on the Meeds bill, which has over 80 cosponsors in the House, both Democrats and Republicans.

The witnesses were overwhelmingly in support of the bill—with one exception. The Nixon administration testified, in spite of voluminous evidence to the contrary, that this measure to help teach young Americans about the dangers of drugs was unnecessary.

In October 1969 the House of Representatives passed the drug abuse education bill on a unanimous rollcall vote. The bill now awaits Senate action.

Mr. Speaker, the Nixon administration, with all its rhetoric about combating drug abuse, has not yet reversed its opposition to a soundly conceived effort to attack this grave problem through one essential instrument—education.

NIXON ADMINISTRATION SEEKS RETRENCHMENT IN ELEMENTARY AND SECONDARY EDUCATION

Mr. Speaker, in at least four major respects the Nixon administration has made serious retrenchments in the critical field of elementary and secondary education:

First, by ignoring the recommendations of its own task forces and advisory commissions to provide more funds to the Nation's schools;

Second, by both sharp cutbacks in and elimination of Federal money for programs essential to hard-pressed schools;

Third, by attempting to cloak its opposition to adequate financial support for schools by calling for research instead; and

Fourth, by moving from a policy of all deliberate speed to a policy of all deliberate slowdown in school desegregation.

Here, Mr. Speaker, are just a few examples of the ways in which the Nixon administration has sounded a call for the Federal Government to retreat from the historic beginnings represented by the Elementary and Secondary Education Act of 1965, which was made possible by the cooperation of a Democratic President and a Democratic Congress.

NIXON ADMINISTRATION SUPPRESSES NIXON ADMINISTRATION'S OWN URBAN TASK FORCE REPORT

Mr. Speaker, President Nixon has ignored the findings of his own Task Force on Urban Education whose report the Nixon administration has sought to suppress because it recommended assigning a high national priority to the needs of urban education.

The task force, headed by Dr. Wilson C. Riles, then director of the division of compensatory education for the California State Department of Education, documented the financial crisis in city schools and urged the creation of a new urban education program to increase Federal aid to schools in cities of 100,000 or more population by $5 to $7 billion annually.

The administration has ignored this report of its own advisers and has asked for more research, as if research alone were a viable alternative to more funds and more effective programs to meet the crisis in urban education.

The President has established a Commission on School Finance "to help States and communities to analyze the fiscal plight of their public and nonpublic schools. We must make the Nation aware of the dilemmas our schools face."

The Commission will reveal only what we already know, and what the President's Task Force on Urban Education has already carefully documented. The Commission is the administration's substitute for acting on the recommendations of the Riles task force greatly to increase funds for elementary and secondary education, for teachers, counselors, equipment, and curriculum planning.

Mr. Speaker, of course, more knowledge of what is effective in education is essential, but research is no substitute for adequate funding for education programs that are needed now. Moreover, as many educational authorities appearing before my subcommittee have made abundantly clear, intelligent evaluation of ongoing programs constitutes an indispensable form of research, and we must do a far better job of research in education and of implementing the results of that research. Indeed, I have introduced legislation to implement the National Institute of Education.

It seems clear, Mr. Speaker, that the administration has been using the watchword of research not so much because of its importance to improving the effectiveness of education but rather as a pretext for refusing to invest significant amounts of money in education programs.

NIXON ADMINISTRATION SEEKS ALL DELIBERATE DELAY ON SCHOOL DESEGREGATION

Mr. Speaker, the most accurate characterization of President Nixon's March 24, 1970, statement on school desegregation came from the U.S. Civil Rights Commission, a nonpartisan group chaired by my own distinguished constituent, the Reverend Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame.

The Civil Rights Commission declared that the President's message may signal "a major departure from the policy of moving toward integrated schools."

The studies of Dr. James Coleman of Johns Hopkins University, conducted for the U.S. Commission on Civil Rights, point out that integration of schools can have a decisive and positive effect on improving the quality of education for minority students.

Yet President Nixon has gravely abdicated leadership for achieving integrated schools.

In his school desegregation message of March 24, the President drew a sharp distinction between de jure and de facto segregation—a distinction which the U.S. Commission on Civil Rights has pointed out cannot, in many instances, be reconciled with the circumstances that give rise to segregated schools.

And, Mr. Speaker, this is a distinction which Dr. Coleman has said ignores, in every instance, the effects of segregation on children attending segregated schools. In his April 21, 1970, testimony before the Senate Select Committee on Equal Educational Opportunity, Dr. Coleman said:

> There is no distinction between "de jure" and "de facto" segregation . . . The effect of segregation on children is quite independent of its origin.

Furthermore, seizing on this distinction between de jure and de facto segregation, the President has indicated that he will spend $1.5 billion over the next 2 years both to assist school systems under court orders to end de jure segregation, and to upgrade schools confronted with de facto segregation.

Mr. Speaker, what the President has failed to indicate publicly is whether he will assist the voluntary efforts of both Southern and Northern schools in reducing de facto segregation by voluntary busing, zoning, and redistricting.

The leadership of Presidents Eisenhower, Kennedy, and Johnson was based on a policy of "all deliberate speed" in school desegregation; the Supreme Court, in the recently decided case, Alexander against Holmes County Board of Education, decreed that dual school systems must end "at once" rather than with "all deliberate speed"; yet President Nixon's policy now appears to be one of "all deliberate delay" and "minimum feasible integration."

Clearly, Mr. Speaker, President Nixon is determined to pursue his southern strategy at all costs—even at the cost of providing good education for all schoolchildren of our country.

NIXON ADMINISTRATION OPPOSES BIPARTISAN CONGRESSIONAL EFFORT FOR MORE FUNDS FOR EDUCATION

Funding for elementary and secondary programs is only one example of the larger picture.

In the last weeks of 1969, Mr. Speaker, Congress took unprecedented action to shift our priorities to domestic needs. For the first time in many years, the House took the hatchet to military spending, cutting $5.3 billion from the administration's request of over $75 billion, and Congress made substantial slashes in foreign aid funds.

Congress also voted $800 million in funds for fiscal year 1970 for fighting water pollution—nearly four times the amount President Nixon requested.

In contrast, one of President Nixon's first acts was to reduce his request for education funds to $3.2 billion, $450 million below the amount Congress appropriated for fiscal 1969, and $368 million below the budget recommended by President Johnson. Moreover, Mr. Nixon's budget for education was less than 40 percent of the $8.9 billion Congress had authorized.

Much of the education community, expressing deep alarm at the President's actions, joined to form an Emergency Committee for the Full Funding of Education programs. In support of this outcry from educators, Congress passed an amendment introduced in the House by Representative CHARLES JOELSON, of New Jersey, which would increase education funds by $1.1 billion over the Nixon budget.

The administration vigorously opposed the Joelson amendment and threatened not to spend the money appropriated. Congress, unabashed by the President's threats, passed the amendment, which led to the President's vetoing the HEW appropriations bill.

And by the way, Mr. Speaker, I must here note that only a few weeks later, President Nixon was strangely silent when the House added to the military procurement authorization an unbudgeted $1 billion for naval shipbuilding.

SUPPRESSION OF ADMINISTRATION REPORTS ON EDUCATION

Mr. Speaker, not only has the Nixon administration been unwilling to support either Democratic or bipartisan initiatives in Congress in the field of education, it has been unwilling to follow the advice of its own task forces and commissions.

The President's task forces on education have recommended both constructive new programs and more adequate funding for present programs, but the administration has persistently suppressed or delayed the release of these reports.

The President-elect's Education Task Force report was never released. On March 12, 1969, after the report had been summarized in an issue of the Chronicle of Higher Education, I placed the full text of the report in the CONGRESSIONAL RECORD.

The report of the administration's Urban Education Task Force was bottled up in the Department of Health, Education, and Welfare, and it was made publicly only when Congressman COHELAN of California, placed it in the CONGRESSIONAL RECORD on January 19–20, 1970.

The administration also blocked release of the report of a special committee in the Department of Health, Education, and Welfare, on Easing Tensions in Education, named by Commissioner Allen and headed by Dr. Gregory Anrig, who had been director of the Division of Equal Educational Opportunity in HEW.

In addition, the administration held up for months a report prepared in 1969 by the Commission on Instructional Technology headed by former U.S. Commissioner of Education Sterling McMurrin.

Mr. Speaker, it is not surprising that the Nixon administration would be reluctant to release all these reports. Each called for Presidential leadership in education.

SUMMARY

Mr. Speaker, Democrats can justifiably be proud of the splendid record of achievement of Democratic-controlled Congresses in writing legislation to support American education—a record written during the Presidencies of John F. Kennedy and Lyndon B. Johnson, both Presidents genuinely dedicated to the support of education.

And I am pleased also to pay tribute to a number of Republicans in both the House and Senate who have contributed by their votes and voices to writing that record. For many of the education bills, of which I have been speaking, have enjoyed, as I have indicated, significant bipartisan support.

The administration of President Nixon, on the other hand, Mr. Speaker, is seeking to dismantle the structure of Federal support for education in the United States by:

First, opposing adequate funding of education programs at every level;

Second, seeking to eliminate a number of essential existing programs;

Third, suppressing or ignoring the recommendations of its own advisory commissions for more adequate support of education;

Fourth, opposing initiatives in Congress, most of them led by Democrats, but some by both Democrats and Republicans, for creative ways of meeting urgent educational needs; and

Fifth, disguising its hostility to education behind the slogan of "we don't know enough about what works, so let's do nothing."

In short, it is a fair conclusion that no administration has, on the record of actions, not words, proved so hostile to American education and to Federal support of education as has the administration of Richard Nixon.

Mr. Speaker, the Congress of the United States—and Democrats in Congress particularly—will have to continue to provide vigorous leadership if education is to achieve the high place on the agenda of our national priorities that it deserves.

CRISIS IN COAL MINE SAFETY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the Congress should be increasingly alarmed by the crisis-type events of the last few weeks—the fires of which have been fanned by the Interior Department's maladministration of the landmark Federal Coal Mine Health and Safety Act of 1969.

Interior's dilatory tactics in failing to republish regulations and other material carried over from the old law, as the new act provided, and to publish implementing safety regulations, 48 hours before congressionally established mandatory safety standards became effective on March 30 has helped to precipitate this crisis. Congress provided that new safety regulations be subject to the normal rulemaking procedures of the Administrative Procedure Act to give the operators, miners, and the public time to comment on them. Despite this, the Department said it was "impracticable" to have rulemaking and published them as final rules on March 28, 1970.

THE PENALTY SHOULD MEET THE CRIME

In addition, Interior published, in those same regulations, a schedule of civil penalties that treats all mines and all violations equally—contrary to the expressed requirement of the law to treat each violation separately.

On April 22, 1970, Chairman Dent of the General Subcommittee on Labor, Congressman Burton, and myself wrote to Secretary Hickel pointing out these and other areas of Interior's mismanagement. One day later, on April 23, 1970, U.S. District Judge H. E. Widener, Jr. issued an order—civil action No. 70-C-50-A—based on a complaint filed by 77 plaintiffs who are "owners, operators, or employees of approximately 135 underground coal mines" in Buchanan and Tazewell Counties, Va., against the Interior Department and HEW, which provides that:

DISTRICT COURT RESTRAINING ORDER

1. The plaintiffs' petition seeking to restrain enforcement of the Act is denied.

2. *The defendants are restrained from enforcing mandatory safety standards for underground coal mines as set out in the Federal Register of March 28, 1970, beginning on Page 5521, it being the opinion of the court that such safety standards were not promulgated in accordance with Title I of Public Law 91–173.*

3. *The defendants are restrained from enforcing only that part of Title II of said Public Law which requires an application for noncompliance with dust standards to be filed on or before April 30, 1970, it being the opinion of the court that such provision is arbitrary at least, and is impossible of compliance.*

4. *When imminent danger is not involved, the defendants are restrained from enforcing Title III of said Public Law in any manner other than in accordance with Section 104 (h)(1) of said Public Law, only when defendants charge violations which may be corrected by the use of equipment which is not available for purchase, the court being of opinion that equipment which is not available for purchase cannot effectively be used to abate a condition through the use of existing technology.* However, this subparagraph of this order shall in no way prevent the defendants from seeking any remedy provided under said Public Law by way of fine, penalty, or otherwise, including closure of mines, in the event, in the opinion of the defendants, the condition complained of is causing or resulting in imminent danger.

Nothing in this order shall restrain the defendants from enforcing by any legal means the correction of any condition which results in imminent danger to people working in the mines. (Italic supplied.)

PANIC REACTION AT INTERIOR

Interior, so far, has responded to this order in two ways.

First, it ceased all inspections on April 24, 1970, across the Nation.

Second, over the weekend it issued a telegram to the five district managers of the Bureau resuming inspections effective April 27, 1970, according to its interpretation of the court order, which is set out in the wire signed by the Bureau's Assistant Director—Coal Mine Health and Safety. It is this wire that I am concerned with.

BROADENING SCOPE OF COURT ORDER

The Department, through this wire, has broadened the scope of the court order with the effect of limiting its enforcement of the act, not just as to the 77 plaintiffs in these two counties, but across the Nation. There is nothing in the order to support taking this action. As a matter of fact, the court specifically found that unless the temporary order was issued "irreparable damage will result to the plaintiffs, to the coal miners who work in the mines, and to the public." No mention is made of operators or miners other than the plaintiffs and their miners.

The judge never said that the March 28, 1970, regulations of the Interior Department "are invalid and unenforceable." But Interior now states that this was the court's holding. It was not. The judge merely restrained enforcement of the new safety standards in the regulations temporarily as not being promulgated under title I of the act.

In our joint letter of April 22, 1970, to Secretary Hickel, Congressmen Dent, Burton, and myself noted that the "preamble to the March 28 regulations"—35 Federal Register 5221—States that it included the title III statutory safety standards—which are merely republished for convenience to the operators and miners—and "other mandatory safety standards and interpretations and supplementary regulations." We asked the Department to identify those items of the regulations that are, in fact, "other mandatory safety standards" and which are "interpretations and supplementary regulations." To the extent that the March 28 regulation contains "other mandatory safety standards" which should, as the judge held, have been "promulgated in accordance with title I of Public Law 91–173," then it is incumbent upon Interior to identify them immediately so they can be struck from the regulation and the other items can be promptly republished with rulemaking to insure proper enforcement of the act as provided in section 301(d) of the act.

INTERIOR'S TORTURED INTERPRETATION

The judge never said that the act's title III mandatory safety standards "may be enforced to the extent that the operators are able to comply within the bounds of existing technology and available equipment." But Interior developed its own convenient interpretation of the judge's order that when "imminent danger is not involved, the defendants are restrained from enforcing title III only when defendants charge violations which may be corrected by the use of equipment which is not available for purchase."

The judge never said that Interior "inspect all coal mines only as against the safety standards under title III of the

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act." But Interior has now so limited its inspectors. The judge specifically "denied" the plaintiffs' petition to restrain enforcement of the entire act.

The judge never said that "with regard to conditions that cannot be abated because of the lack of technology or because equipment is not available" inspectors should "not issue any notice or penalty." But Interior has placed its own interpretation on his words. The judge merely said that the defendants were not to "charge violations which may be corrected by the use of equipment which is not available for purchase." He noted that equipment found unavailable "for purchase cannot effectively be used to abate a condition through the use of existing technology."

A COZY CONSPIRACY?

Who is responsible for this telegram? Could it be that it was drafted by that cozy little group of representatives from the small mine operators, the American Mining Congress, the National Coal Association, and the United Mine Workers who, I understand lately are secretly meeting on Friday mornings in the office of the Bureau's Acting Director and who so met last Friday morning, April 24, 1970?

I believe the Department should rescind that wire immediately and issue orders to the inspectors, who by now must be as confused as all of us, consistent with the court order.

HOW AMAZING CAN YOU GET?

Today, I received from Under Secretary of the Interior Fred J. Russell a letter dated April 29, 1970, enclosing a copy of the court's order which he states "enjoins us from enforcing the regulations under the Coal Mine Health and Safety Act of 1969." This is an amazing statement. I was under the impression that the court only enjoined enforcement of the mandatory safety standards "set out in the Federal Register of March 28, 1970." Does Interior now believe that the Judge enjoined them from enforcing the regulations published on February 18, March 11, 31, and April 3, 1970?

In addition, the Under Secretary encolsed a copy of a "proposed order of clarification" which "counsel for the plaintiffs intend to ask the court" to issue to clarify its order.

TWO CLARIFICATIONS

Interestingly, the first clarification would restrain Interior from enforcing the fee schedule published in the March 28, 1970, regulations which, in our joint letter of April 22, 1970, we stated "is contrary to law." The clarification order, however, restrains the enforcement of the fee schedule "insofar as it permits the Bureau of Mines to assess penalties in lieu of hearing." Since section 109 of the act does not require hearings in assessing civil penalties, but only gives the person charged "an opportunity for a public hearing," the clarification order does not appear consistent with the act.

The second clarification is so broad in scope that it raises more questions than it answers.

The Under Secretary did not state what the Government's position is concerning this proposed clarification order. It will be interesting to see what new document will be isued by Interior setting forth its position.

TORPOR AND CONFUSION

Judge Widener issued his temporary 10-day order on April 23, 1970. Six days have passed and Interior has done nothing to appeal the order which also restrains the defendants from enforcing the requirement of title II of the act concerning the date applications for noncompliance with the dust standards must be filed with the Interim Compliance Panel established by the act.

The panel, incidently, is, so far, the only bright light in this whole confused mess. It has, by its April 24, 1970, press release, required that the operators file only a minimum of information on May 1, 1970, and the remainder of the information required by the statute by June 30. The trouble is that the Budget Bureau has not provided sufficient funds to the panel, and Interior and HEW have not provided the needed personnel to carry out its functions. Just one more example of the administration's attempt to thwart the will of Congress.

DELAY AND MISINTERPRETATION

But Congress established this filing date in the act after careful study and hearings. The court has now restrained its enforcement because the judge found that this provision of an act of Congress is "arbitrary at least, and is impossible of compliance." Must Congress hire its own legal counsel to defend its laws, or will the lawyers at Interior Department recommend to the Justice Department to do so? Secretary Hickel's letter of April 3, 1970, to me stated that his lawyers were preparing a response to my letter of February 20, 1970, to him. If it takes the Department's lawyers so long to respond to a letter, I shudder to think how long it will take them to respond to a court order.

In closing, I cannot help but comment on the following allegations made by the plaintiffs in their complaint:

> C. Prior to the enactment of the Act, all underground coal mines were classified as gassy and non-gassy mines for purposes of establishing and enforcing regulations and standards for coal mines, pursuant to the provisions of the Federal Coal Mine Safety Act, 30 USC § 451 et seq. as amended.
>
> D. *This distinction between gassy and non-gassy mines constituted a valid and reasonable distinction for purposes of determining what standards of operating conduct should prevail at any given operation.*
>
> E. All of the mines owned by Complainants were classified as non-gassy mines.
>
> F. A substantial portion of the health and safety standards here in question are designed to eliminate dangers found only in gassy mines.
>
> G. Notwithstanding the clear distinction between gassy and non-gassy mines, and the obvious differences in regulation required in the two types of mines, *Congress has arbitrarily and capriciously imposed upon the Complainant's coal mining operations, all of the requirements of the Act, even though there is no realistic and substantial relationship between many of the objectives of the Act and the requirements of the Act as they affect Complainant's operations.* [Italic supplied.]

NO SUCH THING AS A NONGASSY MINE

These small mine owners do not give up. They still insist that their mines are nongassy, despite the fact that the Congress after extensive hearings and debate in both Houses concluded that there was no such animal as a nongassy mine. I hope the court will, as it appears to have done so far, reject this contention and that the Interior Department will so insist.

OVERREACTION IS BAD FOR YOUR HEALTH

It is time that the Department of the Interior recognize the fact that Congress, in seeking healthful and safe working conditions for the Nation's coal miners fully expected that the administrators of the Federal Coal Mine Health and Safety Act of 1969 would act reasonably and responsibly in carrying out its provisions. We did not expect that they would misinterpret the law and overreact in a sudden show of "toughness" with the objective of aiding, directly or indirectly, those bitter recalcitrants in the industry who want to precipitate a "crisis" in the industry to embarrass the Congress and to win concessions detrimental to the miners. Clearly, the Congress was over-optimistic about the Interior Department's willingness and capability to do as Congress intended.

To their great credit, Chairman DENT, Congressman BURTON, and the other House Labor Committee members have continued to insist that the act be properly enforced with commonsense and not in a helter-skelter fashion. Also, according to the New York Times, Congressman HENRY REUSS, chairman of the Conservation and Natural Resources Committee, concerned with economy and efficiency in Government in a letter of April 16, 1970, wrote to the Department raising grave questions about its actions concerning Bureau of Mines personnel and organization from a health and safety and environmental standpoint. All have a deep interest in the protection of the Nation's coal miners, and in helping the coal operators, who want to operate properly, meet the precepts of the law quickly. I, for one, am pleased to be a part of this effort on their part and urge other Members to join us.

Under unanimous consent, I include at this point in the RECORD the following letters, complaint, court order, telegram, my statement of September 9, 1969, before the House Education and Labor Committee in support of eliminating the "artificial, unscientific, and unsafe" distinction between gassy and nongassy coal mines, and other pertinent material:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR, GENERAL SUBCOMMITTEE ON LABOR,
Washington, D.C., April 22, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: Thank you for your letter of April 3, 1970, in response to a letter of March 5, 1970, concerning the administration of the Federal Coal Mine Health and Safety Act of 1969 (Public Law

91-173; 83 Stat. 742), to Congressman Hechler.

SUMMARY

After reviewing the actions taken by the Department since the new law was approved on December 1, 1969, we are seriously concerned (1) that with 31 top positions of the Bureau of Mines filled with officials who serve in an acting capacity only, it cannot function effectively; (2) that the new reorganization divides the Bureau's health functions into separate divisions for coal mines and for metal mines which will duplicate each other, and fosters too close a confidential relationship with industry in its research function which could be harmful to workers and to protecting the total environment; (3) that the schedule of fees set forth in the regulations for violations of the Act is contrary to law; (4) that it failed to provide an opportunity for rule-making as directed by the new law; (5) that the Department, in apparently publishing new "mandatory safety standards" in its regulations of March 28, 1970, did so without following the procedures of Title I of the Act; (6) that its announced policy of conducting "partial, but representative" inspections is not in accord with the law; and (7) that the Department saw fit to be critical of some provisions of the new law after being silent on them during its consideration.

DISCUSSION

I. Personnel of the Bureau of Mines

Your letter of April 3, provides assurance that the Bureau of Mines' "entire Health and Safety organization is intact with minor exceptions." While the organization may be intact, it is clear that the personnel are still in a state of flux. It has not had a permanent director since March 1, 1970. In your letter you state as follows:

"Mr. Henry P. Wheeler, Jr., who was recommended by John O'Leary to the position of Associate Director—Health and Safety, Bureau of Mines, has been formally appointed to the position. Mr. Henry Doyle has been offered a choice of positions in a new organizational set up which we plan to put into effect shortly, but has so far declined the opportunities. Mr. Carl Rampacek's detail as the Acting Assistant Director for Minerals Research has been terminated. He has returned to his permanent assignment and is under consideration for a key position in the new organization. Earl T. Hayes, as Deputy Director under John O'Leary, followed the health and safety activities of the Bureau closely, and, since he himself has suffered from silicosis when he worked in the mines, can naturally be expected to favor strict application of the law in his present capacity. He is being assisted by Harry Perry of my staff, who worked closely with John O'Leary during Congressional consideration of the law, and has now been detailed as Acting Deputy Director of the Bureau."

Mr. Henry P. Wheeler, according to the Bureau's Personnel Bulletin No. 70-73 of April 1, 1970, is again listed in an acting capacity and in two positions.

Mr. Henry N. Doyle was appointed to his position in acting capacity on February 13, 1969. His appointment terminates on April 30, 1970. We understand that Mr. Doyle declined an offered position in the Bureau's new reorganization because he disagreed with it and expressed his views in writing. We would appreciate your providing us with a copy.

Mr. Carl Rampacek was in an acting capacity from July 27, 1969, through March 24, 1970, and now the position is vacant. In the above bulletin, he is listed as Acting Assistant Director of Metallurgy. What, in fact, is his status?

Dr. Hayes, as Deputy Director of the Bureau is familiar with its health and safety functions prior to enactment of the new law. In the past year, he had little direct contact with the development of the new law. He did not participate with the committees or the staff during its consideration. As a matter of fact, he was traveling for the Department during a large portion of the period the legislation was being considered. The above bulletin which was signed by Dr. Hayes as Deputy Director lists him also as acting in two other positions. How can the acting head of the Bureau effectively carry out his heavy responsibilities of leadership if he is also required to act in two other capacities?

The choice of Mr. Harry Perry, who is familiar with the new law and its background and participated in its development in the Congress, as Acting Deputy Director is a good one. The fact still remains that you have only "detailed" him to the position.

Thus, the Bureau continues to have no one in its top staff on a permanent basis of Mr. Perry's or Mr. O'Leary's caliber and experience. Further, 31 of the Bureau's most important posts are not permanently filled, including the four heads of the health and safety divisions. (See Bulletin No. 70-73.)

II. Reorganization of the Bureau of Mines

The Bureau was reorganized in January, 1969, for the primary purpose of upgrading the health function of the Bureau. The overwhelming evidence that occupationally caused health problems in the coal and metals industry which are at least as serious, and possibly even more serious, than safety problems helped to bring about this charge. (See attached Press Release.)

Yet, on April 1, 1970, at a time when all of the Bureau's energies and attention should have been directed at implementing the new law, a new reorganization was devised. This time, the Department has reversed its earlier decision of January, 1969, and moved once again to submerge the Bureau's health function from its once prominent, but shortlived, position to a division level subordinate to an assistant director for both health and safety. Further, it no longer treats coal mine health and metal mine health as one unit with its common problems. Instead, it divides the function into two separate entities subordinate to a health and safety assistant director for coal mines and one for metal mines, Mr. Westfield and Mr. Jarrett, who have no health background.

Safety too is downgraded from a position headed by an assistant director solely for coal mine safety and one for metal mine safety to two divisions headed by a division chief who is subject to an assistant director for both health and safety.

In addition, the reorganization appears to divorce completely the Bureau's health and safety functions and the Bureau's research functions. This, despite the fact that Congress, in the new law greatly expanded the Bureau's health and safety research function and, in sections 301(b) and 501(a), set forth specific priorities in this area. We fail to see how the health and safety program can be effectively carried out unless there is, as the enclosed press release emphasizes, a close relationship between those who investigate and enforce and those who research and test. A Bureau divided under two deputy directors, in our opinion, will not foster such a relationship.

Further, we believe that the reorganization will encourage an even closer, confidential relationship with industry in the research area than that now cherished by it. Such a relationship could well be detrimental to the miner concerned with health and safety and to the public concerned that the mineral industry meet its responsibilities to prevent the degradation of the environment. In this reorganization, what efforts have been made by your Department to require greater public participation and disclosure in the Bureau's research programs as required by section 501 (c) of the new Act and section 102 of the National Environmental Policy Act?

We strongly recommend that the new reorganization be rescinded for these reasons:

First, it is ill-conceived and designed to foster an unhealthy confidential relationship between parts of the Bureau and industry, while dismantling the Office of Mineral Industry Health which was seeking ways to curb and eliminate occupationally caused diseases, such as pneumoconiosis, in the case of coal miners, and lung cancer, in the case of uranium miners. As a matter of fact, Mr. Doyle was an outspoken advocate of tough health standards for uranium miners along the lines adopted by former Secretary of Labor Wirtz. The uranium industry, including Mr. J. Rigg of Assistant Secretary Dole's staff, has a long-history of opposing the Wirtz standard.

Second, the President's Advisory Council on Executive Reorganization is now in the process of preparing a report on the organization of the executive branch, including the Interior Department and the Bureau of Mines. In view of this, the Bureau's new reorganization should be shelved, at least, until that report is available and its recommendations fully evaluated.

We would appreciate your comments on this recommendation.

III. Regulations publication

Thank you for providing copies of the proposed Coal Mine Health and Safety regulations recommended to you by Mr. O'Leary on February 27 and 28, 1970. We will compare them with the published regulations and comment thereon, where appropriate, at a later time.

In addition to the regulations which was referred to in the February 20, 1970 letter, the Interior Department has now published under the Federal Coal Mine Health and Safety Act of 1970 the following regulations and notices:

(A) Coal Mine Dust Personal Sampler Units—(35 F.R. 4326-4329)—Published March 11, 1970;

(B) Mandatory Safety Standards, Underground Coal Mines—(35 F.R. 5221-5258)—Published March 28, 1970;

(C) Notice of Regulations Continued in Effect—(35 F.R. 5335-5345)—Published March 31, 1970; and

(D) Mandatory Health Standards—Underground Coal Mines—(35 F.R. 5544-5550)—Published April 3, 1970. In the case of the mandatory safety standards, Congress specifically provided in section 301(d) of the Act that "where the provisions of sections 302 to 318, inclusive, of this title (Title III of the Act) provide that certain actions, conditions, or requirements shall be carried out as prescribed by the Secretary, or the Secretary of Health, Education and Welfare, as appropriate, the provisions of section 553 of Title 5 of the United States Code shall apply unless either Secretary otherwise provides." In publishing these final regulations, the Department did not refer to this exception to the rulemaking requirement, but found that it is "impracticable" under section 553 to have proposed rulemaking. We are distressed at this finding.

Congress, in enacting this statute, clearly recognized that the Department probably could not properly issue regulations of the magnitude found in the March 28, 1970, publication and, at the same time, provide the operators, the miners, and the public sufficient time to review and comment on them by April 1, 1970. That is the reason section 101(j) was added to the Act. That section provides that "interpretations, regulations, and instructions" existing under the 1952 Act which are consistent with the new Act could, upon republication, continue to exist until superseded by more comprehensive regulations. In the letter of March 5, 1970, to you, it was pointed out that the Conferees expressly urged that this republication be made "as soon as possible after enactment." Despite this congressional admonition to act quickly, the Department did not republish these until March 31, 1970. Many of the mandatory safety standards in Title III could be enforced on April 1, 1970, without the need for additional regulations immediately. In such cases, proposed rulemaking of these comprehensive regulations would have been quite proper. We would appreciate your Department advising us (a) why it was impracticable to publish such extensive regulations on March 28 without proposed rulemaking as required by section 301(d) of the Act; (b) what standards in Title III could not be enforced without implementing regulations on April 1, 1970; and (c) why it took your Department so long to develop regulations that were begun, as your April 2, 1970, press release states, in December, 1969.

IV. Scope of safety regulations

The preamble to the March 28 regulations (35 F.R. 5221) states that the regulation:

"includes mandatory safety standards for underground coal mines which are set forth in Title III * * *, other mandatory safety standards issued pursuant to that title and section 101(j) of the Act, and interpretations and supplementary regulations."

The publication identifies each statutory standard. It does not, however, identify these other items. Please identify each item in the publication that your Department considers to be "interpretations and supplementary regulations" and each item that it considers to be "other mandatory standards." Since neither Title III nor section 101(j) of the Act authorize the issuance of such standards, we would appreciate (a) your requesting the Department's Solicitor to provide us with a legal opinion concerning the authority for such other standards, and (b) advising us why such other standards were not issued in accordance with the procedures set forth in Title I.

V. Fee schedule

Section 301.50 of the regulations (35 F.R. 5257) establishes proceedings for the assessment of civil penalties to be initiated by a hearing examiner or the Appeals Board if an operator or miner fails to pay a fine to the Bureau "within 30 days after receipt of the notice of violation by the mine operator or miner" in accordance with a fee schedule in the regulation.

Under section 109(a) of the Act, an operator who violates any provision of the Act, except Title IV, shall be assessed a civil penalty of up to $10,000 for each violation, after an opportunity for a hearing. It also provides that, in determining the amount of the penalty, the Secretary (whether a hearing is held or not) "shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charge, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation."

The schedule sets a fine for first violations committed by an operator in a 12 month period (a) for imminent danger violations at $500.00; (b) for unwarrantable failures (which the conferees described as a "failure of an operator to abate a violation he knew or should have known existed, or the failure to abate a violation because of lack of due diligence, or because of indifference or lack of reasonable care on the operator's part") at $100.00, and (c) for all other violations at $25.00. Miners who willfully smoke or carry smoking materials underground are charged $5.00 out of a possible $250.00. We understand that, by first violations, the Department means—violations cited in a first inspection. Violations cited in second and later inspections in such period incur a progressively greater fine.

We are strongly opposed to this illegal fee schedule or "justice of the peace" type of approach to civil penalties because:

(a) It is contrary to law. The statute requires that the above cited factors be considered when a penalty is assessed. The fee schedule is an assessment of a penalty in advance of the violation and does not consider those factors at all. Thus, a negligent operator whose violation resulted in death or injury could pay his $25.00 and avoid a higher penalty when the factors are considered.

(b) It establishes the same penalty for a 500 man mine operator and for a ten man mine operator. A $25.00 penalty against a Bethlehem Steel mine is a mere slap on the wrist. Even in the case of a ten man mine, a $25.00 fine may not be appropriate.

(c) In the case of a miner, a $5.00 fine for "willfully" smoking underground in a mine endangers the lives of his fellow miners. It amounts to a mere license to smoke. We are sure that the workers themselves would support a more realistic fine where, as the law provides, there are proper proceedings instituted before the fine is assessed.

We call upon the Department (1) to rescind this fee schedule in the regulations immediately; (2) to reassess civil penalties according to law for violations arising since April 1; and (3) to establish a policy that provides meaningful penalties for all violations consistent with the above factors.

On April 20, 1970, a House staff member talked by telephone to Assistant Solicitor Gershuny of the Department who apparently will handle litigation under the new law. Mr. Gershuny stated that he knew when he drafted the fee schedule for the Department that it was "illegal", but it was needed to "wash-out" some of the proceedings before the Board, since the Bureau anticipated about 25,000 violations per year. He also contended that the Act impliedly authorized the Secretary to "compromise" civil penalties once assessed.

We request a detailed explanation as to why the Department, knowing the fee schedule was illegal, published it. We understood from staff discussions with Department officials, during consideration of the civil penalty provisions proposed by it, that Bureau officials (other than inspectors) would assess the penalty subject to the right of the alleged violator to request a public hearing. We, therefore, would like to know why it is necessary or desirable for the Board or a hearing examiner, who are not administrators, to assess civil penalties when a hearing is not requested.

Finally, since Congress failed to adopt the Department's civil penalty provisions which provided for administrative compromise, and did not specifically authorize such compromise, as it did in the case of other recent statutes, we fail to see how the Department now believes from the statute and its legislative history that administrative compromises are authorized after considering the above cited factors. We would appreciate your providing us with the Department's rationale for administrative compromises.

VI. Burden of proof

Section 301.68 of the regulations (35 F.R. 5258) states:

"In proceedings under Subparts B, C, and F of this part, the burden of proof shall be on the Bureau of Mines In all other proceedings, the burden of proof shall be on the moving party."

Under the second sentence of the regulation, the moving party, who is the miner or his representative, has the "burden of proof" on applications for compensation or for review of discharge actions or acts of discrimination under section 110 of the Act.

We believe that this requirement is totally inconsistent with section 110(a) of the Act. It is an outrageous attempt by your Department to bail out the coal operators from enforcement of section 110 of the Act which protects the worker's salary and job status. Under section 110(a), compensation to the miners is guaranteed for specified periods where a closure order is issued under section 104 of the Act, where a final unwarrantable failure closure order is issued, and when an operator violates or fails or refuses to comply with a section 104 closing order. Only in the case of an unwarrantable failure order is there any requirement that the order be a final one or that there be an opportunity for a hearing. In the other cases, the miners must be compensated once an order is issued, even if, on appeal, it is vacated. There is no proceeding in such cases in which the miner or his representative must prove a violation.

Further, under section 110(b) of the Act, the operator is prohibited from discharging or discriminating against a miner under the circumstances prescribed. If he violates the prohibition, he is subject to the penalty section of the Act. The Secretary must enforce this prohibition too on his own motion or on application by the miner or his representative. He does so by investigation which may or may not include a public hearing. We fail to see why the miner or his representative should bear this burden.

We believe that the last sentence of section 301.68 should either be abandoned or substantially clarified consistent with the requirements of section 110 of the Act. Please advise us when you do so.

Subpart B relates to applications for review of orders and notices, subpart C to review of notices under section 104(h) of the Act, and subpart F to assessment of penalties. Thus, in these three proceedings the "burden of proof" is on the Bureau. Please provide us with a legal opinion from the Department's Solicitor (a) establishing the statutory authority for placing this burden on the Bureau and not on the appellant in each case; and (b) setting forth what the Solicitor considers sufficient proof in each proceeding for the Bureau to sustain this burden.

VII. Inspections

Your Department's news release of April 3, 1970, announcing the adoption of an "Interim Coal Mine Inspection Plan" quotes your statement that the Bureau has "only about 220 fully qualified coal mine inspectors now", and that 50 more have been hired and are being trained. Yet, in testimony before the House Subcommittee on Department of the Interior and related agencies, the Department's witness, Mr. Wheeler, testified that you "have about 300 coal mine inspectors at the present time." (Hearings, p. 806). Why this discrepancy?

We are concerned about the slowness of the Department's efforts to hire and train inspectors. We, therefore, would appreciate promptly receiving your response to the following questions:

1. How many inspectors will be needed to make four complete inspections a year under the Act?

2. How many inspectors will be needed to carry out inspections under section 103(i) of the Act?

3. What is your authorized personnel ceiling on inspectors?

4. (a) Has the Department sought new increased funds and personnel authorizations in this fiscal year for inspectors?

(b) If so, how much money, and how many positions?

(c) If not, why not?

5. (a) Is the Department seeking increased funds and personnel in the fiscal year 1971 budget now before Congress for inspectors?

(b) If so, how much money, and how many positions?

6. What salaries are being offered to attract qualified people as inspectors?

7. (a) How long is the training period for inspectors?

(b) When did you begin hiring new inspectors?

In his statement before the House Subcommittee on Appropriations, Dr. Hayes stated (supra, p. 783):

"In the past the Bureau has inspected every underground coal mine twice a year and we have managed to inspect most of the large coal mines three times a year."

While we recognize that the new law has many more mandatory provisions to be enforced during an inspection than existed under the 1952 Act, many of these provisions are similar to the old voluntary Code provisions which were also enforced during those inspections. Thus, if the Bureau inspected every mine completely twice last year, as the above statement indicates, and most of the larger mines three times last year, how long will it be before the Department makes all of the inspections required by the Act for its first full year in operation?

In testimony before the House Subcommittee on Appropriations, the Department's witnesses testified that the Administration cut $8.3 million from the Department's budget for Fiscal Year 1971 for the enforcement of the new Federal Coal Mine Health and Safety Act of 1969. (See hearings, *supra*, p. 805.) With the mandates expressed by Congress to the Department to increase its enforcement activity now, how is it possible that the Administration would apparently disregard that mandate and reduce substantially the Department's budget request in this area? What was the use intended for this sum? Did the Department appeal the cut by the Budget Bureau? If so, what was the Budget Bureau's justification for this cut?

We are also disturbed about your program of representative inspections with the stated objective of inspecting all underground coal mines by the end of June, 1970. While it is, of course, desirable to inspect all mines as soon as possible, the Congress in enacting the new law was not concerned with the volume of inspections, but with the adequacy of each inspection. The law contemplates four complete inspections, plus spot inspections. The "partial, but representative inspection" is a new concept altogether which was never previously mentioned during consideration of the new law. The Associate Director for Health and Safety describes, in his March 26, 1970 memorandum to Dr. Hayes, each of these as follows:

"1. A spot inspection, which would enable us to get into all of the mines as quickly as possible but which would not be extensive enough to be informative to the operator as to what is required throughout the entire mine;

"2. A regular inspection, which would extend throughout each mine inspected, but which would, because of the time required for each such inspection, leave some mines for a rather long time before an inspection could be made under the new law; and

"3. A partial, but representative inspection (PBR inspection), in which we would inspect enough, but only enough, of a mine to be representative of the entire mine insofar as health and safety are concerned. A PBR inspection would take longer than a spot inspection but not nearly as long, in most instances, as a regular inspection."

The law now requires four complete inspections per year. The Administration proposed three per year in its legislative proposal of March, 1969. Did the Administration contemplate PBR inspections then? If not, how did the Administration intend to comply with its own recommendation in one year?

VIII. Accidents

We would appreciate your providing us with the complete details concerning the two mine accidents of a few days ago which killed two men—one a roof fall and one an ignition—and the actions taken by the Bureau to prevent them in the future. Also, we would appreciate your providing us with the details concerning the accident at the Helen Mining Company in Homer City in Pennsylvania, including the area of the mine inspected just prior thereto, a copy of the inspection report, and an identification of the area of the mine where the accident occurred.

IX. Interior's criticism of statutory safety standards

It is inconceivable to us that a Federal agency, such as the Department of the Interior, would appear before the Appropriation Committee of the House of Representatives after Congress enacted the 1969 law and criticize various provisions of it after remaining silent on the provisions during its consideration by the legislative committee of the House. Yet, the Department's witness did just that on March 2, 1970, when he said (hearings, *supra*, p. 815–816) as follows:

"Mr. WHEELER. Madam Chairman, overall I do not think anyone would have any question with the objectives and law itself. But there are a few provisions and I would like to cite one of them to you—there is a provision in the law that all mine cars after a year must be provided with automatic brakes and there are no automatic brakes that can be put on mine cars.

"Mrs. HANSEN. Are they nonexistent?

"Mr. WHEELER. There are none in existence.

"Mrs. HANSEN. What are you going to do about that provision?

"Mr. WHEELER. Maybe we have some consternation in our own organization. I think what we will have to do is to cite them as being in violation of the law, because they will be.

"Mrs. HANSEN. Is anyone in the process of developing automatic brakes?"

"Mr. WHEELER. Yes, ma'am. We have met with all the car manufacturers to first find out if there are any brakes, and we found out there are none. And since then we have been talking with them as to how we can get some developed as soon as possible.

"Mrs. HANSEN. Has the Department appeared on behalf of this provision before the Education and Labor Committee?

"Mr. WHEELER. We have not gone back to them yet. We will have to after we study all the provisions of the law. We are now studying this new section by section to determine what the problem areas are. This is just one which is obvious on the face of it that I have decided to use. There are others.

"Mrs. HANSEN. Will you please insert in the record other areas of the Coal Mine Health and Safety Act which cause similar problems?

"Mr. WHEELER. Yes, ma'am.

(The information follows:)

"In addition to the matter of the act requirement for car brakes which must be resolved before March 30, 1970, there are other unresolved problems. Among these are:

"1. Sec. 315 of the Act provides that the Secretary may require that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine. Such chambers to be equipped with first-aid materials, an adequate supply or air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the persons while awaiting rescue, and other equipment. Where shelters are required, there shall be an approved plan for the erection, maintenance, and revisions of such chambers and an approved training program for the use of the shelter.

"Much of the technology involved is unclear, especially in connection with an integrated standby system. A contract for the development of a total rescue and survival system should be awarded shortly and completed within a year thereafter.

"2. Section 317(e) requires the Secretary to propose standards by December 30, 1970, under which all working places in a mine shall be illuminated by permissible lighting within 18 months after promulgation of the standards.

"The nature and content of these standards is being considered in the light of practicability. Some research may be required and new permissibility standards may have to be developed. These efforts are being carried on at a rapid pace in order to meet the deadlines. It is not certain, however, that the present uncertainties can all be resolved in the available time.

"3. Section 317(j) authorizes requiring electric face equipment, including shuttle cars, be provided with canopies or cabs to protect the miners from roof falls and from rib and face rolls where the height of the coal bed permits.

"Practical designs are under consideration and consideration is being given to determining the minimum height of the coal bed which will permit installation of such devices.

"4. Section 317(g) provides that the Secretary shall require, when technologically feasible, that devices to prevent and suppress ignitions be installed on electric face equipment.

"Research on an ignition suppression system has been carried out in the Bureau's laboratories and experimental mine for several years. We are presently concentrating on converting out basic knowledge into a commercially feasible system. Progress is being made and emphasis placed on the project; nevertheless, it is not possible to set a specific completion date."

It is obvious that the Department's witness is not very familiar with the provisions of the Act in making this criticism. None of the standards referred to in the Department's four numbered paragraphs just quoted requires action by March 30, 1970. In the case of the rescue chambers, the Department, by section 315 of the Act, is given discretion to require them when the technology is available. The same is true for underground lighting and canopies and cabs. In the case of ignition suppression devices (the reference is section 317(q), not section 317(g)), we fail to see why it is the Bureau's responsibility to convert its experiments into a "commercially feasible system." Why not make this knowledge public and let American business convert it competitively into an effective commercial system?

In regard to automatic brakes, the Act only requires them "where space permits." The Department, in its letter of July 17, 1969, to the Senate Committee on Labor and Public Welfare (Sen. Hearings—Part 5, Appendix, p. 1589, 1594) said that the provision "should be deleted at this time because *in many instances it is not physically possible in the limited space underground in some mines to install and operate such automatic brakes.*" (Italic supplied.) Based on this comment, the Congress added "where space permits", the Department did not say, as it is now contended, that they were unavailable in all mines or that they were "nonexistent". "Where space does not permit," other devices may be used to achieve the same objective. What has the Department done to insist on such other devices?

X. Mine closures by operators

We are deeply concerned about the increasing number of coal mine operators in this country who are closing their mines.

A. Some are closing because of the uncertainty surrounding the Department's administration of the law. The Interior Department has contributed to this situation by its long delay in issuing regulations and republishing old ones and by eliminating any opportunity for the operators and the miners to express their views on them before they were finalized. Only a short while ago, Assistant Secretary Dole wrote, in connection with regulations for metal mines, that by publishing proposed regulations "the Bureau is following a long-established policy to afford the public an opportunity to participate in the rule-making process." He noted that "the benefits to be reaped from analysis and consideration of comments received may save considerable legal involvement later." He did not follow his own sage advice for coal mines.

Further, the Department in applying the statute to each mine apparently has failed to recognize that some violations, such as the failure to have a bulletin board, are not as serious as others. It has treated them equally in its fee schedule and thus caused operators to turn to closing their mines rather than pay the same penalty for all violations, regardless of their gravity.

B. Some are closing with the objective of creating a coal shortage in lieu of meeting the requirements of the Act. Many of them predicted early last year, when the legislation was being considered by Congress, that it would close many mines. Now they are apparently attempting to make their predictions come true without any sincere, good faith effort to comply with the new law.

They are using these tactics to embarrass the Congress for passing a strong health and safety law designed to protect coal miners. They are attempting to demonstrate that the Act will close mines, cause coal shortages, and eventually cause blackouts. They have not, however, even made a good faith effort to comply with the Act. Many are marginal operators whose profits are dependent on not providing safe and healthful working conditions. In some cases, one need not even go underground to find hazardous conditions. An inspector need only look at the unsafe conditions on the surface to realize that many of these operators are not safety conscious, but rather are profit and production conscious only.

C. In our opinion, both of these reasons are an attempt to create a crisis in the industry to force changes in the law. We are certain that Congress will not stand for such a patent attempt to weaken the law.

Please provide us (a) with a list of the mines closed in each State by the operators since April 1, 1970; (b) the number of persons working in each; (c) the reason for closure, if known; and (d) the estimate of tons lost per day from such closures. If a mine was reopened since then, was it inspected as required by section 303(x) of the Act? If not, why not?

Also, we would appreciate your providing us (a) with a list of the mines inspected during the first three weeks of this month; (b) the number of working sections in each; (c) the working sections inspected; (d) the violations per working section; and (e) the fines assessed or paid per violation.

XI. Temporary relief

Section 301.15 of the regulations (35 F.R. 5256) provides a procedure for filing applications for temporary relief, except "in the case of a notice issued under section 104(h) or section 104(i) of the Act." The reference to section 104(h) is in error. Section 105(d) of the Act provides that the exception applies to notices "issued under section 104(b) or (i)." Please advise us when this section is corrected, and when it is amended to show that such relief is *not* available in cases of "an order issued under section 104(a)" of the Act.

XII. Notices

Section 301.10 provides that an operator or miner or the miner's representative may file an application "for review of orders and notices." We believe that this provision needs clarification to assure that review of notices is limited only to the reasonableness of the time prescribed therein as is explained in the Senate's section-by-section analysis of the Conference Report (CONGRESSIONAL RECORD, vol. 115, pt. 24, p. 39987), as follows:

"Subsections (a), (b), and (c) establish a procedure for reviewing administratively withdrawal orders issued by an inspector, modifications or terminations of such orders by an inspector *and the reasonableness of the time limits in notices,* upon request made by an operator or representative of the miners. Upon making the request, the Secretary must undertake a special investigation to ascertain the facts which must include an opportunity for a public hearing pursuant to 5 U.S.C. 554." (Italic supplied.)

On December 18, 1969, when the Congress adopted the conference report, both the Department and the operators should have been certain of its provisions, but for the threat of a "veto" by the Administration which threat was not quashed until December 30, 1969, when the President signed it. Congress provided an additional delay period of 90 days before the safety standards became effective to enable the Department and the operators to adjust to the new law. This delay was only 30 days less than that recommended by the Department. Based on the Department's performance to date, twice as much time would apparently not have been enough.

The Department's actions, or rather its inaction, has given the operators ammunition to wage war against the new law. It is time that the industry and the Department recognize the fact that the Congress and the public will not tolerate unsafe and unhealthful working conditions in the coal mines. Both expect, so long as the program remains in Interior, that the Department will act reasonably and responsibly to administer the law and to obtain quickly the personnel to do so. To date, Congress, the public, and, most important, the miners and many operators have been disappointed.

We hope to hear from you on these vital issues by May 4, 1970.

Sincerely,

JOHN H. DENT, *Chairman.*
PHILLIP BURTON,
KEN HECHLER.

[Press release from the office of the Secretary of the Interior, Jan 15, 1969]

MINES BUREAU HEALTH AND SAFETY ACTIVITIES REORGANIZED

A reorganization of mineral industry health and safety functions within the Bureau of Mines was announced today by Secretary of the Interior Stewart L. Udall.

The changed setup was described by Secretary Udall as "one result of our intensive review of the Bureau's health and safety activities," which he said had been underway for several months. Primary aims, he said, are to modernize and more effectively coordinate traditional Bureau programs in mine health and safety and related fields, and to prepare it for the assumption of even broader responsibilities.

Secretary Udall explained that he will, in a matter of days, be proposing the first federal health and safety standards ever developed for the Nation's non-coal mines. He said that many of the standards to be promulgated under authority of the Federal Metal and Nonmetallic Mine Safety Act of 1966, will be mandatory and the Bureau of Mines will be charged with their enforcement.

"When these standards become effective," Secretary Udall stated, "the Bureau will be taking on major new responsibilities for the health and safety of some 200,000 workers at non-coal mines, both surface and underground. Add to those the more than 140,000 coal miners for which the Bureau already has some health and safety responsibility, and you have what amounts to a critical mission. Reorganizing the Bureau's health and safety activities for greater efficiency and economy in operation has thus become mandatory."

Sharper definition of research objectives in mine health and safety, and more efficient monitoring of progress toward those objectives, are additional important aims of the reorganization, according to Bureau Director John F. O'Leary. This will be accomplished, he said, by tying operations at the Bureau's Health and Safety Research and Testing Center at Pittsburgh, Pa., more closely to the experience acquired through field offices that have direct responsibility for mine inspection, accident investigation, health and safety training, and related functions.

"The keys to this more effective liaison," O'Leary explained, "are three new top-echelon posts at the headquarters level." These positions, involving both line and staff responsibilities, he named as Assistant Director of Coal Mine Safety, Assistant Director of Metal and Nonmetal Mine Safety, and Assistant Director of Mineral Industry Health.

Each of the new assistant directors will exercise line supervision with regard to his field organization. He will also serve in a staff, or advisory, capacity to the Bureau's Associate Director—Health and Safety, who in turn is responsible to the Director of the Bureau of Mines for the total health and safety program.

In addition, O'Leary said, each assistant director will participate in the technical supervision of appropriate research activities at the Health and Safety Research and Testing Center. In this way, he added, the experience of those working directly with mine health and safety problems can be quickly translated into guidance for those who are seeking solutions.

An additional source of information and advice for use in program planning and review will be provided by a newly created Office of Accident Prevention and Education. Reporting directly to the Associate Director—Health and Safety, this office will be responsible for collecting and analyzing statistics on mine accidents and injuries and job-related illness among miners. It also will conduct studies in the behavioral sciences to gain better insight into the fundamental causes of accidents and to aid in developing more effective safety education and training programs.

O'Leary noted that the Bureau's deputy director, Earl T. Hayes, is currently Acting Associate Director—Health and Safety. The Associate Directorship, as well as the newly established positions, will be filled as promptly as possible, he added.

"Naturally," O'Leary said, "we want to get people who are as highly qualified as possible for these critically important jobs, and our selections will be made very carefully." He noted that the organizational changes, of themselves, would not increase the number of positions in the Bureau's Health and Safety Activity. He added, however, that broader and more effective programs are being planned and a substantial number of new positions will be required in order to carry them out.

[U.S. District Court for the Western District of Virginia]

CIVIL ACTION NO. 70-C-50-A—COMPLAINT TO ENJOIN ENFORCEMENT OF FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969 AND FOR DECLARATORY JUDGMENT

(Three-judge court)

A. M. Ratliff, Jr., t/a Dilston Coal Company No. 1, No. 2, No. 3, No. 4, No. 5 & No. 6;
A. M. Ratliff, Jr., t/a Anchor Coal Company No. 14 and No. 16;
A. M. Ratliff, Jr., t/a Anchor Red Ash Coal Company No. 1;
A. M. Ratliff, Jr., t/a Derwentwater Coal Company No. 4 & No. 6;
Sonny Smith;
Norma Mining Company;
Delta Coal, Inc.;
Alfredton Coal Company;
Riverside Coals, Inc.;
Lee Town Coal Corporation;
Virginia By-products Corporation;
Virgil Vandyke, t/a Vandyke Brothers Coal Company;
Robert Weaver, t/a Premium Coal Company No. 9 & No. 11;
Richard Matney, t/a Rich's Lee Town Coal Company;
F. B. Fowler, t/a Fowler and Chaney Coal Company;
F. B. Fowler, t/a Hickory Gap Coal Company;
Orville Thacker, t/a Thacker Coal Company;

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Margaret Ann Coal Company;

Black Diamond Fuel Company;

Lester Coal Company;

Knox Creek Coal Corporation;

Little Bear Coal Company;

Five Oaks Coal Company;

Bull Creek Dock and Coal Company;

Minor Muncy, Jr., t/a Muncy Coal Company No. 5 & No. 9;

Levisa Fuel Company;

Anchor Red Ash Coal Corporation;

Black Watch Coal Corporation No. 1;

Black Watch Coal Corporation No. 2;

Anchor Smokeless Coal Corporation;

Universal Coal Company, Inc.;

Star Coal Corporation;

George F. Barnes, t/a B & H Coal Company;

International Coal Company;

J. C. Stiltner, t/a Linda Jay Coal Company;

Carson Stiltner, t/a Stiltner Coal Company No. 4;

Clarence Ramey and Larry Skeens, t/a Cove Hollow Coal Company;

Elmer McClanahan, t/a J & M Coal Company No. 3;

Roy McClanahan, t/a R & M Coal Company No. 4;

Ralph & Earl Dotson, t/a Pounding Mill Coal Company;

Roscoe Estep, t/a Blackgum Coal Company;

Jack & Estil Adkins, t/a North Hill Coal Company;

Dave Smith, t/a Dave Smith Coal Company;

Howard & Estil Dotson, t/a H & E Coal Company;

Roy Rife, t/a Roy Rife Coal Company;

Henry May and Ulvert Dotson, t/a May & Dotson Coal Company;

Bobby Lester & Earl Tester, t/a R & E Coal Company;

Amos Spencer & Kermit Dotson, t/a S & D Coal Company;

Lonnie Dotson, t/a Dotson Coal Company No. 1 & No. 2;

Rufus Tester, t/a R & W Coal Company;

Keith McClanahan & Frank Lester, t/a L & M Coal Company No. 2;

Earl Cook, t/a Earl Cook Coal Company;

Keith McClanahan & Frank Lester, t/a L & M Coal Company No. 1;

Keith McClanahan, t/a Sharon Coal Company;

James Stiltner, t/a James Stiltner Coal Company;

Hursel Justice, t/a Justice Coal Company;

Ira Lester, t/a Little Beaver Coal Company;

Jack Price & Bennett Looney, t/a Gena Fay Coal Company;

Little Bear Coal Co. No. 2 & No. 3;

Elsie Lester Coal Company;

David Broyles, t/a Broyles & Dotson Coal Company;

Johnny Jones, t/a Burnrite Coal Company No. 1 & No. 3;

Earl Gibbs, t/a G & G Coal Company;

Kennis Justice, t/a Lane Hollow Coal Company No. 17;

Ralph A. Skeens, t/a Ramey & Skeems Coal Company No. 2 & No. 3;

Dennis Compton, Burton Fletcher and J. W. McGlothlin, t/a Slate Creek Coal Company No. 10;

Paul Hawkins, t/a Virginia Mining Company;

Starling Davis, t/a S. Davis Coal Company;

Estil & Clarence Vandyke, t/a Rock Branch Coal Company No. 13;

Buddy Vandyke, t/a Skeggs Branch Coal Company No. 10 & No. 13;

Clyde Vandyke, t/a Vandyke Coal Company No. 11 & No. 14;

Dewey Skeens, t/a Skeens Coal Company;

Wellmore Coal Corporation;

Wallace Skeens, t/a Betty Jean Coal Company; and Keister Shortridge, t/a Q & G Coal Campany versus Walter J. Hickel, Secretary of the Interior; Robert H. Finch, Secretary of Health, Education, and Welfare; and Joseph Maliskey, Director, U.S. Bureau of Mines, Norton, Va.

1. This action arises under the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173 (hereinafter "the Act"), a copy of which is attached as Exhibit 2. The Court has jurisdiction under the Declaratory Judgment Act, 28 USC § 2201 et. seq. and 28 USC § 2282 et seq.

2. This is an action for an injunction pursuant to 28 USC § 2282 and for a declaratory judgment pursuant to 28 USC § 2201, for the purpose of determining a question of actual controversy between the parties, the subject of which controversy is causing irreparable damage to Complainants who are otherwise without an adequate remedy at law.

3. Complainants are all owners, operators or employees of approximately 135 underground coal mines located in Buchanan and Tazewell Counties, Virginia, all being within the jurisdiction of this Court. The Complainants produced a total of 4,546,379.85 tons of coal during the calendar year of 1969 which accounted for approximately 30.4% of all the coal produced in Buchanan County, Virginia and 13% of the coal produced in the State of Virginia.

4. The vast majority of these mines are of the type which prior to enactment of the Act were classified as "non-gassy" mines.

5. On December 30, 1969 the Act was enacted into law and in large measure became operative 90 days thereafter, March 30, 1970.

6. Section 101(e) of Title I of the Act provided that no mandatory health and safety standards or regulations should be promulgated unless and until such proposed standards and regulations were published in the Federal Register and all interested parties were afforded an opportunity to file objections and exceptions to such proposed standards and regulations and to present evidence in support of such objections and exceptions.

7. Title II of the Act established a scheme for the promulgation of Interim Mandatory Health Standards which will become operative on June 30, 1970, with certain waiver permits required to be issued by April 30.

8. Title III of the Act established a scheme of Interim Mandatory Safety Standards, which standards were to become effective on the operative date of Title III, March 30, 1970. By the terms of § 301 (a) of Title III, these Interim Mandatory Safety Standards were to remain in effect only until such time as they could be supplanted or replaced in whole or in part by standards promulgated pursuant to the notice and hearing provisions of Title I.

9. Title I of the Act established a procedure whereby permanent mandatory health and safety standards were to be promulgated for all underground coal mine operations. This procedure involved publication (§ 101 (e)), notice (§ 101 (f)) and public hearings (§ 101 (g)) on the proposed permanent mandatory health and safety standards prior to their final promulgation (§ 10 (g)).

10. On March 29, 1970 there appeared in the Federal Register, Volume 35, Number 61, Page 5221, (attached as Exhibit 2A) a schedule of proposed mandatory safety standards which purportedly were to become effective on March 30, 1970, notwithstanding the failure of these proposed mandatory safety standards to meet the notice and hearing requirements of Title I of the Act.

11. Because of their failure to comply with the notice and hearing requirements of Title I of the Act, all of the proposed mandatory safety standards as set forth in the March 28, 1970 Federal Register, are null, void and unenforceable.

12. The Act as enacted and interpreted by the regulations is unconstitutional, unreasonable and Complainants are incapable of compliance with it in that.

A. Sufficient time has not been allowed Complainants to comprehend and comply with the Act and regulations notwithstanding their good faith efforts to do so. (See attached Exhibits 3, 3A, 4 and 5).

B. Some equipment required by the Act and regulations is non-existent and has not been developed by modern mine technology. (See attached Exhibits 6 and 7.)

C. Some equipment required by the Act and regulations is not available for purchase by Complainants. (See attached Exhibits 6 and 7.)

D. Certified and qualified technicians, engineers and mechanics required by the Act and regulations for tests and repair are unavailable. (See attached Exhibits 8, 9, 10 and 11.)

13. The on-site fine provisions provided by the regulations contrary to the Act are an unconstitutional usurpation of the judicial function and an illegal delegation of the legislative and judicial authority. (See attached Exhibit 12.)

14. A. As a result of the enforcement or threat of enforcement of the health and safety standards hereinbefore described, Complainants have been forced to suspend operations at numerous locations and are faced with the imminent prospect of additional closings, all to the great economic detriment of Complainants. Complainants further anticipate that the resulting economic hardship for them and their employees may permanently close many of Complainants mines, to their additional economic detriment.

B. The Act itself and the resulting enforcement, constitute an unreasonable, arbitrary and unconstitutional confiscation of private property, without due process, in violation of the provisions of the Fifth Amendment to the U.S. Constitution, which unconstitutional confiscation is more fully described hereinafter.

C. Prior to the enactment of the Act, all underground coal mines were classified as gassy and non-gassy mines for purposes of establishing and enforcing regulations and standards for coal mines, pursuant to the provisions of the Federal Coal Mine Safety Act, 30 USC § 451 et seq. as amended.

D. This distinction between gassy and non-gassy mines constituted a valid and reasonable distinction for purposes of determining what standards of operating conduct should prevail at any given operation.

E. All of the mines owned by Complainants were classified as non-gassy mines.

F. A substantial portion of the health and safety standards here in question are designed to eliminate dangers found only in gassy mines.

C. Notwithstanding the clear distinction between gassy and non-gassy mines, and the obvious differences in regulation required in the two types of mines, Congress has arbitrarily and capriciously imposed upon the Complainant's coal mining operations, all of the requirements of the Act, even though there is no realistic and substantial relationship between many of the objectives of the Act and the requirements of the Act as they affect Complainant's operations. (See attached Exhibits 12A, 12B and 12C)

15. The unconstitutional Act and regulations and the severe enforcement thereof has caused the closing of hundreds of small, non-gassy coal mines and an economic situation in the localities and industries supported by these mines that approaches ruin. (See attached Exhibits 13, 13A, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52.)

16. Legislative relief to the unconscionable demands made by the Act and regulations may be forthcoming and may be effective if this Court protects Complainants in the interim. (See attached Exhibits 49, 50, 51 and 53, 54, 55 and 56)

17. By reason of the foregoing, an actual controversy exists between Complainants and Defendants and Complainants are being irreparably injured and have no other adequate legal remedy.

WHEREFORE, Complainants pray that the Court enjoin the enforcement of the Act and

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regulations and Complainants move the Court for judgment declaring that the Act and regulations are unconstitutional and that Complainants might have such further relief as may be proper.

A. M. Ratliff, Jr., t/a Dilliston Coal Company No. 1, 2, 3, 4, 5, and 6 et als.

By JAMES W. MCGLOTHLIN,
Of Counsel.

[In the U.S. District Court for the Western District of Virginia, at Abingdon]

CIVIL ACTION No. 70–C–50–A

A. M. Ratliff, Jr., t/a Dilston Coal Company No. 1, No. 2, No. 3, No. 4, No. 5 & No 6; A. M. Ratliff, Jr., t/a Anchor Coal Company No. 14 and No. 16; A. M. Ratliff, Jr., t/a Anchor Red Ash Coal Company No. 1; A. M. Ratliff, Jr., t/a Derwenthater Coal Company No. 4 & No. 6 et al., Plaintiffs versus Walter J. Hickel, Secretary of the Interior; Robert H. Finch, Secretary of Health, Education, and Welfare; and Joseph Maelisky, Director, U.S. Bureau of Mines, Norton, Va., Defendants.

This day came the parties to this action by their attorneys upon the complaint of the plaintiffs as amended seeking to enjoin the enforcement of the Federal Coal Mine Health and Safety Act of 1969, PL 91–173, and praying for a declaratory judgment, a temporary restraining order, and interlocutory and permanent injunctions in connection with the enforcement of the complaint. The United States had received one day's notice of this hearing and was represented by the United States Attorney for the Western District of Virginia.

And the court considered the complaint, and the exhibits filed with the complaint, and heard the testimony of a witness or tenus and argument of counsel.

And being of opinion that a part of the prayer of the complaint is well taken and ought to be granted, but that a part of the prayer of complaint is not well taken and ought not to be granted, the court finds as a fact that irreparable damage will result to the plaintiffs, to the coal miners who work in the mines, and to the public, if a temporary restraining order is not issued in this action; it appearing that the mine operators will suffer a vast loss of income and the coal miners will suffer a vast loss of income, which can only be measured in hundreds of thousands or millions of dollars; that mines which are closed for any considerable period of time cannot economically be reopened because of the collection of water, the deterioration of the mining equipment and the physical deterioration of the mine itself due to the lack of pumping and daily maintenance during closed periods; that the mine operators will lose their employees; that the employees of the mine operators will be forced to seek other employment; that the mine operators will lose their market; and that the customers of the mine operators will lose their supply of coal which they are entitled to rely on at contract prices;

It is accordingly adjudged and ordered as follows:

I

That part of the prayer of the petition which seeks a restraining order to prevent the enforcement of Public Law 91–173 in its entirety shall be, and the same hereby is, *denied.*

II

The defendants are restrained from enforcing mandatory safety standards for underground coal mines as set out in the Federal Register of March 28, 1970, beginning on Page 5521, it being the opinion of the court that such safety standards were not promulgated in accordance with Title I of Public Law 91–173.

III

The defendants are restrained from enforcing only that part of Title II of said Public Law which requires an application for non-compliance with dust standards to be filed on or before April 30, 1970, it being the opinion of the court that such provision is arbitrary at least, and is impossible of compliance.

IV

When imminent danger is not involved, the defendants are restrained from enforcing Title III of said Public Law in any manner other than in accordance with Section 104 (h)(1) of said Public Law, only when defendants charge violations which may be corrected by the use of equipment which is not available for purchase, the court being of opinion that equipment which is not available for purchase cannot effectively be used to abate a condition through the use of existing technology. However, this subparagraph of this order shall in no way prevent the defendants from seeking any remedy provided under said Public Law by way of fine, penalty, or otherwise, including closure of mines, in the event, in the opinion of the defendants, the condition complained of is causing or resulting in imminent danger.

Nothing in this order shall restrain the defendants from enforcing by any legal means the correction of any condition which results in imminent danger to people working in the mines.

V

This is a temporary restraining order and is in effect to prevent irreparable damage only until the hearing and determination by the full court.

VI

This order restraining only the mandatory safety standards of the Secretary as above referred to, Titles II and III of the Act, the interim health and safety standards, remain in full force and effect, except the April 30, 1970, deadline referred to above, and this order is entered consistent with and not contrary to Section 513 of Public Law 91–173.

VII

Plaintiffs are allowed to file their amended complaint.

VIII

Both plaintiffs and defendants objected to all adverse rulings of the court.

IX

The Attorney for the United States having moved the court for a stay of the temporary restraining order pending appeal thereon, and, upon consideration thereof, said motion is overruled and denied. (Underlining supplied.)

Enter this 23rd day of April, 1970, at 2:06 p.m.

H. E. WIDENER, Jr.,
U.S. District Judge.

A true copy, teste:

VIRGINIA M. AYERS, *Clerk.*
By: MARY LOU SMITH,
Deputy Clerk.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 29, 1970.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: This is to advise you that the attached court order dated April 23, 1970, enjoins us from enforcing the regulations under the Coal Mine Health and Safety Act of 1969.

We are advised that Counsel for the Plaintiffs intend to ask the court to clarify its order. A copy of this proposed order of clarification is also attached.

We will keep you informed.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

[In the U.S. District Court for the Western District of Virginia, at Abingdon]

CIVIL ACTION No. 70–C–50–A

A. M. Ratliff, Jr., t/a Dilston Coal Company No. 1, No. 2, No. 3, No. 4, No. 5 & No. 6, et al., Plaintiffs, versus Walter J. Hickel, Secretary of the Interior, et al., Defendants.

This day came the parties to this action by their attorneys upon plaintiffs' Motion to Clarify Order, and the defendants having objected to said Motion for the reasons previously asserted, it is hereby

ORDERED that the Order of this Court entered on April 23, 1970, be and the same hereby is amended in paragraph II thereof by adding to said paragraph II the following:

"Defendants are further specifically restrained from enforcing Chapter III, Part 301, Subpart F, § 301.50, as set out in the Federal Register of March 28, 1970, beginning on page 5257, insofar as it permits the Bureau of Mines to assess penalties and accept payments in accordance with the schedule published therein in lieu of hearing as provided in Subpart G of said Chapter. Part 300 and Part 301 of Chapter III in all other respects remain in full force and effect."

It is further ordered that the Order of this Court entered on April 23, 1970, be further amended in paragraph IV by omitting the word "only" of line 4 of said paragraph and by adding as the second sentence of paragraph IV the following:

"The defendants are further restrained from enforcing Title III of said Public Law in any manner other than in accordance with Section 104(h)(1) of said Public Law, when defendants charge violations which may not be corrected because of the unavailability of certified, registered or qualified personnel or required materials".

Enter this —— day of April, 1970, at ———.

H. E. WIDENER, Jr.,
U.S. District Judge.

IV

W. D. WALKER,
Bureau of Mines,
Pittsburgh, Pa.

W. R. PARK,
Bureau of Mines,
Mt. Hope, W. Va.

J. S. MALESKY,
Bureau of Mines,
Norton, Va.

H. A. SCHRECENGOST,
Bureau of Mines,
Vincennes, Ind.

A. C. MOSCHETTI,
Bureau of Mines,
Denver, Colo.:

On April 23, 1970, a Federal judge in Abingdon, Virginia, issued a temporary injunction against Secretary Hickel and Secretary Finch of HEW affecting the Bureau of Mines Enforcement Activities under the Coal Mine Health and Safety Act of 1969. Essentially the court held that the safety standards as they appear in the Federal Register for March 28, 1970, that is part 75 of title 30, Code of Federal Regulations, are invalid and unenforceable.

However, the court held that the safety standards set forth in title 3 of the act may be enforced to the extent that the operators are able to comply within the bounds of existing technology and available equipment. The court also held that the safety standards of title 2 of the act may be enforced except that portion requiring applications for permits of noncompliance to be filed on or before April 30, 1970.

Therefore, commencing on Monday, April 27, 1970, you will proceed in accordance with the following instructions:

1. You will inspect all coal mines only as against the safety standards under title 3 of the act and you will issue notices and orders and notices of penalty as before under sections 104 (A), (B) and (C) of the act. You will not cite the provisions in the Federal Register.

2. With regard to conditions that cannot be abated because of the lack of technology or because equipment is not available, you will inform the operator in writing of the condition, but you will not issue any notice or penalty. "Equipment which is not available" means equipment which could not

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have been acquired and put in use prior to the inspection by an operator acting with reasonable dispatch.

3. You are to continue to strictly enforce all sections of the act concerning the existence of an imminent danger.

JAMES WESTFIELD,
Assistant Director.

V

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 3, 1970.

Hon. KEN HECHLER,
House of Representatives.

DEAR MR. HECHLER: This is in reply to your letter of March 5 in which you express doubt and concern regarding both the desire and the competence of the Bureau of Mines and the Department of the Interior with respect to the administration of the new Federal Coal Mine Health and Safety Act of 1969.

It is true that we did not publish procedures for sampling respirable coal dust in the Federal Register within 60 days after enactment of the Act as provided in Section 202(a), but we have published the additional material required to be published within 90 days after the enactment of the Act. We will publish the dust sampling procedures within a few days.

Your criticism of the people in the Bureau of Mines is most unwarranted. The expertise of our mining engineers and other health and safety specialists in the Bureau of Mines is unquestionable, and they have worked literally to the point of exhaustion in their efforts to meet the very exacting timetables prescribed by the Congress in the Act. Insofar as their desire and determination to achieve the needed improvements in mine health and safety is concerned, it would seem to us that your criticism is, at least, premature. We would hope to be adjudged in this regard on the basis of demonstrated performance after we have had an opportunity to implement the provisions of the new Act.

As you have stated in your letter, the new Federal Coal Mine Health and Safety Act is the most comprehensive worker's health and safety Act of this Nation. It is also revolutionary in some important respects, requiring actions to be taken that have never been attempted before. We cite, as an example, the massive effort to eliminate pneumoconiosis as a disabling coal miner's disease. Further, the diversity of the coal mines and their operations are such as to require a very careful application of the various health and safety standards to provide protection for the mine workers where it is needed while encouraging the development of new and improved mining technology.

We are in complete agreement with the intent so clearly expressed by the Congress that the new Act must be implemented as soon as possible. We do not believe, however, that it would be in anyone's best interest for us to place expediency ahead of thoughtful consideration in the administration of this important law.

We are at a loss to understand the deep concern you express over personnel in the Bureau. The entire Health and Safety organization is intact with minor exceptions. Mr. Henry P. Wheeler, Jr., who was recommended by John O'Leary to the position of Associate Director—Health and Safety, Bureau of Mines, has been formally appointed to the position. Mr. Henry Doyle has been offered a choice of positions in a new organizational setup which we plan to put into effect shortly, but has so far declined the opportunities. Mr. Carl Rampacek's detail as the Acting Assistant Director for Minerals Research has been terminated. He has returned to his permanent assignment and is under consideration for a key position in the new organization. Earl T. Hayes, as Deputy Director under John O'Leary, followed the health and safety activities of the Bureau closely, and, since he himself has suffered from silicosis when he worked in the mines, can naturally be expected to favor strict application of the law in his present capacity. He is being assisted by Harry Perry, of my staff, who worked closely with John O'Leary during Congressional consideration of the law, and has now been detailed as Acting Deputy Director of the Bureau.

The only material that Mr. O'Leary recommended to me, upon leaving, in a form that might be published in the Federal Register was concerned with dust sampling and health standards. He also transmitted to me some drafts that were indicative of the then current stage of development within the Bureau of Mines of some additional material on ventilation; roof support; certified, registered, and qualified persons; combustible materials and rock dusting; electrical equipment; trailing cables; fire protection; blasting and explosives; and miscellaneous.

We have subsequently continued our consideration of all of this material as planned before Mr. O'Leary left, and we have had published all of the safety standards in the Federal Register. We will make the material that you have requested available to you now, and we will be glad to discuss both the Federal Register material and that which Mr. O'Leary recommended to me.

Because your February 20 letter raised a legal question as regards rulemaking, it has been referred to the Office of the Solicitor. We shall give you a substantive reply in a few days.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

FEBRUARY 20, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: I am concerned with the Interior Department's new final regulation published in the *Federal Register* on February 18, 1970, (35 F.R. 3122) regarding applications for extension of time under section 303(r) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

Why was not the new regulation published as proposed rule-making under the first sentence of section 301(d) of the Act, since there appears to be sufficient time to do so before Title III of the Act becomes operative?

A review of the definition set forth in the regulation of a "mechanized mining section" indicates that it is at variance with the definition of that term in the Senate Report on the legislation (see S. Rept. No. 91–411, p. 63) and the section-by-section analysis of the Act set forth in the Congressional Record on final passage of the Act in the Senate (see CONGRESSIONAL RECORD, vol. 115, pt. 29, p. 39990). I would appreciate your advising me why there is such a variance. I also would like to know what is excluded from the term "production equipment" by referring to a "conventional" or "continuous mining section."

The last paragraph of the regulation provides that the Bureau of Mines' district manager "will advise the operator of the conditions which must be met during the period of extension", but there is no reference made anywhere in the regulation to the rights of the miner in the affected mine.

The second sentence of section 301(d) of the Act provides:

"*Before granting any exception to a mandatory safety standard as authorized by this title,* the findings of the Secretary of his authorized representative shall be made public and shall be available to the representative of the miners at the affected coal mine." (Italic supplied)

This provision is designed to protect the miners at a mine from the granting indiscriminately of exceptions from the mandatory safety standards of Title III of the Act. It also makes public such exceptions and avoids the often criticized procedure of carrying out a safety program without active participation by those most interested, namely the miner. The statement of the Managers of the House on the bill explains this provision as follows (H. Conf. Rept. No. 91–761, p. 78):

"3. The Senate bill provided that, where an exception to a standard is authorized, it can only be made when the criteria for the exception as set forth in the standard is met and upon a finding that granting the exception would not pose a danger to the safety of miners. There was no comparable House provision. The conference agreement adopted the approach of including this requirement in the appropriate provision of the title which permits exceptions rather than making it a general requirement, but, at the same time, requiring that, in granting any exception to a standard, the Secretary or his inspector must publish the reasons therefor and make them available to the miners at the mine before the exception is effective. If the miners believe that the granting of any exception will diminish safety, their redress is to utilize the provisions of section 301(c)."

A similar statement is in the Senate's section-by-section analysis (see Cong. Rec., supra, p. 39989).

I would appreciate your promptly advising me (a) why there is no reference to section 301(d) of the Act in the new regulations, and (b) what steps you have taken to implement section 301(d) in connection with exceptions such as the one in this new regulation.

As you know, I am very much interested in insuring that this new Act will be implemented and administered vigorously and in a manner that will afford the greatest health and safety protection to the miner as is possible.

Sincerely,

KEN HECHLER.

MARCH 5, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR SECRETARY HICKEL: Sixty-five days ago the landmark Federal Coal Mine Health and Safety Act of 1969 was signed into law by President Nixon after the Congress worked nearly ten months to draft the most comprehensive worker's health and safety Act of this nation. What has happened since then? Hardly anything for the good of the coal miner.

In less than one month, the Act will be in effect. Yet your department and the Health, Education and Welfare Department have failed to meet any of the following time schedules listed in the Act:

1. Section 101(j)—All interpretations, regulations, and instructions in effect on enactment must be published, according to the House Conference Report "as soon as possible after enactment for information purposes and to consolidate them in one place. The managers view this requirement as a very minimal task for the Department to undertake and one that is quite important to both the operators and the miners."

2. Section 202(a)—Prescribe methods, locations, intervals, and manner of sampling respirable dust within 60 days after enactment.

3. Section 307(d)—Prescribe procedures and safeguards for making repairs on high-voltage lines within three months after enactment.

In addition to failing to meet these time schedules, a number of key positions in the Bureau of Mines have long gone unfilled and remain unfilled, except in an acting capacity, even today—just 27 days before the Act becomes effective. Some of these are:

1. Associate Director of Health and Safety—

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Mr. Henry Wheeler is filling this position in an acting capacity. The position has been vacant for over a year.

2. Assistant Director for Mineral Industries Health—Mr. Henry Doyle is filling this position in an acting capacity, but I understand that he has submitted his resignation because your Department has not appointed him permanently to the position for over one year.

3. Assistant Director Minerals Research—Mr. Carl Rampacek is filling this position in an acting capacity.

Now, over the last weekend the President abruptly and unceremoniously accepted the pro forma resignation of Mr. John F. O'Leary effective on Sunday, March 1, 1970—one month before the Act becomes effective, leaving the Bureau to be run, again in acting capacity, by Dr. Earl T. Hayes who has little or no experience or understanding of this new Act. Mr. O'Leary is a dedicated public servant who realized at the time of the tragedy in Farmington, West Virginia on November 20, 1968, that, while coal mining is a hazardous occupation, it can be made many times safer and healthier. His efforts in seeking workable, but strong, health and safety legislation will, in future years, be remembered by coal miners. Although I have not always agreed with him, I believe his performance overall for the coal miner was commendable.

In accepting Mr. O'Leary's resignation, your Department has rid itself of the only person with any real understanding or knowledge of this new Act. It will take time for new people, when finally appointed to these positions, to have even a modicum of this knowledge and understanding. This delay in leadership will inure to the benefit of those operators who continue, and there are *still* many, to oppose the legislation and resist its enforcement and to the detriment of the coal miners. It will be used as an excuse for lackadaisical enforcement—an excuse that the Congress, I am sure, will not tolerate.

Mr. Secretary, the Department's record since March 1969, when President Nixon sent a proposed bill to Congress in this area has been equivocal, inept, and unresponsive, and it has generally exhibited, by its inaction, an unconcerned attitude for the coal miner. Even its rhetoric has been less than satisfying to the coal miner. Now the fate of the coal miner is left by the Department to the mercies of a leaderless Bureau of Mines that has long history of floundering before the Farmington disaster. While I generally believe that no one is indispensable, I am convinced that the demise of Mr. O'Leary at this very crucial time is one instance where the falseness of this belief is unmistakably demonstrated.

I understand that, prior to his leaving office on March 1, Mr. O'Leary had approved a number of proposed health and safety regulations for publication in the Federal Register, including one on dust sampling. I would appreciate promptly receiving a copy of these proposed regulations. I would also appreciate a prompt response to my letter of February 20, 1970, regarding regulations published in the Federal Register under Section 303(r) of the Act.

Sincerely,

KEN HECHLER.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, D.C., April 1, 1970.

BM Personnel Management Bulletin No. 70–73.

Subject: Designation of acting officials; Deputy Directors, Assistant Directors and Division Chiefs.

A reorganization of the Bureau of Mines was announced today. Until further notice the following officials will serve in an acting capacity except as noted. The acting designation will be unnecessary for those named in the positions noted by an asterisk.

*Assistant Director—Planning, Paul Zinner.

*Assistant Director—Administration, G. A. Melville.

*Assistant to the Director, Stanley Weis.

*Chief, Office of Mineral Information, R. O. Swenarton.

Special Assistant for International Activities, Lotfollah Nahai.

Chief Scientist, Earl T. Hayes.

Deputy Director—Health and Safety, H. P. Wheeler.

*Chief, Office of Accident Analysis, F. T. Moyer.

Chief, Office of Operations Research, K. R. Moore.

*Chief, Technical Support Center, D. S. Kingery.

Assistant Director—Education and Training, H. P. Wheeler.

*Assistant Director—Metal and Nonmetals, S. M. Jarrett.

Chief, Health Division, H. N. Doyle.

Chief, Safety Division, R. G. Scott.

*Assistant Director—Coal Mine Safety, James Westfield.

Chief, Health Division, D. B. Schlick.

Chief, Safety Division, Harry Weaver.

Deputy Director—Mineral Resources and Environmental Development, Earl T. Hayes.

Chief, Process Evaluation Group, Sidney Katell.

Assistant Director—Mineral Supply, F. D. Lamb.

Chief, Office of Economic Analysis, Alvin Kaufman.

*Chief, Division of Statistics, Abe Rothman.

Chief, Division of Fossil Fuels, T. R. Scollon.

Chief, Division of Ferrous Metals, J. R. Rowland.

Chief, Division of Nonferrous Metals, R. A. Heindl.

Chief, Division of Nonmetallic Minerals, G. W. Josephson.

Chief, Division of Field Operations, C. W. Merrill.

Assistant Director—Mining, T. E. Howard.

Chief, Division of Environment, J. A. Corgan.

Chief, Division of Mining Systems, J. E. Hill.

Chief, Division of Health and Safety Research, E. R. Rodriguez.

Assistant Director—Metallurgy, Carl Rampacek.

Chief, Division of Solid Wastes, L. R. Furlong.

Chief, Division of Metallurgy, R. R. Wells.

Assistant Director—Energy, W. L. Crentz.

Chief, Division of Coal, G. A. Mills.

Chief, Division of Petroleum and Natural Gas, J. W. Watkins.

Chief, Division of Helium, H. J. Lipper.

Chief, Division of Shale Oil, J. E. Phillips.

EARL T. HAYES,
Deputy Director.

FINAL DEADLINE SET FOR REQUESTING TEMPORARY WAIVERS ON RESPIRABLE COAL DUST STANDARDS

A deadline of June 30, 1970 has been set for completed applications for permits of noncompliance with the coal dust standards of the new Federal Coal Mine Health and Safety Act, the Interim Compliance Panel announced today.

All mine operators seeking permits must submit the first part of their application by May 1, 1970, the Panel reminded operators. The applications must be completed by June 30, the effective date of the dust standards. This clarification of the permit application procedure appears in the Federal Register of April 21, 1970.

By May 1, operators seeking permits must have submitted at least Interim Compliance Panel Form No. 1, which identifies the operator, his mine, and the mine sections for which he wants permits. By May 1 they should also submit as much as possible for the information required in ICP Form No. 1 (a). The remaining information required in Form 1 (a) must be submitted by June 30.

Copies of both forms may be obtained from the Panel and all coal mine health and safety District Offices of the U.S. Bureau of Mines.

The Panel noted that completed applications would be processed in the order in which they are received, and that a rush of last-minute applications could delay the issuance of some permits. The Panel urged, therefore, that by May 1 applicants submit as much of the information required as possible. When the remainder of the information is submitted, it must be certified by both the applicant, and the engineer who gathered the data.

This data includes the results of dust concentration measurements obtained during a five-day sampling cycle, and some operators have asked about the procedure to follow when a single measurement appears a great deal higher or lower than the others. In such instances, the Panel says, simply report the divergent measurement with the others, and explain the circumstances under which it was made.

The clarifications of the application procedure, as printed in the May 21, 1970 Federal Register, are as follows:

Section 501.4(d) is revised to read as follows:

501.4(d) Where an applicant is unable to comply with all of the requirements set forth in Section 501.4(c)(4) and Section 501.4(c)(10) on or before May 1, 1970 with respect to any working place for which a permit for noncompliance has been requested, he shall specifically state the reasons for his failure to comply and indicate the date on which he expects to meet such requirements and complete his application.

Section 501.5(b) is revised to read as follows:

501.5(b) No initial permit will be issued for working places in a working section, (1) that is not in existence on June 30, 1970, and (2) for which a completed application has not been filed on or before June 30, 1970.

[Statement of Rep. KEN HECHLER (D-W. Va.) to House Committee on Education and Labor, September 9, 1969]

"NON-GASSY" MINES—THEIR GRIM RECORD OF INJURIES

This committee deserves the support and commendation of all Americans for its determined efforts to enact strong and effective coal mine health and safety legislation. As in the past, powerful forces of opposition are attempting to weaken, water down, and drive loopholes into this legislation. The committee is fully aware of the strange alliances which have developed among those who for various reasons stand to profit, at the expense of men's lives, if the pending legislation remains weak and toothless.

It is commendable that both this committee and the administration have supported legislation to eliminate the distinction between a gassy and a "non-gassy" mine, thereby endorsing the conclusion which the Bureau of Mines first made as long ago as 1926 that "all mines are potentially gassy." Chairman Dent of the General Subcommittee on Labor wisely observed on the opening day of hearings before his subcommittee on March 4 that "there is no such thing as a non-gassy mine."

In view of the wide public discussion concerning that provision of the pending bill (Section 305–a) which eliminates the distinction between gassy and "non-gassy" mines, I believe it would be helpful for the committee to weigh objectively and dispassionately just how dangerous these "non-gassy" mines actually are. Section 305–a requires that all underground electric face equipment, which can cause mine fires and mine explosions, must be spark and arc-proof and be maintained and used in a permissible manner.

Mr. Chairman, an extensive scare campaign has been mounted by those who oppose the efforts of this committee to write genuinely strong and effective mine health and safety legislation. Once again we hear the same tired old predictions of lost jobs, closed-down mines, power blackouts, and economic disaster. All these arguments ignore the loss of life and limb among the coal miners working in small mines. Let me summarize what has been contended by the opponents of this important provision of the bill reported by the subcommittee:

They contend that mines are classed non-gassy because there is no gas in them;

That the safety record of the small non-gassy mines, as compared to the gassy mines, does not justify elimination of the distinction;

That many of the small non-gassy mines are drift mines, thus eliminating the possibility of a gas explosion; and

That the real danger in non-gassy mines is a dust explosion.

A careful review of the history of this distinction and the history of ignitions and explosions in all underground mines quickly leads one to the conclusion that these contentions are without any basis in fact. In their all-out effort to defend and retain this distinction, they totally ignore the fact—

That gas has been found in many so-called non-gassy mines;

That there have been ignitions and explosions in such mines, including drift mines; and

That thousands of miners, and in one case two visiting boys, have been killed or injured in these smaller mines due to ignitions or explosions.

Here are the facts which I have obtained through careful review of the data on this subject on file in the Bureau of Mines.

1. *What is the danger from methane?*

Methane gas, because of its explosive characteristics, presents one of the most serious hazards to the miner during coal mining. Methane occurs most often in the coal itself, but may occur in strata below or above the coal seam. When the coal is disturbed, or when the strata adjacent to the coal are disturbed by the mining operations, the methane migrates into the mine atmosphere.

In many cases, the methane escapes to the surface years before the mining operations have begun. This is particularly true in mines close to the surface or above the water table—the so-called drift mines. It is not possible, however, to determine whether mother nature has provided this means of escape prior to mining.

In numerous instances, according to the Bureau of Mines, mines which give off essentially no gas or very small quantities of gas from the coal reserves during normal operations, have become extremely gassy in or near places where extensive falls of overlying material occur. In other cases, mines which normally give off little or no gas at ordinary times, suddenly become very gassy in places upon encountering crevices or fissures in the floor, or heaving of the floor, or upon encountering geological faults or dikes. Also, gas is often trapped in pockets and goes undetected for many years. Suddenly the pocket is opened during mining and, if we are lucky, the mine is classed gassy. Too often, however, an ignition or explosion occurs and miners are hurt or killed. This condition occurs in all types of mines.

The explosive range of methane is from 5 to 15 per cent. Once it escapes from the pocket or the coal, it can accumulate rapidly. The energy needed to ignite methane is not great. For example, frictional sparks created when the bits of a continuous miner machine strike sandstone can ignite the methane and produce flame and pressure. These sparks are often less intense than the flame produced by an ordinary cigarette lighter. The resulting disturbances to the atmosphere will disperse coal dust and cause a serious coal dust explosion. Bureau of Mines experiments prove that an ignition of as little as 13 cubic feet of methane in the atmosphere will disperse coal dust and can cause a widespread explosion.

The presence of coal dust suspended in the air can increase the possibility of a methane explosion, according to the Bureau. They point out that as the amount of coal dust increases the methane explosive range widens from 5 per cent, when the atmosphere is essentially dust free, to 0 per cent in pure coal dust

2. *Background of the classification distinction.*

The distinction between a so-called gassy mine and a non-gassy mine was first adopted on May 8, 1926 by the then Director, Scott Turner "for policy and for teaching by the Bureau's mining staff."[1] At that time, the then Mine Safety Board of the Bureau of Mines concluded (emphasis supplied):

"The U.S. Bureau of Mines believes that *all* mines are potentially gassy; but *for purposes of administration* in respect to prevention of explosions and fires, the Bureau recommends the following classifications:"

Non-gassy—when all samples of mine air contain less than 0.05 per cent methane;

Slightly gassy—a classification that could be determined in several different ways depending on the ventilation and the amount of methane found; and

Gassy—a classification applied to all other mines.

At that time, according to the publication, none of the State mine regulations specifically defined a gassy mine.

In 1941, the Mine Safety Board decided that the use of three classifications was unsatisfactory and provided only two classes—gassy and non-gassy mines. The gassy classification was applied to "any coal mine where methane or any other combustible gas can be detected in amounts as much as 0.25 per cent or more, by frequent systematic searches . . ." The Board noted:

"In the 30 years of investigating mine accidents by the Bureau of Mines, it is noteworthy that many serious gas explosions have occurred in mines in which methane had not been reported prior to the disaster."

In July, 1945, the standard for determination of a gassy mine was reduced by the Bureau from 0.25 to 0.1 per cent methane. But in 1946, this was again increased to 0.25 per cent. A review of the various publications of the Bureau of Mines does not provide any clue on how this percentage was arrived at. Recent testimony by Bureau personnel and correspondence to the Congress by the Department of the Interior on this legislation confirms this point.

3. *Classification under the 1952 act*

Congress in 1952 adopted the Bureau's administrative convenience concept of classifying mines as gassy or non-gassy (a) where methane has been ignited, or (b) where methane is found by a Federal inspector in an amount of 0.25 per cent or more by use of a permissible flame safety lamp or air analysis. In adopting this classification, the House Committee's report emphasized that: "the first step in eliminating gas as a cause of mine disasters is the recognition that such gas exists or may exist within the mine. Upon evidence of gas after the enactment of this bill, the mine should at all times thereafter be operated as a gassy mine."

This approach follows the old adage of closing the barn door after the horse is stolen.

It should be noted that the Bureau also automatically classifies mines as gassy where a State agency classes the mine gassy. Also, in some cases, the operator himself requests such a classification when he opens the mine. This latter instance usually occurs in areas where there are a number of gassy mines.

4. *Number of mines classed gassy and non-gassy.*

Based on 1967 and 1968 data of the Bureau of Mines, there are 3,778 active underground bituminous and anthracite coal mines of which 450 are now classed gassy. The remainder, 3,328, are classed non-gassy, of which 2,755 are small non-gassy mines, not 4,000 as some contend. Many of these small non-gassy mines are found in eastern Kentucky, southern Virginia, and West Virginia and are drift mines. As I have stated, under these conditions there is a good chance for methane that was present in the coal many years ago to have escaped from the coal seam before mining is undertaken. But, as I also stated, no one can be sure of this and frequently methane remains as a cause of disaster and threat to the lives of the coal miners.

5. *Coal production from gassy and non-gassy mines.*

Based on data of the Bureau of Mines, the total annual coal production from underground bituminous and anthracite mines during 1967 and 1968 is about 350 million tons. Large and small gassy mines accounted for about 60 per cent of this total or 210 million tons. Large and small non-gassy mines combined accounted for the remaining 40 per cent or 140 million tons.

Small non-gassy mines annually produced slightly less than 12 per cent or 39 million tons—a far cry from the 40 per cent production claimed by some who want to retain this administrative distinction for small non-gassy drift mines.

6. *Incidences of non-gassy mines classified gassy under 1952 Act.*

As the House Committee in 1952 stated when reporting out the bill that became the 1952 Act, "gas may exist within" any mine. History underscores the accuracy of this statement. The following table clearly shows that years pass, in some cases, before an active non-gassy mine *suddenly* becomes gassy:

Number of years operated nongassy:	*Active gassy mines*
0 to 5	131
6 to 10	35
11 to 15	18
15 years	26
Total	210

A demonstration of this fact is that during the period 1964–1968, 168 mines were classified by the Bureau of Mines as gassy under the Act. Of these, 101 were so classified by a Federal inspector when the air contained 0.25 per cent methane. An additional 40 were classed gassy by the States and 2 were so classed after an ignition. In both cases, miners were injured. Of the 168, there were 84 large drift mines and 43 small drift mines classed gassy.

It is of interest to note that when Federal inspectors inspected the mines on the two previous inspections, the air analysis of the methane content in the air in 23 small non-gassy drift mines showed evidence of methane ranging from 0.01 to 0.20 and 41 such mines showed no evidence of methane. In the 2 ignition cases, the methane readings were less than 0.2 per cent.

In addition, prior to the 1966 amendments to the Act, there were 8 other ignitions between January, 1964 and June, 1966 at small non-gassy mines, of which 4 were drift mines, that were classed gassy under the Bureau's advisory authority which killed 5, and injured 13 miners.

7. *History of ignitions and explosions in underground gassy mines*

From July, 1952 (when the basic law was enacted) through June 10, 1969, the Bureau records 399 ignitions and explosions in gassy mines that were investigated by Federal inspectors. Of these, 166, fortunately, did not cause any death or injury to miners under-

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[1] Safety in Coal Mining—Bureau of Mines, Bulletin 277—p. 28.

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ground. The remaining 233 resulted in the death of 374 miners and injured 439.

A review of the Bureau's record[3] of such ignitions and explosions shows that not one of these ignitions and explosions were caused by an arc or spark from large permissible electric face equipment—that is, equipment of more than 10 horsepower—which was in permissible condition and used in a permissible manner. A number of ignitions and explosions were caused by non-permissible equipment, explosives, smoking, open flames, welding, bits, hand-held drills, and flame safety lamps.

During the period between January, 1941 through July, 1952 when the Bureau's powers were merely advisory, they were 201 ignitions and explosions in underground gassy mines killing 690 and injuring 419 persons. According to the Bureau of Mines statistics a large number of these deaths and injuries were caused by arcs or sparks from non-permissible equipment or permissible equipment in non-permissible condition or maintained in a non-permissible manner.

8. *Ignitions and explosions in non-gassy mines.*

During this 1952–69 period, the Bureau records 73 ignitions and explosions in nongassy mines. Of these, 19 did not cause any death or injury, while 54 ignitions and explosions killed 44 miners and injured 79.

One explosion on December 26, 1956, in a small non-gassy mine also killed two young boys who were visiting the mine.

Of the total of 73 ignitions and explosions at so-called non-gassy mines since 1952, 55 are directly attributable to the sudden occurrence of methane in a mine that was not supposed to have methane.

No less than 42 of these occurred in small non-gassy mines, 22 of which were drift mines.

The causes of all but *one* of these various ignitions and explosions include the use of explosives, smoking, open flames, and small non-permissible electric face equipment, such as head-held drills.

What was the one exception?

It occurred on January 10, 1962, in Illinois where 11 miners were killed in a large "non-gassy" mine. The Federal report (No. 17849) states:

"*Cause of explosion:* The Federal inspectors are of the opinion that the disaster was caused by the ignition of methane in the air current in room 2 off 3 north entry at the entrance to the second north crosscut. Methane apparently entered the ventilating current from the abandoned north panel that had been penetrated. The gas was ignited by an arc or spark from the open control panel while repairs were being made on the shuttle car. Coal dust in the immediate area entered into the explosion, which then picked up all the fuel necessary for propagation from the accumulations of coal throughout the north working section."

The shuttle car was permissible, but, according to the Bureau, at the time of the accident it was being repaired and was in a non-permissible condition. The mine was classed non-gassy despite the fact that the coal bed in this area is '"gassy," according to the report, and "all abandoned mines surrounding this mine were classified gassy."

9. *Consequences of elimination of distinction.*

If the gassy-non-gassy distinction is eliminated, all underground mines would be treated alike. The safety features applicable to gassy mines would apply to non-gassy mines as well.

a. Smoking would be prohibited.

b. Open flames would be prohibited.

c. More frequent tests for methane would be required.

d. All junction and distribution boxes in by the last open crosscut would be permissible.

e. Small horsepower electric face equipment, which have been the cause of ignitions and explosions at non-gassy mines would be permissible.

f. All large electric face equipment would also have to be permissible.

10. *Cost effect of these changes.*

The elimination of smoking underground will have no cost effect on small mine operators.

In connection with the open flame prohibition, it should be noted that much of the coal mined in the small so-called "non-gassy" mines in east Kentucky and southern Virginia is produced by "shooting off the solid." In this method of mining there is no undercutting of the coal before it is shot with explosives. The undercutting is done in order to provide a "free face" so that when the explosives are detonated the coal that is affected by the explosion has a place to move. The Bureau of Mines has discouraged "shooting off the solid" because larger quantities of explosives must be used which can cause serious roof control problems. For a typical face which has been undercut, the Bureau advises 5 holes with explosives might be sufficient to produce 16 tons of coal; if the coal is shot off the solid 15 holes with explosives might produce only 14 tons of coal.

Under the present law in the small nongassy mines open flames are permitted and the explosives are detonated by using fuses. The fuses are lit at different times so that after the first explosive is fired there is the equivalent of a "free face" with some attendant benefit in producing more coal per shot (delayed blasting). With the elimination of this distinction, open flames would not be permitted. Blasting off the solid would still be possible, however. Using electric detonators the blasting could be done using milli second delay detonators. There would be some additional cost to the operators under this prohibition.

These electric devices have been used in small mines for some time in West Virginia because the State will not permit the use of open flames in blasting. Such a prohibition, however, is not in effect in eastern Kentucky.

The more frequent testing for methane should not result in any significant increase in costs.

Making all small horsepower electric face equipment, such as hand-held drills and pumps, permissible will result in some costs to the operators according to the Bureau of Mines.

11. *What then is the basis of opposition to elimination of the distinction?*

It is the requirement that large electric face equipment be permissible that have caused those who wish to retain the distinction to raise the scare arguments of closed mines, blackouts and unemployment.

They charge that the costs of meeting this requirement would average about $200,000 per operator or $1 per ton of annual production, a cost they contend they cannot meet and therefore will have to close their mines. They contend that, if their mines close, their customers will turn to coal production from the large gassy mine operators who would then reap huge profits through the closure of the small mines and gain a greater monopoly on the coal industry. They contend that overall the safety record of the small non-gassy mines has been "outstanding" in comparison to the large gassy mines. They state that the United Mine Workers of America is one of the major forces behind this provision of the proposed law because the UMWA would benefit through the employment of miners from closed small mines in unionized mines. I suggest that I have been somewhat critical of the leadership of the United Mine Workers of America, and assure this committee I do not support this provision in order to benefit the leadership of the UMWA.

Undoubtedly, there will be some costs involved in making this equipment permissible. I doubt, however, that the figure $200,000 is reasonable when the average annual production in the small non-gassy mines is about 15,000 tons, according to the Bureau. This average includes those producing 100,000 tons or more and those producing 2 or 3,000 tons. It is obvious that a mine of this size does not and cannot use costly equipment like continuous miners in their operations. Such mines use handheld drills, drag cable shuttle cars, and the like. It is only the mines that are annually producing substantial tonnage that could afford or need large and expensive equipment in their mines. Therefore, the expense of acquiring or converting to permissible equipment would not seem to reach $200,000.

I think, too, one must consider the very revealing information found in the April, 1965 *Dunn's Review* that an estimated one-third of the coal output of this country comes from lands held, not by the coal operators, but by "the 400 owners of coal royalties" including "insurance agents, farmers and corporation executives, as well as fairly large corporations and a few good-sized partnerships." The article states that the "small band of financiers who are reaping golden profits from the investment nobody knows about; coal royalties, which come from leasing mineral-rich lands to mining companies." I understand that royalties are as high as 25 cents per ton depending on the quality of the coal. Also, the coal the small mine operator is mining is usually not economic for the large operators, and, in some cases, the coal has been first mined by large operators. In both cases, unless the small operator mines the coal, the lessor will lose his royalty. For this reason, these entrepreneurs will not let the mines close, lest they lose these profits and tax benefits too.

From the standpoint of the industry as a whole, there can be no better time for the industry to meet the cost demands that may result from his legislation. The July 5, 1969, edition of *Business Week* noted that The National Coal Association recently forecast that the coal "demand this year would be 16-million tons above last year's consumption of 549.5 million tons" while noting a drop in production due to work stoppages and the rising demand for coal. *Business Week* also noted that while coal inventories at electric utilities have decreased "the utilities contend they have plenty of coal." This is hardly a picture of recession.

In my opinion, the safety record of this industry is appalling. Over the last 17 years (1952–1968) 4,943 miners have been killed in this industry or an average of 290 persons annually. Many more thousands have been injured.

Since 1966, when the Federal inspectors were given enforcement powers at small mines, the number of violations of the 1952 Act and the Bureau's advisory code exceeded those at the large mines as follows:

	Violations of 1952 act	Violations of code
1967:		
Large mines	7,308	27,742
Small mines	8,126	94,749
1968:		
Large mines	7,354	27,088
Small mines	7,721	96,905

12. *Conclusion*

In summary there is no scientific basis for retaining the distinction. It is one of administrative convenience. Even the percentage established to determine if a mine is gassy has no scientific or technical significance. In sheer numbers, it would appear that the chance of a mine not becoming gassy over its lifetime under present procedures is good. Yet the record shows that no one can predict when gas will be found, if ever. There is a considerable record that gas may be found under almost any circumstances in sufficient quantity to cause death and injury.

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[3] See 1969 Hearings of Senate Subcommittee on Labor (Part 3), Coal Mine Health and Safety Legislation, p. 1121.

Past history shows that mines, once classed non-gassy, do suddenly have sufficient accumulations of methane to cause ignitions and explosions. This fact is equally true for large and small mines and for drift mines as well. Most of these ignitions have been caused by smoking, open flames, and small non-permissible electric equipment, but one such ignition has occurred from larger equipment in a non-permissible condition at a non-gassy mine.

No one can assure the Congress that so-called non-gassy mines will not continue to have sudden and unexpected rushes of dangerous methane in explosive quantities while mining is underway which will be ignited by a spark or arc from a non-permissible piece of equipment or some other source. On the contrary, the experts in this field in the Bureau of Mines point to history and state that the possibility of such ignitions and explosions is ever-present.

The need for elimination of this distinction was demonstrated by the death of the first miner killed by a methane explosion in a so-called "non-gassy" mine. The record is clear that making electric face equipment fire and explosion proof and maintaining it in such condition has saved lives and protected miners from injury in gassy mines since 1952. The miners in so-called nongassy mines deserve no less protection. This requirement offers a real protection for safety which cannot be ignored. The fact that there have been fewer ignitions and explosions from methane in non-gassy mines with the resultant loss of life or injury than in gassy mines is hardly the basis for contending that the men who work in small non-gassy mines do not require protection.

The legislation must not only eliminate the distinction, but also must provide the means to eliminate the causes of ignitions and explosions at *all* underground mines. We must prohibit smoking and use of open flames, control the use of explosives, increase testing for methane, and require that all large and small electric face equipment be permissible and be maintained in permissible condition. I also urge that the Committee require that the flame safety lamp, a cause of many deaths and injuries, be adequately checked daily by trained personnel, and that immediate action be taken to accelerate research on a device to suppress ignitions from sparks caused by bits.

Let me emphasize that these provisions must be adequate to control ignitions at all mines, not just the so-called "non-gassy" mines. The record shows that many of the causes of ignitions at non-gassy mines have caused ignitions at gassy mines too. Thus, the present safeguards for gassy mines are not adequate now.

There must be no compromise with the miner's life and limb. His safety must be considered *first*, and the economics of the industry *second*. No miner wants to become a statistic like those at Farmington, or like the 120 who have died since Farmington.

SUMMARY OF STATISTICS IN STATEMENT COMPILED FROM RECORDS OF U.S. BUREAU OF MINES

1. Number of underground mines:

Large gassy	300
Small gassy	150
Large non-gassy	573
Small non-gassy	2,755
Total	3,778

2. Production from underground mines (millions of tons):

Large gassy	208
Small gassy	2
Large non-gassy	101
Small non-gassy	39

3. Ignitions and explosions Gassy Mines—January 1, 1941–July 1952.

Number of Ignitions and Explosions	201
Number killed	680
Number injured	419

4. Record of Ignitions and Explosions Gassy Mines—July 1952–June 10, 1969—and Cause.

Number of ignitions and explosions	399
Number killed	374
Number injured	439

Cause	Number of ignitions and explosions	Number killed	Number injured
Bits and friction	165	14	142
Explosives	51	60	62
Trailing cables, nipping, and frame ground	28	37	17
Locomotives	26	14	32
Smoking and smoking materials	19	6	23
Flame safety lamp	15	5	24
Large electric face equipment in nonpermissible condition	14	12	35
Nonpermissible electric drill	13	0	23
Power wires	12	18	10
Open flames	5	5	4
Nonpermissible blower fan	4	0	5
Welding	4	7	4
Other	22	88	26
Undetermined	19	108	32
Total	399	374	439

5. *Record of Ignitions and Explosions in Non-gassy mines from Methane—July 1952–June 10, 1969—and cause:*

Number of ignitions and explosions	55
Number of large nongassy mines	12
Number of small nongassy mines	42
Data not available on size of mine	1
Number of large nongassy drift mines	10
Number of small nongassy drift mines	22
Number killed	27
Number injured	64

SPECIAL SCHOOL MILK PROGRAM FOR CHILDREN

(Mr. QUILLEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. QUILLEN. Mr. Speaker, I am deeply disturbed by—and strongly disapprove of—efforts to kill off the special school milk program for children.

I am of the opinion that unless this fine program is extended there will be many young children who will not receive the daily amount of milk they should have.

Mr. Speaker, it is inconceivable to me to think that Congress would neglect its domestic aid programs while devoting an undue amount of attention to foreign assistance, including the ridiculous and highly expensive foreign aid fiasco.

Over the years, the special milk program has provided milk for children who normally would not have been able to purchase it. Milk is an essential part of our diet, and is especially nutritional to our young children who are in the critical stage of their mental and physical development.

The special milk program encourages consumption of fluid milk by children in: First, nonprofit schools of high school grade and under; and second, nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

Established in 1954, this program has made highly significant contributions to the nutritional health of millions of children. During its 16-year lifetime, annual participation has expanded from 2.5 million in 1955 to more than 17 million now benefiting from the program.

Today, the Nation is attempting to cope with the problems of malnutrition, especially among children. This laudable effort would be dealt a serious blow by killing the special milk program.

For current fiscal year 1970, Congress approved $84 million for the school milk program, plus transfer of $20 million from section 32 funds.

In the fiscal year 1971 budget, however, no funds are recommended for this program.

Despite similar efforts to cripple or kill this program in 1968 and 1969, Congress has wisely supported its continuance.

To carry forward this highly successful program, legislation will be required during this session of Congress: First, to extend its authorization beyond June 30, 1970; and second, to provide adequate appropriations for continuance of the program.

Unfortunately, arguments are being offered to Congress and the country that termination of the special milk program for children would not result in reduced consumption of milk, because this would be offset by expansion of other feeding programs. According to the recommended budget for fiscal year 1971, the facts are that the net consumption would be reduced by about 2.5 billion half-pints below the current level of consumption.

The program provides a vital source of nutrition to needy children who:

May not get breakfast at home;

May not get breakfast at school; and/or

May not get lunch at school.

Even where school lunches and/or breakfasts are served, the program offers a healthful, nutritional "milk break" during the day.

On May 6, 1969, the House of Representatives, by an overwhelming vote of 384 to 2—approved H.R. 5554 to make the milk program permanent.

I am urging Senator ELLENDER, chairman of the Senate Committee on Agriculture and Forestry, to favorably report H.R. 5554 at the earliest possible time. Following such action, I would sincerely hope that the Senate, itself, would also give its early approval.

In addition to providing authorization for continuation of the program, the Congress can—and should—in my judgment, approve appropriations of at least $125 million—as authorized in H.R. 5554—for the next fiscal year.

Because of its long successful history, the special milk program should continue to be: First, a major feature of our child

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nutrition programs; and second, a highly effective outlet for milk produced by dairy farmers of this country.

BUILDUP AGAINST THE SENIORITY RULE

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, I want to call the special attention of my colleagues to an editorial which appeared in the Washington Post yesterday, April 28, 1970, citing the "significant" contribution being made by our distinguished colleague from Maryland, Gil Gude, to the growing national debate about the seniority system in Congress.

The Post cites a recent speech made by Gil Gude in which he argued that we cannot achieve a reordering of America's priorities, "unless the Congress enters the 20th century sometime before the 21st."

Congressman Gude has proposed a plan which would replace the single criterion of seniority in the selection of chairmen for the standing committees of the House. Under this plan the membership of each standing committee and subcommittee would select its own chairman and ranking minority member at the opening of each session of Congress, thus assuring a democratic voice in committee procedure by the entire membership of the committee.

At a time when the institutions of our democracy are coming under increasing scrutiny, I believe we as Members of Congress, should give serious study to such proposals for change in our procedures.

Gil Gude has, by his thoughtful and considered proposal, made an important contribution to this process of self-analysis. I submit the editorial from the Post at this point for inclusion in the Record:

Buildup Against the Seniority Rule

Representative Gude of Maryland is contributing significantly to the campaign against the stultifying seniority rule in Congress. In a recent speech in Bethesda he declared that there can be no reordering of the country's priorities "unless Congress enters the twentieth century sometime before the twenty-first." No other national legislature in the free world, he added, operates under the kind of strict seniority system that afflicts the United States Congress.

Under the plan advocated by Mr. Gude, the members of each congressional committee and subcommittee would elect their own chairman and ranking minority member at the beginning of each session. He anticipates that "able and experienced" chairmen now serving would be retained in their posts, with only the misfits retired. Under the system now in operation, with misfits and senile chairmen perpetuated only because of their longevity, without regard for the consequences in terms of public confidence, even chairmen who are doing good work come under a cloud because they owe their positions to a discredited rule.

Elections in committees would be less desirable, in our view, than the election of all committee chairmen as well as the leadership of both houses in the party caucuses of each house. Leaders of the various committees ought to be chosen on the basis not only of their standing in the committee but also for their capacity to advance the program of the majority party in control of Congress. In other words, leadership in the committees ought to be tied in closely with general supervision of the legislative program.

But every blow aimed at the seniority system is a net gain. We hope that many members of both houses will speak out against length of service as the only qualification for key legislative posts, until a majority builds up courage enough to abolish it.

A CIVIL APPROACH TO ORGANIZED CRIME

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, within a short time the House will be well into its consideration of important legislative proposals aimed at improving society's chances of success in dealing with organized crime. In January of this year the Senate overwhelmingly passed S. 30 which provides the criminal justice system with much needed evidence gathering assistance in the effort against organized crime. That bill, which I wholeheartedly support, contains an important and potent weapon for use in stemming organized crime infiltration of legitimate businesses. Title IX, which focuses on racketeer influenced and corrupt organizations, in effect, gives the public greater assurance that the marketplace and transactions therein will be free, fair, and devoid of domination by racketeering elements.

In that regard, a thoughtful and perceptive analysis of the civil approach to organized crime has been documented by Messrs. Howard Levine and James R. Jorgenson, police legal advisers of the Department of Public Safety of Dade County, Fla. Their presentation appears in the April, 1970 issue of the Police Chief, a publication of the International Association of Chiefs of Police. I insert it because I believe it is of general interest to my colleagues:

[From the Police Chief, April 1970]

Organized Crime—A Civil Approach

(By Howard Levine and
James R. Jorgenson)

Since the days of Prohibition, law enforcement's focus on organized crime has been aimed at criminal activities such as murder, extortion, prostitution, drugs and gambling. Recent disclosures indicate that this view is somewhat myopic.

The end of Prohibition found the criminal "gangs" in a state of disorganization. Their ranks decimated through internecine warfare and stringent federal enforcement, the gangs of the 30's concluded that survival and future operation could be assured only by a cessation of the hostilities engendered through multiple group operation in a given geographical location. Thus, these groups or "families," combined and between themselves, entered into exclusive territorial protection agreements. Today, it seems beyond argument that the nation's population centers are enmeshed in an interlocking web of criminal organizations.

Once insulated in protected territories, the families directed their attention toward the problem of finding an activity which could be employed to replace the income lost upon termination of the production of illicit spirits. Legitimate business was selected as the target.

Over the years organized crime has pursued an inexorable course of infiltration of legitimate business. Financed through the proceeds of criminal activity, the mob's ventures into the area of private enterprise have been successful for two reasons. First, this area of activity provides an outlet whereby otherwise "dirty" money may be "washed." The criminal who would not dare include in his tax return the profit from narcotics transactions as such, will happily report the same amount as a stock dividend. Second, success has been achieved from the almost total inability of law enforcement to pursue organized crime into its new hideout of respectability. This inability is due in part to the fact that many law enforcement agencies devote the greatest portion of their anti-mob activities toward the syndicated crimes of gambling, prostitution and narcotics. It is said that those who ignore history are doomed to repeat it. It is time for a fresh approach! The past should teach that eradication of prostitution and gambling is an unrealistic goal. The ends which *can* be achieved are intelligence and control. The means to those ends is a restructuring of the enforcement approach to organized crime.

In a recent speech before the International Association of Chiefs of Police, United States Attorney General John Mitchell noted that the Law Enforcement Assistance Administration has made several initial grants to aid local police agencies in establishing organized crime units. These units combine all police operational and intelligence functions directed against mob activities. By consolidation, internal communications are enhanced and needless duplication of effort is eliminated.

An excellent example of this concept is the Organized Crime Bureau presently being formed by the Metropolitan Dade County (Florida) Public Safety Department. This unit is divided into three sections. The Tactical Intelligence Section is directed primarily toward investigation of executives and management of organized crime. The Vice Section deals with organized crime at the operational level. The Strategic Intelligence Section is concerned with the accumulation of data concerning organized crime in both its criminal and quasi-legitimate functions. In addition, Dade County has organized the first Police Legal Unit to be formed in this country since the inception of the New York City Unit in 1907. Staffed by attorneys with law enforcement backgrounds who have been trained as Police Legal Advisors by Northwestern University Law School and the Ford Foundation, the Legal Unit as "house counsel" for the department, offers specialized legal assistance to the Organized Crime Bureau. This sets the stage for operation of "the civil approach."

The civil approach is the adoption by law enforcement agencies of civil law methods for the purpose of exposing and controlling the infiltration of legitimate business by organized crime.

The first step is the dissemination to the public of information concerning mob controlled business. Exposure of this type has been employed by the Illinois Crime Commission in its *Spotlight on Organized Crime*. While cynics will argue that this will only enhance the profit of the affected enterprises, this avenue of approach must not be abandoned until its total lack of merit is demonstrated.

Next the intelligence function must be employed to compile comprehensive data on syndicate controlled business. This is not limited to knowledge of the individuals involved, but includes all material pertinent to the concern's organization. Articles of Incorporation, annual reports, credit reports, deeds, trust agreements, in short everything a competent civil attorney would compile for a client considering purchase of the business. The data would be made available to any concerned federal or local law enforcement or prosecutive agency.

Armed with this information, the law enforcement agency may then assume the offensive.

If the business involved is a corporation with stock available to the public, the investigating agency can purchase shares of the stock in the name of one of its officers. As a stock owner, the investigator, through the prosecutor or the police legal advisor, may have recourse to the *direct actions* of the shareholder which have been held to be:

"a. to compel payment of lawfully declared dividends or of mandatory dividends;

b. to enforce the right to inspect corporate books and records;

c. to protect preemptive rights and possibly otherwise prevent fraudulent dilution of his proportionate interests;

d. to enforce the right to vote;

e. to proceed against voting trustees;

f. to enjoin an *ultra vires* act or threatened wrong before its consummation;

g. to recover from insider who purchased shareholder's stock without proper disclosure;

h. to recover from controlling shareholder for wrongful redemption;

i. to sue for breach of a preincorporation agreement;

j. to sue for breach of a shareholder agreement;

k. *to compel corporate dissolution.*" [1]

In addition to direct actions, shareholders may maintain *derivative suits* (enforcement of a corporate right or claim) in the following areas:

"a. to recover damages from a consummated *ultra vires* act;

b. to enjoin directors, officers and controlling shareholders from breaching their fiduciary duty to the corporation, or to recover damages or profits for e.g. mismanagement of the business by directors or officer, or misappropriation of corporate assets, or opportunities, or sale of control;

c. to enjoin issue of stock options for inadequate consideration;

d. to recover improper dividends;

e. to enjoin outsiders from wrong-doing the corporation or to recover for such wrong." [2]

There is now authority for the proposition that the defendant in a shareholder's derivative suit may be liable for punitive damages. It should also be noted that through artifice the investigator may be permitted to purchase stock in a closely held corporation.

Other civil remedies which may be employed will vary from state to state. Florida has a statute which permits the Attorney General to seek revocation of the charter of any corporation having an officer, director, employee or shareholder engaged in organized crime.[3] This statute also permits the Attorney General to seek to enjoin the operation of a non-corporate business entity which meets the above test. Proceedings against twenty-one Miami businesses, including several establishments on famous "motel row," are being currently instituted in pursuance of this enactment by the Attorney General of the State of Florida.

With respect to all operations, corporate or otherwise, state and municipal licensing laws should be researched with an eye toward revocation or denial of a license in appropriate circumstances. In addition, local suits in Chancery are a possibility. Once these proceedings are filed, the investigative agency may use the more liberal rules of civil discovery to strip away the facade of the dummy corporation and the front man, thereby exposing the true parties in interest.

Because of the manner in which these businesses operate the law enforcement agency with the cooperation of the Justice Department may also seek to initiate proceedings under the federal antitrust laws for price fixing, restraint of trade, and other such practices. Similar proceedings may be authorized by state statute. A shareholder may also bring a derivative suit for violation of the antitrust laws.[4]

The advantage of seeking a remedy in this area is the provision for the payment of treble damages. Such damages would hurt organized crime financially and would provide an excellent source of funding for the war against the mob. By making organized crime pay for efforts to control its operations, true justice is achieved.

These ideas are but a tentative first step toward a workable solution to the problem of the infiltration of legitimate business by organized crime.

THE FLORIDA STATUTE

Adopted by the 1969 legislature, and signed by the Governor on July 2, 1969, Florida S.B. No. 228 reads as follows:

Section 1. Chapter 932, Florida Statutes, is amended by adding sections 932.58, 932.59 and 932.60 to read:

932.58 *Forfeiture of charter and revocation of permit*—The attorney general is authorized to institute civil proceedings in the circuit court to forfeit the charter of a corporation organized under the laws of this state or to revoke the permit authorizing a foreign corporation to conduct business in this state, when:

(a) Any of the corporation officers or any other person controlling the management or operation of such corporation, with the knowledge of the president and a majority of the board of directors or under such circumstances wherein the president and a majority of the directors should have knowledge, is a person or persons engaged in activities such as organized violent revolutionary or unlawful activity aimed at the overthrow of the Government of the state of Florida or any of its political subdivisions, institutions or agencies, organized homosexuality, organized crimes against nature, organized prostitution, organized gambling, organized narcotics, organized extortion or organized embezzlement or who is connected directly or indirectly with organizations, syndicates or criminal societies engaging in such; or

(b) A director, officer, employee, agent or stockholder acting for, through or on behalf of such corporation has, in conducting the corporation's affairs, purposely engaged in a persistent course of violent revolutionary or unlawful activity aimed at the overthrow of the Government of the state of Florida or any of its political subdivisions, institutions or agencies, homosexuality, crimes against nature, intimidation and coercion, bribery, prostitution, gambling, extortion, embezzlement, unlawful sale of narcotics or other such illegal conduct, with the knowledge of the president and majority of the board of directors or under such circumstances wherein the president and a majority of the directors should have knowledge, with the intent to compel or induce other persons, firms or corporations to deal with such corporation or engage in any such illegal conduct, and

(c) For the prevention of future illegal conduct of the same character, the public interest requires the charter of the corporation to be forfeited and the corporation to be dissolved or the permit to be revoked.

932.59 *Enjoining operation of a business*—The attorney general is authorized to institute civil proceedings in the circuit court to enjoin the operation of any business other than a corporation, including a partnership, joint venture or sole proprietorship, when:

(a) Any person in control of any such business, who may be a partner in a partnership, a participant in a joint venture, the owner of a sole proprietorship, an employee or agent of any such business, or a person who, in fact, exercises control over the operations of any such business, has, in conducting its business affairs, purposely engaged in a persistent course of violent revolutionary or unlawful activity aimed at the overthrow of the Government of the state of Florida or any of its political subdivisions, institutions or agencies, homosexuality, crimes against nature, intimidation, coercion, bribery, prostitution, gambling, extortion, embezzlement, unlawful sale of narcotics or other such illegal conduct with the intent to compel or induce other persons, firms or corporations to deal with such business or engage in any such illegal conduct, and

(b) That for the prevention of future illegal conduct of the same character, the public interest requires the operation of the business to be enjoined.

932.60 *Institution and conduct of proceedings*—The proceedings authorized by section 932.58, Florida Statutes, may be instituted against a corporation in any county in which it is doing business and the proceedings shall be conducted in accordance with the Florida rules of civil procedure and the applicable rules of court. Such proceedings shall be deemed additional to any other proceeding authorized by law for the purpose of forfeiting the charter of a corporation or revoking the permit of a foreign corporation.

(2) The proceedings authorized by section 932.59, Florida Statutes, may be instituted against a business other than a corporation in any county in which it is doing business and the proceedings shall be conducted in accordance with Florida rules of civil procedure and the applicable rules of court.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MIZELL), to revise and extend their remarks and to include extraneous matter:)

Mr. POFF, today, for 10 minutes.

Mr. PRICE of Texas, today, for 1 hour.

Mr. GUDE, on May 4, for 1 hour.

Mr. FINDLEY, today, for 15 minutes.

Mr. RIEGLE, today, for 30 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

(The following Members (at the request of Mr. DANIEL of Virginia), to revise and extend their remarks and to include extraneous matter:)

Mr. GONZALEZ, today, for 10 minutes.

Mr. REUSS, today, for 10 minutes.

Mr. RARICK, today, for 15 minutes.

Mr. CONYERS, on April 30, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HALL during the consideration of H.R. 17123 and to include pertinent material and important tables.

Mr. COHELAN, his remarks during de-

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[1] Henn, *Corporations*, West Publishing Co. (1961) at P. 565 (emphasis added).

[2] Henn, *Corporations*, West Publishing Co. (1961) at P. 566.

[3] Florida Laws, Chapter 69-272 (1969).

[4] Comment, "Stockholders" suits and the Sherman Act. 5 Stan. L. Rev. 480 (1953).

XUM

bate in the Committee of the Whole today, and to include extraneous material.

Mr. Donohue to revise and extend his remarks at the conclusion of general debate on the bill, H.R. 17123.

(The following Members (at the request of Mr. Mizell) and to include extraneous matter:)

Mr. Mathias.
Mr. Shriver.
Mr. Cramer.
Mr. Steiger of Wisconsin.
Mr. Michel.
Mr. Ashbrook in two instances.
Mr. Conte in two instances.
Mr. Price of Texas in two instances.
Mr. Hosmer in two instances.
Mr. Wyman in two instances.
Mr. Minshall.
Mr. Gude.
Mr. Gubser.
Mr. Scherle.
Mr. Hunt.
Mr. Thompson of Georgia.
Mr. Crane.
Mr. Derwinski in two instances.
Mr. Bray in four instances.
Mr. Dickinson.
Mr. Bob Wilson.
Mr. Skubitz.
Mr. Wydler.
Mr. Hansen of Idaho.

The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:

Mr. Gonzalez in two instances.
Mr. Powell in four instances.
Mr. Mollohan in five instances.
Mr. Rivers in two instances.
Mr. Hays in two instances.
Mr. Bingham in four instances.
Mr. Alexander.
Mr. Fuqua.
Mr. Wright.
Mr. Rarick in three instances.
Mr. O'Neill of Massachusetts in three instances.
Mr. Matsunaga.
Mr. Murphy of New York.
Mr. Long of Maryland.
Mr. William D. Ford.
Mr. Pickle in five instances.
Mr. Waldie.
Mr. Dent.
Mr. Fountain in two instances.
Mr. Kluczynski.
Mr. Symington.
Mr. Anderson of California.
Mr. Helstoski in two instances.
Mr. Hungate in two instances.
Mr. Hagan in two instances.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3544. An act to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 30, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1996. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 15, 1969, submitting a report, together with accompanying papers and illustrations, on Sheyenne River, N. Dak., in partial response to a resolution of the Committee on Public Works, U.S. Senate, adopted June 15, 1950, and to two resolutions of the Committee on Public Works of the House of Representatives, adopted June 27 and July 19, 1950 (H. Doc. No. 91–330); to the Committee on Public Works and ordered to be printed, with illustrations.

1997. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period July 1–December 31, 1969, pursuant to section 4 of Public Law 520, 79th Congress; to the Committee on Armed Services.

1998. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the appointment of female officers in the Judge Advocate General's Corps, Regular Army; to the Committee on Armed Services.

1999. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2000. A letter from the Comptroller General of the United States, transmitting a report on problems in land acquisitions for national recreation areas, National Park Service, Department of the Interior; to the Committee on Government Operations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of Conference. Conference report on H.R. 515 (Rept. No. 91–1032). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 17318. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 17319. A bill to authorize the acquisition of certain lands for addition to Cumberland Gap National Historical Park and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 17320. A bill to amend title 39, United States Code, to provide rates of pay for postal field service employees in certain areas and locations in accordance with private enterprise pay rates in these areas to assist in recruitment and retention of postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOWNING:

H.R. 17321. A bill to amend the Internal Revenue Code of 1954 to provide the same exclusion from gross income for Federal civilian employees as is provided for commissioned officers in the Armed Forces of the United States; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 17322. A bill to amend the Internal Revenue Code of 1954 to provide that the spouse of an individual who derives unreported income from criminal activities, if such spouse had no knowledge of such activities or such income, shall not be liable for tax with respect to such income even though a joint return is filed; to the Committee on Ways and Means.

By Mr. FINDLEY (for himself, Mr. Blackburn, Mr. Buchanan, Mr. Cleveland, Mr. Coughlin, Mr. Dulski, Mr. Gallagher, Mr. Goldwater, Mr. Harsha, Mr. Koch, Mr. Meskill, Mr. Miller of Ohio, Mr. Roe, Mr. Thomson of Wisconsin, Mr. Whitehurst, Mr. Widnall, and Mr. Winn):

H.R. 17323. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law and for other purposes; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 17324. A bill to establish the French Pete Creek National Woodlands Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. McDADE:

H.R. 17325. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 17326. A bill to repeal section 5532 of title 5, United States Code, relating to reductions in the retired or retirement pay of retired officers of regular components of the uniformed services who are employed in civilian offices or positions in the Government of the United States; to the Committee on Post Office and Civil Service.

By Mr. O'NEILL of Massachusetts:

H.R. 17327. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce; Labor; Agriculture; and Health, Education, and Welfare; and other agencies; and for other purposes; to the Committee on Government Operations.

By Mr. ROGERS of Colorado:

H.R. 17328. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHADEBERG:

H.R. 17329. A bill to make it a crime to move or travel in interstate or foreign commerce to avoid compliance with certain support orders, and for other purposes; to the Committee on the Judiciary.

H.R. 17330. A bill to amend the Social Security Act to provide that the Secretary of Health, Education, and Welfare under certain circumstances shall make information available to State and local law enforcement officials to assist them in enforcing child support orders; to the Committee on Ways and Means.

H.R. 17331. A bill to amend title II of the Social Security Act to provide for automatic annual cost-of-living adjustments in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 17332. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 17333. A bill to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (by request):

H.R. 17334. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to extend to June 1 of each year the reporting date under such act; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 17335. A bill to amend the Natural Gas Pipeline Safety Act of 1968; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of Georgia:

H.R. 17336. A bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; to the Committee on Interstate and Foreign Commerce.

By Mr. BRASCO:

H.R. 17337. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 17338. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act; and for other purposes; to the Committee on Agriculture.

H.R. 17339. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. EVINS of Tennessee:

H.R. 17340. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 17341. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 17342. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. FRIEDEL:

H.R. 17343. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GALIFIANAKIS:

H.R. 17344. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. HANSEN of Idaho:

H.R. 17345. A bill to permit suits to be brought against the United States to adjudicate disputed land titles; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 17346. A bill to amend the Foreign Military Sales Act; to the Committee on Foreign Affairs.

H.R. 17347. A bill to amend section 13 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Public Works.

By Mr. HARRINGTON (for himself and Mr. Morse):

H.R. 17348. A bill to provide financial assistance for a water pollution abatement program for industrial wastes; to the Commission of Public Works.

By Mr. HARVEY (for himself, Mr. Anderson of Illinois, Mr. Smith of New York, Mr. Railsback, Mr. Fish, Mr. Horton, Mr. McCloskey, Mr. Dellenback, Mr. Pollock, Mr. Findley, Mr. Frelinghuysen, Mr. Sandman, Mr. Steiger of Wisconsin, Mr. Meskill, Mr. Denney, Mr. Weicker, Mr. Steiger of Arizona, Mr. Conable, Mr. Broyhill of Virginia, Mr. Biester, Mr. McDade, Mr. Gude, Mr. Arends, Mr. Whalen, and Mr. Mayne):

H.R. 17349. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. LOWENSTEIN:

H.R. 17350. A bill to provide for drug abuse and drug dependency prevention, treatment, and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLURE:

H.R. 17351. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 17352. A bill to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; to the Committee on Veterans' Affairs.

By Mr. ROE:

H.R. 17353. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FREY:

H.J. Res. 1197. Joint resolution authorizing the President to proclaim the period May 2 through May 9, 1970, as "National Nurses' Week"; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Anderson of California, Mr. Bevill, Mr. Brademas, Mr. Brock, Mr. Camp, Mr. Chappell, Mr. Daniel of Virginia, Mr. Davis of Georgia, Mr. Edwards of California, Mr. Friedel, Mr. Hamilton, Mr. Hays, Mr. Jones of North Carolina, Mr. McClory, Mr. Patten, Mr. Preyer of North Carolina, Mr. Railsback, Mr. Symington, Mr. Tunney, Mr. Waldie, and Mr. Whitehurst):

H.J. Res. 1198. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from Sepember 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Abbitt, Mr. Brown of Michigan, Mr. Crane, Mr. Dent, Mr. Flowers, Mr. Goodling, Mr. Hansen of Idaho, Mr. Lukens, Mr. Lujan, Mr. Meeds, Mr. Nix, Mr. Pepper, Mr. Poff, Mr. Pollock, and Mr. Reifel):

H.J. Res. 1199. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Brotzman, Mr. Hammerschmidt, Mr. Smith of New York, Mr. Snyder, Mr. Steiger of Wisconsin, and Mr. Wold):

H.J. Res. 1200. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 1201. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning on the first Sunday in April of each year as "Volunteer Week," to the Committee on the Judiciary.

By Mr. TUNNEY (for himself and Mr. Waldie):

H. Con. Res. 587. Concurrent resolution relative to Cambodia; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H. Con. Res. 588. Concurrent resolution to repeal legislation relating to the use of the Armed Forces of the United States in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. PRICE of Texas (for himself, Mr. Teague of Texas, Mr. Blackburn, Mr. Abernethy, Mr. Camp, and Mr. Steiger of Arizona):

H. Con. Res. 589. Concurrent resolution, sense of Congress resolution on the conflict in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. FISH:

H. Res. 956. Resolution expressing the sense of the House that the President implement the majority report of the Cabinet Task Force on Oil Import Control; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts:

H. Res. 957. Resolution to provide for record voting in the Committee of the Whole House upon the assent of one-fourth of the Members present; to the Committee on Rules.

By Mr. ROTH (for himself, Mr. Adair, Mr. Taft, Mrs. Mink, Mr. Pike, Mr. Pettis, Mr. Patten, Mr. Powell, and Mr. Philbin):

H. Res. 958. Resolution expressing the support of the House of Representatives with respect to the Strategic Arms Limitation Talks, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY:

H.R. 17354. A bill for the relief of Milka Diaz; to the Committee on the Judiciary.

By Mr. DEL CLAWSON:

H.R. 17355. A bill for the relief of Emmett A. and Agnes J. Rathbun; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 17356. A bill for the relief of Mary P. Cain; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 17357. A bill for the relief of Argentina da Silva Garcia; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 17358. A bill for the relief of David Anthony Burch, born as Shigenori Ishiharag; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

373. Mr. RYAN presented a memorial of concurrent resolution of the Legislature of the State of New York memorializing the Congress of the United States to amend the Federal Housing Act so as to make interest subsidy assistance available to existing State and locally aided middle-income housing which was referred to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

465. By the SPEAKER: Petition of the membership of Hadji Shrine Temple, Pensacola, Fla., relative to the treatment of American and allied prisoners by the Government of North Vietnam; to the Committee on Foreign Affairs.

466. Also, petition of the Board of Commissioners, Lee County, Fla., relative to designating Cape Kennedy as the operational base of the space shuttle system; to the Committee on Science and Astronautics.

EXTENSIONS OF REMARKS

CLARENDON CITY HALL-LIBRARY PROJECT CALLED "A LESSON FOR AMERICA"

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. ALEXANDER. Mr. Speaker, in a day when most are inclined to trod the heavily beaten path to Washington, D.C., to secure funds for building projects, the citizens of Clarendon, Ark., have demonstrated the evidence of a revival of the true pioneer spirit in the construction of a new library and municipal building.

The recent dedication of the Clarendon City Hall and John B. Jacobs Memorial Library was a climax to the work of the dedicated townsmen and women of Clarendon. With no Federal or State assistance, the city funded the project with a 3-mill tax in conjunction with a 1-mill tax from Monroe County.

No citizen, though, put more into the project than did Dr. Margaret Moore Jacobs, a dedicated civic and church worker, who donated $17,000 to furnish the entire building and worked closely with the city administration in securing the funds for construction of the edifice. Dr. Jacobs had previously donated $5,000 toward construction costs.

Because this effort is an example of what local initiative can lead to, I am including at this point an article from the Stuttgart Daily Leader concerning the dedication ceremonies:

CLARENDON CITY HALL-LIBRARY PROJECT CALLED "A LESSON FOR AMERICA"

"This building should be a lesson for America!" declared U.S. Rep. Bill Alexander at the dedication of Clarendon's new City Hall and Library Sunday afternoon. He paid tribute to taxpayers, county and city leaders, and to Dr. Margaret Moore Jacobs.

"I congratulate you for your efforts in doing for yourselves what all of us Americans can do for ourselves if we really want to, and if we really try" Alexander said.

Mayor Flynn Chivers had backgrounded the project beginning nine years ago with acquisition of surplus post office property. A three-mill tax voted by the city and more than $22,000 given by Dr. Jacobs provided the construction and equipment fund. The county levied a one-mill tax for operation of the library, the city maintains the municipal portion, and the state has provided 2,000 volumes of books plus a one-time grant of $18,000 for books.

On hand for the program and open house were Lt. Gov. Maurice Britt, Attorney General Joe Purcell and other county and city officials.

Referring to her deceased husband, Dr. Jacobs told some 500 attending, "This is the answer to the Colonel's and my prayer. For many years together we dreamed of a John B. and Margaret Moore Jacobs Memorial Library in Clarendon, and God has answered our prayers. I pray God will let me live to be about 101 because there are so many things I want to do for this library."

She also said, "I like to think that all those who have walked these tree-shaded streets in Clarendon walk here this afternoon in our heart's remembrance . . . This Library was built for everybody, but our favorites are the young people." She urged them to "Use it and be the smartest young people in God's world."

Also speaking briefly were County Judge Tom Catlett, Clarendon school superintendent Glen Fugatt and Carver High School principal J. J. Lacy.

Mrs. Karl Neal, State Librarian, and former Clarendon resident, presented a framed life membership certificate in the Arkansas Library Association to Dr. Jacobs.

On the Monroe County Library Board are Ewing Johnson, Holly Grove, chairman, and Dr. Lily Peter, Marvell, Mrs. Nollie Pennington, Clarendon, Mrs. Ruel Sain, Holly Grove, Doug Hunt, Brinkley, Cowan Meacham, Monroe, and librarian is Mrs. Jack Ellis.

City officials in addition to Mayor Chivers are Jewell Pupsta, clerk, Gerald Marshall, engineer, and aldermen Louis Sanders, Paul McKay, Don Hix, Lyle Ellis, Billy Martin and W. F. Moye.

The $150,000 building, modern and functional, houses the library, mayor's office, water and sewer department offices, police station, and courtroom.

A STUDENT SPEAKS OUT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. SHRIVER. Mr. Speaker, to those in our Nation who may have question about the patriotic and spiritual motivation of our young people, I want to call attention to a letter which came to me last week from Brenda Kay Perkins of Hutchinson, Kans. Miss Perkins, a junior at Central Christian High School, has eloquently expressed her confidence in America and her faith in God. At the same time she has stated her alarm and disgust over the message which men, such as Abbie Hoffman, are spreading throughout the Nation today. Her message is reassuring for any who may be skeptical about the young people of our great country.

Under the leave to extend my remarks in the RECORD, I include the letter from Brenda Kay Perkins:

HUTCHINSON, KANS.

DEAR MR. SHRIVER: This is just an informal letter telling you how I feel about one Abbie Hoffman.

Sir, it is people like this one man who are ruining our Great American Heritage. We have really got the best of opportunities going for us here in the U.S. Our forefathers fought for this country because they believed in it and they wanted a place for their kids and their kids' kids to have a place where they could get a good education and a good religious bringing up. If this isn't so they would have let the communists take over long ago. Sure our country, our home does have many many problems and especially has people in it that are misusing their rights and privileges and really ruining it for me and many other people who are proud to be Americans and a part of this great country.

I think we need someone in our day and age like our great President, Abraham Lincoln. A man who had guts, I mean real guts to stand up for what we, the people believe in.

If only people knew that our country, the United States of America could really be great if they would only let God guide and direct their lives. Only in this way will our problems of drugs, sex, liquor, and breaking of the law and many other horrible problems of our time ever come to an end.

If Abbie Hoffman claims to be an American, he is absolutely wrong. An American would never do or say the things he has to many students everywhere.

I wish that this man if so hooked on communism be sent to USSR or any other country with this form of government and that he be banned from our State of Kansas or any other State. He is a disgrace to us all and if we put up with him and others like him we are just as much a disgrace!

Mr. Shriver, no one has told me to write this letter to you. I have done it on my own because my heart is really breaking to see Abbie and others ruin our country. I hope I am not the only one who has written to you. And I am not ashamed but proud because I love America and I think it's time some other people should tell how they feel about the great and wonderful United States of America.

In closing I would like to say this:

"I, Brenda Kay Perkins, pledge allegiance to the Flag of the United States of America and to the Republic for which it stands; one nation indivisible, with liberty and justice for all." (One Nation under God.)

Respectfully yours,

BRENDA KAY PERKINS,
Junior, Central Christian H.S.

HIGH SCHOOL PRINCIPAL: NEW BREED EDUCATOR

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. WRIGHT. Mr. Speaker, the bylines of our times often seem wholly restricted to the jargon of discord. We see ourselves in relation to others across gaps of age and philosophy and opinion and even sex. The harmless cleverisms of "see you later, alligator" and "go, man, go" have been replaced by the grim terminology of divisiveness, polarization, confrontation, and revolution.

In such a time it is refreshing and heartening to see a person span the gaps between people, champion understanding among people, and issue a clear call to come together. Gene Shrimpton is such a person.

As principal of Cincinnati's Woodward High School, the oldest free public high school in the world, Mr. Shrimpton supervises 3,300 students of diverse racial, economic, religious, and social backgrounds. His efforts and personal example at Woodward serve as a lesson for us all, and I consider it a privilege to include Gloria Anderson's story of April 5, 1970, from the Cincinnati Enquirer magazine in the RECORD at this point:

HIGH SCHOOL PRINCIPAL: NEW BREED EDUCATOR

(By Gloria Anderson)

"Woodward High School is the oldest free public high in the world. Like many other high schools, it is in ferment. Year before last, 300 students were suspended following a student demonstration. Security guards now patrol the halls. Last month a bomb scare shook the school.

"In spite of its typical troubles, Gene

Shrimpton, the principal, knows Woodward is a good school.

"There's nothing wrong with our schools," he says firmly. "The problems are out in the community."

If high school students can keep the peace, they will succeed where generations of adults have failed, Shrimpton believes.

"If we can prove that our youngsters can live and work together as a community, we can prove something our parents have not been able to. God knows, polarization of our adults has reached such a point that the only thing that's going to save us is the young people."

To Shrimpton, Woodward is a test case with its student body 30% black, 30% Jewish and 40% basically white, Anglo-Saxon protestant. If there can be harmony in a school with such diverse racial, economic, religious and social backgrounds, he reasons, there can be harmony anywhere.

"The biggest job a principal has," Shrimpton says, "is to draw the diverse elements together."

Shrimpton is typical of the new breed of high school principals who consider themselves peacemakers first and administrators second.

As Shrimpton said recently at a meeting with educators from the central office:

"Every high school principal in Cincinnati is sitting on a lid that could blow at any minute, and the only reason that it hasn't blown here is that I've been devoting my time to everything except education."

With students bringing neighborhood tensions and concerns into the schoolroom, Shrimpton finds it increasingly difficult to ignore the non-academic problems of his students.

"The attrition rate of the aloof kind of principal is very high," he said. "The days of oraclizing from Mt. Sinai are gone—or pretty soon that principal is gone."

On a typical day, Shrimpton arrives at the school before 8 a.m. and, like a doctor, begins making rounds—up and down hallways, in and out of classrooms, hustling late students to class, talking to teachers, taking the pulse.

"I do this for several reasons," he explains, "mostly to open lines of communication, but also to get an idea of what kind of day it's going to be."

He walks slowly and watches everything:

He spots the latecomer and chides him, "Come on, man, let's go."

He watches 30 students file out of the restroom, followed by one of the school's six security guards. "Now what do you suppose was going on in there?" he asks—and then answers himself, "a crap game."

He apologizes for the graffiti on the walls and windows: "Magic marker is the bane of our existence. It's the knife we used to use to carve our initials into trees."

He gently grabs a black student by the arm and asks him to remove his cap. "It's almost impossible to keep hats off in school," he remarks. "A cap is a status symbol."

Even after the final bell rings for home room, a few students mill about stopping at lockers or water fountains. Shrimpton lets none escape without a mild rebuke. "Our halls are never empty," he laments. "That was one teacher's reaction to the story on Woodward in Life magazine last spring. The article was a whitewash. Our teachers don't believe that story."

Woodward was featured in the Life issue of May 16, 1969. One photograph showed a student studying in an empty hallway.

Back in his office at 8:45, Shrimpton appears pleased with his findings. "It's going to be a nice, calm day."

He meets with the security guards and asks them to lock all the restrooms except two in the mornings before classes. The two are to be supervised closely, to discourage floating crap games.

Gulping coffee from a paper cup, he gives instructions to the maintenance staff to clean the writing off the windows and "remove the chewing gum from Mrs. Bettens' eyeball," referring to a statue of one of the school's benefactors, Mrs. Louise Bettens.

The attendance officer seeks Shrimpton's advice on a petition to have a student expelled. The youth knocked down a classmate and hit him with a stage weight in an argument over a drama production. The victim required several stitches in his forehead and face.

"One of the most dastardly deeds in our history," Shrimpton says seriously.

A delegation from the central office arrives to discuss vocational education in the high schools.

Shrimpton's everyday language and informal style contrast markedly with the formality and academic approach of the other educators.

The educators talk in terms of "feedback" and "factoring out expressions,"—the latter is administrative lingo to change the names of certain courses.

Shrimpton says, for example, "Boiled down to the nitty gritty, we are going to try to push vocational education."

After more than an hour, Shrimpton excuses himself from the meeting and leaves an assistant in charge, explaining, "I'm immersed in so many things, I don't have time to handle the preparations of these proposals."

"We understand," says a central office member. "You're like the plumber who's so busy patching the pipe he never gets time to install the new one."

"No," Shrimpton says. "It's like the plumber who's involved in carpentry. But unless we were involved in other things, the damn buildings would have exploded around us."

There follows another meeting with other central office representatives to assign "quality points" for courses.

"Hebrew—eight," Shrimpton says. "They want status, I'll give 'em status."

He explains that Hebrew was one of the new courses instituted under public pressure. At the time, only four students had signed up for the course. The most popular new course, he adds, is Black Culture for which about 70 students had registered.

Next, Shrimpton is off for what he considers one of the day's most important activities: a meeting with student leaders.

Through them, he keeps abreast of what is important to the students. He also finds out about student-teacher problems which otherwise might not come to his attention.

Shrimpton, relaxed, begins the meeting by complimenting the student body president on his Afro hair style. He discourses a little, telling the students he thinks adults should stay out of the learning process—"the more they stay out, the more you learn."

He invites group response to a student's complaint that physical education teachers had paddled some girls who were playing cards in class.

The protester is soundly put down by the students.

"If those girls had gotten all the paddlings they needed at home in the basement," said one, "they wouldn't need any in school."

Shrimpton outlines the administrative rules permitting paddlings only with the approval of the administrative head and in the presence of a witness.

"I do not want, especially in this building, girls paddled," he says.

After discussing student plans to show a movie at the school Shrimpton adjourns the meeting with a position statement.

"Whatever you do, if it pulls us apart, I'm going to stop you. If it brings us together, I'm with you."

At lunch with assistant principals in the faculty dining room, Shrimpton is satisfied.

"Did you notice that?" he asks. "Those students were much more strict about discipline than I would have been."

Lunch is interrupted when a worker in the dishroom complains that someone stole her ring off the counter while she was working. Shrimpton asks her to file a report with the school police officer.

Physical education teachers complain about a broken door that was not fixed properly. Shrimpton promises to look into it—and reproves the teachers for paddling girls.

In the office once more, he surveys a mound of phone call messages, and picks up the red phone to begin answering them. In his office, it's the black phone which is the "hot line"—direct to the superintendent's office. It was installed two years ago after high schools began having student disruptions.

"I still believe the parent is the key," he muses, dialing a student's mother. "The acts of young people are pretty largely determined by the adults in their lives."

He counts it a "success" to hear from parents, even in problem situations.

"As long as we hear from the parent at all, we feel we've made a step forward. At least, they're communicating."

The community liaison officer, Mrs. Barbara Fritz, stops to discuss hiring a new staff member. Shrimpton introduces her as "the contact with the mystic cords that bind us to our community." She also makes arrangements for a community tea.

Alone again, Shrimpton sends a letter to a member of the board of education suggesting that a new junior high school be named for a black man. The present Woodward High building, at 7001 Reading Road, is serving about 3300 students, more than a thousand of whom are junior high students. Next year, the junior high will be moved into a new building nearby on Seymour Ave.

The original Woodward High building is located at 1310 Sycamore downtown, where it is now Cutter Junior High.

Caught up with paper work, it's time for Shrimpton to make the rounds again. He stops by a sociology class where the teacher praises him as "the only high school principal I've ever known who should have been one." An art teacher complains that several members of his class walked out because, they said, the sinks stink.

By the end of the day, Shrimpton has dealt with dozens of persons and many problems. He's out in the hall when the last bell rings, watching students leave after another calm day.

He attributes the quiet to "the fact that we have read our kids, we have kept ahead. This is one of the skills an educator needs."

The process of keeping ahead means reading what the kids are reading, knowing the problems in the communities where they live, and talking, talking, talking.

"I think kids crave attention—someone to communicate with," Shrimpton said. "And principals have tremendous egos. They generally like people, especially kids, and must know how to get along with them."

What Shrimpton terms the "real job" in high school—education—is done, he says, by the teachers.

"As they go, so goes the high school. I have one aim: to help the teacher in the classroom."

JUSTICE DOUGLAS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HOSMER. Mr. Speaker, I insert in the RECORD immediately following these remarks recent editorials concerning the conduct of Associate Justice William O. Douglas. The editorial from the Los Angeles Times is headed "Justice Douglas Should Resign"; that of the Detroit News carries the heading "Douglas Should Quit."

The editorials follow:

[From the Los Angeles Times, Apr. 17, 1970]

JUSTICE DOUGLAS SHOULD RESIGN

An effort is now under way in the House of Representatives to begin what will be a complicated and perhaps very messy process leading to the possible impeachment of Supreme Court Justice William O. Douglas.

The legal question at issue is whether Douglas has violated the vague constitutional requirement that, as a judge, he observe "good behavior" during his term of office. The record of previous impeachment attempts makes it plain that there is no consistent standard by which "good behavior" may be defined. But if the historical record is unclear, the record of Justice Douglas is not.

There is no doubt that in certain activities off the bench Douglas has shown repeated insensitivity to the obligations of probity, restraint, taste and respect for judicial ethics which his high position demands that he maintain. This insensitivity has demeaned the court as an institution and Douglas' role as a justice of that court.

We do not speak here of Douglas' personal political views or his intimate private life, though these have undeniably helped to influence opinion against him in Congress. No public official, Supreme Court justice or otherwise, can be fairly expected or asked to lead a cloistered existence, divorced from the world and prohibited from speaking out on matters of personal concern.

But at the same time we think it is unarguably clear that many positions of public trust, foremost among these membership on the highest court, do impose particular requirements of prudence, wisdom and self-restraint in both public and private affairs.

On this score Justice Douglas has been lacking.

The most notable example was Douglas' $12,000-a-year presidency, from 1962 until May of last year, of the Parvin Foundation, which depended on Las Vegas gambling interests for its financing. (The Times first revealed this connection in 1966.) Beyond this Douglas has peddled his name and the prestige of his office to virtually any available forum, including most recently a magazine devoted in part to publication of explicit sexual photographs.

In short, Justice Douglas has been a repeated embarrassment to the Supreme Court and, whatever his merits as a judge, to the judicial system. He has been so obtuse on questions of ethics and propriety that he should resign from the Court. . . .

Forcing his resignation may in fact be the main point of the impeachment effort now under way. We have noted before that, where grounds for impeachment exist, it is the constitutional duty of Congress to act. But several things about the current move bother us.

The timing and politics of it concern us deeply. It smacks too much of a vengeful counterploy following the Senate's rejection of Judges Haynsworth and Carswell as nominees to the high court. The activity of southern members resentful of the role Douglas has played in key civil rights decisions also is disturbing. A justice's decisions on the bench are no basis for impeachment.

We don't like either the involvement of Vice President Agnew in this affair. Impeachment is the serious responsibility of the legislative, not the executive branch. Most of all we dislike what is shaping up as a sordid affair that could further besmirch the court and irresponsibly involve it with partisan and ideological politics.

The impeachment attempt has a long way to go, with no promise of success. That is irrelevant, however, to the question of Douglas' suitability to remain on the Supreme Court. We believe strongly that he should resign his position.

[From the Detroit News, Apr. 16, 1970]

IMPEACHMENT? NO!—DOUGLAS SHOULD QUIT

Shaken by tumultuous battles that ended with the resignation of one justice and the rejection of two nominees in a row, the United States Supreme Court should not be subjected to the further shock of impeachment proceedings.

House Republican Leader Gerald R. Ford, of Michigan, is encouraging such proceedings against Supreme Court Justice William O. Douglas. While we share Ford's dismay over the conduct of Justice Douglas, we think it ill-advised to undertake a remedy so drastic and divisive.

However, it is certainly time that Justice Douglas, in respect for the court, went into retirement. By the standards now prevailing for admission to the Supreme Court, he could never be confirmed if he were a nominee.

He has engaged in at least two conflicts of interest serious enough to have gotten nominees Haynsworth and Carswell hauled out of town on a rail on the first day of their hearings. These conflicts compare, in fact, with the indiscretions which caused Abe Fortas finally to withdraw from the court.

Douglas, it was revealed last year, served as the $12,000-a-year president of the Albert Parvin Foundation, organized by millionaire businessman Albert Parvin, using proceedings from the sale of a Las Vegas gambling casino. In January of this year, Douglas participated in a Supreme Court ruling involving Ralph Ginzburg, the smut publisher, from whom Douglas had accepted a $300 author's fee.

Further, if it was fair to weigh Judge Carswell's fitness by utterances he had made in 1948 and long since has renounced, perhaps it is fair to weigh Douglas' fitness on the basis of utterances he is making right now.

Douglas has just published a book which is so naive, banal and inflammatory that it might have been written by a hysterical freshman caught up in a campus revolt. He reaches the height of his wisdom when he concludes that "where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response."

The book has now been condensed in an article in Evergreen magazine, where it has been sandwiched in among pages of pictures of nudes.

Are these causes for impeachment? No. Indications that it's time to retire? Unquestionably, Justice Douglas has outlasted his usefulness and should bow out gracefully.

NATIONAL RAISIN WEEK

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. MATHIAS. Mr. Speaker, the 61st annual National Raisin Week, which we are celebrating during the period April 26 through May 2, gives special recognition to the California raisin industry, which produces, processes, and markets one-half of the world's supply of raisins.

National Raisin Week, the Nation's oldest food festival, calls attention to a quarter-billion-dollar industry which directly involves some 32 million people in the production, distribution, and sales of raisins in the retail grocer and industrial and institutional handling of raisins in all forms.

California vineyards and the related industries engaged in producing, processing, and distribution supply 250,000 tons of delicious raisins a year for eating, for cooking, for use in baked foods, and in gourmet dishes.

The California Raisin Advisory Board, as the industry's research, promotion, and advertising arm deserves high commendation for its role in the raisin industry's success.

Utilizing funds provided by participating producer and processor members, Calrab carries on its program of aggressive advertising and promotion not only domestically but in countries throughout the world, by utilizing the U.S. Department of Agriculture's Foreign Agricultural Service.

As an example of raisin industry promotion, California raisins are now being featured in major restaurants at Expo '70, the world's fair currently underway at Osaka, Japan.

The California Raisin Advisory Board has developed the practically nonexistent Japanese market to the No. 1 export market, which now consumes some 20,000 tons of California raisins each year.

Also deserving of special commendation is the work of the Federal Raisin Advisory Board and the Federal Raisin Administrative Committee, which operate under Federal marketing orders, which have done so much to bring about the orderly marketing of raisin crops and have also been instrumental in the development of export markets.

I also wish to point out the important role of the Raisin Bargaining Association, which during a brief span of less than 4 years has brought the raisin growers together in a concerted effort to give them a better voice in determining the prices they will receive for their products.

The raisin industry, which effectively utilizes the self-help tools of sales promotion and advertising in the best American tradition, well deserves a special salute during this National Raisin Week.

EARTH DAY

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. DENT. Mr. Speaker, during the course of last week, I received, as I am sure all of my distinguished colleagues received, much correspondence from constituents concerning the Earth Day activities.

Of all the letters I received, I was most impressed by those from the young people in my district. These included all those who are not of voting age, from elementary school students to college students.

Mr. Speaker, can you imagine receiving a letter from a fifth grader saying:

> When I grow up I don't want my kids to grow up in dirty air.

This is a child of 9 or 10 expressing her simple yet profound opinion on an issue of national significance. These letters have made me even more proud to represent the 21st Congressional District of Pennsylvania.

When I first came to Congress 12 years ago, receiving a letter from any young person was infrequent, unless it was directly related to his individual needs; and even those infrequent letters were from young adults, much less a fifth-grade child. During the past few years, however, the growing awareness of our young people has been made apparent to me and my colleagues, not only through correspondence, but through the national media as well. This new interest and attitude of our younger generation, Mr. Speaker, gives me great satisfaction and confidence in our future.

They are demanding action and results, which they have a right to do. They are often constructive enough to offer solutions to our problems. Many of these problems, such as pollution, have been facing us for years and nothing has been concluded to alleviate them.

Those of us in this Chamber are elected representatives of the people. Although we are not totally responsible for the oversights of past years, we should share much of the fault; and we should be anxious to insure against additional years of oversight by taking positive and constructive actions now. Some of us have been here long enough to react to problems without having them reach crisis proportions before we are impressed with the gravity of them. That is virtually what has happened in the case of pollution.

Mr. Speaker, I sincerely hope that we here can take the message from the young people of the 21st Congressional District. The message is clear. Let us clean our environment of the pollution which threatens our very existence on this earth.

XUM

OPERATION LEND AN EAR

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, far too often, we in Congress and those in Federal agencies tend to develop programs on the local and national levels affecting education as well as other vital programs with no consultation whatsoever with parents and school patrons and taxpayers affected by them.

It has been my experience, based on the response received from constituents in answer to questionnaires sent by me to them, that citizens have a far different viewpoint about Federal programs in many instances than attributed to them by either news media, Federal and State officials and public officeholders. One of the most unique means of discovering the true concern of citizens about problems such as education has been developed by the National Federation of Republican Women based on a pilot study conducted in the State of Georgia. Through this program, known as "Operation Lend an Ear," citizens were asked to share their concerns, their ideas, their suggestions and remedies on vital problems of education.

They were asked:

What, in their opinion, are the three most important problems in education today? Why did they consider each of these to be important problems? What did they believe should be done to remedy these problems?

As any Congressman who has sent out constituent questionnaires can tell you, citizens are not only flattered by being asked to give their opinion, but they are sending in responses by the thousands and their answers are creating a valid picture of problems that are of national concern to parents and taxpayers. Eight States have completed their studies and filed a final report. Others are tabulating their returns. Still others are continuing to ask the three searching questions. However, an interim report has been put together based on partial and complete returns from 18 States covering every section of the country.

Thus far, here is what the returns indicate:

First. Foremost in the combined reports is the question of who shall control the local schools. The responses are overwhelming in their support of local control of the schools. Forced busing, Federal control and judicial ratios are rejected by the public in favor of retention of neighborhood schools. Busing comes in for major attack on numerous grounds, ranging from the additional cost to educational systems to buy and run buses, to the fact that students are deprived of neighborhood association, to the safety factor involved in mass transportation of children, to the extended schoolday, and to the loss of parental choice in the school one's child will attend.

Second. Problems relating to curriculum also share the national spotlight, with the need for more vocational education opportunities heading the list of problems in this area. It is felt that many of the problems being faced on campuses today stem from the fact that too many students are in college who do not belong there. Vocational education is recommended as an alternate method of higher education, with the suggestion that college courses should not be considered the only route for the student.

Other curriculum comments stress the need to emphasize the three R's, opposition to certain types of sex education, parental approval of family and sex courses is recommended, special programs for the exceptional child, and the importance of teaching respect for our American heritage, prayer returned to the schools, and the dissemination of information on the drug epidemic.

Third. Qualified teachers appear to be at a premium, according to most of the reports filed. Many teachers are unable to motivate students and lack interest in individual students. Some of the problems come about because of inordinate pupil-teacher ratios, but most of the blame is placed on the failure to make teachers' salaries attractive enough to entice good people into the field of education and keep them there. Anti-American attitudes of teachers, particularly at the higher education level, come under attack, with the recommendation that we should not entrust our children to a teacher who does not believe in perpetuation of our American way of life.

Fourth. Discipline, or the lack of it ranks high in the concerns of respondents across the Nation. The learning process must be preserved for those who desire to learn, and strong remedies—from expulsion of disruptive students to withdrawal of Federal funds from colleges unable to handle riots—are recommended. Discipline in the classroom, discipline on the campus, and disciplinary training at home are classified as serious voids in education today.

Fifth. School systems lack sufficient funds to operate properly. Complaints include inadequate facilities and overcrowded classrooms. Suggested solutions vary so widely as to be almost incapable of summary at this interim point, but all do suggest that a wiser expenditure of existing funds would alleviate part of the problem.

Sixth. In almost all of the reports, public helplessness is stressed. A need for community involvement—for continuing communications without fear between parents and teachers and students and administrators—is pointed out. One of the States recommends that a National Parent Association be formed to represent the opinions of parents. Another suggests the creation of task forces at local, State, and Federal levels to deal with problems as they arise in education. Without a doubt, the key to unlocking educational crises is to begin talking to one another. For this reason, among others, it is felt that the National Education Advisory Committee through its first phase, Operation Lend an Ear, has made and is making a vital contribution toward the identification and subsequent solution of problems in education.

Let me urge Members of this body as well as the other body, and members of the executive branch who have preconceived notions about how Americans feel with regard to busing, Federal control of schools, neighborhood schools, attitudes of teachers, patriotism, and other matters so closely associated with education, to carefully read and analyze the results of this report. It is, to say the least, an eye opener. In addition, I believe it proves conclusively that we have not been listening to the people. In my judgment, we ought to follow this procedure far more often so that we can truly hear what the people have to say rather than what bureaucrats want to think they are saying.

A CONCURRENT RESOLUTION PROHIBITING THE INTRODUCTION INTO CAMBODIA OF U.S. TROOPS, ADVISERS, OR ARMS SUPPLIES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. WALDIE. Mr. Speaker, I have joined with Mr. TUNNEY of California in coauthoring a concurrent resolution prohibiting the introduction into Cambodia of troops, advisers, arms supplies from the United States without the specific consent of Congress, and further prohibiting the use of U.S. airmen or aircraft in Cambodia without congressional consent.

The resolution further requests the President to call the Security Council of the United Nations into emergency session on the Cambodian issue.

It is regrettable and tragedy in the greatest extreme to review the actions of the President as he prepared this country for the intervention of American arms and troops that occurred today in Cambodia. We have been treated to a buildup this past week by statements from the White House describing the Cambodian situation in the most perilous and dire terms imaginable to soften the blow that was delivered to the American people and their Representatives in Congress by the President this day.

At the risk of sounding as sick as I feel with this enveloping tragedy, let me express my utmost concern with the utilization by the President of the same tired phrases and excuses that his predecessor used to justify the initial intervention by America in Southeast Asia.

Is there an American this afternoon that does not believe President Nixon has embarked this country on the same tragic, long, and fruitless path that we have trod so unsuccessfully in Vietnam? It is not beyond comprehension that 4 years hence, President Nixon's successor will be talking about the success of his Cambodianization policy.

RESULTS OF PUBLIC OPINION POLL OF OHIO'S 17TH DISTRICT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. ASHBROOK. Mr. Speaker, I have just completed my 10th annual opinion poll of the 17th Congressional District of Ohio and, as in the past, the response has been excellent. I sent the questionnaire to every registered voter in the district, and the difference of opinion expressed on many of the questions reflects the fact that all political persuasions were represented.

Last year I pointed out that there had been a major shift of opinion regarding our continued involvement in Vietnam, with a large increase in the number of respondents favoring withdrawal of U.S. forces on a unilateral basis. This trend is even more marked this year, with more than three-fourths of those responding favoring a course of action moving toward withdrawal of either all or most of our troops.

This feeling is particularly significant now that the Communists have broadened the war to Laos and Cambodia. Asked on the opinion poll whether the United States should become involved in any way in Laos, 39 percent of those answering marked "No." Only 8.5 percent favored aiding Laos with both troops and military supplies, and no doubt this feeling would extend to involvement in Cambodia.

The greatest unanimity was expressed on the question of whether schoolchildren should be used to achieve racial balance in high school. A whopping 92.1 percent expressed opposition to such busing.

In contrast to this overwhelming majority, we found that 17th District views on abortion almost resulted in a draw. Nearly 47 percent favored legalizing abortion, but more than 43 percent of those replying were opposed.

Another issue which did not show a strong majority on either side was the severity of penalties for first offenders convicted of possessing or using narcotics, with 55 percent opposed to softening the sentence which under existing laws is often quite harsh.

The controversial "no knock" provision in the D.C. crime bill, which permits police officers with a warrant to enter a house without knocking if they believe drugs or other evidence may be destroyed, was endorsed by more than 70 percent of those replying.

Vice President Agnew garnered strong support of his criticism of the news media, with less than one-fifth of those answering expressing disagreement with his opinion that they often present a biased view of the news.

Perhaps surprising to some is the fact that only 5 percent of those polled thought more police was the best way to reduce our soaring crime rate. I think this answer can be attributed primarily to the basically rural nature of the 17th District. In large metropolitan areas high visibility of the police serves as a deterrent to crime, but those participating in our opinion poll, most of whom live in small towns, believe tougher judges is the best way to curb crime.

Foreign aid expenditures, which have consistently been unpopular among the American people, would get the ax first in reducing the Federal budget. In a list of a dozen spending programs, 22 percent would cut foreign aid first. Space exploration and development of the supersonic transport were voted next in line for some budget trimming. This may reflect their high cost rather than an ordering of priorities.

I again tried to cover a broad range of domestic and foreign policy questions in this poll and to word the questions in a fair and impartial manner. As I have often said before, representing the people of the 17th District in the Congress is a two-way street. Having the benefit of their views on the issues covered by this opinion poll works to our mutual advantage.

The poll follows:

1970 PUBLIC OPINION POLL OF 17TH OHIO DISTRICT

[In percent]

	Yes	No	No opinion
1. Which of the following courses of action most closely parallels, your views regarding the Vietnam war? (Check 1)			
(a) I favor President Nixon's present plan to gradually withdraw most of our troops without reference to any prior announced timetable but on the basis of the administration's own best appraisal of conditions in Vietnam 32.5			
(b) I favor the President's plan for gradual withdrawal of our troops from Vietnam but I feel that all of our troops should be withdrawn 27.4			
(c) I favor an announced withdrawal of all of our troops from Vietnam by a specified date within the next 12 to 18 months 16.2			
(d) I still favor taking these actions necessary to win the war in Vietnam 18.3			5.6
2. If North Vietnamese Communists broaden the war to Laos, the United States should: (Check 1)			
(a) Aid Laos with troops and military supplies 8.5			
(b) Aid Laos with military supplies only 43.2			
(c) Not become involved in any way 39.4			8.9
3. Do you approve of legislation which would liberalize controls on U.S. trade with Communist nations?	32.9	51.4	15.7
4. In the Israel-Arab controversy in the Middle East, U.S. policy should be: (Check 1)			
(a) Continued assistance to Israel only 42.2			16.5
(b) Treat both Israel and the Arab bloc the same 41.3			
5. Should Israel return the territory it conquered in the 1967 war with the Arab Nations?	26.0	55.8	18.2
6. Should the United States sell jet fighters to Israel since France and the Soviet Union have supplied the Arab bloc with planes?	58.4	26.9	14.7
7. Vice President Agnew has criticized certain segments of the news media, particularly the television networks, for, in his opinion, often presenting an unbalanced or biased view. Do you agree with him?	72.4	16.8	10.8
8. Do you believe that schoolchildren should be bused to achieve racial balance in high schools?	4.3	92.1	3.6
9. Do you believe it should be made legal for a woman to terminate her pregnancy at any time during the 1st 3 months of pregnancy?	46.8	43.6	9.6
10. At the present time, the 1st conviction for illegal possession or use of narcotics usually brings severe penalties such as a prison sentence. Do you believe the law should be changed to soften the sentence for the 1st offense of the user (as distinguished from the seller of marihuana)?	40.5	55.7	3.8
11. Do you favor allowing police officers with a warrant to enter a house without knocking in drug felony cases if they believe drugs and other evidence being sought may be destroyed?	70.7	25.0	4.3
12. In your opinion, which of the following is most needed to reduce our soaring crime rate? (Check 1)			
(a) More police 5.0			
(b) More and stricter laws 13.8			
(c) Tougher judges 46.7			
(d) More effort to reduce the social causes of crime 30.0			4.5
13. Do you think there is a need for a philosophical balance on the Supreme Court?	61.5	15.9	22.6
14. Do you favor the eventual elimination of the military draft and the creation of an all volunteer army?	55.0	34.6	10.4
15. Do you favor revision of our present welfare system whereby the Federal Government would make up the difference between a family's earnings and an income determined by the Government to be the minimum necessary for a family?	32.8	56.7	10.5
16. If such a program is enacted should there be any limitations placed on the size of the family assisted?	64.5	21.0	14.5
17. In cutting the Federal budget, which areas would you trim first? (Check 3)			
(a) Military expenditures 10.10			
(b) Aid to cities 2.24			
(c) Antipollution programs .70			
(d) Foreign aid 22.30			
(e) Federal employees 9.60			
(f) Poverty programs 3.80			
(g) Supersonic transport 12.30			
(h) Space exploration 13.50			
(i) Anticrime programs .36			
(j) Agriculture supports 6.00			
(k) Educational assistance .90			
(l) Beautification programs 6.20			

MORAL FOLDEROL AT YALE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. GUDE. Mr. Speaker, today's Washington Post includes an editorial on the furor at Yale over the trial for the murder of a member of the Black Panther Party. It is deeply disturbing to watch the confusion and dissension spreading in one of America's great universities. Students who think it proper to make a murder trial into a political carnival threaten to degrade and destroy the legal institutions necessary to protect the rights of us all. Faculty members and administrators who ought to know better have abdicated their leadership and failed to support our legal system when it needs it most.

As the Post editorial points out, responsible leadership has come from a student editorial in the Yale Daily News, which I also commend to the attention of my colleagues. The author urges restraint from members of the university, and I hope his plea is heeded. Our courts are not perfect, and neither are our universities, but only an idiot could believe that reason and justice in our society will be served by bringing these institutions to their knees.

The editorials follow:

[From the Washington Post, Apr. 29, 1970]

MORAL FOLDEROL AT YALE

Behind the furor over the Black Panther trial in New Haven, there is a stark, elementary, inescapable fact when most of the student body, much of the faculty, the chaplain of the university and even President Kingman Brewster seem to have forgotten. The fact is that the case has a *corpus delicti*. A year ago the body of a Black Panther named Alex Rackley was found floating in a Connecticut river; apparently Rackley had been tortured before being shot to death. This is not a fact which a civilized society can ignore.

Bobby Searle, national chairman of the Black Panther Party, and 13 other Black Panthers have been indicted for the murder of Alex Rackley. A witness for the state has testified that he was present in a New Haven apartment last May and heard Seale call Rackley a "pig" and give an order to have him killed; the witness says that he himself took part in the killing. Whether Rackley was a loyal Panther or a "pig" we do not know. Nor do we have any opinion respecting the reliability of the prosecution witness accusing the defendants; this witness was, himself, responsible for the murder according to some of the defendants. We believe, however, that the fairest and most efficacious way to determine responsibility for a murder is through a criminal trial conducted in accordance with due process of law.

It was, in our judgment, unwise and intemperate for the chaplain of Yale, William Sloane Coffin, to say that the projected trial of the indicted men is "legally right but morally wrong." And the same must be said of President Brewster's assertion that he was "skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States." Admittedly, it is difficult for a legal system to deal dispassionately with those who defy it and cast themselves outside it. But the remedy is not to be found either in letting them have their way or in abandoning the rule of law.

If the defendants in the Rackley murder trial are convicted, their trial will be subject to review by courts of appeal sitting in greater calm and detachment than is possible for the trial court. If the constitutional rights of the defendants are infringed in any way, they will have recourse to the appellate courts of the United States as well as to those of Connecticut. The proceedings at every stage will be carried on in public and will be reported to the American people.

We share the views expressed by Prof. Eugene Rostow of the Yale Law School in a letter written to the Yale Daily News prior to President Brewster's unfortunate statement . . . "Our chaplain," Professor Rostow said, "would have served the cause of social justice, peace and brotherhood better if he had pronounced his anathema not on those who seek to do justice but on those who seek to prevent justice from being done." It is, he added, "intellectually and morally wrong to charge that no black man can get a fair trial in American courts today."

We feel a great deal of sympathy, in addition, for Connecticut Superior Court Judge Herbert S. MacDonald who asserted that the impediments to a fair trial for the indicted Black Panthers come in large measure from their champions. "They are the ones who have created the atmosphere of which they now complain," he said, "and I include Kingman Brewster in that category." The idea of a mass demonstration designed to affect the outcome of a trial is offensive to the most elementary concepts of due process. Those who give countenance to such a tipping of the scales of justice need only reflect on their reaction if the Ku Klux Klan had staged a mob scene at the courthouse where James Earl Ray was convicted of the murder of Dr. Martin Luther King.

President Brewster has now said that he "did not intend to disparage the legal system." And no doubt he and Mr. Coffin meant only to display compassion for the defendants and concern for their constitutional rights. But they can hardly be credited with cool leadership in a tense situation. Perhaps the most sensible leadership came from the Yale Daily News in an editorial printed elsewhere on this page today.

A YALE STUDENT EDITOR'S VIEW

(NOTE.—The following editorial, on the call for a student strike at Yale in support of the Black Panthers facing trial in New Haven, is reprinted from the Yale Daily News of last Wednesday.)

Last night's meeting at Ingalls Rink leaves us deeply troubled—not because there were calls for a strike we think is unwise, but because the meeting revealed just how great is the confusion, the fear, and the ambivalence within the university in the face of the Panther trial and surrounding events. We are all facing a crisis of loyalties within ourselves. Although we cannot be sure that we are right, we believe that our institutions can be refashioned around our ideals if we are willing to make a commitment to that task. The Panthers are calling our attention to legitimate grievances, but we believe their rhetoric and strategy is directed at leading the Yale community to a polarity we will not accept. It is with this conviction that we have opposed the shutdown of the university many will attempt to begin today. The strike will not bring justice to Bobby Seale and his co-defendants. Even if we knew at this point precisely what that justice was, it is naive to believe that Yale could command and justice would be done. The strike, we fear, will only further divide and polarize us.

But our opposition to the strike does not mean that we can avoid the fact that many may choose to participate in it. Because it is unclear whether the strike aims to attract attention to our concern over the Panthers, whether it aims to force Yale to yield on a number of long-standing grievances, or whether it aims to accomplish something else, the strike is hard to evaluate. Whatever its purpose, the strike must remain nonviolent and non-coercive. We also hope that the strike will not go on indefinitely. If it lasts beyond a few days, a strike supposedly for social justice will clearly become a strike against the university and the free inquiry for which it stands. If the strike is to have any usefulness to any except those who would destroy the university, its purposes must be clear and it cannot be allowed to drift into destructiveness.

What happens beyond the strike is largely in the hands of the Yale student body. Over the last few days, the administration and the faculty have lost control of the university. We can only hope that our fellow students will use their power with restraint. If the community becomes further divided, if the rhetoric goes to higher levels, if violence begins, closing the university for the year may become a serious possibility. Already closing for the week around the May 1 weekend is being considered by the administration. We do not think such action is necessary yet. We firmly support those members of the community who think we should welcome those who come for that weekend and do everything possible to alleviate the consequences of the violence which may develop. In the absence of anything approaching leadership from the university and the city administration, it is good to see something approaching sanity from some members of the community. It has given us some reason to believe that Yale will emerge from this crisis intact without falling victim to those who countenance violence and lawlessness as answers to the problems black people face in our society.

THE PLIGHT OF THE RETIREE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. SKUBITZ. Mr. Speaker, I want to share with my colleagues a letter from one of my constituents which points up the dilemma of the civil service retiree in trying to keep up with the cost of living when the services he needs keep rising and his cost-of-living increases do not cover even minimal requirements. I think his letter very aptly relates his situation to the present existing conditions of all retirees. If his case can be described as representative of the problems most retirees face then I think Congress should take another look at the retirement program and take proper action to help these folks trying to live on a fixed income.

The letter follows:

DEAR MR. SKUBITZ: Please excuse me for writing a complaint as I'm not an habitual complainer. I am a Civil Service retiree and each time I receive a cost of living increase my health insurance and hospital insurance raises.

My increase the 1st of January 1969 was 4% or $12.00 per month. My insurance was increased by $8.86 leaving me $3.14 increase. On November 1969 we received a 5% or $16.00 cost of living increase and 1 January 1970 my insurance was increased by $7.68 leaving me an increase of $8.32. Now my real estate taxes were raised by $125.00 per year and other insurance was raised so I actually receive about 10% less than I did before the increases were granted.

XUM

I am a member of the N.A.R.C.E. and would like some kind of understandable answer to this. Possibly you could appear at one of our N.A.R.C.E. meetings?

Thanks.

MARINE PRIVATE FIRST CLASS JENKINS GAVE LIFE FOR NATION

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. FUQUA. Mr. Speaker, Pfc. Robert Henry Jenkins, Jr., 20, gave his Nation his most cherished possession—his life.

Last Monday America gave to his family the highest award for bravery within our power to bestow—the Congressional Medal of Honor.

Serving as a machinegunner in Vietnam on March 5, 1969, the 12-man reconnaissance team of which Private First Class Jenkins was a member was occupying a defensive position at Fire Support Base Argonne, south of the demilitarized zone.

Suddenly, the Marines were assaulted by a North Vietnamese platoon employing mortars, automatic weapons, and handgrenades.

Reacting instantly, Private First Class Jenkins and another marine moved into a two-man fighting emplacement and as they boldly delivered accurate machinegun fire against the enemy, a North Vietnamese threw a handgrenade into the emplacement.

Private First Class Jenkins seized his comrade and pushed him to the ground, leaping on top of his companion to shield him from the explosion.

Absorbing the full impact of the detonation, Private First Class Jenkins was critically injured and subsequently succumbed to his wounds. He had gallantly given his life for his country and for his fellow man.

Private First Class Jenkins was from my district—Interlachen, Fla.

He is survived by his father, Robert H. Jenkins, Sr., his mother, Mrs. Willie Mae Jenkins, three sisters, Miss Ruby L. Jenkins, Miss Roseline Jenkins, Miss Veronica Jenkins, and one brother, James A. Jenkins, all residing in Interlachen.

To his family goes our deepest sympathy.

This Nation can never forget the sacrifices made by men such as Robert H. Jenkins. Since the founding of this Nation, it has been men like this who have allowed this Nation to prevail and for us to enjoy the freedoms which are ours.

Let us pray for the day when men will beat their swords into plowshares and it will not be necessary for brave young men like Robert H. Jenkins to be cut down in the full flower of life.

That day will only come after a long journey in search of peace and many sacrifices will be made by young men like this.

He gave his all. This medal is the tribute of all Americans to him for his gallantry and devotion.

His name is now enshrined forever among the heroes of the ages of this Nation.

LENIN'S LEGACY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. DERWINSKI. Mr. Speaker, the Thursday, April 23, Chicago Tribune carried an article which I think is quite timely and effectively emphasizes the proper interpretation that we should give to the historical contribution or really, I should say chaos, produced by Lenin. I direct the attention of the Members to the editorial which follows:

LENIN'S LEGACY

If the Soviet Union and its current oligarchy are "celebrating" the 100th anniversary of the birth of Lenin—a date which fell yesterday—the rest of the world certainly has no occasion to do so. Lenin, interpreting Marxism according to his own lights, established a base for communism in Russia, and from there he hoped to see it extended thruout the world in an unceasing war to the death. That is his legacy, and his successors still adhere to it.

His design for conquest, centered with particular malignity against the United States, was this: "First, we will take eastern Europe, then the masses of Asia, then we will encircle the United States, the last bastion of capitalism. We will not have to attack. It will fall like an overripe fruit into our hands."

The soviet succession has tenaciously held to this doctrine, for it heeded Lenin's words: "As long as capitalism remains we cannot live in peace. In the end one or the other will triumph—a funeral requiem will be sung over the soviet republic or over world capitalism."

Lenin's immediate successor, Stalin, quoting the thesis of the soviet oracle approvingly, added numerous glosses of his own. To think, he said, that revolution can be carried out within the framework of bourgeois democracy is madness. If the proletariat is to rule, it must prove its capacity to rule "by military organization."

Again, Khrushchev: "If anyone thinks our smiles mean the abandonment of the teachings of Marx, Engels, and Lenin, he is deceiving himself cruelly. Those who expect this to happen might just as well wait for a shrimp to learn how to whistle." Khrushchev told westerners at a diplomatic reception, "Whether you like it or not history is on our side. We will bury you." And from American television screens he told us, "Your grandchildren will live under socialism."

So it is no surprise that Leonid Brezhnev, the Communist party boss, in a speech on the eve of Lenin's anniversary, parroted the same line. In threatening language he foretold the destruction of the noncommunist world, but he said that collapse would not come of itself but thru "active and determined action by all revolutionary forces." The struggle, he said, could be "peaceful or nonpeaceful, legal or illegal," to topple the "still dangerous but already doomed fortress of imperialism."

At the Lenin School of Political Warfare in 1931, Dmitri Manuilski, a soviet official and later presiding officer of the United Nations securty council, outlined the strategy: "War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. . . . To win we shall need the element of surprise. The bourgeoisie will have to be put to sleep. So we shall begin by launching the most spectacular peace movement on record.

"The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction."

It is in the light of such declarations, consistently advanced for more than half a century, that the motives of Communists must be read. We have anxiously sought understanding of the Soviet Union thru various treaties bearing on nuclear arms, and now we are again negotiating with its representatives at the strategic arms limitation talks in Vienna, SALT for short.

Remembering the trend of soviet pronouncements since the days of Lenin, we should warily take all overtures for accommodation with more than a grain of salt, for the legacy of Lenin decrees the doom of the west.

LETTERS, WE GET LETTERS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. MURPHY of New York. Mr. Speaker, as a public servant for many years, you are well aware of the trials and tribulations in answering mail, most of it relevant but some of it spiteful or worse. Yet, the overflowing mailbags, which pour daily into our respective offices, are the lifeline—the direct contact—with our constituency. As you are also well aware, a certain public official has made a questionable reputation attacking the media for sending only the bad side of the news into the homes of the Nation. I believe that like the mailman, who brings us some bad news, the media is not responsible for some of the bad news it sometimes has to deliver. In an excellent article in the April 11 issue of TV Guide magazine, NBC's New York News Manager Richard Graf sends up a "don't blame us" plea from the TV industry for a little more understanding from writing viewers. Under the leave to extend my remarks in the RECORD, I include Mr. Graf's definitive article to which we in the Congress can surely relate:

[From the TV Guide, Apr. 11, 1970]

"DEAR SIR: YOU CUR"

(By Richard Graf)

When it comes time to write the definitive history of television, someone should remember to include a good fat chapter on the link between television news and the U.S. mail.

The U.S. mail?

That's right. After 10 years in television news, the last two as news director of a local TV station, I find that a good part of my time is spent conducting a vigorous and free-swinging correspondence with the listening public. For any one of a hundred reasons, the public writes, and writes, and writes.

Some of the mail is of the "Dear Sir: You cur . . ." variety. In shrill terms, the writers accuse me and mine of crimes both high and low, and denounce my intelligence, morals and character, if any. Much of it is thoughtful, reflecting the concerns of people who become upset at what they see—or what they think they see—on the television screen. All of it is interesting.

We have a firm policy at our shop of answering every letter we receive. Despite the occasional trauma it causes, it's a good policy. For one thing, it requires me to constantly re-examine our practices and to explain them logically. For another, it's given me an iron self-control that would draw respectful glances at a reunion of the Brigade of Guards. And for a third, it's taught me that many of my pen pals haven't the foggiest notion of how we operate.

Why do people write? I suppose it's because of the nature of our business. Our reporters and camera crews not only gather the news, they're highly visible both on and off the television screen. When you do your thing in public, you're bound to invite comments.

What disturbs me and others in the field is the growing tendency to blame television for causing the very news it reports. We live, as my boss once said, in a surly time. Much of the news we broadcast each day is bad, in the sense that it's uncomfortable, disturbing and even repellent. It's a demonstrated lesson of history that the bringer of bad news is often blamed for the bad news itself.

I see it first hand almost every morning. As soon as I open the mail folder, words like "biased . . . slanted . . . staging news . . . arrogant . . . sneering . . . nit-picking . . . un-American" and worse start buzzing around my head like angry bees. Like the mutter of distant drums I keep hearing the same refrains: ". . . If you didn't cover demonstrations, there wouldn't be any. . . . Why don't those kids get haircuts? Who cares what they think? . . . Your reporter was obviously biased; he asked such nasty questions. . . . Why don't you put on some good news for a change?"

So far, at least, I haven't lost my cool and started screaming for somebody, anybody, to get me a Good-News Editor. I have, despite frequent fits of exasperation and melancholia, tried to understand what's bugging the television-watching (and writing) public. Bitter experience has taught me not to let the mail pile up, so I have tried to compose reasoned, appropriate and generally polite replies. And wherever and whenever I could, I have tried to get across a few simple rules for television news-watching.

XUM

A good many of my correspondents are fond of quoting the Equal Time provision of the Federal Communications Act to me, usually and wildly inaccurately. OK, I hereby pick up the gauntlet and demand equal time for my own set of rules for news watchers. There aren't many of them, but they are important:

1. Television news isn't anything like newspapers, so stop making comparisons.
2. It isn't anything like magazines or books, either.
3. We're professionals in a difficult trade. We're not press agents for the established order of things.
4. If you're going to criticize television news, you have to watch it regularly.
5. When you do, pay attention.
6. If you're going to criticize us, do it for what we are, not for what you think we should be.

I arrived at this brief list after answering, for perhaps the hundredth time, a letter from someone upset about our coverage of a student demonstration. This time it was an assistant professor of English at the college in question.

"I have for some time now," she wrote, "felt that if campus demonstrators were not given the banner headlines and equivalent exposure on television and radio shows and news reports, many of them would soon return to their books. . . . Perhaps, after all, some news is not fit to print . . ."

It was an intelligent, thoughtful letter, from someone sincerely concerned about a social problem. So I wrote back in the same spirit, raising in the process a few points that I thought were worth considering:

First, why are the kids out there demonstrating? Surely they must be for or against *something*. Shouldn't we at least hear what they have to say before kissing them off as publicity-hungry troublemakers?

Second, not a few of the demonstrators in any crowd are violently anti-press. I've been called some pretty interesting names in my time, but the one that took a little getting used to was "Establishment pig!"

Third, once you start self-censoring the news, however noble your motives, where do you stop? As I told the professor, "News that's only a little bit censored is like a girl who's only a little bit pregnant. You can kid yourself for a while, but pretty soon the truth of the matter becomes all too apparent."

In case you think it's all one way, we get blamed for *not* covering demonstrations, too. Last December I got two angry letters in one day, chiding me for not sending a reporter and camera crew to cover a street protest of some size. Apparently, there are now "good" and "bad" demonstrations, and it's up to us to decide which is which. For the life of me, I don't know who's supposed to make this fine distinction. Maybe I can get the Good-News Editor to do it. . . .

I remember another demonstration we didn't cover. It was a late-evening gathering at Columbia University, during its time of trouble. An intense young lady called up and demanded that we dispatch a camera crew to the scene. No reporter, thank you; just a camera crew.

"Why?" I asked.

"We need your lights," she explained. I advised her to wait for daylight, and hung up.

Then there are those who charge that our coverage of demonstrations foments violence. Well, how about Woodstock? There were hundreds of thousands of people, and millions of dollars worth of camera gear, on that farm near Bethel, N.Y., yet there was no riot.

What about Moratorium Day, last Oct. 15, when hundreds of thousands of New Yorkers took to the streets? From midnight to midnight we shot over 28,000 feet of newsfilm, and we had live cameras in Bryant Park for the big rally of the day. When we reviewed the film for our year-end show, we found just over 18 feet of film of anything like violence. A few angry shouts, some shoving—nothing more than you'd encounter any evening on the IRT's Broadway local.

Another common complaint about television news is that it is biased. Usually, there's nothing specific about the charge. The writer just says we're biased, strolls away and leaves me wondering what he's talking about. Last summer, during the mayoralty campaign, a telegram came in with the following inscrutable message:

"Many people becoming concerned over your biased coverage. Please change your policy." I looked at that one for a long time, and then I remembered an incident from the previous year.

It was during the bitter school strike, when much of New York City was caught up in an ugly racial conflict. Both sides in the dispute were on the streets early and often, and the lodestar for their demonstrations during one two-week period was City Hall.

We sent a mobile unit with live cameras to cover two massive late-afternoon rallies held a week apart at City Hall. One was by the striking teachers union, the other by supporters of the experimental school district at the heart of the storm. So help me, the same thing happened at each rally. A group of demonstrators marched in front of our live cameras, glared into the lens, shook their fists and shouted: "Tell the truth, NBC. Tell the truth. . . ."

Apparently, we had offended both sides in the same way: we weren't obviously for them, so therefore we were against them. I would have tried to expound on this point to my friend who sent the telegram, but I couldn't. He forgot to include his address.

When it comes to overreacting, consider the lady in Yonkers. She heard an item on one of our news programs which ran exactly 47 words. It was about a college president who was so miffed by critics of the way he handled student disorders that he resigned. The lady rushed to her typewriter and fired off a letter which began: "What's wrong with the media?" Then, in two single-spaced pages, she told me—what was wrong with the media, with me, with the company I keep and with men generally.

A good many of the people who write are annoyed by some aspect of our political coverage. Many of them construe the Equal Time rule to mean that we are obliged to give every candidate the same amount of time on every news program; and that when it comes to controversial issues, we are similarly obliged to give precisely the same amount of time, in the same program, to both sides of the issue. When I answer this type of complaint, I point out that Equal Time applies only to legally qualified political candidates, that the relevant section of the Communications Act refers to "equal opportunity," and that regularly scheduled news programs and news interview shows are specifically exempted from the rule.

Last summer, during the early days of the campaign for mayor, there were complaints that the incumbent was receiving a lot of exposure while his two opponents were getting comparatively little. It was true—one opponent was vacationing in Europe, the other upstate. They knew, just as we knew, that when they got back to town, things would even out. And so they did.

I find as I wade through the mail that I'm often held to account for reporters' personalities. A lady in Jackson Heights got quite indignant in telling me that one reporter "slanted" the news, without telling me how; that two others were "sneering, superior and supersophisticated," and that still another did a "rude" interview, replete with "petty carping and nit-picking."

All I could tell her was that I do not employ reporters for their good manners. Reporters are not paid to engage other individuals in polite conversation. "They are," I wrote, "paid to represent the collective curiosity of the audience; and as such, it is sometimes necessary for them to sacrifice some of their good manners to get at the truth."

I don't regard it as unreasonable to expect that before criticizing us about our coverage of politics, or any other continuing story, our critics watch a week's range of programs. On any given program, whatever the length, there are any number of reasons why we'll have more of one political candidate than another. Maybe one gave the same speech we carried the day before. Maybe he was jumpy and irritable over the demands of a maddening schedule, and we decided not to show him screaming like a fishwife at his staff. Maybe he was tired and took the day off to rest. Are we then to plead with him to say something, anything, just to balance out his opponent's hard day on the stump? You're not suggesting that we engage in a little news staging, are you? I didn't think so.

My all-time favorite letter was the one from a lady on Park Avenue. It landed on my desk the day after our election coverage. She didn't like it.

"You fellows with your projections, prognostications, jump-the-gun announcements and anticipatory and abortive conclusions have robbed us of the right to think, surmise, conjecture and guess," she said. "You have deprived us of will, reactions and intelligent supposition. In other words you have turned us into vegetables rotting with inertia."

Wow! Did we do all that? I hastened to assure her that if we did, it wasn't intentional. A few days later, back came a pleasant little missive on her personal note paper.

"I think you are all doing a splendid job and, save for a small protest here and there, I'll continue to regard you as my favorite station," she wrote. She closed with some chatty words about Chet Huntley's hair and Kyle Rote's teeth.

I'll be honest—I'd much rather answer a letter such as that than, say, one objecting to the slightest display of humanity by one of our newsmen. Every so often I'll get a letter telling me that one of our people smiled, or shook his head, or suffered his voice to shake a little while delivering a story; and that this was an unwarranted, unfair and possibly illegal editorial comment. For the life of me, I don't know where I'm going to get robots to deliver the news. The last time I looked, all of our people were human—very much so, or they wouldn't be in the news business. What strikes me as curious is that the respondents are implying that they can be influenced by a lifted eyebrow, a twist of the lips or a tremor in the voice.

Finally, let us consider the repeated calls for "good news" as against "bad news." If I've read it once, I've read it a thousand times in my mail: "Why don't you put on some good news for a change?"

Well, news is where you find it. Nobody in television news that I know of likes one kind of news any better than any other kind. We use the same standards of newsworthiness, importance and interest in selecting all stories for broadcast, the good as well as the bad. As professional newsmen, however, we must show you the world as it really is, not as we'd like it to be. What concerns us far more than the merits of "good" vs. "bad" news is no news, or news so hemmed in by rules and restrictions as to be meaningless.

A gentleman in Uniondale, N.Y., watched us one night, snapped off the set, then sat down and dashed off an agitated letter.

"I am getting sick and tired of you news media," he wrote. "If there is anything controversial, you are certain to bring it to the forefront. If there is anything constructive or of a peaceful nature, it sure does not appear on your station."

I wasn't too unhappy with my reply:

". . . Controversy makes news. We don't cause the controversy, we just report it. We can't ignore it, or assume that if we keep silent the controversy will go away. It's there, it affects a lot of people and we have to report it.

"Often, controversial news obscures news of peaceful, constructive change. But I can assure you that we, too, get tired of all the shouting. We're delighted when we have a positive, upbeat story to show you. There are times when all the news of the day is of crisis nature. We, like you, just have to hang in there, hoping for better days. When they come, as they always do, you'll hear about them.

"Until then, don't get discouraged. We're not, and we're much closer to the firing line than you are."

And now, if you will excuse me, I have to get back to work. The mailman's here.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

JAMES W. SYMINGTON OPINION SURVEY RESULTS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. SYMINGTON. Mr. Speaker, I am pleased to provide for the RECORD the results of a March 1970 opinion survey which I conducted among my constituents in the Second District of Missouri. This profile of public views has been highly informative and useful to me and I greatly appreciate the time and thought invested by the thousands of families who completed and returned the opinion ballots. I invite readers of the RECORD to draw their own impressions and conclusions from the following results:

OPINION SURVEY, MARCH 1970, SECOND CONGRESSIONAL DISTRICT, MO.

[Answers in percent]

1. What do you feel is the most important cause of the increase in crime in the streets throughout the nation?

Lack of adequate police forces and training	6.0
Underlying social tension connected with urban problems	35.0
Ineffective judicial, correctional, and rehabilitation systems and facilities	59.0

2. In order to combat the rising national crime problem, which of the following would you most favor:

Increased Federal aid directly to local law-enforcement agencies	4.0
Reform of judicial procedures, and more personnel, to make trials more expedient	20.0
Giving judges authority to detain criminals prior to trial, together with stronger punishment and less opportunity for parole	46.0
Greater emphasis on rehabilitation and after-care programs, and better treatment facilities, for both adult and juvenile offenders	30.0

3. Would you favor wage and price controls to help curb inflation?

Yes	62.0
No	38.0

4. Do you feel direct negotiations between Arabs and Israelis are essential to a peaceful resolution of the Mid-East conflict?

Yes	88.0
No	12.0

5. The Ways and Means Committee continues to consider changes in the social security system, including medicare. Of the following, which do you think is most necessary:

Automatic cost-of-living adjustments in benefits	53.0
Liberalized ceilings on outside earnings without reducing payments to beneficiaries	36.0
Allow eligibility at age 62 for men, the same as for women	11.0

GUARANTEED CHARITY—THE LATEST MERRY-GO-ROUND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. RARICK. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Rural Louisianan, April 1970]

BITTER FRUITS OF AN EASY LIFE—REAL POVERTY BREEDS DESPAIR, NOT REBELLION

(By Mark H. Bonner Jr.)

Stark poverty—the kind that warps bodies and minds—stalked the cotton fields, towns and villages of the South in 1933.

The entire nation was in the midst of the greatest depression in American history. Millions walked the streets and rural roads in desperation while former millionaires dived out of 30-story windows along Wall Street by the dozens.

Here in the South, long a victim of a feudal cotton economy and oppressive economic policies, few families were fortunate enough to eat well. Still less ate a balanced diet, witnessed by the boils and constant sores on the mouths of children—bloated stomachs, bowed legs and rotten teeth.

A SYMBOLIC BOY

Symbolic of millions of youngsters, a barefoot boy, sporting a belly blown up with pinto beans and sour milk, followed an old mule up and down the seemingly endless cotton rows. He was now the son of a sharecropper.

The family farm, a pride and joy since early American history, had been lost the year before in the first gulps of the Great Depression. His family now lived in a shack among the lowest of the low—Southern sharecroppers.

When the plow hit a stump or a submerged root, as it often did, the lad cried in lonely frustration. Only 14, he was too small to dislodge it without strength born of desperation. They were not tears of defeat.

They were tears of rage—at the whole futility of the thing, at the stark reality of five-cent cotton, 200% interest at the country store when it would extend credit; at hunger, at watching frantic parents grow old before their time, seeing smaller sisters and brothers grow pale and listless—so often dismissed by bureaucratic do-gooders as "Southern" laziness.

The lad following the plow wore no shoes. His toes were horny and sore from repeated banging against dry clods and perisimon roots, always present in poor and depleted soil. He did not mind the shoes so much. He did wish for a shirt to shield him from the burning sun. His one "blue jumper" had to be saved for Sunday.

What a future! Coal oil lamps when there was a nickel to buy a gallon of oil; and when there wasn't the family sat in the dark or burned a rag floating in a bowl of pig fat. The smoke helped to keep away the mosquitoes in a home without screens.

When there was meat, which was seldom, it was salted fatback from a runty "shoat" (pig to moderns). Fresh meat was a rarity. It had to be eaten at one sitting, or salted, simply because there was no refrigeration, giving rise to more mouth sores and constant indigestion.

WHY FOLLOW A MULE?

Why work? Why do anything? Why follow a poor mule to nowhere? Why not steal, loot, riot, plunder, or even kill—anything to assure survival?

Why didn't he and the desperate horde of his day rebel against a second-class society,

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take the law into their own hands? Surely the "end result would have justified the means" under such circumstances!

Why didn't he hate, and hate and hate, the government, the establishment—everybody and everything? He did not ask to be born. Surely he had a right to rebel, riot, or throw bombs—forget his troubles with dope, sex binges, or something.

He did not for a lot of reasons. In the first place, victims of real poverty cannot help themselves. They do not have the money or the means to organize, to plot, speak out, travel about the country for all sorts of causes; to buy dope, wine, women, song, or to march, riot and demonstrate.

There were no social security or welfare checks for parents, dependent children, illegitimate or otherwise. There were no hot school lunches to supplement the beans, sour milk and cornpone; no college grants upon which to launch demonstrations and liberal causes, or to burn down dormitories and administrative buildings.

There were no urban or rural renewal projects; no low-rent housing; no electrification to conserve food and to light the shacks; no farm price supports. There were no guaranteed wages for workers; no food stamps or commodity programs for the asking; no marketing aids; no federally-supported credit associations to assure a loan at reasonable rates; no medicare, no old age pensions; no training programs to close the "poverty" gap.

The lad of 1933 had only his poor mule, two strong hands, and a burning desire to help create a better world. No, he had more than that.

HAD GOOD PARENTS

He had parents who believes in God—that God first helps those who help themselves. He had parents who encouraged him that rewards ultimately come to those who work.

He did not riot, loot, steal, plunder or murder simply because his Christian parents taught him that defiance of God's universal laws are unthinkable—"Thou shalt not steal." Thou shalt not do anything to dishonor God, family or country.

Thou shalt NOT . . . !

They taught him that family pride, personal pride and integrity, stand above poverty, above princes and kings; above the desire for shoes and a shirt to cover a bare back in a burning sun.

They and his teachers in the little rural school gave him the American dream—that America IS a land of opportunity for those willing to work and to sacrifice—that education opens the windows of the mind to new horizons.

One day, the lad left the poor mule standing in the middle of the field to pursue the American dream. He hitchhiked to college, got a job, numerous jobs—cleaned toilets, dug ditches, waited on tables.

Then, he marched off to war for four long years to protect the American dream for all mankind. He and the millions of his kind, proud, patriotic, burned no flags, did not demonstrate against the draft, or run off to Canada. They did not drown their senses with pot or LSD.

DREAM OF A BETTER WORLD

They came home determined to build a better world for their children. These poverty-reared youngsters, from Maine to California, to Louisiana did build a new society through law and order—through due process in the American tradition.

They sent the Sam Rayburns, the LBJs, the Clarence Cannons, George Norris', Hubert Humphreys, Richard Nixons, Dwight Eisenhowers, Harry Trumans, John Kennedys, Richard Russells, and legions more to Washington to create the new society. The orderly revolution envisioned a humane society dedicated to preventing poverty, to assuring human rights and preservation of world order.

The lad from behind the mule and his millions of cohorts in poverty and depression created the most affluent society the world has ever known.

They provided welfare for the needy, and even not so needy. They assured home loans backed with taxpayer dollars; free education, hot lunches, medicare, old age pensions; college grants and loans, rural electrification, price supports, guaranteed wages; urban renewal, social security; food stamps for the hungry and not so hungry; civil rights, to name a very few, many of which, few can deny, are very essential.

They made the new world so easy that youngsters were not permitted to work. They (we) made it so easy not to work, that welfare has become a way of life for millions at the expense of those who will.

Our mistake? We created an easier life. Also, we forgot the "Thou Shalt Nots . . ." in our zeal to assure our children a better life than the lad had who followed the mule, sans shoes, sans shirt.

The povertystricken do not rebel. They cannot.

The crime, rebellion, dope and disorder threatening our American heritage—the American dream—come not from poverty.

They are the bitter fruits of any easy life.

We failed to create a better world. We have given too much and demanded too little in return.

WE CAN BE PROUD OF . . .

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. BRAY. Mr. Speaker, the following editorial from the April 17, 1970, Shelbyville, Ind., News, speaks for itself, when it expresses the pride the community feels in Jeff Held, a 16-year-old Shelbyville High School sophomore.

His record in the recent Central Indiana Region Science Fair at Indianapolis is truly outstanding. Seven awards in the senior division, and first place for 10th grade physical sciences, will now send him to a National Science Fair in Baltimore, in May, as the Central Indiana Region representative.

The editorial follows:

WE CAN BE PROUD OF . . .

Amid the growing concern over increasing drug use by young people, coupled with other disturbing behavior of those in the so-called tender years, we can still take proper pride in the vast majority who are leading purposeful lives and are adding luster to the traditional values which long ago placed the stamp of greatness on this nation.

We feel this pride in a great many youths across the land, and it is brought into sharp focus every time one or a group of them achieves some worthy goal or takes one more step along the path of such achievement.

An example was provided a few days ago when a Shelbyville High School sophomore, 16-year-old Jeff Held, won seven awards in the senior division at the Central Indiana Region Science Fair at Indianapolis. Jeff, son of Mr. and Mrs. Arnold D. Held, won first place for 10th grade physical science.

He will compete in the National Science Fair to be held May 12–16 at Baltimore, Md., as the representative of the Central Indiana Region Science Fair. We wish him well, and we join a great many people of this community who want him to know that we are proud of him and the multitude of other young people here and over the country who are showing us in various daily ways that there will be a future better than the present.

SUPPORT FOR H.R. 16188

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the Omnibus Crime Control and Safe Streets Act of 1968 was hailed as a major breakthrough in the battle against crime in our Nation. Now, it appears that the confidence placed in this legislation has been frustrated by the manner in which Federal funds have been distributed by the State planning agencies.

The administration has not provided the leadership promised in this field, and the block-grant approach provided by this legislation has failed to provide those urban areas with the highest crime rates the funds necessary to tackle the serious problems they face.

Mr. Speaker, I would like to take this opportunity to announce my support for H.R. 16188, a proposal which would eliminate the inherent weaknesses of the Omnibus Crime Control and Safe Streets Act of 1968, and insure that the funds reach those urban areas with high crime rates, as Congress originally intended.

At the passage of this bill, many fears were expressed that the block-grant approach to appropriation would not serve those urban areas where aid was most needed, because State governments responsible for the distribution of Federal funds have traditionally been rurally oriented. This has, in fact, proved to be the case.

For example, the city of Detroit accounts for 40 percent of the crime that occurs in the State of Michigan. Yet Detroit received only 18 percent of the $1.05 million in anticrime funds appropriated to Michigan last year.

Grand Rapids, with a population of 205,000, and one of the cities where rioting prompted passage of this legislation in 1968, received only $188 in Federal funds. This payed for two-thirds of the cost of two Polaroid cameras and one fingerprinting set.

Delta County in the Upper Peninsula, with a population of 100,000 less than the city of Lansing, received $15,000 to train volunteer probation aides for work with misdemeanor offenders. The city of Lansing received only $600.

For the purpose of fighting organized crime, Frazer, a community of 13,000 in Macomb County, received grants totaling $5,325. The city of Livonia, with a population of 102,000 received nothing.

Roman Gribbs, mayor of Detroit, cites drug addiction as that city's most serious problem in fighting crime. Though the majority of Detroit's crime problem stems from narcotic addiction, Mayor Gribbs claims the city simply does not have the funds for the needed drug rehabilitation clinics.

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Of 12 States surveyed by the Urban Coalition Action Council in 1969, it was found that only 2 percent of the anti-crime funds received by these States was directed for use in narcotics control. Another field contributing to the rising crime rate—juvenile delinquency—received only 5 percent of these funds.

In 1968, there were almost 4.5 million serious crimes committed in the United States, according to FBI Director J. Edgar Hoover. The FBI's Uniform Crime Reports show an increase of serious crimes of 17 percent over 1967. Violent crimes increased 19 percent over the previous year, and crimes against property rose 17 percent. All geographic areas were affected by the growing trend, with the greatest increase occurring in the large cities. It is quite sobering to realize that in the past decade the risk of becoming a victim of a violent crime has more than doubled, and that the rise in serious crime has outstripped our population growth 11 to 1.

In a sense, recitation of statistics is superfluous to a discussion of crime; an acute sense of awareness has been brutally brought to the minds of nearly all concerned Americans. Yet discussions and recitations continue with no visible relief in sight.

The glowing promises of the present administration to alter this dismal picture are easily recalled, but rhetoric alone does not make one feel safe walking our cities' streets at night, or secure when leaving his personal property unattended.

The Omnibus Crime Control and Safe Streets Act of 1968 was a positive step in combating the increase of crime in our Nation. H.R. 16188 will strengthen the original intention of this legislation, and facilitate immediate response to the growing problem before us. Further delay will serve only to strain the limits of endurance of our law-abiding citizens, and strengthen the challenge to our way of life.

BACK ON EARTH

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HAYS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a perceptive editorial written by Mr. Ray Dean, editor of the Salem, Ohio, News.

I am sure that the thought expressed in the editorial will be of interest to my colleagues. The article follows:

BACK ON EARTH

The dramatic race back to earth's safety for our courageous three Apollo 13 astronauts has caused the attention of concerned millions of persons, in our nation and abroad, to be focused on a moon voyage which almost proved disastrous.

The dramatic space voyage was unequalled in history and millions believe prayers have been answered. Salemites, as are others, are thankful indeed!

Meanwhile, back on earth, the fighting goes on. Last week's toll in the Vietnam conflict—the longest war in history—was 141 killed and 457 wounded.

Hardly anyone batted an eyelash, yet the tears flowed down the cheeks of relatives of servicemen who were caught up in a senseless war and lacked a "Mission Control" to guide them home.

FAMILY ASSISTANCE PLAN NEEDED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HAMILTON. Mr. Speaker, I supported the family assistance plan—FAP—bill in the House because its defeat would have meant, intentionally or not, the continuation of a welfare system that has just not worked.

I have some reservations about the President's FAP. I cannot guarantee that it will solve our welfare problems. I can guarantee that the present system will not solve them, and I am willing to try a new approach.

THE PRESENT WELFARE SYSTEM IS A FAILURE

The present system, and especially that part of it known as aid to families with dependent children—AFDC—has gotten out of hand, and the Federal Government is helpless to restrain or control it under present law. Since 1960, operating costs of AFDC have tripled—to a current $4.3 billion annually—and could rise to $12 billion by 1975.

In addition, the present program has many weaknesses, among them these:

It is perverse in its incentives, since it encourages the breakup of homes and does not encourage recipients to train for jobs;

It is difficult to administer and often degrades the recipient;

It provides no benefits to many in need and, to others, benefits too meager to meet basic needs; and

It fosters the very conditions that it is supposed to relieve, since it adds to social unrest by drawing millions of persons into the urban slums.

THE FAP

The FAP provides for minimum standard payments, with federally assisted State supplements, for poor families with children, in place of the AFDC program. It also provides for uniform, nationwide eligibility requirements and payment procedures, thus cutting out much of the administrative redtape associated with the present system.

Under the FAP, all adult family assistance recipients, except for those few specifically exempted, are required to register for training or employment and to accept suitable opportunities when offered. If an eligible person fails to register for work, he will not receive the benefits; if he refuses a suitable job or training his benefits will be canceled.

The strongest work incentives, of course, are the monetary benefits which accrue to the wage earner. But there are other incentives built into the plan:

It offers the hope of getting off welfare;

There is no reduction in benefits for the first $720 in earnings;

The amount of the extra training bonus has been raised;

The manpower agency would reimburse trainees for the cost of attending training programs, and

Child day care facilities are to be provided, which will make training and employment possible for a large number of mothers.

For the aged, blind, and disabled, the FAP consolidates existing Federal-State programs and sets Federal eligibility standards and income exclusion provisions. The bill provides a minimum payment of $110 per month for all aged, blind, and disabled eligibles who have no other income. This is an average increase per month of $42.

RESPONSE TO ARGUMENTS AGAINST THE FAP

First. It rewards nonwork. The present welfare system does, but the FAP does not. By providing help for the first time to the working poor—those who work full time but for poverty wages—the present policy of penalizing work and rewarding nonwork is reversed. No longer will a man have to quit his job or have to leave his family in order for his family to receive assistance.

Second. It helps the shiftless unemployed. The present welfare system does, but not the FAP. Of the 1.4 million male family heads classified as employable who would be eligible under the FAP, only an estimated 30,000 have done no work during a 12-month period. No one can continue to receive benefits under the FAP unless he registers for or trains for work.

Third. It is a guaranteed annual income. The present AFDC program is a guaranteed annual income, because payments are made with no regard for the efforts of the adult family members to achieve self-sufficiency through work or training. The FAP bill would have established a guaranteed annual income if it were not for the training and work incentive programs. The classic definition of a guaranteed annual income is an income which assures money regardless of work or need or earnings. The FAP is exactly the opposite. I did not vote for a guaranteed annual income. I voted to increase pressure on the poor to take jobs. I voted for a supplement to the income of the individual who is working and not making enough to supply his family with the ordinary needs of life, but who is not now on welfare. I will pay this supplement and get this man to the employment office, because if something is not done he will become one of the additional millions added to our present AFDC program.

Fourth. It costs too much. There is no doubt but that the FAP is expensive. But the cost of the FAP must be weighed against the projected costs of the present welfare system. We have no chance of curbing the costs of the present system. We have a good chance under the FAP of getting people off welfare and to work. It is a risk we ought to take.

CONCLUSION

In the end, then, I supported the FAP bill because there was no other alternative except a continuation of the present discredited system. Those who objected

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to the FAP did not offer a single constructive alternative.

PLEDGE OF ALLEGIANCE DAY

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. McCARTHY. Mr. Speaker, in 1863 President Lincoln, speaking at Gettysburg, Pa., said:

> Fourscore and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Lincoln spoke during a time of trouble, when our Nation was rent by a bloody civil war. Today, more than 100 years later, our Nation is again sorely tried by differences in opinions, changes in values and a minority seeking destruction through violence. Lincoln's allegiance to the concept of one nation, his loyalty to the young Republic withstood the severe trials of his time. We can learn much from his example.

Each new generation learns again the principles and values of our Nation. And each in turn learns that true allegiance which is the strength of our Republic. For this reason I am particularly proud to call to the attention of my colleagues and all Americans the initiative of the third grade class in the Cleveland Hill Elementary School in Cheektowaga, N.Y., in celebrating April 30 as "Pledge Allegiance Day." The students of the third grade have asked every home and every business to fly the flag on April 30 and join them in pledging allegiance to our Nation.

The idea of the Cleveland Hill students has received acclaim from local, State, and national leaders. I wish to commend these students for their excellent suggestion and will join them in renewing my pledge of allegiance on April 30.

I am including in the RECORD for the information of my colleagues the proclamation signed by the students of the Cleveland Hills third grade designated April 30, 1970, as Pledge of Allegiance to Our Flag Day. I am also including a leaflet being distributed in western New York by Mr. Michael A. Papero of Cheektowaga, N.Y. urging all to participate in Pledge of Allegiance Day:

PROCLAMATION

Whereas, We promise our loyalty to the flag of the United States of America, which is our country under God's Guidance and to the Republic, for which it stands; One Nation under God, the 50 states ruled by the people under God's protection, with liberty which is freedom and justice, that is fairness and rightness for all; all citizens of our great land.

Whereas, We want all boys and girls in all schools of this great Nation to understand how important it is to be loyal unto his own land.

Whereas, The Pledge of Allegiance to the flag of the United States of America is a part of our national heritage.

Whereas, We believe that we, the youth of America who become leaders of tomorrow must show our desire to become good citizens through participation and interest in activities of our time as well as those of the past.

Whereas, Our flag represents the land of opportunities, we want to show love, loyalty, devotion and respect for our flag.

Therefore, We, the boys and girls of Mrs. Irene Priore's Third Grade of the Cleveland Hill Primary School, Cheektowaga, N.Y., do hereby ask the Hon. Richard D. McCarthy to proclaim April 30, 1970, as Pledge of Allegiance to Our Flag Day in The United States of America and request that students in all schools in our Nation recite the Pledge of Allegiance at 1:30 P.M. E.S.T. We request the cooperation of all radio and television stations in synchronizing the time, so that the children's voices echo throughout the land.

Sharon Arth; Anne Burkhardt; Valerie Hilburger; Lisa Hanley; Margaret Donnelly; Anne Pytee; Lisa Ritz; Carrie Robinson; Mary Beth J. Rochin; Susan Sommer; Laurel Ensmenger; Joan Jimerson; Holly Morris, and Irene Priore.

Gary Bestehorn; James E. Biegajski; Gregory Mancini; Alan Brzoskowski; Wayne Maracle; Peter Conway; Danny Leichtenschlag; David Horun; Kenneth Mecca; Fred Parry; Bruce DeWitt; Peter Mandels; Jeffery Michaels, and Leon Whited.

BE PROUD OF YOUR FLAG!

Fly Your Flag on Pledge of Allegiance Day April 30, 1970.

Make The Teachers and Children of Cleveland Hill Schools Proud of you, as we are proud of them.

Let us make Cheektowaga The Heart of Patriotism.

Large Flag or Small Flag, Display Your Flag, To Show That We Are Proud To Be Americans.

APOLLO 13

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. DORN. Mr. Speaker, the thoughts and prayers of this Country and the world traveled with our brave astronauts and those on the ground directing them during and after their flight and the recovery. The saga of Apollo 13 is a reminder to all of us that the measure of both a man and a nation can be found in the reaction to failure as well as in the response to success. The following editorial from the Greenville, S.C., News, excellently expresses these and other thoughts which I commend to the attention of my colleagues:

A MOST SUCCESSFUL "FAILURE"

What could have been a tragedy in space turned into a glorious triumph yesterday when the crippled Apollo 13 carrying three brave astronauts safely splashed down in the Pacific Ocean.

Relief replaced anxiety and prayers for the safety of the men turned into prayers of thanksgiving all around the world when the spaceship Odyssey ended a near-tragic voyage around the moon.

Failure of the planned moonwalk mission and its extensive scientific experiments was more than offset by the amazing feat of overcoming the effects of a mid-flight explosion and getting Astronauts James Lovell, Fred Haise and John Swigert safely back to earth.

The world marveled at the coolness of the astronauts in the face of grave danger and the ingenuity of the gigantic scientific team as it coped with and overcame a massive, unexpected emergency deep in space. The ability of Americans to react to extraordinary conditions was proved again, with the whole world watching.

In the long run the United States probably gained more by the rescue than it would have had the moonwalk gone on as scheduled. Until the Monday night explosion, the flight of Apollo 13 had been looked upon as more or less routine. But it became a successful rescue spectacular which will have an important place in the history of the space age.

Now that the flight has ended there will be debate over whether space exploration should be ended or curtailed. Questions will be asked. Objections will be raised. But chances are that nothing can stop a restless people from pressing on and on into space—just because it's there.

For now, however, the emphasis is on thanksgiving for a happy ending to a perilous adventure.

PUBLIC SCHOOL 122 STUDENTS CELEBRATE EARTH DAY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. BINGHAM. Mr. Speaker, last week, people all over the country demonstrated their concern for the deteriorating state of our environment. "Pollution," "environmental decay," and "quality of life," have become catch phrases which are on everybody's lips.

When I was home in my district last week, I was particularly impressed by the efforts made by the students of Public School 122 in the Bronx. I went to the school and Linda Plotkin presented me a petition circulated by the students in support of prompt action to save and restore our environment. The petition was signed by 1,220 people.

I want to commend these students and the people who signed the petition for the part they played in increasing public awareness of this important problem. I was told that the following 15 students were principally responsible for gaining the signatures:

Lisa Beletsis, Shawn Bernhardt, Patrick Brennan, Nora Bueno, Lauren Deane, Billy Kennington, Jr., Michael Koss, Jr., Shubert Kostron, Ruth Liebman, Cynthia Miller, Marisa Mundy, Ken Okamoto, David Palmer, Carlos Rodriguez, and Rebecca Siroonian.

I congratulate these students and want to assure them that I will do all I can to see that their efforts are not in vain.

The text of their petition follows:

PETITION OF PUBLIC SCHOOL 122, BRONX, N.Y., APRIL 22, 1970

We, the pupils of P.S. 122, The Bronx, would appreciate anything you can do to make our earth more livable. We need: 1. Clean air; 2. An end to garbage dumping; 3. N.Y beaches and waterways fit for swimming; 4. Better control and inspection of oil carriers in order to protect our wildlife; 5. The destruction of slums and to rebuild the areas; 6. Anti-noise laws; 7. Control of chemicals in farming; 8. Control of the destruction of trees. Please help us get these things!

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THE SAD OUTLOOK FOR THE COTTON FARMER

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. GUBSER. Mr. Speaker, Mr. Stephen D'Arrigo of my congressional district is especially knowledgeable in many phases of our agricultural industry, having grown, packed, and shipped produce for a number of years. He is also a large cotton producer in the State of Arizona.

Recently I received a letter from Mr. D'Arrigo which is a critique of current cotton policy. Because of his knowledge and extensive experience, and because of my great respect for his opinions, I believe his letter should be included in the RECORD for the attention of my colleagues. The letter follows:

D'ARRIGO BROS. CO. OF CALIFORNIA,
Salinas, Calif., April 16, 1970.

Hon. CHARLES GUBSER,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CHARLIE: For the past 36 years we have had one farm program after another—each being more of the same and each a total failure. The only change has been the name. Soil bank, land retirement, diverted acres are all synonymous. Price support is no different than it was years ago. It is planned poverty.

I think it is about time we wake up to what the Southern Democrats are doing to us. They control the committees, and in short, no agricultural bill will ever pass without their sanctification. The plain truth is that they are perpetuating a way of life that is 100 years old and it has no place in today's economy. It does keep electing Democrats in the South and past elections have shown them that the South is necessary in Presidential elections.

To this we must also add the Department of Agriculture and State Department who are engaged in foreign boondoggles under the Trade Expansion Act. Farm prices have been juggled down to world prices, our markets were curtailed and our mills are in an uncompetitive position. Now they don't want to pay the farmer for what they took away. It is not competition when our mills must sell $5 shirts against $3 imports. That's slaughter! Unfortunately the public is not aware of it and it is agriculture that comes up with egg on its face.

You know I have long been an advocate of a free agricultural economy without government intervention, price supports, or acreage allotments. It has been 36 years of government planned poverty for farmers and I submit that if the government wants to engage in a give-away boondoggle on the world trade, they should not expect the farmers to subsidize it with low prices.

California and Arizona cannot afford to grow 20 cent cotton. I know of no area in the U.S. that can. Even with the price support on cotton the California and Arizona farmers lose money.

The reason is obvious. He has an allotment that is approximately ⅓ of his acreage. Of that he can plant only 65% of the allotment. because the price support is on 65% of the allotment. Anything above that, he is growing 20 cent cotton which loses him about 9 cents over cost. He then has "conserving acres" upon which he can plant nothing. When all done—he can farm about 50% of his farm. Big deal!

The proposed "new" program is a Southern program as have been all the others. A big Southern farm would be 200 acres and a huge cotton allotment would be 100 acres. They average under one bale (500 lbs.) per acre. Even if they produce 1,000 pounds per acre it would give them $160.00 per acre or $16,000.00 for 100 acres of planted cotton. The program obviously would not apply to them. Very thoughtful of the Southern Democrat controlled committees. It keeps them in office.

But what of the West where in Arizona, for example, the average production is 2 to 3 times that of the South. A 1225 pound yield per acre is above the average 1180 pounds but not uncommon. Assuming a 1225 pound yield at 16.8 cents price support would mean $205 per acre. Let us assume that farmer Jones plants the minimum acreage he can under the program and that this minimum is 350 acres. This is not a large farm as Arizona farms go. This would mean his price support would amount to $72,030.00 that necessarily must go to inputs. But if he could not exceed $50,000.00, he would lose another $22,030.00. They are going broke under the existing program. Obviously he can't afford to lose $22,000.00 and he probably would lose less by not planting under the proposed program.

What it all means is that he cannot afford to grow one single acre of cotton. Growing nothing will be cheaper and it means he won't grow, to be sure, there will be some who will give it a go, but when it's all over he will no longer own his farm. The bankruptcies are staggering now.

The program, therefore, perpetuates the marginal farmer, the farmer on marginal land and the marginal producing areas such as Texas and the South. It is this cotton that winds up in CCC warehouses whereas 99% of the Western cotton is sold in the market and does not wind up in CCC warehouses. It is Western cotton that is commercially desirable.

As I see it, this will drive our mills to purchasing foreign cotton because California cannot afford to produce at the world prices to which our government has forced the domestic production. This can only aggravate our balance of payments problem.

There is also a "set aside" provision on which no crop can be harvested and for which the farmer will not be paid. In effect, he winds up subsidizing his own program. This is more of the same garbage with a new name. It doesn't affect most of the south because those with 15 acres or less are exempt.

I'll lay it on the line as frank as I know how. If this program goes into effect, the Republicans can write off the 1972 election. If not for the Presidency, at least for the Republican Senators and Congressmen in the affected area. And this could well have an effect in the November 1970 elections. The economy of these areas will be seriously affected adversely. In Arizona, it will be disastrous because most of the local economy has ben built on the farmer's ability to purchase and pay for things he needs. Farmers there are going broke and there are farms for sale everywhere. What was once a $400–$500 per acre farm about 5 years ago when this current program started, is now a $200–$250 farm and going begging. The values declined because the profit picture vanished. In case anyone doubts it, tell them to get out of their ivory towers and get out amongst the common farmer; talk to his creditors, banker and accountant. While the farmer is only one vote, his creditors also vote as do the merchants in town who live off the economy the farmer generates.

Maybe these congressmen and senators are writing off agriculture. But if cotton and grain is not planted, or the farm economy is not greatly improved, he'll have plenty to worry about. There will be many farmers who voted Republican in the past who will be taking another look at his "hole" card.

If what is happening continues in Arizona, there won't be a Republican elected unless he can prove he put up a fight for the farmer and the same goes for many areas in California.

As I have said many times in the past, I want the government out of agriculture. The only area of agriculture that is in serious trouble are those the government has had its hands in for the past 36 years. In 36 years the farmer has never received 100 percent parity. I call that a colossal failure and a monument to stupidity.

I want a phase out program that eliminates all allotments, quotas and supports and one that is designed to return our domestic prices and allow supply and demand control what is planted. If the goverment wants to indulge in foreign trade, it can buy from producers at market prices or less if a producer is willing to sell. Then the government is free to do whatever they wish with it.

Until such a program is designed, I would prefer no new program. However, if the proposed program is adopted, those in Arizona and California will have no alternative but not to plant and demand that all price supports be dropped now irrespective of the impact upon the national economy.

The farmer is tired of going broke, subsidizing the government's boondoggle, subsidizing the consumer's purchases of food and fiber by giving them the lowest food dollar cost of any nation in the world, not receiving his fair share of the consumer dollar and topping the whole thing off by being depicted as a hog at the taxpayers trough by some Congressmen, Senators, politicians, news media and do-gooders. That's where it sits and that's how it is. Anyone who doubts should put on levis and boots, get some dirt on them out on those farms talking to the farmer. And if someone should tell you that the farmers themselves voted for these programs, tell them they have better elections in Russia. The wheat farmers can tell you what happened to them when they voted wrong.

With best regards,

STEPHEN D'ARRIGO, Jr.

COMMUNITY SERVICE AWARD TO KTBC–TV, AUSTIN, TEX.

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. PICKLE. Mr. Speaker, several years ago, the Texas Association of Broadcasters announced that it would make an award each year to a radio station and to a television station in Texas that did the most outstanding job in public service during the preceding year.

These awards are, indeed, coveted prizes, having the same prestige in Texas as the Peabody Award or the Pulitzer Prize has had nationally.

As you can imagine, the competition is quite keen and the entries represent substantial contributions to public service within the community. I have great pleasure in stating that the 1969 award winner for television was Station KTBC–TV of Austin, Tex., which received the following citation:

Community Service Award, 1969, KTBC–TV, Austin, presented for outstanding public and community service, exemplified in its efforts throughout the entire year in behalf of the area it represents.

TEXAS ASSOCIATION OF BROADCASTERS.

This is the second time that KTBC–TV has been so honored, having received the distinction in 1964.

In this day, when radio and television stations are receiving close scrutiny for their public service contributions, it is reassuring to know that some are living up to the highest standards of electronic journalism, and making great contributions to the public enlightenment. I salute KTBC–TV and the employees who made this award possible. They can be proud of their accomplishments.

POLITICS AND POLLUTION CONTROL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. CRANE. Mr. Speaker, I am very pleased to call my colleagues' attention to a speech recently delivered by the Honorable BEN B. BLACKBURN, of Georgia, on Earth Day to the student body at Georgia State University.

Congressman BLACKBURN spoke on the subject of "Politics and Pollution Control." In this very timely address he discussed such questions as:

First, what is politically feasible under our present system;

Second, the disadvantages of legislating in a crisis atmosphere; and,

Third, what improvements are possible to make our fight for a more livable world more effective.

I commend the thoughtful remarks of my distinguished colleague to the attention of all of the readers of the CONGRESSIONAL RECORD:

POLITICS AND POLLUTION CONTROL

(By BENJAMIN B. BLACKBURN)

I want to congratulate those who have been instrumental in arranging for this discussion on the subject matter of pollution control and the broader subject of the preservation of a livable environment.

The topic which was assigned to me is "Politics and Pollution Control." I assume that I was assigned this topic because of my own personal involvement in politics as well as my interest in the area of pollution control. I would assume that everyone here recognizes that there are no true experts in the field of politics and thus my remarks must be viewed as made by one enjoying some success but not claiming expertise.

Of course, when we use the term "politics" we must recognize that it has different meanings to different people. To a person running for public office or occupying an elective public office, the term evokes thoughts of partisan political activities designed to win support for coming elections. To the partisan political worker, the term "politics" means locating friendly voters and insuring their votes on election day.

To the scholar who is specializing in the field of politics, the term would include a study of the political structure of government, a much more scientific area, subject to dispassionate analysis and discussion. In short, to the political scientist, the study of politics becomes an analysis of the relationships of state, local, and national governments to each other as well as the relationship of government to its citizens.

If we are to be complete in our discussion, we must direct our attention to politics in both the sense of partisan politics as well as the more formal study of the relationships of various governmental bodies and the functions of those governmental bodies.

Let me first comment on politics in the partisan or elective sense. Is it good politics to take up the cudgel for strong pollution controls? You might be interested to know the various comments that I have heard in recent weeks from various persons in elective office. One gentleman, who is a very good personal friend of mine and who occupies an elective public office, recently stated that pollution control would not be a long-lasting political issue. His reasoning was that any political issue, to remain under public discussion, needs both a proponent and an opponent. What he was saying, in effect, was that no one can stand up after his political opponent has urged the control of pollution, and argue in favor of *greater pollution*. In the absence of such a possibility in debate, my friend feels that the issue will soon die.

At the other extreme, another friend of mine who likewise holds political office, commented to me recently that, "These kids running around hollering about pollution don't know what they are talking about. During the depression when people looked down the street and saw smoke coming from the factory smokestack everybody in town was happy because it meant that men were working and there would be a payday on Saturday."

In my opinion, neither of these two extreme positions, one arguing that pollution is not a political issue and the other being that pollution from factories is a good thing, are reflective of the interests of the general public. In my opinion, the best course a politician can take is to recognize that there is a public demand that our environment be improved by preventing further abuses of our natural habitat and moving to improve present technologies so as to improve existing pollution-causing devices to prevent noxious discharges.

We all recognize that politics is the art of what is possible, not what may be theoretically desirable. Thus, politics will be affected by economic considerations and the emotional, and rational reactions of the people that politicians seek to serve.

My friend who stated that there can be no issue where pollution is concerned did not give due consideration to the oldest game in politics which we refer to as "one-up-man-ship". Under the game of one-up-man-ship, if some socially desirable purpose is to be financed and the socially desirable purpose is one having generally a universal acceptance, then one-up-man-ship comes into play. When one advocate speaks in favor of $1 in appropriations, the other advocate quickly urges an appropriation of $2 for the same purpose. Of course, the politician playing the game of one-up-man-ship is seeking to appeal to the emotions of the public and is not actually working in the best public interest. Those of us charged with the responsibility of government are constantly adjusting and compromising the funds which will be available for desirable projects under the pressures of a limited budget.

A fairly recent example of one-up-man-ship was illustrated by the vote on funds for the Clean Water Restoration Act.

The Congress had appropriated for this purpose the sum of Two-hundred Fourteen Million Dollars ($214,000,000) for the Fiscal Year ending June 30, 1969. As of the date that the House was considering the bill, the Department of the Interior had actually committed most of the funds to state and local governments for the purposes of the Act, and the Department was working at full efficiency. The Department pointed out that it did not have an adequate staff to supervise a greatly expanded program but that they were seeking qualified individuals so as to broaden the staff and thus permit an expanded activity. Under the circumstances the Department then requested Two-hundred Fourteen Million Dollars ($214,000,000). However, the Subcommittee on Public Works of the House Appropriations Committee decided to double the appropriation by providing for Four-hundred Fifty Million Dollars ($450,000,000).

Because the Congress is receptive to the demands of the public and because the Congress wished to make a clear commitment to move forward rapidly to improve the water quality of our nation's rivers and lakes, the full Appropriations Committee raised the appropriation to $600 million, this signaling to the Department of the Interior a mandate to move as rapidly as possible. However, Secretary of the Interior, Walter Hickel, informed the Committee that the Department could not possibly consider spending over Five-Hundred Million Dollars ($500,000,000). Presently there are no plans to spend the money and it would be impossible to fully fund the program with this amount of money.

But those specializing in the field of one-up-man-ship made a bold and dramatic move. Irrespective of the request from the agency for Two-hundred Fourteen Million Dollars ($214,000,000), irrespective of the inability of the agency to handle efficiently the sums then available, there was a great hue and cry from some quarters in the Congress that the House appropriate a full One Billion Dollars.

I confess that there is a certain attraction about spending One Billion Dollars for anything. Every rational factor which could be brought to bear indicated to me that to appropriate an additional Four-hundred Million Dollars ($400,000,000) would not speed up the fight against pollution of our waters, that such an appropriation would take funds away from other projects of equal national value. In effect, it would well lead to the very kind of government waste and inefficiency which marked many of the Great Society programs when huge sums were turned over to well-motivated but incapable people. Inasmuch as we are operating under a limited budget in our effort to curb inflation, I would ask any one of you, "Should we eliminate research in cancer for the fiscal year, should we eliminate funds from school libraries or scientific equipment, just to put Four-Hundred Million Dollars ($400,000,000) in the bank to hold for several years while the Department of the Interior gears itself up for efficient use of such huge funds?"

I will compare the situation, if you will excuse the oversimplification, to that of having an automobile that will run 70 miles per hour with a 10-gallon tank. Anyone with a rudimentary knowledge of automobiles knows that putting a 20-gallon tank in the automobile will not make it travel twice as fast. In like measure, until the machinery of government is properly staffed to handle larger sums of money, there is no point in pouring more gas into the tank of the machinery. This is particularly true when that fuel would have to be taken from other agencies of government which are capable of efficiently using such sums for other purposes which the Congress has deemed to be desirable, if not essential.

I have little doubt, however, that my opponent this fall, whomever he may be, will seize upon this vote (which was supported by the majority of the Congress) to appropriate the $600 million recommended by the Committee and not engage in the game of one-up-man-ship. I have, however, every confidence that the citizens of my Congressional District would recognize that good judgment must be exercised by their Congressman and he must not merely respond to political games.

No one is immune from economic consid-

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erations when he is engaged in politics. At least one Senator, who has wrapped the cloak of environmental purity about his shoulders, has succumbed to economic considerations when it affected his own state. Those of you who are politically knowledgeable recognize that I am speaking of Senator Muskie of Maine who criticized President Nixon's recent proposals which would involve a ten million dollar expenditure over the next five-year period to clean up the nation's waters and lakes. The Senator commented that the President's proposal was wholly inadequate and that we should commit ourselves to a twenty-five billion dollar expenditure instead. I hope that you will recognize one-up-man-ship in action.

Five years ago, Senator Muskie proposed that a sugar-beet refining plant be constructed along the Prestile Stream in northeast Maine. However, the supporters of the project openly admitted that the plant would not be able to meet the Maine water quality standards for the Prestile Stream since it was classified as being good for drinking, swimming, fishing and boating. Senator Muskie was then instrumental in having the state legislature reclassify the stream to allow effluents from industries to be dumped into the stream. Today, the stream is completely polluted. When Senator Muskie's own state was involved, he was quite willing to sacrifice clean water for industrial dollars.

I cite this instance not as a criticism but merely to illustrate that we cannot ignore the fact that absolute standards are not generally attainable in our society.

We must devote additional research to the prevention of pollution of our nation's waterways from needed production facilities. We need the benefits of our productive capacity and we will find that there will be a cost to you and me as citizens and consumers as we move to improving our environment. The cost will be in the form of higher prices for the goods and services that we receive. Our automobiles will not be as powerful, our gasoline will cost us more, and we will probably not get as many miles per gallon. We may find that the growth of our standard of living may not accelerate at the same rate that we have enjoyed for the past 10 or 15 years while we readjust our technology to meeting the demands of environmental standards. It remains to be seen how popular some of these adjustments will prove to be when their impact begins to be felt.

As the impact begins to be felt, the realities of politics will assert themselves and it will require strong determination on the part of our political leaders as well as adequate educational effort on the part of those involved in environmental problems to condition the American public to the necessities for such higher costs and concommitant lowering of the standard of living. We can only hope that improved technology will avoid any substantial lowering of the standard of living which we all accept with comfort.

You will recall at the outset that I mentioned that there are two aspects to the subject matter of politics, the one which I have just discussed being the politics of getting elected to office and winning the support of the American public. I must now direct your attention, however to the question of whether or not existing political structures, at the state and local level as well as at the national level, are adequate. We find, in many instances, petty conflicts between agencies which involve jurisdictional disputes which do little to further the circumstances of pollution control.

A recent study, reported in the EVENING STAR of April 22nd, has found that there are at least 94 agencies, commissions, committees, and advisory boards at the executive and congressional level concerned with the nation's environment. In the federal establishment alone there are at least 10 coordinating agencies. The study, conducted by Mrs. Elizabeth H. Haskell of the Urban Institute, further found that "there was a 'piece-by-piece' attack on environmental problems without a clear idea of the entire picture." Conflicting efforts and a "tug of war" between program officials have contributed to a lack of priorities on the more pressing aspects of the pollution problem.

In the Wednesday edition of THE WALL STREET JOURNAL, John G. Welles, head of the Industrial Economics Division of the University of Denver Research Institute, wrote of the effect of population growth on pollution—air, water, land, noise, visual, and thermal. "Let us consider technology under a stable population. The amount of technology used in a society generally is a key factor in determining the standard of living or gross national product of that nation. Unfortunately, however, the amount pollution occurring in a nation has generally been a function of the amount of technology used. The richer the nation, the greater the pollution. Hopefully, anti-pollution efforts will be successful in allowing a nation to be rich without excessive pollution. However, sooner or later it seems that something has to give: Either we stop population growth or we reduce our standard of living. Poor people pollute less, so the world could support more of them from an ecological standpoint."

Mr. Welles pointed out that if beginning in 1975, each new family limited itself to two children it would take until about the year 2050 for the population to level off. If the two-child family is achieved, we will have only three people for every two now, but if we continue at our present rate we will have seven people for every two now.

Prior to May 29, 1969, when the Environmental Quality Act of 1969 was signed into law, there was no central department in the federal government having the responsibility of taking an over-all view of environmental quality. We had the Corps of Engineers, the Department of the Interior, the Department of Defense, the Department of Agriculture, the Water Resources Council, and the Department of Health, Education, and Welfare, among others. The average state, county or city government official who turned to the federal government for assistance in improving the water supply or sewage system found bewildering and sometimes conflicting sets of regulations and criteria for grants issued by different agencies, ostensibly for parallel purposes. Some local governments have found it necesary to retain an expert whose prime responsibility is to keep current with the federal grant programs which are available and to develop skill in applying for grants so as to receive the most favorable consideration.

It is ironic, but I think true, that some federal grant programs could well have delayed construction of much needed municipal facilities. So long as hope exists for federal assistance, no city or local government is going to rush to finance its own projects. We know of instances in Washington where applications for funds are sometimes multiplied three and four times over the amount of funds which are available. Thus, much needed improvements are delayed while every federal agency is being exhausted by state and local officials before undertaking improvements on their own.

A recent publication issued by the Citizens Advisory Committee on Environmental Quality chaired by Laurence S. Rockefeller made a thorough study of the problem of disposal of liquid waste. This Committee concluded that in the field of liquid waste disposal, the responsibility is too fragmented among various municipal and county governments, even when they use the same drainage basin. As a result of such fragmentation, too many small plants are produced at too high a price and the similar plants are often not as efficient as one larger plant would be.

This Committee recommends that each state establish a public corporation to deal with the financing and planning of area-wide liquid waste facilities. Such a corporation would be financed by a revolving fund of bonds guaranteed by the state as well as federal funds. Such state authority would eliminate the need for federal agencies to deal with thousands of municipalities. The state authorities could better plan to meet the needs of its own drainage basins, its own disposal plants, etc. Thus there would be greater administrative efficiency in that the federal government would be dealing with 50 state agencies instead of thousands of small groups. The state authority would in effect "sell" its disposal services to the local governments which would contract with the authority for the service.

I know that someone is going to quickly say that Ben Blackburn is urging metro government for the metropolitan areas of the country. Nothing could be farther from the truth. I personally favor the dispersal of political power. I believe, as did Thomas Jefferson, that that government is best which is closest to the people. Thus, in the area of political decisions affecting local issues only such matters should be controlled by local government.

The proposal for regional authorities to provide needed services and yet retain the values of local control were discussed by Professor Joe Freeman in a speech which I inserted in the Congressional Record in March of 1969.

I do not intend to indict our present political structure, but in my opinion, it is inadequate and inefficient for the task of pollution control. We inherited our present structure and I would urge that we retain its advantages while moving to eliminating its disadvantages. Regional authorities could be established for dealing with air pollution control as well as water purification and distribution. State governments should be encouraged to execute compacts with adjoining states where they share the same drainage or river basin for the common purpose of cleaning up the waters of such basins.

In summary, your government can do no more than the citizens permit. The art of politics in a democracy is the art of doing the possible, and the conflicts between good politics and good economics will sometimes result in a compromise which is neither totally good or totally bad.

The machinery of government itself can be restructured so as to make more efficient use of modern and expensive technology. The machinery of financing and planning likewise needs revamping so as to insure the most efficient use of our tax dollars.

Remember this, your political leaders are themselves human beings with the same motivation for living and enjoying a clean environment as anyone else. Perhaps, in the final analysis, it will be the human instinct for survival which will bring about an effective relationship between politics and pollution control.

BEEF PRODUCERS ENTITLED TO FAIR TREATMENT

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HANSEN of Idaho. Mr. Speaker, there has been a lot of talk lately about the price of beef. It appears that the American cattleman is about to become the victim of another attempt to hand over more of his market to foreign producers and to deprive him of a fair return.

It is time to set the record straight. For most of the past 20 years the cattleman has been the victim of depressed prices for his product and steadily rising costs. He has been hit hard by inflation. Now that beef prices are approaching a level that will yield the producer a fair return commensurate with the investment and risks involved, we hear complaints about beef prices that ignore the economic realities facing the cattleman.

Beef prices have risen at a much slower pace than the prices of almost all other consumer items. When compared with the rise of the cost of living generally, even at today's prices, beef is a real bargain.

Talk about a beef shortage in a few years is just a smokescreen for attempts to carve up the domestic market for the benefit of importers and foreign producers to the detriment of the American cattle industry. If the American cattleman has some continuing assurance of a decent price for his product he will supply all the beef our people need.

Mr. Speaker, the beef industry has contributed greatly to the rising standard of living in our Nation. It has been a major source of cash income for an often depressed agriculture economy. It has provided jobs and strengthened the tax base in many rural communities across the Nation.

Our beef producers are entitled to fair treatment. We owe them the right to earn a decent living. Complaints about beef prices should be examined in the light of all the relevant facts and on the basis of the entire record.

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INDEPENDENCE DAY OF SIERRA LEONE

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. POWELL. Mr. Speaker, on Monday, April 27, Sierra Leone celebrated their ninth anniversary of full independence. For this occasion, I extend warm greetings to His Excellency Siaka Stevens, Prime Minister of Sierra Leone; and His Excellency John J. Akar, Ambassador of Sierra Leone to the United States.

Sierra Leone, one of the smaller countries in West Africa, attained its full independence in 1961. Its area is about 28,000 square miles and its population is about 2,000,000.

The country had been under British domination since the late 18th century, but the leaders of its native inhabitants did not begin to struggle for their freedom until a century later. In 1898 there were disturbances among the natives, but not until 1924 was the native leadership allowed any part in the government. However, the situation changed drastically after the last war, and by 1951 an African majority in the ruling group was established. In 1956 the governing legislative council became the house of representatives. Finally full independence was attained on April 27, 1961, though they chose to remain within the British Commonwealth of Nations.

Since then the people of Sierra Leone have been enjoying their independence. Their agricultural economy is being transformed to one of mining economy, including diamond mining. The country produces almost enough rice and staple crops for its domestic needs while mineral exports have become a real boon to its expanding economy.

JURISDICTIONAL PROBLEMS IN NARCOTICS SMUGGLING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. CONTE. Mr. Speaker, on April 13, 1970, this body debated H.R. 16900, the Treasury-Post Office appropriations bill for fiscal 1971. In my remarks that appear at page 11282 of the RECORD for that date, I discussed at length certain jurisdictional problems in narcotics smuggling.

I indicated that I had been troubled over the so-called Dodd bill, S. 3246, which passed the Senate on January 28, 1970, and was referred to the House. I also indicated that a letter then being drafted by Eugene T. Rossides, Assistant Secretary for Enforcement and Operations, had cleared up my original apprehension and that I would include it in the RECORD when it was completed.

I now have Mr. Rossides' letter, dated April 28, 1970, with me. I find its contents reassuring on the fact that the Bureau of Customs will not be stripped of its investigatory jurisdiction in enforcing the laws against the unlawful importation of controlled dangerous substances.

I would particularly call to the attention of my colleagues the statement by Mr. Rossides that—

> There is no intention in S. 3246 to change the Treasury Department's existing enforcement and investigative responsibilities as exercised through the Bureau of Customs to deal with offenses under Customs and related laws, whether or not some or all of the merchandise involved may consist of narcotics and dangerous drugs.

Mr. Speaker, I include the letter from Assistant Secretary Rossides in the RECORD at this point:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., April 28, 1970.

HON. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR MR. CONTE: Secretary Kennedy has told me you asked several questions regarding the so-called "Dodd" bill, S. 3246, at the hearings on Treasury appropriations on March 2.

You expressed concern over the possibility that certain repealers in the bill would have the effect of stripping Customs of its investigatory jurisdiction in enforcing the laws against the unlawful importation of controlled dangerous substances (narcotics, other dangerous drugs, marihuana, amphetamines, barbiturates, LSD, etc.).

The so-called "Dodd" bill, S. 3246, is, as you know, the Senate-passed version of the Administration's "Controlled Dangerous Substances Act of 1969." S. 3246 passed the Senate on January 28, 1970, and was referred to the House. At last report it had not yet been assigned to any committee and was still in the Speaker's office. Other related bills in the House include H.R. 13742 and H.R. 13743. Representative Mills introduced H.R. 13742. That bill contains the principal provisions of the Administration bill dealing with narcotics and marihuana. It was referred to the Ways and Means Committee, but no hearings have been held as yet. H.R. 13743, which was introduced by Congressman Staggers and which contains the provisions of the Administration bill dealing with depressant, stimulant and hallucinogenic drugs, was referred to the Interstate and Foreign Commerce Committee. Hearings have been held by the Subcommittee on Public Health and Welfare, but the bill has not been reported out of committee.

S. 3246 would provide a comprehensive legislative framework for the control of all narcotics and dangerous drugs and would repeal many of the presently existing Federal drug statutes, including the tax provisions of title 26 of the U.S. Code relating to narcotics and marihuana.

During the months when the Administration's bill was being drafted, the Treasury Department was consulted and offered its views to the Bureau of the Budget and the Department of Justice regarding the proposal. The Treasury Department did not object to the proposed repeals, particularly because the Department of Justice draft proposal was not regarded as changing the role or modifying the authority of the Treasury Department with respect to its responsibilities regarding the importation of narcotics and dangerous drugs.

There is no intention in S. 3246 to change the Treasury Department's existing enforcement and investigative responsibilities as exercised through the Bureau of Customs to deal with offenses under Customs and related laws, whether or not some or all of the merchandise involved may consist of narcotics and dangerous drugs. That intention is exemplified *inter alia* by section 701(b) of S. 3246, which reads, "Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the Customs and related laws." The basic "smuggling" statute is 18 U.S.C. 545. It was once part of the Tariff Act of 1930 and was transferred to the Criminal Code when that Code was revised and enacted into positive law in 1948 as Title 18, United States Code. That section, along with a number of others, is incorporated in Chapter 27 of Title 18 under the chapter heading "Customs." Our position is that section 545 is a "Customs law." With regard to the scope of the words "and related," the Bureau of Customs enforces or assists in enforcing on behalf of other agencies over forty separate statutes, and the words "and related" embrace them. To be more specific, in our view any law that controls or relates to the importation of anything into the United States is either a Customs law or a law related to Customs and is covered by the language "Customs and related laws."

Another example of that intention is the proposed amendment of section 26 U.S.C. 7607, that would among other things expressly preserve the existing authority of officers of the Customs to make arrests without warrant for violation of any law of the United States relating to narcotic drugs and marihuana and add "other dangerous substances" as defined in the proposed Controlled Dangerous Substances Act of 1969.

Section 701(a) (5) of S. 3246 authorizes the Attorney General to designate any officer or employee of the Bureau of Narcotics and Dangerous Drugs to "perform such other law enforcement duties as the Attorney General may designate." The purpose of this provision is to permit the Attorney General to respond to requests from other agencies which may require the assistance of enforcement personnel. For example, if the Post Office Department or the Treasury Department requested law enforcement assistance from the Attorney General, section 701(a) (5) would authorize him to designate BNDD agents to respond.

Sincerely yours,

EUGENE T. ROSSIDES,
Assistant Secretary.

STEVE HESS: A LISTENER HEADS THE WHITE HOUSE CONFERENCE ON YOUTH

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, in the spring of 1969 I was one of 22 Members of the House of Representatives who submitted a report to the President on campus unrest. In our report we stressed the need to expand lines of communication to the university community. The report states:

> We urge that Cabinet officers, Members of Congress, the White House staff, and others in the Executive Branch begin an increasing effort for this kind of two-way street of listening, learning, and responding.

Today I would like to commend a young leader in the administration who has been doing a great deal of useful listening to young people around the country.

He is Stephen Hess, the National Chairman of the White House Conference on Children and Youth.

When President Nixon appointed Steve Hess to this important position on December 5, he said:

> At a time when government often seems far away and immovable—when many of our youth are rightly asking, "Who's listening? Who cares?"—I hope that this White House Conference, especially through the active involvement of a great many young people, will provide a positive answer. In this regard, I have asked Mr. Hess to listen well to the voices of young America—in the universities, on the farms, the assembly lines, the street corners. I have known Steve Hess a long time and I know him to be a good listener.

I include in the RECORD at this time two recent speeches by Mr. Hess: "Listening to Youth: A Less-Traveled Road," delivered before the South Dakota Youth Conference at Sioux Falls on April 3 and "On Being Young: Down and Out in the American System," delivered before the Pennsylvania Society of Newspaper Editors at Harrisburg on February 5.

The two speeches follow:

SPEECH BY STEPHEN HESS, NATIONAL CHAIRMAN, WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH, PREPARED AND DELIVERED FOR THE SOUTH DAKOTA GOVERNOR'S COMMITTEE ON CHILDREN AND YOUTH, SIOUX FALLS, S. DAK., APRIL 3, 1970

LISTENING TO YOUTH: A LESS-TRAVELED ROAD

For four months now, as Chairman of the White House Conference on Children and Youth, I have been listening to youth, reading about youth, meeting with youth, thinking about youth. Tonight I would like to take this opportunity to tell you what I think I have learned.

In a simplistic, shorthand form, let me start with my conclusions. Namely:

1. Youth is numerous.
2. Youth is conditioned by rapid technological change.
3. Youth is becoming culturally internationalized.
4. Youth is idealistic.
5. (Paradox) Youth is pragmatic.
6. Youth is serious.
7. Youth is impatient.
8. Youth is politicized.
9. Youth is protest-oriented.
10. Youth is strange.
11. Nevertheless, Youth shares the basic values of the societies in which it lives.

I realize, of course, that youth cannot be collected, carded, and pinned to a specimen board. There is as much diversity among youth as among adults or teachers or the rich. Nevertheless, I hope there is some usefulness in these generalizations. So now, turning to these propositions one-by-one. First:

YOUTH IS NUMEROUS

In 1965, 54% of the world's population was under 25 years of age. By the year 2,000, if the present trend continues, 80% of the world's population will be under 25 and most of those will be under 18.

Let's think about the implications of these figures:

In developed countries and increasingly in developing countries, the prolonging of education has swelled the number of young people who, while mature physically and mentally, are still dependent economically on their families and societies. Moreover, the average age of this dependent "youth class" is also rising.

The prosperity of developing nations coupled with the need for increasing numbers of educated youth in developing nations have to a large degree brought about this expansion of a "youth class." So far we—i.e. societies—have been able to afford this ever-increasing class of economically dependent pre-adults who are free to engage in idealistic and often irritating pursuits.

Yet, at the same time, the problems of supplying the basic food, shelter and health services to a dependent youth class will become increasingly acute for the economically productive sector of the population, which in relative numbers, will be shrinking.

Therefore, two conclusions: It seems clear to me that, if for no reason other than overwhelming numbers, as we approach the year 2000, youth will increasingly affect world affairs; as a recent report of the United Nation's Economic and Social Council predicted, "World opinion is going to become increasingly the opinion of the world's youth." And second, if for no reason other than economics, the tensions between the (quote) non-productive youth class (unquote) and the (quote) productive adult class (unquote) will widen—perhaps to crises proportions.

My second proposition: *Youth is conditioned by rapid technological change*—and, conversely, that adults have not to nearly the same degree been conditioned by rapid technological change.

Take my own case. I am "only" 36, barely a generation removed from today's youth. Yet in my childhood there was no TV, no jet travel, no atomic energy, no stereo, no computers to amount to much.

Man may have always dreamed of flying, but it took thousands of years to break earth's grip. But it has taken only 60 years to reach the moon and most of the technology that got us there took place during the lifetime of those under 30.

Margaret Mead has called all of us who were born and raised before World War II "Immigrants in Time." True, we "immigrants in time" brought about most of this change. But we are not conditioned to it. For us the past—i.e. tradition and history—still has great meaning. We try imperfectly to struggle with unfamiliar problems brought about by our own explorations into the unknown. We—as "bearer of older cultures"—attempt, without dramatic success, to solve totally new problems with approaches and techniques derived from experiences already largely irrelevant or inapplicable.

Youth, however, as Dr. Mead points out, is "completely at home in this time." Young people are conditioned to rapid change—it is all they have known, it is their personal history, just as evolution and gradualism is mine. Thus youth is emotionally able to grasp, though often inarticulately, the implications to its generation of nuclear war, uncontrolled population growth, unbridled pollution of earth and atmosphere, and other consequences of the technology their parents created. They know, almost as a condition of their birth, as Kenneth Keniston of Yale has said, that "all youth are linked by their common vulnerability to technological death."

Which leads me to the belief that one cannot simply dismiss the divide between youth and adult today, with the reassuring thought that there has always been a generation gap. Of course, I was convinced that *my* parents didn't understand me and of course *my* parents were right that it was only a Huck Finn-Penrod phase that I was going through before I would become a useful citizen in their image. This is cold comfort because today's generation gap is of a different type and a different magnitude and hence demands especially hard work on the part of both adults and youth to bridge it.

Third: *Youth is culturally internationalized*. (This proposition is not invalidated by the fact that American youth, in terms of its political concerns, is turning inward.)

Again going back to Margaret Mead and her perspective new book, *Culture and Commitment*. "Today, suddenly," she writes, "because all people of the world are part of one electronically based, intercommunications network, young people everywhere share a kind of experience that none of their elders ever had or will have . . . This break between generations is wholly new: It is planetary and universal."

Youth, as I've said, is conditioned by rapid technological change and part of that change is telecommunicative. For the first time in history we are linked visually, instantaneously, internationally. I certainly witnessed this in Asia during the Apollo 11 launch. Events around the world literally happen in our living rooms and, in a McLuhanesque sort of way, their reality is what appears on the tube. (Parenthetically, we know how most radical activists have been quick to recognize this and to appreciate the use and impact of TV.)

Through the mass media there has been created an international youth culture with common symbols and models—hair styles, drugs, music, dress. The Beatles are now just as Japanese or American as they are English.

But the internationalizing of youth is not just a product of TV. Today an unprecedented number of young people are traveling, studying and engaged in voluntary service outside their own countries. Some 30,000 young people are presently taking part in government-sponsored voluntary service programs, 10,000 of them as members of our Peace Corps. Many more have been exposed to other cultures through service in the military. And in the 1967–68 school year alone, there were over 121,000 foreign students in the United States and some 25,000 U.S. students abroad. One need not multiply these figures by very many years to see why this generation has become so aware internationally.

Then, too, many of the concerns of youth today are not narrowly national in scope. Pollution, for example, is hardly respectful of state borders or the boundaries of national sovereignty.

Therefore, it may be that young people today, tuned in to the world around them and conditioned to rapid, often violent change, are developing more in common with each other than with their own cultures.

If one concedes that much international tension results from problems of cross-cultural communications, then this increased contact of young people with their counterparts around the world, and their quickened interest in other cultures and customs, could possibly even have a salutary effect on the relations between nations.

That *youth is serious, impatient, politicized, and protest oriented* are propositions hardly in dispute.

In the most recent of its annual surveys of the U.S. campus, the American Council of Education concluded:

"In the 1968–69 academic year, campus unrest reached a new peak of intensity and frequency. Major incidents of unrest occurred at more than a fifth of the nation's 2,300 colleges and universities. An estimated 145 campuses experienced at least one protest incident involving violence, and an additional estimated 379 institutions experienced a nonviolent but disruptive protest.

"In contrast, the first half of the 1969–70 academic year has so far been marked by relative campus calm, at least in terms of the incidence of major disruption or violence, even though many of the issues which were the focus of unrest in 1968–69 are unresolved. Are we to conclude then, that students have reverted to the complacency of the 'Silent Fifties'? The data presented in this report suggest not.

"A perusal of student newspapers indicates that the vast majority of American college campuses have experienced at least one incident of protest since the beginning of the 1969–70 academic year. Perhaps the more moderate nature of these incidents, compared with those of the previous year, explains why our campuses seem fairly tranquil at present. Nevertheless, the potential for dissent and the degree of social concern have clearly been increasing among both sexes and in all types of institutions.

"The issues themselves may change, as some of the survey results indicate. But the increase in students' early protest experience, in their inclination to protest, and in their concern over social issues preclude the possibility that our campuses will, in the near future, be characterized by the student indifference of the 1950's.

"Social criticism and dissent have long been regarded as essential features in any viable and effective educational community. The data presented here indicates that students of the future will maintain this essence, both on the campus and in the greater society."

As for my proposition about *youth's idealism*, one need merely turn on any disk jockey for confirmation. While my father's generation was singing about "It's only a canvas moon hanging over a cardboard tree, but it wouldn't be make believe if you believe in me" and my generation was admonishing our girlfriends not "to sit under the apple tree with anyone else but me," this generation has consigned the moon-June-tree-stuff to the trash can where it belongs.

Rather, they lament with Jim Morrison of the Doors: "What have they done to the Earth? What have they done to our fair sister?" Or they predict with the Mothers of invention: "There will come a time when everybody who is lonely will be free . . ." Or they listen to some pretty fair lyrics about "When the moon is in the Seventh House and Jupiter aligns with Mars, Then peace will guide the planets and love will steer the stars." If one were to judge from youth's music, this is indeed the dawning of the Age of Aquarius.

Yet if youth is idealistic, I also find that, perhaps paradoxically, *youth is extremely pragmatic*. This too, I think, is because young people are children of technology. Youth believes—almost as a matter of faith—that man can accomplish anything he establishes for himself as an immediate priority.

Thus youth sees the continuation of social inequalities, poverty, pollution, even international tensions as a result of a misordering of priorities rather than an inability to deal effectively with them.

Studies, such as the one done by Daniel Yankelovich for Fortune Magazine and C.B.S., find that only one per cent of youth can be classified as revolutionaries.

Having read so often that youth is radical, I am constantly surprised by how basically conservative I find youth to be. While they are impatient for social improvement, few of them are really questioning social institutions or asking for significant structural change. In fact it may be a grand irony, but I find President Nixon's messages on welfare and secondary education to be far more radical in the true sense than anything that the majority of youth is presently demanding. Youth, by and large, asks for more money or commitment or concern. On the other hand, the President questioned (regardless of the level of money or commitment or concern) whether certain basic institutions as presently constituted were capable of producing the desired results.

Having said that I find youth pragmatic, even conservative, perhaps it is not unusual that I also find that *youth shares the basic values of the society in which it lives.*

Fifteen years ago in a book entitled, *Youths' Outlook on the Future,* almost 2,000 young people of ten countries were surveyed. (The countries were Egypt, France, Germany, Israel, Italy, Japan, Mexico, New Zealand, South Africa, and the United States.) The authors found that youths' values coincided with the values of their countries: family life, ethical codes of conduct, peace, and racial equality (with the exception of South African students in the latter case and this too conformed with their national values.)

Recently an article caught my eye about one of the experimental youth communities in the United States. This one, Tolstoy Farm, in the State of Washington, is like some 200 similar communes that form part of a movement that hopes to find new answers to the problems of urban life. According to the founder, "They tend to be small and autonomous. In general, they are made up of individuals who want to live a certain way, out of the mainstream of society." At Tolstoy Farm, the land belongs to everyone and decisions are made in the community meetings by "consensus." If no consensus is reached, they do nothing.

Here are some interesting results of the experiment to date:

On sex: After experimenting freely with partner swapping and group marriages in the beginning, they found that jealousies and fights were disrupting the community.

The result: One resident states that "monogamy seems to create the least amount of tensions and provides more stability for raising children.

On communism: In the beginning, everyone lived in one big house, sharing everything. It soon became fly-filled and filthy. As one resident put it, "Everyone contributed according to his ability, all right, but those who had less ability seemed to have more needs." The more energetic moved out and built their own homes leaving the lazy to fare for themselves.

On drugs: At one point hundreds of hippies began to visit the farm bringing their drugs and appetites with them. Few of them worked, many turned on. A few of the residents also started using marijuana. A sudden police raid brought the question to a climax. Many residents were arrested because of the few who used marijuana. This resulted in nightly discussions on the goals of the community, centering on the question of whether a few had the right to endanger the freedom and well-being of the whole community. Although a consensus was never reached, informal pressure on the offenders resulted in the problem going away.

On children: Ultimately it was the coming of children that had the greatest influence on the stability of the community and its long-range goals. With rising numbers of children, the community became less transient. A school and library became necessary and, in turn, brought to the community a sense of planning for the future.

Now this was a very "far out" group of young people. But were their basic values so different? Perhaps what was different was their seriousness about finding their own truth in their own way.

Now, finally, the proposition *youth is strange*. And of course youth is strange to most adults—strange clothes, strange hair styles, strange life styles, strange drugs, strange art and music. All of which indicates to many adults a very dim future for the human race—one in which the "irresponsible" youth of today will become the permissive adults of tomorrow.

This reminds me of a recent address by Dr. Matthew Dumont of the National Institute of Mental Health in which he compares the way adults look at and listen to youth as the way a psychiatrist listens to his patients. Every gesture, every detail of the patient is carefully observed and what the patient has to say is carefully noted and analyzed for tell-tale signs of mental illness. Whether what the patient says is true or false is not relevant to the doctor; he is only interested in diagnosing the illness. Adults, too, listen to youth in much the same way. Whether what youth is saying might be true and relevant is rarely considered. Dr. Dumont concluded: "We listened to the voices of youth *as the voices of youth,* just as the psychiatrist listened to the words of the patient *as the words of a patient*. In neither case is there the quality of listening we proffer someone who has something to say that is meaningful to us, that has impact upon us, that causes us to behave differently."

Well, of course, in conclusion what I have learned from my four months on the job is that adults (i.e. the Establishment) *can* risk listening to youth because, in fact, youth is not the threat to society that is often pictured, and adults (i.e. the Establishment) *must* listen because youth has something very special to offer.

If we can learn to listen to youth, not as youth, but as intelligent, concerned members

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of our society, then we will have done something very meaningful and very important and very rare. This, I admit, necessitates a real departure; societies throughout history have not been in the practice of listening to those who have not reached majority. But as Robert Frost wrote in his "The Road Not Taken:"

> "I shall be telling this with a sigh
> Somewhere ages and ages hence:
> Two roads diverged in a wood, and I—
> I took the one less traveled by,
> And that has made all the difference."

On Being Young: Down and Out in the American System*

(By Stephen Hess)

Recently I read a first-hand report of a college campus demonstration, which I would like to share with you:

"Satan fell like lightning from heaven," this observer wrote. "All college exercises were suspended for several days, and half the country was given a new topic of discussion. The tutors were imprisoned in their rooms, the doors of Nassau Hall were nailed up; a bonfire was made of the college outbuildings; the bell was rung continuously; windows were smashed in the upper floors, and billets of firewood fell in all directions on the heads of officers who tried to break their way in. Nassau Hall was in a state of siege."

As you probably guessed, this was not a James Reston column on the incidents at MIT last month, but rather a report of what went on at Princeton in 1817. If you read a recent issue of *American Heritage* you know that Princeton had six serious student rebellions between 1800 and 1830. Nor were they particularly unique. At Harvard during that period the university's president resigned, shortly after the students had unsuccessfully tried to set fire to his house, claiming he was weary of "fighting wild beasts . . ." And at Brown, the Hell-Fire Rummaging Club, an early 19th-Century version of the SDS, devoted itself to the destruction of college property.

I think you will agree that young people—some young people, at any rate—in every age and period of history have pushed at the boundaries and limitations of the society into which they were born.

But what's different about the push of today's youth is that there are greater numbers of them pushing. They push harder. They push louder and—I think—they push with more courage and with very clear aims in mind.

Today's youth, many of them, feel alienated and apart from their society. They feel they have no input into the political processes which produce conditions unacceptable to them. They are trying to force entry into society—doubtless to try and change things once they are in.

In the process of pushing, naturally, they create great problems. They make problems for their parents and their communities, for their teachers and their school administrators. They are problem-makers for State legislatures and for Congress. They're even problems for local printers, some of whom refuse to print school publications because of what they regard as obscene and objectionable material.

They annoy us. We wish they'd just shut up and leave us to enjoy or bemoan our world in peace and quiet. Sometimes, they horrify us. They tell us about the ills and idiocies of our society—ills and idiocies with which we are quite familiar, but have ignored or given up on.

These kids didn't spring full-bloom, like Athena, from the brow of Jupiter. Many forces developed today's protesting, change-bent youth. Many official and unofficial policies nurtured the growth of their questioning activism. A huge increase in the youth population has helped; our policy of prolonging the period of formal education for the young has helped; our child labor laws have helped and, obviously, our Vietnam policy has helped, too.

The economic affluence of our society has also contributed. A large portion of today's young activists were born with a stainless steel spoon in their mouths. They haven't had to work for financial support or security. It's been handed to them on a silver-foil platter, freeing them to turn their thoughts and energies to their social and political frustrations.

There are now about 40 million young people in this country between the ages of 14 and 25. Those are our youth. Below that age, they're our children. Above that, they are our adult population.

This youth group makes up 20 per cent of our national population. It has done so, quite consistently, ever since the beginning of this century, except for the periods that reflected the lower birth rates of the depression and the two world wars. What has increased dramatically is the number of young people staying on in school and the proportion staying in school longer.

In 1950, 38 per cent of this age group was in school—in junior high schools, high schools and colleges. Last year, that figure was 54 per cent. It's going to get bigger all the time. Today, 94 per cent of our high school age population is actually in high school, and three-fourths graduate.

Over half of those who graduate from high school go on for at least a year of some kind of post high school work, either in a college or in a vocational or technical program. The number of young people enrolled in colleges and universities has nearly tripled in the last 20 years. It's now over seven million. The proportion of the youth group graduating from college is not very large—roughly 11 per cent. While we expect this will rise, we don't expect it to be higher than 14 per cent by 1985.

Right now, about 43 per cent of our 15–24 year-olds are in school. The other 57 per cent is divided like this: one-third working, just under three per cent unemployed, 7.5 per cent in the armed forces, and 14 per cent housewives.

Fifty years ago, there were 2.2 million high school students in this country. Today, there are close to 15 million. Fifty years ago, there were 600,000 students enrolled in all kinds of colleges. Today just about that same number graduate from four-year colleges every year.

And, of course, a fantastic industry has grown up around these growing numbers of students, complete with sub-industries and sub-cultures. Last August, the U.S. Office of Education reported that 61.4 million people—about 30 per cent of our population—would be directly involved either as students or teachers in all levels of our educational system.

Our nation has emphasized education since its beginnings. Harvard was opened in 1636, William and Mary in 1693, the University of Pennsylvania in 1740. A 1647 Massachusetts law required all towns over a certain size to maintain both an elementary and a Latin school. Waves of immigrants coming to our country reinforced this emphasis—education, for them, was the key to upward mobility. Our continued wealth has enabled government at all levels—Federal, State and local—to support expanding systems of education, and has enabled parents to support their children during a very long period of school attendance.

So our kids don't quit school anymore to go onto the farms or into the factories. They go on beyond the eighth grade, beyond the tenth, beyond the twelfth. Our society has prolonged their period of dependency, their period of youth. We have succeeded, in some sense, in finding what Ponce de Leon searched for. If he had only come to Florida 450 years later, he could have enrolled immediately at the University of Miami—that is, if he scored high enough on his College Board Tests.

In prolonging youth for the young, however, we also prolong their unproductivity in the marketplace. They aren't bringing home the bacon; they're eating it. This has the advantage, some say, of supporting the country's economic structure, but it has the disadvantage of frustrating a young person who is physically mature and feels intellectually and socially ready to leave the confines of the campus for "the real world."

Our rationale for keeping young people in school longer is that they must acquire the skills they will need to meet the demands of our sophisticated, technological society. The SDS analysis is that our schools are designed as long-term prisons.

However you look at it, though, prolonging the official period of youth on a mass scale has drawbacks which Ponce de Leon never envisaged. Neither did we—until the student revolt at Berkeley in the mid-1960's. Since then, overt attacks on policies which earlier generations of students accepted unquestioningly, student activism, student disruption, student violence have become commonplace.

The theme of the annual meeting of an association of college and university presidents not too long ago, was: "Who's in Charge Here?" And we have indications that the working young, the non-college young, are also expressing—in a different way—their dissatisfaction with the existing climate.

Between November and March last year, there were 341 protests in high schools in 39 States across the country. According to a Columbia University study, an equal number occurred in junior high schools. These disruptions were found in schools of all sizes and types, with all kinds of student bodies, in communities of all types and sizes—black, white, mixed. The issues were the same as those sparking college protests; educational policies, institutional discipline, dress code, political, racial. It's also interesting to note that 500 high schools are publishing underground newspapers.

High school protests began as a national phenomenon, erupting across the country. College protests, on the other hand, began as regional protests—first on both seaboards and now spreading to other geographical areas.

College protests have been more often in larger schools, more often at private institutions, more often led by bright, upper-middle class students. The number of college students participating in all kinds of demonstrations has quadrupled in three years, jumping from seven per cent in 1967 to 28 per cent in 1969.

As for the working young, the Wallace vote in the 1968 election gives an indication of unrest there, too. The Survey Research Center of the University of Michigan finds, as we would expect, that Wallace ran strongest among the less educated voters. But it also finds, as we might not expect, that outside the South, 38 per cent of his vote came from people under 35—including those between 25 and 30. Among his Republican supporters, Wallace received three times as many votes from those under 35 as from those over. Most surprising, 20 per cent of Wallace's youth vote came from voters who had originally supported Eugene McCarthy for the Democratic nomination.

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*Presented to Pennsylvania Society of Newspaper Editors, Penn-Harris Motor Inn, Harrisburg, Pa., February 5, 1970, 8:00 p.m.

Probably the dissatisfactions of the young voters who supported Wallace were different from those of the college activists. I think, however, that Wallace's youth vote was an anti-system vote from young people who saw, more than the differences between Wallace and McCarthy, that both were outside the establishment.

What I'm saying is really very simple. We have a huge number of young people in this country. We have prolonged their period of formal education as we never did before, as no other culture prolongs it or ever did prolong it. We keep our young people in a state of financial, emotional and social dependency until they are long past physical maturity and well into some kind of intellectual maturity. They are caught in the crunch between dependency and a natural drive for independence. Something's got to give here. And what is giving is the respect the kids used to have for authority, for traditional values and attitudes. They feel frustrated by their society, and so they turn on it.

The United States has lived by the Protestant ethic for a long time. It may well be that we are entering a period of the protest ethic. But both words come from the same Latin roots. They mean "to bear public witness."

We have seen a recent leveling off in public demonstrations of youth's disaffection. But the disaffection is still there—will still be there for some time—and we, as a nation, must deal with it constructively.

It's clear to those of us who have begun the planning and work for the White House Conference on Children and Youth that there must be a national youth policy, a policy designed to meet the legitimate demands of the young and use their legitimate talents for the national benefit. This policy should acknowledge the existence of youth as a part of the population, just as our current national policy recognizes children, women, labor, industry and other identifiable population components or minority groups.

Today, 21 is still the magic age for formal and legal entry into our society—although most States permit young people to drive cars earlier and a few of our States allow them to marry earlier without parental consent. Until a person is 21, in most States he can't vote. He has no standing in any court other than a Juvenile court. He may not sign contracts or wills. He may not acquire or dispose of property. He may not be elected to office and he may not serve on policy-making boards or groups, either private or public.

Some of our colleges and universities—which first felt the sharp stab of protest—have softened their policies and brought students into their Boards of Trustees and other official governing groups. The government must similarly soften legal age and other requirements for young people and bring them earlier into the decision-making process.

Young people should be permitted to vote before they are 21. They should be able to own property and dispose of it. They should be able to sign contracts. In general, they should be permitted more official and legal responsibility in a manner which will give them greater participation in the public processes of our society.

You may recall that last spring, Congressman Bill Brock and 21 other Republican Congressmen toured a number of campuses where there had been strong student disruption. One of the recommendations in their report was that the voting age should be lowered to 18. These Congressmen talked to hundreds of college students and found them better educated and more vitally concerned with contemporary problems than at any earlier time in our history.

Governments at all levels should have more young people in policy level positions. I am proud, for example, that President Nixon now has the youngest personal staff in White House history and that the average age of his top political appointee has dropped three years from the Kennedy Administration.

As the government creates and re-creates its many advisory councils, a reasonable proportion of young people should serve on them, or as the President did in the case of the Selective Service Board, there should be established separate youth councils.

Equally, local governments and institutions—even Federal contractors—should be obliged to include young people on their councils and boards, and even among their employees.

We might even consider a constitutional amendment to lower the age requirements for certain public offices. In the case of the United States Senate, for example, from 30 to 25.

The Brock report recommended strongly that we expand and sustain communications between the college community and the government. "Some of the questions raised by students were truly the kind which deserve and demand answers," the report said. "Some of the misconceptions of government need correction." If we really open the doors of our system to the young, we are setting up an unbeatable, continuing communications system.

But while we set up these channels of participation for the young, we have to remember that youth is also a time of preparation. Perhaps there are techniques we can use to make this time more satisfying to those who are being prepared.

Government policy should recognize young people's right to experiment. Using the government's credit line, the young person should be able to test a variety of pre-professional training—if he wants to. If he switches and samples, each decision should be regarded as temporary—and acceptable. Such a program, in my opinion, should be done through loans—not grants. In this way, each young person would chart his own course and could pay for it through an adult, business relationship with the government. After all, the obligation to pay one's debts is also a learning and maturing experience. Also, speaking as one who has to make a large monthly mortgage payment, a very sobering experience!

To further this legitimate period of experimentation, the government should also enlarge the range of internships and temporary pursuits available to young people. State and private institutions, and all levels of government, should be equally encouraged to offer short-term internships or apprenticeships in every possible field.

Moreover, we should try to make social and public service attractive and important by setting up more programs similar to VISTA, the Peace Corps and the Teacher Corps. Young people, far more often than adults, want to help. Programs like these answer that need. If they are administered partly by the young, they will attract the young. If they are established with a responsible pay scale and other rewards, they will become realistic career alternatives.

Federal policy should also work toward upgrading the status of professions and jobs that don't require a college degree. The feeling that every young man or woman must strive for a bachelor's degree in order to have a worthwhile job results from a national rigidity and a national failure to recognize and reward other kinds of achievement. Perhaps we need to rethink our professional status symbols.

If we do some of the things I have just suggested, we just may answer part of youth's need to belong—and our government's need to have them belong.

Hannah Arendt has written, "(Thomas) Jefferson, though the secret vote was still unknown at the time, had at least a foreboding of how dangerous it might be to allow the people a share in public power without providing them at the same time with more public space than the ballot box and with more opportunity to make their voice heard in public than on election day. What he perceived to be the mortal danger to the republic was that the Constitution had given all power to the citizens, without giving them the opportunity of *being* citizens and of *acting* as citizens."

How much truer is this of young people, who may not even have the public space of the ballot box. No government can afford to remain alienated from its young for very long. Yet I cannot believe that it is *that* difficult for a nation capable of getting to the moon, or successfully staying in business as a republic for nearly 200 years, to find ways to involve its youth more creatively in the system.

We can and must show our young people that the system they attack will listen to them and can be flexible in its response.

And we can and must enrich that system with a steady flow of youth's energy and vigor.

PROGRESS REPORT ON NIXON'S BATTLE AGAINST INFLATION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HELSTOSKI. Mr. Speaker, I submit another progress report on the Nixon administration's battle against inflation.

It is an article from the Washington Post of Sunday, April 26, 1970, written by Mr. Hobart Rowen. The article, which follows, carried the headline: "Nixon Policy Slows Down Economy, But Not Inflation":

NIXON POLICY SLOWS DOWN ECONOMY, BUT NOT INFLATION

(By Hobart Rowen)

Presidential Press Secretary Ronald Ziegler told reporters the other day that the Council of Economic Advisers was "somewhat encouraged" by a slight decline in the pace of inflation in March.

Baloney.

The fact is that throughout the Administration, the whopping advance in the consumer price index was greeted with shock and dismay. The index rose 0.5 per cent (or 6 per cent at an annual rate), the same jump as in February.

The "slight decline" to which Ziegler alluded represents a so-called seasonal adjustment, which is probably meaningless. Even on that basis, the rise for the month was 0.4 per cent (4.8 per cent annually), or still far beyond the level of increase that anyone in the administration had expected at this stage of the game.

The consumer price index stands more than 6 per cent higher than it did when Mr. Nixon took office—and the peak hasn't yet been reached.

The plain fact of the matter is that after making all possible allowance for time "lags," prices should have yielded more than they have to the Administration's combined fiscal and monetary curbs. And so should have interest rates, which actually are starting up again after receding from peaks.

Although economic growth has been slowed to a crawl—the real Gross National Product rate in the first quarter of this year dropped back to the level of the second quarter, 1969—prices still storm upward. The best

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that can be said is that the pace in the last few months has been fractionally less hectic.

Meanwhile, the slow-down in GNP growth has resulted in a sharp increase in unemployment. The seasonally adjusted rate in March, 1969, was 3.4 percent; in March, 1970, it was up a full point to 4.4 percent, representing a jump in the jobless total of 900,000 persons—from 2.7 million to 3.6 million.

The implication of all of this is painful for Mr. Zeigler and other Administration officials to acknowledge: economic policy has slowed down the economy, but hasn't slowed down inflation. We are experiencing, simultaneously, higher unemployment and high prices—recession with inflation—and that sort of double economic jeopardy hasn't been suffered since 1957–58 during the Eisenhower years.

To Wall Street, it is all very clear: sharply lower first quarter profits, combined with continued inflation and revelation of war involvements in Laos and Cambodia have accelerated the tailspin in the stock market. Moreover, the President's dilution of his originally stated strong fiscal policy has led to fears that the Federal Reserve will not be able to ease tight money to any significant degree.

When the President released his fiscal 1971 Budget proposals February 2, it was evident that the $1.3 billion surplus was too skinny to be a certainty; there were too many debatable assumptions underlying the surplus—and that fact was pointed out here and elsewhere.

At least, though, Mr. Nixon's intention was firm: he wanted a credible surplus. But since then, in part due to questionable decisions, and in part due to circumstances beyond his control, the budget plan has disintegrated. The proposed postal and general federal pay raise; the unfreezing of state and local construction; and the dimming chance of significantly lower interest rates will more than wipe out the surplus—unless the President does the unexpected and takes a big new whack out of Pentagon spending. Moreover, some Washington experts think that the cooled-off economy makes 1971 revenue estimates suspect (the stock market drop does not help at all).

Since Wall Streeters now believe that there will be a deficit in the federal budget next year, instead of the planned surplus, they wouldn't be surprised by a turn-around in Fed policy, aborting the easier money trend.

There were rumors last week that the banks, which just lowered the prime rate, may decide that lending rates must be boosted again to keep pace with market developments. This was part of the reason for the slide in stocks.

Critics of Administration policy have been saying for many months that reliance on fiscal and monetary policy—and nothing else—wouldn't do the job: if the screws were turned tight enough to crack down on inflation and high interest rates, a serious recession and sagging business profits would result. But if the policy were tempered to prevent a disaster on the jobs and profits side of the equation, not much progress would be seen in the cost of goods and money.

The answer, as many observers have seen it, is to supplement a cautious fiscal-monetary policy with other measures to dampen excessive wage hikes, price rises and interest rates. This would require reliance on selective controls, and Congress has given the President authority to apply them.

But Mr. Nixon shrinks from this strategy, although it has been pressed on him by respected Republican politicians as well as Democrats.

Businessmen and the public, faced with the evidence of persistent inflation, appear willing to try some version of controls. Labor officials, of course, are not anxious, but they would have no choice if controls restrained prices and interest rates as well as wages.

Valuable time has already been lost. In view of the widespread concern being heard in many Government departments, one wonders whether it is getting through Mr. Nixon's tighter inner White House circle to the President himself.

Basic policy of exclusive reliance on broad monetary and fiscal policy should be reconsidered; for if we have many more consumer price boosts of the kind Mr. Ziegler says is "somewhat encouraging," we'll all be in the soup. That includes Republican congressmen running for re-election.

ADDRESS BY THE VICE PRESIDENT, SPIRO T. AGNEW

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. MICHEL. Mr. Speaker, earlier this month, Vice President AGNEW made national headlines again in his speech at Des Moines, Iowa, during which he raised some serious questions about the policies of certain colleges and universities around the country.

Last night in Fort Lauderdale, Fla., he took up this theme again, with specific comment on the deplorable situation at Yale University.

Once again the Vice President has cut through to the heart of an issue and a problem which so many members of the liberal community have attempted to cloud over with impassioned pleas about equal rights, equal opportunity, and all the other standard liberal cliches, which never seem to include a mention of responsibility.

I include the text of the Vice President's remarks in the RECORD at this point:

ADDRESS BY THE VICE PRESIDENT, SPIRO T. AGNEW

Tonight, at the risk of being further charged with divisiveness, insensitivity and mediocrity, I want to continue my discussion of the deterioration of American values in many of our institutions of higher education.

Let us not be naive enough to believe that there are no seeds of revolution in the rebellion that radical young people describe as "the movement." Let us be candid enough to face the fact that the spawning ground and sanctuary of "the movement" is the American university. Few institutions are more vital to a free society; none is so susceptible to capture and destruction by the radical or criminal left.

Before some of my detractors are tempted to skip blithely to the conclusion that I am labeling all college students as members of the criminal left, important distinctions must be drawn.

I am *not* talking about the overwhelming majority of college students who are on the campus to learn, nor am I talking about the majority of faculty members who find it increasingly difficult to teach in a spreading climate of disruption and disorder. But I am gravely concerned that their majority will soon become a minority unless some strong swift steps are taken by administrators who up until now haven't shown much heart for counter action.

The vulnerability of the academic community to exploitation by the radical or criminal left is based on the communal spirit and identity of interest of its members. Each year a malleable swarm of new undergraduates enters the hive and is immediately caught up in peer customs and permeated by peer opinions.

For them, all the ingredients of a new independence coalesce. Parental supervision is removed or greatly diminished; the heady wine of intellectual elitism courses through their veins. More than anything else, they resemble probationers of some esoteric organization—eager to the point of sycophancy to do all the right things and make all the right noises so that they will be accepted into the group.

And the group to which they feverishly seek admission has unfortunately become alienated from the values and institutions of our society. The most vocal and well publicized members of that group are committed to radical change. Small wonder, then, that each year a new group of impressionable consumers falls victim to the totalitarian ptomaine dispensed by those who disparage our system.

The real pity is that many of the students of our universities really feel that the theatrical radicals are the architects of a brave new, compassionate world. Spiced with "rock" music, "acid" and "pot," the old Marxist idea of regulated equality without effort becomes exciting, and they assail the institutions of the free enterprise system without beginning to understand them.

The true responsibility for these aberrations and the nurturing of arrogance and contempt for constitutional authority rests not with the young people on campuses, but with those who so miserably fail to guide them. I can well understand the attitude of the majority of the student body at Yale University when most of the Yale faculty votes to endorse a strike in support of members of an organization dedicated to criminal violence, anarchy, and the destruction of the United States of America.

And when the President of that respected University describes the election of a President of the United States by the people of the United States as a "hucksterized process" under which they could not expect much better "which ever package was bought or sold," it is clearly time for the alumni of that fine old college to demand that it be headed by a more mature and responsible person.

President Brewster of Yale has also stated that he does not feel that black revolutionaries can get a fair trial within our judicial system. I do not feel that the students of Yale University can get a fair impression of their country under the tutelage of Kingman Brewster.

What kind of mentors are we entrusting our young people to when two college professors are convicted of brutally beating a third because of his political beliefs? When a former Associate Dean at a major university is charged with setting fires on the campus? When faculty members join students in acts of property destruction and encourage discourtesy to guest speakers on the campus?

Most of these young people who depend upon the ideology of "the movement" for moral and mental sustenance will in time find themselves as well nourished as a new baby on a diet of cotton candy. At that point, they will return to the enduring values just as every generation before them has done.

But unfortunately, there is a much smaller group of students who are committed to radical change through violent means. Some of these may be irretrievable; all will require very firm handling.

Within their ranks are the students who last week hurled stones at the home of the President of Penn State University, the students responsible for the arson at the University of Kansas, the score of students at Cornell who, wielding pipes and tire chains, beat a dormitory president into unconsciousness.

XUM

This is the criminal left that belongs not in a dormitory, but in a penitentiary. The criminal left is not a problem to be solved by the Department of Philosophy or the Department of English—it is a problem for the Department of Justice.

The journalist, I. F. Stone, recently stated that:

"Statistics on bombing from cities around the country suggest that we may be entering the first stages of an urban guerrilla movement."

I confess to being comforted that there is little likelihood that reality will ever intersect with the rhetoric of Mr. Stone.

He hurries on to suggest that far-reaching political reforms can coax the bombs and rifles out of the hands of the criminal left. His is a traditional and historically fatal error.

Black or white, the criminal left is interested in power. It is not interested in promoting the renewal and reforms that make democracy work; it is interested in promoting those collisions and conflict that tear democracy apart.

In the current student year there have been twenty-five separate acts of sabotage against ROTC installations on campuses; there have been seventy-eight separate incidents of arson; the rate of violence and the volume of damage now exceeds that of the spring of 1969.

The question I raise tonight is how the university is to survive the current crisis.

My answers are not complete—the subject is complex. But some rules, it seems to me, are clearly dictated by experience.

First, the era of appeasement must come to an end. The political and social demands that dissidents are making of the universities do not flow from sound basic educational criteria, but from strategic considerations on how to radicalize the student body, polarize the campus and extend the privileged enclaves of student power.

Let me quote you Mark Rudd of the SDS in one of his more coherent comments:

"Let me tell you. We manufactured the issues. The Institute for Defense Analysis is nothing at Columbia. Just three professors. And the gym issue is bull. It doesn't mean anything to anybody. I had never been to the gym site before the demonstrations began. I didn't even know how to get there."

When peace comes through appeasement and capitulation to the likes of Rudd, by trading away sound educational principles and the safeguards of academic freedom, the peace thus purchased is not worth the price. That sell-out is intellectual treason. Better a confrontation than a cave-in.

Second, a concise and clear set of rules for campus conduct should be established, transmitted to incoming freshman, and enforced—with immediate expulsion the penalty for serious violations.

The rule of reason is the guiding principle in an academic community, and those who apply the rule of force have no business there. For the good of the academic community, they should be booted out.

Third, as I stated in Des Moines, it is folly for universities confronted with their current crisis in our turbulent times to open their doors to thousands of patently unqualified students.

A recent survey sponsored by the Carnegie Commission on Higher Education indicated that less than one-half of the more than 60,000 university and college faculty members polled favored relaxing normal academic admission standards for minority group applicants. And almost three-quarters of the 60,000 did not favor relaxing normal academic standards in appointing minority group members to the faculty.

I am going to pause on that note for a moment. It is not a daily occurrence to find my opinions shared by such a large number of the academic community. I now await patiently the second thoughts of the columnists and commentators who dismissed my recent speech at Des Moines and my comments at Chicago as knee-jerk racism and reaction.

Just as I argued then that our colleges, simply by opening their doors, cannot solve the problems created by discrimination and deprivation in the central city; so, also, those colleges cannot succeed by becoming circus tents or psychiatric centers for over-privileged, under-disciplined, irresponsible children of the well-to-do blasé permissivists.

It was that first point I stressed in my remarks two weeks ago in Des Moines.

Mr. Gardner Ackley, whom I quoted in that speech asserted his words were taken out of context. Yet, the text of his statement is nestled now in the cocoon of the Congressional Record. It reveals Mr. Ackley as a bird of the feather—on the issue of defending the university against radical tyranny, Mr. Ackley flies in tight formation with the hawks.

Criticism of my speech also from Italy where it was contended my charges about the University of Rome were unsubstantiated. If that be the case, my apologies—but the source of my facts was an analysis in the *Washington Post*. That is where the diplomatic protests should be lodged. And if any of the information that the *Post* printed was in error, I am sure they will come forward with their usual prompt retraction.

Finally, my remarks also met with acid criticism from Michigan University President Robben Fleming, of whom I had been severely critical. "Your facts were wrong," charged Mr. Fleming; but the facts are these:

Two months ago, the militant Black Action Movement at Michigan made non-negotiable demands, including the enrollment of nine hundred black students by Fall of 1971, a full ten percent black enrollment by the Fall of 1973; to thereafter increase until black registration was proportionate to Negro population in the State of Michigan.

When the demands were not met fully and precisely, BAM, supported by SDS, struck. For twelve days classes were disrupted, furniture and windows broken, and students and teachers intimidated and assaulted by black and white radicals. Fires were set in campus buildings. Local and state police, mobilized to restore order, were kept away on the directive of President Fleming.

Twelve days after it began, the strike ended. The concessions granted were indistinguishable from the demands.

At the strike's end a spokesman announced, "BAM has called an end to the strike, but the revolution is only started."

To President Fleming the agreement may be a "bold commitment" for Michigan; to me it looks like the kind of settlement intimidated garment manufacturers used to "negotiate" with Louis "Lepke" Buchalter. President Fleming has set a target that will almost be impossible to reach without impairing the quality of his institution. Moreover, he has greatly expanded the power and influence of a militant organization that is flushed with a victory gained by having crippled his school. The plain truth is that Fleming buckled under to a few squads of kid extortionists.

As for the vigor of my criticism of President Fleming, it was conscious—based on an old Cub Scout theory that the best way to put a tough crust on a marshmallow is to roast it.

Our colleges and universities are charged with a grave duty—to preserve and broaden the intellectual heritage of our nation and civilization and to educate the leaders of that nation and the world in this and the next century.

In the past that slice of national responsibility seemed to be sufficient. No longer. Today, the glamor stocks are the war against poverty, the war against racism, the war against pollution, the war against war; and the colleges and universities want a piece of the action. Selling short their traditional portfolio, they are buying into the high flyers.

But, in committing resources to these political and social ventures, for which they are totally unprepared, the colleges must necessarily neglect their prime responsibility in which they are highly expert. They will get a measure of glamor and headlines—and the approval of students who prefer campaigning to studying. But one day the crash will come; and this country will wake up with a serious loss in net educational worth.

So, one of America's problems is that her great institutions are neglecting their callings and, like the French Army in 1914, marching off singing and cheering into the kind of political and social battles for which they are ill-trained, ill-armed and ill-equipped. If they persist, they will be cut to pieces.

Fourth, no negotiations under threat or coercion.

Fifth, no amnesty for lawlessness or violence. This last canon is crucial. Once an individual has deliberately and consciously violated the criminal law, he should be removed from the academic community, which is not equipped to deal with the argument of force, and left to the larger society which has both the aptitude and determination for the task. A crime is no less a crime because it is committed in an ivy hall in the name of academic freedom.

Sixth, any organization which publicly declares its intention to violate the rules of an academic community and which carries out that declaration should be barred from campus. The university is a community with its own rules; and one of these is that reason governs and ideas prevail on their merits, not on the number who can be massed behind them.

Two years ago, at the time of the violence at Columbia, President Nixon said that the Columbia disorders were "The first major skirmish in the revolutionary struggle to seize the universities of this country and transform them into sanctuaries for radicals and vehicles for revolutionary political and social goals."

He counseled Columbia to rid itself of any student organizations involved directly in the violence.

"If that student violence is either rewarded or goes unpunished then the administration of Columbia University will have guaranteed a new crisis on its own campus and invited student coups on other campuses all over the country."

Columbia ignored the counsel and granted a general amnesty, an amnesty received with contempt, jeers, and a stream of four-letter epithets from the militants who had held out for it.

Now, two more years have passed and the commonplace seizure of campus buildings has been pushed off page one by the burning of campus buildings.

Civil disobedience has degenerated into criminal violence. From sit-ins, we have moved to clubs, bricks, bottles and guns—to violent clashes with police—to burning the Bank of America.

It is late in the day—but it is not too late to save the colleges and universities of this country from the future the anarchic dreamers have in store. It will take courage and it will very probably involve the kind of confrontations understandably distasteful to men of thought.

The prescient professor of philosophy from New York University, Dr. Sidney Hook, traces the seeds of the current disorders back to 1964. A year ago, in *Saturday Review* he wrote:

XUM

"Shortly after the riotous events at the University of California at Berkeley in 1964, I predicted that in consequence of the faculty's refusal to condemn the student seizure of Sproul Hall, the administration building, American higher education would never be the same again, that a turning point had been reached in the pattern of development. I confess, however, to surprise at the rapidity of the change, if not its direction, and by the escalation of the violence accompanying it."

American higher education *has* never been the same since. The toehold of the anti-democratic left at Berkeley has become an established beachhead in both universities and the larger society.

Campus anarchy that might have been nipped in the bud at Berkeley with a single act of administrative decisiveness and faculty courage—can now be contained only at considerable cost. But the sooner the price of saving the universities is paid, the better.

Seventh, we must look to how we are raising our children. In the New York Times, columnist Tom Wicker made a lugubrious lament that those were "our children" in the streets of Chicago giving the Bronx Cheer to the Conrad Hilton. To a degree Wicker is right—and the fact that we raised some of the crowd that was out there in Grant Park is one of the valid indictments of my generation.

But precisely whose children are they?

They are, for the most part, the children of affluent, permissive, upper-middle-class parents who learned their Dr. Spock and threw discipline out the window—when they should have done the opposite.

They are the children dropped off by their parents at Sunday school to hear the "modern" gospel from a "progressive" preacher more interested in fighting pollution than fighting evil—one of those pleasant clergymen who lifts his weekly sermons out of old newsletters from a *National Council of Churches* that has cast morality and theology aside as not "relevant" and set as its goal on earth the recognition of Red China and the preservation of the Florida Alligator.

These parents not only indulged their children; they indulged themselves—leaving Junior alone night after night with his favorite babysitter—the TV tube. By the time the average child reaches eighteen years of age, he has spent something like 18,000 hours squatting mesmerized before the make-believe world of television. Now undeniably, he learned some good things there, but they cannot substitute for parental guidance. Unfortunately, he also learned that instant gratification can be had with a proper admixture of credit cards, fast automobiles, cigarettes, pills, toothpaste, deodorants, and hair dressing.

Today, by the thousands—without a cultural heritage, without a set of spiritual values, and with a moral code summed up in that idealistic injunction, "do your own thing," junior—his pot and Portnoy secreted in his knapsack—arrives at "The Old Main" and finds there a smiling and benign faculty even more accommodating and less demanding than his parents.

For a decade these colleges and universities have undergone a barrage from the underground press, films, plays, manifestoes, novels, and even mass magazines; the theme of which is that American society and all its institutions—business, the army, the government, the universities—are irrational, racist and corrupt.

Glorifying direct action and violence, these publications have as their pervasive emotions—contempt for Western culture and hatred for the United States. Undeniably, this stream of opinion has been influential on the campus. Is it any wonder that in 1970 some are easily radicalized by the SDS?

Eighth, we must look to the university that receives those children. Is it prepared to deal with the challenge of the non-democratic Left?

To most academicians the traditional enemy has always been on the Right. The sixties showed how pitifully unprepared the academic community was for an assault from its ideological rear.

They had best learn how to deal with it, for their survival is at stake. One modest suggestion for my friends in the academic community; the next time a mob of students, waiving their non-negotiable demands, start pitching bricks and rocks at the Student Union—just imagine they are wearing brown shirts or white sheets—and act accordingly.

Ninth, let us support those courageous administrators, professors and students on our college campuses who are standing up for the traditional rights of the academic community, against what the *New York Times* rightly calls the "New Fascists." Their number is growing.

Last Week President Eric Walker of Pennsylvania State University along with his wife was driven from their home by rock-throwing students. He has pledged no amnesty for the thugs responsible, his trustees are behind him; and the country will be well served if he stands by his guns.

The country will support these principles—and from the recent survey of the Carnegie Commission on Education, college faculties themselves have had a bellyful and are ready to act as well. Eighty percent interviewed said these campus disorders were a threat to academic freedom; three out of four said that students who disrupt the college should be suspended or expelled. Can it be that within the faculty lounges there is also a Great Silent Majority?

One final thought about academic freedom and the true liberal philosophy. Neither can be reconciled with the coarse repression by the New Left of other points of view. The rude shouting-down of guest speakers is totally incompatible with the presence of intellectual excellence. Therefore, we must presume that intellectual excellence is no longer present on campuses where another viewpoint cannot be expressed, analyzed, and debated. And it is not enough to defend by saying that the disruptors are in the minority. Because if intellectual excellence were present, it would never abide such animal conduct.

It is one of the tragedies of our time that faculties and students sit in catatonic trance while the raucous militants destroy academic freedom.

When will they awaken?

GUERRILLA SANCTUARIES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Armed Forces Journal, Apr. 18, 1970]

THE PROBLEM OF GUERRILLA SANCTUARIES

(By Col. R. D. Heinl, Jr., North American Newspaper Alliance)

The central issue in the Laos-Cambodia crisis is whether Hanoi can continue to operate with impunity from sanctuary enclaves in those countries across the borders of South Vietnam.

Without these border sanctuaries in Laos and Cambodia, the North Vietnamese cannot win, nor can they even maintain the war in the south at low intensity.

The use of international borders as lines which one side (e.g., North Vietnam) can cross and its opponents (e.g., U.S. and South Vietnam) cannot is a tactic which has come into prominence with the phenomenal rise in guerrilla warfare in this century. Whether in guerrilla or more organized wars, the availability of sanctuaries permits the weaker party to "get home free" despite hot pursuit and also permits him to launch attacks at times and places of his own choosing, when the moment to recross the border seems opportune.

In the present war, the Communists use their sanctuary areas in Laos and Cambodia for major supply routes (Ho Chi Minh and Sihanouk trails), for supply depots and caches, for hospitals, and for military camps and assembly areas. Early in the war, when the authentic South Vietnamese Vietcong were still strong and omnipresent, and the United States was still learning the game, most of these activities could be carried on inside South Vietnam.

ALL THEY HAVE LEFT

Now that the Vietcong are weak and getting weaker, and General Creighton Abrams has gotten on top of the military situation inside Vietnam, the Laos and Cambodia sanctuaries are the only springboards the Communists have left.

Almost all the successful or viciously stubborn insurgencies of this century have depended on some form of sanctuary strategy.

Arab-Egyptian sanctuaries in Tunis and (to a lesser extent) Morocco were perhaps the determinant factor in the success of the Algerian Rebellion against France during the 1950s. Try as the French could—by barriers, by patrols, and by diplomacy—they never completely sealed off the Tunisian border; and eventually, with military victory in their grip, they nevertheless had to give up Algeria.

OTHER WARS

Today, at least ten of the most cancerous guerrilla wars now going on depend on border sanctuaries.

In Africa, the continued incursions against Portugal's Angola and Mozambique are mounted from Zambia (and, behind Zambia, the Congo). Zambia—a particular trouble-making activist in this kind of war—also serves as sanctuary and launching pad for guerrilla incursions southward into Rhodesia and ultimately South Africa.

Tanzania (which is virtually the revolutionary, guerrilla home base of East Africa) also supports trans-border operations against Mozambique. Farther up the coast, Somalia has fed *Shifta* bandits south across its frontier with Kenya and northwest into Ethiopia.

The long-standing, festering insurgencies of North Burma are maintained from over the border by Chinese Communists. Thailand—our staunchest ally in Southeast Asia—has not one but three guerrilla wars, each one sustained from across a frontier: in the south, by Malaysian-Chinese Communists; in the northeast, by North Vietnamese; and in the north-center, from Laos, by Chinese and North Vietnamese guerrillas.

IRISH TROUBLES

Closer to home, in Northern Ireland, much of the steam of the Catholic resistance against the Ulster Protestants—a civil war in all but name—comes from south of the border in Eire.

While Israel is the victim of extensive would-be sanctuary warfare by the Arabs from Jordan and now from Lebanon, the Israelis pursue the tough and admittedly more risky policy that, if a frontier can be violated with impunity by one side in one direction, the other party (in this case Israel) is free to strike back in self-defense. When diplomacy and world pressure fail, this is probably the only feasible response.

Thus a sanctuary strategy, while not guaranteeing a sure win, can almost always make it difficult if not impossible for the guerrilla to lose. Unhappily, it is also an axiom of guerrilla war that if the defending forces do not win, they lose—and if the guerrillas do not lose, they win.

XUM

That is why the sanctuaries of Laos and Cambodia are vital to Hanoi and, in a reverse sense, doubly so to us.

WHERE WE PUT THE AGED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. BINGHAM. Mr. Speaker, our friend and colleague from Arkansas, Mr. DAVID H. PRYOR, has written a vivid and disturbing article on nursing home conditions, which appeared in the New Republic for April 25, 1970. The article follows:

SOMEWHERE BETWEEN SOCIETY AND THE CEMETERY: WHERE WE PUT THE AGED

(By David H. Pryor)

Almost one million Americans, a large silent minority, are in 20,000 nursing homes. They've been sent there to die, in a halfway house somewhere between society and the cemetery. We've had the idea that if we could funnel more money into the nursing home industry, the quality of care would rise. We've been wrong: the patient has taken the backseat to profits. This is where government erred: it treated nursing home care as a housing, not a health program.

A few months ago, an Associated Press series of articles on the nursing home industry diclosed that:

Physician care for the nursing home patient is so scarce that it is a national scandal;

One-seventh of drug prescriptions to nursing patients are administered wrong, and drugs are commonly used to make patients "easier to handle";

The average food-cost per patient in many nursing homes today is less than $1 per day;

In a Topeka, Kansas home three-fourths of the patients checked had not been seen by a doctor in six months, and in Minnesota, the average amount of physician care per patient in 100 nursing homes was 2½ minutes per week;

The National Fire Prevention Association shows nursing homes at the top of unsafe places to live.

A New York Daily News reporter, hired as a nurse's aide, found the food in several New York homes abominable, filthy rooms, roaches in glasses, dirt in water pitchers and indescribable conditions in bathrooms.

From other news reports we learn that a nursing home administrator may well have as his only qualifications that he was a junk dealer; that tough federal regulations have been much slower reaching the nursing homes than federal dollars; that 87 nursing homes that failed to meet federal standards were paid $380,000 in the last half of 1968; that in Wisconsin, a 317-bed home went without regular state inspections for almost three years, although a 1967 check resulted in a four-page list of violations.

It will be recalled that 32 persons recently died at Marietta, Ohio in a "good" nursing home which had been allowed to operate with "deficiencies."

A maze of pyramiding new government programs such as Medicare and Medicaid, new methods of financing nursing homes, new formulas adopted by Social Security and welfare agencies to reimburse the proprietors of nursing homes, together with a lack of interest in both the enactment and enforcement of tough regulations which protect the patient—all this adds up to booming profits for the owners, and explosive and rising costs for the patient, their relatives and the American taxpayer. A Wall Street executive states that "in the nursing home business—there is no way to lose." Some 70 nursing home chains have been established in recent months which now sell their stock to the public. Mutual fund companies own approximately six million shares of these stocks. Nursing home securities are referred to as "the hottest stock on Wall Street." *Business Week* entitles an article, "Nursing Homes Offer an Investment Lure." The same publication elsewhere explains a novel financing plan whereby several nursing home chains induced doctors to find patients for them by selling a major interest in each home to a group of local physicians.

Only 10 percent of our nursing homes are nonprofit institutions, and these as a general rule are operated by communities, locally supported hospitals, churches, religious organizations, or fraternal groups. Those who are entering the nursing-home-for-profit business, according to many of the prospectuses now on file with the Securities and Exchange Commission, are generally builders, contractors, restaurant operators, fast buck entrepreneurs.

The price per bed in these homes is zooming upwards at an alarming rate—$700 a month is not uncommon. In addition to the basic room and board fee, there are often "extras," which are not known until the first statement arrives.

I became interested in this scandal several years back while serving as a freshman legislator in the Arkansas House of Representatives. At each legislative session we found ourselves voting additional welfare payments for the local nursing home industry. We were told that the additional money would be spent for additional care. We never discovered what additional care or services would be improved or how the patient would benefit.

Coming to Washington, I spent four weekends as a volunteer worker at nursing homes in the area. I saw loneliness, despair, anxiety—boredom—total, absolute boredom. The only relief comes when the attendant brings a meal into the room. In one room of 14 beds, the proprietor woke an elderly lady, asked her how she was feeling and then told me that this particular patient had had a "slight heart attack" early in the day, but that they did not make a practice of calling the doctor on Sunday. In another home, as I was clipping the toenails of an 80-year-old veteran, he told me not to let the attendant see me do this as they charged $7 when they did it. I saw toothless patients served big slabs of cold meat, which they were incapable of cutting into bite-size portions. In a home of 80 patients, there was only one attendant on duty. In the hall I saw four helpless people in wheelchairs, three of whom were sitting in their own excretion. The attendant told me, "We just don't have enough help and the owners don't pay us enough to live on."

"Who shaves your older men?" I asked one proprietor. "About every three days, when they catch up with their other work, that is the job for the maintenance crew," was his reply. "How much does it cost to have a patient here?" I asked an attendant in a Maryland home. "It depends on their income," she said.

A friend of mine in Connecticut recently visited four nursing homes in his area with the idea of placing his father in an extended care facility. He saw "attendants ignore one old woman's call for help; I saw one owner talk in an insultingly derogatory way about a patient, in front of that very patient; I saw incredible filth and signs of neglect; and I heard things that seemed to me to evidence a callousness and crudity that I certainly would not want any parents of mine exposed to. The owner of the home said to me, 'Look, your father is getting old and he is hard to handle, right? You bring him right here, maybe in a few weeks you can take him home on a Sunday afternoon, but the first thing you've got to show these old people is who's boss.' The brochure the owner handed me, refers to 'pleasant home atmosphere.' "

Several myths have been successfully sold to the American public. One of them is that all nursing homes or homes for the aged are strictly licensed, duly inspected, and that a "health team" is physically present at all times, or at least nearby to serve the patients. It's not true. Another myth is that if an institution states that it is "approved for Medicaid and Medicare," then it is a home which provides good service to the patient. That's also untrue. There is no control over the nursing home industry, though two out of three patients in nursing homes and homes for the aged in our country are kept there through some federal or federally assisted program. One chain nursing home owner said in a recent newspaper article that 85 cents of each dollar that flowed into his business came from government sources.

The taxpayers are paying $2 billion a year to the nursing home industry. All controls over where this money goes and what it buys are fragmented, self-frustrating, and ineffectual. Both the Medicaid and Medicare agencies in the Department of Health, Education and Welfare issue standards for nursing homes participating in their respective programs; neither agency enforces its standards. In the case of Medicaid, which is a state-administered program, nursing homes are certified for participation by state agencies. Certification is often on the basis of surveys and reports by county agencies. The federal administrative agency, the Social and Rehabilitative Service, has virtually no control over the quality or frequency of these surveys and does not even receive information on the number of homes certified by the states. If a patient or his family writes to his representative in Congress to complain of conditions in a Medicaid nursing home, the complaint is usually referred to HEW for investigation. HEW in turn refers it to the state agency and from there to the county agency, which probably is responsible for permitting the condition to exist in the first place. The patient has nowhere to turn. No one is in charge.

The Social Security Administration must approve nursing homes for participation in Medicare as extended care facilities. Here too, the standards, which in many respects are vague, are actually applied by state and county agencies. Reports are sent to the regional offices of the Social Security Administration where the certifications are signed, with little or no knowledge of actual conditions in the homes. Social Security officials have no information on the qualifications of surveyors doing Medicare inspections.

The tremendous sum which federal programs are pouring into nursing home care is profoundly affecting the development and growth of the industry. The infusion of dollars has stimulated a building boom in nursing homes which is completely out of hand. Congress has appropriated funds to assist state and regional planning agencies in their efforts to rationalize the numbers, types and distribution of new health facilities; to curtail waste and duplication; and to provide our communities with a balanced complex of facilities which can deliver modern medical care in an effective and economical way. At the same time, Congress has frustrated those aims by enticing investment capital into the industry on a huge scale, with a virtual guarantee of business and profits.

The Securities and Exchange Commission is charged with serving the investor public. Let me then put to the SEC some questions the public needs to have answered: Are the nursing homes listed as properties of a particular company good or bad, are they properly staffed, do they give good care? Are some of these newly formed public companies

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simply devices for paper transfer of ownership and inflating the capitalization of the properties? Are the SEC and HEW working together to assess the burgeoning growth of public investment in nursing home chains? They are not. No one is protecting the public, no one is protecting the tax dollars, and no one is protecting the patients.

ROSENTHAL DEFINES CONSUMER ISSUE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. ROSENTHAL. Mr. Speaker, following are the remarks I made before the National Priorities Committee of the Democratic Policy Council, April 29. The speech was addressed to the social and political significance of the consumerism issue. Here is the text:

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL OF NEW YORK

INTRODUCTION

I appear before you today to discuss an issue which I believe involves both the integrity of our free enterprise system and the quality of life in America.

In a political context, this issue—consumerism—is of such importance that it might very well play a decisive part in the outcome of the 1970 and 1972 elections.

We are all actively aware that our national priorities have been distorted by disproportionate military spending and sorry neglect of our domestic ills. And it is not an overstatement to suggest that the waste of our financial resources caused by fraud and deception in the marketplace may exceed the cost of wasteful military spending.

The plight of the consumer does not stem merely from a lack of governmental funds. The imbalance of priorities here is ideological—not financial. And it has spawned much of the anger we see in many of the large protest movements which are changing the social fabric of our country.

The young, the blacks and the consumers share a common theme in their rebellion-demands for better representation of their interests in the government's decision-making processes.

By placing the consumer interest on an equal footing with special interests, the Democratic Party has an excellent opportunity to redress the average citizen's grievances and highlight Republican apathy and equivocation towards them.

Consumer injustice can be combatted by giving the consuming public a loud and effective voice in the councils of government.

The abuses consumers face in this country are a disgrace.

CONSUMERISM AND ITS PROBLEMS

The consumer is in serious need of help.

The American free enterprise system, with its give and take in the marketplace, is basically healthy. But in the supermarket aisle, on the auto showroom floor, and across from the cash register everywhere, the consumer must face Madison Avenue, the whirling computer and the motivational research psychologist. He must face the giant corporate structure with its single-minded concern for profit and its capacity to spawn powerful lobbies in Washington and state capitols. The consumer must face not simply outright fraud and deception but sharp practices honed to incredible subtlety. Standing alone, the American consumer cannot deal with this power in the marketplace.

A QUESTION OF JUSTICE

The result of this mismatch is that until quite recently, such major private-sector consumer injustices as hidden credit costs, unsafe automobiles and hazardous household products, unsanitary meats and poultry, dangerous or ineffective drugs, and deceptive packaging and labeling, received superficial attention.

Still to be dealt with conclusively in the years ahead are abuses in the insurance field, sharp practices in the automobile and TV repair industries, warranty problems, deceptive and non-informative advertising, home repair frauds, costly games of chance, trading stamps, and sweepstakes, household moving problems, inadequate and confusing food grades, discrimination against low-income consumers, and the consumer information gap.

What has government's response been to these problems? Briefly, the federal government has responded, in an uneven manner, to substantive consumer abuses by supporting legislation designed to eliminate the abuse. But, to the extent that the effectiveness of these laws depends upon vigorous enforcement by the responsible federal agencies and to the extent that the government is involved in thousands of decisions which vitally affect the consumer interest, consumer protection at the federal level has been a failure.

At the state government level, some progress has been made but mostly in the form of increased authority to state Attorneys General to prosecute consumer frauds.

Local government, with isolated exceptions, has done little.

In Washington, we have recently witnessed another Administration's attempt to address itself to consumer problems. After a very uncertain start, the post of Presidential Adviser on Consumer Affairs was continued under a knowledgeable and earnest woman with some substantial experience as head of a state consumer protection office.

But the uncertainty surrounding the maintenance of this staff position and the manner in which it was filled were not good omens. Nor is it good government to have the vital task of consumer protection and representation, depend upon the whim or caprice of any President.

Consumer protection at the federal level must be institutionalized by statute in a permanent and independent consumer protection agency in the Executive Branch.

THE EUROPEAN EXAMPLE

To those who see this as a radical proposal, I would like to point out that a number of Western European nations already have Cabinet-level Departments to represent and protect consumers. We are now far behind these countries. Not only in how our government represents the consumer interest, but in consumer product testing and the release of consumer information.

There are many who would have us believe that the spate of new consumer laws has elevated consumers to a dominant position in the marketplace; that the weight of governmental action has shifted from the producer side to the consumer side. Nothing could be further from the truth.

While our government is presently more aware of and even more responsive to consumer needs than in the past, producer groups still exercise a disproportionate influence over economic policy. This is true in the governmental body that makes the laws; it is true in the body that administers the laws.

In proposing the establishment of an independent Consumer Protection Agency, my thesis has been that to change policy, one must change organization. Roger Hilsman, in his book, "To Move a Nation," cites as an example of this principle the difficulties experienced by Theodore Roosevelt in trying to establish conservation of natural resources as national policy in place of the older "homesteading" policy.

Hilsman's description is highly relevant to consumer representation: ". . . The old organizational arrangements provided easy channels for lumbering and other exploitative interests to express their preferences and almost none for 'conservationist' interests to express theirs. There were almost no mechanisms for gathering the kind of information that would permit governmental decisions to conserve rather than exploit. The result was that President Roosevelt could not really change . . . policy . . . until he changed the organization dealing with the problem."

DECEPTIVE LAWS

In my view, the consumer of the 1970's is in much the same position as the conservationist of 1900. The present organizational arrangements at the federal level—with Cabinet representation for business, industry and agriculture—provide easy channels for producer interests to express their preferences and almost none for consumer interests to express theirs. In a governmental system where decision making depends on effective advocacy of all points of view, such organizational discrimination is intolerable.

The worth of any law is based, ultimately, on its execution. The mere enactment of consumer laws, without effective consideration of how these laws are to be administered and by whom, is deceptive.

We have arrived at the point where the steadily increasing body of consumer laws to be administered by the federal government is now beyond the efficient reach of any haphazard combination of agency appendages. This was true of housing problems in 1965 when the Department of Housing and Urban Development was established; it was true of transportation problems in 1966 when the Department of Transportation was created; it is true today of consumer problems.

Fundamental economic problems face government today in the questions of how consumers really are represented in existing agencies, whether consumer activities in one agency bear any relation to those in another agency, whether there is adequate coordination and overview of consumer-related programs, and whether there should be more central control.

FRAGMENTED CONSUMER RESPONSIBILITY

At present, the American consumer's voice is faintly heard through some 33 federal departments and agencies carrying on approximately 260 consumer activities. Consider that—

Responsibility for enforcing the Truth-in-Lending Act is vested in nine separate agencies;

Administration of the Fair Packaging and Labeling Act is divided among three agencies—the Federal Trade Commission, the Food and Drug Administration, and the Department of Commerce;

No less than five federal agencies are responsible for consumer protection of the poor;

The Flammable Fabrics Act of 1967 is shared by the Department of Commerce, the FTC, and the FDA;

Responsibility for the wholesomeness of fish and fishery products falls both to the Food and Drug Administration and the Interior Department's Bureau of Commercial Fisheries;

Programs to control air and water pollution can be found in a half dozen agencies.

These laws, each with merit, have proliferated beyond the ability of our present governmental structure to handle them.

Despite the large number of federal agencies that purportedly represent the consumer, it is still a fact that:

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There is no single federal agency to which consumers can direct complaints;

There is no single federal agency devoted to the pressing needs of the low-income consumer;

There is no single federal agency which gathers and disseminates to the public the considerable product and economic information that is available at the federal level;

There is no sinlge federal agency which represents the consumer interest before federal courts, departments, and regulatory agencies;

There is no single federal agency which scrutinizes the nation's food marketing system from producer to consumer;

There is no single federal agency in which the consumer education function resides;

And certainly, there is no single federal agency which can boast that it has consistently anticipated consumer problems instead of reacting to them on a crisis basis.

What makes such a fragmented consumer protection apparatus deplorable, is that consumers are almost never represented at agency deliberations.

JUDGING THE RECORD

What is the consumer record of our federal government?

Are we satisfied with the performance of our regulatory agencies in advancing the consumer interest in America?

Has the Federal Trade Commission been a vigorous champion of the consumer cause?

Has the Interstate Commerce Commission effectively represented the consumers' interest in matters relating to household moving problems and railroad passenger service?

Has the Federal Communications Commission been an effective advocate for the public in policing the airwaves?

Has the Department of Commerce moved with dispatch in approving flammability standards for clothing or in administering its portion of the Fair Packaging Act?

Are we satisfied with the activities of the Interior Department and the FDA in protecting the consumer against unwholesome fish and fish products?

Has the Department of Agriculture strived to achieve the most effective and far-reaching consumer food grading program, as Congress directed it to do?

Do the efforts of the Department of Transportation's National Highway Safety Bureau in the field of autosafety match the grim reality of 52,000 deaths last year on our highways?

Is it in the long-range best interests of consumers that solutions to many of their most important problems are entrusted to temporary commission like the Food Market and Product Safety Commission, whose recommendations are largely ignored because of the absence of an institutional framework for continuing action?

Have the General Services Administration, the National Bureau of Standards and other federal product testing agencies, moved to maximize the benefits of their tests by releasing valuable product information to consumers?

Certainly, the report of the American Bar Association on the Federal Trade Commission and the reports of the Center for the Study of Responsive Law on the Interstate Commerce Commission and the Food and Drug Administration, suggest that the records of even the major consumer protection agencies of government are highly inadequate.

WHO IS REPRESENTED

Moreover, how can the consumer interest be protected in agencies having competing and diverse interests to protect?

Can the Consumer and Marketing Service of the Department of Agriculture faithfully represent, at the same time, the desire of consumers to get the most for their money and the desire of farmers to get the most for their product? Can the Department of Commerce successfully promulgate lumber standards or administer its part of the Fair Packaging and Labeling Act and yet serve the interests of its real constituency, the business community? Can the important consumer responsibilities relating to food and drug labeling required by the Food, Drug and Cosmetic Act receive adequate attention in a Department whose Secretary is also burdened by problems of education and welfare?

My own conclusion is that, without full, vigorous and coordinated enforcement, many consumer protection laws benefit only the printers and bookbinders of the United States Code. The Wholesome Meat Act was passed two years ago but we still have 60 persons infected with trichinosis in a small Missouri town. We still have confusing labels on supermarket shelves because the Fair Packaging and Labeling Act is inadequate and is not being properly enforced. And we still have dangerous fabrics sold to unsuspecting consumers, some of whom suffer needlessly from burns, because agreement cannot be reached on how the Flammable Fabrics Act should be enforced.

A NEW FEDERAL CONSUMER AGENCY

What vital functions would such a new independent agency perform that are not now exercised by the 33 departments and agencies bearing consumer protection responsibilities?

1. A central clearing house for consumer complaints would be established where now there is none.

2. A central repository for consumer information would organize, release, and in some cases disseminate on a regular basis useful performance data on products and services in non-technical language. Many agencies of government that now test consumer products refuse to release test results and other valuable consumer data. While many federal agencies readily make their test results and scientific studies available to private industry sources, the public which pays for those tests is denied access to their results. Moreover, the new agency itself would conduct research and testing on consumer products.

3. For the first time, the consumer's viewpoint would be vigorously represented before federal courts and regulatory agencies in matters of proceedings affecting substantially the interest of consumers.

4. Finally, economic studies would be conducted and the work of the Product Safety Commission continued.

Until such time as there is a statutorily created independent Consumer Protection Agency where inter-related functions will be performed under one roof, our consumer programs will continue to be mismanaged and will have failed to serve the purposes that Congress intended. It is our responsibility to the cause of efficient government and our special obligation to America's 200 million consumers, to provide the institutional mechanism which will assure equity and justice in the marketplace.

EXPANDED SOVIET INVOLVEMENT IN MIDDLE EAST CONFLICT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. BINGHAM. Mr. Speaker, I am deeply disturbed by what appears to be a reckless escalation by the Soviet Union in the Middle East and I have today sent the Secretary of State the following telegram:

> I hope that you will promptly make strong representations to the Soviet Union in regard to the apparently well-founded reports that Soviet pilots are flying combat missions in Egypt. This indication that the Soviet Union is prepared to have Soviet personnel engaged in combat operations against the Israelis is a very serious development indeed and the Soviets should be made aware, not only of our deep concern, but of our determination to take whatever action may be necessary to see that Israel's security is not jeopardized.
>
> The Soviet Union should be under no illusions that America is so preoccupied with Vietnam that we will stand aside in the face of increased Soviet involvement in the Middle East conflict. To reemphasize our determination to see that Israel has the means for her own defense, the President should immediately reopen consideration of his decision with regard to further sales of Phantoms and other aircraft, and should take steps to see that Israel's needs are met.

OUR EVER-INCREASING POLLUTION PROBLEM

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HUNGATE. Mr. Speaker, in view of our ever-increasing pollution problem, I thought the following article would be of interest to those who are concerned about what they can do directly to help control the problem:

FACTS AND FIGURES TO AID IN THE PREVENTION OF WATER POLLUTION

(By Yvonne Horton)

How can intelligent and interested consumers help prevent lakes from turning into swamps? This problem isn't limited to North America. One reader writes:

"[Many Canadian] consumers are already switching to soap or low-phosphate detergents and using washing soda or ammonia as a water softener.

"Some of the supermarkets have posted a list of phosphate analyses in their stores, adding to it the phosphate content of their own special brands. One chain is already selling a new brand of their own with a low or no phosphate content.

"It is expected that legislation will be passed eventually to regulate the phosphate content. Pollution Probe at the University of Toronto is very active." (Mrs. B. R., Don Mills, Ontario)

Pollution Probe is a nonprofit citizens group of about 1,300 students, professors, and interested citizens organized at the University of Toronto with headquarters in the zoology department. Formed about a year ago, Pollution Probe has six fulltime staff members, who also are on the staff of the university.

Members of Pollution Probe soon may be called the Nader's Raiders of the detergent industry. They feel that the greatest threat to natural lakes today comes from too rapid eutrophication. They write:

"Vast quantities of nutrients, especially phosphates, are being dumped into our lakes by man's activities. The phosphates generally stimulate massive growth of algae and waterweeds. . . . In short, a beautiful clean lake becomes choked with plant life and approaches its eventual 'death' as a swamp.

"Fortunately, if we reduce the nutrient load, the lake is able to recover to a large extent. . . . The banning of phosphate detergents is an initial, essential, and even crucial step to save the lower Great Lakes. . . . The problem, though, is not confined to Ontario; it is occurring right across the country."

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Pollution Probe recommends:

Citizens demand government bans on phosphate detergents before 1972.

Consumer cutback in the use of high-phosphate detergents.

Such action will immediately reduce the phosphate input to lakes. Public demand for nonpolluting products also will intensify manufacturers' research into finding safe phosphate replacements. One such reasonable alternative appears to be NTA (nitrilotriacetate), which has replaced a large amount of the phosphate in certain laundry products now sold in Sweden.

Pollution Probe warns that the term "biodegradable" on a detergent box has nothing to do with phosphate content. All detergents are biodegradable. The group tells consumers, "If someone tries to sell you a 'nonpolluting' detergent, demand the truth about phosphate content before buying."

Pollution Probers regard every consumer purchase of a laundry soap or detergent product as an opportunity for constructive action to reduce surplus phosphorus in lakes and other natural waterways.

"In switching to a laundry soap, it might be necessary for the consumer to use a washing soda at the same time.

"Also we suggest checking with the manufacturer of automatic washing machines in order to determine how to flush out soap residues."

(The amount of soap residue will vary in different localities according to water hardness. Boston area water, for example, has only about one grain of hardness. In such an area, all homemakers could use heavy-duty soap for laundry if they wish and insist that supermarkets stock it.)

In places where water hardness makes the use of soap impossible, Pollution Probe urges consumers to choose detergents with low-phosphate contents.

Many soaps, detergents, and cleaning agents now in the market were analyzed for Pollution Probe in a University of Toronto laboratory. Such phosphorous compounds were converted to orthophosphate (PO_4) by chemical digestion and the concentration of orthophosphate measured in a spectrophotometer. Results inform consumers of the phosphate content by weight of various cleaning products as follows:

PHOSPHATE ANALYSES—PERCENT OF PHOSPHATE (MEASURED AS PO_4)

AUTOMATIC DISHWASHER COMPOUNDS

Product	Percent	Manufacturer
All	45.0	Lever Bros.
Finish	43.0	Economics Labs.
Calgonite	42.0	Calgon.
Cascade	36.5	Procter & Gamble.
Amway Automatic Dishwasher Compound.	34.0	Amway Corp.
Swish	29.0	Curley Corp.

HEAVY-DUTY LAUNDRY DETERGENTS

Product	Percent	Manufacturer
Amway Trizyme	52.5	Amway Corp.
Bio-Ad	49.0	Colgate Palmolive.
Peri	47.0	Sep-Ko Chemicals.
Cheer	44.5	Procter & Gamble.
Oxydol	44.5	Do.
Tide XK	43.5	Do.
Drive	41.5	Lever Bros.
All	39.0	Do.
ABC	37.5	Colgate Palmolive.
Sunlight	37.0	Lever Bros.
Amway SA8	36.5	Amway Corp.
Fab	36.5	Colgate Palmolive.
Arctic Power	36.5	Do.
Ajax 2	36.0	Do.
Omo	35.0	Lever Bros.
Duz	35.0	Procter & Gamble.
Bold	32.5	Do.
Surf	32.5	Lever Bros.
Breeze	32.0	Do.
Amaze	27.0	Do.
Bestline B-7	27.0	Bestline Pro. Inc.
Explore	26.0	Witco Chem. Co.
Maleo Laundry Detergent	25.0	Maleo Prod. Inc.
Wisk	10.5	Lever Bros.
Tend Maskintvätt (Swedish)	8.0	AB Helios.

LAUNDRY SOAPS

Product	Percent	Manufacturer
Instant Fels	9.0	Purex Corp.
Lux	1.0	Lever Bros.
Maple Leaf Soap Flakes	(1)	Canada Packers.
Ivory Snow	(1)	Procter & Gamble.

LIGHT-DUTY COMPOUNDS (LAUNDRY AND OTHER USES)

Product	Percent	Manufacturer
Dreft	34.0	Procter & Gamble.
Zero	7.5	Boyle Midway.
Explore Liquid	(1)	Witco Chem. Co.
Bestline Liquid Concentrate	(1)	Bestline Prod. Inc.
Nutri-Clean OLC	(1)	Can-Stan Industries.

(1) Less than 1 percent.

LIQUID DISH DETERGENTS

All liquid dish detergents tested were less than 1 percent phosphate.

MISCELLANEOUS

Product	Percent	Manufacturer
Calgon (water conditioner)	75.5	Calgon.
Amway Water Softener	73.5	Amway Corp.
Solvease	23.0	Russel Chemical Co.
Snowy Bleach	22.5	Harold Schafer Ltd.
Spic and Span	21.0	Procter & Gamble.
Mr. Clean	6.5	Do.
Ajax All-Purpose	6.5	Colgate Palmolive.
Arm and Hammer Sal Soda	(1)	Church & Dwight.
Fleecy	(1)	Bristol Myers.
Javex Bleach	(1)	Do.
Whistle	(1)	Do.
Jet Spray	(1)	Economics Labs.
Lestoil	(1)	Noxema.
Downy	(1)	Procter & Gamble.
Dutch Bleach	(1)	Purex Corp.
Lawsons Borax	(1)	Bristol Myers.
Pinesol	(1)	Cyanamid.

(1) Less than 1 percent.

Important: "The estimated error on the above figures is plus or minus 10 percent of the figure shown (95 percent confidence limits). This means that if, for example, the figure is 40 percent, we feel that the actual value could lie anywhere between 36 percent and 44 percent," Pollution Probe comments further.

"We were not able to analyze every product on the market. Such things as hand and face soaps, shampoos, bubble bath, etc., will contain very little phosphate. Industrial and cafeteria detergents probably are high in phosphates but a ban would look after these products."

CHERISH AMERICA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. DERWINSKI. Mr. Speaker, with the overexposure that critics of our Nation receive, it is necessary to reemphasize that a vast majority of Americans still properly respect and appreciate the greatness of our land.

A constituent of mine, Mrs. Barbara Moran of Oak Lawn, Ill., who served as a secretary to our late colleague, Edward A. Kelly, is a poet of considerable stature in the Chicago metropolitan area. I am pleased to insert her latest poem which I believe properly reflects the thinking of most Americans throughout this great land of ours:

CHERISH AMERICA

(By Barbara Moran)

America!
You have a land.
Your land to care for
Your land to fight for
Your land to weep for
Under these stars do you grow.
Under this sky do you fly your flag.
Out of this dust do you pull your mighty towers.
Onto these mountain peaks do you stand searching into space.
Land of the courageous dead and patriots yet unborn
Land of blossoms and wind across the prairie
Land of East meeting West and laughing together
Cherish your winding roads
And forests deep with pine
Your seas that crash upon your rocky shores
And deserts blowing dry with sunshine
The shadows of the brave still upon the sand
You have a land.
Cherish America

SPEEDY TRIAL IS IMPORTANT

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. MOLLOHAN. Mr. Speaker, the crime rate spirals upward and when we sit back and wonder why, the overburdening of our court systems should be very definitely considered as a good place to begin the fight against crime.

As the following editorial in the Wheeling (W. Va.) News-Register so aptly and succinctly points out, the situation is worsening, not improving.

Suspected criminals must either languish in jails for months or years while awaiting a place on the court docket, or they are given premature bond release, only to be picked up again for another crime. Either is a tragic miscarriage of our judicial system.

Before we blame the Supreme Court for its decisions we should look at our local court systems, not for blame but with a determination to find a solution out of the current unlivable situation.

The article follows:

[From the Wheeling (W. Va.) News-Register, Apr. 14, 1970]

WAR ON CRIME—SPEEDY TRIAL IS IMPORTANT

No war on crime in this country ever is going to be truly successful until something is done about court reform.

The criminal courts are so jammed that some defendants have languished in jail for as long as two years awaiting trial. Other criminals charged with serious crimes walk the streets for months out on bond until they are nabbed again for another criminal offense.

A House Select Committee on Crime recently completed eight months of hearings and testimony by 40 witnesses and in summary this is what Chairman Rep. Claude Pepper had to say:

"In many cities, police forces, which deservedly have been upgraded, are arresting more people than ever before—more than the rest of the system, the courts and corrections can handle. Justice that once deterred crime with its swiftness and sureness has become lumbering and uncertain."

Dean A. Kenneth Pye of the Duke University School of Law has explained that the last thing in the world the criminal wants is a prompt and speedy trial. The criminal figures time is on his side and he is very pleased to wait until prosecution witnesses move away, get sick, die or forget the details of what they saw or experienced.

Florida state attorney, Richard E. Gerstein, former president of the National District Attorneys Association, testified that he had seen first-hand how serious criminal cases—felonies, burglary and robbery—are tried in big city and criminal courts throughout the country with little or no pre-trial preparation by the prosecution.

He said, "They are just tried 'from the hip' with the prosecutor picking up the file. He calls out the names of the witnesses and he attempts by rote, by prior experience in these areas, to try the case. This is no way for serious crimes to be handled in America."

"Plea bargaining" is another device used by attorneys in cooperation with prosecutors and judges to get defendants off with light punishment. District of Columbia Police Chief Jerry Wilson noted that many car thieves, burglars, muggers and purse snatchers are allowed to plead guilty to such reduced charges as petty larceny and simple assault. In this way, he explained, "a great number of fairly serious criminals get off with little or no punishment."

This type of situation is not confined to the large metropolitan cities. We see examples of it in all towns and cities, regardless of size. In our own state and county citizens often wonder how it is that known criminals caught breaking the law continue to be free for months and months on end until suddenly they are back in the news because they have been arrested in connection with still another crime. We also have seen numerous instances where criminals are allowed to plead to a lesser charge once they do get their day in court.

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Congressman James H. Scheuer of New York, a member of the House Select Committee on Crime, says, "There is nothing more discouraging to a police professional than to have risked his life in bringing in a suspect, particularly in the case of a violent crime, and then learn that we have to force the defendant to plead guilty to a lesser offense than what the police officer charged him with because society has not provided the judges, the juries, the prosecutors, the court clerks, the secretaries and the detention facilities to try people, particularly young people."

The juvenile situation has been troublesome here for some time. With a lack of proper detention facilities for young lawbreakers the courts often are placed in a bind.

We are beginning to learn that any war on crime requires more than a strengthening of police forces. Other parts of the system, the courts and corrections institutions, also must be improved and expanded if the criminal defendant is going to receive not only a public trial but a speedy one as required by the Sixth Amendment. Long delays in bringing the accused to trial benefits no one but the criminal.

THE U.S.S. "SAVANNAH"

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HAGAN. Mr. Speaker, the city of Savannah, Chatham County, and, in fact, the entire First District of Georgia, which I am proud and honored to represent, was singularly honored on April 23 when the U.S.S. *Savannah*—AOR-4—was christened at Quincy, Mass.

Savannah Aldermen Joe Myatt and Ed Perkins, former Savannah Mayor and Mrs. Lee Mingledorff, Navy Capt. Thomas Suddath, retired, director of the Ocean Science Center of the Atlantic, representing Gov. Lester Maddox, and Mr. and Mrs. Remer Lane, of Savannah, along with other distinguished citizens were present with Mrs. Hagan and me at this christening.

Vice Adm. R. L. Shifley, U.S. Navy, spoke on this auspicious occasion and it is earnestly believed his remarks merit your attention. They are as follows:

REMARKS BY VICE ADM. R. L. SHIFLEY, U.S. NAVY

Thank you, Mr. Bergeson, Congressman Hagan, distinguished guests, ladies and gentlemen:

It is indeed an honor for me to be here today and participate in marking this important milestone in the early life of this fine ship. I am sure she will live up to the very famous name that has been borne by so many other United States ships.

Ships named *Savannah* have served our nation well. They have marked the progress and growth of our nation as a maritime power. Some have been naval ships that have performed nobly in our struggle to gain and maintain our liberty and way of life from the very earliest days of our country. Others have been merchant ships noted for their contributions in the field of naval architecture and naval engineering. All have borne their names proudly and with distinction.

The first *Savannah* served the country as a coastal defense galley. She was authorized by an act of Congress on May 4th, 1773; was built and fitted out at Savannah, Georgia; and was armed with one 24-pound gun and small brass howitzers. She was not a mighty ship but was among those that marked the beginning of our Navy. She provided us with defensive seapower during this country's early struggles. She was stricken from the Navy list in 1802.

The second *Savannah* was a merchant ship and an outstanding credit to our "Yankee Ingenuity". She contributed greatly to the revolutionary shift from sail to steam propulsion. She was the first steamship to cross the Atlantic Ocean. She was originally designed as a sailing ship to run as a packet to France. Before completion was fitted with a steam engine and paddle wheels. After a trial run and some coastal cruises, including one with President James Monroe embarked, she sailed from Savannah, Georgia, on 22 May 1819. Twenty-nine days and eleven hours later she reached Liverpool, England. This feat excited and astonished the world. It was recognized as a triumph of American enterprise and skill. Despite her success and the glory that she brought the American merchant marine, she failed as a profitable cargo carrier. Too much of her cargo space was taken up by machinery and fuel. She had, however, proved a concept which was to revolutionize ocean-going vessels and have a profound effect upon the relations between the peoples of the world.

The second naval ship *Savannah* was a wooden sailing frigate built in the New York Navy Yard. She had a length between perpendiculars of 175 feet and a tonnage of 1,726. Her speed was 13 knots and she was designed for a complement of 467 officers and men. She had a long, colorful life and saw a lot of naval service. Also, she may very well hold a record for how long she remained on the building ways! Her construction began in 1820 and she was not launched until 22 years later. It was reported that a breathless silence occurred when the stupendous structure was about to move into the water. Her splash wet the feet of some 2,500 people.

The third naval ship *Savannah* was the foreign made liner SS *Saxonia* built in Germany. She was seized in Seattle, Washington, when we entered World War I. She was renamed *Savannah* when commissioned in the U.S. Navy. She served the defense of our country as a Submarine Tender for more than ten years during and after World War I.

The next naval ship *Savannah* was a Light Cruiser built in Camden, New Jersey. This *Savannah* I was personally and intimately acquainted with. She was commissioned in 1938 and my first duty as a naval aviator was in her aviation unit. I lived with her through three years preceding World War II. The tense situations of those days brought many interesting assignments in both the Atlantic and Pacific. After my detachment she performed escort duty for shipping in the Atlantic. When we entered the war she was in the vanguard of major operations in North Africa, Sicily and Salerno. Although badly damaged during the amphibious landings at Salerno, her welll-trained crew brought her safely to port where she was repaired and her full fighting capability restored. She was a noble ship and fought well in defense of our country.

The next *Savannah*, a merchant ship is a monument to our scientific and industrial talents. She is the Nuclear Ship *Savannah*—the first merchant ship to be powered by atomic energy. Built as a prototype, she proves that atomic power is safe to live with in a merchant ship environment. Although not a complete commercial success, she, like her namesake of a century and a half earlier, has proved a concept and has gone down in history as the first of her kind. Only time will tell the effect this will have on the merchant fleets of the future. There are many who believe the eventual results will be just as revolutionary as the shift from sail to steam.

From these brief histories we see that the name *Savannah* has transcended from sail to steam and nuclear power, served in the defense of our nation, contributed to our economic welfare and marked our scientific progress. They all have been great ships.

From the time that man discovered that he could travel over the water, it has been recognized that the ability to use the sea increased the strength of a country.

Countries before ours gained world renown and a place in history by the use of sea power. From the birth of this nation we recognized the value and need for seapower. From the earliest days of our country freedom of the seas has been one of the cornerstones of our national policy.

Many times this freedom of the seas has been threatened.

Today with our world-wide base structure continually shrinking, freedom to use the seas takes on added significance. In 1953 we had the rights to use more than 550 major overseas bases. The number has now decreased to fewer than 180. Our commitments to others and the need to protect our own interests have not been reduced in proportion. At this very same time we are seeing an unprecedented build-up in the strength of the Soviet Navy. Prior to the end of World War II the Soviet Navy's mission was primarily one of coastal defense. Very little was heard of the Soviet Navy during that war. The USSR was thought of as predominantly a land power with large armies.

In the past several years this image has changed dramatically. Today by any measure they are the second largest seapower in the world. Striking changes have been made in both their construction of new ships and the concept of their operations.

By a dedicated building program and a vast outlay of funds they have constructed a large modern Navy. They are the first country to mass produce submarines at a wartime tempo when not engaged in a war. They have a force of about 350 submarines. Many of them are nuclear powered.

Their crusiers and destroyers are modern and equipped with the newest weapons and electronic systems. The composition of the Soviet Navy, the quality of their equipment and the manner in which they are deploying their forces all point up the seriousness of their regard for a prominent position on the seas.

Only a few short years ago a Soviet ship was rarely seen in the Mediterranean. Today they operate large task forces regularly in that area. Frequently they visit ports in many parts of Africa and around the Indian Ocean. Soviet units are continually maintaining surveillance over and operating near *our* Navy units.

Further, the Soviet advances in seapower are not limited to naval power. Their merchant marine, oceanographic and fishing fleets are modern, highly effective units that operate world wide.

This Soviet move for more seapower has a propaganda potential equal to that they have enjoyed during the space race. Ships deployed around the world, flying the red flag, serve both a strategic and political function.

This clearly points up our need for strong, very mobile naval forces which can operate far from our shores. Their mobility must be assured by their being supplied at sea, from replenishment ships such as *Savannah* here, in some instances, coming direct from our own United States ports.

This need to expand the mobility of our Navy forces and support them anywhere requires more effective support ships. This is the role that will be undertaken by the newest *Savannah*. She is designed to provide ships of the fleet with a "one-stop" replenishment. Older type replenishment ships carry only one type of cargo. A tanker carries fuel; one cargo ship carries supplies; another carries food; and another carries ammunition. With this newest *Savannah*, fleet operating units can be resupplied by only one delivery ship instead of three or more. This creates many economies in effort, time and ships. It adds further to the mobility of our naval forces. When outfitted, *Savannah* will have the most advanced equipments for transferring fuel and supplies. Included will be a landing and launching area for cargo helicopters—able to transfer supplies while the ships are miles apart.

To compete with this surging strength of Soviet Seapower we must continue to exploit the technological know-how of this nation. The military establishment and the industrial establishment must continue to work together to build the most capable ships possible—such as the one we see here today.

During the past several months there have been numerous public references to the so-called military-industrial complex. Contrary to some statements, this is not some malignant thing that is operating counter to the best interests of the nation. It is a large segment of patriotic people in this country dedicated to our democratic way of life.

We have a large military establishment in this country today. It consists of about two million men, a large inventory of ships, aircraft, missiles and other hardware. It is backed up and supported by the industrial technology and production capability of this country. Many of you people here today can proudly count yourselves among the members of this military—industrial complex.

The necessary teamwork between the industrial managers and the Department of Defense has long been one of the principal contributors to this country's technological growth and progress.

One of our greatest monuments to the military-industrial relationship is the Apollo space program and man's first moon landing. This event staggers the imagination. Much of the scientific knowledge and technology which made this program possible came from this same military industrial complex. Some 17,000 companies worked to supply the component parts. Many companies worked to build command modules, landing modules, launching rockets and control radars. The companies and people involved are members of this same military-industrial complex. Their precision teamwork and cooperation is unmatched in the world today. It appears that the relationship and its efforts might more appropriately be considered as a military-industrial miracle.

We are assembled here today to honor still another achievement of the cooperative efforts of industry and defense—the *Savannah*. She incorporates many technological advances developed by this same miracle team.

To the patriotic and dedicated men and women of General Dynamics here in Quincy, I want to say congratulations. I know that in building *Savannah*, you built her well and with pride; that while building her you were fully aware that, in your hands, you held the future successes of the ship and the welfare of the men who will sail her. You can be proud of the contribution you have made to peace in the world and to the security and well-being of the people in the United States.

Some years ago Miss Frances Norman, after a suitable invitation and due deliberation, accepted a sponsorship role when she agreed to marry me, a young junior grade lieutenant in the United States Navy. Possibly an ability to better foresee coming events and a better knowledge of the hardships and uncertainties associated with life in the military might have influenced her to make another decision. However, having accepted the invitation she took immediate, strong and continuing action to insure that she not fail in her role of sponsor. For this I am always grateful. This morning my wife will start *USS Savannah* on her career. She is a lucky ship to have such a loyal and devoted sponsor. Under her watchful eye it is foreordained that *Savannah* will always meet every challenge to the best of her ability. We shall follow her career with pride and confidence. Our hearts will always be with this fine ship and her crew wherever they may be. We wish them always good luck and Godspeed.

INDEPENDENCE DAY OF THE REPUBLIC OF TOGO

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. POWELL. Mr. Speaker, 10 years ago, on April 27, 1960, the Republic of Togo attained national independence. On this memorable occasion, I would like to extend congratulations to His Excellency, Brig. Gen. Etienne Eyadema, President of the Republic of Togo; and His Excellency Dr. Alexandre J. Ohin, Ambassador of the Republic of Togo to the United States.

These people had lived in the strip of land between today's Ghana and Dahomey on the west coast of Africa for centuries. At about the middle of the last century French and German traders established themselves there, and then came the British. The three newcomers shared the country amongst them. At the end of the First World War Germany lost its share, and it was divided between the French and the British. Then the country was placed under the mandate of the League of Nations in 1922, and so it remained until the end of the last war.

In 1946 both the French and British spheres were placed under the trusteeship of the United Nations. Thenceforth for more than a decade the people petitioned the U.N. for autonomy and independence. In the elections held in April 1958, the National Unity Party took control of the national assembly and pledged for complete national independence. Finally this goal was attained in April of 1960.

Since then the Republic of Togo has enjoyed full sovereignty. It has become a member of the United Nations, thus having its place in the family of sovereign states. The internal political scene has been subject to some changes, and the economy of the country is based on small-scale subsistence farming. Togo is reported to have the world's largest reserves of phosphate. It is already being mined and exported, accounting for a large percentage of the country's export trade.

The people of Togo are doing their utmost to become self-sustaining, and for the present they are enjoying their richly deserved national independence. On the 10th anniversary of their independence day I salute the people of the Republic of Togo.

WOMEN'S RIGHTS RECOMMENDATIONS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. PUCINSKI. Mr. Speaker, in an article which appeared recently in the Washington Post, the very talented writer, Miss Elizabeth Shelton, discussed the urgent matter of women's rights.

It is indeed a travesty of justice that as we approach the 200th anniversary of the birth of this Nation, women are still treated as second-class citizens.

It is a mockery and unconscionable to state that we have equality under the law when we find that women are discriminated against in all phases of our society.

To right this glaring wrong, last year I introduced legislation which would permit a constitutional amendment to provide equal rights for women in America.

I call upon my colleagues in the House and Senate to pass this legislation as soon as possible before the sensible voices in the women's liberation movement are drowned out by the radical elements among us.

Lest we forget, it was because of a woman, Queen Isabella of Spain who gave her confidence and patronage to Columbus, that America was discovered.

Mr. Speaker, the excellent article by Miss Shelton follows:

[From the Washington Post, Apr. 23, 1970]

Women's Rights Recommendations

(By Elizabeth Shelton)

Establishment of a White House office on women's rights, under a woman director, is

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the primary recommendation of a task force report prepared in secrecy for the President and kept under wraps for four months.

The report of the Presidential Task Force on Women's Rights and Responsibilities also calls for a White House conference this year on women's rights and responsibilities. "Coupled with corrective legislation, it would be a deterrent to the radical liberation movements preaching revolution," the report states.

Not yet released officially, the report equated the struggle for equality for women with the still raging battle by black Americans for social justice.

For several months, the White House has been promising that the report would be released "soon." Members of the task force, which includes both men and women, have in the interim said they were "honor-bound" not to reveal its contents.

Elly Peterson, assistant chairman of the Republican National Committee, said yesterday she was advised by the office of Dr. Charles Clapp at the White House that the report is now at the Government Printing Office and that "it definitely will be released soon."

The cover letter to the President, signed by Chairman Virginia R. Allan, Wyandotte, Mich., drug chain executive, stressed both the "danger of accelerating militancy" and "the kind of deadening apathy that stills progress and inhibits creativity."

The conference call was timed to coincide with the 50th anniversary of women's suffrage and the 50th birthday of the Women's Bureau of the U.S. Department of Labor.

President Nixon has disappointed women's organizations, conservative and liberal, by not sending a women's rights message to Congress. The report of the task force asks him to send such a message, citing in it "widespread discriminations" against women, proposing remedial legislation, asserting federal leadership, recommending implementation by the states and calling on the private sector to follow suit.

Support of the proposed Equal Rights Amendment to the Constitution, which has been before every Congress since 1923, led the legislation listed as required to give women full legal equality.

This would impose obligatory military service on women but "not . . . in functions for which they are not fitted." It would permit women to be bartenders and men to be recipients of alimony. More importantly, it would remove discrimination against women in marriage and property laws, state labor laws which, under the guise of "protection," bar women from earning equal pay, jury duty laws and prison sentences.

In some states, women are required to serve longer terms for the same kinds of crimes, under the belief that it takes longer to rehabilitate a woman prisoner.

Among amendments proposed to existing laws are ones which would:

Give enforcement powers to the Equal Employment Opportunity Commission to remove from women the burden of going into court to prove discrimination in hiring, firing, leave and pension practices.

Authorize the attorney general to assist girls and women to equal access to education. This also calls for a survey by the Office of Education of the extent of discrimination in education because of sex. A new women's unit would be established in the Office of Education to lead efforts to end discrimination.

Provide Social Security benefits to the husbands and widowers of disabled and deceased women workers. In recognition of "a new pattern of family economic interdependence," this proposal also would provide better retirement benefits for families in which the wife, as well as the husband, works.

The report strongly calls for a national system of well-run child care centers, available to all pre-school children, and after-school activities for school-age children at all economic levels who need them. It also proposes income tax deductions as a "business expense" for care of children.

Stating that "sex bias takes a greater economic toll than racial bias," the report asks the President to be as seriously concerned with sex discrimination as with racial discrimination.

It cites unrest among welfare mothers and the radical women's groups mushrooming on college campuses. Among the suggested remedies were implementation of the 1968 Executive order forbidding sex discrimination by federal contractors and expansion of manpower training programs in household employment.

The task force recommended predictably that the President appoint more women to top positions of responsibility throughout government.

This has been a sore point with women's organizations which have been collecting a "talent bank" of potential applicants for high office. They had hoped for the appointment of a woman to the Cabinet or Supreme Court.

The task force also asked federal funding for the states' Status of Women Commissions, some of which operate without money even for postage.

Problems the task force recommended for early consideration by the proposed Director of the Office of Women's Rights and Responsibilities included abortion laws, methods of changing attitudes on sex roles, maternity leave and unemployment insurance.

One of its suggestions for implementation would require the government to collect, tabulate and publish all economic and social data by sex as well as race.

IF YOU WANT TO HELP FIGHT POLLUTION, READ THIS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HOSMER. Mr. Speaker, as we all know, public interest in the problem of environmental pollution is at a high level. In the past few weeks, millions and millions of words have been spoken and written about pollution in America. We have heard and read much about the background of our pollution problem, its present intensity, the dangers it will inevitably pose, and the steps Government and industry will have to take to deal with the problem.

However, Mr. Speaker, we seldom hear about the things that everyday citizens and taxpayers in Freedom, Maine, or Peoria, Ill., or Long Beach, Calif., can do to help restore and protect our natural heritage. With this in mind, I am especially pleased to call the attention of my colleagues to an article which appeared in the Christian Science Monitor on April 28 concerning what all of us can do about pollution:

FACTS AND FIGURES TO AID IN THE PREVENTION OF WATER POLLUTION

(By Yvonne Horton)

How can intelligent and interested consumers help prevent lakes from turning into swamps? This problem isn't limited to North America. One reader writes:

"[Many Canadian] consumers are already switching to soap or low-phosphate detergents and using washing soda or ammonia as a water softener.

"Some of the supermarkets have posted a list of phosphate analyses in their stores, adding to it the phosphate content of their own special brands. One chain is already selling a new brand of their own with a low or no phosphate content.

"It is expected that legislation will be passed eventually to regulate the phosphate content. Pollution Probe at the University of Toronto is very active." (Mrs. B. R., Don Mills, Ontario)

Pollution Probe is a nonprofit citizens group of about 1,300 students, professors, and interested citizens organized at the University of Toronto with headquarters in the zoology department. Formed about a year ago, Pollution Probe has six full-time staff members, who also are on the staff of the university.

Members of Pollution Probe soon may be called the Nader's Raiders of the detergent industry. They feel that the greatest threat to natural lakes today comes from too rapid eutrophication. They write:

"Vast quantities of nutrients, especially phosphates, are being dumped into our lakes by man's activities. The phosphates generally stimulate massive growth of algae and waterweeds . . . In short, a beautiful clean lake becomes choked with plant life and approaches its eventual 'death' as a swamp.

"Fortunately, if we reduce the nutrient load, the lake is able to recover to a large extent. . . . The banning of phosphate detergents is an initial, essential, and even crucial step to save the lower Great Lakes. . . . The problem, though, is not confined to Ontario; it is occurring right across the country."

Pollution Probe recommends:

Citizens demand government bans on phosphate detergents before 1972.

Consumer cutback in the use of high-phosphate detergents.

Such action will immediately reduce the phosphate input to lakes. Public demand for nonpolluting products also will intensify manufacturers' research into finding safe phosphate replacements. One such reasonable alternative appears to be NTA (nitrilotriacetate), which has replaced a large amount to the phosphate in certain laundry products now sold in Sweden.

Pollution Probe warns that the term "biodegradable" on a detergent box has nothing to do with phosphate content. All detergents are biodegradable. The group tells consumers, "If someone tries to sell you a 'nonpolluting' detergent, demand the truth about phosphate content before buying."

Pollution Probers regard every consumer purchase of a laundry soap or detergent product as an opportunity for constructive action to reduce surplus phosphorus in lakes and other natural waterways.

"In switching to a laundry soap, it might be necessary for the consumer to use a washing soda at the same time.

"Also we suggest checking with the manufacturer of automatic washing machines in order to determine how to flush out soap residues."

(The amount of soap residue will vary in different localities according to water hardness. Boston area water, for example, has only about one grain of hardness. In such an area, all homemakers could use heavy-duty soap for laundry if they wish and insist that supermarkets stock it.)

In places where water hardness makes the use of soap impossible, Pollution Probe urges consumers to choose detergents with low-phosphate contents.

Many soaps, detergents, and cleaning agents now in the market were analyzed for Pollution Probe in a University of Toronto laboratory. Such phosphorous compounds were converted to orthophosphate (PO_4) by

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chemical digestion and the concentration of orthophosphate measured in a spectrophotometer. Results inform consumers of the phosphate content by weight of various cleaning products as follows:

PHOSPHATE ANALYSES—PERCENT OF PHOSPHATE (MEASURED AS PO_4)

AUTOMATIC DISHWASHER COMPOUNDS

Product	Percent	Manufacturer
All	45.0	Lever Bros.
Finish	43.0	Economics Labs.
Calgonite	42.0	Calgon.
Cascade	36.5	Procter & Gamble.
Amway Automatic Dishwasher Compound.	34.0	Amway Corp.
Swish	29.0	Curley Corp.

HEAVY-DUTY LAUNDRY DETERGENTS

Product	Percent	Manufacturer
Amway Trizyme	52.5	Amway Corp.
Bio-Ad	49.0	Colgate Palmolive.
Peri	47.0	Sep-Ko Chemicals.
Cheer	44.5	Procter & Gamble.
Oxydol	44.5	Do.
Tide XK	43.5	Do.
Drive	41.5	Lever Bros.
All	39.0	Do.
ABC	37.5	Colgate Palmolive.
Sunlight	37.0	Lever Bros.
Amway SA8	36.5	Amway Corp.
Fab	36.5	Colgate Palmolive.
Arctic Power	36.5	Do.
Ajax 2	36.0	Do.
Omo	35.0	Lever Bros.
Duz	35.0	Procter & Gamble.
Bold	32.5	Do.
Surf	32.5	Lever Bros.
Breeze	32.0	Do.
Amaze	27.0	Do.
Bestline B-7	27.0	Brestline Pro. Inc.
Explore	26.0	Witco Chem. Co.
Maleo Laundry Detergent	25.0	Maleo Prod. Inc.
Wisk	10.5	Lever Bros.
Tend Maskintvätt (Swedish)	8.0	AB Helios.

LAUNDRY SOAPS

Product	Percent	Manufacturer
Instant Fels	9.0	Purex Corp.
Lux	1.0	Lever Bros.
Maple Leaf Soap Flakes	(1)	Canada Packers.
Ivory Snow	(1)	Procter & Gamble.

LIGHT-DUTY COMPOUNDS (LAUNDRY AND OTHER USES)

Product	Percent	Manufacturer
Draft	34.0	Procter & Gamble.
Zero	7.5	Boyle Midway.
Explore Liquid	(1)	Witco Chem. Co.
Bestline Liquid Concentrate	(1)	Bestline Prod. Inc.
Nutri-Clean OLC	(1)	Con-Stan Industries.

[1] Less than 1 percent.

LIQUID DISH DETERGENTS

All liquid dish detergents tested were less than 1 percent phosphate.

MISCELLANEOUS

Product	Percent	Manufacturer
Calgon (water conditioner)	75.5	Calgon.
Amway Water Softener	73.5	Amway Corp.
Solvease	23.0	Russel Chemical Co.
Snowy Bleach	22.5	Harold Schafer Ltd.
Spic and Span	21.0	Proctor & Gamble.
Mr. Clean	6.5	Do.
Ajax All-Purpose	6.5	Colgate Palmolive.
Arm and Hammer Sal Soda	(1)	Church & Dwight.
Fleecy	(1)	Bristol Myers.
Javex Bleach	(1)	Do.
Whistle	(1)	Do.
Jet Spray	(1)	Economics Labs.
Lestoil	(1)	Noxema.
Downy	(1)	Proctor & Gamble.
Dutch Bleach	(1)	Purex Corp.
Lawsons Borax	(1)	Bristol Myers.
Pinesol	(1)	Cyanamid.

[1] Less than 1 percent.

Important: "The estimated error on the above figures is plus or minus 10 percent of the figure shown (95 percent confidence limits). This means that if, for example, the figure is 40 percent, we feel that the actual value could lie anywhere between 36 percent and 44 percent," Pollution Probe comments further.

"We were not able to analyze every product on the market. Such things as hand and face soaps, shampoos, bubble bath, etc., will contain very little phosphate. Industrial and cafeteria detergents probably are high in phosphates but a ban would look after these products."

FRANK McKINNEY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. BRAY. Mr. Speaker, one of the most distinguished and outstanding citizens of Indianapolis recently announced his retirement as chairman and chief executive officer of the American Fletcher Corp., after a career of 50 years in banking.

The following two editorials—"McKinney . . . Prime Mover" from the Indianapolis Star of April 24, 1970, and "A Career Milestone" from the Indianapolis News of April 24, 1970, describe Frank McKinney's career and service to his city and State and country:

McKinney . . . Prime Mover

The virile, viable place that our town is today owes much of its momentum to Frank E. McKinney who put his shoulder to the building of a lot of it and breathed his own Irish luck—mostly McKinney-made, too—into the results.

A good share of the new life downtown and of the university campus growing to the west, Talbot Village, hospitals, revitalized neighborhoods, the move for a civic center, business, industry, finance, politics, sports, higher education, academic freedom and an insistent demand that Indianapolis move ahead—all reflect the loyalty, brains, enthusiasm, optimism and hard work of the Horatio Alger-hero-come-true who began fighting his way to the top half a century ago.

Now, after 50 years in banking, and as his 66th birthday approaches, Frank McKinney has stepped down as chairman and chief executive officer of American Fletcher Corporation. He has transferred his responsibilities in this realm to the hands of men he calls "the finest team of executives I have ever had the pleasure of knowing."

We hope that his new turn will give him more time to be a family man, grandfather, rancher and all-around good Hoosier just enjoying life, although he is still in the midst of careers enough for dozens of men. But we know he will go on being a prime mover. A couple of years ago he said: "We have many problems insofar as a growing metropolitan community is concerned, but the most serious and the most important of these problems is the 'people problem,' that of our less fortunate fellow men."

Men like Frank McKinney who believe things like that never really retire. It is good for the world that they don't.

A Career Milestone

When shareholders gave Frank E. McKinney a standing ovation at the announcement of his coming retirement as chairman and chief executive officer of the American Fletcher Corp., it was a spontaneous tribute to a distinguished Indianapolis leader.

McKinney will be 66 June 16, and his announcement is in keeping with the bank's retirement policy. It is another milestone in a career that rivals any of Horatio Alger's fictional heroes and one that has been of inestimable importance to this community and state.

That career began when McKinney, the son of an Indianapolis fireman, dropped out of school at age 14. At 31 he was the youngest bank president in the nation. Now he is stepping down as chairman and executive officer of the parent corporation of the American Fletcher National Bank & Trust Co., which he built into the largest bank in the state.

If anyone has won the right to retire from both business and public activities, it is Frank McKinney. He has ably served his city, his state and his nation in many important roles. He was national Democratic chairman in 1951 and 1952 and is a close friend of former President Harry S. Truman.

He was an Army colonel from 1942 to 1945, has been president of the Indiana University Board of Trustees and is now a director of the I.U. Foundation. He has given willingly of his time and ability to the Greater Indianapolis Progress Committee. Civic leaders and public officials continue to seek his advice and help.

Perhaps his retirement will give him the opportunity for a more leisurely enjoyment of life. But all who know him feel certain that Frank McKinney will continue his interest in the affairs of the city and state. And for that we are grateful.

SCIENCE UNDERTAKES CENSURESHIP ROLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. RARICK. Mr. Speaker, the news that a member of the National Academy of Sciences sought unsuccessfully to censure Dr. William Shockley, Nobel Prize winner, is evidence of the reactionary mental state to which some who would call themselves scientists have retrogressed.

Throughout the annals of civilization, science has always sought human progress by overcoming superstitions, myths, and prejudices.

And, those scientists who were maligned the severest, were those who contributed the most to civilization, while their contemporary antagonists, in attempting to blindly perpetrate the status quo, are not even recorded in history.

Anyone familiar with Dr. Shockley's work must recognize that he seeks only the truth and through honesty to improve mankind.

His present efforts, including the threatened censure by ignorant, biased, and self-glorifying individuals must satisfy Professor Shockley that he is on a true course. Otherwise, his work would be ignored, not worthy of attack.

True scientists acknowledged that in the ultimate of truth, facts do not exist necessarily as many would like them to be, but rather as they actually are.

If Professor Shockley, through his

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dedicated and courageous efforts, is able to advance the investigation of race problems to where they can be impartially accepted as genuine scientific questions, all will owe him a tremendous debt of gratitude.

I insert a local news column reporting this "bookburning incident" to follow as a portion of my remarks:

[From the Washington Post, April 29, 1970]

Scientists Debate Race Intelligence Study

(By Victor Cohn)

A member of the National Academy of Sciences—the country's leading group of scientists—sought in vain yesterday to censure a fellow member over an effort that might label Negroes genetically inferior.

Dr. Joel C. Hildebrand asked the group to rule Dr. William Shockley, Nobel Prize-winning co-inventor of the transistor, "out of order" for "seeking academy sponsorship of one of his own projects."

Shockley has been trying for four years to get the group either to study white-versus-Negro intelligence or, more lately, just say that such research is important. He has also devoted much of his own time to the subject.

In about two hours of debate, members rejected Shockley's latest resolution, tabled Hildebrand's criticism and "received" but did not "accept" a committee report that—to Shockley's pleasure—at least acknowledged that study of racial and hereditary differences is "proper and socially relevant."

A Stanford University professor, Shockley first tried in 1966 to get the academy to probe race and intelligence—and moved to a personal view that millions of geneticaly inferior, mainly black, children are being produced by national policies that encourage illegitimacy.

In 1967 an academy committee decided "there is no scientific basis" for saying "there are or are not substantial hereditary differences in intelligence" between blacks and whites.

But Shockley has picked up support since then, from at least a scattering of scientists. This includes the well-publicized work of Dr. Arthur R. Jensen, University of California educational psychologist, who says tests show that blacks on the average score 15 points below whites in IQ. Critics say he is using a white-oriented test and ignoring environmental effects that start even before birth.

Shockley lists former Sen. Ernest Gruening of Alaska as a director of a new foundation he has started and has written the academy pressing for answers to some of Shockley's questions, and has voiced "shock" over the group's refusal to act.

Shockley's persistence last October triggered an academy resolution—written by Hildebrand, professor emeritus of chemistry at the University of California—to name a new committee that Hildebrand hoped would "give congressmen some realistic advice."

The committee, headed by Dr. Kingsley Davis, University of California sociologist, wrote a report the academy refused to release yesterday, and Hildebrand called "worthless" because "it wouldn't serve to inform a congressman who succumbed to Shockley's blandishment that it's wrong to treat a man on the basis of his membership in a group. We should treat people on the basis of their individual performance."

Shockley made it clear he will continue his arguments. He told academy members there is a "growing incidence" in the U.S. of mental retardation with IQ below 75. He said he is only interested in "facing these facts in good conscience" to tailor "humane" and nonracist social and educational policies.

CAMBODIA

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. LOWENSTEIN. Mr. Speaker, there are signs that the famous "light at the end of the tunnel," which so entranced President Johnson and his advisers in their view of Vietnam, is now glimmering in yet another Presidential eye.

Many of us have observed that "Vietnamization" is a prescription not for withdrawal but for indefinite American involvement in Vietnam. The recent news about our operations in Laos and now the President's decision to widen the war to Cambodia show that it is still pursuing the will-o'-the-wisp of victory instead of trying to extricate us from the greatest foreign-policy folly in our history.

I discussed on the floor today this effort to "Americanize" the conflict in Cambodia. I commend to the attention of the Members of the House two excellent editorials from the Washington Post on this subject:

[From the Washington Post, Apr. 19, 1970]

No Aid for Cambodia

Cambodia's appeal to the United States for military aid should be turned down. The principal reasons are two. First, the Cambodian army has shown so little taste and talent for battle that the provision of supplies and equipment which the army would not put to good use could easily turn out to be just a way station on the road to an open-ended American involvement, as in Vietnam. Equipment, then advisers, then . . . who can say?

Second, though the value of Cambodian sanctuary to the Vietcong has been considerable, it has not been considerable enough to prevent Allied forces in South Vietnam over the last year or two from grasping the military initiative. However useful it would be to deny the Vietcong continued sanctuary in Cambodia, it is demonstrable that this mission is not essential to the war effort in Vietnam. The decision not to move in force against the sanctuaries was taken for sound reason some time ago.

If the Nixon Doctrine means anything at all, it is that the administration will be selective and discriminating in its military commitments—that it will not, like a retired fire horse awakening to a bell, instantly gallop off with a military response to every anti-Communist appeal. The case against risking being drawn into another swamp becomes even stronger when the government and army seeking aid are so palpably punky as Cambodia's. When the mission, even if successfully achieved, cannot be shown to be vital, the case for taking the risk virtually disappears.

There is, in addition, the nature of the Cambodian government. The Lon Nol regime, which seized power from Prince Sihanouk a month ago, lacks any comparable popular standing and appears wobbly and impermanent. In its desperation, it is playing on the ancient folk passions which divide the Khmer people of Cambodia from the Annamites of Vietnam. It identifies as enemies not only the estimated 40,000 North Vietnamese soldiers camping in Cambodia but the 400,000 Vietnamese civilians living there as well.

Thus last Saturday General Lon Nol's airplanes dropped leaflets in Phnom Penh recalling a historic massacre in which "the Khmers once rose up and killed all Annamites on Cambodian territory in one night." Hundreds if not thousands of Vietnamese civilians have been rounded up and confined as virtual hostages. At Prasot, close to a hundred of these were gunned down in what was, by all but official Cambodian account, an army bloodbath. Hundreds more dead Vietnamese, many with hands tied behind them, were discovered Wednesday floating down the Mekong River. In just a few weeks, the plight of Vietnamese civilians has become so extreme as to arouse the official concern of Saigon. Since that government has not previously been known for its tenderness toward the Vietcong, it presumably believes that the victims are not enemies but innocent Vietnamese civilians.

A judgment of the current Phnom Penh leadership is no sentimental luxury. It bears directly on the question of whether the Lon Nol government is a good political investment for the United States. In our view, a government which invites battles it cannot fight, stirs community tension into civil war and acts in a way to shame those who would support it is a poor bet. We realize that the natural reflex of the bureaucracy is to frame the problem as a narrow military one and to go ahead step by step and render aid. It will probably take a positive decision by the President *not* to give aid in order to halt the momentum of ensconced habit. But that is exactly what Mr. Nixon must do.

[From the Washington Post, Apr. 24, 1970]

No Reason To Widen the War

Cambodian Premier Lon Nol's latest appeal to President Nixon for military aid takes on a special urgency from events at the front. First, Vietnamese Communist forces are on the march; they have seized parts of six provinces around Phnom Penh and are nearly within artillery range of the capital itself. Secondly, the Cambodian army is on the run: it lacks leadership, equipment, numbers, skill and resolve.

That Lon Nol's situation is deteriorating, however, is not reason enough for the United States to rescue him. Lon Nol has been a disaster: an ambitious general who seized power by a coup, he has brought down upon his country in one short month the war which his canny and mercurial predecessor, Prince Sihanouk, skillfully avoided for many long years. The suspicion grows that he counted recklessly from the start of the prospect that by declaring his government "friendly" to us he could lure us into bailing him out. Otherwise there is no logical explanation for his policy of inviting a major open war with the Communists, who had long and quietly used Cambodian territory for their Vietnamese operations while letting Sihanouk rule in Phnom Penh.

In fact, Lon Nol's appeal is full of holes. Given the gravity of his emergency, the long time needed to deliver aid and the longer time needed to train Cambodians to use it effectively, it is inconceivable that aid alone could help. American "advisers" would surely be requested, too, in time. There is the ring of a pathetic truth—or rather, a pathetic fallacy—in the remark of a Cambodian battalion: "Tell Washington that we could use 200,000 American troops and after two years we could handle the situation by ourselves, like the South Vietnamese." And even if some combination of Cambodian, South Vietnamese and American troops did succeed in sealing the Cambodian border, the much longer Laotian border would still be open—no one claims there is a prospect of sealing that.

The initial thinking of the administration seems to be to provide some indirect help.

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Thus several thousand Soviet-made rifles captured in Vietnam are being distributed to the Cambodian army. Indonesia, apparently with American encouragement, is said to be offering aid and advice. Other reports say that South Vietnamese troops may be unleashed across the border. Indirect aid has the advantage of conveying an American interest even while half-hiding the American hand. But it commits some American prestige nonetheless, it gets up the momentum of the military supply machinery, and it unavoidably creates the expectation that if a limited amount does not suffice, the United States will come through with more.

The dimensions of the over-all military problem should not be obscured in the dust swirling around Phnom Penh. The Parrot's Beak, a promontory of Cambodian territory which juts toward Saigon, has been used by Vietnamese as a major sanctuary and base area for years. To calculate that it could be cleaned out quickly, as advocates of aid do, is a dream—the same kind of dream which sucked the United States into Vietnam in the first place. Moreover, we have it on the authority of President Nixon the other night that the Communists' use of Cambodian sanctuary is not all that damaging to the American effort in Vietnam. Despite that sanctuary and despite the recent Communist drive in Cambodia, the President said, enemy force levels in Vietnam have declined, American casualties have fallen, Vietnamization is proceeding and "we finally have in sight the just peace we are seeking."

Mr. Nixon observed on Monday that his main consideration, in assessing Communist military activity in Cambodia and elsewhere, was that the security of American forces remaining in Vietnam not be jeopardized. This is the key. However unwelcome and distasteful, a Communist advance in Cambodia need not jeopardize American troops across the border. There is no overriding strategic reason why the United States must extend its part of the war to another country—certainly not at a time when it is trying to scale down the war in Vietnam.

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1970

Mr. ZABLOCKI. Mr. Speaker, I wish to express my strong endorsement of House Concurrent Resolution 582, a resolution offered by the gentleman from Florida (Mr. SIKES) which designates May 1 as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action.

The unanimous support which has been given this resolution and previous resolutions which relate to the POW problem indicate that all Americans, regardless of their views on the Vietnam War, are united in supporting the right of captured American servicemen to humane treatment in accord with the dictates of international law.

As you know, the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, held hearings on the POW situation last November. Those hearings resulted in the adoption of a resolution calling on Hanoi to live up to the requirements of the Geneva Convention on Prisoners of War and to provide humane treatment for American military personnel they hold captive.

The text of that resolution read:

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to ensure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

Subsequently that resolution was adopted by both the House and Senate as a clear expression of the sense of Congress on the plight of our American POW's in Southeast Asia.

Recently I asked the Department of State, the Department of Defense, and the American National Red Cross to provide me with reports on how the resolution had been helpful to them in carrying out their work on behalf of our prisoners of war and their families.

Replies have already been received from the Department of State and the Red Cross, and I will insert them into the RECORD at the end of these remarks.

I do so in order to point up the importance and usefulness of congressional expressions on the POW problem. By our unanimous passage of House Concurrent Resolution 582 we have stated once again our deep concern for the welfare of those unfortunates held by the enemy in Vietnam and for their families who live in fear and anxiety from day to day.

By designating May 1 as a time of special recognition for our POW's and their families, we are continuing to direct public attention both at home and abroad to their plight, and to the brutal and illegal actions of the North Vietnamese and the National Liberation Front in failing to treat our men humanely.

It is my hope that in each community throughout this Nation some special recognition can be paid to the prisoner of war problem on the Law Day and other ceremonies which mark May 1.

Here in Washington, of course, there will be the giant rally Friday evening at Constitution Hall, sponsored by a bipartisan group of Members of Congress. The Subcommittee on National Security Policy and Scientific Developments will mark the occasion by taking testimony in the morning from five wives of American servicemen who are prisoners or are listed as missing in action.

But let us not stop there in bringing this important issue to the attention of our countrymen. Each of us can make a contribution by discussing the problem in public speeches in our own districts, not only on May 1 but in the days to come.

In that way, the rally will not end May 1—but rather signal a larger rallying of all Americans in the cause of obtaining humane treatment and ultimate release for our military men held captive in Southeast Asia.

The text of the letters follow:

THE UNDER SECRETARY OF STATE,
Washington, April 15, 1970.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Responding to the request received from your staff, I am glad to give you the following report on the use we have made of House Concurrent Resolution 454 expressing the concern of the Congress about the treatment of American prisoners of war in Southeast Asia.

Our delegation to the Paris meetings on Vietnam first informed the other side of Congressional action on this resolution following the hearings conducted November 13, 1969, by your Subcommittee, and approval of the Resolution by the Subcommittee and full Committee. On December 18, three days after the resolution was adopted by the House of Representatives by a vote of 405–0, Ambassador Habib made the following statement in the Paris meeting:

"The demand that North Vietnam provide humane treatment for the POW's in this manner has wide endorsement in the United States and in the world at large. The House of Representatives of the United States has just passed unanimously a resolution which states the following:

"'Be it resolved by the House of Representatives that the Congress strongly protests the treatment of U.S. servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Conference, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.'"

The Senate added its unanimous approval to the Resolution on February 18, 1970. Ambassador Habib brought this confirmation of Congressional concern to the attention of the North Vietnamese and Viet Cong delegations in Paris on February 26, as follows:

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"Let me call your attention to the fact that on February 18 the United States Senate, by a unanimous vote, adopted a resolution concerning prisoners of war. The House of Representatives had earlier passed an identical resolution—also by a unanimous vote.

"Let me read the operative portion of that resolution: '. . . The Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirement of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and people of the world to obtain humane treatment and release of American prisoners of war.' "

A copy of the full text of Ambassador Habib's statement on this date is enclosed for your information and use.

In short, the adoption of H. Con. Res. 454 by both Houses of Congress without a dissenting vote has enabled our spokesman in the Paris negotiations to document the wide range of concern felt by the American people about the treatment of our prisoners of war, and has put the other side on notice that our Government will not rest until all the prisoners are released and the fullest possible accounting is received of the missing. Our delegation has raised the prisoner of war issue repeatedly in the Paris meetings as part of our wide-ranging effort to induce the communist authorities to live up to their obligations under the Geneva Convention to treat prisoners humanely. We have also sought to keep this subject constantly before the eyes of world opinion. H. Con. Res 454 has been and, we believe, will continue to be most helpful in these efforts.

Sincerely,

Elliot L. Richardson.

American National Red Cross,
Washington, D.C., April 22, 1970.

Hon. Clement J. Zablocki,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Zablocki: The American Red Cross is continuing its action both on a domestic front and around the world to stimulate a universal awareness of the fact that the North Vietnamese have publicly stated they have no intention of abiding by the terms of the Geneva Convention for the Protection of Prisoners of War. Our efforts, however, are not only to arouse world public opinion but to encourage our Red Cross counterparts in every country in the world, 112 in all, to take definitive action directly with the appropriate North Vietnamese authorities.

We are particularly appreciative of the action taken by the Congress in the unanimous adoption of Concurrent Resolution 454. We have taken this as an expression of a universal desire of the people of the United States that we should continue to press without letup in our national and international efforts in behalf of Americans held prisoners by the North Vietnamese.

We have given the Concurrent Resolution both national and international circulation. Our own house organ, the American Red Cross News-Letter, of which some 60,000 copies are printed, contained information on this action by the House and Senate. Copies have gone to all network TV and radio news bureaus, wire services, newspapers, magazines and business publications throughout the country. Copies are sent to all Government agencies and major business corporations. Through the facilities of our own organization, this newsletter has gone to all 3,500 Red Cross chapters and branches in every part of America; and through various press releases this information has been shared with Red Cross societies in every country in the world as well as with the International Red Cross headquarters in Geneva, Switzerland.

Our efforts to stimulate American public support by encouraging their direct communication with Hanoi have elicited, according to the Post Office, tens of thousands of letters, with a steady flow of letters pouring in every day. We further have received assurances from the Post Office Department that their information indicates the letters are reaching Hanoi via Moscow and Peking. Thus there is no doubt in our minds that the North Vietnamese authorities are getting a very clear picture of American sentiment on the prisoner-of-war issue.

We have no doubt but that the Concurrent Resolution has been of enormous help to us in this marshaling of American and worldwide opinion on the subject and we expect to make repeated use of it for that purpose in the future. Accordingly, it scarcely needs saying—but merits emphasis—that we are extremely appreciative of Congress' action in this matter.

Sincerely yours,

John C. Wilson,
Executive Vice President.

THE CAMPUS UPRISINGS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. MOLLOHAN. Mr. Speaker, we are entering another spring-summer offensive on college campuses across the Nation as minority demonstrators, failing to perpetrate their views by legitimate means, seek to force them through violent means.

It is indeed amazing that university administrators still fail to utilize the one recourse granted them since the year 1209, and that is the power to expel.

The following editorial from the Wheeling, W. Va., News Register reports it does not find it surprising that 75 percent of the American people favor summary expulsion of college students who use illegal force on campus as a means of persuasion.

The article quickly sums up the situation and includes pertinent commentary from Dr. K. Ross Toole of the University of Montana.

I present it to your attention at this point:

[From the Wheeling, W. Va., News-Register, Apr. 27, 1970]

The Campus Uprisings

We do not find it surprising in the least that 75 per cent of the American people favor summary expulsion of college students who use illegal force on campus as a means of persuasion.

This finding was reported last night on the television program, "The Advocates" which appears on a number of non-commercial stations of the public television system.

The poll was conducted by the Opinion Research Corporation of Princeton, N.J., and represented a national sampling based on 1,063 adults—532 males and 531 females—in telephone households in U.S. cities, towns and rural communities.

Besides the 77 per cent in favor of expulsion, 16 per cent opposed the idea and 7 per cent had no precise opinion.

Most Americans, we believe, are sick and tired of the campus uprisings. They are inclined to support harsh measures when small bands of unruly students disrupt and seek to prevent the educational process for serious-minded students. The only answer is for university and college administrators to expel those individuals who insist on breaking the rules.

The young protest the "Establishment," meaning the adults, whom they blame for all of the world's ills. Admittedly the adult population has made many mistakes. But as one college professor, Dr. K. Ross Toole of the University of Montana, recently pointed out, every generation makes mistakes, always has and always will.

Dr. Toole recently wrote a timely article for the Cedar Rapids, Iowa, Gazette in which he "tells it like it is." The young should take note of what he has to say.

"We have made our share of mistakes," wrote Dr. Toole, "But my generation has made America the most affluent country on earth; it has tackled head-on a racial problem which no nation on earth in the history of mankind has dared to do. It publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

"It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform."

Professor Toole also takes to task the psychologists—the educators and preachers who say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. To all of this, he says, balderdash!

"Society hangs together by the stitching of many threads," he writes. "No 18-year-old is simply the product of his 18 years; he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered."

Getting back to today's rebellion on the campuses, the college professor believes that that is where we must begin to take firm action to cope with the militant minority of young people.

"It simply means that faculties should stop playing children," he writes, "that demonstrators should be met not with the police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209."

The idea is not new or revolutionary. It is one of the oldest rights and necessities of the university community. And the majority of Americans today agree with it, as the latest opinion poll demonstrates.

BAD NEWS FOR NIXON

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. BRADEMAS. Mr. Speaker, I believe many Members will read with interest the following column by TRB in the April 4, 1970, issue of the New Republic:

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Bad News for Nixon

(By TRB)

Sitting here in Washington, trying to make sense of it all, we have, we hate to admit, a gathering foreboding. It's bad news for Mr. Nixon we fear and, alas and alack, that means bad news for America.

Up til now he's been throwing out policies; now the results are coming back at him. Let's run over some of them. On the economic front Administration advisers frankly admit the inflation didn't yield as expected. They did everything the book said but the economy didn't play by the rules. We are now almost certainly headed into a recession (mild, we hope) with inflation at the same time. Many Presidents are bothered with one or the other. Mr. Nixon has both.

Industrial strife: this is natural enough, really, if you're willing to look at some boring statistics. Corporate profits after taxes have zoomed in the inflation (up $3.5 billion since 1967). So have Wall Street dividends (up $3.1 billion). Congress has boosted its own salaries to $42,400 (40 percent) and the President's by 100 percent. Corporate tycoons have followed suit.

And what's happened to the worker? Why, the "forgotten American" that the President is so anxious about, can't make ends meet: the average industrial worker with three dependents got $88.06 a week in 1965 (after subtracting income taxes and social security) and $87.27 in 1969 (adjusted prices). After four years' frantic running, he's in the same place! Postal workers were told to wait. Make no doubt of it, there's going to be more turbulence. And the politically minded Administration has just decided that recession is worse than inflation (with an election ahead) and has switched signals. It is easing curbs on price rises although as *Business Week* says, "inflation is still rolling at undiminished speed."

So how about Vietnam? Mr. Nixon's November 3 speech was a political masterpiece. Everybody said so. He would negotiate, he would Vietnamize, and he would gradually withdraw, all at once—something for everybody. The nation relaxed; "he's a genius," people said. But five months later and now skeptics are asking more boldly: Can the South Vietnamese really win when Americans withdraw? And can we actually "negotiate" when the key issue is, Who runs Saigon?—and we back the Thieu-Ky regime to the limit?

Nearly everybody agrees the war can't be "won" militarily; somehow or other the longest war in our history must be negotiated out. Yet for the last four months of the 14 months of the new Nixon "era of negotiation" the top place in our team in Paris is vacant. The Communists won't negotiate with a subordinate; Mr. Nixon doesn't act. We back Thieu. Stalemate.

And the war itself? Marijuana, we learn, is widespread. We hear of worse vices. There is this trial of the young first lieutenant who ordered the slaying of an unarmed Vietnamese civilian. There is the Mysong massacre. What else goes on we don't know. We close our minds if we can. And over 41,000 Americans dead.

Well, that's Vietnam. So why blame the President? Mr. Nixon didn't make the war! He just supported it when he was out of office and said he would end it, in office. There was a moment, perhaps, when he could have got us out after he was inaugurated; he didn't, and now there are Laos and Cambodia. The Army brass wants a six months' delay in troop pull-outs. And public weariness is reflected in Massachusetts where the state legislature, quaintly enough, talks about testing the legality of the whole thing.

AN AGE OF MIDGETS

Then there's the toughest problem of all—Nixon and race. At the Gridiron Club annual banquet here recently, the President stole the show. He sat on the stage with one piano and Spiro Agnew sat at another, and no sooner would the President start a tune than Spiro would cut in with Dixie. Everyone got the point. Oh, it was funny, I tell you! In that great crowd of newsmen and their powerful guests there were only two blacks. They may not have thought it was so amusing.

As we appraise the mood of America it is as disturbed, uneasy and anxious as it has not been for a long time. Maybe things will quiet down but our instinct warns of confrontations ahead. It is a cliche to recall Mr. Nixon's promise to bring us together but, anyway, he hasn't done it.

It got so confused on integration that Mr. Nixon decided to formalize his position once and for all and produced his 8000-word statement. "What we need most at this juncture in our history," said Father Hesburgh, president of Notre Dame and Mr. Nixon's own chairman of the U.S. Civil Rights Commission, "is a great positive statement." He appealed for a clarion call. What he got was a dry, legalistic document.

"Just when the nation demanded moral leadership from the President on the most crucial human problem we face," wrote Hugh Sidey earlier in *Life*, "almost none was forthcoming."

Again and again the President said he would be guided by the *courts*, he would follow the *courts*, let the *courts* decide. Mr. Nixon attacked the Supreme Court during the election. Now his nominations to the Court seem to demean it. In this age of doubt and uncertainty the Supreme Court is a beacon to many. Take faith in the Court away from the frustrated and heartsick black leadership and the situation may well slip over into violence. Yet in an age of midgets, Sen. Hruska defends the right of the mediocre to climb into the seats of the great body.. The Administration is afflicted with creeping mediocrity.

ON THE RHODESIAN FRONT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. RARICK. Mr. Speaker, latest reports from Rhodesia are worthy of comment. Several days following the cowardly withdrawal of the U.S. consulate at Salisbury, the Russians opened an embassy in neighboring Botswana. While our diplomatic blunders have denied us of an anti-Communist ally as well as Rhodesian chrome, it seems that the Russians were aware of recently discovered diamonds and other valuable minerals in Botswana.

The Soviets and the Peking Chinese are so well established in their colony, Zambia, that they are now proposing a controversial highway to link Lusaka, the capital of Zambia, with Botswana. Interestingly enough, the reported feasibility study on the bridge, a paltry $70,000 item, has been donated in the name of African good will by the U.S. taxpayers.

Zambia also announces its plans to become the Red propaganda center of the African Continent. Three new powerful radio stations are planned at Mumbwa, 11 miles from Lusaka, the capital. While the USIA is cooperating in Zambia to agitate anti-Communist civilization to the south, as yet there is no evidence of U.S. tax dollars in the radio operation—the Red Chinese are the builders—due to a critical labor shortage in Zambia.

In the meantime, the Rhodesian economic report for 1969 shows that despite the warlike U.S.-U.N.O. sanctions, their gross domestic product increased 14 percent, exports increased 20 percent, and employment increased by 5 percent.

A continuing embarrassment to the world's political left, including the present U.S. administration, is that the oppressed peoples from the black "socialistic democracies" in the north struggle to get into, not out of, the civilized South African countries.

I include several related news clippings, as follow:

[From the Rhodesian Herald, Apr. 16, 1970]

Dispute Possible Over Proposed Road Link

LUSAKA, Wednesday.—President Kaunda of Zambia held surprise talks yesterday with Sir Seretse Khama, President of Botswana, at the remote Zambian town of Sesheke near the South West African border. It is believed they discussed a proposed road link between Zambia and Botswana, for which a United States Government agency recently concluded a $70,000 survey. There have been reports of South African pressure on Botswana to reject the link.

The road would join the towns of Livingstone and Francistown, running mainly along the Rhodesia-Botswana border. Its aim would be to strengthen links between the two countries as well as help Zambia cut ties with Rhodesia.

At present a ferry connects Zambia and Botswana across the Zambezi River at Kazungula. Its presence has never been challenged. But a road link might need a bridge and the border is so narrow that a dispute could arise over territorial infringement.

FORCE ISSUE

Our Africa News Service says the major border dispute which looms between Zambia and Botswana on the one hand and South Africa and Rhodesia on the other, could involve both the United Nations and Britain in what observers believe is a deliberate move by the Zambian Government to force into the open the question of disputed authority over South West Africa and Rhodesia.

South Africa and Rhodesia maintain that Zambia and Botswana do not share a common frontier. This means that the building of a bridge would most certainly entail a violation by Zambia and Botswana of their neighbours' territorial rights.

South African Foreign Affairs Minister, Dr. Hilgard Muller, has already indicated South African interest in the plan by saying that there "is no joint border between the two countries." Zambia disputes this notion. An official here has described Dr. Muller's remarks as nonsense, pointing to what Zambia maintains is a common frontier at Kazungula, 58 miles west of Livingstone.

For the Government's stand—though not officially spelled out—is that the United Nations, which claims authority over South West Africa, holds sway over the Caprivi Strip and that Britain continues to hold the only legitimate authority over Rhodesia.

NO RIGHT

Thus, the sources say, the Zambian Government argues that neither Pretoria nor

Salisbury would have the right to interfere in any proposals involving a bridge.

Whether Botswana, so heavily dependent on both Rhodesia and South Africa, will go along with this is not clear.

But the independent Times of Zambia said in an editorial today: "The road . . . must be built whether Vorster and his right-hand men like it or not."

[From the Rhodesia Herald, Apr. 16, 1970]

Foolishness of Zambian Tactics

Reports published today speak of the possibility of a "major border dispute" between Zambia and Botswana on the one hand and Rhodesia and South Africa on the other.

Zambia and Botswana claim a common frontier at Kazungula on the Zambezi. Rhodesia and South Africa insist that the borders of Rhodesia, Botswana, South West Africa (Caprivi Strip) and Zambia meet there at a point in the middle of the river.

What has been a matter of no practical concern to anybody for a generation assumed at least theoretical importance when the U.S. Government offered to help link the Botswana and Zambia road systems.

Obviously traffic would have to cross the Zambezi; equally obviously, if Botswana has no rights on the south bank a bridge could not be built without either South Africa or Rhodesia ceding land. And neither is reported likely to do so.

(It will be recalled that soon after the Occupation of Rhodesia Britain gave Germany a long narrow corridor between Bechuanaland and Angola to allow German South-West access to the Zambezi. The 1st Rhodesia Regiment captured the Strip during the First World War and despite some later talk of its becoming part of either Bechuanaland or one of the Rhodesias it came firmly under South West African administration in the early 1930s.)

The frontier issue seems to be pushed exclusively by Zambia. Both the U.S. (on April 2) and Botswana (on April 13) have denied any plan to bridge the Zambezi; Botswana has said that an improved ferry service is all she has in mind.

Unless Zambia has some wild plan to use the road exclusively to spite the Rhodesia Railways, a better ferry service would seem adequate. All she is likely to gain from stirring up trouble would be a fresh and unsympathetic South African and Rhodesian look at the pontoon service.

Nor are President Kaunda's reported tactics likely to make Botswana's position any easier.

Already a South African Minister has warned her against too close a diplomatic link with Russia. If the chips went down multi-racial Botswana would be utterly at the financial mercy of her white-governed neighbours, and Zambia could do nothing to help her.

[From the San Diego (Calif.) Evening Tribune, Dec. 19, 1969]

Reaction to African Film Big Surprise to USIA

(By Gordon C. Murray)

Members of an American-run refugee camp in Zambia recently seized a film distributed by the United States Information Service and turned it over to the government. A cryptic article datelined Lusaka gives the details in the very liberal Rand Daily Mail of Johannesburg, South Africa.

The film was camouflaged South African propaganda, the refugees claimed. They said it hero-worshipped Prime Minister B. J. Vorster and justified the oppression of black people in Southern Africa.

But according to the RDM, the film is part of a series made by the U.S. network, the American Broadcasting Company. It also said that a USIS spokesman denied that the film was favorable to South Africa, adding:

"The film is actually anti-South African," he said. "The commentary points out how blind and wrong the Afrikaner point of view is. The USIS would never accept or distribute any film supporting South Africa in any way."

Departing from the article, recall that USIS is the overseas name for the United States Information Agency. Essentially an arm of the State Department, its purpose is to help achieve U.S. foreign policy objectives.

The Lusaka dispatch, then, would indicate that Washington's past enmity toward South Africa is being continued. Yet along with Rhodesia, that nation is one of the few sound friends we have on the huge continent.

A "refugee camp" in Zambia is a cozy name given to centers of sanctuary and training for revolutionaries mainly from white-ruled South Africa and Rhodesia, but also from black-ruled countries such as Malawi.

The article doesn't say what American organization or individual runs the camp. It would be interesting to know with whom the USIS, an official U.S. agency, is colluding in Socialist Zambia against a nation most cooperative with us.

The Administration should investigate and report upon this situation to the American people. The taxpayers are putting about $177 million a year into USIA activities. They have a right to know what they are supporting.

For all the sad misdirection that it implies, the item is not without its droll aspect. Why did the propaganda film backfire in its purpose of being unfavorable to South Africa?

For an answer, consider a similar propaganda trick used by the Russians in the early 1950s. Intended to make the oppressed Soviet and satellite peoples more contented with their lot, it showed them movies of the most miserable scenes it could find of American poverty and racial discrimination.

But the film flopped in its purpose and had to be pulled from circulation. The people behind the iron curtain found too much to envy in even slum scenes of America.

Notwithstanding deceptive propaganda to the contrary, there are remarkably few real refugees from South Africa. The most irritating fact to the world's political left is that the oppressed people from the black "Socialist democracies" to the north struggle to get into, not out of South Africa.

[From the Washington Evening Star, Apr. 8, 1970]

Rhodesia Is Spur: Zambian Economy Expands

(By Christopher Parker)

Lusaka, Zambia.—Gasoline rationing and a shortage of basics like salt and beer are merely unpleasant memories for Zambians, going back to early days in their front-line sanctions war against Rhodesia.

Today Ian Smith's Nov. 11, 1965, independence grab in neighboring Rhodesia still has its impact on Zambia—but now much of it is favorable.

Spiraling living costs remain a major conversation topic in Zambia and few housewives would accept official estimates that living costs have risen by only about 30 percent since Rhodesian independence. At independence one could buy a pound of tomatoes for about 9 cents; today it would be more like 25 or 35 cents.

But more important is the political urge Rhodesia's independence thrust on Zambia's leaders to cut old links with Rhodesia and South Africa and replace them with links with the north and developing the country's own resources.

RHODESIA SLIPS

In 1965, Rhodesia was the biggest supplier of goods to Zambia, providing $85.5 million worth. Last year Rhodesia slipped to third position, after Britain and South Africa, with goods valued at about $31.2 million.

By the end of next year, Zambia should be able to cut off the bulk of imports from Rhodesia when it becomes either largely or totally self-sufficient in coal and power.

Zambia administered another pinprick recently by putting bans on fruit and vegetables from Rhodesia and South Africa. These were worth about $7.2 million a year.

New supplies of grapes and other fruit are being sought from Mediterranean countries while home production of vegetables and other fresh produce is being stepped up.

A farmer sells a 30 lb. bag of marrows for about 12 cents at the market in Salisbury, Rhodesia. He could get 10 times as much, despite the big rake-off of middlemen, if he could sell marrows at Lusaka's main municipal market.

Rhodesia's independence also gave Zambia's leaders the necessary push to develop the country's own coal resources, vital for the key copper industry and for which Zambia has been in the past totally dependent on Rhodesia.

COAL-WASHING PLANT

By June a $2.4 million plant goes into operation to wash coal from Maamba mine—and it is expected to be of a good enough quality to be used in the copper mine smelters 400 miles north.

By the end of next year bottlenecks which make it difficult to transport enough Zambian coal to the copper mines should be ironed out. An eight-mile ropeway has been designed to lift the coal up a steep slope, and a new rail spur is being added.

Also, by the end of next year Zambia's own $96 million hydro-electric scheme should be in full production on the Kafue River, 50 miles south of Luoversaka.

Further, tenders are going out toward the end of this year for the construction of a $50.4 million power house and other installations on the Zambian bank of the Kariba hydroelectric dam. The World Bank is helping to finance this project.

STEEL PLANT BIDS

In another major development, Zambia this year will send invitations around the world for firms to put in tenders to set up a $55.2 million iron-and-steel industry, capable of producing 75,000 tons of light rolled shapes and reinforcing steel and 25,000 tons of pig iron a year.

The plant is expected to be at Kafue, a new industrial town springing up 27 miles south of Lusaka.

Smith in Salisbury can be held largely responsible for the establishment at Kafue of a $19.2-million textile factory, which is producing 14 million yards of cloth a year from a flourishing cotton-planting industry.

Then, also after Rhodesia's independence, Zambia scrapped plans to share the establishment of a big fertilizer factory with Rhodesia, and went ahead with its own plant. It is now being built at Kafue. An explosives factory is going up there, too.

A sequel to cutting off imports of oil and petrol through Rhodesia was the stretching, at a cost of $38.4 million, of a pipeline for 1,000 miles from Dar es Salaam, Tanzania, on the Indian Ocean, to Ndola, Zambia. Another sequel is the construction, to begin soon, of a $33.6 million refinery at Ndola, by Italians.

Fiat of Italy is setting up at Livingstone, near the Rhodesian border in Zambia, the country's first car assembly plant. The initial output is expected to be 5,000 cars a year.

Rhodesia's independence also was probably influential in giving Zambia a further impetus towards its biggest step for economic independence—nationalization of the copper mines.

With this 45-year-old President Kenneth Kaunda took over all the old mineral titles, previously vested in the two old mining groups.

Firms from Japan, Yugoslavia, Canada and the United States are flocking in to seek prospecting rights in 65,000 square miles relinquished by Roan Selection Trust and Anglo-American mining groups.

[From Parade magazine, Apr. 26, 1970]

Soviet Chrome

Without metallurgical-grade chrome, large segments of U.S. defense industries would come to a rapid halt.

Chrome is necessary to produce alloys for jet engines, gas turbines, guns, and armor-piercing projectiles.

The U.S. imports 92 percent of its chrome needs from abroad, two-thirds from the Soviet Union. Prior to economic sanctions against Rhodesia, one-third of our chrome was imported from that country. But no longer.

Why does the Soviet Union continue to sell us chrome at cheap prices? One possible reason is that it seeks to make us dependent upon her for this most vital of strategic war materials.

If this is true, might it not be prudent for the U.S. to develop and patronize other chrome sources? Why become dependent upon Soviet Russia to such a large extent?

Antony Sutton of Stanford University's Hoover Institution, writes in a recent issue of *Ordnance*, journal of the American Ordnance Association, that it makes little sense "to defend ourselves at a cost of billions against Soviet missiles, without accompanying this move by the logical action—taken at the almost negligible cost of shifting supply sources—to remove a potential source of Soviet miscalculation."

Simply, we should not allow the Soviet war-planners to believe that in the event of war they have us over a barrel because they control our primary source of chrome. We had best let them know that we have available other plentiful suppliers.

[From the Washington Post, Apr. 28, 1970]

Somali Police Chief Arrested in "Plot"

Mogadiscio.—Somalia's military government announced yesterday it had arrested the first vice president and police chief, Maj. Gen. Jama Ali Khorshel, as leader of an "imperialist plot" to seize power.

The Supreme Revolutionary Council, which took control Oct. 21 after the funeral of assassinated President Abdirashid Ali Shermarke, said Khorshel would be tried for high treason.

The council said the alleged plot included infiltrating the Soviet-trained armed forces, provoking neighboring Ethiopia to attack to divert Somali troops.

[From the Washington Post, Apr. 28, 1970]

Congo Troops Move

Kinshasa, Congo.—Congo Foreign Minister Cyrille Adoula said his country's troops had moved into position along the river border with the Congo Republic (Brazzaville). He said the move was "to protect Congolese territorial and physical integrity."

[From the Lynchburg (Va.) News, Mar. 18, 1970]

An Act of Cowardice

President Nixon's decision to deny U.S. recognition to Rhodesia was an act of base political cowardice dictated by expediency. Even the wire dispatches which reported it, and undoubtedly approve, pointed out that it was "a major policy gesture toward black Africa and a condemnation of the white minority regime of Prime Minister Ian Smith."

It was, indeed. And its baseness is underscored by the fact that Mr. Nixon recognizes every bloody-handed black dictator in Africa. Nor does he flinch from recognizing and doing business with military dictatorships in Latin America—even after they expropriate American property.

What is Rhodesia's crime in the eyes of the American President? Why, its white minority rules the country. That's all there is to it. If Rhodesia's whites would turn the country they have built into a modern industrial nation, over to its black majority, Mr. Nixon would open both U.S. doors and pocketbooks.

And yet: Rhodesian blacks have far more liberties and a higher standard of living than blacks in any black-ruled nation in Africa! Mr. Nixon knows that, too.

He recognizes black regimes which grind their people into poverty, rob them, commit genocide, deny them civil liberties—just so long as the regimes are black. Crimes committed by blacks against blacks apparently are to be overlooked.

Rhodesia, in contrast, is a land of law and order and very little crime. Blacks are elected to the legislature, and they control their own affairs. And tribalism being the controlling factor in their lives, the minority tribe in Rhodesia acknowledges that it prefers the white man's rule to that of the larger black tribe.

Mr. Nixon also knows that EVERY African nation civilized by whites and turned over to blacks to rule has reverted to tribalism, persecution and civil disorder. Whites have been massacred and persecuted. Liberia, which Mr. Nixon recognizes, even denies whites the right to vote and to hold government office. Doesn't faze Mr. Nixon's sensibilities, his senses of right and wrong, one bit.

Even as he was denying recognition to Rhodesia, which has always been friendly to the U.S. and has never asked for a dime, Mr. Nixon was seeking ways of establishing diplomatic ties, and ways to recognize the despotic, bloody-handed Communist regime of Mao in China.

The President should have recognized Rhodesia, as he has recognized other regimes, and helped its white government, as he has helped the dictatorships, hopefully to bring about full participation of all citizens in their governments. Instead, we have the President of the U.S., along with the United Nations, trying to starve one small country—including its blacks—into submission via trade sanctions and denial of recognition—while at the same time recognizing every murderous dictatorship government in the world!

A wrong committed in the name of political expediency is the grossest wrong of all—for it is committed to force people to bend to one's political will.

Mr. Nixon committed this wrong to appease black and white militants and liberals in this country. He simply lacked the courage and humanity required to stand up to them and help bring Rhodesia into the community of man.

If we were Ian Smith, we would not worry. The state of that community being what it is, he is far better being outside. A door has two sides, however, and one day we may want to get through from OUR side. If so, we can only hope the Rhodesians are more humane than our Presidents have been, and treat us not as we have treated them.

But then: our national record for treating minorities—red, black, white, brown or yellow, religious and otherwise—is a sign of our basic cold-heartedness toward the plight of those who are no menace to us, at home or abroad. Ah! But let them become troublesome and we try to buy them off.

[From the McComb Enterprise-Journal, Apr. 3, 1970]

U.S. Policy Toward Rhodesia Is Absurd

The United Nations was conceived and organized about the goal of getting nations to settle their conflicts around the conference table and not on the battlefields.

Yet, a resolution recently was adopted by the United Nations in which Great Britain was condemned for not using force to prevent Rhodesia from obtaining her independence from that country.

It is ridiculous that an international organization, organized to prevent war, should condemn a nation for not making war on another country. Fortunately, the United States vetoed the resolution and it did not become the legal will of the body.

The U.S. is equally in an absurd position in its participation in sanctions against the country Rhodesia. Today we in this country need chromium. It is available in Rhodesia, can be purchased at a lower price there than we are now paying for it—and the Rhodesian chromium is of higher quality. Yet, we refuse to buy chromium from a friendly nation and instead buy our supply of this metal from the Soviet Union.

What has Rhodesia done that is so wrong? The U.S. in 1776 declared its independence against England. Today we recognize the U.S. Declaration as a sound and patriotic thing. Yet, when Rhodesia declared her independence from Great Britain on Nov. 11, 1965, we, the United States, opposed Rhodesia.

Obviously our country is catering to Great Britain. We recently closed our consulate in Salisbury, capital of Rhodesia. Yet, Great Britain keeps her consulate open in North Vietnam. Furthermore, Great Britain is lending material aid and comfort through her trade with Fidel Castro.

In our interview with Prime Minister Ian Smith, a truly great person, we were told that Rhodesia seeks only the friendship of the U.S. He said that the U.S. would like to apply the one man, one vote concept in Rhodesia. But he added that wherever this principle has been applied in Africa it resulted in "one man, one vote, one time." He explained that when this concept was put into operation the result was the creation of a military dictatorship and the end of democratic rule.

Rhodesia, under her constitution adopted earlier this month, has developed a Parliament in which both races are represented—not by their numbers but by their participation in the economy. As the black participation in the economy increases the black representation will increase.

It is difficult for many people to comprehend the fact that there are 136 tribal chiefs who rule over the African tribes in Rhodesia. The Rhodesian government has given these chiefs a part in Rhodesian affairs and the black people can vote for representation in Parliament.

Until a few decades ago all of the black people of Rhodesia lived in primitive huts in isolated villages. Today Rhodesia, with quite amazing growth, is providing new opportunities for her black people.

It is difficult to comprehend what our U.S. State Department means to achieve through its policy against Rhodesia, a country that is anti-Communist throughout. There is need of a reconsideration of our U.S. policy toward Rhodesia. Our present policy is outside the realm of reality and fair play.

[From the Baton Rouge (La.) State-Times, Apr. 13, 1970]

South African Official Defends Separation of Races Policy

(By Nora Norris)

South Africa's official policy of apartheid, or separation of the races, is not racial discrimination, but part of a plan to divide that country into autonomous uniracial countries, a South African official said here this week.

Edward Botha, of the South African Information Services in New York, stopped in Baton Rouge recently to discuss South Africa, principally with newsmen. His other Louisiana stops during his tour of the South have included New Orleans and Shreveport.

"We don't have a race problem," declared the native of Cape Town, South Africa's capital.

He said South Africa is not a "black nation" and the population is 20 per cent white, 70 per cent black and the remainder is Asian and mixed.

The Bantu, or the blacks, are actually nine principal tribes, numbering more than 12 million, with different languages, cultures, and traditions—a situation that creates many tribal rivalries.

These groups include the Zulu Xhosa, each with 3.5 million members. Groups with more than a million members are the South Sotho, North Sotho and Tswana.

The goateed information official said customary and legal policies of racial separation are carried out by dividing the land into areas for each group. Botha added the tribal nations are now semi-autonomous units and will be independent when they are developed. The units are not subsidized by the dominant white government, but will one day be completely self-supporting.

Besides separate land, the blacks have separate education facilities, but any South African can attend the school of his choice, Botha said. He added all schools offer equal education.

He said although the blacks are separate, they are not second class citizens. He added a man is a first class citizen in his territory.

Tracing the origin of South Africa and its policy, Botha said apartheid is an African tribal word meaning apartness. He said black and white people began moving into South Africa from opposite ends of the country at about the same time in the mid-17th century and converged 150 years later at Cape Town.

Commenting on his country's refusal to allow tennis player Arthur Ashe into South Africa. Botha said it was an individual situation precipitated by political reasons. He said the Negro tennis player had previously caused trouble.

Botha added that many Negro athletes, especially boxers, appear in South Africa.

The South African said his is a young country, fast-developing like Japan, and tagged it the most advanced in the southern hemisphere. He added the country produces 80 per cent of the world's gold and considerable other precious and semi-precious metals and diamonds and other gems.

He said decentralization of industry will help the individual units of South Africa economically because people of the different tribes can remain with their families, yet work a short distance away in another unit.

Botha said his mountainous country is basically temperate, but lacks adequate fresh water. Many fast-flowing rivers occupy the 471,000 square miles of South Africa, he added.

The information official said the only wild animals are in game preserves which he praised for their beauty and completeness.

FIGHTING DRUG ABUSE THROUGH EDUCATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. ASHBROOK. Mr. Speaker, each year I endeavor to visit most of the high schools within my district in Ohio. These visits provide not only an opportunity for me to meet with the students and teachers, but also give me an idea of the issues and problems they are particularly interested in and concerned about. This year the issue of drugs and drug abuse has been uppermost in the minds of the teachers.

As drug abuse is one of the most pressing problems we are faced with today, every citizen should take an interest in steps being proposed to enlighten the public, particularly our young people, on the damaging effects of drug abuse. It appears that the most effective and responsible way to approach this problem is through drug education and teacher training.

I, along with several other Members of Congress, have introduced legislation which would encourage the development of new and improved curricula in drug abuse education, evaluate their effectiveness in model programs, demonstrate developed educational materials, and provide training programs for teachers, counselors, law enforcement officials, and other public servants and community leaders. Through the Secretary of the Department of Health, Education, and Welfare, grants would be made to local educational agencies and other private and nonprofit organizations for community education programs on drug abuse. H.R. 14252, the text of which is below, seeks to help eliminate drug abuse by striking at the heart of the problem—the lack of knowledge on the part of the average citizen, young or old, on the dangers of improper drug use.

H.R. 14252

A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Abuse Education Act of 1969".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are hereby authorized to be appropriated $7,000,000 for the fiscal year beginning July 1, 1970, $10,000,000 for the fiscal year beginning July 1, 1971, and $12,000,000 for the fiscal year beginning July 1, 1972 for the purpose of carrying out this Act. Sums appropriated pursuant to this section shall remain available until expended.

USES OF FUNDS

SEC. 4. (a) From the sums appropriated pursuant to section 3, the Secretary of Health, Education, and Welfare, hereinafter referred to in this Act as the "Secretary", shall assist in educating the public on the problems of drug abuse by—

(1) making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for—

(A) projects for the development of curricula on the use and abuse of drugs, including the preparation of new and improved curricular materials for use in elementary, secondary, and adult education programs;

(B) pilot projects designed to demonstrate, and test the effectiveness of curricula described in clause (A) (whether developed with assistance under this Act or otherwise);

(C) in the case of applicants who have conducted pilot projects under clause (B), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, and adult education programs;

(2) undertaking, directly or through contracts or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations, evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult education programs involved in pilot projects described in paragraph (1) (B);

(3) making grants to institutions of higher education and local educational agencies to provide preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders;

(4) making grants to local educational agencies and other public and private nonprofit organizations for community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community.

(b) In addition to the purposes described in subsection (a), the Secretary may make available not to exceed 5 per centum of the sums appropriated to carry out this Act for each fiscal year for payment of the reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

APPROVAL OF APPLICATIONS

SEC. 5. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) provides for carrying out one or more projects or programs eligible for assistance under section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 4, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and

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containing such information, as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

INTERAGENCY COORDINATING COUNCIL ON DRUG ABUSE EDUCATION

SEC. 6. (a) The Secretary shall establish an Interagency Coordinating Council on Drug Abuse Education which shall consist of the Secretary (or his designee) as Chairman, the Attorney General (or his designee), the Commissioner of Education, the Director of the National Institution of Mental Health, and with the consent of such other Departments or agencies as the Secretary may from time to time designate as having a substantial interest in the field of drug abuse education, representatives of such Departments and agencies.

(b) The Council shall advise in the coordination of the respective activities of the Federal Departments and agencies concerned in drug abuse education.

(c) The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other agencies and with other appropriate public and private agencies.

(d) The Secretary of Health, Education, and Welfare may not approve an application for assistance under this Act unless he has given the Interagency Coordinating Council an opportunity to review the application and make recommendations thereon within a period not to exceed sixty days.

ADVISORY COMMITTEE ON DRUG ABUSE EDUCATION

SEC. 7. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Drug Abuse Education, which shall—

(1) advise the Secretary concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in section 4 and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review applications and make recommendations thereon;

(4) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act) to the Secretary for transmittal to the Congress; and

(5) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Drug Abuse Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education, mental health, and legal problems associated with drug abuse, young persons, ex-users, parents and others familiar with drug use and abuse. The Committee shall meet at the call of the Chairman or of the Secretary.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

SEC. 8. The Secretary of Health, Education, and Welfare and the Attorney General shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations and institutions of higher education in the development and implementation of programs of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

PAYMENTS

SEC. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 10. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 11. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

President Nixon in his statement on drug abuse in March called for a greater effort in dealing with drug abuse and an expanded program to fight the problem. At this point I would like to insert the President's statement containing his proposal to curb the improper and abusive use of drugs. The sooner the Congress acts on these proposals to combat the problems of drug abuse the sooner we will be able to implement constructive and responsible educational programs.

Statement by the President

In recent months, there have been stories about two heroin addicts that starkly illustrated the ominous nature of the narcotics problems. Like many addicts, one of them not only used the drug, but sold it. Their stories were, in fact, different from those of other drug addicts in only one major aspect: each was only twelve years old.

One boy is now being treated for addiction at a clinic. The other died from an overdose of heroin.

Drug addiction among school age youth is increasing at an alarming rate. Although funds for drug education and training have grown six-fold between fiscal 1969 and fiscal 1971, the situation calls for much greater effort. Today, I announce a greatly expanded Federal program to fight this growing problem.

The major points of the new effort are:

A $3.5 million program operated by the Office of Education to train school personnel, particularly teachers, in the fundamentals of drug abuse education.

Creation of a National Clearinghouse for Drug Abuse Information and Education, giving the public one central office to contact.

Publication of a book in which, for the first time, all of the concerned Federal departments and agencies have pooled their knowledge of the national drug problem.

Modification of a program of the Law Enforcement Assistance Administration to allow large cities to apply for funds to be used for drug education, as well as for law enforcement programs.

Development by the Advertising Council of an expanded public service campaign on drug abuse in cooperation with the media and the Federal government.

Close cooperation of the Administration with concerned citizens' organizations.

Closely related to these projects is this Administration's decision to more than double the amount of money that will be spent this fiscal year on research into the effects of marihuana on man.

One of the great tragedies of the past decade has been that our schools, where our children should learn about the wonder of life, have often been the places where they learn the living—and sometimes actual—death of drug abuse. There is no priority higher in this Administration than to see that children—and the public—learn the facts about drugs in the right way and for the right purpose through education.

Drug Abuse Program Fact Sheet

1. *Teacher Training*—The Office of Education will direct a $3.5 million program to train school personnel, particularly teachers, in the fundamentals of drug education. Grants will be given to states on the basis of their populations. The minimum will be $40,000 and the maximum $210,000. States will be encouraged to match their grants but this will not be mandatory.

Each State will be free to spend the money on training teachers as it sees fit. However, the Office of Education anticipates that most states will want to use the Government's training centers that will be operated in key locations around the country.

As the first step, a National Action Committee will be formed within the next few weeks to provide leadership, technical assistance, and aid in program planning, development, monitoring, and evaluation. The committee will include representatives from the fields of education, medicine, law, social work, and the behavioral sciences. Youth will be included, and members will be drawn from different ethnic groups and from both the public and private sectors.

Next, the committee will sponsor a national conference in Chicago in April to develop details of the program with representatives of all the states.

This summer, those states that wish to participate in the program will send teams of teachers, counselors, school administrators, students, and community leaders to be trained at selected university centers. The Office of Education estimates that 300 persons will get this intensive training. The universities will draw heavily upon regional resources in drug education and will utilize curriculum materials particularly suitable for their areas.

In the fall these teams will tour their home states to train additional teachers, administrators, students, and community leaders drawn from every local school district in the State. In all, these workshops will be attended by about 150,000 teachers and 75,000 students and community leaders. The people so trained will thus be capable of presenting the fundamental facts for a drug education program to every school district in the country.

Finally, in the spring of 1971 the National Action Committee will sponsor a series of regional conferences to evaluate the effectiveness of the program and plan next steps.

2. *The National Clearinghouse for Drug Abuse Information*—The National Clearinghouse for Drug Abuse Information will be created to give the public one central office to contact for help. The Clearinghouse will collect and disseminate materials and data taken not only from Federal programs but from appropriate private and state and local projects. For example the Clearinghouse will make available material on drug education curricula that are already being used in various cities and states around the country. The Clearinghouse will also maintain a computer data bank on a wide variety of drug abuse programs that will enable the Government to give much more detailed answers to queries than is possible under the present decentralized system.

The first publication to go into the Clearinghouse will be a book entitled *A Federal Source Book: Answers to the Most Frequently Asked Question About Drug Abuse*. This book, which presents the latest factual information about drug abuse, was produced cooperatively by the Departments of Justice; Health, Education and Welfare; Defense; and Labor; and the Office of Economic Opportunity. This is the first time that all of the concerned Federal departments and agencies have pooled their knowledge in such a manner on drug abuse. The book will eventually be distributed in the millions. Single copies will be made available through the Clearinghouse in May.

Inquiries handled by the Clearinghouse in its first year of operation are expected to amount to more than half a million. During this first year the Clearinghouse is expected to distribute over five million pamphlets and will stimulate bulk sales through the Government Printing Office of many millions more.

The Clearinghouse, operated by the Department of Health, Education and Welfare's National Institute of Mental Health for the Federal Government, will begin operations with sixteen employees, and a yearly budget of almost $700,000. The Clearinghouse will begin providing services in April of this year and will become fully operational in the fall. Address of the Clearinghouse will be:

National Clearinghouse for Drug Abuse Information, 5454 Wisconsin Avenue, Chevy Chase, Maryland 20015.

3. *Law Enforcement Assistance Administration Drug Program*—The Law Enforcement Assistance has made available up to $10 million to large cities in the United States for programs including drug education. Under Section 306 of the Omnibus Crime Control and Safe Streets Act of 1968 the Law Enforcement Assistance Administration may allocate in its discretion 15% of its total appropriation for action. For Fiscal Year '70, this amount is $32.5 million. $10 million of this has been set aside for 112 cities which can qualify for up to $250,000. To qualify, a city may elect one of seven categories or projects, one of which is for drug education.

In addition, the Law Enforcement Assistance Administration has set aside another $350,000 for Metropolitan drug enforcement programs which must include educational expertise as a component part.

Detailed information may be obtained from the Law Enforcement Assistance Administration, Office of Law Enforcement Programs, 633 Indiana Avenue, N.W., Washington, D.C. 20530. However all applications must be coordinated with the state planning agency which exists in each jurisdiction under the authority of the Governor.

4. *Expanded drug abuse prevention advertising campaign*—In cooperation with the media, and the Advertising Council, Inc., the National Institute of Mental Health launched an all-media advertising program in April 1969. Facts about the dangers of abusing drugs were the basis for a series of television and radio spot announcements, magazine and newspaper advertisements, outdoor billboards, transit cards, and posters.

Because of the importance of the problem of drug abuse, the Administration asked the Advertising Council to make a drug abuse program one of its major campaigns in 1970. Three Federal agencies have each allocated $50,000 annually to fund production costs for a wide range of new advertising messages. The agencies are the Department of Defense; Health, Education and Welfare; and Justice.

The advertisements are being prepared on a non-profit basis by Compton Advertising, Inc., of New York. Compton is participating as a volunteer agency of the Advertising Council, Inc., a public service organization supported by American business, advertising and the media.

The initial phase of a three-year program will be a preventive program aimed at elementary and junior high school children. Relying mainly on television, the commercial messages are short and direct. Animated cartoons are now in production. Additional commercials, advertisements and posters are designed to reach high school and college youth.

Specific anti-drug messages for parents, inner city audiences and members of the armed forces are also being developed.

Supporting the mass media campaign will be an extensive program to disseminate factual information. Several new films are just being completed. One of them, "Here's Help," a 28-minute color film which presents information on treatment and rehabilitation for drug addicts, will be released to television stations in May. Another, "A Day in the Death of Donny B.," also scheduled for release in May, documents the heroin problem in the inner city.

These films will be part of the collection of educational films distributed on free loan by the:

National Institute of Mental Health Drug Abuse Film Collection, Distribution Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

5. *Intensified Professional Training in Prevention and Treatment of Drug Abuse*—The National Institute of Mental Health is accelerating its training activities in drug abuse prevention, treatment and rehabilitation with supplemental funding of $1,000,000 in fiscal 1970.

The Institute is establishing four major areas for intensive training activities:

1. Training of professional and para-professionals working or planning to work in the drug field;

2. Training of health and social service personnel to counsel drug abusers;

3. Preparation of innovative training materials for teachers; and

4. Development and dissemination of materials for practicing health professionals.

Priority projects will include four-week training courses combining didactic and clinical training, to be held at four specialized training centers attached to community treatment facilities, for persons working in drug abuse treatment or rehabilitation. It is anticipated that this program will train 720 people at a cost of $500,000.

Another program involves short-term or continuing education courses designed to enable 1,000 key health personnel to obtain training at a cost of $200,000.

Approximately $200,000 will be allocated for the production of films, audiovisuals, tapes, guides and resource books for teachers. These will be distributed in cooperation with the Office of Education and will be available through the newly created National Clearinghouse for Drug Abuse Information.

Materials for professionals in health and social agencies will also be developed and disseminated.

The supplemental program will be implemented through contracts to be awarded prior to June 30, 1970.

6. *National Institute of Mental Health Marihuana Contract Program*—The National Institute of Mental Health marihuana research program for fiscal year 1970 will be accelerated as a result of supplemental funding in the amount of $1,000,000.

The program, which will be developed through contracts, has four major objectives:

1. Ascertain the consequences of long-term use of marihuana in humans;

2. Determine the effects of marihuana on driving and other skilled acts;

3. Continue and accelerate studies to determine pharmacological properties of marihuana, its toxicity, and effects on biology and behavior of animals and humans;

4. Continue and accelerate production and supply of marihuana in its various forms to competent investigators.

Studies of chronic use will be conducted in foreign countries where marihuana and hashish have long been in use. Under consideration are selected Latin-American countries, Greece, India and Israel. Some $260,000 has been allocated for such studies.

Studies will also be made on effects of marihuana on perception and reaction time, related to driving and other skilled acts. Effects on driving will be tested through use of a driving simulator. Some $189,000 has been earmarked for such research.

Short and long-term toxicity studies to determine the effects of marihuana on animals and subsequently on man will be funded in the amount of $126,000.

Pharmacological screening, as a preliminary step toward determining the site and mechanism of action of marihuana on the body, will be undertaken ($140,000); as well as biochemical studies to determine effects of marihuana on normal physiologic functioning, including impact on the brain and nervous system ($65,000).

Methods for synthesizing the euphoria-producing elements in marihuana (delta-8 and delta-9 tetrahydrocannabinol) have been developed under previous contracts. The supplemental program will make possible the production of sufficient supplies of these substances, including radioactive materials, to meet research needs ($95,000).

In addition, the current program to grow different varieties of marihuana under controlled conditions will be enlarged by $125,000, in order to assure adequate research supplies of plants of known genetic background and purity.

The Administration's new program to fight drug abuse that is being announced today is being directed by the Ad Hoc Committee on Drug Abuse, which is chaired by Charles B. (Bud) Wilkinson, Special Consultant to the President.

The membership of the committee includes John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs; Dr. Stanley F. Yolles, Director of the National Institute of Mental Health; and representatives of the Office of Economic Opportunity and the Departments of Defense; Health, Education and Welfare; and Labor.

The objectives of the Committee are:

To improve existing programs and materials on drug abuse.

To improve methods of making material on drug abuse available to the public.

To improve coordination of efforts of departments and agencies concerned with drug abuse.

To improve upon and seek new ways concerned groups of citizens can fight drug abuse.

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SENATE—*Thursday, April 30, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who hath given us a life to live and a work to do, help us to live our life in Thee and to do our work for Thy glory. Imbue Thy servants in this place with wisdom, goodness, and truth; and so rule their hearts, and bless their endeavors, that law and order, peace and justice, may everywhere prevail.

Protect this Nation, O Lord, from outward danger and inward strife. Enable us to maintain an honorable place among the nations of the world. Make us strong and great in the fear of God, and in the love of righteousness, so that, being blessed of Thee, we may become a blessing to all mankind.

In Thy holy name we pray. Amen.

REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE ADJOURNMENT (H. DOC. NO. 91-329)

Under authority of the order of the Senate of April 27, 1970, the Secretary of the Senate, on April 29, 1970, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking and Currency:

To the Congress of the United States:

Transmitted herewith is the Annual Report of the Department of Housing and Urban Development for 1968, submitted in accordance with section 8 of the Department of Housing and Urban Development Act.

RICHARD NIXON.

THE WHITE HOUSE, *April 29, 1970.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT OF THE SENATE—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of April 27, 1970, the Secretary of the Senate, on April 27, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 2306. An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; and

S. 3253. An act to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building."

Under authority of the order of the Senate of April 27, 1970, the Secretary of the Senate, on April 28, 1970, received a message from the House of Representatives, which announced that the House had passed, without amendment, the bill (S. 3544) to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1193) to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely.

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chicasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 27, 1970, Mr. MAGNUSON, from the Committee on Commerce, reported favorably, without amendment, on April 29, 1970, the bill (H.R. 1049) to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes, and submitted a report (No. 91-808) thereon, which bill was placed on the calendar and the report was printed.

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 27, 1970, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Kenneth M. Smith, of Texas, to be Deputy Administrator of the Federal Aviation Administration;

Rear Adm. Chester R. Bender, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard, with the rank of admiral;

Floyd S. Ito, and sundry other persons, for permanent appointment in the Environmental Science Services Administration; and

Roland W. Callis, and sundry other officers, for promotion in the U.S. Coast Guard.

By Mr. COTTON, from the Committee on Commerce:

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 27, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the speech by the distinguished Senator from New York (Mr. JAVITS), there be a morning hour for the transaction of routine morning business, with a time limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the unanimous consent agreement of Monday, the Chair recognizes the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the majority leader and that, following my yielding to the majority leader, I may yield to the Senator from California (Mr. MURPHY), both of whom have assured me that they will be relatively brief, and that I may then regain the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

FEDERAL POWER COMMISSION

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination on the Executive Calendar.

The assistant legislative clerk read the nomination of John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

FEDERAL AVIATION ADMINISTRATION

The assistant legislative clerk read the nomination of Kenneth M. Smith, of Texas, to be Deputy Administrator of the Federal Aviation Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

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U.S. COAST GUARD

The assistant legislative clerk read the nomination of Rear Adm. Chester R. Bender, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard with the rank of Admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION—IN THE COAST GUARD

The ASSISTANT LEGISLATIVE CLERK. Nominations placed on the Secretary's desk in the Environmental Science Services Administration and in the Coast Guard.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

CALL OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of certain measures on the calendar, beginning with Calendar No. 792.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVEYANCE OF CERTAIN MINERAL RIGHTS IN AND UNDER LANDS IN PIKE COUNTY, GA.

The bill (H.R. 1706) to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga., was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE ACT ENTITLED "AN ACT TO AUTHORIZE THE PARTITION OR SALE OF INHERITED INTERESTS IN ALLOTTED LANDS IN THE TULALIP RESERVATION, WASH."

The Senate proceeded to consider the bill (H.R. 11372) to amend the act entitled an act to authorize the petition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes, approved June 18, 1956 (70 Stat. 290) which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 15, after the word "land", strike out "within, adjoining, or adjoining other land of the Tulalip Tribes which adjoins, the boundaries", and insert "within the boundaries"; and on page 3, line 22 after the word "Indian", strike out "Reservation and adjacent areas,".", and insert "Reservation,".".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

The bill (S. 1751) to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the northwest quarter northwest quarter section 35, township 41 north, range 5 east, fourth principal meridian, Wisconsin, containing 40 acres, more or less, including improvements thereon, is hereby declared to be held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, subject to valid existing rights-of-way of record and to the continued use of the fire observation tower located on the above-described land by the State of Wisconsin, for so long as it is needed for fire protection purposes.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

BILL PASSED OVER

The bill (S. 1461) to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

AUTHORIZATION FOR THE PRINTING FOR THE USE OF THE COMMITTEE ON GOVERNMENT OPERATIONS OF ADDITIONAL COPIES OF ITS HEARINGS ON THE INTERGOVERNMENTAL REVENUE ACT OF 1969

The resolution (S. Res. 393) to print additional copies of the hearings on the Intergovernmental Revenue Act of 1969 and related legislation, was considered and agreed to, as follows:

S. RES. 393

Resolved, That there be printed for the use of the Committee on Government Operations one thousand eight hundred additional copies of the hearings before its Subcommittee on Intergovernmental Relations during the Ninety-first Congress, first and second sessions, on the Intergovernmental Revenue Act of 1969 and related legislation.

AMENDMENT OF CERTAIN FEDERAL LAWS RELATING TO THE STATE OF OKLAHOMA

The Senate proceeded to consider the bill (S. 2362) to amend certain Federal laws relating to the State of Oklahoma which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 4, after "May 27, 1908", strike out "(35 Stat. 314)," and insert "(35 Stat. 315),"; and on page 3, at the beginning of line 2, strike out "deleting "(e) that the probate attorney shall have the right to appeal from any order approving conveyances to the district court of the county in which the proceedings are conducted" and insert "amending (e) to read as follows: "(e) that the probate attorney shall have the right to appeal from any order approving conveyances to the next appellate court for the county in which the proceedings are conducted"; so as to make the bill read:

S. 2362

That section 23 of the Act of April 26, 1906 (34 Stat. 145) as amended by the Act of May 27, 1908 (35 Stat. 315), is amended by deleting "or a judge of a county court of the State of Oklahoma" and inserting in lieu thereof "or a judge of a district court of the State of Oklahoma".

Sec. 2. The Act of May 27, 1908 (35 Stat. 312), is amended by adding at the end thereof the following new section:

"Sec. 15. Wherever the term 'probate court' or 'county court' is used in this Act, such term shall mean the proper district court of the State of Oklahoma."

Sec. 3. (a) Section 7 of the Act of April 18, 1912 (37 Stat. 86), is amended by deleting "county court of Osage County, State of Oklahoma" and inserting in lieu thereof "district court of the State of Oklahoma having jurisdiction over the district within which is located Osage County".

(b) The Act of April 18, 1912 (37 Stat. 86), is further amended by adding at the end thereof the following new section:

"Sec. 12. Wherever the term 'county court' is used in this Act, such term shall mean the proper district court of the State of Oklahoma."

Sec. 4. The first section of the Act of August 4, 1947 (61 Stat. 731), is amended (1) by deleting "county court of the county in Oklahoma in which the land is situated; (b) that petition for approval of conveyance shall be set for hearing not less than ten days from date of filing, and notice of hearing thereon, signed by the county judge" and inserting in lieu thereof "district court of the State of Oklahoma of the district in which the land is situated; (b) that petition for approval of conveyance shall be set for hearing not less than ten days from date of filing, and notice of hearing thereon, signed by the district judge"; and (2) by amending (e) to read as follows: "(e) that the probate attorney shall have the right to appeal from any order approving conveyances to the next appellate court for the county in which the proceedings are conducted within the time and in the manner provided by the laws of the State of Oklahoma in cases of appeal in probate matters generally, except that no appeal bond shall be required;".

Sec. 5. (a) Subsection (b) of section 2 of the Act of August 11, 1955 (69 Stat. 666), is amended by deleting "county court" and inserting in lieu thereof "district court of the State of Oklahoma".

(b) Subsection (c) of section 2 of the Act of August 11, 1955 (69 Stat. 666), is amended by deleting "county court for the county in which he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the county court for the county in which the Indian resides for an order setting aside such order." and inserting in lieu thereof "district court of the State of Oklahoma for the district in which he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the district court for the district in which the Indian resides for an order setting aside such order."

Sec. 6. Whenever any statute of the United States enacted prior to the effective date of this Act authorizes any subsequent action to be taken or approved by the county court or the judge of the county court, the term "county court" therein shall mean in relation to the State of Oklahoma the district court of the State of Oklahoma.

Sec. 7. The provisions of this Act shall take effect as of January 13, 1969.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 1049) to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects and for other purposes, was announced as next in order.

Mr. MANSFIELD Over, Mr. President. The previous bill concluded the call of the bills on the calendar to which I had reference.

The ACTING PRESIDENT pro tempore. The bill will go over.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senator from New York (Mr. Javits) yielded to the Senator from California (Mr. Murphy).

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

Mr. MURPHY. Mr. President, one of the great tragedies of the grim war in Vietnam is the tragedy of the 1,400 American men held prisoner by the North Vietnamese.

These men are being held, in effect, incommunicado. And that is a violation of the Geneva accords on treament of prisoners of war.

They are being used for propaganda purposes. And that is a violation of the Geneva accords.

Their families have not been notified whether they are alive or dead, whether they are ill or well, whether they are strong or weak. And that is a violation of the Geneva accords.

Their families have not been allowed to communicate with them, except through carefully staged propaganda channels. And that is a violation.

Many of these men have been held for years—some for over 5 years—without their families knowing where they are or whether they are even alive.

I heard yesterday the story of one such prisoner, told by his brave, loyal, and loving wife, Mrs. Bruce Johnson. For 5 years she has not heard from her husband. She has not seen him for 6. One of her three children, a 7-year-old, cannot even remember the father at all. The other two recall him but vaguely.

This brave woman is convinced her husband is alive. She has made two trips to Europe to seek information from the Communist North Vietnamese and Vietcong delegations at Paris. With complete cynicism and brutal disregard for her feelings, the Communists have tried to use her despair and that of other American women in a cold and evil propaganda scheme.

Mr. President, this is more than an individual tragedy. It is more than the sorrow of 1,400 families.

Indeed, the total is far more than the sum of its individual parts, because this must be a national sorrow, a national tragedy, and even an international stain on the name of all mankind.

I call on the American people and the American Government and men and women of goodwill throughout this planet to move heaven and earth until something can be done and is done to bring to an end this grim and awful game the Communists are playing with human lives, and with the frail and tender emotions of these wives and mothers whose very souls are being tortured.

We cannot leave a message unsent, a word unspoken, a prayer untendered in our national effort to restore these men to their families. Meanwhile, as a Nation and as individuals, we Americans must do everything in our power to alleviate the distress and sorrow of the families of these 1,400 men.

I call upon our State Department to make this a part of the agenda of every meeting of our Ambassador in Warsaw with the Chinese Communists. I call upon the Department to make it a constant priority item of business between our Ambassador in Moscow and the Kremlin. I call upon our diplomats at the United Nations to make it the first order of business every day that the United Nations meets.

And I call upon the American people to back up this effort with their prayers and their strength.

It is my hope, and intention that each day—as this body assembles—a plea for justice for these prisoners will be made by either myself or one of my colleagues, until at long last a proper, acceptable response is forthcoming from the Communist government in Hanoi.

Mr. JAVITS. Mr. President, I want the Record to show that the suggestion which is now being carried out by the Senator from California (Mr. Murphy) is one of the most constructive things that came out of this very touching confrontation or discussion we had with Mrs. Johnson yesterday. I associate myself with what he has said, and assure him that I, with others, will take my place in the ranks in support of this very constructive idea.

Mr. MURPHY. I thank my distinguished colleague from New York. I take no credit for the idea, but I am very pleased that he will join with this effort, and I sincerely hope that we will have a unanimous joining together of all the Members of this body, until we achieve a proper response to this plea.

Mr. JAVITS. I yield briefly to the Senator from Kansas.

Mr. DOLE. Mr. President, first let me commend the Senator from California. I wish again as I have previously, to point out that the national coordinator for the League of Families is Mrs. James Stockdale, from Coronado, Calif., and to emphasize again that tomorrow evening at 8 o'clock in Constitution Hall, there will be a tribute to American prisoners of war and Americans missing in action in Southeast Asia.

We are not going to discuss the war.

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We are not going to discuss escalation or deescalation. It is going to be a solemn tribute to some 1,522 Americans who are either prisoners of war or missing in action.

The preparation for this tribute has been a bipartisan effort. There are six Members in this body, and six Members in the other body, half Republicans and half Democrats, and on that great program will be such persons as Captain Lovell, Robert Cummings, the Vice President of the United States, and many others.

Mr. MURPHY. I thank my distinguished colleague.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I yield very briefly to the Senator from Montana (Mr. METCALF), to the Senator from Alaska (Mr. STEVENS), and to the Senator from South Carolina (Mr. THURMOND).

EXTENSION OF TIME FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO REPORT H.R. 9477

Mr. METCALF. Mr. President, the Senate recommitted H.R. 9477 with an order that it be reported back to the Senate on or before the 1st day of May. We have been unable to have an executive session in the Committee on Interior and Insular Affairs. An executive session on this bill has now been scheduled for May 6.

I have discussed this matter with the Senator from Oregon (Mr. HATFIELD), who is the author of the Senate version of the bill, and have tried to clear it with the leadership; and I now ask unanimous consent that the time for the reporting of H.R. 9477 be extended until May 7.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3781—INTRODUCTION OF A BILL TO ESTABLISH THE SITKA NATIONAL HISTORICAL PARK

Mr. STEVENS. Mr. President, Sitka, Alaska, a century ago, was the center of trade and civilization on the northwest coast of America, the chief factory of the Russian-American company in a vast and little known land. The famous clipper ships of New England made it a stopping place on their way to the China seas.

Today, the remnants of early Sitka are few. The uncared-for timbers of the old Russian structures are disintegrating with age. One large Russian building faces the new Sitka Boat Harbor. It was a mission and school building, raised in 1842, built of logs, and used continuously for 128 years. This valuable historic structure can be saved from its fate only if it can be included in the Sitka National Monument.

On a rocky outcropping overlooking downtown Sitka stands a log blockhouse, recalling the Czarist cannon whose muzzles intimidated the Native Tlingit. Although a reconstruction, the blockhouse's appeal is in its contrast to a modern city. Just to the east are the graves of Russians who remained in the New World. This entire area, a rare unspoiled remnant, needs only a few structures and a log stockade to bring to the eye of the visitor an authentic recreation of Novo Arkangelsk, New Archangel.

Sitka and Kodiak, Alaska, were the centers of the Russian presence in North America. I am introducing legislation today which will give the National Park Service the opportunity to acquire the Russian Mission, the Blockhouse Hill complex, and those lands in and around Sitka needed to preserve a unique international aspect of our American heritage.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3781) to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 3781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership for the benefit and inspiration of present and future generations of Americans an area which illustrates a part of the early history of the United States by commemorating Czarist Russia's exploration and colonization of Alaska, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, for addition to the Sitka National Monument, the lands and interests therein, and improvements thereon, containing the Russian Mission and the Blockhouse Hill Complex, as generally depicted on Drawings Numbered 314–91,001 and 314–91,000, dated April 1970, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, together with not more than 2 acres of lands in the area known as Castle Hill, and the area known as Old Sitka (St. Michael's Redoubt) now owned by the State of Alaska.

SEC. 2. Notwithstanding anything to the contrary herein contained, lands and interests in lands within the area owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Lands under the administrative jurisdiction of another Federal agency may, with the concurrence of the head thereof, be transferred without consideration to the Secretary for the purpose of this Act.

SEC. 3. The Sitka National Monument is hereby redesignated as the Sitka National Historical Park, and it shall be administered, protected and maintained by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 *et seq.*).

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

GALLUP POLLS SHOW UPTREND IN CONSERVATIVES

Mr. THURMOND. Mr. President, in view of the Senate's recent rejection of the second conservative nominee to the Supreme Court by President Nixon it is interesting to note the President has the support of the country in this matter.

This is clearly shown by the poll published by George Gallup which appeared in the Washington Post newspaper Sunday, April 19, 1970, entitled "Public Favors Conservative for Supreme Court."

This trend is further supported by a Gallup poll published in the Washington Post on Saturday, April 18, 1970, in which it is revealed the American people by a ratio of 3 to 2 prefer to be labeled as conservatives. This article is entitled, "Liberals Found Outnumbered, 3 to 2."

The poll on appointments to the Supreme Court shows the American public by a ratio of 5 to 3 favors appointees who are conservative rather than liberal in their political views.

It should be noted this poll was conducted following the defeat of Judge G. Harrold Carswell but prior to the nomination of President Nixon's third selection for the Court vacancy, Judge Harry Andrew Blackmun of Minnesota.

Mr. President, this preference by the public to balance the Supreme Court has been the prevailing opinion of our citizens for the past 22 months as evidenced by previous polls. Also, it should be noted that President Nixon stated in the 1968 campaign that if elected he would nominate a conservative to the high court in order to bring some balance to the Nation's highest tribunal.

Despite his election to the Presidency and the prevailing view among the public the Senate has twice rejected conservative nominees in which a significant amount of the opposition opposed confirmation based on political philosophy.

In the Gallup poll published Saturday, April 18, the definitions of "conservative" and "liberal" presented some problems to the pollster in defining public attitudes. However, in the overall analysis of his findings the result showed persons willing to place a label on their political views selected the conservative tag by a margin of 3 to 2.

It is interesting to note in this poll that persons in their twenties prefer the liberal label by 47 to 45 percent but among college trained persons the conservatives have the edge 5 to 4.

Mr. President, these two articles are certainly worthy of study by the Congress and I ask unanimous consent that they be published in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 19, 1970]

GALLUP POLL: PUBLIC FAVORS CONSERVATIVE FOR SUPREME COURT

(By George Gallup)

PRINCETON, N.J., April 18.—President Nixon's recent nomination of Judge Harry Andrew Blackmun to fill the vacancy on the Supreme Court came at a time when the U.S. public, by a substantial (5-to-3) margin, favored the appointment of persons who are conservative rather than liberal in their political views.

This finding is based on a national survey conducted April 3 through 5, prior to the President's nomination Tuesday of Judge Blackmun and the Senate's defeat of the nomination of Judge G. Harrold Carswell on April 8.

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In three surveys over the last 22 months, the American people have been found to be decidedly conservative in their preferences for the Supreme Court, although a slight trend to the liberal side has been recorded between the latest survey and the previous one in June of last year.

Here is the question asked in each of these three surveys, with the trend:

When new appointments are made by the President to the Supreme Court, would you like to have these people be people who are liberal or conservative in their political views?

[In percent]

April 1970:	
Conservatives	49
Liberal	27
No opinion	24
June 1969:	
Conservatives	52
Liberals	25
No opinion	23
June 1968:	
Conservatives	51
Liberals	30
No opinion	19

The latest survey is based on interviews in person with 1,551 adults. Interviewing for the June, 1969, survey was conducted before the selection of Warren E. Burger as Chief Justice.

Preference for conservative appointments is found in each of the four major regions of the nation, with support for liberals greatest in the East and Far West. One in six (17 percent) among Southern whites says he would like to have future appointments be liberals.

Persons interviewed who classify themselves as Republicans, by the ratio of more than 4-to-1, want the President to appoint conservatives to the Supreme Court. The vote is much closer among Democrats and independents, as seen in the following tables:

[In percent]

	Conservatives	Liberals	No opinion
National	49	27	24
East	42	34	24
Midwest	53	22	25
South	53	22	25
Far West	50	32	18
Northern whites	50	27	23
Southern whites	57	17	26
Republicans	65	15	20
Democrats	44	33	23
Independents	45	31	24

Source: 1970, American Institute of Public Opinion.

[From the Washington Post, Apr. 18, 1970]

THE GALLUP POLL: LIBERALS FOUND OUTNUMBERED, 3 TO 2

(By George Gallup)

PRINCETON, N.J.—The American people by the ratio of 3-to-2 prefer to be labeled as "conservatives" rather than as "liberals." However, sharp differences emerge on the basis of the age of the respondent, region and educational background.

To test the grassroots appeal of the terms "conservative" and "liberal," Gallup Poll interviewers talked to a sample of 1,528 adults living in more than 300 localities in a survey conducted between March 20 and 22. All persons in the survey were first asked:

What is the first thing that comes to your mind when you think of someone who is a liberal (a conservative)?

Descriptions of a "liberal" vary all the way from "someone who looks at all sides of a problem" and "a person who believes in mankind" to "someone who is generous with other people's money" and "a drug addict."

The public's image of a "conservative" ranges from "a person who looks before he leaps" and "a decent sort of guy" to "a penny pincher" and "a self-centered square."

The following question was asked of *all persons who expressed an opinion* on the two questions dealing with the image of a conservative and a liberal:

Suppose you had to classify yourself as either a liberal or a conservative, which would you say you are?

Here are the views of this informed group who accounted for 73 per cent of the total sample:

[In percent]

Conservative	52
Liberal	34
No opinion	14

It is important to note that when the views of all persons are taken into consideration—including those who did not express opinions on the first two questions—virtually the same 3-to-2 ratio is obtained.

Persons over 30 among those who answered the image questions lean heavily in favor of the "conservative" label, but adults in their 20s slightly prefer to be classified as liberals: 47 to 45 per cent with 8 per cent not expressing a choice.

The liberal label is found to be more popular with college-trained persons than with persons who have had less than college training, but conservatives still outnumber liberals 5 to 4.

Democrats among the aware group are fairly evenly divided in their preference, with 44 per cent saying they would prefer to be classified as liberals and 40 per cent saying conservatives, with many of the latter group being white Southerners. Only one Republican in five nationally accepts the liberal label.

The following tables show in detail the public image of a "conservative" and of a "liberal," with the percentages based on *all* persons in the sample:

Conservative

[In percent]

Favorable:	
Saves, doesn't throw things away	16
Cautious, careful	10
General remarks (favorable)	5
Total	31
Neutral:	
Mentions Nixon, current administration	6
Mentions specific person other than Nixon	5
Mentions political position or party	3
Total	14
Unfavorable:	
Does not want to change, does not take a chance	12
Close-minded, intolerant, self-centered	9
Subtotal	21
Miscellaneous	3
No opinion	35
Total	104

Liberal

Favorable:	
Open-minded, fair	12
Generous, good-hearted	6
Wants change, active in bringing about needed reforms	5
General remarks (favorable)	2
Total	25
Neutral:	
Mentions specific person	7
Mentions political position or party	7
Mentions a specific problem (civil right, etc.)	3
Total	17
Unfavorable:	
Gives things away, spends too freely	8
Negative descriptions (Communists, hippies, drug addicts, etc.)	5
Gets carried away, wild, too far out	4
Permissive, indifferent	4
General remarks (unfavorable)	4
Subtotal	25
Miscellaneous	2
No opinion	37
Total	106

Totals add to more than 100 per cent because some persons gave more than one response.

S. 3774—INTRODUCTION OF A BILL TO AMEND COST-SHARING FORMULA FOR HURRICANE PROTECTION PROJECTS

Mr. JAVITS. Mr. President, I introduced a bill, authored by Senator GOODELL and myself, to amend section 426 (e) (b) of title 33 of the United States Code to provide for an increased Federal share in the cost of hurricane and storm protection for our Nation's shores.

Mr. President, it is my hope that the Committee on Public Works, which is now considering omnibus rivers and harbors legislation will be able to consider this bill as a part of that legislation.

The shores of the United States—including those on the continental United States and Hawaii and Alaska—are certainly among our most precious natural assets, providing aesthetic and recreational benefits as well as protection for the neighboring communities, and we must do all we can to ensure their preservation. The damage caused by violent storms, such as the northeast storm of 1962 and the recent Hurricane Camille, attest to the threatened state of the shores and to the really inadequate protection the Federal Government has offered. So often, foresighted assistance would have prevented the tremendous amount of spending on the resulting emergencies.

Although Congress has recognized its legislative responsibility and the need for protection, it has not provided the sufficient financial authorization for that responsibility to be met.

The Federal financial participation in beach erosion and hurricane protection projects has been limited by needlessly complex and, in my judgment, unbalanced cost-sharing formulas. These formulas must be adjusted, especially with regard to hurricane protection projects, if we are to preserve our shores and avoid the catastrophe that violent storms often cause.

The projects themselves are quite simple. Hurricane protection is provided by constructing or stabilizing and maintaining a beach and dune section capable of withstanding a severe storm or hurricane. Generally, this is accomplished by building high sand dunes, associated beach fills, and/or constructing groins. Beach erosion control projects amount to building beach fills, or smaller dunes, which might typically be half as high as those for hurricane protection. It is apparent that hurricane protection projects, by their very nature, serve the multiple purposes of protecting shores

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against beach erosion and hurricane damage.

What has become complex about these projects is the way costs are apportioned between Federal and local governments. Projects which serve the single purpose of protecting beaches against erosion are subject to different cost-sharing formulas depending on ownership and use of the beaches. If the beach is under non-Federal public ownership or use, the Federal contribution is up to 50 percent of the cost of the project; for projects to restore and protect other non-Federal publicly owned parks and State conservation areas—wilderness type areas—the Federal contribution is up to 70 percent; for federally owned beaches, the Federal Government bears the full cost; and for privately owned and used beaches, no Federal participation is provided.

On the other hand, projects whose main purpose is to protect against hurricanes but which serve the additional purpose of protecting against beach erosion are in part subject to Federal-local, cost-sharing formulas derived from regulatory policy and arithmetic interpolation, not from legislation.

In a letter to me dated June 17, 1969, Brig. Gen. R. H. Groves, then a colonel in the Corps of Engineers serving as Acting Director of Civil Works, stated:

> The policy for hurricane and tidal flood protection is derived from precedent set by projects authorized in the Flood Control Act of 1958. It is the policy of the Chief of Engineers to recommend that non-Federal interests assume no less than 30 per cent of the first cost, including lands, easements, and rights-of-way.

On its face, then, it would appear that the Federal Government bears up to 70 percent of the costs of the whole hurricane protection project. But the corps, determining that hurricane protection projects serve a multiple purpose, apportions the cost accordingly: the part considered hurricane protection is subject to a 70–30 cost-sharing formula; the part considered beach erosion is subject to the beach erosion formula set forth above. Going on to quote General Groves:

> Multiple-purpose projects for hurricane flood protection and control of shore erosion are frequently proposed. For these, the costs allocated to each purpose are apportioned on the basis of the above policies.

That is, those policies previously described for single purpose beach erosion control and for strictly hurricane protection. This is an artificial distinction. The main purpose of these hurricane protection projects is to protect against hurricanes. The erosion protection provided is incidental to the main function of the hurricane projects. Certainly, no hurricane project can be built without a first layer of sand—that part the corps considers for cost-sharing purposes as only controlling beach erosion. The cost of this part of the hurricane protection project should be incorporated as part of the cost of the whole hurricane protection project, subject to the same 70–30 cost-sharing formula. What has happened in fact as a result of the current cost-sharing formula is that the average Federal participation in currently active hurricane protection projects amounts only to 56.2 percent. These projects, built primarily on public beach, protect much more than just the public beaches or the incidentally protected private beach properties. Like the inland flood control projects—in which, the Corps of Engineers informs me, the average percent of Federal financial participation is 74.8 percent—hurricane protection projects guard against serious damages and disruption to public facilities, public roads and utilities, and to private property. Both these projects are vital for the protection of citizens throughout the country to reduce the harmful effects of natural disasters and certainly the Federal financial participation should be comparable in both. The objective of the hurricane protection project is to protect the inner bays and the mainland properties and only incidentally protect against beach erosion.

The legislation my colleague from New York, Senator GOODELL, and I introduce today would do no more than number the first two provisions within section 426 (e)(b) of title 33 of the United States Code—that section which authorizes the cost-sharing for beach erosion control projects—and add a third. The new provision would read "and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs."

Our intention is not at this time to amend the current cost allocation formula for projects serving the single purpose of beach erosion control. Nor do we intend to alter the present procedure regarding assistance to private property as prescribed by 33 U.S.C. 426 (e)(d). Rather, what is intended is a modification of the current Federal-local cost allocation procedure applied to multiple purpose hurricane protection projects. Where erosion control is achieved merely incidentally to the main goal of a storm or hurricane protection project—that is, where erosion control aspects are necessarily a part of the whole project—the Federal Government should bear 70 percent. It is intended that this bill, if enacted, would apply to currently authorized and future projects.

In my own State of New York, there are four such on-going multiple purpose hurricane protection projects in large measure because of the Corps of Engineers' assistance. But because the financially strapped local governments have difficulty raising sufficient funds to meet their required share, these projects are threatened with disruption and delay, seriously endangering the southern shore of Long Island and the shores of Fire Island.

Other States, such as California, Delaware, Florida, New Jersey, North Carolina, and Rhode Island have similar ongoing projects. No doubt the remaining coastal States have experienced severe storm damage and may need such multiple purpose projects. Hopefully, the legislation we propose today will serve to offer some relief to communities in these States hard hit by storms and hurricanes.

Mr. President, it is my hope that the Public Works Committee, now considering omnibus rivers and harbors legislation, will be able to consider this bill as a part of that legislation.

Mr. President, I ask unanimous consent that this bill be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3774) to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection, introduced by Mr. JAVITS, for himself and Mr. GOODELL, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property.", approved August 13, 1946 (33 U.S.C. 426e(b)) is amended by inserting "(1)" after "except that", by striking out "and, further, that" and inserting "(2)" in lieu thereof, and by inserting before the period at the end thereof a comma and the following: "and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs".

Mr. GOODELL. Mr. President, I am a coauthor of the bill of the senior Senator from New York (Mr. JAVITS) to amend the cost-sharing formula for multiple purpose hurricane flood protection and beach erosion control projects affecting the shores of the United States. This bill provides that Federal participation in the cost of such projects may be, at the discretion of the Chief of the Army Corps of Engineers, not more than 70 percent of the total cost exclusive of land costs.

The bill is designed to meet a recognized need for providing additional protection for our Nation's shores. As priceless assets, our shores must be carefully protected and nurtured or else they will be lost.

There are a number of proposals now pending before the Commerce Committee, of which I am a member, which would give attention to the problems of coastal zone management. It appears that we are at last moving toward a broad based program for dealing with the overall management of our Nation's shores.

Obviously, our beaches and inlets are constantly under the threat of disaster from natural phenomena such as hurricanes, severe storms, or tidal floods. For many years Congress has authorized the Army Corps of Engineers to construct beach erosion and hurricane protection projects for the most vulnerable shore areas. Nonetheless, our shores continue to be threatened by the lack of adequate protection, and in many areas of the country one or two more severe storms or

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hurricanes could result in large-scale disasters.

It is difficult to convey the necessary sense of urgency with which we must act if we are to prevent these disasters from occurring. In the past we have been too content to move along at an unhurried pace, assuming that the worst will not happen. When the inevitable occurs—and Hurricane Camille is only a recent example—we expend tremendous amounts of money and effort rebuilding areas which could have been protected before disaster struck.

We should not have to wait for other Camilles to strike anywhere on our shores before we take action. We must do more now to head off the potentially adverse effects of violent storms or hurricanes.

We have accepted the fact that quick, severe disasters which occur in our inland waterways—such as flash floods—necessitate large-scale preventive Federal aid. Why should not we apply the same level of assistance to our Nation's shores when they are threatened with severe disasters such as hurricanes?

Federal and local governments participate in two programs of beach preservation—beach erosion control and hurricane protection.

Single purpose beach erosion control projects are constructed to protect against the gradual erosion of the shoreline by waves and currents. This is accomplished through the construction of beach fills or smaller dunes—which might typically reach an elevation of 10 feet—and the possible use of groins.

Hurricane protection projects are designed to afford protection to barrier islands, inner bays, and low lying sections of the mainland. This protection is provided by constructing or stabilizing and maintaining a beach and dune section—which might typically reach an elevation of 20 feet—capable of withstanding a severe storm or hurricane.

By constructing these typically higher dunes, hurricane protection projects necessarily give incidental protection to the beaches from erosion. These dunes must be built on a foundation and this foundation, by its very existence, will provide the beaches with protection from erosion.

Each of these beach erosion and hurricane protection projects is subject to separate Federal-local cost sharing programs.

Section 426, title 33, United States Code, authorizes Federal participation in single purpose beach erosion projects. Federal participation may be up to 50 percent in the cases of non-Federal publicly owned or used shores and up to 70 percent for protection on State, county, and other publicly owned shore parks and conservation areas. Beach erosion control work for private land under this section receives no Federal participation, and work for federally owned lands receives full Federal support.

In contrast to the statutory provision for cost-sharing in single purpose beach erosion programs, Federal participation for hurricane protection is set by administrative regulation at 70 percent Federal, 30 percent local participation. In a letter to me of June 17, 1969, R. H. Groves, now a brigadier general, Army Corps, then Acting Director of Civil Works, states:

> The policy for hurricane and tidal flood protection is derived from precedent set by projects authorized in the Flood Control Act of 1958. It is the policy of the Chief of Engineers to recommend that non-Federal interests assume no less than 30 percent of the first cost, including lands, easements, and rights of way.

However, the corps considers these hurricane protection projects as multiple-purpose projects—which include hurricane protection and beach erosion protection. In determining the amount of Federal versus local participation, the costs allocated to each purpose are apportioned on the basis of which part of the project is for beach erosion and which part of the project is for hurricane protection. This is true even though the dune is mainly constructed to protect the uplands and affords beach erosion protection only incidentally. It is clearly an artificial distinction. The costs of the whole hurricane protection project should be shared on a 70–30 basis.

The average percent of Federal participation for the total presently authorized multiple-purpose projects primarily affording hurricane protection is in fact 56.2 percent, not the 70 percent our bill would provide. The total estimated cost of Federal participation in these authorized projects is $165,543,000; the total estimated non-Federal cost is $129,270,000.

The legislation which Senator JAVITS and I are introducing amends existing law covering Federal participation in the cost of single purpose beach erosion projects to allow the Federal Government to bear up to 70 percent of the costs of hurricane protection projects which may in fact involve incidental beach erosion control.

The bill adds a third provision to section 426(e)(b), title 33, United States Code, as follows:

> Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs.

This bill in no way alters the cost-sharing formula for single purpose beach erosion projects. Nor do we intend to amend present procedures regarding the protection of privately owned property as provided in section 426(a)(d).

Hurricane protection projects mitigate widespread and catastrophic economic losses and reduce the hazard of life and health which result from hurricanes and severe storms in the same way that inland flood control programs protect communities from severe flooding. Local flood control projects have been of tremendous importance in protecting citizens throughout the country.

The corps has informed me that the average Federal participation in the 70 local flood protection projects currently under construction is 74.8 percent. In my view, both hurricane protection and inland flood control programs are vitally needed and it seems to me that since the philosophy behind the undertaking of these types of projects is similar, the percentage of Federal participation should be comparable.

Federal participation in hurricane protection projects must be increased if we are to afford our shores and the surrounding communities needed protection against severe storm damage. The costs of adequate protection have grown so substantially that State and local interests are hard pressed to support these projects. The result is that some authorized projects are proceeding slowly, if at all, because of the inability of local governments to supply necessary matching funds for appropriations authorized by Congress. Other areas in need of shore protection may not even have applied for aid because the magnitude of the needed project is beyond the means of the localities under the present formula.

My own State of New York has benefited tremendously from the work provided by the corps on the four multipurpose projects now underway. However, the Fire Island Inlet to Montauk Point project—in which Federal participation in the cost of the project is 49.9 percent—exemplifies how the current cost allocation formula has hindered needed construction because of the high costs to the local communities involved. Senator JAVITS and I have met with the local officials about this problem, and it has become painfully clear that the high costs of construction—exacerbated by this artificial formula—have been too great a burden. This project is designed to protect the south shore of Long Island—including the national seashore on Fire Island—a natural resource which cannot continue in its imperiled condition. It must be preserved to the benefit of the entire community.

Other States such as California, Delaware, Florida, New Jersey, North Carolina and Rhode Island also have multiple-purpose projects underway. There are in addition a number of other States which have single purpose beach erosion programs now authorized. These States and others in all our coastal areas sometime may have a need to institute multiple-purpose projects.

We are introducing this bill at this time so that it may be considered as part of the omnibus rivers and harbors legislation now pending before the Public Works Committee. Should this bill be enacted, it is our intention that it will apply to future work on currently authorized projects as well as new authorizations.

THE CRISIS IN INDOCHINA

Mr. JAVITS. Mr. President, the decision announced by the Pentagon on U.S. operations in Cambodia must be deemed to be the President's decision to expand the Vietnam war into Cambodia and to reject the advice given to the administration by the Senate Foreign Relations Committee just the other day. In choosing to cross this Rubicon, the President will have, in my judgment, also risked a serious aggravation of domestic tensions and the success of his own Vietnamization program. If the Cambodian action is claimed by the President to be a direct and limited response to a clear imminent and material danger to U.S. troops in

Vietnam, he should substantiate such a finding immediately to the Congress and to the Nation in his impending broadcast. For the question now is whether the President has, in fact, the constitutional authority to initiate new combat operations in Cambodia without congressional authorization as so recently defined in the national commitments resolution.

I ask unanimous consent to have printed in the Record a speech I made at the University of Richmond, Va., last Monday evening, April 27, dealing precisely with the crisis now before us, the crisis in Cambodia.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Crisis in Indochina

The United States is faced with a policy crisis in Indochina brought about by developments in Cambodia, where a rightist military government has ousted the traditional neutralist ruler, Prince Sihanouk. The new Cambodian government is professedly anticommunist and has appealed to President Nixon for military assistance from the United States. Vietcong and North Vietnamese troops have expanded their activities in Cambodia since the rightist coup and have launched an attack on government forces in an apparent attempt to bring down the new regime. All of these developments in Cambodia have a direct bearing on the war in South Vietnam, just across the border, and pose a fundamental challenge to U.S. policy in Vietnam, Laos and what was Indochina as a whole.

The situation in Cambodia presents the first clear test of the "Nixon Doctrine." The basic guidelines of the Nixon Doctrine have received broad support in the Congress and the nation, and these guidelines are fully applicable, in my judgment, to the Cambodian situation.

Because of the proximity and close interrelationship between events in Cambodia and Vietnam, it is natural that our tragic experience in Vietnam should lead us, first, to apply the Nixon-Doctrine guidelines and to emphasize what we should *not* do in Cambodia. Most important, the United States definitely must *not* introduce U.S. ground combat troops—either "all at once," or "piecemeal" as happened in Vietnam.

It is essential to reiterate this cardinal point because of the reported requests by U.S. military commanders in Vietnam for permission to cross the border into Cambodia in force to attack Vietcong and North Vietnamese troops concentrated there in "sanctuaries." This is not a question of "hot pursuit"; it is, rather, a new war.

I suspect that Hanoi is trying to "bait" the United States into taking some action of this sort which would destroy the policy of U.S. disengagement thru "Vietnamization" in Vietnam.

It is clear from President Nixon's speech of April 20 that any U.S. expansion of a ground war into Cambodia would be in direct conflict with the entire thrust of the policy on Vietnam which he has laid before the nation.

A more subtle danger of U.S. combat involvement could develop if the United States agreed to provide "advisors" to the hard-pressed military forces of the Cambodia government under attack by better-equipped communist forces. In Vietnam, while the nation and the Congress were scarcely paying attention, a U.S. advisory contingent became transformed by stages into a massive U.S. combat force. The lessons we have bought so dearly in Vietnam must be applied in Cambodia. The introduction of U.S. military "advisors" in this kind of situation will not provide the "equalizer" needed to make the Cambodia army a match for the tough Vietnamese communist forces they face. Rather, it is likely to be the first step into a new area of quicksand. "Advisors" should come from other nations, especially non-Communist or Asian nations subject to greater danger if the Communists succeed in Cambodia.

The key question at the moment is whether the United States will provide weapons which have been requested by the Cambodian government. The Administration is temporizing on this crucial decision. The interim action of providing a small quantity of communist weapons captured in Vietnam avoids the issue for the moment.

The Nixon Doctrine does identify the conditions and criteria under which the United States should provide military assistance to a country like Cambodia. First, the government must be an established one enjoying "legitimacy" in the mind of a majority of its own citizens. If a government does not have a substantial base of popular support or acceptance among its own people, it is unlikely that U.S. assistance would be effective—and it is undesirable that it should be provided.

Frankly, the Lon Nol government in Cambodia has not yet demonstrated that it commands the confidence and loyalty of the Cambodian people. It seized power through a military coup d'etat, ousting a popular traditional leader—Prince Sihanouk. The methods it has used to seek to rally popular support are worrisome. The whipping up of racial chauvinistic emotions—culminating in mass slaughter among locally resident Vietnamese civilians—is repugnant and so is the vilification campaign against Prince Sihanouk, featuring lurid charges about his personal life.

The Cambodian government is under military attack and is in a very difficult situation. Its plea for military assistance has real urgency. But it is essential, in my view, that the United States refrain from providing any arms until the Cambodian government has demonstrated its viability. We cannot get into the business of propping up incompetent or unpopular governments. Accordingly, assurances of decent conduct of its affairs and earnest efforts to make the government representative of the people should be made a condition for the supply of any U.S. arms.

The second fundamental criterion for providing U.S. assistance under the Nixon Doctrine is the actions and attitudes of the other nations of the region. U.S. assistance in Asia, to be effective, must be given in support of local, regional and multilateral efforts. The leadership and direction of such regional supportive efforts cannot come from the U.S., although the U.S. contribution may be the deciding factor in its ultimate efficacy.

In Vietnam, the U.S. went in unilaterally and never did receive significant support from our Asian or traditional European allies. Ultimately, great pressure was exerted by the Johnson Administration on such nations as Korea, Thailand and the Philippines to provide token military contingents. But as the investigations of the Symington Subcommittee, of which I am a member, have disclosed, the arrangements made to get Korean, Philippine and Thai forces into Vietnam raised more questions than they solved.

If Cambodia's non-communist neighbors—especially such nations as Indonesia, Thailand, the Philippines, and Malaysia—are prepared to take a lead in organizing a regional supportive effort, I think that this would be a persuasive argument for a selective, supportive U.S. contribution to such a regional effort. However, if Cambodia's neighbors are not prepared to make such an effort, then the United States should not go in unilaterally.

Finally, both under the Nixon Doctrine and the National Commitments Resolution adopted by the Senate in June 1969, the President and the Executive Branch need to obtain some prior congressional concurrence before undertaking any significant military commitment or involvement in Cambodia. This is clearly required under the Constitution, and the fundamental wisdom of the Constitutional system of checks and balance depends upon it. Much of the tragedy of our involvement in Vietnam is derived from the breakdown of the checks and balance system provided in the Senate's advise and consent role in foreign affairs, and from the circumvention of the primary responsibility of the whole Congress under the Constitution regarding war-making powers.

THE ECONOMIC CRISIS

Mr. JAVITS. Mr. President, I shall speak this morning about the economic crisis which is worrying our country very much, and is of very deep concern not only to our people, but to the major financial institutions in America.

The country is very worried about where the economy is going, and so are its major financial institutions. Remedial action is needed now or we may face dire economic and social consequences in a chain reaction to present conditions. Give the present divisiveness in the country so clearly attributable to the Vietnam war and racial tensions—a serious economic downturn—and even so solid a source as the St. Louis Federal Reserve Bank has contemplated this possibility—could have serious, if not disastrous, consequences.

The collapse of prices on the stock exchanges, the record high interest rates, and the continuing unacceptable 6-percent rate of inflation in the cost of living are but the thermometer confirmation of the national economic fever. With the effects of a continuing, if not widening Indochinese war on our economy, it is increasingly clear that the policy of business as usual—expenditures as usual—and revenues as usual—will not work. It is also becoming clear that a "creditability gap" has now opened up with regard to the administration's economic policies.

Even before the President's new Cambodian decision, our Nation's budgetary position was inexorably sliding into serious deficit. The deficit for this fiscal year which ends June 30 is not primarily the result of an irresponsible expenditure policy by the administration or Congress, but rather of a serious revenue shortfall caused by declining business profits, and, in turn, declining tax payments to the Treasury.

We now, apparently, face the grim prospect of mounting expenditures in Indochina, probably increased expenditures for the ABM system in response to evaluations—which may be faulty—of the Soviet Union's and Communist China's missile capabilities, plus continued pressure for a series of advanced weapons systems that have been put off by the Defense Department's policy of absorbing a good portion of the war expenditures from within the existing budget. But as a congressional colleague of mine has aptly stated—the camel's nose is already under the tent on these advanced weapons systems.

In addition, the "butter portion" of our economy faces increased and pressing

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demands. I do not accept the administration contention that the economy has bottomed out, and in the intervening months until it does, unemployment manpower programs may be triggered, and unemployment compensation payments may necessarily rise. If the unemployment rate rises to the levels that some forecasters have already predicted, federally supported public sector jobs will become a necessity, too.

We also have to begin thinking seriously about the steps that will need to be taken if our businesses are to invest the funds necessary to remain competitive and to provide the jobs of the future. Then, too, in a declining economy, the administration's responsibility increases for provision of expanded and more flexible programs of adjustment assistance to those industries that suffer temporary dislocation from changing world trading patterns.

But these examples do not even include the major costs in billions that will accrue from the improved welfare program, from passage of the administration's manpower bill, which is also now before Congress, and the accelerated antipollution measures. This clearly demonstrates that pressures tending to drive expenditures upward are growing and are probably insurmountable.

At the same time, a depressed economy has insured that revenue flows to the Treasury are down and will remain down for some time—with the result that the Federal Government again is in a deficit position. If the deficit is not contained within reasonable limits, the mixture of forces that led this economy to the worst inflation since 1946 is likely to be unleashed again.

To contain the deficit will require some exceedingly hard choices both in the revenue and expenditures areas. If the administration is not willing or prepared to make these hard choices, the Nation deserves to be told fully and frankly. The Nation has the right to know whether the already galloping inflation in the economy will continue or worsen because of a growing budgetary deficit, or whether the administration is prepared to "bite the bullet" and really to entertain the hard anti-inflationary decisions—including a shifting of national expenditure policies—which are so badly needed.

Indeed our deficit problem is also seriously complicated by two current decisions. First, this Nation may now be taking another step into the quagmire that is Indochina; we have yet to hear whether it is solely a tactical decision. The President's decision as announced by the Pentagon, yesterday, in my judgment will not only risk a serious aggravation of domestic tension and, the success of his own Vietnamization program, but also the anti-inflationary program of the administration. Second, there is the earlier decision to withdraw 150,000 additional troops from Vietnam over the next year. What was not stated in this earlier decision was that this withdrawal policy insures that we will be in Vietnam for a minimum of 2 to 3 additional years. The effect on the deficit of both these decisions is worthy of close attention.

In light of these events, a key area that needs review is tax policy. Many of us regretted that last year's tax reform bill turned into a tax cutting bill.

Hard questions must now be asked concerning the upcoming expiration of the surtax and future decisions to be taken on excise taxes and whether the existing rate structure will provide the revenues needed for the 1970's. This question was in my mind even before the recent political military decisions were taken and now assumes a new urgency.

These questions can only be answered in the next few months depending on developments in the economy particularly regarding unemployment levels and inflationary pressures. But the Nation should be informed about these hard realities now.

An important element in this whole question is that up until now monetary policy has borne much of the brunt of the fight against inflation. The legacy is a housing crisis, exorbitant interest rates, and shaky capital markets to name just a few. The money supply is still vital and easing it should help greatly, but in the future fiscal policy should carry its fair share of the burden. In my view this will help avoid the serious distortions in the economy that have characterized it recently.

Now for some other specific recommendations.

One of the more unsettling symptoms afflicting our economy is the marked falloff in business productivity at a time of sharply increasing wages and salaries. Output per man-hour in 1969 rose at less than 1 percent, compared with the 3.3 percent average since 1945. This is the second smallest increase since World War II; the only other time productivity gains were smaller was in 1956. Productivity is the real test of our strength as a Nation.

Therefore, I believe that we must count high on our list of priorities some device to improve productivity. We had a turn with the investment tax credit, and this was repealed last year for many reasons not entirely related to business productivity. I believe that a sounder approach to an investment incentive—an incentive, that is, which will improve productivity—exists in liberalizing depreciation schedules for capital equipment. Experience with liberalized depreciation schedules in 1954 has shown that their initial costs, in terms of reduced corporate tax revenues, are rather modest. But their incentive factor is much higher. The change in depreciation schedules could be phased in over, say, 5 years. I believe, however, that immediate action is needed on this front in order to prevent a serious bottleneck in an important sector of our economy. Such action is within the power of the Treasury now.

Such action will also insure that our business plant remains competitive in the decade ahead and that it will continue to provide the jobs needed by a growing full-employment economy.

Another area where immediate action is needed is the securities market. It takes no imagination to understand what the recent depression in the stock market—the worst since 1929—has done to the economic well-being of the average American. Tens of millions of Americans invest directly in business enterprise. Many, many millions more are indirect owners, through participation in mutual funds, pension plans, and other forms of saving. Major stock market losses affect them in a major way. I have found, for example, that much of my constituent mail on the subject of stock market losses has come from small investors, from the man in the street. In other words, we are dealing with a phenomenon which affects not only the rich, but virtually every payrolled American.

As an immediate first step to stem the deterioration in stock prices, I believe the margin requirements for stock purchases can be lowered. Much of the heavy losses have been the result of a lack of demand for stock being sold by nervous investors. Lowering the margin requirements from the present 80 percent to 70 percent—possibly even 60 percent—would help deal with this phenomenon.

As a longer-run measure, the idea advanced by Senator MUSKIE for a Federal Broker-Dealer Insurance Corporation is worthy of serious consideration. I feel it should be, however, an autonomous corporation and not under the SEC aegis. Also, I applaud the pledge by the securities industry made recently in a letter to SEC Chairman Budge to come up with an acceptable self-regulating alternative to the Muskie bill by July 1. I believe the industry must be held strictly to its pledge, so great is the need for insuring the risks here and the idea of an autonomous U.S. corporation may be the only alternative left if an acceptable plan is not forthcoming from the industry itself.

As Senator MUSKIE pointed out, there is no protection under existing securities law for the investor whose broker goes bankrupt. This must be a matter of some concern now to those investors who have accounts with the several brokerage houses which have ceased operations in recent weeks. The fact that rumors are afoot concerning more such problems cannot help but damage confidence in the whole concept of stock ownership.

Under the Federal Deposit Insurance Corporation, the once prevalent problem of "runs" on bank deposits has been virtually eliminated. Nevertheless, we have seen that a run on the stock market can happen even in 1970. With the establishment of an insurance scheme to protect investors from losses caused by the liquidation of brokerage houses, a major step will have been taken to improving the safety and security of this very major and basic aspect of our capitalist system.

Turning to the area of wages and prices, my consultations with business and financial leaders have convinced me that the administration has to do more in this area. For example, various financial leaders have told me that in their opinion recent price hikes in certain industries have been out of line with the raises in labor and operating costs. In fact, the Council of Economic Advisors has been looking into the pricing and

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supply policies of some of these industries—but it has not gone beyond the "looking into" phase.

I strongly urge that the administration accept the recommendations unanimously adopted by the Republicans of the Joint Economic Committee and which also were considered by a full Republican caucus of the Senate. The specific proposal I now have in mind recommended that the Council of Economic Advisors indicate how significant price decisions, up or down, in major industries could be expected to influence overall consumer and wholesale price levels, and how they might affect other prices in related industries. The Council should also give the arguments made by particular companies or industries why price increases are deemed necessary.

Similarly, the Council would indicate the implications of collective bargaining proposals on wages in significant industries. This would include calculations of the magnitude of these increases under different timing assumptions, the productivity experience of the industry, and whether industry officials believe such increases would bring about price increases.

In the view of the minority of the Joint Economic Committee of Congress these activities would be limited to informing the public and would not involve the administration taking a stand for or against any particular wage or price behavior. I sincerely believe that an informed public debate resulting from such information, which the Council is in a position to publish, would be a significant step in the administration's anti-inflationary campaign.

I also believe that the vast force of public opinion has not been sufficiently mobilized in this anti-inflation campaign to date.

I view this suggestion as a first step and sincerely hope that additional steps will not be needed. The statistics released yesterday which indicate that the wholesale price index has declined for the first time in 2 years, gives credence to this hope. However, if inflationary pressures continue unabated, additional steps may be necessary and again I think this is also dependent on the course of events in Southeast Asia.

Depending on future events it may be necessary and desirable to establish a Wage-Price Board in the Executive Office of the President which would oversee not only wage and price decisions in the private sector but also certain expenditure activities of the Federal, State, and municipal governments. In making this suggestion it is worth noting that during the years of the Korean war when wage and price controls were in effect, the Consumer Price Index only rose from 85.6 to 89.6, or a rise of four points. During the years of the Vietnamese war the Consumer Price Index rose from 109.9 to 127.7 or a rise of 17.8 points. Here, I think we can see one of the prime causes of labor unrest.

I do think that since this is a Republican administration it must first demonstrate that it intends to rein-in unreasonable price hikes before it can move effectively to contain unreasonable labor demands. And respected financial and business leaders will privately confess that in some areas market conditions bear absolutely no relationship to some of the price hikes that have taken place.

There is another area where this policy could have a significant effect and this is in the area of trade. In a recent address a member of the Council of Economic Advisers stated that the "consumer interest in freer imports, is only just beginning to be heard. Once consumer interests are adequately represented, the advantages of regulation to the regulated industries themselves may well disappear, and the basis for an extension of competition, which is the ultimate protector of consumer interests, may be laid."

The Council of Economic Advisers should likewise look into the possibility of publishing the effect on prices of Government decisions in the trade area. For example, in a recent article in Business Week, it was pointed out that meat prices have increased at a very high rate, yet rigid quotas on beef imports remain in effect. The same contention can be made for oil imports which are rigidly regulated, and I shudder to think what will happen to prices of textiles and shoes if rigid import quotas are imposed without regard to internationally accepted criterion relating to the injury imports are causing to domestic industries.

I find it unusual that trade policy is not used to a greater extent in coordination with the other weapons of anti-inflationary policy and that the Office of Consumer Affairs is not even represented on the interagency Government councils that make trade policy decisions. I believe that the consumer has a legitimate right to be interested in meat prices, in oil prices, and to make their interests known.

Finally, in preparing these remarks, I have also consulted with respected financial leaders on the question of credit controls. I think that their counsel to me is a course of wisdom—namely that credit controls at this time would seriously disrupt financial markets, such as the stock market, which already are very shaky.

Proposals already have been made, and I refer in particular to the recent proposal made by Dr. Andrew Brimmer of the Federal Reserve Board which would have the effect of insuring a more just allocation of credit through the use of varied reserve requirements. This, of course, would particularly benefit those sectors of the economy which a tight monetary policy discriminates against—housing and State and municipal financing, for example. However, this area is so complicated and the climate in the financial markets so adverse, that it should be left for the full and dispassionate examination of the Presidential commission that will soon be named to look into financial mechanisms.

Mr. President, the times are grave and the Nation feels a disquiet and division unparalleled since the terrible depression atmosphere of the 1930's. We should certainly have learned enough by now to be forehanded about avoiding resurgent inflation and/or a deepening recession and economic uncertainty. I propose that we act now, accordingly.

Mr. President (Mr. HUGHES), I have made these proposals today, which I hope the administration will listen to very seriously and act upon them now.

Now may even be too late, so seriously shaken has been the confidence of those who invest, those who buy, and those who manufacture in the economy of this country.

SOVIET PILOTS IN EGYPT—THE GROWING DANGER IN THE MEDITERRANEAN

Mr. SYMINGTON. Mr. President, yesterday there was revealed a strange paradox in the formulation and conduct of the foreign military policy of the United States.

This country is now sending American military personnel, with planes and tanks and artillery, into another foreign country, Cambodia; and this latest invasion is justified on the grounds it is necessary to our security.

But the United States still refuses, as it has over a long period of months, to sell planes to the State of Israel, a nation that has pled to buy these planes from us because we are the only country making such modern weaponry that is not already supplying them to the Arab countries.

So we now support a newly formed and untried government in Cambodia, but at the same time have in the past refused to sell vitally needed arms to a nation currently fighting Communist satellite aggression without the support of U.S. military forces.

Has not the time now come when we Americans should face up to the facts of what is actually happening in the Middle East? A small democratic and free people, created with the complete support of the Government of the United States, people who cherish the same principles that we do, and who are one of the very few really stable friends we have in that entire region, would appear today to be directly confronted by the military might of the Soviet Union.

This is the lesson that I draw from the presence in Egypt, reported only yesterday, of Soviet pilots flying Mig 21's, and operating from Egyptian airfields. Everyone must now realize the potential danger to the very existence of Israel.

Clearly, the Soviets themselves have embarked on a new and aggressive course, the portents of which are grave not only for Israel, but for all countries of the free world.

At this time, let us consider also that there is one major factor which could deter further Soviet adventurism in the Middle East. That is the military credibility of Israel. With that premise, surely it is in our own interests to sell Israel these arms, so that this brave little nation has the ability to defend itself.

Our Government, from our President down, has always said that we were not going to jeopardize Israel's security; that if developments occurred which upset the balance of power in Israel's disfavor, or if the Soviets take action which implies a bid for predominance in the Middle East, we would not stand idly by.

Well, that is happening right now, not by proxy, but by direct military intervention. We do not know what the parameters of Soviet involvement will be, but we do know that it upsets completely that balance of military strength which has been given by this administration in the past as the reason for our continuing to refuse to sell Israel the modern weaponry they cannot buy from either the Soviets or the French, the only other two countries which produce these modern planes.

If the balance of military strength given as the previous reason for not selling arms to Israel was correct before, the advent of Soviet pilots in Mig 21's and Soviet SAM-III's insures that this so-called balance is now badly in imbalance, with consequent danger to Israel's existence.

The reports of the last few days about the Egyptian offensive along the Suez front show the real nature of the new strategy. While the Soviets protect the Egyptian rear from Israeli counter response, Egypt is now relieved, and is able to put into the field the best of its forces to resume its war of attrition against Israel.

The Soviets, in other words, are operating in the service of an offensive strategy, designed, in Nasser's terms, "to exhaust Israel."

The Middle East is not Southeast Asia. Israel is capable of defending itself. It has proved three times, with manifest courage and ability, that it is so capable; and it still stands ready to defend itself, as all countries well know.

How can it make that defense credible, however, unless the one country that has the arms it needs for its defense agrees to supply those arms?

In passing, it has never been clear why we have been willing to continue to give arms to many Arab States, but are not willing to sell them to Israel.

If we adopt a policy of maintaining a weak Israel, will this not in turn be interpreted as a weak American posture, one that can only encourage any possible enemy to move forward, especially as he notes how deep are our involvements in other parts of the world?

In addition, will we not be running the risk of committing a historical crime if we do not move now, with dispatch, to sell this small and gallant nation the planes it pleads for to defend its very existence?

Surely it is to our interest to try in this way to maintain this little country as a viable nation.

Who will deny that without a strong Israel the Soviet Union, through its satellites, would dominate all countries in the eastern Mediterranean?

Would that be a favorable development for the free world?

Several times previously during past years I have asked whether the foreign policy of the United States is one of strength against the weak, but weakness against the strong.

If we are not willing to recognize the grave imbalance this recent Soviet action has produced, the answer to that question at this time would seem clear.

Mr. JAVITS. Mr. President, will the Senator yield briefly?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I be recognized for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I point out to the Senator that I think he has rendered a signal service as the chairman of the appropriate subcommittee of the Foreign Relations Committee in this speech.

I would like the privilege of associating myself with his remarks.

Mr. SYMINGTON. Mr. President, I thank my able friend deeply.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I be permitted to continue for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTHEAST ASIA

Mr. BYRD of Virginia. Mr. President, 3 years ago, upon my return from Southeast Asia, I made a report on the floor of the Senate.

On April 11, 1967, I said that while public attention was focused on Vietnam, that sooner or later, in my judgment, the problem would be widened and our Nation would be faced with grave decisions regarding Laos and Cambodia.

I want to read at this point a few paragraphs of my speech of 3 years ago:

> Our involvement in Asia does not stop with Vietnam.
>
> In order to help the war effort there, we have negotiated with Thailand and have constructed, or are in the process of constructing, four huge military bases there, each of which I visited.
>
> These bases are of great importance to the American military effort in Vietnam.
>
> For example, our giant B-52 bombers heretofore all flown from Guam—a 12-hour round trip to target—will, beginning this month, be operated partially, from Thailand—a 4-hour round trip flight to target.
>
> But our presence in Thailand further commits us in Asia, and it commits us to protect the Kingdom of Thailand.
>
> Visualize, if you will, the map. Vietnam is separated from Thailand by both Laos and Cambodia. In other words, Laos and Cambodia lie between the two countries in which we are currently militarily involved.
>
> The ultimate fate of Laos and Cambodia hangs in doubt with Communist pressure at a high point.
>
> A part of Laos is now an important military base for the Vietcong; yet, another part of Laos is cooperating with the United States.
>
> Cambodia claims to be neutral and will not permit the United States to overfly it when U.S. planes go from Thailand to Vietnam. Yet Cambodia is also a sanctuary for the Vietcong.
>
> Sooner or later our Nation may be faced with grave decisions regarding Laos and Cambodia.
>
> If such is the case and we decide to intervene, we will then have assumed the responsibility for all of what was French Indochina, plus its neighbor, the Kingdom of Thailand. If we conclude not to intervene in Laos and Cambodia, either or both could become another Communist-dominated North Vietnam.

That was my comment in 1967. Today, we are faced with precisely the kind of decision that I foresaw 3 years ago.

The decision is no easier now than it would have been 3 years ago. In some ways it is more difficult, because Communist aggression has spread while American involvement has not really substantially lessened.

From the very beginning, I have said that the commitment of American ground troops in a land war in Asia was a grave error of judgment.

I have also maintained that the error was compounded by the way in which the war has been conducted. President Johnson and Secretary of Defense McNamara tried to run it out of Washington. It took quite a while before the McNamara concept of a so-called limited war was proved a farce. It prolonged the war and increased the casualties.

Today, however, we must deal with the situation as it exists.

Under existing circumstances, I have doubts about the advisability of an American commitment to Cambodia.

If the President should decide that the security of our forces in Vietnam demands that some help be given to Cambodia, it is essential that sharp limits be set to our involvement.

Under no circumstances should American ground troops be sent to fight in Cambodia.

If other aid is given, in the form of air support, advisers or arms, I hope that it will be made clear to the Cambodian Government—and to the American people—that this is not a step toward the involvement of U.S. combat forces.

The United States cannot unilaterally assume the responsibility for the security of all of what was French Indochina.

There must be a limit to American involvement in Asia. Sending troops into Cambodia would go beyond the limits of what is prudent.

I hope that the President will act with caution and restraint in this time of crisis.

UNITED STATES SHOULD STAY OUT OF CAMBODIA COMPLETELY

Mr. PROXMIRE. Mr. President, yesterday, with the backing of the United States, the South Vietnamese launched a military operation against Communist forces in Cambodia. The United States has sent advisers there, has furnished tactical air support, and other medical and logistical support. The facts are not in dispute.

I am opposed to the President's action. We should stay out of Cambodia completely and wholly.

I am unqualifiedly against intervention there. If we have not learned our lesson after 40,000 dead Americans in Vietnam and $100 billion of spending, we never will.

We do not withdraw from Southeast Asia by going in deeper in Cambodia. American advisers are the first big step toward a full-fledged American involvement in an Indochina war.

I have received a number of telegrams overnight protesting our action in Cambodia. I agree with them and I intend to join Senators CHURCH and COOPER and others in their expression of the sense of the Senate in this matter.

I ask unanimous consent that the texts of the telegrams I have received be printed in the RECORD.

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There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Burlington, Wis.,
April 30, 1970.

Senator William Proxmire,
U.S. Senate,
Washington, D.C.:

I strongly protest any involvement by our government with arms or advisors in Cambodia.

Vic Terry.

Madison, Wis.,
April 30, 1970.

Senator Proxmire,
Senate Office Building,
Washington, D.C.:

We implore you to strongly oppose the administration's actions in Cambodia.

Mr. and Mrs. Seymour Ledey.

Madison, Wis.,
April 30, 1970.

Senator Proxmire,
Senate Office Building,
Washington, D.C.:

I am strongly opposed to U.S. intervention in Cambodia. It is my hope that you will take immediate action to prevent this for peace.

Mariam Weinstein.

Madison, Wis.,
April 30, 1970.

Senator Proxmire,
Senate Office Building,
Washington, D.C.:

President cannot declare war. Please support the efforts to deny funds for Cambodian military activity.

Mrs. Joyce Markle.

Kewaunee, Wis.,
April 29, 1970.

Senator William Proxmire,
Senate Office Building,
Washington, D.C.:

Against United States involvement in and aid to Cambodia.

Frank and Betty Hamachek.

Madison, Wis.,
April 29, 1970.

Senator Proxmire,
Senate Office Building,
Washington, D.C.:

Please inform the President that your constituents are opposed to our troops in Cambodia.

Marilyn J. Barbin, Pat J. Miller, Lynn A. Garvey, Carla M. Novotny, Carol S. Nussbaum, Jean Markotic.

Racine, Wis.,
April 29, 1970.

Senator Bill Proxmire,
Senate Office Building,
Washington, D.C.:

I am absolutely against aid to Cambodia in any form.

Margaret Schimanski.

Oconomowoc, Wis.,
April 29, 1970.

Senator William Proxmire,
Senate Office Building,
Washington, D.C.:

Please help stop all further intervention in Southeast Asia immediately. We wholeheartedly support you.

Walter Hoeft, Jr.

Madison, Wis.,
April 29, 1970.

Senator Proxmire,
Senate Office Building,
Washington, D.C.:

Urge no troops or advisors be sent to Cambodia or Laos, peace in United States.

Thomas Reed.

Madison, Wis.,
April 29, 1970.

Senator Proxmire,
Senate Office Building,
Washington, D.C.:

Deeply protest military involvement in Cambodia. Desire congressional action for immediate adviser and troop withdrawal.

Mrs. Ann D. Clark.

Madison, Wis.,
April 29, 1970.

Senator Proxmire,
Senate Office Building,
Washington, D.C.:

We deeply protest today's involvement in Cambodia urgent immediate withdrawal from this war.

Vernon S. Hauberich.

Madison, Wis.,
April 29, 1970.

Senator Proxmire,
Senate Office Building,
Washington, D.C.:

Oppose Pentagon foreign policy in Cambodia.

Aileen and Allan Nettleton.

Beverly Hills, Calif.,
April 29, 1970.

William Proxmire,
U.S. Senate,
Washington, D.C.

125,000 mothers say no to Cambodia. We support any action to re-establish constitutional right of Congress to declare war.

Donna Reed Owen, Dorothy B. Jones, Barbara Avedon, cochairmen, Another Mother for Peace National Headquarters.
Beverly Hills, Calif.

MILITARY PROCUREMENT AUTHORIZATION ACT (H.R. 17123)—AMENDMENT

AMENDMENT NO. 605

CONGRESSIONAL RESPONSIBILITY AMENDMENT

Mr. McGOVERN. Mr. President, I submit an amendment which the Senator from Oregon (Mr. Hatfield) and I intend to propose to H.R. 17123, the Military Procurement Authorization Act when that legislation becomes the pending business in the Senate. I ask unanimous consent that the amendment be printed; and I further ask unanimous consent that it be printed in the Record and referred to the Committee on Armed Services for consideration with the military authorization legislation.

The **PRESIDING OFFICER** (Mr. Gravel). The amendment will be received and printed; and, without objection, will be referred to the Committee on Armed Services.

The amendment is as follows:

Amendment No. 605

Sec. ——. (a) Unless there has been a declaration of war by the Congress with respect to any conflict in Vietnam, no part of any funds appropriated pursuant to this Act or any other law shall be expended in connection with such conflict after December 31, 1970, for any purpose other than to pay costs relating to the withdrawal of all United States forces, to the termination of United States military operations in that country, to the arrangement for exchanges of prisoners of war with the government of North Vietnam, to the provision of food and other non-military supplies and services for the welfare of the Vietnamese people, and to arrangements for asylum in friendly countries for Vietnamese who might be physically endangered by the withdrawal of United States forces.

(b) Unless there has been a declaration of war by the Congress with respect to any conflict in Laos, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish, after December 31, 1970, to Laos or to personnel of Laos any defense article or any military assistance or advice.

(c) Unless there has been a declaration of war by the Congress with respect to any conflict in Cambodia, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish to Cambodia or personnel of Cambodia any defense article or any military assistance or advice.

(d) For purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

Mr. McGOVERN. Mr. President, I am appalled at the news that we are intervening militarily in Cambodia. After all the tragic lessons of Vietnam, It seems a nightmare to me that our leaders are actually committing us to war in another Southeast Asian country. Why cannot we understand by now that it is impossible to impose a military solution on the complicated political problems of Southeast Asia.

The inevitable result of this is a wider and bloodier conflict, increasing inflationary pressure on our economy, more fear in our stock markets, and much wider division and confusion within our society.

I am going to do everything I possibly can as a Member of the U.S. Senate to block this effort and to bring this foolish war to an end. That is the purpose of the amendment which we are offering today. It proposes that in the absence of a declaration of war Congress should refuse to make available funds for the prosecution of any further military efforts in Vietnam, Laos, and Cambodia.

The command and deployment of our forces in Vietnam and Laos would remain at the President's discretion until December 31 of this year. We expect that in the intervening months steps would be taken to withdraw manpower to coastal areas to maximize their safety during total disengagement. During the same period it is probable that the Thieu-Ky government would make whatever accommodations are needed to reflect the balance of military and political forces that would exist when the American presence has ended. Faced with the certain withdrawal of U.S. military forces, Saigon would very likely enter into political and diplomatic efforts designed to create a provincial or coalition government.

After December 31, in the case of Vietnam and Laos, and beginning immediately in the case of Cambodia, our amendment would eliminate all authority for military assistance and for combat operations of any kind. Beyond the provisions of nonmilitary supplies, such as food, touching on the welfare of the Vietnamese people, amounts appropriated under any act could be used for only the withdrawal of all U.S. forces, for the termination of all military operations, and for arranging for exchanges of prisoners of war and for asylum to the extent necessary for Vietnamese who might be physically endangered by our withdrawal.

The amendment does have an alternative to this course of action. By its terms, the amendment would be nullified if the Congress, as provided by the Constitution, were to declare war in Southeast Asia.

Mr. President, many Members of Congress, along with a steadily increasing proportion of the American people, continue to be deeply troubled by our involvement in Vietnam. Today it must be regarded as the transcendent issue in American life.

The war has prompted painful divisions and violence in our society. It has distorted our economy. We are confronted today with wartime inflation, rising unemployment, and a worried, sagging stock market. Such overriding domestic concerns as poverty and hunger, environmental pollution, and a host of others have been neglected and have worsened as the fighting has gone on. The idealism of our youth has deteriorated as they have seen how we interpret "freedom" and "liberty" to allow, and even require, the support of corruption and repression in Saigon. Most painful of all has been the loss of more than 40,000 young lives, and the mangling of thousands more young bodies, in pursuit of hopeless objectives.

We have had some cause for encouragement in the past 2 years. The steady escalation in the fighting that occurred between 1964 and 1968 has been reversed. The appearance has been that we had abandoned hopes for a military decision.

But today it appears that what has been abandoned instead is the prospect of a foreseeable end to American involvement. The decision to support an invasion of Cambodian territory by South Vietnamese combat units, including the direct participation of U.S. personnel, is a new escalation of the war. If we are not increasing the size of the American force we are increasing the number of countries, certainly an even more serious matter in terms of its policy implications. Vietnamization emerges even further as a doubtful gamble at best and a program of domestic political deception at worst.

We should not lose sight of the fact that the invasion of Cambodia is not a new war. It is an extension of the war in Vietnam, and that is certainly how the President will describe it tonight. He will say it is being carried out to protect our position in the senior war, and to protect our forces in that war against attacks launched from the Parrot's Beak in Cambodian territory.

I suspect that the President can come up with ample military justification for the thrust into Cambodia if we consider it from a standpoint of approving and accepting his approach in Vietnam. We should move cautiously in forbidding pursuit of hostile forces into Cambodia if we do not at the same time contemplate a change in our overall position in the war.

Our amendment confronts this issue directly. It rejects an expansion of the conflict as a means of protecting our forces—just as we should have rejected each step of escalation carried out by the previous administration. We suggest that young American fighting men can best be protected not by this new kind of escalation but by bringing them home.

Otherwise, the loss of life will continue, hundreds each month.

And what is the reason? The theme of President Nixon's statement on April 21st was an assertion that preservation of the Thieu-Ky government has become a sacred trust thrust upon the American people. He spoke of avoiding a national humiliation. He declared that this country has never lost a war, and implied that our prestige and our power are directly dependent upon winning this one. In essence he affirmed that our policy is one of saving face. It is for cosmetic purposes that the war is being expanded again; it is a vain attempt to conceal an ugly scar on our national experience that calls for the sacrifice of billions more of our treasure and thousands more of our lives.

It is not worth the cost, nor can it succeed. Even endless perpetuation of the Thieu-Ky government would not improve the appearance of our tragic mistake in Southeast Asia. Our salvation lies instead in liquidating the error and aspiring once again to the greatness and the idealism of which this country is capable. That is what our amendment proposes.

But it does more than that. It asks that the Congress reclaim its proper role in the constitutional scheme of responsibilities for declaring issues of war and peace. It says that it is not enough for the Congress to offer suggestions on how the President should carry out his powers as Commander in Chief and as the exclusive agent of the United States in dealing with other nations. It says that we should make explicit decisions on the questions which are exclusively within our province—on the kinds of miliary power available to the President and when and how they shall be committed to war.

The scope of the congressional war power has not been clearly defined. There continues to be a dispute over when the Constitution requires a declaration of war prior to Presidential action. Many of us would interpret it to require much more explicit authority before we can move even gradually into a war of the kind we are fighting now in Southeast Asia.

But it is perfectly clear that Article I, Section 8, of the Constitution vests in the Congress, and in the Congress alone, the power to "provide for the Common Defense—raise and support Armies." And the intent of that language is also easily discernible. In the Federalist, Alexander Hamilton pointed out that we have a positive duty to review military appropriations at least every 2 years. He argued that members of the legislative branch, "are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence."

Our system of government does not contemplate that the President should unilaterally bear the burden of determining when and where our forces should be engaged in combat. The responsibility is to be shared.

The growing war in Southeast Asia is not, therefore, "Mr. Nixon's war." It is not "Mr. Johnson's war", and it is not the war of the four successive administrations which made commitments of various kinds. It is just as much the property of the Congresses which have with hardly any hesitation authorized and appropriated the funds to fight it and to let it go on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, our amendment asks that Senators and Congressmen who have declared that the war should be ended recognize the fruitlessness of making speeches and offering nonbinding resolutions. It would instead exercise the power we do have for terminating America's intrusion into the affairs of the people of Asia.

It seems probable to me that one reason why we have remained in Vietnam after giving up the goal of a military victory is the fact that both Presidents Johnson and Nixon have feared political recriminations and divisions at home to result from a withdrawal. Some commentators have predicted attempts to pin the blame for our failure to hold Southeast Asia upon the Presidents who have directed the battle.

If that is the case then our amendment will give the President more freedom of action. It says that if Congress and the President have a joint responsibility for carrying on a war, we must also share the responsibility for ending it. To date we have avoided our duty. We have forced him to carry the burden of command and to contemplate the political consequences alone.

Put most simply, it is an amendment for congressional responsibility. Its passage will mark our decision that the war in Southeast Asia should either be stopped or declared. I believe that is what the Constitution demands of us.

Mr. HATFIELD and Mr. DOLE addressed the Chair.

Mr. McGOVERN. Mr. President, I yield first to the Senator from Oregon and then to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, in arguing for adoption of the Constitution, Alexander Hamilton wrote in the Federalist Papers:

> The legislature of the United States will be obliged by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by formal vote in the face of their constituents.
>
> They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence.

In order to place with the Congress, and thus with the people, the ultimate authority over the use of our military forces, the Constitution gave these direct and comprehensive powers to the Congress:

> (Article I, Section 8):
>
> To declare war . . .
>
> To Raise and support Armies (but no Appropriation of Money to that Use shall be for a longer term than two Years)

And also:

> To provide for calling forth the Militia to execute the laws of the Union, suppress Insurrections and repel Invasions;
>
> To provide for organizing, arming, and disciplining the militia.

Since the use of military forces centrally involves matters of foreign relations, it was natural for the Constitution to also grant to the Congress a central share of the responsibility for these decisions. Besides Congress' power to declare war—article I, section 8—the Senate was also given the responsibility of ratifying treaties proposed by the Executive.

But the responsibility of the Congress in such matters clearly does not end there. Early in our history, Congress faced this issue in dealing with the Jay Treaty. After the President proposed it and the Senate approved, the House faced the question of whether they were bound to enact appropriations submitted to carry out the treaty. The matter was resolved by adopting a resolution offered by James Madison to the effect that:

> When a Treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress. And it is the Constitutional right and duty of the House of Representatives in all such cases, to deliberate on the expediency or inexpediency of carrying such Treaty into effect, and to determine and act thereon, as, in their judgment, may be most conducive to the public good." [Constitution of the United States Annotated, Senate Document No. 39, 88th Congress. p. 469 (1964)].

This position has been vindicated by the Supreme Court in a number of cases holding that a later act of Congress supercedes a treaty as domestic law.

Thomas Jefferson writing on this entire question, believed:

> The true theory of our Constitution is that when a treaty is made involving matters confided by the Constitution to the three branches of the Legislature jointly, the Representatives are as free as the President and Senate to consider whether the national interest requires or forbids their giving the forms and force of law to the articles over which they have a power.

These early precedents and opinions clearly establish that Congress' power of the purse—section I, article 9—includes the responsibility of Congress for making decisive judgments in matter of defense policy and foreign affairs. This is particularly true when support for our military forces engaged in a particular foreign policy action requested through appropriations in Congress.

Of course, we are not to disregard the powers given by the Constitution to the President, particularly his power as Commander in Chief of the Army and Navy—article II, section 2. Yet, he is Commander in Chief only of those forces which have been raised and supported by the Congress. Further, the framers of the Constitution strongly intended that the Commander in Chief should direct our military forces into war with other nations only when war had been declared by the Congress.

The wisdom of the separation of powers, then, applies to our Nation's policies of defense and foreign affairs just as clearly as it does over domestic issues.

It is no infringement upon the President's constitutional duties as Commander in Chief for Congress to exercise its own judgment over the support of armies for specific purposes. Furthermore, it is certainly clearly the constitutional duty of the Congress to seek a declaration of war before expending money for the purposes and support of war.

In summary, let me cite two other more contemporary opinions of legal expertise on this question—opinions which have a timely relevance in light of the most recent events in Southeast Asia. Chever and Haviland write that:

> The President does not have sufficient authority to control foreign policy without regard to the wishes of the legislative branch. In many of the matters he has no choice but to work with Congress. . . . [He] cannot afford to neglect either the House or the Senate in building support for . . . foreign policy programs." (Daniel S. Chever and H. Field Haviland, Jr. *American Foreign Policy and the Separation of Powers*, pp. 11, 16–17 [1952]).

And in his noted work, "The President: Office and Power," Edwin Corwin concludes his analysis of this issue by stating:

> While the President is usually in a position to *propose*, the Congress and the Senate are often in a technical position to at least *dispose*.

The evolution of events in Southeast Asia has given an immediate urgency to the question of how our foreign policy is determined. We have become involved there in a war never declared by Congress. Our effort is not in the clear direct fulfillment of any treaty commitment. Yet, through the years of our involvement, Congress has assumed, despite these facts, that we acted under an obligation of the executive that cannot be challenged by any authority of Congress. We have refused to consider seriously exercising the Constitutional powers that are available to us—the power of the purse, and the responsibility for raising and supporting our military forces.

It is obvious that we are at a crucial point in our involvement in Indochina. The events of yesterday and today make it abundantly evident that we are on the verge of new decisions and actions that can have long-term consequences in shaping our future action in Southeast Asia. Because of the uncertainties, anxieties, and renewed concern over our destiny in Southeast Asia, Senator McGovern and I have chose to introduce this amendment.

Our amendment would prohibit the use of funds after December 31, 1970, authorized for use in Vietnam for any purpose other than the withdrawal of troops, the termination of military operations, and arrangements for asylum and prisoners-of-war exchange. This prohibition would take effect unless there is a declaration of war by the Congress prior to that time.

The amendment has no effect on how funds are used until December 31, 1970.

It does not specify a specific time schedule for withdrawal after December 31, 1970.

The amendment also affects Laos, and would require a termination of military activities there as well, beginning after December 31, 1970, unless there is a declaration of war.

The amendment also affects Cambodia, and would prohibit funds used for any military assistance, including aid or personnel, effective immediately unless there is a declaration of war.

The amendment would not prohibit giving nonmilitary foreign aid to these countries.

In effect, we are saying that the Congress should not appropriate funds for the continuation of the war in Vietnam and Laos after the end of the year—other than for withdrawal—or the expansion of the war into Cambodia, unless Congress passes a declaration of war.

The amendment makes no explicit judgment about the rightness or wrongness of the Vietnam involvement. It only states that Congress should face the issue squarely and declare war if we are to continue appropriating funds to support the war. The purpose is to focus attention upon the constitutional issues involved.

Apparently, the executive branch embarked upon an action that could represent a significant policy change in the war. Our direct support of action by the South Vietnamese in Cambodia means that first of all, we have involved our military forces in another sovereign nation. More importantly, such actions could easily entail or lead to a commitment by the United States to the Government of Cambodia. Yet, these actions were taken without even the prior ratification of the Congress, despite the nearly unanimous views of the Foreign Relations Committee of the Senate.

All this would seem to run contrary to the spirit of the commitments resolution which was passed by the Senate.

Through authorizing and appropriating funds, Congress makes judgments on the purposes for which they are used. It is this principle that must be put to the Congress and applied to the Indo-Chinese war.

We must come to understand this war as the Congress' war—our war. It is irresponsible for us to believe that the executive branch alone shoulder the responsibility and consequences of our policy in Southeast Asia.

If the Indo-Chinese war is to be expanded into Cambodia, or continued in Vietnam and Laos after this year, the people must make this decision. This must be done through the Congress, as provided for by the Constitution. The means to do so is to seek a formal declaration of war which will require every Member of Congress to exercise his judgment on our policy. In lieu of that, Congress should not approve funds for continuing what has not been sanctioned by them and the American people.

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If we believe the current course of our involvement is not in the interests of our Nation, then let us not finance those actions. There is no more meaningful way for us to meet our contitutional responsibilities as Members of Congress.

Let us cease wringing our hands over the prospective dire plight we face, and let us stop trying to purge ourselves by indictment of the Executive. Let us simply use the constitutional powers that are given to us to implement our convictions.

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared describing the McGovern-Hatfield amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROPOSED MCGOVERN-HATFIELD AMENDMENT TO MILITARY PROCUREMENT AUTHORIZATION BILL (H.R. 17123)

Dating back as far as 1963 members of Congress have expressed deep concern about the involvement of American combat forces in Vietnam. We believe that today a clear majority of the Senate is convinced that U.S. involvement in the war has been a military, political and moral mistake.

In light of the similarities between the situation in Vietnam in 1963 and 1964 and the current outlook in Cambodia, it is particularly pertinent to note that now the members of the Foreign Relations Committee are all but unanimously opposed to sending military assistance to the government of Premier Lon Nol. The lessons of Vietnam have not been lost.

In an important sense the policy of the Nixon Administration also incorporates a recognition of the mistaken character of our Vietnam involvement. The elusive objective of a military victory has been abandoned. The current strategy is described as a means of liquidating our military involvement in Vietnam, either through a negotiated settlement or through assumption by the South Vietnamese of the burden of their own defense.

Yet our policy has not yet really turned. In his April 20th address on Vietnam, the President said he plans to continue withdrawing American forces at the same rate followed during the past year. *But the plan remains conditional, and the conditions involve matters which the United States cannot control*—the will and the strength of the South Vietnamese and the activities of North Vietnam and the National Liberation Front.

"Vietnamization" is not a new strategy. It has been tried before, between the French departure in 1954 and the beginnings of our buildup ten years later. Signs of the same futility confront us today, with the indications that Vietnamization of Vietnam will require the Americanization of Vietnam will require the Americanization of Cambodia and Laos.

Meanwhile the President talks of avoiding "humiliation" for the United States. He continues to identify America's best interests with perpetuation of the Thieu-Ky government in Saigon.

He seeks to justify some 40,000 American deaths by allowing thousands more to die in a hopeless cause.

We reject the notion that an error can be rectified by perpetuating and expanding it. We believe it is time to abandon the policy of saving face and to launch a policy of saving lives.

THE RESPONSIBILITY OF CONGRESS

Members of Congress, including the authors of this amendment, have delivered hundreds of speeches and have introduced dozens of resolutions calling for an end to our Vietnam involvement. We have offered advice on negotiating postures and battlefield tactics.

But all of these activities have been directed at procedures controlled by the President. *Article II, Section 2, of the Constitution designates the President as Commander in Chief of the Armed Forces, giving him the power and the duty to direct the military forces* placed at his command. *The article gives the President exclusive power over the conduct of negotiations.* According to Justice Sutherland in a 1936 case:

"He alone negotiates. Into the field of negotiation, the Senate cannot intrude; and the Congress itself is powerless to invade it."

And Jefferson's construction of the President's broad powers in foreign affairs still stands today:

"The transaction of business with foreign nations is Executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly."

Our efforts, therefore, have been concentrated on suggesting to the President the manner in which he should carry out responsibilities that belong to him. We have done nothing more than offer advice, which the President is free to accept or reject.

At the same time we have failed completely to employ the broad and decisive powers over the military which are explicitly reserved to the Congress. We have not controlled the war in Vietnam; we have complained but we have acquiesced.

The Constitution, in Article I, Section 8, Clauses 11 through 14, says that the war power belongs to the Congress. The grants of power "to raise and support armies" and "to provide and maintain a navy" are included not to give the Federal government these rights, but to designate the branch of government that has them, and it is the legislative branch.

Less clear in interpretation but equally relevant is the power of Congress to declare war. The dispute over its meaning goes back as far as Jefferson and Hamilton, and we struggle with it still as the nation wages an undeclared war in Vietnam. The Senate has expressed its concern over usurpation of the war power by the Executive by passing a resolution on national commitments. The same concern motivated the framers of the Constitution who, having lived with the British Crown's expansive powers, vested the authority to initiate war in the Congress alone.

But if the construction of the war power is inexact, the Congress certainly has the ability to demand that its prerogative receive more respect from the Executive. The resolution on foreign commitments issued a warning to the President that Congress expects to have a greater role in the future. It has, of course, had little effect on Vietnam.

In fact, during the 1967 hearings on the commitments resolution Professor Ruhl J. Bartlett of the Fletcher School of Law and Diplomacy was asked what Congress might do to re-establish its right to determine questions of war and peace. He responded that:

". . . The Senate may need to do something rather drastic on some occasion to make sure that its authority is understood and needs to be respected. It may be that the Senate will have to say to the President on some occasion: 'We will not stand for this any longer.' "

During those same hearings Senator Sam Ervin, in discussing what Congress might do about Vietnam, said that:

". . . from a practical standpoint the only way the Congress can do anything to stop the war is to stop appropriations for the support of the war."

The proposed amendment incorporates the advice of these two distinguished authorities and applies them to the cases of Vietnam, Cambodia and Laos.

INTENT OF THE AMENDMENT

So long as the Congress does no more than speak and resolve on the war in Southeast Asia, we have no right to complain about the conflict being "President Johnson's war" or "President Nixon's war," or even the "war of four successive administrations." It is just as much the property of a Congress that refuses to use its power either to declare it or to stop it.

Nor should we feel comfortable in telling our constituents who oppose the war that we are making common cause with them, or in cautioning them to keep their protests peaceful and within the law. It must contribute greatly to the frustration and outrage among those who have no direct power over policy when they see that we who do have power under the Constitution are refusing to exercise it.

Basically, our amendment asks the Senate to insist on its constitutional responsibility. It would accomplish the withdrawal of all American forces from Vietnam and the termination of our military operations there by simply prohibiting the use of military funds for any purpose other than steps associated with ending our involvement. Similar restrictions would be applied in the cases of Cambodia and Laos.

The process of withdrawal would begin no later than December, which should allow ample time for deployment of our forces in a manner most consistent with their safety when withdrawals begin, and for the Thieu-Ky government to make whatever arrangements it can to reflect the legitimate balance of political and military forces after United States influence has gone. The amendment also authorizes whatever spending is required to arrange for exchanges of prisoners of war and for amnesty or asylum for South Vietnamese who might be personally jeopardized by our withdrawal.

If the amendment passes, all of these steps will be required unless one condition is met—a prior declaration of war in Southeast Asia by the Congress.

We believe the amendment will have the support of all Senators who have expressed their opposition to the war and their lack of faith in the "Vietnamization" process. From them it asks no more than action consistent with positions they already hold.

It is highly probable that a major reason the President is reluctant to order an accelerated withdrawal of forces from Vietnam is his fear of the domestic political recriminations in a portion of our own society. That political risk should not be the President's alone. It should be borne on a broad bipartisan basis by the Congress as a whole. If American forces can be asked to risk their lives in battle, we should have the courage to save their lives by shouldering some measure of political risk.

We believe, too, that our proposal deserves the support of Senators who see merit and hope in the President's conduct of the war, but who want seriously to see the Congressional war power effectively re-established. The way to accomplish that is to require it, and we are convinced that an amendment of the kind we offer is the only practical way that can be achieved.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute so that I may yield to the Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I thank the Senator for yielding.

I am wondering if we apply that stand-

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ard to Southeast Asia would the Senator suggest we extend the import of the amendment to the Middle East?

Mr. McGOVERN. No. It is directed specifically to the countries of Vietnam, Cambodia, and Laos. We will have to deal with the Middle East on its own merits.

Mr. DOLE. In fact, it should be dealt with immediately. I understand there has been a statement made that we should supply more jets to Israel and be more deeply involved there. Perhaps we should apply the amendment across the board.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. SYMINGTON. If the Senator from Kansas is referring to the statement I made, it would be incredible for him by anyone to take the position that sending troops and or military advisers into Cambodia was in any way comparable to selling planes to Israel. We are selling planes to countries all over the world. There are only two other countries which make these modern combat planes besides the United States, and both of them are currently giving planes to the Arab countries. Therefore, I do not see any connection, if the Senator was referring to my earlier statement this morning.

Mr. DOLE. I signed the letter on jets to Israel but we should have a consistent policy. If we are going to do it in one part of the world, we should do it in other parts.

Mr. McGOVERN. Mr. President, I agree with the distinction drawn by the Senator from Missouri. I do not think you apply the same criteria. We evaluate each situation on its own terms and its own merits.

NORTH VIETNAMESE SANCTUARY INSIDE CAMBODIA

Mr. THURMOND. Mr. President, yesterday Vietnamese troops, with American advisers, struck at a North Vietnamese sanctuary just inside Cambodia.

It was about time.

For years the Vietcong and the North Vietnamese have raided inside South Vietnam, killing Americans as well as South Vietnamese, and then retreating across an imaginary line that allied troops dared not cross.

This gave the enemy a very big advantage. It was responsible for many American deaths. It was a sword aimed constantly at Saigon, the heart of South Vietnam, only 35 miles away.

And yet yesterday, we heard the term "mistake" and "mistaken tragedy" thrown around here pretty loosely.

For those who have no responsibility for the lives of our troops it is easy to say these things; it is an easy thing to be critical.

The real tragedy of yesterday is not the strike at the enemy. The real tragedy is that so many Americans in high places are ready to criticize and yank the rug out from under the President and our troops and our allies without knowing the facts.

Mr. President, tonight, on nationwide television, I expect the President will tell us the facts. Out of his appearance may come enlightened debate. It will be a welcome change from yesterday's blind criticisms.

AMENDMENT TO FOREIGN MILITARY SALES ACT—TO PRECLUDE U.S. MILITARY INTERVENTION IN CAMBODIA

AMENDMENT NO. 604

Mr. GOODELL. Mr. President, a major escalation of the war occurred yesterday, when the United States openly sent advisers, air strikes, and other support across the Cambodian border with a large South Vietnamese attack force. This profoundly dangerous step was taken without consultation and without approval of the Congress.

It now has become obvious that Congress must swiftly adopt legislation to insure that no further steps are taken by the administration to embroil the Nation in a Cambodian war.

Last Friday, in an address before the Los Angeles World Affairs Council, entitled "Cambodia: The Coming of the Second Indochina War," I warned of the dangers of escalation inherent in the administration's war policy. This warning has now been tragically confirmed.

In that address, I also announced my intention to submit an amendment to an appropriate bill on the Senate floor, barring any American military intervention in Cambodia.

Today, I am submitting this legislation as an amendment to the Foreign Military Sales Act. Joining me in cosponsoring this amendment are my distingiushed colleagues, Senators McGOVERN and YOUNG of Ohio.

The amendment is drawn to prohibit the entry of American military personnel into the territory or airspace of Cambodia for any purpose and for any period of time. It would also preclude the entry of camouflaged military personnel—Americans actually serving as military advisers but operating under cover identities as embassy employees, AID officials, and so forth.

The amendment would prevent American ground, air, or other forces from accompanying South Vietnamese raids across the border, as they did yesterday.

The reasons for the legislation are explained more fully in my speech, set forth below.

Mr. President, I ask unanimous consent that the text of my speech be printed in the RECORD.

I also ask unanimous consent that the language of the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred; and, without objection, the speech and the text of the amendment will be printed in the RECORD, as requested.

The speech and amendment are as follows:

CAMBODIA: THE COMING OF THE SECOND INDOCHINA WAR

(By Senator CHARLES E. GOODELL)

Like some malignant tumor, the war spreads.

Having consumed the living social tissue first of Vietnam and then of Laos, it now turns to feed on Cambodia.

That nation, preserved intact for so many years, has now fallen prey to a conflict that seems as insatiable as it is pointless.

Cambodia now captures the grim headlines of death.

We read of pitched battles in obscure Cambodian provinces, until now as unknown to us as once were the provinces of Vietnam.

We fear these distant places with unfamiliar names may soon become the graveyards of American fighting men.

We observe the inexorable creeping of the war over the border. Behind bland official reassurances, we sense the conflict slipping beyond our control in dread escalation.

We witness the horror that seems to have become the hallmark of this war: massacre.

Replacing scenes of My Lai, our television screens are defiled by visions of hundreds of Vietnamese civilian corpses floating down the Mekong River—murdered for no other purpose than to satiate the appetite of this Moloch of war. We learn that the contamination of the river by human flesh has become so great as to make the water no longer drinkable—and to prevent fishermen along its banks from pursuing their ancient trade.

We fear for the lives of an entire race—of hundreds of thousands of Vietnamese farmers and tradesmen who lived in peace for decades in Cambodia, but now may perish in an officially inspired campaign of terror.

We know that in this wider war there can be no victor but death.

I. DIMENSIONS OF THE RISK

Erosion of Cambodian neutrality

Cambodia for the moment has replaced Vietnam as the powder keg of Indochina.

It is there that the great forces of conflict rush to fill the vacuum left by the departure of Prince Sihanouk and the collapse of Cambodian neutrality.

We read of Vietnamese Communist forces in Cambodia seizing one town after another, advancing ever closer to the capital.

We read of a border increasingly perforated by violence, as South Vietnamese and U.S. forces strain to reach Communist sanctuaries in Cambodia.

Until last month, Cambodia was a nonaligned state. By a policy of "neutralism" pursued with remarkable success for over a decade, Sihanouk spared his people the horrors of a war that was destroying the rest of Indochina.

Cambodian policy, as formulated by the Prince, was in some respects advantageous to Vietnamese Communist interests. For it gave sanctuary to the enemy's forces along the border and a route into Vietnam for its supplies. Yet that policy also served the clear interest of the United States that the conflict not spread. It prevented a further widening and lengthening of the war—and the deaths of thousands of young Americans in the jungles of Cambodia.

Weakness of the new government

Now Prince Sihanouk has been ousted, and embarrassing new friends have taken his place.

The right-wing regime of General Lon Nol has sought—with disastrous results—to expel Vietnamese Communist forces from Cambodia. It has fanned the flames of racial hatred, launching a campaign of terror and slaughter against the Vietnamese civilians in the country.

The Cambodian army has proven itself no match for the 40,000 well-trained Communist troops within the country. Rather than helping us, the Cambodian government has become increasingly desperate for our assistance in the face of a deteriorating military situation.

The Cambodian government's ill-fated campaign against the Communist presence has merely led to a widening and strengthen-

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ing of that presence. While Communist supply lines from Sihanoukville into Vietnam have temporarily been severed, there is little doubt of the enemy's ability to rectify this situation by military action.

Communist forces are now in the position, if they choose, to seize the capital and overthrow the government. Alternatively, they can partition the country—consolidating their hold over the eastern region, menacing or encircling Pnom Penh, and aiding the Khmer Rouges (Cambodian Communists) in a "national liberation war" in Sihanouk's name.

Risk of U.S. escalation

In recent testimony, Secretary of State Rogers assured the Senate Foreign Relations Committee that the U.S. would maintain a posture of strict neutrality towards Cambodia and bend every effort to avert a widening of the war.

I am sure these sentiments reflect a sincere desire to contain the conflict. Nevertheless, there is real danger that, because of purely military exigencies in the field, the United States will find itself pulled into the morass inch by inch against the better judgment of its leaders

We see clear signs of this process already, as we read almost daily of offensives over the border by South Vietnamese forces—planned and encouraged by U.S. military advisers. Still more ominous, we hear reports of "protective reaction" sallies by U.S. units, and "protocol visits" of obvious military intent by American officers.

We observe frightening parallels between these developments and the early stages of Vietnam, when American advisers supposedly were prohibited from accompanying Vietnamese units on combat missions.

We see risks of a secret war inside the Cambodian border, as for five years a secret war raged in northern Laos.

It is illusion to imagine that—short of the most massive escalation—allied military action across the border, by land or air, can eliminate Communist sanctuaries or erode their strength. The military pressure that failed to disturb Viet Cong sanctuaries within 30 miles of Saigon is not likely to prove more successful against Communist encampments along the heavily forested Cambodian boundary. Moreover, even if with enormous effort Communist units were dislodged from their base camps along the border, they simply could move deeper into Cambodia.

If the United States continues to permit or encourage South Vietnamese units to attack Communist bases in Cambodia, they sooner or later will require U.S. air or ground support to avoid defeat. Communist forces in Cambodia can respond to these South Vietnamese initiatives, moreover, by hastening their advance upon Pnom Penh.

These developments, in turn, will induce China and Russia to line up behind an aggressive North Vietnamese strategy in Cambodia. And they will place the United States under still greater pressure to intervene to save a worsening situation.

Such escalation would be as absurd as it would be tragic—for the United States has no vital interest in the preservation of the Cambodian government by force of arms.

II. THE ADMINISTRATION POLICY

The President's speech

On Monday, President Nixon spoke again on Vietnam.

He announced the return of 150,000 American troops during the next year—in itself a commendable decision.

Yet the withdrawal will leave nearly 300,000 men in Vietnam in the beginning of the third year of the Nixon Administration. A presence of this size confirms that the United States will long continue to be heavily involved in Vietnam.

The President's decision to retain a force of this magnitude in the beginning of 1971 confirms the prediction I made in testimony this February before the Senate Foreign Relations Committee. And as I warned in that testimony, it could involve a price within the next three years of 5,000 to 20,000 Americans dead, 20,000 to 100,000 Americans wounded, and $40 to $60 billion wasted.

And the President left all his options open. He made no firm commitment for any pullouts within the next four months. This leaves him with the alternative of temporarily reducing or even freezing troop withdrawals, as some of his military advisers have urged. He also retains the option of changing the plan if the enemy escalates further.

He acknowledged that the war had taken the dimensions of an Indochina conflict.

Yet, in a stunning omission, he offered no assurance against the United States' extending its military involvement into Cambodia.

Even more disturbing, he broadened his earlier warnings against increased enemy activity—by applying them to Cambodia and Laos; he said:

"Again I remind the leaders of North Vietnam that . . . they will be taking grave risks if they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam *by increased military* action in Vietnam, in *Cambodia and in Laos.*"

This, perhaps, is the most deeply disturbing aspect of his speech.

There is no reason to suppose the enemy will be deterred by this threat of reprisal when it was not deterred by the actual reprisals of the Johnson Administration.

After making this threat, what choice is open to the President if the Communists elect to continue an offensive course in Cambodia?

He has three unpalatable choices.

He can slow down or halt American withdrawal from Vietnam. This merely prolongs American casualties and costs—without effectively deterring the enemy. Extending the American presence in Vietnam does not stop the enemy from continuing its advance in Cambodia.

He can carry out his threat by moving American ground or air forces across the Cambodian border. This could only plunge us deeper into the morass.

He can back down from his threat and continue the withdrawals. This, while certainly the wisest course, would present obvious problems for the credibility of his policy.

Failure of Vietnamization

The President continued to paint a roseate picture of Vietnamization.

Yet the recent developments in Cambodia and Laos have demonstrated the failure of Vietnamization—and the President has implicitly admitted this failure by tying his Vietnamization program to events in Cambodia and Laos.

Vietnamization was conceived and advertised as an ingenious method for backing into success; for narrowing and winding down the war on our terms; for partially extricating ourselves while deterring further Communist "aggression" in Southeast Asia.

The assumptions of this scheme have already crumbled. They deserve to be consigned to the historical scrapheap along with "strategic hamlets," "hearts and minds" and other relics of our Vietnam policy.

At enormous cost of lives and money, the Administration labored to build a strategy to prop up the sagging forces of our South Vietnamese allies and forestall the Communist advance in South Vietnam. Erroneously conceiving of the war as purely a Vietnamese struggle, it imagined this would represent at least temporary success. It overlooked the obvious fact that the war had become an Indochina conflict. It forgot that the enemy could compensate for being temporarily stalemated in Vietnam by taking the initiative in Cambodia and Laos—where it clearly has the military advantage.

Where do the Communist initiatives in Laos and Cambodia leave the United States with its much-advertised Vietnamization strategy?

It leaves us with the unhappy prospect of a wider war, fought at increasing sacrifice for diminishing objectives.

It leaves us with a strategy that has, in Senator Fulbright's apt words, become a political Maginot Line—difficult for the enemy to assault head on, but why bother, when they can walk around it?

From a strictly military standpoint, the United States might seek to sever Vietnamization from developments elsewhere in Indochina—to press forward with the war in South Vietnam while permitting events to take their course in Laos and Cambodia. The purely military problems of such a strategy are the familiar ones: the flow of Communist supplies through Laos and Cambodia and the sanctuary of Communist troops in Cambodia.

Such a strategy would be the lesser folly, compared with seeking to widen the conflict into Laos and Cambodia. It would be the lesser madness compared to a return to the disastrous course of escalation. Folly it would remain, however.

What is the point of squandering thousands more American lives, hundreds of thousands more Vietnamese lives, and billions more American dollars in the elusive pursuit of military success in South Vietnam, if the rest of Indochina is at the mercy of the enemy?

What is the point of huge efforts to capture this or that Communist hamlet in South Vietnam, when the enemy can easily respond by seizing the capital of Cambodia?

Historically, the prime objective of the enemy has been South Vietnam. The North Vietnamese can, however, easily shift the initiative to Laos and Cambodia, if they are momentarily blocked in South Vietnam, and if such a shift will embarass the United States. This appears to be the current enemy strategy.

If that is the enemy strategy, how has Vietnamization deterred the Communist "aggression" in Southeast Asia of which the President so often speaks?

What have we achieved if Vietnamization can at best create no more than an isolated South Vietnamese bastion in a hostile Indochina, and at worst collapse from the internal weakness of the South Vietnamese army and government?

In Vietnamization, we have found the perfect bad bargain. Our losses in lives, treasure and opportunities foregone are guaranteed. Our gains are doubtful of achievement, and diminish daily in value.

THE GENEVA CONFERENCE

In his speech, the President appeared to show some interest in the French proposal for a new Geneva conference on Indochina—despite the rejection of the idea by the Viet Cong, and the apparent change in the Russian attitude from support to hesitancy.

Certainly, we should stand ready to negotiate in any form.

Whether in Paris or Geneva, however, negotiations are not likely to make much progress unless the United States alters its basic premises for bargaining.

As everyone concedes, the Paris talks are bogged down. The North Vietnamese will not negotiate without a firm commitment by the United States for a complete and rapid disengagement of its forces. The United States refuses to give an unconditional commitment of this nature. The President spoke on Monday only of an "eventual" withdrawal of all American troops—and that conditioned on the pullout of all North Vietnamese forces and assurance they will not return. Meanwhile, plans go forward for the retention of a residual force of American troops for an indefinite period until Vietnamization succeeds.

In any Geneva conference, the sticking point will remain the presence of U.S. troops in Vietnam. As long as the stalemate on this fundamental issue continues, little of substance will be accomplished by shifting the site of the talks from Paris to Geneva, broadening the agenda to consider the neutralization of all Indochina, and adding a few more nations as participants.

We must bear in mind that North Vietnam conducts its operations in Laos and Cambodia largely in order to assist its objectives in South Vietnam. As long as American troops remain indefinitely committed in South Vietnam, we can expect the North Vietnamese to maintain pressure on Laos and Cambodia as a means of raising the military and political costs of that presence. In these circumstances, the enemy has little or no incentive for negotiating the withdrawal of their troops from Laos and Cambodia.

If the United States were to decide to change its position on the basic issue of its continued military presence—as I long have urged it should—an environment may be created for truly fruitful talks, either at Paris or Geneva.

If it does not, a new Geneva conference entails the risk of raising hopes for peace that would too soon be dashed—and of diverting our attention from the fundamental task of complete U.S. disengagement.

The Guam doctrine

At Guam, President Nixon established the principle that the Asian nations with which we are allied must bear the primary responsibility of providing manpower for their own defense.

Had this principle been applied in Vietnam in 1963, as it should have been, we never would have become embroiled in a land war to preserve a government unable to defend itself.

Had this principle been applied in Laos in 1969, as it should have been, we never would have become embroiled in the escalating air war over that nation.

The Nixon Doctrine makes little sense if it is applied—as it seems to have been in Laos—only to restrict intervention by ground combat troops, leaving all other forms of military escalation unchecked.

Our bitter experience in Indochina demonstrates that one form of direct military involvement inevitably leads to the next; that there are no "safe" military activities—whether they be the dispatch of military advisers or the provision of air support—that can be neatly segmented from "unsafe" ground intervention.

I suggest that the Guam doctrine is a sound doctrine—but it is sound only if it is applied rigorously and systematically. To work, it must recognize that intervention is a continuous process—so that if the doctrine leads us to rule out the conduct of a land war in an Asian nation, it must also rule out the other forms of intervention which lead up to such a war.

III. NONINTERVENTION IN CAMBODIA

The Goodell amendment

I believe the Congress must act now to prevent our nation from becoming embroiled in a war in Cambodia, as it already is in the rest of Indochina.

Accordingly, I shall introduce an amendment to appropriate legislation on the Senate floor, barring any American military intervention in Cambodia.

The amendment will be drawn to prohibit the entry of American military personnel into or over Cambodia for any purpose and for any period of time. It would also preclude the entry of camouflaged military personnel—Americans actually serving as military advisers but operating under cover identities as embassy employees, AID officials, etc.

The amendment will accomplish its purpose by cutting off funds for the introduction of such personnel into Cambodia. This is a proper exercise of Congress' power under the Constitution to control the expenditure of tax money. In principle, it operates no differently than would an amendment cutting off or restricting the expenditure of foreign aid moneys in a given country.

The amendment will have the following effects:

(1) It will prohibit U.S. military personnel in Vietnam from temporarily crossing the Cambodian border for any purpose. This would forbid not only "protective reaction" or "hot pursuit" strikes, but also "protocol" visits across the border by American military advisers of the kind that have recently been reported.

(2) It will forbid the dispatch of U.S. military advisers to Cambodia for aiding Lon Nol government forces.

(3) It will preclude the extension of the air war into Cambodia, whether by bombing, tactical air support, or other air support missions.

(4) Finally, it will forbid the introduction or maintenance in Cambodia of any American troops, whether combat forces, support forces or logistical units.

The legislation will serve not only to prevent the sort of U.S. ground escalation that occurred in Vietnam six years ago, but also to avoid the sort of escalation by proxy that has occurred in Laos—where our nation has permitted itself to become increasingly embroiled in an air war and in the tactical support of a local guerrilla war.

Last October, I introduced the "Vietnam Disengagement Act" (S. 3000) to extricate this nation from a hopeless and brutalizing war which by then had killed or wounded over a quarter of a million Americans and taken the lives of over a million Vietnamese. I am now making this proposal, in order to make certain that no "Cambodian Disengagement Act" will ever be needed to extricate ourselves from a widened and deepened Indochina conflict.

We stand at the crossroads in Cambodia, as we did in Vietnam a decade ago. We made the wrong choice then. The legislation I am proposing will prevent us from making the wrong choice now.

It recognizes that the interests of the United States in Indochina cannot conceivably justify the commitment of American forces and the loss of American lives in Cambodia. It recognizes that a widening of the war into Cambodia inevitably means its prolongation—inevitably defers the end of the Indochina conflict.

It safeguards this nation against being sucked into a war in Cambodia by small stages, against its will.

It accords with the new Cambodian government's own protestations of neutrality and its condemnation of the entry of any foreign troops on Cambodian soil.

It makes clear that the United States will not intervene in any Cambodian conflict, whether it involves indigenous antigovernment forces or the Vietnamese Communist forces that have sanctuary within the country.

It serves as a deterrent against continued South Vietnamese attacks across the Cambodian border. It places the Saigon government on notice that further incursions into Cambodian territory will be at its own risk and peril—that it cannot rely upon the customary U.S. air and logistical support, and cannot hope for rescue by U.S. forces if its Cambodian operations succumb to defeat. This deterrent can and should be strengthened, however, by clear instructions from the Commander-in-Chief prohibiting American units or advisers from providing direct logistical or other support to South Vietnamese units that make forays into Cambodia—even where the American personnel remain on the Vietnamese side of the border.

It is, above all, the ounce of prevention. It permits Congress and the President to make the rational choice in Cambodia before any commitments have been made to limit that choice. It would prevent another Vietnamese or Laotian disaster before the disaster is upon us.

The commitment of American troops in a foreign conflict is a responsibility that, under the Constitution, the President shares with the Congress. The enactment of this bill would assure that this responsibility is thus shared. Should the President, as the result of any new developments, conceivably wish to present further proposals for the utilization of American military personnel in Cambodia, he would be required to obtain the specific authorization of Congress before taking such action.

Military aid to Cambodia

The United States now provides no military hardware to Cambodia. Such aid was terminated by Prince Sihanouk in 1963, as part of an effort to reassure North Vietnam and China of Cambodia's neutrality and friendship. The Cambodian army since then has been primarily outfitted with Chinese and Soviet weapons.

In the immediate aftermath of the coup, Secretary of State Rogers stated that he did not anticipate a request for aid by the Lon Nol government.

Its losing battle with Vietnamese Communist forces has, however, made the new Cambodian regime increasingly desperate for military aid from the United States. This week, Premier Lon Nol sent an urgent appeal to the President requesting arms and equipment. And the State Department has opened exploratory talks on military assistance with Cambodian authorities.

For several reasons, I am strongly opposed to the United States' resuming military aid to Cambodia.

The basic military fact in Cambodia is that the Vietnamese Communist forces within the country are substantially stronger than the forces of the central government.

This military preponderance on the Communist side cannot, I believe, be rectified merely by supplying modern American military equipment to the inadequate Cambodian army. Military aid to Cambodia will only put pressure on Washington to dispatch American advisers to assist Cambodian forces in making use of the equipment they have received. Such aid may, in fact, worsen the plight of the hard-pressed Cambodian forces—if the Communists retaliate by a still swifter advance on the capital.

Moreover, U.S. military aid to Cambodia may be used for purposes not consistent with American objectives. One such likely purpose is the systematic murder of Vietnamese civilians living in Cambodia.

Both in Laos and in Vietnam, a massive military aid program failed to shore up failing local forces, and proved the forerunner of more direct forms of American involvement. The same pattern could easily recur in Cambodia.

Cambodia faces severe economic problems that might justify the granting of U.S. economic aid if requested. Such aid may be provided, however, without taking the hazardous concommitant steps of granting military assistance.

CONCLUSION

It is time we recognize that the Indochina war has not been and cannot ever be won.

It is time we recognize that we cannot build an Asian society at gunpoint.

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It is time we recognize that the human, economic and other costs of prolonging our military presence in Indochina clearly outweigh any benefits that could conceivably result from our presence.

It is time we swiftly and completely terminate our involvement in a hopeless and evil war.

It is time we adopt a sane policy in Indochina—not one that at staggering human sacrifice, pursues the chimerical goal of Vietnamization—followed perhaps by Cambodianization.

AMENDMENT No. 604

At the end of the bill, add the following new section:

"SEC. 7. Such Act is amended by adding at the end thereof the following new section:

" 'SEC. 47. Limitation on Assistance to Cambodia.—No part of any amount authorized to be appropriated under this Act or any other law shall be used to introduce into or maintain in the territory of Cambodia or the airspace thereof, for any purpose and for any period of time, (1) any military personnel of the United States, or (2) any other persons employed by the United States or hired pursuant to contract with the United States, who perform the functions of combat, combat support or logistical support, or who perform the functions of military advisers or military instructors.' "

OUR INVASION OF CAMBODIA

Mr. YOUNG of Ohio. Mr. President, millions of Americans are shocked and saddened that President Nixon yielded to the CIA, generals of the Joint Chiefs of Staff, and to leaders of the military-industrial complex and has ordered the invasion of Cambodia with tanks, warplanes, and fighting men of our Armed Forces termed "military advisers." This to maintain a new ruling group which overturned the neutralist government. Suddenly and without any information given the American people, our tanks, warplanes, and artillery raided neutralist Cambodia, spearheading the attack on the Pathet Lao and North Vietnamese forces opposed to the militarist group which took over in the absence of neutralist Prince Sihanouk.

Furthermore, this sudden raid must have been planned by our CIA and generals directly following the murderous brutality of the Cambodian Armed Forces in killing more than a hundred Vietnamese civilians—men, women, and children—who had been removed from their homes in Cambodia, held at a detention center at Phnom Penh. So now thousands of American rifles and ammunition have been given to this murderous, brutal Cambodian regime and our warplanes, tanks, and military advisers, so called, are spearheading the attack by two regiments of the Saigon regime. Our GI's are now being killed in Cambodia, Laos, and Thailand, in addition to Vietnam. President Nixon has accelerated and expanded our war to the entire area of the old Indo-Chinese French colonial empire. A top commanding career officer of the Cambodian Army demanded:

> We will soon be short of ammunition and we are in no position to hold on alone. Look at our men. Some of these are fresh recruits with only three days' training. What we need is for the great U.S. to send us help as they did for South Vietnam. All we need is 200,000 men for two years.

President Nixon has usurped the functions of Congress. He has disregarded the will and wishes of the American people. Responding to Gen. Earle Wheeler and other militants, to whom it now appears he is giving slavish devotion, he has ordered this invasion or raid by our Armed Forces with two regiments of our puppet Saigon militarist regime without first informing the American people and without informing the Congress.

Unfortunately, more than 50,000 Americans have lost their lives in combat in Vietnam. Now more and more Americans are being killed each day in Laos and Thailand and now Cambodia will be added to that list. Pentagon officials with the expansion of the war from Vietnam throughout Southeast Asia now use the term "Southeast Asia" instead of "Vietnam" when reporting the killed and wounded. Americans should know that nearly 275,000 men of our Armed Forces have been wounded in combat in the undeclared, immoral, unpopular war we have been waging. Many of these wounded will be maimed for life. Their wounds would have been fatal in World War II. Due to the advance of medical science and quick evacuation by our helicopters, lives have been saved at this time but those men have been maimed and will suffer as long as they live. Also, men have been wounded due to "accidents and incidents" and many have died from bubonic plague, malaria fever, and other jungle diseases.

The truth is that the underdeveloped countries of Laos and Cambodia are not worth the life of one American youngster. This jungle and mountainous area more than 10,000 miles distant from the United States is of no importance whatever to the defense of our country.

The question we can ask is: "Has President Nixon changed his mind and does he now believe that the United States has a mandate from almighty God to police Southeast Asia?" It is evident that in November 1968, a majority of Americans believed presidential candidate Richard Nixon when in New Hampshire and elsewhere he said he had a secret plan to end the war. Many Americans, tired of this undeclared war and of the killing believed he would take us out of war. Yet his secret plan is still his secret. We have more war over a far greater territory in Southeast Asia.

Clearly the President no longer feels the need to be frank with the American people. The raid by Vietnamese forces with our military advisers spearheaded by our bombers, helicopters, artillery, and tanks beyond the borders of South Vietnam must have been in preparation for at least 3 or 4 days, but no Member of Congress was consulted or informed as far as any of us know. Does President Nixon listen only to the warhawks in his Cabinet and the leaders of the military-industrial complex and war profiteers?

If the Federal Government had the recall laws and electoral machinery we have in some of our States to recall State officials I believe recall petitions would be circulated to recall Richard Nixon as President of the United States.

Mr. President, could it be possible that President Nixon has no idea what his military leaders are getting this country into in Cambodia? Large numbers of North Vietnamese troops have been present in Cambodia for several years. These troops caused us no trouble until a new government seized power in Cambodia with a coup against Prince Sihanouk. By joining the South Vietnamese Army in its raid across the Cambodian border, without the slightest bit of evidence of a request from the Cambodian Government, we have given combat support and material backing with arms and munitions to an invasion of one independent country by another. Furthermore, the Cambodian Government never at any time engaged in hostile acts against us.

The recent actions of the Lon Nol regime should be enough to evoke an automatic and forceful "No" to any request for American assistance. Thousands of innocent Vietnamese civilians residing in Cambodia have been murdered by action of the Cambodian Armed Forces because of their race and nationality. American reporters have seen the bodies of these old men, women, and children floating down the Mekong River. The Cambodian Army has been using unarmed Vietnamese civilians as an advance guard to draw enemy fire. Many of these civilians were killed by gunfire. This policy was carried out under the direction of Premier Lon Nol as a "psychological war plan."

Mr. President, U.S. involvement in Vietnam has been the most destructive and divisive event in American history since the Civil War. We have hurled a greater tonnage of bombs into North and South Vietnam, Thailand, and Laos than in all of World War II in Germany and Japan. We have used defoliants and dangerous chemicals that have been shown to cause human birth defects. We have massacred hundreds of innocent old men, women, children, and babies. In short, we have corrupted ourselves in an unsuccessful attempt to impose and maintain in power in Saigon a corrupt militarist regime not truly representatives of the majority of people of South Vietnam including Buddhists, neutralists, and members of the National Liberation Front.

The sudden raid or invasion of Cambodia by our armed might and military advisers supported by our warplanes represents a madness and stupidity beyond description.

Mr. President, the polite calls throughout our country for restraint in Vietnam, Laos, and Cambodia have fallen on deaf ears. Conciliatory remarks in the Congress also have apparently had little impact. I am now convinced that only the most forceful display of opposition to this insanity can be meaningful. Responsible leaders in the Congress and all of the American people must cry out against the callous inhumanity that is being perpetrated with our support and leadership in Cambodia.

Mr. CURTIS. Mr. President, any armed conflict is serious, disappointing, and saddening to the people.

I do think that we can best serve our country by waiting to see what the Pres-

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ident of the United States has to say about the recent happening in Cambodia and Laos.

We do not serve the public interest by making this matter a political football, by arousing sentiment which implies that every man who is defendng our country and fighting there is a part of a vicious military-industrial complex, or that persons of vicious, unpatriotic, and selfish motives are dominatng the course of the United States.

The junior Senator from Nebraska is not in favor of the United States extending a commitment to Cambodia to do something for Cambodia or for Laos. But, on the other hand, there are Americans in Vietnam, and they are being killed; and if it is necessary to cross the border and engage in some other country to preserve American lives in Vietnam, I want that done. It is in the interest of the United States. It is in the interest of saving lives.

I believe that is the framework in which the President has acted, and that even those who doubt it have an obligation to wait and see what the President's report is.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The **PRESIDING OFFICER** (Mr. HUGHES). Is there objection? The Chair hears none, and it is so ordered. The Senator may proceed.

Mr. DOLE. Mr. President, I share the views just expressed by the junior Senator from Nebraska. I would say at the outset that there are probably three points which should be emphasized.

We are in a different place at a different time, and we have a different President. Under President Nixon, we have instituted a Vietnamization program. We have offered the withdrawal of United States and allied forces over a 12-month period. We have declared that we would retain most military bases. We have reduced our presence in Vietnam by 115,000 as of now and have announced reductions of 150,000 more in the next 12 months. We have reduced air operations in South Vietnam by more than 20 percent since January 1969. There has been no bombing of North Vietnam since November 1968. We have emphasized to our military commanders the requirement that losses be held to a minimum.

Mr. President, some of the early responses have been predictable. I know of no one in this body who wants armed conflict, who wants to extend, or expand the war in Southeast Asia, and I am certain this is not the view of the President. But let me remind my friends that we have an obligation, I assume, as Members of this body, to listen to the facts from the Commander in Chief, whether it be President Nixon, Johnson, or Kennedy, or whomever it may be before we draw conclusions.

The facts are that for the past 10 days, the enemy has greatly increased its activities in the so-called Cambodia pocket, the Parrot's Beak area. These actions have not been defensive, but provocative, and they cannot be ignored. To ignore them would jeopardize the entire South Vietnamese operation. It would affect our ability to continue to withdraw American troops—and I assume everyone in this body agrees we should withdraw American troops. It would present an open American flank to the enemy.

This is not, and I would not for a moment support, a longterm "quicksand" operation, nor would anyone on this floor support a longterm operation. This will not lead to a new Vietnam. It is a strike operation, and it is an integral part of our operations in Vietnam. It is not a reply to any request from any commander in Cambodia.

It must be remembered, as has been stated many times, that the Parrot's Beak area is only about 35 miles from Saigon. It is also well to remember that up until the present time, the Vietcong and the North Vietnamese have had absolute sanctuary in Cambodia, and they have been able to hit, run, kill Americans, and retreat to this sanctuary day after day and month after month.

It is my hope that the present effort—yes, with American personnel, but only American advisers—will clean out the enemy and result in a saving of American lives.

I happen to believe that only the President has all the facts in this situation. He must act. And I believe we agree he must act, and that he has the responsibility, as Commander in Chief, to protect the lives of American servicemen. And if that means sending South Vietnamese troops with American advisers to Cambodia for a brief period, he has that responsibility.

I may be the first to take the floor tomorrow and criticize the President, if my impression of his remarks would indicate we are about to become involved in another long conflict or that the President is going to send combat troops to Cambodia. But again I have a responsibility to hear the facts before making what to some is an automatic Pavlovian response that this is another Vietnam.

As stated at the outset, we are at a different time in history, we are at a different place, and have a different President. I would add again—and I cannot emphasize this too strongly—that we now have a President who is extricating us from Vietnam, perhaps not as rapidly as some would like; perhaps he has not escalated as some would like. But we have returned 115,000 American servicemen, and the President has announced the withdrawal in the next 12-month period of another 150,000 Americans, which will be nearly half the total.

I would remind my friends who are so quick to criticize the President of the United States that on April 20, 10 days ago, the President said in no uncertain terms that we would respond if the enemy increased its activity, because he does have a responsibility to protect the lives of American servicemen.

I would suppose that Cambodia is a remote and unreal place to most Americans. I know the public mood. I recognize the public mood. I recognize that no one wants to expand the war in Southeast Asia; no one wants to expand the war in the Middle East; no one wants to expand any war. But it has been no secret that over the years the North Vietnamese and the Vietcong have used this area as a sanctuary, and under the old Cambodian regime we could not pursue the enemy into Cambodia. However, it appears that the new regime has no objections. So, yesterday, South Vietnamese troops, with American advisers, crossed over into Cambodia to wipe out that Communist stronghold. It was obviously not a new Cambodian action. It was a part of the existing war in South Vietnam.

For the first time, Mr. President, we are in a position to protect our flank near Saigon, which, as I said, is only 35 miles from the border, and to take actions for the first time to save American lives.

My hope is that those of us who despise war, those of us who recognize the conflict in South Vietnam as perhaps the greatest American tragedy of this century, would withhold final judgment until the facts are in, until the President has made his statement, until the President has told the American people what the facts may be I would guess this is a short-range operation.

But, again, in all the earnestness I can muster as a Member of this body, in fairness to the President, who had to make the difficult decision, we owe him this much—to hear him out; and then tomorrow at this time, if we disagree, to strongly express our objections and our criticisms.

But, above all, let us keep in mind that American men are there and American lives are in danger, and that the President, more than anyone in America, has the responsibility for their safety and that must always be the paramount issue. Crossing a boundary line, yes, may be a departure for some; but saving a life, saving one American life, is the question the President must consider.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator's time may be extended for 3 minutes.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. I wish to commend the the distinguished Senator from Kansas upon his statement, and for making a number of points that I had intended to make. He has spoken very eloquently and well.

I would hope there might be a minimum of discussion and criticism today although, of course, I realize that every Senator has his rights and he can say what he wishes at this juncture about developments in Cambodia.

In particular, I agree with the suggestion or admonition of the Senator from Kansas when he urged that Senators hear the President out before criticizing his decision. Inasmuch as we know the President is going to present his case to the country tonight on television, I hope Senators will at least give him the courtesy of listening and weighing carefully his words, rather than rushing to criticize him at this point.

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I am aware of the fact that the Committee on Foreign Relations met this morning, and although a number on that committee disagree with the President, I am glad that, in a responsible and reasonable way, they took no action, at least for today. I wish to commend all the members of the Committee on Foreign Relations, on both sides of the aisle for taking that approach and for exercising some restraint.

The Senator from Kansas referred to the fact that in his speech of 9 days ago, the President indicated that, as Commander in Chief, he might have to take action if increased activity on the part of Communist forces were to threaten American lives. I should like to read into the RECORD what the President said 9 days ago:

> But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos.
>
> I repeat what I said November 3 and December 15. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator's time be extended for 3 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. I believe that President Nixon has established his good faith in the earnest effort he is making to bring the war in Vietnam to an end. His credibility is not open to question. He has kept his word. He has taken the American people into his confidence in the past, and he will continue to do so in the future, as he will demonstrate tonight. He deserves the support now of Congress and of the American people. At the very least, those who think they disagree should await the President's message and listen to what he has to say before criticizing or undermining the important decisions he is making.

I thank the Senator for yielding.

Mr. DOLE. I thank the Senator from Michigan.

The question may be to some whether an imaginary boundary line is more important than an American life. I think not.

Mr. HART. Mr. President, few military ventures in our history have generated the sense of foreboding that now accompanies our excursions in Cambodia.

The majority of citizens in the Nation have long since concluded—rightly, I think—that we should never have gotten into Vietnam. And now we find ourselves battling within the borders of Vietnam's neighbor.

The new venture has all the earmarks of that siren song that got us deeper into Vietnam. We are told that something awful will happen if we do not open this new front.

I do not know what the fearsome results of noninvolvement would be. The fearsome results of involvement are more predictable. Cambodia is inevitably going to claim American lives. It is inevitably going to further drain our Treasury. And it is sure to further dispirit and divide the American people.

Our objective ought be to close down that first war, not open up a second. Each escalation is sure to make final withdrawal more difficult.

What is the logic of this new venture when the country is in general agreement that no vital American interests are at stake in that unhappy peninsula?

The logic cannot be political, it must be military. In that case, the argument must be that the new situation in Cambodia poses a threat to American lives.

However, I am not aware of any increase in our casualty lists in Vietnam which can be traced to the leadership change in Cambodia and the current fighting there.

But even should there be stepped-up use of Cambodian sanctuaries for attack on our South Vietnam positions, what about our massive air and ground firepower in South Vietnam itself? Why is not it possible to use our tactical airpower to protect the western flank of our forces during their withdrawal, without plunging us into a new bottomless pit of jungle warfare, political intrigue, and ancient tribal hostilities.

The logic appears very muddy, full of vague hopes and uncertain promises, and laced with those soothing reassurances that have become so familiar in the past years.

If President Nixon is listening to the same counselors who advised earlier Presidents on the conduct of Indochina affairs, then we do indeed have cause for concern and dismay.

CIVIL RIGHTS AND THE CIVIL RIGHTS COMMISSION

AMENDMENT NO. 603

Mr. McCLELLAN. Mr. President, the Members of this body, of course, recall the debate on S. 30, the Organized Crime Control Act of 1969, and especially the debate on title I of that bill, which restores to Federal grand juries their historic report writing powers. In that debate, great concern was voiced by Members of the Senate that the rights of those made the subject of jury reports should be respected. At that time, I took the position that we had adequately protected the rights of those individuals, and I was pleased when the Senate rejected by a vote of 59 to 13 an amendment which would have struck the report writing powers from title I.

The debate, however, has led me to recall that over the years we have created a number of commissions and other bodies similiar in function to the revitalized grand jury of title I, at least in reference to writing reports concerning noncriminal misconduct, and upon investigation, I discovered that the Civil Rights Commission created by the Civil Rights Act of 1957 did not protect individuals appearing before it to an extent comparable to the protection afforded by the provision of title I of S. 30.

I recognize, of course, that such limitations are not a requirement of constitutional due process—either in reference to grand juries or the proceedings of the Commission. This seems to be the clear teaching of *Hanna* v. *Larch*, 363 U.S. 421 (1959); compare *Jenkins* v. *McKeithen*, 395 U.S. 411 (1969). Nevertheless, everything that is constitutional is not necessarily wise, and I reiterate my conviction that the protections accorded by S. 30 are both adequate and necessary to protect the rights of individuals.

I can perceive no significant distinction between the sort of function that the revitalized grand jury envisioned by title I of S. 30 will play in regard to organized crime and political corruption and inefficiency and the role now played by the Civil Rights Commission in regard to the civil rights of our citizens. I have, therefore, drafted an amendment to the Civil Rights Act of 1957 to protect individuals made the subject of hearings before the Commission from unwarranted interference with their civil rights. The authorization bill for the Commission is now pending before the full Judiciary Committee, and I intend to offer this amendment to the bill when it is next taken up by the committee.

Mr. President, I make these remarks now not to draw attention solely to this amendment as it relates to the Civil Rights Commission. What I wish to accomplish is to recall for each Senator our obligation to protect the rights of individuals both at those commissions already created and at those commissions or other bodies which may be created in the future. This is a duty of which the Senate must be always aware.

Mr. President, I ask unanimous consent that the relevant passages from *Hanna* v. *Larch*, 363 U.S. 420, 440–53 (1959), the text of the relevant provisions of the Civil Rights Act of 1957, and the proposed amendment be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, the amendment will be received and will be printed in the RECORD as requested, together with the other material referred to.

The text of the amendment is as follows:

> SEC. 4. (a) Subsection (a) of section 102(e) of the Civil Rights Act of 1957 (73 stat. 634, as amended, 78 stat. 159) is amended to read as follows:
>
> "(e)(1) All evidence or testimony at any hearing shall be received by the Commission in executive session. The Commission may publish reports concerning its findings or publish excerpts of evidence or testimony received at its hearings with the concurrence of a majority of its members where the report or excerpt is not critical of or does not tend to defame, degrade or incriminate an identified individual under the laws of the United States, a State or a political subdivision thereof. Except as provided in this section, no report that tends to incriminate an identified individual shall be published. Any evidence or testimony tending to incriminate an identified individual that comes to the attention of the Commission in any hearing or otherwise shall be referred without other publication to the Attorney General of the United States or the

principal prosecuting attorney of the State or political subdivision thereof in which such conduct has or may have occurred. A report that is critical of or that does tend to defame or degrade but not incriminate an identified individual who is a public official or employee of the United States, a State or a political subdivision thereof shall be submitted to the United States district court for the district in which a majority of the hearing days were held in which the evidence or testimony on which the report is based was received. The court to which such report is submitted shall examine it and the record of the hearings and the other evidence and, except as otherwise provided herein, shall make an order accepting and filing such report as a public record where the court is satisfied that it complies with the provisions of this section and that—

"(i) The report is based upon facts revealed in the course of an authorized investigation and is supported by a preponderance of the evidence, and

"(ii) each person identified in the report was afforded an opportunity to testify during the hearings and was allowed to have a reasonable number of witnesses called to testify in his behalf.

"(2) An order accepting a report identifying an individual pursuant to this subsection and the report shall be sealed by the court and shall not be filed as a public record, subject to subpoena or otherwise made public (i) until at least 31 days after a copy of the order and the report are served upon each public officer or employee named therein and an answer has been filed or the time for filing an answer has expired, (ii) if an appeal is taken, and all rights of review of a public officer or employee named therein have expired or terminated in an order accepting the report. An order accepting a report shall not be entered until 30 days after the delivery of such a report to such individual as provided herein. The court may issue such orders as it shall deem appropriate to prevent unauthorized publication of a report. Unauthorized publication may be punished as contempt of court.

"(3) Each public officer or employee identified in a report may file with the clerk of the court a verified answer to such a report not later than twenty days after service of the order and report upon him. Upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer and may authorize such limited publication of the report as may be necessary to prepare such answer. Such an answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in said report, and except for those parts thereof which the court determines to have been inserted scandalously, prejudiciously, or unnecessarily, such answer shall become an appendix to the report.

"(4) Upon the expiration of the time set forth in paragraph (2) of this subsection, the clerk of the court shall deliver a true copy of such report, and the appendix, if any, to each public officer or body having jurisdiction, responsibility or authority over each public officer or employee named in the report.

"(5) Upon the submission of a report pursuant to this subsection, if the court finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, it shall order such report sealed and such report shall not be subject to subpoena or public inspection during the pendency of such criminal matter, except upon order of the court.

"(6) Whenever the court to which a report is submitted pursuant to this subsection is not satisfied that the report complies with provisions of this section, it may direct that additional testimony be taken before the Commission or it shall make an order sealing such report, and it shall not be filed as a public record, subject to subpoena or otherwise published until the provisions of this section are met."

(b) Subsection (h) of section 102 of the Civil Rights Act of 1957 (71 Stat. 634, as amended, 78 Stat. 160) is amended to read as follows:

"(h) Witnesses may submit brief and pertinent sworn statements in writing for inclusion in the Record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings for the purpose of preparing a report. The entire record shall be submitted to the court for its review pursuant to subsection (e) of this section."

The excerpts are as follows:

RELEVANT PASSAGES HANNAH V. LARCHE, 363 U.S. 421, 440–53 (1959)

The existence of authorization inevitably requires us to determine whether the Commission's Rules of Procedure are consistent with the Due Process Clause of the Fifth Amendment.[16]

Since the requirements of due process frequently vary with the type of proceeding involved, *e.g.*, compare *Opp Cotton Mills, Inc.* v. *Administrator,* 312 U.S. 126, 152, with *Interstate Commerce Comm'n* v. *Louisville & N. R. Co.,* 227 U.S. 88, 91, we think it is necessary at the outset to ascertain both the nature and function of this Commission. Section 104 of the Civil Rights Act of 1957 specifies the duties to be performed by the Commission. Those duties consist of (1) investigating written, sworn allegations that anyone has been discriminatorily deprived of his right to vote; (2) studying and collecting information "concerning legal developments constituting a denial of equal protection of the laws under the Constitution"; and (3) reporting to the President and Congress on its activities, findings, and recommendations.[17] As is apparent from this brief sketch of the statutory duties imposed upon the Commission, its function is purely investigative and factfinding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative or executive action.

The specific constitutional question, therefore, is whether persons whose conduct is under investigation by a governmental agency of this nature are entitled, by virtue of the Due Process Clause, to know the specific charges that are being investigated, as well as the identity of the complainants.[18] and to have the right to cross-examine those complainants and other witnesses. Although these procedures are very desirable in some situations, for the reasons which we shall now indicate, we are of the opinion that they are not constitutionally required in the proceedings of this Commission.

"Due process" is an elusive concept. Its exact boundaries are undefinable, and its content varies according to specific factual contexts. Thus, when governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process. On the other hand, when governmental action does not partake of an adjudication, as for example, when a general factfinding investigation is being conducted, it is not necessary that the full panoply of judicial procedures be used. Therefore, as a generalization, it can be said that due process embodies the differing rules of fair play, which through the years, have become associated with differing types of proceedings. Whether the Constitution requires that a particular right obtain in a specific proceeding depends upon a complexity of factors. The nature of the alleged right involved, the nature of the proceeding, and the possible burden on that proceeding, are all considerations which must be taken into account. An analysis of these factors demonstrates why it is that the particular rights claimed by the respondents need not be conferred upon those appearing before purely investigative agencies, of which the Commission Civil Rights is one.

It is probably sufficient merely to indicate that the rights claimed by respondents are normally associated only with adjudicatory proceedings, and that since the Commission does not adjudicate, it need not be bound by adjudicatory procedures. Yet, the respondents contend, and the court below implied, that such procedures are required since the Commission's proceedings might irreparably harm those being investigated by subjecting them to public opprobrium and scorn, the distinct likelihood of losing their jobs, and the possibility of criminal prosecutions. That any of these consequences will result is purely conjectural. There is nothing in the record to indicate that such will be the case or that past Commission hearings have had any harmful effects upon witnesses appearing before the Commission. However, even if such collateral consequences were to flow from the Commission's investigations, they would not be the result of any affirmative determinations made by the Commission, and they would not affect the legitimacy of the Commission's investigative function.[19]

On the other hand, the investigative process could be completely disrupted if investigative hearings were transformed into trial-like proceedings, and if persons who might be indirectly affected by an investigation were given an absolute right to cross-examine every witness called to testify. Factfinding agencies without any power to adjudicate would be diverted from their legitimate duties and would be plagued by the injection of collateral issues that would make the investigation interminable. Even a person not called as a witness could demand the right to appear at the hearing, cross-examine any witness whose testimony or sworn affidavit allegedly defamed or incriminated him, and call an unlimited number of witnesses of his own selection.[20] This type of proceeding would make a shambles of the investigation and stifle the agency in its gathering of facts.

In addition to these persuasive considerations, we think it is highly significant that the Commission's procedures are not historically foreign to other forms of investigation under our system. Far from being unique, the Rules of Procedure adopted by the Commission are similar to those which, as shown by the Appendix to this opinion,[21] have traditionally governed the proceedings of the vast majority of governmental investigating agencies.

A frequently used type of investigative agency is the legislative committee. The investigative function of such committees is as old as the Republic.[22] The volumes written about legislative investigations have proliferated almost as rapidly as the legislative committees themselves, and the courts have on more than one occasion been confronted with the legal problems presented by such committees.[23] The procedures adopted by legislative investigating committees have varied over the course of years. Yet, the history of these committees clearly demonstrates that only infrequently have witnesses appearing before congressional committees

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been afforded the procedural rights normally associated with an adjudicative proceeding. In the vast majority of instances, congressional committees have not given witnesses detailed notice or an opportunity to confront, cross-examine and call other witnesses.[24]

The history of investigations conducted by the executive branch of the Government is also marked by a decided absence of those procedures here in issue.[25] The best example is provided by the administrative regulatory agencies. Although these agencies normally make determinations of a quasi-judicial nature, they also frequently conduct purely factfinding investigations. When doing the former, they are governed by the Administrative Procedure Act, 60 Stat. 237, 5 U.S. §§ 1001–1011, and the parties to the adjudication are accorded the traditional safeguards of a trial. However, when these agencies are conducting nonadjudicative, factfinding investigations, rights such as apprisal, confrontation, and cross-examination generally do not obtain.

A typical agency is the Federal Trade Commission. Its rules draw a clear distinction between adjudicative proceedings and investigative proceedings. 16 CFR, 1958 Supp., § 1.34. Although the latter are frequently initiated by complaints from undisclosed informants, *id.*, §§ 1.11, 1.15, and although the Commission may use the information obtained during investigations to initiate adjudicative proceedings, *id.*, § 1.42, nevertheless, persons summoned to appear before investigative proceedings are entitled only to a general notice of "the purpose and scope of the investigation," *id.*, § 1.33, and while they may have the advice of counsel, "counsel may not, as a matter of right, otherwise participate in the investigation." *Id.*, § 1.40. The reason for these rules is obvious. The Federal Trade Commission could not conduct an efficient investigation if persons being investigated were permitted to convert the investigation into a trial. We have found no authorities suggesting that the rules governing Federal Trade Commission investigations violate the Constitution, and this is understandable since any person investigated by the Federal Trade Commission will be accorded all the traditional judicial safeguards at a subsequent adjudicative proceeding, just as any person investigated by the Civil Rights Commission will have all of these safeguards, should some type of adjudicative proceeding subsequently be instituted.

Another regulatory agency which distinguishes between adjudicative and investigative proceedings is the Securities and Exchange Commission. This Commission conducts numerous investigations, many of which are initiated by complaints from private parties. 17 CFR § 202.4. Although the Commission's Rules provide that parties to adjudicative proceedings shall be given detailed notice of the matters to be determined, *id.*, 1959 Supp. § 201.3, and a right to cross-examine witnesses appearing at the hearing, *id.*, § 201.5, those provisions of the Rules are made specifically inapplicable to investigations, *id.*, § 201.20,[26] even though the Commission is required to initiate civil or criminal proceedings if an investigation discloses violations of law.[27] Undoubtedly, the reason for this distinction is to prevent the sterilization of investigations by burdening them with trial-like procedures.

Another type of executive agency which frequently conducts investigations is the presidential commission. Although a survey of these commissions presents no definite pattern of practice, each commission has generally been permitted to adopt whatever rules of procedure seem appropriate to it,[28] and it is clear that many of the most famous presidential commissions have adopted rules similar to those governing the proceedings of the Civil Rights Commission.[29] For example, the Roberts Commission established in 1941 to ascertain the facts relating to the Japanese attack upon Pearl Harbor, and to determine whether the success of the attack resulted from any derelictions of duty on the part of American military personnel, did not permit any of the parties involved in the investigation to cross-examine other witnesses. In fact, many of the persons whose conduct was being investigated were not represented by counsel and were not present during the interrogation of other witnesses. Hearings before the Joint Committee on the Investigation of the Pearl Harbor Attack, 79th Cong., 1st Sess., pts. 22–25.

Having considered the procedures traditionally followed by executive and legislative investigating agencies, we think it would be profitable at this point to discuss the oldest and, perhaps, the best known of all investigative bodies, the grand jury. It has never been considered necessary to grant a witness summoned before the grand jury the right to refuse to testify merely because he did not have access to the identity and testimony of prior witnesses. Nor has it ever been considered essential that a person being investigated by the grand jury be permitted to come before that body and cross-examine witnesses who may have accused him of wrongdoing. Undoubtedly, the procedural rights claimed by the respondents have not been extended to grand jury hearings because of the disruptive influence their injection would have on the proceedings, and also because the grand jury merely investigates and reports. It does not try.

We think it is fairly clear from this survey of various phases of governmental investigation that witnesses appearing before investigating agencies, whether legislative, executive, or judicial, have generally not been accorded the rights of appraisal, confrontation, or cross-examination. Although we do not suggest that the grand jury and the congressional investigating committee are identical in all respects to the Civil Rights Commission,[30] we mention them, in addition to the executive agencies and commissions created by Congress, to show that the rules of this Commission are not alien to those which have historically governed the procedure of investigations conducted by agencies in the three major branches of our Government. The logic behind this historical practice was recognized and described by Mr. Justice Cardozo's landmark opinion in *Norwegian Nitrogen Products Co.* v. *United States*, 288 U.S. 294. In that case, the Court was concerned with the type of hearing that the Tariff Commission was required to hold when conducting its investigations. Specifically, the Court was asked to decide whether the Tariff Act of 1922, 42 Stat. 858, gave witnesses appearing before the Commission the right to examine confidential information in the Commission files and to cross-examine other witnesses testifying at Commission hearings. Although the Court did not phrase its holding in terms of due process, we think that the following language from Mr. Justice Cardozo's opinion is significant:

"The Tariff Commission advises; these others ordain. There is indeed this common bond that all alike are instruments in a governmental process which according to the accepted classification is legislative, not judicial. . . . Whatever the appropriate label, the kind of order that emerges from a hearing before a body with power to ordain is one that impinges upon legal rights in a very different way from the report of a commission which merely investigates and advises. The traditionary forms of hearing appropriate to the one body are unknown to the other. What issues from the Tariff Commission as a report and recommendation to the President, may be accepted, modified, or rejected. If it happens to be accepted, it does not bear fruit in anything that entrenches upon legal rights." 288 U.S., at 318.

And in referring to the traditional practice of investigating bodies, Mr. Justice Cardozo had this to say:

"[W]ithin the meaning of this act the 'hearing' assured to one affected by a change of duty does not include a privilege to ransack the records of the Commission, and to subject its confidential agents to an examination as to all that they have learned. *There was no thought to revolutionize the practice of investigating bodies generally and of this one in particular.*" Id., at 319. (Emphasis supplied.)

Thus, the purely investigative nature of the Commission's proceedings, the burden that the claimed rights would place upon those proceedings, and the traditional procedure of investigating agencies in general, leads us to conclude that the Commission's Rules of Procedure comport with the requirements of due process.[31]

Nor do the authorities cited by respondents support their position. They rely primarily upon *Morgan* v. *United States*, 304 U.S. 1; *Joint Anti-Fascist Refugee Comm.* v. *McGrath*, 341 U.S. 123; and *Greene* v. *McElroy*, *supra*. Those cases are all distinguishable in that the government agency involved in each was found by the Court to have made determinations in the nature of adjudications affecting legal rights. Thus, in *Morgan*, the action of the Secretary of Agriculture in fixing the maximum rates to be charged by market agencies at stockyards was challenged. In voiding the order of the Secretary for his failure to conduct a trial-like hearing, the Court referred to the adjudicatory nature of the proceeding:

"Congress, in requiring a 'full hearing,' had regard to judicial standards—not in any technical sense but with respect to those fundamental requirements of fairness which are of the essence of due process in a proceeding of a judicial nature." 304 U.S., at 19.

Likewise, in *Joint Anti-Fascist Refugee Comm.* v. *McGrath*, 341 U.S. 123, 140–141, this Court held that the Attorney General's action constituted an adjudication. Finally, our decision last year in *Greene* v. *McElroy* lends little support to the respondents' position. The governmental action there reviewed was certainly of a judicial nature. The various Security Clearance Boards involved in *Greene* were not conducting an investigation; they were determining whether Greene could have a security clearance—a license in a real sense, and one that had a significant impact upon his employment. By contrast, the Civil Rights Commission does not make any binding orders or issue "clearances" or licenses having legal effect. Rather, it investigates and reports leaving affirmative action; if there is to be any, to other governmental agencies where there must be action *de novo*.

The respondents have also contended that the Civil Rights Act of 1957 is inappropriate legislation under the Fifteenth Amendment. We have considered this argument, and we find it to be without merit. It would unduly lengthen this opinion to add anything to the District Court's disposition of this claim. See 177 F. Supp., at 819–821.

Respondents' final argument is that the Commission's hearings should be governed by Section 7 of the Administrative Procedure Act, 60 Stat. 241, 5 U.S.C. § 1006, which specifies the hearing procedures to be used by agencies falling within the coverage of the Act. One of those procedures is the right of every party to conduct "such cross-examination as may be required for a full and true disclosure of the facts." However, what the respondents fail to recognize is that Section 7, by its terms, applies only to proceedings under Section 4, 60 Stat. 238, 5 U.S.C. § 1003 (rule making), and Section 5, 60 Stat. 239, 5 U.S.C. § 1004 (adjudications), of the Act. As we have already indicated, the Civil Rights

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Footnotes at end of article.

Commission performs none of the functions specified in those sections.

From what we have said, it is obvious that the District Court erred in both cases in enjoining the Commission from holding its Shreveport hearing. The court's judgments are accordingly reversed, and the cases are remanded with direction to vacate the injunctions.

Reversed and remanded.

[For opinion of Mr. JUSTICE FRANKFURTER, concurring in the result, see *post*, p. 486.]

[For concurring opinion of MR. JUSTICE HARLAN, joined by Mr. JUSTICE CLARK, see *post*, p. 493.]

[For dissenting opinion of MR. JUSTICE DOUGLAS, joined by MR. JUSTICE BLACK, see *post*, p. 493.]

FOOTNOTES

[16] Although the respondents contend that the procedures adopted by the Commission also violate their rights under the Sixth Amednment, their claim does not merit extnsive discussion. That Amendment is specifically limited to "criminal prosecutions," and the proceedings of the Commission clearly do not fall within that category. See *United States* v. *Zucker*, 161 U.S. 475, 481.

[17] The full text of Section 104 of the Act reads as follows:

"§ 1975c. *Duties; reports; termination.*

"(a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than two years from September 9, 1957.

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist." 71 Stat. 635, 42 U.S.C. § 1975c.

[18] It should be noted that the respondents in these cases did have notice of the general nature of the inquiry. The only information withheld from them was the identity of specific complainants and the exact charges made by those complainants. Because most of the charges related to the denial of individual voting rights, it is apparent that the Commission could not have disclosed the exact charges without also revealing the names of the complainants.

[19] Cf. *Sinclair* v. *United States*, 279 U.S. 295, holding that Congress' legitimate right to investigate is not affected by the fact that information disclosed at the investigation may also be used in a subsequent criminal prosecution. Cf. also *McGrain* v. *Daugherty*, 273 U.S. 135, 179–180, holding that a regular congressional investigation is not rendered invalid merely because "it might possibly disclose crime or wrongdoing" on the part of witnesses summoned to appear at the investigation. *Id.*, at 180.

[20] The injunction issued by the court below would certainly lead to this result since it prohibits the Commission from conducting *any* hearing under existing procedure, even though those being investigated are not summoned to testify.

[21] A compilation of the rules of procedure governing the investigative proceedings of a representative group of administrative and executive agencies, presidential commissions, and congressional committees is set out in the Appendix to this opinion, *post*, p. 454.

[22] The first full-fledged congressional investigating committee was established in 1792 to "inquire into the causes of the failure of the late expedition under Major General St. Clair." 3 Annals of Cong. 493 (1792). The development and use of legislative investigation by the colonial governments is discussed in Eberling, Congressional Investigations, 13–30. The English origin of legislative investigation in this country is discussed in Dimock, Congressional Investigating Committees, 46–56.

[23] See, *e.g.*, *Kilbourn* v. *Thompson*, 103 U.S. 168; *McGrain* v. *Daugherty*, 273 U.S. 135; *Sinclair* v. *United States*, 279 U.S. 263; *Christoffel* v. *United States*, 338 U.S. 84; *United States* v. *Bryan*, 339 U.S. 323; *United States* v. *Fleischman*, 339 U.S. 349; *Watkins* v. *United States*, 354 U.S. 178; *Barenblatt* v. *United States*, 360 U.S. 109.

[24] See Appendix, *post*, pp. 478–485. See also Dimock, Congressional Investigating Committees, 153; Eberling, Congressional Investigations, 283, 390; McGeary, The Developments of Congressional Investigative Power, 80; Liacos, Rights of Witnesses Before Congressional Committees, 33 B. U. L. Rev. 337, 359–361; American Bar Association, Special Committee on Individual Rights as Affected by National Security, Appendix to Report on Congressional Investigations, 67–68.

The English practice is described in Clokie and Robinson, Royal Commissions of Inquiry; Finer, Congressional Investigations: The British System, 18 U. of Chi. L. Rev. 521; Keeton, Parliamentary Tribunals of Inquiry, in Vol. 12, Current Legal Problems 1959, 12.

[25] See Appendix, *post*, pp. 454–471. See also Gellhorn, Federal Administrative Proceedings, 108; Report of the Attorney General's Committee on Administrative Procedure and the various Monographs written by that Committee.

[26] The Commission's practice with regard to investigations was described by the Attorney General's Committee on Administrative Procedure, Monograph, Securities Exchange Commission, 34–41. The following extract is pertinent here:

"*Where formal investigations are utilized as preliminaries to decisive proceedings, the person being investigated is normally not sent a notice, which, in any event, is not public.* The order for investigation, which includes the notice, is, however, exhibited to any person examined in the course of such investigation who so requests; since ordinarily the investigation will include the examination of the person suspected of violation, he will, thus, have actual notice of the investigation. Since a person may, on the other hand, be wholly unaware of the fact that he is being investigated until his friends who are interviewed so inform him, and since this may sometimes give rise to antagonism and a feeling that the Commission is besmirching him behind his back, no reason is apparent why, simply as a matter of good will, the Commission should not in ordinary cases send a copy of its order for investigation to the person under investigation.

"The Commission's Rules of Practice expressly provide that all such rules (governing notice, amendments, objections to evidence, briefs, and the like) are inapplicable to formal investigatory hearings in the absence of express provision to the contrary in the order and with the exception of rule II, which relates to appearance and practice by representatives before the Commission. The testimony given in such investigations is recorded . . . *In the usual case, witnesses are granted the right to be accompanied by counsel, but the latter's role is limited simply to advising the witnesses in respect of their right against self-incrimination without claiming the benefits of the immunity clause of the pertinent statute* (a right of which the presiding officer is, in any event, instructed to apprise the witnesses) *and to making objections to questions which assertedly exceed the scope of the order of investigation.*" *Id.*, 37–38. (Emphasis supplied.) See also Loss, Securities Regulation (1951), 1152.

[27] Loss, Securities Regulation (1951), 1153. See also the statutes cited in the Appendix, *post*, p. 463.

[28] Marcy, Presidential Commissions, 97–101.

[29] See Appendix, *post*, pp. 472–479.

[30] However, the courts have on more than one occasion likened investigative agencies of the executive branch of Government to a grand jury. See, *e.g.*, *United States* v. *Morton Salt Co.*, 338 U.S. 632, 642; *Oklahoma Press Pub. Co.* v. *Walling*, 327 U.S. 186, 216; *Consolidated Mines of Calif.* v. *Securities & Exchange Comm'n*, 97 F. 2d 704, 708 (C.A. 9th cir.); *Woolley* v. *United States*, 97 F. 2d 258, 262 (C.A. 9th Cir.).

[31] The Commission cites *In re Groban*, 352 U.S. 330, and *Anonymous* v. *Baker*, 360 U.S. 287, in support of its position. Each of us who participated in those cases adheres to the view to which he subscribed therein. However, because there are significant differences between the *Groban* and *Anonymous* cases and the instant litigation, and because the result we reach today is supported by the other considerations analyzed herein, the Court does not find it necessary to discuss either of those cases.

RELEVANT PASSAGES CIVIL RIGHTS ACT OF 1957

Title V—Commission on Civil Rights

SEC. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"Rules of procedure of the Commission
Hearings

"SEC. 102. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to any witness before the Commission, and a witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the Commission's rules at the time of service of the subpena.

"(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or

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testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated, such evidence or testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisonment for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

"(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy of transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof.

"(j) A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

"(l) The Commission shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and method by which its functions are channeled and determined, and (3) rules adopted as authorized by law. No person shall in any manner be subject to or required to resort to rules, organization, or procedure not so published."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 582) to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 4599. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corp. and its subsidiaries to other Government departments;

H.R. 14714. An act to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes;

H.R. 15693. An act to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes;

H.J. Res. 1096. Joint resolution authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week";

H.J. Res. 1101. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week";

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; and

H.J. Res. 1178. Joint resolution authorizing the President to proclaim the month of May 1970 as "Project Concern Month".

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 573. Concurrent resolution commemorating the one hundredth anniversary of The Ohio State University; and

H. Con. Res. 575. Concurrent resolution that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the one hundredth anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3544) to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations, and it was signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 4599. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corp. and its subsidiaries to other Government departments; to the Committee on Government Operations.

H.R. 14714. An act to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; to the Committee on Commerce.

H.R. 15693. An act to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.J. Res. 1096. Joint resolution authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week";

H.J. Res. 1101. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week";

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; and

H.J. Res. 1178. Joint resolution authorizing the President to proclaim the month of May 1970 as "Project Concern Month"; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on the Judiciary.

H. Con Res. 573. Concurrent resolution commemorating the one hundredth anniversary of The Ohio State University; and

H. Con. Res. 575. Concurrent resolution that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the one hundredth anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come.

HEADFIRST INTO THE REST OF INDOCHINA

Mr. MONTOYA. Mr. President, no American can stand by and observe with equanimity what is transpiring between this administration and the escalating conflict in Southeast Asia. Daily reports indicate that as the Laotian and Cambodian situations deteriorate, our presence is inexorably seeping in to fill the vacuum. No policy could be fraught with more futility and danger for the long-range interests of the United States. Events of recent days, culminating in our naked military intervention in Cambodia, show how swiftly we are plumbing the depths of mistaken policy.

It is patently obvious that Cambodia is as much a tribal state as it is a national entity. It is further easily ascertainable that the government of General Lon

Nol is about as democratically inclined as is the Thieu-Ky regime in Saigon. Further, the outrageous mass killings of Vietnamese civilians in Cambodia by the Lon Nol regime is repugnant to anyone who respects democracy and values the individual.

Cambodia's armed forces are on the level of a comic opera farce, lacking the will, training, and ability to even contain the Communists, much less throw them back from positions they have recently reached. On all levels there is lack of leadership, commitment and a will to fight.

Therefore, it seems to me outright folly to jump on board such a sinking vessel. There is a limit to anyone's efforts to keep a floundering ship afloat. Such elementary common sense advice would seem to be best for any thinking person to follow.

Instead, however, the Nixon administration is in the process of leaping—body, boots, and britches—into the Cambodian area of Indochina. Already, we have been sending in captured Communist small arms to the Cambodia regime. Such a move is about as effective as canute's commanding the ocean's waves to stop rolling in. Such a tide can only be stopped by massive American military commitment on the ground, which is exactly what the Cambodians have openly asked for—and what we now seem to be doing. I have no doubts on that score. I protest it.

Now that we are edging into the Cambodian swamp, eventually, and perhaps even sooner than we think possible, we shall be committed massively. I say this because our military and political initiative is being inexorably taken away from us by parties on the scene.

Constantly now, the armed forces of South Vietnam are crossing the Cambodian border, staging major military forays with growing, direct support from American forces on the scene. There have been reports of ever more bold American involvement in the air and on the ground. Our people at home have watched helplessly as this tragedy has deepened.

Further, the situation in Laos is inextricably intertwined with the emerging situation in Cambodia. Already, major troop movements of Communist forces from Laos are going into the Cambodian area. The Pathet Lao are serving as foragers for the North Vietnamese striking forces now moving towards Cambodia.

Militarily, the situation in Cambodia is all but lost, and can only be retrieved by massive American intervention. Meanwhile, in South Vietnam the Vietcong and North Vietnamese troops keep up a steadily high level of offensive military operations against us. American planes are being brought down from the air over Indochina is appalling numbers.

Pentagon advisers are constantly pressing President Nixon for a decision which will lever us ever so irrevocably into the rest of Indochina. We will enter like a salami is sliced . . . a piece at a time. Cumulatively, we will end up doing in what remains of Indochina what we are presently engaged in seeking to disengage from in South Vietnam. I pray that the President, in his prudent wisdom, will refrain from heeding advice of the Pentagon. I pray he will instead listen to the counsel obviously being offered by Secretary of Defense Laird. His is the counsel of commonsense.

It is well to bear in mind the following facts. The North Vietnamese have an entirely intact army, considered the finest in Asia on a man-to-man basis. It is completely equipped, poised for instant commitment and absolutely ready for combat. Additionally, it is seasoned in warfare, close to all interior supply and communications lines and heavily salted with experienced soldiers.

Next, North Vietnam, although obviously loathe to do so, can and eventually will, if pressed, call upon the Communist Chinese. Already, Red China, eager for some confrontation in the name of Communist unity, has issued a pointed threat of military intervention if we broaden the conflict to include all Indo-China. She has already constructed a road in Laos to within 20 miles of the Mekong River. Several thousand Red Chinese troops are stationed along that route.

In recent days there has been a significant meeting of Vietcong, Laotian, Cambodian, Red Chinese and North Vietnamese representatives at the spot where Laos, Vietnam and Cambodia meet geographically. There a united military front was proclaimed against the United States. We are confronted with an emerging Communist effort pitting most of Asia against the United States and a handful of corrupt, militarily inept, rightwing regimes. These cliques cling to the ocean shores of Southeast Asia because of American commitments in terms of dead boys, billions of wasted dollars and self-defeating efforts to salvage pride from disaster.

By allowing ourselves to be drawn into this worsening situation, we offer the often divided and feuding Communist nations of Asia a chance to unite, submerge their differences and engage in all-out combat against America. An astute observer can almost sense their joy at our offering them such an opportunity. We are healing their internal splits by our stupidity.

In the name of supporting a small group of corrupt, ineffectual and incompetent generals with no popular support, we offer the two Communist superpowers, who have been fighting constantly, a chance to compete with one another in helping our Southeast Asian opponents in the name of world Communist unity. We are offering ourselves as a sacrificial magnet to the Communist forces of the world. Only America will suffer. Our boys will continue to perish. Only our dollars will continue to disappear as our economic and geopolitical situation daily worsens internally and abroad.

Instead of widening the war in Southeast Asia, we must contract it, or at least our role in it. The ruling group in Cambodia has far less claim to any support from the United States than did any South Vietnamese regime. I daresay that the Lon Nol bunch wouldn't know liberty if they tripped over it during one of their periodic routs by the Reds. How, then, in all sense, can we rationalize becoming involved with them as allies?

If we allow ourselves to continue this war expansion policy, it will go down in history as one of the greatest blunders since Napoleon invaded Russia and Hitler thought he could do the same, avoiding Bonaparte's mistakes.

Upon this administration's head shall the blame rest for such a catastrophic decision. Let it beware of taking such an ill-advised step. We are supposed to be withdrawing from Vietnam. Well and good. Let us not laboriously climb out of one sinkhole only to plunge deeper into another.

Indochina has always been regarded down through recorded history as a single economic and political entity. I believe it is being considered in this light today by our foes. We have no national interest at stake in that immediate area. We have made our fight there and it is over. Now is the time for us to exercise elementary good judgment and refrain from repeating past mistakes.

Mr. President, I say not a single weapon for Cambodia or Laos. Not a single American soldier. Not a single cartridge. The time to get out is now. We have enough trouble in our own house. If we continue to ignore it, then instead of saving our neighbor's dwelling, we shall cause our own to tumble in about our heads.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN CAMBODIA

Mr. STENNIS. Mr. President, my remarks on the Cambodian situation this morning will be largely what I said yesterday afternoon to the press.

I again point out that I am not in favor of underwriting or guaranteeing or trying to back up any Cambodian Government, present or future. On the facts as I see and understand them at this time, I would not now be in favor of any extensive or substantial arms supply or military aid on an extensive basis to Cambodia.

Those facts will be cleared up and developed further at a later date. But what I see in the present situation is a decision made by the President that if we are going to continue this withdrawal from Vietnam in an orderly fashion as planned, something must be done—and it is overdue, I think—to destroy these sanctuaries along the Cambodian-South Vietnamese border. Some of them are only 35 miles from Saigon itself.

And these are not just hideways or places where soldiers go to rest and refresh themselves. These are places where the Communist North Vietnamese and the Vietcong have the most substantial storage of arms, ammunition, guns, food to meet their needs in an almost unlimited amount.

This buildup has been going on there for some time.

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With all deference to everyone, I have not heard any tangible suggestions about how to meet this situation and still continue an orderly withdrawal under our Vietnamization program I have supported the Vietnamization program and will do so as long as I can.

However, I have frankly said all of the time that we will reach a point somewhere where, if we withdraw any more men, it will leave those who are left behind in jeopardy. To avoid such a happening there will have to be a very outstanding improvement in the strength of the South Vietnamese Army.

The immediate situation now is: what are we going to do about the sanctuaries? More and more manpower takes refuge in these sanctuaries. More of this will be developing.

The decision was made to send the South Vietnamese Army in.

This will put it to a real test and trial.

However, we cannot send a new army like this in alone at this stage. They must have communications and artillery, if that turns out to be needed. They must have the logistical support that can be furnished only by the modern methods we have.

This is no small thing if we are going to destroy or greatly impair those sanctuaries, it is something beyond the dropping of mere bombs. Something more than bombing must be done.

So this involves a choice. What are we going to do? Are we going to continue Vietnamization? If so, we have to destroy the sanctuaries and strongholds. Vietnamization and these strongholds cannot exist there much longer.

We have had some good statements here today, and good debate is always welcome, of course. But let us remember that we do have a President of the United States. We have a President who is charged with primary responsibility in the military operations.

If I had any doubt—and there are no affinities between him and me—about his ability or his intense efforts to cope with this grave situation, I would want to move in on his prerogative. But I do not have any doubt about those things.

I think, frankly, he is experienced and tough minded. I think he is proceeding with caution. By all means, let us hear the President tonight.

I say to my fellow Senators and to the American people, let us hear the President tonight.

This is a very grave and serious thing that the President has decided to do. Let us hear all of the facts. If we want to change the policy and get out of Vietnam under all circumstances, that is one thing. But if we go about it in a more responsible way, that is another, and a harder way.

If we are going to do it in a more responsible way, we will have to have patience, and will have to do some things that are not attractive, such as having an assault beyond the boundary of Vietnam. But war is war. And within the confines of our present policy, I think this is necessary. And I think within the confines of this policy, it is being handled as well as it could be under all the circumstances.

THE CYNICISM OF VICE PRESIDENT AGNEW

Mr. YOUNG of Ohio. Mr. President, with the advent of student unrest in our colleges and universities—much of it justified and constructive—there has been a serious erosion in the public mind of the traditional feeling of pride, trust, and comfort toward our institutions of higher learning. As a result, many colleges and universities find themselves not only confronting turmoil from within but also vicious and unwarranted attacks from without.

In a time when calm reasoning and thoughtful solutions are needed, it is unfortunate that the Vice President of the United States has assumed leadership in this assault. In his speech in Des Moines, Iowa, on April 13, Vice President AGNEW assailed open admission policies whereby some colleges and universities accept any high school graduate without reference to academic qualifications. He complained that in doing so these institutions unavoidably lower their standards and thus the value of their degrees.

This insidious argument sounds good in theory. However, in actual practice, the experience of hundreds of public colleges and universities in our Nation which have traditional open admission policies proves him wrong.

Open admission is nothing new, as the Vice President would lead Americans to believe. The fact is that many State-supported colleges and universities and all the great State universities of the Midwest have pursued that policy for years. Many still do, and it is only because of the shortage of facilities for the ever-increasing number of high school graduates that some of these institutions of higher learning have been forced to modify that policy somewhat. Evidently, the Vice President is ignorant of that fact of American life.

In my State of Ohio, Ohio State University, Ohio University, Kent State University, Bowling Green University and our other great State-supported universities have traditionally had policies of open admission. Any high school graduate who was a bona fide resident of Ohio was entitled to entry. Thousands came from rural one-room schoolhouses and city ghettoes to swell the freshman classes. All were welcome, but those who could not make the grade did not remain. The selection process was made in the freshman year on the basis of ability, not by self-appointed guardians of a so-called natural aristocracy that Vice President AGNEW wants to reign on the campus and rule the land.

In his speech Vice President AGNEW stated:

> College, at one time considered a privilege, is considered to be a right today—and is valued less because of that. Concentrations of disoriented students create an immense potential for disorder . . . It should be our objective to find, to nurture and to arouse that natural aristocracy through the rigorous demands of intellectual competition.

Mr. President, I am one of those who considers that a college education should be a right for all young Americans who have the competence and desire to attain a higher education. In fact, I believe that we must provide new programs to assure that all our young people who desire higher education have the opportunity to obtain it. To fail to do so would be to fritter away our greatest national resource—the talent and ability of our youth.

Vice President AGNEW's cynical I've-got-mine-now-you-get-yours philosophy typifies the class conflict and the racial hostility that plague our society today. It is extremely disheartening to hear the Vice President of the United States attempting to convince Americans that our troubles arise from open admission policies and college quotas for minority groups. The fact is that many of our social ills have arisen precisely because for too long many of our colleges and universities maintained quotas to keep out all but a comparatively few members of minority groups. It was not too long ago that many college doors were barred to children of Irish, Polish, Slav, Jewish, and Greek descent.

The Vice President knows this—or he should. He should also be aware of the report recently issued by the Department of Health, Education, and Welfare showing Negro enrollment in colleges receiving Federal funds. The University of Maryland, in the State of which the Vice President was formerly Governor, reported 484 black undergraduates in 1968 out of a total of 24,222 students, or less than 2 percent in a State that is 17 percent black. In his remarks pandering to the prejudices of a troubled and ill-informed populace, the Vice President is pursuing a policy which would perpetuate such unconscionable ratios.

I am confident that college administrators are aware of the calamity that awaits both higher education and the country if higher education is made the special province of an American aristocracy.

Mr. President, education, and especially higher education, has traditionally been the key to the realization of the American dream. It is the hope for our future. Therefore, it is particularly unfortunate for the second highest elected official in our Nation to be viciously attacking open admission to education—the one peaceful route for upward social and economic mobility for millions of underprivileged young Americans.

CAMBODIA

Mr. CHURCH. Mr. President, it is very difficult to speak on any subject unrelated to the fast breaking developments in Cambodia. Yesterday the distinguished Senator from Kentucky (Mr. COOPER) and I, joined by the Senator from Montana (Mr. MANSFIELD) and the Senator from Vermont (Mr. AIKEN), announced our intention to offer an amendment to the pending Military Sales Act which would have the effect of barring the delivery of military equipment, personnel, instructors, and supplies to the new government of Cambodia, in an effort to draw the line against a deepening American involvement in the widening Indochinese war.

In view of the fact that the President

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is speaking to the Nation this evening, I shall refrain from making any further commentary on the Cambodian situation until tomorrow. At that time I hope to speak at length on the crisis in the Indochinese war, the implications of the President's decision, the Vietnamization policy in connection with these new developments, and to discuss more fully the amendment we intend to offer. But I do think it appropriate to wait until the President has delivered his message this evening, and I intend to do so.

In the meantime, I wish to have several articles printed in the Record and to make reference to the Atomic Energy Commission and to a suppressed report which recently has been released. In that connection I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OF PRESIDENTS AND CAESARS

Mr. CHURCH. Mr. President, during my 13 years in the Senate, I have been a reluctant witness to the steady decline of Congress in the performance of the role assigned to it by the Constitution. The waning authority of Congress relates not only to peripheral matters, but reaches to the very core of its legislative responsibility—to the war power, the treaty power, and its power over the public purse.

The resultant ascendancy of the executive, built upon the steady erosion of congressional power over a long period of years, should command the urgent attention of all those who believe in balanced Constitutional government. It is not too much to say that the very preservation of the Republic, itself, is the ultimate issue at stake.

Therefore, it is the duty of Congress to redress the imbalance which has arisen by reclaiming its authority under the Constitution. It will be a long and difficult undertaking. But, begin we must, before Congress is reduced to the level of a badly tarnished pageant, and little more.

With these thoughts in mind, I addressed the 50th anniversary observance of the establishment of the Political Science Department at Stanford University. I ask unanimous consent that the text of my address, entitled "Of Presidents and Caesars: The Decline of Constitutional Government in America," be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Of Presidents and Caesars: The Decline of Constitutional Government in America

The Roman Caesars did not spring full blown from the brow of Zeus. Subtly and insidiously, they stole their powers away from an unsuspecting Senate. They strangled the Republic with skillful hands. Gibbon describes their method in this stately passage from the *Decline and Fall*:

"It was on the dignity of the Senate that Augustus and his successors founded their new empire . . . In the administration of their own powers, they frequently consulted the great national council, and *seemed* to refer to its decision the most important concerns of peace and war . . . The masters of the Roman world surrounded their throne with darkness, concealed their irresistible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees they dictated and obeyed . . . Augustus was sensible that mankind is governed by names; nor was he deceived in his expectation, that the Senate and the people would submit to slavery, provided they were respectfully assured that they still enjoyed their ancient freedom."

Senators of the United States may still enjoy their "ancient freedom" to debate and legislate, but through our own neglect, we have come to deal increasingly more with the form than with the substance of power. Again and again, the Senate has acquiesced, while American Presidents have steadily drawn to themselves much of the power delegated to Congress by the Constitution. In the process, especially with the war powers abroad and the power of the purse at home, Congress as a whole—and the Senate in particular—has permitted a pervasive erosion of the bedrock principle on which our political system was founded, the separation of powers.

THE CONSTITUTIONAL ISSUE

As crisis has followed upon crisis in these last thirty years, the concentration of power in the hands of the President has grown ever more rapidly. Congress has been reduced to virtual impotence in the making of foreign policy and, increasingly, in the control of public spending. The cause of this change has been the climate of crisis itself, each one of which necessitated—or seemed to necessitate—decisive and immediate action. As each emergency arose, the President assumed, and the Congress usually agreed, that the Executive alone was capable of acting with the requisite speed. No one thought very much about the Constitutional consequences; we tended to think only of the crisis we were dealing with, of the assumed need for speedy action, and of the importance of national unity in a time of stress.

Now, however, we must think about Constitutional problems, because nothing less than the survival of the Constitutional government is at stake. There is no end in sight to the era of crisis which began some thirty years ago. We cannot safely wait for quieter times to think about restoring the Constitutional balance in our government. The extended crisis of our own time was measured by President Nixon in the unsettling remark he made in his speech at the Air Force Academy last year. He said the United States, since 1941, "has paid for 14 years of peace with 14 years of war."

The corrosive impact that such an exorbitant payment invariably imposes upon democratic systems was described long ago by Alexis de Tocqueville, who wrote:

"No protracted war can fail to endanger the freedom of a democratic country. War does not always give over democratic communities to military government, but it must invariably and immeasurably increase the powers of civil government; it must also compulsorily concentrate the direction of all men and the management of all things in the hands of the administration. If it leads not to despotism by sudden violence, it prepares men for it more gently by their habits."

THE TREATY POWER

Our protracted engagement in warfare has produced, first of all, a striking discrepancy between the ways in which many of our foreign commitments have been made in recent years and the treaty process through which they were meant to be made. Article II, Section 2, of the Constitution states that the President "shall have power, by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur . . ." In light of this clear language of the Constitution consider the following:

On August 25, 1966, Secretary of State Rusk told the Senate Preparedness Subcommittee that "No would-be aggressor should suppose that the absence of a defense treaty, Congressional declaration or U.S. military presence grants immunity to aggression." The statement was meant to convey a stern warning to potential aggressors. It did that, and that was all to the good, but it also put Congress on notice that, with or without its consent, treaty or no treaty, the Executive will act as it sees fit against anyone whom it judges to be an aggressor, and that is not to the good. It is indeed nothing less than a statement of intention on the part of the Executive to usurp the treaty power of the Senate.

The denigration of treaties goes back at least to 1940, when the current era of world crisis began. In the summer of that year, when France had fallen and Britain was in imminent danger of German invasion, President Roosevelt made an agreement with Great Britain under which fifty over-aged American destroyers were given to her in exchange for certain naval bases on British territory in the Western Hemisphere. The arrangement was made by Executive agreement despite the fact that it was a commitment of the greatest significance, an act which, according to Churchill, gave Germany legal grounds for declaring war on the United States. It is unlikely that President Roosevelt wished to usurp the treaty power of the Senate; he acted as he did because he feared that Great Britain might be invaded and overrun before the Senate would pass on a treaty. In retrospect, this seems unlikely but, granting that the danger may have seemed real at the time, the Constitutional effects of President Roosevelt's action would have been mitigated if he had frankly stated that he had acted on an emergency basis in a manner which may have exceeded his Constitutional authority. Instead, he had the Attorney General prepare a brief contending that the President had acted entirely within his Constitutional powers. Instead, therefore, of a single incursion on the Senate's treaty power, acknowledged to be such, the act was compounded into a precedent for future incursions on the Constitutional authority of the Congress.

The destroyer deal was the first of a long series of significant foreign commitments made by Executive Agreement, each one of which has constituted an added precedent for the taking over by the President of the treaty powers meant to be exercised by the Senate. So far have things gone that treaties are now widely regarded, at least within the Executive Branch, as no more than one of a number of available methods of committing our country to some action abroad.

Indeed, Executive Branch officials have at times sought by simple statement to create "commitments" going far beyond those agreed to under normal treaty processes. Thailand is a case in point. Under the SEATO Treaty, the United States is obligated to "act to meet the common danger in accordance with its Constitutional processes" should Thailand be attacked, and, should Thailand be threatened with subversion, the United States and other treaty signatories are obligated to "consult." But in 1962, Secretary of State Rusk and the Thai Foreign Minister, Thanat Khoman, issued a joint statement in which Secretary Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion"—a commitment going far beyond that contained in the SEATO Treaty to "consult" in case of subversion.

One of the newest devices used to circumvent the treaty power of the Senate is the Congressional resolution, framed in such sweeping language as to give advance consent to unspecified future action by the Pres-

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ident. As used in recent years, these resolutions have not been specific and carefully considered grants of power but blank checks on the Constitutional authority of Congress written in an atmosphere of commanding emergency. With these developments in mind, let us examine more closely the war power under the Constitution.

THE WAR POWER

Unlike the treaty power, the Constitution did not divide the war power equally between the two branches of government, but vested it predominantly in Congress. Article I, Section 8, of the Constitution states that Congress shall have the power to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the armed forces; to provide for calling forth the militia for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for executing the foregoing powers. Article II, Section 2, of the Constitution states that the President shall be Commander-in-Chief of the Army and Navy.

The language of the Constitution is clear and the intent of the framers beyond question: the war power is vested almost entirely in the Congress, the only important exception being the necessary authority of the President to repel a sudden attack on the United States. Only in recent years have Presidents claimed the right to commit the country to foreign wars, under a sweeping and, in my opinion, wholly unwarranted interpretation of their power as Commander-in-Chief.

The framers of the Constitution very deliberately placed the war power in the hands of the legislature, and did so for excellent reasons. All too frequently, the American colonies had been drawn, by royal decree, into England's wars. The leaders of the newly-independent republic resolved to make certain that their new country would never again be drawn into war at the direction of a single man; for this reason they transferred the war power to the Legislative Branch of the newly-created government. In so doing, they recognized that the President might sometimes have to take defensive action to repel a sudden attack on the United States, but that was the extent of the war-making power they were willing for him to exercise.

The intent of the framers is made quite clear in the proceedings of the Constitutional Convention and in the subsequent writings of the Founding Fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

"We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."

During the first century of American history most of our Presidents were scrupulously respectful of Congress' authority to initiate war. When President Jefferson sent a naval squadron to the Mediterranean to protect American commercial vessels from attack by the Barbary pirates, he carefully distinguished between repelling an attack and initiating offensive action. When he thought the latter necessary, he sent a message to Congress asking for the requisite authority. Stating that he himself was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense," he requested authority to take offensive action, acknowledging that such authority was "confined by the Constitution to the legislature exclusively."

The Monroe Doctrine is often cited by proponents of unrestricted Presidential power as a precedent for executive authority to commit the country to military action abroad. In fact, President Monroe, himself, regarded his declaration as no more than a policy statement. When the Government of Colombia inquired, in 1824, as to what action the United States might take to defend the newly-independent Latin American states against European interference, Secretary of State John Quincy Adams replied:

With respect to the question, "in what manner the Government of the United States intends to resist on its part any interference of the Holy Alliance for the purpose of subjugating the new Republics or interfering in their political forms" you understand that by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government . . .

In 1846, President Polk sent American forces into disputed territory in Texas, precipitating the clash which began the Mexican war. Abraham Lincoln, then a Republican member of the House of Representatives from Illinois, was certain that the President had acted unconstitutionally, and he worte:

"Allow the President to invade a neighboring nation whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *Whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose.

The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings have always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention undertook to be the most oppressive and all kingly oppressions; and they resolved to frame the Constitution that *no one man* should hold the power of bringing this oppression upon us."

Nonetheless, by the end of the 19th Century, precedents had been established for Presidential use of the armed forces abroad for certain limited purposes, such as suppressing piracy and the slave trade, "hot pursuit" of criminals across frontiers, and protecting American lives and property, as well as for repelling sudden attack. But in the early 20th Century, Presidential power over the commitment of the armed forces abroad was greatly expanded. Presidents Theodore Roosevelt, Taft and Wilson, acting without authority from Congress, repeatedly intervened militarily in Mexico, Central America and the Caribbean. The Congresses of that period, most unwisely, failed to resist these Presidential incursions on their Constitutional authority, with the result that they became corrosive precedents for the further and much greater incursions that were to follow during and after World War II.

I have already noted how President Franklin Roosevelt usurped the treaty power of the Senate in making his famous destroyer deal with Great Britain; he also went further than any previous President in expanding Executive power over the armed forces. In the course of the year 1941, he committed American forces to the defense of Greenland and Iceland, authorized American warships to escort, as far as Iceland, convoys which were bound for Britain, and ordered American naval vessels to "shoot on sight" against German and Italian ships in the western Atlantic. Well before Congress declared war on the Axis Powers, President Roosevelt had already taken the country into an undeclared naval war in the Atlantic. Few would deny that he did these things in an excellent cause, that of assisting Britain in those desperate days when she stood alone against the tide of Nazi aggression. But in doing what he did for a good cause, President Roosevelt enabled his successors to claim the same authority in the furtherance of causes much more dubious.

After World War II, the trend toward Presidential dominance accelerated greatly and the real power to commit the country to war is now exercised by the President alone. As one historian, Professor Ruhl Bartlett, has pointed out, "the positions of the executive and legislative branches of the Federal Government in the area of foreign affairs have come very close to reversal since 1789 . . ." In other words, the intent of the Constitution has been virtually negated.

In 1950, President Truman committed the armed forces of the United States to the Korean War without any form of Congressional authorization. The President himself made no public explanation of his action, but an article in the Department of State *Bulletin* asserted that "the President, as Commander-in-Chief of the Armed Forces of the United States, has full control over the use thereof." No one in Congress protested at the time, but some months later, in January 1951, Senator Taft asserted that the President has "simply usurped authority" in sending troops to Korea.

When the Korean war went badly, President Truman's political opponents, who had supported him at the outset, charged him with responsibility for the war and accused him of exceeding his authority. In order to protect themselves from this kind of accusation, subsequent Presidents have adopted the practice of asking Congress for joint resolutions when they contemplate taking military action in some foreign country. Presidents Eisenhower, Kennedy and Johnson all have requested such resolutions and Congress has readily complied. Resolutions were adopted pertaining to Formosa, the Middle East, Cuba and, finally, Southeast Asia. Couched in the broadest of terms, these resolutions have generally expressed Congress' advance approval of any military action the President might see fit to take in the area concerned.

The most important and fateful of all these was the Gulf of Tonkin resolution adopted in August 1964, after only two days of hearings and debate. The resolution expressed Congressional approval of any measures the President might choose to take to prevent aggression in Southeast Asia and further stated that the United States was prepared to take any action the President might judge to be necessary to assist a number of Southeast Asian states, including Vietnam.

The Gulf of Tonkin resolution has been cited again and again as proof of Congress' approval of the war in Vietnam. It was later said by Under Secretaary of State Katzenbach to be the "functional equivalent" of a Congressional declaration of war. In my opinion, Congress neither expected nor even considered at the time of the debate on the resolution that the President would later use it to commit half-a-million American soldiers to a full-scale war in Vietnam.

IMPOUNDMENT AND THE POWER OF THE PURSE

Despite Congressional abdication of its constitutional responsibilities vis-a-vis the war power, some suggest that Congress has nonetheless managed to preserve the scope and significance of its policy role by using other available tools, such as open debate, committee investigations, and especially, its continuing control over public spending. Before the Vietnam intervention, for example, then Senator Hubert Humphrey stressed:

"With its power of the purse, and through the right to investigate, to criticize and to advocate, the Congress does exert a significant influence on the quality and direction of United States foreign policy, and it usually does so without violating the integrity of the Executive Branch."

If anything, it is the integrity of *Congress* that stands in jeopardy. As I have said, most of the authority over foreign affairs which

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the Constitution vests in Congress has already passed to the President. Now, through a process of subtle attrition, Congress also appears to be surrendering its traditional wellspring of strength, the power of the purse.

Constitutionally, the right to appropriate belongs to Congress. Article I, Section 9.7, of of the Constitution reads: "No money shall be drawn from the treasury, but in consequence of appropriations made by law . . ." However, through the growth of "central clearance," the appropriations power has become as much the Executive domain as the Congressional. One author suggests: "Congress, according to the Constitution, must appropriate—but what is appropriated, speaking very generally, is what is presented to them by the Administration." The growing volume and complexity of governmental transactions, and the speed and flexibility with which they must be handled, inevitably has led to increased Executive responsibility over public spending. In light of the major role that the Executive Branch has assumed, the importance of safeguarding what remains of the Congressional power over the purse is manifest. However, the growing practice of Executive impoundment represents a clear threat to that remaining Congressional power, as the historical record illustrates.

It was during the Roosevelt Era, with its joint emergencies of Depression and World War, that a quantum jump occurred in the frequency of Executive impoundment. Measures were passed by Congress to permit Roosevelt to pursue those activities deemed necessary to ease the economic crisis of the Thirties; and, similarly, during the Forties Congress usually supported the President in his policy of deferring projects which might absorb funds required for the war effort.

Throughout this period of crisis, the Executive Branch based its rationale for impounding funds chiefly upon the war powers of the President. Writing a year after America's entry into the war, Professor Edward Corwin concluded: "The chief lesson of the war to date for constitutional interpretation is that the Constitution is an easily dispensable factor of our war effort—perhaps one might say an 'expendable' factor." Professor Corwin underlined part of the problem:

"In its control of the purse-strings, Congress possesses its most effective check on Presidential power. At best, the promise of this rule is seriouly impaired by war, inasmuch as legislative prying into Presidential budgets at such a time always involves the danger of revealing military secrets."

Congressional abdication of its "most effective check on Presidential power" was, thus, directly linked to the war. Therefore, the true test of the practice of impoundment would seem to lie in its use since the Second World War.

Post-War Impoundment. The record on impoundment since the war discloses that—far from abating—the practice has grown markedly. Most disturbing of all, the impoundment procedure has expanded beyond the general area of "national defense" to challenge Congressional control over civilian spending. We are increasingly confronted by news items like the following: ". . . under Congressional pressure the Budget Bureau released a backlog of 56 projects." One must wonder how many projects approved and funded by the representatives of the American people are similarly trapped in the Executive snare. *Must Congress pass legislation creating and funding programs and then lobby the Executive Branch to release the funds so that the duly enacted laws may be carried out?* Surely not!

Also seen with startling regularity are references concerning whether or not funds for housing, for pollution control, for medical research, and other important programs, ought to remain impounded or released for use. The more fundamental question, of course, is whether these funds should have been allowed to be impounded in the first place. The words of one Senator, speaking on the impoundment issue during World War II, are even more poignant today: "Then how does the Congress express itself or announce a Congressional policy? After all, we represent the people."

The importance of examining the constitutional and political implication of (1) the impoundment trend and (2) the abdication of the war and treaty powers, should be obvious. Before turning to these implications, however, it may be worthwhile to probe further into why Congress abdicated in the first place.

WHY CONGRESS ABDICATED

How did it come about that Congress tamely yielded to the President powers that, beyond any doubt, were intended by the Constitution to be exercised by Congress?

With respect to the war and treaty powers, the reasons are varied and several. To begin with, the politics of crisis is that of anxiety in which Congress, like the country, tends to unite behind the President. Because the United States has exercised its role as a world power for only a short time, we have not really gotten used to dealing with foreign emergencies and, more important still, to discriminating between genuine emergencies and situations that only seem to require urgent action. Lacking experience in dealing with such flaps as the Gulf of Tonkin incident in 1964, we have tended to act hastily with insufficient regard for the requirements of Constitutional procedure, assuming, quite wrongly, that it would somehow be unpatriotic to question the President's judgment in a moment of assumed emergency.

Then there is the way our history has been taught since the end of the first World War. It is now part of the conventional wisdom that the Senate's refusal to ratify the Versailles Treaty not only destroyed Woodrow Wilson's dream of world order, but actually accounted for the failure of the League of Nations to prevent World War II. The theory persists, despite the anemic peacekeeping record of the United Nations in which we have so actively participated, and, though outdated, its continued respectability has doubtlessly had an intimidating effect on Congress. But even if the Senate blundered in 1919, it doesn't follow that the President must therefore be regarded as infallible. The myth that the Chief Executive is the fount of all wisdom in foreign affairs today lies shattered on the shoals of Vietnam. The lesson to be learned may well be found in the observation of James Bryce, the British statesman, who said:

"In a democracy the people are entitled to determine the ends or general aims of foreign policy. History shows that they do this at least as wisely as monarchs or oligarchies, or the small groups to whom, in democratic countries, the conduct of foreign relations has been left, and that they have evinced more respect for moral principles."

The "small groups" to whom Bryce refers have themselves induced the Congress to underrate its own competence in foreign affairs. The Executive Branch of our government is populated with specialists and experts. These men have added greatly to the government's skill in conducting foreign relations, but they have also shown a certain arrogance, purveying the notion that anyone who is not an expert, including Congressmen, Senators and ordinary citizens, is simply too uninformed to grasp the complexities of foreign policy. Now, modesty and self-effacement are not characteristics usually associated with politicians but, curiously enough, many Members of Congress seem to have accepted the view that foreign policy is best left to the experts. This view is patently false: Clemenceau said that war is too important to be left to the generals; similarly, the basic decisions of foreign policy are too important to be left to the diplomats. As Professor Bartlett puts it: ". . . there are no experts in wisdom concerning human affairs or in determining the national interest, and there is nothing in the realm of foreign policy that cannot be understood by the average American citizen."

No discussion of Congressional abdication in the realm of foreign policy would be complete, however, without mention of the great impetus given the growth of Presidential prerogative by the general acceptance, following World War II, of the doctrine of bipartisanship in the conduct of our foreign relations. The lure of that beguiling slogan, "politics stops at the water's edge," led us to the erroneous conclusion that any action taken by the President abroad demanded bipartisan backing at home. Ironically, it never seems to have occurred to us that bipartisanship, as actually practiced, has neither eliminated partisanship nor politics from foreign policy matters. In 1952, for example, the Republicans rode to power on the issue of Korea, while Castro's takeover of Cuba became a major political argument in the Kennedy campaign of 1960. Far from removing foreign policy from the arena of partisan politics, the doctrine of bipartisanship has simply gathered more power into the hands of the President by eliminating, between elections, any semblance of organized opposition in Congress. When the duty to oppose no longer rests, as it normally must, upon the "loyal opposition" in Congress, the day-to-day responsibility for holding the President to account, for the timely questioning of his policies, and for the posing of alternatives, falls much less effectually to the scatterfire of individual members expressing their personal dissent. All in all, the proposition is well summed up by Mr. James O'Gara, the distinguished editor of *Commonweal*, who observes:

"As it is usually interpreted, all we get from the exhortation to keep politics out of foreign affairs is the illusion of agreement. This result may make us feel more secure, but it does not really help us. It only papers over real differences and prevents that discussion and debate which could lead to better policies and a stronger, more effective position abroad."

And what of the slackening Congressional control over the purse-strings? As we have seen, in the crucible of "national emergency," the Constitution becomes malleable. For the sake of secrecy, speed, flexibility, and national unity, Congress has traditionally relaxed its grip on the purse-strings, slacked off on its watchdog functions, and generally given broad discretion to the Executive. This same permissiveness has no place in a democratic government during periods when a national crisis has not been declared by Congress. Examining the British and American democratic experiences, Professor Kenneth Waltz writes:

"Congress should not tolerate a situation remotely approaching the British condition, where general statements by Ministers replace detailed descriptions of programs and a careful account of how money requested will be spent. The fusion of executive and legislature, as in Britain, means that one must control the other. The separation of legislative and executive branches, as in America, places each in a position of strength."

To be assured that both branches maintain a position of strength, it is vital that the President follow the letter of the law in carrying out appropriations bills. Thus, if the need exists, Congress should legislate the requisite flexibility for the President. Otherwise, when Congress "requires," "mandates," "orders," or "directs" that appropriated funds be expended, this is precisely the duty of the President, unless he chooses to veto the bill. Otherwise, he usurps by impoundment an absolute veto which Congress cannot override—a power not conferred on the Chief Executive by the Constitution.

THE CONSEQUENCES OF ABDICATION

In concluding these remarks, let me outline the implications of Congresional abdication. As a result of the passing of the war power and much of the purse power out of the hands of Congress, the most important of our constitutional checks and balances have been overturned. For the first time in our history, there has come into view the possibility of our President becoming a Caesar, because, as Gibbon wrote in *The Decline and Fall*, "The principles of a free constitution are irrecoverably lost, when the legislative power is nominated by the executive."

The brilliant columnist, James Reston, has written of the ascendancy of the Presidency in these words:

". . . on the great acts of foreign policy, especially those involving the risk or even the act of war, he is more powerful in this age than in any other, freer to follow his own bent than any other single political leader in the world—and the larger and more fateful the issue, the greater is his authority to follow his own will."

No human being can safely be entrusted with such enormous powers. Professor Henry Steele Commager wrote not long ago that: ". . . the possession of power encourages and even creates conditions which seem to require its use, and the greater and more conclusive the power the stronger the argument for its use. Those who possess authority want to exercise it: children, teachers, bosses, bureaucrats, even soldiers and statesmen. . . . Men who possess power think it a shame to let power go to waste and, sometimes, perhaps unconsciously, they manufacture situations in which it must be used—as in Santo Domingo, for example. All this was dangerous but not intolerable in the pre-atomic age; it is no longer tolerable."

Even the wisest and most competent of Presidents is still a human being, susceptible to human flaws and human failures of judgment. The greatest insight of our Founding Fathers was their recognition of the dangers of unlimited power exercised by a single man or institution; their greatest achievement was the *safeguards against absolute power* which they wrote into our Constitution.

SWINGING BACK THE PENDULUM

Recently, there have been some hopeful signs that Congress may intend to recapture some of its lost powers. For one thing, the Senate has pulled off the shelf its all-but-atrophied confirmation power, and rejected the last two Presidential "appointees" (nominees) to the Supreme Court!

For another, as the Executive has made increasingly extravagant use of joint resolutions, Congress has begun to develop a belated but healthy wariness of such vague and hasty grants of authority. Hence, two years ago, the Senate was asked to adopt a sweeping resolution promising large new sums of aid money for Latin America. The Senate was asked to approve this resolution in great haste so that President Johnson might carry it with him to his meeting with the other hemispheric Presidents at Punta del Este. The Foreign Relations Committee judged that it simply could not assess the merits of the proposal in the short time allowed and, since the proposed measure was not urgent, the Committee declined to act on the President's request, adopting instead a substitute resolution promising to give due consideration, in accordance with its normal procedures, to any proposals for increased aid to Latin America which the President might later submit. The substitute resolution, which the Committee adopted by a vote of nine to nothing, was rejected by Presidential advisor Walt Rostow as "worse than useless." Mr. Johnson went to Punta del Este without his resolution and the effects, I think, were salutary. Having no gifts to dispense, the United States was obliged to deal with the Latin Americans as a friend rather than as a patron; having no new bauble dangled before them, the Latin Americans were obliged to deal with the United States as equals rather than as supplicants.

The significance of the Foreign Relations Committee's rejection of the proposed Latin American resolution had much more to do with Executive-Legislative relations at home than with the Committee's attitudes toward Latin America. The Committee was exhibiting a new but well-founded reluctance to grant the Executive any more blank checks. The Executive was being put on notice that its account with Congress is overdrawn.

More recently, the National Commitments Resolution (S. Res. 85)—passed in the Senate June 25, 1969, by an overwhelming vote of 70 to 16—seeks to set in motion a process pointing toward the restoration of the vital balance in our system prescribed by the Founding Fathers. The resolution speaks for itself:

"Be it resolved, that it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

On December 15, 1968, I offered an amendment to the Military Appropriations bill prohibiting the use of any of the money for introducing American ground combat troops into either Laos or Thailand. Adopted 73 to 17, the amendment represents a reassertion of the constitutional right of Congress to determine where and how public money is spent. If a change of circumstances should cause the President to favor the sending of American combat troops into either country, then, before the money could be spent for that purpose, the matter would have to be brought back to Congress for its concurrence. Later this year, Senator John Sherman Cooper and I will undertake to include Cambodia within the limitation.

Presently pending before the Senate is the Mathias Resolution (S.J. Res. 166), which would repeal the 1955 Formosa Resolution, the 1957 Middle East Resolution, the 1962 Cuba Resolution on Latin America, the 1964 Tonkin Gulf Resolution, and, finally, President Truman's Korean emergency proclamation, of December 16, 1950, which is still the basis for the protracted exercise by successor Presidents of many "emergency" powers.

Of course, these Senate actions will not, of and by themselves, restore the constitutional balance which has been lost. They will not, of and by themselves, restore to Congress the war power, now abdicated away. They are not guarantees against misguided fiscal practices such as impoundment. However, they are designed to *initiate* a swing back of the pendulum; they are designed to remind Congress of its responsibilities and to help create a new state of mind.

What, one may ask, could be expected to come of a new Congressional attitude? First, one may hope that the Congress hereafter would exercise its own judgment as to when haste is necessary and when it is not. One may hope that, in considering a resolution such as the Gulf of Tonkin resolution, the Congress would hereafter state as explicitly as possible the nature and purpose of any military action to be taken and, more important still, that it would make it absolutely clear that the resolution was an act of authorization, granting the President specific powers which he would not otherwise possess. One may hope that Congress will be more alert to the dangers of Executive impoundment of appropriated funds and will monitor carefully the expenditure of congressionally-mandated public money. One may hope, finally, that the Congress will never again forget that its responsibility for upholding the Constitution includes the obligation to preserve its own constitutional authority.

One hears it argued these days—by high officials in the Executive Branch, by foreign policy experts, and by some political scientists—that certain of our Constitutional procedures, including the power of Congress to declare war, are obsolete in the nuclear age. This contention, in my opinion, is without merit. Nothing in the Constitution prevents—and no one in Congress would ever try to prevent—the President from acting in a genuine national emergency. What is at issue is his authority to order our military forces into action in foreign lands whenever and wherever he decides. What is at issue is unchecked Executive discretion over public spending. What is at issue is the right of the President to alter Constitutional processes at his option, even in the name of defending those processes.

I do not believe that the Constitution is obsolete; I do not believe that Congress is incapable of discharging its responsibilities; but, if either of these conditions ever should arise, the remedy would lie in the amendment process of the Constitution itself. As George Washington said in his farewell address:

"Let there be no change in usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

GIVE EARTH A CHANCE

Mr. CHURCH. Mr. President, as one who has long been concerned about conservation and the fouled state of our environment, I found April 22—Earth Day—a welcome event in this country.

Like many of my colleagues, I went home to observe Earth Day. My State has its problems with pollution, even though they are not yet of the magnitude of the more industrialized parts of the country. Still, I found the concern in Idaho every bit as great as elsewhere. At every university and college in Idaho, programs were held in support of environmental action either on Earth Day or earlier. Many high schools set aside time to observe April 22. The Boy Scouts in southwest Idaho mounted a week-long war on litter.

I spent Earth Day speaking at two campuses—at Ricks College in Rexburg and at Idaho State University in Pocatello. I ask unanimous consent that the text of the speech I delivered, entitled "Give Earth a Chance," be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

GIVE EARTH A CHANCE

(By Senator FRANK CHURCH)

Three thousand years ago, Man began to till the soil. The plow and its companion piece, the axe, were his first major tools for survival. But also they were his first weapons against Nature.

Two thousand years ago, Seneca complained about Rome:

"As soon as I had escaped the heavy air and the smokey chimneys which, when stirred, poured forth whatever pestilent va-

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pors and soot they enclosed, *I felt a change in my disposition.*"

Not much more than a century ago, during the rising tide of our country's westward expansion, Henry Thoreau exclaimed:

"Thank God, they cannot cut down the clouds!"

Today, we asphalt Americans, our eyes smarting, are rocketing men to the moon while standing knee-deep in our own litter. Our rivers are clogged with filth; smog is the "air apparent" in our large cities. Our eyes are assaulted by unrelieved urban ugliness; our nerves frayed by incessant noise, congestion and confusion. Much of our land is hideously defaced.

For more than seventy years, we have been warned about our dissipations:

By George Perkins Marsh, Carl Schurz, John Wesley Powell, John Muir and Theodore Roosevelt.

By Evelyn Waugh who cried out that half the basis of English poetry was being destroyed.

By John Kennedy who said that conservation is the highest form of national thrift.

By Aldo Leopold who explained that we abuse land because we regard it as a commodity belonging to us. When we see the land as a community to which we belong, we may begin to use it with love and respect.

The practitioners of ecology, those Twentieth Century Paul Reveres, have compiled tomes of dismal statistics . . . the rising levels of health-shattering noise . . . the spreading flood of foul water . . . the thickening smog shrouding our cities. I shall recite some of the grimmer statistics later on. But perhaps the best way to illustrate the carnage is by anecdote.

Earlier this year, a million catfish were found dead in a canal-dam-river complex designed to irrigate the lush Central California valley. The cause is not yet known, but the deaths were not natural.

In California, there are being distributed posters showing a naked female breast with a notation:

"Milk in such containers may be unfit for human consumption—DDT content .10 to .30 parts per million in milk of nursing mothers—two to six times the amount allowed in milk for commercial sale."

Lake Erie itself is virtually "dead" in a biological sense—its life-cycle ruptured to the point where dead fish and other marine life litter its shores. A river feeding into Lake Erie once caught fire—so loaded was it with oil and other combustibles.

It is the declared policy of the Los Angeles public school system that there shall be no hard exercise on the playgrounds on smoggy days.

You university students are part of a "new" generation in an unenviable sense that yours is the first to be born with Strontium 90 in your bones—the result of the nuclear-bomb age.

We certainly do not lack for examples of what is happening to us—to you and to me. But *how* did it happen that we so ravaged our national home, this richest pad on Planet Earth? Of what are we guilty?

First, we are guilty of an uncritical acceptance of technology for its own sake. We have mistaken the production of merchandise for "progress," which we keep measuring on the scale of our Gross National Product.

Second, our habit is to downgrade the importance of conserving our natural habitat; instead, we exult in its exploitation. A case in point, here in Idaho, is the plan to desecrate the White Clouds by open-pit mining for molybdenum, even though present production is far in excess of our national needs.

Third, we are congealing as a people. An estimated 20-million Americans moved from the countryside into urban areas during the years between 1942 and 1967. The weight of this massive migration has all but crushed our cities.

Fourth, we are gripped by a mania for growth, revering it as a virtue. "The bigger," we say, "the better." According to the flawed logic that growth is good, uncrowded Idaho would become twice as fine a place to live each time our population doubled! Of course, this is nonsense.

When we took the land away from the Indians, we did not take with it their most precious knowledge—that Man doesn't stand apart from Nature—but is a part of it. A few far-seers tugged at our elbows to remind us of this truth. They pleaded with us to recognize that, like grazing land, the Earth, too, has a maximum "carrying capacity." Their warnings went heedlessly ignored, as did the Biblical injunction that we are to be the keepers of the Earth.

As we gather ourselves, at long last, to make amends, we must understand that it is *not* only the other fellow's faults that need to be corrected, but our own faults as well.

For example, the Federal Government is not without its share of blame. Congress has distributed some ninety separate environmental programs, fed on slender rations and slight authority, to a maze of different departments, bureaus and agencies. A dozen or more inter-agency committees struggle to synchronize these programs. While one Federal agency, the National Park Service, tries to protect a great wetland, the Florida Everglades, another Federal agency, the Army Corps of Engineers, is working at cross-purposes by building irrigation canals that divert water away from the Everglades.

The Federal Government has also stinted on the money needed to launch an adequate clean-up campaign.

To be sure, Federal funds for combatting pollution have increased—for cleansing the water: from an annual appropriation of $1.2 million to about $300-million during the last fifteen years; for cleansing the air—from the $2.7-million to $89-million. However, the cost for actually cleaning up our air and water may run to five billion dollars a year for capital investment, and more than eight billion dollars for operations, according to an estimate of the Harvard Center for Population Studies. Obviously, in terms of expenditures, we have hardly begun the fight!

Out of the bloody anguish of the Vietnam war came a moratorium movement composed of aroused citizens of all ages. Their objective was—and still is—to stop the war. Now, out of the anguish over our decaying environment, has come still another "moratorium movement," whose partisans have undertaken a mammoth venture to reclaim our heritage. All across the Nation on this April day, life-oriented battalions are gathered to proclaim a healthier order. My surmise is that, if properly conducted, profound and wholesome changes can occur.

Of course, we must understand that a successful campaign cannot be mounted without a major national commitment. In the field of education, the Congress made a major decision in the early Sixties. We decided to give generous help now for the public education of the child rather than pay infinitely more later for the ignorance of the man. We need to make an analogous decision in respect to pollution, where the Federal Government must necessarily assume a leading role.

Until recently, life's natural cycle could assimilate the wastes of man. But mass production in the highly industrialized United States has grown so mammoth that we search for places to stow the stuff we throw away, our rubbish and debris, not to speak of our industrial wastes. Where consumer products are concerned, we surely must overcome the "use-and-discard" method of merchandizing. The recycling of bottles, cans and other containers is a "must."

But what about the products which pollute while being used, the ubiquitous automobile, for example?

AIR POLLUTION

In terms of air pollution, the biggest offender, ecologists agree, is the internal combustion engine. Each day, our automobiles, trucks and buses cast almost 300,000 tons of pollution into the air. Two years ago, Los Angeles had five micrograms of lead per cubic meter of air—highest in the Nation at that time. But last year, New York City earned this dubious distinction—seven and one-half micrograms. And scientists estimate San Diego may exceed even that this year—eight micrograms. The level of ten micrograms, but a short span away, is the maximum tolerable limit set by the United States Public Health Service.

Grudgingly, as the saturation limits closed in, a movement has finally commenced to remove lead from gasoline. Automobile manufacturers and oil companies are at last discussing—negotiating might be the better word—alterations in engine design and fuel composition, so that unleaded gasoline may be efficiently used. At least one brand-name has commenced to sell unleaded "gas" in its eastern stations. To speed this process along, I introduced a bill last month to require that, as of next January, the Federal Government buy for its civilian departments only those motor vehicles adapted to operate on unleaded fuel.

Of course, the internal combustion engine is not the only offender. A multitude of factory chimneys spew forth their columns of thick smoke—sometimes noxious smoke. Thousands of jet aircraft gulp oxygen from the air, replacing it with endless trails of soot.

Another pollutant, a newcomer of great potential peril, is radioactive nuclear waste. Pollution from nuclear waste is different from that of ordinary fuels. You cannot see it; you cannot smell it. But it is far more deadly. In our own State of Idaho, we have an example of the possible danger. Radioactive wastes from the National Reactor Testing Station are being buried above the Snake Plain Acquifer—the vast underground reservoir which feeds the Snake River. Safe-permanent depositories for nuclear wastes must be devised, for now we have the opportunity to assure that these wastes are properly stored before the problem grows to the magnitude of the other, more common, forms of pollution. The warning signal has been sounded on this matter, and now is the time for the AEC and other responsible agencies of the Federal Government to respond.

WATER POLLUTION

What has been said about air pollution applies equally to water pollution.

Once upon a time, our clean water was plentiful. Creeping crud went largely unnoticed.

Today, all that has changed. Water is a problem—in many locations it is a hazard to health. The Northeast has its Merrimack River; the Midwest, its Missouri River; our Nation's Capital, the Potomac River—the smelliest you ever could imagine on a Summer's day. Robert Kennedy once remarked that if someone fell into the Hudson River he wouldn't drown, he'd decay.

A leading water specialist is Dr. R. L. Nace of the Geological Survey, who informs us that the problem has *not* to do with quantity but with quality. "The continents are *not* running out of water," he explains, "but men are fast running out of ways to avoid provision of adequate water works and rational management of available supplies."

Dr. Nace warns us that out of its total potentially controllable water, the United States now uses "ninety-five percent as a conveyor belt on which to send waste products out to sea." In other words, our problem is *not* the risk of running out of water, but of giving water a running chance by providing sufficient sewage and industrial treatment plants, so that our rivers and streams may flow clean again.

It is, of course, also a matter of curbing other practices that corrupt the water—soil erosion, detergents and pesticides, all of which kill fish, make beaches unswimmable and water undrinkable. Having turned our rivers into running sewers, we have come to treat the oceans like huge septic tanks. The emerging hazards of these accumulated wastes, ecologists say, will affect variegated plant and marine animal life, including commercially valuable clams, oysters and shellfish, in ways yet unknown. Pesticides present still another apparent hazard. An experiment at the Stoney Brook campus of the University of New York has shown that pesticides make it difficult for the process of photosynthesis to occur in phytoplakton, the basic food on which all sea life must depend.

The need to reverse these trends is undeniable because they are rupturing the delicately balanced, interdependent system of air, vegetation and water, of which photosynthesis is a part. This is the "eco-system" of which scientists speak.

Dr. F. Fraser Darling of the Conservation Foundation describes this eco-system as "a system of great age and stability which we are now taxing with immense amounts of carbon dioxide which we're adding from the fuel we burn."

Scientists are divided in their view as to the consequences if we keep on pouring such immense quantities of carbon dioxide into our atmosphere.

Some foresee a "green-house effect." This presumably could lead to a warming of the surface of the Earth, thereby melting the polar ice caps—a development that would raise ocean levels and inundate existing coasts of every continent. Other scientists, to the contrary, foresee a cooling trend that could conceivably introduce a new Ice Age.

Such is the importance of air and water. Let us now turn our attention to those who breathe the air and drink the water—the people of the Earth.

THE POPULATION EXPLOSION

So far, we have been discussing *man in relation to Nature*. The environmental problem has another vital dimension, *man in relation to man*.

There were only a few hundred million human inhabitants on Earth at the time of Christ's birth. The number did not reach a billion for another nineteen centuries. But, within little more than a single century since, the last hundred years, the Earth's population has leaped up to three and a half billion. Projecting present, nearly vertical, growth curves, the Human Race will number a staggering thirty-five billion in another hundred years! Every 24-hours, a city the size of Salt Lake is being added to the population of the world!

What chance, then, will our great grandchildren have to know the outdoor life we still enjoy? How long, then, can so packed a planet, on its thin layer of soil, water and air, and with its limited supply of fuels and minerals, support the swarming human horde?

The problem posed by the population explosion is, I recognize, an extremely sensitive one—rooted to the most intimate aspects of the human personality and to the most enduring of his religious and secular institutions, the family, church and state.

Yet, a solution to the population problem is indispensable to any lasting salvation of our environment. Already, in some parts of Asia and Latin America, the problem of feeding, clothing, sheltering and providing gainful employment for the mushrooming population is reaching nightmarish proportions. And the United States also confronts the problem of a burgeoning population.

Within the next thirty years, according to reputable demographers, an additional hundred million persons will live in the United States—a fifty percent increase. This is equivalent to adding almost as many people as live today in France and West Germany combined. Projections, based on current trends, suggest that in the year 2000, nearly eighty percent of these anticipated three hundred and seven million Americans will live on less than ten percent of the land—along the Atlantic and Pacific seaboards, in a midwestern pocket and within a dense maze in Florida. These are sections of the Nation already suffering from congestion.

In terms of a healthy, rational distribution of population, this concentration makes no sense—no sense at all.

Three years ago, Orville Freeman, then Secretary of Agriculture, said bluntly:

". . . it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handful of our fellow citizens rattle tapped resources and empty dreams . . . the whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Strong language, that.

Out of it, however, has grown a branch of research known as "proxemics." It deals with the condition of human beings living in close quarters. An exponent of proxemics is Dr. Edward Hall, an anthropologist.

In a fascinating book, "The Hidden Dimension," Dr. Hall refers to "the human space bubble." If an individual's space bubble is continuously made smaller by virtue of living in crowded conditions, then, according to Dr. Hall, that individual "suffers virtually as much damage as though his body were crushed, or dented, or pushed out of shape. The only difference is that the effects take longer to make themselves evident."

Experiments with rats subjected to the stress of extreme over-crowding shows that they develop all sorts of anti-social behavior—from perversions to killing their young.

With the evidence of our festering cities before us, and the memory of ghetto riots still clear, can we deny that an analogous situation may exist in those "steel and concrete storage bins" to which Secretary Freeman referred?

For many years, a few far-sighted planners have conjectured that there should be a national incentive policy to stimulate and encourage population dispersal. This is an idea whose time has surely come. During the last quarter-century, we sat by, either unknowing or uncaring, while twenty million Americans moved out of the countryside into the cities. Historians of the future may write that it was nothing less than wanton that the government did nothing to offset this mighty movement of peoples which pressured our cities to the bursting point, while our rural regions were drained of young life.

Urgently, we must now contrive to reverse this disastrous pattern of migration. Incentives are needed to effect a rational redistribution of our population. What is called for is a vigorous national program for the restoration of rural America, one that will salvage the sinking family farm, and revitalize our dwindling small towns. Tax incentives should be provided to encourage the dispersal of capital investment, so that new industries might be induced to locate in smaller communities. If good payrolls are made available, innumerable people would welcome the opportunity to exchange their unhealthy, often unhappy lives in our declining cities for a new start in more wholesome surroundings. It is the business of good government to help give them that chance.

Yes, spreading out our population would result in immediate benefits for millions of American citizens for whom conditions of life could be greatly improved. Still, the hard truth is that it would do no more than buy time, if the whole of our population continues to grow at the current rate. Every remedy is merely a palliative, as long as the population explosion goes unchecked.

We have allowed modern medicine, that miraculous friend of the individual human being, to become the relentless enemy of the human race. In the noble cause of overcoming pestilence, infection, and the most common forms of death-dealing disease, Nature's balance has been undone. As a consequence, the human species is multiplying like the cells of a malignant tumor in its terminal phase.

Typically, the United States has recognized the threat elsewhere. The Federal Government stands ready, through its foreign aid program, to give technical assistance to foreign governments that desire to curb their explosive population growth. This year, for example, we expect to obligate some $50-million to a handful of foreign nations which, in the face of internal calamity, have finally undertaken to restrain the growth of their populations on a national scale.

However, no comparable program exists within the United States itself. If one of our state governments, or an individual community, felt the need, based on the local situation, to set up a family planning service, to be administered in a purely voluntary manner, neither the state nor the community could get any technical or financial help from the Federal Government. For nearly everything else, Federal aid is available—for building a highway, a hospital or a school, for training a policeman or doling out relief. But, except for foreign governments, no Federal grant-in-aid money is available for family planning.

To be sure, the Federal Government conducts its own program of family planning services for women of low income, most of whom are on public assistance. These are the women who buy and discard the least. As compared to the affluent, they are among that part of our population which imposes the smallest demands, and therefore exerts the least adverse impact upon the environment.

Now, under our political system, I do not believe it appropriate for the Federal Government to offer family planning services to every prospective mother who may want them. Our country is much too big, and much too diverse, for any such standardized, uniform approach. Many sections of the United States—like our own Intermountain West—feel no particular population pressure. Public sentiment in such areas might well be opposed. Moreover, there are other localities where the predominant religious beliefs bar the use of artificial methods for controlling birth. In these communities, any Federal intrusion would be devoutly resisted.

So I conceive the Federal role as a passive one. Let each locality decide this question for itself. Wherever local conditions are such that a given community freely chooses to set up strictly voluntary family planning services, then I think that that community should be as much entitled to financial and technical assistance from the Federal Government as it would be if it sought to build a needed new sewage disposal plant. In all cases, the decision would be left in local hands, with the Federal Government lending support only when requested.

The population problem may seem very remote here in spacious Idaho, the sixth least densely populated state in the Union. But many other places in our country are not so fortunate. To cite an extreme example, a 3½ square mile section of Harlem, smaller than some Idaho ranches, contains 237,000 persons—more than live in the State of Alaska!

Before such hideous concentrations become the usual condition of life in this country, we must take timely action. If we act now, it is

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still possible to stabilize our population on a strictly voluntary basis. But as other countries have already learned to their sorrow, if we fail to act, our country will face, within the lifetime of many of you who are present here today, the inevitable pressures for compulsory birth control.

We must summon up the wisdom to avoid such a fate. This is one of those times in our history when we have been given ample warning in advance. The evidence lies all about us, challenging us from each rubbish heap to master our impulses and rescue our imperiled habitat.

We must do it. For we have discovered from our plunge into space that the Earth alone, among all the planets in our solar system, is capable of sustaining life. Our Earth, spinning on its fixed course through the forbidding void, furnishes the only life-supporting system within the reach of Man. Here, in the infinite stretch of the universe, is our finite home; here on the Earth's surface, beneath a thin layer of air which, in proportion to the globe, has less thickness than the skin on an apple.

Here the human race shall have its rendezvous with destiny, without assurance that it will long endure. The archeological "digs" of East Africa, southern Europe and the western United States have handed up evidence to fill the museums of the contemporary world—evidence that other living species came into being and seemingly flourished, and then succumbed and became extinct. Only their buried, scattered skeletons remain as proof that they once existed.

Will Man's vaunted intelligence save him from, or seal him to, his own extinction? The issue is very much in doubt. Our peculiar genius has been to learn *how* before learning *why*. We have pinned wings upon ourselves before achieving a winged spirit. We have shrunk the world into a close neighborhood of nations, before nations learned to live as neighbors. And we have poisoned, polluted, defiled and degraded our living space in the arrogant assumption that Man could conquer Nature—that the creature could somehow subdue its creator.

Unless wisdom can at last overtake Man's runamuck willfulness, the scales will tilt inexorably beyond the point of redemption. Then we shall be left to contemplate in the melancholy twilight the mocking sentence of an unyielding fate:

The Moving Finger writes
  And, having writ,
Moves on; Nor all thy Piety nor wit
Shall lure it back to cancel
  Half a line,
Nor all thy Tears wash out
  a Word of it.

THE ATOM: ITS DANGEROUS AFTERMATH—PART III—A SUPPRESSED REPORT IS RELEASED

Mr. CHURCH. Mr. President, in my remarks concerning atomic waste disposal practices at the National Reactor Testing Station in Idaho, delivered in the Senate on March 6, I pointed out that the Atomic Energy Commission had not made public for over 3 years a report of one of its specially commissioned committees, which criticized its nuclear waste disposal practices. I stated my belief that the AEC should make public this suppressed report unless it involved classified information. That very day, following my remarks, the AEC released the report to the press, but denied it had been suppressed. The agency's explanation was that I had not asked for the report.

I do not propose, Mr. President, to quibble with the AEC. If this report, critical of the agency's practices, was not "suppressed," it was carefully sequestered away from public view for over 3 years.

On October 7, 1969, I wrote the AEC, noting that this report had not been published, despite the attempts of two successive chairmen of the National Academy of Sciences Division of Earth Sciences to have it published.

In their reply, far from denying the charge, the AEC carefully explained why the report was not released. For the record, Mr. President, I ask that my letter to the AEC and the reply of the Commission appear at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 7, 1969.

GLENN T. SEABORG,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR CHAIRMAN SEABORG: It has recently been called to my attention that, in 1965, a review of waste disposal practices at the National Reactor Testing Station and certain other AEC installations was conducted by a committee of the National Academy of Sciences. I further understand that the committee, called the Committee on Geologic Aspects of Radioactive Waste Disposal, was advisory to the Atomic Energy Commission and, because of this fact, a completed report was transmitted directly to the Commission in May of 1966.

I have been advised that even though the Academy had been granted permission to publish two prior reports of the same committee, no such permission was granted by the AEC for the May 1966 report, despite the efforts of two successive chairmen of the Academy's Division of Earth Sciences.

The members of the Committee in question were:

Chairman, John E. Galley, Midland, Tex.; Charles W. Brown, Mobil Oil Co., Dallas; George B. Maxey, University of Nevada; John C. Maxwell, Princeton; Charles Meyer, Univ. California (Berkeley); Robert S. Scott, U.S. Geol. Survey (Denver); Charles V. Theis, USGS (Albuquerque); A. F. VanEverdingen, DeGolyer & McNaughton (Dallas); and M. King Hubbert, USGE (Washington, D.C.), Ex officio.

In light of the concern which waste disposal over the Idaho Aquifer is causing in my state, I would appreciate a report from the AEC explaining why this report has not been made public.

Sincerely,

FRANK CHURCH.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., October 17, 1969.

Hon. FRANK CHURCH,
U.S. Senate.

DEAR SENATOR CHURCH: Your letter of October 7, 1969 inquires about a report of a Committee of the National Academy of Sciences and requests an explanation as to why it has not been made public.

In May of 1966, the Academy Committee on Geologic Aspects of Radioactive Waste Disposal submitted a report to the AEC's Division of Reactor Development and Technology (RDT). The Committee was organized to advise RDT on its research and development program pertaining to radioactive waste disposal pursuant to a contract between that AEC Division and the Academy.

The May 1966 report has not been published by AEC. However, this is not unusual since AEC receives many reports and communications from its advisory committees which are not published because, in most instances, AEC is seeking advice pertaining to its own programs.

In its May 1966 report, the Committee went beyond the requested appraisal of AEC's R&D program on radioactive waste disposal and commented at length on operational activities not under the jurisdiction of RDT and concerning which the Committee had been given only short briefings incidental to the R&D program appraisal. AEC staff had many criticisms concerning the Committee report and these were not resolved before the Committee was dissolved by the Academy in 1967 preparatory to the establishment of another advisory committee with a broader spectrum of scientific disciplines.

The current Academy Committee on Radioactive Waste Management has been active since early 1968 and has recently completed visits to each of the AEC operating sites where significant radioactive waste management operations are conducted. The Commission has requested that Committee to prepare a report on its visits which will include the Committee's comments on the AEC R&D program and waste management operational practices.

The May 1966 report is but one facet in the lengthy history of Academy Committees which have been advisors to AEC on radioactive waste management. The first Committee was established in 1955 and there have been a number of communications between the Committees and AEC.

Cordially,

GLENN T. SEABORG,
Chairman.

Mr. CHURCH. Mr. President, I might also point out that even though a special committee was appointed in the State of Idaho to study waste disposal problems at the NRTS, this report was not made available to them until after my remarks.

I will let the record speak for itself. A refusal to publish a critical report for over 3 years amounts, in my opinion, to suppression.

Because this report is of such importance to the issue of atomic waste problems, and due to its particular interest to my State, I feel that it should be made more widely available. Accordingly, I ask unanimous consent that a newspaper account regarding the contents of the report, written by Bob Smith of the New York Times, together with the full text of the report, be printed at this point in the RECORD.

There being no objection, the article and report were ordered to be printed in the RECORD, as follows:

A.E.C. SCORED ON STORING WASTE; SENATOR CITES STUDY PREPARED IN 1966 BY SCIENCE PANEL

(By Bob Smith)

WASHINGTON, March 6.—In what one Senator called a "suppressed" report, a panel of the National Academy of Sciences sharply criticized the way in which the Atomic Energy Commission is storing its radioactive waste.

Senator Frank Church, Democrat of Idaho, called attention to the study today when he urged the A.E.C. to institute reforms in its handling of nuclear waste at the National Reactor Testing Station in his home state.

The Senator said that "the refusal of the A.E.C. to release" the report "is regrettable."

"If security reasons are involved, or the Atomic Energy Commission does not feel the report is factual," the Senator said in speech on the Senate floor, "it should say so. But to simply indicate that the study did more than the A.E.C. felt it should and use that as a basis for not releasing the report is a dubious procedure."

The A.E.C., denying that it had suppressed the report, made a copy of it available to The New York Times. The A.E.C. also said that Senator Church had not requested a copy of the report.

PREPARED IN 1966

The report was prepared in 1966. It made three basic criticisms of the A.E.C.'s radioactive waste program:

1. The four major A.E.C. plants where the wastes are now stored are in poor geological locations. The scientists said that "the current practices of disposing of intermediate and low-level liquid wastes and all manner of solid wastes directly into the ground above or in the fresh-water zones, although momentarily safe, will lead in the long run to a serious fouling of man's environment." The "level" of material refers to its degree of radio-activity. The four plants are the Hanford plant near Richland, Wash.; the Savannah River plant, near Aiken, S.C.; the national reactor testing station, near Idaho Falls, Idaho, and the Oak Ridge, Tenn., facility.

2. The A.E.C.'s general practice of storing waste in the ground may pose a hazard through build-up. The report said the committee wished to guard against "the possibility of cumulative buildups of long-lived activity that may exceed (allowable) limits after continued use of doubtful practices. As the earth materials under a disposal site become saturated after long-continued disposal of even low-level wastes, the concentration of radioactivity eventually could become equivalent to that which would result from lesser volumes of high-level wastes . . . "

3. There are various standards for the radioactivity of materials at different A.E.C. plants. What constitutes the "high," "intermediate" and "low" classifications differs from place to place. The classification sometimes determines whether or not a material may be stored or disposed of in a particular way.

The report also faulted "the working philosophy of certain operators, although certainly not that of A.E.C., that safety and economy are factors of equal weight in radioactive-waste disposal." The A.E.C. does not operate its plants. It arranges for their operation by various corporations.

In the economic area, the group also criticized the fact that "lack of funds has been cited at one location or another for inability to conduct needed research or to use alternate disposal methods which are agreed to be safer than current practices."

The committee said that it saw no current hazard in the way that the A.E.C. was storing or disposing of nuclear wastes. And it praised the "competence, dedication and sincerity of all of the people in A.E.C. and its contractor companies who are responsible for the safe handling of radioactive-waste materials."

John Erlewine, the A.E.C.'s assistant general manager for operations, said that the report had not been suppressed. He said that the A.E.C. received "many, many" studies and a good deal of them are never published.

He added that the panel was supposed to confine its work to the research side of waste-handling but went into operations on its own. The committee members explained in an introduction that they took a broader scope because of their concern for "the development of safeguards against hazards which might threaten the safety of man and his environment."

In reply to the committee's report, Mr. Erlewine said that "their premise is that the material should be stored over a site that is suitable for its final disposal." Although the A.E.C. is putting the waste into the ground, he said, it does not necessarily intend to leave it there.

"We intend to do different things with these wastes," he said.

An A.E.C. list of "comments on the panel's report also pointed out that moving its plants to other sites would involve "the expenditure of billions of dollars." It said the commission "could see no need for going to the enormous expense."

Mr. Erlewine said that the A.E.C. operated within safety limits set by the Federal Radiation Council. "You just can't operate with zero radioactivity," he said. "We operate within the limits the council sets."

Mr. Erlewine also said that the commission stored in the ground only material with a low level of contamination. It keeps chemicals with a high-level of contamination in tanks, he said, and pumps low-level liquids into rivers only after they have been diluted enough so they meet standards for drinking water.

The A.E.C. said that the report had been "useful" and had received "careful consideration." It pointed out that the committee had been dissolved and replaced "with one having a broader spectrum of scientific discipline."

The chairman of the eight-member panel appointed by the National Academy of Sciences was John E. Galley, a private consultant in earth sciences from Texas.

NATIONAL ACADEMY OF SCIENCES-NATIONAL RESEARCH COUNCIL

I. INTRODUCTION

The work of the Committee on Geologic Aspects of Radioactive Waste Disposal of the National Academy of Sciences-National Research Council (NAS–NRC) is supported by the Division of Reactor Development and Technology of the United States Atomic Energy Commission (AEC), whom the Committee serves as adviser. The Committee's responsibility to that Division is to observe and study critically the research and development activities of the Division with respect to radioactive waste disposals in the ground, and to provide counsel regarding the safety of the Division's current and proposed operations insofar as they are affected by geologic considerations.

The membership of the Committee has changed from time to time as earlier members were replaced by new ones. Of the present eight members, one has served on the Committee since its inception in 1955, and the three newest were appointed in March 1965. The professional backgrounds of the present members reflect a broad range of experience in the earth sciences. They are, respectively, hydrology, geohydrology (two members), radiohydrology, petroleum reservoir engineering, mining geology, structural geology and geophysics, and subsurface geology.[1]

Like all responsible citizens, the members of the Committee are concerned for the welfare of man and the perpetuation of an environment in which he can satisfy his physical needs and realize his cultural aspirations. The development of safeguards against hazards which might threaten the safety of man and his environment is therefore a prime desire of the Committee. In pursuit of this broad objective the Committee concerns itself with all phases of ground disposal of radioactive wastes, although its specific delegated responsibilities are the geologic aspects of the research and development program of the AEC's Division of Reactor Development and Technology. While this report, therefore, deals primarily with the several items of that program that are discussed in the chapter on "Research and Development Program of Division of Reactor Development and Technology," some observations on the general subject of radioactive waste disposal in the subsurface are outlined, with suggestions regarding research or other investigations which may be useful to personnel engaged in those activities.

II. HISTORICAL REVIEW

A. General

The Committee on Geologic Aspects of Radioactive Waste Disposal, first assembled in April 1955, originated as a steering committee whose principal function was to assist the AEC's Division of Reactor Development and its agents in a search for safe methods of ground disposal of hazardous wastes. From late 1955 until mid-1960 the Committee was known as the Committee on Waste Disposal; in January 1961 it acquired its present name.

In the beginning the Committee's specified responsibilities were limited to the disposal of high-level wastes, and in its conferences with other groups it was actively soliciting and evaluating ideas for any methods of disposal into the earth.

It early established for itself a set of guidelines which it continues to observe:

(1) Safety is a primary concern, taking precedence over cost.

(2) Radioactive waste, if disposed of underground, should be isolated as permanently as possible from contact with living organisms

(3) The disposal of waste is a special problem for each particular installation.

(4) In addition to problems requiring urgent attention at existing plants, other problems will be created by the long-range development of power from atomic energy.

(5) Selections of future plant sites must include consideration of waste-disposal sites and methods, waste transportation and other potentially hazardous operations. Study of a specific site requires complete geologic mapping as well as a combination of geophysical and geochemical studies.

B. 1955

In September 1955, the Steering Committee sponsored a conference at Princeton University (Ref: "The Disposal of Radioactive Waste on Land," NAS–NRC Publ. 519) at which 65 scientists representing many branches of earth sciences, biology and medicine, chemistry, physics, engineering, and other pertinent fields of knowledge, considered various problems of radioactive waste disposal on land and offered suggestions toward their solution. Among the proposed disposal methods which developed from this meeting were disposal in salt, deep-well disposal in permeable formations, and conversion of liquid wastes to solids. A conclusion of the Committee after reviewing the Proceedings of the Princeton Conference was that continuing disposal of low-level waste in the vadose water zone, above the water table, probably involves unacceptable long-term risks.

C. 1956

By the end of 1956, the Committee's activities expanded to include reviews of results obtained from research and development work carried out by the Atomic Energy Commission and its contractors, recommendations of necessary or desirable areas of investigation or specific projects evaluations and recommendations regarding work proposals from responsible organizations, periodic reviews of operational experience, and assistance in the integration of available earth-science knowledge pertaining to waste-disposal problems.

D. 1958

One of the early results of the Committee's interest in subsurface disposal methods was the publication in July 1958 of a report, "Thermal Considerations in Deep Disposal of Radioactive Waste," by Francis Birch (NAS-NRC Publ. 588). Having considered the theoretical aspects of heat generation and dissipation from radioactive wastes that might be placed in deep permeable strata or in salt deposits, and after calculating the heat levels

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[1] See Glossary for meanings of unfamiliar terms.

XUM

that would be reached, Birch concluded that—

"The results suggest that nearly any quantity of waste producing heat at the rate of 0.01 watts per gallon, if distributed in a layer of the order of 100 meters thick, can be accommodated without undue rises of temperatures. Concentrations much above this level would raise questions exceedingly difficult to answer. It does not appear that any decisive advantage is gained by burial at excessive depths (greater than a few thousand feet, for example) provided that potable water supplies and other natural resources are adequately protected."

In October 1958, when its area of responsibility had been broadened to include low-level and intermediate wastes, the Committee considered a proposal to inject radioactive wastes under pressure into artificial fractures in shale. At that time the Committee expressed doubt that this injection procedure would always produce horizontal fractures but agreed that the concept should be tested in the field. Meanwhile, Oak Ridge National Laboratory (ORNL), in Tennessee, had initiated plans to investigate possibilities for disposal in salt beds, and on request from AEC a subcommittee in the Division of Production, American Petroleum Institute (API), had recently completed a report on "Problems in the Disposal of Radioactive Waste in Deep Wells" (October 1958). The NAS-NRC Committee endorsed API's proposed program of studies for deep-well disposal, involving ion-sorption studies on naturally occurring sedimentary rocks, plugging, and corrosion and radiation damage, as well as regional geologic studies to highlight favorable areas for more detailed analysis. At the same time it expressed continuing concern about the disposal of intermediate and low-level waste liquids in seepage pits at ORNL because they contaminate the environment. It concluded that low-level waste is particularly amenable to disposal in deep porous media or possibly in moderately permeable shale, and it urged a long-range effort to find sites and methods of treatment so that these wastes can be emplaced safely at depth.

E. 1960

A proposal to construct bedrock storage facilities for high-level liquid wastes at the Savannah River Plant (SRP), South Carolina, was brought to the attention of the Committee in March 1960, it having first been submitted to AEC in 1958. Recognizing that the wastes must be contained indefinitely and that grouting, sealing or lining might be necessary, the Committee recommended that SRP proceed with test borings, and that the project then be reconsidered after the results of the tests were available. The Committee noted that the investigation should include study of the sedimentary section and hydrologic conditions above the basement, and that within the basement the studies should include the extent of fractures, water content and conditions, and the physical and chemical properties of the rocks.

The Committee commended the program of studies in hydraulic fracturing at ORNL and the progress on investigations toward deep disposal in salt, which project had progressed from the laboratory to field tests in a salt mine in Kansas.

During the same meeting the Committee expressed concern over the fact that no existing AEC installation is in a geologically acceptable location for disposal of highly radioactive liquid waste and that future waste-producing plants might also be placed in unfavorable locations if the feasibility of safe ultimate disposal is disregarded. The Committee also expressed its belief that there is serious need to get beyond the problems of disposal at existing installations that were located with little regard to ultimate disposal procedures, and to give additional emphasis to the job of finding safe permanent disposal sites.

In May 1960, the Committee visited the Carey salt mine near Hutchinson, Kansas, where ORNL was conducting its investigations on the feasibility of disposal in salt. Studies at that time were still being directed toward disposal of high-level liquids in salt, although attention was beginning to turn to development of a process for calcination of high-level liquid wastes in stainless-steel pots suitable for subsequent burial.

In view of increasingly unsatisfactory results of disposals into seepage pits at ORNL, the Committee reiterated its concern about that type of disposal, observing that similar disposal methods were being used at the National Recator Testing Station (NRTS), Idaho, and at Hanford Atomic Products Operation (Hanford), Washington.

Still concerned about disposals into seepage pits, the Committee visited the Hanford and NRTS sites in June and July 1960. Its conclusion as a result of the visits was that neither location had been shown to provide safe and permanent disposal, although some confidence was expressed by the local staffs, based on the fact that the sites are located in areas of little rainfall. It commented that—

"The protection afforded by aridity can lead to over-confidence: at both sites it seemed to be assumed that no water from surface precipitation percolates downward to the water table, whereas there appears to be as yet no conclusive evidence that this is the case, especially during periods of low evapotranspiration and heavier-than-average precipitation, as when winter snows are melted. At the National Reactor Testing Station pipes were laid underground without ordinary safeguards against corrosion on the assumption that the pipes would not corrode in the dry soil, but they did. At NRTS plutonium wastes (plutonium half-life 24,000 years) are given shallow burial in ordinary steel (no stainless) drums on the same assumption. Corrosion of the drums and ultimate leakage is inevitable. . . .

"The movement of fluids through the vadose zone and the consequent movement of the radioisotopes are not sufficiently understood to insure safety. The work in progress is commendable and deserves encouragement. The mounting pace of nuclear developments will add to the pressures on waste disposal facilities, procedures, and research at Hanford and Idaho Falls, and the future emphasis should be on safe ultimate disposal viewed from the long range and with attention to a rapidly changing world. . . ."

F. 1961

The Savannah River Plant was visited by the Committee in December 1961, when four test holes had been drilled into the crystalline "bedrock" and the logging and testing of the first had been completed. At this early stage of the investigations the nature and extent of fractures in the bedrock were not clear, and the hydrologic system had not yet been determined. In the general discussion, doubt was expressed that the ideal, absolutely dry, opening in the basement rock could be attained, and the problem of protecting fresh water from contamination loomed large. The Committee recommended that much more precise information on the amount, rate, and direction of movement of water in the area under consideration be obtained; types of recommended measurements and tests were specified; steps for obtaining more information on the orientation of structures in the crystalline bedrock were urged.

Reports also were heard on the progress of fracturing experiments at ORNL and on studies of various types of grout mixes. The Committee commended the present status of the project, but stressed the importance of learning the orientation of the hydraulically induced fractures. It further cautioned that the specific information produced by hydraulic-fracturing experiments in folded and faulted rocks of a heterogeneous sequence such as that at Oak Ridge cannot be extrapolated safely from one formation to another or from one area to another.

Further laboratory and field studies on the disposal of radioactive liquids in salt were reported, and the Committee learned that the project, which had been initiated soon after the Princeton Conference, was now being returned to the original objective of determining the phenomena that might be associated with the storage or disposal of solid wastes. The Committee was satisfied with the progress of the studies, and recommended that the effect of storing dry, packaged, radioactive wastes in a salt bed be tested as soon as possible.

Proceeding further, the Committee noted:

"The containment of fission products in an inert solid is still the manner of waste disposal that the Committee most favors. Research and development designed to produce a material from which fission products cannot be leached should be encouraged and supported as long as there is a reasonable possibility of attaining the desired objective. Nevertheless, the Committee still supports the idea that liquid wastes may be disposed of with safety into deep synclinal basins, below the level of the lowest potable water."

G. 1963

At a meeting in Washington in June 1963, the Committee heard reports regarding the Savannah River bedrock-storage proposal, the grout-injection experiments at ORNL, and the feasibility studies of disposal in salt; much time was devoted also to reports of studies of deep-well disposals in permeable formations. These are outlined in more detail in the following paragraphs.

SRP personnel provided the Committee with volumes of data that had been derived from 2½ years of careful drilling and testing of exploratory boreholes. The ultimate objective of the research was to determine the hydrologic characteristics of subsurface sedimentary and crystalline rocks at the plant site and the various other parameters that, it was hoped, eventually would determine whether or not the crystalline bedrock would be a suitable reservoir for the storage of high-level waste liquids. The Committee commended the SRP staff on the progress that had been made in its investigations, and expressed its opinion that for long-term safety, underground disposal at this locality is much better than storage in near-surface tanks. The Committee also observed that much work remained to be done before the safety of a bedrock storage chamber could be demonstrated, and it offered suggestions regarding further steps that would be desirable. It recommended that work be started on the next phase of the program, and that SRP personnel visit existing mines in crystalline rocks of the Atlantic Coast piedmont in order to study the bedrock as exposed in mine openings and to observe some of the problems of water control in such chambers.

Progress in the development of technology for artificial fracturing and grout injections at ORNL appeared to be satisfactory. A number of experimental injections had been made, using simulated wastes, and the location, shape and extent of the resultant grout sheets had been determined. No evidence of vertical fractures had been found, and it was reasonably certain that the ideal of producing horizontal fractures had actually been attained. The Committee recommended initiation of a pilot-plant operation for disposal of actual low-level wastes as the next stage in the continuing experiments. Further, because of the danger of creating vertical fractures by high-pressure injections at depth, the Committee recommended that disposals be limited to the relatively shallow red-shale member of the Conasauga Formation.

Investigations toward disposal of high-level liquids in salt beds had been discontinued since 1961, and attention in the Kansas salt mines had been directed instead to the problems of storing high-level solids in salt. Experiments designed to determine the heat-diffusion characteristics of the salt beds and the effects of radiation on the salt were under way. Continuation of the studies toward ultimate disposal of high-level solid waste in salt was recommended by the Committee.

In connection with AEC's research program regarding disposal of liquid wastes by injection into deep permeable formations, the Committee heard reports on a series of studies of geologic basins initiated to select a site for pilot-plant injection operations in a deep disposal reservoir. Individual basin reports were being prepared by personnel of the U.S. Geological Survey (USGS), together with a summary report on all basins in the conterminous United States. Simultaneously a study of six basin provinces was being conducted by a subcommittee of the American Association of Petroleum Geologists(AAPG). The six provinces had been selected on the basis of geologic conditions in each province that might be suitable for three different types of underground disposal: (1) Shallow salt beds for high-level solids, (2) shale strata at depths suitable for injection of grouted intermediate-level wastes into hydraulically produced fractures, and (3) a deep permeable sandstone for injection of low-level waste liquids.[2]

Dr. W. J. Kaufmann described experimental work being conducted at the University of California where a group of injection and relief wells in a five-spot pattern within a 36-foot square plot of ground were drilled to depths of about 95 feet in a thin (3 to 7 feet) confined layer of unconsolidated sand and gravel. Studies had been made of the movement of tritiated water, of water containing Strontium 89, and of the radioisotope solutes themselves as their progress was retarded by sorption on the aquifier surfaces.

In order to extend the studies into deeper subsurface systems which might more closely resemble the deep permeable reservoirs toward which AEC had been looking for possible disposals, a field study had been proposed in which fluids would be injected into a permeable sandstone at a depth of a few hundred feet. A site for this purpose had been selected near Bartlesville, Oklahoma, where the U.S. Bureau of Mines would conduct injection tests in the Cottage Grove sandstone member of the Pennsylvania Chanute Formation. The description of the stratigraphic section, as presented to the Committee, indicated that the objective sandstone is underlain by a coal bed. Inasmuch as the permeability of coal is likely to be fairly high, the Committee suspected that the coal would probably act as a bypass for injected fluids, in which event the experiment would fail. A somewhat deeper sandstone, the Wayside Member, was considered too thick for satisfactory experimentation, and because it is overlain by a limestone stratum of doubtful quality as a seal it was considered even more unsuitable. The Committee judged that although the proposed injection experiment *per se* probably would provide some of the desired results, the chosen site probably was unsuitable, and recommended that a more favorable geologic location be sought if subsequent testing confirmed this evaluation.

H. 1965

The present report of the Committee stems from a series of meetings that began on April 12 to 15, 1965, when the Committee visited plant sites at the Savannah River Laboratory, South Carolina, and at Oak Ridge, Tennessee. At Savannah River the Committee was briefed thoroughly on the present status of the investigation into prospects for storage of high-level liquid wastes in the Precambrian crystalline bedrock; it visited current disposal operations including the open seepage basins for low-level liquids, trash burial grounds, and the storage tanks for high-level liquids. All of the operations were discussed in detail during indoor sessions. Before leaving Savannah River the Committee also heard briefly from Dr. E. H. Baltz regarding present efforts by USGS to find a site suitable for subsurface injection experiments of the type attempted at Bartlesville, Oklahoma.

At Oak Ridge the Committee visited the site of grout-injection operations and learned of developments since its 1963 meeting. Downhole logging after one injection had revealed gamma activity above the grout sheet, which may have been the result of migration of the grout upward between the well casing and wall of the hole or may have been evidence of vertical fracturing; however, because formation water had flowed back into the hole after the injection, the gamma activity was more probably the result of contamination from that source. Additional briefings and discussions included studies of fixation of radionuclides on solids and in emulsified asphalt, the movement of nuclides in ground-water streams, the programs for converting high-level liquids to solids, and various current waste-management practices such as the use of seepage pits and trenches, the use of burial grounds for radioactive trash, the construction of an evaporator plant, and the monitoring of radioactivity both at ORNL and in the surrounding countryside.

On May 10 the Committee visited the Carey Salt Company mines at Hutchinson and Lyons, Kansas, to observe experimental work on storage of high-level radioactive solids in salt beds. It then travelled to Idaho Falls and Arco, Idaho, for a 1½-day review of research programs and operations at NRTS. Because of the large number of facilities and the diversity of operations at NRTS, the range of subjects discussed and processes observed was broad. The subjects included the ground-water hydrology of the Snake River Plain and the NRTS reservation, to which much time was devoted during the visit; the need for a deep (5000-foot) exploratory bore-hole; tritium-tracer studies of the movement of ground water and injected wastes; ion-exchange phenomena; present disposal practices for both liquid and solid wastes of high, intermediate and low levels of radioactivity; monitoring procedures; calcination processes for conversion of high-level liquids to solids; and considerations of costs and economy.

Although impressed by the competence and dedication of the NRTS staff in its efforts to solve many vexing disposal problems, at the conclusion of its visit the Committee departed with two unrelieved major anxieties: (1) that considerations of long-range safety are in some instances subordinated to regard for economy of operation, and (2) that some disposal practices are conditioned on overconfidence in the capacity of the local environment to contain vast quantities of radionuclides for indefinite periods without danger to the biosphere. These concerns will be discussed further in this report.

On May 13 and 14 the Committee examined disposal operations and installations at the Hanford Atomic Products Operation, Washington, and discussed research programs and operational practices with local staff. As at NRTS the spectrum of waste-disposal projects at Hanford is a wide one. Subjects that were discussed included the geology and ground-water hydrology of the Hanford site and the Pasco Basin; research in hydrology with respect to ground disposals at Hanford, both for saturated and for unsaturated flow; studies pertaining to anticipated changes in the hydrology after completion of the Ben Franklin Dam on the Columbia River imposes its influence on the ground-water levels; soil chemistry and mineralogy of the Hanford site; the migration of radionuclides in the subsurface, their monitoring and control; current waste-disposal practices for radioactive trash and low, intermediate and high-level liquid; progress in development of technology for calcination of high-level liquids and disposal of the solid products. Tours of the Hanford site enabled the Committee to observe various installations and procedures.

As at NRTS, the Committee was concerned over the prevailing belief that the unconsolidated soil, sand and gravel that comprise the surficial materials to a depth of several hundred feet provide a reservoir for safe storage of tremendous quantities of wastes of all levels of radioactivity, and that no hazardous amounts of radioactivity will percolate down to the water table. The inadequacy of present understanding of hydrology in unsaturated earth materials (the vadose zone) was generally recognized.

The Committee assembled in Washington, D.C., on June 7 to 9, primarily for the purpose of drafting its report to AEC, but it also took advantage of an opportunity to receive further briefing on developments in AEC's deep-well disposal program, particularly the completion of the basin studies by USGS and AAPG. It also heard and considered a proposal for preparation of a subsurface reservoir that would be held in standby readiness in the event of an unanticipated release of radioactive gas from a plant accident.

Inasmuch as certain aspects of the report draft required further investigation and prolonged study by the Committee, another meeting was held on August 30 and 31, in Dallas. This was solely a discussion and work session, and the final drafting of this report has been done subsequently. The Committee's appraisals, comments and recommendations pertaining to the research and development programs and the waste-disposal practices that were reviewed in all of the 1965 visits and meetings are contained in the following pages.

I. Conclusions

Throughout the fabric of the 10-year history of the Committee's deliberations run some continuing threads of purpose and conviction. Prominent among them is the realization that none of the major sites at which radioactive wastes are being stored or disposed of is geologically suited for safe disposal of any manner of radioactive wastes other than very dilute, very low-level liquids, with the probable exception of grout injection into fractured shale at Oak Ridge. Another is the knowledge that the safety and the needs of populations in centuries to come demand that methods and facilities be developed now to receive and contain safely in perpetuity the volumes of wastes that will be produced as the nuclear industry expands and sites for new plants are selected and developed.

Research and subsequent development of promising techniques have provided a series of improvements in disposal methods that augur well for the handling of the larger amounts of radioactivity that are expected to be produced beyond the year 2000. These are bright strands in the warp through which are woven the observations and recommendations of the present report.

III. ACKNOWLEDGMENTS

As related in preceding paragraphs, during April and May 1965 the Committee was privileged to visit operations at five sites where radioactive-waste management practices are being developed, these being the Savannah River Plant (SRP), Oak Ridge National Laboratory (ORNL), the Lyons salt mine of Carey Salt Company, the National Reactor Testing Station (NRTS), and Hanford Atomic Products Operation (Hanford or HAPO). The Committee appreciates the hospitality and cooperation that were shown by the staffs at all sites. They generously supplied copies of reports and data, and patiently answered a multitude of questions. Additional useful information has been provided by staff members of AEC and USGS.

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[2] The results of this study have been reported in "Radioactive waste-disposal potentials in selected geologic basins," USAEC Div. of Technical Information Report SAN-413-2 (1964).

IV. OBSERVATIONS

A. *General*

The Committee is favorably impressed by the competence, dedication and sincerity of all of the people in AEC and its contractor companies who are responsible for the safe handling of radioactive-waste materials. We are happy to acknowledge the conscientious efforts that generally are being applied to the problems of safe storage and disposition of hazardous materials. We particularly commend the progress on the solidification of the high-level and intermediate waste liquids, the extension of the program of disposal in salt to a field study, and the continuing developments in technology for disposal by grout injections.

In radioactive-waste disposals all plants operating under AEC surveillance are guided by the radiation-protection standards that have been developed by the Federal Radiation Council (FRC). These standards are defined specifically in reference to such terms as the Radiation Protection Guide (RPG), Radioactivity Concentration Guide (RCG), and Protective Action Guide (PAG). In operations that have been observed by or described to the Committee, efforts are directed toward restricting radioactivity to a fraction of the amounts permitted by the FRC standards.

XUM

The choice of treatment and disposal procedures for radioactive wastes is based not only on the characteristics of the radionuclides and the chemical and physical properties of the media in which they are contained, but also on the total amount of radioactivity in the wastes. A scale of radioactivity commonly used in AEC's Division of Reactor Development and Technology is the following:

Low-level: Less than one microcurie per gallon.

Intermediate: One microcurie to one curie per gallon.

High-level: More than one curie per gallon.

On the other hand, at each site the staff has established its own scale of levels of radioactivity in waste materials, and these are not entirely uniform from site to site. For example, intermediate-level wastes in some places may contain as much as 10 curies per gallon. Straub ("Low-level radioactive wastes," AEC Division of Technical Information Publication, 1964) cites a usage in which low-level wastes have activity measurable in microcuries per liter or per gallon, intermediate levels measurable in millicuries per liter or per gallon, and high levels in curies per liter or per gallon.

Another suggested "classification," adapted from other industrial operations, is based directly on methods of handling and disposal, rather than on a numerical scale of concentrations:

Concentrate and contain (high-level wastes).

Delay and decay.

Dilute and disperse (low-level wastes).

To the extent that consideration is given to the longevities of the various radioisotopes in the wastes, such a classification appears to be applicable to radioactive-waste disposal. It is, however, not a classification of wastes but rather a summarization of concepts for methods of handling them. All three concepts require isolation from the biosphere of radionuclides in hazardous concentrations. To "concentrate and contain" carries the stringent requirements that the container must be leak-proof throughout the period of hazard. Because artificial containers are subject to corrosion, fracture, and other forms of damage over periods of centuries, safe natural containers totally and permanently separated from the zone of fresh water must be used. To "delay and decay" requires that isolation from biosphere be complete during the period when hazardous concentrations exist. To "dilute and disperse" requires particular attention to the quantities of long-lived radionuclides in the wastes, especially in view of prospects that concentrations in the ground may increase cumulatively through the years, and that changes in soil chemistry or hydrologic patterns may release the sorbed nuclides. To the extent that radioactive decay exceeds input, there is no reason for alarm.

The Committee acknowledges AEC's awareness of the potential hazards of cumulative build-up of radioactivity from long-lived nuclides, as well as careful monitoring that is part of the routine at disposal sites to avoid such danger. The procedure includes recording of the amounts of all radionuclides in the waste streams, sampling and analysis of fluids obtained from monitor wells in disposal areas, and computation of activity held in the ground. The continuation and improvement of such procedures at all sites, including privately owned plants to be built in both the immediate and the far future, are anticipated.

In view of the hazards inherent in a cumulative build-up of long-lived radioactivity above or in a fresh-water aquifer after decades of a disposal operation, it might be well to consider the use of a scale of radioactivity based on the longevity of nuclides in the waste as well as on the concentration of activity.

B. *Geology*

1. Savannah River Plant

The Savannah River Plant occupies about 315 square miles in South Carolina, 20 miles southeast of Augusta, Georgia. The site lies in the Atlantic Coastal Plain physiographic province, near its inner edge where the wedge of coastal plain sedimentary strata is relatively thin. Intake areas for the fresh-water aquifers in the strata lie a short distance westward, the edge of the Piedmont province being only a few miles upstream from Augusta. The average annual precipitation is 43 inches. The topography is one of rolling hills with local relief as much as 250 feet; maximum surface elevations are about 350 feet above sea level.

The stratigraphic section has a total thickness of about 1000 feet above the Precambrian basement and consists of unconsolidated and partly consolidated sedimentary strata ranging in age from Upper Cretaceous to Recent. The thickest unit is the Tuscaloosa Sandstone (Upper Cretaceous), near the base of the sedimentary section. It consists of about 600 feet of gravel, sand and intercalated clay beds and contains the largest volume of fresh-water reserves in the area.

Between the Tuscaloosa Sandstone and the Precambrian rocks is a thin layer (average about 70 feet) of saprolite clay which presumably is a residual from decomposition of the Precambrian crystalline rocks and spread across the surface of the coastal plain as encroaching seas advanced across the area in late Cretaceous time. Although the thickness of the saprolite layers appear to be fairly uniform, data from boreholes reveal places where the layer seems unusually thin. The log of borehole (DRB–2) in the SRP test series failed to show any of the saprolite clay, but accuracy of the drillers' log has been questioned. There may be buried channels or broader openings in the saprolite layer which interrupt its continuity, but none have been revealed clearly by the sparse data from scattered boreholes. In view of the small area that would be occupied by a channel, and in the present stage of subsurface technology, recognition of the presence of old channels could come only through fortuitous circumstances in which more than one boring would by chance penetrate an identifiable "window" or hole in the clay layer.

Underlying the saprolite clay is the basement of Precambrian rocks which consists chiefly of foliated gneiss and schist with lesser amounts of quartzite and phyllite. The rock is fractured in varying degree, the upper sections being more highly fractured than deeper ones.

2. Oak Ridge National Laboratory

This plant site of 92 square miles, about 25 miles west of Knoxville, Tennessee, lies in the Valley-and-Ridge physiographic province between the Great Smoky Mountains on the east and the Cumberland Plateau on the west. The topography within the site area is characterized by parallel asymmetric mountain ridges separated by valleys whose floors are rolling or hilly. Topographic relief between ridges and valleys is generally in the range of 200 to 350 feet; surface elevations are between 800 and 1150 feet above sea level. The average annual precipitation is about 47 inches.

Except for thin covers of Recent alluvium the surface is cut mainly in Cambrian and Ordovician strata, which form the bedrock both on the ridges and in the valleys. As elsewhere in the Valley-and-Ridge province the Paleozoic strata have been subjected to lateral compression to the extent that much severe folding and thrust faulting have occurred; the topography is mostly a reflection of the tectonic structures. Abundant jointing and other fracturing of competent strata, as well as bedding-plane slippages, are to be expected. Fresh-water supplies are found at relatively shallow depths in Paleozoic strata and locally in the Recent alluvium. Deeper waters are brackish or saline.

3. National Reactor Testing Station

The area enclosed within the boundaries of NRTS amounts to about 894 square miles lying in southeastern Idaho, some 30 to 60 miles west of Idaho Falls. It is semi-arid land, the average annual precipitation being between 7 and 10 inches. The physiographic province is the Snake River Plain, a subdivision of the Columbia Plateau, about 200 miles long from northeast to Southwest and 50 to 60 miles wide. The east and south margins of the Plain are drained by the Snake River; elsewhere the drainage is largely centripetal, the surface water disappearing by a combination of evaporation and seepage into the ground in areas of topographic depression. Streams such as the Big Lost River entering the Plain from mountains on the west and north debouch into mud flats or prairie sinks.

The surface of the Plain, which at NRTS is about 4800 to 5000 feet above sea level, is generally flat or hummocky except that here and there are a few buttes rising several hundred feet, in one instance more than 2000 feet, above the Plain. The surface rock over large areas is black basalt of Recent origin; some flows are still fresh, unaltered by weathering, and bare of vegetation. Elsewhere the lava is covered with a thin veneer of soil derived from decomposed lava, gravel, alluvial or aeolian sand and silt, or in some places lake beds or playa deposits. Beneath the dark basalt are flows of older, paler, acid lavas.

The subsurface sequence of layered rocks, to an unknown depth, consists of lavas interbedded with pyroclastic and clastic sedimentary strata. The basement under them presumably consists of indurated Paleozoic rocks similar to those that can be seen in outcrops in adjacent mountain areas. They probably are strongly folded and fractured. Some of the lava beds above the basement are remarkably porous and permeable; together with beds of sand and gravel they are the chief aquifers of the province. It is estimated from discharged data that more than 13,000 acre-feet per day of water flows through these aquifers under the Snake River Plain. The direction of flow is southwestward, and a large portion of the water appears again at springs along the Snake River at the southwest end of the Plain. A conspicuous local feature there, near Hagerman, is known as the Thousand Springs, where an estimated volume of 500 cubic feet of water per second gushes from a basalt layer that crops out in the escarpment 185 feet above the river level.

4. Hanford Atomic Products Operation

The Hanford site occupies 567 square miles in southeastern Washington about 30 to 50 miles east of Yakima on the Columbia Plateau. It lies in the Pasco Basin subdivision, a topographic depression between the Saddle Mountains on the north, Rattlesnake Hills and Horse Heaven Hills on the west and southwest, and the Blue Mountains of Oregon on the southeast. Within the site boundaries, surface elevations above sea level range from about 350 feet at the Columbia River to 600 feet at the base of the Rattlesnake Hills. Topographic relief within the basin is low, the surface being generally hummocky except for the ridge of Gable Mountain, in the north part of the site, which rises some 600 feet above the plain. Rattlesnake Hills, at the southwest edge of the site, have a maximum elevation of 3500 to 3600 feet above sea level.

In a broader view, the site is in a structural basin of southern Washington and northern Oregon which was filled in late Tertiary (Miocene and Pliocene) and Quaternary times with thousands of feet of lava, pyroclastics, and interbeds of continental gravel, sand and silt. The base of the layered series lies at an unknown depth more than 10,000 feet below the surface. The nature of the rocks beneath the volcanic series is unknown; presumably the basement rocks are highly indurated and deformed Mesozoic and Paleozoic rocks similar to those seen in outcrops at the margins of the Columbia Plateau. The interval between the basement and the base of the lava series is a matter of speculation as to thickness, lithology, age, and fluid content.

All permeable strata that have been tested, lava as well as sedimentary beds, are fresh-water aquifers. In spite of the semi-arid climate (between 6 and 9 inches average annual precipitation), the reserves of fresh water in this great thickness of aquifers are enormous, most of the supply being derived from adjacent mountain heights.

The lava series is overlain in large areas by beds of gravel, sand, silt, and volcanic ash which constitutes the upper part of the Ellensburg Formation and the Ringold Formation, and these in turn by late Quarternary alluvium and lake beds. These beds above the lava series also are aquifers, in which porosity and permeability are adequate. They and the underlying, permeable lava flows and interbeds are being used as reservoirs for ground disposal of radioactive wastes.

5. Comparative Geology

It has been pointed out by R. M. Richardson [3] that conditions at SRP and ORNL are alike in respect to the fact that the water table at each site is shallow (a few feet or tens of feet) and the distance from any disposal operation to a point of ground-water discharge is short (hundreds of yards); further, that NRTS and Hanford are alike in that the water tables there are deep (hundreds of feet) and the distance to points of discharge are relatively great (miles). The different conditions result from the difference between humid and semi-arid climatic regimes. The operations at Lyons, Kansas, are exempt from such considerations being restricted to salt beds far beneath fresh-water aquifers.

Another set of tentative similarities, subject to confirmation by deep exploratory drilling at NRTS and Hanford, also should be recognized. Geologic conditions at SRP, NRTS, and Hanford probably are alike in respect to the fact that the fresh-water aquifers at each site occupy a thick sequence of relatively undisturbed layered rock lying directly on a basement of less permeable, folded, faulted and fractured "bedrock." At Savannah River the water in the basement contains a total dissolved solids concentration of about 6000 ppm, in contrast to about 34 ppm for water in the overlying layered aquifers. In other respects also the two rock systems appear to contain different hydrologic systems. The layered rocks at Savannah River, about 1000 feet thick, all lie in the zone of saturation.

At NRTS and Hanford no borings have penetrated the complete thickness of layered rock, and the degree of folding and fracturing in the underlying basement is unknown. Likewise the presence of any sal-aquifers above the basement is now known. The deepest boring in the Snake River Plain (NRTS) is only 1500 feet deep, and the deepest in the Pasco Basin (Hanford) is 10,655 feet. Only fresh water has been found in analyzed samples from either province, and the depth to which fresh water extends therefore has not been ascertained at either place. Between the water table and the thin root zone is a zone of unsaturated basalt and unconsolidated sediments, the so-called "dry soil," or zone of aeration several hundred feet thick. Nothing is known about the water regimen in the basement rock, or about any possible flow barrier between the basement and the overlying layers.

At ORNL, on the other hand, the folded, faulted and fractured bedrock composed of distorted sedimentary layers, is near or at the surface and contains fresh-water aquifers. Only a veneer of loose sediments, also containing fresh water, lies above it.

In contrast to these four sites, there are large areas in the United States, particularly in the stable interior of the continent, in which fresh-water aquifers are separated from the basement by many thousands of feet of layered strata which contain saline waters and are not likely to be drawn upon for water supplies. It is in such areas that disposal of radioactive liquids into permeable subsurface strata can more firmly be relied on as a safe procedure.

The above similarities and distinctions point out the major characteristics of the geologic environments on which decisions regarding disposals at the present plants must be based.

C. Hydrology

At all sites the Committee noted insufficient knowledge of or, at least, too little consideration of the three-dimensional movement of water and contained materials in porous media. Usually it is the vertical dimension that is poorly understood, and in the establishment of flow paths and velocity of movement this dimension is highly important.

V. GENERAL PRINCIPLES

The deliberations of this Committee continue to be guided by the basic rule that concentrations of radionuclides in waste materials should not be allowed to appear in the earth's biosphere before they have decayed to innocuous levels. This concept requires assurance that during any storage or disposal [4] operations hazardous amounts of nuclides are isolated from the biologic environment, and that upon completion of the procedures the nuclides will remain isolated as long as they might constitute a hazard. For some nuclides this requirement means isolation for periods of 600 to 1000 years, periods so long that neither perpetual care nor permanence of records can be relied upon. *All supplies of potable [5] ground water, whether or not they are now being drawn upon, are considered as being part of the biosphere.*

It is recognized that radioactivity in concentrations less than RCG is allowable, and within these limits the Committee has no concern. It is the possibility of cumulative build-ups of long-lived activity that may exceed these limits after continued use of doubtful practices, and the prospect of unforeseen concentrations in excessive amounts resulting from unexpected and uncontrollable alterations in the environments in future decades that the Committee wishes to guard against. In this report, terms such as "excessive amounts," "excessive concentrations," and "hazardous accumulations" are used with reference to excesses beyond the limits established by the Federal Radiation Council.

The economics of disposal and storage operations are of concern, but they are relegated to second-rank consideration, safety being the matter of first concern always.

All studies of waste disposal below ground level have borrowed heavily from the geohydrologic knowledge developed for the production of water from aquifers and the production of oil and gas from petroleum reservoirs. However, whereas the hydrodynamics of fluid production largely involve a concept of statistical homogeneity of the formations involved, the disposal of an insidiously dangerous waste involves the necessity of tracing or predicting its course through all the intricacies of the nonhomogeneities of these beds. Hydrodynamic concepts including dispersion, sorption, and erratic flow in all types of sediments and rocks in nature need development and documentation. Such problems are properly first studied in the laboratory, but some of them cannot be brought into the laboratory and all of them need checking in the field.

In view of the clear prospect for ever-growing production of atomic energy and therefore the probability of increasing output of radioactive wastes, the Committee believes that safe disposal procedures should be established now rather than at later stages of power development. Because perpetual care of hazardous wastes cannot be assured, storage and disposal procedures should be so designed that permanent safety is certain. At the same time, land areas, water supplies, and other resources that are appropriated for permanent storage or disposal of hazardous wastes should be the least quantities that are compatible with the prime objective of perpetual safety.

In the last analysis, it is the property of mobility of hazardous radionuclides in any fluid medium that baffles all who are concerned with safety of disposals. Operators will, therefore, continue to face dilemmas in waste disposal until hazardous radioactive

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[3] "Significance of climate in relation to the disposal of radioactive waste at shallow depth below the grounds," Proceedings of International Conference on Retention and Migration of Radioactive Ions through the Soil; Saclay, France, Oct. 15–19, 1962.

[4] As far as possible in this report the word "storage" means emplacement with the intent and in such manner that the materials can later be retrieved. "Disposal" means emplacement in a manner or location that renders them practically irretrievable. In practice the two words often are used interchangeably, especially where the intent is not clear or retrievability is uncertain.

[5] Here "potable" refers to the quality of water which is now being consumed or eventually may be consumed by humans.

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waste is reduced to solid form in the smallest possible volumes. This is the concept the Committee favors above all others: a procedure of disposal involving concentration of radioactive solutions, their conversion to almost insoluble solids, and subsequent burial far below fresh-water aquifers in almost impermeable rock such as salt.

The present larger installations of AEC represent widely varying types of waste production and disposal. Anything learned at these sites will be of increasing importance in the future when waste-disposal problems will be magnified. AEC quite properly has considered that it has the responsibility of developing all types of reactors and of assessing the safety and economics of each type. We believe that it has also the responsibility of studying in detail all of the phenomena involved in the disposition of wastes to the environment, not only on the basis of assessing any known or suspected hazard, but more broadly on the basis of founding a discipline of waste disposal that will be of increasing importance in the future, especially when private operators may dispose of such waste and consequently the profit motive will become more prominent. We believe that there should be no phenomenon involved in any of the waste-disposal schemes that is not completely understood.

VI. RESEARCH AND DEVELOPMENT PROGRAM OF DIVISION OF REACTOR DEVELOPMENT AND TECHNOLOGY

A. Disposal in salt

1. Introduction

Storage or disposal of radioactive wastes in underground cavities in salt deposits was discussed at the Princeton Conference in 1955, and in succeeding years this concept has been developed to a stage approaching operational use.

Definite advantages in this method of disposal are inherent in the unique physical properties of halite, the chief mineral in most natural salt deposits. The principal advantages are that salt is impermeable, soft, plastic, and easy to mine; in addition, it is an efficient natural shield against gamma radiation and is not associated in the earth with potable water.

2. Early research

During early stages the investigation involved disposal of high-level *liquid* wastes in salt caverns. Studies began with laboratory tests of the physical properties of halite and the effects of heat and atomic radiation on those properties. At the same time, theoretical considerations of heat generation in liquid wastes and of thermal properties of subsurface salt deposits in which the wastes might be stored, were examined by Francis Birch. Preliminary conclusions from these studies were that heat-transfer characteristics, shielding properties, and other parameters are suitable for the use of salt as a disposal reservoir, and that salt flow or creep as a result of heating or radiation would not be so rapid as to endanger storage operations in a cavern. Experiments on the radiolytic production of chlorine from salt indicated that no serious problems from this source in a mine would be expected.

Field experiments then were conducted in a disused mine of the Carey Salt Company near Hutchinson, Kansas, in which simulated acidic and neutralized Purex wastes were placed in salt chambers for periods of several weeks to months. Some cavity alterations resulted, but a more serious effect was the radiolytic production of hydrogen and oxygen. While studies of radiolytic gas production were continuing, the advent of techniques for solidification of high-level liquids led to diversion of the major effort toward experiments in the salt storage of these more manageable, solid, wastes. The first of these experiments were conducted in existing chambers, where tests were performed on the rate of creepage and the effects of heat on those rates.

The salt beds in central Kansas are of Permian age, part of the Wellington Formation in the Leonard Series. The salt is closely associated with anhydrite, magnesite, dolomite, and shale. It consists chiefly of halite, but polyhalite occurs in small amounts, and other accessory minerals are minor impurities. Widely separated thin layers of clay form dark bands up to one inch thickness in the otherwise pale salt rock.

Field research more recently has been transferred to a mine of the Carey Salt Company near Lyons, Kansas. The total thickness of the salt section here is about 300 feet, and the chambers excavated in the Lyons mine are about 1000 feet below the surface.

3. Current Research

Preparations are being made in the Lyons mine, in a new chamber constructed for this purpose, to test the effects of heat and radiation in simulated operational procedures for the storage of solid wastes by the emplacement of irradiated fuel elements obtained from the Engineering Test Reactor at Idaho Falls. A pattern of seven holes will be drilled in the floor of the chamber, one in the center of the pattern and six in a circle around it, spaced five feet apart. The holes are to be one foot in diameter, 13 feet deep, lined and shielded, and designed each to contain two fuel elements in canisters. The assemblies will be replaced by fresh ones at six-month intervals over a period of two years. Supplementary heat will be provided artificially in order to maintain a temperature of 200°C as the heat from the fuel elements declines. This temperature is the selected maximum temperature desired, because naturally trapped moisture in the salt produces a shattering of the salt when temperatures approach 250°C.

In another part of the chamber a similar array of electrical heaters will be installed for the purpose of distinguishing those effects due to heat alone.

Further studies of creep or flow are being conducted by measuring changes in the shape and dimensions of mine pillars, walls, ceiling and floor. The measurements are obtained by the use of both internal and external gauges. Preliminary results indicate increases in flow rates with heating that conform closely to laboratory results. The initial rates of closure of mined openings are high but they decrease with time. Heating increases the rates markedly, the effect of elevating the temperature being essentially the same as that of increasing the pillar load.

Small amounts of water have been found in the heated holes in initial tests, the moisture presumably having been released from thin shale interbeds in the salt.

The experimental operations also include tests of equipment and methods for transporting and handling the radioactive fuel elements.

4. Conclusions

The Committee is in complete agreement that (1) the use of caverns in salt beds as permanent storage sites for high-level radioactive solids has promise of being successful and satisfactory, and (2) that the tests now underway and scheduled in the mine at Lyons are well planned and should provide the data required for guidance of future operations. This experiment is now largely an engineering project. Our only suggestion regarding the geologic aspects is that ORNL include a study of the behavior of shale interbeds that will be subjected to long periods of elevated temperatures and radiation, in order to anticipate possible changes in wall, ceiling, and floor conformation additional to those caused by creep and flow of salt.

B. Grout injections in shale

1. Background

The principal objective of this research and development project, first examined by the Committee in October 1958 and actively pursued at ORNL since then, is the disposal of intermediate-level waste liquids by mixing them in grout and injecting the mixture into artificially produced fractures in subsurface shale strata. The grout enters the fractures and spreads out in thin sheets, later solidifying in place.

As explained earlier in this report, the bedrock at Oak Ridge lies at or near the surface of the ground, and the shallowest permeable beds in it contain fresh water. The altitude of the ground surface here is about 800 feet above sea level, and in the disposal area the surface strata are part of the Conasauga Formation of Cambrian age. Directly under it is the Rome Sandstone, Lower Cambrian, which, owing to reverse faulting, lies on Chickamauga strata of Middle Ordovician age. All of the strata are folded and locally crumpled as well as faulted. The rock that was selected for experimental fracturing and injections is the Pumpkin Valley Shale Member in the basal part of the Conasauga Formation. At this locality it is about 300 feet thick and is first reached in the overthrust fault block at a depth of 700 to 1000 feet below the surface. It is overlain by thin limestone beds and these in turn by gray shale.

2. Engineering Procedures

Preparation of a borehole for injection consists of drilling a hole through the injection formation, then lowering and cementing casing to the total depth. Prior to injection the casing is cut at the depth at which a fracture is desired, by directing against it, at high pressure, a jet of slurry consisting of sand in water. The horizontal slot thus cut in the casing and into the rock wall of the hole is thought to provide the initial orientation of the ensuing fracture.

Water is then pumped into the hole at pressures exceeding that of the combined weight of the overlying strata, with the result that the shale is fractured. Success of the operation depends in part on the creation of horizontal rather than vertical fractures, inasmuch as vertical fractures might lead upward into permeable strata and provide channels of escape through which radioactive grout fluid could contaminate potable ground water.

The grout mix is prepared at the surface, where all of the injection equipment is housed in concrete cells as a safety precaution. It is then pumped into the borehole under pressures sufficient to drive it through the slot in the casing and into the newly created fracture in the shale. The grout spreads through the fracture, forming a sheet which extends outward around the point of injection. It then sets up into a hard solid in a period of a few days.

The most recent series of injection experiments at ORNL consisted of five separate injections through one well, of both synthetic and real wastes, of various types of grout mixes, of dyes or radioactive tracers for subsequent identification of the grout sheets, of various fluid-loss additives, and of ion-exchange additives. The depths of the five injections, in the order of operation, were respectively 945, 924, 912, 900, and 890 feet. Breakdown pressures, at which the shale became fractured in each case, ranged from 2150 to 3800 psi. The volumes of synthetic or real wastes mixed into grout and injected into the shale ranged from 27,300 gallons to 148,000 gallons per injection.

ORNL currently produces about 4,000,000 gallons of intermediate-level waste liquids per year. It is estimated that the evaporator which is now being constructed at the site will concentrate the wastes to a volume of about 400,000 gallons per year, and that this annual amount can be disposed of in two batches of 200,000 gallons each.

3. Post-Injection Research

Monitor holes drilled around the injection well provide information on the extent of the grout sheets. It has been found that in some instances the sheet bifurcates, one or more times, resulting in multiple sheets from one injection. One explanation of this behavior is that the leading edge of the advancing grout becomes dehydrated, owing to absorption of water by the shale, with the result that increased viscosity creates a dam against which the more fluid grout cannot move; the fluid then breaks through to another bedding plane. An alternative explanation is that multiple fractures were produced by water under pressure and that the grout entered two or more fractures more or less simultaneously. Similarly, the grout sheet could divide at points of natural weakness in the formation, passing up or down along pre-existing fractures, and then propagating laterally along bedding planes. The field data suggest that all of these processes were operative in the ORNL experiments.

Further research involves measuring the amount of uplift of the surface of the ground resulting from insertion of several sheets of grout between beds of rock strata in the subsurface. The areal extent of each sheet is first determined in a general way by observing the arrival of the leading edge at predrilled monitor wells and also by drilling core holes in the area after the grout has set. The exact outline is impossible to obtain by this method, and it may be presumed that lobes or fingers extend beyond the mapped area in places and that indentations likewise occur. This would be true especially where the lithology of the reservoir formation is uneven so that travel of the grout is free in one direction or place and impeded in another.

The mapping shows that in many cases in the Oak Ridge experiments the outline of a grout sheet is ovoid rather than discoid, and that it is eccentric to the point of injection. The shape and accentricity are presumably due largely to structural attitude or dip of the beds, in which increasing overburden weight downdip forces the grout to move updip.

A series of traverses by precise spirit-leveling of the ground surface across the area of injections was conducted, in order to determine the amount of uplift caused by each injection. It was found that the amount of uplift is generally equivalent to the thickness of the group sheet as observed in cores taken from post-injection borings. The area of uplift, however, is not identical with the area of the sheet. The rock strata apparently reacted as a semi-rigid crust, so that uplift commonly extends beyond the observed edge of the sheet. As would be expected from such behavior, the outline of the uplifted area has no lobes or indentations. Although the seams of grout that can be observed in core samples of the strata are generally only about 1/16 to 1/8 inch thick, the maximum uplift of the surface is about 1/2 inch. As the maximum invariably occurs at or near the injection well, it is assumed that the grout sheet there is about 1/2 inch thick whereas farther away, at the cored locations, it is thinner.

The relations between volumes of waste and the amount of uplift are indicated by the following tabulation of two injections selected as examples:

Volume injected (gallons)	Area of grout (feet)	Diameter of uplift (feet)	Height of uplift at apex	
			Feet	Inches
97,000	700×250	1,000	0.014	0.168
132,000	650×400	1,500	.040	.480

The possibilities of damage that might be caused by repeated uplift of the ground surface around a single much-used injection well have been considered. As the amount of uplift increases cumulatively, presumably a position would eventually be reached at which structural damage would be caused to surface installations such as pipelines and buildings. Evaluation of this possibility is an engineering problem which the Committee is not prepared to discuss.

Another possible type of damage, more serious but also more difficult to appraise quantitatively in advance of its occurrence, is contamination of potable ground waters above the grout sheets when tension cracks, small faults, or other fractures are created in near-surface strata by stresses resulting from arching. This kind of damage is not probable, however, for in a vertical sequence of 900 feet of layered rock the distortion would probably be created by elongation, which presumably would result in normal faulting; the slippage would be of small displacement, leaving no open fractures. In contrast, the amount of vertical uplift created by the injections is trivial, where 100 injections in the same well would raise the surface only 50 inches.

4. Conclusions

Hydraulic fracturing of rock formations is widely practiced throughout the petroleum industry. Experience gained through this work has indicated that fracture orientation depends on naturally inherent local stress distribution and rock inhomogeneities which vary from one geologic environment to another. We now know that general statements regarding fracture behavior can be misleading. For example, although it was early recognized that bottomhole pressures equal to 0.6 or 0.7 times the overburden pressure would always produce vertical fractures, it was also held that horizontal fractures would always be formed if overburden pressures were exceeded in the well bore. Experience has shown that the majority of all induced fractures are vertical; there is probably little horizontal fracturing at depths greater than 1000 feet, and 50 percent of shallow fractures are vertical. Inasmuch as vertical joints produced by natural forces commonly occur even in areas of tectonic stability, the prevalence of vertical induced fractures must be anticipated. Each case and area must be evaluated individually in terms of rock characteristics and pressures required to produce various types of fractures.

A few examples of fracture-pressure relations in the field illustrate the preceding comments. At depths of 1300 to 1500 feet in the Anona Chalk, Pine Island oil field, Louisiana, only vertical fractures were produced at pressures exceeding overburden pressure. In Colorado, the Green River shale yielded only vertical fractures at depths of 100 to 200 feet and at pressures two to ten times the overburden pressure. Horizontal fractures were produced at 400 feet in the Athabasca tar sands in Alberta at two to three times the overburden pressure, but the fractures did not coincide with notches that were cut in the well bore. Thus, in any given field situation the formation of interest should be subjected to experimental fracturing in order to determine how it will respond to various bottomhole pressures. As apparently is the case at ORNL, certain formations with characteristic bedding-plane weaknesses will be amenable to horizontal fracturing at shallow depths. At the same time, however, some vertical fracturing should also occur, especially where pre-existing joints are present.

It must be emphasized, therefore, that the successful experiments at Oak Ridge are probably not duplicatable at all other sites, because of differences in geologic conditions from place to place. Local conditions should be investigated carefully and pilot tests conducted before a site and a shale formation are accepted for grout injection.

In the routine of monitoring the grout injections, continuous liaison should be maintained between waste-disposal personnel and the specialists at major industrial research laboratories where new subsurface engineering techniques are being developed. Technological advances in downhole logging and reservoir mechanics, such as the use of cement-bond locks and fracture-finding devices, should be exploited in subsurface disposal procedures. The use of tiltmeters to record minute changes in surface levels will help to map the distribution of grout sheets. Disposal technologists may well profit from early knowledge of new subsurface devices and methods.

C. Solidification of liquid waste

Several processes for converting high-level liquid wastes to solids have been investigated, and some have reached an advanced stage of development. Basically, the products of these processes fall into two categories, the calcines and the glasses or ceramics. These processes which have shown sufficient promise to warrant more extensive development are: pot calcination, fluidized-bed calcination, spray calcination, and the introduction of phosphate, borate, or silica to yield a glassy product that is resistant to leaching. Currently a Waste-Solidification Engineering Prototype is under construction at Battelle Northwest Laboratories (formerly Hanford Laboratories) where some of these processes will be tested under operating conditions with actual high-level radioactive wastes. To be demonstrated are the pot and spray calcination processes and the production of phosphate glass and ceramics. Under present plans the solid products will be stored at the surface in stainless-steel tanks enclosed in concrete shells, and will be studied in order to determine their long-term stability.

The ultimate objective of the entire solidification program for high-level wastes is the production of a form of waste which can be stored safely, economically, and with the greatest security to mankind. The engineering aspects of the processes are not within the scope of this Committee's ability to evaluate, but the manner of disposal or storage of the end products is of concern to use to the extent that it involves the geologic environment. In this respect we are interested also in the stability of the product.

The Committee is favorably impressed with the whole solidification program, because it promises relief from the problems of storing and disposing of high-level liquid wastes at present sites where disposal into the ground anywhere near the fresh-water aquifers would be intolerable. We are especially hopeful about the glass or ceramic products, because they may be safe from serious leaching and, thus, from release of hazardous radionuclides, for periods of many centuries.

At the same time, the Committee does not favor the suggestion that high-level radioactive calcines may safely be stored above ground or at shallow depths and above fresh-water aquifers at existing plant sites as a permanent disposal. In our opinion such a disposal of high-level long-lived radioactive solids is contrary to the rules of safety which AEC has sought to establish for handling of radioactive materials. The emplacement of such hazardous solids in salt vaults after a suitable cooling period would appear to be an obvious requirement.

An alternate suggestion that high-level radioactive solids might safely be stored in tunnels constructed in hillsides in a desert environment cannot be accepted without thorough research and experimentation. Of particular concern here would be the travel of ground-water floods resulting from once-a-century catastrophic deluges.

D. Ion-exchange studies

1. General

Ion exchange and other sorption phenomena have been studied by research personnel at the various AEC installations with respect to both synthetic materials and natural minerals. The studies include not only evaluation of the usefulness of synthetic materials and natural ion-exchange minerals for predisposal waste-treatment processing, but also the determination of the ion-exchange characteristics of the earth materials underlying the AEC reservations and environs. The earth materials are best studied *in situ* rather than in the laboratory, because of directional phenomena resulting from lithographic variations from place to place. The studies concerned with waste-treatment processing reveal economic parameters which compare favorably with those of other forms of fixation that are being considered for predisposal processing of waste.

We concur with the investigators that ion-exchange materials may be useful as a means of removing radionuclides from low and intermediate-level wastes in order to permit waste water to be disposed to the environment. By ion exchange the radioactivity in high-level wastes also is fixed in a form for easy packaging as a recovery procedure in order to render the isotopes available for subsequent beneficial use. It should be noted that efficient sorbants that are completely or nearly saturated with radionuclides must be considered as intermediate-level waste and treated as such during ultimate storage or disposal.

In connection with direct disposals to the ground, it is emphasized that (1) where the exchange capacity of the soil or rock is high, constant watchfulness will be necessary in order to avoid excessive concentrations of radioactivity, and that the distribution pattern of the waste will not be known exactly; (2) where the exchange capacity is not high, channelization will take place, as in the basalt at NRTS. In either case future changes in groundwater composition or patterns of flow may desorb the radionuclides and move them—an intolerable risk, or they will eventually proceed at excessive levels directly to the environment.

Ion-exchange studies of the earth materials underlying the four operating sites are in progress, and the Committee agrees with the investigators that in some areas much remains to be done. At no site have studies been completed on the distribution and exchange capacities of the reactive materials in the soils and the underlying consolidated or unconsolidated rocks, and thus there is not a full understanding of the sorption and fixation processes and rates of movement of radionuclides beneath the plant sites.

2. Savannah River Plant

The Savannah River Plant is located in a humid region having a complex drainage network tributary to the adjacent Savannah River. The site is underlain by about 1000 feet of partially consolidated sediments. Because much of the surficial material is sandy and admixed with kaolinitic soil or clay lenses, ion exchange can be overemphasized as an important retardant of radionuclides at this site. Low-level wastes have been discharged to pits and streams. Abandoned pits have been isolated hydrologically by clay caps and peripheral dikes. Radioactively contaminated solid trash is buried in shallow treaches about 20 feet deep under a soil cover. High-level wastes are neutralized and stored in steel tanks which are buried under 8 or 10 feet of soil. Several factors point to a potentially hazardous problem resulting from past and present disposal practices. Long-term hydrologic studies of the ground-water regimen at Savannah River Plant have not been made; therefore, predictions of the maximum (once-in-century) rise of the water table would be tenuous. At this site, with its shallow water table, an exceptional rise of the water table could easily cause invasion of the abandoned pits and trash-containing trenches. Radionuclides would then be subject to desorption and other forms of leaching that would permit them to be mobilized and carried into the regional ground-water system. A major failure of one of the high-level tanks would probably overwhelm the safety devices designed to cope only with small seeps or leaks.

3. Oak Ridge National Laboratory

At ORNL much research is in progress in the field of mineral sorption; emphasis currently is on "fixation" (irreversible) phenomenology as compared to ordinary ion-exchange processes. The value of these studies will be proven if an economical process is developed to remove large quantities of radionuclides from liquid wastes by fixation on material that can be safely and economically stored or disposed. Unfortunately, most of the natural minerals that are able to "fix" radionuclides commonly found in waste are uncommon in the earth materials underlying the ORNL site. However, it has been reported by ORNL that desorption of cesium from Clinch River sediments is so low under most conditions that it may be considered "fixed." Past pit disposals, unscheduled releases, and leaks from stored or transported material have saturated the ion-exchange capacity of some of the sediments and rocks for certain radionuclides in parts of the ORNL site. Ground water that is tributary to the Clinch River or to its tributary streams commonly contains substantial quantities of strontium^{90} and rubidium^{106}. It was reported to the Committee that in the reach of the Clinch River between ORNL and its confluence with the Tennessee River, radioactivity measurements indicated that the gross radioactive burden of the bottom sediments was 2000 curies. Most of this activity is, in all probability, derived from radionuclides sorbed on the sediments. However, it is not known what fraction is actually adsorbed and what is immobilized by being held to particulate matter by some other mechanism.

Because ORNL, with a climatic and geohydrologic environment similar to that of the Savannah River Plant, has little in its environment to attenuate radionuclides except the ion-exchange capabilities of the system, here too disposal of waste to the environment should be discouraged. Limited ion-exchange capacity and hydrogeologic characteristics at these plants prescribe that much of the environmental disposal capacity should be held in reserve as insurance for operational accidents or possible accelerated movements of radionuclides from waste previously disposed. It would appear that a systems analysis of the ORNL site, the Clinch River, and part of the Tennessee River is called for, in order to determine the waste budget of the entire system. In this way, the impact of radioactive waste on the biosphere from both the stationary ion-exchange media (earth materials at the site) and the mobile ion-exchange media (stream-bed sediments) may be appraised.

4. National Reactor Testing Station

The National Reactor Testing Station, Idaho, is underlain by basalt flows which include intercalated sediments and in large areas a surficial cover of alluvium. Some liquid wastes are released to the environment at the site through wells or into ponds. Radioactive trash and other low-level solid material are buried in slit trenches covered by several feet of back fill. Gross ion exchange beneath the site is thought to be small not only because of the limited amount of sedimentary material, both surficial and intercalated, but also because the basalt has been little altered to minerals having ion-exchange capabilities. Although some ground water is perched in both the sediments and the basalt, the top surface of the regional ground-water body lies entirely deeper in the basalt, the water table lying several hundred feet beneath the land surface. Thus, with transmissibilities in the basalt as high as 15 million gallons per day per foot and a maximum rate of travel time of 50 to 60 years to springs in the Snake River Canyon, it is imperative that dilution and decay of radioactive wastes be considered when evaluating the safety of ground disposal at this site. Storage basins using clinoptilolite or other ion-exchange material seemingly are very effective for removing radiocesium and slightly less so for removing radiostrontium to less than drinking-water standards. It would seem that this method should be encouraged for primary treatment of wastes and that the ion-exchange capacity of the earth materials should be reserved for emergency safety procedures.

5. Hanford Atomic Products Operation

The Hanford Atomic Products Operation is making studies for the use of ion-exchange both as part of its waste-processing practice and as a useful natural radionuclide retainer in the subsurface material at the site. Additional waste is now being disposed of directly to the ground. Most of this waste is discharged to and contained in the sedimentary Ringold Formation which overlies the basalt terrane in this area. The movement of the waste has been down gradient towards the Columbia River, but with a laterally spreading dispersion front. Careful monitoring of the movement of this waste indicates that there has been some differential retardation of the various radionuclides by ion-exchange; tritium and ruthenium seem to have been the least attenuated. A problem may occur when this waste front breaks through at the river channel. After break-through, continued disposal to the Ringold Formation would sustain the volume of effluent to the river, but cessation of waste disposal to the ground would not necessarily alleviate immediately the problem of radioelement contamination of the Columbia River. The Ringold Formation could drain for years after ground-disposal practices have been stopped, but probably with a tapering-off of the volume of effluent. Any contributions of radionuclides to the Columbia River from subsurface effluents will have to be considered as part of the river burden when determining the one-tenth RCG at the nearest point of use. Should direct discharge of waste to the Columbia River be at or near the concentration restrictions that are determined by the downstream use, plant operations may have to be curtailed or other means found for disposal of the waste.

6. Conclusions

At all sites where continuous disposal of low-level wastes or frequent unscheduled releases to the earth materials underlying the site occur, there is always the danger of a build-up of concentrations in the soil and underlying rocks. An equilibrium may be established by balancing the rate of disposals with the rate of decay of radioactivity; continuous disposals beyond this rate could lead eventually to hazardous excesses of concentration, at which point the earth materials would no longer be a suitable disposal medium.

Future changes in the ground-water regimen through intensive agricultural irrigation or nearby construction of dams or other water-regulatory works may easily affect earth materials containing adsorbed radionuclides. Especially reactive will be the unconsumed irrigation water containing dissolved fertilizer components and biological refuse from plants and soils. Since ion-exchanged nuclides on earth materials are subject to reversible equilibria, under leaching conditions that may be superimposed by radically different water introduced into the system, there may easily be induced a removal rate that is much faster than the sorption rate. The future chemical condition of the soil and applied water is not always predictable, as man's requirements from his environment are likely to change in future years of land use in the United States.

E. *Bedrock storage at Savannah River*

1. The Waste-Disposal Problem

High-level liquid wastes at SRP are alkaline, aqueous solutions derived from the treatment of spent reactor fuels in chemical-separation plants. They are piped first into water-cooled tanks to remain there until the greater amount of heat from decaying radioactivity has been dissipated. Low-activity water is then evaporated and the condensate sent to seepage basins; the residue goes into uncooled storage tanks. The tanks, built of steel and concrete, are located below the surface of the ground, each one on a steel "saucer" which serves to collect small quantities of liquid in case of a leak in the tank. At present there are 24 tanks having a total capacity of 23,400,000 gallons.

After about eight years of storage for decay of the shorter-lived isotopes, a typical waste contains several inorganic sodium compounds, 0.1 to 10 curies per gallon each of strontium^{90} and cesium^{137}, and trace amounts of plutonium and neptunium. Physically it consist of two fractions—a supernatant liquid containing nearly all of the cesium and a sludge containing nearly all of the strontium, probably as an insoluble carbonate. Inasmuch as laboratory tests indicate that reaction between either an alkaline or an acid waste liquid and the rock of the basement complex would form a nearly neutral solution, it is assumed that after several years storage in a bedrock chamber the strontium would be in solution as a bicarbonate.

Strontium^{90}, with a 28-year half-life, and cesium^{137} with a 30-year half-life, are the elements of hazard in these wastes, for a period of at least 600 years would be required for their decay to innocuous levels. Although no severe emergency has yet appeared in the tank-storage program, four lesser leaks have occurred in a little over ten years, and it is commonly agreed that safer permanent storage or disposal facilities are demanded. The concept of emplacement in caverns to be excavated in the basement rock under the plant site is currently a proposed solution to the problem. The engineering design would include the construction of a shaft through the sedimentary column and far enough into the basement rock to be clear of the upper interval of more highly fractured rock. Investigations to determine the feasibility of the method are being conducted by SRP personnel.

The critical factor in all of the investigations and in the Committee's discussions is the proximity of the basement rocks to the fresh-water aquifers which overlie them, the only separation between the two being approximately 50 to 100 feet of clay. Pertinent aspects of the geology of the proposed disposal site are described more fuly in the following paragraphs as a prelude to further discussion.

2. Geology

Sedimentary strata that have been penetrated in various borings at the site have a combined thickness ranging from 877 to 972 feet.

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The topography of the interstream areas must have been similar to that of the present Piedmont province, uneven and hilly, and the crystalline rocks undoubtedly were exposed at the surface in some of the more prominent hills as well as in stream-cut banks. It is difficult to imagine an area of Precambrian outcrop in which a soil cover blankets the entire surface without a break. Recognition of the probable existence of buried channels and erosional knobs beneath the Tuscaloosa Formation in the coastal plain is critical to any interpretation of subsurface data regarding lateral continuity of the layer of saprolite clay.

The basement rock consists of gneiss and schist, both of which are foliated crystalline rocks, and lesser amounts of quartzite and phyllite. The upper portion of the rock complex is generally highly fractured and weathered, the degree of fracturing and decomposition becoming less with greater depths. Below the upper 200 or 300 feet the rock is generally more nearly whole, although fractures do persist to the greatest depths that have been observed. Some fractures are "hairline" cracks which can be detected in hand specimens only by the application of penetrating oils. Others may be a measurable fraction of a millimeter. In the case of faults, where the rock mass on one side has moved in relation to the rock on the opposite wall, they may be inches wide and filled with fracture rubble. No such fault-gouge or breccia zones have been recognized in the deep boreholes thus far at SRP.

Obviously the rate of flow of ground water through the fracture system should be expected to vary from place to place, depending on the width of the cracks and crevices, but over large areas a single rate may be computed. It is the hydrology of this flow system that SRP has endeavored to analyze by tests and observations in deep boreholes. Seven holes have been drilled to depths approaching 1000 feet below the top of crystalline basement rocks at the proposed excavation site. An eighth hole, near the Savannah River in the west corner of the SRP reservation, reached the basement at a depth of 690 feet and was completed at a total depth of 765 feet. A ninth, in the south part of the reservation, reached the base of the Tuscaloosa(?) Formation at 1218 feet; a core taken from the interval 1299 to 1313 feet, the total depth, is rock that has been identified as Triassic in age.

The southeastward or seaward slope of the pre-Cretaceous surface is revealed by the increasing depth of the base of the Tuscaloosa sandstone in that direction. The well logs also indicate increasing thickness of the Tuscaloosa Formation itself in the same direction, although exact stratigraphic correlation of the sand stone units above the Triassic sedimentary rock in the ninth hole has not been determined. Ground-water reserves are therefore assumed to increase southeastward toward indefinite boundaries where the aquifers, becoming deeper, are more compacted and less permeable, the sandstone becomes more shaley, and the water is more saline.

3. Hydrology

a. Present status of investigation

A great mass of information has been accumulated concerning both the nature of the rocks and the hydraulic characteristics of the water systems in the sedimentary strata and in the underlying basement. In addition to the nine deep wells mentioned above, nine shallower borings have been drilled, in clusters of three at three different locations in the prospect area, as observation wells at various depths in the Tuscaloosa Formation. Data regarding water levels and their fluctuations have been recorded from all eighteen observation wells in addition to shallower water wells that are producing in the area, and estimates of permeability and flow rates in various zones have been made by computations from input and output volumes in pumping tests. Samples of fluids and rocks in the Tuscaloosa Formation and the basement complex have been analyzed for chemical and physical characteristics. As would be expected, fluid movements were found to be much slower in zones of essentially "unfractured" basement rock than at depths where conspicuous major fractures had been logged. At the same time, withdrawals from major fracture zones in one well affected water levels in other wells, indicating that the network of fractures contains a single hydrologic system throughout the observed portion of the basement.

Several groups of data, computations, and lines of apparently related evidence lead SRP to conclude that the hydrologic system in the basement rock is effectively separated from that in the Tuscaloosa Formation by the saprolite clay layer:

(1) The clay layer is essentially impermeable or only slightly permeable and is believed by the on-site investigators to be continuous and unbroken throughout the area of the SRP reservation.

(2) The hydraulic head in the basement aquifer stands about 20 feet higher than that in the Tuscaloosa Formation.

(3) Both chemical analyses and electric conductivity measurements show a greater content of dissolved solids in the basement waters (822 to 7140 ppm; 1250 to 9650 micromhos) than in the Tuscaloosa (39 to 65 ppm; 55 to 100 micromhos).

(4) Chemical analyses show different gas contents in the two aquifers:

	Total gas ml/l	Average composition (percent of volume)						
		N	He	A	O	H	CO	CO_2
Tuscaloosa	0.1	93.2	0.00	1.09	4.14			1.61
Basement	.6	91.0	6.0	1.1	1.1	0.3	0.4	.2

Mapping of fractures in the basement, and calculations of the rates of water movements in both systems, coupled with the interpretations of the saprolite clay layer as an effective seal between the two, led to the following conclusions by the SRP staff regarding the safety of the proposed storage procedures.

(1) By the aid of the preliminary borings at a selected site for excavation it should be possible to place a storage chamber in a location that is not crossed by a major fracture.

(2) By only partially filling a storage chamber with waste liquid and then sealing it and thus creating locally a hydrodynamic low-pressure anomaly, the influence of the natural hydraulic gradient as a mechanism in moving the radioactive fluid out of the chamber would be delayed. In view of the slow movement of fluids in the "sound" rock in which the chamber is to be constructed, it is estimated that a delay of perhaps 100 years can be effected.

(3) Having escaped into fine fissures in the "sound" rock, the radioactive fluid will move at a rate which is calculated to be about 1.4 feet per year, or 840 feet in 600 years. At this rate, travel time to the Savannah River would be 30,000 years.

(4) If in its travel the radioactive fluid finds and enters a major fracture, its velocity then becomes something on the order of 7.2 feet per year or 4320 feet in 600 years. Travel time to the Savannah River would be 5500 years.

(5) If escape routes should lead upward into the Tuscaloosa Formation through an unsuspected path in the saprolite clay layer, the fluid would move downgradient in the Tuscaloosa at a rate computed to be 360 feet per year or a travel time of 100 years to the Savannah River.

(6) The above computations disregard the effects of ion-exchange, which would be relatively insignificant in unaltered basement rock, moderately effective in weathered rock, and substantial in the Tuscaloosa Formation. Laboratory studies have been made to determine the ion-exchange characteristics of the various rock types in the Tuscaloosa Formation and the Precambrian basement.

SRP concludes that the delaying actions of the several "barriers" cited above are sufficient to make the proposed disposal method safe. The long travel times would render the radionuclides ineffective as hazards by the time the Savannah River is reached, and numerous impermeable barriers above the Tuscaloosa aquifers would protect surface drainage from contamination by fluids that might escape from the basement storage chambers.

Accordingly, a conceptual design has been developed for excavating a storage facility in the basement rock. It would consist of four 5,000,000-gallon storage chambers 1300 to 1700 feet underground, an access shaft, service facilities, and encased pipelines from the Separations Areas. The construction cost is estimated to be $12,500,000, a unit cost of $0.625 per gallon of stored waste. If the chambers are filled to only two-thirds of capacity, in order to create the negative hydrodynamic anomaly that has been suggested, the unit cost would be $0.938 per gallon.

b. Evaluation of present hydraulic information

Much ingenuity in testing the systems and a great deal of thought in interpreting them have been demonstrated by the SRP staff. However, in the absence of readily available other methods, computations of transmissibility and of velocity of movement in the crystalline rock of the basement have been based on the concepts which originated and were developed for homogeneous sandy formations ("granular aquifers"). Many anomalies in the reactions of the wells to pumping, earth tides, and atmospheric changes show that the concept is of doubtful validity in this application. Further, the concept for computation of velocity of the water in the fractured crystalline rock is based as an essential part on the potentiometric gradient between the prospective site of the shaft and the Savannah River. Knowledge of the water level in the Precambrian bedrock at the river is based on the water level in one well, in which it can be determined only with considerable uncertainty. The potentiometric map for the bedrock water, based in part on this water level, represents an unexplainable pattern of flow. In any future work all of the data that were used in constructing this map should be evaluated anew in the light of the overall pattern of flow that is implied.

With regard to the pumping test data, the use of the Jacob method by the SRP staff, in which only the constant and log terms in the expansion of the exponential integral or "well function" are used, is not justified because for these data the other terms in the expansion are significant. However, the inaccuracies in the computation of transmissivity and storage do not appear to be serious in the present context. More seriously, the given data do not conform in detail to the theory of cylindrical flow in a quasi-homogeneous acquifer. In most wells there was a different rate of response in the early stages of pumping of DRB-6 than in the later stages.

All data from the pumping tests seem to indicate that the hydrologic system in the basement rock in the test area is completely or almost completely isolated from that in the overlying Tuscaloosa aquifer; the drawdown curves for the wells increase with time in rate of fall, relative to that required for cylindrical flow, instead of flattening as they should if vertical replenishment through the saprolite were taking place. However, so long as the characteristics of flow are not completely understood some elements of doubt remain.

Five types of information are available for the combined rock-water system in the basement:

(1) A model to serve as a criterion may be set up as a flow through a series of equally spaced plane fractures to account for the transmissivities observed during the pumping tests. Using values of transmissivities and thicknesses of aquifer that are acceptable for the data of the pumping test, the width of such a fracture, in centimeters, is in the order of $10^{-3}s^{1/3}$, in which s is the spacing of such fractures in centimeters. The porosity of such a system is $10^{-3}\times(1/s)^{2/3}$. These data indicate fracture widths and porosity, for fracture spacings as follows:

Distance between fractures (centimeters)	Width of fracture (millimeters)	Porosity (percent)
1	0.01	0.001
30	.03	10^{-4}
300	.067	2×10^{-5}
3,000	.173	5×10^{-6}

These fantastically small widths must be increased somewhat for (a) increased length of path between points through an intersecting joint system, (b) irregular and probably rough walls in the actual fractures, (c) motion around places of contact of the walls, (d) perhaps electrical effects on the moving dissolved ions. The previously indicated porosities would be increased proportionately. Nevertheless it seems probable that the actual velocity of the water in the cracks in the crystalline rock would be much greater than that computed by the SRP staff because these small porosities apply to the "major fracture zones." A very interesting problem is also posed as to ion-exchange characteristics of such very small cracks, perhaps with mineralogically somewhat altered walls.

(2) With the reduction in head and pressure in the water in the fracture system during pumping, an equal pressure from the weight of the overburden is transferred to the rock system, and the strain pattern in the rock is changed. Some water is taken from storage owing to the expansion of the water and any change in the volume of rock that may occur owing to the shift instress distribution. In hydrologic work with granular aquifers it is usually assumed that the overall thickness of the aquifer is changed by the shift in stress, and that the total volume of the sand grains is not changed. A fairly simple model results. In fractured crystalline rocks of very low overall porosity, the contribution of the expansion of the water to the "coefficient of storage" of the hydrologist, or to the "compressibility of the water and formation" of the oil-reservoir engineer, is comparatively small, and the deformation of the rock masses between fractures may be of great importance. This model is apparently more complicated.

(3) An increase in barometric pressure depresses water levels in wells. If none of the pressure was impressed on the water in the aquifer, the drop in water level would be equal to the rise in a water-barometer. The difference between the two represents the part of the barometric load that is imposed through the overburden on the water in the aquifer. In the case of a granular, confined aquifer, there is again a simple relation between the "coefficient of storage" and the "barometric efficiency" of a well, and one can be computed from the other, at least approximately. Again the model for a fractured crystalline rock may be more complex, but a proper interpretation may further indicate the characteristics of the fractures. Apparently about one-half of the barometric variation is transferred to the water in the rock system in the Savannah River wells, although apparently also there are some lag effects that may suggest other characteristics of the fracture system.

(4) The body tide of the earth produces a small strain in the rocks near the surface of the earth amounting to the order of 10^{-7} on the horizontal cross section. This tiny strain produces in all wells in confined aquifers a measurable fluctuation, in many wells concealed by larger fluctuations from other causes. In the wells that are in good connection with the fracture system in the Savannah River area (all but deep wells DRB-2 and DRB-7), the maximum fluctuation at times of new and full moon, is about 0.3 feet. Because the tide is a cyclinical phenomenon those wells that are in poor connection with the joint system should theoretically show fluctuations with decreased amplitude and a lag in phase. DRB-2 has a maximum fluctuation of about .03 feet and seems to be about four hours out of phase. DRB-7 has a still smaller fluctuation, and its phase lag is difficult to determine.

The tides produce a definite small strain in the aquifer as against a stress due to barometric loading and a shift in stress from water to rock material during pumping tests. It is possible that an analysis of the three effects will give a clue to both the size and the distribution of the fractures in the main water-transmitting joint system.

A very peculiar perturbation of water level occurred during the pumping of wells DRB-3 and DRB-6 in the two tests involving pumping of these wells. Ostensibly these fluctuations are periodic, suggesting earth tides and probably barometric efforts, but if so the effects are greatly magnified in the pumping wells, apparently amounting to a few feet in DRB-3 and ten feet or more in DRB-6. Unfortunately changes in the pumping rate were made during both tests and, especially in DRB-6, measurements of pumping rate and depth to water were made at erratic times during the day. However, the fluctuations do not correlate with the recorded data on pumping rate and water level. If such large fluctuations are indeed to be correlated with the deformation of the rock system by tidal and barometric change, apparently they can only be caused by a change in fracture width and consequently in permeability. The observed changes could be so explained in at least a simple model if the main fractures are spaced something in the order of 100 feet apart.

(5) The tracer test with tritium, for which data are not now available, should provide among other things an independent estimate of the total volume of fracture space between the two wells. Thorough investigation of the hydrologic system in the basement complex by tracer injections of tritium should be of great value in revealing the direction, extent, and rates of movement of fluids. Full use of this technique is highly desirable.

c. Recommendations for further hydrologic research

The combinations of all the above forms of data should indicate a consistent model for the hydraulic characteristics of the basement complex, and therefore the nature of the rocks and the fractures in them. Until such an analysis is made it will be difficult to know the sort of hydrology with which we have to deal.

In order to make the hydraulic data more meaningful two things should be done. Continuous water-level recorders should be installed on all wells, including those with small piezometer tubes and the two deep piezometers at a distance from the closely drilled site. A microbarograph or other means of maintaining a continuous record of barometric fluctuations should be installed at the main drilling site. The regimen of barometric response and of tidal response should be determined for all wells and should be of primary importance in learning the nature of fracturing at all available test points.

The second thing to be done is to make another pumping test under carefully controlled conditions with great care to maintain the rate of flow within an accuracy of one percent. Readings of water level should be made in the pumping well at fixed times of the day with assurance that no errors occur. The test should be run at least through periods between full moon and new moon, and at these times readings of water level in the pumping well and flow should be made around the clock. Evidently a continuous recorder would be preferred.

In the previous tests, anomalies in the data were treated as nuisances to be disregarded in fitting the data to the concept of a granular aquifer. Another test should be made in search of anomalies that are due to the nature of fractured rock aquifers, and no anomalies that are due to faulty procedure can be tolerated. Wells can be used as geophysical instruments, and the fluctuations of water in them under known conditions are likely after adequate study to give a truer picture of the hydraulic system than do any of the conventional geophysical techniques.

4. Conclusions

The Committee recognizes with appreciation the intensive and intelligent work of the SRP staff on the problems connected with the bedrock-storage concept, but is still dubious about its demonstrated safety. The placement of high-level wastes 500 or 1000 feet below a very prolific and much-used aquifer is in its essence dangerous and will certainly lead to public controversy. Any demonstration of its safety must leave no shadow of doubt.

The Committee is divided with respect to the advisability of continuing the investigations toward bedrock disposal of high-level wastes at SRP. Those who favor continuance feel that the next steps should include:

(1) Re-analysis of all of the hydrologic data from the basement rocks on the basis of fracture porosity rather than by methods designed for analyses of granular aquifers.

(2) If the new analyses provide sufficient justification, the performance of new and more carefully controlled tests in existing wells as described elsewhere in this report.

(3) If analyses of data from the new pumping tests are encouraging, the drilling of several additional deep observation wells at locations where the excavation of shafts and vaults might be contemplated. At least four borings into the basement at any such location should be planned. Presumably the new drillsites would be chosen where the least permeability in the basement rocks might be expected, as perhaps in the vicinity of DRB–2 and DRB–7, and eastward. The hydraulic characteristics of the rock-water system would be studied in these wells in the ways outlined in Chapter VI–E.

In drilling any new borings the shale and clay interval at the Mesozoic-Precambrian contact should be sampled and studied, particularly with respect to dissolved elements in extracted fluids at progressive levels in the interval. Also, sonic (acoustic) logs of the complete borings, from top to bottom, should be made at each drillsite, for use in evaluating the possibilities for a successful seismographic survey of the basal clay layer.

The value of tritium-tracer tests for empirical determinations of flow direction and velocity in the basement rock is emphasized again because of their immediate usefulness and accuracy.

The excavation of a shaft and chambers would provide the best evidence of the possibility of permanently leakproof chambers. The Committee reiterates its recommendation of earlier years that SRP representatives visit one or more mines in Precambrian basement rocks in the Piedmont province, in order to observe the water-entry problems in those places. It probably is pertinent also to point out that although the integrity of a mined opening as a leakproof chamber can be examined and evaluated, the construction of a shaft and chambers is not expected to add substantially to knowledge of the hydrologic conditions in the basement rock in sectors not contiguous to the excavations.

It is the opinion of the majority of the Committee that the prospect of storing high-level nuclear wastes safely in the crystalline rocks below the prolific Tuscaloosa aquifer is poor. Mining experience indicates that the amount of water developed in mines is much greater than that produced by wells in the same rocks, because mines intersect a much greater number of fractures and other water-bearing zones than wells of comparatively small diameter are likely to do.

There are several elements of indecisiveness in the present evidence for or against the safety of the proposed storage system. In the first place, rapid growth in demand for water can well lead within much less than 600 years to the need for heavy withdrawals of water from both Tuscaloosa aquifers.

In the second place, work on the hydrology of the bedrock has been based largely on methods developed under the concept of the homogeneous granular aquifer. Many anomalies in the hydrologic data thus far obtained confirm the *a priori* doubt that such a model can be trusted when applied to fractured crystalline rocks.

Thirdly, any slow leakage from the bedrock system into the much greater flux in the Tuscaloosa Formation would almost certainly be unrecognizable by chemical means. The difference in helium content between the two systems, for example, may be due to the inability of analytical methods to detect minute amounts of helium that might enter from the basement rock into the Tuscaloosa Formation, there to be promptly swept downstream. A similar observation may be made with respect to the differences in salinity. The greater amounts of nitrogen, oxygen, and carbon dioxide in the Tuscaloosa water may simply reflect a greater intake of air in recharge areas.

Fourthly, the difference of only 20 feet in hydraulic heads between the systems above and below the saprolite clay layer at the observation wells is insufficient evidence to prove complete effectiveness of the clay barrier throughout the area of basement rock which could become contaminated by escaped radioactivity. The hydrologic data, if correctly interpreted, reveal conditions at and near the test borings, but at short distances down-gradient, the direction in which contamination would move, different conditions may exist. There may even be an area in which no clay layer separates the two aquifers. A widespread grid of observation wells would be required to map the hydrologic systems to the extent required for complete safety.

A much more rapid and less expensive mapping technique exists and might aid in establishing the continuity of the clay layer. Currently available data are insufficient for determining its usefulness in this application, but the needed data can be obtained during any future drilling operations. The technique is high-frequency seismographic exploration, a geophysical tool which has been used successfully by the Petroleum industry (See Chapter VI–G, "Geophysical studies at NRTS"). It consists of measuring the depths to lithologic interfaces between rock layers of contrasting acoustic velocity characteristics by means of a high-frequency acoustic signal that is emitted from a source at the surface or in a shallow borehole. The time interval that is required for the acoustic energy to be reflected or refracted back to the surface is recorded, and the distance travelled by the high-frequency wave is computed from velocity data that were obtained previously from borings in the area of exploration. At depths of 900 to 1000 feet an interval of perhaps 30 feet containing rock of sharply contrasting velocities, as between firm sandstone or granite on the one hand and soft shale on the other, can be measured. The technique requires precise work with closely spaced "shot holes," using the best equipment. In this manner the position of the top and base of the clay layer might be determined at many closely spaced locations. If the basal contact is gradational, at least a minimum figure for thickness can be obtained.

In order to determine the suitability of the technique for application to the problem at SRP, it is necessary to have at least one complete sonic (acoustic) log of an uncased borehole, from the ground surface to a depth that is well into unweathered basement rock, for the purposes of (1) learning the amount of velocity contrast between the clay layer and both the sandstone above it and the crystalline rocks below, and (2) determining the velocity of the entire rock column through which the seismic energy will travel from the surface to the basement and return. Obviously several complete sonic logs would be desirable in order to obtain average velocities and to learn what variables might be anticipated. Unfortunately the only sonic logs now available are those that were run below the casing in the intervals of basement rock in six of the deep observation wells.

Shot holes and seismometer holes drilled with a small rig might be expected to cost about $1.00 per foot. An area of perhaps four square miles probably could be mapped at closely spaced intervals in about two months by an experienced crew at a cost in the neighborhood of $25,000 per month.

F. Deep-well disposal

1. General Considerations

Although disposal of liquid waste by injection into deep permeable formations has been considered for several years, important aspects of the subject have not been clarified. Rather, essential principles have been submerged in details which have slight significance to the over-all picture.

The term "deep" refers to any reservoirs in rock, not soil (see Glossary), which are below and so isolated from fresh-water aquifers that injected radioactive liquids will not obtain access to the aquifers either by natural means or by any process that is induced by the injections. In this context, we think of permeable sedimentary rock layers several thousand feet deep (generally at least 3,000 feet) in geologic basins, confined above by thick relatively impermeable strata such as shale or salt deposits. Ideally, reservoir space that is suitable for deep-well disposal should be vertically restricted and laterally unrestricted.

Insofar as they could be determined with available data, the subsurface geologic conditions at all of the plant sites visited by the Committee fail to meet the specifications stated in the preceding paragraph. At the same time, the Committee has never entertained the thought of using deep permeable formations as reservoirs for off-site disposals. Questions of transportation costs and safety engineering, therefore, do not enter into the Committee's considerations of deep-well disposals for radioactive wastes. The method is assumed to be a candidate for application to disposal problems only at suitably qualified sites, and in this light it is hoped that its advantages will be weighed carefully and applied as criteria in the selection of new plant sites.

All pore space is a permeable subsurface rock such as a layer of sandstone is occupied by naturally occurring fluids, principally

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water (commonly brine) but in some places petroleum oil or gas or nonhydrocarbon gas. The fluid may be static or may be flowing, but in a tectonically stable basin at depths of several thousand feet, where we are dealing with indurated rock instead of loose soil or unconsolidated sand, the rate of flow is rarely more than about three feet per year. In 1000 years, therefore, under natural conditions a fluid would not move as far as one mile. In most instances the geologic basins that would be considered for deep-well disposal of radioactive wastes have dimensions ranging from tens to hundreds of miles in width. The natural flow is, therefore, insignificant and does not enter into computations in the following discussion.

2. Present Status of Research

At present the subject of primary concern when considering deep disposals is the eventual fate of the introduced radionuclides—where will they go, and how fast? The answers to these questions are being sought in some of the research programs that have been supported by AEC. One such study is an early one at ORNL, in which a slab of carefully selected Berea sandstone, having as nearly as possible uniform porosity and permeability, was treated as a laboratory-scale injection reservoir. A five-spot system of injection and relief wells was used to study flow patterns and rates and the dispersion of radionuclides. The movements of radioactive tracers were monitored at grid points in the 6′ x 6′ x 6″ slab. In addition, the effects of ion exchange were studied in a cylindrical core of the sandstone 10 inches long and 1.75 inches in diameter.

Similar experiments, but on a larger scale in the field, have been conducted at the University of California and were planned at Bartlesville, Oklahoma, as described above under the heading Historical Review.

Following the Bartlesville investigation, an attempt is now being made to find a more suitable site for such field tests. For economy and ease in acquisition, a site on federally owned or controlled land is preferred, and the following basic geologic requirements have been specified for the experiments: A flat-lying homogeneous clean sandstone, confined between impermeable strata in a structurally uncomplicated area; thickness between 5 and 50 feet; depth between 250 and 1500 feet; porosity between 10 and 30 percent; permeability between 160 and 1500 millidarcies. The objectives of experiments here will be to study under field conditions the possibility of determining the velocity of the radionuclides relative to that of water, study temperature effects, and to learn the extent of possible plugging of interstices by precipitates or by the swelling of clay particles resulting from any incompatibility between injected fluids and the natural fluids or minerals in the injection reservoir rock.

3. Hydrologic Considerations

A deep permeable reservoir contains brines having, in most cases, greater salt concentration than sea water. The composition indicates that fresh water has had only limited or no access to these reservoirs even during geologic periods of time. Nevertheless, the geologic configuration of any reservoir and the pressure pattern (pressure gradients or, more correctly, potential gradients) of the contained fluids should be well understood before it can be used to dispose of radioactive fluids. Furthermore, there should not be a chance that the brine will be produced either for its mineral content or as a byproduct of any associated petroleum. In addition, the disposal process itself should not cause the fluids to gain access to potable water reserves, either behind or through the casing in the disposal well or through fractures in overlying impermeable formations.

The mechanics of disposing of radioactive fluids in reservoirs differ from those for the disposal of any other fluid only in the precautions necessary to prevent escape of radionuclides from the system, and thus it is not only feasible but also highly desirable to use information that is available from the experience of various industries in the deep subsurface disposal of salt water and other liquid wastes.

The pressure required to inject fluids into a permeable formation creates the necessary space capacity in three ways: (1) compresses slightly the native formation fluid, (2) by exerting stress on the surfaces of pore walls it causes the rock formation to expand slightly, and (3) more importantly, it artificially stimulates movement of the formation fluids. As such a flow is radially outward, the highest pressures and pressure gradients are around the point of injection. When injection is stopped, the pressure increase disappears because a slight outward movement is sufficient to accommodate the expansion of the fluids and the contraction of the rock to their original condition. The relation between injection rates, pressures increase and the various parameters of the formation and fluids is well understood and will be discussed later in this chapter. The major source of difficulty lies in the collection and proper interpretation of geological and geographical data which will define the characteristics of the permeable reservoir that is being considered for injection.

The disposal of fluids in any subsurface reservoir stratum is accomplished only by moving both those fluids and the displayed connate fluids through finely porous rock, an operation which demands the application of energy, sometimes in large amounts. The required pressure is always in excess of the natural pressure of the formation fluids, the realization of which leads to a rather widely held belief that injection of large quantities of liquid waste would require pressures in the well bore of such magnitude that not only the reservoir rock but also the confining impermeable formations would be fractured. Experience in the petroleum industry has deepened the understanding of the flow of slightly compressible fluids in porous formations and has shown ways to minimize the pressure increases that are needed for the injection of liquids at high rates. Because of their importance in evaluating the concept of deep-well disposals, we shall discuss these pressure relations in some detail.

It is well known from theoretical considerations confirmed by practical observations, that in disposal systems the increase in pressure is directly proportional to the injection rate and to the viscosity of the liquid, and inversely proportional to the thickness of the formation and to its permeability. Taking these relations into account, in addition to the fact that the fluid is slightly compressible, the pressure effects of an injection rate of 500,000 gallons per day are illustrated in the following hypothetical example. The table shows the increase in pressure at the sandface and at various distances from the well at various times after injection was started. The results have been computed using the formation and liquid characteristics listed below and are collected in Table I.

Sandstone formation thickness = 50 feet.

Permeability = 500 millidarcies.

Porosity = 30%.

Undisturbed reservoir or aquifer pressure = 2500 psi.

Depth to injection reservoir rock = 5000 feet.

Viscosity of injected fluid = 0.5 centipoise.

Diameter of well bore = 6 inches.

Compressibility of rock and fluid (relative to volume of fluid) = 7×10^{-6} vol/vol/lb/inch^2.

Transmissibility = 1025 gal/day/ft.

Coefficient of storage = 45×10^{-6} (dimensionless).

TABLE I.—PRESSURE INCREASE IN PSI AFTER DAYS INDICATED AND AT VARIOUS DISTANCES FROM WELL

Distance (miles)	1 day	10 days	100 days	2.74 years 1,000 days	27.4 years 10,000 days	274 years 100,000 days
1	0.5	19.0	55.4	94.6	134.0	173.8
2	0	4.3	32.6	71.0	110.4	149.9
3	0	.8	20.5	57.1	96.4	136.0
5	0	0	8.2	40.1	79.0	118.4
10	0	0	.5	19.0	55.4	94.6
15	0	0	0	9.2	41.8	80.7
20	0	0	0	4.3	32.6	71.0
30	0	0	0	.8	20.5	57.1
40	0	0	0	.1	13.0	47.4
50	0	0	0	0	8.2	40.1
60	0	0	0	0	5.0	34.2
75	0	0	0	0	2.3	27.3
100	0	0	0	0	.5	19.0
125	0	0	0	0	.1	13.3
150	0	0	0	0	0	9.2
Pressure increase in well, at sandface	318.5	358.1	397.7	437.4	477.0	516.6
Total volume injected (MM/gal)	.5	5	50	500	5,000	50,000
Area flooded (acres) displacement efficiency 100 percent	.1023	1.023	10.23	102.3	1,023	10,230
50 percent	.2046	2.046	20.46	204.6	2,046	20,460

The table shows that the major portion of the increase in pressure on the sandface occurs during the first day after injection was started, and that this pressure increases slightly less than 40 pounds for each tenfold multiple of time. The table further shows the pressure increases that can be expected to occur in the disposal formation. It will take 274 years (100,000 days) and an injection of 50 billion gallons of liquid before the pressure at the sandface increases from 2500 to 3017 pounds. It is clear from this behavior that it will take an additional 2740 minus 274, or 2466 years for the pressure on the sandface to increase another 40 pounds. Also, after 274 years the pressure in the formation one mile away from the disposal well will have increased by 173.8 pounds, about ⅓ of the increase that is observed at the well itself.

Very generally, the natural subsurface formation pressures, measured in pounds per square inch, are 0.45 to 0.48 times the depth in feet. Where, in the example cited in Table I, we mentioned a pressure of 516.6 pounds at the sandface after 100,000 days of injection operations, it should be kept in mind that this pressure is in excess of the natural undisturbed pressure in the reservoir of 2500 pounds and that only this amount of pressure increase is available for fracturing the rock. Once injection ceases, the pressure increase disappears almost as fast as it had begun, for the simple reason that from that moment the only movement of fluids in the formation is that resulting from expansion of the fluids and contraction of the reservoir void space. Because the expansion coefficient of both the fluid and the void space are small, only a little movement is required to reduce the increased pressures.

Table II shows the decay of the pressure

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increase in the well at the sandface, if injection is stopped after the number of days indicated. Within 24 hours after injection is stopped the pressure at the sandface is reduced by more than 300 psi, regardless of how long the injection has been going on.

TABLE II.—EFFECT OF DISCONTINUATION OF INJECTION ON SANDFACE PRESSURES (P.S.I.)

[Injection rate 500 gallons per day. Sand characteristics as in table I]

Injection continued for (and then is discontinued)	1 day	10 days	100 days	1,000 days	10,000 days	100,000 days
Pressure increase in well at sandface at moment injection stopped	318.5	358.1	397.7	437.7	477.0	516.6
Pressure increase in well at sandface (p.s.i.):						
1 day after injection stopped	11.9	41.2	79.4	118.8	158.4	198.0
2 days after injection stopped	7.0	30.8	67.6	105.9	146.5	186.1
4 days after injection stopped	3.1	21.5	56.0	95.0	134.6	174.2
10 days after injection stopped	1.6	11.9	41.2	79.4	118.8	158.4
20 days after injection stopped	.8	7.0	30.8	67.6	106.9	146.5
40 days after injection stopped	.4	3.1	21.5	56.0	95.0	134.6
100 days after injection stopped	1.2	1.6	11.9	41.2	79.4	118.8

The thickness, porosity and permeability used in the cited example may be higher or lower than found in the selected disposal reservoir. The effect of lesser porosity is to increase inversely the area to be flooded by the stated volume of fluid. Lesser permeability would increase the pressure that would be required to inject the fluid at the specified rates. Inasmuch as each characteristic can have a value that is different from the one used in the example, the number of combinations is great but their effects can be computed. The values found at each site will have to be considered when appraising the merits of the reservoir for disposal of fluids.

In oil-field operations, the objective of artificial fracturing of oil or gas reservoirs is to improve the permeability of the rock in order to incease the flow of oil or gas to the well opening. At the same time it is desired to avoid the loss of oil or gas through leaks that might unintentionally be created in the overlying or underlying impermeable formations. No reports of such leakages have been found in the technical literature of the oil industry.

Artificial fracturing is accomplised by the application of pressure through a column of fluid in the well, thus creating either vertical fractures, which usually occur at pressures that are about 0.7 to 0.9 times the weight of the rock overburden, or horizontal fractures, which are expected to occur at pressures in excess of overburden weight; exceptions to the rule have been observed. As the estimated weight of the overburden is commonly about one pound per foot of depth, the rock pressure in the example in Table I is about 5000 psi. Hence, the injection of fluids at a constant rate for 274 years into the described hypothetical reservoir would raise the pressure hardly enough to fracture the reservoir rock.

Upon discontinuance of the artificial pressures, the force exerted by the weight of the overburden will close the fractures, thus, in oil-field operations, defeating the purpose of the artificial fracturing. In order to avoid this result, coarse sand is injected along with the fracturing fluid, and the sand serves as a propping agent to hold the fractures open. Fracture treatments using from 25,000 to 50,000 pounds of sand are considered to be normal. The vertical extent of fractures can be observed by mixing the sand with short-lived radioactive material and logging its position by means of down-hole sensing devices. Experience in oil fields is that most of the fractures die out a short distance above the permeable reservoir.

In the case of deep-well disposals of radioactive wastes, it is clear that even if some fracturing occurred during injection operations, such fractures, unless artifically propped open, would seal themselves when injections are discontinued. Pressure increases which become excessive can be brought back to normal by interrupting the injection procedures as long as required.

Precautions such as the monitoring of bottom-hole pressures during injection, and surveying the hole with fracture-detecting instruments after test injections of nonradioactive fluids, can assure control of the operations, even where it may be desirable to fracture the reservoir rock purposely in order to improve injection rates.

As for the danger of fracturing the confining impermeable formations, it has been demonstrated that vertical fractures that are induced in petroleum reservoirs do not penetrate adjacent soft formations which have a high Poisson ratio relative to the reservoir rock. Fractures will propagate, however, through adjacent formations that are hard and brittle and have a low Poisson ratio, as exemplified by some dense limestones and quartzites. A requirement for a suitable disposal site, therefore, is a thick layer of soft rock such as shale or salt between the injection reservoir and any permeable aquifer or reservoir which is to be protected from invasion.

These discussions indicate that disposal by injection at high rates places a lower limit on the weight of the overburden and, hence, on the depth that is safe for containment. The weight of the overburden of a formation 1500 feet deep is about 1500 pounds; because the normal reservoir pressure would be about 700 to 750 pounds, only 300 to 400 pounds of additional injection pressure would lie within the margin of safety which would allow pressured injections without fracturing. Generally, the permeability of the formations decreases with increasing depth. The two desiderata oppose each other, and a compromise must be worked out on the basis of the known characteristics of all permeable formations which occur in the stratigraphic column at a prospective location. Proper site selection and preparatory studies can assure safe injection procedures where large volumes of liquid can be disposed of at relatively low pressures.

4. General Industrial Experience

Several examples of subsurface liquid waste injection are cited in U.S. Bureau of Mines Circular 8212, "Subsurface disposal of industrial wastes in the United States," by E. C. Donaldson, 1964.* Cited injection rates and pressure behavior in consolidated and unconsolidated sedimentary rocks are generally similar to the data in Table I. Various chemical and mechanical treatments of the waste liquids facilitate trouble-free injection, and periodic treatments of the reservoir rocks are employed to remedy blockages caused by pore-plugging agents. The treatments are used routinely in oil-field brine disposals as well as in other industrial applications. Injected fluids should be chemically stable, bacteriologically sterile, and, where necessary, rendered nonreactive with respect to formational matrix and liquids. Inasmuch as the swelling of clay materials is fairly well understood, and techniques for its prevention have been developed, an examination of the permeable formations that are to be used for disposal will dictate the requirements that the injected fluid should meet in order not to cause plugging.

Reviewing the foregoing paragraphs, it can be stated that a large amount of injection technology exists that may be utilized in the deep-well disposal of radioactive waste liquids. Extreme care in the application of familiar techniques will, of course, be required. The particular reservoir conditions encountered, and engineering considerations that are unique to nuclear waste disposals, such as corrosion problems, safety measures, and programs for well reconditioning, will be the factors determining how this technology can be exploited. Engineering procedures for the necessary safety measures must be developed under the guidance of engineers who are experienced in deep subsurface operations.

For counsel and advice concerning questions of mechanical engineering in the construction, maintenance and rehabilitation of disposal wells, the Committee recommends appeal to the Society of Petroleum Engineers (Executive Secretary Mr. J. B. Alford, 6300 North Central Expressway, Dallas, Texas) of the American Institute of Mining, Metallurgical and Petroleum Engineers. The Society's membership includes petroleum and mechanical engineers who are experienced in procedures and problems in oil-well cementing and in various formation treatments such as artificial fracturing and acidizing.

5. Conclusions

The Committee believes that, given a satisfactory geologic environment in the deep subsurface and the careful development of engineering procedures that will prevent escape of radionuclides during transit from the surface to the disposal formation, it is safe and feasible to inject radioactive liquids into deep permeable rock formations. It must be clearly understood that our concept of deep-well disposal does not permit any disposals by injection into formations that directly underlie fresh-water aquifers, or anywhere near them stratigraphically. Nor does it allow injections under such conditions that lateral flow through the disposal reservoir would bring waste fluids into the zone of potable water in the same formation. Disposal operations should be conducted sufficiently far from the rim of the basin, under such hydrodynamic conditions and at such great depths that accidental fracturing of an overlying formation would still not endanger a fresh-water aquifer. Where thousands of feet of strata including soft shale or salt overlie the disposal reservoir, no contamination of the biosphere could occur.

Considering the prospect that disposals of general industrial liquid wastes into deep subsurface formations will become more and more common in future decades, we foresee the likelihood of mutual interference by expanding circles of pressure influence from several disposal operations in the same reservoir formation. If three or four operations are conducted simultaneously in one disposal reservoir, even though the points of injection should be 50 or 100 miles apart, it can be seen from Table I that in a period of a few decades the areas of pressure increase will meet. Eventually the pressure increases will travel back to the injection wells, and the rates of increase will gradually accelerate. Certain limitations might then have to be imposed on further injections. These will not be great immediately but will increase as injections continue. The prospect requires that complete and accurate records be kept of pressure data in the injection wells and in observation wells that will need to be drilled for that purpose. Legal restrictions of multiple usages of reservoirs having prior demand may some day be necessary.

In the same line of thought, competition for available reservoir space also would dictate that any waste liquids should be con-

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* Another recent publication of interest is U.S. Public Health Service Publication No. 999-WP-21. "Deep-well injection of liquid waste," by Don L. Warner, April 1965.

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centrated as much as possible before injection. In the case of radioactive wastes, this would mean the injection of intermediate rather than low-level wastes, in which the limit of concentration would presumably be dictated by considerations of heat dissipation in the subsurface.

We return now to the subject of the proposed field experiments, such as the one which was attempted at Bartlesville, which are designed partly to learn about the relative velocities of water and radionuclides in an injection operation, and we reiterate our position that no deep-well disposals should be undertaken under conditions where injected liquids might under any circumstances reach the biosphere. In view of the logical presumption that radionuclides will travel no faster than the liquid which contains them, we see little need for the further expenditure of funds to study the relative velocities of radionuclides and water as any part of a deep-well disposal program. The value of such studies is limited in application to procedures in which it is anticipated that the waste liquids will remain in the biosphere or will return to it before the nuclides have decayed to a harmless level, as in disposals in soil. Insofar as studies of heat dissipation and of pore-plugging are concerned, this information is pertinent to deep-well disposal, but because of local variations in lithology from place to place, the most useful resuts can be obtained by pilot operations in the selected deep disposal reservoir at an actual plant site.

G. Geophysical studies at NRTS

1. Geological Background

The National Reactor Testing Station, in southeastern Idaho, lies on the Snake River Plain, which is both a topographic basin and a structural depression. Paleozoic rocks crop out in mountains to the north and are overlain by upper Tertiary (Pliocene) volcanics, apparently without any intervening strata. Lying on the Tertiary volcanics is the Snake River group of basalt flows and interflow sedimentary deposits. The surface is a veneer of alluvial, lacustrine, and aeolian deposits, except where basalt and other volcanic rocks are exposed.

The character of the basalt ranges from dense to vesicular to blocky. Some of the basalt flows are excellent aquifers, others are essentially impermeable. The total thickness of the basalt series exceeds 1500 feet, this figure being the maximum depth that has been reached to date in borings. The associated sedimentary deposits, similar to those of the surface veneer, are gravel, sand, silt, and clay, the porous and permeable beds among them also being aquifers.

The surface of the plain ranges in elevation between 4800 and 5000 feet above sea level. The water table descends from an elevation of 4600 feet at the northeast to 4400 feet at the southwest. The unsaturated interval, or zone of aeration, is therefore 200 feet to at least 600 feet thick. This is the interval of so-called "dry soil" above the water table which NRTS utilizes as a reservoir for the disposal of radioactive waste liquids.

Neither the depth to relatively impermeable basement rocks nor the depth to the base of the fresh-water zone, the collective group of aquifers, is known; only fresh water occurs in the deepest hole that has been drilled to date. The continuous need for more detailed and more accurate data regarding the distribution, capacity and interrelation of aquifers in the Snake River Plan led to a program of geophysical surveys, both by borehole logging and by ground and aerial mapping.

Data obtained from borehole logs are to some extent supplementary to information derived from laboratory analyses of samples, but when such data are properly interpreted they also provide additional information which is not otherwise obtainable. The methods of geophysical mapping provide interpretations of the regional configuration of various subsurface layers of rock. In areas of complex strata, such as the NRTS, the interpretations are imprecise at best, and in the absence of supporting data obtained directly by drilling they are highly speculative.

Thorough evaluations of geophysical operations cannot be made in brief examinations such as those afforded to the Committee during its rapid tour of the sites last spring. This statement is particularly true of geophysical mapping, in which much depends on the amount and quality of basic data and on the manner of their day-to-day applications. Minor questions of geophysical-log interpretations were discussed at the sites, and the Committee's overall reaction to the work is favorable. The staffs appear to be competent and well informed. Following is a brief summary of the geophysical methods that were discussed, together with an annotated list of other techniques which might some day be useful.

2. Borehole Logging

Techniques included under this heading involve the lowering of mechanical, electrical, electronic, radiation-sensing, or other instruments into a borehole for the purpose of making a continuous record or log of the physical properties of the rocks or fluids throughout the full depth of the hole.

a. *Electric log.*—The instrument records two basic parameters in boreholes filled with fresh (nonsaline) drilling muds: the spontaneous potential (s. p.) and the resistivity of the rocks to the flow of electric current. It cannot be used in a cased hole or in one which contains no water. In oil-field operations it is widely used and relied on for correlations of rock strata from hole to hole, and for estimates of qualities such as porosity, permeability, and fluid content in the rocks. As pointed out by operating personnel at NRTS, the electric log is of only minor value in southeast Idaho because both fresh water and dense basalt are highly resistive, and the resulting log lacks character.

b. *Gamma-ray log.*—This instrument was designed to detect and measure the amount of natural gamma radiation in the rocks that were penetrated by the drill. It can be run successfully in either cased or open holes, either wet or dry. Its usefulness is found primarily in the distinction and identification of different gross lithologies and, therefore, for stratigraphic correlations from hole to hole. At NRTS it is useful in the identification of such lithologies as basalt, tuff, and shale. It is important for operators to bear in mind that such interpretations need confirmation by the examination of drill cuttings in selected boreholes, not too widely spaced, in order to avoid misinterpretations as lithology varies from place to place.

A more obvious use of the gamma-ray log in radioactive-waste disposal operations is in the detection of introduced gamma radioactivity in the subsurface and, therefore, in mapping the extent of contamination in aquifers.

c. *Density log.*—The density logger is a device in which a gamma-ray source and a shielded detector are held against the borehole wall. The tool measures the induced gamma-ray intensity in the wall rock, a function of the formation density; porosity may be estimated from these data. Many corrections must be applied to the log readings, because the instrument is highly sensitive to mud-cake, and to borehole roughness (rugosity), and gas content of formation liquids. Density logs are more dependable in high-porosity formations (greater than 10%) than in low-porosity rocks. The effects are based on diffusion processes, and assumptions are made that all interactions measured take place in the formation and not the borehole. Further, natural gamma radiation is not counted or is negligible.

A new "compensated-density log" has been introduced by Schlumberger Well Surveying Corporation which is said to correct automatically for hole size and mud-cake thickness. Used in combination with other logs, the density log can give a fairly reliable indication of rock porosity.

d. *Caliper log.*—As the drill penetrates various layers of hard and soft rock, compacted or loose, fractured or while, the diameter of the hole varies because of varying bit action or caving of the walls. The caliper log is made by a mechanical device which measures continuously the diameter of the hole. Used partly in conjunction with the density log, but also advantageously with other logs, the caliper log gives useful information about rock characteristics as well as about the condition of the hole.

e. *Flow meter.*—This instrument incorporates a spinner device which, emplaced in a fixed position in a borehole, indicates the upward or downward direction of flow within the hole, and measures the rate of flow. It has been used commonly at NRTS and has provided useful data regarding vertical components of flow within an aquifer and between aquifers.

Another type of flow meter, the Tracejector, has been tested successfully at NRTS. The velocity and direction of flow between two points in a well are measured by injecting a radioactive tracer at one point and recording its arrival time at a second point.

f. *Temperature log.*—The logging of water temperatures in a well indicates the presence and depth of water which is warmer or cooler than the natural ground water. Such abnormal temperatures reveal the presence of "foreign" waters introduced into the normal ground-water circulation. The log also provides temperature data for use in connection with water-resistivity logs.

g. *Water-resistivity log.*—Natural ground water at NRTS is very low in dissolved solids, averaging about 250 ppm, whereas introduced waste liquids are slightly more saline, with salt content in the neighborhood at 1000 ppm. Because of this chemical difference, the difference in electric resistance is a direct guide to the occurrence of "foreign" water in the aquifer. The water-resistivity log provides a convenient record of deviations from normal resistivities.

h. *Specific-conductance log.*—In contrast to the foregoing records, this log is produced not by downhole logging but by combining the data from temperature and water-resistivity logs. The product gives a more accurate idea of water composition than does either of the separate logs, and so provides a more reliable identification of the water.

The study of specific-conductance logs and flow-meter logs together forms the basis for the interpretation of flow in boreholes. This practice of combining several types of logs, including the lithologic and petrographic logs prepared by the geological staff, is to be commended and encouraged. The interpretation of poorly defined characteristics in logs can thus be enhanced, and obscure properties or occurrences often can be revealed or magnified.

The usage and interpretation of logs at NRTS conform to practice in oil fields, where the technique of downhole logging was developed. Our only qualifying comment is to caution against over-reliance on such logs without constant support from laboratory analyses of samples of the fluids and rocks whose properties are presumably being measured by the logs.

Many other logs are available for borehole investigations. Some of these may be useful in future geophysical studies in the Division of Reactor Development and Technology research program. Of particular interest are the suites of neutron logs and acoustic logs which are described briefly in the following paragraphs.

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i. *Neutron logs.*—Neutron-logging devices all measure radiation characteristics of substances irradiated from a neutron source lowered into a borehole.

(1) *Neutron-epithermal neutron log.*—Epithermal neutron distribution is measured as a function of hydrogen (water or oil) in the formation. The main advantage is that the tool can be run at reasonable logging speeds if a strong source and efficient counter are used. Disadvantages include the sensitivity of measurements to influences such as borehole fluid, cement condition, degree of mud filtrate, and position of the tool in the hole.

(2) *Neutron-thermal neutron log.*—Thermal neutrons are counted as a function of the amount of hydrogen and chlorine in the formation. The system has the same advantages as the neutron-epithermal neutron log, but salinity and porosity cannot be separated. Disadvantages of both systems are similar.

(3) *Neutron-gamma log.*—Gamma rays produced by capture of thermal neutrons are detected by the borehole counter. The source of these gamma rays is correlative with thermal-neutron density. If porosity is known, salinity can be inferred from the flux of high-energy gamma rays which chlorine, in particular, emits. Proper tool design permits good sensitivity for detecting chlorine through casing. A disadvantage lies in the lack of good agreement between theory and experimental data.

(4) *Pulsed-neutron log.*—Neutrons from a pulsed tool source interact with the formation, and the resulting thermal-neutron flux decay is determined. The slope of the decay is related to the presence of chlorine in the formation fluid. In terms of sensitivity, near-borehole effects, and instrumentation, pulsed-neutron logging is far superior to the steady-state methods. The tools are not widely available yet, and future developments may see this tool's greatest use in porosity determinations and in differentiating between oil, fresh water, and brine. The major problem at present with this tool is the presence in rock of absorbing elements such as boron, lithium, and the rare earths. These elements are believed to account for the much shorter neutron lifetimes in boreholes as compared to theory and laboratory model experiments. When these problems are resolved, the pulsed-neutron log will be the most effective "through casing" log available.

A modified pulsed-neutron tool measures decay of intensity of gamma-ray flux produced by neutron capture. The gamma-ray counting rate is related to the reciprocal of neutron lifetime in the medium being investigated. Thus, the log is a "lifetime log." The measurements are chiefly a function of chlorine in formation fluids, as with the other logs. However, near-borehole effects are small, and asymptotic decay of gamma rays occurs sooner than does decay of neutron flux. This tool is still in the development stage.

j. *Acoustic* (*sonic*) *logs.*—These tools consist of a sound source and two or more receivers spaced at known distances from the transmitter. Travel time of acoustic energy (compressional wave, shear wave, tube wave) between receivers is measured. Given the travel time and assuming that the propagation path is known, acoustic velocity of the rock formation is inferred.

(1) *Acoustic-velocity log* (compressional wave).—Travel time of an acoustic compressional wave is measured and velocity is calculated. Velocity logs are used to compute reflection coefficients and vertical velocity "profiles" for seismic investigation. The logs can also be used for correlation purposes. By far the greatest use of the velocity log is in estimating the porosity of subsurface rocks, once the effective stress, matrix material, and average pore size are known. The log is also used for velocity determinations in connection with seismograph surveys.

(2) *Acoustic-velocity log* (shear wave).—Shear-wave travel time is measured between receivers. In certain formations (limestone, anhydrite, salt, dolomite, and well-cemented sandstone) shear-wave amplitude is larger than the compressional. Thus, with independent determination of compressional and shear-wave velocity plus density, Poisson's ratio for the rock is obtained, and all of the remaining elastic constants may be calculated. These approximations have proven to be very satisfactory.

(3) *Acoustic-amplitude log.*—All three waves (compressional, shear, and tube) are measured. Attenuation of low-frequency components of tube waves is dependent on formation rigidity, which in uniform lithology changes as a result of fracturing or fluid saturation. Commercial application of this type of log has been in attempting to detect fractures in open holes. The tool is sensitive to borehole centering and caliper, mud properties, hole size, and bed boundaries. Small shale stringers are not distinguished from horizontal fractures. Modifications of this logging method are used to determine the effectiveness of cement bonding between casing and the hole wall.

3. Geophysical Mapping

A number of geophysical mapping techniques have been developed, primarily in petroleum exploration, for the purpose of learning about strata which have not yet been reached by the drill. All of them record physical properties of rocks which vary as the lithology varies. They are more rapid and less costly than exploration by the drill, but the data derived from such surveys can rarely be interpreted precisely or uniquely in terms of rock distribution and properties. Resulting maps, therefore, are less reliable than those constructed from data that could be derived directly from closely spaced boreholes.

Geophysical mapping is commonly the first step in the exploration of an area such as the NRTS where deep-borehole data are lacking. Under favorable circumstances the gross form and depth of a basin may be delimited by gravity and magnetic work, as attempted here. Indications of more localized rock distribution and structures may be obtained with suitably designed programs.

The geology at NRTS presents the geophysicists with particularly difficult problems. The rocks filling the Snake River depression are a complex of basalt lava flows which are massive to scoriaceous and cindery and have interbedded lenses and tongues of alluvial and lacustrine clays, sands and gravels. The sequence is thus extremely heterogeneous, both laterally and vertically, with regard to porosity, permeability, density, magnetic properties, seismic velocity—in fact all the physical properties which form the basis for geophysical exploration. The lavas and interbedded sediments were laid down in an easterly trending trough, the Snake River downwarp, on older rocks whose structures trend more or less north-south. These older rocks were folded, faulted and deeply eroded before the Snake River downwarp developed. Presumably the older structures pass beneath the downwarp approximately at right angles to its strike.

A principal object of the geophysical program, namely the determination of the depth and configuration of the basement surface on which the lava sequence was poured out, is thus complicated by the basement structural pattern. Both gravity and magnetic anomalies may reflect topographic relief on the ancient surface, or masses of rock of contrasting lithologies, or varying rock patterns in a structurally disturbed area. The variables are such that no unique solution is possible without deep-well data on physical properties of the rocks and depth to basement.

Hence the value of the existing geophysical-mapping program would be greatly enhanced by NRTS's proposed deep drill hole, especially if this hole extends into basement beneath the basalt sequence. Data from such a well would permit the definition of the basement surface for a considerable area surrounding the well. The degree of confidence in the reconstruction would, of course, diminish with distance from the well. A reasonably accurate delineation of the basement surface and its hydraulic characteristics over the entire NRTS, presumably would require a minimum of three deep wells penetrating the entire basalt sequence and going into the basement rocks far enough to give an indication of their porosity, permeability and fluid content.

a. *Gravity and aeromagnetic surveys.*—The operation of a gravimeter is based on differences in density between different types of rocks. A mapped positive anomaly could means (1) the presence of a relatively small mass of dense rock at a shallow depth, surrounded by less dense rock, (2) a large discrete mass of dense rock at great depth, or (3) an arched uplift which brings a deep layer of uniformly dense rock closer to the surface at the location of the anomaly. The accuracy of the interpretation depends on (1) the nature and complexity of the geology, (2) the operator's experience, especially in the type of subsurface geology that is being explored, (3) the spacing between gravimeter stations where data are obtained, and (4) the amount of subsurface data available from boreholes.

The operation of a magnetometer is closely analogous but is based on measurements of magnetic variations rather than densities. The problems in interpretation are similar. The magnetometer has the advantage, however, that readings can be made instantaneously and from a moving instrument. Consequently, techniques have been developed for making magnetometer surveys by trailing an instrument behind an aircraft. The amount of detail that can be obtained depends upon the flight altitude and the distances between traverses. In reconnaissance work excessive detail is apt to be more confusing than helpful.

Gravity and aeromagnetic surveys were conducted for AEC at NRTS in 1964, and the resulting data were added to those available from earlier surveys. Interpretations of the gravity data are complicated by the fact that the density of basalt varies widely from flow to flow and from place to place within a flow. Although basalt is generally strongly magnetic, it varies also in degree of magnetism and in direction of polarization. The final products of both surveys are contour maps. Interpretations of observed anomalies are speculative. Some faulting is suggested by the contours, but the evidence is unreliable without better control.

The densities and magnetic properties of rock specimens from adjacent areas have been determined by laboratory measurements, but deep subsurface control from the NRTS is desirable to improve the interpretations.

b. *Seismograph surveys.*—Seismic surveys involve the transmission of acoustic energy, usually from a near-surface explosion, downward into subsurface rocks. This acoustic or "seismic" energy is in part transmitted through the rocks and in part reflected and refracted back to the surface where the arrival times and energy characteristics may be measured. Seismic reflection surveys are most commonly used by the petroleum industry to determine the depths and structural configuration of subsurface rocks. For technical reasons this method does not normally give good results at depths less than about 500 feet. The reflection method is not well suited to exploration of thick masses of basalt. It is especially doubtful that satisfactory results would be obtained from the highly lenticular basalts and sediments of NRTS, except possibly for study of selected local structures.

Refraction surveys can be used effectively at shallow depths to determine the thickness of sediments above the first basalt flow. It is not very likely that useful data will be obtained by this method at greater depths in this geologic setting, because the irregular alternation of high-speed and low-speed zones within the lava would give a confused seismic response.

c. *Aeroradioactivity survey.*—This work involves the recording of natural radiation from the earth's crust by means of an airborne instrument. The effects of any artificially introduced radioactivity would, of course, also be sensed. Because only preliminary work has been reported, the Committee is unable to comment on the results.

4. Conclusions

Throughout all of the geophysical programs at NRTS the need for petrophysical data from boreholes is obvious. The value of the interpretations is directly proportional to the amount and quality of supporting analytical data. This relation is made clear in projects where such data have been obtained. The geophysical program is still active and should be continued until the usefulness of the methods has been exhausted. Particularly, we urge the need for more geophysical-log studies of the interaquifer flow of ground waters, because the overall flow system is still inadequately understood.

H. Ground disposal of gaseous wastes

AEC is considering the vexatious question of handling radioactive gases that might leak from a reactor's containment shell in the event of melt-down resulting from a rupture in the internal cooling system. Among other procedures it has been suggested that the vapors released at high temperatures into the shell be pumped into a ground-water acquifer. Inasmuch as the injection would have to be completed quickly, it was further suggested that the subsurface reservoir be prepared in advance by the injection of air so as to displace an appropriate amount of water, thereby producing a huge air bubble in the aquifer.

The Committee doubts that this procedure would be practical, because over a period of time the air bubble would move along the aquifer, eventually becoming dispersed, and therefore a stream of air would have to be injected from time to time throughout the life of the plant in order to be ready for an emergency. Under unusual circumstances in which a domal structure or a lenticular formation makes a local trap, the procedure might be effective.

It has also been suggested that the zone of aeration, the unsaturated interval lying above the water table, be utilized as a receptacle for radioactive gases. Few plant sites, however, have an aeration zone thick enough to provide a useful capacity for such injections. Moreover, such a disposal procedure for gases would be subject to the same objections as for liquid wastes—i.e., the danger of possible migration into and along the aquifer, particularly under the influence of moving waters.

VII. OPERATIONAL PROCEDURES

In addition to the Research and Development projects described in preceding pages, the Committee has considered also some broad geologic and hydrologic aspects of other ground disposals. They pertain to practices which are in general use at the sites visited by the Committee and which are part of the whole range of disposal procedures in which geologic aspects bear heavily on the long-term safety of the operations. Attention is called to the outline of the geology of the four major plant sites where disposal techniques are being developed (pp. 14–18 of this report). Present operational procedures are considered in three categories, as determined by the levels of radioactivity in the wastes.

A. High-level wastes

Both liquid and solid high-level wastes are now being stored in underground containers built of steel and cement. The operators consider the tanks for high-level liquids as being only an interim device pending the development of safer techniques for permanent disposal. Procedures for solidification of the liquids are being developed, and it is anticipated that the tanks eventually will be used only for temporary storage during initial decay and cooling stages.

Methods for disposal of the products of solidification, like disposal of saturated or partially saturated absorbants and of high-level radioactive trash (e.g., used laboratory equipment) remain to be perfected. If the solid product will be essentially insoluble for a period of 600 to 1000 years, and if sorbed radionuclides will not be released from contaminated solids during the same period, the solids can be stored safely at shallow depths in the ground above the water table. However, the permanence of fixation on trash or perhaps even on used ion-exchange materials cannot be relied on, and such a disposal site would still carry the hazard of accidental discovery and release to the biosphere in the event of excavation in future centuries when knowledge of the burial may have been forgotten. Storage below the fresh-water zones, particularly in salt beds, would appear to be the safer procedure for all manner of high-level solids.

B. Intermediate-level wastes

Treatment of intermediate-level wastes varies from site to site, as also does the definition of what constitutes intermediate levels. Solid trash is buried at shallow depths in earthen trenches at all sites; radiation levels in adjacent soil are monitored in order to avoid concentrations higher than accepted safe levels, but there remains the risk of unanticipated movements of the radionuclides as changes in the chemical or hydrologic environments upset the ion-exchange equilibria.

Treatments of intermediate-level liquids by evaporation in order to reduce their volume and by ion-exchange materials to reduce their radioactivity, have been investigated, and such systems are being used. At sites in semi-arid lands the intermediate-level liquids are pumped into seepage cribs and trenches, their subsequent movements through the earth being monitored through borings. The desired objective in controlling such disposals is to avoid appearances of radioactivity in excess of a small fraction (usually one-tenth) of MPC at the nearest point of use downstream.

C. Low-level wastes

Low-level trash is buried at shallow depths. The characteristics of low-level liquids, and disposal methods, vary from plant to plant. Very large volumes of cooling water, for example, which normally has little or no radioactivity but which may occasionally receive accidental discharges of radionuclides, are generally directed into ponds, swamps, or surface streams from which they eventually find their way into the major rivers. Assuming constant monitoring which would permit the operators to direct the flow temporarily into more confined reservoirs for detention in the event of serious contamination, this procedure appears to be harmless.

Other low-level liquids at some sites are pumped through disposal wells directly into fresh-water aquifers, the operators relying on long travel times and on sorption phenomena in the aquifer to reduce the radioactivity to safe levels before the contaminated water reaches downstream points of use.

The low-level liquids contain all manner of radionuclides, most of which are short-lived. At all locations, however, some of the isotopes are long-lived, the more common ones being tritium, cesium^{137}, strontium^{90}, and cobalt^{60}. Not all of these are equally hazardous to man, and the degree of hazard is not directly proportional to their longevity; strontium^{90} and cesium^{137} are the ones of greatest concern because of both their longevity and biological hazards.

The amounts of the long-lived radionuclides that are put into the ground with low-level wastes vary from year to year and from location to location, as do the total amounts of all radionuclides. Radioactivity produced by cesium^{137} and by strontium^{90} ranges from a small fraction of one percent in some places to more than 10 percent at others, for each of these isotopes. In some places tritium accounts for more than 99 percent of the released radioactivity at certain times.

At present the amounts of total activity produced by waste are kept well below RCG levels between the disposal areas and the nearest points of use which are beyond the reservation boundaries. In some cases these distances are great, and large areas of intervening land can become contaminated before measurable amounts of activity reach the producing wells or streams. Moreover, the first appearance could be the fringe of a dispersion band which would be followed later by the zone of concentration. Monitor wells are located between the disposal areas and the nearest points of use, most of them clustered around the disposal facilities, and it is at these points that the criterion of RCG levels should be applied in all cases as it is now in some.

D. Geologic factors in appraisal of operating procedures

In nearly all of the ground-disposal procedures which currently are part of routine operations, two factors are depended on for protection of the biologic environment: (1) the capacity of soil and rock to contain much of the radioactivity by sorption phenomena until decay to innocuous levels, decay time. Both factors are governed by and (2) long travel time in respect to parameters which can be and constantly are being determined empirically, both in the laboratory and in the field. At present, therefore, no serious hazards have been created by the current disposal operations.

The Committee, however, is concerned about the long-term safety of the operations if they are to be continued at the same sites for many decades or even for centuries. The ion-exchange equilibria are reversible, and under changing conditions desorption could replace adsorption. Such a changed situation might result from man's future activities which would affect the hydrologic systems in the aquifers as dams are built, irrigation is accelerated or extended into new areas, or ground-water aquifers are subjected to higher withdrawal rates, all of which are not only possible but likely happenings in forthcoming decades. Climatic changes in future centuries may also be sufficient to alter substantially the hydrology in an aquifer and thereby affect its sorption capacity.

The concept of "delay and decay" is applicable to many components of radioactive wastes, but the long-lived isotopes such as strontium^{90} and cesium^{137} are components whose threat is reduced hardly at all in a few decades. As the absorbent earth materials under a disposal site become saturated after long-continued disposal of even low-level wastes, the concentration of radioactivity eventually could become equivalent to that which would result from lesser volumes of higher-level wastes, depending upon the rate of accumulation of long-lived nuclides. In such an event the disposal concept then becomes one of "concentrate and contain," but in the event of altered hydrologic conditions the prospect of containing the concentrated long-lived radioactivity becomes dim. The movement of radionuclides in the subsurface is bound to be extremely difficult to control in the absence of unsaturated natural adsorbents.

With the above considerations in mind, the Committee is especially anxious about continued ground disposals of any level of wastes containing long-lived radionuclides unless they be emplaced below the fresh-water aquifers at such depths and under such hydrologic conditions that they will not be returned to the biosphere.

The Committee is also dubious about the concept that in arid and semi-arid lands meteoric water does not percolate downward as far as the water table but instead is lost entirely by evaporation and plant transpiration. Operations conducted under this concept are saturating tangible volumes of soils with radionuclides, some of them long-lived, which in the course of a century or two may be carried to the water table by catastrophic "once-a-century" deluges. Especially in areas having centripetal surface-drainage systems and where innumerable local topographic depressions collect runoff, contamination at or near the surface may be subject eventually to transportation downward to the water table in the event of a rare calamitous flood. The Committee is not aware of any past or present research that might aid in determining the extent of this risk. It is a field of investigation which should not be overlooked as a part of the research pertinent to ground disposals of long-lived radioactivity.

VIII. DEEP EXPLORATORY DRILLING

A. National reactor testing station

At present no one knows where the base of the fresh-water system lies in the Snake River Basin. Nor is anything known about the lithology of the rocks at those unknown depths. It is important to learn as much as possible about the geology and hydrology of the deep rocks in order to understand the complete hydrology of the NRTS site as a further guide to the fate of radioactivity that is released in it.

The drilling of a deep exploratory well at NRTS has been recommended by the staff there, and we strongly support the recommendation—including continuous coring, geophysical surveying by a number of logging devices, measurements of pressure or static heads, determination of the rates of buildup or drawdown, and collection of fluid samples at frequent intervals. In this well as in all exploratory borings, shallow and deep, the properties of the rocks with respect to movement of fluids, and the composition of fluids, should be determined by laboratory analyses of samples rather than solely by interpretation of geophysical logs. More than one deep exploratory well may eventually be needed in order to gain the essential three-dimensional view of the deep hydrologic regimen.

The objectives cited by NRTS are desirable and necessary. If such a deep test is scheduled, NRTS may find it helpful to obtain the services of one or more geological and engineering experts who have had long experience in exploratory drilling in similar terrain in the petroleum industry.

B. Hanford atomic products operation

An oil company drilled a wildcat well in the Rattlesnake Hills in 1957–1958 to a total depth of 10,655 feet, where it was abandoned as a dry hole. The drillsite is near the southwest edge of the Hanford area. At the total depth the drill was still in Tertiary volcanic rocks, and the operators reported fresh water at the bottom; however, no analysis of the water was made. We support the view of Hanford personnel that the hole should be reentered for the purpose of sampling the fluids, obtaining pressure measurements, and running additional geophysical logs.

Nothing is known at present about the hydrologic system beneath the volcanics in the Pasco Basin, or even about the lithology. For that matter, there is little information of any kind about rock formations and their contents below a depth of about 2000 feet. The nature of the fresh-water aquifer systems in the deeper part of the volcanic series is critical to a complete understanding of the eventual fate of all foreign fluids and nuclides that are accepted by the fresh-water aquifers. For these reasons we urge that efforts be made to re-enter the Rattlesnake Hills boring and conduct necessary tests, as a prelude to any further deep drilling that may be required later.

IX. DISPOSAL VAULTS IN DESERT HILLS

It has been suggested that a tunnel or other excavation in the Rattlesnake Hills at Hanford might be a safe place for disposal of dry radioactive solid wastes. The hills rise more than 1500 feet above the surface of the Pasco Basin to the northeast, and even more above the water table. Precipitation on the hills appears to be light. A similar situation might be found at Middle Butte at NRTS. Such situations might provide suitable dry storage or disposal facilities for radioactive solids of many types, including baled trash and such objects as those which are currently stored on railroad cars in tunnels under the plains. Proponents of the idea emphasize that the chief advantage of such a site would be its elevated position where runoff cannot collect. Care would need to be taken to protect the contents from drenching, leakage, and runoff or percolation of contaminants to the outside ground surface or downward to the water table.

However, too little is known about geologic factors in these hills to enable one to recommend any construction operations. It is necessary to know more about details of local stratigraphy, lithology and structure, especially jointing. As a preliminary measure, the hills should be mapped in detail, in order to determine the position and attitude of the thickest and least-brecciated lava flows, because sound basalt would probably hold openings that are permanent and virtually indestructible. In order to determine the feasibility of the proposal, geological studies are needed along the lines suggested.

X. GENERAL CONCLUSIONS

A. Criteria

The Committee's criteria in evaluating disposal methods are: (1) permanent isolation from the biosphere of all hazardous concentrations of radionuclides; (2) protection from long-lived radioactivity must extend for 600 to 1000 years; (3) when safety is involved, cost is secondary.

B. Costs

Lack of funds has been cited at one location or another for inability to conduct needed research or to use alternate disposal methods which are agreed to be safer than current practices. The Committee recognizes that decisions on expenditures must be based on many factors, often including some that may not be known to all staff employees. However, it is apropos to point out that waste-disposal costs are now a small part of the overall expense budget of the nuclear industries, and that any compromise with safety for the sake of economy could lead, in the long run, to a mushrooming of waste disposal into the most costly item in the use of nuclear power.

C. Evaluations

1. Progress in New Techniques

The Committee is pleased with progress in methods for solidification of high-level liquid wastes, burial of high-level solid wastes in salt beds, and, as far as its present application at ORNL is concerned, the injection of grouted intermediate-level wastes into shale fractures. There are some reservations regarding the capacity of the subsurface at ORNL for continued injections of grout over periods of many decades, and this method therefore should be re-evaluated periodically.

2. Disposals to the Environment

The Committee thinks that the current practices of disposing of intermediate and low-level liquid wastes and all manner of solid wastes directly into the ground above or in the fresh-water zones, although momentarily safe, will lead in the long run to a serious fouling of man's environment. Such methods represent a concept of easy disposal that has had and will continue to have great appeal to operators, but we fear that continuation of the practices eventually will create hazards that will be extremely difficult and expensive to eliminate. Although the ion-exchange capabilities of natural earth materials under disposal sites will retain quantities of radionuclides and provide a safe container for the shorter-lived ones, it would appear to be prudent to reserve a large portion of the capacity for accidental releases—especially in humid regions where the water table is shallow and distances between disposal sites and discharge points are small.

At ORNL disposals into surface pits in a shale formation have been troublesome because of some seepages and overflows. The contaminated areas adjacent to the pits now offer a unique opportunity to study in a "field laboratory" the migration of nuclides through earth materials. Particularly the situation provides an opportunity to determine whether or not earlier assumptions regarding the permeability of brittle shales might have been erroneous, to map migration routes and rates, and to learn to what extent lithologic variations in the shale may affect calculations of ion-exchange capabilities.

At NRTS all operations are conducted over one of the largest of the country's remaining reserves of pure fresh water. In addition to present regrettable contaminations by salty wastes from irrigation and industrial effluents, contamination by radionuclides is a prospect which must be constantly guarded against. The same protection is needed for the large reserves under the Hanford site, where irrigation and dam projects are crowding upon the boundaries of the reservation. The effects of irrigation developments on the Wahluke Slope north of Hanford's "100" area, for example, should be of a matter of concern and study. Another potential hazard at Hanford involves the possible flooding of sectors along the Columbia River in the event of a landslide from White Bluffs into the lake which is to be created by construction of the Ben Franklin Dam. These are the kinds of events which in the course of future decades may substantially alter the hydrology of aquifers under the disposal sites.

These possibilities and the need to protect diminishing reserves of potable ground water strongly influence the Committee's appraisals of current and proposed waste-disposal practices. All proposals for surface or near-surface storage of calcined high-level waste products in semi-arid regions where the "dry soil" above the water table is assumed to be a safe container, should be examined carefully in the light of possible events of future centuries. Even storage of these products in surface tanks or bins as a permanent disposal appears to be risky.

3. Problems in Geohydrology

As part of the research and monitoring program, NRTS has been investigating vertical flow in wells, with the desirable objective of learning more about interflows from one basalt aquifer to another, lower or higher—a subject of importance about which little is now known. We suggest that the effects of the extreme anisotropy of the basalt aquifers also need more adequate consideration, both at NRTS and at Hanford. Rates and direction

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of ground-water movement, both horizontal and vertical, should be determined as precisely as possible. We hope that the staffs at these sites will continue and extend their studies of vertical flow by means of flow measurements, in uncased holes as much as possible, and also by means of static heads measured at different depths in the same hole. We think further that trace injection and modern methods for determining bore-hole water movement should be put to use whenever pumps are pulled from existing wells and in all newly drilled wells. The results of monitoring the movements will be misleading if waste fluids should bypass monitoring sites. This bypassing can happen easily in ground-water systems as deep as these, complicated by the peculiar geologic features of basalt and intercalated sedimentary beds and by the prevailing hydrologic characteristics of extremely high transmissibility and extremely low storage capacity.

Further in regard to the geohydrology at the semi-arid sites in the Columbia Plateau, we reiterate our concern about the prevailing concept of the "dry soil" zone above the water table as a zone which is never completely penetrated by rain water or snow melt and which therefore is a safe container for absorbed radionuclides. We urge that AEC arrange for continuation and intensification of field investigations to determine the amount and rate of precipitation necessary to establish percolation to the water table in various types and thicknesses of soil and rock, both at Hanford and at NRTS. A study also should be made to determine the possible extent of upward movement of radionuclides to the root zone and thence to the surface along with water which reaches the surface and is transpired or evaporated.

The Committee would like to be able to offer some suggestions for research leading to better predictability of the results of unforeseen changes in the hydrology of a disposal reservoir, but the question is not an easy one to answer. Both man-made changes such as those caused by dams, irrigation projects and increased withdrawal rates, and natural changes resulting from catastrophic floods, slower processes such as erosion and channel cutting, or even long-term climatic changes, were considered. Continuing laboratory studies of reversible ion-exchange phenomena are desirable, but of course field studies eventually will be needed.

Probably the problem as a whole is a special case within the spectrum of "recharge" problems that are so poorly understood. Actually there is relatively little knowledge of infiltration rates and mechanisms, percolation rates, and other processes—especially through great thicknesses of unsaturated earth materials. The suggestion is offered that AEC support fundamental research on recharge mechanisms in the environments in which disposals must be conducted. This research would involve sophisticated analyses of precipitation, run-off, soil moisture, and water-level records as well as terrain studies involving the pedology and geology of selected sites. Artificial recharge floods and tracer studies might also be involved, despite the fairly large number of such investigations that have already been carried out.

4. Deep-Well Disposals

The Committee doubts that the deep subsurface geologic and hydrologic conditions beneath the lava series at Hanford and NRTS are suitable for disposal of waste liquids. In April 1961 the Subcommittee on Atomic Waste Disposal of the American Association of Petroleum Geologists, in selecting provinces for study of deep-well disposal potentials, rejected all parts of the Basin-and-Range province and other regions having similar tectonic complexities, because of the likelihood of structural features that would promote the escape of radionuclides. In more stable tectonic provinces, however, the method holds much promise for the disposal of waste liquids.

Recently aroused public concern about the seismic activity that is said to result from deep-well injections of toxic liquids into crystalline rocks of the Precambrian basement near Denver, Colorado, points up the need for understanding all facets of subsurface technology in selecting disposal sites and reservoirs. Because the hydrology of basement rocks has not been studied to any appreciable extent, the Committee's recommendations are restricted to deep-well disposals in permeable sediminetary strata whose fluid mechanics are largely those of granular rather than fractured aquifers.

In view of the anticipated need for suitable new plant sites as the nuclear industry expands, development of a program of exploratory drilling in geologically acceptable basins should not be long delayed. Guidance and aid can be obtained by employing on a permanent basis geologists and engineers who have had experience in petroleum exploration. As an alternate procedure, a contract with a major oil company which has broad experience as well as complete research and operational facilities for this kind of exploration, would be useful. As for costs, a large amount of footage can be drilled and tested with an investment of $1,000,000 to $5,000,000, the exact amount depending on such factors as remoteness, terrain, and the character of the subsurface lithology. Costs can be reduced by joining forces with the petroleum industry if its borings are in areas of interest to AEC. Exploratory holes in locations which prove to be suitable for waste disposal can readily be converted to operational input wells or monitor holes. In the long run, drilling and testing costs will be a small part of the overall disposal program.

As for safety, the surface equipment is no more susceptible to accidents than that which is being used for hydraulic fracturing and grout injections at ORNL. Once underground in properly selected reservoir formations, the radioactivity is permanently shielded by thousands of feet of rock, a safer and more certain disposal than some other methods that have been considered. Provided sufficient time has elapsed in temporary surface storage to permit cooling to a satisfactory degree, even high-level waste liquids of suitable quality can be injected safely into deep permeable strata, although at present the technique is being considered only for low-level liquids.

5. Bedrock Storage at Savannah River Plant

Since the inception of the research project for bedrock storage at SRP this Committee has favored continuing investigation to determine the feasibility of the proposal, hoping that it would lead to a more acceptable method than storage in surface tanks. At the same time, however, the Committee has retained doubts that a permanently leakproof chamber can be constructed in the Precambrian bedrock at the plant site and that the proposed disposal method would provide complete protection against contamination of fresh-water aquifers. It was realized that the answers to these questions could come only from detailed subsurface testing *in situ*.

A large volume of hydrologic data has now been collected and is being studied, but the Committee is unable to agree that the integrity of the system has been proven. Still more study of the data, and further testing would be required for complete understanding of the hydrologic environments in the subsurface. The period of field research involving studies with observation wells apparently would be much more prolonged than was first envisioned, inasmuch as a totally new branch of the science of subsurface hydrodynamics is being explored. It may well require several more years of experimentation to prove that leakage from the bedrock into the overlying Tuscaloosa acquifers will not occur at some place within the basement area that would be invaded by escaped contaminants.

In its own appraisal of safety factors, SRP cites three separate "barriers" (delay factors) that, in its opinion, will protect man's environment from invasion by high-level wastes if they are emplaced in a storage chamber in the bedrock:

(1) The time required for hazardous radionuclides to migrate from the storage chamber through "sound" (unfractured or slightly fractured) rock to a major fracture.

(2) The time required for the radionuclides to migrate through a network of major fractures to a discharge point at the Savannah River.

(3) In the event that radionuclides should escape into the overlying Tuscaloosa Formation, the efficiency of natural ion-exchange agents in the aquifer and the additional time required for migration through the acquifer to the river.

The appraisal starts with the premise that the nearest point of risk is the Savannah River, assuming the presence of effectively impermeable layers between the Tuscaloosa aquifers and the surface. On the contrary, it is the Committee's opinion that the fresh-water reserves in the combined Tuscaloosa aquifers are the first points of risk, and important ones, because they are certainly going to be drawn on increasingly for human consumption in approaching decades. In the future heavy withdrawals from the Tuscaloosa acquifers, the increasing difference between the head in those aquifers and that basement system would tend to increase any flow from the basement into the Tuscaloosa which might be too small today to be discerned. The thought of using the Tuscaloosa acquifer as an ion-exchange basin, in view of the prospect that future alterations in the hydrologic system may reverse the exchange equilibria and thus release sorbed nuclides, is hardly acceptable. Contamination of Tuscaloosa water in excess of five billionths of one part per million, which is the accepted tolerance for strontium ^{90}, would create an intolerable situation.

There is doubt and uncertainty concerning the mathematical assumptions in computing fluid movements through fractured crystalline rock. Little is known about hydrologic systems in this kind of environment, and this inadequacy in itself argues for continuation of the investigation for a long time. All that is known today about the hydrology of the Precambrian basement system beneath the Separations Plants is based from seven boreholes in a triangular area of about one square mile between the two plants. The only other point of control nearer than Aiken, a town 20 miles north, is the deep hole near the Savannah River in the west corner of the SRP reservation, about seven miles west-southwest of the Separations Areas. When additional wells are drilled down-gradient (the direction in which contaminants would travel), revisions in flow estimates may be required, especially if a boring should penetrate a fault-gouge or breccia zone where flow rates may be one or more orders of magnitude higher than that of the highest previous estimate.

In view of the complex lithology of the basement rock and of the intensive deformation to which it has been subjected, the Committee doubts that all fractures at a prospective excavation site can be located in advance of digging a shaft. For that matter, the probability of escape of some of the radioactive wastes from the chamber seems to be generally accepted. The uncertainty of the prospects for locating all fractures in the vicinity of the chamber, and measuring their permeabilities, makes it difficult if not impossible to provide reliable forecasts of the travel time for migrating nuclides.

The major uncertainty in the entire feasibility study, however, is the integrity of the saprolite clay layer as a continuous impermeable barrier between the bedrock and the Tuscaloosa aquifers throughout the area of possible contamination of bedrock waters. Prerequisites to proof of the barrier's effectiveness include (1) hydrologic data from the entire area in the subsurface that might be invaded by hazardous concentrations of radio-activity, (2) correct interpretation of the data and valid computations of hydrologic parameters, and (3) elimination of the possibility of openings caused by old stream channels or by knobs or ridges in the buried Precambrian surface. Sonic (acoustic) logs which may indicate the suitability of high-frequency seismographic mapping to determine the extent of the clay layer would be desirable.

In summary, it can be seen that there is doubt that it will be possible to prove safety of the proposed bedrock-storage system for high-level liquid or soluable wastes. Acting on the views of the majority of the Committee members, and still recognizing the existence of many uncertainties, the Committee recommends that investigations toward bedrock storage at SRP be discontinued.

At the same time, the entire Committee urges against any thought of permanent storage or disposal of high-level wastes above or in any of the fresh-water aquifers at the SRP site. As the recommendation regarding bedrock disposal is based primarily on inadequacy of safeguards against contamination of the fresh waters, disposal above or directly into those aquifers is obviously even more to be avoided. Apparently the only safe disposal for high-level wastes would be an off-site disposal, presumably involving solidification before transportation.

D. Planning for the future

AEC's long-range plans for future waste-disposal procedures are being made carefully and cautiously, as befits an operation that involves increasing volumes of elusive, hazardous materials. Recognition of confining parameters in the environmental characteristics which determine waste-disposal potentials at existing plant sites provides a clear and reliable guide to some of the criteria by which the suitability of any proposed plant site must be judged.

Sites for the plants where major waste-disposal operations are now being conducted are inadequate in one way or another with respect to ground disposals of radioactive wastes. Although such shortcomings are understandable in view of the limited knowledge of disposal problems and techniques a decade or more ago, the current development of plans to make more complete use of the environment for future, more voluminous, disposals at most of the sites is noted with considerable anxiety. In light of today's more advanced, though still insufficient, understanding of the geological, chemical, and physical parameters at all of the sites, major efforts are still being devoted to on-site disposals of intermediate and low-level wastes and storage of high-level wastes, some of which methods display the character of expedients designed to make the best use of poor locations. For the future, it is hoped that either off-site disposals of calcined solids, a costly alternative involving transportation of dangerous materials, or reductions in the output of radionuclides as other processes or other plants are developed will alleviate the situation.

In this connection, the Committee dissents from the working philosophy of some operators, although certainly not that of AEC, that safety and economy are factors of equal weight in radioactive-waste disposal, and that the relative desirabilities of disposal practices can be assessed on the basis of hazard times cost. Certainly the present problems of stream pollution by industrial and municipal wastes have arisen from the use of this philosophy in the past. The Committee remains convinced that economics is a criterion secondary to that of safety.

In considering the many restrictions that are necessarily imposed on the methods of radioactive-waste disposal, and the wide variety of geologic, hydrologic and other conditions at different sites, the Committee is especially aware of the fact that privately owned plants are handling hazardous wastes and that in the future even more such private operations will be initiated. In view of the need for tailoring the disposal methods to suit local conditions at each site, the Committee hopes that authority to regulate the disposals will continue to be vested in AEC, and that AEC constantly will exercise its responsibility to see that safe disposal practices always are followed. In site selections as well as in subsequent operations, it is hoped that AEC will make sure that its contractors and licensees take full advantage of modern knowledge in subsurface geology and hydrology, reservoir engineering, and drilling and testing technology. A secure future in safe disposal practices demands nothing less than the best know-how that American industry has developed.

XI. RESUME OF RECOMMENDATIONS

Listed below are the recommendations that are included in the various discussions in the preceding pages. They are recapitulated here for quick perusal. For full explanations, references are made to the pages where they are discussed in detail.

A. Disposal in salt

1. Study of the effect of heat and nuclear radiation on shale interbeds is suggested. (VI–A–4)

B. Grout injections in shale

1. The methods used at ORNL should be re-evaluated periodically. (X–C–1)

2. Each site and operation must be evaluated individually. (VI–B–4, first paragraph)

3. Each prospective disposal formation must be fractured experimentally in order to determine pressure requirements. (VI–B–4, second paragraph)

4. Local conditions should be investigated and pilot tests conducted before a site and disposal formation are accepted. (VI–B–4, third paragraph)

C. Solidification of liquid waste

1. Surface storage of calcined wastes above or in fresh-water aquifers appears unwise; proposals for such handling should be examined carefully. (VI–C, fourth paragraph; X–C–2, last paragraph)

D. Ion-exchange studies

1. Saturated sorbants must be considered, and disposed of, as intermediate-level waste. (VI–D–1, second paragraph)

2. Cumulative concentrations of sorbed radionuclides in the ground need to be monitored carefully, as the distribution pattern will not be known accurately. Future alterations in the hydrologic system may desorb and move them. Precautions should be taken to avoid this risk. (VI–D–1, third paragraph; –2; –6; X–C–2, third paragraph)

3. Inasmuch as ion-exchange capacities in the ground are limited at most of the current operating sites, these sites should be reserved for accidental releases rather than used for routine disposals. (VI–D–2; –3; –4; X–C–2, first paragraph)

4. The use of clinoptilolite or other ion-exchange materials in storage basins is recommended in preference to reliance on the ion-exchange capacity of earth materials in the ground. (VI–D–4)

5. Studies of the movement of radionuclides in places where pits have leaked or overflowed at ORNL are suggested, as an opportunity to make use of a ready-made field laboratory. (X–C–2, second paragraph)

6. Operators are cautioned against overloading the safe capacity of the Columbia River by effluents from the Ringold Formation. (VI–D–5, second paragraph)

E. Bedrock storage at Savannah River Plant

1. The majority opinion of the Committee is that investigations toward bedrock disposal at SRP should be discontinued. (X–C–5, next to last paragraph)

2. High-level wastes should not be stored permanently or disposed of above or in fresh-water aquifers at SRP. (X–C–5, last paragraph)

3. A minority opinion of the Committee is that work on bedrock disposals at SRP should be continued, as follows:

a. It is necessary to develop computation methods for the hydrology of fractured aquifers, and then to re-analyze all bedrock data at SRP by this method, to replace the analyses that have been based on the hydrology of homogeneous granular aquifers. The data used in constructing the regional potentiometric map of the Precambrian basement complex likewise should be re-evaluated. (VI–E–3–b, –3; –4)

b. If justified by results of the re-analyses, new and more carefully controlled tests in existing observation wells should be conducted, using continuous recording instruments. (VI–E–3–c; –4)

c. If justified by the results of new tests in existing wells, additional observation wells should be drilled and tested at locations including, eventually, the areas down-gradient from proposed disposal sites. (VI–E–4)

d. Full use should be made of tritium-tracer testing in order to gain direct evidence of direction and rates of movement. (VI–E–3–b, last paragraph; –4)

e. Sonic (acoustic) logs should be obtained in all boreholes, from top to bottom, before casing is run. If velocity characteristics of the rock are found to be suitable, high-frequency seismographic mapping should be attempted in order to learn the thickness and distribution of the clay layer at the base of the sedimentary section. (VI–E–2, second through fifth paragraphs; VI–E–4, last three paragraphs; X–C–5)

f. In drilling any new boreholes, samples of the clay at the base of the sedimentary section should be collected and analyzed. (VI–E–4)

g. Visits to deep mines in crystalline rocks at various locations in the Piedmont province, where the Precambrian basement is at or near the surface, will provide first-hand information on the problems of water flow into and out of such excavations. (X–C–4)

h. Periodic reviews of considerations for accepting or rejecting the bedrock storage proposal will be required as new data and testing results are analyzed. (X–C–4)

F. Deep-well disposal

1. Now is the time to develop a program of exploratory drilling and testing in geologically acceptable basin provinces, in order to determine the thickness, petrography (including clay characteristics), porosity, permeability, and pressure patterns in prospective deep disposal reservoirs. (VI–F–3, first paragraph; –4; –5; X–C–4, last two paragraphs)

2. Costs of this program can be reduced substantially by participating in any contemporaneous exploratory drilling that may be under way by the oil industry in the area of interest. (X–C–4, third paragraph)

3. A requirement for a suitable disposal site is a thick layer of soft rock between the disposal reservoir and any stratum which must be protected from invasion. In general, a depth of about 3,000 feet is minimum for a deep permeable disposal reservoir. (VI–F–1, second paragraph; VI–F–3, last two paragraphs)

4. It is essential to avoid disposal into any reservoir from which fluids later may be withdrawn as mineral resources; i.e., fluids such as fresh water, brines of great commercial value, and petroleum. (VI–F–3)

5. It is important also to avoid conflict with competitive disposal operations in the

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same reservoir. Records of pressure data should be continuously and permanently maintained in order to ensure awareness of possible conflicts. (VI–F–5, second paragraph)

6. In order to conserve reservoir space it is deemed advisable to concentrate waste liquids as much as possible before injection. Injected fluids should be chemically stable, bacteriologically sterile, and nonreactive with respect to reservoir rocks and fluids. (VI–F–3; –4, first paragraph; –5, third paragraph)

7. The disposal process must not permit access of radioactivity to the vicinity of fresh-water aquifers by leaking either within or behind the casing, or through fractures in rock strata above the disposal reservoir. (VI–F–3, first paragraph). Precautions should include preliminary test injections of nonradioactive fluids, except for tracer amounts, then surveying the hole with fracture-detecting instruments, and monitoring the bottomhole pressures during injections of wastes. (VI–F–3, third from last paragraph)

8. Pilot injections at prospective plant sites are prerequisites to final site acceptance. (VI–F–3, last paragraph; –4, first two paragraphs; –5, last paragraph)

G. Geophysical studies at National Reactor Testing Station

1. Accurate data regarding the physical characteristics of the rock column at any exploration site should be acquired by laboratory analyses, not only before but also continuously during geophysical exploration. Without adequate control, interpretations of log and map data are apt to be misleading. Interpretations of geophysical mapping should be supported by analyses of samples taken from deep exploration holes. (VI–G–1, fifth paragraph, —3; —4)

2. The geophysical program should be continued until its usefulness has been exhausted. (VI–G–4)

H. Ground disposal of gaseous wastes

1. The proposed methods for ground disposal of gaseous wastes are considered to be impractical. (VI–H)

I. Deep exploratory drilling

1. A deep exploratory well at NRTS is highly desirable in order to obtain essential geologic and hydrologic data by coring, geophysical logging, and the collection and analysis of samples of rocks and fluids. (VIII–A)

2. It is recommended that the 10,655-foot boring that was abandoned by an oil company in 1958 as an unsuccessful exploration hole in the Rattlesnake Hills, near HAPO, be re-entered for the purpose of obtaining needed deep data from analyses of samples, fluid measurements, and geophysical logs. (VIII–B)

J. Disposal vaults in desert hills

1. Detailed geological investigations of topographic highs in semi-arid or desert regions, such as Rattlesnake Hills (HAPO) and middle Butte (NRTS), should be conducted in order to determine the feasibility of using them for sites of storage or disposal facilities for solid wastes. (VI–C, last paragraph; IX)

K. Hydrology

1. Field and laboratory studies of the rate of movement of fluids, sorption capacities, and leaching and migration of radionuclides in rocks and soils should be continued persistently. (V, fourth paragraph; numerous other discussions)

2. Study of the movement of water in three dimensions in the saturated zone should be diligently pursued at all major sites of AEC. (IV–C; VI–G–4; X–C–3, first paragraph)

3. The movement of water both upward and downward, under varying conditions of wetting in the zone of aeration at NRTS and HAPO should be thoroughly studied, particularly with reference to questions about percolation of rain water and snow melt to the water table. (VII–D, last paragraph; X–C–3, second paragraph)

4. It is suggested that AEC support fundamental research on recharge mechanisms. (X–C–3, last paragraph)

L. General

1. There is need for a standard classification of radioactive wastes, one based not only on the concentration of activity but also on longevity of the nuclides in various ratios. (IV–A)

2. There is need for AEC to establish a discipline of waste disposal as a guide for private operators as well as AEC contractors. (V, last paragraph)

3. Safe disposal procedures should be established now rather than at later stages of power development. (V, fifth paragraph; X–C–2, first paragraph)

4. Present sites appear to be unsuited for ground disposals of large amounts of long-lived radionuclides. Safer disposal to the subsurface can be developed in geologic basins in the stable interior of the continent where fresh-water aquifers are separated from potential waste-disposal reservoirs by thousands of feet of layer strata. (IV–B–5, next to last paragraph X–D, second paragraph)

5. In the general field of subsurface waste disposal, AEC and its principal contractors should exploit industrial technology in which subsurface investigation has reached high levels of sophistication. Closer liaison should be developed between waste-disposal technologists and major industrial research laboratories for technologic exchange in problems of mutual interest such as formation testing, ion-exchange, hydraulic fracturing, geophysical-log interpretation, and fluid injection in porous rocks. (VI–B, last paragraph; VI–F–3, second paragraph; VI–F–4, second and third paragraphs; VIII; X–C–4, third paragraph)

6. No study of any of the phenomena involved in any means of waste disposal should be neglected because of lack of funds. Funds should be provided as necessary to insure a complete development of both practice and theory of safe waste disposal. We particularly call attention to the necessity for field studies. (V, third paragraph; X–B; X–D, third paragraph)

TABLE III.—STRATIGRAPHIC TABLE

Major divisions	Systems	Series	Formation names used in text	Approximate age (million years)
Cenozoic	Quaternary	Recent	(1)	
		Pleistocene	Ringold[1]	1
	Tertiary	Pliocene	Ellensburg[1]	10
		Miocene	(1)	
		Oligocene	(1)	
		Eocene		60
		Paleocene		
Mesozoic	Cretaceous	Upper	Tuscaloosa	
		Lower		125
	Jurassic			
	Triassic			180
Paleozoic	Permian	Ochoa		
		Guadalupe		
		Leonard	Wellington	
		Wolfcamp		
	Pennsylvanian	Virgil		
		Missouri	Chanute	
		Des Moines		
		Atoka		
		Morrow		
	Mississippian			255
	Devonian			
	Silurian			350
	Ordovician		Chickamauga	
	Cambrian		Conasauga	
			Rome sandstone	510
Precambrian	Precambrian	Precambrian		

[1] Columbia River and Snake River lavas.

XII. GLOSSARY OF WORDS AND TERMS USED IN THE TEXT

AAPG.—American Association of Petroleum Geologists.

AEC.—United States Atomic Energy Commission.

Aeolian.—Eroded, produced, borne, or deposited by wind.

Alluvial.—Pertaining to or composed of alluvium.

Alluvium.—Detrital material deposited by running water.

Aquiclude.—"A formation which, although porous and capable of absorbing water slowly, will not transmit it fast enough to furnish an appreciable supply for a well or spring." (Tolman)

Aquifer.—A subsurface stratum (or group of strata) of sand, gravel or other unconsolidated permeable sediments, or of indurated but porous and permeable rock, containing water. Usage is usually restricted to beds carrying fresh water in enough quantity to be a source of supply. See "Salaquifer."

Basalt.—A dark fine-grained or dense igneous rock of volcanic origin. Much of it is vesicular—that is, it contains small cavities. In fractured basalt the cavities add to the permeability.

Basement.—That portion of the earth's crust consisting usually of crystalline rock, igneous or metamorphic, having complex structure and underlying generally unmetamorphosed, less strongly folded sedimentary rocks. In oilfield usage, the surface of the basement is the "floor" below which exploration for oil and gas is usually considered to be useless. The age of the basement rocks is Precambrian at most places, but younger rocks may be included in some regions.

Basin.—(Subsurface geology)—A depression in a geological surface. It may or may not have a topographic expression. If caused by tectonic events which create a downwarp of the strata, it is called a *structural basin*. If it is a catchment area filled (or being filled) with sediments, it is referred to as a *sedimentary basin*. The hydrology within a basin is usually an integrated system which is controlled by the shape of the basin as well as by the character of the rocks in it. A sedimentary basin may be affected by post-depositional tectonism, in which case the integrity of the original system will have been altered or destroyed and eventually replaced by that of a new system.

Bedrock.—(1) Solid or indurated rock underlying the surface veneer of soil and unconsolidated sediments. (2) In local usage, the basement.

Biosphere.—That portion of the earth occupied by organisms (excluding bacteria which may live in subsurface waters at great depths).

Breccia.—A rock composed of angular fragments of moderate or large size.

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Calcine (verb).—To reduce to a powder, or to a friable state, by the action of heat; to heat so as to expel volatile matter from; to oxidize, as by the action of heat. (Webster's New International Dictionary: G. and C. Merriam Company.)

Cambrian.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Clastic.—Composed of transported fragments of pre-existing rocks.

Clay.—A soft rock consisting of very small (less than 1/256-mm diameter) mineral fragments, particularly various clay minerals which are largely hydrous aluminum silicates. Other than the clay-mineral content and the very fine-grained texture, clay is characterized by its property of being plastic when wet.

Cretaceous.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Crystalline.—In rock descriptions, composed of interlocking crystals of one or more minerals. Granite, gneiss, anhydrite are examples of crystalline rocks.

Curie.—That quantity of a radioactive nuclide disintegrating at the rate of 3.7 x 10^{10} atoms per second, which is approximately the rate of decay in one gram of natural radium.

Disposal.—Putting materials away in a manner or place that renders them practically irretrievable. (See "Storage")

Eolian.—See "Aeolian."

Evapotranspiration.—Loss of water from the ground by a combination of evaporation and plant transpiration.

Exposure.—In geology, a rock surface that is exposed to view, not covered by soil or water.

Fault.—A fracture in the earth's crust accompanied by a displacement of one side of the fracture with respect to the other and in a direction parallel to the plane of fracture.

Fluviatile.—Pertaining to streams or rivers.

Foliated.—Separable into thin plates, sheets, or slabs, as in slate.

Formation.—In stratigraphic geology, a sedimentary bed (layer) or series of beds sufficiently distinctive to be regarded as a unit; a subdivision of "group" or "series."

Geohydrology.—The science treating of water in the earth. (See "hydrology")

Geology.—The science which treats of the earth, in all its aspects.

Geophysics.—The science of the earth with respect to its structure, composition, and development.

Gouge.—Finely abraded material occurring between the walls of a fault as a result of the grinding movement.

Ground water (Underground water).—Subsurface water occupying the zone of saturation (q.v.). Phreatic water.

Grout.—Thin mortar, fluid enough to be pumped, used for filling joints, fractures, etc.

HAPO.—Hanford Atomic Products Operation, southeastern Washington.

High-level waste.—See chapter IV–A.

Hydraulic fracturing.—Creation of fractures by the application of pressure through a liquid.

Hydraulic gradient.—As applied to an aquifer, the rate of drop of the total head in a horizontal direction in which this rate of decline is a maximum.

Hydrogeology.—The part of geology that is concerned with the interaction of water and the geologic framework.

Hydrology.—The science that treats of the water of the earth. Some scientists use the term with reference specifically to underground water, as distinguished from *hydrography,* which is applied to surface water.

Igneous rock.—Rock which was formed by cooling and solidification from a molten state. The individual mineral crystals may be microscopic in size, as in basalt, or large, as in coarse-grained granite. The rock types (granite, basalt, etc.) are determined by the texture and by the proportions of different minerals of which the rock is composed.

Intermediate-level waste.—See chapter IV–A.

Joint.—A fracture in rock, smaller than a fissure or fault and not accompanied by dislocation.

Kaolinite.—A common clay mineral; a hydrous silicate of aluminum, derived from the decomposition of aluminous minerals, especially feldspar.

Lacustrine.—Pertaining to lakes.

Lava.—Fluid rock such as that which issues from a volcano or fissure in the earth's crust; also, the same material solidified by cooling.

Lithology.—The study of rocks based on megascopic examination of samples; also, loosely, the composition and texture of rock.

Low-level waste.—See chapter IV–A.

Mesozoic.—A major division of geologic time and of a stratigraphic sequence. (See "Stratigraphy").

Metamorphic rock.—Rock which was formed in the solid state by the alteration (metamorphosis) or pre-existing rock under conditions of elevated temperatures and pressures or changed chemical environment.

Microcurie.—One-millionth of a curie (q. v.).

Millicurie.—One-thousandth of a curie (q. v.).

Mineral.—A homogeneous naturally occurring, usually inorganic and crystalline substance.

MPC.—Maximum Permissible Concentration of radioactivity, as defined by the National Council on Radiation Protection and Measurements. The term has been replaced by "Radioactivity Concentration Guide" (RCG, q. v.).

NRTS.—National Reactor Testing Station, near Idaho Falls, Idaho.

Ordovician.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

ORNL.—Oak Ridge National Laboratory, Tennessee.

Outcrop.—That part of a stratigraphic unit which lies at the surface. It may be covered by soil or water; if not, it is also referred to as an *exposure.*

Paleozoic.—A major division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Pennsylvanian.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Permian.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Petrography.—The description and systematic classification of rocks; it usually involves chemical analysis or microscopic examination of thin sections.

Playa.—The shallow central basin of a desert plain, in which water gathers after a rain and is evaporated.

Potentiometric gradient.—See *Hydraulic gradient.*

Precambrian.—All rocks and time older than Cambrian. See "Stratigraphy."

Pyroclastic.—A general term applied to detrital volcanic materials, such as volcanic ash, that have been explosively or aerially ejected from a volcanic vent; also a general term for the class of rocks made up of these materials.

Quaternary.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Radiohydrology.—The science treating of surface or ground water which contains radioactive elements.

RCG.—Radioactivity Concentration Guide, as defined by the Federal Radiation Council.

Recent (capitalized).—The interval of geologic time since the end of the Pleistocene epoch, and the rocks or geologic events associated with it. (See "Stratigraphy")

Reservoir.—A natural underground container of fluids. In oilfield usage, a deep stratum of porous and permeable rock such as sandstone or limestone.

Rock.—Strictly, any naturally formed aggregate or mass of mineral matter, whether or not coherent, constituting an essential and appreciable part of the earth's crust. Ordinarily, any solid or coherent and relatively hard, naturally formed mass of mineral matter.

Salaquifer.—An aquifer (q.v.) carrying saline water, commonly deeper than freshwater aquifers.

Sand.—Loose sediment (q.v.) composed of mineral or rock fragments ranging in diameter between 1/16 and 2 mm.

Sandface.—The vertical cut surface of a sandstone or other permeable rock layer in a borehole.

Sandstone.—An indurated sedimentary rock (q.v.) formed by natural cementation of sand.

Saprolite.—Disintegrated rock, more or less decomposed, which lies in its original place.

Sediment.—Material in suspension or recently deposited from the waters of streams, lakes or seas, and in a more general sense deposits of wind and ice. Sediment typically consists of loose and unconsolidated fragments of rock. The specific type is determined by the size of the grains or fragments (clay, silt, sand, gravel). Purists consider a sediment to be a type of rock.

Sedimentary rock.—Indurated sediment, such as claystone, siltstone, sandstone, conglomerate, limestone. A characteristic feature of most sedimentary rocks is a layered composition, each layer being a bed or stratum.

Series.—A subdivision of the stratigraphic sequence in a rock column. (See "Stratigraphy")

Shale.—Laminated or fissile claystone or siltstone.

Soil.—(1) Agriculture: The loose surface material of the earth in which plants grow. (2) Geology: The surface zone or veneer of loose materials consisting of particles derived by decay or disintegration of rock and usually mixed with vegetal and animal products. (3) Waste-disposal usage: Sediments and sedimentary rocks; apparently often used to include all rock above the basement.

SRP.—Savannah River Plant, South Carolina.

Storage.—Putting materials away with the intent to retrieve them, or in such manner that retrieval is feasible. (See "Disposal")

Stratigraphy.—Study of the strata and their interrelationships in a sequence of layered rocks. Proper names apply to both time units and rock-age units. Table III (q. v.) shows mapor and lesser subdivisions, including all formation names that are used in the text of this report. Not all divisions are present at all locations; for example, Paleozoic strata are missing at SRP, where Mesozoic strata lie directly on the Precambrian basement.

Structure (tectonic).—The attitude and relative positions of rock masses consequent upon deformative processes such as folding, faulting, and igneous intrusion.

Subsurface geology.—The study of rocks and their fluid contents beneath land or sea-floor surfaces by means of drilling and geophysical surveys.

Synclinal.—Formed by strata dipping toward a common line or plane, making a downward or trough-shaped flexure in folded rocks.

Tectonic.—Referring to rock structure and its external forms resulting from the deformation of the earth's crust. As applied to earthquakes, it is used to describe shocks that are not due to vocalism or to collapse of caverns or to landslides.

Tertiary.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

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Transmissibility.—Capability for permitting a flow of contained fluids. Statistically, permeability multiplied by thickness.

Triassic.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

USGS.—United States Geological Survey.

Vadose.—Referring to water in the zone of aeration, above the water table.

Water table.—The surface whose elevation at each point is that of the level at which water will stand in an open hole whose total depth is just below that surface.

Zone of aeration.—The part of the earth's crust lying above the zone of saturation. Any water in the zone of aeration either is held in interstices by molecular attraction or capillary forces, or is moving downward toward the zone of saturation, and is known as *vadose* water.

Zone of saturation.—The part of the earth's crust in which permeable rocks are saturated with water under hydrostatic pressure (in excess of the atmospheric pressure). The water filling the interstices is called *ground water.*

Mr. CHURCH. Mr. President, I ask further that two reports prepared by the AEC concerning the report also appear in the RECORD following the text of the full document. The first of these smaller papers entitled "Comments on the Background of the May 1966 Report of the NAS Committee on Geologic Aspects of Radioactive Waste Disposal" contains a partial reply by the AEC to comments contained in the National Academy of Sciences report.

The second of the smaller papers entitled "Radioactive Waste Management: An Interim Report of the Committee on Radioactive Waste Management" describes the efforts thus far expended by a new committee on radioactive waste problems formed at the request of the AEC in 1968.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

COMMENTS ON THE BACKGROUND OF THE MAY 1966 REPORT OF THE NAS COMMITTEE ON GEOLOGIC ASPECTS OF RADIOACTIVE WASTE DISPOSAL

In May 1966, the Committee on Geologic Aspects of Radioactive Waste Disposal of the Earth Sciences Division, National Academy of Sciences-National Research Council, forwarded a report to the Division of Reactor Development and Technology, U.S. Atomic Energy Commission. The scope of the work of this Committee is shown as follows in the first paragraph of the report's introduction:

"The work of the Committee on Geologic Aspects of Waste Disposal of the National Academy of Sciences-National Research Council (NAS-NRC) is supported by the Division of Reactor Development and Technology of the United States Atomic Energy Commission (AEC), whom the Committee serves as adviser. The Committee's responsibility to that Division is to observe and study critically the research and development activities of the Division with respect to radioactive waste disposals in the ground, and to provide counsel regarding the safety of the Division's current and proposed operations insofar as they are affected by geologic considerations."

Various committees, advisory to AEC, on radioactive waste disposal R&D programs have existed within the NAS-NRC Earth Sciences Division since 1955, and with some degree of continuity of membership. Although various statements of such committees' functions were used over the entire period, their basic purpose was always to advise on the research and development related to radioactive waste management.

The AEC has considered the comments and suggestions of the Committee on Geologic Aspects of Waste Disposal regarding AEC's research and development program on radioactive waste management as a useful input to the continued planning of that program. General development programs profiting from the Committee's encouragement and suggestions have included those for hydraulic fracturing for intermediate level radioactive wastes, now reduced to standard practice at Oak Ridge; high temperature solidification of high level wastes now well advanced in an engineering prototype facility at Hanford; and salt mine burial of high-level wastes, which has received an extended engineering test in the Lyons, Kansas mine.

During the site visits leading to the May 1966 report, a number of specific Committee suggestions were received and put into effect, such as the measurement of vertical movement in wells at the National Reactor Testing Station and the ideas for a more sophisticated analysis of pumping test data at the Savannah River Project. The Committee was not unanimous in all of its recommendations nor has the AEC adopted them all. For example, in the May 1966 report a majority of the Committee recommended discontinuance of development work on the concept of disposal of high level wastes in a chamber to be mined in the solid bedrock which lies below the Savannah River site. A minority opinion was that such investigations should be continued and technical guidance for such further effort was provided. AEC still considers that this concept is worth pursuing and is proceeding with a program directed toward determining its feasibility.

SCOPE OF COMMITTEE RESPONSIBILITY

Despite the fact that the scope of Committee responsibility was limited to advising the Division of Reactor Development on its research and development program, and despite the fact that the Committee received relatively little information concerning AEC operations, the Committee in 1960 developed conclusions and recommendations regarding AEC's waste management operational activities. This was the case even though certain important aspects of the Production Division's waste management operations were classified and the Committee was not willing to receive classified information.

In summary these views were that no existing AEC installation which generates either high level or intermediate-level wastes appears to have a satisfactory geological location for the safe local disposal of such waste products; neither does any of the present waste-disposal practices satisfy the Committee's criterion for safe disposal of such wastes.

In 1960 the Committee made three recommendations: (1) that action be taken for the establishment of waste-disposal facilities at suitable geological sites where the accumulated wastes of the existing installations can be processed and safely disposed of; (2) that approved plans for the safe disposal of radioactive wastes be made a prerequisite for the approval of the site of any future installations by the AEC or under its jurisdiction; and (3) that the Commission consider concentrating its chemical processing activities at a minimum number of sites located at satisfactory places for the disposal of radioactive wastes.

These recommendations were made after the Committee had visited the AEC sites at Oak Ridge and Savannah River, but before it visited either Hanford or NRTS. Following its visits to the latter two sites, the Committee informed AEC that neither the Hanford plant nor the Idaho Falls plant was creating a hazard. However, the Committee commented that processing plans at sites selected because of their suitability for effective and complete safe waste disposal practices would be much preferred to chemical processing work at Idaho Falls or Hanford.

To understand the implications of the foregoing conclusions and recommendations, additional background information is necessary. AEC had already constructed major production reactor and fuel reprocessing facilities at Hanford, Washington, and Savannah River, S.C., and additional fuel reprocessing facilities had been built at NRTS in Idaho. Extensive radioactive waste management operations had been and were being conducted at each of the above installations, as well as in developmental facilities at Oak Ridge, Tennessee.

To comply with the Committee's recommendations, AEC would have had to abandon fuel reprocessing and radioactive waste management facilities and activities at each of the above sites. It would have had to acquire an extensive new site or sites, presumably located over either salt beds or deep synclinal basins, since such locations appeared most attractive to the Committee for disposal of waste. It would have had to construct new fuel processing facilities and waste management facilities at the new site and move existing radioactive wastes from existing sites to the new site for disposal. Such an undertaking would have involved the expenditure of billions of dollars.

In considering the Committee's recommendations the Commission pointed out that high level radioactive wastes were not being "disposed of" at any of AEC's sites, but merely stored pending development of satisfactory disposal methods. The Commission could see no necessity for going to the enormous expense of relocating existing fuel element processing facilities as implied in the Committee's recommendations.

The Commission also felt it necessary to clarify the Committee's postulate that "no system of waste disposal can be considered safe in which the wastes are not completely isolated from all living things for the period during which they are dangerous," pointing out that if this were intended to mean "that zero radioactivity should be allowed to reach man's environment" it would raise "fundamental questions including those of a biological and medical nature that are very broad in scope." Such a zero radioactivity requirement would not be consistent with recommendations of groups which are responsible for advising on radioactive exposure standards such as the Federal Radiation Council.

Most of AEC's criticisms of the May 1966 report relate to the inclusion and amplification of the Committee's 1960 conclusions and recommendations about AEC sites and its radioactive management operations. These were included despite advance attempts to reach an understanding (i.e. in 1965) that the Committee was to review the R & D program on radioactive waste management for which the Division of Reactor Development and Technology was responsible. In preparing the May 1966 report, the Committee made brief visits to a number of AEC sites and facilities, including operations sites where brief presentations concerning operational activities were made by Division of Production staff or by associated field office and contractor staff. The AEC considered these visits and briefings on its waste management operations to be incidental to the primary research and development program review mission of the Committee, but of possible value in providing background information related to experience in disposal of radioactively contaminated wastes.

As stated earlier, the Committee's comments and recommendations regarding RDT's radioactive waste management R&D program have been useful and have received careful consideration by AEC in planning its program. The May 1966 report has been uti-

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lised internally by AEC for this purpose but has not been published. AEC's concerns over the report were not resolved before the decision to dissolve the Committee and replace it with one having broader spectrum of scientific disciplines.

The present Academy Committee on Radioactive Waste Management (CRWM) has the following charter: ". . . to review and advise the AEC concerning long-range radioactive waste management plans and programs for an expanding nuclear energy industry. This primary task would include the general assessment of the adequacy of the present and projected technology in relation to meeting long-range health, safety, and other environmental requirements, and the identification of new research needs." During the past year, the CRWM has visited Hanford, Oak Ridge, Savannah River, and NRTS. The CRWM has been briefed both on radioactive waste management R&D and operational practices at those sites. In view of the request for release of the May 1966 report, the Commission has requested the CRWM to report its comments regarding sites which it visited and the operational policies and practices which it has observed as well as the R&D programs. The May 1966 report has been available to the CRWM since it was organized.

RADIOACTIVE WASTE MANAGEMENT: AN INTERIM REPORT OF THE COMMITTEE ON RADIOACTIVE WASTE MANAGEMENT

In 1968 the Committee on Radioactive Waste Management (CRWM) was formed by the National Academy of Sciences (NAS) at the request of the Atomic Energy Commission (AEC). The present membership consists of Professor Clark Goodman, Chairman; Mr. W. Kenneth Davis; Professor Robley D. Evans; Dr. John C. Frye; Professor Jack E. McKee; Mr. Herbert M. Parker; Professor John H. Rust; Dr. F. H. Spedding; Dr. Clarke Williams; Mr. Hood Worthington; Mr. John A. Erlewine, AEC Liaison; and Dr. Cyrus Klingsberg, Technical Secretary, NAS–NRC.

The general scope of the Committee's task is as follows:

Advise the AEC concerning long-range radioactive waste management plans and programs for an expanding nuclear energy industry. This primary task of the Committee will include the general assessment of the adequacy of the present and projected technology in relation to meeting long-range health, safety, and other environmental requirements, and the identification of new research needs.

Undertake specific studies on the initiative of either the Commission or the Committee following agreement on the objectives of such studies.

Establish ad hoc panels, where necessary, to develop specific areas essential to the Committee's work.

One of the initial tasks will be to compile a comprehensive listing of various topics within the scope of the Committee's charter that could be considered by the NAS and the AEC as additional tasks for study by the Committee.

The Committee will not be requested to provide advice on specific cases that normally come within the purview of the AEC Advisory Committee on Reactor Safeguards.

The general scope of the Committee's task may be modified or extended as needed by mutual consent of the Atomic Energy Commission and the National Academy of Sciences.

The Committee on Radioactive Waste Management spent its first year visiting the major AEC sites to survey the present and anticipated practices involved in radioactive waste management. The Committee has been particularly attentive to the problems associated with the permanent storage of high-level radioactive wastes from nuclear fuel reprocessing plants.

Following its organizational meeting in Washington, D.C., on August 26, 1968, the CRWM held its first on-site visit at Oak Ridge National Laboratory (ORNL) on October 17–18, 1968. The pattern established here was followed at all future site visits. After formal presentations, which covered all aspects of that site's waste management programs, both operational and R&D, the Committee made a tour and saw firsthand the practices described in the presentations.

The topics covered at Oak Ridge included the following:

1. Low-, intermediate-, and high-level waste management,
2. Storage of high-level solidified waste in salt formations,
3. Noble gas removal,
4. Waste management in nuclear power stations,
5. Economic evaluations of fuel reprocessing waste management,
6. Siting fuel processing plants and waste management facilities,
7. Management of solid, gaseous, and liquid wastes,
8. Hydraulic fracturing, including rock mechanic aspects,
9. Environmental monitoring and radioecological research relevant to radioactive waste releases, and
10. A survey of the geohydrological characteristics of the ORNL site.

For the site tour, four ORNL locations were visited. The first was the central control room for the gas and liquid monitoring equipment where both monitoring and recording are continuous. The second building contained evaporator and waste condenser controls that are responsible for monitoring 99 percent of all ORNL waste. At the third location the Committee visited a modified water treatment plant, which used lime, soda ash, and clay to decontaminate the radioactive liquids. At the final stop, the hydrofracturing station was visited. It was not in operation at the time, since there are only two injections a year, each lasting about one day.

The third meeting of the Committee was held at the Savannah River Plant (SRP) on January 20–21, 1969.

Representatives of Du Pont (which is responsible for the overall management of the SRP) reported that Du Pont, in addition to cooperating with local boards of health and the U.S. Public Health Service, has supported an independent study by the Academy of Natural Sciences of Philadelphia on the biological condition of the river before the plant went into operation. It still conducts periodic surveys, and the results of these indicate that the operation of the SRP has had very little effect on the biological condition of the Savannah River.

Additional formal presentations included such topics as—

1. Long-term storage of highly active wastes in bedrock caverns,
2. Design and construction criteria for facilities to handle highly active liquid waste,
3. The handling and storage of separations process wastes,
4. Disposal of radioactively contaminated solids,
5. Disposal of contaminated water from the reactor areas,
6. Control guides and experience related to radioactivity release to the environs, and
7. Geology, hydrology, and geography of the site.

For its plant tour, the Committee observed a power boat collecting water samples from the Savannah River and a continuous floating sampler. An empty emergency holding basin (for reactor cooling water) of 50-million-gallon capacity was visited. The chemical processing plant was seen from the road but was not entered. The Committee saw completely buried, high-level storage tanks of 85-foot diameter and, nearby, four tanks, each of 1¼ million-gallon capacity, were observed under construction. The Committee entered a small monitoring building filled with waste-tank cooling coils in which the decay heat could be felt in some of the pipes. A drop in temperature observed at this location would allow the point of a leak in a tank's cooling coils to be located. A newly prepared burial ground was observed where containers of contaminated solids and empty contaminated water tanks from a Greenland airplane crash were being buried.

Prior to the fourth meeting of the Committee, a task force consisting of Goodman, Rust, and Klingsberg visited the Dresden Nuclear Power Station, Morris, Illinois, on April 16, 1969. Between 2 and 3 thousand cubic feet of solid low-level wastes will be handled there annually. The Sheffield Burial Site is approximately 50 miles to the west; it is managed by the Nuclear Engineering Corporation on ground that is owned by the state of Illinois.

On a site adjacent to the Dresden plant a fuel reprocessing plant is being built by General Electric (G.E.). This 300-ton-per-year plant is known as the Midwest Fuel Recovery Plant (MFRP).

In addition, Commonwealth Edison is constructing two additional large boiling water nuclear power plants, known as Dresden No. 2 and Dresden No. 3, which will be in operation in the very near future. The question of what level of stack discharge of radioactive gases will be permitted from each of the three Dresden plants plus the G.E. reprocessing plant is now being considered by the AEC Licensing and Regulations Division.

For its fourth meeting, the Committee visited the National Reactor Testing Station (NRTS), Idaho Falls, Idaho, April 17–18, 1969. The formal presentations included such topics as:

1. Radioactive waste management policy at NRTS,
2. Waste generation and management at test reactors, at the chemical processing plant, and at the Experimental Breeder Reactor II (EBR–II) project,
3. Solid waste disposal,
4. Calcination of liquid waste,
5. Management of radioactive waste proposed for the loss of fluid test (LOFT),
6. Radionuclide distribution in regional groundwater and in the regolith as a result of liquid waste disposal,
7. Environmental behavior of gaseous waste disposal in the atmosphere including prediction of trajectories and dispersion, and.
8. Geology and hydrology of the NRTS site.

For its plant tour, the Committee visited the Fuel Cycle Operations of EBR–II. A demonstration was held of a dump of a "cold" can into a burial hole at the EBR–II burial grounds. The Idaho Chemical Processing Plant was visited. This is a canyon building with a 240-foot operating corridor. The plant was not in operation at the time. Finally, the Committee visited the calciner, which employs a fluidized bed at 400° C.

The fifth meeting of the Committee was held at the Hanford Plant, Richland, Washington, June 23–24, 1969. The lectures included:

1. Hanford waste management policy covering the nature, present handling, and storage of chemical processing wastes and future options in long-term waste storage,
2. Handling of contaminated gaseous, solid, and liquid effluents in chemical processing plants,
3. Fuels and reactor waste disposal practices,
4. Waste solidification demonstration program (phosphate glass, spray solidification, pot calcination),

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5. Movements of radionuclides through the local environment, and

6. General site description.

For the plant tour the Committee visited B Plant and saw a demonstration that is typical of a remotely operated and remotely maintained plant. The Committee visited a display of off-site shipping containers: a HAPO–II shipping container and its protective buffer container, small tunafish-type cans, birdcage containers, and 5-inch diameter plastic bottles. The Purex separation plant was visited next, and the Committee walked through the pipe and operating gallery. Two 1-million-gallion tanks of the SRP type were observed under construction. An exploratory well, 3100 feet in depth (which will be extended to [illegible]500 feet when completed), was observed. At the Chemical and Materials Engineering Laboratory the Committee visited the fission product cask handling area. A 30-ton loading cask was observed through a shielded window. In addition, a 350-gallon on-site cask was observed close up.

Following these plant visits the Committee met with the AEC Commissioners in Germantown, Maryland, on October 9, 1969, in order to inform the AEC of the progress to date.

The seventh meeting of the Committee was held at the Atomic Industrial Forum, New York, on September 12, 1969. An ad hoc group of industrial representatives presented their points of view with respect to the problems of radioactive waste management.

The purpose of the tour of the major AEC installations was to provide an appropriate orientation for the Committee so that it would be brought up-to-date as to the current research and development programs under way at these AEC sites.

The Committee noted the extensiveness and care in waste management at each site visited. The Committee is gratified by the quality and scope of the R&D program sponsored by the AEC in radioactive waste management.

An alternative to perpetual tank storage of liquids is the conversion of the liquid solutions to thermally and radiolytically stable solids of low solubility for burial in suitable underground sites or for storage in excavations. Under the AEC program four solidification techniques have been examined in detail:

1. The fluidized bed calciner developed at the Idaho Chemical Processing Plant,
2. The phosphate glass process developed at Brookhaven and being tested at Hanford,
3. The spray solidification process developed and tested at Hanford, and
4. The pot calcination process developed at ORNL and being tested at Hanford.

The last three have been under full-scale tests at Hanford since November 1966 using fission products having thermal and radioactivity levels comparable to spent fuel from commercial power plants. These tests are scheduled for completion in 1970.

During the coming year, the CRWM expects to take into consideration:

1. Transportation, especially of high-level waste (relative safety of storage versus shipping),
2. Management of low-level wastes,
3. Review of cost evaluations of radioactive waste management,
4. Analysis of AEC policy on high-level waste management, and
5. Exchange of information between the United States and other countries.

In all of these studies, an attempt will be made to maintain a balanced viewpoint between radioactive wastes and all other types that could endanger the environment.

Mr. CHURCH. Mr. President, I also request that three editorials from the Idaho Falls Post Register, the Burley, Idaho, South Idaho Press, and the Idaho Daily Statesmen of Boise, dealing with this suppressed report, appear at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Post-Register, Mar. 20, 1970]

THE EDITOR'S NOTEBOOK: MOBILE GRAVEYARD

A long withheld study of the radioactive waste operation at the National Reactor Testing Station calls for eventual removal of the waste burial grounds at the Idaho site to a site "not over a significant aquifer."

This is the same recommendation made by the Idaho State Board of Health, but, unlike the board of health, the National Academy of Science Committee, has explained in great detail why the removal should eventually be sought.

It should be kept in mind that in the long range planning of the AEC, the stored radioactive wastes at the Idaho station have been considered "temporary" and all but the low-level, drinking water standard wastes are removable. The AEC has for years applied a research program on waste management and has over the years, decisively improved the technology of the field.

It should also be kept in mind that the Academy of Science has taken great pains to point out that there is no hazard involved now in the handling of wastes. It is the long range future and a gradual, possible radioactive buildup which has concerned the Academy of Science committee in its recommendations. In fact, the Academy's study team lauded the cautiousness and meticulous care applied by the AEC to its waste management practices.

Nevertheless, the Academy advanced some significant recommendations—besides the eventual transfer of the burial grounds. For example, a minimum of two feet of aluvial soil underneath all buried wastes is recommended by the Academy team. The AEC now have some wastes seated in a few places on basaltic rock. Although there are many feet of basaltic rock between the wastes and the water table, it is possible that sudden shifts in the basalt or a high-volume seepage from flooding could wash some of the wastes down to the water table. This type of waste, however, is mostly solid material, radioactive tools or components, and not the high level liquid or calcined wastes which are stored in cooled steel tanks.

The Academy study also recommended more test holes, and especially deep test holes, to evaluate the character or seepage and water movement more definitively.

A third major recommendation of the Academy was a standardizing of all waste management guides at installations where waste management is involved. The Academy said different standards are applied at different places—likely the result of the development of different sites at different times under different geologic conditions. Nevertheless, the standardization recommendation is a sound one and a more precise standardization is presumably achievable.

The AEC has mainly said that the committee making the study did not represent a sufficiently broad spectrum of discipline—and disciplines particularly related to the radiation field, but geologists in the main. This was undoubtedly true. The Academy's current team in this field is more representative.

The AEC also has answered that the removal of burial sites to places in the midwest where geologic conditions are favorable (sites where alluvial soil is available in large quantities as a container and where no concentrated aquifer is involved), was not considered feasible, at least at the time that the report was made in 1966. It would cost billions, the AEC has indicated, to remove its burial sites.

But in Idaho, we are confident, Idahoans are going to want the decisions to be made in the direction of extra precaution so that its aquifer, the largest concentrated one in the nation, is protected from all conceivable future threats of radioactive buildup—even though scientists cannot agree now on the ultimate effect of such a buildup. In the long run, money will have to be found for this removal if the concert of independent scientific opinion continues to worry about the possibilities, however remote, of even slight impairment of this highly valued aquifer. It is Southern Idaho's watering trough for an irrigated empire which is really just emerging.

The Academy study noted that "considerations of long range safety are in some instances subordinated by the AEC in regard for economy of operation." This can no longer be true. The Academy team may have been overcautious, as even some independent scientific observers have indicated, but in the years ahead, money must be found. There is no danger now. The final decision is years away.

But in the meantime, we would hope that the AEC capitalize on the report, in fact, as Senator Frank Church has proposed, by establishing the Idaho AEC site as a national center for waste management research. This is where the first money should be spent.

More than this, a new AEC center should take on an even wider scope as a center for attacking environmental problems generally. The Idaho site has both the initial personnel and the initial facilities to perform this national service, although both would have to be expanded.

The reason why Idaho really has not been able to properly assess its air pollution problems, for example, is not only a lack of funding in this direction, but a lack of the sophisticated instrumentation it requires. The AEC site has these instruments now. They should be utilized, not only for Idaho but other western states at least.

No assessment of the Academy of Science report can be concluded, either, without pointing out that the AEC did, in fact, suppress the controversial Academy report. It should have been published, even though the AEC considered it a study for its own internal usefulness. The record shows that the AEC "sat" on this controversial report, and continued to sit on it until intolerable pressures had built up in Congress and elsewhere. The late, late disclosure of the report is all too characteristic of the AEC and its public information policies.

[From the Burley (Idaho) South Idaho Press, Mar. 16, 1970]

A.E.C. DECEPTION

The people of Idaho have been treated to a superb case of deception. The offender is none other than the U.S. Atomic Energy Commission. The South Idaho Press was the first Idaho newspaper which took serious the charges of Robert A. Erkins of Buhl. He raised the contamination issue last summer relative to the sparkling springs near Clear Lakes on the Snake River. If springs in that locale could become contaminated from AEC Waste disposal at Arco, the entire Minidoka north side pumping project would likely suffer even more contamination.

In reply to the charges, William Ginkel, AEC manager at Idaho Falls observed, "We have substantial technical experience. There is no real or potential basis for alarm—ever." This and other blase statements of highly technical nature were disseminated in the Idaho press from the AEC. No cause for alarm, they said. Just leave it up to us—We even drink the water from the aquifer which feeds the great north side subterranean lava caverns where the water is locked up until it emerges along the Thousand Springs and other outlets on the lower Snake.

Now, a highly technical report prepared by qualified earth scientists with no axe to

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grind for anyone is uncovered. Mr. Ginkel failed to mention this study when he was answering the opening charges last year. But it was a matter of record, in fact two studies, one confirming the other were in possession of the AEC at the time. Would you call this deception?

One was prepared by a team of scientists from the National Academy of Sciences and National Research Council in 1960 and confirmed by another commission of 10 scientists from the Academy in 1966. Sen. Frank Church was instrumental in getting a full release of these studies for the people of Idaho. And what do the reports say? Here are some of the findings as released Sunday:

None of the major sites at which radioactive wastes are being stored or disposed of is geologically suited for safe disposal of any manner of radioactive waste other than very dilute, very low-level liquids.

"At the NRTS (in Idaho) pipes were laid underground without ordinary safeguards against corrosion on the assumption that the pipes would not corrode in dry solid, but they did. At NRTS, plutonium wastes are given shallow burial in ordinary steel (not stainless) drums on the same assumption. Corrosion of the drums and ultimate leakage is inevitable."

The report continues that the AEC predicted billions of dollars would be required to move the present sites elsewhere in compliance with the standards set by the two scientific committees. It could see no reason for this "enormous expense."

The earth scientists in both studies were cautious. They agreed that the economics of waste disposal and removal was a problem but safety should be the first consideration. . . . The committee believes that safe disposal procedures should be established now rather than at later stages of power development . . . perpetual care of hazardous wastes cannot be assured and so should be designed that permanent safety is certain," continues the report.

A copy of the full report will be published in this newspaper very shortly. One thing is certain that the alarm raised here was fully justified. While arguments were refuted with sophisticated diatribe from the AEC, there was still much doubt left in the minds of Idahoans on the subject. Idaho has much at stake in this matter. Its future economy and the livelihood of other generations are very much concerned.

It is far too great a chance for Idaho to take. This was an early observation which is now even more seriously involved. Time is late. Storage of radioactive wastes at Arco have been going on now for a full decade. It's time to call a halt. A full-scale removal of these wastes must be considered. There are hundreds of thousands of lives at stake and even more billions of dollars of wealth. Idaho and especially the people of this valley cannot permit this matter to go unchallenged and uncorrected any longer.

[From the Boise (Idaho), Idaho Statesman, Mar. 18, 1970]

REPORT CITES LIQUID WASTE HAZARD

It shouldn't have required congressional prodding to persuade the Atomic Energy Commission to release a report on radioactive waste disposal by the National Academy of Science. Failure of public agencies to level with the public on such sensitive questions tends to create suspicion and mistrust.

The AEC does not wholly agree with the report, which, among other things, suggests that the National Reactor Testing Station should be located in the Midwest. But the proper procedure would have been to release the report, along with a statement of the AEC's reservations.

Perhaps the most significant conclusion of the report is that liquid wastes should not be discharged in Eastern Idaho because of the Snake River plain acquifer. Since questions about waste disposal procedures arose several months ago the AEC has defended its practices, including the disposal of liquid wastes.

Said the scientists: "It must be clearly understood that our concept of deep-well disposal does not permit any disposal by injection into formations that directly underlie fresh-water aquifers, or anywhere near them stratigraphically. Nor does it allow injections under such conditions that lateral flow through the disposal reservoir would bring waste fluids into the zone of potable water in the same formation within a period of 1,000 years."

The study committee was less concerned about the storage of radioactive wastes in solid form above the aquifer, but it suggested that they should be stored at an inland location.

John Erlewine, assistant general manager of the AEC, said in Washington when the report was released that although the AEC is putting the wastes underground now, it does not necessarily intend to leave them there.

Seven changes in procedure for storage of solid wastes were recommended by the Public Health Service as the result of a study by federal agencies requested by Sen. Frank Church. Another study on liquid wastes is still in progress.

The proposed changes in solid waste disposal procedure and Mr. Erlewine's statement about possible eventual removal are reassuring. It remains to be seen whether the study on liquid wastes will come to the same conclusion as the National Academy of Science study team.

In a reply to the National Academy of Science report, the Idaho AEC Operations Office said Monday that the recommendations were made before the committee visited either Hanford, Wash. or the NRTS site.

Yet in its report the committee said it visited the NRTS site on May 10 and Hanford on May 13 and 14, 1965. It had also visited the NRTS site earlier, in 1960.

The AEC said in its rebuttal that it was informed by the committee that the Idaho Falls plant was not creating a hazard.

The committee did not say that there was an immediate hazard. Its report said that liquid wastes should not be discharged in the vicinity of an aquifer because of long-run dangers.

This report is four years old. Had it been released at the time it was completed the reviews of AEC waste disposal procedure in Idaho would have come sooner. But the agency chose to keep the report secret and to rely on its own judgment.

Agencies whose activities pose possible dangers to the environment should not be in the position of completely determining their own standards. No matter how well-intentioned they are there is a possibility that other considerations will interfere with environmental precautions.

Mr. CHURCH. Mr. President, these reports and comments are important pieces in a puzzle which must be pieced together if we are to preserve a habitable environment. As I pointed out in my earlier remarks, we in America seem to have a fixation with purchasing technological advancement on credit, paying the environmental bill, plus pollution charges, at a later date. That practice simply cannot be followed when it comes to atomic power. Adequate and safe methods for the permanent disposal of atomic waste must be found. To ask less is to gamble with life in the future. We must institute and fund an adequate national effort now to find solutions to these problems.

ADMINISTRATION'S POSITION ON CAMBODIA

Mr. PELL. Mr. President, last Monday the Secretary of State appeared before the Committee on Foreign Relations to present the administration's current position with respect to the tense situation in Cambodia. At that time I urged him to take the matter to the United Nations instead of attempting to pursue a unilateral policy in that Southeast Asian country. Several other members of the committee endorsed my view. Since that time, we have participated in an overt military manner in support of a South Vietnamese military incursion into Cambodia, a development which has sharply exacerbated the whole situation. Speaking as one Member of this body, I strongly oppose this action which can well turn what has been a Vietnam war into a larger Indochina war.

I rise now to urge publicly that this matter be turned over to the United Nations. Here, we should bear in mind, too, that history is showing us we are better off when nations have governments that are neutral, but popularly based, than when they are friendly, but militarily based. I recall the old adage, "Preserve us from our friends!" It would certainly be cheaper.

In deciding the course our Government will follow in Cambodia, it obviously has to contemplate the risk of repeating there the unfortunate consequences that followed from our unilateral intervention in Vietnam. For various reasons it may have been inappropriate to take the question of South Vietnam to the Security Council. Perhaps most important of these was the fact that South Vietnam is not a member of the United Nations. No similar constraint applies in the case of Cambodia. Furthermore, whether a vote in the Security Council is for intervention in this new conflict in Southeast Asia or against such assistance, it will be better than the loss in life, treasure, and dignity which the United States, standing alone, has suffered in Vietnam.

A similar lesson can be learned from Laos. We also failed to submit the conflict there to the United Nations and now we are deeply involved in the fighting. Our position for taking Cambodia's crisis to the United Nations is stronger than in the case of Laos. The initial decision to support actively the present regime in Cambodia is now at hand. We have not taken those irrevocable steps which we took in Laos as early as 1964 to support the Government there secretly in violation of international agreement. Once having taken such steps, it is difficult then to turn to a body of world opinion such as the United Nations to argue against violation of international accord by others.

Our experience in Vietnam and Laos must teach us that the first steps of unilateral intervention can well lead on to greater and more costly involvement. If we provide military equipment to Cambodia, unquestionably military advisers will have to accompany such equipment. If this contribution proves inadequate, as it well may, there will be a strong tendency on our part to assume a combat role in the air, as we have done in Laos, or worse, to assume a combat role on the ground, as we have done in Vietnam. In fact, we already seem to have gone quite far down this road. If we would submit this matter to the United Nations, the United States can thereby fulfill its international responsibilities with much less sacrifice.

I would like to emphasize that whether the decision of the Security Council is in favor of providing assistance to the Lon Nol government of Cambodia or against it, the result will be better than unilateral intervention. If the United Nations decides that Cambodia is the victim of outside aggression and determines to assist her, then the moral and material burden of such assistance will be shared internationally.

If the decision of the United Nations is instead against assistance, the United States would thereby be justified in declining to provide aid. In other words, a negative answer by the United Nations would excuse this country from having to become involved.

We have no important security reasons for coming to the aid of the present Cambodian Government in the absence of United Nations endorsement. If our security interests in South Vietnam are small and our presence there a result of a presumed commitment, our security interests in Cambodia are even less and no such commitment now exists. Thus, we stand to gain by whichever course the United Nations would take. Unilateral intervention, on the other hand, could spawn a civil war in Cambodia that could last a generation. Moreover, there is no promise in such a war that those who will rule after Lon Nol will be more favorably disposed toward us than if we now refuse to intervene.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. In Cambodia we are presented with the case of a small country that claims its neutrality has been violated by a more powerful neighbor. Until today, Cambodia has rigorously tried to stand apart from the great East-West confrontation in which so much of the world is involved. In the United Nations we can point out Cambodia's long-standing neutrality based upon the Geneva Accords of 1954, which North Vietnam signed and which she now violates. It is the classic type of situation for which the United Nations was established. If our commitment to the creation of a peaceful world through the United Nations has any credence, it is in a situation such as that presented by the events in Cambodia.

If, upon bringing the matter to the attention of the Security Council, the true will of that body is frustrated by the act of a few, they, not us, will stand condemned for the course that they adopt.

If such a discussion in that world forum should turn to the greater issues of security in Indochina as a whole, so much the better. We should recall that it was the Soviet Ambassador to the United Nations, Deputy Foreign Minister Malik, who recently ventured to propose an international conference on Indochina. A discussion of Cambodia in the United Nations may serve as an opening for similar proposals.

In any event, the time has come for us to be willing to discuss and defend in any forum what we stand for and what we are seeking in Southeast Asia. Now that our escalation in Vietnam has been turned around, we need be less concerned with the pointed finger of public accusation. Whatever course the debate may take, the United States cannot fail to gain in policy and stature by taking the responsible step of committing this new international problem to the world body.

Even if Cambodia itself does not evidence a desire to have the matter taken up by the Security Council, that alone should not preclude us from bringing it there, in light of our position of world leadership and our own very large presence today in Southeast Asia, in all three of the countries that border on Cambodia—South Vietnam, Thailand, and Laos.

Finally, if we are to keep alive the hope which the United Nations represents, an opportunity such as this for international decision and action in the name of peace must not be lost. Therefore, I respectfully urge the administration to place this matter upon the agenda of the Security Council.

URBAN CORRIDORS CORPORATIONS AMENDMENT—SUBMISSION OF A SUBSTITUTE AMENDMENT TO S. 3706

AMENDMENT NO. 606

Mr. PELL. Mr. President, I rise to submit a substitute amendment, for myself and Senator KENNEDY, to S. 3706 which is pending on the calendar.

For many years I have been urging the Congress to take steps to remedy the rail passenger problem. Thus, I am most encouraged that the Senate will be considering action in the coming week to improve rail passenger service in this country. I believe, as many others do, that a solution to the rail passenger crisis can wait no longer. However, I do not believe that the urgency of the situation requires us to pass legislation on the basis of expediency which will not provide a longrun solution to the rail passenger crisis. Therefore, I offer, today, an amendment which will serve as a resolution to the rail passenger crisis for not only for today, but for the year to come.

The amendment I propose to create urban coridor corporations for the provision of rail passenger service is very much similar in concept to the National Transportation Act proposed by Senator MAGNUSON and the other proposed substitute to S. 3706, the National Rail Passenger Corporation Act, to be offered by Senators HARTKE and PROUTY. However, my amendment to S. 3706 differs in two respects to the National Rail Corporation Act proposal.

First, it establishes a separation between passenger service in urban corridors for which there is great potential demand and long-distance passenger service for which there is very little passenger demand.

Second, it prevents profits from service in the more highly traveled urban corridors from being drained within the national corporation by the requirements of long distance passenger service elsewhere.

My amendment would authorize the creation of nonprofit passenger corporations in each of our country's densely populated urban corridors of less than 500 miles. Furthermore, it would authorize the Secretary to provide long-distance service by contract with rail carriers or urban corridor corporations if he finds that such passenger service is required to meet seasonal passenger demand or to meet passenger transportation demand for which no alternative mode of transportation exists.

My amendment provides that representatives of the President, of the Governors of the States served by corporations of the rail carriers, and of the traveling public sit on the respective boards of directors of each corridor corporation.

By establishing the corporations as nonprofit corporations with the involvement of the Governors of the Nation, the corporations will be able to receive grants from Federal, State, and local agencies and they will be more likely to be responsive to the regional requirements within a national context. But most important of all, corridor corporations will not be limited to simple provision of the present archaic means of rail passenger transportation, but they will be given authority to develop new and improved modes of high-speed ground transportation needed to serve our growing megalopolises in the coming century.

I would wish to emphasize the amendment I suggest is not a regional, parochial approach to a national transportation problem. My amendment gives the Secretary the authority to designate an interconnected national system of rail passenger transportation. However, it does not utilize a national bureacracy to obtain the ends of the national system I and others propose; it utilizes a decentralized system of management tied together by the majority representation of the Secretary of Transportation in each of the corridor corporations.

My amendment provides only for a balanced form of transportation adjusted to national and regional needs. It puts the trains where the people are. It puts the trains where they are the most economical mode of travel, that is urban corridors of less than 500 miles. Even the airlines admit that it is uneconomical for them to provide passenger travel in short-haul urban corridors. The subsidies paid by the Federal Government to short haul airlines are evidence of that claim.

Mr. President, I ask unaimous consent that my substitute amendment and a copy of the letter from Dr. Robert Nelson, former director of the high speed ground transportation program, and a list of the Nation's urban corridors be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr.

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GRAVEL). The amendment will be received and printed, and will lie on the table. Without objection, the amendment, the letter, and the list will be printed in the RECORD, in accordance with the Senator's request.

The amendment (No. 606) is to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS AND PURPOSES

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that the necessary improvement and restructuring of existing passenger service and the development of new modes of ground passenger service can best be achieved by nonprofit corporations operating in the Nation's urban corridors of less than 500 miles where improved passenger service is most needed; that regional transportation agencies should have a vital role in providing such service in cooperation with such corporations; that Federal financial assistance as well as regional, State, and local funds is needed to achieve the purposes of this Act; that limited long-distance passenger service of more than 500 miles should only be provided at a cost to the Federal Government on terms justified by the national interest, and therefore it is the purpose of this Act to designate a Basic National Rail Passenger System within which an Urban Corridors Passenger System will also be designated, to create nonprofit passenger corporations with the financial assistance of railroads and the Federal Government to provide passenger service in urban corridors, to authorize the Secretary of Transportation to contract for the provision of passenger service within the Basic National System and outside of the Urban Corridors Passenger System, to authorize the Interstate Commerce Commission to require adequate standards of passenger service in rail passenger operations; and to provide interim Federal assistance to certain railroads as necessary to permit the orderly transfer of railroad passenger service to nonprofit corporations.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic National Rail Passenger System" means the system of long-distance intercity rail passenger service of more than 500 miles and the system of urban corridor passenger service for distances of less than 500 miles, designated by the Secretary under title II of this Act.

(e) "Urban Corridors Passenger System" means the system of passenger service between cities not more than 500 miles apart in densely populated areas, designated by the Secretary under title II of this Act.

(f) "Corporations" means the nonprofit passenger corporations created under title III of this Act to provide passenger service in the Urban Corridors Passenger System.

(g) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). The Secretary shall recommend as part of such system rail passenger routes of distances less than 500 miles between cities in highly populated regions where present and potential demand for rail passenger transportation may make rail passenger service provided by corporations created under this Act economically viable. The Secretary shall also recommend as part of such system rail passenger routes of distances of more than 500 miles where service may be required to meet seasonal passenger demand, to meet passenger transportation demands for which no alternative mode of transportation exists, or to meet other requirements of the national interest, and where the Secretary shall be willing to provide passenger service by contract with available carriers. Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; the need for service within defined regional areas; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, within thirty days after receipt of the Secretary's report designating a basic system, review such report consistent with the purposes of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his report designating the basic system to the Congress. Such report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF RAIL PASSENGER CORPORATIONS

§ 301. Creation of corporations

There are authorized to be created nonprofit corporations (hereinafter referred to as "corporations") to provide en routes within each urban corridor of the Urban Corridors of the Urban Corridors Passenger System, in a manner consistent with the overall transportation requirements of the regions where such corporations are in operation, intercity passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. Each corporation will not be an agency or establishment of the United States Government. Such corporations shall be subject to the provisions of this Act, and to the extent consistent with this Act, to the laws of the District of Columbia relating to nonprofit corporations. The right to repeal, alter, or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not less than three incorporators for each urban corridor corporation, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) Each corporation shall have a board of directors of not more than 21 members who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. A majority of the members of the board will be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary or his representative shall be one of the members of each board of directors appointed by the President and at least one of such members of each corporation shall be a resident of the region served by such corporation and shall be appointed to represent exclusively the interests of passengers in that region. The governor of each State served by each corporation shall appoint a director to serve for a term not to exceed his elective term of office. At least two members of each board of directors shall be elected by the rail carriers who have for consideration been relieved of their rail passenger responsibilities within the jurisdiction of such corporation under the provision of section 401 of this Act. Pending election of the complete board of directors of each corporation four members shall constitute a quorum for the purpose of conducting business of a board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any

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action of the board of directors relating to any contract or operating relationship between the corporation and a railroad, but he may be present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) Each board of directors is empowered to adopt and amend bylaws governing the operation of the corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) Each corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. No officer of the corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the corporation.

§ 304. General powers of the corporation

Each corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with passenger service; to conduct research and development related to its mission; to own, manage, operate, or contract for the operation of high speed ground passenger transportation, to contract for the improvement or construction of roadbed and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. Each corporation shall rely upon rail carriers to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, each corporation shall have the usual powers conferred upon a nonprofit corporation by the laws of the District of Columbia.

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§ 305. Applicability of the Interstate Commerce Act and other laws

(a) Each corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by each corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with each corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 306. Sanctions

(a) If a corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

§ 308. Reports to the Congress

(a) Each corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, each corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of Passenger Service by the Corporations; Commencement of Operations

(a)(1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, each corporation is authorized to contract with each railroad within its jurisdiction to relieve such railroad of responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail within the jurisdiction of the corporation in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the provision of intercity passenger service by rail: *Provided,* That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by a corporation, the railroad shall agree to pay to such corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad attributable to the operation of passenger service within the jurisdiction of the corporation as reported to the Commission for the year ending December 31, 1969. The payment to the corporation may be made in cash or, at the option of the corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the corporation.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating the following:

(A) 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad within the jurisdiction of the corporation during the period January 1, 1969, through December 31, 1969.

If the amount owed the corporation under this alternative is agreed by the parties to be less than the amount paid pursuant to paragraph ( ), the corporation shall pay the difference to the railroad. If the railroad and the corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to the corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which a corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, each corporation shall begin the provision of intercity rail passenger service between points within its jurisdiction unles such service is being provided by a railroad with which it has not entered into a contract under subsection (a) of this section.

(c) No railroad or any other person may, without the consent of a corporation, conduct intercity rail passenger service over any route on which such corporation is performing scheduled rail passenger service pursuant to a contract under this section.

§ 402. Provision of Passenger Service Outside of the Urban Corridors Passenger System

The Secretary is authorized to contract with railroads and the corporations for the provision of passenger service within the National Basic Passenger System for rail passenger service outside of the Urban Corridors Passenger System if the Secretary finds that such service is required to meet seasonal passenger demand, to meet passenger transportation demand for which no alternative mode of transportation exists, or to meet other requirements in the national interest. Such service shall be coordinated with the services in the Urban Corridor Passenger System. The Secretary may take into account in the determination of payments under this section the operating deficit which may be incurred by a carrier in the provision of long distance passenger service. There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this section. Any sums appropriated shall be available until expended.

§ 402. Facility and Service agreements

(a) Each corporation may contract with railroads for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or facilities of the rail carrier by a corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad entitled thereto may bring an action against the corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by each corporation within its jurisdiction the Commission shall, upon application by the Corporation, require a railroad to make immediately available trains and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

§ 403. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 404. New service

(a) Each corporation may provide service within its jurisdiction in excess of that prescribed either within or service outside the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State or regional authority may request of a corporation rail passenger service beyond that included within the corporation's system. The corporation shall institute such service if the State or regional authority agrees to reimburse the corporation for a reasonable portion of the avoidable losses associated with the institution of such services.

(c) For purposes of this section the reasonable portion of the operating loss to be assumed by the State or regional authority, shall be no less than 50 per centum nor more than the avoidable loss and associated capital costs. If the corporation and the State or regional authority are unable to decide on a reasonable apportionment of the avoidable losses to be assumed by the State or regional authority the matter shall be referred to the Secretary for decision in accordance with the intent of this Act, taking into account the impact of requiring the corporation to bear such losses upon its ability to provide improved service within its system.

§ 405. Discontinuance of service

(a) Unless it has entered into a contract with a corporation pursuant to section 401 (a)(1) of this Act, no railroad may discontinue any passenger service with the Urban Corridors Passenger System designated by the Secretary prior to January 1, 1975, the provisions of any other law notwithstanding. On and after January 1, 1975, passenger train service operated by such carrier may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon the filing of an application for discontinuance for such a carrier, the corporation may undertake to initiate passenger train operations between the points served.

(b)(1) A corporation must provide minimum service on the routes designated by the Secretary as within its jurisdiction until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a rail carrier pursuant to section 401 of this Act.

(2) Service beyond that prescribed which is undertaken by the corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, a corporation determines that any train or trains in its jurisdiction in whole or in part are not required by public convenience and necessity, or will impair the ability of the corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): Provided, however, That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local authorities request continuation of the service and within ninety days agree to reimburse the corporation for a reasonable portion of the operating losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph 3 of this subsection a reasonable portion of the operating losses to be provided by the State, local, or regional authority shall be no less than 50 per centum of nor more than the avoidable loss and associated capital costs. If the corporation and the State, regional, or local authorities are unable to decide on the reasonable apportionment of operating loss between them, the matter shall be referred to the Secretary for decision in accordance with the intent of this Act. The Secretary shall take into account the intent of this Act and the impact of requiring the corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 406. Protective arrangements for employees

(a) A rail carrier shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with a corporation pursuant to section 401(a)(1) of this Act, and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 406 of this Act.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a)(1) of this Act between a rail carrier and a corporation may not be made unless the Secretary of Labor has certified to the corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in a corporation's jurisdiction, the substantive requirements of subsection (b) of this section shall apply to the corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the corporation pursuant to section 405 of this Act.

(d) Each corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91–54 (—— U.S.C. ——) shall be applicable to all construction work performed under such contracts or agreements.

(e) Each corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A SPECIAL FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactment of this Act, the President shall appoint a seven-man financial advisory panel to be composed of members from the investment banking, commercial banking, rail transportation industry, State and local transportation and the Secretary of the Treasury.

§ 502. Purpose of special advisory panel

The special advisory panel appointed by the President shall advise the directors of the corporations on ways and means of increasing capitalization of the corporation.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of each corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 to remain available until expended, for payment to the corporation for the purpose of assisting in—

(1) the initial organization and operation of the corporation;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guaranty any lender against loss of principal or interest on securities, obligations, or loans issued to finance the upgrading of roadbeds and the purchase by a corporation of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $60,000,000. The Secretary shall prescribe and

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collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed $60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a)(1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum. No loan may be made, including renewals or extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guarantees made under this section may not exceed $75,000,000.

§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Effect on pending proceedings

Any intercity passenger train in operation on the date of enactment of this Act may be discontinued only pursuant to this Act, notwithstanding any provision of Federal or State law, or any regulation or order of any Federal or State court or regulatory agency issued before or subsequent to that date.

§ 802. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be effected thereby.

§ 803. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "a corporation established pursuant to the Rail Passenger Act of 1970".

Amend the title so as to read: "A bill to designate a national rail passenger system, to establish rail passenger corporations, to provide financial assistance therefor, and for other purposes."

The material, presented by Mr. PELL, is as follows:

THE BROOKINGS INSTITUTION,
Washington, D.C., April 22, 1970.

Senator CLAIBORNE PELL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: In response to your concern expressed to me about the effect on transport coordination of several pieces of legislation in the transport field currently before the Congress I should like to make the following comments, particularly with reference to rail passenger service.

A great deal has been said and written over the years about the need in the United States for balanced and coordinated transportation. Recently public and Congressional concern about the threatened extinction of intercity rail passenger service in large areas of the country has brought to the fore even more strongly the question of whether our transportation is satisfactorily balanced and coordinated. Fear has been expressed by many that the disappearance of rail passenger service may mark the loss of important and essential balance in the transportation system. On the other hand, in light of the continuously improving services of other modes and the steady decline of rail patronage it may be that a good deal of rail passenger service is no longer needed.

There are many and often conflicting views about what constitutes balanced and coordinated transportation. No doubt the expression of these views will influence whatever is done by Congress and the Administration about intercity rail passenger service and whether in fact, and to what extent, we do "need the railroads."

One approach to balanced and coordinated passenger transportation centers on the desirability to have widespread, almost ubiquitous, availability of each of the major modes; i.e., air, rail, bus, and auto. Taken at the extreme this objective for the transportation system would mean that every traveler embarking on any possible trip within the United States would be able to choose for his trip from among all the modes. It goes almost without saying that such an aim of public policy for transportation is most strongly advanced by smaller communities in less densely populated regions where the volume of travel normally is insufficient to support on a commercial basis a full panoply of services. The files of the Interstate Commerce Commission and the Civil Aeronautics Board are overflowing with cases in which communities have petitioned for new services or opposed the discontinuance of existing service. The main issue in these cases is usually whether or not the public interest requires service to an extent which would justify subsidy, either publicly provided, or through cross subsidy from the revenues of other operations of the carriers such as, for example, freight service.

A contrasting view of what constitutes balanced and coordinated transportation emphasizes that each of the major modes has attributes in which it excels over the other modes. For example, automobile transportation is very low cost for group travel and offers unmatched flexibility of service; air transportation cannot be equalled for trip time on distances over 400 miles (in many cases less); bus for single (in number) travelers for short and middle distances offers very low travel costs; and rail *could* offer the greatest comfort, the lowest trip time and very low cost (for trips up to 400 miles) where there are high traffic densities. According to this view of balanced and coordinated transportation each mode should be encouraged by public policy to concentrate its services where its advantages are greatest. The presumed benefits of this policy are operational economies permitting better services to some travelers at lower cost. The disadvantages are frequent restriction of travelers' freedom of choice as to mode of travel, much more variation in quality of service and in fares as between high density and low density routes, and also some reduction in competition among the modes. (This latter disadvantage may not be important if there is competition within modes.)

It is a reasonable assumption that a system balanced and coordinated to exploit each mode's strong points is more likely to result in transportation which pays its own way than a system which nearly everywhere offers a full array of services by all modes. The former system is less likely to be a burden on taxpayers. But economic self-sufficiency is not necessarily the measure of adequacy of a transportation system. There may be justifiable uses of public funds to extend the range of transportation services. Historically every mode of transportation in the United States has been in one way or another the recipient of public support argued for on grounds of public benefit. Undoubtedly the benefits of public subsidy, either to travelers or to the public in general, may be very substantial and may exceed public outlays. In that case public monies are well spent.

Benefits, above and beyond what travelers will pay for in fares are, however, difficult to determine and tend to take us into the realm of judgment and opinions. Nevertheless the job for policymakers is to determine the indirect benefits (not measured by fares), to examine the incidence of benefits; i.e., who receives them when public funds are involved, to determine the indirect costs (not found on carriers income statements), and to weigh the categories of benefits against the costs, particularly public. Determining the ways in which public money will be spent is the province of elected and other public officials. Frequently their job is made easy by a wide public consensus about what constitute benefits and also by instances where benefits clearly exceed costs.

In other cases the nature of benefits may be hard to determine, may be in dispute, and may be so complex that their significance is difficult to measure. In these circumstances special interest groups are often able to impose their will in ways which can hardly be construed in any broad sense as being in the public benefit. Public support for transportation sometimes fall into this latter category. Often the public may find itself supporting services where it would be difficult to show that costs do not swamp whatever benefits are received, or that benefits do not flow primarily to affluent segments of the community well able to pay for services provided them.

Undoubtedly some of the 80 or so passengers who on a given day are riding the Broadway Limited passenger train between New York and Chicago would argue that the provision of rail passenger service is a socially desirable item upon which public funds should be expended. As a general proposition many among the public would agree. But if it were known that the economic cost of providing rail service to 80 passengers per day between New York and Chicago is four to five times the cost of such service by air, bus, or auto, a serious question about the relationship of benefits to costs would no doubt arise in the minds of many taxpayers. (It should be understood that public subsidy alone would not increase the number riding the Broadway Limited.)

As you know, in order to be more explicit about benefits and costs of transportation, so that public officials and the public in general would be better able to weigh them against each other, the Northeast Corridor Transportation Project was under my direction begun in 1964 in the Federal government. The Corridor project was charged to consider different ways in meeting the Northeast Corridor's needs for intercity transportation and to evaluate each of them as much as possible in benefit cost terms. Many of the results of studies and investigations carried on in the Corridor project are of immediate relevance to the question of the extent of need of rail passenger service, and hence it may be useful to bring out some of their highlights.

IMPORTANCE OF TRIP TIME

The Corridor project found that far and away the most important consideration in travelers' choice of modes for intercity travel is trip time; i.e., total time in travel door to door. It is quite clear that passengers turned in great numbers to Metroliners because trip time was reduced between downtown New York and downtown Washington by more than forty-five minutes, and schedules were met with quite high consistency. In conjunction perhaps with the present somewhat er-

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ratic performances of the airlines the Metroliners have demonstrated the greatly improved competitive prospects of rail service. For several pairs of cities on the route between New York and Washington rail now offers the lowest elapsed downtown-to-downtown travel time.

The great importance of time to travelers' choices of modes—affirmed quite overwhelmingly by the Metroliner experience—suggests that rail passenger service generally for short and intermediate distances would be more attractive to travelers if it could be operated at higher average speeds. Reducing trip time is probably the only means by which the continuous decline of rail passenger patronage can be stayed. The greater speed and reliability achieved by jet aircraft and the greatly increased highway speeds permitted on the interstate system attracted large numbers of travelers away from the railroads. It is important to recognize that subsidy alone *cannot stop* the decline in patronage. Indeed less and less patronized rail passenger service will require more and more subsidy and produce fewer and fewer benefits.

At present air normally provides the lowest trip times between downtown and downtown of large cities 150 or more miles apart. For short trips, i.e., up to 50 to 75 miles, particularly between suburb and suburb, autos and buses are generally unbeatable. For trips between 75 and 150 miles auto, bus and rail divide the traffic. Here and there, as between Philadelphia and New York, rail is unexcelled for downtown-to-downtown trip time.

Potentially the greatest benefits from improvements in rail passenger service lie in the service range between 50 and 150 miles—possibly up to 250 miles. But to capture and hold a substantial share of that market the railroads will have to reduce trip time.

FARES ARE LESS IMPORTANT

The Corridor project found that costs of travel are much less important to travelers than trip times. For example, in the Northeast Corridor, a 1.0% reduction in trip time would result in a 2.0% increase in patronage; a 1.0% reduction in fares would result in a .95% increase in patronage. Also, conversely, a 1.0% increase in trip time would result in a 2.0% fall in patronage; and a 1.0% increase in fares would result in a .95% fall in patronage.

There are several explanations for the relatively lesser importance to travelers of changes in trip cost compared to changes in trip time. One is that a very large proportion of travel in the Northeast Corridor, and elsewhere, is done for business purposes. The value of time to a business traveler may roughly be imputed at the figure for his hourly salary or wage. In many cases this figure will be considerably greater than the largest fare differentials between modes. Economy for the business traveler then is the mode affording lowest trip time. Another explanation for the greater importance of trip time compared to trip cost is that intercity travelers in the Northeast Corridor appear to have incomes well above average for the Corridor. For example, well over 30% of the travelers on the Metroliners in their first year of operation reported family incomes of above $25,000 per year. To such travelers the cost of transportation tends to be of much less significance than time involved in travel.

The comparative indifference of intercity travelers in the Corridor to fares raises the possibility that in circumstances where the continuance of rail passenger service is threatened by deficits, increased fares may provide a means of sustaining service. They would, moreover, help to assure that the burden of preserving service enjoyed in large measure by travelers whose incomes are well above average, would not fall upon taxpayers whose incomes are average or below.

REVENUES AND COSTS OF IMPROVED SERVICE

The Corridor project found that if substantial reductions in trip times could be made in Corridor rail service, the resulting increased patronage would pay for the costs of improving the service. Nevertheless, it appeared that these improvements would not be made by the railroad because of the high risks of investing in passenger service. Net revenues from passenger service improvements would not be large enough, or sure enough, to encourage the railroads to use capital funds available to them.

This points to a serious problem of the railroads which is deeply involved with their disinterest in passenger service. In general the railroads have no access to outside capital markets except for the purchase of freight cars. Consequently, improvements in road and structure and acquisitions of passenger cars must be financed internally; i.e., by revenues net of operating outlays and fixed payments to outsiders such as interest and rentals. Within a railroad company capital improvement projects are confronted with stockholders' dispositions to withdraw capital funds and invest them in other industries where returns and risk may be in better balance. Because of the competition for capital funds and the high risk in the rail industry, the expected rates of return on investments in railroad and structure improvements must be four to five times as high as the "social" rate of interest (about 10%) which the Federal government applies to its investments. Unless this rate of return can be met, private investment will not be made. And many rail passenger service improvements which clearly are socially desirable must go unmade.

Considering the railroads' difficulties in attracting capital for improvements it may be that one of the ways to make the provision of rail passenger service more attractive to the railroads would be to substitute public cost of capital (the Federal government's) for the railroads' cost of capital. This could be done through government guarantees of bond principle and interest on debt incurred for passenger service improvements such as to roadbed and equipment. Federal government guarantees would put the railroads on more equal terms with other publicly supported modes of transportation and lead to better balance in the system. It is probable that by this means a good deal of passenger service which the railroads now want to discontinue would be retained.

Cost studies carried out in the Corridor project confirmed the very great importance of capital costs in railroad operating costs. For completely new high speed ground systems including rail, capital costs could be as high as 70% of total annual costs; the size of rail plant i.e., roadbed, structures, and stations tends to be relatively the same for a wide range of traffic volume. This is more the case for rail than it is for either of the other important modes of passenger transportation, air and highway, both of which can be more easily adjusted to relatively low volumes of traffic. (The recent rash of rail derailments reflects the efforts of the railroads to adjust maintenance cost to use.) The high element of capital cost and the inability to adjust the size of physical plant to low volumes of traffic makes clear that railroads cannot be efficient in operations where passenger densities are thin. One of the most difficult ideas to get across to the public is that relying on railroads to provide service—either freight or passenger—on lightly trafficked lines is like spading a window flower box with a power shovel; it can be done, but it is extremely costly. In many cases today public agencies are requiring rail passenger service where the economic cost of such service would be lower if it were provided by taxi. Discontinuing rail service carried on under such conditions would clearly lead to more efficient transportation. It would terminate uneconomic service on one mode and improve utilization on other modes.

On the other hand, routes exist today where the potential volume of rail passenger movement is high enough to make rail by far the most efficient of modes. On these routes rail service should be improved and intensified, but where it cannot be economical even with reduced capital charges, it probably should be curtailed and improvement made in other modes such as short haul air service. In general the railroads are efficient and effective as passenger carriers where there is a high density of traffic. Such density is to be found only on passenger movements of 400 miles or less.

RAILROAD MANAGEMENT CAPABILITIES

In answer to your question about setting up regional non-profit passenger service corporations I must say that one of the strongest impressions I have as a result of my experiences with the Metroliner and Turbo train demonstrations in the Northeast Corridor is of the difficulty the Penn Central Railroad had in organizing itself and getting under way the job of running the demonstrations for which the railroad had contracted with the Federal government. Railroads, like many other large organizations, often find it difficult to focus on activities which are new or different. To be successful for the government's purposes of experimenting with rail passenger service, the Metroliners needed special equipment specifications, special equipment maintenance, special track maintenance, and special handling of passengers. By means of "charm school" training programs the railroad tried with some success to improve passenger relations. In other areas it appears to have been quite unsuccessful. For example, it is difficult to get the idea across to car cleaners that a different degree of care must be afforded to the Metroliners as compared to conventional equipment.

Perhaps for the Metroliners and Turbo trains a better approach by the railroad and the Federal Government would have been to establish an organization, possibly nonprofit, which would have taken responsibility for the conduct of the demonstrations—equipment acquisition, promotions and management. The railroad could have limited itself to operating the trains. Such organizations could be established in densely populated corridors over the country. Their advantages would be that they would permit resources to be tailored for a particular Corridor's needs and would, through the segregation of service revenues and costs, provide a more accurate determination of requirements for public support. Establishment of passenger service corporations on a regional basis would recognize that the potential of rail passenger service today is primarily regional in nature; and that each region tends to have different needs.

A passenger service firm was considered three years ago by the Department of Transportation's Office of High Speed Ground Transportation to conduct auto train service on an experimental basis between Washington, D.C. and Jacksonville, Florida. The auto train would have permitted the transport of automobiles and their passengers in specially designed rail cars at substantially lower charges for up to five persons than the same trip either by highway or by conventional rail. (Trip time would be one half that of highway.) Two auto trains could have handled about 20% of the estimated demand for such service between the Northeast and Florida.

The demand for auto train service appeared to be high because of the reduced trip time for auto travelers (resulting in two extra days on a holiday in Florida), relief from the tedium of driving, and greater safety and comfort. Several routes, such as Chicago-Denver, were prime candidates for auto train service which could have helped to support conventional service where it continues to be needed.

The chances that the auto train would have repaid all of the Federal government's "seed costs" and that it would not need any continuing subsidy were extremely good. The project failed to receive Congressional support, however, and was set aside. (A good example of a somewhat similar service which has had tremendous growth in recent years is the carriage of trailers and containers on rail flat cars.)

The least economic rail passenger service today is over the long interregional and transcontinental routes where air transport has a very great competitive advantage in trip time. It is difficult to visualize that conventional rail passenger service can compete effectively on these routes. Auto trains, however, would not attempt to compete with air transportation but rather with group travel by auto to which they could offer very strong competition.

PROPOSAL FOR LONG HAUL RAIL PASSENGER SERVICE

It is by no means frivolous to suggest that the support for long haul passenger service in the region west of the Mississippi be drawn from the resources which originally encouraged the building of the transcontinental railroads. Provision was made many years ago by the Federal government to develop rail service over long distances in the West by granting to the railroads large acreages of public land. Much of the land deeded over to the eligible railroad companies has remained in their possession and in some cases today is producing large revenues from minerals, oil, and timber. Freight service on the western roads has long since become profitable and there is no longer need for the income from land grants to encourage its provision. Long haul passenger service, however, is not profitable and almost certainly cannot be made profitable. If it is found as a matter of public policy that transcontinental and other long haul passenger service in the West is required to meet public convenience and necessity the appropriate solution may be to apply revenues from land grant properties for its support. (The Interstate Commerce Commission has records which indicate clearly which properties of the railroads are from land grant sources.) Losses on passenger service could be calculated and, to the extent they were available, could be offset by net proceeds from land grant properties. If this might discourage some minor degree by exploitation of resources on land grant properties, there would be desirable conservation results as well.

IN SUM

Whatever is done as a matter of public policy about rail passenger service should be in consideration (1) of the nature of demand for intercity passenger transportation, (2) the structure of costs of the different modes and (3) the technological change which can be anticipated in the transportation industries. Such an approach would be most likely to lead to balance in the system, the most effective transportation service and the most sensible use of public resources. The Metroliner experience has shown that a high quality of rail passenger service offered in the right circumstances will be much in demand, and can be offered at minimum cost to the public. Other experience indicates that public support of rail passenger service could be a heavy drain on the Treasury and produce very little in the way of benefits. The problem for public policy formulation is to perceive the differences in these circumstances.

I hope these observations will be helpful to you. Your vision, leadership and support have been absolutely vital to the Northeast Corridor Transportation Project and the High Speed Ground Transportation program.

Sincerely yours,

Robert A. Nelson,
Federal Executive Fellow.

Potential urban corridors

New York–Boston	219
Washington–New York	225
Seattle–Portland	183
Chicago–Indianapolis–Cincinnati	302
Memphis (211 miles)–Jackson (183 miles)–New Orleans	394
New York – Albany – Rochester – Buffalo (Mohawk corridor)	436
Chicago–St. Louis	283
Chicago–Milwaukee–Minneapolis	421
Chicago–Cleveland	340
Chicago-Detroit	284
Cincinnati–Detroit	282
Cincinnati–Cleveland	260
Los Angeles–San Diego	127
Pittsburgh–Philadelphia	354
Houston – Ft. Worth – Dallas – Oklahoma City	459
Miami-Jacksonville	400
Denver–Kansas City	483
Kansas City–St. Louis	283

ORDER OF BUSINESS

Mr. HARTKE. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

THE ASIAN VORTEX

Mr. HARTKE. President Nixon's decision to send American war planes and advisors into Cambodia continues the American tragedy of being drawn into the Asian vortex. The United States is like a giant stumbling into an Indochinese swamp, half blinded by its own blood. President Nixon's decision is a mistake, a mistake bred from a series of previous American mistakes that have already cost about 50,000 American lives.

Should we not see clearly before we further endanger American troops? Should we not understand fully our true national interest before we ask one more American boy to die?

What we desperately need is some realistic appraisal of our true interests in Southeast Asia. Only when we are certain what our interests are can we begin to determine a sound policy. Our Vietnam policy today is in large measure only the product of our past mistakes, and our "true interests" are defined by the need to avoid the worst consequences of those mistakes.

Sending American advisers will be justified by administration spokesmen on the grounds that there has been an "invasion." Without discussing what is an invasion and what invasions really threaten the United States, there is clearly not an invasion by Soviet Russia, not an invasion by Communist China; but an invasion that represents a continuation of regional disputes between ancient enemies. South Vietnamese attack in Cambodia with unaccustomed fighting enthusiasm. Cambodians slaughter Vietnamese citizens and float them down Asian rivers.

These warring states exists more in the imaginations of white Westerners than in the hearts and minds of Southeast Asians. We have supported, with the lives of our men, a series of self-appointed Asian generals concerned more about their Geneva bank accounts than the welfare of their country of the moment.

Trying to find our national interests, the right side, the just cause, the democratic leader in the swamps of Indochina is a hopeless enterprise. We are playing an endless Asian shell game in which we always lose. Perhaps if we saw our interests clearly, perhaps if we saw that neither side represents us, nor threatens us, we might decide that our best foreign policy should be based on cool self-interest.

It will be argued that President Nixon's action was necessary to protect American troops. How have we protected them in the past? They are presently so well protected that if only a hundred Americans are killed each week it is considered a major foreign policy success. What a mockery for a country founded and built on the principle of the sacredness of the individual.

President Nixon's actions will not protect American lives but further endanger them. His action is a continuation of actions justified on the basis of protecting American lives but which in fact have taken American lives. We cannot protect our men because we are not prepared to win. We remain trapped by our limited objectives in Southeast Asia. We know that our national interest in Southeast Asia does not justify the threat of world war III or even our participation in a massive land war.

The doctrine of limited war seems like a marvelous concept, but there is nothing limited about a hand shattered by a grenade, a leg blown off by a mine, a life lost to a bullet.

A distinguished American general, on returning from Korea, was asked what he had learned. He replied that he had always enjoyed football and he had involved himself in the game as much as possible. He said that he had learned that you should never send an American boy into a game that you do not want to win. This is what President Nixon is doing in Cambodia. We do not want to pay the price to win in Southeast Asia. Our traditions and ideals prevent it. We should get out.

Up to now President Nixon has had the excuse that he inherited the Vietnam war. We accepted such reasoning because although he has been a continuous and vocal supporter of the Vietnam war we hoped that change was possible through elections and that the candidate did have a plan. Although President Nixon has achieved a limited and modest withdrawal of some American troops, there were frightening similarities between his statements and reasonings and those of the previous administration. It is over a year and 3 months since Mr. Nixon was inaugurated, and it is now time for him to acknowledge that he is President of the United States and that he is responsible for the acts and decisions of the President of the United States. He must decide if he is to fulfill the mandate of his election and stand for change or stand for continuity. His decision to send American advisers into Cambodia is a stand for continuity. He is following the mistakes of the past although the acts are his own.

The American people in the primaries and general election of 1968 voted for change. They voted for an end to the American tragedy in Southeast Asia. Every Member of the Senate must therefore ask: Are we going to allow this Nation to make the same mistakes again? Are we going to send tens of thousands more young men to die in the futile pursuit of a "victory" that must forever elude us?

The time to end this newest folly is now. Let us tell the President we will not follow him down one more blood-soaked jungle path. Let us tell him that the constitutional authority is ours, and we mean at last to exercise it.

CAMBODIA

Mr. HUGHES. Mr. President, this morning I received from a widely respected senior business leader of my State an unusual telegram. This individual, I might add, is a member of a pioneer Iowa family, a man of impeccable conservative credentials, and by no stretch of the imagination a member of my political party.

The text reads as follows:

> The following telegram sent to President Nixon: What you have done is incredible. Your cynical, political maneuverings, especially regarding Cambodia, are completely indefensible. You can never justify to us the military presence of the United States, in any manner or form in Cambodia.

I read you this telegram because I believe it marks the end of an era in this country.

The silent majority, of which this civic and business leader has been a faithful member, is no longer silent.

But after a year and a third of disastrous foreign policy under this administration, accompanied by tragic disintegration of our society and economy at home, we are having something else that is silent.

We are having a "silent spring" so far as long-cherished hopes for peace are concerned.

It is now clear that this administration is unable or unwilling to learn from the lessons of the past.

It is now clear that we are engaged in a full-scale war and rapidly escalating war in Indochina.

Mr. Nixon's war.

The President could rightfully say that he inherited the involvement in Vietnam.

But the military and diplomatic gambles that have expanded that involvement to what can now only be called the War in Indochina have been plainly his responsibility.

The disillusionment of a great part of the American citizenry has been abrupt.

The lack of candor of the administration plus the harsh condemnation of all who have dared to disagree with the war policies have stretched the patience of moderate, loyal Americans to the breaking point.

Now the bubble has burst.

The war is an ugly reality.

The progress toward peace has been a hollow semantic.

The only thing that we can say with certainty has been Vietnamized is the American stock market.

Like a rose by any other name, an invasion is an invasion.

All good citizens are mindful of the President's great burdens in time of crisis.

But the escalation of this war is not just a matter of politics. It is a matter of survival.

The President's burdens are shared by every citizen, young and old—parents concerned about their children and grandchildren, young people wondering if there is a future for them.

Tonight Mr. Nixon will be addressing the country, once more, on this latest crisis in Southeast Asia.

I hope that he will speak with frankness, however grim the situation may be.

We have been kept in the dark too long.

Only last week, in his television speech to the people, Mr. Nixon said regarding the planned withdrawal of 150,000 GI's by the end of next spring:

> The decision I have announced tonight means that we finally have in sight the just peace we are seeking.

If that peace is in sight to him, it is not in sight to many of the rest of us.

Nor are we reassured by his confidence that "the South Vietnamese can develop the capability for their own defense."

With the electric impulses from the newest move in Indochina spreading in chain reaction to the Middle East and other parts of the world, the time has come for the President to take the American people into his confidence.

RUSSIAN ROULETTE IN THE MIDDLE EAST

Mr. HARTKE. Mr. President, it was with the deepest apprehension that I read yesterday morning of the Soviet Union's new escalation in the Middle East conflict. It has now been established that Soviet airmen are actively participating in Egyptian air defense missions. According to a report in the New York Times, "Russian-speaking pilots flying Mig-21's are scrambling into attack formations at almost every approach by an Israeli plane, with orders to intercept." And although there has not yet been actual combat between Soviet and Israeli forces, the day cannot be far off when a direct clash will occur. When that happens—when the Russians are themselves engaged in a shooting war in the Middle East—a perilous step will have been taken along the road to the fourth, and incomparably most dangerous, all-out conflict in that region since Israel's rebirth.

Commitment of Soviet airmen to combat missions has that same demented logic to it with which we are all too familiar in the strategy of escalation. I wish I could say that we are familiar with it only because of Soviet actions. But the truth is that our own Government wrote the original scenario in Southeast Asia.

But American folly in one corner of the world does not excuse—still less does it justify—Soviet folly elsewhere. Nor does ours make theirs less dangerous.

Active participation of Russians in the Middle East air war follows their deployment in Egypt of SA-3 missiles manned by Soviet crews. The claim in both cases is that the action was purely defensive. In the words of a popular tune of a generation ago, "it seems to me I've heard that song before." We all heard it, of course, in October 1962, when a similarly reckless Soviet move placed intermediate range ballistic missiles in Cuba and very nearly precipitated nuclear war. The present action is only slightly less reckless, but it is every bit as deceitful.

Let me make it clear, Mr. President, that this deep concern we all feel about the presence of Soviet pilots in Egypt has nothing to do with any worry about the outcome of combat between Russians and Israelis. I am fully confident that the individual Israeli pilot is more than a match for the individual Russian. That is not the problem. The problem is that the Soviets, if they choose, can overwhelm the Israelis with numbers. If today they have, as reported, 500 air personnel in Egypt, tomorrow they can have 5,000. And we cannot doubt that they will commit as many men and planes as they need to win the air superiority for which they are obviously aiming.

By the same token we cannot doubt that Soviet-Arab air superiority in the Middle East would be an unmeasurable disaster for Israel. The sheer weight of Arab numbers and Soviet arms would then virtually insure the success of a renewed onslaught against our ally. And that, as I have said before in this Chamber, no American Government could or would countenance. We should then have to intervene actively to protect our own vital interests in the region—an eventuality no responsible American could possibly want.

So again we return to a proposition so fundamental, so inarguable, that it ought by now to be axiomatic. It is that America's vital interests require that Israel be permitted to defend itself. Israel does not now need and never has needed American troops, either as advisers or combatants. It does not even need American largesse. It only needs the right to purchase American arms which it cannot build itself—most especially fighter planes. And it needs our strong diplomatic support—a diplomatic support that is not compromised by the forlorn hope of somehow winning favor with Russia's satellites in the Middle East.

In this connection, I applaud President Nixon's apparent move yesterday to review his earlier ill-considered decision not to sell 125 fighter aircraft to Israel. He is said to be reconsidering that decision in light of the new Soviet escalation. We can only hope that the review will be conducted expeditiously and will result in prompt approval of the aircraft sale. That is the immediate first step we must take to try to bring the Russians to their senses—to make them understand that we are not so preoccupied in Southeast Asia that we are prepared to let our courageous Middle East ally be destroyed. That same message should be conveyed to Moscow in no uncertain terms through all available diplomatic channels.

Today as in 1962 the Soviet leadership is testing our will as well as reaching out for a geopolitical coup. Today as in 1962 we must make it unambiguously clear that we have no intention of presiding over the destruction of a vital American interest in a crucial area of the world.

But unlike 1962, fortunately, we are not called upon to risk nuclear Armageddon to make our intentions known. We need only resume doing what we should have been doing all along—letting Israel purchase the means of its own self-defense, and lending our strong voice to its 22-year-old quest for peace and security and justice in the Middle East.

SENATE CONCURRENT RESOLUTION 62—STRIKING OF COSPONSOR

Mr. DOLE. Mr. President, the name of the Senator from Louisiana (Mr. Long) was erroneously listed as a sponsor on the first printing of the concurrent resolution. I ask unanimous consent that his name be stricken at the next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

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VISIT TO THE SENATE BY DR. WOLFGANG POHLE OF THE WEST GERMAN BUNDESTAG

Mr. THURMOND. Mr. President, we are honored today to have with us a member of the Bundestag of the Federal Republic of Germany, Dr. Wolfgang Pohle. Dr. Pohle is a member of the Defense Committee of the Bundestag, and is very active in party politics in his country. He is Treasurer of the Christian Social Union, and a member of its Presidium. He is also Chairman of the Committee on Finances for the Christian Democratic Union-Christian Social Union coalition. In addition, Dr. Pohle is well known in industrial circles for his very successful career as a private businessman.

We welcome Dr. Pohle here with us today. He has come to Washington from New York, where it is my understanding that his daughter, an artist, has just opened a successful exhibition of her paintings. I wish to extend my congratulations to Dr. and Mrs. Pohle for their talented family. I hope that Dr. Pohle enjoys his visit to the United States.

I should now like to ask Dr. Pohle to rise and be presented to the Senate.

[Applause, Senators rising].

SCHOOL FOOD SERVICE PROGRAM—CONFERENCE REPORT

Mr. TALMADGE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Gravel). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Apr. 29, 1970, pp. 13386–13387, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. TALMADGE. Mr. President, it is with great pride that I ask for the Senate's approval of the conference substitute for the Senate amendment to H.R. 515. The conferees were united in their objective of developing a workable, effective bill; and the conference report is signed by all of the conferees on the part of the Senate and all of the conferees on the part of the House. While the conference substitute retains the major reforms and improvements made in the school lunch program by the Senate amendment, it contains some changes in the interest of a more efficiently administered school lunch program. The pending bill places a positive mandate on each State to extend the school lunch program to every school in the State and to provide a free or reduced price meal to every needy child in the State. Furthermore, the bill makes several important changes in the school lunch program to insure the most efficient utilization of Federal funds and the most effective delivery of school lunches to every needy child in the Nation.

The many reforms and improvements made by the bill have a long history. Of course, we should make it clear that we had a very good program to begin with. The original school lunch program was coauthored in 1946 by two of our most distinguished and beloved colleagues, the Senator from Georgia (Mr. Russell) and the Senator from Louisiana (Mr. Ellender). Moreover, these gentlemen, as members of the Senate Appropriations Committee, have been key figures in securing funding for the school lunch program throughout the past two decades, long before there was general national interest in eliminating hunger.

Throughout the years, changes have been made in the school lunch program. The major change was made with the passage of the Child Nutrition Act of 1966. Among other things, this act provided for pilot breakfast programs. Prior to the consideration of the pending bill, however, there has never been an overall reform of the school lunch program, and there has never before been such a concerted effort to see that a free or reduced price lunch is provided to every needy child in the Nation.

During the current session of Congress, the junior Senator from South Dakota has focused national attention on the problem of hunger in the Nation and has aroused the Nation's conscience to the need for action. As a member of the Select Committee on Nutrition and Human Needs, of which Senator McGovern is chairman, I am well aware of the Senator's fine work in mobilizing action on this issue. The Senator cosponsored and supported S. 2548, my bill to improve the school lunch program, and I am sure that he takes a great deal of pride in the fact that several of his amendments are retained in the final version of the bill.

I am especially grateful for the way in which Chairman Ellender has cooperated in the expeditious passage of the pending legislation. When I introduced S. 2548, the chairman was quick to schedule hearings on my bill and the other school lunch bills pending before the Agriculture Committee. As the original author of the school lunch program, the chairman expressed keen interest in making the needed improvements and reforms during the current session of Congress. He was especially helpful in securing prompt approval of S. 2548 by the Agriculture Committee, and the committee's deliberations were enriched by the chairman's knowledge of the school lunch program.

I might add that the entire Agriculture Committee—from the chairman to the most junior member—cooperated in securing the adoption of the best possible school lunch bill.

Mr. President, although the conference substitute contains several changes, it has retained intact most of the provisions of the Senate amendment. Some major provisions of the Senate amendment which were retained are as follows:

1. The restriction of the price of a reduced cost lunch to not more than 20 cents.

2. Keeping appropriations available until expended.

3. Revising the formula for apportioning non-food assistance funds and the establishment of an authorization level for non-food assistance foods.

4. Establishment of a National Advisory Council on Child Nutrition.

The conference substitute contains most of the other provisions of the Senate with only such technical modifications as were required to make it achieve its purposes. The differences are as follows:

First, the conference substitute provides for a free or reduced price lunch for each child belonging to a household whose income is below the poverty level, as determined annually by the Secretary of Agriculture, whereas the Senate amendment provided a free lunch for each child belonging to a household receiving Federal food aid or having an income equivalent to $4,000 or less for a family of four. First priority would be given to providing free meals to the neediest children. The conferees felt that our efforts should be directed to taking care of the children at the poverty level before providing free or reduced price lunches for those above that level.

Second, the conference substitute limits the special assistance funds disbursed to each school under section 11 of the National School Lunch Act to a maximum per meal amount established by the Secretary for all States. The Senate amendment contained no limitation.

Third, the conference substitute would require State plans to be submitted by January 1 each year, instead of June 1 as provided in the Senate amendment. This would give the States adequate time after the passage of the bill to prepare the first report.

Fourth, the conference substitute requires the State plan to describe how the State will furnish a free or reduced price lunch—instead of free lunch only as provided by the Senate amendment—to every needy child in accordance with section 9 of the National School Lunch Act.

Fifth, the conference substitute omits the deadline—start of 1972–73 school year—imposed by the Senate amendment on the requirement that State plans describe the manner in which the State educational agency proposes to include every school in the State in the operation of the school lunch program. It also provides that the plan show how the State educational agency proposes to "extend" the program to every school—rather than "include" every school in the program as provided by the Senate amendment. This would make it clear that the inability to achieve this objective would not result in terminating the program in any school. This was in accord with the intention of the sponsors of this provision in the Senate.

Sixth, the conference substitute provides for semiannual reports as to the estimated number of children entitled to free or reduced-price lunches where the Senate amendment provided for monthly reports as to the actual number so entitled. The Senate amendment would have required a practically continuous survey of the incomes of the children's households, and this was not deemed feasible.

Seventh, where the Senate amendment would have provided for the apportionment of special assistance funds under section 11 of the National School Lunch Act on the basis of the number of children attending school in households with incomes equivalent to $4,000 or less for a family of four, the conference substitute would apportion the funds on the basis of the number of children age 3 to 17 in households with incomes of less than $4,000. Census data is not available as to the number of children attending schools and belonging to households of various income levels. It is possible that data could be obtained as to the number of children age 3 to 17 in households of varying income levels, but data is already available with respect to children of those ages in families with incomes of less than $4,000. The conference substitute provides a more workable manner of distributing these funds.

Eighth, the conference substitute provides for withholding funds for disbursement to private schools under section 11 of the National School Lunch Act—in States where the State agency is not permitted to disburse funds to private schools—on the basis of the number of free or reduced price lunches served in accordance with section 9 of the act in the fiscal year beginning 2 years immediately prior to the fiscal year for which the funds are appropriated. The Senate amendment provided for such withholding on the basis of the number of children attending private schools in households with incomes equivalent to $4,000, or less for a family of four. The data required by the Senate amendment is not available. Again, the purpose of the conference substitute is to provide a feasible method of distributing the funds.

Ninth, the conference substitute would increase the appropriation authorization for the school breakfast program for fiscal 1971 to $25 million—from $12 million. The Senate amendment contained a similar provision, but also completely revised section 4 of the Child Nutrition Act of 1966, which deals with the school breakfast program. The school breakfast program is still in a pilot program status. The conferees felt that the pilot program should be carefully studied and be the subject of hearings before the authority for it should be the subject of revision. The program will expire at the end of fiscal 1971, and it can be studied before that expiration.

Mr. President, the enactment of the pending legislation will be an important bench mark in the Nation's fight against hunger. This bill will be the first major antihunger bill to come out of the current national concern with eradicating hunger and malnutrition.

However, we must not forget that our task does not end with the passage of this legislation. Although the pending bill provides an excellent vehicle for the extension of school lunches to all the hungry children in the Nation, it will have little meaning without proper funding. Due to several features of the pending bill, a tremendous increase of funds will be necessary. The nationwide eligibility standard and the requirement that all States extend the school lunch program to every school within the State will necessitate the appropriation of at least $300 million above the administration's budget request for fiscal 1971. The $684 million requested by the administration for child nutrition did not take into account the greatly expanded school lunch program which will be created by the passage of the pending bill.

The school lunch program has many friends on the Appropriations Committees of both Houses. I am sure that these gentlemen will be happy to reassess our Federal responsibility under the terms of a greatly expanded school lunch program.

The proper funding of a greatly expanded school lunch program will meet our national responsibility to extend free or reduced-price lunches to every needy child in the Nation. It will fulfill my personal commitment, made a year ago during a tour of the school lunch program in Georgia, that no child who comes to school hungry will go home hungry.

Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of the conference substitute, and a comparison of the conference substitute with the House bill and the Senate amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF CONFERENCE SUBSTITUTE FOR SENATE AMENDMENT TO H.R. 515

The conference substitute for the Senate amendment to H.R. 515 would amend the National School Lunch Act and the Child Nutrition Act of 1966 to

(1) Authorize appropriations 1 year in advance of the fiscal year in which they will become available and make them remain available until expended (section 1);

(2) Base the school lunch apportionment on the number of lunches served during "the fiscal year beginning 2 years immediately prior to the fiscal year for which the Federal funds are appropriated" rather than the "preceding fiscal year" (section 1);

(3) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds (section 2);

(4) Authorize the use of up to 1 percent of School Lunch and Child Nutrition Act funds for nutritional training and education and studies of food service requirements (section 3);

(5) Authorize direct distribution of foods under section 6 of the School Lunch Act to schools and service institutions participating in food service programs under the Child Nutrition Act and section 13 of the School Lunch Act (section 3);

(6) Require that State revenues represent a percentage of the local School Lunch Act matching requirements (beginning at 4 percent and rising to 10 percent) (section 4);

(7) Provide for a free or reduced price lunch for any child in a household which has an income below the poverty level (as determined by the Secretary of Agriculture), the reduced price lunch to cost not more than 20 cents; but neither of these provisions are to be applicable to private schools receiving funds under section 10 of the school lunch Act until sufficient funds are available from sources other than children's payments (section 6);

(8) Provide for publicly announced policies with respect to free or reduced price lunches, and extend the requirements for such lunches to schools which are not in the national school lunch program but receive Federal commodity donations (section 6);

(9) Prohibit overt identification of children receiving free or reduced cost meals (section 6);

(10) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States on the basis of the number of children aged 3 to 17 in households with incomes of less than $4,000 per year (withholding for private schools, where required, to be on the basis of past service of free or reduced price lunches) and to schools on the basis of need, and provide up to 100 percent of the cost of the program, subject to a maximum per meal limit fixed by the Secretary for all schools (section 7);

(11) Require each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, which must describe the manner in which the State agency proposes to extend the national school lunch program to every school (section 7);

(12) Require semi-annual estimates as to the number of children eligible for free or re-

duced price lunches, and monthly reports of the number receiving free lunches and the number receiving reduced price lunches (section 7);

(13) Authorize the Secretary to permit funds appropriated for any program under those acts to be used by the States for any other such program (section 8);

(14) Authorize use of up to 1 percent of the funds available for apportionment to States under those acts for special developmental projects (section 8);

(15) Provide for a National Advisory Council on Child Nutrition (section 9);

(16) Increase the appropriation authorization for fiscal 1971 for the breakfast program to $25 million (from $12 million); and

(17) make other minor changes.

Differences Between H.R. 515, as Passed by the House of Representatives, the Senate Amendment Thereto, and the Conference Substitute for the Senate Amendment

(1) *Section 6(a) of the Senate Amendment* provides that the charge for a reduced-cost lunch may not exceed 20 cents. This is not in House bill. This is contained in conference substitute.

(2) *Section 6(b) of the Senate Amendment* requires the serving of a free lunch to any child who is a member of a household which (1) is eligible to participate in a Federal food stamp or commodity distribution program, or (2) has an annual income (to be established solely by affidavit) equivalent to $4,000 or less for a household of four. This is not in House bill. The conference substitute requires the serving of a free or reduced price lunch to any child who is a member of a household whose income is at or below the poverty level, as determined by the Secretary of Agriculture.

(3) *Section 1 (a) of the Senate Amendment* provides that National School Lunch and Child Nutrition appropriations shall remain available until expended. This is not in House bill. It is in the conference substitute.

(4) *Section 4 and 1(b) of the Senate Amendment* make a number of technical corrections in sections 2(b) and 2(c) of H.R. 515 to make them achieve their purpose, and advance the effective date of subsection 2(b) of July 1, 1971. Section 2(b) and 2(c) of the House bill provide for State participation in funding of programs and for apportionment of section 4 funds (school lunch Act) upon the basis of earlier date. The conference substitute adopts the provisions of the Senate amendment.

(5) *Section 3 of the Senate Amendment* makes technical and clarifying changes in section 3 of H.R. 515. The conference substitute follows the Senate amendment.

(6) *The Senate Amendment* does not extend any additional provisions of the School Lunch and Child Nutrition Acts to the Trust Territory of the Pacific. Section 4 of the House bill is designed to do this, but would need some revision to be effective. The conference substitute follows the Senate amendment.

(7) *The Senate Amendment* does not amend section 5 of the Child Nutrition Act of 1966 to specify that equipment may be acquired through "purchase or rental", as does section 5 of the House bill. USDA advises that the law is now construed to permit acquisition through purchase or rental. The conference substitute follows the Senate amendment with the understanding that the law is to be construed to permit acquisition through purchase or rental.

(8) *Section 5 of the Senate Amendment* makes technical and clarifying changes in section 6 of H.R. 515, which deals with State administrative expenses. The conference substitute follows the Senate amendment.

(9) *Section 6(e) of the Senate Amendment* extends section 7(a) of H.R. 515 to cover donations of dairy products under section 709 of the Food and Agriculture Act of 1965. Section 7(a) of the House bill authorizes the Secretary to prescribe conditions to maximize the nutritional and financial contributions of commodities donated to schools under section 32 of P.L. 320, 74th Congress and section 416 of the Agricultural Act of 1949. The conference substitute adopts the provision of the Senate amendment.

(10) *Section 6(e) of the Senate Amendment* provides that the Senate provisions described in items (1) and (2) above shall apply to schools receiving donated commodities even though they do not participate in the National School Lunch Act; but that they shall not apply to private schools for which the Secretary withholds funds under section 10 of the National School Lunch Act until such schools receive sufficient funds other than from children's payment to enable such schools to meet such requirements. The conference substitute adopts this provision of the Senate amendment.

(11) *Section 8 of the Senate Amendment* makes clarifying changes in section 7(b) of H.R. 515. The conference substitutes includes these changes.

(12) *The Senate Amendment* omits section 8 of H.R. 515, which provides for certain coordinated efforts by the Secretaries of Agriculture and Health, Education, and Welfare to develop training programs and evaluate food programs. The conference substitute follows the Senate amendment.

(13) *The Senate Amendment* contains provisions not in the House bill to—

(A) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds (section 2). The conference substitute adopts this Senate provision.

(B) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States on the basis of the number of schoolchildren in families with incomes equivalent to $4,000 or less per year for a family of four (withholding for private schools, where required, to be on the same basis) and to schools on the basis of need, and provide up to 100 percent of the cost of the program (section 7). The conference substitute adopts the substance of the Senate provision, but modifies the apportionment formula to use data which is available. Apportionment to States would be based on the number of children age 3 to 17 in households with incomes of less than $4,000. Withholding for private schools would be based on past service of free or reduced price lunches. Distribution to schools would be limited to a maximum per meal amount established by the Secretary.

(C) Require each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, which must describe the manner in which the State agency proposes to include every school in the national school lunch program by the start of the 1972–73 school year (section 7(h)(1)). The conference substitute follows the Senate provision, but omits the 1972–73 deadline, and requires the State plan to describe the manner in which the State agency proposes to extend the program to every school (rather than "include" every school).

(D) Require monthly reports as to the number of children eligible for free or reduced price lunches, respectively, and the number receiving such lunches (section 7 (h) (2) and (3)). The conference substitute follows the Senate provision; but, as to the number of children eligible for free or reduced price lunches, requires semi-annual estimates rather than monthly actual figures, since monthly actual figures would be practically impossible to obtain.

(E) Provide for a National Advisory Council on Child Nutrition (section 9). The conference substitute adopts the Senate provision.

(F) Revise the school breakfast program to (i) restrict it to needy children, (ii) provide for apportionment of school breakfast funds on the basis of the number of school children in families with incomes equivalent to $4,000 or less per year for a family of four (withholding for private schools, where required, to be as at present on the basis of past participation), (iii) provide for a free or reduced price breakfast for any child in a household which is eligible to participate in a Federal food stamp or commodity distribution program or which has an annual income equivalent to $4,000 or less for a family of four, and (iv) extend and increase appropriation authorizations for the breakfast program (from $12 million for fiscal 1971) to $25 million for fiscal 1971, $50 million for fiscal 1972, and $75 million for fiscal 1973. The conference substitute adopts the Senate provision increasing the authorization for fiscal 1971, but omits the remainder of the Senate provision, with the understanding that the entire school breakfast program authority will be reviewed before its expiration in 1971.

Mr. McGOVERN. Mr. President, I rise, first, to commend the distinguished Senator from Georgia (Mr. TALMADGE) for being the principal author of the school lunch legislation now before us. I was happy to be a cosponsor of that legislation when the Senator first introduced it, along with the distinguished Senator from New York (Mr. JAVITS), the senior member of the select committee, and others, to join in an effort on the floor in what we believed were a series of helpful improvements in that legislation.

As the Senator from Georgia has just said, the House and Senate conferees earlier this week gave approval to practically all the fundamental provisions in the Senate legislation. Some compromises were reached, some of which, I thought, actually strengthened the legislation, and others perhaps modified it in a different direction but in a minor way. Substantially, we came out with a very strong school lunch program, one that is, I think, commensurate with the pledges we have made to see that no child goes hungry in the schoolrooms of this Nation.

Mr. President, this is an historic day for the children of America. We have long said that our children are our Nation's greatest resource. Today we deal with legislation that affirms that principle; that redeems a promise made to our schoolchildren 25 years ago—a school lunch for every needy child.

The school lunch program is perhaps as successful as any Federal program. A great deal of the credit for this rests with the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. ELLENDER), and the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN). But the program has come to be one that serves some better than others, and some not at all. It is a program where that old saying "Them that has gets" is all too true. Two-thirds of our poor children receive no lunch because they or their schools cannot afford it—while over 17 million children from more affluent families pay their 35 cents daily and take the program for granted. Three years ago the excellent study, "Their Daily Bread,"

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brought this situation to our attention and made us aware of the need for legislative change in the national school lunch program. That started us on the road that led to this day. Along that road many came to the assistance of the Nation's children.

Last December President Nixon convened the White House Conference on Food, Nutrition, and Health. The Conference brought together 3,000 concerned citizens interested in the nutritional health of our Nation and especially that of our children. Some who came knew what it was to be poor and suffer from hunger—all knew it hurt and wanted it ended.

These 3,000 delegates unanimously endorsed a priority action program to eliminate hunger in America. That program called for a universal child-feeding program in the near future and a school lunch for every needy child immediately. This recommendation was not the result of a 3-day deliberation at the Conference. It was the result of the urgent cry of experts like Miss Jean Fairfax who produced "Their Daily Bread" and Dr. Charles Lowe who warned us in testimony before the Select Committee on Nutrition and Human Needs that while "There is no evidence that feeding people makes them smart, but is is indisputable that hunger makes them dull."

Last December President Nixon answered the concern of the White House Conference, Miss Fairfax, Dr. Lowe, and us all by pledging that every needy school child would receive a free or reduced price lunch in school by next Thanksgiving.

February 24 the Senate unanimously passed an amended version of S. 2548 that provided the President with the legislative mechanism necessary to fulfill this vow.

The Senate in effect unanimously said we want to guarantee every one of the hungry schoolchildren in our land the right to a school lunch.

After 25 years of inaction the first step was taken toward making the rhetoric of "a school lunch for every child" a reality.

This was possible because the Senator from Georgia (Mr. TALMADGE) brought to the floor of the Senate, with the endorsement of the Committee on Agriculture and Forestry, the best school lunch bill this body had ever introduced.

This bill provided for such long demanded reform as authorization for year-in-advance appropriations; carryover authorization; State matching from State revenues; and a greatly increased authorization for equipment.

The bill that finally passed the Senate and went back to the House included amendments that defined the price of reduced price meals as no more than 20 cents; required the States to submit annual plans describing the States' proposed use of available moneys to serve free lunches to all eligible children and the States' attempt to bring every school within the State into the national school lunch program; and most important of all, created a right in any needy child to receive a school lunch.

Thus, it was a very comprehensive bill that the Senate sent back to the House where this whole round of legislative reform had begun under the astute leadership of the distinguished chairman of the Committee on Education and Labor, and sponsor of H.R. 515.

The conference report on H.R. 515 which is pending before us now, continues in the word and the spirit of the President's December pledge and the Senate-passed bill. Its objective is to bring a school lunch to every needy child through legislatively improved administrative procedures in the school lunch program.

It retains year-in-advance appropriations; carryover authorization; State matching from State revenue; increased authorization for equipment; improved allowances for State administrative expenses; apportionment of funds to the States on the basis of need rather than past participation; State plans and State reporting; an increased authorization for breakfast funds; self certification by affidavit only; and the requirement that any school not participating in the national school lunch program, but receiving section 32 or section 416 commodities, be bound to the provisions of section 9 of the national school lunch act pertaining to the service of meals without cost or at reduced price to needy children.

Even more important, the conference report retains the language of section 6 of S. 2548 that every needy child "shall be served meals." This is perhaps the most important phrase in all the legislation dealing with child nutrition. It creates, as the distinguished Representative from Illinois, Mr. PUCINSKI, so eloquently stated it during the conference, "a right to a school lunch." This is a right bestowed on the children of America. A right that we expect will be vigorously exercised in their behalf.

Without this vital language, and the right it creates, all our efforts at reform would be meaningless and empty. Our children would have only a promise, a hope rather than a right.

By using this language of entitlement, the Congress has made a firm commitment that it will not allow 5 million hungry schoolchildren to grow up half educated, unemployable, and dependent because they lacked proper nourishment during their formative years when they were undergoing the learning process.

This is a commitment that entails adequate funding. The Senate committed itself to it on February 23 of this year when it demanded an open-ended authorization for this program while rejecting an authorization that called for $250 million in fiscal year 1971. At the time, it was made clear that this was done so that the Appropriation Committee would be free to appropriate all the money that would be necessary to fully fund the national school lunch program.

With this commitment in mind, I strongly recommend the conference report on H.R. 515 to the Senate for its approval.

Mr. TALMADGE. Mr. President, let me express my deep appreciation to the distinguished Senator from South Dakota for his generosity. As I pointed out in my remarks to the Senate, the Senator from South Dakota made a major contribution toward approval of the bill not only as a cosponsor thereof but also as chairman of the Committee on Nutrition and as a member of the conference committee. I share with him the pride of accomplishment in what I think is a major piece of legislation.

Mr. SPONG. Mr. President, I want to commend the Senator from Georgia (Mr. TALMADGE) for his work on the school lunch legislation.

I believe that he has performed an extremely fine service in drafting and piloting this legislation through Congress.

I was present last year when Senator TALMADGE introduced the school lunch amendments which, as he said, were designed "to insure that no child who came to school hungry would go home hungry."

I was privileged to cosponsor his bill and to testify in support of it before the Senate Agriculture Committee.

The school lunch program is, I believe, one of our most important Federal programs. It has broad potential—potential which this bill will help fulfill.

Last year, I visited a number of school lunch programs throughout the State of Virginia. I had numerous school and medical personnel tell me of the benefits of the program: That children who had been properly fed were more alert, more anxious to learn, less of a discipline problem.

Recent medical studies have tended more and more to demonstrate a direct relationship between good nutrition and mental development.

Fortunately, my State of Virginia has had a relatively high participation rate in the school lunch program—about 57 percent of all schoolchildren in the State participate.

Unfortunately, however, at least 100,000 Virginia schoolchildren who need access to the school lunch program do not now have such access.

Under the terms of the conference bill, these children could be brought under the program.

There is, it seems to me, no doubt that we need a school lunch program in every school and that every hungry child needs access to that program.

That was my purpose in cosponsoring this legislation and that is my purpose in supporting it today.

The language in the conference bill is direct.

It says that as of January 1, 1971:

> Any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines *shall be served* meals at free or reduced costs.

That is the heart of this bill.

And that provision will be reinforced by the provisions which give the States a valid and important role in carrying out the program.

This is a good bill.

It is good so far as the school lunch program is concerned and so far as the school breakfast program is concerned.

It is also a significant bill, for, as Senator TALMADGE pointed out earlier, it is the first major hunger and malnutrition

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bill to pass Congress, as a result of current concern over improving the nutritional status of millions of Americans.

It is the first bill to reach enactment making actual reforms in a nutrition program.

It attacks the nutrition problem where it is, perhaps, most severe and most damaging.

I am pleased to support this legislation.

I ask unanimous consent to have printed in the RECORD a table indicating Virginia's participation in the existing program during 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF SCHOOL FOOD SERVICE PROGRAMS, FISCAL YEAR 1969

Program	Number of schools with programs	Average number of pupils served daily: Free or partially paid	Paid	Total	Total meals served	Federal reimbursement	Local operating cost
Breakfast	54	4,965	3,984	8,859	885,910	$129,370.10	
Lunch	1,763	86,541	466,196	574,666	100,383,500	5,928,207.58	
Milk	1,801			[1] 49,424,367	[1] 149,807,867	1,811,560.55	
Nonfood (equipment)	264					549,970.85	
Total reimbursement						8,415,248.64	
Local operating cost							$47,077,693.26

[1] One-half pints.

Source: State Department of Education, Commonwealth of Virginia, School Lunch Division.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. TALMADGE. Mr. President, I express my deep appreciation to the Senator for his generosity. The Senator from Virginia was a cosponsor of the bill I offered which was the genesis of this bill. He made a major contribution to its passage. I appreciate it. And I thank him for his interest.

Mr. SPONG. Mr. President, I thank the Senator.

MR. JAVITS ENDORSES CONFERENCE REPORT ON H.R. 515

Mr. JAVITS. Mr. President, I, too, thank the Senator from Georgia, who is primarily responsible for this bill. The Senator from Georgia took distinguished leadership in bringing the bill to its present state, and we have every expectation that it will become law.

I thank the chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER), with whom I worked so closely on the Select Committee on Nutrition and Human Needs, and I also thank the other Senators who took part in this splendid effort which resulted in these major improvements to the National School Lunch Act. I wish to express a particular vote of thanks to Senator MCGOVERN, the chairman of the Select Committte on Nutrition and Human Needs, for his fine efforts in improving our school lunch program.

The Senate is today considering the conference report on H.R. 515, to amend the National School Lunch Act. As the ranking Republican on the Select Committee on Nutrition and Human Needs, and as the sponsor of one of the Senate amendments to S. 2548 which passed the Senate overwhelmingly on February 24. I urge the Senate to adopt the conference report.

My amendment would have established a national eligibility standard to assure that all children from families with incomes equivalent to or less than $4,000 would receive free lunches. The conference substitute deleted this $4,000 standard in favor of making the standard the poverty level as determined by the Secretary of Agriculture. I accept this change. My major purpose in introducing my amendment was to establish a national standard. I feel that the conference action will not only maintain this principle, but in fact, may even be much broader since the poverty level is now approximately around $3,600 and will surely rise above $4,000 within a few years. Also, and very important, the poverty level standard is a minimum level and is not a ceiling. Therefore, children who meet the poverty level criteria in a state like New York where the poverty level is above the national level, would still get free and reduced price lunches.

Under this standard, set in the conference report, States and local schools will no longer be able to be arbitrary in the determination of which children will receive free or reduced price meals as was the case in the past. The law will be clear: any child at poverty level must receive a free or reduced price lunch and priority for free lunches must be given to neediest children. This makes the intent of the Congress crystal clear that poor children can no longer be denied free or reduced cost lunches.

I am pleased that the conference adopted my provision which set 20 cents as the maximum cost of a reduced price lunch. The purpose of reduced cost lunches is to bring meals to children who could not afford the meal at the regular price. The previous lack of definition allowed districts to provide reduced cost meals at only a trivial reduction off the regular price. I believe that by establishing 20 cents to be the maximum cost of such lunches, participation in the lunch program by needy children will mushroom. Studies have shown that the lower the price, the greater the participation.

The conference report also maintained my provision for determination of income solely on the basis of an affidavit executed in such form as the Secretary of Agriculture may prescribe. I am pleased with this action because it complements the trend in many of our domestic programs to use the affidavit as the basis for determining income eligibility. I cannot stress strongly enough that this affidavit must control in the determination of eligibility for free and reduced price lunches.

The conference report also contains a provision which I believe is most necessary: that there shall be no overt identification of the recipients of free or reduced price lunches. This is of critical importance because of the dignity which it confers upon the poor. This anonymity is very crucial and is very necessary in order to bring those children into the program who in the past, because of the stigma of identification, did not choose to participate in the program.

I urge the Congress to appropriate the funding necessary to provide every needy child with a free or reduced price lunch. At the very least, I feel we need $300–$400 million more for free and reduced price lunches.

Finally Mr. President, our goal must be to give all needy children a free lunch. I am hopeful that we can accomplish this in the very near future and the action of the House-Senate conference will go a long way toward the accomplishment of this objective.

Mr. TALMADGE. Mr. President, I express my deep gratitude to the distinguished Senator from New York for his assistance. The Senator from New York (Mr. JAVITS) made a major contribution of his own toward the passage of this legislation. He authored a bill and appeared before our committee and testified in behalf of his bill.

The Senator from New York offered amendments on the floor, several of which were agreed to. So, this bill contains a major share of his handiwork and he can take pride in that fact.

Mr. JAVITS. I do. And I again repeat that it would not have been possible without the understanding and cooperation of the Senator from Georgia.

Mr. TALMADGE. Mr. President, I thank the Senator.

Mr. DOLE. Mr. President, the school lunch program was started in 1943. Its value has never been questioned. As is often the case, however, the administration of a legislative program does not always meet the expectation or intent of the creators. This problem of interpretive implementation of the school lunch program coupled with normal social and educational changes have highlighted the need to correct the problems of nutrition and hunger among the school children of the United States today.

As a member of the Senate Select Committee on Nutrition and Human Needs and the Senate Agriculture and Forestry Committee, I have seen the need to update the school lunch program. In examining the conference committee report on H.R. 515, I am pleased to note that the conferees' recommendations embody the basic principles of S. 2548 as originally reported from the Committee on Agriculture and Forestry which I supported.

The recent report of the White House Conference on Food, Nutrition, and Health contains many recommendations which are fulfilled in H.R. 515. The report emphasizes that malnutrition is severely distracting to a child and may interfere with the learning process and is likely to precede undernutrition. The report suggests that one effective way to take immediate action against this problem is to provide expansion of the school lunch and breakfast programs. This legislation provides that recommended expansion.

With this legislation a child from a low-income family will receive his meals free or at reduced rates without any stigma or discrimination. All children will be able to listen and study free from hunger pains and unexposed to ridicule of their poverty status.

The White House report also stresses that presently many of the schools that need the school nutrition programs the most cannot afford the kitchen and serving equipment necessary to qualify for the program. This bill will make it possible for professional catering firms to rent the equipment to a school or even prepare and serve the meals on a contract basis. When passed, the National School Lunch Act and the Child Nutrition Act amendments will assure proper, adequate, and nutritious meals for all students, especially the children from lower income and poverty families. This will eliminate a hindrance these children have faced. It will aid them in assimilating the education so important to success in their mature lives.

Therefore, I urge the Senate to support H.R. 515 as reported from the conference committee in the interest of insuring equal opportunity in education through adequate nutrition.

I commend the Senator from Georgia for his excellent work.

Mr. BYRD of West Virginia. Mr. President, I am pleased to support and vote for the conference report to H.R. 515. This legislation will amend and broaden the National School Lunch Act and the Child Nutrition Act of 1966. It provides for much needed administrative reforms, revises the State matching requirements, strengthens the nutrition training and education programs, and increases the availability of these needed food service programs for our children.

This legislation will go a long way toward erradicating hunger among our school children. Our country—the richest in the world—can and should continue to operate these programs so that no child attends school on an empty stomach.

In my State of West Virginia, we have some 321,000 school-age children. Over half of these children will benefit by these programs.

It will mean that learning will still be of foremost importance, but it will mean normal growth and proper nutrition for an increased number of our children. It will be a small investment for a high return from our greatest national asset—for our hopes for the future rest with the children of today.

Mr. TALMADGE. Mr. President, I move the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Georgia.

The report was agreed to.

INSERTIONS IN THE RECORD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Record be kept open for 1 hour after adjournment today for the insertion of statements and introduction of bills personally by Senators.

The **PRESIDING OFFICER.** Without objection, it is ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Report on Projects Proposed To Be Undertaken for the Naval Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on projects proposed to be undertaken for the Naval Reserve subsequent to June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

Amendment of Title 10, U.S. Code, to Provide for the Appointment of Female Officers in the Judge Advocate General's Corps, Regular Army

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the appointment of female officers in the Judge Advocate General's Corps. Regular Army (with an accompanying paper); to the Committee on Armed Services.

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms, for the period July 1969-February 1970 (with an accompanying report); to the Committee on Banking and Currency.

Report on National Atmospheric Sciences Program

A letter from the Chairman, Federal Council for Science and Technology, Washington, D.C., transmitting, pursuant to law, a report on the national atmospheric sciences program, fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

Publication of Federal Power Commission

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a publication entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1968" (with accompanying document); to the Committee on Commerce.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems in land acquisitions for national recreation areas, National Park Service, Department of the Interior dated April 29, 1970 (with an accompanying report); to the Committee on Government Operations.

Notice of Proposed Continuance of Classification of Public Lands for Transfer Out of Federal Ownership

A letter from the State Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a notice of proposed continuance of classification of public lands for transfer out of Federal ownership (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract In Glacier Basin and Moraine Park Areas of Rocky Mountain National Park, Colo.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in Glacier Basin and Moraine Park areas of Rocky Mountain National Park, Colo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Receipt of Project Proposal Under the Small Reclamation Projects Act of 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of a project proposal to supplement a previously approved loan application from the Central Oregon Irrigation District, of Redmond, Oreg.; to the Committee on Interior and Insular Affairs.

Proposed Modification of Boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests, Idaho

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to modify the boundaries of the Coueur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs

Report on Mexican Americans and the Administration of Justice in the Southwest

A letter from the Chairman, United States Commission on Civil Rights, Washington, D.C., transmitting, pursuant to law, a report on Mexican Americans and the administration of justice in the Southwest, dated March, 1970 (with an accompanying report); to the Committee on the Judiciary.

Labor-Management Difficulties at the U.S. Government Printing Office

A letter from the Public Printer, U.S. Government Printing Office, reporting, for the information of the Senate, on labor-management difficulties at the U.S. Government Printing Office; to the Committee on Rules and Administration.

PETITIONS

Petitions were presented or laid before the Senate and referred as indicated:

By the **ACTING PRESIDENT** pro tempore (Mr. Metcalf):

A concurrent resolution of the Legislature of the State of Florida; to the Committee on Aeronautical and Space Sciences:

"S. Con. Res. 503

"A concurrent resolution requesting the National Aeronautics and Space Administration to designate Cape Kennedy as the operational base for the space shuttle system

"Whereas, the space shuttle—a reusable low-cost rocket for ferrying men and materials back and forth between earth and space stations—is the next big essential piece of hardware for the U.S. space exploration program; and

"Whereas, the Kennedy Space Center is the most modern and complete space port in the world; and

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"Whereas, over 2½ billion dollars is already invested in the extensive facilities at the Kennedy Space Center and down range facilities; and

"Whereas, these facilities include extensive assembly, pre-launch checkout, cryogenic hydrogen and oxygen storage, launch and support capabilities; and

"Whereas, a down range tracking capability exists at the nearby Eastern Test Range facility; and

"Whereas, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence; and

"Whereas, a highly skilled team of 18,000 operations, maintenance and assembly personnel are at the Cape; and

"Whereas, the launch of space shuttles over the water add immeasurably to the safety of development flights of the system; and

"Whereas, advantage can be taken of existing facilities for assembly of vehicles after delivery and refurbishment of vehicles after each flight, and

"Whereas, Cape Kennedy is easily accessible by all modes of transportation; and

"Whereas, construction costs in the area are cheaper than other areas of the country which might be possibly considered; and

"Whereas, there are 88,000 acres of government land available for expansion if needed; and

"Whereas, Florida Industry received over 422 million dollars in income from the sale of goods and services to the Kennedy Space Center last year; and

"Whereas, the educational support and opportunities provided by higher educational institutions in the immediate area and throughout Florida have and will continue to contribute significantly to the success of NASA and industry; and

"Whereas, the Kennedy Space Center offers a unique aggregate of facilities which are not available at any other possible site for development and operational flights of the space shuttle system at minimum cost to the U.S. taxpayer; and

"Whereas, the Science and Astronautics Committee of the United States House of Representatives in its report on the Fiscal 1970 budget states that "maximum use should be made of existing facilities to support the space shuttle program" and that "the extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration": Now therefore,

"Be It Resolved by the Senate of the State of Florida, the House of Reprseentatives Concurring:

"That the National Aeronautics and Space Administration is hereby requested to designate Cape Kennedy as the operational base for the space shuttle system.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, President of the United States Senate, Speaker of the United States House of Representatives and to each member of the Appropriations and Aeronautical and Space Sciences Committee of the United States Senate and the Appropriations and Science and Astronautics Committees of the United States House of Representatives.

"Approved by the Governor April 15, 1970.

"Filed in Office of Secretary of State April 15, 1970."

A resolution of the Senate of the State of Hawaii; to the Committee on Appropriations:

"S. Res. 100

"Resolution requesting Hawaii's congressional delegation to make efforts to obtain Federal funds for the construction of a second breakwater at Port Allen, Kauai, Hawaii

"Whereas, the United States Navy uses the Port Allen harbor for underwater testing and therefore has an interest in maintaining safety in the harbor; and

"Whereas, the present breakwater is insufficient for stopping waves from coming into the harbor and causing resultant damage to fishing boats moored at Port Allen; and

"Whereas, the fishing industry in Hawaii is not large and cannot sustain losses caused by such wave action; and

"Whereas, a second breakwater would alleviate the situation; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that Hawaii's Congressional Delegation be requested to obtain Federal appropriations for the construction of a second breakwater at Port Allen, Kauai, Hawaii; and

"Be it further resolved that certified copies of this Resolution be sent to members of Hawaii's Congressional Delegation, the President of the U.S. Senate, the Speaker of the U.S. House, members of the Public Works and Appropriations Committees in both the U.S. House and Senate, the Secretary of the Army, the Director of the U.S. Bureau of the Pudget, the Chief of Engineers of the U.S. Army Corps of Engineers and the Board of Engineers for U.S. Rivers and Harbors.

"Senate of the State of Hawaii."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Appropriations:

"Resolutions by the Commonwealth of Massachusetts

"Resolutions memorializing the Congress of the United States to appropriate additional funds for medical research into kidney diseases

"Whereas, The first session of the Ninety-first Congress cut requested appropriations for medical research; now, therefore, be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to restore the amounts by which such appropriations were reduced, particularly for research into kidney diseases; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to members thereof from this Commonwealth.

"Senate, adopted, April 2, 1970.

"Norman L. Pidgeon,
"Clerk.

"House of Representatives, adopted in concurrence, April 7, 1970.

"Wallace C. Mills,
"Clerk.

"Attest:

"John F. X. Davoren,
"Secretary of the Comonwealth."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Commerce:

"Joint Resolution, Alaska State Legislature

"Joint resolution relating to the establishment of an exclusive fisheries zone for the United States

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the present 12-mile exclusive fisheries zone of the United States is not adequate for the conservation of the stock of fish which this country will need to utilize fully in order to remain a major fishing nation; and

"Whereas the United States has slipped to sixth place in world fisheries behind such nations as the Soviet Union and Communist China, which intend to expand their fishing efforts in the North Pacific; and

"Whereas the commercial fishermen of the Pacific Northwest, as well as the economy of the United States as a whole, are being detrimentally affected by the heavy flow of imported foreign seafood products, gear conflicts and other competition from the massive foreign fleets on the fishing grounds, and by the depletion of precious resources because of over-fishing and destructive fishing practices of foreign fleets; and

"Whereas the United States has failed to implement fully two provisions from Geneva Conventions which would give our nation valuable bargaining tools in fisheries negotiations with other nations, the first of which states that sedentary species of fish on the Continental Shelf are part of the shelf and are considered to be the exclusive property of the coastal nation and the second of which provides for conservation of the living resources of the high seas and allows the United States to designate conservation areas and promulgate conservation measures to protect these resources;

"Be it resolved that the Congress of the United States is respectfully requested to enact legislation declaring that this nation's exclusive fisheries zone is expanded to a depth of 300 meters or to 100 miles off the coast of the United States, whichever is greater.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable Donald L. McKernan, Special Assistant to the Secretary of the Interior for Fisheries and Wildlife; the Honorable John W. McCormack, Speaker of the U.S. House of Representatives; the Honorable Richard B. Russell, President Pro Tempore of the U.S. Senate; all Governors of the Coastal States in the United States; the International North Pacific Fisheries Commission; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"The following officers of the Legislature certify that the attached enrolled resolution, House CS for Senate Joint Resolution No. 89, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

"Passed by the Senate April 13, 1970.

"Brad Phillips,
"President of the Senate.

"Attest:

"Betty Hanifan,
"Secretary of the Senate.

"Passed by the House April 10, 1970.

"Jalmar M. Kerttula,
"Speaker of the House.

"Attest:

"Constance H. Paddock,
"Chief Clerk of the House.

"Attest:

"Keith H. Miller,
"Governor of Alaska."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Commerce:

"H. Con. Res. 51

"Concurrent resolution requesting Hawaii's congressional delegation to make efforts to obtain the passage of S. 3176, 'a bill to authorize a program for development of a tuna fishery in the central and western Pacific Ocean' introduced by Senators Fong and Inouye

"Whereas, the supply of Skipjack Tuna in the Central and Western Pacific contains the potential for a 100 million industry; and

"Whereas, the present pole and line method is an inefficient method of harvesting Skipjack Tuna, and the fast sinking purse seine method is a promising and more efficient method of harvesting tuna in the Central and Western Pacific; and

"Whereas, a properly regulated fishery utilizing modern purse seine methods of harvesting could provide a long term resource supplying both food and lucrative employment; and

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"Whereas, Hawaii has the expertise in fisheries research to conduct purse seine trials, population dynamics studies, and other research essential to the development of the Central and Western Pacific Skipjack Tuna resource; and

"Whereas, the Governor of Hawaii has called a meeting of the Governors of Guam, American Samoa, and the High Commissioner of the Trust Territories to discuss the development of this potential; and

"Whereas, the Trust Territories, Guam, and American Samoa will contribute funds and personnel and facilities to the research program; and

"Whereas, Hawaii has been the leader in proposing the development of this resource; and

"Whereas, the development of the Skipjack Tuna resource will serve to broaden the economic base of Hawaii, Guam, American Samoa, and the Trust Territories of the Pacific; and

"Whereas, there is a strong and increasing demand for tuna in the United States and world market; and

"Whereas, United States Senators Fong and Inouye have jointly sponsored S. 3176, 'A Bill to Authorize a Program for Development of a Tuna Fishery in the Central and Western Pacific Ocean' calling for a $3.5 million appropriation to research and develop the technology for the exploitation of this resource; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that Hawaii's Congressional Delegation be requested to make all efforts to pass S. 3176 so that federal funds may be obtained for the development of the Central and Western Pacific Ocean Skipjack Tuna Resource; and

"Be it further resolved that certified copies of this Concurrent Resolution be sent to members of Hawaii's Congressional Delegation, the President of the United States Senate, and the Speaker of the United States House of Representatives

"We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"TADAO BEPPU,
"Speaker, House of Representatives.

"Attest:

"GEORGE TAKANE,
"Assistant Clerk, House of Representatives.

"We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"DAVID C. MCCLUNG,
"President of the Senate.

"Attest:

"SEICHI HIRAI,
"Clerk of the Senate."

A resolution of the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on the Judiciary:

"H. RES. 207

"On May 28, 1962, an agreement was reached between the States of New York, Maryland and Pennsylvania to work toward the creation of an interstate compact for the development of the Susquehanna River Basin.

"On August 13, 1962, an interstate advisory committee was established to make certain studies and make recommendations to the three involved states. This advisory committee completed its work and on the following dates, the respective states approved the adoption of the Susquehanna River Basin Compact:

"Maryland: April 21, 1967.

"New York: May 2, 1967.

"Pennsylvania: July 17, 1968.

"Early in 1969, implementing legislation was introduced in both the United States Senate and the United States House of Representatives and assigned to the respective judiciary committees of both Houses. Neither committee has conducted hearings on the legislation nor has the administration taken any position concerning the proposed compact.

"The underlying purposes of the proposed interstate compact are for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Susquehanna River Basin; for the improvement of navigation, reduction of flood damage, reduction and control of surface subsidence, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities.

"Because further delay in enacting this legislation by the Congress will critically jeopardize the eventual establishment of the compact and failure to establish this compact will seriously hinder the future economic development of the Susquehanna River Basin; therefore be it

"Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States to take a public position in favor of the compact as soon as possible, the Judiciary Committee of the United States Senate and the Judiciary Committee of the United States House of Representatives conduct hearings as soon as possible on the compact; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officer of each House of Congress of the United States, the chairman of the United States Senate Committee on the Judiciary and the chairman of the United States House of Representatives Committee on the Judiciary, and to each Senator and Representative from Pennsylvania in the Congress of the United States."

A resolution adopted by the Inter-Tribal Council of the Five Civilized Tribes, praying for the enactment of either S. 3445 or H.R. 15866; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Jasper Business and Professional Women's Club, of Jasper, Ala., praying for the enactment of legislation to protect the rights of individuals; to the Committee on the Judiciary.

A resolution adopted by the City Council of Philadelphia, Pa., praying for the establishment of a centralized facility within Philadelphia for the diagnosis and treatment of drug addicts; to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I present, for the consideration of the Senate, a resolution passed by the Senate of the Commonwealth of Massachusetts memorializing the President of the United States and the Congress to control the importation of men's wearing apparel and textile goods from foreign countries employing cheap labor, and I ask that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

The resolution was referred to the Committee on Finance, as follows:

"RESOLUTION BY THE COMMONWEALTH OF MASSACHUSETTS

"Resolution memorializing the President of the United States and the Congress to control the importation of men's wearing apparel and textile goods from foreign countries employing cheap labor

"Whereas, The importation of unlimited quantities of men's wearing apparel and textile goods from countries employing cheap labor constitutes a serious economic threat to the apparel and textile industry of the Commonwealth, an industry vital to the state's economy; and

"Whereas, A sensible and equitable policy should be adopted and strictly adhered to by the federal government in order to protect and promote the standard of living of thousands of Americans whose livelihood is directly or indirectly affected by governmental directives regarding unrestricted quantities of imported apparel and textile goods and materials; now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully urges the President of the United States and the Congress to take any action that may be necessary to protect the men's apparel and textile industry of the Commonwealth by invoking reasonable and equitable controls on the importation of men's apparel and textiles from countries employing cheap labor; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, March 30, 1970.

"NORMAN L. PIDGEON,
"Clerk.

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

Mr. KENNEDY. Mr. President, I present for the consideration of the Senate a resolution passed by the House of Representatives of the Commonwealth of Massachusetts memorializing the Congress of the United States to take certain action in remembrance of the Katyn Forest massacre, and I ask that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

The resolution was referred to the Committee on Post Office and Civil Service, as follows:

"RESOLUTION BY THE COMMONWEALTH OF MASSACHUSETTS

"Resolution memorializing the Congress of the United States to take certain action in remembrance of the Katyn Forest Massacre

"Whereas, This year marks the thirtieth anniversary of the Katyn Forest Massacre—the Soviets' cold-blooded murder of 15,000 POW Polish officers captured in the communist rape of Poland in September, 1939; and

"Whereas, Mass graves of these officers were discovered near Katyn, USSR; and

"Whereas, Citizens of Polish origin and descent have greatly contributed to the progress of the United States in time of war and in peace, are loyal, industrious and law-abiding and have distinguished themselves in the field of public service in our states and our nation and have served and lost their lives in the defense of our country; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to remember this Katyn Forest Massacre by enacting legislation providing for the erection of a monument, the issuance of a postage stamp and an exhibition of Katyn documents in the possession of the United States; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, March 31, 1970.

"Wallace C. Mills,
"Clerk.

"Attest:

"John F. X. Davoren,
"Secretary of the Commonwealth."

REPORT OF COMMITTEES

The following reports of committees were submitted:

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 12878. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona (Rept. No. 91–832).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 793. A bill for the relief of Peter Chung Ren Huang (Rept. No. 91–810);

S. 1703. A bill for the relief of Ross Pintabona (Rept. No. 91–811);

S. 2427. A bill for the relief of Cal C. Davis and Lyndon A. Dean (Rept. No. 91–812);

S. 2526. A bill for the relief of Angelo DiStefano (Rept. No. 91–813);

S. 2856. A bill for the relief of Saul Bluestone (Rept. No. 91–814);

S. 2976. A bill for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga) (Rept. No. 91–815);

S. 3136. A bill to confer U.S. citizenship posthumously upon Guy Andre Blanchette (Rept. No. 91–816);

H.R. 1951. An act to confer U.S. citizenship posthumously upon Sp4. Aaron Tawil (Rept. No. 91–817);

H.R. 2817. An act for the relief of Delilah Aurora Gamatero (Rept. No. 91–818);

H.R. 3955. An act for the relief of Placido Viterbo (Rept. No. 91–819);

H.R. 5936. An act for the relief of Kong Wan Nor (Rept. No. 91–820);

H.R. 6125. An act for the relief of Anne Reale Pietrandrea (Rept. No. 91–821);

H.R. 9001. An act for the relief of William Patrick Magee (Rept. No. 91–822);

H.R. 11578. An act for the relief of Patricia Hiro Williams (Rept. No. 91–823); and

H.R. 12037. An act for the relief of Ali Somay (Rept. No. 91–824).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1886. A bill for the relief of Dr. Max Ruetger Hasche (Rept. No. 91–825);

S. 2490. A bill for the relief of Miriam Lazarowitz (Rept. No. 91–826);

S. 3037. A bill for the relief of Dr. Shusum Cheuk (Rept. No. 91–827); and

H.R. 5106. An act for the relief of Rogelio Tabhan (Rept. No. 91–828).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 850. A bill for the relief of Kwok Kuen (Kwen) Ng (Rept. No. 91–829); and

S. 2863. A bill for the relief of Annette Romney (Rept. No. 91–830).

FEDERAL ROLE IN HEALTH—
(S. REPT. NO. 91–809)

Mr. HARRIS. Mr. President, on behalf of the Senator from Connecticut (Mr. Ribicoff), the chairman of the Subcommittee on Executive Reorganization, I submit a report on the Federal Role in Health, and ask unanimous consent that his statement concerning it be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Gravel). The report will be received and printed; and, without objection, the statement will be printed in the Record.

The statement of Mr. Ribicoff, presented by Mr. Harris, is as follows:

Mr. President, pursuant to Senate Resolution 320 of the 91st Congress, I submit a report entitled, "Federal Role in Health," and ask that it be printed. The report was approved by the Committee on Government Operations.

The report is based on hearings and investigations conducted by the Subcommittee on Executive Reorganization and Government Research over a two-year period. It includes a summary of 8 days of hearings held in 1968; correspondence between the Subcommittee and the 24 Federal agencies involved in health; a staff investigation into Federal health construction funds and comments by James V. Shannon, M.D., former director of the National Institutes of Health and presently Professor and Special Assistant to the President of Rockefeller University.

In assessing the Federal role in health, the Subcommittee found that there was no national health policy, no central mechanism to consider or formulate that policy, and that Federal health programs were a cumbersome disjointed bureaucracy that even key Federal officials have difficulty managing.

To correct this, the Subcommittee made two basic recommendations:

First, establish a high level Council of Health Advisers within the Executive branch to consolidate health programs and formulate a national health policy with planning and purpose. Such a council should examine the performance of the entire Federal health bureaucracy, while recommending improvements to the President.

Second, reorganize the Department of Health, Education and Welfare to raise the department's top health officer from the status of assistant secretary to under secretary. The HEW reorganization would also give the under secretary four assistant secretaries responsible for health care services, consumer protection, planning and the combination areas of science, manpower and education of health personnel.

In addition, the Subcommittee also recommended the following:

Third, eliminate all health-related functions of the Commerce Department's Economic Development Administration and the Small Business Administration and transfer these functions to HEW.

Fourth, conduct an Internal Revenue Service investigation of those Small Business Administration-financed hospitals which have converted to nonprofit management to determine whether individuals used Federal dollars to develop tax shelters. The review should recommend appropriate Congressional action if necessary.

Fifth, order a General Accounting Office investigation of Federal hospital construction efforts to determine how well six departments and agencies match up health construction with health needs.

After considering all the evidence, the Subcommittee concluded there is little coordination, planning or purpose among the 24 Federal Departments and agencies that will spend $20.6 billion on Government health programs in Fiscal 1971. It would be supreme understatement to say that the Federal effort has been unequal to the challenge posed by this crisis.

We began by hearing witnesses from outside Government in order to learn how they viewed this complex—and worsening—situation. We resumed hearings with the views of the Federal Government.

Some of what we have learned has been familiar. Some of it has been new and distressing. All of it bears repeating—and will bear repeating—until we make clear to the American people the acute state of distress we face in health care.

In medical technology, there is no question that the United States has raced ahead of the rest of the world, but our medical ingenuity has not yet made American medicine the world's best. Few dispute that U.S. medical research is also the world's most advanced and that the nation's hospitals are among the world's best equipped. But once again, the fruits of this research are not getting out to the great bulk of the population.

Adequate medical care is no longer a privilege, nor even a concession, but the right of every citizen. This specifically includes those Americans who do not really know what adequate health care is: those who are too poor to pay for it; who do not know where to find it; who live too far from the nearest doctor or medical center to receive it.

And yet, if anything, the poor get sicker, and the sick poorer. Hospitals have been built in the wrong place at the wrong time for the wrong reasons. Insurance companies have reflected the interests of the providers of medical services rather than those of the ultimate consumer—the buying public. All in all, we have found national health care—private and public—uneven in quality, wastefully dispensed and unwisely financed.

As our report states, the Subcommittee found the nation's private health care system no less chaotic and crisis-ridden than the Federal medical system. In short, we found:

Large numbers of the poor received improper care, or no care at all.

The middle class felt the financial pressure of the high cost of care and lived in fear of a prolonged and expensive catastrophic illness.

The care both received often was fragmented and impersonal.

Accidental factors, such as where a man lived or worked, often determined the quality of his health care and health insurance.

Specialization had reduced the number of physicians serving the basic health needs of the population. Many turned to hospital emergency rooms as their "family doctor," placing heavy and unexpected demands upon these facilities.

Health insurance plans, by generally covering only care administered in hospitals, encouraged the most expensive care possible. In addition, by covering treatment instead of prevention, the plans were paying for sickness rather than health.

Such findings point up that American medicine is remarkable for its lack of formal direction and discipline. The kinds of gaps that exist are demonstrated in our investigation of just hospital construction alone—which permits obsolete, overstrained facilities in one location and creates new, unneeded ones—sometimes just blocks apart—in another.

Yet the Subcommittee found not only a disgraceful lack of planning, but we learned that the agencies which do support health programs know little about their programs, and that interagency program coordination is a hit-and-miss proposition—duplicative and distorted when it does exist at all.

There are so many programs administered in such bureaucratic confusion that no one—not the Department of Health, Education and Welfare, not the Bureau of the Budget, not any of the private organizations—was able to tell the Subcommittee even how many programs there are.

With specific regard to bureaucracy, we were especially concerned with HEW, the principal agency in health care. Since this Department is the chief actor among the various health players in the national medical system, our basic concern was to first determine how effectively the biggest Government component was organized for its mission.

In the course of considering just this one bewildering place, several recommendations reflect our Subcommittee's concern. An essential measure contemplates the creation of the position of Under Secretary. We intended that this Secretary would play

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the key role in coordinating the Federal effort in health care.

Mr. President, before anything else, we must make certain that the availability of medical care matches its capabilities; and we must do this so that Federal expenditures result in the delivery of health care instead of establishing and supporting a health bureaucracy.

In sum, three important points emerged from these hearings. First, health and medical costs have increased for very sound reasons: staff, salaries, new equipment and technology, and increased demand for our health and medical care facilities.

Second, the rising costs—though shocking—are symptoms of much more serious problems.

Finally, these more serious problems relate to the fundamental questions of how we organize, finance and deliver it.

New developments often bring new sets of dangers. For example, there are countless reasons why the cost of Medicaid soared from $2 billion in 1966 to an estimated $5 billion in 1969, and why it could easily reach as much as $20 billion by the mid-1970's. But if this country has learned anything from Medicaid and Medicare, it is that a rational delivery system should have been prepared a long time ago.

Just more money will not solve anything. We must begin to better contain the health crisis by better management. We must begin to establish some overall health policy to guide the administration of these billions of dollars.

IMMIGRATION AND NATURALIZATION—REPORT OF A COMMITTEE (S. REPT. NO. 91-831)

Pursuant to Senate Resolution 45, 91st Congress, first session, Mr. Eastland, from the Committee on the Judiciary, submitted a report entitled "Immigration and Naturalization," which was ordered to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STEVENS:

S. 3769. A bill to amend the Internal Revenue Code of 1954 to require notice and hearing prior to levy upon the salary or wages of an individual; to the Committee on Finance.

S. 3770. A bill for the relief of Doctor Won Pal Chung; to the Committee on the Judiciary.

(The remarks of Mr. Stevens when he introduced the first bill appear earlier in the Record under the appropriate heading.)

By Mr. HOLLAND:

S. 3771. A bill for the relief of Doctor Jocelyn Tandoc-Juarez; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 3772. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of pollution by allowing an individual taxpayer to deduct from gross income the cost of eligible pollution control equipment; to the Committee on Finance.

(The remarks of Mr. Byrd of West Virginia when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BIBLE (for himself and Mr. Cannon):

S. 3773. A bill to declare that the United States holds in trust for the Reno-Sparks Indian Colony certain lands in Washoe County, Nev.; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Bible when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. Goodell):

S. 3774. A bill to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection; to the Committee on Public Works.

(The remarks of Mr. Javits when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. SPARKMAN:

S. 3775. A bill to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code; to the Committee on Banking and Currency.

(The remarks of Mr. Sparkman when he introduced the bill appears later in the Record under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. Bennett, by request):

S. 3776. A bill to amend and extend the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

(The remarks of Mr. Sparkman when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. Allott, by request):

S. 3777. A bill to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SYMINGTON (for himself and Mr. Eagleton):

S. 3778. A bill to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; to the Committee on Public Works.

(The remarks of Mr. Symington when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. Spong):

S. 3779. A bill for the relief of Concrete Industries Monier), Limited; to the Committee on the Judiciary.

(The remarks of Mr. Sparkman when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McCARTHY:

S. 3780. A bill to provide an adequate income for all Americans, to assure to every person a decent standard of living with dignity, justice, and democracy; to the Committee on Finance.

(The remarks of Mr. McCarthy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. STEVENS:

S. 3781. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Stevens when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. SMITH of Illinois:

S. 3782. A bill to limit the amount which may be paid to any producer in any year under programs administered by the Department of Agriculture for wheat, feed grains, and upland cotton to $20,000; to the Committee on Agriculture and Forestry.

By Mr. GORE:

S. 3783. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. NELSON (for himself and Mr. Muskie):

S. 3784. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that pesticides manufactured for use in the United States or imported for use in the United States comply with certain standards of biodegradability and toxicity; to the Committee on Public Works.

(The remarks of Mr. Nelson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DOMINICK (for himself, Mr. Griffin, and Mr. Cotton):

S. 3785. A bill to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Dominick when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. KENNEDY:

S. 3786. A bill to amend title VII of the housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities; to the Committee on Banking and Currency.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MONDALE:

S. 3787. A bill for the relief of Rene' Cespedes; to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 195. Joint resolution to authorize the Secretary of the Interior to conduct a study of the possibilities of offshore nuclear power plants as a means of alleviating the thermal pollution problems encountered in onshore operations of such plants; to the Committee on Public Works.

(The remarks of Mr. Tower when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. SPARKMAN:

S.J. Res. 196. Joint resolution increasing the authorization for College Housing debt service grants for fiscal year 1971; to the Committee on Banking and Currency.

(The remarks of Mr. Sparkman when he introduced the joint resolution appear later in the Record under an appropriate heading.)

By Mr. SCOTT (for himself and Mr. Schweiker):

S.J. Res. 197. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3769—INTRODUCTION OF A BILL REQUIRING NOTICE AND HEARING PRIOR TO LEVY UPON THE SALARY OR WAGES OF AN INDIVIDUAL

Mr. STEVENS. Mr. President, it has come to my attention that on several instances, the Internal Revenue Service has acted with undue haste, perhaps inadvertantly, in attaching wages and salaries of taxpayers.

I will give one example. An inquiry arose concerning a 1964 tax return. The taxpayer claimed he had already paid a deficiency the IRS said was still owed. The IRS notified the taxpayer that the question of payment was being looked into. The next thing the taxpayer knew, his salary was attached. Fortunately, this particular taxpayer did not suffer any adverse consequences as a result, but in many instances employers take a sufficiently dim view of having an employee's salary attached by the IRS that the employee may lose his job.

Because of the severe consequences that can flow from an attachment of an employee's salary or wages, I am today introducing legislation which will require the IRS to notify the delinquent taxpayer and offer him an opportunity to be heard before attachment can be made. This will assure that the taxpayer has an opportunity to assess the particular action the IRS is about to take and to make his case before the employer receives notice of attachment. An exception is provided in cases where the Secretary or his delegate determine that the collection of the tax is in jeopardy.

This extra precaution on the part of the IRS is necessary to assure that a taxpayer does not suffer an unjust and undeserved consequence, but instead has the chance to argue that the proposed attachment is unwarranted or unnecessary.

I ask unanimous consent that the text of the bill be printed in the Record immediately following my remarks.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

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The bill (S. 3769) to amend the Internal Revenue Code of 1954 to require notice and hearing prior to levy upon the salary or wages of an individual, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 3769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6331 of the Internal Revenue Code of 1954 (relating to levy and distraint) is amended by redesignating subsection (d) as (e) and by inserting after subsection (c) the following new subsection:

"(d) Salary and Wages.—

"(1) In general.—Levy may be made under subsection (a) upon the salary or wages of an individual only after the Secretary or his delegate has notified such individual of his intention to make such levy and has afforded such individual an opportunity for a hearing thereon.

"(2) Jeopardy.—Paragraph (1) shall not apply to a levy if the Secretary or delegate has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy."

(b) The amendments made by subsection (a) shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

S. 3772—INTRODUCTION OF THE INDIVIDUALS' ANTIPOLLUTION INCENTIVE ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I introduce today for appropriate reference the Individuals' Antipollution Incentive Act of 1970. This legislation will appeal to many Americans. It will provide direct economic assistance to those individuals who want to lessen the causes of environmental pollution.

Americans for too long have treated their environment—air, water, and land—as a dumping ground for the untreated wastes of industrial civilization. The pollution of our water, land, and air has grown at such a rapid pace over the past 15 years that it now poses a serious threat to our future existence. We have now reached the saturation point. We must at all levels—government, industry, and individual—recognize that a massive cleanup campaign must be relentlessly pressed.

Congress has enacted legislation to lead the way. Many States, including my State of West Virginia, have strengthened their pollution control programs. While this part of the fight against pollution is important, the contributions that could be made on an individual basis have largely been ignored.

Several million Americans participated in last week's Earth Day activities. These citizens, concerned about our environment, picked up litter, cleaned up lakes and streams, planted flowers, and learned of the dangers of pollution.

On several occasions, I have been asked, "What more can I, as an individual, do to alleviate pollution?" This question continues to concern me. True, there is little that the individual on the street can do about the design of the internal combustion engine, or in formulating the chemical makeup of the fuel it burns, or about the design and location of highways and streets. Up to now, these activities have been left to the expertise of Government and industry. Nevertheless, there is much the individual can do about pollution, and if the energies of the concerned citizen—revealed last week—could be utilized into just cleaning up his own property, this country could really begin to fight the ravages and hazards of pollution. It is to these individuals that this bill is intended to give an incentive.

Mr. President, motor vehicle pollution is one of the major threats to the quality of our environment and to the health of our people. It is estimated that over 90 million automobiles are now emitting pollutants into the air we breathe. The automobile engine is responsible for three-fourths of the carbon monoxide, half of the hydrocarbons, and nearly half of the nitrogen oxide pumped into the air every day.

The Clean Air Act, as amended, authorizes the Department of Health, Education, and Welfare to formulate Federal standards for the control of air pollution from new cars. New standards, which are currently proposed, would greatly reduce by 1980, the quantity of hydrocarbon and carbon monoxide emitted into the air.

Some 30 million cars, produced since 1968, have been provided with devices and adjustments to lower, to some extent, the level of pollutants exhausted. This means that today there are some 60 million cars, which continue unabated, to contribute every day to the contamination of our air. We cannot afford to wait until every American has purchased a new car to be assured that our environment will be partially protected. Action must be taken now to reduce the high amount of pollutants discharged daily into our atmosphere.

Mr. President, the legislation I am introducing takes a direct approach. It encourages every car owner to have his automobile fitted with the best antipollution equipment available.

This bill, by adding a new section to the Internal Revenue Code of 1954, will allow an individual taxpayer to deduct amounts paid by him during the taxable year to acquire eligible pollution control equipment. The deduction provided for by the bill is a deduction from gross income. Thus, it will benefit every taxpayer, no matter if he takes the standard deduction or itemizes his deductions.

The type of equipment for which a deduction would be allowable under the bill is new antipollution equipment acquired by the taxpayer after 1968, which is used in connection with tangible personal property of the taxpayer—such as an automobile, boat, or airplane—or real property of the taxpayer, such as a residence, to abate or control air or water pollution; and, which is of a type designated by the Secretary of the Treasury in rules or regulations promulgated under authority provided by the bill.

In this regard, the bill provides that the Secretary of the Treasury is to determine the types of antipollution devices which are identifiable as devices to abate or control pollution and for which it is appropriate to allow the new deduction. The Secretary is to make this determination with the assistance of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, or the Secretary of the Treasury has made this determination, he is to promulgate rules or regulations which designate the approved types of antipollution devices. This authority would allow the Secretary of the Treasury to exclude from the scope of the new deduction devices which do not, in fact, aid in the abatement or control of pollution.

The new tax deduction provided for in the bill is limited for a taxable year to $50 with respect to the antipollution equipment acquired for each automobile, boat, and so forth. In addition, the bill provides that the deduction is not allowable for antipollution equipment to be used in connection with business property unless the property is also used for personal activities. For instance, a salesman who used his automobile partly for business activities, and partly for personal activities, would be allowed the deduction for antipollution equipment placed on the automobile. On the other hand, antipollution equipment placed on a truck used solely for business purposes would not be eligible for the deduction under this bill, as comparable incentives for businessmen were included last year in the Tax Reform Act of 1969.

When a deduction is allowable for the cost of antipollution equipment, this bill provides that depreciation deductions may not also be claimed with respect to the equipment. This provision insures that in the case of property, such as an automobile, used partly for business activities and partly for personal activities, a taxpayer will not be allowed to deduct the cost of antipollution equipment twice, once under the new deduction and again by means of the depreciation deduction.

The bill also provides that where a deduction for antipollution equipment is allowed, the amount allowed as a deduction is not to be considered part of the taxpayer's cost for the property to which the antipollution equipment relates.

The changes made by this legislation will be applicable for taxable years beginning on or after January 1, 1969. In the case, however, of amounts paid for antipollution equipment in a taxable year which ends on or before the date of enactment of the bill, it is provided that the deduction which otherwise would be allowable for that taxable year instead is to be taken by the taxpayer in his first taxable year which ends after the enactment of the bill.

Mr. President, it is hoped that this bill will provide an additional incentive to the automobile industry by creating a national market and demand for antipollutant devices. The automobile industry must intensify its research and development activities, and begin to market—on a national scale—new equipment for our cars so as to limit the amount of pollutants emitted into the air today. I feel that industry can and must take this responsibility.

We must continue to accelerate the battle against pollution. In too many instances we have used our technology to defeat nature. Now we have the opportunity to develop and utilize our technology to save both nature and man. We cannot allow the final victory to belong to the pollution monsters we have created.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred.

The bill (S. 3772) to amend the Internal Revenue Code of 1954 to encourage the abatement of pollution by allowing an individual taxpayer to deduct from gross income the cost of eligible pollution control equipment introduced by Mr. BYRD of West Virginia, was received, read twice by its title, and referred to the Committee on Finance.

S. 3773—INTRODUCTION OF A BILL TO HOLD IN TRUST FOR THE RENO-SPARKS INDIAN COLONY CERTAIN LANDS IN WASHOE COUNTY, NEV.

Mr. BIBLE. Mr. President, for myself and my colleague from Nevada (Mr. CANNON), I introduce for appropriate reference a bill to declare that the United States shall hold in trust for the Reno-Sparks Indian Colony certain lands in Washoe County, Nev.

This bill, Mr. President, is the second piece of legislation we have introduced in the current Congress in an effort to provide improved living conditions and a better community life for the Reno-Sparks Colony. An earlier bill would have declared the colony lands also be held in trust by the United States as a means of helping the colony become eligible for Federal housing and related assistance. The bill we sponsor today would add to the colony a 480-acre tract of land currently in the public domain situated near the site of the former Stead Air Force Base. The selected lands are vacant and unappropriated public lands. The only improvement is a drift fence installed by the Bureau of Land Management. It would be only a minor problem to remove the fence should the land be transferred from public ownership.

Mr. President, the Reno-Sparks Colony badly needs all the assistance it can get in solving mounting problems of crowding and worsening living conditions. The surrounding area, once a rural farming section, has now been urbanized and lately zoned for intense industrial development. These changes, coupled with a growing Indian residential population, have caused serious housing, health and economic problems. The colony just this month was designated as a redevelopment area eligibile for assistance under the Public Works and Economic Development Act of 1965. But legislative action is also needed both to qualify the existing colony for housing and community development assistance and to provide additional land to relieve crowding and to permit the establishment of recreation areas. A portion of the 480-acre tract described in this new bill would also be suitable for light industry use, permitting the Colony Indians to expand their economic base.

Plans for the future include the formation of a tribal development corporation owned by the colony members. With income derived from expanded properties, this corporation could provide services now paid for with public funds. The ultimate goal is a land and economic base that will not only afford decent living and working conditions for the colony but enable its residents to form an active community that is largely self-supporting.

I hope we can have affirmative action on both bills benefiting the Reno-Sparks Indian Colony before the current Congress adjourns.

To round out my remarks for the RECORD, I ask that a January 26, 1970, resolution of the Reno-Sparks Tribal Council in support of this legislation be printed following this statement.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the resolution of the Reno-Sparks Tribal Council will be printed in the RECORD.

The bill (S. 3773) to declare that the United States holds in trust for the Reno-Sparks Indian Colony certain lands in Washoe County, Nev., introduced by Mr. BIBLE, for himself and Mr. FANNIN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The material presented by Mr. BIBLE is as follows:

RESOLUTION RENO/SPARKS TRIBAL COUNCIL

Whereas, the Reno-Sparks Tribal Council has undertaken a study of the present and future prospects concerning the welfare of the residents of the Reno-Sparks Indian Colony and the economic development of the said colony, we take note of the following:

The Reno-Sparks Indian Colony had its genesis in certain acts of Congress which original intent was to provide homes and farm sites for Washoe and homeless Nevada Indians, with adequate water rights. In providing for the purchase of lands which make up the Reno-Sparks Colony, Congress originally contemplated a resident population of 150 people. This legislation was enacted in 1917. At the time this legislation was passed the area which makes up the Reno-Sparks Colony was on the outskirts of Reno. Under the circumstances which then existed, it was reasonable for Congress to envision a farming community of perhaps 150–200 people occupying the land. However, as most urban and semi-urban areas of the nation have grown and expanded outward to encompass what may have originally been the outskirts of a town or city, the city of Reno has expanded outward, and what was originally a farming area is now the center of industrial growth of Reno and Sparks. Presently the colony is used as residential property by some 600 residents. Even though the property is used as a residential area, it is not located in the residential areas of either Reno or Sparks.

The area surrounding the colony has been zoned by the Washoe County Regional Planning Commission as industrial and is rapidly becoming the industrial area of Reno and Sparks. Located directly east of the colony is a large sand and gravel operation, to the west a number of service industries border on Kietzke Lane, which is becoming the primary area for automobile sale outlets. Further to the west a number of industries are developing, including warehousing and electronics. The overall present growth pattern of the Reno-Sparks area when considered in conjunction with the zoning regulations applicable to the area surrounding the colony and its present population lead inevitably to the conclusion that there is no prospect in the present area for expansion and development of the colony as a residential area.

Among the problems which face the present residents of the colony are as follows: Population density, health, housing, community development and economic development.

As indicated above there are presently 600 residents occupying an area originally intended to serve the needs of some 150 to 200 people. According to statistics in the Overall Economic Development plan of March 1969, the comparison of population density prepared in 1967 indicates a population per square mile of 11,921 for the colony as compared with 6,410 per square mile for the rest of Reno.

Many of the health problems confronting the colony are indirectly caused by the population density and its effects on living conditions. As an illustration, in June of 1969, the colony was faced with an outbreak of hepatitis, which reached epidemic proportions. The disease spread and many more people were infected than would have been because there are 600 people occupying an area originally intended for 150 people.

Housing conditions in the colony are substandard. Although there is presently a mutual self-help housing program which will provide 20 additional units, the program originally contemplated 50 units, but the balance of 30 units cannot be built because of lack of available space. This lack of land area forces many families to double and triple up in houses which were originally intended for one family. Further, the statistics gathered in 1967 for the Overall Economic Development Plan indicates that there are 36 houses which are either unfit for occupancy or are considered to be in poor condition as housing facilities.

The prospects for community and economic development are affected by the nature of the surrounding area. As indicated above the growth pattern of the neighboring prop-

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erties effectively precludes orderly community development of the colony as a residential area. Because of the limited land area, and the fact the colony is presently used as a residential area, there is virtually no prospect for orderly economic and industrial development.

After a consideration of the foregoing the Reno-Sparks Tribal Council took under advisement, the possibility of acquiring additional unused federal land in close proximity to Reno. Following a review of 18 possible locations, the members of the tribal council and other residents, chose an area in the vicinity of Stead, approximately 6 miles north of Reno. The area comprises 480 acres and is located at township 21 north range 18 east of the Mount Diablo Meridian, the south half of section 10 and the northeast quarter of section 28. The land would be held in trust by the United States of America for the benefit of the Reno-Sparks Indian Colony.

The advantages of such action to the peoples of the Reno-Sparks Colony would be numerous and would have effects as to the following areas; population density, health, housing, the return to the colony of those Indians who have been unable to secure homesites at the present location and Indian self-determination with regard to economic and community development.

As mentioned previously, the present site of the colony is wholly inadequate to meet present population demands. In the Overall Economic Development Plan of 1969, the figures for population by age as of 1967 indicates that 51% of the present population is comprised of people under age 21. Based on these figures, the projected population for 1975 by conservative estimate will be 1100. This will mean a population density per square mile at the colony equal to that of New York City at present. With the addition of the land at Stead, 320 acres is proposed for use for both residential and recreational purposes. Of this, 200 acres would be utilized for residential homesites, which would mean in effect, a population density based on present growth rates of 3300 persons per square mile. The balance of 120 acres, while rough and mountainous, with proper planning could be used for community recreational purposes. The above figures do not take into account those Indians who at present are living off the colony due to unavailable land for assignment purposes. There are many people who have made application for assignment of land in the present colony, but have been refused by the tribal council because there simply is not enough land to fulfill all the requests.

The land at Stead would provide homesites for those people who are presently forced to live off the colony because of lack of available land, as well as alleviating the situation which now exists where two and three and sometimes as many of four or five families are living on one assignment. The return of those Indians now forced to live off the colony would help strengthen the bonds of the overall community as well as providing a geographic center for the preservation of family ties and cultural values.

With the acquisition of land at Stead, much would be accomplished in the areas of health and safety. As indicated above, the overcrowded living conditions at the present colony site pose a definite threat to the health of the inhabitants. The proposed site would eliminate the overcrowding, thus removing the main factor which contributes to the spread of communicable diseases at the colony. The zoning of the present area supports industrial development, and it is obvious that the area is becoming increasingly congested with heavy trucking and commercial traffic. With over 20% of the present population age 10 or under, there is a real safety hazard involved with children crossing streets and playing on industrial sites during both working and non-working hours. The land at Stead would provide an environment which would be far more conducive to the health and safety of the members of the Reno-Sparks Colony.

Of the proposed 480 acres it is envisioned that a parcel of 160 acres, which is located two (2) miles south of the 320 acre residential area, would be used for industrial development. As mentioned previously the present colony site provides no opportunity for industrial development. When the land at Stead is acquired, the present colony site would be used for industrial development. Thus, the people of the Reno-Sparks Colony would have a substantial base with which they would establish a source of tribal income. What is imagined in the near future is a Tribal Development Corporation owned by the members of the colony which, with income derived from the use of these properties, would provide services and facilities now paid for with public funds.

At the present time 17.6% of the labor force at the colony is unemployed, this is three times unemployment rate of Washoe County. One of the basic objectives of economic development would be to eliminate much of this unemployment, thereby reducing the dependence on welfare as means of support. The industrial development would be keyed toward providing jobs for Indian people. This could be arranged through leases to corporations who would draw in the labor market of the nearby Indian community at Stead. Financing for these industries is available through the Economic Planning Unit of the Inter-Tribal Council. Therefore, the people of the Reno-Sparks Colony consider the opportunity presented by acquisition of the land at Stead a monumental step toward long range goals of Indian economic self-determination.

After a careful consideration of all the foregoing points the Tribal Council feels that it is imperative that the land at Stead be acquired to secure the present welfare and future potential for all the residents of Reno-Sparks Colony.

Therefore, be it hereby resolved, that all right, title and interest in the following vacant and unappropriated public domain land located in Washoe County, Nevada, to wit; south one-half section 10 and northeast one-quarter section 28 in township 21 north, range 19 east, of the Mount Diable Meridian, be declared by the Congress of the United States of America, to be held in trust for the benefit of the members of the Reno-Sparks Indian Colony.

Certification: I, the undersigned, Secretary of the Reno-Sparks Indian Council, hereby certify that the Reno-Sparks Indian Council is composed of six (6) members, of whom 5 constituting a quorum were present at a duly called meeting which was convened and held on January 26, 1970, and that the foregoing resolution was duly adopted by a vote of 5 for and 0 against, pursuant to authority contained in the Constitution and By-laws of the Reno-Sparks Indian Colony approved January 15, 1936.

VALERIE JEAN KAYE,
Secretary, Reno-Sparks Indian Council.

S. 3775—INTRODUCTION OF A BILL TO AMEND THE VA DIRECT HOME LOAN PROGRAM

Mr. SPARKMAN. Mr. President, I introduced for referral to the proper legislative committee a bill which would amend the VA direct home loan program so as to permit paraplegic veterans needing especially adapted housing to obtain direct loans from the VA with which to finance such housing.

Under present law, specifically section 1811 of title 38, United States Code, the Veterans' Administration is authorized to make direct loans in "housing credit shortage areas." The direct loan program is financed through a revolving fund. Such loans can only be made in areas when home financing is not generally available such as in small towns and rural areas.

Under present law, specifically chapter 21 of title 38, United States Code, the VA is authorized to make grants up to $12,500 to paraplegic veterans in order to help them obtain housing especially suited to their needs.

It has been found, however, that in some instances, particularly when mortgage money is tight, these paraplegic veterans are unable to obtain mortgage funds—in addition to the grant—to finance the purchase of the housing they need.

The bill I introduce would simply make mortgage credit available to these veterans through the VA direct loan program if there is a showing that a paraplegic veteran cannot obtain the additional financing needed through the regular and usual sources of mortgage credit.

Mr. President, what is being proposed by this bill is to bring together two very fine programs which I sponsored several years ago.

I sponsored the legislation which originally established the VA direct home loan program in 1950. I also sponsored the legislation which established the paraplegic grant program. I am very proud of these two programs because they have been very useful to our veterans. I am also very proud of the record our veterans have made in using the direct loan program. Losses under the program amount to less than one-half of 1 percent and, today, repayments of home loans under the program are sufficient for the program to be carried on without the necessity of funds being authorized for the program on an annual basis. This is an enviable record our veterans have made.

The bill I introduce today is just another way of our Nation recognizing the great contribution which paraplegic veterans have made to their country.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in my remarks.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3775) to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1811 of title 38, United States Code, is amended by adding after subsection (k) the following new subsection:

"(1) Notwithstanding the provisions of subsections (a), (b), and (c) of this section,

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the Administrator is authorized to make or enter into a commitment to make a loan to a veteran who is determined to be eligible for the benefits of chapter 21 of this title, to assist such veteran in acquiring a specially adapted housing unit authorized under chapter 21, if the veteran is eligible for loan guaranty benefits under this title and shows to the satisfaction of the Administrator that he is unable to obtain a guaranteed loan for such purpose from a private lender. Such loans shall be subject to all provisions of this section except those contained in subsections (b) and (c)."

Sec. 2. Section 1811(i)(1) of title 38, United States Code, is amended by inserting after "housing credit shortage area," the following:

"Or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title."

S. 3776—INTRODUCTION OF A BILL TO AMEND AND EXTEND THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Mr. SPARKMAN. Mr. President, I introduce for referral to the proper legislative committee a bill which has been requested by the Office of Emergency Preparedness. My colleague, the ranking member of the minority on the Banking and Currency Committee, Senator Bennett, and I introduce this bill by request.

Mr. President, I ask unanimous consent that the bill along with a section-by-section analysis be printed in full in the Record following my remarks.

The PRESIDING OFFICER (Mr. Gravel). The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the Record.

The bill (S. 3776) to amend and extend the Defense Production Act of 1950, as amended, introduced by Mr. Sparkman, for himself and Mr. Bennett, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 304 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094) is amended by striking the second, third, and fourth provisos of subsection 304(b) and by adding at the end of section 304, the following new subsections:

"(c) After June 30, 1970, contracts under section 302 or under section 303 for the expansion of productive capacity and supply or the encouragement of exploration, development, or mining of strategic and critical minerals or metals shall be made only in accordance with section 305, and the provisions of subsection (b) of this section shall not apply to such contracts.

"(d)(1) The Secretary of the Treasury is authorized and directed to cancel any notes issued to the Secretary of the Treasury pursuant to this section, in an amount equal to the net losses incurred by an agency in carrying out its functions under sections 302 and 303, together with interest accrued and unpaid on such notes, upon being advised by the head of the agency issuing such notes that such net losses have occurred. Upon the cancellation of any such notes the aggregate amount of borrowing which may be outstanding at any one time under subsection (b) of this section shall be reduced in an amount equal to the amount of the notes so canceled.

"(2) When all notes issued pursuant to this section have been paid or canceled, the borrowing authority shall terminate and, except as otherwise provided by law, any cash balance then existing or thereafter arising shall be covered into the Treasury as miscellaneous receipts.

"(3) After June 30, 1970, no interest shall accrue on notes outstanding under this section."

Sec. 2. Title III of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following new section:

"Sec. 305(a) The President is authorized, through such agencies of the United States as he may designate, to enter into contracts, within such amounts as may be appropriated pursuant to subsection (b) of this section, (1) under section 302 and (2) under section 303 for the expansion of productive capacity and supply or the encouragement of exploration, development, or mining of strategic and critical minerals or metals.

"(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 302 and 303.

"(c) If the President determines that the national security requires the obligation of funds under section 302 or section 303 in excess of funds then available pursuant to subsection (b) above, he is authorized, notwithstanding the provisions of section 3678 of the Revised Statutes (31 U.S.C. 628), to utilize such other appropriated funds as he deems necessary, and he may, to the extent he deems it advisable, reimburse such funds from appropriations subsequently made pursuant to subsection (b). The President shall submit a report to the Congress on each contract made under this subsection not more than 90 days after the making thereof."

Sec. 3. Subsection 303(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093), is amended by striking out "but not extending beyond June 30, 1975," and adding at the end of subsection 303(b) the following new sentence: "No contract made under subsection (a) shall obligate or commit the Government to make purchases or to provide financial assistance for the encouragement of exploration, development, or mining of strategic and critical materials for a period longer than ten years from the date on which it is entered into."

Sec. 4. Section 710(e) of the Act is amended by deleting the last two sentences thereof and inserting in lieu thereof the following: "Members of this executive reserve who are not full-time Government employees may be allowed transportation expenses and per diem in lieu of subsistence at the rates prescribed by section 5703 of title 5 of the United States Code for individuals serving without pay."

Sec. 5. The first sentence of section 717(a) of the Defense Production Act, as amended, is hereby amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1974."

The material presented by Mr. Sparkman follows:

Bill To Amend and Extend the Defense Production Act of 1950

SECTION-BY-SECTION ANALYSIS

Section 1. This section repeals the present limitations upon the President's authority to enter into contracts financed by the borrowing authority of subsection 304(b) and substitutes for them a new subsection (c) providing that no contracts under section 302 or 303 may be financed under the borrowing authority after June 30, 1970. Contracts under those sections, after that date, must be financed as provided by section 305, added by the second section of the bill.

The first section also adds a new subsection (d) to section 304 providing for the cancellation of notes (and interest thereon) heretofore issued to the Secretary of the Treasury by various agency heads pursuant to section 304(b), in an amount equal to net losses incurred by the agencies involved in carrying out their functions under section 302 and 303. Whenever notes are so cancelled the borrowing authority provided by section 304 is reduced by an amount equal to the notes so cancelled. When all such notes are paid or cancelled, the borrowing authority under section 304 terminates and any cash balance is paid into the Treasury. Interest accrual on notes ceases as of June 30, 1970.

Section 2. This section adds a new section 305 to Title III of the Act. Subsection (a) authorizes the President to enter into contracts under sections 302 and 303, within the limits of available appropriations.

Section 305(b) authorizes the appropriation of funds to carry out the purposes of sections 302 and 303. Section 305(c) provides that when the President finds that the national security requires the making of certain contracts under sections 302 and 303, and funds appropriated pursuant to section 305(b) are insufficient to meet the obligations arising out of those contracts, the President may use other appropriations to finance them. The President may then authorize the reimbursement of the appropriation account involved from funds subsequently appropriated pursuant to section 305(b). All such cases must be reported to the Congress within 90 days.

Section 3. This section amends section 303(b) to impose a ten year time limit on purchase and development contracts made pursuant to section 303.

Section 4. This section amends section 710 of the Act so as to provide that members of the Executive Reserve may be allowed travel and per diem allowances equal to those now authorized for individuals serving the United States without compensation. It would also eliminate certain obsolete language providing exemptions from conflict of interest laws.

Section 5. This section provides a four year extension of the Act, to June 30, 1974.

S. 3777—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO CONTRACTS FOR THE PROTECTION OF PUBLIC LANDS FROM FIRES IN ADVANCE OF APPROPRIATIONS

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Senate Committee on Interior and Insular Affairs, Mr. Allott, and myself, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

This measure was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Hughes). The bill will be received and appropriately referred; and, without objection, the executive communication will be printed in the Record.

The bill (S. 3777) to authorize the Secretary of the Interior to enter into contracts for the protection of public lands

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from fires, in advance of appropriations therefor, and to twice renew such contracts, introduced by Mr. Jackson, for himself and Mr. Allott, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The communication presented by Mr. Jackson is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., April 20, 1970.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed herewith is a proposed bill "To authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The proposed bill would confer upon the Secretary of the Interior, who is responsible for the suppression of fires on large areas of public lands, authority parallel to that conferred upon the Department of Agriculture with respect to national forest lands (16 U.S.C. 557a, 579a). The authority conferred would include the prevention and suppression of fires on or threatening public lands. It would permit him to enter into contracts for tanker aircraft, and for other kinds of aircraft, supplies and services, for an entire fire season, and to renew such contracts not more than twice.

The "fire season" on public lands varies throughout the United States. In some areas, such as California and the Southwest, the fire season includes most of the year. In most areas, however, it runs from about May through October. For these latter areas, this Department's Bureau of Land Management seeks in March or early April of each year to enter into contracts which will be necessary for fire fighting activities. In so doing, it encounters numerous problems created by existing law, which the enclosed proposed bill is designed to overcome.

Existing statutes (41 U.S.C. 11, 31 U.S.C. 665(a)) generally prohibit the making of contracts which obligate the Government in advance of appropriations to support such contracts. This generally means that contracts should not extend beyond June 30 of a given fiscal year. There is, however, a compelling need that fire fighting services be available and continue on without interruption from one fiscal year into the next one. There is no time to negotiate new contracts or to renew existing contracts on July 1, when the parties involved may be in the midst of full scale fire fighting activity. Therefore, the Bureau of Land Management currently attempts to overcome the difficulty by including a clause in its fire fighting contracts that makes the financial obligations of the Government, after the forthcoming June 30, contingent on passage of a funding appropriation by the Congress. This technique is disfavored, however (see 36 Comp. Gen. 683 and B–165013(2) of January 16, 1969), and makes important the special statutory authority set forth in the proposed bill.

The Department of the Interior has some flexibility in funding fire fighting. For a number of years Congress has included language in Interior Appropriation Acts, such as Section 102 of P.L. 90–425, which permits the Secretary to transfer funds within any Bureau, as necessary, to fund fire fighting, and to use current funds to pay for fire fighting obligations incurred in the preceding fiscal year. This enables Congress to avoid over-appropriating initially, but it does not overcome the basic prohibition against entering into contracts for services and supplies in advance of an upcoming fiscal year. The proposed bill would allow this, by permitting the writing of contracts "prior to the passage of an appropriation therefor". The bill also makes clear that payments would still be contingent upon an applicable appropriation.

It is sometimes difficult to determine which fiscal year's funds should be charged for the costs of a particular fire fighting contract. Thus a contract with the owner of an aerial tanker usually guarantees him a minimum daily amount for giving the Government exclusive and instant standby availability. The contract also includes an hourly rate of payment for actual hours to be flown. At present the minimum guarantee is charged en toto to the first fiscal year's funds, because 41 U.S.C. 11 and 31 U.S.C. 665(a) require that the Government guarantee be fully funded. The payments for actual flight hours are charged to the funds of the particular fiscal year in which the flights occur. This charging would be continued by the language of the proposed bill, which provides that funds will be obligated in "fiscal years in which the costs are incurred".

Aerial tankers which drop fire retardant materials are most important in fire fighting. Such aircraft are very expensive. They must be supported by proper ground facilities and they must be flown by qualified and experienced pilots. If owners of aerial tankers can look forward to at least two annual contract renewals, they can amortize their costs over a three year period, reduce the overall cost to the Government, undertake equipment improvements, and provide much better and safer service. Quality of service is intimately related to the cost of service because inexperienced operators can quickly run up flight hours and still be ineffective in fighting fires. The proposed bill would recognize these factors and allow contracts to be entered into and twice renewed without additional competition. The Comptroller General has already authorized negotiation of aerial tanker contracts, in his decision B–157954 of December 15, 1965; however, the twice annual renewal feature is not now authorized for the Department of the Interior, as it is for the Department of Agriculture under the two statutes cited above.

The proposed bill is not limited by its terms to contracts for tanker aircraft, although it is particularly needed for that purpose. In addition, it would apply to other aircraft, such as helicopters and light fixed wing aircraft that are needed on a seasonal basis, as well as to needed supplies and services for pre-suppression and suppression of fires. Procurements, other than those for tanker aircraft, are presently formally advertised, and they would continue to be, unless special circumstances permitted their negotiation under the terms of the Federal Property and Administrative Services Act of 1949, as amended. Most of the materials which would be used in connection with the proposed contracting authority is presently obtained through the General Services Administration. We do not contemplate use of the proposed authority to contract directly for those supplies available through General Services Administration.

While the reasons recited above in justification of the bill for aircraft contracting purposes do not generally apply to contracts for supplies and other services, and while we thus would expect rarely to rely upon this legislation as a basis for such contracts, we anticipate that there may be circumstances in which we may find it important to be able to do so. Contracts for supplies and for services other than aircraft may sometimes need to be placed on a seasonal basis, and they may also present the accounting questions (as to which fiscal year to charge) referred to above.

The Bureau of the Budget has advised that this legislative proposal is in accord with the President's programs.

Sincerely yours,
Harrison Loesch,
Secretary of the Interior.

S. 3778—INTRODUCTION OF THE HARRY S. TRUMAN DAM AND RESERVOIR BILL

Mr. SYMINGTON. Mr. President, a week from Friday, on May 8, Harry Truman celebrates his 86th birthday. As a mark of that fine occasion for our former President and Missouri's No. 1 citizen, I introduce today a bill to give his name to the Kaysinger Bluff Dam and Reservoir on the Osage River.

Because the Kaysinger Dam and Reservoir lies between the town where he was born and the towns of his boyhood, it would be particularly appropriate to rename the largest single multipurpose reservoir in Missouri, the Harry S. Truman Dam and Reservoir.

Although he was to become the 33d President of the United States and guide this Nation through the stormy post-war years, Harry Truman was the product of the rural Missouri environment which shaped his destiny, and he never forgot it.

As a youth he worked on his father's farm, and has always been interested in the conservation and wise use of our land and water resources. From his years on the farm and his service in public office in his own county, in the Senate and in the Presidency, he knew that without water, life would be impossible, but he also knew that water uncontrolled could bring hardship and ruin to scores of people. And he recognized that water is a fragile and not unlimited resource requiring constant vigilance and development.

Mr. Truman was first among modern Presidents to note the close relationship between the conservation of our water resources and the preservation of our national strength, and in 1947 told Congress that—

> The major opportunity of our generation to increase the wealth of the Nation lies in the development of our great river systems.

He was to repeat many times his belief that the mark of a well-managed land lies in the care a nation gives to its rivers.

Although he has been honored the world over, no major memorial outside of the Truman Library in Independence exists in the State of Missouri to Harry Truman. Thus, it would be fitting, indeed, if we were to name the giant Kaysinger Bluff Dam and Reservoir project in Missouri after this man who for so long championed the cause of water resource development.

The Kaysinger Bluff Dam and Reservoir, the key unit in the Marias des Cygnes River Basin System which empties into the Missouri River, is a multi-purpose structure which will bring flood control, hydroelectric power, and recreation to that section of Missouri that produced Harry S. Truman and which he loves so well.

The upper reaches of this vast reservoir are not far from his birthplace and

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boyhood home at Lamar; and Clinton, where his parents once lived, will be only a stone's throw from the water's edge. His boyhood homes in Grandview and Independence, where the former President now makes his home and where the Truman Library is located, are only an hour's drive from this vast reservoir.

It is, therefore, in recognition of this great American who celebrates his birthday on May 8 that today I introduce legislation on behalf of Senator EAGLETON and myself which would change the name of Kaysinger Bluff Dam and Reservoir to Harry S. Truman Dam and Reservoir.

I ask that a fine editorial which appeared in the Clinton Daily Democrat recommending this name change be included in the RECORD at this point.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the editorial will be printed in the RECORD.

The bill (S. 3778) to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo., introduced by Mr. SYMINGTON, for himself and Mr. EAGLETON, was received, read twice by its title and referred to the Committee on Public Works.

The editorial presented by Mr. SYMINGTON is as follows:

WHY NOT NOW?

> Mention Harry Truman's name in Greece and you'll get a happy response.
>
> The Greeks know about President Truman, and have even erected a statute to his memory in Athens, a fitting place for a man of Olympian accomplishments.
>
> As a matter of fact there are few places where Harry Truman of Missouri isn't known. And the memory remains strong and grows in respect as the years tick by and the greatness of his decisions take on an historic perspective.
>
> Other countries have honored our neighbor from Independence, whose parents at one time lived in Clinton, but what about the state and nation of his birth? Sure, there's the birthplace memorial at Lamar and the Truman Library at Independence, but these are now the expected benchmarks of a president.
>
> Missouri needs a lasting and big memorial to a man who becomes bigger every year as history's assessment of him becomes finer. After all, what other conqueror in history helped rebuild not only the defeated enemies, but a whole continent? What other chief of state had the depth of vision to know that restoration of world well-being was a more powerful weapon than armies in rolling back the tide of Communism which was threatening our way of life—and, further, could clothe his vision in fact and deed?
>
> Kansas City had an opportunity to honor Missouri's Number One Citizen when it renamed Mid-Continent International Airport. But the gears failed to mesh. It came up with an identifying, if stolid, name, Kansas City International Airport. In doing this they not only missed an opportunity to honor Mr. Truman, they chucked-out using a name known around the globe, one which would have given the huge field north of Kansas City a unique identity.
>
> We'd like to suggest, before more years roll by, that a vast new project at our doorstep, Kaysinger, be given the name of Harry S. Truman Dam and Reservoir.
>
> It would symbolically represent many of the things Mr. Truman fought and stood for: Preservation of our precious resources of land and water; a place where his fellow citizens, humble and great alike, can find recreation among the towering oaks and hickory trees and on a body of God-given water; an example of a cooperative effort of citizens and their government and how this may enrich this land of ours, and it would be in the section of Missouri that Harry S. Truman loved so well that he returned to it after his immense and effective labors for his country and the world.
>
> Even this $213 million creation and all of its beauty-to-be pale beside the dimensions of our former President, but we humbly submit that by its nature it is more fitting than an airport or a statute to the man his mother praised for plowing the straightest furrow.
>
> Let's make it Harry S. Truman Dam and Reservoir.

Mr. EAGLETON. Mr. President, I am proud and happy to join with Senator SYMINGTON in offering this bill to change the name of the Kaysinger Bluff Dam and Reservoir to the Harry S. Truman Dam and Reservoir. I am sure that in time, there will be many memorials to this Missourian who was one of this Nation's handful of truly great Presidents, but, as Senator SYMINGTON has so eloquently pointed out, none could be more fitting than this. I can think of no better way to honor one of the finest men America has ever produced.

S. 3779—INTRODUCTION OF A BILL FOR THE RELIEF OF CONCRETE INDUSTRIES—MONIER, LTD.

Mr. SPARKMAN. Mr. President, I am introducing for myself and for the Senator from Virginia (Mr. SPONG) a bill for the relief of Concrete Industries, Monier, Ltd., an Australian construction firm. Senator SPONG and I are also submitting a resolution to refer the matter which is the subject of our private relief bill to the U.S. Court of Claims for a determination, in accordance with sections 1492 and 2509 of title 28 of the U.S. Code, of the true facts of the matter. Under the law, the Court of Claims will make findings of fact and conclusions sufficient to inform the Congress whether or not there is a legal or equitable claim owing by the United States and the amount due under such claim.

Briefly, this Australian firm was a joint venturer with an American construction firm on a contract with the U.S. Navy calling for the construction of a radio communications facility at North West Cape, Western Australia. The construction of this facility by our Navy in Australia was pursuant to treaties entered into between the United States and Australia in May of 1963.

During the course of the contract, the American firm suddenly and unexpectedly became insolvent and no longer able to participate in the venture. Actually, the American firm was the most prominent party in the joint venture, and prior to its collapse, the Australian firm had little to say about matters of policy and administration. After the collapse of the American firm, Concrete Industries, Monier, Ltd., completed the contract at what is claimed to be substantial financial sacrifice.

The bill and resolution that Senator SPONG and I are introducing will simply permit this firm to present its case to the U.S. Court of Claims for a determination of whether our Government has any legal or equitable liability in this matter. We hope that the Senate will give them a day in court.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred.

The bill (S. 3779) for the relief of Concrete Industries, Monier, Ltd., introduced by Mr. SPARKMAN, for himself and Mr. SPONG, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 3780—INTRODUCTION OF A BILL TO PROVIDE AN ADEQUATE INCOME FOR ALL AMERICAN CITIZENS

Mr. McCARTHY. Mr. President, I introduce, for appropriate reference, a bill to provide an adequate income for all American citizens.

The defects and deficiencies of the present welfare systems are generally conceded. They are inefficient, often demeaning and discriminatory toward recipients and on the whole inadequate to meet their needs. The programs involve complex administrative machinery and impose conditions which are destructive of the dignity and self-respect of recipients, particularly as they relate to dependent children, and the handicapped, and to the working poor, who by lack of training, experience, or opportunity are unable to obtain work at wages that are high enough to provide for themselves and their families.

In recent years there has been advance in understanding of the causes and effects of poverty and of programs to meet the problems. There have been proposals for a guaranteed income, for a guaranteed wage for those able to work, for a negative income tax to provide a minimum income, for family allotments, and most recently the program recommended by President Nixon on welfare reform and the bill, H.R. 16311, the Family Assistance Act of 1970 now approved by the House of Representatives. The projected income provided by many of these plans is too low to be adequate for families and the plans continue many traditional aspects of welfare programs which are not conducive to freedom and self-respect of those who must use the system to survive.

We accept as a principle no child should be punished or handicapped by the financial condition of his family. If American society has the spirit, it has the capacity through its resources and the economy to guarantee adequate food, clothing, housing, medical care, and education for all the children of the Nation and those adults who need assistance. The benefits of the present welfare and public assistance programs have been insufficient to enable the poor to attain the minimum required for decency in living.

The bill I am introducing today starts with the premise that adequate income is the basic objective. It proposes that eligibility for assistance should be based solely on need and it aims at establishing a procedure which will provide an adequate income for all citizens.

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The bill represents the structure and procedures recommended by the National Welfare Rights Organization. This group, with 350 affiliates in 48 States, is an organization of welfare recipients and other poor people. The group speaks for those who know first hand the deficiencies and frustrations of the present systems.

The bill would provide a minimum adequate income for a family of four of $5,500, an amount based on data collected in surveys conducted by the Bureau of Labor Statistics. The income would be automatically adjusted for size of family, costs of living in various parts of the country, and changes in the cost of living. It entitles recipients to certain rights necessary to preserve human dignity, and it includes provision for a fair hearing before reducing or ending benefits to a recipient. It provides a work incentive by permitting recipients to keep a part of their earnings.

I believe it will be helpful and constructive to have the idea and recommendations of these citizens brought before the Finance Committee and the Senate in the form of proposed legislation. The Finance Committee and the Senate should have an opportunity to hear their views and examine their recommendations at this time when we are considering a major change in welfare programs. Some aspects of the bill may be criticized as unrealistic. The same may be said about the amounts provided under the proposal of President Nixon and incorporated in H.R. 16311, where even the maximums are very inadequate compared to actual living costs for families today. It is my hope we can report a bill from the Finance Committee which will provide a program with adequate income.

The PRESIDING OFFICER (Mr. Hughes). The bill will be received and appropriately referred.

The bill (S. 3780) to provide an adequate income for all Americans, to assure to every person a decent standard of living with dignity, justice, and democracy, introduced by Mr. McCarthy, was received, read twice by its title and referred to the Committee on Finance.

SENATE JOINT RESOLUTION 195—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO STUDY THE POSSIBILITY OF OFFSHORE NUCLEAR POWERPLANTS

Mr. TOWER. Mr. President, today I introduce a companion resolution to two earlier measures, Senate Joint Resolution 184 and Senate Joint Resolution 185, which I have introduced concerning the problem of thermal pollution. In those first two resolutions, I asked that the Secretary of the Interior be authorized to begin investigating the potential of tidal and solar energy utlization for the production of electrical energy. Due to our ever-increasing electricity consumption, we are continually releasing larger amounts of heat into our rivers and bays from nuclear and conventional fuel-burning powerplants. As we all know, this is creating a hazard for marine life and is tampering with the ecological and thermodynamic balances of nature to a degree as yet unknown. How serious this effect on the delicate balance of nature will be, we probably will not know for some time, but it is certainly not too early to begin planning for supplemental and alternative sources of electrical energy for the future.

The resolution I am introducing today will authorize the Secretary of the Interior to investigate the potential advantages and disadvantages of locating nuclear powerplants offshore, where the large amount of water can effectively dissipate heat. The effects of such plants on the ecology of the sea need to be known before they could be constructed, and the dangers of radiation leakage also need to be assessed and planned for well in advance of possible construction. Transmission problems would also need to be evaluated, since relay of current to the interior of our continent could well be impractical.

I recommend this resolution to my colleagues in the Senate as one of several directions in which to begin looking in order to assure ourselves of vital electrical power in years ahead when continued thermal pollution of rivers, lakes, and bays could reach intolerable levels.

The PRESIDING OFFICER (Mr. Cook). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 195) to authorize the Secretary of the Interior to conduct a study of the possibilities of offshore nuclear powerplants as a means of alleviating the thermal pollution problems encountered in onshore operations of such plants, introduced by Mr. Tower, was received, read twice by its title, and referred to the Committee on Public Works.

SENATE JOINT RESOLUTION 196—INTRODUCTION OF A JOINT RESOLUTION INCREASING THE AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

Mr. SPARKMAN. Mr. President, I introduce for appropriate reference, a Senate joint resolution which would provide for an additional $2,600,000 authorization for the college housing interest subsidy grants. This legislation is necessary to provide the authority needed to meet the budget request for fiscal year 1971, now pending before the Congress. The Appropriations Committees of both Houses of Congress are working on the budget request for fiscal year 1971 and need the additional authorization if the full budget request for college housing is to be approved.

The interest subsidy proposed for fiscal year 1971 would be adequate to finance a $300 million college housing construction program—the same level we have had for the past several years.

Considering the backlog of requests, a $300 million program is at a very minimum level for college housing construction at this time. We would like to see a higher level of construction but, in view of the President's request to hold the budget down, I believe our committee will agree to abide by the budget request.

Mr. President, it is interesting to look back over the years at the success of the college housing program. I was fortunate to have sponsored the legislation which started the program in 1950. I am proud of its accomplishments and I have never failed to promote it and sponsor additional appropriation authority to keep the program operating at a high level.

Originally the program was a direct Federal loan program at an interest rate of the cost of money to the U.S. Treasury. Later we dropped the rate to 3 percent. The loan is for 50 years which helped keep the amortization costs down.

Two years ago, the Budget Bureau pressed for a change in the program from a direct loan to an interest subsidy assistance program. The Congress responded by authorizing the interest subsidy financial assistance, but retained the direct loan program to be used for those colleges which would have difficulty in borrowing at a reasonable rate of interest.

I have never strongly favored this new interest subsidy approach but, as far as the colleges are concerned, they will continue to get the benefit of a 3-percent loan.

The college housing program has been a good one, providing accommodations since its inception in 1950, a total of over 800,000 units in domitories and other facilities. This has involved an outlay of around $3.6 billion of Federal loans.

In the Housing and Urban Development Act of 1969, to provide for rising construction and interest costs, the Congress enacted an additional $4.2 million of authorization for a cumulative total through 1971 of $24.2 million.

Interest costs have continued to rise, however, and it is currently estimated that the program levels authorized by Congress for 1969 and 1970 will require a supplemental contract authorization of $5.5 million. The request for appropriation act approval of this amount is included in House Document 91–272.

The budget request for 1971 is for a $300 million program—the same level as for the last several years—to be supported by interest subsidy grants of $9.3 million. This amount, together with the amounts estimated to be used through 1970, would bring the total contract authority requirement to $26.8 million which is $2.6 million in excess of the amount authorized.

Mr. President, I ask unanimous consent that a table showing the utilization of the authority and the additional authorization necessary be included at this point in my remarks.

The PRESIDING OFFICER (Mr. Cook). The joint resolution will be received and appropriately referred; and, without objection, the table will be printed in the Record.

The joint resolution (S.J. Res. 196) increasing the authorization for college housing debt service grants for fiscal year 1971, introduced by Mr. Sparkman, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The table presented by Mr. Sparkman is as follows:

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Contract authority in appropriation acts:	
Fiscal year 1969, enacted	$5,500,000
Fiscal year 1970, enacted	6,500,000
Fiscal year 1970, proposed supplemental	5,500,000
Fiscal year 1971, budget estimate	9,300,000
Total requirements through Fiscal year 1971	26,800,000
Contract authority included in Section 401 of Housing Act of 1950, as amended	24,200,000
Additional authority required	2,600,000

Together with the $4,200,000 provided in the Housing and Urban Development Act of 1969, the additional amount to become available on July 1, 1970, would be $6,800,000.

SENATE JOINT RESOLUTION 197—INTRODUCTION OF A JOINT RESOLUTION RELATING TO DESIGNATION OF NATIONAL VOLUNTEER FIREMEN'S WEEK

Mr. SCOTT. Mr. President, I have often encouraged the revitalization of this Nation's spirit of volunteerism. This is a feeling without which our country could not function to its full capacity.

This is one group of men who lead all others in the dedication to volunteer services. The volunteer firemen, who risk their lives to save others, are too often ignored in the quiet acceptance of their duty.

Today, I am introducing a joint resolution to authorize the President to set aside the week of September 19 through September 26, 1970, as National Volunteer Firemen's Week. I am pleased to be joined in this effort by my colleague, the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER).

The designation and proclamation which our resolution would authorize is an appropriate, if meager, tribute to the men who risk their lives every day protecting others. The enthusiasm for volunteerism, so desperately needed throughout the Nation, spurs these men to daring feats without economic reward.

The importance of this tribute was pointed up recently in our Commonwealth of Pennsylvania. Five courageous volunteer firemen were killed in what appeared to be a routine fire. An explosion at a paint firm in the Erie County town of Corry, Pa., toppled a three-story brick wall on them.

The men lost were: Dennis B. Rockafellow, 28, married and the father of two, an electrical machinist; Richard Brigham, 22, a camera technician; Lauren Shreve, 26, married and the father of two, a foreman at the Erie County Plastics Co.; Jon Miller, 30, married just last year, a newspaper advertising manager, and David Apps, 37, married and the father of four, general manager of the industrial division of Mace Electronics and the son of the fire chief.

After the tragedy, the mayor of the town of 8,000 said: "Our town is crying."

Our hearts reach out to the families and friends of these brave men and others like them throughout America. It is time that the Congress and this Nation acknowledge the contribution these men have made to the many communities across the land fortunate enough to be served by a volunteer fire company.

Mr. President, a similar resolution introduced with strong bipartisan support by the Honorable JOHN P. SAYLOR, has just passed the House of Representatives. I urge my Senate colleagues to act now and to join me in this plea for a recognition of our volunteer firemen by passing the Senate resolution which I am introducing today. This action is the least we can do to honor these brave men.

Mr. President, in the hope that others will cosponsor, I ask unanimous consent that the full text of my joint resolution be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 197) authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, introduced by Mr. SCOTT (for himself and Mr. SCHWEIKER), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 197

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 1631

Mr. MURPHY. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of S. 1631, to amend and supplement the Federal reclamation laws relating to the furnishing of water services to excess lands.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3238

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of my colleague from New York (Mr. GOODELL) be added as a cosponsor of S. 3238, to amend the National Foundation on the Arts and Humanities Act of 1965, as amended.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3484

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wyoming (Mr. MCGEE) be added as a cosponsor of S. 3484, the Marine Environment and Pollution and Control Act.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

S. 3507

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the senior Senator from Wisconsin (Mr. PROXMIRE) be added as a cosposor of S. 3507, the Detergent Pollution Control Act.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

S. 3562

Mr. HUGHES. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), and the Senator from Michigan (Mr. HART) be added as cosponsors of S. 3562, a bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependents.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

S. 3607

Mr. PEARSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Michigan (Mr. HART), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Vermont (Mr. PROUTY) be added as cosponsors of S. 3607, to create a Rural Community Development Bank to assist in rural community development by making financial, technical, and other assistants available for the establishment or expansion of commercial, industrial, and related private and public facilities and services and for other purposes.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

S. 3715

Mr. BROOKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Ohio (Mr. YOUNG), the Senator from Missouri (Mr. EAGLETON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), and the Senator from Michigan (Mr. HART) be added as cosponsors of S. 3715, the Flexible Fiscal Policy Act.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 63—SUBMISSION OF A CONCURRENT RESOLUTION TO EXPRESS THE SENSE OF THE CONGRESS THAT A WHITE HOUSE CONFERENCE ON INCREASED COMPETITION IN THE TRANSPORTATION INDUSTRIES BE CALLED BY THE PRESIDENT OF THE UNITED STATES IN 1971

Mr. TOWER. Mr. President, when Congress created the Interstate Commerce Commission back in 1887, no attempt was made to limit competition or confer monopolistic powers within the railroad industry. As times have changed and as new regulatory agencies have been created and the charters of others

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changed, Congress has on some occasions explicitly directed regulatory agencies to curtail competition in their industries. Congress' intentions varied with the times, politics and the state of concentration existing in an industry. As a scholar of regulation states it: "all of the agencies that were given authority to control entry have used it to restrict competition, even when the authority was given only to protect the public against entry by unethical businessmen and unsafe business practices. The curtailment of entry has become so commonplace that it almost is no longer questioned in Congress or in the Justice Department's antitrust division."

Of all the regulated industries, freedom of entry is more closely controlled in the transportation industries than in any of the others. It is easier to obtain permission to start a television or radio station—itself no easy matter—than it is to be granted an airline route franchise or to start a bus company. Even a presently existing common carrier, such as a railroad, can look forward to years of expensive litigation if it attempts modernization or innovation to improve its service. The Government has immersed itself to an unparalleled degree in pricing, in technological planning, in the allocation of resources and in the determination of the number of competitors within the various transportation industries.

The result has been a chaotic patchwork of laws, regulations, subsidies, and policies which lack all coordination, which have crippled whole industries, and which seem at times to be devised to work at cross purposes with each other and with our real transportation needs. This stifling atmosphere has had its effect on transportation progress.

It has been estimated that Americans as individuals and as businessmen spend over $100 billion on transportation and shipping annually. Transportation accounts for 20 cents out of every dollar spent by corporations and by consumers each year. The President's Council of Economic Advisers in 1966 estimated that ICC regulation of freight rates alone was costing the country more than $400 million extra each year. Other estimates have ranged as high as $1 billion. One naturally begins to wonder how much regulation of all modes of transportation is costing the Nation beyond legitimate costs.

We generally date Federal involvement in the Nation's transportation system from passage of the Interstate Commerce Act in 1887. In truth, we must reach even further in the past to 1817 when John C. Calhoun proposed to Congress:

> Let us bind the Republic together with a perfect system of roads and canals.

Congress soon responded with funds and lands, and the Federal Government, in the form of the Army Corps of Engineers, entered the transportation business. Today there are over 30 Federal offices, agencies, bureaus, and departments involved in the regulation and promotion of our various modes of transport and cargo hauling.

Author Louis M. Kohlmeier, Jr., the Pulitzer Prize-winning reporter for the Wall Street Journal, in his recently published book "The Regulators," commented on the lack of Federal coordination in this area:

> The fragmentation of transport policy is indeed a particularly sharp reflection of the pressures and compromises that always have been the hallmarks of the legislative process in Washington. Fragmentation feeds upon itself. Each new bureaucracy becomes its own best lobbyist. Each with the backing of an omnipresent corps of industry lobbyists lending moral and other appropriate support, promotes its own branch of transportation, while the public cost, both economic and social, goes up and up and up.

Mr. President, better coordination is certainly a necessary and laudable objective. However, the keystone of our policies must be competition. Whatever the particular historic context surrounding establishment of the various regulatory agencies involved in transportation regulation and promotion, the fact is that the various transportation industries, taken together, are now competitive with each other to the extent possible within the regulatory framework.

At the time of passage of the Interstate Commerce Act of 1887, train travel was the only feasible mode of long distance transportation between the various States. When the Civil Aeronautics Act was passed in 1938, the fledgling airline industry appeared as a David in need of help in slaying the Goliaths of the established transportation industries. The interstate highway system was pushed during New Deal days with the slogan: "to get the farmer out of the mud." All of these relationships are changed now. Latest available statistics tell us that as of 1968 there were over 83 million private passenger cars registered in the United States. Three hundred and fifty-two thousand buses, both publicly and privately owned, were available and competing to haul passengers within and between cities. Seventeen million trucks were available to haul goods throughout the Nation. Private autos accounted for 87 percent of intercity passenger travel. Domestic airways in 1968 accounted for just over 9 percent of passenger miles traveled. The railways, the behemoth and the villain of the early 20th century, were responsible for 1.12 percent of intercity passenger travel. Buses accounted for something over twice that figure.

As times have changed, governmental relationships with the transportation industry have failed to keep pace. We continue past policies of regulation and promotion. I am afraid that we have not acted in the best interests of the country and the industries concerned.

It has become quite obvious in the past decade, for instance, that high-speed urban and intercity mass transit is the only feasible answer to relieving the jam of auto traffic on our highways and city streets. The one industry which should have grown with the times and which could have answered this need gradually as it arose is the railroad industry. Yet eight decades of railroad regulation and competition with other federally favored modes of transportation has so decimated the industry that there is no technological expertise left to draw upon. When it was finally realized that urban and high-speed intercity mass transit possessed unique value, we had to begin to learn anew how to construct railroads. Engineers from the aerospace industry had to be recruited to design the prototype locomotive, and they had to travel to Japan to inspect the locomotives operating on the Tokyo to Osaka line to acquire the technological knowledge to design the Penn Central Metroliner for use in the Northeast Corridor.

In dealing with whole industries and wielding literally life-and-death power over them, the need for coordination between Federal regulatory agencies is crucial. It was once said about a certain European dictator that he had so centralized decisionmaking power in his own hands that the only mistakes he could make were gigantic ones. So it is with Government regulation. Take, for example, the fate of the New York, New Haven and Hartford Railroad. To quote from Mr. Kohlmeier's book mentioned earlier:

> The New Haven, once a rock-solid New England institution that sold at $200 a share, carried 86 million passengers in 1922. In 1957 it still carried 45 million and in that year New Haven freight trains ironically were weighted down with tons of supplies with which the Connecticut Turnpike was being built. The turnpike opened in 1958 and the New Haven's fate was sealed. The turnpike is but a few yards from the railroad right of way from New York City through much of Connecticut. New Haven's tracks quite literally went to rust. Its passengers dropped to 39 million the year the turnpike was opened, to 30 million in 1960 and in 1961 the New Haven went into bankruptcy despite an emergency infusion of more than $30 million of Federal loans that will never be repaid.

A similar situation arose between Chicago and Rockford, Ill. The CAB assigned the Chicago-Rockford route to Ozark Airlines. By 1957, an average of 80 passengers per day boarded Ozark planes at Rockford. When the Northwest Tollway was opened between Chicago and Rockford, Ozark had to curtail service by 50 percent. On an average day in September 1965, it is reported that only 22 passengers left Rockford on Ozark flights.

I cite these examples knowing that the case can be equally well made that the automobile offers greater convenience and that the building of interstate highways is simply an accommodation to progress and evidence of the automobile's popularity even for intercity travel. I agree with this and do not mean to question the value of our interstate highway system or detract from the achievement which it represents. My point is that each Federal agency is busy promoting its own particular industry without regard to the totality of our transportation setup. As popular and necessary as our interstate highway system is, there is no doubt also that it has contributed to the demise of the railroads. Now the benefits and value of this once-great asset are becoming particularly evident, and we are having to start anew to rebuild it.

Quoting Mr. Kohlmeier again:

> There is no reason to believe that the conflict between highway and airway policy will, in the long run, be resolved other than by more Federal highway construction and larger federal subsidies for airlines. Similarly, history offers no assurance that highway planning will be cut back because of the automobile's conflict with railroad trans-

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> portation or urban transit. To the contrary, the solution to these conflicts already is being charted: more federal subsidies for the railroad and for urban mass transit.

A free market is democracy extended to economics: Individual consumers are free to make their choices. There is price competition between those offering goods and services, but there are other means of competition, also. There is the choice of convenience, and competition on the basis of the quality of the good or service. When price competition is denied between competitors such as it is in the domestic airlines industry, then the race is on to provide benefits of other kinds. As Washington Post columnist Nicholas von Hoffman once commented:

> Judging from the ads, your average airplane passenger is a gluttonous, sex-crazed souse.

The fact that there is no price competition possible between domestic airlines because of rulings by the Civil Aeronautics Board has affected even the design of planes. For years the accent has been on speed rather than passenger capacity. Finally, because of military needs, the C–5A transport was built and is being adapted to commercial uses. The plane is capable of carrying more than four times the number of passengers carried by conventional jets. However, the International Air Transport Association has already indicated that it is "idle speculation" to hope for "tremendous fare reductions" on these planes.

Some measure of price competition has sprung up on international routes—particularly over the Atlantic. The supplemental air carrier industry, which entered the 1960's as a group of several hundred small airlines referred to as large irregular air carriers and which were recognized by Congress in 1968 with legislation permitting them to fly inclusive tour charters, has been flying affinity groups to Europe at prices substantially below the fares charged by the major commercial airlines. The international scheduled carriers—which, aside from U.S.-flag carriers, are almost all governmentally owned—have for years been setting standard fares through the International Air Transport Association. By our action in 1968, we recognized the right of the supplementals to compete on the basis of price, providing certain ground rules were observed.

Now the European Civil Aviation Conference has recommended that member countries refuse the supplementals landing and uplift rights based on their present low fare schedules. The United States has been advised that many European countries—perhaps all of them—intend to follow this recommendation. This would remove the supplementals' competitive advantage and would not only spell the death of the supplemental industry but also quiet the first hope of price competition within the airlines industry. I am personally hopeful that the administration will follow every possible diplomatic and administrative channel to secure landing and uplift rights for the supplementals in Europe and elsewhere at the rates which have been set previously and which have already been approved by the Civil Aeronautics Board. The rights of the supplementals to compete must be safeguarded, and this faint glimmer of competition must not be permitted to die.

The plight of the supplementals illustrates the need for federal agency coordination and for a coherent and coordinated transportation policy. In this case, even the State Department and the Department of Justice—along with the CAB and the Department of Transportation—are being called into action to implement national transportation policy.

In addition to the denial of price competition, Mr. President, I find it appalling also that Federal regulation in this modern day and age follows a policy of restricting and hindering entry of new competitors. To quote from Mr. Kohlmeier again:

> The airline industry is the most tightly closed and least competitive of all. About twenty domestic airlines were in business in 1938 when the Civil Aeronautics Board was created. They received "grandfather" franchises from the Board. Since 1938 no new company has been licensed to engage in scheduled, domestic trunk-line service. The number of trunk lines has since declined . . . to fewer than a dozen. The CAB has authorized direct-route competition among no more than three airlines and it has sanctioned this limited amount of competition only on the nation's most heavily traveled routes. Following World War II the Board did begin to license and subsidize thirteen local service airlines to serve smaller cities. But it carefully avoided any substantial amount of route competition among local service lines or between the local lines and the trunk lines.

I ask my colleagues to remember that this situation obtained during one of the greatest boom times any industry has ever known.

Rather than protecting established industries from new competitors, we must follow a policy of freedom of entry for all comers; rather than continuing rigid and inflexible rate structures, we must allow price competition between carriers and between industries; instead of helter-skelter, agency-by-agency regulation and promotion, there must be coordination. Finally, we must be sufficiently prepared to recognize market needs to allow mergers and combinations between carriers as one solution to the persistent problem of under-capitalization, particularly in the airlines industry. None of the above suggestions are workable in an atmosphere of subsidization, promotion and heavy-handed regulation.

For instance, there could be no question of freedom of entry by new competitors when Government subsidies are the rule. Such an open-ended situation would be an invitation to anyone who wanted to come feed at the Federal trough.

Mr. President, my remarks today have been a preface to the concurrent resolution which I now submit, expressing the sense of Congress that a White House Conference on increased competition in the transportation industries should be called by the President in 1971.

The question of how best to achieve greater competition is a complex one. If corporate self-reliance and greater competition are to be the future policies, then a great deal of public examination and planning is necessary. This would be a definite shift from the past.

Our transportation policies for eight decades can be summed up in two words: Regulation and promotion. Times have changed. If we are to plan for the future, then we must recognize the viability of the free market. I recommend that our transportation policy of the future be competition. Progress is possible only when men are free to experiment and to dare.

Centralized planning is built upon a straight line projection of present trends. Innovation and progress cannot be planned for; perhaps that is history's most important lesson—that achievement and advancement spring from the least expected places.

There are some who would argue the cause of a particular economic group. Some would value consumers above producers. Others would give advantages to producers over the rest of humanity. There is a similar tendency among central planners to favor one industry over another. All make the same error in their moral failure to recognize the legitimate rights of all men. Society does not progress and civilizations do not flourish when they are strait-jacketed. If we enforce a rigidity in our business relationships and petrify our economic institutions, we do so at our own expense. When change is beneficial, we call it progress. But I doubt if we are sufficiently aware of its antecedents. If our Nation is to continue to flourish, then we must accommodate change and encourage progress.

We must fashion our own future, not in the sense of creating more laws and bureaus to administer them, but by recognizing the individual nature of human progress and making the world free for innovators.

I thank the Senate for its attention and close my remarks with a quote from "Landmarks of Tomorrow," a work by Peter Drucker:

> But innovation is more than a new method. It is a new view of the universe; as one of risk rather than of chance or of certainty. It is a new view of man's role in the universe; he creates order by taking risks. And this means that innovation, rather than being an assertion of human power, is an acceptance of human responsibility.

The PRESIDING OFFICER (Mr. COOK). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 63) was referred to the Committee on Commerce, as follows:

S. CON. RES. 63

Whereas our Nation's transportation industries continue to be governed in the regulatory pattern first set 83 years ago by the establishment of the Interstate Commerce Commission, prior to the advent of the airplane, prior to the full development of waterborne commerce, and prior to the development of significant automobile, bus, and truck transportation;

Whereas our national regulatory policies often effectively discourage intra-industry competition and the entry of new competitors in the fields of cargo transport and passenger conveyance;

Whereas regulatory administration has failed in a number of citable instances not only to promote, but simply to recognize and consent to technological innovations and improvements devised by the various regulated carriers;

Whereas regulation has resulted in rigid rate structures, and price competition is virtually forbidden between specific regulated carriers as well as discouraged between the various modes of transport;

Whereas the national transportation policy lacks both coordination and definition, and responsibility is spread over more than thirty Federal offices;

Whereas it is now evident that reliance on Federal regulation has adversely affected the interests of passengers, manufacturers, shippers, wholesalers, retailers, and all others dependent upon interstate transportation, as well as potential competitors of the industry and the transportation itself; and

Whereas our Nation's transportation needs would be better served by a policy of increased competition between the various modes of transportation with decreased reliance on the panacea of independent regulation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should (1) call a White House conference in 1971 to promote greater competition in transportation industries by developing and recommending national policies which will recognize and encourage the competition which presently exists in these industries, will enable potential new competitors to realize their roles in transportation, and will result in more efficient use of resources in the free market, benefiting all sections of the economy, and (2) designate the Secretary of Transportation to plan and conduct such conference with the assistance and participation of the chairmen of the various regulatory agencies associated with transportation, as well as other appropriate government personnel, representatives of the industries involved, special interest groups and consumer group representatives.

SENATE CONCURRENT RESOLUTION 64—SUBMISSION OF A CONCURRENT RESOLUTION TO TERMINATE CERTAIN JOINT RESOLUTIONS AUTHORIZING THE USE OF THE ARMED FORCES OF THE UNITED STATES IN CERTAIN AREAS OUTSIDE THE UNITED STATES

Mr. MATHIAS (for himself, Mr. MANSFIELD, Mr. JAVITS, and Mr. PELL), submitted the following concurrent resolution (S. Con. Res. 64); which was referred to the Committee on Foreign Relations:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That (a) under the authority of section 6 of the joint resolution entitled "Joint resolution to promote peace and stability in the Middle East", approved March 9, 1957 (71 Stat. 5; Public Law 85–7), as amended, such joint resolution is terminated effective upon the day that the second session of the Ninety-first Congress is adjourned.

(b) Under the authority of section 3 of the joint resolution entitled "Joint resolution to promote the maintenance of international peace and security in southeast Asia", approved August 10, 1964 (78 Stat. 384; Public Law 88–408), such joint resolution is terminated effective upon the day that the second session of the Ninety-first Congress is adjourned.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION—DELETION OF NAME OF A SENATOR

SENATE CONCURRENT RESOLUTION 62

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Kentucky (Mr. COOPER), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Vermont (Mr. PROUTY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maine (Mrs. SMITH), and the Senator from Missouri (Mr. SYMINGTON) be added as cosponsors of Senate Concurrent Resolution 62.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. DOLE. Mr. President, the name of the Senator from Louisiana (Mr. LONG) was erroneously listed as a cosponsor on the first printing of the concurrent resolution. I ask unanimous consent that his name be stricken at the next printing.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

SENATE RESOLUTION 400—SUBMISSION OF A RESOLUTION TO REFER S. 3779 TO THE CHIEF COMMISSIONER OF THE U.S. COURT OF CLAIMS FOR A REPORT THEREON

Mr. SPARKMAN (for himself and Mr. SPONG), submitted the following resolution (S. Res. 400); which was referred to the Committee on the Judiciary, as follows:

S. RES. 400

Resloved, That the bill (S. 3779) entitled "A bill for the relief of Concrete Industries (Monier), Limited", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of section 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimants.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 30

Mr. BROOKE. Mr. President, at the request of the Senator from Vermont (Mr. PROUTY), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of Senate Resolution 30, to amend the Standing Rules of the Senate relative to the Select Committee on Small Business.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

SENATE RESOLUTION 383

Mr. KENNEDY. Mr. President, at the request of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that, at the next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of Senate Resolution 383, to express the sense of the Senate for an Indochina conference.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

Mr. PEARSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. SAXBE) be added as a cosponsor of Senate Resolution 383, to express the sense of the Senate for an Indochina conference.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he presented to the President of the United States the following enrolled bills:

On April 27, 1970:

S. 2306. An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; and

S. 3253. An act to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building".

On April 30, 1970:

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely; and

S. 3544. An act to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

FAMILY ASSISTANCE PLAN—AMENDMENTS

AMENDMENT NO. 600

Mr. SAXBE. Mr. President, in January I submitted an amendment, No. 467, to S. 2986, the Family Assistance Act of 1969. The amendment increases the guarantee-to-the-elderly provision of the bill from $90 to $155 a month for those age 72 and over. The family assistance bill, having recently passed the House, is now pending before Senate Finance Committee, and hearings are scheduled to begin this week.

Today, I am submitting an amendment to H.R. 16311, in the nature of a substitute to my amendment No. 467. This substitute amendment is identical to the original, with one additional feature. It links the guarantee provision to the elderly, blind, and disabled to the national cost-of-living index and the State cost-of-living schedules.

I am pleased to have the following distinguished Senators join me as cosponsors of this amendment: Senators BROOKE, GRAVEL, HATFIELD, METCALF, YARBOROUGH, and YOUNG of Ohio.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD and be referred to the Committee on Finance.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 600) was referred to the Committee on Finance, as follows:

AMENDMENT No. 600

On page 70, immediately after the word "month" on line 22, strike out the semicolon and insert in lieu thereof ", in the case of an individual who has not attained age 72, and $155 per month, in the case of an individual who has attained age 72, adjusted semi-annually to the national cost of living index and state cost of living schedules."

On page 73, line 9, strike out the period and insert in lieu thereof "; plus".

On page 73, between lines 9 and 10, insert the following:

"(4) in the case of amounts expended as such aid for individuals who have attained age 72, 100 per centum of so much of such expenditures as exceeds $90 per month multiplied by the total number of recipients of such aid who have attained such age."

AMENDMENTS NOS. 601 AND 602

Mr. TOWER. Mr. President, I support the basic principles of H.R. 16311, the family assistance plan which passed the House of Representatives on April 16. This bill is basically identical to the bill which President Nixon sent down to the Congress last August.

The strength of this legislation is in its work incentive features. By giving people an incentive to work, the family assistance program represents an attempt to stymie, if not altogether remove, the welfare dependency cycle from our society.

It is because I believe that the success or failure of this proposal rests with this work incentive concept that I am today introducing two amendments which will strengthen this most important aspect of this legislation.

My first amendment would remove the payment of food stamps from the excludable income category for determining eligibility for the family assistance program. This amendment would delete the words, "food stamps," from its present position in section 443(b), subpart (5) of the House-passed bill and insert the phrase, "or food stamps," directly after "veterans pensions" in the same subpart of the bill.

I strongly believe that the Senate should take this action. All of the other sources of excludable income relate to exclusion for the sake of providing incentives. The payment of food stamps as an excludable source of income goes against the work incentive principle, since it raises income without a comparable work requirement feature. The Ways and Means Committee in its report on this bill made the following statement in reference to the possibility that the payment of food stamps might affect the amount of the family assistance payment:

> Your committee believes that any other policy would tend to have a circular effect and would render the food stamps or other assistance largely meaningless.

Mr. President, I trust we are not at the point where it would seem inconceivable to consider a Government program meaningless. The family assistance program itself attests to the fact that the aid to families with dependent children program is none other than an absurd and meaningless program.

Along related lines, both the Secretary of Agriculture and the Secretary of Health, Education, and Welfare are in favor of substituting cash assistance for food stamps. In addition, Prof. Milton Friedman, who is given credit for devising the negative income tax proposal, which is somewhat similar to the family assistance program, has raised objections to a welfare proposal which gives assistance in both cash and food stamps.

My amendment is not intended to make food stamps unavailable to those who are in serious need of them. Its intent is only to make the bill as consistent as possible with the work incentive principle. Food stamps will still be available under its own program; however, there is no logical reason for excluding the income derived from their receipt in computing payments under the family assistance program.

My second amendment also deals with the strengthening of the work incentive feature. Under the House passed bill, the first two members of a family are entitled to $500 each per year. If one of the adult members of the family refuses to register for employment or for a job-training program, then he is no longer eligible for assistance. However, the next eligible member of the family will be entitled to the $500. Therefore, in most cases one of the children will inherit the $500 that his parent forfeited by not registering. I believe that the bill should be amended so that the next eligible person in the family would receive $300; that is, the same amount he would be entitled to if the father had registered.

In essence, if this amendment became part of the bill, the family assistance plan payment would be reduced by $500 instead of $300 if a parent refused employment. I see no incentive in granting the next eligible member of the family the same amount that another family member would have received had the latter registered for employment or training. My amendment would increase the incentive for each eligible family member to register for employment or training, since failure to do so would result in actual financial loss to the family as a whole.

As I stated in the beginning of my remarks, I support the main principle behind this legislation. These two amendments are only intended to strengthen the incentive features of the family assistance program. I urge my colleagues, particularly those in the Senate Finance Committee who are holding hearings on this bill, to give these proposals their most careful consideration.

The PRESIDING OFFICER (Mr. GRAVEL). The amendments will be received and printed, and will be appropriately referred.

The amendments (Nos. 601 and 602) were referred to the Committee on Finance.

AUTHORIZATION OF APPROPRIATIONS FOR THE CIVIL RIGHTS COMMISSION—AMENDMENT

AMENDMENT NO. 603

Mr. McCLELLAN submitted an amendment to be proposed by him, to the bill (S. 2455) to authorize appropriations for the Civil Rights Commission, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

(The remarks of Mr. MCCLELLAN when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT OF FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 604

Mr. GOODELL (for himself, Mr. McGOVERN, and Mr. YOUNG of Ohio) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was referred to the Committee on Foreign Relations and ordered to be printed.

(The remarks of Mr. GOODELL when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

MILITARY PROCUREMENT AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 605

Mr. McGOVERN (for himself and Mr. HATFIELD) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123), the Military Procurement Authorization Act, which was referred to the Committee on Armed Services and ordered to be printed.

(The remarks of Mr. MCGOVERN when he submitted the amendment, appear earlier in the RECORD under the appropriate heading.)

RAIL PASSENGER SERVICE ACT OF 1970—AMENDMENT

AMENDMENT NO. 606

Mr. PELL (for himself and Mr. KENNEDY) submitted an amendment, in the nature of a substitute) to the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. PELL when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

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AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—AMENDMENT

AMENDMENT NO. 607

Mr. MONDALE. Mr. President, the Senate version of the National Aeronautics and Space Administration authorization bill, which will soon reach the Senate floor, contains $110 million for design and definition of the space shuttle/station. I am submitting an amendment to this bill to eliminate these funds by reducing the line item "Space Flight Operations" from $515,200,000 to $405,200,000.

There are two basic aspects of this space shuttle/station project. The first is to develop a chemically fueled two-stage reusable shuttle, which will operate between the surface of the earth and low earth orbit. The second is to develop a space station module as a permanent structure in orbit designed initially for the support of 6 to 12 occupants; ultimately, NASA hopes to erect a space base by joining together these space station modules, and this base will be capable of supporting between 50 and 100 men in earth orbit.

The $110 million proposed for this project in the Senate bill—and the $190 million already approved by the House—is for preliminary design of both the shuttle and the station. This hardware development phase thus constitutes the first major step toward the development of the shuttle and station. Indeed, the fiscal year 1971 NASA authorization makes the emergence of the space shuttle/station as a clearly defined project for congressional approval.

In leading the fight against the space shuttle station in the House, Congressman Joseph Karth of Minnesota—chairman of the Subcommittee on Space Science and Applications and a strong supporter of our space program—pointed out that the decision to approve or disapprove this project constitutes a crucial turning point in the U.S. space program. For the space shuttle station is the beginning of a new phase of the manned space program, a phase much larger in scope than the Apollo moon-landing program.

The significance of this project for the future of the space program is best described in the report of House Committee on Science and Astronautics justifying the project.

The report states:

> During the last half of this decade, *this country will commence a new epoch in manned space flight*. In the short age of manned flight, man's journeys into space have been both brief and intermittent, focused on exploring this new region and testing his ability to survive. The space shuttle and space station will further transform this history.
>
> To introduce this new epoch, when man will truly exploit the environment of space, this country must develop an economical system for ferrying men and materials to and from earth orbit. Without such a system, the performance of space tasks could become disproportionately expensive. (Emphasis added.)

The basic issue before us, then, is whether or not we are ready and willing to fund a new epoch in manned space flight. I do not believe that a majority of our citizens are willing to support a massive new effort in space at this time. Furthermore, I do not believe that there is sufficient justification for proceeding with the development of the space shuttle station in fiscal year 1971.

Such justification is imperative in light of the high cost of this project. The $110 million recommended by the Senate committee—and the $190 million approved by the House—may not seem to be a great deal of money to a nation long accustomed to multi-billion-dollar military and space programs. But this money is only a small part of the project's ultimate cost.

NASA's preliminary cost estimates for development of the space shuttle/station total almost $14 billion. However, according to Congressman Karth, NASA officials readily concede that these preliminary estimates are unreliable. Indeed, as Congressman Karth notes, preliminary cost estimates in the space field are uniformly low, often only a fraction of ultimate cost. It is quite likely, therefore, that the ultimate cost of this project will greatly exceed $14 billion.

For this reason alone, I believe it would be unconscionable to embark on a project of such staggering cost when many of our citizens are malnourished, when our rivers and lakes are polluted, and when our cities and rural areas are decaying.

NASA attempts to minimize this enormous cost by arguing that the space shuttle could reduce the cost per pound of payload in orbit by a factor of 10. According to a House supporter of this project:

> Instead of paying between $500 and $1,500 a pound to get an object in space, we will hopefully be paying less than $50 a pound by use of this Space Shuttle.

But this reasoning overlooks the facts that it will cost billions of dollars to develop the space shuttle. Once developed, it has been estimated that the shuttle will cost hundreds of millions to procure, whereas the launch vehicles to be replaced by the space shuttle—Delta Titan—cost from $3.5 million to $20 million for each vehicle. Given these extremely high development and procurement costs, the alleged "savings" by the use of this shuttle will occur only if the scope of U.S. space activities is greatly expanded in future years.

Thus, NASA officials have testified that they anticipate a minimum of 30 flights per year by NASA and an equivalent number in support of DOD programs.

But as Congressman Karth observed:

> During the entire decade of the sixties, NASA exceeded 30 launches per year only once—36 in 1966—including Scouts and Saturn V's which are not to be replaced by the space shuttle. Assuming the space shuttle's payload capacity (of placing 50,000 pounds in orbit) would be fully utilized on each of the projected 60 yearly flights, this adds up to 3 million pounds of payload launched into orbit each year.
>
> How do 3 million pounds of payload in orbit compare with the space program of the past? In terms of cumulative payload launched, 1969 was NASA's biggest year with 442,358 pounds, over 97 percent of which was attributed to the four Apollo flights.

Thus, the defenders of this project must anticipate a significant expansion of our manned space flight program. Congressman Karth notes that the NASA budget—which has declined annually since 1965—must increase dramatically during the next few years to support this project if the space shuttle is to fly by 1977; and their budget would have to increase even more after the shuttle becomes operational in order to support the kind of ambitious program it is designed to serve.

Like Congressman Karth, I question whether the United States can afford such an ambitious space program and whether the American taxpayer would be willing to support it. Rather than testing the taxpayer's endurance, we should follow the course recommended by seven members of the House Committee on Science and Astronautics—that is, cost effectiveness—studies should be conducted comparing the operation of the space shuttle with the continued use of existing expendable launch vehicles before sizable amounts of money are applied to the shuttle development project.

Aside from the potential cost of both the shuttle and station, there are other reasons for opposing this project.

To begin with, the feasibility of a space shuttle/station has not been demonstrated. NASA acknowledges that design and development of the space shuttle represents a new and formidable technical challenge, which will require maximum innovation on the part of the aerospace industry. Congressman Karth pointed out that before the space shuttle can become a reality, many difficult technological advances must occur in such areas as configuration and aerodynamics, heat protection, guidance and control, and propulsion. As a result of these technical complexities, a recent issue of Aviation Week and Space Technology notes that—

> There has developed within NASA a schism in approach to design—in size, configuration and operational requirements.

The argument that these technological problems should be resolved prior to design and development of the space shuttle/station is a persuasive one.

There is another reason for questioning the development of this project in fiscal year 1971. At this point, we simply do not know the feasibility of long-term manned operations in a space environment. Yet, the development of the space station is based on the assumption that man will be able to function effectively in such an environment for long periods of time.

The Apollo applications missions, which will begin in 1972, constitute an effort to determine man's effectiveness in space. Under this program, a Saturn workshop—or "Sky Lab"—will be placed into earth orbit, and each of three manned missions will rendezvous and dock with the workshop. The first of these missions will last for 28 days, and

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the second and third will each last for 56 days. According to the report of the House committee, these missions "are a prelude to the operation of a space station and space shuttle" and their "greatest importance will be to demonstrate during long duration manned flights the interassociation of man and his experiments."

In short, until this experiment with a small orbiting station is completed in 1973, we will not know whether or not man will be able to use the shuttle/station. If the Sky Lab missions demonstrate that man cannot operate effectively in space for long periods of time, then the enormous funds allocated for development of the space shuttle/station will have been wasted. As one Congressman noted, it is strange, indeed, to authorize development of a giant space station before we have even flown the small one which is supposed to test the concept of space station flight.

It should be emphasized at this point that the decision to delete funds for development of a space shuttle/station will not kill the project. NASA officials have testified that approximately $80 million will be spent during fiscal year 1971 in direct support of this project by NASA's Office of Advance Research and Technology. This research is aimed at solving the difficult technical problems presented by the space shuttle/station.

Before undertaking the development of this project, we should first determine whether OART can resolve some of these technical difficulties. In addition, we should also know the results of the Sky Lab missions.

Because of these problems of feasibility and because of the ultimate cost of this project, there is little justification for proceeding with the development of the space shuttle/station in this fiscal year. But there is a more basic reason for opposing this authorization.

As Congressman KARTH argued during the House debate on this issue, there is every reason to believe that NASA proposes to embark this year upon a new space program based upon new hardware almost entirely in support of manned missions, with a manned Mars landing as the ultimate objective. The space shuttle/station is the first step toward this objective.

According to Mr. KARTH, without the space shuttle and without the 100-man space station to assemble the various spacecraft and other paraphernalia to get men to Mars, no Mars program is possible. NASA has testified that as soon as the space shuttle and space station have been developed, it plans to spend for a manned Mars exploration program $100 million in fiscal 1977, $300 million in fiscal year 1978, and $1 billion in fiscal year 1979.

If this is so, approval of a space shuttle/station will be the initial phase of a program with an estimated cost of $50 to $100 billion over the next 15 years. Thus, while we have yet to establish a national policy calling for a manned landing on Mars, we may well be backing into such a policy by authorizing funds for a space shuttle/station.

Proponents of this project strongly deny that this is the case. But they do concede that the space shuttle/station is the basis of a "new epoch in manned space flight."

Even if this project is not intimately related to manned exploration of Mars it is clearly the beginning of a new and expanded manned space program. Thus, the decision to develop a space shuttle/station must be considered as congressional approval of this "new epoch in manned space flight."

If we grant such approval without careful and deliberate debate, we will have missed a golden opportunity to reassess the entire space program. For there are many persons, both defenders and critics of the space program, who argue that this program must achieve a better balance between manned and unmanned flights.

For example, in remarks before the House Committee on Science and Astronautics, the emininent space scientist, Dr. James A. Van Allen, stated:

> If, on a purely pragmatic basis, one or more men in the spacecraft is the cost effective technique for conducting any one of these missions, let it be done in that mode.
>
> But if, as I anticipate, this is not the case, let us *not* grieve nor devote ourselves to the invention of specious and inane reasons to the contrary. Rather let us get on with our . . . objectives in the most sensible and rational framework that we can devise.

Brian O'Leary, a former scientist-astronaut and now an astronomy professor at Cornell, recently wrote that:

> We should encourage science looking for a mission rather than a mission looking for science; we should ask how we can best perform a mission manned or unmanned, not what we can do with the man.
>
> In these times of conflicting, uncertain goals both inside and outside NASA, I think the unmanned planetary program provides a good example of what can be done. The Mariner 6 and 7 flyby missions gave us remarkable pictures and valuable scientific information, yet each cost less than 15 percent of the price of sending two test pilots to the moon.

And, finally, Max Born, a distinguished physicist and Nobel Prize winner, has commented that the manned space program was a "triumph of intellect but a failure of reason." To him, the manned missions are senseless, because their cost so far outweighs their scientific value and the money is so badly needed elsewhere.

Perhaps these authorities are wrong and perhaps there is great value to continuing and expanding the manned space program. Even so, a serious question would remain as to whether manned space exploration was worth its enormous cost. But before Congress can come to grips with the question of priorities, we should first attempt to make a judgment about what should be the proper future direction of the U.S. space program.

I agree with Congressman KARTH's assertion that this year's NASA authorization bill—and particularly the issue of whether to develop a space shuttle/station—presents Congress with an unusual opportunity to participate in shaping the basic policies of the U.S. space program for the next decade. We can seize this opportunity by eliminating the funds proposed for the space shuttle/station.

Deferring this project will not put an end to space exploration. The United States can have a meaningful and worthwhile space program in the next decade based upon existing technology and equipment.

But since the space shuttle/station requires the development of new technology and new equipment, it is the beginning of a manned space program much larger in scope than the Apollo moon landing program. It comes at a time of growing doubt in the scientific community about the value of future manned space flights, and at a time of even greater doubt about a manned flight to Mars.

Yet, there has been virtually no national debate as to whether our Government should undertake such a program. The purpose of my amendment is to start that debate in the Senate just as it was started in the House by Congressman KARTH.

I am convinced that if the American people understand the full implications of this space shuttle/station, they will decide that it is not in our national interest to proceed with the program at this time.

For in the end, it comes down to a question of priorities. It is interesting to note that the House committee report, in describing the space station, stated that its "living quarters will be attractive and comfortable." At a time when millions of Americans are living in substandard and rat-infested dwellings which are not "attractive and comfortable," it seems senseless to spend billions of dollars erecting decent housing hundreds of miles from earth.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. COOK). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 607) was referred to the Committee on Aeronautical and Space Sciences, as follows:

> On page 1, line 8, insert the following: Strike "$515,200,000" and insert in lieu thereof "$405,200,000."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 582

Mr. McGOVERN. Mr. President, I am pleased to announce that Senators PERCY and HATFIELD have requested that their names be added to the list of 41 other Senators who are cosponsoring my amendment to create a simplified food stamp distribution system. Senator PERCY has been one of the hardest working, most effective members of my Select Committee on Nutrition. Senator HATFIELD was an early supporter of the landmark food stamp legislation passed by the Senate last fall. Their action demonstrates once again that partisanship has no place where hunger is concerned. I ask unanimous consent that Senators HAT-

FIELD and PERCY be added as cosponsors of amendment No. 582 to H.R. 16311.

I also ask unanimous consent that the name of a 44th Senator, one of the most respected Members of this body, Senator CLINTON ANDERSON, be added to the list of those cosponoring the simplified food stamp distribution system.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I believe that 1970 can, and must be the year in which hunger is finally eradicated from our land. There is simply no excuse for permitting people to go hungry for even another day. We have studied, we have exposed, we have held lengthy hearings into innumerable specific proposals. Now we must act. My food stamp amendment, in combination with the kind of modest, carefully drawn, forward looking proposals set forth by Senator RIBICOFF, will make President Nixon's family assistance plan the vehicle for the elimination of hunger and the launching of an effective drive against the larger problem of poverty. I urge the Senate to act quickly and affirmatively on these amendments.

NOTICE OF HEARING ON NOMINATION OF MARTIN G. CASTILLO

Mr. McCLELLAN. Mr. President, on behalf of the Committee on Government Operations, I desire to give notice that a public hearing has been scheduled for Monday, May 4, 1970, at 10 a.m. in room 3302, New Senate Office Building, on the nomination of Martin G. Castillo to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

Persons interested in testifying on this nomination should contact the committee staff on extension 4751.

NOTICE OF HEARINGS ON PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BAYH. Mr. President, I am pleased to announce that the Subcommittee on Constitutional Amendments will be holding 3 days of hearings on Senate Joint Resolution 61, the "Equal Rights" amendment. The hearings will be held May 5, 6, and 7, beginning at 9:30 a.m., in room 318, Old Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

THE CHESAPEAKE AND OHIO CANAL

Mr. MATHIAS. Mr. President, last Saturday, April 25, the Chesapeake and Ohio Canal Association held its annual reunion hike along the historic C. & O. Canal. This year's hike, between Seneca and Glen Echo, in Montgomery County, attracted several hundred people of all ages. Led for the 17th time in as many years by Supreme Court Justice William O. Douglas, the association's members and friends hiked 16 miles along one of the beautiful stretches of the canal to dramatize again both the great assets of this property and the need to realize its full recreational potential.

I have long believed that the 185-mile canal should be elevated to the status of a national historical park, that its unique engineering features should be restored, and that its acreage should be enlarged to permit the development of more recreational facilities; such as, picnic areas, campgrounds, and boat ramps. Such action would serve the immediate recreational needs of metropolitan Washington and the upper Potomac Basin. It would also serve as the first step in the long-range conservation and enhancement of the scenic, historic, and recreational values of the Potomac River.

The C. & O. Canal Association has worked toward these goals for more than 15 years, and I am very much pleased that last week the association formally endorsed my bill, S. 1859, now pending before the Committee on Interior and Insular Affairs. I feel that this legislation is attainable now. It is practical now. It is needed right now.

In an interesting article published in the Washington Evening Star of April 28, Mr. George Huber reported on the hike and summarized the resources of that one stretch of the C. & O. Canal. I invite the attention of Senators, the Department of the Interior, and the public to the article and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANNUAL RITES OF SPRING—HIKERS WANT C&O CANAL PRESERVED

(By George Huber)

People who don't know what it's all about wonder why 500 or so people turn out each spring for a day's hike along the C&O Canal with Justice William O. Douglas.

What it is is a one-day dramatization of a desire to assure preservation of this 185-mile stretch of land as a national historical park.

That the old canal is a great recreation facility, or more accurately has great recreation potential, goes almost without saying. It is within easy reach of a dozen metropolitan areas and of millions of people for hiking, fishing, boating, bicycling, canoeing, camping, bird watching, etc.

It comes as a surprise that the government doesn't have great plans to restore and improve this facility. There are individuals within the government who nurture such plans and hopes, but for things to go forward it will take an act of Congress making the canal a national historical park.

Much of the old canal is government owned, as a national historical monument, made so by an executive order by President Dwight Eisenhower. But there are large technical differences between a national monument and a national park, and a park established by act of Congress has a greater status of permanency and funding.

SHOWPLACE NEAR WASHINGTON

People who see only the showplace stretch of the canal just above Washington don't know that much of the rest is in ruins, hardly discernable in many places, unkempt and neglected, and some in private ownership. Part of this showplace stretch was the scene of last Saturday's annual Justice Douglas hike, the 17th he has led. Earlier hikes were further up the canal, drawing attention to some of the poorer canal stretches.

These hikes started in 1954, the first a week-long affair covering the entire 185 miles from Cumberland to Washington. It was proposed then to build a highway along the old canal bed. The hike led by Justice Douglas drew national attention to this plan, and effectively killed it.

GREAT DAY FOR HIKE

The men who were on that hike formed the C&O Canal Association, and planned a one-day reunion hike every spring thereafter. Others have joined in, everyone who shows up is welcome, and now great hordes come out on the last Saturday in April.

Last Saturday's hike was 16 miles, from Seneca to Glen Echo, and best estimates are that around 500 persons started. They had a perfect day for it, best yet of the spring.

There were all kinds in the crowd, including some celebrity watchers who just wanted to see and be seen. The great majority were sincere lovers of the outdoors, however, who want the canal preserved.

There were packs of Cub Scouts and groups of kids even younger. Boy Scouts were there, and Girl Scouts, the Campfire Girls too, Youth Hostels, Canoe Cruisers Association, Potomac Appalachian Trail Club, other groups and many individuals, also whole families including babies carried along in back packs.

The stretch they covered is beautiful and historic, certainly worth preserving, but this can be said of the entire canal.

A point of interest is Seneca Aqueduct, a sandstone structure carrying the canal across Seneca Creek. An unusual thing about this aqueduct is that it also is a canal lock.

Just below, in the Potomac River, is the old Seneca Rock Dam, a rip-rap structure that must have been an engineering feat in its day. It was built to divert river water into the canal, and although in ruins now still backs up enough water for the four-mile long Seneca Lake.

A mile after their start the hikers came to the Blockhouse Point cliffs towering over the canal. These got their name from a fort built there to guard the river during the Civil War.

SEWER CONSTRUCTION

A part of these cliffs tumbled into the canal during blasting for sewer construction two years ago.

Another effect of this sewer construction, and one of the many things that show how tenuous wildlife is along the canal, is evident at the Dierson Waterfowl Sanctuary not far below the cliffs. Here red-headed woodpeckers frequently were seen, but they left during the sewer work and haven't returned.

At Pennyfield Lock the hikers had a view of a Potomac River stretch where President Grover Cleveland loved to fish, and of the house he stayed in there.

Hikers especially were cheered by the great river panorama at River Bend, where not too many years ago a dam was planned. This scheme seems to have died.

And so, it went for the whole 16 miles, hardly a step that wasn't of scenic and historic value.

THE CHAPLAIN IS NEAR TO COMFORT AND CHEER

Mr. RANDOLPH. Mr. President, I wish to be among those expressilng gratitude for the years of service, guidance, and leadership of Dr. Edward L. R. Elson, our Senate Chaplain. He has devoted his life to the cause of serving God and humanity. Dr. Elson gives a humanitarian service to all who come for refreshment of the spirit. He is near to comfort and cheer.

Dr. Elson on Monday celebrated his 40th year as a minister, having been ordained by the Presbytery of Los Angeles on April 27, 1930. He was the assistant minister at the First Presbyterian

Church in Santa Monica and minister at La Jolla, Calif. In 1946, he accepted a call from the National Presbyterian Church in Washington. Here he has had a tremendous influence on the lives of thousands of citizens.

Dr. Elson was elected Chaplain of the U.S. Senate on January 9, 1969, and in this capacity he has been a source of inspiration to many of us in this Chamber. He is a truly dedicated servant.

The Chaplain is an individual who must be prepared to offer advice, inspiration, thanks, or solace. His constituency extends beyond the Hill. He is, in effect, a Chaplain to the Nation, and is a symbol of this Nation's commitment to the principles of divine guidance.

The position of the Senate Chaplain is, at the same time, an expression and firm commitment of this Nation to the separation of church and state. He serves the Government, but he is not a part of it; he does not influence decisions of state and is not the Government's advocate in party or policy.

To all of these responsibilities, Dr. Elson brings a faith in mankind and in the Government of the United States as well as a spirit of compassion and love. In his ministry, he is sustained and strengthened by a gracious wife, Helen.

SENATOR HIRAM L. FONG SELECTED FOR HORATIO ALGER AWARD

Mr. BOGGS. Mr. President, it is a distinct pleasure for me to call attention to a high honor conferred on the distinguished senior Senator from Hawaii (Mr. Fong).

On April 20 an announcement was made in New York that Senator Fong has been named a recipient of the Horatio Alger Award—one of 10 prominent Americans cited for having achieved out standing success in their chosen fields despite humble beginnings.

On May 6, at the Waldorf Astoria Hotel in New York, bronze award plaques will be presented to Senator Fong and other recipients by Dr. Norman Vincent Peale in behalf of the Horatio Alger Awards Committee of the American Schools and Colleges Association.

The name of the award is taken from the "rags-to-riches" novels written by Horatio Alger, in which the youthful heroes overcame handicaps and poverty to win fame and fortune through hard work, honesty, and determination.

Winners of the award are selected annually by ballots distributed to 500 colleges and universities throughout the United States.

Prominent among the 174 previous recipients of the Horatio Alger Award, established in 1947, were such notables as former Presidents Dwight D. Eisenhower and Herbert Hoover; Eddie Rickenbacker, Gen. David Sarnoff, Conrad Hilton, J. C. Penney, Dr. Ralph Bunche, and Bernard M. Baruch.

Mr. President, I can think of no one whose life fits the Horatio Alger tradition more inspiringly than that of our very good friend and colleague from the 50th State.

Senator Fong was born in Honolulu, the seventh of 11 children of poor immigrants from China. At the age of 4 he picked mesquite beans to sell as cattle feed. Later, he shined shoes, sold newspapers, caddied, and caught and sold fish and crabs.

To help the large Fong family, he held as many as four part-time jobs simultaneously while going through college. Yet he graduated in 3 years with honors from the University of Hawaii. He had to interrupt his schooling twice to work full time; 3 years between high school and college, 2 years between college and law school. With meager savings and borrowed money, he earned his law degree at Harvard.

He served as a House member of the Hawaii Legislature for 14 years, six of them as speaker.

He founded a multiracial law firm and is founder, president, and chairman of the board of seven corporations in life insurance, financing, real estate, construction, and investments, with total assets of more than $80 million today.

In 1959 he was elected, and in 1964 reelected, to the U.S. Senate. Senator Fong's life is the subject of an inspirational film to be distributed to the Nation's schools. He is the recipient of four honorary degrees from universities. He served in the Army Air Force in World War II and is a retired colonel of the Air Force Reserve.

That, in a capsule, is the amazing life story of Senator Fong, the first U.S. Senator of Asian ancestry.

His hometown newspaper, the Sunday Star-Bulletin and Advertiser, on April 19 published a full-page article on Senator Fong, entitled, "New First for Fong—Horatio Alger Award," written by Gene Hunter, a veteran Advertiser staff writer. The article was illustrated with several photos depicting Senator Fong's successful rise to prominence.

Because I believe Senator Fong's success story is one which all Americans can admire and applaud, I ask unanimous consent that the text of the newspaper article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New First for Fong—Horatio Alger Award

(By Gene Hunter)

Alger, Horatio Jr. (1834–1899). Massachusetts-born Unitarian minister who wrote some 100 novels chronicling the adventures of poverty-stricken and underprivileged boys who gained favor and fortune through hard work, honesty and thrift. Typical of the Alger novel titles was "Luck and Pluck."

Hawaii's Hiram L. Fong, onetime barefoot boy from Kalihi who became the first United States Senator of Oriental ancestry, has been named a 1970 winner of the Horatio Alger Award.

On May 6, at New York's Waldorf Astoria Hotel, Fong will become the first person from Hawaii to be presented the award. He will be one of 10 Americans selected for the honor on the basis of ballots from 500 colleges thorughout the United States.

Fong joins such notables as Dwight D. Eisenhower, Herbert Hoover, Dr. Ralph Bunche, Bernard Baruch, Bob Hope and Arthur Goldberg, who are among those who have been given the award during the past 24 years by the Horatio Alger Committee of the American Schools and Colleges Association.

Said the 62-year-old Fong of the honor: "The Horatio Alger Award is a wonderful way of reminding Americans that opportunities for success are still open to anyone who is willing to work hard for it."

"Luck and Pluck" have figured in the Fong success story—along with a shrewd instinct for politics. Except for the time when he lost his seat in the Territorial House of Representatives when the Republicans fell from power in the mid-1950s, Fong has been a consistent winner at the polls.

When Yau Leong Fong—the Down East "Hiram" wasn't added until much later—was born Oct. 1, 1907, the seventh child and fifth son of Chinese immigrants Lum and Chai Ha Fong, no one could have predicted that he would become a millionaire and a political power.

Lum Fong came to Hawaii from Kwangtung Province in 1872, at the age of 15, as an indentured laborer in the sugar plantations, earning $12 a month. His wife, also from Kwangtung, arrived at the age of 10 as a maid.

After a stint on the plantations Lum Fong went to work in a guano fertilizer factory in Kalihi. His famous son recalls:

"His job was to bag fertilizer, very dirty and dusty work. It was so dusty he had to tie pieces of cloth over his mouth and nose. Six days a week, 10 hours a day, he toiled at this job. On Sundays he worked as a watchman at the same plant. All the other 100 or so laborers at the fertilizer plant were Japanese immigrants. Only my family was Chinese, so I grew up among the Japanese."

All the Fong sons worked to help support the family, and as every voter who ever attended a rally for Lum Fong's politician son has heard now, at the age of 4 he was picking algarroba beans for sale as cattle feed. He earned 10 cents for each 30-pound bag, and the experience provided him with one of his favorite campaign anecdotes.

Horatio Alger, Jr., probably never heard of poi, which Yau Leong Fong delivered door-to-door, but his boy heroes frequently shined shoes and sold newspapers. So did the young Fong.

"I took almost any job that came along." Fong says. "None of them brought in much money, but it all helped to keep the family going. It was a hard life, but no harder than that for many others of my generation."

Other boyhood jobs included catching and selling crabs and fish and caddying at Moanalua Golf Course—25 cents for nine holes. Sometimes, on a good Sunday, Fong earned as much as $1.25. He got so tired of walking on a golf course that in later life he never took up the game.

As a youngster, Fong joined a Congregationalist church in Kalihi. He was so impressed with the story of the Rev. Hiram Bingham, a member of the First Company of missionaries who began Christianizing Hawaii in 1820, that as a youth he dropped his Chinese first name and became "Hiram L. Fong."

Fong skipped the second and fourth grades at Kalihi-Waena Elementary School, then entered McKinley High School and graduated with the "miracle class" of '24. Among other members of that class were financier Chinn Ho, Associate Justice Masaji Marumoto, businessman Hung Wo Ching and educator Stephen Kanda. He still recalls that Fong was barefoot when he came to McKinley.

Fong saw little hope of going to college. Lum Fong could not earn enough at the fertilizer factory to feed his family, which eventually totaled 13 children. Hiram Fong's older brothers were married and had families of their own to care for. The widow and three children of his eldest brother also had to be supported.

After high school, Fong went to work as a supply clerk at Pearl Harbor. The pay was adequate for that era and promotion soon came. Fong might have remained a career Federal employe—except for a burning desire for more education.

When he was 19 his father died, leaving him the chief breadwinner for the family. But his mother finally told him that if he could put himself through college and still contribute something to the family, he had her permission to attend the University of Hawaii. Fong dried tears of gratitude and began working out a financial plan.

He had vacation time coming from his Pearl Harbor job, which he converted into cash. With the money he bought a Model T and used it in his work as a part-time bill collector for Aloha Motors.

The University registrar's office gave Fong part-time work. He wrote campus news and articles about the Chinese community for The Honolulu Advertiser at 10 cents a column inch. And he became a tour guide, escorting visitors through Chinese temples.

It was at the University that he got his first taste of politics. He campaigned successfully for the editorship of Ka Leo o Hawaii, the campus newspaper, then an elective post.

As a freshman member of the University of Hawaii debating team he was asked to speak in political campaigns involving Sheriff Pat Gleason and Mayor Fred Wright, Republicans who helped form Fong's political views.

In spite of holding down four paying jobs and several unpaid ones, Fong managed to finish the four-year University of Hawaii course in three years. He made up his mind he would attend Harvard Law School.

But although Haratio Alger Jr. had been a Harvard graduate, the university wasn't impressed with Fong's background of poverty, hard work and dedication to education. It seems the University of Hawaii wasn't an accredited institution. It took the urging of Arthur G. Smith—a University of Hawaii regent, a Territorial attorney general and a Harvard alumnus—to convince members of the Harvard admissions board that they should change their minds. Fong became the first University of Hawaii graduate admitted to Harvard.

But he still needed $2,000 for his first year's tuition and he took time out to go back to work. His mentor, Mayor Fred Wright, hired him as chief clerk of the old suburban water system at $225 a month. But this was the Depression and soon his salary was cut back to $175. But still he managed to save the necessary $2,000 in two years.

At Harvard an old friend—Allen R. Hawkins, now a Circuit Court judge—found him a $13-a-month room containing a narrow bed, a small desk, a bureau and one chair. Fong borrowed money for room and board from friends. For his second and third years at Harvard he received a tuition loan from the university.

In his final year his old McKinley classmate, Chinn Ho, loaned him $1,000. As security Fong took out a $2,500 life insurance policy, telling Ho: "If anything should happen to me take out what I owe you and give the rest to my mother."

Fong graduated from Harvard in 1935 and arrived back in Honolulu with a dime in his pocket and $5,000 in debts. Mayor Wright again gave him a job, this time as a deputy City attorney under Wilfred Tsukiyama, later to become Hawaii's chief justice.

In 1938, at the age of 31, Fong married his high school sweetheart, Ellyn Lo, who had waited nine years for him to finish his schooling, pay off his debts and become established in his profession.

That same year Fong first ran for office, winning a seat in the Territorial House of Representatives.

When World War II began Fong resigned from the Legislature and reported for duty with the Army Air Corps, serving as a judge advocate and leaving the service with the rank of major. He ran successfully for his old seat in the House and won handily. He was Vice Speaker of the House from 1944 to 1948 and Speaker from 1948 to 1954, when he lost his only race.

In interviews years later, Fong recalled the 1954 Republican defeat in which he lost his seat by 32 votes.

"Everybody was against me—labor, government employes, my own Republican party," he said. "After 14 years, I was defeated. I was kicked out, but it was a kick upstairs."

Now Fong turned all his attention to business. Two years before his political defeat he and some associates had raised $200,000 with which to establish what now is Finance Factors Ltd., an industrial loan company that is the nucleus of a family of financial enterprises with assets of more than $80 million.

Once before, in 1938, Fong had attempted to become a businessman when he helped found a firm called Quality Milk Co. He soon went broke. "It taught me a very good lesson," Fong said years later. "You've got to watch a business."

In 1954 Fong organized a law firm. There are those who think he might have been considering future political campaigns, since he carefully touched all the major ethnic bases in founding Fong, Miho, Choy & Robinson; he was of Chinese ancestry, one partner was of Japanese ancestry, one was of Korean ancestry and one was Hawaiian-Caucasian.

Fong is tall, dark and husky and during his career as a territorial legislator many persons assumed from his appearance that he was Chinese-Hawaiian. Fong never fought that belief; after all, it undoubtedly was good for some votes from Papakolea and Waimanalo.

But during his first U.S. Senate campaign a reporter asked him about his ancestry. Fong stressed then that he was pure Chinese, with both parents born in China. "I just look Hawaiian," he explained.

That was in 1959, the year President Eisenhower signed the bill that made Hawaii a state. Some publicity man—possibly the late Vance Fawcett—coined the term "Man of the Pacific" to describe Fong during that campaign. The label frequently is heard today.

Fong easily beat his Democratic opponent, Frank F. Fasi—now Mayor of Honolulu—and on Aug. 24, 1959, was given the oath of office as a U.S. Senator by Richard M. Nixon, then the Vice President.

In 1882, when Lum Fong was a 25-year-old plantation worker in the Kingdom of Hawaii, the U.S. Senate had passed the Chinese Exclusion Act, prohibiting the immigration of Chinese. Now Lum Fong's No. 5 son had become the first Oriental to serve in that Senate.

Fong won reelection to a full six-year term in 1964, beating Democrat Thomas P. Gill, now Lieutenant Governor of Hawaii. It is considered likely that Fong will run for reelection this year, and so far there is no opposition on the horizon.

In 1964, at the Republican National Convention in San Francisco, Fong became the first Oriental—and the first Islander—to have his name placed in nomination for the Presidency of the United States. It was a "favorite son" nomination, not a serious attempt to run him for that office. But it was an honor nonetheless, and one that was repeated by the Republicans in Miami in 1968.

Many younger politicians seem deliberately to try to lose their Island accents and as a result sometimes are accused of "putting on airs." But Fong's forceful oratory still marks him as a onetime Kalihi boy.

A newspaperman who is fastidious about the language said of Fong's speech when he first ran for the Senate in 1959:

"There is the inverted word order and the lack of a smooth tie between subject and verb and a lack of freshly minted phrases. Yet there is no question that he is effective as a speaker—blunt, crude, effective."

Today, Fong's accent still shows that he was an Island boy who grew up the hard way. But after 11 years in the Senate his syntax and his delivery have been considerably polished.

Generally, Fong has supported the policies of his old friend, President Nixon. In return for Fong's loyalty Nixon has appointed several Island Republicans to important Administration posts.

But Fong has opposed Nixon on specific issues. He voted against the nomination of Judge G. Harrold Carswell to the U.S. Supreme Court, although he once told Carswell he considered him "worthy of confirmation." Fong also led a battle to override the President's veto of funds for health and education.

Most often, Fong has voted the way most other Islanders seem to feel about issues. He has opposed that portion of the Internal Security Act which would allow Federal officials to "detain" without proof persons they think might be disloyal in time of war—as West Coast Americans of Japanese ancestry were put into camps during World War II.

Fong has consistently backed liberalization of the immigration laws and has become a sponsor and a strong supporter of ocean research and anti-pollution measures. He also has called for closer economic ties with Red China and that country's eventual admission into the United Nations.

After 11 years in the Senate Fong has gained considerable Republican seniority and serves on four committees—Appropriations, Judiciary, Post Office and Civil Service—as well as on the Special Committee on Aging.

While Fong works in Washington, one of his four children—attorney Hiram L. Fong Jr., 30—is spending his first session as a member of the Hawaii House of Representatives, where his father once was Speaker.

Across the way, on the House's Democratic majority side, sits Stuart Ho, attorney son of Chinn Ho, who once loaned the senior Fong $1,000 with which to further his education.

So far, Hiram Fong Jr. hasn't challenged a fellow legislator to a fist fight on the House floor, as his father did in an earlier era.

LAW AND ORDER

Mr. TALMADGE. Mr. President, yesterday's Washington Evening Star contains an editorial column written by James J. Kilpatrick which I believe reflects the concern of an overwhelming majority of the American people today about what is taking place in our country.

Americans are concerned, and they are becoming increasingly so, about what is happening to the Nation's young people, about what we see taking place almost daily on college campuses, and about what is happening to law and order. I am fully aware that the term "law and order" has fallen into disrepute in some circles, and even that some people snicker and make a mockery of it.

I know of this scornful attitude toward law and order. But this is not to say that I agree with it or understand it.

I, for one, have no quarrel with a citizen's obligation to the law in a lawful society. I find no fault with the need to maintain order as an alternative to anarchy.

What I do understand, and what frightens me most of all, is that too many people have lost sight of the meaning of law and order and, as pointed out

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in Mr. Kilpatrick's column, we seem now to have "failed to look after first things first, to cultivate in our public institutions those rules of law, civility, and grace that might have kept the whole thing in balance."

I bring Mr. Kilpatrick's column to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[The Evening Star, Washington, D.C., Apr. 28, 1970]

A CAMPUS BURNS, THE AGE OF AQUARIUS DAWNS

(By James J. Kilpatrick)

HICKORY, N.C.—On the after-dinner road again, headed south first, then to the West Coast. It is getting on toward midnight, here in this dreary motel room, and the column will not come. It has to come; tomorrow's deadline sits on a heavy stomach, but the typewriter is cold and the trash basket full of bad leads.

Tonight's audience was receptive but the speech went poorly. One for four, and a scratch single at that. Sometimes you're up, says the song, sometimes you're down. This was a down night, and I have come back to this dugout in the blue dumps known to hitters who fan with runners on base. The typewriter looks at me like an unfed dog.

So I have been sitting for a while in the green-tweed chair, watching Kansas burn on the TV screen. The color control is out of kilter; I am too tired to correct it, so the smoke comes out purple and the flames a putty yellow. This is the dawning, so they say, of the Age of Aquarius; I herald it from a motel, darkly, in the livid light of a university set afire.

In the name of God, what has happened to our country? If this were Columbia or Cornell or Berkeley, the flickering image might not sear the heart. Scar tissue grows. But this is Lawrence, Kansas, heartland America; here, too, the arsonist's torch. And tonight it is not only Kansas.

At Penn State, the president and his wife have fled their home to escape the stones of "dissenters." Demonstrators seize a campus building in upstate New York. The virus of nihilism, nothingism, spreads its destructive infection.

I am not cheered, not tonight, by the thought that the anarchists constitute a small minority of the whole body of American students.

How have we fallen so weak, so sick, so spineless, nerveless, gutless? Is this the consequence of some lunatic obsession with equality—that all ideas are equally good, all modes of conduct equally permissible? Have we so corrupted our values as to accept the suicidal notion that in a society based upon order, disorder deserves equal time?

So it's the Age of Aquarius, is it? The fault, dear Brutus, lies not in our stars but in ourselves. We middle Americans have signally failed to look after first things first, to cultivate in our public institutions those rules of law, cilivity, and grace that might have kept the whole thing in balance.

Somehow we forgot—and this is Burke again—that liberty exists only with order and virtue, and cannot exist at all without them.

I am late on this copy, but everywhere the hour grows late. It is not enough—it never was enough—to urge merely that destructive students be expelled and arsonists be brought to trial.

Order has to come first, the restoration of order by whatever force may be required. Ronald Reagan was instinctively right: God prevent a blood bath, he said, but if reason cannot prevail against chaos, let us fill the tub, and not flinch.

My head rings with Burke tonight. In his great speech on conciliation with the colonies, Burke said the use of force alone is but temporary, and he was right. "It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered."

Force alone won't quench these livid fires. Without a rededication to the old values—justice, fairness, manners, kindness, respect for others, a sense of enduring responsibility for what has been and what will come, we are done for. I see few signs of such renewal. I see deadline, and a jet plane leaving; and in a motel at midnight I don't know when peace comes back again.

PRISONERS OF NORTH VIETNAM

Mr. MUSKIE. Mr. President, 9 months have passed since I joined with other Senators in calling upon the Government of North Vietnam to respect international standards of humanitarian treatment for the Americans it holds prisoner. These standards are defined by the Geneva Convention on "Protection of Prisoners of War," concluded in 1949. The United States and the Government of South Vietnam are signatories of the Convention to which the Government of North Vietnam acceded in 1957. The Convention applies to "all cases of declared war, or any other armed conflict which may arise."

The provisions of the Convention are respected by the United States and the Government of South Vietnam. North Vietnamese and Vietcong prisoners are placed in prisoner-of-war camps which are visited regularly by representatives of the International Committee of the Red Cross. The names of the prisoners have been made available, and prisoners have the right to send and receive mail.

In accordance with the Convention, we have offered to exchange prisoners, but North Vietnam has refused even to accept the return of its own sick or wounded.

The Government of North Vietnam has refused to identify most of the prisoners it holds; nor have the Communists been willing to identify any of the prisoners they hold in South Vietnam. Repeated requests by the International Committee of the Red Cross for permission to visit the camps in North Vietnam have been denied. Furthermore, we have received almost no cooperation from the North Vietnamese in determining the fate of more than 1,000 Americans who are missing in action.

We know, finally, that many of our men held in North Vietnam and in Laos have been subjected to the most grievous abuse and inhumane treatment.

Such treatment of prisoners is an offense and a reproach to the civilized conscience.

Mr. President, it goes almost without saying that there are definite differences of opinion as to the best policy we should follow in reducing, and eventually ending, our involvement in a war in Southeast Asia.

Nevertheless, we must all agree on the rights of American prisoners of war to fair and humane treatment as provided for under the Geneva convention. It is for this reason that I agreed to cosponsor the May 1 tribute to American prisoners of war and Americans missing in action, designated as an "Appeal for International Justice."

Our Government must continue to press Hanoi, as a matter of the highest negotiating priority, to name the men in captivity, to repatriate the sick and wounded, to permit impartial inspection of prison facilities, to assure proper treatment of all prisoners, and to undertake serious negotiations for the prompt release of all American prisoners in Vietnam and Laos.

Efforts on behalf of our men must not flag. We would break faith if our concern for them were diminished by the apparent decline in public concern with the broader issues of the war in Vietnam itself.

PENTAGON LOBBYISTS

Mr. YOUNG of Ohio. Mr. President, while almost half a million GI's, marines, and airmen are fighting in the Vietnam quagmire, the Department of Defense employs 339 lobbyists in Washington, D.C. This is three for every Senator. The Pentagon public relations staff includes more than 6,000 whose job it is to produce propaganda favoring the "top brass." Defense Department officials are spending $27.7 million this year on public relations. Meanwhile, legitimate news such as the My Lai massacre was whitewashed and concealed from the public for nearly 2 years. Also, cost overruns on Defense contracts including the F-111A and C-5A transport are suppressed. News to our fighting men in Vietnam is censored. Taxpayers sweat on.

POLISH CONSTITUTION DAY

Mr. PERCY. Mr. President, next Sunday, Americans of Polish descent will commemorate the anniversary of the promulgation of the Polish Constitution in 1791, only 2 years after the adoption of the U.S. Constitution. It was a great document vesting powers in the will of the people and speaking out for democratic ideals.

Despite the treacheries of history, cruel foreign dominations, and oppression, the Polish people and Americans of Polish descent have adhered to these ideals. Too many people accept the status quo as a permanent condition, but the Polish people do not, because they know that freedom will ultimately prevail if they persevere in maintaining their historical, cultural, and religious traditions; a perseverance that I saw first hand a few years ago when I visited a number of cities and communities in Poland.

Americans of Polish descent have distinguished themselves for their devotion to freedom, and they deserve the praise and support of all other Americans who really care about humanity and liberty. Therefore, I believe that Polish Constitution Day should be celebrated by all Americans in tribute to the millions of Poles and Polish-Americans who hold to their determination that Poland will once again be truly free.

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Next Sunday, I will participate in the Polish Constitution Day observances in Humboldt Park. I will tell our Polish-American friends that all freedom-loving Americans support their legitimate aspiration for a truly free Poland.

MAN'S WORST ENEMY

Mr. MANSFIELD. Mr. President, Bill O'Donnell is from Billings, Mont., and is now in his sophomore year at the University of Montana. In the course of his studies, he wrote a paper recently entitled "Man's Worst Enemy." It is about the ravages of pollution as seen through the eyes of animals who are supposed to be less intelligent than man. I must say that it presents a most original approach, and in celebration of Earth Day, Bill's parents sent the paper along to me. I, in turn, wish to bring it to the attention of the entire Senate.

I therefore ask unanimous consent that Bill O'Donnell's paper entitled "Man's Worst Enemy" be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

Man's Worst Enemy

Somewhere in the Rocky Mountains, a group of creatures is gathered to discuss the future of the World. They are meeting in the shadow of a huge rock crushing plant that is making food from the mountain rock. Mother Nature sits at the head of the convocation, her once splendid arrangements are now battered and ruined. All of the delegates seem to be crowded to one side of the room, all of them except one figure. He hovers on the other side, his head lowered as if he is deep in contemplation.

A figure emerges from the crowd and begins to address the convention. "I am the last of the Grizzlies. Once a powerful and mighty species. Soon we will only be remembered in the annals of time. Who is responsible for this defamation of nature: The blame lies entirely on the youngest of Mother Nature's offspring—Man. I submit before you these three pieces of evidence—a jar of water, a breath of air, and a clump of dirt. We have seen the natural beverage, water, polluted and contaminated with Man's sewage and industrial wastes. Where once fish swam freely, they are now floating in a death bath of oil. Our ocean, the origin of our existence, is now used as a garbage dump for oil, sewage and radioactive wastes. He destroys natural beauty and diverts water by the undiscriminate use of dams.

"Not only do we fear the water we must drink but also the air we must breathe. Giant factories now pour forth filth where mighty oak trees once shaded the land. He drives his high combustion engine that fills the air with poisons and death. Look at this dirt, it's half insecticides and half commercial wastes. No longer is our planet covered by lush green meadows and forested hills. The very means by which man contrived to increase production has now ruined the soil. This is our world, ruined not by a mutual mistake of nature, but ruined instead by one power minded creature!" The bear finished his speech and returned to his chair.

The convention was then disturbed by the shrill whistle of the rock crushing plant. It was time to change shifts. The quiet that had once reigned supreme in the mountains was broken by the screech of brakes, the blare of car horns and the shouts of angry motorists as they tried to enter the ten lane highway that was bisecting our nation's backbone. The clamor of the motorists increased as they learned that the bridge over the Great Canal was being repaired and only eight lanes would be open for travel. The Great Canal was an enormous ditch that ran from Alaska to Kansas. The ditch carried melted ice water from the Alaskan glaciers to the Kansas Prairie.

When the noise subsided, Mother Nature asked if anyone had anything to say in defense of Mankind. The animals watched as a bald eagle prepared to address them. "I was their National Emblem," he said. "When they realized I was in danger a few of them tried to convince the others that changes were needed. Not only did they work to save me, but some of them worked to clean the streams, conserve the forests and purify the air. The efforts were crushed by a giant three lettered monster—G.N.P. That's all I have to say, man's attempts to save his environment were thwarted because some men were blinded by the dollar signs in front of their eyes."

Mother Nature then began the roll call vote. The Aardvark was the first to cast his ballot. "To preserve ourselves, I conscientiously feel that I must vote for the termination of the species man." The antelope, bear, and beaver each cast their vote for the expulsion of *homo sapien*. The ballot proceeded. The ocelot, orangutan, and octopus all voted the same, until the vote came to the owl. He fluttered his wings and spoke to the meeting. "I do not feel that this vote is necessary. Man is on a road of self destruction. How long can any species expect to exist when their population growth exceeds their food production by 50%. His attempts to save himself like food from crushed rock and crude oil, treating sewage so that it is drinkable, and reforestation, are too little too late. Man, our youngest brother is doomed to self destruction. Soon he will be like the Lemmings running into the sea to escape from his own kind. I don't know whether he'll drown in the sea or be poisoned by his own waste that he indiscriminately has dumped in the oceans." The owl finished his speech and perched himself on a dead Ponderosa pine. It was all that remained of the forest. The other conventioners nodded their heads in agreement. Man was guilty of over population and over expansion. He will perish in his own torture chamber.

As the members dispersed, they were untouched by the gentle sobs coming from the human. They all noticed that his tears washed a clean streak through the soot and grime that clung to his face. The rock crushing plant was burning its waste material!

REIMBURSEMENT OF LOCAL SCHOOL BOARDS

Mr. ALLEN. Mr. President, on January 26, 1970, I sponsored jointly with the able and distinguished Senator from Mississippi (Mr. Eastland) a bill to compensate State and local authorities for replacement cost of hundreds of schools which have been closed throughout the Nation on the initiative of U.S. courts and Federal agencies. To emphasize the importance of this bill and the need of local school board for reimbursement, I ask unanimous consent that a letter from the Superintendent of Education of the Tallapoosa County, Alabama, schools be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Tallapoosa County Schools,
Dadeville, Ala., April 15, 1970.

Hon. James Allen,
U.S. Senate,
Washington, D.C.

Dear Sir: I need your help! The taxpayers of this county need your help! The boys and girls of this great county need your help!

Due to recent court orders, the Tallapoosa County Board of Education has closed over a million dollars worth of school buildings. In order to satisfy the court and HEW, the Tallapoosa County Board of Education has borrowed $700,000.00 against its special 7½ millage tax to build classrooms for the boys and girls in this county.

It seems to me that there should be some method of getting reimbursement of this money as a result of some Federal law in which you could enact to keep our educational standards up to the quality of education every boy and girl deserves.

I know of the great strides you have made in aiding the people of this great State, and I know that you will do everything you can to aid us in this time of need.

Thank you for any aid you can give us.

Sincerely,

Virgil Nolen Price,
Superintendent.

Mr. ALLEN. Mr. President, this letter indicates that the Federal juggernaut crashes ahead in the South leaving behind a tragic wasteland of empty hollow shells of schools ordered abandoned and closed by Federal authorities.

Children are uprooted from their communities and transported long distances frequently to overcrowded and inadequate schools.

The human right of parents over their children and the political right of local school officials to a controlling voice in all laws affecting the health, safety, and welfare of children are subordinated to the dictates of a central power which has decreed racial balance in schools as a criteria enforced by use of the full powers of Federal Government.

Mr. President, public school buildings and facilities valued in excess of $100 million have been closed in the State of Alabama alone pursuant to this doctrine. This doctrine is wrong and the practice of depriving the taxpayers of use of local public property is wrong.

Many of the closed and abandoned buildings and facilities were built with proceeds from local bond issues. These bonds must be paid for from hard-earned tax dollars for years to come.

Yet, cynics persist in perpetuating the myth that the Constitution of the United States requires taking property without compensation. The people have no recourse in the face of these appalling wrongs except to appeal to Congress for help.

The situation offends commonsense and the spirit of justice. I am reminded of the words of the poet J. G. Holland:

> Wrong rules the land, and
> Waiting justice sleeps.

Mr. President, how long shall we permit justice to sleep?

How long before these shocking wrongs remain uncorrected?

FEDERAL ROLE IN HEALTH

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record the statement made by the Senator from Connecticut (Mr. Ribicoff) on the filing of the report on "Federal Role in Health" by the Subcommittee on Executive Reorganization and Government Research.

There being no objection, the statement by Senator Ribicoff was ordered to be printed in the Record, as follows:

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Statement by Senate Ribicoff

Mr. President, pursuant to Senate Resolution 320 of the 91st Congress, I submit a report entitled, "Federal Role in Health," and ask that it be printed. The report was approved by the Committee on Government Operations.

The report is based on hearings and investigations conducted by the Subcommittee on Executive Reorganization and Government Research over a two-year period. It includes a summary of 8 days of hearings held in 1968; correspondence between the Subcommittee and the 24 Federal agencies involved in health; a staff investigation into Federal health construction funds and comments by James V. Shannon, M.D., former director of the National Institutes of Health and presently Professor and Special Assistant to the President of Rockefeller University.

In assessing the Federal role in health, the Subcommittee found that there was no national health policy, no central mechanism to consider or formulate that policy, and that Federal health programs were a cumbersome disjointed bureaucracy that even key Federal officials have difficulty managing.

To correct this, the Subcommittee made two basic recommendations:

First, establish a high level Council of Health Advisers within the Executive branch to consolidate health programs and formulate a national health policy with planning and purpose. Such a council should examine the performance of the entire Federal health bureaucracy, while recommending improvements to the President.

Second, reorganize the Department of Health, Education and Welfare to raise the department's top health officer from the status of assistant secretary to under secretary. The HEW reorganization would also give the under secretary four assistant secretaries responsible for health care services, consumer protection, planning and the combination areas of science, manpower and education of health personnel.

In addition, the Subcommittee also recommended the following:

Third, eliminate all health-related functions of the Commerce Department's Economic Development Administration and the Small Business Administration and transfer these functions to HEW.

Fourth, conduct an Internal Revenue Service investigation of those Small Business Administration-financed hospitals which have converted to nonprofit management to determine whether individuals used Federal dollars to develop tax shelters. The review should recommend appropriate Congressional action if necessary.

Fifth, order a General Accounting Office investigation of Federal hospital construction efforts to determine how well six departments and agencies match up health construction with health needs.

After considering all the evidence, the Subcommittee concluded there is little coordination, planning or purpose among the 24 Federal Departments and agencies that will spend $20.6 billion on Government health programs in Fiscal 1971. It would be supreme understatement to say that the Federal effort has been unequal to the challenge posed by this crisis.

We began by hearing witnesses from outside Government in order to learn how they viewed this complex—and worsening—situation. We resumed hearings with the views of the Federal Government.

Some of what we have learned has been familiar. Some of it has been new and distressing. All of it bears repeating—and will bear repeating—until we make clear to the American people the acute state of distress we face in health care.

In medical technology, there is no question that the United States has raced ahead of the rest of the world, but our medical ingenuity has not yet made American medicine the world's best. Few dispute that U.S. medical research is also the world's most advanced and that the nation's hospitals are among the world's best equipped. But once again, the fruits of this research are not getting out to the great bulk of the population.

Adequate medical care is no longer a privilege, nor even a concession, but the right of every citizen. This specifically includes those Americans who do not really know what adequate health care is: those who are too poor to pay for it; who do not know where to find it; who live too far from the nearest doctor or medical center to receive it.

And yet, if anything, the poor get sicker, and the sick poorer. Hospitals have been built in the wrong place at the wrong time for the wrong reasons. Insurance companies have reflected the interests of the providers of medical services rather than those of the ultimate consumer—the buying public. All in all, we have found national health care—private and public—uneven in quality, wastefully dispensed and unwisely financed.

As our report states, the Subcommittee found the nation's private health care system no less chaotic and crisis-ridden than the Federal medical system. In short, we found:

Large numbers of the poor received improper care, or no care at all.

The middle class felt the financial pressure of the high cost of care and lived in fear of a prolonged and expensive catastrophic illness.

The care both received often was fragmented and impersonal.

Accidental factors, such as where a man lived or worked, often determined the quality of his health care and health insurance.

Specialization had reduced the number of physicians serving the basic health needs of the population. Many turned to hospital emergency rooms as their "family doctor," placing heavy and unexpected demands upon these facilities.

Health insurance plans, by generally covering only care administered in hospitals, encouraged the most expensive care possible. In addition, by covering treatment instead of prevention, the plans were paying for sickness rather than health.

Such findings point up that American medicine is remarkable for its lack of formal direction and discipline. The kinds of gaps that exist are demonstrated in our investigation of just hospital construction alone—which permits obsolete, overstrained facilities in one location and creates new, unneeded ones—sometimes just blocks apart—in another.

Yet the Subcommittee found not only a disgraceful lack of planning, but we learned that the agencies which do support health programs know little about their programs, and that interagency program coordination is a hit-and-miss proposition—duplicative and distorted when it does exist at all.

There are so many programs administered in such bureaucratic confusion that no one—not the Department of Health, Education and Welfare, not the Bureau of the Budget, not any of the private organizations—was able to tell the Subcommittee even how many programs there are.

With specific regard to bureaucracy, we were especially concerned with HEW, the principal agency in health care. Since this Department is the chief actor among the various health players in the national medical system, our basic concern was to first determine how effectively the biggest Government component was organized for its mission.

In the course of considering just this one bewildering place, several recommendations reflect our Subcommittee's concern. An essential measure contemplates the creation of the position of Under Secretary. We intended that this Secretary would play the key role in coordinating the Federal effort in health care.

Mr. President, before anything else, we must make certain that the availability of medical care matches its capabilities; and we must do this so that Federal expenditures result in the delivery of health care instead of establishing and supporting a health bureaucracy.

In sum, three important points emerged from these hearings. First, health and medical costs have increased for very sound reasons: staff, salaries, new equipment and technology, and increased demand for our health and medical care facilities.

Second, the rising costs—though shocking—are symptoms of much more serious problems.

Finally, these more serious problems relate to the fundamental questions of how we organize, finance and deliver it.

New developments often bring new sets of dangers. For example, there are countless reasons why the cost of Medicaid soared from $2 billion in 1966 to an estimated $5 billion in 1969, and why it could easily reach as much as $20 billion by the mid-1970's. But if this country has learned anything from Medicaid and Medicare, it is that a rational delivery system should have been prepared a long time ago.

Just more money will not solve anything. We must begin to better contain the health crisis by better management. We must begin to establish some overall health policy to guide the administration of these billions of dollars.

DESTRUCTION AT STANFORD

Mr. PERCY. Mr. President, the decade of the 1960's witnessed the rise of many movements, ideas, and ideals. One of the most dramatic of these was the youth movement. It was in this decade that we realized that the youth of this Nation had something important to say and something useful to contribute to their country.

Unfortunately, it looks as if the decade of the 1970's is starting to be the decade of the radicals. It is they who now receive most of the publicity. Too frequently, the vast majority of sincere and dedicated students have been virtually ignored. Many of these young people have chosen to work through and for the system that is ours in America. Their success has been notable. VISTA, the Peace Corps, and many other organizations demonstrate the dedication of our students.

Yet, it seems that it is the radicals about whom we hear and read the most. They get widespread press coverage, adding to their egocentricity. With each new bit of publicity, they further blind themselves to reality, morality, and decency. With each new outrage, they feel more sanctimonious. This is the reasoning of a fool, not the rationality of a man seeking to use reason in the quest for knowledge and understanding.

The campus of Stanford University in California has not been free of them. On April 24 of this year, the Stanford Center for Advanced Studies in the Behavioral Sciences was severely damaged as the result of arson. The damage was estimated at between $50,000 and $100,000. This was the cost in dollars and cents, in bricks and mortar.

But this fire also destroyed the lifeworks of 10 scholars, 10 dedicated men and women who had given their life to the pursuit of knowledge and truth. No cost estimate can be put on this loss, for no one can really imagine what the potential worth of this knowledge might have been to Stanford, to the Nation, to the world. Years of dedication, research, and toil have literally gone up in smoke.

These notes were not destroyed by an act of nature. They were destroyed as the direct result of a senseless, premeditated act by malicious, irrational people.

It is despicable and deplorable.

The people responsible deserve to feel the weight not only of an outraged society, not only of an angered student body; they should feel the heavy, crushing weight of conscience. They ought to, but I doubt that they will. These people seem to have lost all basic sense of right and wrong, good and bad. These only come as the result of maturity and rationality—something we are all supposed to have achieved to some degree by the time we become university students, but something these people lack.

They can never really repay those selfless scholars or a cheated society what they have wantonly destroyed. But they must not be allowed to go unpunished. They must face the full responsibility of their actions before the law.

Mr. President, each of us in the U.S. Senate realizes that this was a senseless act of young criminals. Each is aware of outrageousness of the act. Yet, we also know this foul deed was the result of a minute percentage of the student body of Stanford. I believe that we join together with the students of Stanford in condemning this type of action.

XUM

It is time that these selfish anarchists realize that the only people they represent are those irrational people bent on destruction. Their philosophy is a cruel disease that destroys instead of the needed medicine to cure.

I will be delivering the commencement address to the graduates of Stanford in June. I have every faith that these students are concerned, intelligent, sincere representatives of our leadership of tomorrow.

I know these students deplore the cruel actions of April 24.

We cannot bring back the works of these scholars, nor can we meaningfully alleviate their despair over their loss. This is society's loss as well. What we must do is indicate our deep concern, and not permit a demented mind to consider these acts of irrationality as legitimate free expression. They must be publicly and forcefully labeled as the senseless, criminal acts of selfish, immature anarchists. They defame and discredit the cause of constructive dissent in a free society.

Mr. President, I ask unanimous consent that a Washington Post article dated April 24, describing this outrage, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRE AFTER STANFORD SIT-IN DESTROYS 10 SCHOLARS' WORKS

STANFORD, CALIF., April 24.—The life works of a group of visiting scholars, including the man reputed to be India's greatest anthropologist, went up in smoke today when flames believed started by firebombs swept a building on the Stanford University campus.

The fires broke out shortly before 5 a.m., three hours after sheriff's deputies routed about 125 anti-ROTC demonstrators from a sit-in in another building on the campus.

Twenty-three demonstrators were arrested. The rest fled the building, rampaging through the campus afterward and smashing an estimated $30,000 to $40,000 worth of windows.

Damage in the fires in two separate wings of the Stanford Center for Advanced Studies in the Behavioral Sciences was estimated at $50,000 to $100,000. The university said this did not include damage to the notes and records of the scholars.

The university said the works of 10 scholars were destroyed. They included those of M. N. Srinivas of the University of Delhi, who had been conducting a 22-year research project on the caste system.

"Please don't disturb him," said a colleague, Sol Tax, a University of Chicago anthropologist. "His mother just died this week and now his entire life's work has been destroyed.

"What is lost is the irreplaceable product of a great scientist from India, where his science is sorely needed."

The university said the other scholars whose works were destroyed were Howard S. Becker of Northwestern University; Richard R. Brandt, University of Michigan; Steven Dedijer, University of London; John Bunzel, San Francisco State College; Prof. and Mrs. Howard S. Kenler, University of California at Santa Barbara; Edmund S. Phelps, University of Pennsylvania; John Rawls, Harvard; and Tax.

Bunzel, a political science professor, has been a target of radical students for more than a year. He said he found a bomb outside his home last year. Later, the tires of the two family cars were slashed and the words "fascist pig" smeared over both vehicles.

Stanford Fire Chief Frank Jurian said the flames were started simultaneously by what appeared to be a flammable substance thrown through the windows.

The anti-ROTC sit-in in Stanford's old student union building had been broken up about 1:30 a.m. by Santa Clara county sheriff deputies who swooped down on the demonstrators while they were drinking wine and eating peanut butter sandwiches to celebrate Lenin's birthday.

The deputies arrested 13 men, nine women, including the wife of a professor, and one juvenile.

Thursday night, while the sit-in was still in progress, three firebombs were thrown into the headquarters of the Free Campus Movement, a "libertarian-conservative" student organization whose members had tried to block the demonstrators when they took over the building. Damage was minor.

About 350 protestors, scuffling and fighting with the Free-Campus members, swept into the building Thursday afternoon. At 5 p.m. Stanford President Kenneth Pitzer declared the building closed to all unauthorized persons, but about 125 protesters remained.

Four sheriff's deputies later advised the occupiers they were trespassing. A large force of officers poured into the building without warning about 1 a.m.

PROBLEMS OF ENVIRONMENT

Mr. MANSFIELD. Mr. President, on April 22, 1970, the distinguished assistant majority leader (Mr. KENNEDY) delivered a thoughtful address at Yale University in commemoration of Earth Day. As with every other endeavor that the distinguished Senator from Massachusetts undertakes, this address reflects the thoughtful and indepth study of the problems of the environment; it is a significant contribution and should be of value to every Senator and to every thinking person in the country.

I ask unanimous consent that the address be printed in the RECORD. I commend its reading to all those who are interested in and concerned about our environment and the quality of life in America.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE YALE POLITICAL UNION, APRIL 22, 1970

It is a pleasure for me to be here at Yale on Earth Day to join the students of America in their call to dedicate ourselves to restoring our nation's environment. The environment movement marks the fourth time in a decade that our universities have called on the American people to admit that we have failed the American dream.

A decade ago, students from small black colleges in the South and from predominantly white colleges in the North joined together to help eliminate the stigma of racial discrimination from our social structure. Their effort awakened the nation's conscience. Action replaced apathy. A generation of freedom rides, sit ins, and voter registration brought home to all of us the hurt and injustice of the "whites only" sign. For the first time in ninety years, the Federal government began to fulfill the promise of the Civil War amendments to the Constitution, and to transform the racial structure of America into a society of equal justice.

Five years ago, our colleges and universities began to focus attention on another national problem—our participation in the Vietnam war. As troop levels and bombing raids escalated, it was the academic community which raised the first voice of protest, which first questioned the validity of our ends in Vietnam and the morality of our means, and began to transform the nature of our international commitments.

Throughout the decade of the sixties, it was the students who challenged the archaic tradition of higher education in modern America. By demanding relevance and quality and expanded educational opportunity, they began to transform American education.

Now at the dawn of the decade of the seventies, students are assuming a leading role in the attack on another of our major national failures—the failure in our environment. They are reminding us of the ugliness of America, reminding us of how we have allowed selfishness and carelessness to destroy our natural resources and foul our atmosphere.

Pollution is a persistent and pervasive national problem. It is a problem the American people will no longer tolerate. I am here today to pledge my effort to your work—to help reach the goal of removing the stain of pollution from our nation and our world, and restoring the quality of our environment.

Five days ago we witnessed one of the greatest rescues in the history of mankind, the safe return of our astronauts. Never have we as Americans been so proud of our triumphant technology as we were when it embraced those three brave men on the brink of death, hundreds of thousands of miles in space, and brought them safely back to our own small planet.

But the blessings of our technology have also been our curse. Ever since the industrial revolution began to transform civilization more than a century and a half ago, we have given full rein to science, and blind acceptance to progress.

For too long, we tolerated the luxury of uncontrolled technology, confident that our earth and atmosphere could absorb and cleanse all the products and by products of our science. Only slowly have we come to realize that while the capacity of our technology is virtually limitless, the capacity of our environment is not. Ninety-nine percent of all the scientists who have ever lived are living today and conducting their research. Their number is constantly increasing. At last, our concern has been aroused over the continuing avalanche of new products and discoveries they are pouring into our society.

In large part, I think, our triumph in space is the source of our new concern with the environment. For the first time in history, man has been able to stand back from his planet, and to see it in both its beauty and its smallness.

Since Hiroshima, we have known that the world can end with a bang, and we have made halting efforts to create the policies and international environment to prevent that holocaust. Today, we are becoming equally convinced by the ecologists, who warn us that the world can as surely end with a whimper, by the imperceptible accretion of pollution in our physical and social environment. We have failed to create the policies and institutions essential to escape this equally serious threat.

It strains belief to count our scientific miracles, but to learn that we still rely on the ancient law of nature—the principle of biological oxidation—to treat ninety percent of all our industrial and municipal waste.

It strains belief to know that Neil Armstrong can walk on the moon, 250,000 miles away, but that he cannot swim in Lake Erie, a few miles from his Ohio home.

The Cuyahoga River in Cleveland bursts into flames, and becomes the only body of water in North America that is a fire hazard. The lawlessness of private industry spills thousands of gallons of oil into the Gulf of Mexico. The carelessness of the Federal Government allows an oil company to drill without adequate casings in a notoriously unstable geologic region in California, and the beautiful shores of Santa Barbara are ravaged by oil.

We know that aroused citizens, concerned about the environment, can make a difference. Because individual Americans saw the danger, citizens banded together to halt a freeway that threatened San Francisco Bay. In New Orleans, they halted a freeway through the heart of the French Quarter. In Florida, they stopped a jetport in the Everglades. In Baltimore, one of the nation's most famous architects leads a team of highway engineers and sociologists in planning new programs of urban transit.

In light of our meager and fragmented success of the past, it is fair to say that Earth Day marks the beginning of a historic new effort to control pollution. To be sure, a decade ago, Congress and the Federal government—through legislation and regulation—began to build the foundation of a national anti-pollution program. Landmark legislation was passed to combat air and water pollution, but, the programs were limited, their administration was divided, and, always, appropriations fell far below the authorization.

The 91st Congress has already taken fresh steps to remove some of the weaknesses in our Federal approach. We established a Council on Environmental Quality. We enacted the Water Quality Improvement Act of 1970, which, for the first time, expands our Federal responsibility into the area of oil pollution. We are writing new legislation in areas like thermal pollution, noise pollution, and solid waste management.

Because our efforts have not been adequate in the past, we must do much more if we are to meet our responsibilities to the future.

First, I believe that the Federal Government must take a far greater role in regulating all who pollute the environment. Even private industry has begun to acknowledge the need for more forceful federal action. According to a recent survey of corporate executives throughout the nation:

Fifty-seven percent of the executives favor greater federal regulation to control pollution.

Fifty-three percent favor national standards to control pollution, rather than State or local standards.

An overwhelming 80 percent believe that protection of the environment should be taken into account—even if it means inhibiting the introduction of new corporate products; even if it means foregoing an increase in corporate production; and even if it means a reduction in corporate profits.

Today, for the first time, the commitment of our corporations to combat pollution is being tested by extraordinary private efforts such as the Campaign to Make General Motors Responsible. Campaign GM gives shareholders and their constituents a unique opportunity to voice their concern over the environmental values of our nation's largest corporation.

Ultimately, however, we must rely on far-reaching federal legislation to ensure that private industries stop polluting our country.

Second, we must build better economic incentives to insure that our public concern over pollution is translated into effective action. I favor current proposals to tax polluters. I believe revenues from such taxes should be channeled to an environment trust fund, whose revenues will be available only for the war against pollution. Only in this way can we insure that public leadership and private profit combine in the most effective possible attack on the sores that fester in out environment.

Third, the federal government must deal immediately with the air pollution choking our cities. We can do so only by coming to grips with the internal combustion engine. In the cities of America, automobiles alone cause 80% of the air pollution and 75% of the urban noise. Throughout the nation, automobiles contribute 90% of all the carbon monoxide pollution, 60% of hydrocarbon pollution, 50% of nitrogen oxide pollution, and virtually all the lead pollution.

To meet this problem, we must establish vigorous standards for the emission of pollutants, so that engines will be clean even after 20,000 or 30,000 miles. We must supplement private industry research on clean engines with extensive public research. We cannot permit industry to hide behind the claim of "technological unfeasibility" whenever stricter standards are imposed.

In addition, the federal government should support state efforts to establish regular pollution checkups for all vehicles. Those which fail to pass the checkup should be repaired at manufacturers' expense. Manufacturers will thereby have a new incentive to build engines that remain pollution free. Also, Congress must enact new legislation to control other forms of dangerous pollution caused by automobiles. As one of the nation's outstanding environmentalists, Dr. Rene Dubos suggested, rubber from tires and asbestos from clutch and brake linings may be entering our atmosphere in dangerous amounts, and may constitute an even more serious threat than the emissions we are now combating. Finally, to control the endless proliferation of the automobile, the government must support the construction of new or expanded mass transit systems. Clean efficient mass transit will assist not only in controlling air pollution, but also in making our downtown cities far more pleasant to live in, work in, shop in and visit.

Fourth, we need new programs that emphasize regional development in America. We must establish a more effective method of coordinating the enormous number of Federal programs that already affect the environment. We need a National Institute of Regional Development to coordinate programs within the various regions of the nation, and to conduct research into regional problems.

For too long, our programs have tended to operate at one or the other of two extremes—the national level or the state and local level. Too often, we have ignored the regional level. In large part, the reason for our neglect lies deep in the historical, geographical, and political roots of the nation. Today, for the first time, we have begun to learn the efficiency of a regional approach to problems like pollution. Only by this approach can we use our limited resources in the most effective way to solve the problems of our whole environment.

Fifth, I urge the Administration, in this period of rapidly rising unemployment in the war against inflation, to make a special effort to develop manpower programs to train new types of workers in service to the environment. Too often, the victims of the war against inflation—the poor, the black, the semi-skilled—are the ones least able to help themselves in our economic crisis. By channeling their energies to the new social cause of protecting and promoting the environment, we can give them new hope and a new incentive in our society.

Sixth, I urge you, and our magnificent university community throughout the nation, to continue and increase your special role in the effort to save the environment. Your boundless energy and vitality are the major sources of inspiration for those of us in public office who shape the programs to meet the problems you define. You must take the lead in training students and citizens in the multiple disciplines necessary for a proper solution of the problems of our environment, and you must continue to probe into all the sources of our growing concern.

There are some, I know, who criticize our new-found concern over the environment. They charge that students and other Americans are turning their backs on other major issues confronting the United States, and are engaging in an "ecological cop-out." I do not share this view but I do not dismiss it either. For the danger of the "cop-out" is there, the signs are all around, enthusiasm for a cause is the quicksilver of life—so hard to keep in one place for the whole duration of an effort. And you—we—are being judged on whether we are committed to just any effort that warms the blood and brings some action, or whether when we press an issue on a moral basis we mean it and hold to it.

Two things happened in Washington this week you may have missed—the Moratorium Committee closed its doors for lack of funds and interest, the Earth Day Organization announced plans to incorporate itself into a permanent entity.

During World War II the question was often asked "Don't you know there's a war on?" There is a war on, and that war is going to keep on, and on, until pressure is again brought upon a government in power to end the violence, and end it now. What difference will it make that 150,000 soldiers may be home in a year to the 5,000 to 8,000 young people who will die—who must die because we are not ready to accept the political realities that final settlement to Vietnam will mean. What in the world does the idea of Vietnamization mean to the 150,000 South Vietnamese civilian women, children and old men who will be casualties between now and next April 22nd.

If war is harmful to children and other living things, let us put it on the agenda of Earth Day where it belongs. It belongs first, it stands alone. You must not have war as an issue to those who view it as a statement of profit and loss—happy to announce a low casualty figure or an increase in the killing capability of some non-American army.

Also pending before us remains the question of the equality and dignity of all men

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in this rich segment of earth. The Justice Department of the United States of America has on two occasions now intervened for those who would stand in a school house door. A Governor has for all practical purposes now defied the Federal Courts, and will be accommodated by Federal Agencies, school buses have been tipped and burnt, axe handles distributed in the Nations' Capital Building—because the word is out by implication and reference that this country will go no farther on the question of uniting the races.

On this Earth Day, we should note that the countryside is littered with broken dreams and promises. And absent your effort, absent your concern, we will pay a terrible price for this violation of human rights.

And what of the poor? Not the black poor, not the white poor—just the poor. Is poverty such a hackneyed phrase that the mention of it seems square or out of place? What a sad memory we have of Resurrection City squatting in the mud before the Lincoln Memorial in 1968—no organization, no logistics, no fine scaled planning, not half the effort or skill that went into Earth Day. But the alleys and empty flats of our city are not only filthy, but filled with the human debris of drug addiction. Children roam fat-bellied on rural roads. The poor are the waste products of our society—where do they belong on an agenda for an Earth Day?

I think that protest is becoming far too comfortable, like everything else in America. We are masters of doing things so well—doing things by the numbers—that we can protest anything now using the same old procedures, getting the same old satisfactions, writing on the same old cardboards with detachable handles.

If you want to bring an end to war—then work to elect men who agree with you and mount that political campaign this fall that we know was successful before.

If you are still insistent on racial equality, then go where you are needed—to register blacks, to assist with their arguments in court, to offer your services to their cause.

If you care about poverty, go live it. Teach the children, work with the addict, help them in their community programs.

In short, do what your intelligence, your skills, your privileged status has allowed you to do—exercise your imagination to save or lift your fellow man from the dirt of the earth. But act in a way meaningful to someone other than yourself.

That, in all its simplicity, should be the message of an Earth Day—and the control of physical pollution may well be child's play thereafter.

THE CRITICAL NEEDS OF THE YOUNG DISABLED ADULT IN THE URBAN ENVIRONMENT

Mr. GOODELL. Mr. President, more than 40 million people in the United States suffer from some form of mental or physical disability. Over 6 percent, or 2½ million, of these handicapped persons reside in my own State of New York.

Unfortunately, barriers still exist which isolate many of the handicapped from the mainstream of American life. These barriers must be broken down so that the handicapped will in fact be full participants in our society.

New York State Assemblyman Martin Ginsberg, of Plainview, a disabled person himself, has become a leader among the handicapped people in our State. On February 28, 1970, Assemblyman Ginsberg addressed the Eighth Annual Conference on Urban Affairs at the Brooklyn Center of Long Island University on "The Critical Needs of the Young Disabled Adult in the Urban Environment." I ask unanimous consent that this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CRITICAL NEEDS OF THE YOUNG DISABLED ADULT IN THE URBAN ENVIRONMENT

(By Martin Ginsberg)

There are times when it is discounted, times when it is not believed, and times when it is forgotten, but nevertheless it is a fact which has been patiently restated on countless occasions and one which should be enjoying wide acceptance. Physical prowess will never replace intellectual capacity. Yet, the young disabled adult in our urban environment is compelled to exercise this very ability in which he is deficient, fostering upon him an almost insurmountable burden.

In the last decade, it was adult intellect, idealism, and devoted dedication that put American footprints on the moon. Tomorrow's America will observe today's young adults as they leave mankind's footprints throughout this galaxy. This is a challenge which no generation before would have dared to utter to the next, but one which today stays perched on the tip of my generation's tongue. This is not all we ask of our offspring.

As President Nixon has said in the past: "If we are able to reach out beyond the sky to grasp the dust of the moon—then we must also be able to reach out beneath the sky to grasp the hands of our people."

And so, we seek a cure for cancer, and an end to the abuse and pollution of our natural resources. Still we ask for more—we ask that the next generation of Americans take on the struggle that the late John F. Kennedy proposed in his 1960 Inaugural Address:

"A struggle against the common enemies of man: tyranny, poverty, disease, and war itself."

All these solutions, reasonings, and accomplishments certainly can not flower from one mind. If people are to dream of these successes, then the trying challenges of tomorrow must be met by an intellectual, intelligent, and thoroughly educated group of responsible adults. American cities and American suburban environments alike, will need a concerted effort of all of their populations, that is the physically able, and the physically disabled as well. In the attempt to improve and advance a society to its potential capacity, the effective utilization of all of its faculties is expedient. It would be sheer stupidity for any nation to discount the importance and worth of any of its resources, especially its most valuable—its people. At the same time, it is sheer injustice and degradation for Americans to disregard the capabilities and worth of the physically disabled.

Certainly the Empire State does not expect or suppose that it can ignore the potentiality and the rights of more than thirteen percent of its population. Should we as citizens and legislators, cruelly and unwisely, assume that New York State's two and one-half million mentally and physically handicapped can make no greater contribution to society other than to stay out of its way?

I say no! I pray no! Let us educate *all* of our young adults so that they will reap a plentiful harvest for themselves and for their homeland. As Thomas Jefferson once said:

"If a nation expects to be ignorant and free . . . it expects what never was and what never will be."

Let us provide the same quality of education to the able as well as the disabled, to those who live in the urban environment as well as the rural, so that they will be prepared, so that together they can strive for a better community, a better future, and a better life.

The critical needs of the young disabled adult whether he reside in the city or the suburbs are very closely related and in many instances identical. The key to their needs is education.

Currently, do our schools and colleges make the necessary provisions for the handicapped? Do they provide facilities of such nature that they can be utilized by the physically disabled? Do they provide such essentials as street level or ramped entrances, elevators, doors that can be easily opened, wide corridors and doorways, hand railings, and special desks to accommodate the physically handicapped? Too few of them do, in an age when *all* of them could. Do they provide the disabled student with lowered telephones, water fountains, and fire alarms? Do the colleges provide specially modified dormitory space? Are their rest rooms modified to accommodate the physically disabled? Are audible warning signals accompanied by simultaneous visual signals for the benefit of those with hearing impairments, and visual signals accompanied by simultaneous audible signals for the benefit of the blind.[1] The sad facts are that only about half of all public and private school systems in this country provide education for the physically handicapped and unfortunately, only a handful of colleges including Long Island University's Brooklyn Center are fully accessible to the physically disabled student.[2]

The physically disabled young adult wants to be, and must be integrated into the educational system, and into society. To do this, perhaps the greatest single obstacle we must eliminate is the architectural barrier.

This obstacle has been the physical design of the public and private buildings and facilities that the handicapped are called upon to use in their daily lives.[3] An important step was taken during the Johnson Administration when the "Architectural Barriers" bill was signed into law. This law which had the unanimous support of both houses of Congress, provides that all buildings financed in whole or in part with Federal funds must be so designed and constructed as to be accessible to the physically disabled.[4] This Congressional legislation is not enough. We need legislation that will guarantee the disabled American the same freedoms and rights as the abled American.

The young disabled adult is also in critical need of employment. For a number of reasons many employers are very reluctant to hire a disabled person. In general, there seems to be a great psychological stigma which pervades and transcends any assets the handicapped individual may have. Too many times physical disability is wrongly associated with mental incompetence. The employer does not hire the handicapped because he seems to believe that the consumer, or the public, associates physical disability with his business, resulting in bad public relations. This total rejection compounds all of the problems a handicapped person must face in regard to employment. This obstacle was the one I found most difficult to overcome.

In 1952, I was graduated with honors from St. John's University Law School, fourth in my class. It took me more than three months to find a job. I wonder how long it would have taken me if I were able to walk like everyone else?

Many employers sense a feeling of guilt or pity for the handicapped. They feel contrite about asking the disabled to perform. Other employers feel that the disabled individual cannot function properly. They wonder if the physical disability plays on the totality of the individual's competence. Then, of course, there is the ignorant businessman who fears

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Footnotes at end of article.

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that he will pay higher workmen's compensation premiums if he hires the handicapped. Still, other employers worry, thinking that their insurance rates will sky-rocket. There exists a segment of businessmen that prefers making an income tax deductible contribution to the disabled, rather than to hire them. Then there are those employers who are willing to hire the handicapped but they honestly cannot. They cannot accommodate the disabled because of their unintentional, yet present architectural barriers.

What is to be done? What resources can be taken to underscore and insure these individuals of their American right to free enterprise? I am proposing legislation, in our State Assembly which would allow employers to claim tax credit for whatever modifications they make to accommodate the physically disabled. This is similar to the law which authorizes the awarding of tax credit for building modernization.

However, there is no contemporary governmental system in existence that can legislate against injust thought. We pray to God that no government will ever have the power to regulate our thoughts—good or bad. Instead of the legislation of unconstitutional restraining regulations, I appeal to employers for a voluntary consideration—a serious consideration of the handicapped's equality regarding free enterprise.

Rather than regulate thought, we can at least legislate legal equality and hope it will influence thought. I have also introduced a "Bill of Rights" for the Handicapped, which will amend the current New York State Bill of Rights to read: ". . . regardless of race, creed, color, age, sex, national origin, or physical disability." I feel that this bill articulates and provides the necessary framework for more of this much needed legislation in the future.

The critical needs of the young disabled adult do not terminate with education, employment, and the elimination of architectural barriers. Before the handicapped individual can hope to receive a good education, and before he can hope to find gainful employment he must find a way to make use of our mass transportation system.

Many of the handicapped are barred from classrooms and employment for the simple reason that commuting is too often a physical impossibility. I feel that our government has failed them. Mass transportation has virtually disenfranchised them. Some fellow countrymen turn their heads, pretending not to understand the urgently necessary modifications. Train station platforms must be made parallel to the cars and to car entrances. Trains, buses, and planes should make changes regarding seating for the handicapped. Certain specially designed sections should have seats that fold up or that are removable in order to provide room for those in wheelchairs. Trains and buses would have to maintain steady speeds and accelerate and decelerate gradually.

With all the scientific and technological advancements and know-how of our highly industrialized and mechanized modern society, is it not possible that in the rear of one out of every ten or twelve buses there be installed a hydraulic lift to make education and employment accessible to the handicapped? Is this giving our physically disabled young adults too much? Would they be asking for too much if they asked for a separate entrance to subways and the installation of an elevator? The public transportation system is financed with public funds and should be for the use of all the people—not just the able. Today, it costs the average handicapped individual at least six hundred dollars more than the nonhandicapped in his annual commutations. I have introduced legislation pending on the floor of the State Assembly which would permit the disabled individual to claim a minimum deduction of his State Income Tax, of six hundred dollars, for his extra transportation expenses.

The disabled young adult, as any young adult is in critical need of tension-releasing and mind-pleasing recreation. It is remarkably easy for a young disabled adult to develop a physiological hang-up, or an inferiority complex, if he is barred from relating to other human beings in his society. We must open the doors in order to inspire a healthy relationship between society and the handicapped, and advantageous to both. We must build ramps on public beaches and at public pools which will extend directly into the water. The human body needs no wheelchair or braces to float. Public parks, theaters, museums and all public and private buildings should follow suit. Take away the barriers and we give the handicapped a refreshingly different view of life—and interesting departure from the drudgery of limited capacities. It is a terrible shame that many of the physically disabled cannot even enjoy such cultural places as Lincoln Center. The situation does not have to be this way; it is very easy to change, and, therefore, it must be changed.

In the final analysis there are two alternatives, one of which we will adopt and adhere to. The first alternative is to ignore the handicapped citizens and disengage them from society, continuing to turn them out and segregate them from our lives, and simply imagine that they are non-existent.

The other proposal is to make an effort to bring these handicapped people into the mainstream of society, so that they may realize their maximum potential as human beings and thereby make a maximum contribution to their society.

I have already made my choice—the people must now make theirs. Together we must wait to see the scales of justice balanced.

FOOTNOTES

[1] *U.S. Congressional Record*, 87th Congress, Second Session, February 6, 1962.

[2] *Youth Committee Facts*, The President's Committee on Employment of the Handicapped, June 1969.

[3] *New United States Buildings To Be Specially Designed to Accommodate the Handicapped*, The President's Committee on Employment of the Handicapped.

[4] *Ibid.*

WAR PRISONERS IN VIETNAM

Mr. ALLEN. Mr. President, the American Legion, Department of Alabama, and the Veterans of Foreign Wars, Department of Alabama, are doing a magnificent job in directing public attention in Alabama to the pressing need to mobilize public opinion behind a concerted national effort on behalf of our war prisoners in Vietnam.

The Alabama Department of the American Legion started out to gather a quarter of a million signatures on cards designated, "Concerned Citizens for Prisoners of War." As of today the department confidently expects to double that goal and come up with one-half million signature cards.

The Alabama Department of Veterans of Foreign Wars has asked its individual membership and its Posts to write letters to leaders of foreign nations requesting that they bring their influence to bear on the North Vietnamese and the Vietcong to honor the spirit of the Geneva Convention and end abuse of war prisoners. The national VFW is working closely with those who are sponsoring the day of tribute to prisoners of war on May 1.

These objectives and accomplishments compliment the American Legion and VFW leadership in Alabama and eloquently attest to the patriotic spirit of Alabamians and their feeling of compassion and deep concern for war prisoners and for their loved ones back home.

Mr. President, the near universal appeal of these splendid projects is reflected in the type of organizations they have enlisted in their support. For example, the Legion has received the backing of the Honorable Albert P. Brewer, Governor of Alabama, in two proclamations and the backing of the Alabama League of Municipalities. In addition, these projects have received the endorsement of many Alabama newspapers, and church and civic leaders.

Mr. President, because of the great need for these projects and in view of their tremendous success and because of the great credit it reflects on these fine organizations and the people of Alabama, I ask unanimous consent that the texts of illustrative, descriptive, and promotional materials and endorsements be printed in the RECORD, to the end that they may help serve to the greater cause of helping to relieve the intolerable situation of our men held as prisoners of war.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CONCERNED CITIZENS FOR PRISONERS OF WAR

Many thousands of Americans are expressing their concern and mobilizing world public opinion to urge the North Vietnamese and the Viet Cong to honor the spirit of the Geneva Convention and end abuse of war prisoners. Your concern and your assistance are important.

To help in this unselfish effort to assure basic codes of human decency for the treatment of prisoners of war, join with a quarter of a million Alabamians in an effort to obtain information and proper treatment of American prisoners of war.

SUGGESTED PROCLAMATION TO BE USED BY THE MAYORS OF EACH CITY—PLEASE SEE THAT THIS IS USED IN YOUR LOCAL HOMETOWN NEWSPAPER

Whereas, all Patriotic Alabamians are grateful for the contributions and the sacrifices made by our men fighting for freedom in Vietnam; and

Whereas, some 1400 Americans are missing in action and are presumed to be held prisoners of war, and

Whereas, the North Vietnamese Leaders refuse to release any information about these American Prisoners of War so that loved ones will know of their condition, and

Whereas, this violates all honorable traditions and customs regarding the rights of Prisoners of War, causing loved ones unnecessary agony and grief,

Now therefore be it resolved, that the period of April 1–25 be designated as 25 Days for Concerned Alabama Citizens for Prisoners of War to make known their protest at this inhumane treatment of American Prisoners of War and that every Alabamian be urged to sign a card protesting the treatment of American men held as prisoners of war.

ALABAMA BANKERS ASSOCIATION,
Montgomery, Ala.

Memo to: Chief Executive Officers.
From: Howard J. Morris, Jr.
Date: March 27, 1970.
Subject: Concerned Citizens for Prisoners of War.

AlaBA is pleased to cooperate with the American Legion in the drive to free American prisoners of the North Vietnamese and the Viet Cong. The effort is described in the enclosed materials. AlaBA's own Bob Wilder of Dadeville is heading the effort, and we applaud his public spirited interest. He of course has a more than passing knowledge of the subject, since he himself was a prisoner of war in Germany during World War II.

In a few days a set of posters and the cards will arrive at your bank and at your branches, if you have them. We hope that you will display the posters prominently in your lobbies, and that you will distribute the cards throughout the bank for easy access to the public. A word of encouragement from your employees who meet the public could produce hundreds of signatures from within your own bank lobby. Hold the cards at a central point within the bank until a member of your local American Legion post comes in to pick tem up.

If you have any questions, you may direct them to Lt. Col. Lawson Lynn at the Alabama War Memorial, P.O. Box 1069, Montgomery, Alabama 36102, or to the AlaBA office.

This is an opportunity for a real patriotic service, and we are certain that you will be pleased to help.

ALABAMA LEAGUE OF MUNICIPALITIES,
Montgomery, Ala., March 25, 1970.

Re Concerned Citizens for Prisoners of War.
Your assistance requested.

DEAR MAYOR: The Alabama League of Municipalities is lending its support to a drive of the American Legion to secure the signatures of 250,000 Alabamians expressing concern for American Prisoners of War.

Enclosed you will find explanatory materials, including a suggested news release for issuance April 1 or shortly thereafter. Governor Brewer is to issue a proclamation declaring the period April 1–25 as days for Concerned Citizens for Prisoners of War.

We hope that you will give your wholehearted support to your local American Legion Post with this program.

With thanks and best wishes.

Sincerely,

JOHN F. WATKINS,
Executive Director.

[From the Birmingham (Ala.) News, Apr. 2, 1970]

POW'S REMEMBERED

The American Legion is conducting a drive which deserves the support of every Alabamian—indeed, all Americans.

Legionnaires here are seeking 250,000 signatures of Alabamians as part of a nationwide crusade to protest to Hanoi the mistreatment of GI prisoners of war.

The signatures will be on cards bearing a message which, in addition to protesting mistreatment, asks that families be provided the names of Americans held prisoners of war in Vietnam; that correspondence be allowed between families and prisoners; and that the prisoner of war facilities be opened for inspection in accordance with the Geneva Convention.

Widespread support of this effort is needed both to inform North Vietnam of the outrage of our people and as a sign that Americans everywhere share the grief of those who endure the agony of not knowing whether their loved ones are alive or dead.

Wives and other relatives of servicemen presumed captured by North Vietnam have valiantly persisted in attempts to learn the fate of their loved ones. Most efforts have run up against a stone wall.

In some cases, Hanoi has added insult to injury by attempting to fabricate a propaganda coup out of the sufferings of the next-of-kin: Using communication with GIs as a bribe, North Vietnamese diplomats have cooly informed them to direct their inquiries through American peacenik groups which Hanoi recognizes.

Despite the constant frustration of their attempts, the wives and mothers of servicemen continue to seek the names of those held prisoner.

It must be a lonely, enervating experience, particularly since the United States government is powerless to aid them in their mission.

No one knows what effect the Legion's campaign will have on Hanoi. But it will reflect solid support for those who suffer—both at home and in the prisons of North Vietnam.

And, hopefully, it will revive the issue for the rest of the nations of the world—those nations who are so quick to condemn our country and so slow to show concern against Hanoi's injustice to our captive servicemen.

PROCLAMATION BY THE GOVERNOR, STATE OF ALABAMA

Whereas, the Alabama Department of the American Legion, in cooperation with church leaders and civic organizations throughout the State of Alabama, is sponsoring a program which gives Alabamians an opportunity to voice their displeasure over the treatment American prisoners of war are receiving in North Viet Nam; and

Whereas, the program, which has already received widespread support, is designed to assure the families of these Americans that we, in Alabama, share their concern over the safety and well-being of the ones they hold so dear to their hearts; and

Whereas, united support of this effort is needed both to inform North Viet Nam of the outrage of our people as a sign that Americans everywhere share the grief of those who endure the agony of not knowing whether their loved ones are dead or alive; and

Now, therefore, I, Albert P. Brewer, Governor of the State of Alabama, do hereby designate Sunday, April 26, 1970, as Prayer Day in Alabama for those American prisoners being held in North Viet Nam, and call upon the citizens of this great State to say a prayer for these Americans, and to voice their personal thoughts about the treatment they are receiving by contacting the Alabama American Legion.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed by the Secretary of State at the Capitol in the City of Montgomery on this the 8th day of April, 1970.

ALBERT P. BREWER,
Governor.

Attest:

MABEL S. AMOS,
Secretary of State.

PROCLAMATION BY THE GOVERNOR, STATE OF ALABAMA

Whereas, all Patriotic Alabamians are grateful for the contributions and the sacrifices made by our men fighting for freedom in Vietnam; and

Whereas, some 1400 Americans are missing in action and are presumed to be held as prisoners of war; and

Whereas, the North Vietnamese Leaders refuse to release any information about these American Prisoners of War so that loved ones will know of their condition; and

Whereas, this violates all honorable traditions and customs regarding the rights of prisoners of war, causing loved ones unnecessary agony and grief; and

Whereas, the Alabama American Legion is coordinating a drive to obtain signatures from citizens of Alabama expressing their concern over the treatment of American Prisoners of War:

Now, therefore, I, Albert P. Brewer, Governor of the State of Alabama, do hereby designate and proclaim the period of April 1–April 25, 1970, as Twenty-Five Days for Concerned Alabama Citizens for Prisoners of War to make known their protest at this inhumane treatment of American Prisoners of War and that every Alabamian be urged to sign a card protesting the treatment of American men held as prisoners of war.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed by the Secretary of State at the Capitol in the City of Montgomery on this the 30th day of March, 1970.

ALBERT P. BREWER,
Governor.

Attest:

MABEL S. AMOS,
Secretary of State.

CONCERNED CITIZENS FOR PRISONERS OF WAR

The American Legion is spearheading and organizing a drive which deserves the support of every Alabamian—indeed, all Americans.

The American Legion, with the help of many organizations throughout the state, is seeking 250,000 signatures of Alabamians as part of a nationwide crusade to protest to Hanoi the mistreatment of GI prisoners of war.

The signatures will be on cards bearing a message which, in addition to protesting mistreatment, asks that families be provided the names of Americans being held as prisoners of war in Vietnam; that correspondence be allowed between families and prisoners and that the prisoner of war facilities be opened for inspection in accordance with the Geneva Conference.

Governor Albert P. Brewer has proclaimed April 1–25, 1970 as Twenty-Five Days for Concerned Alabama Citizens for Prisoners of War, to make known the protest of Alabama citizens at the inhumane treatment of American prisoners of war and the failure of Hanoi to notify the families and loved ones of these prisoners whether their loved ones who have been designated as missing in action are alive or dead.

Widespread support of this effort is needed both to inform North Vietnam of the outrage of our people and as a sign that Americans everywhere share the grief of those who endure the agony of not knowing whether their loved ones are alive or dead.

Wives and other relatives of servicemen presumed captured by North Vietnam have valiantly persisted in attempts to learn the fate of their loved ones. Most efforts have run up against a stone wall.

In some cases, Hanoi has added insult to injury by attempting to fabricate a propaganda coup out of the sufferings of the next-of-kin: Using communications with GIs as a bribe, North Vietnamese diplomats have cooly informed them to direct their inquiries through American peacenik groups which Hanoi recognizes.

Despite the constant frustration of their attempts, the wives and mothers of servicemen continue to seek the names of those held as prisoners.

It must be a lonely, enervating experience, particularly since the United States government is powerless to aid them in their mission.

No one knows what effect the Legion's campaign will have on Hanoi. But it will reflect solid support for those who suffer—both at home and in the prisons of North Vietnam.

And, hopefully, it will revive the issue for the rest of the nations of the world—those nations who are so quick to condemn our country and so slow to show concern against Hanoi's injustice to our captive servicemen.

Organizations joining with the American Legion in the Program Concerned Citizens for Prisoners of War, in an effort to obtain the 250,000 signatures, are the Alabama Bankers Association, the Alabama League of Municipalities, the Alabama Press Association, the Alabama Broadcasters Association, the Alabama Jaycees, the Alabama Farm Bureau, the Alabama National Guard, the

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Alabama Rural Electric Association, local Chambers of Commerce and the wives and mothers of prisoners of war. Churches and other organizations throughout the state are being asked to join in.

The signature cards ask the following:

We, as Alabama citizens, urge that the following be done:

1. Notify the United States, and allow the families to know, the names of all Americans now being held as prisoners of the Vietnam war.

2. Assure us that all prisoners of war are being treated humanely.

3. Allow inspection of prisoner of war facilities to insure proper medical care and treatment in accordance with the Geneva Conference.

4. Allow correspondence between prisoners of war and their families.

The signature and home town are filled in at the bottom of the card.

Present in the Governor's office during the ceremony when Governor Brewer signed the proclamation which proclaimed April 1–25 as Twenty Five Days for Concerned Alabama Citizens for Prisoners of War were Mrs. Michael K. McCuistion, whose husband, Captain Michael K. McCuistion has been missing since May 8, 1967; Mrs. Victor J. Apodaca, whose husband, Captain Victor J. Apodaca has been missing since June, 1967; Mrs. M. K. Deichelmann, whose son, Captain Samuel M. Deichelmann has been missing since September 8, 1968; Mrs. Charles E. Cappelli, whose husband Major Charles E. Cappelli has been missing since November 17, 1967; Mrs. James T. Ruffin, whose husband, Lt. James T. Ruffin, has been missing since February 18, 1966 and the State Commander of the American Legion, Charles P. Hayes.

The Program will climax with the visit of the National Commander of the American Legion, J. Milton Patrick, who will visit in Alabama on April 24 and 25. Commander Patrick will speak in Huntsville at the Huntsville-Madison County Jetport at 2 P.M. on Friday, April 24 and at Birmingham at General Gorgas Post # 1 at 7:30 P.M. and on Saturday, April 25 he will speak at noon in Mobile at the Admiral Semmes Hotel and in Montgomery at the Midtown Holiday Inn at 7:30 P.M. All citizens are invited to attend one or all of the points where the National Commander will speak.

Signature cards for the Program Concerned Citizens for Prisoners of War may be obtained from any local bank, local American Legion Post or Auxiliary Unit or by contacting local Chambers of Commerce and local Alabama Jaycees.

[From the Alabama Legionnaire, April 20, 1970]

Other Groups Join Legion in Voicing Support of Effort

The American Legion in Alabama is spearheading and organizing a drive which deserves the support of every Alabamian—indeed, all Americans.

The American Legion, with the help of many organizations throughout the state, is seeking 250,000 signatures of Alabamians as part of a nationwide crusade to protest to Hanoi the mistreatment of GI prisoners of war.

Governor Albert P. Brewer and many of the State's mayors have proclaimed April 1–25 as Twenty-Five Days for Concerned Alabama Citizens for prisoners of War, to make known the protest of Alabama citizens at the inhumane treatment of American prisoners of war and the failure of Hanoi to notify the families and loved ones of these prisoners whether their loved ones who have been designated as missing in action are alive or dead.

"Widespread support of this effort is needed both to inform North Vietnam of the outrage of our people and as a sign that Americans everywhere share the grief of those who endure the agony of not knowing whether their loved ones are alive or dead," according to Department Commander Charles P. Hayes.

"Wives and other relatives of servicemen presumed captured by North Vietnam have valiantly persisted in attempts to learn the fate of their loved ones," said Hayes. "Most efforts have run up against a stone wall."

In some cases, Hanoi has added insult to injury by attempting to fabricate a propaganda coup out of the sufferings of the next-of-kin: Using communications with GIs as a bribe, North Vietnamese diplomats have cooly informed them to direct their inquiries through American peacenik groups which Hanoi recognizes.

Despite the constant frustration of their attempts, the wives and mothers of servicemen continue to seek the names of those held as prisoners.

Hayes asserted that it must be a lonely, enervating experience, particularly since the United States government appears powerless to aid them in their mission.

"No one knows what effect the Legion's campaign will have on Hanoi," he continued, "but it will reflect solid support for those who suffer—both at home and in the prisons of North Vietnam.

Organizations joining with the American Legion in the Program Concerned Citizens for Prisoners of War, in an effort to obtain the 250,000 signatures, are the Alabama Bankers Association, the Alabama League of Municipalities, the Alabama Press Association, the Alabama Broadcasters Association, the Alabama Jaycees, the Alabama Farm Bureau, the Alabama National Guard, the Alabama Rural Electric Association, local Chambers of Commerce and the wives and mothers of prisoners of war. Churches and other organizations throughout the state are being asked to join in.

The signature cards ask the following:

We, as Alabama citizens, urge that the following be done:

1. Notify the United States, and allow the families to know, the names of all Americans now being held as prisoners of the Vietnam war.

2. Assure us that all prisoners of war are being treated humanely.

3. Allow inspection of prisoner of war facilities to insure proper medical care and treatment in accordance with the Geneva Conference.

4. Allow correspondence between prisoners of war and their families.

The Program will climax with the visit of the National Commander of the American Legion, J. Milton Patrick, on April 24 and 25. Commander Patrick will speak in Huntsville at the Huntsville-Madison County Jetport at 2 P.M. on Friday, April 24 and at Birmingham at General Gorgas Post No. 1 at 7:30 P.M. and on Saturday, April 25 he will speak at noon in Mobile at the Admiral Semmes Hotel and in Montgomery at the Midtown Holiday Inn at 7:30 P.M. All citizens are invited to attend one or all of the points where the National Commander will speak.

Signature cards for the Program Concerned Citizens for Prisoners of War may be obtained from any local bank, local American Legion Post or Auxiliary Unit or by contacting local Chambers of Commerce and Jaycees.

The following Legionnaires are serving on the Legion Committee which is spearheading the drive: Robert H. Wilder, Chairman; Lewis E. McCray, Vice-Chairman; Bill Jones, Vernard Thomas, Walter C. Head, Jr., Peter G. Prucnal, Andrew J. Cooper, Joseph Langan, Norman J. Walton, Lavern Tate, Bill J. Dukes.

MOLLIE ORSHANSKY: A REMARKABLE CIVIL SERVANT

Mr. PERCY. Mr. President, at one time or another all of us have referred to the "poverty level"—the income required to provide a family of a specified size with a minimum standard of living. Now, as the Senate begins to consider the Family Assistance Act, President Nixon's noteworthy proposal for a thorough overhaul of our totally inadequate welfare system, we will examine the needs of the poor in great detail. And the Federal poverty level figures will be among the major criteria we will use in assessing those needs.

The source of this vital information is a brilliant civil servant who is unknown to many Americans, Miss Mollie Orshansky. In an article in the Chicago Daily News, William J. Eaton, a perceptive reporter who recently won the Sidney Hillman Award and an honorable mention in the Raymond Clapper Awards competition, described the impact of Miss Orshansky's work. Mr. Eaton wrote:

> Almost singlehandedly, she did the original research and advanced the concept of the "poverty line" for urban and rural families that has become an essential tool for two administrations.

As Mr. Eaton's article shows, Miss Orshansky brings a remarkable blend of compassion and ability to her studies of the poor I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Compassionate Statistician: Mollie Orshansky, Whose Poverty-Level Figures Are Cited by Presidents and Congress, Sees the Poor as People

(By William J. Eaton)

Washington.—Down a dimly lit hall, among stacks of computer print-outs and a paper-covered desk, sits a graying, middle-aged woman who might be the prototype of a federal civil servant—and in some ways she is.

This brilliant and sensitive lady—Miss Mollie Orshansky—has provided the statistical framework for the U.S. government and Congress in the coming debate over a federally guaranteed income for 25 million American families.

Almost singlehandedly, she did the original research and advanced the concept of the "poverty line" for urban and rural families that has become an essential tool for two administrations.

Thanks to her work, it is now almost universally accepted that a city-dwelling family of four requires at least $3,553 (in 1968 prices) to rise above the poverty level.

Miss Orshansky's efforts have been so painstaking—and possibly so cautious in stating the poverty line—that the most vehement critics of President Nixon's welfare reform program do not doubt the basic arithmetic on the money needed for food, clothing, shelter and other necessities.

The figures—adapted for individuals and families with up to nine children—also are employed by the Labor Department, the Office of Economic Opportunity, and other agencies to determine eligibility for manpower training and similar antipoverty programs.

Her pioneering work on the plight of the poor began long before the late John F. Kennedy or former President Lyndon B. Johnson even began pushing a "war on poverty" late in 1963.

XUM

Miss Orshansky's writings have been hailed for their statistical precision, but they also blaze with compassion for the underdog—a compassion that comes naturally to her.

Her father was one of the "working poor" when she and her five sisters and brothers grew up in a Bronx slum in the 1920s, she reports. Father Orshansky's earnings as a tinsmith, repairman and small grocery store owner never seemed to provide enough for his family.

"If I write about the poor, I don't need a good imagination—I have a good memory," she said in an interview.

But her scholastic ability and the drive to excel carried her through Hunter College high school, one of the best in New York City, and she received a bachelor's degree in mathematics from Hunter with the Depression-era class of 1935. She was the first member of her family to win a college degree.

Eager to get a job, Miss Orshansky became a junior clerk in the U.S. Children's Bureau at starting pay of $1,440 a year, then waited nearly two years for her first raise—to $1,800 a year as a statistics clerk.

In wartime Washington she was an assistant economist with the War Labor Board, at $2,600 a year, and then joined the human nutrition and home economics section of the Agriculture Department when the fighting stopped in 1945.

Her six years at Agriculture were invaluable training for her future development of the "poverty line," since she was involved with living standards and spending patterns of American farm families.

When she was transferred to the Social Security Administration in 1958, as a research analyst, Miss Orshansky decided to concentrate on the poverty among families with children instead of the elderly people who were her new agency's major constituents.

"Personally, I happen to like children better than people," she says, winking from behind green-framed eyeglasses.

Familiar with the sample diets for upper-, middle- and low-income families devised by the Department of Agriculture, Miss Orshansky decided to use them as the basis for her poverty yardstick.

"It happens that food is about the only aspect of family life that we have as an accepted standard of need," she explained.

The highest-cost diet featured such items as filet mignon and asparagus, aimed at the top one-third of the families. The middle-level diet included less expensive foods, such as porterhouse steak and string beans.

For the families in the lower one-third, the government nutrition experts provided meals featuring hamburgers and spinach. Then in the ultimate economy bracket, the diet included hot dogs and turnip greens, together with other cheap foods, that would cost from 75 cents to 80 cents a person per day.

The Agriculture Department figured that the meals would all be prepared and consumed at home—no snacks or restaurant dining was allowed in the calculations.

Mollie Orshansky decided to use the lowest-cost, economy diet as the basis for her calculations, feeling that no one could challenge such a "stingy" standard as a measure of poverty.

"At 80 cents a person a day, it doesn't give you much gracious living," she said. Using other government statistics, she discovered that American families generally spend one-third of their income on food.

Miss Orshansky then compared the income needed for a low-cost diet and other family expenses with the family earnings figures compiled by the Census Bureau.

The cost of processing the tabulations, she recalls, was $2,500, and the results showed that the median income of a mother with children was $2,300 a year.

"I got sick about the fact that what the government paid for one tabulation was more than what half of these families had to live on for an entire year," Miss Orshansky reported. "I determined I was going to get my $2,500 worth."

She did just that—and then some. Strongly supported by her superior, Mrs. Ida C. Merriam, the Bronx-born child of poverty combined precise calculations with passionate prose in an 11-page article printed in the July, 1963, Social Security Bulletin.

It was entitled bluntly: "Children of the Poor." The summary drafted by Miss Orshansky displayed a boldness and simplicity that government documents rarely show.

"There is a growing awareness that as the nation grows richer the dollar gap between average income and the income of our poorest citizens widens," she began. Then came the dramatic findings:

"By one crude index of poverty it can be shown that every fourth or fifth family with children under age 18 may have to choose between an adequate diet at minimum cost and some other necessity—they cannot afford both.

"All told, some 17 million to 23 million youngsters, or from fourth to a third of all our children, are growing up in the gray shadow of poverty."

She concluded that very few benefits from the Social Security program helped the worst-off group—the fatherless family whose mother tried to raise children and work at the same time. Husband-wife families with inadequate income, she said, were in the same category.

CHILDREN'S NEEDS

Foreshadowing the recommendation by President Nixon to help the "working poor" by federal income guarantees, Miss Orshansky simply stated her conclusions in mid-1963:

"There are people whose only legacy to their children is the same one of poverty and deprivation that they received from their own parents.

"For the common benefit of all we must assure the security and well-being of all our children—at the same time the nation's most precious and most perishable resource."

Her work soon was recognized in the President's Economic Report, sent to Congress in January, 1964. The Council of Economic Advisers, then under the direction of Walter W. Heller, referred to her study in a chapter on poverty. The report said the Social Security Administration had estimated that a family required an income of $3,000 a year to rise above the poverty level.

That figure was used time and again in the presidential election year and Lyndon B. Johnson promised to help the 27 million Americans Miss Orshansky had estimated were below this cut-off line.

STRESS MISDIRECTED

The author, however, was annoyed at this use of her statistics, partly because she felt the 1965 Economic Report incorrectly emphasized the prevalence of poverty among the aged rather than among families with small children.

She sent revised figures to the White House economists, who included them in the 1966 report to Congress. The newly created Office of Economic Opportunity, set up to run the war on poverty, also found the Orshansky tabulations of great importance in planning its strategy.

In a January, 1965, article, she estimated that 34.5 million Americans—including 15 million children under 18 years old—"lacked the wherewithal to live at anywhere near a tolerable level." A slightly more generous standard, of $3,165 for a family of four, she wrote, would expand the total to 50 million persons "who live within the bleak circle of poverty or at least hover around its edges."

She disclosed that in nearly 30 per cent of the families identified as poor, the breadwinner worked full-time, year-round but received wages so low that they kept the family below the poverty line.

In concluding that article, Miss Orshansky showed typical impatience, writing: "The poor have been counted many times. It remains now to count the ways by which to help them gain a new identity."

Using her figures, federal agencies began defining "poverty areas" and screening applications for OEO programs aimed at helping the worst-off Americans. Finally, last Aug. 29, the Bureau of the Budget made the poverty line an official statistic, much as the unemployment rate and the cost-of-living index. The bureau directed that the figure be revised periodically to take account of higher prices, too.

In the bureaucratic sense, Miss Mollie Orshansky, a lonely figure in Room 3513 of the North Building, Department of Health, Education and Welfare, had won a magnificent victory. Her work was enshrined in Circular No. a-46 and Transmittal Memo No. 9 of the Budget Bureau, circulated to all government agencies.

Typically, however, she was more concerned with people than with protocol on poverty. The Budget Bureau's action, she says, has some disadvantages in that it tends to freeze the poverty line despite changes in buying habits and changes in acceptable living standards.

For example, she thinks the current poverty level for a family of four is $3,768, adjusted for 1969 price increases.

"It means 25,400,000 people are poor—it's just too darn many," she says indignantly. "But I don't think the figure should be used to determine eligibility for antipoverty programs. That bothers me."

PLEA FOR FLEXIBILITY

Yet the Orshansky standards are being used in this way despite her concern that families may be just as needy if their income is a few hundred dollars above the official cutoff line.

Her figures also were applied when Congress, in the Tax Reform act of 1969, abolished income taxes for those families and individuals below the poverty level.

Yet she thinks it's difficult to be so precise about what is often a state of mind.

"To be poor is to feel deprived of those goods and services and pleasures which others around take for granted as a right," she said. While acknowledging limitations of the poverty index based on food costs, she adds a typical Orshansky-ism:

"If money alone will not solve the problems of poverty, it is still true that without it nothing else will avail much either. . . . In the final analysis, what more objective measure can there be?"

Since her landmark studies, Miss Orshansky has been honored by the federal government and by professional groups. She also is in demand as a speaker.

Bashful in public as she is voluble in private, she does not find it easy to make these appearances, preferring the privacy of her cubicle and finding her reward when a President quotes one of her paragraphs in a message to Congress.

As for her accomplishments, Miss Orshansky minimizes them and credits her superiors with giving her a free hand.

Yet she is the kind of statistician who has power over policy makers, partly because of her deep personal involvement in the numbers she uses.

"Many people think it's strange that an economist or statistician could care so much," says Mollie Orshansky. "It's surprising and sad that they feel that way."

EARTH DAY—1970

Mr. McINTYRE. Mr. President, last week, the attention of the entire country was focused on the crisis of the

American environment through Earth Day. Americans of all ages and races and political persuasions joined in to express their concern and to learn not only about our environmental problems, but about how we can begin to meet them.

Earth Day was remarkable in its breadth of support and for its reasonable approach of calm, yet deeply concerned public attention to the American environment. I made 14 speeches in 3 days in New Hampshire and I was struck by the interest, the enthusiasm, and the desire to personally do something. Earth Day can mark the beginning of a nationwide effort to set America on a course in this last third of the 20th century toward providing quality of life that has always been the promise and the purpose of this Nation.

In facing our environmental crisis, we cannot avoid dealing not only with pollution, but with the problems of our cities, our ghettos—of human health, of the livability of neighborhoods and housing, of jobs, and education.

As the Senator from Wisconsin (Mr. NELSON), founder of Earth Day, said in one of his Earth Day speeches:

> Ecology is a big science; a big concept. It is concerned with the total eco-system—not just with how we dispose of our tin cans, bottles and sewage.

Earth Day can mark a turning point toward a broad new agreement in this society about the job ahead of us in the coming years. It is a job of establishing new priorities, of restoring our countryside and cities to a livable environment, of adding a new dimension that emphasizes quality as well as quantity, of developing a new ethic founded on mutual respect for all people and all living things.

Earth Day is an excellent beginning. Now, we must get on with a nationwide effort in Congress and in every community, and in every institution in America to fulfill the promise of this Nation.

Two editorials, one about the Earth Day founded, and an article in the Milwaukee Journal do an excellent job of stating this great challenge. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Apr. 28, 1970]

THERE WENT NELSON

Tuesday: Atlantic City at 9 a.m. Boston at 2:15 p.m. Madison at 7:15. Milwaukee at 10.

Wednesday: Bloomington at 9:30 a.m. Denver at 2. Berkeley at 8:15. On to Los Angeles. Back to Washington.

A missile gone berserk? No, it's our Sen. Nelson, crisscrossing the country as he evangelizes for the environment. "We feel we're mission control," says his secretary.

If anyone knows about widespread pollution, Nelson should. This week, he has seen it.

EARTH DAY

Divided over problems of Vietnam, welfare and race relations, Americans have found a great area for unity in seeking to save their environment.

Politicians are aroused, industry is on the defensive, citizens are alarmed. The issue has bridged the generation gap that itself is cause for national concern. Indeed, historians may credit youth—surly, impatient, irreverent and long haired—with challenging the country about its environment as few events have since Pearl Harbor.

Students have embraced it with even more fervor than they did antiwar demonstrations. They have catapulted ecology, once a word for nature professors, out so everyone can see it—despite the polluted air. Their effort reaches a climax Wednesday, called "Earth Day," to be marked by a massive teach-in that will involve 2,000 colleges, 10,000 elementary and high schools and—most significantly—2,000 community groups of veteran and new environmentalists.

Such community response not only echoes the campus enthusiasm but is a gauge of the political potential of the "E" movement. The groups may tackle local pollution issues, but they are also building political muscle. They will be working for or against candidates and legislation bearing on their cause. This impact is expected in the 1970 congressional elections.

Suggested late last year by Wisconsin's Senator Nelson, the teach-in organization now shows signs of outliving its original mission. Environmental Action headquarters in Washington, D.C., has 19 full time staffers—all under 28—plus hundreds of volunteers from high school youths to housewives. Out of its offices have flowed tons of material and information on films, speakers and organizational planning. It has spent $125,000 this year and has flirted constantly with red ink, but it has refused donations from polluting industries and depended mostly on small, individual gifts.

Environmental Action soon will drop its tax exempt status so it can get politically active.

The campus commitment has produced angry or anxious questioners for many speakers—yet thousands will be out for teach-in appearances, including 20 US senators. It has seen quick revamping of curriculums to satisfy student demands for courses that relate man to his environment. It has created new favorites of youth, such as ecologist Barry Commoner, biologist Paul Ehrlich, who write "The Population Bomb," and Sen. Nelson.

It has brought so many ardent activists that there is even worry that some may engage in violence and destruction. Nothing could more effectively harm E-Day efforts and limit its positive impact.

The environmental movement has had so much meaning to the young because it involves their futures, the earth they will inherit. It also has spurred millions outside the campuses, people with a growing uneasiness that government and industry have become too big and are making decisions affecting the quality of life without public counsel.

Questions properly have been raised about national priorities and individual values. For its part in this, youth has earned America's gratitude. Youth also must provide many of the solutions.

[From the Milwaukee Journal, Apr. 19, 1970]

COST: HOW MUCH? WHO?

What will it cost to clean up America and keep it that way?

The answer is about as obscure as our knowledge of what ultimately might happen to man if he allows continued spoilage of the environment.

Those who guess don't speak in millions. They talk billions.

There have been attempts to put a price tag on the cleanup, probably because practical men who will do the work need a target to shoot for.

Barry Commoner, a Washington University scientist, said recently that the cost of controlling water pollution "has been calculated at $100 billion over the next 10 to 20 years."

And Time Magazine reported that "to save the U.S. from becoming a malodorous wasteland, experts agree, will cost nearly $100 billion in the next five years."

About $30 billion of that would be required to stem water pollution. The cost of cleaning up the air was set at $60 billion over five years, Time said.

Sen. Henry Jackson (D-Wash.) figured these costs for an "acceptable" cleanup to be accomplished in five years: water, $26-$29 billion yearly; air in metropolitan areas, $12-$15 billion yearly; solid waste disposal, $15 billion yearly.

NELSON QUOTED

Sen. Gaylord Nelson (D-Wis.), who has become a superstar in the environmental fight, said in The Progressive Magazine:

"It will take vast Federal expenditures just to begin an environmental cleanup program. At least $20 billion to $25 billion a year over present expenditures is essential.

"Even if you estimate the investment to be $275 billion by the year 2000, there is no reason to consider that a staggering sum when you remember it is equivalent to this country's defense expenditures for the next four years, not to mention the billions spent on space adventure."

Many scientists decline to put a price tag on the effort.

Lee A. DuBridge, President Nixon's science adviser, is one. Asked about it recently by U.S. News & World Report, he answered: "It is difficult to name a figure, but it will clearly be a vast sum. Many people do not realize this yet."

$2.5 BILLION BUDGETED

Nixon's 1970 budget included $2.5 billion for environmental protection.

Allen V. Kneese, director of the environmental quality program of Resources for the Future, Inc., Washington, is regarded by many environmentalists as the country's leading authority on pollution economics.

He told The Journal that it probably is impossible to predict the ultimate price.

"A lot of the estimates you see are really off the top of the head, extremely simple calculations," he said. "They are unclear as to what degree of cleanup we are talking about. Further, it also matters considerably how the job gets done."

If the ultimate goal of antipollution efforts is absolute cleanliness, he said, "then you're probably talking about an incalculable investment."

"But if you're talking some progress in the next few years—excluding urban matters like bad housing—then you're probably talking about an investment of $15 billion to $20 billion a year indefinitely," Kneese said.

"One of the problems we have in this country is the idea that you can fix anything with money," he continued. There is a certain amount of truth in that.

"More fundamental, however, is the question of how to change the system that is producing this—understanding the system and changing it."

Scientists and politicians talk about astronomical figures. But where does it mean for the individual? What does it mean in terms of his automobile, for instance?

Edward N. Cole, General Motors president, recently predicted that an essentially pollution free internal combustion vehicle would be developed by 1980.

The estimated cost to the consumer will be $200 to $300.

Take another example, electricity.

Some feel that coal burning power plants will become the greatest source of air pollution.

SULFUR GAS A PROBLEM

Fortune Magazine figures drawn from government and industry data indicate that power output will increase almost eight times in the next 40 years. Nuclear plants will account for much of this, but the industry's coal consumption will triple.

The tall smokestacks of the power industry toss tons of pollutants into the nation's skies each year.

The industry has been busy curbing the emission of solid particles. But as yet no method has been perfected to control sulfur dioxide gas.

According to Fortune, federal authorities have estimated that by the year 2000 the utilities will have to spend $450 million to $1.4 billion a year to control sulfur dioxide.

The industry's entire outlay so far to control air pollution has been only about $1 billion, Fortune said.

The suggestion is, of course, that electricity bills will increase substantially.

Commoner said the US Public Health Service estimated the overall cost of air pollution at $60 a person a year.

A reasonable assessment of the portion of this cost caused by power production from fossil fuels—coal and oil—is about $20, he said.

CONSUMER WILL PAY

According to Commoner, this means that "we must add to the cost of such power production, for each urban family of four, about $80 a year—an appreciable sum relative to the annual bill for electricity."

Who will pay to clean up power production?

"Whether it's done by taxes, penalties or electricity rates, John Q. Public will pay," said Sol Burstein, senior vice president of Wisconsin Electric.

Some people ask why industry, a major polluter, should not be forced to absorb antipollution costs instead of passing them on to the public.

Considering what pollution already costs the public in tax increases, health care costs, crop destruction, property depreciation, and hundreds of other ways, its cost is incalculable and the savings gleaned by controlling it would be enormous.

The cleanup also would generate a substantial amount of business for companies that manufacture antipollution equipment, build sewage treatment plants, carve out reservoirs and do research work.

Investors are beginning to realize this, as indicated by the rising value of antipollution stocks.

One big concern is that the technology introduced to clean up the mess may become a source of pollution itself.

NEW FACTOR

Until only a few years ago an economist asked to assess the costs of producing a product would add up raw material, labor, capital equipment, power and a handful of similar inputs.

Today he well may include social costs—the cost of cleaning water and air polluted in producing the product.

Now that society realizes the necessity of maintaining environmental quality and the enormous cleanup cost involved, it also realizes that the price of many products has been unrealistic.

Realism dictates that the cost of cleaning up after the product be included in its price.

The question, then, is how to tie cleanup costs to products.

Economists have been debating two methods. One is to dangle a carrot before industry by offering direct financial incentives, such as tax credits, for installing control devices.

This seems to be losing out to the "big stick" approach—forcing companies to clean up.

The argument is that cleanup cost would be merely another of many costs for a manager to overcome to make and market a successful product. This would bring to bear the managerial skill of US industry, resulting in the most economical approach to the problem.

PROXMIRE PROPOSED FEE

Last December Sen. William Proxmire (D-Wis.) and nine colleagues introduced a bill to do just this in the field of water pollution.

The bill calls for a federal "efficiency fee" of 10 cents a pound for industrial wastes dumped into the nation's water.

Proxmire estimated that such a fee would produce about $2 billion a year, much of which could be used to construct and operate municipal sewage plants.

Another way to view this "tax" is as an incentive to industry to overcome it and to recycle waste.

Kneese told The Journal that the ideal situation would be to couple the fee program with a regional approach to water pollution control to achieve economies.

This would mean serving large numbers of industrial municipal and individual polluters with the same piece of highly sophisticated equipment used at a large treatment plant.

It is precisely this approach that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) has proposed for the Fox River Valley. It advised abandoning sewage treatment facilities—industrial and municipal—in Pewaukee, Brookfield, Poplar Creek, Sussex and Waukesha and treating this sewage in a new plant down stream from Waukesha.

AMERICAN SECURITY COUNCIL'S REPORT ON THE SALT TALKS

Mr. THURMOND. Mr. President, last week I had the honor of placing in the RECORD a short article by the assistant editor of the Charleston News & Courier, Mr. Anthony Harrigan, pointing out some of the dangers to be had in dealing with the Russians at the SALT talks.

As I stated at that time, Mr. Harrigan is a distinguished international writer on military tactics and strategy and covered the Helsinki talks first hand as a journalist. Mr. Harrigan has now expanded his opinions in the current Washington Report of the American Security Council. The American Security Council is one of the leading organizations dedicated to our national security and has produced many informed studies on the international strategic balance and on the need for our ABM.

In the report Mr. Harrigan once more places great importance upon the sudden announcement of the Soviet Cosmos 248, which has the capacity for knocking down U.S. intelligence satellites. Thus the argument that we can depend upon electronic detection equipment to monitor Soviet activities no longer holds water.

Mr. President I ask unanimous consent that the Washington Report entitled "America's Stake At Vienna: The SALT Talks, MIRV and the ABM" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA'S STAKE AT VIENNA: THE SALT TALKS, MIRV AND THE ABM

In Vienna on April 16 the United States and the Soviet Union began the second round of the Strategic Arms Limitation Talks. The opening of these talks—a follow-up to discussions commenced at Helsinki last fall—is a fateful moment in the history of the free world's long effort to safeguard its freedom against Soviet aggression.

The instructions given to the U.S. delegates are secret, and properly so. But President Nixon is on record in his "United States Foreign Policy for the 1970's" as saying that American negotiators will deal with specific positions at Vienna, whereas the Helsinki round of talks were concerned with procedural matters and general issues. Thus it is timely for the American people to consider what is at stake in the SALT talks. And while the talks may result in new opportunities for peace, grave dangers are involved and should be clearly understood. If the U.S. delegates—and authorities at home—lack the toughness, hardheaded realism and endurance that the negotiations require, the United States could find itself cruelly exposed to Soviet nuclear blackmail or worse by the mid-1970's.

UNITED STATES AT DISADVANTAGE

The first thing the American people need to understand is that they are at a marked disadvantage in the Vienna negotiations and in dealing generally with the Soviet Union. Aggressors states such as the Soviet Union have a built-in advantage in that they know precisely what they want and resolutely proceed towards their goal of domination with no consideration for truth or international morality. The Soviets, for example, have a history of making "peace" pacts that they have no intention of honoring. The United States, on the other hand, scrupulously honors its international agreements. Realistic Americans know, therefore, that their country cannot put any stock in the word of the Soviet Union and cannot assume good faith on the part of the USSR. An agreement with the Soviets is no better than the means of verifying the degree of the Soviets' adherence to their own pledges.

The fundamental immorality of the Soviet Union poses extreme difficulty for U.S. negotiators. It also introduces great danger into the question of concessions. Yet there are many influential figures in U.S. public life who speak as though the U.S. and USSR were equal in terms of seriousness and honesty of intention and who urge concessions as evidence of American good faith in bargaining. Thus McGeorge Bundy, former White House adviser in the Kennedy and Johnson administrations, stresses what he calls the need for "balanced concessions" as a necessary part of the thinking of both the U.S. and Soviet delegations. Mr. Bundy's position is the opposite of realism, for he refers to American "strategic overstrength" and "superfluous nuclear weapons" at a time when Secretary of Defense Melvin Laird reports that the Soviets have more and bigger intercontinental rockets.

UNITED STATES AND SOVIET INTENTIONS

It is terribly important that responsible U.S. officials not engage in balancing of U.S. and Soviet intentions at Vienna. The Soviets undoubtedly were "serious and businesslike" in the Helsinki talks, as President Nixon said. But when haven't the Soviets been serious and businesslike in their efforts to gain domination over the Western countries? At all cost, the United States government, especially the negotiating team at Vienna, must avoid naiveté in viewing Soviet proposals and promises.

Insofar as Soviet intentions are concerned, the U.S. SALT delegates can view a record of duplicity regarding new weapons. Though they had an understanding with the United States not to develop weapons for space warfare, the Soviets secretly developed and tested (as is their custom with all new weaponry) a satellite destroyer known as Cosmos 248. Word of this did not reach the U.S. public until after the Helsinki talks, though the space weapon was launched more than a year prior to the opening of negotiations.

COSMOS 248

The military potential of Cosmos 248 is enormous, for it has the capability of knocking down U.S. satellites essential for communications and intelligence. The danger is that the USSR may be able to blind America's electronic eyes whenever they choose. The U.S. Air Force envisioned a similar space weapon years ago, but the concept was shelved during the Kennedy administration.

Cosmos 248 should hold an important place in the thinking of America's SALT negotiators from the standpoint of Soviet intentions and capabilities. Moreover, the successful secret testing of Cosmos 248 should be an object lesson to the U.S. delegates, namely that no amount of American electronic detection equipment can alert this country to secret testing of a new Soviet weapon. In other words, the Soviets could sign an agreement banning further development of MIRV (multiple warhead missiles) and still conduct tests. They could do so in the way they secretly tested Cosmos 248, by holding the tests at a time when U.S. radars and other detection devices were focused on American and Soviet space shots. Coordination of secret military weapons tests with announced space flights is a convenient and effective way for the USSR to mask tests it wants to hide from United States.

EFFORTS TO HALT MIRV

The anti-preparedness bloc in the United States has concentrated on halting development and testing of multiple warhead weapons and on thwarting expansion of the Safeguard anti-ballistic missile system. Members of this bloc hope that the SALT talks will cause the U.S. to halt MIRV and ABM developments. For several months, there has been a barrage of articles and speeches by anti-preparedness figures, saying that a MIRV test ban should precede the Vienna meeting. The Soviet MIRV tests in the Pacific in late March underscored the incredible folly of the argument for a pre-Vienna unilateral test halt by the United States.

The anti-MIRV lobby bases its case on the statement that the United States, using electronic means, could verify Soviet compliance with a ban on testing of multiple warhead missiles. This position is shattered by disclosure that the Soviets were able to mask their Cosmos 248 tests. If they could do that, they also could mask MIRV tests.

Fortunately, the U.S. Senate has realists who know the score. One of these, Sen. Henry M. Jackson (D-Wash.), is firmly committed to the position that the United States should complete testing of both MIRV and ABM systems. He said in late February that the U.S. must make sure that in case of a nuclear arms agreement with the Soviet Union at Vienna "we remain within lead-time reach of corrective measures," should the agreement be "abrogated." In other words, the U.S. must have its technology up to date in the event the Soviets cheat. This would only be elementary prudence, of course.

ABM AND THE SALT TALKS

Insofar as the Safeguard ABM system is concerned, the SALT talks must not be used as an excuse to abort this embryonic program. The Soviets are far ahead in this vital area of armaments. It would be unwise of Americans to dismiss as mere bragging the claim of Soviet Marshal Andrei Grechko that his nation possesses "weapons capable of reliably hitting enemy aircraft and missiles irrespective of height or speed of flight, at great distances from the defended targets." While members of the Senate Disarmament Subcommittee and others have sought to cancel America's limited ABM program, the Soviets have forged ahead in anti-missile defense, thereby increasing their overall military capabilities and buttressing their psychological assurance.

The Nixon administration's proposal for expansion of the Safeguard ABM system is extremely modest. All the administration recommends is construction of one additional Safeguard site to defend the Minuteman complex at Whiteman Air Force Base in Missouri, plus preliminary work on five other sites. No request is being made to activate the entire 12-station complex, which represents the real security need. Secretary of Defense Laird has said that the administration proposal is "the minimum we can and must do . . . to fulfill the President's national security objectives." Yet even this minimum effort is bitterly resisted. If this resistance is successful, the position of the U.S. delegates at the SALT talks will be seriously weakened. The stronger the U.S. is militarily the better chance the United States delegation stands in its discussions with the Soviets.

THE NEED FOR EXPANSION

The need for expansion of the Safeguard ABM also is illustrated by the build-up of Communist China's nuclear power. Robert D. Heinl Jr., internationally-recognized military analyst, recently reported on the construction of missile-launching facilities in Northwest China, saying: "Today, according to intelligence-satellite photographs, the Chinese are speeding work on these missile sites which seem to be configured for very large weapons."

The entire free world should be concerned about this Red Chinese build-up and welcome America's efforts to create an ABM defense. But this is not the case. Invincible ignorance of the need for ABM defense is the situation in some quarters. Thus President Pierre Elliott Trudeau of Canada made the astounding statement February 2 that the Canadian government is "rather unhappy" that the U.S. is facing China with anti-ballistic missiles rather than with an offer of diplomatic recognition. As though diplomatic recognition would halt Red China's drive for nuclear arms or provide a protective shield against ballistic missiles!

The Canadian position no doubt arises out of wishful thinking about the nature of the world. Thus some Europeans actually give serious consideration to the Warsaw Pact statement that it wants to discuss "renunciation of the use of threats of force in relation to European countries." The recent unhappy experience of the Czech people should be sufficient to show that such a Warsaw Pact statement is the ultimate in deceit. Yet some people on both sides of the Atlantic are so determined to believe in a Soviet change of heart that they will accept the most self-serving statements of the communist powers.

THE NEED FOR REALISM

Complete realism is rare in official circles anywhere in the West these days. The Nixon administration, for all its sound emphasis on strengthened ABM defense, is not without some confusion on basic points. The presidential report, entitled "U.S. Foreign Policy For the 1970's", while it includes many sound observations on the Soviet military threat, is disturbingly ambiguous on strategic programs. On the one hand, the report acknowledges that "sharp cutbacks" in U.S. strategic programs "would not permit us to satisfy our sufficiency and might provoke the opposite reaction." On the other hand, this statement is followed-up by the comment that "sharp increases might not have any significant political or military benefits." The report also asserts that sharp increases might cause Soviet political positions to "harden" so that "tensions would increase" and "the prospect for reaching agreements to limit strategic arms might be irreparably damaged."

This is the position taken by former Secretary of Defense Robert S. McNamara. Adherence to it is what caused America's loss of nuclear superiority. Indeed reluctance to push for "sharp increases" in strategic programs can only contribute to a widening margin of Soviet nuclear superiority. It is to be hoped that notions of this sort do not color the instructions given the U.S. delegation to the SALT talks. Unless America's negotiators believe in the political advantage of U.S. military strength, the Republic security interests may be compromised at Vienna.

SENATORS RANDOLPH AND MOSS URGE COMMEMORATIVE STAMP IN RECOGNITION OF OUR MINERAL HERITAGE—AWARENESS NEEDED FOR THIS NONRENEWABLE RESOURCE AND FOR ITS CONSERVATION

Mr. RANDOLPH. Mr. President, I have for several years expressed an interest in the issuance of a commemorative stamp in recognition of our vast mineral heritage.

Gem materials, for example, must have three principal qualities—beauty, durability, and rarity. Splendor in a gem depends on transparency, brilliance, luster, and color. Luster is a function of the transparency, refractivity, and crystal structure of a mineral; durability is determined by hardness and toughness; and rarity is a major factor in determining the value of a gem. Of the 1,500 mineral species, only about 100 have all the attributes required in gems.

It is interesting that at least one variety of gem stone occurs in each State, a symbol of which is the First Ladies' broach on display at the Smithsonian Institution and which contains gem stones from each State of the Union.

Mr. and Mrs. Milton Turner of Silver Spring, Md., recently brought a sample of beautiful quartz crystals and other gem and mineral collections to my office for viewing by Post Office Department officials. Mrs. Turner is chairman of "Our Mineral Heritage Stamp Committee." Following the meeting, I met with George King, acting director, Division of Philately; Paul Carlin, executive assistant to the Postmaster General; and Ray Stewart, congressional liaison officer, to discuss the issuance of a commemorative stamp. Other Members of the Senate and House are interested in the proposal; including Senator Robert C. Byrd and Representative Hechler, of West Virginia.

Mr. President, on April 20 of this year, I wrote the Postmaster General, requesting that he give consideration to the issuing of such a stamp. The Senator from Utah (Mr. Moss) joined in the appeal. It is our feeling that if the stamp were to be issued, it would provide an inducement to travel within the United States. I would hope that it would also help to create an awareness of conservation and beautification.

Mr. President, I ask unanimous consent to have the letter printed in the Record at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

APRIL 20, 1970.

Hon. WINTON M. BLOUNT,
Postmaster General,
Post Office Department,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: Several years ago I expressed my interest in the issuance of a commemorative stamp in recognition of our mineral heritage. I again bring this subject to the attention of the Citizens' Stamp Advisory Committee, which will meet this week to consider future stamp subjects.

I can think of no better symbol of our mineral wealth than the First Ladies' broach on display at the Smithsonian Institution, which contains gem stones from each State of our Union. A photograph of this unusual pin is enclosed.

Stamps have been issued stressing the conservation of wildlife, water and forests, and it is appropriate to provide one recognizing resources that are not renewable—our minerals—so important in West Virginia and in all States.

The release of a stamp calling attention to our mineral deposits would focus attention on widely diversified segments of our population which have become involved in our mineral heritage.

At present the National Geographic Society is engaged in a vital program to acquaint the youth of our Nation with our vast mineral wealth. Schools are using mineralogical exhibits for a wider area of teaching and a more interesting manner of presentation of the subject. I understand there is much excitement in this method, even among some young people who tend toward delinquency and, thus, by this subject may be able to channel their thoughts toward constructive exploration of rocks which are all about them. They have little or no concept of their content and revelations.

Our senior citizens, as well as our young people, are finding it increasingly interesting to pursue hobbies that lead to exploration of rock formations and the collection of gem stones. It has promoted the "family togetherness" theme since it can become a hobby in which family members of all ages can participate and, indeed, large numbers do now engage in this thrilling adventure.

Searching for the unusual formations is also an exciting type of physical recreation that brings individuals, families, and organizations into the great outdoors to enjoy a better understanding of the appeal and the beauty of nature. Such interest, in turn, can lead to studies or educational pursuits that develop into occupations for the future. Through many groups interested in a mineral heritage commemorative stamp, the publicity gained from it would be an inducement to travel and "See America First." We need to create an awareness of conservation and beautification.

Such a stamp should be released in connection with a Mineral Heritage Week event beginning on October 16 at the Smithsonian Institution's Gem and Mineral Hall, in this City, the seat of our Nation's Government. However, there are other events throughout the Country that could appropriately be used for the recognition of our vast mineral wealth.

With kind regards,

JENNINGS RANDOLPH.
FRANK E. MOSS.

THE LITHUANIAN LANGUAGE

Mr. PERCY. Mr. President, I am pleased to report that the University of Chicago on March 25, 1970, inaugurated a course of study in the Lithuanian language. On this important occasion, the Honorable Petras P. Dauzvardis, consul general of Lithuania in Chicago, recalled the linguistic heritage of the Lithuanian people.

I ask unanimous consent to have printed in the RECORD the short speech of Mr. Dauzvardis.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Kalbu Lietuvos vardu.

It is an honor and a pleasure for me, as Consul General of Lithuania, to participate in the inauguration of the Lithuanistics course at the University of Chicago—to witness a very significant event.

I congratulate and thank the University of Chicago, the Lithuanian Foundation, and all the others who were instrumental, for honoring Lithuania and the Lithuanian nation by including, in this great institution of learning the Lithuanian language in programs which have encompassed the languages of many other nations.

According to many outstanding authorities, the Lithuanian language merits recognition, and is very valuable in linguistics. The Lithuanian language, like Lithuania itself, is a very old and at the same time a very young—modern language.

Prof. Benjamin Dwight, in his book, *Modern Philosophy,* evaluates the Lithuanian language thusly:

"Lithuanian is a language of great value to the philologist. It is the most antique in its forms of all living languages of the world, and most akin in its substance and spirit to the primeval Sanskrit. It is at the same time so much like the Latin and Greek as to occupy the ear of the etymologist in the place of the interpreter, with its face fixed on Latin and its hand pointing backwards to the Sanskrit."

Elise Reclus, in his "Geographie Universelle," states:

"If the value of a nation in the total sum of humanity were to be measured by the beauty of its language, then Lithuania ought to have a high place among the nations of Europe."

Famous philosopher Immanuel Kant, in the preface to his Lithuanian Grammar, writes:

"She (Lithuania) must be preserved, for her tongue possesses the key which opens the enigmas not only of philosophy but also of history."

These linguistic qualities of the language of the Lithuanian nation tell much of the age and cohesiveness of the Lithuanian State.

It is evident by the foregoing facts that Lithuania is a mature State. She is as old as most of the other European nations, and possesses a striking history replete with dramatic vicissitudes. Her present situation is sad. Her people, however, are determined to survive. In the words of Shakespeare (King Henry VI): "For though usurpers sway the rule awhile, yet heavens are just, and time suppresseth wrongs."

Lai gyvuoja Lietuva ir lietuviu kalba, tiek Lietuvoje, tiek uzsienyje.

Lai buna lietuviu kalbos ivedimas Chicagos Universitete inspiracija kitiems universitetams ir visiems lietuviams, ypatingai lietuviams studentams ir profesionalams.

CRISIS OF SURVIVAL

Mr. HUGHES. Mr. President, the current issue of the Progressive magazine has been devoted entirely to a comprehensive examination of "The Crisis of Survival," a broad review of thc problems facing the environment in which we live.

The New York Times national environmental correspondent, Gladwin Hill, has written a perceptive article in this special issue, exploring the ecology explosion on the Nation's college campuses.

What largely began as a spontaneous awakening at a small number of colleges last fall has now grown to a nationwide day of demonstration and concern on the campuses of more than a thousand colleges and universities and in thousands of elementary and secondary schools.

As outlined by Mr. Hill, the youth of America are approaching the crisis of survival with grim realism and constructive action. They are questioning many of the country's concepts which up to now have been treated as sacred cows. They realize that we cannot continue down the blind road toward greater affluence without sinking deeper into the dark pit of pollution.

I ask unanimous consent that Mr. Hill's article, "A Not So Silent Spring," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Progressive magazine, April 1970]

A NOT SO SILENT SPRING

(By Gladwin Hill)

The weekend of the Vietnam protest march last November, 200 students from forty California colleges met at Stanford University for quite a different purpose. It was to form a federation of campus organizations concerned with environmental problems, from pollution to birth control.

The chairman of the meeting, a Stanford student named Glenn Lopez, half apologized for the digression from the cause at that moment preoccupying millions of other students across the country. The environmental weekend, he explained, had been scheduled and organized long before the Vietnam demonstration and could not be changed. Moreover, he added trenchantly: "Both activities are working toward the same goal: the survival of the human race."

There was no need for apologies. The Stanford meeting was a milestone in what may become the greatest movement ever to sweep the country: the environmental revolution.

The environmental revolution is a sudden, remarkable, spontaneous rebellion not of one group against another so much as of everybody against the physical conditions to which two centuries of promiscuous "progress" have brought us—a world where ugliness is endemic, where corporeal hazards are rife, and where the issue of actual human survival suddenly has become poignantly explicit. And it is young people who are the vanguard of that revolution.

Humans, like all animals, display a remarkable, if often lamentable, capacity for adjusting themselves to their surroundings. That is what the adult world has done. But we now have a whole generation of young people under thirty, 100 million strong, who have the insight and perception to look around and appraise conditions objectively. And they have pronounced them appalling. They have said: "Look—the emperor has no clothes on."

The instantaneous, inexorable urge for reform has been more than mere criticism. Everybody knows by now that for countless young people anywhere in the country this is the prime topic of concern. A week after the Stanford conference, it was young people who ran away with a stodgy environmental-problems conference of the U.S. Commission for UNESCO in San Francisco. Tired of the verbiage with which generations of adults have avoided a meaningful confrontation with conditions, they maneuvered the meeting into endorsing, "unofficially," demands on President Nixon to take forthright action

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on prime problems of the day. A week later a youth bloc repeated the performance at a leaden conference in Los Angeles convoked by Governor Ronald Reagan as a pro forma bow to conservation but which ended up with a stirring summons to action, which subsequently has begun to materialize.

The youth crusade raises many questions. How substantial and enduring does it promise to be? Where does it stand in relation to that other high concern of young people, Vietnam, and our other murky overseas involvements? Is this another "generation backlash" or can young people find common cause with their sluggish elders in radically reshaping a polluted world?

The answers to these questions are emerging daily, and they are uniformly good. One only has to attend any sort of conservation or environmental meeting anywhere in the country to be reassured by young people's interest, perspicacity, and zeal. Blue jeans or gray flannels, they comport themselves maturely. Their sense of organization and effectiveness far surpasses that of the average fumbling, windy, all-adult gathering.

What are they doing? To begin with, they are organizing. There is scarcely a college campus today that does not have one or more "ecology action" groups. The University of Hawaii has a score, each organized around a particular cause. But organization is not made, as it is so often in the adult world, the end-all. Parliamentary and bureaucratic mechanisms, such as the ubiquitous Committee, are rejected instinctively in favor of action. There's a creek on the edge of town that's full of junk? Let's go out and clean it up *now*. The college trustees are contemplating a dubious land deal? Let's mimeograph some fliers and start picketing the administration building, *now*.

Systematic effort is more common than the impulsive. At Boston University, students are collaborating with state officials on water pollution problems. At the University of Texas, students are getting out an environmental newsletter to acquaint people with issues. At Santa Barbara, they are challenging the state's right to run a highway through an ecologically choice marshland. At Northwestern, they are agitating against Abbott Laboratories' chemical discharges into Lake Michigan.

Stephanie Mills, slender and black-haired, is a prominent example of youthful activism. She is the girl who, at the Mills College commencement in Oakland, California, last June, declaimed as valedictorian that the world was such a mess she didn't propose to bring any babies into it. Now, still only twenty-one, she is a paid campaigner for Planned Parenthood in Oakland. But she also has become a sort of Joan of Arc of environmental reform, an ambassador between youth and the adult world, turning down lucrative lecture dates to appear at conservation meetings all over the country to articulate the problems we face and youth's demands for action.

Students are precipitating deep changes in college curricula. The closed-shop compartmentalization of the traditional "disciplines"—such as biology, chemistry, physics, botany, and geology—is being altered in favor of an eclectic approach. "You can't look at turbidity in a stream intelligently," Washington University's Professor Barry Commoner explains, "without having some knowledge about the banks of the stream and the forest that's growing twenty-five yards away." A new ecological course at the University of Oregon entitled "Can Man Survive?" was expected to draw 500 enrollees. More than 2,000 registered, and the initial class on January 13 brought the biggest academic turnout in the university's history—6,000 students.

In the area of research, students are the secret arsenal of the environmental revolution. Cleaning up the country and the world is going to take a vast amount of legislation, litigation, and administration. The underpinning of all these activities is information, data, facts—which youth distinctly has the energy and imagination to corral.

Finally, there is the realm of political action, in which the adult world has been delinquent and passive. A declaration by the youth bloc at the UNESCO meeting in San Francisco sketched the scope of this: ". . . . sending lobbyists to local, state, and national capitals . . . . drawing up proposals to be offered to competing candidates . . . . supporting officials who have taken a strong stand for a healthy environment . . . . campaigning against candidates whose positions don't make ecological sense . . . . and if no candidate makes any ecological sense, running and supporting our own candidates."

The February, 1970 issue of *Fortune* was devoted entirely to environment. Its issue of a year before, devoted entirely to the concerns of youth, had not mentioned environment. The Santa Barbara oil well blowout of January 28, 1969 was the Hiroshima bomb of the environmental revolution for both old and young. Clinching this new preoccupation for young people was the tapering off of the Vietnam war as an object of practical "now" action. "After you'd demonstrated and torn up your draft card, if you had one, what was there really you could do?" one student remarked. Environment, dramatized by Santa Barbara, was a burning issue, here, omnipresent—with a 200-year backlog of pollution to clean up.

Lawrence Lipton, perhaps the original hippie, summarized recently in his column in the underground *Los Angeles Free Press*: "A poisoned earth isn't worth fighting for, win, lose, or draw. The number one theater of war is now the war for ecological survival." New Lefters regard Vietnam and environmental enormities as opposite sides of the same coin of Establishmentism. Youthful vexation with physical conditions ties in closely with contempt for the mores of big business, which is responsible for so much pollution.

Youth's new concern conceivably could slacken with the inevitably slow pace of reform. But astute observers doubt it. Brock Evans, the Sierra Club's Northwestern proconsul and himself definitely in the youth bracket, says: "There's so much to be done, so much that anyone, whatever campus he's on or whatever community he's in, can latch onto with real satisfaction, that I look to see this interest growing rather than diminishing, regardless of what happens with Vietnam."

Environmental discontent inherently involves rejection of much of the status quo—rejection of prevailing physical conditions, rejection of the economic mores and governmental mechanisms that allowed these conditions to come about, rejection of the shibboleth of bigness, rejection even of the hallowed "right" of endlessly reproducing the human species.

The status-quo world is not going to be able to take these assaults with equanimity. The Department of Justice, to name one status-quo monolith, doesn't like the idea of citizen groups coming into court with environmental dissatisfactions and challenging, for instance, the decisions of Federal administrative agencies.

In several pending cases the Department is trying to prop up the hoary business-oriented concept that a complainant has to show substantial economic damage (not just destruction of a beautiful mountain-top view) to have "standing" in court. Otherwise, Federal lawyers said in a recent case, every Tom, Dick, and Harry will be running to the courts with complaints. Some people think that might be a good idea. It undoubtedly will be up to today's young guard—the countless environmentally minded law students across the country—to push this modernization of the law to a successful consummation.

Generally, however, there seems to be less of a generation gap on the environmental front than anywhere else. The intrinsic power of the youth-sparked environmental revolution is its catholicism. Whatever your ideology, personality, or intellectual bent, the water is just as dirty, the air just as smoggy, the dangers of DDT-laden fish just as alarming.

On the campus the environmental cause is drawing out supporters who wouldn't have dreamed of attending a football rally. A conspicuous feature of every environmental gathering is the mixture of gray heads and young people. The atmosphere is one of community interest.

The old "conservation establishment"—organizations like the Sierra Club, the Izaak Walton League, the Audubon Society—was so small that it plainly is not something to worry about repudiating. Rather, the feeling now is like the evangelical "one big union" concept that once sparked the labor movement.

Collaboration between the youth bloc and the adult world on environmental issues is the rule rather than the exception. On many college campuses, progressive faculty members have been the prime movers in galvanizing the new interest. In some instances, teachers are quietly instigating undercover student investigations into local conditions as part of course work.

On youth's part there is a remarkable deference to the experience of age in tackling this new cosmos of challenges. At the Stanford conference, experts were invited from all over the country to sit in as counsellors of a dozen topic panels. One was California's resources director, Norman B. Livermore, Jr., half-suspect because of his career ties with exploitative industry. However, empathy between him and the students developed quickly. A fortnight later, when a hundred students invited belatedly to the Reagan environmental conference found themselves strapped for money for food, it was Livermore who quietly wrote out a personal check to cover their needs.

California Governor Reagan is organizing a student advisory panel on environment. So is Secretary of the Interior Walter J. Hickel. Some are skeptical of such gestures. The gestures had better be genuine. Political sham is one of the things youth is quick to spot and as quick to expose.

The old-line conservation organizations are reaching out for youth. The Sierra Club, although never a graybeard organization (since the day of its initial member, bearded John Muir), has established a new department for youth coordination—even though it was, in fact, Sierra Club chapters on a number of campuses that provided nuclei for the new movement.

Across the nation, the college environmental zealots seem more inclined to maintain the autonomous spontaneity of their own movements than to immerse themselves in the formalities of national organizations. But they will collaborate with "bird watchers," local civic groups, or with anybody who's going their way.

It's an encouraging and inspiring picture. At Santa Barbara's January observance of the first anniversary of the oil well blowout, a feature of the day was the promulgation of an "Environmental Bill of Rights" composed by a University of California professor, Roderick Nash. But he was upstaged, in the attention of observers, by his own eight-year-old daughter, a pig-tailed, out-going little girl whose own painstakingly scrawled declaration in some ways outshone her father's lofty verbiage.

"The world I want," she wrote, "is like a lot of the world I saw last summer. We drank cold water from clear streams. We rode through big rapids. . . . I like fields where trees and flowers grow and forests where birds sing and chipmunks chatter.

"I would like to live in a world full of people who love it as much as I do. I hope my children's world is like that too."

QUEEN ISABELLA DAY IS CELEBRATED IN NEW YORK

Mr. GOODELL. Mr. President, April 22, 1970, was proclaimed Queen Isabella Day in many communities throughout New York State. That day marked the 519th anniversary of the birth of the dynamic queen, who, through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension.

With the observance of this day we are reminded of Queen Isabella's confidence in the future, spirt of adventure with a purpose, and sacrifice in the cause of human progress. These are characteristics worthy of emulation on our 20th century era of exploration.

On behalf of the National Committee for a Queen Isabella Day, I ask unanimous consent that a proclamation issued by Alfred J. Libous, mayor of Binghamton, be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation

Whereas, April 22, 1970, marks the 519th Anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for her clear intellect, energy, virtue and patriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration;

Now, therefore, I, Alfred J. Libous, Mayor of the City of Binghamton, New York, do hereby proclaim April 22, 1970, as 'Queen Isabella Day" in the City of Binghamton, and urge that all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

Given under my hand and seal this 10th day of April, 1970.

Alfred J. Libous,
Mayor of the City of Binghamton, N.Y.

ADDITIONAL FOREST RESEARCH NEEDS

Mr. McINTYRE. Mr. President, I continue to be concerned about forest research in New England. Recently I entered in the Record a resolution drafted by the New England Governors' conference in support of additional forest research. I have received an additional resolution in which the Governors of New England list five important specific needs that must be met if funds are made available.

The New England region is economically dependent upon forest-resource-based industries and there is a demand for research in forest-resource production and use. I believe these are sound reasons for the construction of these laboratories.

Mr. President, I ask unanimous consent that the New England Governors' conference list of research projects be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

New England Governors' Conference,
Boston, Mass., April 23, 1970.

To: The New England Congressional Delegation.

From: Governor Kenneth M. Curtis, Chairman, New England Governors' Conference.

Subject: Need for Expanded Forestry Research Funds in FY 1971 Agriculture Appropriations Bill.

Encl.: New England Governors' Conference February 26 Resolution.

The attached Resolution explains the importance of forestry research to our region.

If sufficient funds were available, some of the following forestry research projects of importance to New England could be undertaken:

(1) Expansion of ecology and timber management research now carried out by a temporary forestry research laboratory at Durham, New Hampshire.

(2) Establishment of a research unit in Environmental Forestry at the University of Massachusetts campus in Amherst.

(3) Expansion of marketing research on maple products conducted by the forestry research unit in Burlington, Vermont.

(4) An increase in the level of research work on the threat that the gypsy moth presents to New England forest resources to be conducted at the Forest Service Laboratory in Hamden, Connecticut.

(5) An expanded program of detailed research at the Northeastern Forest Experiment Station, Orono, Maine.

These projects would benefit the entire region, not just the states in which they are located. I hope that you can take appropriate action to insure the inclusion of additional funds so that these projects can be undertaken.

LABOR STRIKES

Mr. TOWER. Mr. President, I received the following telegram from a Texas manufacturing company on April 16:

> We have today been advised by Youngstown Sheet and Tube Company, Youngstown, Ohio, that due to shooting and violence within many miles of their plant against drivers of privately owned trucks hauling steel they do recommend our picking up shipments even with police escort. If this cannot be resolved we will have to shut down this plant and our Burkburnett Texas plant within ten days.

Throughout April, incident after incident of violence by union strikers against nonstriking drivers were reported in Ohio and elsewhere. On April 28, a Michigan driver was shot and wounded in his truck along Ohio Route 300. The same day bullets punctured tires on two trucks in southwestern Ohio. Rocks were thrown at trucks in east central Ohio, and a driver was forced to stop his truck and unhitch his trailer in Cleveland. The effects of the Teamsters' wildcat strikes in Ohio, Chicago, St. Louis, and Los Angeles reverberated throughout the Nation with men being laid off in industries which depend upon the shipment of steel and other raw materials. Just yesterday, Governor Rhodes was forced to order the National Guard on standby alert because of this—in his words—"open warfare" on State highways.

Last month 91 demonstrators had to be arrested when they blocked an emergency entrance to a hospital in Pittsburgh. Later in the day a newspaper report said, "a fire of unknown origin broke out in the hospital."

In February two garbage workers in North Carolina were crushed to death when a truck, according to press reports, was accidentally driven over them.

There have been other eras of violence in labor relations. Now violence is again becoming frequent in strikes and other labor disputes. We are talking in terms of human lives. Apparently we are most often talking in terms of the lives of workers whose consciences lead them to continue work rather than to strike. I am not aware of very many incidents wherein strikers have been fired upon or their property set upon by arsonists. Almost daily, however, during the wildcat strikes by members of the Teamsters Union, the wire services pour forth one story after another of incidents of shooting, arson, vandalism, and threats to the families of workers who dare to continue their jobs.

I am reminded of the remarks of Neville Chamberlain who, on the eve of World War II, found it incredible that civilized and urbane Londoners should be acquainting themselves with the mechanics of gas masks and learning the whereabouts of air raid shelters.

I find it no less incredible that in democratic, constitutional America death and terror should now be making a reappearance on the labor scene and that American workers should be subjected to jungle violence in the proper pursuit of their occupations. We are supposedly a nation of free men, but there is no freedom where coercion exists and threat of physical violence annuls the freedom of individuals.

PRISONERS OF WAR AND MEN MISSING IN ACTION IN SOUTHEAST ASIA

Mr. JACKSON. Mr. President, from Washington State and from throughout the Nation today, wives, mothers, children, and other relatives of prisoners of war and men missing in action in Southeast Asia are converging on Washington, D.C.

They are people weighted with the heavy burden of uncertainty. They are rallying in the Nation's Capital City to draw attention to those Americans being held prisoner by the North Vietnamese or the Vietcong.

Only last week, Mrs. Marsha Welch of Port Angeles, Wash., wrote to me:

> My husband, Major Robert J. Welch, has been missing over three years now. It's heartbreaking to know that all people held by the communists are so mistreated and that those dear ones are daily waiting for their freedom to return home. We don't want them to be forgotten.

Some have waited even longer. Mrs. Mary Jane Jensen, of Tacoma, Wash., has waited since May 15, 1966, when her husband, Maj. George William Jensen, was declared missing in action.

Mary Ann Pearson, of Marysville,

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Wash., wife of Lt. Robert Pearson, has waited since June of 1967, when her husband's Phantom jet was in a midair collision with another plane over North Vietnam.

Some have only recently suffered this agony. Mrs. Linda Ferguson's husband, Lt. Douglas D. Ferguson, of Seattle, has been listed as missing in action in Laos since last December.

Mrs. Welch, Mrs. Jensen, Mrs. Pearson, and Mrs. Ferguson are some of those from my State coming to Washington, D.C.

It is appropriate that on May 1, Law Day U.S.A., special tribute be paid to the Americans being held prisoner. There is agreement that American prisoners have not been treated in accordance with the 1949 Geneva Conventions.

The Senator from Kansas (Mr. DOLE), who initiated this tribute, pointed out recently that the determination to declare support for these missing Americans and POW's within the context of Law Day emphasizes our belief in the rule of law, especially the law of nations, which is embodied in the 1949 Geneva Conventions on Prisoners of War.

MALNUTRITION AND ITS EFFECTS

Mr. PERCY. Mr. President, I have been a member of the Select Committee on Nutrition and Human Needs since its inception nearly 2½ years ago. During that time, I have heard much about the effect of malnutrition on children. Each time such testimony is presented I am once again dismayed, discouraged, and saddened.

It seems inconceivable that in this country with its economy approaching a gross national product of nearly a trillion dollars, we have people too poor to afford food; that these people have children suffering from disease and mental retardation because they are malnourished.

On April 20, 1970, the select committee held hearings on hunger and hunger related health problems in Chicago. At those hearings, Dr. Robert Mendelsohn, director of community pediatrics at the University of Illinois College of Medicine, discussed malnutrition in Illinois. His statement clearly indicated the causes, effects, and indicators of malnutrition. It is a forthright statement with a dire prediction of what could happen if we fail to meet this problem now.

I ask unanimous consent that Dr. Mendelsohn's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY ROBERT S. MENDELSOHN, M.D.

Chairman McGovern, I am both happy and sad to appear before you today. Happy because of the additional opportunity to provide information about the hunger and malnutrition situation in our State of Illinois. Sad because it is still necessary to hold this kind of session, because in the 14 months since my first testimony so little has been accomplished.

However, I would like at the outset to congratulate you for holding these hearings and for making this opportunity possible.

I will begin my testimony by going back to February 28, 1969, when I was privileged to appear before the Legislative Advisory Committee on Public Assistance of the State of Illinois. The Chairman of that Committee is Senator John W. Carroll of Park Ridge.

At that time, I was the National Director of the Medical Consultation Service for Project Head Start. My testimony consisted primarily of reports of pediatricians who were serving as consultants to local Head Start projects in Illinois.

For those who have not had an opportunity to view that Testimony, and with the permission of the Chairman, I would like to take a few minutes to present excerpts from that testimony 14 months ago.

"I intend to, first, show some evidence that demonstrates that the Illinois situation is no exception to the national scene, and that malnutrition, hunger, starvation and deficiency diseases exist in all parts of this state.

"I also intend to propose measures that must be taken if we are to live with our own consciences."

My present position is Director of the Medical Consultation Service to Project Head Start for the American Academy of Pediatrics. In this position, I have the opportunity to read reports of our 665 pediatric consultants to Head Start projects throughout the country. Twenty-one of these consultants are assigned to projects in Illinois. Immediately after learning of my scheduled appearance before this Committee, I requested the aid of these consultants.

Their responses indicate that serious malnutrition exists in both the rural and urban areas of our great State of Illinois. Anemia is one of the indicators of under-nutrition, and our consultants report that laboratory tests in different localities demonstrate in incidence of 5% to 30% anemic children in the preschool age group served by Project Head Start. There are other signs and symptoms besides anemia, and I will briefly quote a few of our doctors' comments.

I would first like to emphasize that these statements emanate from scientifically trained, professionally capable physicians, some in academic circles, others in private practice. They were all especially selected by the American Academy of Pediatrics because of their outstanding expert knowledge in the field of child growth and development. Dr. Vernon DeYoung, a pediatrician on the staff of the Illinois State Pediatric Institute, reports about malnutrition in Joliet:

"When I made my site visit to the Joliet Head Start Project on January 8, 1969, one of the findings that had been unearthed by their screening tests was that almost every child had anemia (Hgb under 10 Gm.%). The Director and the Nurse of the Project (Mrs. Phyllis Theobald and Mrs. Jane Mirenic, R.N.) consulted with the nutritionist of the Will County Health Department. This unearthed a woeful lack of protein in the diet of these children.

"They then supplied the mothers of the children with proper diet lists, and the nutritionists and the nurse tried to assist the mothers in following these dietary lists. It was discovered that the food allotments would only pay for one-half to two-thirds of the usual necessary nutritional diet even when the mother was coached by a skilled nutritionist. The nutritionist found that to stave off hunger sensations she had to make the meals highly starchy, containing potatoes or bread, but little meat, fish, or dairy products.

"The Head Start school teacher complained that many of the children were listless, ill-tempered, and unable to concentrate on tasks until the noon luncheon was served. Some of the teachers found that they had to feed the children as early as possible. Otherwise, they could not function."

Dr. Werner Cryns, a pediatrician from Evanston reports about children in the ghettoes of Chicago. He states:

"In the series of 52 children seen in about 3 months, it is my clinical impression that malnutrition has played a significant role in at least 34. Malnutrition is seen here in the broadest sense, including poor nutritional status in mother, poor basic nutrition in the developing infants, and the nutritional deficiencies incidental to feeding problems of children with chronic brain syndrome. Here in situations where optimal feeding is indicated to promote general and central nervous system development, nutritional inputs are in fact drastically below minimal levels for 'normal' children."

Dr. Roger Meyer, Director of the Infant Welfare Society of Chicago, states:

"Infant Welfare Society staff now have an organized detection, reporting and treatment service, and find that supplemental food supplies are difficult to obtain. Recent discussion with those responsible for administration of the food programs reveals that unusual obstacles to food distribution are posed. Purchase of carload lots are required for obtaining much smaller amounts. Red tape places food out of reach of the most needy families."

Finally, Dr. Jack Metcoff, Chairman of the Department of Pediatrics at Michael Reese Hospital, and an international authority on the subject of nutrition, reports that many children hospitalized at Michael Reese suffer the effects of starvation and malnutrition. He informed me that his work over the past several years in Mexico on infants with severe protein malnutrition and other deficiency conditions has been very useful in dealing with the kind of children seen on his hospital wards. Dr. Metcoff reports that in the year 1967 eighteen cases of malnutrition were identified in children one year of age and under. I am sure that the Committee members are aware that this shocking figure represents only a fraction of the great number of unidentified cases. I, myself, can remember thin, starved, emaciated children on those wards at Michael Reese Hospital seen during my residency training almost twenty years ago.

I wish to underscore that these are not isolated cases restricted to a few doctors or to a few medical centers. On the contrary, this is a consistent pattern throughout our fair State of Illinois.

There are sections of that testimony. I have with me copies of the entire statement available upon your request.

Fourteen months have elapsed since that meeting. What has happened during that time?

We can list some positive accomplishments:

1. Hunger and malnutrition have become public issues and have received considerable publicity.

2. We have discovered that hunger and malnutrition exists in previously unsuspected locations. Only a few days ago a meeting was held at Chute Junior High School in Evanston.

At that meeting over 30 witnesses gave testimony before six State legislators and to an audience estimated at 500 people.

These witnesses, many of them poor and malnourished themselves, described in detail conditions of hunger and malnutrition existing in Evanston, Deerfield, Elk Grove Village and other neighboring suburbs.

3. We have recognized the widespread existence of malnutrition in aged folks throughout our society.

4. We have identified and publicized the unethical practices of a large segment of the American food industry.

5. We have fed small numbers of people who otherwise might have gone hungry through some extensions, inadequate though they may be, of food-stamp programs.

In regard to the latter, special commendation should be given to Representative Robert Mann, for his efforts and accomplishments.

EVALUATION OF FUTURE EFFORTS

I. Misleading indicators

There are several misleading indicators of whether hunger and malnutrition are being conquered. These include:

1. expansion of plans for food stamp programs.
2. increased appropriation for school lunch program.
3. increased funding of anti-poverty programs.

At one time I was innocent enough to believe these approaches provided the correct answers. Now, I have learned the lesson that the poor have known all along. That lesson, simply stated, is that any program can be sabotaged if its administrators want it to fail. This applies to all so-called solutions, from more food stamps to income maintenance plans.

In order to insure the failure of a program, the following techniques can be utilized (among others):

1. inadequate funding
2. discouragement of applications by red tape and administrative delays
3. treating recipients in an undignified, discriminatory, and inhuman fashion
4. using most of the money for administrative and professional personnel, thus insuring that the middle class, rather than the poor, will receive the greatest benefits.

II. True indicators

There are a number of true indicators of the effect of anti-hunger efforts. These depend on an appreciation of the physical and psychological effects of hunger and malnutrition. I will be able to tell that hunger is being eliminated in the following ways:

A. the number of premature babies at Cook County Hospital and other charity hospitals will decrease.

B. the infant mortality rate in the Chicago ghetto will approach that of Highland Park.

C. The height of Black and Spanish children at Cook County Hospital will be the same as the height of white children in Wilmette.

D. The head circumference of poor children will be the same as that of rich.

E. The incidence of serious infections (severe pneumonia, meningitis, diarrhea with dehydration) will be the same among rich and poor.

F. lead poisoning will disappear.

G. mental retardation will be as uncommon among poor Blacks and Puerto Ricans as it is among rich whites.

H. IQ and educational achievement will be just as high in public schools as it is in the Head Start centers.

I. old folks will not show the physical, biochemical, and psychological effects of malnutrition.

The above are the only meaningful indices of progress. They measure the results, not the input. Measuring the amount of money appropriated or the number of programs expanded is equivalent to judging the health of people by measuring the number of visits to the doctor.

PREDICTIONS OF THE FUTURE

Fourteen months ago, I was naive enough to think that simply informing the people would be sufficient to make them act. Now I know better. I know that the failure to act stems not from lack of information or lack of resources or lack of ability. Rather, it is the result of lack of motivation, of will, of desire, of ethical standards. It is a failure of our deeds to match our words.

Furthermore, there is a growing and accurate realization that the solution of the hunger problem is inevitably tied up with the solution to all other problems of the poor, slum housing, poor schools, joblessness, discrimination, exploitation and white racism. Our people have shown little willingness to face up to this situation.

We fail to understand the lesson of history, that countries and civilization survive not by force of arms or by moon-shots, but rather by how they treat their widows and orphans, their deprived, their elderly, their children, their physically handicapped, mentally retarded, emotionally disturbed.

I have seen little evidence of change in the 14 months as I observe the situation at Cook County Hospital, the University of Illinois, the State Mental Hospitals and the national and local statistics. Therefore, my predictions are:

1. Hunger and malnutrition will continue and increase.
2. Infant mortality rates, prematurity rates, growth figures, disease statistics, and number of deaths directly or indirectly from malnutrition will not change and may become worse.
3. Lead poisoning will continue to take its dreary toil.
4. The poor will continue to be the victims of our educational system.
5. There will be an image of more programs and greater spending, but the reality of deprivation will remain unchanged.

THE CHALLENGE

My deep pessimism is tempered only by my ethical and religious conviction that this is an orderly universe and that justice will ultimately prevail. My challenge to you and your colleagues is to diminish the pessimism that I and others suffer from by demonstrating that we need not depend solely on divine intervention. I challenge you to show us that human agencies. (The Senate, The Congress, the state legislature, City Hall) can promote and achieve justice for all people, effectively and promptly.

Thank you very much for your kind attention. I will be happy to respond to any questions you may wish to raise.

NEW YORK LAWYERS OPPOSE MEASURES TO DISCIPLINE JUDGES

Mr. ERVIN. Mr. President, the Committee on Federal Legislation of the New York County Lawyers' Association, the largest local bar association in the United States, issued a report last week which strongly opposes two bills before the Congress to remove Federal judges from office without impeachment and to require that they disclose their personal investments.

The first bill which the New York County Lawyers' Association opposes is S. 2109, a bill to require that Federal judges file reports of their personal financial holdings with the Comptroller General. Although this bill is important to me, it is about the second bill that I will speak today. The bill is S. 1506—the so-called Judicial Reform Act which is now before the Judiciary Subcommittee on Improvements in Judicial Machinery.

S. 1506 would create a Commission on Judicial Disabilities and Tenure for the Federal courts. This Commission, composed of Federal judges selected by the Chief Justice, would be empowered to investigate other judges and to remove them from office without action by the Congress. The constitutional provision of impeachment would simply be circumvented. In short, the bill seeks to remove constitutional power from the Congress by statute and vest it in another branch of the Government.

The New York County Lawyers' Association said that S. 1506:

> Would pose a serious threat to the independence accorded the individual federal judge by his lifetime tenure. It would certainly lessen the attractiveness of the federal bench to our most pre-eminent lawyers . . . The main insurance for continuation of the individual judges' independence in his own courtroom is his lifetime tenure subject only to the impeachment provisions of the Constitution . . . It should be rejected because of its serious threat to the fair and independent administration of justice.

S. 1506 has been denounced as the hazing bill and the judicial hari kari bill by respected Federal judges who believe that its passage would destroy independence in the courts. Federal District Judge Walter E. Craig, a former president of the American Bar Association, vigorously opposed the bill at hearings on judicial independence which are now being held by the Judiciary Subcommittee on Separation of Powers.

Yet both the American Bar Association and the Department of Justice have endorsed the principle which underlies S. 1506: the principle that it would be expedient to overlook the Constitution and to purge Federal judges through a statutory commission.

I shall not undertake to discuss all of my objections to S. 1506 today, because if the bill ever reaches the floor, I intend to speak on it at length. However, I will say that I find the bill unconstitutional and administratively inept; and I believe that the Commission which it would create, even if it were constitutional, could easily deteriorate into a court of inquisition.

Mr. President, I ask unanimous consent that the complete text of the New York County Lawyers' Association statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW YORK COUNTY LAWYERS' ASSOCIATION REPORT NO. F-1 ON S. 1506 AND S. 2109

Report of Committee on Federal Legislation on S. 1506 and S. 2109 relating to conduct and activities of the Federal Judiciary.

RECOMMENDATION: DISAPPROVAL

S. 2109 and Title IV of S. 1506 deal with disclosure of outside financial activities of Federal Judges. Title I of S. 1506 deals with misconduct for physical or mental disability on the part of Federal Judges. Except for a portion of Title II of S. 1506 providing for the involuntary retirement of a judge found to be mentally or physically disabled under Title I thereof, this report does not cover Titles II, III and V of S. 1506, which deal with retirement of judges, judicial survivor annuities and miscellaneous judicial matters, respectively.

1. Summary of disclosure provisions of S. 2109

S. 2109 would require each judge or justice of the United States and each officer and employee of the federal judiciary, who is compensated at a rate in excess of $15,000 annually, to file annually with the Comptroller General a report of his personal financial interests which would include:

(a) a copy of his federal income tax return for the preceding year;

(b) the name and address of each business or professional corporation or enterprise in which he was a principal or em-

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ployee who was compensated during the preceding year;

(c) the identity of each interest in real or personal property having a value of $10,000 or more owned by him during the preceding year;

(d) the identity of each trust or other fiduciary relation in which he had a beneficial interest having a value of $10,000 or more during the preceding year;

(e) the identity of each liability of $5,000 or more owed by him during the preceding year.

Said report would be kept by the Comptroller General for not less than seven years and would be confidential, except that it would be made available to persons authorized by either the Committee on the Judiciary of the House of Representatives or the Committee on the Judiciary of the Senate for examination and audit under a resolution adopted by a recorded majority vote of either full Committee.

In addition to the above report, each judge or justice of the United States and any officer or employee of the Federal Judiciary compensated at a rate in excess of $15,000 per year, would be obliged to file annually with the Judicial Conference of the United States the following reports of his personal financial interests:

(a) the source and value of gifts in the aggregate amount or value of $50 or more from any single source received during the preceding year;

(b) the amount or value and source of each honorarium of $300 or more received during the preceding year;

(c) the amount or value and source of each fee or compensation received by him at any time during the preceding year from any party other than the United States for services of any kind.

This report to the Judicial Conference would be kept for not less than three years and would be available for public inspection and copying.

Failure to file any report set forth in S. 2109 or the filing of a fraudulent report would constitute a high misdemeanor and would be grounds for removal from office.

2. *Summary of disclosure provisions of S. 1506*

The disclosure provisions of Title IV of S. 1506 would require each judge and justice of the United States, pursuant to such rules as the Judicial Conference of the United States shall promulgate, to file a report annually with the chief judge of the court on which he serves (or the Chief Judge of the Circuit if the reporting judge is chief judge of a district court, or with the Chief Justice of the United States if the reporting judge is an Associate Justice of the Supreme Court or the chief judge of a circuit or the Court of Claims or a judge of the Court of Customs and Patent Appeals or Customs Court, or with the Judicial Conference of the United States if the reporting judge is the Chief Justice of the United States) showing:

(a) a report of his income for the preceding year and the source and respective amounts thereof;

(b) the name and address of each business or professional corporation or enterprise in which he was an officer, director, proprietor or employee during the preceding year;

(c) the identity of each liability of $5,000 or more owed by him during the preceding year;

(d) the source and value of gifts in the aggregate amount or value of $50 or more from any single source received during the preceding year;

(e) the name and address of each corporation or other entity, whether non-profit or organized for profit, in which he has an interest and the fair market value of such interest;

(f) the identity of each interest in real or personal property having a value of $10,000 or more which he owned during the preceding year;

(g) the amount or value or source of each honorarium of $300 or more received by him during the preceding year.

The Judicial Conference is given authorization to insure the confidentiality of the above reports provided, however:

(1) the reports would be made available to the Commission on Judicial Disabilities and Tenure provided for in Title I of S. 1506 whenever they are reasonably needed for use in an investigation into the conduct of a judge in accordance with the provisions of Title I; and

(2) the Committee on the Judiciary of the House of Representatives, my majority vote of the full Committee, may require that it be provided with any of the aforesaid reports where the same is reasonably needed for use in an investigation of allegations of misconduct which may lead to initiation of impeachment proceedings.

The intentional failure to file the above reports or the filing of a false report would constitute conduct inconsistent with the good behavior requirement of Article III of the Constitution and would be grounds for removal from office under the provisions of Title I of S. 1506.

Title I of S. 1506 would create a Commission on Judicial Disabilities and Tenure composed of five judges of the United States assigned to said Commission by the Chief Justice of the United States, who would also designate one of the members as the Chairman of the Commission. No judge who is a member of the Judicial Conference of the United States could be assigned to the Commission.

The Commission would be authorized, upon the formal or informal complaint or report of any person, to undertake an investigation of the official conduct of any judge of the United States to determine whether the conduct of such judge is and has been consistent with the good behavior requirement of Article III of the Constitution. "Willful misconduct in office or willful and persistent failure to perform his official duties" would constitute conduct inconsistent with the good behavior requirement of Article III and would be cause for removal.

After initial investigation, the Commission could dismiss the complaint as frivolous, unwarranted, or insufficient in law or in fact. If the investigation gave the Commission cause to believe that the conduct of the judge is or has been inconsistent with the good behavior requirement of Article III, the Commission must order a hearing concerning the conduct of the judge.

If the Commission determines upon concurrence of at least four members thereof that the conduct of the judge has been or is inconsistent with the good behavior requirement of Article III of the Constitution, it shall report to the Judicial Conference of the United States recommending removal from office.

Failure to reach the four member concurrence shall be deemed a determination that the conduct of the judge has not been inconsistent with such good behavior requirements.

Upon receipt by the Judicial Conference of any such recommendation that a judge should be removed from office, the Conference or one of its Committees shall review the record and determination on the law and facts and, in its discretion, receive additional evidence, hear oral arguments or require the filing of briefs. If the Judicial Conference accepts the recommendation of the Commission, the judge aggrieved by its determination may seek review thereof by writ of certiorari in the Supreme Court.

Upon affirmation by the Supreme Court of the Conference's determination to certify a judge for removal, or upon expiration of a stay or failure to seek review of that certification in the Supreme Court, the Judicial Conference shall forthwith certify to the President its determination that the conduct of the judge has been inconsistent with the good behavior requirement of Article III of the Constitution and such judge shall be removed from office.

3. *Commission proposed by S. 1506*

Title I of S. 1506 also empowers the proposed Commission on Judicial Disabilities and Tenure, upon formal or informal report of any person, to investigate, hear and determine the physical or mental condition of any judge of the United States which may seriously interfere with the performance by him of one or more of the "critical duties" of his office.

As distinguished from the "willful misconduct" provisions, this portion of the bill does not provide for certification to and redetermination by the Judicial Conference nor for review by certiorari in the Supreme Court. Under a proposed amendment to Section 372 of Title 28, United States Code, contained in Title II of S. 1506, upon certification by the Commission to the President of a determination by it under Title I of S. 1506 that a judge is unable to discharge efficiently one or more of the critical duties of his office by reason of permanent mental or physical disability, such judge shall be retired involuntarily.

4. *"Conflicts of Interest" provisions of S. 2109 and S. 1506*

S. 2109 and Title IV of S. 1506 also contain practically identical sections entitled "conflicts of interest". They provide that the participation of a federal judge in the adjudication of any official matter in which he, or other specified parties with whom he has a family or financial relationship, has "a substantial financial interest" (S. 1506) or "has not an insubstantial financial interest" (S. 2109), is inconsistent with the good behavior requirements of Article III of the Constitution and shall be grounds for removal from office. This provision would not apply if prior to his participation in any such matter, the judge makes full disclosure of the financial interest involved to the Chief Judge or Chief Justice of his particular Court and receives a written determination from such Chief Judge or Chief Justice that interest is not of such a nature as would affect the integrity of any ruling by the judge.

COMMENTS

Creation of the Commission on Judicial Disabilities and Tenure with the attendant procedure for investigation, hearing and determination of misconduct and physical and mental disability under S. 1506 would result in the most profound change in the status of the Federal Judiciary since the founding of the Republic. The rare instances in the history of the Federal Judiciary where individual judges have been guilty of willful misconduct in office or have remained on the bench after becoming physically or mentally disabled would hardly be sufficient in the opinion of this Committee to justify the imposition of any such drastic and comprehensive regulatory scheme as that envisioned by this proposal.

The Presidential appointive system has resulted in a Federal Judiciary composed in the vast majority of lawyers of unquestioned ability and industriousness and unimpeachable integrity. The resultant pre-eminent reputation of the Federal Judiciary in the legal profession has in turn continuously attracted leading members of the bar to accept life-time service on the bench, often at great financial sacrifice to themselves and their families.

The proposed regulatory scheme would pose a serious threat to the independence accorded the individual federal judge by his life-time tenure. It would certainly lessen the attractiveness of the federal bench to our most pre-eminent lawyers.

Public respect for the rule of law in this country is to a large extent due to the independent role of Federal Judges in insuring fair and impartial administration of justice to all members of society. Recent examples have been the numerous cases in the South where federal district and circuit court judges withstood the almost unanimous condemnation of their own communities, and in many instances of their own former brethren at the bar, to enforce Constitutional guarantees of due process and equal protection of the laws. The main insurance for continuation of the individual judge's independence in his own courtroom is his lifetime tenure subject only to the impeachment provisions of the Constitution.

The present proposal would drastically reduce the independent status of the individual federal judge by subjecting him to investigation, questioning and dismissal on broad and undefined grounds. Assuming, *arguendo*, that the proposal is constitutional, it should be rejected because of its serious threat to the fair and independent administration of justice.

The disclosure and conflict of interest provisions of the present bills should be considered in the context of current efforts of the Federal Judiciary to regulate its own outside activities.

The requirements of the present bills for annual disclosure of income and assets are substantially the same and seem to be in accord with the regulations contemplated by the resolutions of the Judicial Conference.

The only substantial objection this Committee would have to the items of disclosure required by the present bills, is to the provision of S. 2109 requiring judges to file copies of their federal income tax returns. The many details and schedules required by the Internal Revenue Service often necessitate disclosure of completely private matters unsuited for general publication and irrelevant to the question of conflict of interest. As all necessary financial disclosure concerning the latter subject seems to be covered by the other particular requirements, we see no need for filing the actual returns.

We disagree with the provisions of S. 1506 and S. 2109 insofar as they require confidentiality as to the financial information disclosed.

S. 2109 only requires public disclosure as to fees, compensation, gifts and honorariums, the information supplied to the Judicial Conference under said bill. The financial interests reported to the Comptroller General are to be kept confidential except as to persons authorized by the Committee on the Judiciary of either the House of Representatives or the Senate. Under S. 1506, the Judicial Conference is authorized to insure the confidentiality of the financial reports, except that they would be made available to the Commission on Judicial Disabilities and Tenure, and the Committee on the Judiciary of the House of Representatives when they are reasonably needed for an investigation of allegations of misconduct which may lead to impeachment proceedings.

There should be no objection to reasonable financial disclosure requirements on the part of the Federal Judiciary. If any disclosure of assets and income is required, it should be made public. Limitation of disclosure to other members of the Judiciary, in the form of the Judicial Council, to the executive, in the form of the Comptroller General, or to the legislature, in the form of the Committees on the judiciary, would demean the individual reporting judge and the public at large. The Canons of Judicial Ethics adopted by the American Bar Association require the avoidance not only of actual conflicts of interest, but of conduct which would justify the impression or appearance of such conflict. (Canons 4, 13, 24 and 26). Because of this concept, we are confident that the vast majority of federal judges lean over backwards to avoid any possibility of conflict of interest. Disclosure would enhance public confidence in the federal judiciary by the mere fact that the public would be assured that nothing was being hidden from it concerning possible conflicting interests of the bench in any particular case.

In view of the broad financial disclosure requirements of the present bills as well as those of the resolutions of the Judicial Conference, and in light of the aforesaid Canons of Judicial Ethics, we see no need for the specific provisions of the present bills entitled "conflict of interest" (supra, p. 5).

We respectfully disagree with the American Bar Association's support of the pending legislation since in our judgment this legislation might undermine the independence of the judiciary.

REPEAL OF THE GULF OF TONKIN RESOLUTION AND MIDDLE EAST CRISIS RESOLUTION

Mr. MATHIAS. Mr. President, more than 4 months have passed since I introduced on December 8—with the cosponsorship of Majority Leader MIKE MANSFIELD—a comprehensive foreign policy resolution (S.J. Res. 166), designed in part as a legislative embodiment of the principle earlier asserted in the Senate's national commitments resolution (S. Res. 85). This earlier resolution defined a national commitment as the use of American troops in a foreign country, or the contingent promise of such use. The Senate stipulated that such a national commitment requires "affirmative action by the executive and legislative branches of the U.S. Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

The resolution introduced by Senator MANSFIELD and myself was a joint resolution designed ultimately to enlist both the legislative and executive branches in a practical and contemporary application of Senate Resolution 85. Our proposal both would repeal four joint resolutions which implicitly violate the national commitments principle, and would simultaneously give the President new authority to prosecute a policy of withdrawal and negotiation in Southeast Asia. If the resolution is passed by both Houses and signed by the President, it will establish the validity and efficacy of the Senate's national commitments enactment. For our resolution would bring the executive and legislative branches together in a mutual application of the relevant constitutional principle: that the Congress and the President share war powers and that neither can act alone to engage American troops abroad.

The reception accorded our resolution has been highly gratifying. Largely because of the educational leadership of the Foreign Relations Committee under Senator FULBRIGHT—but in part also because of the leadership of thinkers and writers in private life, and, of course, because of the constitutional anxieties raised by the ambiguously authorized conflict in Southeast Asia—our proposal attracted immediate and knowledgable attention. I was especially grateful for the close examination given the resolution by the State Department and for Under Secretary Elliot Richardson's informed and far-reaching testimony on it.

The administration has indicated that it will not oppose our initiative. As a result there is a good prospect that the two branches of Government can amicably negotiate any problems caused by this reassertion of Congress. After years of erosion of the congressional role, the executive and legislature can together work out new modes of managing our national commitments under the new conditions of the 1970's and the perennial prescriptions of the Constitution.

In the Foreign Relations Committee the resolution has undergone some changes. Senator FULBRIGHT has reformulated and improved section III to make more clear and specific the congressional grant of authority to the President to conduct military operations in the context of a program of negotiations and withdrawal. And it was decided in committee that the Tonkin Gulf and Middle East resolutions should be repealed alone by concurrent resolution, as their language originally stipulated, rather than by a joint resolution also repealing the Formosa and Cuban resolutions, as was envisaged in the initial version of our proposal. I agree with this change on the basis of the legislative technicalities presented. It conforms more closely with the legislative history of the various resolutions and facilitates disposal of the Tonkin Gulf and Middle Eastern resolutions as links in the necessary chain of action.

Both these enactments have already been on the books far too long; if indeed in the language they use, they should ever have been on the books at all. Both of them violate the principle now embodied in the national commitments resolution. Rather than authorizing the President to undertake specific military actions under specified contingencies and within a stipulated time period, these resolutions "support" the President's determination to act essentially at his own discretion, under his own authority, and without termination dates. Thus these resolutions implicitly deny their own necessity; and indeed the State Department has on occasion asserted that the President could have acted as he did without them either in Lebanon or in Vietnam.

Nonetheless, President Johnson's Under Secretary of State Nicholas Katzenbach, testified before Congress that the Tonkin Gulf resolution was the "functional equivalent of a declaration of war"; and I myself—and, of course, many others—have seen President Johnson himself flaunt the document as full authority for his Southeast Asian policies. There is some dispute among members of the Eisenhower administration on the late President's attitude toward the necessity of the Mideast resolution to support his actions in the Lebanon crisis. But it is clear from his public statements that President Eisenhower in essence accepted the principle of the national commitments enactment. At that time, ironically, the leading advocates of an optional Congress in military enagements came not from the Executive but from Congress itself.

In any case, both these resolutions are anachronistic today, in relation both to prevailing constitutional interpretation and the state of the world. The Middle East resolution, for instance, states U.S. willingness to intervene in that region "against armed aggression from any Communist controlled country." Yet this stipulation is nearly irrelevant today.

Our commitment to Israel does not derive from the fact that Egypt—a country that has virtually exterminated its domestic Communists—receives military assistance from the Soviet Union. As I have said before, we are resolved to defend Israel because the principles on which this country was founded and for which our sons have shed so much blood, would be traduced by inaction in the face of a major threat to this valiant democratic State. Similarly, our support for Lebanon, evinced most dramatically at the time of this resolution but still strong today, is based on positive affinities of ideology rather than on a false assumption that the other Arab States are part of an international Communist movement. These relationships, moreover, partake of a general American support, under the United Nations and other auspices, for the integrity of all States in the region.

Beyond American legal and ideological conviction, our desire for peace and stability in the region derives from its importance as a producer of oil. In this regard the already significant and now increasing Soviet petroleum investments and purchases in the area to some extent give the Soviet Union a similar interest in maintaining peace and stability. The resolution of 1957 thus embodies an essentially false interpretation of the trends and threats in the Middle East. It should be repealed; and if necessary a new resolution or other appropriate enactment should be considered.

I do not need to reiterate here the brief but embroiled legislative history of the Tonkin Gulf resolution. Suffice it to say that later investigation by the Foreign Relations Committee has cast grave doubt on the stated premises of the enactment. The U.S. destroyers said to have been "lawfully present in international waters" turned out to have been engaged in provocative military activities within the 12-mile limit; and the "deliberate and repeated attacks" on these vessels left hardly a scratch. If the late Erle Stanley Gardner were to have written a detective story on these incidents, he might well have called it "The Case of the Cuckolded Congress."

A more important consideration today is the fact that the resolution was interpreted as authorizing an overwhelming and substantially ineffectual extension of the Vietnam war into the North through bombing of an intensity exceeding even that directed against Germany during World War II. As long as this resolution remains on the books it might be interpreted as authorizing a resumption of such attacks.

Also important from the point of view of the Senate is the resolution's irrelevancies. In keeping it on the books, we maintain an emblem of our own irrelevancy at a time when we are ostensibly moving to fulfill our responsibilities in the realm of military and foreign affairs.

So I believe that this resolution also should be repealed; and I support its repeal through concurrent resolution because that is the legislatively prescribed way. In moving to repeal these enactments by concurrent resolution, however, it should not be imagined that we reduce the need to act on the other sections of the comprehensive resolution introduced by Senator MANSFIELD and myself. I believe, in fact, that repeal of the Tonkin Gulf resolution will make action on the rest of our proposals even more urgent. We should not replace the Tonkin Gulf resolution with a void.

We meet today, of course, on the brink of a major Presidential statement on Cambodia which will deeply affect the conditions under which any further legislative action is undertaken, and I do not prejudge what the President will say.

Just as I believe that Congress should have been more deeply involved in the decisions of engagement in Southeast Asia, so I believe Congress should participate in the historic process of disengagement.

Because this further part of the resolution is to be a joint enactment, to be signed by the President, it would bring the legisative and the executive together again under the Constitution, with the Congress playing its specific role in matters of war and peace. And it would bring the two branches together again on the road to peace. Let us act quickly now on this repealer to take the first steps of this redemptive journey.

CONGRESSIONAL REPRESENTATION FOR DISTRICT OF COLUMBIA

Mr. HART. Mr. President, the Marquette Mining Journal, in an editorial published April 14, calls attention to the petition drive by the League of Women Voters, nationwide, to help secure congressional representation for residents of the District of Columbia.

The editorial is excellent, and the cause it supports is just. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Mining Journal, Apr. 14, 1970]

CITIZENS WITHOUT VOICES

Two hundred years ago citizens of the New World's colonies protested against "taxation without representation." The protest was followed by the American revolution, a struggle fought to give the colonists their freedom from British oppression and an end to taxation without representation. Yet today 800,000 citizens of the United States still bear the burden of taxation without representation.

They are residents of the District of Columbia, who pay income taxes, as well as other federal taxes and local taxes, but have no representation in Congress. Foreigners who first learn of this state of affairs upon visiting the United States must be struck by the irony of citizens of the nation's capital being denied the right to participate in the affairs of their government.

Citizens of Washington, D.C., are governed by Congress but no one in Congress represents them. No one in Congress speaks for them or votes for them. For them, the principle of "one man, one vote" is sheer mockery. And the lofty words from the Declaration of Independence—"governments are instituted among men, deriving their just powers from the consent of the governed"—simply do not apply to Washingtonians.

The League of Women Voters, which is conducting a nationwide petition drive in hopes of having the U.S. Constitution amended to grant residents of the District the congressional voice that is rightfully theirs, made the following comments in connection with their drive:

"Most of us have had occasion to turn to our congressmen for assistance. When a family needs a son called home on emergency military leave, they can get help from their congressman. When a citizen needs information or action on matters such as social security or veterans' benefits, he can write his congressman. When Americans want to act on an issue like conservation, they enlist the aid of their congressman. When businessmen need help attracting industry to their community, they call on their congressman. When a citizens' group seeks help with a highway project or slum clearance or school programs, they ask their congressmen for help.

"The voteless District of Columbia citizen, lacking representation in Congress, has no place to go and no elected representative to plead his case.

"The vote has always been one of the cornerstones of our political system. Women fought for and finally won the vote in 1920. The struggle for full enjoyment of the franchise by Negroes in part of 100 years of our history. American soldiers are fighting in Vietnam for the principle that the South Vietnamese people should have a representative, duly elected government. But there is no representative government for the citizens of Washington, D.C."

There is no justification whatsoever for denying one large bloc of our citizens the right to vote simply because they happen to live in a particular part of this nation. The League of Women Voters in performing a noble service in working to right this wrong.

Residents of Marquette County will be able to give them a hand because the Marquette County chapter of the league is participating in the nationwide petition drive. The drive will be conducted during the week beginning tomorrow. Women who are members of the Marquette County chapter will solicit petition signatures throughout the county.

Persons who sign the petitions need not be registered voters. Even older teen-agers can help since signatures will be accepted from anyone 16 years of age or older. You can play a part in wiping out taxation without representation by signing one of the league's petitions.

JOURNALISTIC RESPONSIBILITY

Mr. TOWER. Mr. President, in my Report to Texans of November 22–23, 1969, I cited "a need for some sort of voluntary journalistic code which would insure the highest possible degree of responsibility among individual journalists as they carry out their public trust."

I am not a journalist, and I would not presume to recommend any form of regulatory system for use by the journalism community.

But I was gratified to see in the "Guest Opinion" column of the April issue of the Quill, the official publication of Sigma Delta Chi professional journalism society, evidence that at least some Members within the journalism community see the need for some sort of a voluntary code

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to insure responsibility within the profession. The article I refer to was written by Walter W. Seifert, an associate professor at Ohio State University.

Mr. President, I ask unanimous consent to have printed in the Record, Professor Seifert's column, to be followed by my Report to Texans of November 22–23.

There being no objection, the items were ordered to be printed in the Record, as follows:

Wanted: Professional Standards

(By Walter W. Seifert)

The people of America long ago demanded and got professional standards for doctors, lawyers and teachers. Today they are questioning the credentials of journalists.

Vice President Spiro Agnew has blasted "the liberal press" for lack of objectivity and balance. Dr. Walter Memminger has suggested newsmen be licensed. Rep. Fletcher Thompson of Georgia thinks those who cover the White House and Congress should be forced to disclose their financial holdings.

TIME magazine said (2/16/70) "Ever since Vice President Agnew criticized liberal TV commentators and newspapers, U.S. journalists have been on the defensive." Wallace Allen, managing editor of the Minneapolis *Tribune*, noted, "Public criticism of newspapers is the shrillest and most widespread I have seen in 18 years."

Mel Koch of Columbus, Ohio, in a recent SDX Quill letter, thinks Agnew's warning may be a blessing. Koch said, "We should thank Vice President Agnew for giving us a real opportunity for self-inspection before it becomes necessary for others to put us in our place."

To which this writer says "Amen!"

The public knows that a medical doctor has taken extensive specialized training, passed rigid examinations, and agreed to a specific code of professional ethics.

His license may be revoked.

An attorney has taken specialized study, passed examinations, and accepted ethical rules.

He may be disbarred.

But what of the journalist—a person who may influence the daily thoughts of millions?

He cannot be removed from practice because he has passed no accepted tests and is bound by no accepted standards. If he is fired from one job, he may immediately begin another. He bears no cachet of competence conferred by his peers or superiors.

Today, America is demanding that people who feed the public mind be as qualified as those who operate upon the public body.

This brings immediate protest from those who consider newsmen a special creation, exempt from all laws of personal responsibility and practice that the public imposes on other professionals.

No one who knows the nature of news and the First Amendment of the U.S. Constitution can advocate state or federal licensing of journalists. Yet, as Koch's letter implies, the time may well have come for Sigma Delta Chi to establish voluntary standards for those inside the news profession. The possibility exists that this might benefit all concerned.

One of the best programs is the national accreditation program of the Public Relations Society of America, which has 7,000 members in 65 chapters now.

Those who believe that "something is better than nothing" are invited to consider these facts:

1. In 1964 PRSA formally adopted a voluntary accreditation plan. Its stated purpose was to help raise professional standards and the practice of public relations; to stimulate members to broaden their knowledge and improve their performance through study, observation and reflection.

2. Candidates for PRSA accreditation must have a college degree or its equivalent, defined as ten years of experience. They must have been in fulltime PR practice at least five years.

3. They must be well-recommended by their employers, former employers and colleagues.

4. They must pass a comprehensive six-hour written examination and a three-hour oral exam.

5. They must accept (like all PRSA members) an extensive "Code of Professional Standards." If found guilty of violation, they can be expelled from the Society.

Accreditation cannot solve *all* the problems of any profession, but at least it is a *start*.

Certified public accountants, certified life underwriters, PR people and even barbers have standards.

Why not journalism?

Responsibility in the News

The Vice President of the United States recently initiated a serious discussion in our nation concerning responsibility and freedom within our news media, particularly the television media.

I know that many Texans have been concerned about this for some time, because I have received letters from many of you expressing that concern. The Vice President's address has now served to bring the issue squarely before us on a nationwide basis, and it has sparked a dialogue between representatives of the various news media, public officials and the people.

This dialogue will be significant even if it serves only as a reminder to each individual news reporter and broadcast commentator of the burden of responsibility he has shouldered as a journalist.

The journalist holds a unique position in the American democratic system. His daily efforts to report to the voting public the activities of government constitutes the most vital link between elected officials and those who do the electing. Perpetuation of that link on a free and unbiased basis is essential to the health and well being of our democracy. Without it, voters would have less opportunity to elect the most qualified candidates for office; and without it, public officials could freely engage in activities of their own special interest without regard for the public interest.

We hear much about ethics in public office these days. But this is because there is a larger body of professional journalists looking more carefully into the day-to-day activities of public officials at all levels of government. I believe it is safe to say that were it not for this continual scrutiny and this continual concern over ethics, there would be a great deal more unethical practices actually being carried on by public officials.

So that the professional journalist can continue his much needed work which actually serves to protect our democratic system, he must enjoy a high degree of freedom from governmental control. This is why I am strongly opposed to legislative sanctions on the journalism community.

In addition, any such sanctions would raise a legitimate question as to whether it might constitute an abridgement of the Constitutional guarantee of freedom of speech upon which our understanding of freedom of the press is based.

But with this immunity against governmental control, must come to the journalism community a severe responsibility. Our democratic system has given the journalism profession a public trust fully as important as that given to public officials, but void of the built-in safeguard of re-election.

The mechanics of network television broadcasting has served to magnify the need for responsibility in news reporting which has always existed in the other communications media. Network television reaches a larger audience than any previous media could attain. This means that the decisions involved with the gathering of information and the presentation of that information are concentrated in a smaller number of professional journalists compared with this larger number of people receiving the information.

The mechanics of network television dictates that the majority of these journalists be employed in New York City and Washington, D.C., and it is therefore understandable that these men may take on general philosophical beliefs which are shared by the majority of people living in these two cities.

I am convinced however that the majority views of those who live in New York City and Washington are not necessarily the majority views of Americans. A solid indication of this is the 1968 presidential election. And during the past year, there have been countless public opinion surveys which support this basic truth.

In my opinion, these facts of mechanics and logistics only serve to point up the need for increased responsibility on the part of the newsmen involved. It is widely understood that newsmen are supposed to strive for objectivity in their reporting. At the same time, the newsmen are in the business of finding out the facts and therefore, because they are close to the facts, are often capable of rendering judgments and valuable opinions.

But good journalism practice dictates that these opinions be carefully and clearly labeled for what they are and that there be no opportunity for a reader, a listener or a viewer to confuse journalistic opinion with objective news reports. I believe it is the responsibility of the journalism community to take such voluntary action as may be necessary among its own members to insure such confusion does not take place.

I am not a journalist and would not presume to recommend any form of regulatory system for use by the journalism community. I do believe there is a need for some sort of voluntary journalistic code which would insure the highest possible degree of responsibility among individual journalists as they carry out their public trust.

ANNIVERSARY OF THE DEATH OF ERNIE PYLE

Mr. BAYH. Mr. President, it was 25 years ago, April 18 that America lost a great friend, Ernie Pyle. I am certain that anyone who fought in World War II or who had friends or relatives who served overseas will remember Ernie as one of the closest links with the GI's in the front.

Ernie was an exceptional journalist. In a world war where the foot soldier often appeared distinguishable from his buddy only by the number on his dog tag, Ernie Pyle gave him an identity, an individuality, through his weekly columns in almost 700 American newspapers. His words illuminated for all the families who had servicemen overseas the agonies of war and the personal sacrifices of the ordinary soldier.

Ernie chose not to report the war from the safe standpoint, as many other reporters did, but he chose, instead, to march, sleep, and risk death with the GI buddies. Eventually, he gave his life in that effort.

The United States owes a great debt to Ernie Pyle, and I am certain there are countless persons who would like to see this great man honored. In February of this year, I wrote to the Hall of Fame asking that Ernie Pyle be considered as a nominee to the Hall of Fame at New York University. I believe he deserves a permanent place of honor. This one man enlightened so many Americans and kept up the morale of thousands of soldiers as no statesman or leader could have done.

In his typically unobtrusive fashion, Ernie moved among the men until he was one of them. He described the country, the natives, the conditions under which the foot soldier existed, and with great compassion and understanding articulated the thoughts and fears of the nameless GI thousands of miles from home. Rather than exploit the successes of the famous heroes, Ernie wrote of the courage and valor of those lumberjacks and farmers—now displaced soldiers—with whom he had spent so much time in their hometowns.

For almost 5 years, Ernie covered the war in his special way, endearing himself to the GI's and to every American who was touched by the war. Then on April 18, 1945, Ernie was killed by a sniper's bullet on the Pacific island of Ie Shima. It was less than 5 months before the end of the war.

Ernie Pyle unquestionably represented the highest ideals of journalism. He deserves a lasting place among all great patriots of the past who have given so much of themselves to their country in its most crucial times.

THE FOOD STAMP PROGRAM IN COOK COUNTY

Mr. PERCY. Mr. President, this month marks the fifth anniversary of the food stamp program in Illinois. For many people, participation in this program is all that assures them of food on their table. I am particularly pleased with the progress of this program in Cook County over the past 5 years.

Cook County has operated a food stamp program since April 1965. Participation in the program steadily increased from 50,000 in the first month of operations in 1965 to over 120,000. Particularly sharp increases in participation have been achieved in March 1970, the first month the recently authorized program liberalizations were placed into effect in Cook County. These liberalizations were possible when Federal food stamp funding was increased in late November 1969.

In March 206,000 people participated in the Cook County stamp program, a 64.8-percent increase over the 125,000 that participated in February. The value of the bonus coupons issued to participants in March was over three times the amount issued the previous month—$1,975,000 compared to $647,000 in February. I understand that preliminary reports for the first half of April show that stamp issuances are running at least 15 percent over the amounts issued in the first half of March.

Mr. President, these are not just statistics. These figures actually mean that fewer people are going hungry in Chicago; that the food stamp program is really beginning to help the poor in an effective manner. I hope that with the continued funding and revision of this program more and more of our poor will find relief from hunger and malnutrition. Many problems still exist but real progress can be reported in this one area.

THE DRUG PROBLEM

Mr. HART. Mr. President, the drug problem facing our Nation is acute. It touches every segment of our society, knowing no barriers of race or of economic well-being. It is a matter of great concern to all Americans.

A variety of approaches and philosophies are being tried to help our drug users. As of now, unfortunately, no one approach or philosophy provides the comprehensive kind of thorough, long-lasting treatment we are seeking.

However, a bill introduced by the junior Senator from Iowa (Mr. HUGHES)—the Federal Drug Abuse and Drug Dependence Prevention Treatment, and Rehabilitation Act of 1970—of which I am a sponsor, would attempt to alleviate this situation by bringing our collective knowledge together and then applying it to the benefit of the drug-user and society.

Along these same lines is an article in the May 1970 edition of Psychology Today. It is by Jerome Jaffe, who has written about his experiences in 1967, when he was chief consultant to the Illinois Narcotic Advisory Council. After surveying the thinking and techniques behind the most popular forms of drug treatment used today, Mr. Jaffe shows what was done in Illinois. For Senators who would like an overview of what is being done in this important area of our society, I recommend Mr. Jaffe's article entitled "Whatever Turns You Off," and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHATEVER TURNS YOU OFF

(By Jerome Jaffe)

Treatment should help compulsive narcotics users become law-abiding, productive non-drug-dependent and emotionally stable members of society. On the ideal set of goals there is almost universal agreement. Beyond it there is bitter discord. And the bitterest differences center on what behaviors we can accept short of the ideal.

Many who have worked in this field for years continue to believe that most drug users given adequate supervision after a period of drug free living will eventually give up the use of all illicit drugs if only to avoid an involuntary return to an institution. Others equally expert now believe that there is no one reason for starting to use narcotics, no characteristic user personality, no single pattern of use and no single inevitable outcome. In short, all narcotics users are not the same; therefore, there is no single treatment to which every user should be expected to respond. Further, they believe that it is unrealistic to expect every narcotics user to reach all of the goals in our ideal set, and that total abstinence from all drugs is not the most important treatment goal for all users.

This concept of drug-user heterogeneity is still not fully accepted. There are some who continue to feel that compulsive narcotics use can be viewed as a single problem. Indeed, there are some who minimize the differences among individuals who use different kinds of drugs—overlooking distinctions between the pharmacological and physiological effects of the narcotics (morphine, heroine, codeine, methadone, and those of other drugs such as the central nervous system (CNS) stimulants (amphetamines, cocaine), the CNS general depressants (barbiturates, alcohol and other sedatives), and the psychedelic-hallucinogen group (LSD, mescaline, marijuana).

LAW

The treatment approaches that generating most of the controversy are concerned with compulsive narcotics users. It is possible to classify any drug as a "narcotic" under the law, as the Harrison Act of 1914 did with all substances found in opium, even though many of them have no subjective effects. But in pharmacology the term "narcotic" is now used only for those substances with actions similar to those of morphine.

The narcotic analgesics affect the central and autonomic nervous systems. They can be injected, inhaled or taken orally. Injected intravenously they produce a "rush" or "thrill" sensation in the abdomen that many users say is like an orgasm. While no rush is felt when the drugs are taken orally, they still produce marked relaxation and indifference to pain and distress.

When a narcotic drug is used several times a day the user becomes tolerant to and physically dependent on the drug. Precisely what is responsible for this decreasing effect that we call tolerance is still unknown. But apparently some cells and body systems become tolerant rapidly and others slowly. For example, long after a morphine user becomes almost totally tolerant to the psychological effects of the drug, it may still cause him to be constipated and his pupils to be constricted. A person tolerant to one narcotic will be almost equally tolerant to all other narcotics (cross-tolerance). But there is little cross-tolerance between classes of drugs. Someone quite tolerant to narcotics can still become drunk on alcohol or barbiturates or euphoric and stimulated by amphetamines.

WITHDRAWAL

The user becomes physically dependent when the drug causes his physiology to change so that he must take the drug to prevent unpleasant withdrawal symptoms. The pattern of withdrawal symptoms is much the same for all drugs in a given class so that the picture of morphine withdrawal is indistinguishable from that of heroin withdrawal. Because of a considerable cross-dependence between drugs in the same category, one can stop heroin-withdrawal symptoms by taking morphine, methadone or even large doses of codeine.

USE

Physical dependence and "addiction" are not synonymous. Drugs other than narcotics can cause physical dependence, and not all withdrawal syndromes are associated with drug-craving. "Addiction" usually means that getting and taking the drug pervades the user's entire life. There are several situations in which a physically dependent person is not an addict in this sense. For example, a baby born to a woman who has used narcotics throughout her pregnancy will be physically dependent on the drug and will have to be treated for withdrawal symptoms. But it is absurd to think of the child as an addict. Not everyone who explores the effects of narcotics immediately becomes a regular user. Some use them only occasionally; others may use them intermittently over many months and then progress to regular constant use. Thus there is no sharp line that divides the user from the compulsive user—addiction is only an extreme on a behavioral continuum.

Yet once the craving or "hunger" for narcotics develops, it can preempt all other values and interests. And somehow it seems that the hunger is not ended merely by withdrawing the drug, but seems to persist long after the measurable signs of withdrawal are gone.

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ENGLAND

Logic suggests that any chemical that stops the craving should be considered for use in treatment. Of course the narcotics themselves can satisfy this need. In his book *Drug Addiction,* Lawrence Kolb lists the accomplishments of eight renowned Englishmen, all opiate addicts, six of whom lived past 70. It seems evident therefore that under some conditions narcotics use does not lead to social or physical deterioration. But Kolb's Englishmen took their drugs orally—they were stabilized. In England the stabilized addict is now a rarity. Although British physicians are still permitted to prescribe narcotics—including heroin—for narcotics addicts, most users inject narcotics intravenously. Because of the short-acting, up-and-down effects of heroin taken this way, the user remains preoccupied with the drug. In order to permit normal social function, medical therapy should eliminate narcotic hunger and simultaneously discourage the use of intravenous narcotics.

SYNTHETIC

Methadone maintenance is a treatment pioneered by Vincent Dole and Marie Nyswander of New York's Rockefeller University. Methadone is a synthetic narcotic, in use for more than 20 years, that has most of the analgesic and respiratory-depressant effects of other narcotics. It is apparently more effective when it is taken orally than such narcotics as morphine are. When it is given repeatedly methadone has a cumulative effect, so that its capacity to prevent withdrawal symptoms lasts longer than that of heroin or morphine. Methadone's withdrawal syndrome is considerably milder than heroin's or morphine's, though it may last 12 to 15 days rather than heroin's four to six days.

For more than a decade we have known that small doses of methadone would prevent withdrawal symptoms in physically dependent narcotics users. Dole and Nyswander found that a dose of methadone several times the size necessary to prevent withdrawal symptoms not only relieves the persistent drug hunger that often plagues the former user after withdrawal but it also produces a marked tolerance to opiatelike drugs, including methadone itself. Thus the patient treated with high doses of methadone is so tolerant that he experiences no rush from narcotics and few, if any, of the effects of the methadone. More than 1,000 former heroin users are being treated in the Methadone Maintenance Program in New York. Two-thirds of them are now either working or attending school. Both heroin use and antisocial activity have decreased dramatically. Methadone-treatment programs in other cities are achieving similar results in terms of reduced crime rates and increased productivity levels.

NEEDLES

There are a number of important differences between the use of oral methadone in a rehabilitative program and the British practice of prescribing narcotics for addicts. In England once an addict has his narcotic prescription filled he is free to use the drug in any way and with whatever frequency and dosage he chooses. The young heroin user almost always chooses to take it intravenously—for the rush or thrill. In spite of the availability of more hygienic alternatives the English heroin addict uses shared, unsterile needles. And the probability of disease or death is higher for him than it is for his non-narcotic-using peers. The user who makes a practice of taking heroin intravenously is most of the time either high or on the way down and thinking about getting high again. Productivity obviously declines in this situation.

SHARING

A more perplexing problem is the young user who insists on sharing his drug-using experiences with friends—by sharing his heroin. The number of young heroin users in England rapidly increased from a handful in 1954 to more than a thousand in 1968. This is the doctors' dilemma: if they prescribe all of the heroin the young addict claims he needs there will be excess supplies that will eventually create new users. If they prescribe less, they open the door to a profit-oriented black market. In an effort to stem the increase of new users changes have been made in British regulations to restrict heroin prescription to a few physicians with more specialized training.

In contrast to these problems of prescribing heroin, methadone is given only for oral use—and frequency and dosage are determined by the doctor. Because a single dose of methadone last for 24 hours or longer, staff members can watch the patient take each daily dose and thereby prevent sale of the drug to new addicts. More important there is no sudden, drug-induced high, to be followed within a few hours by withdrawal symptoms. After a few weeks the effects of methadone are barely felt. In short the differences between the psychologiaclly and physiologically disruptive effects of heroin taken intravenously and methadone taken orally may be functionally more important than the fact that they are both narcotics.

CYCLAZOCINE

An equally recent and entirely different approach to treatment is the use of narcotic antagonists—drugs chemically and structurally so like narcotics that they can apparently occupy the place in the nervous system where narcotics act. Yet the antagonists have little or no narcotic effects. By occupying these places they prevent or reverse narcotic action. For years the antagonists were used only in the treatment of narcotic overdose and in the Nalline test to check for recent narcotics use. A few years ago William Martin and his co-workers at the Addiction Research Center in Lexington, Kentucky observed that cyclazocine, a long-acting, oral antagonist, could prevent patients from feeling the effects of a standard dose of morphine. As long as the patients took cyclazocine regularly morphine did not produce physical dependence, even where it was given several times a day for several weeks.

SIDE-EFFECTS

Cyclazocine is not considered a narcotic. Users do not desire it as they do opiates. Given to a person who is physically dependent on narcotics, cyclazocine will bring on withdrawal symptoms rather than prevent them as methadone does. Among its limitations are side-effects that some patients find unpleasant. Martin and his co-workers found that naloxone, a new antagonist, is almost free of such unpleasant side effects. But other studies have shown that its duration may be too short and its cost too high for it to be useful now.

Antagonists may provide a means to "unlearn" drug-using behavior. Some researchers believe that in addition to personality problems that might predispose a person to start using narcotics, the compulsive user gradually acquires a complex set of conditioned responses that tends to perpetuate drug use. Each use of the drug, each reduction in tension (whether caused by anxiety, depression or anger), reinforces the preceding behavior, producing a progressively stronger desire to take the drug again. With repeated regular use, physical dependence develops. Then each drug use relieves a new tension—the withdrawal syndrome.

UP OR DOWN

Recent animal research, however, indicates that drug use may be reinforced even if the drugs produce euphoria instead of reducing tension. Animals will inject themselves with amphetamines and cocaine. They will also inject themselves with narcotics under tension-free conditions. Theoretically it makes little difference whether the addict seeks euphoria or relief of tension. The best way to reverse the conditioning process would be to have him use narcotics in his old haunts—but get no effect. This lack of effect will be the case if the addict takes narcotic antagonists on a regular basis. While many researchers do not feel that the addiction process involves conditioning, the use of antagonists makes it possible to find out.

Narcotic antagonists also have additional value. Since they prevent a patient who uses narcotics occasionally from becoming physically dependent, they can make it possible for him to continue work or participate in a rehabilitation program. Also the likelihood of a fatal overdose is reduced if not eliminated.

LIMITS

A drug that prevents narcotic action obviously cannot stop a person from associating with other drug users, halt his antisocial behavior or give him vocational skills or hope for a better life. To be effective it must be part of a broad program of social rehabilitation. The number of patients now receiving antagonists is still too small to permit a prediction of how useful the treatment will be.

The major advantage of the antagonists is that they are not narcotics. They have virtually no abuse potential and can be given to the patient for self-dosing. While stopping the antagonists may cause some reactions, these are far less serious than opiate-withdrawal symptoms. After the patient has been doing well for some time, cyclazocine can be stopped to see if improvement is maintained. This is harder with methadone because of the withdrawal symptoms that occur when it is stopped.

Far different from either methadone or cyclazocine are programs for compulsory institutional treatment in a drug-free environment (hospital or prison), followed by close supervision in the community.

These programs have been criticized for trying simultaneously to rehabilitate users and protect the public from their antisocial behavior—sometimes incompatible goals. They have also been attacked for being ineffective and insufficiently concerned with the users' civil rights.

John C. Kramer and co-workers reported that one year after release from the 14-month long institutional phase of California's civil-commitment program, only one patient in three was still drug-free and in the community. The results of a supervisory program in Maryland are similar to those obtained in California. At the end of a year there were virtually no continuous abstainers among released prisoners who were required to abstain from narcotics and to submit daily urine samples for chemical analysis as a condition of parole from the Maryland prison system. More than 80 per cent had returned to prison.

There may be some narcotics users who will benefit from civil-commitment or close-supervision programs. But it remains to be determined how these programs will mesh with other voluntary programs, and whether their use will be restricted to those addicts mostly likely to benefit from them.

COMMUNITY

Another distinct approach involves the establishment of complex social systems that are ran almost entirely by ex-addicts. Such organizations as Synanon (California), Daytop Village, Phoenix Houses, Odyssey House (New York), and Gateway House (Chicago) contrast sharply with the civil-commitment institutions. Rather than being involuntarily confined, residents in these communities are free to leave at any time. In fact they must at all times demonstrate willingness to conform to community rules and spirit in order to remain.

Many former compulsive drug users are able to remain drug-free and function pro-

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ductively while they are in such communities but how they do after leaving is not certain. Some critics feel that the approach falls short of returning ex-users to their homes sound of mind and body. But even if this is so, providing a voluntary, specialized community in which addicts can live a useful life is still a worthy enterprise.

Of the different approaches this one appears best suited at present to produce a drug-free, productive person who does not need continued medical care or psychological treatment.

CAUSES

Perhaps the diversity of approaches can be traced back to fundamental differences of opinion about the causes of compulsive narcotics use. At one extreme are those who believe that the persistent craving for narcotics may be a result of a metabolic or physiological change caused by repeated narcotics use—a change that persists for many months after the drug is withdrawn. At the other extreme are those who believe that narcotics are used for purely hedonistic purposes, by basically delinquent persons who are either completely unconcerned with what society expects or who are too immature to weigh the possible long-term consequences. In between the extremes are those who believe that narcotics are used by the emotionally disturbed to treat their own psychological difficulties or by the economically deprived to escape the reality of their limited opportunities or by those who, having repeatedly experimented with drugs, have conditioned themselves to respond to certain situations with drug-taking behavior.

All of these views have some validity with respect to some drug users and all of these factors may play some role in narcotic addiction. Future studies may help create rational treatment by showing that one factor is more significant than another for some specific types of addicts. At that point the treatment indicated would be the one best suited to correct the significant factor. It does not seem likely that such studies will come quickly. Compulsive drug use is a chronic problem rather than an acute one. To provide meaningful information, research projects must follow the user over several years, and short-term results are usually of little significance. Presently every approach that offers some chance of reaching at least one socially acceptable goal is in use and several are the subject of careful, critical, controlled evaluations.

BLIND ALLEYS

However, serious problems arise when a number of different agencies offer different treatments based on radically different philosophical premises. Sometimes the user becomes locked into a system that may not be appropriate for him. If a user does not show satisfactory progress toward the goals of that treatment program, he will be discharged from voluntary prorgams or more closely confined or supervised in the involuntary programs. An agency rarely admits that its approach may not be suited to a user's needs at that point in his life. At best the voluntary programs permit their failures to drop out and find their own way into other treatments if they can. Other programs often have long waiting lists and the user may not be treated for months. At worst, he is imprisoned—legally—in an inappropriate program for months or years.

The problem of moving from one type of treatment to another could be solved by a multi-modality program with a central entrance, from which users could move into a number of philosophically and operationally distinct treatments. Assignments to different systems could be based on individual preferences, on the dictates of a research design, or—if it becomes available—a rational judgment based on knowledge of what kinds of individuals do best in which programs. Once the user enters a particular program his or her progress would be followed. When the program or the patient feels that satisfactory progress is not being made he would be reassigned to another program. The problem of starting and coordinating a number of different programs is obviously more difficult than establishing and evaluating any single approach. Yet it seems as if only such a coordinated effort would be able to identify which specific treatments were best suited to reach particular goals for various types of addicts.

OPTIONS

In 1967, as the chief consultant to the Illinois Narcotic Advisory Council, I suggested that such a multi-modal program be developed to treat Illinois' estimated 6,000 compulsive narcotics users. Even though there was no assurance that a multi-approach program would function better than a number of different, independent and philosophically diverse agencies, or that it could be made to function at all, the Council authorized the attempt.

The system—a cooperative project of the State of Illinois Department of Mental Health and the University of Chicago Department of Psychiatry—took in its first patient in January 1968. By July 1969 it was fully operating and included six treatment centers in different locations, linked by weekly staff meetings and central entrance and evaluation procedures. The total program, now serving more than 700 persons, offers methadone maintenance, therapeutic communities, hospitalization and halfway-house facilities, group therapy and the use of narcotic antagonists.

Each approach is run by persons who believe in it. Carl Charnett, former facility director of Daytop Village, for example now directs Gateway Houses, the therapeutic community component, and Edward Washington, the former chief social worker of the New York methadone maintenance program, directed the first outpatient methadone unit.

ONE ROOF

While at first no one geographical center attempted all approaches, that was obviously a logical next step. Such a program is now being operated successfully in the former staff building on the grounds of the Tinley Park Mental Health Center. Total abstinence, methadone maintenance and narcotic antagonists are all being used within a therapeutic community directed by ex-addicts. Because of its multi-modal approach the Tinley Park unit provides an ideal training experience.

Although it now appears that a multi-approach program can work in a single structure it is still too soon to gauge the effectiveness of the individual parts, or the efficiency of the total multi-approach concept. But it is already unequivocally clear that where vested interests have not developed and treatment of narcotics users has not become politicized, people with widely different philosophies can not only talk together but actively cooperate.

OREGONIANS COMMENT ON MEDICARE COSTS AND THE MEDICAL PROFESSION

Mr. HATFIELD. Mr. President, currently our medicare program is under legislative review, and will receive even more attention in the months ahead.

In some quarters, much of the blame has been leveled at practicing physicians. Naturally, this has disturbed many segments of the medical community. In Oregon, the medical profession has adhered to high standards and will continue to do so in the future.

The president of the Oregon Medical Association, Dr. Noel B. Rawls, expressed his sentiments on this issue in plain language. In addition, the associate executive director of the Multnomah County Medical Society, Mr. J. David Lortie, wrote me on the same matter. I also heard from Prof. John A. Benson, Jr. of the University of Oregon Medical School. The Physicians' Medical Center of McMinnville, Oreg., also contacted me with thoughts on this issue.

I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

MULTNOMAH COUNTY MEDICAL SOCIETY,
Portland, Oreg., Mar. 25, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: I had the pleasure yesterday of speaking on the telephone with one of your assistants, Mr. John Oberdorf. He informed me you have been receiving a number of inquiries or complaints about high doctors' fees, particularly as they relate to the Medicare and Medicaid programs in Oregon. Mr. Oberdorf and I spoke about this problem at some length and I felt it might be useful to you if I were to briefly discuss some of the issues involved in this matter.

First, there is no denying doctors' fees have increased and will continue to increase. These increases in fees generally coincide with the physician's increased cost of doing business. That is, salaries of his office personnel have increased significantly over the past few years. Also, rent, utilities, office machinery, office supplies and medical supplies have also increased, primarily due to the general inflation spiral. Then too, the cost of the physicians' malpractice insurance jumps each year so that in Oregon today some physicians are paying nearly $1,200 a year for basic malpractice coverage and it is anticipated this will soon increase. Finally, a major factor in boosting the cost of doing business for a physician has been the frequent need to hire additional personnel because of the ever increasing paperwork burden, particularly the filling out of insurance forms. I will not say Medicare is directly responsible for this but certainly has been a significant factor. Much time and effort is being spent by physicians' office personnel in helping the over 65-year-olds understand the workings of the Medicare program, time that prior to the Medicare program was not required.

If you have received complaints about doctor's fees in relation to Oregon's Medicaid program I suspect the complaints have come from physicians, not patients. In actual fact Oregon's Medicaid program is nothing more than a gimmick used by the state to secure federal monies to pay for medical costs which the state previously paid. That is, the federal government supports the state government and its welfare department in paying physicians' fees at the same significantly sub-standard rate as before Oregon adopted a Medicaid program.

Under Medicaid, which covers only the categorical areas of aid to the blind, aid to the disabled, aid to dependent children and aid to the aged, physicians are paid $4.75 for an individual office visit. This is just about enough in a general practitioner's office to cover his overhead. In an internist's office or other specialist's office it won't even cover overhead. The rest of the welfare (Medicaid) fee schedule is equally unrealistic. To be specific, welfare pays a physician $51.00 to remove tonsils and adenoids while the usual and customary fee in Portland is $110. Welfare pays $118.25 for an appendectomy while the usual and customary fee is $250.00. Physicians who treat welfare patients must accept these fees and cannot bill the patient any balance between what welfare pays under its Title 19 Medicaid program and what the physician's usual charge may be. Thus, if a physician sees very many welfare patients (and in Multnomah County there are more than 30,000 on ADC alone) he must raise his usual fees to compensate for the loss he suffers in caring for welfare patients.

Frankly, Medicare is an entirely different situation. I suspect patients are indeed complaining that their doctor is overcharging them. While in certain isolated instances this may be true, as a general rule doctors in Portland at least are not overcharging their patients under Medicare even though it appears that way.

It is important to remember that when Mr. Wilbur Cohen, former Secretary of Health, Education and Welfare refused to raise the premium on the Part B, Title 18 insurance, he also issued an order freezing the reimbursement to physicians on the basis of what physicians were charging as of December 31, 1968. That freeze still exists. Thus, here in Oregon, Aetna, the fiscal intermediary for Medicare, is paying doctors' 1970 bills at the December 31, 1968 rate. Thus, if a doctor charged $5.00 for an office visit in 1968 and today he has increased his fee to $7.00, Medicare pays only 80 per cent of $5.00, or $4.00. The patient then is responsible not only for the 20 per cent of the 1968 usual and customary fee of $5.00 upon which Medicare bases it payment, but is also responsible for the $2.00 increase in the doctor's fee between 1968 and 1970. Thus, the patient who is told that Medicare pays 80 per cent of the doctor's usual and customary fee can only conclude that he has been overcharged.

In plain fact, the doctor is generally not overcharging for his services in 1970 but the government is underpaying and is really violating its own contractual obligation to pay 80 per cent of usual, customary and reasonable fees. However, the Medicare law, apparently specifically forbids the fiscal intermediaries from explaining this situation to their clients, the patients. Thus the doctor gets blamed and must spend his valuable time or the time of his employees in explaining this ridiculous situation to the patient who is indeed the victim in this case.

This is a complicated situation and I hope my discussion makes some sense. There are other factors within Medicare that are perhaps worthy of discussion as problems but do not directly relate to the patients' complaints about overcharging.

Now I do want you to know the Multnomah County Medical Society is very concerned about this entire situation. We have available to any patient who writes us a Grievance Committee which will review in detail any and all complaints it receives. Be assured this is not a whitewash committee. It is a committee dedicated to resolving the complaints of aggrieved patients and if a physician is wrong the committee does not hesitate to say so and take necessary action.

Also, we have available a Health Insurance Review Committee which monthly reviews numerous complaints from insurance companies, physicians and patients about fees charged or paid. This Committee's prime function is to investigate fees charged and to determine what a reasonable fee would be in the Portland area. Again, this Committee is most diligent in its pursuit of any wrongdoing.

Thus the mechanisms exist here locally for all persons to get a fair and honest hearing about any complaint they may have against their physicians. It is because of the effectiveness of these two peer review committees that I can assure you the Multnomah County Medical Society is most involved in insuring that its individual physician members are honestly meeting their ethical and legal obligations to their patients.

Cordially,

J. DAVID LORTIE,
Associate Executive Director.

OREGON MEDICAL ASSOCIATION,
Portland, Oreg., March 20, 1970.

Senator MARK O. HATFIELD,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: It appears to members of this association that some members of the Congress and select Congressional Committee staff are determined to place the blame for the soaring costs of Medicare and Medicaid squarely, and may I add unjustly, on the American Medical profession. What is even more disconcerting is their parallel attempts to assassinate the character of the nation's doctors.

The highly publicized and shockingly misleading staff report of the Senate Finance Committee is an excellent example. You may be assured my profession is not riddled with fraudulent practitioners who gouge the elderly, the infirm, and the government, as this report would lead the nation to believe. Rather, medicine is constituted of dedicated, highly skilled and conscientious professionals, many of whom predicted Medicare and Medicaid would soon far surpass the casual estimates made by the sponsors and supporters of the original legislation.

I wish to add that my associates in Oregon, and across the country abhor the few abusers of federal medical programs or, for that matter, private patients. We have, are, and will continue to seek and discipline doctors who overcharge and over-utilize. If such individuals are guilty of fraudulent conduct, we will use every means available to us to see that justice is effected. This is not an empty pledge, but a basic working precept of the ethics of our profession.

We very frankly resent this and other covert attempts to shake the faith of our legislators and the American public in the integrity of medical doctors. Further, we trust you will do everything possible to see that this sort of malicious demagoguery is stopped and that the record is set aright. Your interest and cooperation will be most appreciated.

Sincerely,

NOEL B. RAWLS, M.D.,
President.

UNIVERSITY OF OREGON MEDICAL SCHOOL,
Portland, Oreg., March 12, 1970.

Senator MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: I was somewhat disturbed to learn of a report to the Committee on Finance on February 3, 1970 concerning "Medicare and Medicaid—Problems, Issues and Alternatives". Chapter 6 of the Report concerns payments to supervisory physicians in teaching hospitals and is of obvious interest. It concludes with a staff recommendation as follows;

"The staff is aware that the involvement of teaching physicians in direct patient care varies with respect to a given patient from none to extensive. We also recognize that charges were normally not made nor payment anticipated, by teaching physicians for institutional patients prior to medicare. The staff concludes that there is no justification under the present medicare statute for reimbursement of supervisory physicians services to an institutional patient in a teaching setting and that there is no legal obligation on the part of the patient to pay him for those services. For those reasons, we recommend that this type of reimbursement be terminated until such time as Congress clearly and specifically expresses an intention to reimburse for these services and specifies the criteria under which they will be reimbursed."

The statement suggests that Medicare provoked professional charges by teaching physicians for institutional patients. At this and other institutions patients able to pay, especially those with third-party insurance coverage for professional fees, were billed for professional services rendered. This practice continues here for those covered by insurance either under Medicare or private coverage. The returns from such charges are an important resource in maintaining competitive faculty salaries and even in providing faculty positions. This practice began long before Medicare.

I have also enclosed a resolution by the American Board of Internal Medicine, a certifying, examining, non-profit board which helps set standards of excellence for internists. This resolution has been sent to Mr. Thomas M. Tierney, Director, Bureau of Health Insurance, Social Security Administration, and he has responded. I thought this additional perspective might be useful to you as Senator Long's hearings continue explorations of the matter.

With warm regards.

Most respectfully,

JOHN A. BENSON, Jr., M.D.,
Professor of Medicine, Head, Division of Gastroenterology.

AMERICAN BOARD OF INTERNAL MEDICINE,
Philadelphia, Pa., January 6, 1970.

Mr. THOMAS M. TIERNEY,
Director, Bureau of Health Insurance, Social Security Administration, Baltimore, Md.

DEAR MR. TIERNEY: The American Board of Internal Medicine, for several months, has been considering the effects of the administration of Medicare and Medicaid on the educational and training programs in internal medicine. At a recent meeting of the Board on December 2, 1969, the following resolution was adopted and I was requested, as Chairman, to forward it to you for your consideration. Copies of the resolution are also being sent to the Association of American Medical Colleges and to the individual chairmen of departments of medicine of our medical schools. The resolution is as follows:

"The American Board of Internal Medicine has as its primary responsibility, the determination of qualifications of physicians for certification in internal medicine and its subspecialties. Inherent in this mandate are the assessment of training programs and efforts toward their continuing improvement. The Board's activities are thereby sensitive to any influences, direct or indirect, which bear upon training methods and their effective application.

"Sharing of responsibility in patient care is a fundamental requirement for an effective training program. The indirect undermining of this necessary objective by disallowance of payments for services of supervising physicians in a teaching setting can result only in declining quality of training and thereby a lower rather than an ever-better level of care. The manner in which Titles XVIII and XIX are being implemented in many parts of the country influences adversely the quality of both medical care and education.

"We respectfully request that representatives of the Social Security Administration and other related agencies expand and intensify interchange with their counterparts in postgraduate medical education in seeking the best adaptation of relevant legislation to our common goals."

We do hope that you will give this statement your serious consideration, and we should be pleased to discuss it further with you should you wish.

Sincerely yours,

J. D. MYERS, M.D.

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McMINNVILLE, OREG.,
March 14, 1970.

Senator MARK O. HATFIELD,
Senator Office Building,
Washington, D.C.:

The Physicians Medical Center, McMinnville, Oregon, requests that you exert your influence to put in proper focus the role of the physican in the implementation of the Medicare program and to determine whether or not there is a deliberate attempt to disparage physicians on the national level by continuous attacks on their integrity and dedication. The publicity resulting from the release of the report of the Senate Finance Committee on Medicare is the most recent case in point. We resent being singled out as being responsible for the financial faults of Medicare. We resent the implication that fraud by physicians is rife in the Medicare program when in fact evidence of fraud by physicians is demonstrably small and insignificant in relation to the cost of the overall program. The evidence is that the great majority of physicians do not overcharge, are not abusing the program and are dedicated to making Medicare work. We are discouraged. We dislike being scapegoats. We look to our statesmen in Congress to set the record straight, to let it be known that they have faith in the medical profession and that the vast majority of physicians are honest and dedicated to providing high quality medical care to all persons.

W. T. ROSS, M.D.,
Physicians Medical Center.

ACADEMIC FREEDOM IS LOST THROUGH STUDENT-FACULTY DESTRUCTION

Mr. RANDOLPH. Mr. President, events of recent days on several college campuses have crystallized, I think, the problem of what is commonly termed "student dissent." It is more nearly destruction.

It has demonstrated that a dedicated hard core of irrational radicals can bring great universities to their knees. And they can do it with the acquiescence, and often the support, of faculty members. Thinking students who can be led sheeplike into massive demonstrations against an ill-defined establishment are abandoning all pretense of education.

Those who join in the shouting down of invited speakers, as in the case of Gen. Maxwell Taylor at Monmouth College and Secretary Walter Hickel at Princeton University show that they hold no interest in others' ideas and seek only to impose their own ill-formed beliefs.

At one of our great tax-supported institutions, Penn State University, the president's house was stoned and fires set because of refusal to grant amnesty to those arrested in a previous demonstration.

The issue at Yale University, as we understand it, is to halt the educational process—a joint agreement of faculty and students—for discussions of a pending murder trial because some students have prejudged the outcome without hearing the evidence.

If these situations defy reason, they at least demand a reasonable response. Or must our strife-torn colleges and universities await equally repressive action by alumni and parents and taxpayers who pay the bills?

Do our universities have a responsibility to demand rational behavor as a condition of attendance? The university occupies a unique position in our society, but it must teach its inhabitants that they are governed by the same laws of conduct and the same rules of civic responsibility as the rest of our citizenry. The denial of the rights of the majority of serious students by shutting down classes is the most outrageous oppression of all. The moves to silence the presentation of opposite views is an obscene violation of the fundamental freedoms. To stamp out a man's words, as one editorial writer so accurately observed, is no different from burning a man's books.

Dr. Eric A. Walker, president of the Pennsylvania State University, declared on February 6 of this year:

> If one truth emerges from the handling of these troubled campuses, it is that college presidents were not firm enough in their dealing with hard-core militants when those militants began to use force.

Almost 3 months later there are, no doubt, hundreds of other heads of institutions of learning who now realize the truth of these words.

Mr. President, I ask unanimous consent that editorial comments on the subject be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 27, 1970]

STAMPING OUT FREEDOM

General Maxwell D. Taylor knows as much about America's involvement in Vietnam as anyone in the world. He was President Kennedy's chairman of the Joint Chiefs of Staff, President Johnson's Ambassador to South Vietnam, still serves as President Nixon's chairman of the Foreign Intelligence Advisory Board.

This is the general—a personal repository of history—who was booed off the platform at Monmouth College after accepting an invitation to speak before the Student Union. The spectacle of students, led by a so-called professor on the college faculty, preventing General Taylor from giving his talk is more than vulgar; it is the kind of fascist-minded repression that kills the meaning of education. General Taylor and Monmouth College might have learned something from each other; now the chance to listen—and learn—is dead. Stamping on a man's words is no different from burning a man's books.

[From the Philadelphia Evening Bulletin, Apr. 24, 1970]

PENN STATE'S ALTERNATIVES

With commendable patience, Dr. Eric A. Walker, president of Pennsylvania State University, has tried to make the distinction between peaceable student dissent and the fires and rock-throwing now disrupting his campus.

Over the last couple of years, this distinction has been accepted in academic circles as the proper point of departure for a college administrator trying to soothe tempers and arbitrate honest differences.

And, in an atmosphere supposedly dedicated to reason, it would seem a quite proper one. But the some 200 to 250 hardcore campus militants at Penn State are not susceptible to logic and persuasion. To such militants, both are signs of weakness to be exploited.

Thus, the alternatives to which Dr. Walker has resorted—calling State Police and obtaining injunctions—are not only logical ones; they are the only ones. And, to the taxpayers who support Penn State, they are eminently satisfactory ones.

Those professedly offended by the "police presence" on the Penn State campus ought to ponder one thing. The campus bullies are not dismayed; they are indeed gratified.

The police presence radicalizes emotional segments of the student body and faculty, rallying them to militant demands they would otherwise reject.

What could be more meaningless, for instance, or more calculated to inflame emotions, than calling for an end to "oppression" of student dissent in these circumstances?

What could be more arrogant than demanding amnesty for the demonstrators who stoned Dr. Walker's house and set fires around the campus?

There is one last alternative at Dr. Walker's disposal which has already been endorsed by the Penn State board of trustees. It is expulsion of militants who defy the law. It is not only an effective and proper alternative at Penn State, but also at other institutions plagued by violent and uncompromising dissent, most recently the University of Pennsylvania, witness a rash of fires and window-breakings.

The range of choices available to colleges and universities in these circumstances has steadily dwindled. And if now it narrows to expulsion, it is not because of any insensitivity or vindictiveness on the part of administrators, it is simply because the university must rid itself of forces which would destroy it.

[From the Washington Post, Apr. 26, 1970]

THE RULE OF UNREASON

Those who supposed complacently a year ago, when there was so much murkiness and confusion at Cambridge and so much seeming *lux et veritas* in New Haven, that the difference between Yale and Harvard was a difference between men and boys must now revise their judgment. Yalies, too, are capable of frenzy, especially in the springtime. They, too, can go berserk, run amok and revert to adolescence. They need no longer take a back seat to the sons of Harvard in irrationality.

You will have to pay pretty close attention if you are going to follow the intricacies of what is currently going on at Yale. In New Haven, a Connecticut community supposed to be more or less independent of the university, a trial is being conducted in order to determine whether some Black Panthers, including Bobby Seale, the national chairman of the Black Panther Party, were responsible for the murder of an allegedly apostate Panther named Alex Rackley.

As to the merits of the charge against the defendants in this trial, we are as free from opinion as any qualified juror. Among the youths of Yale, however, a very strong conviction appears to have developed that the court is corrupt, the trial political and the verdict foreordained. To demonstrate their disapproval of the whole proceeding, about 80 per cent of the Yale student body staged a strike against—the university. This is to say that they boycotted classes and lectures, picketed the entrances of buildings on the campus and generally disported themselves like young men on a holiday or at some sort of charivari.

The faculty at Yale—now follow this carefully—apparently determined to prove that there is no such thing as a generation gap and that the old can be just as immature as the young, met in solemn conclave on Thursday and unresoluted an endorsement of the student strike. "Faculty members," the faculty said, "should be free to suspend their classes; they should take a tolerant position in regard to assignments and papers handed in late, and they should make as much time as possible available for the discussion of immediate and pressing issues."

Now, let's recapitulate and see if we all understand the situation. In order to prevent any improper or undue pressure upon the course of justice and to protect the court from any tinge of political bias, the student body and faculty at Yale have agreed that there shall be no education at Yale until the trial of Bobby Seale is decided the way they think it ought to be decided. Frankly, we haven't heard of anything quite the equal of this since the Ku Klux Klan quit burning crosses in front of courthouses in Alabama.

[From the Washington Evening Star, Apr. 27, 1970]

Irrationality at Yale

An unfortunate thing happened to Yale at a faculty meeting the other night. The professors went far toward acquiescing in the paralysis of a great university.

And what is the ostensible reason for the first such crisis at Yale since that institution opened in 1701? It's the effort of Connecticut authorities to try several men charged with a sordid slaying. The case would be unremarkable except that one of the defendants is the national chairman of the Black Panthers, Bobby Seale. The other defendants also are Panthers, as was the victim.

One expects many of 1970's undergraduates to get their judgment so out of whack that—with demagogic manipulation—they can't distinguish between a cause and a noncause. Or between political persecution and an attempt by society to solve a murder.

On behalf of the boycotting students, one can plead their inexperience, and their vulnerability to "radicalizing" elements among them. But what excuse can be given for the faculty members who have agreed to "suspension of the normal academic functions"? Yale is supposed to stop educating while the great issue of the murder trial is discussed.

The trouble is, there's no issue at this point except the guilt or innocence of each of the defendants still under indictment. And that is for the jurors to decide on the basis of the evidence that will be forthcoming in open court.

In the meantime, serious Yale students would do well to get their professors back in class. Exams have a way of sneaking up on an unwary scholar in the spring.

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HUNGER IN CHICAGO

Mr. PERCY. Mr. President, in the past few months, I have made statements about the extent of hunger in the city of Chicago. On April 20, the Select Committee on Nutrition and Human Needs held hearings in Chicago to ascertain the current situation.

The testimony we received painted a picture of a city riddled with redtape and too burdened financially to seek out and feed its nearly 600,000 hungry poor. It was a picture of malnourished children too hungry to learn; of the elderly too proud to ask for food; of a city unwilling or unable to respond to their needs; and of a Federal Government which must revamp its food and welfare programs.

The Chicago Tribune is currently publishing a series of articles written by Patricia Krizmis and Angela Parker, with photographs by Ovie Carter, exploring hunger in Chicago. These are provocative articles which critically examine what it is like to be hungry and why no solutions to the hunger problem have yet been found.

I commend the Chicago Tribune and its reporters for making the public aware of this problem. I ask unanimous consent that some of the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

A Sad Story of Hunger and How Children of Chicago's Poor Suffer

(By Patricia Krizmis and Angela Parker)

There is a game in Chicago called hunger. It is played by politicians, organization leaders, government officials, private agencies, and the poor.

Many of the losers—infants, children, and the elderly—never really play the game. But they are the victims, caught in a vicious circle from which there seems no escape.

IT DOES EXIST

The existence of hunger has been acknowledged at all levels of government. There is talk of the shame of it; the shocking thought that any person in this country should go hungry. Solutions have been suggested. National studies are under way. Hunger and its companion, malnutrition, have become political issues tossed back and forth as all try to fix responsibility.

"The city has taken leadership." said Deton J. Brooks Jr., commissioner of Chicago's department of human resources and Mayor Daley's overseer of hunger problems and feeding programs.

"The city has not swept the problem under the rug," Brooks said. "There is no political profit in hunger. But the city is limited in what it can do. This is a national problem with the state sharing responsibility."

WHO IS RESPONSIBLE

Sen. Percy (R., Ill.) tossed the responsibility right back to the city. Babies and the elderly are starving in Chicago, he said, and the city could remedy the situation if only it would ask for surplus foods from the federal government.

In Springfield, Gov. Ogilvie and Harold O. Swank, state public aid director, have urged that the federal government be financially responsible for welfare.

The Rev. Jesse Jackson, national director of Operation Breadbasket, contended that no one, whether at the city, state, or federal level, is doing enough.

Small private agencies, which have assumed the lion's share of work in feeding people, say they can't solve the problem.

In the meantime, many in Chicago go to bed with empty stomachs while taxpayers dole out more and more of their pay checks to combat a situation they really don't understand.

A MATTER OF DEFINITION

Part of the confusion arises from conflicting definitions of hunger and malnutrition. They are not the same.

Hunger, as defined by some doctors, is insufficient quantity of food. Malnutrition, a medical problem, is inadequate intake of essential nutrients. Malnutrition is not limited to the poor.

Brooks defined hunger as "a state of not having adequate nutritional purchasing power for yourself and your family."

But in Chicago, a feast-and-famine variety of hunger exists which is not defined in medical books or dictionaries: No one is hungry all the time.

"MY STOMACH HURTS"

To Regina, 9, hunger is pain. "My stomach hurts, so I drink a lot of water and go to bed 'cause I don't feel so good. Sometimes my little brother (age 4) cries when there's no food. Then he goes to sleep."

Regina doesn't cry when she must go to bed with that hurt feeling in her stomach. Unlike her brother, she has come to understand that sometime almost every month, she will be hungry for the simple reason that there is no food in the slum apartment that is her home.

Sometimes, Regina explained, her mother's welfare check is late. Sometimes, it is stolen. Sometimes, someone breaks in and steals all the food.

These are the reasons she gives. But are they the only ones?

Many of the reasons cited by Regina are merely excuses given her by her mother, said school-community representatives. They visit her home whenever Regina falls asleep in class, vomits water, or sits listless because she did not have a breakfast, or a dinner the night before.

JUST NOT ENOUGH

To Mrs. Helen Brooks, hunger provokes fear and a determination to see that her children never will have to experience the pounding headaches and stomach cramps she has known.

The $96 a week her husband brings home from his job as a gasoline station attendant doesn't always stretch far enough to provide enough food for their nine children and the two grandchildren who live with them. The children eat first, and then the adults. At times, Mrs. Brooks goes without food.

The only form of outside aid the family receives is bread, provided once a week by a private charitable agency, and at times, canned food. Four of her children receive a free hot lunch at school.

William Hartley sits in his $56 a month hotel room in Uptown and proudly tells how his family never went hungry during the depression of the 1930's. In those days, he walked thru the city and suburbs, repairing doorbells and doing odd jobs for wealthy families.

But he doesn't want to talk about hunger today.

At 86, he can't get out to repair doorbells, so he lives on a monthly social security check of $56 and the $25 his sons take turns sending him every month.

"My boys are good boys," Hartley said. "I don't want to cause them any trouble. I can manage—my friends help me."

His friends are the Little Brothers of the Poor, a charitable agency serving senior citizens. They bring him food every week and spend a little time with a lonely man.

Without them, would he survive?

Meanwhile, the numbers game goes on. No one really knows how many Chicagoans suffer from feast-and-famine hunger. And no real effort has yet been made in Chicago to find out.

The Rev. Mr. Jackson claims there are 600,000 hungry people in Chicago. But he cannot produce faces to go with the figures.

Brooks has said there are 675,000 "potentially hungry people" in the city. He said they include families of four or more with an income under $6,799.

SORROWFUL REMINDERS

But the city has come up with a temporary answer to hunger—city-wide soup lines—sorrowful reminders of depression days.

Brooks admits that people standing in lines to be fed a meal in centers thruout the city does not represent a solution.

The program is "a step to feed people and to determine the size and scope of the problem," Brooks said.

The city will feed all who come in, he pledged. In addition, the department of public aid supplies emergency food vouchers at an average weekly cost of $14,000. At least 100 private agencies, organizations, groups, and churches feed hungry people. In addition, there are federal and state programs to feed people. Food stamps are available. Nutrition classes are conducted.

Then why are there hungry people in the city of Chicago?

Hunger No. 1 Enemy of Elderly

(By Patricia Krizmis and Angela Parker)

The forgotten citizens of Chicago—the elderly—face the desperation of hunger. Here is their story in the third in a series of articles designed to find the truth in the charges, countercharges, and denials of hunger in Chicago.

They don't live, they only exist, barely surviving.

They are the Chicagoans caught up in the limbo of old age, unable to work and too proud to ask for help.

Hilda Evans, 71, will tell you how much she enjoys pancakes, bread, and cereal. She sat in her two-room apartment in North Clark street stirring a mixture of water and flour.

"This will be delicious when I'm finished," the thin woman said. "I've learned to make little things do. I really don't need much."

Her budget doesn't allow her much.

LIVES ON $137 A MONTH

Her monthly budget consists of a $56 social security check and $81.27 old age assistance from the department of public aid. After she pays $80 a month rent, she has $57.27 left to live on.

Mrs. Evans doesn't eat meat often.

But that night, she would have a good dinner—meat, vegetables, the works. And there would be flowers to brighten her drab little kitchen.

The Little Brothers of the Poor, a private charitable agency serving senior citizens, had made sure of that.

A few years ago when, Mrs. Evans insists, she was managing on a $47 monthly social security check, the Little Brothers brought her groceries. They convinced her to seek aid from the county. That really isn't enough; so the Little Brothers come back every week with groceries and flowers.

RELIEF'S NO FUN

"It's no fun being on relief," Albert Redmond, 70, said. He worked in a small steel company which went bankrupt, so he lost his pension. Two years ago, he tried to work again as a steel grinder, but his health wouldn't take it.

So he and his wife, Jennie, went on aid and receive $166.80 a month. After their rent and ultilities are paid, they have about $75 left.

"When we get money, we buy meat," Redmond said. "We try to shop around, but transportation costs money.

"You get tired of neck bones, soup, and beans, and at the end of the month, you get awful sick of bread and water, and maybe beans."

Last year, one of his welfare checks was lost. The department of public aid gave him $15 to last two weeks. It didn't. So Redmond went to Marillac House, a west side settlement operated by the Daughters of Charity, and received help.

"The nuns have been good to us," Redmond said. "But if I couldn't get help, I'd get food for my wife—somehow I'd get it. At least, we got each other."

CRIPPLED AND ALONE

But Wiliam C. Miller, 69, has no one.

He survives on the eggs and soups he cooks on the hot plate down the hall from the room he rents for $60 a month and on "whatever the Little Brothers are kind enough to bring me."

The soft-spoken man, a Northwestern university graduate, once was a free lance accountant. But his past, and the problems it might have involved, are not shared even with the Little Brothers.

Now, he lives on a $156 monthly social security check and must walk on canes and crutches because he has ulcers on his ankles and a hip that didn't heal correctly after it was broken.

Icy pavements keep Miller in during the winter months, so the Little Brothers do his grocery shopping for him and supplement it with the food they bring.

Many of the city's elderly who are alone often have to rely on private agencies to shop for their groceries and bring them food.

WHAT ABOUT THE OTHERS?

But what worries the private agencies most are the senior citizens they don't know about.

Like Mr. Gasse, a frail man of 75, who doesn't want to talk about himself or how hungry he may be.

He was found wandering in an alley outside a center where senior citizens are served a meal.

His name was Mr. Gasse, he said. He hadn't eaten for two days, and he was hungry. Someone had stolen his money. But any other information—where he lived and how he lived—was "personal."

He was eating now, but what would happen tomorrow?

AID TO HUNGRY IS BIG BUSINESS

(By Patricia Krimis and Angela Parker)

Millions of tax dollars are allocated to fight poverty and feed the hungry. Officials administer funds, operate programs, and give solutions, but private agencies actually feed most of the hungry. This story, the fourth in a series about hunger, covers this problem.

Their jobs exist because there is poverty, with its companions of hunger, inadequate housing, crime, ignorance, and hopelessness.

And right now, hunger is their business.

They are the officials like Mrs. Murrell Syler, who administers nearly 55 million dollars in government funds as executive director of the Chicago Committee on Urban Opportunity. She is paid $22,000 a year to fight poverty from her office at 33 W. Grand av.

TELLS HER GOALS

Hunger to her is "any absence of food," and Mrs. Syler believes:

"Most people on public aid or near the subsistence level [the federal government has set $3,550 as a necessary income level] have the right to be hungry. They cannot take care of their basic needs and food.

"I feel everyone is entitled to have essentials for living. Food, clothing, shelter, and in today's world a telephone and a television set are a few of the necessities that persons should not be deprived of."

NO STUDIES CONDUCTED

CCUO has not conducted a scientific study to determine how many hungry people there are in this city and why because "we just don't have those kind of funds," Mrs. Syler said.

Last summer, CCUO received a $325,000 grant from the federal office of economic opportunity to conduct an emergency feeding program in 14 urban progress centers. In 38 days, 9,803 families representing some 42,000 individuals received food. The cost of the program was $132,913.

The unused funds were returned to OEO and the program was given to the Cook county department of public aid.

CCUO never will run another emergency feeding program that another agency should be doing, Mrs. Syler said.

However, CCUO will participate in Mayor Daley's new feeding program which will begin within the next few weeks. The organization has applied for a $525,000 federal OEO grant so that persons may be fed a meal daily in nine urban progress centers and three outposts. The program also will get $500,000 authorized by the city council.

"We hope to find out what people's needs are," Mrs. Syler said. "Every family should eat, and eat together—this builds up family ties. Our program to help eliminate hunger is not the most desirable, but it's better than nothing."

Deton J. Brooks, Jr., commissioner of the city's department of human resources and overseer of the city's feeding program, said Chicago is making every effort to feed the hungry.

NOT SOLVING PROBLEM

However, he said, "The fact that you feed people is not solving the basic problem. The ultimate solution is a guaranteed income sufficient to meet the minimum requirement necessary to sustain a family."

Brooks said it is not known how many people will be fed in the city's program, but "every effort will be made so the feeding centers do not degenerate into poor man's kitchens."

Dennis Doyle, midwest regional director of food and nutrition service for the federal department of agriculture, said more can be done in Chicago to feed the hungry.

"Resources are available from the federal government," he said. Though many programs are conducted in the city, "we know these programs are not benefitting all who need assistance," he said.

STATE SETS STANDARDS

His department must work from the standards set up by the state, he said. If more money is needed for rent and other necessary items so aid recipients will not have to use their food budget, than more money should be given, he said.

But, said David Daniel, director of the Cook county department of public aid, "we have only a given amount, and we can't stretch it. We know they're only minimal grants. We're not defending the inadequacies. We just don't have the resources.

Hunger also has become a business to organization leaders who thrive on public attention to get a problem recognized.

The Rev. Jesse Jackson, national director of Operations Breadbasket, who recently returned from California were he was recuperating from fatigue, lost a battle with the city council for 36.4 million dollars to feed the 600,000 people he says are hungry and to set up a city department to abolish hunger.

Breadbasket officials called Mayor Daley's feeding program "merely a token." They said private agencies, like Breadbasket which feeds 5,000 persons a week, are the only ones making an effort to solve the problem.

The small private agencies actually do the major share of feeding in this city. And their people, like Roland Quinn of the Salvation Army's Harbor Lights center or Brother Michael Salmon of the Little Brothers of the Poor, make no fanfare about their efforts.

USE SIMPLE METHOD

The go about their work using the only solution available to them—hand-to-mouth feeding. And they admit they cannot solve the hunger problem.

"When we give out a bag of food," said James R. Grisham, executive director of the Chicago Southern Center, "we are treating the symptom of hunger. But what about tomorrow? The same problem comes back."

The Rev. Peter J. Powell, a Roman Catholic archidocesan priest who directs St. Augustine Center for American Indians, said he has gone to all levels of government for help.

"We finally gave up and serve our people the best we can with the help of private donations."

KNOW THE NEEDS

Private agencies do not have to conduct programs to determine what the needs are and why people are hungry. They know.

"We know the needs," said Sister Julia of Marillac House, a west-side settlement operated by the Daughters of Charity.

"When people are hungry, they have to be fed today—right now—so they come to private agencies which receive donations from private citizens. They can't wait till Monday or next week."

Most government officials will pat private agencies like Marillac on the head and say they are doing an excellent job.

"Praise does not feed an infant," said Sister Julia. Marillac attempted to participate in a federal nutrition program for infants, pregnant women, and nursing mothers, but was refused because it was only an experimental project.

So Sister Julia started her own program. With limited funds, it can only serve 100 infants right now.

"But we were told to come back later," Sister Julia said. "We can't always wait till later. What about now?"

HUNGER'S "SOLUTIONS" COMPLICATE PROBLEM

(By Patricia Krizmis and Angela Parker)

Many solutions have been offered to combat Chicago's hunger problem. What are the pitfalls in those solutions? Here is another article in a series.

There is no simple solution to hunger.

Much lip service has been given the problem, but little or no progress has resulted.

It has become fashionable to discuss hunger. Hunger hearings are in vogue. Public officials, like Deton J. Brooks, Jr., commissioner of the city's department of human resources and overseer of hunger programs, extol their programs, tell of the need for more money, and offer solutions.

STILL MORE SOLUTIONS

The Rev. Jesse Jackson, national director of Operation Breadbasket, offers a panel of people who claim to be hungry. With him, they lament the plight of the poor, criticize programs, ask for money, and offer their solutions.

Solutions often sound good on paper. Nonetheless, no effective way has been developed to combat hunger now.

The solution suggested by most of those involved in the problems of hunger is a minimum guaranteed income, but those who suggest it disagree on how much that should be.

President Nixon has suggested a minimum of $1,600 annually, supplemented by state contributions, for a family of four.

David Daniel, director of the Cook county department of public aid, said the President's proposal wouldn't help welfare recipients in Illinois, because they already receive more than that.

He suggested that Nixon take money from the space program and use it to end the war in Viet Nam, and then transfer the funds saved to the country's welfare system. But, he said, a national minimum income is desirable.

RECOMMENDED $5,500

A task force of the White House Conference on Food, Nutrition, and Health recommended that the remedy for hunger and malnutrition is a minimum guaranteed income of $5,500 annually for a family of four. The recommendation has been echoed by many organizations and groups. However, the administration rejected the $5,500 figure because it would mean a program costing 70 to 80 billion dollars a year.

"The President's proposal is good in theory," said Brooks. "But clarification is needed. In Chicago, this base income must be high enough so that a family will be able to buy enough food to maintain high levels of health and nutrition."

A family of four in Chicago needs an annual income of $6,799 and should spend $1,848 of it on food, said Brooks, quoting bureau of labor statistics figures. However, a family of four receiving aid in Chicago—for example, a mother and three children, ages 13, 10, and 6—receive an annual food budget of $1,190.28. By using food stamps, their food buying power can be increased to $1,674.28.

But would a guaranteed income guarantee an end to hunger?

HOW TO SHOP

"Not without education," said Dr. Jack Zackler, assistant city health commissioner. "People should be taught how to shop, what foods to buy, and what to eat."

But he, like most public officials, frowns on mandatory nutrition classes for families receiving any type of aid.

"I do not like the word mandatory," he said. He does admit voluntary nutrition classes conducted by the board of health and other public or private agencies are not well attended.

"Just having the money to buy food is not enough and is not a permanent solution," said George M. Briggs, executive editor of the Journal of Nutrition Education.

He repeated the slogan of international food agencies:

"Give a man a fish, and you feed him for a day; teach a man to fish and you feed him for a life-time."

However, approaches used in Chicago to fight hunger do little to teach those helped how to select and prepare food and how to use their money.

SERVES FREE MEALS

The city's short-term solution to hunger is to serve free meals daily in 12 centers—soup line style.

The Chicago Committee on Urban Opportunity will participate in the program.

It will spend $660,000 on food, equipment, and salaries to feed only 3,623 persons daily for 240 days, or eight months. By then the CCUO money will have run out and more will be needed.

Does a soup line offer any solutions?

"It's better than nothing," said Mrs. Murrell Syler, executive director of CCUO. "We hope to deal with the total crisis. I'm very familiar with poverty."

A person's name and address will be the only information requested. Mrs. Syler said, "but if it gets to the point where people are using the program, we may change that system. If we find someone coming in continually, we will visit the home and find out what is the cause. Then we will refer the person to other agencies."

Many of those referred probably will go to 70 E. 21st st. to get grocery vouchers from the emergency food program conducted by the county department of public aid. But then it may take them some time and money to use the vouchers to solve their hunger problems.

LATE IN REDEMPTIONS

A TRIBUNE reporter had to travel to 10 grocery stores in an eight-mile area before a merchant would accept one of the vouchers. The department of public aid has been late in redeeming the vouchers because of the increased use of the program since August, said John S. Jackson, program director. As a result, many merchants refuse to accept the vouchers.

Sen. George McGovern [D., S.D.], chairman of the special Senate committee on nutrition which conducted hunger hearings in Chicago Monday, considers food stamps an essential weapon in fighting hunger.

In Cook county, 208,290 persons used food stamps in March, an increase of 83,348 over February.

Dennis Doyle, midwest regional director of food and nutrition service for the United States department of agriculture, attributes the increase changes in the food stamp program effective March 1st. More low income families became eligible and those who participate now have received more buying power for the food money they spend.

City officials estimate there are 675,000 potentially hungry people in Chicago whose income is in the poverty level. The majority of these people reject the food stamp program. Why?

Welfare recipients complain the program forces them to use 60 to 65 per cent of their food budget to purchase food stamps that can only be exchanged for food. Stamps cannot be redeemed for such household items as soap or toothpaste.

"The program would be defeated if participants could use the stamps for other items," said Doyle. "They must buy food and that is the purpose of the program."

Doyle admits that food stamps aren't always effective in solving feeding problems. Especially for the elderly person, who may not be able to shop during winter months. In many areas, the only stores that will deliver groceries will not accept food stamps.

If a food stamps recipient does not use the stamps three times within a six-month period, he is taken off the program and must re-apply.

"THE BEST NOW"

"There are problems with food stamps," Doyle said, "but if more persons used them we could iron out the difficulties. It may not be the best solution to hunger, but it is the best we've got right now."

Participants are not taught how to use the stamps.

Edward F. Gaidzik, director of the bureau lunchrooms for the Chicago board of education, offers free lunches as a solution to hunger suffered by school children. His program now feeds 122,000 children free lunches daily.

"But I would like to see education on nutrition given to all pupils at all levels of income. A few years ago, we tore out the home economics laboratories to put in science labs. We had a better understanding of nutrition then.

"America will pay the penalty."

And how much will it cost!

CONFLICT OF INTEREST BY FORMER MANPOWER OFFICIALS IN PRIVATE INDUSTRY

Mr. WILLIAMS of Delaware. Mr. President, Secretary of Labor Shultz has just issued a regulation covering the possible conflict of interest by former Manpower Administration officials who are now in private industry.

These regulations are designed to eliminate the problem of any possible conflict of interest relating to the manpower program.

I commend the Secretary for taking this step and urge that the Administrators of other agencies take notice and consider similar action.

I ask unanimous consent that these regulations as released under date of April 23, 1970, be printed in the RECORD.

There being no objection, the regulations were ordered to be printed in the RECORD, as follows:

SHULTZ BARS FORMER LABOR DEPT. OFFICIALS FROM MANPOWER CONTRACT WORK

Secretary of Labor George P. Shultz issued regulations today covering possible conflict of interest by former Manpower Administration officials who are now in private industry and involved in manpower training contracts and grants for the Labor Department.

Under the new regulations, effective today, contractors and grantees must sign a warranty that no one retained or hired by them has performed or will perform representational activities before the Department of Labor if such individual in the last two years was employed at a GS–14 grade or higher in the Office of the Assistant Secretary for Manpower, the Manpower Administration, or any subdivision.

The regulations cover all contracts and grants under authority of the Manpower Development and Training Act, the Economic Opportunity Act, and Title IV of the Social Security Act, and all amendments. They affect all contracts or grants entered into as the result of negotiations begun after today.

Representational activities are described as any appearance, conversation, or other di-

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rect contact in relation to the contract or grant between the former employee and any employee of the Department of Labor. They include telephone conversations and any correspondence.

The warranty will provide that if a violation occurs, the Department will have the right to annul the contract or grant.

Firms, organizations or persons found in violation may be barred from contract or grant awards for two years.

The regulations also provide a special procedure for review of manpower contracts or grants to any firm or organization which employs any former employee of the Manpower Administration in an executive capacity.

A special Labor Department review staff, in the office of the Assistant Secretary of Labor for Manpower, will consider, prior to award, whether there are any facts or circumstances which would indicate impropriety or conflict of interest.

The Manpower Administration has a budget of more than $2 billion for manpower training contracts, grants, and services during the current fiscal year.

RITA HAUSER OUTLINES THE NEED FOR RATIFICATION OF THE GENOCIDE CONVENTION: IT WOULD ACCORD WITH THE IDEALS OF HUMAN LIBERTY CONSISTENT TO THE AMERICAN TRADITION

Mr. PROXMIRE. Mr. President, the special Foreign Relations Subcommittee that is considering the Genocide Convention heard from many outstanding witnesses during its 2 days of hearings on this vital United Nations treaty.

Certainly, one of the most expert and knowledgeable Americans on this subject is our Ambassador to the United Nations Commission on Human Rights, Mrs. Rita Hauser. Mrs. Hauser has for many years been in the forefront of the battle to secure Senate ratification of the Genocide Convention. She eloquently and forcefully presented the argument for U.S. accession to this treaty to the special subcommittee, as she has to many other organizations.

In her excellent testimony, Mrs. Hauser stressed that the Genocide Convention is an "international commitment to decency and morality consistent with the American tradition." I wholeheartedly agree. The Genocide Convention embodies the great principles found in our Declaration of Independence, our Constitution, and the Universal Declaration of Human Rights—all vital documents that have had a tremendous effect on our moral conduct.

I ask unanimous consent that a portion of Mrs. Hauser's testimony before the special Foreign Relations Subcommittee on the Genocide Convention be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

IV. RATIFICATION OF THE CONVENTION WOULD ACCORD WITH THE IDEALS OF HUMAN LIBERTY CONSISTENT WITH AND IN FURTHERANCE OF THE AMERICAN TRADITION

Under Article I of the Convention, the Contracting Parties confirm that: "genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

This undertaking is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Commandments through the Magna Carta, the French Declaration of the Rights of Man and the Citizen, the United States Bill of Rights, and the United Nations Charter, the Convention is a statement which advances individual rights and human dignity. The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate whole groups of people during World War II, and of determination that such an effort shall not be undertaken ever again.

The great documents of human rights have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American and French Revolutions, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents growing out of the rebirth after World War II, among them the Convention against Genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal or could be made illegal dates from the twentieth century, and with one or two exceptions, from the end of the Second World War. The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the effort of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars. Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are steps in the direction of preservation or restoration of peace.

The Genocide Convention recognizes that both states and individuals must be deterred in order to minimize the risk of genocide. Accordingly, states are made to answer in international organs—for example, the United Nations Security Council or the United Nations General Assembly, for actions taken by their governments that might constitute genocide, or actions taken in their territory—even without official government sanction—such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. All those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given document, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

The Genocide Convention is now twenty years old, but it is a living and important document. Our friends are confused, our enemies delighted, at continued United States hesitation about the Convention. Adhering to the Convention now would be a real step in the advancement of America's national interest.

THE ARAB REFUGEE

Mr. HATFIELD. Mr. President, this year is the 22d of homelessness and hopelessness for the Palestinian refugees in the Middle East. The refugees now number approximately 2½ million, 1½ million living in refugee camps on a subsistence basis. A man who has dealt with these forsaken people and understands their problems is Harry E. Martens, who, in 1969, received the Lane Bryant International Volunteers Award. The February 21, 1970, issue of "A.M., the Elkhart Truth" contains an article about Mr. Martens and the problems of the refugees in the Middle East. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ARAB REFUGEE

To most people in this country the Middle East problem is a nagging recurrence of ominous headlines in newspapers and current affairs magazines. "Zero Hour for the Middle East," "Countdown in the Holy Land," "6-Day Battle Mere Prelude to Major War." "The Refugee is Key Problem in Middle East" are some recent examples.

Acts of sabotage, air hijacking, the Kennedy assassination and the more recent gunboat incident are constant reminders that the Middle East and its problems permeate our lives and perhaps our destinies.

One Elkhart man to whom the Middle East is an immediate and serious concern is Harry Martens, former assistant to the president of the Mennonite Biblical Seminary here in Elkhart and now with the Mennonite Foundation.

Martens has spent more than 12 months on the Middle East scene as a director of relief and development programs for the Mennonite Central Committee, a coordinating relief agency for the Mennonite Church. He was a special commissioner to the Middle East for three months during the fall of 1969.

He spent time in each of the countries most directly involved in the June 1967 War, Jordan (east bank and occupied territories on west bank), Israel, Egypt, Syria and Lebanon. He was granted an audience with King Hussein and with high ranking officials in Israel, Egypt and Syria. In his position as director of relief he has conversed and worked with religious leaders in nearly all of these countries.

But what is really special to Martens' point of view is the fact that he has worked with the man in the street, the dispossessed, homeless and the hungry, the bewildered people who have been ground down and nearly destroyed by their nearly helpless and hopeless status as refugees, a condition that has existed for some for 20 years (ever since the 1947 war), and for their children, of course, who have never known any other kind of life.

Out of this first-hand experience has grown conviction that the U.S. would enhance its position immeasurably as a world power if it placed first and foremost the well-being of people rather than of nations.

For Martens there will always be ugly pictures in his mind of a sickly and helpless child lying on a dirt floor, covered with flies and too weak to shoo them away . . . of a grandfather, also on the floor, wrapped in a net to keep the insects away from the open sores covering his body . . . of a mother pleading for more food so she can provide milk for the thin baby in her arms . . . of young men with no hope, living without possessions, without plans and without a chance to prepare to become useful citizens.

Young men who only a few months earlier had been planning to enter college or trade

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school now sit idle wondering what will happen to them. It is men like these who are attracted to and become involved in the Arab commando movement with its international sabotage acts.

At this time there are more than 250,000 refugees living in temporary shelters and tent cities on the east bank of the Jordan alone, Martens says.

These people have been dispossessed as a result of the Arab-Israel confrontation. A whole generation of young people has grown up in this situation. For many this has been home since 1948. Others have been here since 1967. In both instances the endlessness of the conditions has created a hopelessness leading to desperation. The enlightened youth, never having known a normal life, is saying, "I have nothing to live for so I shall find something to die for." Thus, he joins the commando movement with the express purpose of regaining the land by force and violence—the land lost to their fathers and grandfathers.

A high U.N. official in Geneva, Switzerland while briefing Mr. and Mrs. Martens said, "You will find after spending several months in the Middle East that the Big Middle East problem has no solution . . . (long pause) . . . but the big problem is made up of many little problems that have solutions, so work on the small problems."

Martens is convinced the refugee problem in the Middle East is one of the most important little problems. He is not alone in this, Virtually all resolutions passed by the United Nations on the Middle East settlement single out the refugee problem as a major concern. The U.N. has voted favorably 20 times on resolutions aimed at solving the refugee problem through repatriation and compensation.

Martens believes it is time for the ordinary deeply concerned citizen to speak up and advocate that our country take the initiative and chart a course with emphasis and boldness. He further believes that our country, as a major power, does have influence in the Middle East and it is time to move beyond discussion, study, research and resolution. "It is time to take bold action," he says.

Secretary of State William P. Rogers in December, 1969, for the first time in many months, shared with the world a forthright and definite American-Middle East policy statement. "Now we must establish a program to follow through with the policy. The fact the policy was greeted negatively by both sides involved should be expected," Martens says.

His own experience in the Middle East would indicate that friendship from either side is based on how much one is against the other side. "To enforce a policy acceptable to both sides is virtually unattainable. We must create our own positive position on the basis of justice and human dignity for all. We must not vacilate or hesitate," he says.

Martens believes that a solution of the refugee problem can in itself be a step in solving other more difficult problems existing between the Israelis and the Arabs.

"It is the lack of dignity, freedom and democracy that breeds discontent, bitterness, anger and a feeling of revenge in the refugee camps," he says. "This is what perpetuates the breaking of the cease-fire almost daily and acts of revenge from the other side, a major contributing factor that is leading to a new confrontation."

He feels Israel, too, with its rich heritage anchored in Biblical times, has helped give rise to the idea of human worth and dignity.

In this context he quotes Golda Meir, head of the Israel state, who in Jersusalem just last fall before she made her visit to America, said that the U.S. and Israel are bound together through common ties of Biblical heritage and a common belief in human dignity, freedom and democracy.

Inasmuch as the U.S. effort to help negotiate a peace settlement has met with limited success, Martens believes we should redirect our effort to free the refugee from his bondage. Now is the time, he says, for the U.S. to lead with its very considerable diplomatic and moral force in getting first priority for the victims and assume full responsibility to relieve them of their plight.

Two weeks ago, speaking in Washington before congressmen and United Nations officials concerned with the Mideast problem, Martens reminded the group that certain observers are predicting 100 years of war in the Mideast. "Unless the Arabs and Israelis find a way to live together this may not be as remote as it appears at first," Martens said.

"In view of the seriousness," Martens told the group, "let us call on our country to take the initiative and appeal to the world community by

(1) Stop debating the question of who is to blame for creating the refugee problem or who is responsible for not solving the problem;

(2) Develop a plan for repatriation of refugees who desire to return to their home and land held just before the June 1967 conflict."

This, Martens pointed out, would be in keeping with a An * * * resolution of November, 1967, a resolution favored by the United States. Furthermore, a repatriation plan would open new opportunities for the remainder of the refugees.

(3) Inasmuch as the U.N. has assumed the responsibility to provide minimum food rations and temporary shelters for these victims, may they now develop a program for helping re-establish those who can be repatriated. Their new direction would create new incentives for private agencies and individuals to share in the financial burden.

This should be the beginning of eliminating the long term dole system for which it is increasingly difficult to secure the necessary funds and a system that mars men's dignity and self-respect.

Martens feels that as the situation now stands in the U.N. deadlock over the Middle East, the United Nations Relief Works Agency has not been able to appropriate enough money to maintain a bare minimum standard of human decency and humanitarian help for the refugees.

In his opinion, the U.S. government, the U.N. and the World Bank should be encouraged to share the responsibility. "If this were done," he says, "then private agencies and individuals with a humanitarian bent would be willing to share in this creative venture."

Martens does not claim to have a final answer, but to make a point he quotes one Middle East leader who hopes for a peaceful settlement, "It is unmanly to whisper when so much is at stake."

It is apparent to Martens after spending time with the people there that the refugee problem is very basic to the big problem.

No one can be mistaken about the seriousness of the danger signs in the Middle East. It is wrong however to accept the widely held belief that no peaceful settlement is possible under the present circumstances. The alternative is too serious. One of the main barriers to a peaceful solution is the prevalent pessimistic view.

"There are no hopeless situations except when man makes them so. The forces that make for war in the Middle East are exceedingly active. The forces that make for peace must not fade. The U.S. through the offices of its government, through its support of the U.N. and through private enterprise must show a determination to see that the Middle East problem is solved peacefully," is his conclusion.

PRESERVATION OF ALASKA'S BEAUTY

Mr. STEVENS. Mr. President, conservationists from all over the world have pledged themselves to preservation of Alaska's beauty as we develop our resources.

Peter Scott, founder and director of the wildfowl trust, vice president of the world wildlife fund, and wildlife artist was invited to visit the oil regions of Alaska's North Slope by Eric Drake, chairman of British Petroleum. His helicopter journey lifted him over some of the richest wildfowl areas in North America. A conservationist and naturalist, Mr. Scott's observations about the use of the land he saw are quite frank:

> People need oil. It is the job of the oil companies to provide it. We cannot uninvent the internal combustion engine or any other machines which need it; nor I suppose would the majority of human beings want to—at any rate, not yet.

However, Mr. Scott is convinced that man can tap the Arctic Slope oil, build the essential roads, and transport equipment and oil without permanently damaging the land or wildlife.

At this time, when there is controversy over the Alaska oil development, it is refreshing to read his positive statement about the capabilities of science and engineering to wisely use our natural resources without inflicting irreversible damage to the beauty of our State.

For this reason I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONSERVATION 1970

At last it seems that people everywhere are realizing that conservation, pollution, the total environment in which they live and which they share with all other living things, are not the concern of someone else—it is theirs. It is no longer only a distasteful subject to read about in the newspapers, an horrific topic for conversation; it is something that everyone must be involved with and eventually pay for.

President Nixon's Act means that in the United States massive action can be taken at government level. This, in itself, although still hedged with pitfalls, is a great step forward—provided people, industries, and corporations do not sink back complacently, thinking that everything has been taken care of—"by someone else."

The oil industry has historically been the target for public outcry, frequently but not always ill-informed, whenever the subject of conservation or pollution is news. The BP Group has always been very conscious of its responsibilities in this direction and has over the years taken action many times to prevent or correct environmental tragedy in the areas in which it operates—and it operates in every sphere of the oil industry in most countries of the world. In the 1970's the company is pledged to an even more positive program.

At the present time, its operations in Alaska, whether as a production unit on the North Slope or as a partner in TAPS, are probably the most sensitive areas in which it finds itself.

In this context, it is interesting to read Peter Scott's observations after a recent visit to the American Arctic:

"People need oil. It is the job of the oil companies to provide it. We cannot uninvent the internal combustion engine or any other machines which need it; nor I suppose would the majority of human beings want to—at any rate, not yet. For the time being, the oil must flow and now it must flow out of the Arctic, which in itself presents a vast engineering problem. How can it be made to flow whilst damaging the country it comes from as little as possible—the hitherto unspoiled country, the 'barren grounds' of the far North?

"Almost four-fifths of the area enclosed by the Arctic Circle is sea (although most of it is covered by ice for most of the year). That part of the Arctic which is land is not much used by people, when compared with land areas in other latitudes, but is extensively used by great numbers of other kinds of animals—many, though not all, migrating into it in summer with the melting of the snow and the breakup of the ice. For the majority of these animals—mammals, birds, and fish—the Arctic is their only summer home and breeding ground.

"A good many people think that when we move into the Arctic tundra (or into any other wild country for that matter) for any kind of development, such as drilling for oil, we should at least take pains to disturb the area and its wild inhabitants as little as we reasonably can, even if it involves us in a little inconvenience and even if it costs a little more money.

"Eric Drake, BP's Chairman, thought this and he invited me to go to Alaska with my wife in the second half of June 1969, and thus one afternoon we found ourselves flying, five-up, in a helicopter over a river delta on the shores of the Beaufort Sea, 250 miles north of the Arctic Circle.

"The rotors swung to a halt as we sat gently down on the tundra, and there was a blessed silence. In front of us lay a great maze of tundra pools, and a pair of little black geese lifted a few feet into the air, swung across the wind and landed again 50 yards farther away. Beyond them I could see another pair, and another. . . . We were evidently on the edge of a substantial breeding colony of Pacific Black Brant. Less than a quarter of a mile away was a group of five caribou, and away to the right four more.

"In bright sunshine we climbed out of the helicopter. It was sad to think that civilization must come into this wonderful wild place. But the oil must flow, and if the reserves on the North Slope are as great as is currently believed, it may flow out at the rate of more than a million barrels a day when the field is in full production. However, none of the problems that man will bring with him are insurmountable. It should be possible to time the building of roads and pipes so as not to interfere with the caribou migration and the salmon spawning. It should be possible to stick to a code of conduct, to control the construction and service operators, to limit the wanderings of the vehicles, and the lowness of the aircraft, to dispose of rubbish and sewage acceptably, and to keep on learning how to do it better by detailed long-term study of the effects as the work progresses.

"It can be done, even if it will be more difficult on the North Slope. But I think most people will agree that if it can be done, it must be done. The image of BP already stands high in Alaska. It is an image of responsibility that I know they mean to maintain by a very special care about the natural environment from which the oil will flow."

(NOTE.—Peter Scott is the founder and Director of the Wildfowl Trust and Vice President of the World Wildlife Fund. As a naturalist, writer, TV broadcaster and wildlife artist, he is known in many countries for his work in the cause of wildlife conservation. He is the son of Captain Robert Falcon Scott, RN, the Antarctic explorer who died returning from his epic journey to the South Pole in 1912.)

YOUTH AND DISSENT

Mr. GOODELL. Mr. President, we seem to be drawn into deepening conflict with our own new generation.

Young and old stare at each other across a widening gulf of dislike and distrust.

I cannot offer any simple answer to such a grave and complex problem, but I believe it may be illuminating at least to raise certain questions about it.

I have endeavored to ask these questions in an address I gave on Friday, April 24, before the Constitutional Rights Foundation in Los Angeles. The address is entitled "Bridge Over Troubled Waters."

Mr. President, I ask unanimous consent that the text of my address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIDGE OVER TROUBLED WATERS

(Address by U.S. Senator CHARLES E. GOODELL)

Why has there arisen a deepening hatred between young and old?

Why has America, once celebrated throughout the world for its belief in youthfulness and its indulgence of young people, rebelled against her own new generation?

Why can political careers be made, not by acting young, but denouncing the young?

Why do so many affluent middle-class youths—those who once considered themselves so fortunate—now regard themselves as outcasts, as an oppressed majority? Why do rich young Americans feel put upon—feel a kinship in oppression with poor black Americans?

One reason is the frigid welcome our system has shown to our young people—especially to those who have not been impressed with the received wisdom of their elders.

Youth still is denied many of the legal and constitutional protections vouchsafed all other Americans not specifically judged criminal or incompetent.

Young men of eighteen still lack the right to vote, though for half a century they have had the obligation to die in the military service of their country.

A juvenile court still is presumed to be acting on behalf of the youngster brought before it—who, therefore, is held to be in no jeopardy from its benign power to imprison.

Too many youngsters of long hair or joyful attire, however exemplary their behavior, have been hassled by the police.

Too often, curfew and loitering laws are used as an excuse to stop and search young people for drugs that, apart from their hip appearance, there is no reason to suppose they possess.

Institutionalized hostility between the young and the police is becoming a stock American myth—celebrated in song, story and films—like the traditional conflict between cowboys and Indians. As with the Indian in the horse opera, the majority—silent or not—accepts the inevitability of the demise of the young rebel, even as it weeps sentimentally over his fate. And even movies as self-consciously antiestablishment as *Easy Rider* and *Zabriskie Point* accept the responsibility of killing off the young hero, doubtless for his own good.

This institutionalized hostility only defeats itself. Intended to impress the young with the need to show more respect, it does just the opposite—it alienates and radicalizes.

One Judge Julius Hoffman can create more young extremists than ten Abbie Hoffmans.

One police helicopter spewing tear gas over Berkeley can do more to generate rebellion than a hundred truckloads of *Evergreen Magazine*.

Yet the young are not merely returning the anger of their elders; the deeper cause of their alienation is the failure of the system to respond.

There has always been social injustice—poverty, bigotry, hatred and violence—in our land.

Only to former generations of Americans, these abuses were largely invisible. Middle-class families living in comfortable neighborhoods lacked the exposure to the misery of life in slums and tenant farms.

And it was so easy to explain away the evils that were known to exist. The nation was just getting out of the Depression; it didn't seem to have the resources and the technology to meet everybody's needs.

Now, the abuses have become glaring and the excuses have disappeared.

Television brings Watts and Appalachia right into everyone's living room. It brings home the lurid contrast between the nation's capacity to reach the moon and its incapacity to reach its poor.

Young people have responded to the evidence of our system's failures with a rage for social justice that has no precedent in our history.

We tend to forget that much of the radicalism of youth comes not from a rejection of American ideals, but from the very determination to apply them literally.

In a sense, youth has been hooked on the American dream more thoroughly than any super-patriot. This is why so many of the young are super-disillusioned—by the realization of the failure of the nation even to begin to be what it claims.

Why, they ask, does a country founded on equality harbor so much blatant racism?

Why, they ask, does a society dedicated to opportunity for all offer no opportunity to the child of the welfare mother?

Why, they ask, does a nation that canonized John Peter Zenger seek to prosecute Roger Priest?

Hypocrisy has long been forgiven in American life as the homage that vice pays to virtue. But the young have come to regard it as the worst betrayal of all.

The young cannot forgive those who clothe the evils in our nation as though they were virtues.

They cannot excuse politicians who talk of law and order as a mask for repression.

They cannot forgive leaders who dress up a war to save a corrupt dictatorship as a defense of "self-determination".

They cannot understand university administrators who set up a committee as an excuse to do nothing about a known abuse.

They cannot forgive parents who espouse Christian charity on Sundays and then speak of black people on Mondays with anger and hate.

And it is the young who in their personal lives must increasingly confront the seamy underside of our system, whether they will or no.

It is they who have been forced to die in a war they know to be senseless and wrong.

It is they whose lives are ruled by a draft law that no one thinks is any good, yet which staggers on from year to year, from generation to generation.

It is they who are harassed by draconian drug laws that treat marijuana as if it were heroin, although every recognized expert has long admitted that it is not.

It is they who are pent up in huge, impersonal education factories that waste their time in irrelevant and deadening routines—that regard them merely as so many IBM cards.

Adults never tire of telling the young that if they wish to reform the system, they should do so by peaceful means—by the methods our constitutional system allows.

A great many of our most committed young people—those I call our "moderate militants"—still follow this advice, in spite of all.

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It is they who went to Mississippi in 1963 and to New Hampshire in 1968.

It is they who successfully led the fight to reverse the Johnson Administration's policy of escalation in Vietnam.

It is they who organized Moratorium Day last October and Earth Day this past Wednesday.

Yet we must realize that the unresponsiveness of our system can, and too often has disillusioned our most idealistic young about the viability of peaceable protest. Why, they ask, does the war go on killing 130 American boys a week, after seven years of marches, vigils, demonstrations and peace campaigns?

Some have completely given up on the system—have turned to violence.

I do not seek to defend their tactics—for violence only begets counterviolence.

Burning down the Bank of America solves nothing. It only gives the forces of reaction the chance to offer a spurious choice—supposedly the only choice—between repression and anarchy.

If that is accepted as the choice, the public, fearful of its security, will opt for repression.

Yet if we condemn the politics of violence, let us seek to understand its causes.

To some extent, a cause may be the hazards of a middle-class upbringing. Young men and women carefully sheltered by their parents and indulged in every desire can be left unprepared for their first confrontation with the evil in our society. Lacking the patience and determination to fashion workable remedies, their expectations of immediate gratification can lead first to false hopes, and then to anger and despair.

Yet to a much greater extent, the fault has been society's own.

It has been the repeated instances when the system has responded to violence after ignoring peaceful protest. Why, one may ask, did it take the riots of Watts, Newark, and Detroit to bring about the beginnings of action in the ghettos, while a hundred years of marches, vigils and proclamations accomplished so little? Why did Columbia University change so quickly in response to force, after turning a deaf ear for so long to peaceable demands for change?

It has been the hysteria sometimes shown by the established order in the face of challenges to its own authority. The best teachers for Weathermen have been the Chicago police at Grant Park and the Alameda County Sheriff's Deputies at Berkeley.

Young and old once found it a little easier to communicate, because they shared the same ambitions, the same life styles. The young man saw in his elder an example of what he wanted to become. The elder saw in his junior the image of what he once was and what he had once hoped to be.

This bond has been severed in a growing cultural gap between young and old.

Mere outward differences—in hair, clothes, and personal habits—has bred hostility enough. Anyone who doubts that should recall what happened to the flower children on Sunset Strip four years ago. Anyone who doubts that should call to mind the instances when he has listened to a middle-aged man denouncing the evils of pot over his fourth martini.

But the division is still deeper. It lies in the fact so many of the young have sought to turn away from the materialistic, authoritarian, work-oriented and puritan outlook that has been traditional in our nation.

The son now too often sees in his father all he wishes to avoid becoming. And the father sees in his son a rejection of all his striving and accomplishments. Two strangers, they stare at each other across a gulf of fear, contempt and misunderstanding.

In the rhetoric of even the most militant blacks, there is a note, not merely of condemnation, but of implicit acceptance of the prevailing American life style. The belligerence of tone tends to conceal from the listener that the complaint endorses as it condemns. One cannot be robbed of that which has no value; nor denied the opportunity to achieve a life that is not worth living. The very bitterness of black protest often attests to the imagined excellence of the commodities they have been denied and the supposed graciousness of the system of social intercourse from which they have been excluded.

The alienation of many middle-class young men and women goes far deeper. It is the yearning for a different way of life—one not dominated by status or material success. It is the yearning of those who already come from a home in an affluent suburb and find the affluence meaningless—who want something else, something they cannot always easily define.

This very much complicates the process of accommodation between the generations.

The rejection by middle-class youths of their own affluence profoundly angers those older Americans who have been less fortunate. We see this in the rage of a policeman or a factory worker against the "rich college radicals" who turn against an opportunity they so much envy.

With such differing outlooks, young militants and the establishment they confront find it difficult to communicate, let alone negotiate. It is, in the circumstances, not at all surprising that demands are called "nonnegotiable"—for there seems to be no common denominator to negotiate about.

There are no neat solutions to this deepening gulf between the generations.

Yet certain things should be clear.

Both young and old must stop being hung up on purely symbolic issues. Both must stop intoxicating themselves with their own divisive rhetoric.

Waving the flag—the American flag or the Viet Cong flag—illuminates nothing, and only pulls us further apart.

Cries for law and order at any price and cries for the overthrow of the system accomplish nothing, but only inflame the other side.

Both sides share certain American ideals, and this might help bridge the gulf. Only the young see more clearly the contradictions between these ideals and the shabby reality pervading so much of our lives. We once were more sensitive to the same contradiction when we saw it in our parents—but then the crucible was less hot and our resolve less great.

We must recognize the importance of bringing young people into the decision-making process of our society—for as long as they are outside that process, they have no cause to be anything but alienated. That means allowing the young to develop their own leadership, and respecting that leadership.

More important than anything else, our system must be made to respond and to do so not just to appease the young but for the betterment of us all.

When all is said and done, our young people have a new vision for America.

Comparing their vision to our society, they have found it wanting—and have clamored for changes with a ferocity and insistence we have never known before.

Comparing their vision to our old style of life, they have found it also wanting—trivial, meaningless and barren.

Their reluctance to conform has made them appear to some as a threat—has made them a target of lethal hostility. In this country, easy riders too often have short rides.

But it also has made them a resource—one which our fears prevent us from fully accepting.

We accept, and exploit the spin-off from the new generation in pseudo-groovy clothes and hairstyles.

Yet we still have not taken the message of youth for what it is worth—a source of truly radical and fundamental questions about our society and what it does to the people ourselves, who live in it. To accept this message is the central responsibility we now share with youth. Whether we possess the flexibility, courage and affection to listen to the young remains to be seen.

ECHOES OF 1929

Mr. MONTOYA. Mr. President, the economy of the United States has seen its hard times before. I have lived through some of those times as have other Members of this body. Yet, I believe it is possible to say that not since 1929 has the overall prosperity of our Nation's economy deteriorated so swiftly, and in so short a time.

When the Nixon administration took office, unemployment was almost at an all-time low. Inflation was severe, but not a galloping disaster. The stock market was pushing to all-time highs as the Dow-Jones averages began to nudge the 1,000 mark. In terms of the economy, this administration inherited a relatively substantial prosperity, complete with close to full employment. All this now lies in ruins, 16 months after the inauguration of this administration.

Rarely have bare statistics told a more shattering tale. More than 1 million Americans have lost their jobs in recent months as a result of a fight on inflation that has failed. Our inflation rate now stands at 6 percent, a figure we never saw the likes of under a Democratic President. In order to kill the termites, they have burned down the house. In order to stop inflation, this administration has adopted a series of economic policies which have not only failed to halt it, but have actually worsened its pace. Such policies have further wreaked havoc in our employment market, spreading joblessness from coast to coast. They have also eroded and are destroying the longest uninterrupted period of economic health America has enjoyed in decades.

The stock market today is a disaster area, fraught with rumors of brokerage houses going bankrupt. Millions of investors watch helplessly as their savings and accumulated investments are wiped out before their eyes. Millions of people are seeing their painfully accumulated dollars drain away down a recession sewer obligingly opened by this administration's economic policies.

For the first time in history, institututional investors outnumber the small, average investor. For the first time, vast pension funds, trusts, and similar large blocks of buying capital are involved in the majority of transactions on the market. As these vast conglomerations of capital have been beaten down in the vast Nixon bear market, the life security and hopes of millions of Americans have been eroded. Is this what they have worked so long for? Is this what they have been putting so much capital into investments for over the years?

As of today, the New York Stock Exchange Index has dropped more than 25 percent of its total value since just before the end of 1968.

Yet, this is but a mere beginning. Interest rates remain at usury levels. Banks

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are raking in unconscionable profits while the average working person in the country has been priced out of the average-cost home market.

Housing alone is a national cataclysm. Interest rates and a disastrous Federal monetary policy have annihilated our housing and construction industry, and with it the jobs of hundreds of thousands of workers. Lumber, plywood, and other related industries are withering on the vine. In my State alone, the timber industry and many people dependent on it are rapidly approaching depression status.

As of March, business failures are at a 23-month peak, according to Dun & Bradstreet. Shades of the thirties. Do we not all remember or at least have some knowledge of what it was like then, when businesses were closing their doors and fading out of the picture?

Help wanted advertisements are dropping across the Nation, according to the National Industrial Conference Board. That rate is now 37 points below the level of a year ago.

New factory hiring is at its lowest level since 1965, while manufacturing layoffs are the highest for any month, according to the March figures, in 6 years. That figure happens to be 18 per 1,000 as of now, and it is rising rapidly.

Every economist in the Nation is crying out recession and worse, yet there is no sign that the administration hears them. No easing up on the 1920-style economic policies being practiced by this Government is on the horizon. We are slipping toward the edge of economic disaster. Federal action of the most meaningful type is called for immediately. There must be recognition of the menace facing us.

Instead, what have we received? We have a wider war in Indochina, which is an incredibly ill-advised policy. We have advice from the President to buy common stocks. I believe that is the advice given by Mr. Rockefeller in the depression, was it not? Remember the song written about it?

I believe we are multiplying our economic ills by escalating the war in Indochina. Further, I am virtually certain that the unemployment situation will worsen as well.

As corporate earnings tumble, recession worry spreads, inflation grows and interest rates remain high—the total economic picture will inevitably darken still further. I fear there is no light at the end of this tunnel.

How, then, have we arrived at such a pass? The President and his prime economic advisers sit tightly in the Capital, surrounded by auras of confidence over what they are doing to the economy. Seemingly they are immune to growing tales of economic horror coming from across the land. Plant closings—unemployment lines growing—stocks plunging. They remain imperturbable through it all.

Even the fact that inflation is climbing faster than ever leaves them unmoved. They tell us the war on inflation is being won. Is it really? I see no sign whatsoever of this. All I see is more people out of work. All I see is a bond market that is hurting all the more as time goes on. The county officials in my State who have to raise money for their areas know full well how this is hurting them.

The list is endless. Suffice it to say that America trembles on the brink of its worst possible economic catastrophe since 1929. I pray that the President will act in time to prevent us from tumbling over the edge of such a disaster.

KANSAS OPINION ON JUDGE CARSWELL

Mr. DOLE. Mr. President, the editor of my hometown newspaper, the Russell Record, has put a different slant on the Senate's refusal to confirm the nomination of Judge G. Harrold Carswell to the Supreme Court.

R. T. Townsley, in writing of the defeat, compares the Senate to a board of directors which is at cross purposes with its President.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Russell Record, Apr. 16, 1970]

ADVISE AND CONSENT

The refusal of the U.S. Senate to confirm President Nixon's Supreme Court nominee, Judge Harrold Carswell, points to another of constitutional balances which has gone awry. The Constitution provides that presidential nominations must be given the "advise and consent of the Senate" before "appointments" are made.

The President, as a practice, confers with Senate committee chairmen and sounds out Congressional leaders. It is to be presumed that nominations are not subhmitted unless there are indications that approval is likely to be given.

Nixon, in offering Judge Haynsworth and Judge Carswell, made public the records of both. He went a step further, actually. Answering public outcry against radical and illogical rulings which are blamed for crime in the streets, riots and anarchy, he deliberately selected candidates for the high bench with conservative records so as to restore the necessary balance to the court.

The Senate, in giving its "advise," is led by political activists who delay, argue and interfere while labor unions and civil-rights organizations mobilize national sentiment. The Senate has made it clear that nominees for the Supreme Court and other offices must be "politically" acceptable. This is above and beyond the long-accepted concept of advise and consent to determine whether or not appointees are acceptable in a general sense.

The Senate is substituting its judgment for that of the executive branch. Bringing the principle to a local level, the abuse of power is seen in the disastrous 1970 Kansas Legislature, or even in county, city and school district operations. Without a clear-cut line between policy-making and administration, frustration and confusion blunts effective operation.

Whenever any board—the Senate in this case—remains determined to keep all things under its thumb, the system of checks and balances which have been carefully built into American governmental processes simply cease to operate. This is not what the Constitution intended. Business cannot run smoothly when the president and the board of directors are at cross purposes. Stockholders have learned by bitter experience that such situations cannot be tolerated.

As a board of directors, the Senate is overreaching its authority. The stockholders of the nation, its citizens, are being cheated.

FINANCING THE POLLUTION EFFORT

Mr. GORE. Mr. President, concern grows daily for the need to mount massive and effective attacks on the air and water pollution that some scientists warn, if unchecked, can threaten the very existence of life on this planet. The financial costs of the effort to rid our air and water of pollution pose an unprecedented challenge, not only to our will as a people, but also to the adequacy of the political institutions through which we express our collective judgment.

The responsibility for much of the effort to clean our Nation's lakes and riverways has fallen on municipal government and it is appropriate that this should be so. For municipal government is the political entity that is closest to the people and closest to and most familiar with the problems of water pollution. It is the municipal governments that are primarily responsible for providing pure water to most of our people and who must construct the treatment plants and sewerlines essential to disposition of the waste that is generated in our society.

But municipal governments cannot accomplish the task of abating water pollution alone. They must be given adequate financial assistance and resource support by the Federal Government. The present contribution by the Federal Government to aid financially hard-pressed local governments in their pollution efforts is totally inadequate.

I am today introducing a bill to provide that the Federal Government can share as much as 75 percent of the cost of water pollution abatement efforts by local governments.

The problems created by water pollution cannot be overstated. It no longer is just a matter of befouled beaches that once served as beautiful recreation areas; nor simply that children can no longer swim in once-clear lakes; nor that one cannot cruise on many rivers without being overcome by the stench generated by society's wastes—water pollution now threatens the biological life that relies on pure water for survival. And this may include man himself. The pollution level has reached the point on some rivers that they have literally caught fire. And no one can foretell the results of the biological imbalances that are resulting from the extinction of various forms of life in our lakes, rivers, and streams.

The cost of correcting this tragic situation is enormous. But all indications are that the American people are willing to assume these costs if the Government will direct its efforts in an efficient and effective manner toward abating water pollution. In a survey conducted by Newsweek magazine last fall, 56 percent of "middle Americans" favored more spending by the Federal Government to combat pollution, whereas only 3 percent favored less spending.

I have talked to many mayors and leaders of municipal government. They are ready and anxious to take on the challenge of controlling water pollution. But their fiscal resources will not permit them to do the job alone. It is therefore imperative that the Federal Government provide an adequate level of financial support if our Nation is to effectively combat water pollution.

The President's proposals to finance the fight against water pollution are totally inadequate and place far too heavy a burden on local government. The President has proposed a $10 billion program to combat water pollution over the next decade, only $4 billion of which would be provided by the Federal Government. Thus the President is asking that financially hard-pressed local governments assume 60 percent of the cost of the pollution effort with the Federal Government assuming only 40 percent of the cost. It is true that the President has proposed a new financing vehicle which will loan money to some qualifying municipalities. However, this vehicle is of little benefit to those local governments that have already borrowed up to their debt limits and it is merely an invitation to mortgage heavily the futures of generations yet to come.

The President's proposal is actually a retreat from the present Federal commitment to aid local governments in the water pollution effort. Present law authorizes $1.25 billion for fiscal year 1971 as the Federal share of the water pollution control effort. Yet, the President in his much-heralded program actually wants to cut this figure back to $1 billion for fiscal year 1971 and each of the 3 years thereafter. No responsible person who is informed on the problems involved in solving our water pollution problems believes that even the total $10 billion program proposed by the President is adequate to do the job. And the mayors I have talked to are virtually unanimous in their view that the President's program requires State and local governments to provide too great a part of the financial cost and the Federal Government too little.

The President's proposal, in addition to marking a cutback in the Federal commitment, does not alleviate substantially the shortcomings that are inherent in present Federal revenue sharing in the water pollution effort. Under present law, the Federal Government puts up only 30 percent of the basic costs of water treatment facilities constructed by municipal governments. The Federal Government share can be increased to 50 percent if State governments agree to put up 25 percent of the cost. At a maximum, the Federal Government share can go to 55 percent if there is a metropolitan or regional comprehensive plan in effect for the community. This allocation formula simply will not do the job. State governments have not stepped in to assume the 25 percent cost—an action that is required in order to trigger 50 percent matching funds by the Federal Government. I do not say this in criticism of State governments; they too are hard pressed to find adequate funds to meet the demands of providing services at the State level. But the fact is the present allocation system is not working because municipal governments do not have sufficient Federal funds to enable them to do the job that must be done.

I am therefore proposing a new system to cure this problem. Under my proposal, the minimum Federal contribution will be 60 percent of the cost of federally assisted projects. This will double the present minimum Federal assistance for waste treatment facilities. In addition, the Federal share will be increased to 75 percent if State governments agree to bear 12½ percent of the cost. This means that the municipal government share can be cut to 12½ percent. And if a comprehensive plan is in existence, the Federal share can be increased to 80 percent and the municipal government share reduced to 7½ percent.

In order to finance my proposal and to provide a realistic Federal commitment, I am proposing that authorizations for the Federal share be increased to $3.5 billion a year beginning in fiscal year 1972 and for each succeeding fiscal year to and including the fiscal year ending June 30, 1976.

This program represents a major financial commitment by the Federal Government, but it can be accomplished within the confines of the long-range budget projection submitted by the Bureau of the Budget this year—and we can do no less if we are meaningfully to attack the problems of water pollution.

My proposal is a revenue sharing proposal. As such it is a substitute for the administration's revenue sharing proposal, the cost of which is projected to rise to $5 billion annually by fiscal year 1976. It thus involves an expenditure of Federal funds that is not significantly greater than that proposed by the administration and, viewed as a revenue sharing proposal, it is much superior to the administration's recommendation.

Municipal governments, under my proposal will receive a great deal more direct financial assistance than under the administration's plan. Under my plan the local governments will only have to bear as their share of the cost of water treatment facilities an amount ranging from 7½ percent to a maximum 40 percent of the total cost. This compares to a minimum 20 percent and a maximum 70 percent cost under present law. Municipal governments cannot bear that kind of financial burden. Many are already up to their debt limits and they cannot afford to borrow more. Property taxes are already skyrocketing and homeowners cannot bear the burden of increased taxes to pay the municipal government's share, whether through direct or debt financing. The municipal bond market is already pressed to its limit and it is unrealistic to expect that this market can bear the burden of increased demands to finance municipal water pollution control efforts. The imposition by the administration of an additional $6 billion burden is more than State and local governments can or should be expected to absorb in the next few years.

As a revenue sharing measure my plan avoids the pitfalls of the administration's revenue sharing proposal. Under the administration's plan, political responsibility and political authority are bifurcated. This is a highly undesirable situation and could spell the death knell for viable State and local governments as we know them. Further the administration's revenue sharing proposals are undirected and do not guarantee that we will meet our responsibilities to provide clean water for future generations. My plan provides direct and adequate Federal funds for the pollution control effort while retaining responsibility and authority at the local level. The magnitude of the Federal share will greatly alleviate financial pressures on local governments, thus freeing up funds to provide other badly needed municipal services.

Further, my plan provides an incentive for State governments to assume a share of the cost of local water pollution control efforts, since the percentage of State funds required to trigger the maximum Federal grant is reduced from the present 25 percent of project cost to 12½ percent.

In sum my plan is a more effective and efficient means by which we can achieve the twin goals of water pollution abatement and revenue sharing. These goals are within our grasp if we have the determination to commit our national resources to their achievement. It is up to the Senate to substitute congressional action for administration rhetoric. I hope that my plan will be viewed as a positive contribution to this end.

AN ALL-VOLUNTEER FORCE

Mr. HATFIELD. Mr. President, for two decades this country has had for the first time in its history peacetime conscription. In recent years there has been an increasing outcry to abolish the draft and establish a volunteer military. This would not only be consistent with the ideals enumerated in our Constitution and Declaration of Independence but be a step in regaining the much needed balance between the executive and legislative bodies of our Federal Government.

For the April 1970 publication of Air Force/Space Digest, Louis R. Stockstill has written an excellent summary of the recommendations of the President's Gates Commission. The Commission was created by President Nixon more than 1 year ago to study the feasibility of a volunteer military, and its conclusions were unanimous: A volunteer military is not only feasible it is preferable to any other system of manpower recruitment for our Armed Forces. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ALL-VOLUNTEER FORCE

(By Louis R. Stockstill)

Creation of an all-volunteer military force, as recommended by a special Presidential Commission, would have far-reaching implications for everyone on active duty, as well as Reservists, retirees, and dependents.

The Commission, headed by former Secretary of Defense Thomas S. Gates, has called for an end to the draft, and for immediate and substantial pay raises for first-term officers, and first- and second-term enlisted men.

Of equal or greater interest to the present career force, the Commission report also endorses:

Adoption of a military "salary" system for all those in uniform.

Modification of the present retirement system to include "vesting" privileges for officers and enlisted (equivalent to those provided Civil Service employees).

Increased hostile-fire pay ($200 per month).

Substitution of a substantial number of civilians for officer and enlisted personnel. ("The potential is greatest in the Air Force" where it was estimated that some 11,000 officer billets and 72,000 enlisted spaces could be civilianized.)

Expenditure of additional service resources on recruiting (keeping top recruiters longer in such assignments and improving their incentives with extra pay, bonuses or accelerated promotion).

Major upward-revision of "special pay" for military physicians (to $12,600 per year extra, after eight years' service).

Possible "civilization" of military hospitals, or adoption of a broader civilian medical-insurance program for some portion of the retired and dependent population.

Provision of $35,000 "stipends" to medical students over a seven-year period, in exchange for three years' active duty as military physicians. ("If the draft is eliminated, dramatic action will be required to insure the continuation of health care now provided.")

Reorientation of the active Reserve to reduce the number of men in paid drill status, increase the pay of those remaining, and recruit more Reservists from "younger, less well-educated groups."

These are some of the highlights of the Commission's 21-page report, soon to be supplemented by a volume of "background studies."

The fifteen-member group, aided by a staff of fifty-one, began work last May after President Nixon announced that he had "directed the Commission to develop a comprehensive plan for eliminating conscription and moving toward an all-volunteer armed force." The Chief Executive also told the group to "determine" what standby draft machinery would be required in a national emergency, and asked Commission members to "give serious consideration" to Reserve requirements.

In handing the Commission findings to the President, Mr. Gates said the group unanimously concluded "that the nation's interests will be better served by an all-volunteer force, supported by an effective standby draft; . . . that steps should be taken promptly to move in this direction; and that the first indispensable step is to remove the present inequity in the pay of men serving in their first term in the armed forces."

The pay increases recommended for the first-termers will approximately double the amount enlisted men now receive and give officers a twenty-eight percent boost in basic pay during their first three years of service. The Commission recommends that the new rates take effect on July 1 of this year.

Total estimated cost of the proposal—based on a 2,500,000-man force—would be $3.24 billion, of which the government would recover about $540 million in taxes, for a net budgetary cost of $2.7 billion for Fiscal '71.

Increases in basic pay would total $2.68 billion. In addition, $210 million is earmarked for proficiency pay, $150 million for the Reserves, $120 million for the Medical Corps, and $80 million for recruiting, ROTC, and the like.

For a force of 2,500,000 men, the Commission said costs would drop to about $2.1 billion beginning in Fiscal '77. The study, however, makes "no allowance for inflation."

In moving to an all-volunteer force, the Commission said it would be helpful to:

Extend "skill" pay differentials to first-termers.

Provide "pro-pay" for men in critical occupations after satisfactory completion of advanced training.

Offer higher grades upon service-entry (and speedier promotion thereafter) to those with special skills or unusual aptitudes.

Eliminate present obligated terms of service for enlisted personnel.

Expand programs giving enlistees a choice of occupation as a condition of enlistment.

Institute more "lateral hiring" (taking skilled civilians into the service at ranks commensurate with their training and experience).

Extend family travel allowances and dislocation allowances to all enlisted personnel.

By thus improving pay and conditions of service, the Commission said it should be possible to meet armed forces manpower requirements on a strictly volunteer basis.

The Commission's rationale: Since a volunteer force would reduce personnel turnover, not more than 325,000 men would have to be enlisted annually to keep 2,500,000 in uniform. Because 250,000 (or about half) of those enlisting annually in recent years are "true volunteers" who would have joined military ranks even without the draft, the annual enlistment deficit is only 75,000. "Reasonable improvements in pay and benefits in the early years of service," the Commission said, "should increase the number of volunteers by these amounts."

Present physical, moral, and mental requirements would be retained, but the services would be expected to continue accepting up to twenty percent of enlistments from the lowest (Group IV) mental group.

Observing that the US "has relied throughout its history on a voluntary armed force except during major wars and since 1948," the Commission said, "a return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism which has never been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity."

The Commission said the volunteer concept provides a "system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values."

Although the Commission made numerous calculations for varying strength projections for an all-volunteer force (2,000,000 men, 2,250,000, 2,500,000, and 3,000,000), the 2,500,000-man force was utilized most frequently in illustrations.

This force would not literally consist of two and one-half million military bodies, however. The Commission said it could save 600,000 spaces as a result of reduced travel, training, and separations, and have a force that would be as "effective" as a 2,500,000-man military organization utilizing the draft.

CIVILIAN SUBSTITUTION

Further reductions would be made through civilian substitutions, once post-Vietnam force levels have been achieved. The Commission said the substitution program should be "initiated and carried out over a three- to four-year period." For a 2,500,000-man force, the "substitution potential" for each service would be as follows:

Service	Officer	Enlisted
Army	6,600	0
Navy	6,200	10,800
Air Force	11,300	72,200
Marine Corps	800	8,900

Thus, the 2,500,000-man force would shrink to 2,440,000 with the 60,000 spaces saved by reduced travel, training, etc., and to 2,323,200 with the substitution of civilians for 24,900 officers and 91,900 enlisted men.

OFFICER PROCUREMENT

Although most officers have been recruited from among college graduates in recent years, the Commission said this "somewhat arbitary" action stemmed partly from a favorable, draft-produced recruiting climate. Under the volunteer concept, the Commission assumes that ten percent of the officers entering the service would not be college graduates.

At the same time, the Commission made the assumption that ROTC "will continue to be the major source of new officers for the Army and Air Force." And the report endorses a $25 million to $30 million program to boost ROTC scholarships to 10,000 annually for each service—almost double the number now available.

But since "fewer students" are likely to enter ROTC, particularly in the first two years after adoption of the volunteer concept, the Commission said many schools may have to drop ROTC, thus making it advisable to establish "area training centers."

The Commission also made these comments about other officer-procurement programs:

Serious consideration should be given to increased use of scholarship and nonscholarship Reserve Officer Corps and Platoon Leaders Class (PLC) type programs.

The services will "doubtless" seek to attract "somewhat older civilians who desire to enter specialized and less physically demanding branches."

Advanced officer grades should be given to civilians commissioned in noncombat skills.

Greater use can be made of warrant officers, limited-duty officers (LDOs), and temporary officer grades.

"If difficulty is experienced in recruiting new college-graduate officers, . . . serious consideration should be given to expanding the noncollege officer-commissioning programs."

STANDBY DRAFT

In the event of an emergency after a volunteer force is in effect, the Commission recommended "standby" draft machinery that would provide (1) a register of draft-eligible males; (2) a system for selecting inductees; (3) procedures for notification, examination, and induction; (4) an administrative organization; and (5) a requirement that the standby system could be invoked only by Congress at the request of the President.

TRIBUTE TO SENATOR ERVIN IN WILMINGTON, N.C.

Mr. JORDAN of North Carolina. Mr. President, in the last several years so many controversial statements have been written about nominees to the Supreme Court that it has been particularly gratifying for me, as a North Carolinian, to hear the unanimous chorus of high praise on the qualifications of my colleague and close friend, SAM ERVIN.

The Wilmington Star-News recently published an editorial praising Senator ERVIN as a choice for the Supreme Court and in doing so, it mentioned a speech which the Senator had given in their community 3 years ago. In his speech to a group of young people receiving Golden Star Awards, Senator ERVIN had mentioned the virtues which he felt gave mankind strength and purpose and were essential ingredients to a full life—honesty, courage, faith, modesty, determination, truthfulness, loyalty, and works.

The editorial concluded that Senator ERVIN practiced these virtues and that they were the source of his great strength. I could not agree more with the editor.

And while the Supreme Court could certainly use someone of his character and ability, Senator ERVIN's virtues are not lost in the U.S. Senate. He is constantly fighting for the interest of his fellow North Carolinians, but his struggles go far beyond parochial interests and his efforts to protect the rights of all

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Americans are a constant inspiration and reminder to all of us in the U.S. Senate. As Tom Wicker of the New York Times stated so well recently about Sam Ervin, "he stands by the older view, still speaking out for values, proven so long ago that most Americans no longer even seem to know about them."

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wilmington (N.C.) Star-News, Apr. 20, 1970]

Golden Star Guidelines

United States Senator Sam J. Ervin, Jr., of North Carolina set inspiring overtones for the Golden Star Awards and the young people who strive for the Awards in a speech at the Awards presentations here in 1967.

Senator Ervin's 1967 talk, and the message it carried, has become appropriate and relevant now because the 1970 Golden Star Awards processes have been going on for some time in Southeastern North Carolina and this past Saturday top high school seniors of SENCland were in Wilmington for judging by specialists in each of the 14 categories in which the contestants are competing. The winners will be announced at the 1970 Golden Star Awards May 15 in Thalian Hall. The Star-News Newspapers sponsor the Golden Star Awards program.

In his 1967 talk to the Golden Star winners at Brogden Hall, Senator Ervin told the young, and older, people present that the Eternal Verities are still the beacons for successful living—for implementing any of the specific skills and talents as exemplified in the specialties of Golden Star, and any, students.

Senator Ervin said that the finest human traits of Honesty, Courage, Faith, Modesty, Determination, Truthfulness, Loyalty and Works, and whatever may be any additional and supportive virtues, are essential ingredients to the full life in adding substance and meaning to the category of endeavours in which the Golden Star aspirants seek awards.

Much that has come up lately in the high affairs of the nation is indicative that Senator Ervin, as one Senate colleague put it, "practices what he preaches."

In the current national—yea, international—interest over President Nixon's filling of the vacancy on the Supreme Court, Senator Ervin has been variously and widely recommended for the position—not only because of his legal qualifications (he's recognized as a Constitutional authority and he has served North Carolina both as a Superior Court Judge and as a State Supreme Court Associate Justice). But nearly everyone of those who have recommended him—Governor Bob Scott, U.S. Senator Tydings of Maryland and lawyers and laymen across the country—have emphasized Senator Ervin's great belief in the Eternal Verities to give mankind strength and purpose, and of his own practice of those Verities.

Senator Ervin probably will never become a U.S. Supreme Court Justice, chiefly because of his advanced age, but the essentials of life—the Eternal Verities—to which he devoted most of his remarks here in 1967 will always be uplifting guidelines that are so important for Golden Star Awards winners and aspirants, and all of us, to live by.

WASHINGTON NATIONAL AIRPORT

Mr. BOGGS. Mr. President, I would like to add my voice in opposition to certain Federal Aviation Administration policies with regard to operations at National Airport.

The distinguished Senator from Virginia (Mr. Spong) outlined for this body on Monday an apparent inconsistency in FAA policy at National. It seems that, during the recent air traffic controllers strike, the ban on stretch jets at this facility was lifted. This was part of the effort to accommodate weary travelers and provide better service in a difficult period. This attempt is to be commended under the circumstances; but might I remind the officials of the FAA that such circumstances no longer prevail and yet these B–727–200's continue to fly in and out of National.

The evidence that has been previously presented makes several references to the past determination of the FAA to prevent stretch jets from using National, while encouraging more extensive use of Dulles. What has happened to that determination?

If stretch jets are now free to use National, I believe the FAA should be called upon to explain this complete and sudden reversal of policy. This appears to be a giant step backward in the struggle to cope with air congestion while providing adequate air travel.

National is overtaxed. Dulles is now an underused multimillion dollar, federally owned palace in the wilderness. If use of this grand airport is to be encouraged, use of National by stretch jets must be discouraged.

With the present state of affairs, Dulles will never approach its intended capacity and it will be properly labelled a waste of tax dollars.

In addition, such a reversal of policy jeopardizes further the quality of our environment and provides a substantial setback if larger jets are permitted to land in addition to the present heavy load.

Also disturbing is the apparent lack of advance information provided to the immediate community officials regarding this reversal. These elected officials have a responsibility to their constituents that cannot properly be maintained if they are ignored by the FAA policymakers.

In conclusion, the FAA should do one of two things: Reinstate the ban on stretch jets; or, explain and justify to Congress the reasoning behind this change that overtaxes the already strained capacity of National Airport.

SHAKESPEARE IN OREGON

Mr. HATFIELD. Mr. President, I wish to bring praise and attention to the opening of the Angus Bowmer Theater in Ashland, Oreg. This event, reported both in the Washington Post and the Saturday Review, has given added dimension and substance to the performing arts in Oregon. I hope that if Senators come out to visit our wonderful State, they will stop in Ashland to visit and view a very pleasurable theater experience.

I ask unanimous consent that the articles detailing the opening of the Bowmer be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 19, 1970]

New Theater for Oregon Shakespeare Fete

(By Richard L. Coe)

The nation gets another theater this Saturday and, apart from the unusual region it is serving, its creation marks a new development in the government-arts relationship.

Ashland, Ore., is the setting for the new, all-weather Angus Bowmer Theater, a second stage for the Oregon Shakespearean Festival's open-air theater, now into its 29th year.

What makes this venture of exceptional interest is that it stems, not from any arts project of federal government, but from the Economic Development Administration, a Department of Commerce agency. On a matching-funds basis, EDA chipped in an $896,000 grant toward the project's total cost of $1,792,000.

EDA's role is to boost the tourism-based economy of Southern Oregon, where weather limits the outdoor season to 51 nights a year. Through its 24 West Coast box offices the Festival has been turning away 10,000 potential tourists a summer. Over a million dollars a year comes into the Rogue River Valley from those who go to these splendidly mounted productions.

Feeling the pinch of not getting all its potential, Ashland officials wanted to expand its theater and housing facilities. They turned to the federal arm, whose mission is to foster economic growth. Oregon's governor, Tom McCall, and the state's congressional delegation figured out the means and will be on hand Saturday for dedication ceremonies leading to performances of "Rosencrantz and Guildenstern Are Dead," "You Can't Take It With You," "Antigone" and "The Fantasticks," to open on three successive days.

Robert A. Podesta, assistant secretary of commerce for Economic Development, will be one of Saturday afternoon's speakers in the 600-seat theater. When he comes to his replies, actor-director-professor Angus Bowmer will surely tell how it all began one Fourth of July weekend in the late '30s when the Ashlanders had their choice of two holiday attractions, a prize fight and a Shakespearean comedy. The fight lost money and Shakespeare made a profit. That's what you call Economic Development.

Oregon Expands

Ashland, Ore.—A most happy event in the history of the American resident company movement is the opening of the Angus Bowmer Theatre in this pleasant Rogue River Valley town. For the new building, the exterior of which blends nicely with the much larger 1,400-seat outdoor Oregon Shakespearean Festival Theatre it adjoins, considerably increases the distinguished thirty-five-year-old festival's potential both artistically and economically. And it rightly honors the festival's founder-director, Angus Bowmer, whom Governor Tom McCall saluted on opening day by describing him as the man who more than any other person has brought style to the State of Oregon.

Until now, the Orgeon Shakespearean Festival has presented six-week seasons of a repertoire of four Shakespearean plays each summer. These have been so well attended that thousands of cultural pilgrims have had to be turned away. But beginning this summer the outdoor season will be lengthened to eleven weeks, and, because the new indoor playhouse will give daily matinees, Oregon visitors will be able to see six plays in four days instead of four plays.

This expansion seems logical and soundly planned, with the fund-raising going very smoothly thanks to a matching grant of $896,000 from the Economic Development Administration and one very large local gift from Alfred S. V. Carpenter. More risky, however, is Ashland's decision to add a six-week

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spring season to the schedule. Called "Stage II," it will offer seven performances a week of four modern plays in rotating repertory. Nevertheless, because the Bowmer seats only 600, and because the first season has been budgeted to break even at 36 per cent of capacity, the plays need attract only 216 people a night, which is a seemingly modest goal.

The opening play of "Stage II," *Rosencrantz and Guildenstern Are Dead*, ideally combines modernity and Shakespeare, and most appropriately has been directed by Mr. Bowmer himself. Although the production somewhat overextends audience indulgence by attempting a version of the script that runs about a half-hour longer than the Broadway one, the performances are high in quality with particular praise due to Larry Carpenter and Roger Kozol, who play the title roles with engaging youthful zest. Furthermore Richard L. Hay, who established the overall direction and design for the theater, has devised a simple but effective way to present the play that also demonstrates the maximum thrust position of his adaptable playhouse. It is not, however, as strong a thrust as the stage at Stratford, Ontario, or even as the one at Lincoln Center's adaptable Beaumont. Presumably the festival wanted a stage that would not require the actors to shift from proscenium-style acting to open-stage performing. But it does put the performers in one room with the audience, and tunnels provide a means of quick exits from the front of the stage.

The second attraction (to be followed by *The Fantasticks* and Anouilh's *Antigone*) is *You Can't Take It with You*. This 1935 period piece offers a fine opportunity to show how the theater will be used for a conventional naturalistic play. The adjustable walls move in closer to enclose the box-set background. But much of the action is played on the forestage section, which can be lowered to become an orchestra pit, and steps connecting the forestage with a tunnel are employed to represent the entrance to the cellar. Nostalgia for the period is nicely evoked, and the warmly intimate comic atmosphere is maintained. Happily, the Angus Bowmer Theatre can be pronounced handsome and healthy in its first test.

Oregon boasts another resident theater, the American Theater Company in Portland. This venture, now in its third year, operates with much support and assistance from Portland State University's Theater Arts Department.

As the first of a four-play schedule, which will include *The Balcony*, *Little Murders*, and *The Cherry Orchard*, the company is presenting *Saint Joan* with the title role played by Portland-born Gretchen Corbett, who last year played Julie Harris' daughter in the Broadway production of *Forty Carats*.

Under the astute direction of Nagle Jackson, Miss Corbett wisely avoids assuming an old-fashioned, reverential holiness. Instead, she is very much the blithe teen-ager who bounces in where angels fear to tread. Her love of God is clearly a naively romantic notion, and her attitude toward the Establishment is sassy and impudent. If this interpretation inadequately fulfills some of the play's moments of deep faith, it nevertheless has the virtue of stimulating the audience to think freshly about the old play. For instance, in the trial scene when Joan convicts herself with her foolhardy contempt of a petty-minded court, and when she happily accepts her final sentence, we find ourselves thinking about the Chicago Seven.

A naive and childlike Joan also strengthens by contrast the adult roles. Particularly effective is the meeting between Peter Cauchon portrayed pragmatically by Michael Keenan, De Stogumber played with amusing denseness by Bern Hoffman, and Warwick enacted with mad shrewdness by Jim Myers. And most entertaining is Robert Dagny's petulant and sulking Dauphin. If this production is typical of the American Theater Company's work, theater in Portland has a promising future.

THE CONFLICT IN INDOCHINA AND SENATE RESOLUTION 383

Mr. HARRIS. Mr. President, I was extremely disappointed and dismayed over the decision of the administration to involve the United States in an apparent escalation of the war in Indochina. By deciding to provide combat advisers and air and logistical support to South Vietnamese troops conducting combat operations in Cambodia, I fear that the administration has committed this country to a course of action that will result in a prolonged and increased loss of American lives and resources in Southeast Asia. I would hope that the Senate will take whatever steps are necessary to reverse this course of action.

U.S. actions yesterday, decided upon by the President, obviously make any efforts to gain peace in Indochina by any means other than by military conflict more remote. I have been advocating and believe that the interests of this country and Indochina would be better served if we would choose a political settlement for the area, rather than area military conflict. I had hoped that the administration would give vigorous support to a comprehensive multilateral conference of all interested parties which could consider ways to obtain a true neutralization of Vietnam, Laos, and Cambodia. Ten other Senators have joined with the distinguished senior Senator from Kansas (Mr. PEARSON) and myself in Senate Resolution 383 which calls for such a conference. However, support from the administration has not been forthcoming, and it appears that a settlement through military force is being sought. I deeply regret this decision by the President, and I am afraid the country will come to regret it also.

To commit additional American boys to a widened conflict in Indochina is indeed a tragedy. I hope that the President will inform us this evening that the course of action he has undertaken is not irreversible and that we will, as he promised, quickly disengage ourselves from any activities that would widen the war in Indochina and rapidly and systematically withdraw our troops from that area of the world.

An editorial published in today's New York Times questions the advisability of the course of action undertaken by the President. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ESCALATION IN INDOCHINA

President Nixon, who was elected on a pledge to bring peace in Vietnam, has instead escalated the war into Cambodia in a rash move that has the gravest implications for the United States.

The Pentagon says the move was "necessary . . . to save American and other free world lives and to strengthen the Vietnamization program." If past experience of both France and the United States in Indochina is any guide, the result is more likely to be just the opposite. The war will be not only widened but prolonged, and casualties will rise.

Diversion of South Vietnamese troops and American support units from the Vietnam conflict almost certainly will slow down, if not reverse, the process of American withdrawal.

"Vietnamization" in Cambodia, where Vietnamese of any persuasion are suspect, will only complicate the political struggle there while it diverts Saigon's energies and resources.

Although an American military spokesman in Saigon has said United States ground troops would not become directly involved in the Cambodian fighting, the American public can have no confidence in such assurances. The Saigon command and the Administration in Washington have been less than candid in the recent past concerning the degree of American involvement in Cambodia, and in Laos before that. If the current American-supported South Vietnamese invasion of Cambodia is necessary to protect American and other "free world forces" in Vietnam, how long will it be before we are told that American troops must move into Cambodia to protect the American advisers and "free world forces" that are now there?

The move into Cambodia is a tragic repetition of the mistakes of the past, a virtual renunciation of the President's promise of disengagement from Southeast Asia and of the principles of the Nixon Doctrine itself.

DR. EDWARD L. R. ELSON

Mr. BROOKE. Mr. President, on Monday of this week the Reverend Dr. Edward L. R. Elson, Chaplain of the Senate, commemorated his 40th year of service in the ministry.

Dr. Elson has traveled far and wide across the face of the earth. He has served in a multitude of capacities, ministering to servicemen and private citizens, to Presidents, and other public officials. He has observed the problems of the people of this Nation at first hand, and participated actively and wisely in their resolution. Dr. Elson possesses in large measure the qualities which come from the full experience of life.

At crucial moments during my own service in the Senate, I have found Dr. Elson's wise counsel, quiet humor, and unending patience a source of great courage and personal support. It is with joy and appreciation that I salute him now, on the 40th anniversary of his active ministry, and wish him good will and Godspeed.

NO BROADER INVOLVEMENT IN SOUTHEAST ASIA

Mr. SMITH of Illinois. Mr. President, I am very apprehensive about the commitment of American military effort in Cambodia. It came at a time when all of us who desperately desire a just peace have recently been buoyed by the President's announcement of further planned withdrawals of troops from Vietnam. To many, including myself, it brings fear of another involvement which the overwhelming majority of Americans do not want and will not support.

The official announcement stated that the American participation in the South Vietnamese attack on the Vietcong and North Vietnamese bases in Cambodia was necessary to protect the lives of

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American boys stationed near those bases. In my opinion, that is the only acceptable rationale for the action.

I cannot support any broadening of our involvement in Southeast Asia. Any action which would commit American troops or taxpayers' dollars to such an end is simply unacceptable to me. In Cambodia, there is a very real possibility that Prince Sihanouk will return to lead troops loyal to him against the military officers who brought his government down. Revolution and counter-revolution, when its protagonists are all nationals, is civil war. The United States has no business being involved in a Cambodian civil war.

The burden is on the President to justify this startling new commitment. I await his statement this evening. It remains to be seen whether he will be able to convince me and the American people that his course is reasonable. I am sorry he did not counsel with the Senate before he moved. I hope that he will reject any U.S. activities in Cambodia unless essential to the protection of U.S. fighting men in Vietnam.

ADMINISTRATION SPOKESMEN ADMIT SPURIOUS BASIS FOR PRESIDENT'S RESTRICTION ON CANADIAN OIL IMPORTS

Mr. MONDALE. Mr. President, a number of Senators have expressed their serious doubts about the validity of the President's recent decision imposing import quotas on Canadian oil in a letter to him dated March 25, 1970. The letter was signed by 25 Senators from both parties. It was the view of those 25 Senators that a clear case had not been made, and could not be made, that imports of Canadian oil were adversely affecting our national security interests.

The Washington Star for April 20, 1970, contains an interesting article quoting officials in the Department of State and in the Office of Emergency Preparedness. Mr. James Akins, of the State Department, was quoted as saying that one reason for the order was that the higher import level "disrupted the relationships among the American refiners." Mr. William C. Truppner of the Office of Emergency Preparedness was, perhaps, even more candid. He said:

> In a way it was a protectionist measure . . . this is not necessarily a sin.

I think these comments underscore what a number of us have believed from the outset. That is, the oil import controls are an improper exercise of the statutory authority to protect the national security. Mr. Truppner did say in the same interview that the Canadian imports were a threat to national security because they were making the government's job more difficult in moving toward an orderly import program. Unfortunately, the administration has given no evidence, whatsoever, that it is moving toward an orderly import program. Instead, it has abandoned the exhaustive, year-long study by the Cabinet Task Force on Oil Import Controls by relegating it to yet another study group. In the meantime, it has added to the basically illogical structure of the program by imposing controls on Canadian oil for the first time since the oil import control program was adopted by President Eisenhower in 1959.

Mr. President, I ask unanimous consent that the article written by Mr. Stephen M. Aug be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Squabble of U.S. Oil Firms Led to Canadain Import Curb

(By Stephen M. Aug)

A State Department specialist on fuel and energy imports conceded today that a squabble among "a group of American companies" producing oil in Canada led to the first formal limits on the amount of Canadian oil that could be imported into this country.

James E. Akins, director of the State Department Office of Fuels and Energy, said at a news briefing that one reason for the March 10 White House decision slicing about 100,000 barrels a day from the amount Canadians had been exporting was that the higher import level "disrupted the relationships among the American refiners."

Some domestic refiners, he said, had been getting their oil cheaper than others because the Canadians had been exporting about 800,000 barrels a day to the United States.

STUDY OPENED

At the same time, Akins said that once an agreement is concluded between the United States and Canada calling for a joint policy on energy—oil, gas, electricity—"there can be a relaxation" of the import quota on oil. But, he added, "there is no question of twisting an arm" to try to force Canada to agree to such a policy.

The briefing had been called to inform newsmen of what President Nixon's Oil Policy Committee had been considering since its formulation in February. Nixon had ordered the committee—which comprises members of several cabinet agencies—to study recommendations made after a year-long study of oil import policies, and to determine which could be carried out.

The principal recommendation of the study was that the present oil import quota program be scrapped in favor of tariffs on oil imports.

William C. Truppner, an official of the Office of Emergency Preparedness, who is directing staff work for the policy committee, declined to give a timetable for effecting the changes recommended—or to say whether he felt the tariff system ever would go into effect. "We possibly can look forward to effecting a lot of long-term changes by 1975," he said.

Truppner said staff papers have been prepared on such problems as:

1. Improve treatment of petrochemical feed stocks—petroleum and oil products used for chemical, rather than other uses.
2. The possibility of increasing imports of No. 2 fuel oil that would lower the price of this fuel which is much in demand especially in New England.
3. What to do about Foreign Trade Zones.
4. Residual oil importation. Residual oil is used by power plants, and there is a growing demand for such oil that is low in sulphur content as a means of reducing air pollution.

Most of the questions at the briefing, however, dealt with the Canadian oil import quotas.

Akins said Canada's recent decision to assert sovereignty over Arctic waters, and the U.S.-Canadian differences over the border off Maine "had nothing to do with the oil import decision." He said the Canadians "don't connect the two issues and neither do we."

SECURITY INVOLVED

Truppner said one reason for limiting Canadian imports was "a threat to national security . . . the flow of oil so far in excess of the previously agreed upon level was so disrupting the distribution of oil throughout the United States that it was making our job more difficult . . . in moving toward an orderly import program."

Asked about the effect of the move on consumers—Canadian oil is about 50 cents a barrel cheaper than domestic oil—both Truppner and Akins said there would be none. Truppner said the import committee has "a responsibility to take the leadership in assuring that the consumer interests are protected beyond the price at the pump." Akins said there was no evidence savings by refiners using the cheaper Canadian oil were being passed on to consumers.

He said of the import-limiting move: "In a way it was a protectionist measure . . . this is not necessarily a sin."

OREGONIANS COMMENT ON NIXON ENVIRONMENTAL LEGISLATION

Mr. HATFIELD. Mr. President, when I joined the Senator from Pennsylvania (Mr. Scott), as a cosponsor of the Nixon administration "environmental package," I wrote a number of Oregonians to ask their comments on these proposals.

Three of the replies are of particular importance. Gov. Tom McCall commented favorably on these proposals. A respected member of the Environmental Quality Commission, Mr. Herman P. Meierjurgen, of Nehalem, addressed favorable comments to this group of bills. Mr. Larry Williams, who wears two hats—of the Sierra Club and of the Oregon Environmental Council—also supports these proposals. This is an indication of the support for such legislation in Oregon.

I might add that the ballot measure referred to in the letters is yet another measure of the commitment to clean water and clean air in my State. House Joint Resolution 14, also called Ballot Measure 4, will be voted on at our Oregon primary, and I certainly hope Oregonians will support it completely.

I ask unanimous consent that the three letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Office of the Governor,
Salem, Oreg., April 10, 1970.

Hon. Mark O. Hatfield,
Senate Office Building,
Washington, D.C.

Dear Mark: I appreciated having my attention called to the package of environmental protection legislation contained in S. 3466 through S. 3472 as reported in the Congressional Record. My comments follow:

S. 3466: Providing that automobiles have mandatory testing for emissions to meet standards is desirable. I think a good way to proceed would be to require tuning to acceptable emission standards prior to annual licensing.

I support the idea of government establishing the formula for fuel, and I presume states could set higher standards. In any event, any existing state standards should be recognized, so federal action would not result in a lowering of current state requirements.

S. 3467: This appears to be in good order, and I have no comment.

S. 3468: I would like to see provisions for financing construction projects also provide for refinancing which can be extremely help-

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ful in both inflationary or recessionary periods. The concept of this legislation is similar to our HJR 14 upon which voters in Oregon will cast ballots in the May primary and, of course, it is my earnest hope that this financing program receives overwhelming support.

S. 3469: I would suggest that this legislation be broadened to provide for pilot programs, along the line of setting up a complete solid waste management industrial complex which could assist in answering many questions.

S. 3470: If there is any opportunity to bring all of our water programs together, this might be a vehicle to start in that direction. It also occurs to me that since land use planning is the single most important action we need to implement for achieving proper development with environmental protection, this act could assist by providing a 10% bonus in grants where land use planning and zoning had been accomplished.

S. 3471: This appears to be acceptable, and I have no comment.

S. 3472: I enthusiastically support this action which would give a firm commitment to an expanded program of funding and, of course we would endorse the higher percentage of federal participation which, in effect, could reduce the local share to 25%, and which would tie in admirably with HJR 14 financing to which I have already referred.

Best wishes.

Sincerely,

Tom, *Governor.*

Department of
Environmental Quality,
Portland, Oreg., April 9, 1970.

Hon. Mark O. Hatfield
U.S. Senator,
Washington, D.C.

Dear Senator Hatfield: Yours of March 24 relating to the "environmental package" proposals is hereby acknowledged and comments concern them follow:

S. 3466—The Environmental Quality Commission of Oregon has recently begun the task of establishing ambient air standards for the State. Early attention has been given to particulates from all sources including motor vehicle emissions. To follow soon are levels of fluorides and other industrial air pollutants. The problem is most complex and I feel that any standards we set will be revised many times before they become reasonably acceptable.

The need for the Federal Government's entry into this field is self-evident. Interstate auto traffic is heavy in our State during the tourist season and a nation wide exhaust emission standard is imperative. The problem is now noticeable in the Rogue, Umpqua and Willamette valleys through which Interstate Highway 5 is routed. In a more minor vein, the Camas Washington Kraft Paper mill continues to remind Portlanders that State boundaries do not apply to the atmosphere. Pertinent to the above, it is my feeling that paragraphs #1 and #2, National Air Quality Standards, Congressional Record, March 6, 1970, page S3163, are needed and the preceding sections concerning the testing of fuels and additives as well as motors will serve a useful purpose. It is important that the results of Federal research in this field of atmospheric pollution be made available to the states as soon as possible. Oregon like most states has its synergistic type problems arising from its industrial and motor vehicle emissions. Any help we can get from research will be most useful. Senate Bill 3466 appears to be a good and thoughtful start on this national problem of air pollution.

S. 3467—No comment.

S. 3468—There are a number of small communities especially on the coast of Oregon which would benefit by this Act. Their capacity to finance sewage treatment facilities is impaired for one reason or another and I am sure that this Act would aid them provided they could qualify.

It is my feeling that the states might well pass on such qualifications and needs for the reason that they already are concerned with the problem. It is assumed that Oregon will have considered the matter of allocating normal State and Federal grants to these "hardship" communities and would be in an excellent position to pass on their qualifications for a loan from the Environmental Financing Authority. It is also my feeling that some provision for such a procedure should be written into the Act. It appears that such a provision would effect a saving in administrative expense.

S. 3469—This proposal of the Federal Government to embark on research in the field of solid waste disposal and recycling in my judgment is a most timely and vital undertaking. My only comment is to the effect that its funding may be too modest. To this point I would like to comment further.

In my undergraduate days at U. of O. Dept. of Geology we were taught that the iron ore reserves of our country were of such a quantity that the nation had no need for concern. One world war and several "police" actions later we have exhausted the vast iron ores of the Messaba Range. Not only have we squandered our iron resources but with them copper, lead, zinc and a host of other metalics and nonmetalics all vital to our national survival. In the face of this we are discarding in the form of junk each year millions of tons of manufactured metals. Not only is this improvident but it is adding bulk to the evergrowing mountains of solid wastes we produce. It is imperative that we address ourselves to this problem and promptly. I would strongly urge that funding be ample to meet the needs of a vigorous program provided for in this Act.

S. 3470—This Act serves a useful purpose and appears to be well conceived.

S. 3471 and 3472—Oregon is continuing to make good progress in cleaning up its waters. We have made the fullest use possible of Federal help. The problem most vexing has been a lack of grant monies to help fund all the needful proposed projects. We have tried to work out grant allocations on the basis of need priorities. This has had its discouraging moments. I strongly urge that funding be increased and maintained at a substantially higher level for at least four or five years. I feel that the President's proposal of ten billion dollars for funding over the next four years is reasonable.

I have no other comments on the text of the Federal Water Pollution Control Act. It has worked rather well and, had it not been for the strain on our treasures and resources occasioned by the S. E. Asian "police action", would have accomplished much more. There were times when its implementation became a bit "sticky" as in the rather passionate insistence on the part of the S. F. office that we forthwith set water standards for the "Lots River" in the Klamath area. This stream is well named, for its natural bed is lost in a maze of irrigation ditches as its meager waters are put to use eleven times before it gives up its aqueous ghost in a swamp of tule and bull rushes.

It was heart warming to hear from you again and along with thousands of my fellow Oregonians I deeply appreciate the good work you are doing there. Please remember me to Rep. Wendell Wyatt.

Kindest personal regards,

Herman P. Meierjurgen.

Oregon Environmental Council,
Salem, Oreg., April 8, 1970.

Hon. Mark O. Hatfield,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Mark: Thank you very much for sending a copy of the Congressional Record containing the Administration's "environmental package."

After reading Senator Scott's remarks about the bills I can see no reason why we cannot give them our full support. We are very pleased that you are cosponsoring the bills.

S. 3468. Environmental Financing Authority to assist in the financing of waste treatment facilities seems most appropriate due to the vote in Oregon on Ballot Measure No. 4. The OEC has taken a stand in support of Measure 4 and in favor of the City of Portland's measure which will allow the city to increase the residential sewer use fees and to divorce the charge from the water use bill.

I found one change that I think should be made to the Clean Air Act, S. 3466. The Act provides that the Secretary may enter a factory to inspect prototype vehicles and to inspect vehicles being manufactured. This provision is absolutely necessary to insure that the manufacturers are living up to the letter of the law. The value of the inspection process seems to be negated by the requirement that the Secretary can only obtain the right of entry upon written notice to the manufacurer. What the Secretary sees at the factory can be carefully controlled by the manufacturer if he has ample warning that an inspection is in the offering. I hope that this clause can be removed from the Bill.

Thank you again for drawing our attention to these important new bills.

Sincerely,

Lawrence F. Williams,
Executive Director.

CEDAR-RIVERSIDE RENEWAL PROJECT, MINNEAPOLIS

Mr. MONDALE. Mr. President, I have noted with great interest an editorial published in the Minneapolis Tribune on Wednesday, April 15, 1970, regarding the exciting urban renewal project in the Cedar-Riverside area of Minneapolis. There is a great need for housing in the project area because of the close proximity to the University of Minnesota, Augsburg College, and several fine hospitals. The private and public interests have recognized this need and as a result the first phase of this project is to replace the existing 92 units with 1,260 housing units, many of which will be low-rent public housing and units available for low- and moderate-income occupants. This will greatly benefit the many students and other low- and moderate-income people that live in this area. It makes me very happy to see urban renewal being used to provide much needed housing and at prices that the residents of the area can afford.

I commend this fine editorial to the Senate's attention and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The "New Town" for Cedar-Riverside

For more than 10 years, there were hopes and plans for redevelopment of the Cedar-Riverside area of south Minneapolis. For more than 10 years, opposition and controversy blocked the plans as the area grew more blighted. But the controversy is over now, the Housing Authority announced Tuesday its qualified approval of first-stage plans and, if all goes according to schedule, construction will begin this year on a $25-million housing project.

Undertaken through an unusual combination of private and public action, the project defies the standard criticisms of urban re-

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newal and offers the prospect for a dramatic "New Town" in the central city.

The usual criticism of urban renewal is that it destroys more housing than it replaces, lowers the supply of low-income dwellings and leaves vacant land that produces no taxes. In this case, a private group known as Cedar-Riverside Associates plans in the first phase to build 1,260 housing units in place of the existing 92 units. Of the total, 100 units will be low-rent public housing for families and 500 units will be for low- and moderate-income occupants under a federal subsidized-interest program. Rent supplements could be used on some of the 500 units to bring down monthly charges even more. The rest of the units will be for middle- and upper-income tenants to provide a good economic mix and a full range of housing for students, faculty, university and hospital employees of the area.

Another criticism of urban renewal is that it too often produces projects that are poorly designed and lacking in cohesion. In this case, Cedar-Riverside Associates called upon top-rate consultants who have planned and designed an impressive project combining cohesiveness and diversity. The project includes high-rise and low-rise buildings, parking facilities, commercial space, a plaza and walkways. The developers also plan to provide facilities for a public school, recreation, health and other social services.

The proposed public outlay in the initial project seems reasonable when compared with costs in other renewal programs and the amount of private investment being generated. A requested land write-down of $700,000 for the subsidized housing is only half of the usual renewal write-down on a total-project basis. Another $490,000 is sought for site improvements and $1.3 million is requested for the public plaza and walkway system. These costs would be quickly repaid and then some in the estimated annual tax return of $600,000 from the completed first stage.

The so-called Cedar West project appears to be a promising start for redevelopment of private properties in the Cedar-Riverside area. If local and federal approvals are given on funding proposals, and financing is obtained as expected, the city's West Bank renewal will be under way, at long last.

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U.S. POLICY TOWARD AFRICA

Mr. BROOKE. Mr. President, some weeks ago the Secretary of State spent more than 2 weeks touring many of the nations of Africa. His tour was followed with a great deal of interest by the African peoples and by many of us here at home.

Since his return, the Secretary has reported his findings to the President in a widely circulated and discussed policy statement which reveals his personal interest in, and sensitivity to, the issues confronting this emerging continent. I have heard many fine reports from African friends, from journalists who accompanied Secretary Rogers, and from "Africanists" in this country, on the Secretary's trip. I have also had an opportunity to read the policy statement for myself. Its emphasis on economic development, its expressions of concern and support for self-determination, are all indications of a renewed and determined American commitment to support change and improvements in the conditions of African life.

I commend the Secretary for his interest and involvement in shaping our policy toward an area of the world which has contributed much to world culture and which offers great promise for the future.

In addition, I ask unanimous consent that an article on our African policy, written by William C. Selover of the Christian Science Monitor, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. HEEDS REALITIES ON AFRICA

(By William C. Selover)

WASHINGTON.—In markedly subdued tones, the Nixon administration has quietly launched its "new approach" to the troubled, emerging continent of Africa.

Unfortunately, even the State Department's own experts on Africa are left wondering what's so new.

In the long-awaited report on his precedent-setting tour of Africa, Secretary of State William P. Rogers outlined the administration's Africa policy.

Essentially, it is this:

Continue to provide foreign aid at "not less than the present level."

Create a fresh "climate" in Africa's developing nations where U.S. private investors may freely do business.

Actually, most observers agree that little in the report is new.

EMPATHY GENERATED

But it comes on the heels of the first visit ever by an American secretary of state to that continent. And the Rogers statement does, in fact, go into some detail about precisely the steps the United States Government can take to aid Africa by indirect means, such as relaxed trade and tariff policies.

This is considered here all to the good.

Mr. Rogers reportedly empathized deeply with the sentiments of emerging black-led nations during his visit. The U.S. decision to close the American consulate in Rhodesia was reportedly urged by the Secretary of State in strongest terms on his return.

All of this gave some hope to African diplomats here that the United States was genuinely interested in an area that has always suffered from U.S. neglect.

But informed State Department sources are concerned that America's first veto ever, cast last month at the United Nations (It was against an Afro-Asian proposal condemning Britain for failing to use force to overthrow the white minority regime on Rhodesia) may have destroyed all the goodwill built up by the Rhodesian decision among the African leaders. In this context, African reception to the Rogers statement here is cautious—even disbelieving.

U.S. sources argue privately that the veto was not necessary, since Britain blocked the resolution by its negative vote anyway.

On the other hand, the veto signaled a new era of candor and realism in U.S. relations with Africa. And this may gain some points for the United States, officials here speculate.

"We were arguing against the resolution in the halls of the United Nations. Everybody knew that," said one State Department official. "To abstain after that would have been hypocritical."

Apparently, the Secretary of State also believes that it would be hypocritical to promise an enlarged foreign-aid package to Africa, while sentiments in Congress are set against such moves.

Again Mr. Roger's strong endorsement of greater private investment is another signal of cold realism creeping into United States policy in Africa.

In effect, without any hope of increasing direct government aid, which runs to about $350 million a year, the Secretary of State simply salvaged the situation by finding an alternative.

PRIVATE INVESTMENT STRESSED

"We believe," he reported, "that private investment can and should play a growing role, above and beyond public assistance, in African development."

At the same time, Mr. Rogers shifts some of the burden on African governments.

Businessmen, he said, "pay great heed to African government programs to foster a favorable investmént climate."

He suggested that "an investment code, assurances from the African government and reasonable entry, work, and tax arrangements can make the difference between an American's willingness or unwillingness to work out an investment."

In 1968, the last year for which figures were available, U.S. foreign investment in Africa amounted to $2.673 billion. But an enormous part of that went to areas outside of the developing, black-led nations. Some $692 million, for instance, went to South Africa and, $676 million went to oil-rich Libya.

GROWTH SOUGHT

But there has been a steady growth of private investment in nations recently independent. By the end of 1968, for example, the total value of U.S. private investment in member countries of the Organization of African Unity amounted to about $2 billion.

Mr. Rogers believes this figure can be increased dramatically.

Already, according to Mr. Rogers, programs are under way to stimulate private American investments in manufacturing, agro business, and commerce.

Mr. Rogers believes that the U.S. has been increasingly successful in getting American investors to look at large-scale agriculture projects in Africa. In the last three years, he says, American companies have conducted 27 preliminary studies of such projects which led to 10 in-depth studies and 4 investment commitments. Several more, he says, are being negotiated.

OTHER FIELDS URGED

Also, he reports new efforts to get "medium-size American investors" to explore other African markets—such as flour milling, bus transportation, food processing, shrimp fishing, and plywood manufacturing.

The Secretary of State also believes that the new Overseas Private Investment Corporation, which will provide guarantees, equity, local currency loans, and investment advice, will be "an important element in stimulating further American private investment in Africa." The Overseas Private Investment Corporation was proposed earlier and approved by Congress in Mr. Nixon's overall foreign-aid reform.

TARIFF STEPS WELCOMED

He also offered the President's "generalized tariff preferences for all developing nations" as one step to freer trade with African states, and he welcomed the steps by the Central African Customs and Economic Union to reduce general tariffs on most imported goods by 50 percent.

"This measure," he says, "offers the prospect of greater American trade with these countries.

"We seek a relationship of constructive cooperation with the nations of Africa," Mr. Rogers explains, "a cooperative and equal relationship with all who wish it. . . . We want no military allies, no spheres of influence, no big-power competition in Africa."

SUPPORT FOR CLEAN LAKES

Mr. MONDALE. Mr. President, this month, concern over our environment reached its highest level in history.

Millions of citizens rallied across the Nation April 22 to dramatize the urgency of the crisis. I am hopeful that this great display of public support for a better environment will be translated into affirmative action by the Congress this year. Passage of a number of pending bills could lead to the stabilization and improvement of the condition of our air, land, and water.

I am particularly concerned about the steady decline of our waterways in recent years. Earlier this month I introduced a measure designed to revitalize the polluted lakes of America, and I am gratified by the support it has received.

Twenty-six Senators are cosponsoring it. I have received favorable mail on it. The bill has also been editorially endorsed by several major newspapers in my home State.

The latest editorial is from the Rochester, Minn., Post-Bulletin of April 16.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MONDALE'S BILL OFFERS HOPE FOR MINNESOTA'S, NATION'S AILING LAKES

Sen. Walter Mondale's introduction last week of legislation in Congress to speed lake improvement and restoration could do much to soothe Minnesota's troubled waters.

Following in the wake of the recently passed Water Quality Improvement Act—which provides pilot research on lake pollution abatement—the new legislation would increase federal aid to upgrade treatment plants now discharging effluent into endangered lakes. It also provides funds to aid reclamation of presently polluted lakes.

With an estimated 100,000 lakes throughout the nation in trouble, the legislation is obviously of more than just Minnesota's interest, but this state could certainly benefit from its passage.

Under Mondale's proposal, federal grants for treatment plants located near lakes could amount to 65 per cent of the cost, provided the state furnished 20 per cent. To be eligible, enforceable water quality standards must be set and maintained. Only treated water could be discharged and pre-treatment of industrial waste would be required where necessary.

Other provisions would authorize cooperation between the state and the Corps of Engineers and the Bureau of Reclamation, and would call for added research in lake reclamation. A separate fund could provide, over a four-year period, for dredging and removal of sludge and for shoreline improvement.

Minnesota—with many lakes—has many problems, and the soft-water lakes in northern Minnesota are particularly vulnerable to pollution. One reason is that they lack minerals to precipitate out some of the pollutants, as is the case in the hard-water lakes of this area.

But even in southern Minnesota—with higher populations, more industry and intensified agriculture—the problem of lake pollution is acute, largely because lakes have no means of disposing of chemical additions as do rivers.

Belated recognition of the state's lake problems is found in the Minnesota lakeshore zoning provisions, now going into effect. But this is a preventive measure, and of little benefit to the lake already in trouble. It is here that the Mondale legislation could prove of real value to lakes in Minnesota and many other states.

Pollution from growing numbers of lakeside homes, municipal and industrial waste and agricultural runoff have clogged too many Minnesota lakes with silt, weeds and algae. Their reclamation is generally beyond local means and the Mondale legislation holds the only present prospect of any substantial relief of the problem.

A few years ago a bill to reclaim lakes, without offering industrial or agricultural benefits, would have stood scant chance of passage. But newer awareness of broader ecological values has increased its chances substantially. Certainly it would be of benefit to Minnesota and many other states and deserves support.

HELIUM CONSERVATION

Mr. HRUSKA. Mr. President, a decade ago, the Senator from Colorado (Mr. ALLOTT) played an important part in launching a program to stop the needless waste of a rare and unique resource, namely, helium. This wondrous natural resource was contained in certain natural gas deposits in high enough quantities to make it economically extractable prior to the burning of the natural gas. Ultimately, these particular natural gas fields will be exhausted; but, the purpose of the helium conservation program is to extract and store as much of this vital resource as can be cheaply extracted from these unique gas fields which are rich in helium content.

As originally envisioned, the program was to be totally self-financing. The Government would buy the helium at approximately $11 per thousand cubic feet and would sell it for $35 per thousand cubic feet. The price spread was intended to take care of the storage charges and the cost of borrowing money, since Government purchases would exceed annual helium requirements. Government storage now exceeds 24 billion cubic feet of contained helium.

However, as we all know, the cost of borrowing money has gone up dramatically over the past few years and this has cast a heavy burden upon the self-liquidation of the helium conservation program. In addition, certain of our short term space and military needs have fallen off sharply, thus reducing revenues from sales. Further, some Government contractors have purchased helium from private suppliers at a price lower than $35, but considerably more than the $11 paid by the Government. This has tended to further reduce Government sales of helium. It should be noted, however, that supplies of helium outside of the Government conservation program are quite limited by comparison. Nonetheless, this temporary incursion on the helium market with respect to Government contractors has weakened the fiscal posture on the conservation program, at least temporarily.

There are those who have advocated the termination of the helium program and the liquidation of the helium asset. I reject such suggestions and believe that it would be folly to follow such a course. Senators know that helium has many exciting potential uses, many of which will have a direct bearing upon the restoration of the quality of our environment and the improvement of our standard of living. To mention just a few of the many environmentally oriented applications of helium would include: the generation of electrical power by both nuclear and magnetohydrodynamic methods, super conductive transmission of electricity, and helium is essential in cryogenics and in the exploration of the deep sea.

Mr. President, on March 23 and 24 at the Helium Symposium, held in Washington, D.C., many important papers were presented concerning future uses and sources of supply of helium. I recommend them to all who are interested in the important role helium will play in our quest for a more livable environment.

I ask unanimous consent that one of those statements, an address by Senator GORDON ALLOTT at the symposium luncheon, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR GORDON ALLOTT

As a co-author of the 1960 Helium Amendments, the Act which set up the Helium Conservation Program a decade ago, I have more than a passing familiarity with the wondrous natural resource and its value for the future.

Speaking before this group presents an almost irresistable temptation to make some jokes about the relationship between your product and the politician's job. I am going to resist that temptation. I do not want to do anything that would lead you to believe that politicians specialize in speeches that are—like helium—lighter than air. Besides, I can't think of one that would get off the ground.

But if I might be permitted a pun, I want to say how pleased I am to be addressing such a "resourceful" audience. You are the sort of people who turn America's natural materials into real natural resources. You are responsible for keeping America productive.

This is a great responsibility.

As part of your task, you must spend a good deal of time thinking about underground matters. But, as I am sure you know, you and others like you are right in the middle of an above-ground storm. This storm is associated with this year's magic word—"ecology".

There are those who think we honor the earth—and do mankind a favor if we left the earth—including the material beneath the surface untouched by human hands.

There are some extremists who would like to cast people like you in the role of villains. Well, I want to leave no doubt where I stand on this matter. I support the resourceful people who are developing America's resources.

You know, the West is still one area of America where opinions are firm and clear—where men are not afraid to say what they think—and where differences can sometimes be pretty stoutly battled, at least in the political arena.

But one area in which we have developed a common concern is the importance of natural resources, whether they be water, timber, grazing lands or minerals in the earth.

There is a very basic cause for this common theme—it is a matter not only for the growth development of our respective states, but of survival.

Some of our western states are very arid and the matter of water supply has been a vital concern ever since the land was settled. In fact, the settling of the West would not have been possible had it not been for the adoption of an innovative concept of water law and conservation. It remains so today. In any case, we in the West know by hard lesson that water is life.

The great national park system got its start in Yellowstone, Wyoming, and Taylor Grazing Act resulted from western desires to

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conserve the grass lands and prevent over grazing. Conservation lessons in the West have come from necessity—the mother of invention.

For years, however, easterners were not deeply concerned with this kind of problem. The eastern industrial states and their representatives in Congress often looked at the West's concern over conservation and resources as a parochial outlook, something that went over with the home folks, but not really "national".

All that has changed now. The East is learning the same lessons the West has learned over the past century. Conservation is a national problem, with a global impact.

In our area we had to learn, sometimes by the most painful of trial and error methods, of the need to balance human actions in the conservation field. We had to learn first to solve the basic problem, then to weigh the effect on the surrounding ecology; we had to assess our neighbor's problems as well as our own.

Thus, we have had to balance construction of dams against the flooding of wildlife habitats, or destruction of scenic areas. However, in some instances we found we could not only provide people with water and power, but could also improve the habitats of fish and wildlife. We have had to point the way in meeting the challenge of conserving our resources and providing for our human needs. Only recently has this come to be regarded as national in scope. For resources have a way of transcending local boundaries, and becoming the concern of the region and the Nation.

Thus, it is no accident that the West—where magnificent vistas abound—became the region that had to learn pragmatically about a word that is now capturing the imagination of the writers in New York.

We sometimes find it amusing to hear the same oracles expounding upon the virtues of conservation who not so long ago were calling western conservation programs "boondoggles".

The word is "environment" and whether it happens to be an "in" word or not makes no difference—environment is important and increasingly so to the quality of life in this Nation.

You know, ten years ago the only time you heard the word "environment" was when someone else used the word "heredity".

But this problem of ecology, of managing the environment, is indeed a critical challenge for every one of us.

This land of ours, which we have taken for granted for so long, has only so much to give. It is not an unlimited treasure trove to be plundered at will.

There are 200 million Americans now. Our population is expected to nearly double by the year 2000—only 30 years away.

And that means that everything that sustains life—water, open space, mineral resources—takes on a new significance, viewed against the realities of population and the voracious consumption of these assets which is a concomitant of the high standards of American life.

We *do* have a high standard of living. Every industrial nation of the world is scampering to try to provide its citizens with the kind of life we accept as basic.

But that very level of existence, provided by our advanced industrial and technological system, makes us consume minerals at prodigious rates. In the first three decades after 1930, we in the U.S. consumed more mineral raw materials than the entire world consumed since the beginning of recorded history.

We can look forward with certainty to an even more accelerated rate of consumption. And, as many of you know, I have long advocated the need for a "National Minerals Policy", which I believe can be the cornerstone of the tremendous effort we are going to have to expend to effectively conserve and yet provide our needed minerals to support both our industry and standard of living.

It is clear, as President Nixon told the National Governors Conference last month (February 25), that "conservation today . . . is an inadequate term to describe what we need to do."

"What we need to do now," said the President, "is not conserve simply what we have in the way of natural beauty and natural resources . . . we need restoration."

It is an urgent call, one that recognizes the immensity of the problem and the immediacy of the need to act.

When, however, we deal with mineral resources an even greater urgency is injected into the picture. A depleted forest can be reforested, even an eroded beach restored—but a wasting mineral resource, once exhausted, is gone forever.

Helium is a perfect example of a wasting resource which can be lost in this way.

More than a decade ago, during the Eisenhower Administration, it was recognized that huge volumes of helium were being wasted into the atmosphere as a result of burning natural gas from certain gas fields without having first extracted the helium component of that gas.

All of the helium that passed into the air at the burner tip is, for all practical purposes, gone.

And, in fact, even the conservation program we enacted in 1960 cannot reach all of the potentially recoverable helium. We find that 50 percent is still going up in smoke.

Why didn't we reach all of this helium?

The answer, of course, is economics, the difficult task of balancing need against the ability to pay.

Make no mistake about it, any conservation program will always have to reflect our ability to pay.

But I believe that when we look at conservation we cannot always use the same measuring standards that one uses to judge the performance of a small business.

For instance, what is the bookkeeping value of a wasting asset—can it be measured the way we put values on goods or property?

Right now, officials of the executive branch of government as well as the Congress are looking at the current helium conservation program. Well and good. There should be no program that is sacrosanct and immune from change.

If helium conservation has run into bookkeeping problems, it must meet those problems in a direct way so that the Congressional overseers and the public in general are assured that maximum efforts are being made to pursue a sound course of financing.

But it would be folly to scrap the program entirely. Our present knowledge tells us that we are still wasting some 3.5 billion cubic feet of helium into the atmosphere each year. This is helium from the gas sources we now regard as the richest in helium content, and therefore the most economical to reach.

You will hear of many exciting potential uses for helium in the next two days—many of which will have a direct bearing upon the restoration of a quality environment and the improvement of our standard of living.

All of the helium we now have in storage, seemingly so abundant, would have little meaning if we arrive at a period twenty years hence when we have created many technologies which rely on helium, yet have no more helium coming out of the ground.

So a balance must be struck—and I am not going to try to suggest how today—but the parallel is clear. Just as we do in other conservation projects, we must strike a balance with our helium program between ability to pay and sound planning.

This must be so in our approach to many environmental problems, for this business of the environment is not single-faceted.

Just as in the West, we have found that irrigation water is not a problem that stops at state lines; so we must approach the conservation of mineral resources, the preservation of lakes and rivers, the solving of air and water pollution as national problems.

For, as President Nixon told the Governors Conference, "here is an area where if we do not act now, it will be too late possibly ever to act again."

Despite the necessity for strict budgetary disciplines, the President has given environment the top priority in a competitive list of domestic issues.

And he has acted on his belief. On March 5, he issued an executive order to carry out the purposes of the National Environmental Policy Act of 1969.

He declared that the Council on Environmental Quality shall be a key advisory board to assist the President in providing leadership in protecting and enhancing the quality of the environment, and directed the Council to coordinate the programs of other agencies.

The President is doing his best to make sure the government will try to speak with one voice on matters of ecology and environment.

Those of us in Congress who share the President's view that environment and resources are among the most vital of national concerns join him in this commitment.

Theodore Roosevelt once described conservation as ". . . dealing intelligently with what we have". Wasting our major source of low cost helium into the air by failing to first extract the economic helium from certain natural gas, would hardly seem to qualify as ". . . dealing intelligently with what we have". The helium conservation program may need adjustments—even major adjustments—but let's not "throw out the baby with the bath water".

PRISONERS OF WAR

Mr. HRUSKA. Mr. President, like every other State in the Union, Nebraska has its share of young men who are missing in action or are presumed to be prisoners of war in Vietnam. This entire prisoner-of-war situation is one of the most deplorable episodes in our Nation's history, and certainly the refusal of the North Vietnamese Government to agree even on humane treatment of prisoners, or to provide information about missing men, is one of the most frustrating aspects of the war.

Many dedicated Americans in public office and private capacities have attempted to develop innovative means of easing, if not solving, the prisoner-of-war situation. Thus far, all efforts have been to no avail. Thus far, the enemy has been implacable, refusing even to provide the most elementary aspects of humane treatment to prisoners, or equally important, to provide a shred of information to the families of servicemen who are missing or presumed prisoners.

The most heartless act of all is Hanoi's absolute refusal to provide any information to the wives and families who are merely asking to know whether their loved ones are alive or dead.

More than 1,450 Americans are listed as missing or captured, and despite repeated American efforts, official and unofficial, Hanoi consistently refuses to provide any information about the prisoners, or to allow any communications to be delivered to them.

Pilgrimages of prisoners' wives and other similar overtures endeavoring to

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establish a semblance of communications with the prisoners have all been repulsed by Hanoi. The Vietcong has ignored the Geneva agreement provisions for information about all prisoners, the right of prisoners to correspond with their families and to receive packages, inspection of prisoner-of-war camps by an impartial organization such as the Red Cross, and the early release of seriously sick and wounded prisoners.

How unfortunate, Mr. President, that those who untiringly demonstrate and protest against our war effort do not channel their efforts into constructive causes such as achieving decent treatment for our prisoners. If their enthusiasm and perseverance could be expressed in an orderly manner, along with the voices of other concerned citizens, we might soon pierce Hanoi's curtain of callousness in this matter.

Many ingenious means of moving Hanoi from its barbarous position have failed. It appears nothing will induce the Vietcong to act in humanitarian terms unless it is the weight of world opinion. Even though some people despair that expressions of public opinion do make any impression upon the world press, and more directly upon the Communists, we do have proof that changes can be made when they are motivated by the resolute, unified voice of the American people.

It is this voice which we must project with regard to our prisoners of war. This is a cause which can well be espoused by veterans organizations especially, as has been done in Nebraska. But it is a cause to which all of us can contribute.

In this connection, I commend the junior Senator from Kansas (Mr. DOLE) and a number of our colleagues in both Houses for their fine work in organizing an Appeal for International Justice, an impressive tribute to American prisoners of war and those who are missing in action. It will be held on Friday, May 1, at Constitution Hall. Honorary cochairmen will be H. Ross Perot and Mrs. James B. Stockdale, of Coronado, Calif., who are national coordinators of the National League of Families of American Prisoners in Southeast Asia.

I have received a number of letters from afflicted families in Nebraska asking me to attend this affair. Many Senators are receiving similar requests. I have arranged my schedule so as to attend the event and I urge my Senators to make every effort to join personally in this occasion on behalf of this important cause.

To demonstrate the support of Nebraska organizations for this common cause, I ask unanimous consent to have printed in the RECORD two resolutions which have come to my attention. The first resolution was adopted by Omaha Post No. 1 of the American Legion and later passed by the Legion's Department of Nebraska Executive Committee. Virtually identical resolutions have been passed unanimously by the Nebraska Federation of Young Republicans, and the City Councils of Omaha and York, Nebr. The second resolution was adopted by the Nebraska Junior Chamber of Commerce.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION IN SUPPORT OF CAPTURED AMERICAN FIGHTING MEN AND THOSE MISSING IN ACTION

Whereas Article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States Government become the "supreme law of the land," notwithstanding contrary limitations of the Constitution itself; and

Whereas notwithstanding solemn promises ratified at the International Conference at Geneva that all prisoners of war captured would be given the respect of humane treatment; that Article 2 of the Convention provides that it "shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them;" and

Whereas the government of North Vietnam acceded to the Convention on June 28, 1957, and the government of South Vietnam acceded to the Convention on November 14, 1953, and the government of the United States acceded to the Convention on August 2, 1955; no pretense of compliance has been advanced by North Vietnam or the National Liberation Front (Viet Cong), despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

Whereas repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist violence have proven ineffective through the United States Department of State; now, therefore, be it

Resolved by The Nebraska Jaycees that we commend, encourage, and support the State Department for the efforts made in the past to comply with the terms of the Geneva Conference, and that we encourage further efforts for the release of names of prisoners held; also, that pressure be brought to bear against the government of North Vietnam to provide

1. Immediate release of sick and wounded prisoners.
2. Impartial inspections of prisoner of war facilities.
3. Proper treatment of all prisoners.
4. Regular flow of mail.
5. Most importantly, the release and freedom from captivity of those American fighting men of this "undeclared" war with North Vietnam. And be it

Further resolved that there be enacted by the Congress of the United States a code of protective legislation similar to the Uniform Code of Military Justice, Public Law 506, applicable to American personnel captured in military operations other than in a "declared war," to assure that the full force, authority, and power of the United States of America shall henceforth be publicly committed to the attainment of freedom from captivity of all Americans captured in such military actions, past and future.

OMAHA POST NO. 1, THE AMERICAN LEGION—RESOLUTION

General Purpose: To help the prisoners of war in Southeast Asia by insisting on adherence to the basic tenets of the Geneva Conventions by all governments holding prisoners of war in that area.

More Specific Purpose: To protest the obvious and by now conclusively proven inhumane treatment of American prisoners of war held by the Government of North Vietnam and the Viet Cong.

Whereas: It is international common knowledge that the Government of North Vietnam signed the appropriate documents of the Geneva Conventions in 1957 and, in effect, solemnly promised to adhere to the covenants contained therein. This conforms to the same actions taken by 119 other national governments, all in mutual agreement and good faith.

Whereas: The Government of North Vietnam has contumaciously ignored the said covenants and particularly disregarded those relating to the humane treatment of prisoners of war.

Under the most transparently false pretext that American captives are not prisoners but "criminals", neutral inspections of its prisons have not been allowed. Further, it has refused to adhere to the most basic and clearly stipulated terms of the Geneva Conventions relative to:

The identification of the prisoners it holds captive.

The release of those seriously wounded or ill.

The allowance of a proper flow of letters, packages and the like.

The protection of prisoners from public abuse.

The use of prisoners for propaganda purposes.

False information about prisoners which has been harmful to their mental health and well being along with that of their families.

Other possibly less serious infractions.

Whereas: It is recognized that the Government of the United States has reacted to this deplorable situation with some directness and vigor most recently. Notwithstanding and regardless, the whole treatment of this particular aspect of the Vietnam Conflict from its beginning has comprised one of the most shameful chapters in American history.

The effect has been to tarnish the international image of the United States of America. It has adversely affected our national pride, irreparably damaged our traditions of unflagging patriotism and impaired our stature and political posture among nations.

Finally, the prisoners of war and those missing in action have been virtually abandoned to suffer and die without relief, without hope and without redress in any visible form.

Therefore, be it resolved by Omaha Post No. 1—the American Legion:

That: The will of the people of the United States of America, as expressed by these presents, be made known to appropriate officials, departments and agencies of the Government of the United States of America, the Government of North Vietnam, the governments of other nations, all representatives to the United Nations and more particularly the Secretary General of the United Nations. Further, that this resolve be made known to representatives of news media on both a national and international level.

To Wit:

That: The intransigence of North Vietnam relative to those matters be overcome and that it be directed by American influence and international influence to correct these grave wrongs and provide redress for those committed.

That: More specifically, this direction result in:

1. Inspections of all prisons, prison camps and other places of detention by neutral parties and particularly the International Red Cross.
2. All prisoners held being properly identified immediately.
3. All prisoners seriously ill or wounded being released immediately.
4. A proper and constant flow of letters, packages and the like being allowed.
5. All prisoners being protected from further public abuse.
6. A complete cessation in the use of prisoners for propaganda purposes via demeaning photographs, public parading or any other methods.

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7. An immediate stop to the release of false information relative to the prisoners of war, collectively or any individual prisoner.

Be it further resolved:

That: Omaha Post No. 1—The American Legion embark on a campaign including but not limited to special programs and rallies, petition drives, public declarations and other feasible means to pursue both the letter and the spirit of this resolution.

That: Central to the campaign and as a banner-head for all activities and a masthead for all publications, the term "The Forgotten Americans" be used and emphasized.

Finally, Be It Further Resolved:

That: A copy of this resolution be provided for the Department of Nebraska Executive Committee at the earliest moment and with the suggestion that adoption plus endorsement to the National Executive Committee may be in order.

Submitted for action by the Executive Committee, Omaha Post No. 1—The American Legion—February 17, 1970.

For the Commander's Special Committee:

H. James Grove,
Past Commander.

CANADIAN OIL QUOTAS THREATEN SURVIVAL OF MIDWEST REFINERIES

Mr. MONDALE. Mr. President, the President's recent order restricting imports of Canadian oil has serious consequences for consumers throughout the upper Midwest. But for consumers in Minnesota, especially, there is a grave risk of shortages of product and forcing of independent refiners out of business.

As a bipartisan group of 25 Senators advised the President in a letter of March 25, these new controls "will result in increased costs and, in some cases, fuel shortages and curtailed operations." The Northwest Petroleum Association, representing some 1,700 independent oil distributors in Minnesota and North Dakota, has strongly protested President Nixon's order and has pointed out that, for some of their members, denial of sufficient Canadian crude oil "will become a matter of actual survival and not economic choice."

Mr. President, I ask unanimous consent that the position paper and resolution of the association be printed in the Record.

There being no objection, the position paper and resolution were ordered to be printed in the Record, as follows:

Position Paper

The Northwest Petroleum Association, with offices at 512 Nicollet Mall, Minneapolis, Minnesota, and representing some 1,700 independent oil distributors in Minnesota and North Dakota, has today voted to go on record as strongly opposing President Nixon's order and regulation strangling this geographical area because of the inconsiderate and unacceptable restriction on imports of Canadian crude oil. The four small refineries in Minnesota depend greatly on Canadian crude—one exclusively. In fact, their construction, expansion and commitments were made in reliance on Canadian crude oil. If they are denied this source it will become a matter of actual survival and not economic choice.

These refineries have contracts with major companies in this area to supply finished products and they also supply small independent distributors. Curtailment of these Canadian imports will mean a shutting off of products to small distributors who are reliant on them for product supply.

We believe that any such restrictive order should give clear recognition to the deficit of domestic crude oil in this region of the country. To say that this order is taken for national security reasons is completely opposite to the beliefs of this association; indeed, should national security be threatened, these small refineries would be needed more than ever before.

This order should, if truly needed for national security reasons, be re-evaluated and judged by accessibility of domestic crude in sufficient amounts, the volumes needed for the area in view of weather, geographical location, population and agricultural needs with the end goal of maintaining healthy competition and fair prices to the consuming public. Anything else is profane.

Resolution of the Board of Directors, Northwest Petroleum Association, April 7, 1970

Whereas, President Nixon's order or regulation restricting the importation of Canadian oil, is in complete disregard for geographical access to domestic crude in the area, and in complete disregard for the independent refiners of this area who are solely dependent on Canadian crude for their operations; and,

Whereas, major refiners have access to Alaskan and foreign crude oil from all over the world, and this order singles out, in a crude-deficit area, the non-integrated single refinery independents, and forces a reduction in their operations and thus blocks them from any share of market growth; and,

Whereas, rather than create equity, this order creates inequity in that it favors the big and harms the small; and because of contractual obligations with the integrated companies, this substantial cutback in refinery throughout will eliminate the sources of supply for the smaller independent distibutors and create a significant reduction in competition, depriving small marketers from access to products; and

Whereas, this order or regulation is being foisted under the guise of national security, and this Association does not agree that such a threat exists, and

Whereas, the end effects of this order could well create a short supply situation in this area, as well as stunting the growth of small independent refiners upon whom small distributors rely for supply,

Now, therefore, be it resolved that the Board of Directors of the Northwest Petroleum Association gathered in annual session this 7th day of April, in the year 1970, do hereby deplore the inequities and probable hardships caused by the regulations covering Canadian crude oil imports and restrictions of imports into this area, and urge an immediate revocation of such order.

Be it further resolved, that copies of this resolution and position paper be sent to President Nixon, Senators Mondale and McCarthy, the Secretary of the Interior, the Imports Control Board, the Commission on Economic Development, all Chambers of Commerce in Minnesota, the N.O.J.C. and all persons and organizations known to be sympathetic to these beliefs.

Be it further resolved, that the National Oil Jobbers Council be urged to lend its support in this matter.

CHIEF JUSTICE BURGER COMMENTS ON OUR CORRECTIONAL SYSTEM

Mr. HATFIELD. Mr. President, I read with interest the recent article by Chief Justice Warren Burger, "No Man Is An Island." It appeared in the April 1970 American Bar Association Journal.

The article reflects Justice Burger's deep concern with judicial administration and our correctional institutions. In Oregon, Project Newgate, at the Oregon State Penitentiary, has been a real help in training men in prison to take useful roles in society after their parole.

Because of the wide interest in our correctional system, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

No Man Is an Island

(By Warren E. Burger)

(Note.—Our system of criminal justice has placed heavy emphasis on the criminal trial and has neglected to give as much attention to the correctional system. Yet, what happens after a convicted person goes to prison is as much a part of the administration of criminal justice as the adjudicatory steps. The harvest of our neglect in the field of corrections is excessive recidivism and a crime rate that is a national scandal. It is time, with the American Bar Association leading the way, to face this problem.)

As we proceeded with the American Bar Association's Criminal Justice Project, of which I had the honor to succeed Judge J. Edward Lumbard as chairman, it became more and more clear that all the improvements in the traditional area of criminal justice would mean little if we did not recognize that a system of criminal justice must be seen as more than litigation within the framework of the adversary system.

Many people tend to think of the administration of justice in terms of the criminal trial alone, because this is the part of the process that occurs in the local community. But, more than that, it is charged with the human element; it is exciting, colorful and dramatic. This is why the movies and TV have given so much time to criminal trials.

But the actual trial is not the whole of the administration of criminal justice. We ought to view it as a system—a total process that begins with an arrest, proceeds through a trial and is followed by a judgment and a sentence to a term of confinement in a prison or other institution. The administration of criminal justice in any civilized country must embrace the idea of rehabilitation and training of the guilty person as well as the protection of society. In recent years, we have been trying to change our thinking in order to de-emphasize punishment and emphasize education and correction.

Our system of trials to determine guilt is the most complicated, the most refined and perhaps the most expensive in the world. We now supply a lawyer for any person who is without means, and it is the lawyer's duty to exercise all of his skill to make use of the many protective devices available to the defendant.

But at best this is not working very well, and at worst it tends to become a spectator sport. In some of these multiple trial and multiple appeal cases, the accused continues his warfare with society for eight, nine, ten years and more. In one case more than seventy jurors and alternates were involved in five trials; a dozen trial judges heard an array of motions and presided over these trials; more than thirty different lawyers participated either as court-appointed counsel or prosecutors; in all, more than fifty appellate judges reviewed the case on appeals. Once I tried to calculate the cost of all this for one criminal act and ultimate conviction. The best estimates could not be very accurate, but they added up to a quarter of a million dollars. The tragic aspect was the waste and futility, since every

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lawyer, judge and juror was fully convinced of the defendant's guilt from the beginning to the end.

No one should challenge any expense to afford a defendant full due process and his full measure of days in court. But reasonable people must be excused if they question a spectacle that extends ten years, costs a literal fortune and produces so little to help the accused or the public—the more so when after all this extended procedure we turn away and forget the person convicted.

What we must weigh in the balance is the rationality of a system that is all contest and conflict and offers virtually no treatment of what lies at the heart of the problem—a disorganized and inadequate human being who cannot cope with life. Our system is too much sail and too light an anchor.

I do not disparage the improvements that have been made in the traditional administration of criminal justice over the past twenty or thirty years. In a modest way I have a part in some of them. The almost endless parade of committees and commissions from the 1930s to the 1970s brought many of our standards of criminal justice to a level appropriate for a civilized society. The improvements cover better training of police, better representation for defendants, better training of prosecutors and better training for judges. This represents one of the bright chapters in the history of the organized Bar.

Today it is a rare law office of any size whose younger men—and some not so young—fail to involve themselves in legal aid and public defender activities. This attitude is reflected in virtually every bar association in the country, and especially in the American Bar Association, which has worked in these fields diligently.

TOO MUCH AT HOME WITH LITIGATION

We must concede, however, that our renewed concern has centered almost exclusively on the litigation aspect of criminal justice. This is natural. Litigation is our craft. It is here that we feel at home, but it is also true that it is here that we find lawyers and judges becoming so engrossed with procedures and techniques that they tend to lose sight of the purposes of a system of justice.

I see two basic purposes—the first to protect society; the second to correct the wrongdoer. If this is correct, we should stop thinking of criminal justice as something that begins with an arrest and ends with a final judgment of guilt. We must see it as embracing the entire spectrum, including that crucial period which begins when the litigation is over and the sentence is being carried out. It is here that the success or failure of our society will make itself known.

If, as John Donne told us, "No man is an Island" and every man's death takes something from each of us, how much more is this true of the tragic failure we witness when the judgment of society is pronounced on one man and we decree that he must be placed behind walls? The bell that tolls for one man's death is not a consequence of our collective judgment—except in those rare cases in which society still enforces the death penalty. But when a sheriff or a marshal takes a man from a courthouse in a prison van and transports him to confinement for two or three or ten years, this is our act. We have tolled the bell for him. And whether we like it or not, we have made him our collective responsibility. We are free to do something about him; he is not.

The second purpose of a system of justice is less clear, and it is one on which we are truly ambivalent. Even when we profess rehabilitation and correction as objectives, we probably know that to all of us some of the time and some of us all of the time punishment and retribution are factors. According to some theologians and psychiatrists, this is not necessarily bad. It is only when anger and revenge dominate the process of discipline and correction that we are on a self-defeating course. A distinguished psychiatrist, the late Philip Roche, pointed out that the punishment of a criminal serves an important therapeutic purpose. He said that when a community experiences a horrible crime or a sustained crime wave, there occurs a mass trauma that must have some outlet or build up into irrational expression or explosion. The conviction and imprisonment of a wrongdoer affords a collective release to the pent-up fears and anger of the community.

It is important to remember this so that we do not fall into the easy error of becoming so filled with righteous piety that we accept the cliché that all punishment is somehow an evil thing. Perhaps the real evil underlying our penal system is not its concepts, whether rehabilitation or vengeance or something else, but the lack of any agreed concept, the absence of plan and purpose, and worst of all—the indifference that underlies the neglect.

It may be that, in part at least, the roots of our collective failure to develop effective systems of correction in this country are the same American traits that account for the amazing progress and development we have experienced in the past one hundred years, the very span of life of the American Bar Association. We have, in those one hundred years, grown from a divided, war-shattered and very junior nation into one of the two great world powers. We have succeeded because we have demanded instant success, and now the psychologists tell us that instant gratification can be a dangerous thing because it cannot always be achieved.

PRISONS CANNOT GIVE US INSTANT GRATIFICATION

This national background may explain our attitude toward prisoners and prisons, an attitude of indifference on the one hand and impatience on the other. We seem to expect the prisoner to return to society corrected and reasonably ready to earn an honest way in life simply because we have locked him up.

This indifference and impatience with the slow and painful process of changing human beings have developed systems of corrections that do not correct. The harsh reality is reflected in painful figures: two thirds of all of the 200,000 inmates of federal and state prisons in this country are "alumni" of our noncorrecting correctional systems. The President's Commission on Law Enforcement and Administration of Justice estimated that in the next five years this total will increase by 7 per cent, which would bring the total prison population to nearly 240,000 by 1975. The cost of crime, therefore, can be reckoned in billions, on which there are no records or statistics. Our enormous and unparalleled success in doing so many things so well and so swiftly has not conditioned us with the right kind of attitudes for the slow, painful and, as to some offenders, impossible task of changing the human beings who are sent to prisons.

Criminal offenders who go to prison are at least as varied as the human beings who are law-abiding, church-going taxpayers. We know, moreover, that a large proportion of them are seriously maladjusted. Those who are not when they enter prison are likely to be so when they go out.

To have any hope of correcting, reforming, rehabilitating or changing these people calls for a wide variety of programs, including diagnosis, counseling, education, vocational training and often intensive psychiatric therapy. The infinite variety of needs cannot be met in single, large institutions, although with 200,000 prisoners we must use some large institutions. There must be one kind of institution for first offenders, another for the very young—and this is an enormous proportion—and still other institutions for other categories. All of them must be staffed by trained personnel.

We cannot do all this efficiently with fifty state systems and a federal system unless there is some degree of co-ordination among the states and between states and the federal system. President Nixon recently proposed a co-ordinated federal-state program, and this is a significant step in the right direction. It makes little sense in the twentieth century to have each state suffer the waste and inefficiency that accompany the maintenance of a complete range of facilities. Only the large states can afford this.

The training programs in most state institutions are limited to a few skills, and there is almost no effort to correlate the programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market, or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and co-ordinated planning and research at local and national levels. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Departments of Justice, of Labor, and of Health, Education, and Welfare. To be successful, these programs need local community support that must involve churches, Y.M.C.A.s, chambers of commerce, labor unions and bar associations. Some of the leaders of organized labor have seen this need, and the A.F.L.-C.I.O. has set aside a million dollars for labor's part in corrections work.

If we want prisoners to change, public attitudes toward prisoners and former prisoners must change. We have some community effort along these lines in this country, but with few exceptions it is thin, scattered and not well-led or organized. Few of the participants are well trained.

The contrast between our indifference and the programs in some countries of Europe—Holland and the Scandinavian countries in particular—is not a happy one for us. There they have long engaged in research on lawbreakers and prisoners and on antisocial conduct generally; they use a wide range of institutional treatment and extensively employ work release and open prison techniques. Their use of psychological testing and psychiatric counseling and therapy is far in advance of ours.

Their community involvement in prisoner-aid organizations is far greater than ours. Some of the "aftercare" societies, as they are called in those countries, have existed for several hundred years. They are made up of laymen working through churches and related organizations but supported in part by public funds. The volunteers are directed by trained professionals. A common practice is for the part-time volunteer, semiprofessional "parole officer" to be assigned to the prisoner as soon as he is sentenced, so that a relationship is established at an early stage and becomes a basis for counseling and help when the prisoner returns to freedom. Here is an area we must explore so as to make use of the enlarging leisure time available to more and more educated Americans. We have the basic tradition of doing great work through volunteers. We must channel and harness this kind of manpower and give it direction.

It is a paradox to find the world's richest nation being outspent and outperformed, as we are, by these old but less affluent North European societies. Some credit for their lower crime rates must go to their correction systems.

The legal profession can be the most powerful force for good—the most powerful lobby, if you will—that this country knows. Lawyers are perceptive and analytical, and they have the advocate's skills to persuade others. Where do you begin? The same way you prepare a case. By getting all the facts, visiting the scene, if necessary, and then organizing the evidence. In this area most of the facts are available at the prisons and from prison authorities. A visit to most prisons will make one a zealot for prison reform. A fact-finding party of one judge and two or three lawyers will soon discover that 75 to 80 percent of all prisoners are in substandard institutions.

When you see a prison built a hundred years ago for 600 inmates and find it crowded with 1,500 men with almost no recreational facilities, obsolete vocational training, little or no counseling and two men living—or existing—in a cell 6 by 8 feet, I think you will understand the paradox of why so many of them come back. Prison officials will welcome you, but they will want you to share their sense of frustration and futility. You will find them the most severe critics of their own institutions and sometimes more frustrated than the prisoners.

The range of these needs is staggering. They are expensive, complex and difficult. They rival, if they do not exceed, those of our great cities. But we are suffering and must pay the high price of accumulated and deferred maintenance. And the cost is not in some distant future period: It is here and now, and it is no farther away than the nearest dark street.

Prison administrators are frustrated because over the years they see the same faces returning. Each time the person has been released unprepared and untrained for a useful life. No one can visit prisons and talk with these men without a depressing sense of melancholy for wasted lives, which damage and destroy other lives.

Let me try to state the characteristics of a typical American prison, even at the risk of generalization:

1. It is likely to be old. Buildings erected fifty, a hundred and even 150 years ago are not uncommon. A few are even older.

2. Industrial operations used for training purposes are likely to be old, and the skills taught are limited and often obsolete. A large proportion of prisons are institutions of enforced and devastating idleness.

3. Psychological and psychiatric services are limited or nonexistent. The 200,000 persons in American prisons have barely fifty psychiatrists and psychologists, contrasted with small countries like Denmark, where in some prisons the ratio is approximately one psychiatrist for one hundred prisoners.

4. Recreational facilities for weekend or evening use are limited or nonexistent. Libraries are nonexistent or inadequate.

5. Education and vocational training are generally limited, nonexistent or obsolete.

6. Work release for long-term prisoners is just coming into use, and only in a few places.

7. Transition facilities, such as halfway houses to condition the prisoner for freedom and responsibility, are just coming into use, and only in a few places.

8. On the administrative side, there is little or no research, medical service, screening or training of attendants, and little or no follow-up on former inmates.

9. The pay scales of prison attendants are generally so low that they cannot attract personnel with adequate background to absorb on-job training when it is provided. Prison personnel must be selected with great care, under rigid standards in terms of psychological adaptation, if we are to have any hope of changing the inmates.

Do you know or can you conceive of an industrial enterprise with 200,000 employees, which turns out a critical product and would use fifty to 150-year-old plants, equipment and techniques, no research, low pay and little or no training for its production workers, no long-range planning, no concern for its output or quality control? This question answers itself.

Yet, with notable exceptions in a few of the states and the federal system, this is a description of the process we use to deal with these 200,000 prisoners. Is it any wonder that we find a grim and distressing "recall" of 65 percent of the human output of these prisons "back to the factory"? This is a true pollution of society, and it manifests itself in the highest crime rate in our 200 years of existence, with most crimes being committed by "graduates" from these penal institutions.

WINNING EVERY PROSECUTION WILL NOT WIN THE WAR

It is in this second phase of justice that society's success or failure becomes known. Prosecutors could win every prosecution, convict every defendant and imprison every guilty person; yet society would still fail. We would fail because there must be two purposes, and the second purpose is not served by a perfect record on the first. Unless we succeed in both, we fail. I am encouraged by the American Bar Association's recently announced program that the Association accepts the concept that criminal justice embraces the correctional process. The Association now has embarked on a program to identify workable standards and implement them with action at the state and federal levels. With such a program we can change the thinking of the country.

To put a man behind walls to protect society and then not try to change him is to win a battle and lose a war. Let us turn to the business of winning the war. I know of only one way: We must bring to bear on it the uniquely American combination of energy, brains, ingenuity, research and innovation that has made us the world's greatest industrial power. And all of this must be backed by those special American assets—idealism and enthusiasm.

When the French writer Jean Paul Sartre writes that free men are captives of their own freedom, I elect to read him as stating something of a modern version of the "obligations of nobility". We take on a burden when we put a man behind walls, and that burden is to give him a chance to change. If we deny him that, we deny his status as a human being, and to deny that is to diminish our own humanity and plant the seeds of future anguish for ourselves.

THE CHALLENGE OF EARTH DAY

Mr. MONDALE. Mr. President, environment is a concern whose time has come. The millions of Americans who participated in Earth Day made that clear.

The programs that we saw and participated in last week across the country reflects a dramatically increased national demand for action to halt the destruction of our environment and the threat to survival itself.

The environmental teach-ins, which were proposed last fall by the Senator from Wisconson (Mr. Nelson) could well be a national turning point in crossing the communications gap in this country between young and old. The pollution of our rivers and air, the desecration of our landscape, the decay of our cities concern us all and can only be dealt with with an effort that involves Americans of all ages, States, and political attitudes. In my view, the story of Earth Day was that of a Nation recognizing the shared concern and need for action.

Now this concern must be translated into unified efforts in communities, in State legislatures, in Congress, in all the decisionmaking bodies in the country for the establishment of what is truly a national policy to protect our environment and respect the values which will assure not only survival, but a decent way of life for all Americans.

Earth Day must not be forgotten, and I do not believe it will be. The environmental crisis confronts us all in personal terms every day of the year. In this regard, excellent editorials, published in the Washington Post and the Minneapolis Star point out the meaning and the challenge of Earth Day. I ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 20, 1970]

Earth Week

An expected 2,000 colleges and universities, 7,000 high schools and still more local communities begin Earth Week today, climaxed Wednesday by Earth Day. Some groups will be mega-active, others moderate, some passive. They will be looking at the American air, land and water that has become, in less than 200 years, the world's most expensive monument to pollution—but a monument that threatens to topple of its own weight.

The purpose of Earth Week is for each group to develop a strategy for improvement. Some may organize for something as simple as declaring war on one-way, non-reusable bottles; others may join in lawsuits against polluting industries, since that may be the only way to stop their crimes against the earth; some will unite in pressure groups to change local laws that favor pollution, others will work to elect earth-minded politicians. Earth Week, explains Denis Hayes, a national coordinator, in the current Progressive magazine, "is a tool—something that can be used to focus the attention of a society on where we are heading. It's a chance to start getting a handle on it all; a rejection of the silly idea that somehow bigger is better, and faster is better, world without limit, amen."

The group Mr. Hayes leads is called Environmental Action. It has planned well and worked hard. Its only lapse has been a refusal to take contributions from industries which are known polluters. That, said a spokesman, would compromise the integrity of the movement, as well as delude the polluters into thinking their contribution was serious. This kind of idealism is strained and foolish. A smart idealist would take the polluters' money and work against them with it. Money is money, whether from General Motors or John Muir. Ironically, Environmental Action could have doubled its present budget if it had accepted "tainted" money.

Despite this, the group deserves thanks, as well as men like Sen. Gaylord Nelson who suggested the idea of Earth Day six months ago. What will come of it all is not known. The great fear is that the environment will become just another "issue," to be replaced soon by another one. But as we are all learning quickly, man is running out of soons faster than he runs out of issues.

[From the Minneapolis Star, Apr. 22, 1970]

The Meaning of Earth Day

Earth Day. It has a good feel to it; something basic, like the smell of freshly-turned, rich Red River Valley soil. It has also the dramatic sound of a summons to action in defense of nothing less than the survival of man.

And the people, particularly the young people, have responded to the call, so enthusiastically, in fact, that what started out last August in the mind of Sen. Gaylord Nelson, D.-Wis., as a one-day teach-in has blossomed into a full week of speeches, workshops, conferences, protests and demonstra-

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tions, and pamphlets and publications until the senses recoil.

Thus, a kind of pollution in itself, Earth Week runs the risk of being mistaken for genuine progress in intelligently managing our environment. And there is room for speculation that, like the war on poverty, the environmental battle will quickly lose its volunteers when the cost and the effort of victory become clear.

Make no mistake about it: The cost and the effort will be immense and victory by no means certain. It is not just that we must find and/or employ the technological means of reducing pollution of a livable level, which is the price we pay for using the environment, but we must also get a handle on a means of determining how the environment should be used.

Our resources now—air, water, minerals, land, trees—are used much as they have been historically, first come, first served. The first factory that wants to locate on a given stream does so. If a second taconite plant wanted to locate on the North Shore and agreed to meet state water and air quality standards, there is no firmly established public policy declaring it should not, just as there is no established public policy against adding one more fast-food franchise in Dinkytown.

The message of Earth Day is that this kind of passive acceptance of assault on the environment must end. But to reverse the thrust—to try to make some resource use determinations in advance and on a different basis—will require this nation to make difficult, maybe even impossible, social choices on how we want to live, with the clear indication that many of the goals and values of the past can no longer be acceptable.

REMARKS OF THE VICE PRESIDENT IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, this past weekend, my State of South Carolina was pleased to welcome the Vice President of the United States, who delivered two major addresses at that time.

The Vice President received a warm welcome from the people of South Carolina, who turned out in record numbers to hail his arrival and to applaud his speeches.

The occasion of the Vice President's visit was the tricentennial celebration commemorating the 300th anniversary of the settlement of the region by the English. We were very pleased to have the Vice President, a native and former Governor of Maryland, a State which shares the common bond of a long and distinguished history.

The Vice President also spoke at a Republican fundraising dinner, where he received tremendous acclaim.

The Vice President fully lived up to his reputation for outstanding speeches, filled with wit and pungent thought. I wish that every Member of this body could have been present to share South Carolina's hospitality and to hear his words.

Mr. President, I ask unanimous consent that the speeches of the Vice President at Columbia and Edgefield, S.C., be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT, STATEWIDE REPUBLICAN DINNER, COLUMBIA, S.C. APRIL 24, 1970

Senator Thurmond, Congressman Watson, Chairman Harris, fellow Republicans, and any establishment respecting Democrats that may be among you. Greetings all!!

It becomes more obvious every day that after years and years of idle talk we're going to have a two-party South.

Dixie is taking on a Republican accent, and the leaders of that movement are right here in this room. You have been showing the rest of the South the way since 1964, and 1970 should be one of the best years yet for Republicans in South Carolina.

With a ticket led by Albert Watson for Governor, Jim Henderson for Lieutenant Governor, and State Senator Floyd Spence for Congressman Watson's seat in Washington, you have the right crew to complete the mission.

And with Grady Ballard, Len Phillips, and Ed Baskin going after three other Congressional seats, I'm encouraged to believe that the President is soon going to have a Congress interested in enacting his programs rather than figuring out how to stall the legislative process.

I bring you greetings tonight from YOUR President, and I underscore that pronoun, "Your." He thanks you for standing by him at the National Convention, for delivering South Carolina to the Republican column in the 1968 election, and for staffing the Administration in Washington with more Southern voices than it has heard since "Gone With The Wind" enjoyed a record run at Loew's Palace.

The Washington-New York press have just about given up trying to make adversaries of the President and the Vice President. This has been a favorite game with past Administrations. But the President and I get along too well together to fall into that trap. Actually, we have only had one real argument. That was when the President decided to convert the White House swimming pool into a sumptuous new press room. It wasn't that I objected to using the swimming pool for this purpose. It was just that I resented his insistence that the water be drained out. So I lost that one. The reporters have stayed dry, but it sure hasn't improved their copy any.

The President keeps me so busy making speeches and going from one place to another that I haven't had much time to practice my golf swing lately. I suppose it doesn't really matter. I have been having a little trouble finding partners anyhow.

When the President heard I was coming to South Carolina for this speech and the Tri-Centennial celebration, he suggested I try to get in a round of golf at Hilton Head. And he thought it might be a great bipartisan gesture if I invited Fulbright, McGovern, and Muskie to round out the foursome. But I really didn't want to play golf with them. I just might accidentally tag one with a golf ball. And then he might respond the way they usually do to aggressive and brutal treatment. And I hate to be kissed on a public golf course.

Speaking of Ed Muskie reminds me that a politician who tires to please everybody often looks like a small dog trying to follow four boys home at the same time.

I doubt that anyone would accuse me of trying to please everyone. Certainly not the verbose people in Washington and New York who refer to each other as intellectuals. These are the people who editorially implored the President to silence the Vice President because he was polarizing the country and in the same breath foresaw grave threats to their freedom of speech. There isn't anything in the Constitution that I know of that withholds from the Vice President the protections of the First Amendment.

And I intend to continue to speak strongly against those who would reject all of the traditional American values in their attempts to accommodate the childish screams of the New Left.

Their feverish and intemperate attacks on Judges Haynsworth and Carswell show how distraught they are. Their vilification and sarcastic invective are totally inconsistent with their pretended shock at what they call my intemperate language.

But enough about learned idiocy. I'm here tonight to talk to you about some serious problems facing this country and how we as Republicans are moving to solve them. And don't let anybody tell you we're not making headway.

In two dramatic acts just this week, for example, Richard Nixon went a long way toward securing his role as a peacemaker. He announced troop cuts in Vietnam which, when completed, will have reduced our forces there by half. And he sent to Congress just yesterday a message which should lead eventually to the end of the draft and its replacement by a well paid, volunteer military force.

I would like to address myself to the importance of these two actions in a few minutes, but first I will mention some other areas where progress is being made by a determined Executive who is receiving but minimal help from a Democrat-dominated Congress.

There are now, at last, some signs that the crime rate is being brought under control—by strong executive action in the Justice Department under John Mitchell, not through any help from Congress, where the Administration's Anti-Crime package has been lying fallow in committee for nearly a year. The rate of increase in street crime last year was less than half what it had been the two previous years under Ramsey Clark. It was 13 per cent under Mitchell compared with 29 per cent in 1968 under Clark and 27 per cent in 1967 under Clark. In the District of Columbia—where a special effort is being made to make the Nation's Capital safer—the total number of serious offenses has declined for the fourth straight month. That's the first time since 1956 that this has happened. And his critics are saying we ought to get rid of John Mitchell. I say we need him in the Cabinet and we need a few like him in the *Congress!*

Headway is also being made in the battle against inflation—painfully slow, but sure—and in reform of the Postal Service, the Welfare System, and the vast federal bureaucracy which is beginning to respond to Richard Nixon's deft organizational touch.

I'll admit that we haven't yet succeeded in getting a second strict constructionist appointed to the Supreme Court to join Chief Justice Burger, but I'm sure you'll acknowledge that the President has been giving it an all-out try. If we had had a little more help from some senators in our own party, and if a few fairweather Southern Democrats had been willing to brave the storm, the matter would have been settled long ago. Judge Clement Haynsworth would have made it in a breeze and South Carolina would have contributed an outstanding Justice to the Supreme Court. Instead he went down to defeat on the most nebulous set of trumped-up charges ever contrived by the labor and civil rights lobbies and their allies in the news profession. To prove it was no accident, these same forces combined to defeat G. Harrold Carswell by using the flimsy, subjective indicia of "insensitivity" and "mediocrity."

But friends, never underestimate the staying power of Richard Nixon in a battle with high stakes. He intends to redeem his campaign pledge to balance the Supreme Court. He *will* appoint that strict constructionist of the Constitution. If we have another Haynsworth or Carswell type smokescreen with Judge Blackmun, I'm sure the public will arise in wrath.

There are two other matters of special concern to you which I would like to touch on briefly. One is desegregation of schools and the other is imports of textiles.

I think the President has spoken quite plainly on the subject of desegregation. His

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message is simply that the South will be treated the same as the rest of the nation—no more, no less—and that laws will be enforced with an even hand and upheld throughout the country. Under this Administration, there will be no forced bussing to achieve racial balance, and the neighborhood school concept will prevail unless, of course, the Supreme Court should nullify the President's policies as stated in his recent statement on the subject. If the President can withstand the liberal onslaught and achieve his objectives, he will be the first President in your memory or mine to do so. I believe he can.

In the matter of textiles, the President is still very optimistic about achieving voluntary quotas through international agreement. Administration officials, led by Secretary Stans, have held 108 conferences with foreign officials on this subject. It takes time, but that goal *will be reached*.

Now, in the time remaining, I would like to discuss in more detail the President's actions in Vietnam and on the problem of Draft Reform.

In the two years immediately preceding our Administration there had been an increase of 100,000 troops in Vietnam. In the past nine months, under a program of carefully training and equipping the Vietnamese to defend their own country, the President withdrew 115,000 troops. This week he announced to the Nation that we will withdraw an additional 150,000 troops by next spring.

This means, in its most elementary terms, that Vietnamization is working. And it's a tribute to the calm, determined leadership of the President, who refused to be pushed into a precipitate withdrawal of our troops by the barrage of criticism from Senate Liberals and the roaring and cavorting in the streets last fall by "Peaceniks" who would know better if they got a little sounder instruction in college classroms.

When I was in Vietnam last January, I saw the policy of Vietnamization at work. I had long talks with Ambassador Bunker and our Embassy team, with our military leaders and with President Thieu and Vice President Ky. It was obvious the South Vietnam Government was becoming more stabilized every day. And on a visit to a firebase in the forward area, I saw that South Vietnamese soldiers were performing just as effectively as our own troops at the bases they jointly manned.

One reason that the President is able to announce further withdrawals now is that enemy efforts have been frustrated while the elected government was becoming stronger during the time we were withdrawing 115,000 troops in the last nine months.

Areas controlled by the South Vietnamese Government have increased—notably in the Delta. Stability has spread to the countryside. More than one million refugees who fled their homes in earlier years to escape the war have been resettled. This is concrete evidence of success. Increased security allows the government to pursue with more confidence those social and economic improvements so badly needed in that war torn country. Social and economical reform, in turn, promotes confidence in the government.

The economic aspects of Vietnamization also give strong indicators of sound progress. For example, the accelerated rice production program, and the improved security in the rich Mekong Delta rice-growing area, the opening of roads and waterways formerly under enemy control, give the South Vietnamese Government confidence that, by the end of 1970, Vietnam will be providing enough rice for Vietnamese consumption—thus eliminating the need for imports of this basic food.

There has also been progress in the land reform program of the Vietnamese Government. To provide more land to the farmer it has redistributed over 265,000 acres of land to the people in the last two years. Of this total, about three-fourths was turned over in the past 12 months. The Land Reform Law, recently promulgated by President Thieu, will make available over two million acres to 500,000 farmers who now cultivate land they could not heretofore own.

These economic advances could not have been made without solid progress in the total Vietnamization program. They show that we proceed from demonstrated progress and not from wishful thinking.

Now I also wish to re-emphasize another point made by President Nixon—and that is that even though we have made solid progress in Vietnamization, there is a better, shorter path to peace through negotiations.

The President reminded all concerned that had the other side responded positively at Paris to our offer of May 14 last year, fighting would have ended and most American and foreign troops would have left Vietnam by now.

This is a reminder which should not be ignored by those who truly want peace in Vietnam.

I also cannot discuss Vietnam without restating the concern of the United States that the enemy in Southeast Asia continues to disregard the humanitarian protections guaranteed by the Geneva Convention relative to the treatment of prisoners of war.

Our men are being denied basic rights, including the right of their families to know that they are captured, the right to correspond freely with their families, and the right of impartial inspection of prisoner of war compounds.

This is an illegal intransigent conduct toward our captured and missing men. This is an urgent, humanitarian issue. We all share an intense interest in securing proper treatment for our prisoners of war and, more importantly, obtaining their earliest possible release.

Finally, a word on Draft Reform. The word "Reform," incidentally, is one that Republicans ought to get used to. I predict that by the end of four years, Richard Nixon will have brought about more reforms in the federal government than any other president in our history.

The President's message to Congress yesterday on Draft Reform moves ultimately toward an end of the draft by phasing it out, not ending it abruptly.

"From now on," he said, "the objective of this Administration is to reduce draft calls to zero, subject to the overriding considerations of national security."

He cautioned that it will have to be a gradual process and that an extension of drafting authority will probably have to be obtained next year to assure this continuity.

But he is raising military pay to simulate more volunteer enlistments and re-enlistments, and he has directed the Secretary of Defense to expand programs which seek to retain able, trained men in the military.

Beginning next January, the overwhelming majority of draftees will come from the 19 to 20 year old group in a random selection, and because of the relatively young ages, the President has ordered that there be no future deferment because of occupation or parenthood. If Congress agrees, the President also will eliminate deferrals for undergraduate college students.

Young Americans will find in this latest proposal of the Nixon Administration the first serious attempt since before World War II to end one of the most vexing problems they have faced on getting out of high school. I hope you will see that they get the word that help is on the way—and from a Republican President.

In his Inaugural, last year, the President called attention to the entreaty on a sign carried by a small child—"Bring Us Together." Since that time these words have been twisted and perverted to perpetrate upon the American public the fiction that law-abiding, patriotic Americans should seek accommodations with the most outrageous, anti-social, and criminal elements of our society. The time has come to recognize that the only way to bring us—the participating citizens of a great country—together is to forthrightly declare our rejection and contempt for those who practice subversion, lawlessness and violence.

Address by Vice President, South Carolina Tricentennial Observance, Edgefield, S.C., April 25, 1970

It's a pleasure to be in South Carolina for the observance of your 300th anniversary. I hope the festivities will be widely reported. Any state with the motto "Dum Spiro Spero" will get good coverage from the networks, in any event. I wish for you many more happy centuries.

I'm especially proud to visit Edgefield County, which must hold some sort of record for producing statesmen. I understand that this one small county has been the birthplace of ten governors and seven United States senators, including Senator Strom Thurmond who has served as both governor and senator. Let me assure you, the Senator represents you well in Washington. And in the presence of this home audience, I would like to thank him publicly for having helped me select Richard Nixon to be President.

But my particular pleasure is to be here as the representative of the first national administration in more than 100 years to *welcome* the South back into the Union. I know that South Carolina was officially readmitted in 1868, but it is only recently—since you helped elect Richard Nixon in 1968—that your equal partnership in the Union has become a fact of life. We intend to see that that partnership is maintained—and that it flourishes and grows.

This demonstrated understanding of the South by a Republican administration has given rise to what the liberal columnists and commentators and their doting followers in the Senate call "the Southern Strategy." It is a term to them of great opprobrium.

Before this audience of South Carolinians today I both confirm it and deny it. I confirm that there is a conscious and determined effort on the part of the Nixon Administration to see that the South is treated in an even-handed manner with the rest of the nation . . . in the matter of school desegregation, in the matter of voting rights, in the matter of Supreme Court appointments, and in every other matter of national interest.

But I deny that it is "strategy" or calculated planning. It is simply a matter of dispensing justice to a region of the country long deprived of it. And it's time our friends in the North ripped off their masks of hypocrisy and faced that fact with us.

Judge Clement Haynsworth, one of the most distinguished judges to come out of the South, knows what I mean. So does G. Harrold Carswell of Florida. So do the millions of Americans who watched with interest as the Administration tried twice to name a strict constructionist from the South to the United States Supreme Court and thus bring a degree of balance to that final arbiter of law in this country. We failed, in a blizzard of newsprint and a blast of TV and radio commentary that implied that one of these men was dishonest and the other incompetent. As the President said later, the day will come when a Southerner can be confirmed for the Supreme Court—hopefully soon—but that day is not quite yet at hand.

You know, I have a personal interest in this term, "the Southern Strategy." It all began—as most things do, with the liberal media—when Richard Nixon decided on a border state governor as Vice Presidential running mate at the Republican National Convention in Miami in August, 1968.

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I wasn't even from the *Deep* South . . . just the little State of Maryland which holds up the Southern side of the Mason-Dixon line opposite Pennsylvania and Delaware. Any further North and we'd be out of it.

I had been governor for less than two years, so I wasn't well known outside the official circles of the Southern Governors' Conference and the National Governors' Conference, both of which I had been active in. I had worked hard at compiling a constructive and acknowledgedly fair record in civil rights and, to cap it all off, Maryland had never had a major party candidate for Vice President in her history.

But lo and behold, from the moment I was chosen it became—in the stunned and breathless accounts of the media—a suddenly discovered plot hatched by Strom Thurmond and others to capture the South for Richard Nixon. I'm flattered now that I look back on it. After all, FDR had chosen John Nance Garner for Vice President without having been accused of having a Southern Strategy. And it wasn't Southern Strategy when Adlai Stevenson chose John Sparkman of Alabama as his running mate. And not even John Kennedy's choice of Lyndon Johnson rated such a cry of anguish.

As punishment for daring to be a Southern Vice Presidential candidate, I was ridiculed and derided. Like Haynsworth, my integrity was questioned; like Carswell, my stature and credentials for high office were attacked. I became a household word with the help of my friends in the media. And now here I am as Vice President thanking you on behalf of the President for your friendship and your support. I am here because the people of the United States cannot be bullied the way some Senators can.

I apologize to Governor McNair and my other Democratic friends for these few remarks that may have seemed political. While the subject was political, the observations were not intended to be *partisan* and I hope they will not be construed that way. I realize this is not a political audience or a political occasion.

Today, ladies and gentlemen, we are celebrating the 300th anniversary of one of America's great states. My home state of Maryland proudly shares that close early bond of history with you. We also share with you a concern for what very clearly seems to be an erosion of those values and principles on which our states, and indeed this nation, were later founded.

I can imagine the shock that *any* of our earlier generations from these 300 years would experience on a return visit—not just from the technological achievements, which would overwhelm them, but from the changes they would encounter in the human character.

They would find adults cowering before their children—or ignoring them with disinterest—yielding, consciously or not, to even their most outrageous whims.

They would find the schools and colleges being increasingly run by the students, and destruction that would have brought instant dismissal a few years ago now bringing a "negotiation" of illogical student demands by the trustees and faculty.

They would find leaders in the United States Senate apologizing to the enemy for a war in which this country sought to help prevent a defenseless nation from being overrun. But, thank God, they would also find a resolute President refusing to welsh on the commitments of his country while strengthening the ally to do its own fighting as our troops gradually disengaged.

They would find a nation, racked by its conscience over a racial problem, doing the hard, strange things to try to right the wrongs of generations—doing its very best to provide equality of opportunity and compensatory training but falling occasionally into the trap of attempting to legislate social acceptance.

They would find that where they once could sleep with their doors unlocked at night in our major cities, they would not now dare venture a block from their house without protection . . . much less leave their homes unbarricaded.

They would find much of the youth of America—not the majority but still too many—blowing their minds on chemicals to escape reality and the plain business of facing up to tough, everyday decisions. And their parents, concerned with their own particular problems, would be largely unaware of this.

These commonplace situations of today would be incredible to our ancestors.

Most of these things, I believe, exist as major problems for the first time in America's history. But America can solve them, I submit, simply by putting its collective foot down and insisting: "*No more.*" There is no revolution now and there need be none in the future. It is hard to straighten out a generation of problems that we have allowed to develop, but it can be done.

We can achieve this, first of all, by being firm in the home. Even when it hurts, we can say no—because we know that the only proper answer is "no" and to say "yes" would lead to wrong.

We can be firm in the schools, and back up our teachers and administrators—in spirit as well as financially—instead of complaining about their attempts at discipline.

We can support our police and our courts, even when it means harsh measures to bring recalcitrant troublemakers into line.

And we can insist that the colleges restore order and get rid of troublemakers. Instead of conciliation and placation to immature, ridiculous student demands, the adult academic community—administrations and faculties—should call the shots. That's what they are being paid to do.

There is one other thing we can do to go our ancestors one better. We can show a sense of *justice* and *fairness* with our firmness, and it may do more to move America forward than anything in the last 300 years.

If we pull all of this off in our generation—the one that really allowed the problem to develop—Edgefield County and the United States will be around for another 300 years.

Thank you.

TEEN CORPS OPERATION

Mr. KENNEDY. Mr. President, among all of the things we hear today about the young people in our society, there are seldom praiseworthy notices given to today's youth. Usually, we complain about their long hair, their restlessness in school, and their rebellious attitudes toward the so-called established order.

I know a young woman in Washington, D.C., who has devoted many months with teenagers who are seeking to place their peers in local jobs. Barbara Walters started Teen Corps last fall to get jobs for unemployed youngsters and to help prove that young people can run a job placement program at least as efficiently as adults. Fifteen youths man telephones and employment directories scouring the city for openings for their neighbors and classmates. An orientation session and job counseling run by the youths and supervised by volunteers provides a service that has taken many youngsters off the streets.

A recent account in the Washington Daily News describes the Teen Corps operation. I think it tells of the kind of activity that we need to hear more about. For this reason, I ask unanimous consent to have printed in the RECORD an article entitled "Help Wanted—Make the Title 'A Plea to the City'," published in the Washington Daily News of April 20.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELP WANTED—MAKE THE TITLE "A PLEA TO THE CITY"

(By Mary Ann Kuhn)

"You can write the title of this article to read 'A Plea to The City'," suggested Barbara Walters, the energetic 23-year-old director of Teen Corps.

Two 15-year-old boys sitting across from her nodded in agreement. Michael Taylor and Leonard Worley are two of the 15 Teen Corps youth staff members who run the organization at 710 Seventh-st se. They urged private businessmen to donate money to keep the center operating and to provide jobs, full and part-time, for 700 of the 900 unemployed youngsters who have come to the seven-month-old center.

Two hundred of them, aged 13 to 25 years, have already been placed in jobs. "Teen Corps is for kids, black or white, rich or poor," Miss Walters said.

Glancing at the two boys and 18-year-old Renee Palmer, youth supervisor of Teen Corps, Miss Walters said, "These kids have been hanging on the limb—working without pay—for seven months now, helping other kids get jobs. They work long hours. They've done an outstanding job."

Leonard Worley, who contacts employers for jobs, smiled shyly and looked at the floor.

"It really don't bother me too much, not getting paid while other kids do—the ones who are placed in jobs," he said. "I'm helping other people."

Miss Walters said "Leonard has developed over 60 jobs with the Marriott Corporation for kids as busboys and waitresses."

Michael Taylor said, "As long as I'm helping anyone else out I'm happy. As long as kids aren't out on the street, getting into trouble, that's all right with me."

Miss Walters said she is the only paid member on the Teen Corps staff, receiving $105 per week from Project Progress, an arm of the D.C. Leadership Committee. Part of her salary she gives to the youngsters on the staff who need money for transportation and lunch, she said.

Miss Walters said "the mayor's office pays the rent and telephone bills. They gave us a place to operate and that's it."

Teen Corps needs typewriters, office equipment, furniture, desks and stationery. The one typewriter used by staff members belongs to Renee Palmer, youth supervisor, who brought it from her home.

Each week, an orientation program is conducted by Shirley Brauer, 33, deputy director of Teen Corps, between 4 p.m. and 6 p.m. daily. "We talk about the importance of jobs, of being neat and clean, and how to save money," Mrs. Brauer said. "Every job applicant must take this course."

DELETION OF FUNDS FOR SPACE SHUTTLE STATION

Mr. MONDALE. Mr. President, I have submitted an amendment to the NASA authorization bill, which will soon reach the Senate floor. The amendment would delete the $110 million in the Senate bill for the design and definition of the space shuttle station.

In attempting to delay the development of this project, I am following the lead of my distinguished colleague, Representative JOSEPH KARTH, of Minnesota. Two recent editorials in the St. Paul Pioneer Press discuss Representative KARTH's efforts to prevent the beginning of a massive new manned space program,

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The editorials also summarize some of the basic reasons which lead Representative KARTH and me to challenge this program.

I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Paul Pioneer Press, Apr. 25, 1970]

TOO MUCH SPACE SPENDING

Minnesota's Fourth District Congressman, Joseph Karth, deserves public recognition for his attempt to trim out of the 1971 space program budget $240 million for projects that further commit the nation to unnecessary manned flights in space, possibly to landings on Mars.

Rep. Karth steadfastly has held the sound position that the nation will derive more benefit from economical unmanned space projects, utilizing rockets and satellites equipped with instrumentation to relay scientific data to earth receiving stations.

Extravagant capital outlays for the limited benefits from manned flights are unjustified at a time when financial resources are so sorely needed for many more practical programs—antipoverty, education housing, crime reduction and antipollution, just to mention a few.

Karth came within an eyelash of succeeding in getting the space program budget cut, with House members voting 53-to-53 on a non-record tally. The tie defeated Karth's amendment.

Although there is vote switching during the time between non-record and record votes, it is quite likely that Karth's amendment would have been approved if he had had the full backing of all Minnesota representatives. Voting with Karth were Reps. Ancher Nelsen and John Zwach. Reps. Donald Fraser, John Blatnik, Clark MacGregor, Albert Quie and Odin Langen, although in Washington, failed to attend the House session at which the vote was taken.

Perhaps someone was remiss in not seeing to it that the full contingent of the state's representatives would be on hand, but it was not unreasonable to expect them to be present to vote on the space program budget that involves a total authorization of $3.6 billion for 1971.

We would hope now that the Senate will thoroughly examine the allocation of space budget funds and that Minnesota's Senators Walter Mondale and Eugene McCarthy follow Karth's lead in questioning those portions of the program that encourage unnecessary manned flights.

There are many national programs that deserve a higher priority in the allocation of the country's money resources.

[From the Minneapolis Star, Apr. 27, 1970]

HOW FAR, HOW FAST, AT WHAT COST?

The heroic drama of Apollo 13's return to earth temporarily eclipsed the rising discontent with the whole space program.

The debate is at two basic levels. One is spending. It cost $24 billion to reach the moon, and Earth Day's focus on the environmental mess served to remind us how poignantly anomalous is the spaceman's view of the "small and blue and beautiful" globe and the view of earthbound men who see the needs of the world around them. The other debate is at the strictly scientific level, though that too involves dollar as well as resource and manpower costs.

The House passed a $3.6 billion authorization, $268 million over the President's budget request. Rep. Joseph E. Karth, D-Minn., space committee chairman, lost his bid to cut $190 million pegged for the controversial space shuttle, the start of the Mars program which will run to unknown-as-yet billions. His plea to take it "slow and easy" lost on a tie vote, indicating at least a sense of doubt. The Senate Space Committee meanwhile put a $3.3 billion ceiling on spending for next year, so the exact magnitude of the total program remains in flux.

It is time, we think, to ask whether we are in a wasteful race to stay ahead of Russia, when domestic social and environmental needs cryout for expensive solution. Are your tax money, material and scientific brain power being sidetracked? Indeed, should we rush to risk spacemen's lives to gather more moon rocks that might be gathered by unmanned instrumentation far more cheaply?

That is not to say space exploration should not continue with a different set of priorities. Space science has, as Karth often says, many benefits; and there is a transcendant, almost mystic, purpose in expanding our knowledge of the universe. But it is, in simple human terms, less compelling than the conquest of the problems man with stumbling steps has created on this tiny globe. Great leaps into the void can, we think, wait until more preparation is made; inevitably they will be taken.

NEED FOR FEDERAL FOCUS IN THE OCEANS

Mr. HOLLINGS. Mr. President, in a speech before the Offshore Technology Conference in Houston on April 22, the distinguished Senator from Texas (Mr. TOWER) once again affirmed the need for strong Federal focus in the oceans. He continues not only his own longstanding interest, but also the unbroken chain of congressional interest in the oceans spanning the last 10 years.

Senator TOWER had this to say about the Federal focus we need:

> To be effective, the focus must be attuned to the need to develop resources sensibly. It must be structured to provide our Nation with an economical and effective program for developing the living resources of the oceans. And it must be structured to give leadership and visibility to the oceanic enterprise. This leadership and visibility is now largely lacking.
>
> We must be careful that this new focus is not placed within an institution which is already bogged down in the performance of traditional missions, or we will run the risk that marine affairs will quickly assume a role secondary to the normal affairs of that institution.
>
> A strong and effective focus of management is what we seek.

I concur with Senator TOWER that the mood of Congress is one of readiness to move ahead without further unnecessary delay to create a strong Federal focus in marine affairs. Although I understand it will be about another 2 weeks before the President receives the recommendations of his Council on Executive Organization regarding Federal oceanic organization, it is none too soon to assure the President of strong bipartisan support for a U.S. effort to focus its civil marine functions within the Federal Government.

The creation of an independent National Oceanic and Atmospheric Agency would meet the criteria both Senator TOWER and I and many others in both parties have long advocated to strengthen our national civil marine functions. I ask unanimous consent that Senator TOWER's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR TOWER

It has daily become more apparent that we can no longer ignore the oceans in any way leaving them to get along as best they can amid a welter of regulatory and prohibitory institutions. The issues before us are too strong and too impressive, and they will not disappear when this meeting is over.

The first issue we must concern ourselves with is the orderly development of submerged resources. It is common knowledge that about 16 percent of the world's present oil and gas production takes place on the continental shelves, and that within a decade this production could rise to as high as 33 percent. Each year larger quantities of sulphur, tin, phosphates, sand, gravel, and other minerals are extracted from the seabeds and the water column. More and more we hear of efforts being made to extract manganese modules from the deep sea and reduce them economically to useable components. These are important facts, and place upon us all a heavy responsibility. There is a crying need for more research action now in this area.

Likewise, it is no secret that all across this land there are new and powerful moves to assure that this magnificent potential is developed in a manner to harmonize with other uses of the seas and coastlines, particularly in the Nation's deltas, estuaries, bays, and gulfs, which bear a direct relationship to the life cycles of much of our essential living resources.

This thrust contains a great deal that must draw our careful attention. Almost three-fourths of the surface of our planet is covered by water. The overwhelming nature of that fact leads us to overlook its true importance: water is the single distinctive feature which sets the earth apart from all other planets that are known to us, and it is the basis of life as we know it. It demands, therefore, our serious attention.

The renowned oceanographer, Jacques Cousteau, speaking recently at the U.S. Naval Academy, drew an interesting comparison. As I recall it, he said that if one would visualize the earth as being the size of an egg, then all of the oceans taken together would appear as a single drop of water spread thinly over most of its surface. That, to me, is a sobering thought. Because our supply of water is limited, we must take immediate steps to make certain that our offshore resources are conserved and well used. The time again, is now.

There is another issue I would mention. It is a matter of public record that the United States is involved in a series of debates in the United Nations with regard to the struggle to define the outer limits of national jurisdiction to explore and exploit the natural resources of the subsoil and seabed, and the nature and composition of the governing regime to be recognized beyond that point. These are matters of critical interest to you, and to America, but we seem to lack an effective mechanism for voicing our opinions on this subject.

At the present, we do not even know what, in fact, lies beneath our extensive Continental Shelf. We should not begin serious consideration of relinquishing sovereignty over this area, until we at least know more about it. This could very possibly be the most vital area to the continued growth and security of our Nation. We simply must have more information.

Finally, I would point out that despite the good efforts of many of us in Congress, there remains a bewildering array of agencies with some relation to the oceans who are involved in a continual struggle for status and funds. I have said before, and I say again, that this fragmentation of effort within the Federal house is inexcusable.

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The need for a truly National progam should be so clear that it need not be stated. We must press harder to organize so that we may accelerate the program without further delay. Lacking a national organization, we will never, I fear, see an adequate solution for the myriad of institutional obstacles that are presently strewn in the road to the sea, nor will we ever have enough coordination to assure a balanced program between exploitation and conservation of the last great resource.

The need for a coordinated National Agency is readily apparent to those who have ever dealt with the myriad bureaucracies who have a "piece of the action" in our Offshore area. For example, suppose a Texas oil company wants to drill a well in the submerged lands of the state. That company must obtain a lease from the Texas General Land Office for the State Tract; apply for a Corps of Engineers permit and abide by the recommendations of the Bureau of the Sport Fisheries and Wildlife. Commercial Fisheries and Outdoor Recreation, the National Park Service, and the Federal Water Pollution Control Administration. Furthermore, it must comply with the regulations of the Bureau of Mines and the Coast Guard, and, if this is not enough, there are still the needs of various other State, County, and Municipal institutions to be met.

A federal focus for marine affairs, having a strong voice in the Nation's Capitol, would be an effective first step toward lightening such burdens. Not only that, but it would provide an interface wherein programs could be developed for coherent uses of our coastal zones. These guidelines must be Federally instituted for State benefit.

What kind of a Federal focus do we want? Let me speak of it in terms of functions, if I may. To be effective, the focus must be attuned to the need to develop resources sensibly. It must be structured to provide our Nation with an economical and effective program for developing the living resources of the oceans. And it must be structured to give leadership and visibility to the oceanic enterprise. This leadership and visibility is now largely lacking. It is needed to assure that the oceanic community has a meaningful voice in the creation and implementation of domestic and international policy concerning the allocation and use of ocean space.

I believe that there is another important criterion. We must be careful that this new focus is not placed within an institution which is already bogged down in the performance of traditional missions, or we will run the risk that marine affairs will quickly assume a role secondary to the normal affairs of that institution. The control of the new focus, it seems to me, must be placed firmly in the hands of the people who have been involved in the oceans these many years, and who know where the problems are and who have a pretty good idea of how to go about solving them.

Must we have an independent agency? I believe this is the question usually asked. I would call that question misleading. The way to go about this job is to identify the functions we want done, and the manner in which they need to be accomplished, and then examine the alternatives to see how well they are equipped to handle them. If an independent agency is the only route, then we should take it. If we can receive assurances that the functions will be adequately served within another structure as well, then that alternative ought not be arbitrarily rejected. The question, then, is not independence, but impact.

A strong and effective focus of management is what we seek. To make but a gesture, or to subordinate oceanography to other more traditional goals, would disappoint and discourage the private sector, drive out capital, and waste the taxpayer's money.

I think you all know where I stand. In November of last year, I wrote a letter to President Nixon joined by my distinguished colleagues Senators Murphy and Hatfield on the subject of such a national focus. I would like to read you a short portion of that letter:

"Mr. President, we are convinced that only an agency with the power to determine the national policy will be able to assure that our efforts in the field of oceanography will be successful. The situation now is too fraught with duplicated authority and lack of direction to lend itself to an effective organization. What is needed is a National Agency that will direct the exploration of the ocean and its environment much as the National Aeronautics and Space Administration does in the exploration of outer space."

Today, I am as firmly convinced of the need expressed in that letter as I ever was, and I will continue to work toward its resolution.

The real question that remains is what is to be done and who is going to "put the bell on the cat".

First, and foremost, the Federal government must provide impetus. As you know, Vice President Agnew made a significant start in the right direction when he announced his five-point program for marine affairs last October. As you also are aware, the President demonstrated his sensitivity to the pulse of the oceanographic community by directing the Ash Council (The Advisory Council on Executive Reorganization) to take prompt action on the report of the Stratton Commission (The Commission on Marine Science, Engineering and Resources). He took the further step of seeking the advice of a distinguished panel of experts by designating Dr. James Wakelin as the Chairman of a Presidential Task Force on Oceanography and asking him to recommend a new oceanographic posture for the United States.

These were good and necessary steps. Yet the results of these efforts have not yet come to fruition. Therefore, I once again urge the President to move forward and provide his support for the marine affairs program of the United States. I think that the actions of the concerned Subcommittees in both the House and Senate clearly demonstrate that the mood of the Congress is one of readiness to move ahead without further unnecessary delay.

While the President must furnish leadership, I believe that the Congress would be remiss if it permitted its initiative and momentum to die. I will pledge my best efforts to see that this does not occur.

Now we come to you. What role or roles must you play? I would emphasize two, and impress upon you that these are essential. First, you must, each in your own way, accept the challenge of living together in the oceans. You must use all of your skills and initiatives to solve problems of conflicting use. I believe that industry has demonstrated its capacity to do so. The establishment of shipping lanes in the Gulf of Mexico was a cooperative effort of the oil and shipping industries designed to assure adequate ocean space for each of their endeavors. This is an excellent example of the ability of enterprise to come to grips with these problems on its own. Recent efforts on the part of the private sector show promise for pollution abatement and control. Such efforts are in our own best interests and must be encouraged and accelerated.

Secondly, you must decide whether you really want "a piece of the action" or not. That phrase implies responsibilities, and that is the thought I want to leave you with today.

In the final analysis, it is up to you, the people most concerned with the use of our Offshore Resources, to see that a strong, workable plan is activated. The Government will be no better than the people it represents and no stronger than the best its people can devise. The constituent members of this Offshore Technology Conference will, for the most part, be the ones involved in the day to day activities of our Oceanographic effort. I urge you to let your voice be heard in that way that most becomes your individual positions. The Record for action must be clear and the impetus to act must be maintained.

In conclusion, I feel certain that a new, national policy is emerging that will lead the United States to pre-eminence in the field of Offshore Technology. In the many conferences which I and my staff have had with persons within the Administration most concerned with the direction that the new policies will take, I have been most impressed with the sincerity and the dedication of these people. They are truly interested in a strong, efficient national program. If I had to guess as to what shape the new policies would take, I would say that a National Agency with a strong voice will emerge in the very near future.

In fact, as most of you know, the Ash Council made its still secret report to the President on April 15, and he is currently personally reviewing it. It is well known in Washington that when President Nixon personally reviews the action of a study group, a strong, efficient policy will emerge. I look forward to receiving these recommendations with the full expectation that they will be a policy which we can all accept; a new, reorganized effort, perhaps even at the Cabinet Level, could well emerge. However, I am not a prophet, and we will all have to await, even though most anxiously, the release of the recommendations. I do pledge to you, nevertheless, to accept nothing less than the vigorous program which I have outlined to you today.

AN ADDRESS BY A. E. GIBSON, MARITIME ADMINISTRATOR

Mr. SCOTT. Mr. President, recently, Mr. A. E. Gibson, Maritime Administrator, U.S. Department of Commerce, addressed the Port of Philadelphia Maritime Society.

His remarks on the subject of the administration's present new maritime program deserve the attention of Senators.

I ask unanimous consent that his excellent review of the maritime situation be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

REMARKS BY A. E. GIBSON, MARITIME ADMINISTRATOR, U.S. DEPARTMENT OF COMMERCE, BEFORE ANNUAL MARITIME DINNER OF PORT OF PHILADELPHIA MARITIME SOCIETY, PHILADELPHIA, PA., APRIL 23, 1970

More than any other city in this Nation, Philadelphia melds into one vital combination the maritime traditions of yesterday, today and tomorrow.

Your plan for Penn's Landing is a perfect example of this blending of old and new—marking the traditional spot where the founder of the city stepped ashore with a complex of services for tomorrow's tourist and trader.

At every turn of this historic city we are reminded of the tense days when our Nation was founded by a band of men dedicated to the preservation of their own and their descendants' freedom from tyranny. We are reminded also of the glories of our maritime past, when Philadelphia was the leading port in a nation thoroughly aware of its dependence on trade.

The most famous names in American shipbuilding have left their mark in this area—Betts, Harlan and Hollingsworth of Wilming-

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ton; Reaney and Neafie of Philadelphia; Pusey and Jones of Wilmington; Cramp of Philadelphia, and Roach of Chester; New York Shipbuilding Company of Camden; the famous Hog Island Yard of American International Shipbuilding Corporation; and Sun Shipyard, at Chester, as well as the Philadelphia Navy Yard.

Today when our Nation and its trade have grown to a position of world leadership, the Delaware River Port area has continued to maintain a commanding position as the largest fresh water port in the country, second in amount of cargo tonnage handled, providing 100,000 jobs in port related industries.

Your plans for investing one hundred million dollars in some of the most advanced and flexible cargo terminals to be built anywhere shows that you are not resting on memories of the past, but are determined to maintain your leadership in the future.

Obviously this is the right place for me to look for support in the task of placing the U.S. Merchant Marine once again in the lead among maritime nations.

Our maritime trade is divided into two main categories, with very different requirements for handling and shipping. One is the high value general cargo, which moves principally in liners, increasingly in containerships. The other is the heavy tonnage bulk cargo, none the less vital to our industrial capacity and to those manufacturers who in turn produce the high value manufactured goods.

President Nixon's new maritime program for the first time in our history recognizes the importance of providing ships for both types of cargo. In the past we have concentrated on the high value liner trade and have let the bulk cargo get along as best it could. Consequently, our bulk ships have become older and fewer and less economic, and our steadily growing bulk trade has gone by default to foreign flag ships or industrial carriers.

In reviewing the trends of U.S. trade to determine the needs for U.S. ships, we have been made painfully aware of our previous failures to provide for adequate U.S.-flag capacity for bulk trade. All our projections show that while liner cargo will increase only moderately in the next decade, dry bulk cargo will increase by at least 30%, liquid bulk by some 45%, and neo-bulk by almost 70%. We define neo-bulk as the type of cargo now being carried by tramp ships, or in liner breakbulk service, or very large lot sizes of commodities such as automobiles, iron and steel products, etc. Such commodities in the future will probably be handled in a manner to minimize handling costs as are the more traditional bulk cargoes of today.

The long-range building plan undertaken in President Eisenhower's Administration has produced about 156 new liners delivered in the past 15 years, with another 26 under construction. These are among the most modern cargo ships in the world. But only 1 new dry bulk carrier for foreign trade has been built in this same period, although 2 have been converted from war-built ships under the Ship Exchange Program. No privately owned tankers have been built with government construction subsidy in that time, though 50 have been built with the aid of Federal Ship Mortgage Insurance, and another 50 have been built and financed by the oil companies. So we find ourselves at this point with a privately owned U.S. merchant fleet in which three-quarters of our vessels are over 20 years old, with a National Defense Reserve Fleet of less than 150 cargo ships which will be useable for emergencies over the next few years, and with an almost nonexistent bulk fleet.

President Nixon's new program has been designed to correct these deficiencies by providing government aid for building about 30 new ships a year for the next 10 years. To encourage this requested construction, in addition to the required shipbuilding subsidies, all qualified operators will be able to establish tax-deferred construction reserve funds to help build up capital for ship replacement. We have also requested an increase in the Federal Ship Mortgage Insurance ceiling from the present $1 billion to $3 billion, in order to expand use of this highly successful method of obtaining private financing for new ship construction. The new program will also make operating aid available for the first time to non-liner bulk carriers.

Other elements of the President's maritime program are designed to give greater incentive to both ship operators and builders to lower costs and improve efficiency. We plan gradually to reduce the government's construction-differential subsidy to approximately 35%, while encouraging the use of multi-year procurement methods for large orders of standard ships. The shipyards will be encouraged to participate in the design of new ships and to take the initiative in seeking to contribute their own expertise to the task of lowering shipbuilding costs.

Operators too will be given the incentive to improve the efficiency of their operations. Subsidy administration will be simplified by restricting subsidizable items to seamen's wages and insurance and by eliminating excess profits recapture. Basing wage subsidy payments on an index system related to changes in a nationwide wage index will encourage operators to hold their wage costs at reasonable levels.

These changes in the present subsidy system should greatly improve the productivity of our new merchant ships, to the benefit of those who build, sail, and use them.

There are three important elements which must be added to this program, however. The most important is assurance by management and labor that differences between them can be settled without disruption of service. Second is the investment of some $4 billion in capital over the next decade by private investors to carry through the new program. Third, is the provision of cargo for the new ships. These are three vital ingredients for the program's success that the government cannot provide, but we have every hope that all three of these requirements will be met.

This new maritime program can be very important to the Delaware River Port area. The expanded shipbuilding program will offer an opportunity to U. S. shipyards for new long-term building contracts that should make worthwhile the expansion and modernization of their facilities. We have already placed contracts for the design of a number of standard new ship types that can be ordered in quantity. We expect these designs to be developed shortly.

Undoubtedly, many of the new general cargo ships that will be ordered in the next decade will be containerships or barge-carrying ships. The new and converted containerships already placed in service by American companies have proved so successful that several companies are now meeting the active competition of foreign lines without government operating help. Even more productive ships should be forthcoming in the future. We fully expect American companies to maintain their lead in this area, for containerization offers possibilities for automated, integrated operations at which Americans have proved to be most successful in the past.

Containerization extends the reach of a port deep into the hinterland. You are no longer sending shipments from Philadelphia just to LeHavre or Rotterdam, but a single ship provides service to the whole of Western Europe. By agreements with truck, rail, and barge operators at both ends of the ocean journey, containership operators can control a coordinated intermodal system that offers a complete transportation service from seller to buyer.

The provision for efficient container handling at your expanded Packer Avenue Terminal and your new Tioga Marine Terminal indicates that you expect to keep in step with the container parade, and I hope that many of the new American containerships will be serving the Delaware River port area. You have a strategic location in the heart of the wealthy industrialized Northeast, within overnight reach of 60 million people with $70 billion worth of purchasing power and 35% of the industrial capacity of the Nation. Add the aggressive and forward-looking promotional efforts of the Delaware River Port Authority, and the Delaware Bay area will undoubtedly be able to capture its share of container trade.

This area has been principally noted in recent years for its bulk traffic. With 65% of its 116 million tons of annual waterborne traffic represented by petroleum products, and another 30% by iron ore and other bulk commodities, the Delaware River ports are in a commanding position to benefit from the steady growth in bulk trade which our forecasts predict. Much of the entire Northeastern United States is dependent on economic transportation of bulk raw materials, which are coming to depend more and more on the use of supersized ocean carriers. Many highly specialized handling facilities for these bulk goods are already available here, and your plans wisely include even more and better facilities for this traffic.

The increasing size of tankers and other bulk carriers, however, is rapidly outmoding many of our port facilities. Unfortunately, in many cases these huge ships will soon exceed even the possibility of providing adequate channels into our port areas, which in many instances have already reached their physical limits of width and depth. Further efforts at expansion threaten to increase the dangers of collisions in crowded waters, irreparable damage to shoreside structures, and the constant threat of massive pollution of our waterways. This area is fortunate in having exceptionally deep water in the Bay of 75 feet or more, and more unused space along the 135 mile length of the River and Bay than many other port areas. While it is more fortunately situated in these respects than most of the other Atlantic Coast ports, here, too, new solutions will have to be found for the rapidly approaching day when limits must be set on further expansion of the port area.

An interesting paper on "The Impact of Increasing Vessel Sizes on the Ports of the United States" will be presented to the Convention of the American Petroleum Institute at Absecon, New Jersey, by General Allen F. Clark, Jr., next week. General Clark is, of course, the President of your Philadelphia Port Corporation and a member of one of the committees of the American Association of Port Authorities which is studying the long-range impact of ship sizes on ports. He points out that while no major increase in the draft requirements of break-bulk or container ships serving the general cargo trades is expected in the next 30 years, the drafts of vessels serving the bulk trades are already exceeding the channel depths in almost all of our ports.

Commenting on General Clark's paper, Mr. Howard Marsden, one of the port experts in the Maritime Administration, has pointed out that physical and economic limitations may cause a leveling off in the growth rate of size of bulk ships in the Seventies. Nevertheless, he agrees that there are many economies still to be realized through use of larger vessels to carry crude oil to the Atlantic Coast from Venezuela, the Middle East, Nigeria and Libya, and to the Pacific Coast from Indonesia, and residual fuel oil from Venezuela and the Caribbean to East Coast ports. The economic possibilities of carrying oil from Alaska's North Slope to West and East Coast U.S. ports in very large tankers is also under intensive investigation at the present time. The U.S.-Japanese and European export coal trades and iron ore imports from South America also offer opportunities for economical transport in large dry bulk carriers.

Since most of our present ports are inadequate to handle ships of more than 50,000–80,000 tons, we must consider the need for building entirely new ports, probably offshore in deep water, to handle these steadily growing bulk trades. I read with interest just recently of a proposed multi-purpose island facility in Delaware Bay that would handle supertankers of up to 250,000 deadweight tons and all kinds of bulk cargoes, both inbound and outbound. Such facilities might have many uses—as combined sea and airports, making use of helicopters, hydrofoils, surface-effect ships, pipelines, barges and smaller ships to transfer passengers and cargo from the superships to their land destinations.

The problems of pollution posed by such facilities would have to be given the most intensive consideration, however. We can no longer afford to ignore the possibility of irreversible damage to our environment caused by installations of this type. President Nixon has made very clear his commitment to stop the pollution of our waters. In addition to submitting a $10 billion Clean Waters Act to the Congress, he established earlier this month a National Industrial Pollution Control Council. Composed of top representatives of business and industry appointed by the Secretary of Commerce, the Council will advise the President and the Chairman of the Council on Environmental Quality on programs of industry relating to the quality of the environment. They will identify the problems, recommend solutions, and advise on governmental policies concerning environmental quality as they affect industry.

There is obviously a direct relationship between the national effort to reverse the damaging effects of pollution and the plans for expansion of industry and cargo handling facilities in port areas such as the Delaware River area. If it becomes necessary to establish port facilities in open waters of harbors or in the coastal zone, private industry groups, public agencies, and the Federal Government will have to work together to solve the problems that will result.

For our part, we have taken steps to join with the Corps of Engineers and the Department of Transportation in a study to be undertaken at the completion of the American Association of Port Authorities' study. Our objective would be to formulate a national position and to determine what efforts should be undertaken to solve some of the urgent problems posed by the superships.

A regional attack on the solving of such mutual problems is increasingly in use and has in many instances been spectacularly successful. Such an approach is particularly appropriate in the case of transportation, which—if an earlier, hard won knowledge of Latin is still of use—means "carrying across"—across boundary lines of cities, counties, states, and nations, and across the interfaces between one form of transport and another.

Once again I am heartened by the evidence that the Delaware Bay area is out ahead in its thinking about these problems. The recognition by the Governors of Pennsylvania, New Jersey, and Delaware that transportation problems of all kinds are regional problems and must be handled on a regional basis, is, I believe, a far-sighted and statesmanlike attitude. While their appointment in 1968 of a Committee on Regional Development was directed initially to consideration of a comprehensive airport system for the three states, I believe their action implicity recognizes the interdependence of all transportation in the area.

In the past the free competition of ports and of transportation modes has contributed to their growth and strength. Under the private enterprise system we have developed a transportation network second to none in its extent and variety. But we have been able to do so in part because we were big enough, with space enough and resources enough added to sufficient wealth to afford the duplication that sometimes resulted from uncoordinated promotional and regulatory policies. As greater demands are placed on these diminishing resources, transportation planning must be undertaken in full cooperation with other planning bodies, such as those concerned with land use and population growth.

The increased interrelation of every aspect of our lives involves us more and more in cooperative efforts for mutual goals. I believe that one such goal must be the maintenance and support of a Merchant Marine that will be adequate for our nation's trade and defense and that will serve our business and trading community more efficiently. It must be an integral part of our whole transportation system.

Our plans for the future will affect and be affected by your plans. Your plans will influence and be influenced by developments in other modes of transportation and by the plans of other ports and other regions. The plans of all of us will depend on the interlocking decisions of our customers. All of us—government, industry, labor—on sea, land, or in the port, can help or hinder each other. In the long run, we can help ourselves most by helping each other to provide the best and most efficient transportation system possible for this area and for the whole nation.

STUDY OF ATTACK CARRIERS

Mr. MONDALE. Mr. President, today's Washington Post contains an interesting article by Bernard Nossiter, summarizing the results of a significant study on attack carriers prepared by the Defense Department's Systems Analysis Division.

This study determines, among other things, that a land-based tactical air wing costs $163.4 million less per year than a sea-based wing and that there are an adequate number of overseas land bases available in Central Europe, Korea, and Southeast Asia. Thus, the study's principal finding is that "it is cheaper and more effective to use land bases for tactical air operations in areas of the world in which adequate overseas bases are available."

The conclusion of this DOD study is that since the present carrier fleet can be reduced to fewer than 12, we do not need to build any additional attack carriers at this time. This conclusion is consistent with the position taken by Senator Case and myself before the Joint Armed Services Subcommittee on CVAN–70.

In my testimony before that subcommittee, I urged a delay in the funding of CVAN–70 until fiscal year 1975, at the earliest. Unfortunately, the subcommittee recommended funding for this new carrier in fiscal year 1971.

I hope that careful consideration will be given to the DOD report discussed in Mr. Nossiter's article. I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 30, 1970]

Pentagon Study Says Fleet Can Be Cut; Report Discounts Carriers

(By Bernard D. Nossiter)

A secret Pentagon study concludes that the nation does not need any additional aircraft carriers and could safely cut its present fleet of 15 to fewer than 12.

The report, prepared in the Defense Department's Systems Analysis Division, calculates that each new carrier costs $414.5 million a year to build, operate and support. In contrast, the construction, deployment and operation of the same number of planes at an overseas base costs $251.1 million a year. Thus, a land-based wing saves $163.4 million annually, or 40 per cent.

An unclassified, 56-page version of the controversial study has been obtained by The Washington Post as the House opened debate yesterday on a $20.2 billion military procurement bill. It includes $152 million for another nuclear carrier.

The principal finding of the study holds: "It is cheaper and more effective to use land bases for tactical air operations in areas of the world in which adequate overseas bases are available."

This rule, the document finds, applies to Central Europe, Korea and Southeast Asia. The paper says that requirements for the Middle East and Southern Europe are harder to estimate. But it argues that carriers in the Mediterranean as well as the North Sea would be highly vulnerable to Soviet bombers and submarines. Thus, "it is difficult to see a need for a large number of carriers in any single war."

Congressional critics of additional carriers have known of the existence of the Pentagon study for nearly a year but have been unable to obtain it. The unclassified version was discussed at the Brookings Institution last winter.

The study touches on the Navy's most sensitive nerve. Without carriers, much of the justification for a surface fleet would disappear and the Navy would be confined to essentially a submarine force.

Not surprisingly, the Navy has bitterly attacked the paper. The Navy's views are supported by all but one member of a subcommittee drawn from the two congressional Armed Services Committees. Last week they published a brief report urging the building of a third nuclear carrier.

The subcommittee report said that "even though the comparative costs of the various alternatives (land-based versus carrier wings) have been under study for some time by the Department of Defense, there is no agreed-upon position within the Department on this matter."

The legislators quoted Gen. Earle G. Wheeler, chairman of the Joint Chiefs of Staff, as saying: "I don't regard any of these studies myself as being definitive and they certainly are not convincing to me as a basis for making a judgment as to the need for sea-based tactical air."

Apart from cost and vulnerability, the crucial points in the disputed study are these:

On the average, a land base can be set up and its planes ready to fly as quickly as a carrier and its support can steam into action. A land-based wing transported by sea can be deployed in Europe in 26 days; in Asia in 32 days. The study assumes that an additional carrier wing would be based half the time on the coast nearest a scene of combat and half the time on the farthest coast. Averaging these periods, a carrier wing can be deployed for Europe in 28 days, for Asia in 32 days.

Under ideal conditions, with the carrier wing based on the coast closest to an action, the vessel could be deployed in Europe in 11 days and in Asia in 15 days. But by flying a "bare base kit" in seven C–5A cargo planes

XUM

to a runway overseas, a land-based wing could be deployed in Europe in 12 days and in Asia in 18 days. The extra cost of using transport planes would be about $140 million a year. This still leaves the land-based wing with a $120 million advantage for a deployment virtually as rapid as the maximum speed for the carrier.

Land-based and sea-based planes could make about the same number of flights per day in the first three months of an engagement. Thereafter, the land-based craft would be flown 30 to 100 percent more frequently because carriers must be withdrawn for repairs.

Some carriers—from two to five in the two oceans—are still necessary, largely to "show the flag" and to serve as an earnest of intentions. However, "it is nothing but a myth" that the Navy requires three carriers for each one deployed. This "myth" is based on a belief that sailors can't be kept away from their families for a long time.

Yesterday, House critics of the $20.2 billion military weapons bill decisively lost their first two skirmishes. An amendment by Rep. Otis Pike (D-N.Y.) to strip $200 million sought by the Pentagon as "contingency funds" for claims made by Lockheed Aircraft on the C-5A was beaten, 90 to 48. Another amendment by Rep. Jeffery Cohelan (D-Cal.), to prevent placing multiple independently targeted reentry vehicles (MIRV) on land-based missiles, was defeated, 85 to 39.

Today, the House resumes voting on the measure. Among other things, it will consider an amendment to eliminate the $152 million for a third nuclear carrier.

A central feature of the Systems Analysis study is its breakdown of the comparative costs for a carrier and a land-based wing. It assumes that both will use the same number of planes and it divides the investment cost—the cost to build the ships and planes—over their estimated useful life to derive an annual cost. This is added to the operating cost to obtain the total expense. The cost categories compared are these:

Aircraft—the operating costs for land and sea-based are the same. But the investment cost of the land-based wing is $14 million a year less because the accident rate for carrier-based planes is higher.

Base—Building and operating a carrier is $55.9 million a year more expensive than buying and running a base that can be transported in ships or by air to a runway overseas.

Defenses—The destroyer escorts to defend a carrier cost $58.5 million more annually than the missiles, anti-aircraft batteries and security forces to defend a land base.

Logistics—Supply ships and destroyer escorts needed to service a carrier run $35 * * * problem exists, it could be solved by assigning carriers to "home ports" abroad or by rotating men in and out of deployed ships.

NBC-TV PROGRAM "POLLUTION IS A MATTER OF CHOICE"

Mr. MUSKIE. Mr. President, NBC-TV recently broadcast a program about the environment entitled "Pollution Is a Matter of Choice."

The program focused clearly on the nature of the dilemma that America faces as we try to organize ourselves and to make the decisions to enhance and protect our environment.

The decisions each of us will have to make are effectively portrayed in the NBC White Paper.

Reporter Frank McGee and writer-producer Fred Freed showed an intelligent and sensitive insight into the problems of environmental contamination.

I ask unanimous consent that the transcript of the program appear in the Record at this time.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

NBC White Paper: Pollution Is a Matter of Choice

McGee. We know about our murderous machines. We know about the environment they are murdering. We have heard all the apocalyptic prophecies. We know all the terrible statistics. We believe them. There's no more room for argument. The danger is real.

But we also know we cannot turn back the clock. We live in an industrial society. We need what it produces.

This program is about the real options that are open to us. About the real choices before us.

McGee. This is where we begin. This is Machiasport, Maine.

Seemingly a world away from the blighted cities our technology has built. But what is happening here, now, to these people . . .

The decisions they are facing, may tell us some important things about our hopes of reclaiming our polluted landscape.

We know about the beauties of Maine: The tourist eye view. But it's not quite the same if you live here, have to make a living here.

The people who came here, 300 years ago, to make this nation, saw nature as the enemy.

Here it still is. It threatens man's survival. He has to fight it to survive. That's why he built his machines, to help him survive.

In America, we've always believed in "progress". Technology would make us free.

That's deep in our culture: Western, Puritan, American.

It's how we created this nation.

We learned to control some of nature with our machines. And that control made some of us rich, and most of us comfortable. We have more "things" than anyone else ever had.

But we began to lose control of the machines.

We began to run short of those resources we thought were endless. The skies and the rivers and the land began to disappear under the smoke and litter of our industrial waste.

The cities technology built were scarred with poverty, crime, racial violence.

It's easy to see why we are nostalgic now for places like Machiasport. But now that nostalgia is threatened.

Change is coming! Industry. Technology.

Why let it happen here? Why not preserve this place as it is now?

The answer, as we shall see in this next hour, is not easy, not uncomplicated.

Begin with this seemingly unrelated fact: we need oil in this country to run our machines.

Louis Ream. Total petroleum product demand in the United States is in 1970, going to be something like 600 million gallons a day.

Now that's a terrible figure to try to understand. Perhaps some prospective can be put on it if we understand that there are about 200 million people in the United States.

And this means that every man, woman, and child in the United States is in effect, consuming something like 3 gallons of petroleum products every day.

Over the decade, up to 1980, this will grow to about 800 million gallons a day.

McGee. What has all this got to do with Machiasport, Maine?

We can find one part of the answer half way around the world, in Japan.

Because we need more oil, we need bigger tankers to carry it. Super tankers, displacing up to 300,000 tons, are being built in Japan. Because of this, Machiasport is being dragged into the affluent, polluted world the rest of us live in.

The reason is this. The super tankers need deep water ports.

This bay, at Machiasport, is one of the deepest on the East coast of the United States. One of the few that can accommodate the super tankers.

This is also part of the answer: a continent away on the north slope of Alaska . . . a great oil strike has been made.

The first tanker has broken through the ice of the Northwest Passage.

It could carry oil from the Alaska fields to the East coast. From the Alaska fields to Machiasport.

The oil companies see Machiasport as a great oil port of the future.

With the super tankers would come refineries, pipelines, petrochemical plants. The affluence of the age of technology.

And the pollution. Pollution that could destroy Maine's beaches, summer boating.

The lobster and shell fishing industries.

Oil could pollute the land and air and water.

Why would anyone want to take a chance on that happening here?

Roy Sprague. Well, because there's no work around here for nobody.

The little, the little lumber company up here, they keep going in the summertime but in the wintertime there no, there's nothing here to do. For the people that lives here. They have to struggle for a living. I know because I've struggled.

Alan Look. Unless that oil refinery comes in, I don't look for any industry to come in because it costs so much to transport the stuff. And without a world port, we've got nothing.

Norma Wood. Do we, do we think enough of the scenery to give up a good living out of an oil refinery or another industry. Would we rather have the scenery or would we rather have food on the table.

McGee. Why should anyone want oil in Machiasport, Maine? Because this is a fact!

Life outside the technological society is not so idyllic as it seems if you are a tourist. Fourteen per cent of the people in this county receive food surplus packages from the government because their income is below the poverty level. Oil would bring jobs . . . perhaps 3,000 in ten years.

New industry. Money for schools and roads. And pollution.

SONG

"Everybody talks about a new world in the morning.
New world in the morning, so they say.
I myself don't talk about,
A new world in the morning.
New world in the morning, that's today.
And I can feel a new tomorrow coming on.
And I don't know why,
I have to make a song.
"Everybody talks about a new world in the morning.
A new world in the morning, takes so long.
"I met a man who had a dream, he had since he was twenty.
I met that man when he was eighty one.
He said too many folks just stand and wait until the morning.
Don't they know tomorrow never comes.
And he would feel a new tomorrow coming on.
And when he'd smile,
His eyes would twinkle at them."

McGee. In this county, there is no air pollution. But eleven per cent of the people are unemployed. The water is clean but two thirds of the farmers make less than $3,000 a year.

There is no race violence. No organized crime. No ugly slums. But there is poverty. There is isolation. And for many, not much hope.

The young are leaving to go to live in the cities. The polluted, decaying cities, where the jobs are.

XUM

This is the dilemma of Machiasport. And, in a larger sense, of all of us. We need what technology creates for us. But we're being destroyed by the waste it spews out or wherever it comes. We are being oppressed by the ugliness and depersonalization it brings into our lives.

In the next part of this program, we're going to look at the ways people in other parts of the United States are facing this issue, and with what results.

The jet . . . Visible and audible symbol of the age of technology.

Around every city airport, the struggle between progress and quality of life is joined.

Here in Florida that struggle threatened *this* wilderness. The Everglades. A swamp larger than the state of Rhode Island.

Inhabited by no people. The Miami Port Authority wanted to build the world's largest airport on the edge of this swamp. Conservationists said the airport would destroy the Everglades. They were able to keep it from being built.

So they were able to preserve for one moment, at least, this wilderness. For one moment the progress we have believed in and lived by stopped. The birds won over the jets.

But if it was victory, it was only a symbolic one.

And perhaps only temporary. Nothing was finally solved.

For while the environment of the Everglades is being temporarily preserved, the environment of many people in Miami is being destroyed.

Arthur Patten. Now as a result of the heated controversy, the Federal government invoked a 5,000 minimum altitude criteria over the entire Everglades National Park region. People don't live there. There are no people.

It was evidently important to keep airplanes 5,000 feet from the ground over this vast wasteland. But yet, the same agencies are perfectly willing for commercial airliners to fly over any city of this nation at a thousand feet, but over the Everglades now, 5,000 feet.

McGee. The Miami airport is the seventh busiest in the country. It is dangerously overcrowded. And that overcrowding is going to get worse.

Arthur Patten. Miami is one of the most rapidly growing urban areas in the country. We have doubled our population in the greater Miami area every ten years. The transportation projections for our aeronautical future indicate that in the year 1985, this community will be called upon to handle 65 million airplane passengers annually.

SONG

"Everybody's talkin' at me.
I don't hear a word they're saying.
Only the echoes of my mind.
People stop and starin'.
I can't see their faces.
Only the shadows of their eyes.
I'm going where the sun keeps shinning,
Through the pouring rain.
Going where the weather suits my clothes.
Banking off of the northeast wind
Sailing on a summer breeze,
Skipping over the ocean like a stone."

McGee. Nobody argues about the need for a new airport. But nobody wants to live near *this*. People want the convenience of air travel. The prosperity it creates. But not the damage it does to the quality of their lives.

Woman. This is a wonderful neighborhood here. Clean. The people are all very nice. And they all keep their properties as you can see. In order. Their grass is cut and everything kept nice and clean around here. And the neighbors are wonderful. Couldn't be a better neighborhood. But it's that noise up there. And you should hear that

That dirt that comes from these airplanes. That soot on my patio. I gotta clean that everyday.

McGee. It took two years to find a place for the new airport. Seventy one sites were considered.

This was the site they chose. Fifty miles west of Miami. Eight miles north of the Big Cypress Swamp.

One of the last untouched wilderness areas. Here in depressed, lightly populated Collier county, they were going to build the largest airport in the world.

The Everglades is particularly vulnerable. Conservationists have lost battles here before.

For Florida's growing population is pressing against the borders of the swamp. With canals, with houseboat and trailer colonies. With roads. A drainage district. Only a few miles away they are drilling for oil.

What man is threatening here is this: A unique environment that nourishes twenty-two almost extinct species of wild life.

A sanctuary.

A rare place of solitude in a world of noise and crowds.

Its survival is threatened by a flood control system constructed by the Army Corps of Engineers. The idea was to be able to control the water supply of South Florida by dumping excess water into the park during floods and holding water to use for irrigation during droughts.

The result, for the Everglades, was instant flooding, and instant drought destroying the slow, even flow of water needed to sustain the wild life.

Forest Ranger. Well, it'll just about make you sick. You go on to a head and you see a fawn, a deer, in there and they look real bad and you come back three hours later and they're dead. You come back three hours later and the hogs have just about consumed them. You can't find anything but a skull and maybe a few pieces of hair.

McGee. This is what happens when the delicate balance of nature is altered by man.

The airport is only the latest threat by man. It was to expand around this training runway, already in operation. It would occupy forty square miles across the path of the already damaged waterways of the Everglades. It would endanger the water supply, conservationists said, of all south Florida.

Airline and port authority officials promised rigid pollution restrictions. But the airport would create 70,000 new jobs. In time, a community of a million people would grow up around it.

There would be industry, prosperity, "progress". No one knows how to control the kind of pollution that would bring.

Detergents, pesticides, sewage, industrial waste pouring into the water. The sound of jet engines ripping through millions of years of silence. Exhaust fallout polluting the air. Jet oil spills polluting the water. How long would the swamp survive with man as its neighbor?

SONG

"You got to change your evil ways, baby.
Before I start loving you.
You got to change, baby,
And every word that I say is true.
You got me runnin', and hidin',
All over town.
You got me sneakin' and peepin',
And runnin' you down.
This can't go on.
Lord knows you got to change, baby."

McGee. This battle, for the moment, is over. There will be no airport on the edge of the Everglades.

But the problem is bigger than an airport and a swamp.

Nothing is finished. Nothing is really solved.

There is still no airport. One has to be built. It will interfere with the environment wherever it is built.

Florida is growing. It needs room. For industry, for housing, for recreation.

The demands of technology are as greedy as ever. No one seems to want to give up the affluence technology creates. No one has yet worked out how to keep producing more babies, more goods and services, and still protect the environment.

But here, in the Everglades, time has been gained. And, at least, a symbolic victory. Here, we chose beauty over progress. We decided there is a quality to life beyond affluence.

In the next part of this program we may see more clearly why such a victory is not to be underestimated.

PART III

McGee. This is Gary, Indiana. Its business is to make steel.

SONG

I'm not scared of dyin and
I don't really care
If it's peace you find in dyin
Well then let the time be near
If it's peace you find in dyin
And if dyin time is near
Just bundle up my coat
Cause it's cold way down there
I hear that it's cold way down there
Yea, crazy cold way down there
And when I die
And when I'm gone
There'll be one child born in this world
To carry on
Carry on
Now troubles are many
They're as deep as . . .

McGee. At the turn of the century this was a beach. There were sand dunes here, and beach grass.

Now there are 2500 acres of blast furnaces, and slag heaps.

This mill makes more than 7 millions of tons of steel a year, for cars and so forth. It pays salaries that support 30,000 families.

It dumps 36,000 tons of soot a year on the people who live here.

Mrs. Rene Risbasin. Oh the dirt's terrific. You send the kids outside to play and you have to wipe all the toys off before they can play. And cleaning in the house is miserable. You can't even pick up that black goop. It just, you just move it from one place to another.

Jim Balanoff. A lot of people working are walkin around the mill who are sick. They know there's something wrong. They know that breathing this dirt and dust, washin with that dirty, filthy water is not doin' them any good. But what the hell can they do about it.

Steel Worker. You live around so long like I've lived here all my life and you don't pay much attention to it really. You get accustomed to it. But I know when my mother-in-law comes up to visit me she, she's just amazed. She doesn't know how you can live here, and breathe this, and smell this for all day long.

McGee. Gary . . . East Chicago . . . Hammond—these are the towns technology built. They were created for producing, not living. For machines, not people. To fill the demands of an endlessly hungry consumer society. This is the price we've been willing, up to now, to pay for first survival, then affluence.

Another Steel Worker. Well, the place I left was a small farm town. Basically there was no cash. You harvest. If you had a good harvest you made good that year. You just about cleared expenses, and what not. And this wasn't enough I figured for my family.

Mr. Alex Bailey. When you've been down at the bottom of the economy scale, and you've come out of the ghetto and you're extremely low in earnings and practically nothing that you've worked your way up to a certain standard of living. Well, no one wants to go back down to the ghetto again and nobody wants to go back to earnin nothin.

Mr. Balanoff. Nobody comes out here because they like it out here. They come out here because they make a living, they can make some money. That's the only reason they come out here.

Mr. Bailey. I went to the steel mill because my family worked there. My fathers, my brothers, all of my friends. It's a sort of romantic existence, a manly existence. You know you feel like this is the thing to do.

Like in my family, it seemed that if you worked in any where other than the steel mill it, you were sort of like a sissy. You know, ah you could barely wait to get into the steel mills because Dad was there, he worked there until he died. My brothers worked there and so . . . you sorta got kidded a little bit. They made fun of you. Why don't you get a man's job. Why, so eventually you wind up in the steel mills.

McGee. But even here these traditional answers to the questioning, how can you live like this?—no longer seem enough. We are caught in a dilemma of our own making. We consume in this country two and a half billion tons a year. Thirteen tons of things consumed by every man, woman and child in the United States.

We demand more and more every year. To produce them has a price. The destruction of our environment is the price we're now paying. Consider this: to provide the electric power we need to run our refrigerators, air conditioners, television sets . . . we stripmine and destroy a hillside in Kentucky. We pour tons of dirt and slate into a river and pollute it. We burn carloads of coal in power generators and contaminate the skies over a city.

We demand more and more electric power. We sometimes demand more than we have. No one wants a power plant near where he lives. Conventional power plants pollute the skies. Nuclear power plants overheat the water and kill the fish. Still nobody is willing to give up his air conditioner either.

Charles Luce. Now, are people prepared to have less of what we thought of as the comforts of life. Are they prepared to have a somewhat less high standard of living as we thought of standard of living . . . in terms of economic goods. I think that until people are willing to ride in small cars in New York thirty five horsepower is enough to get you around.

Congressman. Can you really expect the individual though to make that choice?

Charles Luce. I'm not suggesting that laws aren't necessary and that more laws are not necessary. What I'm saying is that the basis for laws has to be an individual commitment and a willingness to accept less of the luxuries of life or what we thought of as the luxuries of life.

McGee. We produce. We consume. Our resources grow scarce. Our demands increase. The only thing that's free is air, and water. So this is where industry saves money.

And this is the price. This is the hard reality of the crisis of our environment here. There will be more publicized issues. More dramatic issues. Somewhere another wilderness threatened.

But for most of us in the 70's, in this urban society, this will be our personal crisis.

For this is how more and more of us are likely to have to live in the 70's.

SONG (UNDER NARRATION)

"Thrill is gone
The thrill is gone away
The thrill is gone, baby
The thrill is gone away
You know you done me wrong, baby
And you'll be sorry some day
The thrill is gone away
Is gone away from me
The thrill is gone away
Is gone away from me
The thrill is gone, baby
The thrill is gone away
Although I'll still live on
But so lonely around me."

McGee. Caught in a landscape of our own making. Air we cannot breathe. Water we cannot drink . . . A landscape of noise and dirt and tension.

The technology that makes us prosperous has become so uncontrolled that it threatens to destroy us.

We will either find a way to control our technological waste or we make this whole nation unlivable from sea to shining sea.

SONG

"The thrill is gone
The thrill is gone away for good
Oh, the thrill is gone
Baby, gone away for good."

McGee. In this century, we've consumed more of our resources than in all man's previous time on earth.

Before the end of this century, our population will increase by a hundred million.

A hundred million more consumers. More factories, airports, roads, houses, power plants.

We cannot go back to what we were a century ago. This is one of the facts that is going to change forever the terrain and quality of life of places like Machiasport, Maine.

We cannot go back to that simpler, pretechnological time. We cannot keep the landscape exactly as it is.

We cannot conserve all our resources.

What is inescapably clear is that Machiasport and places like it are going to change in the next few years, unless we stop having babies, or give up our machines. It does not seem likely that we will do either.

What is also clear is that we do not have to do *this*. That there is a point where technology no longer serves us. Where it may in fact destroy us . . . May destroy . . . our health, the quality of our lives, our sanity . . . our existence as a species.

In the future we're going to have to decide what we really mean by "progress". We are learning that it is not necessarily more. It is not necessarily what is new or big. We're going to have to select that technology that serves us, reject that, that does not. This is what we're really talking about.

This is a decision the people of Machiasport have begun to try to make. The details of how and why Machiasport may become an oil port are complicated. Nothing is completely settled.

What is important is why some of the people of Machiasport want oil to come here. And why others don't.

Ossie Beals. I'd like to go on record for the M.L.A. Incorporated in the town of Beals, that we would oppose an oil refinery in the town of Machiasport.

McGee. For we may be able to see here, in this small, isolated New England community, what the real issues of our environmental crisis are, how they relate to the other unresolved crises of our society.

Beals. About a month ago, we had a Greek tanker here, go ashore down in Canada. In Nova Scotia and they had 1600 tons of crude oil. It's ruined our beaches and it's been a major threat to their fishing industry.

Audubon Society Spokesman. The coming of oil to Machiasport does not mean prosperity for any of us. But instead will bring a disaster more terrible than I wish to contemplate.

Unidentified Man. I am concerned about the crime and the way of life that will be thrust upon us here. Well, we're very simple people and we live very close to nature. We're not used to violent crime and that sort of thing.

Reggie Sawtelle. I am a laborer, jobber, snow shoveler, whatever you want to call it.

I just don't know what our trouble is but I think it's chronic unemployment. I wonder how much longer the other people that is paying you in unemployment the year round is going to keep carrying the load. Someday they're going to wise up and just decide that they don't want the unemployment any more.

McGee. When we talk about environment we must understand this: For the poor, a better environment may be a job. To them a job is more important than an unspoiled view. An unspoiled view can not feed, clothe, and house a family. The middle class have jobs. For them a better environment is a better setting in which to enjoy their affluence.

Thus, the question of how to preserve and improve our physical environment is becoming in some places, a class issue.

Norma Wood. The poor people didn't dare to get together and say anything like they do now.

Man. I think we were poorly represented last night.

Norma Wood. I think we was definitely.

Man. Because the people with money done the talking . . . I sat there and listened to them.

Norma Wood. Right.

Another Man. We was licked before we ever went in.

Man. But . . . he said that these poor people, our poor people can't work in that place. I got news for em. We got boys sittin' in this room right here tonight that's gone and melted metal. They set dye setting . . . great accuracy. We can run them mills.

Norma Wood. Yes, but the ones that come in are going to mean more, it's going to bring more in to the county anyway. They're going to have to have more of everything more stores, more stations. More everything.

Man. The rich people can't see this. I say the rich . . .

Norma Wood. The rich can see it but they're scared of it.

Man. They're going to be more homes. These people ain't going to live in homes like we live in.

Norma Wood. That's right. They wouldn't live the way we have to live.

Man. . . . for people like them that just. . . .

[People laugh]

Them that have the money are more or less trying to run the community themselves.

Another Man. They're afraid of getting something in here so that these starvation salaries they're paying downtown. . . They'll have to raise them. That's what they're afraid of. Paying the workers some money.

Woman. I'd like to see some of these that oppose getting industry in here and getting some of these people in here, to come and live with some of these families for one week and see the children go without shoes and without clothes and without food and without medicine. And just live a life for one week and they'd vote industry in here. They'd get something in here for the people to do.

Norma Wood. That's right.

Reggie Sawtelle. Where's the income. There is no income. When we're standing in a bread line and they say you're going to slip downhill in oil I believe we're pretty near the bottom.

McGee. John Cole is editor of the Maine Times. John, clearly there is a basic conflict here.

John Cole. Here the conflict is between how to make a living and how to avoid destroying the place where you live. The two big words of course in the Machiasport situation are oil and poor and the oil people want in because the deep water harbor is here. Some people want the oil people to come because they're poor people here who need the work. On the other hand you have a whole group of people both in Maine and now in the Nation who say oil on the Coast of Maine is like a fire in an oil barn. By

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bringing in an oil industry you may give the people who are starving here the kind of jobs they need to make a living, but you run a very high risk of destroying the place where they live.

McGee. But the Maine legislature or so it's claimed has passed some of the toughest anti-pollution laws of any State in the Union.

John Cole. Well, they are tough laws but they're really only as good as the men who made them. And the men who will have to live by them. In other words, if the oil people want to disregard these laws, they can spill oil out here and nobody is really going to do anything about it.

The only thing that the law says is that the oil companies will have to pay for it. But that doesn't prevent the spill, and a, goodness knows, America and Maine should know what oil spills do.

McGee. The decision has not yet been made in Machiasport to accept what we have always called progress, or to reject it because the price is too high. It is a decision we are all going to have to make, one way or the other.

Some of what we've done to our environment is irreversible. What is left to us is to try to find a sane balance between technology and a livable environment in the world as it now exists.

We cannot escape to the past. We cannot solve our problems by breaking the machines.

We cannot allow environment to become a hobby of an elite. We cannot solve this expensive complex problem by taking it up as a fad this year and dropping it next year. The threat of destruction by pollution has united us as nothing else has for a long time. The danger is real. But we cannot use it to avoid the devisive, unresolved problems of the 60's.

These too are problems of environment. Problems growing out of our technological society.

What happens here in Maine, is a test case to see if we can use our technology to fill our needs while we control what it does to the quality of our lives. A nobel laureate, George Wald, has said: "Life on this planet is a tender thing". That tender thing is now threatened.

We have only begun to think about how to preserve it, and have yet to ask ourselves some difficult questions.

What quality of life is possible in an industrialized society? Do our institutions, created for simple times, have the vision, the power to control technology?

What are we willing to give up to clean up our environment? Are we willing to drive fewer or smaller cars? Have fewer television sets, fewer air conditioners? Have fewer comforts?

Are we willing to pay for the cost of cleaning up our air and water? Are we consumers willing to pay higher prices for cleaner engines and those who produce them, to take lower profits? Are we willing to have fewer babies, accept more rigid government controls? Would we dare set limits on our scientific and technological development?

We know that a species survives only as it adapts to its environment.

We know that unless we adapt, we may disappear from this earth like the dinosaurs before us.

"Everybody talks about a new world
in the morning
New world in the morning, so they say
I myself don't talk about
A new world in the morning
New world in the morning, that's today
And I can feel a new tomorrow coming on
And I don't know why
I have to make a song.

"Everybody talks about a new world in the morning
A new world in the morning
Takes so long."

MODEL CITIES FUNDS

Mr. KENNEDY. Mr. President, I ask unanimous consent that a statement prepared by the Senator from Connecticut (Mr. Ribicoff) and an insertion by him be printed in the Record.

There being no objection, the statement and insertion were ordered to be printed in the Record, as follows:

Mr. Ribicoff. Mr. President, I am dismayed by recent news reports that the Nixon Administration will meet the President's commitment to spend an additional $500 million on education in the United States by slashing existing urban programs.

More money must be provided to improve the schools of our central cities and to facilitate integration in the North as well as the South. However, I cannot believe that the only source for this money is other social programs.

In particular, I am disturbed by reports that much of the money is to come from the Model Cities program. This program has always been starved for funds, notwithstanding its great promise. Mayors, other city officials, and citizens across the country have spent long hours preparing applications and programs in their cities. We cannot renege on our commitment to them now.

There has been much talk about reallocating our priorities and our resources to deal with the critical domestic problems facing our country. No one intended this reallocation simply to be a shifting of critically needed funds from one urban program to another. The President will continue to spend billions of dollars on the war in Vietnam, useless farm subsidies and other projects of questionable value such as the SST. If we're looking for $500 million for aid to education, those are some of the programs that should be cut.

We are in deep trouble in this country if our response to requests for additional aid for one domestic program is to take this money from another critical program. I include articles from the Washington Post of April 28 and the New York Times of April 26.

[From the Washington Post, Apr. 28, 1970]

DESEGREGATING SCHOOLS IN LINE FOR BULK OF AID

(By Eric Wentworth and William Chapman)

The bulk of the special school funds that President Nixon wants to spend in the next two fiscal years should be used to help school systems in the process of desegregating, administration policy-makers have agreed.

Schools in "racially impacted" areas where de facto segregation persists because of housing patterns would receive less than half the total outlays, according to this approach.

Officials disclosed yesterday there is also general accord that this smaller sum for schools with de facto segregation should be used as much as possible for special racially integrated programs.

Mr. Nixon, in his school desegregation statements of March 24, proposed spending $500 million in the next fiscal year and $1 billion in fiscal 1972. He has not spelled out publicly whether helping schools in the process of desegregation or upgrading schools with de facto segregation should get the greater emphasis.

Meanwhile, the Nixon administration has confirmed that it would take the needed funds out of existing social programs, principally the Housing and Urban Development Department's Model Cities program. That news brought complaints from mayors worried that the embryo Model Cities effort would be held back just as it was getting off the ground.

At Mr. Nixon's request, Vice President Agnew's Cabinet Committee on School Desegregation and the Health, Education, and Welfare Department have been developing criteria for spending the $1.5 billion. The policy-makers have been working on drafts for legislation that the President is expected to send to Congress soon.

The disclosure by official sources that the policy-makers have decided to emphasize aid for desegregating schools differed from at least one published report. Money for this purpose would go largely to school systems in the South which are under court orders to end legalized "de jure" segregation.

These funds, in the words of the President's statement last month, would help meet the desegregating school systems' "special needs—for classrooms, facilities, teachers, teacher training . . ."

The lesser outlays for upgrading schools with de facto segregation would help ghetto children in both North and South. Officials said there was agreement in principle against spending money just to "gild the ghetto"—helping schools that fail to make any efforts at integration.

Still at issue, the officials said, was how much if any money for ghetto schools proposing special integrated programs could be spent at the same time on other needs in these schools.

Mr. Nixon in his statement called generally for improving education in such schools as well as for sponsoring "innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools."

Meanwhile, the office of U.S. Education Commissioner James E. Allen Jr. distributed a recent Allen statement saying he would continue stressing "the educational value of integration, and the educational deprivation of segregation regardless of cause." Informed sources firmly denied Allen was taking issue with President Nixon's distinction between "de jure" and "de facto" segregation.

While the administration plan would be financed to a great extent with funds drawn from the Model Cities program, the White House Press Secretary Ronald Ziegler said the administration would not "gut" that program. The budget for Model Cities includes some "carry-over" funds not actually to be spent in the coming fiscal year and some of them may be used, Ziegler added.

The U.S. Conference of Mayors and the National League of Cities immediately issued a statement deploring the proposed diversion of Model Cities funds.

"We call on the President to reassure local officials and citizens across the country who have spent years planning the Model Cities programs that their efforts have not been in vain," they said.

Such a move would be inconsistent with President Nixon's "New Federalism" concept which relies heavily on decisions locally made, the officials argued. The main feature of Model Cities is its provision that the spending of federal grants should be up to the localities.

"We are distressed that the President might propose taking funds from Model Cities programs in order to emphasize a priority decided at the federal level without local consultation and in a manner which is totally inconsistent with the New Federalism," they added.

The Model Cities program was a Johnson Administration concept which has received ambivalent treatment by the Nixon administration. The White House has blown both hot and cool on it, but has not raised budget requests for it to levels anticipated by the former administration.

Its supporters in Washington acknowledged yesterday that, technically at least, there would be unspent Model Cities funds in the next fiscal year, because some cities are not prepared to use all that might be available. But they argued that local planning for the programs will be interrupted if the funds are not appropriated and set aside in Washington. The result, said one source, would be a "quick slowdown" in Model Cities planning.

The White House also reportedly was considering using urban renewal funds for the new education program. That would provoke an even stronger outcry from the mayors, who have been waging a year-long fight to get funds for urban renewal projects actually under way. There is an estimated backlog of more than $2 billion for urban renewal funds.

Other agencies, including the Office of Economic Opportunity, have been instructed to comb through their budgets to locate funds that could be diverted next year to the educational desegregation program.

[From the New York Times, Apr. 26, 1970]

Nixon May Divert Model Cities Aid for Schools' Use—Ehrlichman Seeks Housing Department's Opinion on Shifting of $500 Million—High Level Review Set—Money Would Provide the Help President Promised for Education of Blacks

(By John Herbers)

Washington, April 25.—The Nixon Administration is seriously considering diverting money from the Model Cities program to provide funds that the President promised for school desegregation and for improving the quality of education in black schools.

Authoritative sources said today that a memorandum had gone from John D. Ehrlichman, the President's chief adviser for domestic affairs, to the Department of Housing and Urban development asking about the feasibility of taking $500 million from Model Cities for the next fiscal year for the education effort.

The move has caused considerable alarm within the department and among urban interests that have learned of it. It is understood that the matter is now under high level review.

Richard C. Van Dusen, undersecretary of the housing department declined to comment on the report.

In his statement on school desegregation March 24 President Nixon pledged to seek $1.5-billion over the next two years for improving the quality of education in racially isolated schools and for helping school boards to achieve integration in situations where extensive busing would not be required to bring about integration.

NEW MONEY ALSO SOUGHT

He said that $500-million would be diverted from other unspecified programs for the fiscal year beginning July 1 and $1 billion in new money would be requested for the 1971–72 fiscal year.

Since that time, a controversy has developed over how much of the money would be used to foster integration and how much for compensatory education in the black urban schools that cannot be integrated under Mr. Nixon's policy. White House sources said that the bulk would go for integration, but other sources said that the matter was far from settled.

The possible move on Model Cities raises another level of controversy. Model Cities is a Johnson Administration program in which 150 towns and cities across the county coordinate local, state and Federal funds for services and construction to improve the quality of life in blighted neighborhoods.

Mr. Nixon's budget for the next fiscal year calls for $575-million that the local Model Cities boards would use in a variety of ways to supplement existing programs.

OTHER TRANSFERS DISCUSSED

If $500-million were diverted to the education effort, the program would continue but on a greatly reduced level. City officials have already been complaining that Model Cities is being funded at about half the level projected by the Johnson Administration.

It was also learned that there had been discussion within the Administration of the possibility of tapping funds from urban renewal and the Office of Economic Opportunity, the antipoverty agency, for the education effort. Those programs, along with Model Cities, have been subjected to cutbacks and reviews since the Nixon Administration took office on Jan. 20, 1969.

These structured, inner-city programs, while vigorously defended by mayors, do not fit Mr. Nixon's emerging policy, which has favored programs such as welfare reform over grants in aid to the cities.

Before the Administration took office, a panel appointed by Mr. Nixon recommended that Model Cities be kept and expanded as a means of coordinating Federal programs and increasing local control. Floyd H. Hyde, then mayor of Fresno, Calif., was brought to Washington as an assistant secretary of H.U.D. to run the program.

But it soon ran into high level opposition within the White House, and another panel, headed by Prof. Edward C. Banfield of Harvard, a critic of Federal grant programs, was appointed to evaluate it, the panel recommended late last year that the program be continued but that local officials be given more discretion in running it and red tape reduced.

Until Mr. Ehrlichman's memorandum came down, Mr. Hyde spoke enthusiastically of the future of Model Cities as a means of decentralizing authority and achieving institutional change at the local level.

Mayors looked to Model Cities for funds that could not be provided locally for a variety of purposes within the model neighborhoods—from health, education and housing to garbage collection and rat extermination.

Informed sources said, however, that Mr. Hyde had constantly encountered opposition to Model Cities from within the White House. Among those dubious about the program, was reported, were Daniel P. Moynihan, counselor to the President, and Arthur F. Burns, former Presidential counselor who was recently appointed to the Federal Reserve Board.

Although much of the Model Cities money now goes to education and can be used in accordance with policy laid down by the President March 24, it is restricted to the 150 cities, many of them very small, and to the model neighborhoods within them. It has been expected that the $1.5-billion promised by the President would be used under broad policy guidelines laid down by the Department of Health, Education and Welfare and the Cabinet-level committee on desegregation headed by Vice President Agnew.

SENATOR TOWER ADDRESSES OFFSHORE TECHNOLOGY CONFERENCE

Mr. HATFIELD. Mr. President, recently the distinguished Senator from Texas (Mr. Tower) spoke before the Offshore Technology Conference in Houston. His address on April 22 was a highlight of a successful conference, and his remarks point up the need for a renewed focus on developing the resources of our oceans.

My interest in this topic stems from my long involvement in oceanography and my belief that this Nation must have a strong oceanographic program. I am a cosponsor of the Tower NOA bill. Recently, Senator Tower, Senator Murphy, and I were briefed on administration oceanography plans.

In his speech, Senator Tower offers a good discussion of topics of concern to those of us who are interested in strengthening our oceanography effort.

I ask unanimous consent that Senator Tower's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech of Senator John G. Tower

It has daily become more apparent that we can no longer ignore the oceans in any way leaving them to get along as best they can amid a welter of regulatory and prohibitory institutions. The issues before us are too strong and too impressive, and they will not disappear when this meeting is over.

The first issue we must concern ourselves with is the orderly development of submerged resources. It is common knowledge that about 16 percent of the world's present oil and gas production takes place on the continental shelves, and that within the decade this production could rise to as high as 33 percent. Each year larger quantities of sulphur, tin, phosphates, sand, gravel, and other minerals are extracted from the seabeds and the water column. More and more we hear of efforts being made to extract manganese nodules from the deep sea and reduce them economically to useable components. These are important facts, and place upon us all a heavy responsibility. There is a crying need for more research action now in this area.

Likewise, it is no secret that all across this land there are new and powerful moves to assure that this magnificent potential is developed in a manner to harmonize with other uses of the seas and coastlines, particularly in the Nation's deltas, estuaries, bays, and gulfs, which bear a direct relationship to the life cycles of much of our essential living resources.

This thrust contains a great deal that must draw our careful attention. Almost three-fourths of the surface of our planet is covered by water. The overwhelming nature of that fact leads us to overlook its true importance: water is the single distinctive feature which sets the earth apart from all other planets that are known to us, and it is the basis of life as we know it. It demands, therefore, our serious attention.

The renowned oceanographer, Jacques Cousteau, speaking recently at the U.S. Naval Academy, drew an interesting comparison. As I recall it, he said that if one would visualize the earth as being the size of an egg, then all of the oceans taken together would appear as a single drop of water spread thinly over most of its surface. That, to me, is a sobering thought. Because our supply of water is limited, we must take immediate steps to make certain, that our offshore resources are conserved and well used. The time, again, is now.

There is another issue I would mention. It is a matter of public record that the United States is involved in a series of debates in the United Nations with regard to the struggle to define the outer limits of national jurisdiction to explore and exploit the natural resources of the subsoil and seabed, and the nature and composition of the governing regime to be recognized beyond that point. These are matters of crucial interest to you, and to America, but we seem to lack an effective mechanism for voicing our opinions on this subject.

At the present, we do not even know what, in fact, lies beneath our extensive Continental Shelf. We should not begin serious consideration of relinquishing sovereignty over this area, until we at least know more about it. This could very possibly be the most vital area to the continued growth and security of our Nation. We simply must have more information.

Finally, I would point out that despite the good efforts of many of us in Congress, there remains a bewildering array of agencies with some relation to the oceans who are involved in a continual struggle for status and funds.

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I have said before, and I say again, that this fragmentation of effort within the Federal house is inexcusable.

The need for a truly National program should be so clear that it need not be stated. We must press harder to organize so that we may accelerate the program without further delay. Lacking a national organization, we will never, I fear, see an adequate solution for the myriad of institutional obstacles that are presently strewn in the road to the sea, nor will we ever have enough coordination to assure a balanced program between exploitation and conservation of the last great resource.

The need for a coordinated National Agency is readily apparent to those who have ever dealt with the myriad bureaucracies who have a "piece of the action" in our Offshore area. For example, suppose a Texas oil company wants to drill a well in the submerged lands of the state. That company must obtain a lease from the Texas General Land Office for the State Tract; apply for a Corps of Engineers permit and abide by the recommendations of the Bureau of the Sport Fisheries and Wildlife, Commercial Fisheries and Outdoor Recreation, the National Park Service, and the Federal Water Pollution Control Administration. Furthermore, it must comply with the regulations of the Bureau of Mines and the Coast Guard, and, if this is not enough, there are still the needs of various other State, County, and Municipal institutions to be met.

A federal focus for marine affairs, having a strong voice in the Nation's Capitol, would be an effective first step toward lightening such burdens. Not only that, but it would provide an interface wherein programs could be developed for coherent uses of our coastal zones. These guidelines must be Federally instituted for State benefit.

What kind of a Federal focus do we want? Let me speak of it in terms of functions, if I may. To be effective, the focus must be attuned to the need to develop resources sensibly. It must be structured to provide our Nation with an economical and effective program for developing the living resources of the oceans. And it must be structured to give leadership and visibility to the oceanic enterprise. This leadership and visibility is now largely lacking. It is needed to assure that the oceanic community has a meaningful voice in the creation and implementation of domestic and international policy concerning the allocation and use of ocean space.

I believe that there is another important criterion. We must be careful that this new focus is not placed within an institution which is already bogged down in the performance of traditional missions, or we will run the risk that marine affairs will quickly assume a role secondary to the normal affairs of that institution. The control of the new focus, it seems to me, must be placed firmly in the hands of the people who have been involved in the oceans these many years, and who know where the problems are and who have a pretty good idea of how to go about solving them.

Must we have an independent agency? I believe this is the question usually asked. I would call that question misleading. The way to go about this job is to identify the functions we want done, and the manner in which they need to be accomplished, and then examine the alternatives to see how well they are equipped to handle them. If an independent agency is the only route, then we should take it. If we can receive assurances that the functions will be adequately served within another structure as well, then that alternative ought not be arbitrarily rejected. The question, then, is not independence, but impact.

A strong and effective focus of management is what we seek. To make but a gesture, or to subordinate oceanography to other more traditional goals, would disappoint and discourage the private sector, drive out capital, and waste the taxpayer's money.

I think you all know where I stand. In November of last year, I wrote a letter to President Nixon joined by my distinguished colleagues Senators Murphy and Hatfield on the subject of such a national focus. I would like to read you a short portion of that letter:

"Mr. President, we are convinced that only an agency with the power to determine the national policy will be able to assure that our efforts in the field of oceanography will be successful. The situation now is too fraught with duplicated authority and lack of a direction to lend itself to an effective organization. What is needed is a National Agency that will direct the exploration of the ocean and its environment much as the National Aeronautic and Space Administration does in the exploration of outer space."

Today, I am as firmly convinced of the need expressed in that letter as I ever was, and I will continue to work toward its resolution.

The real question that remains is what is to be done and who is going to "put the bell on the cat".

First, and foremost, the Federal government must provide impetus. As you know, Vice President Agnew made a significant start in the right direction when he announced his five-point program for marine affairs last October. As you also are aware, the President demonstrated his sensitivity to the pulse of the oceanographic community by directing the Ash Council. (The Advisory Council on Executive Reorganization) to take prompt action on the report of the Stratton Commission (The Commission on Marine Science, Engineering and Resources). He took the further step of seeking the advice of a distinguished panel of experts by designating Dr. James Wakelin as the Chairman of a Presidential Task Force on Oceanography and asking him to recommend a new oceanographic posture for the United States.

These were good and necessary steps. Yet the results of these efforts have not yet come to fruition. Therefore, I once again urge the President to move forward and provide his support for the marine affairs program of the United States. I think that the actions of the concerned Subcommittees in both the House and Senate clearly demonstrate that the mood of the Congress is one of readiness to move ahead without further unnecessary delay.

While the President must furnish leadership, I believe that the Congress would be remiss if it permitted its initiative and momentum to die. I will pledge my best efforts to see that this does not occur.

Now we come to you. What role or roles must you play? I would emphasize two, and impress upon you that these are essential. First, you must, each in your own way, accept the challenge of living together in the oceans. You must use all of your skills and initiatives to solve problems of conflicting use. I believe that industry has demonstrated its capacity to do so. The establishment of shipping lanes in the Gulf of Mexico was a cooperative effort of the oil and shipping industries designed to assure adequate ocean space for each of their endeavors. This is an excellent example of the ability of enterprise to come to grips with these problems on its own. Recent efforts on the part of the private sector show promise for pollution abatement and control. Such efforts are in our own best interests and must be encouraged and accelerated.

Secondly, you must decide whether you really want "a piece of the action" or not. That phrase implies responsibilities, and that is the thought I want to leave you with today.

In the final analysis, it is up to you, the people most concerned with the use of our Offshore Resources, to see that a strong, workable plan is activated. The Government will be no better than the people it represents and no stronger than the best its people can devise. The constituent members of this Offshore Technology Conference will, for the most part, be the ones involved in the day to day activities of our Oceanographic effort. I urge you to let your voice be heard in that way that most becomes your individual positions. The Record for action must be clear and the impetus to act must be maintained.

In conclusion, I feel certain that a new, national policy is emerging that will lead the United States to pre-eminence in the field of Offshore Technology. In the many conferences which I and my staff have had with persons within the Administration most concerned with the direction that the new policies will take, I have been most impressed with the sincerity and the dedication of these people. They are truly interested in a strong, efficient national program. If I had to guess as to what shape the new policies would take, I would say that a National Agency with a strong voice will emerge in the very near future.

In fact, as most of you know, the Ash Council made its still secret report to the President on April 15, and he is currently personally reviewing it. It is well known in Washington that when President Nixon personally reviews the action of a study group, a strong, efficient policy will emerge. I look forward to receiving these recommendations with the full expectation that they will be a policy which we can all accept; a new, reorganized effort, perhaps even at the Cabinet Level, could well emerge. However, I am not a prophet, and we will all have to await, even though most anxiously, the release of the recommendations. I do pledge to you, nevertheless, to accept nothing less than the vigorous program which I have outlined to you today.

CAMBODIA

Mr. MUSKIE. Mr. President, I share the concern of Senators at the administration's decision to commit military assistance to Cambodia. Following yesterday's announcement, I made a statement expressing my grave reservations about this new escalation of the war in Southeast Asia. I ask unanimous consent that the text of that statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Muskie Speaks on Cambodian Developments

(Statement by Senator Edmund S. Muskie of Maine on the news of U.S. military actions in Cambodia, April 29, 1970)

The Administration's decision to commit military assistance to Cambodia is a cause for gravest concern. This is the first widening of our military involvement in Indo-China since President Johnson halted the bombing of North Vietnam in 1968.

This may be a good time to recall the President's statement of April 20—just nine days ago:

"We have now reached a point where we can confidently move from a period of 'cut and try' to a longer range program for the replacement of Americans by South Vietnamese troops. . . . I am, therefore, tonight announcing plans for the withdrawal of an additional 150,000 American troops to be completed by the spring of next year. . . . This far-reaching decision was made after consultation with our commanders in the

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field. It has the approval of the government of South Vietnam. . . . The decision I have announced tonight means that we finally have in sight the just peace we are seeking. We can now say with confidence that pacification is succeeding. We can say with confidence that the South Vietnamese can develop the capability for their own defense."

Did the President have in mind the military action announced today, when he spoke to the nation nine days ago?

If not, what has happened in Vietnam and Cambodia in the past nine days to require such an escalation of the war?

North Vietnamese troops and the Vietcong have been operating in eastern Cambodia for years. They have had virtual freedom of action in that country. The President's statement to the nation indicated no grave concern, and news accounts since then have suggested that the South Vietnamese were having some successes along the border.

The President has chosen military action which can only lessen the chances for a negotiated settlement at this time, and increase the probability of an escalation in the war. He took this action against the bi-partisan urgings of members of the Senate Foreign Relations Committee, other members of the Congress and a substantial number of American people.

When President Nixon spoke to the nation, April 20, he stressed the importance of seeking a "better, shorter path to peace—through negotiations." There is a serious implication in today's news that he has moved, instead, toward a military effort on a wider front.

MEXICAN AMERICANS

Mr. KENNEDY. Mr. President, tomorrow afternoon, men and women, some young and some not so young, will begin a 30-mile march from Columbia, Md., to the Department of Agriculture, in the District of Columbia.

But the march did not begin in Columbia nor will it end in Washington. It began with the cry of "Huelga" 5 years ago in the dusty grade vineyards of Delano, Calif., and it will end when farmworkers throughout this land have won the right to organize and to bargain collectively for decent wages and for better working conditions. Finally, it will end when employers and workers learn to live with each other and communities learn to live with and respect the men who work in the fields.

Cesar Chavez will lead the marchers tomorrow, just as he led the first tiny group of men and women who dared to demand the radical fruits of our society: a living wage, a decent home, a chance for their children to be educated.

It has been 5 years, and the cry of "Huelga" no longer sounds strange to our ears. But it has been hard and it has meant suffering.

Yesterday, the U.S. Commission on Civil rights confirmed some of the reasons for that suffering. In a report entitled "Mexican Americans and the Administration of Justice in the Southwest," the Commission found "widespread evidence that equal protection of the law in the administration of justice is being withheld from Mexican Americans." It also found evidence of "widespread patterns of police misconduct against Mexican Americans."

The report found that Texas Rangers and local law enforcement officers had harassed union organizers, abused them physically and verbally, and acted on behalf of the growers in attempting to break the strike.

Cesar Chavez faced those injustices and never once faltered from his ethos of nonviolence in seeking to attain his goals. He said 2 years ago, after a 25-day fast:

> I am convinced that the truest act of courage, the strongest act of manliness is to sacrifice ourselves for others in a totally nonviolent struggle for justice.

He has shown that courage, and he has directed that struggle. The march tomorrow will celebrate the first hopeful sign of an end of the 5-year struggle for a better life for the Nation's migrant workers. The United Farmworkers Organizing Committee, AFL–CIO, recently signed contracts with the first table grape growers in California, and the union label will soon be visible to show those grapes that were picked by union labor. But the march also bears witness that the final victory still lies ahead. Many growers still refuse to recognize the right of their workers to organize.

These men and women of the United Farmworkers have shown a rare courage and they deserve our support and our respect. It has been said:

> Each time, a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance . . .

I ask unanimous consent that an article on the subject be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 30, 1970]

U.S. Unit Reports Police Brutality— Mexican-American Abuse Cited

(By William Greider)

The U.S. Commission on Civil Rights painted "a bleak picture" yesterday of abusive and violent treatment that Mexican-Americans receive from law enforcement agencies in the five Southwestern states, ranging from casual insults to brutal beatings.

As a result, the commission warned, Mexican-American citizens are "Distrustful, fearful and hostile. Police departments, courts, the law itself are viewed as Anglo institutions in which Mexican-Americans have no stake and from which they do not expect fair treatment."

The commission's survey of police and courts covered Arizona, California, Colorado. New Mexico and Texas where the more than 4 million residents with Spanish surnames constitute the largest minority group.

Federal agencies, particularly the FBI and the Justice Department, also drew criticism in the report both for not employing more Mexican-Americans and for not pursuing their complaints of police brutality more vigorously.

The commission cited a general pattern of under-representation for Mexican-Americans in the legal machinery—trial juries and grand juries, police forces and sheriff's departments, courts and prosecutor's staff. The report recommended federal legislation both to insure better representation on juries and grand juries and to strengthen the hand of federal officials in halting discrimination by local and state police.

In the four-year period from 1965 to 1969, the report said, the Justice Department received 256 complaints of police abuse from Spanish-surname residents in the five states. In the last two years, 174 complaints of "serious police brutality" against Mexican-Americans were also filed with the American Civil Liberties Union of Southern California.

While the commission said it cannot assert that each complaint was valid, it cited example after example from recent years to suggest that a serious problem exists.

In Denver, an elderly man complained that a police beating resulted in a broken jaw. A Los Angeles resident testified that when he protested the arrest of his children, he was hospitalized by a police beating. In San Antonio, a women said her 13-year-old son had 40 stitches in his scalp from a clubbing by police.

In addition to the lack of local review boards which might act against police brutality, the commission complained that federal officials should strengthen their enforcement "by more intensive investigations." In recent years, the report said, only two prosecutions have resulted from the 256 complaints.

In one case cited by the commission, a San Antonio resident was shot and killed by a city policeman, but two years later the Justice Department closed its investigative file with the notation that "prosecution of a white police officer for the shooting of a Mexican would have little chance of successful prosecution in the Southern District of Texas."

The commission concluded, "More aggressive investigations, taking into account prior complaints against the same officer and showing less deference to local action, can make this sanction (of federal prosecution) more effective." It also recommended new federal legislation to permit the Justice Department to seek civil injunctions against local authorities who display a pattern of discrimination against minorities.

The picture of Mexican-American representation varied sharply from community to community, but a survey of 243 police departments in the five states found only 5.7 per cent of police employees were Mexican-Americans, though they make up 11.8 per cent of the population.

On the federal level, 7.3 per cent of the Justice Department employees in the five-state area were Mexican-Americans, according to the report.

However, none of the legal division employees from GS12 to 18—the lawyers and top professionals—was Mexican-American. The Federal Bureau of Investigation had 1,137 employees in GS9 to 18 in the five states, but only six of them were Mexican-Americans.

PRESIDENT MUST ACT ON TRUCK EMERGENCY

Mr. SMITH of Illinois. Mr. President, 1 week ago today I called upon President Nixon to act within the means at his disposal to end the transportation crisis which threatens the welfare of the Nation and the livelihood of hundreds of thousands of Americans.

Thus far the President has failed to act.

The effects of the transportation crisis are speading.

The facts have not changed. But the effects have worsened.

The 425,000 Teamsters and thousands of trucking companies across the country had been operating under a national contract which expired March 31. Negotiations on a new contract continued through April 2 when a tentative agreement between the International Brotherhood of Teamsters and company representatives was announced.

But before ratification ballots could be mailed, certain local teamster unions and members struck trucking companies to protest the tentative agreement. One source of the dissatisfaction was a separate agreement reached by the Illinois Motor Truck Association and two Chicago area locals providing for a higher wage settlement.

Although only a small number of drivers and trucking companies were directly affected by that agreement, drivers across the country began to walk off the job to demand a national contract in line with the Chicago agreement. The remaining Chicago area trucking associations then closed their doors to show their unwillingness to follow the lead of the Illinois Motor Truck Association.

Right now approximately 75,000 truckers are either on strike or locked out.

Scattered incidents of violence directed at both Teamsters and trucking companies have occurred and in some areas trucks are traveling in convoys of up to 30 for the safety of cargoes and drivers.

The weekly Truck Index is still down by more than 40 percent. Moreover, an estimated 250,000 workers have been idled as a direct result of the strikes and lockouts. Automobile manufacturers have been forced to lay off employees. Rubber companies suffer from the same problem and virtually no business is free from the pernicious effects of this combination strike-lockout.

Teamster headquarters has not yet mailed ratification ballots to union members.

And yet, the President has failed to act.

The mail and telegrams I have been receiving are true indication of the severity of the strike. It is clearly imperative that the President act.

One week ago I said in this Chamber:

> The time to prevent an emergency is now. The President has the authority to act. I urge him to do so.

Today the Nation is still faced with an even greater transportation emergency. The effects spread daily. The President does have the authority to act. He should hesitate no longer.

I ask unanimous consent that a sampling of telegrams and newspaper clippings received in my office be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Chicago Heights, Ill.,
April 25, 1970.

Hon. Ralph T. Smith,
Senator, Senate Office Building,
Washington, D.C.:

At the request of the Chicago Heights Area Transportation League, the Manufacturers Assn. of the Chicago Heights area, representing a substantial cross section of diverse industries, both large and small, hereby requests immediate action on your part concerning the present emergency crisis created by the trucking tieup. A recent survey of our participating members indicates a considerable number are being forced to curtail their operations and very shortly will be completely closed, thereby seriously disrupting the economy not only of this immediate area but nation-wide. Thousands of loyal workers and employees are being laid off, and many, many more will be laid off within the next week unless drastic action is taken. Contrary to general opinion, the national economy is affected by the Chicago situation and we feel it is a serious impairment of interstate commerce. We strongly urge that you use the facility and persuasiveness of your office to bring about the early conclusion of this serious crisis.

W. W. Thorsness,
Executive Director, Manufacturers Association of the Chicago Heights Area.

Dekalb, Ill.,
April 24, 1970.

Ralph T. Smith,
Senate House,
Washington, D.C.

Dear Senator: The mayor of Sycamore and the greater Sycamore Chamber of Commerce request that you exert the appropriate influence of your office to bring about an equitable settlement in the trucking labor dispute. Industry and business in our community is being seriously hampered including our larger industrial firms of Anaconda, Barber Green, Duplex Products, Holub Industries, Ideal Industries, Turner Corp.—Divn. of Olin and Dekalb Agresearch. Unless a quick settlement is reached our community will undoubtedly suffer economically through industrial layoff and lost business.

Hon. Harold L. "Red" Johnson,
Mayor of Sycamore.
Jerry B. Henderson,
President, greater Sycamore Chamber of Commerce.

Kanakee, Ill.,
April 24,1970.

Hon. Ralph Smith,
Congress of United States,
House of Senate,
Washington, D.C.:

Roper Corporation of Kankakee urges the immediate invocation of any and all legal, legislative and administrative devices at your colleagues' command to bring about an immediate settlement or termination on the Teamster strike. Two major Roper plants in Illinois employing over 2,000 people are on layoff as a result of this dispute. Within one week 4,000 more people will be on layoff. If the strike is not terminated, Roper believes the Chicago Teamsters demands to be totally unreasonable, unconscionable, and against the public interest.

C. M. Hoover,
Chairman of the Board, Roper Corporation, Kankakee, Illinois.

Chicago, Ill.,
April 21, 1970.

Senator Ralph Smith,
Senate Office Building,
Washington, D.C.:

Really don't know what to say about present truck strike situation in Chicago, St. Louis, Cleveland and many other areas around country except that the facts are that truck drivers are presently already amongst highest hourly paid workers and that national settlement not yet voted upon by Teamsters of $1.10, plus about .25 cents in fringes, makes them more highly paid.

Even with present rates the truck drivers serving Ryerson's 25 plants across country are well paid and make more than our internal plant force which consists of non-union people, Teamster warehousemen, steel workers, and electrical workers, and an additional .10 cents threatened in Trenton, N.J., would be just twice as inflationary as the apparent national agreement even though national agreement has not been voted upon by Teamster locals yet. Protestations of union leaders that this is non-inflationary are honestly and patently ridiculous. Somehow, someway, common sense and reasonableness must be brought to bear upon Chicago Teamster officials and others across the country who support them and are just waiting for them. If allowed to continue another week, the number of people out of work because of this obstanacy will be fantastic. In talking with many of our Chicago truck drivers last Friday, most of them as individuals would be happy to accept the national settlement. As I said that's already inflationary enough as it now exists. I pray that you will use your influence in all fashions possible to you to bring reason to the Teamsters before our economy and the people lose so much more without just cause.

Jos. T. Ryerson and Son, Inc.,
Raymond N. Carlen, *President.*

Schiller Park, Ill.,
April 21, 1970.

Senator Ralph Smith,
U.S. Senate,
Washington, D.C.:

This corporation and hundreds of others in the Chicago metropolitan area are being strangled out of existence by inability to bring materials in or ship our products out due to teamster strike. I am unable to understand the total lack of action by the Government in the face of this very severe crisis. Please prevail on the administration to come to our help.

Wilton Corp.,
A. J. Vogl,
President.

Decatur, Ill.,
April 21, 1970.

Hon. Ralph T. Smith,
U.S. Senate,
Washington, D.C.:

Intimidation and violent tactics adopted by teamsters in connection with current labor negotiations seriously endangering the safety of our drivers and property.

Urgently request you take such steps as are available to put an immediate end to these practices.

A. E. Staley Mfg. Co.
Reeder C. Miller.

Chicago, Ill.,
April 21, 1970.

Hon. Ralph Smith,
Senate Office Building,
Washington, D.C.:

America is being seriously crippled by trucking strike. Respectfully request immediate adoption Taft-Hartley 80-day cooling-off period. Intensify Federal mediation reach a reasonable settlement.

Tempel Steel Co.,
Tempel Smith,
President.

Elk Grove Village, Ill.,
April 29, 1970.

Senator Ralph Smith,
Washington, D.C.:

Chicago truck strike is critical. Spreading to other States. Very damaging to small business. Some action must be taken.

K. & M. Rubber,
L. C. Kleng,
President.

Oakbrook, Ill.,
April 29, 1970.

Senator Ralph Smith,
Washington, D.C.:

Strongly urge your immediate attention to prolonged truck strike in Chicagoland area. Thousands out of work in this area with more factories closing.

Suggest immediate Taft-Hartley action. Business factors plus truck strike could bring about drastic economic reaction. Thank you for your help.

Herbert Englehard.

Joliet, Ill.,
April 24, 1970.

Senator Ralph Tyler Smith,
Washington, D.C.:

We have wired President Nixon asking immediate backing of your statement of the Teamsters strike. Congratulations on the action. Please continue to pursue problem very serious.

Respectfully,
John R. Minzing,
Executive Director, Will Grundy Manufacturing Association.

Skokie, Ill.,
April 29, 1970.

Hon. Ralph Tyler Smith,
U.S. Senator, Senate Office Building, Washington, D.C.:

Representing 230 industries and businesses in area, we urge you take immediate steps towards settling current local and national truck strikes. We urge efforts be made to stop this unjustified abuse to public and business. Situation more acute daily.

Gene Denning,
Executive Director, Skokie Valley Industrial Association.

Park Forest, Ill.,
April 30, 1970.

Senator Ralph T. Smith,
Senate Office Building,
Washington, D.C.:

We respectfully request an investigation and action to be taken against Local Unions 705 and 710 headed by Louis Pieck and Fenner who have caused tens of thousands of people to be out of work by lock out and strike as a result of their exorbitant and inflationary wage demands. These demands are only for the purposes of their personal prestige and gain; their present demands will cause many trucking firms to go out of business thus causing permanent unemployment in our industry.

Mr. and Mrs. Harold Curtis.

Skokie, Ill.,
April 24, 1970.

Hon. Senator Charles Percy,
Senate Office Building
Washington, D.C.:

Strike of truck drivers in Chicago area constitutes very critical crisis with almost one quarter million out of work and growing worse by the hour. State Chamber of Commerce wired the President on Monday to invoke cooling off provision of the Taft Hartley Act. To prevent a complete shut down to local industry, why hasn't he acted in this serious situation. I speak for many hundreds of companies about to close up.

R. H. Person,
President, American Vaccum Co.

Chicago, Ill.,
April 29, 1970.

Senator Ralph T. Smith,
Senate Office Building,
Washington, D.C.

Dear Sir: Is not the trucking strike/lock out now of significant national concern to warrant governmental action? By allowing this gross disruption to our economy to continue, you are destroying small businesses and those dependent upon it for a livelihood.

Sincerely,
Jerry D. Ptak,
Vice President, Russ Stonier, Inc.

Arlington Heights, Ill.,
April 28, 1970.

Hon. Ralph Smith,
Senate Office Building,
Washington, D.C.:

National and local trucking strike causing considerable hardship to our company and employees. Please act immediately to stop this foolish strike and situations like it in the future.

R. W. Hill,
President, Micro Plastics, Inc.

Lake Bluff, Ill.,
April 24, 1970.

Senator Ralph Smith,
Senate Office Building,
Washington, D.C.:

I think it appropriate that our Senators return to Illinois to help us out in the trucking situation. Your voices are needed immediately.

Mal Kauffman,
President, Plantation Baking Co., Inc.

Chicago, Ill.,
April 28, 1970.

Senator Ralph Smith,
Washington, D.C.:

We respectfully request that immediate action be taken regarding the trucking strike. Our industry representing in excess of $500,000,000 in home furnishing sales is rapidly grinding to a halt. Urgent action is imperative to prevent massive employee lay-off.

Kandel, Inc.,
Harold Purcell.

Lake Bluff, Ill.,
April 28, 1970.

Senator Ralph Smith,
Senate Office Bldg.,
Washington, D.C.:

The truckers strike is becoming disastrous to small businessmen. I urge you to contact the President to invoke the Taft-Hartley Act to alleviate the pressure on the Chicago area business community.

Remo Picchietti,
Products, Inc.

Joliet, Ill.,
April 28, 1970.

Senator Ralph Smith,
Senate Office Building,
Springfield, Ill.:

Please exercise the power of your office to at least bring about round the clock meeting to effect a settlement of the truck strike. Slashout the middle west if crashed industry is shut down. Shelf is bare. I have three plants running with a skeleton force. Many of our full time employees are past 65. We cannot hold out much longer. Please help.

Chicago, Ill.,
April 28, 1970.

Hon. Ralph T. Smith,
Washington, D.C.:

Present motor truck strike is contrary to public interest. It must be settled immediately. Recommend you propose legislation outlawing all strikes during negotiations. Further recommend executive director Chicago Furniture Mfg. Assn.

[From the St. Louis (Mo.) Post-Dispatch, Apr. 24, 1970]

TEAMSTERS, CARRIERS MEET; "NO STALEMATE"

Representatives of the Motor Carriers Council met for two hours last night with Teamsters vice president Harold J. Gibbons in an effort to end the 24-day work stoppage of Local 600 that has curtailed freight movement here.

The content of the meeting was not divulged.

"But we are not stalemated," stressed Mitchell Campbell, executive secretary of the Motor Carriers Council, which represents large over-the-road trucking firms with terminals here.

The site of the meeting was not disclosed.

Another meting will be held at a time to be arranged within the next three days, it was said.

Last night's meeting was the first between the truckers and Teamsters since the walkout began April 1.

Local 600 is one of several locals in the country that refused to send drivers and dock hands back to work after a $1.10 wage-increase package was negotiated at the national level. Local 600 apparently hoped to align with Chicago drivers, who negotiate independently, and are seeking larger increases on a three-year contract.

"I can only say that we are negotiating to get the men back to work," said Campbell. "I cannot divulge anything else except that the national agreement and the local supplements are not being included in our discussions."

This was interpreted to mean that the sides are discussing specifically the recent legal actions brought by the carriers in United States District Court against Local 600 and its leaders.

Seventy-nine trucking firms have filed a damage suit against Local 600, asking for about $1,200,000 each day of the work stoppage and contending that the present walkout is illegal. In addition, Don Lane, Local 600 president, is under court order to show cause why he should not be held in contempt for alleged failure to heed a restraining order against interference with trucking operations.

As an early "good faith" concession, the Motor Carriers Council did not oppose a one-week continuance of Lane's contempt hearing, originally set for 4 p.m. today. It has been continued to May 1.

Campbell and Gibbons each was accompanied by one associate. Who they were was not disclosed.

Gibbons was unavailable for comment this morning. He reportedly returned for the meeting late yesterday from a New York business trip. On Tuesday, Gibbons had suggested that a meeting be held in an effort to end the walkout.

Carrier members held day-long sessions yesterday to determine the framework of the talks.

The meeting was the first hopeful sign in a paralyzing situation in which more than 50,000 persons have been laid off jobs and business and manufacturing interests have been crippled by the lack of freight movement.

In another development, it was learned that local work supplements to the national contract probably would be completed by negotiators in Washington by Monday. This would pave the way for the mailing of ballots to 425,000 freight Teamsters for ratification.

Although drivers were reported off their jobs in Los Angeles, Rockford, Ill., Cleveland and Akron, O., also, the key trouble spot remains Chicago. A combination strike-lockout has idled more than 40,000 drivers and dockmen there for two weeks. Chicago Teamsters are seeking a $1.65-an-hour increase in a three-year contract.

A few more incidents were reported to authorities here as a result of the walkout. A Consolidated Freightways truck was forced off Interstate 270 near the new Chain of Rocks Bridge yesterday. There were no injuries. Ray Oliver, a Local 600 member from Granite City, was charged with improper lane usage

About 30 members of Local 600 were reported to be stopping drivers in rental trucks coming out of the Republic Carloading Co. in the 1200 block of Thirty-ninth Street this morning. There were no arrests. Drivers continued on after brief conversations with the men in the street.

Windshields of several trucks were reported broken yesterday morning at Strickland Truck Co. in the 3000 block of Chouteau Avenue.

A motion was filed in U.S. District Court yesterday by attorneys for Local 600 asking

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that an injunction against Lane and the local be dissolved or dismissed. It was contended that under the Norris-LaGuardia Act only the National Labor Relations Board may seek and obtain an injunction in a labor dispute.

Senator Ralph Smith (Rep.), Illinois, called on President Richard M. Nixon to intervene in the trucking dispute. He said it had cut trucking business nationally by more than 50 per cent.

Meanwhile, the Chrysler Corp. announced that the truck-assembly line at its Fenton plant had resumed operations and that its auto-assembly lines would resume full production Monday.

About 5300 Chrysler employes had been laid off early in the Teamster walkout. Ford Motor Co.'s Mercury assembly plant at Hazelwood was shut down briefly and now is operating with parts supplied by railroad. The Chevrolet-Fisher Body complex will remain shut down "for the duration," it was said. It employs about 7000 persons.

Lane offered yesterday to deliver 1,449,000 boxes of Girl Scout cookies, which have been in a warehouse here since the work stoppage began April 1. The cookies were to have been delivered April 6 to about 900 distribution centers, where individual troops would have picked up the cookies.

Lane said that delivery would be made by the local's business agents on a volunteer basis. The cookie sales make up almost 50 per cent of the budget of the Girl Scout Council of Greater St. Louis.

[From the Centralia (Ill.) Sentinel, Apr. 13, 1970]

Effect of Trucking Tieup Continues To Mount Here

Depleted raw materials and overstocked manufactured products continued today to force local factory layoffs or work slowdowns as a result of a national trucking tieup.

However, one major local manufacturer, Siegler Heating Division, Lear-Siegler Inc., returned 350 employes to work today. They had been laid off Friday.

The prospect of other return-to-work orders appeared dim locally, as long as the trucking strike continues.

Tallies so far indicate more than 1,000 workers have been or will be laid off by Wednesday.

Those industries most directly affected by the strike are the Illinois Central Railroad Car Shops, effective Wednesday, 350 layoffs; Hollywood Candy Co., Centralia, 450; Hollywood Candy Co., Ashley, 250, Centralia Cartage Co., 150.

Other industries reporting layoffs are Littelfuse, Centralia Container Corp., Hindman Manufacturing and Centralia Engineering.

A spot check with spokesmen for some local industries indicated layoffs or work slowdowns would come this week or next if the tieup is not ended.

Valley Steel Products Co., 960 S. Cherry St., was considering a slowdown to a four-day work week.

Lack of raw materials normally supplied by truck was cited by every one of the major industries as the reason for the layoffs.

Limited local deliveries of merchandise and materials on hand at Centralia Cartage Co., 650 W. Noleman St., started today.

Ralph Sprehe, president, said four trucks were making deliveries to Centralia, Salem, Mount Vernon and points between.

Sprehe said pickets have not appeared in front of the trucking terminal since late Friday morning.

"Now that they know we can't go anywhere, they don't picket," he said. The pickets were from Teamsters Local 600, St. Louis. Cartage Co. employes are not on strike. They were honoring the picket lines.

Charles Mason, vice president of production at Siegler, said today, "All of our employes are back to work and we think we can keep things going this week."

James Hood, director of the Illinois Bureau of Employment Security, Centralia, said today the layoffs "are going to affect everything if they continue. The longer it goes, the more it will affect."

Hood said, however, a check by his office of major industries in Salem indicated no layoffs.

"After that," he said, "they don't know."

Hood said his office was bracing for results of those already laid off last week and this week.

"If the strike continues this week," he said, "the accumulation of layoffs may easily double what we have had up to now (on claims)."

About 32,000 truck drivers today struck an estimated 1,300 Chicago area trucking firms that failed to reach agreement over the weekend with trucking unions, and drivers from North Carolina to California remained off their jobs.

Five Chicago trucking associations which refused to sign contracts with either the Teamsters or the independent Chicago Truck Drivers Union locked out another 35,000 drivers and dockmen.

The more than 1,000 companies which signed contracts agreed to the union's demands for a $1.65 an hour wage boost over three years. The national Teamsters Union leadership and the country's carriers already have settled for a $1.10 increase.

Teamsters in Colorado, Wyoming and Milwaukee already had voted to reject the national contract offer.

[From the St. Louis (Mo.) Globe-Democrat, Apr. 21, 1970]

Lines of Unemployed Lengthen With Strike

(By Barney Wippold)

Long slow-moving lines of the newly unemployed waited Monday to file claims for unemployment payments.

From most the story was much the same. They had received notice late last week from their employers that they were being laid off because of the Teamsters strike.

Mondays are usually busy days at the Missouri Employment Security Division office at 505 Washington ave., where unemployment claims may be filed. But the last two Mondays have seen considerably more activity at the office.

"There is no doubt that the increase in the number of claims is due to the truckers strike," Robert Whaley, claims supervisor, said.

Last week, 6,126 new unemployment claims were filed in the four offices in the St. Louis area. Of these, Whaley said, 4,110 were directly attributable to the Teamsters strike.

He said between 200 and 250 was normal for most Mondays, with the total for the week running around 800 claims.

Many of those filing claims said their employers had closed down or curtailed production because they could not make shipments or receive raw materials. Sometimes it was a combination of both.

Some expressed bewilderment at the situation which found them the victims of someone else's labor difficulties, but few expressed bitterness.

Most were cheerful and seemingly unconcerned, but when questioned closely admitted uneasiness over their immediate problems. Some had car or house payments to make.

None seemed to be in fear of where his next meal is coming from. They felt the unemployment compensation checks would provide for this necessity by the time their immediate funds are exhausted.

Whaley explained that those eligible for unemployment compensation would not receive checks before the third week of unemployment. They would receive no compensation for the first week of unemployment and payment for the second week would not be received until about the third week after a claim is filed.

He said the maximum payment is $57 per week.

[From the Carbondale (Ill.) So. Illinoisan, Apr. 19, 1970]

Teamsters Wildcat: Strike Affects Area

At least 760 employees of Herrin area industries are temporarily out of work because of a continuing Teamsters Union wildcat strike.

One major plant that hasn't yet laid off anyone may have to shut down completely if the labor dispute doesn't end by next Friday, a plant official reported.

More than half the employes at Allen Industries, Inc. west of Herrin have been laid off temporarily.

Company officials said about 450 hourly-wage-employes—virtually the entire automotive division and workers in the carpet underlay section of the fiber division—will be laid off Monday and Tuesday. The plant employs 875 persons.

Vic Reback, vice-president and managing director, said the layoff is due to a lack of raw materials because of the strike. "The plant will resume production on Wednesday, but I don't know how long we can continue to operate unless a greater supply of raw materials are received," he said.

About 50 of the 120 factory workers at Diagraph-Bradley Industries Inc., in the Ordill area have been laid off: effective Monday, a plant spokesman said.

"The truck shortage has affected both incoming and outgoing materials, William Wolff, general plant manager, said. "If this situation continues, it will mean further reduction of our operations."

Central Technology Inc. in the Ordill area, have been shut down since April 10, according to Noel Patton, president.

Patten said nearly 200 persons have been laid off. Only a "minimum" of administrative personnel are at the plant, he said.

A total of 60 employes at two area Smoler Bros. Inc., plants are on layoff status because of the strike according to Mrs. Louise Hamilton, manager of both plants.

About 40 employes at Herrin and 20 at West Frankfort have been laid off. Mrs. Hamilton said. Herrin still has 450 working and West Frankfort about 30, she added.

The length of the strike will determine whether any future layoffs occur, she said.

Herrin's Norge Division plant may have to shut down if the strike doesn't end by next Friday, according to Lawrence Eichler, vice-president and general manager.

Norge currently employs about 1,120. There have been no strike-related layoffs thus far, Eichler said.

The plant is now shipping and receiving materials by air and rail, but if the strike continues beyond Friday, "we'll have exhausted every means of getting our materials in," Eichler said.

The strike apparently won't delay construction of the factory's new dryer addition since most of the materials for this facility are already on hand, he said.

Dryer production began last week in a warehouse section of the existing plant, Eichler said. About 100 new employes were hired and more will be added later, he said.

Olin Corp. at Ordill, which employs about 1,000, hasn't been affected by the strike yet. Company officials don't foresee any effect in the near future, a spokesman said.

John Allan, plant manager at Phelps Dodge Aluminum Products, Murphysboro, said the truck strike "is killing us."

Presently the completed products are being stored at the plant, but Allan said the plant does not have enough room to store much more.

He said the plant has some trucks of its own, but about 75 per cent of the completed duct is carried by other lines.

XUM

Shipments are down 50 per cent, he said. He said there has been no layoff, but a layoff is imminent if the strike continues.

Edward Bernhardt, operations manager of Technical Tape Corp., Carbondale, said the firm still is operating as usual as far as production is concerned but that no deliveries are being made.

Bernhardt said the manufactured product will be stored until delivery can be made. He said he could continue to operate in this manner for at least another week.

[From the Carbondale (Ill.) Southern Illinoisan, Apr. 19, 1970]

"Grownups" Turn Violent

A brick goes through a windshield.

A security officer is jeered at and beaten.

A shot rings out and a slug slaps into a vehicle.

More campus violence? More young radicals at work?

No. It is the grownups who are at it this time.

The brick was thrown through a truck windshield on Rt. 51 north of Cairo. A truck was struck by gunfire on Interstate 57 between West Frankfort and Johnston City.

The security officer was pulled from a truck leaving St. Louis bringing food to stock a Carbondale grocery store.

All of the violence is linked to a Teamsters Union walkout in the St. Louis area which has spilled over to affect some Southern Illinois operations.

Whether instigated by a campus revolutionary or a labor goon, violence is violence and has no place in the settlement of disputes.

Just as all students get falsely labeled as without virtue because of the inane acts of a few, so do too many union members get blamed for acts by a handful.

The police should deal fairly but firmly with those who exceed the law in protests on campus. They also should act to round up those who use violence in a labor-management conflict.

We hope the shooters, the beaters and the brickthrowers are caught and penalized.

Southern Illinois could do without any more supposed "grownups" setting the wrong kinds of examples.

[From the Kenosha (Wis.) News, Apr. 20, 1970]

Local Teamsters Reject Money Offer

Members of Teamsters Local 95 in Kenosha and Local 43 in Racine voted Saturday to reject the national money package offer of $1.10 an hour.

James Morgan, secretary-treasurer of both locals, said drivers will stay on their jobs until a national vote is held.

A referendum mail vote by all Teamsters members will probably be held after supplemental agreements are in final form, Morgan said.

He said it was impossible to predict at this time just when the national vote would take place. In this area, drivers are covered by the Central States supplemental agreement which is still being negotiated, along with several other supplemental agreements.

Morgan said drivers have been requested by the Teamsters's leadership to continue to work until a national vote is tallied.

Morgan did not reveal the vote totals in the Saturday balloting. Voting was by local cartage and over-the-road drivers.

[From the Daily News, Apr. 17, 1970]

Trucking Pinch Hits Saramar; Closes Until Monday; Others Face Layoffs; FASH Meets Sunday

(By Jack Darrow)

Stockpiling of its finished products for over a week because of the steel haulers strike today forced the Saramar Aluminum Co., of Warren to furlough 150 employes and shut down the plant until Monday, a company official said.

Some other area industrial concerns, where stockpiling has neared capacity in storage sections will be forced to close down sometime next week if the strike continues, it was reported.

The threat of layoffs and cutbacks in work schedules is imminent if needed materials do not reach area plants in the next few days. One industrialist said that paper shipments were delaying operations.

Most plants have not been experiencing too much trouble in outbound shipments because they are using the railroads, but lack of incoming shipments of raw materials has reduced operations in several plants in the Mahoning Valley.

WILL USE OWN DRIVERS

Saramar plans to use its own drivers over the weekend to move trucks with orders after a nine-day halt because of an incident that occurred in Pennsylvania when a Saramar truck was damaged by a rock-throwing incident which broke the windshield, it was reported.

One area industrial plant has been forced to curtail daily hours of work, but did not reduce the number of working days, it was reported.

Another plant official said that the real pinch is on and if the strike continues another week, the situation will be critical and a mass layoff is likely.

Still another company official said that his firm can't get railroad cars for outbound shipments, material is being stored at the plant and "we're running out of storage area."

One area grocery wholesaler said today that he has had more truck shipments today in over a week but some items are still out-of-stock. He said that business was normal and deliveries were being made.

John Aneglo, business agent for Teamster Local 377 of Youngstown said today that all the members were working except the steel haulers, which represent about 1,000 members.

Officials at the State Employment Service here today said that the claim pattern is normal and that his office has not been informed of any mass layoffs by industrial concerns in Trumbull County.

MEET CALLED SUNDAY

Steel haulers, freight haulers and dump truck operators in the Mahoning Valley have been invited to attend a special meeting of Teamsters Sunday at 2 p.m. at 1 W. Liberty St., Hubbard, to discuss the overwhelming rejection of the national Teamster contracts.

There were no reports of violence in the area during the past 24 hours, but rumors of flare-ups have come to the attention of Mike Boano, local leader of the Fraternal Assn. of Steel Haulers (FASH).

Boano said that the area's Teamsters are expected to discuss the possibility of seeking federal intervention. The local FASH leader also indicated he is asking Teamster local officials across the nation to set similar open meetings.

The National Labor Relations Board has set a hearing in Pittsburgh, Monday on FASH's request to hold a collective bargaining election. Many steel haulers hold dual membership in FASH and the Teamsters. Of the approximately 6,000 Teamster Local 377 members, Angelo said that about 1,000 are also members of the steel haulers group.

[From the St. Louis (Mo.) Globe Democrat, Apr. 23, 1970]

The 1,449,000 Boxes of Cookies—A Monumental Strike Casualty

Stacked in a warehouse on North Broadway are unconventional casualties of the Teamsters strike—1,449,000 boxes of Girl Scout cookies.

And the Girl Scouts Council of Greater St. Louis doesn't know how to get them out and into the hands of Girl Scouts to be sold.

Mrs. Charlotte Davis, executive director of the council, said Teamsters Local 600 President Donald Lane had refused to give permission for Local 600 truckers to pull them out of the warehouse.

Permission has been given, however, for Girl Scout leaders to pickup the cookies at the warehouse at 1600 North Broadway.

But, as Mrs. Davis points out, it takes 10 trucks working eight days just to drop the cookies at 900 points around the city and to distribute the cookies individually from the warehouse is an almost impossible task.

The cookies will retail at a total of $750,000.

Their sale is crucial to the Girl Scout program. Proceeds make up 46 per cent of the council's budget and the money goes to more than 2,000 troops, providing many Girl Scouts with camping trips.

Girl Scouts went from house to house last February taking orders for the cookies. Now they can't make delivery and collect the money.

The cookies were hauled in 35 forty-foot vans from Chicago a day before the strike by Local 600 started.

Normally, delivery of the cookies to drop points at churches, schools and other places would have started April 6.

Mrs. Davis said the cookies haven't yet lost the "fresh taste that makes Girl Scout cookies unique."

Mrs. Davis said she had been unable to reach Lane by telephone and had sent a telegram. She was informed of Lane's refusal by Hugh Logan, president of the council, she said.

She said she also has appealed to Harold J. Gibbons, an international vice president in the Teamsters Union.

The executive and finance committees of the council are to meet at noon Thursday to decide what to do.

Mrs. Davis said the only thing that apparently can be done is to start the mammoth job of distribution from the warehouse.

Robert J. Ramshaw, business agent for Local 600, said neither the local nor the men have any objection to Girl Scout leaders picking the cookies up at the warehouse.

But we have 9,000 members running around the street and we couldn't guarantee anything if Local 600 drivers were given permission to deliver the cookies, Ramshaw said.

[From the Chicago (Ill.) News, Apr. 27, 1970]

Chicago Vote: Truckers Balk on New Talks

(By Les Hausner)

A trucking industry spokesman said Monday that cartage company bargainers have not agreed to reopen talks on a national trucking contract if the Teamsters Union gets a better settlement in Chicago.

Lack of such an agreement could jeopardize a proposed contract between 12,000 trucking companies and 450,000 drivers outside the Chicago area.

Art Shenefelt, public relations director for Trucking Employers, Inc., told of the "misunderstanding on the agreement" as Teamster leaders from around the nation met in Washington to discuss the proposed national contract.

Conducting the meeting was Frank Fitzsimmons, acting president of the International Brotherhood of Teamsters.

Fitzsimmons said Friday that he had agreed to submit the proposed settlement to the rank and file for ratification in exchange for an agreement that talks would reopen if Chicago drivers got a better deal.

"It's not that simple," Shenefelt said.

"But what we agreed to do was this:

"If a substantial portion of the common carriers of Chicago arrive at a higher settlement, we would agree to reevaluate the situation to determine if that was the basis for reopening the monetary provisions of the national agreement."

The proposed national settlement would provide drivers pay raises of $1.10 an hour over 39 months.

Chicago-area drivers, who bargain apart from the national contract, are insisting on $1.65 an hour over 36 months, plus $10 a week in other benefits.

Although more than 2,000 companies, mostly small firms, have agreed to the $1.65 an hour contract here, Shenefelt said the large over-the-road truckers would never go for it.

"That would boost food prices in Chicago by 25 percent in three years," he said.

Meanwhile, members of Chicago's largest Teamster local have given their leaders a vote of confidence to press for the $1.65 settlement.

William D. Joyce, secretary-treasurer of Local 710, which has 23,000 members, said Sunday's vote "is a mandate not to accept less than the $1.65-an-hour package."

Among members of Joyce's local are 6,000 over-the-road drivers, whose contract is being negotiated in Washington.

"I don't think this national agreement can be ratified," one Teamster source said.

"The men know we started out by asking $3 an hour in a three-year contract. They don't want $1.10 in 39 months," he said.

The strike-lockout, Joyce said, is not curtailing supplies of food and other necessary goods—"just hard items," which are being held up in warehouses.

Industries that are unable to get at those warehouse goods or cannot ship finished products have laid off more than 100,000 employes.

Jones & Laughlin Steel Co. Sunday announced it will lay off 1,500 more workers this week because truckers refused to move steel from the mills.

A company spokesman said layoffs already total 3,000 and J & L warehouses in Chicago and Cleveland have been shut down.

Other steel companies, fast running out of storage space, are considering production cutbacks this week, a move that could result in massive layoffs.

The truck shutdown, which has choked off nearly all outside motor freight normally coming into Chicago, was 18 days old Monday. A similar strike-lockout in 1967 lasted 17 days.

[From the Chicago (Ill.) Sun-Times, Apr. 27, 1970]

TEAMSTERS HERE FIRM ON $1.65 DEMAND

(By James Campbell)

William D. Joyce, secretary-treasurer of Teamster Local 710, said Sunday the membership has instructed him to stand pat on wage demands.

Joyce also predicted that truckdrivers and dockworkers outside the Chicago-Gary area will vote down a national wage pact.

At a press conference in the local's headquarters at 4217 S. Halsted, Joyce announced:

"The membership of Local 710 has given the executive board and the wage-scale committee a unanimous vote of confidence and a mandate to stand pat on the $1.65 wage package."

Joyce said the mandate was rendered by 2,500 truckdrivers and dockworkers in a morning meeting and 1,000 office workers at an afternoon meeting at Plumber's Hall, 1340 W. Washington.

SPEAKS FOR 24,000

Local 710 represents 24,000 over-the-road drivers, dockworkers, local cartage drivers and office workers, Joyce said.

It is one of eight Chicago area teamster locals that, along with the Independent Chicago Truck Drivers Union, is seeking a three-year contract calling for pay increases of $1.65 an hour, plus 42 cents an hour in fringe benefits.

Five area trucking associations have offered the 50,000 workers here 70 cents more an hour over 39 months.

"NO MEETING SET"

The employers locked out nonstriking drivers and warehouse workers April 10 after 31 trucking companies had been hit by selective strikes.

The two sides have not come together in bargaining sessions since that time and Joyce said Sunday, "No more sessions have been scheduled."

A national trucking settlement was reached April 2, providing pay increases of $1.10 an hour over 39 months for 450,000 drivers outside the Chicago area.

A mail referendum for those drivers will be held within the week.

[From the Anderson (Ind.) Herald, Apr. 17, 1970]

WALKOUT BY TRUCKERS IDLES 5,000

The national truckers' dispute has idled more than 5,000 workers this week in Indiana factories.

Bendix Corp. of South Bend announced Thursday it will lay off about 1,400 workers in its Brake and Steering Division Friday and Monday.

Muncie Gear Works, which makes rocket motor components for the U.S. Army, laid off 425 employees Thursday.

Hardy Division of Sheller Globe Corp. furloughed 700 workers Wednesday in Union City.

Reliance Electric and Engineering Corp. laid off 2,550 workers Tuesday in divisions at Mishawaka, Columbus and Madison.

In each case, management said its flow of raw materials and finished products was interrupted by the truck tieup.

Reliance's Dodge Manufacturing Co. at Mishawaka announced Thursday it will resume production at midnight Sunday in hope of progress in negotiations between the trucking firms and the Teamsters Union.

A 24-hour work stoppage ended Wednesday night at the big Marsh Supermarket warehouse center in Yorktown. Both Local 135 of the Teamsters Union and the grocery chain management called the strike a wildcat over unspecified grievances.

Bohn Aluminum and Bronze Co. of Greensburg announced Thursday it would lay off 50 to 60 of its 350 employes, partly because of a lack of orders due to the truckers' dispute and partly to reduce production "in the present economic situation."

[From the Rockford (Ill.) Star, Apr. 16, 1970]

TRUCKERS' STRIKE CAUSES SHUTDOWNS

Closing of a television assembly plant Wednesday and temporary layoffs in the Rockford area resulted from the continuing strikes by truck drivers belonging to the Teamsters.

A spokesman for the Admiral Corp., Harvard, said the closing will idle more than 1,000 employes. Supervisory and maintenance workers will continue their duties in the plant, he said.

Employes are expected to be recalled Monday or Tuesday, the spokesman said. But he added that the shortage of parts may force the closing of the company's appliance manufacturing plant at Galesburg.

TEMPORARY SHUTDOWN

Officials at Chrysler's assembly plant in Belvidere said workers will continue full shift starting this morning and will work on a day to day basis. The plant was shut down Wednesday.

"We'll have to make a survey of stocks after each shift to see how long we can work the full eight-hour shift," a spokesman for the company said. "It will have to be on a day to day basis."

About 120 employes from the Gates Rubber Co., in Rockford may be without work Monday morning, said Chester E. Palmer, plant manager.

"It's still tentative," Palmer said. "If we can find a way to work we will."

EXECUTIVE DECISION

Palmer said plant executives will meet this morning to decide upon the proposed 7 a.m. Monday layoff.

About 75,000 Teamster drivers across the country remain on strike, but trucks began rolling in the Detroit area after a judge declared the week-long strike there illegal.

Dissident Detroit drivers met Wednesday to decide whether to picket their own union headquarters, while Andy Provenzini, head of the Detroit rebels, charged that Teamster leaders "sold us down the river on the last contract and we don't think the one now shaping up is so hot either."

The Detroit dissidents, 15,000 Ohio Teamsters, 10,000 in Los Angeles, nearly 10,000 in St. Louis, and smaller groups elsewhere across the country have been protesting a tentative national settlement reached by union officials and industry negotiators in Washington. It provides average wage increases of $1.10 an hour over three years.

Chicago area drivers and dock workers on strike are represented by two unions there demanding $1.65 increases over three years.

Embargoes were ordered on all piggyback trailer trucks destined for Chicago firms involved in the strike.

Also in Chicago, International Harvester Co. announced the layoff of 4,500 employees in several plants, including 2,500 in Springfield, Ohio.

[From the Raleigh (N.C.) News and Observer, Apr. 15, 1970]

FREIGHT FIRM OFFERS REWARD

CHERRYVILLE.—Carolina Freight Carriers Corp., where truckdrivers have been on a wildcat strike since Sunday, offered a $5,000 reward Tuesday for information that would convict the persons who fired on two of the company's trucks.

Jim Booker, public relations director for the company, said one truck was fired on near Lincolnton before dawn Tuesday and another was fired on near Kings Mountain. There were no injuries.

Police said they were investigating the incidents.

Seventy-five to 100 strikers milled around across the street from the company's main terminal at Cherryville, Tuesday, but there was no picketing.

A group of the strikers are scheduled to appear in Gaston County Superior Court Wednesday to prove they should not be held in contempt for violating an injunction by Judge B. T. Falls barring picketing. They were summoned Sunday, the day the strike started. Falls issued the injunction at the request of the company.

Bookers said trucks were arriving at and leaving the terminal unmolested Tuesday.

Grier Beam, president of Carolina Freight, said about 40 drivers who had been on strike returned to work Tuesday.

The company has threatened to sue the strikers for $175,000 per day as long as they are out. That is the estimated gross daily revenue.

The strike began during national negotiations in Washington between the Teamsters Union and the trucking industry. The union has disavowed the strike.

The strikers say that in addition to being satisfied with the proposed contract at the national level, they want fewer working hours from Carolina Freight.

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[From the Canton (Ohio) Repository, Apr. 15, 1970]

Truck Strike Is Strangling Economic Life

The 15-day-old, violence-punctuated Teamsters Union strike, involving more than 10,000 Ohio truck drivers, slowly is strangling economic life here and elsewhere.

Thousands of industrial workers have been laid off in this and other areas because firms can't move material into and out of plants.

A spokesman for a local motor carrier said very little long-distance freight is being moved from or into the Canton area.

Members of Canton Teamsters Local 92 reportedly did not take a strike vote but are idle. They previously had worked on a day-to-day basis.

The union bargains for more than 3,000 long-distance drivers and warehousemen in the Canton area.

The Fraternal Association of Steel Haulers, which is seeking to break with the Teamsters, also has its members idle.

In Cleveland, an estimated 12,000 workers have been idled by the wildcat strikes of the Teamsters.

In Canton, Hercules Engines, Inc., The Timken Roller Bearing Co. and other firms have been forced to make layoffs.

[From the Columbus (Ind.) Republic, Apr. 15, 1970]

Truckers Strike Is "Bother" to Firms

Reliance Electric company remained out of production today. The company was forced to temporarily shut down Tuesday due to shipping problems connected with a "wildcat" truckers strike which has struck various areas in the country.

Other major Columbus industries said they found shipping problems bothersome, but felt they would be able to continue operations.

A Reliance spokesman emphasized today that only production employees have been laid off at the firm's plants in Columbus and Madison. No indication was given that salaried employees will be laid off.

Cummins Engine company, Arvin Industries and Hamilton Cosco are carrying on operations. A Cummins official stated:

"The current teamster activity had no adverse impact on Cummings other than inconvenience. The company is continuing to meet production and shipping schedules. No near-term problems are foreseen unless the present sporadic Teamster strike evolve into a nation-wide shutdown of all trucking activity."

Spokesmen at both Arvin and Hamilton Cosco said their firms are continuing to meet shipping schedules.

Another major industry here, Como Plastics, has now been shut down for 15 days due to a strike of employees, all members of Local 202 of the United Auto Workers.

The workers were to vote at 5 p.m. today to decide whether not to accept management's new 3-year wage-benefit work contract.

[From the St. Louis (Mo.) Post-Dispatch Apr. 26, 1970]

Income Loss in Work Stoppages Here Is Put at Fifty-Two Million Five Hundred Thousand Dollars

(By Robert J. Wehling)

Effects of the work stoppages by Teamsters Local 600 and Hoisting Engineers Local 513, now almost four weeks old, will be felt long after work resumes, the Post-Dispatch was told yesterday.

A conservative estimate of income loss of the 50,000 persons either on strike or laid off now totals $52,500,000.

This figure does not take into account the recirculation or "rippling" effect of wages. Much of the money would have been spent on other items or services, and thus would have become wages or salaries of still other workers.

Many other side effects of the work stoppages will be felt later.

LOSS IN TAXES

John K. Travers, city collector of revenue, estimated yesterday that $100,000 in earnings taxes already has been lost to the city. Continuation of the 26-day work stoppage could place a strain on the city's general fund budget, he said. The estimate takes into account only direct wage loss.

The 50,000 area residents reported not working includes 9500 members of Local 600, and about 18,000 construction tradesmen. The latter have been laid off because the hoisting engineers' strike has closed all the area's ready-mix concrete plants.

LOSSES INCREASE $2,200,000 A DAY

Direct wage losses are increasing at about $2,200,000 a day, according to the Associated Industries of Missouri, the Regional Industrial Development Corporation and the Metropolitan St. Louis Chamber of Commerce.

Although hopes of settlement of both work stoppages were buoyed by developments late last week, participants are not voicing optimism.

Business, industrial and construction firms that had anticipated a seasonal upswing in the economy are facing problems for a second successive spring. In 1969, there was a 12-week strike by the Ironworkers Union that shut down virtually all construction.

A sampling by the Post-Dispatch showed that consumers generally were not yet suffering from lack of goods.

Although some items are missing from shelves, groceries generally have near-normal inventories. Most of the grocery items are delivered to warehouses by railroad and then transported to stores by Teamsters other than Local 600 members.

Department stores also have near-normal supplies. All brands of cigarettes still are plentiful with suppliers picking them up at warehouses. "But cigars are somewhere between here and Miami," one tobacconist said. "They are not getting into St. Louis."

Spokesmen for coffee companies voiced some concern, especially for the area they supply outside a 25-mile radius of the city.

Coffee beans are delivered here by railroad. The finished product is being packed and delivered within a 25-mile commercial zone. But because shipments for areas beyond the commercial zone generally are not being made, grocers in outstate Missouri and Illinois will be feeling the impact soon.

BREWERS' PROBLEMS

Although experiencing problems in obtaining cans and bottles and in some cases malt and other brewing supplies, neither Anheuser-Busch nor Falstaff Brewing Corp. expect any immediate shortage of beer.

A break in the Teamster walk-out occurred Thursday night when Harold J. Gibbons, Teamsters International vice president, met with Mitchell Campbell, secretary of the Motor Carriers Council, which represents over-the-road trucking firms. Discussion at the meeting was not divulged, although it was announced that the national wage package of $1.10 an hour over a three-year period could not be negotiated locally.

This indicated Gibbons and Mitchell discussed ways of getting Local 600 members back to work, and the withdrawal of a multimillion dollar damage suit and contempt citations against Local 600 and its president, Don Lane

Attempts were being made to set up a second meeting, possibly today, between Campbell and Gibbons.

NEGOTIATIONS CONTINUE

Negotiations have continued in the strike of 160 members of Hoisting Engineers Local 513 against the Sand and Gravel Producers Association.

Teamsters Local 682 and Laborers Local 110 negotiators together with representatives of the ready-mix dealers have been meeting jointly with the gravel producers association and Local 513, it was learned. Local 682 and Local 110 contracts with the ready-mix plants and with stone quarry operators expire Friday.

Participants have refused to discuss the status of negotiations. But one source told the Post-Dispatch that E. E. (Gene) Walla, president of Local 682 may schedule a special meeting in the next few days to discuss a new contract with the membership.

In another development, Frank E. Fitzsimmons, acting general president of the 2,000,000 member Teamsters Union, has announced that the tentative national agreement will be balloted upon this week. Members will be mailed ballots.

However, he said that the tentative national agreement would be renegotiated if Chicago truck drivers obtained a better settlement. Chicago drivers and dock hands negotiate separately from the national union. They are seeking a $1.65 an hour wage increase in a three-year contract.

REFERENDUM DELAYED

The national agreement was announced April 2, but a mail referendum on it had to be held up until supplements applying to local conditions would be worked out and prepared for mailing also.

Teamster locals in Los Angeles, Rockford, Ill., Cleveland and Akron, O., also have stayed off the job, demanding the same wage increase obtained in Chicago.

The walkout here reportedly has been related to a power struggle within Local 600. Any kind of settlement over the $1.10 national increase would be considered to enhance the prestige of Gibbons and Lane, whose three-year term expires next year.

Some Teamsters here have said privately that Local 600 members are being held off jobs in a move to obtain a pardon for imprisoned Teamsters President James R. Hoffa.

[From the Detroit (Mich.) News, Apr. 13, 1970]

Wildcat Strikes Sign of Times

Months ago, when the Teamsters first announced their demands for wage and fringe benefit increases, the consensus was that "it looked like trouble." The demands would almost double wages and fringes over three years.

When a "settlement" was announced two weeks ago, most observers were relieved and pleasantly surprised. The increase in labor costs would be steep but at least there would be "peace" in the trucking industry. Or so everyone hoped.

Now wildcat strikes have erupted in many large cities, including Detroit. These strikes are having the same severe effects that have always made the threat of an official nationwide Teamster strike so dangerous. In a network as interrelated as truck transportation, wildcat walkouts in a few places mean the breakdown of trucking operations in many others.

Detroit, already feeling the pinch of sagging auto sales and some of the economic slowdown, is now victimized by auto plant shutdowns due to parts shortages. Other industries are being affected as delivery and shipment operations are interrupted or cut off.

The Teamsters officials are proud of the national contract terms but the members have not been "sold." The shouted turndown of the national contract by Detroit Teamster Local 299 was typical of reaction elsewhere.

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"Peace" is one thing the trucking industry does not have today.

In part, the wildcat strikes reflect years-old internal problems which plague the union in such centers as Chicago and in such Teamster groups as the steel haulers. In part, however, the repudiation of the national settlement is a sign of the times: The hangover of inflation psychology and the "showcase" demands of free-talking labor leaders caused a serious miscalculation on the part of union members. They believed their own propaganda and were bitterly disappointed when it turned out to be a pipe dream.

The wildcatters may face reality any time now and the problem may solve itself for the Teamsters. If it does not, the disruption in transportation will turn into an emergency, inviting government intervention. But the lesson of the Teamster troubles will be there for any other union to learn: The "big talk" designed to cow or impress management can mean big trouble if the members take it seriously.

[From the St. Louis (Mo.) Globe-Democrat, Apr. 22, 1970]

FORECAST: TEAMSTER STRIKE TO IDLE 70,000 BY MAY

An estimated 70,000 manufacturing employes in the St. Louis area will be out of work by May 1 if the paralyzing Teamsters strike now gripping the city is not lifted, according to a survey conducted by the Associated Industries of Missouri.

The group, which represents manufacturing firms throughout the state, said the most recent survey indicated that an additional 20,000 workers would be laid off between now and May 1 if the strike continues. Previous estimates indicated that 50,000 employes have already been laid off as a result of the strike.

A stalemate remained Tuesday in efforts to settle the Teamsters strike and a walkout by a second union—which virtually paralyzed trucking and have closed down about half of the $500 million in construction projects in the metropolitan area.

The unions are Teamsters Local 600, which has stopped nearly all truck freight movement in the area, and Hoisting Engineers Local 513, which has idled much of the construction industry. Both unions have been on strike since April 1.

A meeting has been scheduled Wednesday between the Hoisting Engineers and the Sand and Gravel Producers Association.

However, spokesmen for both sides said they could see no immediate prospects for a settlement.

Meanwhile, ready-mix concrete firms, which have been closed down by the strike, have been negotiating with Teamsters Local 682 and some laborers unions. Contracts with these unions expire May 1.

It is hoped that a settlement will be reached with these unions and set an economic pattern for the industry, which would be acceptable to the Hoisting Engineers.

Terms of the Teamsters tentative national freight agreement were reached in Washington April 2.

Under the agreement teamsters would get a $1.10 an hour increase over a three-year contract. Under their expired contract they were receiving $3.93 an hour.

The Hoisting Engineers were paid $4.23½ cents an hour under their contract which expired April 1.

They operate dredging equipment for the production of sand and gravel from local rivers.

Their strike has forced all 15 major ready-mix concrete plants in the area to close down because of the lack of sand and gravel.

About 15,000 persons employed in the construction industry have been idled as a result of the closing of the ready-mix plants.

[From the Rockford (Ill.) Star, Apr. 15, 1970]

CHRYSLER ASSEMBLY PLANT THREATENED BY TRUCK TIEUP

Chrysler's Belvidere assembly plant may be forced to shut down as a result of the strike-lockout of Teamsters and truckers that has reduced the flow of raw materials into the plant.

A plant spokesman said Tuesday that a meeting was set for 9 a.m. this morning to determine if the plant will have to go to short shifts, or shut down.

He added that the plant receives shipments by rail, truck and air, with a "great portion" of the materials arriving by truck.

The plant will continue to run its normal two eight-hour shifts until a decision is made, he said.

"It all depends on if they go back to work," he explained. "Right now that looks dim."

A spokesman for General Motors Chevrolet assembly plant reported it was "business as usual" Tuesday night, and Rockford firms, for the most part, were not seriously affected by the strike.

TWO EMPLOYERS

Two of Rockford's biggest employers, National Lock Co., and Sundstrand Corp., reported they had enough raw materials on hand to continue production, but were having some difficulty finding truckers to ship the finished products.

"You can't really blame the truckers," one spokesman said. "They have nowhere to take it."

Other firms said they had to make some adjustments in their scheduling, but operations were continuing.

Most spokesmen said the problem could become critical if the strike continued.

The Chevrolet employe said, "the Janesville plant had been closed Friday and Monday to balance the books" and that no production slowdown as a result of the strike was expected.

He added most of the Chevrolet parts are shipped by rail.

Several more Rockford trucking terminals were closed Tuesday with all of their drivers laid off. Only those not routed through Chicago reported some operations.

Harold Miller, secretary of Teamsters General Local 325 here, said he and other union officers were in Chicago Tuesday to meet with Teamsters officials.

STALEMATED

Miller described the situation as a "stalemate."

Reports of violence mounted on the nation's highways Tuesday as more than 80,000 drivers kept strikes going from California to North Carolina.

More than 38,000 auto workers and thousands of other industrial workers were laid off as a result of the strike.

Industry sources in Washington said trucking firms would begin filing damage suits against any union leaders or members engaging in or encouraging unauthorized strikes that obstructed operations of their companies.

Four men were arrested near St. Louis for roughing up a guard for a Kroger Co. truck and Michigan State Police said they received "several reports" of bullets being fired at trucks.

Carolina Freight Carriers Corp., target of a walkout by 100 Teamsters, said shots were fired at two of its trucks.

[From the Peoria (Ill.) Journal-Star, Apr. 17, 1970]

THE 350 PEORIA TRUCKDRIVERS OUT OF WORK SO FAR BECAUSE OF TEAMSTER STRIKES

(By Barb Proctor Mantz)

Some 350 Peoria truck drivers have been laid off as a result of wildcat Teamster strikes in other cities.

Smaller local trucking firms which deal almost exclusively with terminals in Chicago or St. Louis have been hardest hit. Strikes there have virtually stopped trucks leaving those cities, and there is no one working to take care of incoming shipments.

Several small trucking firms here were shut down completely last week, and Bellm Freight Lines is still out. Others are working only at 10 or 15 per cent capacity.

Estimates of the number of local men out of work range from 40 to more than 50 per cent of the 700 drivers in the common carrier division of the union.

Most of Peoria's major industries and retailers are experiencing some difficulties in shipping or receiving materials, but so far no layoffs appear to have resulted.

Montgomery Ward & Co. estimates that its shipments are only about 10 per cent of what they should be, and its catalogue department has received no orders all week. The local Sears, Roebuck & Co. store has had to cancel planned promotions of paint sales because it has not received the paint.

WABCO has trucks which cannot be shipped because parts are not available. Keystone Steel & Wire Co. is storing some outgoing shipments and is concerned that they might deteriorate. Caterpillar Tractor Co. has been forced to halt assembly of fork lift trucks at its Cleveland, Ohio, plant because of lack of parts.

Paradoxically, many local terminals for large trucking firms have more work than they can handle, as manufacturers who normally ship through St. Louis or Chicago look to Peoria for an outlet.

"It's tripling our business," said a spokesman for Sturm Freightways Inc. "But we don't have enough equipment available to do it."

So far no Peoria truck drivers have gone on strike, and no firms have staged lockouts, as some have in other cities, said John Waters, business agent for the common carriers division of Local 627.

Waters, however, said he believes local Teamsters are not happy with the tentative settlement reached by the international union, calling for $1.10 an hour wage increase over three years. The strikes in other cities occurred when Teamster locals, not satisfied with the international agreement, decided to make their own deals.

Waters said the tentative agreement was explained to local Teamsters, "and it appears that their reaction would be a rejection of the pact. They haven't voted on it—but it's just a reaction I would assume."

He said he did not expect ballots to be mailed until strike activity in the larger cities settles down.

Charles Schidler, president of Peoria Motors Assn., which represents 36 local trucking firms and 90 percent of the business, said:

"It's slowed down the movement of freight tremendously. Many short-haul carriers that go into Chicago and St. Louis are practically down."

On the other hand, he said, companies that can't dispose of their loads in these cities are trying to ship it through Peoria, but the equipment isn't available.

"Most carriers here are trying to protect their regular local customers" rather than accepting extra loads, he said.

Schidler, who also manages the Peoria terminal of Eastern Express Inc., said, "I've been getting calls from all over the country just begging me to take their freight, and I can't handle it."

The Bellm terminal here has been shut down since April 2, affecting 14 employees, Bellm ships mostly along Peoria to St. Louis routes.

Jones Motor Co. was closed all last week, but is now slowly bringing back its work force because of easing of the Chicago situation. About 15 per cent of the Jones truckers are at work.

Orscheln Bros. Truck Lines, which ships from Peoria to Kansas City, has only three of its usual 11 truckers working, said Joe Brasfield, manager. "It's almost paralyzing us," he said.

"Our catalogue orders, plumbing and air-conditioning supplies are just plumb shut down and people are screaming their heads off," said Howard Ward, merchandising and warehouse manager of the local Montgomery Ward store.

Shipments of small and large appliances have stopped, he added, and this week the store has received no women's fashions or shoes, which would normally come through New York.

If the strike continues and inventories are depleted, layoffs will have to come, he said.

Catalogue shipments at Sears have been curtailed to about one every three days, rather than the customary two a day, said W. A. Jones, operating superintendent. While the store has some paint in stock, it's not the kind which was to be promoted.

J. C. Penney Co. catalogue orders are coming through, but it takes about a week, instead of the usual three days, a spokesman said. Spokesmen for Carson, Pirie Scott & Co. and Bergner's said that the merchandising difficulties have not been serious so far.

Some of the smaller local retailers, have been affected too.

Baker's Shoe Store, which usually gets about four shipments a week, has not received any shoes for three weeks.

James Bates, manager of the downtown store, said that the store had built up a large Easter inventory, and the only real problem is with "fad styles."

Among industries, WABCO, which does a majority of its shipping by truck, has been particularly hard hit.

"We have some trucks waiting here for parts that we can't ship, and we've had to hold up on some of our assembly lines," said Jerome McGillicuddy, public relations manager. "It will affect our April production and shipping to a large extent, and it will take some time to recover."

There have been no layoffs because WABCO was in the process of expanding employment, but that expansion has been cut almost to a standstill, he said.

Donald A. Sommer, president of Keystone Steel & Wire Division, said that some shipments to strike-bound cities have been returned and "as a result we're storing some material that could deteriorate. And there's only so much storage you can do."

Although there have been no layoffs, he said, "we're apprehensive in connection with the strike" and some layoffs could be expected if it continues much longer.

Hiram Walker & Co. has been able to switch to rail for most of its incoming shipments, not for outgoing products.

"We have about five trailer loads today that we're trying to send out, but no one has the equipment to come and pick it up," said Jerry Laffey, traffic manager.

Hyster Co. has several incoming shipments of steel ball bearings and forgings waiting at suppliers' docks in Ohio and the East, but it too has sufficient inventory so production hasn't been affected, said George Weyhrich, purchasing agent.

[From the Business Week, Apr. 25, 1970]

The Truck Strike: a Tightening Vise

In Chicago and elsewhere across the country, trucking strikes and lockouts took a costly toll this week, as the BUSINESS WEEK index shows (page 2). No matter when or how the disputes end, it could take weeks to unravel the snarl of undelivered shipments.

Mediators have been trying to work out some solution to an almost chaotic situation that threatens to get worse. Steel haulers are idle nationally. General trucking is down in Chicago. There have been wildcat walkouts in several key areas. International Brotherhood of Teamsters members are increasingly discontented over a tentative settlement at $1.10 an hour in raises over 39 months after some other Chicagoans settled for $1.65 over 36 months.

The general shutdown in Chicago has been in force since Apr. 7. Because the city is a hub of trucking, many long-haul trucks get tied up there.

Some shipments are getting through. Last weekend, Rabbi David Eisenbach of Chicago arranged to get five cases of kosher wine from Israel—out of 285 ordered—in time for Jewish observance of Passover. A picket delivered the wine with the sanction of his union and the trucking company.

But most were not that fortunate. An editor, transferred from Cleveland, wound up in cramped quarters in a motel in Connecticut, waiting for his furniture. Auto companies reduced operations because of parts shortages. Steel piled up in mill yards and in warehouses. Freight car shortages developed in many areas. Retail stores were running low on some items. And factories in Chicago, Cleveland, St. Louis, and elsewhere began layoffs. For most, the situation was not yet critical, but it threatened to become so.

STEEL TIE-UP

More than half of all finished steel normally moves by trucks. But, with the tieup, little is moving.

John E. Gross, general traffic manager of Inland Steel Co., this week said the situation is "desperate" for Inland and its customers. "We've moved nothing out by truck for over two weeks."

George C. Bush, traffic manager at Youngstown Sheet & Tube Co. in Chicago, said that the steel trucking tie-up is "acute, very critical."

[From the Louisville (Ky.) Times,
Apr. 16, 1970]

More Layoffs Are Likely if Truck Strike Goes On

Layoffs of workers in industries critically short of parts and raw materials mounted today as a result of a continuing contract dispute between trucking companies and the Teamsters union.

Some manufacturers predicted the layoffs might reach massive proportions unless a solution is reached before next week in strikes by truck drivers in several key cities.

A return to work by striking dissidents in Teamsters Local 299 at Detroit was an uncertainty after an explosion last night damaged the home of James Leavitt, a leader of the dissidents. No one was hurt.

A court order ended picketing and produced a vote by the strikers to return to their jobs. But a spokesman for the dissidents said the Detroit walkout would resume because of the explosion.

In Chicago, a keystone city in the dispute, federal mediators withdrew from deadlocked talks between trucking companies and drivers. About 35,000 Chicago drivers are involved.

Around the nation, strikes or unauthorized Teamster walkouts continued in Los Angeles, Cleveland, St. Louis, Akron, Ohio, and Buffalo, N.Y. The strikes reflected discontent among many of the nation's 450,000 Teamsters with a contract tentatively agreed on March 31 calling for pay increases at $1.10 an hour.

The settlement must be ratified by union members but Teamster officials have not said when they will mail out ballots.

American Motors Corp. said parts shortages forced it to shut down passenger-car plants in Milwaukee, Kenosha, Wis., and Brampton, Ontario. About 10,000 workers were affected.

Just as other strikes were ending, truck drivers in Richmond, Va., put up picket lines at a trucking firm, protesting having to drive into areas where disturbances have occurred.

Other labor developments:

Schools—Confusion in the Los Angeles schools worsened as the majority of teachers remained off their jobs and the number of students out of school increased.

There were no exact figures on student attendance yesterday but school officials said, "We do know there were fewer kids in schools than on the first two days of the strike."

Official figures on striking teachers again were revised upward.

The latest numbers showed 57 per cent of all secondary teachers had been absent Tuesday. The first official reports put the percentage at less than half, then were increased to 55 per cent.

The strikers claim the figure is closer to 65 per cent in the secondary schools. Officials said figures on elementary school teachers were approximately the same as on Tuesday, about 47 per cent absent.

School officials insist they will not meet with the union, United Teachers of Los Angeles, until the strike is ended, while the union says a condition for calling off the strike is resumption of negotiations.

Airlines—The Federal Aviation Administration (FAA) is acting to restore full volume air travel at New York metropolitan airports following the virtual end of a three-week air traffic controllers "sick-out."

An FAA spokesman in New York said today that manning levels at metropolitan area airports were "normal."

Major airlines said full flight capacity would be reached in several days.

The strikers, members of the Professional Air Traffic Controllers Organization (PATCO), began their "sick-out" to protest what they called inadequate staffing, work loads, obsolete equipment and harassment of some union members by the FAA.

The FAA, which has threatened to punish the strikers, said it was considering sending beginner controllers to an air-traffic facility first, and then to its academy for training, in order to satisfy one of the complaints about staffing.

[From the St. Louis (Mo.) Post-Dispatch,
Apr. 21, 1970]

Promise by Teamsters

Teamsters Union Local 600 officers promised today to call a special meeting of its 9500 members "as soon as a complete contract proposal is received." Local members have stayed away from their jobs since April 1, paralyzing truck freight movement in the area.

Don Lane, Local 600 president, and the Executive Board, said they had received no proposed contract "nor any other document protecting the work week, the dock classifications" or the traditional 8:30 a.m. starting time for local drivers and dock hands. Their message to local members was in full page newspaper advertisements.

The Teamsters' old national agreement expired March 31. The local's position has been that without a new contract there would be no work.

LAYOFFS MOUNTING

With freight handling stopped, more and more business and manufacturing operations here are either being forced to close or to curtail operations. Employe layoffs are mounting.

Grocery warehouses, department and discount stores and others fortunate enough to have railroad sidings were able to keep operating but others dependent in whole or in part on the cartage industry were in a critical situation.

XUM

Wherever possible, alternative modes of transportation were being used, such as barge, airplane, and even pipeline in certain applicable businesses.

Long lines of unemployed have formed daily at state unemployment compensation offices.

Local 600 was using its hiring hall at 8201 North Broadway for needy members to obtain applications for either surplus food or food stamps. St. Louis and each Missouri county has its own food program. City members eligible were getting food stamp applications at the North Broadway office for food purchases at stores and St. Louis County members were getting applications for surplus food, which then can be obtained at Lambert-St. Louis Field. No food is being dispensed at Local 600 offices in Council Plaza.

Although terms of a tentative national freight agreement were reached in Washington April 2, the local supplements have not been disclosed. These are considered a vital part of the contract package by Local 600 leaders.

The supplements are being completed in Washington and will be contained in a referendum by mail to each member across the country as soon as possible.

Lane was on the Central States supplement negotiating committee until the late stages, when the union's committee was cut to three from eight persons.

"So it's a mystery to us what's in it," a spokesman for Lane said.

PROBLEM OF "CASUALS"

The Monday-Friday work week, the starting time, dock classifications and the problem of "casuals" enter into local supplements. A "casual" is a replacement for a regular employe on vacation, who is not on a company seniority list and thus not eligible for regular Teamster benefits.

It has been reported that the local is hoping for an alignment with Chicago teamsters, who are negotiating independently for a higher wage package than settled upon in the national agreement. The national pact calls for $1.10 an hour wage increases over a three-year period. Striking Chicago drivers seek $1.65.

Besides St. Louis, drivers and dock hands in Los Angeles, Cleveland, Toledo and Akron are off their jobs, others are working.

A PERMIT TO MARCH

Supporters of Lane have obtained a city permit to conduct a march around the Federal courthouse at Twelfth Boulevard and Market Street at 3:30 p.m. Friday. Lane tentatively is due in United States District Court in the building at 4 p.m. to show cause why he should not be held in contempt for allegedly violating a restraining order against interfering with truck operations.

A tractor-trailer containing hospital supplies, earmarked for more than 15 area hospitals, was brought into the Yellow Freight Systems dock at 400 Barton Street yesterday afternoon under police escort. It had been halted at Sullivan, Mo., for the last several days. Local 600 reportedly approved its removal, but did not provide a driver for it.

Mayor Alfonso J. Cervantes was arranging to meet separately with Local 600 leaders and with representatives of trucking firms to see whether he could be of service in settling the current labor crisis.

[From the Waukegan (Ill.) News-Sun, Apr. 9, 1970]

Truckers' Demands Hurt the Public

Living costs in the Chicago area, from Waukegan to Gary, are due for another inflationary increase because of demands of trucking unions whose members haul food and all other necessities from the Chicago warehouses to the retailers in the surrounding area.

Unsatisfied with the national trucking wage agreement giving the drivers a $1.10 hike per hour over the next three years, the Chicago unions declare they will settle for no less than $1.70 an hour plus $5 more weekly in pension and welfare funds.

Three years ago the Chicago unions broke through the national agreement and won a higher contract than their fellow truckers in other parts of the country, and it appears they will do the same thing again, to push the cost of living in the Chicago area higher than that in other parts of the nation.

Currently the basic wage for truck drivers is $4.15 per hour plus pension and welfare benefits. While a 6 per cent pay hike to cover the increase in the cost of living might be justified, the Chicago unions insist on an increase of about 41 per cent over the next three years which, of course, will be added to the cost of food and other necessities.

Part of the problem stems from the ambition of the teamster union to become top dog in the labor movement.

The union already controls over-the-road truckers, city drivers, dock workers, mechanics, warehousemen, clerks and hospital workers, making the teamsters a labor conglomerate that could paralyze the entire nation in a short time.

The citizenry is caught in the wringer of the teamsters' power play with little hope for any relief from Congress because too many Congressmen are indebted to the unions.

Thus the chance for reasonable control over inflation fades into almost nothing.

Until such time as union wage demands are held to realistic levels, it appears only a depression that brings wholesale unemployment and suffering will restore the nation to fiscal sanity.

[From the Centralia (Ill.) Sentinel, Apr. 13, 1970]

Effect of Trucking Tieup Continues To Mount Here

Depleted raw materials and overstocked manufactured products continued today to force local factory layoffs or work slowdowns as a result of a national trucking tieup.

However, one major local manufacturer, Siegler Heating Division, Lear-Siegler Inc., returned 350 employes to work today. They had been laid off Friday.

The prospect of other return-to-work orders appeared dim locally, as long as the trucking strike continues.

Tallies so far indicate more than 1,000 workers have been or will be laid off by Wednesday.

Those industries most directly affected by the strike are the Illinois Central Railroad Car Shops, effective Wednesday, 350 layoffs; Hollywood Candy Co., Centralia, 450; Hollywood Candy Co., Ashley, 250, Centralia Cartage Co., 150.

Other industries reporting layoffs are Littelfuse, Centralia Container Corp., Hindman Manufacturing and Centralia Engineering.

A spot check with spokesmen for some local industries indicated layoffs or work slowdowns would come this week or next if the tieup is not ended.

Valley Steel Products Co., 960 S. Cherry St., was considering a slowdown to a four-day work week.

Lack of raw materials normally supplied by truck was cited by every one of the major industries as the reason for the layoffs.

Limited local deliveries of merchandise and materials on hand at Centralia Cartage Co., 650 W. Noleman St., started today.

Ralph Sprehe, president, said four trucks were making deliveries to Centralia, Salem, Mt. Vernon and points between.

Sprehe said pickets have not appeared in front of the trucking terminal since late Friday morning.

"Now that they know we can't go anywhere, they don't picket," he said. The pickets were from Teamsters Local 600, St. Louis. Cartage Co. employes are not on strike. They were honoring the picket lines.

Charles Mason, vice president of production at Siegler, said today, "All of our employees are back to work and we think we can keep things going this week."

James Hood, director of the Illinois Bureau of Employment Security, Centralia, said today the layoffs "are going to affect everything if they continue. The longer it goes, the more it will affect."

Hood said, however, a check by his office of major industries in Salem indicated no layoffs.

"After that," he said, "they don't know."

Hood said his office was bracing for results of those already laid off last week and this week.

"If the strike continues this week," he said, "the accumulation of layoffs may easily double what we have had up to now (on claims)."

About 32,000 truck drivers today struck an estimated 1,300 Chicago area trucking firms that failed to reach agreement over the weekend with trucking unions, and drivers from North Carolina to California remained off their jobs.

Five Chicago trucking associations which refused to sign contracts with either the Teamsters or the independent Chicago Truck Drivers Union locked out another 35,000 drivers and dockmen.

The more than 1,000 companies which signed contracts agreed to the unions' demands for a $1.65 an hour wage boost over three years. The national Teamsters Union leadership and the country's carriers already have settled for a $1.10 increase.

Teamsters in Colorado, Wyoming, and Milwaukee already had voted to reject the national contract offer.

[From the Madison (Wis.) Journal, Apr. 13, 1970]

Missing Comics Due to Teamster Walkout

BILLINGS, MONT.—Most residents here hadn't paid much attention to the truck driver walkouts in the midwest—anyway not until Sunday morning.

But when they went to their doorsteps to get the Sunday paper, something was missing. The comics.

"Your Sunday color comics section is not in today's Billings Gazette because of circumstances beyond our control," the editors apologized in a front page statement. "Last we heard your Gazette color comics were in a truck in Akron, O. The truck didn't have a driver and no one could tell us when it would."

[From the Chicago (Ill.) News, Apr. 23, 1970]

National Agreement: Truck Pact Fades

(By Les Hausner)

The tentative national agreement between the Teamsters Union and the trucking industry may be tossed out summarily, bolstering the holdout bargaining position of Chicago union leaders in their separate talks with employers here.

Rejection of the tentative national agreement before it ever goes to a ratification vote by rank and file members could touch off a nationwide trucking lockout of 450,000 drivers.

A spokesman for union bargainers in Chicago told the Daily News Thursday that rejection of the national agreement could come early next week at a Washington meeting expected to be called by Frank Fitzsimmons, acting head of the International Brotherhood of Teamsters.

Fitzsimmons is expected to call the meeting of leaders of Teamsters locals from throughout the nation, ostensibly to seek their support for the agreement when it goes to the rank and file membership for a ratification vote.

Fitzsimmons was asked by trucking company representatives if there was any truth in a published report that a meeting would be called to overturn the national agreement.

"There is not a word of truth to it," he replied.

However, the Chicago union spokesman said dissatisfaction with the tentative national pact because of a 50 percent higher settlement on Chicago is so great that the local leaders may refuse to give Fitzsimmons the approval of the settlement he seeks. Fitzsimmons then would be forced to return to the bargaining table with trucking employers without meeting his commitment to submit the tentative settlement to the members for ratification.

Employers could then charge that Fitzsimmons failed to live up to his bargaining table commitments and launch a nationwide lockout in retaliation.

The national pact was tentatively reached between the Teamsters and the Trucking Employers at Washington negotiations April 9.

It would provide wage increases of $1.10 an hour over 39 months to drivers.

Chicago Teamster leaders, bargaining jointly with the independent Chicago Truck Drivers Union, have held out for higher wage hikes over a shorter period in their talks with employers here.

They have already achieved contracts guaranteeing $1.65-an-hour increases over three years with about 2,000 trucking companies employing about 20,000 drivers, and are holding out for the same settlement with other employes here.

Achievement of the higher wage goals in Chicago has angered Teamsters in St. Louis, Seattle, Oakland, Calif., and elsewhere over the $1.10 an hour pact that Fitzsimmons has agreed to for them.

Teamsters in other large cities, including Los Angeles, Minneapolis, Cleveland, Detroit and Philadelphia also are expected to reject overwhelmingly the $1.10 proposal if they get the chance to vote on it.

The holdout union bargainers in Chicago would then have substantial support in their contention that even increases of $1.10 an hour would not satisfy their membership and that employers must shell out much more to achieve a settlement.

The last offer made by trucking employers here was for wage increases of 70-cents an hour over 39 months.

The Chicago negotiations, held separately from the national bargaining, are at an impasse.

About 40,000 drivers and dock and warehouse workers are on strike or locked out here, and an even larger number of workers from throughout the general labor force have been laid off by industries dependent on truck shipments.

[From the Chicago (Ill.) News, Apr. 23, 1970]

Idle Drivers In Pinch: "Little Man Suffers"

(By Barry Felcher)

"It's the small man who suffers. Never the big shot."

Edward Hull, 61, of 6319 S. California, made this comment as he and hundreds of other workers made idle by Chicago's truck strike-lockout applied for unemployment compensation.

The Illinois Department of Labor set up six emergency offices throughout the area to handle the steadily increasing number of persons out of work because of the truck dispute.

Hull was laid off from his job as a scaler at Gary Steel Supply, 3600 W. 127th St., Blue Island. The truck tieup has prevented shipments moving in and out of the plant.

"I wasn't going to apply for compensation," Hull said Wednesday.

"But everyone told me to come out. They said the strike might last until next year."

Most of the men applying for assistance have been out of work since April 9 or 11, when 1,300 trucking companies locked out their employes in retaliation for selective strikes by two truck drivers' unions.

"Last week I went to the unemployment office at 22d and Cicero," said Walter Hehr, 48. "It was so crowded that you couldn't get near the place."

Hehr, of 8523 S. Menard, Oak Lawn, said he gave up after he was unable to find a parking place within walking distance of the unemployment office.

Then he read in The Daily News about the special temporary offices "and I figured I'd have nothing to lose by trying again."

Hehr, a truck driver, was locked out April 9 by his employer, Spector Freight Lines, 200 N. Mannheim, Hillside.

"Either this lockout had to happen or we would have had to strike," he said.

"If we win our point, I'm all for this no matter how long it takes."

Charles Randolph, 29, of 1732 W. 33d., a spotter for Gordon's Transport, 5300 W. 47th, isn't content to wait long for a settlement.

"I think this situation is ridiculous. I can't see it. I will be broke in two to three weeks," Randolph said.

John Czochra, 52, of 3833 W. 67th St., a dock worker for Gateway Trucking, 103d and S. Harlem, Chicago Ridge, said his layoff "is hurting. There's nothing coming in and you have bills to meet."

Tarance Etheredge, 52, of 7747 Chapel, a driver for Monarch Supply, a plumbing supply company at 1330 S. Kostner, said he hasn't worked since April 6.

"We're trying to hold out each week by thinking we'll go back to work soon. There's nothing coming in," Etheredge said.

His wife, who accompanied him to the unemployment office added:

"We can't last. That's why we're here now.

"We've got to eat. We've got (two) kids in school."

[From the Chicago (Ill.) News, Apr. 23, 1970]

End the Trucking Tieup

The trucking tieup in Chicago grows ever more critical, while visible progress toward a settlement is absent. Everybody, it seems, is waiting on everybody else to make a move, and the possible key to the impasse lies in a vote on a national trucking contract that is still a couple of weeks away from decision.

The Illinois State Chamber of Commerce reflected the growing concern in its telegram to President Nixon urging that he invoke the Taft-Hartley Act and declare an emergency in order to get the trucks rolling again. "Economic disruption in Illinois is already acute and becoming more serious daily," said the chamber's president, William J. Crowley, and available figures amply support his statement.

In addition to the more than 100,000 directly affected by the lockouts and strikes, more thousands are hurt by cutbacks in factory workweeks, loss of overtime or forced "vacations." The lines are growing longer at the unemployment compensation offices.

While Chicago is apparently hardest hit, similar strike-lockouts have affected St. Louis, Cleveland, Los Angeles, Kansas City and other key shipping centers. The loss to the economy in Illinois, affected in the St. Louis area as well as Chicago, is now estimated to cost the state itself about $1 million a week in lost income-tax collections.

Whether the Nixon administration could consider this a "national" emergency suitable for Taft-Hartley measures is still unknown. Certainly, with such key cities hit, the effect spreads widely through the whole economy. But if the federal machinery can not yet be brought into play, state and local efforts toward a settlement should be multiplied immediately.

Mayor Daley and Gov. Ogilvie should bring every ounce of city-state persuasion to bear toward ending this impasse. The pay issues involved are admittedly complex, but one thing is increasingly clear: The welfare of Chicago and the entire region demand an early resolution.

Industry Agrees to Reopen U.S. Truck Talks—If

(By Fred Frailey)

The trucking industry agreed Friday to reopen national wage talks if Chicago teamsters can obtain higher wage increases than those contained in the national pact.

The agreement, announced in Atlantic City, N.J., by Frank E. Fitzsimmons, acting president of the International Brotherhood of Teamsters, opens the way to immediate mailing of ratification ballots to 450,000 drivers outside the Chicago-Gary area.

Fitzsimmons said ballots could be placed in the mail within a week.

Only if leaders of the 50,000 Chicago drivers and dockmen sign "a substantial segment" of the common carrier trucking companies here to better wage agreements than contained in the national contract will the Washington talks be reopened.

CENTER SHIFTED

The national contract provides for 1.10-an-hour wage increases over 39 months. Chicago drivers, who bargain separately, are seeking 1.65 in three years.

The effect of the reopener agreement will be to shift the center of the trucking dispute to the shoulders of Chicago teamsters while helping the chances of ratifying the national contract.

If the Fitzsimmons-industry plan works smoothly and the national pact is approved by drivers, the trucking dispute would be isolated to Chicago.

In Chicago, a spokesman for the large common carriers involved in the local negotiations said trucking lines would remain closed "until the snow flies" in order to prevent a higher wage pattern.

UNION LEADERS CONFIDENT

But union leaders said Friday's development concerning the national contract will have little effect on their campaign to gain industry acceptance of the $1.65-an-hour wage demand.

"I don't care what they do in Washington," said Louis F. Peick, secretary-treasurer of Teamsters Local 705 and chief IBT negotiator here. "We've got enough problems here without worrying about the national contract. Already we have a lot of common carrier companies and more of them sign up every day."

Ratification of the national contract has been delayed for almost a month because of the need to finish negotiations on work-rule changes for 37 regions of the country.

Wildcat strikes in several dozen cities have plagued the teamsters president since the wage portion of the master contract was revealed April 2. Many of the wildcat strikers said they would not vote approval of the national package so long as Chicago teamsters stood a chance to get higher wages.

The strike-lockout in Chicago ended its second week Friday with each side claiming success.

The eight IBT locals in this area and the independent Chicago Truck Drivers Union claimed to have obtained contracts for the $1.65 amount with 2,000 employers of 20,000 drivers.

But the five industry associations here that locked out drivers and dockmen rather than meet the $1.65 demand contend that only about 3,000 drivers now working under new contracts are employed by common carrier firms.

"These are either one-truck companies or private firms which do business only with one company which have signed," said Robert

Baker, labor co-ordinator for the Central Motor Freight Assn.

PROPOSED AGREEMENT FOR COOPERATION WITH FINLAND FOR CIVIL USES OF ATOMIC ENERGY

Mr. GORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise Senators that in compliance with section 123c of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission on April 10, 1970, submitted to the Joint Committee a proposed agreement for cooperation between the Government of the United States and the Government of the Republic of Finland. The Atomic Energy Act requires that such a proposed agreement lie before the Joint Committee for 30 days while the Congress is in session before becoming effective.

The proposed agreement provides for cooperation between the two nations in both research and power applications of nuclear energy for civil uses. As is customary with such agreements, the term is for 30 years. It provides that the United States will make available enriched uranium for two nuclear power reactors presently planned as part of Finland's nuclear electric power generation program adopted as a result of the exhaustion of available hydroelectric power sites and the lack of domestic fossil fuel resources.

The terms of the agreement reflect modifications to the Atomic Energy Act relative to private ownership of special nuclear materials. They also provide for the application of safeguards by the International Atomic Energy Agency by virtue of a trilateral agreement between the parties and that Agency and assure U.S. consideration of any agreement for IAEA safeguards control over Finland's atomic energy program in keeping with the Treaty on the Nonproliferation of Nuclear Weapons in negotiating such a trilateral agreement.

In keeping with the general practice of the Joint Committee, I ask unanimous consent to have printed in the Record, for the information of interested Members of the Congress, the text of the proposed agreement for cooperation together with supporting correspondence.

There being no objection, the item was ordered to be printed in the Record, as follows:

U.S. Atomic Energy Commission,
Washington, D.C., April 10, 1970.

Hon. Chet Holifield,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

Dear Mr. Holifield: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter copies of the following:

a. a proposed "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Finland Concerning Civil Uses of Atomic Energy";

b. a letter from the Commission to the President recommending approval of the agreement; and

c. a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the agreement and authorizing its execution.

The agreement with Finland provides for long-term cooperation in research and power applications of atomic energy. As in the case of similar Agreements for Cooperation, the term of the enclosed agreement will extend for thirty years. Its major purpose is to provide for the supply of enriched uranium to Finland for fueling the two 750-MWe power reactors identified in the appendix to the agreement. These reactors are scheduled to be placed under construction by 1972 and 1974, respectively. Finland has decided to embark on a nuclear power program in view of the approaching exhaustion of available inexpensive hydro sources and the high costs of importing conventional fuel. The projected installed nuclear capacity by 1991 is to be between 5,500 and 7,000 megawatts, with the second and third projects in this program being the two reactors covered by the proposed agreement.

The net quantity of U–235 estimated to be necessary for fueling the two projects over the period of the agreement is 25,000 kilograms. This quantity, together with an additional 200 kilograms to be available for other purposes allowed under the agreement, comprise the overall net ceiling of 25,200 kilograms established in Article IX. Other significant features of the agreement are discussed below.

Article VI permits either party or authorized persons under the jurisdiction of the other party to make arrangements for the transfer of special nuclear material. Such transfers will be for uses specified in the agreement and will be subject to the above-mentioned quantity limitation on U–235 established in Article IX.

Article VII provides for the supply by the United States of enriched uranium for fueling of the two planned power projects and for use as fuel in the Finnish research program. Toll enrichment will be the preferred method of supply of enriched uranium for power reactor fuel; sale will be possible at the election of the United States. Fuel for research and materials testing reactors and reactor experiments is to be supplied on agreed terms, subject to a U.S. option to limit supply arrangements to toll enrichment in the event a transfer of title is involved. Article VII also permits the transfer, under agreed terms, of special nuclear material for performance in Finland of conversion or fabrication services for third countries. Such provision is contained in several other Agreements for Cooperation, e.g., the Danish, Norwegian, Swedish, United Kingdom, and Euratom Agreements.

Terms and conditions governing fuel supply are contained in Article VIII and include the following: (a) fuel transferred under the agreement may be enriched to greater than twenty percent in the isotope U–235 if technically or economically justified; (b) reprocessing may be performed in Finnish facilities upon a joint determination that safeguards pursuant to the agreement may be effectively applied, or in other mutually acceptable facilities; (c) prices for enriched uranium supplied by the Atomic Energy Commission, as well as the advance notice required for delivery, will be the same as for domestic users; and (d) special nuclear material produced through the use of material transferred to Finland may be transferred beyond Finland's jurisdiction only with the approval of the United States.

Under Article X, Finland guarantees (a) to use for peaceful purposes the material, equipment and devices transferred to it under the agreement, including special nuclear material produced from the use of such transferred material or items, and (b) not to transfer material, including equipment and devices, to unauthorized persons or beyond Finland's jurisdiction unless the Commission determines that such a transfer is within the scope of an Agreement for Cooperation between the United States and the other nation or group of nations involved and the Commission agrees to the transfer. At Finland's request and also as reflected in the 1968 Japanese and 1969 Argentine Agreements, the United States gives a similar guarantee. With respect to the peaceful uses undertaking, however, the U.S. guarantee (as in the above-mentioned agreements) specifically permits substitution of an equivalent amount of the same type of such material as that transferred by Finland through the use of Finnish-supplied material, equipment and devices.

Article XI records the agreement of the parties promptly to request the International Atomic Energy Agency to assume safeguards responsibilities respecting materials and facilities subject to the safeguards set forth in Article XII. Article XI provides for such transfer of responsibility to the Agency pursuant to a normal safeguards transfer agreement among the United States, Finland, and the IAEA, which may provide for suspension of United States' safeguards rights during the time and to the extent Agency safeguards apply. Article XI also envisages an alternative method of safeguards transfer, which would accommodate plans being considered by the Government of Finland. If Finland, prior to the implementation of a trilateral safeguards agreement and in the spirit of the Treaty on the Non-Proliferation of Nuclear Weapons, should enter into an agreement with the IAEA for the application of the Agency's safeguards system to Finland's atomic energy activities, the United States would undertake to consult as to the extent that the Finnish-IAEA agreement might be accepted as satisfying the objectives of the referenced trilateral agreement. This alternative was designed to achieve U.S. objectives while allowing Finland discretion to place its total nuclear program under Agency safeguards at the earliest opportunity. Discussions looking toward such an agreement have already been initiated with the Agency by Finland.

Article XII establishes the standard comprehensive U.S. safeguards rights for ensuring the peaceful uses of material, equipment and devices transferred to Finland under the agreement.

The agreement will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

——— ———,
Chairman.

The White House,
Washington, March 28, 1970.

Memorandum for: Dr. Glenn T. Seaborg, Chairman, Atomic Energy Commission.

Subject: Proposed Agreement for Cooperation with Finland Concerning Civil Uses of Atomic Energy.

I have reviewed the new "Agreement for Cooperation Between the United States of America and the Republic of Finland Concerning Civil Uses of Atomic Energy" which you submitted for my approval with your letter of February 13.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed Agreement, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

b. Authorize the execution of the proposed Agreement on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

RICHARD NIXON.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 13, 1970.
The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Finland Concerning Civil Uses of Atomic Energy." The agreement has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Commission recommends that you approve the proposed agreement, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

As in the case of similar recently negotiated long-term power Agreements for Cooperation, the proposed agreement would extend for thirty years. Its major purpose is to provide for the supply of enriched uranium to Finland for fueling the two 750-MWe power reactors identified in the agreement's appendix, which are scheduled to be placed under construction by 1972 and 1974, respectively. Finland has decided to embark on a nuclear power program in view of the approaching exhaustion of available inexpensive hydro sources and the high costs of importing conventional fuel. The installed nuclear capacity by 1991 is projected to be between 5,500 and 7,000 megawatts, with the second and third projects in this program being the two reactors covered by the proposed agreement.

The net quantity of U-235 estimated to be necessary for fueling the two projects over the period of the agreement is 25,000 kilograms. This quantity, together with an additional 200 kilograms to be available for fueling research and materials testing reactors and reactor experiments, as well as for other purposes allowed under the agreement, would comprise the overall net ceiling of 25,200 kilograms established in Article IX. Other significant features of the agreement are discussed below.

Article VI would permit either party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other party to make arrangements for the transfer of special nuclear material. Such transfers would be for uses specified in the agreement and would be subject to the above-mentioned quantity limitation on U-235 established in Article IX.

Article VII provides for the supply by the United States of enriched uranium for fueling the two planned power projects and for use as fuel in the Finnish research program. The preferred method of supply of enriched uranium for power reactor fueling would be toll enrichment; sale would be possible at the United States' election. Fuel for research and materials testing reactors and reactor experiments would be supplied on agreed terms, subject to a United States option to limit supply arrangements to toll enrichment in the event a transfer of title is involved. Article VII would also permit the transfer, under agreed terms, of special nuclear material for performance in Finland of conversion or fabrication services for third countries. Such provision is contained in several other Agreements for Cooperation, e.g., the Danish, Norwegian, Swedish, and Euratom Agreements.

Terms and conditions which would govern fuel supply are contained in Article VIII and include the following: (a) fuel transferred under the agreement may be enriched to greater than twenty percent in the isotope U-235 if technically or economically justified; (b) reprocessing may be performed in Finnish facilities upon a joint determination that safeguards pursuant to the agreement may be effectively applied, or in other mutually acceptable facilities; (c) prices for enriched uranium supplied by the Atomic Energy Commission, as well as the advance notice required for delivery, would be the same as for domestic users; and (d) special nuclear material produced through the use of material transferred to Finland could be transferred beyond Finland's jurisdiction only with the approval of the United States.

Under Article X, Finland would guarantee (a) the peaceful uses of material, equipment and devices transferred to it under the agreement, including special nuclear material produced from the use of such transferred material or items, and (b) not to transfer material, including equipment and devices, to unauthorized persons or beyond Finland's jurisdiction unless the Atomic Energy Commission determines that such a transfer is within the scope of an Agreement for Cooperation between the United States and the other nation or group of nations involved and the Commission agrees to the transfer. At Finland's request and also as reflected in the 1968 Japanese and 1969 Argentina Agreements, the United States would give a similar guarantee. With respect to the peaceful uses undertaking, however, the United States' guarantee specifically would permit substitution of an equivalent amount of the same type of such material as that transferred by Finland to the United States or special nuclear material produced through the use of Finnish-supplied material, equipment and devices.

Article XI records the parties' agreement promptly to request the International Atomic Energy Agency (IAEA) to assume safeguards responsibilities respecting materials and facilities subject to the safeguards set forth in Article XII. Such transfer to the Agency could be accomplished by a normal safeguards transfer agreement among the United States, Finland, and the IAEA, which may provide for suspension of United States safeguards rights during the time and to the extent Agency safeguards apply. Article XI also envisages an alternative method of safeguards transfer, which would accommodate plans being considered by the Government of Finland. If Finland, prior to the implementation of a trilateral safeguards agreement and in the spirit of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), should enter into an agreement with the IAEA for the application of the Agency's safeguards system to Finland's atomic energy activities, the United States would undertake to consult as to the extent that the Finnish-IAEA agreement might be accepted as satisfying the objectives of the referred trilateral agreement. This alternative was designed to achieve United States objectives while allowing Finland to advance its national policy of supporting application of IAEA safeguards, including submission to Agency safeguards at the earliest opportunity, whether before or after the coming into force of the NPT. Discussions looking toward such an agreement have already been initiated with the Agency by Finland.

Article XII would establish the standard comprehensive United States safeguards rights for ensuring the peaceful uses of material, equipment and devices transferred to Finland under the agreement.

Following your approval, determination and authorization, the proposed agreement will be formally executed by appropriate authorities of the United States and Finnish Governments. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the agreement will be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

——— ———,
Chairman.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF FINLAND CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of the Republic of Finland desire to cooperate in the peaceful and humanitarian uses of atomic energy, including the design, construction, and operation of power-producing reactors and research reactors, and the exchange of information relating to the development of other peaceful uses of atomic energy; and

Whereas the Government of the United States of America and the Government of the Republic of Finland are desirous of entering into this Agreement to attain the above objectives; and

Whereas the Government of the United States of America and the Government of the Republic of Finland have ratified the Treaty on the Non-Proliferation of Nuclear Weapons signed on July 1, 1968;

The Parties agrec as follows:

ARTICLE I

For the purposes of this Agreement:

(1) "Parties" means the Government of the United States of America, including the Commission on behalf of the Government of the United States of America, and the Government of the Republic of Finland, including the Ministry of Commerce and Industry or other authorized governmental agency on behalf of the Government of the Republic of Finland. "Party" means one of the above "Parties".

(2) "Commission" means the United States Atomic Energy Commission.

(3) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(4) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(5) "Equipment and devices" and "equipment or devices" mean any instrument, apparatus, or facility, and include any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(6) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

(7) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(8) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons, (2) the production of special nuclear material, or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

(9) "Safeguards" means a system of controls designed to assure that any materials, equipment and devices committed to the peaceful use of atomic energy are not used to further any military purpose.

(10) "Source material" means (1) uranium, thorium, or any other material which is determined by the Commission or the Government of the Republic of Finland to be source material, or (2) ores containing one or more of the foregoing materials, in

such concentration as the Commission or the Government of the Republic of Finland may determine from time to time.

(11) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission or the Government of the Republic of Finland determines to be special nuclear material, or (2) any material artificially enriched by any of the foregoing.

ARTICLE II

A. Subject to the provisions of this Agreement, the availability of personnel and material, the applicable laws, regulations, and license requirements in force in their respective countries, and their respective policies concerning the application of international safeguards, the Parties shall cooperate with each other in the achievement of the uses of atomic energy for peaceful purposes.

B. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate.

ARTICLE III

Subject to the provisions of Article II, the Parties agree to exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article may be accomplished through various means, including reports, conferences, and visits to facilities, and shall include information in the following fields:

(1) Development, design, construction, operation, and use of research, materials testing, experimental, demonstration power, and power reactors, and reactor experiments;

(2) The use of radioactive isotopes and source material, special nuclear material, and byproduct material in physical and biological research, medicine, agriculture, and industry; and

(3) Health and safety problems related to the foregoing.

ARTICLE IV

A. Materials of interest in connection with the subjects of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties may be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time.

ARTICLE V

The application or use of any information (including design drawings and specifications), and any material, equipment and devices, exchanged or transferred between the Parties under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment and devices for any particular use or application.

ARTICLE VI

A. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of equipment and devices and materials other than special nuclear material and for the performance of services with respect thereto.

B. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles IV and VII and subject to the relevant provisions of Articles VIII and to the provisions of Articles IX.

C. The Parties agree that the activities referred to in paragraphs A and B of this Article shall be subject to the provisions of Article II and to the contracting policies of the Parties with regard to transactions involving the authorized persons referred to in paragraphs A and B of this Article.

ARTICLE VII

A. During the period of this Agreement, and as set forth below, the Commission will supply to the Government of the Republic of Finland or, pursuant to Article VI, to authorized persons under its jurisdiction, under such terms and conditions as may be agreed, requirements of the Republic of Finland for uranium enriched in the isotope U-235 for use as fuel in the power reactor program described in the Appendix to this Agreement, which Appendix, subject to the quantity limitation established in Article IX, may be amended from time to time by mutual consent of the Parties without modification of this Agreement.

(1) The Commission will supply such uranium enriched in the isotope U-235 by providing, to the same extent as for United States licensees, for the production or enrichment, or both, of uranium enriched in the isotope U-235 for the account of the Government of the Republic of Finland or such authorized persons. (Upon timely advice that any natural uranium required with respect to any particular delivery of enriched uranium under such service arrangements is not reasonably available to the Government of the Republic of Finland or such authorized persons, the Commission will be prepared to furnish the required natural uranium on terms and conditions to be agreed.)

(2) Notwithstanding the provisions of paragraph A(1) of this Article, if the Government of the Republic of Finland or such authorized persons so request, the Commission, at its election, may sell the uranium enriched in the isotope U-235 under such terms and conditions as may be agreed.

B. As may be agreed, the Commission will transfer to the Government of the Republic of Finland or to authorized persons under its jurisdiction uranium enriched in the isotope U-235 for use as fuel in defined research applications, including research, materials testing, and experimental reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance, it being understood that, in the event of transfer of title to uranium enriched in the isotope U-235, the Commission shall have the option of limiting the arrangements to undertakings such as those described in paragraph A(1) of this Article.

C. The Commission may also transfer to the Government of the Republic of Finland or to authorized persons under its jurisdiction, under such terms and conditions with respect to each transfer as may be agreed, special nuclear material for the performance in the Republic of Finland of conversion or fabrication services, or both, and for subsequent transfer to another nation or group of nations in accordance with the provisions of Article X, paragraph A(3). It is understood that, in the event of transfer of title to uranium enriched in the isotope U-235 by the Commission, it shall have the option of limiting the arrangements to undertakings such as those described in paragraph A(1) of this Article.

ARTICLE VIII

A. With respect to transfers by the Commission of uranium enriched in the isotope U-235 provided for in Article VI, paragraph B and Article VII, it is understood that:

(1) Contracts specifying quantities, enrichments, delivery schedules, and other terms and conditions of supply or service will be concluded on a timely basis between the Commission and the Government of the Republic of Finland or persons authorized by it.

(2) Prices for uranium enriched in the isotope U-235 sold or charges for enrichment services performed will be those in effect for users in the United States of America at the time of delivery. The advance notice required for delivery will be that in effect for users in the United States of America at the time of giving such notice. The Commission may agree to supply uranium enriched in the isotope U-235 or perform enrichment services upon shorter notice, subject to assessment of such surcharge to the usual base price or charge as the Commission may consider reasonable to cover abnormal costs incurred by the Commission by reason of such shorter notice.

B. If the total quantity of uranium enriched in the istope U-235 which the Commission has agreed to provide pursuant to this Agreement and other Agreements for Cooperation should reach the maximum quantity of uranium enriched in the istope U-235 which the Commission has available for such purposes, and should contracts covering the adjusted net quantity specified in Article IX not have been concluded, the Commission may request, upon appropriate notice, that the Government of the Republic of Finland or persons authorized by it concluded contracts for all or any part of such uranium enriched in the isotope U-235 as is not then under contract. It is understood that, should contracts not be concluded in accordance with a request by the Commission hereunder, the Commission shall be relieved of all obligations with respect to the uranium enriched in the isotope U-235 for which contracts have been so requested.

C. The enriched uranium supplied hereunder may contain up to twenty percent (20%) in the istope U-235. A portion of the uranium enriched in the istope U-235 supplied hereunder may be made available as material containing more than twenty percent (20%) in the istope U-235 when the Parties agree that there is a technical or economic justification for such a transfer.

D. It is understood, unless otherwise agreed, that, in order to assure the availability of the entire quantity of uranium enriched in the istope U-235 allocated hereunder for a particular reactor project described in the Appendix, it will be necessary for

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the construction of the project to be initiated in accordance with the schedule set forth in the Appendix and for the Government of the Republic of Finland or persons authorized by it to conclude a contract for that quantity in time to allow for the Commission to provide the material for the first fuel loading. It is also understood that, if the Government of the Republic of Finland or persons authorized by it desire to contract for less than the entire quantity of uranium enriched in the istope U-235 allocated for a particular project or terminate the supply contract, the remaining quantity allocated for that project shall cease to be available and the maximum adjusted net quantity of U-235 provided for in Article IX shall be reduced accordingly, unless otherwise agreed.

E. Within the limitations contained in Article IX, the quantity of uranium enriched in the isotope U-235 transferred under Article VI, paragraph B or Article VII and under the jurisdiction of the Government of the Republic of Finland for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Parties, is necessary for the efficient and continuous operation of such reactors or reactor experiments.

F. When any special nuclear material received from the United States of America requires reprocessing or any irradiated fuel elements containing fuel material received from the United States of America are to be removed from a reactor and are to be altered in form or content, such reprocessing or alteration may be performed in Finnish facilities upon a joint determination of the Parties that safeguards pursuant to this Agreement may be effectively applied, or in such other facilities as may be mutually agreed.

G. Special nuclear material produced as a result of irradiation processes in any part of the fuel leased by the Commission under this Agreement shall be for the account of the lessee and, after reprocessing as provided in paragraph F of this Article, title to such material shall be in the lessee unless the Commission and the lessee otherwise agree.

H. No special nuclear material produced through the use of material transferred to the Government of the Republic of Finland or to authorized persons under its jurisdiction pursuant to this Agreement will be transferred to any other nation or group of nations, except as the Commission may agree to such a transfer.

I. Some atomic energy materials which the Commission may be requested to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials, the Government of the Republic of Finland shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any source material or special nuclear material or reactor materials which the Commission may lease pursuant to this Agreement to the Government of the Republic of Finland or to any person under its jurisdiction, the Government of the Republic of Finland shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source material or special nuclear material or reactor materials after delivery by the Commission to the Government of the Republic of Finland or to any person under its jurisdiction.

ARTICLE IX

The adjusted net quantity of U-235 in enriched uranium transferred from the United States of America to the Republic of Finland under Articles IV, VI and VII during the period of this Agreement for Cooperation shall not exceed in the aggregate twenty-five thousand two hundred (25,200) kilograms. The following method of computation shall be used in calculating transfers, within the ceiling quantity of twenty-five thousand two hundred (25,200) kilograms of U-235, made under the said Articles:

From:

(1) The quantity of U-235 contained in enriched uranium transferred under the said Articles, minus

(2) The quality of U-235 contained in an equal quantity of uranium of normal isotopic assay,

Subtract:

(3) The aggregate of the quantities of U-235 contained in recoverable uranium of United States origin either returned to the United States of America or transferred to any other nation or group of nations with the approval of the Government of the United States of America pursuant to this Agreement, minus

(4) The quantity of U-235 contained in an equal quantity of uranium of normal isotopic assay.

ARTICLE X

A. The Government of the Republic of Finland guarantees that:

(1) Safeguards provided in Article XII shall be maintained.

(2) No material, including equipment and devices, transferred to the Government of the Republic of Finland or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement, and no special nuclear material produced through the use of such material, equipment or devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(3) No material, including equipment and devices, transferred to the Government of the Republic of Finland or to authorized persons under its jurisdiction pursuant to this Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Republic of Finland except as the Commission may agree to such a transfer to another nation or group of nations, and then only if in the opinion of the Commission, the transfer of the material is within the scope of an Agreement for Cooperation between the Government of the United States of America and the other nation or group of nations.

B. The Government of the United States of America guarantees that:

(1) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement, and no special nuclear material produced through the use of such material, including equipment and devices, or an equivalent amount of material of the same type as such transferred or produced material substituted therefor, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(2) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction pursuant to this Agreement, and no special nuclear material produced through the use of such material, equipment or devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the United States of America, except as the Government of the Republic of Finland may agree to such a transfer to another nation or group of nations.

ARTICLE XI

A. The Government of the United States of America and the Government of the Republic of Finland, recognizing the desirability of making use of the facilities and services of the International Atomic Energy Agency, agree that the Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities subject to safeguards under this Agreement. It is contemplated that the necessary arrangements will be effected without modification of this Agreement through an agreement to be negotiated among the Parties and the Agency which may include provisions for suspension of the safeguards rights accorded to the Government of the United States of America by Article XII of this Agreement, during the time and to the extent that the Agency's safeguards apply to such materials and facilities.

B. If the Government of the Republic of Finland, before such time as the provisions of paragraph A above have been implemented, has at its request, in the spirit of the Treaty on the Non-Proliferation of Nuclear Weapons, entered into an agreement in accordance with Article III, paragraph A5 of the Statute of the International Atomic Energy Agency whereby the Agency's safeguard system for the time being in force is applied or is to be applied to the Republic of Finland's activities in the field of atomic energy, the Government of the United States of America undertakes to consult as to the extent that the provisions of such agreement between the Government of the Republic of Finland and the Agency may be accepted as satisfying the objectives of paragraph A of this Article.

C. In the event the Parties do not reach a mutually satisfactory agreement on the terms of an arrangement as envisaged by paragraphs A or B of this Article, either Party may, by notification, terminate this Agreement. Before either Party takes steps to terminate this Agreement, the Parties will carefully consider the economic effects of any such termination. Neither Party will invoke its termination right until the other Party has been given sufficient advance notice to permit arrangements by the Government of the Republic of Finland, if it is the other Party, for an alternative source of power and to permit adjustment by the Government of the United States of America, if it is the other Party, of production schedules. In the event of termination by either Party, the Government of the Republic of Finland shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement and still in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of the Republic of Finland or the persons under its jurisdiction for their interest in such material so returned at the Commission's schedule of prices then in effect in the United States of America.

ARTICLE XII

A. The Government of the United States of America and the Government of the Republic of Finland emphasize their common interest in assuring that any material, equipment or devices made available to the Government of the Republic of Finland or any person under its jurisdiction pursuant to this Agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards rights provided for in this Agreement are suspended by virtue of the application of safeguards of the International Atomic Energy Agency, as provided in Article XI, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

(a) reactor, and

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(b) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available under this Agreement to the Government of the Republic of Finland or to any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission;

(2) With respect to any source material or special nuclear material made available to the Government of the Republic of Finland or to any person under its jurisdiction under this Agreement by the Government of the United States of America or any person under its jurisdiction and any source material or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or devices so made available:

(a) source material, special nuclear material, moderator material, or other material designated by the Commission,

(b) reactors, and

(c) any other equipment or devices designated by the Commission as an item to be made available on the condition that the provisions of this paragraph B(2) will apply,

(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials; and

(ii) to require that any such materials in the custody of the Government of the Republic of Finland or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article X;

(3) To approve facilities which are to be used for the storage of any of the special nuclear material referred to in paragraph B(2) of this Article which is not required for atomic energy programs in the Republic of Finland and which is not transferred beyond the jurisdiction of the Government of the Republic of Finland or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

(4) To designate, after consultation with the Government of the Republic of Finland, personnel who, accompanied if either Party so requests, by personnel designated by the Government of the Republic of Finland, shall have access in the Republic of Finland to all places and data necessary to account for the source material and special nuclear material which are subject to paragraph B(2) of this Article to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

(5) In the event of non-compliance with the provisions of this Article or the guarantees set forth in Article X and the failure of the Government of the Republic of Finland to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment and devices referred to in paragraph B(2) of this Article;

(6) To consult with the Government of the Republic of Finland in the matter of health and safety.

C. The Government of the Republic of Finland undertakes to facilitate the application of safeguards provided for in this Article.

ARTICLE XIII

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of thirty (30) years.

In witness whereof, the undersigned, duly authorized, have signed this Agreement.

Done at Washington, in duplicate, in the English and Finnish languages, both equally authentic, this eighth day of April, 1970.

For the Government of the United States of America:

MARTIN J. HILLENBRAND,
Assistant Secretary of State for European Affairs.

GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of the Republic of Finland:

OLAVI MUNKKI,
Ambassador E. and P., Embassy of Finland.

Certified to be a true copy:

BARBARA H. THOMAS.

FINLAND'S ENRICHED URANIUM POWER REACTOR PROGRAM

Reactors	Scheduled start of construction	Criticality date	Total kgs. U–235 required
(1)	(2)	(3)	(4)
A. 750 mw. e	1972	1978	13,000
B. 750 mw. e	1974	1980	12,000
Total			25,000

LEGAL SCHOLARS OPPOSE DIRECT ELECTION OF THE PRESIDENT BEFORE JUDICIARY COMMITTEE

Mr. ERVIN. Mr. President, for 3 days, 2 weeks ago, the Judiciary Committee heard a number of distinguished witnesses testify on the various proposals for reforming the manner in which we elect our President. I have previously placed in the CONGRESSIONAL RECORD of last Wednesday, April 15, 1970, the testimony of Prof. Alexander Bickel, of the Yale Law School.

Following Mr. Bickel, the committee heard from two other outstanding legal scholars, Mr. Ernest Brown, of Harvard Law School, and Mr. Charles Black, of Yale Law School. All three of these leading constitutional experts have doubts about direct election, and all three support the so-called Katzenbach proposal which I have introduced. This proposal, Senate Joint Resolution 191, with an accompanying statement, appears on page 10492 in the CONGRESSIONAL RECORD of April 7, 1970.

In his statement, Professor Black, of the Yale Law School, had the following to say about the magnitude of the change which the direct election proposal would cause our Government:

> I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States. . . .

Assuming a proposed change of such magnitude, Professor Black definitely thinks the burden of proof should be on those who desire the change. He put it this way:

> But I do not think that it is up to the opposition to this proposal to establish beyond a doubt what will happen in the future. We are dealing with a system which has been brilliantly successful, the whole solar system, as the late President, then Senator, Kennedy called it, of the allocation of power in the United States. It is up to those who would effect a major and radical change in it to dispel very positively the doubts as to the wisdom of that change.
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> But again, I emphasize that we are dealing with a system which has, up to now, been quite successful. And when we see the possibility, the good, solid possibility of these kinds of shoals and rocks in another system that is untested and may develop worse defects than even those that Bickel and I and Professor Brown are able to think of in advance, it puts us on a kind of chartless ocean in a new kind of presidential politics that we ought to be very, very careful of.

In their statements, both Professors Brown and Black warned us of the dangers in recounts and contested elections under the direct election proposal. As Professor Brown, of the Harvard Law School, said:

> Close elections lead to contest. And with direct election, the contest would be nationwide. Every ballot box, every voting machine, would be subject to contest.

Professor Brown illustrated how nationally contested elections would develop under the direct election plan. He said:

> If one candidate contests a certain area, his opponent, to protect himself, warns of a contest where he thinks something might have been adverse to him. And in a little while, the whole electorate is involved.

In continuing his warnings that contested elections could paralyze governments, Professor Brown said he thought that under direct election "the mere fact of contest is a disaster." Of course, Mr. President, there can be contested elections and recounts under any system but as Professor Brown reminded us:

> But the present system insulates the states. When the vote is counted by states, those lines insulate the area of contest and keep it local, and they insulate the significance of contest.

Professor Black testified at length on the protections which the present system, and the present system as modified by my proposal, offers against the possibility of recounts and contests. He said:

> We have now a compartmentalization of the recount problem, like the compartmentalization of a ship. If it springs a leak in one part, that part is sealed off from the others. The recount problem is an infrequent incident, because very often the state in which fraud is charged or error is charged will be one which, on inspection of the electoral totals, does not matter anyway.

Professor Black amplified the testimony about the dangers of recounts by mentioning that—

> It would become the duty of the manager of anybody's campaign that might be advantaged by a recount to search very carefully, in good faith, for fraud, irregularity, and the sort of technical objections to voting that you refer to, so that even without this willful obstruction element, I should think that in a close election, it would be almost inevitable that the vote everywhere would be scrutinized and contested, and every possible irregularity sought after, whereas, under the present system, it usually does not matter and people just do not bother with it.

Mr. President, both of these outstanding scholars point out the contradictions in reforming the electoral college but doing nothing about the nomination process. Both of these experts feel that

if drastic changes are proposed in our election machinery, we will, of necessity, have to consider changing the nominating procedures which now follow along State lines. This change in the nominating procedures has not been considered, and both of these men see dangerous possibilities arising from the contradictions inherent in having a nominating procedure along State lines and a direct election system.

In addition to the problems with recounts and contested elections, both of these constitutional experts foresee similar problems with fraud under the direct election procedure and they both feel that the present electoral method "insulates" us from this fraud. I do not feel this greatly increased chance of fraud under a direct election system has been adequately explored, and this possibility should be considered by every Senator before voting on direct election. Now each State election under the present system that is not close is "sealed off" from fraud. Thus, under the present system, only close contests in an individual State makes it profitable for ballots to be stolen. Under direct election, all States, the entire Nation, would be inviting fraud because even though a candidate lost a State by a large margin of votes, fraud in that State under direct election could still affect national elections. I will have more to say about the issue of fraud when I place in the RECORD the testimony of Mr. Theodore White and Mr. Richard Goodwin.

Mr. President, I believe that the testimony of Professors Brown, Black, and Bickel is an excellent analysis of the issues at stake in reforming the electoral college. I sincerely hope that all Senators will read the objections of these constitutional experts before voting on these proposals. With the stakes so high, I hope that the Senate will agree with me that the proponents of direct election have not met their burden of proof.

I ask unanimous consent that the complete texts of Professor Brown, of Harvard Law School, and Professor Black, of Yale Law School, be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF ERNEST J. BROWN, PROFESSOR OF LAW, HOWARD UNIVERSITY

I am, for the record, Ernest J. Brown, at present visiting Professor of Law at the University of Pennsylvania, on leave from Harvard Law School, where I have been for the past 20-odd years.

I think I can best introduce my statement by saying something that is certainly neither original nor novel. That is that on any legislative statement, as Senators certainly know well, it seems to me that, to make a judgment, we have to isolate the pluses and the minuses and then evaluate them. On almost everything, there will be both pluses and minuses. Nothing is perfect. So my function today, as I understand it, is to look at the pluses and minuses, particularly with reference to the proposed direct popular election, but in passing, at least, with some of the other aspects in mind.

But perhaps I can first consider very briefly the present system, which has served us on the whole very well for almost 200 years.

There are certainly some limitations to it. People have expressed concern over the so-called faithless elector problem. People have expressed concern over the reference to the House and the necessity of voting by states. Whether those concerns are great or small, I do not think I have to decide, because there does not seem to be any plus with reference to either one of them. I heard Mr. Martin this morning say he would like to preserve individual electors, but not many people have and I can see very slight function that they have. Those changes can be made very easily without changing our institutional structure, and the resolution which I understand you have introduced, Senator Ervin, will do that, eliminating the individual electors, eliminating the voting by states in the House should there be a reference to it.

Another fault, if it is a fault, that the direct election supposedly addresses itself to is the possibility that in some election, a candidate will get a majority of the electoral vote but trail in the popular vote. That is a possibility. It happened in 1888. Whether it is a serious danger, I do not know. It does not seem to be. As my friend and colleague, Professor Bickel, has pointed out, that will happen only when the popular vote is largely a standoff, and it provides us a mechanism for resolving what is in effect a tie. It serves well there.

But if that is a difficulty, then the Senate Joint Resolution 1 solves that in its fashion and to that extent, we must give it a plus. To my mind, that is the only plus I see in favor of Senate Joint Resolution 1.

The minuses seem to me very important. I see them on three different levels and I would like to discuss those three. The first is the provision for runoff.

Now, I think I should make it clear that it is not a necessary concomitant of direct popular election that there be a runoff system. As I am informed, Senator Tydings has introduced an amendment which would eliminate the runoff and make a vast difference in that proposal. But as direct election has been proposed, as the House has passed it, and as I understand, Senator Bayh is still supporting it, it has the runoff provision in it. We must judge it on that basis. To my mind, that is much the most serious obstacle to acceptance.

We might have runoff provisions in other schemes. There might be a popular runoff with the electoral college. We have a limited runoff as it is, by the reference to the House. If I were originating my own particular scheme, I think I would join what I heard Mr. Goodwin say this morning in that I would prefer just a simple plurality. That is how Senators are elected, that is how governors are elected, and representatives and it seems to me a good system. But we have the limited runoff. And at least with the electoral scheme, it is very limited, very hard to achieve.

Now, the difficulties the runoff may create are the encouragement they give to minor candidates and, to others to come into the field; the possibility of fragmenting a field so that possibly, an otherwise hopeless candidate might win. But more important, and of greater significance, because it is more practical, is the lure it creates toward a bargaining position and achieving a powerful influence on the second primary. It was pointed out this morning that some of the people who swing their support end up in other offices. And indeed historically, in our one runoff, we know that Henry Clay, who swung his support to John Adams, ended up as Secretary of State after the 1824 election. So it is great incentive to come in and then, if that incentive exists, to seek to guarantee a runoff.

Now, the best way to guarantee a runoff is to fragment the electorate as well as you can. The best way for that, as history has demonstrated, is to slice off segments of the electorate along doctrinaire, one-issue lines. And I think we can be sure that that would be done. I think we would have had more candidates in 1968 if we had had a runoff provision. In this time, it seems to me particularly unfortunate that we could even think of anything that could multiply doctrinaire parties.

If you will pardon a little wandering, which I do not think is wandering because I think it is relevant, I have worked professionally with young people for quite a number of years—since 1930s, really, and without break, since the mid 40s—studying in professional school. During most of that time, one thing that has impressed me, among the people I have known, is their open mindedness, their willingness and eagerness to understand the factors of accommodation that hold our society and our country together.

One of the startling changes in recent years is that that atmosphere has just gone and we see young people now who come to professional school with a set of preconceived ideas and what they seem mostly interested in—this is not universal, but it is enough to set a very significant tone—is something to feed those prejudices and those dogmas. And the idea that we could do anything that would encourage the spirit of dogmatism and doctrinaire groups in this country rather than the spirit of accommodation is just inconceivable to me.

Now, I see this mechanism of the runoff as producing this result. I am sorry Senator Bayh is not here, because I overheard an exchange with Mr. Goodwin this morning that seems to me to indicate a lack of understanding. I am sorry Mr. Goodwin could not supply what was the proper answer.

Senator Bayh referred to the studies of the group of the American Bar Association. I will join you, Senator, and others whom I heard this morning, by saying I, too, have been a member of that association for quite a number of years. But at least on this issue, it certainly does not speak for me.

Now, Senator Bayh said, and he listed a lot of names—Key and Schattschneider and Du Verger, a number of others—that they agreed and that the Bar Association study had shown that the electoral college mechanism had nothing to do with the third party growth or lack of it. And indeed, that is correct. But what they do show is that the runoff provision is what induces third and multiple parties. I am sorry Mr. Goodwin could not make that answer, because he could have gone down the list of Key, whose Southern Politics is explicit on the effect of the runoff system. And he could have taken Schattschneider and he could have taken Du Verger, who studies the governmental organization of the whole world. The broader their focus, the clearer they are that a runoff system, a second election, encourages multiple parties.

Now, I can understand Senator Bayh's transference of that, because with deference, it seems to me that the studies of the Bar Association on this are highly confused. And I have both of the publications that they have issued—it seems the statement that Mr. Gossett made a year or so ago and then the pamphlet that was put out earlier. I do not know Mr. Ferrich, but he apparently had some part in this.

I think, A, they misunderstand the people whom they quote, and then they transfer to rather irrelevant considerations the facts. I will take any of those people and read page by page from Key and Du Verger and Schattschneider and see what they say.

And it is true, it is not the electoral college system, it is the runoff. Our electoral system, with the quasi-runoff to the House, does encourage third party candidates. Except it is very hard, as history shows, to get any significant electoral vote. It has not been since 1824 that anyone has succeeded in sending an election to the House. And as we know it takes a regional candidacy to have any chance of doing it.

Senator Ervin. My recollection of the history of the 1824 election is somewhat shaky, because I have not read it for a while, but we did not really have a party. The Federalist party had sort of passed out of existence and about the only political party then in existence was the Jeffersonians.

Mr. Brown. Yes.

Senator Ervin. And they had a number of different men contesting for the presidency in that election.

Mr. Brown. Senator, if I may interrupt myself on this, you are a busy man, I know, but I know also your interest in these matters. Let me recommend to you very highly a book by Professor Nichols, of the University of Pennsylvania, as it happens, Roy Nichols, called the Invention of the American Political Parties. What Nichols does is trace the effect of the election mechanism on the growth and structure of the parties as adapting themselves to work within that mechanism. And he shows in what I think is a beautiful system that it took between 50 and 60 years of trial and error for the party structure to adopt itself to this mechanism. And he thinks it was only in the mid-19th Century that the party structure realized what it worked with.

But as you say, there was almost no party organization in 1824. We had four candidates, and of course, there was the reference to the House. Since then, even in the 1860 election, we avoided a reference to the House, though the country was greatly fragmented.

So it is not the electoral system that causes, that invites or does not invite the multiplication of candidacies. It is the runoff provision. And every one of the people whom Senator Bayh mentioned this morning to some degree states—Mr. Schindler, whom he mentioned, is the one who is less clear than any of the others—that a runoff is such an invitation. But every one of the others that he mentioned is perfectly clear and perfectly explicit that a second election, a runoff system is an invitation to multiple candidacies.

I will sit down with Senator Bayh and anyone from the American Bar Association or Mr. Ferick and read paragraph by paragraph and demonstrate. There is much that is confused and irrelevant, but that I think we can be perfectly sure of.

Now, if we suffer this multiplication of parties, as I say, this should be the last time in the world that we should want it.

The whole structure—as I said, Mr. Nichols indicates very well that changes in government are slow—but the structure will adapt to the electoral mechanism. And it is perfectly clear that all of our political institutions over a period of a few years will simply radically change. All of the forces for accommodation will be gone, because there is no magic in the two party system, except that a plurality two party system works to get accommodation and compromise, because the premium is to get together forces to come out first on the one shot election—that is the great thing, the one election. If on the other hand, you are going to have a second election and a runoff, then you invite separatism.

Now, I think there are even worse aspects than tearing down the party structure. You, and of course others here, know how second elections work, how runoffs work. We have seen them in this country. I am a native of a state where they have them. I am a fellow Louisianan with Mr. Martin originally. Just within the past couple of years, we have seen runoffs in mayorality elections as well. It has been my observation that the second election in a runoff is likely to be very bitter and very divisive. I know that has been true. I still watch the primaries in Louisiana and Mississippi. Down there, and I have seen the so-called moderate tone of the first contest. But this is the situation that you then face: The man who comes in second in the first race has usually had the strength of other candidates located. And if you have five candidates, some of them appealing to extremists and racial or dogma groups, he has this vote established. His only chance to win is to go after that vote and to change the whole tone. And that is what has characterized the runoff election. It is the second man going after these coherent groups united on racial, other grounds such as that.

It gives a bitter second election.

I do not think this country—I do not think we would ever want to encourage that. But as of now, 1970, that seems to me the last thing we should even contemplate any possibility of having.

The second aspect is suppose, as often happens, the second man does win—and it seems to me that is an advantageous place in the runoff, to come in second rather than first. The second man does not have a very powerful mandate. He is obviously pledged and in hock, if I may put it that way, to the people who have done it. It is shown in the first election that he cannot top as a matter of first choice the man who has run first.

So he has a very weak mandate. He is obligated beyond common occasions to the people who have switched to him for the second.

We have had a runoff President. Senator Bayh this morning mentioned not getting the high vote. John Quincy Adams got the second vote. His presidency was not a very fortunate presidency. There was the shadow of Jackson, who had been the first man, looming over him and his administration was discredited. And he lost, of course, at the end of four years. Senator Bayh's amendment would make it not probable but highly possible that the second man would come in by virtue of the runoff provision.

The talk that in 1824 as well as 1876, the second man was elected is nothing as compared with prospects under a runoff system, because it might be every four years that the second man would be elected. This amendment is an invitation to it. I do not think the presidency should be limited and so pledged to sharply defined dogma groups as that.

One can go on, but I hope at least I have indicated why I think the runoff system that here happens to be joined—is not necessarily but happens to be joined—to the direct popular election, is the greatest misfortune that we could face. I would be opposed bitterly to any runoff attached to any system—district, proportional, the present system, or direct popular election. That is, to my mind, a prescription for the gravest misfortune that this country could suffer. Without it, we enter another basis for judgment.

Now, the second level of minus considerations. Twice in the last three elections we have had a very close vote. We have not known the result of the popular vote for weeks, literally. And it is rather important in today's world that the result be known and not wait until absentee ballots from overseas posts filter in for counting. So just as the matter of knowing the results quickly—and this is not idle curiosity; the world waits while the US President is chosen. The US waits, too.

Senator Ervin. The whole country, in a sense, I have noticed in Presidential election years tends to stand still for a few months.

Mr. Brown. That is right. We all remember that one of the things that the division into state segments, of course, lets us know simply that the distribution is such that though the aggregate popular vote may be very close, no state may be close, so that we know the result while we are still waiting over weeks to find out what the aggregate popular vote was.

So that in itself is a significant fact. But more significant is the fact that close elections—and as I say, we have had two out of the last three in popular vote terms—close elections lead to contests. And with direct popular election, the contest would be nationwide. Every ballot box, every voting machine would be subject to contest.

Now, I have heard Senator Bayh say, well, it does not have to. No, you could cut the cost down to the ballot boxes in—what shall I say—West Kankakee or any place you want to choose. But we all know that is not the way election contests go. If one candidate contests a certain area, his opponent, to protect himself, warns of a contest where he thinks something might have been adverse to him. And in a little while, the whole electorate is involved.

We have seen state contests in recent years that have paralyzed state governments. And we had one contest in 1876. Without going into detail, I think the mere fact of contest is a disaster.

Then how would it be conducted? Who would conduct it? I think it would be a misfortune to throw the federal judiciary into this. But if it were a court, there is no court that would have nationwide jurisdiction other than the Supreme Court. And if I may put it that way, heaven preserve us from throwing the Supreme Court into that arena.

Congress, I suspect, would supervise the contest. I do not think that would be very happy, either. But bear in mind, too, it would be the outgoing Congress, because the incoming Congress would not have taken office. And the outgoing Congress might have been greatly changed—we might put it in terms of repudiated—at that same election.

Now, at least under the text of the proposal that passed the House, the outgoing Congress could determine who won the election, because it provides that the Congress shall provide how the President shall be determined. So the incoming Congress, with perhaps wholly different majorities, could face a legislative determination by, if I may put it, a defeated Congress. I realize, of course, that does not mean every individual, but a very significant change. The incoming Congress could face a legislative determination by a defeated Congress that candidate A, rather than candidate B, after a bitter contest, was the President of the United States. The incoming Congress might have other ideas and often would.

I do not think I need develop the possibilities that might then come.

There is no guarantee against election contests. We can have them under the present system, we can have them under any. But the present system insulates the states. When the vote is counted by states, those lines insulate the area of contest and keep it local, and they insulate the significance of contest. It has happened more than once that there might well have been contests in a given state that an election where the aggregate popular vote was quite close. But generally, the electoral majority is somewhat greater in precentage terms than the popular majority. And so a switch of a state or two would not make the difference. So those contests did not materialize. I am not gifted either with prophecy or what might have been hindsight. But I think there are very good chances that under direct popular election, we would have had damaging contests in both 1960 and 1968. We did not have them, very fortunately.

So these elements, it seems to me, these are related to direct election, the invitation to contest and the unfortunate aspects of what a contest would involve.

My third-level minus is the matter of nomination. I heard Mr. Goodwin this morning say also, though I did not hear all of his testimony, that indeed, the nominating procedure is perhaps more significant than the election because the choice is narrowed there.

Whether it is more or less, we would all agree that it is very significant. Now, the television cameras see the nominating conventions as spectacles and perhaps they are not in very good order, but I think they serve very good purposes of accommodation, again, by letting forces from the states meet and perhaps decide then or preliminarily where the strength of their party lies and how it can best be expressed and what forces they can seek to persuade.

If you have direct popular election, the nominating procedure must necessarily follow in some way the election procedure. If there were such a thing as electoral physics, I would be tempted to put this as a law of physics. A nominating procedure that does not in some way reflect the election machinery is pointless. Certainly there would be no point in having your nominating organization organized by states and state delegations when that was to be the end of it, when thereafter the voting was by direct popular election.

Now, I do not know what the nominating procedure would be under this method of election. I know it would be very different from anything we know. And I think before we are cast into the wilderness, we should have some attempt to appraise what that nominating procedure would be.

One possibility, of course, is the primary, the national primaries. And some people are for those. It would be terrifically expensive, and I suppose we would have runoffs in those, too—it would be a terrifically expensive process, draining of energy beyond that that is required now, and that is vastly great. And my judgment is that a primary as a nominating device would eliminate national factors of stability and compromise. I cannot predict, but I think we would have sharp veerings from the right to the left in the primary elections. And then the country would be faced with a choice, with the minor candidates intervening, between non-representative candidates of the major parties.

As I say, I cannot predict what the system would be. I can feel perfectly sure it would be vastly different. And I think we should be at least as concerned about the nominating process as about the electoral process itself.

Now, these are my objections. The last two, as I say, are serious, but not as serious as the first. The runoff to me puts any system beyond the pale. The last two I think are very serious. They are so serious that my own preference is for the method which you have sponsored. I can see close balance between that and, say, the provision which Senator Tydings made, or the provision which Senator Eagleton has introduced and will, I believe, speak about tomorrow. Those at least are in the area of judgment and discussions—their judgment may be better than mine—once that runoff is gone.

There is one last point I wish to make. I am reverting to the runoff simply because to me, it is the overwhelming issue. It would be understandable if the amendment gave Congress authority to provide a runoff if it felt it desirable or necessary. It is incomprehensible to me that it is made mandatory in the amendment.

Now, I may be wrong in my appraisal of the significance of the runoff, but so may the supporters be. And it seems to me the part of wisdom to profit by experience. If the runoff is as unfortunate, or only half as unfortunate as I think it would be, we should not need another Constitutional Amendment to get rid of it. It would serve the purpose to give Congress the authority one way or the other.

Similarly with the 40 percent figure as the runoff margin. There is nothing magic about 40. Maybe it should be 35. Maybe it should be 47 and a half or 50, or 45. But now 40 is the magic figure in the constitution if this goes through. Why are the proponents so rigid? How are they so sure that theirs is the ultimate wisdom, that they cannot allow the flexibility of making this subject to change by legislation? I am not sure I am right. I am not sure they are wrong altogether. I am sure they are wrong in being so rigid and uncompromising.

Thank you very much.

Senator Ervin. You emphasize the danger of runoff and the second man winning.

Mr. Brown. Yes.

Senator Ervin. In the runoff, the high man's task would be largely to get support from those who did not support him. But the second man, to have any hope of winning, is going to have to outbid the top man for the groups which did not support either the first or the second man.

Mr. Brown. I think those are the tactics.

Senator Ervin. And you would more than likely have extremist groups supporting the candidates below the first or second. Does that not threaten the government if the second man wins by making promises to extremist groups? He is going to remain in captivity because he made promises for their support to run the government?

Mr. Brown. I think the record shows that is the standard tactic of the second man in the first race. The vote is plotted for him. This is what the minority candidates do. They plot their areas of strength on this issue, that issue—this issue gets 50,000 votes here, that issue gets 75,000 votes, or put a few more zeros on the nationwide scales, somewhere else. So the second man has his task mapped out for him. He goes after these dogma, one-issue, whatever their identify is, but these defined groups. My observation has been that the second election is usually bitter and divisive on a level unapproached by the first.

I do not think the country can stand it.

Senator Ervin. That has been my observation in second primaries, you know. The second primary has a tendency to do great injury to the parties where it occurs.

Mr. Brown. Yes.

Senator Ervin. I have always had the theory that the reason, since we are a country of vast expanse, with multitudes of people of various racial origins, with a widely divergent political philosophy among our people, with a sharp conflict in economic interests and other things you have mentioned, our government has been able to endure and to function largely—I would say solely—successfully is on account of what you call accommodation. In other words, in order to get a majority of electoral votes, a party has to try to make a broad appeal. I think it has been fortunate for our country that we have had two major parties and that each of the major parties has some people who call themselves liberals who decry the presence of conservatives in that party, and others who call themselves conservatives who decry the presence of liberals in that party. But I have always had the theory that the liberals keep the conservatives from getting reactionary and the conservatives keep the liberals from getting radical, and the necessity of making accommodations of opposing views and opposing economic and other interests has resulted in our government being much sounder than I think it would be otherwise.

This principle of what you call accommodation has made it possible for a country as large as ours, with as many diverse philosophies and as many diverse interests, to really endure and function well.

I think also it has tended to keep our government from getting too extreme, because it has to accommodate these conflicting views.

Mr. Brown. I agree with you, Senator, and in my more pessimistic moments, I recall, it seems to me, the period of 1850s was marked by the fact that the people lost interest in accommodating and the results were very unhappy.

Senator Ervin. And it seems to me that the electoral college system, the electoral vote, has tended to make accommodation the necessary way of life for our political parties.

Mr. Brown. I think so. I think it has certainly demonstrated that the only chance a man has to win the Presidency is to take a relatively central position as it exists at that time and build outward from there. He has no chance of winning if he does not. And when he does that, why, of course, he is working on a principle of compromise and accommodation as much as possible.

Senator Ervin. And the more proliferation of parties you have, the more you have emphasis placed upon divisive things, rather than on things which tend to, if not unite, at least accommodate.

Mr. Brown. I agree, sir.

Senator Ervin. Do you have any choices—I take it that the runoff you would say is the worst possible method of election that could be devised for a popular vote?

Mr. Brown. I think so.

Senator Ervin. Do you have any choice between these other proposals?

Mr. Brown. I supported the proposal which has variously been called automatic, which Attorney General Katzenbach proposed and Senator Bayh sponsored, by the way, a few years ago, and the resolution which you have now introduced. I think that would be still my first choice.

I like Senator Tydings' provision in that it eliminates the runoff completely. There is only one election and it is worked out from there.

The same thing, I think can be said of the provision that Senator Eagleton and Senator Dole have introduced, though the very complexity of that gives me pause. People object to our present system because they said it is so intricate they cannot understand it. I do not feel that way and I am sure you do not. But if people think the present system is complicated, then I think the system which Senator Eagleton and Senator Dole have introduced is even more. But I am attracted by the idea that it eliminates any second stage in the reference to the House.

My own choice would be a simple plurality, but a plurality of electoral votes, as now, without the reference to the Congress.

But of any of the present proposals that have had substantial strength behind them, I think the one which I understand you are now sponsoring would be the one I would now choose, but feel that Senator Tydings' is next and then the Senator Eagleton-Senator Dole proposals are within the area of judgment and weighing in interested opinion. I could not oppose those if they came out of Congress.

Senator Ervin. Now, to me it seems a weakness in the popular election proposal, even with the Tydings amendment, is the fact that it does nothing to eliminate the difficulty of devising some ways to make the nomination, or the difficulties arising out of the possibility of fraud.

Mr. BROWN. That is right. Those are the minuses which I still see there.

Senator ERVIN. Now, a lot of people are puzzled by the present provision of the Constitution, where the election goes into the House, having the votes cast by states as units. To my mind, the explanation for that provision was the fact that according to history, if I remember correctly, the way the Congress—under the Article of Confederation, the states voted as units. Also the states voted as units under the Constitutional Convention of 1787. The explanation and reason for that is that they were accustomed to that, to the states acting as units. To us, I think it is otherwise so unusual at present, that the whole thing is rather difficult to understand.

Mr. BROWN. I think that is so, Senator, and certainly, they were accustomed. As I understand it, one of the drafts of the Constitution would have referred in case of no electoral majority, would have referred it to the Senate rather than to the House. Then it was objected to in that the Senate had so many powers with regard to treaties and confirming officers nominated by the President, that it was getting too powerful. So it was given to the House, but the idea of the same representation by states came in.

Now, it made a significant differences, because of course, if it had been in the Senate, you would not have had the vote disabled by even division between two Senators, whereas in the House, when you have to get a majority of the states, a delegation can be disabled simply by being divided evenly. So it is rather doubly unfortunate that when it was sent to the House, it was left with this device which mechanically made stalemate much more possible than it would have been had it been in the Senate.

STATEMENT OF PROF. CHARLES BLACK, PROFESSOR OF LAW, YALE UNIVERSITY

I am very happy indeed to be here and honored to be invited to come. It seems to me that the only sadness about my position is having to follow such a wonderful statement and so obviously deeply studied a statement as that of Professor Brown. I do not think I have lived with this problem as closely as he has and I have no hope of being more than corroborative of some of the things that he and my colleague, Alexander Bickel, and others have said.

But if I may be permitted a reminiscence which, though personal, I believe is entirely to the point on the present issue, I spent last summer instructing foreign law graduate students in the Constitution of the United States, teaching a course in constitutional law to young people already lawyers in their own countries, who were to go out after the summer to the many different American law schools and pursue their studies of American law and reside for the year in the United States. I told them at the beginning of the course, "We have nothing to show you here in the way of antiquities. We will show you a house that was built in 1810 and you will laugh when we tell you it it an old house, you will laugh behind your hands because you look at the Arch of Titus every morning when you walk to work. We have in fact only one antiquity that is worth your attention. That is the Constitution of the United States.

"It was put into effect when Napoleon Bonaparte was a young comer. And as the other countries of the world, almost without exception, have rolled through one constitutional revolution after another, this thing has stood there in substantially its present form, has accommodated a whole continent and now reached out to the islands of the Pacific and brought them into a political structure of obvious solidity and strength. It is our antiquity. It is what we have to show you instead of the cathedral at Chartres," I told them, "so let's get to work studying it."

I approach this question with that kind of bias. I approach this question with the feeling, which I believe to be validated historically as well as any can be, that the Constitution of the United States is an almost miraculously successful document and that any change in its structure is to be approached with every presumption against it. It is often said that the electoral college system is antiquated. This is used as a sort of pejorative term for it. "Antiquated" means that it has lasted a long, long time. I do not find that an epithet of opprobrium at all. I like antiquated constitutions. They are the best kind.

So I want to approach this from that point of view. I think that none of the difficulties that I or Mr. Bickel or Mr. Brown or others see in these proposed changes can be proved up to the hilt. These are prophecies. These are suggestions of possible trouble. Some of them seem very convincing. Some of them seem almost inevitable to me.

But I do not think that it is up to the opposition to this proposal to establish beyond a doubt what will happen in the future. We are dealing with a system which has been brilliantly successful, the whole solar system, as the late President, then Senator, Kennedy, called it, of the allocation of power in the United States. It is up to those who would affect a radical change in it to dispel very positively the doubts as to the wisdom of that change.

And it is with that conception of where the burden of argumentation lies that I proceed to say what I have to say.

Senator ERVIN. If I might interject myself, I am glad to find another person like myself, because I think that a thing which has endured is something to its credit, because it takes a good thing to endure.

Mr. BLACK. Sure.

Senator ERVIN. I remember we were debating something on the floor of the Senate one time and somebody suggested that the Senate rules were written by the hand of the Lord. Well, so were the Ten Commandments and so was the Declaration of Independence and so was the Constitution of the United States.

Mr. BLACK. Certainly. When one considers its history, one has a feeling of caution about tampering with it.

I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States, looking on that Constitution in its bare bones aspect. A Constitution, primarily, is that which constitutes the government, which creates offices, assigns the powers to the offices, and states the manner in which the officers shall be selected. That is the essence, the center, of a constitution, and I do not think we have ever made a change in this one anything like this deep. The Twelfth Amendment was comparatively a housekeeping amendment. The Seventeenth Amendment committing the election of Senators to popular vote, ratified in part what was already being done one way or another in the states. And in any case, neither of those things struck at what to me is the most conspicuous characteristic of the manner in which the American national government is constituted.

We do not know why this constitution has lasted so well. We do not know for sure wherein the strength lies, what it is that has given it such durability through so many troubles. But I think all of us have—and here I have to be somewhat vague because I do not think precision is possible—I think all of us have a hunch that this strength is somehow connected with the federal system—that is, with the fact that we have divided power between the national government and the states. And I would go farther and say that in constituting the government and selecting both the legislative and the executive branch, we have hitherto dealt with the states one by one as independent entities—weighted in various ways, to be sure, but each one contributing to the result as a state, as a separate entity.

Now, this seems to me to have a lot of symbolic significance and practical significance. What it means now is that in a Presidential election, the concept exists of carrying Connecticut or of carrying New York. This means that you have to go in there and work with the state people. It is the same constituency as in the statewide Senatorial election or the statewide gubernatorial election. I think it very plain that this has a tendency to preserve the concept of the states as semi-independent durable constituent entities in the constitutional plan, both symbolically and practically. It seems to me that an election which pays no regard to state lines, which is simply totally nationwide, something we have never had in our history would tend to obliterate this attention, tend to diminish this attention to the states, one by one, as political entities.

I cannot be sure of that. I cannot pin it down. I cannot read the future in a crystal ball, but it seems to me a very plausible judgment that one of what my former colleague and friend, Herbert Wechsler has called the political safeguards of federalism is our dealing with the states as entities, one by one, in the electoral college system as we know it.

Professor Brown has just reminded us that changes in this regard will run down into the nominating processes. There is, as he pointed out, no reason to continue the organization of that process on state-by-state lines, with the delegation from New York, the delegation from North Carolina, the delegation from Connecticut, if the vote is not going to be of that type. The nominating process surely must mirror the vote.

Now, a second point that I would make again is necessarily conjectural; it never comes clearly to light. But it has long been, as many have pointed out, the assumption of practical people in politics, and has lately received some mathematical corroboration, that the voter in a very populous state, like New York, or my native state of Texas, or California, has more attention paid to him in Presidential politics than the voter in a state like the one wherein I now have the happiness to reside, Connecticut. One feels this. I have lived ten years in New York and 15 years in Connecticut, and when you lived in New York, you felt that you were being attended to more in a Presidential campaign than you do when you live in Connecticut. This is seemingly a natural practical consequence of the enormous importance of swinging this large electoral vote.

Now, if this existed alone in the constitutional system, then it would be unfair. But the fact of the matter is that it does not. It can be viewed, as many people have pointed out (and here I am simply corroborating others) as a compensation for what is first of all the evident disproportion, the intended disproportion, the disproportion to which no one, least of all I, objects in the Senate of the United States where the opposite situation prevails.

This compensation is, incidentally, not carried through dogmatically, all the way, because when you get down to the other end of the scale, there is another thing that comes into the picture.

That is the fact that under the electoral college system, the whole great area of the sparsely populated west, so important to the

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future of the country, is, by the present system, somewhat more heavily weighted, I think substantially more heavily weighted, than it would be in a straight popular election and hence presumably has some greater influence in presidential politics.

This is about the degree of complexity, seeming contradiction, that I expect in a healthy political system. I do not think one looks for absolute dogmatic consistency in such a system. This kind of epicycle upon epicycle of compensation, it seems to me, is just the way things run when they run well. And looking on the inquiry in realistic terms, as the search for an answer to the question, "Why has this system worked so beautifully?" I would be inclined to guess that some of these things have had much to do with it.

Well, now, when I turn to the popular election plan, I find in it (and I do not desire to take up the Senator's time with the purely corroboratory) I find pretty much the difficulties that others have found in it.

The radical reorganization of party structures and politics; the pretty certain disappearance or weakening of the two party system seems to me an extremely likely consequence of such reform. Like Professor Brown, I would deplore that. I think these two parties, as organs of accommodation, are important, and that their existence and functioning must be close to the physiological center of health of the United States, for reasons that have already been spread here. I think we would lose that, lose most of it, under a new system.

I would deplore the arising of little parties, and I do not know that there would be just five. Why not 10 or 20, each, as in France, with a special mission, a special issue, instead of the situation we have now, where a reasonable accommodation can be made within a party frame?

I should say parenthetically there that if what we want is a more effective participation, it is to be sought in the process of nomination, I should think, and in the party convention system, which I believe has become somewhat outmoded and not entirely responsive to need. That kind of reform should be looked for, and not this fundamental constitutional change.

I am appalled, as Professor Brown is, by the prospect of recounts. We have now a compartmentalization of the recount problem, like the compartmentalization of a ship. If it springs a leak in one part, that part is sealed off from the others. The recount problem is of infrequent incidence, because very often the state in which fraud is charged or error is charged will be one which, on inspection of the electoral totals, does not matter anyway. Sometimes, though there may have been irregularities, though these may be plausibly charged, the vote will be so one-sided in a state that a recount could not conceivably change the outcome as to that state, and it would still be carried by the person who seems to carry it. In a close election, and I do not care what you mean by close, if it is the difference between 39.99 percent and 40 percent, which is made so critical in any of these proposals, you have to recount every vote in every precinct, not only for the two leading candidates, but for all the others, and be absolutely certain that it was done right. All sorts of things about the propriety of write-ins would become immensely important.

Senator Hruska. Professor, in regard to recounts, it has been testified here that if any recount is requested, it would tend to trigger and generate and originate additional recounts. After all, if Ohio has a recount, for example, that will lead Illinois to have one. If Illinois asks for a recount, Pennsylvania will do it, and then New York. Do you see any possibility of that occurring where there is a close election in which a candidate receives 39.9 percent of the popular vote.

Mr. Black. I fail to see how it could not occur. It seems to me it would be virtually the duty of the managers of a campaign to search everywhere in a close election. If a recount occurs in one place, even though, let's say, Texas has been carried two to one by one candidate, the votes in Duval County, Texas, will still be important to set off against the votes in Illinois or Vermont. I would think, for reasons on which, of course, Professor Brown is far more expert than I am, it would be almost inevitable that this would happen. So it would seem to me.

I would think that not only would this happen as a response to recount, but that the losing candidate in a very close election would almost be driven to look for a recount. We know that the counting is not all that accurate. We now concentrate on the areas where it matters, which are likely to be few, maybe none, under the present system.

But if there is a 100,000 vote difference nationwide, or if it should happen under the Tydings proposal, which I have just seen today, that the crucial question was whether the man had 39.99 percent or 40 percent of the votes, then I should think it would be inevitable that a recount would be requested.

Senator Hruska. There is a distinction between a recount and a contest. After all, a recount simply is a tabulation of the votes for the several candidates is it not?

Mr. Black. Sure.

Senator Hruska. A contest would bring in allegations of fraud, lack of qualifications, lack of residence, lack of citizenship, a disqualification for conviction of felony and so on.

Is it conceivable, in this age of obstructionism there might be an attempt to disrupt the proceedings as happened in the Chicago seven trial, for example. Could it be envisioned that those who would be interested in stultifying and frustrating the system would challenge each individual vote and each individual voter? After all, in my state, they have to sign a book each time they come into a polling place. They would take each of those and challenge each one of them and call for proof. In that way, there would be such a complete state of chaos and delay that no one would know when we would ever come to a point of reaching a final count and final decision in such court proceedings.

Then the findings would be subject to appeal.

Mr. Black. Senator, even granting good faith though I agree with you that this possibility of bad faith exists.

Senator Hruska. We know that there is such a thing by our judicial history of the past few months.

Mr. Black. But even granting good faith, I think it would become the duty of the manager of anybody's campaign that might be advantaged by a recount to search very carefully, in good faith, for fraud, irregularity, and the sort of technical objections to voting that you refer to, so that even without this willful obstruction element, I would think that in a close election, it would be almost inevitable that the vote everywhere would be scrutinized and contested, and every possible irregularity sought after, whereas, under the present system, it usually does not matter and people just do not bother with it.

Senator Hruska. Is it not a fact, however, that under the present system, compartmentalized as it is among the several States, that probability would be reduced and held to a minimum?

Mr. Black. It is.

Senator Hruska. Certainly, if we judge by past experience, it has been held to a minimum.

Mr. Black. It is held to a minimum, I think for the obvious reason that it just really does not matter. In most cases, it will not make a difference whether there are four or five hundred irregular votes in Austin, Texas. Either the Texas electoral vote will not be needed because it will not make a critical difference, or the 500 votes in Austin will not affect the Texas electoral vote because the popular vote is so lopsided in Texas. In either of those cases, there is no occasion for contest or recount.

Our system does, by this compartmentalization, reduce it to a minimum. Also, when it has to happen, it happens on a much reduced scale.

I tremble to think how hard it would be to decide who won in as close an election as 1960 and 1968. I doubt that anyone will finally be satisfied who the winner was. I doubt that the meter really reads that fine, if you scrutinize carefully every single vote, and I again suggest that, even without bad faith, it would really be the duty of those in charge of a campaign to see that this is done.

Senator Ervin. In a lot of areas in the country, they still use paper ballots. My county uses paper ballots. And my experience has been that the people who count the ballots are normally the same people who have been there all day conducting the business at the polls and, in several instances, people who have been at the polls and worked around the day. They count these ballots under great disadvantages, because they are fatigued and it is a very difficult thing for the mind to keep running on counting ballots; the most honest men can make mistakes.

Mr. Black. Certainly.

Senator Ervin. When you have 183,000 election precincts in the country and you have a very close election, it would make very little difference in that the 183 differences that you could discover that way might make a very substantial difference in the votes. They would not be able to catch it as long as a party is a part of the electoral college system. But when you take advantage of all the possible errors and all the possible frauds in 183,000 precincts to determine who is elected President in a close election, I think it is something that is beyond comprehension.

Mr. Black. I fully agree with that, and entirely agree with Professor Brown's testimony. But I would suggest that even in an ideal imagined world, where there are no recount problems, a change of this kind in the structure of the government, with its repercussions in the party system, judged against the presumptions created by the history of success of this Constitution as a whole, simply fails to make a case.

I would make one further observation and then just perhaps say briefly what I would favor—I am not against all change on this—but the goal is never stated, but perhaps there is behind the present proposals a kind of inchoate idea that it is possible to elect as President of the United States the man that most people want as a first choice. I would suggest that that is not attained by any of these proposals.

Let us say you win if you get 40 percent of the vote. It may well happen that the other 60 percent of the voters would have you as their last choice. I think that was probably the case with Abraham Lincoln, that he got about 40 percent—not quite 40, I believe—and that is among the other three candidates, the supporters of any one of them would have voted for any one of the three rather than for Lincoln.

So by such a system, you are not insuring that people get their first choice. The run-off system does not assure it. My earliest poli-

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tical experience, as a boy in Texas was in the run-off between Ma Ferguson and Felix Robinson—I very much doubt that either one of them was the first choice of a majority of the people in Texas.

Senator Ervin. I think there is another consideration that bolsters your position in respect of that point. That is the fact that you have a State in what you might call a one-party State, or one-party area. The local election is all decided in the primary. There is no incentive for those people to come out and vote in the general election.

Mr. Black. Yes.

Senator Ervin. Plus the fact that in some States, sometimes, people come out to vote in large numbers, not because of the candidates for President but because of some acute local issue, some State-wide issue, in that particular State. So the fact that a man gets the majority of the popular vote in a given election does not demonstrate that he is really the choice of the majority of all of the voters that had gone out to the polls.

Mr. Black. That is certainly true. That leaves the question of intensities.

I am simply pointing out that the goal of a President who is the first choice of voters, or of those who might vote, either one, is not anything attainable by these proposals necessarily, or perhaps by any proposal. I am just not sure that it is a feasible goal, possibly because such a person will never exist.

We have a way of accommodating and getting candidates in front of the people that pretty well recognize this.

Senator Ervin. I had a good friend in North Carolina in 1948, when we had President Truman running on the Democratic ticket and Governor Dewey on the Republican ticket, and Strom Thurmond on the State's Rights ticket, and Henry Wallace. I had a friend who said, I am just going to form me a political party of my own and I am not going to let anybody else join it, because, he said, I do not like dissension.

Would not a party tend to proliferate or form splinter parties and some of these parties would be concerned with only one or two issues?

Mr. Black. It seems to me that that is a very good forecast. It has been made in such detail and with such plausibility by my colleague, Bickel, that I have not really taken it up here. It is in his book, New Age of Political Reform. I am wholly convinced by what he has to say and what Professor Brown has said on that. We are, of course, prophesying or forecasting, and we cannot be absolutely sure.

But again, I emphasize that we are dealing with a system which has, up to now, been quite successful. And when we see the possibility, the good, solid possibility of these kinds of shoals and rocks in another system that is untested and may develop worse defects than even those that Bickel and I and Professor Brown are able to think of in advance, it puts us on a kind of chartless ocean in a new kind of presidential politics that we ought to be very, very careful of.

If I may presume just a moment more on the Committee's time, I would say that it does seem to me that there are a few problems which I think could be agreed upon as right for solution. None of us, I think, hesitates very much over the case of the faithless elector, whether he would be dealt with by binding him or by simply abolishing the office of elector and substituting a count; that is immaterial. For my part, I like conservatism in style, and I do not see anything particularly damaging about having people assemble in a State Capitol. It is a ceremonial act that is harmless.

But I think they should be bound by the vote of the people, by the expectation of the people who voted for them.

A great deal of the dissatisfaction with the present system stems from the mode of voting in the House of Representatives. That is where the real trouble is. It seems to me that the House of Representatives is an excellent place—a fresh House of Representatives with a new mandate from the people is an excellent place for resolving a deadlocked election. But I do think that a man-by-man vote is needed. To me, there would be hardly a whisper of preference between that and the system of assembling both branches of the Congress in a manner which duplicates the numbers in representation of the electoral college itself for purposes of resolving a deadlocked election.

It seems to me that those reforms would take care pretty much of everything that is really to be feared in the present system, and that the sensible and sound thing to do would be to go about that far from now and see how it works out.

I think that another minor change that might be well would be to have the House of Representatives vote on the first two names in electoral college votes rather than the first three. It seems unthinkable that the House would elect number three in such a vote, and I would look on this as a step strengthening the two-party system and guarding against some possible anomaly that might come up.

Senator Ervin. I share that view. That is one thing that prompted me to introduce what Attorney General Katzenbach had recommended, because I think it would be quite a shock to the country if you elected a President in the House, or any of them, the House or the Senate, if either of them voted to elect a third man.

Mr. Black. Yes, I was not aware that that proposal had been entered. There have been so many proposals, it is hard to keep them straight.

Tht is all I have to say.

Senator Ervin. Do you have any choice between these—in other words, as I see it, you think we should get rid of the possibility of having faithless electors?

Mr. Black. I think so. I think that so far violates what is now the expectation of the country and of all people connected with this that it would be a real shock if an election ever were decided in that way, and I do not think legitimacy would attach to the office of the President who was chosen in that manner, or whose choice was produced by a defection of an elector after he had been elected on the present assumptions.

Senator Ervin. Do you think, with the elimination of the possibility of having a faithless elector, and with the change in the method of requiring the States to vote in case of a deadlock, that most of the difficulties would be obliterated?

Mr. Black. I think if I had my choice, that is what I would do: the minimal possible change consistent with what seems to be an apprehension of general difficulties that one can put one's finger on and say, you can foresee that this really would work very well.

Senator Ervin. Mr. Katzenbach's proposal, which I have introduced, provides that in the event no candidate received the majority of the electoral vote, the House and Senate sitting together, with each Senator and each Congressman having a vote, would select a President from among the top two candidates.

Mr. Black. Yes.

Senator Ervin. You see no great difference between that method and allowing the House to do it?

Mr. Black. I see no great difference, and I think the choice between those two things is a very close one. I do not think either one of them would work out badly.

Senator Ervin. Really, the only difference between this and letting the House of Representatives elect him would be on the basis of population, and the other would be more on the basis of an electoral college.

Mr. Black. The situation of the joint session would exactly duplicate the electoral college, with the exception of the District of Columbia electors.

Senator Ervin. I used to be much concerned about the fact that in the State, the man who voted for the second candidate or third, fourth, or fifth, his vote was not counted. But sort of mediating on the Federal system, I feel as you stated a while ago, that there are some things you cannot explain why it works or why we get this strength in the Constitution. Reflecting on that, I do not think that is too bad.

Mr. Black. I do not, either, because if Mr. Bahnzaf's mathematics are right, if the calculations of practical people in politics for decades have been right, the man in the large State who has relatively less representation in the Senate will at least be attended to with respect to the next election more than elsewhere, and this effect of which I spoke, this compensating effect, would work out as to him.

Another thing, of course: Somebody always loses his votes, somebody wins. You could argue that the man who votes for a loser in a congressional race—the winner takes all in that case—loses his vote.

Senator Ervin. Yes.

Mr. Black. I think the concept of your vote being lost has been insufficiently thought to the depths, perhaps, because if you lose, you always lose your vote in a sense, but you have had a chance to win it.

Senator Ervin. I am glad you made that observation, because I think it is a sound observation, and does away with the conclusion that it is a great tragedy, because he certainly loses if he votes for the losing candidate for governor or for any other office.

Mr. Black. Right, and you have to decide whether this compensating effect is, which prevails with the winner take all system, is enough to justify this. My conclusion would be that it is.

As I say, it is a conclusion I made against the background of the demonstrated success of this whole constitutional system.

Senator Ervin. I would infer, and if I am wrong in this, perhaps you will correct me, I would infer from your testimony that you would come to the conclusion that the Katzenbach proposal which I have introduced substantially meets what you think should be done in this case?

Mr. Black. I believe, as I understand it, yes, Senator, I think that is correct.

Senator Ervin. I would like to ask you this question. You may answer if you wish to, and need not if you do not.

My proposal essentially is that we retain the electoral vote, we abolish electors. We keep the principle of winner take all. We abolish electors and do away with the possibility of faithless electors. Then provide that in the event no candidate gets the majority of the electoral vote, the Senate and the House, sitting together, each Congressman and each Senator having a vote, would elect the President out of the top two candidates. The Bayh proposal provides for a runoff—for a popular election, with a runoff in the event no candidate gets the top ten percent of the popular vote.

Senator Tydings' proposal provides that we keep the popular election principle, that provides that should we have a runoff, we then provide for an electoral vote in case the

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candidate does not receive the majority of the votes.

Which of those is preferable?

Mr. BLACK. You mean of the latter two?

Senator ERVIN. Yes.

Mr. BLACK. I would say yours is greatly preferable to any of them. But of the latter two, I think the Tydings proposal, because it avoids the terrible runoff business and avoids this fractionating.

Senator ERVIN. Do you agree with me that the Bayh amendment, amended by the Tydings amendment, still leaves the problems that arise out of the nominating primary and the problems that arise out of the dangers of a recount or a contested election based on fraud?

Mr. BLACK. Yes, sir, I do.

As to your proposal, I would only note one possible disagreement. That is that at the present time, the custom of "winner-take-all" is decided upon by each State. The mandate is that the elector shall be decided upon in such manner as the legislature of the State shall direct. I do not know why that should not be maintained so that in the future, if a State conceives it to be to its advantage to elect by district or any other way, it can do so. I do not know just what function that might serve at some future time, but I see no need in changing that and completely constitutionalizing the "winner-take-all" rule.

Senator ERVIN. Thank you very much. Despite your opening disclaimer, I wish to say I think you have given us a most illuminating and a most interesting statement on the subject before us this afternoon.

Mr. BLACK. I very much appreciate it. It has been a pleasure.

Senator HRUSKA. I join with the Chairman in thanking you.

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INFLATED UTILITY BILLS

Mr. METCALF. Mr. President, investor-owned utilities are substantial contributors to inflation. The IOU's profit records are excellent, their prospects beautiful, according to their own accounts. As the largest and most influential segment of the economy they should set an example in holding the line on inflation. Yet they are asking for record rate increases, totaling more than $2 billion annually.

If the past is any guide, they will receive more than $1.5 billion, because regulatory commissions are not equipped to examine and challenge utility requests.

Mr. President, utility rate increases are substantially more inflationary than the postal workers' pay increase. And they are vastly less justified. The postal workers' 6 percent pay increase amounts to $372 million, on an annual basis. That is about one-fourth of the $1.5 billion which, I predict, the utilities will receive from pending requests, because of our inadequate regulatory procedures.

If the postal workers receive an additional 8 percent, that will amount to $496 million, on an annual basis. The utilities are asking two and a half times the commined total of what the postal workers received and what they would like to receive in the future. And every week new requests for utility rate hikes are being filed, many of them on the order of 20 or 25 percent, despite the high profits and rosy outlook of the utility industries—telephone, gas, and electric.

Under our quaint procedures for utility regulation, no commission, State or Federal, even keeps track of the pending utility rate increase requests around the Nation. Nor does the President's Council on Economic Advisers, whose silence now on the inflationary impact of utility rate increases contrasts sharply with what the Council said 2 years ago, when there was less cause for alarm. Nor do any of the universities, the foundations or the press keep track of this important aspect of inflation. Thus it has been necessary for the Senate Subcommittee on Intergovernmental Relations to obtain this information periodically from the 50 or so commissions, and to supplement this information with what can be gleaned from the trade press.

Such information is rapidly outdated under such mindless, antiquated procedures. For example, this morning's paper reports that yesterday the Maryland Public Service Commission granted an $11.6 million rate increase for Potomac Electric Power Co. Later in my remarks I shall include tables indicating rate increase requests pending and recent settlements. These tables will not reflect the PEPCO action yesterday and may also exclude other recent developments in other States.

IOU rate increase requests now pending, by category, are as follows:

	Million
Telephone	$862
Electric	605
Gas pipeline	441
Gas distribution	250

All of the requests are before State utility commissions, except those for gas pipelines and $3 million in electric wholesale rates, which are before the Federal Power Commission.

Mr. President, the $2,160 million total in pending utility rate increases understates actual requests. This is because some States have no utility commissions. Minnesota, Nebraska, and South Dakota do not regulate electric and gas utilities. Electric facilities are publicly owned in Nebraska. Texas does not regulate electric and telephone utilities. The Indiana commission did not respond to the questionnaire on pending rate increases from the Senate Subcommittee on Intergovernmental Relations.

States where large rate increase requests are now pending include:

	Million
California	$406
New York	343
Ohio	161
Illinois	137
Michigan	108
New Jersey	90
Pennsylvania	80
Massachusetts	68
Florida	51

Some settlements have been made or offered by commissions during recent weeks. For example, the New York Public Service Commission has ordered the New York Telephone Co. to reduce its request from $175 million to not more than $137 million. On the other hand, some rate increases, filed since commissions reported to the subcommittee, may not be included in these totals.

Mr. President, the utility commissions are not equipped to deal with these extraordinary requests for inflationary rate increases. Hearings on S. 607, the utility consumers' counsel bill, revealed that most State utility commissions are quasi-judicial agencies. Utilities make strong and expensive representations to the commissions. The utilities' costs before commissions are part of their operating expenses, passed on to utility consumers.

On the other hand, no provision is made in most States, through either the tax or rate structure, for presentation of the public's case. Therefore, there are no true adversary proceedings before these quasi-judicial commissions. Indeed, counsel for the public, if any, encounters great difficulty in obtaining, from the utilities or the commissions, basic information that is needed in order to present the public's case.

This deficiency could be remedied in part, under existing law, by the hiring of outside consultants by the commissions. However, this technique is not widely used. In fact, according to the State commissions, during the past 10 years all of them have spent, in total, only $1.8 million for such consultants.

Utilities are not required to report all their expenditures on rate cases. However, the hearing record on S. 607 reveals that some individual utilities spend several hundred thousand dollars in one rate case. This is exclusive of tie-in advertising and public relations activities, which are also allowed as an operating expense.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of utility rate increase requests pending before State utility commissions as of January 19, 1970, as reported to the Senate Subcommittee on Intergovernmental Relations:

A table showing final actions taken between June 1, 1969, and January 19, 1970, on utility rate increase requests before State utility commissions;

A table showing total electric, gas, and telephone rate increase requests pending, by State, as of January 19;

A 10-year summary of outside consultants' fees paid, by State utility commissions, during the decade from 1960 to 1970;

A table showing electric rate increase requests pending before the Federal Power Commission as of January 23, 1970;

A table showing pipeline rate increase requests pending before the Federal Power Commission as of January 19, 1970, and

A table showing, by State and company, rate increase requests that have been reported in trade publications since the commissions' responses to the subcommittee earlier this year. This latter table also includes grand totals of known rate increase requests.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TABLE 1.—UTILITY RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF JAN. 19, 1970

Commission	Company	Amount requested by category			Date filed	Status
		Electric	Gas	Telephone		
Alabama Public Service Commission		(1)	(1)	(1)		
Alaska Public Service Commission	Alaska Electric Light & Power Co.	$190,000			Dec. 10, 1969	On basis of ratepayers' protests, hearing set.
Arizona Corporation Commission		(1)	(1)	(1)		
Arkansas Public Service Commission		(1)	(1)	(1)		
California Public Utilities Commission	Pacific Gas & Electric Co.	67,437,000			Dec. 15, 1969	Hearings to be scheduled.
	Pacific Power & Light Co.	877,000			do.	Do.
	Southwest Gas Corp.:					
	San Bernardino County phase II		$26,000		Feb. 6, 1969	Action subject to filing of amendment.
	San Bernardino County		1,036,000		Dec. 5, 1969	Hearing to be scheduled.
	Placer County		90,000		Dec. 2, 1969	Submitted.
	Southern California Gas Co.		47,500,000		Dec. 19, 1969	Hearing scheduled.
	Southern Counties Gas Co.		35,400,000		do.	Do.
	Pacific Lighting Service Co.		25,100,000		Dec. 13, 1969	Do.
	California-Oregon Telephone Co.			$26,000	Apr. 7, 1969	Hearing concluded. Under advisement at Jan. 26 1970.
Subtotal, California		68,314,000	109,152,000	26,000		
Colorado Public Utilities Commission	Public Service Co. of Colorado		1,365,000		July 3, 1969	Hearing concluded under advisement.
Connecticut Public Utilities Commission	Greenwich Gas Co.		199,000		Jan. 15, 1970	Hearing scheduled.
Delaware Public Service Commission		(1)	(1)	(1)		
District of Columbia Public Service Commission.	Potomac Electric Power Co.	[2] 24,900,000			Feb. 27, 1969	Phase 1 completed. Briefs filed. Oral argument date set.
	Chesapeake & Potomac Telephone Co.			13,282,000	Dec. 8, 1969	Company testimony complete. Staff and intervenors to be heard.
Florida Public Service Commission	United Telephone Co. of Florida			2,674,307	Oct. 15, 1968	Interim of $1,872,359 granted. Further hearings Feb. 2, 1970.
	Southern Bell Telephone & Telegraph Co.			32,000,000	Aug. 11, 1969	Hearings completed. Awaiting decision.
	Florida State Telephone Co.			153,717	Mar. 4, 1969	Interim of $112,000 granted. Final disposition pending.
	Southeastern Telephone Co.			(3)	July 25, 1969	Pending further hearings.
Subtotal, Florida				34,828,024		
Georgia Public Service Commission	Southern Bell Telephone & Telegraph Co.			29,750,000	Aug. 5, 1969	In cross-examination phase.
	General Telephone Co. of S.E.			1,548,632	Mar. 26, 1969	Decision pending.
	General Telephone Co. of Georgia			1,326,491	do.	Do.
	Mutual Telephone Co.			65,675	do.	Do.
	Gas Light Co. of Columbus		936,000		Jan. 19, 1970	In hearing process.
Subtotal, Georgia			936,000	32,690,798		
Hawaii Public Utilities Commission	Kauai Electric Co., Ltd.	691,000			Sept. 19, 1968 [4]	Hearings continued until March 1970. Interim rates granted till June 30, 1970, or until final decision.
	Maui Electric Co., Ltd. (Lanai Division).	60,400			Apr. 8, 1965 [5]	Hearings held. Decision and order pending.
	Hilo Electric Light Co., Ltd.	870,000			Nov. 21, 1968	Hearings held.
Subtotal, Hawaii		1,621,400				
Idaho Public Utilities Commission	Idaho Power Co.	8,672,450			Aug. 13, 1969	Hearings being conducted.
	Intermountain Gas Co.		2,280,139		Sept. 23, 1969	Hearing to be held.
	General Telephone of Northwest			909,000	Jan. 7, 1969	Under advisement.
Illinois Commerce Commission	Central Illinois Light Co.		1,500,000		Apr. 1, 1969	Order pending.
	Commonwealth Edison Co.	45,300,000			Aug. 15, 1969	In hearing.
	Illinois Telephone Co.			700,000	Sept. 30, 1969	Pending.
	Central Telephone Co.			3,400,000	Dec. 1, 1969	Do.
	Illinois Bell Telephone Co.			86,500,000	Dec. 11, 1969	Do.
Subtotal, Illinois		45,300,000	1,500,000	90,600,000		
Indiana Public Service Commission	Hoosier Gas Corp.		(6)		Sept. 18, 1969	Do.
	Lawrenceburg Gas		(6)		do.	Do.
	United Telephone Co.			(6)	Oct. 20, 1969	Do.
	Indiana Natural Gas		(6)		Oct. 29, 1969	Do.
	Southern Indiana Gas & Electric		(6)		Nov. 11, 1969	Do.
	Indiana Bell Telephone			(6)	Dec. 9, 1969	Do.
Iowa State Commerce Commission	Iowa Telephone Co.			267,046	Apr. 20, 1967	Hearing scheduled.
	Hawkeye Telephone Co.			210,004	Dec. 10, 1969	Audit investigation in progress.
	Ace Telephone Co.			8,855	Dec. 22, 1969	Investigation in progress.
	United Telephone Co.			559,693	June 1, 1969	Audit of company books.
	Union Electric Co.	881,500			Nov. 6, 1969	Pending investigation.
Subtotal, Iowa		881,500		1,045,598		
Kansas State Corporation Commission	Kansas City Power & Light Co.	1,701,000			July 28, 1969	Pending.
	The Gas Service Co.		4,002,668		Oct. 14, 1969	Do.
Kentucky Public Service Commission	Union Light, Heat & Power Co.		1,248,844		Nov. 26, 1969	Hearing scheduled.
	Columbia Gas Co.		1,168,000		Nov. 21, 1969	Do.
	Western Kentucky Gas Co.		1,322,882		Dec. 3, 1969	Do.
	Cincinnati Suburban Bell Telephone Co.			2,132,412	Dec. 11, 1969	Pending.
Subtotal, Kentucky			3,739,726	2,132,412		
Louisiana Public Service Commission	South Central Bell Telephone Co.			[7] 24,000,000	Jan. 9, 1969	Scheduled for hearing.
Maine Public Utilities Commission	Nash Telephone Co.			32,046	Oct. 10, 1969	Staff investigation.
	Lewiston, Green & Monmouth Telephone Co.			93,780	Nov. 16, 1969	Do.
Subtotal, Maine				125,826		
Maryland Public Service Commission	Potomac Electric Power Co.	(8)			Feb. 27, 1969 May 11, 1969	Hearing complete in phase 1. Temporary surcharge of 5 percent granted Jan. 30, 1970.

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF JAN. 19, 1970—Continued

Commission	Company	Amount requested by category			Date filed	Status
		Electric	Gas	Telephone		
Massachusetts Department of Public Utilities.	Berkshire Gas Co.		$147,000		July 18, 1969	Suspended.
	Worcester Gas Co.		1,192,800		Oct. 10, 1969	Do.
	New Bedford Gas & Edison Light Co.	$1,363,500			Sept. 16, 1969	Do.
	Cambridge Electric Co.	505,800			Sept. 30, 1969	Do.
	Cambridge Gas Co.		179,200		do	Do.
	Cape & Vineyard Electric Co.	376,500			do	Do.
	Massachusetts Electric	9,934,000			Nov. 14, 1969	Do.
	Brockton Edison	1,516,712			Dec. 15, 1969	Do.
	Haverhill Gas		491,900		Jan. 12, 1970	Do
	New England Telephone & Telegraph			53,000,000	July 15, 1969	In process of being heard.
Subtotal, Massachusetts		13,696,512	2,010,900	53,000,000		
Michigan Public Service Commission	The Detroit Edison Co.	48,000,000			July 22, 1968	Further hearings scheduled.
	Michigan Bell Telephone Co.			59,845,000	Aug. 1, 1968	Do.
	Upper Peninsula Power Co.	(2)			Nov. 15, 1968	Do.
	Wisconsin Public Service Corp.	(2)	(2)		Aug. 7, 1968	Do.
	Southeaster Michigan Gas Co.		(2)		June 19, 1969	Hearings scheduled.
	Michigama Telephone Co.			525,876	July 8, 1969	Further hearings scheduled.
	Calhoun Telephone Co.			100,000	Nov. 25, 1969	Pending.
	Top O'Michigan Rural Electric Co-op	(2)			Nov. 4, 1969	Do.
	Cherryland Rural Electric Co-op	(2)			Dec. 5, 1969	Do.
	Michigama Western Telephone Co.			81,954	July 8, 1969	Further hearings scheduled.
Subtotal, Michigan		48,000,000		60,552,830		
Minnesota Department of Public Service (does not regulate electric and gas utilities).		(1)	(1)	(1)		
Mississippi Public Service Commission	Mississippi Power Co.	1,900,000			Dec. 18, 1969	Approved with modifications.
	United Gas Corp.		278,000		Dec. 16, 1969	Approved.
Missouri Public Service Commission	Missouri Central Telephone Co.			150,000	Sept. 5, 1969	Hearings to be held.
	Missouri State Telephone Co.			900,000	do	Do.
	Missouri Natural Gas Co.		716,500		Sept. 25, 1969	Do.
	Kansas City Power & Light Co.	5,606,000			July 28, 1969	Do.
	General Telephone Co.			1,074,000	Nov. 18, 1969	Do.
Subtotal, Missouri		5,606,000	716,500	2,124,000		
Montana Public Service Commission	Montana-Dakota Utilities		1,300,000		July 2, 1969	Further hearings scheduled.
Nebraska State Railway Commission (does not regulate electric and gas utilities).	Lincoln Telephone & Telegraph Co.			(2)	Feb. 3, 1970	Pending.
	Clarks Telephone Co.			8,553	Dec. 18, 1969	Do.
	Keystone Arthur Telephone Co.			5,456	Jan. 8, 1970	Do.
Subtotal, Nebraska				14,009		
Nevada Public Service Commission	Nevada Power Co.	2,014,000			Feb. —, 1970	Staff investigation in progress.
	Idaho Power Co.	19,000			do	Do.
Subtotal, Nevada		2,033,000				
New Hampshire Public Utilities Commission.		(1)	(1)	(1)		
New Jersey Board of Public Utility Commissioners.	Jersey Central Power & Light Co.	12,700,000			Aug. 1, 1969	Hearing in progress.
	New Jersey Power & Light Co.	5,750,000			do	Do.
Subtotal, New Jersey		18,450,000				
New Mexico Public Service Commission	Public Service Co.	3,603,139			July 30, 1969	Pending.
	Ruidoso Natural Gas Co.		22,486		Aug. 18, 1969	Do.
New York Public Service Commission	New York Telephone Co.			175,000,000	Mar. 20, 1969	Complete. Awaiting order.
	Rochester Telephone Co.			1,054,070	Dec. 5, 1969	Staff investigation.
	Dunkirk & Fredonia Telephone Co.			53,000	Nov. 26, 1969	Do.
	Consolidated Edison Co., of New York, Inc.	117,617,700			Aug. 21, 1969	Hearings in progress.
	Long Island Lighting Co.	13,365,226			Oct. 3, 1969	Do.
	Brooklyn Union Gas Co.		12,669,149		Dec. 24, 1969	Suspended. Hearing to be held.
	Iroquois Gas Corp.		8,790,100		Sept. 3, 1969	Suspended to July 29, 1970. Awaiting decision.
	Niagara Mohawk Power Corp.		6,393,185		Dec. 22, 1969	Suspended to May 21, 1970. Hearing to be held.
	New York State Electric & Gas Co.		756,200		July 9, 1969	Suspended to June 4, 1970. Hearing complete. Awaiting decision.
	Pennsylvania Gas Co., Inc.		499,703		Dec. 17, 1969	Staff investigation in progress.
Subtotal, New York		130,982,926	29,108,337	176,107,070		
North Carolina Utilities Commission	Duke Power Co.	1,300,000			July 24, 1969	Hearing held Feb. 17, 1970. Decision pending.
North Dakota Public Service Commission		(1)	(1)	(1)		
Ohio Public Utilities Commission	Camden Rural Telephone Co.			1,323	Nov 6, 1969	Pending.
	Cincinnati & Suburban Bell Telephone Co.			13,274,287	Aug. 5, 1969	50 percent completed.
	Citizens Mutual Telephone Co. (McClure).			7,587	Sept. 5, 1969	Do.
	New Bavaria Farmers Mutual Telephone Co.			4,200	Aug. 22, 1969	75 percent completed.
	Ohio Bell Telephone Co.			79,598,983	Aug 1, 1969	Hearing to be held.
	Orwell Telephone Co.			24,414	Oct. 15, 1969	Pending.
	United Telephone Co. of Ohio			13,984,173	Sept. 12, 1969	15 percent completed.
	Cleveland Electric Illuminating Co.	17,947,000			Sept. 15, 1969	50 percent completed.
	East Ohio Gas Co.		35,681,517		Aug. 11, 1969	75 percent completed.
	West Ohio Gas Co.		472,381		Aug. 18, 1969	Do.
	West Ohio Gas Co. (Kenton)		114,629		Aug. 20, 1969	25 percent completed.
Subtotal, Ohio		17,947,000	36,268,527	106,894,967		
Oklahoma Corporation Commission	Allied Telephone Co. of Oklahoma			235,363	May 1, 1969	Hearing scheduled.
	General Telephone Co. of Southwest			1,500,000	Sept. 15, 1969	Do.
	Wallace Gas Co.		75,000		Nov. 19, 1969	Do.
	Southwestern Public Service Co.	142,023			May 9, 1969	Referee's findings reported; exceptions by utility director set.
Subtotal, Oklahoma		142,023	75,000	1,735,363		

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF JAN. 19, 1970—Continued

Commission	Company	Amount requested by category			Date filed	Status
		Electric	Gas	Telephone		
Oregon Public Utility Commission	Idaho Power Co	$497,585			Nov. 25, 1969	Tariffs suspended.
	Pacific Power & Light Co	8,949,000			Dec. 2, 1969	Hearing company's direct case set.
Subtotal, Oregon		9,446,585				
Pennsylvania Public Utility Commission	Duquesne Light Co	16,607,819			Oct. 1, 1969	Suspended to Apr. 1, 1970; hearings in progress.
	Metropolitan Edison Co	19,721,904			Sept. 30, 1969	Suspended to June 1, 1970; hearings in progress.
	UGI Corp		$4,528,773		Dec. 30, 1969	Staff report in process.
	Columbia-United Telephone Co			$251,444	Jan. 19, 1970	Do.
Subtotal, Pennsylvania		36,329,723	4,528,773	251,444		
Rhode Island Public Utilities Commission	New England Telephone Co			9,200,000	Apr. 1, 1969	Suspended, hearings completed.
	Newport Gas Light Co		239,000		July 15, 1969	Do.
	Bristol & Warren Gas Co		140,000		Apr. 28, 1969	Do.
Subtotal, Rhode Island			379,000	9,200,000		
South Carolina Public Service Commission.	Duke Power & Light Co	1,957,000			July 23, 1969	Hearing resumed Feb. 25, 1970.
	General Telephone Co			2,041,000	Sept. —, 1969	Hearing completed under advisement.
	Pee Dee Telephone Co			122,000	do	Do.
	Elloree Telephone Co			87,300	May —, 1969	Hearing resumes Mar. 12, 1970.
	Bowman Telephone Co			200,000	do	Do.
Subtotal, South Carolina		1,957,000		2,450,300		
South Dakota Public Utilities Commission (does not regulate electric and gas utilities).	Bison State Telephone Co			128,694	Dec. 15, 1969	Hearing pending.
Tennessee Public Service Commission	Tipton County Utilities		12,516		Dec. 5, 1969	Hearing held; decision pending.
	General Telephone Co			855,512	Nov. 6, 1969	Hearing held; staff investigation in progress.
	Tennessee Telephone Co			210,970	Oct. 3, 1969	Hearing scheduled.
Subtotal, Tennessee			12,516	1,066,482		
Texas Railroad Commission (does not regulate electric and telephone utilities).	Did not respond to questionnaire					
Utah Public Service Commission		[1]	[1]	[1]		
Vermont Public Service Board	Citizens Utilities Co	2,364,000			Mar. —, 1963	Due for hearing on remand from Vermont Supreme Court.
Virginia State Corporation Commission	Virginia Electric & Power Co	25,000,000			Nov. 25, 1969	Hearing scheduled.
	Southwestern Virginia Gas Co		214,511		Nov. 26, 1969	Do.
	Old Dominion State Telephone Co			86,355	Jan. 9, 1970	Do.
Washington Utilities and Transportation Commission.	Pacific Power & Light Co	2,717,000			Dec. 2, 1968	Under suspension; subject to investigation and public hearings.
West Virginia Public Service Commission.	Consolidated Gas Supply Corp		2,000,000		Oct. 30, 1967	Further hearings.
	Cabot Corp		791,000		May 1, 1968	Hearing scheduled.
	Spencer Gas Co		20,000		Nov. 20, 1968	Hearings held.
	Cameron Gas Co		26,200		May 15, 1969	Waiting briefs.
	Man Gas Co		11,500		June 4, 1969	Do.
	Equitable Gas Co		300,000		Oct. 21, 1969	Hearing held.
	Indian Creek Gas Co		22,500		Nov. 5, 1969	Do.
	Preston County Light & Power Co			36,600	May 28, 1969	Waiting decision.
	General Telephone Co. of Southeast			1,150,000	June 17, 1969	Hearing scehduled.
	Chesapeake & Potomac Telephone Co			11,133,000	Oct. 22, 1969	Under investigation.
Subtotal, West Virginia			3,171,200	12,319,600		
Wisconsin Public Service Commission	Northern States Power Co	1,427,000			Oct. 14, 1968	Hearings closed. Filing of briefs completed.
	Central State Telephone Co			63,100	Dec. 4, 1968	Hearings completed. Briefs being filed by company.
	Mount Vernon Telephone Co			37,500	do	Do.
	Wisconsin Telephone Co			21,600,000	Dec. 30, 1968	Staff exhibits and testimony and company rebuttal presented in 7-day hearing in January 1970. Further hearings scheduled for Feb. 23, 1970, for the purpose of cross examination of the company's rebuttal and presentation of staff rebuttal. On Jan. 16 the company reduced its request to $14,850,000.
	Wisconsin Fuel & Light Co		281,293		Jan. 15, 1969	Hearing held June 5, 1969. Hearing held Jan. 27 and 28, 1970, for cross examination of the company's exhibits and presentation of commission staff testimony and exhibits.
	United Telephone Co			212,000	Mar. 14, 1969	Interim order with rate increase of $53,563, issued May 22, 1969. Commission staff presently awaiting completion of toll separation study.
	Valders Telephone Co			22,155	Apr. 14, 1969	Hearing held Sept. 16, 1969. Postponed for 150 days to allow the company time to furnish further information to the commission.
	Waunakee Telephone Co			44,865	May 19, 1969	Hearing held Sept. 25, 1969. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony if deemed necessary.
	Black Earth Telephone Co			12,288	do	Hearing held on Sept. 29, 1969. Awaiting request from the company to revise depreciation rates before staff exhibits can be completed.
	Superior Water, Light & Power Co	295,100	247,800		Aug. 14, 1969	Hearing held Oct. 14, 1969. Staff is reviewing company exhibits and records to result in introduction of staff exhibits and testimony.
	Southeast Telephone Co			90,048	Sept. 8, 1969	Hearing held Oct. 9, 1969. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony.
	Rock River Telephone Co			19,775	Oct. 20, 1969	Hearing held Nov. 25, 1969. Exhibits submitted by the company. Commission staff is in the process of reviewing company exhibits which will result in preparation of staff exhibits.
	Wisconsin Gas Corp		1,022,800			Pending commission action.
	Wisconsin Public Service Corp	6,295,000	2,680,000		Oct. 27, 1969	Hearing scheduled for Feb. 13, 1970.
	Cumberland Telephone Co			44,535	Nov. 5, 1969	Hearing held Jan. 9, 1970. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony.

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF JAN. 19, 1970—Continued

Commission	Company	Amount requested by category: Electric	Gas	Telephone	Date filed	Status
Wisconsin Public Service Com.—Con.	Sharon Telephone Co.			$9,692	Nov. 7, 1969	Hearing held Dec. 10, 1969. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony.
	Weyauwega Telephone Co.			12,225	Nov. 10, 1969	Hearing held Dec. 9, 1969. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony.
	Northwestern Wisconsin Electric Co.	$49,358			Nov. 14, 1969	Hearing held Dec. 17, 1969. Commission staff recommended the amount requested be granted. Formal order forthcoming.
	St. Croix Telephone Co.			17,583	Dec. 2, 1969	Hearing held Jan. 19, 1970. Commission staff awaiting delayed exhibit to be submitted by the company.
	Evansville Water & Light Department	(³)			Dec. 17, 1969	Hearing scheduled for Feb. 4, 1970.
	Tenny Telephone Co.			(³)	Jan. 14, 1970	Hearing scheduled for Feb. 11, 1970.
	Amery Telephone Co.			(³)	Jan. 15, 1970	Do.
Subtotal, Wisconsin		8,066,458	$4,231,893	22,185,766		
Wyoming Public Service Commission	Cokeville Telephone Co.			1,341	Oct. 27, 1969	Hearing scheduled.
Grand total [10]		481,121,716	205,492,176	647,757,879		

[1] None.
[2] Involves three jurisdictions (D.C.-Md.-Va.) according to the Maryland Commission.
[3] Undetermined.
[4] Amended Nov. 11, 1968.
[5] Amended Apr. 16, 1969.
[6] No response relative to amounts.
[7] Amended from $17,000,000
[8] See District of Columbia and footnote 2.
[9] Amount unspecified.
[10] See tables 3 and 7.

TABLE 2.—FINAL ACTIONS TAKEN SINCE JUNE 1, 1969, ON UTILITY RATE INCREASE REQUESTS BY STATE UTILITY COMMISSIONS

	Applications filed by category						
	Electric		Gas		Telephone		
Commission and Company	Amount requested	Amount granted	Amount requested	Amount granted	Amount requested	Amount granted	Date of final action
Alabama Public Service Commission	None		None		None		
Alaska Public Service Commission:							
Golden Valley Electric Association, Inc.	$82,000	Denied					July 1, 1969
Alaska Electric Light & Power Co.	130,000	$105,000					June 9, 1969
Glacier Highway Electric Association, Inc.	7,000	7,000					July 3, 1969
Subtotal Alaska	219,000	112,000					
Arizona Corporation Commission	None		None		None		
Arkansas Public Service Commission:							
Western Arkansas Telephone Co.					$493,600	$83,000	June 1, 1969
Arkansas Western Gas Co.			$1,062,877	$794,719			Dec. 1, 1969
California Public Utilities Commission:							
Southern California Edison Co.	60,137,000	46,668,000					Aug. 26, 1969
Pacific Gas & Electric Co.			33,050,000	16,155,000			Jan. 6, 1970
Pacific Lighting Service Co.			5,705,000	5,705,000			Aug. 26, 1969
Southern California Gas Co.			5,939,000	5,939,000			Do.
Southern Counties Gas Co.			4,310,000	4,310,000			Do.
Southwest Gas Corp. (San Bernardino County, phase 1)			33,000	33,000			June 10, 1969
California-Pacific Utilities					98,000	75,000	Sept. 23, 1969
General Telephone Co. of California					46,300,000	16,600,000	July 1, 1969
Subtotal, California	60,137,000	46,668,000	49,037,000	32,142,000	46,398,000	16,675,000	
Colorado Public Utilities Commission: Mountain States, Telephone & Telegraph Co.					30,000,000	5,878,000	July 18, 1969
Connecticut Public Utilities Commission:							
Pequot Gas Co.			50,600	29,800			Aug. 27, 1969
Greenwhich Gas Co.			290,000	114,200			Aug. 25, 1969
Subtotal, Connecticut			340,600	144,000			
Delaware Public Service Commission	None		None		None		
District of Columbia Public Service Commission	None		None		None		
Florida Public Service Commission:							
General Telephone Co., of Florida					7,751,000	2,589,323	(¹)
Southern Bell Telephone & Telegraph Co.					5,775,625	3,701,500	July 22, 1969
Winter Park Telephone Co.					600,000	341,633	June 23, 1969
Florida Puclic Utilities Co.:							
De Land Division			20,692	20,692			Nov. 20, 1969
Sanford Division			14,128	14,128			Do.
Subtotal, Florida			34,820	34,820	14,126,625	6,632,456	
Georgia Public Service Commission:							
Pineland Telephone Cooperative					43,600	29,200	Jan. 20, 1970
Waverly Hall Telephone Co.					34,000	34,000	Oct. 16, 1969
Wilkes Telephone & Electric Co.					118,300	42,300	July 11, 1969
Georgia State Telephone Co.					31,368	Denied	Oct. 27, 1969
Subtotal, Georgia					227,268	105,500	
Hawaii Public Utilities Commission	None		None		None		
Idaho Public Utilities Commission: Intermountain Gas Co.			1,026,409	1,026,409			Oct. 31, 1969
Illinois Commerce Commission:							
Union Electric Co.	2,150,000	1,232,000					Oct. 3, 1969
Lakeside Telephone Co.					12,000	12,000	Sept. 17, 1969
Prairie Telephone Co.					18,000	18,000	Sept. 17, 1969
Rossville Telephone Co.					20,000	20,000	June 25, 1969
Subtotal, Illinois	2,150,000	1,232,000			50,000	50,000	

Footnotes at end of table.

TABLE 2.—FINAL ACTIONS TAKEN SINCE JUNE 1, 1969, ON UTILITY RATE INCREASE REQUESTS BY STATE UTILITY COMMISSIONS—Continued

Commission and Company	Applications filed by category						Date of final action
	Electric		Gas		Telephone		
	Amount requested	Amount granted	Amount requested	Amount granted	Amount requested	Amount granted	
Indiana Public Service Commission:							
Town of Bremen	(2)	(2)					Aug. 1, 1969
Lincoln Natural Gas Co., Inc			(2)	(2)			Oct. 31, 1969
Central Indiana Gas Co., Inc			(2)	(2)			Dec. 19, 1969
Lawrenceburg Gas			(2)	(2)			Jan. 29, 1970
Terre Haute Gas			(2)	(2)			Jan. 16, 1970
Aurora Utilities							Jan. 16, 1970
United Telephone Co					(2)	(2)	Oct. 19, 1069
Indiana Telephone Co					(2)	(2)	Nov. 6, 1969
Midwest Telephone Co					(2)	(2)	Jan. 30, 1970
United Telephone Co.:							
Bluffton					(2)	(2)	Jan. 9, 1970
Upland					(2)	(2)	Jan. 9, 1970
Subtotal, Indiana							
Iowa State Commerce Commission: Van Buren Telephone Co					$25,345	$15,431	May 1, 1969
Kansas State Corporation Commission:							
Cuba Telephone Co					4,053	1,200	June 19, 1969
Salemsborg Farmers Telephone Co					2,061	2,061	July 1, 1969
Subtotal, Kansas					6,114	3,261	
Kentucky Public Service Commission: South Central Bell Telephone Co					920,052	839,662	
Louisiana Public Service Commission: Gulf States Utilities Co			$928,097	$502,338			Jan. 26, 1970
Maine Public Utilities Commission	None		None		None		
Maryland Public Service Commission:							
Chesapeake & Potomac Telephone Co					34,000,000	22,762,000	Jan. 14, 1970
Columbia Gas of Maryland, Inc				850,000			
Massachusetts Department of Public Utilities:							
Boston Gas Co			3,500,000	1,974,003			Jan. 29, 1970.
Mystic Valley Gas			1,014,150	413,541			Feb. 17, 1970.
Central Massachusetts Gas			118,700	118,700			Do.
Lawrence Gas Co			189,350	174,332			Do.
Lynn Gas Co			255,400	41,074			Do.
North Shore Gas Co			324,250	213,702			Do.
Northampton Gas Co			100,450	100,450			Do.
Wachusett Gas Co			55,200	39,824			Do.
Subtotal, Massachusetts			5,557,500	3,075,626			
Michigan Public Service Commission:							
Climax Telephone Co					16,520	16,520	June 19, 1969
Consumers Power Co			28,194,000	21,308,000			Sept. 29, 1969
Consumers Power Co	$29,152,000	$16,514,000					Sept. 29, 1969
Michigan Gas Utilities Co			2,150,000	1,360,602			Nov. 13, 1969
Michigan Consolidated Gas Co			26,986,000	4,179,683			June 6, 1969
Tri-County Electric Cooperative	100,725	100,725					Nov. 26, 1969
Whiteford Telephone Co					122,935	122,935	Nov. 2, 1969
Wisconsin Michigan Power Co	535,000	510,000					Dec. 8, 1969
Subtotal, Michigan	29,787,725	17,124,725	57,330,000	26,848,285	139,455	139,455	
Minnesota Department of Public Service:							
Gopher State Telephone Co					400,000	350,000	Aug. 20, 1969
Pioneer-United Telephone Co					171,000	171,000	July 22, 1969
Subtotal, Minnesota					571,000	521,000	
Mississippi Public Service Commission	None		None		None		
Missouri Public Service Commission:							
Missouri Public Service Co	5,250,000	5,126,724					July 22, 1969
Gas Service Co			4,020,000	3,100,000			July 21, 1969
Union Electric Co	12,200,000	10,236,738					Oct. 31, 1969
Laclede Gas Co			6,870,000	4,550,000			Aug. 25, 1969
Southwestern Bell					44,500,000	30,689,409	Oct. 2, 1969
Missouri Telephone Co					521,000	521,000	Sept. 18, 1969
Missouri Utilities Co			135,000	135,000			June 15, 1969
Subtotal, Missouri	17,450,000	15,363,462	11,025,000	7,785,000	45,021,000	31,210,409	
Montana Public Service Commission	None		None		None		
Nebraska State Railway Commission	None		None		None		
Nevada Public Service Commission	None		None		None		
New Hampshire Public Utilities Commission	None		None		None		
New Jersey Board of Public Utility Commissioners	None		None		None		
New Mexico Public Service Commission:							
Southern Union Gas Co			4,083,936	Denied			Dec. 17, 1969
Community Public Service Co	291,139	291,139					Sept. 18, 1969
New York State Public Service Commission:							
Niagara Mohawk Power Corp	22,000,000	17,945,900					Oct. 23, 1969
Corning Natural Gas Corp			106,000	106,227			June 24, 1969
Columbia Gas of New York, Inc			1,206,000	1,002,200			Jan. 21, 1970
General Telephone Co. of Upstate New York, Inc					81,000	81,000	July 1, 1969
Subtotal, New York	22,000,000	17,945,900	1,312,000	1,108,427	81,000	81,000	
North Carolina Utilities Commission:							
Lee Telephone Co					239,013	142,437	July 28, 1969
Southern Bell Tel. & Tel. Co					3,135,100	[3] 1,124,000	July 8, 1969
Denton Telephone Co					29,571	29,571	July 7, 1969
Eastern Rowan Telephone Co					45,986	45,986	July 7, 1969
Subtotal, North Carolina					3,449,670	1,341,994	
North Dakota Public Service Commission:							
Northwestern Bell Telephone Co					3,000,000	502,000	Sept. 19, 1969
Montana-Dakota Utilities Co			1,208,783	1,208,783			Dec. 30, 1969

Footnotes at end of table.

TABLE 2.—FINAL ACTIONS TAKEN SINCE JUNE 1, 1969, ON UTILITY RATE INCREASE REQUESTS BY STATE UTILITY COMMISSIONS—Continued

Commission and Company	Applications filed by category						Date of final action
	Electric		Gas		Telephone		
	Amount requested	Amount granted	Amount requested	Amount granted	Amount requested	Amount granted	
Ohio Public Utilities Commission:							
Ohio Valley Gas Co.:							
East Liverpool			$238,808	(4)			
New Boston			5,061	(4)			Dec. 9, 1969
Subtotal, Ohio			243,869	(4)			
Oklahoma Corporation Commission	None		None		None		
Oregon Public Utility Commission: Pacific Northwest Bell Telephone Co.					$12,400,000	$1,427,315	Dec. 22, 1969
Pennsylvania Public Utility Commission:							
Philadelphia Electric Co.	$29,707,184	$29,707,184					Nov. 24, 1969
Mercer Gas Co.			17,261	17,261			Mar. 1, 1969
Equitable Gas Co.			762,500	762,500			July 15, 1969
Subtotal, Pennsylvania	29,707,184	29,707,184	779,761	779,761			
Rhode Island Public Utilities Commission	None		None		None		
South Carolina Public Service Commission:							
Greenwood-United Telephone					754,000	694,000	July 31, 1969
Southern Bell Telephone					657,000	657,000	Sept. 16, 1969
Rock Hill Telephone					284,000	239,000	Dec. 13, 1969
Carolina Pipe Line			155,554	155,554			Dec. 16, 1969
Subtotal, South Carolina			155,554	155,554	1,695,000	1,590,000	
South Dakota Public Utilities Commission:							
Sioux Valley Telephone Co.					21,269	21,269	July 25, 1969
Armour Independent Telephone Co.					8,148	8,148	June 5, 1969
Subtotal, South Dakota					29,417	29,417	
Tennessee Public Service Commission: United Inter-Mountain Telephone Co.					2,052,212	1,377,741	Aug. 1, 1969
Utah Public Service Commission: Utah Telephone Co.					302,579	202,538	Jan. 5, 1970
Vermont Public Service Commission	None		None		None		
Virginia State Corporation Commission:							
United Inter-Mountain Telephone Co.					822,526	800,000	July 29, 1969
Harrisonburg Telephone Co.					788,000	419,000	June 5, 1970
Subtotal, Virginia					1,610,526	1,219,000	
Washington Utilities and Transportation Commission: Pacific Northwest Bell Telephone Co.					26,700,000	14,000,000	Nov. 28, 1969
West Virginia Public Service Commission:							
Consumers Gas Utility Co.			41,700	21,900			Jan. 16, 1970
Carnegie Natural Gas Co.			16,470	15,200			Dec. 5, 1969
Independent Gas Co.			17,000	9,900			Nov. 3, 1969
Holden Gas Co.			15,000	11,800			Aug. 7, 1969
Wayne Gas Co.			25,000	23,000			Sept. 22, 1969
Logan Gas Co.			9,000	7,600			Aug. 7, 1969
Subtotal, West Virginia			124,170	89,400			
Wisconsin Public Service Commission:							
Wisconsin Public Service Corp.	5,167,000	2,000,000					Aug. 22, 1969
Wisconsin Gas Co.			6,447,000	4,112,000			Do.
Natural Gas, Inc.							[5] Nov. 20, 1969
Universal Telephone of Northern Wisconsin					27,000	9,927	July 25, 1969
Wisconsin Natural Gas Co.			4,660,000	3,500,000			Sept. 12, 1969
American Gas Co. of Wisconsin, Inc.				(5)			Nov. 14, 1969
Wisconsin Michigan Power Co.			269,000	105,000			Oct. 23, 1969
Headwaters Telephone Co.					11,800	6,941	Aug. 4, 1969
Kaukauna, Wis.	232,000	256,000					July 7, 1969
Casco Telephone Co.					11,500	11,561	June 24, 1969
Wisconsin Telephone Co.					1,000	1,050	June 4, 1969
General Telephone Co. of Wisconsin					2,800	2,800	June 13, 1969
Dodge County Telephone Co.							[6] July 1, 1969
Muny Natural Gas Utility			4,700	4,700			July 8, 1969
Chippewa County Telephone Co., Inc.					44,100	20,287	Oct. 28, 1969
Shawano, Wis.	(7)						Aug. 15, 1969
Madison Gas & Electric Co.			500,000	539,000			Sept. 19, 1969
Subtotal, Wisconsin	5,399,000	2,256,500	11,800,700	8,260,700	98,200	52,566	
Wyoming Public Service Commission:							
Montana-Dakota Utilities Co.			127,918	95,143			Dec. 17, 1969
Cheyenne Light, Fuel & Power Co.	168,000	48,319	142,000	50,852			June 13, 1969
Wyoming Gas Co.			47,000	42,000			Aug. 4, 1969
Subtotal, Wyoming	168,000	48,419	316,918	187,995			
Grand total	167,309,048	130,749,329	146,447,994	84,993,817	222,903,956	106,738,745	
Total amount requested, electric, gas, and telephone			536,660,998				
Total amount granted, electric, gas, and telephone			322,481,891				

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[1] Pending reconsideration.
[2] No amounts supplied as requested.
[3] Amount granted reflects amount of unallocated portion of toll separations allowed to be retained.
[4] City council passed ordinance rates acceptable to company subsequent to staff report.
[5] Withdrawn.
[6] Dismissed.
[7] Customer reconnection charge increased from $1 to $3.50.

TABLE 1—*Total electric, gas, and telephone rate increase requests pending before State Utility Commissions as of January 19, 1970, by State*

Alabama	(1)
Alaska	$190,000
Arizona	(1)
Arkansas	(1)
California	177,492,000
Colorado	$1,365,000
Connecticut	199,000
Delaware	(1)
District of Columbia	38,182,000
Florida	34,828,024
Georgia	33,626,798
Hawaii	1,621,400
Idaho	11,861,589
Illinois	$137,400,000
Indiana	(2)
Iowa	1,927,098
Kansas	5,703,668
Kentucky	5,872,138
Louisiana	24,000,000
Maine	125,826
Maryland	(2)

TABLE 1—Continued

Massachusetts	$68, 707, 412
Michigan	108, 552, 830
Minnesota	(1) (4)
Mississippi	2, 178, 000
Missouri	8, 446, 500
Montana	1, 300, 000
Nebraska	[4] 14, 009
Nevada	2, 033, 000
New Hampshire	(1)
New Jersey	18, 450, 000
New Mexico	3, 625, 625
New York	336, 198, 333
North Carolina	1, 300, 000
North Dakota	(1)
Ohio	161, 110, 494
Oklahoma	1, 952, 386
Oregon	9, 446, 585
Pennsylvania	41, 109, 940
Rhode Island	9, 579, 000
South Carolina	4, 407, 300
South Dakota	[4] 128, 694
Tennessee	1, 078, 998
Texas	(5) (6)
Utah	(1)
Vermont	2, 364, 000
Virginia	25, 300, 866
Washington	2, 717, 000
West Virginia	15, 490, 800
Wisconsin	34, 484, 117
Wyoming	1, 341
Total	[7] 1, 334, 371, 771

[1] None.

[2] Did not supply amounts as requested.

[3] See District of Columbia and footnote 2, table 1, supra.

[4] Does not regulate electric and gas utilities.

[5] Does not regulate electric and telephone utilities.

[6] No response to questionnaire.

[7] See table 7.

TABLE 4.—*10-year summary, outside consultants' fees paid by State utility commisions for the years 1960–70*

Alabama	(1)
Alaska	$52, 509. 81
Arizona	(2)
Arkansas	29, 456. 84
California	(1)
Colorado	22, 700. 00
Connecticut	(1)
Delaware	(1)
District of Columbia	71, 022. 32
Florida	(3) 115, 000. 00
Georgia	(1)
Hawaii	71, 000. 00
Idaho	46, 745. 28
Illinois	(2)
Indiana	(2)
Iowa	120, 154. 19
Kansas	262, 162. 01
Kentucky	(1)
Louisiana	(1)
Maine	57, 559. 00
Maryland	84, 190. 19
Massachusetts	130, 000. 00
Michigan	28, 450. 00
Minnesota	(1)
Mississippi	(1)
Missouri	$100, 410. 84
Montana	28, 962. 43
Nebraska	(1)
Nevada	5, 000. 00
New Hampshire	(1)
New Jersey	(1)
New Mexico	30, 000. 00
New York	139, 779. 80
North Carolina	7, 130. 00
North Dakota	28, 189. 72
Ohio	(1)
Oklahoma	(1)
Oregon	15, 000. 00
Pennsylvania	(1)
Rhode Island	40, 000. 00
South Carolina	7, 740. 00
South Dakota	19, 111. 00
Tennessee	(1)
Texas	(2)
Utah	58, 603. 00
Vermont	130. 000. 00
Virginia	21, 220. 00
Washington	82, 995. 00
West Virginia	18, 000. 00
Wisconsin	(1)
Wyoming	(1)
Total	1, 823, 091. 43

[1] None.

[2] Unknown.

[3] This amount not totally expended to date, expected to be by July 1970.

TABLE 5.—ELECTRIC RATE INCREASE REQUESTS PENDING BEFORE THE FEDERAL POWER COMMISSION AS OF JAN. 23, 1970

Company	Date filed	Annual increase	Status
Wisconsin-Michigan Power Co. (Oconto Electric Cooperative).	June 26, 1964	$31, 100	Suspended; parties have been holding meetings seeking settlement.
Southern Indiana Gas & Electric Co. (City of Jasper, Ind.).	Aug. 30, 1968	132, 274	Suspended; parties and our staff have been meeting seeking settlement
Duke Power Co. (72 various customers).	Aug. 27, 1969	1, 651, 000	Suspended; prehearing conference held and trial schedule has been set.
Boston Edison Co. (Boston Gas Co.).	Feb. 28, 1968	$57, 740	Pending.
Orange & Rockland Utilities Co. (Rockland Electric Co.).	Dec. 1, 1969	584, 975	Do.
Union Electric Co. (Missouri Power & Light Co.).	Dec. 22, 1969	818, 889	Do.
Total [1]		3, 275, 978	

[1] See table 7.

TABLE 6.—FEDERAL POWER COMMISSION PIPELINE RATE INCREASES PENDING AS OF JANUARY 19, 1970

Company	Amount of annual increase	Date filed	Status
Florida Gas Transmission Co.	$1, 700, 000	Aug. 16, 1965	Rate of return decided; other matters pending before Commission.
	3, 349, 000	Aug. 1, 1968	Rate of return decided; hearings not scheduled on other matters.
El Paso Natural Gas Co.	31, 604, 285	Sept. 6, 1968	Rate of return before Commission; other matters before Examiner.
	18, 344, 770	Feb. 3, 1969	Resolution to be tied to above filing.
	51, 123, 297	Oct. 13, 1969	Rate of return before Commission; Prehearing conference on other matters scheduled for Feb. 19, 1970.
Algonquin Gas Transmission Co.	9, 314, 315	Oct. 30, 1968	Rate of return decided; other matters before Examiner.
Manufacturer Light and Heat Co.	5, 791, 798	Dec. 27, 1968	Rate of return before Commission; Settlement offer on other matters to be filed shortly.
	1, 752, 043	Apr. 15, 1969	Same as above.
Home Gas Co.	1, 145, 848	Dec. 27, 1968	Do.
	152, 860	Apr. 15, 1969	Do.
Consolidated Gas Supply Corp.	14, 860, 935	Dec. 31, 1968	Rate of return before Commission; Hearings on other matters scheduled for March 24, 1970.
	12, 306, 491	July 16, 1969	Same as above.
Transwestern Pipeline Co.	4, 985, 925	Apr. 1, 1969	Under staff analysis.
	31, 582, 284	Dec. 1, 1969	Prehearing conference scheduled for January 29, 1970.
Columbia Gulf Transmission Co.	$7, 325, 942	Apr. 15, 1969	Rate of return before Commission; Conference on other matters scheduled for February 3, 1970.
United Fuel Gas Co.	9, 168, 059	Apr. 15, 1969	Same as above.
Kentucky Gas Transmission Corp.	2, 260, 000	Apr. 15, 1969	Rate of return before Commission; Other matters under staff analysis.
Atlantic Seaboard Corp.	5, 454, 000	Apr. 15, 1969	Same as above.
Panhandle Eastern Pipe Line Co.	21, 550, 768	May 5, 1969	Rate of return before Commission; Settlement conference on all matters scheduled for February 11, 1970.
	5, 706, 000	Dec. 2, 1969	Tracks supplier increases; resolution tied to above filing.
Natural Gas Pipeline Co. of America.	44, 471, 857	May 29, 1969	Rate of return before Commission; settlement offer on all matters pending before Commission.
	4, 230, 493	Nov. 14, 1969	Tracks supplier increases; resolution tied to above filing.
Cities Service Gas Co.	16, 090, 776	June 20, 1969	Rate of return before Examiner; hearing on other matters scheduled for Mar. 31 1970.
	1, 779, 494	Dec. 22, 1969	Tracks supplier increases; resolution tied to above filing.

Company	Amount of annual increase	Date filed	Status
Texas Gas Transmission Corp	$36,813,047	June 27, 1969	Rate of return and tax depreciation before Commission; hearing on other matters scheduled for June 2 1970.
	5,031,437	Nov. 7, 1969	Tracks supplier increases; Consolidated with above filing.
Mississippi River Transmission Corp.	8,867,340	July 1, 1969	Settlement conferences being held currently.
Pacific Gas Transmission Co	1,554,235	Aug. 8, 1969	Before Commission.
Southern Natural Gas Co	37,830,641	Aug. 15, 1969	Rate of return and tax depreciation before Commission; other matters under staff analysis.
	$2,378,650	Nov. 14, 1969	Tracks supplier increases; Consolidated with above filing.
Lawrenceburg Gas Transmission Corp.	238,600	Aug. 26, 1969	Under staff analysis.
South Georgia Natural Gas Co	1,340,475	Sept. 30, 1969	Hearings scheduled for Apr. 21, 1970.
	45,203	Nov. 14, 1969	Tracks supplier increases; Consolidated with above filing.
Colorado Interstate Gas Co	8,235,887	Oct. 3, 1969	Hearings scheduled for July 7, 1970.
United Gas Pipe Line Co	33,099,134	Oct. 31, 1969	Hearings on rate of return scheduled for Apr. 7, 1970.
Total [1]	441,485,889		

[1] See table 7.

Table 7.—*Total rate increase requests pending as of January 19, 1970, before State regulatory commissions, the Federal Power Commission, and a partial list of subsequent filings*

States:	
Electric	$481,121,716
Gas	205,492,176
Telephone	647,757,879
Subtotal	1,334,371,771
Federal Power Commission:	
Electric	3,275,978
Gas pipeline	441,458,889
Subtotal	444,734,867
INCREASE REQUESTS, FILED SINCE JANUARY 19, 1970, THAT HAVE COME TO OUR ATTENTION THROUGH TRADE PUBLICATIONS [1]	
California:	
General Telephone (electric)	$4,400,000
Pacific Gas & Electric (gas)	20,600,000
Pacific Telephone (telephone)	195,000,000
San Diego Gas & Electric (gas)	8,534,000
California Pacific Utilities (electric)	226,000
	228,760,000
Florida: General Telephone (telephone)	17,000,000
Kentucky:	
Western Kentucky Gas (gas)	1,539,719
Louisville Gas & Electric (gas)	3,222,642
Union Light, Heat & Power (gas)	341,216
People's Gas (gas)	235,000
London Gas (gas)	13,320
Leslie County Telephone Co. (telephone)	24,000
	5,375,897
New Jersey:	
Public service gas and electric:	
(Gas)	9,000,000
(Electric)	63,000,000
	72,000,000
New York:	
Central Hudson Gas & Electric:	
Electric	5,700,000
Gas	1,000,000
	6,700,000
Pennsylvania:	
Pennsylvania Power & Light (electric)	16,000,000
Pennsylvania Electric Utilities (electric)	$24,000,000
	40,000,000
Washington:	
General Telephone (telephone)	3,222,703
Washington Natural Gas (gas)	700,000
	3,922,703
Wisconsin:	
Wisconsin Electric Power (electric)	8,300,000
Subtotal	382,058,600
Grand total (States, FPC, and subsequent filings	2,161,165,238

[1] There has been no attempt on the part of staff to do a State-by-State follow-up to the information provided by the commissions for table 1, above.

THE CRISIS IN EDUCATION

Mr. KENNEDY. Mr. President, as a member of the Subcommittee on Education, I am increasingly concerned about our failure to achieve equal educational opportunity and about the financial crisis facing schools at all levels in our system.

I feel that our goal for the 1970's must be what I would call "total educational opportunity" for every American—genuine access to high quality schools from the earliest years of life through 2 or 4 years of college or other post-secondary training.

And to meet this goal, the Federal Government must commit greater financial resources, again at all levels.

In recent weeks I have discussed my ideas on programs and funding in three statements—a speech to leading educators in my own state of Massachusetts, testimony before the Appropriations Subcommittee, and prepared remarks for a coalition of Massachusetts college and university students, faculty and administrators seeking greater Federal aid to higher education. I ask unanimous consent that these three statements appear in the Record at this point.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Address of Senator Edward M. Kennedy at the Annual Administrators' Conference of Massachusetts Educators in Amherst, Mass.

It is a great privilege for me to be here tonight at this education conference. For you are leading educators in Massachusetts, and therefore in the nation. You have devoted your professional lives—and in great part your personal lives—to the noble enterprise of educating our nation's youth. And you are now considering, during this four-day conference, one of the most critical issues which our troubled nation faces today: "Education for Survival in the '70's."

Our primary goal must be: To give every individual in this nation a genuine opportunity for high quality education.

That goal is easily stated. But achieving it is a difficult task. We have made great strides—primarily through efforts of people such as yourselves. But the obstacles are many. We have a long way to go.

Most serious, perhaps, are two major and related problems: First, how do we pay for education? Second, how do we achieve educational opportunity?

The financial crisis in education today is truly staggering. And the fiscal dilemma affects the very quality of our schools. Too often the controlling question becomes: "How much does it cost," rather than "How can we best educate the children?"

Nearly one in every four Americans is now attending elementary or secondary school. Last year, local educational agencies spent over $34 billion. The cost of education rose by 13 per cent. And total education costs are expected to double by the end of the decade.

Here in Massachusetts, we have about 1.2 million public school students. This year expenditures exceed $1 billion for the first time.

Yet despite this impressive commitment, annual per pupil expenditure in Massachusetts is well below the national average.

A state which established the first public school system in the United States cannot afford to slip from preeminence. A nation which prides itself on democracy and informed citizens cannot ignore educational needs. Jefferson called America the "last, best hope of mankind." But without a first-rate, well-financed educational system, that hope cannot long survive.

Where is the money going to come from? Certainly not from property taxes, which for years were the traditional source. In Massachusetts, local taxpayers already pay over 70 per cent of the school budget—compared to the national average of 52 per cent. Moreover, property taxes are regressive—placing the greatest burden on those who are least able to pay.

I believe that the Federal Government must assume a larger share of school budgets than the present average of 7 per cent. For education has national dividends. A better educated populace means a stronger economy and a healthier society. Moreover, with the high mobility in America today, an individual very likely will not work and settle down in the community where he went to school.

In addition, the Federal Government is in a unique position to raise vitally-needed education money. It alone can provide coordination and leadership. It alone has the overview and the capacity to stimulate needed programs. It alone can most effectively publicize new innovations throughout the United States.

You are all familiar with this year's appropriations battle. The Administration initially sought half a billion dollars less than was spent in fiscal 1969. Congress increased the budget request by $1.2 billion—while making offsetting cuts of over $5.6 billion in other appropriations such as defense spending and other lower priority areas.

But the President vetoed the bill—against the will of a majority of Congress, and a majority of American citizens.

As a result, actual appropriations for education are only 42 per cent of the amount authorized by Congress. After receiving $90.7 million for education in 1969, Massachusetts gets only $69.1 million this year under the bill finally accepted by the President. And the budget request for next year would give Massachusetts only $45.7 million.

This is shortsighted, mindless, budget-cutting of the worst sort. It reflects a distorted set of national priorities which I cannot accept. Surely a nation which pays an average of over $1,400 a year in armaments for each South Vietnamese soldier, can afford more than $54 a year for each American school child.

I fought for increased education appropriations last year. Many of you here tonight were involved in that appropriations effort with me. We will fight again this year. I think that chances are good for getting some increased funds.

But as we increase the Federal share, I urge also an increase in the state share. Massachusetts has improved. But we still rank low among states in aid to education.

More state aid would end the rigid dependence on property taxes as a source of school revenue. It would also serve as a further incentive, a show of good faith, to the Federal Government. It is easier for Senators and Congressmen to vote the larger Federal funds when we see increasing state commitment as well.

Further, this year I introduced an amendment to the ESEA bill which provides for grants of $10 million, $15 million, then $20 million annually for planning and evaluation. These grants would be made by the Commissioner of Education to state and local educational agencies. They in turn could use the funds to hire trained personnel or otherwise carry out long-range planning and evaluation. They could spell out goals; and how they expect to reach them; and then be able to systematically review, evaluate and revise their programs in the light of experience.

I introduced this amendment because I know, from talks with you and other educators, that immediate day-to-day pressures preclude spending on long-range planning and evaluation. Yet such activities are essential for the most effective utilization of resources.

I also think that better evaluations by you in the field would help in the appropriations fight in Washington. If you can give us data on what programs work, we can push for those funds. If you can spell out priorities, we can act accordingly. If your evaluations rebut the critics, we can make a better case.

So what you do in the state—in funding and evaluation—will help in the Federal effort.

Another critical area in which I have acted is aid to private and parochial schools. As we know, these schools in Massachusetts are under great financial pressure. Several have already gone under. Many more are on the brink.

We cannot allow private and parochial schools to simply die out. They have served our communities well. They have long brought special education to the disadvantaged. They presently educate over 15 per cent of our children. They relieve the state of a tremendous financial burden.

In the Senate this year, I supported an amendment to establish a Commission on School Finance—to study the whole funding problem in general. A major function will be to propose alternative approaches for financing parochial schools. I look forward to studying its recommendations.

In the meantime, immediate steps for parochial schools are necessary. At the Federal level, I recommend higher funding of Title III of ESEA—to permit contracting with parochial schools for various educational facilities and non-religious instruction. In this way, we could achieve immediate aid while examining long-term proposals. I have written to Commissioner of Education, James Allen, requesting his reaction to the approach. For clearly we must act now.

Adequate financing is critical to solving the other major problem which we face in education today. That's the question of achieving true equality of educational opportunity.

It's a popular phrase these days. Everyone is for it. But too often, the tough underlying questions are ignored. What do we mean by "equal educational opportunity?" What are the policy implications? What have we done to further the goal? What still needs to be done?

You are gathered here to consider education in the '70's. I submit to you that one fundamental commitment should underlie all of your considerations. It is simply this: Each and every American child should have an absolute right by birth to a first-rate education, regardless of his family background and regardless of the community in which he lives.

For the poor child, this means equalized expenditure in his school. For the black or other minority child, this means integrated schools. For the handicapped child, this means special programs and services to help him develop his full potential. For all children, this means access to the full range of education—from the early years all the way through college.

Equal educational opportunity has been the American promise for generations. But we have consistently failed to deliver. And I suggest that this failure contributes to the disruption and discontent in our society today.

Our younger citizens see the gap between promise and reality. They see modern schools in the suburbs, but grossly inadequate schools in the inner-city. They see black children stoned, attacked, bussed far out of their way—to avoid desegregation. They see money going to Vietnam which could have helped our poorest schools. They see the hypocrisy of a system which holds out the American dream of equality, but will not devote the resources required to make it a reality.

I insist that this nation can achieve equality of opportunity in education. I submit that this covers a wide range of needs. We must keep fighting on all fronts.

First, equal educational opportunity means desegregation of schools. The nation is now at a crossroads on this whole issue. What we say and what we do in the months ahead will have a profound effect on society for years to come.

Massachusetts has been progressive, with an important racial imbalance statute. I sincerely urge all citizens to maintain the open mind and open heart which has characterized most of our citizens in the past.

I stand today by the same view which I expressed before the U.S. Civil Rights Commission three years ago, when I said:

"There is virtual unanimity among education authorities that school segregation by color, whether de jure or de facto, is harmful to school children, and as long as Negro children are racially isolated in schools, they will be denied the equality of educational opportunity which should be their birthright as American citizens."

I also support a new and hard look at the North on the whole question of desegregation and racial isolation. As a start, I am pleased that the Senate recently appointed a Special Committee on Equal Educational Opportunity to make recommendations.

We need a consistent national policy. But in the meantime ,I do not feel that we should in any way curtail the present effort to end unconstitutional discrimination, wherever in the nation it occurs.

Second, equal educational opportunity means eliminating gross inequalities in education spending. Last year, per pupil expenditure by school district in Massachusetts ranged from a low of $433 to a high of $1,138. Even within districts, there tends to be disparities between per pupil expenditures at individual schools.

And in almost all states of the nation, funding often bears a reverse correlation to need. The low-income schools, the core city schools, the schools with the greatest needs for disadvantaged students—these schools tend to receive the least funds.

These local disparities are paralleled and exacerbated at the national level. New York, for example, averages $1,251 per pupil, while Mississippi averages only $476. The general result is that children of the poor are denied good educations. The cycle of poverty persists.

I hope that at the state and local levels, you will seek to raise the floor and roughly equalize per pupil expenditures.

At the Federal level, I recommend that the Office of Education issue firm guidelines to insure that Federal money is used to close, not widen, the gap in per pupil spending.

As a member of the Subcommittee on Education, I worked with my colleagues in recent months on a "comparability" provision for Title I of ESEA. The resulting amendment requires that a recipient school district provide services in Title I schools equivalent to those they provide in non-Title I schools.

Third, equal educational opportunity means substantial compensatory education. For equal spending does not assure equal possibility for advancement. Because they start out behind, the disadvantaged need additional attention just to catch up.

As a conferee for working out ESEA differences with the House of Representatives, I supported a successful Senate provision raising the low-income factor to $4,000. It would take effect when the lower income entitlements are fully funded. I also supported additional entitlements for schools with especially high concentrations of low-income students.

In addition, my Senate colleagues and I prevailed on a requirement that Title I money be used to supplement, rather than supplant, state and local funds. Some school districts have used Title I money as part of their regular budget, rather than for compensatory programs. This amendment should end the misuse.

Imagination and thoroughness can take compensatory education far beyond just Title I. Just yesterday a veterans' education bill passed the Senate which contained my proposal for special assistance to disadvantaged veterans. Through June of last year, only 20.7 per cent of eligible veterans were using their benefits. Even more distressing, only one out of every fifteen veterans who has not completed high school chooses to study under the G. I. bill.

My proposal provides even higher entitlements to disadvantaged veterans who are paying for special tutorial services. The aim is to encourage colleges, universities and other institutions to take a priority interest in returning veterans.

These men, whose lives were disrupted by the country's call, deserve no only our gratitude, but all the assistance we can give. Many veterans with poor academic backgrounds have gained maturity and responsibility in the service. With special help now, they can become constructive and well-educated citizens. We certainly owe them every chance.

As you educators know, successful compensatory education in the future will take more than money. We need new ideas, new programs, and new approaches in educational technique.

You here tonight spearheaded innovation and change in the '60's. You helped develop not only Title I—but Head Start, Follow Through, Upward Bound, dropout prevention, Title III of ESEA and so on. Some of you work with the Teacher Corps, which I sponsored back in 1965.

Your schools have initiated many new approaches—teach teaching, non-graded classrooms, no marks, flexible periods, individually programmed instruction, classrooms without walls, teacher aides, student participation, and many more.

The Trotter School in Boston, for example, has successfully achieved integrated, quality education. It utilizes cross-grade grouping, team teaching, individualized instruction, and other innovations. It serves as a magnet school, drawing assistance from college students and members of the community. It maintains a parent and local advisory board.

The Morrocco School in Winchester, the Bancroft School in Andover, and several others in the state have open spaces, rather than walls. Wellesley and Newton have been active in curriculum development. Arlington has Project MALE for teacher aides under Title III. And right here in Amherst the new regional junior high incorporates many recent innovations.

I congratulate all of you for considering new ideas, no matter how radical, while at the same time recognizing and preserving what is best in our current approaches. For when we stress compensatory education, we must be bold in seeking better ways to do it.

Fourth, equal educational opportunity necessarily must cover early childhood development and day care. If we can prevent problems in the early years, the compensatory needs later on will be far less.

I have heard several doctors testify that the greatest personal development occurs in the first three years of life. Inadequate nutrition causes permanent brain damage. Fifty thousand children under the age of seven die each year from clear neglect of their safety, diet and medical needs. An estimated three-quarters of the nation's mentally retarded children have been handicapped by cultural rather than genetic factors. Fewer than one-half million of the 12 million young children of working mothers can be accommodated in licensed day-care facilities today.

I have cosponsored legislation to expand day-care support to low-income children. The concept is relatively new, and we do not have extensive experience. So at this point, I think it would be a mistake to get locked into any one institutional approach. In starting up, we have an ideal opportunity to try different systems and see what works. I will seek to give the greatest flexibility as we develop a new Federal program in this important area.

Fifth, equal educational opportunity must cover college and other post-secondary institutions. For just as the high school diploma was vital for the best jobs a few decades ago, so the post-secondary degree is vital today.

The avenue is simply not open to the disadvantaged. Of our college students, 76 per cent come from families in the top half of the income bracket. Only 7 per cent come from families in the lowest income quartile.

In the highest socioeconomic quartile, only one out of 20 top-ranking students fails to go to college. A staggering 10 times as many top-ranking students in the lowest quartile are denied a college education.

Vocational and technical training opportunities are also less accessible to the poor.

Last year I introduced the "Higher Education Bill of Rights." Its key features include:

Greatly expanded Educational Opportunity Grants and Work-Study funds;

Scholarship and matching grants to institutions which take low-income students;

Start-up grants for community colleges; and other provisions.

Grants, not loans, are absolutely necessary to open the way for the poorest students. High interest loans are just not attractive if a student and his family live in poverty. That is why I am upset at the President's recent de-emphasis on grants in favor of long-term indebtedness for the poor. That is why I favor realistic and substantial aid to the very poor.

Finally, ladies and gentlemen, let us stop and ask: What does it all add up to? Where are we going? What do we really want? What are we willing to sacrifice to get there?

Ultimately, I am talking tonight about something more than equal educational opportunity as we normally hear it used. I have discussed several areas which I feel are important. But when we look at the whole broad picture, the sum of the parts, I am talking about a larger concept.

I advocate as our goal for the 1970's *total* educational opportunity for every American.

The right to education begins in the earliest years of life. The right to education runs through two or four years of college. The right to education includes the commitment of whatever resources are necessary to remove finance as a barrier at any level.

It is not enough simply to give a child access to just any school. He should have access to the same quality of schools—and indeed the same actual schools—as his contemporaries from different backgrounds.

It is not enough to give a black child freedom of choice—when the predictible effect will be pressure against choosing a white school.

It is not enough to say that a potential college student has access to a loan—when the burden of that loan is enough to deter him from college.

We need action and implementation, not just research. We need funds and finance, not just foundations and institutes.

At some point in time, rhetoric must be backed up with resources. I say that the time is now. The time is here. The time is this generation.

That is the commitment which I leave with you tonight—total educational opportunity for all. The goal is ambitious, but worthy. We will have failed—both ourselves and our children—if we do anything less.

TESTIMONY BY SENATOR EDWARD M. KENNEDY, BEFORE SENATE APPROPRIATIONS SUBCOMMITTEE, ON FUNDING OF FEDERAL EDUCATION PROGRAMS

Mr. Chairman, I appreciate very much this opportunity to testify on H.R. 16916, the fiscal 1971 appropriations for the Office of Education. For I feel strongly that substantial federal support is necessary to achieve sound educational opportunity for all citizens—a goal which is vital to the strength and well-being of our nation.

The financial crisis in education today is truly staggering. Last year, local educational agencies spent over $34 billion. Their cost of education rose by 13 percent. And total education costs, including colleges and universities, are expected to double by the end of the decade.

Tragically, the fiscal dilemma affects the very quality of our schools. To often, the controlling question becomes: "How much does it cost," rather than "How can we best educate the children?" With one in every four Americans now attending elementary or secondary school, I say that such an approach is unacceptable.

In my own state of Massachusetts, we have over 1.4 million students in elementary and secondary school alone. And we too feel the impact of rising costs.

This year, for example, public school expenditures in Massachusetts exceed $1 billion for the first time. Local taxpayers already pay over 70 percent of the school budget—compared to the national average of 52 percent. Yet despite this impressive commitment, annual per pupil expenditure in Massachusetts is below the national average.

Private and parochial schools also face an unprecedented financial crisis. Several in Massachusetts have already closed. Many more are on the brink. These important schools—which have served their communities, helped the disadvantaged and relieved pressure on the state—may soon disappear forever.

We in Massachusetts are proud of our schools. Centuries ago, we established the first public education system in the United States. We have the oldest private university, and many of today's leading institutions. We have several innovative schools which for years have been models throughout the nation.

Just a few weeks ago, I spoke at the University of Massachusetts to over one thousand state educators—superintendents, principals, teachers, school board members, officials from the Department of Education, and others. They had gathered for a four-day conference on the topic: "Education for Survival in the '70's."

Their discussions were bold; their commitment impressive; their goals inspiring.

But inadequate financing threatens to cripple not just their future plans, but their present programs. After receiving $74.6 million in certain education funds in 1969, Massachusetts receives only $69.1 million this year under the bill finally accepted by the President. And the budget request for 1971 would give Massachusetts only $45.7 million in comparable funds. Similar patterns hold for virtually every state.

Mr. Chairman, equal educational opportunity has been the American promise for generations. But we have consistently failed to deliver. As we enter the decade of the '70's, I say that we can—and we must—close the gap between promise and reality. We can—and we must—move forward, not back. We can—and we must—provide the federal resources necessary to achieve high quality education for all.

Mr. Chairman, I think that H.R. 16916, as passed by the House, will help meet many of our immediate education needs. Rather than discuss each item, I would like at this time to focus on a few programs which I feel deserve special priority and higher funding over here in the Senate.

ELEMENTARY AND SECONDARY EDUCATION
ESEA TITLE I

Title I of the Elementary and Secondary Education Act helps to meet perhaps the most crucial problem challenging our school systems today: how to educate successfully the children of America's poor.

Last year, over 9 million disadvantaged youngsters in the United States benefited from special educational services under Title I. Of 351 cities and towns in Massachusetts, a total of 306 participated. And as a result of Title I, educators in my state and across the nation have placed a new priority on helping the educationally disadvantaged.

I endorse the $160 million increase in H.R. 16916 over last year's level and this year's budget request. I suggest that even more than $1.5 billion can be used constructively.

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And I urge the committee to direct, perhaps in report language, that the Commissioner of Education carefully monitor and audit this program to prevent misuse of funds.

ESEA TITLE III

Title III funds have supported many innovations and improvements in education which will have long-lasting benefits. Massachusetts educators have developed over 70 projects—ranging from mobile libraries to teacher aide programs to multiple-purpose reading centers, to art appreciation programs.

But in Massachusetts and elsewhere, projects were severely crippled when final appropriations for 1970 were way below the previous year, below the level in the vetoed bill, and below even the Administration's budget request.

I recommend an increase of at least $50 million more than the $137 million in the House bill. This would bring the funding back up above the 1969 level of $164.8 million, and compensate for this year's $34 million cut.

Also, additional funds are needed to absorb programs under the former NDEA Title V, which has been consolidated with ESEA Title III.

Finally, I recommend that additional funds be passed for Title III with the understanding that the Commissioner encourage their use in contracts with private and parochial schools for various educational facilities and non-religious instruction. This would help some of the exciting new community schools which have developed in Massachusetts and elsewhere. It would help the crisis-ridden private and parochial schools. And of course, it would help thousands of youngsters.

ESEA TITLE V—EVALUATION

The $29.75 million requested and passed by the House for strengthening State departments of education is sufficient for that purpose. But as the committee realizes, the amendments to ESEA recently signed by the President include two new sections under Tilte V: (1) grants for strengthening local educational agencies, and (2) grants for planning and evaluation.

As the author of the amendment on planning and evaluation, I hope very strongly that the program will be funded. The new provision would enable the Commissioner of Education to make grants to state and local educational agencies for carrying out their own planning and evaluation activities. They in turn could use the funds to hire trained personnel, or otherwise conduct appropriate programs. For the first time, in many cases, they could spell out goals; and how they expect to reach them; and then be able to systematically review, evaluate and revise their education programs in the light of experience.

The new provision authorizes the very modest sum of $10 million for planning and evaluation grants. I hope that the Committee will approve that additional amount under ESEA Title V, specifically earmarked in the report for this new program.

I also support the Secretary's appeal for an additional $985,000 for in-house planning and evaluation. The new total of $13 million is small indeed in a bill appropriating over $4 billion and should help to ensure efficient use of resources.

ESEA TITLE VIII

Every school dropout is a potential tragedy—for the individual, and for the society which failed him. I have seen estimates that one out of three fifth-graders today will drop out before completing high school. And the dropout rate is going up.

I support the budget request of $15 million for Title VIII. I recognize the importance of a broad range of dropout programs. And I support experimenting with new approaches such as performance contracting, where a school contracts for teaching services such as remedial reading and pays the contract recipient only if the children achieve certain performance goals.

ESEA, OTHER

I am pleased at the increased funding for such programs as library resources and bilingual education. I urge the Committee to keep these new levels for such vitally important programs.

Education of the handicapped

In the United States today, we have about six million handicapped children—physically handicapped, mentally retarded, deaf, blind, emotionally disturbed and speech impaired. Only one third of these are receiving needed special educational services. That is why I am pleased at the $20 million increase in H.R. 16916 over this year's spending.

But I am disturbed that despite the increase the Administration apparently plans to spend *less* for research and training of physical educators and recreation personnel for mentally retarded and other handicapped children.

The Administration indicates that it will spend only $1 million of the total handicapped education money for this program—which would support no new research, and new training of only 38 teachers. As the sponsor of the program, I am encouraged at the positive effects of "Special Olympics" and other sport and recreation activities on mentally retarded and handicapped youngsters. I hope that the Subcommittee will recommend funding of at least $3 million.

Vocational education

Vocational schools can provide a balanced education and career opportunities for many of our nation's young people. They should be developed as attractive, respectable places to learn.

For too long, however, we ignored this aspect of education. But in 1968, Congress authorized landmark programs to improve the concept and the quality of vocational schools. This new act has raised legitimate expectations. I have talked, for example, with citizens from Haverhill, Massachusetts, who hope to build an exciting new regional school—with broad vocational and other services to develop the full potential of every individual.

I recommend $500 million to fund the new programs, to meet the new expectations, and to give vocational education the status and quality which is long overdue.

HIGHER EDUCATION

Teacher Corps

As an original sponsor of the Teacher Corps, I am pleased at its success both in attracting outstanding people to teach in poverty schools, and in improving educational quality for children in those schools.

Congress recently raised the fiscal 1971 authorization for the Teacher Corps from $56 million to $100 million. This increase reflected the growing demand by qualified persons to participate. It also reflected expansion of the formal program both to include student tutors and other volunteers, and to cover programs for juvenile offenders in correctional institutions. Finally, it reflected my own amendment to increase the scope of the Teacher Corps program for Indian children in schools operated by the Bureau of Indian Affairs.

I am disturbed that this year the Administration reversed earlier procedure by not specifying the Teacher Corps as a line item in the budget. It suggests that they simply are not giving the Teacher Corps the priority it merits.

Even without the expansion incorporating experimental programs into regular operations, $56 million for the Teacher Corps would have been insufficient. I urge this committee to approve at least that minimum amount.

Student assistance

Just as the high school diploma was vital for the best jobs a few decades ago, so the post-secondary degree is vital today.

But the avenue is simply not open to the disadvantaged. Of our college students, 76 percent come from families in the top half of the income bracket. Only 7 per cent come from families in the lowest income quartile.

In the highest socioeconomic quartile, only one out of 20 topranking students fails to go to college. A staggering 10 times as many top-ranking students in the lowest quartile are denied a college education.

Even for those in the middle-income bracket, college is becoming a heavier and heavier burden. One private institution in my state recently proposed a $500 tution hike, with the result that many students and faculty members promptly went on strike. I sympathize with both the institutions and the students, for the financial pressures are severe.

Last year, I sponsored amendments which increased authorizations for Educational Opportunity Grants, National Defense Student Loans and the College Work-Study Program. Just yesterday, I received he latest information from the Office of Education on total requests by instiutions and approved requests by HEW's regional panels. I feel strongly that funding should be based not on figures which happened to crop up in an earlier budget or which support previous levels of participation or which are otherwise convienient. Rather, funding should be based on actual approved requests, based on actual current need, recommended by HEW's own panels. On this basis, I make the following suggestions.

For Educational Opportunity Grants, I recommend an appropriation of $240 million. This approved request figure would help 401,000 needy students. The House figure of $167.7 million would leave 121,500 of these students without aid.

For National Defense Student Loans, I recommend an appropriation of $286 million. This approved request figure would help 623,000 needy students. The House figure of $229 million would leave 94,800 of these students without aid.

For the College Work-Study Program, I recommend an appropriation of $225 million. This approved request figure would help 527,000 needy students. The House figure of $160 million would leave 156,000 of these students without aid.

I should add, Mr. Chairman, that even these new figures which I recommend are still $150 million less than initial requests from the colleges and universities.

Mr. Chairman, I do not think the United States Senate should deny assistance to close to 400,000 needy students. I do not think that we should tolerate cutting off a higher education simply because a young man or woman is poor. I do not think that we should accept the low funding levels proposed by the House.

I urge the committee to approve the funding which Office of Education statistics show to be necessary.

Special programs for the disadvantaged

Talent Search, Upward Bound, and Special Services in College have helped tremendously in giving special assistance and incentive to those who need them the most.

I recommend increasing the appropriation from $50 million to $75 million. For at the levels approved by the House, only 72 of the estimated 360 Talent Search proposals can be funded; only 20 of the estimated 200 new Upward Bound proposals can be funded; only a fraction of needy students will receive special services.

International education

Mr. Chairman, we have on the books several exciting higher education programs which held great promise when they were authorized, but which have never been funded. I urge the committee to follow through with modest appropriations. In particular, the International Education Act would pay great dividends in encouraging and strengthening graduate and undergraduate programs for international studies. At a time when foreign relations and world concerns play an increasingly important role in our national development, it would be irresponsible to delay any longer the funding of the program authorized back in 1966. I recommend at least $3 million.

I am also distressed at the cut by the Administration and the House in NDEA Title VI, from $18 million this year to $6 million for fiscal 1971. Programs for foreign language training and area studies have been extremely successful, and if anything we should expand, not contract. I hope that this committee will recommend continued support at no less than $18 million.

Experimental schools

As we enter the decade of the 1970's, we must be bold in seeking new and better ways to educate our nation's youth. We must be willing to move beyond small changes, minor modifications and general tinkering with existing institutional structures. We must experiment with major changes and daring innovative approaches—recognizing that education goes beyond four walls and one teacher and the traditional school environment, and that we still have much to learn about adapting to that reality.

Therefore I recommend full funding of at least $25 million for the Administration's request for experimental elementary and secondary schools. This flexible money is essential for real progress. I also hope that in vocational and other areas the Office of Education will look to the new, as well as the old.

Desegregation

Sections 209, 210, and 211 of the House-passed bill would compel the Department of HEW to approve so-called "freedom of choice" plans, even if they are ineffective in ending discrimination. The Senate has consistently rejected such provisions in the past, for they run directly counter to our position against segregation and in favor of high quality education for all. I urge the committee to strike the sections.

Conclusion

Mr. Chairman, this nation has over 59 million students—6 million in college, and 53 million in elementary and secondary schools. Over 30 percent of our population are teachers or students. Enrollments continue to rise. Increasingly, a solid education is necessary for a good job and benefits in society.

Several years ago, John Adams, of my own state of Massachusetts, wrote: "The whole people must take upon themselves the education of the whole people and must be willing to bear the expense of it."

Surely we can meet this challenge. Surely a nation which pays an average of over $1,400 a year in armaments for each South Vietnamese soldier, can afford more than $54 a year for each American school child. Surely we can spend the funds necessary to put every child in a decent educational program.

It will be a tragedy—for the children and for the nation—if we fail in this commitment.

Statement of Senator Edward M. Kennedy for the "Coalition for Aid to Private Higher Education"

I commend you for your initiative in uniting together for increased federal support to higher eductaion. Your goal is important. And your work—in the two short weeks of organized activity—is impressive.

The "Coalition for Aid to Private Higher Education" was born out of crisis—the increasing cost of higher education to students and their families, and the associated rise in the financial burden on institutions.

You are the most appropriate spokesman for the financial crisis in higher education today—because you are the ones who suffer.

You have responded not with shrill demands or violent demonstrations or unsubstantiated emotional appeals. Instead, you have followed the difficult but responsible route. You have united together students, faculty, and administrators from several dozen colleges and universities in Massachusetts. You have studied the federal programs; you have analyzed pending legislation; you have done your homework, carried out the research, met in seminar, and developed the outlines of an ambitious, highly worthwhile, long-term effort. And you have come to Washington today to tell us your story, testify before committee, and plan for the future.

As a Senator from Massachusetts and a member of the Subcommittee on Education, I applaud your concern, your sincerity, your goals, and your willingness to carry out the hard work necessary to meet those goals. For I feel strongly that every citizen in the United States should have a full and fair opportunity to pursue a higher education without regard to his financial need or that of his family. Institutions should have a chance to develop high quality programs to serve these students. Regrettably, we are a long way from achieving these goals.

We must make no mistake about it: as I myself have stressed on a number of occasions—on the Senate floor, in committee, and in appearances up in Massachusetts—the financial needs of higher education are indeed a crisis today.

For the nation as a whole, costs of higher education have tripled in the last decade. And they are expected to double again in the next six or seven years—to over $40 billion by the 1976–1977 academic year.

In the meantime, our colleges and universities are rapidly plunging into debt. In Massachusetts alone, the debt level for private institutions of higher education has reached almost $200 million. If added revenue does not become available, many fine institutions eventually will have to fold—going out of business at the very time when more and more of our young citizens are desperately seeking a higher education.

Students themselves also feel the burden—because tuition hikes have been unavoidable as college costs go up. Yet right when aid is needed the most, the Administration is proposing that the Federal Government cut back.

In my duties as United States Senator, I have had the privilege of working closely on a number of higher education measures.

Last year I sponsored amendments, accepted into law, which raised the authorization levels for National Defense Student Loans, Educational Opportunity Grants and the College Work-Study Program by $240 million over a two-year period.

I also sponsored an amendment, which again passed, to end inequities in the Guaranteed Student Loan Program. My amendment was designated to stop the practice whereby banks discriminate against applying students because of poverty, race, or the fact that their families do not conduct other business with the bank.

Just last week, I testified before the Senate Appropriations Subcommittee on federal aid to education. The greatest increases I sought were for student aid—and for your background I include the following excerpt from my testimony before that Subcommittee on April 23.

"Student assistance

"Just as the high school diploma was vital for the best jobs a few decades ago, so the post-secondary degree is vital today.

"But the avenue is simply not open to the disadvantaged. Of our college students, 76 per cent come from families in the top half of the income bracket. Only 7 per cent come from families in the lowest income quartile.

"In the highest socioeconomic quartile, only one out of 20 top-ranking students fails to go to college. A staggering 10 times as many top-ranking students in the lowest quartile are denied a college education.

"Even for those in the middle-income bracket, college is becoming a heavier and heavier burden. One private institution in my state recently proposed a $500 tuition hike, with the result that many students and faculty members promptly went on strike. I sympathize with both the institutions and the students, for the financial pressures are severe.

"Last year, I sponsored amendments which increased authorizations for Educational Opportunity Grants, National Defense Student Loans and the College Work-Study Program. Just yesterday, I received the latest information from the Office of Education on total requests by institutions and approved requests by HEW's regional panels. I feel strongly that funding should be based not on figures which happened to crop up in an earlier budget or which support previous levels of participation or which are otherwise convenient. Rather, funding should be based on actual approved requests, based on actual current need, recommended by HEW's own panels. On this basis, I made the following suggestions.

"For Educational Opportunity Grants, I recommend an appropriation of $240 million. This approved request figure would help 401,000 needy students. The House figure of $167.7 million would leave 121,500 of these students without aid.

"For National Defense Student Loans, I recommend an appropriation of $286 million. This approved request figure would help 623,000 needy students. The House figure of $229 million would leave 94,800 of these students without aid.

"For the College Work-Study Program, I recommend an appropriation of $225 million. This approved request figure would help 527,000 needy students. The House figure of $160 million would leave 156,000 of these students without aid.

"I should add, Mr. Chairman, that even these new figures which I recommend are still $150 million less than initial requests from the colleges and universities.

"Mr. Chairman, I do not think the United States Senate should deny assistance to close to 400,000 needy students. I do not think that we should tolerate cutting off a higher education simply because a young man or woman is poor. I do not think that we should accept the low funding levels proposed by the House.

"I urge the committee to approve the funding which Office of Education statistics show to be necessary.

"Special programs for the disadvantaged

"Talent Search, Upward Bound, and Special Services in College have helped tremendously in giving special assistance and incentive to those who need them the most.

"I recommend increasing the appropriation from $50 million to $75 million. For at the levels approved by the House, only 72 of the estimated 360 Talent Search proposals can be funded; only 20 of the estimated 200 new Upward Bound proposals can be funded; only a fraction of needy students will receive special services."

I intend to fight for higher appropriations this year, for the aid is urgently needed. I was distressed, for example, when President Nixon last year vetoed the $1 billion increase in appropriations for education and health. We must not cut back at a time when the needs are greatest. We must not continue to fund education programs at

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far less than half of their authorized levels.

Next week, the Senate Subcommittee on Education begins intensive hearings on higher education, including legislation which I have introduced. As you know from your very fine research summaries, my bill would:

Greatly expand the Educational Opportunity Grant program, giving assistance to students from families in the lower 60% income bracket;

Give institutions matching grants and cost-of-education supplements on the basis of students enrolled with Educational Opportunity Grants;

More than triple the size of the College Work-Study program;

Increase loans for academic construction and provide start-up grants to community colleges and other urban institutions of higher education.

In the hearings over the next few weeks, I intend to spell out more fully my views on the needs of higher education and the programs which should be developed. I know that you are familiar with most of the proposed legislation, and I certainly will provide copies of my subsequent, more detailed statements.

But I do offer these general reactions:

Student assistance, in the form of direct federal grants and low-interest loans, should be expanded, not cut back;

Over-reliance on high interest and commercial loans is an unwarranted burden on middle and low-income students;

Long-term indebtedness at high interest rates will not enhance equality of educational opportunity;

Unrestricted institutional aid should be increased;

Total federal spending on higher education should be increased.

For these reasons, I oppose the Administration's proposed package on higher education. By raising the interest on loans and decreasing the amount of grant and work-study money which an individual can receive, it weakens the whole pattern of student assistance which so many of us worked to develop over the last several years.

Finally, I oppose placing highly restrictive restraints on federal assistance to students and universities which have been involved in some kind of campus disruptions. In the main, I feel that universities and local law enforcement officials have the responsibility and the capability to deal with disruption as they see best. The Federal Government should not arbitrarily start cutting off money without a trial, without due process, without consideration of the university's role and the student's future.

For in all of these matters, we must remember that students are a worthy investment for society; students are more than simple units of economic input and output; students are human beings, not simply statistics.

So again, I commend you on your initial efforts. I hope that this is just a beginning. I hope that you will continue to mobilize and expand. I hope that you will follow through on the needs which you have so clearly identified.

I stand ready to help out in the effort to which we all are so firmly committed.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, as of now it is not anticipated that there will be any votes tomorrow.

ORDER FOR ADJOURNMENT FROM FRIDAY, MAY 1, 1970, TO TUESDAY, MAY 5, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes tomorrow after the disposition of the reading of the Journal.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the Senator from Ohio (Mr. YOUNG), the Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON TUESDAY, MAY 5, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday next the Senator from Wisconsin (Mr. PROXMIRE) be recognized for 15 minutes after the disposition of the reading of the Journal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SECTION 3006A OF TITLE 18, UNITED STATES CODE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 808, S. 1461.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 1461) to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment: strike out all after the enacting clause and insert:

SECTION 1. That (a) subsections (a)–(f) of section 3006A of title 18, United States Code, are amended to read as follows:

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation, (2) who is under arrest, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or (4) for whom the Sixth Amendment to the Constitution or any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

(1) attorneys furnished by a bar association or a legal aid agency; or

(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) APPOINTMENT OF COUNSEL.—Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the

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appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) Payment for Representation.—

"(1) Hourly Rate.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $20 per hour for time reasonably expended and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) Maximum Amounts.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in a case in which one or more felonies are charged, and $400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed $250 for each attorney in each proceeding in each court.

"(3) Waiving Maximum Amounts.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) Filing Claims.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

"(5) New Trials.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) Proceedings Before Appellate Courts.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) Services Other Than Counsel.—

"(1) Upon Request.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the pension is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

"(2) Without Prior Request.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

"(3) Maximum Amounts.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed $300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit

"(f) Receipt of Other Payments.—Whenever the United States magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

"(g) Discretionary Appointments.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

"(h) Defender Organization.—

"(1) Qualifications.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial counsel of each circuit.

"(2) Types of Defender Organizations.—

"(A) Federal Public Defender Organization.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. The organization shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorneys of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

"(B) Community Defender Organization.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States:

"(i) receive an initial grant for expenses necessary to establish the organization; and

"(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section."

Sec. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by the first section of this Act if such commissioner had authority to perform such

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power, function, or duty prior to the enactment of such amendments.

Mr. HRUSKA. Mr. President, the bill we are now considering, S. 1461, is, in my opinion, one of the most significant legislative proposals to be made in the field of criminal justice. This is an exciting and proud moment for myself, for Senator ERVIN, and our other colleagues who have actively worked on this bill, and for many members of the bench and bar who have devoted much time and energy to the improvement of the Federal law-enforcement system.

We are living in an era of rapid and sweeping change in the field of Federal law enforcement and criminal law. We are living in an era increasingly plagued with crime and violent disorder. Our Nation is suddenly awakening to the fact that major effort and investment are needed to make our law-enforcement system adequate to the task of protecting the lives and property of our citizens, and enforcing the law swiftly and fairly.

At the same time, efforts must be made to insure that the persons subjected to our Federal law-enforcement system—from arrest, to trial, to other related proceedings which substantially affect a person's liberty—are afforded meaningful protection for their constitutional rights.

One of our Constitution's most basic rights for a person threatened with deprivation of liberty is the right to counsel. S. 1461 is a milestone in the efforts of the Congress, the bench, and the bar to bring the Federal law-enforcement system closer to the ideal we have all sought. That ideal is the ability to assure every citizen the full benefits of the right to counsel where judicial decision or Federal statutes may require appointment of counsel to protect a person's liberty.

The Criminal Justice Act of 1964, which provided for compensation for appointed counsel and payment for necessary expert and investigative services in Federal criminal trials, has been in effect for nearly 5 years. Experience with this act has demonstrated its great success, as well as the need for both its expansion and its improvement. S. 1461, as amended, accomplishes both the needed expansion and needed improvement.

As reported by the Judiciary Committee, S. 1461 expands the coverage of the 1964 act to cover the criminal process from the arrest stage to appeals, postconviction proceedings, and ancillary proceedings related to the criminal trial. The act is thus made coextensive with the sixth amendment right to counsel as now interpreted. It also allows for expansion of coverage as judicial decisions based on the sixth amendment and as Federal statutes establishing right of counsel create new instances where counsel is considered essential to protect a person's liberty but where the person may be too impoverished to pay for counsel and defense services.

The bill also provides for the creation of Federal defender offices operating under the guidance of the district and appellate courts, but independent of both the Federal judicial and prosecution systems. The defender system has two important features: First, participation by the private bar is required in a substantial proportion of the criminal cases in each court. Second, provision is made for community defender organizations, supported by the local community, to operate in lieu of, and in conjunction with, the Federal offices.

S. 1461, as amended, also increases the hourly rate to $30 an hour and the total compensation limits available to attorneys providing representation under the act. A number of other changes have also been made in the 1964 act.

Widespread support for these provisions was manifest at the hearings on S. 1461, conducted last summer by the Constitutional Rights Subcommittee. Not one single witness questioned the desirability of the amendments proposed in the bill.

Among those who appeared at the hearings were Judge Harvey M. Johnsen, senior judge of the Eighth Circuit Court of Appeals, a key member of the U.S. Judicial Conference Committee To Implement the Criminal Justice Act; three other Federal Judges with broad experience under the 1964 act; Prof. Dallin Oaks of the University of Chicago Law School; Associate Deputy Attorney General Donald Santarelli; Maynard J. Toll, on behalf of the National Legal Aid and Defender Association; Gen. Charles L. Decker, director of the national defender project; and Robert J. Kutak, on behalf of the American Bar Association. The subcommittee also had the benefit of testimony from the directors of four major Federal defender programs which have been operating with the assistance of the National Legal Aid and Defender Association and the Department of Justice.

Each of the 18 witnesses appearing before the subcommittee either possessed a broad background of practical experience with the act or had extensively studied its operation since it took effect in 1965. While unanimously supporting the objectives of S. 1461, they submitted many suggestions for refining and perfecting the bill.

The proposed changes embodied in S. 1461, as amended by the subcommittee and approved by the full Judiciary Committee, are based on the sound suggestions of these knowledgeable witnesses, on an extensive study by the subcommittee, the American Bar Association, the Judicial Conference, and on a report by Professor Oaks entitled "The Criminal Justice Act in the Federal Courts."

Mr. President, in May 1967, the Department of Justice and the Judicial Conference of the United States commissioned Prof. Dallin Oaks to undertake a study of the operation of the Criminal Justice Act of 1964. The study was completed in January 1968, and Professor Oaks' report on the study constituted an exhaustive review of the operation of the act in the Federal district courts of the United States.

Based upon the report, the Judicial Conference Committee To Implement the Criminal Justice Act proposed a number of recommendations for amendments to the act. The Committee's recommendations were approved by the Judicial Conference during its September 1968, meeting.

On March 10, 1969, S. 1461 was introduced, embodying, in part, the Judicial Conference recommendations. The bill was cosponsored by myself, and Senators ERVIN, KENNEDY, and GOLDWATER.

The major goal of the Criminal Justice Act of 1964 was to insure that the quality of legal representation would no longer be dependent on the financial resources of the accused. Under the sixth amendment of the U.S. Constitution, every citizen is guaranteed the right of counsel in criminal prosecutions. The compensation of counsel and payment for defense services under the act made this guarantee a greater reality for impoverished persons by making possible a higher quality and fuller defense. Providing compensation for counsel who accept appointment has helped attract a broader cross-section of the bar to the criminal defense process. This was a highly salutary achievement.

The amendments to the 1964 act contained in the committee bill will bring the federal system closer to the goal by making the compensation fees more current, by expanding the scope of the act to reflect the Supreme Court decisions over the past 5 years, by permitting future expansion of coverage, and by broadening the range of resources available to busy Federal districts to meet their defense representation needs.

There is an urgency to this matter. Presently a number of Federal public defender offices are funded by the national defender project. These offices have been in operation for 3 years, and have been highly praised. However, these funds terminated in January 1970. In order to continue operating, these offices are in great need of the increased compensation fees provided in the committee bill, and for the public defender provisions of subsection (h).

This bill is broadly supported and urgently requested.

Mr. Bernard G. Segal, current president of the American Bar Association, recently sent a letter to Senator EASTLAND, chairman of the Senate Judiciary Committee. In part, he said:

> Due to the expiration of the National Defender Project in 1969, which through its grants has provided support to many local defender organizations, there is considerable urgency attached to the enactment of this legislation at the earliest possible date. You will be interested to know that in the House of Delegates the bill was non-controversial and was supported by delegates from both large communities and small.
>
> I respectfully urge you to support Senators Ervin and Hruska, co-sponsors of S. 1461, in obtaining early committee approval since I believe the bill to be substantially in the public interest and urgently needed.

As mentioned by Mr. Segal, the house of delegates of the ABA adopted a resolution on this subject at a meeting in February of this year. It was adopted upon the recommendation of the special committee on availability of legal services. That resolution read, in part, as follows:

> *Resolved,* That the House recommend to the Congress that it amend the Criminal Justice Act of 1964 to expand the options available to a Federal District Court for furnishing counsel under the Act to include as

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> choices a Public Defender or a non-profit community defender organization to render services in defense of persons accused of crime who cannot afford adequate representation, and that when such services are performed by a Public Defender or a community defender organization they may be compensated in the same manner as other persons under the Act.
>
> *Resolved*, That the House likewise recommend to the Congress that the Criminal Justice Act of 1964 be amended to provide for compensation to counsel at a rate of up to $35 per hour for services rendered with a maximum of $1,000 to be paid for representation in a felony case, $400 for a misdemeanor case and $1,000 for an appeal, with reasonable provisions for exceeding those limits in a difficult or protracted case.

Mr. Maynard Toll, president of the National Legal Aid and Defender Association, has also written recently urging action on S. 1461. His letter, in part, stated:

> As you may know, the NLADA and the American Bar Association have strongly endorsed the purposes of this important legislation and it was my privilege to appear with a representative of the ABA to present testimony at hearings of the Subcommittee on Constitutional Rights on S. 1461 in June 1969. No opposition to the bill has come to my attention and the arguments for its enactment as developed in the Subcommittee hearings are most compelling.
>
> On behalf of the National Legal Aid and Defender Association and its member organizations throughout the country, I respectfully request your support in securing prompt and favorable action on this legislation by the Judiciary Committee and the United States Senate.

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Furthermore, the executive committee of the National Legal Aid and Defender Association adopted a resolution in January 1970, urging prompt congressional action on S. 1461. That resolution reads as follows:

> Whereas, the National Legal Aid and Defender Association has heretofore endorsed Senate Bill 1461 and House Bill 9856; and
>
> Whereas, the beneficial objectives of these bills are being frustrated by the failure to adopt same; and
>
> Whereas, a number of existing criminal defender programs initially funded by the National Defender Project (including three of the most outstanding ones) are in serious jeopardy because of such failure;
>
> Now, therefore, be it resolved by the Executive Committee of the National Legal Aid and Defender Association that this Association respectfully calls this grave situation to the attention of the Congress and urges that the pending legislation be adopted as speedily as possible.

Since August 20, 1965, when the Criminal Justice Act became effective, more than 110,000 defendants have directly benefited from its provisions. Currently, about 28,000 defendants are represented annually by counsel appointed under the act. The total cost has been about $3.5 million per year. The average cost has been approximately $125 per case. This is a modest price to pay for helping the impoverished person realize the fundamental right of counsel when he is subject to potential loss of his liberty.

Mr. President, the unanimous support of the many expert and experienced witnesses who appeared at the subcommittee hearings of S. 1461 states most eloquently the case for this bill. They stated again and again that the right to counsel under the Constitution requires us, as a nation, to seek to make that right as meaningful and effective as possible. They had found from experience that this right for impoverished persons has often been illusory, and agreed that reasonable compensation for counsel and payment for defense services was the most effective means of assuring equal justice for all.

Mr. President, I believe that S. 1461, as amended, brings us closer to the ideal of assuring all citizens the full benefits of the right to counsel where required to protect their liberty in Federal proceedings.

I urge prompt enactment and approval of this bill.

I also ask unanimous consent that the section-by-section analysis in the committee report be included in the Record at the end of my remarks.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis

Section 1(a).—The Criminal Justice Act of 1964 provides that each district court shall adopt a plan for furnishing representation for financially disabled persons charged with felonies or misdemeanors, other than petty offenses, at every stage of the proceedings from initial appearance through appeal. Section 1(a) amends the act in two fundamental ways: First, by expanding coverage; and second, by authorizing representation by federal public defender and community defender organizations in addition to the present alternatives of the private bar, bar associations and legal aid agencies.

EXPANDED COVERAGE

Section 1(a)(1) requires that each plan be expended to provide for appointment and compensation of counsel for defendants charged with a violation of probation. This addition recognizes the Supreme Court decision in *Mempa* v. *Rhay*, 389 U.S. 128 (1967), which held that the sixth amendment right to counsel applies in probation revocation hearings.

Section 1(a)(2) requires that each plan provide for appointment of counsel for any person under arrest. This requirement will bring the act into conformity with recent decisions of the Supreme Court which require counsel for arrested persons. *Miranda* v. *Arizona*, 384 U.S. 436 (1966); *United States* v. *Wade*, 388 U.S. 218 (1967); and *Orozco* v. *Texas*, 394 U.S. 324 (1969). Since representation necessarily precedes the stage of formal appointment of counsel, it is not possible to determine whether the counsel will be eligible for compensation under the act until the arrested person appears before the United States magistrate or court. If the magistrate or court finds the person financially unable to obtain an adequate defense, compensation will be made retroactive to cover time expended by the attorney during the arrest period. If the person is found financially able to obtain an adequate defense then the counsel is required to seek compensation from his client. If the person never appears before the magistrate, the attorney may still submit his claim to the court for approval based on the arrestee's financial condition.

Although this procedure does not guarantee compensation for the attorney who represents an arrested person prior to a finding of financial inability to pay, the committee feels that it is consistent with the purpose of the act. The only financial risk of the attorney under this procedure is the risk of nonpayment by an individual who has resources. This is not an unfair burden; it is a normal professional risk now.

Section 1(a)(3) requires that each plan provide for the appointment of counsel, pursuant to the provisions of section 1(g), for individuals financially unable to secure adequate representation who are subject to revocation of parole, who are material witnesses in custody, or who are seeking collateral relief. Inasmuch as these proceedings have traditionally been regarded as technically civil in nature rather than criminal, no right to appointed counsel has as yet been recognized under the sixth amendment. The distinction between civil and criminal matters, however, has become increasingly obscure where deprivation of personal liberty is involved. See *In re Gault*, 387 U.S. 1 (1967), and *Johnson* v. *Avery*, 393 U.S. 483 (1969). The proceedings listed in subsection 1(a)(3) and 1(g) are intimately related to the criminal process. Counsel has often been appointed to represent persons in such proceedings, but compensation has not been available under the 1964 act. The committee believes that compensation should be available under the act whenever a judge determines that counsel must be appointed to safeguard the interests of justice.

Section 1(a)(4) extends coverage of the act to include those instances where judicial decisions or Federal statutes may require the appointment of counsel. This provision obviates the need to amend the act each time the right to counsel may be extended to new situations. It also eliminates any doubt as to the application of the Criminal Justice Act to juvenile proceedings where the right to counsel is now applicable (*In Re Gault*, supra), and to the Narcotic Addicts Rehabilitation Act of 1966, Public Law 89–793, which provides patients with the right to appointed counsel, if necessary, in judicial proceedings under title III (18 U.S.C. 4253). The committee believes that it is unnecessary to create another separate system when the Criminal Justice Act can serve these purposes without difficulty.

DEFENDER ORGANIZATIONS

Present provisions of the Criminal Justice Act allow the judicial district three alternatives in developing its plan for furnishing representation to financially disabled defendants: appointment of private attorneys; use of attorneys furnished by a bar association or legal aid agency; a combination of both.

Section 1(a) requires each plan to include a provision for participation by private attorneys and permits, in addition, attorneys furnished by a bar association or legal aid agency, or attorneys furnished by a Federal public defender or community defender organization, established in accordance with the provisions of subsection 1(h), or both. When either of these alternatives is chosen, participation by private attorneys is nonetheless mandatory "in a substantial proportion of cases." This mixed system insures the continuing active participation by the private bar in Federal criminal proceedings. Ideally, this participation will be in the range of between 25 percent and 50 percent of the appointments.

Section 1(a) does not alter the procedure presently set out in the 1964 act for establishing a plan to furnish representation. Formulation and institution of the plan remain the responsibilities of the district court subject to approval by the judicial council of the circuit. The council is to add provisions for representation at the appellate stage. The plan may be modified at any time, with the approval of, or at the direction of, the judicial council.

Section 1(b) outlines the procedure to be followed in appointing counsel for a financially disabled person qualified to receive appointment of compensated counsel under this act. The procedure for a defendant covered by section 1(a)(1) begins with initial appearance before the U.S. magistrate or court when he is charged with a felony or misdemeanor (other than a petty offense) or with violating probation. When he is informed of his right to counsel, he is also advised that counsel will be appointed for him if he is financially unable to obtain counsel. The procedure for persons seeking or subject to proceedings specified in section 1(a)(3) begins when the U.S. magistrate or the court advises the individual that the interests of justice allow him to be represented by counsel and that counsel may be appointed if he is financially unable to obtain an adequate defense. The procedure for persons under arrest in section 1(a)(2) shall be provided by the plan for that jurisdiction.

Section 1(b) expressly permits the U.S. magistrate or court to make appointment retroactive to include any representation furnished prior to appointment. Thus, an attorney who renders assistance at the time of arrest or at a lineup, or who renders assistance upon being hired by a defendant who subsequently becomes financially unable to pay hired counsel, would, if appointed, be eligible to receive compensation to the extent authorized by the act for all services rendered. In this way, the defendant will be better assured of uninterrupted representation by the same attorney.

Section 1(c) outlines the circumstances surrounding the initial appointment of counsel, the duration of such representation, and the procedure involved in the termination, substitution, and partial payment of appointed counsel. The differences between section 1(c) of the bill and the corresponding section of the present act are, with one exception, quite minor.

As amended by S. 1461, the act would not only provide for appointed counsel at every stage of the trial from initial appearance through appeal, but also for "ancillary matters appropriate to the proceedings." The committee considers this provision necessary to insure that the rights of the person are fully protected. Many times remedies technically outside the scope of the trial proper may be necessary, such as using a habeas corpus ad testificandum to secure the presence or testimony of witnesses, or filing an application under 18 U.S.C. 4244 regarding competency to stand trial. While the District of Columbia district court has ruled in favor of compensation under the present act in *U.S.* v. *Boney*, Crim. No. 822–65 (D.C. D.C. Sept. 28, 1966), and although there is no apparent ruling to the contrary, the express inclusion of "ancillary matters appropriate to the procedings" will insure that the attorney who spends time and effort to protect a right considered valuable in defending the principal criminal charge can be compensated under the act.

Section 1(d) establishes the maximum hourly rates and maximum total payments allowed for appointed counsel under the Criminal Justice Act. It also provides for waiver of the maximum amounts under certain circumstances and sets forth the procedure for filing claims. Finally, it defines "new case" for purposes of compensation and allows appellate proceedings without prepayment of fees and costs.

Section 1(d)(1).—The present act provides for compensation at a rate not to exceed $15 per hour for time spent in court and $10 per hour for time reasonably expended out of court. Section 1(d)(1) of the bill, however, does away with the distinction between time expended in and out of court, and increases the hourly rate to $30 for all time reasonably expended in the defense of a financially disabled person. Time expended outside the courtroom often requires greater effort and proficiency than that in court. Even as increased the new rates are well below those paid to privately retained counsel.

Section 1(d)(2) of the bill eliminates the existing per case basis for payment of fees and replaces it with a more flexible system of maximum payments for each attorney in each case. The act presently provides for a $500 maximum payment in a case in which one or more felonies are charged and $300 in a case in which one or more misdemeanors are charged. The maximum applies to each case irrespective of the number of attorneys appointed by the court. In practice, that requirement has brought harsh results where more than one attorney was appointed in a difficult case and the maximum case payment had to be fragmented. Section 1(d)(2) also increases the limit to $1,000 for each attorney in a case involving one or more alleged felonies and $400 for each attorney in a case in which one or more misdemeanors are charged.

In recognition of the frequently complex nature of appellate litigation, section 1(d)(2) also establishes a $1,000 maximum for each attorney in each court for cases on appeal. It also provides a $250 maximum for each attorney in each proceeding in each court in probation revocation proceedings and matters covered by subsection (g), such as parole revocation and collateral relief proceedings.

Section 1(d)(3) provides for waiver of maximum amounts and payment in excess of those amounts for extended or complex representation when necessary to provide fair compensation and upon approval of the chief judge of the circuit. This change from the 1964 act is based on the finding of the Oaks' report that the original language has been given too restricted an interpretation.

Section 1(d)(4) provides that separate claims for compensation and reimbursement, each supported by specific written statements, shall be submitted to the appropriate court. Where representation is furnished solely before a U.S. magistrate, he fixes compensation and reimbursement. When representation is furnished before an appellate court, that appellate court fixes them. In all other instances, claims are made to the district court, and compensation and reimbursement are determined by that court.

Section 1(d)(5) defines the term "new case" for purposes of compensation. A court order granting a new trial is deemed to initiate a new case, and all the payment provisions of the bill, would, therefore, apply anew upon issuance of such an order. Obviously, suceeding orders for a new trial also are "new cases" for the purpose of the act.

Section 1(d)(6) facilitates appellate proceedings by allowing a defendant for whom counsel is appointed to appeal or petition for a writ of certiorari without prepayment of fees and cost of security therefor and without filing the affidavit required by section 28 U.S.C. 1915(a).

Section 1(e).—The provisions of section 1(e) are similar to those of the present act.

Section 1(e)(1) provides that funds be made available for investigative, expert, or other services necessary for an adequate defense upon request in advance in an *ex parte* application. There must be a finding that the services are necessary for an adequate defense and that the defendant is financially unable to secure them.

Section 1(e)(2) changes corresponding provisions of the 1964 act by allowing appointed counsel to obtain these services without prior authorization in an amount not exceeding $150, plus reasonable expenses, if the services and expenses are necessary for an adequate defense and circumstances prevent him from securing prior authorization from the court. Payment, however, is subject to later review and approval by the court.

Section 1(e)(3) maintains the existing limit on payment for such services to a person or an organization to a $300 maximum but includes a new provision for waiver of that maximum if the court certifies that payment in excess of that limit is necessary to provide fair compensation because of the unusual character or duration of the services. The amount of any excess payment must be approved by the chief judge of the circuit.

Section 1 (f) of the bill makes no significant changes from the 1964 act. This section provides that whenever the U.S. magistrate or the court finds that funds are available from or on behalf of a person for whom counsel has been appointed, it may authorize or direct the payment of such funds to the appropriate person or organization, or to the Treasury. Recoveries from clients of the Federal defender offices would, of course, go to the Treasury.

Section 1 (g) significantly expands the coverage of the 1964 act by authorizing the U.S. magistrate or the court, as appropriate, to appoint counsel in specifically designated proceedings, provided the interests of justice so require and the person involved is financially unable to obtain representation. Compensation for representation and payment for services other than counsel may be made in accordance with subsections (d) and (e) of section 1 of the bill.

The first of the new discretionary appointment provisions of subsection (g) allows appointment of counsel for a person subject to revocation of parole. While there is no present constitutional or statutory right to appoint counsel in such proceedings, the result of parole revocation is the abrupt loss of personal liberty. Allowing appointment of counsel in a proceeding with such a serious potential consequence is wholly consistent with the underlying philosophy of the Criminal Justice Act to assure representation for those threatened with deprivation of personal liberty who are financially unable to obtain counsel. A parole revocation proceeding has traditionally been considered a civil, administrative matter rather than a criminal, judicial matter. Probation revocation proceedings were once also deemed civil, but the right to counsel in probation revocation proceedings has recently been recognized by the U.S. Supreme Court in *Mempa* v. *Rhay*, 389 U.S. 128 (1967). The Court considered the consequences to the individual more significant than the characterization of the proceedings.

The *Mempa* case suggests a similar result with respect to parole revocation proceedings, which have the same possible consequences of loss of liberty. Indeed, the 10th Circuit Court of Appeals in *Earnest* v. *Willingham*, 406 F. 2d 681 (10th Circuit, 1969) has already moved in this direction. For these reasons, subsection (g) permits appointment of counsel in parole revocation proceedings where, in the court's judgment, the interests of justice require such appointment.

Section 1(g) also authorizes the discretionary appointment of an attorney for a material witness in custody who is financially unable to obtain counsel. In order to take advantage of the review procedures given material witnesses under provisions of the Bail Reform Act or to protect himself in connection with the taking of a deposition, the material witness may require the assistance of counsel. The consequences of incarceration of one not charged with a criminal offense call for this discretionary appointment provision when an individual is financially unable to obtain representation and the judge has determined that counsel is necessary.

Finally, section 1(g) provides for compensation of counsel appointed for persons seeking collateral relief under sections 2241, 2254, or 2255 of title 28, or section 4245 of title 18, where the interests of justice so require and the person is financially unable to obtain representation. Section 2241 of title 28 provides for habeas corpus for Federal prisoners convicted in Federal courts and section 2254 provides for habeas corpus for State prisoners convicted in State courts. Motions to vacate Federal sentences are allowed under section 2255 of that title and section 4245 of title 18 provides for a post-conviction hearing when there is probable

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cause to believe a person was mentally incompetent at the time of trial and the issue was not raised during the trial; 18 U.S.C. 4244, which provides for an ancillary motion on the issue of competency to stand trial, is not specifically mentioned in this subsection because it would be covered under section 1(c) as an "ancillary matter related to the (trial) proceeding."

Although there is currently no constitutional or statutory right to assigned counsel in any of these proceedings, each frequently raises serious and complex issues of law and fact. Where, in the judgment of the court, counsel is necessary to insure a fair hearing and where a person is financially unable to secure adequate representation, clearly counsel should be, and generally now is, appointed. In circumstances where the court deems it essential to appoint counsel, the attorney should be entitled to compensation and the benefit of other resources provided by the Criminal Justice Act.

Section 1 (h)(1) **sets forth qualifications and conditions for establishing Federal defender and community defender organizations. It provides that any district or part of a district, or two adjacent districts or parts of districts, whether or not in the same circuit, in which at least 200 appointments are required annually, may establish either or both of the authorized defender organizations. Where more than one judicial circuit is involved in a plan using a defender organization, each judicial circuit council must approve the plan for it to be valid.**

Section 1(h)(2)(A) authorizes the creation of a Federal Public Defender Organization which consists of regular salaried attorneys in the employ of the United States. It would operate under the supervision of a Federal Public Defender appointed by the judicial council of the circuit after recommendations from the district court or courts to be served. He could then appoint other full-time attorneys and personnel as necessary to assist him in the operation of the organization. The Federal Public Defender would be appointed for a term of 4 years, and could be removed only for incompetency, misconduct in office, or neglect of duty.

Compensation for the Federal Public Defender would be fixed by the judicial council of the circuit but could not exceed that of the U.S. attorney in the district in question. Other full-time attorneys and personnel appointed by the Federal Public Defender would be paid on the basis of the compensation of full-time attorneys and other personnel similarly qualified in the office of the U.S. attorney. Such full-time attorneys would, of course, be prohibited from engaging in the private practice of law during their tenure in the Federal Public Defender Office.

Reports on activities and financial position and a proposed budget of each organization are to be made to the Director of the Administrative Office of the U.S. Courts at the time and in the form prescribed by him. An annual budget for each organization shall be submitted to the President by the Director, and the Director shall make payments to and on behalf of each organization out of appropriations received. Payments under this section are made in lieu of payments under section 1(d) or (e).

Section 1(h)(2)(B) authorizes the second type of defender program, the community defender organization. This is defined as a nonprofit defense counsel service established and administered by any organization authorized by the plan to provide representation. Its bylaws must be set forth in the plan, and the organization must make annual reports on financial status, activities, anticipated caseload, and expenses to the Judicial Conference of the United States. With the approval of the Judicial Conference, such an organization would be eligible to receive an initial grant to cover organizational expenses. Thereafter, the organization would function on the basis of the hourly rates and maximum payments set forth in subsections (d) and (e) of section 1 or, in lieu of those payments, it could, to the extent approved by the Judicial Conference, receive periodic sustaining grants to cover the costs of providing representation and other expenses.

Section 2 is a technical amendment which is necessary because the Federal Magistrates Act of 1968 has not yet taken effect in all districts. This amendment makes it plain that S. 1461 does not confer any of the new powers of a U.S. magistrates on a U.S. commissioner until the Federal Magistrates Act takes effect in the particular judicial district.

Mr. HRUSKA. Mr. President, I am happy to yield to the Senator from North Carolina (Mr. ERVIN) prior to offering a floor amendment. Then, at a later time, I understand there will be consideration of the committee amendment.

Mr. ERVIN. Mr. President, we hear much rhetoric about crime and law and order in this Chamber but see far too few legislative proposals which actually strengthen the fundamental elements of the criminal justice system in our country. Today, however, we have before us S. 1461, a bill which will enhance the constitutional guarantee of speedy trial, bring the constitutional right of effective assistance of counsel nearer to reality, and generally improve the efficiency of our criminal justice system.

S. 1461 amends the Criminal Justice Act of 1964, which has for the past 5 years provided for representation of defendants financially unable to obtain an adequate defense in Federal criminal cases. The bill was reported favorably by the Judiciary Committee after a great deal of study and after comprehensive hearings conducted by the Subcommittee on Constitutional Rights.

S. 1461 amends the 1964 act in three ways. First, it authorizes compensation for legal assistance at every stage of the criminal process from the arrest to appeals, and in post conviction proceedings and ancillary proceedings related to the criminal trial. Second, it authorizes the optional creation of Federal public defender organizations or community defender organizations in areas with a high volume of cases. Finally, the bill increases the hourly rates and the maximum level of compensation available to attorneys giving representation under the act in order to bring them closer to realistic rates for such representation.

The bill was originally introduced as S. 650 on January 27, 1969. It was circulated among Federal judges, public defender organizations, and attorneys experienced with the Criminal Justice Act. On the basis of suggestions received and further study, Senator HRUSKA, Senator GOLDWATER, Senator KENNEDY, and I introduced a revised bill, S. 1461, on March 10, 1969. In addition to embodying the substance of S. 650, S. 1461 made further refinements in the compensation and coverage provisions and provided for the creation of Federal public defender and community defender organizations.

S. 1461, as it now stands, is carefully tailored to meet earlier objections to the concept of a Federal public defender system, primarily by making active and substantial participation by private attorneys basic to any district plan for representation. In this way, the bill creates a mixed system of appointments and combines the advantages of a full-time professional defender organization with the vital contributions that only the private bar can make.

Hearings were held on the bill in June, 1969, by the Subcommittee on Constitutional Rights. Among the witnesses who testified were the Honorable Harvey M. Johnsen, senior judge of the eighth circuit court of appeals, a key member of the U.S. Judicial Conference Committee To Implement the Criminal Justice Act; three other Federal court judges with broad experience under the act; Prof. Dallin Oaks of the University of Chicago Law School, who directed an extensive study of the act for the Judicial Conference Committee; Associate Deputy Attorney General Santarelli; Maynard J. Toll, on behalf of the National Legal Aid and Defender Association; Gen. Charles L. Decker, Director of the national defender project; and Robert J. Kutak, on behalf of the American Bar Association. The subcommittee also had the benefit of testimony from the directors of four major Federal defender programs which have been operating with the assistance of the National Legal Aid and Defender Association and the Department of Justice. On the basis of this testimony, S. 1461 was further refined and amended, and then submitted to the subcommittee members for comments and approval.

These amendments are based, in large part, on a study of the operation of the 1964 act commissioned by the Department of Justice and the Judicial Conference in 1967. The excellent and valuable report of this study, "The Criminal Justice Act in the Federal Courts," prepared by Prof. Dallin Oaks, was published as a committee print in 1968. The report praised the Criminal Justice Act of 1964 but also recommended certain legislative and administrative changes to improve its operation. Among other things, it pointed out the need for changes to reflect legislative and judicial expansion of the meaning of the sixth amendment right to counsel. Another primary recommendation was the creation of an optional defender organization system in the Federal courts.

I should also like to cite the important contribution of the National Legal Aid and Defender Association which has worked at the forefront for many years in the effort to achieve the same objective we are striving to attain through the Criminal Justice Act and S. 1461. The association's national defender project has funded a number of pilot criminal defender organizations. These pilot offices have not only rendered meaningful and effective legal representation to poor criminal suspects in busy judicial districts but have also been vitally important allies in our study of the Criminal Justice Act of 1964 and the need to amend it. Moreover, the national defender project and the organizations it has sponsored have provided a solid foundation for the community and public defender offices which will be created under this bill.

National defender project funds have now been almost completely exhausted, and these highly successful pilot pro-

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grams must soon close their doors unless Congress acts on S. 1461. It is quite plain that the vital work of these organizations can continue only if S. 1461 is passed quickly.

Mr. President, although the Criminal Justice Act of 1964 was indeed a great forward step in making the constitutional right to counsel more meaningful, I am convinced that the Oaks report, our subcommittee hearings and study, and the experience of the pilot national defender project organizations, have demonstrated the need for the changes embodied in S. 1461. We must now take this additional indispensible step if we are to achieve the goals of speedy trial, effective assistance of counsel and equal justice for all in our country.

In closing, I wish to testify that the Nation owes a deep debt of gratitude to the distinguished Senator from Nebraska (Mr. HRUSKA) for his untiring and continuing interest in this field—an interest which has resulted in much reform in the administration of criminal justice.

I also wish to commend the distinguished senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished junior Senator from Arizona (Mr. GOLDWATER), and my colleague from North Carolina (Mr. JORDAN) for their support of this bill. They have done much to bring it thus far toward a successful culmination.

Mr. KENNEDY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. KENNEDY. I commend the distinguished Senator from North Carolina for the work that he has done, together with the distinguished Senator from Nebraska, on this major piece of legislation, S. 1461.

There are few pieces of legislation which come to this body with the unanimous endorsement of all of the members of the committee; and certainly I think there are few which will be as important in terms of providing full representation for many hundreds of thousands of defendants who would otherwise be denied the right of defense.

This measure which we are considering today moves to meet, I think, our responsibility and this Nation's responsibility of providing defense for those who would otherwise too frequently be denied defense.

The distinguished Senator from North Carolina and the distinguished Senator from Nebraska have brought their combined experience and knowledge as two of our outstanding lawyers and constitutional authorities to this measure. They have spent many long hours, and have sought out the most knowledgeable authorities and those with the greatest expertise, across the length and breadth of this land, in perfecting this legislation. Now we can all be satisfied, as it comes to completion in enaction by the Senate today, that it really is a measure of great importance and great significance; and I think that all Members of this body owe a debt of appreciation to the distinguished Senator from North Carolina and the distinguished Senator from Nebraska.

Mr. ERVIN. I thank the distinguished Senator from Massachusetts for his very complimentary remarks, and reiterate my statement that he, as one of the cosponsors of this measure, deserves much credit for the bill having reached its present advanced stage in the process of what we hope will be its enactment today.

Mr. HRUSKA. Mr. President, I join my colleague from North Carolina in expressing appreciation to the Senator from Massachusetts, not only for his remarks today, but for his cooperation and his assistance throughout the consideration of this measure, including its cosponsorship.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Is it in order that the committee amendment in the nature of a substitute be read at this time?

The PRESIDING OFFICER. The Senator is correct. The amendment will be stated.

(The bill clerk stated the committee amendment in the nature of a substitute, as printed earlier, when the Senate proceeded to consider the bill.)

Mr. HRUSKA. Mr. President, I send to the desk an amendment to the committee substitute amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Nebraska (Mr. HRUSKA) proposes an amendment as follows:

On page 22, after line 21, insert a new section as follows:

SEC. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit.

Mr. HRUSKA. Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other courts of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and the House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committee.

The concurrent jurisdiction of the District of Columbia District Court and the District of Columbia Court of General Sessions over certain offenses against the United States would end under that legislation, and the court systems would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes of cases specified in the 1964 act, as amended by S. 1461 as reported by the full Judiciary Committee, this amendment is offered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments? If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1461) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1461

An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That (a) subsections (a)–(f) of section 3006A of title 18, United States Code, are amended to read as follows:

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation, (2) who is under arrest, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or, (4) for whom the Sixth Amendment to the Constitution or any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

(1) attorneys furnished by a bar association or a legal aid agency; or

(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) APPOINTMENT OF COUNSEL.—Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"(c) Duration and Substitution of Appointments.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) Payment for Representation.—

"(1) Hourly Rate.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $20 per hour for time reasonably expended and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) Maximum Amounts.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in a case in which one or more felonies are charged, and $400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed $250 for each attorney in each proceeding in each court.

"(3) Waiving Maximum Amounts.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) Filing Claims.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

"(5) New Trials.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) Proceedings Before Appellate Courts.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) Services Other Than Counsel.—

"(1) Upon Request.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the pension is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

"(2) Without Prior Request.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

"(3) Maximum Amounts.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed $300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

"(f) Receipt of Other Payments.—Whenever the United State magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (c) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

"(g) Discretionary Appointments.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

"(h) Defender Organization.—

"(1) Qualifications.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial counsel of each circuit.

"(2) Types of Defender Organizations.—

"(A) Federal Public Defender Organization.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. The organization shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation

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is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

"(B) Community Defender Organization.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approval by the Judicial Conference of the United States:

"(i) receive an initial grant for expenses necessary to establish the organization; and

"(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section."

Sec. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by the first section of this Act if such commissioner had authority to perform such power, function, or duty prior to the enactment of such amendments.

Sec. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit.

LOWERING THE VOTING AGE IS A STATE PREROGATIVE AND RESPONSIBILITY

Mr. HRUSKA. Mr. President, for many years the Congress has had before it the proposition of lowering the voting age. I have often expressed my support for such a proposal, with one condition—that the States be allowed to decide the issue for themselves.

There are two ways they can decide the issue: First, by changing their own State laws or by amending their constitutions, and second, by voting to ratify an amendment to the Federal Constitution.

The Senate recently passed a rider to the voting rights bill lowering the minimum voting age to 18. In my judgment, this was a mistake. It was a mistake for two reasons: First, because the action is an attempt to amend the Constitution by a congressional act, and second, because by its action Congress undertook to speak for the States on a subject where the States should be allowed to make their own decision.

We still have a government of States, Mr. President. Congress has no business summarily and by statute overturning the rights of States. The States should be allowed to speak for themselves for their own voters. Four States have done so. In 11 States such proposals were rejected.

I concur wholeheartedly with President Nixon's warning that if the Congress is to proceed to lower the voting age, it should proceed by means of a proposed constitutional amendment.

To proceed in any other fashion could place the entire matter in the jurisdiction of the courts, and since it is unlikely that there would be a final decision before the 1972 election, thousands of elections throughout the country could remain in grave doubt.

At this time, neither the Nation nor the States and communities can afford to suffer the uncertainty and confusion which would arise while the outcome of protracted litigation to establish the election results is awaited.

An equally important result of such litigation would be the possible disillusionment of millions of youthful voters who might think they were properly franchised only to discover they actually were not.

I say again, Mr. President, that I personally have long favored a lowering of the voting age. As vice chairman of the Republican platform committee in 1968, I helped write such a provision into the platform.

When the issue of the 19-year-old vote was proposed in Nebraska 2 years ago, I supported it and voted for it. It was defeated, but this year Nebraska will vote on lowering the minimum age to 20. I also support this measure and will vote for it.

But, like the President, I have serious doubts as to the constitutionality of Congress attempting to lower the minimum age by statute.

Mr. President, I ask unanimous consent that President Nixon's letter of April 27 to the Speaker of the House be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., April 27, 1970.

Hon. John W. McCormack,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: A constitutional issue of great importance is currently before the House. As you know, the Senate has attached to the bill modifying and extending the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State and local elections.

I say "purports" because I believe it would not in fact confer the vote. I believe that it represents an unconstitutional assertion of Congressional authority in an area specifically reserved to the States, and that it therefore would not stand the test of challenge in the courts. This belief is shared by many of the Nation's leading constitutional scholars.

I strongly favor the 18-year-old vote. I strongly favor enactment of the Voting Rights Bill. But these are entirely separate issues, each of which deserves consideration on its own merits. More important, each needs to be dealt with in a way that is constitutionally permissible—and therefore, in a way that will work.

Because the issue is now before the House, I wish to invite the urgent attention of the Members to the grave constitutional questions involved in the 18-year-old vote rider, and to the possible consequences of ignoring those questions.

STATUTE VERSUS CONSTITUTIONAL AMENDMENT

The matter immediately at issue is not whether 18-year-olds should be given the vote, but how: by simple statute, or by constitutional amendment.

The argument for attempting it by statute is one of expediency. It appears easier and quicker.

The constitutional amendment route is admittedly more cumbersome, but it does appear that such an amendment could be readily approved. A resolution proposing such an amendment already has been introduced in the Senate, sponsored by two-thirds of the members, the same number required for passage. Sentiment in the House seems strongly in favor. Some contend that ratification would be a long and uncertain process. However, public support for the 18-year-old vote has been growing, and certainly the submission to the States of a constitutional amendment, passed by two-thirds of both Houses and endorsed by the President, would provide powerful additional momentum. An historical footnote is pertinent: When the women's suffrage amendment was proposed in 1919, many said the States would never go along—but ratification was completed in less than 15 months.

If the Senate provision is passed by the Congress, and if it is later declared unconstitutional by the courts, it will have immense and possibly disastrous effects.

At the very least, it will have raised false hopes among millions of young people—led by the Congress to believe they had been given the vote, only to discover later that what the Congress had purported to confer was not in its power to give.

It will have cost valuable time, during which a constitutional amendment could have been submitted to the States and the process of ratification gone forward. It would almost certainly mean that the 18-year-old vote could not be achieved before the 1972 election.

Beyond this, there looms the very real possibility that the outcome of thousands of State and local elections, and possibly even the next national election, could be thrown in doubt: because if those elections took place before the process of judicial review had been completed, no one could know for sure whether the votes of those under 21 had been legally cast. It takes little imagination to realize what this could mean. The Nation could be confronted with a crisis of the first magnitude. The possibility that a Presidential election, under our present system, could be thrown into the House of Representatives is widely regarded as dangerous; but suppose that a probably unconstitutional grant of the 18-year-old vote left the membership of the House unsettled as well?

The Senate measure contains a provision seeking an early test of its constitutionality, but there can be no guarantee that such a test would actually be completed before elections took place. And the risk of chaos, if it were not completed, is real.

THE CONSTITUTIONAL QUESTIONS

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise: within certain specified limits, this power belongs to the States. Three separate provisions vest this power with the States: Article I, Section 2 (election of members of the House of Representatives), the Tenth Amendment (reserved powers) and the Seventeenth Amendment (direct election of Senators) all lodge this power with the States. There are four provisions placing limitations on this power: the vote cannot be limited on grounds of race (the Fifteenth Amendment), sex (the Nineteenth Amend-

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ment), or failure to pay a poll tax (the Twenty-Fourth Amendment); nor can States impose voting qualifications so arbitrary, invidious or irrational as to constitute a denial of equal protection of the laws (the Fourteenth Amendment).

Advocates of the proposal that passed the Senate rely on the power given Congress under the Fourteenth Amendment to enforce equal protection of the laws, and particularly on the Supreme Court's 1966 decision in the case of *Katzenbach v. Morgan*. This case upheld Federal legislation enfranchising residents of New York who had attended school in Puerto Rico, and who were literate in Spanish but not in English. However, I do not believe that the Court's decision in *Katzenbach v. Morgan* authorizes the power now asserted by the Senate to enfranchise young people. Neither do I believe it follows that because Congress has power to suspend literacy tests for voting throughout the Nation, as the new Voting Rights Act would do, it has power also to decide for the entire Nation what the proper age qualification should be.

Where Puerto Ricans were denied the right to vote, the Court could readily conclude that there had been discriminatory treatment of an ethnic minority. This was especially so because of the particular circumstances of those whose rights were at issue: U.S. citizens by birth, literate in Spanish, but not literate in English because their schools, though under the American flag, had used Spanish as the language of instruction.

Similarly with literacy tests: the Court already has upheld the right of Congress to bar their use where there is presumptive evidence that they have been used in a discriminatory fashion. If Congress now finds that literacy tests everywhere impose a special burden on the poor and on large numbers of black Americans, and for this reason abolishes literacy tests everywhere, it is using the same power which was upheld when the Court sustained the Voting Rights Act of 1965.

To go on, however, and maintain that the 21-year voting age is discriminatory *in a constitutional sense* is a giant leap. This limitation—as I believe—may be no longer justified, but it certainly is neither capricious nor irrational. Even to set the limit at 18 is to recognize that it has to be set somewhere. A 21-year voting age treats all alike, working no invidious distinction among groups or classes. It has been the tradition in this country since the Constitution was adopted, and it was the standard even before; it still is maintained by 46 of the 50 states; and, indeed, it is explicitly recognized by Section 2 of the Fourteenth Amendment itself as the voting age.

If it is unconstitutional for a State to deny the vote to an 18-year-old, it would seem equally unconstitutional to deny it to a 17-year-old or a 16-year-old. As long as the question is simply one of judgment, the Constitution gives Congress no power to substitute its judgment for that of the states in a matter such as age qualification to vote which the Supreme Court has recognized is one which the States may properly take into consideration.

ONE CONSTITUTION

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision, because we are impatient to achieve our purposes.

To pass a popular measure despite the Constitutional prohibition, and then to throw on the Court the burden of declaring it unconstitutional, is to place a greater strain and burden on the Court than the Founding Fathers intended, or than the Court should have to sustain. To enact the Senate proposal would be to challenge the Court to accept, or to reject, a fateful step in the redistribution of powers and functions, not only between the Federal Government and the States but also between itself and the Congress.

Historically, under the Fourteenth Amendment as well as under many other provisions of the Constitution, it has been the duty of the Court to define and enforce the division of powers between the Federal Government and the States. Section 5 of the Fourteenth Amendment gives Congress power to "enforce" Constitutionally-protected rights against intrusion by the States; but the primary role in defining what those rights are belongs to the Court.

For the most part, the Court has acted with due deference and respect for the views of Congress, and for Congress' assessment of facts and conditions and the needs to which they give rise. But the Court has had the last word.

However, it is difficult to see how the Court could uphold the Senate proposal on the 18-year-vote without conceding that Congress now has the last word.

To present this challenge to the Court would thus raise equal and opposite dangers: on the one hand, if the Court acquiesced, its own power as the protector of our rights could be irreparably diminished; and on the other, if the Court rebuffed the challenge, the often valuable latitude Congress now has under broad readings of its Fourteenth Amendment power might in consequence be severely limited. Neither outcome, in my view, would be desirable.

THE PATH OF REASON

I have recently canvassed many of the Nation's leading constitutional scholars for their views on the Senate proposal. Some feel that, by a broad reading of *Katzenbach v. Morgan*, the proposal's constitutionality could be sustained. The great majority, however, regard it as unconstitutional—and they voice serious concern not only for the integrity of the Constitution but also for the authority of the Court, if it should be sustained.

At best, then, it would be enacted under a heavy constitutional cloud, with its validity in serious doubt. Even those who support the legislation most vigorously must concede the existence of a serious constitutional question.

At worst, it would throw the electoral process into turmoil during a protracted period of legal uncertainty, and finally leave our young people frustrated, embittered and voteless.

I therefore urge:

That the 18-year-old vote rider be separated from the bill extending the Voting Rights Act.

That the Voting Rights Bill be approved.

That Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity: Constitutional amendment.

Sincerely,

RICHARD NIXON.

S. 3785—INTRODUCTION OF A BILL TO AMEND TITLE 38, UNITED STATES CODE

Mr. DOMINICK. Mr. President, on Monday, April 27, the Senate passed House Concurrent Resolution 582, designating May 1, 1970, tomorrow, as the day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia, and designating May 30 a national day of prayer for humane treatment and the safe return of these American prisoners of war.

Mr. President, since the first U.S. Army adviser was captured by the Vietcong in March 1964, the number of U.S. servicemen listed as missing in action or captured in Southeast Asia has grown to a total of more than 1,400. About 150 of these men have been missing or captured for more than 4 years, and more than 300 of them have been missing or captured for 3½ years. That is longer than any U.S. serviceman was held prisoner during World War II.

At the present time there are 193 U.S. servicemen listed as missing in the air action over Laos. Because northern Laos is, and has been to the Western World for a long time, a dark area, little information is available concerning the fate of these airmen.

Meanwhile, the families of these servicemen anxiously wait to hear whether their missing father, son, or husband is dead or captured. Many of these servicemen have sons or daughters who would be eligible for educational benefits under the War Orphans Educational Assistance Act if we could determine that their father was killed in action or died while being held as a prisoner by enemy forces. Without that determination they must go on waiting and hoping, and they are not eligible for benefits.

Under present law, the widow of any serviceman who is killed in service, or who died of a service-connected disability, is eligible for a Government guaranteed loan to buy a home. But this, too, is not now available until the fate of the missing serviceman is determined. Consequently, the relatives of the men who are missing in action or who are prisoners of war do not get the benefit of this.

It seems unfair to me that these benefits are denied to these dependent children and wives of our servicemen whose service to their country has certainly cost them their freedom and perhaps their lives.

I am introducing at this time a bill which would add to the definition of persons eligible for educational assistance any dependent child of any member of the Armed Forces who, after December 31, 1963, is listed by the Secretary concerned as: First, missing in action, if such member has been so listed for a period of more than 1 year, or second, a prisoner of war, or third, while in line of duty was forceably detained or interned by a foreign government or power for a period of more than 1 year.

The latter instance, for example, would take care of the crew of the *Pueblo,* when the North Koreans captured them.

The bill also provides that the wife of any such serviceman shall be eligible for a Government guaranteed loan to buy a home.

I feel that this is the least that a grateful Nation owes to these servicemen, and I hope that this proposed legislation will be enacted without delay.

Mr. President, we have the anomalous situation, with respect to a Government guaranteed loan for a home, in which the husband and wife are required to sign the papers, but the husband is missing in action or is a prisoner of war and is not available, and they cannot get a guaranteed loan, because they cannot get the signature of the other member who is being held prisoner or who is missing in action. It seems to me that this is patently ridiculous, and this is one of the things that this bill will cure.

I am also working on one other point now. It is not quite as easy of solution. For some strange and unknown reason, many of the men who were going to Vietnam signed a power of attorney which automatically expired at the end of the year. If they are missing in action or if they are captured, that power of attorney has expired, and the wife is unable to deal with the property which is in the husband's name. Yet, in many cases, this is a matter of State law. So I am working on a bill at this time, which I hope to have ready for introduction either tomorrow or early next week, to try to clarify that situation as well.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. GRIFFIN. Mr. President, I commend the Senator from Colorado for his interest in his work on this important problem, and I should like to join him as a cosponsor of his bill.

I would be highly honored to have the Senator from Michigan as a cosponsor, and I ask unanimous consent that the Senator's name be added as a cosponsor of the bill.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. COTTON. Mr. President, will the Senator extend the same privilege to me?

Mr. DOMINICK. I would be more than delighted to do so, and I am pleased to have this support.

Mr. President, I ask unanimous consent that the name of the Senator from New Hampshire be added as a cosponsor of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I send the bill to the desk, for proper referral, on behalf of myself, Senator GRIFFIN, and Senator COTTON.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war, introduced by Mr. DOMINICK (for himself, Mr. GRIFFIN, and Mr. COTTON), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

SENATOR CURTIS RECEIVES THE GEORGE WASHINGTON AWARD

Mr. GRIFFIN. Mr. President, last night in Washington our good friend and colleague, the junior Senator from Nebraska (Mr. CURTIS) was honored by the American Good Government Society at its annual George Washington dinner. He was presented with the George Washington Award.

No man in the Senate is more deserving of such a high honor, as was pointed out by the distinguished Senator from West Virginia (Mr. BYRD) who presented the award.

Both Senator BYRD and Senator CURTIS made memorable addresses at the dinner last evening, and I ask unanimous consent that the text of their remarks be printed in the RECORD.

There being no objection the addresses were ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE ROBERT C. BYRD OF WEST VIRGINIA ON PRESENTATION OF THE AMERICAN GOOD GOVERNMENT SOCIETY GEORGE WASHINGTON AWARD TO THE HONORABLE CARL T. CURTIS OF NEBRASKA, APRIL 29, 1970

Mr. Chairman, Ladies and Gentlemen. It is a special pleasure to be here tonight to join with you in honoring my distinguished friend from Nebraska. I have known Carl Curtis since 1953, when we first served together in the United States House of Representatives.

Our friendship, and my respect for him, have increased over our years of service together in the United States Congress. I regard Senator Carl T. Curtis as one of the true statesmen of our country.

Tonight, we meet in honor of the 181st anniversary of the first inauguration of George Washington as President. And it seems that Carl Curtis has been around for almost as long—he has been a member of Congress since 1939. George Washington is known as the father of our great country, and Carl is today, in a sense, one of the fathers of our Nation. In these days when there is a rush to make changes, Carl is not one to join the crowd. Carl is not against change *per se,* but he realizes that not everything is made better by change. When decisions of a magnitude unequalled in man's history must be made almost on a daily basis, America can only benefit when men like Carl Curtis sit in the United States Senate.

Carl is a devoted husband to his lovely wife, Lois; an understanding father; a doting grandfather; and a respected elder in his church.

The pundits call him a conservative, and he wears the label proudly. He believes that it is his responsibility, and ours in Congress, to conserve those things which have been tried and have proved true throughout the years. He is a strong advocate of the pay-as-you-go system for government. He is an avid student of history, and he believes in applying the lessons of history in such a way that the mistakes of the past are not repeated. He is constantly looking for new approaches—searching for new ways—to do a better job.

Carl is known for his outstanding service to his constituents. No matter is too small to receive his special personal attention. I am told that several months ago, one of his constituents asked him to help save the Air Force's famous Bagpipe Band from extinction at the hands of the Defense Department's budget-cutters. The Senator wrote a letter to "Bonny Secretary Laird" and appealed to him in Robert Burns' language to let the Scottish musicians keep on piping for good will.

On another matter, a constituent wrote to the Senator several years ago, about a heart attack which her husband had suffered. The woman had taken her husband to the nearest hospital, and it turned out that the hospital was not approved by the Social Security Administration for Medicare patients. The husband recovered, but Medicare officials refused to pay the bill. The reason: they had no authority to do so. Senator Curtis went to work and secured passage of an amendment specifically providing for payment in such cases, retroactive to a date prior to his constituent's problem.

No man is more dedicated to the best interests of his state. In 1969, after 12 years of service on the Senate Goverment Operations Committee, second in seniority on the minority side, and a member of the prestigious Permanent Subcommittee on Investigations, he willingly gave up these assignments to become a new member, without seniority, on the Senate Agriculture and Forestry Committee, so that his beloved Nebraska would have congressional representation for its most important industry.

One of Carl's earliest and proudest acts in Congress was the introduction of a resolution that led to the passage of the Flood Control Act of 1944, and the start of the entire Missouri River Basin Development Program. This was only one of his many contributions to protect our natural resources.

There has been much talk over the last couple of months about constitutional constructionists. (It seems to me it had something to do with the United States Supreme Court.) I am glad that one benefit was derived—the public was reminded that our country still has a Constitution. George Washington was what you might call a political fundamentalist. And those were the days when prayer in school was welcomed—not challenged. Washington believed—as I hope all of us here tonight believe—that the Constitution was written to mean just what it says. In his Farewell Address to the American People, Washington warned us not to allow change by "usurpation," . . . "for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Carl Curtis shares this philosophy. As Henry Clay once said:

"Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people."

Carl Curtis is such a man. He is known for thinking matters through fully and thoroughly; for making fair decisions; and for standing up for his beliefs. Not afraid of long hours and hard work, he exemplifies what honest and good government means.

Carl never professes to perform magic. To him, politics and government, like any other job to be done, require work and lots of it, and that is why he succeeds.

What this country needs is more men of the stature of this man. There is need for government to move in a direction more in keeping with the ideas of men like Senator Curtis. When it comes to extolling the virtues of America, and what this country really stands for, I turn to the junior Senator from Nebraska. For it is Carl Curtis who is quietly, but efficiently, working on the solutions to the varied problems now weighing so heavily over our heads today. One of my favorite authors, Ralph Waldo Emerson, wrote:

"The true test of civilization is, not the census, nor the size of cities, nor the crops; no, but the kind of man the country turns out."

The kind of man that has made our country a great country is well exemplified in the person of Carl Curtis. He is a builder, not a destroyer. He is a worker, not a shirker. He has sacrificed for the country he loves, and he has unflinchingly defended constitutional government. As long as this country turns out men like Carl Curtis—American civilization will stand the test of which Emerson so eloquently wrote.

The trustees of the American Good Government Society have done their job well. I know of no man who is more deserving of this award than Carl Curtis. I am grateful for the pleasant assignment given me in honoring this great American. So, I take great pleasure in presenting the 1970 George Washington Award to my friend, the distinguished junior Senator from Nebraska, the Honorable Carl T. Curtis. The inscription reads as follows:

"RESOLUTION OF TRIBUTE AND HONOR, CARL T. CURTIS

"Patriot, statesman, lawyer and political economist, has served the people of Nebraska and of the United States for more than a third of a century: as a prosecuting attorney, sixteen years as Representative in Congress—ten of them on the Committee on Ways and Means—and fifteen years in the United States Senate.

"Courage, industry and integrity have shone brightly in his valiant efforts for sound fiscal policy on a pay-as-you-go basis, for a better structured and more wisely financed social security system, and for tax laws encouraging to the farmers of America. The rural affairs council created by President Nixon, to give rural America and its towns and small cities their proper place in shaping national policy, was his idea.

"Senator Curtis believes devoutly that he and his generation, as were their forefathers, are trustees of the blessings of liberty for ourselves and our posterity. Nebraska can be proud of her illustrious son."

SPEECH ACCEPTING THE GOOD GOVERNMENT AWARD AT THE GEORGE WASHINGTON DINNER OF THE AMERICAN GOOD GOVERNMENT SOCIETY, WEDNESDAY, APRIL 29, 1970.

Mr. Chairman and Friends All: When I was told that I was to be the recipient of the George Washington Good Government Award, I was touched with humility and gratitude. In addition, fond memories came to my mind.

One was the memory of what happened that caused me to go into politics. My mother wanted be to be an opera singer. The best voice teacher who could be provided, from the modest means that were available, was secured by my parents. The time came for my first public appearance. I sang a solo. Incidentally, at the piano was an 11-year-old girl whose name was Lois, and she is here tonight. The song that I sang was "Carry Me Back To Old Virginia."

Soon after I started to sing, I noticed a nice little old lady on the front row begin to cry, and the more I sang "Carry Me Back To Old Virginia," the more she cried. By the time I finished, the tears were running down her cheeks. After the program was over, I went to her, said that I was sorry that I caused her to cry and that I assumed she was from Virginia. She said, "No, I'm a musician." It was then that I decided to go into politics.

In all seriousness, I want to express my gratitude to the Good Government Society for bestowing upon me this George Washington Good Government Award. I am deeply grateful.

I regard government as a divinely ordained institution. I also believe that I will have to give an account of my stewardship in the field of government, as well as in all else, to my Creator. From man's standpoint, I think that it will be for the historians 50 or 100 years from now to make an assessment as to whether or not our generation or any one of us has contributed to the cause of good government. So even though the final decision concerning any merit for this award cannot yet be made, I want you to know that I appreciate it very much. I thank the Good Government Society and all who have participated in this occasion.

My thanks go also to all those who have helped me along the way and who have stood by me in times of trial and struggle as well as times of good fortune. Foremost on this list I would mention my best friend, my wife Lois, for her help, her encouragement, and her steadfast loyalty.

I owe much to a very dedicated and efficient staff, including former staff members. Their help has been both valuable and dependable. I am grateful for the splendid help of my colleague, Senator Hruska, and that of my Nebraska colleagues in the House of Representatives. I am also indebted to the people whom I have the honor to represent—those wonderful Nebraskans who have given me the opportunity to serve in the greatest legislative body in the world for more than three decades.

As a member of the United States Congress, I have oftentimes asked myself, "What is my primary responsibility? What is my greatest obligation?" I believe that it is to preserve for all time to come and for all future generations the United States of America—its economic system, its institutions, its resources, its opportunities and its financial solvency. Our responsibility is to hand on to others the greatness of America. Should we fail in this, we become but despoilers and wasters. We are then the instruments of destruction.

Let us consider the oath that a member of Congress is required to take. He does not take an oath promising to vote for or against a particular legislative course of action. Rather, he takes a simple oath to support the Constitution of the United States. It is by so doing that good government is assured. Adherence to the Constitution of the United States brings peace and order and progress. Disregard for the Constitution brings chaos, trouble, and decay.

It is quite significant that the Constitution does not guarantee happiness for our citizens. It guarantees the right of the citizens to the pursuit of happiness. Government cannot give happiness to people. Civil government can but guarantee to the individual that there shall be no interference in his pursuit of those true values that bring lasting happiness.

I might mention an interesting corollary to the pursuit of happiness. The government of the United States cannot by decree, legislation, or appropriation, abolish poverty in the land. Government can and should provide an opportunity, an equal chance, including an opportunity for an education for all, to the end that able-bodied individuals by their own efforts can overcome poverty.

We need a rebirth of patriotism in America, a new appreciation of the sacrifices of our forefathers, a new appreciation of America as the land of opportunity in the 1970's. Of course there are times when we as a nation are guilty of error and sin, but to tear down adds to the wrongdoing. A greater love of country must be instilled in all, old and young alike, individuals of all races, colors, and creeds.

The flag of the United States is a beautiful flag. It represents human liberty and opportunity. We owe our country a great debt of gratitude for the blessings we enjoy. May the time soon return when our flag will be respected as it should be.

May we cherish this Republic by having a new birth of patriotism, and may we preserve it with a rebirth of those spiritual qualities so needed in our personal and national life. The words of General Douglas MacArthur, uttered at the formal surrender of the Japanese at the end of World War II, are still true. He said, "If we are to save the flesh, it must be of the spirit."

S. 3786—INTRODUCTION OF A BILL TO PROVIDE FEDERAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS FOR THE IMPROVEMENT OF STREET LIGHTING FACILITIES

Mr. KENNEDY. Mr. President, during the past 8 years, Congress has devoted much time to crime control and prevention. As a member of the Senate Judiciary Committee. I have been closely involved in these deliberations, and in the drafting and passage of legislation designed to retard both the rising rate and growing pervasiveness of crime in the United States.

But despite all of our talk; despite the adoption of comprehensive crime control legislation; despite demonstrated concern at all levels of government; and despite the expenditure of hundreds of millions of dollars last year—the overall crime rate for the United States rose 17 percent in 1969.

Some regard this increase as acceptable, in comparison to increases in previous years.

I do not.

Some point to the complexity of the problem, and say we are making good progress in our war against crime.

I say it is not enough.

Citing the complexity of our national concerns has become a convenient way for many to gloss over the failure of our attempts to solve them. I am not saying that these matters are easy to solve. I only say that we should do all that we can to review the effectiveness of our national effort. And, in addition to the passage of broad-based, long-range programs, we should explore the usefulness of laws and programs which attack but one facet of the overall problem.

It is my feeling that, where possible, we should take the tools of crime away from the criminal. I have, therefore, urged the Congress to adopt strict gun-control laws, designed to limit access to those weapons used in over one-half of all willful homicides and armed robberies. To date, the legislation we have adopted has been far too weak. Furthermore, last year, the Senate weakened the existing law in this area.

Another proposal I have made would provide Federal funds to induce State and local governments to improve their street lighting programs. My proposal, introduced in both the 89th and 90th Congresses, would authorize the Department of Housing and Urban Development, under title VII of the Housing and Urban Development Act of 1965, to make grants to communities and urban areas for up to two-thirds of the cost of street lighting facilities.

Such a program would not eliminate crime, of course. But it is my belief that it would definitely bring a reduction in

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the rate of crime in those specific areas where it is put into effect.

There is some disagreement among professional law enforcement officers, and theorists, about the effectiveness of street lighting as a crime deterrent. Most agree, however, that increased lighting is of some effect. And I am sure that every layman must admit his own preference to walking or driving after dark in well lighted areas.

Our distinguished majority leader eloquently described the transformation of our communities when darkness falls. Speaking on the Senate floor, he said:

> People flee the street at dark. They board up their shops. They bolt, rebolt, and bolt again their doors and bar their windows. We begin to resemble the cities of the Middle Ages with brightly lit shrines scattered in a fear-laden darkness.

Recognizing the importance of personal safety and security, the majority leader further stated:

> A basic requirement for any decent civic survival is that the streets—not the streets in one section of town but in all sections of town—be reasonably safe. The words "reasonably safe" are stressed because there can be no perfect security anywhere.
>
> Nevertheless, in my judgment, the safety of the streets is the critical factor. The streets are the avenues of human contact. Unless they can be so used, they will revert inevitably to the jungle. The streets must be open to the use of all.

The majority leader has gone to the heart of the matter. Abandonment of the streets for 12 hours of every day has to have a significant effect on the conduct of human activity—both social and commercial.

Since I last introduced this bill in 1967, several cities have embarked on programs to improve lighting facilities. The National League of Cities completed a survey of these efforts last summer, and the statistics developed in it show new evidence of the direct relationship between better lighting and a reduction in the incidence of crime:

In some areas of Indianapolis, crime dropped 85 percent after adequate lighting was installed.

A former Detroit police commissioner reported that "street crimes have been reduced as much as 55 percent in improved areas."

Gary, Ind., installed 5,000 new street lights. Criminal assaults dropped 70 percent and robberies 60 percent in the newly lighted areas.

McPherson, Kans., experienced a 92-percent reduction in the incidence of prowlers and burglaries after a relighting program.

In Chattanooga, crime in a 12-block area dropped 70 percent after relighting.

When relighting was one-third completed in Cleveland, the number of assaults had dropped by one-third.

In the first 4 months after 144 blocks in St. Louis received new lights, street crimes had dropped 15.9 percent.

In New York City, an area of 111 blocks was relighted. In the subsequent 2 years, the incidence of murder, assault, and rape dropped 49 percent.

Chicago installed 51,000 street lights in 2,000 miles of alleys in the winter of 1965–66. Carefully documented police records show that the number of serious crimes reported in alleys during the hours of darkness was 30-percent lower in 1968 than they were in 1966.

In a survey of 1,300 police officials throughout the Nation, 85 percent reported a drop in crime rates when lighting was improved. After good lighting, 42 percent of the officials reported a 50-percent drop; 30 percent of the officers reported a 25-percent drop; and 19 percent said that crime had dropped 10 percent.

I do not feel that the Federal Government should assume the total cost of providing adequate street lighting in high crime areas in cities and towns. However, I do feel that Federal seed money will go a long way toward convincing such communities to devote some of their local resources for such programs. The Department of Housing and Urban Development currently offers some assistance for the improvement of such facilities under its urban renewal and housing programs. However, the only nonproject connected program for street lighting aid is the public facilities loan program. It provides loan assistance for any public facilities program; however, communities with a population of over 50,000 are not eligible for the program.

The bill I introduce today calls for a sharing of the costs, and a Federal expenditure of $7.5 million a year, to help finance specific projects designed to reduce the incidence of crime in a designated area of a city or community. It is my belief that such projects, when completed, will reduce the crime rate for the particular area, and serve as an example to the community of the need to invest local funds in additional projects.

All of us are aware of the very limited resources of our city and community governments. The demands for these resources far outreach the ability of the community to satisfy them. This program would offer a community the opportunity to test the value of expending money in this area and would also give support to the approval of special financial means—such as bond issues—to provide these facilities.

Mr. President, I urge my colleagues to consider this bill carefully. I am convinced that most would agree that we must take this small step toward improving the sense of personal security and safety of our citizens. I look for favorable action on this measure this year. I introduce it again because I feel strongly about the benefits that can be derived from the program it authorizes.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred.

The bill (S. 3786) to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE CAPE COD NATIONAL SEASHORE—DISCHARGE COMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 1187, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered; and the bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 1187, to amend the act of August 7, 1961, providing for the establishment of the Cape Cod National Seashore.

Mr. KENNEDY. Mr. President, H.R. 1187 is the companion bill to my bill, S. 2253, which is on the calendar, ready for Senate consideration. With the approval and clearance of the committee and the joint leadership, it has been decided to follow this procedure, in order to eliminate the procedural necessity of returning the bill to the House. The bill, after passage, will go directly to the White House for the President's signature.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, read the third time, and passed.

Mr. KENNEDY. Mr. President, let me say a word about the increased authorization.

The Cape Cod National Seashore was the first addition to the national park system which authorized total Federal funding for acquisition. Prior to enactment of this piece of legislation in 1961, national parks had always been located on federally owned, or privately donated land.

This departure, which was the direct result of the efforts of President Kennedy and former Senator Saltonstall of Massachusetts, who were the originators of the legislation, set a new pattern for expansion of the national park system.

The wisdom of this new national commitment to the preservation of scenic and historic sites is clear when we consider the marvelously preserved areas in the eastern part of the country which serve the recreational and educational needs of the millions of people who live in our densely populated urban corridors.

Last year, the Cape Cod National Seashore was visited by some 4 million people. It is within a day's drive of some 30 million people throughout New England, and the Northeast. It has been one of the more successful national parks in terms of the enjoyment experienced by those who visit its broad beaches and warm waters.

The bill just passed provides for an additional authorization of $17,500,000 for the acquisition of 8,830 acres, 7,270 acres unimproved and 249 acres which are improved. The bill will bring land acquisition to the level authorized in the 1961 act, some 27,650 acres.

Thus, Mr. President, I think that by the action taken by the Senate this afternoon, we will be living up to our responsibility as outlined in the original authorization bill, passed in 1961. Completion of the seashore will give addi-

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tional hope to many people who live, not just in Massachusetts, but throughout New England and on the eastern shore, that they will now have an opportunity to get away from the stresses and pressures of urban life and be able to enjoy some leisure and a measure of peacefulness on the shores of the Atlantic Ocean on beautiful Cape Cod.

Mr. President, I refer my good friends in the Senate, if they would like to read the most authoritative description of that lovely piece of land, to Thoreau's "Journals of Cape Cod." It gives a marvelous description of the area. It was written over 130 years ago. It captures the magic of that part of our American coastland which so many of our people have had an opportunity to enjoy.

Mr. BIBLE. Mr. President, when President Kennedy signed into law the original act establishing the Cape Cod National Seashore on August 7, 1961, he approved a broadening of the national effort to protect and maintain areas with outstanding natural, recreational, scenic, or historical value. This for the benefit of present and future generations of Americans.

Having visited the cape on a number of occasions I found that it is one of this country's most scenic natural shorelines. Also because of its extraordinary geological and biological features, the setting is particularly unique and interesting. These factors make this region a valuable field for scientific study for nowhere on this continent is the story of glacial disposition combined with the violent action of the sea upon a landmass depicted so vividly as on Cape Cod.

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Prior to the 1961 legislation, the Congress had limited national park acquisitions and development principally to areas in the West. These were chiefly located on existing federally owned lands or in regions which had been donated to the Federal Government for conservation purposes. The Cape Cod National Seashore Act—passed with the knowledge that the U.S. Government would be required to finance its entire acquisition and development—made this effort to conserve unspoiled lands a national commitment. The act recognized that, if the citizens of heavily populated and urbanized sections of the country were to benefit from the programs of the National Park Service, the Federal Government would have to acquire lands beyond the public domain.

The act establishing the Cape Cod National Seashore provided for the acquisition of 27,650 acres of land and limited the appropriation to $16 million. By August of 1967, however, it was found that there were 7,519 acres still to be acquired. However, the Congress did not act favorably on this legislation at that time. Land costs have increased since then, as they have in other parks and recreation areas throughout the country, and we now must request an additional $17.5 million to complete the Cape Cod land purchase. This represents a higher cost than expected but, it is the price we must pay for delays and for the inadequacy of the cost estimate techniques used in the original funding plans. Certainly, any further hesitation would be even more costly.

Last year, over 4 million Americans visited the seashore and this number is expected to double within the next 5 years. Located within a day's drive of over 30 million people, the Cape Cod National Seashore clearly justifies the program begun by the Congress in 1961. Clearly this seashore has more than proven its value as a recreation area. Activities such as swimming, hiking, camping, boating, and bicycling are there for the asking. Also it is one of the 10 most famous salt water fishing regions in the United States. Because of its natural beauty and historic significance we must cherish and protect this area so that it will be enjoyed by future generations.

I am glad that the Senate has acted favorably on this important legislation benefiting one of our most popular national seashores.

Mr. KENNEDY. Mr. President, I move that S. 2253, the companion bill, be indefinitely postponed.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

ANADROMOUS FISH CONSERVATION ACT

Mr. KENNEDY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 815, H.R. 1049. It has been cleared for the Consent Calendar on both sides.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 1049, to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consider the bill, which was read the third time, and passed.

RAIL PASSENGER SERVICE ACT OF 1970

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 769, S. 3706. This bill will be considered on Tuesday next, and will remain the unfinished business of the Senate during the interim.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SECTION 613 OF MERCHANT MARINE ACT, 1936, AS AMENDED

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12605.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 12605) to amend section 613 of the Merchant Marine Act, 1936, as amended which was on page 2, line 2, of the Senate engrossed amendment, after "subsidy" insert "and the partial payback of construction-differential subsidy".

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. WATTS, Mr. BYRNES of Wisconsin, and Mr. BETTS were appointed managers on the part of the House at the conference.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESS BY SENATOR GRAVEL AT UNIVERSITY OF WISCONSIN ENTITLED "RADIATION: THE ULTIMATE POLLUTION"

Mr. NELSON. Mr. President, during the recent nationwide Earth Day observance the distinguished Senator from Alaska (Mr. GRAVEL) spoke before a student teach-in gathering at the University of Wisconsin in Madison.

The topic of Senator GRAVEL's remarks was: "Radiation: The Ultimate Pollution."

Senator GRAVEL's message raises some penetrating questions regarding the dangers of nuclear radiation and presents a strong case for the need to provide greater supervision and control for protecting the ecology from this threat.

Describing the radiation hazard as "Public Enemy No. 1" Senator Gravel said guidelines for polluting the environment should be set at zero and indicated he will propose legislation to develop a new concept for protecting man and his environment against the dangers of pollution.

Quoting from his text, he said:

> We must revalue our cultural as well as economic priorities. Anyone proposing an activity which would pollute or damage the environment should be required to present his case before the government and negotiate for the right to pollute.

Senator Gravel's remarks are a valuable contribution to an issue of great concern to all Americans. I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Radiation: The Ultimate Pollution

I. A DECISION NOW FOR ALL TIME

I am honored to join you on the eve of Earth Day, because I believe deeply that this is an area in which we all must be involved.

The struggle against pollution demands a commitment from each of us—not just from students and scientists, but from legislators and other leaders in every field.

My special interest in the field of ecology, which this week is so very much in the forefront of our national attention, is the ugly problem of atomic radiation. I am deeply conscious of the fact that along with Nevada, only Alaska has been the site of a test explosion of nuclear weapons. And the possible long term effects of those explosions are awesome—nuclear radiation has indeed become "the ultimate pollution."

The economist John Maynard Keynes once said very aptly that in the long run we all are dead. That is my thesis today in simplest terms: If we overlook the worst environmental threat of all, nuclear radiation, in the long run it means quite literally that we are all dead.

If we contaminate this earth radioactively, no amount of money and good will can clean it up later. This invisible new contamination is already under way, and it's not "just another pollution problem," any more than terminal cancer is "just another health problem."

Ounce for ounce, and gram for gram, radioactive substances are a million to a billion times more harmful to life than non-radioactive pollutants.

Furthermore, radioactive contaminants are indestructible, once we turn radioactivity on, we can not turn it off. Radioactivity decays at its own immutable rate. No campaigns or protests or laws can change it.

In other words, we're stuck with radiation forever, since several of the common radioactive wastes take hundreds and even thousands of years to decay completely.

Plutonium—that radioactive element which has been leaking from a nuclear bomb-trigger factory outside Denver—lasts many times longer than its half-life, and its half-life varies up to 24,000 years.

Plutonium is also one of the radioactive substances which will be produced in enormous quantities by the much-promoted "breeder" reactors which are meant to solve our electrical power problems in the next decade.

As you know, the atomic energy commission is dedicated to the promotion of nuclear energy. That is its charter under law. But it frightens me that the AEC is also both judge and jury of radiation hazards.

In reality, no one is in charge of preventing the radioactive contamination of our planet. In other words, the stage is presently set to assure the cumulative contamination of the globe.

We don't even know to what extent we have already done it. There is enough that each of us carries a burden of man-made radioactivity in his body, and every baby is born with it. Every cubic meter of our air, every gallon of our river water, every meal which we eat contains it.

Although people can tell you how much soot and sulphur we toss into the air every year, no one is even estimating how much radioactivity we release.

This absence of information makes disagreement inevitable about the urgency of the threat.

The ultimate complacency was expressed on January 14th, 1970 by AEC Commissioner Thompson:

"In the name of protecting the environment, many are suggesting that even minimal amounts of radioactivity . . . should not be even temporarily introduced into the environment . . . it is as though we decided not to get out of bed anymore because we might slip on the way to the bathroom."

Commissioner Thompson is a nuclear physicist with a mission; he has devoted most of his life to the development of nuclear reactors.

I am not a scientist and not a great authority on reactors. I can ask more questions than I can answer. But I do understand that we and our government have permitted all kinds of chemical pollutants to get out of control, and that if we take the same wait-and-see attitude toward the burgeoning nuclear industry, no remedy will be possible.

That's the frightening thing about nuclear radiation.

II. PLAYING WITH THE NATURE OF THINGS

Last Fall, I sent out a questionnaire asking scientists: who is working on the problem of turning radioactivity off? No one. All physicists agree there is no way for men to turn a radioactive atom into a stable atom.

Actually, radioactivity itself is a major mystery. About 75 years ago, Madame Curie and some others made the astonishing proposition that there was an element which could generate its own light. By cooking and stirring tons of pitchblende ore, that stubborn woman personally refined the first decigramme of radium, and it did glow for her in the dark. Radium was a radioactive sensation, and it still is.

There are a few other naturally radioactive elements, but not many. No one understands yet why they should be radioactive in the first place. But when an atom is radioactive, it is suffering from some malaise of the nucleus which makes it spit out particles and energy. It's changing into a different element. It's literally suffering from an identity crisis.

Fortunately, a balance of forces exists which makes most atoms stable. But man has begun fiddling with stable atoms. He splits them. He deliberately adds and subtracts particles from their centers, to upset their natural balance.

He has operated so diligently that he has created at least one unstable radioactive twin for every natural, stable element. And once he has upset these atoms, they start disintegrating in radioactive ways which are supremely harmful to living targets.

So far, this experimentation has brought us both the nuclear bomb and the nuclear reactor. They are not so different. After a year or two of operation, a good-sized reactor has produced as much radioactivity as the explosion of a fair-sized nuclear bomb.

Some reactors today are permitted to release *large* quantities of their radioactive gases up the stack. Less than a dozen power-generating reactors are operating now. But eighty mammoth models are under construction or planned. In thirty years, we may have hundreds in this country alone. And the numbers will multiply around the world.

The AEC believes that it will be able to transport and *contain* most of the radioactive poison from its reactors year after year.

Already we are stuck with some 80 million gallons of seething radioactive waste in tank farms. A single gallon is enough to poison the water supply of a city. These tanks will have to be guarded for 600 to 1000 years.

The trouble is, radioactivity eats away just about every container that man has been able to devise. Several storage tanks have leaked thousands of gallons into the soil already.

And this corrosion problem is also one of the trickiest problems inside reactors themselves. Metals disintegrate and disappear under intense radioactive bombardment. Then the radioactive fission products begin leaking, up the stack and into the cooling water.

It is interesting to note that private insurance companies will not cover reactors for more than one per cent of the maximum credible accident, and it is therefore apparent that utilities would not be building any reactors if it were not for an amendment to the Atomic Enegry Act which puts almost all the liability on the *public*.

It is scarcely reassuring that the former head of American Electric Power said recently, "We're going to have some accidents with atomic plants. We don't want to have any. But we're going to."

His apprehensions were echoed just last year by David Lilienthal, the first head of the AEC, who said, "once a bright hope shared by all mankind, including myself, the rash proliferation of atomic power plants has become one of the ugliest clouds hanging over America."

Messing with the atom is one of the most serious activities ever undertaken by man. It is not an exaggeration to say that nuclear fission can bring our planet to an end with a bang, or more slowly, with an agonizing radioactive whimper.

I wonder whether it is just an uncanny coincidence that three apparently unrelated phenomena are happening together in history:

Man makes nuclear bombs and nuclear reactors, and begins creating a radioactive legacy for all time.

Man goes to the moon and becomes aware that all of us are "riders on the earth together, brothers on that bright loveliness in the eternal cold." (Archibald MacLeish).

And, practically overnight, students and others recognize that man is committing a suicidal assault on the planet's fragile web of life.

There is no doubt that the impetus for saving this planet is coming from students, and that the country's leaders are following you.

The more I look into the subject of radiation and its politics, the more I feel like someone in an unreal world. There is time to give you only two examples from many.

III. MASSIVE THREATS TO LIFE

Four years ago, a book called "The Radioecology of Aquatic Organisms" was published by the highly respected scientist, G. G. Polykarpov. It contained several warnings:

First. The maximum permissible concentration of radioactive strontium had already been reached in the Pacific Ocean and in the Irish Sea.

Second. Fish eggs are by far the most sensitive form of marine life to radiation damage.

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Third. Damage to fish embryos at very low concentrations of radioactivity is visible.

Fourth. The reduction of the fish population would mean the proliferation of bacteria and radio-resistant invertebrates.

Fifth, and I quote. "We are already in the position to draw the important conclusion that further radioactive contamination of sea-water is inadmissible."

Now, only a fraction of the fallout from atmospheric bomb tests is *down* so far. There is a lot more to come. And only a fraction of what fell on land has been washed into the sea.

Yet here we are, dumping more and more low-level radioactive waste, from more and more reactors, into more and more rivers—which carry it off to the ultimate sink.

Yet here we are, dumping more and more *higher*-level radioactivity into the soil, where it has been known to creep into the water.

And here we are, creating an indescribable legacy of contaminated underground water with the bomb-tests in Nevada and my own State of Alaska.

So perhaps you can share my shock to read the warning that even the ocean has had all it can stand.

It is strange that the Atomic Energy Commission does not even intend to make an effort to investigate the possibility that radioactive fallout from the Pacific bomb tests may be causing the current starfish plague in the Pacific Ocean.

Starfish—which incidentally are among the marine invertebrates to which Polykarpov was referring—are eating up coral reefs from the *eastern* Pacific clear across to the Indian Ocean and the Red Sea. At the rate the starfish are consuming coral, in five years they can wipe out medium-sized atolls which took thousands of years to form.

Among the regions most threatened are the Hawaiian Islands, the coast of Guam, and Australia's great barrier reef.

In response to my inquiry, the Atomic Energy Commission chose to explain the phenomenon by saying that blasting and dredging have upset the local ecology. Keep in mind that the starfish plague is attacking coral from the Eastern Pacific to the Red Sea. The unusual wave of blasting and dredging in that area has somehow escaped my attention.

The other area of incredibility I want to mention concerns the so-called permissible levels of radiation under which the AEC is promoting its nuclear technology.

Last November, two leading scientists inside the AEC's own biomedical research program—did some calculations which alarmed them—their calculations concerned the increase of cancers in humans who, for one reason or another, had been exposed to radiation.

No matter how they considered the data, they came to the conclusion that the AEC's plans to promote nuclear energy would reverse every single advance made in public health during the last generation.

In other words, they calculated that, if we go on contaminating the environment until we each receive the legally permissible dose of radiation, cancer would increase by 10%. That means an additional 32,000 cases in the United States every year. Plus miscarriages, still-births, deformities, mental retardation, and other tragic effects of radiation. Just suppose these two men are right?

They presented their testimony in November before the Senate Subcommittee on Public Works, which is considering my bill to create an independent commission to investigate certain AEC activities.

How have their ideas been received?

The head of the National Council on Radiation Protection at first dismissed their thesis by claiming that he did not have time to comment: Subsequently, the *full board* of the Council asserted that the Gofman-Tamplin material "has presented no new data, new ideas, or new information."

The possibility of a ten per cent increase in the incidence of cancer surely seems to me something new and worth discussing.

Immediately following the Gofman-Tamplin testimony, the Atomic Energy Commission announced that the two men were wrong.

Gofman and Tamplin promptly challenged both the AEC and the Council on Radiation Protection to an open debate before scientific peers on the accuracy of their figures. There have been *no takers* so far. The AEC has not even made public its *own* set of figures on the extra incidence of cancer to be expected from the permissible radiation dose.

According to the magazine *Nucleonics Week*, the five AEC Commissioners recently met to discuss lowering the permissible levels of reactor pollution. Two of them favored stiffer over-all radiation standards, but the other three prevailed.

The AEC has sunk billions of tax dollars into the nuclear reactor program. The electric power industry and the banks have been persuaded to invest additional billions. Suddenly, this challenge to radiation standards seriously threatens the future of this technology, and has touched off a monumental power struggle.

The struggle touches the White House, the Office of Science and Technology, the Environmental Quality Council, the National Academy of Sciences, the Atomic Energy Commission, the HEW, the Congress, the power industry, the bomb industry, the labor unions whose workers receive occupational exposures, the ecologists, the fifty sovereign States, and not least of all, you and me.

More than a dozen states have joined the State of Minnesota in a court battle for the right to set stricter contamination standards for reactors than the AEC has set.

Hardly a day goes by now without a new move in this intricate drama. The stakes are very high, and I am convinced that if the full story is ever unraveled, it will make the Dreyfus case look like small-town gossip.

The odds, of course, are still stacked against those who question the wisdom of plunging ahead into nuclear technology. The odds have always been stacked against the opponents of any new technology. We use it for the same reason we climb Mount Everest, "because it is there."

There always have been plenty of dollars and scientists devoted to discovering the benefits of nuclear technology. It is a multibillion-dollar juggernaut.

But where do we employ scientists whose mission is to investigate and warn us about the disadvantages of nuclear technology?

I am not necessarily an enemy of nuclear energy—indeed, I recognize its possible benefits—but I am against the hasty or undemocratic imposition of any new techology which represents a potential menace to all forms of life.

As we face the prospect of using nuclear reactors to meet our power demands, there is another set of figures we must consider—namely, the numbers presented on January 28th, 1970 to the Joint Committee on Atomic Energy by Dr. Karl Z. Morgan, from the AEC's Oak Ridge lab.

Dr. Morgan calculates that, if all Americans were to receive the legally permissible dose of nuclear radiation, there would be from 13,000 to 81,000 extra deaths per year from genetic disorders, and another 17,000 people per year whose lives would be shortened by 10%. These casualties far exceed the annual American death toll in the Vietnam war.

Extra cancer deaths plus extra genetic deaths . . . clearly, the presently permissible dose of radiation is a license to kill. To kill massively.

There is no time to describe how the presently permissible dose was set. Suffice it to say that the public has been given no idea what level of risk it represents. There has never been, not even yet, an open calculation of the risks and the benefits from either nuclear reactors or from the AEC's plowshare program—which involves the use of nuclear bombs for peaceful purposes.

The AEC simply cannot be allowed to serve as its own control.

When something goes wrong and contamination escapes, the AEC has been known to deny it. Time after time, private citizens have had to prove safety violations and hazards before the AEC would admit them.

Now, largely due to the new cancer regulations which the AEC has tried to disregard, the Federal Radiation Council has been ordered by its chairman to review itself, its assignment is to say whether or not there is anything wrong with the permissible dose which it set ten years ago.

Presumably, at some unspecified time, the council will either set a new permissible dose or agree to keep the old one. What concerns me is that there apparently is no room in this process for public opinion to assert itself. Somehow there must be an expression of public judgment in this vital decision, and some form of cost/benefit analysis by an independent source.

For half a century, the Food and Drug Administration has accepted the principle, at least, that food additives must be proven safe before they are permitted. But this principle has not yet been applied to pesticides, chemical pollutants, or nuclear radiation. I believe it is time to put the principle into practice.

It is grossly unfair to make the public defend its health and its environment endlessly against every new assault. The burden of proof belongs elsewhere. Let those who propose to contaminate or injure the environment justify their activities, by stating clearly for us what benefits they are offering us, and at what price.

IV. A PROPOSAL

Radiation is not the *only* lethal pollutant. But it is virtually a permanent one, and by far the strongest. As I have said, I consider it the ultimate pollution.

So, starting with radioactive pollution, and extending the principle to all other fields, I am going to propose this idea in the form of legislation to the United States Senate:

Guidelines for polluting the environment should be set *at zero*?

Pollution can be a killer. Therefore, let *no* levels of pollution be automatically permissible.

Let anyone proposing a significant activity which would pollute or damage the environment come before the government and *negotiate* for the right to pollute.

Let the polluter specify:

One. The necessary level of his proposed pollution.

Two. The benefits of his proposed activity for people in general.

And three. The ecological consequences and human cost of his proposed activity, and remedial means to restore the ecologic balance.

Let us also hear the independent voice of scientists assigned to study the disadvantages.

Let all hear. Let decisions which affect the very existence of so many people be made openly and democratically.

We would then finally be on the road of common sense and justice.

The fundamental question we face is the creation of a whole new set of values within our economic and cultural environment. It is not sufficient to talk of haphazardly truncating energy supplies in the interests of protecting our ecology, when we have not yet begun to define our national priorities in this field.

I agree wholeheartedly with Denis Hayes, the national coordinator on Earth Day, who said, "most of the politicians and business-

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men who are jumping on the environmental bandwagon don't have the slightest idea of what they are getting into. I don't think they realize that we are going to need fundamental changes in the values of this country."

Government must take a new look at society and the needs of man, and establish a policy that permits man to have his cake and eat it too.

EARTH DAY

Mr. NELSON. Mr. President, Earth Day was a tremendous nationwide success, bringing a far greater participation than I anticipated when I suggested the idea last September. Some 2,000 colleges, 10,000 high schools and grade schools and several thousand communities were involved.

For the past several weeks, along with many of my colleagues in Congress and along with many scientists, young people and environmentalists of all ages, I have participated in the events associated with Earth Day. It has been one of the most heartening of experiences to see such broad agreement, wide participation, and dramatically increased public understanding and concern about this challenge to America. It makes me believe for the first time that we can wage a successful war on our environmental problems.

It was clear too from Earth Day that the environmental concern is much broader than some people seem to understand. Far more than just a concern with wild rivers, the issue is one of the livability of the ghettos and the Appalachias, which are the worst environments in this country.

The question now on everybody's mind is—What next? What does Earth Day mean for the future? Where will it lead?

In my view, Earth Day's greatest meaning will be if it is seen as a beginning, not as a climax. The next step is the formation of environmental action groups in every community and campus in this country.

These groups must organize just as soon as possible to set specific goals to turn back the assault on our environment. The challenge will never be met from Washington alone, although the job now before Congress is to pass major, urgently needed legislation and to appropriate urgently needed funds on a scale as great as our spending for Vietnam or for new weapons systems.

The changes in attitudes, in priorities, and in the effectiveness of all our institutions, and the new emphasis on quality as well as quantity, will be effected only by a genuine, persistent grassroots effort. Community groups must build on the new public awareness of our grave environmental programs, testify at hearings and meetings from the city council to Congress, file court suits if necessary to bring action.

In this society, there is no substitute for an enlightened citizen effort to meet the complex challenges of our age. This is as true today as it was two centuries ago.

Already, many groups have formed or are forming across the country which are providing a valuable foundation for a nationwide effort to improve our environment. In its recent and excellent special issue keyed to Earth Day, Look magazine listed a number of these national and regional organizations. These groups are to be commended for their efforts in the attack on the environmental deterioration that is one of the worst problems confronting us the world over, and I ask unanimous consent that their names be included in the RECORD at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, also special commendations are in order for the young people in the National Earth Day office in Washington and for everyone across the country who worked so hard to make Earth Day a success, and also for the excellent and thorough coverage of the programs and the environmental problems by the news media.

In the environmental fight, there is no question we have the resources and the technology to do the job. The only question is whether we have the will. Earth Day was a significant beginning.

EXHIBIT 1

WHAT DO YOU DO? HERE'S WHAT: JOIN THE FIGHT—"IF YOU'RE NOT PART OF THE SOLUTION, YOU'RE PART OF THE POLLUTION"

You can't escape it. No matter where you are, the crud is hitting you now. And it won't stop unless each of us makes a commitment to stop the environmental destruction going on all around us.

Every day, more Americans are taking action. The environmental movement is building fast from the grass roots. Thousands of citizen action groups have sprouted. In California alone, there are over 200 environmental community groups.

Americans of diverse occupations, backgrounds and beliefs are pooling their talents and energies. They have won battles in San Francisco Bay and Florida's Everglades. But there are many other fights, and *they need you*. To turn your alarm about the rape of the environment into action, pick up the telephone now. Call an environmental group to find out what you can do. Start by participating in nearby Earth Day activities.

The following listing of national and local ecology organizations is by no means all-inclusive, but these groups are among the most active.

NATIONAL

Only the national headquarters are given. For the address of a chapter nearest you, look in your phone book or write the national headquarters.

Sierra Club, 1050 Mills Tower, San Francisco, Calif. 94104, Telephone: 415-981-8634.

85,000 members in 30 chapters. Recently coordinated efforts of 14 other conservation groups in blocking a timber bill that threatened national forests.

National Audubon Society, 1130 5th Avenue, New York, N.Y. 10028, Telephone: 212-369-2100.

125,000 members in 172 chapters. Leaders in blocking the Everglades jetport and in the fight against DDT.

The Wilderness Society, 729 15th Street, NW., Washington, D.C. 20005, Telephone: 202-347-4132.

60,000 members. Sponsors "A Way to the Wilderness" trips open to all. Now actively engaged in negotiating with Dept. of Interior to block Alaskan pipeline until effects on environment are known.

Friends of the Earth (F.O.E.), 30 East 42nd Street, New York, N.Y. 10017, Telephone: 212-687-8747.

Not tax-free, so can lobby for new environmental laws. Currently opposing funding of the SST.

League of Conservation Voters, 917 15th Street, NW., Washington, D.C. 20005, Telephone: 202-638-2525.

Political arm of F.O.E. Will raise money and recruit volunteers for candidates working to protect environment. Strictly nonpartisan.

The League of Women Voters, 1730 M Street, NW., Washington, D.C. 20036, Telephone: 202-296-1770.

Active in pollution fight all over country, including clean water, saving San Francisco Bay, Hawaii's Diamond Head.

The Nature Conservancy, 1522 K Street, N.W., Washington, D.C. 20005, Telephone 202-223-4710.

18,000 members in 33 chapters. Buys up land vital to nature, preserves it for public use. Saved 150,000 acres for us.

Zero Population Growth, 367 State Street, Los Altos, Calif. 94022, Telephone: 415-941-3666.

Political action and education on overpopulation.

Planned Parenthood-World Population, 515 Madison Avenue, New York, N.Y. 10022, Telephone: 212-752-2100.

166 affiliates, over 500 clinics providing family-planning information and services.

The Izaak Walton League of America, 1326 Waukegan Road, Glenview, Ill. 60025, Telephone: 312-724-3880.

50,000 members in 700 chapters. Vital role in Citizens' Crusade for Clean Water. Has filed suit for permanent injunction against mining in a wilderness area of northeastern Minnesota.

Environmental Defense Fund, P.O. Drawer 740, Stony Brook, N.Y. 11790, Telephone: 516-751-5191.

National coalition of scientists, lawyers, citizens for protection of environmental quality. Has brought cases against use of DDT in Michigan and Wisconsin courts. Has started litigation to stop construction of Florida barge canal on Oklawaha River by U.S. Army Corps of Engineers.

Unions are also active: United Steelworkers; Oil, Chemical, and Atomic Workers; United Auto Workers; International Brotherhood of Electrical Workers; and Communications Workers of America. Some locals are already working with environmental groups.

EAST

Recently, New Haven's Environmental Offensive presented its first Polluter of the Week Award to two local paper companies for dumping daily three million gallons of waste water containing paper fibers and assorted chemicals into the Mill River. Certificates were readied along with jugs of Mill River water. The companies did not show up to receive their awards. EO also sponsors Sunday afternoon pollution tours of New Haven for local residents.

In Providence, Ecology Action for Rhode Island demonstrated and persuaded a local furrier to pledge not to order furs of endangered species.

Boston Area Ecology Action, 925 Massachusetts Avenue, Cambridge, Mass. 02139. Telephone: 617-876-7085.

Environment: Pittsburgh, P.O. Box 7380, Pittsburgh, Pa. 15213. Telephone: 412-621-7053.

Ecology Action for Rhode Island, Inc., 50 Olive Street, Providence, R.I. 02906. Telephone: 401-274-9429.

Environment! 119 5th Avenue, New York, N.Y. 10003. Telephone: 212-673-8740.

Environmental Offensive and Environmental Action Group, 550 Osborne Memorial Laboratory, Prospect Street, New Haven, Conn. 06520. Telephone: 203-777-5317.

Ecology Action Center, American Friends Service Committee, 319 East 25th Street,

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Baltimore, Md. 21218. Telephone: 301-366-7200.

Natural Resources Council of Maine, 116 State Street, Augusta, Maine 04330. Telephone: 207-623-3452.

UNHITE! (U. of New Hampshire Improve the Environment!) Wolff House, Ballard Street, Durham, N.H. 03824. Telephone: 603-862-2448.

Environmental Action Coalition, 235 East 49th Street, New York, N.Y. 10017, Telephone: 212-486-9550.

Environment!, Inc., Room 406, 917 15th Street, NW., Washington, D.C. 20005, Telephone: 202-737-6550.

CEASE—Center for Ecological Action to Save the Environment, 8 Old Pascack Road, Pearl River, N.Y. 10965, Telephone: 914-735-5595.

SOUTH

In Starkville, Miss., CLEAN has its own weekly radio show on ecology, sponsored by station WKOR.

The Appalachian Research and Defense Fund in West Virginia, and the Mountain Legal Rights Program in Kentucky, both public-interest law "firms," will bring court cases against polluters. They need citizens with scientific and technical expertise for research. Others are needed to inform them of repeated examples of pollution.

Concerned South Carolinians for Better Environment, Inc., P.O. Box 5844, Columbia, S.C. 29205, Telephone: 803-254-1657.

C.L.E.A.N. (Citizens League for Environmental Action Now!), College of Engineering, Department of Civil Engineering, West Virginia University, Morgantown, W. Va. 26506, Telephone: 304-293-4391.

Appalachian Research and Defense Fund, Inc., 1116-B Kanawha Blvd., East, Charleston, W. Va. 25301, Telephone: 304-344-9687.

ECOS, P.O. Box 1055, Chapel Hill, N.C. 27514, Telephone: 919-933-5201, 2 or 3.

Mountain Legal Rights Program, 10 College Lane, Prestonsburg, Ky. 41653, Telephone: 606-886-2751.

CLEAN (Committee to Leave the Environment of America Natural), P.O. Box 643, Starkville, Miss. 39759, Telephone: 601-323-4980.

GASP, Inc. (Greater-Birmingham, Alliance to Stop Pollution), 800 South 20th Street, Birmingham, Ala. 35205, Telephone: 205-934-3580.

Balance, Institute of Ecology, The Rockhouse, University of Georgia, Athens, Ga. 30601, Telephone: 404-542-2968.

Conservation 70s, Inc., 319 South Monroe Street, Tallahassee, Fla. 32304, Telephone: 904-224-9992 or 3.

MIDDLE WEST

In Chicago, CAP plans to put the heat on the city's major air polluter, Commonwealth Edison, by waging a fight at the company's annual stockholders' meeting on April 27. If unsuccessful, CAP's next step will be to have residents pledge not to pay their electric bills until the company cleans up the mess. The payments will be held in escrow.

In St. Paul, Minn., MECCA has been opposing the dumping of an average of 50,000 tons of taconite waste daily into Lake Superior by the Reserve Mining Company. MECCA is also protesting the Northern States Power Company's new nuclear plant that will dump radioactive wastes into the Mississippi. Recently, MECCA sponsored a cortege and memorial service at the defunct Elk River nuclear reactor, to protest the Atomic Energy Commission's plan to enshroud the reactor in concrete. MECCA wants it dismantled and removed.

On Earth Day, St. Louis' Black Survival will perform their own original play dramatizing the effects of the environmental crisis on black people.

MECCA—Minnesota Environmental Control Citizens Association, Central Manor, 26 East Exchange Street, St. Paul, Minn. 55101, Telephone: 612-222-2998.

Citizens for Environmental Improvement, 333 North 14th Street, Lincoln, Neb. 68508, Telephone: 402-432-6561.

CAP—The Campaign Against Pollution, 65 East Huron Street, Chicago, Ill. 60611, Telephone: 312-787-7360, ext. 33.

Citizens for Survival, P.O. Box 446, Ashtabula, Ohio 44004, Telephone: 216-964-3322, ext. 139.

The Association for Environmental Improvement, Box 26, Wichita State University, Wichita, Kan. 67208, Telephone: 316-685-9161, ext. 439.

Coalition for the Environment, St. Louis Region, Room 706, Security Building, 319 North 4th Street, St. Louis, Mo. 63102, Telephone: 314-421-6773.

ENACT (Environmental Action for Survival), School of Natural Resources, University of Michigan, Ann Arbor, Mich. 48104, Telephone: 313-764-4410.

CEP (Committee for Environmental Preservation), 148 Mackenzie Hall, Wayne State University, Detroit, Mich. 48202, Telephone: 313-577-3480.

Black Survival, 4957 Delmar Blvd., Union-Sarah Gateway Center, St. Louis, Mo. 63108, Telephone: 314-361-4470.

WEST

Ecology Action, of Berkeley, has already sponsored several "smog-free locomotion" days. On March 14, Ecology Action sponsored a 47-day "Survival Walk" from Sacramento to Los Angeles—a journey of some 400 miles. On May 1, walkers from all over California will end the hike in a two-day Eco-Festival celebrating the new era: the Survival Decade.

Students for Oregon's Environment is mounting a drive to obtain 41,000 signatures necessary to place a Scenic Rivers Act on the ballot in November. Sign up.

Ecology Action, Box 9334, Berkeley, Calif. 94709, Telephone: 415-849-3388, and 1370 Masonic Street, San Francisco, Calif. 94117, Telephone: 415-861-5533.

Students for Oregon's Environment, 421 S.W. 11th Avenue, Portland, Ore. 97205, Telephone: 503-224-6973.

Project Survival, Municipal Building, Seattle, Wash. 98104, Telephone: 206-583-5746.

Ecology action—Greater Los Angeles, 11317 Santa Monica Blvd., Los Angeles, Calif. 90025, Telephone: 213-473-3498.

Environmental Action, University of Colorado, Denver Center, 1100 14th Street, Denver, Colo. 80202, Telephone: 303-244-6061, ext. 375.

San Jacinto Tuberculosis and Respiratory Disease Association—Coalition for Air Conservation, 2901 West Dallas Street, Houston, Texas 77019, Telephone: 713-526-2228.

Phoenix Civitan Club—Operation Smog Stop, 2641 East McDowell Road, Phoenix, Ariz. 85008, Telephone: 602-275-7000.

GOO, Inc. (Get Oil Out), 111 East De La Guerra Street, Santa Barbara, Calif., 93101. Telephone: 805-965-1519.

S. 3784—INTRODUCTION OF BILL TO REQUIRE SECRETARY OF THE INTERIOR TO SET STANDARDS ON ALL PESTICIDES

Mr. NELSON. Mr. President, national pollution controls on all pesticides are the logical next step toward ending the worldwide assault on the environment by these toxic compounds.

Today I am introducing legislation with the Senator from Maine (Mr. MUSKIE) to require the Secretary of the Interior to set standards on all pesticides to regulate their degradability, toxicity, and public health effects.

It is time we started keeping products out of the marketplace until they are proven safe to the environment and to human beings, instead of waiting for their massive use to discover tragic, unforeseen consequences.

The 91st Congress has already approved one important measure to more effectively control pesticides. It was an amendment which I sponsored with Senator MUSKIE and 30 other Senators, to stop pesticides from reaching hazardous levels in the Nation's waters. The amendment, now part of Public Law 91-224, requires the Secretary of the Interior to develop guidelines for States to use in setting standards to control pesticide water pollution.

Now is the time for further legislative action. For nearly three decades, the environment has been bombarded by persistent, toxic pesticides at an annual rate now approaching a billion pounds from U.S. productions, more than 5 pounds for every man, woman, and child in America.

Residues of pesticides remain in the environment in concentrations still toxic to fish, wildlife, and potentially, to man for months, often years, and pointed out that the disastrous effects of long-lasting pesticides have been documented time after time.

As an example, last spring the Food and Drug Administration seized 28,000 pounds of Lake Michigan Coho salmon because they were contaminated with DDT. Despite traveling hundreds of miles through the air, soil, water, and the food chain of perhaps a half dozen organisms, the residues of the DDT were still concentrated in the salmon at levels of 19 parts per million, nearly four times the safe limit.

Pesticide pollution is nationwide and worldwide. A recent U.S. Bureau of Sport Fisheries survey found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

Worldwide, pesticide residues have been found in penguins of the Antarctic and have pushed several species of sea-ranging birds such as the Bermuda petrel to the brink of extinction over large portions of their ranges.

This legislation will establish uniform performance standards for all pesticides to protect the environment and public health, and hopefully will lead to the further development and use of pesticides that are selectively toxic with limited persistence.

I ask unanimous consent that the text of the bill be printed in the RECORD at this time, along with an article that appeared in today's Washington Post outlining the tremendous threat of pesticides to sea life. The article reports on findings presented to an international conference of marine biologists now meeting in London.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the bill and the article will be printed in the RECORD.

The bill (S. 3784) to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that pesticides manufactured for use in the United States or imported for use in the United States comply with certain

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standards of biodegradability and toxicity, introduced by Mr. NELSON (for himself and Mr. MUSKIE), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3784

A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that pesticides manufactured for use in the United States or imported for use in the United States comply with certain standards of biodegradability and toxicity

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act is amended by redesignating section 19 as section 20, and by inserting immediately after section 18 thereof the following new section:

"REGULATION OF PESTICIDES

"SEC. 19. (a) The Congress finds that the navigable waters of the United States are being polluted by pesticides which resist decomposition in natural waters and water treatment systems and are of such toxicity as to represent a serious danger to the national health and welfare.

"(b) It shall be unlawful after June 30, 1973, for any person to import for use in the United States or manufacture for use in the United States any pesticide, unless such pesticide conforms with standards of biodegradability and toxicity prescribed pursuant to subsection (c) of this section.

"(c)(1) The Secretary shall, before January 1, 1973, prescribe and publish in the Federal Register (A) such standards of biodegradability and toxicity for pesticides as are necessary to protect the public health and welfare and carry out the policy of this Act and (B) such rules and regulations as are necessary to prevent the manufacture for use in the United States of pesticides not meeting such standards. Included with such standards shall be specific methods by which pesticides shall be tested by the Secretary to determine if they conform to such standards.

"(2) The Secretary and the Secretary of the Treasury shall before January 1, 1973, jointly prescribe and publish in the Federal Register such rules and regulations as are necessary to prevent the importation of pesticides not meeting the standards prescribed pursuant to paragraph (1).

"(3) All standards, rules, and regulations prescribed pursuant to this subsection shall be made effective on July 1, 1973.

"(4) Any person who willfully violates subsection (b) of this section or any provision of rules and regulations established pursuant to this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than $500, and for any subsequent offense to a fine of not more than $2,000.

"(5) All action taken under this section in prescribing standards, rules, and regulations shall be taken in conformity with the provisions of title 5 of the United States Code relating to administrative procedure.

"(d) As used in this section, the term 'pesticide' means any fungicide, herbicide, rodenticide, or insecticide."

The article presented by Mr. Nelson is as follows:

GREATEST THREAT TO SEA LIFE CALLED DDT, NOT OIL SLICKS

(By Alfred Friendly)

LONDON, April 29.—The pesticides that increase the harvests from the land imperil those from the sea, an international conference of marine biologists was told here today.

The DDT spread on fields finds its way to rivers, estuaries and coastal stretches and plays havoc with clams, oysters, shrimp, trout, salmon and other fish, the scientists reported. Even very slight contaminations in water—a few parts per billion—can stop the reproduction of many species or greatly reduce their size and numbers.

But, the researchers said, present marine contamination by radioactive wastes, by hot water from power plants and, surprisingly, by oil spills are not noticeably injuring marine life.

The principal message of the two-day meeting, under the auspices of the Royal Society, was that while man has not been known to have died himself from too much DDT, he is using it to kill off important elements of the food chain he lives on.

The fatal mechanism is one of accumulation of DDT along that chain: The pesticide, carried by wind or rain run-off into rivers and harbors, contaminates them by only a few parts per billion, or less; but each feeder, up along the evolutionary ladder from plankton to predator, concentrates the residues more and more. Dead porpoises in the Gulf of Mexico, for example, contained DDT residues ranging up to 800 parts per million.

In an estuary on the Texas coast, where DDT is often sprayed on the fields three times a year, a concentration of 8 parts per million in the ovary of sea trout in 1968 prevented all spawning whatsoever, Dr. Philip A. Butler, of the U.S. Fish and Wildlife Service field station at Sea Breeze, Fla., reported.

After a heavy DDT pollution near Pensacola eight years ago, he noted, the entire scallop population was killed and has not reappeared. Even the slightest amount of DDT in the water, he said, is immediately fatal to shrimp.

Concentrations of DDT at much lower levels than the immediately lethal amount, Dr. Butler explained, can also be ruinous in inhibiting growth and reproduction, and rendering the organism easier prey for disease and parasite infestation.

An oyster's growth will be half the normal rate in water contaminated by only 1 part DDT in 10 billion. As long as the toxicant is present, the oyster continues to concentrate it, up to 70,000 times higher in its body than in the surrounding water.

Dr. J. M. Anderson, director of the New Brunswick station of Canada's Fisheries Research Board, reported that DDT reduces the ability of salmon to withstand temperature changes (as when they plunge into colder water), disorients their ability to return to their spawning ground, and greatly lessens their "survival repertoire," the mechanisms for avoiding hazard and for escape.

Study of "thermal contamination"—the runoff into the sea of water at high temperature from power plants—indicated no worrisome consequences, according to one research paper. Research on the Scottish coast showed that about the only result was the introduction of new species of fish previously found in warmer latitudes.

Similarly, no damage to marine life has been noted so far—nor do prospective levels indicate any danger—from the discharge in rivers and ocean of radioactive wastes from atomic power plants. A researcher quoted American experiments covering 21 years in which no injury was found to salmon eggs subjected to 50 times more radiation than that prevailing in the Columbia River below the Hanford atomic plant.

On the other hand, very deleterious results to marine life were noted in other reports on the effects of sewage and industrial waste—particularly that containing mercury, copper, lead and zinc compounds.

Finally, whatever damage was caused to sea birds and the amenities of the beaches by catastrophic oil spills, such as the sinking of the *Torrey Canyon* supertanker in 1967, they have not wrought substantial injury to other sea life, Dr. R. G. J. Shelton, of the Burnham-on-Crouch Fisheries Laboratory, declared. The more volatile elements in the oil quickly evaporate and the rest are not particularly toxic, doing more harm, as sludge, to fish nets than to fish.

He conceded, however, that chronic oil leakage, customary at pipeline terminals or storage tanks on the water's edge, could have a thoroughly blighting effect.

Prof. R. B. Clark of the University of Newcastle argued, with obvious reference to the new Alaska oil strikes, that oil contamination is a far bigger danger in the Arctic. In near-zero temperatures, the quick degradation of the oil products characteristic of temperature climates will not occur, and the different biology of cold water marine life makes it much more susceptible to oil poisoning, he said.

U.S. ENERGY CRISIS

Mr. HANSEN. Mr. President, the controversy continues over the oil import program and whether we should have more cheap foreign oil and oil products.

Before sacrificing any more of our self-sufficiency in petroleum production for the dubious benefits of a cent or two a gallon for gasoline or home heating oil, I hope that some of my good friends and colleagues will review some recent predictions of those who should know something about the U.S. energy situation.

Dr. Wilson M. Laird, director of the Office of Oil and Gas of the Department of Interior, noted recently that more than 85 percent of the residual fuel oil which is rapidly replacing coal for electricity generation in the Northeast is now imported. He also noted that because of the lower sulfur content, that area is rapidly becoming dependent upon Eastern Hemisphere sources for its main industrial fuel. And, there is a continuing insistence that import controls be further relaxed on home heating oil for that area.

The President of the National Coal Association, Stephen F. Dunn, warned in a recent letter and report that "What was known last fall as the coal shortage is fast becoming the coal crisis."

The report explains how this came to pass and why:

> A real energy crisis, including brownouts or even blackouts for consumers of electricity, could arise very quickly if the immediately available coal supply is reduced further.

The coal industry's reasons for the tight situation, as set forth in the report, are, briefly, U.S. Government policies which have discouraged investment in new coal mines.

These policies have included the "oversell" of atomic power, air pollution control requirements beyond the reach of current technology, opening up the east coast utility market to unrestricted imports of foreign residual oil, and the effects of imposing the toughest coal mining health and safety law in the history of mining.

In recent testimony before the Mines

and Mining Subcommittee of the House Interior Committee, a representative of the National Coal Association said:

> Uncontrolled imports of residual oil can cause the country's coal productive capacity to disappear—and once it disappears, it will take a long time to build it back up again. During that rebuilding period, the country will be without coal, no matter how desperately it is needed.

The statement continued:

> Unrestricted imports of crude oil will delay by decades (until such time as the world oversupply of oil disappears) the commercial production of synthetic gas and oil from coal and oil shale. During those decades, the drain on our balance of payments may become so ruinous as to undermine the ability of the United States to maintain a position of world leadership.

Assistant Secretary of Interior for Mineral Resources, Hollis Dole, has also sounded the alarm about an energy crisis as has the acting Director of the U.S. Bureau of Mines, Dr. Earl T. Hayes, and Federal Power Commission Chairman, John N. Nassikas.

Nassikas testified recently that—

> It may take five to ten years to restore the present supply deficit and regain the necessary balance with projected demand. We estimate that 800 trillion cubic feet of new gas reserves, as yet undiscovered, will be needed between now and 1990 if requirements grow as projected, and are to be met by domestic production while maintaining a reserve to production ratio of 10–1.

There are even disquieting signs now, he said, that some pipeline companies will not be able to supply the total demands of their customers in 1970–1971.

Because there is currently no commercially feasible technique for gasification of coal, it is unrealistic to expect that process to be of any help in alleviating the shortage in the next 5 to 7 years, Nassikas said.

He also said there was no point in considering the importation of liquified natural gas as a possible solution because the country will not be able to get it in large quantities for another 5 to 7 years.

An analysis of the precise dimensions of the gas supply problem is necessary, the chairman said. He said also essential is a study of energy economies and supply-demand balance.

In addition, Nassikas said the survey should delve into eight other areas among them the supply-price-market relationship; natural gas' role as an alternative method of pollution abatement within the limits of its availability; the role of synthetic fuels in the long-term supply of gas; and financing, ownership and diversification of natural gas companies.

Assistant Secretary Dole said that unless we take prompt and substantial action, we shall pass from a period of energy sufficiency to a period of general energy insufficiency.

Dole continued:

> Yet the impending reductions in energy supply is an economic condition, not a physical one. The fact is that we have enormous resources of hydrocarbon fuels—solid, liquid and gaseous—that are available to us any time we care to undertake the cost and effort to find, extract and produce them. The case of coal illustrates the paradox of the condition of economic scarcity coexisting with a condition of physical abundance. With a thousand-year supply of coal in sight, we are short of coal in 1970 because, for various reasons, economic incentives have not been sufficient to bring the required volumes to market. We know exactly where the coal is; we know with a high degree of reliability just how much of it exists; but we simply have not been willing to create enough capacity to get it out of the ground.

Dr. Laird of the Office of Oil and Gas noted that low sulfur residual from the Middle East, now rapidly replacing coal for utility and industrial use in the U.S. Northeast, now meets the competition of coal and gas in that area.

Dr. Laird said:

> In this case the added cost is not measured in dollars but in national security.

And for those who are willing to gamble on the reliability of foreign sources of oil, particularly the Middle East and North Africa, I would highly recommend that they reexamine the concept of national security on which the mandatory oil import program is based.

In the same Interior Subcommittee hearings on oil import controls, Mr. Stanford G. Stiles, vice president for Transportation, Shell Oil Co., offered his own definition of national security.

Mr. President, I ask unanimous consent that Mr. Stiles' definition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE OPERATIONAL MEANING OF NATIONAL SECURITY

National security in the abstract is an all-encompassing concept. It tends to suggest security in the event of overt war. Most commentators therefore come quickly to considerations of the merely physical (or military) security and defensibility of U.S. supply lines. Distinctions have consequently been made between supply points on the basis of "overland" (hence, presumably more secure) versus "over water" transport routes; and on the basis of long water routes versus shorter (Western Hemisphere) routes, etc.

Comment on the likelihood of nuclear, conventional-total, or conventional-limited wars is a job for the National Security Council and its expert advisors.

In this Appendix, security will mean operational as opposed to military security.

Operational security is a function of the political stability, reliability and maturity of producing sectors and of areas through which oil passes on its way to the U.S. By this definition, reserves under U.S. political control are the only fully secure reserves, whether in the lower 48 states or on the Arctic Slope of Alaska. During periods of nominal world peace, the U.S. is still vulnerable to interruption of imported oil supplies. Revolution, labor unrest, subversion or adverse political action can and have interrupted the flow of oil from foreign countries. Although hostile activities may not be aimed at the United States, our oil supplies may nonetheless be interrupted.

Although the degree of insecurity varies widely, all other oil is distinctly less secure than our own supplies. Even in the case of very friendly nations, our policy interests do not always coincide. Control of an essential commodity confers bargaining strength to other countries which works against our national freedom of action, hence, security. This exposure may be deemed sufficiently small, compared to benefits, that in the case of friendly and stable oil producing countries we would be willing to rely upon their oil reserves as a supplement to our own.

It is instructive to consider that of great power centers in existence today, only North America and the Communist bloc are completely self-sufficient in petroleum. The U.S. is barely self-sufficient today; and continued freedom of action vis-a-vis the Communist bloc will depend upon continued discovery and development of secure petroleum supplies. With growing Russian involvement in the Mid-East, the flank of the Atlantic Alliance is seriously threatened, for Europe depends on Mid-East oil.

In a world of tensions and confrontations, it would be national folly to get into a posture of great petroleum vulnerability. This, reduced to essentials, is the operational meaning of national security as regards oil: we must maintain an environment in which our domestic petroleum production industry can grow and stay strong.

Mr. HANSEN. Mr. President, I hope my good friends in the Northeast will carefully consider the warnings of the real experts, both in government and industry, such as the ones I have quoted, before going any further down the one-way road of foreign dependency for their primary energy sources.

It could be a hot summer and a cold, dark winter with no coal, gas, or domestic oil supply to depend upon if things really got hot in the Arab world or if we got over the barrel of dependency for any major portion of our energy requirements.

NATIONAL AIRPORT

Mr. SPONG. Mr. President, after almost 3 years of delays during which it held not a single formal hearing, the Civil Aeronautics Board has decided to terminate its investigation of congestion at National Airport having concluded that in the interim the situation has corrected itself.

This is a remarkable approach to problem solving which could become a very popular thing here in Washington. Simply do nothing for long enough and the problem will go away. Or, at the very least, the information on which the complaints were based will have become outdated as indeed one of the parties to this case contended.

In fact, Mr. President, the problem at National has not gone away but is very likely to get much worse. On the very day that the CAB issued its discontinuance order—April 27—I reported to the Senate the apparent decision of the Federal Aviation Administration to allow larger jets to operate at National. These aircraft can carry up to 40 percent more passengers than the largest jets heretofore permitted at that facility and they are only the first generation of these jumbo models.

Sometime in 1972, the airlines are expected to begin using the so-called air buses which can seat as many as 250 passengers. With the longstanding ban on big jets having been breached there is no reason to expect that the airlines will not be successful in introducing these flying buses when the time comes.

Mr. President, in issuing its order the CAB rejected the contention of Mohawk Airlines that as a short-haul commuter line it should be allowed space at National rather than having to base some of its flights at Dulles. These spaces have

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been denied because other airlines, some of them with flights from as far away as 650 miles, occupy the slots. This situation prevails notwithstanding the assertion of the FAA that National should be a short-haul airport.

The CAB also noted that 2 years after it began its investigation the FAA imposed a limit of 40 flights per hour at National Airport and this, the CAB concluded, had helped solve the congestion problem.

Mr. President the fact is that this 40-per-hour limitation had been in effect on a voluntary basis almost from the day the CAB initiated this investigation. The only thing that happened in 1969 was that the limitation was changed from a voluntary to a mandatory one.

Moreover, by the testimony of Mr. Arvin Saunders, who is director of the Bureau of National Capital Airports from the FAA, this rule would not result in any change in the passenger situation at National Airport. Let me quote from his testimony at the May 1969, hearing which I chaired:

> Senator Spong. Do you expect any decline in passengers as a result of these rules?"
>
> Mr. Saunders. I would think there may be some decline in passengers maybe at some of the other airports. Having said that, I immediately take the other side and say that at National I do not think there will be much change . . ." (page 175)

Mr. President, at this time I will read for the Record a chronology of some of the major delays in this abortive CAB investigation.

CHRONOLOGY OF CAB INVESTIGATION

June 20, 1967: CAB instituted investigation.

September 28, 1967: Pre-hearing discussions.

February 29, 1968: DOT asks delay.

July 25, 1969: DOT says it will ask discontinuance.

August 4, 1969: Spong letter to CAB urging early hearing.

September 24, 1969: CAB writes DOT asking reasons for delay.

November 17, 1969: Spong writes CAB again urging action.

November 20, 1969: CAB asks DOT to be promptly advised on its position.

April 27, 1970: CAB cancels investigation.

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 27 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 1, 1970, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, April 30, 1970:

Department of the Treasury

Samuel R. Pierce, Jr., of New York, to be General Counsel for the Department of the Treasury, vice Paul W. Eggers.

U.N. Trusteeship Council

Sam Harry Wright, of the District of Columbia, who was confirmed by the Senate November 26, 1969, as the Representative of the United States of America on the Trusteeship Council of the United Nations, to serve on the Council with the rank of Ambassador.

U.S. Navy

Having designated Rear Adm. Jerome H. King, Jr., U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate, April 30, 1970:

Federal Power Commission

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1975.

Federal Aviation Administration

Kenneth M. Smith, of Texas, to be Deputy Administrator of the Federal Aviation Administration.

U.S. Coast Guard

Rear Adm. Chester R. Bender, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard with the rank of admiral.

In the Environmental Science Services Services Administration

The nominations beginning Floyd S. Ito, to be lieutenant commander, and ending Abram Y. Bryson, Jr., to be lieutenant (junior grade), which nomination were received by the Senate and appeared in the Congressional Record on March 31, 1970.

In the Coast Guard

The nominations beginning Roland W. Callis, to be chief warrant officer (W–2), and ending Scott D. McCowen, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 1970.

HOUSE OF REPRESENTATIVES—*Thursday, April 30, 1970*

The House met at 11 o'clock a.m.

Rev. James N. Birkitt, Carmel Baptist Church, Ruther Glen, Va., offered the following prayer:

O God, in times like these give us an anchor in Thyself, in the inspired Bible, and in prayer. In these difficult days, help us to accept the things we cannot change, to change the things we can, and give us the wisdom to know the difference. May we return to spiritual values upon which our country was founded, and save us from the moral decay of unregenerate human nature. Grant us a new birth within, new courage, goals, challenges, and Heavenly strength to face the future. Help us to live in the light of eternity, to judge as we one day will be judged. Have mercy upon our Nation. Forgive us of our sins through the blood of our crucified and resurrected Saviour, the Lord Jesus Christ, in whose name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes.

S. 1498. An act to provide for the conveyance of so-called scattered tracts in Oklahoma, acquired under the act of June 26, 1936 (49 Stat. 1967).

TRIBUTE TO REV. JAMES N. BIRKITT

(Mr. SCOTT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, our visiting minister today is a constituent of mine from Hanover County, Va. The Reverend James N. Birkitt is the pastor of a rural Baptist church, the Carmel Church of Ruther Glen, Va., but his Christian activities go well beyond the area he serves as a pastor because he is also president of Christian Enterprises, which operates or contributes to the operation of a number of Christian radio stations, not only in this country, but in several foreign countries. He is a daily speaker on the Radio Bible Institute heard on a network of stations primarily in this country, a Bible teaching program.

Mr. Speaker, I appreciate the kindness of our chaplain, Dr. Latch, in permitting the Reverend James N. Birkitt to open the House today with prayer.

APPOINTMENT OF CONFEREES ON H.R. 14705, EMPLOYMENT SECURITY AMENDMENTS OF 1970

Mr. ALBERT. Mr Speaker, on behalf of the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means (Mr. Mills) I ask unanimous consent to take from the Speaker's table the bill (H.R. 14705), to extend and improve the Federal-State unemployment compensation program, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none, and appoints the following conferees: Messrs. Mills, Boggs, Watts, Byrnes of Wisconsin, and Betts.

THE CRISIS IN CAMBODIA

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Speaker, we

are all concerned today about the deteriorating situation in Cambodia and the prospect of the U.S. military intervention there.

While the President of the United States considers what action, if any, he will take, we in Congress must also meet our responsibilities. We must weigh the risk of any move that would lead to greater involvement of American forces in Southeast Asia and mire us in an insoluble conflict which would sap our national spirit and strength.

It is with these thoughts in mind that I and 58 other Members of the House have introduced the following resolution regarding any American military role in Cambodia:

H. Res. 962

Resolved, That it is the sense of the House of Representatives that the United States refrain from any military action in Cambodia.

List of the Sponsors

Brock Adams, Washington.
Joseph P. Addabbo, New York.
Jonathan B. Bingham, New York.
Edward P. Boland, Massachusetts.
Frank J. Brasco, New York.
George E. Brown, Jr., California.
Daniel Button, New York.
Hugh L. Carey, New York.
Shirley Chisholm, New York.
William Clay, Missouri.
Jeffery Cohelan, California.
John Conyers, Jr., Michigan.
Charles C. Diggs, Jr., Michigan.
Don Edwards, California.
Leonard Farbstein, New York.
William D. Ford, Michigan.
Donald M. Fraser, Minnesota.
Jacob H. Gilbert, New York.
William J. Green, Pennsylvania.
Seymour Halpern, New York.
Lee H. Hamilton, Indiana.
Michael Harrington, Massachusetts.
Augustus F. Hawkins, California.
Ken Hechler, West Virginia.
Henry Helstoski, New Jersey.
Andrew Jacobs, Jr., Indiana.
Joseph E. Karth, Minnesota.
Robert W. Kastenmeier, Wisconsin.
Phillip Burton, California.
James H. Scheuer, New York.
Edward I. Koch, New York.
Allard K. Lowenstein, New York.
Spark M. Matsunaga, Hawaii.
Abner J. Mikva, Illinois.
Patsy Mink, Hawaii.
Robert H. Mollohan, West Virginia.
William S. Moorhead, Pennsylvania.
John E. Moss, California.
Lucien N. Nedzi, Michigan.
Robert N. C. Nix, Pennsylvania.
James G. O'Hara, Michigan.
Arnold Olsen, Montana.
Thomas P. O'Neill, Jr., Massachusetts.
Richard L. Ottinger, New York.
Claude Pepper, Florida.
Bertram L. Podell, New York.
Thomas M. Rees, California.
Henry S. Reuss, Wisconsin.
Fred B. Rooney, Pennsylvania.
Benjamin S. Rosenthal, New York.
Edward R. Roybal, California.
William F. Ryan, New York.
William L. St. Onge, Connecticut.
Frank Thompson, Jr., New Jersey.
Charles A. Vanik, Ohio.
Jerome R. Waldie, California.
Lester L. Wolff, New York.
Gus Yatron, Pennsylvania.
Sidney R. Yates, Illinois.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

April 28, 1970.

Hon. John W. McCormack,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: My resignation from the House Administration Committee is hereby submitted with the request that it be recorded as effective today.

Respectfully,
Jerry L. Pettis.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

April 28, 1970.

Hon. John W. McCormack,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: It has been an honor and a privilege to know and work with the many fine men who are members of the House Science and Astronautics Committee on which I have served since 1967.

My association with the members and participation in the deliberations of this group will always remain a high point in my life. The problems which have come before my committee have been very challenging and the accomplishments rewarding. New fields have been explored and new technological knowledge has been gained. However, I wish to submit my resignation from the Committee effective today.

Respectfully,
Jerry L. Pettis.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 959) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 959

Resolved, That Jerry L. Pettis of California be, and he is hereby, elected a member of the standing committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DESTRUCTION OF COMMUNIST SANCTUARIES IN CAMBODIA IS BRILLIANT MANEUVER

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, in my opinion, President Nixon had no choice but to give his consent for the destruction of the Communist's sanctuaries in Cambodia. Our military commanders have been seeking approval for months and years to enter Cambodia and hit the enemy at his base camp where it hurts him the most.

History will record this military move by the South Vietnamese with U.S. air and advisory support as a brilliant maneuver. These task forces are fully mobile and will be withdrawn from Cambodia after the Communist's sanctuaries have been found and destroyed.

The timing of this combat maneuver is perfect. This is a step in the right direction to end the conflict in Southeast Asia and allow us to continue an orderly withdrawal of American troops.

I personally have never been able to understand why we have allowed ourselves to be placed in the tenuous position of letting the enemy come from a so-called neutral country and kill our U.S. servicemen and then go back across the border for safety and protection.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, this is precisely what many of us have been begging and demanding—the implementation of the hot pursuit. These people have been coming across the border and killing American troops and then darting back across the border for sanctuary in Cambodia. This move can win the war and it will certainly hasten the Vietnamization of the war in Vietnam.

Mr. Speaker, if we are going to fight this war, we should win it, and if we are going to do it, now is the time.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his comments.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, let me say that later during the debate on the military authorization bill, I will have some observations and comments to make.

I will say now the comment made by the gentleman from South Carolina and that made by the gentleman from Mississippi are good sound military observations. It seems to me that overall this is the right thing for us to do under the current circumstances, and it will, in effect, help save American lives.

CAMBODIA

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I have listened with great interest to the remarks of the previous speakers including the distinguished minority leader about our involvement in Cambodia, but I think there are many Americans who are asking today: Where have the Cambodians been for all these years? We have known of these sanctuaries for the Communists for many years; and 40,000 American boys have been killed in Vietnam simply because the North Vietnamese have come into South Vietnam, attacked our forces, and then sought sanctuary in Cambodia.

For a long time the Cambodian Government protested any hot pursuit; but now, because communism constitutes a threat to Cambodia, all of a sudden they want our help.

It seems to me the American people have the right to ask whether we ought not to exhaust all of our political options in that particular dispute before any unilateral American involvement. I have been a strong supporter of Vietnam, and

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nobody can deny that; but extending the conflict to Cambodia is another question, and I believe many Americans are seriously wondering whether this is a wise policy.

I think any expansion of this war ought to be the problem of SEATO, or the Security Council of the United Nations, or yes, the Geneva Convention itself.

May I remind this House that Cambodia has been a member of the United Nations since December 14, 1955. Surely, the U.N. has a responsibility to protect one of its members from Communist invasion.

I am wondering whether it is the plan of the President to at least explore these other alternatives before the United States gets itself involved alone in yet another conflict in Southeast Asia.

I think the time has come when the United States ought to say, yes, we will fulfill our commitment to help our allies in Southeast Asia but the United States has no mandate to protect these nations exclusively with our own resources.

May I remind our colleagues that SEATO consists of the United States, Great Britain, France, Australia, New Zealand, Philippines, Pakistan, and Thailand. Also by additional memorandum, Cambodia, Laos, and South Vietnam are parties to the mutual security pact.

I believe President Nixon ought to summon an emergency session of SEATO and agree on a collective course of action so America does not wind up carrying the full burden of defending both South Vietnam and Cambodia.

I am not impressed with the agreement that we can now engage in "hot pursuit" of the enemy. Defending Cambodia is a responsibility of all the SEATO powers and not just the United States.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON SECOND SUPPLEMENTAL APPROPRIATION BILL, 1970

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the second supplemental appropriation bill, 1970.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MEETING FRIDAY EVENING ON PUBLIC APPEAL FOR JUSTICE FOR AMERICANS WHO ARE PRISONERS OF WAR OR MISSING IN ACTION IN VIETNAM

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, a constituent of mine whose brother is missing in action in Vietnam has called to my attention a very worthwhile meeting scheduled here Friday evening, May 1. This meeting is being sponsored by a number of our colleagues including Congressmen DANIEL, MCKNEALLY, MAY, ROUDEBUSH, SIKES, and OLIN TEAGUE, and will be a public appeal for justice for Americans who are prisoners of war or missing in action in Vietnam. It is scheduled for Constitution Hall, and if I were going to be in Washington I certainly would attend.

I sincerely hope that those Members of Congress who can, will attend this important meeting and let the families of our prisoners of war and those servicemen missing in action know of our concern for their plight.

WAR IN INDOCHINA

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, how often have we heard the refrain before: One more escalation and we will win the war.

The response of the minority leader to that was that the chairman of the Armed Services Committee had made a sound military observation.

The tragic error is that such an approach continues to look at the Southeast Asia problem as simply a military problem and not one which requires a political solution.

The events in Cambodia are so ominous that prompt and responsible action is required by the Congress to avert a wider war involving the United States throughout all Indochina.

Section 401 of the military procurement bill, which we are considering today, is an open-ended authorization for the very type of action which yesterday resulted in American advisers and air support crossing into Cambodia with a large-scale South Vietnamese attack force.

As I have informed my colleagues by letter, today I intend to offer an amendment which would strike out section 401, in an effort to avoid involvement in another war created by the executive branch.

Section 401 provides that funds authorized under the military procurement bill or any other act involving the Armed Forces may be used to "support" Vietnamese and other free world forces in Vietnam, and local forces in Laos and Thailand. This is the very support which accounts for yesterday's U.S. intervention into Cambodia. What is more, it will enable this country to marshal a proxy army, drawing us further into the well of death and destruction which has cost over 41,000 American soldiers' lives in Vietnam.

The House will have an opportunity today to act. By voting for the amendment which I will offer, and thereby deleting the open ended authority for support of South Vietnamese, Thai, and Laotian forces, we will be able to exercise our constitutional responsibilities. The President will have to request specific authority, and will have to explain his actions fully. That is the very least we owe this country and its young men, who are risking their lives in misguided conflict in Southeast Asia.

CONFLICT IN SOUTHEAST ASIA

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, the Pentagon announcement that we are moving into Cambodia in a fairly large way, with advisers, tactical air support, and other combat support and equipment, is upsetting.

For 7 years, we have tried to win a war in a nation with as many as a half million men. Now, the tantalizing vision is held out that with half as many men we can somehow emerge trimphant by spreading the war into two nations.

The Pentagon announcement is particularly upsetting because we have been assured repeatedly by the administration that we would not become involved in another Asian conflict without consultation with the Congress. Just a week ago today, Secretary of State Rogers reiterated that assurance to the Foreign Operations Subcommittee of the House Appropriations Committee.

Our commitment in Cambodia is already substantial enough to remind us of how we got committed to Vietnam in the first place. It will become even more substantial if the Cambodian Government is given all the support it has requested.

The administration has broken both its promise and its constitutional obligation to consult the Congress by committing American troops, American treasury, and American prestige to the defense of one more nation that lacks the will to defend itself.

President Nixon has launched us into another undeclared war.

RECENT DEVELOPMENTS IN CAMBODIA OFFER AN OPPORTUNITY

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, we have heard several comments today regarding developments in Cambodia in recent weeks. In my opinion, the developments in Cambodia are one of the greatest breaks that the United States has received since our involvement there. Recent developments are favorable to the United States both militarily and psychologically; military because the Communists are being denied sanctuary in Cambodia and psychologically because it shows that the freedom-loving people in Southeast Asia are anxious to throw off their pro-Communist rulers and stand up and fight. The Communists remind me of a man playing poker who has run out of blue chips when someone else raised the ante.

I am glad to say that I can support a cause, the cause of victory in Southeast Asia. When I heard the loud cries on this end of the Capitol, as well as the opposite, from those praying secretly for American defeat, I am glad that I can stand up for an American victory. An American victory will be my victory. I pity and hold with some disgust those who must pray for an American defeat in the hope that in some perverted way they might benefit politically.

MINSHALL OPPOSES RAISE IN FIRST-CLASS POSTAGE

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, as the postal reform hearings progress in the House Committee on Post Office and Civil Service, I wish to be recorded in opposition to the proposed 2-cent increase in first-class postage.

First-class letters already show a profit at 6 cents. There is no reason why first-class mail users should be penalized by an increase in rates.

And there is absolutely no justification for the general taxpayer to continue digging in his pocket to subsidize unwanted, unwelcome third class "junk" mail which does not begin to pay its own way and which is a constant nuisance to recipients.

In its most fair form, the cost of delivering any article through the mail should be a direct-user tax. I hope that the postal reform bill will reach the House floor under a parliamentary situation which will permit us to vote separately on the postal rate issue.

MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH AUTHORIZATION, 1971

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17123, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday, it had agreed that the bill be considered as read and open to amendment at any point.

Are there further amendments?

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer and amendment.

The Clerk read as follows:

Amendment offered by Mr. Wyman:

On page 2, line 19, strike out the period, substitute a comma, and add the following: "*Provided further,* That no funds authorized to appropriated by this Act for the use of the Armed Forces of the United States shall be expended for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least two different United States shipbuilders."

Mr. WYMAN. Mr. Chairman, I shall not take too much time on this amendment. However, it is an important amendment in that this DD–963 class of destroyer procurement involves an initial contract for some 30 vessels and an additional commitment——

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 98]

Anderson, Tenn.
Ashley
Baring
Beall, Md.
Berry
Biaggi
Bolling
Brasco
Brock
Brown, Calif.
Burke, Fla.
Burton, Utah
Bush
Cabell
Celler
Clark
Clawson, Del
Cohelan
Colmer
Cowger
Cramer
Daddario
Dawson
Dent
Dulski
Edwards, La.
Feighan
Foley
Gallagher
Garmatz
Giaimo
Griffiths
Hanna
Hays
Hébert
Heckler, Mass.
Jacobs
Johnson, Calif.
Jones, N.C.
Kee
Kirwan
Langen
Lennon
Lujan
Lukens
McCarthy
Madden
Mahon
Melcher
Meskill
Mollohan
O'Neal, Ga.
Ottinger
Passman
Patman
Pepper
Poage
Powell
Price, Tex.
Roberts
Ruppe
St. Onge
Scheuer
Schneebeli
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Taylor
Teague, Calif.
Tunney
Weicker
White
Whitehurst

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17123, and finding itself without a quorum, he had directed the roll to be called, when 354 Members responded to their names, a quorum, and he submitted herewith the names of absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose the gentleman from New Hampshire (Mr. Wyman) was explaining his amendment. The gentleman will proceed.

Mr. WYMAN. Mr. Chairman, this amendment is not a complicated one. It is designed to require that at least two different sources shall construct the new DD–963 class of destroyer which is the projected new destroyer for the Navy over the next 10 to 20 years. The initial procurement here involves some 30 ships at a cost of approximately $2 billion.

Mr. Chairman, it is my opinion as a member of the Defense Appropriations Subcommittee that this is altogether too much for a single source procurement. I think a dual procurement would strengthen the procurement process as well as our national shipbuilding capability.

As Members remember, last year there was provision in the bill when it went over to the other body providing for three sources. At the present time in response to specifications and contract definition the competing sources on this procurement are down to two.

In the long haul many more than 30 such vessels may be required.

I think it very much in the interest of the procurement process and more compatible with a greater measure of protection for national defense, that at least two facilities develop and construct this destroyer. Sole source of procurement here puts altogether too many eggs in one basket

Dual procurement will involve a brief initial delay to assure commonality. In the prototype there may be a small cost increase in the beginning. But shortly down the line as completed ships come off the ways this increase will be recouped and we will have the continuing added protection of two sources of production for this main line item. To me this is a wise and sound policy.

I would like to ask the distinguished chairman of the Armed Services Committee at this time if the committee has a position in regard to this amendment?

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. Yes; I yield to the chairman of the committee.

Mr. RIVERS. I think this amendment is substantially the same as the one we had in the bill last year. I can see no harm in it. Insofar as I am concerned I will accept it.

Mr. WYMAN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, in the interest of time I will yield back the balance of my time.

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I may not take up the entire 5 minutes. I think we have found we can spend a great deal of money for some of these procurements, but we spend it all in one particular place in many instances. At my instance, we have had some amortization of the work with respect to ship procurement by provisions we added in the bill already providing that of the funds made available, $600 miillion would be available only for expenditures in naval shipyards.

I think there are sound reasons for this. I would like to submit into the Record an analysis of this Committee amendment, which I sent to the Chairman under date of April 6, and which has tables attached to it. I will ask permission to print the tables when we get into the House.

The material referred to is as follows:

April 6, 1970.

Hon. L. Mendel Rivers,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Shortly we will be introducing our Public Law 412 Authorization Bill for fiscal 1971. A question arises whether our Committee has the power to halt the apparent administrative desecration of our Naval Shipyards. I know you are concerned about the sometimes fiscal slight of hand of the Pentagon. What with Congressional and Presidential limitations on spending over the past few years, I believe our long-term defense priorities have become confused.

When the red tape and official budget misinformation are cleared aside and the numbers are viewed in perspective, the rather disastrous desecrating action of the Administration comes to light.

You recall in the early 1960's we fought jointly to maintain a proper balance between public and private shipyard apportionment of Naval repairs, alterations and conversions (RAC). We opposed mandatory apportionment of 35 percent of this work to private yards when for the previous 10 years the average had been 15 percent private. For the past five years, there has been no mandatory apportionment, but it is interesting to note that private yards have enjoyed respectively 32.6 percent, 35.4 percent, 40.8 percent, 37.4 percent and 32.8 percent of the work.

The point is that our victory was rather hollow since in spite of the discretion given the Administration, the Navy has averaged over the last 5 years only $682 million of RAC work whereas private yards have averaged $385 million and 36.1 percent of the work.

While the Navy has mesmerized us with the repair figures, apparently there has been a move in the Administration to work disaster in new construction.

You recall in 1965, when Secretary McNamara issued his order closing certain Naval Shipyards, he talked of modernizing and building up the remaining yards so that they could be competitive on new construction. The Navy bought and paid for the Kaiser Report which looked to expending $700 million to modernize Naval Shipyards in 5 to 7 years. Now four years later, it is my understanding that the Administration has opted for a 10 year modernization program—recommended for the first time last year a $70 million initial program which was eventually reduced by budget limitations to $49.9 million. For fiscal 1971, I understand the Navy recommended $98 million and this was cut by OSD to $34.5 million. The point is that at best the Navy yards will only get 50 percent of the Navy recommended program, which means that a 10 year modernization is now extended to 20 years.

On new construction, there has been a statistical disaster which is now wreaking havoc in Naval Shipyards, and I charge destroying our Defense Shipyard capability.

In the 10 year period before 1967, Navy yards were apportioned on the average $405 million of new construction work annually—about 20 percent of the new work. Private yards were awarded 80 percent or about $1.4 billion annually.

In 1967, apparently without much fanfare and amid budget confusion, the Navy yard share of new construction was cut to less than 1 percent or $6½ million, while private yards received a whopping $1.8 billion. Outside of $71 million awarded to Navy yards in 1968, there has been no new shipwork allocated to any Navy yard in 1969, 1970 and now 1971; while there has been apportioned to private yards during this period $553 million, $351 million, $2.45 billion, and $2.72 billion or a total of $6.07 billion private to 0 for Naval Shipyards. The last figure, as you know, is subject to our Public Law 412 power this year.

Not only are private yards fat from Navy contracts, but the new 30 ship per year Merchant Ship Program of the Maritime Administration and the 10 ship per year Charter and Build Program of the MSTS will swell private yard coffers an additional billion dollars a year.

This feast on the one hand, famine on the other, has had its effect in shipyard employment. In 1956, private yard employment stood at 110,000 vs. 102,000 in Naval Shipyards. In 1961, when the Democrats came to power, the ratio was 116,000 to 98,400 for Navy yards.

In 1968, it was 144,000 private vs. 95,200 Navy yards. Over the past three years, with the disastrous work allocation policy aforedescribed, Navy yard strength has fallen to 86,000 and is projected to deteriorate to 82,000 in June and perhaps 72,000 by the end of fiscal 1971.

I personally believe that our national defense posture will be substantially compromised if our Committee allows a 25 percent reduction in crucial shipyard personnel talents in this short space of time.

Several solutions present themselves to ameliorate the foregoing.

(A) A proviso could be added which would limit the ship authorization so that $600 million would be available only for expenditure in Naval Shipyards.

(B) A proviso could be worked out which would guarantee that at least 20 percent of the new construction funds would be allocated to Naval Shipyards.

Either of these provisions are a far cry from the 50-50 apportionment called for in the Vinson Trammel Act, which I understand is still law today.

While perhaps only a portion of the Naval Shipyards are involved in new construction, the policy aforementioned affects everyone of them lest they all try to survive out of the same paltry repair dollar allocation.

Mr. Chairman, I know you are vitally concerned with these matters. The contentions can be easily reinforced by calling in civilian and military Navy Shipyard managers to Washington to testify.

Very sincerely,

ROBERT L. LEGGETT.

ALLOCATION OF SHIPWORK BETWEEN NAVAL AND PRIVATE SHIPYARDS FISCAL YEAR 1953 TO FISCAL YEAR 1970

[Dollars in thousands]

Fiscal year	New construction				Total repairs, alterations, conversion and new construction			
	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private
1953	$256,390	$303,059	$559,449	54.2	$690,781	$335,859	$1,026,640	32.7
1954	0	427,818	427,818	100.0	378,811	483,418	862,229	56.1
1955	320,288	415,218	735,506	56.5	724,538	491,618	1,216,156	40.4
1956	388,411	861,380	1,249,791	68.9	907,287	949,101	1,856,388	51.1
1957	549,686	1,010,601	1,560,287	64.8	1,233,521	1,271,083	2,504,604	50.7
1958	303,302	1,281,300	1,584,602	80.9	825,856	1,349,000	2,174,856	62.0
1959	474,131	1,376,699	1,850,830	74.4	1,086,040	1,472,998	2,559,038	57.6
1960	86,160	42,9615	515,775	83.3	531,478	504,984	1,036,562	48.7
1961	483,702	1,488,935	1,972,637	75.5	972,352	1,568,635	2,540,987	61.7
1962	772,371	1,620,824	2,393,195	67.7	1,372,615	1,786,624	3,159,239	56.6
1963	274,192	1,888,108	2,162,300	87.3	872,401	2,214,795	3,087,196	71.7
1964	321,945	1,390,818	1,712,763	81.2	1,030,860	1,690,154	2,721,014	62.1
1965	441,100	1,361,476	1,802,576	75.5	896,762	1,581,996	2,478,758	63.8
1966	255,300	1,390,436	1,645,736	84.5	932,444	1,792,405	2,724,849	65.8
1967	6,500	1,827,300	1,833,800	99.6	695,588	2,343,794	3,039,382	77.1
1968	71,500	553,200	624,700	88.6	868,296	1,028,806	1,897,102	54.2
1969	0	351,600	351,600	100.0	796,422	741,221	1,537,643	47.2

ALLOCATION OF SHIPWORK BETWEEN NAVAL AND PRIVATE SHIPYARDS FISCAL YEAR 1953 TO FISCAL YEAR 1970

[Dollars in thousands]

Fiscal year	Repairs and alterations				Conversions				Total repairs, alterations and conversions			
	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private	Naval	Private	Total	Percent private
1953	$301,700	$32,800	$334,500	9.8	$132,691	$0	$132,691	0	$434,391	$32,800	$467,191	7.0
1954	285,600	55,600	341,200	16.3	93,211	0	93,211	0	378,811	55,600	434,411	12.8
1955	255,400	76,400	331,800	23.0	148,850	0	148,850	0	404,250	76,400	480,650	15.9
1956	294,000	77,200	371,200	20.8	224,876	10,521	235,397	4.5	518,876	87,721	606,597	14.5
1957	269,400	64,200	333,600	19.2	414,435	196,282	610,717	32.1	683,835	260,482	944,317	27.6
1958	293,300	67,700	361,000	18.8	229,254	0	229,254	0	522,554	67,700	590,254	11.5
1959	299,500	57,500	357,000	16.1	312,409	38,799	351,208	11.0	611,909	96,299	708,208	13.6
1960	350,900	63,500	414,400	15.3	94,418	11,869	106,287	11.2	445,318	75,369	520,687	14.5
1961	347,300	79,700	427,000	18.7	141,350	0	141,350	0	488,650	79,700	568,350	14.0
1962	394,300	133,400	527,700	25.3	205,944	32,400	238,344	13.6	600,244	165,800	766,044	21.6
1963	309,909	140,487	450,396	32.2	288,300	186,200	474,500	39.2	598,209	326,687	924,896	35.3
1964	315,053	150,972	466,025	32.4	393,862	148,364	542,226	27.4	708,915	299,336	1,008,251	29.7
1965	432,962	148,620	581,582	25.6	22,700	71,900	94,600	76.0	455,662	220,520	676,182	32.6
1966	511,044	349,619	860,663	40.6	166,100	20,650	186,750	11.1	677,144	370,269	1,047,413	35.4
1967	664,088	352,494	1,016,582	34.7	25,000	121,500	146,500	82.9	689,088	473,994	1,163,082	40.8
1968	667,896	264,106	932,002	28.3	128,900	211,500	340,400	62.1	796,796	475,606	1,272,402	37.
1969	665,022	235,521	900,543	26.2	131,400	154,100	285,500	54.1	796,422	389,621	1,186,043	32.8

Mr. LEGGETT. Mr. Chairman, I think that the amendment offered by the gentleman from New Hampshire is a good amendment. It is going to allow for dual source procurement, and I think it is going to lead to the construction of these ships more competitively and more rapidly, and it is not going to add to the cost.

I yield back the balance of my time.

AIRPORT AND SEAPORT CRIME CONTROL ACT OF 1970

Mr. KOCH. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. KOCH was allowed to speak out of order, and to revise and extend his remarks.)

Mr. KOCH. Mr. Chairman, today I am introducing the Airport and Seaport Crime Control Act so we can break the grip of organized crime at our ports of entry.

In February, I expressed the hope that this Congress would concern itself with stopping the massive theft of international cargo by criminals operating with impunity at both our seaports and airports. At that time I cited the failure of the New York-New Jersey Waterfront Commission to wage an effective and conscientious fight against the infiltration of organized crime in the Port of New York. Now the waterfront commission is seeking to extend its jurisdiction to New York's airports, despite its sorry record in ridding the waterfront of organized crime and protecting valuable cargo.

It appears that the problem is beyond the capacity of State or local authorities. The Attorney General has charged that the largest air cargo center in the world, New York's Kennedy Airport, is virtually controlled by organized crime. Earlier this year, the Nixon administration announced that it would propose legislation designed to prevent theft of international cargo at all ports of entry throughout the Nation. But no legislation seems to be forthcoming. As with many other critical problems facing this country, we cannot wait upon the Nixon administration while it tries to decide what, if anything, it will do.

For all these reasons, the Airport and Seaport Crime Control Act of 1970, which I am introducing today, seeks to place the responsibility and power for dealing with this problem squarely on the Treasury Department's Bureau of Customs. The bill creates a Cargo Protection Division in the Bureau of Customs for two primary purposes:

First, the prevention of infiltration by organized crime of legitimate waterfront and airport business by the use of licensing powers; and

Second, the creation of Federal standards of cargo protection and the creation of freight security areas in both airports and seaports.

It is desirable that there be Federal responsibility for cargo protection as it involves the control and regulation of interstate commerce. The exercise of such regulatory functions by local authorities does not permit the efficient coordination and surveillance of organized crime. In addition, a Cargo Protection Division with national powers will prevent the circumvention or evasion of regulations by the utilization of other ports for various forbidden transactions.

The act provides for the licensing of companies doing business in the airports and seaports. All prospective licensee companies would have to meet the standards of good character and integrity. These companies would include the stevedore companies, air freight delivery and warehouse companies, trucking companies utilizing the ports, maintenance companies of all kinds, special service companies, such as those that provide coopering, container and carpentry services on the waterfront.

Individuals also would be licensed; they would include longshoremen, pier superintendents, hiring agents, clerks, air employees. Those with very serious or recent criminal records, or with a provable connection to organized crime, would be denied a license.

Initially, the licensing power would probably be exercised selectively by concentrating on the major ports where there is an obvious need for control. Eventually, the licensing power could be utilized at lesser ports as commerce increases and crime problems arise. The bill specifically permits bistate, State, and local authorities to exercise licensing powers of their own. Under the act, the Cargo Protection Division can accept State or municipal licenses of cargo handlers, supervisors and transporters in lieu of Federal licenses if the Division determines that the non-Federal standards for licensing are consistent with the purposes of the act.

In order to enable the Division to investigate violations of laws committed at either airports or seaports, the act provides that the Division possess full subpena and the immunity powers to enable it to investigate the penetration of organized crime into various airport and seaport components. It also provides strong criminal penalties for evasion or violation of the act itself.

We should not delay in providing the authority and finding the money to attack this problem. The volume of cargo at Kennedy Airport will quadruple in the next decade. Reported losses represent only a fraction of what is actually being stolen.

The Senate Select Committee on Small Business which has investigated this problem has emphasized that the ultimate victims of this multimillion-dollar thievery and corruption are the small businessmen and the consumer public. The increased costs resulting from business monopoly, fraudulent practices and cargo theft are passed on to them. It is time for the Federal Government to be given specific responsibility for crime control at our ports of entry if we are to save legitimate businesses and the American consumer from the increasing menace of organized crime.

Mr. ANDERSON of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Wyman amendment which would require the DD-963-class destroyer contract to be split between two shipyards.

I feel that this amendment will serve the national interest in several ways: First, it will revitalize our sagging shipbuilding industry in two areas—not one. Second, it would avert a total halt in construction if one yard runs into labor trouble and has a strike. At least one yard will be in production. Third, the amendment would allow for continued construction if one shipyard is hampered by mismanagement.

Mr. Chairman, I recognize the need to spread our shipbuilding capabilities over several geographical areas. Shortly, I will be presenting an amendment which moves in the same direction as the Wyman amendment, although much broader in scope. To show that there is no conflict, however, I urge support of the Wyman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT:

On page 2, line 8, after the words, "For missiles: for the Army," strike "$1,086,600,000" and insert "$426,200,000".

Mr. LEGGETT. Mr. Chairman, I intend to offer two amendments this morning with respect to the anti-ballistic-missile program. The present amendment would purport to cut $660 million, which is the total amount of the procurement in the pending bill for the anti-ballistic-missile program. If that amendment fails then I intend to offer a second amendment which would cut out $203 million for the phase II deployment.

We have spent today for the anti-ballistic-missile system a total of $4.3 billion for research and development, $550 million for procurement, and $1 billion for military construction. In the bill that we have before us today we are laying the foundation to add on additionally this year $660.4 million for procurement which includes the $203 million for the phase II procurement, $365 million for additional research and development, $357 million will be in the military construction bill which will come out of our committee later this year, $158 million for other research and development on anti-ballistic-missile systems, $53 million for operation and maintenance, $14 million for personnel compensation, or a total this year which will either be in this bill, the military construction bill, or the military appropriations bill, of a total of $1.608 billion.

Mr. Chairman, I do not think we need an awful lot of new arguments against the anti-ballistic-missile system this year. There are a lot of them available. I think the arguments that we gave 2 years ago and last year against the system are very cogent and appropriate today.

I said last year I do not believe the anti-ballistic-missile system makes much sense. It is clearly costly and ineffective. It is very, very expensive for the very, very limited objective that could be satisfactorily handled with other existing hardware, and there is actual question as to its effectiveness under battle conditions. There is no doubt it creates massive real estate, personnel, training, and related problems never before attempted by modern man and, assuming it is successful, it can lead to added escalation between the United States and the Soviet Union.

I think we have found this year that is exactly what has happened. The Soviets have escalated. Now we are responding to that escalation with the phase II ABM program right now.

I say that we do not build a school unless you have two-thirds support for the bonds. Again last year we supported an ABM system with a 50–50 vote in the Senate and the 50 Members of the Senate who voted against the system it just so happens represent 58 percent of the American public.

So we have a minority supported program at the present program, and I have real reservations as to whether or not the Senate is going to support this program again this year. For that very reason, unless you have a strong polarity and strong support for a program, I do not think it is worthwhile to get into this $10 billion or $12 billion or multibillion-dollar training programs.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. RIVERS. Why would not the gentleman accept a vote of the House on this?

Mr. LEGGETT. As the gentleman will recall, we had a very restricted vote in the House last year as we had this year, and we were unable to get a clear vote on the issue of curtailment of procurement alone on the ABM and allow research and development to go ahead.

If the gentleman would allow us to have a recommital vote this year and limit it just to phase II of the ABM program, I would almost support it at this time.

Mr. RIVERS. The gentleman is talking about last year and he spoke about the other body. What was the vote in the House last year?

Mr. LEGGETT. The vote on a very obscure amendment for the ABM, we got 141 votes against them. I do not think I voted against the recommital at that time.

Mr. RIVERS. What about our crowd?

Mr. LEGGETT. I do not know about "our crowd."

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman. I thank the gentleman for yielding.

I rise, first of all, to commend the gentleman from California (Mr. LEGGETT) for his leadership in the fight to prevent the United States from further escalating the arms race by proceeding with the deployment of an anti-ballistic-missile system. I support his amendment. Its adoption would signal support by the House of Representatives for the concept that we have a fully adequate system of security, now and in the foreseeable future, based on the principle that the United States could and would respond to any nuclear attack upon it, whether by the Soviet Union and Communist China or any other power, by inflicting intolerable destruction on the attacker. This principle of deterrence, disagreeable and unpleasant as it is, has been fundamental to our strategic security ever since World War II and it will continue to be fundamental in the future. There is no evidence that the Chinese Communists or any other power are so irrational as to invite destruction upon themselves.

Again and again in debating amendments to this bill the chairman and some members of the Armed Services Committee have told us that U.S. security will be jeopardized if the Congress does not approve the Pentagon's desires for bigger and better weapons systems. Yesterday we were told that it was absolutely essential that the United States proceed to deploy MIRV's. Today we are told the same thing about the latest plans for expanding the Safeguard ABM system.

All this is right in line with the recent scare campaign mounted by the Nixon administration. Secretary Laird has been trying to give the impression that the Soviets are accelerating the rate of deployment of their SS–9 land-based missiles, when the rate has actually slowed down, since no new sites for SS–9 launchers have been detected since last August. Dr. John Foster, Director of Defense Research, made headlines by charging that "giant hen house radars" had been erected in the Soviet Union, foreshadowing extensive ABM capabilities; he did not say that these hen houses had first been detected years ago and are considered highly vulnerable to attack. The President himself added to the panic atmosphere, charging that opponents of ABM and MIRV would concede to the Soviet Union military supremacy.

These speeches comprise a combination of long-known facts trotted out as something new and ominous, exaggerations and distortions, and a system of conjuring up remote contingencies for the future as if they present a "real and present danger" requiring immediate action.

The basic case made by the administration for the Safeguard ABM system has been an alleged potential threat to our Minutemen if the Soviets continue to deploy SS–9's at the rate of the last 2 years and will be able to equip them with accurate MIRV's. This is pure supposition. Even if it should prove to be true, we would still have a fully adequate deterrent force in our bombers and submarines.

As I pointed out on the floor yesterday, the Congress is constantly being badgered to take steps based on a fear of what the Soviets might do in the future. What the advocates of these steps always fail to point out is what the Soviets will be bound to do in response to our escalation through the deployment of weapons systems such as the ABM and the MIRV.

The Pentagon, as it stresses the risks involved in restraint, never seems to be concerned with the risks involved in going ahead full speed with the arms race.

For myself, I believe that our security can be best pursued through a system of balanced deterrents, maintained at a reasonable level through the process of mutual restraint, and through negotiations for controls and limitations such as are now underway in Vienna. Down this road lies not only greater security, but also the opportunity to cut back on our fantastic military spending and to begin to give the necessary priorities to our needs here at home.

Mr. LEGGETT. I thank the gentleman very much.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. FRIEDEL. Mr. Chairman, in recent months, I have spoken out repeatedly on the pressing need we have in this country in the early 1970's to restructure and reevaluate our national goals or priorities. It seems to me that this bill today, at this time, is the proper place to begin. In recent days, segments of our domestic economy have suffered reverses which remind many of us in this Chamber of the late 1920's. This week the savings of millions of Americans in securities went down precipitously while we have at the same time the worst price inflation that the Nation has known in a decade. Unemployment levels have recently reached a 6-year high. While this goes on, the White House seems disinclined or powerless to take the necessary steps to reverse or retard the fateful cycle of recession that seems to be occurring.

In Southeast Asia, the administration's policy of Vietnamization and withdrawal apparently is being massively subverted with the war daily spreading to Laos and Cambodia. In other words, we see before us absolutely no light at either end of our domestic or international tunnels. I therefore believe that in these particular dark days we must go very, very slowly indeed in any new areas of military procurement.

I will therefore, Mr. Chairman, vote against the authorization in the bill for the development of the Safeguard missile system. Yesterday, I voted for the amendments that were offered to cut some of the fat out of the bill. I was disappointed that we were not able to eliminate the $200 million contained in the bill which provides legislative backing for Deputy Secretary of Defense Packard's negotiations with Lockheed Aircraft over the gigantic cost overruns involved in the C–5A contract. In my judgment, this is literally throwing good money after bad. I am for the Government and the company getting together and working out their mistakes without it costing the American taxpayers additional millions of dollars. Mr. Chairman, it is this very kind of military planning and spending which has tinged our previously hallowed Pentagon with credibility problems.

I was also disappointed that the amendment failed that would have deleted the $475.2 million requested for the procurement of the Minuteman III, the MIRV, and the ICBM. This amendment would not have stopped this program but merely deferred procurement of the missiles pending completion of the current

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SALT talks. We could have continued the research and development aspects of this program but delayed the actual procurement of hardware. If our efforts to reach some accommodation with the Soviet Union on disarmament fail, then the Minuteman III deployment could be undertaken and procurement initiated. In essence, I felt that this amendment would have given great force and effect to the action taken earlier this year by the Senate when it passed Senate Resolution 211 by the vote of 72 to 6, which urged President Nixon to propose a bilateral halt on new strategic weapons systems deployment including the MIRV at the beginning of the SALT talks.

Finally, Mr. Chairman, I intend to vote for the efficiency substitute bill which will be introduced today as an amendment by my distinguished colleague from Pennsylvania. This substitute measure will be identical to the version reported by the committee but will contain, in its terms, an across-the-board efficiency cut of 5 percent. In effect, this bill will reduce the committee measure by about $1 billion. It will contain, under title IV, a provision that will prohibit the Government from making payments to Lockheed until the Congress has been advised of the arrangements for untangling the financial relationships that exists between the Government and Lockheed. This is particularly important in light of other important weapon systems contracted currently to Lockheed including the S3-A's and the Scram missile that have already exhibited significant cost overruns. The efficiency substitute bill will contain, again under title IV, the legislative basis for quarterly GAO reports to the Congress on major weapons systems and provide the GAO with subpena power to audit defense contractor books. The sad story of the F-111's and the C-5A cost overruns are indeed eloquent testimony to the effect that we need GAO oversight in these areas.

The CHAIRMAN. The time of the gentleman from California has expired.

(Mr. LEGGETT asked and was given permission to proceed for an additional 5 minutes.)

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. GUBSER. Mr. Chairman, I hope that the gentleman will not mind or object to a facetious comment, but I know of his desire to have the right to offer a motion to recommit. I would suggest to him that the Republican Party is the minority party and has that right. So we will be glad to accept his application for membership.

Mr. LEGGETT. I would reply that on this recommittal, and I would do it, as long as I could get out afterward.

But I would say this on this question of what about the ABM system—it is a massive escalation?

We said last year we were talking about a $10 billion system and this is not the end. When Mr. Packard and Secretary Laird came before our committee this year, what they were talking about was escalation which they readily admitted was $1.6 billion in just 1 year. We asked them if we had the ultimate in system and control last year how does it so happen that we have additional costs this year?

He said that we have a thing called price increases.

I asked how much was that? He said it was $450 million.

The cost-of-living increase for 1 year, and it is going to take us 10 years to build this system so extrapolate that and you have about $4.5 billion costs in cost-of-living increases.

Then they said we have another escalation.

I said, "What is that?" They said that is the stretching out of the program.

You did not give us an ABM program last year, as fast as we thought we could get ready to build it—$550 million for that stretchout.

I said, "Is that the end?" They said, "No, there is another thing called design changes."

I said, "How could you have a design change added on?"

I asked how we could have additional design changes when we had spent $4 billion to design the ultimate program presented last year.

Now we have $680 million worth of design changes and that was the amount.

I said "Is that all?" They said that we are working on the improved Spartan.

I said, "Do you have figures on that?" He said, "No."

I said, "Maybe you could give us a guess?"

They came up with maybe a half billion dollars for the improved Spartan to attack the improved Soviet missiles. That might be launched in a flat trajectory from perhaps some submarines that might be constructed sometime in the future. So we have had two add-on plus a thing called the missile site radar system—MSR.

Why? Because the system we designed last year might be overrun.

How much was that?

We do not know.

Make a guess.

That might be another $200 million.

You add all these things up and you have an escalation in 1 year of $2.35 billion.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the chairman of the committee.

Mr. RIVERS. Would the gentleman's position be different if he knew that the Chinese Communists had an ICBM?

Mr. LEGGETT. I think not. I think we can presume that the Chinese, having launched an orbiting vehicle, certainly have the capability to design and launch a modified projectile which is known as an ICBM.

Mr. RIVERS. How do we know that the booster to which the gentleman has referred is not capable of projecting an ICBM?

Mr. LEGGETT. I think this. We are going to have to live on trust of the Chinese for the next 5, 6, or 7 years, until we get an ABM system constructed. I say that if we can live on diplomacy and balance of power, with our tremendous 20,000 warhead capability of thermonuclear bombs and warheads, if we can live on that for the next 5 years while we are designing this system against the Chinese, certainly it does not make a lot of sense to say, Well, we are going to design a system and in 5 years, we are going to be protected, when we need protection from the Chinese today and we do not have it. I think the best protection against the Chinese is the same kind of protection we have against the Soviet Union, and that is a balance of thermonuclear destruction. That is what we have today. And I think that is necessarily our best defense.

I think we have got a program that we are funding in this bill known as ULMS, Underwater Long-range Missile System that gives much better 'bang for the buck' than the ABM.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. RIVERS, and by unanimous consent, Mr. LEGGETT was allowed to proceed for 2½ additional minutes.)

Mr. LEGGETT. The ULMS submarine, which many of us who are for a reduction of defense spending support, seems to be a very cost-effective vehicle. It has 24 tubes and is buried at the bottom of the sea. It is perhaps two or three times the size of the Polaris submarine fully MIRVed. I do not think you can have it both ways. I do not think you can be against MIRV and be against the ABM. That is my personal view. I think we get more bang out of a buck from the MIRV system than from the ABM. The total purpose of the $12 billion ABM system is to assure that 200 missiles will survive in the middle 1970's and middle 1980's. I think if you get 200 missiles out of one ULMS submarine, and we know we have that capability, we will have a much more cost-effective system.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Missouri.

Mr. RANDALL. Did I correctly understand the gentleman to say that under the ULMS system, 24 tubes would be buried in the bottom of the sea? If so, would they not be just as vulnerable as some of our land-based vehicles?

Mr. LEGGETT. They would be mobile. They could be moved. We have a good capability to tie all of that down.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman for yielding. I take this opportunity of commending the gentleman for his outstanding work in respect to the ABM system, and I wish to associate myself with his remarks.

Mr. LEGGETT. I thank the gentleman very much. We have today a total, as pointed out in our report last year, now projected for the middle 1970's, not the 4,000 warheads that were admitted by Secretary Laird or the 9,000 projected warheads, projected by Secretary Laird—

but by the time you MIRV all these programs and include tactical warheads and MIRV and warheads in the F–111 and B–1, we will have better than 20,000 ICBM's and thermonuclear warheads—and I think that is plenty to deter a first strike.

Mr. Chairman, let us consider some facts of strategic military life, as they apply to the ABM.

First. A first strike against the United States is impossible, and will remain so in the foreseeable future.

Let me emphasize what is required for such a first strike.

The generally accepted rule of thumb is that 400 one-megaton warheads or the equivalent delivered to the Soviet Union would in effect destroy their society. We presently have more than 4,200 warheads in our strategic weapons, plus many more mounted on so-called tactical aircraft which ring the Soviet Union and which, "tactical" or otherwise, could strike deep and hard, particularly if they were sent on one-way missions.

This is the problem facing a Soviet general considering a first strike:

He must be able to destroy our hardened Minuteman and Titan silos before they can be emptied. He must be able to destroy our manned bombers and tactical aircraft before they can take off, or else rely on his antiaircraft defenses to take them out once they arrive over his territory. He must have every one of our deployed and in-transit missile submarines pinpointed and ready for instant destruction.

More importantly, he must have absolute confidence in his ability to do all of these things and to do them simultaneously, because if only 10 percent of our forces get through, his society is destroyed.

The impossibility of a simultaneous attack against manned bombers and hardened silos, and the impossibility of any attack against our missile submarines, have been discussed at great length and I shall not belabor the point. But I suggest that the development of the thermonuclear warhead has ruled out the possibility of a first strike by either of the great powers against the other virtually forever, regardless of technological developments.

I say this because of the fantastically high confidence levels required. Let us suppose, for example, that the Soviets develop some as-yet-undreamed-of submarine technique which appears to be effective. It cannot be tested under realistic conditions. They will never know what countermeasures we have until they are faced with them in combat and must overcome them on the first try. The history of untried advanced weapons systems living up to theoretical expectations has not been good. As one of many examples, before the air war over North Vietnam began we estimated the effectiveness of the Soviet SAM–2 missile to 50 percent, but in practice its effectiveness turned out to be only 2 percent.

Consider the disastrous effect of such a miscalculation on the part of a Soviet first-strike planner. If only 10 percent of our Poseidon fleet survived long enough to launch its missiles, the Soviet Union would receive more than 400 warheads, each twice as big as the Nagasaki bomb. If we turned out to have a countermeasure that enabled our entire fleet to survive, Russia would be showered by over 4,000 of these warheads, plus more than 200 larger Polaris A–3 warheads.

The Soviet planner would face a similar problem with regard to a preemptive attack against our ICBM's and our manned aircraft, and his problems would be supercompounded by the need to carry out all elements of his attack simultaneously.

Mr. Chairman, I suggest that the problem is insoluble. One would have to be absolutely insane to risk one's national existence on the possibility that an untried and highly complex weapons system would approach 100 percent effectiveness. And coming back to reality, the Soviet Union could double its projected military budget for the next 10 years, and it would still not approach even a theoretical first strike capability.

Second. Granting for the sake of argument that we need to improve our deterrent, the Safeguard ABM gives us less deterrence for our money than any of several other options available to us.

The Department of Defense claims Safeguard will increase the number of survivable Minuteman ICBM's from about 100 to about 300. So granting the dubious assumption that Safeguard will perform up to expectations in a heavy sophisticated surprise attack, and granting the even more dubious assumption that the Soviets will tailor their offense to maximize the effectiveness of Safeguard, we find ourselves proposing to spend upwards of $12 billion in order to increase our survivable deterrent by about 200 ICBM's.

Let us compare this with our other options.

For perhaps one-sixth the price of Safeguard we could buy 200 additional Minuteman III missiles with silos. I do not recommend this course, both because it could be considered provocative and because its deterrent effect would eventually be washed out by improvements in Soviet MIRV accuracy. But at least in the short run it offers a cost exchange ratio of about 1 to 1, which is a great deal more than can be said for Safeguard. I should also note that the lead time for this option is only 2 or 3 years, as opposed to 5 years for Safeguard. We could thus afford to do nothing for a year while we await SALT developments.

For perhaps one-half the price of Safeguard, we could superharden all 1,000 of our existing Minuteman ICBM's. I do not recommend this course either, because it too would in time be washed out by improvements in Soviet missile accuracy. But, assuming the technical problems can be worked out, it would serve to extend the deterrent life of Minuteman by several years, which is more than Safeguard would do. And whereas Safeguard would be the most complex device in the history of man, with all the possibility of failure that implies, hard rock silos would be simple and reliable. Against the threat for which Safeguard is designed, superhardening would save far more than 200 ICBM's. Finally, superhardening differs from Safeguard in that it is totally nonprovocative. Once we have set up production lines for Sprint missiles and missile site radars, the Russians might expect us to build a few more and put them around our cities, which in a sense would make them provocative first-strike weapons. But one cannot superharden a city.

Now let us consider the option of putting the Safeguard money into an undersea deterrent. Mr. Chairman, the deterrence we could gain in this way staggers the imagination.

Let us consider what we could gain by putting this money into the underwater long-range missile system, known as ULMS.

One of the most important—probably the most important—factor affecting missile submarine safety is the volume of water in which it can operate. By increasing the missile range from the present Poseidon and Polaris 2,500–3,000 miles to 5,000–8,000 miles, ULMS would convert the Soviet Union's antisubmarine problems from impossible to superimpossible. We could even station these ships in controlled environments such as our own great inland bodies of water. I suggest that the Soviets would find it somewhat difficult to conduct antisubmarine warfare in Lake Superior or the Mississippi River.

Official cost estimates of this program are not yet available, but as a rough estimate it appears that for the cost of Safeguard we could build a fleet with approximately the same number of warheads as the Poseidon fleet now under construction—that is, about 5,000 MIRV units. In addition to being supersecure, ULMS would be more effective than Poseidon because its longer time on station would permit a larger proportion of the fleet to be deployed at any given time. Finally, the advanced technology required for ULMS is modest compared to that for Safeguard, and the maintenance costs would be nominal.

Mr. Chairman, let me emphasize that ULMS could mean the end of the arms race. Once we built it, there would be no need to increase it, and no need to further protect it. The strategic weapons business would be reduced to the relatively inexpensive task of developing advanced warheads to keep ahead of possible city-defense ABM developments. We could gradually retire our manned bombers and land-based ICBM's. We could cancel the Minuteman III and B–1 programs. This is cost effectiveness.

But instead, we are choosing the most ineffective and cost-ineffective of all our options.

Third. Ballistic missile defense, like Vietnam, is a bottomless pit that will swallow as much of our national treasure as we care to throw into it, and still cry for more.

Already we are seeing ourselves being sucked onto the cost-escalation treadmill. I am not referring merely to the 20-percent increase in total system cost estimates which occurred in the past year, although that is nothing to sneeze at. More importantly, I refer to the fact that, while last year Mr. Laird told us Safeguard as proposed would defend our

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Minuteman from a heavy Soviet attack, now he tells us Safeguard will not be enough; we will need more. This is going to go on forever; if we are gullible enough to let it.

In our additional and dissenting views on this bill, Congressmen NEDZI, PIKE, STAFFORD, WHELAN, and I discussed how an offense-defense arms race places the defense in a progressively more disadvantageous position. Today I will merely point out, if the offense were to attack with 10,000 warheads, even a 90-percent effective defense would not be noticeably better than no defense at all. And the cost of this defense, assuming it to be possible, would certainly exceed a hundred billion dollars.

I do not mean to suggest the existence of some God-given principle that thermonuclear missile offense shall always be placed ahead of the defense. But I do suggest it is an empirical fact of life, and will remain so throughout the forseeable future. Every dollar we spend on ABM can and surely will be offset by the Soviet expenditure of a few cents on their missile offense. And the way these things always go, the Soviets will overcompensate for our ABM, leaving us in the end less secure than before the insane cycle began.

Fourth. A missile defense against China is unnecessary. No one denies that a Chinese attack on the United States would result in the obliteration of their entire country. What basis do we have for thinking the Chinese would commit national suicide just for the satisfaction of killing a few million Americans?

All the evidence points to the opposite conclusion. China has traditionally been one of the most cautious nations in the world in the conduct of its foreign affairs. Today it has no troops in combat anywhere. To the best of my knowledge, it has no troops stationed outside its borders. Even in Vietnam, it has yet to commit a single combat soldier—an example we would have done well to emulate. Since China now has joined the space age nations, surely it has the powers today to launch a suicidal ICBM attack. We will not be able to stop her for 5 years with the ABM at most. Probabilities dictate that if China does not act for 5 years she will not act.

Fifth. An anti-Chinese defense is not possible.

Let us set aside for the moment the question of whether the Chinese would be able to penetrate or overwhelm the thin area defense which is the only protection Safeguard would give our population centers. Let us consider only the alternative methods by which China could kill several million Americans.

It would be no trick at all—it would not even be very expensive—for the Chinese to place a thousand megatons aboard each of several trawlers or submarines, and to detonate these off our coasts. The resulting tidal waves would cause great death and destruction; favorable winds would enable fallout to wreak even greater havoc.

For that matter, they could place a thousand megatons aboard a tramp steamer, hoist a neutral-country flag, and sail into New York Harbor, or San Francisco, or Baltimore, or all at once. Such a ship could be entering New York Harbor this very minute, for all we know. If any Member of this House can suggest a practical method of defense against such an attack, I would like to hear it.

Mr. Chairman, I suggest that our defense lies in our deterrent ability. This is not ideal, but it is all we have, and we had better learn to live with it. We must always be sure that our deterrent is more than sufficient, and more than credible to any potential aggressor. We must always provide a generous safety margin.

But we must also distinguish between real threats and imaginary threats. And most importantly, we must rectify our mistakes rather than locking ourselves into them and compounding them. Neither the present Administration nor its predecessor has brought credit on itself by beginning with the decision that an ABM should be built and then frantically changing from rationale to rationale in hope of finding one that might sell.

So I urge adoption of the amendment to strike all ABM procurement funds. In the coming fiscal year, it will save us $660.4 million. In the years to follow it will save many billions, and it may mark the moment when we began to turn our resources to helping our citizens instead of tilting at windmills.

Mr. PIRNIE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. PIRNIE. Mr. Chairman, in response to the remarks of the gentleman who preceded me in the well, I would like to remind my colleagues that last year, after the most extensive discussions, both in our committee and in public forms of debate, the Congress voted to begin a phased deployment of the Safeguard anti-ballistic-missile system. At that time the opponents of the system said that the Soviet threat was overstated. This year, however, as the committee report clearly shows, we have learned that the threat was understated last year. The Soviets have gone from 230 to 280 SS–9 missiles and, at the present rate, they could by the mid-1970's provide a threat that would neutralize the deterrence of our Minuteman missiles.

When we authorized the program last year, there were all kinds of allegations that it would wreck the chances for the SALT talks. In point of fact, if anything our affirmative decisions on ABM encouraged the Soviets to seek strategic arms limitations talks. There has been no evidence of any kind that the SALT talks are being delayed or held up because of Safeguard. There has been no evidence of any kind that the Soviets consider it necessary to delay their weapons development because of Safeguard.

When the ABM was debated last year, there were a lot of allegations about the technical feasibility of the system. Our review this year showed that the system is proceeding on schedule. The test version of the missile site radar is working well at Kwajalein. The work on the software computer programs, the most difficult part of the system, is proceeding at the expected rate. And there is no evidence that the system will not be able to meet its technological goals. The first firing of a missile at an ICBM will take place sometime this fall.

In short, there has been no evidence to indicate that the Congress was wrong in the decision it took last year and much evidence to indicate that it was right. There is, therefore, no evidence to indicate a turn-around should be taken at this time.

In addition, of course, if the system was stopped now, the production and construction work would be halted and if it was later determined the system was required there would be a time delay of about 2 years and a great increase in cost on the order of hundreds of millions of dollars.

We are discussing the price of survival. I hope the amendment will be defeated.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some point to cut off debate on this amendment.

I ask unanimous consent that all time expire on this amendment and all amendments thereto at 12:45.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I would like to express my support of this amendment offered by my colleague, the gentleman from California (Mr. LEGGETT) who has done a tremendous amount of research on this subject and whose arguments I find most persuasive.

We are embarking on the business of pouring money down an obviously bottomless pit.

We are this year spending $1.6 billion on a program whose total cost has increased $1.6 billion in 1 year.

The thing which concerns me most about our ABM system today is the fact that without any question, the control of the firing of our nuclear ABM weapons must, if the system is to work at all, pass from the hands of humans into the hands of computers. The system simply cannot work in any other way. Deputy Assistant Secretary Packard this year backed off from his statement of last year to the effect that the President would retain the control of this system.

In the time frame within which an ABM has to be launched it is just plain impossible to get a message to the President of the United States, wherever he may be, and a rational decision from him, under whatever circumstances he may be in, whether he is in Rumania, in the Far East, at a ballgame or out on a sailboat somewhere, as to a command decision to fire the weapon. It is not going to be done that way. It is going to be done by machinery.

When we say it is going to be done by

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the President we are only kidding ourselves. The firing of this nuclear system has now passed into the thoughts and hands of computers. I believe it is a very, very sad age in which we live.

This amendment is a thoroughly proper amendment and should be approved.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Leggett).

(By unanimous consent, Mr. Nedzi yielded his time to Mr. Leggett.)

Mr. LEGGETT. Mr. Chairman, I believe that all the arguments against this system are in the Record for last year and are in the dissenting and separate views we have already put in the Record.

One thing we have to keep in mind is that, when we buy the ABM system, we still have an opportunity now, of course, not to buy the system even though we have spent $4 billion or $5 billion in research and for construction of sites and so forth. We still barely have our foot in the door.

What we are buying with this system, of course, is the most gigantic fire department ever known to mankind. For the first time this year we have the figures on the total number of personnel who are going to be required to man this system and to build it.

A $12 billion system of course does not run by itself. When we say $12 billion, we do not include the continuous operating cost of this fantastically large system. It is going to cost us a billion dollars a year at a minimum to run the system after we get it, to pay the salaries and to pay the housekeeping, even if we do not expand the system to more than $12 billion, and assuming we can rely on the figures we have so far.

What we are buying is this: Military personnel to run the system perpetually, 12,550 men; civilian personnel to run the system perpetually, 6,870 civil servants; for a total of 19,420.

If this system is like the ICBM system that we have we will require, in addition to that, 45,000 separate contract personnel, who are the contract personnel currently attached to our Minuteman III's and the Titan program we have, and the silos, at the present time.

In addition, we would have the salaries of the people to build the system; 22,300 production people plus 16,000 military personnel—for a total of 102,720 people.

If we are concerned about inflation in this country—and certainly, with an 8.4 percent escalation in the cost of living in the 15 months since President Nixon took office, we should be—we should look around to try to figure out where there is some place we can help the President, where we can go slow for a year or two and cut down on expensive hardware and massive escalatory systems.

I believe the place to do it is not an across-the-board cut in this bill, which I certainly do not support. If we cannot figure out individuals places to cut this bill, after working on it all year long, certainly we ought to fold up our tent.

The place to cut is in the ABM system. We have been doing R. & D. for a great many years. We are not at the ultimate in design at the present time. We are still conducting a great number of tests down at Kwajalein. We can maintain a posture with the state of the art by continuing research and development.

The only thing my amendment would do would be to grind to a halt the procurement of this missile at the present time.

It makes good sense, because we are talking now about spending $500 million to develop a new advanced Spartan, which is a long-range missile which goes with this system. Even the Spartan we are buying today is not what we ultimately intend to buy.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Missouri.

Mr. RANDALL. The gentleman suggests that there will be a considerable operational expense involved in the cost of men, military and civilian, to man this system. The gentleman a moment ago mentioned the ULMS system. Would he have us believe there would be no expense involved in operating that system in terms of military and civilian personnel?

Mr. LEGGETT. I am glad the gentleman brought that point up, because opposed to the 100,000 people it will take to build and operate this fantastically large ABM system, which would insure 200 missiles are going operation in the 1970's and the 1980's, the ULMS system will involve the use of 10,000 shipyard personnel for about a year, to construct one submarine which would have the same capability as the entire ABM system.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Chairman, last year when this issue was discussed it seemed to me that there were two reasons that the opponents gave for opposing it. No. 1, there is the expense involved and they said it would lead to an escalation. The second was that it would not work. Well, if the vote was difficult for some of our colleagues last year, then on those two principal arguments it should be quite a bit easier this year.

In the first place, the argument that our priorities should be reordered is no longer valid, because this has been done. Our priorities have been reordered. I cannot give you the figures, but it runs into several billions of dollars. I am sure that many Members remember the closing of the bases which came to about $1.5 billion in savings. There was about $5 billion in one phase by the executive branch alone and $1 or $2 billion in the difference between the budget and the final authorization and appropriation last year by the Congress.

Now let us look at this argument as to whether this will work or not. Certainly our Chief Executive, who is my President and your President, our Commander in Chief, has the greatest military sources of intelligence of any man in America. He says it will work. But we do not have to rely on that source alone in our committee. Some of the information is classified, but the tests have been going on for all of this year, since last year, and I can report to you that these tests have been successful. That is the difference between the situation last year and this year. There has been a significant reduction in military expenditures. The system has been proved in the Kwajalein tests that it will work.

As we approach this vote those two arguments should be paramount in your minds.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding before he leaves that point. It is a relatively simple argument. We all now accept that the ABM is now technologically feasible. We need the defense. But what needs to be said here, is that we are arguing from a humanitarian point of view on this defensive system where we are absorbing the first strike delivery of the enemy aggressor and saving 20 to 60 million American lives. That is argument enough for me. Does not the gentleman agree?

Mr. RANDALL. Thank you, Dr. Hall.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Fraser).

(By unanimous consent, Mr. Olsen yielded his time to Mr. Fraser.)

Mr. FRASER. Mr. Chairman, one of the reasons given for the United States, I think, to go ahead with the ABM system is that the Soviets are building an ABM system. This argument is fallacious. The Soviet ABM system has not given them any increase in security because it is so easy for the United States to saturate and overcome the Soviet ABM defense. Similarly it is wasteful and unwise for us to build an ABM system expecting it to give us any significant defense from the Soviet Union.

I think it is worth taking a moment to notice what the Soviet Union is doing. Around Moscow there is a launching system that has been under construction. Today they have some 62 or 64 launchers in place and it is said that they are operational. What kind of a deterrent or a threat does that pose to American offensive weapons? Let me tell you how small a deterrent it would be to an American MIRV onslaught.

After the Poseidon missiles are in place on an American submarine, one-half of the missiles from just one submarine could knock out all of the ABM intercepts around Moscow and incinerate Moscow. In other words, those 64 launchers could be taken out by the firing of seven Poseidon missiles because they each carry 10 warheads and the 70 warheads would exhaust the Soviet ABM system.

Then, one more Poseidon missile with 10 warheads would incinerate Moscow. Each of those 10 warheads dropped on Moscow would have a nuclear force of double that dropped on Hiroshima or Nagasaki.

So, the fact is today, the Moscow ABM is nothing. As has been made abundantly clear we could go through that like a hot knife through butter.

The reason I presented this was to give

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you an idea how this situation would look from the point of view of the Soviet Union

If the United States deploys an ABM system the Soviets would be forced to put multiple warheads on their offensive ICBM's. If they put 10 warheads on top of each of their ICBM's, they would take out 10 Spartans or 10 Sprints with one of their missiles.

This would be the easiest and most effective Soviet response to an American ABM system. They would be compelled to go to multiple warheads as we were when we thought the Soviets were building an extensive ABM defense.

We know the ABM was not a well-conceived system, because the Department of Defense says today that they have to redesign the missile site radar because it is too big. They have got to go to smaller units that could be scattered around the Minuteman site in order to survive an onslaught such as would be expected. I think, for once, we ought to begin to test what we are being told. For once, the Congress ought to stand up and begin to challenge some of the claims coming out of the Department of Defense.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. HUNGATE. I thank the gentleman for his statement and urge support of this amendment.

Mr. FRASER. I would like to further point out in response to some of the remarks which have been made by the gentleman from Missouri, with respect to what this chart shows with respect to ICBM Soviet nuclear warheads I have added a few more paragraphs to illustrate exactly what I was trying to say. I have here the additional number of ICBM launchers by the Soviet Union, beginning in 1967 with 380 launchers and have extended it down to 1968, 1969, and to 1970 to an annual rate. It is probably 120 and, perhaps, even less, because we are having to annualize a 5-month period.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. ARENDS. The gentleman is saying something I know nothing about with reference to the fact that the Department says we have to reconstruct or redesign this whole system. Where did the gentleman get that information? There is no testimony in the hearings at all to this fact and I have never heard it before.

Mr. FRASER. If the gentleman will remember during the hearings they stated that they are redesigning the MSR. They said the advantages to having a single missile site radar were very little and stated the fact that they are in the process of redesigning them.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The Chair recognizes the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Chairman, I would like to point out two errors in the statement of the gentleman who has just left the well of the House. First of all, there is no major redesign of the MSR system. There is only the addition of a small MSR radar for the purpose of creating hard point defense. This does not constitute a redesign of the MSR, no matter how the gentleman from Minnesota wishes to distort the testimony.

The second point I would like to make is this, that the gentleman's chart which he has just shown us is not a complete chart. It does not include the latest intelligence estimates. You will note the red line and the straight line. If he had been able to show you the remainder of the updated chart it would have been evident that the red line would again have curved up and crossed the first line to completely vindicate what Secretary Laird predicted in his testimony before the Congress.

So I point out that the chart that was presented is not accurate because it is not complete, and as such it gives a distorted picture.

Mr. FRASER. If the gentleman will yield, the last figure is from the threat chart given to the committee. It gives the threat as of February 1, 1970. There are no additional published figures. There are no figures available after that. The chart is accurate.

Mr. GUBSER. My response to the gentleman is that the published figures are incomplete, and the figures the gentleman has cited are incomplete.

Mr. Chairman, in committee I offered an amendment to delete $25,000,000 for long leadtime items connected with the five ABM sites to be constructed after the first three.

Last year I supported phase I of the Safeguard system because I believed it was imperative that we insure the survivability of a credible deterrent. I also believed that prudence require that we do not waste a year's time in taking out such insurance.

I still support phase I for the same reasons. I also support that portion of phase II which deals with installations at Grand Forks Air Force Base, Mahlstrom Air Force Base, and Whiteman Air Force Base. These installations are to protect our Minuteman missiles and preserve our deterrent capability. They should be completed as soon as possible.

But the five additional sites are for a different purpose and introduce a totally new concept and philosophy of defense. It is a concept which, in my opinion, is not as urgent as protecting our Minuteman sites. I think it can wait and we should not embark upon what will be a multibillion dollar expenditure in the future.

My amendment was overwhelmingly defeated and would be again defeated if offered today. Nevertheless, I want the Record to clearly show my reservations concerning this new commitment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Arends) for 2½ minutes.

Mr. ARENDS. Mr. Chairman, I rise in opposition to the proposed amendment. It is very evident that what is happening here is a continuation of the fight we had last year, and I feel the proponents are weak in their argument.

I would like to cite one or two matters: Recall if you will the mood and reaction of Russia a few days after the passage by the Senate in 1968 of the ABM program. After Congress approved the ABM program, the Soviet leaders suddenly dropped their negative attitude as to arms limitation talks and offered to talk about arms control limitations. The situation of the SALT talks today is basically the same. We are bringing the Soviet leaders to the table to talk about arms limitations, this is, in part, because the Soviets recognize that we are not going to be caught short in the continued development and improvement of our defense posture.

The gentleman a moment ago talked about what would happen if we were to initiate an attack on the Soviet Union. That is not in the policy or tradition of the United States, and it has been so stated many, many times. Our position has always been of a defensive nature. Should some hostile situation develop, we might then find this strength indispensable. I feel the objective of this amendment is therefore entirely wrong.

Let me add that our safeguard posture should always be that if we are going to err we are going to err on the side of having too much instead of too little. I personally hope we may never need the use of these missiles—and we will not—if we continue to operate from a position of strength in the troubled and upset world.

Mr. Chairman, our position today should be to vote down overwhelmingly the proposed amendment.

Mr. HALL. Mr. Chairman, if the gentleman will yield, I would like to point out the inconsistency in the alleged number, regardless of the source, or the "military intelligence" of the proponents, insofar as the number of warheads are concerned, as displayed before the Members here on the part of the gentleman from California and the gentleman from Minnesota.

Mr. ARENDS. Might I also add to what the gentleman has said, that when we talk about numbers we cannot forget to talk about the megatonnage, this is vitally important in thinking about what could happen with the further development of Russian missiles.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers) for 2½ minutes.

Mr. RIVERS. Mr. Chairman, I want everybody to listen to this: This amendment does one thing. It just about kills the whole ABM program. Everybody who is for waste should vote for this because almost everything we have put into this program could disappear.

Nobody—but nobody—knows what that booster was that the Chinese used to put that gadget up into space this week. Nobody knows what Russia has in these gadgets it has put up into space. I would think these two things alone would cause some people to have second thoughts. Now, how on earth can we ever have an ABM system if we do not perfect one that works? This will allow us the capability to build the ABM. We know Russia has one.

Is it a crime to defend this country?

The gentleman from California (Mr. Leggett) spoke about a balanced defense. This gives it to us. This gives us an even balance insofar as a deterrent is concerned.

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Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 85, noes 131.

So the amendment was rejected.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. GUBSER was allowed to proceed for an additional 2 minutes.)

Mr. GUBSER. Mr. Chairman, I take this time in an effort to inject cool rationality into what is becoming an explosive, emotional issue. I speak of the fast moving situation in Cambodia and along the Cambodian border with South Vietnam. Now is the time for cool heads to deliberate, to cooperate, and guard against hasty action which could complicate an already delicate situation.

I well remember the highly charged emotional atmosphere in which the Gulf of Tonkin resolution was passed. As one who supported it I can say that I would have second thoughts if I were voting on the resolution today. I believe it has been used beyond all congressional intent to justify an escalation of the war in Southeast Asia which none of us envisioned. The House should not forget what happened that day and it should not make the mistake of legislating again in reaction to powerful emotion and on the basis of incomplete information.

Mr. Chairman, I am privy to more than ordinary information regarding the situation in Cambodia and within the last 3 days have been thoroughly briefed on highly sensitive matters. Yet, I say to you quite frankly that I have unanswered questions about Cambodia and I submit that not a single Member of the House of Representatives knows the full truth of the situation.

Then there is the matter of the constitutional prerogative of the President of the United States to act as Commander in Chief of our Armed Forces. Our President will address the Nation tonight on this subject and I presume will give the world his assessment of the situation which prevails. He will make his statement on the basis of information not available at this moment in this Chamber. This House should hear what the Commander in Chief has to say before it takes hasty action which could have long range consequences.

I hold a strong personal view about what should be done with respect to Cambodia. Based upon my present information I would strongly oppose the commitment of a single American military man to ground combat in Cambodia. I feel that the time has come to truly test the Vietnamization program. The upper delta area in so-called IV Corps and III Corps have seen what we have been told are the greatest successes in the Vietnamization program. It is my understanding that with the exception of a few American advisers military operations in these areas are almost completely conducted by troops of the Republic of Vietnam. If an operation is to be conducted against North Vietnamese troops who retreat to Cambodian sanctuaries, then the ground operation should, in my opinion, be completely conducted by South Vietnamese troops even without U.S. military advisers. If Vietnamization is working, now is the time to test it. We should not start down another road of committing advisers today, additional U.S. support forces tomorrow and a full-scale commitment of manpower day after tomorrow.

If one would look at this situation through the eyes of the South Vietnamese he could not help but understand that this is not a new war—this is the same war against the same enemy, the troops governed by Hanoi in North Vietnam. I have seen the area referred to as the Parrot's Peak and understand the terrain. Many Vietcong and North Vietnamese base camps are situated directly on the border. Frequently an attack against this enemy stops in the middle of a base camp as he gains sanctuary by moving to the western limits of the same camp. If South Vietnam on its own volition elects to utilize the principle of hot pursuit and attack these sanctuaries or North Vietnam forces anyplace else, this is their decision, but no U.S. ground forces of any kind should be employed.

Mr. Chairman, this is my strongly held personal view, but despite having been to Vietnam on three occasions, despite dozens of highly classified briefings on the subject, I say once again, I still have unanswered questions about the situation in Cambodia. Tomorrow after hearing our Commander in Chief who is the man responsible for decisionmaking in this important matter, I will know more. Today I could not in good conscience participate in another situation like that which prevailed in passage of the Gulf of Tonkin resolution where Congress abdicated its responsibility. I could not in good conscience participate in writing of law in a partial vacuum of factual information and which is a reaction to the emotion of the moment. I will not legislate for political purposes. Our duty is to legislate only in the light of truth.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT:

On page 2, line 8, after the word "missiles: for the Army," strike "$1,086,600,000" and insert "$883,600,000".

Mr. LEGGETT. Mr. Chairman, this amendment does what I indicated earlier it would do. It relates to the $203 million. It is included in that item on page 2 of the bill with respect to missiles. It would take out $203 million of the phase II item on ABM procurement.

The effect of this procurement announced by Secretary Laird the first of the year would be to construct additional sites in addition to what we authorized last year at Grand Forks, N. Dak., and Malmstrom, Mont.

It would authorize a new ABM missile base, at Whiteman Air Force Base, Mo.

It would allow for advance procurement at five other additional bases around the country, either included in this bill or will be included in the military construction bill which will be offered in relation thereto.

I believe we have to keep in mind that we are talking about a sensitive area, but we can say this, which is the fact we said in the report: The effect of the phrase II add-on, adds between 250 and 300 percent more missiles than the number of Spartans and Sprints we were talking about last year in phase I.

If we can believe the rationale for the reason for the ABM system last year, then we ought to stop right there and take a look at what we have done and where we are going and such as that before we advance additional systems.

If I were the chairman of the committee, defending this system, I believe I would be a little bit concerned about the massive escalation that has occurred with respect to support for the positions opposing the ABM system.

Last year I believe the greatest number of votes we could muster on this floor in opposition was something like 45 votes. This year we have had 80 or 85 votes against the total ABM system, and I have had a great number of people approach me during the debate and say, "We cannot repeal what we have done last year, but we certainly do oppose any escalation or any add-on."

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to my colleague from California.

Mr. SISK. I thank the gentleman from California for yielding.

Let me say that, as the gentleman knows, I voted against his earlier amendment because I supported the Safeguard program in its initial phase.

As I understand his amendment now, it will strike out only those funds dealing with phase II. Is that correct?

Mr. LEGGETT. That is true.

Mr. SISK. I am going to support the gentleman's amendment because, frankly, I believe there is a very strong feeling that the steps we have taken must be fully justified. I am not altogether sure I am right. I am sure I do not have as much information as the President has, or as others may have who proposed this. I recognize we are taking certain chances.

I wish to say that basically I believe the initial phase I should be given an opportunity to be in place and to at least have an opportunity to indicate what its capabilities are and what tests may show it is doing.

Therefore, I propose to support the gentleman's amendment to eliminate phase II, in the hope we can go ahead with phase I and see what happens.

I thank the gentleman for yielding.

Mr. LEGGETT. I thank the gentleman very much.

Of course, this is just the same kind of escalation of support I was talking about, in support of this particular amendment.

If we were really sincere in the rationale last year for the ABM system, there is no reason for the additional phase II program this year.

If Members will look at the second and third pages of my remarks in the report on the bill, on the ABM system, they will see that the rationale for the phase I is given.

The office, Secretary of Defense, rationale was, No. 1, to preserve the President's future options by establishing a minimum base for expansion if the threat requires it.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 3 additional minutes.)

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding.

The way it came out in his speech in the well, it sounded as though the gentleman did not realize Whiteman Air Force Base was a missile center already in existence.

Putting in these funds does not go to that purpose. Those Minutemen are already there, in silos. It is well established. This is the defensive base.

Mr. LEGGETT. To give it a multiple capability with new ABM's.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Missouri.

Mr. RANDALL. There is classified information which we cannot discuss, but I can say there is already a Minuteman complex surrounding Whiteman Air Force Base which is unprotected. This is the only unprotected complex in America today.

What sense does it make to start on phase I and proceed to protect our ICBM's in Montana and North Dakota and leave large numbers of our offensive strength without any protection in Missouri? Unless we proceed with some kind of a defense at Whiteman all these ICBM's would become sitting ducks. We should proceed with phase II without delay.

Mr. LEGGETT. Further analyzing the rationale from last year, we have tried to protect the options of the President, and we have protected them. To those who say that we have the SALT talks today because of the ABM, it is important to remember it is possible that that could be, but there is no reason to expand the ABM system after we have the SALT talks going.

Second, the Secretary of Defense justifies phase I to provide a means for working out problems that inescapably arise in any major weapons system. We had a debate in our committee and we heard from no less illustrious a member than the chairman of the committee, who suggested that we get the phase I system working before we move on to the phase II program. Before we will do that, here we are moving ahead with a 250- or 300-percent escalation of the program.

Mr. Chairman, I also think this: As far as the ABM system is concerned, the official testimony before our committee concerning the ABM in Moscow—and as I understand it, they have about 67 mechanically operated radar type ABM's which are clearly of an inferior capability—the official testimony before our committee is that Moscow is less safe today with the 67 ABM's than they would be without an ABM system. Why? Because we make no secret about it that we have overtargeted our ICBM capability so as totally to account for any defense that they might provide in that area.

Mr. RIVERS. Mr. Chairman, will the gentleman yield at that point?

Mr. LEGGETT. I am glad to yield to the chairman.

Mr. RIVERS. How many ABM's did the gentleman say Moscow had?

Mr. LEGGETT. Moscow has 67.

Mr. RIVERS. And how many do we have?

Mr. LEGGETT. And they are less safe. If we had no ABM's, we would be more safe.

Mr. RIVERS. According to the gentleman's amendment, we would only have two sites.

Mr. LEGGETT. With my amendment we would have 300 percent less than we would have with this first buy procurement for the phase II program.

Mr. RANDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the very first thing we should settle is to correct the statement made by the gentleman from California who just left the well. He said we were starting a new development at Whiteman Air Force Base. That is not true. It is an old B-47 base and later a B-52 base. The base has been there for several years. The birds have been put in silos in a circumference around this base. I refer to our Minuteman ICBM's.

Frankly, with regard to some of the comment that the gentleman made a moment ago, if there is any validity at all to them, about his concern for the cost of operation of the Safeguard system then he should agree that Whiteman is the ideal place to locate a Safeguard unit. The base is well preserved—with ample facilities to house personnel to operate Safeguard. This is the place it should be located, because these ICBM's are altogether unprotected. There is quite a substantial number of them in this area. The Minuteman complex at Whiteman Air Force Base near Sedalia, Mo., is the only major ICBM complex in America today that is unprotected by a defensive missile system.

The gentleman from California spoke about a balanced defense system balanced between the sea and the air. I suppose I should not go into this, but maybe we should balance this thing out. Maybe at the moment there is a need for reduction in some of our naval shipyards—for instance at Mare Island—but that is not the real issue before us now. We are talking about establishing a new unit of the Safeguard system. There has been some talk during this debate about waste in the military. If the gentleman's amendment prevails, it will result in some real waste. There will be big cost overruns because the postponement of the decision to authorize modified phase II would increase both the costs and the risks to the United States. It is estimated that a delay of 1 year could add another $300 million to the total acquisition cost if this system is later approved. This is the kind of an increase which always occurs in a stretch-out.

What the gentleman proposes would disregard the best source of military intelligence which is the Commander in Chief and he is your President and my President. It would disregard the warning from what the Chinese did a few days ago when they orbited a satellite and what the Russians did a few days later. It should be kept in mind that the Safeguard program, all of it, has been based on what we call a phased development. The President and the Secretary of Defense are ready to stop this if the threat reaches an acceptable risk. But there is no indication that the threat has reached an acceptable risk. The opposite evidence exists, as a matter of fact, and in the past year the risk from the Chinese has increased and the same is true as to the Soviet Union. If this situation turns around to the good and the risk should for some reason diminish, then, of course, we could suspend further deployment.

Mr. LEGGETT. Will the gentleman yield?

Mr. RANDALL. The gentleman had 8 minutes. I will yield briefly in a minute. I anticipate not taking too much longer, but I may have to ask for some more time.

Let me repeat, we can always stop the deployment of the Safeguard missile. But if we lose time now, we will never get that time back again. It is just that simple. For example, if we expect to have any kind of a system deployed and operational by the mid-1970's when the threat would stand at an unacceptable level if the Chinese Communists proceed, at their present pace which has been admitted to even by those who even oppose the deployment of this system.

But if we delay today, if we delay the earliest possible deployment of phase II—then we are really going to be losing not 3 months, or 6 months, or a year but perhaps, as much as 2 years time. If we follow such a course we will be losing too much time. That is the issue before us today. Can we afford to lose time that can never be regained?

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield briefly to the gentleman and hope the gentleman would return the courtesy sometime.

Mr. LEGGETT. We are talking about this massive escalation. I believe we brought out a minute ago the fact that there are around Moscow 67 launchers, which is the ABM system. There is no doubt about it, we have recognized but we have authorized more launchers than that in our phase I program. So we beat them without the phase II program. With the figures which we have here and which have been submitted by the gentleman from Minnesota, we have already beat them on ICBM's 9,000 to 1,000.

Mr. RANDALL. Let me interject. I would like to be able to use a little bit of my time. As I understand the figures offered by the gentleman from Minnesota, they presumed all of our ABM's were MIRVed. However, all he described

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are not MIRVed at present. Moreover, as I understand either the gentleman from New York or the gentleman from Minnesota will offer an amendment to strike out all funds of MIRV or ABM's either sea based or land based.

Mr. Chairman, the figures showing such a large increase in our ABM strength are thus not only misleading but quite false and fallacious. Then also let us not forget the gentlemen who show what strength we will have after MIRV are the very same ones who will try to amend this bill to strike out all funds for MIRV. This is a curious and I may add deceiving way to debate the issue.

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at some time to close debate on this amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto terminate at 1:30.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I associate myself with those who are opposed to this amendment. This identical debate on the same subject matter was thoroughly covered right here last year with the same people being present. There has developed, as we all know, in recent months a very determined drive in this country designed to undertake to weaken our defense structure. In my judgment it is of such serious proportions that we must take note of it. I think this is an example, this and a number of other amendments.

Actually, one would almost be tempted to think that the armed limitations conference instead of being held in Geneva is being held here in the House of Representatives with the wrong people calling the shots.

It is time, Mr. Chairman, that we take note of this trend and vote this amendment down.

Mr. Chairman, I desire to also discuss the F-111.

The bill has already been well explained by Chairman RIVERS and others and I will therefore restrict my remarks to a brief discussion of one element of the bill. I am referring to the F-111. I have had assigned to me some responsibility with respect to this aircraft and I have devoted a substantial amount of time to informing myself on this very important matter.

Let me begin by saying that unfortunately a proponent of the F-111 starts his case not at the bottom rung of the ladder rather but down in a hole somewhere below it. Before he can give information he must dispel misinformation. One does not start even, so to speak, when talking about the F-111.

An example of what I mean is that I have found wholly intelligent people—even Members of Congress—people for whom I have the greatest personal respect, who believe—I should say who are wholly convinced—that the F-111 has a very bad safety record. Not just a bad safety record but a very bad one. It is almost impossible to convince them that this is not so because in overcoming misunderstanding of the safety record of the F-111 one is not faced with the usual case of persuasion on the basis of mere fact. One instead is faced with the much more difficult job of overcoming a prejudged, preformed bias, an "I already know" attitude on the part of the listener. Unhappily, however for those who have been opposed to the F-111—for whatever reason—the statistical facts are unavoidable. They leave no room for argument. They are official Air Force figures. I am fully aware that I do not have here today the difficulty I have discussed, but I do think it wise to mention it. And I cannot help but be reminded of Finley Peter Dunne's "Mr. Dooley" when he said:

> It ain't what people don't know that hurts them, it is what they do know that ain't so.

I would like to speak briefly about the military requirement for the F-111. This is the prime consideration, and indeed the only one. I do not hold myself out as one capable of making this judgment, although my deep interest and intimate association with the F-111 since its inception do cause me to be not uninformed in this respect. For judgment as to need we must go to the military and civilian leaders of the Department of the Air Force. And in order that my remarks about the national need for the F-111 can be presented in a context that is both understandable and persuasive I will ask your indulgence while I quickly cite a few authorities whom I know this committee considers to be just that.

First, I will quote Dr. Harold Brown, until recently Secretary of the Air Force and, incidentally, previously Director of Research and Engineering for the Department of Defense. This is what Dr. Brown had to say about the F-111:

> We believe that the aircraft is capable of performing and will perform a task, a vital task *that we can't do any other way.*

And Dr. John S. Foster, the present Director of Defense Research and Engineering who said just last year:

> The F-111 has more range . . . than our other aircraft . . . higher navigation and bombing accuracy . . . probably more accurate than any other in our inventory.

And Dr. Seamans, the present Secretary of the Air Force, who says:

> The F-111's great unrefueled range enables it to strike targets much deeper in enemy territory than any existing fighter.

And former Chief of Staff of the Air Force McConnell's statement:

> The F-111 possesses the best night and adverse weather bombing capability of any of our tactical attack aircraft.

The present Chief of Staff of the Air Force, General Ryan says:

> The F-111 is now coming into its own as the best fighter attack aircraft in the world for the task of all-weather, deep interdiction.

These statements need no amplification and, while they speak most specifically of capability, they implicitly embody the need for the F-111 in the light of today's world and the threats of today and the future.

I suggest that to define need or requirement one first looks at the threat, and second, at the means for countering that threat. So the question is: Have these means been achieved? Let us look at what the planners wanted. The planners sought an aircraft that would be capable of being deployed to austere bases, be capable of all-weather bombing, of penetrating enemy territory at supersonic speed and carrying either conventional or nuclear weapons. The aircraft would have to be able to take off and land on short and unimproved runways and be virtually perfect in its navigation, and therefore bombing accuracy. As for penetration of enemy territory there was, and is, only one way to do this and that is to have an aircraft that could hug the contours of the earth even while traveling at supersonic speed.

Aircraft on a bombing mission, even in an atmosphere where air superiority is not in question, such as in Vietnam, require the accompaniment of a number—sometimes a large number—of other aircraft to perform essential collateral actions. There is no such requirement with the F-111. They go it alone.

And the number of aircraft available to our forces by itself becomes meaningless if bad weather or lack of daylight prevents them from flying and bombing with accuracy. There are no such limitations on the F-111. Night or day, bad weather or good weather, the F-111 flies and bombs with pinpoint accuracy.

Virtually all aircraft can be detected by enemy radar. By the time that radar, or the human eye, has seen the F-111 it is already too late.

And coupled with all these enumerated capabilities the F-111 travels two times the distance with three times the load of bombs of our other aircraft.

As we all are aware, the F-111 has had actual tactical, operational experience in Vietnam. The detachment of F-111's that was deployed to Southeast Asia and which flew over to combat missions before the bombing of North Vietnam was discontinued. All of the missions were flown at night and 80 percent of the missions were in weather so bad that other aircraft were not operating. I will draw particular attention to the fact that on these missions the bombing accuracy was better than that being realized on daylight visual missions of other aircraft. Also the enemy initiated defensive action on 88 percent of the missions but no F-111 was hit. These operations clearly established the feasibility of low-altitude penetration and all-weather bomb delivery.

As you know, three F-111's were lost in Southeast Asia but none of these losses was due to enemy action. The suspected cause of these losses was later discovered and fixed in the F-111 fleet.

I hope that the foregoing is an adequate presentation of both the need for and the capability of the F-111. And I will point out that every one of these statements is fully agreed to by the U.S. Air Force.

Next, I would like to speak of costs.

The charge has been made that the F-111 has unreasonably increased in cost. This is a matter with which we have all become very familiar; an increase in cost of aircraft from the time of the original estimate until the aircraft get into our inventory.

The F-111 has indeed increased in cost, but when the details of these increases are understood they appear very much less serious. At the beginning of the F-111 program the belief was that there would be something over 2,400 of these aircraft produced and, quite importantly, there were to be only two versions of the F-111. You could say three versions, but two of them were so much alike as to make little difference between them. So, there was a production plan of some 2,400 aircraft and in only two versions. Obviously, this would make for great efficiency and an almost ideal learning curve. Together these two elements would virtually insure relatively low cost. But—as it is a very big "but"—the 2,400 aircraft became something around 600 aircraft, and the essentially two versions became seven versions. The planned monthly production rate of 49 became a monthly rate of eight aircraft. Add to these considerations some concededly faulty estimating on the part of both the manufacturer and the Air Force, an unforeseeable increase in the rate and extent of inflation, and a number of lesser matters, and the efficiency and almost ideal learning curve that I referred to becoming almost the reverse of that.

Both need and capability are, I submit, established by the fact that those most capable of making judgment in this respect—I am referring to the leading military and civilian people in the Department of the Air Force—have consistently requested a greater number of F-111's than the Office of the Secretary of Defense has permitted to be requested of this Committee. In plain words, if they do not know, who does?

Mr. Chairman, the F-111 has had its troubles. For the very advanced aircraft that it is, it is a wonder that it did not have many more. And for reasons that I think are apparent to all of us, these troubles—actually in number and kind no more than any other of our aircraft—have been the recipient of an almost obsessive interest by the press. It may seem a little strange to use the word "justice" in relation to an airplane, but if any aircraft or any military development has been more subject to injustice in the press, and elsewhere, then I am unfamiliar with it.

Perhaps all of this was inevitable, given the turbulent context of the F-111's genesis, the difficulty attendant upon its birth and the strongly expressed feelings of some of its parentage, but my own view is that it is pretty hard to successfully maintain that a jewel that looks like a diamond, and that the experts say is a diamond, and which cuts materials that can be cut only by a diamond, is not actually a diamond. If the F-111 had troubles, so did every one of our reasonably advanced combat aircraft. And not one of them that emerged into our inventory has anything approaching the capability of the F-111.

Mr. Chairman, although almost everything I have said has application to all versions of the F-111, I would like to make one specific and very important reference to the FB-111, the strategic bomber version of the aircraft.

Over the years we have all heard reference to the matter of assured destruction by our Strategic Air Command. It is not my place, but of course it is most assuredly the place of this committee, to make judgment with respect to the size and composition of our Strategic Air Force. I think it is not inappropriate for me, however, to suggest that the present limitation of only 76 FB-111's for SAC poses a very real possibility that there will be in the very near future a very serious gap in our assured destruction capability. I state this in the light of the age of even the newest of the B-52's and the point in time at which the advanced manned strategic aircraft, the B-1, will come into our inventory.

One last thought, Mr. Chairman. We have invested over $6 billion in the F-111 to date. Something over $1.5 billion of this is in material now awaiting use in the building of additional aircraft. For this amount of money—over $6 billion—we have 230 F-111's. For almost exactly $1.5 billion we can acquire 324 more of these superb aircraft. Accepting the unequaled capabilities of the F-111—the only aircraft specifically mentioned by the Soviets in the SALT talks—sheer economics would dictate that any course other than the continued procurement of the F-111 would verge on irresponsibility. We have already spent the big money.

Mr. Chairman, it is time that the F-111 is approached with what I will call an aggressive sanity. The picture of this extraordinary aircraft as it has been portrayed is not, of course, the result of calculated imprecision—there has been no "conspiracy" against the aircraft—but had there been a careful, conscientious, coherent and dedicated effort to the end of deprecating this aircraft out of existence it could not have been very much more successful than what has been done through apparent inadvertence.

I earnestly urge the support of the whole House for the closely studied programs which are contained in this weapons authorization and research and development bill.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, when we authorized phase I of this Safeguard system last year, we did so with the understanding that we would give to the President of the United States additional options some time in the future, whenever it was determined that the threat to the United States made expansion necessary. It is enlightening to me today, as it was yesterday, to sit here and listen to predictions about Russian intentions. But how any man who reads the newspapers can possibly believe that the Russians are not expanding their threat is beyond comprehension to me.

We cannot continue to prostrate this country before the Russians or the Chinese. We should expand our ABM system now as the President proposes.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, this amendment is aimed to prevent the kind of escalation of the Safeguard ABM program that was predicted last year. We said last year, those of us who were opposing this program, that it was going to grow. We now see that very thing happening.

If this amendment is not agreed to, the ABM will grow further until it becomes a monster, devouring resources which we can ill afford, and providing in the long run no security to this country, because it will surely lead to offsetting responses by the other side.

When will we begin to accept the fact that there is not just one kind of security, based on arms? There is another kind of security, and that kind of security is based on mutual restraint, on balanced deterrents, and on the agreements that we hope will come out of Geneva.

The question is not whether we want national security; the question is how we get national security.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California.

I would make clear at the outset that I have resisted and will continue to resist the blandishments of those who urge unilateral disarmament on the part of the United States because I see no evidence on the Communist side of a disposition to follow this sort of moral initiative. To the contrary, the evidence is that in the current phase of the international arms race, the Soviets are not merely setting the pace but setting a very brisk one indeed, particularly in the stepped-up deployment of their SS-9 intercontinental ballistic missiles. I think it would be wishful thinking, therefore, to pretend that we can, for the time being let our guard down. At the same time, I believe it not only possible but mandatory to make rational choices even in what is essentially—and tragically—an irrational preoccupation of civilized men.

Mr. Chairman, once again we face a whopping appropriations request for defense and once again it involves the making of hard choices. As always, this means hard economic choices because the "guns versus butter" analogy continually reasserts its truth on our judgments—as it seems to be doing with particularly disturbing effects at this very moment.

We are faced also with the necessity of hard moral and philosophical choices as well. I need hardly remind anyone in this Chamber that sustained high military budgets at the level proposed in H.R. 17123 imply a continuation of the emphasis on naked military power which is somehow alien to the concept held by most Americans of American traditions. The youth who are expected to man, and, if need be, use this awesomely destructive hardware, that it is proposed that we buy, are increasingly the segment of our society most alienated by the implications of these and associated actions undertaken by the Congress.

Finally, there are hard choices to be made in the matter of simple survival in a still polarized world armed to the teeth. In such an atmosphere, one uni-

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laterally disarms himself at his own peril.

It is truly unfortunate that the problem of reconciling all of these difficult choices must inevitably involve making complex judgments of some very sophisticated and technical proposals. Many will simply defer to the "experts," overlooking the fact that all too often the experts themselves have shown some grievous lapses of judgment. In some cases, in fact, they admit—as the outgoing Chairman of the Joint Chiefs of Staff does on page 22 of the report—that important judgments cannot be made at all and that it is necessary, therefore, to "cover all bets." In this case it involves sustaining, through enormously expensive modernization programs, duplicate air arms committed to essentially the same strategic tasks—one on land and one at sea. The possibility that one may have a distinct competitive edge over the other—becoming in the parlance of the defense experts more "cost effective"—studiously ignored and instead we are distracted with arguments for such "redundancy," another favored word of late in the lexicon of defense planners. What we would have considered in another day as unforgivable "gold plating" has now become "redundancy" and, furthermore, a military virtue.

My point in all this is that someone is going to have to make these hard judgments and for the moment the "ball is," so to speak, "in our court." One cannot agree tirelessly with his constituents that our national priorities are badly awry and that defense spending is at the heart of the problem—and hold forth a defense appropriations bill which pares off a miniscule seventeen one-hundredth of 1 percent of the total that the administration has asked for—and not incidentally, apparently everything the Pentagon could possibly have hoped for.

Against the background of the imperatives as I see them, I am forced to make some necessary judgments. The first of these concerns the highly controversial ABM system which, in my view, should never have been given the go ahead in the first place and which at this time certainly does not merit my support in the matter of the $665 million being requested for Safeguard procurement. There is sufficient "redundancy," I think, guaranteeing the survivability of our strategic retaliatory forces, in 1,054 ICBM's, the bulk deployed in hard-to-hit underground silos, in 41 Polaris-firing nuclear submarines in the trackless depths of the ocean and, finally, in 255 nuclear-carrying strategic bombers dispersed at airfields around the world. The problem of mounting a credible first-strike capability against this force is, in my view, sufficiently complicated without ringing three ICBM missile fields with the Safeguard system.

In passing, I might add that I am not dissuaded by arguments advanced favoring matching the Soviets missile for missile and plane for plane. Neither "parity" nor "superiority" should concern us in these considerations: only considerations of strategic "sufficiency" should. In a world where there is weaponry enough to kill at least twice over every man, woman and child on the face of the globe, "parity" and "superiority" have lost whatever meaning they may have once had.

It is logical that I oppose not only the procurement proposal for the basic Safeguard system but the proposal to enlarge the deployment to a phase II level. Bigger is not necessarily any better. All of us ought to be wary of any proposal that has gone through as many planning convulsions as this one has in slightly less than 2 years. Just as there appears in the report to be some lack of unanimity among the service chiefs on the need for more nuclear-powered aircraft carriers, there appears to have been a great deal of difficulty encountered in their arriving at a consensus on what they desired in the way of missile defense. It has been reliably reported that neither the Air Force nor the Navy preferred the option to protect Minutemen ICBM's in their silos and that the Army was not particularly enthusiastic for the mission in the first place. One wonders, then, why we are proceeding in this direction.

As "Nike X," the Joint Chiefs of Staff originally proposed that populations in 27 selected cities be defended against Soviet attack. As "Sentinel," Mr. McNamara proposed instead that a "light" defense of the entire population of the United States be provided solely and exclusively against a developing Chinese threat. As "Safeguard" it was proposed by President Nixon a few months after assuming office that Minuteman ICBM's in their underground silos be protected against Soviet attack. Now for a few billion more, it is proposed that with "Safeguard phase II" we can do both—protect ICBM's from Soviet attack and people from Chinese attack. One has the instinctive feeling that more heat than light is being generated in all this feverish activity.

For this reason I am supporting the amendment to strike Safeguard procurement funds and, failing this, the amendment to foreclose the phase II extension of Safeguard.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts, Mr. KEITH.

Mr. KEITH. Mr. Chairman, when deployment of an ABM was first voted on by this House in 1968, I was one of the few on this side of the aisle who raised questions about the wisdom of such a step. However, at that time, and again last October, I supported deployment of a limited system, largely because it would give us the added technological know-how upon which we could base future decisions about expansion of the program. Additionally, I felt that phase I of the Safeguard system would prove to be a valuable bargaining card at the SALT talks—and perhaps it has been.

Now we are being asked to expand that limited system of two sites to include an additional ABM base and advance work on five others. Such an expansion at this time, I believe, is unwise. The enormous and escalating cost of this system and the fact that the original two sites are not yet operational or tested, lead me to question the advisability of authorizing phase II. The marginal increment in security which it would provide does not justify the expenditure of an additional $203 million.

Without further involving myself in the technological arguments on this question, I would point out that the ICBM's protected by phase I, linked with the capability of our Polaris fleet and our manned bombers, should adequately deter any Soviet first strike. As far as the Chinese are concerned, the unquestioned superiority of our nuclear forces, with or without an ABM, clearly provides an adequate deterrent against nuclear aggression or blackmail should Peking acquire a deliverable nuclear weapon.

Mr. Chairman, I do not believe that expansion of the Safeguard system at this time will enhance the chances of success at the Vienna SALT talks. What should impress the Soviets and make them more amenable to bargaining is not the size of our ABM program but rather the fact that it exists and that we have the technological capability of expanding it if circumstances require such steps. Indeed, a show of restraint on our part at this time might underline our good faith as we establish our bargaining position at Vienna. It certainly could not be interpreted as a sign of weakness in view of our past resolve in facing up to the challenges of the Soviet nuclear arsenal.

Mr. Chairman, the time has come for the Congress to show more prudence as it exercises its powers of authorization and appropriation in the field of military weaponry. Excessive cost overruns, the danger of obsolescence and the apparently hopeful developments in Helsinki and Vienna dictate that we move more deliberately in the future as we procure military hardware. Phase II of Safeguard, in my view, is a good place to begin exercising that restraint.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in opposition to this amendment. Not only do I rise in opposition to the amendment, but I want the Members of this body to know that the gentleman from Georgia will not feel safe until we have an ABM shield for our cities as well as our missile sites.

Mr. Chairman, I do not trust the Russians, and until there is concrete evidence that they are willing to cut down their offensive capability, I have no intentions of cutting down on our defensive ability in this country.

The gentleman made the comment a moment ago that Moscow is worse off because there are 67 ABM's protecting it. But I would like to make this point: that if we have to overtarget to get to Moscow because of the interception of our missiles by their ABM's, then, because of this, there would be other areas in the Soviet Union that would be safe because the missiles we would otherwise have used on those places would then be going to Moscow. This is the sane approach, and I am for defending and protecting the people of our country, and not for placing my faith and confidence in the Russians.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I would only like to emphasize that phase I of ABM will put in place many, many more

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launchers than the Soviets have around Moscow. The number of launchers is classified, but I think it is safe to say that they will substantially exceed the number in place around Moscow today.

I am a little surprised at the reaction I get from some Members of the House when I display in front of them figures submitted by the Pentagon for the public record. They act as though this is an act of treason or subverting the Republic by publishing the Pentagon figures.

The figures I have published are effective as of February 1, 1970. I have the hearings right here and it says as of February 1970, the operational ICBM's of the Soviet Union are over 1,100.

Those are the figures I have on my chart. If in 60 days there has been some dramatic turn-around—which is totally incredible—I have yet to hear of it.

The reason why it is incredible, of course, is that we know of the launchers under construction. We know ahead of time what is coming out. But this is the figure that is operational and these are the figures I have used on my chart throughout.

I do not understand why people get up and announce in such a loud voice that I am misleading the House. I am only trying to bring to them some facts that I think are very much worth reading.

But the posture statement is in the hearings and it lays out very clearly that the Soviets appear to be on a declining rate in ICBM construction.

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The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I rise in opposition to the amendment.

At this point in the debate we are pretty much back where we were in the discussion of last year. We hear again the arguments as to whether Safeguard will work or not. That is, whether it will be effective. The fact remains that there have been repeated tests since the authorization and appropriation of last year and the fact also is that the great majority of those tests have been successful.

Last year we were talking about a billion dollars to deploy phase I of Safeguard. The gentleman's amendment today involves a total of $203 million.

To those who say that the ABM will not work, I would say I am not so much concerned about whether they are right. But I am concerned if they are wrong. Because if they are wrong, we are going to wake up without any ABM system of any kind and be subject to pure and simple nuclear blackmail. So today we are talking not about a billion dollars but of $203 million. The issue is the expenditure of an *x* number of dollars as against the security of this country. If those who oppose the Safeguard are right then we will have lost some money—or we will not have lost it completely because as the tests continue we will have gained more knowledge to make the system ultimately workable.

But, if the opponents are wrong and the system was workable then we would be in pretty bad shape without it and they are asking all of us to do without the Safeguard at our own risk.

Mr. Chairman, There is the issue. As our distinguished Speaker said last year if we are to risk error let us err on the side of the security of this country.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, the amendment relates only to modifying the procurement amount. It is $203 million. It does not preclude us from moving ahead with the phase I program that we authorized last year. Former Secretary of Defense McNamara said a few years ago that the danger of providing this relatively light but reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented system. Last year we expanded it into a light Soviet system. Now we are moving to a reasonably heavy system at the present time.

The PAR—perimeter acqusition radar—that support this total system can be knocked out. There are only 12 PAR in the whole ABM system. Then they could be knocked out by 12 Shillelaghs or Tow missiles. If anyone can feel safer under this system, they certainly do not know the international facts of life that prevail at the present time.

I do not think that the escalation on the part of the Soviet Union from 200 SS-9 missiles in 1966 to 235 missiles at the beginning of last year and 255 missiles at the time we heard this bill last year and now escalating it to 275 this year dictate that we move ahead with this multibillion-dollar system today.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, if one considers the question of credibility as brought up by the proponents of this amendment, one wonders wherein we differentiate between hope on the one hand and truth insofar as military intelligence and the security of our Nation are concerned, on the other.

I think the song has pretty well been sung. We have a technically feasible defensive means. We know what the opposition is doing in their singing satellite from Red China and the multiple capability of delivery of Red Russia. The thing that needs to be emphasized in our capability is technical feasibility, which has been proved regardless of all the soothsaying that has been stated here on the floor, some out of context and others, I feel, wilfully with half-truths.

Finally, it will save American lives with us in a purely defensive posture. I am for saving those lives.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I oppose the amendment with all my heart. I think it must be recognized that our committee studiously went into this whole matter. We in the committee collectively believe, without partisanship of any kind, that this is the best thing to do in the interest of the American people, for our security in the future, and to be ready for any eventuality.

I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. I thank the gentleman from Illinois for yielding.

Mr. Chairman, I want to set the record straight today.

The New York Times, 2 days ago quoted Representative DONALD FRASER, of Minnesota, as saying the Pentagon's own figures prove the Russians have slowed down their production of strategic nuclear weapons.

I am afraid the gentleman allowed the wish to be the father to the thought.

The fact is that the Soviet Union continues to increase its production of ICBM's at a constant pace.

In 1965 the Russians had about 220 ICBM's. In 1966 they were up to 250. Then they really took off. By 1967 they had a little over 500. From then on the graph shows not a curve but an almost straight line slanting upward at a rate of increase of about 180 ICBM's a year.

I should point out, though, that it deals only with ICBM's. When it comes to ABM's they have 64; we have none. Other figures show they are rapidly increasing their numbers of submarine-launched ballistic missiles.

The facts are plain: the Soviet Union in some areas is rapidly reaching parity with the United States. In other areas it has gone beyond us.

The gentleman heads the Democratic Study Group. I would suggest the group spend more time at study—unpleasant as that may be—and less with its collective head in the sand.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, this is $200 million. What does it do? What does it do? The gentleman from Minnesota spoke about numbers of missiles. Not once did he mention megatonnage; not once. He did not mention MIRVed missiles. Russia has more megatonnage, and I positively believe they have the MIRV missile.

This amendment for $200 million improves your Sprint missile. You get more Sprint missiles for the existing bases. You build one other base and put in your long lead items for five others. It does not take an adult to know that with only two bases they could saturate them and church would be out. Unless you start, you will never get started. It is as simple as that.

For the want of $200 million, you might lose the ball game, and that is what the question is all about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The question was taken, and on a division (demanded by Mr. LEGGETT) there were—ayes 48, noes 89.

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The committee again divided, and the tellers reported that there were—ayes 86, noes 128.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEDZI: On page 3, line 16, after the comma, strike out $2,909,700,000" and insert $2,809,700,000."

(By unanimous consent, Mr. NEDZI was allowed to proceed for 3 additional minutes.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan for 8 minutes in support of his amendment.

Mr. NEDZI. Mr. Chairman, this amendment strikes $100 million from the R.D.T. & E. funds for the Air Force. This is the amount in the bill provided for the B-1, formerly known as the AMSA—this is the go ahead for the new manned bomber. For years we have determined that a new manned system is not necessary for our national security. There is no evidence that the Soviets are developing a new heavy bomber. There is evidence that they are developing a new medium bomber, however, to quote Secretary Laird on page 105 of his unclassified posture statement:

> The intelligence community believes that medium bombers do not figure prominently in Soviet plans for an initial attack on the North American continent.

While the amount in this bill appears relatively modest, the fact of the matter is that this authorizes the Air Force to enter into procurement agreements for five prototypes which are presently programed to cost $2.3 billion. I emphasize programed because we are all aware of what happens to programed costs.

Mr. Chairman, we are presently involved in the strategic arms limitation talks, SALT talks, in order to determine whether arms limitations are feasible. Some may argue, as do some proponents of the ABM, that we need this authorization as a bargaining chip. They argue further that we can abandon our program should there be success at the talks. Of course, there would be closing costs—it is obvious, however, that the further along a program, the more it will cost to close it out. Not only will it cost more, but it will be so much more difficult to stop this program because of the intrinsic momentum which weapons systems develop. Weapons program advocates develop a proprietary psychology which increases the enthusiasm with which they support a system which they have once sold to their colleagues or the public. It is difficult for one to admit an error in judgment and reverse course. Add to this the vested interest which defense contractors develop and that of their employees, usually represented by influential labor unions, and you have a momentum which can be braked only in a very slow and costly manner as was the case with the B-70 when we built 2½ aircraft at a cost in excess of $1½ billion.

I am deeply troubled, Mr. Chairman, by the double standard which our Secretary of Defense uses in appraising the international arms race. His emphasis on Soviet capabilities as opposed to intentions is understandable and justifiable. However, his sweeping review of new Soviet deployments skirts the fact that we are still far ahead of the Soviets and that they have a corresponding desire not to be a second rate military power. If "sufficiency" is our policy, we must define it—for if it means superiority then we may just as well face the fact that no nation in the world with the "capability" is going to sit still and permit this kind of condition to persist without international agreement and the impact on the arms race is obvious.

While Secretary Laird views Soviet deployment as developing a "first-strike capability," he assures the world that our ABM deployment is defensive—avoiding the fact that an effective ABM has a very significant "firststrike" role in that it could protect us from any missiles not destroyed in a first strike. The world is expected to rely upon our word that MIRVing our missiles, both Minuteman and Poseidon, is defensive. The world is expected to rely upon our word that the development of an ULMS—underwater long-range missile system—is defensive; that the procurement of a new fighter for the Navy and for the Air Force is defensive; that the capability to deploy enormous quantities of men and materiel around the world in the C-5A is defensive; and that the deployment of a new manned attack bomber—the B-1 is defensive. Can we fairly expect the world to look to our intentions and not our capabilities?

I have avoided getting into the technical details of the B-1 since the new "open news policy" described by my colleague (Mr. PIKE) has imposed certain constraints. An unclassified comparison of the FB-111 and the new B-1 furnished upon my request by the Air Force has all the pertinent B-1 data deleted and the House must again have faith in the expertise of the majority of the Armed Services Committee.

In summary, there is testimony that our B-52's, and I appreciate how old our B-52's are, but let me remind the House that $100 million is in this bill for SRAM's for their modernization, and FB-111's will be effective into the late 1980's. We have awesome deterrent power in our Minutemen and Minutemen III being added to the inventory—we have an invulnerable deterrent in our Polaris and Poseidon submarines. We boast about our capability to destroy sophisticated incoming missiles and yet we are expected to believe that another nation does not have the capability to destroy incoming manned aircraft.

The B-1, Mr. Chairman, is not essential to our security—its ability to perform a meaningful role in our defense posture is extremely skeptical—its effect on the arms race cannot be salutary, and it has all the earmarks of another expensive mistake at a time when there is a pathetic requirement for resources in other areas.

Mr. NEDZI. I yield to the gentleman from Illinois.

Mr. ARENDS. It seems to me that the gentleman has left the impression that we want to go on the offense with some of our weapons. However, the gentleman should recall what has taken place in Vietnam. As you know we have followed a defensive pattern in Vietnam. We have exhibited our bombing. We have not used nuclear warheads.

Mr. NEDZI. I had no intention of suggesting that we do intend to go on the offense. However, we do have the ability to go on the offense. I think we are using a double standard when we fail to consider our capability. They have no way of knowing our intent. I think what is good for the goose is good for the gander.

Mr. ARENDS. And, if the gentleman will yield further, we, of course, have no way of knowing or determining what Russia's intentions are for the future.

Mr. NEDZI. Nor do they have any way of knowing what our intentions are.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if ever there was an ill-timed amendment, it is this amendment. The distinguished gentleman who offered the amendment has listened to the story for the need of the so-called follow-on bomber for 7 years. He has been one of the most devoted members of the committee. We have had exhaustive hearings on this matter. He has told us many things which, apparently, would be very significant if the sugar was taken off the top of the cake.

The things he has not said are the things that are important.

The gentleman has not told you that over $140 million is already invested in the research and development of an AMSA. He has not told you that when the last B-52 goes out of existence, it is the last of the strategic bombers. We have no follow-on. He has not told you that the Joint Chiefs unanimously have advocated the development of a bomber, against the resistance of the former Secretary of Defense Mr. McNamara.

Mr. Chairman, the gentleman from Michigan has not told the Members of the committee that the B-58 has been phased out over the objection of the military by the former Secretary of Defense. He has not told you the answer as to what will be the situation if we do not have a follow-on to the B-52. In other words, we will have no mixed strategic force.

Mr. Chairman, I am sure no one in this body would want to have all our eggs put into one basket. The greatest offense or defense, whichever one you want to take, is to be found in the fact that we have a mix in our strategic inventory.

Mr. Chairman, the gentleman suggested that the bomber can be mended, modified, or tied up with wire, in effect, and perhaps last a little bit longer. However, that is like asking one to rehabilitate a 90-year-old man. How many times can you fix him up to continue life?

Mr. Chairman, the B-52 is running out of time. Unless we proceed with this particular advance we will have no successor to the strategic bomber.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Michigan.

Mr. NEDZI. Are we not purchasing the FB-111?

Mr. HÉBERT. We are, and I am glad the gentleman asked me that question.

Mr. Chairman, the F–111 has been cut from 264 to 76. But the most important thing about the F–111, as the gentleman knows, it was never to have been conjectured in any manner, shape or form to replace the B–52. It was only at best to have been an interim bomber while the follow-on was being developed.

The gentleman I think knows this. The gentleman sat in the committee, and he has heard all of this.

Mr. NEDZI. The gentleman knows that the Air Force has commended the aircraft as being a fine airplane.

Mr. HÉBERT. The gentleman admits that the Air Force has commended the F–111 as being a fine airplane to do the job for which it is intended to do, but it was never held up as a follow-on bomber.

Mr. NEDZI. But it is expected to be in the inventory until the late 1980's.

Mr. HÉBERT. In the late 1980's the B–52 will be 27 years old.

Mr. NEDZI. The F–111.

Mr. HÉBERT. But only 76 aircraft at the most. How long does the gentleman think you can have an interim airplane, and how long does the gentleman think you can have an interim bomber? You cannot have them forever.

Mr. NEDZI. For as long as it does a good job.

Mr. HÉBERT. Maybe the gentleman has some new formula of everlasting light and power for fixing up a 90-year-old man forever. But I do think it is important that we do have this bomber which, incidentally, can only be purchased after it flies. It is a fly before you buy program. I suggest that any thought or any suggestion of stopping this particular plane at this time is ill advised.

Mr. BRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out to the Members that buying a bomber is not the same as going to a hardware store and buying a hammer. There are many years of developmental work involved in developing a bomber. We do not know whether we will ever have a need for this bomber, and everybody in this body hopes that we will never have to use the bomber.

However, I would like to point out that in 1961 Secretary McNamara stopped all development on the long-distance bomber. He also refused to build any more bombers. He stopped all production on the long-distance bombers we had; that is, the B–52's and B–58's. In fact, this body for 2 years after that, authorized and also appropriated money for these bombers. However he refused to use the money.

Secretary McNamara's philosophy, as we all know, was that if you had a deterrent, a massive deterrent of many, many missiles that could destroy this city or that city, that we would not need a manned bomber. I for one do not want to come to the place where the only defense that we have is massive destruction by the use of ICBMs. So for that reason we do need a bomber, but whether we might need to use that bomber no one will ever know for certain. We hope not.

The Russians are developing a bomber. It is not as large as this bomber, frankly, and not as good as this bomber will be, I hope. But if we approve this amendment we will place ourselves out of the development of a long distance bomber. If this amendment is carried, would do, would be saying to ourselves, that the only defense to an enemy action would be surrender, or resort to massive retaliation, and all the destruction that such action would bring.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I want to commend the gentleman from Indiana for his observations, but I would like to supplement his thoughts with this: that about 10 days ago we were apprised by the press and by intelligence sources that the Russians were conducting massive operations off the northern part of their country, were using all of their bombers and using refueling techniques, and enlarging their runways, and so forth.

So in the case of any hostilities, or any offensive action, the Russians have a very fine bomber fleet ready. Therefore we simply cannot be so naive as we were, say, back in 1940, where we were caught off base.

I say to you that this message is well taken, we do need to go ahead with new bombers that will at least be a protective factor for this country, and therefore we should be thinking about it now, and not find ourselves in the position of wondering whether we can protect America or whether we cannot.

Mr. PIKE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, the thing that intrigues me most under the new complete information policy about cost of weapons systems, which has been enunciated by the Secretary of Defense, is as always—what they really do compared to what they are saying.

On page 7517 of the hearings, Mr. Nedzi tried to find out how much the B–1 program cost:

> Mr. NEDZI. Have we any estimates at all as to the cost of this program?
>
> Secretary SEAMANS. Yes, we do. The present estimate for the research and development, including the test aircraft, and the tests with the aircraft, is $2.3 billion in 1970 dollars. And the production estimate for the [deleted] aircraft is $7 billion, which includes the initial spares.
>
> Mr. NEDZI. What does that come to per unit?
>
> Secretary SEAMANS. It comes to a program unit cost of about [deleted] million, that takes all the cost, research and development and production, dividing by the total number of the aircraft. Or it comes to [deleted] million on a production unit-cost basis, that is just taking the procurement costs and dividing by the [deleted].

So that is what you know, if you read the hearings about what this thing costs.

Now if you also want to go into it further and find out what it can do, you can look at page 7590 where they make a comparison between the FB–111 and the B–1. Out of about 20 questions, they have deleted all but two answers on the FB–111 and they have deleted all of them on the B–1.

So you cannot find anything about what it can do and you cannot find anything about what it is going to cost.

However, the Russians know all about this. They know how much it is going to cost and they know what it is going to be able to do because they all subscribe to a paper called the Defense Marketing Survey Intelligence Report.

Back last December that included the maximum speed was mach 2.5 to 3; the range was 10,000 miles; the crew was four; the price range was from $25 to $30 million per copy—at that time.

Now the Russians know all this. The Russian Army and Navy and Air Force have access to all this information. But you do not have it—the public does not have it—unless you read the Defense Marketing Survey Intelligence Report. You cannot get it out of the hearings.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. Of course, I yield to the gentleman.

Mr. RIVERS. The gentleman keeps saying "they." Does the gentleman say that the Committee on Armed Services did this and hushed this up?

Mr. PIKE. We raised this point last year—and you are absolutely correct—I do not say that the Committee on Armed Services did this in any manner. It is done in the Pentagon. I know the chairman has tried time after time after time to get some of this stuff unclassified, but they will not unclassify it.

The Secretary of Defense says we are going to give the public complete cost figures and he does not give the members any cost figures.

The last time we went this route was with the B–70. We spent $1.5 billion and we built 2½ planes. One crashed—one is in the Air Force Museum at Wright-Patterson and nobody knows where the pieces of that half are and we have to admit that $1.5 billion was wasted.

This is only going to cost $2.33 billion to build what they now say is five prototypes. But we do not know what it is going to cost and we do not know how much it is going to be.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman.

Mr. EVANS of Colorado. While we are trying to shed some intelligence on the question we are discussing here, and with all deference to the committee, because I know they tried very hard to get the facts before us—we are talking about $100 million for another advanced manned bomber. You have mentioned the B–70 and in your minority report you pointed out the acquisition of 2½ planes at a cost of $1.5 billion.

I would like to know what happened to that plane and why it is not being carried forward?

Mr. PIKE. Because the people who are responsible in the Pentagon for the planning and procurement of strategic aircraft said it was not worth the money.

Secretary Foster this year said in retrospect we were right to cancel it.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I address my remarks particularly to the gentleman from New York (Mr. PIKE). What he has said with respect to lack of information concerning this new bomber, sounds strangely like the beginning of the F-111, better known originally as the TFX, back in the days of Defense Secretary McNamara. This business of being unable to obtain information concerning moves to obtain new planes is reprehensible. Back in those days the then Comptroller General, Joseph Campbell, tried to obtain information from McNamara, and McNamara tapped his head and said he was carrying the specifications in his head. Is that the kind of situation that still confronts us?

Mr. PIKE. Mr. Chairman, if the gentleman would yield, I would simply say to the gentleman in response that despite all of the fine speeches and press releases about the availability of information, I have seen no improvement whatsoever since that time.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. RIVERS. For over 7 years Mr. HÉBERT has been working on this matter. He tried to get McNamara to come forward with an answer in respect to the advanced strategic manned aircraft. He has held special hearings on the subject. McNamara sent one excuse after another. Curtis LeMay wanted it. O'Connell wanted it. The radar was blamed; the configuration of the plane itself was blamed. He blamed it on everything. He blamed it on aeryonics. Finally here it is. It has been almost 20 years since we have had anything that resembles a new bomber as such. I am not talking about the TFX. I am not talking about a multipurpose airplane. We have nothing like this.

We have had nothing since the B-18 was laid down. We have changed the engines. This is the last version of the engine, a fan engine.

No one has done the work that Mr. HÉBERT has done on this question. He has tried to give America something that will work. This plane can go a foot from the ground, 10 feet from the ground, or 90,000 feet from the ground.

Mr. GROSS. I am not criticizing the House Armed Services Committee. What I am criticizing is the repetition of what we ran into several years ago in connection with what is now the F-111—inability, almost total inability to find out what was going on. After all, the common, garden variety of Members of the House of Representatives ought to have some information about what is going on in the Defense Department.

Mr. RIVERS. We could not get them to get to the point of a definition of it. Shriver begged for it. Now Ferguson has begged for it. It is long overdue. It is due to the credit of this great Louisianan, who has been after them for over 6 years, to my certain knowledge.

Mr. GROSS. And we are still asked to take on faith the F-111 with a half billion dollars in this bill for it.

Mr. RIVERS. May I finish my statement. This administration has what is called a milestone concept. Every so often a report is made on the progress. This thing is being run in a businesslike fashion under Secretary Packard. This is a good program.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. PIKE. I will simply say it has been a long, long time since we have bought a new bow and arrow in this country, too, but if we were doing it, I guarantee the gentleman that both its cost and its performance characteristics would be classified by the Pentagon.

Mr. GROSS. All I am trying to say here today is that I do not want to vote for another flying Edsel. That is all.

Mr. RIVERS. You are not doing so.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I assure you this will not be a flying Edsel, because it will not be put into the inventory until it is a proven flying machine to do the job it is supposed to do. I want to say to the gentleman from Iowa I share his opinion and his observations about the difficulty of getting information.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HÉBERT. Mr. Chairman, I wonder if we could place a limitation on the debate. I ask unanimous consent that all debate on the amendment be ended at 2:15.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to this amendment, and address myself to the remarks made earlier concerning the alleged double standard in which we seek to judge the Soviets by their capabilities while we ask the world to judge us by our intentions.

I would say we have a single standard, a standard of performance, of the history of these two nations. Where is our Poland? Where is our Hungary? Where is our Czechoslovakia? Where are our captive nations? Where is there one shred of evidence that this Nation has sought anything other than the freedom and self-determination of the peoples of the world at great sacrifice to the United States?

Yet look at the record of the Soviet Union, and it becomes crystal clear we had better judge the Soviets by their capabilities. Their record is one of the subjection of the people by force and without free elections to the absolute rule of a Communist minority, both in the Soviet Union and in its captive nations. Their record is one of the extreme and persistent abrogation of human rights, including an absolute disregard of the right of self-determination for any people to whom they can extend their colonial rule. Nor has there to my knowledge been any retraction of their stated and restated intention to "bury us" and to ultimately achieve world domination.

Before the judgment bar of history, their growing military strength stands as a clear threat to world peace. The same record reflects our strength to be, in contrast, the world's best hope for peace.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I commend the gentleman from Alabama for pointing out the problem of a double standard, because we have been told here in this debate that the Soviet Union has anti-ballistic-missile weapons that can shoot down items in the sky going 1,700 miles an hour. And we are also being told we must update, as the gentleman from New York says, a bow and arrow that will go 2,000 miles an hour.

My question is: How will these updated bows and arrows get past that super-duper defense that has been established in Moscow?

The CHAIRMAN. The Chair recognizes the gentleman from New York, (Mr. PIKE).

(By unanimous consent, Mr. PIKE yielded his time to Mr. NEDZI.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, again we are asked to approve a new version of our strategic delivery system, a new strategic bomber which will add to our nuclear arsenal. In addition to the figures which are on this chart, indicating 9,100 warheads after we MIRV our submarines and half of our Minuteman missiles, we are asked to add a new bomber to this 9,100, giving something on the order of an additional 1,700 deliverable warheads or bombs, to take us up to a total of about 11,000 warheads or bombs.

Let me again contrast that with the Soviet position as of September 1 of last year of 1,300 deliverable warheads or bombs. Every single strategic system we have—the three modes—is going to be increased by the money in this bill. At some point we need to call a halt.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I think we need to clarify the atmosphere. This is a follow-on, armed, manned, strategic aircraft. We have been planning it for a long time in the Research and Development Committee and in the Airlift Subcommittee. It does have the planned capability of standoff penetration by long-ranged air to surface missile, because of the Golosh and the Tallinin systems of Soviet defense; which we will need in case of response, or retaliatory capability. Members of the Airlift Subcommittee have visited the mock-ups of these B-1's. There are definite fall-outs from the XB- or SB-70, on the beryllium and titanium techniques, honeycombing, hi-thrust propulsion units, and so forth.

It is in competition. The competition is ready for announcement and/or decision on or about May 15. It would be disastrous to the future defense of this Nation if, by an action of those who live on hope instead of full backgrounding and knowledge, we struck by amendment in a willy-nilly fashion the capability of following on our B-52's and B-58's and the FB-111's, under these circumstances.

Mr. Chairman, I strongly recommend that this amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Nedzi).

Mr. NEDZI. Mr. Chairman, I shall not belabor the arguments which have been made, but it appears to me, when we are having such dire economic problems in the country, it is a time when we should be absolutely certain of what we are doing when we launch upon a $2.3 billion program.

That is precisely what we are doing. The B-1 program is of questionable value when it comes to our military posture. We do not know what the costs will be.

In the light, of the pathetic requirements which exist in other problem areas of the country, this amendment should be agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers).

(By unanimous consent, Mr. Rivers yielded his time to Mr. Hébert).

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Hébert).

Mr. HÉBERT. Mr. Chairman, obviously there is little or nothing more to be added to the debate which we have had today.

Backed up against what has been said on the floor today I submit the record of 7 years of hearings by a special subcommittee of the Committee on Armed Services, of which the distinguished gentleman from Michigan was a ranking member.

I cannot too eagerly or too strongly stress the necessity for defeating this particular amendment at this particular time. We cannot throw away 7 years of constant study and effort on the part of the Armed Services Committee, in its endeavor to protect this Nation and to give it a mix in our attack forces and a mix in our defense forces.

The passage of this amendment would be the abandonment of a follow-on bomber, which we cannot afford at this particular time.

The rejection of the amendment will give notice to the Russians that we are dedicated to the proposition that we will fill our inventory from day to day with the most advanced weaponry at our command.

Mr. Chairman, I certainly urge once again the defeat of this particular amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Nedzi).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NEDZI. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Nedzi and Mr. Rivers.

The committee divided, and the tellers reported that there were—ayes 51, noes 91.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bingham:

On page 2, line 3, delete "$2,452,200,000" and insert in lieu thereof "$1,794,200,000".

Mr. BINGHAM. Mr. Chairman, this amendment would eliminate $658 million of procurement funds—and I emphasize procurement funds—for the F-14. It would not touch research and development funds for the development of the F-14A, B, C. The F-14 is a plane which is highly controversial. It is controversial both as to cost and as to performance. The Pentagon estimates the total cost anticipated for these planes at $11.8 billion. Other experts estimate the total cost will run as high as $25 billion.

The performance of the F-14 is also gravely in doubt. It is one of the most complex fighter-bomber carrier planes ever proposed. It is supposed to perform many missions including fleet air defense, air superiority, escort, air-to-ground attack, and cruise missile defense missions. It must carry a Phoenix missile for the purpose of the defense of carriers. This is one of its primary responsibilities. This means it will be a heavy aircraft. Many of the pilots who have flown this plane are known to have criticized it on the ground that it will not be as maneuverable as the Mig-21 that it will be up against. Its acceleration will be relatively poor, at least until the new engine can be developed for the F-14B. This bill provides for the procurement of 26 copies of the F-14A, the one with the unimproved engine.

If the F-14 as designed proves out, it will indeed be a miracle plane, but nobody knows whether it will prove out, because it has not been flight-tested and will not be flight-tested until next January.

The Congress knows what happened with the F-111. Let us not have a repitition of that disaster.

Mr. Chairman, the GAO has recommended against the procedure of going ahead with procurement before R. & D. is completed, which is the procedure contemplated here.

There is no need for a special speed-up in this situation because the Navy admits that the potential threat to the carrier fleet, which is the primary threat that the F-14 is supposed to meet, is years away.

Mr. Chairman, last year I proposed a similar amendment to defer the production funds and proceed with research and development on the F-14. The House rejected that amendment in the authorization bill, but the Appropriations Committee in its wisdom recommended that the procurement funds be eliminated and added to the research and development funds so that research and development could proceed.

Mr. Chairman, no one argues that a successor to the F-4 will not be needed, but there is grave question as to how we should proceed. Should we go ahead with the procurement which would be called for in this bill of 26 copies of this plane at a cost of $658 million when it is still 8 months away from any flight testing whatsoever?

What this amendment would do would be to defer the production procurement funds and to allow the Navy to proceed with the necessary research and development.

Mr. Chairman, I ask for support of this amendment in order to save $658 million and to prevent what may otherwise prove to be as great a disaster as the F-111.

Mr. STRATTON. I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not anticipate taking the full time because I think the members of the committee are aware of the fact that this amendment, which has just been offered by the gentleman from New York, is the same amendment he offered last year and which did not get very far last year, and there is even less reason for considering it seriously this year.

The gentleman says that this is a highly controversial plane, the F-14. As a matter of fact this is so uncontroversial a plane that even the bitterest critics of excessive and wasteful spending in the Pentagon who are members of our committee have not undertaken to oppose this particular aircraft. They are familiar with it. They know what it can do.

Mr. Chairman, I think this amendment is an example of what happens when one who has not had the opportunity of examining some of the details of the defense budget nevertheless offers an amendment—in good faith, of course—but one that is not going to accomplish what he thinks it would accomplish.

Mr. Chairman, let me just point out that we have recently been told some of the horrors of the F-111, the old TFX. Well, of course, the biggest problem that the F-111 got into was in connection with the version to be used by the Navy. And the Navy recognized, very wisely, at a very early stage, that there was no point in going ahead with the F-111 for carrier use because it could not effectively be used on a carrier. So, what the Congress ordered was an adaptation of the F-111, with all of the existing technology, in a reduced version so that we would not have to go beyond the present state of the art. We ordered the Navy to come up with a modern fighter aircraft for carrier use to be flown now and not at some vague, future time. That is what the F-14 is.

As the gentleman from New York himself indicated, this plane is going to be flying by January of next year. We are not talking about something that might happen in the remote future. These are the planes that are going to be needed on our carriers in the immediate future.

Mr. Chairman, I have had the privilege of serving on the Carrier Subcommittee—and, presumably, we will be into that question in a few moments—but let me just say that of all the critics of the CVAN-70 that came before our subcom-

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mittee, not a single one was opposed to the aircraft carrier as such. Some of them were opposed to the total number of carriers that the Navy wanted. Some of them were opposed to authorizing a new carrier in this 1971 budget rather than another year. But they all said carriers are great and that America needs them. But you cannot have carriers without having planes to fly on them.

The F–4 is a great plane, but that was first put down on the drawing boards back in 1953, and in the years since then the Soviets have developed eight new modern, fast fighters. So if we are going to have an up-to-date Navy, and if we are going to have up-to-date carriers that will protect our forces as we withdraw from all our exposed positions in Europe and the Pacific, as the Nixon doctrine suggests, the one thing that will provide American power around the world and back up our forces wherever they may be, and will serve as a demonstration of support for our friends without requiring us to go ashore and put men ashore, it is the aircraft carrier. So for heaven's sake let us put a modern plane on the carriers that we still have.

This F–14 is the plane that will do the job.

Mr. KING. Mr. Chairman, I rise in opposition to this amendment of the gentleman from New York (Mr. BINGHAM).

A great deal of thought, effort, and discussion has been expended in relation to the needs of the modern Navy's attack carrier fleet. I should like to take this opportunity to present a few pertinent remarks on the defense of that fleet, regardless of its ultimate size or composition. I refer to the aircraft known as the F–14.

The need for a new air superiority fighter aircraft has been well-documented. The current backbone of the carrier fighter force is the F–4 Phantom. This venerable aircraft has, unfortunately, reached its ultimate designed capability. It has been modified and improved to the extent that further effective modification is no longer economically feasible. Although still an excellent fighter and proven versatile tactical bomber, the Phantom can be beaten. At least two aircraft in the current, operational inventory of the U.S.S.R. have exceeded the performance characteristics of our best bird.

Now what this means is that in terms of fighter air defense, in particular the defense of attack carriers, the United States is second, not first. We can no longer claim that our fighter escorts and carrier air protection are unbeatable. We can no longer be absolutely assured of adequate protection for our bombers, our attack aircraft, our reconnaissance aircraft, or even our aircraft carriers.

Mr. Chairman, we cannot tolerate such a situation. We must never accept any role that would place the Armed Forces of this country at an acknowledged disadvantage.

This bill provides $517 million for the purchase of 26 F–14A's with $60.1 million for advanced procurement of long-lead-time items, $80.9 million for initial spares, and $324.2 million for R.D.T. & E. These expenditures would remove the serious handicap currently facing our attack carrier forces. They would, in my opinion, return the Navy to its deserved status of quiet confidence from its present state of prayerful hesitance.

Mr. Chairman, the F–14 is no antique biplane. Conversely, the Mig–21 is not the ultimate weapon. But does the magnitude of difference have to reach such ridiculous proportions before we do something about it? I certainly hope not.

Mr. Chairman, the United States is in second place in air superiority aircraft. The F–14 will change that and I urge its authorization.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The question was taken, and on a division (demanded by Mr. BINGHAM) there were—ayes 22, noes 66.

So the amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MOORHEAD:

Strike out all after the enactment clause and insert the following:

"TITLE I—PROCUREMENT

"SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, as authorized by law, in amounts as follows:

"Aircraft

"For aircraft: for the Army, $279,775,000; for the Navy and the Marine Corps, $2,329,590,000; for the Air Force, $3,149,155,000 of which $344,400,000 is authorized only to meet unfunded prior year production commitments on C–5A aircraft.

"Missiles

"For missiles: for the Army, $1,032,270,000; for the Navy, $899,270,000; for the Marine Corps, $26,220,000; for the Air Force, $1,430,035,000.

"Naval Vessels

"For naval vessels: for the Navy, $2,863,205,000, of which $570,000,000 is authorized to be appropriated only for expenditure in naval shipyards: *Provided*, That none of the funds authorized for appropriation by this Act for the construction of naval vessels shall be obligated until the National Security Council has advised the President of its recommendation in respect to construction of the attack aircraft carrier designated as CVAN–70.

"Tracked Combat Vehicles

"For tracked combat vehicles: for the Army, $195,890,000; for the Marine Corps, $46,265,000.

"Other Weapons

"For other weapons: for the Army, $64,790,000: *Provided*, That none of the funds authorized for appropriation by this Act shall be obligated for the procurement of M–16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources for supplying such weapons will continue to be available within the United States during fiscal year 1971; for the Navy, $2,649,550; for the Marine Corps, $4,180,000.

"TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

"For the Army, $1,565,505,000;

"For the Navy (including the Marine Corps), $2,087,435,000;

"For the Air Force, $2,764,215,000; and

"For the Defense Agencies, $437,665,000.

"SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1971 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $47,500,000.

"TITLE III—RESERVE FORCES

"SEC. 301. For the fiscal year beginning July 1, 1970, and ending June 30, 1971, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

"(1) The Army National Guard of the United States, 400,000.

"(2) The Army Reserve, 260,000.

"(3) The Naval Reserve, 129,000.

"(4) The Marine Corps Reserve, 47,715.

"(5) The Air National Guard of the United States, 87,878.

"(6) The Air Force Reserve, 47,921.

"(7) The Coast Guard Reserve, 16,590.

"SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

"TITLE IV—GENERAL PROVISIONS

"SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

" 'Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purpose to support: (1) Vietnamese and other Free World Forces in Vietnam (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine.'

"SEC. 402. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within

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60 days after the date of enactment of this Act and each January 30th and June 30th thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

"TITLE V—QUARTERLY CONTRACT REPORTING AND GAO AUDITS

"SEC. 501. (a) After January 1, 1971, the Secretary of Defense (hereafter referred to in this section as the 'Secretary'), in cooperation with the Comptroller General of the United States (hereafter referred to in this section as the 'Comptroller General'), shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

"(b) The Secretary shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (A) research, development, testing, and engineering, and (B) production;

"(2) the estimates of the Department of Defense of cost for completion of the program up to the time of the review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department or agency concerned intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved by the Secretary, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances;

"(6) the estimates of the Department of Defense as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry out this section."

Mr. MOORHEAD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Chairman, on behalf of the gentleman from Iowa (Mr. SCHWENGEL) and myself, I rise in support of this efficiency amendment which I believe is a step all of us can take on behalf of the increasing beleaguered American taxpayer. We have limited resources in this Nation to maintain our national security and sustain a quality of life befitting a great nation. We can no longer tolerate wasteful and inefficient use of our resources in the name of national security or aggregate demand or any other guise.

Over the last year I have heard testimony before the Military Operations Subcommittee and the Joint Economic Committee, on which I serve, which would make any taxpayer weep. We have heard procurement horror stories which range from the infamous $2 billion cost overrun on the C-5A; to the Mark II Avionics—the brain of the F-111—which now costs more than the original estimate for the whole aircraft; to the Mark 48 Torpedo which the Navy told the Congress they could buy for $65,000 a copy and for which they just let a contract for the astronomical figure of $1.2 million per copy; to the production of tanks for which the Army had no usable ammunition; to the deletion of overrun figures from Air Force internal reports because of possible adverse effects of the contractor stock on the stock exchange if the information became public.

It is instructive to point out that the first casualty of poor procurement practices is the guy out in the field or in the air who either does not have the weapon system because of schedule slippages or is provided with a faulty weapon or one that does not meet specifications. Our submarine forces still do not have the Mark 48 torpedo. They were scheduled to receive it in 1968. The Air Force currently has several hundred F-111's which do not meet specifications and are currently grounded with wing problems. Yet, according to press reports, the contractor for the F-111 may make a profit on this defective aircraft.

These are only a few of the stories that could be recited. Gordon Rule, the Chief of Naval Procurement, told the Joint Economic Committee that contractors and the Pentagon play games with the Congress. How much longer can the Congress and the American taxpayer tolerate these games—when billions of dollars are involved?

Waste and inefficiency in defense procurement is not a partisan issue. The tax money of the American public has been wasted by the Pentagon under Democratic as well as Republican administrations. It is interesting to note that this amendment is supported by various groups spanning the political spectrum from the National Taxpayers Union to the Americans for Democratic Action. It is not our purpose here to discuss the question of national priorities—rather, what we are concerned about here today is the single important issue of eliminating waste at the Pentagon and of relieving an unfair burden on the American taxpayer. We are also concerned about making information on Pentagon procurement available to the Congress of the United States, the representatives of the American people.

Mr. Chairman let us consider these two effects of the amendment.

First. It would provide for a 5-percent efficiency cut in the total authorization of $20.24 billion, or a little over $1 billion.

Second. It would create a quarterly reporting system to the Congress by the GAO on major weapons acquisition programs.

THE 5-PERCENT EFFICIENCY CUT

The 5-percent cut would mean an immediate savings of $1.012 billion. Many procurement experts have appeared before committees on which I serve and have testified that if the Congress adopted uniform accounting practices, a wider use of the "should-cost" pricing technique, and tougher costs-performance measurement systems we could capture up to 30 percent of the total price of many contracts in costs savings. This also requires that the military services get tough with contractors and deal with them on a business-like basis.

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The sponsors of this amendment feel that the 5 percent figure is conservative, realistic and attainable. Hopefully by forcing increased efficiency we can also realize future savings.

It is also the intention of the sponsors of the amendment that the services do not absorb this 5-percent cut by merely reducing the number of weapons bought, but to turn the efficiency screw on as many contracts as possible on behalf of the American taxpayer.

I think that two steps can be taken now to partially remedy this situation:

First, put the military on notice that they no longer have unlimited funds with which to buy their hardware; and

Second, upgrade Congress' ability to scrutinize major procurement programs where billions of the taxpayers are involved.

GAO QUARTERLY REPORTS

This part of the amendment—title V—would provide a legislative basis for the submission to Congress of quarterly reports on costs and performance of major weapon system contracts. The reports would be analyzed by the GAO and transmitted to the Congress. This much of the amendment is already being carried out. In addition the GAO would be empowered to conduct independent audits and analysis on programs and to supoena books which defense contractors have in the past refused to supply. All too often the Congress finds it nearly impossible to receive understandable and timely information on costs, performance, specifications, and schedule changes in major weapons programs. The amendment would establish a reporting system designed to improve the timeliness and quality of information on major weapon acquisition programs.

A similar amendment passed the Senate last year but was defeated on the floor of the House by a teller vote of 99 to 102. This year, hopefully, we in the Congress are wiser and will demand more and better information on these costly programs.

I urge the adoption of the substitute.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. SCHEUER. Mr. Chairman, I rise in support of my colleague and his amendment and congratulate him on his leadership.

Mr. Chairman, we have been allowed to debate the military procurement and research and development bill only 4 hours. A mere 4 hours is not enough time for a serious discussion of a bill amounting to $20 billion—one-tenth of our national budget. Such a meager time allocation simply illustrates and underscores many Members' dissatisfaction with this bill. I oppose this bill, however, for reasons far more susbtantial than the time limitation on the debate, namely the unnecessary and overpriced programs funded by this bill.

I would call the attention of the Members to a recent report by the Congressional Quarterly about our defense spending, in which they cited the conclusion of top most Defense Department officials—both military and civilian—that we could cut $10 billion out of our military budget and improve our fighting capability.

The most objectionable feature of this bill is the ABM system. This country already has, and plans to maintain, three separate nuclear deterrent systems, each capable of destroying the homeland of any attacker by itself—our land-based missiles, our missile equipped submarine fleet, and our jet bombers. A Soviet attack could neutralize only one of these deterrents and would thus leave the Soviet Union open to a fatal counterattack. As our leading experts point out, only one deterrent is necessary to deliver a successful counterattack.

For years our experts have also told us that missiles and jet planes were diminishing the importance of the Navy. Reportedly the Soviet Union is deemphasizing its own Navy. Yet this bill inexplicably gives the Navy $435 million more for ship construction than even the Defense Department requested.

Far less justifiable is the $200 million slush fund for the Lockheed Corp.'s negligence. In effect, this provision directs the citizens of this country to pay for a company's lax managerial practices that would make any normal company go bankrupt. The Government offers no such subsidies to other companies and should not establish a precedent for Lockheed.

In the past few months, the President and the Congress have taken staunch stands against inflation. This bill presents us with a sufficiently clear case of financial irresponsibility to mandate the striking of these flagrantly overpriced giveaway programs from the bill. Otherwise, 1970 will become "the year of the military giveaway" just as 1969, in the words of the House Appropriations Committee, was "the year of the cost overrun."

Our scrutiny of this bill should be more stringent, not less, not only to reorder our priorities, but also to achieve a disciplined and efficient military defense, which continual cost overruns and faulty planning have prevented us from realizing. A vote against H.R. 17123 is not a vote against our country's military interests. On the contrary, as Admiral Rickover has indicated, a vote against this bill would spur the Defense Department to improve its programs and, in the long run to serve this Nation's military interests far more effectively and economically.

Mr. MOORHEAD. I thank the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened with avid interest to this debate. I think I perceive a new day in the House. Members of the House are beginning to assert themselves. They are reflecting that they are giving some very serious thought to some important business that prevails here and they are acknowledging once again the spirit of our Government which dictates that we as citizens should preside over the Army, Navy and the defense of our country.

I want to commend the debaters on both sides who have been honest, fair and forthright and who have spoken with deep conviction. So are we, the cosponsors speaking with convictions and after rather thorough study. In addition, we are reflecting the thinking of the country—we think.

It is true, Mr. Chairman, one of the major elements in the Defense Department budget is military procurement. Over the past few years, a number of programs that have received congressional support have proved far more costly than originally estimated. In some cases, it appears that contractors have been woefully, and sometimes, some believe wilfully inefficient in determining the probable cost of producing the systems for which they are responsible.

Because of such wasteful practices, my distinguished colleague (Mr. MOORHEAD), the Congressman from Pennsylvania, and I have offered an amendment to the military authorization bill which will answer to many of the charges leveled against current military procurement policy.

The efficiency amendment has two parts. They are: A 5-percent cut in the total authorization of $20.24 billion, resulting in a saving of $1.012 billion; and creation of a reporting system whereby the Government Accounting Office will report to the Congress on major weapons acquisition programs on a quarterly basis.

It is evident, Mr. Chairman, that corporations that do business with the Government follow a variation of Parkinson's law. In its latest incarnation, the law reads: Corporate expenses rise to a level that is equal to the amount that can be squeezed out of the Government. In order to combat this pernicious trend, the amendment would in effect require companies to become more efficient or cease to do business with the Government.

A number of persons have commented on the gross inefficiency of defense procurement. The indefatigable Admiral Rickover, in testimony before a committee of Congress, stated that "paying more than we should prevents us from buying many items we need to defend the country." Over the past decade, Admiral Rickover has pointed a number of times to the wasteful management practices both in the Defense Department and those corporations that contract with it. Robert Benson, formerly of the Comptroller's Office in DOD, wrote that "wiping out the inefficiency would annually save the Government $2.7 billion."

All too often, we in Congress are unaware of the development problems that plague contractors. The second element of the efficiency amendment would go a long way in meeting that problem. It would require the General Accounting Office to report to the Congress every 3 months on the development of each major weapons system. This reporting would, in all probability, obviate such problems as the Mark 48 torpedo and the C-5A transport aircraft. At least Congress would not be presented with an unconscionable cost growth as was witnessed in the case of the C-5A. Congress would be able to assess on an on-going basis whether or not a program was being properly funded. We would not be confronted with a cost growth of 443.9 percent in the case of the Mark 48 torpedo, a 151.6 percent cost growth in the case of the F-111, or a 249.2 percent cost growth as in the case of the short range attack missile—SRAM. Congress would then have the option of questioning the management practices of those concerns responsible before they have become too entangled in production problems, as happened with the Lockheed Corp. as regards both the C-5A and the Cheyenne AH-56 helicopter.

The third section of the efficiency amendment is more specific than the other two. It is the deletion of the $200 million contingency fund for payment of claims to Lockheed under the C-5A contract pending outcome of litigation. This amount represents nothing more than a slush fund for Lockheed—sort of a gratuity for mismanagement. The procurement bill includes $544.4 million for procurement, none of which will purchase a single aircraft. Of this amount, the Air Force admits to $344.4 million in cost growth for which it is responsible. The remainder is apparently to be allocated to Lockheed in the event that after litigation it turns out that the Air Force is also responsible for further cost growth. It is patent that the Air Force might have a greater incentive to defend its own position if it did not have money to give away.

The efficiency amendment does not cut the numbers of weapons to be purchased. Rather, it is designed as an incentive to contractors to be aware of and more careful with the taxpayers' money. There is no contention here Mr. Chairman that contractors have no inherent right to make a fair profit. It is my contention, however, that they have absolutely no right to so mismanage programs within their area of responsibility that the taxpayers pay far more than originally anticipated.

I include the following:

FACT SHEET IN SUPPORT OF THE MOORHEAD-SCHWENGEL EFFICIENCY AMENDMENT

This Amendment to the $20.24 billion Procurement Bill is offered in the form of a substitute bill. The Amendment is a conservative effort to build in an incentive for more efficient acquisition of major weapon systems and to gain greater visibility for the Congress concerning the many multi-billion dollar contracts let by the Pentagon. The Amendment will *not* affect the purchase of any weapon systems.

THE AMENDMENT

The Amendment consists of two sections:

a) A 5% efficiency cut in the total authorization of $20.24 billion—resulting in a reduction of $1.012 billion.

b) Creation of a quarterly reporting system to the Congress by the GAO on major weapons acquisition programs.

RATIONALE OF THE 5 PERCENT EFFICIENCY CUT

Over the last year the Congress and the American taxpayers have been shocked by the revelations of huge cost overruns and charges of contractor inefficiency in almost every weapons program. The GAO in a recent report to the Congress documented over $20 billion in cost overruns on only a few systems. (Attached is a partial list of those overruns.)

Statements on contractor inefficiency

A. E. Fitzgerald, former Deputy Assistant Secretary of the Air Force, before the JEC on June 11, 1969 testified: "We annually spend over one-third of our military procurement funds to buy only waste and inefficiency . . . in the operation of the major contracts we could save as much as $5 billion without compromising our national security."

A survey of the top corporate executives as reported in "What Business Thinks" in *Fortune*, September, 1969, concluded: "Defense expenditures are higher than they need to be, mainly because of waste and inefficiency."

Robert Benson, a former analyst in Office of the Comptroller of DOD, in the *Washington Monthly* wrote: "Wiping out the inefficiency would annually save the Government $2.7 billion."

Admiral Hyman Rickover testified before Congress: "Paying more than we should prevents us from buying many items we need to defend our country."

Senator Len Jordan (R-Idaho) during the JEC Hearings in June, 1969, concluded: "The ineffectiveness of cost control procedures have been a result of the fact that contracts with major suppliers tend to adjust to the financial needs of the contractors."

The sponsors of the Amendment will make it clear on the floor that the objectives of this Amendment is to turn the efficiency screw 5% on as many contracts as possible on behalf of the American taxpayer and *not* to merely cut the number of weapons bought.

RATIONALE OF GAO QUARTERLY REPORT ON WEAPONS PROGRAMS

At present the Congress has no systematic means of determining the cost and performance status of major weapons programs. The Congress is too often at the mercy of the Pentagon, who reveal only what they choose and when they choose. Congress is often faced with accomplished facts when it is too late for corrective action.

This Amendment would enable the Congress to determine systematically and factually the status of programs soon enough to avoid repetition of some of the worst disasters of the recent past. Last year, the GAO documented over $20 billion in cost overruns on only selected programs.

By aiding effective congressional scrutiny, this example of preventative medicine will help Congress meet effectively its responsibilities to the American taxpayer. (A similar amendment passed the Senate last year and failed 102-99 on a teller vote in the House.)

NEWS RELEASE FROM THE NATIONAL TAXPAYERS UNION

The National Taxpayers Union today called upon all members of Congress to support a 5% reduction in FY 1971 Military Procurement and Research & Development Authorization. James Davidson, Executive Director of NTU said, "Congressmen Fred Schwengel (R. Iowa) and William Moorhead (D. Pa) have stood up on behalf of every taxpayer in America in recommending an efficiency reduction in Defense spending. It is common knowledge that there is much waste in Pentagon procurement. The examples of the C-5A, the F-111, and the Mark 48 Torpedo are still fresh in the memories of many taxpayers. We cannot afford to provide a "carte blanche" for waste merely because it occurs under the guise of "defense."

"Leading experts," Davidson continued, "whose knowledge and patriotism are unquestioned have testified that several billions more could be cut with no loss of military potential. Congressmen who fail to support the Amendment should be asked upon what principle they support waste in the Pentagon. There is simply no excuse for tolerating misuse of the taxpayers money. Ernest Fitzgerald, now of NTU's Board of Advisors, was fired from the Pentagon when he told the truth about military spending. Politicians who fail to support prudence should expect no better treatment at the hands of the voters."

"The Schwengel-Moorhead proposal eliminates only one billion dollars of the amount authorized by the House Armed Services Committee. Of this amount, as much as $435 million could be deleted from authorizations for naval ship construction. This Naval Ship Add-on was never requested by the Navy. There is no dobut that it could be cut without jeopardizing defense capability."

"The Congress should remember that passage of unnecessary appropriations for military spending lends credit to the Marxist charge that the U.S. economy is kept going because of wasteful defense allocations. If we spend one cent more than is necessary we secretly acknowledge that the Marxists are right. For this reason alone, every effort at stewardship should be applauded by those who understand that much of the world's fate is decided in men's minds. We cannot expect to defeat collectivism if we act as if its policies were correct."

Davidson called upon Congress to remember the words of the late General Douglas MacArthur . . . "indeed, it is part of the general pattern of misguided policy that our country is now geared to an arms economy which was bred in an artificially induced psychosis of war hysteria and nurtured upon an incessant propaganda of fear. While such an economy may produce a sense of seeming prosperity for the moment, it rests on an illusionary foundation of complete unreliability and renders among our leaders almost a greater fear of peace than is their fear of war."

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on the amendment close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. DENNIS. Mr. Chairman, I object. I would like to be heard on the amendment.

Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. DENNIS. Mr. Chairman, I am for a strong national defense and always have been, and I have been voting consistently that way in this debate as I have in the past and expect to continue to do in the future. But it is indeed difficult to determine in these matters, when you are also a person who would like to save some money for the taxpayers if he could do so without damage to the national defense, as I happen to be, just what if any proposals for reduction ought to be supported.

Mr. Chairman, this becomes particularly difficult because of the situation which we always seem to have in this body on this particular subject matter. Unfortunately, from my point of view, most of the reductions which are proposed seem to be advanced by gentlemen, or at least too often are advanced by gentlemen, whose devotion to the principle of a strong national defense I am not as well satisfied about as I would like to be; and also often by gentlemen whose standing as economizers do not appeal to me as much as I would like, be-

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cause, as to many of them, I practically never hear them asking to reduce an expenditure here except a defense expenditure.

On the other hand, gentlemen knowledgeable in this field in whom I have a little more confidence in some of these respects and who might be able to enlighten me, by the time we get to this stage on the floor, have done their arguing in the committee, and they are committed to defend the bill. Therefore, it is very hard for an independent Member of a cast of mind such as mine to decide when, if ever, it is in order to accept a cut.

This particular amendment does two things, as I understand. It gives a statutory basis for a cost report, which seems to me a sound idea in and of itself, as far as I can tell.

Then it cuts each item 5 percent. That at least has the advantage that I do not have to determine here how many C–5's we need or what the technical merits of the ABM may be or how many carriers we ought to have, because none of these things are cut out by the amendment.

It is just a reduction in each figure right across the board. On the other hand, it is not a particularly scientific approach, because undoubtedly there are some items that ought to be cut more and some that ought not to be cut at all.

We have just about one guide perhaps, which is that on almost all appropriations, defense and others, almost always we have enough fat to take a 5-percent cut.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I commend the gentleman from Indiana, whom I think everybody at least on our side of the aisle respects for his judgment. I do not think anybody can call him a flaming liberal. If anything, I think he is very economy minded and conservative. I associate myself with his remarks. It seems to me the conservatives ought to be every bit as concerned, if not more so, about defense spending, and I think they ought to be willing to take the lead to cut what I believe is a great deal of fat out of the defense budget.

Mr. Chairman, I thank the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I thank the gentleman from Illinois for his support, which I do appreciate.

Mr. Chairman, I was about to say that it really is a puzzle to me, on a great many of these things. I cannot say a certain element ought to be cut 5 percent and something else not at all, from personal knowledge, and I do not want to jeopardize defense; yet I do feel that almost any budget I have ever known anything about has had at least 5 percent of fat in it and possibly it will not endanger anything to cut that.

I have wondered why the gentleman who offered the amendment did not offer it as a cut in the overall or total authorization figure.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. DENNIS was allowed to proceed for 1 additional minute.)

Mr. DENNIS. Mr. Chairman, I would like to say that I am honestly inquiring a bit on this one. I do not have a foregone conclusion right at this moment, although I have some inclination to support the amendment, but if I am wrong, I would like to have the gentlemen on the committee, perhaps the distinguished chairman or others, give me some really good convincing reason why we cannot absorb a 5-percent cut, or why it would jeopardize anything important if we did.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I would like to say that I also, like the gentleman, want a dollar of defense for every dollar we spend. In addition, I would like to see us economize. But if the gentleman will recall—I do not have the exact figures just now—the percentage of expenditures for national defense today in comparison with the gross national product is the lowest since 1952.

Mr. Chairman, I have a real concern in my mind that we are moving down the road very rapidly to where we might not get more time when we ought to have more.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have been here 30 years and I have heard of military waste since I have been here. I have to make the decision now. The buck stops on my desk. So I told the gentleman from Illinois (Mr. PRICE) who is one of the most dedicated Members in this Congress, to find out where we can cut research and development. I said, "You cannot tell me there is not some place where we can cut research and development." He had the best brains of the committee to work with him to come up with a cut of a little over a million dollars out of $7 billion.

When the President told the Congress to reduce expenditures in the executive department, he took it out of the Department of Defense—$3 billion. We reduced, at the word of the distinguished chairman of the Appropriations Committee, $5 billion, and most of it came out of the Department of Defense. It is always the Department of Defense—those are the soldiers, sailors, marines, and coastguardsmen. Do Members know how much money we spend a year on people in the Defense Department—just people? Over $40 billion a year.

Go ahead and cut the 5 percent across the board. We can cut it 10 percent. We can cut it all out. We can throw the whole kit and caboodle out. But if we take a 5 percent across on this, we will pay for it. It is as simple as that. Of course, we can do it. But it is very unwise.

The gentleman asked a question. Let me see if I can answer it. Of course, the gentleman is sincere about it. But the bill which the gentleman brings to us is a new bill. We have been in session for over 10 weeks having hearings. Not once did the gentleman ask us to come and let him bring these things to our attention. Yet he gets up here and he tells us, with the authority of which he is capable, the things that are wrong with it. Even the gentlemen on the front row, who have been disagreeing with me entirely, are not going to support this. They know this thing is ridiculous. This is the most idiotic way on earth to run a railroad.

The gentleman asked me how much we cut this? It is $473 million less than was authorized last year, and $1.7 billion less than the Department requested last year. We have cut it. We are down to the bone.

This is a new bill the gentleman brings in here to us. My job is to state what the military needs. I will tell you that if you want to really serve your country, raise this budget. The bill is too low. Ask any military man who is worth the salt of the rank he holds in the service.

You cannot vote for a provision like this. You will hurt everything we have in the military.

If you want to cut, close up all the bases and put your faith in the SALT talks. Then you may live with your memories, but your memories will not be security.

This is a bad amendment. This is a bad bill. You cannot do it this way.

Our doors are always open. Nobody has knocked trying to help us find a way to answer the questions, based on the allegations that have been made in this well under this amendment.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I yield.

Mr. RAILSBACK. Mr. Chairman, I appreciate that you have done a great deal of work. I know this is a very complicated subject matter.

I believe this is why many of us are concerned about this particular procurement bill. About 2 years ago I asked you on the floor of the House how much it cost to develop the F–111B, the Navy version of the so-called TFX. You said at that time that you did not have those figures, but you would get them for me. To date, I have never received that information from you.

I wonder how much it did cost to develop the F–111B, which was completely scrapped.

Mr. RIVERS. I am sorry that I do not have that information. I just do not know at the moment.

Mr. HICKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a serious amendment and it should be seriously considered.

I believe that what Chairman RIVERS has just said is absolutely right. This is not the place to try to cut, nor the way to cut.

If we are going to cut defense spending, the way we can do it, and the way we can hurt the least, is to cut personnel. As the chairman said, $40 billion of our defense costs go into personnel. We do not need the number of people we have right now, but those we do keep need the best weapons.

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Certainly we need the research and development we have authorized or are authorizing in this bill.

Our committee did cut research and development. We should not have cut research and development, to keep our defense strong.

To answer specifically the question of the gentleman from Indiana, this is a bare bones budget as far as the procurement of weapons is concerned.

If we want to cut defense spending, then start scaling down the ceiling on the amount of personnel the military services can have. That is the way to cut the budget. That is the way to cut it fast, and the defense of this country will remain just as strong as it is right now.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman.

Mr. DENNIS. For information, what would the gentleman say to the proposition which, instead of trying to do what the gentleman from Pennsylvania is doing here in cutting each of these items 5 percent, would cut 5 percent off the total and put a 5 percent lower ceiling on the total expenditure, leaving the selection of items to be reduced to the Secretary?

Mr. HICKS. Of course, that has been done in the past, as I understand it, in times prior to when I came on this committee, and I understand it just does not work when that is done. The military have certain systems they want to get or retain and they go ahead and push them. If we are going to do our job, we have to help to select those systems. If I were going to choose that path, I would say fine and cut out the ABM system, for example, because I do not believe we need the ABM. However, this House decided we do need it. That is the reason why we cannot do it the way the gentleman suggests. I do say that we can save substantial sums by placing a lower ceiling on personnel and then give them the very best weapons that we have, and we will continue to have a strong defense.

Mr. JACOBS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just a few minutes ago I sat and listened to the chairman of the Committee on Armed Services slander the gentleman from Illinois (Mr. RAILSBACK) by saying that "apparently the gentleman from Illinois did not care about his country." I have heard a lot of excessive debate since I have been in the House, but this rises to a new low. The fact is that the gentleman from Illinois cared enough about his country to serve in its Armed Forces.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The question was taken; and on a division (demanded by Mr. MOORHEAD) there were—ayes 27, noes 74.

So the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PIKE:

Page 6, after line 6, insert a new section 403 as follows:

"No more than half of the funds appropriated pursuant to this bill for C-5A or S-3A aircraft, Cheyenne helicopters, or SRAM shall be used until Congress has approved a settlement of the fiscal differences between Lockheed Aircraft Corp. and the Department of Defense."

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the chairman.

Mr. RIVERS. Mr. Chairman, a little while ago, even though the gentleman from Illinois accused me of not giving him certain information, that did not justify me in reflecting on his patriotism. I want to apologize to the gentleman, and I ask unanimous consent to delete that remark from the RECORD. This is not based on what the gentleman from Indiana said. Not at all.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. PIKE. Mr. Chairman, yesterday when we started this debate I expressed the hope that we could go through it all without anybody questioning anybody's motives at any time.

Frankly, I think we have done pretty well in relation to what happened on the floor last year. I think this has been a pretty good debate. I think that we can question the judgment of each other very, very frequently and we frequently do.

Mr. Chairman, this amendment which I have offered does not cut one dime out of the bill, because it has been made somewhat obvious to me that the great ground swell for reordering our national priorities is not yet quite strong enough to cut any money out of the bill. What it does is it says that on four programs, all of which are Lockheed programs, no more than one-half of the money which this bill authorizes to be appropriated can be spent or used until there has been some overall settlement between Lockheed and the Department of Defense.

Now, the reason I offer this amendment is to first, acknowledge that there has to be some overall settlement between Lockheed and the Department of Defense. They are about $1 billion apart, with Lockheed saying the Government owes them $660 million, I think, and the Government saying, I think, that Lockheed owes them some money.

Mr. Chairman, if we are going to resolve this by litigation, it is going to dribble on for years and years and years.

For example, we are starting new C-5A's at the rate of two every month and with every one we start the spread between what Lockheed and what the Government says gets bigger and bigger and bigger.

In the meantime, Lockheed comes in and says they are broke. Well, what are they doing while they are saying they are broke? Here is a publication dated December 1969. It is a Lockheed publication. It is 100-and-something pages—108 or 109 pages—of glorious public relations on behalf of Lockheed. They are mailing it around the country. This one came to my district.

Now, Mr. Chairman, we say this is a bare bones budget. Two weeks after the Secretary of Defense came to the committee and said what trouble Lockheed was in, they were spending their money in this manner. This happens to be Newsweek, a two-page ad in Newsweek. This same ad was carried all over the country in different publications. This is how their money is being spent.

Well, if we are going to be asked to bail them out, I think we have a right to insist that the money not be spent in this way. The postage alone in mailing this from Burbank, Calif., was 14 cents. I do not know how many of them they mailed out. I do not know how much it cost to produce them. These ads, I think, cost $27,000 in Newsweek. The same ad was in Life magazine and in Time magazine at one time.

Mr. Chairman, this is how they are spending their money. Well, if they are broke and if we have to bail them out because they are broke, I think we ought to get a final settlement of it.

My amendment would permit them to spend one-half of the money. This would let them get halfway through the year before they had to come to a settlement, but that could be done and should be done.

Mr. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Now, Mr. Chairman, let us analyze this amendment. It is true that Lockheed is in trouble. However, it seems that the gentleman from New York wants to keep on their back forever and ever. We settled the item of the $200 million last night. I produced the document from the Deputy Secretary of Defense saying that he would not permit any of the $200 million to be spent until satisfactory contractual arrangements had been made with Lockheed and then was cleared with the committee having jurisdiction over this matter.

Now, Mr. Chairman, the gentleman in his amendment takes in the whole business of Lockheed's operations, including the Cheyenne, the SRAM, the S-3A as well as the C-5A. If you are going to do this to Lockheed, why do you not do it to every other defense contractor who is having trouble, and they all are. Look at their earnings. They do not make any money out of the Government.

Have you forgotten World War II, the arsenal of democracy? Now it is called a vicious military-industrial complex.

I asked one of the contractors how much he made out of the Government contracts, and he said he did not make anything. He said that if he did not have a sideline on tools that he would not make anything.

What does this amendment do? It completely—completely—cuts off this company's capacity to make long leadtime contracts, and they will never be able to achieve the thing that Admiral Rayburn described as the bringing of all systems together so that you do not lose time. They would be wiped out. You would also wipe out thousands of small contractors in this country. This could not work. You could not enter into a con-

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tract like that, this just simply could not happen. And moreover you would not have the Poseidon, and you would not have the retrofitted Polaris, you would not have the S-3A, the P-3C, the C-5A, which is working. You would not have anything, but you would have the pleasure of stopping a company—you would have the pleasure of stopping a company. This might sound fine, but it cannot work. It positively cannot work. That is how simple it is.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I will yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I thoroughly agree with the gentleman from South Carolina that this is a completely destructive amendment, rather than being an objective amendment, because if, as the gentleman says, it is going to slow down or possibly stop some of the essential production we need in this country so as to keep America strong and safe, then I think the amendment ought to be completely and overwhelmingly defeated.

Mr. RIVERS. Mr. Chairman, I do not know how long in the future they make contracts for ads in one of these magazines. I would imagine it is many, many months, and I would recommend them stopping it, although I do not know anything about this. I do not know anything about them putting ads in magazines, but I would recommend that they stop until they are out of their financial crisis.

Mr. Chairman, we are not trying to help anyone because of sentiment, but because it is for the security of America, and if it not advantageous to the security of this country then do not give them anything, but cutting off a half a loaf will not hurt Lockheed as much as it will hurt you.

I urge you to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

The question was taken; and on a division (demanded by Mr. PIKE) there were—ayes 21, noes 58.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York:

On page 6, following line 8, add the following new section:

"SEC. 403. In line with the expressed intention of the President of the United States, no part of the funds authorize to be appropriated pursuant to this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand or Cambodia."

Mr. REID of New York. Mr. Chairman, the purpose of this amendment is simple; it is to prohibit the use of American ground combat forces in Cambodia, Laos, or Thailand. The House, in my judgment, is coequal with the Senate in this regard, and it has to some extent been derelict in the past for not taking a position that is obviously clear, and I think in this instance it must fulfill its constitutional obligation and responsibility.

In the fiscal year 1970 appropriation bill for the Department of Defense, as Members know, there is a limitation based on the amendment offered by Senator COOPER and Senator CHURCH precluding funds for the use of U.S. ground combat troops in Laos or Thailand.

Last December, after the bill had been signed and enacted into law, the administration, through Press Secretary Ziegler said:

> Anyone familiar with the Nixon doctrine, as outlined on Guam, knows the amendment is totally consistent with the President's policy. As we have said on a number of occasions, there are no U.S. ground troops in either country nor did this Administration visualize under this bill putting any ground combat troops into these countries.

My amendment would have the simple effect of adding Cambodia to this prohibition on the use of ground forces. It is a limitation. It provides no sanctions.

It has been repeatedly stated by the President and high administration officials that there is no present intention to use our ground combat forces in these countries.

Since approving the amendment to the appropriation bill last year precluding the introduction of ground combat troops in Laos and Thailand, President Nixon has reiterated his desire to limit the war in Asia—not to broaden it. He has said:

> We have no plan for introducing ground combat forces into Laos.

In addition, on explaining his doctrine pronounced at Guam, he said in his November 3 speech:

> In cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Finally, I would like to briefly quote Secretary Rogers, who, when asked whether Laos would become another Vietnam, answered:

> The President won't let it happen.

Continuing, he said:

> I mean we have learned one lesson, and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us.

Mr. Chairman, my amendment is also consistent with the national commitments resolution passed by the other body on June 25, 1969, by a vote of 70 to 16, expressing the sense of the Senate that the U.S. Armed Forces should not be used abroad or promised for use abroad except by joint authority of the President and the Congress.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman.

Mr. REUSS. Mr. Chairman, I commend the gentleman for bringing this amendment to the floor. I support it.

We ought to be extracting ourselves from Vietnam and not implicating ourselves in Cambodia.

I would ask the gentleman whether in his amendment the words "American ground combat troops" include the concept of American combat advisers.

Mr. REID of New York. Yes, that is correct.

Mr. REUSS. I thank the gentleman.

Mr. REID of New York. Further, as Members know, article I, section 8, of the Constitution gives the Congress the authority to declare war, raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces.

These powers were authorized explicitly to the Congress as a vital part of the doctrine of the separation of powers.

Alexander Hamilton, a strong advocate of strong Executive power, wrote in the Federalist Paper No. 69 showing the clear distinction between the British and American systems in the delegation of American powers to the legislature. He said:

> The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy, while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

Indeed, in 1848 Abraham Lincoln, then a Congressman, said:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose.
>
> The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was to object. This, our convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Dwight Eisenhower said very explicitly in March 1954:

> There is going to be no involvement of America in war unless it is the result of the constitutional process that is placed upon Congress to declare it. Now let us have that clear.

In a word, therefore, I think it is clear that the Congress, and this House, must not let its powers be eroded. We must not back into a wider war.

Our responsibility is clear.

Further, this amendment in my judgment is consistent——

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The CHAIRMAN. The time of the gentleman has expired.

(Mr. REID of New York asked and was given permission to proceed for 3 additional minutes.)

Mr. REID of New York. Finally, let me just say I think this amendment is consistent both with existing law and with the President's determination to narrow the war and not to widen it.

I think it will reassure the country that there are limits to the extension of American power.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to my colleague from New York.

Mr. HORTON. I wish to commend the gentleman for the amendment he has offered. I support it. I certainly think it is a reasonable amendment. It is certainly in line with the statements the President has made on numerous occasions with regard to the Nixon doctrine.

On the eve of the President's message to the Nation on the Cambodia crisis, I want to state publicly my own analysis of the problems and priorities which face us in Indochina.

Some background review is important before discussing what our decisions should be at this juncture.

First, the President is in the midst of a laudable program to Vietnamize the war in Vietnam and has made substantial progress in withdrawing American Marine and Army units which serve in an infantry or ground combat capacity. During the unfolding of the President's withdrawal program, the Communist North Vietnamese military threat to two nominally neutral nations, Cambodia and Laos, has been severely intensified. Both these countries have been important as sanctuaries and supply routes for North Vietnamese and Vietcong units operating in South Vietnam. But, until recently, the neutralist governments of Laos and Cambodia were not immediately endangered, although there was partial disclosure of American military support efforts to help the Royalists in Laos hold back Communist Pathet Lao advances.

Then the overthrow of Prince Sihanouk in Cambodia by an anti-Communist coup dramatically altered the focal point of military confrontation in Indochina, with the North Vietnamese seeking to gain military and political control over at least a substantial portion of Cambodian territory, and announcing their intention to install Sihanouk as a presumably Communist ruler of this territory.

A whole host of U.S. interests and foreign policy questions are being tested by the decision our Government makes in this crisis. Having been requested by the new Cambodian regime to send U.S. military hardware and assistance to use against North Vietnamese and Vietcong who are advancing on Phnom phenh, the President must decide far more than the desirability of supporting this fledgling regime.

The following arguments have been put forth in support of American military assistance and involvement in Cambodia:

First. That neutralization of Cambodian territory, now in Communist hands, is essential for the protection of American troops remaining in South Vietnam. The President has mentioned repeatedly that he would not permit his policy of withdrawal to endanger those American GI's who remain on duty in Southeast Asia. The use of Cambodia, particularly the "Parrot's Beak" area nearest Saigon, as a military sanctuary has made the task of allied troops in Vietnam more difficult. The question is whether this fact alone warrants American involvement in the confrontation between two opposing Cambodian regimes, and whether defense of U.S. troops requires an active invasion deep into Cambodia.

We must continue to protect the lives of American soldiers remaining in South Vietnam. In my view, military actions we have been undertaking for many months, permitting hot pursuit of enemy units attacking from across the Cambodian border, or seeking sanctuary in Cambodia should not be curtailed if deemed necessary to protect American lives. But hot pursuit does not encompass supporting or undertaking an invasion of Cambodia, with the intent of supporting the regime there. It may encompass supporting an action limited to destruction of sanctuary areas used to shelter Communist troops which operate in South Vietnam.

In the final analysis, the best way to defend and protect American lives in South Vietnam is to continue policies that would enable these young men to return home at the earliest possible date. It is doubtful that any extension of our military commitment into Cambodia would hasten this homecoming.

Second. That the de facto control of most of Laos by the Communists and the current threat to Cambodia is proof of the domino theory at work, and that if the United States does not help restore neutrality to these areas, Thailand will be threatened next.

There is little question that Communist military persistence, backward social organization, and the impoverishment of the people of these countries would have led to North Vietnamese dominance if it were not for the presence of large numbers of U.S. forces and equipment in Thailand and South Vietnam, and for U.S. advisory and hardware assistance to Laos. The question is. Has our military involvement done anything but postpone North Vietnamese Communist dominance? Or, if Vietnamization will be successful, will it take a similar injection of American lives and dollars to accomplish a stalemate in Cambodia, or Laos, or later on, in Thailand?

Third. A third argument is made that the provision of adviser and hardware assistance, short of sending U.S. ground units, is consistent with the Nixon foreign policy doctrine announced in the summer of 1969 in Guam. This, in my judgment is too narrow an interpretation of the Nixon doctrine. The doctrine does preclude the unilateral dispatch of U.S. ground troops to a nation like Cambodia, but it also requires, as a prerequisite to any U.S. assistance, a decision by other free world governments in the region to send material and troop support to defend a government threatened by Communist military takeover. Although there has been some discussion that Thailand, the Philippines, Japan, and Indochina, in addition to South Vietnam and Korea should mount some joint assistance program to the new Cambodian regime, no positive steps have been taken to carry out any such plan. There is little question that the fall of Cambodia to Communist rule is a far more important threat to these East Asian and Pacific nations than to the United States.

The Nixon doctrine seeks to modify the U.S. leadership of the free world, and to remove from our shoulders the primary burden of serving as world policeman wherever anti-Communist governments are threatened.

These arguments put forth for U.S. involvement in Cambodia indicate the far-reaching consequences of the President's decision. First, he must weigh what commitment, if any, the United States has to this or any Cambodian regime. At what point would U.S. involvement or assistance cease if the threat to the current regime is not immediately ended?

Second, he must weigh the actual threat to American lives that continued Communist occupation of Cambodia would entail. Remembering that the Vietcong and North Vietnamese have been operating out of Cambodia for several years, the question must be asked whether the current threat to our troops is so much greater now that it justifies a widening of U.S. involvement in the war across all of Indo-China, and going beyond the restricted policy of hot pursuit.

Third, and perhaps most important, the President must be aware that his decision will set crucial precedents for the application of his own Nixon doctrine. If he narrowly construes it to mean that only the sending of organized units of U.S. ground troops is prohibited, it will mean little in terms of the changing U.S. role in the world. Also, the role of advisers to ground units of other nations must somehow be explained in the context of the doctrine. If we do not begin now to apply the principle that free nations in the threatened region must choose to involve themselves before America gets involved, then it will be difficult if not futile to try to encourage or enforce any regional defense concept in the future.

The whole question of the Nixon doctrine and its application to Cambodia and Laos includes the consideration of the American crisis of national priorities. We have, with the President's policy of disengagement from Southeast Asia, been moving toward a realistic balance between military and domestic budgetary efforts. If suddenly the U.S. role in Southeast Asia is widened, and not narrowed, if our financial commitments to these countries promises to tie down billions of U.S. dollars in Indochina for years to come, then we will not have met the challenge of our most serious domes-

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tic crisis. At a time when the very institutions of American Government are being tested as to their adequacy and relevancy to respond to the needs of our people, this could be a disastrous error.

I believe strongly that the people of the United States have no interest in Cambodia that would override our interest in disengaging from Southeast Asia, or that would override the President's earlier announced intentions to place the burden for defense of these governments on themselves and on other free nations in the East and Southeast Asian area.

Any commitment of U.S. troops, to prop up the new Cambodian regime, whether as advisers or as ground units, will render the most important plank of the Nixon doctrine meaningless. Even if we were to attain a quick military victory in Cambodia, which is extremely doubtful, the overall effect of U.S. involvement will be a widening of the Vietnam conflict across the whole subcontinent of Indochina.

We, in 1970, are still suffering from the effects of a decision to enter a halfway war in the early 1960's. Any risk of extending the United States into an escalation or widening of this military stalemate should be avoided at this stage of American history.

The military budget in this fiscal year and the next is already too high. I have voted on the House floor today, in teller votes, to cut substantial amounts from the military procurement bill in areas where I believe national security is not compromised and where domestic considerations are overriding.

I fully support the amendment offered by the gentleman from New York (Mr. REID) to prohibit the use of any U.S. ground combat troops into Cambodia, Laos, or Thailand.

No one has suggested that outright destruction of all Communist forces and governments in Indochina is or should be our goal. Without any justification for a decision this drastic, there is absolutely no justification for America to extend its entry into a military holding action, or standoff confrontation in Cambodia or Laos. It was a mistake to sacrifice 41,000 Americans in Vietnam. We must not make the same mistake again, when the evidence is so clear that other international and domestic crises may engulf us if we do.

The best way to protect American troops is not to enlarge the war to include Cambodia—but to bring American troops home.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's yielding. I wanted to understand whether the gentleman's amendment, if it were adopted, would prevent the action that is now underway in the Parrot's Beak section of Cambodia, which the President is apparently going to discuss on television tonight. Would this amendment outlaw that activity even before the President has had an opportunity to explain what the situation is?

Mr. REID of New York. I would say to the gentleman that this is a limitation on the use of ground combat forces. It provides no sanction, but it clearly does not preclude the use of funds for advisers or air support.

Mr. STRATTON. This would not interfere then with advisers, or with air support, or with medevac personnel and so on; is that correct?

Mr. REID of New York. It does not preclude their use. It provides no sanction for it. It provides a limitation against the use of regular ground combat forces.

Mr. STRATTON. Does the amendment or does it not eliminate funds for the kind of people who are now operating in the Parrot's Beak area?

Mr. REID of New York. It does not preclude funds for advisers or for air support.

Mr. STRATTON. I thank the gentleman. I am glad to have his statement.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the distingiushed minority leader.

Mr. GERALD R. FORD. I am glad there was an apparent clarification of a response that was given a moment ago. If I recollect the question asked by the gentleman from Wisconsin (Mr. REUSS), he asked whether your amendment would preclude the military advisers. The impression I got from the response was that the amendment, under ground combat forces, would preclude the utilization of military advisers.

Mr. REID of New York. If the gentleman will permit me, my understanding is that the gentleman from Wisconsin asked whether the amendment would permit the use of advisers. My understanding is that this amendment would not preclude their use.

Mr. GERALD R. FORD. In other words, your amendment would not in any way interfere with the current operation the President has authorized to destroy the sanctuaries of the North Vietnamese and the Vietcong in Cambodia?

Mr. REID of New York. It does not preclude air support. It does not preclude advisers. It does not preclude equipment. But it does preclude the use of regular American ground combat forces in Cambodia.

Mr. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. RIVERS. Mr. Chairman, I have in the well of the House two maps I want all Members to see. I think if I get beside them I can explain them best. I am indicating the areas that are presently affected. Just about everyone of my acquaintance believes in the concept of hot pursuit. The Vietcong troops would go into sanctuaries inside of Cambodia and Laos. We are now talking about Cambodia. These areas to which I am pointing are the areas where they have been causing the most trouble. Observe how close that area is to Saigon—only 30 miles. We have been wondering how they could blow up Saigon every week. It was simple for Sihanouk. They are only 30 miles away. They could get the stuff where the troops have R. & R. in very large deployment areas. They have all sorts of storage areas there. They have training areas. They have just about developed this country as a staging area from which to attack Vietnam.

Moreover, they have been flanking our troops and causing terrific damage. We could win the war right here. We tried to get Sihanouk to let us do it. Nothing doing. This crowd did let us do it. I do not know how long this crowd is going to be in business and running this country, but while they are giving us the opportunity to go in and wipe out what has killed so many of our American boys, right on the border—less than 25 miles in, because I am not talking about going all over this country and taking it over—we should take advantage of the opportunity. This is to our advantage and to the advantage of the Vietnamese. We can get right across the border and clean out the bases. This is what they have been doing.

This is right along where the Ho Chi Minh Trail comes, right down this way (indicating) and through Laos and into Cambodia, and right across into the Mekong. Nothing stops them.

We can go in there and intercept the Ho Chi Minh Trail insofar as it applies to Cambodia.

We do not want to stop the President from doing that. I do not know what the President is going to say tonight. I have not talked to him. But this is what he has got to think about. If the Vietnamization is going to succeed, we have to do this first. It is as simple as that. I would not want the gentleman's amendment to keep us from going in and to keep us from doing those things that all of the generals—including Westmoreland and Abrams—have told us we must do. But while they are letting us do it, we are doing what we have begged Sihanouk to let us do. Members must remember when Sihanouk captured our sailors.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, is it the chairman's opinion that to accomplish this, we have to use ground combat troops?

Mr. RIVERS. It is just across the border, 25 miles across the border.

Mr. LONG of Maryland. Mr. Chairman, do we have to use ground combat troops?

Mr. RIVERS. They would be on the soil, yes, but it would not have anything to do with running the government. It is doing what we want to do and what we need to do. It will destroy these areas. Until we destroy these areas, they will infiltrate South Vietnam forever and ever, and the minute Sihanouk gets in, we would not be able to get in there anyway. These are the areas I am talking about. See how every one of them is on the border of the countries.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I think the point needs to be made certainly that, first of all, this border has not been surveyed and it vacillates, and the sanctuaries are on the places where theoretically the border is not by treaty, but by mutual agreement between these peoples who oppose each other.

Second, our only men going in there are in an advisory capacity to the Vietnamese who, themselves, need to eliminate these sanctuaries. Would the gentleman agree with that?

Mr. RIVERS. Yes.

Mr. DENNIS. Mr. Chairman, will the gentlemen yield?

Mr. RIVERS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I think it ought to be pointed out, in addition, that throughout our history the President of the United States as Commander in Chief has had and has exercised the power and the authority on occasion to land ground combat troops in case of emergency. But under this amendment, if American citizens' lives were being jeopardized in Thailand or Cambodia—or for that matter, in the Mediterranean or anywhere else—the President could not send the Marines in under this amendment. This is no time or place to attempt to circumscribe or reduce the historical powers and prerogatives of the President of the United States.

Mr. RIVERS. Of course not. The President should be commended. This saves the lives of our troops. We should have done this long ago.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

(On request of Mr. NEDZI, and by unanimous consent, Mr. RIVERS was allowed to proceed for 5 additional minutes.)

Mr. RIVERS. Mr. Chairman, as I say, I have not talked with the President, but this is undoubtedly what he has to think about. These people have been standing there and lunging at us and they have the stuff in there, and do not let anybody kid us about it. They will bring old Sihanouk back there in short order.

Mr. Chairman, I thank the gentleman from Michigan for getting me this additional time.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I must say I am in direct opposition on this particular amendment.

Mr. Chairman, those who serve on the Armed Services Committee, while we do not have all the answers, are privileged on occasion to get some inside information. But, being activated, like every Member of this House, by pure love of our country, those of us who are privileged to know some of these things are in direct opposition to this amendment. It is not in the best interest of this country.

Who can outguess the President of the United States at this particular time? He is going to be on the television tonight at 9 o'clock.

Mr. Chairman, let us see what the President is going to say. Then, after what is said, we will support him in what has to be done in the best interest of this country.

This is no time for us to say to the man who has more information than any other single person in America, who is motivated by the same things we are motivated by, what is to be done. I repeat, what is being done is what has to be done for the sake of this country.

Mr. RIVERS. I agree with the gentleman.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the distinguished gentleman from Michigan.

Mr. NEDZI. Would the chairman comment on the headline which appears in the Washington Daily News today which summarizes or epitomizes a radio column which I heard this morning quoting the Cambodian Government spokesman. The headline says, "Cambodia as Neutral Can't Approve Our Aid."

He clearly indicated, or at least was quoted as saying aid was not asked for.

Mr. RIVERS. I do not know a thing about that.

Any excuse we can get to go in and help clean out this thing will help Vietnamization and save the lives of Americans. I would hate to see us do anything to stop it.

Furthermore, we could never tell the President how to run foreign policy. He will tell us, as the gentlemen know, it is none of our business.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I yield to the gentleman.

Mr. REUSS. Do I have the gentleman's position straight? Is it that the gentleman from South Carolina feels the United States should introduce American ground combat troops into Cambodia, and, therefore, opposes the Reid amendment?

Mr. RIVERS. No; that is not true.

Mr. REUSS. Will the gentleman state his position?

Mr. RIVERS. My position is we should introduce troops in there if it is necessary to remove those things which are killing American boys. If we can do it by way of the Vietnamese Army, by way of giving them the material they need, when they get there they will find enough material.

Mr. REUSS. If we cannot do it by the Vietnamese Army, would the gentleman favor it with the American Army?

Mr. RIVERS. If we are ever going to secure that country these things have to be eliminated.

This is the only government that permitted us to go in there. We have tried every way before. This is the only government left.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Certainly I yield to the gentleman.

Mr. REID of New York. I appreciate the chairman's yielding.

Might I ask the chairman whether it is now a matter of law we cannot introduce ground combat forces into Laos and Thailand?

Mr. RIVERS. That is right. That is a mistake.

If there is any country we ought to go to the aid of, if needed, it is Thailand, because they let us come in there in the darkest days of our adversity and never told the world a thing. We built bases there and used our fighters and our bombers out of Thailand.

To keep us from going to their aid is just a monumental act of ingratitude, in my opinion.

Mr. REID of New York. One final quick question, and I thank the gentleman for yielding.

If the President did send ground combat troops into Cambodia, for whatever reason it might be necessary, does the gentleman see an end of the war or does he see that as leading to a wider war?

Mr. RIVERS. If the gentleman is talking about these areas here, it is bound to shorten the war.

It will do two things. It will eliminate these things (pointing) and it will intercept the Ho Chi Minh buildup, which is coming down there like an interstate highway. The Ho Chi Minh Trail is very vast, over a very wide area. This is a part of it.

Mr. CEDERBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time—and I hope not to take it all—to caution the House about taking an action of this kind this afternoon just before the President is going to address the Nation.

I, for one, might even support this amendment at a different time. I am opposed to the entering of U.S. ground troops into Cambodia without prior consultation with Congress. However, I would caution the Members of this House this afternoon that if this amendment is passed, you will see the greatest exodus from that press gallery you ever saw, and they will all be heading for the telephones. What they will be doing is broadcasting all over the country, all over the world, that the Congress of the United States has predetermined the judgment of the President even before he made his remarks. This is the worst time that this amendment could possibly be brought forth.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I am happy to yield to the gentleman.

Mr. RIVERS. I not only agree with the gentleman, but let me say this: We have less than a month of fair weather over there. If we are going to eliminate these things, the time to do it is now—the time is now. When the rainy season comes it is more difficult, and that is what these people are waiting for.

Mr. CEDERBERG. May I say in addition to that that militarily I do not believe we should allow a sanctuary of this kind to exist. I am all for the South Vietnamese taking care of it and I hope they will do the task, but to allow these troops to come in during the day or during the night, into combat and kill our troops and maim the civilians and the South Vietnamese and then go back to a sanctuary and resupply themselves just does not make any combat sense.

I plead with the Members of this House, please do not take this action of approving this kind of an amendment just before the President is going to go on television. It is a tragic mistake.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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Mr. CEDERBERG. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman's statement puzzles me a little bit. The President argued and only last week the Secretary of State told by subcommittee of the Committee on Appropriations that the Congress would be consulted before any movement into another Asian country would take place. All this amendment speaks to is the introduction of ground combat troops. Does the gentleman argue that—if the President makes a good case tonight, or any other night, that we need combat troops in Cambodia to protect American lives—the Congress would not give him that authority in a very short time?

Mr. CEDERBERG. I will not prejudge what the President will say tonight or at any other time.

Mr. LONG of Maryland. Of course, we do not know what he will say.

Mr. CEDERBERG. The gentleman knows what will happen if the House of Representatives takes this position this afternoon before the President can address the Nation.

Mr. Chairman, I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today we are faced with a very serious problem, one that affects every home in our country. In 1964 we had a problem similar to this. At that time we were told that the *Turner Joy* and the *Maddox* had been attacked by North Vietnamese ships. Now in looking into that you find that the commanding officers of those ships will not state they were under attack. But under pressure such as exists here and under strong pleading and suggestion from men high in the offices of this House, our House succumbed and passed the Gulf of Tonkin resolution. I want to tell you that since that time we have had 7 years of the most horrible war that has ever been visited on the people of the United States.

You know, one of the sad things about this war is that if a youngster can get into college, he does not go to the war. If he can get into the Reserves, he does not go to the war. If he can get into the National Guard, he does not go to the war. It is the poor people, the fellows who cannot go to college, who are brought in. If there was ever a war, a horrible war, that was unjustified, this is it. Plainly this is a rich man's war and a poor man's fight.

In a war involving the poorer sons of our country. I strongly support the amendment of the gentleman from New York and I ask that you consider this. I ask that you think calmly and deeply as to whether we are going to enter into a war worse than we are in at the present time. I say that this possibility exists today and now.

Mr. Chairman, Stephen Decatur once said:

> Our country in her intercourse with other nations may she always be in the right, but our country, right or wrong.

We might alter that today, Mr. Chairman, and say, "Our country, right or wrong. If right, to be kept right. If wrong, to be set right."

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr .Chairman, I am not going into the military aspects of the Southeast Asia problem.

However, I want to put in perspective what it is we are actually going to do under this amendment because I think that is important in the consideration of the overall principle sought to be raised by the gentleman's amendment.

I think regardless of how we are going to vote, it is important to have a clear understanding of the actual operative potential as compared to its being an expression of congressional policy.

So, first, I would like to ask the chairman of the full Committee on Armed Services whether there are any funds in this bill to finance ground troops.

Mr. RIVERS. There are no funds for personnel and no O. & M. money.

Mr. FASCELL. I am sorry but I did not hear the chairman.

Mr. RIVERS. There is no money for military personnel and no O. & M. money.

Mr. FASCELL. What does "O. & M." money mean?

Mr. RIVERS. Operations and maintenance.

Mr. FASCELL. Therefore, in order for the prohibition in the gentleman from New York's amendment to be effective or have any real meaning as far as the subject matter of this bill, it must apply to equipment and other materiel used to move ground forces into Laos, Cambodia, or Thailand; is that correct?

Mr. RIVERS. Am I to understand that the amendment is certainly germane?

Mr. FASCELL. I understand it is germane to the bill, but I just want to know what the fund prohibition really applies to.

The question I raise does not go to the overall principle as an expression of sentiment by the Congress. I think expression is worthwhile any time the Congress wants to speak on such an important matter. The question of the introduction of ground troops into any area of Southeast Asia is relevant, but I would like to know whether the fund prohibition in the amendment actually is effective as it applies to this bill. From what I understand, as the chairman just responded, it really is not.

So, it is not a legal proscription of the President's right to commit troops, or to pay for them out of other funds. It is an expression of the sense of Congress, however, which might or might not be important to the administration and which it may consider. But it legally does not proscribe the President. This is the only point I am making, at this juncture.

Furthermore, Mr. Chairman, I submit that this amendment as a matter of legal action cannot possibly change the treaty commitments which the United States has with Thailand. As a matter of law, I do not believe the Congress can do that. I do not believe, therefore, even as an expression of sentiment, the gentleman's amendment can change the treaty commitments and the right of the President under the Constitution to implement those requirements.

It still is, however, if adopted, a very important and vital expression of the sentiment of Congress. But I do not want us to deceive ourselves that we are putting some monetary restriction on the President or that we are changing some treaty commitment or that we are changing the authority under the Gulf of Tonkin resolution. We are not doing any of that with this amendment.

Finally, Mr. Chairman, this amendment can only be effective on the date this bill becomes effective, if passed. The effective date is the beginning of the next fiscal year, July 1, 1970.

Notwithstanding that, Mr. Chairman, I believe the amendment is an expression of a fundamental policy by this Congress which is vital. However, it does not undermine the President's right to say anything he wants to say tonight about this deplorable situation in Southeast Asia; it does not restrict him monetarily; it does not restrict him legally, and does not modify this country's treaty obligations, and does not change Presidential policy.

It does say, therefore, by inference and construction that it does want the President to come back to Congress.

Therefore, this expression of congressional sentiment, very limited in its actual application, nevertheless is a useful guideline.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I must express my sense of dismay at the statement made by the gentleman from Michigan in talking about his President and our President over here. I have only one President, at one time. As I recall, that is the precise provision in the Constitution of the United States. President Nixon is my President, and he is the President of the United States, and I respect the onerous nature of the office he occupies, and the awesome problems which confront him but I also recognize that this House is one house of a two-house, coequal body which has very serious responsibilities imposed upon it by the Constitution and by the people of the United States.

Mr. Chairman, if this situation is so very delicate that we should not act at this moment in advance of the President's speech this evening, then it seems to me that the appropriate action would be for the Committee to rise and await the statement of the President, and then act, following that statement, upon the basis of any new evidence. Upon the absence of that evidence and under the compulsion to act now, I am going to support the amendment offered by the gentleman from New York (Mr. REID) because I have returned not many weeks ago from Southeast Asia, where I think I undertook a rather responsible inquiry and a very comprehensive inquiry, and the developments which have occurred since my return have not surprised me greatly, and there are other developments which could take place which would not surprise me greatly.

Mr. Chairman, I would point out that it is 17 years since we went into South Korea, and I can see two or three decades of involvement in Southeast Asia, and I can see it on an ever expanding

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basis of our material resources, and I know that there is an increasingly strident demand in this Nation for a greater share of those resources.

I have no question as to the motives of some of those who oppose the United States overseas, but I know what dire dangers we face here at home if we continue to do the bad job of housekeeping, to ignore the ills of our own domestic society. We can be destroyed as surely from within as we can by any force or combination of forces from without.

It is time that we start to realize our priorities. The fact that a man steps into this well and opposes an expansion of military activities is in no sense an indictment of his patriotism. I believe that at some times, under the conditions of the moment, it takes more courage to step here and say, "Let us go slow, let us evaluate and reevaluate. Let us know what the hazards of the action we are taking might be," than it does just to stand up and say "I am going along, and I am going to wrap myself up in the flag in the process."

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, I wish to say I agree with and appreciate this statement and concur that this is a matter that the House should act on.

But I would like to advise the Members that I suggested to the leadership, due to the seriousness of the matter and the fact that the President is going to speak tonight, that I thought it might be appropriate to adjourn so we could vote after the President spoke and not before. But I would advise the Members that suggestion, that I was very sensitive to, and which the gentleman mentioned, was declined.

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SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY in the nature of a substitute for the amendment offered by Mr. REID of New York:

In place of the amendment, substitute the following language:

"SEC. 403. In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

Mr. FINDLEY. Mr. Chairman, I think we all owe the gentleman from New York a debt of gratitude because he has caused us to enter into a very timely and, I think, very helpful discussion of fundamental military policy, one of the very few such occasions in the 9 years I have been here in the House of Representatives, years in which I have seen an unfolding of military operations unprecedented in our country, and, yet, almost never do we discuss the fundamental issue of the role of the United States in these far away places.

The distinguished chairman of the Committee on Armed Services, I feel, put his finger right on the heart of this issue—and I say this kindly—when he closed his comments by saying that if we try, by an amendment of this sort, to tell the President of the United States what to do in the field of foreign policy, the President would respond quite properly, to use the words of the gentleman from South Carolina, "It is none of your business."

I believe that that is a rather widely held assumption, that what happens in foreign policy, especially in fundamental military policy, is really none of the business of the Congress.

It is hard for me to accept that. In fact, I disagree absolutely with such a conclusion.

The amednment I have presented in the form of a substitute retains all of the langauge of the amendment offered by the gentleman from New York (Mr. REID). But, it adds some things that are unspoken by the gentleman from New York, and I think these unspoken items should be spelled out.

It deals with the item that has been in so much controversy here. Whether in a crisis, requiring a split-second decision by the President through his commanders as to whether ground combat forces should move a few feet across the Cambodian border in order to protect the lives of American troops in South Vietnam—whether or not he could respond.

Of course, the President has a grave responsibility as Commander in Chief—an overriding responsibility to protect U.S. lives whether they are in American uniform or not.

So, even if the Congress would say to the contrary—that he should not do it—it is my belief that he would have the fundamental responsibility to these American citizens to take the action—to protect their lives.

Mr. FINDLEY. I am sorry, I missed the last part of the gentleman's question.

Mr. RIVERS. Does the gentleman's amendment say in so many words that we may enter Cambodia for the purpose of protecting the lives of American troops?

Mr. FINDLEY. Yes.

Mr. RIVERS. Will the gentleman read that language of the amendment again?

Mr. FINDLEY. Yes, indeed. I am glad to. It states, "without the prior consent of the Congress"; then it adds the words, "except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

I am glad to clarify that point and appreciate the question.

Mr. RIVERS. That is what I was trying to say. I can find no fault with an amendment like that.

Mr. FINDLEY. I appreciate the gentleman's comment.

Mr. HORTON. Mr. Chairman, will the gentleman yield? I would like to ask a question on the subject about which you were just speaking.

Mr. FINDLEY. I yield to the gentleman from New York.

Mr. HORTON. As I understood the statement the gentleman in the well made, he was talking about the idea of hot pursuit, and as I would understand hot pursuit, that would be immediately over the border to protect the ground forces in the immediate vicinity of Cambodia, the South Vietnamese border.

Mr. FINDLEY. I will say to the gentleman, if I may interrupt, that I would hope and expect the President to exercise a very narrow construction on this implied authority to use ground troops outside the borders of South Vietnam, but I can conceive of instances when this would be necessary.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. HORTON, and by unanimous consent, Mr. FINDLEY was allowed to proceed for 5 additional minutes.)

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from New York.

Mr. HORTON. The chairman of the Armed Services Committee referred to the map to the immediate right of the gentleman in the well. I am not familiar with it, but I assume it is a map of Cambodia. There are certain MRS with different numbers. I do not know whether those are military targets or what they are. But do I correctly understand that the gentleman's amendment would not permit the introduction of ground troops under any circumstances to go into the heart of or into the major portion of Cambodia?

Mr. FINDLEY. The only circumstance in which ground troops could be introduced into Cambodia would be in the event that the President should determine that such is required in order to protect the lives of American forces within South Vietnam.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I wonder what would occur if the success of the Cambodia forces and our forces and of those allied to us should unexpectedly cause the other side to retreat toward, say, Phnom Penh? Would we then be obliged, under the interpretation the gentleman is giving the amendment, to pursue the enemy through the rest of Cambodia in order to be certain that at some future time they would not come back to the areas where they could harass our troops in South Vietnam?

Mr. FINDLEY. That is a question to which I do not think the answer would appear at this moment. It is up to the President as Commander in Chief to make his interpretation of the implied powers that he exercises as Commander in Chief.

I wish to add one other thing before I yield further. This amendment, to me, is very important, because it speaks to the role of Congress in dealing with fundamental policy. It illustrates the limitations on our role in this area. But it also shows our authority, our responsibility. You will note that my amendment does express affirmatively the right of Congress to consent prior to the use of combat troops. If that is our decision, then we can affirmatively make the decision that our troops should be used. But it also requires that if the President makes a determination to use troops under the implied powers, then he must report promptly to the Congress that he has made that determination. That reporting requirement is nowhere spelled out in present law, to my knowledge. I think it is high time that we impose that reporting requirement on the President.

I think this alone will have a salutary effect and will tend to discourage any unjust use.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I promised to yield to the gentleman from Indiana. I yield to the gentleman from Indiana.

Mr. JACOBS. I wonder if the gentleman would state whether or not it would be correct to say that the operative language of the Gulf of Tonkin resolution—and the amendment is set opposite the language in that resolution—was not contingent upon the protection of U.S. personnel in Vietnam and if, at the time the Gulf of Tonkin resolution was adopted, it was not also hoped a very strict construction of that resolution might be made by the President of the United States?

Mr. FINDLEY. I gather the drift of the gentleman's comments, and I must say the President may very broadly construe his implied powers. What we do or fail to do here cannot diminish his responsibility. He may fail to exercise it, but we cannot diminish his responsibility.

Mr. JACOBS. Mr. Chairman, the gentleman did not respond. My question was: Was not the operative part of that language contingent on the protection and safety of troops?

Mr. FINDLEY. It had two operative parts and one had to deal with the attack on our ships, and the other dealt with the process through which our Government should go to counter an attack in Southeast Asia.

Mr. JACOBS. It was dealing with the safety of American personnel in Vietnam, as I recall.

Mr. FINDLEY. I believe only section 1 dealt with the safety of American personnel.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, inasmuch as I spoke in opposition to the Reid of New York amendment because I felt very strongly about that, I do believe the amendment of the gentleman from Illinois is a real improvement, and I see no real reason to oppose that amendment.

Mr. RIEGLE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. RIEGLE. Mr. Chairman, as I understand the amendment of the gentleman and his explanation, it seems to me he is inferring by what he said that the President now has delegated authority to act on his own to introduce American military personnel in Cambodia.

Mr. FINDLEY. He has an implied responsibility to do so in Cambodia to protect American lives in South Vietnam.

Mr. RIEGLE. Where specifically in the Constitution can the gentleman find that? I question that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. Gross, and by unanimous consent, Mr. Findley was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, in the event the gentleman's substitute should be defeated, I wonder if the gentleman from New York (Mr. Reid) would accept an amendment to his amendment to provide that in perpetuity no American combat troops be sent anywhere in the world, including the Middle East?

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the full decade of the sixties, I had the opportunity to sit down with several Presidents, and it was my privilege, following such conferences, to support the President, whether he was from my party or another party, in what he thought was in the best interests of the United States.

I am proud of the fact that in this country we can have that kind of cooperation between the leaders on one side of the aisle with a President coming from the other side of the aisle. I have always been very proud of the fact that in this body the Democratic leadership has responded as strongly in support of a Republican President as most of us responded and supported a Democratic President.

I happen to think this is a very crucial hour—and I use that word not literally, but figuratively—and it is my strong hope that at this particular point we, not as Democrats or Republicans, make a basic decision in the overall interest of the country.

I, personally, do not believe that either the Reid amendment or the Findley amendment ought to be approved here this afternoon. I do not know precisely what the President of the United States is going to say tonight. I think it is awfully important that the impact of his remarks not be hampered or hindered by some action taken here this afternoon.

I am a strong believer in the right of the legislative branch to participate in decisions involving our national security. But the problem of time right now is extremely serious. We could very easily take some action here this afternoon which might adversely affect the full beneficial impact of what the President will say tonight.

If I had my choice I would be opposed, as a consequence, to either amendment.

I have looked over the Findley amendment. I have consulted with experts in the executive branch of the Government. The choice between the Findley amendment and the Reid of New York amendment is easy.

The Findley amendment in effect says what the President has promised he will do. He has said that before introducing American ground combat troops into Laos, Thailand, or Cambodia he will seek the prior consent of the Congress of the United States.

On the other hand, he has said that if emergency situations arise where it is incumbent upon him as Commander in Chief to take action to protect the lives of American soldiers, sailors or marines, then he will act, but he will report immediately to the Congress and to the American people his reasons for taking such action under emergency circumstances.

Therefore, it seems to me that this proposed amendment offered by the gentleman from Illinois (Mr. Findley) does no harm, because it coincides with what the President has promised us and the American people; and therefore I intend to vote for the substitute, and I would ask all on our side of the aisle and as many as possible on the other side of the aisle to do the same.

It seems to me that this is the best course in a situation which could be complicating and harmful. The facts of life are that since 1965 the Vietnamese and the Vietcong have occupied sanctuaries just across the border from which they have made forays into South Vietnam, and after they have made those forays——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. Pelly, and by unanimous consent, Mr. Gerald R. Ford was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, after the enemy has made these excursions into South Vietnam, killing Americans and killing our allies, they have escaped back across the border and they have rested and recouped and regrouped, and they have rearmed. Then they would come back on another occasion, at their option, with the full protection of the former Government of Cambodia.

In order to save American lives the President has authorized the kind of action, in conjunction with the forces of our allies, which he will describe in detail to the Nation in a few hours.

I hope and trust that we take no action here today or tomorrow or next week that will undermine this long overdue effort to protect the lives of Americans now being killed in South Vietnam.

I am told that the statement to be made by the President tonight is considered to be one of major importance. I believe the best answer for us here this afternoon is to accept an amendment which I am assured coincides with the commitments already made by the President. I believe it is a far preferable amendment to the one offered by the gentleman from New York (Mr. Reid).

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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Mr. GERALD R. FORD. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe that words about saving American lives confuse the issue. I believe that is what we are all trying to do, to save American lives. If Congress had acted many years ago, perhaps we could have saved many of the 40,000 American lives that have been lost in Vietnam.

Is it not true that the Findley amendment merely pulls the few teeth that the Reid amendment has in it and allows the President to do basically as he pleases?

Mr. GERALD R. FORD. I do not think it pulls the teeth of the Reid amendment. What the Findley amendment does is tell us that the President will consult with us in advance if he takes such a step in Laos, Cambodia, or Thailand, which is a promise that he has already made to us and to the American people. Then he is also given the flexibility to act if there is an emergency that arises to protect American lives and then report promptly thereafter. I think that is constructive and not harmful.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. REID of New York. I thank the gentleman for yielding.

I merely ask him, in the light of our earlier conversation this morning whether in deference to the President's speech tonight he would be willing to recommend that the House rise so that we can vote after the President's speech.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. I know that there can be an argument made that we should defer, but I do not have the privilege nor the prerogative of making that decision. Therefore I do not feel that I should comment one way or another on a decision that was made earlier to conclude the business of the day.

Mr. REID of New York. If the gentleman will yield further very briefly?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. REID of New York. In deference to the point that the gentleman was making, is it not accurate that I said an effort should be made to have a vote after the President's speech so that we would not preclude whatever he might say but equally protect the right of the House to vote on a matter wherein we have constitutional responsibilities?

Mr. GERALD R. FORD. I simply say an argument can be made——

Mr. REID of New York. I was simply asking whether the suggestion was not made earlier by this gentleman.

Mr. GERALD R. FORD. The gentleman from New York did make that suggestion. Right. It seems to me that in this circumstance we are faced with today the wise action, the constructive action, the action that in the best interests of the United States would dictate that we support the Findley substitute and get on with the business of approving this legislation.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I would like to have the gentleman's opinion as to whether the Reid amendment or the substitute offered by the gentleman from Illinois (Mr. FINDLEY) would impact in any way the President's authority to have advisers in Thailand at this time, and, in the judgment of the gentleman, would it withdraw the advisers we now have operating in Thailand.

Mr. GERALD R. FORD. In listening to an earlier colloquy between the gentleman from New York and the gentleman from Wisconsin I was led to believe that the Reid amendment would preclude the utilization of military advisers in Cambodia. Subsequently there was another colloquy that I am not sure clarified it, but there were more words concerning it.

Mr. REID of New York. It does not preclude that, I would say to the gentleman.

Mr. GERALD R. FORD. I am glad to have that observation.

The CHAIRMAN. The time of the gentleman has expired.

SILENT EPIDEMIC

(By unanimous consent, Mr. BARRETT was allowed to speak out of order and to revise and extend his remarks.)

Mr. BARRETT. Mr. Chairman, on Monday, April 27, 1970, I introduced two bills, H.R. 17234 and H.R. 17260, designed to attack and eradicate, what has been labeled the "silent epidemic," afflicting an estimated half million infants and children in our Nation's cities and towns. An epidemic of poisonings resulting from the use of lead-based paints in the interior of houses. The effects of such poisonings are at times fatal and, when not fatal, far too often tragic—leaving children with mental retardation, blindness and chronic kidney disease among other consequences.

Lead-based paint has not been used on interiors for over 10 years, but in old buildings it lies just beneath the surface of newer coats of lead-free paint. When the old walls are not properly maintained, the old paint lifts away in layered chips along with the new. This is the decor of older housing, particularly of slum housing. The children living in deteriorating houses, whose walls are layered with sweet-tasting flakes of paint, are the victims. This condition is a major health problem for the infants of those families living in older housing. In fact, aside from infectious diseases this is the major infant health problem.

Compared to the major health problems which we have already solved, the solution to this problem is relatively simple. It can be solved on a local level. Unfortunately, however, our local governments are not able to cope with this matter on their own. Many local governments have enacted ordinances against the use of lead-based paint on housing interiors. However, enforcement of the ordinance proves difficult. Further, the lead-based paint all too often has been covered over. In addition, there is the problem of lack of knowledge by many parents as to the causes and early signs of lead poisoning.

This situation can and must be corrected; and, it must be corrected now.

The two bills I introduced are designed to provide a two-pronged coordinated attack to remedy the situation.

The bill, H.R. 17234, concerns itself with the people who live in these homes. It would authorize the Secretary of Health, Education, and Welfare to make grants to assist local governments in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning. In addition, it would assist in developing and carrying out programs that identify those areas that present a high risk to the health of the residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

The other bill, H.R. 17260, is concerned with the housing itself. It would authorize the Secretary of Housing and Urban Development to make grants to units of local government to assist in developing and carrying out local lead-based paint elimination programs. The bill would require that there be an approved workable program for community improvement for the locality, containing a program to eliminate lead-based paint. In addition, the bill would amend other HUD assistance programs to require that they include an effective plan for eliminating the causes of lead-based paint poisoning.

Mr. Chairman, both of these programs are vitally important to the solution of this major health problem and a coordinated attack is needed. Therefore, I believe it is important to note that both of these bills contain a section requiring the Secretaries of the respective departments to "cooperate with and seek the advice of the heads of other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority" under the acts.

Mr. Chairman, as chairman of the Housing Subcommittee of the Banking and Currency Committee, to which H.R. 17260 has been referred, I will make every effort for favorable consideration by that committee. I will also endeavor to have H.R. 17234, which was referred to the Interstate and Foreign Commerce Committee, receive favorable action.

Mr. Chairman, I urge my colleagues to join with me in sponsoring and supporting legislation to attack the problem of lead-based paint poisoning.

Mr. PODELL. Mr. Chairman, the Members of the House and the Senate and the American people were informed late yesterday of President Nixon's decision to provide American military advisers and American air support to the attacking South Vietnamese Army now in Cambodia. This decision was reached with the "advice and consent" of the President and his advisers and provides just cause for profound dismay.

The reasons cited for the action are similar to those given in support of the 1965 decision to widen the war in Vietnam—that widening of the conflict would bring a speedier end to the fighting. After 5 years of continued bloody fighting, 40,000 American lives, $100 billion, the war in Vietnam continues unabated.

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The faultiness of our earlier reasoning is then obvious. Yet, American decisionmakers in the executive branch are still working under the same assumptions and appear ready to make the same mistakes again. The opening of this new front in Cambodia is in direct contradiction to American experience and to the recently issued "Guam doctrine."

I am deeply distressed at both the content of the decision and the manner in which it was reached. There is a constitutional requirement that the responsibility to commit American forces and arms abroad rests with two branches of Government—with the executive and the legislative branches concurrently. The President, whose search for a strict constructionist for the Supreme Court is well known, seems unwilling to follow the letter of the Constitution on this issue.

Instead, the Congress has, except for incomplete briefings, been bypassed. After being consulted "after the fact," it has been asked to concur in the decision because of responsibility to our fighting men.

The logic of such ex post facto reasoning escapes me. Decisions of such magnitude and potential consequence as troops to Cambodia require that approval be given by all representatives of the American people.

American policy seems directionless at this point. Vietnamization of the Vietnamese war and widening American involvement in Cambodia are contradictory. If the conflict expands into a pan-Indo-Chinese effort, American lives will be needlessly sacrificed.

We cannot continue to make up rules as we go along—or to spout outdated slogans. Is it too late to ask President Nixon to reconsider his decision? It is certainly not too late to ask Congress to express its disapproval. Congress has the moral and constitutional responsibility to act.

I support the amendment of the gentleman from New York (Mr. REID).

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Would it be in order to move at this time that the Reid of New York amendment and all amendments thereto be tabled so that this matter of grave consequence might be considered at another time?

The CHAIRMAN. A motion to table is not in order at this time.

AMENDMENT OFFERED BY MR. LEGGETT TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. LEGGETT. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The Clerk read as follows:

Amendment offered by Mr. LEGGETT to the amendment in the nature of a substitute offered by Mr. FINDLEY for the amendment offered by Mr. REID of New York:

After the word "Congress" strike out the proviso exception.

Mr. LEGGETT. Mr. Chairman, the effect of my amendment to the Findley substitute, which I feel there is real danger of this House accepting, will make, I think, the Findley substitute meaningful. It would merely state in line with the expressed intention of the President of the United States that none of the funds authorized by this act shall be used to finance the introduction of American troops in Laos, Thailand, and Cambodia without prior consent of the Congress.

I think that there is plenty of authority for those who say we need authority to go ahead into Laos, Cambodia, and Thailand to chase the enemy. We are living with substantially this same proviso which was contained in the last authorization bill by this House and we have been able to protect our troops in Thailand and our air bases as well as to protect our interests in Laos.

For those who say we need some further expressed authority—to take out the sanctuaries that the chairman referred to earlier in the Parrot's Beak in that part of Cambodia that juts into South Vietnam and certain other areas—I say we do not need any expressed authority. I say this because we have been doing it from time immemorial. Where do you think we kill something over 1,000 to 1,500 troops every single week and have done so over the period of the last 5 years? We kill them by pursuing them in places where we think they are.

What we really have the opportunity of doing here today is I think to circumscribe and put some kind of limitation on the Tonkin Gulf Resolution that was passed by this House some 5 years ago.

I think while the substitute which has been offered by the gentleman from Illinois (Mr. FINDLEY) is laudable, and it looks like we are pursuing a proper objective, certainly we give the President wide, wide latitude that I think in years to come we will regret.

The President in his analysis of the potential situation in Southeast Asia last Monday knew exactly what the Cambodians were up to. All of us on the House Armed Services Committee and the newspapers know the facts about Cambodia. We know they are a military dictatorship. We know they have committed acts of genocide, we know they are anti-Vietnamese. I do not know what else they stand for.

Mr. Chairman, I do not think we want a wider war. The President has said we ought to deescalate the war by proposing the withdrawal of 150,000 men over the next year, leaving about 294,000 American troops in South Vietnam.

This is the considered analysis of the National Security Council—and I think we ought to give the President the best of our judgment and we ought to tell him on the floor of the House today we do not support a wider war.

Certainly, Mr. Chairman, we can protect American servicemen any place we need to protect their lives. We do not need to adopt the Findley substitute in order to do it.

Unless we accept the amendment that I have offered to make that a better substitute—and I think with that proviso stricken—we will have brought into play the requirement that before the President commits us to a further war in Southeast Asia he will have to come back to the Congress and justify such action not only to the committees but to the Members on the floor of the House and on the floor of the Senate.

Mr. Chairman, this is in line with the responses that have been made by the Secretary of State and I do not believe we will be hamstringing the President in any way by the adoption of this substitute.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to support the amendment offered by the gentleman from Illinois (Mr. FINDLEY) but in my judgment that amounts to little more than a Gulf of Tonkin resolution for Cambodia.

Mr. Chairman, I rise in support of the amendment of the gentleman from California to prohibit the use of any funds under this bill to introduce American troops into Cambodia.

Mr. Chairman, I have most certainly not harassed any President—Mr. Johnson or Mr. Nixon—on the conduct of the war in Vietnam. I have expressed doubts about President Johnson's policy since 1965, but I did not ask for, nor did I support immediate unilateral withdrawal.

When in October Senator SCOTT, the Republican minority leader, asked for a 60-day moratorium on criticism of the President's policies in Vietnam, I supported that.

When debate on Vietnam threatened to become highly partisan in late October, I gave speeches to my own party units asking them to give the President more time. When the Wright resolution came before the House, I voted for it because of my reluctance to restrain the President in the conduct of foreign affairs. At that time, however, I pointed out that my support for the resolution should not be interpreted as a blanket endorsement of every facet of the President's November 3 speech, nor as a pledge of unqualified support for any future Presidential action as yet unknown and undefined.

It is difficult for me to support this amendment because I do not like to in any way restrict the action of the President. But Mr. Chairman, the issue today is broader than the freedom of movement of one man, and that issue is twofold. It is first a question of whether this Nation is willing to risk a widening of the war by involvement of American troops in another unhappy nation in Indochina, and it is second, a question of the responsibility of the Congress in determining the policies the country will follow.

Mr. Chairman, I do not believe we should vote on this bill, or on this question, until after the President's speech tonight. If we had any sense, we would postpone our action until at least tomorrow, and possibly later. But, in the absence of any delay in the consideration of this subject, I believe we have no alternative but to support the amendment.

Mr. Chairman, since the late 1950's we have been involved in Vietnam without specific congressional declarations of support. Since 1964 we have required young men to fight in combat in that unhappy land without specific congressional approval except for the Tonkin resolution, which is, at best, of dubious clarity. We are now faced with the question of whether in the absence of specific congressional consideration of this new question we should send our young men into another area of war.

We have been told by the President "no more Vietnams." Mr. Speaker, if we continue to send troops into Cambodia we run the high risk of having at least one more Vietnam and that is two more than we can afford. Indeed, it may already be too late to avoid it. Mr. Speaker, we cannot in conscience and we should not, out of respect for the Congress as an institution, allow involvement in Cambodia without specific congressional approval of that added involvement. We have had men die in an undeclared war in Vietnam for 9 years. We should not support actions which would lead to the killing of Americans in another undeclared war. In the absence of congressional consideration of this added involvement, and in the absence of congressional determination that this added involvement is in the best interest of the United States, I cannot vote to financially support such efforts. I am tired of young Americans dying in "unofficial" wars.

I am opposed to sending American men into new areas of warfare without a statement from the Congress that their sacrifice is both necessary and wise.

Mr. BIAGGI. Mr. Chairman, the recent unilateral Presidential decision to send American combat advisers, tactical air support, medical evacuation teams, and other support to Laos, Thailand, and Cambodia indicates that there is a total disregard for the advise and consent role of the Congress in making foreign policy decisions that affect our economy and the lives of our citizens.

The prior consent of Congress should, in all instances, be obtained before any decision of such potential military magnitude is made. Surely the lessons of Korea and Vietnam must not be repeated over and over again before the Congress is allowed to have a voice in determining whether or not expanded American involvement in Southeast Asian nations is in the best interests of the United States.

No doubt the safety of American troops in Vietnam must be a serious consideration in determining our Southeast Asian policy. However, the additional implications of such vital action should be approved by debate in the Congress before America is involved and committed in any other nation. This is the only way rational foreign policy can be established.

Mr. MOORHEAD. Mr. Chairman, I rise in emphatic support of the amendment offered by the gentleman from New York (Mr. Reid), which says:

> In line with the expressed intent of the President of the United States, no part of the funds authorized to be appropriated pursuant to this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand and Cambodia.

This House, by sustaining this amendment, will make it clear to the President and more importantly to the people of the United States and the world, that we will no longer support America military excesses in Southeast Asia. Rather than sending our boys into Cambodia, we should be loading them on troopships and bringing them home. And it is at home, in the United States, where we should be concentrating our efforts and our money.

Have the mothers, wives, families, and soldiers of this Nation not suffered enough? Why must we perpetuate our existence in Southeast Asia, when it has been demonstrated time and time again that the people of this Nation want no more Vietnams.

President Nixon entered office on the strength of three promises; to end the war, to cool the economy, and generally to lower the voices of discontent and wrangling in our country.

Not only has he failed to do any one of these things. He took new steps yesterday to generate new, and who knows how far-reaching, antagonisms when he ordered Americans into Cambodia. American blood has stained the earth of Vietnam. I will not see that same blood wasted on the soil of Cambodia.

I for one will not waffle on this latest Nixon folly. No money for a war in Cambodia. No American lives lost in a war in Cambodia. To this I pledge myself. And I hope that my colleagues will do similarly by voting for the Reid amendment.

Mr. TAFT. Mr. Chairman, while I support the military procurement authorization bill providing for about $20 billion for military procurement for the next year, I hope we will be able to scale the expenditure level back in the appropriation bill that will come later. In any event, the authorization bill for 1971, on which we are voting, is $400 million less than the authorization for last year. It includes funds for the Safeguard system that I believe is sound as a wholly defensive and deterrent weapon. Its development may well have been helpful in the progress to date at the SALT talks.

I believe that that weapon system, as well as the other military procurements authorized by the bill, are necessary in today's world when the Russians continue their buildup in strategic missiles and their activities in support of troublemakers such as the Arab nations.

While I voted on a number of amendments today, no final vote occurred on the bill, and final action was deferred until Wednesday, May 6. The deferment occurred to permit the Congress to study the President's message on Cambodia before acting on an amendment proposed by Congressman Reid of New York, and an amendment to that amendment proposed by Congressman Findley of Illinois. The Reid amendment would have prohibited the use of the funds being authorized for the purpose of introduction of American ground troops into Laos, Thailand, or Cambodia. The Findley amendment to the Reid amendment added an exception to permit such use to the extent required to protect the lives of American troops still remaining in South Vietnam. It also would have required a report by the President to the Congress on any such finding.

My own feeling is that no American ground troops should be introduced into Laos, Thailand, or Cambodia and certainly it should not be done without the expressed authorization of Congress. However, the Findley amendment seemed to me to be consistent with inherent powers of the President, as to the defense of our forces and I, therefore, would have supported both the Reid amendment as amended by the Findley amendment.

Mr. KOCH. Mr. Chairman, there is no question in my mind that President Nixon has neither the moral nor legal right to commit American military forces in Cambodia without the consent of Congress.

The administration has now embarked on widening the war in Southeast Asia which will further delay the withdrawal of American troops from South Vietnam. President Nixon persists in the tragic illusion that military action rather than political settlement is the answer to the Indochina turmoil of the last 16 years. As I have said before on the floor of this House, the President's policy is simply the persistence of national pride beyond any political, economic, or moral justification. It is a policy that has cost the lives of almost 50,000 American young men. We must not let it continue. Let our policy be committed to saving lives rather than saving face.

By ordering American military action in Cambodia this week, President Nixon has shown contempt for the overwhelming desire of the American people to get our troops out of Southeast Asia. The President was elected to terminate our involvement, not complicate and deepen it. The democratic process is gravely threatened when any President intentionally ignores such a mandate.

I will urge my constituents to make known their opposition to the President's Cambodian decision. It is their sons and their dollars that he uses without their consent or the consent of Congress.

The American people know a tragic mistake has been made in Vietnam. It remains only for the Nixon administration to accept once and for all that judgment. So let the Government be reminded who is master and who is servant.

Mr. FISH. Mr. Chairman, the House deliberation today on the question of introducing U.S. ground combat troops in Cambodia has taken us a giant step toward restoring the role of the Congress in foreign policy.

I am opposed to the introduction of U.S. combat troops into Cambodia. I view the presence of American advisers and medical personnel with the South Vietnamese attack force invading Cambodia as extremely dangerous. To me, the Nixon doctrine clearly precludes sending in American troops, leaving open the question of tactical air support and logistical support.

The memory that advisers were only the forerunners of combat troops in the

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quagmire of Vietnam is all too fresh. While the motions before the House would preclude only combat forces, I believe the Congress in the exercise of its responsibilities should be informed and its consent sought before even advisers are dispatched into foreign war zones.

In all of this, Mr. Chairman, our attention continues to be diverted from other troubled areas of the world. In my opinion, the danger of confrontation with the Soviet Union and of full-scale war is in the Mediterranean. While we have concentrated on Vietnam, the Soviet Union has placed a major fleet in the Mediterranean and has developed bases in Egypt. There is evidence that the Middle East fighting is entering a new and dangerous phase with Egyptian troops, armed with the latest Russian equipment and backed by Russian technicians, carrying out a major offensive. New SAM missile systems have been deployed in Egypt, manned by Russian technicians. Today there are persistent reports of Soviet pilots flying Egyptian jets over Egypt.

This is a very trying time for U.S. policymakers. But it seems clear to me that the interest of the United States in working toward a lessening of tension will not be served by our involvement in Cambodia. Our energies, on the other hand, should be directed toward a political settlement in Indochina and our attention directed to dangers of enlarged conflagration in the Middle East.

Mr. WOLFF. Mr. Chairman, the extension of the Vietnam war into Cambodia is most regrettable. This is especially so since the undefined, open-ended policy of Vietnamization appears to include a willingness to follow the South Vietnamese on a course of military adventurism.

One wonders, with great concern, if, as we followed South Vietnam into Cambodia, we would also follow South Vietnam on an invasion of the north, something that has been advocated by Vice President Ky.

Mr. FARBSTEIN. Mr. Chairman, the President in expanding the war in Vietnam into an Indochinese war is pursuing an illusionary dream. We have heard the "we can win the war if only we expand it" logic before, and each time it has turned out to have cruel and predictable consequences. The Pentagon told us in 1965 if only we committed American forces to Vietnam we could drive Ho Chi Minh out. When that did not succeed, we were told, if only we bombed the northern ports, it would destroy the spirit of the North Vietnamese and bring military victory.

When we sent massive numbers of young Americans to Vietnam, it did not deter Ho Chi Minh, and when we began massive bombing of the north, it did not break the spirit of the enemy.

Now the President has decided to accept the advice of the military who say an expansion of the war to Cambodia can bring military victory in Vietnam.

I believe the President is wrong, both in terms of the situation and in terms of the legality of his move.

This is the kind of situation that can only get worse. The Chinese will not permit Hanoi to be defeated. If we escalate, they can do so more easily. We must get out; we must not widen this war. Under no circumstances can we permit this country to get into an Indochinese war. No amount of Presidential explanation can overcome this fact that we have sent our soldiers into Cambodia—call them advisers or whatever.

From the legal standpoint, I believe the President has overstepped his authority. The Constitution requires the consent of the Congress to declare war. The President has not gotten nor even asked for this.

To go into any nation, requires an invitation from the government. As far as I know, we have received no request from the Cambodian Government to invade its territory.

The recently passed national commitments resolution supported by the administration required Presidential consultation with the legislative branch before taking any new military action.

And last year, the administration rejected the Gulf of Tonkin resolution as legal justification for our presence in the area.

We have no legal justification for being in Cambodia.

This is a new war. We should get out right now.

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at some reasonable limitation of time with respect to these amendments.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. GIBBONS. I object, Mr. Chairman.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 10 minutes after 5.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. GIBBONS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto terminate at 5:30 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was rejected.

PARLIAMENTARY INQUIRY

Mr. BOLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOLAND. Mr. Chairman, is it in order to move that the Committee do now rise?

The CHAIRMAN. Yes; it is in order.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts.

Mr. RIVERS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 131, noes 100.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

APRIL 24, 1970.

The Hon. JOHN W. MCCORMACK,
Speaker of the House,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, the House Committee on Public Works on April 23, 1970, approved the following lease prospectus revisions:

Area of Fresno, Calif., Treasury Department, Internal Revenue Service Automatic Data Processing Center

Suffolk County, Long Island, N.Y., Treasury Department, Internal Revenue Service Automatic Data Processing Center

Memphis, Tenn., Treasury Department, Internal Revenue Service Automatic Data Processing Center, with an amendment that the annual rental cost of the required space not exceed $7.00 per square ft., including service.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

PARLIAMENTARY INQUIRY

Mr. BURTON of California. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BURTON of California. As I understand, the armed services bill will not be further dealt with today. Is that the Chair's understanding?

The SPEAKER. That is the understanding of the Chair.

Mr. BURTON of California. In that event, that will permit the country to tell the Congress whether or not they want us to vote in approval or disapproval of widening the war in Southeast Asia. Am I correct in that, Mr. Speaker?

The SPEAKER. The Chair will state that the Chair does not understand that to be a parliamentary inquiry.

Mr. BURTON of California. I thank the Speaker.

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LEGISLATIVE PROGRAM FOR WEEK OF MAY 4

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, may I advise that after consulting with members of the committee and Members of the leadership on both sides, it is generally agreed, and we will act accordingly, that the military procurement bill, should go over until Wednesday next. That decision will vary the program that we had intended to announce.

Members know that tomorrow is Law Day, and there are numerous Members—large numbers of Members—who have petitioned me that they have commitments which they have made in anticipation of being able to fulfill them. With that in mind, Mr. Speaker, we will ask to go over at the conclusion of business today.

The business for next week is as follows:

Monday is Consent Calendar day, and there are eight bills under suspension:

H.R. 6951. To enact the interstate agreement on detainers into law;

House Joint Resolution 546. To provide for commemoration of the 100th anniversary of Yellowstone National Park;

H.R. 16661. To authorize a maximum of $15,000 coverage under servicemen's group life insurance;

H.R. 16739. To extend the authority to maintain Veterans' Administration offices in the Philippines;

S. 856. To provide for participation in international expositions;

H.R. 11628. To transfer the authority to purchase office equipment and furniture for the Library of Congress;

H.R. 12619. To amend the act relating to the policing of the Library of Congress;

Senate Joint Resolution 193. To provide for the appointment of James E. Webb as Citizen Regent of the Smithsonian Institution.

Tuesday is Private Calendar day. Also on Tuesday we have H.R. 10138, Public Health Service commissioned officer retirement benefits, with an open rule and 1 hour of debate.

Then for Wednesday and the balance of the week the continuation of H.R. 17123, the Military Procurement Authorization Act for 1971, also the second supplemental appropriations bill for fiscal year 1970, and H.R. 16595, authorizing appropriations for the National Science Foundation, with an open rule and 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and further program may be announced later.

ADJOURNMENT OVER TO MONDAY, MAY 4

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. ARENDS. Mr. Speaker, unless permission has heretofore been granted, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 17123 which we discussed today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ADDABBO ASKS ADMINISTRATION TO RECONSIDER ISRAEL POLICY

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, though we credit the Nixon administration with the most honorable of intentions, it would be difficult to reconcile its present course in the Mideast with our Nation's long-established support of Israel's integrity and the events of recent date.

It now seems clear that the present Arab course is one of attrition, to use raiding parties to provoke retaliation with the specific intention of depleting Israel's superior air might. The Arabs seemingly now have not only Russian equipment but Russian crews to man them. Russia also is supplying missiles to be used against Israel.

It is, Mr. Speaker, chillingly shrewd appraisal of the military situation in the Mideast. While it is true that Israel's superior air power now makes direct attack on that tiny nation a form of military suicide, if she cannot replenish her planes as they are downed, Israel soon will become vulnerable to the hostile hoards that surround her. It is no idle fear that the present U.S. policy may play directly into the hands of the Arabs.

Mr. Speaker, if we withhold our help any longer, it may be too late to save Israel from annihilation. Israel has not survived these years because of parity but because of superiority. In the Middle East, parity is a code name for Israel's destruction.

Let us make it perfectly clear, Mr. Speaker, that our greed for Arabian oil has let us compromise our moral obligations in the Middle East. If the Israelis are billigerent about returning territories taken during the 6-day war of 1967, I daresay they have ample cause. The territories are not the roadblock to peace, nor in a sense, are the Arab Nations who continue to agitate for Israel's destruction.

It is the powerful nations of the world, including ourselves, who are to blame for the perpetual crisis in the Mideast. As long as the Arab Nations continue to receive arms, Israel must be armed. As long as Arabs and Israelis have armies, there will be wars.

The United States might be headed on the road to peace when it proposes deescalating the arms race in the Middle East. But that precarious situation is not one where unilateral action can succeed. It will only result in additional bloodshed. Until we can reach accord with the Russians and other nations about a guaranteed reduction of arms on both sides, we simply cannot allow Israel's military might to be diminished.

Unless our present course of action is changed now, I fear we may be responsible for greater fighting in the Middle East. I urge the administration to reconsider its present stance as quickly as possible.

The President once asked us to consider not what he said but what he did. Accordingly, Mr. Speaker I have forwarded a copy of this statement to President Nixon.

GILBERT INTRODUCES NATIONAL PUBLIC EMPLOYEE RELATIONS ACT

(Mr. GILBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GILBERT. Mr. Speaker, today I am introducing a bill which is designed to accord employees of State and local governments the same rights guaranteed employees in the private sector.

The National Public Employee Relations Act is designed to protect the rights of public employees to organize and bargain collectively through representatives of their own choosing. These are rights to which all employees working in a free, democratic society are entitled. The flagrant violation of these rights by some public employees, and the general failure of the States to enact meaningful, comprehensive laws safeguarding these rights, as well as the desirability of a uniform national policy in the area of public employee labor relations law, has given rise to the need for a comprehensive public employee relations act.

This bill establishes a National Public Employee Relations Commission to administer the act and insure the effectuation of these fundamental employee rights.

Experience has shown that protection of employee organizational rights reduces labor-management strife, encourages practices fundamental to the peaceful adjustment of labor disputes, and

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restores equality of bargaining power between employers and employees. Justice mandates Congress act promptly to achieve these objectives.

A summary of the bill I am introducing today follows:

SUMMARY OF NATIONAL PUBLIC EMPLOYEE RELATIONS ACT

Section 1: Policy: Sets forth basis of assumption of Federal jurisdiction, relying upon the Commerce Clause and the 1st and 14th Amendments to the Constitution. It declares that the policy of the United States is to encourage collective bargaining.

Section 2: Definitions:

Employer includes state and local subdivisions as well as public and quasi-public corporations, housing authorities and other authorities and public agencies.

Employee includes any employee of an employer and excludes only "officials appointed or elected pursuant to a statute to a policy-making position."

Exclusive Representative includes only those unions which are recognized prior to the enactment of the Act or which later become certified by the National Public Employee Relations Commission.

Supervisor includes only those individuals who can make or effectively recommend personnel changes or who may responsibly direct other employees.

Section 3: Rights of Employees: Authorizes employees to form, join or assist a labor organization and to bargain collectively, free from interference by the employer. It also authorizes employees to refrain from all union activities except to the extent that a collective bargaining agreement contains a union security provision, such as a union or agency shop.

Section 4: Union Dues Deduction: An employer is required to check off dues to any organization designated by written authorization, by employees, BUT where there is an exclusive representative, dues must be checked off to that organization only. The authorization may be revoked annually.

Section 5: Unfair Labor Practices: Bars interference with employee rights, prohibits employer assistance to a union, and requires an employer to bargain collectively with an exclusive representative (bargaining is not required with minority groups). In addition, any violation of the Act—for example, refusal to check off dues—is an unfair labor practice.

Unions are prohibited from coercing employees to join the union and required to bargain collectively if it is the exclusive representative.

The parties are required to bargain on all matters affecting terms and conditions of employment, including those which are covered by regulations or other laws, and to submit to the appropriate legislative body any agreement reached on these matters.

Section 6: Elections: A union petition for an election must be supported by 30% of the employees. Other unions may participate in an election only if they can show authorization from 10% of the employees in the bargaining unit.

The Commission determines the unit in which the election and collective bargaining will take place. Supervisors must be placed in separate units. Only one election may be conducted in a 12-month period, but a petition may be filed earlier.

Section 7: Unfair Labor Practice Procedure: Any individual, employer, or union may file a complaint and is then entitled to a hearing. The General Counsel of the Commission may also file a complaint and/or participate in the hearing on the complaint filed by an individual. A decision by an examiner or the regional director of the Commission is final, unless the Commission determines there are sufficient reasons to review the case. If no appeal from a Commission decision is filed within 60 days, that decision is final.

The Commission's decisions in representation cases are not subject to review by a court, that is, no appeal will be considered from the Commission's unit, eligibility, or other determinations.

Section 8: Written Agreements: Authorizes the parties to make an agreement providing for arbitration of disputes over the meaning of the agreement, and to enforce the agreement in Federal District Court.

Section 9: National Public Employee Relations Commission: Establishes a commission of five members appointed by the President, and a General Counsel, also appointed by the President.

Section 10: Mediation and Fact-Finding: The party desiring to modify or change the agreement must notify the Federal Mediation and Conciliation Service within 60 days prior to the end of the agreement. The Service is required to assign a mediator upon the request of either party, and may also do so on its own motion.

No express provision is made for mediation in the case of a newly-certified union. However, 30 days following certification either party may request fact-finding, and the Service is authorized to initiate fact-finding on its own. With respect to expiring agreements, either party may request fact-finding, or the Service may initiate fact-finding. The Service must submit to the parties a list of seven persons; each party strikes three names. The fact-finders' report must include recommendations for resolution of the dispute. The report must be kept confidential for five days, but may be made public by the fact-finder after that—and must be made public 15 days after the report is made.

A 60-day period following the expiration of the agreement is allowed for the entire fact-finding process (three days for the Mediation Service to submit the list of fact-finders; five days for the parties to strike names; 20 days for the fact-finder to make his report; 15 days for the report to be made public; and the remaining days to continue to resolve the dispute). A status quo must be maintained for this 60-day period—employers may not change conditions of employment and employees may not strike.

Only the employer and the exclusive representative may participate in the fact-finding proceedings.

The fact-finder is not barred from mediating or resolving the dispute.

The parties may agree to use the procedures of some other governmental or other agency.

If both parties agree to submit disputed issues to final and binding arbitration, the arbitration shall supersede all of the fact-finding procedures.

Section 11: Effective State or Local Laws: If a state or local law is substantially equivalent to PERA, the Commission may delegate its responsibility to the state or local agency.

THE LITTLE WHITE FLEET

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, a former member of the press gallery and committee staff member, Raymond Wilcove, has written an article about one of the Nation's most exciting and important fleet of oceanographic ships, that of the U.S. Coast and Geodetic Survey, an agency of the Commerce Department's Environmental Science Services Administration. The Coast Survey's 15 gleaming white ships survey the Nation's coasts, estuaries, and inlets; drag the ocean bottom for wrecks and other navigational hazards; measure the tidal currents; and sail to the farthest reaches of the earth exploring the last great frontier here, the sea and the world beneath it.

The article by Mr. Wilcove, Public Information Officer for the Coast and Geodetic Survey, appeared in the April issue of All Hands, the official Navy magazine.

The article follows:

THE LITTLE WHITE FLEET

The gleaming white ships can be seen in all portions of the globe. At home they roam up and down the coasts of the United States and in its bays and estuaries. Abroad, their missions take them to far-off climes, to the sun-drenched islands of the South Pacific, to the frigid wastes of the Arctic, to the steaming waters off the coasts of Africa.

Sometimes they are mistaken for ships of the U.S. Navy, although it is years since Navy ships were painted white (except for the ships of the Middle East Force); at other times, they may be taken for Coast Guard vessels. They are neither. They belong to the Coast and Geodetic Survey, the government's oldest scientific agency, with a history dating back to 1807 when Thomas Jefferson was President.

The Coast and Geodetic Survey fleet consists of only 14 vessels, but, to paraphrase the words of a famous Englishman, never has a nation owed so much to so few, for without them America's shipping would stand the risk (literally) of going on the rocks.

Things were bad back in Thomas Jefferson's day. Ships kept piling up on stormy shores with disheartening regularity. That's why the Coast and Geodetic Survey was born. Today modern Coast Survey nautical charts enable mariners to sail their ships with comparative safety anywhere along the coasts of the United States.

Of the approximately 2.8 million nautical charts distributed annually by the Coast Survey, about 1.7 million are used by the Navy. The approximately 850 different charts are the end products of the work begun by those Coast Survey vessels that conduct hydrographic surveys along the Atlantic, Gulf and Pacific coasts, the Hawaiian Islands, Puerto Rico, Virgin Islands, and Alaska. In addition to vessels, there are two land-based survey parties which employ launches for work in protected waters where it would not be feasible to use the ships.

The vessels' officers are members of the commissioned corps of the Environmental Science Services Administration, parent body of the Coast Survey in the U.S. Department of Commerce. The corps is the smallest of the nation's seven uniformed services, consisting of an authorized strength of 330 officers. All are college graduates, with engineering and scientific backgrounds.

The ESSA commissioned officer corps began in the Coast and Geodetic Survey in 1917 during World War I. With the creation of ESSA in 1965, the commissioned corps became an arm of the new agency. Officers spend approximately one-third of their careers aboard Coast Survey ships, where the corps fashions much of the espirit for which it has been noted during its 53 years of existence, both in peace and in war.

During war, they are subject to military duty. Over a 30-year period, officers can expect approximately nine years' sea duty, with good prospects of early command of small hydrographic vessels and eventual command of major survey ships. Experience at sea or knowledge of it is not a prerequisite for appointment as an officer with ESSA, but

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an affinity for the sea is necessary to the successful officer.

In addition to service aboard Coast Survey vessels, ESSA commissioned officers are assigned to mobile geodetic and photogrammetric survey parties, geophysical observatories, or other field facilities, or to a laboratory or technical office at ESSA headquarters in Rockville, Md., near the Nation's capital.

ESSA officers have ample opportunity to develop their talents. Pilot training at military flight schools and subsequent assignment to flying duties with photogrammetric, atmospheric research, and other missions are available to some officers, and scuba diving training is furnished to others. Officers wear a uniform similar to that of Navy personnel and pay and special benefits correspond in general to those in sister services.

The Coast Survey fleet consists of four types of ships:

The hydrographic survey vessels *Pathfinder, Whiting, Fairweather, Rainier, Mt. Mitchell, McArthur, Davidson and Peirce;*

The ocean survey vessels *Oceanographer, Discoverer* and *Surveyor*, which conduct studies of the deep ocean and sea bottoms;

Rude and *Heck*, the wire drag ships, the only ones of their kind in the United States, which search out underwater navigational hazards along the coasts, such as wrecks, pinnacle rocks, abandoned oil platforms, and pilings (incidentally, *Rude* and *Heck* are not what they sound like—they are named for officers who distinguished themselves in the U.S. Coast and Geodetic Survey); and

A current survey vessel, *Ferrel*, designed specifically to measure coastal and estuarine currents.

Researcher, an ocean survey ship, is under construction.

The ships vary in size from the trim 90-foot, 214-ton (displacement) *Rude* (pronounced Rudie) and *Heck* to the sleek 303-foot, 3959-ton sister ships *Oceanographer* and *Discoverer*, nicknamed the *Oceo* and *Disco*. In between are the 133-foot, 363-ton *Ferrel;* the 162-foot, 760-ton *Whiting* and *Peirce* (pronounced Purse); the 175-foot, 995-ton *McArthur* and *Davidson;* the 231-foot, 1798-ton *Fairweather, Rainier* and *Mt. Mitchell;* the 229-foot, 2000-ton *Pathfinder;* and the 292-foot, 3150-ton *Surveyor. Researcher*, slated for commissioning in 1970, will be 278 feet long, with a displacement of 2800 tons.

With one exception, the entire fleet is approximately ten years old, or less, as most of the older vessels have been replaced since 1960.

Surveyor was delivered in 1960; *Peirce* and *Whiting* in 1963; *Oceanographer, Discoverer, McArthur, Davidson, Rude* and *Heck* in 1966; *Mt Mitchell* in 1967; and *Ferrell, Rainier*, and *Fairweather* in 1968. *Pathfinder* was built in 1942 and, except for *Pathfinder*, all are air-conditioned.

(*Rude* is named for Captain G. T. Rude, C&GS inventor of the circular star identifier familiar to all naval personnel concerned with shipboard navigation.)

Oceo and *Disco* are among the nation's most modern oceanographic floating laboratories. At the time they were built they were the largest and most completely automated search ships in the country.

Three years in construction, each cost approximately $10,000,000, including some $1,000,000 worth of electronic equipment. The ships can be provisioned for 150 days at sea and have a cruising range of 15,200 miles. They carry a normal complement of 15 officers, 62 crew members and 11 technical and scientific personnel, with additional accommodations for up to 17 visiting scientists, including women.

Each ship has over 4100 square feet of laboratory space. Closed circuit television is provided throughout the machinery spaces, where a centralized engine room control (CERC) system provides remote starting and stopping of machinery, and the automatic recording of operating data at a master control station.

A single computer serves both ship operation and the collection and processing of environmental data. Using this computer, the propulsion and other machinery is automated through CERC. The CERC system also permits remote control of main propulsion units and principal auxiliary machinery from a master control station in the engine room and from the bridge.

In addition to automatic logging of ship operating data, CERC includes an alarm system which detects and locates malfunctions, gives a warning signal, and types out a description of the problem.

The ships are the first American oceanographic survey vessels to employ this concept of centralized engine room control. When fully developed in future years, this concept will permit a single operator to monitor and control a ship's engineering plant from a central control station.

The heart of the automated controls is also a computer.

Because controlling and monitoring ship operations require only about 25 per cent of the computer's total capacity the computer is used principally by the Data Acquisition System.

When the ship is underway, the DAS samples (via shipboard and towed sensors), records, and processes geological, geophysical, oceanographic, hydrographic, and meteorological data on a routine basis; ship position is logged continuously; and the computer can be used for concurrent processing of non-routine data.

When the ship is stationary, the DAS samples and processes data sensed by shipboard instruments and by an underwater multisensor package, along with its handling of oceanographic data. The automatic data processing system frees many specialists from the routine task of sorting and analyzing a great amount of data, a task which usually consumed months of painstaking effort.

The equipment measures and records a ship's course and speed, magnetic field intensity, gravity, surface current and temperature, temperature at depth, and ocean depth.

Sub-bottom profiles can be taken while the ship is underway and show the structure of the ocean floor beneath its bottom sediment. The ship takes water samples at various depths and is equipped to obtain 100-foot core samples from the deepest ocean floor.

Meteorological data are gathered at regular intervals by ship-launched sounding balloons. Data and samples are studied and analyzed in the ship's laboratories.

The ships can operate equally well in any area of the global sea, including polar waters.

A special control feature—a bow thruster of 400 horsepower—enables the vessels to maintain a nearly constant heading when the ships are on station despite wind and wave conditions. The bow thruster is an underwater duct fitted with a reversible propeller that thrusts a water jet to either side as desired.

The ships can take samples anywhere in the world. Over 22 miles of wire line are carried on each vessel for oceanographic work. One continuous length of wire is over seven nautical miles long. The wires are reeled in by hydraulic winches.

Another unusual feature is a 6-by-8-foot well near the center of the ship which enables special experimental equipment to be lowered and scuba divers to enter and leave the vessel. An elevator carries the equipment and men directly from the oceanographic laboratory into the water 35 feet below.

Six special glass-covered ports near the bow and stern, about 15 feet below the water's surface, permit scientists to view underwater life and formations from within the ship.

The ships have an ample supply of fresh water. Normal consumption for all purposes is approximately 5000 gallons per day, with a storage capacity of about 27,000 gallons and a seawater distillery capacity of 8000 gallons a day.

The vessels have extensive communication facilities. These include radiotelephones, emergency receivers and transmitters, mobile transceivers, portable radiotelephones, facsimile equipment, standard frequency broadcast service, portable lifeboat transmitter receiver, and radio teletype.

An anti-rolling device (a passive rolling tank) enables the ships to conduct continuous operations, except in unusually heavy weather.

A notable feature is the conning tower, an enclosed crow's nest, on top of the bridge approximately 60 feet above the water. It is reached by an inside ladder.

In addition to affording a commanding view of the sea, the ships can also be fully controlled from the conning tower. From this control station, they can be kept on a steady course whenever delicate instruments are being trailed over the sides or from the stern.

Similar, but less elaborate, controls on the deck on each side of the bridge enable similar control to be maintained from these stations.

Ample storage facilities, including cold storage, enable scientists to bring home samples of their findings in their original organic state for further studies in laboratories ashore.

The capabilities of the other ships are commensurate with the nature of their assignments, whether it is mapping the bottom of the North Pacific, a major task of *Surveyor* and *Oceanographer*, or engaging in hydrographic and bathymetric surveys of the coasts, as do *Fairweather, Rainier, Mt. Mitchell, Peirce, Whiting, McArthur, Davidson* and *Pathfinder*. These ships have a range of 4500 to 13,000 miles and carry normal complements of 36 to 128 officers and crew.

Ferrel, the newest addition to the fleet, is the only vessel of her kind in the nation, designed specifically to measure coastal and estuarine currents. The 133-foot ship carries with her a high-speed 59-foot tender and a 28-foot JO boat to carry out operations in narrow channels and to service the ship's instrumented buoys.

The primary use of the *Ferrel's* survey data is in describing and predicting currents, both tidal and nontidal. Results of the surveys appear on the Coast Survey's small craft and tidal current charts, in tidal current tables and, indirectly, in a new series of bathymetric maps.

Ferrel data are used also in ESSA's new Estuarine Flushing and Non-tidal Current Prediction Service in Penobscot Bay and River, Maine.

This experimental service, the first of its kind, applies mathematical modeling techniques to the prediction of water renewal rates for various portions of estuaries. The service is an essential aid to managing and conserving water resources and to reducing estuarine pollution.

Among the more interesting of the fleet's ships are *Rude* and *Heck*. The 90-foot, 213-ton sister ships operate as a team in locating underwater navigational hazards. Using methods perfected by the Coast Survey more than a half-century ago, they operate about a mile apart, locating obstructions by dragging between them at a predetermined depth a steel wire suspended from trailing buoys.

The wire is normally towed at a depth of 35 to 90 feet, suspended from surface buoys.

When the wire catches on an obstruction, it becomes taut, forming the letter V. The least depth over the obstruction is then determined. When warranted, the obstruction is noted on nautical charts.

Each ship carries a normal complement of two officers and eight crewmen. One officer serves as commanding officer of the two ships, the other as executive officer.

The fleet's missions each year are both varied and routine, often time-consuming, sometimes exciting.

A typical year's operations are those carried out in 1969. These included the assignment of four ships which joined other vessels and planes in a three-month study off the island of Barbados of the effects the ocean and atmosphere have on each other and on the weather, important in improving our ability to forecast weather further in advance.

Other scientific projects included drifting across the north equatorial Atlantic on an air-sea research project, together with oceanographic ships of England and West Germany; analyzing the physical characteristics of the sea bottom off the Bahamas to provide knowledge of the engineering properties of marine sediments; an investigation of the nature of the Florida current or Gulf Stream in the Straits of Florida; and studies of the tides and tidal currents of the Gulf of Mexico.

Additional scientific projects included investigations of the Polar Front where the waters of the Arctic and Pacific Oceans meet in the North Pacific; studies off the northwest coast of the sub-surface undulations of the sea called internal waves; research on the submarine mountains and valleys on the floor of the North Pacific; and surveys of Norton Sound between Alaska and Siberia in a program aimed at estimating offshore mineral resources.

Scientific projects are carried out in cooperation with ESSA's oceanographic and meteorlogical research laboratories.

While these scientific activities were underway, other Coast Survey ships were measuring and charting the depths of America's coastal waters in Puerto Rico, North Carolina, Massachusetts, Hawaii, Alaska, Mississippi, and New York to insure safety from navigational hazards for the hundreds of vessels which daily pass to and from the ports of the U.S.; carrying out current surveys in Hampton Roads, Va., and Penobscot Bay and River, Maine; and wire dragging inshore waters in Chesapeake Bay and off Charleston, S.C., where the hulks of perhaps as many as five Confederate Civil War blockade runners were located.

The fleet is based at the Coast Survey's Atlantic Marine Center, Norfolk; the Pacific Marine Center, Seattle; and the Ships Base at Miami. Seattle is the home port for *Oceanographic, Surveyor, Pathfinder, Fairweather, Rainier, Davidson,* and *McArthur,* while Norfolk is home for *Mt. Mitchell, Peirce, Whiting, Rude, Heck* and *Ferrel. Discoverer* is based at Miami.

The Coast Survey and the Navy have cooperated closely over the years. During World World Wars I and II, Coast Survey vessels carried out wartime duties with the Navy, some under their own command, others under Navy direction. They were there when American forces assaulted the Japanese in the Aleutians and in the South Pacific campaigns. Although sparingly armed, they survived enemy attacks and one German submarine is credited during World War I to a Coast Survey vessel.

Before World War I, many naval officers served aboard Coast Survey vessels. Perhaps the most noteworthy was Captain Charles D. Sigsbee, commanding officer of the battleship *Maine* which was sunk in Havana harbor in 1898.

There you have it—an introduction to the ships and crews of the United States Coast and Geodetic Survey. They do an important job for all who sail on the high seas and are worthy of recognition.

SYRACUSE UNIVERSITY CENTENNIAL

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, ever since man first scrawled on the wall of his caves it has been part of his consciousness to wonder why he was doing it. What urge drove him to want to express himself to let others know what he was thinking? So it is with that peculiar Western institution, the university.

From the time of the classical Greek philosophers to Cardinal Newman to S. I. Hayakawa, the nature and function of the university has been a fascinating subject for study for its own sake.

For clarity and precision of expression I think one of the finest descriptions of a university can be found in the opening lines of Syracuse University's charter:

> The name of such corporation shall be "The Syracuse University."
>
> The object of such corporation shall be the diffusion of knowledge among men and for that purpose to found, establish and maintain in or near the City of Syracuse . . . an institution which shall be known by the name of "The Syracuse University" and in which christian learning, literature and science in their various departments and the knowledge of the learned professions shall be taught.

These words, written on the 24th of March, 1870, are as vividly applicable today as we observe Syracuse University's centennial year.

Founded originally as "A central college or university for Methodism in the State of New York" Syracuse inherited its spiritual and intellectual birthright from Genesee College in Lima, N.Y. The need to be in a more centrally located area easily reached by all forms of transportation, was a major consideration.

Though the Methodist Church was the primary force behind the founding of the school, it was at all times open to all faiths, and today the multiplicity of nations, races, and faiths represented in both the faculty and student body mirror the aims stated in the charter, "Diffusion of knowledge among men."

Though scholars may dissect and debate the shifting role of a university within society, it seems to me that one of the best criteria for judging the value of any school is to examine what it has done for the world around it. Basically, what kind of men and women has it sent out? And, what have their contributions meant?

From the thousands upon thousands of graduates in the past hundred years, consider just a few from various fields:

Harlan Cleveland, the distinguished dean of the Maxwell School, answered the call of President John F. Kennedy in 1961 to join the U.S. Department of State as Under Secretary. More recently he has served as Ambassador to NATO.

Our colleague, the Honorable DANIEL FLOOD, is a Syracuse graduate.

In the field of medicine, Dr. Gordon Hoople is the recognized authority on surgery of the inner ear—and may I add that a member of my staff owes his life to the skill of this great physician. Through his expertise in otology, he has brought relief and comfort to thousands who suffer from afflictions of the inner ear.

The president of the world's largest insurance company graduated from Syracuse, Donald S. MacNaughton, of Prudential.

The distinguished former Secretary of Commerce, the Honorable John Connor, is an alumnus.

In the field of education, the indomitable Dr. Welthy H. Fisher—class of 1900—has been cited by both the Indian and U.S. Governments for her service to education in India.

Syracuse has graduated many who have contributed to our awareness of ourselves through the arts. Stephen Crane, whose "Red Badge of Courage" is a recognized classic, the modern black author John A. Williams whose "Sons of Darkness, Sons of Light" gave brilliant insight into a long neglected problem, and the Pulitzer Prize winner Joyce Carol Oates.

In journalism Syracuse claims the respected columnist Roscoe Drummond. Drew Middleton, who has been New York Times European correspondent since the days of Chamberlain's return from Munich, graduated in 1935.

The contributions of Syracuse graduates in sports are highlighted by All-Americans Vic Hanson, Jim Brown, Floyd Little, and John Mackey of football fame.

TV producer Sheldon Leonard, actors Peter Falk and Dick Clark and actress Suzanne Pleshette have made many artistic efforts in the entertainment field.

One of Syracuse's most illustrious alumni is Dr. Norman Vincent Peale, author, columnist, and preacher.

These are but a few of hundreds of distinguished alumni. Former students at Syracuse who received their formal education during their most sensitive years and moved out into society to enrich that world around them. It is tribute in itself to the university, never richly endowed, that its alumni organization has supported it financially to such a degree. The Syracuse Alumni Association is a model for colleges and university across the land.

It may well be said that most universities contribute in a general way to the improvement of the world around us. But only great universities are able to lead. In this respect, Syracuse is a great university, and more responsible than any other individual for making Syracuse into a great university is Dr. William Pearson Tolley, who as chancellor from 1942 to 1970 presided over one of the most brilliant physical and academic improvement programs in education history.

By steadily improving faculty, a building development geared to the influx of students following World War II and insistence upon academic excellence, Chancellor Tolley took a good medium size school and turned it into one of the three largest and most respected private universities in the Nation.

Today Dr. John Corbally heads this school of 20,000 enrollment.

XUM

We are well aware that we honor Syracuse University's 100th birthday at a time when the nature and quality of the university function itself is being questioned and in some quarters blindly attacked in the name of absolute academic freedom. If, 100 years from today in the latter part of the 21st century, Syracuse University's bicentennial is equally honored, it will be because men and women with the highest commitment to Judeo-Christian ideals will have served as well in the next 100 years as they have in the past 100.

THE RUTHE B. COWL REHABILITATION CENTER IN LAREDO

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAZEN. Mr. Speaker, the history of our Nation contains many an interesting chapter on the outstanding achievements and meritorious contributions that women have made toward the development and progress of our great country. Many of these praiseworthy deeds fail to gain national recognition because their importance is of local interest, yet the example that they give is truly worthy of praise because of the human values involved.

Recently, in my hometown of Laredo, the name of the Laredo Rehabilitation Center was officially changed to the Ruthe B. Cowl Rehabilitation Center in recognition of the untiring and unselfish contributions not only to the rehabilitation center and the patients it serves but to the community at large by Mrs. Ruthe B. Cowl.

XUM

She has dedicated her life to provide a broad program of human development and rehabilitation services to anyone regardless of age, origin of disability, race, nationality, creed or financial condition. The board of directors, in adopting a resolution for the official name changing, cited Ruthe B. Cowl as a "truly humanitarian person." I join my fellow Laredoans in paying tribute to this most remarkable woman, for her unselfish devotion to the needs of the disabled and the handicapped. Ruthe B. Cowl truly deserves this honor and recognition.

Some of the many activities in which Mrs. Cowl is actively engaged, include the following: she is president of the board of the Economic Opportunity Development Corp. of Laredo and Webb County, the local antipoverty program; an active board member for the past 13 years of the Laredo-Webb County child welfare unit; a board member of the Nursing School of Mercy Hospital and a member of the former auxiliary at Mercy Hospital; a board member of Planned Parenthood of Webb County; one of the original board members of the methadone research program; a past officer of the Tuesday Music and Literature Club; a past president of the Sisterhood of Temple B'nai Israel; past chairman of the steering committee of Laredo's Committee on World Affairs; a former active but now honorary member of the Women's City Club; a patron of Laredo's Little Theater, the Laredo Art Association, and the Laredo Civic Music Association. Mrs. Cowl also had the distinction of having been named as "Lady of the Year" in 1961 and "Mother of the Year" in 1968.

Occupying two small rooms in the health department, the Laredo Rehabilitation Center opened its doors to its first patient on September 10, 1959.

For more than 11 years since that start in those two small borrowed rooms without toilet facilities, Mrs. Cowl worked alone except for the help of her husband, Jack, to acquire all the property and to raise all but about $20,000 of the funds necessary to have provided Laredo with a facility now valued at $400,000 and recognized as one of the best of its kind in Texas. Through her untiring efforts and dedication, the total amount raised by Mrs. Cowl is almost $1 million.

The center handles as many as 100 patients daily. Last year, 19,483 treatments were administered. Most of the people serviced are indigents referred to the agency by private physicians, the various welfare agencies and the schools. Services include physical therapy, occupational therapy, speech therapy, vocational evaluation, education, counseling, social services, plus regular weekly and monthly orthopedic, neurological and psychiatric diagnostic and evaluation clinics.

Mr. Speaker, it is with a deep feeling of pride that I join her host of friends in congratulating Ruthe B. Cowl upon her achievements and contributions to her fellowmen and wish for her a long, fruitful and happy life in her chosen field of service to humanity.

POSTAL REFORM: WHO IS DRAGGING THEIR FEET?

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHARLES H. WILSON. Mr. Speaker, as a member of the Post Office and Civil Service Committee, I along with my colleagues, have been working very hard to develop meaningful postal reform legislation.

Moreover, from where I sat in the committee sessions, it was clear that the members of the Post Office and Civil Service Committee approached this very important matter in a completely bipartisan manner. In fact, the postal reform legislation which our committee had earlier reported out, H.R. 4, was supported by nine Democrats and eight Republicans.

I was dismayed, therefore, to read in the paper the recent remarks by the Vice President attacking both the Democratic Party and the members of the Democratic Party in Congress for delaying the passage of postal reform legislation. In fact, I have been informed that Vice President AGNEW will be unleashed—a very appropriate term—by the administration to deal with Democratic Congressmen who refuse to support the administration's postal reform legislation. I assume that this threat also applies to those Republican Congressmen who are opposing the administration's postal reform plans, like Mr. GROSS and my other colleague, Mr. SCOTT, of Virginia.

It is one of the tragedies of our time that a Vice President of the United States is constantly making inflammatory and unsubstantiated statements which have tended to polarize our society so that it is difficult, if not impossible, for our leaders and our citizens to arrive at meaningful solutions to complex problems. Vice President AGNEW's remarks on postal reform is a case in point. To put it politely, his remarks are just not true.

Postmaster General Blount agreed with me during the hearings on postal reform before our committee that he has had a great deal of support from the Democratic members on the House Post Office and Civil Service Committee. The record shows the Postmaster General saying that there has been strong cooperation from the Democratic members of the Post Office and Civil Service Committee in working out postal reform legislation.

However, I thought that some good might come out of Vice President AGNEW's unwarranted and purely political attack on us hard-working Democrats. I thought, in my innocence, that we were now guaranteed full participation by the Republican members of the committee. Imagine, therefore, my surprise and amazement this morning when only one Republican member showed up; and that member, my good friend, the Honorable H. R. GROSS of Iowa, opposes the administration's postal reform legislation. We Democrats were told that Republican members could not be present to work on postal reform because they were having a caucus to elect an assistant minority House clerk.

Mr. Speaker, I realize that the position of assistant minority clerk is an important staff position. But I cannot believe that the election is more important than postal reform. If you believe the spokesmen for the administration, postal reform is one of their most important legislative goals. If you believe postal union leaders, failure to pass meaningful reform legislation would make another postal strike a distinct possibility. And if you believe Vice President AGNEW, it is the Democrats who are holding up postal reform and who are to be blamed for everything.

I believe that postal reform is one of the most important matters before Congress. And I believe that we will soon face another postal strike if meaningful reform legislation is not approved.

And, in fact, who will be to blame? Certainly not the Democrats. Just look at the facts. It is the Republican members of our committee who are delaying the adoption of postal reform.

In closing, Mr. Speaker, I hope that the administration can persuade my Republican colleagues to join with the Democrats in being present at the next Post Office and Civil Service Committee meeting.

Oh yes, Mr. Speaker, one more thing, I hope the administration can keep Mrs. Mitchell from commenting on postal reform—that is all we need.

DEMOCRAT LAUDS MITCHELL

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, while newspapers tend to reserve their front pages for stories of conflict, criticism, and catastrophe, they do, from time to time, manage to find room on the inside pages for items which may not sell newspapers, but which do indicate that not all news is bad news.

Today's New York Times carried one such item tucked away on page 31. Even then the item was given a subordinate position on the page to another story with a bolder headline proclaiming Democratic criticism of the administration. Nevertheless, my new bifocals managed to pick up the tiny little headline which read: "Outgoing Democrat Lauds Mitchell for Crime Fight." The thought occurred to me as I read on that this was actually more newsworthy than the story above which earned the bigger headline, even though it was just another dog-bites-man story; for here was a dog-pets-man story. It told of a Democrat, Mr. Charles H. Rogovin, who has served as head of the Law Enforcement Assistance Administration in the Department of Justice, and, although he was resigning, he was giving his boss, Attorney General Mitchell, praise for his anticrime efforts. In Mr. Rogovin's words:

> I'll give this man credit. Mitchell has a high level of credibility in law enforcement and in the organized crime fight. There's a better coordinated system against organized crime now than ever before.

I want to commend Mr. Rogovin for this display of candor and courage; most resignations are usually accompanied by statements of bitterness, hostility and recrimination. Yet here was a man who was willing to give credit where credit was due, despite the circumstances surrounding his statement. I think this is a real tribute to Attorney General Mitchell and his team at Justice who are cracking down on crime. The article follows:

OUTGOING DEMOCRAT LAUDS MITCHELL FOR CRIME FIGHT

WASHINGTON, April 29.—Charles H. Rogovin, a Democrat who is resigning his Justice Department job over policy and personal differences, nonetheless gave Attorney General John N. Mitchell today high praise for the Government's crackdown on organized crime.

Mr. Rogovin, 39 years old, who resigned last month effective June 1 as head of the Law Enforcement Assistance Administration, said:

"I'll give this man credit. Mitchell has a high level of credibility in law enforcement and in the organized crime fight."

"There's a better coordinated system against organized crime now than ever before," Mr. Rogovin said. "We're still not winning yet, but we're not losing as badly as we were."

FINANCIAL STATEMENT OF LAWRENCE J. HOGAN AND NORA E. HOGAN, HIS WIFE, APRIL 30, 1970

(Mr. HOGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, I have always felt that a Congressman should make a full disclosure concerning his financial holdings and status. On April 30, 1969, I filed a financial statement in the CONGRESSIONAL RECORD and I propose to do so herewith as of April 30, 1970. Since that time, I have disposed of the company I formerly operated, Larry Hogan Associates, Inc.

I insert a detailed report in the RECORD at this point:

Financial statement of Lawrence J. Hogan and Nora E. Hogan, his wife, April 30, 1970

Assets:	
Cash (see schedule A)	$15,784.06
Investments (see schedule B)	7,200.00
Real estate (see schedule C)	161,800.00
Automobiles:	
1969 Oldsmobile	3,700.00
1968 Mustang	1,500.00
Household furnishings	7,000.00
Total assets	196,984.06
Liabilities:	
Account payable (miscellaneous)	1,200.00
Central National Bank (car loan)	3,686.90
Mortgages (see schedule D)	79,792.58
Total liabilities	84,679.48
Net worth	112,304.58

SCHEDULE A. CASH

Loyola Federal Savings & Loan (savings account)	1,180.64
Columbia Federal Savings & Loan (savings account)	1,176.74
Enterprise Federal Savings (savings account)	291.58
Congressional Employees Federal Credit Union	1,402.94
Central National Bank of Maryland (checking account)	50.00
Maryland National Bank (checking account)	120.00
Sergeant at Arms (checking account)	1,694.38
Cash on hand	150.00
Accounts receivable	9,717.78
Total	15,784.06

SCHEDULE B. INVESTMENTS

Central National Bank of Maryland stock	7,200.00

SCHEDULE C. REAL ESTATE

Town house, Ocean City, Md	50,000.00
Cabin, Lake Jackson, Va	8,000.00
(House, present residence) Landover, Md	55,000.00
94.6 acres, Alleghany County, Md	28,800.00
Apartment, Ocean City, Md	20,000.00
Total	161,800.00

SCHEDULE D. MORTGAGES

Town house, Ocean City, Md	22,850.28
House, Landover, Md	38,337.62
94.6 acres, Alleghany County, Md	4,061.00
Apartment, Ocean City, Md	14,523.68
Total	79,792.58

SUPPORT THE PRESIDENT

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DON H. CLAUSEN. Mr. Speaker, many of the comments directed to the President of the United States yesterday were, in my judgment, untimely, ill-advised, irrational, and uncalled for.

In this time of crisis, it seems only fitting and proper that we extend to President Nixon the same thoughtful consideration the Congress and the American people extended to President Eisenhower during the U-2 crisis, to President Kennedy during the Cuban crisis, and to President Johnson during the crisis in Dallas.

Today, the heavy burden of decision, action, and responsibility rests solely and squarely on the shoulders of just one man—the President of the United States. Let those who do not share that responsibility and those who do not have access to all the facts remember well the words of H. L. Mencken who said:

> For every human problem there is a solution which is simple, neat and wrong.

As one Member of Congress, I am today asking the people I represent to remain calm and to consider carefully these obvious overreactions to the present emergency in Southeast Asia.

RESOLUTION ON CAMBODIA

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I am today reintroducing a concurrent resolution urging the President to consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia. Cosigning this resolution with me are Mr. CONTE, Mr. MOSS, Mr. FARBSTEIN, Mr. O'NEILL of Massachusetts, Mr. BYRNE of Pennsylvania, Mr. ADDABBO, Mr. KYROS, Mr. POWELL, and Mr. BURKE of Massachusetts.

Since I first introduced this resolution 1 week ago, the news has been filled each day with increasingly pessimistic reports on our involvement in Cambodia. The need for this resolution becomes more evident by the hour. I urge that the Congress act immediately.

The resolution follows:

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia.

APOLLO 13 REVIEW BOARD

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I have just received a memorandum in my office relative to the work of the Apollo 13 Review Board. NASA has set up a very competent group of engineers to study this matter and the Committee on Science and Astronautics has assigned one of its very fine engineers who has been accepted by NASA to act as an observer.

In his first report to me he states as follows:

> The Apollo 13 Review Board has been in continuous operation since April 22, 1970. In addition to the Review Board activity, an

Apollo 13 team led by Astronaut James McDivitt has been conducting studies, analyses, and tests of all aspects of the Apollo 13 accident. The Apollo 13 team is cooperating fully and working daily with the Review Board. As an observer to the Board, I have been given full access to all information, all meetings, and treated as a part of the Review Board.

The Review Board has established four panels to examine various aspects of the accident, reporting to specific members of the Board for direction and guidance. At this point in time excellent progress has been made in identifying the nature of the accident and beginning to establish what will be required to fix the equipment for future flights.

I plan to return to Houston today to continue working with the Board.

LAW DAY, U.S.A.—1970

The SPEAKER. Under a previous order of the House the gentleman from California (Mr. CORMAN) is recognized for 60 minutes.

Mr. CORMAN. Mr. Speaker, I have asked for this special order so that once again, as we do each year on May 1, Law Day, U.S.A., may be observed in the House of Representatives. I thank those of my colleagues who have joined with me in this observance.

This year, the 13th annual commemoration of Law Day begins a new decade of public recognition of the rule of law and its place in American society. To open the decade of the 1970's, the theme of this year's observance—law—bridge to justice—has been chosen for its relevance to the problems of the present: To emphasize that the law is in fact a bridge for reaching social goals and for resolving grievances; and to remind the American people that equality and justice for all Americans is the objective toward which our entire system of law is directed and dedicated.

Law Day 1970 finds us in difficulty as we strive toward this objective. There are many sources of the difficulty, many points of confusion, many pricklings of doubt. But, prominent among these sources is that for the first time in the memory of most of us there is widespread doubt abroad in the land about the rule of law.

While this doubt finds expression in many ways and among varied groups, it is gravest among our Negro citizens, who find themselves wondering about the efficacy of law to guarantee them the same basic rights that white Americans have. Black citizens, through unbelievable provocation and abuse, have looked to and relied on the law to achieve their ends. Brown against Board of Education was but the beginning of thousands of litigations which painfully and slowly inched the Nation toward realization of equal protection of the laws in education, in voting rights, in public facilities, in housing, and the like. Yet, the evidence accumulates daily that black Americans are being abandoned in their legal struggles, consigned to the "back of the bus" while certain political leaders pursue political success through the weakening of constitutional guarantees.

The central message of every law day is that a just and democratic rule of law must prevail if we are to live together in a civilized society with equal justice blanketing the land to encompass every American, regardless of race or color. This concept of justice is inherent in the principles our founding fathers formulated as the foundation of the democracy they created. It was reaffirmed by the 14th amendment to the Constitution, but somehow the concept, as a viable force, lost its way in some 100 years of American history.

It was during this period that for some Americans the rule of law was discarded and equal justice was denied. I speak of those who came to live on our shores during that shameful period in our history when black human beings were being brought here to be bought and sold as chattels, and who, only after a bitter civil struggle, were given constitutional status as free men and women. Yet, in the same breath, fulfillment of citizenship was denied to them and two Americas resulted: one for white Americans, one for black Americans; one for whom the rule of law applied, the other, denied the rule of law, lived in despair and degradation because of the color of their skin. It was only in the past two-thirds of this present century that the "bridge to justice" began to have meaning through the force of laws passed in the Congress and through the leadership of American Presidents during those years.

As an active participant in the enactment of laws against racial discrimination, I can testify that no more descriptive phrase than "bridge to justice" can be applied to the landmark measures Congress has added to the United States Code.

Voting rights, from the meager 1957 act to the extremely important 1965 act, now being extended, have been protected and enhanced by ever increasingly effective laws, so that black citizens are more and more able to assert themselves in the political arena.

Schools have been opened to Negro children by a combination of court action and the withholding of Federal funds, as authorized in the 1964 Civil Rights Act. The objective to create a single school system in which every American child has the opportunity to learn to his highest potential has received protection in basic law.

The 1964 act has opened up public accommodations to Negroes. Now they can drink a cup of coffee in a store which before only permitted them to shop there and carry out. They have access to restaurants, movies, and swimming pools. These may seem mundane to many, but if you have been denied access because of the color of your skin, the eradication of these discriminations is terribly significant.

The 1968 Civil Rights Act opened up neighborhoods and suburbs to Negroes who now can live where they prefer as long as they can afford it. The ability to afford such housing is a significant problem for some, but at least the arbitrary barrier of color in housing has been removed.

We have seen, as in the 1960's, that the combination of law as a bridge to justice, and vigorous, essential leadership at the highest levels of Government is a potent force for the protection of civil rights for black Americans. We are disturbed that the decade of the 1970's—actually beginning in January 1969—has seen the erosion of these rights by the quality of leadership provided by the highest elected officials of this Government and characterized by back sliding, for apparent sectional political gain, of every civil rights statute passed by Congress.

We who make the laws of this Nation must guard against such erosions, not only to support the cause of black Americans, but for the protection of every American right given to us as a precious legacy from the Constitution. To weaken the rights of one single American, black or white, will undermine the rights of every American. To permit equal justice under law for only some Americans, will in the end destroy America.

On Law Day 1970, we do not look upon a fully developed, perfect system of justice. We recognize that we have a fallible, human system to which we must adhere even while we try to improve it. But, its basic tenets must be left intact as we do so. Therein lies the shield against tyranny and therein lies the bridge to justice.

Mr. GERALD R. FORD. Mr. Speaker, President Abraham Lincoln preached "reverence for law" because he knew it to be the foundation stone of an orderly society.

When Lincoln spoke of the law, he spoke not only of an orderly society but a just society, for Lincoln was a just man. But Lincoln also knew that unless reverence for law was "the political religion of the Nation" there could be no justice among the people of America.

This is what President Dwight Eisenhower had in mind when he signed a resolution proclaiming May 1 as "Law Day" 11 years ago.

Said the resolution of Law Day:

> It is set aside as a special day of celebration by the American people in appreciation of their liberties and the affirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law which is so vital to the democratic way of life.

Note that the resolution cites reverence for the law as being directly related to an appreciation of the great liberties which the American people enjoy.

It is also especially appropriate in this era to extol the ideals of equality and justice under the law. The bar of justice must be looked to as the proper arena for the righting of wrongs or it will not be looked up to at all.

Those of us who prize the liberties with which Americans are blessed, recognize that respect for the law is vital to our way of life. We recognize the right of dissent but we know, too, that this right can be abused and distorted.

To abuse and distort the right of dissent is to pervert the Constitution of the United States and to undermine the system of justice which is the foundation of our entire governmental structure.

We have seen the concept of civil disobedience distorted in our Nation. It has been distorted to justify violence and anarchy.

XUM

Law Day has special significance this year because it points up the danger in the philosophy that each individual may decide for himself which laws he will obey and which he will flout. Widespread adherence to that philosophy will destroy America.

Let us dedicate Law Day 1970 to change—but let it be change that is produced through discussion and reason, not through violence and anarchy. We must dedicate our lives to the rule of law if we are to see our society survive.

Mr. MIKVA. Mr. Speaker, I am pleased to join with my distinguished friend and colleague, the gentleman from California (Mr. Corman), in noting the significance of Law Day, 1970.

In this day when violence is being widely touted as an acceptable form of political action, it is especially important that those of us who sympathize with some of the goals of the militant activists make clear that we do not sympathize with their methods. In short, although we can understand the urgency of their feelings, we cannot endure the resort to violence as an acceptable means for achieving change. The reasons for disavowing violence are many. But there are three which are especially important.

First, violence can never ultimately succeed. The shortest and simplest answer to those who argue that "we have tried everything else, so now we must resort to violence," is violence will not bring about the kind of changes in our society which most of those who advocate it say they want. If history has taught us anything about the nature of violent revolution, it is surely that the reaction and repression which inevitably follow in the wake of even the few successful violent revolutions have completely vitiated the original purposes of the revolutionaries. Violent revolution is a political tactic which inevitably subverts the ends which it is used to achieve.

Second, violence is a cowardly tactic which inevitably results in the injury or death of innocent persons and in the destruction of their property. A recent tragedy on the campus of Stanford University brought this lesson forcefully to me. The life work of 10 visiting scholars at Stanford was destroyed in a fire resulting from the firebombing of a campus building. Can anyone really believe that any ultimate good can come out of this senseless destruction of the intellectual work of 10 outstanding scholars? How craven this anonymous kind of violence is. How wasteful. And this is merely one particularly striking example of the pointlessness of such anonymous violence. As Mayor John Lindsay recently emphasized, these cowardly tactics—inevitably involving injury and destruction to the innocent—can never produce the slightest shred of support for those who use them or for their cause.

Finally, violence produces a reaction among the large mass of uncommitted citizens which is so hostile to the goals of those who resort to violence, that the reaction itself becomes a formidable obstacle to accomplishment of those goals. Some may call this reaction a backlash. Others may consider it a justifiable identification of illegitimate means with unworthy ends. However we may choose to characterize it, the public revulsion which political violence produces will make the achievement of social change just that much more difficult. The political goal of enfranchising our 18-, 19-, and 20-year-old citizens is an excellent case in point. If the House does ultimately concur in the Senate amendments to the Voting Rights Act and approve 18-year-old voting, it will certainly be in spite of, and not because of, the violent tactics of youthful militants. Those tactics have made the job of securing the vote for all citizens between 18 and 20 just that much harder to accomplish through legitimate political processes.

What this observance of Law Day, 1970, should do is to remind us that what "law" really represents in an agreement to abide by majority judgments until new judgments can be reached by processes of reasoned debate and decision. This will require of each of us a resolve to shun the beguiling appeals to violence and to rededicate ourselves to the process of peaceful change. Often this rejection of violent methods will require individual acts of courage. An example of such individual courage to stand against the mob was recently exhibited at Columbia University in a situation very similar to the campus disturbances at Stanford described earlier. At Columbia there was a difference. That difference was one student named Eric Brown. His story was recently told in a story in the New Yorker magazine. I would like to place that story in the Record at this point. Perhaps it shows us what will be required of each of us if the recent disturbing trend toward violent political methods is to be halted. In any case, it is a poignant illustration of what one man can accomplish just by resolutely standing by the principle of nonviolence. I believe it holds a lesson for us all.

The article referred to follows:

Eric Brown

On the evening of last week's antiwar demonstration, we stepped into a coffee shop near Columbia University for a snack and found five young men sitting at an M-shaped counter sipping coffee. Two of them were policemen in uniform, who were holding riot helmets on their laps, and two others, who wore headbands and a variety of political buttons on the lapels of Army jackets, and were sitting directly opposite the policemen, apparently were demonstrators. The fifth man, who was sitting next to the policemen, had a neat black beard and was wearing a dark-brown overcoat. Addressing the policemen but looking over at the two demonstrators, this man said, "Now that I've been seen with you, I've blown my cover." All five men laughed uneasily.

"Don't worry, we know you guys a mile away anyway," said one of the demonstrators, who was holding a daffodil in front of him on the counter.

"I'm not worried," the plainclothesman replied. Then he turned to the uniformed policemen and said, "Actually, these guys are on the job with me," and, pointing to the daffodil, he added, "That's his microphone." There was more uneasy laughter.

We left, crossed the street, and entered the campus. As we approached Low Plaza, two girls who looked about fifteen years old were skipping in the opposite direction. "We heard two shots," one of them called out to us, laughing.

"They weren't shots," a young man told them. "They were firecrackers."

"Anyway, we're not going back in. It was scary," the second of the girls said, and they continued on their way.

At the center of the vast, dimly lit Plaza—which is walled on four sides by buildings of monumental proportions—a crowd of three or four hundred young people had gathered. On-lookers mingled with the demonstrators. The onlookers appeared jittery and apprehensive, but many seemed to be trying to maintain an attitude of amused boredom. "Nobody takes this seriously," one student told us. "They're just out for thrills. It's a kind of party for them." Some of the demonstrators wore helmets, and a number of them carried sticks or metal pipes. From several of them we learned that the demonstration had been organized by a group called the December 4 Movement, or D4M, in order to precipitate a student strike at Columbia with the aim of forcing the University to pay bail money for the Black Panthers facing trial in New York. No speeches were being made, and the crowd seemed undecided about what to do.

Some of its members had spilled bottles containing a mixture of paint and chemicals that gave a foul smell, and the whole area was pervaded with an odor like that of vomit. Someone set a small American flag on fire and held it upon a long cardboard pole as it burned. We went over to see who was holding the pole, and it turned out to be a little girl who looked about ten years old. Several times, people at the edge of the crowd moved in one direction or another chanting, "Strike now! Shut it down!" or "Power to the people!" or just "Power! Power! Power!," but the bulk of the crowd did not follow their lead. Finally, the crowd began a tour of the borders of the Plaza. Several demonstrators threw rocks at windows, and the progress of the crowd was marked by the sound of glass shattering and falling on the stone porches of the buildings. At the rear of the demonstration, a number of students who were wearing Columbia blazers and who looked like athletes were cracking jokes about the demonstrators and making threatening remarks: "I'd like to cream a couple of those punks!" "I wish we had about six baseball bats!" "Baseball bats with bombs in them!" When a demonstrator threw several large rocks at a lamp and missed his target each time, they laughed and jeered.

The demonstration group—with its detractors in tow—now began to move toward Hamilton Hall, and as it got closer the demonstrators began to shout slogans and obscenities and to give Indian war whoops. When they drew near the building, rocks began to fly and glass to shatter. After a moment, however, the rock-throwing stopped. In the doorway of the building, a tall young man in a lumber jacket was standing with his arms folded and his face averted. Some members of the crowd rushed forward to remonstrate with him. Then they withdrew, but other figures darted forward and hurled rocks and bottles of chemicals and paint. Several bottles hit the wall above the young man, and pieces of glass and paint splashed down on his jacket, hands, and face. One onlooker said, "God, how stupid! He just wants to get hurt." But several other onlookers rushed forward, put their arms around him, and led him away from the building as he clutched at his eyes. One of them shouted, "Stop throwing rocks, you bastards!" Not more than a minute later, the same young man returned to the doorway of the building. Again onlookers took hold of him and dragged him away. When they released him, he returned once more. This time, a dozen or so of the demonstrators came forward, and the rock-throwing stopped. We heard the young man say, "I just don't think you should break the windows. I don't like what's happening to the Panthers or what's happened in Vietnam, either, but the University is one of the few places that are trying to do something relatively nice in a world that's not very pretty. It's a big, helpless, fumbling anteater, and it's cowardly to attack it. I don't want these buildings wrecked, and I don't want the cops brought on the campus, and the only way I can think of to accomplish that is to stand here."

By now, twenty or thirty demonstrators were jostling around him. Many of them called out that he would get hurt if he stood there, and others told him that the reason he was there was that he wanted to be a "big hero" and that he was on an "ego trip." Meanwhile, however, most of the crowd seemed to lose interest in Hamilton Hall and drifted away to the center of the Plaza.

Later in the evening, the campus security guards were called out, and after that the city's Tactical Patrol Force was called. The students smashed more windows in other buildings, and then entered the student center to hold a meeting. The police did not attempt to enter the building, and the demonstrators left the campus quietly when their meeting was over.

The next day, we went to talk with the young man who had stood in front of Hamilton Hall. He was a junior at the University, and his name was Eric Brown. We asked him if he belonged to any political organizations, and he answered, "Oh, no! What I did could not have worked at all if I had belonged to an organization. It had to be spontaneous, and it had to be nonviolent. If I belonged to an organization, it would give the demonstrators something to fight against with the violent methods they like to use. I just talked to some friends about it and then decided to do it. When the demonstrators came up to me, some of them jostled me and pushed, to try to start a fight. But if I had fought back, it would have given them just what they wanted. When young men get in a situation like this—and I know I am like this, too—they tend to feel that the issue is joined when there is a violent clash. The anti-radical groups hang around the demonstration waiting for an opportunity for direct action. When it comes, they don't have to think about the issues anymore, and neither do the radicals. The *fight* becomes the issue. By fighting, I would have given everyone something he could relate to. By not having anyone to fight with, they were forced to confront themselves. I could tell, though, that their wanting a fight was just a tactic—somehow they didn't seem *really* angry. They didn't really want to hurt anybody. They wanted to face something they expected and could understand. One thing that I wasn't prepared for at all was the way the onlookers rushed forward to shield me and guide me away—putting themselves in danger. At one point, a very big, powerful student told these humanitarian students to leave me alone and let me stand there. This was one confrontation I didn't expect at all."

We asked why he had decided to make his stand.

"I'm afraid of what's going to happen in this country," he answered. "If repression comes, I'm afraid it's going to be very harsh—and it will be much harsher if institutions like Columbia have been destroyed. Did you read the summary of a C.B.S. poll in the *Times* saying that seventy-six per cent of the American public favored some abridgments of the Bill of Rights? I find this very frightening. And then, also, I simply believe that the world would be a much darker place without institutions of learning where people are free to learn what they want and read what they want and write what they want. Even in their own terms, I don't think the radicals gain anything by smashing windows at Columbia. I think the extreme radicals got their support two years ago because they had been *hurt*. They were the victims of violent overreaction on the part of constituted authority. But now they are committing violence. And if other students simply stand up and oppose them individually and non-violently, and the radicals hurt the other students, they will cancel out the origins of their support. Things are so difficult and overwhelming now that it's hard to think anything through. But I think it's valid to examine *one thing*, one part of what's going on, and to try to act morally within the limits of what you understand, even if you don't know the implications for international revolution, or the historical process or something. That way, you gain a little peace of mind and enough certainty to act."

Mr. CEDERBERG. Mr. Speaker, in America today there exists the belief, held by a small rebellious minority, that the law has no value or worth as an entity in itself. They hold that the law's existence is wholly dependent upon its ability to attain justice. This group asserts that the law is merely a device and not an end. These dissidents claim that the law is not the only means to obtain justice; that other methods will accomplish the same goal.

From this viewpoint they posit that the individual has the right to break any and all laws which he feels are "unjust." They believe that if a law is not in accordance with their particular conception of justice they do not have any obligation to obey it. Because a law seems to them unfair or contrary to their political views they assert a right to ignore it.

Let me repeat what I stated earlier. These people do not feel that the law is the sole means for attaining their form of justice. They contend that any and all means—including bombing and rioting—are fair tools in their quest for a "just" society. They contend also that those who would break our laws while attempting to further this esoteric goal should be granted amnesty from criminal prosecution. In other words, be allowed to go unpunished for illegal actions because their intentions were good at the time.

Let me assure you that I neither condone this line of reasoning nor those who would advocate such policy. The law does have value in its own right. It is not just a device. The concept of justice has been strived for and debated ever since man recognized the necessity of living in society. However, for the number of years that he has searched for the meaning of justice—and a means of attaining it—he has come up with about as many conflicting answers. Justice is an elusive goal, something that men continually endeavor to understand but which is at base known only to God.

What does make the law superior to other methods of striving for justice? Simply because it allows us to proceed in an orderly manner—without destroying what is good and revered in our country—toward this goal. The law gives us a firm structure upon which we can work to improve our Nation.

If a law is considered unjust by a group of people they can work toward changing it through the legal system. The Constitution provides ample means for correcting injustices within the judicial process.

Those who choose to work from outside the law risk societal condemnation. They must be made to realize that by breaking the law they lay themselves open to criminal prosecution. This is a fact realized not only by those of us who support President Nixon's policy of law and order but by such advocates of civil disobedience as Martin Luther King and Mahatma Gandhi.

Justice can only be rightfully attained through lawful procedures accomplished in an orderly manner. This is the American tradition and must be adhered to.

Mr. FLOWERS. Mr. Speaker, tomorrow marks the 13th annual nationwide observance of Law Day U.S.A. This tradition originated in 1958, when President Eisenhower issued a proclamation establishing May 1 of each year as Law Day U.S.A.

Law Day is sponsored by the American Bar Association in cooperation with 1,500 State and local bar associations, and with the endorsement of many national organizations. Through the efforts of these and other interested groups, thousands of Law Day programs and activities are held throughout the country on or near the first of May. These include addresses, school assemblies, courthouse tours, essay contests, television and radio shows, and dramatic presentations.

The purposes of Law Day are both educational and patriotic. It is not a "lawyers day," it is an occasion for honoring the place of law in American life. For this reason, all Law Day activities have four basic purposes: First, to foster respect for law and an understanding of its essential place in American life; second, to encourage citizen support of law observance and law enforcement; third, to advance equality and justice under the law; and fourth, to point up the contrast between freedom under law in the United States and governmental tyranny in Communist nations.

The Law Day theme this year is "Law—Bridge to Justice." This theme is incorporated in billboard posters, newspaper advertising, window display cards, and other informational and educational materials relating to the observance of Law Day. The theme was selected for its timeliness, and I think rightly so. In today's world of public disorder, rising crime, and social unrest, this year's Law Day theme serves to remind all Americans that equal justice and equal opportunity depend on the individual as well as the law. It reminds us that although the principles of justice are rooted in natural law, and the standards of justice are codified in law books, the achievement of justice depends in large measure on the willingness of every American to accept the spirit and the letter of the law, and to apply it in his relationship with others.

Our Nation is, and hopefully will continue to be, a government of laws and not of men—but let us not forget that men enforce and observe our laws. Therefore, it is fitting that we express our deepest appreciation on this significant occasion to the many dedicated public servants in law enforcement and also to the millions of good, solid, ordinary citizens of this great land of ours who are still "square" enough to obey the law in their daily lives.

Mr. PATTEN. Mr. Speaker, Law Day, U.S.A., is the one day of the year when

Americans should reflect on the great heritage of our country. As the oldest surviving democracy in the world, we should take special pride in the fact that this country's ideals of freedom, equality, and justice are largely a product of the law.

The attempts of the founders of our country to establish a constitution, which would serve as a living, working statement of our goals and ideals, was bold indeed. And, although society has changed tremendously since 1776, our Constitution has managed to serve as a means of achieving social and economic justice through orderly change. When Charles Evans Hughes said that "the judiciary is the safeguard of our liberty and of our property under the Constitution," I believe he also expressed the feelings of most Americans.

Today, we pay special tribute to that justice. Yet, recalling the great legal history of our country is only a small tribute to our legal system. For our law presumes the need for continual reexamination, so that we might evaluate its ability to fulfill our goals and ideals. And in the latter sense, the law serves one basic purpose—a bridge to justice—and embodies the hope of every citizen—"Equal Justice Under Law"—the comforting words carved on the front of the Supreme Court of the United States.

Mr. Speaker, the Court's chamber is considered, "one of the most magnificent rooms in Washington," not only because of its great physical beauty, but also for the inspiring panels carved in marble. Several remind the thousands of people who visit the highest court in the land of the importance of law in a country where freedom not only flourishes, but prevails.

Depicted on the east wall are: "Majesty of the Law," "Safeguard of the Rights of the People," and "The Defense of Human Rights."

On the west wall is, "Justice," flanked by "Truth" and "Wisdom."

And on the south wall are several historical lawgivers, representing Moses, Solomon, Confucius, and others. Also shown on the north wall—Mohammed, Blackstone, Marshall. The spirit and wisdom of the law is felt everywhere in this famous building, where great decisions have been made for our people—ranging from "one man, one vote," to the historic one directing the desegregation of schools.

Respect and execution of the law are vital to civilization and to freedom and justice, so it is an honor for me to again take part in the commemoration of Law Day, U.S.A.

Yet, Mr. Speaker, even though we should remember what Anatole France called the "majestic equality" of the law, we must also be aware of what Emanuel Swedenborg wrote: "Conscience is God's presence in man." For if we observe both the perfect laws of God and the imperfect, but essential laws of man, our eternal dream of true justice will finally become a reality.

Mr. EILBERG. Mr. Speaker, law as a bridge to justice is an apt metaphor. Just as apt would be to say a barrier to injustice or any number of other things. But the important point we must bear in mind is not the catalog of phrases which reduce law to a thing, to something which has a concrete existence separate and apart from its institutional aspects, but rather we must bear in mind that law and the advantage and the sanctity of law remain subject to our desires and whims and resolutions. In other words, by our actions and our words will law remain a vital force binding us together and providing for order and progress; any failure will be our failure; any shirking will be our shirking.

Judge Learned Hand once wrote that liberty is really preserved in the hearts of men. If it lives there, he said, no court need protect it. If it dies there, no court can protect it.

With all due respect to one of the greatest men who ever graced the Federal Bench, I suspect there is much more metaphor there than accuracy, but we must never forget that ultimately he might be right.

The distinction I seek to draw was suggested by news of one of those recent polls which purported to show that more than half of the Americans interviewed did not recognize the provisions of the Bill of Rights, or they were read to them and varying majorities did not really subscribe to the sentiments expressed therein when it came to people they really disagreed with. Yet the courts stand as bulwarks. The recent attempts to strangle sub rosa the right to picket in front of the White House was thwarted by a Federal judge. Put to a vote, I suspect a majority of Americans might well think it a good idea to keep certain elements—those they disagree with—from so disporting themselves.

After all, they have a beacon in the present Attorney General who recently suggested that we need new rules to handle marchers and picketers; not those from the American Legion, Shriners, and Lions, of course, but those who march and picket to express political beliefs.

But leaving that aside, I suggest that in such matters the courts can and will do much to protect basic liberties and rights even though temporary and even permanent majorities can be found to approve the restrictions. That is one strength of our law. It is a restriction on majority rule at times.

Yet in the long run, if there is a prevailing trend in an antilibertarian direction, if there is strong sentiment for restrictions of political and civil rights, the courts will not stand in the way. Mr. Dooley may very well have been right when he said that, of course, the Supreme Court followed the election returns. The election three or four times back, that is.

Thus it is that the responsibility is ours to resist expedient moves to curb those who need curbing, to insist that even with those whose actions we despise, the bombers, the arsonists, the terrorists, we turn square corners and comply with constitutional and statutory procedures.

The responsibility rests upon us as legislators. On those of us who are attorneys there rests a double responsibility. We must use our legal training and perspective to resist unwise legislation and to encourage that which is sound and constitutional. But in our nonlegislative roles, we must seek to curb the spirit manifested recently in some circles to denigrate the courts and their roles. We must meet in the intellectual marketplace the pernicious doctrines spread by some lawyers and some litigants that the courts are no more than establishment handmaidens and we must oppose these doctrines forcefully with truth.

But—a most important but—as lawyers, and as legislators, we must act to insure that what we oppose these doctrines with is the truth. We must make sure that the courts of this country are places where the poor, the black, the dissenter can get a fair shake. This involves making it possible, especially on the civil side, for the poor to have access to the courts so that their grievances can be presented for a legal resolution. One currently glamorous—and controversial—proposal is the class action suit by consumers and the poor generally who could use it to call to account the merchant who fleeces them, the absentee landlord, and the many others who prey on poverty. But there are many more mundane things as well. We have an ongoing legal services program which needs strengthening. We must do something about filing fees, about costs overall. We must do more to reduce the enormous differences having money and not having money can make for criminal defendants. We must think out whether there is a better way than jail for the poor and fines for the more affluent.

We must redesign our laws and our court system to deal with many of the troubling issues of the day. Environmental pollution and its legal consequences is one such issue. The staggering number of automobile negligence cases in our courts is another.

In short, we must keep tended and strengthened that bridge to justice. Law is a process, a living thing. It promotes stability and invariably leans to that which is established and vested. It cannot be any other way because people must be able to base their conduct and their expectations upon predictability. But law need not be and is not changeless. It changes in many ways and our responsibility is ever to see that the change is responsive to the needs of our society and our people.

Mr. GONZALEZ. Mr. Speaker, is it possible for man to enjoy liberty under law? That is the classic problem of the free man.

It is possible to have law in any society, but it is not always true that the existence of law insures liberty. In fact, history shows that more often than not, men have lived under laws that they did not make themselves, laws which denied liberty rather than guaranteed it.

Law in a free society has the task of helping assure order and justice, but at the same time it must provide for individual liberty. A democratic government must not only protect society from the lawless, but protect the people from the excesses of government. We in the United States today are confronted with a time of severe testing for our concepts of law and liberty, and no one can be certain of the outcome. It may well be that we will emerge with law and order. But no freedom.

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The lines are perhaps nowhere more clearly drawn on this day than they are at New Haven, where students from all over the Nation, and others who agree with their aims, protest the trial of certain members of the Black Panther Party, for the alleged murder of one Alex Rackley, who was also a member of the Black Panthers. Throughout the week, Yale students have been on strike, and the question has been mainly whether or not order could be preserved during the weekend. It is more than ironic that one of the first incidents reported this week was a suspicious fire in the Yale Law Library.

The students have accepted the theory that there is a nationwide police conspiracy against the Panthers, and that no member of that revolutionary party can obtain a fair trial anywhere in the United States.

The fact is that a great many Panthers have been killed—close to 30 of them—in various exchanges with police forces across the land. But it is also true that members of the party openly espouse violence and have killed policemen, and it is difficult to know how many of them have taken up the challenge and been killed for their pains.

I cannot help wondering, as the protests go on against this trial and other trials, what would have been said had white thugs tried to stop the trial of James Earl Ray. Would these same students have demanded that justice be done, or that it be abandoned?

In each case a black man lies dead. In each case murder was done for what would seem to be political reasons. Political assassination is the complete antithesis to liberty under law. If government is to take place in an atmosphere of terror, there can be no freedom, for terror and free government are completely incompatible. Yet we are told by some that the processes of justice must be halted, not because the murder of Alex Rackley was any less despicable than it was—but because our legal institutions cannot assure that justice will be done for the defendants.

While radicals of the left assume that there is a conspiracy to destroy militant minorities, radicals of the right assume that there is a conspiracy of ill-defined origin to bring about anarchy and the collapse of our Government.

Both sides are wrong. In the middle stand those who must contend with these shrill and irrational voices, and who must somehow attempt to assure the continuation of liberty under law despite those who on the one hand would destroy it because they do not understand it, and those who on the other would destroy it because they do not know how to preserve it.

Law is not only under attack from radicals of the left and right, but is also threatened by the burden of criminal actions that have nothing to do with political concerns.

The police, courts, and correctional institutions of the country are swamped by enormous increases in criminal activity. Cities all over the land are suffering from immense crime rates, and people are demanding more protection, even at the risk of granting the Government vast new powers over individuals, power that may help assure order, but which in intemperate hands could well destroy priceless individual liberty.

The cry for order is understandable. I have myself asked the Bexar County grand jury to study the alarming rate of crime in San Antonio and what might be done to combat it. I know too many victims of criminal action and too many details about the crime problem not to be disturbed.

For example, the overall rate of crime in the San Antonio metropolitan area is higher than it is for the celebrated "crime capital" of the Washington metropolitan area. If you take the average hundred thousand residents of the San Antonio area, 3,487 of them will have in a year reported a criminal complaint to the police. In Washington, the case rate for the region is slightly less than that—3,416.

Yet in San Antonio, which has a far greater geographical area than Washington, we have only 743 policemen, versus 4,100—soon to be 5,000 for Washington. The San Antonio Police Department has only a hundred men more than the Capitol Police force that protects the Senate, the House, and the Capitol and its environs.

If the police in Washington, who have far greater numbers, and who have far less ground to cover than their counterparts in San Antonio have—are faced with an impossible task, then where does San Antonio stand?

It may well be that in certain parts of San Antonio there is no law, save that of the strong over the weak. It may well be that law as you and I know it does not exist at all for some citizens, whose lives are threatened and whose liberties are curtailed not by government, but by the lack of governmental protection for them.

Consider the case of a neighborhood that is terrorized by gangs. Normally, when a crime occurs, we expect that witnesses will report it. But you and I know that this will not always happen, because some witnesses do not care, others do not want to get involved, and others are simply afraid of the consequences of becoming a complainant or a witness.

I personally have known cases of people who are afraid to call police to report serious crimes, because they have themselves been threatened by hoodlums, or because their families have been threatened. These people know how few police there are, and have good reason to be afraid for their own lives and safety. And so they live in terror, and the very foundations of law and liberty do not exist for them.

The law is not only for the wealthy. People have a right to legal protection. The courts have established that principle long ago, as has the Constitution. Yet the fact is that the quality of justice for the wealthy is not the same as it is for the poor.

A wealthy defendant can make bail, and can hire an attorney, but a poor man can neither post bond nor hire an attorney. He waits his day in court in jail, guilty or innocent, and deals with an attorney whose interest in him may be limited or nonexistent.

A man of education and experience is not likely to be lost in the legal system, but a poor and ignorant man may be lost. It is not unknown for a poor man to be held in jail for indefinite periods of time, forgotten by the police, by the courts, by the prosecutors, and by his own attorney.

For such persons, law is far more a threat than a guarantor of justice.

Seeing what happens within our cities, knowing that the most frequent victims of crime are the poor, and knowing that more criminal defendants are poor than wealthy, one has to ask whether law and justice are only for those who can afford it.

A man whose store is threatened may be able to hire a private policeman, but a poor man whose home is subject to frequent attack by robbers probably is unable to defend himself at all. For one, law may exist, but for the other it does not. Which of these men can claim to be free?

If the protection of law is not adequate for all people in the city, and if the operation of the legal system works better for those who have money than those who do not, it is easy to see why some citizens perceive law in one way and others another. The fact is that for some, law, the bridge to justice, is a tollway whose price they cannot pay.

Society pays a heavy price when justice is not available to all citizens on an equal basis.

If crime is ignored because it is concentrated in the west side of San Antonio, the whole city suffers. Any student of police statistics can destroy the notion that crime is confined to any one part of the city. The victims of crime are everywhere. Moreover, the price of crime is paid not just by its victims, but by all of society. You cannot cheapen the life of one citizen without cheapening the lives of all citizens. Liberty curtailed for some endangers the liberty of all. Justice denied some threatens the denial of justice for all.

And so we have reason to be concerned about justice, and about law, reason to be concerned about the future of liberty under law, for we know that there can be no liberty without law.

I do not believe that there is any conspiracy against the liberty of students, any more than I believe that there is a conspiracy by them against the Government. But at the same time I do not believe that we can be satisfied anymore than they can that our legal system does in fact guarantee justice for all.

The development of law is a task that can never end, because we do not know for certain what justice is, only that it is not attained yet for everyone. It may well be that liberty and justice for all is a goal that can never be reached by man. The only certainty is that when we become satisfied that the law is perfect, the law is dead, for law must change as society itself changes. Once law ceases to deal with present, existing problems,

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it can only be relevant to the past, and thus be dead. So I am not satisfied that our laws and legal systems are perfect, and believe that no man can be so satisfied.

That remarkable Frenchman, Alexis de Tocqueville, observed in Americans a great respect for the law. And though more than a century has passed since he wrote about this country, much of what he wrote is as alive today as it was the day he set it down.

Americans respected the law for several reasons, he said. For one thing, even though the democratic system demanded what he called the "tyranny of the majority" the minority would respect the laws because they themselves might become the majority. Moreover, because of the jury system, Americans were their own judges, and so had a deeper understanding of the law than citizens in lands where there were no juries. And there was a general prosperity, so that there were few who had any reason to revolt, and since majorities could change and did change, laws could also be changed if they proved onerous or unworkable.

Some of his observations are worthy of quoting:

> Among civilized nations, only those who have nothing to lose ever revolt; and if the laws of a democracy are not always worthy of respect, they are always respected; for those who usually infringe the laws cannot fail to obey those which they have themselves made and by which they are benefited. . . . Besides, people in America obey the law, not only because it is their own work, but because it may be changed if it is harmful; a law is observed first because it is a self-imposed evil, and secondly, it is an evil of transient duration.

Today the continent is filled, as it was not then, and today our Nation is involved in an unpopular war, as it was not then, and we are beset by problems too numerous to mention that no one then could imagine. Yet there are truths to be learned from De Tocqueville now, as there were then.

If we have people who are in revolt because they have nothing to lose, that is a fault that can be remedied.

If we have laws that are unjust or unworkable, that too can be remedied.

And if justice is denied to some, we should be swift to see that the failure is corrected.

But this can be done only as long as the spirit of liberty survives, and that is a spirit that demands of all men a faith in their fellow men, a faith that the law of free men will produce order and liberty, and justice as well. Lose that faith, and set free the forces of repression, and the very roots of liberty are subject to destruction.

There is no reason to believe that justice can be either commanded or obtained by crowds of vandals, and it is a certainty that legislation cannot take place in the midst of street warfare.

If a few seek successfully to prevent the operation of the due process of law, can lynch law be far behind? And if a few seek to hinder the operation of duly constituted courts, with all the elaborate protections of the law guaranteed to defendants, can the way be far to mob trials, and judgments to satisfy the thirst of a latter day La Farge?

Somewhere between those who seek to halt the operation of legal process, and those who would discard it altogether in the name of law and order stand those who believe in reason. If there is indeed to be a legal bridge to justice, it will be erected by those who are sane enough and brave enough to see beyond the storm of the moment, and who have the courage of their convictions, to stand for law and justice, both at the same time. Not law alone, but law and justice together, not for some, but for all.

Mr. COUGHLIN. Mr. Speaker, I have the pleasure today to speak about "Law Day USA," a day which the Congress has set aside as "a special day of celebration by the American people in appreciation of their liberties" and as an occasion for "rededication to the ideals of equality and justice under law.

The objectives of this day are fourfold; that is, to foster respect for law and understanding of its essential place in American life; to encourage citizen support of law observance and law enforcement; to advance equality and justice under law; and to point up the contrast between freedom under law in the United States and governmental tyranny under communism.

This is also a day when every American must reevaluate and determine his individual responsibilities as a free citizen, such responsibilities as the duty to obey and respect the law; to be informed on issues of government and community welfare; to serve and defend the Nation; to assist agencies of law enforcement; to practice and teach the principles of good citizenship in the home and elsewhere; and to respect the rights of others.

Therefore, I would like to take this opportunity to submit a speech which was given by Judge Learned Hand on May 21, 1944, in Central Park, New York City, which expresses so eloquently and movingly his feelings on "the spirit of liberty."

THE SPIRIT OF LIBERTY

(By Judge Learned Hand)

We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion. Some of us have chosen America as the land of our adoption; the rest have come from those who did the same. For this reason we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerved us, or those who went before us, to this choice? We sought liberty; freedom from oppression, freedom from want, freedom to be ourselves. This we then sought; this we now believe that we are by way of winning. What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow.

What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, near two thousand years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest. And now in that spirit, that spirit of an America which has never been, and which may never be; nay, which never will be except as the conscience and courage of Americans create it; yet in the spirit of that America which lies hidden in some form in the aspirations of us all; in the spirit of that America for which our young men are at this moment fighting and dying; in that spirit of liberty and of America I ask you to rise and with me pledge our faith in the glorious destiny of our beloved country.

Mr. BUCHANAN. Mr. Speaker, tomorrow, May 1, people all across the United States, and particularly those connected with the legal profession, will be participating in the thirteenth annual observance of Law Day U.S.A. As we prepare for this observance, I think that is particularly appropriate for those of us who have a part in making our nation's laws to both reflect on the significance of this occasion and to further its purpose of informing our citizens of the role of law in American life.

By definition, law is "all the rules of conduct established and enforced by the authority, legislation, or custom of a given community or other group." By application, law is much more than that. It is the cornerstone of our entire society and the freedoms we cherish. Without it, all would be reduced to chaos. As students, one of the first things we learn about our country's democratic institutions is that ours is a government of laws, and not of men. That is, the rights and freedoms which we enjoy are guaranteed and protected by laws; and they are not dependent upon the philosophy or will of those men in government leadership positions at a particular moment in time.

Often we think of law only in terms of crime—when, for example, a law against rape or murder is violated. But the law is much more, touching every phase of our daily lives.

The homes in which we live are protected from unlawful entry by others. The cars we drive to work as well as those individuals who drive them are licensed as a means of protecting our lives. Our businesses are governed by laws, the schools our children attend must meet certain standards. Even the food we eat must meet health standards laid down by our State and Federal Governments. By law we pay taxes to support our schools, build roads, hospitals and undertake the myriads of governmental functions.

The foremost law of our land is, of course, the Constitution. Within its framework the laws which protect and maintain the liberty of our society are formed.

Our laws serve to protect and support those freedoms won over hundreds of years. If these laws are to continue their function, then we must support them.

It is certainly not inappropriate, therefore, that we observe Law Day every year. On the contrary, Law Day ought to be honored every day in our society. The observance of Law Day was first proclaimed by President Dwight D. Eisenhower on May 1, 1958, and has been observed on that date every year since. In 1961, by a joint resolution of both Houses, the Congress set aside May 1 as "a special day of celebration by the American people in appreciation of their liberties" and as a day for "rededication to the ideals of equality and justice under law."

Equality and justice under law—these are concepts which many in our society seem to have forgotten lately.

The individual lawbreaker has always, regrettably, been an element in our society, but in recent years, we have seen large groups, not only students and left-wing liberals, but others as well, take to the streets in violent protest. The right to dissent is one of those we hold so dear—a right protected by the Constitution and one which differentiates us from Communist-dominated nations where citizens cannot express their dissatisfaction with laws or government. But the flaunting of our laws under the guise of dissent cannot be tolerated.

It seems to me that this year's Law Day theme is particularly relevant in dealing with such growing dissent in our country. The 1970 theme is "Law—Bridge to Justice." In the words of the National Law Day U.S.A. Committee:

> The theme emphasizes that the law is in fact a bridge for reaching social goals and resolving grievances that cause divisions in American society.

Indeed, one of the greatest privileges of American citizens—and one which differentiates them from most of the world's people—is their ability—through their elected representatives—to bring about changes in our Nation's laws. This privilege seems clearly to have been overlooked by those who would turn to disruption and violence to effect changes in our society.

The fourfold objectives of Law Day, in my judgment, can provide a basis for the return of law and order to our streets.

The objectives are: First, to foster respect for law and understanding of its essential place in American life; second, to encourage citizen support of law observance and law enforcement; third, to advance equality and justice under law; and fourth, to point up the contrast between freedom under law in the United States and governmental tyranny under communism.

Too often, I fear, we take the law too lightly. In our daily lives we tend to overlook minor law infractions by ourselves and others. But these laws too, like the ones which outlaw crimes of violence, for example, are passed for the protection of our lives and freedoms. They too must be observed.

It is the responsibility of each and every individual to see that the laws of our Nation are observed while they remain laws. It is also the right of every individual to work toward the alteration of unjust laws by legal means.

Violence in the streets in protest of laws solves nothing.

Our Nation has achieved, in its relatively brief history, what no other nation in the history of the world has achieved. There appears to be no limit to our future potential. We have reached the moon—we can go farther. We have conquered formerly dreaded diseases—we will conquer still others.

We have created, through our laws, a free nation of free people. This we must preserve and protect.

Mr. MATSUNAGA. Mr. Speaker, once a year, in midspring, we set aside a day to rearticulate our devotion to the rule of equal justice under law. It is a day when men speak of liberty and freedom, a day when they examine the importance of the law in their lives and trace its development and attempt to plot its course. This evaluation and time of resolution is especially important to those of us in the Congress of the United States.

Of the countless speeches that will be delivered across the country on Law Day U.S.A., many will be pessimistic in tone. They will recapitulate the disturbing events of recent years. They will point an accusing finger at those who dissent, castigate our young people, bemoan the lawlessness of our recent past and paint a dark and perilous future. I cannot agree with such an outlook. I will stand up with those who express unlimited confidence in the American system of justice and the American people.

The foundation of our system, the U.S. Constitution, in all its strength and weaknesses has borne up under more trying times than those we are now experiencing. It is the protective shield behind which we have developed as a great nation without sacrificing our individual freedoms. This is not to say that obedience to law and the striving toward justice do not require some restrictions on the conduct of individuals. If all men have unrestricted rights to engage in any conduct that suits their fancy, obviously only the most powerful can enjoy complete freedom and the weaker none. A society of free men can exist only if its individual members are willing to pay the price. Intrinsic in our right to free speech is our responsibility to afford others the same right; inherent in our right to vote is the duty to be informed and to exercise that franchise. Freedom is not free.

Despite the seeming slowness of our democratic processes, the law has developed tremendously in the last few years. In the field of criminal justice, for example, the courts have declared that the question of whether or not the accused has the assistance of an attorney cannot be determined by whether or not he has the money to pay for it. The courts have ruled too that an individual must be accorded privacy and not be subjected to the prying eye and ear of government agents. The Congress has enacted the Omnibus Crime Control and Safe Streets Act, which is designed to provide much-needed funds to help the States fight crime in their respective jurisdictions, and the Bail Reform Act, which reaffirmed our belief in the principles that a man is innocent until proven guilty and that a man accused of a crime should have his freedom before a trial without the onerous burden of unreasonable bail.

In the area of civil rights, we have progressed even further. Beginning with the landmark case of Brown against Board of Education we have taken enormous strides toward eliminating the second-class citizenship to which many Americans had been relegated since the Civil War. No longer do we delude ourselves with the myth of "separate but equal." No longer are the rights of citizens to vote, to eat in public restaurants, to stay in hotels, or to enjoy recreational facilities determined by the color of his skin.

We have put men on the moon and brought them back. Through science and technology we have minimized the limitations of time and distance in communication, transportation, business, and even entertainment.

But perhaps the greatest characteristic of Americans of this generation is their keen awareness of the social problems which beset this Nation and their dedication to finding the right solutions. We have recognized that crime in our cities is a threat to the freedom of all of us. We see drug and alcoholic addiction as a plague. We demand that business be held to account for any sharp dealings with consumers. We know that if man continues to squander his natural resources the American environment will be unable to support human life. We are living in a time of questioning, a time of seeking satisfactory solutions.

Although impatient citizens demonstrate and frequently resort to violence, by and large we are still disciples of the rule of law. We believe in equal justice under law. If Law Day U.S.A. is to mean anything we must resolve that ours will continue to be a society in which law is the vehicle and bridge to justice.

Mr. PRICE of Texas. Mr. Speaker, tomorrow, May 1, is Law Day U.S.A. The purpose of Law Day is to dramatize the values Americans derive from living under a system of public laws and independent courts. As such, it is not a "lawyers day"; it is an occasion for all Americans to honor the role of law in our national life.

Law Day is a day for reminding all citizens of the rights they hold under the Constitution and the Bill of Rights. It is also a day for citizens to carefully consider their individual responsibilities as free citizens. To even be in a position to think about these responsibilities is a luxury most Americans take for granted. Millions of people throughout the world who struggle to eke out a meaningful existence while burdened with the yoke of communism or tyranny would sacrifice almost everything for just a taste of what some Americans treat so cavalierly.

Mr. Speaker, the theme selected for the 1970 observance of Law Day is "Law—Bridge to Justice." I think this is a most appropriate theme.

Today as never before, the very fundamentals of our system of law are being questioned by radicals and other social

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malcontents. These individuals and the organizations behind them believe that anarchy and revolution provide the bridge to justice, not law. They talk in terms of only obeying laws which please them, and freely disobeying laws that do not. Yet, if these people had their way and our system of laws were destroyed, where would an individual turn to protest injustice? What standards would be employed to protect individuals from the wrongful actions of others? Who would decide who is right and who is not right? Who would decide who should go free and who should be imprisoned?

Our Constitution provides an answer that has proved most workable for almost two centuries. I say most workable because history does not record a single example of a country or society that has achieved even a relative approximation of our size, complexity, and diversity; and at the same time has enjoyed such a relative level of domestic peace, justice, and freedom for its inhabitants.

Under our form of government, promulgated by the Constitution, the legislative branch is charged with making the laws, the executive branch is charged with administering the laws, and the judicial branch is charged with enforcing the laws. On the basis of this structure it would seem to me that if individuals are dissatisfied with the way our present system operates, they should try to change it through law, not in derogation of law. If justice be really what they seek, then I would suggest that justice could be more fully rendered in the courts rather than in the streets.

We live in an open society. We live in a free society. Those who are dissatisfied with our society should run for elected office as many individuals have done, and work from within society as many individuals are doing. I believe this to be the only way in which the concept of justice can be retained as a viable and effective force in America today. It is for this reason that I hope that all those who participate in Law Day U.S.A. ceremonies and observances this year will dwell on the values and benefits of our system of laws and wherever possible live their lives and actions in the coming year to reflect its values and benefits.

Mr. HOGAN. Mr. Speaker, tomorrow, May 1, was established by the 87th Congress as Law Day, giving us, as citizens of the United States, another opportunity to reaffirm our belief in the rule of law bestowed by our democratic process of government.

Lawlessness, such as we have witnessed in the last few years since demonstrations and violent uprisings have become the "in" ways to try to change the existing order of things, cannot be tolerated if our democratic system is to continue. Laws are the very fibers which hold a civilized society together and, while everyone has the right to try to change the laws through the prescribed legislative process, until they are changed laws must be obeyed by all citizens.

The responsibility for abiding by the laws of our system brings with it the concomitant benefits of the rights accorded by our free society through our system of justice. Justice and right can only be achieved through an acceptance of law and responsibility.

The theme of this year's law observance is, therefore, a most appropriate one for the problems which confront us in the start of this new decade.

"Law—Bridge to Justice" emphasizes that a system of impartial adherence to our laws is the only real way to protect individual liberties as well as the rights of society as a whole. The threads of jurisprudence have maintained the function of nation-states since time immemorial.

Daniel Webster, the eminent lawyer of early America, has told us that—

> Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself, in name, and fame, and character, with that which is and must be as durable as the frame of human society.

America—once so great is now being torn asunder by blind revolutionaries who contend that this system, which has done more for individual liberty than any other system in the history of the world, must be destroyed. America's strength has been that we have abided by the rule of law and order while encouraging peaceful dissent to redress injustice. Constructive dissent stimulates us to improve. Citizens have the right to protest peaceably against injustice and inequity, but we should also protest for America when she is unjustly belittled.

Law Day 1970—May 1—affords all Americans the opportunity to demonstrate their faith in the system of government which allows its citizens to protest.

Mr. Speaker, I hope that my colleagues and, indeed, all Americans will not allow this opportunity to slip by but will instead stand up and be heard in praise of what America offers—an opportunity to share proportionately in the rewards and joys of a free and just society held together by the structure of the law.

Mr. DERWINSKI. Mr. Speaker, I am joining the commemoration this afternoon in the House of Law Day U.S.A. and I strongly believe that this year's theme "Law—Bridge to Justice" is a most practical and related theme.

However, it is also important to emphasize to traditional observers of Law Day in the United States the application of international law, especially as it pertains to U.S. prisoners of war and men missing in action. Therefore, in addition to my participation in this special observance of Law Day, I would like to call to the attention of Members the observance tomorrow of "An Appeal for International Justice," in which our colleague, U.S. Senator BOB DOLE of Kansas, has asked for our participation.

Law and order is not a political slogan but is a fundamental American virtue that, at present, is very much in the public mind. The anarchists of the day, the new leftists who are abusing our laws, ridiculing our court system, and using every possible means to produce anarchy in our land, must be effectively dealt with under the law.

I commend my colleagues who participate in this observance.

Mr. ALEXANDER. Mr. Speaker, it is most appropriate on the eve of Law Day U.S.A. for those of us in the House of Representatives to turn our attention to our system of jurisprudence. As Members of the Congress, we are Members of the most responsive and representative national lawmaking body known to man.

Since becoming a Member of this body, I have been most concerned about the degeneration of our democracy due to the continuing and growing disrespect for the law. It is my belief, Mr. Speaker, that freedom and civil disobedience are antithetical, that the two cannot exist side by side in peace. Each is dedicated to the destruction of the other.

The people of this country have expressed themselves through their elected representatives, at the State and local levels as well as the national level. Speaking through these representatives, they have adopted certain standards and requirements to guide our Nation and the actions of its citizens. If we believe in these laws, then it follows that they must be enforced. If public opinion has changed and it is the will of the people that certain laws be changed, then those changes can be made through their elected representatives and through established, orderly, and lawful means.

Until the people have changed those laws through their elected representatives, however, Mr. Speaker, our laws must be enforced.

There has been a great deal of emphasis in recent months and years on the need for new legislation to deal with the problem of crime and civil disobedience. While I recognize the need to deal with the serious problem of crime, legislation provides only a part of the answer. It is my feeling that the enactment of new laws is not the best solution to this problem. Our Government has, and must continue to, rest on the basic belief of the consent of the governed. A democracy is based on the belief that the majority rules.

Mr. Speaker, we can enact laws from now on to deal with the problem of crime, but it will never be brought under control until a belief in and respect for the laws of this country is reestablished. We cannot train enough police to enforce all of the laws of this country at all levels of government unless the people of this country choose to respect and abide by those laws. And even if we could train enough law enforcement officers, a police state and the personal freedoms that we all love are not compatible. Those who would overthrow our form of government will not come out with anything better. They will only destroy man's best hope for freedom and democracy. Those who would destroy the rule of law will never come to know the benefits of freedom. Those who would threaten the future of our country will not insure a better future but will only destroy a belief in personal and human rights.

We do not expect or demand total agreement. That will never exist in a

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democracy. But to attack the principle of majority rule is to attack the foundation upon which a democracy is built. No, total agreement is not essential to a democracy. But respect for majority rule and for the laws enacted by that majority is essential to a democracy.

As I said, Mr. Speaker, the enactment of new laws will not necessarily bring a new respect and regard for law, order, and justice. These lofty goals that are the foundation of our Nation will be reached only as we reaffirm our belief in the rule of the majority and the sanctity of individual rights. America will never be the same until we have a revival of respect for our system of laws.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Speaker, I ask unanimous consent all Members desiring to do so may have 5 legislative days to extend their remarks on Law Day, 1970.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROPOSED REORGANIZATION PLAN

(Mr. BLATNIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLATNIK. Mr. Speaker, I would like the Members of the House to know that the Subcommittee on Executive and Legislative Reorganization of the House Committee on Government Operations has been holding hearings on Reorganization Plan No. 2 of 1970.

The plan has two major features: First, the redesignation of the Bureau of the Budget as the Office of Management and Budget with additional high-level positions and other personnel; and second, the creation of a Cabinet-level Domestic Council which will have a staff and be directed by a White House assistant.

The hearings have brought out certain defects in the plan that have aroused the concern of members of the subcommittee; particularly, the gentleman from California (Mr. Holifield) and myself.

We have, therefore, filed House Resolution 960 to disapprove the reorganization plan and have drawn alternative legislation which was introduced today. For the information of the Members of the text of the bill, H.R. 17376, follows:

H.R. 17376

A bill to enact certain provisions of Reorganization Plan No. 2 of 1970, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—OFFICE OF MANAGEMENT AND BUDGET

Sec. 101. Section 207 of the Budget and Accounting Act, 1921, is amended to read as follows:

"Sec. 207. (a) There is created in the Executive Office of the President an office to be known as the Office of Management and Budget. There shall be in the Office a Director and a Deputy Director, who shall be appointed by the President. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of Director he shall act as Director. The Office, under such rules and regulations as the President may prescribe, shall prepare the Budget, and any proposed supplemental or deficiency appropriations, and to this end shall have authority to assemble, correlate, revise, reduce or increase the requests for appropriations of the several departments or establishments.

"(b) There shall be within the Office of Management and Budget not more than six additional officers, as determined from time to time by the Director of the Office of Management and Budget (hereinafter referred to as the Director). Each such officer shall be appointed by the Director, subject to the approval of the President, shall have such title as the Director shall from time to time determine, and shall receive compensation at the rate now or hereafter prescribed for officers and positions at Level V of the Executive Schedule (5 U.S.C. 5316).

"(c) The Office of Management and Budget and the Director shall perform such further functions as the President may from time to time delegate or assign thereto. The Director, under the direction of the President, shall supervise and direct the administration of the Office of Management and Budget.

"(d) The Deputy Director of the Office of Management and Budget, the Assistant Directors of the Office of Management and Budget, and the officers provided for in subsection (b) of this section shall perform such functions as the Director may from time to time direct.

"(e) The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Bureau of the Budget shall, upon the taking effect of the provisions of this act, become records, property, personnel, and unexpended balances of the Office of Management and Budget."

TITLE II—DOMESTIC COUNCIL

Sec. 201. (a) There is hereby established in the Executive Office of the President a Domestic Council, hereinafter referred to as the Council.

(b) The Council shall be composed of the following:

The President of the United States,
The Vice President of the United States,
The Attorney General,
Secretary of Agriculture,
Secretary of Commerce,
Secretary of Health, Education, and Welfare,
Secretary of Housing and Urban Development.
Secretary of the Interior,
Secretary of Labor,
Secretary of Transportation,
Secretary of the Treasury,
Director of the Office of Management and Budget,
Chairman of the Council of Economic Advisers,
Director of the Office of Economic Opportunity,
Chairman of the Council on Environmental Quality,

and such other officers of the Executive Branch as the President may from time to time direct.

(c) The President of the United States shall preside over meetings of the Council. In the event of his absence, he may designate a member of the Council to preside.

Sec. 202. The Council shall perform such functions as the President may from time to time delegate or assign thereto. The Council shall take the lead in the following policy functions:

(1) Assessing national needs, collecting information and developing forecasts, for the purpose of defining national goals and objectives.

(2) Identifying alternative ways of achieving these objectives, and recommending consistent, integrated sets of policy choices.

(3) Providing rapid response to Presidential needs for policy advice on pressing domestic issues.

(4) Coordinating the establishment of national priorities for the allocation of available resources.

(5) Maintaining a continuous review of the conduct of on-going programs from a policy standpoint, and proposing reforms as needed.

Sec. 203. The Council shall have an Executive Director to be appointed by the President with the advice and consent of the Senate, who shall perform such functions as the President may from time to time direct. There shall be a staff to be headed by the Executive Director which shall perform such duties as he may assign.

Sec. 204. The Executive Director of the Council shall make an annual report to the Congress on the activities of the Council and shall provide the Congress with such other information as may be requested.

Sec. 205. The records and papers of the Council shall be maintained and preserved as official documents of the United States.

Sec. 206. The provisions of Title II of this Act shall be effective until June 30, 1973.

POLISH CONSTITUTION DAY

(Mr. ANNUNZIO asked and was given permission to revise and extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, Sunday, May 3, marks the 179th anniversary of Polish Constitution Day. Like the American Constitution of March 4, 1789, the Polish Constitution of May 3, 1791 recognizes the sovereignty of the people as the cornerstone of its government.

This great proclamation of the Polish people still stands today as a milestone in the struggle of mankind to establish representative and democratic governments. By guaranteeing the full protection of law and equal justice for all, by granting absolute religious tolerance, and by upholding the sovereign power and will of the people, the Polish Constitution brought to the continent of Europe a new concept of human dignity.

The principles and the spirit embodied in the Polish Constitution of 1791 live on today, and while Poland continues to be Communist dominated, the hope for freedom and self-determination continues to live in the hearts and minds of more than 34 million Polish people who are behind the Iron Curtain.

We in America have not forgotten the tragic plight of the Polish people, and today I joint my colleagues in saluting Poland's outstanding contributions and in looking forward to the day when her people can once again live under the principles of freedom and democracy embodied in the original Polish Constitution.

Mr. Speaker, the Polish American Congress, Inc., 1200 North Ashland Avenue, Chicago, Ill., is an outstanding civic organization. Its capable and dedicated president, Aloysius A. Mazewski, has given inspired leadership over the years to this fine organization.

I want to take this opportunity to commend him, and also the members of the executive committee: Valentine

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Janicki, secretary, Chicago, Ill.; Joseph T. Pranica, treasurer, Chicago, Ill.; Adele Lagodzinski, vice president, Chicago, Ill.; Kazimierz Lukomski, vice president, Chicago, Ill.; Stanley Mariarz, vice president, Trenton, N.J.; Thaddeus Maliszewski, vice president, Windsor, Conn.; Richard Jablonski, vice president, Cleveland, Ohio; and M. Wasilewski, vice president, Pittsburgh, Pa.

The Polish American Congress has issued an official statement about Polish Constitution Day. It gives me great pleasure, under leave to extend my remarks, to place into the RECORD this statement, as follows:

MAY 3—THE POLISH NATIONAL HOLIDAY

On May 3rd Poles everywhere and citizens of Polish origin in many countries celebrate a Polish national holiday—the Polish Third of May Constitution Day.

In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises through the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

It was on May 3rd in 1791, barely two years after the adoption of its Constitution by the United States in 1789, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late and did not forestall the third partition of Poland in 1795 by Russia, Prussia and Austria.

POLAND PIONEERED LIBERALISM IN EUROPE

The greatness of the May Third Polish Constitution consisted in the fact that it eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories of heroic revolutions.

We Americans who have been reared in the principle given us as a birthright by the founders of our great Republic, the principle of the sovereignty of the people in the state, which is the primary postulate in the 1791 Polish Constitution, can see how this truism cut off the Poles and the Polish political tradition completely from both the Germans and the Russians, who have been reared in the principle of state, and not national, sovereignty.

The light of liberalism coming from Poland was then, as it has been throughout the years that followed and even unto today, a threat to tyranny and absolutism in Russia and Germany. In 1795 Russian and Prussian soldiers were sent to Poland to partition and rape her. In 1939 Russian and Prussian soldiers met again on Polish soil, as the absolute totalitarianism systems of naziism and communism again felt the danger of true liberalism coming from Poland just as in 1791.

In the Polish Third of May Constitution this liberalism was formulated in these words:

"All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

AMERICAN AND POLISH CONSTITUTIONS SIMILARLY INSPIRED

The philiosophy of government discernible throughout the Third of May Polish constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source.

Meditation on the anniversary of May the Third deepens the faith and heightens the courage of every Pole and of every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesied the ultimate triumph of justice, even though Poland once more has been deprived of her independence, sovereignty and her territory by one of our former allies, Soviet Russia, with the consent of other United Nations.

Mr. Speaker, on this special occasion I am pleased to send my sincere greetings to the people of Poland, to Polish-Americans all over the United States, and especially to those residing within the Seventh Illinois Congressional District, which I have the privilege to represent, as they join together to celebrate this important anniversary in the history of Poland.

U.S. INTERVENTION IN CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN Mr. Speaker, the President's decision to so intervene militarily in Cambodia has shocked millions of Americans. I am profoundly disturbed by the suddenness and unexpectedness of this action and I have written to the President expressing my opposition to his decision. It is unbelievable to me that the administration would send troops and planes into Cambodia without the approval of Congress especially after it assured this body time and time again that it would at least consult with congressional leaders before initiating any major new military ventures in Southeast Asia. So, once again we have a case in which the executive department has unilaterally involved the United States in another military venture without legal justification.

I assume the administration no longer stands on the dubious Tonkin Gulf resolution as the legal authority for American involvement in Southeast Asia since the President and his chief advisers have taken a public position of neutrality on the question of repeal of the resolution. SEATO certainly does not apply. Prince Sihanouk rejected the treaty's protocol protection in 1956 and again in 1965. The Lon Nol government has not rescinded Sihanouk's policy toward SEATO but has instead confirmed Cambodia neutrality. Moreover while the Lon Nol government has formally requested military assistance in the form of weaponry, it has not publicly asked for American troops.

The decision of yesterday raises the specter of a new and expanded war that will dash all of our hopes for an end in U.S. involvement in Vietnam. North Vietnam has many means of responding to the U.S. action. And, if Hanoi chooses to send more troops into Cambodia to occupy the capital, the United States will be drawn more deeply into this morass. American boys who should be coming home under the withdrawl program may now find themselves slogging through the jungles and rice paddies of Cambodia fighting the same old enemy only in a different place. As in Vietnam and undoubtedly also in Cambodia we can defeat him tactically but never totally. So now the endless Vietnam war becomes the endless Indochina war.

In the 1960's President Kennedy and President Johnson spoke often of our commitment to South Vietnam. Now, according to Mr. Ziegler, we have a responsibility to preserve Cambodia militarily. The decisions of Presidents Kennedy and Johnson only brought escalation year after year until we reached the point of diminishing returns. If President Nixon chooses to follow the policy of escalation and unqualified commitment, he will find the returns meager not only in Southeast Asia but also at home for the new priorities of the 1970's demand immediate attention.

EARTH DAY RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, Earth Day 1970 has come and gone and many who participated in environmental activities on April 22 have commented, "Well, it was nice for the day, but now what?"

As a follow-up to my own involvement in Earth Day activities I am today introducing a resolution which would authorize the President to designate the third Wednesday of April of each year as Earth Day. This will give each American a day to renew his or her commitment to the antipollution effort. We have spent many years progressing to the point where we have polluted our surroundings. Now it will take many years before we can undo that wrong and clean up our environment.

As a tribute to the success of Earth Day 1970, I would like to insert at this point in the RECORD the editorial opinion of WWDC Radio and WRC Television:

EDITORIAL NO. 1: EARTH DAY

(Broadcast of this editorial by WWDC Vice President and General Manager William S. Sanders was on Earth Day, April 22, 1970. We welcome comments.)

It's Earth Day. A rare day in American history. The first Earth Day.

We will all join together to begin the cleanup of our country's air, water, and everything else that provides us with our vital necessities and natural beauty. It's the one time we can all get together . . . conservative, liberal, revolutionary, government agency, private industry or professional protester. It is the day to celebrate the gift of Mother Earth.

It is the first Earth Day. We suggest it become an annual celebration if only to remind us of what we have and the need to protect it. Incidentally, if you'd like to help, start by picking up a little trash . . . it's Earth Day.

Let's try to preserve our Earth!

Thank you for your interest.

EDITORIAL NO. 2: EARTH DAY

(Broadcast of this editorial by WWDC Vice President and General Manager William S. Sanders was on April 23, 1970. We welcome comments.)

Earth Day, 1970 is over. But the reasons for it are still with us. The effect of the hundreds of thousands of us who marched, rallied and picked up trash for a cleaner earth remains to be seen.

The demonstrations of our first Earth Day reflected a sense of unity. A broad spectrum of Americans were attracted by the protest. Businessmen, Congressmen, housewives and revolutionaries joined forces.

Except that standing alone surrounded by foul air and water were some of the Daughters of the American Revolution. They labeled the environment movement "subversive and distorted and exaggerated." A DAR resolution called the takeover of parks and playgrounds one of the last steps of "subversive elements who have already gone after the military and the police". The ladies singled out "pollution of the mind" as the most dangerous aspect of them all.

We agree . . . and think all the ladies who voted for the proposal should be sentenced to a three hour swim in the Tidal Basin.

Thank you for your interest.

EDITORIAL NO. 3: EARTH DAY

Broadcast of this editorial by WWDC Vice President and General Manager William S. Sanders was on April 25, 1970. We welcome coments.

Earth Day was a resounding success. That is, if measured in terms of participants. Demonstrations, clean-up campaigns, rhetoric, the wearing of gas masks and sundry other activities marked the first "Earth Day".

We're a strange mob, we Americans. We get it together and let our voices be heard, for one day. We verbalize our concern for ecology. We hope someone will heed the message that we're sinking beneath the mire of garbage, debris, smoke, sewage and trash. Mostly we hope someone will do something about the problem. Unfortunately we hope someone else will do the job. Let's not forget one thing . . . that someone else must be you. You must aid in the fight against pollution and not just on Earth Day. You have to do it every day of every year and unless you do there may not be many years left on which to celebrate Earth Day.

Earth Day was a success, but the idea won't be successful until we have mounted a full scale campaign against the causes of our ecological destruction.

Thank you for your interest.

WRC-TV EDITORIAL: EARTH DAY

April 22nd is Earth Day in the Washington area and throughout the nation. It is aimed at dramatizing the sorry state of our environment. Cleaning it up is an issue that finally has succeeded in bridging the generation gap.

Politicians from the President on down, businessmen, establishment figures, educators and students are all on the ecological bandwagon.

Organizations to aid in reclaiming the environment have been formed at hundreds of colleges, and thousands of high schools and grade schools across the country and their elders are backing them. That is progress.

Earth Day in Washington will feature folk and rock singers to decry our filthy rivers, professors will lecture on the perils of phosphates and pesticides, lawyers will give free advice on how to take court action against alleged polluters.

Students in the area have set up workshops, symposiums and panel discussions on everything from population control to the natural gas automobile engine.

WRC-TC is proud of its record in the environment field. We began working for a clean Potomac years ago and have broadened our goals to include other elements of the world we live in. Last year during the month of May, WRV-TV broadcast a number of programs on pollution in our Washington area.

So we have a big stake in reclaiming the environment. We hope that is also the primary effort of those who participate in Earth Day activities. The goal should not be obscured by dragging in other issues of an emotional nature. We seek solutions—not rhetoric.

LAW AND THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 20 minutes.

Mr. SAYLOR. Mr. Speaker, on a number of previous occasions I have drawn the attention of the House to the widespread interest in our law schools in the role the law has to play in the protection and enhancement of the environment.

In December of last year, I conducted an informal survey of the Nation's law schools in order to probe the depth of curriculum commitment to the task of training students in what is fast developing as the body of environmental law. The results of my survey appeared in the RECORD during January and February of this year. I can repeat here that in all the correspondence I had with law school faculty members, I was tremendously encouraged by the response I found to the challenge of the seventies. It seems clear that law school faculty-student interest and activity relating to the environment will flourish in the years to come.

I am advised that law students are now planning to form a National Environmental Law Society, that there is to be an environmental law reporter, that the American Association of Law Schools will have a special program on environmental law at its next annual meeting and that the American Bar Association is reviewing whether its committee arrangements are suitable to serve the greatly expanded interest and activity of its members in this area.

Mr. Speaker, tomorrow is May 1, a day recognized as Law Day—U.S.A. One of the reasons we salute our legal system on this day has been its capacity for creative growth. I believe the law is beginning to make the response necessary to meet the challenges of our environmental problems. The National Environmental Policy Act, on which I served as a House conferee and which was signed by the President on January 1 of this year, is an illustration of this response.

The Council on Environmental Quality created by title II of the National Environmental Policy Act will play a central role in guiding the Federal Government toward policies and laws that protect and enhance the environment. The President has named a distinguished panel to serve on this Council. The Chairman, Russell E. Train, after a career as judge on the Tax Court, then president of the Conservation Foundation, and most recently Under Secretary of the Interior, has unique qualifications to lead the Council in its formative period. Member Robert Cahn is a former Pulitzer Prize winning reporter on conservation matters from the Christian Science Monitor and member Dr. Gordon J. F. MacDonald, former vice chancellor of the University of California at Santa Barbara, has had a remarkably broad range of experience with issues involving science and government.

Chairman Train fully recognizes the importance of keeping the Council abreast of developments in the law relating to protection and enhancement of the environment and of drawing on the resources of the legal profession in shaping new proposals in this area that the Council may make. He also intends to maintain liaison with bar and law school groups interested in this field and from time to time to seek their assistance in case studies and development of model laws and regulations.

With these purposes in mind Chairman Train has just announced the formation of a legal advisory committee to assist the Council. The membership of the committee presently is as follows:

Chairman: Whitney North Seymour, Jr., U.S. attorney for the southern district of New York. Members: Malcolm Baldwin, Esq., senior legal associate, the Conservation Foundation, Washington, D.C.; William T. Coleman, Esq., Dilworth, Paxson, Kalish and Levy, Philadelphia, Pa.; Prof. David Currie, University of Chicago Law School and coordinator for Environmental Quality to the Governor of Illinois; Prof. Frank P. Grad, director, Legislative Drafting Service, Columbia Law School;

Roger P. Hansen, executive director, Rocky Mountain Center on Environment, Denver, Colo.; A. Wesley Hodge, Esq., Hodge, Hillis and Dahlgren, Seattle, Wash.; Prof. Louis Jaffe, Harvard Law School; William F. Kennedy, Esq., corporate counsel, General Electric Co.; Nicholas Robinson, chairman, Environmental Law Council, Columbia Law School; Prof. Ann Strong, director, Institute for Environmental Studies, University of Pennsylvania; Prof. Joseph Sax, University of Michigan Law School; David Sive, Esq., Winer, Neuburger and Sive, New York City.

Because of the keen interest of lawyers around the country in this subject I am inserting at this point in the RECORD a copy of the National Environmental Policy Act of 1969 (Public Law 91-190); the Environmental Quality Act of 1970 (Public Law 91-224); President Nixon's Message on Environment of February 10, 1970; Executive Order 11507 of February 4, 1970—Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities—Executive Order 11514 of March 5, 1970—Protection and Enhancement of Environmental Quality—and a speech by Chairman Train explaining the role of the Council:

PUBLIC LAW 91-190

An act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the

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interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interferring, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to

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the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.

PUBLIC LAW 91-224: TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b)(1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91-190.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereinafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91-190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91-190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91-190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91-190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

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AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91-190.

MESSAGE ON ENVIRONMENT

To the Congress of the United States:

Like those in the last century who tilled a plot of land to exhaustion and then moved on to another, we in this century have too casually and too long abused our natural environment. The time has come when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future.

The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected: not from malign intention, but from failure to take into account the full consequences of our actions.

Quite inadvertently, by ignoring environmental costs we have given an economic advantage to the careless polluter over his more conscientious rival. While adopting laws prohibiting injury to person or property, we have freely allowed injury to our shared surroundings. Conditioned by an expanding frontier, we came only late to a recognition of how precious and how vulnerable our resources of land, water and air really are.

The tasks that need doing require money, resolve and ingenuity—and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air and water use, for stricter regulation, for expanded government action, for greater citizen involvement, and for new programs to ensure that government, industry and individuals all are called on to do their share of the job and to pay their share of the cost.

Because the many aspects of environmental quality are closely interwoven, to consider each in isolation would be unwise. Therefore, I am today outlining a comprehensive, 37-point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order in five major categories:

Water pollution control.
Air pollution control.
Solid waste management.
Parklands and public recreation.
Organizing for action.

As we deepen our understanding of complex ecological processes, as we improve our technologies and institutions and learn from experience, much more will be possible. But these 37 measures represent actions we can take *now*, and that can move us dramatically forward toward what has become an urgent common goal of all Americans: the rescue of of our natural habitat as a place both habitable and hospitable to man.

WATER POLLUTION

Water pollution has three principal sources: municipal, industrial and agricultural wastes. All three must eventually be controlled if we are to restore the purity of our lakes and rivers.

Of these three, the most troublesome to control are those from agricultural sources: animal wastes, eroded soil, fertilizers and pesticides. Some of these are nature's own

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pollutions. The Missouri River was known as "Big Muddy" long before towns and industries were built on its banks. But many of the same techniques of pest control, livestock feeding, irrigation and soil fertilization that have made American agriculture so abundantly productive have also caused serious water pollution.

Effective control will take time, and will require action on many fronts: modified agricultural practices, greater care in the disposal of animal wastes, better soil conservation methods, new kinds of fertilizers, new chemical pesticides and more widespread use of natural pest control techniques. A number of such actions are already underway. We have taken action to phase out the use of DDT and other hard pesticides. We have begun to place controls on wastes from concentrated animal feed-lots. We need programs of intensified research, both public and private, to develop new methods of reducing agricultural pollution while maintaining productivity. I have asked The Council on Environmental Quality to press forward in this area. Meanwhile, however, we have the technology and the resources to proceed *now* on a program of swift clean-up of pollution from the most acutely damaging sources: municipal and industrial waste.

Municipal wastes

As long as we have the means to do something about it, there is no good reason why municipal pollution of our waters should be allowed to persist unchecked.

In the four years since the Clean Waters Restoration Act of 1966 was passed, we have failed to keep our promises to ourselves: Federal appropriations for constructing municipal treatment plants have totaled only about one-third of authorizations. Municipalities themselves have faced increasing difficulty in selling bonds to finance their share of the construction costs. Given the saturated condition of today's municipal bonds markets, if a clean-up program is to work it has to provide the means by which municipalities can finance their share of the cost even as we increase Federal expenditures.

The best current estimate is that it will take a total capital investment of about $10 bilion over a five-year period to provide the municipal waste treatment plants and interceptor lines needed to meet our national water quality standards. This figure is based on a recently-completed nationwide survey of the deficiencies of present facilities, plus projections of additional needs that will have developed by then—to accommodate the normal annual increase in the volume of wastes, and to replace equipment that can be expected to wear out or become obsolete in the interim.

This will provide every community that needs it with secondary waste treatment, and also special, additional treatment in areas of special need, including communities on the Great Lakes. We have the industrial capacity to do the job in five years if we begin now.

To meet this construction schedule, I propose a two-part program of Federal assistance:

I propose a Clean Waters Act with $4 billion to be authorized immediately, for Fiscal 1971, to cover the full Federal share of the total $10 billion cost on a matching fund basis. This would be allocated at a rate of $1 billion a year for the next four years, with a reassessment in 1973 of needs for 1975 and subsequent years.

By thus assuring communities of full Federal support, we can enable planning to begin *now* for all needed facilities and construction to proceed at an accelerated rate.

I propose creation of new Environmental Financing Authority, to ensure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds.

The condition of the municipal bond market is such that, in 1969, 509 issues totaling $2.9 billion proved unsalable. If a municipality cannot sell waste treatment plant construction bonds, EFA will buy them and will sell its own bonds on the taxable market. Thus, construction of pollution control facilities will depend not on a community's credit rating, but on its waste disposal needs.

Providing money is important, but equally important is where and how the money is spent. A river cannot be polluted on its left bank and clean on its right. In a given waterway, abating *some* of the pollution is often little better than doing nothing at all, and money spent on such partial efforts is often largely wasted. Present grant allocation formulas—those in the 1966 Act—have prevented the spending of funds where they could produce the greatest results in terms of clean water. Too little attention has been given to seeing that investments in specific waste treatment plants have been matched by other municipalities and industries on the same waterway. Many plants have been poorly designed and inefficiently operated. Some municipalities have offered free treatment to local industries, then not treated their wastes sufficiently to prevent pollution.

To insure that the new funds are well invested, five major reforms are needed. One requires legislation: the other four will be achieved by administrative action.

I propose that the present, rigid allocation formula be revised, so that special emphasis can be given to areas where facilities are most needed and where the greatest improvements in water quality will result.

Under existing law authority, the Secretary of the Interior will institute four major reforms:

Federally assisted treatment plants will be required to meet prescribed design, operation and maintenance standards, and to be operated only by State-certified operators.

Municipalities receiving Federal assistance in constructing plants will be required to impose reasonable users' fees on industrial users sufficient to meet the costs of treating industrial wastes.

Development of comprehensive river basin plans will be required at an early date to insure that Federally assisted treatment plants will in fact contribute to effective clean-up of entire river basin systems. Collection of existing data on pollution sources and development of effluent inventories will permit systems approaches to pollution control.

Wherever feasible, communities will be strongly encouraged to cooperate in the construction of large regional treatment facilities, which provide economies of scale and give more efficient and more thorough waste treatment.

Industrial pollution

Some industries discharge their wastes into municipal systems; others discharge them directly into lakes and rivers. Obviously, unless we curb industrial as well as municipal pollution our waters will never be clean.

Industry itself has recognized the problem, and many industrial firms are making vigorous efforts to control their water-borne wastes. But strict standards and strict enforcement are nevertheless necessary—not only to ensure compliance, but also in fairness to those who have voluntarily assumed the often costly burden while their competitors have not. Good neighbors should not be placed at a competitive disadvantage because of their good neighborliness.

Under existing law, standards for water pollution control often are established in only the most general and insufficient terms: for example, by requiring all affected industries to install secondary treatment facilities. This approach takes little account of such crucial variables as the volume and toxicity of the wastes actually being discharged, or the capacity of a particular body of water to absorb wastes without becoming polluted. Even more important, it provides a poor basis for enforcement: with no effluent standard by which to measure, it is difficult to prove in court that standards are being violated.

The present fragmenting of jurisdictions also has hindered comprehensive efforts. At present, Federal jurisdiction generally extends only to interstate waters. One result has been that as stricter State-Federal standards have been imposed, pollution has actually increased in some other waters—in underground aquifers and the oceans. As controls over interstate waters are tightened, polluting industries will be increasingly tempted to locate on intrastate lakes and rivers—with a consequently increased threat to those waterways—unless they too are brought under the same strictures.

I propose that we take an entirely new approach: one which concerns Federal, State and private efforts, which provides for effective nationwide enforcement, and which rests on a simple but profoundly significant principle: that the nation's waterways belong to us all, and that neither a municipality nor an industry should be allowed to discharge wastes into those waterways beyond their capacity to absorb the wastes without becoming polluted.

Specifically, I propose a seven-point program of measures we should adopt now to enforce control of water pollution from industrial and municipal wastes, and to give the States more effective backing in their own efforts.

I propose that State-Federal water quality standards be amended to impose precise effluent requirements on all industrial and municipal sources. These should be imposed on an expeditious timetable, with the limit for each based on a fair allocation of the total capacity of the waterway to absorb the user's particular kind of waste without becoming polluted.

I propose that violation of established effluent requirements be considered sufficient cause for court action.

I propose that the Secretary of the Interior be allowed to proceed more swiftly in his enforcement actions, and that he be given new legal weapons including subpoena and discovery power.

I propose that failure to meet established water quality standards or implementation schedules be made subject to court-imposed fines of up to $10,000 per day.

I propose that the Secretary of the Interior be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.

I propose that the Federal pollution-control program be extended to include all navigable waters, both inter- and intrastate, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

I propose that Federal operating grants to State pollution control enforcement agencies be tripled over the next five years—from $10 million now to $30 million in fiscal year 1975—to assist them in meeting the new responsibilities that stricter and expanded enforcement will place upon them.

AIR POLLUTION CONTROL

Air is our most vital resource, and its pollution is our most serious environmental problem. Existing technology for the control of air pollution is less advanced than that for controlling water pollution, but there is a great deal we can do within the limits of existing technology—and more we can do to spur technological advance.

Most air pollution is produced by the burning of fuels. About half is produced by motor vehicles.

Motor vehicles

The Federal Government began regulating automobile emissions of carbon monoxide

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and hydrocarbons with the 1968 model year. Standards for 1970 model cars have been made significantly tighter. This year, for the first time, emissions from new buses and heavy-duty trucks have also been brought under Federal regulation.

In future years, emission levels can and must be brought much lower.

The Secretary of Health, Education and Welfare is today publishing a notice of new, considerably more stringent motor vehicle emission standards he intends to issue for 1973 and 1975 models—including control of nitrogen oxides by 1973 and of particulate emissions by 1975.

These new standards represent our best present estimate of the lowest emission levels attainable by those years.

Effective control requires new legislation to correct two key deficiencies in the present law:

(a) Testing procedures.—Under present law, only manufacturers' prototype vehicles are tested for compliance with emission standards, and even this is voluntary rather than mandatory.

I propose legislation requiring that representative samples of actual production vehicles be tested throughout the model year.

(b) Fuel composition and additives. What goes into a car's fuel has a major effect on what comes out of its exhaust, and also on what kinds of pollution-control devices can effectively be employed. Federal standards for what comes out of a car's engine should be accompanied by standards for what goes into it.

I propose legislation authorizing the Secretary of Health, Education and Welfare to regulate fuel composition and additives.

With these changes, we can drastically reduce pollution from motor vehicles in the years just ahead. But in making and keeping our peace with nature, to plan only one year ahead or even five is hardly to plan at all. Our responsibility now is also to look beyond the Seventies, and the prospects then are uncertain. Based on present trends, it is quite possible that by 1980 the increase in the sheer number of cars in densely populated areas will begin outrunning the technological limits of our capacity to reduce pollution from the internal combustion engine. I hope this will not happen. I hope the automobile industry's present determined effort to make the internal combustion engine sufficiently pollution-free succeeds. But if it does not, then unless motor vehicles with an alternative, low-pollution power source are available, vehicle-caused pollution will once again begin an inexorable increase.

Therefore, prudence dictates that we move now to ensure that such a vehicle will be available if needed.

I am inaugurating a program to marshal both government and private research with the goal of producing an unconventionally powered, virtually pollution-free automobile within five years.

I have ordered the start of an extensive Federal research and development program in unconventional vehicles, to be conducted under the general direction of the Council on Environmental Quality.

As an incentive to private developers, I have ordered that the Federal Government should undertake the purchase of privately produced unconventional vehicles for testing and evaluation.

A proposal currently before the Congress would provide a further incentive to private developers by authorizing the Federal government to offer premium prices for purchasing low-pollution cars for its own use. This could be a highly productive program once such automobiles are approaching development, although current estimates are that, initially, prices offered would have to be up to 200% of the cost of equivalent conventional vehicles rather than the 125% contemplated in the proposed legislation. The immediate task, however, is to see that an intensified program of research and development begins at once.

One encouraging aspect of the effort to curb motor vehicle pollution is the extent to which industry itself is taking the initiative. For example, the nation's principal automobile manufacturers are not only developing devices now to meet present and future Federal emission standards, but are also, on their own initiative, preparing to put on the market by 1972 automobiles which will not require and, indeed, must not use leaded gasoline. Such cars will not only discharge no lead into the atmosphere, but will also be equipped with still more effective devices for controlling emissions—devices made possible by the use of lead-free gasoline.

This is a great forward step taken by the manufacturers before any Federal regulaiton of lead additives or emissions has been imposed. I am confident that the petroleum industry will see to it that suitable nonleaded gasoline is made widely available for these new cars when they come on the market.

Stationary-source pollution

Industries, power plants, furnaces, incinerators—these and other so-called "stationary sources" add enormously to the pollution of the air. In highly industrialized areas, such pollution can quite literally make breathing hazardous to health, and can cause unforeseen atmospheric and meteorological problems as well.

Increasingly, industry itself has been adopting ambitious pollution-control programs, and state and local authorities have been setting and enforcing stricter anti-pollution standards. But they have not gone far enough or fast enough, nor, to be realistic about it, will they be able to without the strongest possible Federal backing. Without effective government standards, industrial firms that spend the necessary money for pollution control may find themselves at a serious economic disadvantage as against their less conscientious competitors. And without effective Federal standards, states and communities that require such controls find themselves at a similar disadvantage in attracting industry, against more permissive rivals. Air is no respecter of political boundaries: a community that sets and enforces strict standards may still find its air polluted from sources in another community or another state.

Under the Clean Air Act of 1967, the Federal government is establishing air quality control regions around the nation's major industrial and metropolitan areas. Within these regions, states are setting air quality standards—permissible levels of pollutants in the air—and developing plans for pollution abatement to achieve those air quality standards. All state air quality standards and implementation plans require Federal approval.

This program has been the first major Federal effort to control air pollution. It has been a useful beginning. But we have learned in the past two years that it has shortcomings. Federal designation of air quality control regions, while necessary in areas where emissions from one state are polluting the air in another, has been a time-consuming process. Adjoining states within the same region often have proposed inconsistent air quality standards, causing further delays for compromise and revision. There are no provisions for controlling pollution *outside* of established air quality control regions. This means that even with the designation of hundreds of such regions, some areas of the country with serious air pollution problems would remain outside of the program. This is unfair not only to the public but to many industries as well, since those within regions with strict requirements could be unfairly disadvantaged with respect to competitors that are not within regions. Finally, insufficient Federal enforcement powers have circumscribed the Federal government's ability to support the states in establishing and enforcing effective abatement programs.

It is time to build on what we have learned, and to begin a more ambitious national effort. I recommend that the Clean Air Act be revised to expand the scope of strict pollution abatement, to simplify the task of industry in pollution abatement through more nearly uniform standards, and to provide special controls against particularly dangerous pollutants.

I propose that the Federal government establish nationwide air quality standards, with the states to prepare within one year abatement plans for meeting those standards.

This will provide a minimum standard for air quality for all areas of the nation, while permitting states to set more stringent standards for any or all sections within the state. National air quality standards will relieve the states of the lengthy process of standard-setting under Federal supervision, and allow them to concentrate on the immediate business of developing and implementing abatement plans.

These abatement plans would cover areas both inside and outside of Federally designated air quality control regions, and could be designed to achieve any higher levels of air quality which the states might choose to establish. They would include emission standards for stationary sources of air pollution.

I propose that designation of interstate air quality control regions continue at an accelerated rate, to provide a framework for establishing compatible abatement plans in interstate areas.

I propose that the Federal government establish national emissions standards for facilities that emit pollutants extremely hazardous to health, and for selected classes of new facilities which could be major contributors to air pollution.

In the first instance, national standards are needed to guarantee the earliest possible elimination of certain air pollutants which are clear health hazards even in minute quantities. In the second instance, national standards will ensure that advanced abatement technology is used in constructing the new facilities, and that levels of air quality are maintained in the face of industrial expansion. Before any emissions standards were established, public hearings would be required involving all interested parties. The States would be responsible for enforcing these standards in conjunction with their own programs.

I propose that Federal authority to seek court action be extended to include both inter- and intrastate air pollution situations in which, because of local non-enforcement, air quality is below national standards, or in which emissions standards or implementation timetables are being violated.

I propose that failure to meet established air quality standards or implementation schedules be made subject to court-imposed fines of up to $10,000 per day.

SOLID WASTE MANAGEMENT

"Solid wastes" are the discarded left-overs of our advanced consumer society. Increasing in volume, they litter the landscape and strain the facilities of municipal governments.

New packaging methods, using materials which do not degrade and cannot easily be burned, create difficult new disposal problems. Though many wastes are potentially reusable, we often discard today what a generation ago we saved. Most bottles, for example, now are "non-returnable." We re-process used paper less than we used to, not only adding to the burden on municipal sanitation services but also making wasteful use of scarce timberlands. Often the least expensive way to dispose of an old automobile is to abandon it—and millions of people do precisely that, creating eyesores for millions of others.

One way to meet the problem of solid wastes is simply to surrender to it: to continue pouring more and more public money into collection and disposal of whatever happens to be privately produced and discarded. This is the old way; it amounts to a public subsidy of waste pollution. If we are ever truly to gain control of the problem, our goal must be broader: to reduce the volume of wastes and the difficulty of their disposal, and to encourage their constructive re-use instead.

To accomplish this, we need incentives, regulations and research directed especially at two major goals: a) making products more easily disposable—especially containers, which are designed for disposal; and b) re-using and recycling a far greater proportion of waste materials.

As we look toward the long-range future—to 1980, 2000 and beyond—recycling of materials will become increasingly necessary not only for waste disposal but also to conserve resources. While our population grows, each one of us keeps using more of the earth's resources. In the case of many common minerals, more than half those extracted from the earth since time began have been extracted since 1910.

A great deal of our space research has been directed toward creating self-sustaining environments, in which people can live for long periods of time by re-processing, recycling and re-using the same materials. We need to apply this kind of thinking more consciously and more broadly to our patterns of use and disposal of materials here on earth.

Many currently used techniques of solid waste disposal remain crudely deficient. Research and development programs under the Solid Waste Disposal Act of 1965 have added significantly to our knowledge of more efficient techniques. The Act expires this year. I recommend its extension, and I have already moved to broaden its programs.

I have ordered a re-direction of research under the Solid Waste Disposal Act to place greater emphasis on techniques for recycling materials, and on development and use of packaging and other material which will degrade after use—that is, which will become temporary rather than permanent wastes.

Few of America's eyesores are so unsightly as its millions of junk automobiles.

Ordinarily, when a car is retired from use it goes first to a wrecker, who strips it of its valuable parts, and then to a scrap processor, who reduces the remainder to scrap for sale to steel mills. The prices paid by wreckers for junk cars often are less than the cost of transporting them to the wrecking yard. In the case of a severely damaged or "cannibalized" car, instead of paying for it the wrecker may even charge towing costs. Thus the final owner's economic incentive to deliver his car for processing is slight, nonexistent or even negative.

The rate of abandonment is increasing. In New York City, 2,500 cars were towed away as abandoned on the streets in 1960. In 1964, 25,000 were towed away as abandoned; in 1969, more than 50,000.

The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

I have asked the Council on Environmental Quality to take the lead in producing a recommendation for a bounty payment or other system to promote the prompt scrapping of all junk automobiles.

The particular disposal problems presented by the automobiles are unique. However, wherever appropriate we should also seek to establish incentives and regulations to encourage the re-use, re-cycling or easier disposal of other commonly used goods.

I have asked the Chairman of the Council on Environmental Quality to work with the Cabinet Committee on the Environment, and with appropriate industry and consumer representatives, toward development of such incentives and regulations for submission to the Congress.

PARKS AND PUBLIC RECREATION

Increasing population, increasing mobility, increasing incomes and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up.

Plain common sense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years. Good sense also argues that the Federal Government itself, as the nation's largest landholder, should address itself more imaginatively to the question of making optimum use of its own holdings in a recreation-hungry era.

I propose full funding in fiscal 1971 of the $327 million available through the Land and Water Conservation Fund for additional park and recreational facilities, with increased emphasis on locations that can be easily reached by the people in crowded urban areas.

I propose that we adopt a new philosophy for the use of Federally-owned lands, treating them as a precious resource—like money itself—which should be made to serve the highest possible public good.

Acquiring needed recreation areas is a real estate transaction. One third of all the land in the United States—more than 750,000,000 acres—is owned by the Federal Government. Thousands of acres in the heart of metropolitan areas are reserved for only minimal use by Federal installations. To supplement the regularly-appropriated funds available, nothing could be more appropriate than to meet new real estate needs through use of presently-owned real estate, whether by transfer, sale or conversion to a better use.

Until now, the uses to which Federally-owned properties were put has largely been determined by who got them first. As a result, countless properties with enormous potential as recreation areas linger on in the hands of agencies that could just as well—or better—locate elsewhere. Bureaucratic inertia is compounded by a quirk of present accounting procedures, which has the effect of imposing a budgetary penalty on an agency that gives up one piece of property and moves to another, even if the vacated property is sold for 10 times the cost of the new.

The time has come to make more rational use of our enormous wealth of real property, giving a new priority to our newly urgent concern with public recreation—and to make more imaginative use of properties now surplus to finance acquisition of properties now needed.

By Executive Order, I am directing the heads of all Federal agencies and the Administrator of General Services to institute a review of all Federally-owned real properties that should be considered for other uses. The test will be whether a particular property's continued present use or another would better serve the public interest, considering both the agency's needs and the property's location. Special emphasis will be placed on identifying properties that could appropriately be converted to parks and recreation areas, or sold, so that proceeds can be made available to provide additional park and recreation lands.

I am establishing a Property Review Board to review the GSA reports and recommend to me what properties should be converted or sold. This Board will consist of the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality and the Administrator of General Services, plus others that I may designate.

I propose legislation to establish, for the first time, a program for relocating Federal installations that occupy locations that could better be used for other purposes.

This would allow a part of the proceeds from the sales of surplus properties to be used for relocating such installations, thus making more land available.

I also propose accompanying legislation to protect the Land and Water Conservation Fund, ensuring that its sources of income would be maintained and possibly increased for purchasing additional parkland.

The net effect would be to increase our capacity to add new park and recreational facilities, by enabling us for the first time to use surplus property sales in a coordinated three-way program: a) by direct conversion from other uses; b) through sale of presently-owned properties and purchase of others with the proceeds; and c) by sale of one Federal property, and use of the proceeds to finance the relocation and conversion costs of making another property available for recreational use.

I propose that the Department of the Interior be given authority to convey surplus real property to State and local governments for park and recreation purposes at a public benefit discount ranging up to 100 percent.

I propose that Federal procedures be revised to encourage Federal agencies to make efficient use of real property. This revision should remove the budgetary penalty now imposed on agencies relinquishing one site and moving to another.

As one example of what such a property review can make possible, a sizable stretch of one of California's finest beaches has long been closed to the public because it was part of Camp Pendleton. Last month the Defense Department arranged to make more than a mile of that beach available to the State of California for use as a State park. The remaining beach is sufficient for Camp Pendleton's needs; thus the released stretch represents a shift from low-priority to high-priority use. By careful weighing alternative uses, a priceless recreational resource was returned to the people for recreational purposes.

Another vast source of potential parklands also lies untapped. We have come to realize that we have too much land available for growing crops and not enough land for parks, open space and recreation.

I propose that instead of simply paying each year to keep this land idle, we help local governments buy selected parcels of it to provide recreational facilities for use by the people of towns in rural areas. This program has been tried, but allowed to lapse; I propose that we revive and expand it.

I propose that we also adopt a program of long-term contracts with private owners of idled farmland, providing for its reforestation and public use for such pursuits as hunting, fishing, hiking and picknicking.

ORGANIZING FOR ACTION

The environmental problems we face are deep-rooted and widespread. They can be solved only by a full national effort embracing not only sound, coordinated planning, but also an effective followthrough that reaches into every community in the land. Improving our surroundings is necessarily the business of us all.

At the Federal level, we have begun the process of organizing for this effort.

The Council on Environmental Quality has been established. This Council will be the keeper of our environmental conscience, and a goad to our ingenuity; beyond this, it will have responsibility for insuring that all our programs and actions are undertaken with a careful respect for the needs of environmental quality. I have already assigned it major responsibilities for new program development, and I shall look to it increasingly for new initiatives.

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The Cabinet Committee on the Environment, which I created last year, acts as a coordinating agency for various departmental activities affecting the environment.

To meet future needs, many organizational changes will still be needed. Federal institutions for dealing with the environment and natural resources have developed piecemeal over the years in response to specific needs, not all of which were originally perceived in the light of the concerns we recognize today. Many of their missions appear to overlap, and even to conflict. Last year I asked the President's Advisory Council on Executive Organization, headed by Mr. Roy Ash, to make an especially thorough study of the organization of Federal environmental, natural resource and oceanographic programs, and to report its recommendations to me by April 15. After receiving their report, I shall recommend needed reforms, which will involve major reassignments of responsibilities among Departments.

For many of the same reasons, overlaps in environmental programs extend to the Legislative as well as the Executive branch, so that close consultation will be necessary before major steps are taken.

No matter how well organized government itself might be, however, in the final analysis the key to success lies with the people of America.

Private industry has an especially crucial role. Its resources, its technology, its demonstrated ingenuity in solving problems others only talk about—all these are needed, not only in helping curb the pollution industry itself creates but also in helping devise new and better ways of enhancing all aspects of our environment.

I have ordered that the United States Patent Office give special priority to the processing of applications for patents which could aid in curbing environmental abuses.

Industry already has begun moving swiftly toward a fuller recognition of its own environmental responsibilities, and has made substantial progress in many areas. However, more must be done.

Mobilizing industry's resources requires organization. With a remarkable degree of unanimity, its leaders have indicated their readiness to help.

I will shortly ask a group of the nation's principal industrial leaders to join me in establishing a National Industrial Pollution Control Council.

The Council will work closely with the Council on Environmental Quality, the Citizens' Advisory Committee on Environmental Quality, the Secretary of Commerce and others as appropriate in the development of effective policies for the curbing of air, water, noise and waste pollution from industrial sources. It will work to enlist increased support from business and industry in the drive to reduce pollution, in all its forms, to the minimum level possible. It will provide a mechanism through which, in many cases, government can work with key leaders in various industries to establish voluntary programs for accomplishing desired pollution-control goals.

Patterns of organization often turn out to be only as good as the example set by the organizer. For years, many Federal facilities have themselves been among the worst polluters. The Executive Order I issued last week not only accepts responsibility for putting a swift end to Federal pollution, but puts teeth into the commitment.

I hope this will be an example for others.

At the turn of the century, our chief environmental concern was to conserve what we had—and out of this concern grew the often embattled but always determined "conservation" movement. Today, "conservation" is as important as ever—but no longer is it enough to conserve what we have; we must also restore what we have lost. We have to go beyond conservation to embrace restoration.

The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of simply sitting back and blaming someone else. Neither is it one to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community.

Through the Council on Environmental Quality, through the Citizens' Advisory Committee on Environmental Quality, and working with Governors and Mayors and county officials and with concerned private groups, we shall be reaching out in an effort to enlist millions of helping hands, millions of willing spirits—millions of volunteer citizens who will put to themselves the simple question: "What can I do?"

It is in this way—with vigorous Federal leadership, with active enlistment of governments at every level, with the aid of industry and private groups, and above all with the determined participation by individual citizens in every state and every community, that we at last will succeed in restoring the kind of environment we want for ourselves, and the kind the generations that come after deserve to inherit.

This task is ours together. It summons our energy, our ingenuity and our conscience in a cause as fundamental as life itself.

RICHARD NIXON.

THE WHITE HOUSE, *February 10, 1970*.

EXECUTIVE ORDER 11507—PREVENTION, CONTROL, AND ABATEMENT OF AIR AND WATER POLLUTION AT FEDERAL FACILITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857), the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), and the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy*. It is the intent of this order that the Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

SEC. 2. *Definitions*. As used in this order;

(a) The term "respective Secretary" shall mean the Secretary of Health, Education, and Welfare in matters pertaining to air pollution control and the Secretary of the Interior in matters pertaining to water pollution control.

(b) The term "agencies" shall mean the departments, agencies, and establishments of the executive branch.

(c) The term "facilities" shall mean the buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured for the purpose of leasing to the Federal Government.

(d) The term "air and water quality standards" shall mean respectively the quality standards and related plans of implementation, including emission standards, adopted pursuant to the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended, or as prescribed, pursuant to section 4(b) of this order.

(e) The term "performance specifications" shall mean permissible limits of emissions, discharges, or other values applicable to a particular Federal facility that would, as a minimum, provide for conformance with air and water quality standards as defined herein.

(f) The term "United States" shall mean the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 3. *Responsibilities*. (a) Heads of agencies shall, with regard to all facilities under their jurisdiction:

(1) Maintain review and surveillance to ensure that the standards set forth in section 4 of this order are met on a continuing basis.

(2) Direct particular attention to identifying potential air and water quality problems associated with the use and production of new materials and make provisions for their prevention and control.

(3) Consult with the respective Secretary concerning the best techniques and methods available for the protection and enhancement of air and water quality.

(4) Develop and publish procedures, within six months of the date of this order, to ensure that the facilities under their jurisdiction are in conformity with this order. In the preparation of such procedures there shall be timely and appropriate consultation with the respective Secretary.

(b) The respective Secretary shall provide leadership in implementing this order, including the provision of technical advice and assistance to the heads of agencies in connection with their duties and responsibilities under this order.

(c) The Council on Environmental Quality shall maintain continuing review of the implementation of this order and shall, from time to time, report to the President thereon.

SEC. 4. *Standards*. (a) Heads of agencies shall ensure that all facilities under their jurisdiction are designed, operated, and maintained so as to meet the following requirements:

(1) Facilities shall conform to air and water quality standards as defined in section 2(d) of this order. In those cases where no such air or water quality standards are in force for a particular geographical area, Federal facilities in that area shall conform to the standards established pursuant to subsection (b) of this section. Federal facilities shall also conform to the performance specifications provided for in this order.

(2) Actions shall be taken to avoid or minimize wastes created through the complete cycle of operations of each facility.

(3) The use of municipal or regional waste collection or disposal systems shall be the preferred method of disposal of wastes from Federal facilities. Whenever use of such a system is not feasible or appropriate, the heads of agencies concerned shall take necessary measures for the satisfactory disposal of such wastes, including:

(A) When appropriate, the installation and operation of their own waste treatment and disposal facilities in a manner consistent with this section.

(B) The provision of trained manpower, laboratory and other supporting facilities as appropriate to meet the requirements of this section.

(C) The establishment of requirements that operators of Federal pollution control facilities meet levels of proficiency consistent with the operator certification requirements of the State in which the facility is located. In the absence of such State requirements the respective Secretary may issue guidelines, pertaining to operator qualifications and performance, for the use of heads of agencies.

(4) The use, storage, and handling of all materials, including but not limited to, solid fuels, ashes, petroleum products, and other chemical and biological agents, shall be carried out so as to avoid or minimize the possibilities for water and air pollution. When appropriate, preventive measure shall be taken to entrap spillage or discharge or otherwise to prevent accidental pollution. Each agency, in consultation with the respective Secretary, shall establish appropri-

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ate emergency plans and procedures for dealing with accidental pollution.

(5) No waste shall be disposed of or discharged in such a manner as could result in the pollution of ground water which would endanger the health or welfare of the public.

(6) Discharges of radioactivity shall be in accordance with the applicable rules, regulations, or requirements of the Atomic Energy Commission and with the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(b) In those cases where there are no air or water quality standards as defined in section 2(d) of this order in force for a particular geographic area or in those cases where more stringent requirements are deemed advisable for Federal facilities, the respective Secretary, in consultation with appropriate Federal, State, interstate, and local agencies may issue regulations establishing air or water quality standards for the purpose of this order, including related schedules for implementation.

(c) The heads of agencies, in consultation with the respective Secretary, may from time to time identify facilities or uses thereof which are to be exempted, including temporary relief, from provisions of this order in the interest of national security or in extraordinary cases where it is in the national interest. Such exemptions shall be reviewed periodically by the respective Secretary and the heads of the agencies concerned. A report on exemptions granted shall be submitted to the Council on Environmental Quality periodically.

SEC. 5. *Procedures for abatement of air and water pollution at existing Federal facilities.* (a) Actions necessary to meet the requirements of subsections (a)(1) and (b) of section 4 of this order pertaining to air and water pollution at existing facilities are to be completed or under way no later than December 31, 1972. In cases where an enforcement conference called pursuant to law or air and water quality standards require earlier actions, the earlier date shall be applicable.

(b) In order to ensure full compliance with the requirements of section 5(a) and to facilitate budgeting for necessary corrective and preventive measures, heads of agencies shall present to the Director of the Bureau of the Budget by June 30, 1970, a plan to provide for such improvements as may be necessary to meet the required date. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility to meet the requirements of subsections 4 (a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements, he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) As may be found necessary, heads of agencies may submit requests to the Director of the Bureau of the Budget for extensions of time for a project beyond the time specified in section 5(a). The Director, in consultation with the respective Secretary, may approve such requests if the Director deems that such project is not technically feasible or immediately necessary to meet the requirements of subsections 4 (a) and (b). Full justification as to the extraordinary circumstances necessitating any such extension shall be required.

(e) Heads of agencies shall not use for any other purpose any of the amounts appropriated and apportioned for corrective and preventive measures necessary to meet the requirements of subsection (a) for the fiscal year ending June 30, 1971, and for any subsequent fiscal year.

SEC. 6. *Procedures for new Federal facilities.* (a) Heads of agencies shall ensure that the requirements of section 4 of this order are considered at the earliest possible stage of planning for new facilities.

(b) A request for funds to defray the cost of designing and constructing new facilities in the United States shall be included in the annual budget estimates of an agency only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility will meet the requirements of section 4 of this order.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility when action is necessary to meet the requirements of subsections 4(a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) Heads of agencies shall give due consideration to the quality of air and water resources when facilities are constructed or operated outside the United States.

SEC. 7. *Procedures for Federal water resources projects.* (a) All water resources projects of the Departments of Agriculture, the Interior, and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall be consistent with the requirements of section 4 of this order. In addition, all such projects shall be presented for the consideration of the Secretary of the Interior at the earliest feasible stage if they involve proposals or recommendations with respect to the authorization or construction of any Federal water resources project in the United States. The Secretary of the Interior shall review plans and supporting data for all such projects relating to water quality, and shall prepare a report to the head of the responsible agency describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary in connection with the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany at the earliest practicable stage any report proposing authorization or construction, or a request for funding, of such a water resource project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the agency concerned may propose authorization, construction, or funding of the project without such an accompanying report. In such a case, the head of the agency concerned shall explicitly state in his request or report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

SEC. 8. *Saving provisions.* Except to the extent that they are inconsistent with this order, all outstanding rules, regulations, orders, delegations, or other forms of administrative action issued, made, or otherwise taken under the orders superseded by section 9 hereof or relating to the subject of this order shall remain in full force and effect until amended, modified, or terminated by proper authority.

SEC. 9. *Orders superseded.* Executive Order No. 11282 of May 26, 1966, and Executive Order No. 11288 of July 2, 1966, are hereby superseded.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1970.*

EXECUTIVE ORDER 11514—PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91–190, approved January 1, 1970), it is ordered as follows:

Section 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

Sec. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

Sec. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures em-

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ployed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

Sec. 4. *Amendments of E. O. 11472*. Executive Order No. 11472 of May 29, 1969, including the heading thereof, is hereby amended:

(1) By substituting for the term "the Environmental Quality Council", wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the Cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget,", the following: "the Director of the Office of Science and Technology,".

(4) By substituting for subsection (g) of section 101 the following:

"(g) The Chairman of the Council on Environmental Quality (established by Public Law 91–190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91–190)".

(7) By substituting for "(hereinafter referred to as the 'Committee')", in section 201, the following: "hereinafter referred to as the 'Citizens' Committee')".

(8) By substituting for the term "the Committee", wherever it occurs, the following: "the Citizens' Committee".

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1970*.

REMARKS OF THE HONORABLE RUSSELL E. TRAIN

The Council on Environmental Quality is nothing less than a new experiment in government—an experiment which will test whether we are wise enough to manage our affairs in a way which recognizes the essential interdependence of man and his environment.

The responsibilities of the Council cut across the entire fabric of the Federal Government and it provides an integrative force in a critical area of policy making. At the same time, the Council's mandate recognizes that the problems and needs of the environment are tremendously complex, that they do not lend themselves to either simple or instant solutions—a fact which some current pleaders for the environment tend to overlook.

A basic thrust of the National Environmental Policy Act is to insure to the greatest extent practical that environmental considerations are given careful attention and appropriate weight at all stages of the planning and decisionmaking process in every agency of the Federal Government. This requirement is not intended to be a mere formality. Nor is it intended to receive mere lip service. It demands no less than a revolution in the way we approach problems and make decisions—an objective to which the Council attaches the highest priority. If we can in fact cause fundamental changes in the decisionmaking process within the Federal Government, I can think of no greater contribution that our Council could make. Furthermore, such changes could have a pervasive influence at other levels of government, in the private sector, and, perhaps most important of all, in our education institutions.

Already the Council has begun work on a variety of environmental problems—junk automobiles, solid waste recycling, agricultural pollution, pesticides, unconventional vehicles, tanker oil spills, ocean dumping, detergents, environmental monitority, land-use planning. The Congress, in passing the National Environmental Policy Act of 1969, gave us a very broad mandate. The declaration of policy is clear. One of the major purposes of the Act is: "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment . . ."

The President recognized and expanded upon that sentence when he commented while signing the Act on January 1st that we are engaged in a "now or never" battle for a natural environment of quality. The very fact that he made his approval of the Act his first official act of the decade of the seventies was dramatic evidence of his commitment to environmental improvement.

On March 5, the President clarified our Council's authority and expanded upon our responsibilities to carry out our mandate. The Executive Order of that date directs the Council to evaluate existing and proposed policies and activities of the entire Federal government to assure full consideration of environmental values. In so doing, it directs the Council to recommend to the President and the various agencies program priorities for the control of pollution and improvement of our environment.

During this review, the Council will not hesitate to recommend changes to correct deficiencies and to provide adequate responses to potential environmental problems.

We may on occasion conduct hearings as the need arises so that you, in what now might be termed the "fifth estate," will have an opportunity to present your views and give us your counsel.

The Council will exert its influence to coordinate more closely the vast multitude of Federal programs which either relate directly to environmental quality, or which have a significant impact on environment.

An important aspect of this authority is the requirement of the new statute that all agencies file detailed statements concerning all proposals for major legislation and other actions which significantly affect the environment. The Council will recommend guidelines for carrying out this responsibility.

The Act provides the criteria on which the reviews are based, and our "guidelines" will supplement those criteria. The Act provides that every recommendation or report on proposals for legislation and other Federal actions with significant environmental impact must include a detailed statement which discusses:

(1) the environmental impact of the proposal;

(2) any adverse impacts which cannot be avoided should the proposal be implemented;

(3) alternatives to the proposal;

(4) the relationship between local short-term uses of the environment and maintenance and enhancement of long-term productivity; and

(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Let me give you an illustration of how this might work. I am sure that all of you are by now familiar with the Florida jetport controversy. For a moment, let us imagine that Florida authorities had just filed their first application, which probably would have been for air space rights or authority to designate aircraft traffic patterns. Or, perhaps the first State-to-Federal contact would be an application for grant assistance.

At this point, using the guidelines developed by the Council, the Federal Aviation Administration would be required to examine not only the air safety aspects of the application, but the entire range of environmental considerations.

As part of this agency review process, all other Federal agencies with special expertise in the subject matter would be contacted. Presumably, in this instance, F.A.A. would contact the National Park Service, Bureau of Sport Fisheries and Wildlife, and other resource managing agencies.

The agency's statement of environmental impact of the proposed project would be part of the entire project file from the outset, would be available to the President and to the Council on Environmental Quality, and on request to the public. It would accompany the proposal throughout the decisionmaking process, including consideration by Congress as part of the authorization process.

In short, it is intended that there be a thorough evaluation of short-term objectives, and their long-term impact upon the environment.

I think this gives you an idea of the mechanics of one of our most important functions. It will be up to you, as part of the conservation conscience of America, to see that environmental impact studies are read and studied and talked about. There should be no shroud of secrecy around these reports, which will be available under the Freedom of Information Act.

I have emphasized that our Council hopes to be in a position to exert a fundamental influence on the way decisions are made which affect the environment. I have described one of our most important tools in this respect. At the same time, I think that it is important to keep in mind that our Council will never have the staff capability to re-examine every single on-going activity of the Federal Government, nor should it. We expect to be selective in our review process. Moreover, it is also important to remember that fundamental changes, particularly those which involve changes in

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attitude and in values, seldom occur overnight. The objectives which we will be pursuing necessarily will involve a process of education—education of our policy makers, education of our bureaucracy, education in our professional and other schools, and finally, education of the ordinary citizen toward a better understanding of the world around him and his relationship to it.

I sincerely believe that our new Council possesses tremendous potential for improved environmental management. At the same time, let us not delude ourselves into thinking that any single device will solve our environmental problems. The problems are enormously complex, and they will not give away to simplistic approaches. We Americans tend to think that any problem can be solved, no matter how great, if we can only find the right technological handle and put enough money into the job. Our goal of a high quality environment will not be achieved by following this route. Indeed, it may well be just this kind of thinking which has led us to our present environmental crisis. Far more than technology and money are involved, although these are important. Human values, attitudes, and behavior are even more basic to the equation we must solve.

Our new Council on Environmental Quality hopes to play a leading role in the years ahead. However, if we are to be truly successful in our search for environmental quality, there will need to be a commitment and an effective action at all levels of government—Federal, State and local, in industry, among private organization, and finally in communities and homes throughout the country.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the largest producer of cotton yarn in the world. In 1967 the United States produced 2,060,300 short tons of cotton yarn. The Soviet Union was second producing 1,513,900 short tons.

CONGRESS SHOULD MAKE THE C. & O. CANAL A NATIONAL HISTORICAL PARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the April 28 Washington Star carried an excellent article on last Saturday's hike along the C. & O. Canal. This hike, in which I participated, is held each year to dramatize the need to preserve the canal as a national historical park. There is legislation pending in Congress now that would do just this. The Star article makes the case for this legislation briefly and well, and I commend it to my colleagues:

HIKERS WANT C&O CANAL PRESERVED

(By George Huber)

People who don't know what it's all about wonder why 500 or so people turn out each spring for a day's hike along the C&O Canal with Justice William O. Douglas.

What it is is a one-day dramatization of a desire to assure preservation of this 185-mile stretch of land as a national historical park.

That the old canal is a great recreation facility, or more accurately has great recreation potential, goes almost without saying. It is within easy reach of a dozen metropolitan areas and of millions of people for hiking, fishing, boating, bicycling, canoeing, camping, bird watching, etc.

It comes as a surprise that the government doesn't have great plans to restore and improve this facility. There are individuals within the government who nurture such plans and hopes, but for things to go forward it will take an act of Congress making the canal a national historical park.

Much of the old canal is government owned, as a national historical monument, made so by an executive order by President Dwight Eisenhower. But there are large technical differences between a national monument and a national park, and a park established by act of Congress has a greater status of permanency and funding.

SHOWPLACE NEAR WASHINGTON

People who see only the showplace stretch of the canal just above Washington don't know that much of the rest is in ruins, hardly discernable in many places, unkempt and neglected, and some in private ownership. Part of this showplace stretch was the scene of last Saturday's annual Justice Douglas hike, the 17th he has led. Earlier hikes were further up the canal, drawing attention to some of the poorer canal stretches.

These hikes started in 1954, the first a week-long affair covering the entire 185 miles from Cumberland to Washington. It was proposed then to build a highway along the old canal bed. The hike led by Justice Douglas drew national attention to this plan, and effectively killed it.

GREAT DAY FOR HIKE

The men who were on that hike formed the C&O Canal Association, and planned a one-day reunion hike every spring thereafter. Others have joined in, everyone who shows up is welcome, and now great hordes come out on the last Saturday in April.

Last Saturday's hike was 16 miles, from Seneca to Glen Echo, and best estimates are that around 500 persons started. They had a perfect day for it, best yet of the spring.

There were all kinds in the crowd, including some celebrity watchers who just wanted to see and be seen. The great majority were sincere lovers of the outdoors, however, who want the canal preserved.

There were packs of Cub Scouts and groups of kids even younger. Boy Scouts were there, and Girl Scouts, the Campfire Girls too, Youth Hostels, Canoe Cruisers Association, Potomac Appalachian Trail Club, other groups and many individuals, also whole families including babies carried along in back packs.

The stretch they covered is beautiful and historic, certainly worth preserving, but this can be said of the entire canal.

A point of interest is Seneca Aqueduct, a sandstone structure carrying the canal across Seneca Creek. An unusual thing about this aqueduct is that it also is a canal lock.

Just below, in the Potomac River, is the old Seneca Rock Dam, a rip-rap structure that must have been an engineering feat in its day. It was built to divert river water into the canal, and although in ruins now still backs up enough water for the four-mile long Seneca Lake.

A mile after their start the hikers came to the Blockhouse Point cliffs towering over the canal. These got their name from a fort built there to guard the river during the Civil War.

SEWER CONSTRUCTION

A part of these cliffs tumbled into the canal during blasting for sewer construction two years ago.

Another effect of this sewer construction, and one of the many things that show how tenuous wildlife is along the canal, is evident at the Dierson Waterfowl Sanctuary not far below the cliffs. Here redheaded woodpeckers frequently were seen, but they left during the sewer work and haven't returned.

At Pennyfield Lock the hikers had a view of a Potomac River stretch where President Grover Cleveland loved to fish, and of the house he stayed in there.

Hikers especially were cheered by the great river panorama at River Bend, where not too many years ago a dam was planned. This scheme seems to have died.

And so it went for the whole 16 miles, hardly a step that wasn't of scenic and historic value.

GREETINGS TO THE RUMANIAN NATIONAL COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on the celebration of Rumanian Independence Day, I greet the Rumanian National Committee and wish your kindred people in Rumania peace and prosperity in their homeland. I am proud to represent the many Americans of Rumanian background who live in my congressional district.

The Rumanian people suffered many centuries under the oppressive rule of the Turks, and 93 years ago they attained their national freedom. They proclaimed their independence on May 10, 1877, while fighting the Turks, and soon became masters of their national destiny. Since then, with sudden and tragic interruptions during the two world wars, they have successfully maintained their independent status as a nation.

Today's Rumania is a socialist state, under a totalitarian system of government. But even under totalitarianism, Rumanians are preserving their national identity and the nation's heritage. Proudly and courageously their leaders seek to work out their own destiny and vigilantly guard Rumania's national independence.

DEVELOPING USES OF ELECTRONICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 60 minutes.

Mr. DENT. Mr. Speaker, I take this opportunity to address the House, and present for the RECORD the views of Floyd E. Smith, international president of the International Association of Machinists and Aerospace Workers—AFL–CIO—Charles H. Pillard, international president of the International Brotherhood of Electrical Workers—AFL–CIO—and Paul Jennings, president of the International Union of Electrical, Radio and Machine Workers—AFL–CIO—pertaining to the developing uses of electronics.

Research on this presentation was prepared by Abe Morganstern, research director for IUE, and AFL–CIO. The technical committee was composed of Anthony Bellissimo, assistant to the president, IBEW, AFL–CIO, George Collins,

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assistant to the president, IUE, AFL–CIO, and Vernon Jirikowic, research director, IAM, AFL–CIO.

I find their views very important. The days, I am afraid, of promoting a quota program have come and gone. The American production scene is rapidly deteriorating.

The material follows:

THE DEVELOPING CRISIS IN ELECTRONICS AND COMPANION INDUSTRIES

I. CURRENT REASONS FOR CONCERN

While the Electronics industries are considered to be among the Nation's leading growth industries, current developments in consumer electronics, components, business and computing machines, and companion product lines, should give every American—not merely those whose jobs are directly threatened—genuine cause for concern. For, what is happening is this:

Key growth segments of electronics and companion industries (their know-how, production and jobs) have been, and are being, exported abroad. Moreover, the exodus is rapidly escalating.

The dangerously rising volume of imports—increasingly, in foreign-made American brands and in imports by domestic parent firms from foreign-based plants—tends to accelerate the process of terminating U.S. operations and transferring domestic production and product lines to facilities outside U.S. borders.

The production and jobs transferred abroad are, to a large extent, of the types urgently needed here. They are needed if we are to find work for members of minority groups as well as others among the unemployed poor whom we are now trying to reach through antipoverty, manpower training, and similar programs, at a vast expense of taxpayer dollars.

While the electronics industries, and major electronics-electrical firms, are and have been heavily subsidized by the Federal government, they may possibly grow even more dependent on government, especially the Defense Department, for support. Currently, annual sales to DOD and. in far smaller amounts, to other government agencies, aggregate $13 billion. This represents more than half the industries' $25 billion in annual sales.

II. HISTORICAL SUMMARY AND SHORT STATISTICAL RUNDOWN

Electronics grew from a $1 billion to a $25 billion industry in 20 years. Over these 20 years, the Federal government has not only been the industry's largest customer, taking annually a major slice of its dollar output; it has also been the underwriter and sponsor of its remarkable technological progress.

Giant corporations dependent on Defense contracts for a substantial portion of sales include General Electric, Westinghouse, R.C.A., I.T.T., Sperry-Rand, Litton Industries, and dozens of others. In fiscal 1969, G.E.'s Defense contracts totaled more than $1.6 billion. Raytheon's amounted to $547 million; Sperry-Rand's to $468 million; Westinghouse's, to $430 million; Litton Industries', to $377 million; and R.C.A.'s, to $300 million. Without profitable Defense contracts, Sperry-Rand could hardly have weathered large, sustained computer and business machines losses. Sperry's most profitable product line today is computers, but it was its Defense business that kept it solvent.

The technological lead of American electronics firms was nurtured and underwritten by billions of dollars in government R&D money. As the OECD Directorate For Scientific Affairs points out, "semiconductors, numerical control, electronic computers . . . as well as a host of other less significant innovations, owe their development to Federal support." Huge Federal outlays for research, development, test and evaluation, made possible revolutionary developments in miniaturization, microwave, solid state, integrated circuitry, laser technology, etc.; thereby helping to give domestic firms a commanding technological edge over foreign competitors. Many of the profitable patents these firms hold—and on which they are paid royalties by foreign and domestic firms—resulted from government sponsored R&D programs. As indicated earlier, production and product lines financed by government R&D funds have been transferred to U.S.-owned overseas plants.

How much taxpayer money was poured into R&D? According to National Science Foundation figures, from 1957 to 1965, leading firms in the electronics (and communications) industries spent $23 billion for research and development—22–24 percent of total domestic R&D expenditures. Of this amount, two-thirds was directly provided by the Federal government.

Overseas capital investment by the American electrical-electronics industry continues undiminished, despite the imposition of direct investment controls. Expenditures for equipment and plants outside U.S. borders by electrical-electronics concerns were estimated at $625 million for the years 1967–68. About $2.5 billion was directly invested in new equipment and plants abroad during the 1958–68 decade. This sum does not include profits earned, accumulated and reinvested abroad. According to available but incomplete statistics, at least two dozen new American-owned plants were established on the Mexican border within the past year. The trade press and official records show similar escalating shifts of production, products, and jobs to Taiwan, Hong Kong, South Korea, Singapore and other areas in the Far East.

The process feeds on itself. The transfer of production, product lines, and jobs abroad by one or two American firms is a signal for others to follow. That is one reason why new and expanded U.S.-owned plants are springing up on the Mexican border and in the Far East, as well as in Europe. The exodus is encouraged and abetted by the U.S. Department of Commerce, which frequently acts as promoter and agent for U.S. firms. Commerce Department employees stationed abroad assist U.S. companies in finding suitable plant locations. Occasionally, they may also arrange financing, and provide other advertised services. As inducements host countries (Taiwan, Mexico, South Korea, Singapore, Hong Kong, etc.) offer tax and rent concessions plus other attractive advantages—in addition, of course, to wage costs that range from less than 15 cents to 30 or 35 cents an hour.

The General Instrument Company is a case in point. It is now the largest employer in Taiwan, with 12,000 workers in its semiconductor, TV tuner, recorder and IFT plant—up from last year's 7,200, and from 500 in 1962, the year the plant opened. Hourly wages, including fringes, average 15–20 cents. In the past two years, G.I. closed three of its components plants in New England—one in Rhode Island and two in Massachusetts. All told, close to 2,000 workers were permanently displaced. Production of affected product lines was transferred to the company's expanded Taiwan facility. Other product lines and jobs may soon follow.

A second case in point is Ford-Philco, whose work force in Philadelphia was recently reduced by 1300, with additional layoffs foreseen. Philco-Taiwan, with current employment of over a thousand, now makes radios, phonographs and components for hi-fi and Color TV assemblies previously manufactured in the U.S. Philco has also been importing sets from Japan under its own brand name, further reducing domestic employment.

Electronics is rapidly developing into one of Taiwan's major industries and especially into its major export industry. In 1968, for example, it exported $60 million worth of electronic products up from $36 million in 1966. But by 1972, Taiwan's export of TV sets alone—almost entirely to this country—should reach $250 million. Total 1972 electronic exports are estimated at $500 million. Currently, exports to the U.S. in major electronic categories are up 40–80 percent from year ago levels. About 650,000 B & W TV sets were exported to the U.S. in 1969—30 percent more than the year before.

Restrictions imposed on foreign firms make it impossible for them to sell radios, TV sets or other products on the domestic Taiwanese market. American firms, however, are not seriously interested in producing for the Taiwanese market. They came to Taiwan primarily for one reason: to manufacture products at Taiwanese wage costs for export to the U.S. Some of the American firms with factories in Taiwan are: I.B.M., G.E., T.R.W., R.C.A., Admiral, Philco (two plants), Cornell Dubilier, Raytheon, Motorola, Singer, General Instrument, Ampex, C.T.S., etc.

The Mexican border program, devised to attract U.S. firms south of the border through substantial wage differentials plus other advantages, similarly imposes restrictions that make it impossible for such firms to sell Mexican-made products on the Mexican market. Directly below our border, we have a classic illustration of what such programs are about. Parts and components—machinery, too—are imported into Mexico duty free, machined and assembled in Mexican plants, and then shipped back to the U.S. for final, finish-up assembly in completed units This is known as the Twin Plants concept

The U.S. plants, however, are quite small and, quite frequently, only for show. Units are fully assembled into finished products in Mexican factories by Mexican workers earning 30–35 cents an hour. (Nearly 208,000 B & W TV sets were exported to the U.S. in 1969, up 420 percent from 1968). But the tariff on goods shipped back to the U.S. is only on the "value added" by low wage Mexican workers. Thus, a TV set assembled in Mexico from U.S.-made component parts pays only a fraction of the tariff levied on TV sets wholly made abroad from parts and components supplied by foreign manufacturers.

The "value added" tariff, applied as it is now, in conjunction with wage differentials merely encourages "runaway" companies to relocate. The same "value added" tariff is applied, incidentally, to imports from U.S.-owned plants in Taiwan, Hong Kong, South Korea and elsewhere, whenever almost wholly assembled products are made from parts shipped to the foreign facility from a U.S. plant. The applicable section of the law—Section 807—needs to be drastically changed.

Sales of foreign manufacturing affiliates of U.S. firms were $4 billion in 1965, compared with $1.9 billion in 1959. Though reliable current sales data is unavailable through government or private sources, we have reason to believe sales have increased at a much higher ratio than in previous years. In 1968, for example, G.E.'s foreign affiliates had net sales of $800 million, while I.T.T. and Singer's foreign affiliates had estimated sales aggregating more than $1 billion between them. *What should be remembered is that sales of such foreign manufacturing affiliates are, to an increasing extent, imports into the U.S.*

Finally, while there are no accurate statistics on the number of electronic, electrical, household, office and business machine facilities owned and operated abroad by multinational American corporations (a large percentage of whom are conglomerates), the number may be figured in thousands. As previously indicated, the number rises each year. All major corporations, as well as a large and growing number of medium-sized and smaller companies, now own and operate plants abroad, using government-subsidized

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technology and production know-how to manufacture products, formerly made here, for import into the U.S. (or to manufacture products for sale to third countries—frequently, depriving one of the company's U.S. affiliates of its markets).

III. RISING IMPORTS, TRANSFERS OF PRODUCTION AND DOMESTIC PLANT CLOSINGS

In 1967, the value of TV sets imported by the U.S. amounted to $125.5 million. TV imports in 1969 are estimated at about $300 million, up 46 percent from 1968 and 140 percent from 1967. According to preliminary figures, Japan alone exported to the U.S. 880,000 Color and over 2,200,000 B & W TV sets, supplying more than 15 percent of the U.S. Color and more than 40 percent of the U.S. B & W TV market.

In 1967, the value of radio receiving sets, radio-phonograph combinations and parts, and radio apparatus imported into the U.S., totaled $243 million. Imports for the first 11 months of 1969 are $374.5 million, and the full year estimate ranges between $410–$420 million. An estimated 85–90 percent of all radios sold in the U.S. are imports. From January to October, 1969, the U.S. imported 17 million transistor radios from Japan; 13 million from Hong Kong; close to 4 million from Taiwan; and close to 900,000 from South Korea.

In 1967, the value of phonographs, tape recorders and other sound recorders and reproducers imported into the U.S. was $153.4 million. In the first 11 months of 1969, the figure was $303.8 million. For the full year, it could reach $335 million, up 45 percent from 1968. Less than 10 percent of the tape recorders, cassettes, or similar equipment sold in the U.S. market are made in U.S. plants.

Thus, within two years, from 1967 to 1969, the dollar value of imports of TV sets, radios, phonographs, radio-phonographs, tape recorders and related consumer products has doubled. This doubling follows a previous quadrupling of the value of imports in the years 1962–67. Our 1969 balance of trade deficit on these consumer electronic products should approach one billion dollars.

Last year, Westinghouse closed its TV manufacturing plants in Edison, New Jersey, laying off 3,000 workers. Like several other firms, Westinghouse now imports and sells—under its own brand—Color and B&W TV sets made for it by Japanese firms. Formerly a manufacturer, it is now a distributor.[1] Several other U.S. manufacturers import and sell under their own brand Color and B&W TV sets, radios and other consumer equipment. TMA in Illinois cut back its production lines over 50 percent when it began importing radios and stereos from Japan.

As previously indicated, a sizable number of manufacturers have transferred production to foreign-based plants. Sylvania, for example, now makes TV sets in Hong Kong; Warwick Electronics, which supplies Sears, has drastically reduced production, and laid off hundreds of workers in its Arkansas plant, transferring TV output to a Mexican facility. Admiral and Motorola have established consumer electronics plants in Taiwan. In one of its recent ads, G.Z. announced it was the only remaining domestic manufacturer of radios. Implicit in the ad was a warning it might discontinue all production of radios in the U.S.

The domestic household sewing machine industry is now confined to part of one plant (Singer) in Elizabethport, New Jersey, which employs some 2,000 workers (previous employment high was over 10,000). It is the only remaining household sewing machine plant in the U.S. Yet for every three Singer machines sold here, two were made in the company's foreign plants.

During the past decade, the acquisition-conscious Singer Company acquired a number of major firms in the electronics and office machines industries, among them Friden, a manufacturer of office calculators now known as the Friden Division. Two years ago, Friden signed an agreement with Hitachi, whereby Hitachi would manufacture—under the Friden label and to Friden's specifications—its electronic desk calculators. Friden now distributes in the U.S. and abroad Friden calculators made by Hitachi in Japan.

Burroughs and others have similar agreements. Formerly manufacturers, they have become distributors of the products they once made. The domestic electronic desk calculator business is now dominated by Japanese firms. Currently, 60 percent of this growing market is controlled by Japanese firms. Within the next two or three years, Japanese manufacturers are expected to supply almost the entire market—directly, as well as through Friden, Burroughs and other domestic labels.

Several months ago, the press reported that Litton Industries—a major conglomerate whose various enterprises, such as shipbuilding and electronics, are heavily subsidized by DOD contracts—was shutting down domestic Royal typewriter plants. We learned earlier the Justice Department was investigating the company's acquisition of two German typewriter firms, Triomph and Adlerwerke, for possible Antitrust Act violations. Litton moved into the typewriter business in 1965 when it acquired Royal-McBee. A year or two later, it bought up the British company, Imperial Typewriters, Ltd. The Royal DeLuxe 660, one of the more popular and attractive Royal models, became the Imperial 660. Now Litton has announced Royal Typewriter models will be made in Japan to Royal specifications.

Sperry-Rand, kept alive through Defense contracts and R. & D. money, decided to close out domestic production of typewriter models a number of years ago. Sperry shifted operations to its European plants. These plants were subsequently closed. Now, Remington typewriters are made for Sperry under the Remington label by the Japanese firm, Brothers.

There is a campaign, promoted and supported by American industry, to urge the Japanese government to remove restrictions imposed on freedom of foreign investment, and on ownership and control of manufacturing facilities and enterprises in that country. It should be noted that some firms already have substantial, though not controlling, investments in Japanese concerns.[2] A major example is G.E., which owns 10 percent of the outstanding stock of Tokyo Shibaura Electric (G.E. also owns 12 percent of the outstanding stock of the German electrical giant, A.E.G.).

We do not believe any agreements reached between the U.S. and Japan permitting American ownership and control of manufacturing facilities in Japan in the electrical and electronic industries would be in the best interests either of American workers or the American people at this time. We feel it would further encourage export of production and jobs from the U.S.

IV. EMPLOYMENT, COMPARATIVE WAGE COSTS AND MAN-HOUR PRODUCTIVITY

By and large, employment in the Electrical Equipment and Supplies industry (SIC 36) has held up fairly well. Expanded Defense efforts and national economic growth were important contributing factors in the growth of this diverse industry group. Unemployment in the industry, however, may soon be on the rise, threatening to occur at a time when the labor force is rapidly increasing (it will grow 16 percent, to a total of 94 million by 1975) and at a time when the Administration is engaged in a massive drive to find hundreds of thousands of jobs for Negroes, Mexican-Americans and others among the poor for whom gainful employment is urgently needed. The government's various job creating and manpower training programs require several billions of dollars annually in federal expenditures. *Yet the types of jobs exported are precisely the unskilled and semi-skilled jobs needed here if we are to win the war against poverty and provide gainful employment for our disadvantaged poor.*

Moreover, at a time when total national and manufacturing employment was expanding, comparative figures for the months of October, 1966 and October, 1969, show a decline of 24,500 factory production workers (17 percent) in the *Radio* and *TV Receiving Equipment industry*. In *Electronic Components* and *Accessories*, there was a decline of 20,100 factory workers. The combined production worker decline in the two related industries comes to 44,600. Since these are basically growth industries, there should normally have been an increase in the number of production workers employed.

In another major growth industry, *Office* and *Computing Machines*, there was a total employment increase of 30,000, yet factory employment was up only a mere 400 jobs. The annual growth in computer shipments has averaged 15 percent, and this rate of growth should continue at least until 1975. However, firms in this industry have been exporting component parts to overseas plants for assembly into completed machines, effectively cutting into our exports of such machines. These foreign plants may soon be producing their own parts.

The effect cutbacks in Defense and other government programs will have on factory employment in other electrical-electronic industries is difficult to predict, but it could be quite severe.

A careful analysis of our employment problems indicates the need to retain and to increase the number of jobs of the types now being exported. Such jobs are required for those among our citizens most in need of productive work.

Since high labor costs are invariably given as a major reason for rising imports as well as for the shift of domestic production to U.S.-owned overseas plants, let us analyze this argument for a moment. When we do analyze it, we find that multinational conglomerate corporations have achieved almost unlimited exportability of capital, technology, production lines and production techniques. They can move capital, production and jobs freely wherever they wish, taking easy and quick advantage of substandard wages, low rents, favorable interest rates, tax loopholes, and tariff concessions. And, it is obvious the American taxpayer and the American worker has subsidized this mobility.

High U.S. labor costs are used increasingly to dismiss the problem as well as to assess blame. There is no merit in such contentions. For, wages in these industries—not high in themselves—cannot be expected to compete with foreign wages of 15 cents to 35 cents an hour—nor with the $1 an hour wage-fringe-social benefit costs in Japan. Even if wages were reduced to the $1.60 legal minimum, they would, with fringe costs added, be more than double the total current Japanese wage fringe cost. They would be from 8 to 12 times as much as the prevailing labor costs in Singapore, Hong Kong, South Korea and Taiwan, and 5 times as high as prevailing labor costs in Mexico. Thus, these countries enjoy a "comparative advantage" vis-

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[1] Emerson Radio Division of National Union Electric, another New Jersey TV manufacturer, has announced it is closing out production of TV and other consumer electronic equipment.

[2] American firms also have licensing agreements with Japanese and European counterparts, the latter paying royalties for the use of American patents.

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a-vis the U.S. by virtue of pitifully substandard wages, with which American wages cannot compete. Nor can they be expected to.

It should also be added that during the sixties man-hour productivity in the electrical-electronics industry, averaging about 4 percent a year, exceeded total wage and fringe benefit gains (2.8 percent a year at General Electric and 2.6 percent at Westinghouse). Since annual productivity gains were more than one percent higher than wage-fringe benefit gains, *increases in domestic labor costs can hardly have been a decisive factor in stimulating domestic plant closings* and in the relocation of U.S. plants overseas.

V. TRADE BALANCE CONSIDERATIONS

The American trade balance was at a breakeven point in 1968, dropping from the "historic" annual U.S. trade surplus of $5 billion. Concern for our declining trade balance has been expressed by the Assistant Secretary of Commerce and by the Department's Bureau of International Commerce. In its study, *U.S. Foreign Trade: A Five Year Outlook*, BIC points out that, omitting government-financed exports, there was a trade deficit in 1967, amounting to $1.6 billion.

The study also reveals that since 1962 the rate of rise of U.S. imports has outstripped the increase in U.S. exports by a ratio of almost 1½ to 1. During 1962–68, there was a decline in both our total (including government financed) and "commercial" trade surpluses. At least half our trade surplus during these years resulted from government-financed exports. If one were to exclude government-financed exports for 1966–68, the resulting trade balance figures would show a substantial deficit. Each year between 1962 and 1967, there was a sizable annual payments deficit.

The ratio of imports of consumer goods (other than food) and finished manufactures rose rapidly since 1962, and in 1968 accounted for 51 percent of all imports into the U.S. The import value of nonfood consumer goods, exclusive of automobiles, rose from $2.3 billion in 1962 to $5.3 billion in 1968. Imports of TV sets, radios, radio-phonographs, etc., which quadrupled between 1962 and 1967, has again doubled. It is essential, according to BIC, to take vigorous action, including, among other things, aggressive and ingenious promotional campaigns, if we are to expand our exports. The U.S. share of world markets, which has been declining, will decline further. A declining U.S. share of growing world markets appears inevitable, and the decline will be evident in practically all geographic areas. The trade deficit for consumer goods (other than food and autos) may nearly double during the 1969–73 period.

The Electrical machinery industry as a whole has always been a "trade surplus" industry, providing the economy with a much needed currency surplus. The extent to which figures are inflated by government-financed exports is unclear but it may amount to several hundred million dollars. In 1966, total industry exports were $1.9 billion, compared with imports of $1.02 billion. Since 1966, exports have climbed 37 percent to an estimated 1969 total of $2.6 billion. But imports have increased far more dramatically, rising 83.7 percent, to an estimated $1.86 billion.

In 1960, the ratio of exports to imports was 3.8 to 1. This ratio fell to 1.9 to 1 in 1966. and to 1.4 to 1 in 1969. No reversal in the declining trend is expected over the next few years. In consumer electronics (TV sets, radios, radio-phonos, tape recorders, etc.), the most seriously affected industry group, the estimated 1969 trade deficit is more than three times the $285 million deficit of 1966.

VI. CONCLUSIONS AND REMEDIES

In today's world of multinational corporations; in a world, that is, in which technology, products, production techniques, and jobs are readily exportable, and in which licensing agreements and joint ventures are common, traditional theories of international trade (laws of comparative advantage), are no longer applicable. And while there is urgent need to expand world trade on a rational basis, so that the world's people may benefit thereby, the growth must be orderly, equitable, and must contribute to real growth in living standards.

The benefits to be derived from increased production and broader world distribution are self-evident. If the electrical-electronics industry's products and instruments, from electric lamps to medical computers, were to be produced in sufficient quantities to meet the earth's population basic minimum needs, there would be enough full time employment in all producing countries for the entire foreseeable future. This is an objective devoutly to be pursued. In its pursuit, however, we cannot permit living standards already achieved—as in this country—to be threatened or undermined. Nor can we permit growth industries and the employment they generate to be exported at a time of substantial increases in the labor force, or at a time when we are trying to find jobs for the unemployed and underemployed poor.

Among the remedies we propose are the following:

A truth-in-import labeling act to identify the manufacturer and nation of origin of all imported products.

A tariff on the full value of the unit or product imported, not merely on the so-called "value added."

A clearly defined international program to raise substandard wage levels.

Measures to limit the export of capital, including a tax thereon.

Public ownership of patents developed on public programs and/or with public funds.

Quotas, either voluntary or involuntary, limiting the imports, and import growth, of products and components whose rate of import growth since 1966 has exceeded a stated percentage—with provisions for extension to other products and components whenever the rate of import increase during two successive years seems excessive.

Adjustments assistance for all workers displaced by a rise in imports, where the import rise can be shown to be a major or a significantly contributing cause of such displacement.

MILITARY ASSISTANCE FOR THE NEW REGIME IN CAMBODIA

(Mr. ADDABBO asked and was given permission to extend his remarks at this point in the Record.)

Mr. ADDABBO. Mr. Speaker, the President has now reacted to a request for military assistance from the new regime in Cambodia, headed by Lon Nol. The request reportedly covers everything from planes and trucks to rifles and spam and totals hundreds of millions of dollars.

The President has formulated an Asian policy which apparently applies to Cambodia, and the Congress, principally through the appropriation procedure, must reach its own conclusions on the extent of our future involvement in Asian land wars. As a member of the House Appropriations Committee and its Defense Appropriation Subcommittee, I am deeply concerned with legislative decisions on this subject and the ramifications of any decisions we make in Cambodia or the rest of Asia.

There are at least some conclusions which I have reached and which I hope will prevail after debate in the executive and legislative branches. First, we must take a firm position against the commitment of U.S. ground troops in Cambodia or any other part of Asia. Second, we must take a similar position against the deployment of U.S. military advisers, or any other U.S. personnel, directly or indirectly, in Cambodia or any other part of Asia. These policies are consistent with the formerly stated position of the President and it is the responsibility of Congress to assure that these policies are not merely public relations documents, but are followed. This would be in keeping with a provision I supported in the 1970 appropriation bill prohibiting expenditures of any funds appropriated to finance the introduction of American ground combat troops in Laos or Thailand. To do otherwise in light of our experience in Vietnam would be sheer folly.

With respect to military assistance in the form of arms or supplies, I believe we must remain flexible but guard against any further commitment which would or might escalate into a broader U.S. involvement. For example, I would oppose the shipment of any military hardware of such a sophisticated nature that the Cambodians could not operate the equipment without the presence of advisers or civilian personnel. This kind of aid would be too provocative and too easily subject to further commitments by the United States and the weapons may end up in the hands of our adversaries.

With respect to military assistance on a lesser level, I do not arbitrarily or automatically oppose such a move, but I would be wary to vote for any direct aid which might escalate our role in the struggle.

Mr. Speaker, I hope that our President and the Secretary of State will use every available diplomatic channel to avoid another confrontation of U.S. men or materials with Asian nations and reconsider action already taken. The appropriate response to the problems in Cambodia should be shaped and executed by our Asian allies—Thailand, South Vietnam, South Korea, Australia, Indonesia, and possibly the U.N. If U.S. arms shipments are determined to be necessary, then those shipments should be limited to an amount available from existing Presidential contingency funds, avoiding the necessity for congressional appropriations which would spotlight our role in Cambodia in the eyes of other nations of the world and possibly provoke an expansion of the Asian land war which has so tragically divided our Nation and crippled our efforts to improve our own society.

The President must also make one further decision in connection with his resolution of the Cambodia request and that is how to handle the communication of his decision to the American people. I hope that President Nixon's address to the Nation this evening will fully explain our role in Cambodia and be completely open and subject to public scrutiny for nothing could be worse for our Nation at this time than an undercover operation which would place doubt in the minds of Americans as to the real extent of our involvement. There is already growing apprehension about a "secret war" in Laos and it is

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imperative that we adopt a consistent and open policy in Asia. This is the only road which will lead to withdrawal of U.S. troops from Vietnam, from all of Asia, and finally to a lessening of tensions in that troubled area.

LAW DAY—RESPECT FOR THE LAW

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, Law Day, as originally conceived in 1958, has among its many worthwhile purposes the aims of fostering respect for law and understanding of its essential place in American life, and encouraging citizen support of law observance and law enforcement. I am proud to add my comments to the wisdom which myriad speakers shall call forth on this day, for I am a believer in the words of Sir Edward Coke, over 300 years ago: "Law is perfection of reason."

When one assumes that society cannot exist without law, he must naturally reach the conclusion that those charged with the creation and enforcement of the law—the judges, the police officers, and the legislators—have the duty to educate and persuade the public to use the law as their own tool. For just as the law works against those who violate it, it works for those who wish to use it, and make the effort to use it properly. What can one achieve by making the law work for him? Principally, he can insure harmony in his dealings with his Government and his fellow man, which is the basic goal of all society. For example, the Constitution itself suggests several objectives which may be realized under the rule of law: equal protection and equal justice, freedom from arbitrary search or arrest, equal education and economic opportunity, a voice in free elections, private ownership of property, free speech, press, and assembly, freedom of worship, and the right to legal counsel and a prompt trial if accused of a crime, to name just a few. Further, the judicial system provides the apparatus for peacefully resolving disputes between individuals in society. If a man has a dispute with his neighbor, or his automobile mechanic, or his business customer which cannot be resolved by discussion, he can go to court for a fair decision, instead of reaching for a gun to help himself.

Today, we are here to urge respect for the law, because before we may use the law to work for us, we must first respect it. But we must ask, what do we mean by respect for the law? I feel that the term has a twofold meaning. First, it means that a person must obey the law, and use obedience of the law to guide his everyday affairs. Second, a person must have faith in the effectiveness of the legal processes as a means of achieving his goals in life.

But if we are to urge respect for the law, we must also face up to the challenge making the rule of law respectable. How can we urge obedience of the law when we put criminal defendants back onto the streets within hours after an arrest? How can we urge faith in legal processes when anyone wanting to get an auto accident injury litigation onto the docket in New York City has to wait 7 or 8 years?

Just as respect for the law has a twofold definition, every Member of Congress has a twofold role in urging it: that of a legislator, and that of a citizen, which I will discuss next.

To meet the challenge of making the law respectable, we, as legislators, must remain forever vigilant over the efficiency and effectiveness of the legal processes we praise. We urge using the law as a tool, just as we use our automobile as a tool. But neither can operate efficiently for long without periodic tune-ups. Therefore, we, as legislators, have the duty to keep our court system in good operating condition, and thereby act positively when we discover such inefficiencies as horribly overcrowded dockets with growing backlogs, and long-delayed trials. This is why I have suggested, earlier this month, the policy of having the Chief Justice of the Supreme Court, as the highest administrative executive in our judiciary system, lend the dignity and authoritativeness of his office to a "state of the judiciary" message, and periodically discuss graphically, before this body, the true extent of the various crises in our judicial system. As long as we put forth the effort to make our court system work, we need never fear that ours will fall from its lofty position as the best and fairest in the world.

Then, to conclude, we must assume our roles as citizens, in urging respect for the law, and I know of no better way to express this idea than to rely upon the words of Abraham Lincoln:

> Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation, and let the old and young, the rich and poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars.

WATER QUALITY STANDARDS OF CONNECTICUT APPROVED

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker. I was delighted to learn from Secretary of the Interior Hickel that Connecticut's water quality standards have been approved in their entirety by the Department of the Interior. This means that Connecticut has taken a long step in the direction of improving the quality of water resources in our State.

Governor Dempsey and those officials who have been concerned with this problem should be complimented for their action in pushing for the enactment of high standards and the millions who are interested in improving our environment will welcome this evidence that Connecticut is moving ahead under the legislation which the Congress passed to stimulate progress in this vitally important field.

ALLOWING MORE IMPORTED MEAT AND LOWER FOOD PRICES

(Mr. ST GERMAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, much has been said and written about the effects of inflation. All of us in the Congress hear daily from people whose real incomes are dwindling from the erosion inflation causes in the paycheck. It is increasingly difficult to feed and clothe families at today's prices. The effects of inflation are particularly severe upon people with low incomes, fixed incomes, and wage earners with large families. These people are desperately in need of consumer relief. We are familiar enough with the effects of inflation. Why do we not do something to alleviate the problem?

Plain simple hamburger meat is excessively expensive. The consumers we would most like to help find that food is the only budget item they can reduce to meet other fixed expenses. There are many who would like to feed their families meat, but cannot afford to do so. Hamburger is unnecessarily expensive for the low-income family. Why? Because we can lower the price of manufacturing meat, used in hamburger and hotdogs, by lowering the import restrictions placed against it.

The House Government Operations Subcommittee on Consumer Matters, which held hearings on meat prices under the chairmanship of my distinguished colleague, JOHN MONAGAN of Connecticut, recommended in its report that more imported meats be allowed to enter this country to help hold down food prices. The subcommittee further recommended a consumer commission to oversee the situation in the meat industry. The report was printed but rejected by the full committee, of which I am a member, on the loud protests of the beef industry. I hope that the findings of the subcommittee's hearings will not be lost to the public. I hope that the influence of the American meat industry, geared to the production of the high-priced cuts of beef, will not prevent this report from receiving a forum in the media of the Nation.

The purpose of the hearings and of the report was to protect the consumer. Nevertheless, the recommendations of the subcommittee have been stifled by the protests of the beef industry. To listen to some meat spokesmen, it appears they assume all their customers are well-dressed people of means who can afford steak. These advocates would like to keep the supply of manufacturing meat low and the cost consequently high. My interest instead is in the consumer who fights for every dollar to feed his family; who has to make every nickel count, who would rather feed meat to his family but too often has to resort to substitutes because meat is too expensive.

When we review the situation as it has developed, we see that the price of hamburger can be reduced through imports without hurting our own meat industry. The American beef industry is engaged in the business of producing steaks and roasts. This magnificent industry, which produces tremendously fine products, simply could not exist by setting out to produce meat that is used for hamburgers and hotdogs. Beef producers have greatly reduced the herds used for lower priced meats. If any of their meat goes into hamburger, it is only as trimmings from the finer cuts. Manufacturing meat is in short supply. The shortage is obvious from food chain advertisements which show reductions in steak prices at 10 to 25 cents a pound over short periods, while the price of hamburger is lowered only a penny a pound.

Every consumer of hamburger meat is being short changed paying the artificially high prices created by our import restrictions. Under a law enacted in 1964, the beef exporting nations of the world are allowed to ship to this country about 1 billion pounds of meat a year. This is only 7 percent of the meat consumed here. And even with a billion pounds of imported manufacturing-grade meat, there is still a tremendous shortage of hamburger meat which our meat industry does not attempt or care to supply.

Our American beef producers and processors are doing a big job well, but they have become so shortsighted that if they are not careful they will destroy the hamburger and the hotdog as national institutions. When the price of hamburger rises, as it already has, and will continue until it peaks this summer, the consumer who could afford only hamburger will be forced to nonbeef substitutes. I find it amazing that American beef producers fight day and night to keep out greater amounts of imported hamburger. This is the meat that makes beef customers and keeps beef customers.

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The countries from which we import beef are allies with whom we would do well to strengthen trade relations. About 70 percent of our imported meat comes from Australia and New Zealand. Ireland, Mexico, and several Central American countries also ship meat here, but the great bulk comes from Australia—which supplies about 50 percent of our imported meat—and from New Zealand, which ships about 17 percent.

To listen to certain spokesmen for the American beef industry, one would assume that Australia, New Zealand, and other shipping nations are enemies of the United States. Listening, one would never know that Australia and New Zealand are our allies right this moment in Vietnam, that these are the countries alongside whose men our men fought and died in World War II, and that these are the countries of whom many American servicemen have such fine memories of hospitality and kindness.

Some supporters of the American beef producers even allege that money sent to Australia never comes back. They are ignoring that Australia buys twice as much in dollar value of American goods as she sells to America. We have heard the beef men say, too, that Australian beef "could swamp this country." Yet even if Australia sent every single pound of red meat it produces, it could send only 3.9 billion pounds—and the United States produces 35 billion pounds.

Mr. Speaker, I value the achievements of our American beef producers. They are a vital part of our economy. I see no need, however, for steaks and roasts to be the only meat products in good supply in our supermarkets at the expense of the consumer who desires hamburger or can afford only hamburger.

We need imported beef—and we will need more as summer prices come along. All the trade sources I know feel beef prices will go sky high in June, July, and August. I know that some U.S. Department of Agriculture officials feel that will not happen. But they felt beef prices would not jump last summer either. These official guessers were wrong. It was the low income consumer who suffered. Let us not allow it to happen again this summer.

Under the law, only President Nixon can, by Executive action, suspend import quotas so that more meat can enter this country at a time when all indications point to much higher prices for meat. I implore the President of the United States to take immediate action to allow more manufacturing meat into this country.

Mr. Nixon has stated his dedication to fighting inflation. I suggest to the President that as a very tangible and welcome sign he really wants to help low-income consumers, he can immediately lift meat import quotas.

Even that action will not bring nearly enough manufacturing meat to this country to satisfy the great consumer demand, but, Mr Speaker, it will help much—and help is what the low-income consumer really needs—right now.

I respectfully urge President Nixon's action on this very real problem which only he can act upon.

NATIONAL RAIL PASSENGER CORPORATION ACT

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, the other body of the Congress is today considering legislation which would seek to improve rail passenger service in this country. While I am extremely pleased to see action being taken on this critical problem, I feel that the National Rail Passenger Corporation Act—Railpax plan—is inconsistent with the need to develop a more balanced and more coordinated transportation system and would not be responsive to the needs of specific regions.

I am, therefore, today introducing the Rail Passenger Service Act of 1970. Senators PELL and KENNEDY are introducing this same bill on the Senate floor today as a substitute to the Railpax plan.

This bill would authorize the creation of nonprofit passenger corporations in each of our country's populated urban corridors of less than 500 miles. The Rail Passenger Service Act of 1970 would also authorize the Secretary of Transportation to contract with rail carriers or urban corridor corporations to provide long distance service if he deems it necessary.

Some will say that my bill would create an uncoordinated rail passenger system. On the contrary, each corridor corporation would have a board of directors whose membership would consist of the secretary or his representative, representatives of the Governors of the States concerned, and representatives of the rail carriers and the traveling public. With the Secretary represented on each of the boards across the country, a coordinated national rail passenger system can be obtained.

Mr. Speaker, in the northeast corridor where I reside, the past 12 years have seen relatively unchanged gate-to-gate times between major airports, despite the fact that aircraft cruising speeds have increased 30 to 40 percent. In addition, the building of new roads and highways has encouraged new traffic to the point that delays in many parts have increased rather than decreased.

The need for a viable rail service is undeniable. And the basic demand is not in long distance travel, although the need is there too, but in the different urban corridors across the country.

A copy of my complete bill is printed below. I urge my colleagues in the House to give it careful consideration.

URBAN CORRIDORS

1. New York-Boston, 219 miles.
2. Washington-New York, 225 miles.
3. Seattle-Portland, 183 miles.
4. Chicago-Indianapolis-Cincinnati, 302 miles.
5. Memphis (211 miles)-Jackson (183 miles)-New Orleans, 394 miles.
6. New York-Albany-Rochester-Buffalo (Mohawk Corridor), 436 miles.
7. Chicago-St. Louis, 283 miles.
8. Chicago-Milwaukee-Minneapolis, 421 miles.
9. Chicago-Cleveland, 340 miles.
10. Chicago-Detroit, 284 miles.
11. Cincinnati-Detroit, 282 miles.
12. Cincinnati-Cleveland, 260 miles.
13. Los Angeles-San Diego, 127 miles.
14. Pittsburgh-Philadelphia, 354 miles.
15. Houston-Ft. Worth-Dallas-Oklahoma City, 459 miles.
16. Miami-Jacksonville, 400 miles.
17. Denver-Kansas City, 483 miles.
18. Kansas City-St. Louis, 283 miles.

H.R. 17428

A bill to designate a national rail passenger system, to establish rail passenger corporations, to provide financial assistance therefor, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS AND PURPOSES

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that the necessary improvement and restructuring of existing passenger service and the development of new modes of ground passenger service can best be achieved by nonprofit corporations operating in the nation's urban corridors of less than 500 miles where improved passenger service is most needed; that regional transportation agencies should have a vital role in providing such service in cooperation with such corporations; that Federal financial assistance as well as regional, State, and local funds is needed to achieve the purposes of this Act; that limited long distance passenger service of more than 500 miles should only be provided at a cost to the Federal government on terms justified by the national interest, and therefore it is the purpose of this Act to designate a Basic National Rail Passenger System within which an Urban Corridors Passenger System will also be designated, to create nonprofit passenger corporations with the financial assistance of railroads and the Federal Government to provide passenger service in urban corridors, to authorize the Secretary of Transportation to contract for the provision of passenger service within the Basic National System and outside of the Urban Corridors Passenger System, to authorize the Interstate Commerce Commission to require adequate standards of passenger service in rail passenger operations; and to provide interim Federal assistance to certain railroads as necessary to permit the orderly transfer of railroad passenger service to nonprofit corporations.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic National Rail Passenger System" means the system of long distance intercity rail passenger service of more than 500 miles and the system of urban corridor passenger service for distances of less than 500 miles, designated by the Secretary under title II of this Act.

(e) "Urban Corridors Passenger System" means the system of passenger service between cities not more than 500 miles apart in densely populated areas, designated by the Secretary under title II of this Act.

(f) "Corporations" means the nonprofit passenger corporations created under title III of this Act to provide passenger service in the Urban Corridors Passenger System.

(g) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). The Secretary shall recommend as part of such system rail passenger routes of distances less than 500 miles between cities in highly populated regions where present and potential demand for rail passenger transportation may make rail passenger service provided by corporations created under this Act economically viable. The Secretary shall also recommend as part of such system rail passenger routes of distances of more than 500 miles where service may be required to meet seasonal passenger demand, to meet passenger transportation demands for which no alternative mode of transportation exists, or to meet other requirements of the national interest, and where the Secretary shall be willing to provide passenger service by contract with available carriers. Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; the need for service within defined regional areas; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, within thirty days after receipt of the Secretary's report designating a basic system, review such report consistent with the purposes of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his report designating the basic system to the Congress. Such report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF RAIL PASSENGER CORPORATIONS

§ 301. Creation of corporations

There are authorized to be created nonprofit corporations (hereinafter referred to as "corporations") to provide on routes within each urban corridor of the Urban Corridors Passenger System, in a manner consistent with the overall transportation requirements of the regions where such corporations are in operation, intercity passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. Each corporation will not be an agency or establishment of the United States Government. Such corporation shall be subject to the provisions of this Act, and to the extent consistent with this Act, to the laws of the District of Columbia relating to nonprofit corporations. The right to repeal, alter, or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not less than three incorporators for each urban corridor corporation, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) Each corporation shall have a board of directors of not more than 21 members who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. A majority of the members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary or his representative shall be one of the members of each board of directors appointed by the President and at least one of such members of each corporation shall be a resident of the region served by such corporation and shall be appointed to represent exclusively the interests of passengers in that region. The governor of each State served by each corporation shall appoint a director to serve for a term not to exceed his elective term of office. At least two members of each board of directors shall be elected by the rail carriers who have for consideration been relieved of their rail passenger responsibilities within the jurisdiction of such corporation under the provisions of section 401 of this Act. Pending election of the complete board of directors of each corporation four members shall constitute a quorum for the purpose of conducting business of a board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the corporation and a railroad, but he may be present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) Each board of directors is empowered to adopt and amend bylaws governing the operation of the corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

Each corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. No officer of the corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the corporation.

§ 304. General powers of the corporation

Each corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with

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passenger service; to conduct research and development related to its mission; to own, manage, operate, or contract for the operation of high speed ground passenger transportation, to contract for the improvement or construction of roadbed and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. Each corporation shall rely upon rail carriers to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, each corporation shall have the usual powers conferred upon a nonprofit corporation by The Laws of the District of Columbia.

§ 305. Applicability of the Interstate Commerce Act and other laws

(a) Each corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by each corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with each corporation for the joint use or operation of such facilities and equipments as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 306. Sanctions

(a) If the corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violations, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

§ 308. Reports to the Congress

(a) Each corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, each corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirements for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of passenger service by the corporations; commencement of operations

(a) (1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, each corporation is authorized to contract with each railroad within its jurisdiction to relieve such railroad of responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail within the jurisdiction of the corporation in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the position of intercity passenger service by rail: *Provided*, That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures continued in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by a corporation, the railroad shall agree to pay to such corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad attributable to the operation of passenger service within the jurisdiction of the corporation as reported to the Commission for the year ending December 31, 1969. The payment to the corporation may be made in cash or, at the option of the corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the corporation.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating the following:

(A) 100 per centum of the available loss of all intercity rail passenger service operated by the railroad within the jurisdiction of the corporation during the period January 1, 1969, through December 31, 1969. If the amount owed the corporation under this alternative is agreed by the parties to be less than the amount paid pursuant to paragraph ( ), the corporation shall pay the difference to the railroad. If the railroad and the corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to a corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which a corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, each corporation shall begin the provision of intercity rail passenger service between points within its jurisdiction unless such service is being provided by a railroad with which it has not entered into a contract under subsection (a) of this section.

(c) No railroad or any other person may, without the consent of a corporation, conduct intercity rail passenger service over any route on which such corporation is performing scheduled rail passenger service pursuant to a contract under this section.

§ 402. Provision of passenger service outside of the urban corridors passenger system

The Secretary is authorized to contract with railroads and the corporations for the provision of passenger service within the National Basic Passenger System for rail passenger service outside of the Urban Corridors Passenger System if the Secretary finds that such service is required to meet seasonal passenger demand, to meet passenger transportation demand for which no alternative mode of transportation exists, or to meet other requirements in the national interest. Such service shall be coordinated with the services in the Urban Corridor Passenger System. The Secretary may take into account in the determination of payments under this section the operating deficit which may be incurred by a carrier in the provision of long distance passenger service. There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this section. Any sums appropriated shall be available until expended.

§ 403. Facility and service agreements

(a) Each corporation may contract with railroads for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or facilities of the rail carrier by a corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad entitled thereto may bring an action against the corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by each corporation within its jurisdiction the Commission shall, upon application by the Corporation, require a railroad to make immediately available trains and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

§ 404. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 405. New service

(a) Each corporation may provide service within its jurisdiction in excess of that prescribed either within or service outside the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State or regional authority may request of a corporation rail passenger service beyond that included within the corporation's system. The corporation shall institute such service if the State or regional authority agrees to reimburse the corporation for a reasonable portion of the avoidable losses associated with the institution of such services.

(c) For purposes of this section the reasonable portion of the operating loss to be assumed by the State or regional authority, shall be no less than 50 per centum nor more than the avoidable loss *and associated capital costs*. If the corporation and the State or regional authority are unable to decide on a reasonable apportionment of the avoidable losses to be assumed by the State or regional authority the matter shall be referred to the Secretary for decision in accordance with the intent of this Act, taking into account the impact of requiring the corporation to bear such losses upon its ability to provide improved service within its system.

§ 405. Discontinuance of service

(a) Unless it has entered into a contract with a corporation pursuant to section 401 (a)(1) of this Act, no railroad may discontinue any passenger service with the Urban Corridors Passenger System designated by the Secretary prior to January 1, 1975, the provisions of any other law notwithstanding. On and after January 1, 1975, passenger train service operated by such carrier may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon the filing of an application for discontinuance for such a carrier, the corporation may undertake to initiate passenger train operations between the points served.

(b)(1) A corporation must provide minimum service on the routes designated by the Secretary as within its jurisdiction until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a rail carrier pursuant to section 401 of this Act.

(2) Service beyond that prescribed which is undertaken by the corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, a corporation determines that any train or trains in its jurisdiction in whole or in part are not required by public convenience and necessity, or will impair the ability of the corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): *Provided, however,* That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local authorities request continuation of the service and within ninety days agree to reimburse the corporation for a reasonable portion of the operating losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph 3 of this subsection a reasonable portion of the operating losses to be provided by the State, local, or regional authority shall be no less than 50 per centum of nor more than the avoidable loss and associated capital costs. If the corporation and the State, regional, or local authorities are unable to decide on the reasonable apportionment of operating loss between them, the matter shall be referred to the Secretary for decision in accordance with the intent of this Act. The Secretary shall take into account the intent of this Act and the impact of requiring the corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 406. Protective arrangements for employees

(a) A rail carrier shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with a corporation pursuant to section 401(a)(1) of this Act, and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 406 of this Act.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a)(1) of this Act between a rail carrier and a corporation may not be made unless the Secretary of Labor has certified to the corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in a corporation's jurisdiction, the substantive requirements of subsection (b) of this section shall apply to the corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the corporation pursuant to section 405 of this Act.

(d) Each corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91–54 (——— U.S.C. ———) shall be applicable to all construction work performed under such contracts or agreements.

(c) Each corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A SPECIAL FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactement of this Act, the President shall appoint a seven-man financial advisory panel to be composed of members from the investment banking, commercial banking, rail transportation industry, State and local transportation agencies, and the Secretary of the Treasury.

§ 502. Purpose of special advisory panel

The special advisory panel appointed by the President shall advise the directors of the corporations on ways and means of increasing capitalization of the corportions.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of each corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 to remain available until expended, for payment to the corporation for the purpose of assisting in—

(1) the initial organization and operation of the corporation;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guaranty any lender against loss of principal or interest on securities, obligations, or loans issued to finance the upgrading of roadbeds and the purchase by a corporation of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $60,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed $60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a)(1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of one percent. No loan may be made, including renewals or extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guarantees made under this section may not exceed $75,000,000.

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§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Effect on pending proceedings

Any intercity passenger train in operation on the date of enactment of this Act may be discontinued only pursuant to this Act, notwithstanding any provision of Federal or State law, or any regulation or order of any Federal or State court or regulatory agency issued before or subsequent to that date.

§ 802. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 803. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "a corporation established pursuant to the Rail Passenger Act of 1970".

LAW DAY—MAY 1, 1970

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, recently, I had the opportunity to talk to a group of young people—black and white, bearded and clean shaven, dressed in suits and ties and jeans and sandals. We talked to each other, discussing hopes and hopelessness.

And I came away with a far deeper insight into the ambitions of our younger generation. I also came away determined that I was going to fight to get those youngsters to believe in a nation we had built, and that I was going to fight just as hard to get this Nation to believe in the dreams of its young people.

I think that disaffection of our young people is a vitally appropriate topic for this particular Law Day, for law forms the framework of common beliefs on which a democratic society can grow—not the limits within which our society stagnates. The common beliefs which underlie our legal structure are facing the greatest challenge in our history because it is a challenge from within. Hope and achievement lie in the stars, not on the ground, and yet, for too long our national eyes have been cast downward.

Too many of us see only the riots and the drugs on campuses and equate this to the actions of all our youth. Too many of us find it expedient to say "to heck with all of them" and stomp off into the seeming security of age and sophistication. Too many of us find it equally easy to piously state that students have a right to dissent while turning away and ignoring the words and meaning of their dissent.

Yet, it is up to us to make students and the rest of their generation feel that they have something to look up to—a government, a family, a system of justice to be proud of. Let us not make the mistake of judging the quiet majority of our young people on the actions of the social minority. But let us not make the mistake of thinking that the majority of our young people do not have the same questions, albeit not the same actions, as the vocal minority.

Dissent is one of this Nation's priceless values. It must be protected at all times and in all areas of thought and action, be it in time of peace or in time of war. But this dissent, of its very nature, requires law for both its expression and its preservation.

In this snowballing world of ours, there is a growing manifestation of unrest—unrest against traditions. The revolutions of science, technology, industry, communications, education, religion, and morality are exploding throughout the world.

It is indeed true that the recurrent shock of our age is the discovery that concepts and patterns of action of a more secure past no longer fit present reality. The revolution of equality—racial and economic—has given life to new hopes and aspirations, but it has also unleashed deep and dangerous passions.

Changes, of their very nature, produce challenges, and today, on the national level, as well as the campus level, we are facing challenges to our freedoms, traditional principles, accepted values, and historic goals. These challenges come from various individuals and groups beyond the pale of the vital center of moderation in our land.

And the strident demands of extremists—black nationalists or white racists, anarchists or demigods—threaten to polarize our society into a confusion of bitter, hate-ridden segments.

So, it is to the young people that I speak. We cannot allow our campuses to be turned into battlefields; our classrooms into seminars on guerilla warfare. We cannot allow these things to happen any more than we can allow dormitory rebels to be linked with penitentiary criminals.

Certainly, not all those who take to the streets are conscious stricken over the plight of their fellow man. Demonstrating in the streets is an outlet for other frustrations, real and imagined.

Our generation was molded by two catastrophic events which our children—today's youths—are aware of only through the history books. I speak of the great depression and World War II. We came to cherish personal security above all else. From this security surge we created NATO, SEATO, the Marshall plan, the Truman doctrine—economic as well as military security alliances.

Over the years, this security has been threatened from the Berlin Wall to the rice paddies of Korea and Vietnam. But our children were born after the depression, after the great World War, and they grew to accept international tension as a way of life.

Gradually, they ceased to notice the challenge to our way of life and, living in an age of unprecedented affluence and, to them, security, began instead to feel that too much emphasis is placed on a calculated rush toward physical progress and protectiveness and not enough on an obligation to our personal selves and our responsibilities to mankind.

Our children have seen us fly men to the moon and back with fantastic skill, build the biggest aircraft in history and sell 8 million cars in a single year, but remain incapable of eliminating air and water pollution, coordinating our sprawling transportation network, or living in harmony with our fellow man both at home and abroad.

I think that the young may have something when they point out our disorientation in our national priorities.

Let us vault out of the trenches of complacency and reverse this trend. We must put our institutions to work for us rather than becoming intolerant victims of our own genius. We can be for patriotism. We can be for mutual respect. We can be for the elimination of poverty and misery. We can be for justice under law. In this way we can again open up our hearts and turn our eyes to the sky and dream the intelligent, honest dreams of the young country we have always been, and hopefully will always be.

I want to be able to turn to a young person and say look around you and see what is going on that makes this the greatest Nation on earth—not just go read such and such a book and accept on faith what needs to be lived every day.

As we advance into the new decade of the 1970's, America faces challenges greater than any which it has tackled before. This is no time for complacency; neither is it a time for anarchy. This is not the time to abandon the drive and optimism and the imaginative creativity which has characterized this country since its birth.

This is not the time for timidity or doubt or mediocrity in high places. This is the time for boldness and energy—for cooperation and understanding—so that working together we can turn dreams into reality.

THE GRAVE IN JOSEPH'S GARDEN

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, on Easter Sunday, March 29, 1970, Pastor James P. Wesberry of the Morningside Baptist Church in Atlanta, Ga., presented a sermon entitled "The Grave in Joseph's Garden." Because of the exceptional quality of this sermon, the Watchman Examiner, a journal for all Baptists, published Dr. Wesberry's sermon. The purpose of this sermon, to parallel the reconfirming of our faith in Jesus Christ to the placing of flowers on graves of our loved ones, can be summed up by the following quote:

> The sweetest and fairest flower we can place at the empty grave of Jesus Christ this Easter morn is the immaculate, white flower of our consecration.

For the information of my colleagues, I hereby insert this sermon into the RECORD.

THE GRAVE IN JOSEPH'S GARDEN

"Now in the place where he was crucified there was a garden; and in the garden a new sepulchre, wherein was never man yet laid." John 19:41

Many of us do not like funerals or cemeteries. They make us think too seriously. Yet, to some there is something very fascinating about a cemetery.

No doubt more graves are visited at Easter than at any other time of the year. A countless procession of relatives and friends place beautiful Easter flowers on the graves of their departed loved ones with the realization that they, too, shall someday join "that innumerable caravan that moves to that mysterious realm, where each shall take his chamber in the silent halls of death."*

All of this is done with utmost reverence and respect. Heads are humbly bowed, hats are removed, feet tiptoe, and voices become a whisper. If we feel we are on sacred ground at the grave of a loved one, it is with even deeper reverence that we approach the empty grave of the King of Kings and Lord of Lords!

His death was the tragedy of the human race. It is inconceivable that the pure, spotless, perfect Son of God should have been put to death on a cross between two notorious thieves in a bone-yard outside the wall of Jerusalem. His awful crucifixion was the crowning indignity of man. All the Christian world turns to Bethlehem at Christmas, but Bethlehem, with all of its meaning, would pass into insignificance were it not for the empty grave.

All the Gospel writers tell us of his tragic death and of his burial, but only John tells us where he was buried. John says, "Now in the place where he was crucified, there was a garden, and in the garden a new tomb, wherein was man never laid. There laid they Jesus!" (John 19: 41–42).

We may be sure that this was a very beautiful garden as fragrant with flowers as any rich man's garden. It was owned by a great and good man whose name was Joseph. Joseph was of Arimathea and was rich, famous and highly honored. He was a member of the Jewish Sanhedrin and opposed the condemnation of Jesus. He was obviously a secret disciple of Jesus.

Like many good men, Joseph thought of dying. The wisest people on earth realize the uncertainty of life and the certainty of death and prepare for it. Joseph lived as one who expected to die. He was ready and unafraid. He prepared his own grave.

But when Jesus died on the cross, the Scripture tells us that "Joseph craved the body of Jesus." He and Nicodemus both went to Pilate and asked for the body of Jesus. Pilate granted their request, and lovingly, tenderly, and reverently they removed the body of Jesus from the cross, wrapped it in linen and placed it in Joseph's grave in the nearby garden.

What a conspicuous place gardens have played in the history of the human race! Our first parents, Adam and Eve, were given a beautiful garden, the Garden of Eden in which to live. There they were defeated by Satan. In another beautiful garden, the Garden of Gethsemane, the Second Adam met the prince of darkness and won the victory. Yes, we are interested in Eden with its serpent and in Gethsemane with its sweat and blood, but above all we are interested in Joseph's Garden where we find the empty grave of our crucified, buried, resurrected Saviour Jesus Christ. All Christians, the world over, turn with hope and gratitude to this grave.

One of the most beautiful spots on earth is that wonderland of beauty known as Magnolia Gardens. It is indeed other-worldly, a touch of heaven on earth. One would hardly expect to find death in the midst of such beauty and yet, among millions of unutterably beautiful azaleas of many colors, stately camellias, gorgeous wisteria, lovely and fragrant roses, magnolias, moss, lakes, and acres of rapturous beauty, one comes upon an imposing tomb in the garden.

Many years ago a son of the family who studied abroad returned home to Charleston and to Magnolia on the Ashley and while deer hunting Drayton Grimke's gun accidentally went off and killed him. Written on the tomb in Magnolia Gardens in Latin are the words: "This way to the skies."

Yes, there is tragedy and death in gardens, in fact in every garden! In the beautiful garden of life there is sickness, suffering, death, sorrow, heartache, heartbreak, grief, disappointment and tears.

While Joseph's new tomb was gladly given to Jesus, it is thought of as a borrowed tomb. We borrow the things we want for only a little while. What we wish to keep we buy. Jesus borrowed his grave, but he bought his church with his own blood. He had no intention of staying in the grave. Are not our graves made sweeter, more sacred, and less fearful because Jesus' body rested in Joseph's grave a part of three days?

Joseph's grave was the only grave to ever receive the body of a sinless man. Some scientists tell us that the earth is at least 1,600,000,000 years old and that creatures like ourselves have inhabited the earth for over 250,000 years. They say that since the dawn of recorded history over 30,000,000,000 human beings have lived and died. If this were true and we could visit every one of these graves, we would find that of all the graves ever dug this new grave in Joseph's garden was the first and last grave that ever held a perfectly sinless body.

We are told that Emperor Julian was once on the road to the East and stopped for a month at Antioch, the city of his youth, to re-equip his legions. He had recently decreed that the new religion of the Galilean should be stopped by violence if necessary, and one day he strolled through the city to see if his decree was being enforced. To his satisfaction he found that dirt and refuse were heaped against the walls of Christian chapels and the windows were all boarded up. As he walked he met Agathon, a merchant, one of the few remaining Christians in Antioch. While he and Agathon talked Julian saw the festive crowds streaming into the marble temple of Mithras and he heard the sound of priestly music and voices singing praises to the sun god.

The Emperor laughed and said, "Agathon, what has become of the Carpenter of Nazareth? Is he still around?" And pointing to the temple and to the joyous multitude, added, "Has he any work at all these days, your Carpenter? Are there still some little jobs coming his way, at least?" For a moment Agathon was silent, and then looking into the face of the Emperor, he exclaimed, "Yes, Julian, the Carpenter of Nazareth is very busy these days. He is nailing together a coffin for your empire." He has built a coffin for many nations. We think we know some nations for which he is building coffins today.

Joseph's grave is the grave of sin. Sin is the mother of death. Sin crucified Christ, but Christ slew sin. "If Christ be not risen, then is our preaching vain, and your faith is also vain . . . and if Christ be not raised, your faith is vain; ye are yet in your sins" (I Corinthians 15: 14, 17). He bore our sins on Calvary and he buried our sins in the grave.

The victim of Joseph's grave became the victor. Lazarus came forth only at the command of Jesus who said: "I am the resurrection and the life," but Jesus rose by his own power. He proved himself stronger than death. He conquered death, the grave and all the powers of Satan and Hell. He arose from the grave and "has abolished death, and hath brought life and immortality to light through the gospel" (II Timothy 1: 10).

" 'Tis the spring of souls today:
Christ has burst his prison,
From the forest and gloom of death
Light and life have risen."

As one enters what is called the "Charm Spot of the Deep South," the Bellingrath Gardens near Mobile, another garden of almost unrivaled beauty, like paradise itself, he comes quickly upon a sign which says, "Let no one say and say it to your shame, That all was beauty here, until you came."

Jesus not only sanctified Joseph's grave but he also beautified Joseph's garden. As lovely as it was already, Jesus uprooted the old weeds, transformed and made it into a new garden.

One of the most unforgettable characters it has ever been my privilege to meet is Mrs. Bertha Spafford Vester. How shall I ever forget that day when conducting a party to the Holy Land we met Mrs. Vester in the dining room of a hotel in Amman, Jordan! For three generations she has been a leading lady in the city of Jerusalem. She is thought of as a modern Florence Nightingale. One of the most beautiful things about Mrs. Vester's life is her wonderful, little pictorial book, "Flowers of the Holy Land."

Mrs. Vester portrays the beauty of the flowers of Palestine in their original watercolors. How lovely they are!

As we think of the billions of flowers placed on the graves of the world at Easter in celebration of our Lord's resurrection from the grave, let us pluck a few of the fragrant, blossoming, beautiful flowers from about the empty grave of Jesus. Jesus planted them there. What a gorgeous bouquet they make!

One of the most charming of Palestine's flowers, thought by many to be the Rose of Sharon, is the Narcissus. It has a very sweet odor and grows in abundance. It reminds us of the *Divine Fatherhood* with the glad Easter message that God is not a stern ruler ruling with a rod of iron, but he is a God who is holy love.

Then there is also the striking Scarlet Anemone of *Redemption*. As the anemone in its abundance hides the ground in the Holy Land in a mass of scarlet, so the cross is pendant to the resurrection, and Christ's glorious resurrection confirms the good, great, glad news of salvation to all who repent of their sins and put their trust in Him as the Saviour of their souls.

And, the lovely, perfumed Red Rose of *Regeneration*! How beautiful! Christ's resurrection from the grave brings the blessed assurance of the new birth. "Like as Christ was raised up from the dead by the glory of the Father, even so we also should walk in newness of life."

The Field Morning Glory which adorns the early morning fields of grain in the Land of our Saviour reminds us of the morning glory of a *New Concept of Death*. The old flower of death, at the empty grave, takes on new meaning. Before Christ came men looked into the grave, but now they look through it to the City of God. "Because I live ye too shall live," says Jesus.

The Pentagonia, seen in almost every field of the Holy Land, which reaches its full height in April with its beautiful bluish color, reminds us of the *Reconciliation* our Lord's resurrection from the grave brings regarding our loss of loved ones for a little while. John Lockhart plucked this flower and sent it on one occasion to Thomas Carlyle. Carlyle's gloomy soul was plunged into deeper gloom over the death of a dear relative and friend. Lockhart sent him this comforting message which was often on Carlyle's lips until his death:

"It is an old belief,
That on some solemn shore,
Beyond the sphere of grief,
Dear friends shall meet once more;
Beyond the sphere of time,
And sin, and Fate's control,
Serene in changeless prime
Of body and of soul.
That creed I fain would keep,
That hope I'll never forgo,
Eternal be the sleep
If not to waken so."

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*Thanatopsis, William Cullen Bryant.

XUM

Of all of the flowers Jesus planted by the open grave the most beautiful is the pure, white Almond of *Consecration*. The almond, the first tree to blossom in winter, is one of the most cultivated fruit trees in Palestine and the fruit is sent all over the world.

As we come with earth's innumerable processions to Joseph's garden today, we inhale the fragrance of heaven's sweetest flowers and choicest blossoms.

Churches all over the world are decorated with gorgeous flowers and filled with the sweetest of fragrance. The sweetest and fairest flower we can place at the empty grave of Jesus Christ this Easter morn is the immaculate, white flower of our consecration.

THOSE WHO SUFFER AT HOME

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, we, as Members of Congress, are all too familiar with the magnitude of the problems and frustrations that have accrued as a result of the war in Vietnam—the every-increasing casualty lists, the tight budgets, the campus unrest.

We have experienced severe hardship both as a country and as individuals as we have dealt with this war.

No one, however, has been asked to endure the anxiety and frustration of our Nation's involvement as have the families and loved ones of our fighting men in Vietnam. These courageous and loyal Americans have borne the burden, with patience and dedication. At great personal sacrifice they have suffered through misery and hardship.

For many, the ordeal has become constant. The families of those fighting men who have been listed as missing in action have been subjected to the most trying and fatiguing form of frustration. They live in a limbo-like state—their thoughts and plans imprisoned by the state of not knowing—not knowing whether their loved one is alive and being held captive or whether he has given his life for his country. Time is the torture. Days run into months, months into years.

We as Americans sympathize with these families and pray that their load will be lightened. But this is not enough. We are dealing with a callous enemy, one devoid of understanding and respect for the codes of international ethics.

He does not listen to our pleas, he does not honor our offers of armistice: he plots and pursues this unconscionable war, indifferent to the wants and desires of his people.

To change his ways we are going to have to change our tactics, we are going to have to bring new diplomatic and international pressures to bear. We have to enlist the efforts of friend and foe alike, in convincing the North Vietnamese government that their truculence will not be rewarded, that only through constructive exchange and communication can the peace talks in Paris progress to a successful conclusion. We must convince the North Vietnamese that an acknowledgment on their part as to who they hold captive must be forthcoming before any meaningful settlement can be reached.

CAMBODIA

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOLAND. Mr. Speaker, yesterday's combat forays against enemy positions in Cambodia are an alarming sign. At the putative request of South Vietnam, the Nixon administration ordered American air and ground forces to join in the sudden assault across the Vietnamese border. A mission of monumental significance for the United States, it marks the first time American forces have fought in Cambodia. And, still more significantly, it may portend eventual American participation in the war throughout Cambodia. It was my impression—an erroneous impression, perhaps—that President Nixon was seeking to limit the war in Southeast Asia. Yet, just last week, the testimony made public by Senator STUART SYMINGTON's Foreign Relations Subcommittee showed that nearly 10,000 Americans have been taking part in the Laotian war over the past several years. Indeed, the testimony revealed that the United States is directing virtually every aspect of the war against Communist insurgents there. And yesterday—without anything even approaching advance notification—we learned that American forces are now in Cambodia.

The war is steadily spreading throughout Indochina, drawing the United States deeper and deeper into the kind of military morass that Senator EDWARD M. KENNEDY has aptly termed a "sinkhole."

Last Monday, Mr. Speaker, I introduced a resolution demanding that the President limit military operations in the countries bordering Vietnam to only those missions demonstrably necessary to shield American troops in Vietnam against enemy infiltration. I am yet to be convinced that yesterday's assault meets that criterion. No rational man—indeed, no sane man—could protest a military action that is plainly and unequivocally necessary to save American lives.

But, Mr. Speaker, is this the case with yesterday's incursion into Cambodia?

One fact emerges with startling clarity from this country's harrowing decade of war in Southeast Asia: Our military leaders have relied too heavily—indeed, almost exclusively—on our vastly superior firepower and mobility. The bombing raids over North Vietnam, for example, were stridently trumpeted as the means to bring that country to its knees and abruptly end its infiltration into the south. Instead, the thousands of bombing sorties merely steeled North Vietnam's resolve to continue pressing for victory. The bombing, in fact, did not even diminish the infiltration rate. Threading their way through dense rainforests, the North Vietnamese found it remarkably easy to evade American bombing. Even the most meticulously and punctiliously planned ground assaults—like the ones carried out across the Cambodian border yesterday—often prove equally futile. The Vietcong and the North Vietnamese do not honor the classic rules of warfare enunciated more than a century ago by Von Clausewitz. They are guerrilla fighters, striking with devastating suddenness and then melting away into the forests and rice paddies.

Will yesterday's missions yield anything more than new casualties and a few burned villages?

Are they, as the administration contends, genuinely necessary to protect American lives in South Vietnam?

Like every other American, I await President Nixon's explanation tonight of this startling new extension of the war.

I hope it does not set a precedent for American participation in the Cambodian war. I hope it is not a guise for sending Americans to fight in still another fruitless Asian war.

Military leaders have been pledging for years that just one more combat division, just one more series of air attacks, just one more escalation would lead to "victory." And every pledge, of course, proved empty.

As I suggested in my resolution last week, the United States should accelerate troop withdrawals so that no American combat forces remain in Vietnam 1 year from now.

No justification—indeed, not even the flimsiest pretext—would exist for taking part in the Laotian and Cambodian wars once our combat forces leave Vietnam.

LOWERING OF THE VOTING AGE

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I was very happy to hear the President this past weekend, express his feelings about the proper way to bring about a constitutional change that would lower the voting age.

One week ago, I gave a talk to a large number of young men and women at a high school athletic banquet back in my district in North Carolina. These young people are all in that age bracket that would be affected by the lowering of the voting age. But these young people are also members of the great majority of their generation, the responsible young people, who no matter how anxious they are to gain voting rights, understand that there is a need to handle this change in a constitutional and legal manner.

I submit that it is not the right of Congress to amend the Constitution of the United States. The great American patriots, when they wrote the Constitution, were very careful to make sure that certain basic States rights would not be abridged. If we disagree with these great men, then there are provisions within that document that make it possible for us to make the necessary changes. It is our responsibility as lawmakers to follow the lines of action that have been laid out in the Constitution, not to evade them.

There is legislation in committee here in the House that would present the voting age proposal in the form of a constitutional amendment. I favor this method, because, if passed by Congress, the States would have their guaranteed opportunity to vote on ratification.

XUM

There is very serious doubt that the Senate amendment to the Voting Rights Act would ever meet the constitutional requirements in a court test.

You would all agree that it is not the Supreme Court's right to legislate. I submit that it is not the responsibility of Congress to rewrite the Constitution. I call on the chairman of the conference committee to assume his constitutional responsibility and table the Senate amendment, and report out of his committee a bill that would present the lowering of the voting age in an amendment to the Constitution of the United States.

INTERNATIONAL JUSTICE FOR PRISONERS OF WAR

(Mr. ANDREWS of North Dakota asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDREWS of North Dakota. Mr. Speaker, tomorrow, May 1, people throughout our Nation will join in an appeal for international justice for all American prisoners of war and servicemen missing in action. House Concurrent Resolution 582 designating this special day of emphasis, like other resolutions relating to the POW problem, received the unanimous endorsement of this body. Certainly, this accurately reflects the feeling that all Americans share, no matter how they may feel about our involvement in Southeast Asia—we are united in the belief that our captured servicemen must be treated humanely as dictated by international law.

There will be a huge rally in Washington at Constitution Hall tomorrow night, sponsored by a bipartisan group of Members of Congress. Hopefully, similar rallies will be held all over America focusing world attention to the plight of our POW's and their families and to the brutal and illegal actions of the North Vietnamese and the National Liberation Front.

I urge all of my colleagues to participate in these programs and to continue to discuss this problem in speeches, newsletters, and other contacts with the people we are privileged to serve in Congress. We cannot serve a greater cause than the humane treatment and ultimate release of our American men held captive in Southeast Asia.

JERRY FORD 1970 QUESTIONNAIRE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, as a House Member determined to represent the Fifth District of Michigan to the best of my ability, I have developed the practice of sending out a questionnaire to obtain a sampling of my constituents' views.

I have today begun mailing out my congressional questionnaire. My questionaire is designed to tap the thinking of the people in my district on the most important issues of the day. Each question has been carefully formulated so as to be as objective as possible.

The questions cover a wide range of students—from foreign policy to the farm program to draft deferments for college students. With the thought that other House Members may be interested in the questions I am posing to my constituents, I include my questionnaire at this point in the Record.

Jerry Ford 1970 Questionnaire

1. Should the Post Office Department be placed on a pay-as-you-go basis?

2. Do you believe the U.S. can rely on agreements reached with the Soviet Union?

3. Should the U.S. gradually expand its diplomatic and trade relations with Red China?

4. Do you favor President Nixon's multi-billion-dollar program to fight water pollution?

5. President Nixon has recommended strong anti-crime legislation. Do you favor:

a. Allowing Federal officers with a warrant issued by a Federal court to enter private premises without knocking if drugs and other evidence of illegal narcotics traffic might otherwise be destroyed?

b. Keeping a criminal defendant in "preventive detention" if his record indicates he might commit a serious crime if freed on bond while awaiting trial?

6. Do you favor busing schoolchildren out of their neighborhood school areas to achieve better racial balance in classrooms?

7. Should balancing the Federal budget to curb inflation be given priority over greater spending on government programs?

8. Should undergraduate college students be given temporary draft deferments?

9. Federal farm controls and subsidies should be:

a. Phased out within five years, or

b. Continued as is, or

c. Made permanent, with the subsidies reduced.

10. What is the single most important problem in the country today? Pick one.

a. Air and water pollution.

b. Crime and violence.

c. The Vietnam War.

d. Inflation (rise in the cost of living).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Mahon (at the request of Mr. Burleson of Texas), for today through Monday, May 4, on account of a death in his immediate family.

Mr. Reifel (at the request of Mr. Gerald R. Ford), after 3 p.m. today and the balance of the week, on account of official business.

Mr. Patman (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 1 hour, today.

(The following Members (at the request of Mr. Pettis) and to revise and extend their remarks and include extraneous material:)

Mr. Halpern, for 10 minutes, today.
Mr. Hogan, for 5 minutes, today.
Mr. Saylor, for 20 minutes, today.
Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Anderson of California) and to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.
Mr. Reuss, for 20 minutes, today.
Mr. Farbstein, for 20 minutes, today.
Mr. Dent, for 60 minutes, today.
Mr. Minish, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Annunzio to extend his remarks following those of Mr. Pucinski today on Polish Constitution Day.

Mr. Gray in two instances and to include extraneous matter.

Mr. Edmundson in three instances and to include extraneous matters.

Mr. Gerald R. Ford following the remarks of Mr. Corman today on his special order on Law Day.

Mr. Long of Louisiana.

(The following Members (at the request of Mr. Pettis) and to include extraneous matter:)

Mr. Findley.
Mr. Robison.
Mr. Hall.
Mr. King.
Mr. Collins in five instances.
Mrs. May in two instances.
Mr. Halpern.
Mr. Quie.
Mr. Scherle in three instances.
Mr. Ashbrook in two instances.
Mr. Chamberlain in two instances.
Mr. Meskill.
Mr. Conte in four instances.
Mr. Price of Texas in two instances.
Mrs. Heckler of Massachusetts.
Mr. Esch.
Mr. Andrews of North Dakota.
Mr. Derwinski.
Mr. Frey.
Mr. Rhodes in four instances.
Mr. McCloskey in five instances.
Mr. Hosmer.
Mr. Hansen of Idaho.
Mr. Dickinson.
Mr. Pollock.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous material:)

Mr. Dulski in eight instances.
Mr. Long of Maryland in five instances.
Mr. Carey.
Mr. Gonzalez in two instances.
Mr. Stokes in two instances.
Mr. Cohelan in four instances.
Mr. Mikva in six instances.
Mr. Rooney of New York.
Mr. Wolff.
Mr. Udall in eight instances.
Mr. Scheuer.
Mr. Fraser.
Mr. Anderson of California.
Mr. Yatron.
Mr. Rodino in three instances.
Mr. Farbstein in three instances.
Mr. Dorn in six instances.
Mr. Kyros in two instances.
Mr. Fallon.
Mr. Hungate in two instances.
Mr. Rarick in three instances.
Mr. Haley.
Mr. Rogers of Colorado in two instances.
Mr. Pickle in two instances.
Mr. Helstoski in six instances.
Mr. Dent in six instances.

XUM

Mr. Ryan in three instances.

Mr. Miller of California in five instances.

Mr. Burke of Massachusetts.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1498. An act to provide for the conveyance of so-called scattered tracts in Oklahoma, acquired under the Act of June 26, 1936 (49 Stat. 1967); to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until Monday, May 4, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2001. A letter from the Administrator, Small Business Administration, transmitting the fourth monthly report on the implementation of the business loan and investment fund, pursuant to section 301 of Public Law 91-151; to the Committee on Banking and Currency.

2002. A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications, pursuant to 18 U.S.C. 2519; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.R. 17399. A bill making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes. (Rept. No. 91-1033). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 17359. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 17360. A bill to improve and expand the military family housing construction program; to the Committee on Armed Services.

By Mr. DON H. CLAUSEN:

H.R. 17361. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mrs. DWYER (for herself, Mr. Chappell, Mr. Button, and Mr. Langen):

H.R. 17362. A bill to safeguard the consumer by prohibiting the unsolicited distribution of credit cards and limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLOWERS:

H.R. 17363. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GIAIMO:

H.R. 17364. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania (for himself, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. Dent, Mr. Flood, Mr. Moorhead, Mr. Nix, Mr. McDade, Mr. Gaydos, Mr. Rooney of Pennsylvania, Mr. Vigorito, and Mr. Yatron):

H.R. 17365. A bill to provide for the establishment of the Tinicum National Urban Park in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN (for himself, Mr. Stephens, Mr. Gettys, Mr. Chappell, and Mr. Bevill):

H.R. 17366. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. JARMAN:

H.R. 17367. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

By Mr. LATTA:

H.R. 17368. A bill to amend title 18 of the United States Code to make it unlawful to injure, intimidate, or interfere with any person with intent to prevent or hinder his operation of any motor vehicle in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. REIFEL:

H.R. 17369. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 17370. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 17371. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 17372. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 17373. A bill to amend title 5, United States Code, to provide special annuities for certain employees separated from the service as a result of reduction in force actions, closing or transfer of bases and other organizational units, and abolishment of positions, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas:

H.R. 17374. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 17375. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. BLATNIK (for himself and Mr. Holifield):

H.R. 17376. A bill to enact certain provisions of Reorganization Plan No. 2 of 1970, and for other purposes; to the Committee on Government Operations.

By Mr. BOGGS:

H.R. 17377. A bill to authorize the erection of a statue of Bernardo de Galvez on public grounds in the District of Columbia; to the Committee on House Administration.

By Mr. BOLLING (for himself, Mr. Burlison of Missouri, Mr. Clay, Mr. Hull, Mr. Hungate, Mr. Ichord, Mr. Randall, Mrs. Sullivan, and Mr. Symington):

H.R. 17378. A bill to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; to the Committee on Public Works.

By Mr. EILBERG:

H.R. 17379. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants to States and local public bodies to assist them in paying interest on or discharging financial obligations incurred in the acquisition, construction, reconstruction, or improvement of urban transportation facilities or equipment; to the Committee on Banking and Currency.

H.R. 17380. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GERALD R. FORD (for himself, Mr. Coughlin, Mr. Schwengel, Mrs. May, Mr. Morse, Mr. Riegle, Mr. Kyl, Mr. Wyman, Mr. Rhodes, Mr. Roth, Mr. Pelly, Mr. Taft, and Mr. Brown of Ohio):

H.R. 17381. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. MORTON (for himself, Mr. Mailliard, Mr. McKneally, Mr. Don H. Clausen, Mr. O'Konski, Mr. Gubser, Mr. Byrnes of Wisconsin, Mr. Carter, Mr. Reifel, Mr. Cederberg, Mr. Reid of New York, Mr. Adair, and Mr. Broyhill of North Carolina):

H.R. 17382. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. GILBERT:

H.R. 17383. A bill National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 17384. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 17385. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 17386. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 17387. A bill to eliminate criminal activities in the handling of waterborne and airborne cargo in the international airports

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and seaports of entry in the United States; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 17388. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 17389. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 17390. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 17391. A bill to prohibit the sale or shipment for use in the United States of certain chemical compounds; to the Committee on Agriculture.

H.R. 17392. A bill to establish an urban mass transit fund, and for other purposes; to the Committee on Banking and Currency.

H.R. 17393. A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution; to the Committee on Interstate and Foreign Commerce.

H.R. 17394. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

H.R. 17395. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17396. A bill to insure high-water quality in all U.S. water systems and for other purposes; to the Committee on Public Works.

H.R. 17397. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 17398. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 17399. A bill making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. EDWARDS of Louisiana:

H.J. Res. 1202. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. Addabbo, Mr. Cleveland, Mr. Davis of Georgia, Mr. Dellenback, Mr. Dulski, Mr. Farbstein, Mr. Flood, Mr. Friedel, Mr. Halpern, Mr. Hanna, Mr. Helstoski, Mr. Howard, Mr. Hogan, and Mr. Leggett):

H.J. Res. 1203. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. McCloskey, Mr. Mailliard, Mr. Meeds, Mr. Mikva, Mr. Moss, Mr. Myers, Mr. Nedzi, Mr. O'Hara, Mr. Rees, Mr. Reid of New York, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Roe, and Mr. Yates):

H.J. Res. 1204. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

By Mr. UDALL:

H.J. Res. 1205. Joint resolution proposing an amendment to the Constitution to guarantee every person a right to a decent, clean environment; to the Committee on the Judiciary.

By Mr. GROSS:

H. Con. Res. 590. Concurrent resolution directing the President to pursue a military solution of the conflict in Vietnam; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. Kastenmeier, Mr. Edwards of California, Mr. Helstoski, Mr. Stokes, Mr. Brown of California, Mr. Tunney, Mr. Koch, and Mr. Conyers):

H. Con. Res. 591. Concurrent resolution expressing the sense of the Congress with respect to the action of the President of the United States in connection with the involvement of U.S. military forces in Cambodia and censuring the President for such action; to the Committee on Foreign Affairs.

By Mr. BLATNIK:

H. Res. 960. Resolution to disapprove Reorganization Plan No. 2; to the Committee on Government Operations.

By Mr. HELSTOSKI:

H. Res. 961. Resolution expressing the sense of the House of Representatives with respect to any military action involving the United States in Cambodia; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. Adams, Mr. Addabbo, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Brown of California, Mr. Button, Mr. Carey, Mrs. Chisholm, Mr. Clay, Mr. Cohelan, Mr. Conyers, Mr. Diggs, Mr. Edwards of California, Mr. Farbstein, Mr. William D. Ford, Mr. Fraser, Mr. Gilbert, Mr. Green of Pennsylvania, and Mr. Halpern):

H. Res. 962. Resolution expressing the sense of the House of Representatives with respect to any military action involving the United States in Cambodia; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. Koch, Mr. Lowenstein, Mr. Matsunaga, Mr. Mikva, Mrs. Mink, Mr. Mollohan, Mr. Moorhead, Mr. Moss, Mr. Nedzi, Mr. Nix, Mr. Hamilton, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Jacobs, Mr. Karth, Mr. Kastenmeier, and Mr. Burton of California):

H. Res. 963. Resolution expressing the sense of the House of Representatives with respect to any military action involving the United States in Cambodia; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. O'Hara, Mr. Olsen, Mr. O'Neill of Massachusetts, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Reuss, Mr. Rooney of Pennsylvania, Mr. Roybal, Mr. Ryan, Mr. St. Onge, Mr. Thompson of New Jersey, Mr. Vanik, Mr. Waldie, Mr. Wolff, Mr. Yatron, Mr. Yates, and Mr. Scheuer):

H. Res. 964. Resolution expressing the sense of the House of Representatives with respect to any military action involving the United States in Cambodia; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H. Res. 965. Resolution expressing the sense of the House of Representatives with respect to the involvement of U.S. military personnel in Cambodia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL:

H.R. 17400. A bill for the relief of Dr. Nahid Mansoori Diaz; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 17401. A bill for the relief of Francisco Stallone; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17402. A bill for the relief of Benito Arenas-Zuniga and Celia Zuniga de Arenas; to the Committee on the Judiciary.

By Mr. STANTON:

H.R. 17403. A bill for the relief of Jacqueline and Barbara Andrews; to the Committee on the Judiciary.

By Mr. STRATTON:.

H.R. 17404. A bill to confer U.S. citizenship posthumously upon Pfc. Franz Tines; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

374. The Speaker presented a memorial of the General Court of the Commonwealth of Massachusetts, relative to supporting the State of Israel; which was referred to the Committee on Foreign Affairs.

SENATE—*Friday, May 1, 1970*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

LAW DAY AND PRISONER OF WAR DAY

Almighty God, our Creator, Redeemer, and Judge, we thank Thee for the laws of nature, for the moral law given at Sinai, and for the higher law of love made known in Nazareth and at Calvary. May we remember that the first bar of justice was a communion rail and that bowing in court was first before a cross. Make us mindful this day that all law is grounded in Thy sovereign and transcendent nature.

Bless, O Lord, all who make the law, all who interpret the law, all who judge, prosecute, and defend under the law, and all who teach and train for the legal vocations. Make us to know that the way of true freedom is the way of law and order. Temper our understanding and our attitude with human compassion. Replace bad laws with good ones that equity, justice, and peace may be to all people. Write Thy law upon our hearts, and so fill us with love and grace that every day may be law day.

We remember before Thee this day all prisoners of war, especially our fellow countrymen. Grant that by drawing near to Thee we may be drawn nearer to them in faith and love. Imbue them with grace and strength to endure separation and privation. Grant, O Lord, that their keepers may be guided by the Geneva Convention and by the universal laws of humanity. Keep alive in them and in us the truth of the invincibility of goodness and the everlasting care of the Heavenly Father.

In the name of the Supreme Judge. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 30, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANNIVERSARY OF WARSAW GHETTO UPRISING

Mr. SCOTT. Mr. President, tomorrow marks the anniversary of the Warsaw ghetto uprising. On this day, we commemorate the 40,000 heroic Jews in Poland who chose to fight and die for freedom, dignity, and honor rather than submit to the physical and spiritual humiliation of life in captivity and ultimate extermination.

In 1940, Nazi forces crowded one-half million Jews from Warsaw and other sections into a cramped ghetto. Inhuman living conditions and starvation diets claimed some 85,000 lives by 1942 and 300,000 victims were transferred to labor and extermination camps. The next spring the 40,000 Jews left in the ghetto learned that they were to die to solve the Jewish problem.

Unable to accept passivity any longer, the remaining 40,000 armed themselves any way they could. On April 18, 1942, they began a well-organized military attack on their captors. For nearly 4 weeks, they resisted Nazi machineguns, incendiary bombs, heavy artillery, explosives, and tanks.

In 11 days, 5,000 Warsaw Jews were killed in action, murdered in their houses, or found dead in the wreckage. After 5 weeks, the ghetto was destroyed and the remaining 20,000 who escaped death were shipped to camps outside Poland.

The Warsaw Jews chose to fight a hopeless battle against overwhelming odds rather than accept intolerable degradation and eventual demise. The memory of those heroic and tragic defenders of freedom serves as an inspiration to all people who fight oppression.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the approval of the distinguished Senator from Ohio (Mr. YOUNG) and the distinguished Senator from Idaho (Mr. CHURCH), both of whom have time allotted to them today, I ask unanimous consent that I may proceed for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CAMBODIA

Mr. MANSFIELD. Mr. President, the distinguished minority leader has given me a copy of the statement he made last night at the conclusion of the address by the President of the United States. I appreciate the courtesy of the distinguished minority leader. I think that his statement is a temperate one and now would like to make a statement of my own.

Mr. President, the latest casualty figures from Vietnam as of a week ago yesterday amounted to a total of 322,750 casualties. Of that total, approximately 50,000 have been killed in Vietnam and Southeast Asia. The rest have been wounded.

I do not have the official figures from the Department of Defense yet, but it is my understanding that, as of yesterday, approximately another 100 Americans were killed and something on the order of 1,250 were wounded last week.

Mr. President, these figures come to my office every week. I carry them in my pocket to serve as a reminder of the mistaken war in which we are engaging and the tragedy which has been the norm during the entire tenure of that war.

Mr. President, I listened with grave interest to the President of the United States speaking to the American people about the situation which has developed in Cambodia. Previous to that speech, Members of Congress and the Cabinet met with the President. He gave us an explanation of the situation with reference to the sanctuaries extending from north to south on the Cambodian border. He gave us, too, the reasons why, on the advice of his senior advisers, he had approved the present operation.

I appreciate the fact that the President did call a number of Congressmen to the White House to give us this preview. He has exercised his responsibility, arrived at decisions after some days of consideration and, in announcing them to the American public, has laid his cards on the table.

Mr. President, we, as individual Senators and as a Senate, also have responsibilities to reach conclusions which may or may not coincide with the policy enunciated by the President of the United States. I must, therefore, as a Senator from the State of Montana, and laying aside all political considerations, most respectfully disagree with the campaign into Cambodia. I could not even approve the use of U.S. advisory or auxiliary personnel in connection with what had been previously a South Vietnamese incursion into Cambodia; how much less can I approve of an operation which puts Americans in the spearhead? U.S. combat forces have now been sent across the border and B-52 bombers are being used. Everything we have in our arsenal, at least as it has been used heretofore in Vietnam, is now engaged in the so-called Parrot's Beak of Cambodia which intrudes into South Vietnam and is at its nearest point 35 miles from Saigon.

This particular sanctuary and other sanctuaries along the Cambodian frontier have not been set up within the past month. They have been a factor in the Parrot's Beak of Cambodia which insituation over the past 3 to 5 years. The present United States-South Vietnamese thrust into Cambodia, in my opinion, can be regarded in no other light than as a widening of the war and an escalation of the conflict. That the operation is supposed to be "temporary" does not in any way alter this evaluation. I have seen too many so-called temporary operations down through the years in that part of the world. I have watched, too, with concern all too often the transition from temporary operation to continuing operations to forgotten operations.

Even if this thrust is successful within the 4 to 8 weeks before the rainy season begins, what of other sanctuaries in Cambodia, north and south of the Parrot's Beak? What of Laos? What of North Vietnam itself? Will we undertake temporary incursions into those areas? If we withdraw after a successful thrust into the Parrot's Beak, does that mean that the North Vietnamese and the Vietcong will be free to move in once again and establish a replica of the previous situation?

Mr. President, too many people have presented the Cambodian situation as a "golden opportunity" to save American lives and to shorten the war. The stepup into Cambodia can do just the opposite. It may well lengthen the conflict, widen it into an Indochinese war, increase U.S. costs by billions, increase U.S. casualties which now number—to repeat—almost 50,000 dead and almost 275,000 wounded or a total of close to 325,000 American soldiers. At the same time, it may well accentuate problems at home and increase the divisiveness among our people.

On April 16, I expressed my thoughts on Cambodia at which time I said that I did not advocate any kind of aid in any form to Cambodia and that we should not become involved in the affairs of that nation. I did so respectfully and hopefully. Now the turn has been made. The die has been cast. Therefore, I must now state in public that I am just as interested as anyone else in safeguarding U.S. troops in Vietnam and elsewhere, but I do not think that this new policy, this additional campaign, this new ball game is the way to safeguard them. Over the years, the curve of American casualties has gone up with the expansion and intensification of the conflict. It has come down with the President's order to cut back U.S. troops in Vietnam. If there is a way to continue to reduce them, therefore, it is to continue the contraction of the American role and the withdrawal of American forces. If there is a way, it is for the South Vietnamese forces, which number pretty close to a million men which have been trained and equipped by us, which have been, we have been told, pursuing a successful process of Vietnamization, to protect their border with Cambodia. Behind that line, this Nation should not only continue its phased withdrawal from Vietnam, which I have always approved, but speed it up. In that fashion, the South Vietnamese themselves, all factions, may find it expedient to get together, determine what kind of a country they want and delineate their future. That is their responsibility, not ours. It is their country not ours.

What confronts this Nation in Indochina is not a question of saving face. It is a question of saving lives. All of us have our personal pride, and I would hope a fitting sense of humility in light of the lives which have already been forfeited in this tragic war. I do not believe there is a Member of the Senate who would not eschew the one and gladly accept the other if it were in the interest of our people to do so. The vital concern of this Nation, and I use the word "vital" advisedly, must be to end our involvement in the war in Vietnam. It is not to become bogged down in another war in all of Indochina.

The President's decision on Cambodia last night relates directly to these questions. It was not a political decision. Politics has no business in his calculations on this grave matter anymore than it has in ours. In the Senate, today, there is no party orientation on the issue of Vietnam. There has not been, and insofar as I am concerned, there will not be.

The President has national responsibilities as he made clear in his remarks last night. As I have stated, the Senate has national responsibilities. Repeated action on Vietnam by Members of both parties in the Senate have underscored the nonpartisan character with which these responsibilities have been discharged.

The President reached a conclusion which was his to reach as Commander in Chief of the Armed Forces under the Constitution. I respect his decision even as I regret it and am deeply concerned about it. I hope that, as he expects, his decision will reduce American casualties, speed the withdrawal of American troops from Vietnam, and hasten the end of the war. I would be less than honest, however, if I did not express the grave doubts which I have expressed today on these expectations. There is nothing in past experience in Indochina to suggest that casualties can be reduced by enlarging the area of military operations. There is nothing in past experience to suggest that the way out of the Vietnamese conflict follows the road of a second Indochina war. Indeed, that road may well meander throughout all of Southeast Asia and end nobody knows where.

If there is a way, Mr. President, which will safeguard the interests of this Nation, it lies in negotiations without further delay, negotiations now. The spread of the fighting into Laos and Cambodia, it seems to me, has put a settlement beyond the scope of the Paris negotiators. Therefore, the administration ought not to let drop the Soviet Union's recent diplomatic suggestion—and it has not—that the Geneva conference may have to be reconvened. Insofar as I am concerned, there might well go forth a call to merge the Paris talks into a revival of the Geneva conference of 1961–62 on Laos, with the membership of the conference appropriately broadened in order to consider the situation of all Indochina and the Southeast Asian mainland. If the Soviet Union is reluctant now to pursue the matter after having suggested it, then let the call be issued by another nation—by this Nation. It is time to ask other Geneva conferees to join in a reconvening or to set forth alternatives. We will know then with whom we can hope to proceed together to find a solution by negotiations and with whom we cannot.

It is time, too, for this Nation to delineate a clear and unswerving policy in support of the neutralization—the guaranteed neutralization—of all of Indochina, if not the entire Southeast Asian mainland. It is time to join with other outside powers in bona fide multilateral guarantees of the neutrality of the region. On that basis, this Nation should be prepared to terminate forthwith its military participation in the various conflicts on the Southeast Asian mainland, to depart militarily therefore and to work in concert with others for the restoration of the war's terrible devastation.

Mr. President, in conclusion I want to say that this has not been an easy speech for me to make. I have great respect for the Office of the Presidency and for any individual chosen by the people to hold that office. I am aware of any President's responsibilities in the field of foreign affairs and as Commander in Chief. I realize that the ultimate responsibility lies with a President. But I am also aware of the fact that as a Senator I have a direct responsibility to the people of my State and that as a Senate we have responsibilities to the entire Nation.

Therefore, I must reiterate my belief that we are embarked on an ill-advised adventure and that there is grave danger the Parrot's Beak may well turn out to be an albatross before it is done.

Mr. President, I ask unanimous consent that a speech which I made in the Senate on April 16, 1970, relative to Cambodia, be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MR. MANSFIELD. Mr. President, on yesterday, the press carried reports of an urgent request for military aid from the government which is now in control in the Cambodian capital of Phnom Penh. This request comes hardly as a surprise. What is surprising is the rapidity with which it follows the military coup against Prince Sihanouk.

In the circumstances, it would be desirable to sort out what we know about the Cambodian situation and what we do not know. What was for a decade and a half the only oasis of peace in Indochina has been turned into a bloody battlefield in the space of one month. The spreading conflict already involves a civil war between the Cambodians who remain loyal to Prince Sihanouk and those who follow the military government which overthrew him. The conflict already involves deep incursions into Cambodia by North Vietnamese and South Vietnamese, an extension of the battlefields which had been previously avoided throughout the Vietnamese war. The conflict already involves the potential of an ugly genocide by government-stimulated mob-action against the several hundred thousand Vietnamese civilians—for the most part farmers, fishermen and tradesmen who come from both North and South Viet Nam and who have lived for decades in reasonable peace in Cambodia.

In short, the Pandora's Box which was held shut by the leadership and diplomacy of Prince Sihanouk is now wide open. For years, Cambodia was in the eye of the Indochinese hurricane; now it is swept up in the full fury of a racial, ideological and militarist storm.

It is scarcely a month since the successor government claimed authority over Cambodia and this government is already in deep trouble. Its urgent appeal for aid is a broadside which has gone to Communist governments and non-Communist governments—apparently, to anybody who will give support. It comes from a government whose earliest acts include a declaration of martial law and a suspension of personal liberties in a country which did not have martial law and which previously had provided a greater degree of personal freedom than most countries in Southeast Asia.

While the appeal for aid is directed to the world in general, it is reasonable to assume that it is aimed primarily at this country. Where else would urgent aid of any consequence come from in this situation if not from this nation directly or through nations in the area which are supplied by us?

Some may find it difficult to resist an appeal for aid to this country from any source. Some may find the present military government more to their liking than its predecessor and, hence, more "worthy" of aid. Some may ask whether this Southeast Asian country will topple under the domino theory if we do not respond to the appeal for aid. Some may note that it is just some arms-aid that is being sought, not American forces.

If these observations sound familiar it is because they are the siren's songs which have beckoned us time and again ever deeper into the morass of Southeast Asia. If there is ever a time to resist them it is when they are just beginning to become audible.

The fact is that we do not know anything of the character or competence of the government in Phnom Penh which has issued this appeal for aid. We do not know how far its authority extends outside the capital or beyond the main roads. We do not know what acceptability it may have among the Cambodian people. We do not know what will emerge in the end in the way of a Cambodian government from the present upheaval.

We do know, or ought to know on the basis of experience that even with a massive infusion of American equipment we are likely to have minimal constructive effect on that upheaval and we will open the door to another destructive impact on our own national interests. We do know, too, or we should know at this late date—after Viet Nam, after Laos—that each deepening of our involvement in Indochina began with an input of well-meaning aid.

President Nixon has made a wise start in pointing the national course away from our participation in the tragic war in Indochina. It is to be hoped that there will be no deviation from that course. The way to get out is not to go further in—in any way, shape or form. The road out of Viet Nam for this nation does not lead by way of arms-supply or any other involvement in this new extension of the Indochinese tragedy into Cambodia.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. PROXMIRE). The Senator from Montana asked for 20 minutes. He has 4 minutes remaining. The distinguished Senator from Ohio (Mr. YOUNG) is to be recognized after the Senator from Montana.

Mr. MANSFIELD. Mr. President, I would like to yield to the Senator from Pennsylvania so that he may have the floor in his own right, with the permission of the Senator from Ohio.

Mr. YOUNG of Ohio. Yes, indeed. And I desire that the majority leader then yield to me.

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The **PRESIDING OFFICER.** The Senator from Pennsylvania is recognized.

Mr. **SCOTT.** Mr. President, I am always impressed by the patriotism and the candor and the very serious sense of responsibility with which the distinguished majority leader approaches all of these problems which involve the reaction of the Senate. I think also that Americans are unhappy when they see American soldiers fighting with one hand tied behind their backs. It is an attempt to prevent American soldiers from fighting under this type of disability that the President has taken a decision which is difficult and the outcome of which is not guaranteed; but a temporary move which it is hoped can result in removing from American forces a disability which certainly would impede the orderly and planned withdrawal and deescalation of the war.

Mr. President, for the past 5 years or more the Communists in Vietnam have had a decided advantage which has been denied to the South Vietnamese and Americans. They have had a safe haven from which to launch attacks into Vietnam and into which they could retreat quickly and easily when those attacks failed or were turned back.

This has undoubtedly prolonged the war in Vietnam. It has without question cost American lives and has cost American wounded personnel.

I advocated at least 5 years ago the right of hot pursuit, which was subsequently authorized, and the right to enter and clear out sanctuaries which was not adopted until last night.

So until now, for a number of reasons, the United States has not been able to do anything about this Communist haven. The most important of these has been our recognition of the neutrality of Cambodia and our steadfast refusal heretofore to cross the Cambodian frontier.

Now, however, the Communists have apparently overplayed their hand. They no longer even pay lipservice to Cambodian neutrality. Their puppet ruler in Cambodia having been deposed, they have begun on their own an offensive against the Cambodian Government and the Cambodian people. They have openly invaded.

Further, for the first time in the Vietnamese war, the Communists have broadened their strategy. They are using these havens on Cambodian soil not only to attack Vietnam, but now to attack to the west, into the heart of Cambodia itself.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **SCOTT.** Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the Senator may proceed for 5 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **SCOTT.** Mr. President, in short, it seems now the Communists are stretching themselves very thin. They are lengthening their supply lines. They are using their limited manpower and materiel in two wars at once, against Vietnam and against Cambodia.

Prior to this, the United States has felt it was futile to attack the safe-house bases the Communists established across the border in Cambodia.

This has been the official U.S. position; it has not been mine, since I have felt otherwise for 5 years.

Now, the Communists themselves have changed the situation. The expansion of the war into Cambodia has been of their choosing. Apparently they thought their immunity would last forever. Not so, since last night. Should we be passive forever, while we suffer casualties from Cambodian-originated forces?

There is obviously a certain risk in what the United States is now doing. There is also a considerable risk in doing nothing. The President has chosen the course calculated to produce the greater gain, the more positive and the most orderly desired result.

It may be that this attack across into the Communist bases in Cambodia will ultimately stand alongside the fabled Inchon landing undertaken by General MacArthur during the Korean war, because here we again used the most ancient military tactic, the element of surprise.

The action now undertaken by the United States is a purely military action. It must be weighed purely within that context. But it has both tactical and strategic implications, as well as an important message for Hanoi.

If it succeeds—and there appears a good possibility that it can succeed—it will shorten the war, save American lives, and bring Americans home sooner than otherwise might be possible.

This is the hope upon which President Nixon has based this courageous and remarkable decision.

In my judgment, Congress and the country should support him.

I am fully aware, as was the President, of the political risk of supporting an action at this time which involves an apparent extension of the war. I supported President Kennedy and Johnson throughout their decisions as Commanders in Chief of our Nation. I could hardly do less with the present President of the United States.

I will have to accept as the President himself accepted last night the risk of the unpopular course. I do accept it. I accept it because I believe it will shorten the war and improve our chances to deescalate.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **SCOTT.** Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **SCOTT.** Mr. President, I am aware of the fact that in the Senate there is a strong body of opinion which certainly believes it reflects the body of opinion in America that we should simply fold up, get out, and go home. I wish we could. This is the most unpopular war in our history; and a war that should be ended, and ended as quickly as we can.

Nevertheless, we have only one Commander in Chief; we has only one man who can make the decisions. I believe he has made the right decision. I am going to support him.

Now, I am going to get ready for that mass of thousands of letters from home, which I have no doubt will be critical of my decision.

Mr. **MANSFIELD.** Mr. President, will the Senator yield briefly?

Mr. **SCOTT.** I am glad to yield to the distinguished majority leader.

Mr. **MANSFIELD.** Mr. President, first I would differ with the distinguished minority leader on his use of the expression "fold up" or applicable to the Senate or any Member of the Senate, I think that would be doing a disservice to individual Senators and the Senate as a whole. Second, I join the Senator in expressing the hope that politics in no way, shape, or form would become involved because this is a matter which transcends both parties; and as far as we as individuals are concerned, who happen to be running for office this year, I think that is of distinctly secondary and minor, if not tertiary, importance. It is the country which must come first. As far as I am concerned, we are just transients passing through.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **SCOTT.** Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. **YOUNG** of Ohio. Mr. President, do I have the floor? If I do, I yield to the Senator from Pennsylvania.

Mr. **SCOTT.** Mr. President, I ask unanimous consent that the Senator from Ohio may be recognized so that he may yield to me briefly.

The **PRESIDING OFFICER.** The Senator from Ohio has an order which permitted him to be recognized. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. **YOUNG** of Ohio. Mr. President, I yield to the Senator from Pennsylvania.

Mr. **SCOTT.** I thank the Senator.

The **PRESIDING OFFICER.** The Senator from Pennsylvania is recognized.

Mr. **SCOTT.** Mr. President, I agree with the distinguished majority leader that we should not in any sense impugn or appear to impugn the motive of any Senator, and I do not. In using the words "fold up," I want to state the context I have in mind, and that is a suggestion that we should withdraw on a given date, it seems to me, would be a folding up of American operations on that day. I said I disagree with the setting of dates, and that is what I had in mind.

Mr. **MANSFIELD.** I appreciate the explanation.

Mr. **SCOTT.** I conclude by saying simply this. I agree with the distinguished majority leader that we should keep politics out of this, and the Lord knows I want to, because I am on the losing side where public opinion is concerned as of now. I have a responsibility as a leader, and as a leader I accept the responsibility.

Mr. **YOUNG** of Ohio. Mr. President, if the Senator from New York wishes to speak briefly, I yield to him for that purpose.

The **PRESIDING OFFICER.** The Senator from New York is recognized.

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Mr. JAVITS. Mr. President, I wish to make a very brief statement on the constitutional issues involved in the Cambodian operation, especially the authority of the President, which I think is critical here as well as the Congress'. There is no pretense whatever in the President's speech—other than the claim that he is using his authority as Commander in Chief—of constitutional authority as it involves the Congress. The President's authority as Commander in Chief to extend the operations in aid of Cambodia, or other extensions of the war, is a vital question that the Congress has to face in the days ahead. Above all Congress must now take appropriate measures to exercise its authority and responsibility.

In my judgment, this requires consideration of terminating whatever authority was given by Congress under the Gulf of Tonkin resolution. The Foreign Relations Committee has already voted to take such action to terminate the Tonkin Gulf resolution. We expect to undertake additional measures in respect of appropriations for military actions in Cambodia, and perhaps on a timetable for withdrawal from Vietnam. It is clear from the recent statements that we are in Vietnam now for an additional 1 to 3 years under the President's timetable, unless we in Congress choose to take a shorter time through the exercise of our powers.

I agree with the majority leader and the minority leader that the responsibility of the Congress as a unit must be accepted as equal to that of the President; we share authority with the President under the Constitution and I hope and expect we will exercise our authority. Just as the President believes he has not failed in his authority, we should not fail in ours.

The President has apparently defined his authority as Commander in Chief in such a broad and comprehensive manner as to intrude upon, and even preempt, the powers reserved so explicitly to the Congress in the Constitution. The question is not whether we can challenge the President's constitutional authority as Commander in Chief. The question, rather, is whether the President can exercise his Commander in Chief powers in a way which very seriously diminishes the extensive powers in the war-making field which are specifically assigned to the Congress under the Constitution. Certainly, in this crucial situation, the constitutional powers of Congress will remain hypothetical unless we take appropriate steps now to exercise our authority.

The President's statements about defeat and national honor are regrettable and I believe are fully answered by the achievement of the limited objective of our Vietnamese operation, to give the people there a chance for self-determination and the substantial achievement of that objective by the enormous expenditure of blood and treasure in the last 5 years.

As to demonstrating to the world our fidelity to such commitments if any that we have toward Vietnam and our determination to protect small nations against aggression, I believe we have shown that in an order of magnitude beyond what any other nation or people would come even close to doing. Finally, on the question of drawing into the struggle Chinese volunteers which occurred in the Korean war, I believe that this cannot be the reason for our action or failure to act but certainly if actions are otherwise undesirable in the national interest this is an added factor risk of which will be avoided by not taking such actions.

The President, as he stated so movingly, has deep responsibility for the security of our troops. He also has deep responsibility for the domestic peace and tranquillity of the Nation at home, and for the orderly functioning of duly constituted processes respecting the wishes and needs of the Nation. Our system is based on a division of powers—a sharing of powers—and a system of checks and balances. All these considerations must be weighed and reconciled. They cannot be ignored on grounds that troop security is the only question.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. YOUNG of Ohio. Mr. President, I yield to my brother the distinguished senior Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG of North Dakota. Mr. President, I thank my colleague and my elder namesake from Ohio.

Mr. President, I am always very reluctant to take a position opposite to that of the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), particularly on matters affecting Southeast Asia. I find that about 99 percent of the time he is right, and that is one reason for my reluctance.

President Nixon's decision to destroy Communist sanctuaries in Cambodia is long overdue. Through these bases the enemy has been able to stage and supply powerful offensives with immunity from attack—offensives that unnecessarily cost the lives of thousands of our servicemen.

I was opposed to getting involved in this war from the beginning—even while some of the present doves thought it was a great idea. I cannot help but feel, though, that if we are going to fight this war at all, or even have an orderly withdrawal, certain military actions such as this are necessary. I would have preferred, however, that this action could have been taken without involving our troops at all.

This military action is necessary to consolidate and complete the almost total destruction of the enemy's capability that has already taken place in most of southern South Vietnam.

This is an action approved by the Cambodian Government and one which is expected to be highly successful in a very short time. Since no negotiated settlement of the war is possible, I see no alternative but to support President Nixon's decision which is designed to make possible our continued withdrawal of forces from South Vietnam.

Mr. YOUNG of Ohio. Mr. President, at the outset I express my difference of opinion with my brother from North Dakota, but, very seriously, I desire to express my admiration for the remarks of the distinguished majority leader (Mr. MANSFIELD) and I desire to be associated with all the remarks that our majority leader made.

SENATE CONCURRENT RESOLUTION 65—SUBMISSION OF SENATE CONCURRENT RESOLUTION RELATING TO CAMBODIA

AMERICAN SOLDIERS INVADE CAMBODIA

Mr. YOUNG of Ohio. Mr. President, the decision by President Nixon to commit American arms, advisers, and combat troops to an invasion of Cambodia is a tragic mistake. It is a decision to risk the loss of another 50,000, or more, American lives in still another Southeast Asian country. It represents madness and stupidity beyond description.

While the words "mistake," "madness," and "stupidity" can be used to describe the President's decision to commit American lives, they cannot be used to describe his speech to the American people last night. That speech was coldly calculated, political, and demagogic in the worst sense of those words. President Nixon asked for the support of the American people in an action clearly not in their interests. He criticized Members of Congress whose authority he completely usurped. The President claimed to be the protector of American lives when he must know that the best way to protect America's young men is to bring them home immediately in the same manner they were sent into Vietnam—by ships and by planes.

Mr. President, the polite calls throughout our country for restraint in Vietnam, Laos, and Cambodia have fallen on deaf ears. Conciliatory remarks in the Congress also have apparently had little impact. I am now convinced that only the most forceful display of opposition to this stupendous mistake can be meaningful.

Mr. President, I assert if President Nixon does not promptly pull away from this dangerous adventure, the Congress must assert its constitutional powers of restraint in the name of the people who have been asked once too often to swallow the hallucination of victory in Vietnam through escalation and expansion of that conflict.

I send to the desk a concurrent resolution, to be later recorded by the clerk, and then, I hope, referred to the Foreign Relations Committee of the Senate.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 65) was received and referred to the Committee on Foreign Relations.

Mr. YOUNG of Ohio. Mr. President, this concurrent resolution expresses the sense of the Congress with respect to the action of the President of the United States in sending into a neutral nation, Cambodia, and across the border of Cambodia with South Vietnam ground forces, combat forces of the United States. This, in the absence of any request of the Government of Cambodia and in the absence of any information whatever to the Congress until following the time this invasion had been undertaken.

The resolution I am introducing reads:

Resolved, it is the sense of the Congress that the action of the President of the United

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States involving United States military forces in Cambodia and invading the sovereign territory of Cambodia constitutes an unconstitutional involvement of the United States in an undeclared war, a clear violation of Cambodian neutrality and the principles of international law.

Section II. The Congress hereby censures the President of the United States for the actions he has taken in the furtherance of such involvement.

The Congress must make clear what the President has failed to make clear—that the invasion of Cambodia by American troops is a direct violation of Cambodian neutrality and the principles of international law.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho (Mr. CHURCH) is recognized for 1 hour.

Mr. EAGLETON. Mr. President, will the Senator from Idaho yield me 2 minutes?

Mr. CHURCH. I am happy to yield to the Senator from Missouri.

THE SECOND INDOCHINA WAR

Mr. EAGLETON. Mr. President, without question the war in Vietnam has now been enlarged into the war in Indochina.

President Nixon says he is attempting to deescalate our participation in South Vietnam—by escalating our activities first in Laos and now in Cambodia.

What kind of logic is this?

What the President has done is to send American troops across a border into the territory of a sovereign state—without having been requested to send troops by the leaders of that state and without having asked for a declaration of war from Congress.

If our troops fail to achieve their supposedly short-term military objective, then I foresee a permanently widened war, with American fighting men on Cambodian soil for a long time to come.

The President's decision is a deeply disturbing gamble, in which the chips are American lives and the American conscience and, in a very real sense, the security and tranquility of our society.

There has never been a clearly agreed-upon reason for our originally sending ground troops into Vietnam. Both Presidents Johnson and Nixon have given different reasons at different times to justify the massive presence of American soldiers there.

Now it appears the justification is feeding upon itself. Because we have an American presence in South Vietnam—whose purpose has always been unclear—we must protect it by invading Cambodia. The whole thing is tragic.

I believe the President's move will not hasten our withdrawal but instead will serve to prolong and enlarge the American agony and the Vietnamese, Laotian, and Cambodian agony—in Indochina.

WAR WITHOUT END

CONGRESS MUST DRAW THE LINE

Mr. CHURCH. Mr. President, when President Nixon took office 15 months ago, he had two good choices and one bad one for dealing with the war in Vietnam. The promising choices were a negotiated peace based on a compromise coalition government in Saigon, coupled with the swift withdrawal of American forces; or, failing an agreement, a unilateral disengagement by the United States based on a phased but steady and complete withdrawal of American forces. In order to pursue either of these courses in those early days of his administration when all options were open to him, the President would have had to acknowledge the futility of our continued military intervention in Vietnam. He would have had to admit—at least to himself—the impossibility of sustaining at any acceptable cost an anti-Communist regime in Saigon, allied with, dependent on, and supported by the United States.

This, of course, had long been the coveted objective of American policy in Indochina. Mr. Nixon was unprepared to abandon it. The result was the rejection of the two possible means of bringing the war to an early end and the adoption instead of the policy known as "Vietnamization." The tactics of the new course of action soon became clear: instead of escalating, we were going to deescalate, albeit by very gradual stages and over an indefinite period of time; instead of pouring in ever larger numbers of American troops, we were going to gradually substitute South Vietnamese forces in their place and thus keep the war going until the insurgents finally gave up their effort to displace the Saigon regime. Lost to view throughout the year 1969 was the fact that the new policy was only new in the means it employed; the objective remained unchanged.

We are still trying to maintain an anti-Communist regime, resistant to the North, in the southern half of a divided Vietnam. We are still determined to pursue an objective that makes necessary a permanent American military presence in Indochina. We are still bent upon preserving an American bridgehead on the mainland of Asia, next door to China. That is the meaning of Vietnamization.

In January 1969 Mr. Nixon inherited the leadership of an angry, divided, and demoralized country. He had at that time a better opportunity than he will ever have again to diagnose and treat the cause of the country's agony. In keeping with his own record and outlook, however, the new President did not perceive anything fundamentally wrong with the old policy. Instead, he saw only the symptoms: The high casualties, the inflated rhetoric, the student unrest, the Johnson style, and the so-called credibility gap.

It did not occur to Mr. Nixon that the policy itself was deeply unsound, extraneous to American interests, and offensive to American values. The result was a change in tactics but not in goals. The policy has been repackaged; new, improved methods of salesmanship have been adopted; an optimistic new vocabulary has been introduced, full of bright promises of "peace with honor." Hopes have been buoyed by the return of part of our troops: people everywhere are saying that Vietnam is no longer an issue. Or at least they were saying that until yesterday.

But the war goes on. American combat strength in South Vietnam has been reduced, but the war itself is spreading beyond the borders of Vietnam and has become an Indochina war. Nor is there any end in sight. The administration has consistently refused to say—and perhaps does not even know—when if ever the American involvement will be brought to an end. Our withdrawal is said to be "irreversible," but the President continues to warn of "strong and effective measures" if the enemy takes military advantage of it. Such as a measure, as the Senate well knows, was dramatically announced to the American people last night. How a process of irreversible withdrawal can be reconciled with these "strong and effective measures" is not explained; nor is it explained what possible reason we might have for supposing that the enemy will not "take advantage" of our withdrawals.

The Nixon administration has led us into a fundamental contradiction through its temporizing policy of scaled-down but indefinite warfare. The Johnson policy at least moved in one direction: an extravagant objective was matched by extravagant means. Mr. Nixon has moderated the means but retained the objective. The result is a masterpiece of incongruity, a design well conceived for futility and failure.

Sooner or later we are going to have to make a choice, matching our methods to our goals. If we continue to pursue the same extravagant objective in South Vietnam, the American military occupation of that country will have to be extended indefinitely. The alternative is to change the objective, to alter the policy. The latter, as I shall try once again to show, is the course of realism. Once we have chosen that course, once we have bitten the bullet of acknowledging past error, the means of extricating ourselves will pose no insuperable problems. Once we admit that this war is not now and never has been essential to American security, there should be no great difficulty about ending it. Until we do admit it, the war will go on.

I. A WAR NOT IN OUR INTEREST

It is no easy thing to admit an error but, as events have shown the scale and consequences of our mistaken venture in Vietnam, more and more Americans have been coming of the opinion that it is better to acknowledge a mistake than to perpetuate it. Even for those not directly involved, a good deal of maturity is required for facing up to a mistaken course of action. For statesmen and soldiers who have had personal involvement with the war in Vietnam, a high degree of fortitude and integrity is required. Nonetheless, an increasing number of men who fought this war have found it necessary to express their doubts about its justification. Late last year, for example, a former Air Cavalry captain who lost his right arm and both legs when he picked up a live grenade at Khe Sanh, summed up his own personal distress in these words:

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> To the devastating psychological effect of getting maimed, paralyzed, or in some way unable to reenter American life as you left it, is the added psychological weight that it may not have been worth it: that the war may have been a cruel hoax, an American tragedy that left a small minority of young American males holding the bag.

Distasteful though it is, we must review the reasons for our initial involvement in Vietnam. This is not just a case of confession being good for the soul. We need to understand the past so that we can act more wisely in the future. A clear comprehension of past mistakes is the only reliable insurance against repeating them. I do not agree, therefore, with President Nixon's assertion in his speech of May 14, 1969, that the "urgent question" is "not whether we should have entered on this course, but what is required of us today." The two, I believe, are connected: In order to determine "what is required of us today," it is indispensable that we understand why we did what we did in the past, and whether we should have done it.

If indeed the decision to intervene with an American army in 1965 was wise and sound, that would suggest that we now should continue the fight, with whatever force may be necessary, and for whatever time may be required. If, on the other hand, the intervention of 1965 was the result of faulty judgment, then it makes no sense to continue the war for a single day longer than is required to liquidate it in a decent and orderly way. There can be no cure without honest diagnosis. Yet, the administration refuses even to think about past decisions in a critical or analytical way. Instead, it clings tenaciously and defensively to the discredited old arguments. The result is indecision and incongruity. As best I can make it out—and I do not think I can make it out with any real clarity—the administration's position seems to be that the war is and always has been necessary and justified, but that political considerations rule out a greater military effort to win it, while they cannot bring themselves to end it either by a negotiated compromise or a phased-out, complete withdrawal.

The single most important source of this paralyzing ambiguity is the continuing prevalence of the myth so implicit in the President's remarks last evening—a myth of which Mr. Nixon himself was one of the principal perpetrators: the notion that communism is a single, unified, centrally directed, conspiratorial force unalterably committed to conquest of the world. Though often denied, the notion keeps turning up. Mr. Rusk used to warn of the danger of a "world cut in two by Asian communism." Mr. Nixon referred last November 3 to "those great powers who have not yet abandoned their goals of world conquest," and he predicted that American withdrawal from Vietnam would "spark violence wherever our commitments help maintain the peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere." The President did not say how the spark would spread, but the explanation of why he thinks it would is implicit in his words: It is the old notion of the world Communist conspiracy, nurtured and sustained against all the compelling evidence which shows that, except in those areas such as Western Europe where the Russians bring direct physical power to bear, world communism has broken down into its national components, to such a degree that today communism is scarcely more united a force in the world than anticommunism.

Mr. President (Mr. SPONG), in the case of Vietnam, it belabors the obvious—at least it would if the obvious were not under such steady challenge—to assert once again that the real force behind the long internal struggle is not ideology but Vietnamese nationalism. In his recent book on President Johnson's decision to end the escalation and initiate peace negotiations, Mr. Townsend Hoopes, the former Under Secretary of the Air Force, analyzed the war as follows:

> North Vietnam was fighting *primarily* to achieve an unfulfilled national purpose. While it was, to be sure, fully aware of the implications for the wider application of the Mao-Ho-Giap insurgency doctrine, it was fighting not an abstractly ideological war, but a very particular war—in a particular place, characterized by a particular kind of terrain and weather, peopled by a particular breed of men and, above all, conditioned by a particular history. What really drove Ho's sacrificial legions was not the dream of world conquest, nor even the notion of generating a new momentum for Communist advance and triumph throughout Asia. What motivated Hanoi and enabled its leadership to hold 19 million primitive people to endless struggle and sacrifice against odds that were statistically ludicrous was the goal of national independence.

If our hands were cleared of the burden and our minds cleared of the Communist monolith obsession, we would perceive readily that the small country of North Vietnam, with which we have been at war for the last 5 years, is an authentically independent country, pursuing its own national objectives. These are the expulsion of foreign influence, the reunification of Vietnam and, quite probably, the establishment of their own dominant influence in all of former French Indochina. Though disagreeable to the United States and hardly benevolent, these designs are by no means to be confused with a conspiracy for the conquest of Asia. North Vietnamese ambitions are far less ideological, and much too restricted by the power limitations of a small, undeveloped country to possibly be a serious threat to the United States, or even to those Southeast Asian countries which have any real measure of political coherence and support from their own populations.

Some Americans argue that we must stay in South Vietnam in order to prevent the population from falling under the yoke of a Communist dictatorship. Whatever altruism that idea may have in the abstract, it has little merit in actuality. For most of the people of Southeast Asia—certainly for the Vietnamese—there is no available democratic alternative. The choice lies between the harsh but relatively efficient and purposeful Communist dictatorship of the North and the equally harsh but corrupt and incompetent non-Communist dictatorship of the South.

Ideology in any case is of little consequence to poor and underdeveloped societies. Their requirements are more basic: they need governments which will refrain from robbing and plundering them, which will permit them the use and benefit of the land on which they live, and perhaps give them some assistance in cultivating it; which will provide basic medical services to protect them from common diseases; and which will provide at least elementary education for their children. Perhaps the time will come when political philosophy will acquire some importance for the villagers of Vietnam, Laos, and Cambodia. In the meantime, nothing could be further from their needs than those warring political ideologies which agitate the minds of statesmen in Washington, Moscow, and Peking.

To suppose in any case that the regime we are defending in South Vietnam has any knowledge of, interest in, or commitment to, democratic freedoms requires a greater capacity for self-delusion than is to be found among any but that dwindling band of old-school cold warriors whose demeaning definition of a democratic government is any regime, however decadent, which preaches undying hostility to communism.

Another superficially compelling rationalization for our continued participation in this war, in which we have no vital interest of our own, is the threat of a massacre in South Vietnam if we should leave. Raising this specter in his speech of November 3, Mr. Nixon warned that our "precipitate withdrawal would inevitably allow the Communists to repeat the massacres which followed their takeover in the North 15 years before."

Last evening, I must add, the President, once again, raised the same outmoded specter in his address. Even if it were as certain as the President takes it to be that a victorious Vietcong would murder large numbers of South Vietnamese civilians, it is not a rational policy to hold off this calamity by perpetuating the killing of both Vietnamese and Americans in this endless war. Even if the Communists were to do everything that Mr. Nixon fears, it is doubtful that they could match the daily, continuing bloodbath of the war itself.

For this has become a war of indiscriminate killing on both sides. Unable to distinguish between soldiers and civilians, as likely to have a grenade thrown at him by a woman or child as by an identifiable soldier, the American GI has learned to shoot first and ask questions later. He is doing no more than any of us would do under the circumstances—but he is doing it.

This war in which the enemy is indistinguishable from the people is the real bloodbath in Vietnam. To continue it so as to prevent possible Communist reprisals after the war is to rely on the same perverse logic as that contained in the now famous words of the American major who said after the Tet offensive in 1968: "We had to destroy Ben Tre in order to save it."

If once we made the decision that we were going to withdraw from Vietnam—finally and completely—it should be possible to have guarantees for the lives of South Vietnamese civilians included among the provisions of a negotiated settlement. The North Vietnamese—for what it is worth—insist that they have no intention of perpetuating a peacetime massacre. They say that they are prepared to live and even cooperate with anyone who favors the "independence, peace, and neutrality" of South Vietnam.

If in the end we should withdraw without a formal peace settlement, it would be a matter of honor to provide asylum for those South Vietnamese who might be unwilling to trust their fate to Communist promises. If it came to that, it would be far better to open our own gates to those who felt themselves endangered than to keep on sending Americans to die for them in their own land. As for the Saigon generals, there should be ample facilities for them on the French Riviera.

On all counts, the evidence is overwhelming that this war is not necessary, that, indeed, its continuation is immensely detrimental both to our own interests and to those of the peoples involved. We keep fighting in Vietnam because we are not yet willing to acknowledge that we should never have gone there in the first place. The result is a policy of pure contradiction: torn between its stubborn adherence to the war and its political need to get out of it, the Nixon administration has devised a policy with no chance of winning the war, little chance of ending it, and every chance of perpetuating it into the indefinite future—the policy called Vietnamization.

II. VIETNAMIZATION

The official logic of Vietnamization is that, by some miraculous means, we are going to strengthen our bargaining hand by weakening our military effort. It is indeed a unique strategy, quite probably unprecedented in the history of warfare: bringing pressure to bear on the enemy by withdrawing from the battlefield. As the President explained it in his press conference of December 8, 1969, gradual American withdrawal is supposed to induce Hanoi to negotiate on our terms because, as he put it, "Once we are out and the South Vietnamese are there, they will have a much harder individual to negotiate with * * *"

If the President was speaking of Mr. Thieu's attitude toward negotiations, there can be no argument: He is much harder. But the President neglected to mention that it is not the political toughness of the South Vietnamese that is going to count if American forces are withdrawn but their military toughness, and in that department—despite the optimism expressed by the President in his speech of April 20—they are hardly a match for their Communist adversaries. That, let it never be forgotten, is why we went there with half a million American troops in the first place.

Novel as it may be, Vietnamization is a dangerous and unsound policy, more likely to lead to that "defeat and humiliation" which President Nixon so rightly deplores than to anything resembling an "honorable" peace. What it comes down to in plain commonsense terms is that, when you reduce your strength, you reduce your bargaining power. Thus far, our withdrawals have not been sufficient to make a major difference in the military balance. But, by the spring of 1971, when American forces are scheduled to be reduced to around 265,000 men, the military balance will be significantly altered—unless the ARVN shows a far greater capacity of improving its effectiveness than we have any reason now to expect. What, then, if the Communists undertake a massive offensive aimed at winning the war outright? Would we reescalate the war, taking those "strong and effective measures" of which President Nixon has repeatedly warned, or would we accept the defeat?

Neither American military personnel in Vietnam nor the South Vietnamese themselves are sanguine about the prospects of Vietnamization. According to staff members of the Senate Foreign Relations Committee who went on a study trip to Vietnam in December 1969, American military officers have very little to say about the prospect for South Vietnamese military selfsufficiency, and when they do talk about it, it is in the time span of 2 to 4 years. President Thieu said recently that the withdrawal of American ground combat forces by the end of 1970 was an "impossible goal" and that, instead, "it will take many years" to remove these forces. President Nixon said nothing in his speech of April 20 to indicate a different assessment on his part.

Congress is as much in the dark as everybody else about the timetable for Vietnamization. Even in closed session of the Senate Foreign Relations Committee, the Secretaries of States and Defense have consistently declined to indicate how long the process is expected to take and how many Americans might remain in South Vietnam for the indefinite future. It is well to remember that there are still 50,000 American soldiers in Korea, 17 years after the end of the Korean War, despite the fact that the Republic of Korea has a large and effective army of its own, a defensible frontier, and freedom from internal subversion. How many Americans may be required to sustain the Saigon regime, which has none of the assets of South Korea? The administration steadfastly refuses to divulge the answer. That, I think, is because it has no answer.

III. AN INDOCHINA WAR

Even if it worked, Vietnamization would be a futile policy, because it no longer covers the situation in Southeast Asia. "I feel," the late Vietnam expert Bernard Fall once remarked, "like it is 1913, and I am an expert on Serbia who is about to be outstripped by events." The import of Fall's apprehension was that Vietnam might one day be consumed in a far wider conflict just as the Serbian controversy was consumed and then forgotten in the flames of World War I. One hopes it will never come to that, but the spread of hostilities to Laos and Cambodia has already made it obsolete to speak of a Vietnamese war. In fact, with or without official recognition, we are now quite busily engaged in what Fall had the prescience several years ago to perceive as a "second Indochina war," a sequel to the struggle between the Vietminh and the French for domination of the entire Indochinese peninsula.

Increasingly the North Vietnamese and even the Chinese are referring to the conflicts in Vietnam, Laos, and Cambodia as a single "struggle for Indochina." As Mr. Stanley Karnow, one of the most perceptive journalists reporting from Indochina, commented recently:

> The Communists are making it clear that they are prepared to expand the war over the artificial boundaries that separate the Indochinese states, and there is no reason to doubt their intentions.

There is hope as well as menace in this new situation, depending upon how the Nixon administration responds to it. If it follows the counsel of some of its military and civilian advisers in Vietnam and expands American military activities in Laos and Cambodia, then a predictable spiral of challenge and response will soon put an end both to Vietnamization and deescalation of the war. If, on the other hand, Mr. Nixon and his advisers see what Bernard Fall perceived long ago, that there can be no solution to Vietnam except in the context of a general solution to Indochina, they might then revise their entire strategy and put us for the first time on a sensible course toward peace.

Stalemated by superior American firepower in Vietnam, the Communists appear to have embarked upon a general Indochinese strategy aimed at surrounding and isolating the American position in South Vietnam.

In Laos, despite a momentary abatement of hostilities, the military strength of the American-supported army of Meo tribesmen appears to be slowly deteriorating. Although the Communists have made no thrust toward the administrative capital of Vientiane, their dominance over northeastern Laos is virtually unchallenged except by continuing American air attacks. These air strikes, according to reports, are being conducted round the clock, amounting to an estimated 18,000 sorties a month. Meanwhile, despite fearful harassment from the air, the North Vietnamese continue to move supplies across the Plain of Jars toward the few remaining anti-Communist strongholds in northeastern Laos.

As an American diplomat recently explained to a diligent reporter:

> The important thing is that the clandestine army is being destroyed and the U.S. bombing cannot stop it. This happens every day, in little skirmishes you never hear about. When Long Tieng finally crumbles, the Communists will have consolidated their own on northeast Laos. American bombing can make life hell for them, but it cannot stop them. Laos, in its typically leisurely way, is going down the drain.

In truth, our position in Laos borders on helplessness. Secretary of State Rogers all but confessed as much in a television statement on March 17. "We hope," he said, "that what they are up to is to make their negotiating position a little stronger. We hope that they do not intend to overrun Laos."

Whatever the precise Communist objective in Laos, it is already having the effect of undermining the foundations of the Nixon Vietnamization policy. In a military sense, it raises the long-term prospect of locking American forces into a beleaguered South Vietnamese enclave, while North Vietnam establishes its hegemony over the rest of Indochina.

Aside from continuing our indecisive bombing campaign in Laos and hoping for the best, the administration has two equally distasteful alternatives. It can simply give up any further hope for salvaging Laos and thereby see its Vietnamization strategy undermined by indirection; or it can send American ground forces, or a greatly increased number of Thais, into the Laotian war thereby abandoning the Vietnamization strategy and reverting to escalation. In the latter event, there is no telling where the escalation would stop. In a phrase reminiscent of the days before their "volunteers" swarmed into Korea in 1950, the Chinese have already responded to the entry of Thai forces into Laos with the warning that they "will not sit idly by."

The situation is hardly more promising in Cambodia; it may indeed be worse. With more bravado than wisdom, the new regime of General Lon Nol has undertaken to drive the North Vietnamese and Vietcong forces out of the borderlands of Cambodia. The trouble is that the weak Cambodian Army is in no position to do it unless it receives a massive injection of American arms, and that, in fact, is exactly what appears to be in the offing.

With indeterminate but unmistakable American support—support, incidentally, that was revealed more fully to the American people last evening—South Vietnamese troops have been striking at North Vietnamese and Vietcong units inside Cambodia. The Communists in turn have called on the Cambodian people to overthrow their new government and are using their forces within Cambodia to weaken the new regime. The Phnom Penh regime, for its part, is showing itself impotent against the Vietcong, while its troops, with or without official approval, have committed atrocious mass murders of Vietnamese civilians living in Cambodia.

It has long been the desire of American and South Vietnamese military officials to attack the Communist sanctuaries in Cambodia. From a purely military standpoint this is understandable, but the political implications are ominous. They raise the possibility of escalation in still another direction, under circumstances the Thieu government must surely welcome as a golden opportunity to put an end to American troop withdrawals by plunging the United States into a wider, Indochinese war.

Mr. Nixon and his advisers may feel tempted to come to the support of the anti-Communist but relatively powerless new regime in Phnom Penh. On the other hand, the administration must surely recognize the risks involved in an expansion of the war into Cambodia. The Vietcong and North Vietnamese have already turned that formerly neutral country into a battleground, and done so with the blessing of the ousted Prince Sihanouk, who has cloaked the Communists with legitimacy by creating a government in exile and by calling for a national liberation army to fight "with other anti-imperialist peoples forces of fraternal countries."

It escapes my understanding how, under these altered circumstances, the administration still fails to recognize that it is involving itself in an Indochina war which can only be resolved by an Indochina strategy. To continue relying on Vietnamization under these circumstances is comparable, in Bernard Fall's World War I analogy, to throwing resources into Serbia long after the Western Front had exploded. The Communists have made it abundantly clear that they are not going to allow us to press our military advantage in Vietnam without circumventing it by exploiting the power vacuums in Laos and Cambodia. Even more to the point, they have made it abundantly clear that, although they cannot expel us from Indochina, they are able and determined to thwart the policy of Vietnamization. The premise of that policy is that American intervention can be reduced to a level at which it may be sustained indefinitely without undue political disruption at home. That premise has been discredited by events in Laos and Cambodia, if not indeed by conditions in Vietnam as well. We are going to have to plunge into Indochina all the way and face the enormous consequences at home and abroad, or we are going to have to get out.

IV. THE WAY OUT

The obvious and desirable way out is through a negotiated political settlement. President Nixon, however, appears to have given up on the Paris negotiations, insisting that the only alternative to Vietnamization is "immediate precipitate withdrawal." The North Vietnamese Government, he told Congress in his report of February 18, "has adamantly refused even to discuss our proposals" and, further, "has insisted that we must unconditionally and totally accept its demands for unilateral U.S. withdrawal and for the removal of the leaders of the Government of South Vietnam." He repeated this in scarcely altered words on April 20.

Reports by numerous unofficial and foreign observers suggest that the President's reading of the North Vietnamese position is inaccurate. Reputable individuals who have met with North Vietnamese officials both in Hanoi and in Paris assert that they do not insist on a complete American withdrawal prior to the conclusion of a settlement, nor do they demand a Vietcong takeover of South Vietnam. What they do insist upon, according to these observers, is an American commitment to a definite schedule for complete withdrawal of American forces and a transitional coalition regime to rule in Saigon until such time as a permanent government can be constituted. What the North Vietnamese and Vietcong are not able to accept are the following: an indefinite American presence; the continuation of the present South Vietnamese constitution—known to them as the "Johnson constitution"—which prohibits Communists from any participation in the government; and control of the election procedure for a permanent government by the present Saigon regime.

Aside from the continued presence of Amercian forces in Indochina, the crucial question is quite simple: Who is going to rule South Vietnam? That is what the war is all about.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Tennessee.

Mr. GORE. Unless the United States is willing to negotiate and perhaps compromise on this issue, can there be any successful negotiations?

Mr. CHURCH. Of course not; and President Nixon's constant repetition of the unwillingness of the other side to negotiate, like the similar refrain of his predecessor, never acknowledged that as long as we remain committed to the perpetuation of the Saigon regime there is nothing for the other side to negotiate about.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. GORE. I recently read an article by the noted writer, Theodore White, in which he characterizes his position as offering nothing but humilating defeat. Indeed, he expressed the view that neither side offered the other side in the Paris conference anything but humiliating defeat.

Mr. CHURCH. I concur. As long as both sides hold to that position, obviously there is no hope for a negotiated settlement. It is not the obstinacy of the other side alone that has prevented a settlement; it is the fact that our terms, as well as theirs, call for what is tantamount to surrender. As long as this position continues, there will be no progress at the negotiating table.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Tennessee.

Mr. GORE. I know the able Senator wishes, and I am sure the senior Senator from Tennessee wishes, to proceed with the greatest of caution in this tragic and critical day. Even in that spirit I wonder if it would be in order to ask the able Senator if the actions now under way in Cambodia and the President's statement with respect thereto do not in fact specifically involve a widening of the commitment of the United States in Southeast Asia to the point of committing us to support the lone No. 1 government in Cambodia.

Mr. CHURCH. This, as the Senator well knows, is the grave danger. The President last night, for the first time, announced his decision to furnish the Cambodian Government with substantial quantities of arms, in response to the request of the new regime.

We know from our experience in Vietnam that once we undertake to supply arms to a foreign government, the pressure immediately begin to build for larger and larger quantities of arms, and for more and more sophisticated arms. Then comes the need to send in instructors in the use of these arms, thus committing American personnel. Then comes

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the call for American troops to bolster an army we are assisting through advice, instruction, and the gift of arms. The same progression of events looms before us as took us into the bottomless bog in South Vietnam.

With that bitter experience immediately behind us, I think it is a serious error to assume a new set of obligations to the government in Phnom Penh to which we owe nothing—no treaty, no promise, no commitment—until last night. I think this is a course fraught with peril.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I am happy to yield to the Senator.

Mr. GORE. An invasion of a small country, for whatever purpose, creates not only great political problems for the United States, both domestically and throughout the world, but also, specifically in this case, our action taken without treaty obligations, and as the Senator has stated, without authorization by Congress, creates a pattern which looks apprehensively like the Vietnam pattern. Indeed, is this not Vietnam all over again?

Mr. CHURCH. I say to the Senator it could easily become just that. The first step we have now taken in Cambodia is very much like the first step we took in Vietnam.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. GORE. The Senator listed a few moments ago the chronology of the escalation of a commitment. I think the Senator omitted the last one, which is to continue and maintain U.S. military forces and economic aid to whatever extent necessary to maintain in power those leaders which we find agreeable.

Mr. CHURCH. That certainly has been the course we have followed in Vietnam. I would hope it is not duplicated in Cambodia.

The President sought to reassure the country last night that our military strikes into Cambodia are meant to be temporary in nature; that the objectives are, first, to seize the caches of weapons and supplies that the Vietcong and the North Vietnamese have located along the borderlands of Cambodia and, second, to eliminate their forward bases in the area. After which, the President said, the U.S. forces and the South Vietnamese forces would withdraw.

If this is really going to be a temporary military ploy, then the best we can hope from it is a temporary result; for surely, after we have withdrawn, if 5 years of bitter experience in Vietnam mean anything at all, it follows that the enemy will return to the same areas and reestablish the same kind of bases all over again. And this war, which is becoming endless, which is now the longest war in our history, and one of the costliest, will continue. It will then be necessary, based on the President's logic last night, to return again and destroy these bases.

So, it seems to me, the military justification for this move is very doubtful. Indeed, unless the purpose is to occupy portions of Cambodia and remain there, so as to exclude the enemy from these borderlands indefinitely, then the most that can be hoped for is the temporary removal of the bases about which the President complained.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. Yes, I am happy to yield.

Mr. GORE. The unhappy experience which the senior Senator from Tennessee has observed from behind the closed doors of the Senate Foreign Relations Committee is not very reassuring. I recall that we were advised that a "bloodying of the nose"—I believe that phrase was used—of North Vietnam after the so-called Tonkin incident was somehow going to save American lives. I recall how we were going to bomb North Vietnam to the conference table, though the conference did not actually begin until after the bombing ceased. Indeed, I recall a number of things, so many that it is frustrating and depressing in this——

Mr. CHURCH. May I remind the Senator of an observation he made in the committee only yesterday which I regarded as pertinent and profound——

Mr. GORE. Anytime someone finds an observation of mine which is pertinent and profound, I want him to shout it to the rooftop.

Mr. CHURCH. I will now proceed to shout it to the rooftop.

Mr. GORE. Be sure every one hears it.

Mr. CHURCH. The distinguished Senator from Tennessee turned to me at one point of the proceedings yesterday behind the closed doors of the Committee on Foreign Relations and he said,

> All of this action is premised upon the need to eliminate enemy sanctuaries.

He said,

> Where are these sanctuaries? If today they are on the Cambodian frontier, tomorrow they will be just behind it, just beyond the furthermost reach of the American military penetration. Indeed, the enemy sanctuary lies in all of Asia behind it.

The Senator from Tennessee went on to observe:

> And we have sanctuaries, too. What is Thailand, but our sanctuary? What is the sea around the peninsula of Indochina, totally dominated by American naval forces, but our sanctuary? What is the air above the fighting ground, completely controlled by the United States, but a form of sanctuary?

Then he went on to observe that if this war becomes a pursuit of sanctuaries, every thrust will be met by a counterthrust. That is the conclusion which must be drawn from the last 5 years of experience, and the effect will be a spreading war.

Mr. GORE. It sounds even more profound when it is repeated.

Mr. CHURCH. I think the Senator from Tennessee presented a complete rebuttal to the argument made by the President last evening.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I am happy to yield.

Mr. GORE. I was in the committee, sitting across the table, once again, listening with the distinguished Senator from Idaho when Secretary McNamara expressed the view, some 4 or 5 years ago, that the American boys would be home for Christmas. Only a year ago I heard Secretary Laird, in response to my interrogation, say, "We have turned the corner." The best I recall, that was about the fourth time that I heard officials of the executive branch in high positions of high authority express the view that we had turned the corner in Southeast Asia. According to my calculations, when you turn the corner the fourth time, you start all over again around the block.

I recall that just a few months ago—perhaps about a year ago—an official of the administration proclaimed that he could see the light at the end of the tunnel.

Mr. CHURCH. And it turned out to be Cambodia.

Mr. GORE. And it was only 11 days ago that President Nixon himself told the American people that he could say confidently that peace was in sight.

Can it possibly be that this major military operation was not in preparation 10 days ago? This is disturbing. I do not know when the decision was made. I make no charges about it. I do not know. But I cannot believe that a major invasion of a country with thousands of troops would be initiated overnight. There must have been some planning. There must have been some logistic movement. There must have been troop preparation and positioning. And, yet, 11 nights ago we heard a speech entirely different from the one last evening. Only last Monday Secretary Rogers was before the Senate Foreign Relations Committee in executive session.

I do not wish to reveal any of those proceedings, but I can say that nothing regarding a major invasion of Cambodia was whispered to the committee.

Mr. CHURCH. No, nor indeed even hinted at. That is how the Senate was advised of the extension of this war into another country in Southeast Asia.

Mr. President, aside from the continued presence of American forces in Indochina, the crucial question is quite simply: Who is going to rule South Vietnam? The only feasible basis for compromising that question is a sharing of power between the warring factions; the appropriate term, so much out of favor, is a coalition. When all the political manifestos and diplomatic terms of art are set aside, the conditions for peace in South Vietnam are clear: Either some form of coalition is going to be formed, or the war is going to go on until one side or the other prevails.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHURCH. I ask unanimous consent that I may proceed for an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. If we can agree to these two basic conditions—ultimate, total American withdrawal by a definite date and some form of coalition—a negotiated peace is probably attainable. My own belief, for the reasons I have tried to spell out, is that a settlement along these lines is consistent with our interests, compatible with the security of Southeast Asia, and quite possibly in the best inter-

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ests of the South Vietnamese people. It is obviously not a desirable arrangement from the personal standpoint of Mr. Thieu and Mr. Ky, but—lest it be forgotten—we are not as a Nation committed to those two gentlemen or to the perpetuation of their political careers.

The real question on which the prospect for a negotiated peace turns is the attitude of President Nixon and his advisors. If they can bring themselves to acknowledge the character of America's interests in Southeast Asia, the realities of an Indochina war and the necessity for an Indochina settlement, the logjam might be broken more speedily than anyone now supposes. If, on the other hand, as seems more probable—in fact, as seems, sadly, to be the case, based upon the disclosures of last evening—they cling to the crumbling premises of Vietnamization, there can be little prospect of a negotiated settlement. In that event, it would seem appropriate for the Congress, with its own special responsibilities for foreign policy, to reevaluate its position and the resources available for giving weight to its judgments.

In the belief that Congress has the responsibility—not just the right but the responsibility—to provide the President with advice as well as consent in matters of foreign policy, a number of us in the Senate have taken legislative initiatives in recent months designed to advance the kind of peace settlement which we believe to be in our national interest. Most of these legislative proposals have been horatory rather than mandatory, designed to encourage the President as strongly as possible to bring the war to an early end but not to impose upon him an inflexible course of action.

The administration has scarcely shown any interest much less responsiveness, to the various recommendations of Senators of both parties—except in those few instances in which Senators have praised or endorsed the course which the administration is already following. It has, therefore, seemed appropriate to go a step beyond exhortation and to begin to use the explicit war and appropriations powers vested in the Congress by the Constitution.

To this end, I joined with the majority leader, Senator MANSFIELD, and my distinguished Republican colleague on the Senate Foreign Relations Committee, Senator COOPER, in sponsoring last December an amendment to the fiscal 1970 military appropriations bill prohibiting the use of any funds under the bill "to finance the introduction of American ground troops into Laos or Thailand." The Church-Cooper amendment was adopted by a four-to-one margin—73 to 17.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. GORE. In retrospect, does not the distinguished Senator now regret that he did not include Cambodia in that amendment?

Mr. CHURCH. I do, indeed. If Congress had taken action then to include Cambodia in a timely way, I think we would not today be faced with the grim prospect of a widening war.

Last week, Senator COOPER and I announced that we shall ask the Senate to expand this prohibition to include Cambodia, which has now been invaded by South Vietnamese troops aided and supported by American Forces.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. CHURCH. Yes, I am happy to yield.

Mr. GRIFFIN. The Senator stated that Cambodia has been "invaded" by South Vietnamese forces. Does he mean to leave the impression that there is an intention on the part of South Vietnam to occupy any of the territory of Cambodia? Does the Senator intend to leave that impression?

Mr. CHURCH. Oh, yes, I purposely used the word "invasion," because that is what it is. The Senator is acquainted with the definition of the term "invasion." If he looks at that definition, either as comprehended by international law or as found in Webster's dictionary, I defy him to distinguish our action and that of the South Vietnamese forces from the definition he will find.

Mr. GRIFFIN. How does the Senator——

Mr. CHURCH. Let me finish. The Senator has asked the question.

No one contends—the President did not contend last night—that this movement of American and South Vietnamese forces into Cambodia comes at the request of the Cambodian Government. In fact, the news of yesterday indicated that the Cambodian Government had protested our action.

It is true that the President said his objectives were temporary.

If his objectives are temporary, then the results will be temporary; and the very problem of which he complains, the existence of these sanctuaries, will reappear again shortly after we withdraw.

I do not think that a temporary military ploy has ever brought permanent military results.

Mr. GRIFFIN. I regret that I was not in the Chamber earlier and I have not heard all of the Senator's speech. How would he characterize the presence of North Vietnamese and Vietcong forces in Cambodia?

Mr. CHURCH. As an invasion. I just want to be candid enough to admit that an invasion is an invasion. What sense does it make to say that the enemy invades, when it occupies Cambodian territory without the consent of the Cambodian Government, but that we do not when we occupy Cambodian territory without its Government's consent?

Mr. GRIFFIN. There is quite a difference, however, because the Communists are occupying Cambodian territory and have been occupying it; on the other hand, we do not intend to occupy Cambodian territory and everyone knows that is the case.

Mr. CHURCH. I suggest to the Senator that the fact that these sanctuaries have existed for 5 years means that the Vietcong and the North Vietnamese had indeed invaded Cambodia, but nothing in the developments of the last week or two in Phnompenh has changed the nature of the military situation in South Vietnam occasioned by the existence of these sanctuaries. The President had heretofore premised his Vietnamization policy upon an acceptance of that situation. Last night he changed his policy.

But we cannot honestly say that it is an invasion when somebody else does it, but it is not an invasion when we do it.

In addition, Senator COOPER and I are joined this week by Senator MANSFIELD and the ranking Republican member of the Foreign Relations Committee, Senator AIKEN, in the sponsorship of an amendment to the pending military-sales bill that would, if adopted, prohibit the delivery of arms, or the introduction of American military instructors or advisors, into Cambodia, and set the limits on any American participation in combat within or above Cambodia.

It is unquestionably within the constitutional power of Congress to bar the dispersal and delivery of American military weapons, services and supplies to a foreign government. Legislative prohibitions are needed now, because of the pending request of the new Cambodian Government for military aid from the United States—far in excess of what the President has already granted. No reliable assessment exists in respect to this new Cambodian Government. We know not of its character; nor do we know the limits of the popular support it may command. Moreover, the United States owes no obligation to this new government, we have no defense treaty with it—nor with its predecessor. We have made no previous commitment to Cambodia. We have no responsibility to come to its defense. Yet, without giving Congress any prior notice, let alone asking for its consent, President Nixon has already started through the opened door. He has ordered American forces to participate with South Vietnamese in an invasion of Cambodian territory. This is done in the name of denying the enemy its supply depots and forward bases just within Cambodia's borders. But when it comes to sanctuaries, we would do well to remember that all of Indochina behind the enemy line is its "sanctuary."

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GRIFFIN. The Senator said the President has taken this action "in the name of" cleaning out Communist sanctuaries. I am sure the Senator does not intend to infer that there is some other reason or that the President is not telling the truth?

Mr. CHURCH. No, of course not.

Mr. GRIFFIN. I thank the Senator. His words could have left that impression.

Mr. CHURCH. If that was the impression left in the Senator's mind, let me clear it up. Obviously, the objectives, as the President explained, are these sanctuaries. But, as I was saying, when it comes to sanctuaries, we would do well to remember that all of Indochina behind the enemy lines is its "sanctuary."

We would do well to remember that we have our "sanctuaries" too—in Thailand, for example. If this is now to become a war in pursuit of "sanctuaries," then past experience suggests that each new thrust will be met with a counterthrust, and the war will spread.

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Mr. President, I want to acknowledge that this observation was prompted by the remarks of the distinguished Senator from Tennessee in the discussions in the Committee on Foreign Relations yesterday.

Mr. GORE. I thank the Senator. Will the Senator yield?

Mr. CHURCH. I yield.

Mr. GORE. Where is the key sanctuary of North Vietnam? Is it in Cambodia, is it in Laos, or is it in North Vietnam itself?

Mr. CHURCH. Of course, North Vietnam itself.

Mr. GORE. If, by reason and logic, the security of the United States impels an invasion of another nation, why should we pick upon neutral, little Cambodia? I am not advocating an invasion of North Vietnam. Indeed, the nature of the war in Indochina, in essence, though it be one war, argues not for a widening of the war but for a settlement of the war, a compromise peace. But, if we must pursue sanctuaries, why start after the minor sanctuaries? I think it is an unsound policy, in the first place.

Mr. CHURCH. I agree with the Senator. The pursuit of sanctuaries is endless.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. CHURCH. Either we engage in one strike and withdraw, in which case the sanctuaries will be reestablished, or we pursue the receding sanctuaries until finally, as the Senator from Tennessee suggests, we occupy the whole of the enemy territory.

I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. I thank my distinguished colleague.

The PRESIDING OFFICER. The additional 15 minutes of the Senator from Idaho have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may be allowed an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I need advise no Member of this body that I am not a member of the Committee on Foreign Relations. I readily admit that members of the Committee on Foreign Relations undoubtedly have had far greater access to classified information than I have had, and I do not rise at all to take issue with my distinguished and good friend from Idaho on the basis of what I know as compared with what he knows. I rise, rather, simply to make an observation that I hope might bring back into the context of the understanding of the average person a little more clearly what the President said last night.

In my judgment, I think the President of the United States made clear that we are still fighting the same enemy we started fighting back in the beginning of the decade of the 1960's. The only thing that I see that was changed by the actions he took last night was to say that no longer would we let that enemy choose the battleground. We propose now to exercise some of the latitude which heretofore has been almost solely at the discretion of the enemy as to where that battle should take place. I think now the President has made clear that we propose, on our initiative, to decide where we might fight the enemy, as well as where he may choose to fight us.

Mr. CHURCH. I thank the Senator for his observation.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. As I listened to the President's message last night and as I have listened to the excellent speech of the Senator from Idaho, which I wholeheartedly endorse, I wondered what the status of the so-called Nixon doctrine or Guam doctrine is in the light of our intervention in Cambodia. Would the Senator help place that in perspective?

Mr. CHURCH. I would say to the Senator that, as I have understood the Guam doctrine, the President intended hereafter that other Asian governments should assume the primary responsibility for their own defense and that American troops would not be employed again for that purpose.

On the particular facts of this case, it is possible to make a distinction. Of course, it is always possible to distinguish one case from another. But this action clearly is contrary to the spirit of the Guam doctrine. Moreover, it directly contradicts the Vietnamization policy, for it looks in the direction of a reduced American involvement toward bringing our troops home, while this action looks in the direction of a new front and, with it, all the risks of a widening war.

Mr. MONDALE. Mr. President, as a matter of fact, the Senator's excellent speech confirmed my feelings following the President's message of last night that, among other things, this new effort is an admission that Vietnamization is not working.

I do not recall the President ever having conditioned his withdrawal policy, which I have supported and which I think all of us have supported, on the ground that it would work only if the sanctuaries were removed from Cambodia, Laos, or any other place. Thus, it would seem to me that this new policy, announced last night, is an admission that U.S. troops are needed, in any escalating way, to do something that had to be done because of the fact that Vietnamization forces are unable to take care of their own problems and defend themselves. Would that be correct?

Mr. CHURCH. I find it hard to argue with that proposition. Eleven days ago, the President told us that Vietnamization was working, that he was confident it would prove successful, and that 150,000 more American troops would come out in the coming year. All of that was premised upon these same sanctuaries which have existed for 5 years. No new, sudden, dramatic change of this situation has occurred in South Vietnam.

I think that if the President was right in his expression of confidence 11 days ago, then the South Vietnamese troops, that he believes to be adequate for the defense of the entire country, certainly should have been adequate to deal with a few sanctuaries along the Cambodian border.

Mr. MONDALE. I believe that this is perhaps the most tragic mistake our new President has made. We are expanding the war. This is a major escalation. I think it will widen the war. It will cause it to last longer. The number of American boys killed and seriously injured will rise.

I deeply hope that the President will change his policy immediately.

I intend to join with any of my colleagues in any reasonable step to use the power of Congress to prevent governmental authority on appropriations to be used to pursue this policy.

Mr. CHURCH. Mr. President, once the Cambodian boundary has been breached, it takes no exercise of the imagination to forecast that pressures will soon develop for sending a full-scale American military mission into that country which, in turn, will generate a whole new set of American obligations to defend the new Cambodian regime. It is this very sequence of events that led us ever deeper into the morass in Vietnam. We travel down that tragic trail again in Cambodia.

The overriding concern for us in Southeast Asia should be the military situation in South Vietnam, where our troops are already so heavily committed. Here, our position has not been altered by the recent overthrow of Sihanouk. For years now, the Vietcong and North Vietnamese have been utilizing border bases in Cambodia. But this administration, like its predecessors, had accepted that very condition. President Nixon himself had premised his policy of "Vietnamization" on acceptance of that condition. By extending aid to South Vietnamese troops invading Cambodia, the President has opened up a new war front in Indochina and, thereby, has placed in the gravest jeopardy his declared policy of deescalating American participation in the war.

The time has come for the Congress to draw the line against an expanded American involvement in this widening war.

Mr. President, we do have responsibilities that extend beyond acquiescence to the President of the United States when it comes to broadening the perimeter of this war.

The war power was vested by the Constitution of the United States in Congress.

The power of the purse belongs to Congress.

It is within our means, therefore, to establish the outer limits of American participation in this widening war.

Too much blood has been lost—too much patience gone unrewarded—while the war continues to poison our whole society. Whether by a negotiated compromise or by a phased, orderly but complete American withdrawal, it is time to put an end to it. If the executive branch will not take the initiative, then the Congress and the people must—the longer the bankrupt policy of Vietnamization continues, the closer it brings us to that which it purports to avoid: disaster and defeat.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. MANSFIELD. I commend the distinguished Senator from Idaho for expressing very frankly the views which he holds on Vietnam and which he has

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held consistently down through the years.

What the Senator from Idaho and other Senators who have spoken today, on both sides of the aisle, are indicating is an uneasiness which affects all of us, regardless of party. All of us—and I am sure the President as well—are aware of the tremendous stakes involved and the potential danger inherent in the situation which now confronts the Nation.

I only hope that out of this will come a better degree of understanding among all of us, a recognition of the fact that this war has cost us approximately 325,000 casualties, that we have spent more than $100 billion, that because of this war our problems at home have become exacerbated, that because of this war the divisions among our people have increased and that because of this war the difficulties which we will have to face up to—whether we like it or not—throughout the Nation, have either been aborted, decreased, or forgotten altogether.

Thus, I hope that this debate will remain on a respectable basis—and a respected basis, as well—that it will be carried on responsibly, and that what the Senate has to say, regardless of one's personal feelings in the matter, will indicate to the administration that there is concern, that there is uneasiness, that there is worry about the situation which has developed, which we think affects all of us, including the President, the Members of the Senate and the House of Representatives, and the American people as a whole.

I commend the distinguished Senator from Idaho for his remarks today.

Mr. CHURCH. Mr. President, I thank the distinguished majority leader.

Mr. President, I ask unanimous consent for sufficient time to yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I congratulate the distinguished Senator from Idaho on his speech and associate myself with his words and those of the majority leader.

I, also, do not agree with the words and actions of President Nixon. However, having made them, I only hope that the actions will be successful. Personally, I do not think they will be. In fact, I believe that this enlargement of the war can result not only in a geographic enlargement, but also in an increase in the level of violence and certainly in the number of our men killed.

We also have to bear in mind that there is an indefinite source of manpower available to the North Vietnamese. We may be successful in securing the areas into which we are entering. We may drain off some more North Vietnamese manpower. But whenever they run out of manpower, there is an almost inexhaustible source of Chinese manpower more than anxious to enter into the fray.

I hope that will not happen.

Mr. President, yesterday on the floor I suggested that the matter be taken up at the Security Council. Events have moved rapidly since then. However, I still believe that this is a matter that could be taken up there.

Perhaps our actions would be criticized in that forum. Nevertheless, I think the net result would be to share the burdens in that part of the world with other nations and perhaps be able to more properly remove ourselves from Indochina, sharing the responsibility a bit more equitably.

I had heard to my regret that there are those who would like to form a Democratic coalition to oppose the President in this matter and that the Democratic National Committee might move in this regard.

I think that would be a dreadful mistake.

This matter is beyond partisan consideration. There are just as many Republicans as Democrats who are opposed to the President and just as many Democrats as Republicans who are in favor.

I know that last night I received a phone call in the middle of the night from a friend of 30 years standing, a conservative Republican in Colorado. He wanted to know what he could do as a good Republican to divert us from the course of disaster which he saw ahead.

I think that if our Democratic leadership or party were to move in a partisan direction, they would be making a great mistake. The opposition or support for this move is far beyond politics. I would hope that we would bear this in mind.

Mr. CHURCH. Mr. President, I fully concur with the distinguished Senator from Rhode Island.

The reason that I have joined with the Senator from Kentucky (Mr. COOPER) in offering certain amendments to be considered in the Committee on Foreign Relations was to dramatize the bipartisan character of our dissent.

It is only on that basis that the Senate would consider such amendments, for in a matter of war and peace there is no party aisle that divides the Senate.

Mr. President, I yield the floor.

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent editorial published in the New York Times which states that the President is rejecting his own Nixon doctrine.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MILITARY HALLUCINATION—AGAIN

The assurances that the American-backed South Vietnamese drive into Cambodia is a limited, one-strike operation, an integral part of American operations in Vietnam and designed only to protect American and "free world" forces there, have a familiar and wholly unconvincing ring.

This is the same kind of reassuring rhetoric Americans have heard from their leaders at every stage of this country's long, misguided plunge into the Southeast Asian morass. Time and bitter experience have exhausted credulity of the American people and Congress. Presidential assurances can no longer be accepted in an area where actions, as Mr. Nixon's aides have observed in another context, speak louder than words.

The President's action in sanctioning the South Vietnamese invasion of Cambodian territory, with American advisers and air and other support, goes far beyond the Cambodian policy followed by Mr. Nixon's predecessors, even at times when the predicament of allied forces in Vietnam was far more perilous than anyone would claim it is today.

This latest and largest in a series of allied intrusions onto Cambodian soil which have occurred regularly since the change of government in Pnompenh has far-reaching and serious implications even if the immediate objectives are limited, as the Administration avows.

If reports from Pnompenh that the attack was launched without consultation with the Cambodian Government are true, the strike is a clear breach of Cambodian neutrality, the Geneva Accords and the principles of international law which the Administration has repeatedly cited in connection with the long-known and equally illegal Communist Vietnamese presence on Cambodian soil.

The allied drive into the Parrot's Beak will almost certainly provoke some reaction from Hanoi, and perhaps from Peking, with consequences throughout Southeast Asia that cannot be predicted but which could be fateful. At the very least, new threats to Pnompenh and fresh appeals for further American assistance can be expected.

Whatever he may plead to the contrary, President Nixon has rejected his own Nixon Doctrine in Southeast Asia, escalating a war from which he had promised to disengage. This is not the "new" Nixon who campaigned on a platform pledged to peace. It is more like the old Nixon who as Vice President in 1954 said the United States would have to send troops into Indochina if there were no other way to prevent its fall to the Communists, then on the verge of defeating the French.

Fortunately, now as then, Mr. Nixon's tough approach had produced strong opposition in both houses of Congress, even among some former staunch supporters of his Vietnamization policy. If the President does not promptly pull back from this dangerous adventure, Congress will have to assert its constitutional powers of restraint in the name of a people who have been asked once too often to swallow the military hallucination of victory through escalation.

Mr. MONDALE. Mr. President, on one other point. I do not recall this ever happening in my 5½ years of service in the Senate, but every hour, telegrams are pouring into my office from my State.

They are not inspired. They are obviously from deeply concerned Minnesotans from all parts of the State expressing outrage, concern, and heartache over the President's new policy.

At this point, the ratio of those favoring the President's policy as against it, is running 89 to 1 against the President.

I ask unanimous consent to have these telegrams printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

EDINA, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

We deplore Nixon's involvement in Cambodia.

Mr. and Mrs. WILLIAM F. TURNER.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Demand that Congress stop the President's move in Cambodia immediately.

Mr. and Mrs. GORDON PETERSON.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Urge strongest opposition to Cambodia action earth needs, demands peace.

Mr. and Mrs. JAMES KEANE.

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Edina, Minn.

Senator Walter Mondale,
Washington, D.C.:

Please can you intervene negatively in the President's decision to become militarily involved in Cambodia? I am asking this as a United States citizen, a Minnesota taxpayer who has always supported you, an active voter, but most of all as a mother of a United States Marine.

Mrs. Patricia De Remer.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

We oppose any involvement in Cambodia Fight for further deescalation in Vietnam. Try harder!

Mr. and Mrs. David Gibbens.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

Stop our intervention in Cambodia. Bring our sons home now.

Mr. and Mrs. Wilbur Freed.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Cambodian involvement tragic mistake, urge immediate withdrawal all US troops from Southeast Asia.

Donald S. Lehman, M.D.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

I'm against any escalation of aid to Cambodia.

Mrs. Robert Bridges.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

Let not Cambodia be another Vietnam. Cannot sacrifice sons lives for something don't believe in.

Mrs. Carol Franklin.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Please help stop this latest involvement in Cambodia.

Mr. and Mrs. Roy E. Mullin.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Don't let Nixon send our Air Force or our advisors into Cambodia.

Nancy Brasket.

Winona, Minn.

Senator Walter Mondale,
Washington, D.C.:

Do not support President Nixon's Cambodia escalation.

Mrs. Harry Barnes.
Mrs. Kenneth Knoll.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

We strongly oppose involvement in Cambodia. Pray you will do all to help prevent this.

Ben and Jeanne Overman.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We strongly oppose and resent the extension of the war into Cambodia. We want to get out of Southeast Asia now.

Professor and Mrs. Leonard Parker.

Northfield, Minn.

Senator Walter Mondale,
Washington, D.C.:

We do not wish U.S. soldiers fighting in Cambodia. Next will be Red China.

Mr. and Mrs. C. S. Carlson.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We support all action necessary to prevent intervention in Cambodia and expansion of Indochina War.

Mr. and Mrs. David L. Johnson.

Coon Rapids, Minn.

Senator Walter Mondale,
Washington, D.C.:

Strongly urge no involvement in Cambodia. An immediate withdrawal from Vietnam will not support President.

Mr. and Mrs. James Jagelski.

Minneapolis, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We deplore the presidential action involving Americans in Cambodia. We strongly urge you to protest on our behalf.

Dr. and Mrs. Marvin L. Stein.

Winona, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Please voice vehement protest in further involvement in Southeast Asia.

Mr. and Mrs. Herman Weisman.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Urge you exert every effort and influence to end Asian and Middle East involvement.

Mr. John W. Peters.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We consider Cambodia further involvement in the Asian war and we protest.

Mr. and Mrs. Max Schnitzer.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

I am against sending American men or material into Cambodia.

Mrs. Belle Singher.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Urge in strongest terms you fight insane new military commitment in Cambodia.

Eugene Ogan.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

As mother of 18-year-old boy I'll send mine to Sweden rather than slaughter.

Mr. and Mrs. Dick Yager.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Stop the generals in Cambodia.

Richard C. Greene.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We are completely opposed to President's extending war into Cambodia. Please do something immediately.

Mr. and Mrs. Robert Bremer.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We oppose our commitment in Cambodia.

Mr. and Mrs. H. C. Powell.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

Believe Cambodia involvement counter to national interest strongly urge Senate curb the executive and military.

Mr. and Mrs. John Pooley.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Was shocked by the President's decision to aid Cambodia. Cannot support decision for another war.

Mr. and Mrs. James S. Lee.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We urge your opposition to the President's decision to enter America into war in Cambodia.

Mr. and Mrs. Richard Weatherman.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We support all action necessary to prevent intervention in Cambodia and expansion of Indochina war.

Mr. and Mrs. Robert A. Windsor.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Urge you do all in your power to prevent Nixon's widening war in Southeast Asia.

Mr. and Mrs. Don Yellott.

Senator Walter Mondale,
Washington, D.C.:

We strongly object to the Cambodian action resulting in deeper involvement in Southeast Asia.

Mr. and Mrs. Lew Hokkanen.
Oneida.

Minneapolis, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

I urge you to vigorously work to cut off all financial support for the new American military involvement in Cambodia regardless of the rhetoric about aiding the Vietnamization program. This new escalation can only result in more deaths. The President has contemptuously rejected the advice of the Congress by this action, and you have no alternative but to use your constitutional power over funds to balance the excessive power of the executive and military.

I greatly appreciate your efforts to date in this regards sincerely.

Earl Craig,
New Democratic Coalition.

Traverse City, Mich.

Senator Walter Mondale,
Washington, D.C.:

Stop slaughter of Americans, and Southeast Asians. Get United States out of Cambodia-Vietnam now.

Robert G. Long.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

I have sent the following telegram to President Nixon quote please keep all U.S. military personnel weapons and vehicles out

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of Cambodia and Laos. Your people will not believe reasons for becoming involved there. Please give the needs of America first priority unquote.

Max O. Schultze.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Demand U.S. troops be withdrawn from Cambodia. Senate action requested to restrain presidential power.

Sister Mary Kay Buskin.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

We consider Cambodia further involvement in the Asian war and we protest.

Mr. and Mrs. Max Schnitzer.

Duluth, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Strongly oppose our involvement in Cambodia. Urge you to do whatever you can in your power to cease the U.S. aid and involvement.

Beverly and Erwin Goldfine.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We are absolutely opposed to Nixon's sending troops and aid to Cambodia. Trust Senate can block such.

Dr. and Mrs. Robert Harlow.

Faribault, Minn.

Senator Walter Mondale,
Washington, D.C.:

Strongly urge you to use all possible influence to resist any commitment whatsoever in Cambodia. We must concentrate all effort to disengage Vietnam and avoid any further disasters in Asia.

R. C. Bliss.

Moorhead, Minn.

Senator Walter Mondale,
Washington, D.C.:

Extremely upset over President's decision to extend war. Please help; feel this war is wrong.

Mrs. Arvid Benson.

Washington, D.C.

Senator Walter Mondale,
Washington, D.C.:

Please do what you can to reverse Nixon's Cambodia decision.

Mary Harlow.

Duluth, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

You, as representative of the people of the United States, must assert yourself in our behalf in this Southeast Asian crisis.

Dorothy B. Fochs.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Do all you can to prevent Nixon's expansion of the war work to make illegal what he has done.

James MacDonald.

Beverly Hills, Calif.

Senator Walter F. Mondale,
Washington, D.C.:

125,000 mothers say no to Cambodia. We support any action to re-establish constitutional right of Congress to declare war.

Donna Reed Owen,
Dorothy B. Jones,
Barbara Avedon,
Co-Chairmen, Another Mother for Peace.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Request you take immediate Senatorial action blocking unconstitutional, unlicensed imprudent action announced today.

John and Mary Jean Derosier.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We will not tolerate neither money nor arms nor advisers nor troops in Cambodia.

Mr. and Mrs. Daniel E. Weinberg.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Urge you to oppose in all possible ways any commitment in Cambodia.

Mr. and Mrs. William D. Munro.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

As a Republican I strongly protest the involvement of Americans in Cambodia

Theodore F. Ryan.

Minneapolis, Minn.

Hon. Walter Mondale,
Washington, D.C.:

Stop the President's move to send U.S. forces to Cambodia.

Mr. and Mrs. Ray Chisholm.

Minneapolis, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Applaud your challenge of the President on ABM urge your challenge of him on Cambodian intervention.

Eldon Mason.

Austin, Minn.

Senator Walter Mondale,
Washington, D.C.:

We must stop involvement in Cambodia.

Elizabeth Holmes.

St. Paul, Minn.

Hon. Walter F. Mondale,
Washington, D.C.:

We protest our additional involvement in Cambodia.

Mr. and Mrs. Richard J. Novak.

Duluth, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We strongly oppose U.S. involvement in Cambodia please help bring our boys home.

Mr. and Mrs. Ronald J. Wursen.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Pressure President, military abandon mad Asiatic nightmare before country completely bankrupt morally, financially.

Mrs. Robert A. Gray.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Congress must act immediately to halt Cambodian intervention stop no more Vietnams.

Martha Rosen.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

We deeply protest any further involvement in Asian war.

Mr. and Mrs. Norman Rose.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Urge you exert every effort and influence to end Asian and Middle East involvement.

Mrs. John W. Peterson.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

No expansion of war in Southeast Asia or military aid to Cambodia.

Mr. and Mrs. Thomas Veccmi.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

America wants formal commitment. Pro or con. Please have vote.

L. and S. Christianson.

Northfield, Minn.

Senator Walter Mondale,
Washington, D.C.:

Deeply disturbed by Presidents decision on Cambodia. Implore you to oppose U.S. military involvement there.

Carl and Dorothy Holmgren.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Cambodian adventure shocking betrayal. American democratic process demand withdrawal on moral legal humanitarian grounds.

Mr. and Mrs. Fred Ptashne.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

Our family strongly opposes enlarging the war in Asia. Please do something.

Norman Sundquist Family.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

I strongly oppose any involvement in Cambodia.

Mrs. Yale Davis.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Having heard the address by the President I want you to know as one of your constituency that I support in essence the Presidents decision. I hope you will support him.

Sincerely,

John I. Owen.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

Strongly opposed extension of military involvement in Indo-China. Urgently request immediate and total withdrawal of all US troops. United Nations, not the U.S. should police the world. Priorities at home make this imperative. Since we are so deeply committed to ABM and MIRV programs it is criminal to dissipate American lives in foreign wars. We demand Congressional action prerequisite to continuance or extension of involvement in Southeast Asia. Press for UN action in Southeast Asia.

Duluth DFL Women.

Hager City, Wis.

Senator Walter Mondale,
Washington, D.C.:

Get Vietnam war stopped. No military help for Cambodia.

Mary Gwen Owen Swanson.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

The Asian war must be stopped. Not escalated. The Senate must say no to Cambodia.

Mrs. Janet Kamps.

Minneapolis, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

While we cannot speak for the silent majority, we have no interest in maintaining a powerful image, saving face, or any of the other irrationalizations that have been used as justification for the continuation and ex-

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tension of this war. The President's action in sending troops into Cambodia is reprehensible. We applaud your antiwar stand and trust that you will do everything possible to stop the President from pursuing this course of action.

Sue Devries.
Peggy Newton.
Janice Thyer.
Janet Kinney.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Please support the President on Cambodia.

Dr. and Mrs. Ralph R. Grams.

Mound, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Nixon's action is a blatantly illegal executive usurpation of war making power. Our duly elected officials in Congress must prevent this destruction of our constitutional system.

Pat and Fred Frevert.

Edina, Minn.

Senator Walter Mondale,
Washington, D.C.:

President Nixon does not hear voice of silent majority who wish hope and pray to end Vietnam and its involvements we now have extension of this war so "we will not be humiliated we will not be defeated" wise men have swallowed pride and admitted defeat before and probably will again isn't there anything you as our elected representative can do or should the silent majority find out whether only voice heard is that of the striker anarchist rioter.

Richard B. Barnes.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We want our boys not our prestige no to Nixon.

The Richard Swanson Family.
Candy McDonald.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Stop the President and the Generals.

Howard and Mary Ann Huelster.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Violently opposed to entering Cambodia please stop President and end this war.

Dr. and Mrs. Ernest M. Hammes, Jr.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Our absolute support in opposing Nixons foreign policy position in the expansion of war in Indochina.

John E. Harris.
Bessie Harris.
Karen.
John.

Palo Alto, Calif.

Honorable Walter Mondale,
Washington, D.C.:

Preserve Senates integrity and national honor keep us out of Cambodia Minnesota voter at Stanford.

Robert I. Fink.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.

For God's sake stop Nixon's Indochina war now. We support all your efforts to restore sanity to U.S. foreign and domestic policy. The Administration's lack of reason, morality and responsibility warrants censure or if necessary impeachment.

Mr. and Mrs. Paul S. Higgins.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.

Get out of Cambodia as well as Vietnam.

Col. and Mrs. Nat Wisser.

Minneapolis, Minn.

Senator Walter Mondale
Washington, D.C.

We voters strongly urge you to continue your fight against Cambodian involvement.

Dr. and Mrs. F. E. Flynn Michael.

St. Paul, Minn.

Senator Walter Mondale
Washington, D.C.

Can't we ever learn from our mistakes? Censure him .

Mr. and Mrs. Russell Hobbie,
Precinct Chairman, Falcon Heights Four.

Minneapolis, Minn.

Senator Walter Mondale,
Washintgon, D.C.

We are appalled at the action of President Nixon of involving U.S. forces in Cambodia. This action is not only in direct contradiction to Senate, congressional and public view, but also to Nixon's own stated policy of disengagement from S.E. Asia.

We encourage your support of Senate moves for immediate disengagement of U.S. forces from Cambodia.

Bruce Hanson, Leroy Curwick, Kay Curwick, Tim Callaghan, Donald Kulst, Ron Bennett, Kathryn Bennett, Jon Zbasnik, Paul Tamm, Tie Hutchinson, Lie Toth, Lanny Schmidt, Leroy Clauenna, Douglas Stone, Robert Carr, Howard Hickman, Richard Minday, Edward Conway, Departments of Metallurgical, Mineral, and Chemical Engineering, University of Minnesota at Minneapolis.

Edina, Minn.,
May 1, 1970.

Senator Walter F. Mondale,
Washington, D.C.:

We disagree completely with Nixon's speech of this date.

Dr. and Mrs. Edward G. Hustad.

Mankato, Minn.
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.:

Please do all in your power to stop expansion of war in Cambodia and to end American involvement in Viet Nam. The President's speech and announced military plans are a profound threat to democracy in the United States and to world peace.

Jane and John Foster.

Minneapolis, Minn.,
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.

We adamantly oppose any U.S. involvement in Cambodia. Support any action you take to prevent same.

Respectfully,
Mr. and Mrs. Steve Wieting.

St. Paul, Minn.,
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.:

I oppose the President's decision to enter Cambodia. Congress must end the war now.

Mrs. Donald Haarstick.

St. Paul, Minn.,
May 1, 1970.

Senator Walter Mondale:
Washington, D.C.:

We deplore the capitulation of President Nixon to the military industrial complex in their latest venture into Cambodia. We hope the Senate will demonstrate more wisdom.

Judge and Mrs. Hyam Segell.

St. Paul, Minn.,
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.:

There is a fourth option: withdrawal from all Indochina and to hell with "our humiliation."

C. Stevenson.

Minneapolis, Minn.,
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.:

Congratulations. Tonight we are very proud of our President. An American first and a politician second. A man with the courage to tell his countrymen, and the world, that the time has arrived when Americans will stand and be counted.

Mr. and Mrs. L. A. Elstad.

Mr. CHURCH. Mr. President, I want to say to the distinguished Senator from Minnesota that I appreciate his contribution. My experience is the same. As early as yesterday morning, my office received a telegram from my own hometown of Boise, Idaho, with more than 250 signatures on it which, in the matter of an hour or two, had been pulled together and sent to me.

The word from home keeps coming in much the same way as the Senator from Minnesota has described the reaction from his State.

Mr. JORDAN of Idaho. Mr. President, for the first time since Vietnam hostilities began, the President has launched a bold new offensive to strike the enemy headquarters sanctuary and staging centers across a border that for 5 long years has been neutral in name only. By so doing, he has broadened the war for the purpose of saving the lives of American soldiers already committed to action in South Vietnam.

I am in full agreement with his stated objective. Without better information than is now available to me I cannot challenge his judgment. For this reason, I have no other choice but to support him for a reasonable time, but I do it sadly and with great reluctance. If I am less than enthusiastic it is because too often in the past 5 years we have been led down the primrose path of hope only to end in deeper involvement and greater disaster.

It has been evident for some time that neither side can be victorious in this miserable war. It has become a nightmare that haunts us day and night and threatens the unity of our Nation. In lives and treasure the cost is too great to long endure. I hope and pray that the President's judgment will be vindicated by early achievement of his stated objective; that is, to shorten the war and save the lives of Americans.

Fifteen months ago President Nixon became Commander in Chief. He inherited a war that was hopelessly bogged down with an insatiable demand for more

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men and more money. He has reversed that trend. American troops are coming home. Steadfastly and surely he has implemented a course of disengagement. On the basis of that record and in furtherance of that objective he is entitled to more time.

Mr. ANDERSON. Mr. President, I listened with great interest to President Nixon's speech concerning Cambodia last night. His remarks correctly emphasized the grave nature of the decision to send thousands of American troops into Cambodia. I know it was an agonizing decision to make, and I sympathize with the President for having to make it.

But I simply cannot give my assent to U.S. military intervention in Cambodia If Vietnam has taught us anything, it is that seemingly small, temporary decisions become escalating commitments. Once on the slippery slope of war in Asia, it is almost impossible to climb out. Deepening involvement in a wider Indochinese war, just as we are wisely disengaging from Vietnam, would be a grave mistake and a tragedy.

It is rare that I speak out on international issues, Mr. President. I am not and do not pretend to be an expert on the complex affairs of Southeast Asia. It is my duty, however, to speak out clearly and strongly when our Nation is embarking on a new, dangerous, and potentially very tragic course. I speak with compassion—for the President and his advisers, and for American soldiers in Asia—but I also speak with conviction. If I were to remain silent, I would not be fulfilling my obligation to the people of my State and this Nation.

While I do not intend to address myself to specific aspects of the war in Indochina, I feel compelled to point out several general issues relating to the American involvement there.

First, it should be noted that President Nixon's speech contained several fallacies and contradictions. The President stated that the raid by American troops on sanctuaries was essentially a defensive measure to protect the continued success of the Vietnamization program. It is a contradiction to call a rather large offensive operation, in another country, a defensive measure for troops in Vietnam. We can and should take defensive actions to protect American soldiers in Vietnam, but it is quite a different thing to introduce thousands of offensive troops into Cambodia for this purpose.

Second, that large intervention into Cambodia could have the undesirable and eventually tragic effect of causing the North Vietnamese soldiers now in the sanctuaries to divert their attention to Pnompehn, the capital of Cambodia. Then we could, and undoubtedly would, be called upon to provide even more extensive aid to that Government than has already been the case. The call for assistance would be a difficult one to resist, once American troops already were fighting in Cambodia. The Government in Cambodia is a new one, it came to power through undemocratic means, and it certainly cannot be said to have the full support of the Cambodian people. We must not find ourselves in the untenable position of having the Cambodian regime as a client state of the United States, one in which we have a vested interest. But that is the course upon which we are embarked.

Third, it must be said that President Nixon is deluding himself—or is being deluded by his advisers—if he believes the massive raid on Cambodian sanctuaries can be a clean, fast, surgical military operation. Another thing we have learned, or at least should have learned, from Vietnam is that land operations in the jungles of Asia are never clean, fast, and surgical. War in Asia is like quicksand. It drags down and entraps the well-meaning as well as those we regard as the enemy. It is tempting to believe that a quick raid into heretofore forbidden territory would hasten the end of the Asian conflict, but, sadly, Vietnam has taught us that this cannot be. The President may well believe that the actions he announced are temporary and moderate, but the risks of wider involvement are grave and cannot be ignored.

Fourth, it is time to raise the constitutional question. The Congress, as almost all of us now agree, was remiss in its duties by allowing the executive branch alone to engage the United States so deeply in Vietnam in the absence of a declaration of war. I am as blameworthy as anyone, Mr. President, and I certainly do not intend to plead a case here. I am simply saying that, with this as with other issues, Vietnam should have taught us a lesson. The effect of President Nixon's decision was to commit thousands of American soldiers to offensive action in Cambodia. To contend that we are scrupulously respecting Cambodia's neutrality does not change the facts. Our actions belie the words. It could well be that the Congress would, once examining the facts, decide that a declaration of war would be necessary. I doubt very seriously that it would, but it is possible. In the meantime, however, this has not occurred. And so I believe we should respond very alertly to the constitutional issue involved, and not continue to abrogate our constitutional responsibility.

Finally, Mr. President, I am gravely concerned about our own country. I fear that a wider land war in Asia—whether declared or not, but especially if not—will further aggravate the tensions in the United States and worsen the climate of violence.

Let me reiterate that I sympathize with President Nixon. I fully recognize that he is under intense, conflicting pressures. Only the President himself can fully realize the intensity of those pressures, and only he can cope with them. But our great, enduring Constitution requires that we, the elected representatives of the people, share with the executive the grave issues of war and peace. We cannot embark on a unilateral, offensive military intervention in Cambodia. In that decision lies the seeds of a wider, more bloody conflict throughout Indochina.

Mr. INOUYE. Mr. President, I know it is the prayer of every American that the new course, upon which the President has now embarked our Nation in Indochina is a correct one. This is a prayer which I share deeply and fully. As a Member of the U.S. Senate and as an American citizen, I want very much to support my President, particularly on an issue of such magnitude in these trying times.

But if the experience of this past decade has within it any lessons—particularly for the Congress—for those of us who are fixed with some direct responsibility for the conduct of our Nation's foreign policy—then we must recognize the act on that higher responsibility to our Nation's welfare. This is too important a matter to leave to those who demonstrate in the streets. We cannot abdicate our responsibility.

I, therefore, respectfully announce that I cannot support the President's decision to widen the war. I deplore the President's decision to launch an American attack into Cambodia, I regret and disagree with his decision to send material to the troops of Lon Nol. This decision makes a sham of our policy of Vietnamization—of our policy to disengage and withdraw troops from Vietnam. It destroys our hopes for reduced draft calls. And worst of all it adds as yet untold numbers to the more than 41,000 young Americans who have died in combat to date in this longest war in our history.

The President's words and actions must make us doubt our ability to learn from the past. These are the same arguments which were summoned forth in sending advisers to South Vietnam a decade ago. These are but a repetition of what we heard when advisers became combat divisions. It is but a reiteration of the voices which were raised in justification of the bombing of North Vietnam. Must each American President learn anew from the experience of his own administration?

Our President's message of April 30 indicates that this may be so. With this message he opened another and even more dangerous chapter in the tragedy of our involvement in Indochina. History shows that this involvement came in a three-step phase. First, American advisers were sent to assist the South Vietnamese. Second, with the Tonkin Gulf resolution, our President requested of the Senate the authority to deploy American combat troops into Vietnam. This measure met with the overwhelming support of the Senate, with only two Senators voting against it.Third, was the bombing of North Vietnam. The war escalated and still there was no victory in sight and President Johnson then moved to deescalate the war.

And now, President Nixon has opened a new phase of this tragedy, with one fell swoop, by announcing this expansion of the conflict and our involvement in it to Cambodian soil. Not only were American advisers being used in an attack on Cambodia but American troops were also being deployed for this purpose.

With this announcement, our President presented us with a fait accompli. His announcement was made without prior consultation with the Senate, much less its approval. In fact, only a few days ago while plans were being made to send our troops into Cambodia and some men were dispatched on this mission, our Secretary of State sat before the Senate For-

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eign Relations Committee and assured its members that the administration had no plans to become embroiled in the Cambodian conflagration.

By his act President Nixon has now renounced his own statement of policy and purpose of last November. This is no longer a war to be curtailed, contained or settled politically. This is now once again a war for military victory.

The President justifies his action as necessary to prevent the defeat and humiliation of our great Nation. Frankly, what is so wrong with a great people swallowing some pride and admitting mistake? What is the test to true greatness? Is it to continue and expand a bankrupt policy? I think not. I pray not.

Can we possibly achieve peace by insisting that it is Hanoi, and China, and the Soviet Union, which must acknowledge defeat and admit humiliation? I think not.

If we are to be true to ourselves—to our highest ideals—we must be big enough to place the peace of the world and the saving of human life above saving face. We must be willing to admit error and so adjust our policy. For neither our conscience nor the conscience of mankind will permit us to use our awesome weapons of war which will be essential if we insist on military victory and expand this conflict to that end.

I shall, therefore, exert my every effort to try to bring an early end to this new involvement.

LET US GIVE THE PRESIDENT A CHANCE

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Mr. BENNETT. Mr. President, again, last night, we witnessed the heavy and almost indescribable burdens of the Presidency. In his role as Commander in Chief of the U.S. military forces, President Nixon was required to make a historic and agonizing decision. It will not be popular and it will complicate even further the chaotic domestic political situation.

Nevertheless last evening I gained a new and a deeper respect for President Nixon. He exhibited to this Nation a dramatic "profile in courage."

Based upon information available only to him, President Nixon decided, over a period of several days, that American lives would be increasingly threatened by North Vietnam and Vietcong buildups in sanctuaries located in Cambodia, just over the South Vietnam border. He correctly determined that to allow this buildup to continue would be a serious threat to his Vietnamization efforts and to American fighting men in South Vietnam. The President realized the need for decisive action.

For more than 2 years this Nation has deescalated the war in Vietnam. We have stopped all bombing north of the 17th parallel. We have withdrawn nearly 100,000 troops. We have done more than should be expected from a world power desiring of peace. Parenthetically, I should point out that North Vietnam has failed to take any similar action; and in the days and weeks ahead, when the President is denounced at home and abroad by his opponents and by his enemies, I recommend that all Americans remember that fact.

For 2 years the United States has been saying, "I am scaling down the war; I am meeting, in part, the demands of the enemy." And, in the process, we have been saying if you do not negotiate, "I will continue to deescalate." That has always struck me as being a strange way to deal with an aggressive nation.

Now the President has put Hanoi on notice that if they do not negotiate and if they continue to ignore the peace initiatives of the United States, they cannot expect further capitulation.

I personally believe President Nixon has enhanced the possibility of serious negotiations. If, on the other hand, Hanoi fails to get that message, they must suffer the consequences.

There has been some criticism aimed at the President, charging that he has violated the neutral rights of Cambodia. Until the time when Prince Sihanouk was replaced in Cambodia, the allied powers respected the neutrality of that nation as it was created in the 1954 Geneva accords. We paid dearly for that respect of neutrality because for many years North Vietnam has violated the Geneva accords in this respect, as well as the 1962 agreement making Laos a neutral state. The Communists have transported their troops and supplies through these neutral nations to be gathered in sanctuaries for later use against American and allied personnel. The Communists returned to these sanctuaries for retraining and to treat their wounded and to resupply. For many years we followed those Communist forces to the border and then stood helplessly by while they prepared further attacks almost within the view of our forces. After the fall of Prince Sihanouk, the situation in Cambodia became precarious The Communists not only are threatening the capital of Cambodia, but they are in a position to use these sanctuaries along South Vietnam's border as never before.

President Nixon has fully recognized this threat, and he wisely has decided not to wait until it became a reality in the form of new and intensified attacks on allied positions and personnel. I feel it would be the height of irresponsibility for the Commander in Chief to stand by any longer while these sanctuaries are improved and broadened by the North Vietnamese Government. We have not violated the neutrality of Cambodia. It has been violated long and extensively by the Communists, and I believe this Nation has a right with its allies to deny these privileged sanctuaries to the enemy.

There has been and will be a great deal said about the President's right to do this. He has assured us this is not an invasion of Cambodia per se, nor is it a widening of the war into other nations, as has been alleged. The President stated that after the sanctuaries have been cleaned out American personnel will return behind the borders of South Vietnam. I believe the President of the United States not only because I accept Richard Nixon as an honest President, but because I believe when a man lays the office of the Presidency on the line and the fate of his own political party, he is not playing games with the truth. There is, at this time, a great deal of consternation about why the President never consulted the Congress. The Senate is the greatest deliberative body in the world, and in most cases it must be consulted. Unfortunately, it also can be one of the leakiest bodies in the world. Had the President called in the Congress, there is a good chance that the element of surprise so vital to the success of this operation would have been lost. The President is the only man with all of the facts available to him. He has determined that an attack on the Communist headquarters and other sanctuaries is necessary. This is basically a tactical decision by the Commander in Chief. I frankly do not view it as a decision requiring congressional approval. I am somewhat encouraged that President Nixon is weighing carefully the advice of his military experts. For too long in the previous administration military criteria were not given the necessary consideration.

The President has assured the country that this operation will be ended as soon as possible and that he has no intention of sending American troops into Cambodia on a permanent basis, nor does he have any intention of occupying any real estate.

In closing, I would like to say also that we face in America a time of serious crisis. I do not support, I am not in sympathy with the protest movements that are systematically destroying some of our great universities and decaying many of our institutions. I do believe, however, that many of the goals of our young people are commendable, and we have much to do at home. I think we can better succeed in improving the quality of American life if we can end the Vietnam war honorably and as early as possible.

I call upon all Americans, and particularly the people of Utah, to stand behind our President.

I think one of the proudest moments in our history was in October 1962 when our youngest President faced the crisis that became the Cuban missile situation. For several days, in spite of the decisions and factors that led to that crisis, almost all Americans stood behind John F. Kennedy and party differences were forgotten. At a time when a courageous decision was made, the Persident had the support of the people.

I will stand behind my President now because he is my President and the Commander in Chief of the military forces of this Nation. Let us give him a chance.

THE CAMBODIAN INVASION—A MONSTROUS MISTAKE

Mr. WILLIAMS of New Jersey. Mr. President, like millions of other Americans, I was shocked by President Nixon's announcement that American combat troops have attacked across the Cambodian border.

This operation is a monstrous mistake which could have tragic consequences for the United States. It is wrong, it is indefensible, and it should be ended immediately.

American military forces are now involved in a full-scale combat operation within the borders of a country we previously recognized as neutral.

We have no military treaty commitments to Cambodia. The Government of that country has not asked us to commit our fighting men. It is very difficult to see how it is in any way in our national interest to fight in Cambodia. Yet, we are there.

Our actions amount to an invasion. No amount of far-fetched arguments can change the fact that we have sent American troops, uninvited, into a sovereign nation. This cannot be explained away, and it cannot be justified.

There is no question that this action represents a major broadening of the war. Whereas yesterday we were fighting a Vietnam war, today we are fighting an Indochina war. What will tomorrow bring?

The events of yesterday seem like a nightmare. It is a nightmare we have lived through before. I cannot believe we are being asked to live through it again.

It will do no good for the administration to label our invasion of Cambodia a "surgical strike" or a "counterattack" or a "one-shot" operation.

The truth is that the Cambodian operation represents a deliberate escalation of the war in Southeast Asia.

The truth is that this Cambodian intervention, if allowed to continue, can commit our country to fight an endless war throughout Indochina.

The truth is that President Nixon has reversed whatever slight movement existed toward disengagement of American troops from Southeast Asia.

Mr. Nixon's attempt to justify his actions through a direct appeal to the American people was dramatic. It was also irrelevant.

The emphasis he put on politics, on the question of whether he would be a one-term or a two-term President, should have had no place in a discussion of major new military action.

The politics of a situation is not a consideration that should go into making a judgment involving the lives of American fighting men.

The arguments Mr. Nixon advanced to justify the military escalation were not new. They have been advanced by some generals for the past 5 years.

But even President Johnson, while tragically escalating our role in Vietnam, did not allow himself to be convinced that it was in our interest to invade Cambodia.

Twice before this country's leaders have justified widening the war in Southeast Asia by saying the action was necessary to protect our troops. Each time it led only to the deaths of thousands of additional American fighting men.

This argument is no longer acceptable. There is only one certain way to protect the lives of our troops in Vietnam, and that is to bring them home.

I believe President Nixon has abandoned his promise to end, as quickly as possible, the war in Vietnam. That promise led many Americans to place their faith in Mr. Nixon, and now they are shocked, frustrated, and bitter over his actions.

Telephone calls and telegrams have been pouring into my office without interruption since word of the Cambodian invasion first reached us.

They have been virtually unanimous in their indignation over the President's actions and their insistence on an immediate halt to the Cambodian operation. I am sure the situation has been the same in the office of every other Member of Congress.

A couple in Clifton, N.J. wired they were "outraged" over the "Cambodia escapade."

A man in Newark pleaded:

> For God's sake, keep us out of Cambodia.

And a man from Arlington, N.J. said:

> The actions of Washington at this hour are beyond the comprehension of reasonable men everywhere.

Mr. President, I agree. This Cambodian intervention is beyond the comprehension of reasonable men.

Just 10 days ago Mr. Nixon told us, in relation to Vietnam:

> We finally have in sight the just peace we are seeking.

Today, we have lost sight of that peace.

I implore President Nixon to call an immediate halt to the Cambodian invasion. The American people are sick of this endless war in Southeast Asia. They are sick of seeing their sons sucked into the jungle on the other side of the world.

The American people want peace, not a new war. I cannot believe the President will ignore the overwhelming sentiment of the people. I fervently hope he does not.

AMENDMENT OF SECTION 3006A OF TITLE 18, UNITED STATES CODE

Mr. HRUSKA. Mr. President, on yesterday, the Senate passed S. 1461, the Criminal Justice Act. One of the amendments made by the committee had inadvertently not been entered in the text of the bill. It appears in the report. It is in the minutes of the committee. It is the desire of the committee and the managers of the bill to correct that situation.

I ask unanimous consent, therefore, that the vote by which S. 1461 was passed yesterday be reconsidered, together with the third reading of the bill, and that the bill be amended on page 15, line 9, to strike out the figure "$20" and insert "$30", and that the bill as thus amended be passed.

The PRESDIING OFFICER (Mr. ALLEN). Is there objection? The Chair hears none, and it is so ordered.

The bill (S. 1461), as amended, read the third time, and passed, is as follows:

S. 1461

An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That (a) subsections (a)–(f) of section 3006A of title 18, United States Code, are amended to read as follows:

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation, (2) who is under arrest, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or, (4) for whom the Sixth Amendment to the Constitution or any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

(1) attorneys furnished by a bar association or a legal aid agency; or

(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) APPOINTMENT OF COUNSEL.—Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) PAYMENT FOR REPRESENTATION.—

"(1) HOURLY RATE.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the

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appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $30 per hour for time reasonably expended and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) Maximum Amounts.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in a case in which one or more felonies are charged, and $400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed $250 for each attorney in each proceeding in each court.

"(3) Waiving Maximum Amounts.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished excessively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) Filing Claims.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

"(5) New Trials.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) Proceedings Before Appellate Courts.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) Services Other Than Counsel.—

"(1) Upon Request.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

"(2) Without Prior Request.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

"(3) Maximum Amounts.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed $300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

"(f) Receipt of Other Payments.—Whenever the United States magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

"(g) Discretionary Appointments.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

"(h) Defender Organization.—

"(1) Qualifications.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial counsel of each circuit.

"(2) Types of Defender Organizations.—

"(A) Federal Public Defender Organization.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. The organization shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

"(B) Community Defender Organization.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States:

"(i) receive an initial grant for expenses necessary to establish the organization; and

"(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section."

Sec. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by the first section of this Act if such commissioner had authority to perform such power, function, or duty prior to the enactment of such amendments.

Sec. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **MANSFIELD**, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 64. A concurrent resolution to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States (Rept. No. 91-834).

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences, with an amendment:

H.R. 16516. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 91-833).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia (Rept. No. 91-836).

By Mr. SPONG, from the Committee on the District of Columbia, with an amendment:

S. 2820. A bill to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia (Rept. No. 91-835).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BENNETT (for himself, Mr. COOK, and Mr. SMITH of Illinois):

S. 3788. A bill to amend the Coal Mine Health and Safety Act of 1969 to provide a period during which violations of health and safety standards promulgated thereunder may be corrected without the imposition of a civil penalty, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. BENNETT when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3788—INTRODUCTION OF A BILL TO AMEND THE COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. BENNETT. Mr. President, on December 30, 1969, the Federal Coal Mine Health and Safety Act of 1969 became law. This act was the culmination of several years of endeavor by the Interior Department, the coal industry, the United Mine Workers Union, and the Congress, and represented a tremendous step toward assuring the health and safety of the individual coal miner.

By the act, Congress charged the Department of the Interior with enforcement of its provisions, and the Department has relegated that function to the Bureau of Mines. However, in its enforcement of the act, the Bureau of Mines has brought to the surface several inherent defects in this act. It is those defects which I now seek to correct.

The Federal Coal Mine Health and Safety Act contains a countless number of explicit provisions governing the working conditions of this Nation's coal mines. It specifies, in great detail, the goals to be achieved, the equipment to be used in furthering the health and well-being of the coal miner, the permissible levels of coal dust in a cubic meter of air, the fines to be levied for noncompliance, and the appeals process by which the individual mine operator can appeal those penalties levied against him. In specifically stating all of these things, the Congress was performing its constitutional function. But it now appears that we may have been overzealous.

This act went into full effect on March 30, 1970—just 90 days after it became law. In that 90-day period, both the Interior Department and the Department of Health, Education, and Welfare had to formulate and issue rules and regulations to assure the enforcement of this act. During that time also, at least theoretically, the mine operator was to make his plans for compliance with the act. This, at least, was the way things were supposed to happen.

But events did not proceed as planned. The regulations were not issued until March 31, in some cases, and the act went into full effect on April 1. There was no time for comment on the rules and regulations. There was no time for the mine operator, with a complete set of regulations in his possession, to make the necessary arrangements for compliance with the act. Yet, under the provisions of this act, Federal mine inspectors since April 1 have issued citations and notices of penalties assessed to mine operators across the country. These citations are for violations of all sections of the act, except those not yet in effect, and carry civil penalties of up to $10,000 per violation cited. It is not difficult to sympathize with the small coal mine operator who has received 20 citations for violations of this act but who has not yet even received a copy of the regulations governing his operation.

But the problem is further compounded by several provisions of the act itself. The mine operator can be cited for violation of many provisions of the act which are impossible for him to fulfill. In some cases, the equipment required under the act is simply not available on the market—to anyone, for any price. In other cases, the act requires that the operator use equipment of a type approved by the Secretary of Interior. But there has not been sufficient time for adequate tests to be run on equipment, and consequently, the Secretary has not issued approvals for that equipment. Yet the act is so strong and so specific that it requires that citations issue to an operator who does not possess this equipment.

Mr. President, I cannot continue, as a U.S. Senator, to require the enforcement of provisions of this act when those provisions are impossible for the mine operator to fulfill, and it is in this sense that I introduce three amendments to this act. The Congress' power extends to areas other than just creating the law. The Congress also provides for the enforcement of the law, and at least attempts to exercise its responsibility of legislative review. In this latter process, we re-examine laws which we have created, probing them for inequities, for weaknesses, and measuring the effects which they have in fact against their intended effects. When a law does not live up to the intentions of Congress, the Congress must perform its duty to re-examine that law.

Mr. President, I feel that these three amendments will correct, or at least ameliorate, the inequities contained in the Federal Coal Mine Health and Safety Act of 1969. My first amendment retracts all civil penalties assessed to date and makes further civil penalties assessable only after September 1, 1970. In the meantime, however, it requires that careful, public records be kept of each violation of this act by either the mine operator or the individual miner, and further requires that he be made specifically aware of the nature of his violation and the steps he will have to take in order to comply with the act. It is important to note in considering this amendment that the Bureau of Mines would retain its powers to make inspections, cite violations, and issue withdrawal orders when necessitated by imminent danger or unwarrantable failure. The power to issue withdrawal orders is particularly important, for it means that the Bureau of Mines can withdraw all miners from a mine where the conditions are so dangerous as to warrant such an action. I feel that all of these powers would continue to provide the Bureau with sufficient control over the safety conditions existing in the various mines, while at the same time allowing the mine operator sufficient time to comply with the requirements of the act, without being liable in the meantime for civil penalties.

My second amendment would change the provision requiring automatic brakes on every mine car used underground. The present law requires that each car, regardless of its use, have automatic brakes. Two problems have arisen under this provision: First, there is no such equipment available—the automatic brakes are simply not made for mine cars of the type presently in use. Second, many doubts have arisen that there is a great need for the use of such equipment on every car; it seems much more reasonable to require only that the entire train stop within the proper margin of safety. My amendment would require that a locomotive or its equivalent be equipped with automatic brakes, where space permits, or with other approved equipment where space does not permit automatic brakes. This is a change from the present requirement that every car be equipped with brakes. I have added a new section making it mandatory that the entire train be equipped with automatic brakes if possible, but allowing substitute equipment of an approved type where conditions dictate. But this substitute equipment must prove its safety value by showing its ability to stop the entire train within the margin of safety. I feel this amendment will correct the present problems by removing the necessity for using unavailable equipment on mine cars by allowing for an acceptable substitute.

My final amendment is of a technical nature, but is of no less importance than the others. The law as it stands requires that the mandatory health provisions of the act apply in every section of every mine. It does this by defining "working face" as "every section" of every mine where work is done. My amendment

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would clarify the intention of Congress by redefining "working face" to include "each" section—thus making the health provisions applicable in "every or each" section of the mine where work is being conducted. The purpose of the Federal Coal Mine Act is to protect the miner, not the mine. By defining "working face" in the manner I propose, we require that health standards be complied with in those areas where men are actually working, but at the same time we allow for noncompliance, within the limits of unreasonable danger, in those sections where no work is being conducted and none is contemplated. There is no rational reason for applying the health standards to those portions of a mine where no men are working and where no work is contemplated, and I anticipate that this amendment will so allow.

Mr. President, my colleague in the House of Representatives, Mr. BURTON, joined last week with Mr. BROCK of Tennessee in introducing substantially these same amendments into that body. In so doing, these two fine gentlemen faced-up to the responsibilities of the legislature to review the laws it enacts. It gives me great pleasure to sponsor this bill in the Senate, and I would hope that their consideration will provoke a thorough review of this entire matter and that its passage can be expedited.

The PRESIDING OFFICER (Mr. PROXMIRE). The bill will be received and appropriately referred.

The bill (S. 3788) to amend the Coal Mine Health and Safety Act of 1969 to provide a period during which violations of health and safety standards promulgated thereunder may be corrected without the imposition of a civil penalty, and for other purposes, introduced by Mr. BENNETT (for himself, Mr. COOK, and Mr. SMITH of Illinois), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSOR OF A BILL

S. 3388

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of S. 3388, to establish an Environmental Quality Administration.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 65—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE ACTION OF THE PRESIDENT OF THE UNITED STATES IN SENDING GROUND AND COMBAT FORCES INTO CAMBODIA

Mr. YOUNG of Ohio submitted a concurrent resolution (S. Con. Res. 65) expressing the sense of the Congress with respect to the action of the President of the United States in sending into a neutral nation, Cambodia, ground and combat forces of the United States in the absence of any request of the Government of Cambodia and in the absence of any information whatever to the Congress until following the time this invasion had been undertaken, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. YOUNG of Ohio when he submitted the concurrent resolution appear earlier in the RECORD under the appropriate heading.)

RAIL PASSENGER SERVICE ACT OF 1970—AMENDMENT

AMENDMENT NO. 608

Mr. MANSFIELD. Mr. President, I submit on behalf of Senators MAGNUSON, COTTON, HARTKE, and PROUTY an amendment to S. 3706 in the nature of a substitute. I ask unanimous consent that the text of the amendment, the brief explanation and general discussion materials prepared by the staff of the Senate Committee on Commerce be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and explanation will be printed in the RECORD.

The amendment (No. 608) is to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that to achieve these goals requires the designation of a basic national rail passenger system and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service; that Federal financial assistance as well as investment capital from the private sector of the economy is needed for this purpose; and that interim emergency Federal financial assistance to certain railroads may be necessary to permit the orderly transfer of railroad passenger service to a railroad passenger corporation.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic system" means the system of intercity rail passenger service designated by the Secretary under title II of this Act.

(e) "Intercity rail passenger service" means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets and by morning and evening peak period operations.

(f) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

(g) "Corporation" means the National Railroad Passenger Corporation created under title III of this Act.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his preliminary report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, within thirty days after receipt of the Secretary's preliminary report designating a basic system, review such report consistent with the purpose of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his final report designating the basic system to the Congress. Such final report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the final report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

§ 301. Creation of the Corporation

There is authorized to be created a National Railroad Passenger Corporation (here-

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held consistently down through the years.

What the Senator from Idaho and other Senators who have spoken today, on both sides of the aisle, are indicating is an uneasiness which affects all of us, regardless of party. All of us—and I am sure the President as well—are aware of the tremendous stakes involved and the potential danger inherent in the situation which now confronts the Nation.

I only hope that out of this will come a better degree of understanding among all of us, a recognition of the fact that this war has cost us approximately 325,000 casualties, that we have spent more than $100 billion, that because of this war our problems at home have become exacerbated, that because of this war the divisions among our people have increased and that because of this war the difficulties which we will have to face up to—whether we like it or not—throughout the Nation, have either been aborted, decreased, or forgotten altogether.

Thus, I hope that this debate will remain on a respectable basis—and a respected basis, as well—that it will be carried on responsibly, and that what the Senate has to say, regardless of one's personal feelings in the matter, will indicate to the administration that there is concern, that there is uneasiness, that there is worry about the situation which has developed, which we think affects all of us, including the President, the Members of the Senate and the House of Representatives, and the American people as a whole.

I commend the distinguished Senator from Idaho for his remarks today.

Mr. CHURCH. Mr. President, I thank the distinguished majority leader.

Mr. President, I ask unanimous consent for sufficient time to yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I congratulate the distinguished Senator from Idaho on his speech and associate myself with his words and those of the majority leader.

I, also, do not agree with the words and actions of President Nixon. However, having made them, I only hope that the actions will be successful. Personally, I do not think they will be. In fact, I believe that this enlargement of the war can result not only in a geographic enlargement, but also in an increase in the level of violence and certainly in the number of our men killed.

We also have to bear in mind that there is an indefinite source of manpower available to the North Vietnamese. We may be successful in securing the areas into which we are entering. We may drain off some more North Vietnamese manpower. But whenever they run out of manpower, there is an almost inexhaustible source of Chinese manpower more than anxious to enter into the fray.

I hope that will not happen.

Mr. President, yesterday on the floor I suggested that the matter be taken up at the Security Council. Events have moved rapidly since then. However, I still believe that this is a matter that could be taken up there.

Perhaps our actions would be criticized in that forum. Nevertheless, I think the net result would be to share the burdens in that part of the world with other nations and perhaps be able to more properly remove ourselves from Indochina, sharing the responsibility a bit more equitably.

I had heard to my regret that there are those who would like to form a Democratic coalition to oppose the President in this matter and that the Democratic National Committee might move in this regard.

I think that would be a dreadful mistake.

This matter is beyond partisan consideration. There are just as many Republicans as Democrats who are opposed to the President and just as many Democrats as Republicans who are in favor.

I know that last night I received a phone call in the middle of the night from a friend of 30 years standing, a conservative Republican in Colorado. He wanted to know what he could do as a good Republican to divert us from the course of disaster which he saw ahead.

I think that if our Democratic leadership or party were to move in a partisan direction, they would be making a great mistake. The opposition or support for this move is far beyond politics. I would hope that we would bear this in mind.

Mr. CHURCH. Mr. President, I fully concur with the distinguished Senator from Rhode Island.

The reason that I have joined with the Senator from Kentucky (Mr. Cooper) in offering certain amendments to be considered in the Committee on Foreign Relations was to dramatize the bipartisan character of our dissent.

It is only on that basis that the Senate would consider such amendments, for in a matter of war and peace there is no party aisle that divides the Senate.

Mr. President, I yield the floor.

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the Record an excellent editorial published in the New York Times which states that the President is rejecting his own Nixon doctrine.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Military Hallucination—Again

The assurances that the American-backed South Vietnamese drive into Cambodia is a limited, one-strike operation, an integral part of American operations in Vietnam and designed only to protect American and "free world" forces there, have a familiar and wholly unconvincing ring.

This is the same kind of reassuring rhetoric Americans have heard from their leaders at every stage of this country's long, misguided plunge into the Southeast Asian morass. Time and bitter experience have exhausted credulity of the American people and Congress. Presidential assurances can no longer be accepted in an area where actions, as Mr. Nixon's aides have observed in another context, speak louder than words.

The President's action in sanctioning the South Vietnamese invasion of Cambodian territory, with American advisers and air and other support, goes far beyond the Cambodian policy followed by Mr. Nixon's predecessors, even at times when the predicament of allied forces in Vietnam was far more perilous than anyone would claim it is today.

This latest and largest in a series of allied intrusions onto Cambodian soil which have occurred regularly since the change of government in Pnompenh has far-reaching and serious implications even if the immediate objectives are limited, as the Administration avows.

If reports from Pnompenh that the attack was launched without consultation with the Cambodian Government are true, the strike is a clear breach of Cambodian neutrality, the Geneva Accords and the principles of international law which the Administration has repeatedly cited in connection with the long-known and equally illegal Communist Vietnamese presence on Cambodian soil.

The allied drive into the Parrot's Beak will almost certainly provoke some reaction from Hanoi, and perhaps from Peking, with consequences throughout Southeast Asia that cannot be predicted but which could be fateful. At the very least, new threats to Pnompenh and fresh appeals for further American assistance can be expected.

Whatever he may plead to the contrary, President Nixon has rejected his own Nixon Doctrine in Southeast Asia, escalating a war from which he had promised to disengage. This is not the "new" Nixon who campaigned on a platform pledged to peace. It is more like the old Nixon who as Vice President in 1954 said the United States would have to send troops into Indochina if there were no other way to prevent its fall to the Communists, then on the verge of defeating the French.

Fortunately, now as then, Mr. Nixon's tough approach had produced strong opposition in both houses of Congress, even among some former staunch supporters of his Vietnamization policy. If the President does not promptly pull back from this dangerous adventure, Congress will have to assert its constitutional powers of restraint in the name of a people who have been asked once too often to swallow the military hallucination of victory through escalation.

Mr. MONDALE. Mr. President, on one other point. I do not recall this ever happening in my 5½ years of service in the Senate, but every hour, telegrams are pouring into my office from my State.

They are not inspired. They are obviously from deeply concerned Minnesotans from all parts of the State expressing outrage, concern, and heartache over the President's new policy.

At this point, the ratio of those favoring the President's policy as against it, is running 89 to 1 against the President.

I ask unanimous consent to have these telegrams printed in the Record.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Edina, Minn.

Senator Walter Mondale,
Washington, D.C.:

We deplore Nixon's involvement in Cambodia.

Mr. and Mrs. William F. Turner.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Demand that Congress stop the President's move in Cambodia immediately.

Mr. and Mrs. Gordon Peterson.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Urge strongest opposition to Cambodia action earth needs, demands peace.

Mr. and Mrs. James Keane.

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Edina, Minn.

Senator Walter Mondale,
Washington, D.C.:

Please can you intervene negatively in the President's decision to become militarily involved in Cambodia? I am asking this as a United States citizen, a Minnesota taxpayer who has always supported you, an active voter, but most of all as a mother of a United States Marine.

Mrs. Patricia De Remer.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

We oppose any involvement in Cambodia Fight for further deescalation in Vietnam. Try harder!

Mr. and Mrs. David Gibbens.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

Stop our intervention in Cambodia. Bring our sons home now.

Mr. and Mrs. Wilbur Freed.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Cambodian involvement tragic mistake, urge immediate withdrawal all US troops from Southeast Asia.

Donald S. Lehman, M.D.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

I'm against any escalation of aid to Cambodia.

Mrs. Robert Bridges.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

Let not Cambodia be another Vietnam. Cannot sacrifice sons lives for something don't believe in.

Mrs. Carol Franklin.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Please help stop this latest involvement in Cambodia.

Mr. and Mrs. Roy E. Mullin.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Don't let Nixon send our Air Force or our advisors into Cambodia.

Nancy Brasket.

Winona, Minn.

Senator Walter Mondale,
Washington, D.C.:

Do not support President Nixon's Cambodia escalation.

Mrs. Harry Barnes.
Mrs. Kenneth Knoll.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

We strongly oppose involvement in Cambodia. Pray you will do all to help prevent this.

Ben and Jeanne Overman.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We strongly oppose and resent the extension of the war into Cambodia. We want to get out of Southeast Asia now.

Professor and Mrs. Leonard Parker.

Northfield, Minn.

Senator Walter Mondale,
Washington, D.C.:

We do not wish U.S. soldiers fighting in Cambodia. Next will be Red China.

Mr. and Mrs. C. S. Carlson.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We support all action necessary to prevent intervention in Cambodia and expansion of Indochina War.

Mr. and Mrs. David L. Johnson.

Coon Rapids, Minn.

Senator Walter Mondale,
Washington, D.C.:

Strongly urge no involvement in Cambodia. An immediate withdrawal from Vietnam will not support President.

Mr. and Mrs. James Jagelski.

Minneapolis, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We deplore the presidential action involving Americans in Cambodia. We strongly urge you to protest on our behalf.

Dr. and Mrs. Marvin L. Stein.

Winona, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Please voice vehement protest in further involvement in Southeast Asia.

Mr. and Mrs. Herman Weisman.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Urge you exert every effort and influence to end Asian and Middle East involvement.

Mr. John W. Peters.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We consider Cambodia further involvement in the Asian war and we protest.

Mr. and Mrs. Max Schnitzer.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

I am against sending American men or material into Cambodia.

Mrs. Belle Singher.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Urge in strongest terms you fight insane new military commitment in Cambodia.

Eugene Ogan.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

As mother of 18-year-old boy I'll send mine to Sweden rather than slaughter.

Mr. and Mrs. Dick Yager.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Stop the generals in Cambodia.

Richard C. Greene.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We are completely opposed to President's extending war into Cambodia. Please do something immediately.

Mr. and Mrs. Robert Bremer.

St. Paul, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

We oppose our commitment in Cambodia.

Mr. and Mrs. H. C. Powell.

Duluth, Minn.

Senator Walter Mondale,
Washington, D.C.:

Believe Cambodia involvement counter to national interest strongly urge Senate curb the executive and military.

Mr. and Mrs. John Pooley.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Was shocked by the President's decision to aid Cambodia. Cannot support decision for another war.

Mr. and Mrs. James S. Lee.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We urge your opposition to the President's decision to enter America into war in Cambodia.

Mr. and Mrs. Richard Weatherman.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We support all action necessary to prevent intervention in Cambodia and expansion of Indochina war.

Mr. and Mrs. Robert A. Windsor.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

Urge you do all in your power to prevent Nixon's widening war in Southeast Asia.

Mr. and Mrs. Don Yellott.

Senator Walter Mondale,
Washington, D.C.:

We strongly object to the Cambodian action resulting in deeper involvement in Southeast Asia.

Mr. and Mrs. Lew Hokkanen.
Oneida.

Minneapolis, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

I urge you to vigorously work to cut off all financial support for the new American military involvement in Cambodia regardless of the rhetoric about aiding the Vietnamization program. This new escalation can only result in more deaths. The President has contemptuously rejected the advice of the Congress by this action, and you have no alternative but to use your constitutional power over funds to balance the excessive power of the executive and military.

I greatly appreciate your efforts to date in this regards sincerely.

Earl Craig,
New Democratic Coalition.

Traverse City, Mich.

Senator Walter Mondale,
Washington, D.C.:

Stop slaughter of Americans, and Southeast Asians. Get United States out of Cambodia-Vietnam now.

Robert G. Long.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

I have sent the following telegram to President Nixon quote please keep all U.S. military personnel weapons and vehicles out of Cambodia and Laos. Your people will not believe reasons for becoming involved there. Please give the needs of America first priority unquote.

MAX O. SCHULTZE.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Demand U.S. troops be withdrawn from Cambodia. Senate action requested to restrain presidential power.

Sister MARY KAY BUSKIN.

ST. PAUL, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

We consider Cambodia further involvement in the Asian war and we protest.

Mr. and Mrs. MAX SCHNITZER.

DULUTH, MINN.

Senator WALTER F. MONDALE,
Washington, D.C.:

Strongly oppose our involvement in Cambodia. Urge you to do whatever you can in your power to cease the U.S. aid and involvement.

BEVERLY and ERWIN GOLDFINE.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

We are absolutely opposed to Nixon's sending troops and aid to Cambodia. Trust Senate can block such.

Dr. and Mrs. ROBERT HARLOW.

FARIBAULT, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Strongly urge you to use all possible influence to resist any commitment whatsoever in Cambodia. We must concentrate all effort to disengage Vietnam and avoid any further disasters in Asia.

R. C. BLISS.

MOORHEAD, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Extremely upset over President's decision to extend war. Please help; feel this war is wrong.

Mrs. ARVID BENSON.

WASHINGTON, D.C.

Senator WALTER MONDALE,
Washington, D.C.:

Please do what you can to reverse Nixon's Cambodia decision.

MARY HARLOW.

DULUTH, MINN.

Senator WALTER F. MONDALE,
Washington, D.C.:

You, as representative of the people of the United States, must assert yourself in our behalf in this Southeast Asian crisis.

DOROTHY B. FOCHS.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Do all you can to prevent Nixon's expansion of the war work to make illegal what he has done.

JAMES MACDONALD.

BEVERLY HILLS, CALIF.

Senator WALTER F. MONDALE,
Washington, D.C.:

125,000 mothers say no to Cambodia. We support any action to re-establish constitutional right of Congress to declare war.

DONNA REED OWEN,
DOROTHY B. JONES,
BARBARA AVEDON,
Co-Chairmen, Another Mother for Peace.

ST. PAUL, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Request you take immediate Senatorial action blocking unconstitutional, unlicensed imprudent action announced today.

JOHN and MARY JEAN DEROSIER.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

We will not tolerate neither money nor arms nor advisers nor troops in Cambodia.

Mr. and Mrs. DANIEL E. WEINBERG.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Urge you to oppose in all possible ways any commitment in Cambodia.

Mr. and Mrs. WILLIAM D. MUNRO.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

As a Republican I strongly protest the involvement of Americans in Cambodia

THEODORE F. RYAN.

MINNEAPOLIS, MINN.

Hon. WALTER MONDALE,
Washington, D.C.:

Stop the President's move to send U.S. forces to Cambodia.

Mr. and Mrs. RAY CHISHOLM.

MINNEAPOLIS, MINN.

Senator WALTER F. MONDALE,
Washington, D.C.:

Applaud your challenge of the President on ABM urge your challenge of him on Cambodian intervention.

ELDON MASON.

AUSTIN, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

We must stop involvement in Cambodia.

ELIZABETH HOLMES.

ST. PAUL, MINN.

Hon. WALTER F. MONDALE,
Washington, D.C.:

We protest our additional involvement in Cambodia.

Mr. and Mrs. RICHARD J. NOVAK.

DULUTH, MINN.

Senator WALTER F. MONDALE,
Washington, D.C.:

We strongly oppose U.S. involvement in Cambodia please help bring our boys home.

Mr. and Mrs. RONALD J. WURSEN.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Pressure President, military abandon mad Asiatic nightmare before country completely bankrupt morally, financially.

Mrs. ROBERT A. GRAY.

ST. PAUL, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Congress must act immediately to halt Cambodian intervention stop no more Vietnams.

MARTHA ROSEN.

ST. PAUL, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

We deeply protest any further involvement in Asian war.

Mr. and Mrs. NORMAN ROSE.

ST. PAUL, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Urge you exert every effort and influence to end Asian and Middle East involvement.

Mrs. JOHN W. PETERSON.

DULUTH, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

No expansion of war in Southeast Asia or military aid to Cambodia.

Mr. and Mrs. THOMAS VECCMI.

DULUTH, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

America wants formal commitment. Pro or con. Please have vote.

L. and S. CHRISTIANSON.

NORTHFIELD, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Deeply disturbed by Presidents decision on Cambodia. Implore you to oppose U.S. military involvement there.

CARL and DOROTHY HOLMGREN.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Cambodian adventure shocking betrayal. American democratic process demand withdrawal on moral legal humanitarian grounds.

Mr. and Mrs. FRED PTASHNE.

DULUTH, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Our family strongly opposes enlarging the war in Asia. Please do something.

NORMAN SUNDQUIST FAMILY.

DULUTH, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

I strongly oppose any involvement in Cambodia.

Mrs. YALE DAVIS.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Having heard the address by the President I want you to know as one of your constituency that I support in essence the Presidents decision. I hope you will support him.

Sincerely,

JOHN I. OWEN.

DULUTH, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

Strongly opposed extension of military involvement in Indo-China. Urgently request immediate and total withdrawal of all US troops. United Nations, not the U.S. should police the world. Priorities at home make this imperative. Since we are so deeply committed to ABM and MIRV programs it is criminal to dissipate American lives in foreign wars. We demand Congressional action prerequisite to continuance or extension of involvement in Southeast Asia. Press for UN action in Southeast Asia.

DULUTH DFL WOMEN.

HAGER CITY, WIS.

Senator WALTER MONDALE,
Washington, D.C.:

Get Vietnam war stopped. No military help for Cambodia.

MARY GWEN OWEN SWANSON.

ST. PAUL, MINN.

Senator WALTER MONDALE,
Washington, D.C.:

The Asian war must be stopped. Not escalated. The Senate must say no to Cambodia.

Mrs. JANET KAMPS.

MINNEAPOLIS, MINN.

Senator WALTER F. MONDALE,
Washington, D.C.:

While we cannot speak for the silent majority, we have no interest in maintaining a powerful image, saving face, or any of the other irrationalizations that have been used as justification for the continuation and ex-

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tension of this war. The President's action in sending troops into Cambodia is reprehensible. We applaud your antiwar stand and trust that you will do everything possible to stop the President from pursuing this course of action.

Sue Devries.
Peggy Newton.
Janice Thyer.
Janet Kinney.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Please support the President on Cambodia.

Dr. and Mrs. Ralph R. Grams.

Mound, Minn.

Senator Walter F. Mondale,
Washington, D.C.:

Nixon's action is a blatantly illegal executive usurpation of war making power. Our duly elected officials in Congress must prevent this destruction of our constitutional system.

Pat and Fred Frevert.

Edina, Minn.

Senator Walter Mondale,
Washington, D.C.:

President Nixon does not hear voice of silent majority who wish hope and pray to end Vietnam and its involvements we now have extension of this war so "we will not be humiliated we will not be defeated" wise men have swallowed pride and admitted defeat before and probably will again isn't there anything you as our elected representative can do or should the silent majority find out whether only voice heard is that of the striker anarchist rioter.

Richard B. Barnes.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.:

We want our boys not our prestige no to Nixon.

The Richard Swanson Family.
Candy McDonald.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Stop the President and the Generals.

Howard and Mary Ann Huelster.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Violently opposed to entering Cambodia please stop President and end this war.

Dr. and Mrs. Ernest M. Hammes, Jr.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.:

Our absolute support in opposing Nixons foreign policy position in the expansion of war in Indochina.

John E. Harris.
Bessie Harris.
Karen.
John.

Palo Alto, Calif.

Honorable Walter Mondale,
Washington, D.C.:

Preserve Senates integrity and national honor keep us out of Cambodia Minnesota voter at Stanford.

Robert I. Fink.

St. Paul, Minn.

Senator Walter Mondale,
Washington, D.C.

For God's sake stop Nixon's Indochina war now. We support all your efforts to restore sanity to U.S. foreign and domestic policy. The Administration's lack of reason, morality and responsibility warrants censure or if necessary impeachment.

Mr. and Mrs. Paul S. Higgins.

Minneapolis, Minn.

Senator Walter Mondale,
Washington, D.C.

Get out of Cambodia as well as Vietnam.

Col. and Mrs. Nat Wisser.

Minneapolis, Minn.

Senator Walter Mondale
Washington, D.C.

We voters strongly urge you to continue your fight against Cambodian involvement.

Dr. and Mrs. F. E. Flynn Michael.

St. Paul, Minn.

Senator Walter Mondale
Washington, D.C.

Can't we ever learn from our mistakes? Censure him.

Mr. and Mrs. Russell Hobbie,
Precinct Chairman, Falcon Heights Four.

Minneapolis, Minn.

Senator Walter Mondale,
Washintgon, D.C.

We are appalled at the action of President Nixon of involving U.S. forces in Cambodia. This action is not only in direct contradiction to Senate, congressional and public view, but also to Nixon's own stated policy of disengagement from S.E. Asia.

We encourage your support of Senate moves for immediate disengagement of U.S. forces from Cambodia.

Bruce Hanson, Leroy Curwick, Kay Curwick, Tim Callaghan, Donald Kuist, Ron Bennett, Kathryn Bennett, Jon Zbasnik, Paul Tamm, Tie Hutchinson, Lie Toth, Lanny Schmidt, Leroy Clauenna, Douglas Stone, Robert Carr, Howard Hickman, Richard Minday, Edward Conway, Departments of Metallurgical, Mineral, and Chemical Engineering, University of Minnesota at Minneapolis.

Edina, Minn.,
May 1, 1970.

Senator Walter F. Mondale,
Washington, D.C.:

We disagree completely with Nixon's speech of this date.

Dr. and Mrs. Edward G. Hustad.

Mankato, Minn.
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.:

Please do all in your power to stop expansion of war in Cambodia and to end American involvement in Viet Nam. The President's speech and announced military plans are a profound threat to democracy in the United States and to world peace.

Jane and John Foster.

Minneapolis, Minn.,
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.

We adamantly oppose any U.S. involvement in Cambodia. Support any action you take to prevent same.

Respectfully,
Mr. and Mrs. Steve Wieting.

St. Paul, Minn.,
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.:

I oppose the President's decision to enter Cambodia. Congress must end the war now.

Mrs. Donald Haarstick.

St. Paul, Minn.,
May 1, 1970.

Senator Walter Mondale:
Washington, D.C.:

We deplore the capitulation of President Nixon to the military industrial complex in their latest venture into Cambodia. We hope the Senate will demonstrate more wisdom.

Judge and Mrs. Hyam Segell.

St. Paul, Minn.,
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.:

There is a fourth option: withdrawal from all Indochina and to hell with "our humiliation."

C. Stevenson.

Minneapolis, Minn.,
May 1, 1970.

Senator Walter Mondale,
Washington, D.C.:

Congratulations. Tonight we are very proud of our President. An American first and a politician second. A man with the courage to tell his countrymen, and the world, that the time has arrived when Americans will stand and be counted.

Mr. and Mrs. L. A. Elstad.

Mr. CHURCH. Mr. President, I want to say to the distinguished Senator from Minnesota that I appreciate his contribution. My experience is the same. As early as yesterday morning, my office received a telegram from my own hometown of Boise, Idaho, with more than 250 signatures on it which, in the matter of an hour or two, had been pulled together and sent to me.

The word from home keeps coming in much the same way as the Senator from Minnesota has described the reaction from his State.

Mr. JORDAN of Idaho. Mr. President, for the first time since Vietnam hostilities began, the President has launched a bold new offensive to strike the enemy headquarters sanctuary and staging centers across a border that for 5 long years has been neutral in name only. By so doing, he has broadened the war for the purpose of saving the lives of American soldiers already committed to action in South Vietnam.

I am in full agreement with his stated objective. Without better information than is now available to me I cannot challenge his judgment. For this reason, I have no other choice but to support him for a reasonable time, but I do it sadly and with great reluctance. If I am less than enthusiastic it is because too often in the past 5 years we have been led down the primrose path of hope only to end in deeper involvement and greater disaster.

It has been evident for some time that neither side can be victorious in this miserable war. It has become a nightmare that haunts us day and night and threatens the unity of our Nation. In lives and treasure the cost is too great to long endure. I hope and pray that the President's judgment will be vindicated by early achievement of his stated objective; that is, to shorten the war and save the lives of Americans.

Fifteen months ago President Nixon became Commander in Chief. He inherited a war that was hopelessly bogged down with an insatiable demand for more

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men and more money. He has reversed that trend. American troops are coming home. Steadfastly and surely he has implemented a course of disengagement. On the basis of that record and in furtherance of that objective he is entitled to more time.

Mr. ANDERSON. Mr. President, I listened with great interest to President Nixon's speech concerning Cambodia last night. His remarks correctly emphasized the grave nature of the decision to send thousands of American troops into Cambodia. I know it was an agonizing decision to make, and I sympathize with the President for having to make it.

But I simply cannot give my assent to U.S. military intervention in Cambodia If Vietnam has taught us anything, it is that seemingly small, temporary decisions become escalating commitments. Once on the slippery slope of war in Asia, it is almost impossible to climb out. Deepening involvement in a wider Indochinese war, just as we are wisely disengaging from Vietnam, would be a grave mistake and a tragedy.

It is rare that I speak out on international issues, Mr. President. I am not and do not pretend to be an expert on the complex affairs of Southeast Asia. It is my duty, however, to speak out clearly and strongly when our Nation is embarking on a new, dangerous, and potentially very tragic course. I speak with compassion—for the President and his advisers, and for American soldiers in Asia—but I also speak with conviction. If I were to remain silent, I would not be fulfilling my obligation to the people of my State and this Nation.

While I do not intend to address myself to specific aspects of the war in Indochina, I feel compelled to point out several general issues relating to the American involvement there.

First, it should be noted that President Nixon's speech contained several fallacies and contradictions. The President stated that the raid by American troops on sanctuaries was essentially a defensive measure to protect the continued success of the Vietnamization program. It is a contradiction to call a rather large offensive operation, in another country, a defensive measure for troops in Vietnam. We can and should take defensive actions to protect American soldiers in Vietnam, but it is quite a different thing to introduce thousands of offensive troops into Cambodia for this purpose.

Second, that large intervention into Cambodia could have the undesirable and eventually tragic effect of causing the North Vietnamese soldiers now in the sanctuaries to divert their attention to Pnompehn, the capital of Cambodia. Then we could, and undoubtedly would, be called upon to provide even more extensive aid to that Government than has already been the case. The call for assistance would be a difficult one to resist, once American troops already were fighting in Cambodia. The Government in Cambodia is a new one, it came to power through undemocratic means, and it certainly cannot be said to have the full support of the Cambodian people. We must not find ourselves in the untenable position of having the Cambodian regime as a client state of the United States, one in which we have a vested interest. But that is the course upon which we are embarked.

Third, it must be said that President Nixon is deluding himself—or is being deluded by his advisers—if he believes the massive raid on Cambodian sanctuaries can be a clean, fast, surgical military operation. Another thing we have learned, or at least should have learned, from Vietnam is that land operations in the jungles of Asia are never clean, fast, and surgical. War in Asia is like quicksand. It drags down and entraps the well-meaning as well as those we regard as the enemy. It is tempting to believe that a quick raid into heretofore forbidden territory would hasten the end of the Asian conflict, but, sadly, Vietnam has taught us that this cannot be. The President may well believe that the actions he announced are temporary and moderate, but the risks of wider involvement are grave and cannot be ignored.

Fourth, it is time to raise the constitutional question. The Congress, as almost all of us now agree, was remiss in its duties by allowing the executive branch alone to engage the United States so deeply in Vietnam in the absence of a declaration of war. I am as blameworthy as anyone, Mr. President, and I certainly do not intend to plead a case here. I am simply saying that, with this as with other issues, Vietnam should have taught us a lesson. The effect of President Nixon's decision was to commit thousands of American soldiers to offensive action in Cambodia. To contend that we are scrupulously respecting Cambodia's neutrality does not change the facts. Our actions belie the words. It could well be that the Congress would, once examining the facts, decide that a declaration of war would be necessary. I doubt very seriously that it would, but it is possible. In the meantime, however, this has not occurred. And so I believe we should respond very alertly to the constitutional issue involved, and not continue to abrogate our constitutional responsibility.

Finally, Mr. President, I am gravely concerned about our own country. I fear that a wider land war in Asia—whether declared or not, but especially if not—will further aggravate the tensions in the United States and worsen the climate of violence.

Let me reiterate that I sympathize with President Nixon. I fully recognize that he is under intense, conflicting pressures. Only the President himself can fully realize the intensity of those pressures, and only he can cope with them. But our great, enduring Constitution requires that we, the elected representatives of the people, share with the executive the grave issues of war and peace. We cannot embark on a unilateral, offensive military intervention in Cambodia. In that decision lies the seeds of a wider, more bloody conflict throughout Indochina.

Mr. INOUYE. Mr. President, I know it is the prayer of every American that the new course, upon which the President has now embarked our Nation in Indochina is a correct one. This is a prayer which I share deeply and fully. As a Member of the U.S. Senate and as an American citizen, I want very much to support my President, particularly on an issue of such magnitude in these trying times.

But if the experience of this past decade has within it any lessons—particularly for the Congress—for those of us who are fixed with some direct responsibility for the conduct of our Nation's foreign policy—then we must recognize the act on that higher responsibility to our Nation's welfare. This is too important a matter to leave to those who demonstrate in the streets. We cannot abdicate our responsibility.

I, therefore, respectfully announce that I cannot support the President's decision to widen the war. I deplore the President's decision to launch an American attack into Cambodia, I regret and disagree with his decision to send material to the troops of Lon Nol. This decision makes a sham of our policy of Vietnamization—of our policy to disengage and withdraw troops from Vietnam. It destroys our hopes for reduced draft calls. And worst of all it adds as yet untold numbers to the more than 41,000 young Americans who have died in combat to date in this longest war in our history.

The President's words and actions must make us doubt our ability to learn from the past. These are the same arguments which were summoned forth in sending advisers to South Vietnam a decade ago. These are but a repetition of what we heard when advisers became combat divisions. It is but a reiteration of the voices which were raised in justification of the bombing of North Vietnam. Must each American President learn anew from the experience of his own administration?

Our President's message of April 30 indicates that this may be so. With this message he opened another and even more dangerous chapter in the tragedy of our involvement in Indochina. History shows that this involvement came in a three-step phase. First, American advisers were sent to assist the South Vietnamese. Second, with the Tonkin Gulf resolution, our President requested of the Senate the authority to deploy American combat troops into Vietnam. This measure met with the overwhelming support of the Senate, with only two Senators voting against it.Third, was the bombing of North Vietnam. The war escalated and still there was no victory in sight and President Johnson then moved to deescalate the war.

And now, President Nixon has opened a new phase of this tragedy, with one fell swoop, by announcing this expansion of the conflict and our involvement in it to Cambodian soil. Not only were American advisers being used in an attack on Cambodia but American troops were also being deployed for this purpose.

With this announcement, our President presented us with a fait accompli. His announcement was made without prior consultation with the Senate, much less its approval. In fact, only a few days ago while plans were being made to send our troops into Cambodia and some men were dispatched on this mission, our Secretary of State sat before the Senate Foreign Relations Committee and assured its members that the administration had no plans to become embroiled in the Cambodian conflagration.

By his act President Nixon has now renounced his own statement of policy and purpose of last November. This is no longer a war to be curtailed, contained or settled politically. This is now once again a war for military victory.

The President justifies his action as necessary to prevent the defeat and humiliation of our great Nation. Frankly, what is so wrong with a great people swallowing some pride and admitting mistake? What is the test to true greatness? Is it to continue and expand a bankrupt policy? I think not. I pray not.

Can we possibly achieve peace by insisting that it is Hanoi, and China, and the Soviet Union, which must acknowledge defeat and admit humiliation? I think not.

If we are to be true to ourselves—to our highest ideals—we must be big enough to place the peace of the world and the saving of human life above saving face. We must be willing to admit error and so adjust our policy. For neither our conscience nor the conscience of mankind will permit us to use our awesome weapons of war which will be essential if we insist on military victory and expand this conflict to that end.

I shall, therefore, exert my every effort to try to bring an early end to this new involvement.

LET US GIVE THE PRESIDENT A CHANCE

Mr. BENNETT. Mr. President, again, last night, we witnessed the heavy and almost indescribable burdens of the Presidency. In his role as Commander in Chief of the U.S. military forces, President Nixon was required to make a historic and agonizing decision. It will not be popular and it will complicate even further the chaotic domestic political situation.

Nevertheless last evening I gained a new and a deeper respect for President Nixon. He exhibited to this Nation a dramatic "profile in courage."

Based upon information available only to him, President Nixon decided, over a period of several days, that American lives would be increasingly threatened by North Vietnam and Vietcong buildups in sanctuaries located in Cambodia, just over the South Vietnam border. He correctly determined that to allow this buildup to continue would be a serious threat to his Vietnamization efforts and to American fighting men in South Vietnam. The President realized the need for decisive action.

For more than 2 years this Nation has deescalated the war in Vietnam. We have stopped all bombing north of the 17th parallel. We have withdrawn nearly 100,000 troops. We have done more than should be expected from a world power desiring of peace. Parenthetically, I should point out that North Vietnam has failed to take any similar action; and in the days and weeks ahead, when the President is denounced at home and abroad by his opponents and by his enemies, I recommend that all Americans remember that fact.

For 2 years the United States has been saying, "I am scaling down the war; I am meeting, in part, the demands of the enemy." And, in the process, we have been saying if you do not negotiate, "I will continue to deescalate." That has always struck me as being a strange way to deal with an aggressive nation.

Now the President has put Hanoi on notice that if they do not negotiate and if they continue to ignore the peace initiatives of the United States, they cannot expect further capitulation.

I personally believe President Nixon has enhanced the possibility of serious negotiations. If, on the other hand, Hanoi fails to get that message, they must suffer the consequences.

There has been some criticism aimed at the President, charging that he has violated the neutral rights of Cambodia. Until the time when Prince Sihanouk was replaced in Cambodia, the allied powers respected the neutrality of that nation as it was created in the 1954 Geneva accords. We paid dearly for that respect of neutrality because for many years North Vietnam has violated the Geneva accords in this respect, as well as the 1962 agreement making Laos a neutral state. The Communists have transported their troops and supplies through these neutral nations to be gathered in sanctuaries for later use against American and allied personnel. The Communists returned to these sanctuaries for retraining and to treat their wounded and to resupply. For many years we followed those Communist forces to the border and then stood helplessly by while they prepared further attacks almost within the view of our forces. After the fall of Prince Sihanouk, the situation in Cambodia became precarious. The Communists not only are threatening the capital of Cambodia, but they are in a position to use these sanctuaries along South Vietnam's border as never before.

President Nixon has fully recognized this threat, and he wisely has decided not to wait until it became a reality in the form of new and intensified attacks on allied positions and personnel. I feel it would be the height of irresponsibility for the Commander in Chief to stand by any longer while these sanctuaries are improved and broadened by the North Vietnamese Government. We have not violated the neutrality of Cambodia. It has been violated long and extensively by the Communists, and I believe this Nation has a right with its allies to deny these privileged sanctuaries to the enemy.

There has been and will be a great deal said about the President's right to do this. He has assured us this is not an invasion of Cambodia per se, nor is it a widening of the war into other nations, as has been alleged. The President stated that after the sanctuaries have been cleaned out American personnel will return behind the borders of South Vietnam. I believe the President of the United States not only because I accept Richard Nixon as an honest President, but because I believe when a man lays the office of the Presidency on the line and the fate of his own political party, he is not playing games with the truth. There is, at this time, a great deal of consternation about why the President never consulted the Congress. The Senate is the greatest deliberative body in the world, and in most cases it must be consulted. Unfortunately, it also can be one of the leakiest bodies in the world. Had the President called in the Congress, there is a good chance that the element of surprise so vital to the success of this operation would have been lost. The President is the only man with all of the facts available to him. He has determined that an attack on the Communist headquarters and other sanctuaries is necessary. This is basically a tactical decision by the Commander in Chief. I frankly do not view it as a decision requiring congressional approval. I am somewhat encouraged that President Nixon is weighing carefully the advice of his military experts. For too long in the previous administration military criteria were not given the necessary consideration.

The President has assured the country that this operation will be ended as soon as possible and that he has no intention of sending American troops into Cambodia on a permanent basis, nor does he have any intention of occupying any real estate.

In closing, I would like to say also that we face in America a time of serious crisis. I do not support, I am not in sympathy with the protest movements that are systematically destroying some of our great universities and decaying many of our institutions. I do believe, however, that many of the goals of our young people are commendable, and we have much to do at home. I think we can better succeed in improving the quality of American life if we can end the Vietnam war honorably and as early as possible.

I call upon all Americans, and particularly the people of Utah, to stand behind our President.

I think one of the proudest moments in our history was in October 1962 when our youngest President faced the crisis that became the Cuban missile situation. For several days, in spite of the decisions and factors that led to that crisis, almost all Americans stood behind John F. Kennedy and party differences were forgotten. At a time when a courageous decision was made, the Persident had the support of the people.

I will stand behind my President now because he is my President and the Commander in Chief of the military forces of this Nation. Let us give him a chance.

THE CAMBODIAN INVASION—A MONSTROUS MISTAKE

Mr. WILLIAMS of New Jersey. Mr. President, like millions of other Americans, I was shocked by President Nixon's announcement that American combat troops have attacked across the Cambodian border.

This operation is a monstrous mistake which could have tragic consequences for the United States. It is wrong, it is indefensible, and it should be ended immediately.

American military forces are now involved in a full-scale combat operation within the borders of a country we previously recognized as neutral.

We have no military treaty commitments to Cambodia. The Government of

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that country has not asked us to commit our fighting men. It is very difficult to see how it is in any way in our national interest to fight in Cambodia. Yet, we are there.

Our actions amount to an invasion. No amount of far-fetched arguments can change the fact that we have sent American troops, uninvited, into a sovereign nation. This cannot be explained away, and it cannot be justified.

There is no question that this action represents a major broadening of the war. Whereas yesterday we were fighting a Vietnam war, today we are fighting an Indochina war. What will tomorrow bring?

The events of yesterday seem like a nightmare. It is a nightmare we have lived through before. I cannot believe we are being asked to live through it again.

It will do no good for the administration to label our invasion of Cambodia a "surgical strike" or a "counterattack" or a "one-shot" operation.

The truth is that the Cambodian operation represents a deliberate escalation of the war in Southeast Asia.

The truth is that this Cambodian intervention, if allowed to continue, can commit our country to fight an endless war throughout Indochina.

The truth is that President Nixon has reversed whatever slight movement existed toward disengagement of American troops from Southeast Asia.

Mr. Nixon's attempt to justify his actions through a direct appeal to the American people was dramatic. It was also irrelevant.

The emphasis he put on politics, on the question of whether he would be a one-term or a two-term President, should have had no place in a discussion of major new military action.

The politics of a situation is not a consideration that should go into making a judgment involving the lives of American fighting men.

The arguments Mr. Nixon advanced to justify the military escalation were not new. They have been advanced by some generals for the past 5 years.

But even President Johnson, while tragically escalating our role in Vietnam, did not allow himself to be convinced that it was in our interest to invade Cambodia.

Twice before this country's leaders have justified widening the war in Southeast Asia by saying the action was necessary to protect our troops. Each time it led only to the deaths of thousands of additional American fighting men.

This argument is no longer acceptable. There is only one certain way to protect the lives of our troops in Vietnam, and that is to bring them home.

I believe President Nixon has abandoned his promise to end, as quickly as possible, the war in Vietnam. That promise led many Americans to place their faith in Mr. Nixon, and now they are shocked, frustrated, and bitter over his actions.

Telephone calls and telegrams have been pouring into my office without interruption since word of the Cambodian invasion first reached us.

They have been virtually unanimous in their indignation over the President's actions and their insistence on an immediate halt to the Cambodian operation. I am sure the situation has been the same in the office of every other Member of Congress.

A couple in Clifton, N.J. wired they were "outraged" over the "Cambodia escapade."

A man in Newark pleaded:

> For God's sake, keep us out of Cambodia.

And a man from Arlington, N.J. said:

> The actions of Washington at this hour are beyond the comprehension of reasonable men everywhere.

Mr. President, I agree. This Cambodian intervention is beyond the comprehension of reasonable men.

Just 10 days ago Mr. Nixon told us, in relation to Vietnam:

> We finally have in sight the just peace we are seeking.

Today, we have lost sight of that peace.

I implore President Nixon to call an immediate halt to the Cambodian invasion. The American people are sick of this endless war in Southeast Asia. They are sick of seeing their sons sucked into the jungle on the other side of the world.

The American people want peace, not a new war. I cannot believe the President will ignore the overwhelming sentiment of the people. I fervently hope he does not.

AMENDMENT OF SECTION 3006A OF TITLE 18, UNITED STATES CODE

Mr. HRUSKA. Mr. President, on yesterday, the Senate passed S. 1461, the Criminal Justice Act. One of the amendments made by the committee had inadvertently not been entered in the text of the bill. It appears in the report. It is in the minutes of the committee. It is the desire of the committee and the managers of the bill to correct that situation.

I ask unanimous consent, therefore, that the vote by which S. 1461 was passed yesterday be reconsidered, together with the third reading of the bill, and that the bill be amended on page 15, line 9, to strike out the figure "$20" and insert "$30", and that the bill as thus amended be passed.

The PRESDIING OFFICER (Mr. Allen). Is there objection? The Chair hears none, and it is so ordered.

The bill (S. 1461), as amended, read the third time, and passed, is as follows:

S. 1461

An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That (a) subsections (a)–(f) of section 3006A of title 18, United States Code, are amended to read as follows:

"(a) Choice of Plan.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation, (2) who is under arrest, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or, (4) for whom the Sixth Amendment to the Constitution or any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

(1) attorneys furnished by a bar association or a legal aid agency; or

(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) Appointment of Counsel.—Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"(c) Duration and Substitution of Appointments.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) Payment for Representation.—

"(1) Hourly Rate.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $30 per hour for time reasonably expended and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) Maximum Amounts.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in a case in which one or more felonies are charged, and $400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed $250 for each attorney in each proceeding in each court.

"(3) Waving Maximum Amounts.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished excessively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) Filing Claims.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

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"(5) New Trials.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) Proceedings Before Appellate Courts.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) Services Other Than Counsel.—

"(1) Upon Request.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

"(2) Without Prior Request.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

"(3) Maximum Amounts.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed $300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

"(f) Receipt of Other Payments.—Whenever the United States magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

"(g) Discretionary Appointments.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

"(h) Defender Organization.—

"(1) Qualifications.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial counsel of each circuit.

"(2) Types of Defender Organizations.—

"(A) Federal Public Defender Organization.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. The organization shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

"(B) Community Defender Organization.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States:

"(i) receive an initial grant for expenses necessary to establish the organization; and

"(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section."

Sec. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by the first section of this Act if such commissioner had authority to perform such power, function, or duty prior to the enactment of such amendments.

Sec. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **MANSFIELD**, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 64. A concurrent resolution to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States (Rept. No. 91–834).

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences, with an amendment:

H.R. 16516. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 91–833).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia (Rept. No. 91–836).

By Mr. SPONG, from the Committee on the District of Columbia, with an amendment:

S. 2820. A bill to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia (Rept. No. 91–835).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BENNETT (for himself, Mr. COOK, and Mr. SMITH of Illinois):

S. 3788. A bill to amend the Coal Mine Health and Safety Act of 1969 to provide a period during which violations of health and safety standards promulgated thereunder may be corrected without the imposition of a civil penalty, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. BENNETT when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3788—INTRODUCTION OF A BILL TO AMEND THE COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. BENNETT. Mr. President, on December 30, 1969, the Federal Coal Mine Health and Safety Act of 1969 became law. This act was the culmination of several years of endeavor by the Interior Department, the coal industry, the United Mine Workers Union, and the Congress, and represented a tremendous step toward assuring the health and safety of the individual coal miner.

By the act, Congress charged the Department of the Interior with enforcement of its provisions, and the Department has relegated that function to the Bureau of Mines. However, in its enforcement of the act, the Bureau of Mines has brought to the surface several inherent defects in this act. It is those defects which I now seek to correct.

The Federal Coal Mine Health and Safety Act contains a countless number of explicit provisions governing the working conditions of this Nation's coal mines. It specifies, in great detail, the goals to be achieved, the equipment to be used in furthering the health and well-being of the coal miner, the permissible levels of coal dust in a cubic meter of air, the fines to be levied for noncompliance, and the appeals process by which the individual mine operator can appeal those penalties levied against him. In specifically stating all of these things, the Congress was performing its constitutional function. But it now appears that we may have been overzealous.

This act went into full effect on March 30, 1970—just 90 days after it became law. In that 90-day period, both the Interior Department and the Department of Health, Education, and Welfare had to formulate and issue rules and regulations to assure the enforcement of this act. During that time also, at least theoretically, the mine operator was to make his plans for compliance with the act. This, at least, was the way things were supposed to happen.

But events did not proceed as planned. The regulations were not issued until March 31, in some cases, and the act went into full effect on April 1. There was no time for comment on the rules and regulations. There was no time for the mine operator, with a complete set of regulations in his possession, to make the necessary arrangements for compliance with the act. Yet, under the provisions of this act, Federal mine inspectors since April 1 have issued citations and notices of penalties assessed to mine operators across the country. These citations are for violations of all sections of the act, except those not yet in effect, and carry civil penalties of up to $10,000 per violation cited. It is not difficult to sympathize with the small coal mine operator who has received 20 citations for violations of this act but who has not yet even received a copy of the regulations governing his operation.

But the problem is further compounded by several provisions of the act itself. The mine operator can be cited for violation of many provisions of the act which are impossible for him to fulfill. In some cases, the equipment required under the act is simply not available on the market—to anyone, for any price. In other cases, the act requires that the operator use equipment of a type approved by the Secretary of Interior. But there has not been sufficient time for adequate tests to be run on equipment, and consequently, the Secretary has not issued approvals for that equipment. Yet the act is so strong and so specific that it requires that citations issue to an operator who does not possess this equipment.

Mr. President, I cannot continue, as a U.S. Senator, to require the enforcement of provisions of this act when those provisions are impossible for the mine operator to fulfill, and it is in this sense that I introduce three amendments to this act. The Congress' power extends to areas other than just creating the law. The Congress also provides for the enforcement of the law, and at least attempts to exercise its responsibility of legislative review. In this latter process, we re-examine laws which we have created, probing them for inequities, for weaknesses, and measuring the effects which they have in fact against their intended effects. When a law does not live up to the intentions of Congress, the Congress must perform its duty to reexamine that law.

Mr. President, I feel that these three amendments will correct, or at least ameliorate, the inequities contained in the Federal Coal Mine Health and Safety Act of 1969. My first amendment retracts all civil penalties assessed to date and makes further civil penalties assessable only after September 1, 1970. In the meantime, however, it requires that careful, public records be kept of each violation of this act by either the mine operator or the individual miner, and further requires that he be made specifically aware of the nature of his violation and the steps he will have to take in order to comply with the act. It is important to note in considering this amendment that the Bureau of Mines would retain its powers to make inspections, cite violations, and issue withdrawal orders when necessitated by imminent danger or unwarrantable failure. The power to issue withdrawal orders is particularly important, for it means that the Bureau of Mines can withdraw all miners from a mine where the conditions are so dangerous as to warrant such an action. I feel that all of these powers would continue to provide the Bureau with sufficient control over the safety conditions existing in the various mines, while at the same time allowing the mine operator sufficient time to comply with the requirements of the act, without being liable in the meantime for civil penalties.

My second amendment would change the provision requiring automatic brakes on every mine car used underground. The present law requires that each car, regardless of its use, have automatic brakes. Two problems have arisen under this provision: First, there is no such equipment available—the automatic brakes are simply not made for mine cars of the type presently in use. Second, many doubts have arisen that there is a great need for the use of such equipment on every car; it seems much more reasonable to require only that the entire train stop within the proper margin of safety. My amendment would require that a locomotive or its equivalent be equipped with automatic brakes, where space permits, or with other approved equipment where space does not permit automatic brakes. This is a change from the present requirement that every car be equipped with brakes. I have added a new section making it mandatory that the entire train be equipped with automatic brakes if possible, but allowing substitute equipment of an approved type where conditions dictate. But this substitute equipment must prove its safety value by showing its ability to stop the entire train within the margin of safety. I feel this amendment will correct the present problems by removing the necessity for using unavailable equipment on mine cars by allowing for an acceptable substitute.

My final amendment is of a technical nature, but is of no less importance than the others. The law as it stands requires that the mandatory health provisions of the act apply in every section of every mine. It does this by defining "working face" as "every section" of every mine where work is done. My amendment

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would clarify the intention of Congress by redefining "working face" to include "each" section—thus making the health provisions applicable in "every or each" section of the mine where work is being conducted. The purpose of the Federal Coal Mine Act is to protect the miner, not the mine. By defining "working face" in the manner I propose, we require that health standards be complied with in those areas where men are actually working, but at the same time we allow for noncompliance, within the limits of unreasonable danger, in those sections where no work is being conducted and none is contemplated. There is no rational reason for applying the health standards to those portions of a mine where no men are working and where no work is contemplated, and I anticipate that this amendment will so allow.

Mr. President, my colleague in the House of Representatives, Mr. Burton, joined last week with Mr. Brock of Tennessee in introducing substantially these same amendments into that body. In so doing, these two fine gentlemen faced-up to the responsibilities of the legislature to review the laws it enacts. It gives me great pleasure to sponsor this bill in the Senate, and I would hope that their consideration will provoke a thorough review of this entire matter and that its passage can be expedited.

The PRESIDING OFFICER (Mr. Proxmire). The bill will be received and appropriately referred.

The bill (S. 3788) to amend the Coal Mine Health and Safety Act of 1969 to provide a period during which violations of health and safety standards promulgated thereunder may be corrected without the imposition of a civil penalty, and for other purposes, introduced by Mr. Bennett (for himself, Mr. Cook, and Mr. Smith of Illinois), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSOR OF A BILL

S. 3388

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Colorado (Mr. Dominick) be added as a cosponsor of S. 3388, to establish an Environmental Quality Administration.

The PRESIDING OFFICER (Mr. Bennett). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 65—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE ACTION OF THE PRESIDENT OF THE UNITED STATES IN SENDING GROUND AND COMBAT FORCES INTO CAMBODIA

Mr. YOUNG of Ohio submitted a concurrent resolution (S. Con. Res. 65) expressing the sense of the Congress with respect to the action of the President of the United States in sending into a neutral nation, Cambodia, ground and combat forces of the United States in the absence of any request of the Government of Cambodia and in the absence of any information whatever to the Congress until following the time this invasion had been undertaken, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Young of Ohio when he submitted the concurrent resolution appear earlier in the Record under the appropriate heading.)

RAIL PASSENGER SERVICE ACT OF 1970—AMENDMENT

AMENDMENT NO. 608

Mr. MANSFIELD. Mr. President, I submit on behalf of Senators Magnuson, Cotton, Hartke, and Prouty an amendment to S. 3706 in the nature of a substitute. I ask unanimous consent that the text of the amendment, the brief explanation and general discussion materials prepared by the staff of the Senate Committee on Commerce be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Allen). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and explanation will be printed in the Record.

The amendment (No. 608) is to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that to achieve these goals requires the designation of a basic national rail passenger system and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service; that Federal financial assistance as well as investment capital from the private sector of the economy is needed for this purpose; and that interim emergency Federal financial assistance to certain railroads may be necessary to permit the orderly transfer of railroad passenger service to a railroad passenger corporation.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic system" means the system of intercity rail passenger service designated by the Secretary under title II of this Act.

(e) "Intercity rail passenger service" means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets and by morning and evening peak period operations.

(f) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

(g) "Corporation" means the National Railroad Passenger Corporation created under title III of this Act.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his preliminary report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, within thirty days after receipt of the Secretary's preliminary report designating a basic system, review such report consistent with the purpose of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his final report designating the basic system to the Congress. Such final report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the final report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

§ 301. Creation of the Corporation

There is authorized to be created a National Railroad Passenger Corporation (here-

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inafter referred to as the "Corporation"). The Corporation shall be a for profit corporation, whose purpose shall be to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. The Corporation will not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not fewer than three incorporators by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) The Corporation shall have a board of fifteen directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Eight members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of two years, and the next three members for terms of three years. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary shall be one of the members of the board of directors appointed by the President. Three members of the board shall be elected annually by common stockholders, and four shall be elected annually by preferred stockholders of the corporation. The members of the board appointed by the President and those elected by stockholders shall take office on the one hundred and eighty-first day after the date of enactment of this Act. Election of the remaining members of the board shall take place as soon as practicable after the first issuance of preferred stock by the Corporation. Pending election of the remaining four members, seven members shall constitute a quorum for the purpose of conducting the business of the board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the Corporation and a railroad, but he may be present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the Corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) The articles of incorporation of the Corporation shall provide for cumulative voting for all stockholders and shall provide that, upon conversion of one-fourth of the outstanding shares of preferred stock, the common stockholders shall be entitled to four directors and the preferred stockholders shall be entitled to three; upon the conversion of one-half of the outstanding shares of preferred stock the common stockholders shall be entitled to elect five directors and the preferred stockholders shall be entitled to two; upon the conversion of three-fourths of the outstanding shares of preferred stock the common stockholders shall be entitled to elect six directors and the preferred stockholders shall be entitled to elect one; and upon conversion of all outstanding shares of preferred stock the common stockholders shall be entitled to seven directors. Any changes of directors resulting from such stock conversion shall take effect at the next annual meeting of the Corporation following such stock conversion.

(d) The Corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the Corporation.

§ 304. Financing of the Corporation

(a) The Corporation is authorized to issue and have outstanding, in such amounts as it shall determine, two issues of capital stock, a common and a preferred, each of which shall carry voting rights and be eligible for dividends. Common stock may be initially issued only to a railroad. Preferred stock may be issued to and held only by any person other than a railroad or any person controlling, as defined in section 1(3)(b) of the Interstate Commerce Act, one or more railroads. The articles of incorporation of the Corporation shall provide for the following respective rights of each issue of stock:

(1) Common stock.—Common stock shall have a par value of $10 per share and shall be designated fully paid and nonassessable. No dividends shall be paid on the common stock whenever dividends on the preferred stock are in arrears.

(2) Preferred stock.—Preferred stock shall have a par value of $100 per share and shall be designated fully paid and nonassessable. Dividends shall be fixed at a rate not less than 6 per centum, and shall be cumulative so that, if for any dividend period dividends at the rate fixed in the articles of incorporation shall not have been declared and paid or set aside for payment on the preferred shares, the deficiency shall be declared and paid or set apart for payment prior to the making of any dividend or other distribution on the common shares.

Preferred stock shall be entitled to a liquidation preference over common stock, which shall entitle preferred stockholders to a liquidating payment not less than par value plus all accrued unpaid dividends prior to any payment on liquidation to common stockholders.

Preferred stock shall be convertible into shares of common stock at such time and upon such terms as the articles of incorportion shall provide.

(b) At no time after the initial issue is completed shall the aggregate of the shares of common stock of the Corporation owned by a single railroad or any person controlling, as defined in section 1(3)(b) of the Interstate Commerce Act, one or more railroads, directly or indirectly through subsidiaries or affiliated companies, nominees, or any persons subject to its direction or control, exceed 33⅓ per centum of such shares issued and outstanding.

(c) At no time may any stockholder, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of preferred stock of the Corporation issued and outstanding.

(d) The articles of incorporation shall provide that no shares of any issue of stock may be redeemed or repurchased for five years, following the date of enactment of the Act.

(e) The Corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(f) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Corporation, and they may exercise such rights without regard to the percentage of stock they hold.

§ 305. General powers of the Corporation

The Corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with passenger service; to conduct research and development related to its mission; and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. The Corporation shall rely upon railroads to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, the Corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

§ 306. Applicability of the Interstate Commerce Act and other laws

(a) The Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The Corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The Corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by the Corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with the Corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 307. Sanctions

(a) If the Corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the Corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

§ 308. Reports to the Congress

(a) The Corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, the Corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

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TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of passenger service by the Corporation; commencement of operations

(a) (1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, the Corporation is authorized to contract with a railroad to relieve the railroad of its entire responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the Corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the provision of intercity passenger service: *Provided*, That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by the Corporation, the railroad shall agree to pay to the Corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. The payment to the Corporation may be made in cash or, at the option of the Corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the Corporation. The railroad shall receive common stock from the Corporation in an amount equivalent in par value to its payment.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating either of the following:

(A) 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad during the period January 1, 1969, through December 31, 1969; or

(B) 200 per centum of the avoidable loss of the intercity rail passenger service operated by the railroad between points within the basic system during the period January 1, 1969, through December 31, 1969.

If the amount owed the Corporation under either of these alternatives is agreed by the parties to be less than the amount paid pursuant to paragraph (2), the Corporation shall pay the difference to the railroad. If the railroad and the Corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to the Corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which the Corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, the Corporation shall begin the provision of intercity rail passenger service between points within the basic system unless such service is being provided by a railroad with which it has not entered into a contract under subsection (a) of this section.

(c) No railroad or any other person may, without the consent of the Corporation, conduct intercity rail passenger service over any route on which the Corporation is performing scheduled intercity rail passenger service pursuant to a contract under this section.

§ 402. Facility and service agreements

(a) The Corporation may contract with railroads for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or facilities of the railroad by the Corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad entitled thereto may bring an action against the Corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by the Corporation within the basic system the Commission shall, upon application by the Corporation, require a railroad to make immediately available tracks and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

§ 403. New service

(a) The Corporation may provide service in excess of that prescribed for the basic system, either within or outside, the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State, regional, or local agency may request of the Corporation rail passenger service beyond that included within the basic system. The Corporation shall institute such service if the State, regional, or local agency agrees to reimburse the Corporation for a reasonable portion of any losses associated with such services.

(c) For purposes of this section the reasonable portion of such losses to be assumed by the State, regional, or local agency, shall be no less than 50 per centum of, nor more than the solely related costs and associated capital costs less revenues attributable to such service. If the Corporation and the State, regional, or local agency are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act, and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 404. Discontinuance of service

(a) Unless it has entered into a contract with the Corporation pursuant to section 401(a) (1) of this Act, no railroad may discontinue any passenger service whatsoever prior to January 1, 1975, the provisions of any other law notwithstanding. On and after January 1, 1975, passenger train service operated by such railroad may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon the filing of a notice of discontinuance by such railroad, the Corporation may undertake to initiate passenger train operations between the points served.

(b) (1) The Corporation must provide the service included within the basic system until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a railroad pursuant to section 401 of this Act.

(2) Service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, the Corporation determines that any train or trains in the basic system in whole or in part are not required by public convenience and necessity, or will impair the ability of the Corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): *Provided, however,* That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the Corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The Corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local agencies request continuation of the service and within ninety days agree to reimburse the Corporation for a reasonable portion of any losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph (3) of this subsection the reasonable portion of such losses to be assumed by the State, regional, or local agency shall be no less than 50 per centum of, nor more than, the solely related costs and associated capital costs less revenues attributable to such service. If the Corporation and the State, regional, or local agencies are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 405. Protective arrangements for employees

(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with the Corporation pursuant to section 401(a) (1) of this Act, and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 404(a) of this Act.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a)(1) of this Act between a railroad and the Corporation may not be made unless the Secretary of Labor has certified to the Corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in the basic system, the substantive requirements of subsection (b) of this section shall apply to the Corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the Corporation pursuant to section 404 (b) of this Act.

(d) The Corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91–54 (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements.

(e) The Corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactment of this Act, the President shall appoint a seven-man financial advisory panel. The panel shall include representatives of investment banking, commercial banking, rail transportation, and the Secretary of the Treasury.

§ 502. Purpose of advisory panel

The advisory panel appointed by the President shall advise the directors of the Corporation on ways and means of increasing capitalization of the Corporation.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of the Corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 to remain available until expended, for payment to the Corporation for the purpose of assisting in—

(1) the initial organization and operation of the Corporation;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including neecssary track connections between lines of the same or different railroads.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal or interest on securities, obligations, or loans issued to finance the purchase by the Corporation of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $60,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed $60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a)(1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum. No loan may be made, including renewals or extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guaranties made under this section may not exceed $75,000,000.

§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts not to exceed $75,000,000 as may be necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 802. Effect on pending proceedings

Any regular intercity passenger train in operation on the date of enactment of this Act may be discontinued only pursuant to this Act, notwithstanding any provision of Federal or State law, or any regulation or order of any Federal or State court or regulatory agency issued before or subsequent to that date.

§ 803. Separability

If any provision of the Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 804. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "National Railroad Passenger Corporation" at the end thereof.

The explanation, presented by Mr. MANSFIELD, is as follows:

BRIEF EXPLANATION OF SUBSTITUTE

The proposed substitute differs from S. 3706 in two principal respects. First, it provides for establishment of a corporation with a mixed Board of Directors (8 to be appointed by the President and 7 elected by each of two classes of private stockholders) to operate Intercity Rail Passenger Service within a basic system to be designated by the Secretary of Transportation instead of subsidizing railroad operation of passenger service within the basic system. Second, Federal participation is limited to the following: $40 million contribution to initial capitalization of the corporation; $60 million in guarantees of obligations of the corporation; and $75 million in loans or guarantees of loans to railroads to enable them to participate in the corporation.

S. 3706 would have provided for $435 million in Federal expenditures over four years ($240 million in direct operating subsidies to the railroads and $195 million for the purchase and refurbishing of rail passenger service equipment).

TITLE I—FINDINGS AND PURPOSES

Sets forth the Congressional findings and declaration of purpose relative to the need for improved rail passenger service in the United States. Definitions are also included in this Title.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

Provides the Secretary of Transportation with the authority to establish a basic national rail passenger system. The Secretary will specify those points between which service shall be provided together with the basic service characteristics of operations. The Secretary must submit his report and recommendations to the Congress and the Interstate Commerce Commisison 30 days after enactment of the Act. The Commission will have 30 days to review the Secretary's report and provide the Secretary with its comments and recommendations. Thirty days later (90 days after enactment) the Secretary must submit a final report which will

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thereupon become effective as the basic system.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

This Title provides for the establishment of a National Rail Passenger Corporation. Such corporation will be a "for profit" quasi public corporation. The Board of Directors shall have 15 members, eight of whom are selected by the President, three by the common stockholders (initially those will be railroads), and four by the preferred stockholders (persons other than railroads).

The Corporation will have broad powers to provide for the operation of passenger trains. Federal sanctions are provided in the event the corporation does not discharge its responsibilities.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICE

On or before March 1, 1971 the corporation shall commence entering into contracts with railroads. The corporation is to commence providing service on or after March 1, 1971. Railroads entering into contracts and thereby relieved of their intercity rail passenger service obligations.

In consideration of being relieved the railroad shall agree to pay, over a three-year period, a portion of its passenger deficit for 1969. The payment may be made in cash or at the corporation's option, in equipment or future service. The railroad would receive common stock from the corporation in an amount equivalent in par value ($10 a share) to its payment.

Disagreements on the amount of payments would be resolved by the ICC within 90 days.

The corporation is directed to initiate service on March 1, 1971 unless service is being provided by a railroad not party to a contract with the corporation.

The corporation may initiate service outside the basic system or expand the system; if a state or regional authority so requests, the corporation shall initiate service upon State agreeing to underwrite a portion of the losses (50% or more).

A railroad which does not enter into a contract with the corporation cannot discontinue any passenger service whatsoever until January 1, 1975. If a railroad files to discontinue trains after that date the corporation may undertake to initiate the service.

The corporation may not discontinue service in the basic system until after January 1, 1975. At that time it may apply for discontinuance under the regular Interstate Commerce Act procedures, but must notify the Governors of all affected States. If the States, within 120 days agree to reimburse a "reasonable portion" (50% or more) of losses the corporation must continue the service.

TITLE V—SPECIAL FINANCIAL ADVISORY PANEL

The President is directed to appoint a special board to submit by January 1, 1971 a report to Congress on the capitalization of the corporation together with suggested improvements.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

The Secretary of Transportation is authorized to expend $40,000,000 to assist the corporation in getting underway.

The Secretary of Transportation is also authorized to guarantee up to $60,000,000 in 20 year loans to the corporation for purchase and rehabilitation of rolling stock and for other corporate purposes.

TITLE VII—INTERIM EMERGENCY FINANCIAL ASSISTANCE

The Secretary of Transportation is authorized to make loans or loan guarantees to assist railroads to meet contractual obligations under the Act. Some carriers desirous of entering into a contract may not have sufficient cash readily available.

TITLE VIII—MISCELLANEOUS PROVISIONS

This Title contains separability and accountability provisions and a provision making all discontinuance proceedings subject to this Act upon enactment.

THE NATIONAL RAIL PASSENGER CORPORATION: HOW IT WOULD BRING IMPROVED RAIL PASSENGER SERVICE TO THE AMERICAN PUBLIC

PURPOSES AND MAJOR CHARACTERISTICS

The substitute for S. 3706 starts with the presumption that rail passenger service—if offered on an improved, higher-quality basis—can play an important role in satisfying the nation's intercity passenger needs. The Metroliner experience persuasively demonstrates that relatively high speed, comfortable, and modern rail service can attract large numbers of intercity travelers, offering them a convenient transportation alternative to our increasingly congested highways and airways. But if the potential of rail passenger service is to be achieved, there must be a sharp break with the past. Rail service in the United States is dwindling rapidly, in amount and quality. Railroads, for whatever reasons—have, with rare exception, evidenced little interest in improving passenger service. Under these conditions it would be inappropriate to rely on present railroad management to bring to the public better passenger service, even if government aid were authorized. What is critically needed is a new organization—a new administrative apparatus—that can concentrate its attention on the single objective of the rejuvenation of rail passenger service in the United States. Such an organization should bring together the strengths of private, corporate-style management and broad public involvement.

If the Corporation is to be successful, however, it must bring more to the challenge than a firm commitment to the potential of rail passenger service and aggressive marketing and operating skills. It must also have capital, sufficient in amount to permit it to purchase modern equipment and establish an efficient national ticketing and reservations system. To meet its capital requirements, financing of the Corporation takes several forms. First, the nation's railroads are given a strong inducement to join the Corporation as stockholders. If they do so, they are relieved of their existing rail passenger obligations, which currently burden the railroads with more than $200 million a year in avoidable losses, under the basic formula prescribed in the substitute bill, if all the railroads with passenger service affiliate with the Corporation, their capital contributions will amount to approximately $200 million. A second source of capital is the Federal Government. Under the measure it will provide $40 million in initial grants programs and an additional $60 million for the guarantee of the Corporation's obligations. Third, provision is made for public participation through the purchase of a special issue of preferred stock. This can supply still additional support.

With this financing, the Corporation will be in a position to bring high speed, modern, and frequent train service to short-haul and long-haul routes in every region of the country at the earliest practicable moment. The sponsors of this substitute are convinced that this service will give the public an alternative means of transportation that will prosper over the years to come and ease the strain on the highways and airways, thus contributing substantially to an efficient intercity transportation system and in the long run having a reasonable opportunity to be financially self-sustaining.

HOW THE BASIC SYSTEM WILL BE DEFINED

Under the substitute measure, the Secretary of Transportation is directed to prepare a report, for submission to the Congress, within 90 days of enactment, specifying those points to and between which intercity passenger service should be operated throughout the country together with basic service characteristics of operations to be provided within the system. In making this report, the Secretary is required to consider several factors, including opportunities for provision of faster and more convenient rail service, the unique characteristics and advantages of rail service as compared with other modes, the adequacy of other transportation service serving the same points, and the potential profitability of passenger service. In carrying out this obligation, the Secretary is also to be guided by a broad declaration of Congressional purpose expressing the view that modern, efficient, intercity rail passenger service is a necessary part of a national transportation system and that the establishment of a rail passenger corporation is essential to realization of this objective. When this preliminary report is done, the Secretary is required to submit it to the Interstate Commerce Commission for review and comment. The Secretary must give due consideration to the Commission's views. The Secretary in submitting his report designating the basic system give his specific reasons for failing to adopt such recommendations. In his report the Secretary will identify those points between which intercity trains should be operated, indicate all routes between such points over which service may be offered, and set forth the basic service characteristics of operations.

CREATION OF THE CORPORATION

Paralleling in time the Secretary's review and designation of the Basic System, a National Rail Passenger Corporation will be created by incorporators, appointed by the President, with the advice and consent of the Senate. The Corporation is to have a board of 15 directors, with 8 appointed by the President and approved by the Senate. The remaining 7 are chosen by the stockholders. The Articles of Incorporation will provide for common stock (to be issued at the outset, to railroads affiliated with the Corporation) and an issue of cumulative preferred stock (to be sold, at an appropriate time, to the general public). The Articles will empower the Corporation to operate or otherwise provide for the operations of intercity railroad passenger trains, to acquire the necessary physical facilities and equipment, and to conduct research and development related to its mission.

HOW THE CORPORATION WILL TAKE OVER AND PROVIDE PASSENGER SERVICE

On or before March 1, 1971, the Corporation is authorized to contract with each railroad company to relieve it of its intercity passenger service responsibility as of that date. No railroad is obligated to enter into any such agreement, but if it does so, it receives substantial economic advantages in that it is relieved of the existing legal burden of supplying passenger service that now usually yields a large deficit. Accordingly, a railroad wishing to enter into such an agreement must agree to pay to the Corporation each year for three years an amount equal to one-third of 50 percent of its fully distributed passenger service deficit in Calender 1969. (Alternative formulas for the calculation of such payment are contained in the substitute bill, with a railroad to pay the minimum amount required under any of the three standards.) Prior to March 1, 1971, the Corporation will be expected to purchase such new equipment as time permits and to integrate good-quality existing equipment, which it will take over from the railroads, into its own service plan. Not later than March 1, it will begin service throughout the Basic System. It is anticipated that the actual movement of trains—the locomotive and related auxiliary support—will be conducted for the Corporation under contract

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by the railroads. Gradually as new, equipment is received from manufacturers, the Corporation will increase the frequency of its trains and the speed of its operations, so that in the reasonable near future, all parts of the country will have the benefit of rail passenger service equal to and perhaps better than that which is now offered by the Metroliner between New York and Washington.

FINANCING OF THE CORPORATION

Capital for the Corporation will come from three primary sources. As part of their contracts with the Corporation, the railroads will be obligated to make payments which, in the aggregate, will amount to approximately $200 million. (This is equal to about one-half of their fully-distributed rail passenger deficit in 1969.) This amount is payable in cash or, at the option of the Corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the Corporation. The railroads will receive, in return, common stock equivalent in par value to their payments.

Additional financial aid will come from the Federal Government. First, $40 million is authorized in the form of grants to assist the Corporation in its initial organization and operation and in the acquisition of essential equipment and services. Second, the Secretary of Transportation is authorized to guarantee up to $60 million in loans to the Corporation for the purchase or rehabilitation of rolling stock or for other corporate purposes. Third, in recognition of the fact that a few railroads might have financial difficulty in satisfying their immediate contractual commitments to the Corporation, an additional $75 million is provided as short-term loans and loan guarantees to railroads wishing to enter into such agreements. These loans can be repaid out of the savings realized by the railroads through the assumption of their passenger obligations by the Corporation.

Public participation is also provided for through the prospective sale of a special issue of preferred stock. Bearing cumulative dividends at a rate not less than 6 percent, this class of stock is entitled to elect directors and to convert into common stock at the holders' option. The sale of these securities will give the public a meaningful opportunity to participate in the future of rail passsenger service in the United States.

The substitute bill, in addition, establishes a special financial investment advisory panel to be composed of representatives of investment banking, commercial banking, rail transportation, as well as the Secretary of the Treasury. This Presidentially-appointed panel is to submit a report to Congress in 1971 evaluating the initial capitalization of the Corporation. The panel will also make recommendations to the directors of the Corporation on ways and means of increasing its capitalization.

GENERAL PROVISION

There are many other provisions in the substitute bill calculated to insure that the Corporation functions in complete harmony with the public interest. For example, States and regions of the country that wish to maintain or initiate rail passenger service may require the Corporation to provide such rail transportation if they are willing to assume not less than 50 percent of the net cost of such operations. Railway labor, which has such a great interest in the continuation and expansion of rail passenger operations, is amply protected in its rights. Finally, the Corporation is required to report annually on its operations, activities, and accomplishments, including a detailed financial statement. As well, the Secretary of Transportation and the Interstate Commerce Commission are obligated to submit reports on the state of rail passenger service and the effectiveness of the act in meeting the requirement for a balanced national transportation system.

THE CORPORATION AND THE FUTURE OF INTERCITY RAIL PASSENGER SERVICE

In offering this substitute measure, the sponsors are convinced that rail passenger service can once again become a major element in the nation's transportation system. It can offer the traveling public fast, safe, comfortable, and convenient transportation, both within densely-populated corridors and in selected long-haul markets. At a time when our highways and airways are becoming increasingly congested, despite large Federal expenditures for their expansion, rail passenger service can play a large role in helping us efficiently satisfy our growing demand for transportation.

The potential of rail passenger service, however, can only be realized if major improvements are made in the quality of this mode of transportation. This requires a fresh approach and a complete reexamination of our past approach to rail passenger transportation. After carefully examining many alternative proposals, the sponsors are convinced that the best approach calls for the creation of a public-private corporation, charged exclusively with the job of supplying improved rail passenger service throughout the United States and adequately supplied with the necessary capital. This is the approach the sponsors have taken in their substitute. It is their judgment that this substitute is well calculated to achieve the objective in a timely, efficient, and reasonable fashion.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William J. Bauer, of Illinois, to be U.S. Attorney for the Northern District of Illinois for the term of 4 years, vice Thomas A. Foran, resigning.

Donald D. Hill, of California, to be U.S. Marshal for the Southern District of California for the term of 4 years, vice Wayne B. Colburn, resigned.

Lutrelle F. Parker, of Virginia, to be an Examiner in Chief, U.S. Patent Office, vice James L. Brewrink, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, May 8, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS OF SENATORS

AMERICAN PRISONERS OF NORTH VIETNAM

Mr. SCOTT. Mr. President, regardless of how Americans individually feel about the war in Vietnam, there is one point on which they can and do all agree. I speak to that point today.

That issue was touched on last night by the President when he warned the Communists that America will not allow our prisoners to be treated as hostages.

Some 1,400 American prisoners are being held by the Vietcong and the North Vietnamese. We do not even know exactly how many there are because the Communists, in clear violation of every principle of the Geneva accords on treatment of prisoners of war, have not notified us as to who is a prisoner and who is not.

The Communists will not allow the prisoners to communicate with their families. They will not inform the families of these men whether their husbands and sons are still alive and whether, if alive, they are well, or sick, or wounded. It is quite possible that some—possibly many—have been wantonly and deliberately murdered.

The fate of these men is of excruciating importance to the families and their friends. But we who have not suffered such a loss first hand must do more than wring our hands in sympathy. We must make this problem one of the highest possible priorities in our every contact with the Communist world.

Mr. President, Americans must make every conceivable effort, at every possible level, as private citizens and as a Nation, to free these prisoners. Until we win their freedom we must make every possible effort to bring them into contact with their families.

Let me here repeat the President's warning. We will not tolerate these men being treated as hostages. We will hold the enemy totally and completely accountable for everyone of them. And we will insist on this accounting.

These men have served their country honoraby and well. They are now prisoners, suffering ill-treatment and neglect, possibly physical torture, certainly mental and physical hardship, at the hands of an uncivilized enemy. Until the day they are free, we Americans cannot rest. Our national conscience will not permit us to.

THE FUTURE OF SPACE FLIGHT

Mr. ANDERSON. Mr. President, on Sunday, April 19, the Washington Star published an excellent editorial dealing with the Apollo 13 mission and the effect it should have on the future of our space program. I believe it is as thoughtful an analysis as I have seen.

The editorial argues strongly that we must not stop the manned exploration of space because of the difficulties experienced on the Apollo 13 mission. It points out that technological progress has always been accompanied by danger and sacrifice; that the real danger is not in the occasional tragedy but for man to decide that he has learned all that is worth knowing and has gone as far as he needs to go.

Today, there is great public concern for our planet Earth—a concern that for the first time caused a day last week to be set aside and designated as "Earth Day." Although many do not realize it, there is a unique relationship between the public's concern for its planet Earth and the space program. Let me read a paragraph revealing that relationship:

> Space flight offers more than a potential for scientific knowledge. It offers humanity the incalculable dividend of pride in itself

and in this fragile planet. Already, the new view that man has been granted from space has basically altered humanity's appreciation of the earth. It is no accident that mankind's exploding awareness of the need to preserve this oasis of life coincided with the first voyages into nearby space. For the first time man could see his world and its surrounding atmosphere for what it really is: A delicately balanced and closed life-support system.

The worldwide reaction of concern during the difficulties of the Apollo 13 mission brought mankind together for a little while with offers of cooperation between nations that are not usually forthcoming. Fostering international cooperation is characteristic of the space program, and the editorial points this out in its final paragraph which says:

> The success of these first halting steps into space has brought a new vision to a slightly weary world and given mankind a new pride in its humanity. It is a gift without price. It is an offering that must not be withdrawn because of a momentary setback and a dramatic demonstration of the dangers that have always been present.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Lost Mission, and the Future in Space

At 1:08 p.m. Friday, Washington time, the ordeal of Apollo 13 ended. But as the Command Module plunged into the waters of the South Pacific to end the agonizing odyssey of Lovell, Haise and Swigert, the trial began for the Apollo program and the future of man in space.

Indeed, even while the endangered astronauts and their NASA advisers struggled to improvise an antidote for deep-space disaster, a muted chorus of criticism and doubt could be heard around the world. Men in the street, newspaper commentators and a scattering of scientific and official spokesmen first expressed the hope that the astronauts would be brought safely home to earth. And then, not infrequently, expressions of admiration for the bravery and the ingenuity of the crew were coupled with scathing criticism of the decision that had, in effect, issued the invitation to disaster.

Of greater practical significance was the fact that among those who now question the wisdom of continuing man's exploration of space are some of those who will be directly responsible for deciding what the future of the United States space program will be. Members of both the House and Senate committees chiefly responsible for the direction and the funding of the space agency have echoed such doubts. America, they point out, has proved it capability of going to the moon and getting safely back. Why, then, continue to tempt fate with repeated trips to the lifeless desert that orbits our planet?

In addition to those who consider the lunar program as a race that has already been won, there are growing numbers who have become persuaded that the vast expenditures of the space program were misspent. And for nearly everyone, including the hard-core space enthusiasts, much of the excitement has worn off, and has been replaced with a relaxation born of repeated success that borders on boredom.

The shattering of that smug assurance—the awakening from a complacent dream to the reality of a nightmare—combined with the misunderstanding and the growing antipathy to produce the inevitable adverse reaction. It is still too early to judge the extent and the strength of that reaction. But it is not too early to answer it.

The Apollo program should not be abandoned. It must be adjusted because of the failure of the mission of Apollo 13. It must be delayed until all that can be done is done to prevent a recurrence of the near-disaster. And then it must be carried through as planned, to the completion of Apollo 19 and the test of the long-duration orbital workshop known as Operation Skylab.

The argument that the race is over, so why are we still running, has no vaildity. The race to the moon—if indeed there ever was a serious attempt by the Russians to make a manned lunar landing—is over. But if the national interest in the moon was limited to a demonstration of technical superiority and a boost to national prestige, the entire space program has been a vastly expensive waste of time and energy.

The answer is that the moon-walk mission of Apollo 11 was not an end but a beginning. The program is aimed not at lunar landing, but at lunar exploration. Billions of dollars have been poured into the technology required to put man's intelligence physically out into space. The study of our fossilized satellite, which has remained virtually unchanged from the dawn of earth's creation, has begun. It is a study that can answer the riddles of the ages about the origins of the universe and—perhaps—of life itself.

The argument that an expenditure of $25 billion cannot be justified by the potential technological and scientific gains is more difficult to refute. Certainly, if President Kennedy or the Congress could have read clearly the turbulent decade that lay ahead, the total commitment to a lunar landing before 1970 probably would not have been made.

But neither the President nor the legislators could foresee the drain on the national economy and morale that the minor military problem of Vietnam would become. They could not guess the extent of the social turmoil that would be produced by the despair of the inner cities and the rising demands of the socially and economically disadvantaged. The commitment was made, and has, in large measure, been fulfilled. It would be tragic folly to decide now, with the wisdom of hindsight, to reject that commitment and cancel the remainder of the program after the vast bulk of the money has been spent and just as the scientific dividends have begun to accrue.

The failure of Apollo 13 was a setback, not a disaster. But even if the worst had happened, if three men had sacrificed their lives in the hostile void of deep space, it should not have created insurmountable doubts or forced a pullback from the infinite frontier that man has now reached.

Technological progress—indeed every elevation of life from the slime at the ocean's edge to the present reach for the stars—has been accompanied by danger and by sacrifice. But the real danger is not the occasional tragedy that has marked man's endless quest for knowledge. The danger to the human species and to life itself will come if man finally decides that he has learned all that is worth knowing and gone as far as he needs to go. When life stops hoping, wondering and reaching, the retreat to the safety of the primordial ooze will begin.

Space flight offers more than a potential for scientific knowledge. It offers humanity the incalculable dividend of pride in itself and in this fragile planet. Already, the new view that man has been granted from space has basically altered humanity's appreciation of the earth. It is no accident that mankind's exploding awareness of the need to preserve this oasis of life coincided with the first voyages into nearby space. For the first time man could see his world and its surrounding atmosphere for what it really is: A delicately balanced and closed life-support system.

The world-wide reaction of concern for the three endangered astronauts was, perhaps, the major indication of mankind's need for a new horizon. During the four days of Apollo 13's ordeal, thousands of men met sudden, violent and tragic deaths in automobiles, in airplanes, in war. But the world watched breathless as Aquarius pushed the stricken Odyssey around the moon and back again to earth.

No one human life can truly be said to be more valuable than any other. Each is infinitely precious. Yet the prayers of millions rode with Apollo 13.

The answer must be that men, the world over, instinctively recognize the metaphysical importance of the reach into space. Lovell, Haise and Swigert, were not just three Americans on a dangerous mission. They, and those who will follow, are ambassadors of life to new, unknown regions.

The success of these first halting steps into space has brought a new vision to a slightly weary world and given mankind a new pride in its humanity. It is a gift without price. It is an offering that must not be withdrawn because of a momentary setback and a dramatic demonstration of the dangers that have always been present.

NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

Mr. JAVITS. Mr. President, on April 9, 1970, President Nixon, pursuant to the purposes and policy of the National Environmental Policy Act of 1969—Public Law 91-190—established the National Industrial Pollution Control Council. The President appointed 55 members to this Council—all leaders in industrial fields—which will allow businessmen to communicate with the President, the Council on Environmental Quality, and other Government officials and private organizations working to improve the quality of the environment.

Mr. President, it has become painfully apparent that cooperative effort between the public and private sector is essential in our struggle to restore our polluted environment. If the Federal Government were forced to take up the battle against pollution alone, the other equally important environmental needs—the social need—could suffer crippling neglect. It is so critical that we should not overlook the problems of our social environment—the problems of poverty, hunger, education, housing, alienation, and the war in Vietnam—in our effort to recreate our physical environment.

The solution to this twofold problem appears to reside in mutual concern both by the public and private sector; and concerted action for the sake of our total environment. Dare we forget that the most sacred part of our environment is the people which it embraces? Dare we neglect their needs? I think not; not when it is within our power to win this war on both fronts, to restore our physical environment and at the same time relieve the social problems crying for our attention.

It is for this reason that I was pleased to note President Nixon's recent action in involving our industrial leaders in this effort. Far from being merely a "showpiece," I feel that this Council has real potential for involving industry in establishing a balanced national policy and fair national standards which are essential for pollution control. I look forward to the specific recommendations for further action which this Industrial Pollution Control Council will shortly present to the President.

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Mr. President, I ask unanimous consent to have printed in the Record the President's April 9 Executive order establishing the National Industrial Pollution Control Council, and the April 9 White House press release listing the members of this Council.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by the President on Establishing the National Industrial Pollution Control Council

It is widely acknowledged that our productive economy and our advancing technology have helped to create many of our environmental problems. Now the same energy and skills which have produced quantitative gains in our economy must be used to improve the environment and to enhance the quality of life.

I have today signed an executive order creating the National Industrial Pollution Control Council and have called on a number of industrial leaders to serve as its members. I am pleased that Mr. Bert S. Cross and Mr. Willard F. Rockwell, Jr., have agreed to serve, respectively, as its Chairman and Vice Chairman.

The effort to restore and renew our environment cannot be successful unless the public and the private sector are both intensively involved in this work—with their efforts closely coordinated. The new Industrial Council will provide an important mechanism for achieving this coordination. It will provide a means by which the business community can help chart the route which our cooperative ventures will follow.

The new Council will allow businessmen to communicate regularly with the President, the Council on Environmental Quality and other government officials and private organizations which are working to improve the quality of the environment. It will also provide a direct opportunity for business and industry to actively and visibly support the drive to abate pollution from industrial sources. Both government and industrial leaders can use this mechanism to stimulate efforts toward the achievement of our environmental goals.

As we give more and more attention to the causes of industrial pollution, we must also recognize that many American industries have begun to face this problem squarely and to undertake significant pollution abatement activities. It would be unrealistic, of course, to think that private enterprise can meet this problem alone. The problem of the environment is one area where private enterprise can do the job only if government plays its proper role. For unless there are fair standards which are vigorously enforced, the responsible firms which take on the extra expense of pollution control will be at a competitive disadvantage with those who are less responsible.

At an early date, the new Industrial Council will submit to me and to the Chairman of the Council on Environmental Quality, through the Secretary of Commerce, a series of specific recommendations for further action. As a part of its report, the Council will consider the role it can play in helping to implement the nation's environmental protection program.

The challenge which faces this new industrial Council and the entire business community is complex and demanding. But I have no doubt that it can and will be met.

Executive Order 11523, Establishing the National Industrial Pollution Control Council

By virtue of the authority vested in me as President of the United States, and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law 91–190, approved January 1, 1970), it is ordered as follows:

Section 1. *Establishment of the Council.* (a) There is hereby established the National Industrial Pollution Control Council (hereinafter referred to as "the Industrial Council") which shall be composed of a Chairman, a Vice-chairman, and other representatives of business and industry appointed by the Secretary of Commerce (hereinafter referred to as "the Secretary").

(b) The Secretary, with the concurrence of the Chairman, shall appoint an Executive Director of the Industrial Council.

Sec. 2. *Functions of the Industrial Council.* The Industrial Council shall advise the President and the Chairman of the Council on Environmental Quality, through the Secretary, on programs of industry relating to the quality of the environment. In particular, the Industrial Council may—

(1) Survey and evaluate the plans and actions of industry in the field of environmental quality.

(2) Identify and examine problems of the effects on the environment of industrial practices and the needs of industry for improvements in the quality of the environment, and recommend solutions to those problems.

(3) Provide liaison among members of the business and industrial community on environmental quality matters.

(4) Encourage the business and industrial community to improve the quality of the environment.

(5) Advise on plans and actions of Federal, State, and local agencies involving environmental quality policies affecting industry which are referred to it by the Secretary, or by the Chairman of the Council on Environmental Quality through the Secretary.

Sec. 3. *Subordinate Committees.* The Industrial Council may establish, with the concurrence of the Secretary, such subordinate committees as it may deem appropriate to assist in the performance of its functions. Each subordinate committee shall be headed by a chairman appointed by the Chairman of the Industrial Council with the concurrence of the Secretary.

Sec. 4. *Assistance for the Industrial Council.* In compliance with applicable law, and as necessary to serve the purposes of this order, the Secretary shall provide or arrange for administrative and staff services, support, and facilities for the Industrial Council and any of its subordinate committees.

Sec. 5. *Expenses.* Members of the Industrial Council or any of its subordinate committees shall receive no compensation from the United States by reason of their services hereunder, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

Sec. 6. *Regulations.* The provisions of Executive Order No. 11007 of February 26, 1962 (3 CFR 573), prescribing regulations for the formation and use of advisory committees, are hereby made applicable to the Industrial Council and each of its subordinate committees. The Secretary may exercise the discretionary powers set forth in that order.

Sec. 7. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency to the authority of any other Federal agency or of the Industrial Council or of any of its subordinate committees, or as abrogating or restricting any such function in any manner.

Richard Nixon.

The White House, *April 9, 1970.*

Members of the National Industrial Pollution Control Council

The President today announced the appointment of Bert S. Cross of St. Paul, Minnesota, and Willard F. Rockwell, Jr. to be Chairman and Vice Chairman, respectively, of the National Industrial Pollution Control Council. He is also announcing the appointment of 53 members to that Council.

Cross, 64, has been Chairman of the Board and Chief Executive Officer of Minnesota Mining and Manufacturing Company since 1966. He has been with the Company since 1957.

Rockwell, 50, is Chairman of the Board and President of North American Rockwell Corporation. He has been with that company and its predecessor, the Rockwell Manufacturing Company, since 1947.

The other members of the Council will be:

Birney Mason, Jr., of New York, New York, Chairman, Union Carbide Corporation.

Charles H. Sommer, of St. Louis, Missouri, Chairman, Monsanto Company.

Clifford D. Siverd, of Wayne, New Jersey, President and Chief Executive Officer of American Cyanamid Company.

Herbert Tomasek, of Kansas City, Missouri, President, Chemargro Corporation.

Howard J. Morgens, of Cincinnati, Ohio, President, Proctor and Gamble Company.

Milton Mumford, of New York, New York, Chairman of the Board, Lever Brothers.

C. W. Cook, of White Plains, New York, Chairman and Chief Executive Officer, General Foods Corporation.

Howard C. Harder, of New York, New York, Chairman, CPC International.

Robert W. Reneker, of Chicago, Illinois, President and Chief Executive Officer, Swift and Company.

Charles R. Orem, of Chicago, Illinois, President of Armour and Company.

James P. McFarland, of Minneapolis, Minnesota, President and Chief Executive Officer, General Mills, Inc.

Robert J. Keith, of Minneapolis, Minnesota, Chairman and Chief Executive Officer, Pillsbury Company.

Donald M. Kendall, of New York, New York, Chairman and Chief Executive Officer, Pepsico, Inc.

William F. May, of New York, New York, Chairman and President, American Can Company.

Ellison L. Hazard, of New York, New York, Chairman and President, Continental Can Company, Inc.

Edwin D. Dodd, of Toledo, Ohio, President and Chief Executive Officer, Owens-Illinois, Inc.

John L. Gushman, of Lancaster, Ohio, President, Anchor Hocking Corporation.

Leo H. Schoenhofen, of Chicago, Illinois, Chairman and Chief Executive Officer, Container Corporation of America.

C. Raymond Dahl, of San Francisco, California, President and Chief Executive Officer, Crown-Zellerback Corporation.

Edmund F. Martin, of Bethlehem, Pennsylvania, Chairman and Chief Executive Officer, Bethlehem Steel Corporation.

Thomas F. Patton, of Cleveland, Ohio, Chairman, Republic Steel Company.

J. K. Jamieson, of New York, New York, President, Standard Oil Company of New Jersey.

Robert O. Anderson, of New York, New York, Chairman and Chief Executive Officer, Atlantic-Richfield.

Frank R. Milliken, of New York, New York, Chairman, Kennecott Copper Corporation.

Gilbert W. Humphrey, of Cleveland, Ohio, Chairman, Hanna Mining Company.

George H. Love, of Pittsburgh, Pennsylvania, Chairman, Consolidation Coal Company.

Thomas C. Mullins, of St. Louis, Missouri, President, Peabody Coal Company.

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Russell DeYoung, of Akron, Ohio, Chairman, Goodyear Tire and Rubber Company.

J. Ward Keener, of Akron, Ohio, Chairman, B. F. Goodrich Company.

Karl R. Bendetsen, of New York, New York, Chairman and Chief Executive Officer, U.S. Plywood-Champion Papers, Inc.

Norton Clapp, of Tacoma, Washington, Chairman, Weyerhaeuser Company.

Chris Dobbins, of Denver, Colorado, Chairman and President, Ideal Basic Industries, Inc.

Robinson F. Barker, of Pittsburgh, Pennsylvania, Chairman, PPG Industries, Inc.

Edward N. Cole, of Detroit, Michigan, President, General Motors Corporation.

Lido Anthony Iacocca, of Dearborn, Michigan, Senior Vice President, Ford Motor Company.

Benjamin F. Biaggini, of San Francisco, California, President, Southern Pacific Company.

John M. Budd, of St. Paul, Minnesota, President, Great Northern Railway.

George E. Keck, of Chicago, Illinois, President and Chief Executive Officer, United Airlines, Inc.

Charles C. Tillinghast, Jr., of New York, New York, Chairman, Trans-World Airlines.

Frank A. Nemec, of New Orleans, Louisiana, President and Chief Operating Officer, Lykes-Youngstown Corporation.

Sherman L. Sibley, of San Francisco, California, President and Chief Executive Officer, Pacific Gas and Electric Company.

Lelan F. Sillin, Jr., of Weathersfield, Connecticut, President, Northeast Utilities.

Fred J. Borch, of New York, New York, Chairman and Chief Executive Officer, General Electric Company.

Donald C. Burnham, of Pittsburgh, Pennsylvania, Chairman, Westinghouse Electric Corporation.

Paul L. Davies, of New York, New York, Senior Director, FMC Corporation.

Arthur J. Santry, Jr., of New York, New York, President, Combustion Engineering, Inc.

H. Chandlee Turner, Jr., of New York, New York, Chairman, Turner Construction Company.

Stephen D. Bechtel, Jr., of San Francisco, California, President, Bechtel Corporation.

Ralph Evinrude, of Jensen Beach, Florida, Chairman, Outboard Marine.

Rodney C. Gott, of New York, New York, Chairman and President, American Machine and Foundry Company.

Arch Booth, of Washington, D.C., President, U.S. Chamber of Commerce.

William P. Gullander, of New York, New York, President, National Association of Manufacturers.

H. Bruce Palmer, of New York, New York, President, National Industrial Conference Board.

PROFILE IN COURAGE

Mr. YOUNG of Ohio. Mr. President, history records that Senator Edmund Ross, of Kansas, who was born in Ohio, was a great patriot. Andrew Johnson, President of our Nation 102 years ago, was placed on trial for impeachment before the Senate. President Johnson, an honest man, was trying to heal the wounds of the war as his predecessor, President Lincoln, would have done had he lived.

A two-thirds majority of the Senate is required to remove the President. In 1868, 54 Senators represented the 27 States. When the clerk reached the name of Senator Ross in calling the roll, 35 Senators had cast their votes against President Johnson—one short of conviction. The clerk called "Senator Ross, what say you? Is the defendant guilty or not guilty?" Senator Ross stood up. He cried out, "Not guilty." Immediately after voting, he said, "I'm dead." He returned to Kansas, denounced and unhonored. He was read out of the Republican Party. One hundred years later a plaque honoring Senator Ross was placed in the courthouse at Ashland, Ohio. It reads:

> Edmund Ross, native of Ashland County, Senator from Kansas, who cast the deciding vote in the impeachment trial of Andrew Johnson, President of the United States.

John F. Kennedy in his book "Profiles in Courage" devoted a chapter to this native-born Senator from Ohio.

BUILDING AN ENVIRONMENT FOR INTERNATIONAL PEACEKEEPING

Mr. AIKEN. Mr. President, on April 11, the distinguished senior Senator from Iowa (Mr. Miller) was the principal speaker at the Annual Assembly of the Iowa Division of the United Nations Association in Des Moines. His remarks, "Building an Environment for International Peacekeeping," are particularly relevant to the problem of world peace and most timely to an understanding of the need for realism as the Strategic Arms Limitation Talks proceed in Vienna.

I ask unanimous consent that Senator Miller's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Building an Environment for International Peacekeeping

(Address by Senator Jack Miller)

It is a genuine pleasure to be here to address this annual assembly of the Iowa Division of the United Nations Association.

Let me first commend all of you for your dedication to and interest in the United Nations, and for the inauguration of your newest project—the Congressional Information Exchange.

Never has the need been greater for a program to close the communications gap which exists between too many officials at all levels of government and their constituencies in the area of international affairs. If the public has a clearer understanding of the problems involved in this terribly delicate and complex area, if the people are able to communicate their concerns to their government officials and, in turn, be communicated with by these officials, the cause of an orderly and peaceful world can only be better served.

This twenty-fifth anniversary of the founding of the United Nations is an appropriate occasion to reflect on not only its accomplishments—and there have been many—but also the shortcomings which have surfaced during these twenty-five years.

All of us look at the world through the prism of our own experiences, in which the present always is in context with the past. But, unfortunately, we too often consider only the successes. Our hopes and expectations seem to cause us to disregard our failures, although these must be faced up to if reforms needed to avoid their repetition are to be undertaken.

Some supporters of the United Nations appear to have developed a vested interest in keeping it just as it is. They have come to love the darkness and curse the candle. They see how right in their own terms are the purposes and principles of the U.N. and close their minds to the good will of those who believe reform is in order. Of course, reformers are quite used to being resisted by the stand-patters and accept such resistance as a challenge—not a deterrent.

However, if the United Nations is to become what it was born to be twenty-five years ago, we must look at it realistically. We must consider it in the context of the world as it is—not just the world we wish it to be. We must judge the United Nations according to its limitations and not according to extravagant demands that it be the solution to all the world problems. To do otherwise would only lead to the frustration which ignores progress and, at the same time, inhibits reform.

To begin, there is nothing basically wrong with the Charter of the United Nations which I have always regarded as a great moral document. The real problem is the world environment—a maze of economic, political, cultural, philosophical, and legal systems—tolerated if not actually promoted by the age-old diplomatic principle of expediency. It is this world environment which stands in the path of world peace—not the organic structure of the U.N., not its procedures, and certainly not its Charter.

The United Nations is, indeed, a world organization, established primarily, according to former U.N. Ambassador George Ball, "as an institutional means through which the great powers could maintain the peace, guided by the principles enunciated in the Charter." But its failures here result from a lack of commonality of purpose among these great powers. Additionally, it can scarcely afford to pay for the peacekeeping force on Cyprus, for instance, let alone command observance of its resolutions, some of which, unfortunately, have been characterized more by emotionalism than by reasoned consideration. This has led to the suggestion by some apologists that the U.N. serves a useful purpose as an international forum for debate and letting off steam. I find this a most pessimistic and sterile evaluation, however.

In any discussion of peace and the peacekeeping capabilities of the United Nations, one must squarely face the realities of a world in which the politics of global peace is essentially the politics of individual nations. To the extent that the politics of these individual members of the family of nations cannot be reconciled with the concept of global peace, there will not be peace; or, to put it another way, there will only be, at best, a relative degree of peace.

We talk about "peace" so often that there is a tendency to think that all members of the family of nations share the same concept of what "peace" is. Regrettably, this is not the case—especially when the leaders and citizens of other nations possess different cultures, traditions, political systems, and philosophies.

Here in the United States, where we share a common philosophy embracing individual freedom, there is general agreement on the concept of "peace". It has been expressed in the statements of our national purpose by successive Presidents in recent years, namely: "a strong, free, and virtuous America in a world where there is a just and lasting peace, with freedom and respect for the integrity of the individual."

As American citizens we are concerned with the inalienable rights of man as an individual and, also, his correlative responsibilities as a member of a society established to attain the goals set forth in the Preamble of our Constitution. As the world has changed, these goals—especially those of providing for the common defense and promoting the general welfare—have compelled us to focus an increasing amount of attention and action upon the rights and responsibilities of our own society as a member of the family of nations.

However, the compulsion of world changes is not the only reason for the world-minded-

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ness of our people. More important, perhaps, is a religious heritage which has moved thousands of our citizens to serve as missionaries in all parts of the globe, which has inspired thousands of our young people to serve overseas in the Peace Corps, and which has provided public support for our foreign aid activities—including more than $130 billion in aid to other nations since World War II plus some $4 billion to United Nations organizations and activities. This heritage found expression many centuries ago in John Donne's famous words: "No man is an Island, intire of itselfe . . . any man's death diminishes me, because I am involved in Mankinde."

Our national purpose expresses the ideology of freedom—as opposed to the ideology of non-freedom, which finds national expression behind the Iron and Bamboo Curtains and denies the existence of God, the human soul, and the integrity of the individual. The concept of "peace" in the Communist mind, therefore, is not the same as our concept of "peace". Nor can our objective of a world where there is freedom and respect for the integrity of the individual be reconciled with a philosophy of isolationism and "fortress America."

At the same time, our national purpose emphasizes a strong, free, and virtuous America. Thus, our identity as a nation is to be retained and secured, and this implies a degree of sovereignty. The practical question, then, is not whether sovereignty should be relinquished to achieve a more orderly and peaceful world; rather, the question is "how much?" and, especially "when?". The answers must be in specifics, and it is over those specifics that idealists and pragmatists wage their debates.

The "how much?" and "when?" are interrelated. For example, a treaty entails the relinquishment of a certain amount of a nation's sovereignty. In the case of the limited nuclear test ban treaty, we relinquished some of our sovereignty by agreeing not to perform nuclear testing in the atmosphere. We also saw to it that the treaty provides that we can withdraw from it—although, depending on the circumstances, this could cause us some embarrassment before other nations, and we would be reluctant to do so. The practical effect, I believe, was the relinquishment of only a slight amount of sovereignty; and since the other nations which joined in the treaty—especially major nuclear powers like the Soviet Union and Great Britain—also did this, the treaty satisfied the very important requirement of mutuality.

Is national security necessarily inconsistent with the concept of an orderly and peaceful world? This is more of a philisophical question—one that is important, but also easily lost in semantics. One cannot answer the question without defining "an orderly and peaceful world". If this includes our identity as a nation, then this identity must somehow be secure—national security to preserve our identity as a nation is required. What form this "security" takes can vary according to world conditions, especially military and economic power balances and the attitudes of those wielding the power. But if "an orderly and peaceful world" does not include our identity as a nation, there is no reason to talk about "national security". However, such a concept is inconsistent with our national purpose to which I earlier referred.

The Senate ratified the United Nations Charter, which is a treaty, and under this Charter—now the law of the land as all treaties are—we have surrendered a little of our sovereignty. It is only a little—not as much as some believe necessary to attain global peace, and we can always pull out of the U.N. Long before this would happen, however, we would exercise our veto in the Security Council. There has been a great amount of criticism of the Soviet Union for its frequent use of the veto, but I doubt that any realists would suggest that permanent members of the Security Council give up the veto power altogether.

It may be said that we are getting what we pay for—that while we have retained so much of our sovereignty, along with the other members of the United Nations, we have done so at the sacrifice of an orderly and peaceful world. But this begs the question. Just because we deeply need and yearn for an orderly and peaceful world doesn't necessarily mean that mere relinquishment of more of our national sovereignty at this time, in the present state of world conditions, will achieve it.

In the October 1961 issue of *Foreign Affairs Quarterly*, Senator Fulbright, chairman of the Foreign Relations Committee, wrote: "The dilemma of any effort to create an organic unity among nations or even a loose comity is that there is no necessary correlation between human needs and human capacity." I frequently disagree with the Senator from Arkansas, but I believe he made a valid point.

This absence of a correlation between human need and human capacity is another way of stating the "when?" factor to which I have earlier referred. Were it not for the clash of ideologies between the nations of the free world and the nations of the non-free world, our capacity for an orderly and peaceful world would be immeasurably enhanced. More sovereignty could be relinquished by individual members of the United Nations in favor of a better chance of achieving world peace; and this could be done without jeopardizing their national security.

But the clash of ideologies is there—and this fact of the world as it is cannot permit one to be sanguine over the possibility of an early coalescence of human need and human capacity. Moreover, there are still those who are willing to use military power to destroy the freedom of members of the family of nations, and whether that power is exercised in the form of a Czechoslovakian invasion or a so-called "war of national liberation" is not particularly relevant. What is relevant is that military power is a fact of life, and the willingness to use it to force on other nations an environment of nonfreedom (be it Communism or some other form of totalitarianism) is a fact of life. The considerations are necessary to really understand and appreciate the answer given by Arthur Goldberg shortly after he became Ambassador to the United Nations. The Question: Mr. Ambassador, what do you hope to accomplish as the American Ambassador to the U.N.? Answer: "I hope that, during my period of service, I will be able to help move the world one inch closer to peace."

Within the United Nations itself, the problem of the clash of ideologies has been compounded by what seems to be the proclivity of many member states to wink an eye at the Charter in favor of a position of expediency; and I should not have to emphasize to a group like this the imperative of preserving the integrity of the Charter. One example is the one-sided Security Council resolution condemning the attack by Israel on Beirut International Airport without, at the same time, condemning the attack by Arab guerillas on an Israeli commercial airliner in Greece. Another example is the delinquency, in one form or another, of 92 of the 126 members, as of last January 1, in the payment of their dues and assessments. Of the arrearages totaling nearly $191 million, more than $130 million represents the cost of U.N. peacekeeping operations in the Congo and the Middle East. Most of this $130 million is owned by the Communist bloc, incidentally, which is, nevertheless, permitted to continue to cast its votes notwithstanding the Charter's provisions covering loss of the vote for delinquency in paying dues and assessments. Seventy-one nations to which the United States furnished foreign aid in the past year are among the ninety-two delinquents.

While in no way diminishing the gravity of this situation, I would point out that it would probably be even worse were it not for an amendment I finally, after several years' effort, managed to have adopted as part of the Foreign Assistance Act of 1967. Under this amendment, our government is required to take into account a nation's status with respect to its United Nations obligations before we extend our foreign aid—unless there are extraordinary circumstances which would prevent the nation from getting its payments current. Thus, the amendment brought our foreign aid policy into line with our foreign aid policy of supporting the United Nations. I believe the amendment is slowly but surely accomplishing its objective of convincing delinquent nations that we mean business when we say that we seek and support a viable United Nations to serve the cause of a more orderly and peaceful world.

Before the amendment was adopted, there were 108 delinquent member nations. As I have noted, this has now dropped to 92, of which only 15 (compared to 56 in 1967) are more than two years in arrears; and about half of those 15 are expected to become current in their payments by next July.

However, until all member nations face up to their responsibilities under the Charter—especially that of promptly fulfilling their ability-to-pay determined financial obligations—our search for peace through a strong and viable United Nations will continue to be impaired; and the financing of peace-keeping activities of the U.N. itself will likely be limited to smaller conflicts, such as Cyprus and the Congo—conflicts which, I regret to say, some have predicted as "inevitable" in this decade. In this connection, I quote from the recent Brewster Report: "No significant progress can be expected without some mutually satisfactory answer as to how future forces are to be financed and how past debts are to be met."

If it is recognized that the world environment is what stands in the path of world peace, it would seem only fair to say that the world environment is responsible for the shortcomings of the United Nations—especially in peacekeeping. Like any other family unit, an organization of the family of nations cannot achieve its purpose until there is the necessary unity of ideology among its members—unity of respect for the individual person, unity over the concept of social justice, unity over the rule of law, unity over freedom of self-determination of nations, unity over truth, unity over freedom of communications, unity over the meaning of "peace" itself.

Only out of such unity—or, if you will, ideological disarmament—can come the mutual trust and confidence among the members of a family which are so necessary to the family's durability, tranquility, and promise. Of one thing we can be sure, mere unity of desire or survival is not enough. And I must frankly state that programs for peacekeeping which, no matter how well-intentioned, are promoted despite a lack of mutual trust and confidence on the part of the nations affected are not well-calculated to result in genuine security to the family of nations.

The activities and accomplishments of the United Nations—in the areas of nuclear testing in the atmosphere and nuclear nonproliferation and through its various specialized agencies dealing with economic, technological, and social problems and grievances—demonstrate that world leaders and statesmen understand very well how necessary it is to change the world environment to achieve these ideological unities and thus bring about the human capacity needed to

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match the human need for world peace. Hunger and malnutrition are being dealt with by the Food and Agriculture Organization, disease by the World Health Organization, illiteracy and deprivation of education by UNESCO, and economic underdevelopment by the U.N. Development Program and the World Food Program. In 1972 it will sponsor an international conference concerned with the problems of pollution and conservation. And I could list many others. I am most familiar with FAO, having attended each of the last five biennial conferences, and I can assure you that the problems of protein deficiency, population growth, food and fibre production, agricultural trade, and the like are receiving highly professional and dedicated attention. Also, as former U.N. Ambassador James Wiggins recently pointed out three-fourths of the staff and three-fourths of the budget of the United Nations itself are devoted to social and economic problems. Apart from the direct results themselves, all of us should be encouraged by the realization that a foundation is being patiently laid for greater ideological harmony among the member states.

All of this is not to say that the reformers have been sitting idly by. They haven't and they shouldn't, because the structure and mechanisms of the U.N. are far from perfect. A system of weighted voting to conform the voting power of a nation in the General Assembly more nearly to its relative population has long been advocated. As Dean Wilcox of Johns Hopkins University recently said: "It does seem a bit ridiculous that a state like the Maldive Islands, with a population of less than 100,000, should have the same voting power as India or the Soviet Union. It seems even more ridiculous when one realizes that states possessing only about one-tenth of the world's population and contributing only one-twentieth of the U.N. budget could command the two-thirds vote necessary for Assembly action on important questions." A week ago Thursday columnist William Frye noted that admission of more so-called "ministates" could raise the membership from 126 to 200 within the next ten years, with 65 of the smallest possessing two-tenths of one percent of the population while at the same time controlling one-third of the voting power.

Better ways to solve the financial situation, especially the liquidation of delinquencies, need to be devised.

Economic aid and technical assistance programs can and should be increased, although this should not be undertaken until the financial problems are resolved. I might add that those of us who favor greater emphasis on multilateral aid have high hopes for expansion of the programs of the Food and Agriculture Organization. Dean Wilcox has well pointed out that "there is a direct relationship between social and economic progress and the great issues of war and peace, between hunger, poverty, disease and illiteracy on the one hand and world tensions on the other."

Finally, considerable attention is being given the development of regional agencies like the Organization of American States so that they could assume an important peacekeeping role. Ideological differences which exist in the U.N. are not so apt to be found in a particular region, and the mutual trust and confidence so necessary to peacekeeping may, in fact, already exist.

After twenty-five years' experience, reforms such as these should not be too much longer in coming; and they can happen long before the changes in the world environment to which I have referred come about, although such changes would undoubtedly help greatly the cause of reform.

I would like to conclude by quoting from a speech of former Ambassador Wiggins. He said:

"The United Nations was called into being 25 years ago by the realization of the statesmen of the world that some new system was needed to safeguard mankind against the dangers of recurrent devastating world-wide war. Events since have multiplied those dangers. While we need to be clear-headedly aware of the imperfections of the United Nations, it is its imperfections we should labor to eliminate and not the United Nations. We began with hopes too high. We moved on to expectations too low. It is time for more mature hopes and expectations consonant with the political realities of our dangerous times."

This is a challenge all of us can accept.

POULTRYLAND, U.S.A.

Mr. ERVIN. Mr. President, generally speaking, when most people think of North Carolina, they think of the many fine tobacco and textile products, excellent furniture, or as a delightful, variety vacationland. Today, I wish to call to the attention of my colleagues the rapid growth of the poultry industry in North Carolina and the fact that North Carolina can aptly be titled, "Poultryland, USA."

Some of the facts about the phenomenal growth of this industry will demonstrate why this new title is well deserved. North Carolina ranks, among the States, fourth in the production of commerical broilers; fourth in egg production; and third in the production of turkeys. There are 64 licensed chicken hatcheries and 14 turkey hatcheries in the State. In addition, 35 USDA-inspected poultry processing plants are located here, as well as eight shell egg plants and three egg product plants.

Gov. Robert W. Scott, in recognizing the value of the poultry industry to the citizens of North Carolina, has proclaimed April as Poultry Products Month. Likewise, Mayor Paul Cash, of my hometown of Morganton, has proclaimed April as Poultry Products Month.

In order to share additional facts and data on this subject, I ask unanimous consent that the following articles be printed here in the Record. "North Carolina, the Land of Poultry," a pamphlet; proclamation of Gov. Robert W. Scott; and an article, "Burke Poultry Industries Spolighted," from Morganton, N.C., News Herald, April 10, 1970.

There being no objection, the items were ordered to be printed in the Record, as follows:

NORTH CAROLINA, THE LAND OF POULTRY

A BRIEF GLANCE AT THE POULTRY INDUSTRY IN NORTH CAROLINA

Truly, North Carolina is "the land of poultry", and the following information and facts should convince you that we are, in fact, Poultryland, USA.

Just what the poultry industry means to North Carolina and its people cannot be put into words; for while you read this information brochure, things continue to happen. Eggs are being laid, broilers are being processed, the turkey industry is expanding, thousands of people are working in the industry, and the Tar Heel economy continues to advance, all because of this important, vital, and fantastic business known as the "Poultry Industry"!

Where the Poultry Industry has been and where it is today is only a part of the story. As we look into the future this fantastic story about the Poultry Industry is really "where it is going". A glance back at the past may help us in some small way to see the future of this important Tar Heel industry.

LET'S LOOK AT THE FACTS

1. Commercial broiler production is second only to tobacco in North Carolina income by commodities.

2. North Carolina ranks fourth among the States in production of commercial broilers.

3. North Carolina produced an average of more than five million commercial broilers per week throughout 1968 (262,872,000 broilers for the entire year). 1969 broiler production was 280,637,000.

4. 1968 broiler production was 2½ times as great as 1957 (approximately 106,000,000) and was more than sixteen times as large as the 1947 production.

5. North Carolina ranks fourth among the States in egg production (3,034,000,000 eggs in 1968). Egg production in 1969 amounted to over 3,405,000,000, ranking fourth in the nation.

6. North Carolina ranks third among the States in production of turkeys. Production in 1969 totaled over nine and one-half million.

7. 1969 turkey production was approximately 5½ times as large as 1958, and approximately twenty-seven times as large as in 1948.

These are just a few of the highlights showing the great importance of the Poultry Industry in North Carolina.

Certainly, the farm figures tell only a part of the story, because the Poultry Industry is a vital part of the industrial and business community in the Tar Heel State. There are about six hundred feed mills registered with the North Carolina Department of Agriculture delivering feed within the state. Four hundred of these are North Carolina mills and two hundred are out-of-state mills.

There are 64 licensed chicken hatcheries and 14 turkey hatcheries in North Carolina.

There are 35 USDA-inspected poultry processing plants in North Carolina. About ten of these plants do not slaughter poultry but are involved in packing and processing.

There are 8 shell egg plants and 3 egg products processing plants in North Carolina.

The number of people producing eggs in North Carolina runs into the hundreds, even the thousands. In addition, there are other operations and numerous manufacturing and distributing firms in the allied fields employing over 150,000 people.

Dollars from this gigantic industry have had tremendous impact on the economy of North Carolina for many years. It has been estimated that the Poultry Industry generates additional income in North Carolina in excess of $2,250,000,000 for other Tar Heel businesses.

North Carolina poultry meat certainly ranks at the top of the list in taste, value, economy, elegance, digestibility, and versatility. It is common knowledge that poultry meat is higher in protein and lower in calories and fat than any other leading meat. Chicken and turkey can be placed on any table in North Carolina very economically, and with great versatility.

The poultry industry operates entirely under the free enterprise system. There are no price supports or subsidies, yet the industry continues to grow and continues to boost income and retail sales throughout the Tar Heel State. The broiler industry is providing housewives throughout North Carolina and the country with quality broilers at less than half the cost of ten to twelve years ago. The poultry industry is producing 25% heavier chickens on 25% less feed in 25% less time, and passing the savings on to the consumer.

Retail prices for poultry and poultry products have declined over 15% since 1956, while competing meat products have increased in retail prices during that same period from 70 to 80%.

No wonder this fantastic industry may be described as "The miracle of modern agriculture."

This is only part of the story of North

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Carolina, the "Land of Poultry." For while you were reading this brochure, this important industry has grown some more. Truly we can call North Carolina, "Poultryland, USA."

You might like more information about the poultry industry and if so, please feel free to contact.

RALEIGH, N.C., *April 2, 1970.*

PROCLAMATION BY GOV. ROBERT W. SCOTT

Whereas, the poultry industry is of great importance to the economy of North Carolina, with our state ranking third in the nation in turkey production, fourth in commercial broiler production, and fourth in egg production; and

Whereas, commercial broiler production brings producers the second highest commodity income in the state, surpassed only by tobacco; and

Whereas, the poultry industry not only provides employment for thousands of North Carolinians but supplies a basic human need, food;

Therefore, I proclaim April 1970 Poultry Products Month in North Carolina and commend this observance to our citizens.

By the Governor:

ROBERT W. SCOTT.

[From the Morganton (N.C.) News Herald, Apr. 10, 1970]

BURKE POULTRY INDUSTRY SPOTLIGHTED

The month of April has been proclaimed as Poultry Products Month in Morganton in a proclamation signed by Mayor Paul S. Cash.

The observance of Poultry Products Month is sponsored by the North Carolina Poultry Federation of which Bob Erwin of Morganton is president.

Poultry Products Month is designed to call attention to the poultry industry, which is important not only to the economy of North Carolina but to Burke County as well.

In Burke County the gross income from the poultry industry is over a million dollars, according to figures compiled by the Agricultural Extension Service.

Herbert M. Speas, Burke County extension chairman, said the gross income from all phases of the poultry industry in the county during 1969 amounted to $1,020,300.

This included: commercial eggs, $207,000; broilers, $727,000; hatching eggs, $67,100; and hens, $21,200.

Approximately one-third of the gross agricultural income in Burke County comes from poultry, Speas said.

Erwin, the state poultry federation president, is also president of B and L Feed Co. which contracts with individual farmers to grow broilers which are sold to Breeden Poultry and Egg Inc. He said that over two million broilers were grown in the county last year.

Breeden's processes the poultry, getting it ready for cooking. This company processes approximately 400,000 broilers each week.

Western Carolina Hatcheries in Morganton is the largest independent hatchery in the state. Around 260,000 baby chicks are hatched each week, which are sold to Breeden's and to Holly Farms.

Table Rock Farms, which produces started pullets, has a capacity for 30,000, while Burke Egg Co., producer of commercial eggs, has a capacity of 36,000 laying hens.

In the state, the commercial broiler production brings producers the second highest commodity income, surpassed only by tobacco. This state also ranks third in the nation in turkey production, fourth in commercial broiler production, and fourth in egg production. North Carolina is rapidly becoming known as "Poultryland, USA."

Gov. Robert W. Scott also has proclaimed April as Poultry Products Month in North Carolina.

The proclamation by Mayor Cash follows:

Whereas, the poultry industry is an extremely worthwhile industry in the State of North Carolina; and

Wherein, eggs are being laid, broilers are being processed, the turkey industry is expanding, and thousands of people are employed in the poultry industry; and

Whereas, commercial broiler production is second only to tobacco in North Carolina income by commodities; and

Whereas, North Carolina ranks fourth among the states in production of commercial broilers; and

Whereas, North Carolina ranks fourth among the states in egg production, and egg production in 1968 amounted to over 3,032,000,000; and

Whereas, North Carolina ranks third among the states in production of turkeys as production in 1968 totaled over 8,276,000; and

Whereas, chickens, turkeys, and eggs are of great importance to the State's economy and its people; and

Whereas, the poultry industry in Morganton, and the surrounding community is of great importance to our economy and our people.

It is, now, therefore, proclaimed that the month of April 1970, be known as Poultry Products Month in Morganton, in honor of this important, vital, and fantastic business known as the "Poultry Industry."

AWARD OF HONOR TO DR. SOLOMON GELD

Mr. WILLIAMS of New Jersey. Mr. President, recently the American Association of Homes for the Aging presented its Award of Honor to Dr. Solomon Geld.

Dr. Geld established the first self-contained apartment project for the elderly in New Jersey. He is renowned in the field of gerontology for his learned papers and thoughtful professional publications.

A refugee from oppression, Dr. Geld has devoted the 30-odd years since his arrival in this country to nonprofit care of the aged. Social components of care and continuity of care are hallmarks of the professionalism so manifest in the work of this dedicated man.

At present, Dr. Geld is executive director of the Daughters of Miriam Home and Infirmary for the Aged in Clifton, N.J. He is past president of both the National Association of Jewish Homes for the Aged and the New Jersey Association of Homes for the Aging. His personal warmth and deep convictions have endeared him to all who have known him, particularly the aged, who see in him a true friend and trusted confidant.

It was fitting that Dr. Geld, the principal proponent of the unique philosophy of the nonprofit socio-medical service concept of the home for the aged, be chosen as the recipient of the award of honor.

I ask unanimous consent that his inspiring response to the presentation, with its beautiful paraphase of the Passover Haggadah song, be printed in the RECORD.

REMARKS BY DR. SOLOMON GELD

Madame Chairman, President Eggers, President-elect Munns, Presidents of State Associations—My Dear Friends:

In the Passover Haggadah, which is a collection of stories, songs and prayers, commemorating the exodus of the children of Israel from Egypt, there is one song which recounts the Lord's goodness to His people; all the wonders which He wrought from the time of the liberation from slavery until the entry into the Promised Land. Each event ends with the Hebrew word "Dayenu", which means—"It would have been enough", and the passage, in somewhat abbreviated form, is as follows:

"If God had given us freedom only and not manna in the desert, it would have been enough. If God had given us food only and not the Sinai revelation, it would have been enough. If God had given us the Sinai revelation, but not the Sabbath, it would have been enough. If God had given us the Sabbath, but not the Promised Land, it would have been enough", and then the passage continues: "How much more grateful must we be because He did all this and gave us a promise of ultimate redemption from our sins. Therefore it behooves us to praise and to exalt Him, so let us burst forth with a song:—Hallelujah."

My own life evokes this memory. Paraphrasing the recited passage of the Haggadah I could say that had the good Lord given me life without liberation, it would have been enough. If He had given me liberty without the pursuit of happiness in this country, it would have been enough. If He had given me the pursuit of happiness without any achievement, it would have been enough. If He had given me the achievement without ever-widening recognition, it would have been enough. Now He saw fit to do all this and bless me with the love of my good wife, our three sons and a grandson and let me reach this appointed hour. So it behooves me to praise Him and to shout from the depths of my heart:—Hallelujah! with a melody that combines a Handel chorus, a Gregorian chant and a Chasedic niggun. Only in America can an event such as this happen. As a relative newcomer, I wish I could convey to you, who were fortunate to be born in the United States, the sense of privilege of being an American citizen—despite our justified and at times not so justified penchant for self-criticism.

Thirty years ago, when Providence willed that I should escape from slavery to freedom, from possible death in Auschwitz to life and purpose here, little did I know that an abundant measure of kindness and love would come in my direction and that my cup of bitterness and despair, after the losses which I had sustained, would be replaced by one of joy and gladness and hope, which year after blessed year becomes more rich and radiant. Today my cup runs over and I find it difficult to respond to you adequately, to tell you what is my heart and mind, except to thank you, all of you within this Association, including the National Association of Jewish Homes for the Aged, the New Jersey Association of Homes for the Aged, which nourished and sustained me, whose lives have touched mine, and who came to share this hour with me.

This award of honor is as demanding in prospect as it is rewarding in retrospect. To me, any recognition for past performance imposes an obligation to continue in the future. I wish to assure you that I am mindful of the noblesse oblige. I am aware that your declaration about the merits of my work with the aged in the past is co-extensive with my commitment to the aged in the future as long as God lets me live and people let me work. I pledge to you that commitment in solemnity and joy.

INVOLVEMENT OF AMERICAN FORCES IN CAMBODIA

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered today in Boston by the Senator from Massachusetts (Mr. KENNEDY) to the Advertising Club of Greater Boston and the Broadcasting Executives Club of Greater New England. The distinguished assistant majority leader speaks out forthrightly and candidly about the involvement of American forces in Cambodia, and in reply to the President's statement of last evening.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE ADVERTISING CLUB OF GREATER BOSTON AND THE BROADCASTING EXECUTIVES CLUB OF GREATER NEW ENGLAND

I am pleased to have this opportunity to address this most distinguished audience. I came here today prepared to discuss with you the state of our nation's economy. I planned to draw the distinction between the economic achievements of the early and middle 1960's and the problems we have faced since inflation took hold in the later part of the decade. To look at the indicators, and note that those indices today that are on the rise are those that should not be—namely prices and unemployment, and those that are on the decline are those that should not be—namely the value of the dollar, the growth of the gross national product, and the Dow-Jones Industrial average. In my prepared remarks, I came to the conclusion that the state of the nation's economy was, perhaps, the most distressing and pressing challenge before the American people today.

But all that was prior to last night and the message of the President. And I no longer feel that the condition of our economy heads the agenda of crisis before our nation. Today, we have all been jolted back into more important things—life and death things—we are back to war and more war, and there does not seem to be an end to it. We cannot talk today about the value of goods and services or high interest rates—we must focus today on the value of American dreams and aspirations for a peaceful future and high casualty rates.

Last night we heard the same words and implications again, the same words that we have heard for the past five years of nightmare. Logistics, sanctuaries, combat support, "cleaning out" of areas, freedom-loving defenseless people, the one more chance to hit the enemy hard. They flow, these words, on the smooth surface of phrases about avoiding humiliation, no defeats, supporting our boys and the like. They flow, but they no longer can lull. For now, we know what they mean—they mean sorrow, they mean death, they mean increasing air strikes, Thursday's casualty figures, and perhaps some new Hamburger Hill, in some new country, for some new reason that we dare not question. I submit the words we heard mean nothing—nothing, that is, but an increasing level of violence and an expansion of war.

So, now we are in Cambodia. We are not invading that country with ground combat troops in violation of the National Commitments Resolution of the United States Senate we are told, for it is no invasion at all. We are simply going after the North Vietnamese who have used Cambodia as a sanctuary, flowing in and out of the Parrot's Beak to South Vietnam. Why then is Cambodia different now? Because, we are told, we are withdrawing men from South Vietnam and those left will be more vulnerable to the attacks of the enemy. But it was not much more than a week ago that the President told us that American casualties for the first quarter of this year were the lowest in five years; this when we had already withdrawn over 100,000 soldiers. Moreover, Vietnamization was so successful, we were informed, we could maintain our withdrawals up to 150,000 more in the coming year. And, in addition, the Southern part of South Vietnam, the delta that borders on Cambodia, was pacified and firmly in control of the South Vietnamese army. Then why are we invading Cambodia?

Because, we are told, we will not be humiliated, we will not be a "pitiful, helpless giant" to be pushed about by an intractable enemy that moves into other countries to jeopardize us. But Cambodia has nothing to do with any United States humiliation, and who, by the way, has ever made the serious case that we have been humiliated in Vietnam. Surely that's a personal judgment made by the President—but I and millions of others do not share it. And, is it not true that the North Vietnamese and the Viet Cong invaded and infiltrated into Cambodia years ago while Prince Sihanouk was in control? How can it be an invasion by them now, when it was not then?

But enough of this. The rhetoric used to make the case for or against the President's action can go on and on, and it is not my purpose to bore you, but to speak to you seriously in a very dark hour.

Last night, to fortify his address, the President put politics aside, and claimed to take this disastrous step in Southeast Asia regardless of the political price he must pay. Today, in response, I can do no less. For if this is a time for more Americans to die, it is a time for all who feel strongly to speak.

The President of the United States has fallen prey to the illusions that drove another from office—the illusion of an American military victory in Southeast Asia. In a political war, against an indigenous enemy, with small sympathy from the surrounding population, in alliance with unrepresentative governments, we cannot, short of nuclear weapons and total annihilation, conquer the millions of battlefields on which we are forced to fight. This is a war that only can end in a political settlement, in that compromise that returns the enemy soldiers to their farms and huts. Their leaders to the struggles of the political arena, and our men to their families and homes.

The President has been advised by the same voices that have held out the promise of victory to others—those who in good faith promise that the next attack will be the last, the next plan will break the enemy's back; those who claim that if their hands were untied, the deed would be done. I stress that these advisors speak in good faith—but they only have faith in force—in planes, in guns, in battalions and in rifles. He has fallen prey to all that—and said yes.

The President spoke to us of his alternatives.

First, he said, we could opt to do nothing in the face of the use of Cambodian sanctuaries, but that would mean some form of defeat. Is it nothing to continue expending over 100 lives a week, $20 billion dollars a year, training and equipping an entire nation's army, and supporting a government in its palace? That certainly is not nothing—that is our awful price of Vietnam, and surely the continuation of that price is thought by many, including myself, to be too much.

Second, he could supply Cambodia with the combat equipment requested. I must agree with his conclusion that this would do little good. Cambodia has an army of only 38,000 men, untrained in the use of the simplest weapons. Equipping them, training them, would take ages and ages—even if it were in our interest to do so.

Third, he could do what he is doing, namely, undertaking a surgical strike with American men to wipe out the bunkers of the North Vietnamese Headquarters. But we can do this for the rest of our generation, only to withdraw and see those bunkers fill with men again. What could we possibly have in mind relying on this alternative—to secure all of Indochina and preserve it in stone? How can we, the nation bent on withdrawal from Vietnam and the internal political and nationalistic morass of Southeast Asia justify losing lives to take command bunkers in the jungle of another country for a day, or a week, or a month?

This is madness, and that must be said. And it is also demeaning to a great nation to attempt to justify it in the name of patriotism and honor and glory. Continued reliance upon chauvinistic phrases to appeal to someone's idea of the average American can only make a mockery of our true values of loyalty, courage and patriotism. It is a dangerous game, and one that would not have to be relied upon if the cause was sufficient, the action defensible on its own merits.

The bold fact is, however, that the internal situation in Cambodia is not a matter involving the national security interests of the United States. We have no treaty obligations to her, we did not cause her current instability, and the presence of our enemies in her borders did not come about just yesterday.

The bold fact is, continuation of the war in Vietnam, if it ever was in our interest, is clearly not in our national interest today. We have done much there, we have lost too many men there, and we are long overdue in removing ourselves through the tough political negotiations that are necessary.

The ultimate fact is, all of the states of Indo-China will find their own destiny, regardless of our attempts, however bloody, to force them into one mold or another. Recognition of that is no defeat, no humiliation, no loss before the world—it is the mark of a strong, but sensible giant, of a land mature in its foreign relations with others, and secure in its path.

So, I would conclude that today we are in error, today we have taken a step that will not easily be reversed. Men will pay for this step with their lives. We at home will see the harvest in disruption, dissent and turmoil. Our economy, our people, our institutions will suffer as much or more than Cambodia's—and hope in the future of this good land will remain in the dim light cast by ill-advised foreign adventure.

But maybe tomorrow, if men of substance speak out, if those in private life who have not yet stood will take their stand, if community leaders and eminent citizens will raise their voices or their pens, maybe tomorrow this folly of war for its own sake will end. And maybe then our national life, our national spirit will be renewed.

LAW DAY

Mr. THURMOND. Mr. President, today, for the 13th year, we pause to commemorate Law Day U.S.A. Never before in the history of the Nation have the American people, stimulated by the mass media of communication, been so concerned about the law.

Law Day should be a day for individual appraisal and appreciation of law as administered in a Republic.

Mr. President, I ask unanimous consent to have printed in the RECORD an article that I wrote concerning the need to have respect for the law.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LAW DAY ADDRESS

(By Senator STROM THURMOND)

The need to have respect for the law is more important today than ever before. This country cannot and will not continue to be the world's leader for peace unless we maintain order and tranquility within our own borders. During the past decade our country has experienced vast social changes and it has become imperative that we pause and reflect upon the principles on which this country was founded. Among these principles are obedience to law and order. We have found that you cannot particularly compel obedience to law. It must come from within each individual.

Whenever an individual adopts anti-social attitudes, whether passive or active, he alone must bear the guilt. The end purpose of moral training should be to make the future citizen understand his responsibility, not only to himself but to his fellowman and country. However, this concept of responsibility has been frustrated by the trend of recent Supreme Court decisions which unequally divided justice between society and the criminal. In effect, these decisions have trampled and degraded the valid and just rights of society, while magnifying and exalting the fictitious and alleged rights of the criminal. Consequently, criminals are increasingly defying the law successfully, and pubic confidence in the ability of our courts to administer justice is being undermined.

This does not mean that we are questioning basic individual constitutional rights, but we must not and will not tolerate those who attempt to use these rights as an excuse to flout our laws. Restoration of respect for our judicial system requires a combination of action by both our leaders and citizens.

I am particularly pleased that President Nixon is making a diligent effort to effect a meaningful change in the Supreme Court. He should be supported in this timely and commendable effort.

It is only by a reaffirmance of the principles which lie at the very foundation of our great country that we can assure its continuance as a nation, dedicated to the preservation of law and order.

POPULATION DISPERSAL DESPERATELY NEEDED

Mr. CHURCH. Mr. President, in ancient mythology, Jason, in his quest for the Golden Fleece, was required to sow the teeth of a dragon which, when nurtured by the earth, brought forth an army which it was his duty to destroy. Jason was aided in his battle by a secret charm provided him by the sorceress Medea which, when thrown in the midst of the warriors, caused them to turn upon themselves and slay one another.

Today our society is busily sowing dragon's teeth in rural America and the armies that spring up from the planting march upon our crowded cities, creating problems which are becoming insurmountable. Unfortunately, we do not have the magic of a sorceress to eradicate these problems—we must do it on our own.

Mr. Anthony Healy, in an excellent article entitled "Man's Destructive Greed," published in the Boise, Idaho, Intermountain Observer of January 17, 1970, notes that although we only stand 5 or 6 feet above the earth, we have found it almost impossible to relate to our environment. As a people we have ravaged the soil, despoiled the rivers, and filled our atmosphere with swirling effluents.

At the same time, the problems of our cities have become staggering. San Francisco, for example, is considering hauling its garbage in a 70-car train 300 miles to dispose of it. The proposed garbage train, I understand, has already been given a name by some residents. They call it the Smells Fargo.

In the Washington Post of February 8, 1970, in an article entitled "It's High Time for Americans To Dispense," James L. Sundquist, of the Brookings Institution, examines in some depth the problem associated with the massive migration of our rural population to the cities.

Crowded into substandard housing, victimized by violent crime, lacking the skills for jobs in an urban environment, the migrant to the city has nearly everything against him. Nevertheless, he keeps coming, emptying the countryside of its young life. Urgently, we must now contrive to reverse this disastrous pattern of migration. Incentives are needed to effect a rational redistribution of our population. What is called for is a vigorous national program for the restoration of rural America, one that will salvage the sinking family farm, and revitalize our dwindling small towns. Tax incentives should be provided to encourage the dispersal of capital investment, so that new industries might be induced to locate in smaller communities. If good payrolls are made available, innumerable people would welcome the opportunity to exchange their unhealthy, often unhappy lives in our declining cities for a new start in more wholesome surroundings. It is the business of good government to help give them that chance.

As Mr. Healy states in his article:

> Man can adapt to but cannot repeal, the laws of gravity. They govern, so powerfully that man himself may be struck from the record. We can already begin to count those who will go hungry in the cities tomorrow because man went berserk in the hills yesterday.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MAN'S DESTRUCTIVE GREED

"There's too damned much wheat in the world." So says plain-spoken Harold West who has moved a lot of Idaho grain to far corners of the world.

Too much today and too little wheat or meat tomorrow is written all over today's farm policy. Five or six feet doesn't seem an unreasonable distance between the human mind and the soil, and yet we aren't reading what is going on right under our feet.

Black topsoil and loam are just a skin on millions of acres of this geologically new region. Yet over and over we break the skin and the land erodes and dies.

When spring comes, go almost anywhere along the benches above the Snake river plain. You will see the creeks running full of ruined life. It is mud, not water, that streams into the valleys.

What ASARCO proposes to do to the White Clouds is committed every year on the hills ranging south, east and northeast from Pocatello, a conservationist hotbed.

When beef is precious and grain is a glut, what is the economic sense of this rape even in terms of today without giving thought—as we are not giving thought—to tomorrow?

Why are mountain meadows put to the plow? Why are steep grasslands, five and six and seven thousand feet above sea level, bled for $1.25 wheat?

When do we learn to eat off the land instead of eating the land itself? There is no important distance between our aesthetic sensibilities and our economic wellbeing. The ugly sight of land-rape is ugly for its economic madness as well.

Something else is washing away with no mulch to hold it. A special kind of people. If the distance between the brain and the ground is too great, the gap between society and soil is perilous. It is efficient to plow thousands of acres with one owner. It is efficient to grow beef on feedlots. It is efficient to pull down fences and make the farms bigger and bigger. But it is destructive of people—another resource.

GERMANS KNOW EFFICIENCY

A few weeks ago a congressional committee asked the ambassador from West Germany to explain the republic's high tariff against American poultry. In the exchange, the ambassador heard how efficiently the U.S. poultryman now grows chickens, hundreds of thousands to a single chicken factory.

Efficiency is no stranger to Germany. The ambassador made that politely clear. But in the years immediately after World War II, West Germany discovered that agricultural efficiency for its own sake was driving farmers from the land and into the city. The social and economic consequences to the city and to the new republic weren't worth it. So the government chose to emphasize people over poultry, human stability over rural erosion.

They haven't been worth it here. The population shift from soil to city in the United States since World War II has been so massive as to dwarf the size of our great westward migration in the Nineteenth Century and the immigration during our industrial revolution. The cost in dollars is incalculable The cost in human dislocation, suffering and frustration is visible.

How sweet a planet, bathed in water lifted in an eternal cycle from the seas to the heights. Man is nourished by the process, having to do nothing more than drink from the pump and eat whatever grows along that ordered course, disturbing nature only to imitate and enlarge upon the action. But a destroying greed lurks in and strikes down from disordered abstractions perched five or six feet above the action. Are human eyes too myopic to span that short distance? Our 70 vertical inches have proved to be a sheer drop more erosive than the reaches of the highest Himalayas.

Man can adapt to, but cannot repeal, the laws of gravity. They govern, so powerfully that man himself may be struck from the record. We can already begin to count those who will go hungry in the cities tomorrow because man went berserk in the hills yesterday.

And here in between there is too damned much wheat. So look, this spring, at the land moving from beneath your feet. Save the White Clouds? Well and good, but make a beginning down here where you live. Your heads seem closer to the clouds above you than to the clods of earth beneath.

IT'S HIGH TIME FOR AMERICANS TO DISPERSE

(By James L. Sundquist)

Former Deputy Undersecretary of Agriculture, Sundquist is now a senior fellow at the Brookings Institution. His article is excerpted by permission from the winter issue of The Public Interest.

By the end of this century 100 million people will be added to the population of the United States. That is as many people as now live in Britain and France combined. Where shall they live?

If present trends continue—if they are allowed, that is, to continue—most of the 300 million Amercians of the year 2000 will be concentrated on a very small proportion of the nation's land area. Projections of the Urban Land Institute place 60 per cent of the country's population—or 187 million persons—in just four huge urban agglomerations.

One continuous strip of cities, containing 68 million people, will extend 500 miles down the Atlantic Seaboard from north of Boston to south of Washington. Another, with 61 million, will run from Utica, N.Y., along the base of the Great Lakes as far as Green Bay, Wis. Some 44 million persons will live on a Pacific strip between the San Francisco Bay area and the Mexican border. A fourth agglomeration, with 14 million, will extend along the Florida East Coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

Most of the remaining 40 per cent of Americans will live in urban concentrations, too—and big ones. In this decade, the larger concentrations have been growing fastest; metropolitan areas over 150,000 grew faster than the national average of 9.8 per cent between 1960 and 1965 while the smaller areas grew more slowly.

These trends, continued for the next three decades, would place 77 per cent of the coming 300 million Americans on 11 per cent of the land (excluding Alaska and Hawaii). Only 12 per cent of the population would be outside urban areas of 100,000 or more population. Is this the way we want to live?

Two questions are presented. The first pertains to regional balance. Is it desirable that population be massed in a few enormous "megalopolises" along the seacoasts and lakeshores? The second relates to rural-urban balance (or, more accurately, the balance between metropolitan and nonmetropolitan areas). Is it in the best interest of the country, and its people, to continue indefinitely the depopulation of rural and small-town America and the building of ever bigger metropolitan complexes, in whatever region?

FORCED MIGRATION

In short, the 300 million can be highly concentrated in a few "megalopolises," or they can be distributed more evenly as among regions and dispersed in a more nearly balanced way among large metropolitan areas, middle-sized cities and thriving small towns and villages. Which do we want?

How each family lives in profoundly influenced, even controlled, by the size of the population cluster in which it is embedded. The degree to which population is massed determines the amenity and congeniality of the whole environment in which adults and children live and grow and work. It affects their personal efficiency, their sense of community, their feelings about the relationship between man and nature, their individual and collective outlooks on the world.

The impact of size is most emphatic on the lives of the ghetto dwellers of the great cities, of course, but no one in a megalopolis is immune. The resident of Scarsdale or Winnetka is not wholly spared the stresses of big city life; the larger the metropolitan area, the greater the strains and irritations of commuting and the more inevitable that the environmental pollution that arises from population concentration will affect the most idyllic suburbs, too.

In any case, the desirability of population concentration must be measured by its consequences for the majority of families who live at near-average or below-average levels, not upon the few who can insulate themselves in political and social enclaves.

So the question is, what kind of environment do we want to build? The nation, through its government, has established policies on matters of far less crucial import, yet the extent to which the country's population will be concentrated remains essentially laissez-faire.

That would be all right, perhaps, if by laissez-faire one meant free choice by the individuals and the families that make up the population. But it is far from that. The movement of people from smaller to larger places is, to a large extent though no one knows the exact proportions, involuntary, forced migration.

Young people going freely to the cities in search of adventure and opportunity make up part of the migrant flow, but only part; among the rest are millions of uprooted, displaced families who have little desire, and less preparation, for life in large cities and whose destination is often inevitably the city slums. These displaced families are simply forced into the migration stream by economic forces they cannot control.

The spatial distribution of population is determined, of course, by the distribution of jobs. With the exception of the limited numbers of the self-employed and the retired, people are not in reality free to live just anywhere. The vast majority are employees who must live where there are jobs, and the location of jobs is not their choice. The concentration of the country's population is the result of employer-created job patterns that the people have had to follow.

For the most part, employers have not been free to create jobs just anywhere, either. They have been bound by considerations of economic efficiency—the location of raw materials and markets, the transportation cost differentials of alternative locations, etc. As a result, the basic pattern of population distribution has been designed by the play of economic forces, not by men acting rationally as environmental architects; events have been in the saddle once again.

Even in the absence of qualified evidence, it seems reasonably clear that our largest urban concentrations have grown well beyond the point at which diseconomies of scale begin to show. The costs of moving people and things within large metropolitan areas are demonstrably greater than the costs of moving them in smaller population centers. Commuting distances are obviously longer, the time loss greater, the costs higher. The flight of industry from central cities to the suburbs is a reflection, in part, of the cost of transportation to and within congested areas.

The cost of urban freeway construction varies directly with the population density of the areas affected, and subway systems are an enormous expense that only the larger metropolitan areas require. Such municipal functions as water supply and sewage and solid waste disposal are probably also subject to diseconomies of scale, for the simple reason that the water and the waste must be carried over longer distances. San Francisco, for example, had contemplated dispatching a 70-car train daily to carry its solid waste over 300 miles into the mountains on the Nevada-California border.

COSTLY CRUELTIES

The diseconomies are ultimately measurable, at least in theory, in dollars and cents. Other disadvantages of scale are less measurable but no less real. Air pollution, for example, is a function of the dense concentration of automobiles. Similarly, water pollution is more amenable to control in areas where population is dispersed; there, given the will, the way is at least available.

One other factor that must be considered in any calculation of costs and benefits of urbanization is the social and economic cost of migration itself. To decide which new plant location is really most efficient, it is not enough to measure only the building and operating costs of the plant, although that has been the sole criterion of our laissez-faire philosophy.

There are enormous costs, as well as appalling cruelties, in the forced displacement and migration of populations, whether it be Negroes from the South, mountaineers from Appalachia or small businessmen from the declining regions of the Great Plains and the Midwest. (In the 1950s, more than half of America's counties suffered a net loss of population.)

Families lose their homes and savings and equities and property values along with their most deeply cherished associations; communities lose their tax base for public services; community institutions wither. Some of the migrants are too ill-prepared, too sick or too poor to adjust to city life successfully; many of them wind up on welfare, and they burden every kind of institution.

Yet these costs and losses are not borne by the industry locating the plant, but by people and communities, thereby entering no one's cost-benefit equation, no one's computations of efficiency. If they did so enter, then calculations of simply efficiency would no doubt show that, as a general rule, it is far more economical from the standpoint of the whole society to create new economic opportunities where the people are rather than allow existing communities to die while building other whole communities from the ground up in the name of "economic efficiency."

Moving from the physical to the social environment, hard data on disadvantages of scale are even more difficult to come by. Yet we know that as population in general is concentrated, so is poverty (large ghettos exist only in large urban concentrations) and crime, drug addiction, family break-down and every other form of social pathology. It may be specious to argue that rural poverty is better than urban poverty when both are bad enough, yet the fact remains that the social evils associated with poverty tend to be mutually reinforcing when the poor are herded together in concentrated masses—as studies of public housing populations, for example, have clearly shown.

Racial tension and rioting are not limited to big cities, to be sure, but in their most terrifying aspects they seem to be. Perhaps most important of all, the problem of unemployment and underemployment of the urban poor appears all but insoluble in the largest urban complexes because transportation systems just cannot economically link the inner cities where the poor live with the scattered suburban sites where the new jobs are being created. In smaller places, by contrast, people can even walk to work.

For all these reasons, it is not hard to accept as a hypothesis, at least, that our largest metropolitan agglomerations are less governable, less livable and economically less sound than smaller urban centers. Moreover, what little evidence is available suggests that people do not like to live in unlivable places; they are there, in substantial proportion, against their will. A Gallup poll in 1968 showed that 56 per cent of Americans would choose a rural life, if they were free to choose, only 18 per cent a city and 25 per cent a suburb.

FRUSTRATED FREEMAN

Over the last decade, only one leading figure in public life has made it his mission to sound the alarm on the question of population distribution policy. That was the recent Secretary of Agriculture, Orville L. Freeman. For the whole of his eight years in office, he led a personal crusade for what he initially called "rural areas development" and later came to call "rural-urban balance."

Before a House subcommittee in 1967, he said, "I say it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handfull of our fellow citizens rattle tapped resources and empty dreams." And then he got carried away: "The whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Freeman's metaphors could be excused; no one listened to all his years of sober pleas and reasoned argument. True, President Johnson gave him moral support and himself made a speech or two on rural development and sent Congress some minor measures, but the subject remained low on the President's priority list.

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As for the congressional committees on agriculture, which might have been expected to take some leadership, Freeman could not even get them to set up active subcommittees to consider rural development.

The nation's intellectual community, insofar as it was aware of the Freeman thesis, treated it with a disdain that blended into outright hostility. A composite view of the urban intelligentsia toward rural America can be portrayed, with a touch of caricature, something like this:

Culturally, the cities have a monopoly, and have had since the Age of Pericles. Urban means urbane; rural means rustic. The theater, the concert hall, the museum are exclusively urban institutions; the countryside cannot produce the higher culture, and those who insist on living there are, by definition, both culturally unrefined and, what is worse, content to remain so.

Economically, rural America is destined for decay; the economic forces that built the cities are too powerful to be reversed, even if it were desirable to do so. Freeman's "back to the farm" movement (which, for the record, is not what it was) is romantic nonsense that flies in the face of every economic reality.

Sociologically, rural America is a backwater populated by misshapen characters out of Faulkner, given to choosing as their leaders men like George Wallace and Lester Maddox and to hunting down civil rights workers and interring them on the banks of the Tallahoga River. Politically, it is time that rural America got its come-uppance; the farmers have been exploiting the cities far too long through outrageous programs that pay them enormous subsidies to cut production while the urban poor—and the rural poor as well—go hungry.

Let the land-grant colleges—the "cow colleges," that is—worry about the Podunks and the hicks and hayseeds who live there; we are an urban nation now.

INTELLECTUALS RECONSIDERING

This picture of the rural areas is not, unfortunately, wholly unrelated to reality. The fact is that the rural areas of the country *are* disadvantaged in many ways: they *are* culturally isolated (although their isolation has been drastically reduced by television and good roads); they *have* declined economically; their governmental and social institutions *are* often primitive and backward; racial exploitation *is* rife.

But the cities are not all that superior. There is truth, too, in Freeman's counterportrait of big cities as places of "congestion and confusion, crime and chaos, polluted air and dirty water, overcrowded schools and jobless ghettos, racial unrest . . . and riots in the streets."

But there are signs now that the intellectual world may at last be rediscovering rural and small town America and looking with fresh eyes upon the problem of rural-urban balance. Like so many other trends of current history, this one was set in motion in August, 1965—in Watts.

The analysts of that explosion, and those which followed, suddenly discovered that the problems they called urban had rural roots. "We're being overwhelmed!" cried the urbanists. "Stop the migration. Get these people off our backs!"

So the rural and the urban interest may have converged, finally, and it is out of such convergence that effective political coalitions are born and problems attain their place on the national agenda. The prospects for such a coalition are expressed most sharply in, of all places, the 1968 Republican platform.

"Success with urban problems requires acceleration of rural development in order to stem the flow of people from the countryside to the city," reads the GOP's plank. The language is not without irony for the party of small town America and the party that enacted the Homestead Act. The subject is treated under the heading "Crisis in the Cities"; rural development should be accelerated because the problems of the big cities, where the Democrats live, must be solved.

The leadership for a rural development coalition, also ironically, will have to come from those very cities. Groups with names like the Urban Coalition, the Urban Institute and the Urban League will have to assume the burden of worrying about rural America because there is no rural coalition, no rural institute, no rural league.

Nobody has ever organized to speak for rural and small town people in the nation's councils as the United States Conference of Mayors, say, and the Urban Coalition speak for city people. Farm groups exist, to be sure, but their interest is the economic interest of farmers as producers, and most rural Americans—whatever the definition of the word "rural"—are not farmers but small town and small city dwellers. And they are not organized at all.

When rural America is saved, it is clear, it will be for the wrong reasons and under the wrong leadership. But that is better than not being saved at all.

We can begin by defining one objective—to bring to a halt, as nearly as possible, all involuntary migration. The purpose of governmental policy, then, would be to permit people to live and work where they want to live and work; if they prefer to move to the big city, well and good, but if they want to remain where they are, the objective should be to bring the jobs to them.

This proposal will be confronted at once by the objection that some rural areas are too remote, too backward to be salvageable in any circumstances—that no matter how much they are subsidized, they are beyond the reach of economic opportunity. I hide behind the qualifying phrase; forced migration should be brought "as nearly as possible" to a halt, and where a rural community lies beyond the possibility of redevelopment (the Appalachian "head of the hollow" communities come to mind) then it is by definition impossible to help.

However, the number of people living in such communities is far smaller than is usually believed, if one understands that the jobs to be provided need only be *near*, not *at*, the community concerned. Commutation is a fact of life in this automobile age in rural areas as well as on Long Island, and within a radius of 25 to 50 miles. Circles with rural people commonly travel daily to jobs within a radius of 25 to 50 miles. Circles with a 25-mile radii drawn around small cities that have a proven economic potential—proven by the fact that they are growing now—cover the vast majority of the country's rural population east of the high plains, and if the circles are extended to 50-mile radii, they blanket almost the whole country but for a few sparsely settled sections of the western mountains and the plains.

A population distribution policy, then, would seek to encourage an accelerated rate of growth in the smaller natural economic centers of the country's less densely populated regions. To effectuate such a policy, the present approaches would have to be extended in both breadth and depth.

First, they would need to be expanded beyond Appalachia and the other presently recognized redevelopment areas to cover all areas that are sources of out-migration. Second, they would need to be greatly improved in potency so that they have a decisive impact upon the migration stream.

Present federal programs are limited to public investment—roads, hospitals, vocational training schools and so on—to strengthen the "infrastructure" of the nonmetropolitan areas, and loans and loan guarantees to encourage private investment. To these would have to be added the policy instrument of tax incentives that has proved so effective in stimulating and channeling investment both for war production and for peacetime economic growth. If an extra investment tax credit were available for defined types of new industry located in the places where the national population distribution policy called for it to be located, then jobs would be created where the people are rather than in places to which they have to migrate.

WRITING THE LANGUAGE

The rub will come, of course, when Congress begins to write the language defining exactly the places eligible for benefits. Growth centers that serve areas of out-migration would have to be included among the beneficiaries even though the centers themselves were areas of in-migration. But only up to a certain point. A cutoff population figure would have to be established at the point where a growth center is considered to have grown large enough, or at least to be able to attain its further growth under its own power.

But given the old-fashioned booster psychology that still conditions the thinking of the leadership of even the largest cities, Congress will find it difficult to designate any area, even the New York City area, as one that is destined—if national policy can bring it about—to stop growing. To most community influentials, bigger and bigger still mean greater and greater and richer and richer. A population distribution policy may therefore ultimately have to await a major shift in the national psychology.

PROFESSIONAL RESPONSIBILITY

Mr. HANSEN. Mr. President, at the annual spring recognition banquet of the Iowa Society of Certified Public Accountants in Des Moines on March 7, the senior Senator from Iowa (Mr. Miller) delivered the main address.

Senator Miller spoke on the timely subject of "Professional Responsibility" and covered not only the accounting profession, but other professions, as well. To the average person, I believe his discussion of the ethics of the profession of journalism will be most revealing.

I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Professional Responsibility

(By Jack Miller, U.S. Senator)

George Bernard Shaw once remarked that every profession is a conspiracy against the public.

I take it that he meant that the members of every profession are so deeply involved in the institutional rigidities of their particular field that they overlook their responsibilities to society.

Although the great playwright overstated his case, as he quite frequently did, he did have a point.

I believe it is necessary for all professions—and this includes those who are in politics—to take the time and make the effort to periodically reexamine their contribution to society and their own professional standards of conduct by which the public will measure its trust and confidence in them—and to make this reexamination with unsparing frankness.

They should ask themselves whether they are living up to the code of ethics which governs their profession; and whether, in fact, that code is all it should be.

They should ask whether they are, per-

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haps, spending a little too much time in self-commendation.

They should ask what difference to society it would make if their profession went out of existence or were taken over by another profession.

They should ask whether they are temporizing with a problem that really calls for quick, decisive action.

And, every once in a while, I think the professions should invite outside critics to work with them in a no-holds-barred appraisal of how well they are doing.

I can assure you that those of us in the political profession do not have to invite criticism. That is a built-in feature of our profession, and, when it is knowledgeable and constructive, it helps to keep us on our toes—to do a better job.

But no profession should be exempt from constructive criticism—nor think that it should be exempt. And I emphasize this, because a common characteristic among all the professions is their responsibility to be helpful to the society which both needs and supports them.

The Code of Professional Ethics which governs your profession is not greatly different from that which an elected public official must live up to—or, for that matter, that of any federal government employee.

Yours is a splendid code. As amended last December 30, the preamble reads:

"The reliance of the public and the business community on sound financial reporting and advice on business affairs imposes on the accounting profession an obligation to maintain high standards of technical competence, morality and integrity. To this end, a member or associate of the American Institute of Certified Public Accountants shall at all times maintain independence of thought and action, hold the affairs of his clients in strict confidence, strive continuously to improve his professional skills, observe generally accepted auditing standards, promote sound and informative financial reporting, uphold the dignity and honor of the accounting profession and maintain high standards of personal conduct."

Now compare this with the resolution adopted by the Senate on March 22, 1968:

"Resolved, it is declared to be the policy of the Senate that—

"(a) The ideal concept of public office, expressed by the words, 'A public office is a public trust', signifies that the officer has been entrusted with public power by the people; that the officer holds this power in trust to be used only for their benefit and never for the benefit of himself or a few; and that the officer must never conduct his own affairs so as to infringe on the public interest. All official conduct of Members of the Senate shall be guided by this paramount concept of public office.

"(b) These rules, as the written expression of certain standards of conduct, complement the body of unwritten but generally accepted standards that continue to apply to the Senate."

One of the unwritten standards has always been that no member of the Senate shall engage in activities which impair the dignity and the good reputation of the Senate. Resolutions of Censure contain language referring to this standard as having been violated.

Both codes of conduct—yours and mine—clearly place the public interest and the obligation to the profession above the personal interest of an individual member.

Both exist for the purpose of insuring the highest standards of conduct and, at the same time, to reassure the public—occasionally a cynical public—of our good intentions.

The most influential judges of a Member of Congress are his constituents, who have an opportunity to render their judgment when election time comes around. But there are occasions when a Member is called to judgment by his peers—the McCarthy and Dodd cases being the most recent examples.

Similarly, a CPA is judged by his constituents—his clients, and, on occasion, by members of his own profession.

Few may be aware of it, but there is also a Code of Ethics for those in federal government service. It is a part of the federal statutes, with the force of law as of July 11, 1958. It provides:

"Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration, or not; and never accept, for himself, or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

5. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

6. Never use any information coming to him confidentially in the performance of governmental duties as a means of making private profit.

7. Expose corruption wherever discovered.

8. Uphold these principles, ever conscious that a public office is a public trust."

Are those much different from some of those set out in your Code of Professional Ethics? Let's see.

"Neither a member or associate, nor a firm of which he is a partner, shall express an opinion on financial statements of any enterprise unless he and his firm are in fact independent with respect to such enterprise.

"A member or associate shall not commit an act discreditable to the profession.

"In expressing an opinion on representations in financial statements which he has examined, a member or associate may be held guilty of an act discreditable to the profession if:

(a) he fails to disclose a material fact known to him which is not disclosed in the financial statement but disclosure of which is necessary to make the financial statements not misleading; or

(b) he fails to report any material misstatement known to him to appear in the financial statement; or

(c) he is materially negligent in the conduct of his examination or in making his report; or

(d) he fails to acquire sufficient information to warrant expression of an opinion, or his exceptions are sufficiently material to negative the expression of an opinion; or

(e) he fails to direct attention to any material departure from generally accepted accounting principles or to disclose any material omission of generally accepted auditing procedure applicable in the circumstances."

The words may not be the same, but the meaning and spirit certainly are.

What the late President Kennedy said in 1961 to federal employees is worth recalling.

"No responsibility of Government," he said, "is more fundamental than that the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business. There can be no dissent from the principal that all officials must act with unwavering integrity, absolute impartiality, and complete devotion to the public interest. This principal must be followed not only in reality but in appearance. For the basis of effective Government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter.

"Ultimately, high ethical standards can be maintained only if the leaders of Government provide a personal example of dedication to the public service—and exercise their leadership to develop in all Government employees an increasing sensitivity to the ethical and moral conditions imposed by public service. Their own conduct must be above reproach. And they must go beyond the imposition of general regulations to deal with individual problems as they arise—offering informal advice and personal consideration. It will often be difficult to assess the propriety of particular actions. In such subtle cases honest disclosure will often be the surest solution, for the public will understand good faith efforts to avoid improper use of public office when they are kept informed."

Note his emphasis on the need to avoid the "appearance" of impropriety—this as a means of assuring public trust and confidence. The canons of judicial ethics and, indeed, the U.S. Supreme Court itself place great emphasis on "appearances" for the same reason. Of course, the President was not talking about public trust and confidence which has been shaken by untruths and innuendoes; he was referring to activities of a public official himself which have the appearance of impropriety before the general public.

The late President also emphasized the importance of "disclosure" as a matter of keeping the public informed. It is, of course, a most difficult problem to draw a line between the public's right to know and the right of privacy of an individual public official. We spent a great amount of time in the Senate in trying to work out a solution during consideration of the 1968 Resolution. The inevitable compromise requires an annual filing with the Secretary of the Senate of a report setting forth all contributions received by a Member of $50 or more and the amount and source of any honorarium of $300 or more. Other annual financial disclosures are not made public, but are filed with the Comptroller General, and they include: a copy of the income tax return, the amount and source of any fee or compensation of $1,000 or more, the name and address of each business or professional corporation, firm, or enterprise in which the Member was an officer, director, partner, proprietor, or employee who received compensation and the amount of the compensation, a list of his interests in real or personal property having a value of $10,000 or more, the identity of each liability of $5,000 or more owed by him or him and his spouse, the identity of each trust or other fiduciary relation in which he held a beneficial interest having a value of $10,000 or more, and the source and value of all gifts of $50 or more.

Although I, personally, favored more public disclosure, there is a point beyond which one should not have to go in this respect. Public disclosure of financial interests could be used by kidnappers and extortionists as a basis for selecting their victims. As it is now, these disclosures filed with the Comptroller General are available to the Senate Ethics Committee in the event it decides to investigate a Member. Most of us are satisfied that the deterrent effect of these required annual filings will prevent any repetition of the Dodd case.

Although the Profession of Journalism has been much in the news of late, concern over ethical standards for publishers, writers, reporters, columnists, and commentators has long existed. The American Society of Newspaper Editors at its annual convention in 1925 adopted several canons of ethics; and Sigma Delta Chi, the professional journalistic society which includes members of all the press media, adopted these the following year. Some of these are worth noting.

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"I. The right of a newspaper to attract and hold readers is restricted by nothing but consideration of public welfare. . . . A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

III. Freedom from all obligations except that of fidelity to the public interest is vital.

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism.

2. Partisanship, in editorial comment, which knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns, it is subversive of a fundamental principle of the profession.

IV. Good faith with the reader is the foundation of all journalism worthy of the name. . . . It is not to be excused for lack of thoroughness or accuracy within its control. . . . Headlines should be fully warranted by the contents of the articles which they surmount.

V. News reports should be free from opinion or bias of any kind."

I doubt that any of us could find fault with these canons of ethics. The trouble seems to be with the failure of some members of some of the press media to live up to them. A recent Gallup Poll discloses that over half the people feel that presentation of the news by TV networks and newspapers favors one side.

In the face of this lack of trust and confidence on the part of the public, it does little good for the offending journalists to say that the danger from press abuse of freedom of the press is nothing compared to the danger of government censorship and control.

The people want and expect neither. All they wish is that those journalists live up to their canons of ethics. In short, they don't want unethical journalists any more than they want unethical politicians, unethical lawyers, unethical accountants, unethical doctors, unethical ministers, or unethical members of any other profession which proclaims its responsibilities to the public.

One apologist recently wrote that Jefferson's diary gleefully exults at the choleric reaction of President Washington to personal attacks made by a newspaper over which Jefferson, then Secretary of State, exercised editorial control. He would have done well to also call attention to Jefferson's concern that the success of the great American experiment in self-government depends on the will of the enlightened majority.

How, one may ask, is the public to be enlightened if the news policy of a newspaper or TV station gives coverage to one side and little or no coverage to the other side? And it isn't a satisfactory answer that time and space do not permit all sides to be covered. If there are differing views, it won't take much effort to find views that are sufficiently opposite to those covered to let the readers and viewers know there is at least one other side.

It is not often that one hears about downright falsehoods being printed or telecast. Those who would violate their canons of ethics find subtler ways: the half-truth, printing only the favorable news and not the unfavorable news, or vice versa; or printing more of the favorable news than the unfavorable news, or vice versa; and the so-called "silent treatment"—just not printing any news at all.

As long as these practices continue—contrary to the canons of ethics of journalism, lack of public trust and confidence will remain.

Clark Mollenhoff, in his 1965 book "Despoilers of Democracy", raised the question of "Who are the Washington despoilers?" He concluded there are many, including, to quote him: "the partisan journalists whose judgment wobbles with the wind. They are caustic in their criticism of political influences on the Federal Communications Commission when the Eisenhower Administration is in power. But they can find little even to question when a Democratic President's wife holds a multi-million dollar interest in a government-regulated radio and television business."

English editor C. P. Scott said several years ago, in discussing the role of a newspaper in gathering the news, "At the peril of its soul it must see that the supply is not tainted. Neither in what it gives, nor in what it does not give, nor in the mode of presentation, must the unclouded face of truth suffer wrong. Comment is free but facts are sacred."

I haven't seen any recent Gallup polls covering the percentage of public trust and confidence in your profession, but I am sure that it is extremely high. Those of you who received the good news about your November examinations have a proud tradition to uphold. You must not only uphold it, you should enhance it—not only by your own technical proficiency, hard work, and inventiveness, but through your individual efforts to improve our society. Never let your understandable devotion to your personal clients isolate you from your other clients—the people of your community and your state who can benefit greatly from your unselfishly giving of yourself.

And so, as I salute you at this recognition dinner being given for you, I add my best wishes for well-kept books to audit, friendly and sympathetic internal revenue agents with which to confer, understanding wives to welcome you home from late hours at the office, clients who never question your statement of charges, and easily understood tax laws from the Halls of Congress.

LETTER OPENING AND THE BILL OF RIGHTS: PETTY MONARCHISTS IN EXECUTIVE BRANCH

Mr. ERVIN. Mr. President, those who adopted the words of the fourth and fifth amendments to our Constitution held in their memories a long history of royal tyranny by means of illegal searches and seizures of the persons, homes, and effects of citizens.

The political use of such methods became a byword throughout the world wherever oppressive monarchy took its toll of men's freedom. Thanks to these lessons of history, wherever democratic constitutional government has been sought men have also sought to secure those keystones of human liberty, the guarantee against unreasonable invasion of personal privacy and the prohibition against self-incrimination.

In the United States, we have cherished these principles through many critical years. Indeed, the right to transmit his written thoughts and to receive those of others, free of unwarranted governmental intrusion, has been a crucial element of every law-abiding citizen's privacy and of his political freedom.

Mindful of these truths, many citizens were shocked and bewildered recently to learn of a proposed regulation by the Post Office Department which, in the interest of controlling obscenity, lottery tickets, and drugs, would allow the opening of sealed-letter class mail from abroad without notice to the writer or the addressee.

Mr. President, I urged the Postmaster General to revoke this regulation, which was adopted at the insistence of the Bureau of Customs. There is, in my opinion, no justification in a free society for a regulation of this nature. It smacks too much of a police state.

I also asked the Postmaster General to assist me in answering the many letters I have received by describing the purpose of the program and the precise statutory authority on which it is based. In addition, I asked him to explain the conditions which he believed prompted such a regulation at this time and the details of the program as it would affect the citizen who receives mail from abroad.

In reply, General Counsel of the Post Office Department David Nelson has informed me:

> No final decision has been made within the Post Office Department as to whether the proposed change should be implemented.

And he does not "anticipate that any action will be taken by the Department on this matter until they have had an opportunity to evaluate the recommendations of the interested congressional committees."

Parenthetically, Mr. President, this is not the first time that Congress, has, before it was too late, fortunately discovered a program which raised serious constitutional rights threats while doing nothing practical for the solution of the problem. Nor is it the first time that, being discovered, executive officials have claimed their directives were only "drafts" or were "proposed" changes. In these days when drastic proposals for substantive administrative and legislative changes are being hurled in rapid-fire succession from the executive branch, interested citizens would be well advised to read the small print of the routine notices of proposed changes which are filed by the agencies in the Federal Register. In this instance, Mr. Nelson states, notices of proposed rule-making to effect this change were published simultaneously by the Post Office and Treasury Departments in the Federal Register on February 3. These notices invited all interested persons to submit written data, views, and arguments concerning the proposed amendments within 15 days. Despite the serious policy issues involved, Mr. Nelson reports that no such comments were received by the Department within the designated period. Yet when the public finally became aware of the proposed change, the outcry was immediate and vocal, as the letters received by Congress demonstrate.

This incident, involving two of the oldest Departments of the Federal Government, demonstrates once again that the protection of individual rights cannot depend upon the motives and instincts of the political managers of our federal system. Their rules and directives must be monitored especially well not only by Congress but by the press and the public.

Some people think we are moving rapidly toward "1984" and the era of "Big Brother." It is my belief that more and more frequently, the executive branch surveillance techniques reflect attitudes more appropriate to a petty monarchy of the 18th century than to a free constitutional government of the 20th century. For example, the General Coun-

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sel of the Post Office Department states that less than 1 percent of all incoming mail is regarded as "suspect." The very idea of monitoring the overseas mail of over 200 million citizens in order to catch less than 1 percent of the letters which might possibly contain a pornographic picture or a lottery ticket or a narcotic is patently self-defeating, but to monitor such letters for the purpose of opening them without notice to the addressee raises serious constitutional questions.

Beyond the sheer bad policy this represents constitutionally, such a program only serves to tie up manpower better used to improve both the mail and customs service.

Postal officials attempt to pass the buck and to invoke the "clean hands" doctrine by claiming that they will neither open the mail nor read it, but will merely pass it along to customs officials and stand by while those officials open it. They will no longer take the time or bother to notify the addressee that his mail is suspect. By looking to the already established power of the Customs Bureau to stop illegal foreign goods, the administration thus seeks to extend this power to include the opening of mail without notice. They would attempt to avoid the limits which the Constitution, Congress, the courts and usage impose in the interest of due process of law.

The Post Office Department admits that there are no statutory provisions dealing specifically with the customs treatment of any type of incoming foreign mail. In fact, it is admitted that the two Departments rely on no authority for this program beyond the broad grant of power to prescribe regulations for the management and handling of the mails, and the inherent power of one Government agency to cooperate with another.

The time is long past when such substantive changes may be effected without specific congressional authority based on demonstrated need.

Mr. President, we live in a computer era with an ever-growing population and an increasingly more complex society. The value of individual privacy, therefore, and the rights which we possess under the first, fourth, and fifth amendments, are even more vital to our spiritual and our political well-being than when our Constitution was drafted. With the vast apparatus of government at all levels encompassing practically every aspect of his life, I believe the law-abiding citizen values ever more highly the peace of mind and the security which comes from the knowledge that his Government respects his personal privacy.

This reply from the Post Office Department does not answer the basic question, Why such a change is necessary at this time. I, for one, will be interested in the statistics which demonstrate the need for this program. Just how many pornographic pictures and just how many lottery tickets are being sent by sealed letter mail?

Certainly the analysis of the case law cited alone is not sufficient to justify these regulations. In the Kalker decision, for instance, the district court judge merely found that, subject to certain provisions for prohibited matter found in the mail—

> The addressee is otherwise entitled under the First Amendment to receive, as provided in 262.2(a), all of the contents found to be mailable matter—notwithstanding his failure or refusal to authorize the opening of such mail.

The judge went on to say:

> It will be noted that even under Section 1305, the basic statute dealing with prohibition against importing certain matter, it is provided that upon adjudication that any seized matter is *not* prohibited, it shall *not* be excluded from entry.
>
> We hold therefore, that the portion of the regulation i.e., 262.2(c), providing that "if the addressee fails to authorize the opening of the letter" the postal authorities shall "endorse the cover 'unclaimed' and return, unopened, to its origin" is an unreasonable and oppressive limitation on plaintiff's right to receive such, if any, mailable, i.e., nonprohibited matter as may be contained in the letter.

The chairman of the Committee on Post Office and Civil Service has indicated that his committee will be investigating this matter, and I look forward to their findings. I do not mean to imply that this is a simple problem, but rather that a simplistic solution may have been invoked for an extremely complex problem.

I ask unanimons consent that my letter to the Postmaster General, the reply by the General Counsel of the Post Office Department, and the pertinent decision, statutes, and regulations be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON
CONSTITUTIONAL RIGHTS,
March 26, 1970.

HON. WINTON MALCOLM BLOUNT,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: In connection with its study of the right to privacy, the Subcommittee has received numerous complaints from citizens concerning a new regulation issued by the Post Office Department which allows opening of mail from overseas.

From the information I have received about this new program, its constitutionality is so doubtful that, in my view, there should be no question about its destiny.

To assist the Subcommittee in responding to the complaints received, would you please describe the purpose of this program, and the precise statutory authority on which it is based. It would be helpful to have copies of any authority cited in your response together with the new regulations, and any implementing memoranda.

I hope your report will also contain a description of: (1) the conditions which you believe prompt such a regulation at this time; and (2) the specific way the program will operate for the citizen who receives mail from abroad.

With appreciation for your assistance in our study, and with all kind wishes, I am

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

APRIL 3, 1970.

HON. WINTON M. BLOUNT,
The Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: In continuance of my letter of March 26, 1970, I wish to urge with all the emphasis at my command that the Post Office Department revoke its recent regulation authorizing the opening of private mail without the consent of the writer or the addressee.

I am aware of the fact that this regulation was adopted at the insistence of the Bureau of Customs. In my opinion, there is no justification in a free society for a regulation of this nature. It smacks too much of a police state.

With best wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.

THE GENERAL COUNSEL,
POST OFFICE DEPARTMENT,
Washington, D.C., April 9, 1970.

HON. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, Washington, D.C.

DEAR MR. CHAIRMAN: I am happy to reply to your letters of March 26, 1970 and April 3, 1970, to the Postmaster General concerning the proposed change in postal regulations relating to the customs treatment of foreign mail.

Let me assure you at the outset that the proposed change is not intended as a dramatic break with prior practice. It is, instead, a modification of existing procedures to provide the same type of customs inspection for sealed letter mail as is now provided for other sealed mail of foreign origin, for the purpose of preventing the easy evasion of the customs laws for articles, such as narcotics, pornography, and lottery tickets, whose size and value would permit their convenient transmission by letter mail.

While the Treasury Department has the primary responsibility for enforcing the customs laws of the United States, the Post Office Department has always sought to cooperate with and assist Customs officials. For some years, postal regulations contained in 39 C.F.R., Part 362, have provided that, if a sealed foreign letter is believed to contain prohibited matter, it is endorsed to this effect at the postal exchange office first receiving it in the United States. It is then forwarded to the post office in the locality to which it is addressed. When the letter arrives at the latter post office, the addressee is sent a printed form which tells him that the letter has arrived and requests him to authorize its opening. If the addressee authorizes opening and the contents are found to be prohibited, that material is treated as undeliverable. If the contents are not prohibited, they are immediately delivered to the addressee. If the addressee fails to authorize opening, under present procedures, the mail piece is returned to its foreign mailers. This procedure has been less than entirely satisfactory. It permits, for example, a prospective recipient of narcotics to have a suspected envelope returned unopened to the sender who is then able to place it once again in the mails in the hope that on the second, or tenth, attempt it will be delivered without detection. There is, moreover, no provision for any judicial review whatever or for any formal administrative procedures designed to secure an impartial determination that specific material is prohibited.

In 1968, the Bureau of Customs asked the Post Office Department to consider amending its regulations to permit incoming foreign mail to be handled by the Bureau of Customs in accordance with the same procedures that govern customs inspection generally. No action was taken on the Bureau of Customs' proposal at that time, but discussions on such a change were resumed in the summer of 1969.

In September 1969, in the case of *Kalker v. Lee*, the United States District Court for the Northern District of California held that the application of a portion of the present procedure, that requiring affirmative consent for the opening of suspected mail and providing for return to the sender if consent should not be given interfered unconstitutionally with an addressee's right to receive any matter which is not prohibited. The District Court took care to point out that "the

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right of customs border search is absolute and does not depend on probable cause" and that there is no reason why this principle should not apply to incoming mail.

The Government decided not to appeal this decision. Instead, after consultation with the Treasury Department, it was proposed that the Post Office Department would no longer follow the existing procedures with respect to foreign letter mail suspected of containing prohibited or dutiable matter, but would turn such suspected mail (which amounts to less than 1% of all incoming mail) directly over to the Bureau of Customs, as foreign non-letter mail is now handled under similar circumstances. That Bureau would, in turn, inspect the envelopes for contraband. If the customs inspection should reveal dutiable or prohibited matter, the Bureau would take steps to collect the required duties or, in the case of prohibited matter, ask the Department of Justice to initiate judicial forfeiture proceedings in Federal court or, for certain classes of merchandise, itself initiate administrative forfeiture proceedings. It was not proposed that any postal official be authorized to open sealed letter mail. Correspondence contained in opened letters would not in any event be read.

Notices of proposed rulemaking to effect this change were published simultaneously by the Post Office and Treasury Departments in the Federal Register on February 3, 1970. The Departments' notices invited all interested persons to submit written data, views, and arguments concerning the proposed amendments within fifteen days.

While no such comments were received by this Department within this period, the regulations have not yet been amended. No final decision has been made within the Post Office Department as to whether the proposed change should be implemented, and I do not anticipate that any action will be taken by the Department on this matter until we have had an opportunity to evaluate the recommendations of the interested Congressional committees. In the meantime, of course, existing regulations remain in full force and effect. Copies of the two Departments' notices of proposed rulemaking as they appeared in the Federal Register and the relevant sections of existing regulations are enclosed.

There are not statutory provisions dealing specifically with the customs treatment of any type of incoming foreign mail. The proposed change, like the existing postal regulation, is based on section 301 of Title 5 and section 501 of Title 39, which give the Postmaster General broad authority to prescribe regulations for the management and handling of the mails, and on the inherent power of one Government agency to cooperate with another in the enforcement of Federal law.

Against this background I would like to emphasize several points. First, there seems to be little doubt that the Government may, without violating the Constitution, open sealed mail of foreign origin to search for contraband. Although the Supreme Court has not ruled on the issue, the lower Federal Courts have held that sealed foreign mail may be subjected to the same border searches as individual travelers entering the country. See, *e.g., United States* v. *Beckley,* 335 F. 2d 86 (6 Cir. 1964), *cert denied sub nom. Stone* v. *United States,* 380 U.S. 922 (1965). As recently as 1965, in the case of *Lamont* v. *The Postmaster General,* 381 U.S. 301, 307, the Supreme Court, although striking down a statute which the Justices regarded as imposing improper restrictions on the right to receive foreign Communist propaganda mail, was careful to state that its decision had no bearing on "the right of Customs to inspect material from abroad for contraband."

The second point is that the proposed change would not under any circumstances authorize the reading of any correspondence contained in mail which might be opened. This, of course, would be a matter within the responsibility of the Bureau of Customs, since no postal officer or employee would be empowered to open any sealed letter mail. I am advised by officials of the Bureau of Customs that any instructions implementing the proposed changes would specifically prohibit the reading of correspondence. No one seeks through this proposed change the authority to pry into private correspondence. Our purpose is solely to ensure that sealed envelopes contain correspondence or other legitimate matter and are not being used to smuggle into the United States matter which Congress has determined should be excluded.

The third point is that only a small fraction of the millions of letters entering the United States annually would be affected by the change. It is not proposed as a device for conducting a general or even a random examination of incoming mail. Only those sealed items of letter class mail which because of their weight, shape, appearance, origin or some other feature were suspected of containing tangible matter not freely admitted to the United States would be referred to Customs. Under the provisions of 39 C.F.R., Part 262, less than one percent of all incoming mail is regarded as suspect. There is no reason to think that experience under the proposed procedures would be significantly different. And, of course, envelopes containing nothing but correspondence would be most unlikely to arouse suspicion.

The final point that I would like to suggest is that to allow sealed mail of foreign origin to enter the country without the possibility of effective customs inspection could seriously weaken the enforcement of the customs laws. No one regrets more than the Post Office Department the necessity for opening mail matter under any circumstances. It has seemed essential to propose this change, however, to prevent the mails from becoming a safe and convenient means for smuggling contraband into this country.

Sincerely yours,

DAVID A. NELSON,
General Counsel.

[From the Federal Register, Feb. 3, 1970]

PROPOSED RULEMAKING

POST OFFICE DEPARTMENT—39 CFR PARTS 261, 262—IMPORTATIONS

Letters and letter packages believed to contain dutiable or prohibited matter

Notice is hereby given that the Department proposes to amend its regulations relating to the handling of letters and letter packages originating outside the Customs territory of the United States which are believed to contain dutiable or prohibited matter. These regulations are codified in title 39, Code of Federal Regulations. The proposed regulations provide that, in lieu of the existing procedure, the Department will submit to the Bureau of Customs for customs examination all incoming mail believed to contain prohibited or dutiable matter.

The proposed changes in title 39 CFR are as follows: Sections 261.1–261.3(b) and 261.4 would be amended to read as follows and part 262 would be revoked.

§ 261.1 What is subject to examination.

All mail originating outside the customs territory of the United States is subject to customs examination, except mail addressed to Ambassadors and Ministers of foreign countries and articles known or believed to contain only official documents addressed to officials of the United States Government.

§ 261.2 Separation points.

(a) *Exchange offices.* Mail believed to contain matter liable to customs duty or believed to contain prohibited matter is submitted immediately to local customs officers, except when exchange offices are authorized to redispatch such mail to designated distribution offices for customs treatment thereat. Exchange offices which redispatch matter to be submitted to customs officers will attach Label 81, a reusable pink slotted tag, bearing the words *This sack contains mail "Supposed Liable to Customs Duty"*, to the label holders or hasps of sacks or pouches.

(b) *Distribution offices.* Distribution offices will submit such mail to customs officers as soon as possible after receipt. The reusable tags, Label 81, removed from sacks containing this mail will be returned periodically to the postmasters at New York, New Orleans, San Francisco, Seattle, or Miami, as may be appropriate from a geographical standpoint.

(c) *Priority treatment of airmail.* Airmail articles receive preferential customs treatment and are submitted to customs separately from surface mail. Upon return from customs, dispatch will be by air if it will expedite delivery.

§ 261.3 Examination.

(a) *Registered mail.* The postmaster or other designated postal employee must be present when registered articles and registered parcels are opened by customs officers for examination. After customs treatment, the customs officers will repack and reseal the articles and parcels.

(b) *Extraction of samples for advisory information.* Should a customs officer wish to obtain advisory information from a local trade expert or the Customs Information Exchange, 201 Varick Street, New York, N.Y. 10014, permit him to extract a sample of the contents. The customs officer will furnish the postal official with two copies of Customs Form 6423, one for enclosure in the importation and the other for the post office files. If the sample is to be forwarded to New York, dispatch it under official registration to the New York Postmaster for delivery to the Customs Information Exchange.

* * * * *

§ 261.4 Repacking.

(a) *Responsibility of customs and postal employees.* Customs employees have responsibility for resealing or repacking mail of foreign origin following customs examinations. Postal employees accepting mail which has been in customs custody for examination, must determine from external inspection whether it can safely bear further handling and transportation. Customs employees are responsible for restoring mail that is not in satisfactory condition. Employees may be held responsible when damage occurs as a result of negligence or improper handling.

(b) *Customs shipments in bad order.* Shipments found to be in bad order in transit or at the delivery office must be reconditioned by postal employees. Note bad order and evidence of rifling or damage on the address side of the wrapper over the signature of the employee.

Interested persons may submit written data, views, and arguments concerning the proposed amendments to the Director, Office of Mail Classification, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 15th day following the date of publication of this notice in the FEDERAL REGISTER.

NOTE: The Bureau of Customs, Treasury Department, is also proposing amendments to the Customs Regulations at this time.

(R.S. 3061, 5 U.S.C. 301, 19 U.S.C. 482, 39 U.S.C. 501 and 505)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70–1280; Filed, Feb. 2, 1970; 8:46 a.m.]

DEPARTMENT OF THE TREASURY—BUREAU OF CUSTOMS—19 CFR PART 9

Sealed letters of foreign origin suspected of containing merchandise

Notice of Proposed Rulemaking

The Post Office Department has proposed to amend 39 CFR Parts 261 and 262 concerning customs examination of mail originating outside the customs territory of the United States to permit the opening of such mail without requesting permission of the

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addressee. The long recognized authority of the Bureau of Customs to open sealed letters arriving in the international mail has been inhibited by the presence of these regulations which generally provide that a sealed letter of foreign origin believed to contain prohibited or dutiable matter shall be returned unopened to its origin unless the addressee authorizes the opening of the letter. In order to conform relevant provisions of the Customs Regulations, notice is given under the authority of 5 U.S.C. 301 and section 3061 of the Revised Statutes (19 U.S.C. 482) that the Treasury Department proposes to amend Part 9 of the Customs Regulations.

The amendments in tentative form are set forth below:

Part 9—Importations by mail

In part 9, a new section 9.0 is added to read as follows:

§ 9.0 Definition.

As used in this part, "package," "parcel post shipment," "mail parcel," "parcel post," "parcel," "mail shipment," and "mail" shall include envelopes, sealed or unsealed, arriving in the international mail.

§ 9.2 [Amended]

In section 9.2(b) the last sentence is amended to read as follows: "Upon receipt at the distributing post offices, the dispatches shall be opened and the mail given customs treatment."

Section 9.5 is amended to read as follows:

§ 9.5 Dutiable merchandise, prohibited merchandise, merchandise imported contrary to law arriving in international mail.

When, upon customs examination, a parcel or envelope from abroad is found to contain merchandise subject to duty or internal-revenue tax, and the parcel or envelope is not accompanied by an appropriate customs declaration and commercial invoice or statement of value required by § 9.1, or is found to contain material prohibited importation or imported contrary to law, the merchandise is subject to seizure and forfeiture.

Under the authority contained in section 618, Tariff Act of 1930, any forfeiture of merchandise subject to duty or internal-revenue tax (other than material prohibited importation) so incurred is hereby mitigated to an amount equal to 10 percent of the loss of revenue which was or might have been sustained, provided there is no evidence indicating to the district director of customs that failure to properly declare the merchandise was due to willful negligence or an intent to defraud the revenue. If there is any such evidence, or if for any other reason the district director believes that it would not be in the interest of the United States to grant this relief, the matter shall be reported to the Bureau of Customs for instructions. When the shipment does not exceed $250 in value, customs Form 3419 or 5119 shall be used for the entry of the merchandise and the duty, any internal-revenue tax, and the amount of the mitigated forfeiture shall be entered as separate items thereon. If a parcel or envelope for which a mail fine entry has been issued in accordance with the foregoing provision is undeliverable, it will be returned to the district director of customs at the port where the mail entry was issued, for disposition in accordance with § 9.12(d) relating to articles subject to seizure. The addressee or sender may file a petition with the district director at the port where the mail fine entry was issued for relief from the forfeiture incurred and for release of the seized merchandise to the addressee or sender.

§ 9.12 [Amended]

In section 9.12(d), the first sentence is amended to read as follows: "Except for lottery matter, all mail shipments containing articles which are prohibited importation, and all mail shipments containing articles subject to seizure as being imported contrary to law, shall be immediately taken and held by customs officers for appropriate treatment under the customs laws. * * *"

In section 9.12(e), the last two sentences are deleted.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

MYLES J. AMBROSE,
Commissioner of Customs.

Approved: December 24, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-1279; Filed, Feb. 2, 1970; 8:46 a.m.]

REGULATIONS

CODE OF FEDERAL REGULATIONS—TITLE 19, CHAPTER 1

Part 9—Importations by mail

Sec.
9.1 Customs declarations and invoices.
9.2 Treatment of mail importations at offices of first receipt and at offices of examination.
9.3 Mail entries.
9.4 Formal entry of mail importations.
9.5 Sealed mail parcels to bear label or endorsement.
9.6 Importations not over $1 in value; gifts.
9.7 Parcels for the United States Government; merchandise in diplomatic pouches; parcels marked for copyright; books, engravings, etc., for the United States.
9.8 Cigars, cigarettes, etc.
9.9 Merchandise conditionally free.
9.10 Dissatisfied addressees: delivery under a resident's $100 or $200 exemption; undelivered dutiable parcels.
9.11 Exportation by mail; plant material.
9.12 Prohibited and restricted mail importations; seizure under the customs laws.

AUTHORITY: The provisions of this Part 9 issued under R.S. 251, sec. 624, 46 Stat. 759, sec. 101, 76 Stat. 72; 5 U.S.C. 301, 19 U.S.C. 66, 1624, Gen. Hdnote 11, Tariff Schedules of the United States, except as otherwise noted.

SOURCE: The provisions of this Part 9 appear at 28 F.R. 14659, Dec. 31, 1963, unless otherwise noted.

§ 9.1 Customs declarations and invoices.

(a) A customs declaration on the form provided by the foreign mailing office, giving an accurate description and the value of the contents, shall be securely attached to at least one package of each parcel-post shipment. Each commercial shipment by parcel post shall also be accompanied by a commercial invoice. In case the shipment consists of more than one package, the invoice shall be placed in the package to which the postal form of customs declaration is attached, and such package shall be marked "Invoice enclosed." There shall be enclosed with the contents of every mail parcel containing merchandise dispatched otherwise than by parcel post an invoice in the case of commercial shipments, or a statement of value in the case of merchandise not purchased nor consigned for sale, giving an accurate description and the value of the merchandise. If it is impracticable to enclose the invoice or statement, it shall be securely attached to the outside of the parcel.

(b) When the aggregate value of a mail shipment exceeds $500, the accompanying invoice is subject to the same requirements as invoices covering similar shipments imported otherwise than in the mails. When a special customs invoice accompanies a mail shipment, no other invoice or statement of value is required.

(Secs. 481, 482, 485, 498, 46 Stat. 719, 720, as amended, 724, as amended; 728, as amended; 19 U.S.C. 1481, 1482, 1485, 1498)

CROSS REFERENCE: For exception to the requirements of this section with regard to customs invoices in the shipment of bona fide gifts under Public Law No. 790 (50 U.S.C. App. 846, 847), see § 54.3 (e) of this chapter.

§ 9.2 Treatment of mail importations at offices of first receipt and at offices of examination.

(a) Parcels of all classes of mail believed to contain articles liable to customs duty received at post offices other than New York, Chicago, San Francisco, or Seattle[1] and such parcels received at exchange post offices at the four ports mentioned for delivery within their respective distribution districts as shown in the special distribution scheme,[2] shall be given customs treatment at the ports where received.

(b) All parcels, including those subject to formal entry, for delivery at points outside the distribution districts of the four exchange post offices named in paragraph (a) of this section, and received at such offices, shall be left in the custody of the postmaster, without customs examination, for redispatch to other distributing post offices in accordance with the special distribution scheme. Upon receipt at the distributing post offices, the dispatches shall be opened in the presence of customs officers and the mail given customs treatment.

§ 9.3 Mail entries.

(a) In the case of importation in the mails not exceeding $250 in value, customs officers shall prepare and attach the proper entry form and return the shipment to the postal authorities for delivery and collection of duty.[3]

(b) No mail or other entry shall be issued for any shipment in the mails which is unconditionally free of duty and does not exceed $250 in value. In the case of articles which are unquestionably the growth, product, or manufacture of the United States, and which have not been advanced in value or improved in condition, if the collector is satisfied from the character thereof or otherwise that they are free of duty under item 800.00, Tariff Schedules of the United States, and if the total value of the articles of American origin contained in the shipment does not exceed $250, no mail or other entry shall be issued and no declaration of the owner, importer, or agent on customs Form 3311 shall be required.

(c) Books and other articles classifiable under items 270.25, 273.10, 273.35, 765.03, 850.10, or 851.10, Tariff Schedules of the United States, imported in the mails by a library or other institution described in items 850.10 and 851.10, Tariff Schedules of the United States, may be cleared through customs under an informal mail entry, regardless of value.

(d) The rate or rates of duty applicable to any article released under an informal mail entry (customs Form 3419, or 5119) shall be the rate or rates in effect when the preparation of such entry is completed by a customs employee for transmittal with the article to the addressee.[4]

(Secs. 315, 498(a), 46 Stat. 695, as amended, 728, as amended; 19 U.S.C. 1315, 1498(a)) [28 F.R. 14659, Dec. 31, 1963, as amended by T.D. 56481, 30 F.R. 11851, Sept. 16, 1965; T.D. 68-209, 33 F.R. 12069, Aug. 27, 1968]

§ 9.4 Formal entry of mail importations.

Formal entry at the customhouse shall be required for every importation in the mails which exceeds $250 in value, except as provided for in § 9.3 (c) or § 10.20(b)(4) of

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this chapter. When a mail shipment is examined and found to be subject to formal entry, the addressee or consignee shall be notified of customs Form 3509 of the arrival of the shipment and of the port at which entry is to be made. When a shipment is addressed to a point which is not a customs port or station, the port of entry specified in the notice shall be the port nearest the office of destination of the shipment. Single shipments not exceeding $250 in value, if mailed abroad at different times (as shown by the declaration or other mailing indicia), shall not be combined for the purpose of requiring formal customs entry, even though they reach customs at the same or approximately the same time, unless there was a splitting of shipments in order to avoid the payment of the lawful customs duty. The collector may require formal entry of mail shipments regardless of value, if in his opinion such entry is necessary to protect the revenue.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

§ 9.5 Sealed mail parcels to bear label or endorsement.

(a) The importation of merchandise in sealed parcels (other than parcel post) shall be permitted if the sealed letter or other sealed parcel bears on the address side thereof the label, Form C 1, provided for by the Universal Postal Convention or the endorsement "May be opened for customs purposes before delivery to the addressee," or words of similar purport definitely waiving the privacy of the seal and indicating that the parcel may be opened by customs officers without recourse to the addressee.[5]

(b) When a sealed envelope or other parcel (other than parcel post) believed to contain merchandise is not endorsed or labeled as required, the postmaster will detain it in his custody and request the addressee to furnish written authority for a customs officer to open the parcel in the presence of a representative of the postmaster. If the addressee does not furnish such written authority within 30 days after the date of notice by the postmaster or within such further time as may be allowed, the parcel will be treated as undeliverable mail matter. If the parcel, upon being opened under proper written authority, is found to contain merchandise free of internal-revenue tax and free of duty either because unconditionally free or because the aggregate value of the shipment is not more than $1 and the expense and inconvenience of collecting the duty accruing thereon would be disproportionate to the amount of such duty, the parcel may be delivered to the addressee without the collection of any fine on account of the article not having been endorsed or labeled in accordance with paragraph (a) of this section.

(c) Except as provided for in paragraph (b) of this section, if a sealed letter or other parcel not endorsed or labeled as required by paragraph (a) of this section is found to contain merchandise subject to duty (including conditionally free merchandise) or subject to internal-revenue tax, the merchandise is subject to seizure and forfeiture as having been imported contrary to law. Under the authority contained in section 618, Tariff Act of 1930, any forfeiture so incurred is hereby mitigated to an amount equal to 10 percent of the loss of revenue which was or might have been sustained, provided there is no evidence indicating to the collector that failure to label or endorse the parcel was due to willful negligence or to an intent to defraud the revenue. If there is any such evidence, or if for any other reason the collector believes that it would not be in the interest of the United States to grant this relief, the matter shall be reported to the Bureau of Customs for instructions. When the shipment does not exceed $250 in value, customs Form 3419 or 5119 shall be used for the entry of the merchandise and the duty, any internal-revenue tax, and the amount of the mitigated forfeiture shall be entered as separate items thereon. If a parcel for which a mail fine entry has been issued in accordance with the foregoing provision is undeliverable, it will be returned to the collector of customs at the port where the mail entry was issued, for disposition in accordance with § 9.12(d) relating to articles subject to seizure. The addressee or sender may file a petition with the collector of customs at the port where the mail fine entry was issued for relief from the forfeiture incurred and for the release of the seized merchandise to the addressee or sender.

(Sec. 1, 62 Stat. 716, sec. 618, 46 Stat. 757; 18 U.S.C. 545, 19 U.S.C. 1618).

§ 9.6 Importations not over $1 in value; gifts.

(a) Customs officers shall pass free of duty and internal-revenue tax, without issuing a mail entry therefor, any parcel containing articles the aggregate fair retail value in the country of shipment of which is not over $1, unless they have reason to believe that the parcel is one of several lots covered by a single order or contract and that it was sent separately for the express purpose of securing free entry therefor or of avoiding compliance with a provision of law or regulation.[6]

(b) Customs officers shall pass free of duty and internal-revenue tax, without issuing a mail entry therefor, parcels containing bona fide gifts from persons in foreign countries to persons in the United States, provided the aggregate fair retail value in the country of shipment of such articles received by one person on one day does not exceed $10.

(c) The provisions of § 8.3(d) of the regulations of this part, except those permitting consolidation of shipments in cargo vans and similar commercial containers, are also applicable to this section.

(Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321) [28 F.R. 14659, Dec. 31, 1965, as amended by T.D. 56481, 30 F.R. 11851, Sept. 16, 1965]

§ 9.7 Parcels for the United States Government; merchandise in diplomatic pouches; parcels marked for copyright; books, engravings, etc., for the United States.

(a) Parcels addressed to offices or officials of the United States Government, believed to contain only official documents, shall be forwarded immediately to the addresses. Such parcels, when known or believed to contain merchandise, shall be treated in the same manner as similar parcels for other addresses.

(b) Books, engravings, and other articles enumerated in item 830.00, Tariff Schedules of the United States which are imported by mail and addressed to the Library of Congress or any department or agency of the Government, shall be forwarded for delivery without the assessment of duty, if the collector is satisfied they are entitled to free entry under item 830.00, Tariff Schedules of the United States.

(c) Parcels marked for copyright, addressed to the Library of Congress, to the Copyright Office, or to the office of the Register of Copyrights, Washington 25, D.C., may be passed free of duty and promptly forwarded to destination.

(d) No merchandise of any character may be forwarded in diplomatic or other official pouches.[7]

§ 9.8 Cigars, cigarettes, etc.

(a) In the case of mail entries for imported articles subject to tax and to which internal revenue stamps must be affixed before release to the importer (see Internal Revenue Regulations, Part 45 (26 CFR Part 45)), customs officers shall sign and attach to the entries an order for stamps, and customs Form 3473. When the parcel is addressed for delivery at the post office where it is examined and customs Form 3473 is not required to insure the taking of the action described thereon, Form 3473 need not be prepared. The postmaster will furnish the addressee with the order for stamps. The addressee will be required to secure from the office of the district director of internal revenue the necessary stamps and affix them to the immediate packages of the merchandise before the parcels will be delivered to him. The internal-revenue tax on cigars, cigarettes, and cigarette papers and tubes valued not in excess of $250 in a shipment imported by mail shall be paid on the basis of a return made on the mail entry. An additional legible copy of the entry form, marked or stamped "For Internal Revenue Purposes," shall be prepared for each entry covering such articles subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) if tax is payable upon release under such entry. The separate statement required for tax purposes by 26 CFR 275.81 shall be made on the entry form in such case. The duty and any applicable tax will be collected by the postal service for the Customs Service at the time of delivery of the shipment. A copy of the entry (return) will be given to the importer as a receipt for payment. Mail shipments of such articles released for consumption are subject to compliance with the package and notice requirements under 26 CFR Part 275 unless specifically exempted therefrom as indicated in § 11.3 of this chapter. Such articles may not be released under the mail entry procedure on the basis of a claim for release without payment of tax by a manufacturer specified in 26 CFR Part 275. If a claim is made at the time of delivery for release without payment of tax based on any of the provisions in 26 CFR Part 275 for a manufacturer of tobacco products or a manufacturer of cigarette papers and tubes to obtain release of any such articles without payment of tax, the shipment shall be returned by the postal service to the port of entry or sent to the nearest customs office at which appropriate release as claimed may be arranged by the addressee.

(b) When appropriate, the immediate packages of the merchandise shall be stamped by customs officers before the shipment is released for delivery.

(c) United States customs duty and internal-revenue tax on mail shipments of cigars for informal entry, dispatched to the United States under the provisions of the parcel-post convention with Cuba, effective September 1, 1930, may, at the option of the sender, be prepaid at Miami or Tampa, Fla., upon condition:

(1) That all such mail shipments of cigars from Cuba be sent in mail sacks addressed to the postmaster at Miami or Tampa for customs examination at either of those ports;

(2) That the Cuban sender will authorize, in writing, his representative at Miami or Tampa to prepay the customs duty and internal-revenue tax on each mail parcel before it is returned to the postmaster for delivery or dispatch to destination; and

(3) That each parcel, before dispatch to the United States, be plainly stamped "Customs duty and internal-revenue tax on this parcel to be paid at Miami (or Tampa) Fla."

(d) For each prepaid shipment the customs officer shall prepare customs Form 5119 in quadruplicate. When tax is applicable, an additional legible copy marked or stamped "For Internal Revenue Purposes," shall be prepared. All copies shall have separately shown thereon in such case the statement for tax purposes required by 26 CFR 275.81 of the regulations of the Internal Revenue Service. Two copies shall be signed by the collector or the deputy collector and the sender's representative. One of these copies shall be given to the representative as a receipt for the duty and tax paid.

(e) Each prepaid parcel shall be legibly stamped on the addressed side "U.S. cus-

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toms duty and internal-revenue tax prepaid at Miami (or Tampa), Fla." followed by the mail entry number and the initials of two customs employees certifying to the appraisal of the merchandise and the collection of the duty and internal-revenue tax.

[28 F.R. 14659, Dec. 31, 1963, as amended by T.D. 67-193. 32 F.R. 11764, Aug. 16, 1967]

§ 9.9 Merchandise conditionally free.

(a) When the contents of a parcel may be conditionally free under the Tariff Schedules of the United States, the attached blank form of declaration for free entry shall be properly executed and returned to the postal authorities by the addressee in order to obtain free entry.

(b) When an institution files evidence to show that it is entitled to import drawings, engravings, and other merchandise free of duty under item 850.10 or item 851.10, Tariff Schedules of the United States, the name of such institution, shall be placed on a free list, to be kept by the collector for that purpose, if the institution agrees in writing to notify the collector in the event goods not for the sole use of the institution arrive addressed to the institution. A mail importation of such merchandise, regardless of value, addressed directly to such an institution shall be passed free of duty without requiring compliance with paragraph (a) of this section and without issuing a mail entry.

(c) A conditionally free shipment from any United States insular possession, except Puerto Rico, valued over $25 but not over $250, when accompanied by the documentary evidence required by § 7.8 of this chapter, and any such shipment valued at $25 or less, may be passed without issuance of a mail entry if the collector is satisfied that the merchandise is entitled to free entry. In the case of each such shipment valued over $250, formal entry shall be required and the provisions of Parts 7 and 8 of this chapter shall be followed.

[28 F.R. 14659, Dec. 31, 1963, as amended by T.D. 68-209, 33 F.R. 12089, Aug. 27, 1968]

§ 9.10 Dissatisfied addressees; delivery under a resident's $100 or $200 exemption; undelivered dutiable parcels.

(a) Except as provided in paragraph (c) of this section, if the addressee of a shipment covered by a mail entry is dissatisfied with the amount assessed, he may (1) elect to pay the the amount, take delivery of the shipment and petition the collector of customs to reliquidate the entry; or (2) refuse to accept the shipment and provide the postmaster wtih a written statement of his objections. In the latter case, the postmaster shall forward the addressee's protest to the customs office that issued the entry, accompanied by such invoices or other evidence submtted by the addressee, and retain custody of the shipment until advice is received from the issuing customs office as to the disposition to be made.

(b) If the collector of customs is satisfied that the protest of an addressee of a mail shipment against the amounts assessed is valid, the collector may reclassify the merchandise or amend the value, even though the merchandise has been delivered to the addressee. A mail entry may be reliquidated to allow a claim of the addressee after the expiration of 60 days after liquidation only if a protest has been filed in the form and manner prescribed in section 514, Tariff Act of 1930, or if the claim is allowable under section 520(c)(2), Tariff Act of 1930, as amended.[8]

(c) [Reserved]

(d) If for any reason an undelivered parcel known or supposed to be dutiable is not returned to the country of origin, it will be delivered to the proper customs officer for disposition under the customs laws and regulations governing seized or unclaimed merchandise. (77A Stat. 14, Sec. 514, 46 Stat. 734; 19 U.S.C. 1202, 1514) [28 F.R. 14659, Dec. 31, 1963, as amended by T.D. 56481, 30 F.R. 11851, Sept 16, 1965]

§ 9.11 Exportation by mail; plant material.

(a) Articles imported into the United States from foreign countries may be exported in the registered or ordinary mails, or in registered, insured, or ordinary parcel post, without the payment of duties that may have accrued thereon if the articles have remained continuously in the custody of the Government (customs or postal authorities), and the packages containing such articles are inspected and mailed under customs supervision. Waiver of the right to withdraw the package from the mails shall be endorsed on each package to be so exported and signed by the exporter. Export entries or withdrawals for exportation, as the case may be, shall be filed for such articles except those imported by mail (1) which are unclaimed or refused and are returned by the Post Office Department to the country or origin as undeliverable mail or (2) for which a formal entry has not been filed and which are remailed from continuous customs or postal custody to Canada. See §§ 8.45 and 22.27 of this chapter; and as to articles released from continuous Government custody for which return to customs custody is appropriate prior to exportation, see §§ 10.8, 10.17, 10.38, and 22.33 of this chapter.

(b) Shipments of plant material may be imported by mail free of duty for immediate exportation by mail subject to the following regulations, which have been approved by the Department of Agriculture and the Post Office Department:

(1) Each shipment shall be dispatched in the mails from abroad, accompanied by a yellow and green special mail tag bearing the serial number of the permit for entry for immediate exportation or immediate transportation and exportation, issued by the United States Department of Agriculture, and also the postal form of customs declaration.

(2) Upon arrival, the shipment shall be detained by or redispatched to the postmaster at Washington, D.C., Brownsville, Texas, Hoboken, New Jersey, Honolulu, Hawaii, Laredo, Texas, Miami, Florida, San Francisco, California, San Juan Puerto Rico, San Pedro, California, or Seattle, Washington, as may be appropriate, according to the address on the green and yellow tag, and there submitted to the customs officer and the Federal quarantine inspector. The merchandise shall under no circumstances be permitted to enter the commerce of the United States.

(3) After inspection by the customs and quarantine officers, and with their approval, the addressee or his authorizer agent shall repack and readdress the mail parcel under customs supervision; affix to the parcel the necessary postage; and comply with other mailing requirements, after which the parcel shall be delivered to the postmaster for exportation by mail pursuant to paragraph (a) of this section. The contents of the original parcel may be subdivided and exported in separate parcels in like manner.

(4) It will not be necessary to issue a customs mail entry nor to require formal entry of the shipments.

(5) The mail shipments referred to shall be accorded special handling only at the points specified in subparagraph (2) of this paragraph.

(6) The foregoing procedure shall not affect the movement of plant material in the international mails in transit through the United States.

§ 9.12 Prohibited and restricted mail importations; seizure under the customs laws.

(a) Each mail shipment of admissible arms, implements of war, or other nonexplosive munitions of war designated in the United States Munitions List (22 CFR, Parts 121-128), issued pursuant to section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), shall be detained by customs until an import license from the Secretary of State has been submitted for such shipment. Likewise, a shipment of firearms, as that term is defined in the National Firearms Act, as amended (26 U.S.C. 5348), shall be detained by customs until an import permit from the Commissioner of Internal Revenue has been submitted by the addressee. If the import license or the import permit is found to be in proper form, the mail parcel shall be endorsed by customs to show that it is entitled to entry and released to the postmaster for delivery or dispatch to destination in the mails, subject to any duties that may accrue and to other customs requirements applicable thereto.

Pistols, revolvers, and other firearms capable of being concealed on the person are nonmailable, with certain exceptions (18 U.S.C. 1715), and when received in the mails such nonmailable articles are subject to seizure and forfeiture under the customs laws.

(b) Plants and plant products, including seeds and bulbs of all kinds, may be imported into the United States only under the conditions set forth in the Plant Quarantine Act, amendments thereto, and regulations thereunder. All such articles shall be submitted through customs officials to plant quarantine inspectors of the United States Department of Agriculture for fulfillment of the requirements of the law.

(c) Certain viruses, serums, toxins, and other biological products as well as organisms and vectors are subject to import restrictions (see §§ 12.17—12.23 of this chapter). In all cases mail shipments of such products shall be submitted to customs representatives who shall communicate with the addressees and determine whether such importations are in compliance with the law and regulations.

(d) All mail shipments containing articles, except lottery matter and contraceptive literature which are prohibited importation and all mail shipments containing articles subject to seizure as being imported or brought into the United States in any manner contrary to law shall be immediately taken and held by customs officers for appropriate treatment under the customs laws. All mail parcels which are known or believed to contain merchandise and of which the addressee refuses to take delivery, or for which the addressee declines to make formal entry when requested by the customs officer in cases where the appraised value exceeds the value shown in the declaration or invoice, will be delivered to customs officers for treatment under the customs laws upon production to the postmaster concerned of satisfactory evidence of fraudulent intent on the part of any of the persons mentioned in this paragraph. In all cases where articles are seized by customs officers, notice shall be given by customs officers to the addressee of that fact and the reason therefor.

(e) Mail parcels of all classes, sealed or unsealed, which upon inspection or examination are found to contain or are supposed to contain lottery matter prohibited importation under section 305. Tariff Act of 1930, or enclosures pertaining thereto, will be retained by the postal service, or shall be delivered to that service by the Customs Service, for disposition under the Postal Laws and Regulations. If such a parcel is found to contain other merchandise, the parcel shall be held by, or delivered to, the Customs Service for appropriate treatment under the customs laws and regulations. Mail parcels which upon inspection or examination are found to contain contraceptive literature will be retained by the postal serv-

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ice, or shall be delivered to that service by the customs service, for disposition under the Postal Laws and Regulations. If the postal service shall determine in any case that it is proper to release contraceptive literature to an addressee, such literature before delivery to the addressee will be turned over to the nearest customs officer located at a post office for treatment by customs in the same manner as other articles imported in the mails.

(Sec. 305, 46 Stat. 688, as amended; 19 U.S.C. 1305)

CODE OF FEDERAL REGULATIONS—TITLE 39

Part 261—Customs

Sec.
261.1 What is subject to examination.
261.2 Separation points.
261.3 Examination.
261.4 Repacking.
261.5 Treatment at delivery office.

AUTHORITY: The provisions of this Part 261 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

SOURCE: The provisions of this Part 261 appear at 32 F.R. 12278, Aug. 24, 1967, unless otherwise noted.

§ 261.1 What is subject to examination.

All mail believed to contain merchandise, including returned articles of United States origin, and printed matter are subject to customs examination, except mail addressed to Ambassadors and Ministers of foreign countries and articles known or believed to contain only official documents addressed to officials of the U.S. Government.

§ 261.2 Separation points.

(a) *Exchange offices.* Articles believed liable to customs duty are submitted immediately to local customs officers or redispatched for customs treatment to designated distribution offices. In the latter case, exchange offices will attach Label 81, a reusable pink slotted tag, bearing the words "This sack contains mail supposed liable to customs duty," to the label holders or hasps of sacks or pouches containing matter to be submitted to customs officers.

(b) *Distribution offices.* Distribution offices will submit articles supposed liable to customs duty to customs officers as soon as possible after receipt. The reusable tags, Label 81, removed from sacks containing this mail will be returned periodically to the postmasters at New York, New Orleans, San Francisco, Seattle, or Miami, as may be appropriate from a geographical standpoint.

(c) *Priority treatment* of airmail. Airmail articles receive preferential customs treatment and are submitted to customs separately from surface mail. Upon return from customs, dispatch will be by air if it will expedite delivery.

§ 261.3 Examination.

(a) *Authority to open sealed articles.* Sealed letters and letter packages containing merchandise should bear a green label (Form C 1) or an endorsement permitting the customs officer to open the article for examination. In the absence of a label or endorsement, the post office will obtain the addressee's signed authority for opening on Form 2921, "Held Notice—International Mail." If such authority is not granted within 15 days after the first notice, send a second notice. If no response is received from the second notice after an additional 15-day period, endorse the article "Unclaimed" and return it to origin. Sealed parcel post is opened without any formality.

(b) *Registered and sealed articles.* The postmaster or other designated postal employee must be present when registered articles and parcels or sealed letter mail is opened by customs officers for examination. After customs treatment, the postal employee will repack and reseal letter packages in the presence of the customs officer who participated in the opening. Repack the article in the same or better condition than when it was opened. If the article was received in a special penalty envelope which can be reused, forward the article in that envelope; otherwise reseal the article and apply the official adhesive seal of the Post Office Department. Sign or initial the envelope or wrapper of each article.

(c) *Extraction of samples for advisory information.* Should a customs officer wish to obtain advisory information from a local trade expert or the Customs Information Exchange, 201 Varick Street, New York, N.Y. 10014, permit him to extract a sample of the contents. The customs officer will furnish the postal official with two copies of Customs Form 6423, one for enclosure in the importation and the other for the post office files. If the sample is to be forwarded to New York, dispatch it under official registration to the New York Postmaster for delivery to the Customs Information Exchange.

(d) *Failure to receive customs examination.* Should an article known or supposed to be dutiable be observed at or en route to the office of address without having received customs treatment, forward it, labeled "For Cutoms Inspection," under seal to the postmaster at the appropriate office listed in paragraph (e) of this section. Packages that have received customs treatment will bear endorsements such as "Examined by U.S. Customs at -------------- Duty to be Collected, Duty Paid, or Passed Free of U.S. Customs at --------------."

(e) *Customs ports.* Customs officers are stationed at the following places:

Alabama: Birmingham, Mobile.
Alaska: Anchorage, Fairbanks, Juneau, Ketchikan.
Arizona: Nogales.
California: Calexico, Eureka, Los Angeles, San Diego, San Francisco.
Colorado: Denver.
Connecticut: Bridgeport, Hartford, New Haven, New London.
Delaware: Wilmington.
District of Columbia: Washington.
Florida: Jacksonville, Key West, Miami, Pensacola, Port Everglades, Tampa, West Palm Beach.
Georgia: Atlanta, Savannah.
Hawaii: Honolulu.
Illinois: Chicago, Peoria.
Indiana: Evansville, Indianapolis, Lawrenceburg.
Kentucky: Louisville.
Louisiana: Baton Rouge, Lake Charles, Morgan City, New Orleans.
Maine: Bangor, Portland.
Maryland: Baltimore.
Massachusetts: Boston, Lawrence, Springfield, Worcester.
Michigan: Detroit, Port Huron, Sault Ste. Marie.
Minnesota: Duluth, International Falls, Minneapolis, Noyes, St. Paul.
Mississippi: Gulfport.
Missouri: Kansas City, St. Louis.
Montana: Great Falls.
Nebraska: Omaha.
New Mexico: Columbus.
New York: Albany, Buffalo, New York, Niagara Falls, Ogdensburg, Rochester, Rouses Point, Syracuse.
North Carolina: Charlotte, Wilmington, Winston-Salem.
North Dakota: Pembina.
Ohio: Akron, Ashtabula, Cincinnati, Cleveland, Columbus, Dayton, Sandusky, Toledo.
Oregon: Portland.
Pennsylvania: Philadelphia, Pittsburgh.
Puerto Rico: Mayaguez, Ponce, San Juan.
Rhode Island: Providence.
South Carolina: Charleston.
Tennessee: Chattanooga, Memphis, Nashville.
Texas: Beaumont, Brownsville, Corpus Christi, Dallas, Del Rio, Eagle Pass, El Paso, Galveston, Houston, Laredo, Port Arthur, San Antonio.
Vermont: Burlington, Island Pond, Newport, St. Albans.
Virginia: Alexandria, Norfolk, Petersburg, Richmond.
Virgin Islands: Charlotte Amalie, Christiansted, Frederiksted.
Washington: Oroville, Seattle, Spokane, Tacoma.
Wisconsin: Green Bay, Milwaukee, Superior.

(f) *No examination before payment of duty.* Addressees are not permitted to examine the contents of dutiable articles until the duty is paid.

§ 261.4 Repacking

(a) *Responsibility of customs and postal employees.* Customs and postal employees shall carefully examine and repack contents of importations, particularly those that contain delicate instruments, glass, china, or other fragile items, liquids, and easily liquefiable substances. Shipments must be restored to their original or better condition. Postal employees accepting articles which have been in customs custody for examination, must determine from external inspection whether the shipment can safely bear further handling and transportation. Postal and customs employees jointly will restore parcels that are not in satisfactory condition. Employees may be held responsible when damage occurs as a result of negligence or improper handling.

(b) *Customs shipments in bad order.* Shipments found to be in bad order in transit or at the delivery office must be reconditioned by postal employees. Note bad order and evidence of rifling or damage on the address side of the wrapper over the signature of the employee.

[32 F.R. 20643, Dec. 21, 1967].

§ 261.5 Treatment at delivery office.

(a) *Detecting dutiable importations.* Postal employees will promtly examine all incoming mail to detect dutiable importations. These packages will bear the following endorsement, placed near the address and completed by the customs office where the duty was assessed:

Examined by U.S. Customs
Port of------------------
Collect Duty and Postal Fees
Mail Entry No------------

The package will also be accompanied by an Original and Addressee Receipt copy of Customs Form 3419, Mail Entry, enclosed in a Treasury Department envelope securely attached to the package.

(b) *Missing mail entries.* (1) Withhold delivery of dutiable packages from which Customs Forms 3419 have become detached. If the mail entry forms are not found, complete Form 2937, Importer's Objection and/or Lost Mail Entries in duplicate, requesting issuance of a duplicate set of entry forms. Send the original Form 2937 to Bureau of Customs, Data Center, 7981 Eastern Avenue, Silver Spring, Md. 20910. Retain copy of Form 2937 with the package until duplicate set of entries is received, then process parcel as prescribed in paragraph (d) of this section using duplicate set of entry forms.

(2) If the missing original set of entry forms is located before receiving the requested duplicate set, use the original set, and when the duplicate set is received mark it "Original set located and used" and return the duplicate to the Customs Data Center in Silver Spring. If the original set is located after delivery or other disposal has been made of the package following receipt of the duplicate set, destroy the original set.

(c) *Dispatch to delivery units.* Promptly forward dutiable articles to delivery units.

(d) *Delivery of dutiable mail.* (1) Dutiable mail will be delieverd by city, village, and rural carriers, and by window delivery

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units. Form 2921, Held Notice—International Mail, is used to notify addressees of the arrival of dutiable parcels.

(2) Charge packages and both copies of the customs mail entry to delivery employee on Form 2944, Receipt for Customs Duty Mail, prepared in duplicate. For control and accounting purposes, enter on Form 2944 the mail entry numbers as shown on the entry forms. Retain both copies of Form 2944 at post office as record of employee's accountability.

(3) When customs charges are collected and delivery is made, delivering employee will obtain addressees' signature and date of delivery on the "Original" Customs Form 3419, as well as on the receipt for registered and insured mail if required. The delivering employee will sign and date the Addressee Receipt copy of Customs Form 3419 and give it to the addressee as a receipt for the duty. The delivery employee will turn in amounts collected with the signed originals of Customs Form 3419 and any undelivered packages with both copies of the related Customs Forms 3419.

(4) At first-class offices carrier's accountability will be cleared by completing the two copies of Form 2944 prepared pursuant to subparagraph (2) of this paragraph. Hand both copies of completed Form 2944 to carrier who will deposit the original in the slotted and locked receptacle provided for that purpose and file the duplicate which he will retain for 3 months after the last day of the month of issue. The Forms 2944 shall be removed from the locked receptacle by an employee or supervisor, other than the clearing clerk, and forwarded daily to the chief accountant or other designated employee. Clearing clerk will send signed originals of Form 3419 to the chief accountant or other designated employee. Employees at delivery windows who have been charged with dutiable packages will be similarly clear, but will be required to execute a new set of Form 2944 covering all dutiable packages remaining in their custody at the close of business.

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(5) At other than first-class offices the delivery employees' accountability will be cleared in the same manner as for COD transactions.

(6) The Customs Service in certain instances will attach a Customs Form 3433, Authorization to Postmaster to Deliver Mail Importation Conditionally Free of Duty, and a Customs Form 3342, Declaration for Free Entry of Gifts, to the mail entries, Customs Form 3419, of incoming dutiable packages. Deliver these packages without collection of the duty under the conditions stated on Form 3433. After delivery, endorse the original Customs Form 3419 Form 3342 executed by addressee, and report the transaction as an uncollected customs duty item in accordance with § 261.5(f)(2) of this chapter. Return of the executed customs form will be authority for the clearing clerk to allow credit for unreturned postage due stamps delivered with the package pursuant to § 224.1(a)(5)(ii) of this chapter. The clearing clerk will keep a daily record of such voided stamp credits in the manner prescribed in section 335.36 of the Postal Manual.

(7) When an addressee objects to the assessed value, rate, or amount of duty charged, the following alternatives are available:

(i) Addressee may take delivery, pay the duty and postal fees and protest (within 60 days from date of entry) directly to the issuing customs port.

(ii) Addressee may conditionally refuse the package pending review of the entry by the customs service. In this case, the procedure is as follows:

(*a*) Delivery employee will advise addressee to state his objections in writing to the postmaster and submit any evidence he may have substantiating his claim (invoice, declaration of value, etc.). Addressee may be allowed to copy customs mail entry number and other particulars that will assist in associating his protest with the package at the post office.

(*b*) Delivery employee will mark package "Addressee protests duty," date and initial, and return the package and related Customs Forms 3419 to the post office to be held awaiting a receipt of addressee's written protest. On receipt of addressee's statement, promptly prepare report, in duplicate, on From 2937. Importers Objections and/or Lost Mail Entries. Forward original Form 2937, with supporting statements and both copies of mail entry, to customs mail division where entry was prepared—unless addressee is located in vicinity of one of the customs ports listed in § 261.3(e) of this chapter, in which case package and other documents may be delivered to the local customs office for consideration of the protest. Retain duplicate Form 2937 as office file and record copy.

(*c*) If the addressee's written protest is not received within 5 days after package is returned to post office, notify him that package is on hand and will be held for a further 5 days only. Mark package "Notified," and date, and if patron does not furnish the required statement within another week, endorse package "Unclaimed," show date, and treat as prescribed in paragraph (f) of this section.

(*d*) If an adjustment is made by the customs officer he will endorse the adjustment on the mail entries and return them with the original Form 2937 to the postmaster. When delivery of the package is effected, collect and report the corrected amount of duty and handle as prescribed in paragraph (e) of this section. If the adjusting customs officer waives the duty, report the entry as an uncollected item, as prescribed in paragraph (f)(2) of this section.

(*e*) If no decision on a protest is received from the customs office within 30 days request that matter be expedited. Continue to hold package until a decision is received.

(iii) Addressee may definitely refuse the package if he does not wish to pay the duty or to protest the assessment. In this case the delivery employee shall make it clear to addressee that package will be disposed of immediately as undeliverable. Employee will mark package "Refused," date and initial, and return package and entry forms to post office for disposal. (See paragraph (f) of this section.)

(e) *Recording and reporting collections.* Post offices making delivery-collection of dutiable articles will deposit the customs collections with postal funds. See section 437.2 of the Postal Manual for accounting and control functions, and the preparation of Form 2932, Customs Collections Summary.

(f) *Uncollected items*—(1) *Disposal.* When it is definitely established that a dutiable package is undeliverable, detach the customs mail entry forms and treat package as prescribed in § 224.4 of this chapter (for postal union articles) or in § 232.5(b) of this chapter (for parcel post). Mark the entry forms to show the reason for nondelivery and report as prescribed in subparagraph (2) of this paragraph.

(2) *Reporting.* Complete Form 2933, Register of uncollected customs charges, in duplicate, listing uncollected items in numerical order according to the 7-digit serial numbers on the mail entries. Forward the original Form 2933, accompanied with both copies of the mail entries and the supporting Customs Form 3342 or other statements, if any, to the Regional Commissioner of Customs, Attention: Cashier, New York, N.Y. 10004. File duplicate of Form 2933 for reference purposes. Prepare reports as needed, but not less frequently than weekly.

(3) *Past-due entries.* When the customs service fails to receive a remittance of duty or report of disposition made of a dutiable package, a postmaster will receive a set of reproduced copies of the mail entry. Search shall be made at the post office of address and a report of the findings made to the Regional Commissioner of Customs, Attention: Cashier, New York, N.Y. 10004.

(g) *Refund of duty*—(1) *Duty not refundable by postmasters.* Amounts collected on customs mail entry forms are not refundable by postmasters. An addressee who requests a refund of duty shall be advised to make application therefor to the customs office which issued the mail entry within 60 days from the date of entry. It is suggested, if refund is claimed for damage, the article be forwarded with the application. If the addressee wishes to abandon the article to the Government, he should so state in his application. In case the addressee also intends to file a claim for indemnity with the Post Office Department, he shall, before taking the above action, present the contents, container, and complete wrapping to the postmaster for the inspection prescribed by Form 2855, Claims for Indemnity—International Insured Mail.

(2) *By Customs Service.* Refund of duties paid will be considered by the Customs Service if merchandise, covered by a mail entry, representing 5 percent or more of the total value of all of the merchandise of the same class or kind entered in the invoice in which the item appears, is abandoned and delivered to the customs office where the entry was made within 60 days after the date of entry.

(3) *On returned merchandise.* Refund of duties paid less 1 percent will also be considered by the Customs Service if merchandise covered by a mail entry and found not to conform to sample or specification or shipped without the consent of the consignee is, within 90 days from the date of delivery, returned to customs custody for exportation, unless the Secretary of the Treasury authorizes in writing a longer time. The postal charges incident to returning the merchandise to the sender must be paid by the addressee.

(4) *As drawback on exported merchandise.* See Part 257 of this chapter.

(5) *No duty refund in certain cases.* When an addressee requests delivery of parcel post packages to be made at his residence or place of business after the customs duty thereon has been paid at the post office, the Treasury Department has declined to refund the duty in such cases when the goods become lost between the post office and the addressee's residence or place of business, and if there is no appropriation available from which the Post Office Department could make reimbursement for the amount of duty paid.

(h) *Duty*—(1) *Rates.* Patrons desiring information concerning rates of duty on articles imported into the United States, or other customs procedure, should communicate with the appropriate customs office, located at various points throughout the country (see § 261.31(e) of this chapter), or with the Commissioner of Customs, Treasury Department, Washington, D.C. 20226.

(2) *Prepayment.* No provision is made for the prepayment abroad of customs duty on mail shipments addressed for delivery in the United States.

(3) *On articles repaired abroad.* Before sending an article abroad for repair, the patron should submit it to a customs officer for issuance of a certificate of registration. Otherwise, the entire article may be subjected to customs duty when it is returned to the United States.

(4) *In other countries.* See § 231.2(d) of this chapter.

(i) *Forwarding or returning dutiable mail*—(1) *Forwarding within the United States.* Dispatch page as prescribed in § 224.3(a) of this chapter (for postal union articles) or § 232.4(a) of this chapter (for parcel post). Allow the Customs Forms 3419 to remain attached to the redirected package in its original envelope, which is also redirected to the new address. Prepare Form 3814. Record of C.O.D. Parcels Held for Delivery, in duplicate, showing name and address of addressee, forwarding address, and name of port where the duty was assessed. In Bin No. block on Form 3814, enter the 7-digit serial number from related Customs Form 3419. Mail original Form 3814 to the Regional Commissioner of Customs, Attention: Cashier, New York, N.Y. 10004. File duplicate of Form 3814 for reference in case of later inquiry.

(2) *Forwarding to another country.* See § 224.3(b) of this chapter concerning forwarding of postal union articles and § 232.4 (b) and (c) of this chapter concerning forwarding of parcel post. When a dutiable package is entitled to be forwarded to another country, detach the Customs Forms 3419, endorse both copies Addressee moved outside jurisdiction of the United States, and report as an uncollected item (see paragraph (b) (2) of this section).

(3) *Return to sender.* When a dutiable package is to be returned to the sender, detach the Customs Forms 3419, endorse them "Refused", unclaimed, etc., and report as an uncollected item (see paragraph (b) (2) of this section).

(4) *By stations and branches.* Postmasters may authorize stations and branches to forward or return packages directly from those units, without sending the packages to the main office.

[32 F.R. 20643, Dec. 21, 1967, as amended at 33 F.R. 3281, Feb. 22, 1968]

Part 262—Sealed letters believed to contain prohibited matter

Sec.
262.1 Examination—authorization to open.
262.2 Disposal.

AUTHORITY: The provisions of this Part 262 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

SOURCE: The provisions of this Part 262 appear at 32 F.R. 12281, Aug. 24, 1967, unless otherwise noted.

§ 262.1 Examination—authorization to open.

Mail of foreign origin is scrutinized at the exchange office of first receipt for the presence of prohibited matter. If there is reason to believe that prohibited matter is contained in a sealed letter, the exchange office will endorse the cover "Supposed to contain matter prohibited importation" and forward it to the post office of destination. Letters received bearing such endorsement, or any foreign letter not so endorsed but suspected of containing prohibited matter, shall be held and treated as follows:

(a) Complete and mail Form 2921, "Held Mail Notice—International," to the addressee requesting authorization to open the letter and examine its contents. The form may be endorsed "Lottery Matter" when it is believed the letter contains such matter. If the volume of such mail or other considerations warrant, an explanatory letter may be sent in lieu of Form 2921.

(b) When authorization to open is given by the addressee, the letter shall be opened and examined in his presence, if he has appeared in person, or, if he does not appear, in the presence of two designated postal employees.

(c) If the addressee fails to authorize the opening of the letter, endorse the cover "unclaimed" and return, unopened, to its origin.

§ 262.2 Disposal.

(a) *Mailable matter.* If the contents of a letter opened pursuant to § 262.1 are found to be mailable and the examination has taken place in the presence of the addressee, immediately deliver the letter to him. If the addressee is not present, mail the latter to him under official cover.

(b) *Prohibited matter.* If the contents of a letter opened pursuant to § 262.1 are found to be prohibited they shall be disposed of as follows:

(1) Transmit lottery matter to the local postal inspector in charge.

(2) Report other prohibited matter to the Mailability Division, Office of the General Counsel, with a sample of the contents, and await instructions as to disposition.

FOOTNOTES

[1] Dutiable packages addressed to persons on commercial vessels in harbor bound for a foreign port are subject to duty unless remailed to a foreign destination or otherwise exported under customs supervision. (T. D. 38287 (3))

[2] Copies of the special distribution scheme will be furnished to collectors of customs and will be available for inspection by the public at the collectors' offices.

[3] "* * * The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

"(1) Merchandise, imported in the mails or otherwise, when the aggregate value of the shipment does not exceed such amount, not greater than $250, as the Secretary of the Treasury shall specify in the regulations, and the specified amount may vary for different classes or kinds of merchandise or different classes of transactions;

* * * * *

"(11) Merchandise within the provisions of paragraph 1631 of this Act." (Tariff Act of 1930, sec. 498(a), as amended; 19 U.S.C. 1498(a))

[4] "(a) * * * (1) any article released under an informal mail entry shall be subject to duty at the rate or rates in effect when the preparation of the entry is completed; * * *." (Tariff Act of 1930, sec. 315 (a) (1), as amended; 19 U.S.C. 1315(a) (1))

[5] Parcels imported under the provisions of the parcel-post conventions between the United States and foreign countries need not be labeled or endorsed since under the terms of these conventions such parcels, if sealed, may be opened by customs officers, immediately upon receipt and resealed with official seals after examination.

[6] "(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is hereby authorized, under such regulations as he shall prescribe, to—

"(2) Admit articles free of duty and of any tax imposed on or by reason importation, but the aggregate fair retail value in the country of shipment of articles imported by one person on one day and exempted from the payment of duty shall not exceed—

"(A) $10 in the case of articles sent as bona fide gifts from persons in foreign countries to persons in the United States, or

* * * * *

"(C) $1 in any other case.
The privilege of this subdivision (2) shall not be granted in any case in which merchandise covered by a single order or contract is forwarded in separate lots to secure the benefits of this subdivision (2)." (Tariff Act of 1930, sec. 321 (a), as amended; 19 U.S.C. 1321 (a).)

[7] The regulations contained in § 10.30 of this chapter, which govern the free entry of articles for diplomatic and consular officers and other representatives of foreign countries, are applicable in the case of mail articles.

[8] Liquidation of mail entries are subject to protest as in the case of formal entries. Importations in the mails are not subject to appeal for reappraisement unless formal entry has been made.

STATUTES

Title 5, United States Code

Chapter 3—Powers

§ 301. Departmental regulations

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public. Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 379.

Chapter 5—General provisions

§ 501. General duties of the Postmaster General

In addition to his other duties the Postmaster General shall—

(1) prescribe rules and regulations that he deems necessary to accomplish the objectives of this title;

(2) instruct all persons in the Department with reference to their duties;

(3) decide on the forms of all official papers of the Department, except as otherwise provided by law;

(4) investigate postal offenses and civil matters relating to the Department;

(5) superintend generally the business of the Department and execute all laws relating to the Department.

Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 580.

Title 19 United States Code

§ 1305. Immoral articles; importation prohibited.

(a) Prohibition of importation. All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: *Provided,* That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further,* That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

Upon the appearance of any such book or matter at any customs office, the same shall be seized and held by the collector to await the judgment of the district court as hereinafter provided; and no protest shall be taken to the United States Customs Court from the decision of the collector. Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed. Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury and any party may have an appeal or the right of review as in the case of ordinary actions or suits.

MAY 1—LAW DAY AND LOYALTY DAY

Mr. WILLIAMS of New Jersey. Mr. President, on May 1, all Americans join in acknowledging the importance of both Law Day and Loyalty Day, which will be celebrated in honor of our Nation's ideals in jurisprudence and the American way of life.

Although only Loyalty Day has been proclaimed officially by the White House this year, a joint congressional resolution in 1958 provided for the proclamation of Law Day in succeeding years. My own State of New Jersey will observe Law Day, as the Governor officially announced on April 27.

In the late 1920's, members of the Veterans of Foreign Wars in New Jersey and New York set in motion the basic steps for honoring Loyalty Day. But it was not until 1950 that this movement became national in scope. Every year members of each VFW, along with students and local organizations, demonstrate their pride in the United States through parades and celebrations. The enthusiasm instilled in this national observance has been increasing each succeeding year. Following the joint congressional resolution in 1958, our country has also honored Law Day. Instead of parades, however, thousands of Americans have expressed their enthusiasm through lectures, speeches, and individual events.

Law Day, originally initiated by the American Bar Association, is designed to stimulate greater respect for our system of laws. The support of law enforcement and increased observance of the laws are the basic goals of this national observance. By emphasizing the singular advantages and values of living within our present system, the ABA has demonstrated pointedly the privileges of a democratic society compared to that of any other system thus far devised by man.

However, it is imperative that along with our rights and privileges granted through the Constitution and system of laws, there be definite responsibilities for which an individual is obligated to society as a whole.

Mr. President, the importance of May 1 is twofold. In honoring and acknowledging Law Day as a day to rededicate our national values, ideals, and goals, we also pay tribute to Loyalty Day. For in pausing to observe and reflect on our Nation's strongest fundamental principles of justice, we demonstrate our appreciation of the American way of life.

AFFLUENT SOCIETY PAVES WAY FOR PERMISSIVE SOCIETY

Mr. JORDAN of Idaho. Mr. President, on April 21, the senior Senator from Iowa (Mr. Miller) addressed the Pepperdine College forum XII seminar on civic and public responsibilities in Los Angeles.

His observations on the "underlying fundamental national imperatives" facing America today are very pertinent to the crises we are undergoing today: The campus unrest, the seeming breakdown in moral integrity, and the continued dangerous pursuit of materialistic abundance, the emphasis on quantity, not the quality of life.

Our affluent society, Senator Miller warns, "seems to have paved the way for the 'permissive society,' with its emphasis on 'rights' and little or no regard for the responsibilities correlative to those rights."

His remarks merit the attention of Senators. I ask unanimous consent that they be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

A HARD LOOK AT UNDERLYING FUNDAMENTAL NATIONAL IMPERATIVES

(By Senator Jack Miller)

One of the fringe benefits of a member of the Senate is the opportunity to appear before an audience such as this and to have the feeling that—unlike the usual Senate atmosphere—there are minds that are not already made up.

At the same time, I would not wish to give the impression that Senate minds are always directed at the specifics of a particular bill or amendment so that there is no opportunity for indulging in discourse on philosophy. Indeed, the Congressional Record contains a great amount of timely comment relating to fundamental national imperatives underlying the work we do and, too often, the things we fail to do. After all, most legislators are idealists, more or less. But we have to be pragmatists, too; because ideals are not very helpful unless they are reduced to specifics—and that is what bills and amendments are all about.

These are troubled times, and when there are troubled times, one should try to find out what the trouble is—if he wishes to do something about it. If his efforts are to be both meaningful and lasting, he had better get to the root of the trouble instead of tip-toeing around on the periphery—granted that palliative solutions are much simpler than the hard look and hard decisions on root problems. My purpose on this program is to take that hard look. However, people like you will have to help influence public opinion so that the hard decisions needed will be made.

In this nuclear age, there has been a great amount of talk about the problem of survival. To me, this is an unduly pessimistic and terribly sterile approach—one that can easily lead to a "better red than dead" outlook. Short of that, it can inspire anxiety to reach an agreement with the Soviet Union in negotiations relating to nuclear weapons—an agreement which may not, because of that anxiety, contain the safeguards needed to assure our security. Retired General Matthew Ridgway recently wrote: "I believe today's overriding imperative is to explore every avenue, to exhaust every conceivable means and method to bring the governments of the U.S.S.R. and the U.S. into solemn and irrevocable agreement to ensure that a nuclear confrontation does not take place." I am troubled by such a statement, because it expresses the "anxiety" to which I have referred. I am concerned over his emphasis on a "solemn and irrevocable" agreement, with nothing said whatsoever about enforcement and safeguards, including inspection. And I wonder what concessions might be implied in exhausting "every conceivable means and method" to reach such an agreement. Finally, in our negotiating posture with the Soviets, it seems to me that we need be no more anxious than they, and I would feel more comfortable if one of the retired Red generals had made a comment similar to General Ridgway's. I haven't seen one, however.

Instead of talking about survival, it seems to me that the relevant overriding imperative is peace with freedom. We talk about "peace" so often that there is a tendency to take for granted that all members of the family of nations share the same concept of what "peace" is. Regrettably, this is not the case—simply because the leaders and citizens of other nations possess different cultures, traditions, political systems, and philosophies.

Here in the United States, where we share a common philosophy embracing individual freedom, there is general agreement on the concept of "peace". It has been expressed in the statements of our national purpose by successive Presidents in recent years, namely: "a strong, free, and virtuous America in a world where there is a just and lasting peace, with freedom and respect for the integrity of the individual." As American citizens, therefore, we are concerned with the unalienable rights of man as an individual and, also, his correlative responsibilities as a member of a society established to attain the goals set forth in the Preamble of the Constitution.

Our national purpose expresses the ideology of freedom—as opposed to the ideology of non-freedom, which finds national expression behind the Iron and Bamboo Curtains and denies the existence of God, the human soul, and the integrity of the individual. We would do well to remember that the concept of "peace" in the Communist mind, therefore, is not the same as our concept of "peace." Nor is our concept of "peaceful coexistence" the same as that of the Soviets. And if there is any doubt on this point, let the doubt be resolved by reading the book published by the American Bar Association in 1964, entitled: "Peaceful Coexistence—A Communist Blueprint for Victory."

In our quest for peace with freedom, we should also understand that there is no necessary correlation between the human need for peace and the human capacity to achieve it. There has always been the need, but the capacity still seems to elude us. The reason isn't a deficiency in the charter or structure of the United Nations. Nor is it the lack of a United Nations peacekeeping force. The reason is the clash of ideologies. There are those who are willing to use military power to destroy the freedom of members of the family of nations, and whether that power is exercised in the form of a Czechoslovakian invasion or a so-called "war of national liberation" is not particularly relevant. What is relevant is that military power is a fact of life, and the willingness to use it to force on other nations an environment of non-freedom (be it Communism or some other form of totalitarianism) is a fact of life. The human capacity that is needed is a unity of ideology among nations and their peoples—and certainly among the major powers: unity of respect for the individual person, unity over the concept of social justice, unity over the rule of law, unity over freedom of self-determination of nations, unity over truth, unity over freedom of communications, and unity over the meaning of "peace" itself. The theme of Expo '70 in Osaka—"Progress and Harmony for Mankind"—is right on the target.

Only out of such unity—or, if you will, ideological disarmament—can come the mutual trust and confidence among the members of the family of nations which will underwrite the human need for peace with freedom. We can and should work for these ideological unities, attacking problems of hunger and malnutrition, disease, illiteracy and lack of opportunity for education, economic underdevelopment, pollution of the environment, and overpopulation. These problems can lead to, or exacerbate, ideological disunity. Their solution can help prepare a foundation for ideological unity. We can pray for short-term success, but realism compels me to suggest that we should not *expect* it. I well recall the answer to a question given by Arthur Goldberg shortly after he became Ambassador to the United Nations. The question: "Mr. Ambassador, what do you hope to accomplish as the American Ambassador to the U.N.?" The answer: "I hope that, during my period of service, I can help move the world one inch closer to peace."

As I have said, the reason we do not yet have the capacity for peace will not be found in a deficiency in the United Nations Charter, which I happen to regard as a great moral document. As in the case of our own Constitution, its integrity should be preserved. Its violations or misinterpretation, for the sake of expediency, should be avoided. When it recites that admission of new members should be limited to peace-loving nations, the United States shouldn't have to worry about making the question of admission of Red China (in her present posture) an "important" question requiring a two-thirds favorable vote. There ought to be a resounding "no" vote by all 126 members. Indeed, the question shouldn't even be put. Still there are those who say that the principle of universality should prevail over the plain language of the Charter. The same logic would lead to our creating a fifty-first state, even though that state would deny freedom of religion to its people. What these advocates should do is offer an amendment to the Charter which would delete the words "peace-loving". Of course I would hope that such an amendment would be overwhelmingly defeated, but, at least, it would be an honest approach.

When the Charter provides that a member state, which is more than two years delinquent in the payment of its dues and assessments, shall lose its vote in the General Assembly, one doesn't have to be a "strict constructionist" to find that there is no exception for the Soviet Union. Still the Soviet Union continues to vote, with the timid acquiescence of the United States. Small wonder, then, that as of last January 1, 92 of the 126 members were delinquent, in one form or another, in the payment of their dues and assessments. Undercutting the integrity of the Charter for the sake of "expediency" does not well serve the cause of world peace; but the fact that it happens points up the need to view the world as it is, and not as we wish it would be, in our international relations.

It has been said many times that the United States is the leader of the free world, whether we like it that way or not. This responsibility of leadership follows from the abundance of both material and spiritual resources which are ours. However, leadership is a fragile status—one which the enemies of freedom, both from within and without, have long sought to undermine. I am reminded of a recent editorial which observed that in May of 1919 at Dusseldorf, Germany, the Allied Forces obtained a copy of some of the Communist rules for revolution. Let me read a few of them:

"Corrupt the young, get them away from religion. Get them interested in sex. Make them superficial; destroy their ruggedness.

"Get control of all means of publicity and thereby: get people's minds off their government by focusing their attention on sexy books, plays and trivialities; divide the people into hostile groups by constantly harping on controversial matters; destroy the people's faith in their natural leaders by holding the latter up to contempt and ridicule; by encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent; foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders.

"Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless."

These rules were well carried out in Germany, and while she didn't become a Communist state, the people got something just as bad.

I find the parallel between these rules and developments in our own country more than a mere coincidence. This is not to imply, of course, that everyone who believes in registration of firearms, for example, is knowingly following Communist rules. It is to warn, however, that experts on Communism have repeatedly observed that Communist subversives are most effective when good, decent people and organizations can unwittingly be persuaded to do their dirty work for them.

This dirty work is directed at three areas: the American "system"; our values; and our character as a people.

As far as the "system" is concerned, there are really several. One is our system of justice, the heart of which is our court system. The recent trial of the "Chicago 7" and the current comments by their defense counsel vividly expose the nature of the attack. When in their own little minds they decide that "justice", according to their own definition, is not being done—that "civil rights", according to their own definition, are being violated, then the court system is supposed to be overthrown to suit their convenience. No matter how this strategy is sugar-coated, no matter how eloquent and articulate their position is stated, there is only one word for it: anarchy. When contempt citations are meted out, of course, they call it "repression". But since when is repression of anarchy supposed to be bad?

A distinguished former law school dean and the present Solicitor General of the United States has said: "The utter indefensibility of violent opposition to law is that it proceeds on the foolhardy and immoral principle that might makes right. Rousseau rejected this approach as a viable political alternative. To permit factions the resort to force when they feel—however correctly—that a particular law or policy is wrong would be to renounce our own experience and that of the Founders . . . No mob ever protected any liberty, even its own . . . Civil government cannot let any group ride roughshod over others simply because their 'consciences' tell them to do so."

The bombings and riots which followed conviction of the "Chicago 7" and contempt citations for their lawyers merely represented the violent activities usually associated with anarchy; but, even without them, this was intellectual anarchy at its worst.

Nor is the situation helped when a member of the Supreme Court of the United States writes:

"The use of violence as an instrument of persuasion is therefore inviting and seems to the discontented to be the only effective protest . . . where grievances pile high and most elected spokesmen represent the Establishment, violence may be the only effective response . . . We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the *redress*, honored in tradition, *is also revolution*."

This brings me to the so-called "Establishment". A few years ago, one of my colleagues wrote a book about the Senate Establishment. On a joint TV appearance, he complained about some of his virtuous amendments which have been defeated by the "Senate Establishment". I recalled that some of them had been defeated by margins of 95–5, 90–10, 85–12, and the like. Still he insisted that the Senate Establishment was at fault. Not until then did I begin to realize that the so-called "Establishment" really is the majority. Unlike George III's day, we have majority rule in this country, with minority rights protected by the Constitution and the courts. If that majority—the "Establishment"—is not responsive to the needs of the people, it won't be a majority very long. Meanwhile, those who don't like majority rule are welcome to try to sell their ideas to the majority—but never to force their ideas on the majority.

All of this is not to argue that our American system is perfect, or that our system of justice is perfect. It certainly is as good as any in the world and far better than most. And the genius of the American system is that it offers the opportunity for improvement—for reform. There is nothing wrong with the system. What is wrong are the abuses of the system by some of the people in the system. The solution is to get rid of the abuses and cast out those officials who abuse the system.

Another system under attack, although the attack is somewhat more subtle, is our system of higher education. Most educators will agree that the college or university should serve as a center for the search for truth; that this is where knowledge is to be imparted, wisdom is to be nurtured, and horizons are to be broadened. The college or university is not, and should not be, primarily a political force, but rather a wellspring from which politicians and reformers can obtain ideas and inspiration. As long as our colleges and universities so serve, the taxpayers will support them or, in the case of private institutions, the contributors will contribute. And the excellence of our higher education will be maintained.

But when control and responsibility for administration of these institutions is taken over by those who do not have the experience and judgment needed for administration—by the students and/or the typical faculty member—academic discipline and academic excellence disappear. Nowhere is the truth of this observation more evident than in the case of many of the universities in South America, where, for example, professors cannot be hired, courses cannot be taught, deans and heads of departments cannot be appointed—without approval of the student organization.

There are things happening on some of our campuses in the name of academic freedom which appear to overlook the fact that there is no absolute right of academic freedom, anymore than there is an absolute right of free speech. There are responsibilities inseparably connected with these rights, and one of the responsibilities of academic freedom is to further the search for truth—not to impede it. I question that the search for truth is aided by the campus appearance of individuals who preach anarchy, treason, and revolution. I also wonder how informative an expert in one field—a baby doctor, for example—really is when he makes a cam-

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pus appearance to pontificate in another field, such as international law, in which he has no expertise whatsoever. Students can read what these people have to say in books, newspapers, and periodicals without having the good reputation of their college or university demeaned by their presence—usually for a fee and always, it seems, with attendant publicity far in excess of the importance they hold in our society.

It is difficult for an adult, even a parent, to fully appreciate the mental turmoil of many of our young people. However, I believe that adults have to share some of the blame for what is going on—especially some of our political, religious, academic, civic, and professional leaders. There is a sort of "pseudo-intellectualism" pervading too many of the speeches and writings of these groups, and it is rubbing off on the young, searching, trusting, and, often, gullible mind. It deals in glittering generalities and cliches without any real meaning, because they are seldom if ever translated into specifics. It raises false hopes of instant change—instant educational excellence, instant prosperity, instant peace, instant social justice. Because it lacks realism and inevitably results in disappointment and frustration, it appears to be motivated by a synthetic idealism which, perhaps, slightly distinguishes it from demagoguery.

"We can't afford not to afford" to do something. "We have the resources" to do something. Well, maybe we can; maybe we can't. Perhaps there are resources; perhaps not. Only by dealing in specifics can a real judgment be made.

The "pseudo-intellectuals" are very adept at begging the question by making use of labels, such as: "liberal," "conservative," "moderate," "McCarthyism," "stone age thinking," "leftist," "radical," "martyr," "militarism," "the establishment," and "civil rights leader."

Probably no "pseudo-intellectual" poses a greater threat to the young mind than one who is a member of a faculty, because such a teacher actually hinders the search for truth. Doctor Grayson Kirk, former President of Columbia, had this to say during a discussion on academic freedom:

"Academic freedom for a professor means that his career may not be jeopardized by the expression of his views to his students or to the public. But however much a professor may assert his rights as a citizen to speak out on any topic, he ought to think twice before he makes a ringing public declaration on a controversial subject, particularly if it is far removed from his own field of scholarly competence. He should hesitate before doing so simply because no matter how loud or sincere his disclaimers, he can never entirely shed his scholar's gown. It may well be that when he seeks to take off his academic gown he will have beneath it only the Emperor's clothes, but he cannot escape a certain popular presumption of intellectual authority—and he has the responsibility not to abuse it. A scholar has an implied professional commitment to approach all issues more in the spirit of a judge than in that of an advocate. He has an obligation, in Sir Walter Moberly's words, to be 'doubly watchful and critical of the unconscious operation on his mind of his own pet prejudicies and sympathies . . . an obligation more easily acknowledged than observed.' When a scholar fails to keep this admonition in mind, in the long run he puts in danger the public acceptance of the essential integrity of the university."

Just as the pornographers always seek to hide behind the First Amendment to the Constitution, those who abuse our campuses and classrooms always try to fall back on "academic freedom." If violence occurs, it is justified as a perfectly natural reaction to repression and grievances. The former Ambassador to the United States from India put the matter in perspective when asked by a group of students what he thought of their taking over a college president's office as a means of bringing about a change in the rules covering student discipline. He responded by saying he thought they were a "bunch of cowards."

In the May 5 issues of Look Magazine, columnist and Pulitzer Prize winner Richard Wilson observes that every poll shows that our President's support comes from every element—rich and poor, ignorant and learned, tolerant and intolerant—the so-called "silent majority" of forgotten Americans—Middle Americans. "If they are united on one point," he writes, "it must certainly be this: An America typified by the youth culture, the hippie culture, the drug culture, black or white racism, rampant sex, permissiveness, crime, absurd styles of dress and conduct, far-out art and music, and condoned racial and political violence simply does not exist in the everyday lives of the vast majority of Americans. . . . They are not a part of it. They resent the exploitation by the mass media of this conduct on the fringes of society because they do not think it represents the heart and soul of this country. . . . They are in rebellion against the commentators, reporters, editors and politicians who spend their days and nights weaving eccentric incidents into a shoddy and spurious fabric of what American life is supposed to be but is not."

I might add that they are also very unimpressed when a certain politician journeys to California to say that efforts to curb the abuses by the fringe elements represent "the most significant threat to freedom from our government in a generation."

Their resentment is closely related to the results of a recent Gallup Poll which disclosed that over half the people feel that presentation of the news by TV networks and newspapers favors one side. And there is good reason when the distinguished ABC commentator Howard K. Smith says he agrees that "we" made the mistakes the Vice President criticized in his Des Moines speech last November, and explains that networks are almost exclusively staffed by liberals. "It evolved," he says, "from the time when liberalism was a good thing, and most intellectuals became highly liberal. Most reporters are in an intellectual occupation . . . liberals, virtually by definition, have a strong leftward bias. . . . Our tradition, since FDR, has been leftward. . . . Our liberal friends, today, have become dogmatic. They have a set of automatic reactions. Oversimply. Be sure you please your fellows, because that's what's 'good.' They're conventional, they're conformists. They're pleasing the Washington Post, they're pleasing the New York Times, and they're pleasing one another. . . . It is this new left power over many of the nation's liberal reporters that underlies an anti-American and pro-radical bias in network coverage—and that underlies public anger."

Actually, concern over ethical standards for publishers, writers, reporters, columnists and commentators is not new. The American Society of Newspaper Editors at its annual convention in 1925 adopted several canons of ethics; and Sigma Delta Chi, the professional journalistic society which includes members of all the press media, adopted these the following year. Some of them are worth noting:

"I. The right of a newspaper to attract and hold readers is restricted by nothing but consideration of public welfare. . . . A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

"II. Freedom from all obligations except that of fidelity to the public interest is vital.

"1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism.

"2. Partisanship, in editorial comment, which knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns, it is subversive of a fundamental principle of the profession.

"IV. Good faith with the reader is the foundation of all journalism worthy of the name. . . . It is not to be excused for lack of thoroughness or accuracy within its control. . . . Headlines should be fully warranted by the contents of the articles which they surmount.

"And finally, V. News reports should be free from opinion or bias of any kind."

I doubt that any of us could find fault with these canons of ethics. The trouble seems to be with the failure of some members of some of the press media to live up to them.

In the face of lack of trust and confidence on the part of the public, it does no good for offending journalists to overreact by saying that the dangers from press abuses are nothing compared to the danger of government censorship and control. The people want neither. All they ask is that those journalists live up to their canons of ethics. They don't want unethical journalists any more than they want unethical politicians, unethical lawyers, unethical doctors, unethical ministers, or unethical members of any other profession which proclaims its responsibilities to the public. And they have a right to expect that the profession will put its own house in order. Why, for example, should not Sigma Delta Chi publicly censure journalists who violate their canons of ethics? After all, we do it in the Senate!

One apologist recently wrote that Jefferson's diary gleefully exults at the choleric reaction of President Washington to personal attacks made by a newspaper over which Jefferson, then Secretary of State, exercised editorial control. He would have done better if he had also quoted Jefferson's admonition: "Whenever the people are well-informed, they can be trusted with their own government."

How, one may ask, is there to be informed public opinion if the news policy of a newspaper or TV station gives coverage to one side and little or no coverage to the other side? It isn't a sufficient answer to claim that time and space do not permit all sides to be covered. If there are differing views, it won't take much effort to find views that are sufficiently opposite to those covered to let the readers and viewers know there is at least one other side.

It is not often that one hears about downright falsehoods being printed or telecast. Those who would violate their canons of journalistic ethics find subtler ways: the half truth—printing only the favorable news and not the unfavorable news (to their viewpoint), or vice versa; the near half-truth—printing more of the favorable news than the unfavorable news, or vice versa; the so-called "silent treatment"—just not printing certain news at all if it might not fit with their point of view; or the "burial treatment"—page one for news they like or individuals they are promoting, and page 25 otherwise.

I remarked earlier that our values and character as a people are under attack. The attack has had a measure of success, but is it not possible that public apathy and selfishness are just as much responsible for that success as the resolve and cunning of the enemies of freedom? The affluent society seems to have paved the way for the "permissive society", with its emphasis on "rights" and little or no regard for the responsibilities correlative to those rights.

A great many things are being said and done in the name of "social justice" which aren't social justice at all. Since when does the American concept of "social justice" de-

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mand that society has a duty to provide free medical care to those of its members who can afford to pay for their own? To tax the low wage-earner, trying to maintain his family, in order to pay free benefits to those with high incomes? Since when does the American concept of "social justice" require that welfare payments or a guaranteed annual income go to those who are able but refuse to work, or refuse to take job training so they can work?

For too long, I fear, we have been worshiping at the altar of materialism. It is true that we have made magnificent progress in science and technology. Our people have the highest standard of living of any country in the world. We have more automobiles and more TV sets than all the rest of the world put together. But our emphasis has been misplaced. For four years most Americans thought they could have a "great" society simply by calling it "great", but something went wrong. They forgot that we must have a "good" society first. And who is there among us who would say that our morality as a people has kept pace with our material advances?

Indeed, if we lose the struggle between freedom and non-freedom, it won't be because the Russians are ten feet tall. If we win, it will only be because we have become a better people.

This, I believe, is what the great majority of our young people are trying to tell us. They are seeking quality—not quantity—in our society. They know that we are not really as well off as some of the older generation may think we are. Their disenchantment and impatience are not to be measured by degrees of affluence. They want humanistic reforms—not the overthrow of the American system. And reforms are needed.

No nation can expect to survive, much less provide leadership, unless the character of its people is strong; and strength of character requires adherence to moral values—the same ones that inspired the Founding Fathers: courage, integrity, resoluteness, love of country and its people, and, above all, faith in God.

The safe return of the crew of Apollo 13 was a remarkable scientific accomplishment. But, for the future of this land of ours, where we sing "God Bless America", the greatest achievement was that a near catastrophe in outer space brought a proud nation to its knees—to pray. With that, America took a great leap forward to goodness!

RITA HAUSER'S TESTIMONY ON THE GENOCIDE CONVENTION: REQUIRED READING ON THIS VITAL UNITED NATIONS TREATY

Mr. PROXMIRE. Mr. President, 1 week ago today, hearings opened on the Genocide Convention before a special subcommittee of the Committee on Foreign Relations.

Although the Genocide Convention is now 20 years old, its importance to the world community must not be underestimated. So far, 75 countries have acceded to or ratified this convention. The inactivity of the United States in this area may have led some observers to believe that this country has little interest in protecting all the people of the world from the type of crime committed by the Nazis during World War II. This conclusion is, of course, incorrect, and the reopening of hearings on the Genocide Convention bears witness to that fact.

One of the many outstanding witnesses to appear before the special subcommittee was Mrs. Rita Hauser, the U.S. representative to the United Nations Commission on Human Rights. Mrs. Hauser is deeply involved in the international efforts to protect human rights, and her expert testimony was certainly a high point of the hearings.

Mrs. Hauser presented many strong arguments in favor of Senate ratification of this vital U.N. treaty. She thoroughly covered the important point that ratification is within the treaty power granted to the Senate by the Constitution. In addition, Mrs. Hauser stressed that ratification alone would not subject U.S. citizens to the provisions of the treaty. The Genocide Convention will not apply to American citizens until special enacting legislation is passed by the Congress and signed by the President. Thus, as she points out, this treaty is certainly not self-enacting.

Finally, Mrs. Hauser carefully refutes the constitutional objections to U.S. accession to the Genocide Convention.

Mrs. Hauser's vast experience in the field of human rights, both as a lawyer and as the U.S. representative to the Human Rights Commission, make her excellent testimony "required reading" for all those concerned with the U.S. role in international efforts to protect human rights.

Mr. President, I ask unanimous consent that portions of Mrs. Hauser's testimony before the special subcommittee of the Foreign Relations Committee be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF STATEMENT BY THE HONORABLE RITA E. HAUSER

The Genocide Convention was a direct result of World War II, and in particular of the realization emerging piece by piece in the mid-1940's that Hitler's vow to exterminate the Jews was not mere propaganda, but was the expression of a systematic policy in large part carried out. The International Military Tribunal at Nürnberg described the mass murders of the Jews of Europe, but considered that they were beyond the jurisdiction of the Tribunal, insofar as they were not directly related to planning and waging aggressive war:

"The Tribunal is of the opinion that revolting and horrible as many of these crimes were, it has not been satisfactorily proved that they were done in execution of, or in connection with any such crime (of aggressive war). The Tribunal therefore cannot make a general declaration that the acts before 1939 were crimes against humanity within the meaning of the Charter (establishing the Tribunal). . . ."

The international community, as represented in the United Nations, responded promptly by a General Assembly resolution declaring genocide an international crime.

Thereafter, the Secretary-General of the United Nations, various committees of the Economic and Social Council, and the General Assembly itself, undertook the job of translating the resolution into a formal treaty. By 1948 the drafting was completed and the text of the Convention was adopted by the General Assembly by 55–0. According to Article XIII of the Convention, it was to enter into force ninety days after the twentieth instrument of ratification or accession was received. This took place on January 12, 1951.

As of this date, a total of 75 states have ratified or acceded to the Convention.

I wish to demonstrate that the Genocide Convention is in all respects consistent with the Constitution, the laws and the ideals of the United States.

I. RATIFICATION OF THE GENOCIDE CONVENTION IS A PROPER EXERCISE OF THE TREATY POWER

The Genocide Convention flows directly from those many provisions of the United Nations Charter under which all Members agree to join together to promote and encourage respect for human rights and fundamental freedoms for all. While the Charter itself is obviously the legal document by which an international organization was established, it also comprises a code of conduct binding on all its Members. Since 1945, multinational treaties have become the prime legal mechanism by which States have entered into mutual commitments for common purposes, many of which are codes of conduct. Treaties now range far beyond the narrow scope of commercial arrangements or boundary settlements which characterized international treaties of the last centuries. Multinational treaties today deal with diverse matters of concern to the international community; these include matters of common defense, economic development, cultural programs, to name but a few. Under them, States agree to act in concert in accordance with the rules so established. There can be no doubt that in dealing with the crime of genocide on a multinational basis, the world community, through the United Nations, appreciated that genocide is a matter of concern to all States and one requiring common treatment. This seems obvious in that massive horror anywhere on earth affects all the world in one way or another, and is usually associated at some point with threats to or breaches of international peace and security.

It is therefore clear that the crime of genocide is a proper subject for the exercise of the treaty power of the United States. The fact that 75 States have entered into a treaty dealing with genocide, in and of itself, makes the subject a matter of international concern, even if it were not evident by the very nature of the crime. And if a subject is one of "international concern", then the United States has the power under the Constitution to enter into an international agreement on that subject. This principle of law has been cited on many occasions by our Supreme Court, and is beyond any doubt. A full review of this point may be found in the exhaustive study of Professor Louis Henkin in his article entitled "The Constitution, Treaties, and International Human Rights", 116 University of Pennsylvania Law Review 1012 (1968).

The crime of genocide may be regulated through the exercise of the treaty power of this country because genocide is a matter of "international concern". For this reason, the arguments raised some fifteen years ago in the Senate during the debate on the proposed Bricker Amendment have no relevance to the Genocide Convention. Indeed, quite apart from the treaty power, the Constitution expressly grants to Congress in Article I, Section 8, the power "to define and punish Piracies and Felonies committed on the high seas and Offenses against the Law of Nations". The world community, by its widespread ratification of the Genocide Convention, has now defined genocide as such a crime against the law of nations. Congress can proscribe the crime of genocide by virtue of this express power.

Accordingly, there is no validity to any "states rights" argument as to the crime of genocide inasmuch as Congress may treat of it by exercise of an express power or by exercise of the treaty-making power of the Federal Government.

II. RATIFICATION OF THE CONVENTION DOES NOT, PER SE, MAKE GENOCIDE A PUNISHABLE CRIME UNDER DOMESTIC LAW

It is clear from the Convention itself that the Convention is not self-executing. Ratification would obligate the United States to enact implementing legislation, making the crimes specified punishable under United

States law. Failure by the Congress to enact the implementing legislation would leave the United States in breach of an international obligation, but in such eventuality no one could be tried in the United States for a crime not specified in the Criminal Code. It is certain that no one can be accused of or tried for the crime of genocide in the United States until legislation making genocide a crime has been adopted in accordance with our domestic procedure for passage of a law.

III. CERTAIN SPECIFIC OBJECTIONS RAISED TO THE GENOCIDE CONVENTION ARE NOT MERITORIOUS

In addition to the general objections to the Genocide Convention discussed above, a number of particular criticisms relating to the text of the Convention were made by opponents in 1949–50. These are not of a dimension sufficient, singly or together, to warrant non-ratification.

Why, it was asked, did Article II refer to the destruction of a national, ethnical, racial, or religious group *as such?* Does this not create an ambiguity? The answer is perhaps it does, but so would the phrase without these words. Conceivably, for example, an edict to kill all restaurant owners might be a subterfuge to kill all persons of a particular national group within a country. In such an event, the words "as such" would give a possible technical defense to the authors of the deed. But that possibility seems very remote. In the past, genocide has not usually been disguised. It has been part of a deliberate, public, and political or religious campaign.

What did the addition of the words "in whole or in part" signify for the crime of genocide? The answer, again, is quite simple, and indeed, appears in the drafting history of the Convention itself. The object of adding the words "in part" was to preclude an argument that international destruction, say, of half or two-thirds of the Jews of Romania was not comprehended in the crime of genocide.

One criticism of the Convention arose out of the possibility that, under Article VI, a person accused of genocide could be tried by an international penal tribunal, possibly without trial by jury and other safeguards to which a United States citizen is entitled under the Constitution. Again, the answer is simple. No such tribunal has been established. If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is, only with the advice and consent of the Senate by a two-thirds vote.

POLISH CONSTITUTION DAY

Mr. WILLIAMS of New Jersey. Mr. President, 179 years ago the first constitutional government in Poland was instituted following many years of distress and turmoil. Polish patriots believed that the old form of monarchy no longer was representative of the needs and rights of the people; and headed by King Stanislas, himself, a secret organization started to prepare for an overthrow that would hopefully be nonviolent. With great success, the "Bloodless Revolution" of May 3, 1791, brought an end to the dictatorial monarchy, and within the Polish Diet, the new constitution was read and accepted by the people of Poland.

Immediately following the proclamation of new Poland, a modern "constitutional monarchy" began, working closely with a parliament similar to our own present bicameral legislative body.

Through the constitution, many sweeping changes were made. A new respect for law was developed, as well as a respect for and protection of personal property. The constitutional government was also directly responsible for several national reforms. Besides reforms of a political nature, Poland progressed socially and economically within its brief period of liberation.

However, the fate of that country was similar to that of many other small European nations. The life of the constitutional government ended shortly after it began, as Catherine the Great of Russia refused to accept it and declared the new constitution to be an "enemy to Poland." On April 8, 1792, the Russian army invaded Poland; and although the Poles bravely withstood the onslaught of Russian forces for 3 months, they eventually succumbed and were once again subjected to dictatorial rule. Following the establishment of Catherine's "Confederation" in Poland, the country was divided in 1793 between Russia and Prussia.

This Sunday, 2,779,000 Polish-Americans will pay tribute to their ancestors' brief span of democratic rule in a celebration of "Polish Constitution Day." I join my 238,000 fellow New Jersey residents of Polish descent in honoring the courage and determination of those patriots who 179 years ago risked everything in an attempt to bring justice and freedom to their beleaguered countrymen.

I ask unanimous consent that a resolution adopted by the Bergen Ampols, of Wallington, N.J., be printed in the RECORD. This organization has eloquently and succinctly expressed the conviction deeply shared by all Americans that Poland might some day regain her freedom and once again light the candle of liberty behind the Iron Curtain.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas we, the Bergen Ampols, an organization of Americans of Polish descent, shall on May 3rd mark the 179th anniversary of the constitution which at that time indicated Poland as an independent state, and

Whereas since that time the country of Poland has been subjugated by an aggressive and overpowering neighbor, and

Whereas we wish to let it be known that Red Russia has been defeated in battle only one time, and that in the battle of Warsaw in 1920 when the Polish forces drove the Russian invaders out of the countryside, and also recaptured lands correctly parts of their territory, the only defeat communist Russia has suffered, and

Whereas some world dictators, in World War 2 positively decided to apportion Poland and satisfy the greed of one of its neighbors, thus opening the door for the subjugation of eastern Europe in general, and now therefore

Be it resolved that we of the Bergen Ampols together with upwards of ten million Ampols in this country shall continue to fully pray for and fight for the freedom of a betrayed Poland, now under the red heel of Russia,

Be it further resolved that May 3, 1970, be marked in this country not only as Polish Constitution Day, but also that it be designated as the fiftieth anniversary of the defeat of the Communist forces by the gallant Poles in the battle of Warsaw, 1920, and

Be it further resolved that copies of this resolution be sent to President Nixon, Governor Cahill, and our representatives on the State and National level.

Approved March 15, 1970.

PAUL BORUTA,
President, Bergen Ampols.
WANDA MAKOWSKI,
Corresponding Secretary.

APPEAL FOR INTERNATIONAL JUSTICE ON POW'S

Mr. GOODELL. Mr. President, throughout the last 6 years the people of the United States have been bitterly divided over the war in Vietnam. Yet in spite of their division over the war, Americans are unanimous in their demand for justice for American prisoners of war.

We demand that American POW's and their families be provided the treatment North Vietnam agreed to provide as a signatory to the Geneva conventions of 1949. The signatories agreed that POW's are entitled to fair and humanitarian treatment by their captors.

We appeal to the consciences of the leaders of North Vietnam to provide that fair treatment to the POW's. We make this appeal not only because international law demands such treatment; but because it is the moral thing to do.

In a statement which the Senator from California (Mr. CRANSTON) and I made on August 13, 1969, we pledged "our full support to the administration and its efforts on behalf of American servicemen held captive in North Vietnam." The same is true now.

Again, on October 30, 1969, I spoke out on this issue, suggesting to the American people what they can do toward "helping prisoners of war."

Last year, I noted that among the many sad chapters to the history of the war in Vietnam, the most obnoxious chapter of all deals with the mistreatment of the POW's. This was true then. Sadly, the same is true today.

I fully endorse the resolution submitted by the Senator from Kansas (Mr. DOLE) setting aside May 1 and May 3, 1970, as days when we in America shall direct our attention, actions, and prayers in appealing for international justice for American prisoners of war.

SERIOUS COMMITMENT NEEDED TO HELP PRISONERS OF WAR—RALLY AT CONSTITUTION HALL

Mr. PROXMIRE. Mr. President, it has been simply stated that war is hell. No words can underestimate the ugliness of war nor exaggerate the painful agonies inflicted on human beings. This is especially true of the Vietnam war with its peculiar frustrations and agonies. This tragic war has made its impact felt on our country as a whole and desperately afflicted the personal lives of our people. In a moral sense, this war has made widows and orphans of us all.

This week, more than 500 family members of men missing in action or prisoners of war in Southeast Asia have been in Washington to take part in various activities culminating in the rally tonight at Constitution Hall.

The rally has been organized as a show of support for these men and their families and to call attention to North Vietnam's persistent violation of the 1949 Geneva convention with regard to the treatment.

Like so many Americans, I am deeply, deeply concerned over the welfare of over 1,500 American prisoners of war being held captive by the North Vietnamese. Although the North Vietnamese endorsed the Geneva convention relative to the treatment of prisoners of war in 1957, they have consistently refused to abide by those simple rules. It is fitting—and imperative—that the United Nations exert its power and influence to bring about compliance by the government of North Vietnam with its obligations under the convention.

The Vietcong and North Vietnamese have refused to identify all of these prisoners of war or servicemen missing in action or provide information as to their health and condition. They have denied these prisoners of war the right to regularly communicate by mail with their families. They have refused to permit the inspection of the facilities at which these prisoners of war are confined. They have refused to exchange or permit medical treatment of sick or wounded prisoners of war.

For these reasons, I have cosponsored a resolution urging the President to request the United Nations to take appropriate steps to bring about compliance by the government of North Vietnam. In addition, I have joined with several of my Senate colleagues in cosponsoring a resolution to commemorate May 1, 1970, as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia. This resolution would also designate May 3, 1970, as a national day of prayer for humane treatment and the safe return of these brave Americans.

A determined commitment on the part of the administration, the Congress, and the American people is required now to bring about the safe and speedy return of our prisoners of war. But commitment cannot live on rhetoric alone. It is time to reaffirm that commitment by action: action in serious negotiations through the Red Cross, the United Nations, and other international organizations; action to get other nations to intervene in our behalf for the prisoners of war; and action by individual citizens working through local groups.

For the sake of our prisoners of war, we should reaffirm our dedication to the Paris peace talks. We should send a distinguished replacement for Henry Cabot Lodge as our chief negotiator. As long as we fail to send a high level negotiator, we downgrade the possibility of achieving a political settlement on the war and the release of the prisoners of war.

LAW DAY

Mr. TOWER. Mr. President, Law Day is an appropriate time for us to pause and examine our democratic system of government by law and by peaceful, orderly change. Today we see militant individuals and groups advocating violence as an alternative method of social change, rather than the orderly procedures of a government of laws developed and refined over the whole history of civilized man. It is difficult for anyone with a sense of history who appreciates the disruption and despair caused by civil violence since the beginning of civilization to see the value of social change by such radical means. Our own system of government is flexible and can adapt to changing values and social concepts without necessitating damage to property and loss of life.

Admittedly, this process of change is somewhat slow and careful, but such is the wisdom of the system. It does not capriciously follow fads in social ideas that are unsound or subject to rapid change which would result in instability and disorder. Only those social concepts and principles which prove their viability after thorough legal examination and practical experience become established in the legislative-administrative system as the rules we live by. This provides greater stability in our economy, our social system, and our individual psychological orientation to the world around us. The increasing incidence of neurotic and psychotic behavior in the recent decades of rapid urbanization and technological change in this country strongly suggests that we need to maintain as much order within constitutional limits as we can in our society to offset these tendencies.

Respect for our Government of laws is imperative if we are to successfully meet the challenges of mastering our environment and of maintaining meaningful and productive relations among our people. Anarchical methods of altering the status quo are inimical to the very goals for which most contemporary anarchists strive. They want, among other things, increased social justice, improved living conditions, and more public services in relation to our productive capacity. I also want to see an improved quality of life in our country. I am pleased that progress has been occurring over the past several years. Living standards are rising yearly and these improvements are spread throughout the economic levels of our society. With increasing educational and job-training programs available, this trend should become stronger over the next few years. I am pleased to note that the business community is contributing to this overall effort and has become involved in social problems. Additionally, many industries are involved in combating pollution of our environment.

These trends are possible because we live in what is still essentially an orderly society. If we permit anarchical activities to expand and disrupt our society, our ability to cure poverty, reclaim the environment, and seek new and better ways to enrich the mind and soul of man will be lost. Disorder, extreme poverty, strife, and despair would characterize the state of our country if run by the militant nihilists that we see now attempting to cause disruption in our schools and communities. They must be made to understand that their goals cannot be achieved without using and preserving the system of government that mankind has worked so long to develop. Our system can and will accommodate the views and philosophy of younger Americans as they grow into substantial voting blocks. This is the wisdom of the system. It will always respond to the changing politics of each new generation. It will govern wisely, although perhaps more slowly than the impatient would want. The government of laws will continue to survive because it is flexible and can provide the type of government that its citizens desire at any given time.

I feel that anarchical elements in our society would do well to ponder the catastrophical results that their philosophies of violent change, if successful, would have on the concept of a government of laws for a free and viable people.

POLISH CONSTITUTION DAY

Mr. CASE. Mr. President, May 3 marks one of the great days in Polish history. On that date in 1791, nearly 180 years ago, Poland adopted a constitution.

This was a remarkable document in many ways. It indicated Poland's independence. It was politically progressive and is recognized as such even today. And it exemplified the fight for liberty.

This was a period of great outpouring of the libertarian spirit. The French Revolution had recently taken place. Our own American Constitution had come into force only 2 years previously. And Vermont joined the Union in 1791, the first State, after the original 13, to do so.

If we are not always aware of the details of Poland's history, we are all aware of her long struggle for freedom. And we all are aware of, and have profited from, Poland's political and cultural heritage.

In New Jersey we have a large group of Americans of Polish background. They have had and continue to have an important role in the life of our State.

On their behalf, I draw the anniversary of this great day in Polish history to the attention of the Senate.

BUILDUP IN CAMBODIA

Mr. HRUSKA. Mr President, the President's action is consistent with every statement he has made on the Vietnam situation. He is clearly committed to a continued policy of deescalation. He reiterated this policy only recently when he announced the planned withdrawal of an additional 150,000 troops in the coming year.

But he has said all along that if enemy buildups were encountered, we would be forced to make an appropriate response. To do anything less would be a betrayal of our forces in Vietnam.

He obviously sees the present buildup in Cambodia as a threat to his deescalation program and a threat to the men who will still remain.

There is no question that his action raises grave political implications, but he obviously is motivated by his deep conviction that this step will bring the war

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to an end sooner, and that is what he has promised to do. His promise is one he has been working diligently to keep and his determination to do so was clearly reiterated to the American people last night.

Admittedly, strategic risks are also involved in his actions. But we are dealing here with grave questions of national security. We know that the President has all of the best information it is possible to have on the situation. We know that his judgments have been carefully made. If our forces can accomplish his objectives as outlined last night, then we will indeed have won an important strategic victory and brought the end of the war much closer.

I will await further developments before passing final judgment on the President's action. In the meantime, the President and our fighting men in Vietnam deserve our support.

Mr. President, among the organizations which have affirmed their support for the President's action is the American Legion. I have been asked by J. Milton Patrick, national commander of that organization, to apprise the Senate of his telegram today to the President, and I am pleased so to do. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.:

The American Legion is cognizant of the terrible burden that rests on your shoulders in these agonizing hours for America, for the world and for the cause of world peace. We have committed our organization to support of the cause of peace with honor in Southeast Asia. We recognize the necessity for the stand you have had to take in this matter and salute your courage in taking those steps necessary in the defense of freedom. Your fellow American Legionnaires hereby reaffirm our support of our Government in its efforts to achieve an honorable peace in Southeast Asia and throughout the world.

J. MILTON PATRICK,
National Commander,
The American Legion.

STRATEGIC WEAPONS BALANCE

Mr. TOWER. Mr. President, on April 28, Crosby S. Noyes wrote an excellent column for the Washington Star concerning world strategic weapons balance. The column called attention to recent statements by Secretary Laird and Dr. John S. Foster, Jr. These statements pointed out that, although the Soviet Union has increased its nuclear capability dramatically in recent years, this country has done virtually nothing in response.

Mr. President, I suggest that we have, in recent years, unilaterally attempted to slow the so-called arms race. I urge those who constantly recommend that the United States make a disarmament "gesture" to the Soviets—so that they will know our intentions are peaceful—to accept and admit the fact that we have been doing precisely that for some time. In addition, I respectfully suggest that we realize that it has not worked.

Now, as Secretary Laird and Dr. Foster have noted, we are at a juncture in time when further unilateral arms limitations by the United States will place this country and all of the free world in an extremely vulnerable position. We cannot allow this to occur.

As Mr. Noyes observes in the final paragraph of his column:

> The United States can hardly afford to stand still. The modest program urged by the Administration for the development of new offensive and defensive weapons is, as Laird says, the least that can be done consistent with the nation's security.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. CAN'T AFFORD TO STAND PAT ON NUCLEAR ARMS

(By Crosby S. Noyes)

Just how big a stake we have in the developing Strategic Arms Limitation Talks at Vienna is being vividly underscored by a rash of not entirely coincidental news stories in recent days.

Defense Secretary Laird, as is his wont, has been drawing our reluctant attention to some unpleasant facts about the present state of the arms race between the United States and the Soviet Union. And although there will be some who will accuse the secretary of conjuring up hobgoblins in order to swallow the bitter pill, there is a ring of ominous authenticity to his argument.

What Laird is telling us, in brief, is that the Soviet Union in the last five years "has virtually quadrupled" the size of its offensive nuclear strike force. In this same period of time, the American defense establishment, under strong pressure from Congress, has reduced its total strategic megatonnage by something more than 40 percent.

The point of Laird's message was simple: If the arms negotiations fail and it turns out that the Russians are not willing to reorder their national priorities as we hope they will, the United States will have to take "major offsetting actions" in the strategic weapons field. Or, to make it plainer, we will have to pull up our socks and spend a lot more money in the development and deployment of offensive and defensive nuclear weapons than we have been willing to spend in the past.

The defense secretary's views, as might have been expected, were backed up by the Pentagon's top scientist. Speaking to an audience of newspaper publishers, Dr. John S. Foster Jr. described an immense new radar system which is being deployed by the Russians, presumably as a part of their developing anti-ballistic missile defenses. Warned Foster:

"I must report to you today that the Soviet Union is now about to seize world technological leadership from the United States. If we lose this leadership, we will lose the protection we now have against Soviet secrecy and Soviet surprise."

These are sobering words for men who have come to take American technology and American military superiority for granted, and who assume that because we are infinitely richer than the Russians, we also are infinitely stronger.

They should be sobering also for those who have comforted themselves by a complete misunderstanding of what President Nixon and others mean when they talk about nuclear "sufficiency" in the arms race. Those who envision sufficiency as an absolute limit—capacity, as we keep hearing, "to kill every Russian eight times"—betray a total ignorance of what the arms race is all about.

The race is not centered on questions of how many people we or the Russians may be able to kill. That is almost entirely irrelevant. The critical question is how much of the other side's retaliatory strength can be knocked out in an opening nuclear strike. The country that first achieves a capacity of destroying the other's arsenal will, for all practical purposes, have won the ball game.

And so there is no such thing as "sufficiency" in nuclear armaments except as it relates to the strength of the potential enemy. The Russians have declared on various occasions that they are not trying to achieve a first-strike capability against the United States. But the scope and momentum of their effort arouse the deepest misgivings among responsible American officials.

And so once again our stake in the arms talks is reemphasized.

The effort in Vienna to agree on numerical limitations for all categories of offensive and defensive nuclear weapons is a formidably complicated undertaking. Any chance of success depends on a presumption that the Russians mean it when they say they are anxious to put an end to the arms race and are willing to settle for approximate equality in strategic power. If indeed they do, the problem will then be one of defining what constitutes equality between two weapons arsenals with widely differing characteristics and capabilities.

It will certainly take time. And while the talks go on—and the Russian buildup goes on—the United States can hardly afford to stand still. The modest program urged by the administration for the development of new offensive and defensive nuclear weapons is, as Laird says, the least that can be done consistent with the nation's security.

THE ATOM: ITS DANGEROUS AFTERMATH—PART IV: WASTE DISPOSAL PRACTICES OF THE AEC ABOVE THE SNAKE PLAIN AQUIFER PRESENT AN UNACCEPTABLE THREAT TO IDAHO'S WATER SUPPLY

Mr. CHURCH. Mr. President, on April 29 I received from the Federal Water Quality Administration—formerly Federal Water Pollution Control Administration—the results of a study conducted by them in conjunction with the Idaho Department of Health relative to waste disposal practices at the National Reactor Testing Station. The report was given to me as a result of inquiries I raised with the Water Quality Administration on September 12, 1969.

In essence, this report—entitled, "A Report on the Examination of the Waste Treatment and Disposal Operations at the National Reactor Testing Station Idaho Falls, Idaho"—calls for discontinuance of current practices at NRTS and removal of the burial site to a new location remote from this area. Commissioner David D. Dominick, in a letter to me accompanying the report, states that the Atomic Energy Commission should:

> Initiate a positive comprehensive program for the abandonment of the practice of burial of radioactively-contaminated solid wastes, including removal of such wastes presently buried at the site to a new burial site, remote to the National Reactor Testing Station, and more hydrologically isolated from any important ground-water or surface-water resource; and the AEC study alternate disposal methods to lead to the termination of tritium discharges to the Snake Plain Aquifier and

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to surface ponds in order to eliminate the introduction of tritium to man's environment.

Tritium is a radioactive isotope of the element hydrogen whose biological effects upon man are not fully understood.

The report itself concludes "that present disposal practices are a potential threat to the water resources of the State of Idaho," and goes on to say, at page 23:

> The Snake River Plain is not a desirable location for any burial ground for radioactive (or toxic) wastes because of the importance of the underlying ground-water supply. Even though the burial of radioactive waste may not be causing pollution at this time, climatic changes in the future could substantially alter this situation (Plutonium 239 that is being buried at the NRTS has a half-life of 24,000 years).

If the facts as reported by the Federal Water Quality Administration are true—and I have no reason to doubt them—it is incumbent upon the AEC to immediately embark upon a program to remove this potential threat to the safety of my State. In addition, it is the duty of the AEC to cease any shipment of waste materials from outside of the State of Idaho to the NRTS burial ground as is currently being done with plutonium waste from Rocky Flats, Colo. The public health and safety demands that the proposals made by the Federal Water Quality Administration be effectively implemented.

I have, today, called upon the AEC to implement these plans. So that the substance of these recommendations, the letter from Commissioner Dominick to me, and my request to the AEC will be clearly open and spread upon the public record, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 28, 1970.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: You will recall that on September 12, 1969, you wrote me and requested that a study be made of the long-range implications of radioactive waste storage above the Snake River Plain Aquifer. On October 2, I replied that we had made an examination of the waste treatment and disposal practices at the National Reactor Testing Station in conjunction with the Idaho Department of Health and that we would provide you with a copy of the final report on this investigation as soon as it was available.

It is my pleasure to enclose a copy of A Report on the Examination of the Waste Treatment and Disposal Operations at the National Reactor Testing Station, Idaho Falls, Idaho, prepared by the Federal Water Quality Administration under date of April 1970.

Your attention is directed to the Report's recommendations for water pollution control to be found on pages 12 through 17. Recommendations 1 and 2 state, in part, that: The Atomic Energy Commission initiate a positive comprehensive program for abandonment of the practice of burial of radioactively contaminated solid wastes, including removal of such wastes presently buried at the site, to a new burial site, remote to the National Reactor Testing Station, and more hydrologically isolated from any important ground-water or surface-water resources; and, the AEC study alternate disposal methods to lead to the termination of tritium discharges to the Snake Plain Aquifer and to surface ponds in order to eliminate the introduction of tritium to man's environment.

Thank you for your continued support of our program to abate water pollution and to enhance the quality of this Nation's waters.

Sincerely yours,

DAVID D. DOMINICK,
Commissioner.

II. SUMMARY OF REPORT

1. This report reviews and evaluates the existing waste management operations at the NRTS to determine whether any additional pollution control systems or procedures are necessary or desirable to improve or protect water quality.

2. The report is based on an examination made during October 1968 and on reports and information provided by the Atomic Energy Commission and the U.S. Geological Survey.

3. The NRTS was established in 1949 for the purpose of testing nuclear reactors. More than 40 reactors have been constructed and operated since that time. The NRTS also contains a chemical processing plant for reclaiming fuel from used fuel elements and a calcining plant for converting highly radioactive liquid waste to a solid for long time storage.

4. The NRTS is located near the eastern end of the Snake River Plain in southeastern Idaho. This plain extends over 8000 square miles and was formed by a thick series of lava flows that partially filled the ancestral Snake River Valley.

5. The Snake River Plain is underlain by the Snake River Aquifer, one of the worlds most productive ground-water reservoirs. This aquifer discharges some 6,000 cubic feet per second in the Snake River Canyon at the western end of the Plain.

6. Recharge comes chiefly from rivers flowing out of the mountains bordering the Plain on the North. These streams sink into the porous lavas.

7. An estimated 2000 cfs of ground water moves beneath the Station in a generally southwesterly direction. Part of this is recharged on the Station and part is moving through from farther up the Plain.

8. The travel time of ground water to move from the NRTS to the discharge area in the Snake River Canyon is not known but is estimated to exceed 100 years.

9. Ground water between the NRTS and the discharge area is being developed. Travel time from the NRTS to areas of potential development may be only a few years.

10. The depth to the water table generally increases in a southwesterly direction across the Station, and ranges from about 250 feet in the Test Area North to approximately 600 feet below land surface at the burial ground near the southwestern corner of the Station.

11. The various reactor areas are widely dispersed over the 894 square mile Station. Each facility has its own water supply and waste disposal system with the exception that all high level liquid radioactive waste is processed at the calcining plant and all solid radioactive waste is buried in the burial ground or stored underground in metallic containers.

12. Liquid wastes generated at the NRTS include radioactive wastes, chemical wastes and sanitary wastes. The low level radioactive wastes are discharged to seepage pits, lagoons and disposal wells. The chemical wastes are discharged to pits, lagoons and disposal wells and the sanitary wastes from sewage treatment plants are discharged to drainfields, sumps, lagoons and disposal wells.

13. The Geological Survey has been carrying on investigations at the NRTS since its inception. They have supervised the drilling of many thousands of feet of test wells and have prepared numerous reports describing the geology and hydrologic conditions at the Station. They have also performed a valuable service in monitoring the effects of waste disposal.

14. The National policy for water pollution control by Federal activities calls for the best possible treatment methods so as to demonstrate what can be done to enhance or improve water quality.

15. The Idaho Operations Office of the Atomic Energy Commission operates on the policy that water quality can be degraded to the upper limits of the Public Health Standards for drinking water at the point of first use below their operations.

16. The burial ground for solid radioactive waste disposal is located near the southwest corner of the Station. The waste is deposited in trenches excavated to the top of the lava surface and covered with silt and clay on a weekly schedule. There are no observation wells to monitor the effects of the burial ground on water quality.

17. Low level liquid radioactive waste is discharged to an excavated pit in the lava at the Experimental Breeder Reactor Area, into ponds and a shallow well at the Special Power Excursion Reactor Test Area, directly into the ground water supply by a deep well at the Chemical Processing Plant Area, into ponds at the Test Reactor Area, and the Naval Reactors Facility, and into the ground water supply by drilled wells at the Test Area North.

18. Chemical waste is discharged to a pond and shallow well at the Experimental Breeder Reactor Area, into ponds and a shallow well at the Special Power Excursion Reactor Test at the Chemical Processing Plant Area, into a sump and directly into the ground water supply by a deep well at the Test Reactor Area, into ponds at the Naval Reactors Facility and into ground water supply by wells at the Test Area North.

19. Sanitary wastes are discharged to a tile drain system at the Central Facilities Area, to a sewage treatment lagoon at the Experimental Breeder Reactor Area, to seepage pits and drain fields at the Special Power Excursion Reactor Test Area, into seepage pits at the Chemical Processing Plant Area, into a seepage pit at the Test Reactor Area, to a lagoon at the Naval Reactors Facility and into the ground water supply by disposal wells at the Test Area North.

20. Chemical and radioactive wastes have degraded the ground water beneath the NRTS. The tritium is believed to be entirely contained beneath the Station in that it is decaying at a rate approximately equal to the rate of addition to the water supply. The ground-water supply beneath the NRTS has been degraded by hexavalent chromium and chlorides and an increase in total dissolved solids.

21. There is no information available to show whether the waste disposal operations at the NRTS have yet migrated beyond the boundary of the Station.

22. The primary recommendations call for the abandonment of the practice of burial of radioactive wastes above the Snake Plain Aquifer, the removal of the existing buried wastes and studies and programs by the AEC that will lead to the elimination of the discharge of tritium to the Snake Plain Aquifer.

23. Recommendations for additional water pollution control practices are made to improve and protect the water quality in the Snake Plain Aquifer. They include elimination of disposal wells that discharge waste directly into the ground water supply, the elimination of the use of seepage ponds for the disposal of chemical wastes, and the improvement of some sanitary waste treatment systems.

24. It is also recommended that the Idaho Operations Office of the AEC adopt a broader definition of pollution so as to include any avoidable deterioration in water quality.

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U.S. SENATE,
Washington, D.C., April 30, 1970.
Mr. GLEN SEABORG,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: The Federal Water Quality Administration (formerly the Federal Water Pollution Control Administration) has recently completed a report concerning waste disposal practices at the National Reactor Testing Station in Idaho Falls, Idaho.

The comments and recommendations contained in this report are of vital importance to the people of my state. I request the immediate implementation of the reports of the people of the state of Idaho.

Three separate reports have now openly criticized the activities of the AEC at Idaho Falls, Idaho. Two of those reports have called for the ultimate removal of the burial site to a more suitable location. In light of these facts, I feel that the AEC should proceed with all due speed to implement these recommendations.

Please keep me fully and currently informed of the actions of the agency in this regard.

With best wishes,
Sincerely,
FRANK CHURCH.

PHILOSOPHICAL CONSIDERATIONS IN POLITICAL ACTIONS

Mr. HRUSKA. Mr. President, last March 1, at the Washington League of Laymen's Retreat, the senior Senator from Iowa (Mr. MILLER) delivered the breakfast address on the subject "Philosophical Considerations in Political Actions."

Senator MILLER has related some of the problems confronting our Nation—and their solutions—to basic concepts of morality. I believe that his address merits the attention of the Senate.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PHILOSOPHICAL CONSIDERATIONS IN POLITICAL ACTIONS

(By JACK MILLER, U.S. Senator, Iowa)

For my remarks this morning, I wish to draw on two important documents, both of them just as relevant today as on the day they were published. These documents—the late Pope John's "Pacem in Terris" and Pope Paul's 1964 Easter Message—will serve as the basis for discussing the subject of philosophical considerations in political action.

Perhaps I should assure you that any partisan political overtones which may appear from my remarks will be purely coincidental. All I wish to say on the subject of partisan politics is that it has been my observation that there are too many people today who claim to be affiliated with a political party without really knowing why. Perhaps one or both of their parents were members of that party—a party which bears the same name today but with policies and principles so altered that were the parents living, they would long ago have changed to the other party. "I am not leaving my Party," I often hear it said, "my Party has left me."

Of course, it is usually said that there is plenty of room in both political parties for people of all shades of economic and political philosophy. While it is true that people of differing philosophies will be found in both parties, it is clearly provable that there is a substantial difference in emphasis between the parties; and that far more people who believe in certain economic and political principles will be found in one party than in the other. Sufficient to say that philosophical considerations should play a decisive role in the selection of a political party with which to affiliate. They should compel a really conscientious citizen to affiliate instead of pretending that his principles are "neutral" so that he must withdraw into the ineffective world of an "independent," with no opportunity to have a voice in the nomination of candidates or the formulation of policy.

I consider Pope John's encyclical "Pacem in Terris" or "Peace on Earth" to be one of the most profound statements of our time. It ranges over the complex relationships which should govern between man and state, between states, and among states. It came at a time when scientific breakthroughs seemed to offer mankind almost unlimited opportunities for material well-being on the one hand—or almost unlimited threats of extinction of the human race on the other, depending on how scientific developments are directed.

Pope Paul's 1964 Easter Message emphasized that a religious crisis has developed from modern man's "delusion that of his own power he can be his own master and savior, that he needs no one else to solve the fundamental and ever more mysterious problems of his own life, and finally that, unaided, he can satisfy the insatiable thirst for knowledge, for existence, for happiness and for love born with him."

The timeliness of "Pacem in Terris" was pointed up by the contemporaneous feat of the astronauts and the thousands of technical personnel who cooperated in their achievements. At the very time the astronauts were circling the earth and, subsequently, as they were landing on the moon, Twentieth Century Man on earth was still enslaved in many areas by situations which indicated little moral progress beyond the cave man era. These situations include tyranny, execution, racial prejudice, war, suspicion, insecurity, selfishness, immorality, and godlessness. And they exist not alone in areas dominated by the Communist World, but in those nations which consider themselves members of the Free World—including our own country.

By its very nature the encyclical is replete with statements of policy or principles rather than with specific applications of those principles. This leaves room for interpretation—or misinterpretation.

What the encyclical has to say about rights and duties of individuals is, in my judgment, of particular application to some of our domestic problems and the political action being taken or proposed to surmount them. The right to life and a worthy standard of living is highlighted early in its pages: "the right to life, to bodily integrity and to the means which are necessary and suitable for the proper development of life" is the way it is put. "These are primarily food, clothing, shelter, rest, medical care and, finally, the necessary social services. . . . Therefore, a human being also has the right to security in cases of sickness, inability to work, widowhood, old age, unemployment, or in any other case in which he is deprived of the means of subsistence through no fault of his own."

This is a statement of what often is referred to as "social justice." I am afraid that a good many laws have been passed and a good many things have been done or proposed in the name of "social justice," but which actually violate the principles of social justice set forth in the encyclical. Note, for example, that the Pope details the various kinds of security to which an individual is entitled—provided his deprivation of such security is through *no fault of his own.*

I would suggest that we scrutinize most carefully those proposals calling for a guaranteed income for every American as a matter of right, whether he works or not. I grant that automation will, in some instances, be accompanied by hardship to displaced workers; that governmental activity to relieve this hardship is proper. But are there no responsibilities as far as the individual is concerned? "Pacem in Terris" says: "If a man becomes conscious of his rights, he must become equally aware of his duties. . . . The natural rights with which we have been dealing are inseparably connected, in the very person who is their subject, with just as many respective duties. For example, the right of every man to life is correlative with the duty to preserve it. [There is such a thing as a duty of self-help, I might point out.] For every fundamental human right draws its indestructible moral force from the natural law which, in granting it, imposes a corresponding obligation. Those, therefore, who claim their own right, yet altogether forget or neglect to carry out their respective duties, are people who build with one hand and destroy with the other."

It would seem to me that those who are leading the militant packs on our campuses and who are attempting to rip apart the fabric of our judicial system could well take a lesson from the lines I have just quoted. Tearing down our society in the name of selfish rights, without bothering to consider what might replace it, is a most dangerous course, one that ignores one's duty to seek to improve his society.

It is most foolish to look only at the "rights" side of the ledger and completely ignore the "duties" side. Perhaps it is smart politics to take this position, because people generally like to hear more about their rights than about their duties. But I don't believe it is moral politics, and the emphasis on reciprocal duties in the encyclical is sufficient authority for such a conclusion.

What Pope John said about government merits attention.

"Individual citizens and intermediate groups are obligated to make their specific contributions to the common welfare." And what of the "common welfare"? The encyclical states: "All members of the political community should be entitled to share in it, although in different ways according to each one's tasks, merits and circumstances—without preference to any single citizen or group." Discrimination by reason of race, color, or creed obviously violates this principle—as does discrimination in reverse. "Merit" is the test.

And note this statement: "State activity in the economic field, no matter what its breadth or depth may be, ought not to be exercised in such a way as to curtail an individual's freedom of personal initiative." This is understandable because if such personal initiative is suppressed, man cannot realize his fullest potential. But there are many of us who have been concerned over what sems to be an increasing amount of centralized governmental control over individuals, supposedly for the "general welfare" and in the name of "social justice", control which inevitably retards individual initiative. In the early 60's, for example, farm programs were being devised under the soothing label of "supply management" which literally would have compelled farmers to comply with rigid controls instead of making the fullest use of their efficiency and ingenuity on a competitive basis. Fortunately, we managed to stop that.

Because unemployment was a serious problem during several years of the last decade, vast federal spending programs were undertaken "to stimulate the economy"; and if those ran our country billions of dollars deeper into debt, with the inflation which inevitably accompanies such deficits, we were told that the principles of so-called "sophisticated economies" had to be followed to meet the problems of today; that we could not adhere to the "myths" of the puritan ethic, such as a balanced budget, stable purchasing

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power of the dollar, and competitive interest rates.

The folly of that line of thinking became all too evident as the 1960's closed out. In that decade, as our federal government went some 60 billion dollars deeper into debt, we had cost of living inflation amounting to $184.6 billion, an average of more than $20 billion a year. It doesn't make any difference how you take purchasing power away from the people—whether by taxes or by shrinking the purchasing power of their money. But inflation hits people regardless of their relative ability to take it. It is just as regressive as a sales tax, and politicians who are responsible for it often get away with their failure to keep faith with the people's hard-earned money by telling the voters how much they are doing *for* them—rather than what they are doing *to* them.

There are some educators who are and have been advocating federal programs of higher education guaranteeing every one a college education. "Every boy and girl has a right to a college education," they say. But Pope John's encyclical says: "Every effort should be made to insure that persons be enabled, on the basis of merit, to go on to higher studies, so that, as far as possible, they may occupy posts and take on responsibilities in human society in accordance with their natural gifts and the skills they have acquired."

The right to private property, even of productive goods, is stated by Pacem in Terris to derive from the very nature of man, as being "a suitable means for safeguarding the dignity of the human person and for the exercise of responsibility in all fields, strengthening the serenity to family and thereby increasing the peace and prosperity of the state." Clearly, then, political action should be directed at preserving and enhancing our capitalistic economic system rather than destroying it. We have socialists and distributive justice advocates in our country and in our Church who would do well to do a little homework by reading this encyclical.

Turning to the foreign field, arms control and disarmament occupy an increasing share of our concern and effort—and they should. On this subject, Pope John said: "Justice, then right reason and humanity urgently demand that the arms race should cease. That the stockpiles which exist in various countries should be reduced equally and simultaneously by the parties concerned. That nuclear weapons should be banned. And that a general agreement should eventually be reached about progressive disarmament and an effective method of control."

At the time, this statement was criticized for ignoring the realities of the Communist ideology which pursues a policy of aggression while, at the same time, adhering to the principle that the end justifies the means (including lying, cheating, and war itself). But one should note that the Pope called for "an effective method of control," and he also had this to say:

"All must realise that there is no hope of putting an end to the building up of armaments nor of reducing the present stocks, nor, still less, of abolishing them altogether, unless the process is complete and thorough and unless it proceeds from *inner convictions;* unless, that is, everyone sincerely cooperates to banish the fear and anxious expectation of war with which men are oppressed. If this is to come about, the fundamental principle on which the present peace depends (deterrence) must be replaced by another, which declares that the true and solid peace of nations consists not in equality of arms, but in mutal trust alone. We believe that this can be brought to pass . . . In the highest and most authoritative assemblies, let men give serious thought to the problem of a peaceful adjustment of relations between political communities on a world level: an adjustment founded on *mutual trust*, on *sincerity in negotiations*, on faithful fulfillment of obligations assumed."

Note the emphasis on "inner convictions," "sincerity," "mutual trust." Pope John was entirely familiar with the "end justifies the means" principle of Communism, and he could hardly be accused of suggesting that there can be mutual trust when one of the parties adheres to such a principle. Indeed, he believed that mutual trust can be brought to pass, but I submit that he also believed than Communism—as an ideology—must first be removed, at least from the beliefs of those who rule nations. Although he did not refer specifically to Communism, the following words leave little doubt about his views on the subject:

"Any human society that is established on relations of force must be regarded as inhuman, inasmuch as the personality of its members is repressed or restricted, when in fact they should be provided with appropriate incentives and means for developing themselves. Human society is realized in freedom. Many think that the relationships between men and states can be governed by the same laws as the forces and irrational elements of the universe, whereas the laws governing them are of quite a different kind and are to be sought elsewhere, namely, where the Father of all things wrote them, that is, in the nature of man . . . Authority is a necessary requirement of the moral order in human society. It may not therefore be used against that order. And the very instant such an attempt were made, it would cease to be authority as the Lord has warned: 'A word, then, for the kings ears to hear, kings hearts to heed: a message for you, rulers, wherever you be! Listen well, all you that have multitudes at your command, foreign hordes to do your bidding. Power is none but comes to you from the Lord, nor any royalty but from one who is above all. He it is that will call you to account for your doings with a scrutiny that reads you inmost thoughts.'"

Of course, what would constitute "an effective method of control" in a disarmament program or in an arms limitation program is currently a most controversial subject. However, it could hardly be suggested that the Pope would use the word "effective" superficially. And it could well be concluded that the method of achieving effectiveness can vary according to the philosophy of the parties to an agreement. Where mutual trust exists, because both parties reject the principle that the end justifies the means, the method—number, type, and quality of inspections could be much different from that which would be required where one or both parties subscribes to such a principle, as is now the case. It is to be hoped that the leaders of the Soviet Union are just as concerned over the arms buildup as we are so that they will reach an agreement with the United States in the SALT negotiations.

In 1964 Easter Message, Pope Paul took the first step in constructing a bridge over which the Communist World may someday move to what he called "moral order in human society." He called for increased emphasis on keeping alive the very question of religion and appealed both to the agnostic and the atheist to turn to religion for a purpose in life and a solution to its problems. He said:

"We beg those who have no religion or who are against religion to judge for themselves that they are laboring under the weight of irrational dogmas, of contradicting doubts that leave no peace, of absurdities without escape, of maledictions caused by despair and nothingness. Perhaps some of you have inexact or repugnant concepts of religion; perhaps your idea of faith is erroneous; that it offends against intelligence, it shackles progess, humiliates man, brings sadness to his life.

"Perhaps some of you are more eager, and therefore, without knowing it, more prepared to catch the gleam of the light . . . one ray of the light of Easter, for all who desire to catch it, as a greeting, a gift, or at least a sign of our great love . . ."

The meaning is unmistakable. Pope Paul holds out religious belief as the one instrument which can bring together the peoples of the World, which can provide the basis for mutual trust which he believes can be brought to pass. And, I might add, with religious belief the ideology of Communism will disappear.

Today, as in the year when Pope Paul gave the world that message, a deep and bitter argument rages over how to deal with Communist aggression. As you know, there are two principal schools of thought—one advocating a policy of "accommodation" and the other a policy of "firmness." Those who advocate "peace at any price", unilateral disarmament, or preventive war represent quite small—though noisy—schools of thought.

The "accommodation policy" has, on occasion, been enunciated by the Chairman of the Senate Foreign Relations Committee. "It is not communism as a doctrine, or communism as it is practiced within the Soviet Union or within any other country that threatens us," he once said. "How the Soviet Union organizes its internal life, the gods and doctrines that it worships, are matters for the Soviet Union to determine. It is not Communist dogma as espoused within Russia but Communist imperialism that threatens us and other peoples of the non-Communist World." I do not deny the sincerity of the adherents to the accommodation policy. I am concerned, however, that they fail to see that it is the absence of religion from Communist ideology which lays the foundation for the imperialism which they say provides a threat.

It is ironic that the distinguished Chairman quoted from "Pacem in Terris" in the course of this statement, but he did not quote from the passages I have read when he concluded—as do those who follow the accommodation policy—that "there is little in history to justify the expectation that we can either win the cold war or end it immediately and completely."

I am quite certain that the present Administration believes in a policy of "firmness," not "accommodation," and its desire for "negotiation" is perfectly in accord with a policy of firmness. Many times the President has said we must negotiate from a position of strength. Also, I would hope that we do not fall for the point of view that militant Communists will be nice if we are nice to them; or that we should not have a "win" policy for freedom over Communism, that freedom is only for us—and what happens behind the Iron Curtain has no relevancy to the rest of the world.

In conclusion, I call attention to what the Rev. John F. Cronin wrote of Pacem in Terris. He said: The Church must reject Communism. But individual Communist leaders can change, as reason and common sense forces them to a more correct view of human nature and society. The warning of Pope Pius XI that Communism is intrinsically wrong, and no one who would have Christian civilization may collaborate with it is still timely and sound. "Pope John," he continued, "has modified it, but in a cautious and limited manner . . . He believes that truth and goodness will prevail. His optimism is based on a firm faith in God's love and providence. Consequently every believer in this world of ours must be a spark of light, a center of love, a vivifying leaven admidst his fellow men, and he will be this all the more perfectly, the more closely he lives in communion with God in the intimacy of his own soul."

This is the ultimate philosophical consideration in political action.

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LAW DAY, 1970

Mr. MATHIAS. Mr. President, in this new decade we face again a timeless problem: The historic conflict between the desire for liberty and the demand for order. America was born out of just such a conflict, and our history has been one of continual exploration of the wide terrain of freedom which lies between the poles of tyranny and anarchy.

We have been over this ground many times in the past, virtually every generation of Americans has struggled through what we struggle with now: A trying time of national anxiety, a period when the momentum of national growth has slackened, when institutions have fallen behind events, when the tensions of social change have produced confrontations between the insistent and the entrenched.

The American Revolution was the child of such a confrontation. The grievances which sparked the Revolution are familiar ones: Unfair and punitive taxation; obstruction of the administration of justice and interference with the independence of judges; the maintenance of large standing armies in peacetime and in the midst of towns; arbitrary arrests, searches, seizures and trials; and suppression of the press. Having failed to win redress by strength of argument, the American colonists resorted—many with reluctance and regret—to force of arms.

Yet this was far more than the successful rebellion of restive colonies against a distant, arbitrary king. It was a triumph of the idea of liberty, asserted in the eloquence of the Declaration of Independence and secured—after false starts and long debates—by the genius of the Constitution and the Bill of Rights.

The Revolution was a product of the breakdown of English institutions which had grown so arrogant and intemperate that they offended the fundamental rights of Englishmen and insulted the concept of representative government. Having shed these institutions, the Founding Fathers set out to build a new system of government, strong enough to insure the survival of the Republic, but circumscribed enough to guarantee the endurance of freedom.

Their efforts were guided by an almost mystical but very pragmatic faith in law. They respected the law as a guardian of basic principles. They regarded the law as an arbiter among the passions of men, and they relied upon the law to mediate between citizens and the state, civilizing the instincts of the governed and restraining the impulses of the governors.

Within this framework of law, we have evolved great institutions—our Federal system, our courts, our educational system, our free press. Over almost two centuries these institutions have been challenged many times, and often sorely tried. They have proved totally inadequate just once, when the struggle between the Union and the States exploded into civil war.

Now these institutions are challenged again. As we approach the bicentennial of our national birth, many are viewing our prospects with unease and some with despair. We see the longest war in our history, undeclared and unresolved. We see our cities declining, our economy strained, our environment being degraded by our own carelessness and waste. We see massive failures of law enforcement and major breakdowns in the administration of justice. It is tempting to wonder whether the long American experiment in self-government is drawing to a close, to end not in the conflagration of nuclear war, but in the long, gray twilight of abandoned principles and lost resolve.

Last week I was a guest of Admiral Richardson, Commander of the 6th Fleet, at his home in Formia on the Italian coast. Formia might well be called the spot where the Roman republic expired, for that was the place where Cicero died after his long and losing fight for a government of laws. With Cicero's death all effective opposition to imperial rule vanished. The old constitutional forms were upheld, but the republic was dead. The assassins sent by Augustus symbolically ended the rule of law and began the rule of men.

Last night the President of the United States announced a portentous decision. It is a decision that will have an immediate impact in the military theater in Asia. It will reverberate in the councils of nations around the world. It will have far-reaching significance at home.

There is no Caesar Augustus in Washington and we pray God that there never will be. But there are others in the Senate of this Republic and elsewhere throughout the Nation who will feel compelled by the depth of their concern, by the strength of their convictions, and by the fiber of their loyalty to the principles of the Constitution to rise, and to speak out with respect to this decision. They will speak from the anguish of their hearts and with all the force of their intellect and ability.

These men and women must not be silenced as Augustus silenced Cicero, for if they are, the Republic may perish with them. They must not be branded as criminals nor pursued by assassins who seek to destroy their reputations.

For all of us together are the trustees of the Republic, and each of us has a duty to speak when his conscience commands. Under the rule of law, no man can order silence, and no man ought to be silent when such an order is attempted.

Why and how Cicero died gives a particular value to our observance of law day today. It impels us to be more candid, more careful and perhaps more courageous than we might otherwise be.

Two years ago, in a masterful speech at Cornell, John Gardner offered an ominous prediction.

> Future historians might conclude—

He said—

> That 20th century institutions were caught in a savage crossfire between uncritical lovers and unloving critics. On the one side, those who loved their institutions tended to smother them in an embrace of death, loving their rigidities more than their promise, shielding them from life-giving criticism. On the other side, there arose a breed of critics without love, skilled in demolition but untutored in the arts by which human institutions are nurtured and strengthened and made to flourish.

We have hardly approached this point. But there are ominous signs that a period of national distemper has begun. In public statements and private conversations we can hear disturbing tones of agitation and at least rhetorical assault. There is a growing desire for quick answers and easy targets. There is a tendency to urge the laws when they are useful and to scorn the law when it is inconvenient. There is a spreading urge to march, to demonstrate, to express one's emotions—and a growing compulsion to marshal forces, form committees or communities and scorn anyone who is not in step.

Our national unease is being romanced daily in the blunt shorthand of agitation. Our fears and frustrations are being courted by many who are, or are becoming, highly skilled in the arts of persuasion and provocation.

Americans have always been noisy, competitive, and somewhat quarrelsome. But now the anger of a few has spawned suspicion among the many. Now the violence of some has bred hostility everywhere, until our citizens are glaring at each other across racial lines, across income brackets, across the generations and across the Alleghenies.

There is an alarming unwillingness to see honesty, decency, or rationality in those who may differ with oneself about the war, about a nomination, about law enforcement, about the future of the cities or about the proper limits of dissent itself.

There is a disturbing tendency to choose sides on any given issue, and to see one's side as wholly sincere and the opposition as darkly sinister.

It is becoming tragically difficult for anyone to speak his mind or vote his conscience without being accused of losing his head or selling his soul.

This is of course not the first case of national frustration in our history. This is not the first time that we have been deeply divided, with some enfolding themselves in the first amendment and others wrapping themselves in the flag. It is not the first time that arrogance has squared off against impudence. It is not the first time that some have found privilege or conspiracy in the newsrooms, in the classrooms, in the State Department, in the Senate or in the streets.

Such a climate is the adolescent child of change—historic change which is reordering the relations among nations, which is altering our social patterns and economic structures, which has eroded the stoicism of the poor and challenged the security of the rich. It is the offspring of an era of uncertainty in which anything seems possible and many things are feared.

We have endured such troubled times before. In this century alone they have recurred at almost 20-year intervals; during and after World War I, in the depression years, and in the early 1950's. In each case political passions ran high, and loyalty was defined in narrow, partisan terms. Protest bred denunciation, crusades degenerated into witchhunts, and an embattled and confused society flailed out at the gremlins of dissent.

We have not reached this point this time. Our current woes have not produced anything comparable to the Palmer raids and repressions of 1919, the variety of demagogs of the 1930's, or the persecutions which led Senator MARGARET CHASE SMITH in 1950 to denounce "the four horsemen of calumny—fear, ignorance, bigotry, and smear."

But the raw ingredients of spiritual disaster are among us. We must recognize the danger and respond with new purpose, reason, and tolerance.

Consider the symptoms of unrest: Taxes high and unfair. Mobs in the streets and troops called out to maintain order. Warehouses looted and merchandise destroyed. Public monuments defaced. Private homes searched and citizens seized. Justice delayed. What decade is this—the 1770's or the 1970's? If the symptoms echo each other, is there a difference?

The difference is, of course, the American political system, which did not exist in 1770 but is established now. It encourages peaceful change. It invites all to work, to argue and compete within its boundaries. By encouraging evolution, it makes revolution unnecessary.

But the custodians of the system must preserve its flexibility and its essential liberality. We must respond both to legitimate bills of grievances and to the Bill of Rights.

Our institutions are beginning to respond to the Nation's needs. The full weight of the Presidency has been placed behind the reform of conscription, which has been such a shadow over our youth, and behind basic reforms of the welfare system which has mired so many in poverty and despair. The Congress is reasserting its rightful influence and authority in resolving the basic questions of war and peace. Our schools are reexamining their purposes and adapting their forms to educate a new generation. Our system of justice is gradually catching up with the needs of the times.

If we follow not only a lawful course but the highest path of the law, we can meet such issues and master our times. But we must remember that it is dangerous for citizens to prance on the borders of anarchy—and equally dangerous for high officials to play brinkmanship on the edge of repression. We must avoid making martyrs out of our nuisances. We must remember that the true task and challenge of leadership is not to invoke transient majorities but to shape durable unities.

We should remind ourselves that civility is not a veneer painted over our passions, but an essential mortar holding together a nation of great diversity. We should remind ourselves that generosity is not a seasonal indulgence but a vital element in national stability. We should remind ourselves that self restraint is not a choice but an obligation of free men.

Regardless of party, region, age, or class, Americans are a profoundly conservative people. We know that we are the trustees of an unrivalled heritage, the heirs to the only revolution in history which has not completed the tragic cycle from despotism to democracy to tyranny. Our revolution is perpeutually unfinished, but has never been undone by anger or by apathy. Though we may be troubled or tired, we can still respond to the call of Tom Paine, who wrote:

> Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.

ASSISTANCE TO SCHOOLS IN FEDERALLY AFFECTED AREAS

Mr. EAGLETON. Mr. President, the Education Subcommittee of the Committee on Labor and Public Welfare held hearings this week, presided over by the Senator from Rhode Island (Mr. PELL), on S. 3581, the administration's proposal to revise the program of school assistance to federally affected areas—commonly known as impact aid.

A thoughtful and provocative analysis of the present impact aid program and of the proposed revision was presented by Mr. August Steinhilber, director of Federal and Congressional Relations of the National School Boards Association. Mr. President, so that other Members of Congress and the public may have an opportunity to read Mr. Steinhilber's statement on this important subject, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE IMPACT AID REFORM ACT OF 1970

(By August W. Steinhilber)

Mr. Chairman, members of the Subcommittee, my name is August W. Steinhilber and I am Director of Federal and Congressional Relations of the National School Boards Association.

The National School Boards Association is the only major education organzation representing school board members. Approximately 84,000 of the nation's school trustees are members. These people, in turn, are responsible for the education of more than 95 percent of all the nation's public school children.

Currently marking its twenty-ninth year of service, NSBA is a federation of state school boards associations constituted to strengthen local lay control of education and to work for improvement of education. Most school board members, like yourselves, are elected public officials.

Association policy is determined at the NSBA annual convention by a Delegate Assembly made up of official representatives of the membership. A twenty-member board of directors and seven-member executive committee representing every geographic region of the nation translate policies and resolutions into ongoing programs.

First, Mr. Chairman, on behalf of my organization, I would like to congratulate and thank you and the members of this Subcommittee for the great effort they made in Committee, on the floor of the Senate, and in Conference to secure the passage of the ESEA Amendments (P.L. 91–230). We appreciate the many long hours of hard work that were spent in developing a package which could be broadly supported in both Houses.

As you know, Mr. Chairman, the National School Boards Association has, by the very nature of its membership, been vitally interested in the impact area program.

We have studied the report issued by the Battelle Institute with great interest and care. We have reproduced that document and sent a copy to each of our state and big city representatives. Congress is to be commended for authorizing an in depth empirical review of this complicated subject area before taking action to revise the existing program. However, our review of the Report has raised some questions which are currently being researched within our organization. Since the Battelle Report was issued only recently, NSBA will have to defer from making comments in the form of constructive changes in the existing program until such time when our study is completed. Therefore, my testimony today will be limited to just a few preliminary observations of the program itself, the Battelle Report and the bill which provides for the amendment of the program, namely, S. 3581.

Members of this Subcommittee will agree that many of the facets of the current law are extremely intricate and complicated. A major revision must be done after careful consideration and a thorough review. While we all agree a revision of the law is necessary, I suggest any hasty action could be disastrous to many school systems.

PHILOSOPHY OF IMPACTED AID

A review of the basic philosophy of impact aid is appropriate at this time because there seems to be a cleavage in approach to the program among the members of this Subcommittee, as well as among others who are either involved or interested in this legislation. Until this cleavage is resolved, I daresay that it would be difficult to develop a formula distribution which is responsive to the need to be served.

The stated purpose of the impact aid program is simply "to provide financial assistance for those local educational agencies upon which the United States has placed financial burdens." These burdens arise when the Federal government brings its business, typically military, into the school district. Generally, the Federal pressure has a double edged effect on the district in that it brings more school children into the area and at the same time results in a shrinkage of the local tax base since the Federal property involved—be it residential or business—is tax exempt. Since local property taxes provide more than one-half of the revenues for education, this double edged effect, in the absence of Federal assistance, would result in higher taxes and/or - reduction of per pupil expenditures.

One approach to providing financial assistance is to regard payments as "in lieu of taxes" which would have been collected had the Federal property not been tax exempt. Accordingly, proponents of this approach would tailor the distribution formula to place a heavy emphasis on such items as the amount of Federal property within the district and local property valuations. In essence, the thrust of this approach is one of intergovernmental accounting for the use of land—with the school district (and the tax base) as incidental beneficiary. In other words, the basis for the Federal payment is similar to that of any other business which may have settled in the community.

A second approach by-passes the economics and looks directly at the burden placed on the school system by the Federal presence. The primary purpose is to restore per pupil costs to the level where it was before the government arrived. This approach is not novel. Indeed, an exhaustive report on Impact Aid prepared in 1965 pursuant to P.L. 88–665, generally known as the Stanford Report, states that the formula, in fact, adopts this view and further states that it is the better view. If I may briefly quote the summary and conclusions found on page 23 of the Senate Subcommittee on Education's print of this document:

"The nature of the obligation has been confused by the emphasis placed on tax exemption of federal property as the cause of the burden. P.L. 874 is often regarded as providing payment in lieu of taxes; yet clearly does not, since the payments are made at rates determined by the costs of education in the communities and not by the worth of the federal properties. In addition, entitlements go to the school districts educating the federally connected pupils and not necessarily to the districts containing the federal properties.

"Our conclusion is that eligibility under these laws must rest upon the burden principle and not upon the in-lieu-of-taxes principle. In the first place, it is administratively almost impossible to implement a consistent in-lieu-of-tax program, because of the unmanageable task of determining the true market values of most federal properties (e.g., what is the value of an air base in Kansas?). Second, large inequities would arise in the distribution of funds, as a few fortunate districts that encompass key properties would receive huge payments, while neighboring districts educating many of the federally connected pupils would receive none; (e.g., 104 school districts educate pupils and receive P.L. 874 entitlement based upon the Tinker Air Force Base, located in one district, Midwest City, Oklahoma). Third, the case studies indicate that total payment in lieu of taxes would not necessarily be lower than they are under the burden principle."

Although it is beyond the stated purpose of the impact program, the formula reflects a third view that considers the level of education which the local resources can offer to federally connected children. Proponents of this approach argue that the Federal government owes it to children of government employees—particularly children of military personnel who have no choice as to place of assignment—to fund the district sufficiently to raise the level of education therein to at least the national average. The conclusion of this argument is that impact aid is really a mechanism for providing a general grants-in-aid program.

XUM

So, in review, we have three approaches—one compensates the district for the use of land, thereby incidentally affecting need; the second pays the cost of educating federally connected children to the extent of the going rate in the district; and the third makes payments based on the quality of education within the district. Although they are not totally inconsistent with one another, these approaches are far from being identical. For example, under the first, a district with a large number of "B-out" pupils would receive no assistance because there is no Federal property therein. However, under the second, payments would be made to the extent necessary to pay the cost of educating children in that district. Under the third, payments would be made—but only, and to the extent necessary, for the district to reach some standard level of education.

Therefore, it appears that it is one thing to say that a Federal presence exists and quite another to say that within the conceptual basis of the program, the district is entitled to a certain level of payments. Accordingly, it seems necessary to reach some decision as to the conceptual basis for making payments, before we start weighting and measuring the components of a distribution formula. And, it is my conclusion that until this kind of decision is made, the current formula, and any proposed formula, will continue to be criticized as unworkable and unfair.

Now I would like to comment on specific provisions of S. 3581 or items deleted from the bill. As indicated earlier, NSBA hopes to make specific suggestions as to ways of revising impact legislation, but until then, we must register grave reservations on a number of counts.

THE BASIC FORMULA

S. 3581 would make certain changes in the P.L. 874 formula which generally increases category "A" participation but at the same time decreases payments to category "B" children. No argument is being made that "A's" should not receive broader funding. In fact, that is not in issue here. When S. 3581 is taken together with the Administration's $425 million request for impact aid, which is far below the $965 million authorized level, it becomes clear that the effect—if not the object—of the bill is not to markedly increase the funding of the "A's" but to greatly reduce—even eliminate any financing for the "B's."

I would just like to highlight the major features of the bill in this regard to give you an idea of the total affect which would be wrought on category "B."

Under the current law a school district receives for "A" category children an amount equal to the local contribution rate or ½ the national average per pupil cost or ½ the average per pupil cost. Although "B" category payments are made on the same basis, only ½ of the children are counted. Accordingly, the rate for category "B" is 50 percent of 50 percent or 25 percent of the average per pupil cost.

Under the proposed law, after a three percent absorption is taken from a school district's entitlement, that district receives sixty percent of the national average per pupil expenditure for each "A" child. Although this represents an increase for "A", "B" payments would be decreased because only 40 percent of the "B-in" children and 20 percent of the "B-out" children would be counted. As a result, payments would drop to 24 percent and 12 percent of per pupil costs, respectively.

This change in the method of counting children is even more devastating to category "B" children because of its affect on the absorption factor. The bill provides that a district is only eligible for assistance to the extent that its "adjusted number of impact pupils exceeds, by more than five, the lesser of (A) one thousand or (B) a number equal to three per centum of (i) the total number of pupils in average daily attendance at the schools of such agency during such year minus (ii) such adjusted number of Federal impact pupils."

Although it is a little complicated, Mr. Chairman, I beg your indulgence for a moment so I may apply this formula to a hypothetical case of a school district which has a 30 percent impact of "B-out" children—say 6,000 out of 20,000 students. Following the formula we subtract from 20,000 the adjusted number of "B-outs", which is 20 percent of 6,000, or 1,200. Three percent of the 18,800 balance amounts to 564. An additional five gives us an absorption of 569 of 1,200 pupils. That is, only 631, or 53 percent of the adjusted number of pupils will be counted for payment purposes. Since 12 percent of the per pupil expenditure is paid only for the number of students in excess of the absorption factor, the net payment for all impact students in this case is slightly over six percent of the national average per pupil expenditure. This percentage will vary depending on the proportionate size of the impact within the district. For example, a school district in which 15 percent of the pupils are "B-out" is just at the break-even point to be eligible for payments, whereas a district in which there is a 100 percent impact would receive per pupil payments equivalent to 10.5 percent of the national average. We have included a chart which more fully demonstrates the scale of payments.

Percentage of "B-out" children in district	Net payment as a percentage of national average per pupil expenditure	Entitlement under S. 3581 as a percentage of current entitlements
15	0	0
17	1.7	6.8
20	3.36	13.44
30	6.0	24.0
50	8.9	35.6
100	10.5	42.0

Under the existing legislation, a district is eligible for payment if its adjusted number of federally connected children consists of at least three percent of its school population. However, unlike S. 3581, the students counted within the three percent for purposes of eligibility are also counted in making payments. In other words, regardless of the proportionate size of the impact, any eligible district will receive a net per pupil payment which is 25 percent of the national average. Therefore, as to "B-outs", the net effect of the bill is to raise eligibility from an adjusted six percent impact (under present counting three percent is really six percent of the "B's"), to 15 percent, and to cut payments to more heavily impacted districts on a sliding scale. A district with a 100 percent impact would receive the largest payment which is about 42 percent of current entitlements. Again, I would refer you to our chart for a more thorough breakdown.

In passing, it should be noted that the larger school districts would use the 1,000 pupil absorption factor rather than the aforementioned three percent rule. However, since the bill applies the same method of counting, the first 5,005 "B-out" students would be counted for eligibility, but not for payment. Under the existing legislation, these pupils are counted for payment as well. Accordingly, these school districts will experience cuts upward of $2 million right off the top plus a 50 percent cut for the balance of the students (that is, a reduction from 25 percent of the national average to 12 percent).

S. 3581 would also reduce payments for "B-in" children. Although the cuts are not quite as dramatic as the case of "B-outs", the effect may be equally severe on the school system since there is not only a burden of educating more children, but a smaller tax base as well. Per pupil payments would be reduced from the current level of 25 percent of the national average to between 7.5 percent at a 10 percent impact and 22.8 percent at a 100 percent impact. We have included another chart which reflects the entitlement scale for "B-ins" under the proposed bill and compares it to present entitlements.

Percentage of "B-in" children in district	Net payment as a percentage of national average per pupil expenditure	Entitlement under S. 3581 as a percentage of current entitlements
10	6.6	26.4
20	15.0	60.0
30	18.7	74.8
50	21.0	84.0
100	22.8	91.2

In a like manner, the bill would severely affect larger districts by excluding the first 2,505 students and reducing per pupil payments for the balance from 25 percent of the national average to 24 percent.

Finally, the basic formula also makes payments for category "A" children on a sliding scale. The range as a percentage of national average varies from 43.8 percent at a 10 percent impact to 60.2 percent at a 50 percent impact (any district with over a 50 percent impact is treated under a different section). As noted earlier, payments are currently at a 50 percent flat level. That level is reached at a 20 percent impact under S. 3581.

At this juncture, I would like to say that the sharp cuts in "B" category entitlements assume that the program is fully funded. As we all know, full funding is improbable—if not impossible. Indeed, last year the program was only funded to the extent of 76 percent of entitlements at the $505 million level. This year, the Administration is talking in terms of $425 million while per pupil expenditures are soaring. To our knowledge, the Administration has not released any figures either under the existing law or under S. 3581, but I am sure that to say $425 million would cover 50 percent of entitlement is generous. Under the existing law, all categories would suffer the cutback proportionately. This is not true under S. 3581. The bill establishes an order of priority whereby districts with very high concentrations of category "A" children are fully satisfied, then in turn, all other "A" payments, "B-ins", and B-outs", respectively.

Therefore, in reality, the bill proposes a two step approach to dry up payments for "B" children. Quite clearly, the trickle of funds made available for "B–out" payments under the new method of counting would be completely dried up by the application of the priority provision. We anticipate that "B–ins" will be sharply reduced, although we cannot estimate how much as there is no district-by-district breakdown of projected payments under the proposed bill.

Although we admit there is room for change in the existing legislation, we believe that the wholesale elimination of category "B" payments only complicates the conceptual basis of the program and ignores the joiting affect it would have on the operation of many school districts.

For example, as the Battelle Report points out, military families residing off base are of an age where they have more school children than the average and at the same time have property with lower assessed values. Therefore, the Report states that payments can be justified in both the "B–in" and the "B–out" situations. On its face, the bill apparently deals with this problem by saying that since Battelle recommends 40 percent of the children to be counted when the base is within the district, that it is reasonable to count one-half of that amount when the base is outside the district. But, a comparison of our two charts reveals that the operation of the formula would cut off substantially more than half the funds, depending on the size of the impact. The result is that payments are really being made on a strictly "in lieu of property tax" basis—regardless of burden or educational quality in the district. However, the formula distributes funds according to contribution rates and average expenditures—this sounds more like burden. And, as we shall see, districts in which there are very high concentrations of "A" children are paid on the basis of state or national standards—this sound more like quality. We have a great deal of difficulty in understanding why children whose parents live on bases should be assured of a better education than children whose parents live off. Or, why should the school district be uplifted in one case and go completely uncompensated in the other?

It should be noted that some school districts would be particularly affected by this bill. Under current legislation, districts in which there are very high concentrations of "B" students can receive payments to the extent necessary to place them on a par with similar localities. Under S. 3581, districts are only eligible if more than one-half of their children, on an adjusted basis, are federally connected. Accordingly, "B" districts cannot qualify. Indeed, many districts which previously qualified because of a combination of category "A" and category "B" children could not qualify. For example, a district which has 30 percent "A," 40 percent "B–in", and 15 percent "B–out" could not qualify for special treatment as a district with a very high concentration of federally connected pupils.

DISCRETION

Of course, one way to avoid the provisions of a bad bill is to give its administrator broad discretion to disregard them. And this bill does give the Commissioner discretionary authority to adjust formula expenditures.

Preliminarily, I would like to say that we are generally opposed to such discretionary language—and we are particularly disturbed with its appearance in the bill currently being considered.

This Subcommittee will have the opportunity to hear the testimony of private and Federal witnesses whose experience represents all aspects of the impact program. From the unique experience of working with this testimony, this Subcommittee is in a position to develop an efficient and equitable program. While we can appreciate that there may be an occasional need to make loose provisions for situations which a formula cannot anticipate, we feel that broad discretionary powers, particularly without guidelines, permits the administrators of the law to substitute their own singular view point for the work of this Subcommittee. It is our belief that program philosophy and priorities belong with the Congress of the United States—not the Federal bureaucracy. In addition, we believe that the program should be insulated from efforts at political chicanery—particularly since the education of million of children lies in the balance.

Having said this, I would like to address myself to the objectional language in the bill.

Section 16 states that the Commissioner *may* waive the absorption factor "when exceptional circumstances exist which would make the application of such (factor) inequitable and would defeat the purposes of this part."

In light of my earlier comments, it is quite likely that every "B" category district would apply under this section, since for them the application of the absorption factor is the key to impact aid. Aside from the administrative confusion and political pressure which the waiver would cause in the Office of Education and in the Congress, it seems rather self-defeating when read in connection with the priority section. Since category "B" would be underfunded in general, we can envision a situation wherein all members of that class will be fighting for a limited amount of funds. While we have no figures, it could very well become a case of comparative suffering in which one district's salvation is another's hardship.

Secondly, the provision sets no standard for waiver. An application which is "equitable" or "defeats the purpose of this part" is meaningless because the conceptual basis of impact aid is not clearly defined. In addition, is the waiver whole or in part, and when applied what is the basis of payment?

Thirdly, school districts prefer formulas because it enables them to plan their budgets from year to year.

We also object to the degree of discretion given to the Commissioner in section 13 which provides assistance to areas with very high impacts. The only guideline is that the Commissioner shall "consider" similar school systems within the state or in other states which the pupils in the district "have attended or may attend." But then, further down, section 13 provides that "notwithstanding any other provision of this section" payments are not less than 85 percent of the greater of the national or state average per pupil expenditure but not more than 125 percent of the greater figure.

In the existing legislation payments could not exceed an amount necessary to raise the district on a par with other districts. This provision gives discretion to the Commissioner to go above or below as long as the amount involved is between the broad latitude of 85–125 percent of the state or national average.

Moreover, once the Commissioner determines the aforementioned amount he deducts an amount which he determines is available to the district from all sources as well as an amount which could be available on the basis of equalized assessed evaluation. This latter aspect of the provision is speculative to say the least. It seems rather wasteful and burdensome—if not impossible—to gather the raw data involved.

PUBLIC HOUSING

Mr. Chairman, the bill does not include a provision for public housing. We in the field of education would be sadly disappointed if this new addition to the Federal education program was terminated before it got off the ground. There is no need to review the merits of the public housing provision for the members of the Subcommittee, as that program was born in this Chamber. We only ask for your continued support of public housing payments when you reach your final consideration of impact reform.

MISCELLANEOUS

In addition to those aspects of the bill I have discussed at length today, there are a few additional points which I suggest, in passing, merit further consideration.

One such item is the method for determining the number of federal impact students under section II. Subsection (3) thereof provides that in counting "B-out" children, the important element is whether the parent works in Federal property in another *county*. Under existing law, the test is whether the parent works in another *school district*. This proposed change does not make sense to us since school district lines and county lines are not coterminous. And I might add that the Battelle Report discussed "B-out" at length and did not recommend this change.

Secondly, the effort factor as used in making payments under section 12 is not equitable. As proposed, states with an effort less than 1.00 are treated as if their effort were 1.00. Since all states must divide a limited source of funds, this works a penalty on states with an effort over 1.00. In this connection, we question the wisdom of even using state effort in this and other sections as a factor in determining the amount of impact aid if the aim of the program is to cure a local problem which is related to a Federal presence—rather than to establish a general grants-in-aid formula.

We also question the section 8 hardship clause in that 2 percent of all current educational expenditures is such a large sum by comparison to the impact aid normally available to the school district, that it will not be responsive to shoring up the needs of a district which suffers massive cuts, in dollar amounts, of impact money.

CONCLUSION

Mr. Chairman, my testimony today was long and quite technical. I wish to thank the members of this Subcommittee for their interest and patience. In preparing my statement I felt that it was necessary to ask some very basic questions as to the purpose of impact aid. I also felt that it was necessary to go through some of the major provisions of the bill that you are considering, in order to emphasize the need to develop a basic philosophy.

As to the merits of the bill, there is no question that it is complicated. Somehow I feel that I only touched upon the tip of an iceberg. The bill's weakness stems from the fact that it overreacts to the need for an adjustment. It then attempts to save itself by including broad discretionary language. This only makes the bill weaker.

Although I realize there is pressure to enact a reform bill, I would urge careful consideration of any proposal to assure the some 4,000 recipient school districts equitable treatment.

I would be very cautious of this heavy-handed bill, particularly since its projected effect, if enacted, has yet to be substantiated.

RAIL PASSENGER SERVICE ACT OF 1970

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside. We will not take it up until Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, it was thought that it might be possible to bring up on Monday the Mathias resolution which was reported from the Foreign Relations Committee today. However, because the statement made by the majority leader indicated that we would go over from today until Tuesday, it is now anticipated that the Mathias resolution will follow the consideration of the unfinished business, Calendar No. 769, S. 3706, on Tuesday, or, at the latest, on Wednesday.

ORDER FOR ADJOURNMENT TO TUESDAY, MAY 5, 1970, AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock Tuesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

ORDER FOR RECOGNITION OF SENATOR STENNIS ON TUESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 45 minutes, following which the Senator from Wisconsin (Mr. PROXMIRE) will be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS, FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES, AND FOR THE VICE PRESIDENT, PRESIDENT PRO TEMPORE, OR ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business today until 11 a.m. on Tuesday next, all the committees of the Senate be permitted to file their reports, together with any minority, individual, and supplemental views; that the Secretary of the Senate be permitted to receive messages from the President of the United States and from the House of Representatives; and that the Vice President, the President pro tempore, or the Acting President pro tempore may be permitted to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMBODIA

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, last night was a sad and bloody night. Today is a sad and bloody day.

I fear that there may be many more such days and nights.

I rise to speak, in moderate terms. I shall surely attempt to speak with restraint. Indeed, in the meetings of the Foreign Relations Committee both yesterday and today my voice was raised repeatedly on the side of restraint, caution, and probity in our statements and our actions.

This, I think, is particularly important on the part of the Senate and on the part of Senators because a constitutional crisis may impend.

What do the elected representatives of the people do? What action can the legislative branch of our Government take in such a situation?

I ask this question because tragic events pose it.

Every time the American people have had an opportunity to express themselves at the ballot box, they have unmistakably chosen the candidate for President who offered the best hope for peace.

I recall in 1964 that it was our distinguished colleague, the Senator from Arizona (Mr. GOLDWATER), then a candidate for President, who spoke of defoliating the forest, who spoke of the use of airpower. I will not undertake to describe his position in any detail.

It was Lyndon Johnson who was the peace candidate. It was Lyndon Baines Johnson who promised the American people not to send American boys into a land war in Asia to do what the Asians should do for themselves.

Who won that race? For whom did the people vote in a majority unprecedented in all of our history? Lyndon Baines Johnson was elected President by the people.

In 1968, it was Richard Milhous Nixon who had a plan for peace. Vice President Humphrey was unable to escape the legacy of the war. Who was elected? Richard M. Nixon was chosen as President of the United States.

How do the American people remain masters of their fate? Perhaps they can now rely only upon their chosen representatives in the legislative branch of Government. The legislative branch has a coequal responsibility and burden with the executive with respect to the waging of war. This constitutional responsibility is great, and it is fixed and it is powerful.

It is in this sense that the Committee on Foreign Relations has today addressed a letter to the President, unanimously approved in the committee by Democrats and Republicans, requesting a conference with the President. I joined in that request. Indeed, I urged and recommended to my colleagues such a course of action rather than action upon any motion on any pending matter.

The democratic process, Mr. President, is a difficult one. There are many among us who say that the system does not work. There are those among us who have lost confidence; and I am sorry to say there are those among us who wish to resort to violence. I regret and resist this. I believe our great system, our system of government by the people, for the people, and of the people, as the immortal Lincoln described it, can and will work. But it requires a recognition of the coequal responsibilities of the three coordinate branches of our Government; and it requires a degree of cooperation and teamwork.

This is what the Senate committee, the agent of the U.S. Senate, seeks in its conference with the President. I think we need to promote mutual understanding. I think we must seek to find a way to avoid a constitutional crisis. This is a two-way street. I am confident the President will welcome such a conference and I surely hope so. It is in this spirit that I speak today: Sad? Yes; partisan? No.

I listened last night to the President who spoke earnestly—and I know sincerely and I know patriotically. I propose briefly, and I hope rationally and moderately, to express some views with respect to the position the President announced. He announced, as we know, that American combat forces were engaged in ground combat operations within Cambodia. This action constitutes a significant geographic expansion of the Vietnam war and, in my opinion, it constitutes a widening of the war, politically and in terms of the U.S. commitment in Southeast Asia.

In his address to the Nation last evening the President announced not one decision but two. In addition to announcing that American combat troops were engaged in combat in Cambodia he also announced a decision to extend military aid to the Lon Nol government which came to power in Cambodia a few weeks ago.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. GORE. I yield to the Senator from Idaho.

Mr. CHURCH. In connection with the fact that the President made the disclosure last night that he was initiating a military assistance program for the new regime in Phnom Penh, I would ask the Senator if this does not constitute a new commitment on the part of the United States to a foreign government, and, as such, falls within the scope of the national commitments resolution passed overwhelmingly by the Senate last year.

Mr. GORE. It is in direct contravention of the commitments resolution.

Mr. CHURCH. I would ask the Senator further if it does not, therefore, raise a serious challenge to the Senate that goes to the very root of our own constitutional authority. If the President of the United States can make decisions of this character unilaterally with neither consultation with nor consent from the Senate, the Constitution has been scrapped and the

Presidency has become a kind of Caesardom.

In this situation I feel so strongly that it is incumbent on us as Senators to insist that our authority be respected and to insist that the Constitution be upheld. This was our purpose when we passed the commitment resolution. It should be our purpose today.

Mr. GORE. And when the Senate insists that the authority of the legislative branch be respected it is, in fact, insisting that the power of the people be respected, that the processes of popular government be honored, and that the Constitution, in fact, be observed. This is one reason why I said a few moments ago that a constitutional crisis impends, and not only in this respect, but also because without authority from Congress, without appropriated funds, without a declaration of war, an invasion—our enemies will call it aggression—has been undertaken, albeit against a very small nation.

It is sad, and I do not wish to talk except in sadness and in the hope of restoring an equation between the elected representatives of the people and the Chief Executive of this country. I think it is necessary if popular confidence in our democratic system is to be sustained.

There was no reference in the President's address to any request or invitation from the Government of Cambodia for the dispatch of combat troops into that country nor was there any indication that this action is being taken pursuant to any constitutional or legal commitment of the United States pursuant to treaty or otherwise.

It was a Presidential decision, the decision of a Commander in Chief. Is this a one-man Government? No; it is not. It must not so become.

Thus it would appear that from the standpoint of international law the action constitutes an invasion of a sovereign nation which has proclaimed its neutrality, which has beseeched other nations, including the United States, to respect its neutrality, a neutrality which is theoretically protected by international agreement to which the United States is party.

This action raises basic constitutional questions which cannot easily be avoided. The essential question is whether the President of the United States has the authority to commit U.S. military forces to combat in a nation with which this country is not at war, particularly when such action is taken, so far as is known, without any request or invitation from the government of the nation concerned and in the absence of any legal commitment or treaty obligation so to do.

In his address the President cited no specific legal basis in support of his authority to commit ground combat troops to Cambodia. Rather, he stated that the action was being taken in order to protect the lives of American soldiers in South Vietnam and the lives of those later to be sent there. Thus, presumably, the President is basing his action on the inherent authority of a Commander in Chief to take action to protect the lives of U.S. soldiers. Such authority, as the Senate knows, is not spelled out in the Constitution. Although it is generally recognized that the President has authority to take appropriate action when necessary to protect U.S. lives and U.S. property, this authority has never been defined and its limits have never been spelled out. So far as I know, it has never been construed to encompass an invasion of a country with which the United States is not at war.

I think it likely that the action which has now been taken will generate the additional debate on this question that is needed to bring to a head the question of the limitations of such Presidential authority.

In his statement the President implied that the operations he had ordered were limited both as to time and geography. He said:

> Attacks are being launched this week to clean out major enemy sanctuaries on the Cambodian-Vietnam border.

He added:

> Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed we will withdraw.

White House sources were reported to have indicated in press briefings that it was anticipated that the operations would be completed in a period of 6 to 8 weeks.

How many American boys will pay with their lives during this period, and for what purpose will their lives be sacrificed? Is the national security of the United States involved in what happens in Cambodia? For what lesser purpose do we have a right to require the lives of our young men?

Mr. President, while we are thus becoming more and more bogged down in a land war in Asia, there are signs that the Soviets are moving into the Middle East. Could this not be foreseen? At least, the senior Senator from Tennessee so forewarned, and has done so repeatedly during the past year.

There is no question but that North Vietnamese and Vietcong forces have been operating from "sanctuaries" within Cambodia adjacent to its border with South Vietnam. The same is true with respect to Laos. The same is true, as I said earlier in the colloquy, with respect to Vietnam north of the demilitarized zone.

This situation is indeed one of the inherent difficulties under which we have been fighting the war in Vietnam. The Vietnam war is not a conventional war. There are no battle lines in the normal sense of that term. The enemy strikes and then fades away only to reappear again and again. The kind of war that is being fought forms a basis, in part, for the admonitions of many of our greatest military leaders down through the years who have warned against U.S. participation in a land war in Asia.

Now, if the action as outlined by the President is successful—if in fact our forces and those of South Vietnam do succeed in cleaning out the sanctuaries which were depicted on the map displayed by the President and extending some 20 to 25 miles into Cambodian territory—similar sanctuaries can and undoubtedly will be reestablished farther to the west or farther to the north.

Early reports indicate in fact that the Communist forces in these areas, or some of them, may have already retreated to a new area. The question arises: Do we then pursue them into their new "sanctuaries," and, if so, how far does the President expect to expand the war in pursuit of sanctuaries?

It seems to me that a basic change in U.S. policy is implicit in the President's statement. The clear implication from what he said is that this action is being taken for the purpose of destroying military forces of the Vietcong and of North Vietnam and the communication and logistic facilities supporting them—in other words, the achievement of a military victory in Vietnam and Indochina. Such a military victory has heretofore been ruled out in Presidential statements of both President Nixon and President Johnson—impliedly by former President Johnson, and specifically on May 14 of last year by President Nixon. Both have asserted not once but several times that we seek no military victory in the normal sense in which that term is used, that is, that we do not seek the destruction of the military capability of North Vietnam to the point that that country no longer has the means or will to fight effectively and is therefore compelled to surrender.

If this is, in fact, the purpose of the operation that is being conducted, in my opinion, it cannot succeed merely by cleaning out small areas along the border of Cambodia and North Vietnam. The military base for both Vietcong and North Vietnamese forces is North Vietnam itself, and the only way this military base can be destroyed is by invading North Vietnam. We tried bombing North Vietnam, unloading bombs on North Vietnam in tonnages of greater intensity than anything known in World War II. It did not succeed. Although great destruction was rained upon that country it seemed only to strengthen the will of its people to fight.

The administrations of President Johnson and of President Nixon have both stated repeatedly that this country had no intention of invading North Vietnam. I do not mean to imply that President Nixon has such an intention now. I surely do not advocate it. I say only that the arguments he advanced last evening in support of the decision he announced might more logically be made in support of an invasion of North Vietnam than in support of an invasion of Cambodia.

For these reasons I am somewhat puzzled by the rationale for his decision as expressed by the President. I doubt that the war in Vietnam can be won, or even that we will achieve any lasting significant military advantage merely by cleaning out the sanctuaries described by the President on the map and then withdrawing as the President indicated we would do. If we withdraw, the Vietcong and the North Vietnamese can, and surely would, inevitably return. Even if we do not withdraw, the Communist forces could establish similar sanctuaries along the "new" border. In either event we would then be right back where we are, or nearly so—though perhaps farther from a negotiated settlement, and after untold numbers of American boys have given their lives or portions of their bodies. If we should not withdraw there would, of course, be a difference in that we would then be engaged in an expanded geographic area, with our forces necessarily spread more thinly and with a steadily decreasing number of troops to commit if the withdrawal program under Vietnamization continues.

I surely do not claim to be an authority on military strategy. I have had no more experience in that regard than Secretary Laird or Secretary McNamara. We all have to do the best we can in this field, in which none of us can claim expertise. But officials of the U.S. Government, chosen by the people, must conscientiously and earnestly perform their duties. If the operations which we propose to take, or the President proposes to take, are to be limited as the President's statement indicated, I simply do not think the strategy makes sense.

Accordingly, I am persuaded that the action that has been taken has implications other than those described by the President. Inevitably this action will constitute an extension of the U.S. commitment to include the entire area of Cambodia and the support of the government recently established there.

The military forces of Cambodia are weak, to put it mildly. Most observers who have reported from Cambodia indicate—and reports of military operations going on there also indicate—that the Cambodian capital of Pnompenh was within the grasp of Communist forces. Already large areas of the country have been wrested from control of the Cambodian Government.

In his statement the President conceded that the Cambodian military forces were incapable of absorbing and using effectively large quantities of sophisticated military equipment. I would agree with the President's assessment. On the basis of reports thus far there is, in fact, doubt that they can use efficiently the equipment they already have.

Thus, in some respects the decision to extend military aid to Cambodia may be more revealing as to the purpose of the entire action than is the decision to commit combat troops in the restricted sanctuary areas. The rationale of the President's statement in support of the commitment of combat troops is wholly inapplicable to his decision to provide military aid in small amounts to the Government of Cambodia. There is no way by which the provision of rifles to the small and weak army of Cambodia could make a significant contribution to the protection of the lives of American soldiers in South Vietnam. Indeed the President did not state that this was the purpose of that decision. He said:

> But the aid we will provide will be limited for the purpose of enabling Cambodia to defend its neutrality, and not for the purpose of making it an active belligerent on one side or the other.

Clearly the military equipment and supplies being given to the Cambodian Government are for the purpose of supporting that government. The President specifically stated that this aid was not being given for the purpose of bringing Cambodia into the war on the side of the United States and South Vietnam.

The passage in the President's statement which I have just quoted is sadly reminiscent of previous Presidential statements about South Vietnam that have been made over the years. Our actions in South Vietnam have all been taken in the name of assisting the people of South Vietnam to decide their own destiny. Each such statement and each action up the escalation ladder has in turn been used as a basis for a deeper and deeper commitment. In this way we found ourselves little by little ensnared in a quagmire from which we have been unable to extricate ourselves, and into which we now plunge more deeply.

I return to the question of ground combat operations in Cambodia. If this action as described by the President will not achieve military victory in Vietnam—and I do not believe it will—what purpose might it achieve? If pursued along its logical course, ground operations in eastern Cambodia might well relieve the pressure now being applied by Vietcong and North Vietnamese forces in that country. If we should cut the supply lines from North Vietnam running through Laos, the Communist forces now on the outskirts of Pnompenh would surely find their situation more difficult. At least, if our operations in eastern Cambodia are actually being taken for some such purpose, then from a military point of view they would make more sense than for the purposes for which they were described.

In the limited time available for an analysis of the President's statement, I can conclude only that the action he announced constitutes a significant expansion of the U.S. commitment in Southeast Asia. By this action the President, even though he did not so state, and even though he may not so intend, has involved the United States in the defense of Cambodia.

This has been done, so far as the public record reveals without request from Cambodia, except with respect to the supply of military equipment. So far as the Senate has been advised, Cambodia has not asked to be defended. Cambodia has not requested an invasion, and has not requested U.S. military forces. This action has been taken without the sanction of Congress. It has been taken without legal commitment by treaty. Is this not, then, the Vietnam pattern all over again?

Perhaps an expansion of the war is an inevitable consquence of continuing the war in Vietnam. Presidents have said we seek "no wider war." But today we have a wider war, the war has been widened through the years. And day by day and night by night, the number of American young men whose lives and whose bodies have been sacrificed has mounted. We now have engaged in the longest war in our history—undeclared—and at every opportunity the people have had, it has been disapproved by the American people.

Militarily it is difficult, if not impossible, to separate the war in Cambodia from the war in Vietnam. The same is true of Laos. It is in a sense all the same war—all within a long, narrow peninsular in which the little countries of Laos, Cambodia, and Vietnam rest. It is not the usual war. It is unique. This, however, argues not for a widening of our involvement in a land war in Asia but, rather, for a negotiated peaceful settlement.

The present Government of Cambodia lacks the popular support of the masses in Cambodia, just as the Thieu-Ky regime lacks popular support in Vietnam. If we pursue the course upon which we have apparently embarked, Premier Lon Nol will be a second millstone around our neck. Perhaps not as heavy as President Thieu—God forbid—but equally difficult to dislodge.

I am concerned about the constitutional questions concerning this action that has been taken unilaterally by President Nixon. I am also deeply concerned about the implication of this action involving us even more deeply than we were already involved in Southeast Asia. I do not believe, and I have never believed, that this involvement served the genuine interest of our country.

If I interpret correctly the President's statement and his action, we are today further away from the possibility of a negotiated settlement than we were yesterday. Pursuit of "victory" in Vietnam now, which the President specifically "ruled out" in his speech of last May 14, means that this country will be bogged down and that her sons will die in Asia for years to come.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **GRIFFIN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **GURNEY**. Mr. President, I support President Nixon wholeheartedly in the decision he announced yesterday, to hit and destroy the enemy sanctuaries in Cambodia.

That is where the enemy gathers his troops and supplies. From there, he strikes and kills our troops and then retires to safety before our forces can engage him. To permit such enemy havens to go scot free is to violate every rule of warfare. It is to force our soldiers to fight the enemy with one arm tied behind their backs.

President Nixon, in ordering this action against these Communist havens, is protecting the lives of our troops. He is doing what any sensible and prudent commander would do. He is doing now what should have been done years ago.

The charge of the antiwar doves that this is broadening of the war is pure bosh. There is no broadening in this action. We are hitting the same enemy, operating from the same places of sanctuary, and using the same supply sources—the same state of affairs that has existed for years.

This blow against the Communist enemy will hurt him grievously; it will seriously weaken him. It will lower his morale and his will to fight.

It will give our allies, the South Vietnamese, needed additional and valuable time to strengthen their troops.

It will materially help the program of

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President Nixon to accomplish the Vietnamization of this war.

It will save American lives in the months ahead.

It will enable our President to get along faster with his promise to withdraw American troops.

This is a necessary, wise, and courageous decision by a President who is gaining more and more respect of Americans everywhere, as he tackles and meets responsibly, the tough decisions facing the Nation.

It is a great source of satisfaction and reassurance to me to know we have a President who is indeed leading this Nation, instead of being led by minority opinion, whose main strength is the frequency and loudness of their protests, rather than the soundness of their reasoning and conclusions.

All of us want to get out of Vietnam and all of us want the war ended. Most will agree that it was a mistake to be there in the first place.

But let us not forget that we are getting out. Withdrawal of 150,000 more U.S. troops is now in progress. The war is now far more a Vietnamese war than an American war. There is a new and completely different policy than in the Kennedy-Johnson years.

But this does not mean that fighting will stop at once, even though it has cooled off very considerably.

Nor does it mean that sound and necessary tactical moves against the enemy should cease simply because the United States is withdrawing troops.

As I said, the President is clearly right in this move against Communist sanctuaries. He has my complete support in this bold stroke to protect American lives and shorten this war.

I hope millions of other Americans who have fervently hoped and prayed for strong leadership in the White House on Vietnam, will back up President Nixon now.

Also, I hope they will give this great President the support he needs to end this war, and preserve U.S. leadership of free peoples, in a world increasingly threatened with the dark mantle of Communist destruction of freedoms.

Mr. LONG. Mr. President, I would like to add my voice to those who have applauded the President's courage and his patriotism in making the speech he delivered and taking the position he took yesterday with regard to sending American troops into Cambodia.

It is very clear that the President of the United States is not acting as a matter of partisanship, and he is not acting in any way seeking to benefit himself, personally, or his party. The President did his duty as he saw it. In my judgment, he is right, and he deserves the support of every Member of the Senate and every Member of the House of Representatives. We must respect the fact that as the Chief Executive, and the Commander in Chief of our Armed Forces, he is doing the best he can to make the best use of our troops in South Vietnam to the end that, at such time as these American troops are withdrawn or their number greatly reduced, the Government of South Vietnam will have a chance to defend itself and to defend freedom as we respect it in that part of the world.

I am aware of the fact that many others on my side of the aisle think, as I do, that the President did what was right. We upheld President Johnson when he made difficult decisions which he thought the Nation's interests required. I think it will be found that there will be many on my side of the aisle who will uphold the President in the days to come in meeting the fateful decisions which an American President, true to his own convictions and his oath of office, undertakes to carry out as Chief Executive.

Mr. GRIFFIN. Mr. President, obviously the action announced by President Nixon in his television address to the Nation last night represented a very difficult and courageous decision.

It was one that only the Commander in Chief could make—the kind of a decision that spells the difference between an ordinary President and a great President.

I support the President in his decision. He deserves, and I fervently hope he will have, the support of the American people and of their elected Representatives and Senators in Congress.

Mr. President, I ask unanimous consent that the text of President Nixon's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

RADIO AND TELEVISION ADDRESS BY THE PRESIDENT ON THE SITUATION IN SOUTHEAST ASIA

Good evening my fellow Americans.

Ten days ago, in my report to the Nation on Vietnam, I announced a decision to withdraw an additional 150,000 Americans from Vietnam over the next year. I said then I was making that decision despite our concern over increased enemy activity in Laos, in Cambodia, and in South Vietnam.

At that time, I warned that if I concluded that increased enemy activity in any of these areas endangered the lives of Americans remaining in Vietnam, I would not hesitate to take strong and effective measures to deal with that situation.

Despite that warning, North Vietnam has increased its military aggression in all these areas, and particularly in Cambodia.

After full consultation with the National Security Council, Ambassador Bunker, General Abrams and my other advisers, I have concluded that the actions of the enemy in the last ten days clearly endanger the lives of Americans who are in Vietnam now and would constitute an unacceptable risk to those who will be there after withdrawal of another 150,000.

To protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs, I have concluded that the time has come for action.

Tonight, I shall describe the actions of the enemy, the actions I have ordered to deal with that situation, and the reasons for my decision.

Cambodia, a small country of seven million people, has been a neutral nation since the Geneva Agreement of 1954—an agreement, incidentally, which was signed by the government of North Vietnam.

American policy since then has been to scrupulously respect the neutrality of the Cambodian people. We have maintained a skeleton diplomatic mission of fewer than fifteen in Cambodia's capital, and that only since last August. For the previous four years, from 1965 to 1969, we did not have any diplomatic mission whatever in Cambodia. And for the past five years, we have provided no military assistance whatever and no economic assistance to Cambodia.

North Vietnam, however, has not respected that neutrality.

For the past five years—as indicated on this map that you see here—North Vietnam has occupied military sanctuaries all along the Cambodian frontier with South Vietnam. Some of these extend up to 20 miles into Cambodia. The sanctuaries are in red, and as you note, they are on both sides of the border. They are used for hit and run attacks on American and South Vietnamese forces in South Vietnam.

These Communist occupied territories contain major base camps, training sites, logistics facilities, weapons and ammunition factories, air strips and prisoner of war compounds.

For five years, neither the United States nor South Vietnam has moved against those enemy sanctuaries because we did not wish to violate the territory of a neutral nation. Even after the Vietnamese Communists began to expand these sanctuaries four weeks ago, we counselled patience to our South Vietnamese allies and imposed restraints on our own commanders.

In contrast to our policy, the enemy in the past two weeks has stepped up his guerrilla actions and he is concentrating his main forces in these sanctuaries that you see on this map where they are building up to launch massive attacks on our forces and those of South Vietnam.

North Vietnam in the last two weeks has stripped away all pretense of respecting the sovereignty or neutrality of Cambodia. Thousands of their soldiers are invading the country from the sanctuaries; they are encircling the Capital of Phnom Penh, coming from these sanctuaries, as you see here. They have moved into Cambodia and are encircling the Capital.

Cambodia, as a result of this, sent out a call to the United States, to a number of other nations, for assistance. Because if this enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops could return from combat without fear of retaliation.

North Vietnamese men and supplies could then be poured into that country, jeopardizing not only the lives of our own men, but the people of South Vietnam as well.

Now confronted with this situation, we have three options.

First, we can do nothing. Well, the ultimate result of that course of action is clear. Unless we indulge in wishful thinking, the lives of Americans remaining in Vietnam after our next withdrawal of 150,000 would be gravely threatened.

Let us go to the map again. Here is South Vietnam. Here is North Vietnam. North Vietnam already occupies this part of Laos. If North Vietnam also occupied this whole band in Cambodia, or the entire country, it would mean that South Vietnam was completely out-flanked and the forces of Americans in this area, as well as the South Vietnamese, would be in an untenable military position.

Our second choice is to provide massive military assistance to Cambodia itself. Now unfortunately, while we deeply sympathize with the plight of seven million Cambodians whose country is being invaded, massive amounts of military assistance could not be rapidly and effectively utilized by the small Cambodian army against the immediate threat.

With other nations, we shall do our best to provide the small arms and other equipment which the Cambodian army of 40,000 needs and can use for its defense. But the aid we will provide will be limited for the purpose of enabling Cambodia to defend its neutrality and not for the purpose of making it an active belligerent on one side or the other.

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Our third choice is to go to the heart of the trouble. That means cleaning out major North Vietnamese and Viet Cong occupied territories, these sanctuaries which serve as bases for attacks on both Cambodia and American and South Vietnamese forces in South Vietnam. Some of these, incidentally, are as close to Saigon as Baltimore is to Washington.

This one, for example, is called the Parrot's Beak. It is only 33 miles from Saigon.

Now faced with these three options, this is the decision I have made.

In cooperation with the armed forces of South Vietnam, attacks are being launched this week to clean out major enemy sanctuaries on the Cambodian-Vietnam border.

A major responsibility for the ground operations is being assumed by South Vietnamese forces. For example, the attacks in several areas, including the Parrot's Beak that I referred to a moment ago, are exclusively South Vietnamese ground operations under South Vietnamese command, with the United States providing air and logistical support.

There is one area, however, immediately above Parrot's Beak, where I have concluded that a combined American and South Vietnamese operation is necessary.

Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam. This key control center has been occupied by the North Vietnamese and Viet Cong for five years in blatant violation of Cambodia's neutrality.

This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw.

These actions are in no way directed to the security interests of any nation. Any government that chooses to use these actions as a pretext for harming relations with the United States will be doing so on its own responsibility, and on its on initiative, and we will draw the appropriate conclusions.

Now let me give you the reasons for my decision.

A majority of the American people, a majority of you listening to me, are for the withdrawal of our forces from Vietnam.

The action I have taken tonight is indispensable for the continuing success of that withdrawal program.

A majority of the American people want to end this war rather than to have it drag on interminably. The action I have taken tonight will serve that purpose.

A majority of the American people want to keep the casualties of our brave men in Vietnam at an absolute minimum. The action I take tonight is essential if we are to accomplish that goal.

We take this action not for the purpose of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam and winning the just peace we all desire. We have made and we will continue to make any possible effort to end this war through negotiations at the conference table rather than through more fighting on the battlefield.

Let us look again at the record. We have stopped the bombing of North Vietnam. We have cut air operations by over 20 percent. We have announced withdrawal of over 250,000 of our men. We have offered to withdraw all of our men if they will withdraw theirs. We have offered to negotiate all issues with only one condition—and that is that the future of South Vietnam be determined not by North Vietnam, not by the United States, but by the people of South Vietnam themselves.

The answer of the enemy has been intransigence at the conference table, belligerence in Hanoi, massive military aggression in Laos and Cambodia and stepped-up acts in South Vietnam, designed to increase American casualties.

This attitude has become intolerable. We will not react to this threat to American lives merely by plaintive diplomatic protests. If we did, the credibility of the United States would be destroyed in every area of the world where only the power of the United States deters aggression.

Tonight I again warn the North Vietnamese that if they continue to escalate the fighting when the United States is withdrawing its forces I shall meet my responsibility as Commander-in-Chief of our Armed Forces to take the action I consider necessary to defend the security of our American men.

This action that I have announced tonight puts the leaders of North Vietnam on notice that we will be patient in working for peace, we will be conciliatory at the conference table, but, we will not be humiliated. We will not be defeated. We will not allow American men by the thousands to be killed by an enemy from privileged sanctuaries.

The time came long ago to end this war through peaceful negotiations. We stand ready for those negotiations. We have made major efforts, many of which must remain secret. I say tonight that all the offers and approaches made previously remain on the conference table whenever Hanoi is ready to negotiate seriously.

But if the enemy response to our most conciliatory offers for peaceful negotiation continues to be to increase its attacks and humilate and defeat us, we shall react accordingly.

My fellow Americans, we live in an age of anarchy, both abroad and at home. We see mindless attacks on all the great institutions which have been created by free civilizations in the last 500 years. Even here in the United States great universities are being systematically destroyed. Small nations all over the world find themselves under attack from within and without.

If, when the chips are down, the world's most powerful nation, the United States of America, acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world.

It is not our power, but our will and character that is being tested tonight. The question all Americans must ask and answer tonight is this: Does the richest and strongest nation in the history of the world have the character to meet a direct challenge by a group which rejects every effort to win a just peace, ignores our warning, tramples on solemn agreements, violates the neutrality of an unarmed people, and uses our prisoners as hostages?

If we failed to meet this challenge, all other nations will be on notice that despite its overwhelming power the United States, when a real crisis comes, will be found wanting.

During my campaign for the Presidency, I pledged to bring Americans home from Vietnam. They are coming home.

I promised to end this war. I shall keep that promise.

I promised to win a just peace. I shall keep that promise.

We shall avoid a wider war. But we are also determined to put an end to this war.

In this room, Woodrow Wilson made the great decisions which led to victory in World War I. Franklin Roosevelt made the decisions which led to our victory in World War II. Dwight D. Eisenhower made decisions which ended the war in Korea and avoided war in the Middle East. John F. Kennedy, in his finest hour, made the great decision which removed Soviet nuclear missiles from Cuba and the Western Hemisphere.

I have noted that there has been a great deal of discussion with regard to this decision that I have made and I should point out that I do not contend that it is in the same magnitude of these decisions that I have just mentioned. But between those decisions and this decision there is a difference that is very fundamental. In those decisions the American people were not assailed by counsels of doubt and defeat from some of the most widely known opinion leaders of the nation.

I have noted, for example, that a Republican Senator has said that this action I have taken means that my party has lost all chance of winning the November elections. And others are saying today that this move against the enemy sanctuaries will make me a one-term President.

No one is more aware than I am of the political consequences of the action I have taken. It is tempting to take the easy political path: To blame this war on previous Administrations and to bring all of our men home immediately, regardless of the consequences; even though that would mean defeat for the United States; To desert 18 million South Vietnamese people, who have put their trust in us and to expose them to the same slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954; To get peace at any price now, even though I know that a peace of humiliation for the United States would lead to a bigger war or surrender later.

I have rejected all political consideration in making this decision.

Whether my party gains in November is nothing compared to the lives of 400,000 brave Americans fighting for our country and for the cause of peace and freedom in Vietnam. Whether I may be a one-term President is insignificant compared to whether by our failure to act in this crisis the United States proves itself to be unworthy to lead the forces of freedom in this critical period in world history. I would rather be a one-term President and do what I believe is right than to be a two-term President at the cost of seeing America become a second-rate power and to see this nation accept the first defeat in its proud 190-year history.

I realize that in this war there are honest and deep differences in this country about whether we should have ever become involved. There are differences as to how the war should have been conducted. But the decision announced tonight transcends those differences.

For the lives of American men are involved. The opportunity for 150,000 Americans to come home in the next 12 months is involved. The future of 18 million people in South Vietnam and 7 million people in Cambodia is involved. The possibility of winning a just peace in Vietnam and in the Pacific is at stake.

It is customary to conclude a speech from the White House by asking support for the President of the United States. Tonight, I depart from that precedent. What I ask is far more important. I ask for your support for our brave men fighting tonight halfway around the world—not for territory—not for glory—but so that their younger brothers and their sons and your sons can have a chance to grow up in a world of peace and freedom and justice.

Thank you and good night.

U.S. INVOLVEMENT IN CAMBODIA

Mr. THURMOND. Mr. President (Mr. BENNETT), the bold and courageous action taken by President Nixon in ordering the destruction of North Vietnamese sanctuaries in Cambodia deserves the support of the Congress and the American people.

This move by the President was made

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in consideration of lives and safety of the 400,000 American troops in Vietnam. It will bring the war to an earlier end and allow continued withdrawals of American troops.

President Nixon is taking action which the doves have refused to allow for several years. The fact that no decisive action has been taken heretofore has prolonged the war and has cost us seriously in increased casualties and valuable military supplies.

Mr. President, there is too much sentiment against President Nixon's action in the press and other news media. These comments undercut our Commander in Chief and sow seeds of doubt among the American people. They are based on a lack of information, but they are nevertheless serving to influence a great many people who are not better informed.

One of the points taken by his critics is that President Nixon has violated the neutrality of Cambodia. In the strict sense of international law, this is not true. Cambodia was not neutral. If it were, the Government of Cambodia would have expelled the North Vietnamese forces years ago, and would not have permitted Communist troops and supplies to enter their country through mountain trails and the port of Sihanoukville. Actually, the North Vietnamese violated the neutrality of Cambodia first and they have continued to violate it by maintaining these very sanctuaries that are under attack. The military operations now underway by the American and South Vietnamese forces will serve to restore the neutrality of Cambodia.

This daring move will strike a mortal blow to the North Vietnamese and Vietcong forces who have enjoyed a privileged sanctuary for almost 4 years. It has caught them completely by surprise because they were accustomed to thinking that the United States would not undertake such a strong move, even though it was obviously necessary.

Another popular criticism of the President's action is to call this the "Indochina war" instead of the war in Vietnam. Mr. President, I would like to point out that in the area called Indochina, there are 20 million North Vietnamese, 18 million South Vietnamese, 33 million Thais, 3 million Laotians, and 7 million Cambodians. All but the North Vietnamese are anti-Communist and want to be free. Their resistance to communism is directly related to the position of the United States. There is little doubt that the anti-Communist forces in Indochina, particularly the well-armed and well-trained armies of South Vietnam and Thailand, can defeat the North Vietnamese forces. But they must be allowed to take decisive action such as that now going on at the Cambodian border.

Their will to do this is directly proportional to the backing that they receive from the United States. We must take a firm stand in order to bring this war to a close. In my judgment, Communist China will not make any overt moves if the United States makes it clear that such action would bring immediate retaliation. We know from the history of the Korean war that Red China intervened in Korea only after the United States had assured them of a sanctuary north of the Yalu River. Events have proven that this was a tragic mistake, and the President is to be commended for eliminating sanctuaries from the Vietnamese conflict. During the long history of this war in Vietnam, no American President before has had the courage to take decisive action such as this and assist in bringing the war to an end.

Mr. President, in my judgment, this war could have been ended years ago with much fewer American casualties if Presidents Kennedy and Johnson had favored decisive military operations. Also, it is shocking to hear that a responsible Member of the Congress welcomes North Vietnamese preeminence in all of Indochina because Hanoi is strong enough to resist Chinese domination. This attitude is bound to encourage the North Vietnamese and the Vietcong to continue fighting and to kill more Americans and their Allies. He and others of similar opinion bear a heavy responsibility for the continuance of hostilities in Vietnam, for the mounting casualties of our forces, and for the prolongation of the war.

Mr. President, I think that President Nixon, as Commander in Chief of our Armed Forces, who is responsible for the lives of our 400,000 men in South Vietnam, has information that is not generally available. He has taken decisive and bold action after a careful examination of this information, and he deserves the confidence and support of the American people and this Congress. He is doing what is necessary to shorten the war, to stabilize the area, and to continue with his proposed withdrawal of American troops. These present military operations are intended to save lives and shorten the war. Those who criticize and oppose the President in a vacuum of information are doing a disservice not only to this country, but to our brave men, living and dead, who have fought to preserve our freedom.

Mr. President, I have received a telegram from Mr. E. Roy Stone, Jr., of Greenville, S.C., reading as follows:

> Urge support of President's action to remove sanctuaries in Cambodia necessary to protect our troops. Political motives must now be laid aside. Action taken is in line with Legion foreign policy statement at national convention 1969.

The telegram refers to the convention of the American Legion, one of the great, patriotic organizations in this country that stands for those principles that have made America the greatest nation in the world.

Mr. President, I have received another telegram from Nell and Walter Chastian, Charleston, S.C., reading as follows:

> We support Nixon's decision tonight—Hope you will.

Mr. President, I have received another telegram from Kirk R. Craig, of Greenville, S.C., reading as follows:

> Support Nixon.

Mr. President, these constitute just a sample of the many telegrams and messages that I have received supporting our great President in his bold and courageous action to try to protect American troops and bring this war to an early close.

THE PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE FOR THE DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. SPONG. Mr. President, the Senate shortly will be considering a proposed constitutional amendment to provide for the direct election of Presidents.

On the surface, it is an appealing proposition. Certainly, nothing would seem to be more consistent with the democratic ideal of one man, one vote.

However, in evaluating such a fundamental change in our electoral system, one must look beyond abstract principles to consider the practical consequences. And these, I am convinced, would be profound for the stability of our present two-party system.

Under the proposed amendment, the electoral college system would be replaced by a simple, nationwide popular vote with a plurality of 40 percent or more required to win. In the event no one reached that figure, the proposal calls for a second, runoff contest between the two leading candidates.

It is important to note that this system would not assure the election of a majority President. In fact, it is far less likely to do that without a runoff than the present method of selection.

But it would eliminate the possibility that a candidate with fewer popular votes than his opponent could nevertheless win an electoral majority and hence the election. That is a possibility, albeit a remote one.

In all of our history, it has happened only once—in the election of 1888 when the popular vote spread was less than 100,000. For the most part, however, the electoral vote has faithfully followed the decision at the polls even in such close contests as 1960 and 1968.

Against this marginal improvement, must be weighed the probable splintering effect on our party system of opening the field to any candidate who has the slightest popular appeal, no matter how narrow the issues on which he stands.

A system of direct election would almost certainly encourage this kind of proliferation. Whether with serious thoughts of winning or merely as an effort to gain bargaining power in a runoff election, every candidate with some popular following and the means to finance a campaign would be tempted to make the race.

Even more, there would be a premium on distinguishing oneself from all other candidates in the field by taking more extreme positions or emphasizing one or two issues to the exclusion of all others.

The great virtue of our present winner-take-all electoral system is that is discourages such single-issue or ideological candidates by requiring a base of support broad enough to carry a majority in at last a few States. Historically, it has been this requirement that has prevented the factionalization of politics in this country and which has made our parties the broad-based, accommodating groups that alone can assure stability in a democratic government.

That this is more than a theoretical possibility is witnessed by the extreme factionalism and instability of some European democracies—notably Italy and pre-De Gaulle France. While it was not the intended purpose of the electoral college system, it nevertheless has served us well by supporting a party system which tends to unite rather than divide our people.

Contrary to the intentions and expectations of the proponents of this amendment, a direct election system is more likely to frustrate than to facilitate the expression of popular will if, as I believe is inevitable, the election is forced to a runoff. The candidates in such a runoff would be the two leading votegetters in the first election but there is no assurance that either or both together will have a substantial plurality of all the votes. Nor can it be determined that these two candidates are even the preferred second choices of most of the voters.

What will emerge from this process, I believe, is a form of coalition government with the presidency going to the runoff candidate who is most successful in negotiating support from other minor candidates. But it will be difficult in the end to say that the winner has any kind of popular mandate or broad support in the country.

There are other drawbacks to the direct election proposal. For example, it would certainly increase the cost of campaigns and with runoffs taken into account, it could make our highest political office a rich man's prize.

Moreover, without the protective buffer of the electoral college system, every vote would take on increased importance and become the object of intense and divisive postelection challenges. It could also enhance the profitability of corrupt voting practices.

To point out these weaknesses in the direct election proposal is not to argue that our present method of electing presidents is the best of all possible systems. Rather, it is to counsel the utmost caution in tampering with a system that is basically sound and which has served us well for more than 180 years.

There are shortcomings in this system, particularly with the problem of the so-called faithless elector and with the provision for choosing a President in the event the electoral college does not produce a majority.

These proposals can be solved much more simply than is proposed in the direct election amendment. I think two reforms in particular are needed. First, I believe electors as such should be eliminated and the division of electiral votes made an automatic thing. Second, I believe we can improve our method for naming a president outside the electoral vote system by making it a matter for the entire Congress to decide—Senate and House—with each Member having one vote.

This more modest approach to improving our electoral system is embodied in a resolution introduced by the distinguished Senator from North Carolina, Senator Ervin. I believe it will meet the problems that we have experienced without endangering the foundations of our political processes in the bargain. For that reason, I will support the Ervin amendment or any similar proposal that comes to a vote in the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S DECISION WITH RESPECT TO CAMBODIAN SANCTUARIES

Mr. MILLER. Mr. President, the President's courageous address to the Nation last night announced a decision which will be applauded by those who really care about the Americans who bear the burden of the war—our brave men who are fighting there.

When I visited South Vietnam for the first time 4 years ago last January it was well known by our leaders that the North Vietnamese troops were using privileged sanctuaries in Cambodia along the border of South Vietnam—sanctuaries where these troops were being rested, regrouped, and resupplied for further attacks in South Vietnam against American and allied troops.

The action taken by our President, as the Commander in Chief, to have our troops join with South Vietnamese in clearing out these sanctuaries should have been taken over 4 years ago. It is merely another form of the principle of hot pursuit which provides that invading troops will not be free just because they withdraw over a borderline, but that they will be followed and destroyed if they remain within striking distance of the border.

I understand the diplomatic reasons why, for all of these years, our troops have had one hand tied behind their backs through the refusal to permit them to destroy these privileged sanctuaries.

The Sihanouk government would not even admit the presence of the invading North Vietnamese troops, much less permit action against them. With Sihanouk's recent ouster, the diplomatic situation has changed.

The President has made it clear that our only objective is to clean out the privileged sanctuaries in Cambodia, and that then our forces will return to South Vietnam. It will be well for our people to take him at his word. Of course, there will be some who will not do so, and who will try to read other motives into this decision. If they do, they will only be giving aid and comfort to the Communist leaders in Hanoi, Peiping, and Moscow.

Already there is a chorus of negativism being voiced, skepticism over the truthfulness of the President's statement, criticism over what is called an unconstitutional exercise of his powers as Commander in Chief, and the like.

There has never been any question over the constitutionality of the hot pursuit principle, so I am confident the President is on sound ground.

But why are the critics so silent about North Vietnam, which has caused the war itself? Why is there no criticism of North Vietnam for its invasion of South Vietnam? Why is there no criticism of North Vietnam for its invasion of Cambodia? Why is there no criticism of North Vietnam for its use of privileged sanctuaries in Cambodia? Why is there no criticism of North Vietnam for its violation of the Geneva agreement regarding the humane treatment of prisoners of war? Why is there no criticism of North Vietnam for its refusal to enter into meaningful negotiations? Silence, insofar as this criticism is concerned, is deafening. We should unite behind our President. If we do the war will be shortened and the number of casualties will be lessened.

Mr. GRIFFIN. Mr. President, I congratulate the distinguished Senator from Iowa for a very excellent statement, and I associate myself with his remarks.

I ask unanimous consent to have printed in the Record an editorial which was published in today's Washington Star and an editorial which was published in today's Washington Daily News.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Evening Star, May 1, 1970]

The Gamble

The President's address to the nation was not, as had been generally anticipated, an answer to his critics. It was, rather, the unexpected announcement that a major military, diplomatic and political gamble is under way.

The implications of the thrust into enemy sanctuaries along the Cambodian border are vast. The military considerations and the diplomatic and world political repercussions that may result from the present offensive will be dealt with at greater length in an editorial Sunday. But the first reaction to the President's gamble will be reflected in the Congress, in the minds of the electorate and, finally, in the polling places of America.

The President's speech was startling not only because it unveiled a joint South Vietnamese-American military offensive of major scope, but because it revealed a new and unexpected Nixon. Yesterday the President was the picture of restraint, carefully balancing the arguments of those who yearned for peace above all and those who pressed for military victory, seemingly guided by a desire to avoid offending anyone too much, slowly and cautiously defusing the inherited war. Today he has gambled virtually his entire political stake, so painstakingly accumulated, on a single throw of the military dice.

The loud, adverse reaction has already erupted in Congress. It will inevitably follow, as the President must know, on the campuses and in the streets.

It is a reaction that is, in part at least, justified. The war, which was winding down, has suddenly enlarged in scope. Casualty lists will rise in the coming weeks. The possibility of military defeat, or of major escalation and a widening involvement in the war on the Indochinese mainland, does exist.

But the reaction is premature. It is too easy simply to say that we have been this way before, in the bombing in North Vietnam and in other major offensives that have failed in their objective of convincing the

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enemy to negotiate. The situation has never been exactly what it is today. The enemy has never tried to fight major simultaneous actions in Vietnam, Laos and Cambodia. He has never faced the problem of supply that now exists, with the port of Sihanoukville closed to him and the long overland routes from the North under heavy bombardment. He has never been as tired as he is today.

The enemy's extraordinary resourcefulness, stamina and recuperative powers are well established. But they are not limitless. The President's military advisers have convinced him that the limit has been reached, that the enemy is vulnerable and that his ability to continue a major war in South Vietnam can be crippled.

If this advice is wrong, the effect on domestic morale—and on Mr. Nixon's political future—will be devastating. If it is right, the timetable for orderly withdrawal will be measurably shortened.

Those who have been quick to condemn the offensive as a foregone failure should hold their fire. They might better spend the next six to eight weeks joining in the prayerful hope that, this time, they are wrong.

[From the Washington Daily News, May 1, 1970]

NIXON WARNS THE COMMUNIST WORLD

President Nixon has made an impressive defense of his decision to send U.S. troops into Cambodia to destroy Communist bases and headquarters for their attack on South Vietnam.

Altho the decision seems to be militarily sound, it is also clearly loaded with danger. It runs the risk of unexpected and unpleasant reactions by North Vietnam, China and Russia.

Nevertheless, the President—and this may be the most important part of his address last night—served notice on the Communist world that America is not "a pitiful helpless giant" that will tolerate "humiliation and defeat" or will fail to "meet a direct challenge."

In this way Mr. Nixon was looking past Vietnam to other areas of danger, like the tinderbox Middle East and Berlin, and warning the Kremlin not to test us. He has concluded that a policy of firmness is better than appeasement in warding off collision between the two superpowers.

Historically, such a policy is often the best one, and we hope the Soviet Union gets the President's message, avoids miscalculation, and does not press on toward confrontation.

In Vietnam itself, the situation during the past weeks has grown even more perilous than the President said. White House officials disclosed that the North Vietnamese have been pushing out from their separate border sanctuaries in Cambodia, trying to link them up into an area of free movement, and attempting to connnect this zone with the South China Sea

If this strategic move had succeeded, the enemy could move unlimited supplies by sea from North Vietnam and China and, as Mr. Nixon said, "launch massive attacks on our forces and those of South Vietnam."

Mr. Nixon declared, and most people in this country will agree: "We will not alow American men by the thousands to be killed by an enemy from privileged sanctuaries."

The President's plans are that our soldiers will withdraw from Cambodia in six weeks to two months after destroying so much of the enemy's supplies that he will be set back for several months. During that time, Mr. Nixon hopes Hanoi will realize it cannot win militarily and that it will start serious peace negotiations.

The North Vietnamese, however, are a tenacious foe and withstood fearsome bombing. We fear that Hanoi will find some way out of its military predicament. One way would be to ignore the sanctuaries, march on Cambodia's capital of Pnom Penh, rout the weak government of Lon Nol, reinstall the leftist Prince Norodom Sihanouk in "power" and have him demand that we cease our "invasion" of "his" country.

We cite this bleak scenario only to point out that our military action in Cambodia may not, as the President said, shorten the war and get U.S. troops home quicker. We hope it does, but there are so many complications in sight that the public should not expect an easy or decisive victory.

Mr. Nixon is already coming under attack for "invading" Cambodia and "widening the war." These are specious charges. He sent troops into areas in Cambodia invaded by the North Vietnamese five years ago and occupied by them since then.

By using those areas as a staging ground for attack, it was Hanoi—not us—who made Cambodia part of the Vietnam War. And Cambodia is being attacked today only because its government had the outrageous nerve to ask the North Vietnamese to go home.

We don't know whether Mr. Nixon will succeed in eliminating Hanoi's invasion bases and saving the Cambodian government. But he is not wrong to try.

ADJOURNMENT TO TUESDAY, MAY 5, 1970, AT 11 A.M.

Mr. SPONG. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until Tuesday, May 5, 1970, at 11 a.m.

The motion was agreed to; and (at 3 o'clock and 29 minutes p.m.) the Senate adjourned until Tuesday, May 5, 1970, at 11 a.m.

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EXTENSIONS OF REMARKS

THE REAL MEANING OF E-DAY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. OBEY. Mr. Speaker, throughout our land last week, literally millions of Americans paused to learn more about the fragile web of ecology upon which our lives depend and many demonstrated their concern over the plight of the world whose continued existence is threatened by environmental pollution. The full ramifications of the event of Earth Day can probably never be measured accurately, but at least this much is certain: A large number of Americans seem determined to begin the long hard fight of changing our accustomed style of life because they are more concerned now about life than the suicidal path that our present consumer-oriented, throw-away economic structure is leading us down.

I am sure that many of those who participated in Earth-Day activities, and indeed many of those who did not partcipate but who watch sympathically, did not get the full impact of the message. I am sure that many think that cleaning up the environment is a simple matter of picking up litter, but most realize that the fight is a much more fundamental one. Senator GAYLORD NELSON, the founder and organizer of Earth Day, has rightfully said:

> Putting a halt to the destruction of our environment is going to be as tough a challenge as this country has ever faced.

This same point is made eloquently by recent editorial in the Green Bay Press-Gazette. In order that it may be read by my colleagues in the Congress, I insert the editorial at this point in the RECORD:

[From the Green Bay Press-Gazette, Apr. 19, 1970]

THE REAL MEANING OF E-DAY

The challenge of Earth Day next Wednesday, growing from the sponsorship of Wisconsin's Sen. Gaylord Nelson and Rep. Paul McCloskey of California is not merely to attend teach-ins and find out about the vast problems of pollution, over-population and the deteriorating quality of life throughout most of the world. It is to do something about the problems in the years ahead when the issue may not be especially popular or in the headlines. Dedication to finding solutions must weather the dull times.

The threats to the quality of life are many and varied. They also sometimes involve a paradox.

The automobile makes it simpler to get to employment and recreational areas but, at the same time, it spoils the atmosphere with air pollution that is a serious threat to health. Better nutrition, maternity care and improved health care in general make for better living. But they also mean that more children are conceived and more survive infancy and make demands upon our resources. Vast industries pay ample wages to millions but they pollute our air and streams. In seeking more sources of protein food in the oceans, we may be eventually destroying the source itself. The convenience of throw-away bottles and cans and the packaging of foods build up the trash heaps. The interstate highway system may reduce the dangers of driving—although this is doubtful—but it also leads to more cars, the possibilities of more accidents, and the ruination of land. These contradictory situations are not going to be easy to merge.

What we do have to come to accept is that more and more and bigger and bigger are no longer valid measurements of the nation's health or of the people that live here. A new car every year, another snowmobile or boat, a second color television set, are not in the long run the answers to the increased leisure time so many Americans are experiencing.

But decisions along these lines are bound to affect our economy. If we ever revert to the old New England standard of "make it do, do without," the Gross National Product will falter. We must re-evaluate our priorities. It won't be easy.

Ideologically, Americans differ emphatically with Communist societies. But our nation's values have come to be essentially material, which is what the Communists have always charged. This we must change if life is to be worth living—or even livable.

As the executive director of the Environment Defense Fund, Roderick Cameron, puts it, "Being militant about environmental degradation does not indicate one's politics. It only indicates one's desire to survive."

"NEW CHALLENGE FOR BUSINESS LEADERSHIP" URGED BY AUGUSTINE MARUSI OF BORDEN, INC.

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 30, 1970

Mr. RANDOLPH. Mr. President, the condition of our environment is of great concern to many millions of citizens. The recent Earth Day programs, organized in large part by responsible young people on college and university campuses, served as a catalyst for demonstrating the extent and depth of this concern.

There is no question that American industry plays a pivotal role in questions of the environment. Its potential for contributing to a clean environment is just as great as its ability to befoul the world in which we live.

I am gratified that many business leaders in this country are seriously concerned about the environment. They recognize the problems, and they are aware of the role industry must play if these problems are to be solved. They likewise are willing to commit the time, talent and resources of their industries to creating and maintaining a clean world.

Augustine R. Marusi, chairman and president of Borden, Inc., is an able and articulate spokesman for the kind of enlightened industrial management that we find in this country today. In an address before the Washington Chapter of the Public Relations Society of America on April 21, he forthrightly discussed the role of business in answering environmental questions.

Mr. President, I ask unanimous consent that excerpts from Mr. Marusi's address be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

NEW CHALLENGE FOR BUSINESS LEADERSHIP

(By Augustine R. Marusi)

As a people we have tended to run away, to put off, to ignore, to defend against, even to deny the existence of unpleasant issues.

In many ways, we, as a people, have painted ourselves into a corner.

Now there is no running away. Our problems are all too evident. And the mounting pressures of an unhappy society are keenly felt—in the Congress, in state capitals, in city halls, among student organizations, civic groups and consumer associations. And among astute businessmen too.

An increasing number of citizens are seeking answers rather than villains. This is refreshing and significant progress.

I've heard various spokesmen plead with business to drop its adversary approach in dealing with government. I agreed that someday, indeed, we all must do something about it.

I'm now convinced that a change in business attitudes towards government must be more than a pious, indefinite hope.

Business leaders must change in quite specific ways. That we have to change for business reasons as well as in the national interest, and that we had better start right now.

There have always been industrial statesmen who have worked closely with government on large, public issues, such as a national health policy, the future of education and the like.

There is tradition among many businessmen for carrying public leadership roles in local communities.

All of this is encouraging and laudable. But when business deals with government on business issues the picture tends to change.

When we talk of precise issues of manufacturing or trade practice . . . then we tend to withdraw well beyond arms length and send our lawyers and our trade associations in to do battle.

This kind of outdated behavior does a disservice to industry, to its legal counsel, to its public affairs efforts, and surely to its trade associations who are fully capable of playing a more creative and effective role.

We businessmen have led two lives: One for the broad public issues and quite another for gut questions that went to the heart of our businesses and their profitability.

That separation is no longer possible, if only because two of the large public issues of our time—consumerism and the quality of our environment—directly involve specific business practices and the day-to-day profitability of our enterprises.

How is business to cope with this charge?

First, and obviously, old procedures and old attitudes won't do.

We have the opportunity to form a new and constructive working relationship with government, the kind of relationship that has clearly eluded us in recent times.

Second, playing it safe is out of the question.

If business leaders surface only to defend threatened points here or litigate there, we forfeit any chance for leadership or serious participation in the change that is upon us all.

Collective action in the common good, with no particular concern for who gets the credit, should result in substantial improvement in the quality of life, in improved rapport between business and government, and in the human condition of all our people.

Enlarging the businessman's perspective about social issues and his role in them is not easy. He must somehow get involved in order to realize that national goals and corporate goals can be merged.

We in business are in trouble if we wait, like so many wallflowers, for someone to invite us to the next conference so we can resume a dialogue with government.

That is no dialogue at all. White House Conferences are not all that common, and not very long-lived. And the real work comes after the conference, when the television lights are turned off.

There is other machinery available to us, if we will use it to form a constant, less formal dialogue with government.

Our industry groups and our trade associations could play an even more creative role if we let them.

Trade associations have been defending, protecting and debating issues on a single industry basis. They have been alerting us to potential injury, and advising us in times of crisis. That has been their mission. It is the role we expected, indeed, demanded they play.

But now we must ask even more of them. The rules of our society have changed, and trade associations must help their members to respond on a multiple industry basis.

Tomorrow, for example, hundreds upon hundreds of earnest, intelligent young people across our fifty states will reflect in their demonstrations and seminars the growing public disgust for the way we—all of us—have fouled our air and our water, piled junk along our highways, and ignored the deterioration of our cities.

If "Earth Day" intensifies general concern and speeds action for effective environmental controls, for practical voluntary action, then it will have accomplished a great deal.

I for one applaud the effort. I think most industry leaders feel the same.

The majority of industrial firms, like Borden, are taking comprehensive environmental inventories to make absolutely certain that everything that can be done is being done to curb pollution.

Industry leaders have come to understand that pollution control is not a legal debate but rather a human crisis in which all of us are the victims.

We have also come to realize that multidisciplinary involvement of the professions and collective action are sorely needed if we are to ease this crisis.

One of the positive products of national unrest, in my view, is that a growing number of concerned citizens in every walk of life are now diligently seeking answers to common problems rather than villains to blame for past sins. That's very real progress.

It is progress that demands something new of us in terms of communications machinery to pull things together.

Perhaps executives of diverse trade organizations should be working together to assure that industry's response to common problems like environmental health is positive, constructive and cooperative.

The objective, as I see it, is to move industry and government closer together in a mutual effort to meet national needs.

The objective should not be to defend or debate the past, or to tell the world that we were really doing lots of great things to cure pollution back in the fifties, but no one knew about them. That sort of talk counts for nothing today.

In addition to a new and more imaginative role for trade associations, I think we need to invent additional ways to coordinate our efforts.

The new challenge for business is to erase the adversary atmosphere altogether and replace it with genuine dialogue and bold industry leadership in the common interest.

What we businessmen have come to understand is that the common interest is clearly the business interest as well.

Like it or not, all of us are working on the frontiers of human experience. We are working with products, materials and processes unknown before this time, and we are changing the human environment on a scale without precedent.

We are also discovering that the full effects of technological change are difficult to know or predict in advance.

Because science cannot keep up with technology, all of us in industry—chemicals, drugs, power, automobiles, space—cannot be absolutely sure of the consequences of new technologies and new products. I do not make this statement to put fear in your hearts, but simply to point up the facts of life, and to suggest some of the things I believe must be done.

Both regulatory agencies and citizen groups are finding that standard-setting has become a very complex business.

The level of what is safe or acceptable is constantly changing as our technology improves, as our laboratories find ways to isolate and identify problems that were unknown a few years ago, as our environment shows changes that no one could have anticipated.

This situation demands a degree of cooperation and communication between business and government that is without precedent.

There is going to have to be a much broader sharing of research among scientists in business, government and the universities.

Business will have to accept modification of products and processes in response to experience and evaluation.

Business must abandon a bygone certitude in the enduring safety of its products.

Businessmen must understand that the only safe course is coming out in the open, conceding that no one can have all the answers in this age, and joining the common search—indeed, leading the search for the most sensible action based on current knowledge.

Business should encourage the formation of strong independent standards and guidelines to help industry evaluate new products, processes, additives and ingredients before they enter the marketplace.

These standards should be developed in close cooperation with the appropriate government agencies. Here again is an opportunity for leadership by industry trade associations.

Only by having agreed upon standards—standards established by independent scientific authority—standards approved by business, government and consumer groups—will minimize adversary proceedings and speed new products to the marketplace.

It would be foolishness not to have industry and government working closely together with independent scientific authority and citizen groups to deal sensibly with the technological revolution and its consequences.

Whatever plans are actually formed, I have no question that business leadership is fully capable of offering a better alternative than closer, increasingly detailed government intervention in the American economy. Such intervention would not exist today if there had not been a void and a need.

There are sound business reasons for assuming leadership today. I am encouraged to see an increasing number of businessmen take up the challenge, willingly, enthusiastically, and without reservation.

SOIL STEWARDSHIP WEEK

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. FINDLEY. Mr. Speaker, the need for stepped-up efforts to improve our environment is a topic of nationwide interest and concern. People everywhere are committing themselves to programs of making the best long term use of our natural resources of air, water, and soil while providing our Nation continued opportunity to enjoy these resources in their work, in their homes, in the great outdoors in their time of relaxation.

Soil and water conservation districts throughout the Nation have been doing a fine job of preserving and improving the natural resources of soil and water. These conservation-minded citizens are actively working in programs designed to make the best use of their soil and water. They have been working for several years with measurable success in improving the quality of their environment, but they recognize much more needs to be done. While much discussion is currently heard regarding the need for environmental improvement, these hard-working citizens have already created monuments to their efforts in the form of retained precious top soil and cleaner, prettier streams.

Once each year during Soil Stewardship Week we are honored to pay tribute to these earnest, forward-looking individuals who contribute their money and manpower toward genuine environmental improvement. May 3–10 has been designated Soil Stewardship Week which is a time when we are all called upon to join with our clergy in their churches in giving special recognition to man's obligation as stewards of the soil and other natural resources. Some 3,000 soil and water conservation districts throughout the Nation will be observing this event in 1970.

I take this opportunity today to pay tribute to the hardworking men and women engaged in preserving, protecting, and using most wisely the natural resources given all of us and to call attention to this commemoration of a most noteworthy effort.

THINK IT THROUGH

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. FALLON. Mr. Speaker, the "Notable and Quotable" column of the Wall Street Journal of April 27 had excerpts of an excellent speech of Lt. Gen. F. J. Clarke, Chief of Engineers, U.S. Army, entitled "Think It Through," which he delivered on March 1970, at the River and Harbor Congress, Washington, D.C. I was very much impressed by the general's statement which dealt with the relationship of man to nature and nature to man.

I have stated on numerous occasions that the Public Works Committee is basically concerned with environment and development. In the minds of some people these two areas are diametrically opposed. We know, however, that to provide the food, water, transportation, and economic well-being necessary for our growing population that development is necessary. We take as our approach that reasoned development is essential—development which considers environmental values in relationship with public need.

I recommend to your attention the entire statement which I am placing in the RECORD at this point:

THINK IT THROUGH

(By Lt. Gen. F. J. Clarke)

I want to use this occasion to urge that we all treat the very complex, very vital question of the relation of man to nature, and nature to man, with the respect it deserves. For it is not a proper subject for rabble-rousing techniques—for the quick angry retort, the sarcastic personal slur, the glib misuse of statements far detached from their contexts and too often from reality.

We are all here because we are concerned with the wise management of natural resources. We are all contributors to environmental problems—not one of us is in a position to cast the first stone. We all use, and add to the pollution of, the environment. And much of the pollution and exploitation done by others is done by them in the course of meeting our indirect demands. Because we know this, we are all searching for solutions to our environmental problems that are sound, viable, reliable. The situation calls for the best that is in us—the best of our thought and determination.

Today's renewed concern over the natural environment can be a tremendous force for good, but it could also, through its very power, cause tremendous harm if misdirected. The uncritical enthusiasms it generates make it fertile ground for the propagation of sweeping, off-the-cuff ideas which in the aggregate can be a serious handicap to the formation of sound resource-management policies.

Take, for example, the denunciation of hydroelectric plants and pumped storage as sources of power, because they involve dams and reservoirs. We are often told that it is criminal folly to build dams for power now that we have secured use of the energy in the atom. But atomic powerplants involve severe cooling problems, and create fears of radio-active wastes. And the generation of power in plants that burn coal and oil helps pollute the atmosphere. Now it is becoming apparent to some of the zealots that hydroelectric and pumped-storage plants have real merit as the cleanest, least environmentally disruptive sources of power. But how can they admit this, with the echoes of the Storm King and Colorado River controversies still ringing in the air? So, today we face the imminent possibility of brownouts on both the East and West coasts—largely because a great many people failed to think their proposals through.

In the same vein, urgently needed projects to provide water for municipal supply have been opposed and delayed by people who fiercely point out that we now can desalt the seas for the great coastal metropoli. How many of them have considered where the energy for the desalting is to come from? It can come only from hydrocarbon fuels, or from nuclear fuels. Our children may very well pay dearly for the failure of their parents to think this matter through.

A good many people—and I am one of them—believe that one long-range approach to the problems of our big cities is a greater dispersal of population into the less settled and less developed parts of the country. But we who hold this view should also realize its implications. These under-populated areas will need water-resource and other developments of considerable scope—the conversion of fields and prairies into townsites, with all that that implies—the dispersion of industry and commerce, and their supporting works and services, to provide jobs and sustenance for the dispersed population. When we have a population that is growing at the rate of a town of 7,500 every day—a city of 50,000 every week—a city of a quarter of a million every month—we must accept a continuing adaptation of the environment wherever those people may live. If we locate them in new areas, the adaptation may have to be more widespread but less intense than if they continue to crowd into the metropolises. I personally think it will be worth it. But those who simply, sweepingly demand an end to further public works in support of great cities, while simultaneously opposing public works developments outside the cities have not thought their proposals through. To accept their rationale would lead only to chaos and disaster.

Many proposals for flood-control reservoirs are opposed on the vague ground that now we have more modern and up-to-date methods of curbing floods. On examination, these new methods generally turn out to be either a reliance on groundcover vegetation, or a demand to stop the habitation and use of flood plains. But if you think it through, you will realize that vegetation never has prevented major floods. Great floods occurred before white men came, when the whole continent was under natural vegetation—the entire Mississippi Valley up beyond the mouth of the Ohio, for example, consists of the alluvial deposit from prehistoric floods. As for flood plain occupancy, we all advocate its regulation, and support programs for such regulation. But we also realize that any simplistic effort to move and keep people and cities out of our valleys would involve far more disruption of the natural environment than any number of storage works would—and we would still need the structures both to protect the facilities that would have to remain at the water's edge, and to serve the relocated community elements that would be separated from it. Meanwhile, wishful thinking instead of sound approaches continues to leave scores of communities exposed to flood disaster, with incalculable risk to human life and property damage. This is not conservation; it is what comes from not thinking things through.

Consider the question of outdoor recreation. A decade ago this subject was high in the public mind, and the Outdoor Recreation Resources Review Commission was created to help form programs that could make it available to every American. It showed that outdoor recreation was heavily water-based recreation, and that among the most popular outdoor recreation facilities were lakes. We began hearing more of the doctrine of quality of recreation under which popular recreation at lakes is a low-quality, low-value type, while use of a primitive wilderness by a smaller elite group is a much higher type that deserves priority. Indeed there are some who say the general public derives its satisfaction from knowing that the wilderness is there, even though they are not able to see it. Very well; but where now does that leave us with respect to our goal of making outdoor recreation available to every family, for their health and enjoyment? It seems to me that somebody is not thinking things through. Meanwhile, in the midst of our great cities, children must continue to seek their recreation at overcrowded inadequate swimming pools and parks and playgrounds provided at enormous cost.

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And so on and on. We find people denouncing papermills while consuming ever-increasing quantities of paper; driving their cars all over the country to berate the petroleum industry; burning electricity at meetings to upbraid the power industry; getting up in the morning, drinking a glass of Florida orange juice, and denouncing the conversion of swamplands into orchards. They keep demanding more and more uses of their natural resources while demanding that they be left untouched. And your political leaders and public agencies are put in the intolerable position of being asked to heed simultaneously the demands expressed by the public in meeting halls and indignation meetings on the one hand, and the largely contradictory demands made by that same public in the market-place and the employment bureau and the obstetrical ward on the other hand—because too many of our people have not considered the full implications of the courses they endorse.

We should, indeed, we must, take measures to correct abuses of the natural environment and to improve it as we can. But they must be sound measures that are the products of thought and serious study based on reliable facts and forecasts. And they must be measures that are valid for the whole community—not just one group or segment of it.

The government's basic policy document in the water resource field is Senate Document 97. The key sentence in that document reads: "Well-being of *all* the people shall be the overriding determinant in considering the best use of water and related land resources." And the next following paragraph begins: "*All* viewpoints . . . shall be fully considered and taken into account in planning resource use and development."

In both these fundamental statements, note the use of the word "all." It means that national well-being is not anybody's special cause, not any one ideal or purpose or benefit. I think that most people concerned with conservation and the environment are sincerely concerned with the "well-being of all the people." But there are nevertheless a great many different conceptions among them as to what such well-being should consist of. I don't think anyone's views can really claim to be definitive. Yet all should have some weight in the application of the democratic process. Senate Document 97 does not attach any qualifications to its use of the word "all." So we of the agencies who must apply the policies enunciated in that document must do our best to hear and consider *all* views. This too is part of "thinking it through."

Careful, comprehensive thinking is more than a way of avoiding harmful mistakes; it's the only real way to success in finding solutions to our resource problems. It has been a conspicuous feature of the solution of similar problems in the past.

The best example is probably the conservation movement itself. Gifford Pinchot has told us, in his book "Breaking New Ground," how in 1907, he and his associates in Theodore Roosevelt's circle—were struggling with a multiplicity of confusing, conflicting resource problems, just as we are doing today. Gradually they hammered out the unifying concept that enabled them to deal with all problems at once—as we seek to do today with our comprehensive river-basin plans. As their concept took shape, these Founding Fathers of the Conservation movement found that—and I am now quoting from the book—

". . . Here were no longer a lot of different, independent, and often antagonistic questions each on its own separate little island, as we had been in the habit of thinking. In place of them, here was one single question with many parts. Seen in this new light, all these separate questions fitted into and made up the one great central problem of the use of earth for the good of man. . . .

"But, you may say, hadn't plenty of people before that day seen the value of forestry, of irrigation, of developing our streams, and much besides? Hadn't plenty pointed out the threat of erosion, the shame and pity of the destruction of wild life, and the reasons against vandalism of many kinds? . . .

"Certainly they had. But . . . it had occurred to nobody . . . that here was one question instead of many, one gigantic single problem that must be solved . . . When the use of all the natural resources for the general good is seen to be a common policy with a common purpose, the chance for the wise use of each of them becomes infinitely greater than it had ever been before."

End of quote. There's much more in the same vein, all pointing out the lesson to think broadly, in comprehensive terms about comprehensive plans in which all water-related problems are considered together.

The law-books of the 1890's are full of attempts to deal with resource problems on a piece-meal basis. Some of them were good laws that we are still applying. But not until Pinchot and the others thought their problems through to the basic essentials could the Nation finally obtain a workable grasp of those problems. This could be the most important lesson of all from those days.

I could cite other examples. For generations, floods were considered acts of God, and it was up to each household or community to protect itself as best it could. Up to 1890 our rivers-and-harbors appropriation acts specifically forbade the construction of levees or other works to prevent injury to lands or private properties by overflows, unless such levees were also needed for navigation. But gradually people got to thinking through their flood problems. They realized that denunciation, prohibition, and dynamiting one anothers' levees was no solution to anything. After much trying and hassling and several great disasters, they finally came to realize the necessity for cooperation on practical, realistic valley-wide action programs.

So in our time too our environmental problems will be solved, and sound policies and practices devised, only as we find in ourselves the patience and workmanship and mutual goodwill to think through in terms—to quote McGee—of "the use of natural resources for the greatest good of the greatest number for the longest time."

Can we find such solutions? Of course we can, if we don't knock each others' heads off arguing about it. The Corps of Engineers is absolutely convinced of, and thoroughly committed to, the belief that we can meet the colossal material needs of our exponentially expanding society, and also conserve and even improve our natural environment, both together and both at once, provided—and this is crucial—that neither the material nor the intangible interest is allowed to annihilate the other. They've got to work together, otherwise both will suffer; and if it comes to a crunch, it is the intangible interest that will suffer first and worst. That is why the Corps of Engineers, which has been grappling that the best way to secure reliable protection of the intangible values, is to incorporate such protection into plans that will also make adequate provision for the material needs of future generations. As Theodore Roosevelt said, "Conservation means development as much as it does protection."

Your government agencies have been responsive to the aspirations and wishes of each generation, each in its turn. By and large, I think they have served you well. Today we still stand ready to serve the people in the ways that they may choose. We can today, as always, help you plan developments that will serve both your material needs and your non-material wishes—provided you do not ask us to do the one at the expense or disregard of the other; for we must serve *all* the people. And is not this what you really want? Think it through.

We of the Government are public servants, and we don't want to be anything else. Especially we of the Army. All aspects of the military in our community are directed by civilian authority, and this applies in civil works as in other fields. We can provide expertise; we offer our experience and training and ingenuity in helping devise solutions to problems. We can, in our role of expert consultants, point out things we see that a layman might overlook. But to use us best, you must function as one community, with some unity and some consensus. Groups cannot come to us in fragments, each one demanding that we heed it alone. They cannot come to us with half-thought-out proposals and expect us to add our expert endorsement to them; we would not be good advisors or consultants if we did not exercise professional integrity.

In times of community disunity and strife, each turns his hand against his neighbor, and those who seek to serve all are denounced by all. But such are not the time, and this is not the way, to promote the well-being of *all* the people. *This* is the cause to which the Corps of Engineers and the U.S. Government are devoted. And so, I believe, are all of you. Think it through.

RETIREMENT OF DR. J. ELMER O'BRIEN, ERIE, PA.

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 30, 1970

Mr. SCOTT. Mr. President, Dr. J. Elmer O'Brien, of Erie, Pa., retired last year after 50 years of service. A graduate of Jefferson Medical College in Philadelphia, Dr. O'Brien served his internship at St. Vincent's Hospital in Erie.

The Erie Daily Times recently published a story in which Dr. O'Brien looked back over his 50 years as a practicing physician. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Retiring Dr. O'Brien Looks Back Over 50 Years of Work, Change

(By Kathy Nikolishen)

"If you want to be wealthy, don't study medicine."

This warning, written about 50 years ago, is not all that's changed since Dr. J. Elmer O'Brien began practicing medicine in Erie after World War I.

Many diseases have been all but eliminated: Tetanus, whooping cough ("That was the greatest cause of death in children under one those days"), polio, scarlet fever and diphtheria ("Interns today have never seen these diseases"), and measles.

Tuberculosis has practically disappeared. "Perhaps this is due to better sanitation and more general health care."

New drugs have been developed: Insulin, sulfa, penicillin, tetracycline. "These have saved a great many lives."

Women had their babies at home then. "It's amazing how few complications we had in home deliveries."

In those days, a woman paid a visiting nurse $5 to assist the doctor with the delivery, they would bring the money from the sugar bowl."

"One woman paid me in gold," the doctor recalled recently.

Dr. O'Brien, a surgeon, began his medical practice as most doctors did—as a general practitioner.

"There were no residencies then," he said. "A doctor received training in his special field after he began practicing."

An older doctor, a "preceptor," trained younger doctors in special fields.

After being graduated from Jefferson Medical College, Philadelphia, in April 1920, Dr. O'Brien served his internship at St. Vincent Hospital, Erie, from 1920 to 1921. "For this, I received the huge sum of $35 per month," he chuckled.

Medical school tuition was $100 to $200 per year then. This compared to the $2,500 or more it costs today.

Living expenses too were minimal: $3.25 a week for 21 meals and $3 a week for a room. A good suit cost between $25 and $30, he recalled.

In order to come home for Christmas, Dr. O'Brien said he worked in the Philadelphia Post Office until Christmas eve, got on a train and arrived home for the holiday. The round-trip ticket cost $50.

To pay his tuition for a year, he would work summers.

There was no medical insurance when Dr. O'Brien first began practicing. People paid cash—beds ran from $3 in a ward to $8 in private rooms.

During the Depression years, the doctor said he performed as many as 100 free operations per month.

Dr. O'Brien lists two most memorable events in his career: admission to the American College of Surgeons, Oct. 1936, and service as chief of surgery at St. Vincent Hospital, 1935 to 1939.

To be admitted to the American College of Surgeons, Dr. O'Brien had to be accepted by local members and, later, submit a written report of 100 surgical operations he had performed.

Until his retirement last year, the Erie doctor had served for 35 years as chief of the medical department at St. Joseph's Home.

Dr. Joseph Silliman, also a Jefferson graduate, was Erie's "last horse and buggy doctor," Dr. O'Brien recalled. "He hitched his horse at a post in front of St. Vincent Hospital."

Among the other older doctors, "Chiefs . . . well thought of," he recalled were: Roth, Bell, McCallum, Lick, Hess, Eastman, Treadway, Walsh, Schilling, McCarthy, Goldman, Schlindwein, Washabaugh, Luke and Gannon.

Now, after 50 years in medicine, Dr. J. Elmer O'Brien is retiring.

"I used to see 20 to 50 people in this office each day," he said, "now, they're suddenly taken away . . ."

The office he plans to close is located in his home at 302 E. 10th St. "This house is 150 years old. My father was born here . . . I was born here," he said looking around.

Dr. O'Brien plans to attend his 50th class reunion at Jefferson April 29. "Of 150 graduates, 70 are living," he reported.

Total retirement? Dr. O'Brien says, "Yes." But, we wonder, is that possible for one so involved, so practiced, so young after only 50 years?

CAMBODIA RESOLUTION

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. COHELAN. Mr. Speaker, today I have introduced a resolution that would forbid the President from sending U.S. troops into Cambodia. I cannot find the words to express my outrage that the President would commit American personnel into Cambodia, without the formal consent of the Congress. Indeed, Congress was not even informed of this decision. As a member of the Foreign Operations Subcommittee of the House Appropriations Committee, I was not even informed that such preparations were being considered, much less implemented.

President Nixon's actions have the all-too-familiar ring of our past rationales for escalation. Instead of shortening conflicts and bringing our troops home, the result has always been to drag the United States further into the Vietnam "quagmire."

I have on other occasions pointed out that in the Nixon "Vietnamization" plan, there seems to be the assumption that a large U.S. support force—advisers, logistics, and air support—would be required even when our ground combat troops come home. I have taken a strong position against this view. I feel that our troops—all our troops—should be withdrawn on an orderly and fixed schedule. The events yesterday have adequately demonstrated the risks of a large U.S. advisory force—continued manpower and material commitment on an ever-expanding geographic scale.

We must get out of this quagmire now. I hope this House will act quickly on this legislation. The American people have suffered for too long a time the privation caused by this Southeast Asian conflict. It is time that the elected representatives of the American people—those closest to the electorate—are asked to approve or disapprove this far-reaching decision.

"TERRACIDE"

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, April 30, 1970

Mr. BOGGS. Mr. President, the Nation last week discussed many vital questions involving our environment during Earth Day. It is fitting that this effort to enlarge our knowledge of the planet on which we live should occur shortly after the publication of a book dealing with the threats to the earth.

The book, fittingly, is called "Terracide." It should be of interest to my colleagues that the author is Ron M. Linton, former staff director of the Committee on Public Works of the Senate, and later chairman of a Department of Health, Education, and Welfare Task Force on Environmental Health and Related Problems.

Already, the book has received broad attention. In a letter to Little, Brown & Co., publishers of "Terracide," the eminent environmental scientist, Dr. Rene Dubos of Rockefeller University in New York City, wrote:

> For thousands of years, nature had the ability to absorb the environmental insults of the human population. Those who believe that nature will continue to be able to do so will be brought to their senses by Ron M. Linton's *Terracide*. This book shows in lucid and simple language that the ecologic crisis will reach its acute phase within our lifetime, and that action should be taken now if we want the earth to be still a suitable place for human life by the year 2000.

To give Senators a flavor of the book, I ask unanimous consent that two excerpts from "Terracide" be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

(P. 33 . . . chapter title "Life in a Crowd"). . . . Man suffers indirect as well as direct results from polluting living space with excess population. Too many people living inappropriately in a given space produce social pathology. Too many people coming into contact inappropriately within a given space produces a health pathology. Likewise, too many people using a space inappropriately produces an economic pathology that results in the degradation of the other resources or habitats of man: air, water, and soil. The concentration of man in an urban area requires an increasing degree of economic activity.

The industrialization process requires the generation of power. The power produced has a side effect of dispensing into air the effluence from the combustion of fuel used to produce the power. Thus the more people that jam into a space, the more power required; the more power required, the more effluence is spewed into the air, polluting it and harming the health of the people living in the area.

The same thing can be said of the use of the water resources in an area. People consume, in the consuming there is waste and the waste must be disposed of. We dispose of liquid wastes by discharging them into surrounding bodies of water. Even with advanced treatment methods now available to society, the volume of effluence being discharged into the waters surrounding limited geographical areas is such as to lower the quality of that water for any future use.

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A third problem caused by crowding is the disposal of solid wastes; wastes which cannot be carried away by water or be burned and discharged as an effluence into the air. As the number of people in an area multiplies, the waste of this nature increases. And as it increases, its disposal must be handled in one of several not always satisfactory ways: either by landfill in existing water areas (which reduces the amount of water available and increases the amount of land upon which people can settle, further increasing the density or population growth); by burial (which can increase the nitrogen and phosphate compounds in the soil and thus change the nature of the soil and its runoff into waters, further aggravating water pollution); or by piling it up in composts (further reducing the amount of space available to people already crowded).

Our cities are great cities. The incidence of disease is low, and the standard of living is the highest in history. Culture and commerce bloom in the cities. They provide unprecedented opportunities for education and entertainment; millions find they offer new ways of life, far more attractive than the ones from which they escaped. Certainly the city has problems. Its economic problems are enormous and its harsh and often confusing physical environment aggravates social and personal problems. Much of this is from the stress imposed by the city; it's the noise and polluted air, the rush and the push, the irritations that go beyond the limits of comfort or even of tolerance. But the problems of the physical environment of the cities can be controlled.

Technology can be used to affect pollution of air, water and land. Technology and public policy combined can affect the pollution of space and bring about relief from the stresses imposed by the crowding and congestion of the city.

It will be difficult to define when and where over-population exists. It will also be difficult to develop and implement a rational plan of population and space control. But over-population must be adjusted by relating the use of space to human needs. If this is done, rush-hour driving in the morning, and rush-hour driving in the evening, which now result in long lines of cars bumper-to-bumper, may possibly be eliminated. If this is done perhaps the freeways, now the major means of egress from downtown to the suburban areas, may be able to move cars at generally planned paces. Even auto lines may then be able to move at fifty to sixty miles an hour, with movement in and out of lanes and the proximities of one car to another automatically controlled so as not to leave the driver extremely tense, angry, and frustrated.

Maybe in the city which provides the proper relationship between man and space, public transportation will be on time and there will be enough clean and comfortable room to eliminate the frustrations which now accompany riding public transit systems. Maybe uncongested city office buildings can be designed to reduce the tension of waiting for elevators and jamming into them and fighting out of them. Maybe then it will also be possible to be waited on in a store or restaurant without the pressure of "hurry, the next person's waiting."

In the city which provides for the control of space pollution, maybe the houses will be built, the streets laid out, parks created and commerce and industry conducted with concern for the effects of demographic intensity.

Maybe the lakes will then be worth living beside.

(P. 332 . . . chapter title "The Challenge") . . . Man can avoid a tomorrow of environmental crises. He will have to work at it, for it is easy to accept the conditions we live in as an inevitable concomitant of life. That is what we are doing now. We live with air and water pollution; we tolerate increasing annoyance from noise; with a slight murmur we suffer crowding and congestion; we hardly pay any attention to a host of other environmental abuses that can injure man mentally and physically. We learn little from our past. We do those things that are easiest, and it is easy to ignore environmental pollution. Most Americans have to be reminded continually that there is something wrong with their environment. It's not every day that we come into contact with water pollution. We are not continuously aware of air pollution. Some of the more subtle forms of environmental contamination escape easy detection. The food we eat, the water we drink, the household products which we use most often never appear to be related to problems of health or injury that occur. No one seems to be dying from an attack of the environment. Nor do most people associate any disease with it. If man doesn't like his environment, at least he lives with it. But is no one dying?

Certainly man adapts. This history has proved. He emerged in greater numbers than ever before after more than a century of being scourged by infectious disease. The death rate used to be atrocious, but it was ascribed to the disease and not to the environmental conditions that bred the disease. Death today is even less closely related to the environmental conditions that breed disease. Is no one dying? It only seems that way.

What about the future? It appears now that man is creating more environmental problems for himself than he will be able to solve. But he doesn't have to. He doesn't have to adapt and die in the process.

The challenge to man will not be whether he knows what to do but whether he is able to do what he knows must be done. And before anything he does has any real effect on the quality of air and water or the proper handling of waste, he will have to commit himself to three things:

Establishment of a population policy.

Creation of new towns with built-in standards and safeguards against environmental deterioration.

Spending of substantial public funds to rectify the deterioration that has taken place in our major urban areas.

Imposing a population policy does not mean limiting the number of children any married couple may have; certainly American attitudes will not accept this kind of governmental regulation, nor would they accept limitations on where individuals could live; the idea that we can establish arbitrary population limits for communities is ludicrous. But certainly population policy must include making family planning information and services available to all Americans. It also means providing options so that those who prefer rural or small-town life will not be forced to tear up roots and move to large urban centers.

A population policy will have to build upon the knowledge of what effect varying levels of density and congregation have upon the physical and social environment; based on this knowledge, there could be incentives for dispersal and alternatives to the current urban centers including the redesigning of these centers. Such information is not now available.

New towns must be established so that those who prefer the modern and the planned community can choose that alternative. But new towns must be managed so that those at every economic level can select that option if they so desire.

Existing urban centers cannot be abandoned in a fit of hopefulness, nor should they be left as rotten boroughs for the poor alone to wallow in. City centers in particular must be restored to satisfactory living levels. This will cost much, but the failure to do this will be far costlier in terms of human conflict and despair.

The new towns, the population policy, the massive spending for corrective purposes—all must be followed by a determined government effort at federal, state and local levels to set standards and enforce them so that environmental improvements will not subsequently be broken down.

In making the decision to do these three things we will have to accept the fact that subsidies and financial advantage to private industry are a cost of the political systems we have, which must be paid if we are to improve our present condition. Such subsidies are not new; they are rooted in our history. But in spending this money, we shall have to place in proper perspective the use of tools with fancy labels such as cost-benefit ratio, systems analysis, and program planning and budgeting. These are the technician's tools. These tools can tell us what, from a technical standpoint, can or cannot be done. They can tell how much it costs to do it. But they can only guess at the value of alternatives, because the environment is of importance only as it relates to people. Dealing with the wants and desires of peoples is subjective.

We will also have to destroy the national security mystique that causes us to siphon off the vast majority of the federal budget to perpetuate economic waste in the guise of national defense. It's easier politically to spend money in the interest of protecting the American people from death and destruction at the hands of some human enemy outside our national boundaries than for those goals just outlined. How hollow indeed will be the success of that spending when death and destruction within our boundaries at our own hands leave little worthwhile to be defended. The American people had better come to understand that our national security is threatened rather by a failure to provide the social and physical environment necessary to maintain a strong, growing, independent and thinking population.

THE PLIGHT OF PRIVATE COLLEGES

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. QUIE. Mr. Speaker, many of the Nation's private colleges are in serious financial trouble. Some will find it necessary to close unless the Federal Government helps keep them open. It will be less expensive in the long run to do so than it would be to build new facilities and faculties for the students they now serve.

There are three ways in which a private college can obtain money. The first way is to raise tuition. Tuition is already so high that this is no longer a realistic option if the college hopes to attract a broadly representative student body. The second way is to seek greater contributions. Private contributions to private colleges have consistently increased, but not nearly at the rate necessary to keep pace with rising costs. The third way is to obtain increased funds from the State and Federal levels. In some instances, such public support has become the last hope of saving these colleges .

On March 24, 1970, I introduced the "Higher Education General Assistance Act of 1970" (H.R. 16622) which would provide needed assistance to public and private institutions of higher learning in such a way that will not disadvantage the

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small institution. Since most of the private institutions are relatively small, this bill would give many of our private institutions the shot in the arm they so desperately need. We read occasionally in our newspapers about the plight of the private college. But it is often hard to get specific information on just how bad off they are. The Special Subcommittee on Education is in the midst of hearings on proposed higher education legislation. We have heard and will continue to hear testimony from representatives of private institutions.

Knowing of my interest in learning more about the needs of private institutions, Dr. Frederick W. Ness, president of the Association of American Colleges, forwarded a few letters he has received from private colleges outlining their financial needs. Because I feel all Members of Congress should be well informed about the needs of private colleges, I insert in the RECORD nine letters forwarded to me by Dr. Ness.

Following them, I insert some of the letters which I have received in response to H.R. 16622 from leading educators of private higher education in my own State of Minnesota:

AQUINAS COLLEGE,
Grand Rapids, Mich., January 23, 1970.

Dr. FREDERIC W. NESS,
President, Association of American Colleges, Washington, D.C.

DEAR DR. NESS: As I promised you in Houston earlier this month, I now send you this letter to set out clearly and concisely the precarious financial condition in which my college finds itself.

During the current academic year of 1969–1970 Aquinas College has an enrollment of 1015 regular full-time resident and commuter students. In addition, in the course of the year, we have 940 part-time students, most of them in such community-oriented programs as Career Action (a degree completion program for young adults in business), Encore (a degree completion program for housewives), and DCPV, our special program for Vietnam War veterans. Our total count of full-time equivalent students is over 1400.

During the fiscal year (July 1, 1969 to June 30, 1970) our operating deficit is $432,599. Meanwhile our capital indebtedness is $1,230,679.72. Our cash endowment is $8,492. The only way in which we can survive is through the so-called "contributed services" of the thirty-five members of the faculty who are Dominican Sisters of Grand Rapids and through a line of credit from the motherhouse of that community. Clearly, Dr. Ness, the religious community cannot possibly carry our kind of deficit for very long: the Grand Rapids Dominicans have no sources of income outside the earning capacity of their 800 or so sister-members, almost all of whom are grade and high school teachers in this area and work for compensation far below that of lay teachers. This is a case of the underpaid subsidizing the destitute.

You said in your presidential address at Houston that you and your staff are planning to go on retreat in March to take stock of the future of the AAC and its headquarters functions. Please accept this letter as evidence of the desperate situation in which my kind of college stands. We need help. We need your help to plead our case to the Congress and the foundations. We need the help now. (If a higher budget through increased Association dues is the needed element, I for one am more than willing to make this investment.)

We want to work within the framework of your organization, but one way or the other we must have results soon, or we shall perish. Our record of service does not warrant that fate!

Sincerely yours,
NORBERT J. HRUBY,
President.

JANUARY 28, 1970.

Dr. FREDERIC W. NESS,
Association of American Colleges, Washington, D.C.

DEAR DR. NESS: Norbert Hruby of Acquinas College forwarded a copy of his recent letter to you to Sister Burke, and she has asked me to respond in terms of the situation at Barat.

This college's position would not appear so precarious as that of Acquinas, though we certainly have cause for concern. This current year, with a combined institutional budget of just under $2 million, we are running a deficit of some $170,000. This is the first year in which we are in this position. The deficit will be met out of our endowment of under $500,000, a step which, quite obviously, we can take only once or twice more. A good part of the current deficit is attributable to the implementation of far-reaching curricular reforms this year, and we are still hopeful that part of it will be met by a foundation grant this spring. Much of the remainder is attributable to cut-backs in federal funds; Barat is very heavily committed to the education of low-income and minority-group students, and has, therefore, been especially hard hit by reduced federal allocations.

In the years immediately ahead, we hope to meet our financial situation in a number of ways. Tuition will be raised (again), and enrollment will be increased. Over the long run, however, I doubt Barat and similar colleges can continue to operate without increased monies from federal and state sources. This will particularly be the case with colleges such as Barat which have the ability and inclination to re-do curricular structures and innovate with more individual and participative approaches to the higher learning. Almost any of the recommended changes and innovations so frequently called for today (for example, by the Office of Education's own recent internal staff study) have a dollar tag on them, a tag most often beyond the ability of the private liberal arts college.

For years, I know, a couple of things have been said of the private liberal arts college: that financially it was in trouble and that ideologically it had lost its way. The irony of the present situation is that the second part of the statement is no longer the case just as the first part has actually become the case. A great many of these colleges now do clearly see their role, namely that of fashioning newer, innovative, and more responsive modes of higher education. The backlog of needed reform is there, so is the research and access to the experience of others, and most of these colleges can move quickly and effectively to demonstrate what can be done. The fact most of them face, however, is that the *status quo*, for all its faults, is really the most economical and easy to administer of all possible modes of providing a degree. Change—be it independent study in place of large lecture sections, individual program planning to replace requirements, new systems of faculty feedback to replace grades, or special course modules to provide a more meaningful freshman experience—costs money. Several of the colleges I know which are in financial difficulty are there as the result of attempts to mount more ambitious and innovative programs.

You will remember the *Fortune* article of a couple of years ago on the financial status (plight) of the independent college. At that time, there was a good deal of head-nodding and feeling that it was the other guy's problem. No more. I think I know the situation in Illinois fairly well, and the consensus is that the financial problem has really arrived this year. Institutional deficits of from $50,000 to $450,000 are known to me, and in most of the cases at institutions with minimal reserves. Enrollments are levelling off and not infrequently declining; applications at a majority of Illinois colleges are down, both in numbers and quality. The aggressive growth of public higher education in the state (and elsewhere) is often cited as a cause; the state system has the added effect of constraining tuition at unrealistic levels, lest differential costs move too far apart. I could, were I at liberty to do so, cite a good number of examples on both the budgetary and enrollment score.

Having worked at the American Council myself, I have no illusions that national organizations will be in a position to save individual colleges. Nor do I have any immediate expectation of federal help in a financial sense. But one or two things might be considered by AAC. For one, there exists incomplete public realization of the worth and immediate difficulty of the independent college; the situation could stand dramatization at this point. On another score, the relationship between public and private in state systems needs explication. In Illinois, for one, the state board often acts as though private colleges did not exist; in its defense no one seems to be very clear what relationship there should be. Assuming some relational definition were developed it would be possible for a concerned federal government to put some teeth into it. USOE has so many "hooks" into the conduct of state boards that one new one could easily be entered as a condition for aid: manifest concern for private higher education in the state. For example, a state plan designed with reference to the status and health of public *and private* institutions might be demanded, plus yearly, publically issued updates of same, or reports to the Commissioner and/or the state legislature on recommended steps to assure well being in all sectors.

I hope these few suggestions prove helpful. Feel free to call upon me for any additional information which may be of help to the Association.

Sincerely,
THEODORE J. MARCHESE,
Director of Planning & Program Development.

LUTHER COLLEGE,
Decorah, Iowa, January 27, 1970.

Dr. FREDERIC W. NESS,
President, Association of American Colleges, Washington, D.C.

DEAR DR. NESS: It becomes increasingly obvious that private higher education is in serious financial difficulty. Over a period of years we have sought to improve the efficiency of this college and believed we had achieved the maximum efficiency in terms of administration and campus services so that we were able to operate in the black for a period of two years and present a balanced budget for this current year. However, so many unforeseen financial obligations have developed that we are now facing the possibility of a $100,000 deficit and at the present time we are trying to determine how we may reduce a proposed $370,000 deficit for 1970–71. Certainly we cannot operate by deficit budgeting as we have no source to pick up the deficit. I was pleased that Clark Kerr had stated his opinion that there must be a change in public policy toward tuition at public institutions as I believe that institutional charges to the student must more closely approximate the current operating costs of the institution and that public funds must then provide financial aid for the economically disadvantaged students to equalize the opportunity to share in higher education. I would hope that the Association would move in this direction. We must have a dependable long-range Federal policy if we are to do the kind of financial and educational planning which is essential to higher education.

I appreciate the concerns you have expressed and wish you to know that you have our support. After having spent most of my life in public higher education, I am pleased to serve a private undergraduate college and believe that this two-tract system is vital to the quality of higher education in the U.S.

Sincerely,

E. D. FAEWELL,
President.

DOMINICAN COLLEGE,
Racine, Wis., January 28, 1970.

Dr. FREDERIC W. NESS,
President, Association of American Colleges, Washington, D.C.

DEAR DR. NESS: I would like to take this opportunity to go on record in support of the philosophy and ideas proposed to you by Dr. Norbert J. Hruby, President of Aquinas College in Grand Rapids, Michigan. As President of Dominican College, Racine, Wisconsin, I voice a loud second to all of Dr. Hruby's remarks. Although our college is only half as large as Aquinas, we find ourselves in an identical picture.

Currently the Sisters of St. Dominic located in Racine, Wisconsin contribute $271,000 in teaching services. Even with these contributed services, our deficit for the current academic year will be approximately $250,000. With increased costs, we are forced to raise tuition and our room and board charges. Due to the tremendous tax subsidization of the state university and college system in Wisconsin, it is difficult for us to compete unless we cater our services to only the wealthy, or subsidize students through scholarship aid from our own operating budget.

As a Protestant president of a Catholic college, I view the financial situation of Dominican College on the basis of a continuation of the private sector of higher education. If we are to believe in the free enterprise system, and in freedom, we must also believe in a freedom of choice. If private colleges and universities are forced out of existence by the tremendous tax subsidization and inequality of competition, then the possibilities of freedom to choose a private education will disappear. I am positive that the case for Dominican College and Aquinas College are not the exception to the rule, but the rule that will be found in much of private education today. Your assistance in your office as President of the Association of American Colleges will be truly appreciated.

Sincerely,

THOMAS C. STEVENS.

MARYGROVE COLLEGE,
Detroit, Mich., January 28, 1970.

Dr. FREDERIC W. NESS,
President, Association of American Colleges, Washington, D.C.

DEAR FRED: Dr. Norbert Hruby of Aquinas College has suggested that I write you regarding the financial problems of our College and urge you to use the resources of the AAC to plead our case before Congress and other groups that can help us to survive.

Marygrove's situation is not unlike Dr. Hruby's own institution. The I.H.M. Order last year turned over control of the College to a lay board of trustees, whose first action was to appoint me as president. I accepted the position knowing full well the magnitude of the job that confronts any private college today and in particular private women's colleges.

For the first time in the sixty-year history of Marygrove College, there is an operating deficit. In a budget that totals $2,500,000, the deficit amounts to $300,000. Since the College is establishing a much-needed retirement program with the usual fringe benefits, effective July, 1970, the prospect for the 1970–71 budget is another staggering deficit of better than $300,000 in a budget of approximately $2,750,000. Our endowment is for the most part restricted and amounts to slightly over $2,000,000. Annual gifts and income from investments amount to a little over $100,000 with the prospect of a gradual increase in alumnae giving and a sharp decrease in investment returns as stocks and bonds are liquidated to offset the annual operating deficit.

The handwriting is clearly on the wall unless new sources of income are found to supplement the income from tuition and fees, which is increasing every year only because tuition is being raised. In 1962, Marygrove charged $600 for tuition; in 1970, it will charge $1,200, and annual increases are planned during the next three or four years. Seventy-five percent of our freshman class this year are receiving some kind of financial aid. Overall, one out of two students at the College is receiving help. Rapid increases in tuition can cut us off from the kind of students that we are most desirous of serving; in any case they necessitate substantial increases in financial aid to our students.

Like Aquinas College, Marygrove is able to function because the contributed services of some seventy members of the I.H.M. Community amount to nearly twenty-five percent of the total budget. Since the Motherhouse no longer has any control over the affairs of the College, there is no possibility of establishing a line of credit there, and besides the College wishes to maintain its independence from the religious authorities both academically and financially.

I know that you need no convincing about the importance of preserving our dual system of higher education and of giving our young people freedom of choice. The time is past, however, when individual institutions can fight alone to maintain this privilege; your support is needed and now.

Marygrove's dues to the Association were mailed yesterday. Best of luck to you in your new position. It must seem a far cry from Long Island and Hofstra.

Sincerely,

ARTHUR W. BROWN.

MOUNT SAINT MARY COLLEGE,
Emmitsburg, Md., January 30, 1970.

Dr. FREDERIC W. NESS,
President, Association of American Colleges, Washington, D.C.

DEAR DR. NESS: I have just returned from a four weeks begging tour throughout the country on behalf of Mount Saint Mary's College and find a letter from Dr. Hruby, President of Aquinas College, Grand Rapids, Michigan, explaining the financial plight of his college. Dr. Hruby also enclosed a xerox copy of a letter he addressed to you under date of January 23rd.

I can say that the financial conditions existing at Aquinas College are the same as those at Mount Saint Mary's. Mount Saint Mary's is a private independent liberal arts college. It received its charter from the State Legislature in 1829. Mount Saint Mary's is not owned, operated or financed by the Catholic Church. It receives no financial assistance from the Archdiocese of Baltimore. It depends solely for its income from gifts, from alumni, friends and the income from a modest endowment ($26,712.00 for 1968–69). Mount Saint Mary's receives no aid from the State of Maryland. Our deficit at the end of the fiscal year June 30, 1969, was $454,607.00. We raised our fees $300 for 1969–70. In making out our budget for 1970–71 we were forced to again increase our fees to $180 per student. We simply cannot continue increasing our fees for we would be pricing ourselves out of business. The only solution is Federal assistance.

During the current fiscal year July 1, 1969 to June 30, 1970, our capital indebtedness is $1,443,607.00.

Of the 80 members of our faculty 22 are clergymen whose contributed services amount to $75,522.00.

One of the particular difficulties private colleges are now having, especially in this area, is that sources primarily approached by private colleges are now being deluged with requests for financial assistance from the State Community Colleges whose budgets have been drastically cut.

Sincerely and cordially,

Rt. Rev. HUGH J. PHILLIPS,
President.

SAINT MARY'S COLLEGE,
Winona, Minn., January 30, 1970.

Dr. FREDERIC W. NESS,
President, Association of American Colleges, Washington, D.C.

DEAR DR. NESS: Like you, I am a new president; I was installed as the 10th president of Saint Mary's College in October. Prior to my present position, I taught biology and chaired the Department of Biology here for several years.

My new job has made me acutely aware of the real survival threats that plague most small private colleges like Saint Mary's. We have a present enrollment of approximately 1,000 but are planning to increase that to 1,500 in the next few years, since that is a far more realistic break-even figure economically speaking. We have approximately 7,000 degreed alumni, the majority being graduates of the past 20 years. Since both the college and most of its alumni are rather young, alumni support has always remained "modest"; it has nevertheless, been one of the important means of partially covering our operational deficits each year.

In past years, the cost of operating Saint Mary's College has been somewhat set off by the contributed services of the Christian Brothers who administer and partially staff the school. In 1967–68, services contributed by the religious and clerical staff amounted to $242,000.00. Because of the rise in the cost of living for that staff and their decrease in numbers, their contributed services in 1968–69 amounted to $215,000. It is estimated that the value of their contribution this year will be $175,000.00.

In 1968–69, the college's net operational deficit was $162,100.00. The same operational deficit estimated for this year is $402,500, and for 1970–71, $350,000.00. The reason for the smaller projected deficit next year is the $200 rise in tuition which will be effective next year. But obviously, even that tuition increase will not solve the financial problems facing our college—any more than it has solved the problems of countless colleges like ours. Therefore, we have within the past four months announced an ambitious capital gifts campaign which will, during the next few years, largely determine the future viability of Saint Mary's—barring, of course, increased public support of private higher education.

It is in the last mentioned area that I hope you, as the new president of the American Association of Colleges, will be able to work effectively for private education. There are very few in our country who think that private education, on whatever level, is not good, even essential, to our democratic society. But it is becoming more and more apparent that that belief must be increasingly backed up by financial support. I hope you will use the authority of your office and the influence of the AAC to tell the story of colleges like Saint Mary's to leaders in public and private positions who are able to alleviate the financial problems we face. If I can be of assistance in that work, please let me know.

Needless to say, I wish you every success in your new position and you have my personal best wishes.

Sincerely,

Brother GEORGE PAHL, F.S.C.,
President.

XUM

AURORA COLLEGE,
Aurora, Ill., February 2, 1970.
Dr. FREDERIC W. NESS,
President, Association of American Colleges, Washington, D.C.

DEAR DR. NESS: This letter is prompted by the recent proposal from Dr. Norbert Hruby, President of Aquinas College.

It is appropriate to tell you that I am writing this letter because President Crimi has been absent from the campus for five months with a coronary attack. I am glad to be able to report that he is recovering and we anticipate that he will be back in the office sometime late in the spring or early summer.

Very briefly, the financial situation at Aurora College is serious. This year we have an operating deficit of over $100,000 in spite of stringent budget cuts. Our capital indebtedness is $1,240,000. We have very little endowment. Consequently, we can only meet the operating deficit by transferring undesignated bequests of one kind or another to our operating budget. We are currently making a strenuous effort to improve our enrollment by an additional one hundred students for next year. This, along with cutbacks in our program, will enable us to at least approach a balanced budget.

I will not fill in additional financial details, but would suggest the desirability of some kind of a study by the Association of American Colleges that would develop a composite picture of the magnitude and extent of the financial problem facing private higher education in the United States today.

If we can be of any further help in your presentation of this situation to Congress, please feel free to call upon us.

Sincerely,
MARK H. TRUMBO,
Vice President and Dean.

SAINT MARY-OF-THE-WOODS COLLEGE,
Saint Mary-of-the-Woods, Ind., January 27, 1970.
Dr. FREDERIC W. NESS,
President, Association of American Colleges, Washington, D.C.

DEAR DR. NESS: I am happy to add my plea as the president of a small, private institution to that of many others so that our problems may be represented through the Association of American Colleges, since I so firmly believe that without the private sector in American education, a great richness would be lost.

Saint Mary-of-the-Woods College is a small college for women with a fulltime enrollment of under 500. Because of the nature of our student body and our geographical location, we have been able to build a kind of community relationship among the various segments of this campus which is somewhat unique, I believe, and because of our size we are able to experiment readily with innovative programs, several of which we have introduced during this academic year.

One of the most exciting of these is the integrated Science-Mathematics Course, which approaches topically and in an interdisciplinary way some of the most relevant present day problems, relating them to a basic background and understanding of these academic areas. Examples: "Communicating with Intelligent Life Elsewhere," "The Probability of Human Survival," "The Culture of Poverty and Abortion." While we have as yet done no research on the effectiveness of this program and another inter-disciplinary one in Humanities, we plan to do so, and I am confident that some of our experiments will be valuable to higher education in general. Such experiments would be much more difficult, I believe on a larger and more structured campus.

We have inaugurated a consortium program with Indiana State University and Rose Polytechnic Institute, all of which are in Terre Haute. But as you know consortia rarely save money. They simply improve programs, and we hope that ours will do this also.

However, as you no doubt know, we are in trouble financially, a problem we share, I believe, with all similar colleges. Our capital indebtedness is over $2,500,000. Our operating deficit for the past year, 1968–69, was close to $600,000, and for this coming year will be almost double that. As we project our budget ahead, we come very soon to a deficit so high that neither tuition raise, nor endowment (which in our case is only about $40,000 income per year), nor amount of contributed services of the sister-faculty, which number about 40% of our total faculty, will be able to fill in the gap.

We are the oldest woman's college in Indiana. We feel that with the development of a renewed emphasis upon the place of women, it is possible that the woman's college, like the black college, may be coming into a new kind of relevance. We would like to contribute creatively and vigorously to that movement in the future. We would like to continue to contribute a sense of Christian decision in a too often undecided world. But we see that without some assistance either through the federal government or through foundations we can do none of these things for very long. We encourage you, and indeed beg you, to plead the cause of the small, private college in whatever way possible.

Sincerely,
Sister JEANNE KNOERLE, S.P.,
President.

CARLETON COLLEGE,
Northfield, Minn., April 1, 1970.
Representative ALBERT H. QUIE,
House Office Building,
Washington, D.C.

DEAR AL: I was away last week when the newspapers reported your Bill proposing a "Higher Educational General Assistance Act", and so I am slow in sending you my enthusiastic support. Your Bill would make a world of difference to higher education in general and to private education in particular. It is precisely the kind of proposal which may well spell the difference between life and death for some of the private colleges of Minnesota and elsewhere.

Don't let the big boys chew it all to pieces, and more power to you in getting the support of the Education and Labor Committee and of the Congress. Let me know how I can help.

Cordially yours,
JOHN W. NASON.

ST. OLAF COLLEGE,
Northfield, Minn., April 3, 1970.
Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR AL: I have noted with interest the proposals you have made in H.R. 16222 and want to commend you especially on the proposal regarding grants to institutions on the basis of the number of graduates.

It seems to me this is a valid concept and without trying to judge the exact formula which you have suggested, I would say that the principle is excellent. I hope your bill gets favorable hearings and some time sees the light of day.

It seems to me that it is a completely reliable approach to consider colleges as having served society by providing education for society's youth. In undergraduate colleges a measure of this service can be found in the number of graduates. It would therefore be quite legitimate and proper, as far as I can see, to gear a formula such as yours to the number of persons granted degrees.

As you are well aware, the cost of education is not represented totally by the charges made of students. I guess higher education in the United States has never been offered on the assumption that the person who receives the direct benefit from it immediately pays the total bill. This principle is sound because it is based on the assumption that society as a whole gains from the education of young people.

I wish you well in your attempts to find a logical and positive way through the many difficult areas of legislation that face Congress these days. Thank you for what you are doing as an important member of the Congressional committees helping us solve the problems of education.

Yours sincerely,
SIDNEY A. RAND,
President.

MINNESOTA PRIVATE COLLEGE COUNCIL,
St. Paul, Minn., March 30, 1970.
Congressman ALBERT QUIE,
House of Representatives,
Washington, D.C.

DEAR AL: Congratulations on your proposed "Higher Education General Assistance Act". It is by all odds the best news to come out of Washington for a long time. You can depend on unanimous support from the private college sector and I see no reason why the public sector should not also endorse it. There will, of course, be pressure to change the formula in the interests of the larger institutions. It will be overlooked that virtually every government program has favored that sector. Surely the Miller bill with its emphasis on science would not help all institutions equally. Tying the grants to the number of graduates seems to be an excellent idea and provides the most solid basis for computing "services rendered."

Thank you again for the time which you gave me in Washington and for your response to my letter. I appreciate having the percentage of expenditures carried by the federal government but I am sure these figures could be misleading. If you take out the major universities, particularly in the private sector, I am quite sure the figure would be greatly diminished.

Be assured that we will do everything that we can to develop support for the program which you have proposed.

Sincerely,
EDGAR M. CARLSON,
Executive Director.

THE COLLEGE OF ST. CATHERINE,
St. Paul, Minn., April 1, 1970.
Hon. ALBERT QUIE,
U.S. Congress,
Washington, D.C.

DEAR MR. QUIE: As president of a college in Minnesota, I want to tell you that I am proud of you and your recent proposal for support of higher education by reimbursement per graduate. It's a brilliant plan and I hope you will have much support for it.

Furthermore, it is encouraging to us in higher education to know that our Congressmen are so strongly interested in education. Thank you for that interest.

Sincerely yours,
Sister ALBERTA HUBER,
President.

COLLEGE OF SAINT BENEDICT,
Saint Joseph, Minn., March 27, 1970.
Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN QUIE: I noted in the March 26th issue of the Saint Paul Pioneer Press that you had proposed a program of general aid to colleges in the form of direct grants to four year institutions, based upon the number of baccalaureate degrees awarded.

Naturally I am pleased to see your interest in such a program because it may be one of the ways that the government can assure that the small, liberal arts college will continue to make its own unique contribution to our society. I am sure that the faculty and staff in the other 15 private colleges in Minnesota would join me in applauding your initiative in this matter.

Sincerely,

STANLEY J. IDZERDA,
President.

COLLEGE OF SAINT TERESA,
Winona, Minn., April 1, 1970.

Hon. ALBERT H. QUIE,
2334 Rayburn Office Building,
Washington, D.C.

DEAR REPRESENTATIVE QUIE: I have received word about the bill which you sent to Congress entitled "The Higher Education General Assistance Act." I want to congratulate you, first of all, for introducing this bill and second, to express my warm gratitude since the bill manifests concern for the smaller institutions of higher education.

Thank you for the thought that you give to us and for your fine work.

Very sincerely yours,

Sister M. JOYCE ROWLAND, O.S.F.

NO-KNOCK RAIDERS HIT WRONG TARGET

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. MIKVA. Mr. Speaker, we must all try to resist the very human impulse to say, "I told you so." But sometimes the course of events provides such a clear temptation that it is impossible to resist. This morning's Washington Post contained such a temptation.

The Post article indicates that earlier this week at 1 a.m. a local woman was awakened when deputy sheriffs mistakenly broke into her apartment using a sledge hammer while serving a "no-knock" warrant. In a sense, I suppose, those who supported the no-knock provision in the D.C. crime bill were right when they said "it cannot happen here." It did not happen here; it happened just across the Maryland line in Prince Georges County. I suppose we may also count it fortunate that Margaret O. Malloy was not the owner of one of those 96 million firearms now in private hands in America. If she or her son had been, we might have had a few dead Prince Georges County deputies.

Supporters of no-knock warrants will point out that later the sheriff's deputies did find $2,000 worth of illegal drugs and arrested eight people—when they served the warrant at the proper address. But, of course, there is nothing in the article to indicate that they would not have recovered the contraband and made the arrests anyway, even without using the infamous no-knock procedure.

Obviously, it is too late to move to reconsider the vote on no-knock provisions in the D.C. crime bill. It is not too late, however, for the conferees to take note of this event. Nor is it too late to ponder this lesson before we vote on the drug control bill which will soon be before the House. I hope that every Member will try to put himself in Mrs. Malloy's position. The next time such mistaken service of a no-knock warrant occurs, it might be any one of us.

The article referred to follows:

[From the Washington Post, Apr. 30, 1970]

NO-KNOCK RAIDERS: ARMED PRINCE GEORGES' DEPUTIES SMASH INTO WRONG HOME

(By Gerald E. Bunker)

A Prince George's County woman was awakened about 1 a.m. yesterday by a crew of armed county deputy sheriffs who had broken into her apartment with a sledge hammer.

Maj. Daniel D. Ballard of the Prince George's County sheriff's office yesterday confirmed the incident but said it was all a mistake.

He said that a squad from the sheriff's office conducting a drug raid had divided into three sections in order to assure surprise and to cover all entrances to a nearby apartment that was the actual target of the raid.

Ballard said that one section blundered into the apartment of Margaret O. Malloy. That section had been assigned to enter through the rear of the apartment that was to be raided and erred because there were no numeral markers there, Ballard said.

Mrs. Malloy, 58, who lives at 7308 Forest Rd. with her son John, 23, came into the living room to find a half-dozen men armed with pistols and with blackjacks protruding from their rear pockets. They were wearing civilian clothes, not uniforms.

As Mrs. Malloy recounted the incident yesterday, she said she found herself starring down the barrel of a rifle held by a crouching man who wore a bandolier across his sports shirt.

"My God, what's happened?" asked Mrs. Malloy, shaking, as she later said, "like a leaf."

"This is a raid. We're Prince George's County Sheriffs," a spokesman for the group told her, she said.

"Isn't this 7302 Forest Rd.? he asked.

"No," answered Mrs. Malloy's son. "This is 7308," she recounted.

'We've got the wrong apartment. I'll be right back and explain," the spokesman told her.

Mrs. Malloy and her thoroughly awakened neighbors then watched the group make its way to the nearby apartment.

The saw the search party go to 7302 Forest Rd. to a third floor apartment similar to Mrs. Malloy's.

Mrs. Malloy and her neighbors said they could hear screams and an unexplained shot as they saw pictures being removed from the walls and vases smashed, she said.

Ballard said that at the second address eight arrests were made and that $2,500 worth of heroin and other illegal drugs were seized.

After the raid, a deputy returned to apologize to Mrs. Malloy, she said.

Mrs. Malloy said she believes in upholding the law but that she hopes the sheriff will be more careful next time.

"I have high blood pressure," she said.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

THE NEW "LOW PROFILE" APPROACH IN CAMBODIA

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. COHELAN. Mr. Speaker, elsewhere I have spoken on the resolution that I have introduced forbidding the introduction of U.S. troops in Cambodia. The Washington Post of April 30, 1970, contained an excellent editorial on the administration's decision to expand the Vietnam conflict into Cambodia.

I recommend the reading of this editorial to my colleagues and the readers of the RECORD and I insert it at this point:

THE NEW "LOW PROFILE" APPROACH IN CAMBODIA

From the very beginning of our effort in Vietnam we have rested our case on the sanctity of frontiers; North Vietnam had *invaded* South Vietnam, we argued, so it was aggression pure and simple. From this flowed our right to come to Saigon's aid, and bomb the North and all the rest. When North Vietnamese troops began in recent weeks to menace the new government in Cambodia, the refrain was the same; the White House wasted no time calling it "a foreign invasion" and never mind that the presence of large numbers of North Vietnamese troops in Cambodia had been a fact of life which we had accepted, without doing anything about it, for several years.

So now, because we don't like the turn of events in Cambodia, we have lent ourselves, with combat support and moral backing, to a *South Vietnamese* invasion of that country, without the slightest evidence that this support has been requested by Pnom Penh.

This is a stupefying development, which makes you wonder where in the world this Nixon crowd was when we were working our way insidiously into the Vietnam War? Does nobody in this administration remember how that scenario went: first, try it with the South Vietnamese Army (ARVN), with American advisers and American equipment and American encouragement, and then if it doesn't do it, throw in air support, and then, if that doesn't work, American combat troops. Call it temporary, of course, something quick and surgical to buy time until our allies can pull themselves together and go it alone. If this administration can't remember how it went before, it ought to consider the possibility that a lot of people do—that we have been conned, once, by experts and that there are a lot of people, as the reaction in the Senate yesterday plainly suggests, who are in no mood to be conned again.

It may be, of course, that there is something to this that we haven't been told in the communique from the Saigon government, announcing the ARVN drive into Cambodia, and also the American collaboration in it, with military advisers, helicopters and air support. The President will have an opportunity to explain tonight in his television address just what there is about this adventure which distinguishes it from the follies of the past. For it is difficult, on the basis of what Saigon has said, and what the Pentagon has confirmed, to find any quarrel with Senator Mansfield's assessment: "Cambodia is a whole new ball game. If we become involved directly or indirectly, it becomes a general Indochina war."

Since we obviously *have* become involved, not only indirectly but directly, it certainly gives every appearance of being a step toward a "general Indochina war." And the

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hard questions come immediately to mind. Why, and why now, of all times, when we are supposed to be paring commitments and scaling down involvements and concentrating on Vietnamizing Vietnam? The obvious argument is that this will remove a great thorn in our Vietnam effort and thereby hasten our exit from the scene—or at least prevent it from being delayed. That is what we were told about the bombing of North Vietnam, and it is no more believable in this instance. For one thing, we would need far better evidence than anybody has offered in advance of this decision that the South Vietnamese can clear out the Cambodian sanctuary; still less is there any evidence that they can keep it cleared out. Even if they could, what is to stop the North Vietnamese, in the meantime, from turning around and giving their full attention to the subjugation of Cambodia? And where does this end, if not in an ever-increasing effort to make good on Mr. Ronald Ziegler's ambiguous implication that we suddenly have an obligation to keep Cambodia neutral and out of Communist control?

Frankly it did not occur to us, when the President first announced his new, "low profile" approach to foreign policy that its first real application would come in the form of active American collaboration in a South Vietnamese invasion of Cambodia. But we are, perhaps, getting ahead of things; we await the President's explanation tonight of what is new, let alone even remotely promising, about this policy.

NEOSHO, MO.: INDUSTRIAL GROWTH

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. HALL. Mr. Speaker, some months ago I took a special order to commend the work of the Office of Economic Adjustment, Department of Defense.

The Director of the OEA, Donald F. Bradford, at my request had journeyed to the city of Neosho, Mo., on two occasions, and sent members of his staff on numerous other trips in order to prepare an industrial profile and district plan for that city. The reason for the project was the loss, some years ago, of Neosho's major industry the Rocketdyne Plant of North American Rockwell. The plant was closed following the phasing out of its liquid propelled rocket engines.

The industrial profile developed for Neosho contained a detailed charting of the course for that city's best industrial development strategy based on the economic activities and locational factors in today's national economy. Needless to say, the suggestions proposed by the OEA are being implemented.

Prior to that, Neosho, realizing the need to go ahead on its own, had made a remarkable effort to acquire new business and industry. An effort, I might add that has paid handsome dividends.

An in-depth look at the industrial development of the city of Neosho, Mo., its problems and its progress, was recently put together by Paul Tuomala, a reporter for the Joplin, Mo. Globe newspaper.

To those of you who might be interested in learning what one Missouri city of 7,500 hard working citizens can accomplish, I offer the following article:

VARIETY OF INDUSTRIES, SCHOOLS HAVE REPLACED FORT CROWDER AS BIG ECONOMIC FACTOR FOR AREA

(By Paul Tuomala)

The headline almost 18 years ago was big and bold: "Crowder is Made A Permanent Camp" . . . $1,980,000 outlay anticipated for new construction . . ."

On May 30, 1952, this announcement was big news, and meant a possible economic breakthrough for the area around Camp Crowder, just a few miles south of Neosho.

A big army camp during World War II, Crowder had sunk to enonomic lows around 1950. The news of a general buildup on the Southwest Missouri military reservation, named after Gen. Enos Crowder, a Missouri native, breathed new life into the speculation that someday Crowder would become a permanent, full-scale military operation.

For almost another six years after the big news break, Crowder struggled along, first as a processing post for inductees, then as a prison site, a so-called disciplinary barracks, for as many as 1,300 soldiers and airmen convicted of crimes from desertion to manslaughter to rape.

OLD HOPES

In mid-1956, old hopes were revived when the Department of the Army announced that Crowder no longer was a camp, but a fort. "Fort" Crowder had a definite ring of permanency and speculation was high that a big change was in the wind for the installation born out of the start of World War II.

Later in 1956, Representative Dewey Short was on hand for groundbreaking ceremonies for two new, permanent barracks that would be erected at a cost of approximately $1 million. Those buildings form the nucleus of the present Crowder College.

The bombshell exploded in Southwest Missouri late in 1957, when rumors were confirmed that the "permanent" Fort Crowder, with its "permanent" barracks, was to be closed early the next year. Closing the installation, the government said, would save U.S. taxpayers approximately $1 million per year . . . money that was needed for the country's young space program.

What it all boiled down to was that the area around Fort Crowder would lose approximately $1 million per year when the post closed. But that closing, with its damaging economic impact, has led to bigger and better things, and that $1 million spent each year then is a fraction of what Fort Crowder means to Southwest Missouri now.

In addition to a two-county supported junior college, which is doubling its physical plan this year with the addition of two new buildings, Crowder is home to as varied a group of businesses and industries as can be found in this area, ranging from eggs to airplane engines, from barbecue stands to mobile home frames. What closed in 1958 as a $1 million operation now represents jobs for hundreds of area residents, education for hundreds of area youngsters, as much as $13 million annually for the economy of the area.

Crowder College, a two-year school supported by patrons in Newton and McDonald Counties, was opened in 1964 in the two, three-story permanent barracks that housed Army troops for only a short time. Now, two new buildings, a vocational-technical area and a gymnasium-auditorium, are being constructed at an approximate cost of $800,000.

More than 500 students presently are enrolled at Crowder College, many of them preparing to go on for degrees at four-year institutions.

In addition to the funds spent by the college locally for supplies, food and equipment the salaries for teachers and other personnel provides a boost for the local economy.

The roar of rocket engines being tested by the old Rocketdyne plant at Crowder, a roar that could be heard for miles as a cloud of steam from the rocket blast rose hundreds of feet into the air, is no longer a part of the Crowder scene. But the plant that once housed Rocketdyne remains, occupied by a firm that not only means millions each year for the area's economy but also means added posture to the defense of the country.

Continental Motors now occupied the old Rocketdyne plant, and the facility, with a primary mission of overhauling and repairing engines for jet aircraft, means jobs for approximately 300 area residents and a boost to the area's economy in wages alone amounting to some $2.5 million each year.

Not far from the Continental plant is a recent comer to Crowder, the Buddy-L plant, where modern barbecue grills and toys are manufactured for sale across the country. The spacious, contemporary facility provides, employment for nearly 200 employes, who earn wages nearing the $2 million per year mark.

Buddy-L's newest industrial neighbor, soon to get underway as a full-fledged business on Crowder, is the La-Z-Boy Midwest chair manufacturing firm. The modern office building and plant is located just south of the Buddy-L facility.

An official of the La-Z-Boy estimates that the annual payroll of the company once it is in full swing will be approximately $1.2 million. The firm presently is hiring employes.

There is another school at Fort Crowder, and a traveler would have to cover many miles to find another like it. It's the Crowder Water and Wastewater Technical School, and in this age of emphasis on clean water and cleaner wastewater, the school is filling a requirement of society.

Approximately 50 students from across the country and some foreign lands are enrolled in the school's new 36-week program which just began this winter. Also each year, up to 10 short (two-week) courses are conducted as refreshers for personnel already in the field.

Also provided by the non-profit school is a 16-week "graduate" course for water and wastewater specialists. R. J. Benton, president of the school, says the school pumps an estimated $300,000 annually into the local economy, mostly through salaries. The school ordinarily has a staff of seven instructors and 20 administrative personnel.

The school is just completing a $100,000, locally-financed project of moving and setting up 25 mobile homes as housing for students and has renovated 16 buildings in the old bachelor officers quarters area by the golf course for dormitories.

One of the most far-reaching businesses on Fort Crowder is Mo-Ark Hatcheries, located by the south gate and the Neosho Memorial Airport, another big business.

The hatchery is a big part of the $10 million annual egg and poultry business of Southwest Missouri and is in business with more than 50 area family poultry farms. The number of employes and the amount of wages said fluctuates and is difficult to determine, according to a company official. But the annual contribution to the local economy is substantial.

EGG BROKER

In connection with area poultry business, Ray Bowers runs an egg "brokerage" at the former Fancy Fresh Egg Co. plant on the old reservation, and according to his figures, the brokerage processes an estimated $1.1 million in ungraded eggs annually. He said all of the eggs are purchased within a 50-mile radius of Crowder, with the largest amount resold in Texas. The brokerage has three regular employes in addition to Bowers.

Poultry and eggs are definitely big business in Southwest Missouri, and in addition to the MoArk firm on Crowder, there is also the

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Murphy Hatchery, located near the south gate.

A real lifeline to the Neosho area and nearby points is the airport constructed near the south gate, in the old prison area, in 1965. Presently being run by Mr. and Mrs. Jim Bell, the airport has 22 planes based at the facility, including three twin-engined corporation airplanes. The airport operates a charter flight service and an air taxi business.

According to Mrs. Bell, who handles the books, the airport invests an estimated $40,000 annually into the local economy through the purchase of supplies, including flight fuel.

Big Smith is a widely-known name in Southwest Missouri, and at Fort Crowder the company maintains a cutting service with a staff of 12 persons. The facility pays approximately $65,000 in salaries annually.

Mobile homes are big business in the Four-State Area, and as in many other businesses component parts for mobile homes come from various industries and are assembled at a central plant. The Holden Frame Co. at Crowder provides one of these services to the mobile home industry.

The plant opened for business in late 1968 with three employes, and now employs an average of 12 persons. It builds frames and wheels as the undercarriage for mobile homes and produces an average of 125 per month in various sizes. Cost of the frames runs from $100 to $700 depending on the size and 80–90 per cent of the frames manufactured at the plant are marketed within a 20-mile radius of Crowder.

The plant provides an annual income into the area through wages of $75,000–$80,000, according to Bill Brock, plant manager.

Since 1961, the Linde plant, located on land purchased from the Neosho Industrial Company in the northwest corner of Fort Crowder, has been extracting hydrogen and nitrogen gases from oxygen for industrial use. The plant presently employs an average of 30 persons who draw wages nearing the $200,000 mark.

Also located at Fort Crowder is Empire District Electric Company's construction headquarters for the Crowder area, and the Central States Walnut Log Processing Co., which receives black walnut logs cut in the Crowder area and ships them to foreign ports for the manufacture of walnut veneer.

WORKSHOP

Other establishments on the post contributing to the area economy include the Neosho Area Sheltered Workshop, the Southwest Missouri Vocational-Technical School and the Newton County Rural Fire Department.

Contributions from these departments are largely intangible. The fire department, for example, is a volunteer organization with no wages paid. Its monetary contributions stem from the local purchase of fuel and equipment for the department's use. The unit also contributes to the general well-being of the rural community by virtue of its existence and mission of fighting rural fires.

The sheltered workshop is an employment haven for a number of "unemployable" persons, handicapped either physically or mentally. The workshop subcontracts from local industries, involving services that normally would cost too much for the industry to pursue on its own. There is a monetary value to the community through the sheltered workshop, but its effect socially is rated of equal importance.

Students from several high schools in Southwest Missouri are taking advantage of the courses offered by the vocational-technical school located on the grounds of the old engineer area of the post. Included in the school's curricula are secretarial courses, electronics, woodworking, and air conditioning and refrigeration. In addition to the money spent locally by the school for material and supplies, the school is contributing to the social structure of the area's economy by training young persons in important skills.

There remain signs of the military at Fort Crowder, for it is here where some of the heavy equipment of the local Missouri National Guard units is stored and maintained. Old ranges and bivouac areas on the post's fringes are still being used for the training of National Guard troops.

Many years will pass before residents of Southern Missouri no longer will refer to the military installation in Newton County as Camp or Fort Crowder, although, in fact, it no longer is either. It holds a lot of memories of the past for many area residents, but it also holds the main key to the future for many others.

FATHER HILDNER—"MR. SOIL CONSERVATION"

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. HUNGATE. Mr. Speaker, at St. John's Church near Villa Ridge, Mo., on April 26, 1970, an impressive ceremony was held in honor of the late Monsignor George J. Hildner. Father Hildner had a great and distinguished career, perhaps well summarized in his epitaph: "Savior of Souls and Savior of Soils."

The ceremony was particularly honored by the attendance of the Archbishop of St. Louis, His Eminence, John Joseph Carberry. Among those paying tribute were Mr. John Wilder of Tennessee, president of the National Association of Soil Conservation Districts and Mr. W. L. Reavley, representing the National Wildlife Federation.

The principal address was given by the distinguished Senator from Missouri, the Honorable Stuart Symington, and its text follows:

Father Hildner—"Mr. Soil Conservation"

(Address by Senator Symington)

It is a pleasure indeed to be with you today in this great county, famous for its fine crops, livestock and communities, and also for its outstanding conservation leaders. Experience has taught us it is no coincidence to note that where good conservation methods are practiced, there is also prosperity.

Today we gather together to pay tribute to a remarkable man; one who was the "savior of both souls and soil," and who over the years consistently preached the value of soil and water conservation.

Perhaps nothing better can be said of a man than that his actions lived up to his words. Those of us who knew Father Hildner were familiar with his good words, but those words were always reinforced by his actions; and it is those actions which live as his monument.

Franklin County is today one of the most productive dairy and beef sections in Missouri. It produces some of the finest crops in our State. But things were not always that way.

When Father Hildner was transferred to St. John's Church at Gildehaus in 1934, he found his region still suffering from the Great Depression. All along the rutted county roads were small ramshackle farms—grey buildings with peeling paint, no plumbing and few livestock. The farmers were deeply in debt because it seemed that one bad crop would only follow another. We all know that when there is poverty in the hinterland, there is poverty in the towns and cities; and vice versa.

Father Hildner knew in his deep and compassionate mind that there had to be an answer, so he began to study modern farm methods to find out what could be done to repair the worn-out soil.

Although originally there was much opposition to his so-called "new fangled" ideas on terracing and contouring the land in order to keep the topsoil from washing away, planting trees to keep the rain water where it fell, gradually these ideas won acceptance. Through his vigorous leadership, many farmers abandoned the growing of wheat and other small grains, relatively ill-suited for hill-country, and began to convert to dairy farming and livestock feeding. The hillsides were seeded with grasses such as timothy and clover, and there was planting of corn and barley in the bottom lands.

Father Hildner's pioneer soil conservation efforts have had a very great deal to do with better economic conditions, both in this area, and over the years, in Missouri as a whole.

Throughout his life the good Father was a tireless champion of soil and water conservation, and it is significant to note that he was the first chairman of the Franklin County Soil Conservation District—the second district in the State of Missouri—a post which he held for seven years.

Missouri has been slow in forming conservation districts. In the last fifteen years, however, we have come a long way.

In 1955, there were only 32 districts in all of Missouri; but now, with the addition of Dallas, St. Francois, Greene, Hickory, and Camden Counties in 1969, there are 92 Soil and Water Conservation Districts, covering over 80 percent of the land area of the state. And I predict that before the end of the next decade there will be no more blank areas on the County map of Missouri. Every county will be in the conservation district column.

Today the role of soil and water conservation districts has never been more important. Ten years ago I read in a book entitled "Land, Wood and Water," written by the late Senator Robert Kerr of Oklahoma; and I later asked Senator Kerr, perhaps the last Senator to be born in a log cabin, "Why did you give it that title?" He replied, "Because my father once told me that if you took care of the land, and the wood, and the water, the rest would take care of itself."

Despite that implied warning, in many respects we have so far failed in that effort.

This is important, because by the end of the century, the population of the United States will require twice as much production from agricultural lands as is needed today, twice the wood from our forests, three times the water. Incident to the latter, the demand for recreation will triple.

Today, however, we are rapidly becoming a "have-not" nation with respect to many of our important natural resources.

At a time when our water needs have never been greater, pollution leaves increasingly large amounts of water unsuitable for either consumption or industrial needs. Water shortages, once largely confined to semi-arid regions, are now beginning to occur in the humid regions of the United States.

This is widespread misuse of our forest lands; and although we have more extensive reforestation programs than ever before, timber shortages occurred in many parts of the country last year; and this despite the construction slow-down.

Likewise, the "wrecking" of the land continues. This nation is being urbanized at a rate of 3000 acres a day—more than a million acres every year succumb to bulldozers, pavement, and buildings. Over one percent of the land area of the United States is now covered by roads and highways, creating gigantic new drainage and land use problems everywhere.

Fortunately, during the past few years there has also been a great awakening in

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America. Today the problem of our deteriorating environment and our diminishing natural resources has jumped almost to the top of the agenda of public concern; and I am truly confident that America's conservation districts will play a major role in the fight to preserve resources and restore the quality of our environment.

Since the beginning of time the brown waters of the Missouri River has rolled along on their southward journey to the Gulf of Mexico. Long before the first white man ever set eyes on the Missouri it was called in Indian dialect "the Big Muddy." Today, however, that Big Muddy, running through our State's heart and right along the border of Franklin County, is not nearly as muddy or sluggish as it once was.

The remaining discoloration of the water is caused by the heavy load of silt and sediment washed into the river along its winding course—priceless topsoil from farms in North Dakota, Iowa, Missouri, as well as a dozen other states.

Only recently have we started calling sediment "pollution," and although it is not as toxic or as unattractive as some pollutants, nevertheless it is still the largest single actual pollutant in the rivers and streams of this country.

Muddy water is mighty expensive. It costs over $250 million annually for the United States to dredge its harbors, rivers, and lakes. Silt fills in over a million acre feet of storage space in reservoirs every year—space constructed at an average cost of over $100 per acre-foot. It costs additional tens of millions to remove silt from water destined for municipal and industrial use, and the bill is footed by the taxpayer and the consumer.

In addition, eroded soil often contains pesticide residues which today we know can affect profound changes on cell metabolism and which have already done incalculable damage to fish and wildlife.

Modern soil conservation methods and orderly drainage schemes reduce run-off, and thereby, prevent erosion. This not only protects our water from pollution and spares our citizens millions of dollars in annual expense, but it keeps the soil healthy and productive. By reducing run-off, we also protect our crops and our communities from the ravages of disastrous flooding. This is of no small consequence since last year in the U.S. flood damages totaled more than a billion dollars.

The watershed program of the Soil Conservation Service is also an integral part of soil and water conservation efforts and is often indispensable to rural growth. Take the case of one rural county in nearby Arkansas which was about to lose its largest industry—a poultry processing plant—because much of the time there was not enough water to satisfy its needs. The situation was quickly remedied when a multiple-purpose lake was built as a part of a local watershed project.

Watersheds help to prevent both drought and flooding, and not only enhance the attractiveness of living in rural areas, but provide recreation for millions who would otherwise never have the opportunity.

Those of us here know that soil and water conservation "makes good sense"; but unfortunately at a time when Soil Conservation Service programs have never been more vital, they are being frustrated by inadequate funding.

The Administration's Budget request for fiscal year 1971 calls for 267.5 million dollars for the Soil Conservation Service, an increase of only 21 million dollars at a time of spiraling inflation and escalating costs. Put into perspective, the entire SCS budget for the coming year is equivalent to less than four days cost of the war in Vietnam.

As a result, the Soil Conservation Service's essential flood prevention activities have been cut by almost $3 million, and watershed planning monies have been reduced by $775,000. Most important, expansion of the soil and water conservation program in Missouri has been crippled by the absence of funds for new planning starts.

I can think of no finer programs which yield more for every Federal dollar invested than those of the Soil Conservation Service. Be assured, therefore, that I will continue my efforts to obtain more realistic funding for this agency. As a start, surely we can afford at least $500 million a year to support the good work of the SCS.

The elimination this year of the Agricultural Conservation Practices Program, administered by the Agricultural Stabilization and Conservation Service, was another blow to American agriculture and resource conservation efforts. In 1969, one half of all the low-income farmers in the United States receiving help from this program were in Missouri, and nearly one-third of all the funds appropriated for this program went to Missouri. Its elimination has brought great hardship to thousands of Missouri farmers and it is my firm and earnest hope that it will be restored to the Federal budget.

In conclusion, one of the lessons of history is that a nation is only as strong as its natural resources or its access to them.

When our natural resources—our land, our wood, and our water—are strong, then agriculture will be strong. When agriculture is strong, this nation is strong . . . and a strong America is the best hope for peace in this world.

Men like Father Hildner contributed much to the strength of America, both spiritually and economically, and we will not forget them.

America is certainly less for Father Hildner's passing; and as one man said shortly after his death:

"They say every man can be replaced, but this is one man that can't be replaced."

A BILL TO AUTHORIZE CERTAIN ADDITIONS TO THE SITKA NATIONAL MONUMENT IN ALASKA

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. POLLOCK. Mr. Speaker, today I am introducing a bill to authorize certain additions to the Sitka National Monument in the State of Alaska.

The bill authorizes the Secretary of the Interior to acquire by donation, purchase, or exchange, lands and interests therein on which the Sitka Russian Mission, the Blockhouse Hill Complex, and Old Sitka are situated. In addition, the bill redesignates the Sitka National Monument as the "Sitka National Historical Park" and directs that the park be administered in accordance with certain existing laws. The final section of the measure that I am introducing authorizes the appropriation of such sums as may be necessary to carry out the purposes of the legislation.

Mr. Speaker, my bill has a dual purpose. First, it is designed to preserve one of the last vestiges of the Imperial Russian presence in Alaska. During the Russian period, the city of Sitka was the largest and most important community in Alaska. The Russian-American Co. was located in Sitka for over 60 years, and the city was the focal point of the cultural clash between the Russians and Alaska's native inhabitants.

The second purpose of my bill is to promote Sitka's tourist industry, which is of great economic importance to the city. Located in a picturesque setting, Sitka is already one of the great tourist attractions in Alaska. If the expansion plan contained in my bill is implemented, it is very likely that many more people from all over the country will come to view Sitka's historical landmarks. Such an influx would be of great economic benefit to Sitka and to the entire State of Alaska. Moreover, those who come to the city will leave with an increased awareness and understanding of our Nation's history and the history of the great State of Alaska.

My distinguished colleagues, for the reasons that I have outlined above, I respectfully request your careful consideration of the legislation that I introduced today. Sitka is not a very large city by "lower 48" standards, but its historical treasures loom very large in the history of the dynamic and independent people of my State.

GOVERNOR EVANS KEYNOTES AIR FORCE ACADEMY ASSEMBLY

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mrs. MAY. Mr. Speaker, earlier this month, the Governor of the State of Washington, Dan Evans, delivered the keynote address at the annual Air Force Academy assembly in Colorado Springs, Colo. The topic of this year's assembly was "The States and the Urban Crisis."

Governor Evans not only covered the subject well, but his address, in my estimation, was truly outstanding. The Governor's message, moreover, is a compelling one which deserves widespread attention.

I include the address of Governor Evans to the Annual Air Force Academy assembly at Colorado Springs, Colo., on April 8, 1970, at this point in the RECORD:

KEYNOTE ADDRESS BY GOV. DANIEL J. EVANS

I come here today, prepared to address this impressive assembly on the urban crisis, in the full knowledge that my generation is the generation who thought the "Bronx Bomber's" was another name for the New York Yankees.

The task of urban government is not an easy one today. Take for example the telegram which my sometimes fellow Republican John Lindsay received from the New York city council during an illness that confined him in bed at Gracie Mansion:

"The city council sends its condolences and wishes you a speedy recovery—by a vote of 19 to 17."

Not more than two weeks ago, a young radical interviewed in Life magazine made this point with disturbing clarity. "We are not," he said, "reformists. We are revolutionaries. We are not out to frighten the establishment; we are out to destroy it."

Even without the bomb-throwers and the black flag anarchists, we have before us in this nation today, the visible evidence that some very important parts of our system are simply not working. The true lesson of the

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postal strike is not contained in arguments about its legality; it was patently and inexcusably a defiance of the law—the true lesson is contained in the deplorable condition of the postal system itself, this vital link of a modern society about to self destruct like the tapes in "Mission Impossible."

Tragically, the postal system is but one example. And—tragically—too many of the parts which are coming unglued are bound up in what we call the urban crisis—a term loosely used to describe the physical conflict of concentrating too many human beings in too small an area, with too many problems and too few services, at increasingly higher costs with increasingly lower standards.

These problems, however, are not new—listen to an account of London in 1858:

> The climax came in June 1858, when an exceptionally hot summer and unusually low rainfall combined to produce what all London knew as "The Great Stink". Parliament was in a good position to appreciate the nuisance, for the windows at Westminster had to be draped with curtains soaked in chloride of lime so that members could breathe. To cross Westminster Bridge it was necessary to hold a handkerchief firmly over one's nose and mouth and those who travelled on the river steamers suffered greatly when the paddles churned the water into stinking eddies. No one could face the refreshments offered on board, and few dared to travel at all in this way, so that the owners of these pleasure-craft found they were running at a loss, and laid most of them up. There was talk of moving the Law Courts to Oxford or St. Albans, and a Select Committee was set up to report on the Stink and to find means of its abatement. One ingenious witness, a Mr. Gurney, wanted to seal the ends of the sewers—there were 369 of them between Putney and Blackwell—and to lead the gas by means of pipes to chosen high points and then fire it so that it would burn away—he said—harmlessly. Gurney was particularly anxious to carry a pipe from the huge new Victoria sewer through New Palace Yard to the Clock Tower; this he was allowed to do, although a more practical engineer was able to prevent the subsequent explosion from utterly destroying the Clock Tower (and perhaps completing Guy Fawkes's plan). A more conventional remedy, the use of slaked lime in large quantities, and the coming of the rain cured the Great Stink, but it had served its purpose in awakening Londoners to the realities of their position and had even ousted the Indian Mutiny as the chief topic of conversation.
>
> Dr. Alfred Carpenter, who read a paper to the Society of Arts on this subject . . . advocated a tax on all fireplaces that did not effectively consume their own smoke.

For the last 30 years, we have systematically engaged in the non-productive exercise of trying to spend our way out of urban problems. We have authorized massive infusions of public capital—accompanied by equally massive levies of administrative expertise.

Yet, by any standard of welfare or by any measurement of poverty; by any standard of health care or by any measurement of pollution; by any standard of service or by any measurement of crime statistics—by *any* standard or measure we have turned our cities into a monstrous mess, a failure of gigantic proportions, a tragic fall from grace of one of the great hopes of American civilization.

It is easy to cast about for scapegoats—to engage in the great bureaucratic exercise known as "fixing the blame." We can blame the massive in-migration of the minorities and the massive flight of the affluent whites to the suburbs.

We can blame inadequate tax bases and inept administrations, constitutional impediments and vested political interests. We can blame rigid layers of bureaucracy, insensitive businessmen, super-sensitive social workers and oversensitive public officials.

In short, there is much to blame and many people to blame it on. And much of it is true.

But the problem is more than simply defining it. The problem is what do we do differently from what we have done so dismally in the past. How do we learn from history; how do we truly resolve the central dilemma of our cities—the focal point of our self-admitted "urban crisis."

To begin with, I think we have to accept some basic truths. The first of these is that you cannot draw arbitrary boundaries around the urban crisis. Urban problems are not an island of discontent in a sea of suburban tranquillity. Urban city and suburban city are tightly tied together; they are economically interdependent and socially related, and they exist as mutual tenants in a common metropolitan phenomena.

The second truth is that the present *system* of servicing the urban center—the core area—does not work. Not just the individual components, but the system itself—the organization and division of responsibility within the urban area.

We have proved—if sometimes to everyone's satisfaction except the government's—that large transfusions of Federal money and large drafts of government workers do not work.

The third basic truth is, hopefully, self-evident. Namely, that government, by and large, should confine itself to "governing" and not be involved so deeply and so completely in the task of "doing."

Government is ideally suited for the role of catalyst, and to carry out its mandate as the central political institution in our society. But at the risk of heresy—and very much related to the question of whether the state or any other government can resolve the urban crisis—government is not a good manager.

As Peter Drucker points out, it may be debatable whether we are a government of laws or a government of men—but we are most assuredly a "government of forms."

Government, almost by definition, is procedural; it dwells in mammoth exercises of accountability as the trustee of public funds. As a result, in accounting for every penny of taxpayer's dollar while synthesizing every shade of the taxpayer's opinion, government becomes large and cumbersome and addicted too often to bureaucratic form.

At least one public official who served the Kennedy and Johnson administrations used to pray that national crises would occur on Saturdays, so that the administration could manage them without benefit of the normal, weekday bureaucratic entanglements.

And Arthur Schlesinger, who once addressed this forum, has written of President Kennedy's semi-serious daydreams of establishing a secret office of 30 people to run foreign policy while "maintaining the State Department as a facade in which people might contentedly carry papers from bureau to bureau."

The point of all of this is simply that management of the urban crisis by government at any level—or at least by government alone—is something of a contradiction in terms. Government in our modern society—in a pluralist society of highly complex institutions should not administer; it should not "do"—it should govern, and govern well.

The solution to the urban crisis, I believe, rests largely outside the resources of government. It may even rest outside of the present institutional forms we now have at our command.

We have at least one isolated example of innovation outside present form which carries a spark of hope. Wesleyan University in Connecticut poured endowment funds into its own Hilltop Development Corporation, purchased land, built low cost housing as a private venture.

Now the Wesleyan experiment is hardly sufficient evidence to create a national mandate. But it does do this much—it suggests that if we can rid ourselves of some long standing myths about what business can do and what government can do and what universities can do—we may be on the track of a whole new concept of public enterprise. I believe it is in this direction—the direction of innovation and new ideas—that the ultimate solution to our urban dilemma lies. And it is precisely in this direction that we are beginning to move in the State of Washington.

It is not an easy task, because we are treading on tender feet and monolithic tradition. But if we do not pursue the difficult—we may yet strangle in our self-inflicted web of restrictive laws, hopeless finances and helpless bureaucracy.

Our first step at the state level was to draw together the best minds of government, business and the academic community and form them into an Urban Affairs Council. This council is primarily a research task force, funded and staffed to seek out and identify the root problems facing Washington in its urban areas.

The Council has done an admirable job—and a controversial one—and that makes it all the more admirable because when someone hollers "ouch" we know we are cutting close to the heart of the matter.

The second step, was the creation of a Rural Affairs Council. This group represents recognition of the principle that you cannot draw arbitrary boundaries around urban problems. Our rural areas are either the next areas to be engulfed by the urban revolution, or they constitute the geography for a new solution.

It is painfully evident that we cannot continue to coerce increasing numbers of people into urban concentrations—we cannot compress human beings, with all their frailties and frustrations, like sardines in a can without lighting the fires of violence and social disruption.

And so we must begin to look outward to the rural areas, the areas which offer the space to create new cities—cities which are planned and cities which are limited in size.

We have spent the last one hundred years in achieving remarkable economic progress by taking people off the farm and putting them into the factories. And for all that is wrong there is much that is good. We *have* succeeded in breaking many of the bonds of rural poverty; we *have* brought increasing affluence to tens of millions of people, including millions of our minority citizens.

But in the process of doing this we have come dangerously close to causing a malfunction of the social and economic system. We have threatened to sacrifice our cities as the heavy price of a magnificent but too often material progress.

What good is affluence if it magnifies prejudice; what good is it if we foul the air we breathe and the water we drink; if we immobilize our transportation systems and watch old buildings crumble from neglect and decay; if crime and drugs erode human behavior and institutions grow so large and dehumanized that they shatter man's respect for the individuality of his fellow man.

The great cities of the ancient world were small by today's standards. There are disturbing signs that the monstrous urban centers of today, like the dinosaur may be headed toward extinction because they could not cope with a changing environment.

These are the questions that face us all—the crisis not just of urban areas, but the crisis of modern American civilization. It is not a municipal solution alone, or a state

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solution alone, or a federal solution. It is not a government solution or a business solution; an urban solution or a rural solution. It is all of these together, but none of these apart.

And in accepting the indivisibility of the problem, we must begin to accept the inevitability of a total response—a response which does not perpetuate the concentration of people and does not perpetuate the concentration of power. A response which breaks down the emotional barrier between big business and big government, between organized labor and organized industry, between state governments and local governments. Until we reorganize our methods of attack—and unless we recognize that it is the *system* which is failing—we are going to spend a lot of long hot summers and chilling years waiting for the impossible to happen.

In King County, which is the largest in Washington, we have over 1,000 units of local government—second only to that of Cook County, Illinois. It seems incredible that in this modern age a situation like this could exist—a situation which some still call bringing government close to the people, but which, in fact, is an ill-disguised form of government by legal anarchy.

The state has a unique opportunity to play a role in resolving the urban crisis. Chief among these would be the impetus for merging local governments or providing for greater intergovernmental cooperation or, at the very least, for broader planning efforts. Specifically states should be considering implementation of regional or state-wide planning efforts and, perhaps, zoning as well, especially for unique or unusual geographic areas.

State-wide building codes should be implemented in order to provide standard and adequate approaches to new construction. County-wide or preferably regional sewer and water plans ought to be implemented which could supersede the individual efforts of small and unresponsive special unit districts.

Better area-wide cooperation of police agencies could be implemented as has been done in some areas of the nation. Better efforts could be implemented at the state level to bring together through proper planning and incentive, the working, living and recreational areas, thus minimizing the need for massive transportation facilities. Massive urban areas could be personalized by the implementation of community based organizations within each city that had a certain amount of authority but which worked as part of a larger whole.

Transportation systems, devised at the state levels, should be utilized as a major form of area-wide planning and community building rather than as an afterthought to serve traffic already generated.

The question is—do we have time in a superheated age of rebellion and frustration; do we have time to reassemble this colossal humpty-dumpty into a more effective system of fewer governments with broader powers.

But the second question is—do we want to? Or do we instead want to establish a new system by creating whole new institutions equipped to resolve the problems of this age. Not *that* age, but *this* age. Not *their* problems, but *our* problems.

Many of you have heard the term "reprivatization"—the restoration of private enterprise into the mainstream of public business; the turning over of the "doing," but not the "governing"—of public business to the one sector of our society that can be discharged if it fails.

Pete Drucker draws this sharp contrast:

"It takes a major catastrophe, a war, or a great revolution, to allow the disappearance of a university or of a hospital, no matter how superfluous they might have become. Again and again, for instance, the Catholic Church in the United States attempts to close down hospitals that have ceased to be useful. In almost every case a storm of community nostalgia forces the supposedly absolute bishop to retract his decision.

"But when one of the best known airplane manufacturers in the United States, the Douglas Company, was in difficulty in 1967, neither the American public or the American government rushed to its rescue. If a competitor had not bought out the company and merged it into his operations, we would have accepted the disappearance of Douglas—with regret, to be sure, and with a good deal of nostalgic rhetoric, but also with the feeling "It's their own fault, after all."

The point I think is clear—that business, precisely because it does make a profit *must* run the risk of a loss. It alone among institutions has a test of performance, and if it fails to meet that test, it can be discharged.

Reprivatization is hardly a popular doctrine in this country, for we have virtually two generations teaching the gospel of the public agency. The Communications Satellite Corporations are few, and the U.S. Post Offices are many.

But I believe we may be approaching the time when the doctrines of the past must be reexamined; when we must separate the emotional rhetoric of public responsibility from the desperate need for public performance.

The reinvolvement of the private sector will not weaken government. It should, instead, restore strength and performance capacity to what has become sick and incapacitated government.

In Washington, on a state level, we are taking the third step—the step beyond defining the urban problem and its rural complement. We are now beginning to examine seriously with business how industry, the universities and government can unite their resources for a combined attack on contemporary problems. The first manifestation of this is likely to be a multiple-discipline "think tank" organization—a public affairs institute which offers its joint resources to the public.

But I can foresee the time—and very shortly—when public corporations emerge from this experiment, corporations subscribed to by private business and public institutions. And I can see, through them, a whole new perspective on the resolution of our urban problems.

It is heretical doctrine, but I think it is high time that we did some heretical thinking in this country. Too often we have become enslaved by what John Kenneth Galbraith called the "conventional wisdom"—a propensity to worship the forms of our ancestors, and to believe in systems not because they work but because they exist.

I hope that this assembly does not bind itself with the bonds of precedent, that it does not become fascinated by the details at the expense of the principle. The cities of this nation are in trouble; they are being whipsawed by a conglomerate of problems, by a rising tide of frustration and by the over-burdened, under financed but somehow sacred anachronisms of government.

We cannot purchase the future of the American city. We cannot beg it. But we can, if we will, find a new way.

There is no better time, no better place, no surer road, no greater task, no greater goal.

We will either reorganize the failure of the past or we will build for the success of the future. I know where I stand. I think I know where you stand, too. Thank you.

RUSSIAN MILITARY STRENGTH

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. KING. Mr. Speaker, at a time when there are some in this country who would deny everything to the military forces, I think it is imperative that we examine the military strength of Russia. It is one thing to base decisions on facts; it is another to base decisions on wishful thinking. I believe the article which appeared on page 36 of Time magazine of May 4, 1970, is so important that I commend its reading to every Member of this body. For this reason, I am inserting this article in the RECORD:

MOSCOW'S MILITARY MACHINE: THE BEST OF EVERYTHING

While Moscow was celebrating Lenin's centennial with pomp and rhetoric, the Soviet military marked the occasion in a more dramatic way. Fanning out across three oceans and nine seas, more than 200 Soviet warships staged the greatest naval maneuvers in the world's history. At the same time, hundreds of medium- and long-range Russian bombers ventured far beyond the borders of the Soviet Union. The U.S. reported 500 separate sightings as far apart at Japan and Iceland.

It was an impressive display. As part of Operation *Okean* (for ocean), an attack force of eight vessels built around the new 18,000-ton helicopter carrier *Leningrad* moved through the North Atlantic toward the Norwegian Sea. There, two larger Soviet task forces lay in wait to conduct a mock defense near the straits of Skagerrak and Kattegat, the approaches to the Baltic. In the Mediterranean, 45 ships conducted antisubmarine exercises. From the icy Barents and Okhotsk seas to the warmer reaches of the Indian and Pacific oceans, sleek Russian cruisers and black-hulled submarines carried out simultaneous exercises.

During the past eight years, the Soviets have been engaged in a massive and costly military buildup. They have been motivated both by a desire to overtake the U.S. and by deep fear of a possible war with China, an anxiety that is certain to intensify with the launching of Peking's first satellite. At home and abroad, the Russian military has become an increasingly important factor. In foreign policy, the Soviets are relying ever more on military presence and displays of armed might to tighten their control over East Europe or to influence uncommitted countries farther afield. Within Russia, the military's immense influence has been greatly enhanced by the threat of war with China and the Czechoslovak invasion. The importance of the military was only underscored when Communist Party Boss Leonid Brezhnev flew to Minsk recently for the massive Dvina maneuvers, and stood on the reviewing stand alongside Defense Minister Marshal Andrei Grechko, 66. The unmistakable message for Soviet televiewers was that all was harmonious between the chiefs of the Communist Party and the military establishment.

GUARANTEEING ALLEGIANCE

An austere, erect, onetime cavalry commander, Grechko has become the Kremlin's most effective enforcer. As Soviet commander in East Germany in 1953, he put down the first East bloc revolt against Communism. In 1968 his forces put an end to Czechoslovakia's "Springtime of Freedom," and he personally visited Prague the following year to oversee the removal of Reformer Alexander Dubcek from the leadership of the party. Czechoslovaks bitterly refer to the bullet-pocked facade of Prague's National Museum as "a fresco a la Grechko."

From his office in the former Czarist Cadets College just off Moscow's broad Kalinin Prospect, Grechko directs a mammoth military machine that employs 3,220,000 people, commands the talent of the Soviet Union's best technical brains, and annually spends an estimated $70 billion. Thus, even though the Soviet gross national product is only two-thirds as large as the U.S.'s, Russia virtually matches the U.S. ruble for dollar in defense outlays. Through a network of some 15,300 advisers, Soviet military influence reaches directly into many countries far beyond the East bloc, including the two main U.S. trouble spots, North Viet Nam and Cuba. Under the Warsaw Pact, Soviet troops are stationed in four Eastern European countries to guarantee their allegiance to Moscow.

Within the Soviet hierarchy, Grechko speaks directly to the political leaders without any civilian intermediaries to challenge his recommendations. At least once a month, he meets with the Politburo's defense subcommittee headed by Brezhnev. Their relationship is believed to be extremely cordial, if not close.

DUTY AND SACRIFICE

Brezhnev's concern with the military is understandable, because the Soviet military establishment exerts a far greater influence on Russian life and on the formation of Soviet public opinion than is generally realized in the West. The Soviet Defense Ministry runs one of Russia's largest publishing houses, which turns out 15 million copies of pamphlets and books each year. In Moscow alone, the Defense Ministry publishes no fewer than 40 periodicals and newspapers. *Red Star*, the official army newspaper, trails only *Pravda*, *Izvestia* and the trade union paper *Trud* in circulation in the entire Soviet Union.

From his earliest years, a Soviet child is exposed to the influence of the military. Soviet schoolchildren are raised on films that glorify the concepts of duty and sacrifice for the homeland. Sample: During World War II, a 13-year-old boy runs away to the front, and by the time his age is discovered, he has become a hero by spying behind German lines. His reward? Despite his tender years, he is allowed to remain at the front. Schoolchildren are regularly escorted by military guides on tours of World War II battlefields.

PARTY CONTROLS

The 1967 draft reform, which reduced the length of service by one year, expanded compulsory military training for teen-agers. During the last four years in high school, Soviet officers and reservists teach Russian youngsters how to put on a gas mask, attack a bridge and kill a sentry. The students also learn how to fire automatic rifles and perform basic infantry tactics. In addition, they master at least one handy military skill, such as operating a radio or riding a motorcycle. Some boys even learn how to parachute, fly aircraft and use scuba diving gear.

With its vast organization and rigid hierarchy, the Soviet military is a glaring contradiction of the early Communist belief that armies, like the state, would soon wither and die. When Lenin founded the Red Army of Workers and Peasants in 1918 under the command of Leon Trotsky, the force reflected its revolution origins. Rank was abolished, leaders were elected, recruitment was voluntary and orders could be questioned. Even so, as Washington Sovietologist Roman Kolkowicz points out in *The Soviet Military and the Communist Party*, some military characteristics asserted themselves, and all clashed sharply with Communist doctrine: the army's elitism *v.* the party's egalitarianism, professional autonomy *v.* subordination to idealogy, nationalism *v.* proletarian internationalism, heroic symbolism *v.* annoymity.

From the first, the Communist Party regarded the army as both a vital necessity—and a potential rival. During the civil war, political commissars had the power to countermand orders made by the military commanders, a practice that was not completely abolished until 1943. Grechko was chosen largely because he showed no signs of political ambition. In fact, Marshal Georgy Zhukov is the only general who ever openly expressed political ambitions—and the only military professional who ever served on the Politburo. He lasted a bare four months as full member of the Politburo before Khrushchev fired him for "Bonapartism" in 1957.

Today, 90% of the officers are members either of the party or of the Communist youth organization. Grechko and 22 other top commanders serve on the party's Central Committee as well. In the outlying military districts, the commanders almost always participate in the top party leadership of those areas.

Every company size unit of 150 or so men has its own political officer, who reports through a separate chain of command to General Aleksei Yepishev, the party watchdog. Each week the political officer conducts at least four hours of indoctrination for both officers and men. The KGB (secret police) also keeps a close watch on the military.

AN ELITIST ELEMENT

Within Soviet society, the army remains a distinct and elitist element (*see box, page 46*). Its role is greatly augmented because of the public's overriding preoccupation with security. Of course the Russians, who lost 20 million people in World War II, have a legitimate concern about defense. But the Soviet government and especially the military publications have intensified Russian fears by purposefully keeping alive the memories of World War II and the specter of a rearmed, vengeful West Germany. The Russians still regard themselves as endangered by enemies, notably China. Given such a national psychology, the military understandably gets largely what it wants for the country's defense.

One look at the shape of the Soviet military machine shows that Grechko and his colleagues get quite a lot, indeed. The lineup:

The strategic missile force, an independent branch in the Soviet setup, has grown dramatically. In 1965, the Soviets had only 220 ICBMs and were outnumbered more than 4 to 1 by the U.S. While the number of U.S. intercontinental missiles has grown only slightly to 1,054, the Soviet total is now roughly 1,350 and is still increasing by about 250 a year. The workhorse is the 1-megaton SS–11 (800 operational or under construction). But the Soviet missile that most alarms U.S. defense planners is the awesome SS–9 (220 operational, 60 launch sites under construction). The SS–9 is so powerful that it can carry a single 25-megaton warhead or three separate 5-megaton warheads, each capable of knocking out a hardened American underground silo. Thus U.S. Defense Secretary Melvin Laird warns that 450 SS–9s with triplet warheads could knock out 90% of the U.S.'s ICBM force. However, though the Soviets lead in the number and megatonnage of ICBMs, the U.S., with its larger fleets of H-bombers and Polaris subs, retains a substantial edge in the overall number of deliverable warheads.

The U.S. holds an even greater edge in the latest breakthrough in missile weaponry. That is the development of multiple warheads that are carried by a single missile. There are two types. The simpler ones are called MRVs (for multiple re-entry vehicles). They land in a pre-planned pattern, but they cannot be steered to widely separated targets. The SS–9 is of this type, carrying three warheads designed to land in a "footprint" similar to the layout of U.S. Minuteman silos. But the U.S. is already installing a much more advanced version of these weapons called MIRVs (for multiple independently targeted re-entry vehicles). Since each MIRV warhead has its own guidance system, a cluster of the weapons carried by one missile can hit an array of targets scattered over a wide area. While the Pentagon has evidence that the Soviets are testing MIRVs, it will probably take Moscow at least two or three years to perfect and install the devices. If the U.S. speeds up the conversion of its land-based ICBM and Polaris force to MIRVs, it can virtually triple its offensive capacity, but such action is certain to evoke a Soviet countermove, thus adding more momentum to the arms spiral.

The Navy, the world's second largest, has 465,000 men sailing 25 cruisers, 77 destroyers, 400 seagoing and coastal vessels, 280 minesweepers, 150 Osa- and Komar-class boats, and 350 patrol craft. In addition, the navy has two new helicopter carriers, the *Moskva* and *Leningrad*. The Soviets also possess by far the world's largest undersea force—350 submarines, 80 of which are nuclear-powered. At the present rate of construction, the Soviet fleet of twelve missile-bearing nuclear subs could outnumber the U.S. fleet of 41 Polaris subs by 1973–74. The Soviet navy's ships are newer and often faster than the U.S. navy's; only 1% of Russian naval ships are 20 years old, while 60% of American vessels have been in service for two decades or more. Nonetheless, U.S. craft have superior electronic devices to detect and destroy enemy ships and planes. The Soviet navy's air arm, operating from land bases, includes 300 TU–16 Badger medium bombers and 50 TU–20 Bear reconnaissance planes.

The army, which was neglected by Khrushchev, has climbed back to 1,500,000, partly because of the China border dispute. Khrushchev's successors, who reversed his one-sided reliance on rocketry, have placed great emphasis on the modernization of the army. Now a mobile, fast-striking force, the army is fully motorized and possesses the world's largest array of tanks—about 40,000. Geared to fighting over vast continental masses laced by countless rivers, the Russians have far better mobile bridge-building equipment than the U.S., and many of the tanks are equipped with six-foot snorkels for fording rivers.

The air force is composed of 9,900 planes and 400,000 people. The Soviets have 200 strategic bombers that can make round trips to the U.S. There are some 700 medium bombers (range: 3,000 miles); the U.S. has had none since the B–47 was phased out. The Soviet tactical air force includes 4,800 planes, mainly attack bombers such as the YAK–28 and fighters (MIG–21s and SU–7s), which can be used for low-level bombing and strafing missions. There are also some 1,700 transport aircraft, including an estimated 20 of the monstrous Antonov–22s, which can carry 720 troops. Despite the Soviet advantage in numbers, most experts rate the U.S. Air Force superior to the Russian in every important category because of superior U.S. equipment and pilot combat experience.

The air defense command, also a separate branch, has 500,000 men. It has 3,400 interceptor aircraft, mostly MIG–19s and MIG–21s, and a number of giant TU–114s, which patrol Soviet borders as early-warning radar aircraft. Long-range antiaircraft SA–5 missiles are installed on the Tallinn Line along the Gulf of Finland. Around Moscow the Soviets have deployed the world's first ABM system, consisting of 64 Galosh missiles, which carry a 1- or 2-megaton warhead and

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have a range of several hundred miles. Because the Soviets halted deployment of the Galoshes three years ago, many Americans felt that the system was being abandoned as technically unfeasible. The Pentagon maintains, however, that the Soviets have developed an improved version. In addition, the Russians have embarked on the nationwide installation of their Hen House radar stations (so called because they look like large rectangular cages), designed to track incoming missiles for the Soviet ABM system. The Pentagon cites the Soviet developments as a reason for pressing ahead with the next phase of the U.S.'s Safeguard program. Should one side develop an effective ABM system first, it would upset the balance of nuclear terror. In the dreadful scenario of nuclear war, the country that first has ABMs might be tempted to launch a nuclear attack against the other side, since it would itself be protected from the stricken foe's retaliatory strike.

FILCHING APPLES

In research and development, the Soviets now spend $16 billion v. the U.S.'s $13 billion. Much of this effort is defensive. To blind American radar, the Soviets have developed a metallic radar chaff that forms an impenetrable curtain in the air. When the invasion of Czechoslovakia began, the Russians used this "metallic mist" to blind Western radar while Soviet transports swept into Prague airport. The Soviets are working on an anti-satellite that can examine U.S. spies-in-the-sky and knock them down. They are putting into service a Mach 3 twin-finned MIG–23, primarily a bomber killer, and are developing three classes of quieter and faster attack submarines whose mission will be to seek out and destroy submarines. Also under development: a second-generation "coasting" or "loitering" ABM, which would linger in the anticipated flight path of an incoming enemy missile and pounce on it from above.

But the Soviet R&D effort is not all defense-oriented. The Russians have developed a swing-wing bomber and a fractional orbital bombing system (FOBS), using ICBMs that are fired on a low trajectory and would approach the U.S. from its blind side: the Southwest, whose American radar coverage is still scant. At the Sary-Shagan test site in Kazakhstan, the world's largest missile impact range, the Russians are also developing a longer-range sub-fired missile for its new Yankee class submarines; one of them is already on patrol off the U.S.'s Atlantic coast.

Impressive as it is, the Soviet military has serious deficiencies. It lacks an efficient logistics system, as Czechoslovakia proved when Moscow had to press civilian trucks into service and when Soviet soldiers ran out of rations and water after a few days. Russian soldiers are trained, however, to live off the land; some did so in Prague by trying to filch apples from the garden at the American embassy.

Despite improvements, Soviet submarines do not run as deeply and quietly as U.S. subs and are thus easier to detect and catch. Soviet surface ships lack air cover when they venture outside Russian waters. The Soviet navy is now trying to remedy that failing through the installation of shipboard anti-aircraft missiles.

The Soviets have two other severe handicaps. One is the questionable reliability of their Warsaw Pact allies, who in the event of an emergency might not prove too helpful to the Communist cause. An even more serious failing is lack of experience. For better or worse, the U.S. has fought two major wars in the past two decades. An entire generation of Soviet officers and N.C.O.'s, however, have never been subjected to the crucible of combat.

For all its ominous overtones, the Soviet military buildup has had one positive result. If the Soviets had not gained parity with their old rival, they undoubtedly would have refused to participate in the Strategic Arms Limitation Talks (SALT), which started in Vienna two weeks ago. For the U.S. however, the question is when—or whether—the Soviets will halt their missile momentum. In his speech last week, Laird emphasized that if Soviet strength were to level off, Washington would not be alarmed. But if the Kremlin sought to move from parity to superiority, the Secretary of Defense added, the U.S. would have to launch its own buildup. It is no secret that Gerard Smith, the chief U.S. negotiator at SALT, and Secretary of State William Rogers would have preferred not to draw public attention to the Soviet buildup. But President Nixon felt otherwise and, as Laird explained privately, "if I don't give this speech, the President will have to."

Critics of the Pentagon, who recall past U.S. overreaction to a supposed Soviet bomber threat in the late '50s and an imaginary "missile gap" in the early '60s, fear that Laird is overdramatizing the Soviet menace. Senator William Proxmire, for example, accuses the Defense Department of resorting to scare tactics to coax more funds out of Congress. Many critics regret that the Nixon Administration refused to heed the Senate's advice to propose to the Soviets an immediate mutual moratorium on the deployment of defensive and offensive strategic weapons, including MIRV and ABM. As these critics see it, this approach would have involved no serious risks for U.S. security. Their argument is that the U.S. deterrent is capable of dealing with any contingency and that the Polaris fleet remains invulnerable to Soviet countermeasures. Thus, Moscow's missile buildup has not yet approached the point where it could alter the nuclear balance.

Yet, if a new action-reaction cycle is set in motion with the deployment of ABMs and MIRVs, the present balance of terror could be upset. Warns M.I.T.'s George Rathjens: "The American deployment of the MIRVs is not in our own national interest and is a threat to both countries." His point is that, as a countermeasure, the Soviets may feel compelled to link the firing of their own ICBMs to a radar warning system. That would leave the decision to launch with a machine, which could suffer a short circuit and set off World War III. Rathjens and many other American intellectuals, notably Columbia's Marshall Shulman, feel that U.S. security would be better served by holding off on MIRV deployments while trying to seek a mutual ban on the weapons with the Soviets at SALT.

Aside from SALT, the Soviet military surge worries U.S. and NATO defense planners because of the new flexibility it gives the Kremlin. Present Soviet military doctrine warns that the imperialists are plotting to unleash a nuclear war and stresses that the Russians must be ready to deliver "a timely rebuff to the aggressors." Despite this purposely vague formula, the Russians reject the idea of starting an unprovoked nuclear war themselves. As Sovietologist Raymond L. Garthoff, now an adviser to the U.S. delegation at SALT, pointed out in his 1966 book, *Soviet Military Policy:* "Communist doctrine *does* inject unusually strong hostility and suspicion into Soviet policymaking, but Marxism-Leninism does not propel the Soviet Union blindly toward war or the witting assumption of great risks." Communist doctrine does, however, impel them toward a global competition short of direct U.S.-Soviet warfare.

ECONOMIC DILEMMA

What will the Russians do with their power? For one thing, they may be emboldened to become less wary about facing down the U.S. in isolated instances abroad. Equally important, the U.S. may become more cautious about situations that could lead to a Mediterranean, a U.S. landing in Lebanon of confrontation. With Soviet ships all over the the 1958 variety would be virtually out of the question today. The main thrust of Soviet power, however, is almost certain to be toward undermining the confidence of U.S. allies in the value of American protection and to move into areas where the West's influence is either marginal or declining.

In Western Europe, the Soviets are attempting to capitalize on fears about the declining effectiveness of the U.S. nuclear umbrella and the likely departure of large numbers of U.S. troops. In this anxious situation, the Soviets obviously hope that their own growing power will persuade the Western Europeans to be less closely aligned with the U.S.

In the Middle East, the Russians now have some 12,000 advisers, and they have supplied the Arabs with at least $3 billion in arms aid since the 1967 Arab-Israeli war. Earlier this month, Soviet landing craft loaded with Egyptian and perhaps Syrian troops simulated a landing south of Tel Aviv, while some 50 Soviet warships were strung out across the Mediterranean from Libya to Greece as a blocking force against NATO fleets. A Soviet flotilla regularly patrols the Indian Ocean, until recently a British and American preserve, and Soviet naval activity in the Pacific has doubled in the past few years. Along the Sino-Soviet border, the Russians have doubled their troops to 300,000, brought up medium-range missiles (MRMs), and established a new area command to coordinate the defense efforts.

The Soviets have paid a high price for their military buildup. Though they have assembled an impressive array of military might, they have done so at the cost of neglecting important sectors of their economy. The heavy emphasis on defense spending is one main reason why large sectors of Soviet industry have lagged so far behind in modernization. The Soviets have given up a whole array of consumer goods that other people in other countries, even within Eastern Europe, take for granted.

In the coming months, Russia's military machine may well pose a crucial dilemma for Leonid Brezhnev. If he does indeed depend on the generals for vital support, he will naturally be extremely wary of cutting into military expenditures. On the other hand, since he has staked his political reputation on his ability to improve the Soviet economy, he will be under increasing pressure to carry out a reordering of Soviet priorities.

KEEP KITTERY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. KYROS. Mr. Speaker, one of Maine's best-known journalists, Mr. William Caldwell, recently completed a three-part series of articles regarding the Kittery-Portsmouth Naval Shipyard. These articles, which appeared in the Maine Sunday Telegram, April 12, 19, and 26, describe fully the historic and economic significance of this major shipbuilding facility. Most important, however, they also describe the strategic importance of this vital shipyard. With special thanks to Bill Caldwell for providing so much information in such a readable manner, I hereby insert this series of articles in the RECORD, in order that they may come to the attention of other individuals who share my concern regarding naval strength and the national security:

[From the Maine Sunday Telegram,
Apr. 12, 1970]

KEEP KITTERY! HOME TO 134 SUBMARINES

(By Bill Caldwell)

KITTERY.—The skilled welder shielded behind his welding mask; the pretty girl in personnel; the merchant in downtown Portsmouth; the technician working in a nuclear submarine hull who wears a film badge to measure the radiation he may absorb; the apprentice starting out—almost 8,000 persons inside Kittery Navy Yard, and thousands more outside the security gates, are all seeking answers to the same plaguing question;

"Will Kittery be closed in 1974? Or will President Nixon countermand the standing order to close Kittery, issued by McNamara six years ago?"

This question looms larger every day. It looms large not only in Maine and New Hampshire, but also in the White House and in the National Security Council, in the Pentagon, in the Congress—and inside Soviet Russia.

For upon the answer hinges not only our burning local issue of some 7,500 jobs and some $80 million a year in local payrolls and procurement. Upon the answer also hinges the greatest question of our time—"Is American nuclear strategy about to get a far-reaching overhaul? Is President Nixon soon to make a massive shift from land-based nuclear missiles to a sea-based deterrent?"

The Telegram will focus three successive articles upon first hand reports from the Navy Shipyard at Kittery. This first article deals with the yard's economic impact upon the people of Maine and New Hampshire; another will recount the illustrious 170 year history of Kittery Shipyard; and the third will deal with the role of submarines in nuclear war, and the imminent possibility of a major shift to maritime missiles.

That human model of machine management, Robert Strange McNamara, sometimes called "Mac the Knife", issued six years ago, in November 1964, a Defense Department order to close out the Kittery-Portsmouth Naval Shipyard by 1974.

McNamara resigned as Secretary of Defense some two years ago. And the Presidency has since changed. But that Order still stands today. And unless the Nixon administration soon rescinds the McNamara order, Kittery will close in 1974.

That, at least, is official navy doctrine. However, well informed sources close to the highest levels of official Washington are now beginning to lay small side bets that Kittery will be in the nuclear submarine business for many years to come.

Here at Kittery in April 1970, there is very little sign in material matters that Kittery is "phasing out", or that the McNamara order has been much implemented since he issued it almost six years ago. But there is human nervousness among the 7,600 people who work here.

Some of Kittery's highly skilled technicians have left already to work in other yards, where no impending ax may fall. Thousands of other workers are worried about their jobs. For in addition to the worry caused by the McNamara order to close Kittery by '74, the Nixon administration has recently ordered a 20 per cent cutback in Kittery's work force by July 1971. This order is indeed being carried out now.

But this "reduction in force" is an economy measure applying to all naval shipyards everywhere and is unrelated to McNamara's order to close Kittery. Nevertheless it is adding to the job jitters, since 1500 jobs must be abolished by next July.

The average hourly rate at Kittery is $4.05. The average yearly wage at Kittery is $9000; the average industrial wage in Maine as a whole is $6000. So it may not be easy to find as good a job nearby.

But the job-jitters are by no means at a panic stage here. Far from being "phased-out", Kittery is busy today. Her three dry docks are jam full. Five nuclear submarines are at Kittery now, undergoing overhaul, conversion, construction or refueling with nuclear energy.

Kittery is finishing the 292 feet, 4,600 tons submerged "Sand Lance", a $100 million plus nuclear submarine, the 134th submarine built at Kittery. Kittery is converting the Sam Rayburn from Polaris to newer Poseidon missiles, and overhauling the Kittery-built nuclear submarines Timaro, Dolphin and Albacore. Furthermore, the Navy recently announced that still another major overhaul and still another major conversion job are being scheduled for Kittery.

Such jobs can take up to 24 months, cost more than $30 million each. So there is plenty of life and work at Kittery now.

Last year Kittery did more than $100 million worth of submarine work. The volume booked for 1970 may be just as big.

None of these indicators point toward the closing of Kittery, the only Navy yard specializing 100 percent in nuclear submarines. And there are 87 nuclear powered submarines in the U.S. fleet now, with 6 more to be launched in 1970.

However because Kittery is officially under orders to be closed by 1974, Navy funds for needed maintenance of the Yard have been meager.

Nevertheless close to $3 million are now being spent on giving Kittery a new sewer plant; another million has been recently spent for a Radiological Control Facility, directly related to handling nuclear submarines; a further $1.3 million has been spent on steam lines and electric power distribution. All these funds have been spent in the past 36 months.

Training programs, which cost about $2 million a year, are continuing, future needs for submarine technicians is increasing; and it takes four years to train an apprentice.

In the Commandant's office, Capt. D. M. Kearns, who has worked in submarines for 15 years, parries questions about the closing of his yard. "Look," he says. "I am a naval officer. My job is to carry out whatever orders the Navy Department gives me. And the order which stands now is that Kittery closes in 1974. So I cannot discuss anything else."

Among civilians in Portsmouth's business section, the attitude is radically different. Banker Arthur N. Berry, president of the Portsmouth-Kittery Armed Forces Committee, is eager to spell out how the citizens and the businesses of the area are fighting hard to keep Kittery open and to get the McNamara order to close the Yard rescinded.

This committee has some 4,000 individual members, is supported by contributions from shipyard workers, from businesses in 40 towns of the area, and from communities. From the $50,000 or so raised each year, the Committee maintains lobbying offices in Portsmouth and Washington, D.C.

The Washington office is headed by Rear Admiral Joshua W. Cooper, USN (Ret) who receives $20,000 for salary and expenses. An additional $25,000 taken from reserves, was spent in the past 12 months for public relations. Other operating expenses last year included $2200 of stationery and postage, $1250 for meals and travel and telephone, $10,000 for secretarial and administrative costs, $2500 for staging a membership drive.

In the past five years, the Committee has received $104,115 from business firms in 16 towns, $121,768 from shipyard workers and $40,770 from nearby municipalities. "We are fighting hard and well in a cause we know is right . . . right not just for this area, but for the defense of all the United States", says Arthur Berry.

Maine supplies about 42 per cent of the entire Kittery work force. There were 3200 Maine-held jobs out of the 7650 total in December 1969.

The Maine payroll at Kittery totalled $30,735,000 in 1969. A town by town analysis shows that the following Maine towns benefitted principally from employment at Kittery.

Maine	Workers in Kittery yard	Payroll
Town:		
Berwick	82	[1] $738,000
Biddeford	457	4,113,000
Eliot	277	2,493,000
Kennebunk-West Kennebunk	105	945,000
Kennebunkport	45	405,000
Kittery-Kittery Point	896	8,864,000
Lebanon-E. Lebanon	28	252,000
North Berwick	52	468,000
Old Orchard Beach	63	567,000
Portland-South Portland	70	630,000
Saco	187	1,683,000
Sanford-Springvale	306	2,754,000
South Berwick	183	1,647,000
Wells-Ogunquit	132	1,188,000
The Yorks	361	3,249,000
All other	171	1,539,000
Totals	3,415	30,735,000

[1] Based on average $9,000 annual wage.

Note: Actual average is $9,351 in 1969.

In addition, navy personnel residents in Maine received pay totalling another $600,000, and the Kittery Yard made local purchases in Maine amounting to a further $700,000. Thus the Kittery Yard funneled $30 millions into the Maine economy directly.

By comparison, New Hampshire received a total of $39.3 million, and Massachusetts $8.9 million.

Because of federal operations at the Naval Shipyard, school districts in the area received substantial federal aid in 1968 to impacted school districts.

York County, Maine, received over half a million dollars, with Kittery getting $190,000, Eliot and So. Berwick getting $83,000 and York getting $75,000.

Rockingham County, N.H. received in all $1½ millions, and Strafford County $350,000.

Portsmouth itself was the largest single beneficiary, getting $975,000 of federal aid to its schools.

Outside the shipyard itself, the Portsmouth-Kittery Armed Services Committee estimates Kittery Yard generates 5000 jobs in the area. This Committee also estimates that the taxable property owned by shipyard employees has a value of $75 million.

For 170 years, from the War of 1812 to the Nuclear contest today, Kittery has been a vital source of American naval strength. "The Yard" and Maine and New Hampshire are bred into each other's bloodstreams for seven generations. "Keep Kittery!" is the slogan here.

[From the Maine Sunday Telegram,
Apr. 19, 1970]

"KEEP KITTERY!" A VITAL YARD FOR OUR NUCLEAR NAVY!

(By Bill Caldwell)

KITTERY.—The bad old news is that Kittery—Portsmouth Naval Shipyard—where 7500 Maine and New Hampshire people earn $70 million a year in paychecks—is under orders from former Secretary of Defense McNamara to close down in 1974.

But the good new news is that Kittery, far from closing down may surge into a new span of vigorous life. Kittery—170 years old, first shipyard of the U.S. Navy—may become a vital pivot point if a new American nuclear strategy now being weighed in the White House, is adopted by President Nixon.

The heart of the proposed new nuclear strategy is a plan to shift the United States

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from a land-based to a sea-based missile defense.

Under this plan President Nixon would disperse American's present land-based, fixed-site nuclear missiles to submarines, and would dispense America's land-based nuclear bomber force to mobile carriers at sea.

Reason for this proposed overhaul in strategy is that fixed-based Minutemen missiles and fixed-based bombers, once the keys of U.S. defense, are today becoming more and more vulnerable to destruction by new Soviet weapons, as documented later in this report.

In contrast to this growing vulnerability of land based missiles, new developments in American submarine design, submarine capability and weaponry, make U.S. nuclear submarines almost immune to detection. New emphasis on submarines is part of the new concept in nuclear strategy.

Since Kittery is the only U.S. naval shipyard on the Atlantic coast which specializes 100 per cent in nuclear submarines, these new developments may place Kittery in a wholly new light compared to the light in which McNamara viewed Kittery six years ago, back in 1964, and ordered the yard closed by 1974.

Since changes in strategy are made to meet changes in challenge, let us return to the documentation of the developing Soviet challenge. The challenge just ahead lies in the new ability of Soviet weapons to destroy America's land-based nuclear missiles and nuclear bombers located in known, fixed bases inside the United States.

This is the major reason for a proposed change-over by the United States to maritime nuclear missiles instead of land based Minutemen. Specifically, Pentagon planners cite the fact that the Soviet is expected to have 420 of its mammoth SS-9 missiles on the launch pads by 1975.

These SS-9 missiles, each capable of carrying at least three 5-megation warheads, are designed to destroy U.S. land-based Minutemen missiles sitting in their silos. Advanced Soviet missiles have a range of 6000 miles and an accuracy of hitting within three-tenths of a mile of their targets. Even a "thick" multibillion dollar ABM defense network to protect our Minutemen in their silos is likely to be inefficient and obsolete by the time the A.B.M. defenses are operational.

Hence the "old" strategy of reliance on 1,054 land-based missiles is becoming shaky. Hence the arguments for a shift to sea-based missiles are gaining supporters. Hence the logic of keeping Kittery, the U.S. Navy's most experienced nuclear submarine yard.

Another reason for shifting the emphasis of U.S. strategy to sea-based nuclear power is that new Soviet weapons may soon be capable of destroying many of our 450 long-range nuclear bombers on the ground at their airfields. This is because by 1975, Russia is expected to have a submarine fleet armed with missiles capable of annihilating U.S. bombers on the ground in a surprise attack.

The source for both these predictions is Secretary of Defense Melvin R. Laird.

In recent testimony to Congress this February Laird stated that the Soviets will be able to destroy 95 per cent of America's land-based missile force by 1975.

Thus the "old" strategy of reliance on land based, long-range nuclear bombers may be shifting to a new strategy of emphasing seaborne nuclear bombers aboard mobile carriers, as well as Polaris, Poseidon and ULMs missiles abroad submarines.

Nuclear-bomber carriers in turn would require nuclear attack submarines to protect them against Soviet attack submarines, a fast growing force in the Russian navy.

Kittery is experienced in building these types of underwater attack craft too, as well as building ballistic missile submarines.

In addition to Sec. Laird, another high Pentagon official has further documented in public the Nixon administration's awareness that new Soviet weapons endanger the "old" American strategy of relying on land-based missiles for defense.

He is Dr. John S. Foster, Jr., Director of Defense Engineering and Research.

In a statement to the Joint Armed Services Committee on February 26, Dr. Foster said: "We are not sure that the problems of land-based-missile survivability can be solved permanently. In the unfortunate case that they cannot, a backup is to place greater emphasis and independence on our sea-based missile forces . . . A major restructuring of the strategic forces may be necessary to insure survivability if the Soviet threat continues to grow along present trends."

This kind of "restructuring of the strategic forces" points directly to a larger, better armed nuclear submarine fleet. This is turn points favorably to Kittery.

No naval shipyard in the United States has so long and so concentrated experience in submarines as Kittery. Kittery has built 134 submarines, from the first in any U.S. Navy yard to the most-modern nuclear research submarines.

Briefly, here is an abbreviated history of Kittery "firsts" in submarines.

Kittery built the first submarine ever launched from a navy shipyard. This was back in 1917. And Kittery went on to build eight more submarines in World War I.

Kittery designed half of the entire U.S. submarine fleet in World War II. On a single day in 1944, Kittery launched four new submarines. Kittery had a work force of over 20,000 people at the peak of World War II, and produced 75 submarines.

Since World War II, Kittery has designed and launched the first nuclear submarine in any navy shipyard; has designed and built the world's fastest submarine (Albacore); has designed and built the world's deepest-diving submarine (Dolphin).

Kittery is now completing SandLance, the Navy's newest nuclear submarine to join the fleet, and is converting the Sam Rayburn from Polaris to Poseidon missiles.

Kittery has built 134 submarines; has 7,500 skilled submarine technicians; has drydock facilities for five submarines; has the only "Sound Detection" basin for submarines in any U.S. Navy shipyard; and has direct unobstructed swift access to the open sea. Kittery is one of only three U.S. navy shipyards on the East coast which is licensed by the Atomic Energy Commission to handle contaminated nuclear material. Kittery alone of all U.S. yards is the only yard 100 percent specialist in nuclear submarines. Kittery is also the spare parts and procurement center for the entire Atlantic submarine fleet, with an inventory of $45 million worth of submarine gear.

Two other important aspects of national defense strategy are hammered at in the position papers given to the National Security Council by the experts who advocate a new nuclear strategy based on maritime instead of land-based missiles and bombers.

One involves the future U.S. ability to deliver a devastating retaliation in case of attack.

Military sources in Washington estimate that only about 50 out of 1000 Minuteman fixed-base missiles might survive a Soviet attack on the U.S. silos. They go on to predict that these 50 surviving missiles will have less and less chance of reaching the Soviet targets at which they are pre-aimed since the Soviets are saturating with ABM defenses the perimeter through which such missiles must fly.

These sources say that U.S. land-based missiles targeted for the Soviet would have to travel through a global arc of only 32 degrees, and that this line of attack narrows down to only nine per cent of the Soviet defense perimeters. These corridors could feasibly bristle with anti-missile missiles. And shoot down our pre-tracked missiles fired from fixed bases in the U.S. But, say these experts, if U.S. missiles were perpetually travelling on or under the sea, the Soviets could not guard so effectively against this far wider arc of attack. The Russians would not know in advance the track such dispersed missiles would travel.

The other argument put forward by advocates more reliance on mobile maritime nuclear strategy involves the safety of the U.S. civilian population.

They argue that fixed-base Minuteman missiles within the U.S. automatically means that any Soviet or Chinese attack upon our missile force must also be an attack upon the continental United States, which means millions of civilian casualties.

The Soviet development of nuclear warheads with a 6000 mile range and with accuracy to within three tenths of a mile, has led Secretary of Defense Laird to tell Congress just two months ago:

"Should the Soviets follow a 'high-force, high-technology' approach during the next several years, they could pose not only an overwhelming threat to our cities, but also a very formidable threat to our land-based missiles and bombers."

Most of the vital considerations outlined in this article either did not prevail or were less pressing when McNamara issued his order to close Kittery back in 1964. Now the strategic situation has changed, the McNamara order may be rescinded.

If President Nixon decides in favor of the new nuclear maritime strategy being proposed at the highest levels in Washington, then the Kittery Yard, outstanding specialist in nuclear submarines may be far from closing in 1974. It may be surging forward as one of America's major bulwarks in a new nuclear policy.

[From the Maine Sunday Telegram, Apr. 26, 1970]

CLOSE KITTERY? NOT ON YOUR LIFE!

(By Bill Caldwell)

KITTERY.—"Would YOU close Kittery, today?" I put the question to a Navy officer who, until recent retirement, ranked high in the Pentagon's Intelligence hierarchy.

"Close Kittery today?" he replied "Not on your life! . . . Some years back, maybe. But not today—not on your life!"

Today . . . when the expanding Soviet fleet embarks upon the first global maneuvers in history.

Today . . . when the U.S. may be switching its whole nuclear shield from fixed bases on land to mobile ships at sea.

Today . . . when submarines, deep, silent, hard to detect, may be the only U.S. weapons not constantly targeted into Soviet weaponry.

Today . . . when a $44 million research program for Underwater Longer Range Missiles is before Congress.

Today . . . when the Chairman of the House Armed Forces Committee insists upon a $300 million addition to the Navy's $2.7 billion ship building program.

Today . . . when Melvin Laird, Secretary of Defense says that 95 per cent of our land based missiles might be wiped out in an attack by Soviet SS-9's.

Today it is President Nixon and Defense Secretary Laird, and Navy Secretary Chaffe (formerly Governor of Rhode Island) however—and not President Johnson and Secretary McNamara—who will decide whether Kittery-Portsmouth Naval Shipyard is to close in 1974 or to stay open.

How differently will they see Kittery in the light of today's facts of Soviet and American nuclear capabilities? Six long years ago LBJ and McNamara, with different facts to go by, ordered that Kittery be closed by 1974.

The first article of this series told how the closing of Kittery could throw 7,500 Maine and New Hampshire people out of work in the yard; how they would lose $80 millions a year; how 35,000 men, women and children

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would be affected in the area by any shutdown at Kittery.

The second article in the series spelt out how much nuclear and submarine know—how the Navy would lose if Kittery-Portsmouth, the foremost nuclear naval yard in the nation, were closed down.

This third and last article is totally different, unconcerned with strategy and economics.

Close Kittery?

The man who locks the gates on Kittery will lock the gates on the first and oldest shipyard in the United States Navy.

Kittery (or Portsmouth as they call it everywhere but Maine) has been a U.S. Navy Yard for 170 years.

On June 12 back in 1800, in the term of John Adams, second President of the United States, the government paid the sum of $5,500 to William Dennett for a 58 acres island in the Piscataqua River on which was established the first shipyard in the history of the United States Navy.

"See, here is the original map", says Captain Donald H. Kern, USN, the Commandant of the Yard in 1970. The brown parchment hangs on the paneled wall of Kern's big, barren office (one sheet of paper, one sharp pencil on a vast desk). "Note the handwritting in the bottom left corner" says Capt. Kern 15 year a submarine expert.

Under the heading of "A Plan of an Island in the Piscataqua River as a Navy Yard" is the hand-drawn map, and the hand-written notes "Mr. Humphries will mark such places as he thinks proper for a Stone Store, a House, and Rope Walks" signed Jacob Sheafe, Navy Agent.

Now, 170 years later the Stone House and the Rope Walks have become $100 million of buildings, drydocks, and millions more of submarine and nuclear technology.

Close Kittery?

The man who closes Kittery closes the Yard which built the 74 gun ship - of - the - line "Washington" back in 1815, a year after the British burned the White House, five years before Maine got statehood. He closes the Yard where 2455 men worked at shipbuilding in the thick of the Civil War and launched 26 ships, including two iron-clads and 18 steam sloops. Among those Kittery ships was "Kearsage", who defeated the confederate raider "Alabama" in a most memorable sea battle.

Close Kittery?

The man who closes Kittery closes the Yard which was home to the U.S.S. Constitution, most famous ship in all the U.S. Navy. "Old Ironsides" became Kittery's own Receiving Ship. "Don't give up the ship" has been in Kittery's bloodstream most of 100 years. And the man who closes Kittery will close the door on Admiral Farragut, the most famous sailor in the U.S. Navy. Farragut died at Kittery in 1870, in the same house where Kittery's commandant lives in 1970.

War ended at Kittery too. At 3:47 p.m. on 5 September 1905, in the Administration Building at Kittery, the envoys of Japan and Russia signed the peace treaty ending the Russo-Japanese war.

Close Kittery?

This is the Yard where the first submarine the U.S. Navy ever built was launched in 1917. And let today's Congress relish the fact that Kittery delivered that submarine for less than the price forecast.

Between 1917, in World War I, and 1941, before America got into World War II, Kittery built 33 new submarines, repaired scores of old ones, including Free French and British.

In World War II, Kittery designed more than half the whole U.S. submarine fleet. In three years, 1941–45, with 20,466 men in her Yards, Kittery produced 75 new subs, repaired or remodelled more. On a single day, January 27, 1944, Kittery launched four submarines. Kittery skills cut production time from 469 calendar days per submarine in 1941 down to just 173 days in 1944.

Close Kittery today? At the moment nuclear subs are becoming the first line of defense.

The man who closes Kittery closes the first naval yard to build a nuclear submarine, the Swordfish, in 1958.

Kittery also built Sea Dragon, the first submarine to sail under the polar ice cap.

Kittery also built the world's fastest submarine (Albacore) and the world's deepest diving submarine (Dolphin).

Today Kittery is building Sandlance, newest of nuclear subs. More than 134 submarines have been built at Kittery; and today Kittery is the "home base" for repair, overhauls, spare parts, maintenance scheduling for the entire Atlantic submarine fleet. In her supply shops over $43 million worth of spares stand ready for submarines in trouble.

If Kittery is closed, where could her facilities, her know-how ever be duplicated? And at what astronomical cost in dollars? At what perilous risk in time spent?

Kittery is the only Navy yard in the nation which is a 100 per cent specialist in nuclear submarines; it is the only navy yard with its own Sound Basin—an essential; it is one of only three navy yards on the Atlantic coast which has full licenses from the Atomic Energy Commission for handling nuclear cores.

Close Kittery? Since McNamara issued the closing order six years ago, the cost efficiency of Kittery has improved, and the need for Kittery has increased. Hear the testimony of the Navy's top submariners:—

The Commander Submarine Force, U.S. Atlantic Fleet wrote: "Completion of Sam Houston overhaul (cost $30 million) noted as shortest overhaul achieved to date in any shipyard . . . cost of overhaul will be lowest of class . . . the results of quality, timeliness and cost are tributes to command, management, technical and craft skills of shipyard."

Rear Admiral Edward J. Fay says, after tests of deep diving by Kittery-built Dolphin "Kittery Naval Shipyard has been the bastion of 'deep capability' . . . every successful major increase in depth incorporated into an operational submarine . . . has been attained first in a Kittery Naval shipyard product."

Close Kittery?

"Not today . . . Not on your life!" said the Intelligence authority quoted in the first sentence of this report.

Yet today Kittery is still under McNamara's order to be closed in 1974.

But Kittery, being a Navy Yard, is owned and operated by the citizens of America, and not by any private corporation.

Therefore if you believe Kittery should stay in operation—for your life or your livelihood—let your voice be heard. Write to Senator Margaret Chase Smith of Maine. She is the ranking Republican on the Armed Services Committee, she holds seniority on the Appropriations Committee and Space Committee. Or write to Secretary of Defense, Melvin Laird, at the Pentagon. Or to President Nixon at the White House. These are the men who will soon be deciding whether your Yard will be shut down after 170 years service, or will continue as a bastion in America's nuclear defense.

LETTER TO SECRETARY OF DEFENSE LAIRD

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. LONG of Louisiana. Mr. Speaker, one of my constituents, Sfc. Robert D. Hanks of Pitkin, La., now serving at the U.S. Army Garrison in Carlisle Barracks, Pa., supplied me with a copy of a letter he has written to Secretary of Defense Melvin Laird, in which Sergeant Hanks reviews his Army career. This letter I believe will be of interest to all Members of Congress, and I offer it for insertion at this point in the RECORD. The letter follows:

Hon. MELVIN LAIRD,
The Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: In a few months I shall be leaving the United States Army, retiring as a Sergeant First Class after 20 years of active service. It is with mixed emotions that I do this, especially since I did not particularly wish to retire. The change of attitude came with the realization that reality in the Department of Defense lies a considerable distance from the fine ideals you set forth in your declaration of Human Goals. I, like many others in the service, saw it everyday on the back of the Department of Defense telephone directory for the Winter 1969–1970. Unlike many others, I finally read it. But please indulge me a few minutes from your pressing schedule to explain. I feel that what I have to say is something that needs to be said. Perhaps because of the saying, some measure of good toward the attainment of your goals will derive to the Department.

After completing high school in 1948, I set out to earn my living. My family was in rather straitened circumstances and higher education was not even a dream to me. Then came the Korean War and as a citizen I volunteered for the Army and for duty in Korea. I served under fine officers who, even in the hectic press of preparing us young recruits for the task at hand, took time to preach that education was the path to success.

When more peaceful time returned I remembered their urgings and began taking college courses during my off-duty time. Through my own efforts I became qualified as a translator/interpreter. This was my first success and my first lesson that such success could hinder my rise to a higher level of responsibility.

The success was the award of proficiency pay for working in a critical skill for the Army. The lesson I learned was that promotions were blocked to me because some of my superiors were concerned that they should have good reports for ensuring that work they supervised was done efficiently and well. Because of grade and space authorizations in that unit, my promotion would have meant a change in jobs. This they were unwilling to do.

Still, I continued with my schooling (and got married, too!). Finally I received the Bachelor's degree with honors. Chief Justice Warren presented me an autographed copy of his book in recognition of this achievement. I began immediately to work for the Master's degree (a son now). Finally, a Warrant Officer was assigned to the unit. He decided the Army should live up to its promises of rewards through hard work and study and I got promoted. The unit was still able to use my skill as a linguist while I performed my regular duties as an intelligence analyst.

Boston University awarded me the Master's degree, my wife presented me a daughter, and the Army—well Vietnam was beckoning and I left for the Delta (for the second time) as an analyst. That tour completed I was assigned to Carlisle Barracks as the Chief (and only) Intelligence NCO. As such it became my special duty to advise and assist the other personnel engaged in security and intelligence work.

In August 1969 the Army started a Warrant Officer program for intelligence analysts and interrogators. Applicants were to be able to begin work without further schooling. Having gained considerable experience as an inter-

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rogator on my last tour in the Delta, I applied for both, the Order of Battle Technician being my first choice.

A board was formed here at Carlisle Barracks to pass on my qualification. All the members knew me; still, they were considering an applicant for a higher level of responsibility in the Army and they tested me thoroughly—one of the officers even tested my linguistic ability. They recommended me highly for an appointment as Warrant Officer and the application was duly forwarded. They, and I, felt certain I should receive the appointment.

To prepare myself, I began taking correspondence courses with the Army Intelligence School so that I could review the principles of intelligence and catch up on new trends and developments in the field. I have completed 75 credit hours so far and another 12 hour course exam is in the mail. In addition, I began teaching American History to a group of young soldiers who were trying to complete their high school education.

My application was returned with some vague wording about intense competition, etc., to the effect that I was not chosen for appointment. Now really, Mr. Secretary, how many enlisted intelligence analysts or interrogators who applied for a Warrant have a Master's degree and qualified in two foreign languages (read, write and speak!)? Experience? I worked at both in combat with little or no supervision. I realize the Army is not obliged to appoint me. I wonder, however, if this is how they attain your goals of striving to:

"Attract to the defense service people with ability, dedication, and capacity for growth;" and to

"provide opportunity for everyone, military and civilian, to rise to as high a level of responsibility as his talent and diligence will take him;".

I am now seeking a position as an Instructor in Political Science (yes, the Ph.D. will come too, after a while). When I begin my duties as an Instructor, I sincerely hope to be able to instill your goals in the minds of my students without lingering over the unpleasant reality I so recently met.

Thank you very much for your kind attention.

Respectfully yours,

ROBERT D. HANKS.

MAYOR LINDSAY'S BEEF LETTER

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mrs. MAY. Mr. Speaker, on Tuesday I called to the attention of my colleagues in the House a letter from the mayor of New York City, the Honorable John V. Lindsay, to the members of the New York City congressional delegation.

In his letter, the mayor charged that:

> The price of meat is kept artifically high because of a restrictive meat import formula which guarantees that demand will outstrip supply and which insures inflated profits for the nation's ranchers exacted at the expense of the nation's consumers.

I take strong exception to Mayor Lindsay's allegations, as I pointed out Tuesday, and I would at this time like to bring to the attention of the House a carefully researched and well documented response to the mayor's letter from Mr. Don F. Magdanz, executive secretary-treasurer of the National Livestock Feeders Association. I am certain that Mr. Magdanz' comments will be of interest to everyone.

At this point I also include in the RECORD an excellent statement prepared by the National Livestock Feeders Association entitled "The Truth About Processed Beef Supplies and Prices." This, too, will be of interest to my colleagues, I am sure.

The items follow:

NATIONAL LIVESTOCK FEEDERS ASSOCIATION,

April 24, 1970.

HON. JOHN V. LINDSAY,
Mayor of New York,
New York City Hall,
New York, N Y.

DEAR MR. MAYOR: As representatives of cattle feeders in the Nation—those who supply the bulk of the beef available to the Nation's consumers—we are literally shocked at the letter you wrote to the New York City Congressional Delegation and released on April 19. While we can appreciate your concern for citizens in the City of New York, we cannot understand why anyone in such a prominent position would make as many false charges as your letter contained, or show evidence of such a complete lack of understanding of meat supplies and prices.

When you refer to, "The highly inflated price of meat, particularly manufactured meat such as hamburger and frankfurters," you demonstrated conclusively that you have not researched the situation. In fact, you have made a completely inaccurate reference. The price of meat, (though it does vary from city to city, as well as supermarket to supermarket) and prices of live cattle have in no sense of the word gone up as much in the past ten years as costs of living in New York City, nor as much as hourly wages or incomes of your residents there.

In a later paragraph you admit to these "Substantial increases in necessary expenditures which are borne by the average citizen regardless of how much he wishes to economize or how carefully his wife shops in her local supermarket." Under these circumstances, Mr. Mayor, how can you justifiably reason that meat prices should not go up accordingly and consumers should balance off their other increased living costs with savings at the meat counter?

You mention the price of meat, fish and poultry in New York City has risen 18% in the past year. If this has occurred, let me remind you of the fact that the prices of live cattle from which beef is derived, have only belatedly been catching up with the price of everything else consumers buy including taxes you levy on your good people in New York for the cost of public services. Compared to 1960, the Government records show that by February, 1970, the average price per pound of choice beef at retail rose from 80.7¢ to 97.4¢ or 20.7%. In the same period, the average price of choice steers (based on Chicago) rose from $26.24 cwt. to $30.27 cwt., or an increase of 15.3%.

Meanwhile, the Nation's average cost of all consumer services (less rent), from 1960 to February, 1970, rose 46.3%, average nonagricultural hourly earnings rose 50.7%, average hourly earnings in construction rose 63%, and per capita disposable income went from $1,937 to $3,172, a whopping increase of 63.8%.

Still covering a ten year period, the per capita disposable income spent for food declined from 20% to 16.4%. With this lower percentage of income spent for food, consumers have been able to buy 110.7 pounds of beef per capita compared to 85 pounds in 1960, an increase of 30.2%. The truth of the matter is, Mr. Mayor, that beef has been a bargain for consumers compared to practically everything else they buy or the costs they must sustain.

You mention that "Meat is kept artificially high because of a restricted meat import formula which guarantees that demand will outstrip supply and which insures inflated profits for the Nation's ranchers at the expense of the Nation's consumers." The 1964 Meat Import Law was passed for the sole purpose of preventing foreign nations from carving up the domestic beef market and from flooding the domestic market with excessive quantities of cheap beef that would bankrupt the Nation's cattle feeders and ranchers. Their costs have gone up too, Mr. Mayor; up tremendously, just as acknowledged substantial increases in necessary expenditures which are borne by the average citizen in New York. Meat prices are not artificially high, as we have already demonstrated, and the demand has not outstripped supply as you contend. The nation's cattle industry has been increasing production consistently since 1964, not only in absolute volume, but also in per capita supplies from 99.8 pounds to 110.6 pounds. With the increase, the formula to which you refer allows a corresponding increase in imports making up a portion of the total supply.

You mention that this restricted meat import formula "Insures inflated profits for the nation's ranchers exacted at the expense of the nation's consumers." We challenge you, Mr. Mayor, to show us where these inflated profits among ranchers and cattle feeders of the nation do exist. The truth of the matter is, they do not, since their costs of production have risen far more than prices they receive and net returns they might realize. Frankly, you need to look elsewhere for inflated profits which may be improperly extracting income from the consumers of New York.

Yes, Mr. Mayor, it would be a gross exaggeration to suggest that the price of hamburger may some day be as high as a cut of Porterhouse, and frankfurters may become so expensive they will be considered a luxury unless something is done to relax or eliminate the Meat Import Quota Law. While supplying the Nation with an increased per capita supply of total beef since 1964, contained in that supply is an increased volume of processing type meat, such as that used for hamburgers, amounting to 49 pounds per capita in 1969 and compared to 44.3 pounds in 1964. Such a suggestion as you make could in no way occur by the most irresponsible stretch of the imagination and, despite the statement you wrote, I would be sure you realize this.

The contents of your letter, Mr. Mayor, which have received certain publicity throughout the country, have rendered a great disservice to the Nation's cattle industry, the largest single segment of the overall agricultural industry and one on whom millions of persons—not only operators, but processors, suppliers, financiers, transporters, distributors, etc.—depend on for a living. Not to be ignored also, are over 200 million consumers who rely on this industry for the finest food that is available to them.

Most consumers realize, we are sure, that under inflated circumstances existing today, they cannot expect to buy beef or any other meat products at lower prices while costs of all other items have risen substantially. I hope that upon examination of the facts, you will realize the incredibility of the charges and statements you have distributed.

Respectfully yours,

DON F. MAGDANZ,
Executive Secretary-Treasurer.

THE TRUTH ABOUT PROCESSED BEEF SUPPLIES AND PRICES

(By Don F. Magdanz)

This document is a sequel to that prepared by this Association on April 8, 1970, entitled, "The Truth About Beef Supplies and Beef Prices". Our statement of April 8 referred primarily to total beef supplies and over-all

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prices as well as the prospect for future production through 1975. This document is directed toward the production and availability of processing beef about which numerous inaccurate statements have been made recently both as to price and volume available.

OBVIOUS DISTORTION OF SUPPLY AND PRICE SITUATION

It is obvious that a determined effort is being made by the Meat Importers Council and by agents for foreign nations to distort the supply and price situation of processing beef in the U.S. In so doing, they are deliberately propagandizing the American consumer for the sole purpose of doing away with the modest import restrictions we now have. If these restrictions are relaxed, supplying nations could then load our market with frozen boneless beef and a relatively few local importers would benefit personally by handling a substantial increase in volume of product.

They obviously have no concern for our domestic beef industry and, while posing as great benefactors to American consumers, they have no concern for the future welfare of consumers. Should the domestic beef industry be crippled to the extent it cannot fulfill future requirements of this Nation as a result of expanded competition from foreign production, the beef supply would be in serious jeopardy since foreign nations could supply neither the quantity nor quality of beef desired by the growing and affluent population in the U.S.

In September of 1969 the Meat Importers Council of America, Inc., circulated a booklet entitled, "The Case Against Restrictions on Meat Imports." The booklet is full of misleading statements, twisted analyses and inaccurate conclusions, designed to propagandize the consumers of the U.S. The introduction contains the argument that, "The U.S. needs to supplement a diminishing domestic production of manufacturing-grade meats." The facts and records show that since 1964 we have had an increasing amount of processing meat available to consumers both in absolute quantities and per capita supply.

Seizing upon a short-lived bulge in cattle prices during mid-1969, the booklet refers to, "The highest cattle prices in U.S. history." This rise in price which did occur was of short duration beginning in April and ending the second week in June. Prices then receded to levels that prevailed in the first three months of 1969. Even at the highest point, however, live cattle prices had not reached levels that prevailed in 1952, eighteen years before.

Be that as it may, we wonder what is so wrong about beef cattle prices reaching their highest point in history in 1969. Certainly cattle were not the only commodity that attained highest prices in history during that year, since everything else also set record prices as the general price level climbed. By 1969 we had record hourly wage rates, record disposable income, record prices for consumer services, record payments of Social Security benefits, record welfare payments and the highest figures for practically everything that can be mentioned. How can anyone justify picking out cattle prices and condemn them for reaching the highest level in history, particularly when it was not true.

At another point, the booklet states, "It (imported fresh-frozen beef) is definitely not comparable to or competitive with American meats of higher grade which are used as table beef and classified as 'Prime', 'Choice' and 'Good'. While not necessarily being comparable to the better grades of beef being produced in the U.S., foreign beef is directly competitive with domestic supply because a great deal of processing beef is derived from our better grade animals. Furthermore, not all fed animals are finished to the choice grade and some of them do not even reach good grade. Moreover, processed meat products in the retail counters, such as hamburger or frankfurters, are definitely competitive with steak, ribs and roasts as consumers make their selection according to price as well as their particular needs and desires at the moment.

The argument that imports do not affect fed beef (and thus fed cattle prices) to any degree because such imported products are used primarily in the manufacture of processed products is ridiculous.

Also, the contention imports do not affect fed prices overlooks the very important fact that over one-half of the domestically produced processing meat comes from fed carcasses (See Table 2). This portion of beef available for processing has been steadily increasing, not only because larger numbers of cattle are being fed, but also because the grade standards were relaxed a few years ago requiring less finish for an animal to reach the Good, Choice and even Prime grades.

Beef is its own closest competitor regardless of the form in which it's marketed. Attempts are often made to draw a fine line between the factors which affect the fed market and the so-called cow or processing type market, and to treat these as two separate and distinct markets as far as price is concerned.

Such an analysis is not valid because there is a very definite and intertwined relationship among the various segments of the cattle and beef market. Any factor which affects one class of cattle or beef very definitely does not do so at the exclusion of the other classes. The above conclusion is logical in view of the very real competition between various cuts and/or products in the retail counter and the substitutability among classes of beef.

The unfair competition of foreign beef, however, does not stop with its infringement on the domestic cattle industry. It also competes unfairly in the market for other domestic meat animals and products such as hogs, pork, lamb, as well as domestic poultry and fish.

At another point the booklet argues, "It is largely the drying up of this domestic source of manufacturing meat and the soaring demand for convenience low cost meats which has made the importation of meat necessary." Again the record shows that the supply of manufacturing and processing meat in the U.S. is not drying up, but, as mentioned before, has actually increased. We could go on and on with refutation of statements contained in the booklet; however, that appears unnecessary. Let's examine the facts.

THE ACTUAL SUPPLY OF PROCESSING BEEF

Manufactured or processed beef from domestic production comes largely from two sources. First, there is the production of cow and bull beef, much of which is extremely lean because the animals slaughtered have been produced on grass and not in the feedlot. The other source is that portion of steers and heifers, both fed and non-fed, which is not sold as fresh beef cuts in the retail counter as table beef. Fresh beef cuts largely come from the loins, rounds, ribs and chucks. Much of the remaining parts of the carcass, including the plates, shanks, brisket and trimmings, wind up as ground fresh beef which may be sold as hamburger or is used in other processed products. Even part of the chuck may find its way into hamburger instead of being sold as chuck roasts, since prices of this particular cut are often comparable or close to prices received for hamburger.

Table I contains the figures to show the processing beef produced domestically from 1964 through 1969, which volume, when added to imported beef, gives the total supply of processing beef available to U.S. consumers.

The information in Table I clearly shows the increasing volume of processing beef from steers and heifers in the domestic slaughter from 1964 through 1969. In addition, cow and bull beef have been increasing since 1967, although by 1969 had not quite reached the highest figure in 1965. The last column in the Table adds the processing beef from steers and heifers, domestic cow and bull meat production, and the volume of imported beef (carcass weight equivalent) to show the total volume of processing beef that has been available to consumers in each of the six years. Note the steady increase from 8,519 million pounds in 1964 to 9,953 million pounds in 1969, an increase of 1,434 million pounds or 16.8%.

Table II below uses some of the same figures to show the per capita supply of beef in the United States as well as the per capita supply of processing beef, including that which is imported.

TABLE I.—COMMERCIAL DOMESTIC BEEF PRODUCTION—STEER AND HEIFER BEEF PRODUCTION—COW AND BULL BEEF PRODUCTION—DOMESTIC PROCESSING BEEF PRODUCTION—IMPORTS

[In millions of pounds]

	Total beef production [1]	Steer and heifer beef production [2]	Processing beef from steers and heifers [3]	Cow and bull beef production [2]	Imported beef carcass weight equivalent [1]	Total processing beef
1964	18,456	15,023	3,906	3,433	1,180	8,519
1965	18,693	14,457	3,759	4,270	923	8,952
1966	19,726	15,662	4,072	4,064	1,182	9,318
1967	20,212	16,478	4,284	3,741	1,313	9,338
1968	20,875	17,034	4,429	3,841	1,500	9,770
1969	20,953	17,150	4,459	3,880	1,614	9,953

[1] Livestock and Meat Statistics, Statistical Reporting Service, U.S. Department of Agriculture, Statistical Bulletin No. 333.

[2] Computed from total domestic beef production, steer and heifer slaughter, and cow and bull slaughter.

[3] Computed from domestic production of steer and heifer beef using accepted fact that 26 percent of all steer and heifer beef is used in processing and manufacturing.

TABLE II.—PER CAPITA SUPPLY OF DOMESTIC BEEF AND IMPORTED BEEF—PER CAPITA SUPPLY OF PROCESSING BEEF

[In millions of pounds]

	Total beef production [1]	Imported beef carcass weight equivalent	Total supply (—exports)	Per capita supply [2]	Total processing beef [3]	Per capita supply processing beef
1964	18,456	1,180	19,545	99.8	8,519	44.3
1965	18,693	923	19,525	99.3	8,952	46.0
1966	19,726	1,182	20,908	104.0	9,318	47.3
1967	20,212	1,313	21,437	105.9	9,338	46.9
1968	20,875	1,500	22,267	109.4	9,770	48.6
1969	20,953	1,614	22,485	110.6	9,953	49.0

[1] Livestock and Meat Statistics, Statistical Reporting Service, U.S. Department of Agriculture, Statistical Bulletin No. 333.

[2] National Food Situation, Economic Research Service, U.S. Department of Agriculture, February 1970—Page 15.

[3] From table I.

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Note that since 1964 per capita supply of all beef has risen from 99.8 pounds to 110.6 pounds. At the same time, the per capita supply of processing beef has gone up a like percentage from 44.3 pounds to 49 pounds. The contention there is a gap in the supply of processing beef in the United States is an absolute myth and cannot be supported or substantiated.

PROCESSED BEEF DEMAND IS "CREATED"

It has sometimes been stated that the principal reason for substantial increases in meat imports in the United States is the increased demand in this country for processed products. It must be realized that this so-called demand is a "created demand" and a larger tonnage which has moved from foreign nations is prompted as the result of offering a vast array of processed products to consumers, rather than any specific "call" from consumers for this type of product.

Instead, foreign nations desiring to export beef products have poured them into the United States and, along with the importers of these products, are now trying to convince United States consumers that they need more processed meat. They are also encouraging consumers to insist on the relaxation or elimination of import restraints.

SHORTAGE DOES NOT EXIST

If there is or has been a serious shortage of processing beef in the United States, why has not the retail price of hamburger, for instance, changed much more than prices of table cuts such as sirloin steak or beef ribs. According to Bureau of Labor Statistics the average price of hamburger in the United States during 1968 was 56.1¢ per pound. In August, 1969, when hamburger reached its peak price, the average was 65.6¢ per pound, an increase of 9.5¢ or 16.9%.

The average price of sirloin steak in 1968 was 119.5¢ per pound. During the highest month in 1969, which happened to be July, the average price of sirloin steak in the United States was 141.9¢, an increase of 22.4¢ per pound or 18.8%. If there was such a shortage of processing beef, as has been alleged, why is it that hamburger did not rise much more in price on the average than the example of sirloin steak that has been used.

By February, 1970, the average price of silroin steak in the United States did come down to 130.9¢ which was 11.4¢ per pound over the average in 1968 or 9.5% higher. The average price of hamburger did hold fairly steady at 65.3¢ per pound or 9.2¢ per pound over 1968, which was 16.4%. It's true that the price of hamburger did not decline as much as certain fresh table cuts, but neither did the price increase as much during the temporary price bulge in 1969.

If there is any validity to the allegation made by proponents for increased imports, why has not the price of hamburger gone up materially to reflect this contended shortage of processing meat? The truth of the matter is the shortage does not exist.

So far we've demonstrated there is no shortage in the normal sources of the supply of processing beef. There is still another source of beef available for sale as hamburger which tends to provide a ceiling on the price of hamburger. We refer to chucks from both steers and heifers.

For quite a number of years, the price of chuck roasts at retail has closely paralleled the retail price of hamburger at figures from 4¢ to 10¢ above. Furthermore, most of the time domestic boneless chuck is sold in the wholesale market for less than domestic boneless bull beef and at times is sold for less than imported boneless bull beef.

For example, on August 4, 1969, domestic boneless bull sold at $63.75 per cwt; imported bull beef was $62.50 and domestic boneless chuck was $62.75. On November 3, domestic bull beef was $60.00, imported bull beef was $58.00, and boneless chuck $57.50.

Continuing with examples, on February 2, 1970, domestic bull beef was $65.50, imported bull beef was $61.75, and boneless chuck was $63.50. On April 16, domestic bull beef sold at $68.00; imported bull beef brought $63.75, and domestic boneless chuck sold at $67.00.

CONSUMER DECEPTION

The National Livestock Feeders Association contends that those who are insidiously attempting to bring about relaxation of import restrictions and open the door for increased volume of foreign beef, are perpetrating a hoax on consumers of the United States, and are using it as a device to bring pressure on the Administration. This is a highly organized and carefully planned maneuver that should be stopped cold by complete exposure of the facts.

Table III (see Page 8) containing the record of frozen beef in cold storage at the first of each month since January 1968 vividly exposes the deliberate attempt to falsify the supply situation.

In 1970 foreign nations have been shipping us products (covered by the 1964 Meat Import Law) at the unprecedented annual rate of 1.3 billion pounds. This annual rate contains an estimated volume for March, 1970, of about 100 million pounds.

In so doing, an attempt is being made to show that this high rate of imports has little or no effect on our domestic market. There is more to the situation than meets the eye.

Column 4 of Table III shows the increased volume of frozen beef in cold storage as of the first of each month compared to the same month a year earlier. Note that on January 1, 1970, frozen beef in cold storage was 90.680 million pounds above January 1, 1969. February, 1970, was 121.321 million pounds above a year earlier, and March was 101.356 million pounds higher. Cold storage holdings of frozen beef in the last nine months of 1969 were only modestly above a year earlier with the exception of October which was 70.113 million pounds above 1968.

If there is such a terrific demand for processed beef, why is this much greater volume of frozen beef being held? We submit that frozen beef is being deliberately held out of market channels after it has been recorded as imported, in an attempt to force prices of manufactured products to go up, thus providing more ammunition to use in an effort to repeal the 1964 Act or prevail for the suspension of quotas once they might be put into effect.

TABLE III.—FROZEN BEEF IN COLD STORAGE[1]

[As of the first of each month in millions of pounds]

	1968	1969	1970	Change from previous year
January	261.369	265.860	356.540	90.680
February	239.542	256.979	378.300	121.321
March	211.145	261.656	363.012	101.356
April	202.376	254.428	----------	52.052
May	182.325	234.055	----------	51.730
June	186.769	218.614	----------	31.845
July	200.923	227.203	----------	26.280
August	218.268	254.255	----------	35.987
September	227.454	292.862	----------	65.408
October	251.775	321.888	----------	70.113
November	282.255	320.938	----------	38.683
December	281.549	340.515	----------	58.966

[1] Cold Storage Reports, Statistical Reporting Service, U.S. Department of Agriculture, Feb. 1, 1969, through Apr. 1, 1970.

In the opinion of this Association, those who are attempting to hoodwink the consumers of our Nation need to be told bluntly that it is not going to work. Not only are they advancing arguments that do not hold water, there is evidence of a deliberate attempt to force a situation on American consumers that is contrary to actual circumstances. To be equitable to American consumers and the domestic cattle industry, the facts must prevail.

DEFENSE CONTRACTORS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. McCLOSKEY. Mr. Speaker, as a source of reference for our debates on military appropriations, I am pleased to insert in the RECORD a list of the 100 largest defense contractors during 1969:

THE 100 BIGGEST PENTAGON CONTRACTORS—COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY PRIME CONTRACT AWARDS FOR FISCAL YEAR 1969 (ENDING JUNE 30, 1969)

[Dollars in millions]

Name	Fiscal 1969 sales total[1]	Fiscal 1969 Pentagon total	Percent of Pentagon total	High ranking retired officers employed
1. Lockheed	$2,085	$2,040.2	5.53	[2]210
2. Gen. Elec	6,214	1,620.8	4.39	89
3. Gen. Dynamics	1,797	1,243.1	3.37	113
4. McDonnell-D	3,000	1,069.7	2.90	206
5. United Aircr	[3]10	997.4	2.70	48
6. A.T. & T	13,009	914.6	2.48	9
7. L. T. Vought	1,459	914.1	2.48	69
8. N. Am. Rock	2,438	674.2	1.83	104
9. Boeing	2,880	653.6	1.77	169
10. Gen. Motors	20,209	584.4	1.58	17
11. Raytheon	1,106	546.8	1.48	37
12. Sperry-Rand	1,562	467.9	1.27	36
13. Avco Corp	783	456.1	1.24	23
14. Hughes Air	(5)	439.0	1.19	55
15. Westinghouse	2,901	429.6	1.16	59
16. Textron	1,132	428.3	1.16	28
17. Grumman Air	$969	$417.1	1.13	31
18. Honeywell	900	405.6	1.10	26
19. Ford Motors	10,516	396.3	1.07	43
20. Olin Math	901	354.4	.96	3
21. Litton Ind	1,600	317.1	.86	49
22. Teledyne	750	308.5	.84	8
23. R.C.A	2,561	299.0	.81	35
24. Stand. Oil (N.J.)	[4]14,109	291.1	.79	2
25. Mar. Marietta	696	264.3	.72	40
26. Gen. Tire	1,000	263.5	.71	32
27. I.B.M	5,345	256.6	.70	35
28. Morr.-Knud	300	254.0	.69	6
29. I.T. & T	2,761	238.3	.65	34
30. Tenneco	1,777	236.7	.64	6
31. Dupont	3,078	212.0	.57	3
32. FMC	1,312	195.6	.53	6

Footnotes at end of table.

THE 100 BIGGEST PENTAGON CONTRACTORS—COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY PRIME CONTRACT AWARDS FOR FISCAL YEAR 1969 (ENDING JUNE 30, 1969)—Continued

[Dollars in millions]

Name	Fiscal 1969 sales total[1]	Fiscal 1969 Pentagon total	Percent of Pentagon total	High ranking retired officers employed
33. Norris Ind	$190	$187.6	0.51	2
34. Bendix	754	184.4	.50	25
35. Hercules	642	179.6	.49	13
36. Northrop Corp	340	178.9	.48	48
37. Uniroyal	1,260	174.1	.47	6
38. TRW	863	170.4	.46	56
39. Pan. Am	669	167.4	.45	24
40. Asiatic Petrol	346	155.6	.42	0
41. Mobil Oil	5,772	151.5	.41	2
42. St. Oil (Calif)	3,298	148.8	.40	6
43. Fairchild-Hil	268	148.6	.40	7
44. Collins Radio	440	145.8	.40	3
45. Kaiser Ind	609	142.4	.39	11
46. G. Tel. & El	2,622	140.5	.38	35
47. Day & Zimm	87	137.8	.37	1
48. Texas Instr	508	132.5	.36	7
49. Fed. Cartridge	(4)	131.9	.36	1
50. Magnavox	464	130.3	.35	3
51. Thiokol Chem	235	128.1	.35	3
52. Texaco	4,427	124.0	.34	4
53. Chrysler	6,200	121.8	.33	11
54. Pac. Arch	(4)	121.0	.33	16
55. Sanders Assoc	130	118.5	.32	17
56. U.S. Steel	4,067	117.8	.32	2
57. Goodyear	2,226	116.5	.32	6
58. Singer Co	1,137	116.2	.32	(4)
59. Chamberlain	(4)	115.9	.31	3
60. Lear Siegler	402	115.8	.31	4
61 Am. Machine	467	115.3	.31	7
62 Colt Ind	340	114.4	.31	4
63 East.-Kodak	2,392	109.8	.30	15
64 City Invest	112	109.2	.30	4
65 Whittaker Co	225	107.7	.29	(4)
66 Am. Mfg.-Tex	3	106.7	.29	0
67 M.I.T	(4)	100.5	.27	5
68 Gulf Oil	$3,384	$95.9	0.26	1
69 Natl. Presto	113	94.9	.26	0
70 Kidde-Walter	423	91.9	.25	(4)
71. Signal Co	1,515	91.3	.25	9
72. Curtiss-Wright	173	91.2	.25	1
73. Harvey Alum	79	90.5	.25	4
74. States Marine	126	87.1	.24	0
75. Reynolds Ind	(4)	84.9	.23	(4)
76. Aerospace Corp	75	76.2	.21	6
77. Motorola	682	73.2	.20	3
78. Automa. Ind	55	73.1	.20	52
79. Talley Ind	25	72.5	.20	(4)
80. Harris Inter	275	71.6	.19	4
81. Firestone	1,875	66.7	.18	(4)
82. Seatrain Lines	88	64.6	.18	4
83. Alum. Co. of Am	1,171	64.5	.17	(4)
84. Hughes Tool	(4)	63.7	.17	13
85. Natl. Gypsum	254	63.2	.17	(4)
86. Hazeltine Corp	55	60.6	.16	7
87. Western Union	[5] 775	57.7	.16	5
88. Control Data	165	56.9	.15	14
89. White Motor	778	56.3	.15	0
90. Cont. Airlines	[5] 208	55.2	.15	4
91. World Airways	50	54.9	.15	4
92. Atlan.-Rich	1,559	54.3	.15	(4)
93. Tumpane	23	54.0	.15	(4)
94. Cessna	200	53.4	.14	0
95. Smith Invest	(4)	51.7	.14	0
96. Sverdrup & Par	12	50.2	.14	9
97. Dynalectron	50	50.0	.14	(4)
98. Letourneau	68	49.9	.14	(4)
99. Flying Tger L	86	48.3	.13	(4)
100. Southern Air	24	48.3	.13	(4)
Total (incl. 10,850 others)	[6] 36.9	----	----	2,100

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[1] Fiscal year 1969 figures from Dun and Bradstreet's "Million Dollar Business."

[2] Includes colonels, navy captains or higher. Figures are for fiscal 1968.

[3] Sales figures may be lower than Pentagon contract because contracts awarded in any 1 year often are drawn out over a period of several years.

[4] 1969 figures not available.

[5] 1968 sales figures.

[6] Billion.

UNIVERSITY AND RESEARCH FIRM INVOLVEMENT WITH PENTAGON RESEARCH AND DEVELOPMENT

[Excerpt from Department of Defense listing of 500 contractors according to net value of military prime contracts for research, development, test, and evaluation work.]

NONPROFIT INSTITUTIONS, FISCAL YEAR 1969

[Dollar amounts in millions]

Rank	Name of contractor	Amount	Percent total
1	Massachusetts Institute of Technology	$97.8	15.3
2	Aerospace Corp	76.2	11.9
3	Johns Hopkins University	48.0	7.5
4	Mitre Corp	32.1	5.0
5	Stanford Research Institute	24.8	3.9
6	Rand Corp	19.1	3.0
7	System Development Corp	19.1	3.0
8	Cornell Aeronautical Laboratory	17.1	2.7
9	California, University of	15.0	2.3
10	Institute for Defense Analysis	12.3	1.9
11	IIT Research	11.9	1.9
12	Illinois, University of	11.6	1.8
13	Michigan, University of	11.4	1.8
14	Stanford University	10.1	1.6
15	Pennsylvania State University	10.0	1.6
16	Research Analysis Corp	9.9	1.5
17	Rochester, University of	9.9	1.5
18	Battelle Memorial Institute	8.5	1.3
19	Columbia University	8.2	1.3
20	Woods Hole Oceanographic Institute	6.8	1.1
21	Washington, University of	5.6	.9
22	Riverside Research Institute	5.2	.8
23	Texas, University of	5.2	.8
24	Southwest Research Institute	4.9	.8
25	Cornell University	4.8	.8
26	George Washington University	4.8	.8
27	Ohio State University research	4.5	.7
28	New Mexico State University	4.3	.7
29	Syracuse University research	4.1	.6
30	Utah, University of	3.9	.6
31	American University	3.5	.5
32	Duke University	3.4	.5
33	Alaska, University of	3.2	.5
34	Harvard University	3.1	.5
35	Dayton, University of	3.1	.5
36	Pennsylvania, University of	3.0	.5
37	Washington University	3.0	.5
38	Princeton University	2.8	.4
39	California Institute of Technology	2.6	.4
40	Arizona, University of	2.5	.4
41	Miami University	2.4	.4
42	Minnesota, University of	2.3	.4
43	Maryland, University of	2.3	.4
44	Hawaii, University of	2.2	.3
45	Purdue Research	2.2	.3
46	Midwest Research Institute	$2.2	0.3
47	Brooklyn Polytechnic Institute	2.1	.3
48	New York University	2.1	.3
49	Wisconsin, University of	2.1	.3
50	Texas A. & M. Research	2.0	.3
51	Florida State University	1.9	.3
52	Iowa, University of	1.8	.3
53	Lehigh University	1.8	.3
54	New Mexico University	1.7	.3
55	Denver, University of	1.7	.3
56	Rensselaer Polytechnic	1.7	.3
57	Purdue University	1.6	.3
58	Cincinnati, University of	1.6	.3
59	Illinois Institute of Technology	1.6	.3
60	Rice University	1.6	.3
61	Syracuce University	1.6	.3
62	Brown University	1.5	.2
63	Research Triangle Institute	1.5	.2
64	Tennessee, University of	1.5	.2
65	Rhode Island, University of	1.5	.2
66	Missouri, University of	1.4	.2
67	Kentucky, University of	1.3	.2
68	Chicago, University of	1.3	.2
69	Oregon State University	1.3	.2
70	Virginia, University of	1.3	.2
71	Northwestern University	1.3	.2
72	Southern Methodist, University of	1.2	.2
73	Catholic University of America	1.2	.2
74	Franklin Institute	1.2	.2
75	Analytic Services	1.2	.2
76	Stevens Institute of Technology	1.2	.2
77	Western Reserve	1.1	.2
78	Drexel Institute	1.1	.2
79	Northeastern University	1.1	.2
80	Yale University	1.1	.2
81	Hudson Institute	1.1	.2
82	American Institute for Research	1.1	.2
83	Alabama, University of	1.1	.2
84	Georgia Tech	1.1	.2
85	Boston College	1.0	.2
86	Colorado University	1.0	.2
87	Georgia Technical Research	1.0	.2
88	Florida University	1.0	.2
89	Southern California, University of	1.0	.2
90	Pittsburgh, University of	.9	.1

Footnotes at end of table.

UNIVERSITY AND RESEARCH FIRM INVOLVEMENT WITH PENTAGON RESEARCH AND DEVELOPMENT—Continued

[Excerpt from Department of Defense listing of 500 contractors according to net value of military prime contracts for research, development, test, and evaluation work.]

NONPROFIT INSTITUTIONS, FISCAL YEAR 1969

[Dollar amounts in millions]

Rank	Name of contractor	Amount	Percent total
91	North Carolina, University of	$0.9	$0.1
92	North Carolina State University	.9	.1
93	New Mexico Institute of Mining and Technology	.9	.1
94	Delaware, University of	.9	.1
95	Southern Research Institute	.9	.1
96	New York State, University of	.8	.1
97	Colorado State University	$0.8	$0.1
98	North Dakota, University of	.8	.1
99	Oregon, University of	.8	.1
100	Michigan State University	.8	.1
	Total (including $19,400,000 other)	639.8	

Note: Percentage listed is percent of the total of the 500 contractors of more than $10,000.

Source: Friends Committee on National Legislation, 245 2d St. NE, Washington, D.C.

DEPARTMENT OF DEFENSE NASA, AND ATOMIC ENERGY COMMISSION COSTS BY GEOGRAPHICAL LOCATIONS, GIVING ALLOCATIONS AND RANK FOR EACH

[Dollar amounts in millions]

States	Population rank	DOD, fiscal year 1969		NASA, fiscal year 1969		AEC, fiscal year 1969	
		Total	Rank	Total	Rank	Total	Rank
Total	1	$35,248.8		$3,065.9		$2,640.4	
Alabama	21	407.7	21	139.2	5	.07	46
Alaska	50	90.8	38	.8	35	48.6	16
Arizona	34	343.7	25	4.5	25	.4	39
Arkansas	31	117.2	33	.2	44	.2	42
California	1	6,824.5	1	1,045.9	1	339.8	2
Colorado	30	243.2	26	68.7	9	90.1	12
Connecticut	24	1,715.1	4	29.6	14	7.0	24
Delaware	46	46.8	44	12.6	19	.07	48
Florida	9	964.5	11	403.6	2	20.9	21
Georgia	15	932.9	12	2.0	32	1.3	32
Hawaii	40	114.6	34	3.8	27	3.5	28
Idaho	42	16.1	48			95.1	11
Illinois	5	932.5	13	8.6	23	132.7	7
Indiana	12	1,058.6	10	3.2	28	3.3	29
Iowa	25	202.1	28	5.1	24	20.8	22
Kansas	29	349.7	24	.9	34	1.0	34
Kentucky	22	59.5	42	.4	39	60.6	15
Louisiana	19	389.9	23	136.6	6	.3	40
Maine	38	53.4	43	8.7	22	.2	45
Maryland	18	731.3	15	134.5	7	64.5	14
Massachusetts	10	1,549.8	7	74.9	8	32.2	17
Michigan	7	683.2	17	19.0	17	6.3	25
Minnesota	20	741.2	14	15.2	18	4.3	27
Mississippi	28	218.3	27	2.7	29	.05	50
Missouri	13	1,095.4	9	26.6	16	87.9	13
Montana	41	$22.0	47	$0.02	46	$0.09	45
Nebraska	35	101.7	36			.8	35
Nevada	47	27.1	46	.2	43	202.6	4
New Hampshire	44	102.4	35	4.0	26	.4	38
New Jersey	8	1,270.5	8	67.7	10	20.9	20
New Mexico	36	96.1	37	11.4	20	374.8	1
New York	2	3,074.3	3	376.4	3	166.5	5
North Carolina	11	514.7	19	2.4	31	2.8	31
North Dakota	45	35.8	45	.004	48	.06	49
Ohio	6	1,533.0	7	30.3	13	104.1	8
Oklahoma	27	173.4	30	.6	36	.4	37
Oregon	32	85.9	39	.5	37	1.3	33
Pennsylvania	3	1,700.4	5	66.1	11	100.0	10
Rhode Island	39	119.3	32	.5	38	.6	36
South Carolina	26	172.5	29	.60	45	102.1	9
South Dakota	43	3.4	50	.008	47	.3	41
Tennessee	17	485.6	20	1.6	33	303.5	3
Texas	4	3,525.2	2	246.3	4	23.3	13
Utah	37	157.2	31	2.7	30	7.6	23
Vermont	48	85.4	40	.2	42	.08	47
Virginia	14	711.2	16	27.9	15	2.4	30
Washington	23	574.8	18	9.1	21	153.0	6
West Virginia	33	66.9	41	.2	41	.1	44
Wisconsin	16	393.6	22	34.3	12	4.6	26
Wyoming	49	13.2	49	.3	40	22.3	19
District of Columbia		321.0		36.6		16.0	

ATOMIC ENERGY COMMISSION COSTS BY PRIME INDUSTRIAL CONTRACTORS

[For fiscal year ending June 30, 1969]

[Dollar amounts in thousands]

Company	Total contract awarded	Cumulative percent of total
Union Carbide	$317,384	
Sandia	214,290	
Reynolds Electric	106,519	
duPont	99,085	
General Electric	95,098	47.9 percent (top 5).
Bendix	85,021	
Holmes & Narver	77,188	
Westinghouse	75,923	
Idaho Nuclear	48,438	
Douglas United	44,822	67.1 percent (top 10).
Dow Chemical	42,813	
E. G. & G., Inc.	41,217	
Goodyear Atomic	35,327	
Atlantic-Rich	31,588	
Monsanto Research	$30,446	77.5 percent (top 15).
Rust Engineering	28,276	
Aerojet-Gen	25,930	
Swinerton & Walburg	24,962	
Manson & Hangar-Silas & Mason	24,100	
North American Rockwell	23,223	
Kerr McGee	20,867	
National Lead Co.	20,623	
United Nuclear	15,885	
United Nuclear Home	14,943	
Gulf Gen. Atomic	14,620	
Total including 513 other industries	1,735,446	100 percent.

NASA COSTS BY PRIME INDUSTRIAL CONTRACTORS

[Dollar amounts in thousands]

Company	Total contract awarded	Cumulative percent of total
North American Rockwell	$680,862	
Grumman Aerospace	369,168	
Boeing	228,689	
McDonnell-Douglas	207,496	
General Electric	150,094	54.1 percent (top 5).
Bendix	127,635	
IBM	112,526	
Aerojet Gen	64,857	
Martin-Marietta	56,037	
RCA	51,643	67.8 percent (top 10).
TRW	49,974	
Chrysler Corp	42,454	
Lockheed	39,763	
TWA	35,363	
Sperry Rand	$34,057	74.5 percent (top 15).
General Dynamics	34,003	
General Motors	30,856	
Federal Electric Corp	27,014	
United Aircraft	26,214	
Service Tech	26,180	
Philco-Ford	22,388	
Catalytic-Dow	19,428	
Ling-Temco-Vought-Aerospace	18,265	
Brown/Northrop	12,679	
Northrop	12,360	
Total including all other industries	3,022,333	100 percent.

ATOMIC ENERGY COSTS—COLLEGES AND UNIVERSITIES

[Dollar amounts in thousands]

Institution	Total	Cumulative percent
Princeton University	$17,517	
M.I.T	9,042	
Harvard	7,333	
California University	7,106	
Chicago, University of	5,130	33.7 percent (top 5).
Rochester University	5,122	
Columbia University	4,886	
UCLA	4,697	
Illinois University	$4,492	
Yale University	3,762	50.4 percent (top 10).
Maryland University	3,744	
California Tech	3,484	
Wisconsin University	3,325	
Michigan University	2,995	
Washington, University of	2,677	62.3 percent (top 15).
Total (including 207 others)	137,015	100.0 percent.

NASA COSTS BY NONPROFIT INSTITUTIONS

[Dollar amounts in thousands]

Institution	Total	Cumulative percent
M.I.T	$27,462	
University of California (all campuses)	14,916	
Harvard	10,356	
Smithsonian Institute	7,098	
Stanford University	4,910	39.6 percent (top 5).
National Academy of Science	3,823	
Princeton University	3,503	
University Corporation Atmospheric Research	3,161	
Michigan University	3,150	
California Institute of Technology	$2,461	49.4 percent (top 10).
Battelle Memorial Institute	2,460	
Stanford Research	2,375	
Minnesota University	2,352	
Maryland University	2,321	
Chicago University	2,276	56.6 percent (top 15).
Total (including at least 100 others)	163,590	100.0 percent.

Source: Committee on National Legislation, 245 2d St. NE., Washington, D.C.

POLISH CONSTITUTION DAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. STOKES. Mr. Speaker, on Sunday, millions of Poles throughout the free world will gather to commemorate Polish Constitution Day. May 3 not only marks the anniversary of the enactment of the Polish Constitution in 1791, but also is a day on which to give recognition to the undying spirit of a freedom-loving people. The Polish people have suffered much in their quest for freedom, but I believe few Americans realize how long this suffering has been endured.

Eleven months after passage of the Polish Constitution in 1791, Russian troops marched into the country to stamp out the Polish Constitution and the air of freedom which had briefly swept the land. Poland was divided between Russia and Prussia in September 1793, but the cynical invaders, rather than destroying the spirit of freedom of the Polish people merely tempered it in the fire of oppression.

Although the country was virtually partitioned out of existence, the response of the Poles was characteristic—"Jeszcze Polska nie zgineta kiedy my zyjemy . . ."

Polish legions were formed within the French revolutionary armies, particularly in Italy, and the strains of "Jeszcze Polska" were heard for the first time. And so the fight for freedom continued, as if nature could dictate no other course.

Poles will fight for freedom, as surely as the falcon will soar. This fact, unfortunately, has not been learned by the Russians, either in the distant past or at present; but the future remains, as do millions of Poles thirsting for freedom.

On this day, therefore, let us pay tribute to the Polish people who have shed much blood at the altar of freedom, and not in vain. For though their country is again stifled with oppression, their courage and dedication to freedom continue to be an example for all mankind.

A TRIBUTE TO RICHARD NEUTRA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. BRADEMAS. Mr. Speaker, during recent hearings before the Select Education Subcommittee, members of the subcommittee were privileged to hear the views of one of the most gifted architects of our time, Dr. Richard A. Neutra, of California.

Dr. Neutra spoke with great wisdom and eloquence about the need for preschool and child day-care programs, and he did so from the perspective of one of the seminal architectural minds of this century.

I was most sorry to learn that on April 16, 1970, while in Germany, Dr. Neutra suffered a heart attack and passed away.

Mr. Speaker, I take this opportunity to pay tribute to him and to extend my deepest sympathy to his wife, Mrs. Dione Neutra, and her two sons, Dion Neutra, an architect in Los Angeles, and Raymond Neutra, a physician in Boston.

I also note that a memorial service will be held honoring Dr. Neutra in the Indoor-Outdoor Church in Garden Grove, Calif., on Saturday, May 2, 1970.

At this point in the RECORD, Mr. Speaker, I insert a tribute to Richard Neutra from his wife and two sons:

THE PASSING OF RICHARD NEUTRA . . . END OR BEGINNING

On April 16, 1970 after a strenuous day of photography of two of his projects in Wuppertal, Germany, Richard Neutra was stricken by a heart attack (his third) and passed quietly away without suffering in the midst of the environment he and his son had created for clients far away from sunny California. He and I, his lifelong companion, had been on the final days of a lecture trip in Germany.

Richard Neutra's death marks, nearly to the day, a fifty year milestone in a professional career which already in 1920 had turned its eyes from Europe to America, more particularly Southern California with its mild climate which seemed to Richard Neutra to offer the opportunity to create enclosures for man closest to the nature in which our species evolved.

In the half century since, Neutra has traveled the five continents, covering millions of miles of air space, lecturing, working, planning for man's survival under many difficult and disparate situations and climates. Countless young men and women have been his companions and collaborators and my grateful memory is with many of them.

During the past thirty years of this career, he has been joined by his architect son, Dion Neutra, who has participated in most of the major projects and who has shared his father's concern for "man in the middle."

For as long as his wife and sons can remember, Richard Neutra's greatest desire was to develop a heritage which could be passed on to his son and faithful collaborators in the form of a humanistic approach to the planning of the environment and managing of the ecology in the hope that these pioneering ideas would carry on beyond his own lifetime and be of lasting benefit to mankind. He coined the expression "Biorealism" in contrast to "dollars per square foot" realism.

In 1954, his epoch-making book, "Survival Through Design" was published. He had worked on it during the preceding twenty years, painstakingly developing, an essay at a time, a complex but penetrating insight which today in its second edition reprinting in soft cover form only now seems to be understood and heralded. (The entire first Galaxy paperback edition of nearly 7,000 volumes was purchased by the U.S. Army prior to its official publication, while the hard cover editions of the fifties sold about 6,000 copies in the preceding fifteen years!)

It was always Richard Neutra's hope that whenever his time would come, the current projects and future clients would continue to seek out his office and survivors to enable further development of these ideas to take place on practical projects of social significance throughout the world. His organization is Incorporated and his son, 45 years of age, can truly claim an unusually rich thirty years' exposure to the ideas developed by his father and later jointly carried on together which started with his introdudction to the drafting room at the age of 12. As his wife of 48 years and longest collaborator, I fervently hope and pray that Richard Neutra's rich legacy of writings, ideas, and projects will not now mean an ENDING for his ideals of "Survival Through Design", but for his sons and faithful followers the opportunity to seize the torch he carried so long and carry on as he would have wished, in a glorious BEGINNING of the *next* fifty years of development and growth of an enlightened scheme for the design for Human Survival.

My husband was 78 on April 8, 1970. He and I were able to celebrate my own birthday on April 14 and he was spared the agony of deterioration of old age. He was vital to the very last moment and died while engaging in one of the many facets of the fascinating business of creating optimum environments for human beings. To the literally thousands of clients, friends, and loved ones, both old and very new, I beg you all to understand the difficulty of sheer numbers in trying to communicate with you all personally our loss. Please accept this as a testament from his family to a husband and father who always meant the very best to those with whom he came in contact.

POST OFFICE COOPERATES WITH OFFICE OF MINORITY ENTERPRISES

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. ROBISON. Mr. Speaker, it is encouraging to note that the Post Office Department has initiated a new program to place postal bank accounts with several "minority-owned" banks throughout the Nation. This reflection of concern and commitment on the part of the Post Office Department is exemplary, for I would imagine that other agencies and departments of the Government might well profit from the Post Office's experience in this project. Recently the Department issued a general release on its program, which I am pleased to put forth in full for the information of all Members:

Post Office Cooperates With Office of Minority Enterprises

The Post Office Department in cooperation with the Office of Minority Enterprises today announced that action has been initiated to establish postal bank accounts with approximately 25 minority-owned banks in various parts of the United States.

"By increasing the banks' available cash," Postmaster General Winton M. Blount said, "we hope to significantly increase their ability to provide more loans to enterprises owned by blacks, Mexican Americans, Puerto Ricans, and other minority groups."

The program will help implement what President Nixon called "one of the priority aims of this Administration-encouraging increased minority-group activity."

Edward E. Tillmon, President of the National Banking Association, a group of banks which are predominantly black-owned, called the Post Office Department's program "an important step toward enlarging our bank's lending base and increasing their ability to help minority group businessmen provide more jobs."

Mr. Blount said that post offices in nearly every city in the United States deposit funds on a daily basis. The minority banks will serve specific postal areas. In many cities the deposits will come from stations and branches located near minority-owned financial institutions.

The Post Office Department, along with other agencies, has actively participated in President Nixon's program of supporting minority-owned enterprises.

Some of the current manufacturing contracts which are from the Post Office include:

A $1 million order for canvas mail sacks and canvas inserts with the Watts Manufacturing Company, Compton, California.

A $283,000 contract with the Iron Nations Corporation of Sioux Falls, South Dakota, for canvas inserts.

A $16,300 contract with the B. & L. Metal Fabricating Company, Brooklyn, New York, for mail-handling equipment.

PROJECT READ

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. McCLOSKEY. Mr. Speaker, with the Nixon administration's new emphasis on reading instruction, I am pleased to insert in the RECORD at this point a factual report on the progress of Project Read in San Francisco during 1968 and 1969.

The following report is in the form of a memorandum from the San Francisco Unified School District's director of research and program evaluation.

Impact of Project Read Upon Kindergarten Reading Readiness

Dramatic improvement in the scores on the standardized reading readiness test administered at the end of kindergarten is observed for the two years since the launching of Project Read in the San Francisco Unified School District. This finding emerges now with the completion of the manually-performed distributions of scores, by groupings of elementary schools, from the Metropolitan Readiness Test, Form A, for three successive school years.

READINESS TEST

Administered to all San Francisco public school pupils at the end of kindergarten, either in June of high kindergarten or September of grade low one, the Metropolitan Readiness Test provides estimates of the probable success of pupils entering more formal learning experiences in reading and numbers. By conversion of scores according to the test manual, the readiness status of a pupil may be compared to the national norms in which the typical or average pupil would be ranked at the 50th percentile, the highest scoring quarter of pupils at or above the 75th percentile, and the lowest quarter at or below the 25th percentile.

THREE SCHOOL YEARS

In the accompanying tables these three percentile points have been plotted for certain groupings of San Francisco public elementary schools for the three most recent school years. The year 1966–67 ('67) preceded the introduction of Project Read which had an eight-week piloting in 31 schools during March, April, and May of school year 1967–68 ('68). During 1968–69 ('69) Project Read experienced its first full year of operation. Thus the three years of readiness test results should reflect three stages of impact of Project Read—none, some, total—upon kindergarten pupils within the participating schools.

GROUPINGS OF SCHOOLS

Among the 31 Project Read schools were identified six advantaged schools and 25 disadvantaged schools, the latter group having been so designated in terms of eligibility for ESEA Title I compensatory programs. Within the disadvantaged group eight schools were further identified as bilingual, that is, having a majority of their pupils with Spanish and/or Chinese surnames, thus leading to a presumption that the native language was other than English. Although the designations were inexact, it seemed important to view the impact of Project Read differentially, if possible.

Also displayed in the table are the three-year results for all kindergarten pupils in San Francisco public schools including the 31 Project Read schools. Preferable would be the distributions for all other pupils separated from Project Read pupils; this presentation was prevented by loss of the score distributions prior to completion of this data separation.

TABLE FORMAT

Within the columns of the table are entered the 75th, 50th, and 25th percentiles, located at the appropriate level in terms of the national standardization percentile scale in the left margin of the table. The numerical values of these equivalents are entered at the foot of the columns.

The vertical line from the 75th to 25th percentiles marks off the interquartile range, that is, the range for the middle one-half of scores within the total distribution of scores. Immediately to the right of the test score percentile scale is a vertical line indicating the inter-quartile range of the national norm. This vertical line for national norm provides a visual means for comparing status of local schools.

OBSERVATIONS

While its effect upon the following observations cannot be assigned numerical value, the possibility that successive kindergarten groups may differ slightly in characteristics affecting readiness should be remembered. However, it seems unlikely that these would outweigh program differences.

1. Readiness status of pupils in all three categories of Project Read schools increased markedly during the two years of the special program at the kindergarten level. For all 31 Project Read schools the 25th percentile status increased by 11 points on the national percentile scale, the 50th percentile by 15 points, and the 75th percentile by 14 points.

2. As might be predicted, the impact of Project Read was most productive in the bilingual schools. The improvement in readiness status in bilingual schools was about 50 per cent greater than in the unilingual schools: 23 to 15 points of increase at the 75th percentile, 21 to 13 points at the 50th percentile, and 13 to 8 points at the 25th percentile.

3. In the disadvantaged schools, both bilingual and unilingual, improvement appears to have been greatest for the highest quarter (75th percentile) and least for the lowest quarter (25th percentile). A reversal of this finding is observed for the advantaged schools. Such observations suggest the hypothesis that the program, or the manner in which it was implemented, is more suitable for the middle range of pupils in terms of readiness development.

4. For all 31 Project Read schools, at the 75th and 50th percentiles, the larger portion of the two-year improvement occurred during 1967–68, the year of the eight-week pilot, and the smaller portion during the full year of program, 1968–69. While this difference may not be substantial, it does suggest a hypothesis that programs of greater concentra-

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tion and briefer duration than one full year are relatively more effective.

5. Probably as a result of the improvement in Project Read schools, the District status in readiness for the more formal first grade program matched the national status at the end of the 1968–69 school year. The District's 75th percentile was identical with the national norm, while its 50th percentile was three points higher (53rd percentile on national norms), and its 25th percentile was one point higher (26th percentile). The burden shifts to first grade program during 1969–70 at least to maintain the "at grade" status implied by the readiness attained during 1968–69.

IMPORTS HURTING U.S. ECONOMY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. HALPERN. Mr. Speaker, I am today joining a growing number of my colleagues in introducing legislation that would restrain the growing volume of imports of textile, apparel, footwear, and other articles causing economic chaos to American industries and jobs.

Consumers definitely have a right to expect variety and quality and the lower prices offered by foreign imports, but not at the price of destroying an American industry and creating unemployment.

The legislation I am introducing, similar to a measure worked out by the distinguished Chairman of the Ways and Means Committee, Mr. MILLS, would limit 1970 imports of all textile, garment, leather footwear and other articles to the average annual quantity which entered the United States in 1967–68. After 1970 the permissible level of imports would be adjusted upward or downward annually, in proportion to increases or decreases in domestic consumption.

Certainly the diversity of price ranges afforded by foreign competition help increase the buying options for consumers. But those options are being bought at great sacrifice to the Americans who labor in domestic factories producing our country's own modest-priced products.

In New York and other cities, thousands of workers have been displaced from their jobs in bankrupt clothing manufacturing and footwear industries. They simply cannot compete with products produced under wages and working conditions that would be illegal and intolerable in this country.

I understand that for over a year the Government has attempted to negotiate agreements with foreign nations establishing a reasonable system of restraints on imports. Due principally to resistance by Japan, U.S. efforts have been completely frustrated while the domestic problems grow worse.

This legislation will also authorize the President to enter into international agreements regulating imports into the United States of all textile articles or footwear from any supplier nation. Any nation entering into an agreement with the United States would not be subject to the limitations imposed by the bill.

The provisions of any agreement must be consistent with the declared legislative purpose "to foster the maintenance and expansion of economically strong textile and footwear industries in the United States and to avoid the disruption of markets for textile articles and footwear in the United States."

GREATNESS PROVED IN ADVERSITY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. CHAMBERLAIN. Mr. Speaker, the near tragic flight of Apollo 13 fortunately ended with the establishment of further, although unscheduled, achievements in space history. Understandably, the difficulties and dangers involved have prompted a number of questions about the future of space explorations. The Jackson Citizen Patriot of Jackson, Mich., on Sunday, April 19, in a timely and informative editorial, addressed itself to a number of these questions and I commend to the attention of my colleagues the following:

[From the Jackson Citizen Patriot, Apr. 19, 1970]

GREATNESS PROVED IN ADVERSITY

James A. Lovell, Fred W. Haise and John L. Swigert truly came home from their ill-fated lunar journey in a blaze of glory.

Astronauts who have made perfect trips into space or to the surface of the moon stand out as giants among men. It is in adversity that the mettle of the space explorers and the skill of their earth-bound back-up organization truly are tested.

Although none of the three may reach the surface of the moon (who would want to go through that again?) Lovell, Haise and Swigert made the most dramatic kind of space history.

The fate they escaped only because of their great skill and calmness in the most distressing kind of emergency and the fabulous technological preparations for every contingency has been on the minds of Americans ever since the first of the suborbital probes beyond the atmosphere.

The risks have been accepted by the men who travel by spaceship and recognized by everyone connected with the space program.

Because accidents can happen with any machine, no matter how well-designed, and human beings are not infallible, the wonder perhaps is that America has gone as far as it has in space without the kind of disaster the Apollo 13 crew escaped so narrowly.

Yet the Odyssey mishap also served to prove why the record has been so good. It survived the accident and brought the three men home only because of the unbelievable skill of the men who planned and built the spacecraft and were able to give the astronauts the instructions they needed to bring their crippled craft home.

The slightest error in the calculations, a moment of panic by the crew, or one more technical failure might have written a different end to a drama which had America—indeed all the world—breathless and praying for the men.

Now that the adventure has ended successfully a natural reaction will set in. Again questions will be raised about the wisdom of sending manned spacecraft on missions which could be accomplished, although not so well, by machines.

Also, the space program unquestionably will be delayed while every step of the Apollo 13 mission is examined to determine what went wrong and to make certain that it does not happen again.

Inevitably the cost of the space program again will be brought into the discussion. The question will be asked, as it has many times before, whether the scientific and national benefits of lunar exploration and possible probes beyond the moon are worth their cost. The expense will be related to the multitude of problems faced by America and the crying need for funds to spend on other purposes.

The country's space policies perhaps do need a re-examination and the atmosphere for new questions has been created by the Apollo mishap.

The debate must proceed from the premise that what is happening in space in 1970 and perhaps what will take place in the next few years largely was determined by decisions made several years ago.

The late President John F. Kennedy made putting a man on the moon by 1970 a national goal. He was given almost universal support for this objective. Few voices were raised in opposition. Many critics of the manned moon missions today actually are in the role of second-guessers.

When the decision was made the scientists began designing the hardware. The astronauts began training for the step-by-step progress which eventually would lead to the moon. Science fiction became fact as the system for orbiting the moon and sending men to its surface in a landing craft (which, incidentally could not be tested until actually used in space) was perfected.

The lead time on space flights being what it is, the hardware already is built, or is in advanced stages of design and manufacturing for lunar missions far more sophisticated than the ill-fated Apollo 13.

All other things being equal it is doubtful that the space exploration program will be curbed short of a peaceful revolution by the people or a radical change in national policy.

The point can be made successfully that in the dramatic emergency the people learned more about space technology than they have in the previous textbook-perfect lunar missions. The sheer resourcefulness and courage of all concerned did more to stir the imagination of people throughout the world than any scientific gain. Thus it may be said that a failure did more for the support of the space program than would have come from an unqualified success.

Most unlikely is a complete reversal of goals by President Nixon and the Congress.

The prestige which has accrued to America through its successful moon landings (and an equally dramatic performance in the Apollo 13 emergency) probably would wane. This might be true, even though this country's only serious competitor in space, the Soviet Union, would take years to match our achievements, even if it should choose to do so.

Even so, we, as a nation, may be hard put to justify continued spending on space probes although scientists insist they are beyond value. A debate on the wisdom of going on and on certainly should take place.

Meanwhile, America can rejoice at the safe return of three brave men whose coolness and skill in an emergency matched or exceeded every American tradition.

Although their mission went awry, they have given a great boost to national pride as have their fellow astronauts who have carried out their assignments without a hitch.

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The whole spine-tingling drama tells something important about America. Not only has it the skill and the men to achieve an impossible goal; it also has the deepest concern for human life and the greatest of respect for men who can come through in the face of the worst kind of adversity.

A WAR SHORTENED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. RARICK. Mr. Speaker, an interesting report has been released explaining that the massive bombings of Dresden, Germany in 1945 caused great loss of life yet actually shortened the war and consequently saved lives on both sides.

The Russian educational system, it seems, conveniently overlooks any mention that the bombing was carried out at the specific request of the Soviets at the Yalta Conference.

Now that our experts have acknowledged that masssive bombings shorten war and save lives, why does not the same rule of modern warfare apply to North Vietnam? For conversely we have learned that by cessation of bombing in North Vietnam, the war has been extended, morale affected, and there has been unnecessary loss of life.

Paradoxically the same newspaper which carried the lesson from the Dresden bombings recently editorialized with bitter denunciation the recommendations of a large number of trained and experienced military men who have called for a resumption of bombing in North Vietnam to end the war and save lives.

There is no recognized double standard in warfare. Bombing to shorten a war, to save lives, and also free captured prisoners of war applies as positively to Americans as it did to Russians.

The object is to end the war. And until we decide to win, it will never end.

The discussed news clippings follow:

[From the Washington Star, Feb. 13, 1970]

DRESDEN RAIDS SHORTENED WAR, AF STUDY SAYS

(By Orr Kelly)

The destruction of the German city of Dresden in massive bomber raids that began 25 years ago today—an attack widely described as an atrocity and massacre—helped to shorten World War II, according to a long-suppressed Air Force report.

The report, prepared in 1952–53 and classified "top secret," was declassified and made public this week at the request of the Star.

Written by Joseph Warner Angell Jr., who since has retired as a member of the Air Force Historical Division, the report disputes both claims of the number of casualties and Communist propaganda portraying the attack on the city as a cold-blooded American and British atrocity.

Dresden, which lies 111 miles south of Berlin in what is now East Germany, had remained relatively untouched by the air war although it was hit in relatively small raids on Oct. 7, 1944, and Jan. 16, 1945.

Since their city remained unscathed while many of the other cities in Germany were in flames, Dresdeners were convinced there was an agreement that the city would not be bombed.

FILLED WITH REFUGEES

When the attack came, Dresden was jammed with refugees—an estimated 5 million Germans were fleeing west before the advancing Soviet troops—and the German fighter defense had virtually collapsed.

Directed by their "master bomber," flitting back and forth across the rooftops in his light, wooded Mosquito bomber, a Royal Air Force flight of Lancaster bombers began unloading incendiary and high-explosive bombs on the city at 10:13 p.m. Feb. 13, 1945—four minutes after the residents had received their first warning of an impending air raid.

By 10:30 p.m., the Lancasters were headed home, leaving behind them the beginnings of a fire storm like the one that destroyed Hamburg between July 24 and Aug. 3, 1943.

At 1:24 a.m. on Feb. 14, another flight of Lancasters began bombing the city. Some of the crewmen later reported they could see the city's flames 200 miles away as the fire engulfed 40 square miles. Even at high altitude, they could feel the heat of the burning city.

At 12:12 p.m. that afternoon—Ash Wednesday—a flight of 316 Flying Fortresses of the American 8th Air Force began unloading 782 tons of bombs on the city.

The next day, 465 tons of high explosive bombs were dropped by 211 American planes.

ESTIMATES OF DEAD

Estimates of the number killed ranged as high as 300,000—nearly the total killed in all the World War II raids against German cities.

In 1963, David Irving, a British journalist, published "The Destruction of Dresden," still the most definitive study of the raid. He concluded the number killed at about 135,000.

This would make it by far the most devastating air raid in history, compared with estimates of 71,379 persons killed at Hiroshima by the first atom bomb; 83,793 killed in the fire bomb raids on Tokyo of March 9 and 10, 1945, and the 50,000 killed in the fire bomb raids on Hamburg.

Irving's figure has been accepted by both Gen. Ira C. Eaker, who was head of the 8th Air Force, and by Air Marshall Sir Robert Saundby, who was deputy chief of the British air staff at the time of the raid, in forewords to Irving's book.

The Air Force report now made available sets the casualties as "death to probably 25,000 persons and serious injury to probably 30,000 others, virtually all of these casualties being the result of the RAF area raid."

Other historians—including Irving—have now come to accept the lower figure of 25,000 dead as reasonable.

But there still is a sharp discrepancy over whether the raid was justified for military reasons.

Saundby, in his foreword to Irving's book, declared:

"That the bombing of Dresden was a great tragedy none can deny. That it was really a military necessity few, after reading this book, will believe. It was one of those terrible things that sometimes happen in wartime, brought about by an unfortunate combination of circumstances."

Angell's report insists, however, that the raid—"the last of several instances in World War II's European Theater when the shock effects of the combined bomber offensive resulted in the nearly total demoralization of a great enemy city"—had as its goal the disruption of a major German transportation center.

"Had the German communications centers leading to that front—among which Dresden was uniquely important—not been successfully attacked by Allied strategic air forces, there can be little doubt that the course of the European war might have been considerably prolonged," the report says.

"At the time of the Dresden bombings, Marshal Koniev's armies were less than 70 miles east of Dresden and by virtue of their extended positions highly vulnerable to German counterattack, provided the Germans could pass reinforcements through Dresden.

"With communications through Dresden made impossible as a consequence of the Allied bombings, the Russian salient in that area was rendered safe throughout the ensuing months of the war. . . .

"The death and destruction inflicted on the largest German city that had not before undergone large-scale bombing was almost certainly a major contribution to the final weakening of the will of the German people to resist."

CURRENT BEST-SELLER

Renewed attention has been called to the raid on Dresden by a current best-seller, "Slaughterhouse Five," by Kurt Vonnegut Jr., an American who was a prisoner of the Germans in Dresden at the time of the bombing. The book takes its name from the building where prisoners were housed in a former slaughterhouse.

The Air Force report notes, ironically, that "facilities such as slaughterhouses, warehouses and distribution centers were severely affected."

Russian propaganda has used Dresden to stir anti-Western and anti-American feeling, especially in East Germany.

But the Air Force report insists that the raid was carried out in response to a specific Russian request, at the Yalta Conference, for bombing raids designed to "paralyze the functions of Berlin and Leipzig" and to prevent movement of German military units toward the east, and that the Russians were told of plans for the raid just before it was carried out.

Angell's analysis is "based in its entirety on unclassified official documents and standard reference sources," but it has remained classified for 17 years, presumably because of the fear of opening old wounds or creating new ones with allies and former allies.

He notes, for example, that "American authorities were, throughout the war in Europe, opposed to the use of American forces in area or 'morale' bombing" of the type carried on by the British.

American targets, according to the report, were the Dresden marshaling yards and railway facilities, while the British targets included "the Dresden city area."

There is no mention in the report, however, of Irving's contention that after the noon raid by Flying Fortresses on Ash Wednesday, American Mustang fighter planes crisscrossed the city strafing anything that moved.

Despite the differences and uncertainties that persist 25 years later, there probably are few who disagree with Saundby, who wrote:

"It is not so much this or the other means of making war that is immoral or inhumane. What is immoral is war itself . . .

"Let us hope that the horrors of Dresden and Tokyo, Hiroshima and Hamburg, may drive home to the whole human race the futility, savagery, and utter uselessness of modern warfare."

"ALL WORKS OF MAN"

An appeal under the heading, "Prisoners of War—Everyone's Responsibility," in a back page ad in The Star recently invited contributions for funds to finance similar ads in other papers. It included a drawing showing Nixon smiling and providing march music for a column of American servicemen heading back home, leaving American prisoners behind the barbed wire of a North Vietnamese POW camp. The text wound up with an eight-step procedure it said the President "can and should" adopt.

This remarkable proposal starts with an ultimatum to Hanoi to deliver all POWs "to a predetermined location at a certain date and hour." It progresses through a sequence

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of increasingly severe military sanctions to be applied against the enemy if he is dilatory in meeting the ultimatum. The closing of Haiphong harbor, presumably by blockade, is the third step; closing "all rail from China," presumably by bombing the rail lines into North Vietnam from China right up to the border, is next. The fifth and sixth steps would be the destruction of power plants and marshalling yards; the seventh would be the flooding of the rice fields, presumably by breaking dams and dikes with massive bombardments.

If these acts have not sufficed to persuade the adversary to release our prisoners—somehow miraculously preserved from the floods and bombings with which we would be attempting their rescue—the eighth step would be taken: "Destroy all works of man north of the demilitarized zone."

Where the American prisoners would be while all this was going on is not mentioned. This is not surprising. When heady rhetoric takes over, concern for individual human beings—prisoners or atomized Asian peasants—is likely to become secondary.

Distasteful as it may be for both of them, the sponsor of this ad and the senator who attacks the President for not high-tailing out of Vietnam next Tuesday appear to be working the same side of the street. They are both advocating solutions that would only substitute unknown and perhaps graver dangers for the one which the President is now striving to reduce.

As a newspaper, we have advocated every course likely to improve the lot of the American prisoners, and eventually to obtain their release. We will continue to do so. This is not one of them.

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DAY CARE BOOM EMERGES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. BRADEMAS. Mr. Speaker, the Select Education Subcommittee has recently completed hearings on H.R. 13520, the Comprehensive Preschool Education and Child Day-Care Act, cosponsored by the gentlelady from Hawaii (Mrs. Mink), the gentleman from New York (Mr. Reid), and myself.

A most thoughtful editorial concerning some of the kinds of programs to which this bill is directed appeared in the April 7, 1970, issue of the Elkhart, Ind., Truth.

The editorial follows:

DAY CARE BOOM EMERGES

A new "glamor industry"—child day care centers—may be emerging where before only small-time nonprofit operators and welfare-oriented government agencies dared to tread. The possibility that federal funds will pay some of the expenses could remove the sting in what seems an otherwise risky business. Parallels are being drawn to the boom in nursing homes as a result of medicare legislation in the early 1960s.

A number of national franchise operators already have opened for-profit day care centers in Florida, Rhode Island, Missouri and other states. The idea is to surpass mere babysitting and contribute to the over-all educational and emotional growth of the children. An executive of a Rhode Island firm, Romper Room Schools Inc., says: "Education, in general, is very profitable." The franchisers doubtless are looking toward Administration-backed legislation currently under consideration in the House. It would consolidate all federal child welfare spending—currently estimated at $560 million—add some $123 million in new funds, and allow some of that money to go to private, for-profit operators.

The new legislation is aimed primarily at helping low income families with working mothers. But it also opens the door to families of all income levels, giving the hopeful new educational entrepreneurs a shot at what U.S. Labor Department statistics indicate is a market of more than five million working mothers with children below school age. Further, day care is an integral part of President Nixon's proposed Family Assistance Program, assuring day care investors that the federal government is basically on their side.

COPPER INDUSTRY INVESTIGATION CHALLENGED

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. BURTON of Utah. Mr. Speaker, recently a resolution was introduced in the House of Representatives calling for the creation of a select committee to investigate the copper industry.

An editorial appeared in the April 20 issue of Metals Week that throws a somewhat different light on this subject. I submit it for the consideration of my colleagues:

[From the Metals Week, Apr. 20, 1970]

METALS WEEK OPINION: JUST A MINUTE, MR. BLANTON

It's open season on the copper industry. The Presidential panel headed by Hendrix S. Houthakker hasn't even completed its study of the copper market, but already one Congressman has called the Houthakker study inadequate.

Rep. Roy Blanton (D–Tenn.) wants a separate congressional investigation of the copper industry. Blanton is not only concerned about the pricing inequities in the domestic market—the subject of the Houthakker study—but has also charged American copper companies with supplying, indirectly, the North Vietnam and the Vietcong war effort.

He has stated that American companies with foreign copper holdings "consent" to having their copper move through the London Metal Exchange to Red China and from there to North Vietnam.

This is the worst kind of jingoism. Blanton, is, in effect, charging the top executives of American copper companies with supplying the enemy.

Not only are his insinuations appalling, but his facts are all wrong. All of Anaconda's Kennecott's, and Roan Selection Trust's copper is sold to consumers. Some of Cerro's copper might get to the LME, but to imply that the producer has any control over who buys the copper out of an LME warehouse is absurd. A producer doesn't even know who ultimately consumes his copper after it has been moved into an LME warehouse.

Beyond this, the situation in Zambia and Chile is such that if the governments of these countries wanted copper to go to China, the producers could do nothing about it. The Chilean government could if it chose, sell copper to China from the former Anaconda and Kennecott properties now controlled by the government.

For Blanton's information, China maintains a representative in London to buy metal from the exchange whenever necessary. Chinese freighters pick up the metal—generally from Hamburg or Rotterdam LME warehouses—and transport it to China. There is absolutely no way for American copper companies to prevent China from buying metal in this manner. Blanton implies that they could prevent it, and that by taking part in this nefarious business, they are diverting to China copper badly needed in the Free World. Nonsense.

Congressman Blanton should learn the facts before he starts accusing anyone. He owes the American copper industry an apology and the American people more responsible behavior.

SO YOU WANT TO GET INVOLVED

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. McCLOSKEY. Mr. Speaker, I would like to pay tribute to the recent leadership of Secretary of the Interior Walter Hickel in defining new environmental priorities, and in establishing stronger contacts between young people and the Federal Government.

Earth Day, 1970, on April 22, attracted the participation of over 2,000 colleges and 12,000 high schools. In preparation for meetings, discussions, and teach-ins, people from all walks of life flooded congressional and Government offices with letters expressing their concern and asking for information and guidance on what they can do in the way of a personal commitment.

In an effort to assist and coordinate the tremendous enthusiasm and energies of young people committed to a better American environment, Secretary Hickel established a task force on environmental and youth activities within his office. Through this action the Interior Department has placed itself squarely in the front rank of Government departments and agencies in efforts against pollution.

The Department's pamphlet, "So You Want To Get Involved" outlines possible means by which individual citizens can help work against pollution. I insert this pamphlet in the Record at this point and commend it to my colleagues:

SO YOU WANT TO GET INVOLVED

APRIL 1970.

(NOTE.—If you would like further information about the environment and the related programs of the Department of the Interior, we suggest you write to: Task Force on Environmental Education and Youth Activities, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.)

This leaflet was prepared to answer students who have written to the U.S. Department of the Interior for information which can be used in connection with Earth Day 1970 and similar teach-in activities on the environment. It attempts to give a broad look at the meaning of the term "environment," and suggests some of the problems standing in the way of overnight solutions to environmental problems. It contains more philosophy than hard fact, but suggests ways you can arrive at your own conclusions. From there, you're on your own . . .

So you want to get involved with the environment! Maybe you want to protest against air pollution, water pollution, land pollution, noise or overpopulation. Maybe you'll want to go as far as *doing* something, instead of just talking about these environmental problems. The purpose of this leaflet is *not* to tell you what to do, but rather to suggest some of the complexities of the situation and to point out some ways your actions can become more effective.

A FEW DEFINITIONS

Let's start with a few definitions. You don't have to buy these as valid, but in this leaflet we'll use these terms as defined here:

The *Environment* is the sum of all the factors that influence the growth and existence of an organism or a society.

Pollution is anything that is detrimental to the growth or health of an organism or society.

Society is a combination of government, business, industry, churches, schools and other institutions and private citizens who operate together as a society—with each individual seeking fulfillment of his own goals within the structure and rules of this society.

The *Establishment* is a shorthand (often oversimplified) description of the persons and groups with a special interest and relative amount of power.

Ecology is the science of the mutual relationships between organisms and their environment.

WE'RE RUNNING OUT OF TOLERANCE

Each plant and animal has its own preferred environment, its own best set of circumstances for survival and growth. But "best" is not always available, and most organisms tolerate something less than ideal but still survive. Such tolerance has its limits, and beyond those limits the organism no longer survives. Environmental influences are numerous, but sometimes it takes only one to be missing or inadequate for the organism to die.

Trouble is, man has unleashed many detrimental factors, some of which threaten to go beyond even mankind's own very broad tolerance. With a greater population, there are more kinds of factors influencing the health of a society and there is more likelihood that some will be detrimental. To many experts it follows that one of the most basic answers to environmental problems is to limit population growth; others are more concerned with better population distribution and changing the uses of technology. Any such basic attempt at a solution depends on educating people to one's views. Education requires time and thus is a long-term answer, so meanwhile we must seek other solutions to environmental problems.

PARTLY IGNORANCE, PARTLY ECONOMICS

Before you take on the mission of patching up the environment, it might be a good idea to examine why some spots have worn embarrassingly thin. The environment might be compared to a garment, one which we indeed do wear around us. Pull one thread and the tugging may be felt all over. Pull enough threads and a piece may fall off. And like a good garment, the environment wears pretty well if properly used—but parts of it can wear out. Sewing a new patch on the environment may be neither simple nor cheap—if you can get a replacement at all. Where do you get a new land, or a new river or ocean, or a new atmosphere?

The basic cause of our problems, of course, is people—and too many of them. But why should people who depend on the limited resources of this planet, abuse them so recklessly? Partly ignorance, partly economics. And by the time awareness has replaced ignorance, there is usually someone who has established an economic interest in perpetuating the abuse.

Continued use of "hard" pesticides such as DDT is an example; DDT has been defended as essential to agriculture long after its harmful effects on wildlife were recognized. Many underfed nations still defend its use to increase food production for their people.

DDT is not the only ecological time-bomb that threatens to blow up in our faces, as witness the growing list of drugs which scientists fear may cause cancer. In some cases the ecology involves a direct relationship with man as victim; sometimes the relationship is between a man-made chemical and an intricate food chain. People have used DDT to control crop-eating insects. Insect-eating birds were not intended victims. But have you seen a bluebird lately?

Not everyone responsible for pollution does it deliberately or even consciously; many polluters simply fail to look at the consequences, especially the side effects. You adopt an industrial process because it's simpler or cheaper—and the harmful residues or byproducts just happen.

A CHAIN OF CONSEQUENCES

Many of America's industrial giants trace their beginnings to a time when consequences loomed as far less important. They had impact on fewer people who were equipped with less sophisticated knowledge of health standards; the chemistry of pollution was simpler; big business had more influence over government; resources were more abundant; and individual citizens could afford less waste.

Perhaps the attitudes of some industrial polluters can be better understood if we look at their history—they began at a time when they could ignore the chain of consequences created by their actions because air, land, water, forests and wildlife seemed unlimited in this huge country.

Technological advances move in spurts, rather than as part of a system. A simple example is the development of aluminum cans and non-returnable bottles. Tin-coated cans would eventually rust away; aluminum cans last almost indefinitely. Just recently some aluminum manufacturers have begun buying back these cans for recycling, and experiments are now under way to utilize throw-away bottles for paving material.

A more complex technology involves the automobile industry and all the associated industries that provide raw materials, fuel and services. The auto industry's continued economic health depends on a rapid turnover, with replacement more profitable than repair—for the industry. The industry produces far more new cars than the Nation's present capacity for reclaiming old car bodies can handle. Materials used in modern cars are difficult to separate once assembled.

The complex nature of a technological marvel such as the automobile goes beyond the parent industry. As just one example, by doing shoddy work at high prices, some members of the auto repair industry have helped make it cheaper to abandon a car on the street and buy another one, rather than to get the old car fixed. But they may have problems too—like obtaining and keeping skilled mechanics at wages they feel they can afford to pay.

In following the chain of consequences of pollution, you could as easily follow the chain of consequences to solutions. These can include reduced corporate profits, threats to community payrolls, added costs to the consumer, and changes in the life-style of most of us. By our definitions, most forms of pollution are by-products of society.

UNDERSTANDING THE ESTABLISHMENT

So if you're going to get involved, you're going to get involved with the Establishment. There's an old saying, "You can't fight City Hall." That's no longer true, as many activists on many fronts have discovered. But in taking on the battle of the environment, it's worth a look at the nature of the Establishment, some of its likes and dislikes, to understand where a citizen movement can find sympathetic understanding and where it will meet a stone wall of resistance.

As said before, the Establishment includes the owners, operators *and* many employees of most sources of industrial pollution, as well as elected officials and many government employees. These are admittedly generalizations, but certain attitudes toward environmental problems characterize members of the Establishment:

1. They respect rights of privacy, private property and private enterprise.

2. They expect someone proposing a change to offer one or more alternatives; simply to "stop" a detrimental practice is not acceptable to the Establishment if it cannot be replaced by substitute means of filling society's needs.

MAKING A COMMUNITY INVENTORY

Before a community can act intelligently to protect its environment, it needs to know its problems. You can help by taking part in a community-wide inventory, documenting your findings with photographs and statistics. Here are some things to look for:

Water pollution: Is your city's water supply taken from protected sources, or must it depend on water that has been used before by upstream cities or industries? Is your water supply adequately protected from encroachment, or do zoning authorities permit building of new sources of pollution within the watershed? Does your city live up to its obligation to downstream neighbors by properly treating sewage? Are there industrial polluters who are lax in their treatment of plant wastes? What are their attitudes toward pollution, and what are their plans for future pollution abatement?

Air pollution: Does your community have a program for reducing air pollution? Is the program enforced? Does the city permit open burning of trash, garbage or industrial wastes? Does the community have plans for mass transit? Does the community require automobiles to have effective emission control devices? Are they checked periodically? Are there industrial polluters who contribute measurably to air pollution? What are their plans for abatement? Can you identify apartments and office buildings whose heating plants send up clouds of smoke?

Land pollution: Does your community have adequate zoning ordinances to encourage good land planning and good land use? Are industrial firms premitted to destroy future productivity of land by dumping industrial wastes or mine tailings? Does the city have adequate litter laws, coupled with enough litter cans to encourage people to properly dispose of trash? How are abandoned cars disposed of in your community, and at whose expense? Are abandoned buildings allowed to stand indefinitely, attracting litter, rats and other unwanted tenants? How does your community dispose of its garbage? Do you have a community dump, open at reasonable hours to encourage its use?

Noise pollution: Does your community require that automobile and motorcycle exhausts be properly muffled, and is the law enforced? Is construction work confined to reasonable hours? Are low-flying aircraft prohibited? Are loudspeakers and other noise-makers regulated?

Environmental education: Does the public school system use its resources for environmental education? Are there outdoor classrooms and are they being utilized? Are teachers required to have training in environmental education? Are inner-city children being neglected in outdoor education programs? Are there adult or extension courses being offered to help create an informed body of citizens?

Ecological awareness: Has the community taken steps to preserve unique examples of ecological situations such as swamps and marshes, streambanks and forests, rare and endangered species? Are land developers permitted to alter watersheds at will, creating erosion or causing downstream flooding by increasing run-off of surface water from paved lots and roof-tops? Are there adequate safeguards for use of pesticides and herbicides? Are there dangers of agricultural pesticides entering the community water supply? Are dairy products tested for residual insecticides? Are power-line rights-of-way granted regardless of scenic values?

These are just some of the questions that might be asked in your community environmental inventory; there are others that will be equally important in your locality.

And after you've completed your inventory, discuss alternative solutions to the problems you've uncovered with government officials, civic groups and the press.

Concerned, informed citizens must—and can—get results.

3. Most members of the Establishment favor restrictions on polluters of air, land and water—especially as applied to the other guy and at his expense. But some are willing to make personal sacrifice.

4. The government governs by laws and regulations which take months and years to move through the legislative and regulatory processes. But most members of the Establishment will argue that these lengthy proceedings contain safeguards for the democratic system. This argument may be small consolation to the impatient activist who feels that the Establishment's institutions should be more immediately responsive.

SIMPLE SOLUTIONS MAY NOT WORK

The complex web of the environment is too involved for simple solutions. Our present way of doing things is closely interwoven with economic interests, both at the level of corporate profits and in terms of jobs for factory workers. Halting pollution on any front calls for sacrifice by someone. Take again the environmental problems associated with the family car:

Motor vehicles—the cars, trucks, and buses—contribute perhaps 60 percent of the air pollution in America. Raw materials for the family car contribute still more air pollution, from the manufacture of steel, copper, plastics, synthetic rubber, and other products.

Abandoned and junked automobiles are a major source of land pollution, from individual heaps on the street to vast auto graveyards which rank as national eyesores.

The insatiable thirst of gasoline-powered vehicles has created a huge petroleum industry with its own urgent requirements, ranging from offshore wells to Alaska pipelines, to seismographic exploration. Some of these activities have scarred some of the Nation's most remote wildlands.

By-products of the automotive industry, from used crankcase oil and discarded tires to accidental spillage of gasoline, contribute measurably to water pollution problems.

Tremendous acreages of land have been taken from production of crops and trees to be smothered in concrete; even more land is diverted from production to be used for highway rights-of-way. A single interstate interchange may require 200 acres or more.

Motor vehicles, especially the two-wheeled breed, are among the major sources of noise, nerve-wracking and soul-jarring.

Mobility provided by the family car has caused so much vacation travel that the privilege of visiting some of the Nation's favorite national parks must now be rationed; you can camp for only a few days at several of the more popular parks. Too many prime recreation areas are being loved to death; it's become too easy for too many people to get there.

So, one simple solution might be to ban the private automobile.

But are we willing to pay the price of this simple solution?

Of course, the complete banning of the private automobile is not a solution acceptable to anyone who contemplates the chaos that would result. So which half-way measures will *you* settle for? Or are you content to stop at partial solutions?

SOME PARTIAL SOLUTIONS

Settling for half-way solutions depends on one's point of view. To use some ridiculously restrictive illustrations, suppose the lawmakers of the country decided to reduce pollution by limiting the number of people eligible to drive. This could be done in several ways:

The minimum age for an operator's permit could be raised to 25. This would eliminate a vast number of drivers, and would not directly affect most law-makers since they would still be eligible for licenses.

The price of an operator's permit could be raised to an exorbitant figure. Many people could still afford to drive, and the burden of the reduction would be placed on the young and the economically disadvantaged, who would become poorer for their lack of mobility in getting to jobs.

Physical requirements for operators' permits could be severely tightened, eliminating all drivers who need to wear spectacles. Many skilled professional drivers would thus be taken off the road.

Obviously, none of the above would be unanimously accepted because the sacrifice of the privilege of driving would be distributed unfairly—at least in the view of those losing their right to drive.

There are alternatives, some dealing with the basic problems of the automobile and some treating the symptoms. For example, steam or electric engines could reduce noxious exhaust gases. More planning on the drawing board could mean car bodies that would be more easily reclaimed. More subsidies to mass transportation could lessen highway construction costs and reduce the number of cars clogging our roads.

By being less responsive to style changes that woo the buyer annually and even semiannually with new models, and by demanding a more durable car with a longer useful lifetime, you as a consumer could influence the trend. You might insist on improved maintenance and repair services which would reduce the number of cars now being abandoned or junked. You might insist that automobile mechanics be trained and licensed. A barber has to be licensed to trim your hair; anybody can work on your car's brakes or steering mechanism without having to prove any competence to anyone other than his employer.

In each of the above alternatives, however, someone loses. The automobile industry thrives on producing new models each year; the petroleum industry profits as gasoline consumption goes up; segments of the mining industry employ thousands of people in producing ore for new steel; the highway construction industry relies on ever-increasing demands for new roads. You are affecting people's livelihoods as well as their life styles.

As an environmental activist you can pick your battleground. Choose carefully, and know the strength of your adversary; as Pogo says, we have met the enemy and he is us.

SOME LESS OBVIOUS POLLUTERS

We have chosen the motor vehicle as an example because most of us share the responsibility for the problems it creates, and most of us would be called upon to sacrifice something we see as convenient or necessary if it were banned. And most of us would have to reorient our thinking to willingly de-emphasize the role of the auto in our personal lives, and would have to find reasonable alternatives such as mass transportation. Some other sources of pollution have their own problems, though they may be less obvious than these of the family car.

You may find some of these less obvious polluters by taking a careful look around your community. What about the builder who disregards soil conservation practices and allows his bulldozers to start a chain of erosion that clogs flowing streams with tons of priceless topsoil? Or the local building code and zoning authority which tolerates such a practice?

What about the local sawmill which burns its slash, thus contributing to air pollution while wasting organic material? Or the rancher who grazes his livestock until the denuded rangeland washes away with every rain and shifts with every wind?

Or what about the miner whose settling basins fail to hold the wastes? Where do you get a new stream to replace the one he's contaminated? And what about the careless camper, who hikes far into the back country for the privilege of being the first to litter?

THE GOOD GUYS AND THE BAD GUYS

Life would be much simpler if the good guys always wore white hats and the villains dressed in black. But it's not that way. Many industrial concerns have made tremendous investments in reducing pollution, sometimes on their own initiative and sometimes with a little urging. Before you apply a label, it might be only fair to investigate and see what the company has done.

Many companies have installed expensive precipitators in their smokestacks to reduce ash and other particles causing air pollution.

Some breweries are now buying back their empty beer cans to reclaim the aluminum, paying $200 per ton for the old cans.

One Colorado sawmill operator stopped burning his wastes and found that the sawdust and trimmings helped improve worn-out soils.

An Arizona copper company built a nine-mile dike to hold its acid-laden tailings, and landscaped and irrigated the dike to improve natural beauty.

Many power companies have voluntarily gone to the expense of adding cooling ponds so that waste water from steam plants won't raise the temperature of nearby streams.

AN OPPORTUNITY FOR PERSONAL COMMITMENT

What's in it for the individual who wants to personally take up the crusade in behalf of the environment? There's satisfaction, and there's a cleaner environment to live in. What are some of the opportunities?

First, there's the opportunity to show your concern and to bring local and even national attention to environmental problems. Some people have indicated concern by going to the courts, others have demonstrated; some have tried working with State and local government officials while still others have tried working with, and sometimes against, manufacturers. If your case is good enough, you can "beat City Hall."

Over a longer period, there are other opportunities:

If you're in school or college, you can seek understanding of the rather basic facts of living on this planet, by taking courses in biology, chemistry, ecology, economics, political science. These and many other courses are helpful in understanding man and his ecological relationships.

As a graduate, whether you seek employment in a conservation agency or elsewhere, you can use judgment based on a clear consideration of the environmental consequences of an action. State and Federal agencies in the field of conservation traditionally have limited budgets and chances of finding employment are equally limited, but the opportunities to use good sense in business and government are unlimited.

As a citizen (even if you're too young to vote) you can use good judgment in campaigning for issues and for legislators who will support efforts to improve the environment. You should keep your legislators at every level of government informed of your support for environmental issues.

XUM

If you're looking for a way to fight land pollution, one way to get involved in environmental action movements is through eductional efforts to prevent further land pollution, and on-the-ground clean-up campaigns for volunteers who personally want to take part in the crusade against litter. Interior's Bureau of Land Management offers the Johnny Horizon Program for such an effort.

As a concerned person you can do your homework; learn the facts and explore both sides of the question—and then come up with a better way of doing things.

Good luck; maybe you *can* change the world. We hope so; it's everybody's world.

WALTER J. HICKEL.

CIGARETTES PACK A SELLING PUNCH

HON. BYRON G. ROGERS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. ROGERS of Colorado. Mr. Speaker, I include in the RECORD the fine speech made by Mr. Joseph Kolodny, managing director of the National Association of Tobacco Distributors, at Miami Beach, Fla. The address is as follows:

CIGARETTES PACK A SELLING PUNCH

The American cigarette—that handy, colorful little pack of twenty smokes—has few peers in the American industrial system or in the world. The American cigarette is more than just a good smoke. The American cigarette is an economic force.

We here know what is involved in producing and distributing the American cigarette. We know the extent to which its economic distribution, its community penetration and its wide popularity lend thrust to and, at the same time, cushion the American economy and resist inflation.

We know. But does the American business community at large know and appreciate just how much diversification of products and cash flow are owed to that pack of twenty smokes? Of course, that is not a question but an imperative: It is incumbent upon us to bring the story of the American cigarette to the American public—and especially to the American housewife, whose main concern is getting maximum value in the products she buys for her household at minimum cost.

What goes into a pack of American cigarettes? Twenty smokes. One little cigarette packed snugly against the next. Ten in a row. Twenty in a pack that fits any pocket or purse. A colorful, dramatically appealing package. A pack that is available at approximately one million, five hundred thousand retail outlets in the American market place. And at those outlets, the housekeeper saves money on thousands of diversified products whose costs are governed by the low distribution costs of the cigarettes.

That handy little pack of twenty smokes packs more commercial punch than any other American product because it gives thrust and impetus to products that are distributed with it: It gives them selling force. It is a powerful catalyst of diversification in distribution.

And it is distribution that underwrites national prosperity. Our country's prosperity is built upon a dynamic nationwide, low-cost distribution system that keeps commodities moving swiftly from the factory assembly lines to the point of sale shelves and counters for local store exposure so that the consumer may easily purchase them.

American business genius, motivated by unflagging public demand, keeps this handsome little pack of twenty smokes available all over the world. American blend cigarettes made of high quality tobacco have become a symbol of prestige to many other people around the world. Indeed, it is a measure of the American cigarette's success that everywhere, on the American scene and abroad, that cigarette is not something rare and precious. The American cigarette is, rather, something that is *taken for granted.*

Can we in good conscience envision what the business world would be like without this pack of twenty smokes? What would happen if the American cigarette were suddenly yanked out of the business structure? What happens when you remove any keystone from any structure: The structure collapses.

Without the American cigarette, the costs of distribution of products supplied by the wholesaler who sells cigarettes would skyrocket.

Cigarettes cost less to distribute than any other American product because (1) people buy them every day, (2) they are available in every conceivable outlet, from the mighty supermarket down to vending machines.

Because the costs of distribution of cigarettes are low, too, are the costs of distribution of product distributed *with* cigarettes. This can be illustrated quite simply and forcefully:

Candy distribution alone may cost 12% to 15% on the dollar. But the low distribution cost of cigarettes reduces the candy distribution figure to 7% or 8%.

For the typical wholesaler whose sales are 67% cigarettes, 11% candy, 12% cigars and 10% sundries, the cost of distribution levels off around 7½%.

This holds true right down the line on products that owe their distribution to cigarettes. Pens and pencils, normally 16%, watches and alarm clocks, normally 18%, and proprietary medicines, normally 16%—all of these ride into the marketplace on the 7½% cost of the wholesale distribution of cigarettes.

Without the low distribution costs of cigarettes, the outlook would be bleak indeed for cigars, snuff, pipes, pipe tobacco, cigarette holders and cigarette lighters. For candy, chewing gum, cough drops and other confectionery items. For proprietary medicines, chapsticks, small electrical appliances, pens and pencils. For clocks, watches and sunglasses. For lotions, shoelaces and razor blades. For toys, deodorants, stationery, school supplies, camera film and flash bulbs—the list is practically endless, a cornucopia of goods supplied by the tobacco distributor.

Countless thousands of small business entrepreneurs whose offices are their pockets, whose credit is based on human factors rather than cold facts and figures, would be threatened by sudden failure.

On the chart appended hereto are dozens of different kinds of outlets served by the wholesale tobacco distributing industry. It's an encyclopedia of distribution and diversification. It ranges, as you see, from airports and beauty parlors to barrooms and discotheques, to barber shops, slop chest stores and even zoos—a veritable A to Z of the buying panorama.

Aside from all this, however, there is a very human side to dealing in cigarettes. Cigarettes help to nurture something that is very precious to the American cultural and economic community, something that is implicit in the American Way:

The independent corner candy and tobacco outlet.

That, of course, is a bit of a misnomer. The kind of outlet we are talking about is no longer limited to candy and tobacco. The present store is something more. It is a *neighborhood* store.

It offers qualities that are more important than the dollars-and-cents quantities of goods on its shelves. It offers trust; it offers confidence and good will. It offers a familiar kind of hominess that no dazzling and shiny supermarket with all its variety and all its speed checkout counters can hope to equal.

Because this kind of outlet offers *people.* It offers people we know and deal with as friends. Its owners are neighborhood people. Their store goes by their names: It's John's. It's Jack's and Jennie's. It's Molly's. It's Mr. and Mrs. Z's.

And it sells cigarettes, the volume and traffic of whose sales support practically all the other commodities on its shelves.

The wholesale cigarette distributor is as vital to that store as the heartbeats, the life blood of its proprietors.

The wholesale cigarette distributor is Jack and Jennie's banker. He is Mr. and Mrs. Z's bookkeeper.

Most of the people he deals with have no mercantile rating. In many cases Jack and Jennie are a couple of plucky youngsters who are just starting out together on the road of business life, a life that frequently requires 18-hour days, 365 days a year. To them, Dun & Bradstreet sounds like an intersection in Manhattan's Financial District.

Since they have no mercantile rating, their credit is often more a matter of honor than a matter of figures on paper. And who provides them with that credit? Their cigarette distributor.

Millions of Americans and persons in foreign lands as well, the people who make, market, advertise and distribute the American cigarette, would be suddenly plunged into the already brimming unemployment pool without the American cigarette.

A sharp decline in the sales of cigarettes would paralyze the diversification processes of the wholesale distributor and the cigarette manufacturers could find themselves in a similar predicament in their own diversification programming.

The cash flow and rapid turnover of cigarettes is the gunpowder requisite to propel both diversification programs.

Where does the American cigarette come from? More than half a million farms are growing tobaccos: Brights, burleys, Maryland and Turkish among them. Most of these tobaccos are sold at public auctions, in competitive bidding. Before the tobacco goes into production, it undergoes the costly and painstaking process of curing, which resembles marination somewhat. And that calls for heavy investment of time and money: Cigarette manufacturers spend eighteen months and more than three billion dollars on their tobacco before it is converted into perfect American cigarettes.

We distribute the perfect American cigarette, which represents one of the major industries in the United States.

Here in the United States alone, more than five hundred and fifty billion cigarettes are sold every year.

Cigarettes provide the calling card; they provide, almost literally, the foot in the door of the retailer for other products, and they hold down those products' costs. Distribution costs are more often than not the determining factors in the value received by the consumer.

In recent years, excruciating competition made some distributing firms take a desperate step.

They dropped cigarettes and restricted themselves to cigars and sundries.

Much to their chagrin, and at an appreciable expenditure of mental anguish and financial resource, they were forced to go back to that little pack of twenty smokes. The alternative? Go out of business. Our nation, at this time, still has a handful of such specialized distributors and their casualty rate is constant. Cigarettes, as ever, are the prime movers.

Today, diversification is the keynote of marketing. Today, almost every retail store is a general store. If there are specialists still thriving in the economy today, they are caterers to limited, perhaps even esoteric, tastes. Or they are, like the liquor dealer, creatures not of economic evolution but of the law.

The tobacconist was once a specialist. Today the tobacconist who sells only tobacco and tobacco products is rare indeed. Like every other retailer, he has diversified. His cigarette sales provide the cash flow that helps him make his new acquisitions, that allow him to venture into diversified product areas.

The world of business is very much like the world of nature. Actually, since we are creatures of nature, it is an extension of nature. It has little worlds within larger worlds, just as our earth is part of our solar system which is part of the Milky Way galaxy which is part of the known universe. There are businesses that depend upon and feed upon larger businesses that make up micro-economies that are parts of vaster economies and, ultimately, what we call The Economy.

The cigarette is an integral part of an economic system within an economic system. If distribution is the force that impels that economy, the cigarette is the spark that provides the energy for that economic force, and thus, in its way, is an economic force itself.

Take away the cigarette and you take away the availability of other popular products at popular prices; items that might never enter a consumer's mind as often as they do today because that consumer *would no longer see them before him.*

When that consumer stops in at those outlets for a pack of twenty smokes, he sees all those other items, and many more. They are all there in the store where he gets his cigarettes.

And so the consumer, householder or housewife, buys—at savings and with convenience. He or she is saved an extra trip and an annoyance.

That is how cigarettes open the retailer's door to the wholesaler, and benefit the consumer. That is how they bring so many other products to the retailer's shelves—and keep them moving off those shelves and into the consumer's home. That is how they make all those other products available to that consumer at reasonable costs and, finally, how they accelerate for the wholesaler and retailer the traffic of business and put savings in the consumer's pocket; and that is how the American cigarette renders the imperative service of blunting inflation.

Behind the little pack of twenty smokes stands this formidable army of persons and activities involved in all the steps of marketing tobacco, from the plantation to the counter:

Five hundred thousand tobacco growers.

Fifty thousand manufacturing employees.

Three thousand wholesale tobacco distributors.

Two thousand wholesale grocery distributors.

One thousand cigarette vendors.

Fifty thousand vehicles for distributor personnel and for manufacturer personnel.

One million, five hundred thousand retail outlets and their families, representing more than five million people.

Two hundred thousand warehouse, delivery and shipping and office personnel.

Then there is the American cigarettes tax yield:

Two billion dollars in federal taxes.

Three billion dollars in state taxes.

Fifty-eight million dollars in municipal taxes.

The tobacco industry also pours into the economy more than two hundred and fifty million dollars a year in advertising and collateral publicity.

Tobacco wholesalers keep an aggregate investment of more than seven hundred and fifty million dollars a year in motion for distribution of tobacco, confectionery and other attendant products, and part of that money goes toward extending credit to small entrepreneurs, coast to coast. The wholesaler acts as their bookkeeper by being only one man who represents a multiplicity of products, thus simplifying their ledger keeping.

The wholesaler may also help a small businessman get started in business. He may ease that entrepreneur's initial capital investment by supplying merchandise on credit and keeping his retail customers abreast of trends, sales techniques and new products.

As distributors, we play but one role in the continuing success story of the American cigarette. It is, however, a vital role. Through automation, through assembly-line manufacturing, the work force of American manufacturing makes up only 28% of the total number of persons employed, and the production workers themselves, the people behind the machines, constitute only 20% of those employed.

Now—inasmuch as 72% of those gainfully employed are in distribution and services, and the costs of those services eat up a substantial part of the budgetary dollar, any factor that tends to prune the costs of distribution inures to the benefit of the consuming householder.

The manufacturing-distributing ratio of personnel is not an inequity. It is the result of evolution. In far simpler terms, while machines make things, and advertising publicizes things, neither of them sell things.

Selling takes a human being, flesh and blood, charisma, and simple human judgment. And that human being is the distributor; it is he who steps in and *sells.*

It is incumbent upon us to safeguard the distribution and exposure of the American cigarette. We must:

Maintain vigilantly the cigarette's rightful place in the economy as an instrument and catalyst of accelerating diversification.

Fuel constantly the impact of the American cigarette and its vital cash flow.

Provide a source of income that means survival for America's independent, industrious and honorable entrepreneurs.

Contribute unceasingly to the de-escalation of inflation.

In conclusion, let us cite some imperatives.

It is imperative that an economically and smoothly functioning cigarette distribution system, which for proficiency has no peer in the world, be firmly maintained and *improved upon* when the need for improvement appears.

It is imperative that we reorient our thinking to *aggressive optimism* about the future of our industry and its product, cigarettes.

It is imperative that we bear in mind that the American cigarette *keeps down the prices* of thousands of products which the cigarette's low distribution costs channel to the consumer.

And it is imperative that we become physically and mentally involved—to put it bluntly, that we *give a damn*—about all the ways you can help the American cigarette maintain its full potential in the American economy.

JUNIOR MISS PAGEANT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. YATRON. Mr. Speaker, Junior Miss Pageant candidates from all over the United States will gather in our Nation's Capital this weekend.

I am delighted that the Commonwealth of Pennsylvania will be represented by a young lady from my congressional district, Miss Melissa A. Hardy of Reading, Pa.

"Missy" Hardy, who recently participated in a youth action symposium at Gettysburg College, will travel to Mobile, Ala., next week for the National Junior Miss competition.

I would like to take this opportunity to wish Melissa Hardy good luck in Mobile. I am confident that she will ably represent the State of Pennsylvania in this national contest.

DR. EDMUND B. BOATNER RETIRING AFTER 35 YEARS OF SERVICE

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. CAREY. Mr. Speaker, I take this occasion to call attention to the significant contributions made by Dr. Edmund Burke Boatner, superintendent of the American School for the Deaf, West Hartford, Conn. Dr. Boatner will soon retire from his post after 35 years of distinguished leadership services—not only to the fine school he has headed—but also to lasting progress in the education of deaf Americans throughout the United States and the world.

Dr. Boatner came to the American School in 1935. It is the oldest school for the deaf in the Nation, founded in 1817 by Thomas Gallaudet, pioneer in the education of the deaf. Under Dr. Boatner's inspiring leadership, the American School has more than doubled its physical plant, led in innovative educational techniques, and has been in the forefront in the initiation of new Federal and State programs to provide additional opportunities for the deaf in our society.

Mr. Speaker, it has been my pleasure to work on many occasions with Dr. Boatner in the development of legislation in this vital field. He has been a frequent and persuasive witness before our subcommittee over the years and has rendered valuable service in helping us to understand the complex educational and social handicaps of the deaf.

Dr. Boatner has had an unusually varied professional career. He was born in Potts Camp, Miss., in 1903, the son of Franklin Pierce and Mary Wills Boatner. His father was a senator in the Mississippi State Legislature. Dr. Boatner attended Millsaps College, the University of Illinois, and the University of Mississippi, where he received a degree in civil engineering in 1925. Shortly after graduation, he was employed by the U.S. Army Corps of Engineers in New Orleans and worked on flood control projects on the Mississippi River. Over the next 6 years, he was employed as a civil engineer by the Illinois Central Railroad, the B. W. Construction Co., and in 1928 became assistant director for purchasing at the H. K. Ferguson Engineering Co. in Cleveland.

Dr. Boatner was married in 1928 to the former Maxine Tull and became interested in her profession as an educator of the deaf. His own interest and concern in the deaf continued to grow over the next several years and in 1932 he began graduate work at Gallaudet College here in Washington and received his A.M. degree the following year. Dr. Boatner then took a position as vocational principal of the New York School for the Deaf, where he could combine both his engineering and educational backgrounds. Over the next 2 years he continued his graduate studies at Columbia University and Pennsylvania State College. He was appointed superintendent and principal of the American School for the Deaf in West Hartford in 1935.

In the intervening years the American School has grown and flourished and Dr. Boatner's remarkable leadership in his profession spread. In 1950 he was chosen as secretary of the nationwide Conference of Executives of the American Schools for the Deaf; he became vice president of this organization in 1951, president in 1954 and served for 3 years. Dr. Boatner was also president of the Captioned Films for the Deaf, Inc., from 1954 to 1960 where he pioneered with the late Walt Disney a series of cartoons for deaf educational work. With his wife, Dr. Maxine Tull Boatner, he coauthored an idiom dictionary for the deaf. He was awarded a Doctor of Letters degree from Gallaudet College in 1952 and in 1964 he received the Outstanding Service Award of the Conference of American Schools for the Deaf. Dr. Boatner is the author of many articles on the deaf that have appeared in various learned journals.

Many other civic activities have marked Dr. Boatner's busy career. He was an incorporator of Mount Sinai Hospital, the Hartford Hospital, and the St. Francis Hospital. He was chairman of the management committee of the American Annals of the Deaf, a member of the advisory committee of Jefferson House, president of the Connecticut Association of Child-Caring Institutions, and president of the Boys' Club of Greater Hartford. He also served as chairman of the West Hartford War Finance Committee from 1944 to 1946. Dr. Boatner is a member of the National Association of the Deaf, the Council on Education of the Deaf, Pi Kappa Alpha fraternity and is also a Mason, a member of the Rotary Club and a former president, and the Cosmos Club of Washington, D.C.

Mr. Speaker, I salute Dr. Edmund Burke Boatner for his lifetime of significant contribution in the field of education of the deaf. His work has had a significant impact on the lives of many thousands of our fellow citizens who have overcome the handicap of deafness and who have gone on to make for themselves more normal and productive lives. To Dr. Boatner and his wife Maxine I extend my own personal wishes for continued success in their retirement years ahead.

NEXT TURN IN BUSINESS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. DUNCAN. Mr. Speaker, the May 4, 1970, issue of U.S. News & World Report features a very interesting and optimistic economic report.

I feel this article should be called to the attention of my colleagues, businessmen, and the public; and thus follows "Next Turn in Business":

NEXT TURN IN BUSINESS

The long, slow downturn in business is coming to an end—and may indeed have ended already. Just ahead lies a long, slow recovery.

More and more economists and executives around the country are adopting that view. In talks with "U.S. News & World Report," and sometimes in speeches, they are holding out these prospects—

Machinery in the nation's factories will now hum a little more vigorously. Output of new automobiles will increase, in part because the industry will be stocking up against the likelihood of strikes starting in September.

Home building will begin to show real improvement by late summer. Builders probably have seen the worst of their special kind of depression.

People will be spending more money in the stores. Demand for furniture and appliances, sluggish of late, will pick up by autumn.

None of this implies a new boom in the foreseeable future. Official reports, which lag a month or two behind actual events, may continue to produce some bad news in the next few weeks.

In times when the business cycle is turning, the statistics normally present a confusing mixture of ups and downs.

Profits of many companies will remain under pressure, as costs continue to rise. The thing that would do most to relieve the squeeze on profits is a strong surge in sales and output—and neither of these is expected to develop on a wide scale this year.

Meanwhile, if the majority of economic forecasters are right, producers will find it increasingly difficult to pass higher costs along to the consumer in the form of higher prices.

In short, businessmen—according to this consensus—can breathe the relief that comes from knowing the country has, in all probability, avoided anything like a serious recession. They can also look for more rough going, however, as the nation struggles to escape from the grip of inflation.

What authorities say. In the words of George W. Cloos, vice president and economist of the Federal Reserve Bank of Chicago: "I believe . . . that the forces making for decline are now losing momentum."

A top New York banker goes a step further: "There has been some strengthening of the economy in the last month or so. The question of whether or not we're in a recession is just a waste of time. The worry now lies in the possibility of an unbalanced federal budget. There is a chance that pay increases will provide too much buying power and that the consumer will be stimulated too much.

"As a result, the Federal Reserve will have to continue indefinitely to follow a fairly severe credit policy in order to restrain inflation."

Otto Eckstein, professor of economics at Harvard University and former member of the Council of Economic Advisers, says he expects the nation's total output of goods and services—the gross national product—to grow at a rate of about 3 per cent a year in the second quarter of 1970, after deducting the effects of inflation.

"Economic news was at its worst in February," according to Dr. Eckstein. "The picture has changed in the last six weeks."

At the Bank of America in San Francisco, Walter E. Hoadley, executive vice president and chief economist, warns that it will be impossible to gauge business trends this year by ordinary measures, "because we have so many gyrations, changes in monetary and fiscal policies, work stoppages and social unrest." He adds:

"We are building the base for a more sustained demand, but we won't see people buying more 'big ticket' items for some months, until they get a better picture of what their real income is to be. To a family that is tight on money, the old automobile suddenly looks a lot better. We're in the stage of buying new tires, getting a new paint job rather than buying a new car."

Increase in incomes. Another expert who expects a gradual upturn is Albert H. Cox, Jr., vice president and economist of the First National Bank in Dallas. In a speech in Detroit on April 21, Mr. Cox noted, "There are a number of good reasons for believing that the forces of expansion are about to reassert themselves." He summarized the reasons this way:

"At the top of most lists would be the impending sharp increase in personal incomes, reflecting in particular the boost in Social Security paychecks beginning in April, and the latest federal pay raise, retroactive to the end of last year. These two things alone add up to more than 7 billion dollars per year. It can also be argued that the mood of consumers, which deteriorated sharply throughout 1969, may be in the process of improving. . . . Another source of cheer, some say, is that business inventories have *already* been cut back sharply in many lines to conform to the realities of this new economic environment, so that the worst may be over there, too."

Mr. Cox concluded, "It can be said with almost complete confidence that business expansion will resume before the end of this year."

Sol A. Hymans, professor of economics at the University of Michigan, expects a "mild" pickup in business by June 30, the end of the current quarter.

The same broad picture comes through in one interview after another.

Predictions of improvement are also voiced by men who are experts on major segments of the economy.

On the outlook for retail trade, Edward S. Donnell, president of Montgomery Ward, now predicts a gain of 6 or 7 per cent this year, with most of that increase showing up in the second half of the year. Price increases, Mr. Donnell notes, will account for some of that expected rise.

In the first three months of this year, retail sales ran only about 3 per cent ahead of 1969, and prices were up far more than that. Hence, the physical volume of trade actually declined.

Weakness in demand for autos is one of the major ingredients of that decline. Now, however, the industry sees signs that the slump has run its course. Sales are forecast at an annual rate of about 8 million U.S.-made cars for the second quarter, up from a 7.6 million rate in the first quarter.

Chrysler on April 21 announced plans to recall up to 1,500 workers who had been laid off from its assembly plant at Hamtramck, Mich.

XUM

Tourist trend. The tourist business already is picking up a bit, according to executives at a number of resorts.

In Miami Beach, where tourist-tax collections dipped slightly in the first quarter, "there's a definite uptrend" now, according to Elliott Roosevelt, executive director of the tourist-development authority.

"Of course, the hotel people are crying wolf," Mr. Roosevelt says. "But I would say all the first-line hotels are doing better."

Georgia's Jekyll Island had more visitors in the first quarter of this year than last year, despite a drop in January. Revenues were 23.5 per cent higher, according to Fred Griffith, assistant director of the State-owned facility. Gatlinsburg, Tenn., in the Great Smokies, is counting confidently on a 10 to 12 per cent increase in tourists this year. And the resort hotels on South Carolina's Hilton Head Island are hanging out "no vacancy" signs.

"We begin filling up last week, two weeks before normal, at all four hotels," says Jim Littlejohn, executive director of the local chamber of commerce.

The chief economist of a major metal producer makes two predictions:

Output of new cars will increase.

Spending by business for plant and equipment will rise substantially, perhaps by as much as the Government surveys early this year indicated.

This expert adds: "Many companies have gone ahead with their plans instead of waiting, because prices are rising, and they don't think they will level off in the near future."

Joseph C. Wilson, chairman of Xerox Corporation, told stockholders on April 16 that the company experienced a "lower rate of incoming orders and shipments" for computers early this year. "March orders, however, were encouraging," he said.

Both Dr. Eckstein and Mr. Hoadley believe demand for machinery may slacken later this year and in 1971. That would tend to keep a business recovery from becoming very exuberant.

How about the chances of a bounceback in the hard-hit building business? Dr. Michael Sumichrast, chief economist at the National Association of Home Builders, says, "Housing starts will move in a kind of zigzag for a few months. Then there will be a slow upturn in the fall."

Robert B. Pamplin, chairman of Georgia-Pacific Corporation, expects housing to improve "slowly but surely throughout the year." Prices of lumber and plywood already show a "mild firming," according to Mr. Pamplin.

THE MARKET PICTURE

The stock market remains something of an enigma for those who say business is about to turn up. In times past, stocks have tended to rise up to six months ahead of a real economic recovery. Today, the averages are near their lows, and market analysts, by and large, do not predict much of a rebound in the immediate future.

Harold Schreder, president of Group Securities, Inc., a New York-based mutual fund, expects further declines for some "speculative stocks" that have been selling at very high prices, relative to earnings. Mr. Schreder sees this shakeout taking "another few months," and he does not see these issues recapturing investors' favor for "a year or more."

A similar view from Armand G. Erpf, general partner of Loeb, Rhoades & Company:

"There seems to be continued readjustment in the so-called high-performance area, which has been the object of concentrated attention by many mutual funds both here and abroad over the last couple of years.

"As soon as this has more or less completed its courts, we might assume that there would be a mild upturn in stock prices which, in many areas, appear to be overdiscounting the slowdown in business. And there is some evidence that, beginning relatively soon, the slowdown will move to stability and a partial upturn."

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Irving Trust Company's vice president John C. Sutherland is mildly optimistic: "I'm reluctant to predict an early, sharp recovery on the market, but I do think that barring unforeseen circumstances one should be due later this spring or this summer."

And Dr. Roger Murray, vice president of College Retirement Equities Fund, believes the market is even now "coming to life." He adds, "I can't tell you whether that process will take three weeks, three months or longer, but I'm convinced we are in or have passed the bottom of stock prices."

This relatively cautious attitude, echoed by a number of other analysts, seems in keeping with the rather unusual type of business recovery which the economists anticipate: a period in which output will climb slowly and the squeeze on profits may tighten.

THE 179TH ANNIVERSARY OF THE POLISH CONSTITUTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. CONTE. Mr. Speaker, May 3 is the 179th anniversary of the Polish 1791 Constitution. On this day Poles and citizens of Polish origin everywhere celebrate a Polish national holiday.

All across the United States, from coast to coast, exercises and ceremonies are conducted throughout the month of May to pay tribute to the Polish nation and to remind Americans that Poland was one of the first countries in Europe to champion liberalism.

In 1791, on May 3, Poland changed her political system and reversed her internal decline by enacting a remarkable constitution which reformed and healed the main defects in the Polish Parliamentary and social system. The primary basis of the 1791 Polish Constitution was the principle of the fundamental sovereignty of the people in the state.

Coming about 2 years after the adoption of the Constitution of the United States in 1789, the Polish Constitution was based on similar principles, and the philosophies behind the two constitutions appear to be congruent in many respects. For example, the 1791 Polish Constitution formulated its liberalism in these words:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and good order of society, on an equal and on a lasting foundation.

Unfortunately, the rebirth of democracy in Poland represented by the 1791 constitution did not last long. In 1795 Poland was partitioned by Russia, Prussia, and Austria.

I would hope, however, that all Americans will reflect on May 3 on the meaning of this day for Poles all over the world. It is a day in celebration of liberty and sovereignty, values basic to all our lives.

I join with every Pole and every American of Polish origin in expressing my hope that Poland will once again be free to enjoy the liberty which it once held as a beacon to the entire world.

MAY 1: A DAY TO HONOR POW'S AND MIA'S

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1970

Mr. PELLY. Mr. Speaker, the priority placed on settlement of the prisoners of war issue by the North Vietnamese is greatly misdirected. The Government of North Vietnam says it will not discuss the prisoners until the other issues of the war are resolved. What they do not seem to understand is that while Americans have differing views on this war, they are almost unanimous in their desire to have the Hanoi regime behave in a civilized manner and at the very least, release the names of the prisoners they now have in captivity.

To me, the sooner Hanoi realizes the solidarity of the American people on this subject, the sooner the entire war will end.

The torment through which the families and loved ones have been living is unconscionable. And, to date, the attempts at mediating the differences between governments on this issue have failed.

Friday, May 1, has been proclaimed by the President as Loyalty Day, a time to reaffirm our loyalty to the United States of America. It also is the day chosen for special tributes to Americans who are missing in action or who are prisoners of war in Southeast Asia.

There are 1,472 American servicemen listed today as prisoners or missing in action. Of these, Mr. Speaker, 1,008 have been prisoners for more than 2 years; 493 have been missing more than 3 years; and 171 more than 4 years. Twenty-two have been missing more than 5 years, and one prisoner of the Vietcong, an Army sergeant, recently observed his 6th year in captivity.

Tomorrow would be a perfect time for not just an outpouring of American concern, but a worldwide expression of indignation for the position taken by the North Vietnam Government regarding prisoners.

Mr. Speaker, there is action that can be taken by any individual. Anyone, to express his feelings toward the hostile attitude of the North Vietnamese on the issue of prisoners of war, can write the Ambassadors of France, India, Poland, Rumania, Sweden, or the U.S.S.R. in Washington, D.C.

I strongly urge all Americans to participate in Loyalty Day activities, and to express their concern over U.S. prisoners of war.

XUM

THREAT TO THE COALITION

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, May 1, 1970

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a column entitled "Threat to the Coalition," written by Nick Thimmesch, a syndicated columnist, and published in News Day Specials. The article is entitled to our consideration.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THREAT TO THE COALITION

(By Nick Thimmesch)

WASHINGTON.—The Nixon administration's conglomerate of the majority which is silent and the Americans who are middle might just become undone over the Cambodian crisis.

People are worried and upset over the latest revelations concerning involvement of U.S. helicopters, air-strikes and artillery—all in support of South Vietnamese troops chasing the Communist enemy in Cambodia. A new decision to send arms to Cambodian forces could cause this country to lose its patience with the President's steady policy of deescalating the war in that area.

Nobody likes the Vietnam war and everybody got some satisfaction from the President's announcement last week that he intends to withdraw another 150,000 American troops from that tortured land by next spring.

That speech, while loaded with ambivalencies, was still acceptable to most Americans. But most Americans want no part of Cambodia, and the President might be surprised to learn the true mood of the nation on that developing crisis.

Whatever rhetoric might emanate from the White House on the need to rush arms to the embattled army of Cambodia's Premier Lon Nol, the feeling in the Congress is that we've had just about enough in Southeast Asia.

Some heartland Republicans I have talked with don't want to go on the record on the Cambodian situation, but express strong private opinions that their constituencies just won't take any news about the U.S. getting a little bit pregnant there.

Senator Robert P. Griffin, as minority whip, must make brave utterances about how limited military aid to Cambodia might "hasten the day when American troops can come home," but that kind of song has been sung many times before, and by everyone from swooning liberals to hairy-chested hawks.

Senate Majority Leader Mike Mansfield is much closer to the sentiment of Congress when he says "guns to Cambodia would lead to supplies, advisors, then American troops to Cambodia—and *that* the Senate and the American people will not tolerate." Maine's Senator Edmund Muskie chipped in with the same view, and observed that the Johnson administration, using phrases like "a little more military effort . . . a measured response," escalated Vietnam to the mess it is now.

There is an important, clear-cut distinction between that rag-tag collection of war-protestors and the vast majority of Americans who are disgusted with Southeast Asia.

Part of the political genuis of Senator Eugene McCarthy in 1968 was that his low-keyed discussion of the Vietnam war was not only cheered by the anti-war crowd, but also made sense to much of the same "silent majority" eventually owned by Nixon. One survey showed that McCarthy's remarkable showing in the New Hampshire primary was partly explained by the sizeable vote he got from hawkish folk who felt the Johnson administration blew opportunities to win the war.

Another straw in the wind is the experience ABC's Paul Harvey, a highly patriotic and conservative midwesterner, has had in pushing the theme, in muscular verbiage, that "in this no-win war my country is wrong."

Harvey's peppery old fashioned fundamentalism reaches an enormous middle-American audience through 462 radio and 126 television statations. He started blasting the Vietnam war in August, 1966, long before most dovish senators did, and one of his first rewards was to receive white feathers, symbolizing cowardice, in the mail.

But he continued to lace in a plea for us to "get out" with his red-blooded comments upholding traditional virtues, and claims that today the negative response is minimal.

"A faucet dripping blood makes no sense," Harvey says. "I hate to find myself in bed with Bill Fulbright, but there I am. I don't identify with violent peaceniks, but I get good response from college audiences."

In his programs, Harvey argues that the Peking Communists couldn't have designed a better blueprint for our destruction than our involvement in Southeast Asia. He says "America's six per cent of the world's mothers cannot possibly produce enough boy babies to police the planet;" and argues if we can live with Communism in Cuba we can survive it in Asia. This week, he likened our arming of the South Vietnamese in Cambodia to throwing a boomerang which could hurt the U.S.

Harvey's argument is old-fashioned midwest isolationism, the kind which flourished in Chicago 30 years ago. If Harvey can get away with it, if Congressional Republicans balk at any White House plan to sell the people on arming Cambodia, and with Democrats threatening to make a first-class issue of it—the President is in an awful jam in making a decision on Cambodia.

That silent majority of middle Americans can make some loud grumbles which could be felt in next fall's elections.

HON. STEPHEN PACE, SR.

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. DORN. Mr. Speaker, I was deeply saddened to hear of the passing of my warm and personal friend, the Honorable Stephen Pace, Sr.

Stephen Pace was an outstanding lawyer. He served his State with distinction in both the Georgia House of Representatives and the State senate before being elected to the Congress in 1937.

Stephen Pace rendered magnificent service to our country during his years in the House of Representatives. He was noted throughout the Nation for his advocacy of and devotion to a strong farm program. He himself had engaged in agricultural pursuits, and he personally knew the problems of our farmers. He shaped and developed the agricultural economy of our entire Nation. The United States was the arsenal of democracy during World War II not only due to our guns and munitions, but also because of our abundance of food, and Stephen Pace's efforts helped to build the strong agricultural program which contributed so much to our Nation's strength.

Stephen Pace has been greatly missed by our country and by his colleagues since his retirement from the Congress in 1950. Mrs. Dorn joins me in any deepest and most heartfelt sympathy to Mrs. Pace and the family.

THE POLISH CONSTITUTION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 1, 1970

Mr. COLLIER. Mr. Speaker, Sunday, May 3, will be the 179th anniversary of the Polish constitution. It was on May 3, 1791, that this document was put through by patriotic forces in Poland, just 2 years after the United States of America began functioning under its Constitution. Unfortunately, a parallel was not established.

The United States prospered politically and materially under its new charter of freedom, increasing in number from 13 to 50 and becoming the most powerful nation on earth. Poland, during the same span of time, enjoyed but a brief period of freedom.

In 1772, the first partition of Poland by Russia, Prussia, and Austria had deprived it of about a third of its territory and approximately half of its population. The second partition, by Russia and Prussia, occurring in 1793, less than 2 years after the promulgation of the new constitution, robbed Poland of half of its remaining area. The final partition, by Russia, Prussia, and Austria, occurred in 1795.

Poland's modern existence as an independent nation, which began as World War I ended, ceased as World War II began. The old Poland had been divided up by the Romanoff, Hohenzollern, and Hapsburg dynasties, all of which collapsed as a result of the first world conflict. The new Poland was divided between the Soviet empire, successor to the Russian empire of the czars, and National Socialist Germany, heir to the Prussian and German empires of the kaisers.

These evil forces, which had precipitated World War II, later dissolved their marriage of convenience. As a result, the people of Poland were caught between two Socialist fires; no matter which side won, the Poles were doomed to slavery under satanic foreign masters.

National Socialism's power lasted but 12 years. For its victims, they were long years, but they did finally end. On the contrary, communism, which has been in power for more than half a century, is stronger today than ever. The territory under its control extends from the Baltic to the Pacific, including the Soviet Union and its numerous satellites, as well as Red China and its puppets. Even Cuba, a mere 90 miles from Florida, has become a bedfellow of international communism.

Mr. Speaker, while we are engaged in the war in Southeast Asia, a conflict waged against us by a puppet of the Soviet Union and Red China with their assistance, there is not much that we can do to help Poland and other Soviet colonies to regain their independence.

While we cannot embark on another foreign venture, we can discourage loose talk about peaceful coexistence, cultural exchanges, and increased trade with our Communist enemies. Let there be no more missions to Moscow by fuzzy-minded intellectuals, opportunistic politicians, and naive industrialists who would be the first to be liquidated if communism ever secured the upper hand in America.

Many of the people who left Poland to escape persecution at the hands of the czars and commissars and the kaisers and stormtroopers made their way to America, where they and their children have begun a new life as American citizens. These people, who have received much from America, have also given much in return.

Mr. Speaker, on this 179th anniversary of the Polish constitution, let us all unite in a fervent prayer to the Almighty that Poland, the land of their ancestors, will some day soon be able to return to the family of free nations.

TENTH OF MAY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. CONTE. Mr. Speaker, the 10th of May is a national holiday of the Rumanian people traditionally held to celebrate three great events in Rumania's history.

Today the people of Rumania are not allowed to celebrate the traditional significance of May 10. Instead, official celebrations are held on the ninth of May signifying the anniversary of the Soviet victory.

In the past, Rumanians have cherished and revered the 10th of May as the anniversary of three glorious and happy events in their history, in which achievements of the monarchy and the people were interwoven. These events—the founding of the Rumanian dynasty in 1866, the proclamation of independence in 1877, and the creation of the Kingdom of Rumania in 1881—were all dear to the hearts of Rumanians the world over.

Today, this great national holiday is kept alive by the observances held around the world by Rumanians and citizens of Rumanian origin. I join with these Rumanian patriots in celebrating this national holiday and I await the day when the citizens in Rumania will once again be free to celebrate with us.

REDS SET UP PEACE DRIVE ON ISRAEL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. DERWINSKI. Mr. Speaker, in view of the deliberate escalation of military activity in the Middle East by the Soviet Union, comprehensive understanding of the complexities in that area are necessary as crucial decisions must be made in our Government circles.

Governmental decisions, of course, should be the subject of objective reaction on the part of the public and I must add that this should apply to the Far East as well.

A column in the Wednesday, April 22, Chicago Today, by John P. Roche, is, in my opinion, quite effective in its analysis of Communist activities in political warfare and I insert it into the RECORD at this point:

REDS SET UP PEACE DRIVE ON ISRAEL

The Soviets are tuning up their political-warfare apparatus for another spectacular. The last one was built around "Stop the bombing!" The message was that if the United States stopped bombing North Viet Nam, Hanoi would immediately move to "fruitful negotiations," and the war in Viet Nam would be terminated in a happy compromise. The new variation on the theme has Israel as the target.

A few words on technique may be in order. It begins innocently enough, usually at the United Nations. An east European diplomat takes a distinguished American, a man of known integrity and good will, to lunch.

In discussion, the diplomat suggests that the war in Viet Nam is unnecessary and could easily be ended by negotiations. He murmurs that perhaps reactionary forces in the state and defense departments have blocked communications.

The man of good will rushes to Washington, and the President, quite aware there is no communications problem (his ambassador in Laos can contact the Hanoi representative in Vientiane on about six hours notice), must make encouraging noises, however.

At this point, the distinguished citizen—with visions of the Nobel peace prize—is prepared to go anywhere, any time, to "open a channel of communication," and the communist diplomat is most cooperative. "The fish is on the hook!" is probably the word sent to Moscow.

The American, convinced he has succeeded where the whole burocracy has failed, joyously informs the White House, and sets off for Bucharest, scene of the "meeting." The White House damage-control squad is put on the alert: Old hands wearily explore the likely ploys. There is general agreement it will be No. 3 on the "Hanoi hospital" scenario.

Meanwhile, in Bucharest, a Romanian official assures our peacemaker of a meeting in two or three days. At the last minute the Romanian sorrowfully informs the American it has been canceled: "You know, yesterday your planes destroyed the Hanoi hospital." [It could be an orphanage, a school, a Buddhist shrine, etc.]

The American, frustrated and enraged [at the United States!], returns, changes his shirt, and holds a press conference. Our government, he asserts, has destroyed the chance of a negotiated settlement. "The bombing must be stopped." Between 1965–1968 there must have been 50 similar occurrences.

Now, the Israelis are in the slot. President Nasser has no problem communicating with Golda Meir—the line is open. But a propaganda campaign to convince "world opinion" that Israel is blocking reasonable negotiations took off with a bang when Dr. Nahum Goldmann, president of the World Jewish congress, announced that a French journalist had told him Nasser wanted to meet him for a private peace talk. Cairo denied the story, the Israeli government lowered the boom on Goldmann, and, as the New York Times put it, "many Israelis and a surprising number of newspapers have expressed frustration and anger" that this initiative was not followed up.

Some advice from an old soldier, Mrs. Meir: This is just the first—alert your damage-control machinery.

AN APPEAL FOR INTERNATIONAL JUSTICE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. PRICE of Texas. Mr. Speaker, tomorrow, as part of Law Day U.S.A. ceremonies, the Nation's Capital will be a focal point for an appeal for international justice demonstrating our united support for those Americans who are missing in action or held prisoners of war by the North Vietnamese and the Vietcong.

Honorary cochairmen of this rally will be H. Ross Perot, the Dallas businessman who has made such an outstanding and unparalleled private effort to insure humane treatment and prompt release of our prisoners of war, and Mrs. James B. Stockade, of Coronado, Calif., who is national coordinator of the National League of Families of American Prisoners in Southeast Asia.

I urge all concerned Members to join in this observance which will take place tomorrow evening in Constitution Hall. Concerned individuals have traveled far for this event. In this connection, the Department of Defense has invited 700 families and wives of missing or captured U.S. servicemen to Washington, D.C., for this occasion. Military aircraft will provide needed transportation free of charge on a space-available basis.

As a former combat veteran, I know full well the fact that the risk of enemy capture is a risk that is part of a soldier's life. This is a fact that all American soldiers learn early in their training and a fact they carry with them daily on the field of battle. This risk does not become a reality for many soldiers; unfortunately, it does become a horrible reality for a few. Four close friends whom I flew combat with in Korea are now believed to be languishing in Communist prisons. And, due to my close association with them in many heated combat situations, I can empathize fully with their present tragic plight.

For those who have not shared similar experiences or who lack this empathy, let me refer to the statement of Lt. Robert Frishman who was captured October 24, 1967, and released September 2, 1969. This statement forcefully depicts the horrors that hundreds of American servicemen are experiencing daily in Southeast Asia. Lieutenant Frishman said:

> I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

Mr. Speaker, the appeal for international justice is a nonpartisan, nonpolitical observance. It is in no sense a type of observance which may be compared to some of the questionable observances we have witnessed in the Nation's Capital in recent months. The North Vietnamese and Vietcong are treating American prisoners in an inhumane and unconscionable fashion. Not even minimum standards of decency and compassion are being observed. In addition, the Communists are violating the Geneva Convention of 1957 regarding the treatment of prisoners of war, a document which they pledged their full faith and adherence.

I firmly believe Congress has a duty to act on the prisoner of war issue. For this reason I have introduced a House resolution calling on the North Vietnamese and Vietcong to provide humane treatment of prisoners of war and effect their release at the earliest possible time. I also believe that Congress has a duty to support appropriate nongovernmental observances such as the appeal for international justice rally planned for tomorrow evening. I urge my colleagues to give this occasion their fullest support and encouragement, and let it act as an inspiration for all of us in the coming year.

APPEAL FOR INTERNATIONAL JUSTICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. ANDERSON of California. Mr. Speaker, North Vietnam is believed to be holding over 1,450 American servicemen as prisoners of war.

On May 1, 1970, there will be a demonstration in Washington in support of our American men who are missing in action or prisoners of war. The rally in Constitution Hall on that date will show to the wives and loved ones of these men that Americans do care. The gathering will further show to the North Vietnamese and the Vietcong that their treatment of the men and their failure to release information regarding their status, is inhumane and is abhorrent to the American people.

Veterans' organizations and private citizens have attempted to learn of the condition of American prisoners of war and to achieve their release. Their efforts have been ignored by the North Vietnamese who have shown no significant sign of good will.

Such action is in violation of the Geneva convention which outlines specific standards of humane treatment for prisoners of war. Further, by refusing to make known specific information as to their condition, Hanoi is inflicting painful sorrow upon the families of their prisoners.

Basic human decency demands an end to Hanoi's inhumanity to these men and to their families in America. I urge my colleagues to join in this national day of tribute to these deserving Americans who, each day, testify, by their imprisonment, to the freedom which means so much to every true American.

DDT PERIL TO OUR OCEANS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. OBEY. Mr. Speaker, according to reports in this morning's newspaper, an international conference which recently met in London has confirmed what many people have been saying for some time—that the use of DDT and other hard pesticides is a serious hazard to marine life.

The reports paint a bleak picture indeed, and they did not even deal with the question of the diminution of the ocean's ability to supply oxygen.

Reports from conferences such as this one are just another indication that it is important for the protection of our environment that we act now to ban DDT and other harmful chlorinated hydrocarbons.

The news report follows:

[From the Washington Post, Apr. 30, 1970]

GREATEST THREAT TO SEA LIFE CALLED DDT, NOT OIL SLICKS

(By Alfred Friendly)

LONDON, April 29.—The pesticides that increase the harvests from the land imperil those from the sea, an international conference of marine biologists was told here today.

The DDT spread on fields finds its way to rivers, estuaries and coastal stretches and plays havoc with clams, oysters, shrimp, trout, salmon and other fish, the scientists reported. Even very slight contaminations in water—a few parts per million—can stop the reproduction of many species or greatly reduce their size and numbers.

But, the researchers said, present marine contamination by radioactive wastes, by hot water from power plants and, surprisingly, by oil spills are not noticeably injuring marine life.

The principal message of the two-day meeting, under the auspices of the Royal Society, was that while man has not been known to have died himself from too much DDT, he is using it to kill off important elements of the food chain he lives on.

The fatal mechanism is one of accumulation of DDT along that chain: The pesticide, carried by wind or rain run-off into rivers and harbors, contaminates them by only a few parts per billion, or less; but each feeder, up along the evolutionary ladder from plankton to predator, concentrates the residues more and more. Dead porpoises in the Gulf of Mexico, for example, contained DDT residues ranging up to 800 parts per million.

In an estuary on the Texas coast, where DDT is often sprayed on the fields three times a year, a concentration of 8 parts per million in the ovary of sea trout in 1968 prevented all spawning whatsover, Dr. Philip A. Butler, of the U.S. Fish and Wildlife Service field station at Sea Breeze, Fla., reported.

After a heavy DDT pollution near Pensacola eight years ago, he noted, the entire scallop population was killed and has not reappeared. Even the slightest amount of DDT in the water, he said, is immediately fatal to shrimp.

Concentrations of DDT at much lower levels than the immediately lethal amount, Dr. Butler explained, can also be ruinous in inhibiting growth and reproduction, and rendering the organism easier prey for disease and parasite infestation.

An oyster's growth will be half the normal rate in water contaminated by only 1 part DDT in 10 billion. As long as the toxicant is present, the oyster continues to concentrate it, up to 70,000 times higher in its body than in the surrounding water.

Dr. J. M. Anderson, director of the New Brunswick station of Canada's Fisheries Research Board, reported that DDT reduces the ability of salmon to withstand temperature changes (as when they plunge into colder water), disorients their ability to return to their spawning ground, and greatly lessens their "survival repertoire," the mechanisms for avoiding hazard and for escape.

Study of "thermal contamination"—the runoff into the sea of water at high temperature from power plants—indicated no worrisome consequences, according to one research paper. Research on the Scottish coast showed that about the only result was the introduction of new species of fish previously found in warmer latitudes.

Similarly, no damage to marine life has been noted so far—nor do prospective levels indicate any danger—from the discharge in rivers and ocean of radioactive wastes from atomic power plants. A researcher quoted American experiments covering 21 years in which no injury was found to salmon eggs subjected to 50 times more radiation than that prevailing in the Columbia River below the Hanford atomic plant.

On the other hand, very deleterious results to marine life were noted in other reports on the effects of sewage and industrial waste—particularly that containing mercury, copper, lead and zinc compounds.

Finally, whatever damage was caused to sea birds and the amenities of the beaches by catastrophic oil spills, such as the sinking of the Torrey Canyon supertanker in 1967, they have not wrought substantial injury to other sea life, Dr. R. G. J. Shelton, of the Burnham-on-Crouch Fisheries Laboratory, declared. The more volatile elements in the oil quickly evaporate and the rest are not particularly toxic, doing more harm, as sludge, to fish nets than to fish.

He conceded, however, that chronic oil leakage, customary at pipeline terminals or storage tanks on the water's edge, could have a thoroughly blighting effect.

Prof. R. B. Clark of the University of Newcastle argued, with obvious reference to the new Alaska oil strikes, that oil contamination is a far bigger danger in the Arctic. In near-zero temperatures, the quick degradation of the oil products characteristic of temperate climates will not occur, and the different biology of cold water marine life makes it much more susceptible to oil poisoning, he said.

HON. JAMES B. UTT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. DORN. Mr. Speaker, the death of our friend and colleague, James B. Utt, is a great loss to the Congress. He will be missed by all of us who were fortunate to know him and serve with him in the House of Representatives.

Jim Utt served his home State of California in the State Controller's Office and in the State Assembly before entering the Congress. He was also an outstanding attorney.

Jim Utt was an intelligent and responsible advocate of conservative principles who was dedicated to preserving our Nation and the Constitution. He was greatly devoted to our capitalistic system and actively supported private enterprise and property rights. As a member of the House Ways and Means Committee, he consistently advocated that less burden be placed on the individual taxpayer.

Jim Utt was a devoted and dedicated Christian. He was always a regular attendant at the House prayer breakfasts.

Our Nation, the State of California, and California's 35th District have lost a diligent patriot and servant. Mrs. Dorn joins me in my deepest and most heartfelt sympathy to Mrs. Utt and the family.

SPINOFF FROM THE SPACE PROGRAM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. FREY. Mr. Speaker, on April 21, along with several of my colleagues on the House Science and Astronautics Committee, I described various spinoff benefits of our Nation's space program. It has always been my contention that these direct and indirect benefits more than justify the total cost of the space effort while benefiting and improving the quality of life for all men on earth.

Since that time several of my colleagues have asked for copies of a special report which was compiled by my district Astronautics and Aeronautics Advisory Committee, composed of chief executives with the Nation's largest space industry firms. This report is enclosed as follows:

Spinoff Benefits from the Space Program

OBJECTIVE

The principal objective of the Subcommittee report is to inform Congressman L. Frey of the spinoff benefits to the American public resulting from NASA space programs. This information is presented in a format that can easily be understood by the general public.

The secondary objective is to provide as much general and related reference material and source of information material as could be found which will provide a listing that can be used by others who wish to pursue the spinoff subject further. These items can be found in Appendix III (Reference) and Appendix IV (Bibliography).

The third objective of this report is to provide recommendations to Congressman Frey as to what future actions he might take and what additional material might be gathered to assist him in meeting his objectives as a member of the House of Representatives Aeronautics and Space Committee. These recommendations present a consensus of the Subcommittee and are summarized on the following page, entitled Recommendations.

RECOMMENDATIONS

It is the unanimous recommendation of this Subcommittee that Congressman Frey encourage NASA to:

Stress the value of space spinoffs through the NASA Office of Public Affairs. These should include not only technological benefits but economic, political and educational benefits accrued by each of the fifty states and the country as a whole.

Make the Aerospace Industry aware of its responsibility to inform the general public of the benefits resulting from NASA programs. Aerospace firms should be asked to provide more spinoff material for the news media; particularly, during launch coverage by major TV and radio networks.

Initiate a full program to enlist the complete support of the American people. Like the NASA spacemobile carries the message to our intellectual communities, a "Spacecopter" could be used to communicate the Space Program to the country at large. With the space spinoffs as a selling tool, these space age vehicles would appear at public gatherings, such as sports stadiums, fairgrounds and/or shopping centers to present a show focused on the spectacles of the Space Program and how it is now and will in the future affect the peoples of the world.

SECTION 1. INTRODUCTION

The National Aeronautics and Space Administration has contributed significantly to the scientific knowledge, prestige and technological progress of this Nation in many ways. The influence of NASA's Space Programs on the National economy almost staggers the imagination. In terms of direct impact through contracts to industry, more jobs for our Nation's work forces, grants to universities and colleges and technological spinoffs affecting everyone, the space programs must be considered a major force in American life. The Subcommittee recognizes the need to inform the American people of how the space program benefits them.

This report presents examples of NASA space technology transfer best by illustrating NASA spinoffs which were selected from information provided by NASA, Kennedy Space Center, and its contractors. The Subcommittee has organized the examples in categories which should be of interest to the general public. The categories selected include:

Medical.
Urban Affairs.
Meteorological.
Energy and Natural Resources.
Communications.
Public Affairs.
Transportation.
Materials.

In each of the above categories where more extensive and/or illustrated information is available, the applicable subject title is followed by a reference number (1 through 9) which corresponds with the numbering of the bibliography.

To the colleges and universities of this country, research grants are important in that the grants provide challenging research work which motivates both students and faculty in "state-of-the-art" development. These have been summarized in Appendix I and the reference documents identified in the bibliography.

The NASA aerospace programs could not have been accomplished without the many major contractors and subcontractors who supported the various programs. In Appendix II the numbers are broken out by contractors per state, and the reference document contains the names of the companies, cities, and states.

One additional item should be mentioned here and that is the work being done by Denver Research Institute under NASA contract to provide a quarterly report to NASA on the technology transfer process and provide the capability of a central data bank for collection of useful data on actual or potential cases of technology transfer resulting from NASA's Technology Utilization Program.

SECTION 2. MEDICAL

General introduction

Of all the data covering aerospace spinoffs, the medical area provided the greatest amount of readily available material. Many times the same basic spinoff item has been applied to two or more medical uses, such as the spray on electrodes and miniaturized sensing devices. There are also many techniques that were derived from areospace research that were so technical or still within the medical research programs that they have been purposely omitted from this report. The best example of this case is the research being conducted in the nuclear field for devising a miniaturized nuclear-powered engine to be implanted in the abdomen of a patient to power a heart assist device.

Of great interest, the development of the Biomedical Applications Teams organized by NASA whose primary purpose was to carefully define important biomedical problems relevant to aerospace technology. The Teams systematically screen both computerized aerospace data files and NASA laboratories for potential solutions. The effect of the Team efforts will be:

(1) To shorten the time gap between the development of new technology and its effective utilization.

(2) Aid the movement of new knowledge across the organization, disciplinary, and regional boundaries.

(3) Help develop better methods for communicating and applying Government-generated knowledge to the general economy.

Many of the medical examples that follow were provided by the Biomedical Applications Team.

Breathing Sensor (3, 4, 6)

Infants, comatose children, or adult patients sometimes require surgical implantation of a tracheotomy tube in the windpipe to ease breathing. If the tube becomes clogged, breathing will stop and brain damage or death can result within two to four minutes.

Ordinarily a full-time nurse is required, who checks the tube visually and takes immediate corrective action when necessary. Integrated circuitry, designed and fabricated for aerospace use by NASA's Ames Research Center, has been modified to note differences in temperature of air passing through the tube, and actute an audible or visible alarm within 10 seconds of any change. The signal call be given at a nurse's station, or in another room if the patient is at home. Thus the patient's care is improved and faciliated.

Cardiac Catheter (3, 4)

A sensor developed at Ames Research Center is smaller than the head of a pin and can be inserted into a vein or artery to measure blood pressure without interfering with circulation. Less than 0.05 inch in diameter, the probe can be inserted through a standard hypodermic needle. The original version of this sensor was a transducer developed to provide pressure distribution measurements over the surfaces of small wind tunnel models.

Cardiovascular Pressure Transducer (2, 3, 4)

NASA research has produced a miniature transducer capable of transmitting blood pressure variations. About two hundredths of an inch thick and using less than 500 millionths of a watt of electrical power the transducer will be used to monitor blood flow changes in cardiac patients with coronary occlusions. Encouraging results have already been obtained by inserting this tiny device into the heart and arteries of anesthetized dogs and much smaller animals.

Computer Enhancement of X-ray Photographs (4)

For several years NASA's Jet Propulsion Laboratory has been using digital computers to enhance the clarity of television pictures

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of the Moon and Mars transmitted from spacecraft. Although the original pictures were surprisingly sharp considering the circumstance, technical limitations of the camera and electrical distortion encountered in the transmission reduced the clarity desired. By processing the photos in a digital computer, details that were obscured in the original became apparent.

In 1966, this technique was applied to medical and biological X-rays, with promising results. Doctors were able to observe clarity of details that would otherwise be lost or overlooked. Computer enhancement of X-ray photos currently continues under development.

Cardiotachometer (4)

The medical division of an eastern optical corporation is developing an instrument to monitor certain functions of bedridden patients. The firm plans to incorporate this instrument into their "bedside monitor." This instrument was made possible from data taken from a NASA Tech Brief developed by the Ames Research Center.

Ear Instrument

When it becomes necessary to acquire specimens of tissue from the inner ear for medical examination, the outer bony structure must first be removed. A special air-abrasive device for acquiring inner ear bone specimens was suggested by the Midwest Research Institute Biomedical Applications Team to an investigator at the University of Kansas Medical Center. He found that it was substantially better than previous techniques for removing bone from the ear and saved considerable time.

Evaluating Drug Safety

In evaluating the safety and efficiency of drugs for human use, the effect of a particular drug on the circulation of blood through the capillaries is of great importance. Present methods for determining capillary circulation are relatively crude and indirect because the capillary vessel may have a diameter less than half that of a human hair. A search of NASA aerospace literature was made by the Midwest Research Institute Biomedical Applications Team, the results of which were helpful to a physiologist in beginning a pilot program for the solution of this problem at the University of Minnesota.

Heart Monitor (1, 6)

An investigator working under a NASA grant at the Duke University Medical Center wanted to monitor heart action more precisely by measuring electrical signals simultaneously along 15 points on a small area of the heart wall. For this, he needed a probe that would insure good contact at all 15 points and which would not result in heart wall damage upon insertion. The NASA-sponsored Research Triangle Institute Biomedical Applications Team explained the problem to an instrument engineer. He designed a 15-electrode probe within an ordinary hypodermic needle. It was fabricated, tested, found satisfactory, and is now in use.

Hospital Clean Rooms (4)

A particle counter was developed for the Marshall Space Flight Center to monitor air purity in clean rooms in which small precise components are assembled and tested. Several hospitals have shown interest in adapting it for monitoring air cleanliness in operating rooms and intensive care wards.

Microthermocouple (2)

Doctors in New York and Boston now use a commercially available microthermocouple probe in cryosurgery, (Nitrogen-320° F. in liquid state) to specify areas subjected to the cryogenic temperature. The probe, used to detect the body temperature in the local area of cryogenic application was originally developed under contract to the NASA Lewis Research Center, is used in treatment of dystonia, Parkinson's disease and other diseases causing abnormal muscular motion. It is also used for repairing lesions in the eye by "welding" tissues at cryogenic temperatures.

Physiological sensor (2, 4, 9)

Electronic sensors that were used to monitor astronauts during Mercury and Gemini flights have been adapted to continuously measure the pulse and respiration rates, temperature and blood pressure of up to 64 hospital patients and provide continuous observation at a Central Control station.

Respiratory ailment helmet (4, 6)

An adaption of the Gemini astronaut space helmet helps physiologists conduct studies on the proper exercise levels for children with respiratory ailment.

The helmet can also be used for delivery of medication, thereby permitting some mobility for patients formerly confined to tents.

Respirometer (4)

In the care and rehabilitation of the severely burned child, it is desirable that chemical changes in expired gases be monitored as a means of determining the child's over-all condition. This should not involve touching the child's body or connecting air tubes to his throat, because of the pain and airway restriction involved. The Southwest Research Institute Biomedical Applications Team located a respirometer developed at NASA's Ames Research Center which appeared to meet the qualifications of the investigators at the Shrines Institute of the University of Texas. A prototype of this respirometer will be made available for evaluation.

Sight switch (3, 4)

A sight switch, developed to give astronauts an extra pair of arms, has been adapted for use by people suffering from paralysis. With it a patient can manipulate a motor-driven wheelchair with only the movement of his eyes. The switch operates on the principal of infra-red reflection from the eyeball. An infra-red source bounces light off the white of the eye into a photoelectric cell which carries the message to a control activator. When the eyes are moved sideward, one eye reflects the light while the pupil of the other eye absorbs it. The resulting inbalance of voltage controls the direction of the chair. Other applications of this switch include the control of machinery and electronic devices.

Space underwear use

Study of the effects of stress on the normal heart helps to understand stroke and cardiovascular disease. Researchers at the University of Washington were evaluating the effects of physical effort and heat on blood oxygen transport. A means of carefully controlling skin blood temperature without interfering with movement was needed. NASA-developed "space underwear" with a temperature control system was obtained by the Southwest Research Institute Biomedical Application Team and was used by the investigators in successfully completing the study.

Specialized Transducer (1, 4)

A transducer developed for the Manned Spacecraft Center to measure the impact of the Apollo spacecraft Command Module during water landings is being used in the fitting of artificial limbs. The transducer is smaller than a dime and weighs less than an ounce. The sensing diaphragm is stainless steel and the whole unit is waterproof. It will respond to changes in pressure, and is not affected by temperatures between freezing and 120° F.

Spray-on-Electrodes (4)

A new technique for applying electrocardiograph electrodes to the bodies of test pilots was developed by the NASA Flight Research Center. A liquified, conductive mixture is sprayed over the ends of lead wires onto the patient's chest. This mixture dries quickly, is thin and flexible, and is not uncomfortable to the patient. It can be easily removed, but keeps the electrodes in contact with the skin during exercise which causes perspiration.

A plastic-metallic spray for attaching heart electrodes to test pilots is being used in equipment with which electrocardiograms of ambulance patients can be flashed ahead by radio to a hospital receiving room.

Training of the Physically Handicapped (4)

A sling support device was developed by Langley Research Center for the purpose of acquainting astronauts with gravity conditions on the lunar surface where the force of gravity is one-sixth that found on Earth. A NASA-sponsored Biomedical Application Team at Southwest Research Institute was aware of the need for a device with which to train and rehabilitate physically handicapped persons. The sling support device was thus made known to investigators at the Texas Institute for Rehabilitation and Research (TIRR) who, with assistance from Langley personnel, have adapted the lunar gravity simulator to suit TIRR's needs in training the handicapped. The TIRR device is in use at their clinic in Houston, Texas.

Electrocardiograms by Telephone (1, 4, 6)

A "Telamedic" device, which relays electrocardiogram data by telephone, has been developed. It is designed for immediate electrocardiogram checks for post-coronary patients. The "Telamedic" can be used in the home, hospital or physician's office. The battery-powered system includes a transmitter and receiver, each about the size of a bedside alarm clock. No special equipment is needed for the telephone.

To use the equipment, the patient attaches the transmitter's electrodes to previously marked positions on his chest, telephones his physician and places the telephone on the transmitter. The doctor places his telephone on the desk-top Telamedic receiver and gathers data on a standard EKG writer for immediate reading or permanent recording.

Laser Surgery (1, 4)

Laser technology developed originally for defense and space use is being adapted for delicate and precise use in medicine. Aerospace engineers have been working since 1962 with medical research teams to find new ways to use lasers in "knifeless surgery" and as diagnostic tools.

Lasers are being used with outstanding success in eye surgery, and are being evaluated in dermatology, organ repair, amputation and in microbiological studies. Such surgery can be painless and, in many cases, practically bloodless. As a diagnostic tool, the microscopically small point of focus of a laser beam might be used to lift painlessly and instantaneously a miniscule particle of skin from a patient's arm. Or, by passing the beam through a hypodermic needle, the laser can sample tissue inside the body.

Heart-Assist Pump (1, 6)

A circulatory assist pump for use in emergency treatment of heart attack victims is being produced as a result of aerospace research and development programs.

Hydraulically operated, this pump is quickly and easily connected by minor surgery to the femoral (thigh) arteries, and relieves the heart's workload by augmenting its natural pumping action.

In a more advanced program, engineers are involved in building and evaluating a "co-pulsation" circulatory assist pump designed to relieve a weak heart's workload. Co-pulsation is a new and untried method of circulatory assist that imitates the natural heart's blood-pumping action. The device will pump blood at flows and pressures proportional to those of the natural heart. The pump consisting of two liquid-operated diaphragms mounted in a plastic housing, will be driven by a piston automatically controlled by an electronic computer.

The pump will be connected to the aorta, the heart's great trunk artery that carries blood to the branch arteries.

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Rescue Stretcher

An orthopedic stretcher has been designed to remove a workman from large, deep rocket fuel tanks having access holes of only 18" diameter. The stretcher holds the subject essentially in traction while raising him through the access hole.

SECTION 3. URBAN AFFAIRS

General introduction

In the area of Urban Affairs spinoffs from space have taken the form of providing a new method of tackling old problems. This new method is known by several titles, Systems Engineering, Systems Analysis and Systems Management. Whatever title you prefer, systems is the key word.

The systems approach utilizes the application of mathematics to simulate and determine the interaction of complex systems and predict their behavior. Concentration is on the design as a whole, as distinct from the design and production of the parts. It is an approach that insists upon looking at the problem in its entirety, taking into account all the facets, and seeking to understand how they interact with one another and how the best solution will bring these factors into proper relationship.

Former Vice President Hubert Humphrey, when he was chairman of the National Aeronautics and Space Council, stated that the techniques used to put man on the moon were exactly the techniques needed to clear up our cities. He was referring to this systematic approach to probelm solving. Since his statement, the systems approach has been applied to many problems inherent to the cities of this country. Included in this section are a few of the more specific examples.

Crime Detection Techniques (1, 6)

Improved methods of fighting crime through the use of modern scientific developments have been outlined by an aerospace corporation at national and local meetings on crime prevention.

"Nuclear fingerprints" have been advanced as a most useful method of comparing clues found at the scene of a crime with similar samples taken from a suspect. This "heutron activation analysis" can be used, for example, in comparing tire marks, hair samples and marijuana. Matching probabilities are said to be 99,999 percent.

The use of chemistry has been cited as a method for marking and tracking. For example, it could be possible to "sniff" around a house to determine if narcotics are inside without ever entering the house. Special markings on vehicle would allow police officers to follow that car chemically.

Fresno General Neighborhood Renewal Program (6)

Aerospace industry is assisting the Director of the Fresno Redevelopment Agency in the preparation of a management plan for the West Fresno General Neighborhood Renewal Program. This work will require: (1) defining program objectives, scheduling and budgeting the study phase of the program; (2) preparation of control procedures for directing and monitoring the progress; and (3) organization of data handling procedures to be used with the great quantities of data required in a project of this nature.

This approach to the planning process is comprehensive with stress on planning as a continuing process. But considering each of the major several elements of urban activities concurrently, and taking into account the relationships among the elements, the plans developed will reflect the total impact of proposed actions in the metropolitan area. This contractor plans to provide detailed action programs and implementation plans for community renewal and economic development plus a management and information system for use with the programs.

Justice, Welfare Studies (1, 6)

California selected an aerospace corporation to apply aerospace systems analysis techniques to the solution of social problems in two important areas.

In 1965, the company performed a systems analysis study of the problems of crime and delinquency in the State. Results of the six-month effort demonstrated the practicality of using aerospace techniques to gain new insight into crime prevention and control procedures. Of particular significance was the simulation of the criminal justice system on a computer. This mathematical model enabled systems engineers to determine how well the system functioned, and how changes would affect its functioning. This provided information on the operation of a criminal justice system that would require years to achieve in actual practice.

California awarded this firm a contract in 1966 which called for a systems analysis of the State's social welfare system. The study took a new approach to social welfare, differing from the relief concept of the 1930's when most of today's programs were devised. It marked the first application of advanced research techniques of the aerospace industry to problems of combating and preventing dependency, and has resulted in the initiation of a revised welfare program in California.

Law Enforcement and Crime (6, 9)

One company is applying aerospace industry management techniques to broad social problems such as law enforcement. The techniques could lead, in the next five to ten years, to the era of the "instant cop" through highly sophisticated, well-planned, computerized systems of information use, communication, storage, and retrieval to speed up investigative processes to improve the quality of justice.

The system of information processing currently being analyzed for Redondo Beach, California, will be designed for use by other cities of similar size and population makeup and for quick and easy integration into a computerized system. Correlated statistical information could provide the capability to predict when, where, and what kind of crime is going to occur. The ultimate product will provide quick and efficient use of warrant and fingerprint files and other pertinent records most useful when immediately available.

Low Cost Housing (3, 6)

One aerospace company has developed a new housing approach whereby communities of attractive and durable dwellings can be built quickly and economically of prefabricated sections manufactured on the site in mobile factories.

The central feature of the concept is a portable plant in which finished sections of floors, walls, ceilings and roofs will be built at the construction site. The mobile factory includes 22 trailers.

School Community Relations (1, 6)

Attacks on some of the problems posed by urban poverty and cultural gaps—particularly the barriers to education—have been mounted by one aerospace company in support of the State of California.

Under direction of the State Department of Compensatory Education (which, as the name implies, tries to compensate for cultural and economic drawbacks), a team of systems engineers and analysts assisted in an intensive study of school-community relations in urban poverty areas.

Project SEAR—a Systematic Effort to Analyze Results—employed aerospace skills to design questions for more than 250 teachers in poverty areas and later to analyze their answers. Findings showed the success or failure of schools to educate youngsters with ethnic cultural or economic handicaps can be a major contributor to either contentment or unrest in the modern city.

In another effort, systems experts are helping educators in San Jose, California, make great gains in motivating junior high school students who previously had "underachieved" because of social and economic factors.

This project, also supported and watched closely by the Department of Compensatory Education, has proved to the students the relevance of their basic classroom skills—reading and mathematics in particular—to job success as adults.

Both Project SEAR and the San Jose program have drawn heavily on a major aerospace company's experience in the analysis of enormously complex problems and the design of workable solutions.

SECTION 4. METEOROLOGICAL

General introduction

Observation of conditions all over the earth are required for accurate weather forecasting. The weather satellites provide this information. The results have a profound impact on agriculture, from the planning of land use to the transportation of crops. Timely warnings of severe storms and other weather hazards save lives and property. Barren areas of land can be made usable and productive today because of better understanding of meteorological factors with regard to plant growth. The safety of air and sea travel benefits greatly from satellite weather data.

The Chairman of the Atomic Energy Commission, Dr. Glenn Seaborg, estimates that if weather can be accurately predicted for even three days in advance, man could save $60 billion a year, plus millions of lives and an untold amount of grief. Even if all other scientific, technological, and economic benefits of space research were disregarded or eliminated, the spectacularly successful performances of our weather and communications satellites indicate positively that investment in space has paid off and will continue to pay off in the future.

Today's satellites relay TV pictures of the earth and its cloud cover, radiation, measurements for ocean currents, vertical temperatures and humidity. All of this adds to the store of information available to the meteorologist and increases the value of his forecast. These advanced developments would not be possible without the capabilities provided by weather satellites.

Analysis of Hurricane Mechanisms (2, 6)

An aerospace contractor performed a research program utilizing information from the National Hurricane Project which compiled all the physical factors of a hurricane and then determined the magnitude and stability of the forces that hold the hurricane together and what causes it to seek the course it takes. The information acquired is being further analyzed and methods of altering the course of a hurricane or even reducing its force are expected to be available in the near future.

Earthquake Prediction System (1, 6)

A laser beam system to detect and measure minute movements of the earth's surface as a means of predicting earthquakes has been developed by a West Coast aerospace contractor. By measuring the small but continuous shifts of the earth's surface, scientists say they can pinpoint major areas of stress, and thus permit advance warning of a major earthquake.

The technique, called Project GLASS (Geodetic Laser Survey System), employs twin laser beams to precisely record movement of terrain along earth faults. Accuracy of the system has been established in tests over a 10-mile span in California's San Bernardino Mountains.

The developer has proposed the system as a solution to a problem posed by the Presi-

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dential Committee for Earthquake Prediction, which stressed the need for constantly monitoring and measuring earth strain in fault areas.

Tornado and Fire Storm Analysis (2, 3, 6)

An aerospace contractor analyzed the severe storm and the fire storm phenomenon, investigated fundamental physical principles and derived a system that enables a meteorologist to predict, through the use of aerospace technology, anticipated occurrences and methods for preventing, altering or controlling storms.

SECTION 5. ENERGY AND NATURAL RESOURCES

General introduction

The purpose of the NASA "Natural Resources Program" is to utilize remote sensors in space for the discovery, inventory, evaluation, development and conservation of natural and cultural resources.

A substantial amount of money is involved in the spaceborne observation system, but the benefits reaped both economically and in terms of usefulness to the people far outweigh the initial costs. The estimated value for doing such things as mapping of world vegetation, agricultural crop surveys, land use studies, worldwide ocean-sea data and forest fire detection data is beyond financial estimate.

Agriculture and Forestry Photography by Satellite (3, 6)

A recently developed single-channel thermal mapping and infrared photography system has several applications. In agriculture and forestry, it will provide:

Early detection of crop and forest disease.
Fire detection and mapping.
Classification of vegetation.
Water transpiration measurement.
Insect detection and migration.

Electrical Power Systems (6)

The development of aerospace control methods presently being used to define power scheduling of the Columbia River hydroelectric system for the Bonneville Power Authority. Control techniques have been developed capable of affecting substantial water savings through proper distribution of the generation load among four plants along the Columbia River during daily operation. In the near future, an effort will be made to extend this scheduling activity to all seven federal dams along the Columbia River.

Space computer technology is able to provide practical, reliable and efficient data management systems that can mean full optimization of all the water resources, maximum efficiency from the generator units at dams, and minimum power loss in transmission lines.

Explosion Forming (2)

Explosion-forming, a system of forming metals by blasting them into the required shape, is one of the important new processes to come from the space age. The area of metal working has had a large impact in technological fallout. The space age production methods have changed the whole appearance of the metalworking shops.

Flood Control (6)

Stress devices developed for measuring the thrust of rocket engines are being used to monitor internal stresses in dams to provide engineers with hitherto unavailable information about changes in dam structures during earth tremors. Fifteen of the devices are being installed in the new Castaic Dam in the Tehachapi Mountains of South Central California. This is providing essential information to the floodprone regions of California where earthfill dams have failed with catastrophic results.

Fresh water from the sea (1, 6, 8)

A major aerospace contractor is building an advanced nuclear plant to produce power and make fresh water from the sea. The plant features a sodium graphite reactor and a multi-stage "flash" distillation plant, each considered to be among the most advanced and reliable of its type available.

Fuel cell (1)

The fuel cell, which had lain dormant for many years, was activated to supply electrical power for spacecraft in orbit. Twenty-eight natural gas companies now have a $20 million program underway for adaption of the fuel cell for home power units.

Fresh water photography by satellite (3, 6)

Benefits gained in surveying fresh water from space stations have been demonstrated:

Lake colors can be evaluated relative to their biology, chemistry, sediment, and pollutant content.

Infrared photography can be utilized to locate fresh water escaping along our coastlines.

The ability to locate areas of water trapped by faults in earth's crust.

Detection of the growth and decline of glaciers.

Infrared optics (2, 3, 6)

Geologists have discovered in Gemini photographs some promising possibilities of detecting oil and mineral deposits in remote areas of our globe through the use of television camera system designed to visibly detect hydrogen leaks during the testing of the J-2 rocket engine. This system detects infrared radiation and has been adapted for use in many applications of observing and evaluating resources.

Oceanographic Photography by Satellite (3, 6)

Fisheries. Frequent photographic coverage on a global scale of the ocean areas lead to identification and location of new fishing areas.

Coastal Mapping. Acquisition of data is accelerated for improving and updating charts and maps for such groups as the fishing, shipping and petroleum industries.

Oceanography (2, 3, 6)

Power. Underwater and submersible vehicles and systems currently utilize silver-zinc batteries and fuel cells developed for spacecraft and space vehicle applications. Nuclear-powered electric systems developed for space—placed on the moon by Apollo 12—are being utilized as non-tended long term power structures for underwater use.

Liquid Gases (*Cryogenics*). Space involved techniques for using liquid oxygen in environmental control systems were used in the PX-15 submersible. This system permitted more room in the PX-15 for other experiments which could not have been on board if cumbersome conventional environmental control systems were used.

Underwater Breathing Apparatus. A two gas breathing technique using gaseous helium originally developed for space use is now being used in underwater activities. This two gas system allows the user to stay down for longer periods of time without being connected to an above surface system.

SECTION 6. COMMUNICATIONS

General introduction

The subject of space spinoffs in communications can be summed up in two words: Satellites and Microminiaturization.

Through our communications satellites network, we are now able to transmit audio, visual and telemetry information to every corner of the earth and, to date, as far into space as the planet Mars.

Because of the payload limitations inherent to space flight, the art of microminiaturization, as applied to electronics, has flourished under the space program. To realize the spinoff, you need only look into a department store to see television sets, radios, tape recorders and other electronic gear, which are dramatically diminishing in size with each passing year.

Some of the more significant applications in this versatile field are included in this section.

Intelsat Communications Satellite (3, 6)

Intelsat III is the third generation of commercial communications satellites built for the Communications Satellite Corporation (COMSAT), manager of the 62-nation International Telecommunications Satellite Consortium (INTELSAT).

Although underseas cables and short-wave radio provide communications between many areas of the world, each of these methods has inherent limitations in the development of a global system that will enable all countries to communicate directly and instantly. Cables give service only to those areas that are linked together within the cable network and normally do not carry television. Radio communications often are degraded by violent disturbances in the atmosphere and ionosphere.

Satellite communications, however, can cover all areas of the earth, and they are not subject to natural interference because they operate at higher (microwave) frequencies.

Communications satellites serve as "radio towers" in space. They receive communications signals beamed from earth stations, they amplify signals, and they transmit them back to other earth stations. A single satellite can be visible from about one-third the earth's surface; a series of satellites properly placed in orbit around the earth can provide complete gobal coverage. Countries within sight of a satellite will be able to communicate with each other.

International Telecasting and Broadcasting (3)

One of the most widely known communication satellite demonstrations was the international TV coverage of the Olympics from Japan in October 1964. TV programs were transmitted to the United States and Europe, marking the first time that two satellites had been employed in tandem for TV broadcasting purposes.

The broadcast of the Town Meeting of the World TV program via Early Bird 1 brought an international discussion program to many people. "The use of a satellite for the transmission of telephone calls and telegrams between North America and Europe has been extremely successful. As of September 30, 1966, its performance at that date was 99 percent reliable and the satellite increased the potential telephone capacity across the Atlantic by over 50 percent.

Miniature TV Transmitters (4, 6)

Miniature FM transmitters—tiny radios—developed by NASA for broadcasting biomedical data from space capsules, can transmit test data from industrial equipment to receiving instruments up to 1,000 feet away. A picture in Metalworking News for October 2, 1963, shows the miniature FM transmitters in use at Milwaukee, Wisconsin, for testing a chain in a power transmission drive under operating conditions.

Miniature TV Camera (6, 9)

The actual size of this model TV camera is 4" x 3" x 1⅓". It was developed to observe Saturn stage separation during Apollo flights. It weighs approximately 16 ounces and is battery powered. This camera is currently on the commercial market.

Phototransistor Mosaic (6)

A tiny mosaic of light sensitive transistors, developed by NASA's Electronics Research Center will soon replace the small vidicon tube that is presently being used in commercial TV cameras. Research is being performed now to produce a 1" x 1" plate which will employ 100 times more phototransistors and scanning electronics than the present solid state circuit board. An experimental camera using this mosaic is presently operational and is being evaluated for future applications.

Medical Training and Diagnosis (3, 4)

Medical training, diagnosis and consultation by satellite on a real-time basis are now

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possible internationally and were demonstrated in the following transmissions:

The Relay I satellite transmitted an electroencephalogram from the Burden Neurological Institute in Bristol, England, to the Mayo Clinic where it was processed by a computer. After diagnosis was made, the analysis was sent via satellite immediately to the doctors in England.

May 28, 1963, a fetal electrocardiogram was transmitted from Mt. Sinai Hospital, in Milwaukee, to obstetricians in Paris; and a two-way consultation took place.

November 6, 1963, a new medical procedure, hyperbaric pressurization, was demonstrated at the Royal College of Surgeons in England and televised via satellite to the American Society of Anesthesiologists in convention at the Mayo Clinic in Rochester, Minnesota. Such a capability may allow large conferences to be held without the necessity for moving people.

A group of Swiss doctors in Geneva has observed open heart surgery performed by Dr. Michael DeBakey in a Houston, Texas, hospital. They were also able to ask questions on technique during the operation.

SECTION 7. PUBLIC AFFAIRS

General introduction

Stimulating new thinking is the major contribution of the Space Program to the field of Public Service. This has taken many forms, from actual cash grants for higher education to innovative methods of approaching some of the problems faced by our cities and the surrounding rural areas. Besides incorporating some of the management techniques described in the Urban Affairs section, the area of Public Affairs illustrates some prime examples of the direct application of scientific techniques, which were derived from the Space Program.

Commercial Products From Air Pollutant (1)

A major air pollutant may be removed from coal-fired power plants and turned into a valuable industrial product as the result of a process being developed. Called the molten salt process, it removes sulphur dioxide from the flue gases formed by burning fossil fuels.

Sulphur dioxide from coal and oil-fired plants is a major pollutant in the U.S. In addition to being a pollutant itself, it combines with air and moisture to become sulphuric acid which causes corrosion, breathing difficulty and plant damage.

Should the molten salt process become practical on a large scale, a new source of sulphur or sulphuric acid worth hundreds of millions of dollars would become available to industry each year. Use of the process could result in a profit through the sale of sulphuric acid and it would permit use of a cheaper grade of coal containing sulphur.

Education and Research (1, 6)

NASA has played an especially effective role in improving the quality of education and increasing the number of trained young people in those disciplines relevant to NASA. By FY 1967, NASA had budgeted over $2 billion for grants to higher education.

NASA, in moving ahead, is trying to increase the number of students obtaining doctors degrees in space-related fields of science and engineering. The goal stated in 1963 was to expand the program of training grants to cover a total of 4,000 students over the next few years and to graduate 1,000 new PhDs per year. A goal of 7,500 PhDs per year by 1970 was suggested by the President's Advisory Committee.

Oculometer

This scientific instrument is an ultrasensitive scanning device that monitors minute eye movements. It was developed under contract through the NASA Electronics Research Center in Boston for the specific purpose of human factors research.

This device could be experimentally used in a learning exercise where the oculometer observes hesitation on the part of the student reading foreign languages on a movie screen. Researchers have found that data on fatigue and emotions can be recorded through the observations made by the oculometer of eye movements.

Portable Planetarium

This novel educational device, now on the market, permits a student virtually at a glance to determine the relative positions of the planets on any given day between the years 1900 and 2000.

Reliability Technique (9)

An analytical technique has been devised that permits a comparison of the reliability of alternate mechanical designs. This technique has been employed by a small manufacturer of mining equipment, conveyor systems and cargo handling gear, such as winches, lifts, cranes. Under contract to a Pascagoula, Mississippi, shipbuilder, the company was able to provide valid data on systems reliability and maintainability.

Teaching Devices (3, 6)

NASA information, searched by a Regional Dissemination Center, led to a teaching tool that may spark the formation of a new business. Available teaching machines were highly complex, requiring elaborate wiring systems. To make the same sort of units simpler to use, the NASA data bank was searched for information on "frequency synthesizers" and the resulting information enabled an engineer to design new equipment. There are no interconnecting wires in the new system, yet up to 800 students can participate. The teacher can know what each student answered, whether all the class has replied, and the portion of right answers for the class.

Waste Disposal (1)

The design and construction of refuse and reclamation plants which employ a nuisance free process is underway. The plants, completely enclosed, are designed to prevent contamination.

In another area, aerospace engineers, under contract to the Commonwealth of Pennsylvania, are making a study to determine if techniques successfully employed in desalting water can be used to purify mine acid drainage, a major source of stream pollution.

Waste Food Conversion (1)

A system that reconditions sewer water for industrial and irrigation uses and simultaneously converts waste food into poultry mash has been developed.

Part of the city's sewage is fed to certain types of algae that devour noxious compounds. After the algae are skimmed from the water and dried for poultry mash, the water is returned to farms and the community for nonpotable uses.

Since cost is a critical factor in water reclamation, the poultry food by-product helps make the system economical.

Waste management (1)

Employing systems engineering techniques, a waste management study was conducted for California with projections 25 years ahead. In the study, the control and management of solid, liquid and gaseous waste generated by the state's rapidly expanding population was assessed. Major elements of a total waste management study were defined and recommendations were made for a study of a specific problem site.

The study of the Fresno area, typical of many other rapidly growing urban-agricultural complexes throughout the U.S., should provide answers to similar pollution problems throughout the country.

Some nine months before scheduled completion of the study, environmental conditions in the county were measurably improved by adoption of recommendations in the preliminary report. An ordinance prohibiting burning at all open dumps was put into effect; an unsanitary landfill site was closed; septic tank pumpage formerly disposed of on land is now put into the sewage system; substitution of bi-weekly garbage collection for a once-a-week schedule reduced fly propagation by garbage almost 90 percent.

Water purification (1)

Reclaiming waste water and converting it into pure water through the technique of "reverse osmosis" is being demonstrated in experimental pilot plant tests with sanitation authorities in Los Angeles County and the City of San Diego.

The simple and compact process uses paper-thin films or membranes—resembling the plastic material used for wrapping foods—to filter out salts and other dissolved solids and produce fresh water from waste, brackish or sea water.

Preliminary studies have shown that eventually it may be possible to produce fresh water from waste water using the reverse osmosis technique at costs which would be only a fraction of that involved when sea water is converted to fresh water.

Other experimental plants using reverse osmosis for the conversion of sea, brackish and waste water to fresh water are also in operation.

Preliminary studies indicate that water of reasonably high purity can be produced from waste water by the reverse osmosis technique at a cost of about 30 cents per thousand gallons in large plants. Lower unit costs could result from knowledge gained in the present studies, and also could be realized by lowering product water quality.

SECTION 8.—TRANSPORTATION

General introduction

While satellites are already at work for us today and offer exciting promise for the future, other and more substantial benefits have been derived to transportation from space technology. More and more, the products of solid-state electronics, miniaturization and micro-miniaturization are entering the transportation world. These techniques applied to transportation in the form of control devices, sensors, lasers, wave guides and sophisticated electronic devices are permitting highly reliable communication to aircraft and ships, improve navigation and air-traffic control for present day aviation, assist in the control of high-speed trains and aid in improving highway safety. Aerospace systems management techniques have found their way into the automotive, ship and aircraft building enterprises, and are increasing the effectivity of management as well as reducing the time and cost involved in planning, scheduling, and controlling these industrial giants.

Automated quality control

Newly assembled automotive brake cylinders are being automatically tested under fluid pressure. The text fixture is an outgrowth of techniques devised for testing the Saturn IB hydraulic components prior to launch.

Communication (6)

Voice and data transmissions between ships, aircrafts and business offices throughout the world are facilitated by communication satellites. Passenger telephone service to and from shore from commercial ships and aircraft is provided by these same communications satellites.

Highway safety (3, 6)

Many treacherous sections of highways and airports are safer as the result of a discovery by NASA test pilots in high speed planes that cars and airplanes "hydroplane" when water builds up under their tires. A grooving technique has been developed by NASA allowing

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water to drain off a wet pavement and runways preventing skidding. The study of "hydroplaning" phenomenon has also led to improved tire tread design.

Navigation (2, 6)

A proposed air traffic control system has been devised from aerospace technology to eliminate aircraft collisions through the use of satellites in conjunction with computers. The satellites would relay special signals from each aircraft-to-ground control stations where computers would plot the aircraft's position within 50 feet in latitude and longitude and 80 feet in altitude which is 60 times more accurate than current systems. The computer would alert ground controllers of impending collisions who would, in turn, advise the pilots of the potential danger.

Satellites will provide search and rescue agencies accurate locations of ships in distress, ditched aircraft, lifeboats and exploration parties who may need assistance.

Shipping Safety (3,6)

Satellite photographing techniques enhance determination of location of and increase understanding of currents, waves, sea ice, icebergs and shoals; thus making it possible to minimize hazards to navigation and improve ship routing.

Solar Cells (1, 6)

The solar cell is of vital importance to the space effort because the major portion of all satellites and space probes obtain power to operate radio transmitters and to perform scientific experiments by the use of these cells. A prime example of the application of solar cells is the emergency radio-telephone system now in use in California for stranded motorists in remote areas. Studies are being made to put solar cells to other practical uses.

SECTION 9. MATERIALS

General introduction

One of the most important design criteria for space vehicles is that structural materials should have the lightest weight, the highest strength, be able to operate in a wide range of temperatures, and submit to fabrication processes such as forming, machining and welding. NASA programs have contributed to produce a variety of materials that satisfy these requirements. These include beryllium, titanium, stainless steels, super alloys, refractory metals, aluminum, magnesium, and high-strength steels. All are applicable to innumerable nonspace uses in almost every metalworking industry for all sectors of our economy—transportation, mining, farming, refining, chemicals, electrical, communication, construction, and roadbuilding.

Adhesives (9)

Polymer resin adhesives developed for the Apollo Program are now in more mundane service. An adhesive-bonded car that is as strong as conventionally joined autos is the dream of virtually every automobile manufacturer. Elimination of hole machining in body panels and the assembly operations associated with mechanical fasteners represent substantial savings. Further, water and salt that cause extensive corrosion cannot enter without holes and other openings. One automaker has already used adhesives to eliminate fasteners on body trim on its 1968 models and this usage can be expected to increase as space research continues to produce improved adhesives. The race car body that won the 1964 24-hour LeMans race was bonded entirely by adhesives.

Aluminum foil (6)

An ultra-thin, high-strength aluminum foil, developed for a communications satellite, is used for packaging quick-freeze-dried foods and sensitive pharmaceuticals.

Cryogenic insulation (9)

The requirement for cryogenic (super cold) propellant tanks used in launch vehicles has led to the development of a highly effective, lightweight spray-on foam insulation. The new foam-in-place material is being considered for insulation of cold-cargo shipping containers, tankers, prefabricated dwelling construction, furniture packaging, and other applications where lightweight or rigid insulation materials are required.

Fireproofing (9)

One important Apollo-generated material development has stimulated great interest among designers of fire-resistant structures. The novel material is a glass-fiber-reinforced composite that will not burn in a 100 percent oxygen atmosphere. The new laminate will be ideal for aircraft, automobiles, trucks, and many other vehicles and installations where fire constitutes a major hazard.

Flat conductor cable (9)

Flat conductor cable, with associated hardware, has been found to offer advantages to electrical system designers by saving weight, space, cost and lead time within excellent reliability and uniform electrical characteristics. A fourth symposium currently requested by industry on flat cable conductor technology is scheduled and is over-subscribed.

High-strength plastic pipe (1)

Aerospace production processes have been used to fabricate a new, high-strength pipe.

The pipe, made of plastic mortar, is reinforced with fiberglass, and is suited for carrying water or fluids for such universal uses as sewage, irrigation, flood control, and numerous agricultural applications.

The technology needed for the construction of the pipe was obtained in rocket production and represents a significant advance in fluid conveyance. It offers such advantages as lightweight, comparatively thin walls, built-in resistance to shock and the corrosive elements in fluids and soil.

For every mile of 24-inch diameter pipe installed, for example, use of the thinner reinforced plastic mortar pipe would save a contractor the handling of about 95,000 cubic feet of earth if he were laying pipe at a depth of 25 feet.

The pipe will be produced at Riverside, California. An important factor in the site selection was to provide job opportunities to the Mexican-American population in the area.

High-Temperature Plastics (1, 9)

A research program on high-temperature plastics has resulted in a new family of copolymers that have outstanding strength at temperatures up to 650 degree Fahrenheit.

Reinforced with glass cloth and pressed into laminates, the materials at these temperatures are stronger than aircraft aluminum and compare favorably with stainless steel and titanium alloys.

Used as adhesives under the same conditions, the materials bond together sheets of titanium and stainless steel with hot strengths in excess of 1,000 pounds per square inch.

The new class of plastics appears to be applicable for such applications as structural members of aircraft, heat shields, electric motor windings, printed electronic circuits and similar uses.

Inorganic Paints (3, 9)

Inorganic paints developed under NASA auspices were adapted to commercial products by companies in Illinois and California. The paint items produced by the Illinois firm are expected to be used by builders, contractors and industry. The California company used NASA information about inorganic paints to produce an extensive line of heat-resistant coatings, which are used in truck exhaust systems, oven liners, fire walls, brake drums, engine manifolds, mufflers, furnaces, boilers, electrical motors, generators, transformers, relays and insulation. The California firm noted that the knowledge received from NASA has kept them competitive.

An Eastern manufacturer of vacuum cleaners has improved his product that is marketed presently, by using an inorganic paint on the interior surfaces of his vacuum cleaner tanks. The company procured the information from a NASA Technical Brief that an inorganic paint had been developed at the Goddard Space Flight Center which would withstand considerable abuse and deterioration.

Special silicate-base inorganic paints have been developed to provide corrosion resistance in a broad temperature environment. The fire proof characteristics of this paint are such that a torch applied to the painted side of a piece of metal leaves the paint unmarked while heating the metal. The paint still adheres to the white-hot metal.

Metals, Alloys and Substitutes (2, 9)

Many of the new metals, alloys, fabrics, and compounds created or developed by space research are being produced commercially. Some particular examples are:

A ceramic insulation material, PSC Durock, withstands the extreme heat of combustion of exotic fuels. It is now being used in high-temperature applications in the civilian atomic energy program.

Spaceproof materials are being used to make nearly indestructible refrigerators and other appliances. New materials developed in space research are becoming more and more important in the air conditioning, heating and refrigeration industry.

Fluxless aluminum soldering, an outgrowth of space research, is being marketed and used in preparation of sandwich core of structural panels and mass production of automobile radiators.

Time-saving pots and plans are now coated with a plastics material developed to protect spacecraft from the extreme heat of launch and re-entry.

Sealants developed for the seams of spacecraft are being used in caulking tiles. Car windshields and rear windows are being sealed with a product made from solid rocket fuel.

Railroad tank cars weighing one-half as much as steel cars are now being produced from the lightweight plastics developed for NASA for use in its space systems.

Ocean vessels are able to increase cargo tonnages by using "higher strength structural steels and packaging employing lightweight reinforced plastic (RP) containers."

New Class of Plastics (2, 3, 9)

Space technologists working under contract to the NASA Lewis Research Center, have developed HYSTYL resins, a new class of plastics with improved strength, and with thermal and chemical stability. These new plastics, described in NASA Technical Brief 67-10197, have aroused interest from a maker of grinding wheels, an electronics manufacturer, a casket manufacturing company, a firm supplying aircraft and missile components, a chemical manufacturer, and others. A small company has been formed to produce and market these plastics.

APPENDIX I. NASA UNIVERSITY PROGRAMS, GRANTS AND RESEARCH CONTRACTS

NASA's university programs have made major contributions not only to the aeronautics and space program but also to the national educational goal through the development of new scientific disciplines, technologies and educational facilities. NASA programs have provided continuing educational opportunities to thousands at the undergraduate and graduate levels within the nation's university community.

Between 1965 and 1971, 223 colleges and universities representing all 50 states and the District of Columbia will have shared in grants and research contracts for 1,640 NASA programs. In addition, 15 colleges and universities in 10 foreign countries have also provided assistance through research contracts for 18 programs.

The accompanying table provides a recap tabulation by states showing the number of colleges and universities affected by NASA grants and research contracts as well as the number of such programs within each state. It is of interest to note that New York leads all the states with the greatest number of colleges and universities (22) receiving grants and research contracts; followed by California (18), Ohio (14), Texas (14), Pennsylvania (12), Massachusetts (11) and the balance in descending order. California, however, is the leading state for the greatest number of NASA-supported college or university programs (271); followed by Texas (124), New York (122), Pennsylvania (75), Illinois (73), and Ohio (58).

As a direct result of these programs, the nation's university community has awarded in excess of 500 graduate degrees and has provided trained people, education and service in demonstrating the effectiveness of colleges and universities in helping to meet the space goals of NASA and the nation.

NASA UNIVERSITY PROGRAMS—GRANTS AND RESEARCH CONTRACTS (1965 THROUGH 1971)

State	Number o. universities affected	Number of programs
Alabama	3	35
Alaska	1	10
Arizona	3	43
Arkansas	1	1
California	18	271
Colorado	5	41
Connecticut	4	36
Delaware	1	3
District of Columbia	5	25
Florida	6	43
Georgia	3	27
Hawaii	1	14
Idaho	1	1
Illinois	6	73
Indiana	5	46
Iowa	2	18
Kansas	4	18
Kentucky	2	15
Louisiana	4	13
Maine	1	2
Maryland	4	45
Massachusetts	11	55
Michigan	6	64
Minnesota	2	30
Mississippi	3	11
Missouri	5	26
Montana	2	4
Nebraska	2	2
Nevada	1	4
New Hampshire	2	16
New Jersey	6	42
New Mexico	1	18
New York	22	122
North Carolina	4	32
North Dakota	1	2
Ohio	14	58
Oklahoma	5	14
Oregon	2	11
Pennsylvania	12	75
Rhode Island	3	9
South Carolina	2	6
South Dakota	2	3
Tennessee	3	16
Texas	14	124
Utah	3	16
Vermont	1	2
Virginia	9	52
Washington	2	15
West Virginia	1	5
Wisconsin	2	23
Wyoming	1	3
Total U.S. universities and programs (50 States plus District of Columbia)	223	1,640
Foreign countries (10)	15	18
Total, all universities and programs	238	1,658

Note: Total university expenditures by NASA (1959 through 1967): $2,079,356,567.

APPENDIX II. NASA PRINCIPAL PRIME CONTRACTORS AND SUBCONTRACTORS

NASA principal prime contractors and subcontractors shared $3.07 billions of U.S. dollars during the 1969 fiscal year. These contractual dollars provided direct employment to countless thousands of workers for the production of both space and related hardware and services in all 50 states, the District of Columbia and in 41 of the free world's foreign countries who support the global space network.

The accompanying table provides a compilation of the location of all NASA principal contractors and subcontractors who participate in the United States' continuing efforts toward achieving the peaceful conquest of space. Figures quoted in the table encompass the time span from 1960 through 1969 and compute only those NASA principal prime contractors and subcontractors who received individual awards (contracts, grants or purchase orders) of the following magnitude:

Research and development prime contracts of $10,000 and over.

Prime contracts, grants and purchase orders to educational institutions and other non-profit organizations of $10,000 and over.

All other prime contractors and purchase orders of $25,000 and over.

First and second-tier subcontractors and purchase orders of $10,000 and over on NASA prime contractors of $500,000 and over.

14,369 profit and non-profit business organizations in 1,882 cities throughout all 50 states and the District of Columbia received major NASA contracts and sub-contracts. In addition, 165 organizations in 41 free world foreign countries were also affected as participants in NASA's world-wide coverage for the space network. It is of interest to note that California leads all states in the number of cities affected by NASA contracts and subcontracts (235), followed by Pennsylvania (184), New York (182), New Jersey (155), Massachusetts (108), Ohio (90), Illinois (88) and Connecticut (75). In the area of business organizations, California again leads all states with 4,524 organizations affected by NASA contracts and subcontracts. Here, however, the trend changes. Next in order, following California, are business organizations in the states of New York (1083), Florida (774), Massachusetts (716), Ohio (672), Texas (622), Pennsylvania (598), and Virginia (577).

From this sampling, it can be seen that NASA procurement of quality space hardware and services has resulted in the development and expansion of the nation's business organizations for the material benefit of the national work force and for achievement of the nation's space goals.

NASA PRINCIPAL PRIME CONTRACTORS AND SUBCONTRACTO..S (JULY 1, 1960 THROUGH MAY 31, 1969

State	Number of cities affected	Number of business firms
Alabama	31	469
Alaska	3	31
Arizona	13	67
Arkansas	4	6
California	235	4,524
Colorado	13	80
Connecticut	75	309
Delaware	6	18
District of Columbia	1	360
Florida	58	774
Georgia	17	101
Hawaii	6	12
Idaho	7	10
Illinois	88	371
Indiana	44	106
Iowa	11	17
Kansas	16	50
Kentucky	7	25
Louisiana	13	440
Maine	9	10
Maryland	70	571
Massachusetts	108	716
Michigan	70	249
Minnesota	17	111
Mississippi	18	122
Missouri	20	118
Montana	3	5
Nebraska	4	12
Nevada	7	30
New Hampshire	19	39
New Jersey	155	501
New Mexico	8	75
New York	182	1,083
North Carolina	28	68
North Dakota	2	2
Ohio	90	672
Oklahoma	11	81
Oregon	8	27
Pennsylvania	184	598
Rhode Island	10	29
South Carolina	12	81
South Dakota	4	4
Tennessee	19	73
Texas	61	622
Utah	9	23
Vermont	10	16
Virginia	39	577
Washington	15	43
West Virginia	11	15
Wisconsin	29	83
Wyoming	2	6
Total U.S. cities and business firms representing 50 States plus District of Columbia	1,882	14,369
Foreign countries and business firms	41	165
Grand total, cities, foreign countries, and businesses affected by NASA contracts and subcontracts	1,923	14,534

Note: NASA principal prime and subcontractors receiving individual awards of the following magnitude:

(1) Research and development contracts of $10,000 and over.

(2) Prime contracts, grants and purchase orders to educational institutions and nonprofit organizations of $10,000 and over.

(3) All other prime contracts and purchase orders of $25,000 and over.

(4) First and second tier subcontracts and purchase orders of $10,000 and over on NASA prime contracts of $500,000 and over.

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Appendix I

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Appendix II

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Appollo 12 Principal Prime Contractors and Subcontractors, NASA Procurement Office, Staff Operations Division, Washington, D.C. 20546.

LOWER VOTING AGE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. MIZELL. Mr. Speaker, I was very happy to hear the President this past weekend, express his feelings about the proper way to bring about a constitutional change that would lower the voting age.

One week ago, I gave a talk to a large number of young men and women at a high school athletic banquet back in my district in North Carolina. These young people are all in that age bracket that would be affected by the lowering of the voting age. But these young people are also members of the great majority of their generation, the responsible young people, who, no matter how anxious they are to gain voting rights, understand that there is a need to handle this change in a constitutional and legal manner.

I submit that it is not the right of Congress to amend the Constitution of the United States. The great American patriots, when they wrote the Constitution, were very careful to make sure that certain basic States rights would not be abridged. If we disagree with these great men, then there are provisions within that document that make it possible for us to make the necessary changes. It is our responsibility as law makers to follow the lines of action that have been laid out in the Constitution, not to evade them.

There is legislation in committee here in the House that would present the voting age proposal in the form of a Constitutional amendment. I favor this method, because if passed by Congress, the States would have their guaranteed opportunity to vote on ratification.

There is very serious doubt that the Senate Amendment to the Voting Rights Act would ever meet the Constitutional requirements in a court test.

You would all agree that it is not the Supreme Court's right to legislate. I submit that it is not the responsibility of Congress to rewrite the Constitution. I call on the chairman of the conference committee to assume his Constitutional responsibility and table the Senate amendment, and report out of his committee a bill that would present the lowering of the voting age in an amendment to the Constitution of the United States.

MILITARY AID TO GREECE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. FRASER. Mr. Speaker, on March 20, 1970, I introduced into the CONGRESSIONAL RECORD some figures on military assistance to Greece.

I have now received a copy of the Department of Defense publication "Military Assistance and Foreign Military Sales Facts, March 1970."

This publication indicates that at least the following amounts of military assistance program deliveries/expenditures/deliveries of "excess defense articles," and deliveries of foreign military sales—not including commercial sales which, however, must be licensed by the Federal Government—have been delivered to Greece:

[Millions of dollars; fiscal years]

Category [1] (see text)	1965	1966	1967	1968	1969	1950-69
Military assistance program	104.0	78.7	44.0	45.0	56.2	1,465.0
"Excess"	5.6	2.7	4.2	2.5	25.6	101.0
Foreign military sales	.4	.6	.8	3.5	11.4	18.1
Total	110.0	82.0	49.0	51.0	93.2	1,575.1

[1] See text.

Let me iterate several points about these figures: they are official DOD figures; the value of the "excess defense articles" is the "utility value" of the equipment, "only about 30 percent of its acquisition cost," commercial sales—which require export licenses—are not included; there may be additional transfers—in all categories—which are classified; and there may be areawide expenditures which result in additional aid to Greece.

As a reference point, the takeover by the military junta occurred on April 21, 1967. A curb on deliveries of "heavy" or "major" military items was imposed by the Johnson administration shortly after this.

New York Times' reports of April 1, 1970, and April 23, 1970, give additional background on this military aid to Greece. I include them at this point:

[From the New York Times, Apr. 1, 1970]

ARMS-GRANT TOTAL PUT AT $3.4-BILLION GIVEN TO ALLIES IN 19 YEARS

(By Peter Grose)

WASHINGTON, March 31.—The State Department disclosed today that used military equipment valued originally at $3.4-billion had been given to allied governments over the last 19 years.

All the matériel, which included aircraft, artillery, tanks, trucks and ammunition, had been officially designated as surplus, in excess of the needs of the United States, and had a depreciated value of about one-third the acquisition cost, qualified officials said.

They disputed Congressional complaints that this military assistance had been given secretly. On the contrary, department officials said, full details of all grants are provided every year as a matter of routine to the Congressional committees overseeing military spending.

The officials confirmed, however, that a joint Defense and State Department control group had been established one year ago to examine each proposed grant, both in terms of overall foreign policy interests and to certify that the equipment was legitimately designated as surplus.

TWENTY-FOUR COUNTRIES RECEIVED AID

Last year, 24 countries received some aid through the military-assistance program, officials said, though three-fourths of the supplies went to only four countries—Greece, Turkey, Nationalist China, and South Korea.

Consistent with the embargo of heavy military supplies imposed against Greece after the military coup in 1967, grant aid to Greece consisted only of trucks, ammunition and small arms. Aircraft and tanks, such as have been supplied to the other three allies, are not available to Greece under the terms of the embargo.

The assessed, or utility, value of the matériel supplied to all recipients in the last fiscal year was $112-million, although bought new the equipment would have cost three times that much.

Questions about the military-assistance program were raised by an article in The New York Times Sunday listing aircraft, destroyers and artillery equipment, valued originally at $157-million, given to Nationalist China last year.

The State Department confirmed the news article, but it denied the implication that information on military assistance was being withheld from Congress. Officials explained the absence of public announcements of each grant and the refusal to provide an itemized breakdown by saying that this would constitute information of intelligence value about a country's armed forces.

State Department experts explained that the designation of surplus for any item of war matériel depended on its age, state of repair, estimated cost of rehabilitation to acceptable standards of use and the actual needs of the United States units at any given time.

They conceded that the designation was flexible and relative, but said that responsible civilian officials of both the State and Defense Departments reviewed each such designation under procedures laid down last August by David Packard, Deputy Secretary of Defense.

PENTAGON DOUBLES ARMS AID TO ATHENS DESPITE RESTRICTION

(By Tad Szulc)

WASHINGTON, April 16.—Despite United States restrictions on arms shipments to the Greek junta, the Defense Department is reported to have secretly supplied this year nearly twice the amounts of military aid to Greece authorized by Congress.

The United States imposed the curb on deliveries of "major" military items to Greece in 1967 to show its displeasure over the overthrow of the government by the army.

However, the nature of this curb has never been publicly defined and the flow of equipment has continued at levels considerably above those approved by Congress under the military assistance program.

At the same time, the Administration is considering lifting altogether the embargo on military deliveries to Greece, reportedly under the pressure of the Defense Department, which is concerned over the situation in the Eastern Mediterranean, where the Soviet Union has been building up its fleet.

Figures made available in Congressional quarters showed that while Congress had authorized $24,498,000 in military aid to Greece in the 1970 fiscal year, the Pentagon plans to deliver additional equipment worth $20-million from stocks described as surplus.

Figures obtained here also showed that in the 1969 fiscal year the Pentagon quietly gave $470 million in surplus armaments to the four "forward defense countries"—Nationalist China, South Korea, Turkey and Greece—in addition to the total of $350-million in military aid approved by Congress.

The principal beneficiary was Nationalist China, which received about $157-million from this total, while Greece received nearly $26-million in 1969 on top of the authorized deliveries of $37,531,000.

Congressional sources said that the Pentagon set a "utility value" on the material of 25 per cent to 30 per cent of the cost, even if the the equipment was new. Congressional experts have adopted the method of multiplying the utility figures by four to arrive at the cost of the surplus shipments.

The Pentagon's actions have raised indignation among many members of Congress, who consider their authority disregarded by the department. But the Greek situation has international implications as well because of the strong sentiment in Western Europe against the authoritarian practices of the Athens junta.

Today, Senator Stephen M. Young introduced legislation requiring the Pentagon to make "complete and prior disclosure of all proposed disposals of surplus weapons."

The Ohio Democrat cited Nationalist China and Greece as the countries where, "through the surplus disposal program, Pentagon officials have been secretly subsidizing at least two tyrannical dictatorships without any advance information given to Congress nor any authorizaiton sought nor secured."

The restriction on arms to Greece was imposed by the Johnson Administration after the colonels overthrew the constitutional regime on April 21, 1967, and it has thus far been maintained by the Nixon Administration.

Under this ban, Greece is denied so-called "heavy" items, such as tanks and combat aircraft. But neither Administration has defined what items are considered "heavy."

In 1966, before the restrictions were applied, the total military aid to Greece was about $90-million.

FIFTY-FIVE MILLION DOLLARS IN MINOR ITEMS

Although the government said that only spare parts, trucks and minor items were being provided after the coup, Greece received $44-million in 1967 and $55-million in 1968.

Officials here were unable to explain at the time how this "marginal" aid could amount to such high figures.

Following the invasion of Czechoslovakia by Soviet-bloc armies in August, 1968, the United States temporarily lifted the Greek embargo as it sought to encourage the allied countries to build up their defenses. As a result, Greece received in 1969 about $63-million in military aid, of which $26-million was from the surplus stocks.

Mr. Speaker, our policy of not supplying "major" or "heavy" military equipment to the oppressive Greek colonels is apparently very flexible. The terms of the denial of military aid are not widely known. But the above figures make it clear that our military aid to Greece is steadily expanding.

Just 5 weeks ago this House authorized an extension of the loan of a submarine to Greece. Greek military men continue to be honored and entertained in this country. Seven other ships are on loan to the Greek Government and since the coup all these loans have been extended. It is time for us to call a halt to the present policy which symbolically denies "heavy" weapons to the junta while providing large amounts of military aid.

The NATO preamble declares:

> [The Parties to this Treaty] are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

Until Greece lives up to this declaration the U.S. Government should cease providing arms to the colonels who rule the Greek people without the people's consent.

OLD LEFT GUIDES GROWING SUBVERSION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. BOB WILSON. Mr. Speaker, an increasing volume of evidence documents the fact that many campus disorders are not the spontaneous expression of student discontent, but result from the exploitation of malcontents by an organized group of hard core militants. The following article explores in detail the activities of these militants and their ties with the "Old Left":

[From the San Diego (Calif.) Union, Mar. 31, 1970]

OLD LEFT GUIDES GROWING SUBVERSION

(By Robert Betts)

The so-called student protest movement has moved a long way since a group of radical extremists, with Communist backing, led a "free speech" riot on the University of California's main campus at Berkeley in the fall of 1964.

It has swept across the nation, bringing disorder and violence to scores of university and college campuses as well as to many high schools.

Now, to the surprise of almost everybody except those who are organizing it, the "movement" is spreading out from educational institutions into surrounding communities—bringing rioting, destruction and death to American streets.

ALARM GROWS

The "silent majority" of Americans who at first shook their heads over the wild antics of "unruly youths" are becoming more and more alarmed as the violence increases. There have been calls for firmer action on the part of college administrators and for tougher laws to curb the activities of young rebels.

But the activists do not fear the "silent majority." They show in their speeches and writings their contempt for the millions of law-abiding Americans who seek solutions to social problems through traditional democratic means.

The activists have boldly stated their intention to wage guerrilla warfare. Using the schools as a base for their destructive activities, they have been busily recruiting young dissidents and other malcontents for an outright confrontation with established authority.

GUERRILLA TACTICS

They have instructed them in guerrilla warfare tactics, including directions for making bombs, sabotaging public facilities, businesses and organizations which represent the "capitalist exploiters," fighting the police, provoking chaos. They have, meanwhile, built up arms caches, some of which occasionally are brought to light after police investigation.

They hope to destroy first the educational structure, then the economic and political order and ultimately bring down the government itself and set up a Communist America. The enemy, in their own words, is "corrupt, capitalist, imperialistic, warmongering America."

It is the same sort of language that issues from Moscow, Peking and Hanoi, and the revolutionaries make no bones about it. They praise the works of Marx, Lenin, Mao and others, call themselves either pro-Communists, "communist with a small 'c,'" or outright Communists—all dedicated to the destruction of the present order.

WORK FOR REVOLUTION

"We're out to build a Marxist-Lenin revolutionary movement," said Mike Klonsky, national secretary of the Students for a Democratic Society, which has provided the main thrust of action.

The SDS has proclaimed, "We're working to build a guerrilla force in an urban environment. We're actively organizing sedition."

It advocates abolition of the legal fortresses against internal Communist subversion as well as reduction of the military defenses against the external Communist military threat.

SDS is a nerve center of an interlocking network of related leftist groups which reaches far beyond the campus into the fields of civil rights, labor, religion. peace campaigns and poverty programs.

DISCIPLINED CONTROL

While the fringe is known to consist of a conglomerate of young dissidents and hotheads calling themselves part of the "New Left," agents of the FBI working inside the "movement" report that it is being controlled more and more by older, more experienced, more disciplined members of the Old Left—represented by such organizations as the Communist party U.S.A. (pro-Moscow), the Progressive Labor party (pro-Peking) and the Socialist Workers party (Trotskyite).

Despite differences and sometimes open wrangling between pro-Russian and pro-Chinese Communists, they work willingly together in the subversive campaign against what they consider to be the common enemy—"fascist America."

They speak at SDS-sponsored meetings and invite young SDS and other radical leaders to their own meetings. They confer together and circulate literature which not only attacks the American way of life but outlines programs for the scientific incitement of bloody riots like those which have occurred with increasing frequency across the country.

FBI Director J. Edgar Hoover warns: "It is vitally important to recognize that these militant extremists are not simply faddists or 'college kids' at play. Their cries for revolution and their advocacy of guerrilla warfare evolve out of a pathological hatred for our way of life and a determination to destroy it. The workshops they hold on sabotage and how to use it to further their objectives are grim forebodings of serious intent."

As the revolutionaries are repeatedly reminded in the constant stream of Communist propaganda and directives aimed at them, it takes only a few hard-core, dedicated individuals to overthrow a country from within. Examples given are Russia, China and, nearer at hand, Cuba.

ADDED ENCOURAGEMENT

In addition to such slogans as Mao's "Power grows out of the barrel of a gun," they are encouraged with quotations from Lenin and other earlier revolutionaries, such as the Bolshevik leader who proclaimed immediately after the Russian revolution in World War I: "And to think that a short while ago we were only a handful of propagandists!"

One Communist-inspired directive circulated in this country, after discussing the need for "a tightly organized and highly mobile underground guerrilla force . . . well-versed in handling explosives and deadly accurate when deployed as snipers," confidently assert: "A minority revolution could succeed in America."

NO ONE IS EXEMPTED IN POLLUTION FIGHT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. CHAMBERLAIN. Mr. Speaker, Earth Day, April 22, was a great occasion of an outpouring of interest and concern over the quality of our environment. Of the many speeches and statements that have appeared, I was particularly impressed by the editorial appearing in the State Journal of Lansing, Mich., entitled, "No One Is Exempted In Pollution Fight." By focusing its attention on the need for all citizens to join in this effort, I believe the editorial has stated what will ultimately determine the success or failure of all Federal, State, or local laws on pollution control. I commend to the attention of my colleagues the following editorial:

[From the State Journal, Apr. 22, 1970]

NO ONE IS EXEMPTED IN POLLUTION FIGHT

Earth Day.

Twenty years ago, or even 10, the idea of a national observance focusing attention on the relentless, man-made pollution of our environment would likely have inspired little attention.

Except for a few far-sighted prophets, there was scant interest of perception of what was happening to the environment from exhaust fumes, trash, insecticides, dumping of industrial wastes in waterways, and the destruction of natural resources.

But the evidence finally came crashing through during the late 1960's with the documented facts compiled by researchers over the years.

Today thousands of college and high school students across the nation—along with concerned adults—are participating in symposiums, teach-ins and demonstrations to emphasize that Earth is indeed a small island of life in a vast emptiness of outer space. If we wreck it, there is no place else to go.

Recent journeys to the moon and back by American astronauts brought this fact home to roost perhaps more than anything else. No one can forget those stunning photographs of the blue planet shining in a sea of darkness.

Today's observance and those to follow will place increasing pressures on industries, government and adults to take reform steps to reverse the pollution tide. That is as it should be.

But youths also have a responsibility other than pointing the finger. One concerned parent explained this in a recent letter. In talking to his teen-age children, he advised them that it was well and good for them to bug the Establishment about pollution since it would help bring reforms.

But he also advised that young people have a job to do with their own generation. He suggested they get after youngsters who scatter trash about the streets and in schools; those who cruise about needlessly in souped-up cars adding to air pollution, those who screech tires and add to noise pollution . . . to name a few things.

While not excusing the Establishment, the parent suggested that young people "clean their own house, too."

In short, pollution takes endless forms and no age group is exempt when it comes to reform. It's a fight we all must join.

EASTERN AIRLINE SHUTTLE SERVICE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. HELSTOSKI. Mr. Speaker, over the past 2 months the New Jersey congressional delegation has been striving to preserve a service vital to the people and to the economy of our State. Through the delegation's teamwork and unity, the air shuttle service between Newark, N.J., and Washington, D.C., will be continued. A perceptive and comprehensive account of the shuttle controversy, authored by John J. Farmer, appeared in the April 26 edition of the Newark Sunday News. The article follows:

WEIGHT OF CONGRESS LANDED ON AIRLINE

(By John J. Farmer)

WASHINGTON.—Eastern Air Lines' reluctant agreement to continue its Newark-Washington air shuttle is a striking case of the effectiveness of congressional pressure in the public interest.

It is an equally classic illustration of the impotence of a government regulatory agency—in this case the Civil Aeronautics Board—in defense of the same public interest.

Had Eastern had its way, the shuttle would have been replaced, beginning today, with a lesser schedule of reserved-seat flights. The CAB raised no objection.

The airline abandoned its plans when confronted with a last-minute, but unanimous, campaign by the New Jersey congressional delegation that threatened Eastern with a court injunction, public hearings and legislation to give the CAB control over flight schedules, plus a blizzard of bad publicity.

AVOID INTERVENTION

Not just Eastern, but the entire domestic airline industry, looks askance at further government regulation.

The struggle began innocently enough last fall when Rep. Joseph G. Minish, D-11th Dist., N.J., began looking into Eastern's air shuttle fares, not its schedules.

To his surprise, Minish recalled, he was advised on Feb. 24 by James Reinke, Eastern's Washington representative, not to worry about the fares because Eastern was thinking of dropping the shuttle and switching to reserved-seat service.

What followed in the next two months was an exchange of letters between Minish and the Garden State congressional delegation, Eastern, the CAB, the Port of New York Authority, New Jersey Gov. William T. Cahill, the State Chamber of Commerce, New Jersey freeholders and angry businessmen around the state.

Emerging from that correspondence was a tale of Eastern's refusal to make known its cost data on the Newark-Washington shuttle and the CAB's readiness to accept Eastern's argument for abandonment.

Minish began by persisting in his demand for shuttle cost figures. The CAB could not provide them, and Eastern would not.

V. P. Sacchetti, an Eastern official in New York, in a "Dear Irving" letter to Irving Roth, director of CAB's Bureau of Economics, wrote that since the airline was not requesting a fare change on the shuttle, it should not have to supply the information.

His letter made no mention of any plans to abandon the shuttle April 26.

To this point, there still had been no official confirmation of Eastern's plans. But Minish, convinced he was on the right track, began alerting New Jersey congressional colleagues and, on March 4, wrote to Cahill complaining that the abandonment would be "an affront to the prestige of our state as well as total indifference to the needs of our citizens."

PROTEST LETTER

The next day he circulated a protest letter to the entire congressional delegation to be sent to Secor D. Browne, CAB chairman.

Eastern representatives—still without an official announcement of the shuttle abandonment plans—began contacting individual New Jersey congressmen with arguments for the need of a change in service.

But all 15 New Jersey House members, and both senators, signed the protest. It was forwarded to Browne March 10.

Only then did Eastern confirm the shuttle abandonment plans. The CAB requires only 10 days advance public notice of a schedule change.

Into the mushrooming dispute at this point stepped Webster B. Todd, Jr., son of the former New Jersey state Republican chairman and Browne's special assistant. He was to unwittingly arouse the New Jersey delegation still further with a letter March 13 to Cahill that, in effect, argued Eastern's case.

OUTLINES IMPROVEMENT

He wrote: "Thus, in reality, there will be an improvement to the New Jersey citizen because he will have all the cabin comfort and convenience that reserve-seat service entails since the cabin crew will, in the future, be able to devote their attention to the passengers' needs, and not the collection of fares."

"I think you will find, as a practical matter," Todd concluded, "that the changeover from shuttle to reserve-seat service will be most beneficial to the continued growth of New Jersey and not, as it might appear at first blush, place New Jersey at a competitive disadvantage with New York."

Still unaware of young Todd's letter, the New Jersey delegation met on March 17 with Browne.

From the delegation's standpoint, the meeting did not open auspiciously. Browne began by distributing a letter pointing out that the CAB's scheduling authority was limited to calling an "adequacy of service" hearing. Browne obviously did not favor calling such a hearing.

CAB FINDING

"It would be extremely doubtful," Browne wrote, "if a finding of inadequate service could be made in an instance where there was no question as to the number of frequencies, but only the question of shuttle versus reservation-type service."

The letter concluded that "under these circumstances, we do not believe that Eastern is abandoning its Newark service, and we trust that the new schedules will meet the needs of Newark passengers."

This did not alleviate the anger of the New Jersey congressmen.

The five planned reservation-type flights, they argued, would not only increase the cost of some seats, but would leave wide gaps in flight service between 7:20 a.m. and 10:20 a.m. southbound, and 5:20 p.m., and 9:20 p.m. northbound.

No one, at this point, realized that Eastern's north-bound service would not even originate in Washington, but at cities south and west of the capital. Thus, even fewer seats would be available for the Washington-Newark flights than the congressmen realized.

ASKS MORE FACTS

Nevertheless, Browne really got his ears blistered, said one source at that meeting. A day later, March 18, Browne—in a "Dear Floyd" letter to Eastern's president, Floyd D. Hall—warned of the Garden State delegation's position and of the need for Eastern to justify its position with more facts.

"Let me repeat," he wrote, "that while I consider the New Jersey delegation to be made up of reasonable men, they were unanimous in their displeasure towards the proposed service change, and I believe only the most complete record will resolve the problem."

Browne noted in the letter that "a serious question" had been raised about the "adequacy of the new service"—the CAB's first use of its unwritten but authentic power of persuasion.

TODD LETTER TOUCHY

Before Hall could reply, however, a copy of young Todd's letter endorsing the Eastern proposal reached Minish by way of Cahill. The New Jersey Congressman was livid, and let Todd know with an angry phone call.

On March 25, Hall—in a "Dear Mr. Chairman" letter—replied to Browne's request for more information, acknowledging that the new flights north into Newark would not originate in Washington. The service change, he wrote to Browne, would give Eastern "profits that would be improved."

Todd's letter, the meeting with Browne and Hall's subsequent letter to Browne provided all the fuel an angry New Jersey delegation needed.

But Eastern still showed no sign of relenting.

As late as April 13, Hall wrote to Rep. Peter Frelinghuysen, R-5th Dist., justifying the change.

Three days later, the New Jersey delegation announced plans for a public hearing at Newark Airport on the new schedules—a try at winning a court injunction against the change and a drive for legislation to give the CAB schedule approval authority.

QUICK REACTION

Eastern still gave no public hint that it was about to capitulate. But negotiations got under way quickly in the face of such official pressure, and Rep. Peter W. Rodino, D-10th Dist., emerged as the intermediary. Rodino is dean of the New Jersey delegation.

By last Tuesday, five days after the congressional delegation's announcement, Eastern representatives had offered Rodino a plan under which two shuttle flights would be kept each way, with the five new reserved-seat flights.

Rodino, speaking for the delegation, rejected this offer, according to Merle Baumgart, his administrative assistant.

By Thursday morning the offer was up to seven of the eight original shuttle flights, plus the five new flights. Rodino offered to take that plan to the delegation for its verdict. Before he could, Eastern representative called the same day and offered the full shuttle schedule without change.

The five reserved-seat flights are to continue for a time, but some or all will be phased out.

REASONS FOR CAPITULATION

The implication is clear that Eastern capitulated to avoid a court test, the threat of

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new congressional legislation, or bad publicity.

Baumgart said no agreement was made to drop an attack on the airline.

But for several New Jersey congressmen, the issue will lose its immediacy now that the shuttle has been retained. Rodino for example, does not plan to press the issue. "We won the war," Baumgart said.

Minish is not so sure. He plans to circulate a proposed bill that would give the CAB greater authority over schedules. But, in addition, he's still interested in the one thing that started all this—shuttle fares.

"I still wonder why it costs $23.10 for a flight from Newark to Washington when a shuttle from Los Angeles to San Francisco—175 miles longer—costs only $15.50?" he asked.

That is where Eastern came in.

STUDENT VIOLENCE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. BOB WILSON. Mr. Speaker, one aspect frequently overlooked in the furor over student violence is the effect of such activities on the vast majority of students who are in college for the purpose of getting an education. Many young people are becoming increasingly critical of the disruption of their academic schedule and are organizing to counter the militants. During the past several days, I have inserted in the RECORD a series of articles by Robert Betts of Copley News Service, in which he explores in depth the background, organization, aims, and results of the student revolt and am pleased to have an opportunity to share his careful analysis with my House colleagues:

[From the San Diego Union, Apr. 1, 1970]

MILITANTS FRUSTRATE THE MAJORITY; LAW-ABIDING STUDENTS CAUGHT IN TRAP SET BY VIOLENT FEW

(By Robert Betts)

The student rioting which has brought disorder and destruction to many university and college campuses is widely put down to youthful impatience and frustration.

Dissatisfaction with crowded classes and the mechanical, depersonalized nature of the modern educational process, "hidebound" administrators who refuse to consider their complaints, and overbearing "Establishment" which refuses to right the wrongs they see in society and which continues a war nobody wants—all these are given as excuses for domestic violence.

Many teachers, administrators and others—not necessarily liberal in their thinking—sympathize with the students and say the violence is understandable although they do not condone it.

One cause of frustrations which is rarely mentioned, although it is felt by a growing number of students, is the constant interruption of their studies by the disruptive activities of the militant minority.

This is bad enough, but the students are conscious of something else. They feel the growing alienation of an adult population which is sick of the unrest and which fails to distinguish between students interested in getting an education and those interested only in making trouble, lumping all students together in a blanket condemnation of today's "ungrateful, unruly" generation.

"Added to this irony is the fact that the majority of students, because they are law-abiding, have to stand by and do nothing while the activists are making trouble and inciting others to violence," said Steve Moore, football captain at the Santa Barbara branch of the University of California.

MORE LIBERAL IDEAS

"It is not that many students don't have grievances which they feel are legitimate," Moore said. "They feel there are some things wrong with modern education and in society generally which ought to be remedied. They generally have more liberal ideas than their parents.

"While I was brought up in a decent home by good parents who taught me honor and respect for this country's traditions, I find myself questioning some things.

"But, the basic honor and respect are still there—and I still believe that problems can be solved through the American democratic way, which is the best the world has ever devised. I think you'll find the majority of us feel the same way."

During the recent rampage in the nearby community of Isla Vista when rioters were smashing, burning and battling with police, Steve said another group of students was eager to tackle the troublemakers.

"But we were advised to stay clear and leave it to those whose job it properly is—the law enforcement authorities," he said.

Students have been told that fighting between civilians in the streets is precisely what is wanted by those who are trying to feed the flames of riot and spread revolution.

"Many of the rioters weren't even students,"said Moore, "and some of them weren't even from this area."

RISKED INJURY

Several fraternity men risked injury in a futile effort to put out the fire which rioters had started in the local Bank of America building, said Gayle Kerr, who has an apartment in Isla Vista.

Gayle is advertising manager of the Santa Barbara campus newspaper, El Gaucho, but she does not go along with many of the paper's radical views.

"I have been growing more and more disgusted with what has happened to the UCSB campus and to what was once a nice surrounding community," she said. "I have received many complaints from my advertisers about how horrible college students are and how the university is now full of a bunch of revolutionaries. Many of my advertisers have refused to advertise with me this year. I have had to say that I could not honestly blame them.

"Others have not wanted to advertise in what they believe to be a radical newspaper, but have been intelligent enough to see that not all of the 13,000 plus students attending UCSB are radical."

Gayle persuaded El Gaucho's editor to publish a letter in which she called on the "silent majority" of students who are "as upset about this as I am" to "stand up and be heard."

Many UCSB students had put their names to a petition condemning violence as a "self-defeating effort to correct society's problems."

"SIGN NOW"

At a table set up outside the University Center two girls sat with a stack of forms behind a notice which urged, "Show the mass media—sign the petition now."

"We've got nearly 5,000 signatures already and it's only been going a few hours," one of the girls said.

Harvey Levin, the 19-year-old sophomore who organized the petition, said, "We want to show the country that the majority of UCSB students are not anarchists. We fully recognize the many problems facing this country, but we believe our system is still viable and that these problems can be handled without recourse to violence."

Nearby stood the opposition—a tall, ungroomed, unsmiling youth, handing out leaflets which urged students not to sign the petition.

"Your name will be used to obscure the real issues and to put the citizenry back into their comfortable stupor that allows them to believe that their university and their society are functioning just dandy," it stated. "A statement condemning violence in Isla Vista will have as its consequence the perpetuation of violence in Vietnam, in the ghettos and ultimately, the streets of America."

It also called on students to "help the arrested to escape police brutality and to get decent treatment in the courts, and to raise money for their defense so that some modicum of justice might be preserved."

"NEED MONEY"

Another appeal was addressed to the "fortunate people who haven't yet been busted; we must support our brothers and sisters who are being arrested and beaten unmercifully by the local 'peace officers.' We need money to get these people out of jail before the police have more time to brutalize them."

One of the collectors for the "legal defense fund," who would not give his name, said the chief organizer was "away—up in Berkeley."

Local headquarters, however, was in the office of the Associated Students Information Agency, an agency set up last year reportedly with the object of investigating and uncovering incidents of "police brutality." Students arrested in the Isla Vista riots were advised to go there "for your own welfare."

The office was busy with serious-looking youths and eager girls preparing posters and leaflets which advised defendants of their rights. At a table a girl was interviewing bailees and recording particulars of their arrest.

One of the organizers, 21-year-old Patricia Drolet, a senior sociology student, said: "We have a lot of friends in the faculty as well as in the outside community. They have contributed to the fund to help bail out the ones arrested. The contributions vary from a few nickels to much larger sums, but I cannot say how much we have altogether in the fund. We are also taking particulars from any students who can cite cases of police brutality."

COMMUNIST PAMPHLETS

Whether such accusations can be substantiated or not, encouraging students and other citizens to charge "police brutality" is known to be part of the Communist-directed campaign to break down public faith in the American system of law, order and justice, by discrediting law enforcement and court proceedings.

The strategy has been outlined in Communist pamphlets which call on followers to "bring the class struggle into the courtroom," pointing out that "our tactics in the public proceedings of the law courts are not tactics for defense but of attack."

Such were the tactics used by the defendants at the Chicago riot conspiracy trial. Such are the tactics expected to be used more and more by militant leftists being tried for incitement to riot.

Most students questioned on any campus say their time is taken up too much with study and preparing for a career for them to become involved in political activity, whether on the right or the left.

Nevertheless, growing frustration over the disruptive tactics of the agitators has caused many opposition groups to spring up across the country. They take various titles and they range from militant confrontation to those calling themselves "moderate liberals," who would rather take on the extremists in debate and work for reforms through student government and other nonviolent means.

One growing organization, taking no political or ideological stand "which might label us with a left or right stigma, which, in turn, would diminish our broad appeal," is Voices in Vital America (VIVA). The head office is in Los Angeles and it now claims members on nearly 50 campuses.

"VIVA has been organized simply to support the country in a stand against anarchy and violence," said executive director Richard Thies. "We promote the responsibility of each student to act in a responsible, rational manner to respect the law, promote due process as the proper redress to legitimate gievances and to seek orderly change through reason and dialogue."

CLEANUP POLICY

Students are encouraged to contact VIVA with complaints and grievances which then are taken up with the proper campus authorities. VIVA members volunteer for tutorial projects as alternatives to those it says are "dominated by militant student organizations in which high school and grammar school students are given a healthy dose of revolution along with reading and writing."

VIVA members also take part in cleaning up after the disorder caused by campus rioters.

Said VIVA national chairman Steve Frank, who attracted nationwide publicity last year when he led a Los Angeles City College group in tearing down barricades set up by the militants and opening the school to the student body: "It seems difficult to conceive that militants are using tax-supported facilities and in some cases the tax-supported school funds themselves to work toward the destruction of the very people who pay the bills.

"The students of VIVA may take down the barricades, prevent sit-ins, stand between radicals and military recruiters, but this is only a holding action. The real benefit that VIVA provides is the educational programs to teach other students the danger of irrational and violent actions.

"With enough support we can reach many more students across the nation through lectures, debates, seminars, panel discussions, leaflets and other constructive programs. But it is only with community support that these goals can be realized."

WALK FOR DEVELOPMENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. HOGAN. Mr. Speaker, while much is being done by government to combat the problems of hunger, other efforts to accomplish the same goal are being carried out in the private sector.

The late former Congressman from Iowa, Leonard G. Wolf, who headed the American Freedom from Hunger Foundation, would have been proud of the work his organization is carrying on.

The Walk for Development programs created under Mr. Wolf's direction last year are to be continued.

President Nixon supported the program, saying:

> The urgent problems of feeding the world's growing population must have a high priority on our national agenda.

He added that the "sustained support of private groups such as your own—American Freedom from Hunger Foundation—is indispensable if we are to reach our goals."

Those words of the President almost a year ago are even more true today.

I plan to participate in a Walk for Development being held May 3 in Marlow Heights, Md. This hike, one of 15 being made across the Nation, will help fund a day-care center in Oxon Hill in my district as well as a nutritional training center in Costa Rica.

I am pleased to join my colleagues in endorsing the walks for development. I am particularly pleased that so many young people are indicating their commitment to this cause by participating in the walks.

I wish all America could be aware of the positive contribution made by our young people in efforts such as this.

OBSERVANCE OF EARTH WEEK AT UNIVERSITY OF MONTANA

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, May 1, 1970

Mr. METCALF. Mr. President, a part of the observance of Earth Week at the University of Montana, in Missoula, was an excellent and important address by our Governor, the Honorable Forrest Anderson.

In it, the Governor committed himself to work toward the improvement of our environment and laid out a broad outline for action by the State.

Mr. President, I ask unanimous consent that Governor Anderson's timely and meaningful address be printed in the Extension of Remarks, along with a summary entitled "Governor's 10 Points," published in the Missoulian of April 24, and editorials from the Missoulian and the Billings Gazette.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SPEECH BY GOV. FORREST H. ANDERSON, EARTH DAY, MISSOULA, MONT., APRIL 22, 1970

I did not come to the University to tell most of you what you want to hear.

I came to tell all of you what I believe.

As Governor, I cannot listen to only the loudest or the most persistent, or the friendliest voices. I must listen to all the voices of the people of Montana—the people I serve.

On any issue there are conflicting interests. A political leader, elected by the people, does not have the luxury of making a decision for himself. He must make a decision for the people.

I cannot have a cause unless that cause is supported by the public.

I cannot be a crusader unless the objectives of that crusade will benefit the people of Montana.

I do not have the privilege of being adamant or even stubborn.

Politics has been called the art of the possible—and compromise, adjustment and understanding make politics possible.

I am not free to make strictly philosophical decisions. I must make decisions to serve the needs of the people.

I agree with the philosophy of Earth Day.

This is a noble cause. It is a crucial cause. And those who have gathered for Earth Day observances all across the country must keep this cause alive.

It is time that we cease destroying our environment.

Our population will reach 300,000,000 by the beginning of the next century—just 30 years from now.

This nation continues to use a disproportionate share of the earth's natural resources.

Americans comprise only 6 percent of the world's population, yet they consume approximately 50 percent of the world's natural resources.

The obvious result of these excesses is the environmental destruction that we see everywhere in America.

Each generation further despoils its legacy—the land—and leaves it uglier and dirtier for the following generation.

When I was attending law school in Washington, D.C. you could swim in the Potomac River. Today you could almost walk on the sludge in the Potomac River.

Factories and automobiles discharge noxious gases and particulates into the atmosphere. The skies are hung with an acrid shroud.

Oil leakages smear the sea coasts and kill off marine wildlife.

Haphazard land usage destroys the natural terrain and replaces hills and vegetation with stark concrete horizons.

Strip mining desolates forests and prairies.

The psychological effects of overcrowding are reflected in our crime and mental health statistics.

Our rivers have been turned into continental sewage systems.

Pesticides infect both humans and wildlife.

People have finally realized that this is unacceptable

We should have listened to Adlai Stevenson long ago, when he said, "While our cars have grown longer, our TV screens broader, our washing machines grander, our kitchens brighter—at the same time our schools have grown more dilapidated, our roads more crowded, our cities more messy, our air more fetid, our water more scarce, and the whole public framework on which our private living depends, more shabby and worn-out."

I believe we must begin an environmental counter-revolution to halt the long-term excesses of the industrial revolution.

We must substitute quality for quantity.

Today—Earth Day—this nation must begin to move in the other direction.

Most of the environmental problems we have today are the result of well-established, almost sacred attitudes, in our society.

For years, Americans have been proud of the nation's high standard of living, soaring gross national product, fantastic industrial production, amazing technological achievements and ever-expanding affluence and increasing population.

Materialism has been established as a national religion.

This nation's voracious consumer economy has made enormous demands upon natural resources and is largely responsible for the destruction of the environment.

If pollution is to be ultimately controlled, consumer demands on industry and resources must be reduced and the population explosion must be stopped. People will have to become willing to accept less powerful cars, fewer appliances and gadgets and smaller families. We will have to come to believe that material progress is not social progress.

This will require deep and personal attitudinal changes by all Americans.

Is this possible?

Not tomorrow, nor for many tomorrows.

If the individual changes of attitude necessary to preserve the environment cannot be immediately achieved, government, industry and technology must carry the fight. They must act to conserve natural resources before they are irretrievably destroyed.

Government must write and enforce laws to control pollution.

Technology must develop the processes to control pollution.

Industry must have the conscience to control pollution.

This is not the final solution to environmental problems, but it is a beginning and I believe this is an essential beginning.

In the past, government largely ignored its responsibility to protect the environment. Like the people, government was caught up in the national passion for production, consumption and junk.

Of course, in those times there was no publicized environmental movement. This is a recent development, the newness of which can be demonstrated by a series of events that occurred recently in Montana.

Last fall, my administration opposed the installation of the ABM system on the prairies of north central Montana. I considered the ABM a flagrant malappropriation of funds that were needed for social programs. I feared the boom and bust impact it would have on the communities of Shelby, Conrad and Chester. I did not appreciate the fact that our state would become the national bullseye in case of attack. And I didn't believe it was wise to tear up valuable wheatland to make room for a defense system of very questionable strategic value. I needed support—and received very little.

Where were the environmentalists last fall?

There were none, because at that time the environmental movement had not yet formed.

This is a new cause and a dynamic cause. It is growing.

Last fall, the ABM system came almost unheralded into Montana.

Today, seven months later, there is a national environmental teach-in on a variety of issues, which I would hope would include exorbitant military spending.

This country is beginning to develop an environmental conscience.

Governments, at the local, state and national levels, are becoming increasingly aware of the environmental crisis. Legislation has been enacted and programs developed to stop pollution and reclaim the environment.

Cities and towns are building sewage treatment plants. States, through regional cooperation, are attempting to clear rivers. The national government has initiated a $10-billion program to fight water pollution. Government, at all levels, has joined the fight against pollution.

This progress is encouraging, but it is not nearly sufficient.

It must continue.

In Montana we have taken what I believe are significant steps toward adequate protection of the environment.

During 1969, the Governor's Council on Natural Resources and Development became a functioning part of state government.

Decisions based on agency self-interest have been largely eliminated. Major environmental and natural resource issues are now subject to broad review by all agencies.

I believe the Council will allow us to consider the interests of all Montanans relative to environmental and resource questions.

The revitalization of the Council is beginning to have effect.

It has pushed for enforcement of existing anti-pollution laws.

Strip-mining of coal poses the greatest future danger to Montana's environment. The demand for coal is increasing. In Kentucky and elsewhere we have grim evidence of the destruction that occurs when that demand is unconsciously answered.

In November of last year, members of my administration recognized the inadequacy of reclamation contracts presently in force with coal operators in Montana.

The Council was asked to examine the problem. An advisory committee was set up, and has since been attempting to develop a model contract which will *assure* adequate protection of the environment. The committee will have completed most of its work by May, hopefully allowing time to make the changes before more prairie land is dangerously stripped.

The Council is concerned not only with environmental problems which are readily visible.

Recently we sent a letter to the Department of Health, Education and Welfare requesting that a long-range study be undertaken to examine health conditions in the smelter industry.

We have begun the long and difficult process of surveying our land and water resources. I believe this is an initial step in developing management programs compatible with environmental considerations.

Conservationists consider Montana's Stream Preservation Act model legislation to protect game fish from the effects of channel changes caused by road building.

We have laws in Montana to protect the environment. I believe next year we will have better laws and more effective enforcement.

Why?

Because myself, the members of the Legislature, and other state officials are politicians. As such, we must act on behalf of the public. The people want the environment protected. And politicians, who intend to remain in office, do what the people want.

We need better pollution laws to eliminate existing problems and to provide protection against future contingencies.

I believe the next Legislature will enact these laws because of the growing public concern for environmental quality.

A law is only good if it can be enforced.

Montana must begin now to enforce its existing anti-pollution laws. We must not allow our laws to become ineffective because of inaction and hesitation.

The state is not the only level of government responsible for pollution control in Montana.

Municipal governments must build sewage treatment plants to stop the discharge of stream fouling effluents.

The federal government must finance and initiate pollution control and reclamation projects.

The states must cooperate, on a regional basis, to clean up the water and air.

I believe a regional solution to environmental problems would be particularly effective.

It is important to establish uniform anti-pollution laws for an entire region. This would eliminate the possibility of one state lowering its standards to gain a competitive advantage in the search for new industry.

Also, air and water pollution move with the wind in the sky and the current in the rivers. A state boundary is no barrier against pollution.

We have taken the initial steps to form a Missouri River Regional Economic Development Commission to include the state of Montana, Wyoming, Nebraska and North and South Dakota. This Commission and the Federation of Rocky Mountain States, of which I am President, will provide the organizational framework to develop a comprehensive and uniform pollution control program for the region.

Technology made this nation what it is. It is responsible for both our affluence and the environmental crisis. From this time forward, we need a balance between technology and environment.

We cannot escape to the past.

We cannot solve the environmental crisis by abandoning our machines and technology.

We must use technology to meet the legitimate needs of the people, and at the same time to control the effect and quality of our lives.

Technology is ingenious.

Every day we are amazed by the feats of the scientists and technicians.

I believe that the technological tools needed to protect and reclaim the environment are available in our society.

What is lacking is the priority and motivation.

The continuation and further development of the environmental movement will create the priority and establish the motivation.

I believe that if environmental quality is establisheed as a high priority in this nation, technology will be able to achieve substantial results in preserving and restoring the air, water and land.

The United States has spent 35-billion dollars on the space program. During the same period we spent only four-billion dollars on environmental control.

We continue to ridiculously bankroll the Defense Department in a dangerous arms race.

We continue to throw good money after bad all over the world.

The entire structure of national priorities is twisted and bent.

I believe there is more challenge on an Indian reservation than in all of outer space.

There is more hope for security in environmental technology than in nuclear technology.

If priorities can be changed, technology will be released from present commitments to give its attention to a higher commitment—the environment and the quality of men's lives.

America can control pollution, because it is a wealthy nation. Poorer societies must spend all available money to provide for the basic needs of the people. They do not have the financial resources nor the public support to enable them to deal with pollution problems.

Affluence will provide the enormous sums of money that will be required if this country is to control pollution.

Planning will be extremely important in the fight against pollution. We must plan now for selective industrial development, land usage and protection of the environment. Planning will allow us to select the best sites for industrial developments. It will enable us to inventory resources and assess needs and problems in regard to the environment.

The State Department of Planning and Economic Development is presently making studies in these areas. More studies will be conducted by the Missouri River Economic Development Commission and the Federation of Rocky Mountain States.

Pollution will never be eliminated in an industrial society. But, I believe, technology can control pollution.

This will have to be a concentrated effort.

It will cost money.

It will impose restrictions.

It may mean a lower standard of living.

But, we have an obligation to answer this question.

What quality of life is possible in an industrial society?

Conservation, protection of the environment and pollution control are only pieces of the total science of ecology.

To the general public, ecology is a new and little understood science.

A year ago, few people knew that the science existed. Today, few people know what the science is about.

Ecology is not restricted to considerations of air and water pollution and degradation of the landscape. It is a much larger discipline. It is concerned with the living organism's relationship to its environment. It is the science of the total environment.

Watts is as much an environmental question as the Santa Barbara Channel.

Malnutrition is as much an environmental question as Los Angeles smog.

An Indian family living in destitution on a reservation in eastern Montana is as much an environmental question as the Lincoln Back Country.

Quality of life in a total environment is the concern of ecology.

Beyond the environment, there is another type of pollution.

The pollution of the spirit that occurs when a man does not have a job, or cannot get an education, or is inadequately housed and fed, or is the subject of discrimination.

These, you might say, were the concerns of the sixties.

We are now in the seventies, but these problems still exist.

Is the protection of the environment so important that we must ignore unemployment, poverty and discrimination?

I do not believe so.

We must take up the new cause, while continuing to fight for the old causes.

In Montana, we *are* doing something to help people.

We have established the Council on Human Resources, a cooperative organization of 24 state agencies, working to maximize the potential of the people of this state.

We have set up a state-wide advisory committee on children and youth.

We initiated the first Governor's Conference on the Aging. And have worked to help Montana's older people with their problems.

We have hired a professional penologist, not a political creditor, to be warden at the state prison.

We have established the Governor's Crime Control Commission to help insure a safer life and provide a modern law enforcement system for the people of this state.

We now have a Commission on Drug and Alcohol Dependence to deal with these very serious social problems.

If you would like to see a serious environmental problem, visit an Indian reservation. There are seven reservations in Montana. The poverty, living conditions and lack of opportunity afflicting the Indians are problems that I will not ignore.

The statistics relating to the Indian population are appalling. And I remind you that these are not simply numbers—these are people.

The life expectancy among the Indian population is 6½ years below the national average. The suicide rate among Indian teenagers is three times the rate among whites, and 10 times higher on some reservations.

The rate of accidental death in the Indian population is four times the national rate. Suicide and homicide rank among the ten leading causes of death in the Indian population. They are not among the ten leading causes of death in the white population.

The educational level of this region's Indian population is 25 to 30 years behind the remainder of the nation.

Unemployment ranges from 20 percent on the more affluent reservations, to 80 percent on the poorer reservations.

Officials estimate that 90 percent of the housing on reservations is substandard.

What are we going to do about this?

We have established a Task Force on Indian Problems which will make recommendations to the next Legislature on action needed to help solve some of the problems facing Montana's Indians.

We initiated a survey of minority racial employment, which indicated the State of Montana had been neglecting minority groups, especially Indians. We then sent out a memorandum to all state agencies, requesting that they actively recruit minorities, particularly Montana's Indians.

These are only small steps into a large and shameful problem.

I believe there must be expanded opportunities for all of the people of Montana.

We must have jobs for the people and an expanded tax base to allow government to provide the services people require.

We cannot do this by closing the state off to development.

Montana cannot be a wilderness—and it will not be a wasteland.

We have serious pollution problems. We also have the third highest unemployment rate in the nation.

It is the purpose of my administration to improve in both areas.

I believe that conservation and economic development are not mutually exclusive.

We must write and enforce judicious laws to protect the environment.

We must maintain public awareness of the environmental problem.

We must demand that industry develop an environmental conscience.

We must also develop an economy that will allow people to continue to live in Montana.

We have serious economic and social problems in Montana.

Per-capita income in the state is far below the national level.

The rate of out-migration, particularly among the young, is among the highest in the country.

The demand for increased governmental services in our static economy drives taxes upward each year.

There is a severe shortage of opportunities for our college educated people.

We need schools, hospitals and other public facilities.

The need for doctors is becoming critical in Montana.

Institutional care must be improved.

And these are only a few of our needs.

I said sacrifices would be necessary to control pollution. I do not believe, however, that the people of Montana should be the only people to make these sacrifices.

I do not believe that the well-being, security, safety and opportunities that Montanans have the right to expect should be sacrificed.

We must expand the tax base to provide public education, health services, law enforcement, highways, institutional care, and a constantly expanding number of other governmental services.

As we move forward, we must look in two directions. We must protect the natural beauty of the environment of Montana—and we must protect the interests of the people of Montana.

To assure the protection of the environment and to improve the quality of life in Montana, I propose the following 10-point program.

1. An annual State of the Environment Report. To include areas of problems and progress in relation to the environment.

2. Programs of environmental education to convince people that preservation of the environment is essential.

3. Pesticide control, to include classification and labeling to eliminate the possibility of accidental contamination.

4. Definition of industry's responsibility to the environment to promote increased dedication and reductions in current levels of pollution.

5. Establishment of better land management policies to provide the means to control land usage and reduce degradation of the landscape.

6. Continuation of the roadside park and rest area construction program to enhance the environment and help control litter.

7. A legislative program to write new laws to correct existing environmental problems and to provide protection for future contingencies.

8. Expanded environmental research programs at the various units of the University System.

9. Selectivity and consideration of long-range effects in industrial development.

10. Progressive governmental programs to strive for, among other things, improved opportunities in employment and education, highway safety, improved institutional care, and regional and national cooperation to improve the quality of life in Montana.

Recently, members of the Nixon administration said that they thought the environmental movement was a political fad that would last 18 months.

I disagree.

The environmental problems afflicting this nation are too serious.

If this is a fad, we may be missing our last chance.

Governor's 10 Points

(Note.—These are the 10 points to protect the environment and improve the quality of life in Montana which Gov. Forest H. Anderson presented Wednesday in Missoula. The points are taken from the text of his speech.)

1. An annual State of the Environment Report. To include areas of problems and progress in relation to the environment.

2. Programs of environmental education to convince people that preservation of the environment is essential.

3. Pesticide control, to include classification and labeling to eliminate the possibility of accidental contamination.

4. Definition of industry's responsibility to the environment to promote increased dedication and reductions in current levels of pollution.

5. Establishment of better land management policies to provide the means to control land usage and reduce degradation of the landscape.

6. Continuation of the roadside park and rest area construction program to enhance the environment and help control litter.

7. A legislative program to write new laws to correct existing environmental problems and to provide protection for future contingencies.

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10. Progressive governmental programs to strive for, among other things, improved opportunities in employment and education, highway safety, improved institutional care, and regional and national cooperation to improve the quality of life in Montana.

[From the Billings Gazette, Apr. 23, 1970]

Your Statement Is Well Put, Governor

Gov. Forrest Anderson took on the whole field and came out looking like a winner in his Earth Day speech to a Missoula audience.

We won't outline what he said in his talk—you can read the complete text on the opposite page.

He has said much of it before in bits and pieces while talking on various subjects. This time he put it all together in one place at one time.

The governor made his case, dealing in generalities it is true, but he did make it.

His official position appears to be that pollution will never be eliminated in an industrial society, the society that Americans want to live in. Therefore, government, industry and technology must do the work that should be done.

For starters, the governor made a three-point NOW program.

Government must write and enforce laws to control pollution.

Industry must have the conscience to control pollution.

The governor also grabbed the opportunity to let the Earth Day people know that Montana has other problems that need solution. He got in a few extra licks for some of the programs he has started or advocated.

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In all, he spoke out for what many of us would like to see—orderly development of Montana's resources in a manner that protects its natural beauty and the interests of the people of Montana.

Your statement of position is well put, Mr. Governor.

[From the Missoulian, Apr. 24, 1970]

ANDERSON'S EXCELLENT SPEECH

Gov. Forrest Anderson's Earth Day speech in Missoula was excellent. He committed himself to environmental defense and improvement. He said things his listeners did not expect to hear and said them well.

He called for "an environmental counter-revolution to halt the long-term excesses of the industrial revolution." He said that people's attitudes toward unbridled consumerism must change, and that the population explosion must be stopped.

He called for more effective laws to control strip mining and deal with other types of environmental pollution and destruction. He said that national priorities are "twisted and bent" and should be re-ordered to deal with environmental affairs. He attacked high defense spending and defended the use of intelligent planning in pollution control, including the placement of industries where they will do least harm.

Anderson extended, properly, the meaning of the word "ecology" to embrace an individual's total environment—including his housing, job, racial problems, hunger. He cited pollution of the spirit and the appalling poverty of Montana's Indian reservations as part of the total environmental problem.

And he defended expansion of the tax base as a means for lessening many of these environmental ills. The tie-in between economic growth and conservation was effectively handled. The 10-point program he laid out was fine.

Yet there was a hollowness in the speech. The hollowness fell in the realm of action. At every turn, when the governor cited an action taken it was to list a commission, a task force, a study group which was looking into one or another problem.

Perhaps that is inevitable, since his predecessors in office did nearly nothing to gather the basic facts on which intelligent actions can be based.

Still, enough is known about Montana's insipid water pollution control law for a chief executive to recommend specific action. Enough is known about pesticide controls and strip mining reclamation for him to do the same.

So far Anderson hasn't really DONE much. What he has done has fallen short of the letter and spirit of the excellent sentiments contained in his Wednesday speech.

In other words, the governor has to DO, not merely SAY. The first thing he might do is side with those concerned with pollution of the Blackfoot River when the Land Board on May 13 considers the Anaconda Co.'s easement requests near Lincoln. Particularly in light of Wednesday's speech, Anderson will be the object of close attention at that meeting.

But it must be re-emphasized that this was an excellent and important speech. It culminated a groping by the governor for a viable position on the environment. The speech contained a broad outline for state action and, equally important, solidly committed the governor to work for environmental improvement.

This speech will serve as Anderson's measure. Having delivered it in Missoula, this hotbed of environmentalism, he must know it will get lasting careful attention. He must know that he will have to jibe his future actions with his fine words.

He has made a personal verbal commitment. From now on he must match action to words.

RETENTION OF THE KITTERY-PORTSMOUTH NAVAL SHIPYARD

HON. MARGARET CHASE SMITH

OF MAINE

IN THE SENATE OF THE UNITED STATES

Friday, May 1, 1970

Mrs. SMITH of Maine. Mr. President, an excellent series of three articles calling for the retention of the Kittery-Portsmouth Naval Shipyard and rescision of the November 1964, McNamara order to close the shipyard in 1974 has been written by William Caldwell, the editor of the Maine Sunday Telegram.

I ask unanimous consent that the three articles be printed in the Extension of Remarks, and I invite the special attention of the officials of the Department of Defense and the Department of the Navy to them.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Maine Sunday Telegram, Apr. 12, 1970]

KEEP KITTERY! HOME TO 134 SUBMARINES—PART I

(By Bill Caldwell)

KITTERY.—The skilled welder shielded behind his welding mask; the pretty girl in personnel; the merchant in downtown Portsmouth; the technician working in a nuclear submarine hull who wears a film badge to measure the radiation he may absorb; the apprentice starting out—almost 8,000 persons inside Kittery Navy Yard, and thousands more outside the security gates, are all seeking answers to the same plaguing question;

"Will Kittery be closed in 1974? Or will President Nixon countermand the standing order to close Kittery, issued by McNamara six years ago?"

This question looms larger every day. It looms large not only in Maine and New Hampshire, but also in the White House and in the National Security Council, in the Pentagon, in the Congress—and inside Soviet Russia.

For upon the answer hinges not only our burning local issue of some 7,500 jobs and some $80 million a year in local payrolls and procurement. Upon the answer also hinges the greatest question of our time—"Is American nuclear strategy about to get far-reaching overhaul? Is President Nixon soon to make a massive shift from land-based nuclear missiles to a sea-based deterrent?"

The Telegram will focus three successive articles upon first hand reports from the Navy Shipyard at Kittery. This first article deals with the yard's economic impact upon the people of Maine and New Hampshire; another will recount the illustrious 170 year history of Kittery Shipyard; and the third will deal with the role of submarines in nuclear war, and the imminent possibility of a major shift to maritime missiles.

That human model of machine management, Robert Strange McNamara, sometimes called "Mac the Kinfe", issued six years ago, in November 1964, a Defense Department order to close out the Kittery-Portsmouth Naval Shipyard by 1974.

McNamara resigned as Secretary of Defense some two years ago. And the Presidency has since changed. But that Order still stands today. And unless the Nixon administration soon rescinds the McNamara order, Kittery will close in 1974.

That, at least, is official navy doctrine. However, well informed sources close to the highest levels of official Washington are now beginning to lay small side bets that Kittery will be in the nuclear submarine business for many years to come.

Here at Kittery in April 1970, there is very little sign in material matters that Kittery is "phasing out", or that the McNamara order has been much implemented since he issued it almost six years ago. But there is human nervousness among the 7,500 people who work here.

Some of Kittery's highly skilled technicians have left already to work in other yards, where no impending ax may fall. Thousands of other workers are worried about their jobs. For in addition to the worry caused by the McNamara order to close Kittery by '74, the Nixon administration has recently ordered a 20 per cent cutback in Kittery's work force by July 1971. This order is indeed being carried out now.

But this "reduction in force" is an economy measure applying to all naval shipyards everywhere and is unrelated to McNamara's order to close Kittery. Nevertheless it is adding to the job jitters, since 1500 jobs must be abolished by next July.

The average hourly rate at Kittery is $4.05. The everage yearly wage at Kittery is $9000; the average industrial wage in Maine as a whole is $6000. So it may not be easy to find as good a job nearby.

But the job-jitters are by no means at a panic stage here. Far from being "phased-out", Kittery is busy today. Her three drydocks are jam full. Five nuclear submarines are at Kittery now, undergoing overhaul, conversion, construction or refueling with nuclear energy.

Kittery is finishing the 292 feet, 4,600 tons submerged "Sand Lance", a $100 million plus nuclear submarine, the 134th submarine built at Kittery. Kittery is converting the Sam Rayburn from Polaris to newer Poseidon missiles, and overhauling the Kittery-built nuclear submarines Timaro, Dolphin and Albacore, Furthermore, the Navy recently announced that still another major overhaul and still another major conversion job are being scheduled for Kittery.

Such jobs can take up to 24 months, cost more than $30 million each. So there is plenty of life and work at Kittery now.

Last year Kittery did more than $100 million worth of submarine work. The volume booked for 1970 may be just as big.

None of these indicators point toward the closing of Kittery, the only Navy yard specializing 100 per cent in nuclear submarines. And there are 87 nuclear powered submarines in the U.S. fleet now, with 6 more to be launched in 1970.

However because Kittery is officially under orders to be closed by 1974, Navy funds for needed maintenance of the Yard have been meager.

Nevertheless close to $3 million are now being spent on giving Kittery a new sewer plant; another million has been recently spent for a Radiological Control Facility, directly related to handling nuclear submarines; a further $1.3 million has been spent on steam lines and electric power distribution. All these funds have been spent in the past 36 months.

Training programs, which cost about $2 million a year, are continuing, future needs for submarine technicians is increasing; and it takes four years to train an apprentice.

In the Commandant's office, Capt. D. M. Kearns, who has worked in submarines for 15 years, parries questions about the closing of his yard. "Look" he says. "I am a naval officer. My job is to carry out whatever orders the Navy Department gives me. And the order which stands now is that Kittery closes in 1974. So I cannot discuss anything else."

Among civilians in Portsmouth's business section, the attitude is radically different. Banker Arthur N. Berry, president of the Portsmouth-Kittery Armed Forces Committee, is eager to spell out how the citizens and the businesses of the area are fighting hard to keep Kittery open and to get the McNamara order to close the Yard rescinded.

This committee has some 4,000 individual members, is supported by contributions from shipyard workers, from businesses in 40 towns of the area, and from communities. From the $50,000 or so raised each year, the Committee maintains lobbying offices in Portsmouth and Washington, D.C.

The Washington office is headed by Rear Admiral Joshua W. Cooper, USN (Ret) who receives $20,000 for salary and expenses. An additional $25,000, taken from reserves, was spent in the past 12 months for public relations. Other operating expenses last year included $2200 of stationary and postage, $1250 for meals and travel and telephone, $10,000 for secretarial and administrative costs, $2500 for staging a membership drive.

In the past five years, the Committee has received $104,115 from business firms in 16 towns, $121,768 from shipyard workers and $40,770 from nearby municipalities. "We are fighting hard and well in a cause we know is right . . . right not just for this area, but for the defense of all the United States," says Arthur Berry.

Maine supplies about 42 per cent of the entire Kittery work force. There were 3200 Maine-held jobs out of the 7650 total in December 1969.

The Maine payroll at Kittery totalled $30,735,000 in 1969. A town by town analysis shows that the following Maine towns benefitted principally from employment at Kittery:

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Town	Workers in Kittery Yard	Payroll
Berwick	82	[1] $738,000
Biddeford	457	4,113,000
Eliot	277	2,493,000
Kennebunk-West Kennebunk	105	945,000
Kennebunkport	45	405,000
Kittery-Kittery Point	896	8,864,000
Lebanon-E. Lebanon	28	252,000
North Berwick	52	468,000
Old Orchard Beach	63	567,000
Portland-South Portland	70	630,000
Saco	187	1,683,000
Sanford-Springvale	306	2,754,000
South Berwick	183	1,647,000
Wells-Ogunquit	132	1,188,000
The Yorks	361	3,249,000
All other	171	1,539,000
Total	3,415	30,735,000

[1] Based on average $9,000 annual wage. Actual average is $9,351 in 1969.

In addition, navy personnel resident in Maine received pay totalling another $600,000, and the Kittery Yard made local purchases in Maine amounting to a further $700,000. Thus the Kittery Yard funneled $30 millions into the Maine economy directly.

By comparison, New Hampshire received a total of $39.3 million, and Massachusetts $8.9 million.

Because of federal operations at the Naval Shipyard, school districts in the area received substantial federal aid in 1968 to impacted school districts.

York County, Maine, received over half a million dollars, with Kittery getting $190,000, Eliot and So. Berwick getting $83,000 and York getting $75,000.

Rockingham County, N.H., received in all $1½ millions, and Strafford County $350,000.

Portsmouth itself was the largest single beneficiary, getting $975,000 of federal aid to its schools.

Outside the shipyard itself, the Portsmouth-Kittery Armed Services Committee estimates Kittery Yard generates 5000 jobs in the area. The Committee also estimates that the taxable property owned by shipyard employees has a value of $75 million.

For 170 years, from the War of 1812 to the Nuclear contest today, Kittery has been a vital source of American naval strength. "The Yard" and Maine and New Hampshire are bred into each other's bloodstreams through seven generations. "Keep Kittery!" is the slogan here.

[From the Maine Sunday Telegram, Apr. 19, 1970]

"Keep Kittery!" A Vital Yard for Our Nuclear Navy!—Part II

(By Bill Caldwell)

KITTERY.—The bad old news is that Kittery-Portsmouth Naval Shipyard—where 7500 Maine and New Hampshire people earn $70 million a year in paychecks—is under orders from former Secretary of Defense McNamara to close down in 1974.

But the good new news is that Kittery, far from closing down may surge into a new span of vigorous life. Kittery—170 years old, first shipyard of the U.S. Navy—may become a vital pivot point if a new American nuclear strategy now being weighed in the White House, is adopted by President Nixon.

The heart of the proposed new nuclear strategy is a plan to shift the United States from a land-based to a sea-based missile defense.

Under this plan President Nixon would disperse American's present land-based, fixed-site nuclear missiles to submarines, and would disperse America's land-based nuclear bomber force to mobile carriers at sea.

Reason for this proposed overhaul in strategy is that fixed-based Minutemen missiles and fixed-based bombers, once the keys of U.S. defense, are today becoming more and more vulnerable to destruction by new Soviet weapons, as documented later in this report.

In contrast to this growing vulnerability of land based missiles, new developments in American submarine design, submarine capability and weaponry, make U.S. nuclear submarines almost immune to detection. New emphasis on submarines is part of the new concept in nuclear strategy.

Since Kittery is the only U.S. naval shipyard on the Atlantic coast which specializes 100 percent in nuclear submarines, these new developments may place Kittery in a wholly new light compared to the light in which McNamara viewed Kittery six years ago, back in 1964, and ordered the yard closed by 1974.

Since changes in strategy are made to meet changes in challenge, let us return to the documentation of the developing Soviet challenge. The challenge just ahead lies in the new ability of Soviet weapons to destroy America's land-based nuclear missiles and nuclear bombers located in known, fixed bases inside the United States.

This is the major reason for a proposed change-over by the United States to maritime nuclear missiles instead of land based Minutemen. Specifically, Pentagon planners cite the fact that the Soviet is expected to have 420 of its mammoth SS-9 missiles on the launch pads by 1975.

These SS-9 missiles, each capable of carrying at least three 5-megaton warhears, are designed to destroy U.S. land-based Minutemen missiles sitting in their silos. Advanced Soviet missiles have a range of 6000 miles and an accuracy of hitting within three-tenths of a mile of their targets. Even a "thick" multi-billion dollar ABM defense network to protect our Minutemen in their silos is likely to be inefficient and obsolete by the time the A.B.M. defenses are operational.

Hence the 'old' strategy of reliance on 1,054 land-based missiles is becoming shaky. Hence the arguments for a shift to sea-based missiles are gaining supporters. Hence the logic of keeping "Kittery," the U.S. Navy's most experienced nuclear submarine yard.

Another reason for shifting the emphasis of U.S. strategy to sea-based nuclear power is that new Soviet weapons may soon be capable of destroying many of our 450 long-range nuclear bombers on the ground at their airfields. This is because by 1975, Russia is expected to have a submarine fleet armed with missiles capable of annihilating U.S. bombers on the ground in a surprise attack.

The source for both these predictions is Secretary of Defense Melvin R. Laird.

In recent testimony to Congress this February Laird stated that the Soviets will be able to destroy 95 percent of America's land-based missile force by 1975.

Thus the 'old' strategy of reliance on land based, long-range nuclear bombers may be shifting to a new strategy of emphasizing sea-borne nuclear bombers aboard mobile carriers, as well as Polaris, Poseidon and ULMs missiles aboard submarines.

Nuclear-bomber carriers in turn would require nuclear attack submarines to protect them against Soviet attack submarines, a fast growing force in the Russian navy.

Kittery is experienced in building these types of underwater attack craft too, as well as building ballistic missile submarines.

In addition to Sec. Laird, another high Pentagon official has further documented in public the Nixon administration's awareness that new Soviet weapons endanger the 'old' American strategy of relying on land-based missiles for defense.

He is Dr. John S. Foster, Jr., Director of Defense Engineering and Research.

In a statement to the Joint Armed Services Committee on February 26, Dr. Foster said: "We are not sure that the problems of land-based-missile survivability can be solved permanently. In the unfortunate case that they cannot, a backup is to place greater emphasis and independence on our sea-based missile forces. . . . A major restructuring of the strategic forces may be necessary to insure survivability if the Soviet threat continues to grow along present trends."

This kind of "restructuring of the strategic forces" points directly to a larger, better armed nuclear submarine fleet. This in turn points favorably to Kittery.

No naval shipyard in the United States has so long and so concentrated experience in submarines as Kittery. Kittery has built 134 submarines, from the first in any U.S. Navy yard to the most-modern nuclear research submarines.

Briefly, here is an abbreviated history of Kittery "firsts" in submarines.

Kittery built the first submarine ever launched from a navy shipyard. This was back in 1917. And Kittery went on to build eight more submarines in World War I.

Kittery designed half of the entire U.S. submarine fleet in World War II. On a single day in 1944, Kittery launched four new submarines. Kittery had a work force of over 20,000 people at the peak of World War II, and produced 75 submarines.

Since World War II, Kittery has designed and launched the first nuclear submarine in any navy shipyard; has designed and built the world's fastest submarine (Albacore); has designed and built the world's deepest-diving submarine (Dolphin).

Kittery is now completing Sand Lance, the Navy's newest nuclear submarine to join the fleet, and is converting the Sam Rayburn from Polaris to Poseidon missiles.

Kittery has built 134 submarines; has 7,500 skilled submarine technicians; has dry-dock facilities for five submarines; has the only "Sound Detection" basin for submarines in any U.S. navy shipyard; and has direct, unobstructed, swift access to the open sea. Kittery is one of only three U.S. navy shipyards on the East coast which is licensed by the Atomic Energy Commission to handle contaminated nuclear material. Kittery alone of all U.S. yards is the only yard 100 percent specialist in nuclear submarines. Kittery is also the spare parts and procurement center for the entire Atlantic submarine fleet, with

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an inventory of $45 million worth of submarine gear.

Two other important aspects of national defense strategy are hammered at in the position papers given to the National Security Council by the experts who advocate a new nuclear strategy based on maritime instead of land-based missiles and bombers.

One involves the future U.S. ability to deliver a devastating retaliation in case of attack.

Military sources in Washington estimate that only about 50 out of 1000 Minuteman fixed-base missiles might survive a Soviet attack on the U.S. silos. They go on to predict that these 50 surviving missiles will have less and less chance of reaching the Soviet targets at which they are pre-aimed since the Soviets are saturating with ABM defenses the perimeter through which such missiles must fly.

These sources say that U.S. land-based missiles targeted for the Soviet would have to travel through a global arc of only 32 degrees, and that this line of attack narrows down to only nine per cent of the Soviet defense perimeters. These corridors could feasibly bristle with anti-missile missiles. And shoot down our pre-tracked missiles fired from fixed bases in the U.S. But, say these experts, if U.S. missiles were perpetually traveling on or under the sea, the Soviets could not guard so effectively against this far wider arc of attack. The Russians would not know in advance the track such dispersed missiles would travel.

The other argument put forward by advocates of more reliance on mobile maritime nuclear strategy involves the safety of the U.S. civilian population.

They argue that fixed-base Minuteman missiles within the U.S. automatically means that any Soviet or Chinese attack upon our missile force must also be an attack upon the continental United States, which means millions of civilian casualties.

The Soviet development of nuclear warheads with a 6000 mile range and with accuracy to within three tenths of a mile, has led Secretary of Defense Laird to tell Congress just two months ago:

"Should the Soviets follow a 'high-force, high-technology' approach during the next several years, they could pose not only an overwhelming threat to our cities, but also a very formidable threat to our land-based missiles and bombers."

Most of the vital considerations outlined in this article either did not prevail or were less pressing when McNamara issued his order to close Kittery back in 1964. Now the strategic situation has changed, the McNamara order maybe rescinded.

If President Nixon decides in favor of the new nuclear maritime strategy being proposed at the highest levels in Washington, then the Kittery Yard, outstanding specialist in nuclear submarines may be far from closing in 1974. It may be surging forward as one of America's major bulwarks in a new nuclear policy.

[From the Maine Sunday Telegram, Apr. 26, 1970]

Close Kittery? Not on Your Life!—Part III

(By Bill Caldwell)

Kittery.—"Would YOU close Kittery, today?" I put the question to a Navy officer who, until recent retirement, ranked high in the Pentagon's Intelligence hierarchy.

"Close Kittery today?" he replied, "Not on your life! . . . Some years back, maybe. But not today—not on your life!"

Today . . . when the expanding Soviet fleet embarks upon the first global maneuvers in history.

Today . . . when the U.S. may be switching its whole nuclear shield from fixed bases on land to mobile ships at sea.

Today . . . when submarines, deep, silent, hard to detect, may be the only U.S. weapons not constantly targeted into Soviet weaponry.

Today . . . when a $44 million research program for Underwater Longer Range Missiles is before Congress.

Today . . . when the Chairman of the House Armed Forces Committee insists upon a $300 million addition to the Navy's $2.7 billion ship building program.

Today . . . when Melvin Laird, Secretary of Defense says that 95 per cent of our land based missiles might be wiped out in an attack by Soviet SS–9's.

Today it is President Nixon and Defense Secretary Laird, and Navy Secretary Chaffe (formerly Governor of Rhode Island) however—and not President Johnson and Secretary McNamara—who will decide whether Kittery-Portsmouth Naval Shipyard is to close in 1974 or to stay open.

How differently will they see Kittery in the light of today's facts of Soviet and American nuclear capabilities? Six long years ago LBJ and McNamara, with different facts to go by, ordered that Kittery be closed by 1974.

The first article of this series told how the closing of Kittery could throw 7,500 Maine and New Hampshire people out of work in the yard; how they would lose $80 millions a year; how 35,000 men, women and children would be affected in the area by any shutdown at Kittery.

The second article in the series spelt out how much nuclear and submarine know-how the Navy would lose if Kittery-Portsmouth, the foremost nuclear naval yard in the nation, were closed down.

This third and last article is totally different, unconcerned with strategy and economics.

Close Kittery?

The man who locks the gates on Kittery will lock the gates on the first and oldest shipyard in the United States Navy.

Kittery (or Portsmouth as they call it everywhere but Maine) has been a U.S. Navy Yard for 170 years.

On June 12 back in 1800, in the term of John Adams, second President of the United States, the government paid the sum of $5500 to William Dennett for a 58 acres inland in the Piscataqua River on which was established the first shipyard in the history of the United States Navy.

"See, here is the original map", says Captain Donald H. Kern, USN, the Commandant of the Yard in 1970. The brown parchment hangs on the paneled wall of Kern's big, barren office (one sheet of paper, one sharp pencil on a vast desk). "Note the handwriting in the bottom left corner" says Capt. Kern, 15 years a submarine expert.

Under the heading of "A Plan of an Island in the Piscataqua River as a Navy Yard" is the hand-drawn map, and the hand-written notes "Mr. Humphries will mark such places as he thinks proper for a Stone Store, a House, and Rope Walks" signed Jacob Sheafe, Navy Agent.

Now, 170 years later the Stone House and the Rope Walks have become $100 millions of buildings, drydocks, and millions more of submarine and nuclear technology.

Close Kittery?

The man who closes Kittery closes the Yard which built the 74 gun ship-of-the-line "Washington" back in 1815, a year after the British burned the White House, five years before Maine got statehood. He closes the Yard where 2455 men worked at shipbuilding in the thick of the Civil War and launched 26 ships, including two ironclads and 18 steam sloops. Among those Kittery ships was "Kearsage", who defeated the confederate raider "Alabama" in a most memorable sea battle.

Close Kittery?

The man who closes Kittery closes the Yard which was home to the U.S.S. *Constitution*, most famous ship in all the U.S. Navy. 'Old Ironsides' became Kittery's own Receiving Ship. "Don't give up the ship" has been in Kittery's bloodstream most of 100 years. And the man who closes Kittery will close the door on Admiral Farragut, the most famous sailor in the U.S. Navy. Farragut died at Kittery in 1870, in the same house where Kittery's commandant lives in 1970.

War ended at Kittery too. At 3:47 p.m. on 5 September 1905, in the Administration Building at Kittery, the envoys of Japan and Russia signed the peace treaty ending the Russo-Japanese war.

Close Kittery?

This is the Yard where the first submarine the U.S. Navy ever built was launched in 1917. And let today's Congress relish the fact that Kittery delivered that submarine for less than the price forecast.

Between 1917, in World War I, and 1941, before America got into World War II, Kittery built 33 new submarines, repaired scores of old ones, including Free French and British.

In World War II, Kittery designed more than half the whole U.S. submarine fleet. In three years, 1941–45, with 20,466 men in her Yards, Kittery produced 75 new subs, repaired or remodelled more. On a single day, January 27, 1944, Kittery launched four submarines. Kittery skills cut production time from 469 calendar days per submarine in 1941 down to just 173 days in 1944.

Close Kittery today? At the moment nuclear subs are becoming the first line of defense?

The man who closes Kittery closes the first naval yard to build a nuclear submarine, the Swordfish, in 1958.

Kittery also built Sea Dragon, the first submarine to sail under the polar ice cap.

Kittery also built the world's fastest submarine (Albacore) and the world's deepest diving submarine (Dolphin).

Today Kittery is building Sand Lance, newest of nuclear subs. More than 134 submarines have been built at Kittery; and today Kittery is the "home base" for repair, overhauls, spare parts, maintenance scheduling for the entire Atlantic submarine fleet. In her supply shops over $43 million worth of spares stand ready for submarines in trouble.

If Kittery is closed, where could her facilities, her know-how ever be duplicated? And at what astronomical cost in dollars? At what perilous risk in time spent?

Kittery is the only Navy yard in the nation which is a 100 percent specialist in nuclear submarines; it is the only navy yard with its own Sound Basin—an essential; it is one of only three navy yards on the Atlantic coast which has full licenses from the Atomic Energy Commission for handling nuclear cores.

Close Kittery? Since McNamara issued the closing order six years ago, the cost efficiency of Kittery has improved, and the need for Kittery has increased. Hear the testimony of the Navy's top submariners:—

The Commander Submarine Force, U.S. Atlantic Fleet wrote; "Completion of Sam Houston overhaul (cost $30 million) noted as shortest overhaul achieved to date in any shipyard . . . cost of overhaul will be lowest of class . . . the results of quality, timeliness and cost are tribute to command, management, technical and craft skills of shipyard."

Rear Admiral Edward J. Fay says, after tests of deep diving by Kittery-built Dolphin "Kittery Naval Shipyard has been the bastion of 'deep capability' . . . every successful major increase in depth incorporated into an operational submarine . . . has been attained first in a Kittery Naval shipyard product."

Close Kittery?

"Not today . . . Not on your life!" said the Intelligence authority quoted in the first sentence of this report.

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Yet today Kittery is still under McNamara's order to be closed in 1974.

But Kittery, being a Navy Yard, is owned and operated by the citizens of America, and not by any private corporation.

Therefore if you believe Kittery should stay in operation—for your life or your livelihood—let your voice be heard. Write to Senator Margaret Chase Smith of Maine. She is the ranking Republician on the Armed Services Committee, holds seniority on the Appropriations Committee and Space Committee. Or write to Secretary of Defense, Melvin Laird, at the Pentagon. Or to President Nixon at the White House. These are the men who will soon be deciding whether your Yard will be shut down after 170 years service, or will continue as a bastion in America's nuclear defense.

MR. JUSTICE DOUGLAS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. RHODES. Mr. Speaker, I insert following these remarks some interesting columns of comment on the conduct of Mr. Justice Douglas from the Arizona Republic, the Grand Rapids Press, and the Christian Science Monitor.

[From the Arizona Republic, Apr. 22, 1970]

"BEHAVIOR" BASIS FOR IMPEACHMENT

(By James J. Kilpatrick)

WASHINGTON.—It has been 165 years since the Congress last undertook to impeach and to remove a member of the U.S. Supreme Court, and the precedent offers small hope for getting rid of Mr. Justice Douglas today.

Yet the effort launched in the House last week merits solid support.

Contrary to popular impression, members of the high court hold their offices "during good behavior."

It is not necessary to prove treason, bribery, high crimes or misdemeanors in order to impeach a judge. It is necessary only to establish to the satisfaction of the House that a judge's behavior has not been good.

In my own view, the evidence against Douglas on this charge is overwhelming. He ought to be impeached; and he ought to be removed.

This has nothing whatever to do with the unrelated fights over Clement Haynsworth and Harrold Carswell, though already it is being said that the 100 sponsors of the Douglas resolution are merely being vindictive. Neither does the effort have anything to do with the positions that Douglas has taken, whether wise or unwise, as a member of the court.

What matters here, as Minority Leader Gerald Ford told the House, is the pattern of Douglas's public behavior outside the court. It has not been good.

Viewed in this light, the bill of particulars against Douglas is far stronger than the charges brought in 1805 against Justice Samuel Chase.

By contrast, the case against Douglas depends solely upon his extensive moonlighting as a paid consultant, adviser, and freelance writer. His involvement with the tainted Parvin Foundation is too complex to go into here, but his involvement with such magazines as Playboy, Avant Garde, and the Evergreen Review can be judged on a few palpable facts of publication.

The Evergreen Review, to cite a current matter, is a lewd little satellite in the publishing empire of Barney Rosset, head of Grove Press. Its April issue is crowded with advertisements for sex books ond pornographic drawings. The principal illustrative feature this month is a series of hard-core photographs depicting a nude woman engaged in sexual intercourse.

And following along, just after the photographs, is a long excerpt from the book, "Points of Rebellion," by Mr. Justice Douglas. This is the work in which Douglas says, among other things, that "where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response."

Skip what Douglas says. The question of his good behavior properly goes to the circumstances of publication. What was Rosset buying when he bought these rights to reprint an excerpt from the Douglas book? A learned essay on rebellion?

No, indeed. Rosset was buying just what Ralph Ginzburg bought last year for Avant Garde and Hugh Hefner repeatedly has bought for Playboy: He was buying the name and reputation of an associate justice of the United States Supreme Court. That is what Douglas sold; and by the eternal, it is not for sale.

The question thus goes to propriety, to a sense of fitness, to an appreciation of honor and an understanding of dishonor. The question goes to good behavior. And as Congressman Louis Wyman of New Hampshire says, the House has an obligation at least to weigh the question.

It is almost inconceivable that in a Senate today dominated by liberals, a two-thirds vote could be mustered against Douglas. But the solemn act of impeachment, if voted by the House, would come as a stinging reminder to justices hereafter that the people expect better behavior from future members than they have had from William Douglas.

[From the Grand Rapids (Mich.) Press, Apr. 22, 1969]

DOUGLAS' WRITING SUFFICIENT CAUSE FOR IMPEACHMENT

(By William F. Buckley, Jr.)

The Democratic Congressman who had demanded of Republican leader Gerald R. Ford that he be specific on the matter of why Justice William O. Douglas should be impeached, makes a good point—although it is as much his responsibility as Ford's to concern himself with whether Douglas has destroyed his usefulness, and Douglas' book is as easily available to Democrats as to Republicans. And anyway, a precis of Douglas' book appears in the current issue of a pornographic monthly readily available.

There, nestled among the pornography, is an article by Justice Douglas entitled "Redress the Revolution," an excerpt from his book, "Points of Rebellion." Douglas begins by talking about the generally unsatisfactory state of affairs in America today, including the recent elimination of his favorite trout stream.

Then suddenly he finds himself talking about violence, which he concedes "has no constitutional sanctions." This he would appear to regret, because he adds immediately, "but where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response."

Douglas reaches abroad for illustrations. He recites tales of horror about life in Guatemala as related by two priests and a nun—ex-nun and ex-priests being perhaps more accurate, since post-Guatemala they got married. Anyway, Douglas, who is supposed to be expert on the rules of evidence, passes along the extraordinary news that the Maryknoll priests, "between 1966 and 1967 . . . saw more than 2,800 intellectuals, students, labor leaders, and peasants assassinated by right-wing groups because they were trying to combat the ills of Guatemalan society."

An altogether astounding story, as I say. First, that there should have been 2,800 assassinations in tiny Guatemala over a one-year period without anybody knowing about it; second that the assassinations should have been directed against those who sought to combat rather than promote evil; but most extraordinary of all, that Guatemalan authorities should have summoned two priests and one nun to witness each and every one of said assassinations.

Douglas has at this point picked up a lot of steam, and he reports gleefully that the priests advised Guatemalan peasants who approached them that, under the circumstances, it is okay by God to use violence. Under the circumstances. . . .

Douglas moves now to America. Here, he concedes, who do not turn so readily to violence. However, we do run the risk of violence—because the young generation doesn't like the way things are run in America, believing that the entire governing class is run by special interests.

He explains that the situation was very similar back in 1776. Then, Americans demanded a restructuring of our institutions. "That restructuring was not forthcoming and there was revolution."

And then, explicitly, the climax. "You must realize that today's Establishment is the new King George III. Whether it will continue"—note that Douglas would have us believe the Establishment does now exercise the tyrannical practices of George III—"we do not know. If it does, the redress, honored in tradition, is also revolution."

Now, what Douglas has said very simply is that such conditions as legitimized revolution in 1776 exist in America in 1970. He seems to be saying that George III—the Establishment—might well be given, for a little longer, a chance to reverse itself. But that is one man's judgment. Those who—for instance the Chicago Seven—believe America has been given long enough to change its ways, and therefore advocate instant revolution, disagree with Douglas only on a matter of timing. What they advocate—violent revolution—is, in Douglas' view, very simply, honored by tradition.

If that is not sufficient cause for impeaching an official of the government who has sworn to defend the Constitution and the execution of its laws, then nothing justifies impeachment. It is quite extraordinary that Congress should have gotten lathered-up over the nickel-and-dime malversations of Justice Fortas while sleeping on this one. If Douglas is not impeached he may have proven, by means other than he intended, that indeed American society is irretrievably corrupt.

[From the Christian Science Monitor, Apr. 16, 1970]

THE DOUGLAS ISSUE

One must conclude that there is responsible reason for a House of Representatives inquiry into the fitness of Justice William O. Douglas to continue serving on the Supreme Court. This investigation should not be vindictively motivated—a retaliation for the Senate's rejection of the presidential nomination of Judges Carswell and Haynsworth. It would need to be a bipartisan move, to carry weight in public opinion. But if handled with a strong sense of national responsibility, the inquiry could be a protection to the Supreme Court.

Justice Douglas has had a long tenure on the high bench. He has written powerful opinions, for the majority and in dissent. His liberal advocacies have helped carry the court into its controversial remaking of American institutions. His travels in faroff lands have displayed a lively interest in mankind. But recent statements and viewpoints of his, uttered off the bench, raise serious questions of both ethical and judicial propriety.

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Justice Douglas' latest book, "Points of Rebellion," in effect approves if it does not advocate violence as "the only effective response" to the nation's ills. It is totally irresponsible for a member of the Supreme Court, to seem to condone the often senseless violence disrupting the nation—a violence which, as manifested in the courtroom, was denounced within the month by the Supreme Court. And it only adds to the impropriety for Justice Douglas to have permitted the pertinent excerpts from his book to appear in the Evergreen Review with its content of eroticism.

Again, Justice Douglas in a recent law school talk behaved like a left-wing pamphleteer in declaring that "Our greatest contributions abroad—apart from expeditionary forces—have been Coca Cola and comic books." Add in the Justice's earlier acceptance of income from the Parvin Foundation with its relation to Las Vegas operations, and the record builds.

It is a long and grave distance from a House investigation to actual impeachment, which requires a two-thirds Senate vote. In these divisive times, an impeachment case, pitting labor and liberal defenders against the South and other conservatives, could stir national emotions anew. But there is nothing to prevent Justice Douglas from taking heed, if the bill of complaints mounts, and deciding as no doubt Justice Fortas did, that his resignation would indeed serve to protect the Supreme Court from its detractors.

QUEEN ISABELLA DAY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. McCLOSKEY. Mr. Speaker, on April 22, Earth Day, many of us met in our districts with students and interested citizens to express our commitment and hopes for new environmental priorities in the future.

With less publicity on the same date we also paid our respects to the 519th birthday of Queen Isabella of Spain, the lady whose support to Christopher Columbus led to his first voyage of discovery.

In this connection, I am honored to place in the RECORD the Queen Isabella Day proclamation of California's Governor Reagan:

QUEEN ISABELLA DAY PROCLAMATION

On behalf of all California, I am pleased to commemorate on April 22, 1970, the 519th birthday of Queen Isabella, the Castillian queen whose faith and confidence in Christopher Columbus led to the discovery of a new world.

The great heights of discovery which we are reaching now in the 20th century are made possible by those in past centuries whose dreams of the future were far-reaching. Upon the faith and vision of those like Queen Isabella of Spain, we have built, and are building a world to reach into the infinity of space.

I urge all California citizens, schools, and historical organizations to recognize and give due credit to the great contribution of this outstanding woman of history.

Sincerely,

RONALD REAGAN,
Governor.

TRIBUTE TO HERMAN D. HILLMAN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. CONTE. Mr. Speaker, I would like to pay tribute to Mr. Herman D. Hillman, who is retiring after 30 years of Federal service. Mr. Hillman is presently directing programs for housing assistance in the New England States and New York for the Department of Housing and Urban Development.

Mr. Hillman is a graduate of the law school of New York University and became a member of the New York bar in 1936. Three years later he joined the legal staff of the U.S. Housing Authority and served in various legal capacities, both in Washington and New York, with that Agency and its successors, the Federal Public Housing Authority and the Public Housing Administration.

Mr. Hillman served as regional attorney of the Public Housing Administration in New York from 1948 to 1954. From March 1954 until August 1966, he served as Regional Director of the Public Housing Administration for the Northeastern States.

During his Federal career, Mr. Hillman created or participated in many fresh and innovative approaches to solving our Nation's housing crisis. Among these were the creation and marketing of a new type of housing-financing security, housing authority bonds; joint public-private financing of housing; rehabilitation and conversion of substandard housing; tenant organization; and public leasing and acquisition.

In 1956, Mr. Hillman's public service was recognized by the conferring of the Distinguished Service Award of the Housing and Financing Agency.

I have had the pleasure of dealing with Mr. Hillman a number of times over the last several years. On each occasion he greatly impressed me with the competency he brought to the task and, moreover, with the excellent cooperation he was always willing to extend.

On many occasions, Mr. Hillman and his staff have gone out of their way to meet with my constituents, discuss their problems, and provide them with much needed advice.

Just this year, for example, Mr. Hillman's cooperation was very helpful in enabling one of the cities in my district to begin a 23-unit housing project, their first public housing project since the 1940's.

This is but one small example of the good he has accomplished. I know of many others, as do many of my colleagues.

Mr. Hillman's career with the Federal Government has been one of dedication and service to the public. Public housing has been, and will continue to be, one of the most vital and pressing areas of Federal concern. I would like to express my gratitude to Mr. Hillman on behalf of myself and my constituents. May he find satisfaction and happiness in whatever paths he pursues from this day forth.

GREATER CLEVELAND AMERICAN NATIONALITIES MOVEMENT DENOUNCES "LENIN'S CENTENARY"

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. MINSHALL. Mr. Speaker, the American Nationalities Movement of Greater Cleveland is an organization of patriotic Americans representing many of the nationalities which make up our great Nation, and which make our Nation great—Albanian, Bulgarian, Byelorussian, Croatian, Cuban, Czech, Estonian, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Polish, Puerto Rican, Rumanian, Russian, Russin, Serbian, Slovak, Slavenian, and Ukrainian.

At their last general meeting, under the chairmanship of a distinguished Clevelander, the Honorable Ralph J. Perk, the ANM unanimously adopted a resolution denouncing the United Nations Human Rights Committees' designation of "Lenin's Centenary." The resolution has been forwarded to me by Mr. Perk and the organization's secretary, Mr. Raymond Kudukis, another outstanding Cleveland voice speaking out in behalf of freedom.

I wish to associate myself with the American Nationalities Movement abhorrance of Lenin and my dismay that a committee designated "Human Rights" should honor him. The resolution follows:

RESOLUTION ON LENIN-CENTENARY UNANIMOUSLY ADOPTED AT THE GENERAL MEETING OF THE AMERICAN NATIONALITIES MOVEMENT OF GREATER CLEVELAND, APRIL 21, 1970

The Representatives of the American Nationalities Movement of Greater Cleveland (Albanian, Bulgarian, Byelorussian, Croatian, Cuban, Czech, Estonian, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Polish, Puerto Rican, Rumanian, Russian, Serbian, Slovak, Slovenian, Ukrainian) assembled on this 21st day of April 1970, on the Eve of Lenin's Centenary (He was born on April 22, 1870, in Simbirsk) protest vehemently against the Resolution adopted by the United Nations Human Rights Commission, at the 25th Session in March, 1969, which approved arrangements for a "Centenary of Lenin and notes the historical influence of his *humanistic ideas* and activity on the development and realization of economic, social and cultural rights."

We applaud the United States Delegation for voting against this resolution which makes a mockery of Human Rights. We are at a loss to understand the logic of the resolution passed by the United Nations Human Rights Commission for the following reasons:

1. Lenin established in November, 1917, the most anti-human regime in Russia, using systematic terror against anyone who dared to challenge the Bolsheviks' right to impose their will on the majority of the nations of the former Russian Empire.

2. Lenin brutally suppressed the Constituent Assembly, the only Legislative Body in Russian history elected by free, secret bal-

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lot, after only one day in session in January, 1918 (the Bolsheviks controlled only 24% of delegates).

3. Silenced the growing opposition to his terror system by suppressing the non-Bolshevik newspapers, books and other media of information and communication. It was the "humanist" Lenin who coined the phrase: "When in doubt, liquidate."

4. Ordered the Red Army to invade, terrorize and silence the neighboring countries, which proclaimed their independent and democratic states after the downfall of the Russian Empire, known as the Prison House of Nations. With complete disregard of the Right of Nations to Self-Determination, loudly proclaimed by Lenin before the Revolution, he ordered the Russian occupation of Byelo-Russia, Ukraine, Armenia, Azerbaidjak, Georgia, Cossakia and Turkestan.

5. In the name of Lenin and Leninism, Stalin extended the Soviet Slave Empire after World War II by imposing brutal communist dictatorship over formerly independent states of Estonia, Latvia, Lithuania, Bulgaria, Czecho-Slovakia, Hungary, Poland, East Germany, Yugoslavia and aided communist takeover in China, North Korea and North Viet Nam; while Nikita Khrushchev, in the name of Leninism, aided Communist takeover in Cuba.

6. It was the "humanist" Lenin who initiated the greatest hate campaign in history of mankind against liberty and democracy and divided the world into two belligerent camps—Capitalism and Socialism—he promised a bitter struggle until the Communist victory would be achieved.

7. It was the "humanist" Lenin who made a mockery of the elementary human rights such as freedom of speech, assembly, worship, ordering his Secret Police to silence individuals and nations demanding this right.

8. In the name of Lenin and Leninism, Stalin murdered over 20 million non-Russians and held more than 10% of the population in the dreadful concentration camps of Leninism by silencing intellectual opposition.

In Lenin's name, the Communist Parties the world over are busy undermining peace; waging guerilla warfare; creating anarchy, lawlessness; engaging in assassinations, wholesale murders; and plotting the overthrow of the non-Communist political systems.

For these and many more reasons, we protest the United Nations resolution which makes a mockery of Human Rights for the protection of which United Nations was organized.

POLISH CONSTITUTION OF MAY 3, 1791

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. MESKILL. Mr. Speaker, it is indeed a privilege this day for me to join the 10 million Americans of Polish descent, as well as loyal Poles everywhere, in commemorating the anniversary of Poland's Constitution of 1791.

It was just 2 years after the adoption of our own Constitution here in the United States that a group of gallant Polish patriots, facing possible annihilation from Russia, united behind a Constitution, enthusiastically acclaimed at home and abroad, as the cornerstone of liberalism in central and eastern Europe.

Surely the very words of that remarkable document can attest to the truly courageous strides toward liberty made in the bloodless revolution of 1791:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Guided by this document, the Poles emerged from medieval times as a people of limited monarchy and constitutional government. With the first partition of Poland in 1792, the Polish people came to the painful realization that unless they had an effective government, they would be unable to resist their powerfully greedy neighbors—Russia, Austria, and Prussia. Rather than attempting to consolidate the monarchy into an overbearing dictatorship, the freedom-loving Poles resolved that a government which drew its strength from the support of the people, stood a better chance against these dangerous foes.

In 1788, a committee was formed from amongst the various members of the Diet—the Assembly—specifically for the purpose of drawing up a new Constitution. Procrastination and delay, often the case in this body, stalled progress for almost 2 years. However, when Russia ended her involvement with Turkey, the danger unified the competing factions, and, early in 1791, the final draft of the Constitution was submitted to the Diet for adoption. Due to the considerable statesmanship of the sponsors, the active support of King Stanislaus himself, combined with the statesmanship of the constitutional sponsors, the new Constitution was adopted on May 3 of that year.

Aside from alleviating many of the inherent difficulties in the old system, this document instituted many new procedures. The King, although retaining much of his power, was to be checked by a council of six, "Guardian of the Laws," composed of the Primate of Poland and the heads of the five. A legislature of two chambers, one legislative and one advisory, was to be elected. The nobles were to share their prerogatives with the ennobled townsmen, and the peasants were brought under the protection of the law. Although remaining officially a Roman Catholic country, Poland was to practice religious tolerance. Thus, without shedding a drop of blood, the far-sighted Polish reformers were able to establish a system based on popular support, quite revolutionary for its time.

We as Americans should especially cherish the aspirations of the Polish people in their attempt to bring constitutional government, with the highest regard for human liberties, to a most hostile and oppressive country.

The Poles, throughout their sad history, have been tragically thwarted in their efforts to enjoy "the civil liberty and the good order" of a free nation.

Four short years after their great assertion of democracy, the unfortunate people of Poland were unable to prevent partition by Russia, Austria and Prussia. Since that time, Poland has fallen into the clutches of the totalitarian forces of Nazism, and then communism.

Even today, as we celebrate this event, the Polish citizens are cruelly forbidden to observe what was formerly their national holiday. History may yet reward the Poles in their struggle for human dignity and national identity. To this end, free people the world over lend their support and encouragement.

It is only appropriate at this time to note the outstanding accomplishments of the Polish people throughout their history. Today marks the anniversary of the death of Thaddeus Kosciuszko, the great Polish patriot who served not only in his native land, but as an aide to George Washington in our struggle for independence; the anniversary of the death of Henryk Sienkiewicz, the brilliant Polish novelist among whose works is the outstanding "Quo Vadis"; and, the anniversary of the birth of Mme. Marie Sklodowska-Curie, whose discovery of radium is considered to be one of the most outstanding scientific accomplishments of all time.

And let us not forget the great contributions and sacrifices Polish-Americans have made throughout our proud history. Brave Polish settlers supported John Smith in the perilous days of Jamestown. During the Civil War, Polish soldiers helped preserve the Union, while Polish nuns helped care for the wounded and dying. In all our wars, the Poles have fought bravely for the protection of this Nation and its people.

Surely, on this day, we must pause to recognize the significance of the Polish Constitution of 1791 and pray that the goals for which it strove may soon be attained.

THE TRUTH ABOUT PROCESSED BEEF—SUPPLIES AND PRICES

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. HANSEN of Idaho. Mr. Speaker, several days ago I included in the RECORD as part of my remarks a statement by Don F. Magdanz, executive secretary of the National Livestock Feeders Association entitled, "The Truth about Beef Supplies and Beef Prices." Now I am happy to call to the attention of my colleagues an excellent followup statement by Mr. Magdanz with an analysis of the price and supply situation as it relates to processed beef:

THE TRUTH ABOUT PROCESSED BEEF SUPPLIES AND PRICES

(By Don F. Magdanz)

This document is a sequel to that prepared by this Association on April 8, 1970, entitled, "The Truth About Beef Supplies and Beef Prices". Our statement of April 8 referred primarily to total beef supplies and over-all prices as well as the prospect for future production through 1975. This document is directed toward the production and availability of processing beef about which numerous inaccurate statements have been made recently both as to price and volume available.

OBVIOUS DISTORTION OF SUPPLY AND PRICE SITUATION

It is obvious that a determined effort is being made by the Meat Importers Council

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and by agents for foreign nations to distort the supply and price situation of processing beef in the U.S. In so doing, they are deliberately propagandizing the American consumer for the sole purpose of doing away with the modest import restrictions we now have. If these restrictions are relaxed, supplying nations could then load our market with frozen boneless beef and a relatively few local importers would benefit personally by handling a substantial increase in volume of product.

They obviously have no concern for our domestic beef industry and, while posing as great benefactors to American consumers, they have no concern for the future welfare of consumers. Should the domestic beef industry be crippled to the extent it cannot fulfill future requirements of this Nation as a result of expanded competition from foreign production, the beef supply would be in serious jeopardy since foreign nations could supply neither the quantity or quality of beef desired by the growing and affluent population in the U.S.

In September of 1969 the Meat Importers Council of America, Inc., circulated a booklet entitled, "The Case Against Restrictions on Meat Imports." The booklet is full of misleading statements, twisted analyses and inaccurate conclusions, designed to propagandize the consumers of the U.S. The introduction contains the argument that, "The U.S. needs to supplement a diminishing domestic production of manufacturing-grade meats." The facts and records show that since 1964 we have had an increasing amount of processing meat available to consumers both in absolute quantities and per capita supply.

Seizing upon a short-lived bulge in cattle prices during mid-1969, the booklet refers to, "The highest cattle prices in U.S. history." This rise in price which did occur was of short duration beginning in April and ending the second week in June. Prices then receded to levels that prevailed in the first three months of 1969. Even at the highest point, however, live cattle prices had not reached levels that prevailed in 1952, eighteen years before.

Be that as it may, we wonder what is so wrong about beef cattle prices reaching their highest point in history in 1969. Certainly cattle were not the only commodity that attained highest prices in history during that year, since everything else also set record prices as the general price level climbed. By 1969 we had record hourly wage rates, record disposable income, record prices for consumer services, record payments of Social Security benefits, record welfare payments and the highest figures for practically everything that can be mentioned. How can anyone justify picking out cattle prices and condemn them for reaching the highest level in history, particularly when it was not true.

At another point, the booklet states, "It (imported fresh-frozen beef) is definitely not comparable to or competitive with American meats of higher grade which are used as table beef and classified as 'Prime', 'Choice' and 'Good'. While not necessarily being comparable to the better grades of beef being produced in the U.S., foreign beef is directly competitive with domestic supply because a great deal of processing beef is derived from our better grade animals. Furthermore, not all fed animals are finished to the choice grade and some of them do not even reach good grade. Moreover, processed meat products in the retail counters, such as hamburger or frankfurters, are definitely competitive with steaks, ribs and roasts as consumers make their selection according to price as well as their particular needs and desires at the moment.

The argument that imports do not affect fed beef (and thus fed cattle prices) to any degree because such imported products are used primarily in the manufacture of processed products is ridiculous.

Also, the contention imports do not affect fed prices overlooks the very important fact that over one-half of the domestically produced processing meat comes from fed carcasses (See Table 2). This portion of beef available for processing has been steadily increasing, not only because larger numbers of cattle are being fed, but also because the grade standards were relaxed a few years ago requiring less finish for an animal to reach the Good, Choice and even Prime grades.

Beef is its own closest competitor regardless of the form in which it's marketed. Attempts are often made to draw a fine line between the factors which affect the fed market and the so-called cow or processing type market, and to treat these as two separate and distinct markets as far as price is concerned.

Such an analysis is not valid because there is a very definite and intertwined relationship among the various segments of the cattle and beef market. Any factor which affects one class of cattle or beef very definitely does not do so at the exclusion of the other classes. The above conclusion is logical in view of the very real competition between various cuts and/or products in the retail counter and the substitutability among classes of beef.

The unfair competition of foreign beef, however, does not stop with its infringement on the domestic cattle industry. It also competes unfairly in the market for other domestic meat animals and products such as hogs, pork, lamb, as well as domestic poultry and fish.

At another point the booklet argues, "It is largely the drying up of this domestic source of manufacturing meat and the soaring demand for convenience low cost meats which has made the importation of meat necessary." Again the record shows that the supply of manufacturing and processing meat in the U.S. is not drying up, but, as mentioned before, has actually increased. We could go on and on with refutation of statements contained in the booklet; however, that appears unnecessary. Let's examine the facts.

THE ACTUAL SUPPLY OF PROCESSING BEEF

Manufactured or processed beef from domestic production comes largely from two sources. First, there is the production of cow and bull beef, much of which is extremely lean because the animals slaughtered have been produced on grass and not in the feedlot. The other source is that portion of steers and heifers, both fed and non-fed, which is not sold as fresh beef cuts in the retail counter as table beef. Fresh beef cuts largely come from the loins, rounds, ribs and chucks. Much of the remaining parts of the carcass, including the plates, shanks, brisket and trimmings, wind up as ground fresh beef which may be sold as hamburger or is used in other processed products. Even part of the chuck may find its way into hamburger instead of being sold as chuck roasts, since prices of this particular cut are often comparable or close to prices received for hamburger.

Table I contains the figures to show the processing beef produced domestically from 1964 through 1969, which volume, when added to imported beef, gives the total supply of processing beef available to U.S. consumers.

TABLE I.—COMMERCIAL DOMESTIC BEEF PRODUCTION—STEER AND HEIFER BEEF PRODUCTION—COW AND BULL BEEF PRODUCTION—DOMESTIC PROCESSING BEEF PRODUCTION—IMPORTS

[In millions of pounds]

	Total beef production [1]	Steer and heifer beef production [2]	Processing beef from steers and heifers [3]	Cow and beef production [3]	Imported beef carcass weight equivalent [1]	Total processing beef
1964	18,456	15,023	3,906	3,433	1,180	8,519
1965	18,693	14,457	3,759	4,270	923	8,952
1966	19,726	15,662	4,072	4,064	1,182	9,318
1967	20,212	16,478	4,284	3,741	1,313	9,338
1968	20,875	17,034	4,429	3,841	1,500	9,770
1969	20,953	17,150	4,459	3,880	1,614	9,953

[1] Livestock and Meat Statistics, Statistical Reporting Service, U.S. Department of Agriculture, Statistical Bulletin No. 333.

[2] Computed from total domestic beef production, steer and heifer slaughter, and cow and bull slaughter.

[3] Computed from domestic production of steer and heifer beef using accepted fact that 26 percent of all steer and heifer beef is used in processing and manufacturing.

TABLE II.—PER CAPITA SUPPLY OF DOMESTIC BEEF AND IMPORTED BEEF—PER CAPITA SUPPLY OF PROCESSING BEEF

	Total beef production (million pounds) [1]	Imported beef carcass, weight equivalent (million pounds)	Total supply (minus exports) (million pounds)	Per capita supply (pounds) [2]	Total processing beef (million pounds) [3]	Per capita supply processing beef (pounds)
1964	18,456	1,180	19,545	99.8	8,519	44.3
1965	18,693	923	19,525	99.3	8,952	46.0
1966	19,726	1,182	20,908	104.0	9,318	47.3
1967	20,212	1,313	21,437	105.9	9,338	46.9
1968	20,875	1,500	22,267	109.4	9,770	48.6
1969	20,953	1,614	22,485	110.6	9,953	49.0

[1] Livestock and Meat Statistics, Statistical Reporting Service, U.S. Department of Agriculture, Statistical Bulletin No. 333.

[2] National Food Situation, Economic Research Service, U.S. Department of Agriculture, February 1970, p. 15.

[3] From table I.

The information in Table I clearly shows the increasing volume of processing beef from steers and heifers in the domestic slaughter from 1964 through 1969. In addition, cow and bull beef have been increasing since 1967, although by 1969 had not quite reached the highest figure in 1965. The last column in the Table adds the processing beef from steers and heifers, domestic cow and bull meat production, and the volume of imported beef (carcass weight equivalent) to show the total volume of processing beef that has been available to consumers in each of the six years. Note the steady increase from 8,519 million pounds in 1964 to 9,953 million pounds in 1969, an increase of 1,434 million pounds or 16.8%.

Table II uses some of these same figures to show the per capita supply of beef in the United States as well as the per capita supply of processing beef, including that which is imported.

Note that since 1964 per capita supply of all beef has risen from 99.8 pounds to 110.6 pounds. At the same time, the per capita supply of processing beef has gone up a like percentage from 44.3 pounds to 49 pounds. The contention there is a gap in the supply of processing beef in the United States is an absolute myth and cannot be supported or substantiated.

PROCESSED BEEF DEMAND IS "CREATED"

It has sometimes been stated that the principal reason for substantial increases in meat imports in the United States is the increased demand in this country for processed

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products. It must be realized that this so-called demand is a "created demand" and a larger tonnage which has moved from foreign nations is prompted as the result of offering a vast array of processed products to consumers, rather than any specific "call" from consumers for this type of product.

Instead, foreign nations desiring to export beef products have poured them into the United States and, along with the importers of these products, are now trying to convince United States consumers that they need more processed meat. They are also encouraging consumers to insist on the relaxation or elimination of import restraints.

SHORTAGE DOES NOT EXIST

If there is or has been a serious shortage of processing beef in the United States, why has not the retail price of hamburger, for instance, changed much more than prices of table cuts such as sirloin steak or beef ribs. According to Bureau of Labor Statistics the average price of hamburger in the United States during 1968 was 56.1c per pound. In August, 1969, when hamburger reached its peak price, the average was 65.6c per pound, an increase of 9.5c or 16.9%.

The average price of sirloin steak in 1968 was 119.5c per pound. During the highest month in 1969, which happened to be July, the average price of sirloin steak in the United States was 141.9¢, an increase of 22.4¢ per pound or 18.8%. If there was such a shortage of processing beef, as has been alleged, why is it that hamburger did not rise much more in price on the average than the example of sirloin steak that has been used.

By February 1970, the average price of sirloin steak in the United States did come down to 130.9¢ which was 11.4¢ per pound over the average in 1968 or 9.5% higher. The average price of hamburger did hold fairly steady at 65.3c per pound or 9.2c per pound over 1968, which was 16.4%. It's true that the price of hamburger did not decline as much as certain fresh table cuts, but neither did the price increase as much during the temporary price bulge in 1969.

If there is any validity to the allegation made by proponents for increased imports, why has not the price of hamburger gone up materially to reflect this contended shortage of processing meat? The truth of the matter is the shortage does not exist.

So far we've demonstrated there is no shortage in the normal sources of the supply of processing beef. There is still another source of beef available for sale as hamburger which tends to provide a ceiling on the price of hamburger. We refer to chucks from both steers and heifers.

For quite a number of years, the price of chuck roasts at retail has closely paralleled the retail price of hamburger at figures from 4c to 10c above. Furthermore, most of the time domestic boneless chuck is sold in the wholesale market for less than domestic boneless bull beef and at times is sold for less than imported boneless bull beef.

For example, on August 4, 1969, domestic boneless bull sold at $63.75 per cwt; imported bull beef was $62.50 and domestic boneless chuck was $62.75. On November 3, domestic bull beef was $60.00, imported bull beef was $58.00, and boneless chuck $57.50.

Continuing with examples, on February 2, 1970, domestic bull beef was $65.50, imported bull beef was $61.75, and boneless chuck was $63.50. On April 16, domestic bull beef sold at $68.00; imported bull beef brought $63.75, and domestic boneless chuck sold at $67.00.

CONSUMER DECEPTION

The National Livestock Feeders Association contends that those who are insidiously attempting to bring about relaxation of import restrictions and open the door for increased volume of foreign beef, are perpetrating a hoax on consumers of the United States, and are using it as a device to bring pressure on the Administration. This is a highly organized and carefully planned maneuver that should be stopped cold by complete exposure of the facts.

Table III containing the record of frozen beef in cold storage at the first of each month since January 1968 vividly exposes the deliberate attempt to falsify the supply situation.

In 1970 foreign nations have been shipping us products (covered by the 1964 Meat Import Law) at the unprecedented annual rate of 1.3 billion pounds. This annual rate contains an estimated volume for March, 1970, of about 100 million pounds.

In so doing, an attempt is being made to show that this high rate of imports has little or no effect on our domestic market. There is more to the situation than meets the eye.

TABLE III.—FROZEN BEEF IN COLD STORAGE[1]

[As of the first of each month in millions of pounds]

	1968	1969	1970	Change from previous year
January	261.369	265.860	356.540	90.680
February	239.542	256.979	378.300	121.321
March	211.145	261.656	363.012	101.356
April	202.376	254.428		52.052
May	182.325	234.055		51.730
June	186.769	218.614		31.845
July	200.923	227.203		26.280
August	218.268	254.255		35.987
September	227.454	292.862		65.408
October	251.775	321.888		70.113
November	282.255	320.938		38.683
December	281.549	340.515		58.966

[1] Cold Storage Reports, Statistical Reporting Service, U.S. Department of Agriculture, Feb. 1, 1969, through Apr. 1, 1970.

Column 4 of Table III shows the increased volume of frozen beef in cold storage as of the first of each month compared to the same month a year earlier. Note that on January 1, 1970, frozen beef in cold storage was 90.680 million pounds above January 1, 1969. February, 1970, was 121.321 million pounds above a year earlier, and March was 101.356 million pounds higher. Cold storage holdings of frozen beef in the last nine months of 1969 were only modestly above a year earlier with the exception of October which was 70.113 million pounds above 1968.

If there is such a terrific demand for processed beef, why is this much greater volume of frozen beef being held? We submit that frozen beef is being deliberately held out of market channels after it has been recorded as imported, in an attempt to force prices of manufactured products to go up, thus providing more ammunition to use in an effort to repeal the 1964 Act or prevail for the suspension of quotas once they might be put into effect.

In the opinion of this Association, those who are attempting to hoodwink the consumers of our Nation need to be told bluntly that it is not going to work. Not only are they advancing arguments that do not hold water, there is evidence of a deliberate attempt to force a situation on American consumers that is contrary to actual circumstances. To be equitable to American consumers and the domestic cattle industry, the facts must prevail.

WYDLER FIGHTS FOR PEOPLE'S RIGHT TO MITCHEL FIELD LAND

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1970

Mr. WYDLER. Mr. Speaker, no single event will have more effect on the future way of life of the people of central Nassau County than the development of Mitchel Field. Every home, every family will feel the effects in the years to come. The quality of life will be made better or ruined beyond repair by what we do there. The time of decision is now.

I am interested for a number of reasons:

As a Congressman, I fought to obtain the 1,000-plus acres available in the heart of my congressional district for the benefit of the people of Nassau County.

As a homeowner, the exploitation of this land for profit will have an adverse effect on me and on my neighbors.

As a conservationist, I know the building of a new city in the heart of Nassau County will bring urban-type pollution, traffic, and over crowding, not only to the immediate area but to the whole of Nassau County.

My views on this development have been stated clearly and consistently for many years. Support for them has grown greatly; and people and organizations are becoming aware of the danger the present plan presents.

When public hearings were held, before any plan was drafted, I testified as an interested citizen and emphasized one point to the planners. I told them not to draw a plan for the 1,000 acres without taking into account the effect increased traffic would have on the area and surrounding roads. In spite of this, the planners proceeded to do just that.

On April 13, I stated my most recent position and the positive response has been great. I stated:

> The recent revelation of conflict of interest in the development of Mitchell Field is unfortunate but hardly a surprise.
>
> The standard of the development is monetary profit. That standard will not only destroy the area but all that surrounds it as well.
>
> What started as a project to benefit the public welfare has become a private, commercial project whose sole aim is financial.
>
> I still say that Mitchell Field should be developed for the benefit of the residents of our County. No new city is needed in our midst, at the expense of those who live here now.
>
> The proposed plan of development is a bad one. A recent report by the Long Island Association makes this eminently clear. Proceeding with it would be foolhardy and contemptuous of the public need. The report also emphasizes what I pointed out 6 months ago—that the future needs of Nassau County for a civic center and for County office building sites are ignored! What kind of plan is that?
>
> What kind of plan is it that talks about 30,000 new jobs in an area and 30,000 new people living there and does not deal with the transportation problem created? Only now has a transportation study been completed and submitted. It is a shocker! Current roads are now inadequate. They will become hopeless as traffic increases from a 43,000 plus flow of cars to 68,000.
>
> The roads needed to feed this area will destroy us all. All roads in the area will have to be widened. The air pollution will be enormous.
>
> Unless we end this plan now and plan for open space instead, we are preaching conservation and practicing destruction. Our county is deficient in open space by 12,000 acres today and another 4,000 acres will be needed by 1985. The 1,000 acres of Mitchell are to be

> commercialized while we talk about conservation.
>
> Unless we set some limits on population and density of growth in our County, we are doomed to become a big city with overcrowding and other urban problems.
>
> Let us provide for the development of Mitchell Field by competent planners and make responsible for its development those elected to office who must answer to the people for the decisions they make.

Prior to this, and last August, I reported as follows:

> The proposals for the future development of Mitchell Field are still receiving considerable public attention. This they certainly deserve. The development of the 1,000 acres in the heart of Nassau County will set the style for our future as a suburban area more than any other single factor. Reviewing the proposals for this area, as a representative of the people who live closest to it, I have come up with certain conclusions which appear to me to be in the public interest.
>
> I have stated that there is no reason for a high-rise development since it would set an example for the future in Nassau County which would be irresistible and undesirable. In fact, a review of the proposals indicates that the planners may well have been considering the area for development as an individual, self-contained "city". In my judgment, it should be developed for the benefit of the existing communities and I judge it in that light.
>
> The original proposals called for high-rise apartments, housing 30,000 people. The business and industrial portions were intended to employ about 30,000 people. These figures may have been complementary by coincidence but traffic generated by all these people, in addition to the public movements for the hotel, coliseum and cultural center, would probably make the area inaccessible to any outsiders for road travel. I must repeat that I see no good purpose to be served by high-rise development in this area. I doubt if many Nassau residents or their children wish to live in a Forest Hills-type area. Most people who live in Nassau County moved here to escape from such type housing.
>
> I support Supervisor Ralph G. Caso's proposal for a 63-acre wilderness-type park of the Hempstead Plains at the eastern end of the property. This is a small but important concession to conservation and in the interest of all the people of Nassau County. In addition, I believe the County of Nassau should establish a land bank of 100 acres to be used for future county office building purposes. Not to recognize this need nor to plan for it indicates an attempt to avoid making this important decision. The need will not go away.
>
> It should be done now, in the interest of sound government for the future.

Last June 30, I wrote:

> The paid consultants' plan for the development of Mitchell Field is a classic example of how not to plan.
>
> Testifying before the Mitchell Field Development Corporation more than a year ago, I pointed out the need—the absolute need—of planning adequate roads along with new buildings. I warned against proposals that looked good on paper but which would require 12-lane highways to service.
>
> The planners avoided the problem by putting it off. The fact is that it cannot be avoided or put off.
>
> Traffic and parking are essential considerations to the suburban way of life. The fact it was ignored by the planners indicates the city-type orientation of the plan.
>
> The present situation is as bad as the future planning. The County Executive keeps constructing new buildings in the Mineola area without regard for the traffic and parking consequences. Recent mail indicates that county employees are writing me to help them get adequate parking. They should write the County Executive.
>
> It is clear that the time has come for the County Executive to stop building more office buildings in the Mineola area. It cannot support the traffic jams and parking saturation.
>
> Since it is clear the people of Nassau and their elected representatives will not support the Mitchell plans as drawn, it would be well to begin now to plan future County government expansion at Mitchell Field with adequate traffic and parking provisions.
>
> Toward that end, I propose a County Land Bank be established there at once. Land should be set aside for future county office expansion. There is a precedent. It was done, at my request, by the Federal Government some years ago.
>
> The County Executive is now suggesting double-decker parking in the Village of Garden City to accommodate the new Welfare Building parking requirements. He also suggested moving existing County buildings to Mitchell Field. Neither idea is good or sound.
>
> Proper planning for the future only requires that the space now owned and available for County purposes not be let go for commercial exploitation.
>
> The Nassau County Land Bank at Mitchell Field is a must!

And on June 9, 1969, I stated:

> The Board of Directors of the Mitchel Field Development Corporation should adopt such standards of ethical conduct as would be required of elected officials.
>
> As an elected representative, I am surprised at the double standards that is approved for appointed groups who are given great power over the disposal and exploitation of public property. Conflicts of interests are the same whether a man holds his position by appointment or election. In fact, appointed officials are less subject to public criticism and review. If anything, protective standards should be higher for appointive groups acting for the public in a billion-dollar project.
>
> Press accounts and revelations of "self-dealing" of elected officials in Suffolk have brought Grand Jury investigations and resignations. The media is strongly silent when an appointed Board, answerable to no one, is to engage in self-dealing just so long as it is made known to other members of the Board. I wonder if this is to be the standard for all public officials in the future?
>
> The project plans drawn up by the Development Corporation for the use of the area are incompatible with a suburban way of life. The plan stresses the very things that have made city living undesirable. High-rise apartments and fourteen-story buildings are unnecessary. The test is not how many people want to live in the area but how the area can maintain its attractive character. There are enough needs to be met for the people now living in the area to use it fully. There is no need to create a new high-rise City in the heart of our County.
>
> The plan makes no provision for traffic that would be generated. My guess would be that we would need 13-lane highways to do the job properly. Until this matter is considered and solved, it is in the public interest to hold in abeyance the approval of any more of this project.
>
> To date, not a single elected official has endorsed this plan. Many have condemned it. If there are any favoring it, they should stand up to be counted and let us know why they believe it to be in the public interest.

My conclusion is that the present plans for commercial development and exploitation of the acreage should be abandoned. New plans meeting the needs of the people of Nassau County for open space and community and civic services should be drawn.

What we do not need is Mitchell Field development. What we do need is Nassau County improvement and conservation.

GALLANT LADY FACES IGNOMINIOUS END

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. DERWINSKI. Mr. Speaker, one of the things that is the trademark of the American press is the imaginative coverage of items in which the human aspect as well as the cold news is properly emphasized.

A column by Editor Bob Seltzner of the Chicago Daily Calumet on Saturday, April 25, discussing the history of the U.S.S. *Silversides,* is the type of human interest story to which I refer. As I place it into the RECORD, I also note that Mr. Seltzner is working with civic leaders and interested citizens who are hoping to make a memorial out of "Old" *Silversides* as a fitting tribute to her career and the men who served aboard her. The column follows:

> GALLANT LADY FACES IGNOMINIOUS END
>
> Crawling through the confining and unlighted passageways of the U.S.S. Silversides is an unusual experience. It is even somewhat depressing—depressing because this majestic "hero ship" as Navy men refer to her has begun to deteriorate.
>
> The Silversides is a United States combat submarine. It is tied up in a slip beside Navy Pier, its berth now for 22 years.
>
> Three of us—all veterans of service in the U.S. Army, not the Navy—visited the Silversides Thursday. Frank Martin, chairman of the executive committee of the East Side Chamber of Commerce; Henry Martinez, youth worker with the Illinois Youth Commission and a member of the South Chicago Chamber, and myself, president of the South Chicago Chamber, were special guests of Chief Petty Officer James A. Wieter.
>
> Wieter's youthful looks belie his more than two decades in the Navy. But one thing is certain. He knows submarines, and the Silversides is one of the most famous and fabled undersea vessels in history.
>
> The official Navy history of the Silversides is lengthy and detailed. It was one of the most deadly United States submarines in World War II, and the most deadly to survive the war. It operated exclusively in the Pacific against the Japanese. The ship was sent on a total of 14 patrols from April 30, 1942 to July 30, 1945.
>
> It accounted for the sinking of 29 enemy ships totaling 147,062 tons, and the damaging of 15 more totaling 68,560 tons.
>
> The Silversides suffered only one fatal casualty in its entire war experience—a gunner hit by enemy machinegun fire during one of the vessel's numerous surface actions.
>
> TM3c Mike Harbin was killed while working as a second loader in a gun battle with an armed Japanese trawler on the Silversides' very first combat patrol in the spring of 1942.
>
> The history of the Silversides began on August 26, 1941 when she was launched at Mare Island Navy Yard, California. Technically it ended last June when she was decommissioned here in Chicago.

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But it isn't over for the Silversides. The Navy will not scrap her. Eventually it might tow her into deep water and sink her, but no decision apparently has been made to date.

The Navy in the meantime is attempting to find a permanent home for the Silversides. The Navy would most like to see her established as a memorial, but thus far has had no luck. It is obviously no little task to "relocate" a 306-foot long, 1,400 ton submarine.

Then of course, Chicago already has one land-mounted submarine. The only trouble is, it is the captured German U-boat U-505, preserved at the Museum of Science and Industry. The U-505 is somewhat smaller than the Silversides—252 feet long and 1,120 tons—but when it was transported overland to the museum in 1954 it turned out to be a project of far greater magnitude than initially imagined.

The Silversides today shows neglect. She is tied up a short distance from the U.S.S. Runner, a combat snorkel submarine launched just as the war ended in 1945. The Runner is still in commission and a 24-hour watch is maintained on her. She is painted gray and is in good upkeep. She offers stark comparison to the combat weary Silversides, which has a noticeable list to starboard and is painted black.

The Silversides nearly sank last fall when with no heat on board pipes burst and tanks filled with water. She was pumped out and righted almost perfectly, but we found on our tour Thursday that the flooding left its mark. The compartments of the 29-year old veteran of World War II are damp and musty. We went down into her with flashlights and the tour extended from fore to aft. It's all still there—including two torpedoes still in their racks.

The metal table in the tiny mess on which an operation for appendicitis was performed on Fireman 3c George Platter while the craft was under attack is still in place. That event was one of the most unusual of the war. It was on December 22, 1942 shortly after the Silversides left Brisbane, Australia that Platter became ill and it was evident that an operation was imperative. The operation was performed successfully by PHM 1c T. A. Moore, and Platter recovered despite being thrown off the table twice during a depth charge attack.

The Silversides has positions for two five-inch guns, one on the superstructure and one forward. The guns are gone however, one of them on display at the Museum of Science and Industry.

The superstructure needs a new paint job, and the wood decks shows considerable wear. Bullet and shell fragment holes, some of them repaired, are visible in several places.

Not exactly afflicted with claustrophobia, this columnist after nearly an hour below deck did begin to feel somewhat closed in. It is difficult to imagine 72 enlisted men and eight officers living in such confinement during the normal 50 to 60-day patrols. But Wieter, who served aboard the snorkel sub Runner shrugged it off. He told about 58 consecutive days submerged aboard the Runner: "You read a lot and you sleep a lot. It's not so bad," he said.

We passed through the compartment on the Silversides which contained bunks for 39 men. It was smaller than most modern-home single-bed bedrooms.

Wieter lamented that for the first time some rust had begun to appear on the submarine's instruments. It is not difficult to imagine the close attachment developed by Navy men for their ships, submarines most particularly. And the Silversides has got them all beat. The 12 battle stars on her Asiatic-Pacific Area Service Medal and Presidential Unit Citation attest to that.

But today her time has passed, and this gallant lady may soon be doomed to an ignominious end—being sunk by her own country. And you really cannot appreciate such an occasion unless you have the feel of her. She's a fine ship which deserves a better fate.

Some time ago she broke her moorings and drifted into the slip and endangered another vessel. As the Navy men brought her back to her berth. Wieter related, one veteran was heard to say, "Aw, she just thought she was still out on patrol. She just can't get it out of her system."

JOHN N. NORTON, NEBRASKA STATESMAN

HON. BYRON G. ROGERS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. ROGERS of Colorado. Mr. Speaker, I include an article written by Evelyn Lincoln, private secretary to the late President John F. Kennedy, whose father contributed much to the development of this country. The article is as follows:

JOHN N. NORTON, NEBRASKA STATESMAN

On the Fourth of July a generation ago pious speeches grew lush like the goldenrod in my native state of Nebraska. But they were not always mere bombast and platitudes; sometimes at least they were born not on the edge of the lips but deep in the heart, rooted in life's experience. Such, I think, was true of the Fourth of July address that my father, Congressman John Nathaniel Norton, gave in a small town in eastern Nebraska:

"It is fitting and proper that we should celebrate this day. In so doing we pay tribute to the founders of this Republic . . . Had they not been willing to fight for freedom, to suffer hardship, to blaze the way . . ., this might never have become what it is, a free, united and strong American nation."

In Congressman Norton's case these were more than words called forth by a patriotic occasion, they were reflections of a lifetime struggle of a man and a family.

The man who stood before those people that hot summer afternoon was one of a family of trail-blazers, of hardy folk who had sought opportunity, fought for freedom, and suffered hardships all along the way. The emotional power of that Independence Day speech actually began a hundred years earlier and over 5,000 miles away in Hillesocken, Sweden. Then it was that Olaf and Catherina Nordeen, their daughter and three sons had gathered together their small store of belongings and set sail for America. They knew the journey would be hard and full of danger. But their hopes were larger than their fears. Even so, hope was almost shattered when Olaf lost Catherina and one of his sons to shipboard cholera. But Olaf still dreamed of a better life for the rest of his family, so he pushed on, over the mountain barrier and along the weary miles until they reached Andover, a small Swedish settlement in Henry County, Illinois. By then his son, Charles O. Nordeen, who was to be my paternal grandfather, was seven years old.

They had hoped to find an America of opportunity, and opportunity there was in plenty, thinly disguised as hard and back-breaking labor.

They had also hoped to find an America of freedom, but the freedom they discovered depended largely upon the color of one's skin. A great shudder was going through the land as the awful question of slavery was debated, and tempers rose and hardened in North and South. By the time Charles was 21 the tension had reached the breaking point, and the Civil War had started. Both Charles and his brother Louis volunteered to fight for their new homestead under the leadership of another man from Illinois—Abraham Lincoln.

One of their first experiences was serving under a drill sergeant who never could learn to fit his tongue correctly around the name "Nordeen" so they Americanized it to "Norton."

In 1862, while the war yet raged, Congress passed a law that was to change the life of Charles O. Norton and tens of thousands of others like him. It was the Homestead Law that granted a quarter-section (160 acres) of public land to anyone who would undertake to cultivate it. Ultimately 100,000 homesteaders trekked into what is the present State of Nebraska. Among them was Charles O. Norton and his young bride, Mary Hurtig, also the child of Swedish immigrants. Finally, they reached the place upon which they were to stake their claim—a farm seven miles from what is today known as the "Swede Capital" of Nebraska—Stromsburg.

Building that first farmhouse was far different from their experience back in Illinois. For there was little or no timber in those seemingly endless miles of waving prairie grass. The only available building material was sod. So, they found a place where the grass grew unusually thick. They first plowed the ground and then cut blocks of sod 12 by 36 inches with a spade. These they piled up to form the walls of the house, using dirt and clay to stuff up the cracks and crevices at the side and ends of the sod blocks. Their first floor was bare earth. Later they bought some lumber and things began to be more pleasant. It was in this house that my father was born.

During the winter months or dry seasons nothing looked more bleak and woe-begone than that sod house. But when the rains and warm weather came, the seeds and dormant roots in the sod came to life, and the house was festooned with a gay combination of nondescript weeds, morning-glories, and prairie roses. There were times when those roses were needed to lift the spirit. For times seemed to range from difficult to terrible. Farmers looked at the burning sky week after week, as their crops withered and the ground caked hard. But there was no rain in sight.

Along with the drought came plagues of grasshoppers, alighting on the land and devouring every blade and stalk of grass, making men turn to their Bibles and read of the plagues of locusts sent down by the angry Jehovah. In the years between 1856 and 1873 there were seven such invasions, and in 1874 the insects made their most destructive attack. While the Pawnee, Omaha, Ponca and other Indian tribesmen took care of the grasshopper problem by the simple method of grinding them up into mash and eating them, the settlers who depended upon their crops for a living and who didn't care for grasshopper stew often were wiped out completely. Many sold or gave away their claims and turned back toward the East. One wagon bore the sign: "Eaten out by grasshoppers. Going back East to live with wife's folks." Others still saw before them a glimmer of hope and determined to stick it out. They turned to hunting, lived on dried buffalo meat, and traded hides and furs for food to keep them alive. Among those who held firm were the Charles O. Nortons. They made up their minds to stay on, no matter what. And their faith was rewarded by better times and eventual prosperity. The original homestead is still in the family, and my father's sister, Mrs. Nettie Carlson, lives there yet.

One of their first acts after staking their homestead claim and putting up that sod house, was to help create a spiritual life in the community. Charles O. Norton and his mother-in-law, Mrs. Helena Hurtig, started a church known as the Swede Plain Methodist Church. It lit a faint spiritual light on

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that lonely prairie, one which still remains to guide the people of that community.

As a young boy my father, John Nathaniel Norton, walking along the country road and kicking the clods in front of him as he plodded to one of a series of one room school houses, somehow caught the virus of ambition and hope that hung in the air even in frontier towns like Stromsburg. While he was still a youngster he made up his mind that he was going to do something no other farm boy in that area even dreamed of—to go away to get better schooling. It wasn't the hardships and long heavy farm chores that made him dissatisfied, but he had a dream of a better life, and a life of service to the country he loved. His friends called him a "sissy" for his dream. The neighbors laughed at him. And his father too was opposed, for he knew one thing: "A man makes his living by using his hands." Grandfather was stubborn. But so was his son. He determined to gain an education with or without his father's help. And he did. Not only did he go to Business School and Nebraska Wesleyan, but he also gained his B.A. degree from the University of Nebraska, specializing in social, economic, and political sciences.

One of the greatest influences during his years of young manhood was that of another Nebraskan, the man who had electrified the Democratic Convention in 1896 by his famous "Cross of Gold" speech denouncing those who were exploiting the farmers. That man, William Jennings Bryan, was only 36 years old when he was nominated for the presidency. The election campaign that followed was among the most exciting in American history. And it swept many idealistic young people into the Democratic Party, including my father.

My father once said, "My purpose in life, as is well known to my friends and close associates, has been to devote my time and energies where I can best serve the common good."

He was a very young man when he was first elected to the Nebraska House of Representatives, but he immediately became known as a leader because of his desire to do the very best job to the best of his ability. He studied hard and soon became an authority on rules of the State Legislature. During the four terms that he served in that Legislature he was the leader of what was known as the "progressive" forces. He served in the capacity of majority floor leader during two sessions, and Speaker pro tem at another. As the Chairman of the Finance Committee he made a personal survey of various state activities, resulting in cutting the appropriations by $1,000,000.

From there he went on to serve as a member of the Nebraska Constitutional Convention, called as a result of his efforts. Later, the Democrats of Nebraska nominated him as their candidate for Governor. Although defeated in this overwhelmingly Republican State he received 45,000 more votes than the head of the ticket. And he was twice elected to the United States House of Representatives (1926, 1930).

Some of the measures which he either personally introduced or advocated during his service in the Legislature are evidence of the kind of legislation that he supported: Waterpower and municipal ownership legislation; state budget system; efficiency survey of state government; good roads and highways; unicameral legislature and a resolution providing for the calling of a constitutional convention.

Most lasting monument to the career of J. N. Norton is the Nebraska Unicameral Legislature. For 21 years he worked to bring this about, starting when he introduced the first proposed constitutional amendment to provide for a one-house legislature. He worked for this proposal because he believed it made government more responsive to the people.

"The present system," he argued, "where 17 members of the upper house can defeat the will of the other 116 members of the legislature is greater concentration of power than under a system where the entire 133 members would sit as one assembly, for then it would require a majority, or 67 members, to control legislation. The purpose of a legislature is to provide the machinery by means of which the people can secure the legislation they desire."

As a member of the Nebraska Constitutional Convention he again proposed a similar amendment. There was considerable support for the measure, but not enough for adoption. But it did bring the question before the people and the politicians. In fact, the late United States Senator George W. Norris, who too was a reformist, recognized the importance of this issue. As a result, he wrote an article on "A Model State Legislature" which stressed the importance of a unicameral legislature.

During the more than twenty years that my father worked for the constitutional change involved, he had been studying the organization and procedure of unicameral legislature and assemblies, as well as speaking all over the state on its behalf. Then in 1934 he and Senator Norris, realizing that the time was opportune, encouraged the Nebraska State Legislature to put the issue on the ballot to be voted on by the people of the state. At the time my father favored a large partisan body, but the Senator felt that it should consist of a small non-partisan body. They compromised and the amendment was submitted for a non-political body of 43 members. Together they stumped the state and as a result the unicameral legislature became a reality to go into effect in 1937.

Because of his interest in the success of the unicameral legislature, my father filed as a candidate to be a member of the first session. He felt that successful functioning of this first session would not only permanently establish the system in Nebraska, but would cause other states to adopt a similar plan in the years to come. He was elected and with him brought the knowledge he had gained in his legislative experience. He realized the importance of the rules for any legislative body, so he drafted the rules and by the time the gavel fell announcing the first session the rules had been written. He asked for and was granted the chairmanship of the Rules Committee. Through his leadership, his rules were adopted. To this day, those rules still stand.

Time and time again he came to the defense of the unicameral principle. Seventeen years later there was a strong movement to change back to a bicameral legislature. Once again he came out against the change and he issued statements to the press to that effect. He said:

"When compared with the bicameral Legislature, the Unicameral Legislature has so many advantages, for instance, simplified procedure, simplified representation, less duplication, less loss of effort, more work completion, less unfinished business, much greater efficiency, lower legislative expenses, fewer bills, fewer committees, greater fixed responsibility, less 'log rolling,' and no need for conference committees, which is the most objectionable part of a bicameral legislature."

The advantages of the unicameral Legislature are so very definite, a fact which is rapidly becoming recognized by many students of good government in other states.

It might be noted that in July 1969, in frustration at the lack of legislative response, the Governor of New Jersey reversed his previous stand and now thinks a unicameral legislature would be a good idea for his state.

In addition to his lifelong effort for more democratic government, my father also worked to secure economic justice for the farmer. As he also said in this Fourth of July speech:

"If I were asked to point to an industry where equality has been denied, I would point to agriculture . . The farmer knows that he has no control over the rainfall, the sunshine and the various elements that enter into the production of his crop."

My father, who had been active in the agriculture field all of his life, was a spokesman for the farmer. He was President of the Nebraska Farm Bureau Federation. He was likewise active in the Farmer's Union where he served as Executive Legislative Secretary. And as a Member of Congress he requested and was given an appointment to serve on the House Agriculture Committee. He felt that when the farmers' buying power is destroyed the merchant, the banker, the professional man, others in the rural town are affected first, but that injury is later reflected elsewhere throughout the land. Whenever the buying power of the farmer is destroyed, the market for a considerable part of the manufactured products of the country is materially reduced or destroyed.

Following the conclusion of the first session of the unicameral legislature, he returned to Washington and again took up his fight for the farmers. This time he was interested in giving the farmer some protection against the hazards brought about by the elements. He was particularly interested in what would be known as federal crop insurance.

The basic purpose of this idea was to promote the general welfare by providing farmers the opportunity to strengthen their financial position. With the help of others he went through all of the steps of interesting the Department of Agriculture and getting clearance from the Bureau of the Budget. Finally, after many hours, many weeks of contacting the members of the House and Senate Agriculture Committees, the bill was considered on the floor of the House and the Senate and became law. The Federal Crop Insurance Corporation was created within the Department of Agriculture under title V of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (52 Stat. 72: 7 U.S.C. 1501), but only on a one year trial basis. During that year, as an employee of the Federal Crop Insurance Corporation, he travelled all over the United States on behalf of this program. It proved itself and is now a permanent feature of our government's agricultural program, a second monument for a concerned public servant.

In concluding his Fourth of July speech, my father departed from the usual unquestioning praise of country and asked people to think seriously about the real nature of America.

"What constitutes patriotism? It cannot be measured by our wealth or by our Nation's prestige among the Nations of the World. It cannot be measured by the Nation's resources in material substance; by the size of our Army and our Navy; by the boasting we do with reference to our greatness and our supremacy, but by the character of our people—of the men and women, the boys and girls."

What about the character of the man who made this speech? Did it match his words? Many seemed to think it did. For example, when he was nominated as the Democratic candidate for Governor, a leading newspaper commented that:

"If called to the governorship, Mr. Norton will go into the office free of any embarrassing obligations. He will be in a position to give the people of Nebraska his best and most conscientious service. His high character and sincerity of purpose are unquestioned by those who know him. He is not of the political school that makes lavish promises before election and forgets all about them afterward."

Another paper said that:

"One of the strong elements in favor of the candidacy of Mr. Norton is the loyalty

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manifest for him by the people of his home county . . . If there is anything wrong with a candidate, his neighbors and friends at home are pretty apt to be familiar with it, and reflect their attitude towards him by their votes."

One of his later lectures on the Chautauqua platform was entitled "Diamonds in the Rough." It was an inspirational lecture assailing subterfuge, sham and make-believe as opposed to the genuine in life. It was an appeal for the real, painting in glowing terms the beautiful in nature, the virtuous in human life and the worthwhile in the efforts of mankind. His motto was always: "Be yourself, whatever it be, but be the best and the most that you can."

Not every father is able to leave to his children a big estate made up of lands, mortgages, and bonds, but any father can bequeath to his children an estate worth infinitely more. He can leave an honorable name, a good reputation, the memory of a godly life, a record of fair dealing. He can teach his children to have a profound respect for fact, a deep reverence for character, a thirst for knowledge, and a willingness to work.

This was the heritage of my father, J. N. Norton.

LAW DAY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. LONG of Maryland. Mr. Speaker, as the Nation observes Law Day on May 1st, I think Americans should think about acceptance and enforcement of the law. For the benefit of my colleagues, I should like to include the text of my Law Day statement on this subject in the RECORD:

This year's Law Day theme emphasizes that law is a bridge to social goals and to the solution of conflicts in our society. It is not a lack of laws that keeps us from our goals, it is our failure to enforce the laws we already have. And that failure to enforce law traces to the basic reality that laws to be enforced must be generally—almost universally—accepted.

Our whole system of criminal process—our small police force, our court system, our lengthy trial procedures—is based on the assumption that only a small percentage of the population—acting as individuals—violate the law. When large numbers do—as in our big cities—and when organized crime is big business—the system breaks down.

College students have disregarded the law in their attempt to impose their views forcibly on others in the academic community. Students can claim no more privilege with respect to the law than anyone else. Indeed, by virtue of their education and opportunities—as well as of the generous awards of city, state and federal money—they have an especial responsibility to the law. But administration and faculty members must also carry out their responsibility to maintain an environment in which conflicts can be resolved and in which freedom of speech is protected for all groups. The college has effective weapons at hand—withdrawal of scholarships, suspension, and expulsion. If these weapons are used, there will be little need for outside action by either police or legislators. The fact that these weapons are not used probably means that the laws are not universally accepted on college campuses.

Postal workers in their attempt to get higher pay have disregarded the law. Although it is illegal for government employees to strike, numerous postal workers have participated in wildcat strikes. If the strikes had spread nationwide, all of us would have suffered unemployment, business losses, failure to receive pension checks and other hardships. The Army might be able to deliver the mail—if it did nothing else—but it cannot direct airway traffic, man the railroads, collect the garbage, and stand in for other striking government employees all at the same time. Thus, again the significance of universal acceptance of law if law is to be enforced.

Our pollution problems would be much smaller if the antipollution laws were enforced. But we are a nation of litterbugs. The vacant lots near my home are dumping grounds for old mattresses, beer cans, and worn out tires. One of the people who dumped there left license plates. I found them and informed the police, but the police told me they could not prosecute because no one witnessed the dumping. It does little good to pass an antidumping law unless the people accept it.

Almost as important as acceptance is enforcement. Homeowners are unwilling to spend money for sewers and to pay taxes to build sewage treatment plants. Industry pours liquid and solid wastes into our streams and rivers and releases manufacturing byproducts into the air. Water is unfit for human use, and the air is almost impossible to breathe.

Only citizen consensus can turn disregard for the law into acceptance and enforcement of the law. This means citizen awareness—on the campus, in the government, and in every community—that we are all dependent on the law and helpless without it.

THE SECOND GRADE IS CONCERNED WITH POLLUTION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. PICKLE. Mr. Speaker, long after the speeches and press releases died down from Earth Day, the second grade at Oak Hill Elementary School is still working.

They took us serious.

These children really believe that we are going to "do something" about ending pollution.

And they are willing to do their part to help.

Mr. Speaker, these children have agreed to "sacrifice a play period once every 2 weeks to clean our school grounds," according to their teacher, Mrs. Mary Scalco. In proportion to their love for play, this is quite a sacrifice indeed. On Earth Day, these youngsters participated by collecting trash on the school grounds and again at home.

Mr. Speaker, I know, from raising my own children, that there are many things that second-grade boys and girls would much rather do than pick up the grownups' garbage. Hence, their concern is genuine, their actions real, and their faith in government simple and to the point.

Mr. Speaker, I insert the letters these children wrote to me today. Each is short—only one or two sentences—but each cuts directly to the point. Each is completely devoid of adult shams and hangups. Each asks for action.

I would begin with the letter from their teacher, Mrs. Mary Scalco:

OAK HILL ELEMENTARY SCHOOL,
Austin, Tex., April 24, 1970.

Hon. J. J. PICKLE,
House of Representatives,
Washington, D.C.

DEAR SIR: My second grade class is very concerned with the environmental problems that face our country. They participated in Earth Day by collecting trash on the school grounds and at home. They have agreed to sacrifice a play period once every two weeks to again clean our school grounds. They have read of the problems in their weekly readers and are truly aware of the crisis.

They have done something else by now participating in the democratic process by writing their congressmen. We know that you will read them and listen to the voices of the future teachers and congressmen. Thank you.

Sincerely yours,

MRS. MARY SCALCO.

Mr. Speaker, now, let us let the children speak for themselves:

APRIL 24, 1970.

DEAR HON. J. J. PICKLE: Please try to stop noise and water pollution and to stop air pollution. People burn trash and the smoke goes into the air.

Love,

DENISE.

APRIL 24, 1970.

Hon. J. J. PICKLE.

DEAR SIR: Why don't you help us? There is to much noise in the world.

Love,

CINDY WOODMAN.

APRIL 24, 1970.

Hon. J. J. PICKLE.

DEAR SIR: I wish you could stop pollution please try.

Yours truly,

MARK.

APRIL 24, 1970.

Hon. J. J. PICKLE.

DEAR SIR: Please help us. Would you help us? People are making pollution. They are making our world look bad. They are throwing things in the street.

DAWN SCOTT.

APRIL 24, 1970.

Hon. J. J. PICKLE.

DEAR SIR: I want to stop the noise. I am tired of hearing roar, rumble, rattle, beep. Would you please? I would be very, very, happy.

Love,

BRIDGETTE BILLINGS.

APRIL 24, 1970.

Hon. J. J. PICKLE.

DEAR SIR: We want you to please stop the air pollution and water pollution. We want something to go with it. Our State is looking just nasty. The world is not looking good at all. So please do something to it.

Love,

BONNIE.

APRIL 24, 1970.

Hon. J. J. PICKLE.

DEAR SIR: Please end the air water and noise pollution.

Love,

SHARI ANDERSON.

APRIL 24, 1970.

Hon. J. J. PICKLE.

DEAR SIR: I am try my best to keep the world clean. And I hope everyone is too. The noise, air, and water pollution is ugly. But, I can live.

Love,

MICHELE RICHARDS.

April 24, 1970.

Hon. J. J. Pickle.

Dear Sir: We think that you could help us with noise. Noise can make people not sleep and too much noise can make people deaf.

Love,

Donny.

April 24, 1970.

Hon. J. J. Pickle.

Dear Sir: The water pollution is bad here in Texas.

Thank you sir.

You're a good man.

Clarissa Lavon Shearer.

I love you Mr. Pickle.

Hon. J. J. Pickle.

Dear Sir: We want our city to be cleaned. And I want you to be a Senator.

Billy Marx.

Hon. J. J. Pickle.

Dear Sir: Please Washington, D.C., please clean up our city.

Love,

Steven.

April 24, 1970.

Hon. J. J. Pickle.

Dear Sir: We want the earth to look pretty and the water to look clean.

——— ———.

April 24, 1970.

Hon. J. J. Pickle.

Dear Sir: Please help make noise quieter in the world. I know a girl that has been deaf from noise. I've been trying my best to keep trash in the country to be clean.

Debbie Mackey.

April 25, 1970.

Dear Sir: We want something done about this stuff. It is beeping and noise.

Love,

Cindy Lee Wallis.

Hon. J. J. Pickle.

Dear Sir: The pollution is horrible and dirty. Why don't you do something about it? It is very, very nasty and horrible. I hope you do something about it.

Love,

Lee Ada.

April 24, 1970.

Hon. J. J. Pickle.

Dear Sir: We need your help! The noise is horrible. I think you should do something about it.

Yours truly,

Conrad Wilson.

April 23, 1970.

Dear Senator Honorable J. J. Pickle: Please keep our dirty world clean.

Noel.

Hon. J. J. Pickle.

Dear Sir: Keep our earth clean please.

Your friend,

David.

April 24, 1970.

Dear J. J. Pickle: Please Washington, D.C. You have to do something about this pollution. You got to do something about this. J. J. Pickle.

Love,

Gene.

April 24, 1970.

Hon. J. J. Pickle.

Dear Sir: We want to breathe. It is too noisy and dirty. It is terrible. The water is ugly and the air is ugly. So help us please. We want it cleaned up now.

Yours truly,

Mona Piper.

Mr. Speaker, how can I answer these children? All they ask is that we reverse our ecological slaughter and give them a fighting chance to grow up in a reasonably clean world.

Obviously, as a single Member of Congress, I cannot do what these children ask—I cannot alone bring an end to the urgly side of our technology that has caused our pollution monster.

But the Federal and States Government can, if it will strip away the unwieldy empires that have been built up within our bureaucracy. Earlier, I pointed out that we have too many pollution watchdogs and not a single keeper of the hounds. We are polluted with fragmented pollution control jurisdictions: this includes five Councils within the White House, eight major departments, five independent agencies, 19 congressional committees, and three Federal pollution control agencies. And I can say with certainty that surely I have left someone out.

Mr. Speaker, in mid-April the President plans to announce his plans for governmental reorganization. At that time, I hope he will move most, if not all, of the Federal environmental efforts to Cabinet-level status under the Department of Interior. I know he is considering renaming the Department of Interior and I would caution against a press release approach in this field. We need more than news letterheads and a new emblem for the Interior Department—we need action and control.

That is what these kids are asking. We should listen. We should act.

FORMER ICC MEMBER REBUTS CHARGES BY NADER'S ASSISTANTS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. DICKINSON. Mr. Speaker, I read and found the following article to be of great interest. It answers many of the questions that have been of concern to those involved in the transportation industry. I am at this time inserting the article into the Record, and I urge my colleagues to read this responsible answer to consumers:

Former ICC Member Rebuts Charges by Nader's Assistants

(Note.—The following was excerpted from an address by Charles A. Webb, president of the National Assn. of Motor Bus Operators, at the annual meeting of the New England Bus Assn. in Boston. Mr. Webb, a former practicing lawyer and Senate staff attorney served with distinction as a member of the ICC for nearly 10 years. His commentary was directed to testimony by associates of Ralph Nader, who is usually described as a "consumers' advocate.")

The battle report of Nader's Raiders was predictably hostile since their chief, presuming to speak for all the tribes of consumers, had previously declared the Commission to be a captive of the regulated industry and not fit to survive. The techniques of innuendo and distortion employed by the youthful raiders in their assault on the Commission are those employed by demagogues of every generation since the beginning of time.

. . . I want to make a sharp distinction between responsible and irresponsible criticism. Nader's Raiders are not the first to urge abolition of the commission. Professor George W. Hilton, for example, believes that the ICC is "virtually a pure cartel" and that, with the creation of the Department of Transportation, "one may now advocate its abolition with no qualification as to the retention of its noncartelizing functions elsewhere." Mr. Hilton and the youthful raiders share the belief that some of the most important functions of the Commission are economically indefensible. Included among the functions they would eliminate are controls over motor carrier entry, and authority to determine the minimum reasonableness of rates.

POINTS UP DIFFERENCE

There are vital differences, however, between Mr. Hilton's criticism of the Commission and that of Nader's Raiders. Mr. Hilton's views, however much you may disagree with them, are based on knowledge of the transportation industry, the Interstate Commerce Act, and Commission and judicial decisions. Also, Mr. Hilton's views are presented with no trace of vilification, malice, or argument ad hominem. By contrast, the report of Nader's Raiders is such a mishmash of distortion, exaggeration and misrepresentation that to excuse it on grounds of immaturity or ignorance would be far too generous.

There is another striking difference between the responsible criticism of Professor Hilton and the irresponsible criticism of Nader's Raiders. Mr. Hilton draws from his analysis the logical conclusion that the Commission ought to be abolished. Nader's Raiders, on the other hand, ostensibly call for abolition of the Commission but actually recommend creation of a consolidated transportation regulatory agency in which the Commission would be the dominant component.

The bulk of the report of Nader's Raiders is a 61-count indictment charging the Commission explicitly or implicitly with various acts of misfeasance and nonfeasance. These unsupported allegations are described erroneously . . . as "specific recommendations." References herein to the "report" of Nader's Raiders are to the prepared statement of testimony of Mr. Robert Fellmeth which he, accompanied by six other law students, presented to the Senate Commerce Subcommittee on Surface Transportation. . . .

DESCRIBES MATERIAL

In addition to this 23-page prepared statement, three large volumes of copyrighted material were submitted to the Subcommittee. Each of these volumes bears the notation "Preliminary Draft—Uncorrected Copy for Receiver's Use Only." The first two volumes aggregate 734 pages in length while the third consists of several hundred pages of appendices. This uncorrected preliminary draft material is claimed to be the documentation for the charges leveled against the Commission. However, copies of the three volumes of documents were not made available to the Commission or to other interested parties. In fact, the three volumes, which allegedly support the 61 charges against the Commission, state on their cover page: "No part of this report may be reproduced in any form or by any means, execpt for brief quotations, without permission in writing from Robert C. Fellmeth or Ralph Nader." It is ironic that the Freedom of Information Act was the authority under which the raiders ransacked the files of the Commission.

The reckless nature of the charges in the report of Nader's Raiders can be illustrated by citing some which relate to the major portion of the Commission's caseload.

OPERATING RIGHTS

Charge: "The ICC has constructed barriers to entry into the transportation industry, barriers which protect the inefficient."

The charge is untrue. Controls on carrier entry have been constructed by the Congress, which does not regard such controls as outmoded barriers for the protection of inefficient carriers. Since 1957, controls on motor carrier entry, for example, have been tightened by six amendments to the Interstate Commerce Act. The only relaxation was an unimportant amendment in 1963 exempting from economic regulation the transportation of accidentally wrecked or disabled vehicles.

Charge: "Carriers are not granted certification so long as existing carriers are potentially able to carry the traffic."

Potential ability to handle available traffic, as distinguished from demonstrated willingness and ability, has never been sufficient to defeat a gran of operating authority. Last year, for example, the Commission processed 4,902 applications for motor carrier operating authority. Of this number, 3,838 applications were granted in whole or in part. A total of 488 grants were made to carriers entering the motor carrier field for the first time.

RATES AND PRACTICES

Charge: "Low cost, low efficiency carriers are protected by the rate bureau—restriction process the industry has created through the ICC."

I cite this charge mainly to show that some portions of the report are unintelligible.

Charge: "The ICC's minimum rate powers are used to protect inefficient carriers and modes from competition."

This charge illustrates the rank oversimplification which permeates the report of the raiders. Section 15(a) (3) of the Act, for example, conveys no clear message but only a mood, a mood which can best be described as schizophrenic. Critics of the Commission's handling of intermodal rate controversies will recognize, if they are fair, that the statute is ambivalent and a severe handicap to agency formulation of sound intermodal ratemaking policy.

Charge: "The ICC continues to allow value-of-service pricing . . . [which] has directly contributed to urbanization, congestion and pollution."

Persons who can find a cause-and-effect relationship between value-of-service ratemaking and ecological deterioration would have no difficulty, of course, in fabricating links between Commissioners' appearances at industry meetings and voting on the merits of cases.

CARRIER UNIFICATIONS

Charge: "The ICC has failed to consider the impact of major rail mergers on the shipping public, despite the legal requirement to do so, and has generally rubber-stamped merger requests."

Charge: "The ICC has also routinely approved motor carrier mergers, despite the lack of natural economies of scale for the mode."

Published reports of the Commission bear witness to the contrary. Section 5 of the Act has not been amended in any significant way in the last 30 years. Rail unifications approved by the Commission have been upheld by the courts with hardly a dissenting vote. Logically, the anti-merger bias of the raiders would lead to castigation of the Congress and the Supreme Court rather than the Commission.

Charge: "The railroads have caused the decline of the passenger train because of greater profits on freight traffic."

Charge: "The ICC has done virtually nothing but preside over the funeral."

With respect to the latter charge, the Commission has followed the mandate of Section 13a which the Congress has not amended since its enactment by the Transportation Act of 1958. As to the former charge, the decline of rail passenger service is due essentially to the preference of consumers for other modes of travel, a preference which their self-appointed defenders fail to mention.

I have commented on only nine of the 61 "specific recommendations." The other 52 are equally meretricious. In addition, the report of Nader's Raiders contains some glaring contradictions. For example, compare the following statement on page 20 of the report: "Relations between the public and the ICC have been non-existent—The ICC does not discourage esoteric annual reports, news releases etc., which only the transportation industry can understand."

With the following statement on page 4: "In fact, the only vigor the agency has shown is in its own public relations."

The gravamen of the raider's indictment, upon which various changes are rung, is the following statement on page 3 of their report: "Rather, the ICC has become an extension of the industry it supposedly regulates. In a very real sense, the industry regulates the ICC."

Imagination boggles in visualizing a prisoner deciding the bread and butter disputes of its carrier and modal captors. The transportation industry regulated by the Commission is not monolithic. Most of the proceedings before the Commission are initiated, not by the regulated industry, but by its warring members and factions. I would like to examine the captivity charge in the narrower context of proceedings instituted by the Commission on its own motion and with particular reference to those vitally affecting the motor carrier industry.

At all times since the beginning of Federal regulation in 1935, the motor carrier industry, including intercity bus operators, has been involved in proceedings initiated by the Commission either on its own initiative or in response to a plea from some non-carrier interest. The affected carriers and their associations have often disagreed with the Commission, sometimes violently. At no time, however, have the carriers or their associations had any basis for questioning the integrity of the Commission, nor have our adversaries in these proceedings. During most of the 35 years of regulation the Commission has been short of funds and staff, a condition which the report of Nader's Raiders is more likely to aggravate than to alleviate even though, oddly enough, many of their recommendations could not be effectuated without a substantial increase in money and manpower.

You may wonder why I have chosen to respond to these accusations when it has been customary to ignore such screeds in the past. My reasons are three. First, there is the proclivity of the press to give extensive publicity to anything bearing the Nader brand. Secondly, there is a mistaken impression among those who will never read the report that if seven law students hurl literally scores of charges against the Commission, at least a few by the law of averages must be valid. And thirdly, the platform for this most recent attack against the Commission was erected by the Senate Subcommittee on Surface Transportation which should have anticipated the bilious nature of the report but which, inexplicably, provided no opportunity for prompt rebuttal by the Commission.

In conclusion, we can admire the zeal of the younger generation and its concern about our society's winter of discontent. Also, we should not expect law students in a single summer in Washington to grasp the intricacies of the entire field of surface transportation and its regulation by the Commission. There is a point, however, where tolerance ceases to be a virtue and becomes an accessory to defamation. That point is reached when misrepresentation is so massive and consistent that it can only be deliberate.

THEN THERE WERE TWO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. RARICK. Mr. Speaker, Judge Blackmun, the most recent of Supreme Court appointees, must be a truly remarkable man. From all indications he pleases and satisfies members of both parties, the press, and the stringent criteria of morals and ethics of the heretofore extremist critics. Judge Blackmun's confirmation seems assured—in fact, it may be unanimous.

Overlooked, is the liberal egalitarian semantics of equal representation—the "one-man, one-vote" philosophy of fair representation as well as the multispectrum, philosophical background which has been advanced as being so necessary in the search for truth.

Of those many voices, so adamant to prevent one southerner from being seated on the Supreme Court, none have raised any question of the fairness that two out of the 11 judges will be not only from the same section of our country—the Midwest—but from the same State.

We of the South—the cradle of the history of the United States, with our strict constructionalist law and order philosophy, denied sectional as well as philosophical representation on the Court—remain an unrepresented people in the interpretation of our laws.

A small satisfaction comes only in the recollection that Minnesota was a portion of the Louisiana Purchase.

So that our colleagues can see the broad base of support for Judge Blackmun, I include excerpts of several news reports and items, and a column by David Lawrence on sectionalism as part of my remarks:

[From Time magazine, Apr. 27, 1970]

NIXON MAKES A WINNING CHOICE

The Senate's rejection of two consecutive Supreme Court nominees made most of Washington jittery about predicting how President Nixon's third choice would fare. Certainly, if only in a show of consistency, the Senators will carefully examine the credentials of last week's nominee, Minnesotan Harry A. Blackmun. Barring any disclosures of judicial misbehavior, the general approval greeting the nomination makes it all but certain that the President has finally come up with a winner.

The Democratic liberals and Republican moderates who effectively blocked Clement Haynsworth and G. Harrold Carswell show no signs of objecting to Blackmun. Even Joseph Rauh Jr., vice chairman of Americans for Democratic Action and a slashing foe of the first two nominees, conceded last week that "President Nixon's nomination at long last of a judicial moderate validates the liberal efforts against Judges Haynsworth and Cars-

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well." Civil rights groups also seem pleased with Blackmun. John Pemberton Jr., executive director of the American Civil Liberties Union, praised the 61-year-old federal judge as a man with "a capacity for objectivity and fairness in the highest degree, combined with a high intellect and sharply honed legal mind."

[From the Minneapolis Tribune, Apr. 11, 1970]

Minnesotan May Be Nixon Choice for High Court

(By Charles W. Bailey)

Washington, D.C.—U.S. Circuit Court Judge Harry A. Blackmun of Rochester, Minn., is being seriously considered for nomination to the Supreme Court of the United States.

Judge Blackmun, 61, has been a member of the U.S. Court of Appeals for the 8th Judicial Circuit—covering seven Midwestern states from Minnesota and the Dakotas to Arkansas—since 1959.

One factor that could lessen Judge Blackmun's chances is his Minnesota residence, since there is already one Supreme Court member—Chief Justice Warren E. Burger—from Minnesota.

Judge Blackmun's nomination would seem assured of strong bipartisan support from Minnesota congressional figures. He is highly regarded as a judge by Democrats and was supported for the circuit court in 1959—to which he was appointed by President Dwight D. Eisenhower—by then-Sen. Hubert H. Humphrey.

On the circuit court Judge Blackmun has figured in a number of notable decisions.

He wrote the opinion for a three-judge panel that forced the Minnesota Legislature to reapportion itself at its 1965 session. In that case the court found the existing apportionment in violation of the U.S. Constitution and directed that it be revised in line with the previously issued Supreme Court "one man, one vote" ruling.

He issued an injunction in 1968 delaying the induction into the Army of a Bemidji, Minn., draft resister so that the case could be heard by the full circuit court. In that case, Judge Blackmun found that the individual would be subject to "irreparable injury" if his induction was not delayed, while the local draft board would suffer "little injury" from a delay.

He was a member of a three-judge panel which in 1968 ordered Minnesota's secretary of state to place the Communist Party ticket on the presidential election ballot that year.

The panel did not act on a challenge raised on that case to the underlying federal Communist Control Act, saying that it would be "unwise" to try to resolve the issues on their merits in the short time then available. But Judge Blackmun was one of two judges on the panel who expressed doubts about the constitutionality of the anti-Communist statute.

Earlier in that same year, Judge Blackmun was a member of a three-judge panel which rejected a challenge by supporters of Sen. Eugene McCarthy to the composition of the Minnesota delegation to the 1968 Democratic national convention.

In that case, the court found that delegate selection at the precinct level had been in accord with the "one man, one vote" rule, and that any violation of that principle at higher levels in the party selection process raised questions which were essentially political and therefore outside the jurisdiction of the court.

In August 1969, Judge Blackmun wrote a decision overturning the second-degree murder conviction of an Iowa man who had been imprisoned 34 years for the crime. The decision was based on a finding that the instructions to the jury by the Iowa court violated the Constitution.

Judge Blackmun is a native of Nashville, Ill., who was graduated with highest honors from Harvard in 1929 and received his law degree there three years later.

He came to Minnesota in 1932 to serve as law clerk to Judge B. Sanborn of the 8th Circuit Court of Appeals.

He joined the Minneapolis firm of Dorsey, Owen, Barker, Scott and Barber in 1933, became a junior partner in 1939 and a full partner in 1943. In 1950, he became resident counsel of the Mayo Clinic and served in that position until his appointment to the 8th circuit bench.

He served as an instructor at the St. Paul College of Law and later at the University of Minnesota Law School while living in Minneapolis.

His extra-legal associations over the years include service as director of the Rochester Airport Corp. from 1952 to 1959 and as a director of the Kahler Corp., Rochester, from 1958 to 1964.

He was secretary and a member of the board of directors of the Mayo Association in Rochester from 1953 to 1960, and has been a director and member of the executive committee of the Rochester Methodist Hospital since 1954.

[From the Minneapolis Tribune, Apr. 15, 1970]

Nixon Selects Blackmun for Supreme Court Seat

(By Charles W. Bailey)

Washington, D.C.—Judge Harry A. Blackmun of Minnesota was chosen by President Nixon Tuesday to be an associate justice of the U.S. Supreme Court.

Judge Blackmun, 61, has been a judge of the 8th U.S. Circuit Court of Appeals since 1959.

The former Minneapolis attorney lives in Rochester, Minn., where he served for nearly a decade as counsel of the Mayo Clinic.

* * * * *

One factor that should smooth the way for Judge Blackmun was the favorable reaction of Minnesota's two Democratic senators and of former Vice-President Hubert Humphrey.

Humphrey called Judge Blackmun "a fine man and an excellent nominee. He is without racial bias. He is a political moderate, a competent lawyer and a respected judge."

* * * * *

His court philosophy—"I guess in a way I'm brought up in the (Supreme Court Associate Justice) Felix Frankfurter tradition. My answer is that my record has to speak for itself."

Change in court rulings—"Law is, in part, social. Man is a social being. I can't get alarmed when they overrule a prior decision, especially if it is 5–4. Who is to say that five men 10 years ago were right, whereas five men looking the other direction today are wrong?"

Social protest by the young—Judge Blackmun said he had great faith in the younger generation, that it is more idealistic and more involved. But, he added, "I have no sympathy with violence . . . We can't bring the structure tumbling down around our ears."

His reaction to the nomination—"I feel like a load of bricks was landed on me."

Judge Blackmun, a boyhood friend of Chief Justice Warren E. Burger, praised him but emphasized, "We do not always see eye to eye. If by chance this thing (the nomination) should go through, he would be the first to expect that we would disagree.

"This has been the history of our life, that we've been able to disagree on things and have fun doing it."

The two men grew up only a few blocks from each other in Dayton's Bluff, a tough, poor neighborhood of St. Paul that Judge Blackmun describes as "the wrong side of the tracks."

Judge Blackmun, 61, is known as an endless worker and an untiring legal scholar. His chief relaxation is working evenings in the yard of his Rochester home, which he bought 18 years ago for $58,770, and which has doubled in value.

"I can take my frustrations out by getting my fingers in the soil a little bit," Judge Blackmun said.

A heart murmur kept Judge Blackman out of World War II, but it has never limited his activity and he describes himself "in disgustingly good health."

He keeps a green eyeshade in his law offices and still uses it when he is working late at night. According to his friends, he rarely takes more than one drink at a party.

[From the Memphis (Tenn.) Commercial Appeal, Apr. 26, 1970]

Blackmun Civil Rights Rulings Cited

(By Morris Cunningham)

Washington, April 25.—The Justice Department has cited five Arkansas civil rights cases, each decided by Supreme Court nominee Judge Harry A. Blackmun of Minnesota, as representative of Judge Blackmun's decisions.

While it probably carries no significance it nevertheless is interesting to note that in each of the five cases Judge Blackmun ruled in favor of the Negro plaintiffs or defendants.

A study of the cases shows that in most instances Judge Blackmun overruled state courts as well as the federal district court in arriving at his decisions for the Eighth United States Circuit Court of Appeals.

The first case cited by the Justice Department was that of Luther Bailey, a Negro convicted of rape in September, 1956, in Little Rock by an all-white jury and sentenced to death. His petition for a writ of habeas corpus, alleging Negroes illegally were excluded from the jury, was denied by the Arkansas Supreme Court and the United States District Court. Judge Blackmun, writing for the appellate court, March 17, 1961, overruled the lower courts, granted the petition, and gave the state nine months in which to re-try the defendant or to free him.

Lonnie Mitchell Jr., a 23-year-old Negro with a sixth grade education and no prior criminal record, was convicted in El Dorado, March 10, 1959, of raping a 77-year-old white woman. The victim testified against him but died sometime after the conviction. Mitchell confessed, and a recording was made of his confession, though his attorney was not present at the time. The conviction was affirmed by the Arkansas Supreme Court. Federal District Judge Gordon E. Young confirmed the conviction. In 1965, Judge Blackmun, acting for the federal appellate court, reversed Judge Young and ordered the state to give the defendant a hearing on the issue of the voluntariness of his confession or to give him a new trial.

In the summer of 1965, a total of 172 of the 176 Negro students who had attended L. V. Sullivan High School in Morrilton advised local school authorities that in the next school term they planned to attend other, integrated schools. The school board thereupon decided to close Sullivan High. The elderly Negro principal was retired and the seven Negro teachers were not re-hired. These actions were upheld by federal District Judge J. Smith Henley. Judge Blackmun overruled Judge Henley, held the teachers were entitled to damages, and ordered that they be given priority for new jobs in Morrilton schools, if they wanted them.

On July 26, 1967, Judge Blackmun ruled that a school desegregation plan for West Memphis School District No. 4 did not meet constitutional requirements. He ordered federal District Judge Young to see that faculty and staff were integrated, and directed that Young require reports from local school authorities, no less frequent than semi-an-

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nually. The plan Judge Blackmun overruled previously had been approved by Judge Young.

The last of the five "representative" cases cited by the Justice Department involved school desegregation in El Dorado and was decided by Judge Blackmun on March 17, 1970, seven days before President Nixon's school desegregation policy statement.

Writing in the El Dorado case, Judge Blackmun applauded the federal district court's plan for integrating a white and a Negro high school even though it required substantial busing. "The high school result," he wrote, "was accomplished with pairing and transportation for the two facilities are some distance apart." He noted with approval a suggestion that two rather isolated elementary schools be closed and their students bused elsewhere. He observed that four elementary schools "are located in black neighborhoods" but nevertheless ordered them to be integrated.

Judge Blackmun's opinions, as expressed in the El Dorado case, are more liberal than those enunciated by the President in his policy statement. The president endorsed the neighborhood school concept and said "transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required."

[From Who's Who in American Women]

Blackmun, Mrs. Harry Andrew, club woman; b. Cloquet, Minn., Dec. 12, 1910; d. Paul Futhey and Emma Eugenia (Anderson) Clark; student Maclester Coll., 1929–31, U. Minn., 1945–47; m. Harry Andrew Blackmun, June 21, 1941; children—Nancy, Sally, Suzi. Sec. to pres. H. M. Smyth Co., Inc., St. Paul, 1935–41. Treas. Aldrich Meml. Nursery Sch., 1952–54; chmn. UN Week, 1956; pres. women's auxiliary Rochester Methodist Hosp., 1954–57. recipient good citizenship award, Radio Sta. KROC, 1959. Mem. Minn Hist. Soc., Assn. UN (bd. dirs. Rochester), Minn. Hosp. Assn. (dist. chmn., bd. drs. auxiliary). Home: 38 Skyline Dr., Sunnyslopes, Rochester, Minn.

[From Who's Who in America]

Blackmun, Harry Andrew, judge; b. Nashville, Ill., Nov. 12, 1908; s. Corwin Manning and Theo H. (Reuter) B.; B.A. summa cum laude, Harvard, 1929, LL. B., 1932; m. Dorothy E. Clark, June 21, 1941; children—Nancy Clark, Sally Ann, Susan Manning. Admitted to Minn. bar, 1932; law clk. for John B. Sanborn, judge 8th circuit, U.S. Ct. of Appeals, St. Paul, 1932–33; asso. Dorsey, Owen, Barker, Scott & Barber, Mpls., 1934–38, jr. partner, 1939–42, gen. partner, 1943–50; instr. St. Paul Col. Law, 1935–41, U. Minn. Law Sch., 1945–47; resident counsel Mayo Clinic, Mayo Assn., Rochester, 1950–59, mem. sect. administrn., 1950–59; judge 8th Cir., U.S. Ct. of Appeals, 1959——. Dir. Rochester Airport Co., 1952–59, Kahler Corp., 1958–64. Bd. publs. Methodist Ch. Sec., mem. bd. members Mayo Assn., Rochester, 1953–60; board directors, mem. executive committee Rochester Methodist Hosp., 1954——. Trustee Hamline Univ., William Mitchell Coll. Law. Mem. Am., Minn., Almsted County, 3d Jud. Dist. bar assns., Phi Beta Kappa. Methodist. Clubs: Harvard of Minn. (pres. 1940); Rotary (pres. Rochester 1955–56); Minneapolis, Univ. Rochester. Contbr. profl. articles legal, med. jours. Home: 38 Skyline Dr. Office: Rochester, Minn.

[From the Minneapolis Tribune]

COURT APPEARS SPLIT ON RED CONTROL ACT

(By Frank Wright)

WASHINGTON, D.C.—The Supreme Court demonstrated Tuesday that it is divided over the Minnesota case challenging the constitutionality of the 1954 Communist Control Act.

Donovan, a DFLer, was complying with an opinion issued by state Atty. Gen. Douglas Head, a Republican, who said the 1954 law, drafted by Democrat Hubert Humphrey when he was in the Senate, denied the Communist Party the rights and privileges normally granted to "legal bodies."

Subsequently a panel of three federal judges, acting at the Communist Party's request, ordered the party's candidates placed on the ballot.

The panel included 8th U.S. Circuit Court of Appeals Judge Harry Blackmun of Rochester, Minn., President Nixon's most recent nominee for the Supreme Court.

The panel said the people of Minnesota could not be hurt by the presence of the Communists on the ballot. Judge Blackmun and another member of the panel, District Judge Edward Devitt, also expressed "grave doubts" about the constitutionality of the law, but did not rule on the issue.

[From the Washington Star, Apr. 22, 1970]

LET REDS ENTER RACES, MINNESOTAN ASKS COURT

(By Lyle Denniston)

A Minneapolis lawyer has urged the Supreme Court to clear the way for Communist party candidates to enter state and national political campaigns in Minnesota this fall.

The party's candidates for president and vice president were permitted to run in Minnesota in 1968, but only under a temporary order issued by a three-judge court. The court included the man President Nixon has nominated to the Supreme Court, U.S. Judge Harry A. Blackmun of Rochester, Minn.

[From the Minneapolis Tribune, Apr. 20, 1970]

BLACKMUN SAYS HE FAVORS END OF DEATH PENALTY

ROCHESTER, MINN.—Supreme Court nominee Judge Harry A. Blackmun says that he personally is opposed to the death penalty and would not be surprised if it is ruled unconstitutional soon.

But Judge Blackmun, who has upheld the death sentence in past decisions, did not say how he would vote if he is confirmed.

Judge Blackmun could become the tie-breaking member of the court, thought to be deadlocked on whether the death penalty should be banned as cruel and inhuman.

The legal struggle has halted all legal executions in the United States for nearly three years. More than 500 prisoners are waiting on "death rows" across the country.

Judge Blackmun in an interview, said that repeal of the death penalty is basically a legislative issue. He said that, if he were a lawmaker, he would vote against the death sentence.

But he added:

"I guess I would say it wouldn't surprise me if one day the Supreme Court would say today in 1970 or 1980 that it is cruel and inhuman. Maybe we are progressing in our attitudes . . . toward criminal law."

Judge Blackmun, who sits on the 8th Circuit Court of Appeals, acknowledged that his personal views against the death penalty could plunge his nomination into dispute in the Senate.

"This will be a matter of grave concern to, I suppose, some senators," Judge Blackmun said.

[From the Washington Star, Apr. 24, 1970]

BLACKMUN AND RIGHTS OF THE POOR

(By Lyle Denniston)

Harry A. Blackmun's first tough choice as a Supreme Court justice—assuming he gets the job—may be picking his side in the constitutional dispute over the rights of the poor.

It is likely to be, for him, an intensely personal choice.

Already, Blackmun has indicated that he is a judge who senses the human consequences of legal decision. His background as the son of an economically pressed grocer may well make him sensitive about rulings that affect economic want.

But more than the basic needs of people is involved when the poor and their rights become an issue for the highest court. A major philosophical struggle is building among the justices in that field.

As the court's current term is clearly proving, the fight over the rights of the needy is taking the place of criminal law controversy as the source of keenest division in the tribunal.

For Blackmun, as for almost all judges, the mere fact that the poor would insist they had "rights" has been something of a revelation. Only recently have lawyers found the legal doctrines and precedents that would make the poor's needs a fit subject for judges to consider.

The result has troubled many judges, even those who have found they had no choice but to deal with the new style of legal advocacy on behalf of the dependent poor.

Just the other day, Justice John M. Harlan remarked in an opinion in one of this term's "welfare" cases: "We view with concern the escalating involvement of federal courts in this highly complicated area of welfare benefits."

And the justice—one of the court's more conservative members—went on to say that "it is no part of the business of this court to evaluate . . . the merits or wisdom of any welfare programs, whether state or federal, in the large or in the particular."

However, he summed up without apology that "we find not the slightest indication that Congress meant to deprive federal courts of their traditional jurisdiction to hear and decide federal questions in this field."

That is a conclusion that is completely rejected by Blackmun's old friend, Chief Justice Warren E. Burger. The chief justice has been siding regularly this year with Justice Hugo L. Black, who thinks that the court's majority is ruling in welfare cases according to pity for the poor, not respect for judicial restraint.

Blackmun, as a justice, almost certainly would be torn between the views of Harlan and those held by Burger and Black.

So far, there is little in Blackmun's case record on the 8th U.S. Court of Appeals to show what he would do in this field. But borrowing loosely from his general judicial philosophy and declarations, it appears that he could be drawn more easily toward Harlan's side.

That "side," really, is somewhere in the middle of the court's philosophical spectrum on the rights of the poor. This "center" rejects, alike, the passionate treatment of welfare law by the group led by Justice William J. Brennan and the sober jurisdictional approach of Black and Burger.

Blackmun's "strict constructionism," or at least the part of his record that suggested to President Nixon that Blackmun fits that label, is not so strict that he would be uncomfortable either with the Harlan "center" or the Brennan "left."

In particular, Blackmun has seemed to see wide possibilities—at least for Supreme Court justices, if not jurists on lower tribunals—for reading rather expansively the rights to "due process" and "equal protection."

Those are the constitutional clauses most often raised in welfare rights cases, and they have been general enough to yield to a range of results in the high court's still-new precedents in that field. Indeed, Black recently complained of that flexibility, saying that the constitutional clauses could easily get

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divergent translations if measured by the views of the National Welfare Rights Organization, the Chamber of Commerce or the John Birch Society.

But Blackmun has said openly that the idea of "fundamental fairness" can vary, from time to time, as a constitutional idea growing out of the "due process" and "equal protection" clauses.

The new justice will, if cleared by the Senate, arrive at the Supreme Court along with a predictable new flow of "poor law" cases. The results already in for this term have been sufficiently favorable to "poverty lawyers" to guarantee that there will be more—many more—test cases.

It is plain that the high court now considers public aid to the poor to be something other than "mere charity," and more nearly something a needy family can claim as a "right." At the least, this term's decisions alone strengthen the view—long advocated by lawyers for the needy—that welfare families have a property claim on their benefits.

Blackmun could definitely make a difference in the future court's decisions on how enforceable that claim is.

[From the Minneapolis Star, Apr. 22, 1970]

BLACKMUN'S CLEAN BREAST

(By Austin C. Wehrwein)

With remarkable candor, Judge Harry A. Blackmun has made a clean breast of anything he could think of that might be used against him by senators determined to put him through the confirmation process wringer. They will try to show they can be as tough on a Northern as on a Southern Nixon nominee for the Supreme Court.

It wasn't easy for a modest man, in the limelight for the first time in his 38-year-long career. He told reporters he felt he was stripping himself naked, making him like "Exhibit 14–B" in a trial court record. Still, he went through it with grace and wit.

The record he disclosed to President Nixon and Atty. Gen. Mitchell prior to his nomination, and which he discussed in a news conference in his elaborate Rochester Towers office, appears to bear out the Justice Department claim of de minimis non curat lex . . . or, "the law does not notice trifles."

Blackmun said he has been on 900 cases. Only a few were germane. And his stock holdings are peanuts relative to shares outstanding. Some matters could be viewed as explicable in the context of importuned favors by old and dear clients, related to perhaps an over-zealous sense of responsibility toward the Mayo Clinic and its business organizations. He venerates the clinic as a public service organization, though in hindsight he might have done better to divorce himself from its extensive financial ramifications after he became a judge.

For a brilliant lawyer with a prestigious Minneapolis law firm for 17 years, he is not rolling in wealth: his net worth is $125,000. In the nine years ending in 1959 as house counsel for Mayo he was also in a position to quite legitimately get in on the ground floor of financial opportunities. But the figures indicate he exercised restraint, and he said humorously after his Friday news conference that he was far less wealthy than some of his Harvard law school classmates, class of 1932.

What we have now is a preview of his testimony before the Senate Judiciary Committee.

Blackmun was confirmed as a judge of the 8th Circuit Court of Appeals Sept. 14, 1959.

Here is how his off-bench activities break down:

Directorships: He continued until June, 1960, as a director of Rochester Airport Co., operated by the clinic's Association, its property-holding unit. He said it was run in the red as a community service and to assure transportation for patients. He did not say what fees, if any, he collected as a director.

He was a director until January 1964 of the Kahler Corp., for which he received a $1,500 annual fee. He explained the Mayo organization had a "substantial" interest in the corporation, having encouraged John Kahler to build a hotel in Rochester. He indicated his "cherished" relations with the board were largely social.

However, his proffer of resignation late in 1963 followed a resolution in September, 1963 by the Judicial Conference of the U.S., the federal judiciary's administrative arm. It said no federal judge should serve as an officer, director or employee of a profit-making corporation.

Blackmun said "in retrospect" he should have left the board as soon as he became judge, although he added that the resolution was primarily aimed at directorships on financial institutions. In any event, the words do cover any profit-making corporation, although other sources have previously interpreted the Conference's action as he did. He has had no cases involving Kahler.

Probate Work: Blackmun was a leading probate lawyer during his 17 years with the Dorsey firm here. No branch of the law involves a more intimate relationship with clients and their families.

In 1963 he handled the $155,800 estate of Dr. David C. Balfour, one of the original clinic founders. But he took no fee.

He was one of four executors of the estate of Mrs. Mabel F. C. Kahler, widow of John, who had died before he went to the court and for whom he had done considerable work. He was under pressure from the family to serve as an executor under wills he had drawn. The probate figure, according to public records, was $550,000, but often there are assets handled outside actual probate, and lawyers say his fee of $3,500 in 1962 was nominal in the light of the time he doubtless gave the family.

In 1964 and 1965 he received $5,000 from the estate of Charles Gilfillan, a family friend he described with affectionate humor as a "grand old eccentric." Gilfillan was a clinic benefactor, who died in 1962. His set of wills left property, primarily land, worth $1,091,000 in a trust for the widow, with the clinic as residual beneficiary. Blackmun said she urged him as a co-executor to get the probate started; he said he was "embarrassed" about the fee, but took it as Mrs. Gilfillan proposed, as an education nest egg for his three daughters.

While, as a general proposition, the American Bar Association Canons of Judicial Ethics (now being revised) frown on a judge's practicing law, Canon 27 specifically says a judge is not disqualified from holding executorships or trusteeships if they pose no conflict of interest. The Federal Judicial Conference recently in effect reaffirmed this for federal judges.

Stock Ownership: Judge Clement Haynsworth accumulated nearly $1 million in 20 years, 12 of them on the bench. His interest in one company touched by litigation before him was $437,000, and in another over $18,000.

In Blackmun's experience, he had 50 shares of Ford (16 million shares outstanding) purchased in 1957 for about $2,500. In 1960 he wrote an opinion adverse to Ford (reinstating a $24,500 lower court jury verdict against Ford). He participated only after getting specific permission from the chief judge of the district.

In 1964 he participated, but did not write the opinion, in a $12,500 case won by Ford. He then had 100 shares. In January of this year, however, he disqualified himself in another case involving a Ford subsidiary, the Haynsworth debacle being fresh in mind.

In 1963 and 1964, Blackmun bought 22 shares of American Telephone and Telegraph (AT&T) for about $1,350. He participated in a case affecting, not AT&T but its subsidiary, Northwestern Bell, headquartered in Omaha. In that case, his court upheld a lower court's dismissal of a $35,000 claim against Northwestern Bell on the ground that federal courts lacked jurisdiction because there was no diversity of citizenship. This is a procedural point, not one of the merits. (Time: 1967.)

Blackmun also disclosed that he bought $2,250 worth of 3M stock, on Dec. 28, 1960, but noted that a patent case decided against 3M came down prior to his purchase, on Dec. 1, 1960. He said he raised the point only because sometimes there were rehearings, though he indicated there was none in this instance.

Club Membership: In the controversy that defeated Judge G. Harrold Carswell, his part in organizing a segregated golf club was pivotal. Blackmun was aksed Friday about his membership in the Minneapolis Club, which has lowered its bars against Jews and Negroes, but which was once described as a "WASP bastion."

Sam Scheiner of the Jewish Community Relations Council of Minnesota has asserted that both the Minneapolis Club and its counterpart in St. Paul, the Minnesota Club, have tacit Jewish quotas, and the Minnesota Club has no Negro members. The club said Blackmun had "club privileges," as does State District Judge Stephen Maxwell, a Negro.

Blackmun said the Minneapolis Club elected him an "honorary" member along with other public figures, including Hubert H. Humphrey, and this courtesy gave him nothing to do with policy. He said the Minnesota Club opened its doors to 8th circuit judges attending St. Paul meetings for luncheon privileges.

[From the New York Times, Apr. 15, 1970]

BLACKMUN MAY PROVE A SURPRISE TO NIXON

(By Fred P. Graham)

WASHINGTON.—It is now almost a year since the Warren Court came to an end, and last week there seemed to be almost as much uncertainty as ever as to what the Supreme Court should do for an encore.

President Nixon's crusade to restore "balance" to the liberal-leaning Court led him to pluck another Appellate judge from Attorney General John N. Mitchell's handy list of 150 candidates last Wednesday, as Judge Harry A. Blackmun became the latest nominee for Associate Justice.

Judge Blackmun is the fourth middle-aged, Protestant, Republican Federal Appellate judge to be named by Mr. Nixon to the Supreme Court since former Chief Justice Earl Warren ended the "Warren Era" by retiring last June.

Mr. Nixon's distaste for that judicial style had been clear since his 1968 political campaign, but his own image of the "Nixon Court" had been fuzzy until the latest appointment. It suggests that what Mr. Nixon really has in mind is a Supreme Court that behaves like a middle-level appellate court.

Many lawyers have agreed with Mr. Nixon that it is time to give the country a rest from the recent activism of the Supreme Court. But the Warren Court is a difficult act to follow, because few people want the Court to revert all the way back to the negativism of bygone years.

Mr. Nixon has encountered trouble in establishing a new identity for the Supreme Court, and even assuming that Judge Blackmun will be confirmed by the Senate, the Court will probably not change too much—at least not right away.

Judge Blackmun is a Harvard-trained, grandfatherly jurist who writes long opinions on almost any subject, but likes tax cases best. He does not appear to be as con-

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servative as his two ill-fated predecessors, Judge Clement F. Haynsworth and Judge G. Harrold Carswell.

Superficially, he seems much like Justice Burger, who is his childhood friend from Minnesota and who urged his appointment to the Court of Appeals and to the Supreme Court. Judge Blackmun has tended to take moderate positions on civil rights, and civil liberties cases, and like Chief Justice Burger, he has frequently bucked the tide of the Warren Court's enlargement of criminal suspects' rights.

This seems to suggest that the two men might team up to form the nucleus of the future "Burger majority" to champion a more conservative approach to law-and-order issues. But so far Mr. Burger has tended to be a loner, dissenting far more frequently—and acidly—than most newcomers to the Court do, and not yet drawing a core of justices to his views.

Also, Judge Blackmun has often said, when making conservative decisions on the Court of Appeals, that it is the Supreme Court's place to innovate. That does not necessarily mean that he would do so as a justice, but another former Republican appeals judge, Potter Stewart, has become an extremely flexible justice, and Justice Blackmun seems much like Justice Stewart in philosophy and style.

Normally, when the Supreme Court has been without a ninth justice for a long period, deadlocked issues tend to pile up. A new member has enormous impact at the start. This happened to Arthur J. Goldberg, who accelerated the Warren Court on its libertarian course in 1962 by casting the deciding votes in 14 cases shortly after he took the seat vacated by Justice Felix Frankfurter.

If Judge Blackmun is confirmed, he will be disqualified from participating in the most important appeal before the Court—a key test of capital punishment—because it is his decision that is being appealed.

Judge Blackmun's inclinations on other upcoming issues are difficult to anticipate. The Supreme Court has been waiting for its ninth justice before deciding if state criminal anarchy laws may be invoked against radical militant groups, if police agents may record suspects' conversations on concealed recording devices without first obtaining court permission, and whether some of the criminal rights declared by the Warren Court will be applied retroactively to void old convictions.

Appeals already on the docket for next year raise such varied issues as pornography in the mails, secondary labor boycotts, equal employment rights of women, local government reapportionment, privacy rights of welfare clients, and Southern Negroes' voting rights.

IMPOSSIBLE TO PREDICT

Other questions that are certain to be faced eventually include the constitutionality of the Federal law that makes it a crime to cross state lines to incite a riot, the legality of the 1968 act that permits police to wiretap with court approval, the question of busing to eliminate segregation in the South, and the many thorny issues raised by the convictions of the "Chicago Seven" militants in Judge Julius Hoffman's court.

Attempting to predict in advance how an open-minded jurist will react to these questions is all but impossible. But one hint on Judge Blackmun is that Professor Yale Kamisar, a Michigan law professor who cheered the Warren Court on to its most liberal criminal rulings, feels that Judge Blackmun is, for President Nixon, a good choice. "All the evidence supports Judge Blackmun's own statement that he can't be classified as a conservative or a liberal," Mr. Kamisar said last week. "I wonder," he added, "if Nixon might have been somewhat misled."

[From the Washington Star, Apr. 29, 1070]

Sensitive to Problems of "Little People," Blackmun States

(By Lyle Denniston)

Supreme Court nominee Harry A. Blackmun today described himself to senators as a judge who has "a sensitivity to the problems of little people."

Questioned at length by the Senate Judiciary Committee about his philosophy as a judge, Blackmun said he regards the Bill of Rights as "very precious," that he believes judges should "start with precedent," but not always avoid change in the law, and that it is the role of the courts to interpret the Constitution "in the light of the problems of today."

The atmosphere at the opening hearing was clearly favorable to President Nixon's third nominee for the year-old vacancy on the highest court. Each senator who questioned him praised Blackmun's answers and his background.

NO BITTER DEBATE

There was no sign of the bitter debate which surrounded Senate consideration of the two rejected nominees, federal judges Clement Haynsworth, Jr., and G. Harrold Carswell.

A leading challenger of the prior nominees referred to those past disputes in remarking to Blackmun:

"If we've accomplished some small thing by getting a man of your caliber here, perhaps the old battles were worthwhile."

The 61-year-old federal judge from Rochester, Minn., gave replies that seemed to satisfy senators of broadly varying philosophies.

To the chairman of the committee, Blackmun said he does not believe a Supreme Court justice should rely on his own personal notions in reaching decisions.

"The Constitution," he said, "is a document of specified words and construction. I would do my best not to have my decisions affected by my personal ideas or philosophy."

Blackmun commented:

"Conditions are different today, and I suppose that we have federal courts to construe the document (the Constitution) in light of the problems of today. That is why it has endured. In a way, it is very rigid, and in a way, it is very flexible."

Blackmun told the committee of the many letters he had received from strangers since his nomination was announced. Of their contents, he said: "What comes through most clearly is the utter respect which the little person has for the Supreme Court of the United States. The little person feels this is a real bastion for the protection of his rights."

TURN TO ETHICS

Blackmun made clear he feels it has been his experience as a judge to encourage that belief.

"I like to feel that my record will show, particularly in the civil rights area and the labor area and in the treatment of little people, what I hope is a sensitivity to their problems."

After questioning the judge about his judicial philosophy, the senators turned to an examination of his attitude and performance on judicial ethics.

Replying to a question about his investments, Blackmun said that if he is confirmed for the Supreme Court "the thing for me to do would be to dispose of these securities forthwith—and take the risk of further inflation."

He said that he had not bought stocks as an "in-and-out" trader, but he had bought them and "put them away and forgot about it, and perhaps that is the way it should be."

New disclosures made late yesterday about the judge's financial and ethical record, during the 11 years he has been on the 8th U.S. Court of Appeals, had been examined by senators overnight to see if there was any basis for complaint.

The new data, given to the Senate by Judiciary Committee by Deputy Atty. Gen. Richard G. Kleindienst in answer to written queries by four Democrats on the panel, showed these key points:

Blackmun has invested $92,318 in public and private securities during his years as a judge. His wife has never owned any securities.

He has bought no stocks in any business corporation since 1963, and his only investments since then have been in publicly issued securities, primarily U.S. Treasury bills.

His current portfolio, based on this week's market prices, is worth about $62,502—$32,887 in common stocks and the remainder in bank certificates of deposit or public bonds or bills. At the time he became a judge in 1959, his portfolio had a value of $18,785, plus $9,960 in a savings account.

During his 11 years as a judge, he has sold stocks worth $19,179, and has received about $45,500 from debt securities which matured.

He has taken part in only four court cases in which he might have had an interest—three while he held stock in one of the parties or in a firm related to one of the parties, and one case decided 27 days before he bought stock in one of the parties.

Blackmun has joined in deciding six cases in which his former Minneapolis law firm represented one of the parties, but in no case was the party a "regular client" of the firm when the judge was a member.

He has taken part in decisions in five cases involving firms which had done some legal business with his old firm, but were represented in the specific cases by other firms.

The judge has voluntarily disqualified himself from three court cases—one because he had an investment in the parent firm of one of the parties, and two because former law clerks were involved in the cases as attorneys.

He has taken no part in any court case involving a party he ever represented as a lawyer, and has not joined in deciding any case involving a organization or firm which he then served as an officer or adviser.

In making these disclosures, Kleindienst told the Senate committee that Blackmun had in no way broken any code of judicial ethics, and had violated no federal law governing judges' conduct.

The description of Blackmun's current portfolio included these items: The largest single holding is $9,631 worth of U.S. Treasury bills, due to mature next month; other investments include IBM stock, now worth $7,546; J. C. Penny stock, $6,847; $5,012 worth of Federal Land Bank bonds; $5,000 worth of bonds on the fire station in Mankato, Minn.; and stock investments—all below $5,000—in Ford Motor Co., Kahler Corp., Manufacturers Hanover Corp., Florida Power & Light, Minnesota Mining & Manufacturing Co., American Telephone & Telegraph Co., and American Security & Trust Co.

Worst Fraud in American History

(By David Lawrence)

Washington.—The south would probably swallow its grievances over the defeats of judges Haynsworth and Carswell for seats on the Supreme Court if the majority in Congress would help to correct the worst fraud in American history—the enforced "adoption" of the fourteenth amendment, on which numerous cases in the desegregation controversy are currently based.

Few people today know about certain undisputed facts of history which occurred just after the war between the states ended in April 1865—that the thirteenth amendment, abolishing slavery, was legally ratified by state legislatures in the south as well as the north, but when the fourteenth amendment was proposed, it seemed to be confronted

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with failure. It takes three-fourths of the states to ratify. In this case, 16 out of 37 state legislatures did not vote to approve—just a little less than half. Outside the south, six states had failed to ratify, and in the south ten had rejected it.

Congress had ousted all southerners from their seats in the Senate and the House, and then passed a law of coercion. It provided that military rule be established in the Southern states and that none of them could be regarded as in the union unless they "ratified" the fourteenth amendment.

Amnesty to former rebels had been declared in May 1865 by President Andrew Johnson because the war was over. In 1867, under penalty of continued exile, the southern states were told specifically they must ratify the fourteenth amendment as the price of readmission to the union. In one instance, a general sent down from the north presided over a state legislature.

When Secretary of State Seward in July 1868 was faced with the problem of proclaiming "ratification" of the fourteenth amendment, he said frankly that he wasn't authorized "to determine and decide doubtful questions as to the authenticity of the organization of state legislatures or as to the power of any state legislature to recall a previous act or resolution of ratification." He said the amendment was valid if the original resolutions of the Ohio and New Jersey legislatures were to be deemed effective, notwithstanding subsequent rejection.

Many noted historians point out in their books that new state legislatures in the south had been elected to function in 1866 after the war, but in 1867 were put under military rule and the senators and representatives from the states were denied seats in Congress. President Andrew Johnson had vetoed the measure. It was, however, passed over his veto, and, of course, no southerners were there to vote.

The Supreme Court of the United States 20 years later refused to rule on all these illegal procedures, claiming they were acts of the "political departments of the government." This was obviously a means of avoiding a decision on a ticklish question. But several decades after its passage the same fourteenth amendment is being used by the high court to regulate the operation of the schools by the federal government, hitherto a function of the states.

Clearly there is need for the American people through their representatives in Congress to rewrite the so-called "fourteenth amendment" and to stipulate where state rights begin and end and where federal power may be interposed. The people have every right to erase from the record the chapter of history after the war was over by some by military power—to "ratify" an alleged amendment to the Constitution.

The facts are available in the history books. They are unquestioned. If America is to live happily as "one nation, indivisible," the mistakes of the past will have to be re-examined. It means building a new respect for law and a restoration of confidence in national concepts of the Constitution.

No longer would it be necessary to worry whether a Supreme Court justice came from the south or the north or the west or the east. For if the Constitution hereafter defines the limits of judicial power and the functions that are beyond it, and requires adherence to the existing amending process alone as the way to obtain change, there is little likelihood of any regional resentments arising in the future. Racism would lose its fervor because people in all sections of the country would then feel they were being treated alike by the Constitution.

POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 1, 1970

Mr. DULSKI. Mr. Speaker, there are times when it is appropriate to place certain matters on the record in proper context.

One of those times is now in connection with the issue of postal reform which has become entangled with a number of side issues.

I have received the following April 27 letter from Gustave J. Johnson of New York City, national field director for the National Association of Letter Carriers:

Hon. Thaddeus J. Dulski,
House Office Building,
Washington, D.C.

Dear Ted: At the conclusion of the recent postal workers' protest against intolerable wages, etc., we ("we" meaning the thousands of members of Branch 36, NALC, in New York City, members in New York State and throughout the nation) were informed that no reprisals, I repeat, no reprisals, would be taken against any postal worker in any way involved in the job action. This understanding was brought about between high officials of the U.S. Government, including key legislators and top postal officials. These assurances brought our people back to work.

It is with both incredulity and a sense of distaste that I am forced to send this letter advising you that Postmaster General Blount (speaking for the Nixon Administration?) has disavowed this agreement. Considering the volatile temper of our membership at the present time, we do not need any inflammatory statements, by a top administration official, regarding reprisals. To my amazement, however, this is precisely what has happened.

In the May 4, 1970 issue of "U.S. News & World Report," Postmaster General Blount is specifically asked, "What would you do about those who go out on an illegal strike?" He replied:

"I would like to emphasize what we've done in the recent work stoppage. No. 1, in our agreement that has been signed by all of the unions in the Post Office Department, we specifically have said, as far as disciplinary action is concerned, that the Department will not initiate it until we have discussed with the unions the policies that we're going to follow.

"Now, we have very plainly stated to these union leaders that we cannot condone this illegal walkout. We're not going to condone it, and we are going to take appropriate disciplinary action."

A second question put to him, "What disciplinary action are you going to take?", elicited this answer:

"I think it would be inappropriate for me to discuss here what actions we plan to take. But our actions will be appropriate to the circumstances.

"We had between 150,000 and 200,000 people out on strike. I would like to emphasize that there were 500,000 postal workers who never walked out.

"Now, of those 150,000 to 200,000 who did walk out, some percentage of them—some large percentage of them, in my opinion—were not really involved in this matter. They didn't want to get involved in whatever might happen by crossing the picket line—but they weren't on the picket line, they weren't leading the strike. And I think that you look at individual circumstances differently.

"But I tell you that we cannot condone that strike, and we are going to take appropriate disciplinary action."

I earnestly solicit your aid in restating the guarantees that there would be no reprisals against men forced to take a dramatic step to express their plight to the people of this country. You know, Sir, that the agreement originally arrived at listed terms of a 12% pay increase. Our people have thus far seen only a 6% increase which amounts to less than a dollar a day. We were also told that talks would be concluded and the agreement implemented. Our membership reminds us of these promises every day. Frankly, we are still sitting on a keg of dynamite and a lighted match has just been applied to it by PMG Blount. We need your urgent assistance, now.

Respectfully yours,
Gustave J. Johnson.

Mr. Speaker, just so there will be no question raised that Mr. Johnson has taken his quotations out of context, I am excerpting the entire section of the interview by the Postmaster General as printed in the May edition of the U.S. News & World Report, including both the questions preceding and following the quotes in Mr. Johnson's letter:

Q. Do you think the binding arbitration would be a solution for all strikes by government employees—those working for local and State governments as well as for the Federal Government?

A. Let me say first that I'd rather workers had the right to strike, and I'd rather we could handle it as we do in private industry. But, in view of the essential nature of most government services, you just cannot accept the right to strike. You can't have a thing like a police strike, for example. So you've got to provide an alternative.

I don't know what that alternative could be, other than this. Now, maybe there are better ways, but we don't know what they are. Nobody else has come up with any better solution.

I think that the thing that's important is that you don't undercut the bargaining process by a binding-arbitration procedure, so that everything just goes to arbitration. We have tried to prevent that by this 180-day period from the start of bargaining, and with the fact-finding techniques, mediation, and all the other things that try to get parties themselves to resolve their disputes.

I hope that we'll never use that ultimate conclusion of binding arbitration.

IF THERE'S AN ILLEGAL WALKOUT

Q. What would you do about those who go out on an illegal strike?

A. I would like to emphasize what we've done in the recent work stoppage. No 1, in our agreement that has been signed by all of the unions in the Post Office Department, we specifically have said, as far as disciplinary action is concerned, that the Department will not initiate it until we have discussed with the unions the policies that we're going to follow.

Now, we have very plainly stated to these union leaders that we cannot condone this illegal walkout. We're not going to condone it, and we are going to take appropriate disciplinary action.

Q. What disciplinary action are you going to take?

A. I think it would be inappropriate for me to discuss here what actions we plan to

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take. But our actions will be appropriate to the circumstances.

We had between 150,000 and 200,000 people out on strike. And I would like to emphasize that there were 500,000 postal workers who never walked out.

Now, of those 150,000 to 200,000 who did walk out, some percentage of them—some large percentage of them, in my opinion—were not really involved in this matter. They didn't want to get involved in whatever might happen by crossing the picket line—but they weren't on the picket line, they weren't leading the strike. And I think that you look at individual circumstances differently.

But I tell you that we cannot condone that strike, and we are going to take appropriate disciplinary action.

HOW MAIL RATES WOULD BE SET

Q. Mr. Blount, who will set the price of first-class mail under your reorganization system?

A. Under the reorganization bill we recommend to Congress, all mail prices or rates will be set in this fashion:

Management will propose a rate change to a board of independent rate experts. These rate experts will be appointed by the President, not by the operating management of the Post Office Department. They will be appointed for six-year terms. They will be professional rate-making people. They will be charged with the responsibility of holding public hearings in which those affected will testify, and, at the conclusion, of making rate-change recommendations to the public commissioners on revenues and costs.

The commissioners then make the decision on the rate changes—subject to a veto by a two-thirds vote of either branch of Congress.

Mr. Speaker, without burdening the RECORD with further duplication I would call the attention of Members to my remarks on Tuesday, April 28, at page 13368 regarding the related statements made by the Postmaster General in a speech at the National Press Club last Monday.

I was interested to note the report on the General's speech as given in the Press Club Record, dated April 30, as follows:

[From the National Press Club Record]

"The situation is urgent, and we are going to have more difficulties," warned Postmaster General Winton M. Blount at a Club luncheon April 27. "I don't know how I can make it any plainer than the work stoppage made it," he said, referring to the subject of postal reform. "Only Congress can decide the outcome," he added.

Will the strikers be punished? Blount replied: "We cannot condone this strike. On the other hand, we realize that a great number were just caught up in it. We have agreed to discuss with the union the matter of discipline." What if Congress doesn't go along with the reform?

The former Alabama businessman answered, "If a bill doesn't come through by Friday, we'll turn Martha loose on them and if that doesn't work, we'll have them play golf with the Vice President." What's his own future if the Post Office becomes a corporation? "I'm not worried about unemployment," Blount chuckled. "I heard today that there is a vacancy in the presidency of the I Quit Smoking Club."—George Beatty

Mr. Speaker, there are charges from downtown that Congress is dragging its feet on postal reform. The facts do not substantiate the charges.

I announced to the House, simultaneously with the delivery to the House of the postal reform message by President Nixon, that I was ordering immediate additional public hearings on the subject notwithstanding the fact that we had compiled many thousands of words of testimony during 34 days of public hearings last year.

Our committee on Post Office and Civil Service held 3 days of hearings during which we heard all of the parties who were involved in the new elements added to the situation as the result of the so-called negotiations downtown.

In order to complete the testimony and maintain the tight schedule of committee activities which I had outlined, I kept the committee in session late Monday night.

EXECUTIVE SESSIONS BEGIN

I had scheduled an executive session of the full committee for Tuesday morning and I wanted it to proceed on schedule. It did—and almost on time. We had 12 Democrats and five Republicans on hand when I gaveled the meeting to order at 10:15 a.m., another Democrat and four more Republicans arriving subsequently.

We had a good meeting, settled preliminary procedural matters and proceeded to amendments before adjourning at noon when the House convened.

On Wednesday, we began having the problem of assembling a quorum to do business—a familiar problem in our committee deliberations on reform. At 10:15 a.m. we had nine Democrats and only one Republican present for the meeting. It was not until 10:27 a.m. that the meeting could be started with a quorum present.

Once again, we had a productive meeting in which the Members considered a number of proposals and took action on several amendments.

The Thursday meeting never got underway at all, notwithstanding the fact that the Postmaster General had been pressuring the Members and Congress for speedy action on this measure. Indeed, he had wanted the bill finally acted upon by our committee on that date.

MINORITY MEMBERS ABSENT

The lack of a quorum was caused by the fact that the Republicans had notified the chairman on the previous day that a caucus of all Republicans in the House had been called for the same hour and that they would attend the caucus rather than the regularly scheduled executive session.

As usual, a large number of Democratic Members were on hand promptly, but when it was apparent the Republicans were not going to appear, I adjourned the session.

There was one Republican who was on hand and that was the gentleman from Iowa (Mr. GROSS) whose attendance and dedication to the work of our committee is above reproach. He was prompt and was the only minority member who showed up before adjournment.

ACTION NEEDED—NOT SPEECHES

The Postmaster General keeps making speeches and statements to the press in complaint about the delay by Congress in acting on postal reform.

But when our committee meets to act on this matter, the problem invariably lies with the members of his own party who are absent, thus making it very difficult for us to obtain a quorum to do business.

In a 26-member committee, we must have 14 members physically present in the committee room in order to transact business.

If they really want postal reform—as I do—it might be helpful if the people downtown would spend a little more time assisting us in obtaining a quorum for committee business rather than devoting their time to speeches, press conferences, and attacks on Congress.

POLLUTION AND OVERPOPULATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 1, 1970

Mr. UDALL. Mr. Speaker, on one of the campuses I visited during Earth Week, I remember running into a professorial looking gentleman of advanced years who had been watching with amazement while a group of students donned gas masks and other paraphernalia in order to pose for a press picture. He looked at them, and then, at me, and remarked with a cynical smile:

> Well, I suppose the price of victory is eternal publicity.

I suppose what this gentleman said is true. There can be no victory in the battle to save the environment unless the public spotlight is permanently focused on the twin evils of pollution and overpopulation. But publicity that is not accompanied by strong governmental action will soon fade, and a fickle public will move on to some new cause, and then still another.

That is why I have decided to introduce today a series of proposals, some of them highly controversial, which deal straightforwardly with the cardinal sins against the environment: Pollution, overpopulation, poison, and congestion. Our penance for these sins will be tough and unpleasant, and necessarily it will involve parting with some of our most cherished traditions. It will require us to alter nothing less than some of our basic and fundamental attitudes about "progress," growth, "prosperity," taxes, living standards, and customs.

But, Mr. Speaker, I am an optimist, and I believe the American people are prepared to take a hard look at the choices that lie ahead. I believe that the people are far out in front of the politicians on the environment issue, and I believe they have the resolve to win this battle if only leaders will show the way.

Last year I introduced an important measure. Known as H.R. 10515, this measure would have Congress declare a national policy of voluntary population stabilization. It would authorize within the Department of Interior a Bureau of Population and the Environment which would, among other things, make studies to determine the optimum desirable population for this country.

Here is what I propose today:

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CONSTITUTIONAL AMENDMENT

I am first of all proposing an amendment to the Constitution that would guarantee every person a right to a decent, clean environment. The importance of such an amendment cannot be overemphasized. By elevating this matter to constitutional status, governmental, business, and personal pollution producing activities will all be subject to the constraint of constitutional law. For the first time individual citizens will have a constitutional remedy they can pursue individually, rather than relying on the good will of an antipollution enforcing agency.

WATER POLLUTION

I am introducing two bills that will amend the Federal Water Pollution Control Act. The first introduces an important new dimension to the water pollution battle—the bill is designed to prevent pollution before the fact, rather than waiting for new activities to cause pollution and then trying to undo the damage. The bill does this by requiring builders or operators of facilities that will or are discharging any substance into any water system to acquire a certificate of compliance from the Federal Water Pollution Control Administration—FWPCA—upon a showing that the activity will or is complying with FWPCA water quality standards. However, the FWPCA is directed not to issue a certificate of compliance to any person whose activity would in any way lessen the quality of water in any water system, notwithstanding the compliance with existing water quality standards. Appropriate judicial relief is afforded to both the FWPCA and private citizens for violators of this bill.

The second bill is designed to combat pollution caused by the dumping of phosphate detergents in our rivers and lakes. That phosphates have a very serious effect on water quality is beyond question. This bill fights the problem by banning the use of phosphates in detergents by June 30, 1972, by directing the Secretary of the Interior to set water quality standards for all synthetic detergents and by establishing Federal assistance for the development of nonpolluting detergents.

AIR POLLUTION

Another bill is aimed at the critical problem of air pollution as caused by our automobiles. The provisions of this bill include:

First, phasing out new high horsepower high polluting engines;

Second, establishing a Federal development program for pollution-free vehicles;

Third, establishment of Federal purchase of low-pollution vehicles and encouragement of similar State purchases;

Fourth, application of the California auto pollution standards for 1971, 1972, and 1974 nationwide;

Fifth, strengthening of enforcement criteria for auto devices;

Sixth, establishment of pollution standards for used cars and commercial fleets; and

Seventh, the banning of lead in gasoline and regulation of rubber and asbestos emission levels.

RAPID TRANSIT

Realizing that the problem of automobile congestion in our cities has also reached critical levels and that an attractive, alternative means of urban transportation must be furnished, I am introducing a bill that will strengthen Federal involvement in the development of large-scale rapid-transit systems. The most important feature of this bill is that it establishes an urban mass-transit trust fund which will consist of Federal revenues received from the automobile excise tax and general appropriations by the Congress. Amounts authorized under the bill start at $1 billion for the fiscal year ending in 1971 and rise to $4 billion for the fiscal year ending in 1974

The key attribute of the trust fund is that there will always be money available for rapid transit programs; thus the Congress' largess need not be relied on. Further, the amounts authorized under this bill are in excess of funds presently available for rapid transit programs. I believe this to be a more realistic approach to a national problem than the existing program.

PESTICIDE CONTROL

Pesticide pollution has reached critical proportions on a worldwide scale. Legislation I am introducing today would help solve this problem by banning all uses of "hard" pesticides.

SOLID WASTE RECYCLING AND DISPOSAL

Even the casual observer would agree that our country is fast disappearing under a heap of waste materials. Present approaches to the problem are palliatives only—they are concerned with improving garbage handling techniques. We must view production of consumer goods as a drain on our natural resources. Recognizing that there is a finite limit on these resources, we must insure that maximum use is made of them. Accordingly I introduce today a bill that directs the Secretary of Health, Education, and Welfare to carry out a research program on various methods of solid waste recycling techniques. The bill also authorizes the Secretary to assist State and local governments in the planning, building and/or improvement of solid waste handling facilities.

NOISE POLLUTION

The term "noise pollution" is a misnomer. To pollute means to soil or dirty—noise does not do this. But it is proper to use the term "noise pollution" since it conveniently describes an irritant which at least lowers the quality of the environment and at worst affects bodily health and state of mind.

No one questions that our surroundings are becoming noisier. The effect of this environmental change on physical health, however, is disputed. Some scientists maintain noise can cause damage to one's hearing ability; others say sustained noise produces tension which can lead to mental disorders. A panel of scientists of the American Association for the Advancement of Science recently suggested that sonic booms threaten the health of unborn babies and that excessive noise may contribute to heart trouble and high cholesterol blood counts.

On the other hand many scientists brand as speculative the claims that noise produces various ailments. They point out that research leading to the various theories on the effect of noise pollution is incomplete.

I am in no position to resolve the scientific dispute, but I do feel this is a legitimate area for congressional concern. Accordingly, I am introducing a bill today that will set up in the Office of the Surgeon General an Office of Noise Pollution that will serve as a research center and clearinghouse for information and data on noise pollution. The bill also appropriates funds for grants to State and local governments which have satisfactory noise pollution control programs.

NOW IS THE TIME TO PROVIDE PLANES AND ARMS FOR ISRAEL

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. KOCH. Mr. Speaker, in the Washington Post of April 27 and in today's New York Times there are articles which report the introduction of Soviet troops and planes into the Mid East in support of Egypt and against Israel.

Surely, if any further evidence were needed by President Nixon that the military balance was tipping adversely to Israel, he has it now. If we here in the United States are not, as Mr. Alsop puts it, to "be remembered as the murderers of Israel," the President should immediately authorize the furnishing of planes and arms to Israel so that it can protect itself. Those planes and arms should be furnished now and without cost. I am inserting for the benefit of our colleagues the comments of columnists Joseph Alsop, James Reston, and Max Frankel:

[From the New York Times, Apr. 29, 1970]

RUSSIAN AIRMEN BELIEVED FLYING MISSIONS IN U.A.R.—BUT EVIDENCE IN WASHINGTON INDICATES ROLE IS DEFENSE OF EGYPTIAN INTERIOR—U.S. CONCERN MOUNTING—NO DIRECT CLASHES REPORTED—ISRAELIS LIMITING THEIR TARGETS TO CANAL AREA

(By Max Frankel)

WASHINGTON.—There is growing evidence that Soviet pilots are now participating in the defense of central Egypt against penetration raids by the Israeli Air Force. But no direct clashes have been reported so far.

Israeli diplomats say that their Government has become convinced over the last 10 days that Russian-speaking pilots flying MIG-21's are scrambling into attack formations at almost every potential approach by an Israeli plane, with orders to intercept.

United States officials are still studying their own intelligence reports, but in what is visibly an atmosphere of mounting concern. An intensified Soviet involvement in the Middle East fighting would be expected to have a serious effect on the balance of forces there.

JETS REPORTED PURSUED

While Soviet and Israeli fliers have not made direct contact or exchanged any fire, the Israelis report that two of their planes were pursued by eight Soviet-flown MIG fighters on April 18, the day that a new pattern of Soviet operations was first detected.

The Israelis say that they have been careful since then to avoid provocative flights beyond the Suez Canal region, in which they

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have concentrated most of their recent bombing attacks. The Soviet pilots, in turn, are said to have been careful so far to avoid the canal region, as if to signal a primary interest at this time in the defense of Cairo and other population centers around which they have been emplacing modern SAM-3 antiaircraft missiles since early March.

CONSIDERABLE EFFECT SEEN

If the Russian purpose is to deter Israeli attacks on Cairo and Alexandria and on the Soviet missile sites, their action has already had a considerable effect. The last announced Israeli raid on targets in the Egyptian interior was on April 13. The two planes that turned tail at the approach of Soviet-flown MIG's on April 18 are said to have been on a reconnaissance mission. The Israelis say that none of their planes have penetrated so deeply since.

Neither American nor Israeli officials would discuss the detailed intelligence information on which they must base their judgments.

It has been established for some time that Russian-speaking pilots were flying reconnaissance missions in Soviet planes with Egyptian markings over the Mediterranean, close to the vessels of the United States Sixth Fleet. Soviet pilots have also flown training missions in Egypt, presumably for the benefit of Egyptian fliers and ground controllers.

But this pattern of activity is said to have changed drastically earlier this month. The Israelis believe that the Russians are assuming responsibility—with missiles and planes—for the defense of most of the United Arab Republic, thus freeing the best Egyptian pilots for more combat duty near the Suez Canal and beyond it in the Israeli-occupied Sinai Peninsula. They also fear that Soviet pilots will eventually be ordered to join in the defense of the canal region, making a direct clash inevitable.

Even the most cautious analysts here appear to believe that the new flight operations by Russian-speaking pilots are designed, at the least, to train Soviet fliers for the active air defense of Egypt under combat conditions and to lead the Israelis to believe that they are in fact performing that mission.

At supersonic speeds, however, the destination of an oncoming Israeli fighter-bomber cannot be determined. Over the last 10 days, whenever Israeli planes heading for the canal region have approached Egyptian air space, MIG-21's in pairs and fours with Russian-speaking pilots at the controls are reported to have scrambled from three different bases in pursuit patterns. According to the Israelis, they have made ready to attack any intruder of the interior regions.

The planes are believed to bear Egyptian markings, but they have not been observed by Israeli pilots. At least 50 different Soviet fliers are said to have been overheard on many more sorties.

The anxiety prompted by the Soviet operations in Egypt extends in several directions. These include the following:

President Nixon has repeatedly cautioned the Soviet Union against "steps which could have the effect of drawing the major powers more deeply into the Arab-Israeli conflict." He said in his state-of-the-world message that he would view any effort by the Soviet Union "to seek predominance in the Middle East as a matter of grave concern."

The still developing involvement of Soviet fliers and soldiers in Egypt is seen here as an extension of Moscow's bid for "predominance." It is also seen as a commitment to the United Arab Republic from which the Soviet Union could not easily withdraw in case of still more intense fighting there.

Moreover, though the United States has no treaty commitments for the defense of Israel, it is pledged to supply her with enough arms to preserve "the military balance" in the area—meaning Israel's capacity to defend herself. In postponing action on Israel's latest request for additional Phantom and Skyhawk planes last month, Secretary of State William P. Rogers said that "if steps are taken which might upset the current balance or if in our judgement political developments warrant, the President will not hesitate to reconsider this matter."

The Nixon Administration interpreted this delay as an act of "restraint" and pleaded with Moscow to follow its example, despite earlier threats.

Premier Aleksei N. Kosygin had written to President Nixon early in February that if Israel continued her raids into central Egypt then the Soviet Union "will be forced to see to it that the Arab states have means at their disposal with the help of which a due rebuff to the arrogant aggressor could be made."

American officials now believe this message may have been misleading and that arrangements for Egypt's air defense were actually concluded late in January, during President Gamal Abdel Nasser's visit to Moscow. Israeli officials tend to believe that Moscow has been testing American responses one step at a time and that the now evident flight operations were determined only after Washington postponed any further commitments on the sale of aircraft to the Israelis.

Either way, at least some officials here are seriously concerned that Moscow chose to act more boldly in the Middle East in the belief that the Nixon Administration was mired down in Southeastern Asia and was prevented by public opinion from any decisive defense of American interests abroad.

Israeli Army Declines Comment

Jerusalem.—An Israeli Army spokesman declined tonight to confirm a report from Washington that Israeli sources had said Russian pilots were flying air cover in Egyptian aircraft over the United Arab Republic.

He said that it had been known for some time that Russian pilots were flying reconnaissance missions in Egyptian aircraft over the Mediterranean, but he could add nothing about flying air cover over Egyptian territory.

Reports to this effect began circulating abroad some weeks ago. Israeli military officials said at the time that they had no independent information to support this speculation and have not confirmed it since then, officially or unofficially.

[From the Washington Post, Apr. 27, 1970]

Soviet Missile Crews in Egypt Are First Slice of the Salami

(By Joseph Alsop)

Jerusalem.—Israel is now in deadly peril—not immediately, to be sure, but for the long pull. That is by far the most probable meaning of the introduction of Soviet SAM-3 missiles into Egypt, complete with Russian crews masquerading in Egyptian uniforms.

This is no personal, alarmist judgment. It is the bleakly down-to-earth reading of the new situation by Israel's great prime minister, Golda Meir, by the brilliant defense minister, Gen. Moshe Dayan, and by almost every other responsible Israeli leader this reporter has talked to.

The source of concern, it must be understood, is not the appearance of this new type of Soviet antiaircraft missile. The source of concern is, rather, the unprecedented use of Soviet troops to man the SAM-3.

"After all," a leading member of the general staff said to me grimly, "this is the first time since the end of World War II that the Soviets have accepted direct responsibility for an operational weapons system in this very special kind of context. They didn't do it in Korea. They didn't do it in Vietnam. But now they have done it in this war."

In sum, the new departure in Soviet behavior is seemingly much too radical to be an isolated development. If it is NOT isolated, in turn, you then have to think very carefully about what sort of broader intention the new departure indicates. And this, of course, is precisely what the Israeli leaders have been doing, with such disturbing results.

On the darkest but most likely assumption, the Soviet soldiers manning the SAM-3 missiles are no more than a first slice of salami. In the old days, when people in America used to give serious study to the Kremlin's methods, everyone knew the phrase "salami-slicing tactics."

It means the Kremlin has a way of taking a thin first slice, too small to upset anyone (just as the Soviet troops manning SAM-3s have been accepted with fat-headed complacency in Washington). Then comes the second slice, and the third, and the fourth. And finally, by such slow stages, always without provoking opposition, the Kremlin characteristically reaches a result that would have aroused a typhoon of shocked opposition in the first instance.

The threat, in this case, is deeper and deeper Soviet involvement in the Arab-Israeli war. The next step—perhaps many months later—could be the Soviets taking over the whole Egyptian ground-air defense system.

The third step—perhaps again much later—would then be Soviet pilots flying Mig-21s, no doubt in Egyptian uniform, "to defend" Egyptian territory against the wicked Israeli aggressors. And the final step might be the same Soviet pilots in the same Migs turning up over Sinai in a "forward defensive role."

So described, this sort of progressive Soviet involvement may not sound very serious. For Israel, however, it would be a life-and-death matter.

Israel today, in truth, is like a thin-shelled egg, seemingly impervious but inwardly fragile. The defensive shell is in fact mainly composed of the incomparable skill and courage of the Israeli people; and at some stage in the process above outlined, Israel's defensive shell would surely be broken. Or else the Israelis would be driven to launch a desperate counter-attack, regardless of the increasing Soviet involvement in the war.

These are the hideous perspectives you now hear the most responsible Israeli leaders discussing, with a kind of naked courage that no longer seems to exist anywhere else in the free world.

They are by no means sure that the future will unavoidably bring the kind of progressive Soviet involvement that has been described.

They are very sure, however, that more and more direct Soviet participation in the war has suddenly become a strong possibility. If the U.S. goes on weakly standing aside, moreover, it will even be a strong probability. Hence the contrast is frightening, between the President refusing to guarantee Israel the planes on which Israel's survival depends, and the Kremlin simultaneously pouring out arms for the Arabs, and also sending in Soviet troops in a combat role.

"Until recently, we thought there were two deterrents to another full-scale war," Golda Meir said somberly. "The first was our own success in ending Nasser's War of Attrition. The second was the feeling in the Kremlin that at a certain point, the United States would say, 'This exceeds the limit.' But the second deterrent has already been greatly impaired."

This woman like an Old Testament prophet reflected briefly, and then continued: "So what are we to do, if worst comes to worst? Shall we lie down and die? I tell you, we shall never do that. We shall fight!"

That should give food for thought to the purveyors of American weakness, who may one day be remembered as the murderers of Israel.

[From the New York Times, Apr. 29, 1970]

WASHINGTON: AND NOW THE MIDDLE EAST AGAIN

(By James Reston)

WASHINGTON.—When President Nixon refused Israel's request for more Phantom fighter bombers recently, he did so in the hope that the Soviet Union would also limit its military aid to the Arab states and thus help bring stability to the Middle East. That, however, is not the way things are going.

On the contrary, there is reliable evidence that Soviet pilots are now flying MIG-21 fighters in defense of Alexandria and Cairo (though not yet in defense of the Suez Canal war zone) and that their technicians are manning over 20 SAM-3 missiles in a major effort to knock down the low-flying Israeli planes that have been ranging over Egypt at will in recent months.

This introduces a new and ominous element into this sensitive and inflammable area. The Soviet pilots have kept their distance so far. They have not yet fired on the Israeli planes, but the Soviet pilots scramble into the air whenever the Israelis come close, and talk to one another in Russian to let the Israelis know what's up ahead.

In short, for the first time since the Second World War, the U.S.S.R. is now apparently intervening with its own pilots and technicians in a conflict between outside nations, and this raises some troublesome questions for a Nixon Administration already harassed by the spread of the Vietnam war into Cambodia, and by a nervous and inflated economy at home.

In his foreign policy report to the Congress last February, President Nixon said: "This Administration has shown its readiness to work with the Soviet Union in cooperation with nations in the area in pursuit of peace. But the United States would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern."

THE SHIFTING BALANCE

Is this what is happening now? The Israelis are naturally afraid that it is. They see the introduction of Soviet pilots and Soviet technicians as a direct threat to their campaign against the Arab states and as a new threat to the existing balance of power in the region.

They have always regarded the Israeli Air Force as their main means of equalizing the superior numbers of the Arab armies and also as a means of warning President Nasser of the U.A.R. that his refusal to accept a cease-fire would mean air attacks on his military establishment all over Egypt.

What the Soviet pilots and SAM-3 technicians mean is that the Israeli pilots cannot penetrate beyond the Suez Canal zone without risking direct conflict with the Soviets, and this in turn is freeing the Egyptian Air Force to step up its attacks on Israel.

THE TWO INTERPRETATIONS

Diplomats here differ in their interpretations on the meaning of all this. The most alarming interpretation is that the Soviets, seeing President Nixon in trouble at home and in Southeast Asia, are stepping up the pressure in the Middle East while the Administration is preoccupied elsewhere.

The more moderate interpretation is that Moscow is not engaged in a major power play at all—having economic troubles and Chinese preoccupations of its own—but is merely warning the Israelis to stop their deep aerial penetrations of Egypt or risk the fire of the Soviet pilots and technicians.

Even this latter interpretation, however, troubles Israeli officials. For they have always been concerned that President Nasser might misjudge his power, as he did in the 1967 war, and stumble into another major war.

It was to warn him against this that the Israeli Air Force penetrated to the outskirts of Cairo in the first place, but lately it has been avoiding these raids precisely because of the danger of taking on the Russians.

Washington too is concerned, and puzzled, for if the Soviets go beyond this implied threat of force to actual shooting, or move their planes up into the fighting along the canal, then the balance of power in the war will clearly be upset—and this is precisely what President Nixon committed himself to avoid.

For the President, this latest move by the Soviets, coming on top of the widening war in Southeast Asia, could not possibly have come at a more awkward time. The Senate Foreign Relations Committee has already put him on notice that most of its members are opposed to large arms shipments to Cambodia, and the country is clearly in no mood for another confrontation with the Soviet Union in the Middle East.

Yet even the enthusiastic supporters of the Vietnam war concede that America's stake in the Middle East is greater than in Indochina. The Soviets have moved, in short, despite the warning and appeals of Washington for reason that are not quite clear. But whatever the reasons are, they are doing nothing to reduce the mounting anxiety of this troubled city.

BEWARE OF SOCIALISTS WEARING VESTS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. FARBSTEIN. Mr. Speaker, on January 21 of this year, Congressman BOB ECKHARDT and I introduced H.R. 15487, legislation to tax the excess profits of banks directly attributable to high interest rates.

The bill was prompted by the excessively high rates of interest being charged by banks, rates encouraged by the administration in the name of controlling inflation. According to Standard and Poor's, these high rates have meant an unparalleled rate of profits for the banking industry.

While the high rates of interest are no doubt the result of market pressures and cannot be condemned sweepingly as an explicit effort by the banking industry to raise its profits, this legislation would remove any potential incentive to raise interest rates solely for profits.

To ease the pressure on mortgage funds, the revenue raised by the tax would go to help low- and moderate-income families obtain mortgages.

The New York Times carried a full page advertisement on April 24 prepared by Edward Swayduck, president of Local 1, Amalgamated Lithographers of America. In it Mr. Swayduck analyzed as few others have the underlying fallacies and bias of the administration's present economic policy. As Mr. Swayduck's analysis suggests, this policy in the name of inflation is providing banks and large corporations with an economic windfall, while squeezing the worker and small-to-medium-size business.

Swayduck challenges the bankers to prove him wrong by supporting H.R. 15487 as a demonstration that they are not attempting to reap excess profits from the current economic situation. I commend this analysis to my colleagues and insert it and the text of the bill at this point in the RECORD.

The text of the advertisement as well as of H.R. 15487 follows:

BEWARE OF SOCIALISTS WEARING VESTS

(By Edward Swayduck)

Establishment bankers aren't all bad. They just have problems ordinary people don't have. The English language doesn't make much sense to them, and they don't understand the mathematics of our society at all.

For instance, the Republican bankers and their friends around the Treasury and the White House have put together an equation that goes like this: "When unions negotiate wage increases, they bring on inflation. But when banks raise interest rates—which raises the price of everything—that corrects inflation."

Does this make sense? Not to me it doesn't, but that may be because I learned my math under Franklin Delano Roosevelt.

If I understand former commercial banker, now Treasury Secretary David Kennedy correctly, he's telling us that when you and I make more money and spend more money, we somehow put a hex on the dollar. In our smudged hands, the dollar loses value. It becomes inflationary. But when big business and big industry and big banks get their hands on the dollar and stuff it away for their own use, it is a "sounder" dollar and the economy is stronger.

If that isn't either a double standard or double talk, then I suspect it may be both.

The banks today—with the approval of the Republican Administration and the cooperation of their partners, the corporate giants of business—are charging 49 per cent more interest than they were charging a year ago. It is no burden at all to the big industrialist because he doesn't borrow from banks. He finances his expansion out of excess profits. But it is a tremendous burden on the small businessman, the homeowner, the wage-earner who must borrow for emergencies. The banks are charging 425 per cent more interest—at a minimum—than they were charging in 1950 (the prime rate in 1950 was two per cent versus eight and a half today). One is compelled to think that the hard-hearted banker of the old time melodrama has come back—except that this time he is not merely foreclosing the mortgage on Little Nell, he is, with hydrophobic rage, putting the bite on all of us.

Now, it's painful enough to be gouged like that. But it's downright excruciating to be gouged for a phony reason, and the banks have the phoniest.

They say they are charging these rates to save the country from inflation.

They explain that if they succeed in putting such a high cost on money that you and I can't afford to borrow any, then we won't squander it on food and clothing and house payments and college education and hospital care. The banks thereby will have saved us from a life of over-indulgence.

And since money will be scarce, it will be more valuable to those who have it—which won't be you and me. And thus the bankers will have restored to America the virtues of thrift, and the laboring man will be more humble and more willing to do twice as much work for half as much money.

Higher and higher interest rates are the Republican key to the "sound dollar," and since interest rates are now the highest in our history, they must see economic perfection just around the corner.

HONEST, IT'S ONLY PATRIOTISM

Now, let's put this pious explanation of theirs in perspective. Let's imagine that all the trade unionists in America were to call a press conference today and announce that we were demanding a 31 per cent wage increase out of a sincere desire to save the country's economy. We would point out that in the first quarter of 1969 corporate profits *after* taxes hit $53 billion compared to $49.1 billion a year before. And we would explain that our 31 per cent wage hike would keep money out of the hands of the employers, who otherwise would bring on an inflationary spiral by blowing their big profits on new fleets of Rolls Royces, winter homes on the Riviera, and matching sets of His and Hers yachts. We would be careful to make it understood that we were raising wages to the highest point in history as a public service. Not for our benefit, mind you. Strictly as an act of patriotism.

You know what the reception to that announcement would be. By showing great restraint, the Republican Administration might stop short of calling out the Marines. The Republican press would denounce us as crackpots and bandits. Anti-labor speeches would fill the CONGRESSIONAL RECORD. New laws would be proposed to crush unions.

If *we* were to tinker with the economy on such a grand scale for *our* personal gain, it would be highly irresponsible, but it would be no more irresponsible than what they, the bankers, are doing today.

Albert Rees, professor of economics and public affairs at Princeton University, says in his book *The Economics of Trade Unions:* "Direct union effects on wage costs, on what seems a generous estimate, account for less than one-fifth of the rise in final prices."

THE LITTLE MATTER OF $15 BILLION

We can easily make another comparison. If all the unions in America—all of them, industrial as well as trade unions—got together and forced a pay raise of 49 per cent (making it a total of 425 per cent more than in 1950, as the banks did) without an iota of increased productivity to our society, the United States Attorney's office would take instant action to prosecute labor leaders for anti-trust conspiracy. Yet this is exactly what the bankers who are behind the present administration have gotten away with.

Back on June 9, 1969, the banking community of this country—the *entire* banking community, not just a few scattered collaborators—raised interest rates by a full percentage point overnight; this was the first time in a generation that such a big increase had been made at one time—and Washington's sympathetic bureaucrats did not even threaten the bankers, much less punish them for this anti-trust conspiracy. One percentage point may not sound like enough to get excited about, but that percentage point costs the average borrower an extra ten per cent in interest; and since borrowing of all kinds now totals about $1.5 trillion a year, the percentage point increase puts $15 billion more into the pockets of the bankers. When Wright Patman asked Treasury Secretary David Kennedy did he "ask the bankers to roll it back," his anwer was: "Why should I."

The officially stated policy of the Federal Reserve Board—similarly indifferent—is that "it is not up to the Federal Reserve Board to pronounce judgment of either approval or disapproval" of the higher rates. Such things, says the board, should be determined by the money market.

This position is fraudulent. The interest rates have not been determined by the money market for nearly 40 years. The interest rates have been rigged throughout our history by the major banks, and since the early 1930s there has even been a "minimum price" for money—a minimum price which is set by the banks themselves. That is what the prime interest is—a minimum price. Or, to put it bluntly, the prime rate is a price-fixing device.

THE TWO FACES OF INFLATION

And this brings me to a point that union leaders and union members had better get firmly in mind: We are bucking one of the most powerful propaganda campaigns since the 1920s.

Inflation is a rising price of something that you use. The rising price of steel is more inflationary than the rising price of bananas because steel enters into more products. But nothing enters into more products than money, and therefore when the price of money goes up (that is, when interest rates go up) the price of *everything*—food, housing, utilities, clothing, you name it—goes up.

After a year of the highest interest rates in American history—rates that allegedly were supposed to stop inflation—prices are higher than ever, the Consumer Price Index in January 1970 showed that it took $131 to buy the same goods and services that cost only $123 in December 1968. And while you and I were paying record prices for necessities, the banks were making record profits. Net income per share of stock in the Bank of America, the world's largest bank, rose 15 per cent between 1968 and 1969. Morgan Guaranty of New York did equally well. But banks that only made 15 per cent were practically poverty stricken compared to, say, the First National Bank of Chicago, whose earnings per share rose 44 per cent, or the Valley National Bank of Phoenix, Arizona, whose share earnings rose 62 per cent.

The greatest contribution we can make to the economy of our country is to exert a counter-balance to the bankers' propaganda by convincing our neighbors of the truth: that the word "inflation" is meaningless unless you say what kind of inflation you're talking about.

There are two faces of inflation, two kinds of inflation—contrary to what the bankers have told the American people for so many years.

One kind produces growth. It is a Controlled Inflation and except in periods of depression or sharp recession it is normal to our economy; Controlled Inflation comes from the investment of federal money in better education, better health, better highways and homes. This kind of inflation supplies money for cleaning up ghettos, for improving sharecroppers' farms, for building roads through the mountains of Appalachia so that the poverty-stricken mountaineers can come down to the flatlands where the jobs are.

SOME SOCIALISTS WEAR VESTS

Controlled Inflation is investment in America. Bankers know that money invested in improving a piece of property will increase its value manyfold. When we use a Controlled Inflation to obtain money to correct social problems, we are going to gain in the same way by making this particular piece of real estate—these 50 states of the United States—a better place to live.

The money we lay out to rescue a man from the slums and turn him into a wage-earner instead of a welfare dependent is an investment—and it may not be an inexpensive project; but for the rest of his life he will be paying us back by spending what he earns in the American marketplace. What we spend to clean up a river is a costly investment; but for many years thereafter we will be getting back profit from the river in commercial fishing, sports fishing, recreation industries, and in a clean water supply for the cities served by it. It is interesting to note here that as late as 1840 the Hudson River contained so much sturgeon that we exported caviar to Russia. There were oyster beds in New York Harbor and schools of salmon swimming up the Hudson River. We all know what goes up the Hudson River now, and what comes down. The money we spend to purify the air over our soot-clogged cities is a heavy one-time investment, but it will profit us for years to come in more productive lives and fewer hospital bills.

Republican bankers would probably call this socialism; they call anything socialism that helps the average person. And this is very funny indeed, because the most vigorous socialists in America are the bankers themselves. The federal government literally puts the banks in business by *giving* them the credit and the money they sell. Every day of the year the banks have on hand an average of $6 billion of federal money, for which they pay no interest and which they lend to you and me at nine per cent to ten per cent interest. The federal government lets the banks use our income tax payments; they lend us back our own taxes. Through the generosity of the federal government, the banks don't have to pay a penny on the $225 billion we have in our checking accounts. The Federal Reserve Board can, and does, *give* money at no cost to banks which, in turn, lend it to us at usurious rates. For example, when the Federal Reserve rules that the banks can lend six times as much as they have in reserve, this literally gives the banks six dollars for every one dollar in reserve. The banks take no risks, they are insured by the federal government. In short, banks claim to be the most capitalistic enterprise in the world and they are the most socialistic. They are put in business by the government and they are kept in business by the government, and the merchandise they sell is government-issue (money). And you can't get more socialistic than that.

TIME TO CHANGE DEFINITIONS

The difference between socialism of the bankers, by the bankers, and for the bankers and what I have been calling Controlled Inflation is similar to the difference between a parasite and a taxpayer. But perhaps to avoid any confusion, this controlled investment inflation should have another name. After all, we don't say that when a child passes through his juvenile years and into manhood he has become "inflated." He has simply matured; he has become stronger; he has grown up. When our government pumps money wisely into the development of the people and the land, there may be an insignificant devaluation of the dollar but there is a tremendously significant improvement in the distribution of wealth, and the overall result is not inflation so much as it is growth.

The other face of our inflation is the one that the bankers who are running this administration like to see. To them it's beautiful. It is the kind of inflation that raises all prices simultaneously—not by raising the purchasing power of the wage-earners and not by creating more wage-earners but by raising the price of money itself, the profit from which goes directly into the bankers' pockets.

I call this "Bankers Inflation" because that's what it is. Among the many disasters that it creates is a much higher price tag on the national debt. The highest cost in the federal budget—next to national defense—is the interest we are paying directly to the bankers on this debt, which of course drains away tax money critically needed elsewhere.

Bankers Inflation raises the cost of education so high that many young men and women are dropping out of college this year; they can't pay the interest required on a student loan, which bankers have forced up to the ten per cent level. Because of the Bankers Inflation, the average young newly-married couple will work one year of their lives to pay the interest added to the cost of their home just during the past year.

Bankers Inflation keeps people from buying new houses. Considering the increased population, we are building homes at a slower rate today than 20 years ago. Houses aren't being built because Americans are being priced out of the market. Congressional studies show that half the people in this country cannot afford the mortgage payments on a $20,000 home, a price which in some areas would hardly buy a shack. On a home of that price,

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spread over a 30-year mortgage, a person will pay $10,000 more than he would have paid with pre-Nixon interest rates.

Bankers Inflation burdens the taxpayer. Thanks to the Federal Reserve Board and its emphasis on higher interest rates, the taxpayer is now paying more than $9 billion a year in extra interest on the federal deficit that he would not be paying if the rates had been held to their 1952 level. In other words, thanks to the Federal Reserve Board, the highest cost in the budget—next to national defense—is the interest we are paying to the banks on the national debt. The public debt, as a percentage of the gross national product, is only half as large today as it was 20 years ago. The public debt isn't killing us; it's the interest we pay on the national debt that is killing us. How can the Federal Reserve Board on the one hand say the most inflationary thing in the world is the federal deficit, and then deliberately—through rising interest rates—increase the burden upon the federal government by more than $9 billion in annual interest rates?

Bankers Inflation undercuts needed health and educational programs. Remember when President Nixon vetoed the education and health budget passed by Congress because it contained about one billion dolars more than he wanted, and he said that was inflationary? Well, in the past year his administration has permitted the banks to increase the interest on the national debt by $1.5 billion. If he had required the bankers to hold the line, the savings on the debt alone would have more than offset the HEW increase. In other words, this administration has forced our school children to pay the bankers' excess profits.

Bankers Inflation is the kind you get when you tie a rope around a man's arm and cut off the blood supply. The arm becomes puffy. It is a sick, unnatural swelling. The rope of high interests is choking our economy like that right now.

But the Republican economists tell us to have patience. If commodities can be priced out of the reach of the average man, they say, then prices will be stabilized and all will be well. It just shows, they never change. The most stable price level this nation has ever seen—except for falling farm prices—was between 1922 and 1929, when the wholesale price index was virtually stationary—and *still* we ended up in the biggest crash we have ever had.

Why? Because while the price level was stable, wages were rising much slower than productivity. People couldn't buy what they were making. We got a terrible distribution of wealth. Republican economists didn't do anything about it.

RETOUCHING THE X-RAY

When Republicans say as they do now that by raising the price of money they will curb inflation, it is as if a patient shown evidence of cancer in his X-ray were to say: "I don't need surgery, just remove the cancer from the X-ray." The Republicans refuse to recognize that the malady was lack of purchasing power. They would rather tinker with the x-ray for their own benefit than treat the real cause for the benefit of the country.

It took a man like Franklin Roosevelt to come in and read the X-ray honestly and go to work on the ailment. He spent federal funds on vast social programs that sophisticated Republican economists sneered at. He built back our purchasing power and let the nation begin a healthy growth once more. He consciously created a Controlled Inflation, which is the kind I believe we have no reason to fear.

But did the Republican bankers learn their lesson from that period—a period in which the bankers drove themselves into bankruptcy and were jumping out their corporate windows like sparrows? Absolutely not. They have taken an X ray of our economy today, and as usual, they have diagnosed everything backwards, in a way which benefits them, not the welfare of the country.

TESTING THEIR SINCERITY

So I propose a test. If the bankers want to prove that they are raising interest rates for patriotic and not for selfish reasons, let them now come forward and support a bill (H.R. 15487) introduced recently by Congressman Farbstein of New York and Congressman Eckhardt of Texas, which would tax excess bank profits. It would permit the banks to charge any level of interest they wanted to charge, but it would tax them in such a way that they would make no profit on an interest higher than nine per cent. If they wanted to charge ten per cent interest, or more, "to fight inflation" as they claim, they could go right ahead and do that, but the extra profits would be returned to the government. I think the cutoff point for profits should be seven or eight per cent interest, at most, but if Farbstein and Eckhardt want to bend over backward to be fair, at least this gives the bankers the chance to show their sincerity by supporting a ban on excess profits. Surely they would want to do that.

Let them give that money back to the government to spend on cleaning up slums, rivers and air; on creating jobs and raising the social security payments of those who, on fixed income, are hardest hit by rising costs. When we speak of big banks, we also mean big business and big industry, for through interlocking directorates they are the same. So we can say the establishment bankers, along with their partners, the corporate giants of business, have destroyed the oxygen in the air through the pollution from their smokestacks. They have destroyed the oxygen in the water by dumping chemical waste that kills fish and plant life in the rivers and lakes. Now they are cutting off the oxygen in our economy—money—and are killing the borrower with high interest rates. If they want to show that they have done this out of the goodness of their hearts, then let them return their excess profits to the United States. This would be only fitting, proper and patriotic, for the high interest rates they charge have been the catalyzing agent for recessions, bankruptcies and strikes.

The proposals I have outlined here were submitted to a number of members of the House of Representatives and overwhelmingly approved—by a ratio of nine to one. Phillip Burton, Calif., Bob Eckhardt, Tex., Wright Patman, Tex., chairman of the Banking Committee, Bertram L. Podell, N.Y., Benjamin S. Rosenthal, N.Y., William F. Ryan, N.Y., John V. Tunney, Calif., and Morris K. Udall, Ariz., are among those giving wholehearted support. Write your own Congressman to keep the reform momentum going!

H.R. 15487

A bill to increase the actuarial soundness of the Government National Mortgage Association

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Except as provided in subsection (b) of this section, every person who makes a finance charge for any extension of credit at an annual percentage rate in excess of 8 per centum shall pay an annual interest stabilization fee to the Government National Mortgage Association in an amount equal to 1 per centum of the annual interest charge for each one-tenth percentage point by which the annual percentage rate exceeds 8 per centum. Where the amount financed varies during the year, or the period of repayment is less than a year, the amount of the fee shall be ratably adjusted. Where the period of repayment is more than a year, the fee shall be paid with respect to each year during which there is at any time an unpaid balance outstanding, but need not be paid in advance of receipt of the finance charge.

(b) The provisions of subsection (a) do not apply to any loan meeting all of the following conditions:

(1) the amount of the loan is under $10,000, and

(2) the making of the loan is regulated by an agency of a State under a small loan law or similar statute.

SEC. 2. For the purposes of this Act, the terms "finance charge", and "annual percentage rate" shall be defined as in sections 106 and 107 of the Truth in Lending Act, but shall not be restricted to consumer and agricultural transactions.

SEC. 3. The Government National Mortgage Association shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this Act.

SEC. 4. Any fees paid pursuant to this Act shall be held by the Government National Mortgage Association in a separate fund, and pursuant to title III of the National Housing Act, as amended, to stabilize and strengthen the national housing market.

THE WELFARE FORD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. RARICK. Mr. Speaker, the Ford Foundation and its controversial misuse of tax-free funds continues in disrepute.

More Americans are sharing in the dividends from this monster of special interest wealth—dividends in violence, anarchy, and even subversion.

While not all Ford Foundation grants are funneled into lost causes, destructive of free enterprise and Americanism, nevertheless it has been permitted to become associated with the extremes of society to where mention of its name is rapidly becoming a household nasty word.

In Washington its funded educational TV station, WETA, has even become under attack by the liberals for denial of freedom association. A $50,000 a year male newscaster was fired simply because his wife went to work for a southerner.

But then Mr. Ford the Second has now completed his tour of Russia as a guest of the Socialist government of that democracy and announces he is considering giving the Russians one of the world's largest truck plants.

Silence prevails as to whether his decision was thought to escape Walter Reuther or if merely to give the world a Ford vehicle in a competitive price bracket with the Sovietized Fiat—also being funded and machined with U.S. dollars and mechanical ingenuity.

Competition between foreign manufacturers using slave labor should produce a sure monopoly on the international market but it may prove a desperate step for Ford merely to keep from realizing any profits to add to the Ford Foundation kitty. And there is reason to doubt that under the Soviet system any such powerful reactionary mechanism as a tax-free foundation would be tolerated.

But as long as the tax-free dollars earned with free competitive enterprise hold out there will be a new class develop in Russia to commemorate Lenin's 100th birthday. Those with the welfare Ford.

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I insert several related news articles, as follows:

[From the Washington Post, Mar. 26, 1970]

SOVIETS INVITE FORD FOR VISIT

DETROIT, March 25.—Henry Ford II is going to Moscow April 12 because the Russians apparently are looking for help from the Ford Motor Co. in building an auto industry.

The industrialist, board chairman of the world's second biggest auto firm, was invited to the Soviet Union "for a series of discussions." The visit is expected to last about a week.

There is no agenda set yet but the meetings obviously will deal with the auto business. The invitation came from the Soviet ministries for science and technology. It was sent through diplomatic channels two weeks ago.

A Ford spokesman said the company has no present plans to sell cars in the Soviet Union or to build a factory there. But the spokesman admitted the Russians may be interested in such a deal. Ford apparently is also interested, but with some reservations.

The spokesman noted that Ford "has said previously that the time has come to dismantle many of the obstacles to trade between the Western world and the countries of Eastern Europe."

The company made it plain that it's not interested in building a factory under a contract, then turning over the keys to the Soviet government and going home. Fiat of Italy and Renault of France are engaged in such work contracts. British Leyland Motors has been trying for years to arrange a similar deal. Volkswagen had discussions with the Russians last fall but the German company denies it plans to sell the Soviet tooling for its beetle.

It was not known today if Ford will visit the Fiat plant, at Togliatti, about 500 miles southeast of Moscow on the Volga River.

[From the Washington Evening Star, Apr. 21, 1970]

RUSSIA ASKS FACTORY AID, FORD REPORTS

Moscow.—Henry Ford II reported yesterday the Soviet Union has asked the Ford Motor Co. to help in development and construction of a vast truck-manufacturing project here.

Ford said the company is interested but many factors had to be looked into first.

Ford declined to put a price tag on the project but said it involved a complete plant, including a foundry, for making heavy duty trucks. Eventual output would total 150,000 trucks a year.

Ford described the project, to be built on the Kama River, tributary of Volga, as "tremendous" and would eventually be one of the largest truck plants in the world.

He indicated his company was interested in the Soviet bid for Ford assistance but said no commitments had been made and considerable study was needed before he could decided how he would respond to the Soviet request.

A factor to be considered and investigated, he said, was whether U.S. restrictions on trade with the Soviet Union would apply to the project.

Ford made the announcement after meeting in the Kremlin with Premier Alexei N. Kosygin.

[From the Washington Evening Star, Apr. 20, 1970]

"NEWSROOM" FIRING POSES FOUNDATION TROUBLE

(By Richard Wilson)

A $50,000-a-year newsman for the local educational television station, WETA, has been fired because his wife went to work as a public relations woman for Mrs. Martha Mitchell. Conflict of interest was supposed to be the reason.

This has caused a tremendous flap in media circles but for other reasons the discharge of William Woestendiek, editor of the station's "Newsroom," came at an extremely inopportune time for the big foundations. The Ford Foundation is one of the supporters of WETA and its TV adviser, Fred W. Friendly, has told a House subcommittee that he had nothing to do, as was originally thought, with firing the husband of Martha Mitchell's press agent.

As it happened, certain influential officials in the Nixon administration, apparently with the President's encouragement, were at the time beginning to burn with indignation over foundation-financed "sharp-shooting and second-guessing" of the Republican administration in Washington.

The firing of Woestendiek was taken as confirmation that the intellectual and political climate fostered by foundation financing is hostile to the administration. It goes farther than that. Some of the President's advisers think that Democratic castouts from the Kennedy-Johnson era have found haven in foundations, universities and international organizations, from which protected positions they have launched a tax-exempt assault on the political, economic and social structure of the country.

They are accused of clandestine political activities, and writing books and articles and turning out speeches for their allies on Capitol Hill in a concerted attempt to blacken the administration and promote a series of liberal causes ranging from unilateral disarmament to the advancement of educational television and dissolution of the military-industrial complex.

A good deal of research data has been drawn together to show that such accusations are well supported. This should be useful to the Treasury Department in drawing up regulations to implement the new limitations voted by Congress on foundation financing of politically related causes and institutions. So it is plain that the WETA officials could not have picked a worse time to protect their intellectual purity from any subtle marital taint by the wife of the attorney general secondhand.

Mrs. Mitchell, it has been pointed out, might well have been equally as concerned that the husband of the press agent who was supposed to protect her was directing news from educational television.

Whatever the merits of that controversy, it does serve to bring to public attention the impressive emigration of the Kennedy-Johnson clique into the shielded and well-heeled cloisters of the privately controlled educational and charitable foundations.

We start right at the top with Robert S. McNamara, president of the World Bank, who is a trustee of both the Ford Foundation and the Brookings Institution and an honorary associate of the Kennedy Institute of Politics.

The list becomes much longer and includes dozens of former officials in the Ford Foundation, the Brookings Institution and other establishments which are offering critiques on national policy which sometimes send Nixon up the wall.

Some of the Nixon people call the foundation experts a "shadow government" and the "academic-foundation complex."

Poor Woestendiek, having gotten used to a $50,000-a-year job, need not despair. A foundation may come along to finance his cerebrations but he probably wouldn't like the work as well with H. L. Hunt, the Texas defender of our freedoms.

HARRY CHADDICK GETS "RAGS TO RICHES" AWARD

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. PUCINSKI. Mr. Speaker, I was most pleased to learn that one of the most prominent members of the Chicago community will be among 10 Americans to receive the 1970 Horatio Alger Award from the American Schools & Colleges Association at the 24th annual award dinner in New York on May 6, 1970.

Harry F. Chaddick is the founder of one of the Nation's largest trucking companies, and is also respected in Chicago as one of our most prominent civic leaders.

He has become most successful as a real estate developer. He was named one of the recipients of the "Rags to Riches" Award on the basis of his phenomenal success in real estate developing and in his transport industry.

Harry Chaddick grew up on Chicago's west side and left school at the age of 14 to help support his family by working as an errand boy for 7 days a week.

Today, he is recognized as one of our city's most prominent millionaires. Mr. Chaddick continues to retain the humility and the kindness toward his fellow men which has helped bring him his huge successes. Mr. Chaddick became successful because he learned early in life how to work with people; how to gain their confidence; how to provide effective leadership; and above all, high standards of integrity in his dealings with his fellow man.

Harry Chaddick's word is his bond.

His energy is inexhaustible. Besides directing his own successful business institutions, Harry Chaddick has served as chairman of Mayor Daly's Zoning Review Committee and was also instrumental in setting up the zoning code for all of the unincorporated area of Cook County.

He has been the campaign manager of County Assessor P. J. Cullerton who today is regarded as one of the most highly respected public officials in Illinois.

Harry Chaddick is the principal owner of the Tennis Club in Palm Springs, Calif., and is currently involved in a number of other developments in this exciting region.

I am sure his legion of friends join me in congratulating him on the honor being paid him by the American Schools & Colleges Association. Harry Chaddick is a constant source of inspiration to his fellow man and we are all fortunate to be able to include him as our friend.

Mr. Speaker, I have asked the Superintendent to fly a flag in honor of Mr. Chaddick on May 6 because, indeed, Harry Chaddick symbolizes the boundless opportunities that are offered to the American individual under the principles symbolized by the American flag.

It is my hope to present him with the flag on the day he receives the Horatio Alger Award.

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DISSENT AND REVOLUTION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. **WYMAN**. Mr. Speaker, the latest theme of the permissive cult is that the clarion call should be for order with justice and their complaint that those who call for order make a fetish or order at the expense of justice. Whatever may be the merits of this position in individual cases, there can be no justice without order. Nor for that matter can there be much of anything except anarchy in a disorderly society.

Dissent is constitutionally protected only within the framework of order. When dissent spills over into revolution by force and violence it is no longer dissent. It becomes revolution pure and simple.

A good question nowadays is how far America can afford to continue to tolerate unlawful revolutionary dissent. In this connection a recent column by William F. Buckley, Jr., is most interesting:

[From the Evening Star, Apr. 17, 1970]

REVOLUTION AND USES OF REPRESSION

(By William F. Buckley, Jr.)

I have been kid-watching for the last few days, trying to explore the mood of those who listen and think about the current disorders, the causes and the cures thereof.

I have been advancing at the colleges the thesis that precisely what is needed these days, properly understood, are very solid doses of repression; not in a spirit of vindictiveness, but in the spirit of teaching those who wonder, that the United States is very serious about surviving the current doubts about itself, and about the worthwhileness of its essential institutions.

I have advanced the proposition that the toleration of revolutionary dissent is something America has traditionally practiced (at such times as we have practiced it) primarily as a demonstration of our own complacency, not out of respect for any abstract right to revolutionize.

It is a high form of self-indulgence to stroll through London's Hyde Park and listen lazily to the orators who denounce the nation's free institutions, while we know them to be utterly safe—rather like the child's dream of waking in a jungle surrounded by wild beasts which, however, are powerless to hurt, because you are surrounded by a bubble of glass that is proof against their aggressions.

We are engaged in testing in this country, in such proceedings as those against the Chicago 7, whether the law can stand up against such organized judicial assualts upon it as the bomb throwers and their lawyers are capable of launching. That is the moment for action, bearing in mind the injunction by Hamilton, "The hope of impunity is a strong incitement to sedition; the dread of punishment, a proportionably strong discouragement to it."

So, in an age when barbarians plot to drop bombs in department stores, and other barbarians succeed in preventing others from speaking, the time is clearly at hand for what some choose to call repression, what others call a militant defense of the law.

Thoughtful students can see the point, but the great tug of their emotional opposition, or so it seems to me, is their profound conviction that the adults' concern for the law is a selective thing, that we are disposed to enforce only those laws we desire to see enforced and that we are careful to select our victims from the ranks of the weak and the dispossessed. They have a point.

I think, for instance, of Gov. Claude Kirk of Florida, who has been grandstanding his defiance of the law these days. At this writing, the courts appear to have won, and the governor has capitulated under the pressure of a $10,000-per-day sentence. It is good that he should have done so.

On the other hand, I did not run into one student who believed that the day would ever come when, in fact, he would have to put up that $10,000, any more than the postmen and the teachers and the motormen and the air traffic controllers have had to put up the money they have been formally assessed.

Do you remember Ross Barnett? He was governor of Mississippi. He defied the law flagrantly, was threatened with all manner of things. I know not where he resides—perhaps at the Smithsonian Institution. But I do know he does not reside in jail. The government, in order to be convincing, needs to go after some big targets.

I would suggest, for instance, Justice William O. Justice. It is simply unconvincing to try the Chicago 7, and to maintain on the high court a gentleman who publishes a book in which he suggests revolution is probably the only indicated course to break the institutional logjam. Douglas should be impeached, and notwithstanding Robert Welch gave impeachment a bad name.

There are interesting signs of a crackdown on licentious sedition. The Supreme Court has ruled that a refractory defendant can be bound and gagged. Another court has ruled that a policeman may disperse a meeting that veers toward unruliness.

A grand jury is investigating charges that students at American University violated the rights of other students by preventing them from engaging in activities of the ROTC.

Here is the warp and woof of what the revolutionists, always oblivious to the rights of counter-revolutionists, call repression: what others call the politics of stability. But if we are to be convicing, we must go also after the high and the mighty. Other nominations are welcome.

FOOLING AROUND WITH THE CLOCK

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. HOSMER. Mr. Speaker, now that the country has once again gone through its semiannual exercise of readjusting the clocks, transportation schedules, working hours, and so forth, I would again like to call this body's attention to H.R. 16139, introduced in February by myself and 10 colleagues.

This bill would direct the Secretary of Transportation to undertake a detailed study of the concept of year-round daylight saving time. If the results of that study were favorable—if it showed substantial public benefits from year-round daylight saving time—then the bill would authorize a 2-year trial period.

Personally, I believe there would be many positive results from having daylight time through the winter as well as the summer. These would be reduced crime, improved traffic safety, more afterschool playtime for children and an end to the twice-yearly confusion surrounding time changes.

The Milwaukee Sentinel recently editorialized on this subject, pointing out that there are two schools of thought on the subject of daylight saving time. The editorial of April 25, 1970, follows:

THAT TIME AGAIN

With the time at hand to spring forward an hour on Sunday to gain 60 minutes of evening daylight for the next six months, the question of fooling around with the hands on the clock once again comes to the fore.

The Uniform Time Act of 1966, which established Daylight Saving Time for all states that didn't choose to exempt themselves, did not settle the issue. Some, mainly the rural types, would like to see the DST period shortened to June, July and August or done away with entirely. Others, principally the urban types, want to see DST put on a year round basis.

The British are into their third year of a year round DST. Rep. Craig Hosmer (R-Calif.) has introduced a bill proposing a study of year round DST looking toward a two year trial in America.

Proponents of permanent DST are primarily concerned about giving urban residents an extra hour of daylight in which to get home from work in the winter months. They say this would act to prevent crime and ease traffic problems, although opponents respond that winter daylight time might simply transfer the problems of darkness to the morning rush hours.

Another point made by those in favor of year round DST is that it would eliminate the confusion and bother of resetting clocks and schedules twice a year.

Which brings us back to the point that Sunday is the day for setting clocks ahead an hour. If this fiddling with "God's time" upsets you, look on the bright side. You have one less hour this weekend to worry about it—or whatever other cosmic problem is troubling you. Take advantage of this lost hour, for you will, God willing, be paid back with an extra hour of worry time comes Oct. 25.

TELEGRAM TO PRESIDENT NIXON

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 1, 1970

Mr. DORN. Mr. Speaker, President Nixon has acted decisively and with forthrightness in sending troops into enemy enclaves in Cambodia to protect our men from an increasingly intolerable situation in Vietnam. I have sent the President the following telegram in support of his courageous action:

GREENWOOD, S.C.,
May 1, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.:

There could be no peace or orderly withdrawal of American troops from South Vietnam with privileged Communist bases only a few miles from Saigon reigning death and destruction on our men and on women and children as well. You will have my support in your courageous decision to eliminate this enemy sanctuary in Cambodia. Your positive action will save American lives and contribute to peace.

Respectfully and sincerely,
WM. JENNINGS BRYAN DORN,
Member of Congress

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JUSTICE FOR THE JUSTICE DEPARTMENT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. RHODES. Mr. Speaker, the outspoken critics of the Nixon administration are fond of hurling accusations and charges, but they often neglect to support them with facts.

Such is the case with the charges that the Nixon administration, and particularly the Justice Department, has been falling down in the area of civil rights.

An enlightening editorial from the Boston Herald Traveler points out that these charges are indeed without substance, and gives precise statistics to back up this statement. For instance, the Justice Department, under John Mitchell, filed in 1969, 40 percent more civil rights cases than it did under Ramsey Clark during the last year of the Johnson administration. And a fact which the Nixon critics would never admit to is that more southern school districts have been forced to convert their schools to unitary systems during the present academic year than in all of the years from 1954 to 1969 combined.

I commend this editorial to the attention of my colleagues:

JUSTICE FOR THE JUSTICE DEPARTMENT

Most reasonable people who have followed the matter closely would concede that the Nixon administration has taken at least a moderate position on the issue of civil rights. Nonetheless, a good many people seem to have the impression that the President—and particularly the Justice Department—have been back-tracking in this area. Hardly a day goes by without some new charge being leveled to the effect that the administration is doing nothing for black Americans and is easing up on the enforcement of civil rights laws as part of a cynical Southern strategy.

There have been several actions and policy statements by the administration which might lend credence to such charges and suspicions. But in the main, they are without solid foundation. In fact, there is considerable evidence to suggest that in many important respects the Nixon administration has been doing more for black Americans and has been more vigorous in its enforcement of civil rights laws than its predecessors.

Surprising as it may seem, this happens to be true of the Justice Department—although, ironically, Attorney General John Mitchell's shop seems to be the target of particularly severe criticism on this score.

Has Mr. Mitchell's department been lackadaisical in the enforcement of civil rights laws? Not at all. During the last year of the Johnson administration, the Justice Department under Atty. Gen. Ramsey Clark filed a total of 131 rights cases. Last year, under Mr. Mitchell, the department filed 186 cases (an increase of 40 percent), and in the first two months this year 56 cases have been filed.

Has the Justice Department really been letting the South get away with evading the responsibility to eliminate the old dual ("separate but equal") school systems? Not on your life. Believe it or not, more Southern school districts have been forced to convert their schools to unitary systems during the present academic year than in all of the years from 1954 to 1969 combined!

Is Mr. Mitchell, perhaps, discriminating against blacks in his own bailiwick? No indeed. There are more black lawyers serving in the Justice Department today, as assistant U.S. attorneys and deputy marshals, than at any time in history.

It may be argued that the Nixon administration in general, and the Justice Department in particular, could be doing more in these and other areas of civil rights. But it is hardly fair to suggest, as so many have been suggesting, that the administration has either been doing nothing or, worse still, that it has been turning the clock back.

NEEDS, COSTS, AND VALUE OF WATER IN THE COLORADO RIVER BASIN

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. JOHNSON of California. Mr. Speaker, it was not long ago that the Congress was deeply involved in legislation relating to the water needs of the Colorado River Basin, which includes a substantial area of some 244,000 square miles and seven Western States and the Republic of Mexico. Earlier this month, Mr. Myron Holburt, chief engineer, Colorado River Board of California, presented a summary of the needs, costs, and value of water in the Colorado River Basin to the Second National Conference on Weather Modification, which was sponsored by the American Meteorological Society.

I thought this was an excellent paper. Accordingly, I insert his remarks into the RECORD at this point so that my colleagues and others in the Federal Government might have this opportunity to review an up-to-date status report of a matter which was considered by the Congress:

NEEDS, COSTS, AND VALUE OF WATER IN THE COLORADO RIVER BASIN

I appreciate the opportunity to appear before you to discuss some of the needs, costs and value of water in the Colorado River Basin. The purpose of this paper is to provide background information on water needs in the Colorado River Basin as basis for a discussion of the role weather modification might play in meeting a portion of these needs.

INTRODUCTION

The Colorado River and its tributaries drain 244,000 square miles, which is approximately one-twelfth of the coterminous United States. It drains portions of the upper states of Colorado, Wyoming, Utah, and New Mexico, and the lower states of California, Arizona, and Nevada, as well as the Republic of Mexico. As the only major river in this vast, largely arid area, it has been looked to by the seven states and the Republic of Mexico to support their present economy and also to provide a basis for future development. Since it is the only major river in this area, the Colorado River has been one of the most controversial rivers in the world. There have been political battles, legal and engineering disputes, and interstate agreements and disagreements extending over a period of more than one-half century. Even with all this activity, the problems of the river have not been solved; in fact, they grow more complex with time. Each state considers that it has certain rights to the river and very jealously will move to protect them.

The water is used and reused many times. In the last decade only a minor amount of highly saline water has flowed to the Gulf of California. In addition to the needs of lands within the drainage basin itself, the waters of the Colorado River are diverted out of the basin by transmountain diversions into other regions of the states of Colorado, Utah, and California. Work is under way on transbasin diversions into New Mexico, and the State of Wyoming is also studying possible diversions out of the basin.

WATER SUPPLY

The natural flows of the Colorado River represent a picture of violent contrasts, with rampaging floods occurring in some years and drought conditions in others. These erratic annual flows, measured with reasonable accuracy since 1922 and estimated by correlation with other measurements since 1896, indicate an average long-term runoff of the river at Lee Ferry, Arizona (the Upper-Lower Basin division point) as unaffected by the works of man, of 14.8 million acre-feet per year (maf/yr) (1896–1968). Many of the high flows which develop this average occurred prior to 1922. The records show two striking periods: the 1896–1930 average flow of 16.8 maf/yr and the 1931–1969 average flow of 13.0 maf/yr. After making detailed analyses, the Board and other water supply experts have concluded that even with long-term regulation, the dependable yield of the river at Lee Ferry (undepleted by man) will be less than 14 maf/yr.

AGREEMENTS, LITIGATION AND LEGISLATION

The early settlers in the Colorado River Basin diverted stream flows and developed irrigated areas as the basis for their agricultural economy from the earliest days of settlement in the Basin. While irrigation was practiced throughout the Basin, because of the year-round growing season and extensive areas of easily developed arable land, use in the Lower Basin advanced more rapidly than that in the Upper Basin. However, in the years after 1900, Lower Basin uses along the mainstream reached a limit whereby further uses would require regulation of the erratic flows of the Colorado River. Interest centered on the construction of a dam which would be large enough to provide (1) carryover storage of wet year runoff into the dry years, (2) annual regulation of the spring snowmelt so that water would be available year-round, and (3) flood control storage to protect the lands along the lower river from floods that occurred with regularity.

Initially, there was opposition in the Upper Colorado River Basin states to such a dam because it would enable irrigation and municipal uses in the Lower Basin to rapidly increase. They feared that the unappropriated water yet remaining would be appropriated by the Lower Basin. Generally speaking, under the water law existing throughout the West, prior appropriations have priority over later appropriations.

The Upper Basin states wanted division of water of the river by an interstate agreement before they would agree to construction of a major dam to regulate the river. Accordingly, the seven states, with Herbert Hoover, then Secretary of Commerce, as the Federal Chairman of the Compact Commission, developed the Colorado River Compact in 1922. Subsequently, it was ratified by six of the seven states in the 1920's, with Arizona withholding approval until 1944.

The Compact apportions water between the upper and lower parts of the Colorado River Basin. Each Basin is apportioned 7.5 maf/yr for beneficial consumptive use, with the Lower Basin having the right to increase its beneficial use by one maf/yr. The Compact provides that the upper states of Colo-

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rado, Utah, Wyoming, and New Mexico will not cause the flow of the river at Lee Ferry (below Glen Canyon Dam) to be depleted below 75 maf during any ten-year period. At the time the Compact was agreed to, the river had experienced a number of years of high flows, and the negotiators thought the river would produce a dependable flow of at least three maf/yr more than it now appears is available.

The Compact also provides that waters of the Colorado River Basin, over and above the apportionments made to the Upper and Lower Basins, shall be used to meet any obligation to Mexico, but if such surplus quantities are insufficient, then the two Basins are to share equally in meeting the obligations of any treaty.

Subsequent to the Compact, the United States and Mexico entered into a treaty whereby the United States guaranteed to deliver 1.5 maf/yr of the waters of the Colorado River Basin to Mexico at the International Boundary. The amount of the Upper Basin Mexican Treaty obligation is a matter of dispute between the two Basins.

In 1948, the Upper Basin states divided the rights to water by means of the Upper Coloradio River Basin Compact. The Lower Basin states of California, Arizona, and Nevada were never able to agree upon a division, and 1964, the Supreme Court handed down its decree in *Arizona* v. *California*, which provided a basic document for establishing the rights of the three states. However, the decree did not define how much each state would share shortages but left this to the discretion of the Secretary of the Interior or to Congress.

In 1968, Congress passed the Colorado River Basin Project Act, which provided that, in the event of shortage, existing water contractors would have a priority over the Central Arizona Project with California's priority limited to 4.4 maf/yr. This act also authorized the Central Arizona Project and several Upper Basin projects, as well as providing a number of other significant and important provisions.

The above documents together with three other Supreme Court decisions between Arizona and California, the Boulder Canyon Project Act and other major federal legislation, major legislation by the basin states, and numerous contracts between the federal government and public and private entities are collectively known as the "Law of the River", and are basic documents for actions taken on the river. It is important to recognize that many of these documents have not been interpreted in court and there is disagreement among concerned parties over their meaning.

PRESENT USES AND FUTURE NEEDS

The river is presently used to support vast irrigated areas, the major urban areas of Southern California, Denver and other cities on the eastern slope of the Rockies. In the future, it will help to develop the Phoenix, Tucson and Salt Lake City urban areas. In California alone, the river supplies approximately 80 percent of the water used in Southern California. It serves more than 700,000 acres of highly developed irrigated land and provides supplemental water for more than ten million people.

Water from the Colorado is used to generate hydro-power and provide cooling water for thermal power to meet the needs of the Southwest. It provides major recreational and fishing opportunities annually for millions of citizens. There are also major scenic and wildlife areas along the river. The demands in the future for all of these activities will be much greater than they are now.

For the basin as a whole, annual use of river water at present consists of nearly 3 maf in the Upper Basin above Lee Ferry, 6 maf in the Lower Basin, 1.5 maf delivered to Mexico, and 1 maf of losses below Hoover Dam for a total of about 11.5 maf/yr. Inflow between Lee Ferry and Hoover Dam on the average approximately balances reservior losses from Lake Mead. It is planned that the recently authorized Central Arizona Project will have a capacity of about 2 maf/yr (deliveries would average less than 2 maf/yr), and the five projects authorized in 1968 in the Upper Colorado River Basin will deplete the river by 360,000 maf/yr. In addition, there are a number of others previously authorized and in various stages of financing, construction and completion in the Upper Basin.

It is assumed that California's present use of approximately 5.0 maf/yr will be cut back to 4.4 maf/yr when the Central Arizona Project becomes operative, which is now estimated to occur in 1980. At that time, because of the priorities agreed to many years ago by California agencies, it is anticipated that The Metropolitan Water District of Southern California (MWD) will have to bear a loss of at least 660,000 af/yr. Works are now nearing completion that will provide the replacement water for this expected loss. MWD increased its State Water Project allocation from 1.5 maf/yr to 2.0 maf/yr. The Los Angeles Department of Water and Power is constructing a second aqueduct from its Owens Valley supply which is expected to produce 152,000 maf/yr. Even with the cutback by California of its use of Colorado River water, completion of all authorized projects will greatly increase the total basin water demands, setting in motion the steps leading to future water shortages in the Colorado River Basin.

A number of experts have studied the growing demand for water of the states and regions within the Colorado River Basin and have made forecasts of the relationship between supply and demand. In testimony given to Congress in 1965, the Bureau of Reclamation, the Lower Basin states of California, Arizona, and Nevada, and consulting engineers for the Upper Basin states independently testified that major shortages will develop in the Colorado River Basin sometime between 1990 and around the turn of the century.

At the present time, major reservoirs in the Basin are at about one-half of their total capacity. If the undepleted flow at Lee Ferry averages 13.8 maf/yr, there will be an increase in storage in the major Colorado River reservoirs during the next decade. With the Central Arizona Project operative by 1980 and Upper Basin Projects completed as estimated by the U.S. Bureau of Reclamation, the minimal amount by which demands will exceed the supply is 0.7 maf/yr in 1980, 1.2 maf/yr in 1990 and 1.7 maf/yr in 2000. With the above assumptions, severe shortages can be avoided until the turn of the century by drawing down the major reservoirs to low levels. Water is also needed to refill MWD's Colorado River aqueduct, fill the Central Arizona Project aqueduct and meet additional demands. When these demands are considered, the total need for supplemental water by year 2000 is approximately 4 maf/yr.

SALINITY OF WATER

Coincidental with the problems of an insufficient quantity of water, the salinity problems (dissolved salts in water) associated with the Colorado River are also becoming more serious. At present, the salinity of Colorado River water at Lake Havasu, the point for diversion to the south coastal area of California and the future point for diversion to Central Arizona, averages about 700 ppm (parts of dissolved salts per million parts of water by weight). At Imperial Dam, the point from which water is diverted to the major California and Arizona agricultural users of Colorado River water, the salinity averages about 850 ppm, with seasonal fluctuations up to nearly 1100 ppm. At these levels, water is rated as poor to fair, largely because of the taste factor, but it is usable for municipal and industrial purposes. However, it does impose higher costs on users to compensate for the high salt content. The water is also adequate for agricultural purposes on easily draining soils, but for the tight soils that predominate portions of Imperial and Coachella valley, water of this salinity level causes a rapid accumulation of salts in the root zones to the extent that remedial measures are necessary in order to maintain an irrigated agricultural economy.

The most widely used remedial measures are the combination of installing a subdrainage network of tile pipes under irrigated fields that are connected to drainage outfall canals that remove water and salts from the soil, coupled with the application of excess amounts of water to leach out the salts that would otherwise accumulate in the soil. These measures are expensive.

With regard to the future, preliminary studies indicate that unless other remedial measures are taken, the salinity of Colorado River water will reach about 1300 ppm at Imperial Dam after the turn of the century. It appears, however, that it may be possible to substantially reduce the river's future salinity from these high levels by constructing various salinity control projects. These projects would include the elimination of highly saline springs, plugging flowing wells, lining of irrigation canals, construction of drainage ditches, reducing water deliveries to farmers, and better selection of irrigated lands. In addition, it is widely recognized that if the Colorado River were to be augmented by large quantities of relatively salt-free water, the dilution effect of this water would result in a significant reduction in the river's salinity.

ENVIRONMENTAL FACTORS

As the only major stream in this part of the country, the river is used for purposes other than meeting domestic and irrigation needs. Certain groups are demanding that backwater lakes be maintained and improved for fish and wildlife purposes. They want marshes maintained and oppose attempts to prevent the river from meandering. Many people oppose control of phreatophytes (water-loving plants along the river) and other aspects of programs to salvage water on the river. All of these activities are additional demands on the river. Millions of people visit the reservoirs and river for boating, fishing, waterskiing and general recreational purposes.

COST AND VALUE OF WATER

There is a wide variety of costs to users in the Colorado River Basin. The diversion from the Colorado River to the coastal plain of Southern California is made by The Metropolitan Water District of Southern California through a 240-mile aqueduct system with 1607 feet of pumping lift. They pay the federal government a nominal charge of $0.25/af for storage of water at Lake Mead. The cost of operating and maintaining the facilities is approximately $10 per acre-foot, and it costs another $10–$15/af to amortize the capital investment. The Central Arizona Project will divert from Lake Havasu, the same location as the Metropolitan diversion. Reports by the U.S. Bureau of Reclamation indicate that they will charge Arizona municipal and industrial users $50/af and irrigation users $10/af at delivery points in Central Arizona.

The value of water has been a matter of dispute by economists, engineers, legislators, and others for many years. One recent indication of value was given by the U.S. Bureau of Reclamation in its report on the Central Arizona Project. The Bureau estimated that each acre-foot of water used for irrigation purposes in Central Arizona has a direct benefit worth of $52.50/af and an indirect benefit of $45.50/af for a total benefit of $98/af.

Another measure of value of water is replacement cost. The capital cost to MWD of facilities to provide the 500,000 af/yr additional water from the State Water Project will be over $300,000,000. The total cost of this water including amortization of capital plus operation and maintenance costs is about $60/af. The Los Angeles Department of Water and Power estimates its investment in the second Owens Valley aqueduct will be around $100,000,000. The total cost per acre-foot is estimated at about $30/af.

The bare figures given in the above paragraphs are inadequate measure of the value of a major water supply in an arid region. The completion of Hoover Dam in 1936 was a tremendous boon to Southern California. It enabled the storage of flood-water, and the construction of Parker Dam, which created Lake Havasu, the diversion point for MWD's Colorado River Aqueduct. Hoover also eliminated the flood and silt threat to the California and Arizona valleys, and enabled the expansion of safe agricultural development of Imperial, Coachella, Palo Verde and Yuma valleys. The availability of low cost energy from Hoover stimulated industrial development in the southwest.

The current cry is against development, and severe critism comes from many quarters about congestion and suburban sprawl in Southern California. Nevertheless, people came to Southern California because life was better here than where they came from. The net result of the use of water, power and recreation on the Colorado River is a better life for millions of citizens of this country.

In summary, only high quality water added to the Colorado River will have value for domestic, industrial, agricultural and power uses, as well as salinity control, recreational and wildlife uses. It would also serve to prevent further strife among the several states and the Republic of Mexico and help the further development of a major section of this country.

AUGMENTATION OF THE COLORADO RIVER

In order to prevent shortages from occurring in the future, the natural supply of the river should be augmented. At this time the alternatives being discussed are: (1) transbasin importation from areas of surplus, such as the Columbia River Basin or the California North Coast, (2) desalting of saline water, and (3) modification of weather to produce increased runoff.

In addition to these major sources, there are possible smaller quantities of water that may be made available through watershed treatment procedures and waste water reclamation. In regard to this latter possibility, it should be recognized that involuntary reclamation is now occurring throughout most of the Colorado River Basin, in that all return flows from domestic sewage plants are discharged, either into natural water channels or groundwater basins, where a significant portion is subsequently recovered and used.

Increased quantities of water that may be introduced into the river basin through any of the preceding means would be susceptible of being diverted to California's south coastal areas through future unused capacity in The Metropolitan Water District's Colorado River Aqueduct, or into the Central Arizona area through future unused capacity of the Central Arizona Project facilities. There is also unusued capacity in the existing agricultural transportation facilities. Accordingly, the initial transfer of augmented supplies to areas of use (up to the limits of unused capacity) would represent only the costs of operating and maintaing existing and to-be-constructed facilities.

Transbasin importations

To date, studies of importations into the Colorado River Basin have not been made in sufficient depth to give any reliable cost information. Any cost would probably be in excess of $70/af.

The Colorado River Basin Project Act directs the Secretary of the Interior to develop a plan to meet the water needs of the eleven western states. Preliminary reports are to be submitted every two years commencing June 30, 1971, with a final reconnaissance report due by June 30, 1977. However, the Secretary is precluded from making a study of any plan to import water from the Columbia River Basin into the Colorado River Basin until September 1978.

Desalting

Several years ago, the U.S. Bureau of Reclamation investigated the feasibility of desalting water in the Pacific Ocean near Camp Pendleton, California, and delivering the desalted water to Lake Mead for use in the Lower Colorado River Basin. At that time the estimated unit cost of water based on Bureau data was $84/af. Updating of this information indicates costs on the order of $150/af.

Another possible source of desalted water to augment the Colorado River supplies has recently been proposed by Dr. Robert Rex, Professor of Geological Sciences at the University of California at Riverside. He has been evaluating the geothermal resources of the Imperial Valley, and has reported that present studies suggest that low-cost water could be produced through the distillation of geothermal water sources in sufficient quantities to provide 10 maf/yr of fresh water for over 100 years. This process has an advantage over desalted water produced from fossil fuel or nuclear powered distillation plants in that (1) power produced from the geothermal sources will absorb many of the basic costs, (2) there would be no cost for heat input, and (3) the distillation equipment can be considerably less complex than that required for conventional facilities. While geothermal distillation is still in the conjectural stage, it should be considered in any future planning for the river's augmentation.

Weather modification

The U.S. Bureau of Reclamation has its Colorado River Basin Pilot Project under way at the present time with a goal of trying to determine if it is feasible to increase runoff in the Colorado River Basin by weather modification. High officials of the Department of the Interior have been very optimistic about weather modification. In May 1967, former Secretary of the Interior Udall testified before the Committee on Interior and Insular Affairs of the U.S. Senate that within eight to ten years water can be produced by weather modification in quantity at a desired place. On July 22, 1968, Mr. Floyd Dominy, former Commissioner of the Bureau of Reclamation, testified before the Committee on Interior and Insular Affairs of the U.S. House of Representatives. With respect to the Colorado River Basin, he stated that: "We expect to utilmately obtain an additional 1,870,000 acre-feet of streamflow from these areas at a cost of about $1 to $3 per acre-foot." If any of this optimism is warranted, weather modification would certainly be a boon to the basin.

In considering weather modification as a potential producer of new water for the Colorado River Basin, legal questions have been raised and considered in the past. Such legal analysis has heretofore usually considered questions of liability relating to both increases and decreases in precipitation, both within and without the watershed. However, I would like to call your attention to another aspect of the legal problems associated with the Colorado River Basin. As previously stated, the Colorado River Compact divides the water of the Colorado River Basin between the Upper and Lower Basins. A major question is how any water produced by weather modification would be accounted for under the Colorado River Compact.

One interesting aspect in considering weather modification is that there are some watersheds of the Colorado that contain more highly soluble salts than do other watersheds, with resulting differences in the salt pickup therefrom. For example, the salinity of the Colorado River and three major tributaries within 100 miles of the headwaters of each represents an interesting comparison of relative watershed solubility.

	Parts per million
The Colorado River above Glenwood Springs	238
The Green River at Fontenella Reservoir	184
The San Juan River above Farmington	152
The Gunnison River above Delta	143

A detailed analysis of salinity with respect to any future increase in flows due to weather modification is needed. I understand that the Federal Water Pollution Control Administration has been doing just such an analysis, and that its report will be published within the next several months.

CONCLUSION

I recognize that I have covered a vast amount of material, much of it complicated, in a short time; however, I do hope that this presentation will aid in apprising you of the water needs of the Colorado River Basin. If weather modification is to make a significant contribution to the water supply of the Colorado River, its protagonists must be prepared to demonstrate on an engineering basis the quantities that are expected to be obtained and the reliability of such a supply. They must further be prepared to participate in the many legal, engineering and institutional problems that will arise.

A NASA CONTRACT

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 1, 1970

Mr. MILLER of California. Mr. Speaker, recently there have been allegations of irregularities in the award of a NASA contract for the ATS-F and G satellite project. The Administrator of NASA, Dr. Thomas O. Paine, has denied these allegations, but to satisfy those who may entertain doubts about NASA's contracting procedures in this case he has requested an independent review by the Comptroller General. Dr. Paine has asked that the GAO submit its report within 60 days.

I applaud Dr. Paine's action in this case. In view of the seriousness of the allegations, I believe Dr. Paine's response is entirely appropriate. An independent investigation by the GAO should resolve all questions that have been raised and lay this matter to rest.

In view of the fact that the Committee on Science and Astronautics has legislative responsibility for the NASA program, and as part of our committee's continuing oversight of NASA activities, I have requested that the GAO report be furnished to our committee as soon as it becomes available.

Without wishing to prejudge this case, I want to say that I have the highest regard for Dr. Paine. Moreover, our committee has found over the years that NASA has established an excellent record for fairness in its dealings with American industry.

TRAINING THE M.D.

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. McCLOSKEY. Mr. Speaker, in view of escalating health care costs and the growing need for expanded medical training, I commend to the House's attention a recent innovative suggestion by president-elect of the American Medical Association, Walter C. Bornemeier. His suggestion of an inquiry into present medical school curricula and procedures was discussed in the following editorial from the American Medical News of March 16, 1970.

TRAINING THE MD

The health manpower problem isn't going to go away. Instead, it must be solved.

And the medical profession must take the lead in formulating the solutions to this complicated situation.

Physicians already are involved in developing ways to meet the shortage, including expanding the functions of other health professionals, developing new medical schools, and expanding the enrollments of the existing ones.

But another step which may not be getting the attention it deserves is speeding up the education of the physician.

Earlier this month, AMA President-elect Walter C. Bornemeier, MD, made some pertinent comments about this problem when he addressed the Chicago Medical Society's Midwest Clinical Conference. He said:

"We should take a look at this period between age 22 and 32 and ask ourselves if all of this time is well spent; 'is all of this trip necessary?' "

The length of graduate training is a major problem. Internship and residency problems often mean that it's often not until five years after graduation that the MD is ready to begin caring for patients.

"In this day of an acute shortage of physicians," Dr. Bornemeier said, "it might be well to take a look back to the days when we learned from the practitioner, rather than to continue the present trend toward sitting at the feet of a full-time professor during the under-graduate years and in many instances, continuing in the same atmosphere during the internship and residency."

Two logical steps logically follow Dr. Bornemeier's analysis of the problem: (1) shorten the medical school curriculum and the period for graduate study; (2) give the future physician "more contact with all of the facts of life, let him have contact with the community at community level, and let him do this at the elbow of the teacher-physician, who knows what it is that makes people sick, not just those who know how to make him well."

In some areas, commendable efforts are being made to meet these goals. But in too many other areas, the status quo is being maintained.

Most of today's medical students have the advantage of pre-medical training far superior to that which was available in the past. And vastly improved teaching methods make it possible for today's students to cover much more complex material than in the past.

Our medical schools—indeed, the entire profession—must recognize this situation. Medical education cannot and must not remain static. This is a time for boldness, imagination, innovation; nothing else will meet the needs of the nation.

DR. PAUL DUDLEY WHITE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on Monday, April 27, the Massachusetts Association of Chamber of Commerce Executives honored two Bay Staters whose contributions to the Nation have improved the quality of American life.

It was my great privilege to assist in honoring one of them, Dr. Paul Dudley White, by presenting him, in behalf of the association, with his reward.

We all know Dr. White as a man and physician who has made the care of the heart, and therefore man's healthy existence, his life's work.

When I was informed of this honor, I was given a long biography listing honors, associations and activities. They are much too numerous to list, but they cover every aspect of the medical profession and appear to be the combined biography of several dedicated and brilliant men. I would like to mention just some of them so that my colleagues may have an impression of the variety of this man's life work.

A graduate of Harvard Medical School, Dr. White interned at the Massachusetts General Hospital and there became physician in charge of cardiac laboratory and clinics where he served with great distinction for many years.

In addition to his demanding regular work as a heart specialist, Dr. White found time to be faculty instructor, assistant professor, lecturer, and clinical professor of medicine at Harvard University. He was a founder and served as president of the Massachusetts Heart Association and the American Heart Association, the association which has done more than any other to provide advances and knowledge in the field of cardiology. He was executive director of the National Advisory Heart Council and chief adviser of the National Heart Institute. Since 1958, he has been president of the International Society of Cardiology. Paul Dudley White is a recipient of the U.S. Freedom Medal and has been honored by medical societies and universities from all over the world. The U.S. Army Surgeon General and the Veterans' Administration has frequently consulted him. Of course, the entire Nation remembers him for his personal diagnosis and care of President Eisenhower during his illness.

With all of these activities, Dr. White has found time to write several books regarding treatment of the heart, and written numerous articles for medical journals. He is presently honorary physician at Massachusetts General Hospital and clinical professor of medicine emeritus at Harvard.

I have only mentioned some of the achievements and activities of this fine son of Massachusetts. Perhaps only a close examination of them will reveal the scope of his interests and the depth of his dedication.

Mr. Speaker, I include my remarks to the MACCE meeting in the RECORD:

PAUL DUDLEY WHITE—GREAT LIVING BAY STATER

Tonight we are honoring a man who has dedicated his energy and his life work to discovering information and dispensing knowledge in the care of the heart and the preservation of human life. In medical circles and among the concern laymen, his name is synonymous with service, knowledge and dedication in research and dedication on the heart.

But I prefer a less sophisticated and more widely held view of this great physician. When the public thinks of him—true, they think of a heart specialist, but they also think of a man who seems to be involved in every endeavor regarding care of the heart from the most personal doctor/patient relationship to the broad field of heart education through the mass media. They also think of a man old enough to drive a car who is always on a bicycle. Now this is not frivilous, for in a sense it describes him as much as the honors he has received, the associations he has founded and led, the hospitals he has served and the universities where he has taught and received degrees.

For this son of Massachusetts is a great and knowledgeable man who always finds time to be where he is needed and to offer his advise, counsel and energies for the preservation and extension of life and who practices what he preaches in a light and admirable vein. I think it is this public image of a humane and active man that best describes the gentleman we are proud and happy to honor tonight.

It is my privilege to present the Great Living Bay Stater Award for renowned contributions to the field of medical knowledge to Dr. Paul Dudley White.

FATHER JOSEPH A. MARJANCZYK CELEBRATES SILVER ANNIVERSARY OF ORDINATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 1, 1970

Mr. RODINO. Mr. Speaker, my good and dear friend, Father Joseph A. Marjanczyk, recently celebrated the 25th anniversary of his ordination into the priesthood.

It would be hard to find a better exemplar of the Christian spirit than is "Father Joe." For his unfailing integrity and dedication, his selfless contributions to the community, and his compassion and sensitivity, he has endeared himself to all who have known him as counselor, colleague or friend.

My warmest congratulations go to him on the achievement of this milestone, and for a future of continued fulfillment.

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PORNOGRAPHY IN THE UNITED STATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. HAMILTON. Mr. Speaker, though the House passed H.R. 15693 protecting the public against the intrusion into their homes of sexually oriented mail matter this past Tuesday, I nevertheless believe my colleagues will find the following three-part Christian Science Monitor series on pornography in the United States to be a most helpful discussion of the problem:

[From the Christian Science Monitor, Apr. 18, 1970]

PORNOGRAPHY—SHABBY FRONT FOR A BIG INDUSTRY

(By Lansing R. Shepard)

(NOTE.—First of three reports on the growing problem of pornography and efforts to curtail its distribution in the United States.)

Take a walk through the "tough" section of any big city—Boston's "Combat Zone," Baltimore's "Block," New Orleans' "French Quarter," or New York's Broadway and 42nd area. Sooner or later you'll come across it.

The stores are generally shabby, hole-in-the-wall affairs. Dirty windows, flaking ceilings, bare walls, and dull lighting contribute to an alleylike atmosphere.

The people who come and go—the browsers and the buyers—are mostly men. In one corner, on an elevated platform the cashier oversees the potential customers. No one talks. No one looks at anyone else. Silence reigns.

PRICES RANGE UPWARD

Looking around, one would hardly suspect these shoddy shops are the distribution centers for one of the fastest-growing industries today. But that is just what pornography is.

Everything for the prurient taste can be bought here: magazines, picture books, pocket books, records, and maybe for a quarter, a five-minute movie in the back room.

Racks and racks of pulp offer all varieties of the genre. The magazines are the most obvious. They range from the "girlies"—"Dude," "Nugget," Cavalier"—which promise much on the outside but include very little, to the "hard core" stuff wrapped individually in cellophane bags.

"Lash," "Leather," "Mr. Sun," and "Boy" hint the abrasive nature of the show-all material to be found within. On their covers frolic nude or partially clad men and women—correlative come-ons to the publications' suggestive titles.

The price of these magazines depends on the salaciousness of content. The lewder the publication, the higher the price. Hard-core magazines in Boston, for instance, may range anywhere from $3 to $20.

Then there are the thin paperbacks, their covers bearing only their titles against a plain-colored background: "Far East," "Dorita." These are the books most often found on the display shelves behind front windows.

And there are the so-called "sex manuals"—purported medical journals—sprinkled in among the countless number of just plain dirty novels: "Nazi Slaves," "Wives Tales," etc.

Pornography, of course, is not just limited to books and magazines. There are posters, comic books, packets of photographs, and tabloids. For the customer who is willing to pay, there may be other sexual paraphernalia to be had "under the counter."

AREAS OF ORIGIN IDENTIFIED

Most of the country's home-grown pornography originates from New York (specifically New York City), Maryland, or California. And much of that which is imported comes from Denmark and Sweden.

In Boston, there are roughly 15 outlets for pornography—smut shops centered either in or around the downtown two-block area known as the "Combat Zone."

And according to Capt. Daniel McDonald, head of Boston's vice squad, about half of all such pornography found in the area comes through Providence, R.I., from an organization called Literature, Inc. The company owns about five Boston smut shops.

Periodically haled into court on obscenity charges, distributors of pornography appear little fazed by the costs of such litigation. One look at the economics of the industry explains why.

According to a recent Magazine Industry Newsletter report, the "girlie" magazine market, up until last year, was pretty much in the hands of East Coast entrepreneurs who charged about 75 cents a copy.

EMPHASIS SHIFTS

But according to the report, the West Coast "girlies" have recently moved in, charging around $1.50 a copy.

The report contains a rough breakdown of who gets what in the "porno" industry. According to the newsletter, a "hard core" paperback containing 24 pages of photographs now sells for up to $5. Of this, the wholesaler gets around 20 percent and the retailer as much as 40 to 50 percent.

Under this system, the retailer, selling 20 copies of "hard core," nets around $50—or as much as he would make selling 250 copies of "Playboy" at 20 cents a copy commission.

The publisher, too, stands to make a considerable sum, according to the report, since a 24-page book that wholesales for $1.50 actually costs less than 20 cents to produce.

Such books are usually manufactured in quantities of 5,000 to 25,000.

REVENUES ESTIMATED

According to the report which breaks down the circulation revenues of the three major types of pornographic literature, the East Coast "girlies" gross $40 million to $50 million a year. "Hard core" magazines take in $30 million to $35 million. And "hard core" paperbacks attract $25 million to $30 million.

This adds up to a minimum gross of $95 million annually and an incredible maximum gross of $115 million.

At the crux of the whole problem of pornography are two basic questions:

Is any kind of censorship in this area constitutionally acceptable?

Just what is a legally acceptable definition of pornography?

The fact is that, despite sporadic attempts to do so, a workable legal definition of pornography has yet to be found.

More and more, the major antagonists appear to be the "libertarians" on the one hand opposing those who might best be called "community standardists" on the other—the latter being those who would, more or less, leave censorship up to local authorities.

The former argues that pornography is an irrational phenomenon and that there is no rational regulation for it.

DEFINITIONS ARGUED

"Obscenity cannot be measured as a crime, but only as a sin," says Gerald S. Maltz, a former associate editor of the New York Law Forum. "A sin is a very subjective standard and not amendable to legal sanction." He adds that "the best regulation is selfregulation."

"Censorship spawns its own particular evils: timidity, cynicism, unwarranted curiosity" he continues. "It stifles expression that may be therapeutic. Furthermore, it is self-defeating.

"The 'big business of pornography' thrives on the very laws that impede its supply and increase the demand. Experience has shown that word 'censored' is more profitable to the pornographer than the content of his material."

There are many people who take issue with such a stand.

Harry M. Clor, Kenyon College political science professor and author of "Obscenity and Public Morality," sums up this point of view this way:

"The unrestricted circulation of obscene materials could operate to break down moral standards by undermining the convictions and sensitivities which support them."

MORAL EROSION SEEN

Constant exposure to such literature and "art," he says, which "overemphasize sensuality and brutality, reduce love to sex, and blatantly expose to public view intimacies which have been thought sacred or private must eventually result in an erosion of moral standards."

The Supreme Court of the United States itself is divided on the question. It is quite probable no other issue has consistently caused so much disagreement among the members.

In three major pornography decisions (Ginzburg v. United States, Memoirs v. Massachusetts—the celebrated "Fanny Hill" case—and Mishkin v. New York) the court handed down no fewer than 14 separate opinions.

Just as others have done, it seems, the high tribunal has settled into its own opposing camps.

Associate Justices William O. Douglas and Hugo L. Black are often described as taking the libertarian stand on the subject. Both have consistently shied from almost any kind of legal censorship of the genre.

COURT POSITION SKETCHED

Their general position has been that it is neither the court's nor the government's business to curtail expression unless that expression falls into the area of behavior that demands government control. This means that it must present a clear and significant peril to the community.

Taking issue with this stand are, principally, Associate Justices John M. Harlan and, most recently, Chief Justice Warren E. Burger. Both men feel that that "hard core" obscenity possesses enough harm that it should definitely be suppressed.

Both men subscribe to the past Harlan decision that while the federal laws should be limited to controlling only "hard core" obscenity, states should be granted broad discretion in their regulation.

Violation of First Amendment rights, states the Harlan opinion, would occur only if local officials' definition of obscenity is "wholly out of step with current American standards."

The upshot of all of this has been general confusion. The states look to the Supreme Court for guidance, but the high court has consistently backed off from the role of censor—handing down over the last ten years only vague "tests" by which obscenity may be "defined."

DECISIONS REVERSED

At the same time, the court has consistently refused to uphold most lower-court obscenity judgments coming before it. And for this it has sustained a continuous barrage of criticism from those who feel that the court has the legal means to take a harder stand against pornography, and so should do so.

As of now, the court has decided that for a work to be pornographic it must (1)

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appeal in general to "prurient interests"; (2) be "patently offensive," and (3) be wholly lacking in "redeeming social importance."

There have been added to these, over the past three years, certain correlative tests. These require that material, before it can be judged obscene, must be found to have been "pandered" (disseminated as if it were obscene), or to be an "assault" on individual privacy, or to be aimed at juveniles or specific sexually deviant groups.

These latter tests have brought the court into the direct fire of those who see the added requirements as an attempt to avoid the basic constitutional issue.

TESTS DEPLORED

Mr. Maltz labels these tests "dubious grants of power to the states and federal government."

"This is a frantic effort," he said, "to rebalance the scales in favor of the censors after a decade of tipping them in favor of free expression—which favored the panderers.

"It is an effort to alleviate the frustrations of the states occasioned by the First Amendment by an alternative route—a back door to censorship by imprisoning the merchants of sex literature."

And so the debate goes on, punctuated by an occasional court decision and the constant ringing of cash registers as the producers and distributors of pornography continue to rake in the profits.

[From the Christian Science Monitor, Apr. 22, 1970]

JUDICIAL HARD LINE ON SMUT?

(By Lansing R. Shepard)

(NOTE.—Second of three reports on pornography in the United States discusses the difficulties in drafting a legal definition of obscenity.)

BOSTON.—"Obscenity cases? Ha," said a state attorney recently. "They're real losers.

"You just can't get an obscenity conviction today that will stick. The lower courts look to the Supreme Court for guidelines, but they aren't getting any. The whole thing's a mess," he commented bitterly.

The lament is a familiar one. And despite the emergence of a more conservative United States Supreme Court, the complaint is not likely to diminish. The court as constituted under the liberal leadership of former Chief Justice Earl Warren was long criticized by many as being too "libertarian" in its reluctance to free the censor's pen.

Some think, however, that with the confirmation of Warren E. Burger as Chief Justice, and with the pending appointment of a Nixon-selected associate justice to fill the seat vacated by Abe Fortas, some form of judicial "hard line" on pornography may be at hand.

Such expectations have also been fed by the probable retirement soon of two of the court's most liberal justices, William O. Douglas and Hugo L. Black.

DECISION OVERTURNED

Confirmation of just such a conservative trend is seen in the recent stand taken by the new Chief Justice in the Carlos v. New York case decided early last December.

In that case, the high tribunal overturned a New York Court of Appeals decision to uphold the conviction of a Watertown, N.Y., man for selling obscene matter in the form of two "girlie" magazines. But in a dissenting opinion joined by Associate Justice John M. Harlan, the Chief Justice opined that the First Amendment granted broad discretion to state officials in suppressing "hard core" obscenity.

His view was based on a past Harlan opinion which held that federal obscenity laws should be more narrowly construed than state laws, and that the court should uphold only those federal laws which suppressed "hard core" obscenity.

The earlier Harlan opinion stated that the First Amendment did not bar states from curtailing obscenity unless the local official's definition of obscenity was "wholly out of step with current American standards."

Chief Justice Burger's agreement with this viewpoint has led many to expect a crackdown on pornography.

To other observers, however, such an expectation is unrealistic.

They hold that the court's attitude over the last few years reflects not so much a deliberate liberalizing as an attempt to avoid becoming a case-by-case "official United States censor"—a role traditionally suspect.

Observers point to the ambivalence of court pornography decisions over the past 10 years. Instead of setting down a precise definition of pornography, the court has created a number of vague tests.

Observers note that while judicial condemnation of pornography may be found throughout these decisions, the court has consistently declined to uphold the majority of obscenity convictions which have come its way.

In 1957 in Roth v. United States the court set up the first of these tests when it held that material could be considered obscene only if "to the average person applying contemporary community standards, the dominant theme . . . taken as a whole appeals to the prurient interests."

In the nine years that followed Roth, however, the high tribunal did not uphold a single lower-court finding of obscenity, although it reviewed 12 cases.

REQUIREMENT TALLIED

Then in 1966, the court turned out a bumper crop of obscenity requirements:

Ginzburg v. United States saw the creation of the "pandering" test—materials could be found obscene only if the purveyor's sole emphasis was on its sexually provocative aspects. In other words, publications advertised in an obscene way were illegal.

Mishkin v. New York, decided that same year, applied the Roth requirement to "sexually deviant groups." Materials were obscene if they openly appealed to the prurient interest of a particular sexually deviant group rather than to the general public.

And Memoirs v. Massachusetts (the "Fanny Hill" case) provided, until just recently, the "latest word" in obscenity tests.

In this case it was decided that an obscenity conviction could stand only when it has "passed" all three of the following requirements:

1. The dominant theme of the material taken as a whole appeals to the prurient interest.

2. The material is patently offensive in that it affronts contemporary community standards relating to the description or representation of sexual matters.

3. The material is utterly lacking in redeeming social value.

While this three-pronged definition admittedly still left obscenity interpretation up to the court, it was nonetheless something the lower courts felt they could hang their hats on.

They were entirely unprepared then for Redrup v. New York, decided the very next year (1967). In this case the Supreme Court overturned three states obscenity convictions. It held:

"In none of the cases was there a claim that the statute in question reflected a specific and limited state concern for juveniles. . . . In none was there any suggestion of an assault on individual privacy. . . . And in none was there evidence of the sort of 'pandering' which the court found significant in Ginzburg v. United States. . . ."

The decision was an apparent shift in emphasis away from judging the obscene material itself toward stressing the surrounding circumstances. In any event, it set the stage for Ginzberg (no relation to the other Ginzburg) v. United States in 1968.

PARENTAL ROLE NOTED

This decision stated that what may not be obscene for one group (adults) may be obscene for another (minors).

The court reasoned that parents have a primary responsibility in the rearing of their children and so are "entitled to the support of laws to aid in the discharge of that responsibility."

The court added that states have an independent interest in the development of their youth, so it was not unconstitutional for the rights of minors under 17 to be more restricted than those of adults to judge for themselves what sex materials they may see and read.

This decision did nothing to simplify the situation. And last fall the high court further muddied the waters when it overturned a Georgia obscenity conviction by adding still another requisite.

In this case—Stanley v. Georgia—the high tribunal overturned a state law making it illegal for an individual to possess pornographic material.

POINT OF THE CITATION

The court ruled that "If the First Amendment means anything, it means that a state has no business telling a man sitting alone in his own house, what books he may read or what films he may watch."

The statement, on its face, would not seem so terribly radical. But in supporting its opinion, the court cited a 1965 Supreme Court decision which appears to turn the whole censorship-obscenity concept upside down.

The point of the citation—Lamont v. Postmaster General—was that the right to receive information and ideas, regardless of their social worth, is constitutionally protected. And Congress (or a state, for that matter) has no right to place a burden on that constitutional right.

GROUP EXPLOITATION

Could this mean, then, Congress has no right to restrict the sale of that which is alleged to be obscene?

"It's going to be interesting to see what happens," commented one prosecutor.

Court watchers see all of this as reflecting a recognition that legislation on a moral issue tends to raise problems of constitutionality.

Many observers feel that these later cases constitute perhaps an attempt to avoid a general categorization of obscenity (with all its inherent dubious constitutional validity) by concentrating, not so much on the questionable material itself, as on the group to which the alleged obscenity is directed and the context in which it is sold.

Group exploitation, invasion of privacy, and the like—these are the areas for which there appear to be more logical grounds for legal control. The chances seem slim that any new court faced with the now incredible complexity of the obscenity issue will do any radical "reversing" of direction.

The view of the Burger court will soon become clear. Cases from Texas, Maryland, California, Massachusetts, and Georgia now are pending before it. Only recently the court also agreed to review two state-supreme-court decisions from Massachusetts and Maryland which declared the film "I Am Curious—Yellow" to be obscene.

This could be only the beginning. The Supreme Court may well be faced with continuous litigation stemming from some 200 reported antipornography bills which have been referred to the committees or subcommittees of the House Post Office and Civil Service Committee, the Senate Post Office Committee, and both the House and Senate Judicial Committees.

GARGANTUAN TASK: PORNOGRAPHY PROBERS STRUGGLE

(By Lansing R. Shepard)

(NOTE.—*This last of three reports on pornography in the United States outlines the problems faced by a presidential commission.*)

From the ruins of the past it seems apparent that pornography has been with man since the dawn of civilization.

Many sociologists cite this fact as evidence that pornography is necessary to a society as a kind of social "safety valve."

This controversial idea is but one of many such notions currently being considered by the Presidential Commission on Obscenity and Pornography.

ANALYSIS OF LAWS

The commission is headed by William B. Lockhart, dean of the University of Minnesota law school and one of the country's outstanding authorities on legal aspects of pornography.

Since the group's inception in January, 1968, it has found itself grappling with a monster. It was assigned four specific tasks by Congress:

1. To analyze the laws pertaining to the control of obscenity and pornography—to evaluate and recommend definitions of obscenity.
2. To "explore" the distribution, nature, and volume of traffic in obscenity and pornography. (Who buys it? How do they get it? Where do they get it? How big is the business?)
3. To study the effects of obscenity and pornography upon the public (particularly on minors) and its relationship to crime and other antisocial behavior.
4. To recommend legislative, administrative, or other appropriate action to regulate the flow of such traffic "without in any way interfering with constitutional rights."

Much of the group's research is being done through the mailing of questionnaires, national sample surveys, and clinical studies on selected populations.

The group has until late summer of this year to complete its work. To accomplish its tasks within the designated time seems ambitious, to say the least. Any one of the congressional requests is a gargantuan undertaking in itself.

In the entire history of American jurisprudence, no one has yet been able to come up with a definition of obscenity that is generally accepted as constitutionally satisfactory.

The situation is probably somewhat related to the fact that no one has ever really made any serious study of obscenity before. Commission members realize they have their work cut out for them.

Save for some indications that the Cosa Nostra might have a substantial investment in the purveyance of pornography, it is not really known who—if anyone—controls the bulk of its distribution, or what the volume of that distribution is.

EFFECTS EXAMINED

A bit is known about the different types of pornographic paraphernalia. But little is known about who buys what and why.

Probably the toughest and most important job facing the commission is its evaluation of the effects of obscenity on the public. Such knowledge is recognized as essential to the creation of any truly comprehensive pornography laws. Some new evidence is coming to light in this area.

In Denmark, intial assumptions concerning the beneficial effects pornography could have on society are being questioned. In 1967, Denmark dropped all legal barriers against printed pornography. And in July, 1969, the Danish Government legalized the selling of any pornographic paraphernalia to persons over 16.

In 1969, the country's crimes involving sex dropped 31 percent. And many people pinned the reason on the legalization of pornography.

STATISTICS WATCHED

But late results show that the decline has been among such crimes as voyeurism, public indecency, male prostitution, and the sale of pornographic material.

Rape, sexual assaults, and similar serious sex crimes remained at their 1968 level. The situation is likely to be carefully watched by the commission.

The commission has felt so strongly about this area of "effects" that one of its members presented a formal complaint to Congress when the group issued its only progress report before that body last year.

Morton A. Hill, S.J., president of an anti-obscenity organization, Morality in Media, charged that the group was "becoming an 'effects' commission, and that this was not what the Congress intended."

He complained that such efforts would not stop the traffic in obscenity.

Not exactly helping Chairman Lockhart's endeavors has been the commission's slow start. Initial funds were not appropriated until July, 1968. And when they had finally been cleared, they had been slashed from the requested $643,000 to $225,000.

SUPREME COURT HINT

In order to meet the original two-year tenure set for the group, the due date for the commission's final report was pushed ahead to July 31 of this year. But it is reported that this has been revised to sometime in September.

Taking a hint from recent Supreme Court decisions, the commission, in drawing up its legislative recommendations, is concentrating on possible statutes concerning only: (1) pornography and juveniles, (2) pornography and the invasion of individual privacy and offensive public displays, and (3) statutes prohibiting "pandering" (disseminating material as if it were obscene).

One of the projects the commission is working on is a model statute designed to meet the problem of unsolicited mailings of pornographic material.

The proposed law would require all persons who mail "potentially offensive sexual material" to recipients who do not request such material to label the outer wrappings with a government prescribed "symbol."

LABELING PROPOSED

The "potentially offensive sexual material" would be defined in detail in the law.

Also incorporated in the statute would be a provision requiring the Post Office Department not to deliver the labeled material to any person who informed the department that he did not wish to receive it.

Violation of the law would be a misdemeanor, punishable by a fine of $1,000 to $50,000, depending on the extent of the violation.

Despite the overwhelming nature of his job, Mr. Lockhart still feels optimistic about future results.

Speaking before Congress last year, he said, "Although the commission cannot exhaust the studies that need to be made in this huge and difficult area within the time and funds available, the commission believes it will be able to make significant contributions . . . when it makes its reports and recommendations."

QUEEN ISABELLA DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. RODINO. Mr. Speaker, it gives me great pleasure to honor the birth of the great Castillian Queen of Spain, Isabella, whose confidence and daring were in large part responsible for the discovery of America.

The Governors of 29 States have signed proclamations declaring April 22 Queen Isabella Day. And, I am pleased to include in the RECORD the proclamation made by Newark Mayor Hugh J. Addonizio to commemorate this important day:

QUEEN ISABELLA DAY

Whereas April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas in her own time, Isabella was a queen noted for her clear intellect, energy, virtus and patriotism; and

Whereas the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration;

Now, therefore, I, Hugh J. Addonizio, Mayor of the City of Newark, New Jersey, do hereby proclaim April 22, 1970 as "Queen Isabella Day" in Newark and urge that all citizens, schools, historical and other interested organizations suitable observe this significant event in the history of the world.

HUGH J. ADDONIZIO,
Mayor.

TOWARD PEACE IN THE MIDDLE EAST

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. OTTINGER. Mr. Speaker, the Nixon administration is pursuing an Arab policy as insidious as its southern strategy. It is a policy which favors oil over morality; which trains those bent on Israel's destruction even as it withholds from Israel the means to defend herself.

I recently revealed that in the last 10 years, the United States gave more than a billion dollars' worth of arms, materiel, and training to Arab nations. During that same period, we permitted Israel to buy well under $100 million worth of military equipment.

And while President Nixon is full of polite rhetoric about commitments to Israel, he continues to authorize the training of 600 Arab military officers in the United States this year, and he continues to withhold sale of the Phantom jet aircraft Israel so urgently needs for her protection.

This is a clear example of the administration's Arab strategy—a strategy which gives higher priority to oil interests than to the survival of the bastion of democracy in the Middle East.

Attempting to end the arms race in the Middle East is a commendable objective. But it makes little sense to try to cut off the arms flow at a point when the Soviet Union has rebuilt Arab military strength to a point of superiority. And it is naive to believe that the arms race can be

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halted unilaterally. There is absolutely no indication that either the Soviets or the French are willing to halt the steady shipment of arms to their Arab clients.

We simply cannot remain silent while the administration tries to win the Arabs back from the Soviets by offering Israel's security as an inducement. Secretary of State Rogers made clear the administration's attitude when he declared last December 9:

> We will not shrink from advocating necessary compromises.

I say we cannot even talk of compromise when the security of Israel hangs in the balance. John Foster Dulles stated long ago:

> The preservation of the State of Israel is one of the essential goals of U.S. foreign policy.

And it must remain so. Israel is the one longstanding and devoted friend of the United States in the Middle East. Assuring her survival and strength is vital to our own national interests and to the interest of world peace.

America is morally committed to the preservation of Israel as a Jewish homeland. History has made tragically clear the necessity for a place to which Jews may turn in the face of the persecution which has continued to infect Western history. The spectacle of Jews vainly seeking a haven from Hitler's death camps must never be repeated.

If we do not honor such commitments, if we are prepared to barter them away for influence and oil, then we no longer stand for anything. We no longer hold out the promise of leading the way to a more sane and humane world order.

And let us not confuse what constitutes real commitment. It is not the fabricated obligations to support a corrupt military clique in Saigon which lacks the support of its own people and jails its opposition. It is not the willingness to supply arms to a brutal military junta in Greece because we are afraid they might turn to the Soviets.

By "commitment" I mean the determination to help a free people shape their own destiny free from the threat of foreign domination or annihilation. This is the kind of commitment we owe Israel.

That commitment must rest on two basic policies:

First, the maintenance of Israel's military strength as the best deterrent to the fourth major Arab-Israel war, and

Second, insistence on a settlement negotiated by Israel and the Arabs, one which all parties have a real interest in preserving. For an imposed settlement is not a durable peace; it merely defines the borders over which the next war will be fought.

I have introduced legislation to accomplish that first goal—to cut off all military aid to the Arabs and provide Israel with the aircraft she has requested. The text of my bill is as follows:

H. Con. Res. 556

Whereas the close relationship between Israel's survival and United States national interests has been recognized by five successive presidents; and

Whereas the Soviet Union continues to supply the Arab nations of the Middle East with modern arms; and

Whereas France has contributed to the tension in the Middle East by selling jets to Arab interests; and

Whereas the United States has over the past ten years supplied extensive arms, material, and military training to the Arab nations, while providing considerably less aid to Israel; and

Whereas the United States continues to train Arab officers this year while not training a single Israeli officer; and

Whereas the President has failed to act on an Israeli request for additional jet aircraft essential to its defense; and

Whereas a balance of power is the best available deterrent to full-scale war in the Middle East:

Now, therefore, be it

Resolved by the House of Representatives (The Senate concurring) that it is the sense of Congress that (1) the President should take immediate steps upon the adoption of this concurrent resolution to terminate every form of military assistance to any belligerent Arab nation, including those aligned with the United Arab Republic and those harboring or assisting Arab terrorist groups or guerrillas, and (2) the President should, as soon as possible after the adoption of this concurrent resolution, negotiate with the Government of Israel an agreement to sell to Israel the requested United States military aircraft in amounts necessary for the security of Israel.

It is unfortunate that military strength should still be the key to peace in the Middle East, for the nations of that area need bread, not bombs; they need tractors, not tanks; they need water, not war. But until a meaningful peace is achieved our course is clear.

We serve neither honor nor the cause of lasting peace by threatening to turn our backs on our one true friend in the Middle East in hopes of currying favor with those who have aligned themselves first with the Nazis and now with the Communists.

Let us never forget that we must live with ourselves and with the world we help to create.

POLICE CHIEF JOSEPH C. WRIGHT OF BROCKTON, MASS., RETIRES

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to join with the many friends of Police Chief Joseph C. Wright of Brockton, Mass., in wishing him well in his retirement. He faithfully served the people of Brockton since 1933 when he began as a reserve officer in the police force and it is everyone's hope that his retirement years will be filled with health, wealth, and happiness.

Joseph C. Wright was born in Newburyport, Mass., May 12, 1909, son of Mrs. Mary Wright and the late Ernest J. Wright, who died in 1962. He came to Brockton as a boy of 8, was graduated from St. Patrick's parochial grammar school and attended Brockton High School.

Prior to his full-time employment by the police department he was a truck driver for an oil company. He was appointed a reserve officer December 18, 1933, by former Mayor Horace C. Baker. He became a regular patrolman 4 years later, on December 20, 1937, receiving his appointment from then Mayor Lawrence E. Crowley.

The late Mayor Joseph Downey named him a sergeant and he was confirmed by the city council October 17, 1947. He was advanced to the rank of lieutenant on May 17, 1953, by ex-Mayor C. Gerald Lucey.

He was promoted to chief on January 2, 1956, when former Mayor Hjalmar R. Peterson assumed office. Voters of the city placed him on permanent tenure on November 8, 1960. The chief was notified by civil service on February 6, 1961, that he had passed the qualifying examination and he was sworn in a permanent chief on February 17, 1961.

The chief attended the FBI National Academy in Washington, D.C., in 1950. He was elected president of the 9,500-member Massachusetts Police Association for 1962–63, after previously serving on its executive board for 10 years. He is also a member of the Plymouth County, Southeastern Massachusetts, and Massachusetts Chiefs of Police Associations.

Locally, he is a member of Seville Council, K. of C., and Lodge 164, BPOE. He golfs as a hobby at the D. W. Field and Thorny Lea courses.

He is married to the former Alice McLaren of Brockton with whom he resides at 101 Packard Way. He is the father of three daughters, Mrs. Whitney (Lilymae) Reed of Maryland, Mrs. Dino (Joyce) Ierado of Brockton, and Miss Patricia Wright, also of this city. His seven grandchildren are Thomas, Melinda, and Jonathan Reed and Mark, Stephen, Lisa, and John Ierado.

He has two brothers, Ernest J. of Wareham, and Dr. Robert Wright of Brockton. A third brother Thomas A. Wright, CSSR, died in 1960. His two sisters are Mrs. Lee (Gladys) Moore of Brockton, and Sister Patricia Ann, a member of the Sisters of Charity of Nazareth, stationed at the St. Thomas More School, Braintree. His mother, Mrs. Mary A. Wright, is presently in the St. Joseph's Nursing Home, Brockton.

Mr. Speaker, I enclose the following article which appeared in the Brockton Enterprise concerning this evening's event to honor Joe:

WRIGHT DINNER PLANS ADVANCE

Plans for the testimonial for retired Police Chief Joseph C. Wright were advanced at a meeting of the committee Monday night at the Capeway Manor. More than 400 tickets have already been sold for the event and the entire 600 tickets available are expected to be gone by early next week.

The affair will be held April 30 at the Greek Community Center with a catered dinner by a noted Providence Italian caterer. A short speaking program is planned, followed by dancing to the music of Bob Kovner's orchestra.

Chief speaker will be James L. Handley, special agent in charge of the Boston office of the FBI, a long-time friend of former Chief Wright. Also on the speaking program will be Police Comm. Edmund I. McNamara of Boston. Atty. George L. Wainwright will act as master of ceremonies for the evening.

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The retired chief will be honored for his 32 years of work as a member of the Brockton Police Dept., the last 13 as chief, longest tenure in that office in the history of the department.

Guests at the head table in addition to the speakers will include members of Chief Wright's family, Mayor John E. Sullivan, Police Chief Joseph L. Johnson and Police Chaplain Rev. Edmund J. Corrigan of Our Lady of Lourdes Church.

Heading the general committee for the affair are Patrolman Frank P. Gentile and Det. Ralph G. Ruggiero, with Patrolman Frank M. DeChristopher as secretary-treasurer. The head table will be in charge of Francis Pieroni and Gerald Kelleher, while the reception committee will include John A. Yanni, Patrolman John Krikorian and Ugo Paparo. Refreshments will be in charge of Arthur Pigeon.

Serving on the ticket committee are Sgts. John C. Gillis and George A. Dufresne, Patrolman Frank Gracevicz, John Zinkevicz and James L. McClaren, Dets. Thomas G. Thibeault and Leo Dodero, John A. Yanni, Gerald Kelleher, Ugo Paparo, Ralph Tamulonis, James Jones, Francis Pieroni and Alton L. Caldwell, Jr.

The committee will meet again Monday night at the Lithuanian Citizens Club, Ames St.

All of us who are his friends wish Joe only the best that life has to offer.

FROM MARSHMALLOW TO MASTER—HOPEFULLY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 1, 1970

Mr. ASHBROOK. Mr. Speaker, last Wednesday at Fort Lauderdale, Fla., Vice President AGNEW continued his observations of the deterioration of American values in many of our institutions of higher learning. Referring to the criminal left which is making the headlines so regularly today, the Vice President stated:

> This is the criminal left that belongs not in a dormitory, but in a penitentiary. The criminal left is not a problem to be solved by the Department of Philosophy or the Department of English—it is a problem for the Department of Justice.

Two weeks previous to the Fort Lauderdale speech Mr. AGNEW had been critical of President Robben Fleming of the University of Michigan for buckling under to radical student demands. President Fleming responded firmly and forcefully—in curious contrast to his handling of the campus confrontation—and elicited this reply from the Vice President last Wednesday:

> As for the vigor of my criticism of President Fleming, it was conscious—based on an old Cub Scout theory that the best way to put a tough crust on a marshmallow is to roast it.

Listing nine recommendations, the Vice President also included some parents and clergymen in the cause and solution of our campus dilemma, accentuating the role played by lack of discipline and religious misdirection in transforming yesteryear's child into today's criminal campus activist:

> They are the children dropped off by their parents at Sunday school to hear the "modern" gospel from a "progressive" preacher more interested in fighting pollution than fighting evil—one of those pleasant clergymen who lifts his weekly sermons out of old newsletters from a *National Council of Churches* that has cast morality and theology aside as not "relevant" and set as its goal on earth the recognition of Red China and the preservation of the Florida Alligator.

Finally, to set the record straight, the Vice President inadvertently cited an incident as taking place at Cornell University which, in reality, occurred at the University of Connecticut.

The next day the president of Cornell University issued a statement at Ithaca, N.Y.:

> In a speech delivered last night, the Vice President of the United States, Spiro T. Agnew, made a brief reference to "the score of students at Cornell who, wielding pipes and tire chains, beat a dormitory president into unconsciousness."
>
> No such incident has ever occurred at Cornell University. No incident even remotely fitting this statement has ever occurred at Cornell University. It is incredible that the Vice President of the United States should publicly make such a statement for which there is absolutely no basis in fact.

The Vice President promptly corrected the record:

STATEMENT FROM THE OFFICE OF THE VICE PRESIDENT IN REPLY TO THE PRESIDENT OF CORNELL UNIVERSITY

The beating of a dormitory president by students wielding tire irons and chains occurred this month at the University of Connecticut rather than Cornell.

It was at Cornell University this month that the African Studies and Research Center was destroyed by fire, probably arson, that small groups of students vandalized the bookstore, that university authorities had to obtain restraining orders to prohibit violence, that these orders were tested by SDS and the Black Liberation Front with no action taken against them.

It was at Cornell this month where numerous bomb threats were received by campus authorities, where a Molotov cocktail was thrown through a window of the University Library and where Molotov cocktails were discovered in other buildings.

The Vice President regrets that he misplaced the location of the beating of the dormitory president at Cornell rather than at Connecticut.

I insert at this point the address by Vice President AGNEW at Fort Lauderdale, Fla., on April 28, 1970:

ADDRESS BY THE VICE PRESIDENT

Tonight, at the risk of being further charged with divisiveness, insensitvity and mediocrity, I want to continue my discussion of the deterioration of American values in many of our institutions of higher education.

Let us not be naive enough to believe that there are no seeds of revolution in the rebellion that radical young people describe as "the movement." Let us be candid enough to face the fact that the spawning ground and sanctuary of "the movement" is the American university. Few institutions are more vital to a free society; none is so susceptible to capture and destruction by the radical or criminal left.

Before some of my detractors are tempted to skip blithely to the conclusion that I am labeling all college students as members of the criminal left, important distinctions must be drawn.

I am *not* talking about the overwhelming majority of college students who are on the campus to learn, nor am I talking about the majority of faculty members who find it increasingly difficult to teach in a spreading climate of disruption and disorder. But I am gravely concerned that their majority will soon become a minority unless some strong swift steps are taken by administrators who up until now haven't shown much heart for counter action.

The vulnerability of the academic community to exploitation by the radical or criminal left is based on the communal spirit and identity of interest of its members. Each year a malleable swarm of new undergraduates enters the hive and is immediately caught up in peer customs and permeated by peer opinions.

For them, all the ingredients of a new independence coalesce. Parental supervision is removed or greatly diminished; the heady wine of intellectual elitism courses through their veins. More than anything else, they resemble probationers of some esoteric organization—eager to the point of sycophancy to do all the right things and make all the right noises so that they will be accepted into the group.

And the group to which they feverishly seek admission has unfortunately become alienated from the values and institutions of our society. The most vocal and well publicized members of that group are committed to radical change. Small wonder, then, that each year a new group of impressionable consumers falls victim to the totalitarian ptomaine dispensed by those who disparage our system.

The real pity is that many of the students of our universities really feel that the theatrical radicals are the architects of a brave new, compassionate world. Spiced with "rock" music, "acid" and "pot," the old Marxist idea of regulated equality without effort becomes exciting, and they assail the institutions of the free enterprise system without beginning to understand them.

The true responsibility for these aberrations and the nurturing of arrogance and contempt for constitutional authority rests not with the young people on campuses, but with those who so miserably fail to guide them. I can well understand the attitude of the majority of the student body at Yale University when most of the Yale faculty votes to endorse a strike in support of members of an organization dedicated to criminal violence, anarchy, and the destruction of the United States of America.

And when the President of that respected University describes the election of a President of the United States by the people of the United States as a "hucksterized process" under which they could not expect much better "which ever package was bought or sold," it is clearly time for the alumni of that fine old college to demand that it be headed by a more mature and responsible person.

President Brewster of Yale has also stated that he does not feel that black revolutionaries can get a fair trial within our judicial system. I do not feel that the students of Yale University can get a fair impression of their country under the tutelage of Kingman Brewster.

What kind of mentors are we entrusting our young people to when two college professors are convicted of brutally beating a third because of his political beliefs? When a former Associate Dean at a major university is charged with setting fires on the campus? When faculty members join students in acts of property destruction and encourage discourtesy to guest speakers on the campus?

Most of these young people who depend upon the ideology of "the movement" for moral and mental sustenance will in time find themselves as well nourished as a new baby on a diet of cotton candy. At that point, they will return to the enduring values just as every generation before them has done.

But unfortunately, there is a much smaller group of students who are committed to radical change through violent means. Some of

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these may be irretrievable; all will require very firm handling.

Within their ranks are the students who last week hurled stones at the home of the President of Penn State University, the students responsible for the arson at the University of Kansas, the score of students at Cornell who, wielding pipes and tire chains, beat a dormitory president into unconsciousness.

This is the criminal left that belongs not in a dormitory, but in a penitentiary. The criminal left is not a problem to be solved by the Department of Philosophy or the Department of English—it is a problem for the Department of Justice.

The journalist, I. F. Stone, recently stated that:

"Statistics on bombing from cities around the country suggest that we may be entering the first stages of an urban guerrilla movement."

I confess to being comforted that there is little likelihood that reality will ever intersect with the rhetoric of Mr. Stone.

He hurries on to suggest that far-reaching political reforms can coax the bombs and rifles out of the hands of the criminal left. His is a traditional and historically fatal error.

Black or white, the criminal left is interested in power. It is not interested in promoting the renewal and reforms that make democracy work; it is interested in promoting those collisions and conflict that tear democracy apart.

In the current student year there have been twenty-five separate acts of sabotage against ROTC installations on campuses; there have been seventy-eight separate incidents of arson; the rate of violence and the volume of damage now exceeds that of the spring of 1969.

The question I raise tonight is how the university is to survive the current crisis.

My answers are not complete—the subject is complex. But some rules, it seems to me, are clearly dictated by experience.

First, the era of appeasement must come to an end. The political and social demands that dissidents are making of the universities do not flow from sound basic educational criteria, but from strategic considerations on how to radicalize the student body, polarize the campus and extend the privileged enclaves of student power.

Let me quote you Mark Rudd of the SDS in one of his more coherent comments:

"Let me tell you. We manufactured the issues. The Institute for Defense Analysis is nothing at Columbia. Just three professors. And the gym issue is bull. It doesn't mean anything to anybody. I had never been to the gym site before the demonstrations began. I didn't even know how to get there."

When peace comes through appeasement and capitulation to the likes of Rudd, by trading away sound educational principles and the safeguards of academic freedom, the peace thus purchased is not worth the price. That sell-out is intellectual treason. Better a confrontation than a cave-in.

Second, a concise and clear set of rules for campus conduct should be established, transmitted to incoming freshmen, and enforced—with immediate expulsion the penalty for serious violations.

The rule of reason is the guiding principle in an academic community, and those who apply the rule of force have no business there. For the good of the academic community, they should be booted out.

Third, as I stated in Des Moines, it is folly for universities confronted with their current crisis in our turbulent times to open their doors to thousands of patently unqualified students.

A recent survey sponsored by the Carnegie Commission on Higher Education indicated that less than one-half of the more than 60,000 university and college faculty members polled favored relaxing normal academic admission standards for minority group applicants. And almost three-quarters of the 60,000 did not favor relaxing normal academic standards in appointing minority group members to the faculty.

I am going to pause on that note for a moment. It is not a daily ocurrence to find my opinions shared by such a large number of the academic community. I now await patiently the second thoughts of the columnists and commentators who dismissed my recent speech at Des Moines and my comments at Chicago as knee-jerk racism and reaction.

Just as I argued then that our colleges, simply by opening their doors, cannot solve the problems created by discrimination and deprivation in the central city; so, also, those colleges cannot succeed by becoming circus tents or psychiatric centers for over-privileged, under-disiplined, irresponsible children of the well-to-do blase permissivists.

It was that first point I stressed in my remarks two weeks ago in Des Moines.

Mr. Gardner Ackley, whom I quoted in that speech asserted his words were taken out of context. Yet, the text of his statement is nestled now in the cocoon of the Congressional Record. It reveals Mr. Ackley as a bird of the feather—on the issue of defending the university against radical tyranny, Mr. Ackley flies in tight formation with the hawks.

Criticism of my speech also came from Italy where it was contended my charges about the University of Rome were unsubstantiated. If that be the case, my apologies—but the source of my facts was an analysis in the *Washington Post*. That is where the diplomatic protests should be lodged. And if any of the information that the *Post* printed was in error, I am sure they will come forward with their usual prompt retraction.

Finally, my remarks also met with acid criticism from Michigan University President Robben Fleming, of whom I had been severely critical. "Your facts were wrong," charged Mr. Fleming; but the facts are these:

Two months ago, the militant Black Action Movement at Michigan made non-negotiable demands, including the enrollment of nine hundred black students by Fall of 1971, a full ten percent black enrollment by the Fall of 1973; to thereafter increase until black registration was proportionate to Negro population in the State of Michigan.

When the demands were not met fully and precisely, BAM, supported by SDS, struck. For twelve days classes were disrupted, furniture and windows broken, and students and teachers intimidated and assaulted by black and white radicals. Fires were set in campus buildings. Local and state police, mobilized to restore order, were kept away on the directive of President Fleming.

Twelve days after it began, the strike ended. The concessions granted were indistinguishable from the demands.

At the strike's end, a spokesman announced, "BAM has called an end to the strike, but the revolution is only started."

To President Flemming the agreement may be a "bold commitment" for Michigan; to me it looks like the kind of settlement intimidated garment manufacturers used to "negotiate" with Louis "Lepke" Buchalter. President Fleming has set a target that will almost be impossible to reach without imparing the quality to his institution. Moreover, he has greatly expanded the power and influence of a militant organization that is flushed with a victory gained by having cripple his school. The plain truth is that Fleming buckled under to a few squads of kid extortionists.

As for the vigor of my criticism of President Fleming, it was conscious—based on an old Cub Scout theory that the best way to put a tough crust on a marshmallow is to roast it.

Our colleges and universities are charged with a grave duty—to preserve and broaden the intellectual heritage of our nation and civilization and to educate the leaders of that nation and the world in this and the next century.

In the past that slice of national responsibility seemed to be sufficient. No longer. Today, the glamor stocks are the war against poverty, the war against racism, the war against pollution, the war against war; and the colleges and universities want a piece of the action. Selling short their traditional portfolio, they are buying into the high flyers.

But, in committing resources to these political and social ventures, for which they are totally unprepared; the colleges must necessarily neglect their prime responsibility in which they are highly expert. They will get a measure of glamor and headlines—and the approval of students who prefer campaigning to studying. But one day the crash will come; and this country will wake up with a serious loss in net educational worth.

So, one of America's problems is that her great institutions are neglecting their callings and, like the French Army in 1914, marching off singing and cheering into the kind of political and social battles for which they are ill-trained, ill-armed and ill-equipped. If they persist, they will be cut to pieces.

Fourth, no negotiations under threat or coercion.

Fifth, no amnesty for lawlessness or violence. This last canon is crucial. Once an individual has deliberately and consciously violated the crimnal law, he should be removed from the academic community, which is not equipped to deal with the argument of force, and left to the larger society which has both the aptitude and determination for the task. A crime is no less a crime because it is committed in an ivy hall in the name of academic freedom.

Sixth, any organization which publicly declares its intention to violate the rules of an academic community and which carries out that declaration should be barred from campus. The university is a community with its own rules; and one of these is that reason governs and ideas prevail on their merits, not on the number who can be massed behind them.

Two years ago, at the time of the violence at Columbia, President Nixon said that the Columbia disorders were

"The first major skirmish in the revolutionary struggle to seize the universities of this country and transform them into sanctuaries for radicals and vehicles for revolutionary political and social goals."

He counseled Columbia to rid itself of any student organizations involved directly in the violence.

"If that student is either rewarded or goes unpunished then the administration of Columbia University will have guaranteed a new crisis on its own campus and invited student coups on other campuses all over the country."

Columbia ignored the counsel and granted a general amnesty, an amnesty received with contempt, jeers, and a stream of four-letter epithets from the militants who had held out for it.

Now, two more years have passed and the commonplace seizure of campus buildings has been pushed off page one by the burning of campus buildings.

Civil disobedience has degenerated into criminal violence. From sit-ins, we have moved to clubs, bricks, bottles and guns—to violent clashes with police—to burning the Bank of America.

It is late in the day—but it is not too late to save the colleges and universities of this country from the future the anarchic

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dreamers have in store. It will take courage and it will very probably involve the kind of confrontations understandably distasteful to men of thought.

The prescient professor of philosophy from New York University, Dr. Sidney Hook, traces the seeds of the current disorders back to 1964. A year ago, in Saturday Review he wrote:

"Shortly after the riotous events at the University of California at Berkeley in 1964, I predicted that in consequence of the faculty's refusal to condemn the student seizure of Sproul Hall, the administration building, American higher education would never be the same again, that a turning point had been reached in the pattern of development. I confess, however, to surprise at the rapidity of the change, if not its direction, and by the escalation of the violence accompanying it."

American higher education has never been the same since. The toehold of the anti-democratic left at Berkeley has become an established beachhead in both universities and the larger society.

Campus anarchy that might have been nipped in the bud at Berkeley with a single act of administrative decisiveness and faculty courage—can now be contained only at considerable cost. But the sooner the price of saving the universities is paid, the better.

Seventh, we must look to how we are raising our children. In the New York Times, columnist Tom Wicker made a lugubrious lament that those were "our children" in the streets of Chicago giving the Bronx Cheer to the Conrad Hilton. To a degree Wicker is right—and the fact that we raised some of the crowd that was out there in Grant Park is one of the valid indictments of my generation.

But precisely whose children are they?

They are, for the most part, the children of affluent, permissive, upper-middle-class parents who learned their Dr. Spock and threw discipline out the window—when they should have done the opposite.

They are the children dropped off by their parents at Sunday school to hear the "modern" gospel from a "progressive" preacher more interested in fighting pollution than fighting evil—one of those pleasant clergymen who lifts his weekly sermons out of old newsletters from a National Council of Churches that has cast morality and theology aside as not "relevant" and set as its goal on earth the recognition of Red China and the preservation of the Florida Alligator.

These parents not only indulged their children; they indulged themselves—leaving Junior alone night after night with his favorite babysitter—the TV tube. By the time the average child reaches eighteen years of age, he has spent something like 18,000 hours squatting mesmerized before the make-believe world of television. Now undeniably, he learned some good things there, but they cannot substitute for parental guidance. Unfortunately, he also learned that instant gratification can be had with a proper admixture of credit cards, fast automobiles, cigarettes, pills, toothpaste, deodorants, and hair dressing.

Today, by the thousands—without a cultural heritage, without a set of spiritual values, and with a moral code summed up in that idealistic injunction, "do your own thing," junior—his pot and Portnoy secreted in his knapsack—arrives at "The Old Main" and finds there a smiling and benign faculty even more accommodating and less demanding than his parents.

For a decade these colleges and universities have undergone a barrage from the underground press, films, plays, manifestoes, novels, and even mass magazines; the theme of which is that American society and all its institutions—business, the army, the government, the universities—are irrational, racist and corrupt.

Glorifying direct action and violence, these publications have as their pervasive emotions—contempt for Western culture and hatred for the United States. Undeniably, this stream of opinion has been influential on the campus. Is it any wonder that in 1970 some are easily radicalized by the SDS?

Eight, we must look to the university that receives those children. Is it prepared to deal with the challenge of the non-democratic Left?

To most academicians the traditional enemy has always been on the Right. The sixties showed how pitifully unprepared the academic community was for an assault from its ideological rear.

They had best learn how to deal with it, for their survival is at stake. One modest suggestion for my friends in the academic community; the next time a mob of students, waving their non-negotiable demands, start pitching bricks and rocks at the Student Union—just imagine they are wearing brown shirts or white sheets—and act accordingly.

Ninth, let us support those courageous administrators, professors and students on our college campuses who are standing up for the traditional rights of the academic community, against what the New York Times rightly calls the "New Fascists." Their number is growing.

Last week President Eric Walker of Pennsylvania State University along with his wife was driven from their home by rock-throwing students. He has pledged no amnesty for the thugs responsible, his trustees are behind him; and the country will be well served if he stands by his guns.

The country will support these principles—and from the recent survey of the Carnegie Commission on Education, college facilities themselves have had a bellyful and are ready to act as well. Eighty percent interviewed said these campus disorders were a threat to academic freedom; three out of four said that students who disrupt the college should be suspended or expelled. Can it be that within the faculty lounges there is also a Great Silent Majority?

One final thought about academic freedom and the true liberal philosophy. Neither can be reconciled with the coarse repression by the New Left of other points of view. The rude shouting-down of guest speakers is totally incompatible with the presence of intellectual excellence. Therefore, we must presume that intellectual excellence is no longer present on campuses where another viewpoint cannot be expressed, analyzed, and debated. And it is not enough to defend by saying that the disruptors are in the minority. Because if intellectual excellence were present, it would never abide such animal conduct.

It is one of the tragedies of our time that faculties and students sit in catatonic trance while the raucous militants destroy academic freedom.

When will they awaken?

CRACKDOWN ON TERROR FAVORED

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. BURTON of Utah. Mr. Speaker, America's citizens are weary of acts of terror which are increasing in frequency at an alarming rate. A recent Gallup poll indicates that the majority of Americans want to see that persons convicted of terror bombings, hijackings, and inciting riots are meted out stiff jail sentences. I agree with their sentiments. It is high time for us to crack down on perpetrators of all criminal acts, and I hope that stiff sentences will be given, and upheld, in these new kinds of crimes, as well as in all other kinds.

I include an article from the April 23, 1970, Washington Post, reporting the findings of the poll as follows:

LENIENCY ON TERROR REJECTED

(By George Gallup)

PRINCETON, N.J., April 22.—The U.S. public is in no mood to be lenient with people who commit three types of crimes that are products of modern-day America: terror bombings, hijacking and inciting riots.

The public would crack down particularly hard on those convicted of putting a bomb in a public building. A majority of those interviewed, 78 per cent, would give "bombers" sentences ranging from 10 years to death. Only one person in eight would impose a sentence of less than 10 years.

A majority of 59 per cent would give airplane hijackers sentences ranging from 10 years to death. One person in four favors a sentence of less than 10 years.

Views are somewhat more lenient in the case of persons convicted of inciting a "serious riot," with nearly half saying the sentence should be less than 10 years in prison. However, the public's hard line is apparent here as well, with many calling for stiff sentences, particularly in the case of riots in which lives are lost.

Since January more than a score of bombs have exploded in over a dozen cities, killing six persons and injuring 15. Property damage has run into the millions of dollars.

The hijacking of aircraft became a major concern of government officials in 1968. According to the State Department, there were three successful hijackings of U.S. commercial aircraft to Cuba in the period 1961–1967, but this figure jumped to 13 in 1968. Just in the last six months, 35 new hijack attempts have been reported.

The Gallup Poll put this question to a representative national sample of 1551 adults in 300 scientifically selected areas in a survey conducted March 13 to 15:

There has been a lot of discussion as to what jail terms, if any, should be given persons 18 years of age and older who are convicted of certain offenses. Would you please tell me in the case of each of the following offenses what, in general, you feel should be the jail term:

a. For a person who is convicted of putting a bomb in a public building?

b. For a person convicted of hijacking an airplane?

c. For a person who starts a serious riot?

The following table shows the results:

Jail terms

[In percent]

Less than 10 years:	
Hijacking	26
Bombing	12
Starting riot	43
10 years or more:	
Hijacking	39
Bombing	43
Starting riot	34
Life:	
Hijacking	16
Bombing	29
Starting riot	6
Death:	
Hijacking	4
Bombing	6
Starting riot	2
Other responses:	
Hijacking	5
Bombing	4
Starting riot	5
No opinion:	
Hijacking	10
Bombing	6
Starting riot	10
Total	100

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Men are far more inclined to favor the death penalty than are women for persons convicted of each type of crime. Little difference of opinion, however, is found on the basis of the age of the respondent.

THE MASSACHUSETTS LEGISLATIVE COUNCIL FOR OLDER AMERICANS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on April 10, 1970, at Suffolk Downs more than 10,000 senior citizens gathered for the second annual meeting of the Massachusetts Legislative Council for Older Americans.

This gathering marks an important milestone in the efforts of the Legislative Council for Older Americans to focus national attention on the economic problems of our elderly citizens. Those who attended this affair had the pleasure of hearing Senator EDWARD M. KENNEDY, Gov. Francis Sargent, president of the Massachusetts State Senate, the Honorable Maurice Donahue, and other dignitaries. I also had the privilege of addressing the group.

Through the efforts of the Legislative Council for Older Americans and its officers—Mr. Frank J. Manning, president; Mr. Jerry Schneider, executive vice president and treasurer; Mr. Frank Holiver, public relations—many new advantages have come to the aged. Most important of these was that the council was instrumental in the enactment of legislation in the Commonwealth of Massachusetts, whereby senior citizens would be allowed to keep increased social security payments without loss in State benefits.

I want to congratulate the officers of this association for the fine leadership they have shown in behalf of the senior citizens. These men and this organization have brought much happiness to our older Americans.

At this point I include in the RECORD an article from the Boston Herald and the speech given by Senator EDWARD M. KENNEDY:

MASSACHUSETTS LEGISLATIVE
COUNCIL FOR OLDER AMERICANS,
Boston, Mass., April 14, 1970.

Hon. THOMAS P. O'NEILL, Jr.,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN TOM: We are proud to have you join us and enclose a life membership.

We feel that the April 10th rally was an important mile-stone in our efforts to focus national attention on the social and economic problems of our Elders, and are happy to report that we are beginning to get outside support which I am sure will reflect itself in mail to Congressmen outside our own Commonwealth.

We know that we can count on you to do all you can in Washington.

With warm regards.

Sincerely,

FRANK J. MANNING,
President.

[From the Boston Herald, Apr. 11, 1970]

TED SAYS CONGRESS FAILS AGED

(By Wendell Coltin)

Sen. Edward M. Kennedy told more than 10,000 elderly persons at Suffolk Downs yesterday—the largest gathering of senior citizens in the state's history—that Congress has not met its responsibilities to them.

"A country that can afford to spend hundreds of billions of dollars in foreign wars can do more spending for senior citizens," he said, adding that the elderly are "much too intelligent and concerned" to be satisfied with "glib" promises.

Kennedy received a roaring ovation from the throng, which included several busloads of Rhode Island residents. The meeting, which had "Senior Power" as its theme, was held in the enclosed grandstand at the racetrack.

The gathering was the second annual meeting of the Massachusetts Legislative Council for Older Americans.

Kennedy said the elderly should have a minimum Social Security benefit of $100 a month, instead of the present $55 to $60 for a worker retiring at 65. Medicare, he said, is a step in the right direction, but only meets 35 to 45 per cent of the medical needs of the elderly.

The senator also called for a comprehensive health insurance program for all citizens.

"There are those who say we can't afford that," he said. When you think of the amounts insurance companies spend on advertising and TV, I say we can have a program. We can start a program to gradually feed our senior citizens into the program."

U.S. Rep. Thomas P. O'Neill, who traveled from Washington to address the assembly, said: "Your dollar of Jan. 1, 1968, is only worth 93 cents today. I hope we can give you a minimum of 15 per cent in a new (social security) increase and raise the earnings limitation to $3,000."

Gov. Sargent signed an executive order at the meeting establishing the governor's Special Planning Commission on Elderly Affairs. He named Louis Lyons, WGBH–TV (Channel 2) news commentator, chairman and Frank Manning, president of the Massachusetts Legislative Council for Older Americans, deputy chairman.

"This commission," the governor said, "will be the prime forum in state government for the senior citizen from now until after the 1971 White House Conference. It will serve as the vehicle for attracting our share of the federal grants specially earmarked for planning for that conference and other funds under the Older Americans Act."

He presented the pen used in the signing to Manning, who served as chairman of yesterday's meeting.

The Governor said the commission will have broad latitude to evaluate all state programs for the elderly, make recommendations to the governor and legislature, and draw up a master plan for improving state programs in preparation for the White House conference. Its 60 members will have available a paid staff to carry on its studies and day-to-day operations. The governor also said he is fighting for a $100-million bond issue to construct housing units for 6,000 elderly citizens.

Other speakers included Senate President Maurice A. Donahue, Mayor Kevin White, Sen. Samuel C. Harmon, Jack Leff of the Council of Elders, and Secretary of State John F. X. Davoren.

SPEECH BY SENATOR EDWARD M. KENNEDY AT THE ANNUAL MEETING OF MASSACHUSETTS LEGISLATIVE COUNCIL FOR OLDER AMERICANS

I appreciate very much the opportunity to be here today. It is an impressive rally. And I congratulate you on the tremendous turnout.

Thousands of you are here. And you are here because you care; because you are active; because you are willing to get out and work for the basic rights of senior citizens.

In an age of demonstration, disruption, and discontent, you are firmly and conscientiously pressing your cause. We may be a youthful nation. But you have shown to me—and to millions of others—that "senior power" is here; it is now; it is important to all of us.

Your accomplishments in Massachusetts have been many. Last fall, for example, you rallied together at the War Memorial Auditorium. And then you went out and worked for your program.

You protected the extra $12 in benefits for recipients of old age assistance. And you did so by demanding and getting quick legislative action when the deadline approached. The result is $2.2 million more in purchasing power for 55,000 persons here in the state.

You have worked for half fares for older citizens on buses.

You have pressed for nursing home reform and tax relief.

You have met in the State House itself, when necessary, to dramatize your needs and your responsible requests.

In short you have carried the torch in these and a number of other areas affecting senior citizens. And I want to congratulate you here today. There is still a long way to go. But "senior power"—*your* "senior power"—can produce much of the needed reform.

As the nation grows, each year a larger and larger proportion of our population joins the ranks of senior citizens. Today, about one out of every 10 persons is 65 or older—more than twice as many as a half a century ago. We have 20 million seniors in the United States; and 620,000 here in Massachusetts.

The statistics are challenging. For we as a nation have failed to meet our responsibilities to older citizens.

Far too often, we find that older Americans are left behind by the process which they helped to create.

Far too often, retirement produces loneliness and frustration, when it could be a time to enjoy well-earned leisure hours.

Far too often, the continuing talents and skills of the elderly are overlooked—when they could be utilized to the benefit of all society.

We have failed millions of citizens 65 and over in the area of income maintenance. We have failed millions by not providing decent homes at a price which they can afford to pay. We have failed millions in neglecting adequate medical care.

This nation has a fundamental obligation to assist our retired men and women. They have served the country well for the better part of a lifetime. They deserve our support and consideration in their later years.

We cannot meet the basic needs by advancing timid and halfway measures. We must be bold. We must be willing to commit additional resources.

I will continue to press for responsible programs in Washington. And I would like to review today some of the areas I am particularly concerned about for the months ahead.

First, spiraling inflation continues to rob the pocketbook of every American. And no group is more badly hurt than senior citizens. Most of you live on fixed incomes. As prices go up, your purchasing power goes down. And attempts to give you offsetting income increases have been far too little and far too late.

Prices are now rising at an annual rate of 6%—the greatest increase in over 20 years. And the end is not in sight.

On several occasions, I have urged the President to take a firm lead with business and labor. In previous Administrations, strong encouragement and concern from the White House helped to persuade these groups to hold down inflationary rises. Presidents

Kennedy and Johnson called leaders together from both sides—and asked them to consider the national interest, as well as their own self interest.

The approach was successful. But the present Administration refuses to follow a similar course. Meanwhile, prices keep on rising.

Second, now is the time to modernize and streamline our Social Security system, and to tailor it to the requirements of our constantly changing economy. This means recognizing the right of senior citizens to a fair share of our ever-growing Gross National Product—which is rapidly approaching one trillion dollars.

Nearly 3 out of 10 individuals 65 and over live in poverty—in contrast to 1 in 9 among younger persons. Seven and one half million seniors are poor or near poor. Yet many did not fall into poverty until they became too old.

I supported the 15 percent increase in Social Security last December. It was long overdue. But as you here so vividly know, it was certainly not enough.

Briefly, here are some of the changes which I advocate for Social Security—now, not way off in the future:

A further, substantial, immediate increase in benefits;

Automatic increases tied to the cost of living index;

Protections against offsetting cuts in old age assistance and other programs whenever Social Security goes up;

An increase in minimum benefits to at least $100 a month—as proposed in legislation which I introduced last year;

An increase in the widow's pension from 82½ percent to 100 percent;

Contributions from general revenues to help finance an expanded program.

Social Security increases which are put in one pocket and taken out of another serve only to keep millions of our older people on a treadmill. Yet far too frequently, that is what happens.

As we move forward with Social Security, we must also recognize that today the level of payments is far behind present need. We need increases not just to catch up with inflation, but simply to get us to the starting line.

Thirty-five years ago this Nation made a commitment to support our citizens in their later years. We have not yet lived up to that commitment. I say it is high time we did. And I can assure you that I will continue to fight down in Washington for an adequate program in my duties as United States Senator.

Third, we must move forward with reform of Medicare. The program has brought assistance and peace of mind to millions of older citizens. But illness and bad health still threaten our elderly population—physically and financially. For the annual medical expenditures for each senior citizen are three times as great as those for persons under 65.

Yes, Medicare was a step in the right direction. But it still meets only 35 to 45 percent of all health care expenditures for the elderly. And there are many gaps in the program.

One of the biggest items in the older person's budget is prescription drugs, but this is not covered. The same is true of many other medical services vitally important to an aged person.

As a long-run solution, I have called for a comprehensive National Health Insurance program which will incorporate Medicare. In studying guaranteed minimum income proposals before Congress, we must also consider inclusion of the elderly.

But meanwhile, let us extend coverage to prescription drugs and other services. And let us change the law which requires periodic increases in the cost of Medicare to the recipients. Otherwise, millions of our retired persons will be priced out of this service and will have to go to charity programs for relief.

Fourth, I have introduced legislation to stimulate employment of low-income seniors in a wide range of service activities in their communities—day care assistants, teacher aides, hospital attendants, recreational counselors, companions for other senior citizens, coordinators in programs for the elderly, and many others.

My program would provide income for older persons struggling along in poverty. It would relieve the frustration which so many seniors feel at the lack of work opportunities. It would give our communities badly needed help. It would utilize the talent and wisdom and skill which our senior citizens possess. It would give them a chance to live out their later years in dignity and constructive service.

As Chairman of the Senate Special Subcommittee on Aging, I chaired hearings on the bill last Saturday morning down in Fall River. Some of you here were kind enough to attend. Frank Manning testified as a formal witness.

The response in those hearings was truly amazing. Senior Aides from pilot projects described the deep personal satisfaction and hope and confidence which they gained from community work. Community leaders told of the great help and value of senior workers, and asked for more.

Endorsement of these programs was unanimous and I will press for early passage of my bill in the Senate.

Fifth, my thoughts now turn to the one million older Americans who are languishing in 14,000 nursing homes across the United States. The three-generation family home—with parents, grandparents, and children in one house or apartment—is a thing of the past. And even as most of our older citizens have been exiled from private industry, so many of them have been, by necessity, moved from their homes to special facilities.

Some nursing homes are doing a good job. Many are trying to become comfortable shelters in which to live, not to die.

But in far too many cases, nursing homes are dirty; their service is indifferent; their medical care is grossly inadequate.

That is why I added an amendment, which passed in 1967, requiring the licensing of all nursing homes—with minimum standards to assure proper care. These regulations are scheduled to take effect this year. I urge that the Administration publish them promptly and enforce them vigorously.

Sixth, let's talk about housing.

Because the retired person necessarily spends a great deal of time within the confines of his house or apartment, the home environment is of utmost importance to his health and morale. But today, millions of retired people are living in dilapidated homes which simply aggravate their sense of hopelessness and futility.

To add insult to injury, many tenants are forced to pay a disproportionate amount of their income for rent—often being forced to make a grim choice between paying the rent or buying a badly needed warm coat or other necessity. Even in public housing projects, many tenants are paying 50 to 60 percent of their income as rental—thus depriving themselves of adequate food and clothing.

Last year Congress passed a two-year $4.8 billion bill which included substantial support for moderate and low-income housing. But, so far, it has been funded at only a small percentage of the authorized level. We can, and we must, do more.

For all of our aging programs, we must be willing to devote adequate resources. The moon, Venus and Mars will be here long after millions over 65 have passed from this scene. Let us transfer some of the money and creativity of our space program, of our madcap highway program, of our overkill machinery of defense to the needs of those who have chronology against them and cannot afford to think in terms of long-range proposals and promises of future aid.

Let us not forget that you, our older Americans, pioneered for the 40-hour work week; for unemployment insurance; for collective bargaining in industry; and for many other current benefits which the working forces of this country enjoy today.

And so I call upon young and old alike to demand an end to the human loneliness and frustration which too often are the penalties for growing old.

And in particular, I call upon you, who are gathered here at this meeting, to keep up your dedicated, forceful, effective work.

You must continue to take the lead. *You* must continue to make your story known. *You* must continue to press for a decent life for every older American.

That is the goal I leave with you today—a decent life for every older American. Working together, young and old, we *can* achieve that goal. We will have failed, as a nation and as a people, if we settle for anything less.

AMERICANS ABROAD—THE JAIL SCENE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1970

Mr. PUCINSKI. Mr. Speaker, Time magazine recently carried an article describing Americans going abroad in search of cheap drugs.

It is a tragedy that these Americans going abroad harbor several myths; namely, that drugs are cheap, which is correct, and that the laws in foreign countries are loose compared to the United States, which is incorrect.

Because of their folly, we now have several hundred Americans languishing in foreign jails where our American consuls can do little to help these people. This must come as a traumatic shock not only to the jailed Americans, but to their families as well.

Let our Americans going abroad be forewarned of the consequences and penalties they face as the price for smuggling drugs.

Mr. Speaker, Time's thought-provoking article follows:

[From Time magazine, Apr. 13, 1970]

AMERICANS ABROAD—THE JAIL SCENE

Coming into Los Angeles
Bringing in a coupla keys
Don't touch my bag, if you please,
Mr. Customs man.

—*An Arlo Guthrie song, 1970*

Guthrie's lyrics celebrate a popular underground myth: that the U.S. is a tough drug scene compared with countries abroad, where the laws are loose and the hash is cheap. Though it is true that a "key" (kilo) of hashish may cost as little as $10 or $20 in Lebanon or Morocco, the price for many young American smugglers turns out to be almost unbearably high. All along the "trade routes" by which narcotics make their way back to Europe and the U.S., young Americans are filling up a veritable Baedeker of prisons.

The State Department reported last week that, as of February, there were no fewer than 404 Americans being held in foreign jails on various drug charges, compared with only 142 a year ago. And the count is rising.

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Paris-based John T. Cusack, the chief U.S. narcotics agent for Europe and the Middle East, estimates that foreign police and customs agents are booking young American smugglers at the rate of 40 per month. In Morocco, five Americans have been arrested on drug charges in the past five weeks. Last week in Lebanon, Morocco's main rival as a Mecca for drug-seeking tourists, police arrested eight youthful Americans who were trying to sneak some 70 kilos of hash out of the country. The catch brought Lebanon's current population of Americans imprisoned on drug charges to 15, pushing the country ahead of Italy (12) and Greece (13), and close to the league leaders, which are Spain (about 50 jailed Americans) and West Germany (30).

Drug Scare. The prison population explosion is worrying the State Department, which calls it "a very important question." In many areas, it is rapidly becoming the prime concern of American diplomats. In Rabat, U.S. Counsul Joseph Cheevers is besieged by requests for such items as antiscorbutic vitamin C, soap and blankets from American inmates of Moroccos dank jails (40 to a room). At the same time, he is handling twice as many requests for information from worried parents in the U.S. as he was a year ago.

The surge in overseas drug arrests of American travelers is largely the result of a crackdown by foreign governments. They are disturbed at the emergence of narcotics problems in their own country. Furthermore, some widely publicized drug-connected horrors, particularly the Sharon Tate murders, have helped to erode whatever benign neglect traveling American hippies once enjoyed abroad. A few of the jailed Americans are professional smugglers, supplying the Mob in the U.S. "But most of them," says Cusack, "are not pros in the true sense. They have no records. They are users, and many of them are 'missionaries.' They want to turn others on—and if there's a profit in it, so much the better."

Busted Playmate. There are profits aplenty. A $10 or $20 "key" of Lebanese hash can fetch $1,500 or more in the U.S., and the figures tempt a wide variety of improbable smugglers. Book-of-the-Month Club Author W. S. Kuniczak (*The Thousand Hour Day*) was arrested last December for smuggling 160 lbs. of hash into Greece; he is presently serving a 4½-year sentence on the island of Corfu. *Playboy's* December Playmate Gloria Root, 21, currently graces Athens' stark Averoff prison, where she is serving a ten-month sentence for crossing into Greece from Turkey with 38 lbs. of hash: Nearly all of the amateur smugglers are under 30, but surprisingly few are drifters or dropouts. One of three young Americans who have been cooling their heels in Bierut's Asfourieh Prison Hospital since they were arrested on smuggling charges last August is Harvard Sophomore Steven Miller, 21, a grandson of a former dean of the Harvard Divinity School.

Although they are generally long on education (and long on hair), the young tourists are strictly bush-league smugglers. Says Agent Cusack: "They use methods that would make a professional pusher blush—putting the stuff in the mail or hiding it under the back seat of a car." In Algeciras, Spanish custom officers last year arrested 64 Americans as they stepped off the ferry from Morocco. If Moroccan dope peddlers have not already fingered the Americans in advance, Spanish agents have little trouble picking out probable smugglers. The giveways: hippy dress ("a long or loose anything"), and talkative overfriendliness.

At Beirut International Airport, customs men have trained dogs to sniff out drugs hidden in luggage. In Tashkent, a woman Soviet agent with a superb olfactory sense sniffed hash carried by three young Americans, who were flying via Aeroflot from Afghanistan to Finland. Two are still serving time in the infamous Potma labor camp southeast of Moscow.

Series of Horrors. Often the youthful smugglers are suckers from the start. In Lebanon, tourist guides around Baalbek's famous Roman ruins sidle up to adventurous-looking American kids and sell them not only cheap hash but identical cheap cardboard tourist suitcases to carry it in. Airport customs officials are so familiar with the suitcases that they almost yawn as they arrest the tourists who show up with them.

Arrest is only the first of a series of horrors. Beyond helping young smugglers to get a reputable lawyer, U.S. consuls can only ensure that Americans get the same treatment as the local nationals do—which is often a far cry from U.S. standards. Bail is unknown in many countries, and there are long waits in crowded prisons before cases come to trial. Beirut's notorious Sands prison, where seven Americans are currently awaiting trial, is filled with rats, homosexuals and filth.

American parents of jailed students are invariably flabbergasted at how little they can do to ease their cases. Ronald Lee Emmons, 22, a black Chicagoan and a former basketball player at the University of Illinois, was picked up in Istanbul for possession of two kilos of hash. Despite the efforts of his mother, he waited 13 months in Istanbul's Sagmalcilar prison before his case came to trial last February. He was sentenced to five years in jail, where all he can look forward to are the letters, books, money and extra food that U.S. Consul Douglas Heck brings on his twice-monthly visits. As a U.S. consular official in Lebanon confesses: "The truth is we simply can't do any more." The only American ever to be sprung from a Lebanese prison by executive clemency was a Los Angeles youth who was found to have terminal cancer. He was allowed to go home to die.

HOUSE OF REPRESENTATIVES—*Monday, May 4, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong in the Lord and in the power of His might.—Ephesians 6: 10.

Almighty God, infinite in wisdom, power and love, whose mercy is over all Thy works and whose will is ever directed to Thy children's good, humbly we bow in Thy presence as we pray for those in the service of our country, particularly those who are prisoners of war—absent from their loved ones, yet always present with Thee. Protect them from all dangers of body and spirit, grant unto them humane treatment, help them to be patient with themselves, good to their fellow men, and strong in Thee who art the strength of all Thy children.

Bless their families with the assurance of Thy presence and the comfort of Thy spirit. May they look forward with faith and hope to a safe return of their loved ones and to the end of war.

We pray for the family of our beloved colleague who has gone home to be with Thee. Grant them Thy comfort and the strength of Thy spirit as they live through these days.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 30, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes;

H.R. 1187. An act to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore; and

H.R. 1706. An act to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 515) entitled "An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11372. An act to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes", approved June 18, 1956 (70 Stat. 290).

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1461. An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States;

S. 1751. An act to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians; and

S. 2362. An act to amend certain Federal laws relating to the State of Oklahoma.

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DEATH OF CONGRESSMAN WILLIAM L. ST. ONGE

(Mr. MONAGAN asked and was given permission to address the House for 1 minute.)

Mr. MONAGAN. Mr. Speaker, I have the sad duty of informing the House of the sudden death of our beloved friend and colleague, the gentleman from Connecticut (Mr. ST. ONGE). BILL died on Friday afternoon in Connecticut. He was engaged upon work of his office and driving to a launching ceremony at the time of his death. His wife was with him and members of his staff were with him. So he died in the pursuit of his duty, as I am sure he would have been proud to do. His passing was a particular shock to me since I had lunched with him on Thursday and had flown to Connecticut with him on that evening.

The funeral will be tomorrow morning at 11 a.m. at St. Mary's Church in Putnam, his hometown.

I know that all of us, particularly those of us from Connecticut who served with him, will always have in mind his courtesy, his kindness, his devotion to his constituents, his high standards of individual integrity, and his dedication to excellence in the performance of his congressional duties.

Since many of his friends are not here at the present time, Mr. Speaker, I do not suggest that we have eulogies today, but a future time will be set and due notice will be given so that all those who may care to join in eulogies of our late friend, BILL ST. ONGE, will have an opportunity to do so.

May I close by expressing on behalf of the House our deepest sympathy to BILL's widow, Dorothy, and all the members of his family.

PERMISSION FOR JOINT COMMITTEE ON ATOMIC ENERGY TO FILE REPORT ON H.R. 17405

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Joint Committee on Atomic Energy may have until midnight tonight to file a report to accompany the bill H.R. 17405, to authorize appropriations for fiscal year 1971.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SUPPORT OF PRESIDENT'S POLICY IN CAMBODIA AND SOUTHEAST ASIA

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, I rise in support of the President's policy in Cambodia and Southeast Asia.

President Nixon had no alternative to ordering the elimination of the enemy sanctuary in Cambodia. The President had possession of the facts. He acted wisely and with great courage.

The President's decision will serve the cause of peace and will save American lives, and that of countless women and children of South Vietnam who have been the victims of savage brutality and ruthless aggression.

Our troops cannot be disengaged or withdrawn from South Vietnam as long as their flank is subjected to continuous bombardment from this privileged sanctuary, a sanctuary seized by brutal aggression in a neutral country, a country whose neutrality was guaranteed by the Geneva agreement of 1954—a solemn treaty signed by North Vietnam.

The Communist aggressor from North Vietnam answered our bombing halt by further aggression in neutral Cambodia. The North Vietnamese aggressor answered our offer of peace at the Paris conference by further aggression in Laos and South Vietnam. The Communist aggressor has answered our withdrawal of troops and deescalation of the war by invasion of its neighbors and inhuman cruelty beyond imagination.

There can be no peace with this enemy dagger in Cambodia aimed at Saigon, our men, and the heart of South Vietnam.

The President's forthright action is in the interests of self-defense and peace in Southeast Asia. I commend the President and support him in doing what is morally right and just.

CAMBODIA

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, the Commander in Chief responsible for the safety of our troops has taken the action he considers necessary to protect them and continue our policy of withdrawal. It was a hard decision, damaging from a political standpoint, but in the tradition of Presidents who have risen above politics when the lives of Americans were at stake.

Some anti-Nixon commentators and columnists and political opponents of the President are eagerly rushing to the attack, apparently confident that this is the opening they have been waiting for. From a purely political point of view, they may temporarily achieve their purpose in seeking to exploit the President's bold move against the enemy's sanctuaries.

But President Nixon is entitled to a much fairer consideration and appraisal of his courageous action than he is receiving from these hecklers, and he will receive it from the American people. He would not have taken this step unless convinced it was necessary to protect our fighting men and in the national interest.

ACTION TAKEN IN CAMBODIA BY THE PRESIDENT

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KING. Mr. Speaker, I support the action taken in Cambodia by the President. He showed great courage in making a most difficult decision. He has shown that he has the guts to face up to situations. When a man is President and puts his country and the safety of his men in Vietnam ahead of the possibility of being rejected at the polls for a second term, I am for him.

The Communists left us no other choice. For years they have enjoyed the sanctuaries of Cambodia knowing we would not pursue them. They have set up elaborate bases across the Cambodian line from which they make repeated incursions into South Vietnam. They used hit and run tactics.

We have offered them every concession at the bargaining table in Paris and elsewhere to no avail. They demand abject surrender which the American people would not accept from any President. We had no other recourse in the defense of our flank and the protection of our men in Vietnam.

It will not, in my opinion, enlarge and evolve into a full-scale Indochinese war. The President has said we will withdraw when we succeed in obliterating the festering sores on the borders of Cambodia. I believe him and support his efforts to bring about peace on honorable terms.

AFFIRMATION OF PRESIDENT'S ACTION IN SOUTHEAST ASIA

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, over the weekend I had the opportunity to talk with many people in my district and my State concerning the President's actions in Southeast Asia. While to a man all of these people would like to see this war brought to a conclusion, they all recognized the fact that there are certain hard decisions that must be made, and basically there are three choices in Southeast Asia; namely the surrender of America to the Communist position, all-out military victory, or Vietnamization. If Vietnamization is to proceed, it must be on a basis wherein we can protect and defend the American troops as they are being phased out and allow the South Vietnamese a chance to establish an army to defend themselves. The action of the President in going into Cambodia has the support of a vast majority of the people in my district and in my State. Frankly, the people with whom I talked felt that it took great courage for the President to make the decision he did. They realize that the President placed his political future last and the interest of the United States and the free world first. Most Americans admire the President for acting and I support the President in this endeavor to end the war.

VETERANS' ADMINISTRATION PROGRAM OF SHARING SPECIALIZING MEDICAL RESOURCES

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9634) to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, with Senate amendments

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thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the first Senate amendment as follows:

Page 1, after line 2, insert:

"That section 4114 of title 38, United States Code, is amended by inserting in subsection (a) (3) (A) immediately after the first sentence thereof the following: 'Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and are pending registration as a graduate nurse in a State, shall not exceed one year.' "

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in Senate amendment No. 1.

The motion was agreed to.

The Clerk read Senate amendment No. 2, as follows:

Page 1, after line 2, insert:

"SEC. 2. Section 4114 of title 38, United States Code, is amended by deleting '(b)' at the beginning of subsection (b) and inserting in lieu thereof '(b) (1)' and by adding the following new paragraph:

" '(2) In order to more efficiently carry out the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as an agency for this purpose. The Administrator may pay to such designated central administrative agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) such stipends as fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such fund to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5 of the United States Code, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5 of the United States Code. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5 of the United States Code. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident for the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded.' "

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in Senate amendment No. 2 with an amendment; as follows:

In lieu of the matter proposed to be inserted by Senate amendment numbered 2, insert the following:

"SEC. 2. (a) Section 4107(a) of title 38, United States Code, is amended—

"(1) by striking out the comma immediately after 'Chief Medical Director' and inserting in lieu thereof 'and';

"(2) by striking out 'and Associate Deputy Chief Medical Director,'; and

"(3) by inserting immediately below the heading 'Section 4103 Schedule' the following:

" 'Associate Deputy Chief Medical Director, $36,000.'.

"(b) Section 103(c) of the Act of November 7, 1966, entitled 'An Act to amend title 38 of the United States Code to clarify, improve, and add additional programs relating to the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes' is hereby repealed."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. Yes; I shall be glad to yield to the gentleman from Iowa.

Mr. GROSS. May the House be assured that all the Senate amendments are germane to the bill?

Mr. TEAGUE of Texas. Mr. Speaker, I assure the gentleman from Iowa that they are all germane to the bill.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Veterans' Affairs yielding to me at this time. I appreciate the problem that we have with the returning veterans from Vietnam receiving adequate and continuing care. I certainly know of the diligent work of the distinguished gentleman from Texas in trying to assure this in a program of follow-on hospitalization, if, indeed, maximum benefit or adequate medical care cannot be obtained under the current circumstances without adequate personnel in the various military services, and I am aware of the personnel problems involved.

I hope the gentleman from Texas can give the Members of the House assurance that by the last amendment of the other body, which we are about to accept; we are not removing the function of the Veterans' Administration facility hospitals providing, or being provided by the so-called deans committees from associated teaching institutions to help guide our procedures and our training services so that maximum benefits and continuing care to veterans is always available, including the new regional stroke, cancer, heart services, and all other assistance that the teaching institutions have to give to the VA hospitals.

Can the gentleman assure us that this amendment will not work in reverse?

Mr. TEAGUE of Texas. I can assure the gentleman from Missouri that this will not work in reverse. In fact, we think this will strengthen what the gentleman is talking about. That is one of the purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The Clerk read Senate amendment No. 3, as follows:

Page 1, after line 2, insert:

"SEC. 3. Section 4114 of title 38, United States Code, is amended by inserting in subsection (d) (1) immediately after the word 'physician' the following: 'or dentist'."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in Senate Amendment No. 3.

The motion was agreed to.

The Clerk read Senate amendment No. 4 as follows:

Page 1, line 3, strike out [That section] and insert:

"SEC. 4. Section".

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in Senate Amendment No. 4.

The motion was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, the bill, H.R. 9634, which passed the House on June 2, 1969, was suggested by the Veterans' Administration in a formal presentation to the Congress. As passed by the House, the Veterans' Administration was authorized to cooperate in the sharing of specialized medical resources with community hospitals and other medical installations for the mutual use or the exchange of use of such resources. The previous requirement had been limited to the exchange of use.

The Senate in reporting and passing the bill, included provisions which authorized the Veterans' Administration to make temporary full-time appointments of nurses where a nurse has completed a full course of nursing in a recognized school of nursing and is pending registration as a graduate nurse in a State. Such appointments would be limited to 1 year. This, of course, is an effort to meet the shortage of nursing personnel. My motion proposes to concur in that Senate amendment.

Another Senate amendment is to enlarge the authority of the Veterans' Administration Chief Medical Director to permit the appointment of dentists, without State licenses, by waiving the requirement that a physician or dentist be licensed in a State in those cases where he is to be used only in research with no direct responsibility for the care of patients. I propose to ask the House to concur in that Senate amendment also.

The other amendment of the Senate has to do with individual Veterans' Administration hospitals entering into agreements with medical schools for the central administration of training programs involving interns and residents. In view of the difficulty which has been experienced in recent months in the Veterans' Administration hospital system with regard to such programs, I am not moving to concur in that Senate Amendment.

At the request of the Veterans' Administration, I am moving to set the salary of the Associate Deputy Chief Medical Director at $36,000.

Mr. AYRES. Mr. Speaker, H.R. 9634, as passed by the House, permits the Veterans' Administration to enter into agreements providing for the mutual use of certain specialized medical resources shared with community medical facilities. Existing law limits such sharing agreements to the exchange or reciprocal use of scarce resources.

The Senate added a provision authorizing the Veterans' Administration to enter into agreements with university hospitals and medical schools for the central administration of shared and rotating training programs for interns and residents. The committee has discovered in recent months that the sharing of medical personnel with medical schools creates a number of difficulties. Until these are resolved, I believe it unwise to enter into additional agreements. I support the motion to reject this amendment and substitute language that will set the salary of the Associate Deputy Chief Medical Director at $36,000. This amendment has been requested by the Veterans' Administration.

The Senate also included provisions which authorized 1-year full-time appointments of Veterans' Administration nurses when they have completed a full course of nursing in a recognized school of nursing and are pending registration as a graduate nurse in a State. This will help to meet the shortage of nursing personnel. I support the motion to concur in that Senate amendment.

Another Senate amendment will permit the Veterans' Administration Chief Medical Director to appoint dentists, without State licenses, by waiving the requirement that he be licensed in a State in those cases where he is to be used only in research with no direct responsibility for the care of patients. I support the motion to concur in that Senate amendment.

The Clerk read the Senate amendment to the title of the bill, as follows:

Amend the title so as to read: "An Act to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to appoint certain persons in the nursing service in the Department of Medicine and Surgery of the Veterans' Administration and to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents, to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendment to the title of the bill, with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following: "An Act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes."

The motion was agreed to.

So the Senate amendments, as amended, were concurred in.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

TO REVISE THE DEFINITION OF A "CHILD" FOR PURPOSES OF VETERANS' BENEFITS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10106) to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the first Senate amendment as follows:

Page 1, after line 11, insert:

"SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"'§ 413. Dependency and indemnity compensation to children

"'Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"'(1) One child, $88.

"'(2) Two children, $127.

"'(3) Three children, $164.

"'(4) More than three children, $164, plus $32 for each child in excess of three.'"

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendment numbered 1.

The motion was agreed to.

The Clerk read Senate amendment No. 2 as follows:

Page 1, after line 11, insert:

"SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out '$29' and inserting in lieu thereof '$32'.

"(b) Subsection (b) of section 414 of such title is amended by striking out '$80' and inserting in lieu thereof '$88'.

"(c) Subsection (c) of section 414 of such title is amended by striking out '$41' and inserting in lieu thereof '$45'."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendment numbered 2.

The motion was agreed to.

The Clerk read Senate amendment No. 3 as follows:

Page 1, after line 11, insert:

"SEC. 4 (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting '(1)' immediately after 'unless', and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: 'or (2) the total amount paid to the widow, children, or parents of such veteran under any such policy is equal to or exceeds the face value of the policy and such amount paid when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependence and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final.'.

"(b) The last sentence of section 417(a) of such title is amended by striking out 'preceding sentence' and inserting in lieu thereof 'first sentence'.

"(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House disagree to Senate amendment numbered 3.

The motion was agreed to.

The Clerk read Senate amendment No. 4 as follows:

Page 1, after line 11, insert:

"SEC. 5. The amendments made by sections 2 and 3 of this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendment numbered 4 with the following amendment:

On page 3, line 20, of the Senate engrossed amendments, strike out "5" and insert "4".

The motion was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, this bill, as passed by the House on October 6, 1969, contained a new definition of a child to include as a child a person to whom an interlocutory decree of adoption had been issued by an appropriate adoption authority. It was formally requested by the Veterans' Administration and passed by the House unanimously.

The Senate, in passing the bill, continued the House language which is contained in section 1 and added to it in sections 2 and 3, increases for children under the dependency and indemnity compensation structure of title 38. It also included language to provide for the payment of dependency and indemnity compensation to certain widows who are receiving death compensation today. All of this relates to service-connected cases and would cost approximately $3½ million the first year.

The motions which I have offered would retain the House language in section 2, accept sections 2 and 3 relating to increases for dependency and indemnity compensation to children, and reject the amendment with regard to the old death compensation being merged into dependency and indemnity compensation. The latter action is due to the fact that it is already covered on a more liberal basis in the bill, H.R. 16661, which the House will shortly consider, and which I feel sure will pass unanimously.

Mr. AYRES. Mr. Speaker, this bill passed the House on October 6, 1969. It contained a new definition of a child for veterans' benefits to recognize an adopted child as a dependent from the date an interlocutory decree of adoption had been issued by an appropriate adoption authority, rather than from the time the decree becomes final.

The Senate amended the bill to increase by 10 percent payments to children under the dependency and indemnity compensation provision of title 38. It also provided for the payment of dependency and indemnity compensation to certain widows who are receiving death compensation today.

I support the motions offered by the distinguished chairman of the committee which would retain the House language, accept the Senate amendment relating to increases for dependency and indemnity compensation to children, and reject the amendment to permit certain widows to receive dependency and indemnity compensation. The latter action is due to the fact that similar provisions are contained in the bill, H.R. 16661, which the House will consider today.

The Clerk read the Senate amendment to the title of the bill, as follows:

> Amend the title so as to read: "An Act to amend title 38, United States Code, to revise the definition of the term 'child' to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. TEAGUE of Texas moves that the House concur in the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

NECESSARY HOSPITAL OR DOMICILIARY CARE FOR VETERANS 72 YEARS OF AGE OR OLDER

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 693) to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes, with the Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the first Senate amendment as follows:

> Page 1, line 7, strike out all after "the" over to and including line 3 on page 2 and insert: "receipt of pension under any law administered by the Veterans' Administration shall constitute sufficient evidence of inability to defray necessary expenses, and any veteran in receipt of such pension shall be exempt from making any statement under oath regarding his inability to defray necessary expenses.' "

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. TEAGUE of Texas moves that the House disagree to Senate amendment numbered 1.

The motion was agreed to.

The Clerk read Senate amendment No. 2 as follows:

> Page 2, strike out all after line 16 over to and including line 16 on page 3.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. TEAGUE of Texas moves that the House concur in Senate amendment numbered 2, with the following amendments:
>
> On page 2, line 1, of the Senate engrossed amendments, strike out "2" and insert "3", and strike out "16" and insert "2".
>
> On page 2, line 2, of the Senate engrossed amendments, strike out "on page 3".

The motion was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, this bill which was passed by the House on June 2, provided—

First. That a veteran who is 72 years of age or older will no longer be required to sign a statement of inability to defray necessary hospital or domiciliary expenses to gain admission to a VA hospital or domicilairy for treatment of a non-service-connected disability.

Second. Authorize furnishing of outpatient care and such other medical services as are reasonably necessary to any veteran who is in receipt of pension or compensation based on need of regular aid and attendance of another person, or who is permanently housebound.

Third. Permit the Veterans' Administration to furnish drugs and medication to veterans who are receiving the housebound rate of compensation or pension. Existing law permits furnishing of drugs and medication to those in receipt of the aid and attendance rate.

Fourth. Extend eligibility for medical care for non-service-connected disabilities to veterans who served on the Mexican border during the period beginning May 9, 1916, and ending April 6, 1917.

Fifth. Remove the limitations imposed by section 201 of the Revenue and Expenditure Control Act of 1968—Public Law 364—insofar as they apply to ceilings placed on personnel within the Veterans' Administration.

The Senate, in passing the bill on October 21, 1969, amended the proposal by writing into the bill what is already VA policy; namely, that receipt of pension from the Veterans' Administration shall constitute sufficient evidence of inability to pay as to permit the veteran to be admitted without making any statement regarding his inability to pay the cost of hospitalization. Veterans' Administration regulation today assumes that any person who is drawing pension is in need of hosptial care and eligible for such insofar as economic factors are involved.

The Senate amendment also removed the proposed eligibility of Mexican border veterans for medical care.

The motion I have made will restore this feature to the form as passed by the House; namely, by providing that every applicant who is 72 years of age or older will no longer be required to sign any statement of inability to pay for hospitalization when he applies for admission to a Veterans' Administration hospital. My motion also restores the medical care feature for Mexican border veterans.

I hope that the other body will consider this to be a reasonable compromise, accept, and send the measure to the White House.

Mr. AYRES. Mr. Speaker, H.R. 693, as it passed the House, eliminated the oath of inability to pay for hospitalization sought by veterans who are 72 years of age or older.

The bill also extended eligibility for non-service-connected Veterans' Administration medical care to veterans who served on the Mexican border between May 9, 1916, and April 6, 1917.

The Senate amended the bill to provide that the oath of inability to pay for hospitalization be eliminated only for those who are in receipt of pension benefits. This is more restrictive than the House-passed provision, since it merely provides statutory authority for a procedure already accomplished under Veterans' Administration regulations.

The Senate also eliminated the provision that Mexican border veterans be entitled to Veterans' Administration hospital and medical care.

The effect of the motions offered will be to restore substantially the House language with respect to these Senate amendments. I support the motions.

The Clerk read the Senate amendment to the title of the bill, as follows:

> Amend the title so as to read: "An Act to amend title 38, United States Code, to provide that veterans who are in receipt of pension shall be deemed unable to defray the expenses of necesary hospital or domiciliary care, and for other purposes."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

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The Clerk read as follows:

> Mr. TEAGUE of Texas moves that the House disagree to the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the veterans' legislation we have just considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 515, CHILDREN'S FOOD SERVICE PROGRAMS

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966, to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 29, 1970.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, it is with great pride that I present today the conference report on H.R. 515. This bill creates a new charter for the child nutrition programs. It will strengthen the State and local administration of these programs and it will extend and improve their nutritional benefits to all children, especially to those children who come from poor families.

The history of this bill is worthy of brief review. It was first introduced nearly 2 years ago as H.R. 17873, on January 14, 1968. This action was an outgrowth of a series of hearings held by the House Education and Labor Committee on the subject of malnutrition and Federal food programs. Testimony from many groups brought out clearly the need for greatly expanded efforts to provide better nutrition for our Nation's children.

H.R. 17873 was passed by the House and subsequently passed by the Senate as part of another measure and thus did not go to conference. H.R. 515, as it now stands, is a much improved version of the original bill as a result of the legislative process through both Houses of the Congress. In total, the bill is a product of all interested groups, both inside and outside of the Federal Government. It is a bipartisan effort and worthy of your full support.

Mr. Speaker, I also feel constrained to say that in the past 2 years there has been much clearer recognition of the compelling need for improvement in the child nutrition programs. Additional funds have been forthcoming and significant progress has been made in reaching more needy children. Only recently, H.R. 11651 was approved to provide an additional $30 million to sustain the program of free or reduced-price lunches for needy children through the remainder of this school year.

I should like here to discuss some of the major features of the bill and their implications.

It carries authority for appropriations 1 year in advance for the School Lunch and Child Nutrition Act programs. For the first time, State departments of education and local school districts will be able to do effective planning on the use of Federal funds. The benefits of this major step from the standpoint of efficiency and good management will be far reaching and of great significance.

The authority for the appropriation of nonfood assistance funds to schools in low-income areas has been extended for 3 additional years. A major improvement has been made in the apportionment formula to direct these funds to the areas of greatest need.

Authority is given to the Secretary of Agriculture to make grants to the States for nutritional training and education for school lunch workers, cooperators, and participants and for necessary surveys and studies of requirements for food service programs. The provision means that State administration agencies will be able to give special attention to the important task of improving the knowledge of the principles of good nutrition among all those taking a part in the child feeding programs.

The matching of Federal funds by the States will be strengthened. For the first time, a portion of the matching requirement must be provided from the State level revenues. This provision will not take effect until July 1, 1971, in order to give State legislatures sufficient time to appropriate funds.

National standards, based on income poverty guidelines, are established for determining the eligibility of needy children for free or reduced-price meals. Local school authorities will publicly announce these standards and will be required to take necessary measures to avoid identification of children receiving free or reduced-price meals. Parents whose children qualify under these standards will apply on the basis of a simple self-certification process free from any humiliating or discriminatory practices as recommended by the White House Conference on Nutrition and Health. We who were managers on the part of the House also wish to impress on local school administrators that such income data are confidential.

Section 11 of the National School Lunch Act is to be amended in order that Federal funds can be used in any school to finance lunches for needy children: the present law limits special Federal assistance of this type to those schools serving predominantly low-income areas.

In addition, a desirable change is to be made in the formula for the apportionment of these special assistance funds among the States. This action will direct the necessary funds to the areas of greatest need.

All State educational agencies will be required to submit a plan annually beginning January 1, 1971, describing the measures that will be taken to furnish free or reduced-price lunches to every needy child.

Authority is to be granted for States to transfer funds between authorized programs on the basis of an approved State plan of operation. States also may receive funds to carry out special developmental projects to test out new and improved methods for providing nutritious meals to children.

Finally, a National Advisory Council is to be established to make a continuing study of child nutrition programs with a view to determining how such programs may be improved.

Mr. Speaker, I have only touched on the major features of the bill before us. I can only repeat that it sets forth a new charter for the development of child nutrition programs in the Nation. State governments and local school authorities are given new authorities and new responsibilities in partnership between the Federal Government and the States. The framework has been established to see to it that no child shall go hungry, or lack proper nutrition. This is a goal to which we are all committed.

In the years to come, we and the States must honor this commitment with the funds and resources required. We can do no less.

In closing, I would like to express very sincere thanks and gratitude to the many individuals and organizations across the country who have helped to make the objectives of this legislation a reality.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Kentucky for yielding.

How do the expenditures authorized in the conference report compare with the expenditures for this purpose as authorized in the legislation orginally approved by the House?

Mr. PERKINS. Let me say to the distinguished gentleman from Iowa that the School Lunch Act authorizes the expenditure of such funds as may be necessary, but we have many different categories where we have different authorizations in this bill. Last year for the entire

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school lunch program we spent $551,650,000, not including the special milk program, which amounted to $104 million in addition. We have in the budget this year $684,978,000, not including the special milk program.

Mr. GROSS. Mr. Speaker, would the gentleman restate the last figure he gave for this year?

Mr. PERKINS. For fiscal year 1971, assuming that the House Committee on Appropriations, when they take up consideration of the moneys, appropriate the full amount in the budget, it will be $684,978,000. But I may say there is nothing in the budget for fiscal year 1971 for the special milk program, where we expended $104 million last year.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, will the $684 million envisaged by the gentleman include the breakfast program?

Mr. PERKINS. It does include the breakfast program. It includes the regular school lunch program, the direct appropriation in the amount of $169 million, and the free end reduced price lunches, and the special food services program.

Mr. GROSS. How about the special milk program?

Mr. PERKINS. It does not include that milk program. It does include the school breakfast and the administrative expenses, nutrition education, and direct lunch program expenditures. It includes that and the Federal operating expenses.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Apropos of the colloquy between the gentleman in the well and the gentleman from Iowa, is it $684 million of Federal contribution to this program?

Mr. PERKINS. The $684 million is all Federal contributions, including section 32 foods and section 416 foods that come from CCC stocks. Yes, sir.

Mr. HALL. Mr. Speaker, I thank the gentleman. I have one additional question. On page 10 of the report of the members of the conference on the part of the House, under "School breakfasts" it is not clear to me the way the report is written whether the conferees simply go from $12 million for fiscal year 1971, to $25 million, or whether they go on to $50 million for fiscal year 1972 and $75 million for fiscal year 1973.

The next sentence says:

> There are no further extensions or increases nor other amendments.

Are we extending this for 3 years, or just doubling it for fiscal year 1971?

Mr. PERKINS. It was agreed among the conferees that we would extend the program only through fiscal year 1971 and set the authorization at $25 million.

Mr. HALL. And it would require a further authorization for fiscal year 1972?

Mr. PERKINS. That is correct.

Mr. HALL. I thank the gentleman.

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Speaker, I yield myself 3 additional minutes.

Mr. QUIE. My Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. This will be the first time the States are required to participate in the School Lunch Act as we have provided in the bill that we first passed in the House.

Mr. PERKINS. The gentleman is absolutely correct. Heretofore we have required matching from the Federal level on a 3 to 1 basis, but that has mostly come from charges to schoolchildren, from money collected from schoolchildren for their lunches.

This really places the responsibility on the States. In my judgment, it will make the school lunch program a much greater and more effective program with that responsibility placed on the States, because they should be carrying a part of this burden.

Mr. QUIE. If the gentleman will yield further, it should not be an onerous burden on the States, since they start out with 4 percent for 2 years, and then 6 percent for 2 years, and then go to 8 percent.

Mr. PERKINS. That is correct. We may run into a problem, inasmuch as many of the various State legislatures will not meet until 1972. We would not want to punish those States which do not have a regularly scheduled meeting in 1971.

I know in my home State the legislature recently adjourned, before enactment of this legislation. But perhaps we may have to postpone that date to some future date. I hope not. I hope that special sessions and so forth will be called to take care of this important matter.

Mr. QUIE. The gentleman from Kentucky also raised a question as to affidavits, under the bill. While the Department of Agriculture has not yet worked out details of the specifications regarding the affidavits, the gentleman from Kentucky agrees with me, does he not, that this is merely a certification on the part of the parents to the school of their income level, rather than the normal sense of an affidavit notorized, going through complicated legal proceedings.

Mr. PERKINS. I agree wholeheartedly with the distinguished gentleman. Any other interpretation on the part of the Secretary of Agriculture would be embarrassing, and humiliating to the parents of poor children. I feel that any reasonable-minded Secretary would not resort to the technical requirements of an affidavit subscribed and sworn to before a notary or someone authorized to administer an oath.

The gentleman has stated the intent of the committee and of the conference committee correctly.

Mr. QUIE. Let me also ask a question with regard to private and parochial schools. There is some question as to whether private or parochial school students would be treated the same as public school students, or would the private or parochial schools be in any way handicapped in their effort to provide free or reduced cost school lunches for children from families below the poverty level who attend their schools?

It is my understanding there is no intent to handicap private and parochial schools or inhibit them from providing free or reduced cost lunches.

Mr. PERKINS. That is absolutely correct. Where there is a conflict with State laws, the Secretary of Agriculture will deal directly with the private or parochial school, just as he has in the past. We do not intend to take one thing away from the private schools by this legislation, but we will let the Secretary deal directly with those private schools where a State law conflicts.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, adoption of this conference report is another evidence of congressional leadership in responsible legislation.

The bill we send to the President today got its start in the Committee on Education and Labor in 1968, when a predecessor bill, with bipartisan sponsorship and support, was reported to the House. It was unanimously approved on July 1 by a 352-to-0 vote.

The Committee on Education and Labor again, unanimously, reported H.R. 515 on March 17, 1969. It passed the House without opposition on March 20, 1969. The Department of Agriculture was lukewarm in its support, sending a permanent civil servant to testify, rather than an official in a policymaking position.

Last fall the distinguished junior Senator from Georgia with a bipartisan group of cosponsors, introduced a bill somewhat similar to H.R. 515. It was strongly endorsed by Members of both Houses and interested public witnesses, but again the administration was reluctant to take strong, positive, and aggressive steps to solve the problems of hungry children.

The legislation finally has administration support, but it is a congressional mandate that we are giving today. We can all be proud because we have actual responsibility from both sides of the aisle.

I congratulate the gentleman from Kentucky, the chairman, and all of the members of the Committee on Education and Labor for their leadership in this field.

Hungry schoolchildren will thank them and us.

Mr. PERKINS. Mr. Speaker, I yield 15 minutes to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield such time as he may use to the gentleman from Nebraska.

(Mr. CUNNINGHAM asked and was given permission to speak out of order.)

TODAY'S UNANIMOUS SUPREME COURT RULING ON OBSCENITY LEGISLATION SPONSORED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Speaker, I just returned from my district about 15 minutes ago, but I have an important

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news item which will be of interest to the House.

As you may recall, when we had the obscenity bill up before us last week and I had the privilege of managing it on our side of the aisle, I mentioned that the major bill that I sponsored and finally became law allowed parents to demand that their names and those of their minor children be removed from the smut dealers' mailing lists.

This has been a long struggle for me over about a 10-year period to get some major antismut legislation approved. It was approved but was immediately attacked by the smut dealers in California. But three Federal judges out there upheld the law. The smut dealers did not give up, however, and appealed to the Supreme Court. About 2 months ago the Supreme Court agreed to hear the challenge. Just this morning the Supreme Court unanimously agreed that the law was constitutional. On the news where I find this wordage:

From the Associated Press:

COURT-OBSCENITY

WASHINGTON.—The Supreme Court upheld today the Federal law that requires mailers to stop sending "obscene" advertisement to people who don't want them.

The court unanimously upheld a section of the Postal Revenue and Federal Salary Act of 1967 under which a householder may require that a mailer remove his name from its mailing lists and stop all future mailings to person complaining.

Chief Justice Warren Burger, writing for the court, swept aside contentions that access to the mail is a freedom protected by the first amendment.

Without doubt the postal system is an indispensable adjunct of every civilized society and communication is imperative to a healthy social order, Burger wrote. "But the right of every person 'to be let alone' must be placed in the scales with the right of others to communicate."

From United Press International:

SEX MAIL

WASHINGTON.—The Supreme Court today upheld the constitutionality of law which allows anybody to keep advertising out of his mailbox if he decides it is too sexy.

The law was challenged by 14 mail order houses, book publishers and others, who claimed it interferes with their right to free communication through the mail.

The vote of the eight-man court was unanimous, with Chief Justice Warren E. Burger speaking for the majority.

The law authorizes any addressee to take steps to stop "pandering advertisements" which he believes to be "erotically arousing or sexually provocative."

He asks the post office to order the firm to take his name off the mailing list. The firm can get a post office hearing if it wishes. In the event of non-compliance the postmaster general may ask the attorney general for a court order.

The mail order houses told the court deletions cost $5 a name because the lists are not alphabetical.

Burger said:

"In effect, Congress has erected a wall—or more accurately permits a citizen to erect a wall—that no advertiser may penetrate without his acquiescence. The continuing operative effect of a mailing ban once imposed presents no constitutional obstacles. . . .

"We . . . categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another. If this prohibition operates to impede the flow of even valid ideas, the answer is that no one has a right to press even 'good' ideas on an unwilling recipient.

"That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere.

"The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain."

Justice William J. Brennan, Jr., and William O. Douglas added a word about another section of the law which allows an addressee to include the names of any minor children under 19 in any post office department stop order.

Speaking for the two, Brennan said under the Court's broad interpretation of the law, a parent could prevent children "even if they are 18 years old, from receiving political, religious or other materials which the parents find offensive."

Brennan said this construction "is not without constitutional difficulties" but this issue is not part of today's case. He said he understands the court to leave the matter open.

The complaining companies were American Book Service, Cal-Sur Co., Home Products, Ras Enterprises—Daro Industries, Atthena Products, Cameo Distributors, Bilthels Mailing Service, Tiffany Enterprises, Quality Products, Media Consultants, United Surgical, Premier Products, Norman Stacy & Associates and C. & A. Sales.

This is a long story, Mr. Speaker. I will not go into it and take up the time of the gentleman from Minnesota, who yielded to me, but it is a great victory and a great breakthrough. Now we can proceed with other obscenity legislation.

As I said last week as I managed the bill, on behalf of the administration, which came out of our Committee on Post Office and Civil Service, there was tremendous help and encouragement, Mr. Speaker, which you gave to me on this bill during the long struggle. If we lost this case, we might as well forget about any legislation in this field of pornography and trying to stop it.

So. Mr. Speaker, this is a great victory for the American people. It is a great victory for the Congress. I am so happy about today's Supreme Court decision that I now know we must go full steam ahead with cleaning up this mess once and for all.

Mr. CUNNINGHAM. Mr. Speaker, I thank the distinguished gentleman from Minnesota for yielding to me for this purpose.

Mr. QUIE. Mr. Speaker, in recent years the problems of hunger in America have received a substantial degree of attention through the press and public and particularly in the Congress. The national school lunch bill has for years addressed itself to those needs. I have, since coming to Congress, been a supporter of this legislation, and have worked actively to promote and expand it through the years in an effort to extend its effectiveness. This has not been an exclusive effort on my part by any means. The gentleman from Kentucky, the chairman of our Committee on Education and Labor, CARL PERKINS, and I have worked together for years to develop our mutual concern for this program. I think, Mr. Speaker, it is significant that every piece of school lunch legislation to be signed into law in recent years was initiated in the House of Representatives. It is important to note that these actions were started before, and continued after, the general public became concerned about hunger and organizations came into being to help eliminate this problem.

Specifically, Mr. Speaker, last year the gentleman from Kentucky and I recognized that there were insufficient funds to meet the school lunch needs in this country and introduced temporary emergency assistance legislation designed to meet that problem. This recognition came as a result of our feeling in the House of Representatives that some action had to be taken, not because of prompting by the other body. The gentleman from Kentucky and I introduced legislation the end of May and the House acted shortly thereafter, authorizing $100 million to meet this emergency need. Yet, it took over 10 months before the President got the bill and signed it into law, after the other body reduced this to $30 million.

This legislation that we are considering today was also initiated in this body and it was introduced the first day of the 91st Congress. It was passed by the House less than 2 months later. And yet, it has taken over a year for action to be forthcoming so that we can come before you today with a conference report and tomorrow send this bill to the President for signature. It has been the House of Representatives that has consistently taken the lead in this area. We may be short on the rhetoric, which appears to be commonplace elsewhere, but we are, Mr. Speaker, first to act on legislation because we do understand the problems and recognize the needs.

I think it is important to clarify some misunderstandings that may exist in regard to changes that were made in the conference report. As you know, several amendments to the original bill were made on the floor of the Senate. House conferees felt that some modifications to those amendments were necessary. Much attention has been focused specifically on the new eligibility language in section 9 which states:

> Free lunches shall be served to low-income children or children being eligible for school lunches.

The wording in my judgment is academic because the existing School Lunch Act, in section 9, the third sentence, now reads:

> Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch.

Mr. Speaker, our action in conference takes the basic concept already in the law and expands it so that all poor children shall be served free or reduced-price meals on a standard as determined by the Secretary of Agriculture. The discretion for determination as presently written in the law remains with the local school authority.

What we did in this legislation, the conference report, is to specify a national standard that shall apply to local school boards. So, as it was written previously into law, such meals free or at lowest cost shall be served, but instead

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of left entirely to the discretion of the local school system a child coming from a family which is below the poverty level, $3,800, nonfarm; and, $3,200, farm must be served free or lowest cost lunches. The local school authorities retain their authority to provide free or reduced cost lunches for children who come from a family whose income is above the poverty lines.

Another change as noted in the newspapers, I feel there has been a misrepresentation of what we attempted to do on the House side in the conference report. When the Members of the other body suggested that we continue to use those words, "shall be served," instead of "shall be eligible," we accepted that change because we understood the meaning was the same anyway and while it made the language redundant, it made the amendment absolutely clear. That is the reason I suggested we change the words "shall be eligible" to "shall be served."

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I would like to say to the gentleman from Minnesota, who has labored so diligently and untiringly from the time we introduced the legislation, that I read the press release, and it was most difficult for me to understand because it was very clear that it was based altogether on hearsay evidence. In the first place, the gentleman from Minnesota (Mr. QUIE) offered the amendment to substitute the terminology "shall be served" instead of "shall be eligible."

Be that as it may, no one doubts the hard work the gentleman from Minnesota has done throughout the years in trying to strengthen the child feeding programs in this country, and the Federal lunch programs. No Member in this body has made a greater contribution to this, and I personally want to compliment the gentleman for the great work that he has done, and for his untiring work all the way through in connection with improving the school lunch program.

Mr. QUIE. Mr. Speaker, I thank the gentleman from Kentucky.

Mr. Speaker, I think it is important for me to point out that, in my judgment, the most significant change in the legislation, and one which I developed with the gentleman from Kentucky, is that when meals are provided free or at reduced cost to needy children, the first priority shall be given to free meals to the neediest. In other words, given the existing funds we have available, the poorest of the poor will be served under this legislation. It is my feeling that this approach is fair, rational and defensible.

As we point out in the conference report, those who are not able to pay for the lunches, even at a reduced cost, shall be provided free lunches by the local school authorities and Federal funds available shall be used for this purpose first.

I follow the developments in child feeding programs and note with great enthusiasm that Federal interest and support is improving and achieving results. As of December 1969—the last month for which figures were available—4.6 million needy children were receiving free or reduced-price meals. That is nearly one-quarter of the more than 20 million school children whose school meals are supported in part by the national school lunch program. The 4.6 million figure is up from 3.4 million at the end of the last school year and from 2.2 million the year before that. Thus free and reduced-price meal participation has more than doubled in slightly more than 1 year. By the end of the current school year it is expected that more than 5.5 million of the estimated 6.6 million needy children eligible for free and reduced-price meals should be receiving them.

As I said earlier, the gentleman from Kentucky and I cosponsored legislation last year to assure that adequate funds for this purpose would be available and that legislation was accepted by the administration as a vehicle for providing an additional $30 million for school feeding when program expansion outran earlier budget estimates. I am prepared to act again if I believe that funding is not adequate.

The legislative history of the Senate debate makes it clear that a State should not be cut off from program assistance because of the failure to reach every eligible child. The language of the conference amendment makes it clear that schools who make a good-faith effort to feed needy children and in fact do feed free meals to the neediest children first will not be subject to harassing lawsuits that may cause school districts to drop out of the lunch program entirely, as occurred to one school district.

Mr. Speaker, I raise this point because I am concerned that many well-meaning people who are enthusiastic about the cause may hurt the very children we are attempting to help here today. I point specifically to OEO's Legal Services unit, which is representing plaintiffs in suits challenging food assistance and school lunch programs throughout the country.

I have been advised there is a very active effort to generate extensive litigation. My concern is that successful suits could cause more schools to drop the national school lunch program entirely. It is my feeling that the mandate we are given here today addresses the needs of poor people and our desire that poor children be fed. I feel no end is served and no child's welfare advanced if a school closes its program. It is my hope that Federal, State, and local officials will work together to try to implement the provisions that we pass here today so that there will be an extension of food assistance for the young people who are in need rather than any curtailment as occurred in one school district so far.

We also have provisions here and language requiring that the State develop means of extending their school lunch program so that all of the schools within the State will be covered because at the present time not all of the schools are covered. This is especially difficult in some areas where the schools are extremely old.

We believe this will strengthen our hands in reaching these children in school and in day-care centers and in summer activities.

We all know that in this abundant land there is no excuse for malnutrition—let alone hunger. This bill removes the legislative inhibitions to fully meet the needs of our neediest children, and if any of us who have been working hard on this legislation find that additional legislative changes need to be made to reach our needy children, we stand ready to make those changes.

For the first time, we are requiring that the States contribute revenues toward the child feeding programs. Mr. Speaker, I recognize that there are tremendous demands on State revenues and, as a result, we built in a gradual and limited basis for matching funds from these sources. This change will mean far more than just additional funds for the program. I believe that it will introduce a new level of monitoring, and a new level of evaluation. This will result in closer scrutiny at the State and local level as to whether these programs are actually meeting the needs and whether the local tax money is being expended to fully meet the needs of the young people who do not have adequate revenue from their parents in order to buy the food they need.

We are talking about new developments, new approaches, new ways of getting meals to youngsters most in need of a good meal or two a day. We are talking about applying the new technology to an old problem.

Conventional thinking in the programs for feeding children tended toward duplicating restaurant-type facilities. Many of the newer suburban high schools and even elementary schools have gone this route. The parents can and are willing to support this type of operation.

But what do you do about feeding the youngster in overcrowded, old, elementary schools in downtown areas? Time was when the children attending these schools were expected to and did go home for lunch. It might have been a good lunch of a pickup kind of lunch—or it may not have been any lunch at all, if the school is in a ghetto area.

Times have changed. Now poor families in ghetto areas have greatly expanded. Also around our old schools we also have working mothers. Many by choice, but a great many because they have to. We have heard for years about the "door-key" or "latch-key" children who, by force of circumstances, must shift for themselves quite a few hours of the day.

With the new technology, any school in this country can provide a good meal for these children—can keep them from wandering the streets or dropping into the neighborhood store for empty calories that appease hunger but do nothing for nutrition.

I want to call your attention to another important factor in this bill which could be far reaching. This involves the provision for nutritional training and education for workers, as well as for the participants in these programs.

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The school lunch program in the past, while being a great aid in supplying at least a portion of the dietary needs of children, did not seek to interest the child nor the family in the program's purpose. A child either liked, or disliked, the menu for the day and generally took no interest in learning to appreciate the value of any particular item toward improvement of mind or body. In fact, this situation exists at this moment. The youngster may read the menu or hear it on the radio prior to serving time. If he does not like the items for the day, he may bring an adequate lunch from home but otherwise will probably buy a candy bar or soft drink.

Nutritional education, if subtly handled, can do much to engender pride or discipline in eating necessary foods when the thought is present that a keener mind or a more athletic body will result.

The old phrase "You Are What You Eat" might well be revived in modern terms with all the promotional means we have at our disposal in our communication programs today.

Mr. Speaker, this legislation clarifies and enlarges the authority and the commitment to better child nutrition. It provides for better planning, clearer standards, and an enlargement of the Federal, State, and local coordination on which the program has been so successfully based.

The provisions for advance appropriations, for an annual State plan of operation and for surveys and studies at the State and local level will allow coordinated development and expansion.

XUM

Advance appropriations will allow the Department of Agriculture to allocate school feeding funds prior to the beginning of the school year. This will be a great improvement over the experience of recent years when delayed appropriations bills have kept schools in uncertainty about allocation levels until well into the school year.

The State plan of operation will require that every participating State outline the manner in which it proposes to extend the program to every school, and to meet the needs in every school for free and reduced price lunches. The State plan will also require States to coordinate the lunch program with the breakfast program and with plans for feeding in summer camps and day care centers. Thus the plan will outline a year-round nutrition strategy. And by allocating funds for surveys and studies on a local level, it will be possible to make programs more responsive where it counts.

While the bill clarifies eligibility standards for free and reduced-price lunches, it requires that there be no overt identification of recipients. This is particularly important. School children are particularly sensitive to identification as being different or in any way inferior. H.R. 515 assures that the school lunch program will not be used to divide school children into a universe of haves and a universe of have-nots.

This legislation extends the availability of free and reduced price lunches to those schools that have only received donated commodities from the Department of Agriculture. Until now it has been possible for a school to obtain substantial commodity support for its lunch program without meeting the nutritional requirements of the type A lunch or providing free and reduced-price lunches to needy students. Now schools that wish to receive assistance for their feeding programs must participate in the national school lunch program and meet the program's requirements as to serving needy students and providing nutritious meals.

H.R. 515 makes an important change that will allow child nutrition programs to operate in a more flexible manner. Section 11 assistance for free and reduced-price lunches will be available for needy children in all schools. Previously it was only available to needy children in needy schools. Those schools with only small numbers of needy children were expected to provide free and reduced-price lunches out of regular funds. In practice children transferring to better schools have found themselves losing out on lunches. Now the funds can follow the child.

I am pleased that these changes have been made with the help of most involved.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

GOLD AND SILVER ARTICLES—CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMPENSATION FOR THE COMMANDING GENERAL OF THE MILITIA OF THE DISTRICT OF COLUMBIA

The Clerk called the bill (H.R. 350) to amend section 39–201 of the District of Columbia Code.

There being no objection, the Clerk read the bill as follows:

H.R. 350

A bill to amend section 39–201 of the District of Columbia Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (25 Stat. 772, 773), as amended (D.C. Code, sec. 39–201), is amended (1) by inserting "(a)" immediately after "Sec. 7.", and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), any person serving as the commanding general of the District of Columbia National Guard shall be paid at a rate equal to the minimum rate for a GS–15 of the General Schedule under section 5332 of title 5 of the United States Code.

"(c) Any officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the District of Columbia National Guard shall, while so detailed, be entitled to receive only the pay to which he is entitled as an officer of the Armed Forces."

Sec. 2. The paragraph contained in the District of Columbia Appropriation Act, 1961 (74 Stat. 25), under the caption "National Guard" is amended by striking out "at not to exceed $13,300 per annum".

Sec. 3. The amendments made by this Act shall be construed as having taken effect on July 1, 1966.

Mr. HÉBERT. Mr. Speaker, H.R. 350 is a relatively simple bill which would amend section 39–201 of the District of Columbia Code insofar as it relates to compensation for the commanding general of the militia of the District of Columbia, and for other purposes.

The bill as introduced by the Honorable OLIN E. TEAGUE of Texas, was supported in principle by the Department of Defense and the Bureau of the Budget but language was submitted which revised the bill entirely. As revised in accordance with their suggestions, the bill provides that the position of the commanding general of the District of Columbia National Guard be placed within the general schedule under section 5332 of title 5, United States Code. This would allow the appropirate grade for the holder of this position to be determined in accordance with the classification prescribed under chapter 51 of that title. The bill would also transfer the position to the Department of Defense for pay purposes.

At the present time, through a paragraph contained in the District of Columbia Appropriation Act of 1961, the salary of the commanding general of the National Guard is fixed at $13,300 per year. This is less than 49 of his technicians make. It is expected that the salary will be set at a GS–15 level which at the present time ranges between $21,859 and $28,069, the lowest and highest steps of that grade.

Under an Executive order issued in 1969, the President has directed the Secretary of Defense to supervise, administer, and control the District of Columbia National Guard while in a militia status, and the commanding general reports to the Secretary of Defense or an official of the Department designated by him. It seems logical that the position should be transferred to the Department of Defense rather than being a part of the District of Columbia government.

The enactment of the bill would result in an additional cost to the Department of Defense of approximately $28,000 annually. However, this would be partially offset, in terms of overall cost to the Government, by the elimination of $13,300 appropriated annually as a part of the District of Columbia Appropriation Act.

Mr. Speaker, I urge your support that the bill as amended be favorably reported to the House.

With the following committee amendment:

Strike all after the enacting clause and insert the following language:

"That section 7 of the Act entitled 'An Act to provide for the organization of the militia of the District of Columbia', approved March 1, 1889 (25 Stat. 772, 773), as amended (D.C. Code, sec. 39–201), is amended (1) by inserting '(a)' immediately after 'Sec. 7.', and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), a person serving as the commanding general of the militia of the District of Columbia shall be considered to be an employee of the Department of Defense, and of the United States, within the meaning of section 2105 of title 5, United States Code.

"(c) An officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the militia of the District of Columbia shall, while so detailed, be entitled to receive only the pay and allowances to which he is entitled as an officer of the Armed Forces."

"Sec. 2. The paragraph contained in the District of Columbia Appropriation Act, 1961 (74 Stat. 25), under the caption 'National Guard' is amended by striking out 'at not to exceed $13,300 per annum'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend section 39–201 of the District of Columbia Code relating to the compensation of the commanding general of the militia of the District of Columbia, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO APPROVE AN AGREEMENT ENTERED INTO BY THE SOBOBA BAND OF MISSION INDIANS

The Clerk called the bill (H.R. 3328) to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING TRANSFER OF BROWN UNIT, FORT BELKNAP INDIAN IRRIGATION PROJECT TO LANDOWNERS WITHIN UNIT

The Clerk called the bill (H.R. 14253) to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3007, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill as follows:

S. 3007

An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Montana, to the landowners within the unit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey all of the right, title, and interest of the United States in the facilities of the Brown unit of the Fort Belknap Indian irrigation project, located in township 28 north, ranges 23 and 24 east, Montana principal meridian, including, but not limited to, easements, rights-of-way, canals, laterals, drains, structures of all kinds, and water rights held for the benefit of the unit, to an organization or association having forms and powers satisfactory to the Secretary which represents the owners of the lands served by the unit. As a condition to said conveyance, the grantee organization or association shall assume full and sole responsibility for the care, operation, and maintenance of the unit open conveyance, and shall hold the United States free of all loss or liability for damages or injuries, direct or consequential, caused by the existence or operation of the unit or any of its features or structures, from and after the date of its conveyance.

Sec. 2. Upon conveyance of the Brown unit of the Fort Belknap Indian irrigation project as provided for in section 1 of this Act, the Secretary is authorized to cancel all accrued operation and maintenance charges and all construction charges with respect to the said unit.

Mr. ASPINALL. Mr. Speaker, S. 3007 authorizes a transfer of the Brown unit of the Fort Belknap Indian irrigation project to the landowner within the unit, and a cancellation of the outstanding reimbursable charges against the lands in the unit.

The Brown unit consists of a distribution system for using water from the Little Peoples Creek. Most of the water available is flood water. The project is entirely within the Indian reservation, and all of the water users are Indian owners of allotted land.

The project was started by the Indians with their own labor and funds in 1892. Federal construction began in 1949. The total Federal construction cost was $50,646.25, all of which is a lien against the land, but the lien is not assessable or collectible until the land passes out of Indian ownership.

The annual operation and maintenance costs are assessed against the landowners. If a landowner does not pay an assessment it is paid by the United States out of appropriated funds and the payment becomes a lien against the lands. The delinquent O. & M. assessments are presently approximately $1,200.

The Indian landowners have asked that the project be transferred to them, and they will then assume full responsibility for its operation and maintenance. The United States will have no further responsibility for the project. The request is based on a belief by the Indians that they can operate and maintain the project, using their own labor and equipment, more economically than can the Bureau of Indian Affairs. The Department of the Interior concurs in that belief.

Three other units of the Fort Belknap project were transferred to the water users under the act of September 14, 1961 (75 Stat. 509), which is similar to the pending bill. Indian operation of those three units without further Federal help has been successful. The Brown unit, which will be transferred under the pending bill, is the last of the active small irrigation units in this category.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14253) was laid on the table.

STONE MOUNTAIN MEMORIAL COMMEMORATIVE MEDALS

The Clerk called the bill (H.R. 15929) to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting American heroes of the past.

There being no objection, the Clerk read the bill, as follows:

H.R. 15929

A bill for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting American heroes of the past

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. In commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting American heroes of the past, the Secretary of the Treasury (referred to hereinafter in this Act as the "Secretary") is authorized to furnish to the Stone Mountain Memorial Association (referred to hereinafter in this Act as the "Association") medals with suitable emblems, devices, and inscriptions to be determined by the Association subject to the approval of the Secretary. The medals authorized by this Act shall be treated as national medals for the purposes of section 3351 of the Revised Statutes.

Sec. 2. The medals shall be made and delivered at such times as may be required by the Association, in quantities of not less than two thousand and not more than five hundred thousand, but none may be made after December 31, 1971.

Sec. 3. The Secretary shall furnish the medals at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be struck unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

Sec. 4. Medals struck under authority of this Act shall be of such size or sizes and of such metals as may be determined by the Secretary in consultation with the Association.

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With the following committee amendments:

Page 2, line 1, immediately after "the 'Association')" insert "not more than five hundred thousand".

Page 2, lines 9 and 10, strike "and not more than five hundred thousand".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mrs. **SULLIVAN**. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of a similar Senate bill (S. 3435) to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy, and ask for its immediate consideration.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3435

An act to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy, the Secretary of the Treasury (referred to hereinafter in this Act as the "Secretary") is authorized to furnish to the Stone Mountain Memorial Association (referred to hereinafter in this Act as the "association") not more than five hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the association subject to the approval of the Secretary. The medals authorized by this Act shall be treated as national medals for the purposes of section 3351 of the Revised Statutes.

SEC. 2. The medals shall be made and delivered at such times as may be required by the association, in quantities of not less than two thousand, but none may be made after December 31, 1971.

SEC. 3. The Secretary shall furnish the medals at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be struck unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

SEC. 4. Medals struck under authority of this Act shall be of such size or sizes and of such metals as may be determined by the Secretary in consultation with the association.

(Mr. **BLACKBURN** asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. **BLACKBURN**. Mr. Speaker, I rise today in support of H.R. 15929, a bill authorizing the striking of medals in commemoration of the completion of the carving on the face of Stone Mountain in Georgia.

This mountain has been of great historical significance to the people of Georgia and the Nation. The original idea for the carving was presented by the United Daughters of the Confederacy in 1915. Immediately following the conclusion of World War I, Gustav Borglum was commissioned as sculptor for the carving which was to depict the heroes of the Confederacy. Borglum's original idea called for an army marching across the face of the mountain with the leaders of the Confederacy leading this great mass.

However, Borglum was able to complete only the head and shoulders of General Lee by 1924 when he decided to leave the project because of financial difficulties. Borglum is well known for his carving at Mount Rushmore, S. Dak., where he carved four Presidents of the United States.

Augustus Lukeman was commissioned as the new sculptor in 1925 and he completely revised the Borglum plans. Lukeman planned to have only the leaders of the Confederacy riding on horseback depicted in the carving. Again financial difficulties stopped the project in 1928 and the half-completed carving of Jefferson Davis, Robert E. Lee, and Stonewall Jackson was to remain on the face of the mountain for 36 years.

In 1957, the Legislature of the State of Georgia purchased Stone Mountain and created the Stone Mountain Memorial Association for the purpose of completing the carving. In 1964, Walker Hancock of Gloucester, Mass., was retained as consulting sculptor. Lukeman's models were still available and are the basis for the present carving. On July 1, 1964, work was begun to complete the carving.

On May 9, 1970, President Nixon will present the dedicating address when the monument will be officially completed.

Stone Mountain is a monument to a people who, once divided by the bitterness of war, reunited in the name of peace and restored tranquillity and prosperity to their land.

This is not the first time Congress has helped to celebrate this great carving. In 1924, when the project was experiencing extreme financial difficulty, the Congress authorized the striking of a commemorative 50-cent coin which was sold for a dollar by the project's sponsors. This provided a great source of the funds which kept the carving going until 1928.

The medal which the House is considering today will again show that this body recognizes the contribution which these three great Americans made to our distinguished history. No one can doubt that these men were brave and fought for an ideal in which they would have given their lives. Furthermore, their valor and dignity has been a source of strength and inspiration to all men North and South for over a hundred years. We can only hope that our present leaders can show the courage of their conviction as much as these three Americans did.

Speaking for the people of the Fourth District of Georgia, I want to thank my colleagues for considering this legislation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15929) was laid on the table.

The **SPEAKER**. This concludes the call of the Consent Calendar.

ENACTMENT OF THE INTERSTATE AGREEMENT ON DETAINERS INTO LAW

Mr. **KASTENMEIER**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6951) to enact the Interstate Agreement on Detainers into law.

The Clerk read as follows:

H.R. 6951

A bill to enact the Interstate Agreement on Detainers into law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Agreement on Detainers Act".

SEC. 2. The Interstate Agreement on Detainers is hereby enacted into law and entered into by the United States on its own behalf and on behalf of the District of Columbia with all jurisdictions legally joining in substantially the following form:

"The contracting States solemnly agree that:

"ARTICLE I

"The party States find that charges outstanding against a prisoner, detainers based on untried indictments, informations, or complaints and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party States and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints. The party States also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

"ARTICLE II

"As used in this agreement:

"(a) 'State' shall mean a State of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

"(b) 'Sending State' shall mean a State in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to article III hereof or at the time that a request for custody or availability is initiated pursuant to article IV hereof.

"(c) 'Receiving State' shall mean the State in which trial is to be had on an indictment, information, or complaint pursuant to article III or article IV hereof.

"ARTICLE III

"(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party State, and whenever during the continuance of the term of imprisonment there is pending in any other party State any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred and eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint: *Provided,* That for good cause shown in open court, the prisoner or his

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counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decision of the State parole agency relating to the prisoner.

"(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

"(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

"(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the State to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the State to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

"(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving State to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending State. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

"(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

"Article IV

"(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party State made available in accordance with article V(a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the State in which the prisoner is incarcerated: *Provided*, That the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request: *And provide further*, That there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the Governor of the sending State may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

"(b) Upon request of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custory shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the State parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving State who has lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

"(c) In respect of any proceeding made possible by this article, trial shall be commenced within one hundred and twenty days of the arrival of the prisoner in the receiving State, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

"(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending State has not affirmatively consented to or ordered such delivery.

"(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to article V(e) hereof, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

"Article V

"(a) In response to a request made under article III or article IV hereof, the appropriate authority in a sending State shall offer to deliver temporary custody of such prisoner to the appropriate authority in the State where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in article III of this agreement. In the case of a Federal prisoner, the appropriate authority in the receiving State shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in Federal custody at the place of trial, whichever custodial arrangement may be approved by the custodian.

"(b) The officer or other representative of a State accepting an offer of temporary custody shall present the following upon demand:

"(1) Proper identification and evidence of his authority to act for the State into whose temporary custody this prisoner is to be given.

"(2) A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

"(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in article III or article IV hereof, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

"(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

"(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending State.

"(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

"(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending State and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

"(h) From the time that a party State receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending State, the State in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the States concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party State, or between a party State and its subdivisions, as to the payment of costs, or responsibilities therefor.

"Article VI

"(a) In determining the duration and expiration dates of the time periods provided in articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

"(b) No provision of this agreement, and no remedy made available by this agreement shall apply to any person who is adjudged to be mentally ill.

"Article VII

"Each State party to this agreement shall designate an officer who, acting jointly with

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like officers of other party States, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the State, information necessary to the effective operation of this agreement.

"ARTICLE VIII

"This agreement shall enter into full force and effect as a party State when such State has enacted the same into law. A State party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any State shall not affect the status of any proceedings already initiated by inmates or by State officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

"ARTICLE IX

"This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any State party hereto, the agreement shall remain in full force and effect as to the remaining States and in full force and effect as to the State affected as to all severable matters."

SEC. 3. The term "Governor" as used in the agreement on detainers shall mean with respect to the United States, the Attorney General, and with respect to the District of Columbia, the Commissioner of the District of Columbia.

SEC. 4. The term "appropriate court" as used in the agreement on detainers shall mean with respect to the United States, the courts of the United States, and with respect to the District of Columbia, the courts of the District of Columbia, in which indictments, informations, or complaints, for which disposition is sought, are pending.

SEC. 5. All courts, departments, agencies, officers, and employees of the United States and of the District of Columbia are hereby directed to enforce the agreement on detainers and to cooperate with one another and with all party States in enforcing the agreement and effectuating its purpose.

SEC. 6. For the United States, the Attorney General, and for the District of Columbia, the Commissioner of the District of Columbia, shall establish such regulations, prescribe such forms, issue such instructions, and perform such other acts as he deems necessary for carrying out the provisions of this Act.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 8. This Act shall take effect on the ninetieth day after the date of its enactment.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, this measure would enact the Interstate Agreement on Detainers into law on behalf of the United States and of the District of Columbia.

Identical legislation—H.R. 15421, 90th Congress—passed the House under suspension of the rules on May 6, 1968, but the other body, regrettably, failed to act.

The Department of Justice originally requested the legislation and the District of Columbia government joined in recommending its enactment in the 90th Congress. The Department and the District of Columbia government have repeated their favorable recommendation in the present Congress. We know of no opposition whatsoever to this legislation.

THE AGREEMENT

By enactment of this bill the United States and the District of Columbia would become parties to an Interstate Agreement on Detainers which has already been adopted and is being participated in by 25 States—listed below. Participation by the United States and the District of Columbia is contemplated by article II(a) of the existing Agreement which defines the term "State" to include them both—page 2—if they enact it into law—article VIII, page 12.

For the purpose of this legislation a detainer is a notification filed with the institution in which a prisoner is serving a sentence, advising that he is wanted to stand trial on pending criminal charges in another jurisdiction.

In the absence of the agreement on detainers, a prisoner does not have any way of initiating proceedings to clear a detainer filed against him.

It is also true that in the absence of the agreement on detainers prosecuting officials must resort to special contracts between the Governors of the States involved in order to secure an out-of-State prisoner for trial prior to expiration of his sentence.

The agreement on detainers alleviates both these situations. It makes the clearing of detainers possible before the expiration of sentence at the instance of a prisoner—article III, page 3—and also at the instance of a prosecutor—article IV, page 6.

NEED FOR THE LEGISLATION

The Bureau of Prisons has advised that a prisoner who has a detainer lodged against him is seriously disadvantaged. He is in custody and cannot seek witnesses or preserve his defense. He must often be kept in close custody and is ineligible for desirable work assignments. Thus he may lose interest in institutional opportunities because he cannot tell when, if ever, he will be in a position to use the skills he is developing. The agreement offers a prisoner the opportunity to secure a greater degree of certainty as to his future and enables prison authorities to provide better plans for his treatment.

On the other hand, the agreement also provides a method for prosecutors to secure prisoners serving sentences in other jurisdictions for trial, before the passage of time has dulled the memory or made witnesses unavailable.

Participation by the District of Columbia is necessary in order to make the agreement applicable to the clearing of detainers against State prisoners where the detainers are based on alleged violations of multiple regulations, ordinances, or acts of Congress applicable solely within the District.

HOW THE AGREEMENT ON DETAINERS WORKS

Let me summarize the effect of enactment of the legislation. Federal and District of Columbia prison authorities would be required to inform prisoners of detainers which have been lodged against them. Prisoners could then request trial on such pending charges. Any request would be transmitted through the warden to the proper official in the other jurisdiction, who would then have 180 days in which to bring the prisoner to trial. The prosecutor could obtain temporary custody of the prisoner and take him to the place of the trial. In the case of a Federal prisoner, the prosecutor would be entitled to temporary custody or to the prisoner's presence in Federal custody, whichever arrangement was approved by the custodian. The State whose prosecutor requests trial would be responsible for costs of transporting and returning the prisoner—article V, pages 10, 11. Upon completion of the trial the prisoner would be returned to the institution in which he was imprisoned. If convicted, any sentence imposed would be served in the second jurisdiction following completion of the original sentence. If the prisoner were not brought to trial within the 180-day limit, the charges would be dismissed with prejudice. The time limit could be extended for good cause shown in open court with the prisoner or his counsel present.

When, on the other hand, the proceedings are initiated by a prosecutor the request for custody would be made to appropriate officials in the jurisdiction in which the prisoner is being held. Unless the request is disapproved by the Government within 30 days, temporary custody would be given the prosecutor for the purpose of transferring the prisoner and holding trial. In this case trial must be commenced within 120 days of the time the prisoner arrives in the jurisdiction seeking him, unless the time is extended for good cause—article IV(c), page 7.

The agreement does not apply to persons adjudged to be mentally ill—article VI(b), page 11.

IMPACT AND COST

The committee has been advised that approximately 15 percent of Federal prisoners, or about 3,000 persons, have detainers lodged against them and that approximately 130 inmates of District of Columbia institutions are subject to detainers. Since the Federal and District of Columbia prison population constitutes a little more than 5 percent of the national prison population, the cost of the legislation to the Federal Government would be comparatively small, inasmuch as costs are to be borne by the jurisdiction in which the charges are pending. There are approximately 110,000 prisoners in custody in the institutions of States which are at present participants in the agreement.

Mr. Speaker, I urge prompt enactment of H.R. 6951.

STATES PARTY TO THE AGREEMENT ON DETAINERS

California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Montana.

Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio,

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Oregon, Pennsylvania, South Carolina, Utah, Vermont, Washington, Wisconsin.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

(Mr. POFF (at the request of Mr. WIGGINS) was granted permission to extend his remarks at this point in the RECORD.)

Mr. POFF. Mr. Speaker, I rise in support of H.R. 6951, a bill which would make the United States and the District of Columbia parties to the Interstate Agreement on Detainers.

This agreement allows a prisoner serving a sentence in a State which is a party to the agreement to secure a trial within 180 days on a charge pending against him in another party State. A prosecutor in a party State similarly may obtain custody of an accused who is serving a sentence in another party State subject to a 30-day period in which the Governor of the sending State may order that the prisoner not be transferred and provided that the trial take place within 120 days after delivery of the accused.

To date, 25 States have become parties to this agreement. H.R. 6951 would make the District of Columbia a party "State" with respect to violations of the District's municipal regulations and ordinances and of Federal statutes limited in their application to the District. The United States would become a party to the agreement with respect to Federal criminal laws of general application.

The agreement on detainers does not affect the applicable law in any criminal case. All it does is insure that both prosecution and defendant may, if they desire, obtain their day in court on a prompt and timely basis. The advantages to both sides are considerable.

From the prosecutor's point of view, a long delay in trial pending release of a prisoner by another State might make conviction impossible. Witnesses might die or disappear or become unavailable.

To the defendant, such a delay would effectively deny him a speedy trial. The Supreme Court held in *Smith* v. *Hooey*, 393 U.S. 374 (1969), that the speedy trial clause of the sixth amendment requires that a State which has a charge pending against a defendant serving a sentence elsewhere make a good faith effort to bring such defendant to trial within a reasonable time.

On a more practical level, an outstanding detainer may make a defendant ineligible for probation or parole or for some of the more desirable work assignments in prison. Also, if a defendant is uncertain as to whether he will have to serve another jail term he is less likely to have the motivation to become successfully rehabilitated. This latter consideration is especially important in view of the fact that the basic purpose of the entire penal system is to prepare its inmates to reenter society as law-abiding citizens.

Mr. Speaker, in view of these considerations, I feel that the Interstate Agreement on Detainers benefits both defendant and prosecutor, as well as society generally. I urge the passage of H.R. 6951 in order that the Federal Government and the District of Columbia may become parties to this agreement.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the bill, H.R. 6951.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL PARKS CENTENNIAL COMMISSION

Mr. ROGERS of Colorado. Mr. Speaker, I move to suspend the rules and pass the Joint Resolution (H.J. Res. 546) authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 546

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is directed to request the President to issue a proclamation designating the year 1972 as "National Parks Centennial Year", in recognition of the establishment on March 1, 1872, of the world's first national park, Yellowstone, which advanced a new concept of land use in setting aside an outstanding natural area in perpetuity for the benefit and enjoyment of the people.

SEC. 2. (a) There is hereby established a National Parks Centennial Commission (hereinafter referred to as "the Commission") to be composed of the following members:

(1) four Members of the Senate to be appointed by the President of the Senate;

(2) four Members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(3) the Secretary of the Interior or his representative; and

(4) six persons to be appointed by the President from among persons not officers or employees of the Federal Government and who, in the judgment of the President, have outstanding knowledge and experience in the fields of natural and historical resource preservation and public recreation.

(b) The President shall designate one of the members appointed by him as Chairman of the Commission.

(c) The members of the Commission shall receive no compensation for their services as such, but members from the legislative branch shall be allowed necessary travel expenses as authorized by law for official travel, members of the executive branch shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code, and members appointed by the President shall be allowed necessary travel expenses as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703). Staff of the Commission shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code.

(d) Any vacancy in the Commission shall not effect its powers or functions, but shall be filled in the same manner as the original appointment.

SEC. 3. The functions of the Commission shall be (1) to prepare, and execute, in cooperation with Federal, State, local, nongovernmental agencies and organizations, and appropriate international organizations, a suitable plan for commemoration of the one hundredth anniversary of the beginning of the worldwide national park movement by the establishment of Yellowstone National Park in 1872; (2) to coordinate the activities of such agencies and organizations undertaken pursuant to such plan; and (3) to provide, in cooperation with such agencies and organizations, host services for a world conference on National Parks in 1972, and to assist in representing the United States in the activities of such conference.

SEC. 4. The Commission may employ such personnel as may be necessary to carry out its functions, with or without regard to the provisions of the civil service laws or the Classification Act of 1949, as amended, in its discretion.

SEC. 5. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with public and private associations, and educational institutions; and to request advice and assistance from appropriate Federal departments or agencies in carrying out its functions. Such Federal departments and agencies are authorized to furnish the Commission such advice and assistance with or without reimbursement. To the extent it finds necessary, the Commission may, without regard to the laws and procedures applicable to Federal departments and agencies, make contracts, procure supplies, property, and services (including printing and publishing), and may exercise the powers needed to carry out its functions efficiently and in the public interest.

(b) The Director of the National Park Service or his designee shall be the Executive Director of the Commission. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Department of the Interior, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Secretary of the Interior: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to the appropriations of the Commission.

(c) Beginning with the end of the calendar year in which the Commission is first established, the Commission shall submit annual reports of its activities and plans to the Congress. The Commission shall submit a final report of its activities, including an accounting of funds received and expended, to the Congress, not later than December 31, 1973, and shall cease to exist upon submission of said report.

(d) Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the National Parks Centennial in Federal, State, or local libraries or museums or make other disposition of such materials. Other property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as excess or surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities shall be deposited in the Treasury of the United States.

SEC. 6. There are authorized to be appropriated such sums, but not more than $250,000, as may be necessary to carry out the provisions of this Act: *Provided,* That no part of such appropriatons shall be available for obligation by the Commission until and unless at least $300,000 in donations

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have been actually collected by the Commission from non-Federal sources.

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

(Mr. ROGERS of Colorado asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Colorado. Mr. Speaker, I urge my colleague in the House of Representatives to give favorable consideration to the bill, House Joint Resolution 546, which provides for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park.

This measure is an administration proposal which was referred to the House Committee on the Judiciary in the form of an Executive communication from the Secretary of the Interior. It is a proposal which had the warm endorsement of the previous administration under President Johnson, and which now enjoys the warm endorsement of the present administration.

Our Nation has now become strongly conscious of the need to conserve natural resources—the need for clean air, clean water, and for space in which to enjoy the bounties of nature. We have come to realize that unless we solve our ecological problems, not only will we be physically stifled, but even more important we shall be morally and spiritually stifled as well. At a time when it has become so important for us to dedicate ourselves to the conservation of our natural resources, it is appropriate that our Government commemorate the 100th anniversary of the beginning of our national parks movement. The bill before us today provides for such commemoration.

Under House Joint Resolution 546, the year 1972 would be designated as "National Parks Centennial Year." To plan the centennial activities, the bill establishes a 15-member special commission composed of four Members from the House of Representatives, four Members from the Senate, the Secretary of the Interior, and six nongovernmental members appointed by the President. As part of the commemoration contemplated by the proposal, a world conference on national parks will be held at Yellowstone and Grand Teton National Parks in 1972.

Under the proposal as formulated by the Department of the Interior, the funding for the commission would occur in two ways. First, the proposal contemplates the raising of $600,000 in the form of donations from private sources. Second, the proposal would authorize $250,000 in appropriated funds.

In approving this proposal, the Judiciary Committee has agreed on an amendment which we believe would help to assure that the Federal funds appropriated for the commission would be more than matched by the donations. Under the amendment which we have adopted, the $250,000 of Federal funds would not be made available to the commission until the commission first collects $300,000 from non-Federal sources. We believe that this amendment will in no way hamper the commission's activities but will, instead, operate to assure that the present plan to raise most of the money from private sources is carried out.

Mr. Speaker, in my view the objectives of this proposal are extremely worthy. I know of no area of our Federal Government's activities which historically has exemplified the conservation of natural resources more than that of the national parks system. Since this bill will provide a vehicle for reaffirming those conservation principles, it is a measure which should have the warm endorsement of this body.

Mr. WOLD. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Wyoming.

Mr. WOLD. Mr. Speaker, I rise in support of House Joint Resolution 546, a joint resolution which would authorize the commemoration of the 100th anniversary of the establishment of Yellowstone National Park.

Yellowstone is the world's first national park, established by the congressional act of March 1, 1872. Since the founding of Yellowstone the United States has developed a national park system which comprises 258 separate areas and which constitutes a vast repository of our natural and historical heritage.

The national park concept, first put into reality at Yellowstone, is a distinctly American contribution to world culture. Following our lead, some 80 nations have developed their own national park systems.

Therefore it seems eminently appropriate that the 100th anniversary of the founding of Yellowstone be celebrated with all due ceremony.

The Committee on the Judiciary examined the resolution very closely and on the recommendation of the Department of Interior and the National Park Service made several changes with which I am in full accord.

The joint resolution would ask the President to issue a proclamation designating 1972 as "National Parks Centennial Year." A 15-member special Commission, composed of four Members of the Senate, four Members from the House, the Secretary of the Interior, and six nongovernmental members appointed by the President would be established to coordinate and plan centennial activities.

In connection with the centennial the joint resolution gives the official sanction of the United States to the world conference on national parks which is scheduled to be held at Grand Teton and Yellowstone Parks in 1972. It is felt such a conference would provide the means for bringing together the knowledge and experience of all the nations of the world in this field.

Estimates from the Department of Interior indicate some $850,000 will be needed for the various activities of the Commission. The joint resolution would authorize $250,000 from congressional appropriation with the remainder coming from private and non-Federal sources. The committee amended the joint resolution so that the $250,000 would not be made available until the Commission first collects $300,000 from private sources.

I concur with the committee's view that this amendment will not hamper the Commission's activities. Rather it should insure that the plan to raise most of the funds from private sources is executed.

Mr. Speaker, increasingly, we are becoming conscious that man's fulfillment requires more than just material satisfaction. He needs to be able to escape from the day-to-day pressures and crowding of the 20th century. He needs the links with his past that will allow him the opportunity for reflection so he can contemplate his future direction.

Yellowstone put into reality the concept of setting aside in perpetuity an outstanding natural area for the enjoyment of every citizen. It is the foundation-block of an entire network of similar parks throughout the world.

Yellowstone lies mainly within my district, the great State of Wyoming and I am especially proud that this noble concept was first embodied there.

Mr. Speaker, I strongly urge the enactment of this joint resolution.

Mr. WIGGINS. Mr. Speaker, I rise in support of House Joint Resolution 546.

For perhaps the first time in the history of man, there is a serious danger that the very technological accomplishments which have allowed our civilization to achieve such great heights of material progress may destroy the environment in which that civilization now flourishes. We in the United States are now coming to realize that our natural resources are not unlimited and that we must act to preserve them.

One of the greatest of all our natural resources is the sheer beauty of our land. The United States has within its borders some of the most beautiful, and most unique, scenery in the world. The redwoods in my own State of California, the Grand Canyon on the Colorado River in Arizona, and the valley of the Yellowstone in Wyoming are some examples which come to mind.

It was to preserve for posterity certain tracts of land which are of special value and beauty that the national parks system was created.

House Joint Resolution 546 would set up a commission to celebrate the centennial anniversary of the beginning of the national parks movement in 1872, when Yellowstone National Park was established. It is most appropriate in this era of concern for the preservation of the earth's natural ecology that this anniversary be celebrated.

House Joint Resolution 546 would establish a 15-member special commission to oversee a world conference of experts in this field at Yellowstone and Grand Teton National Parks in 1972.

However, the benefits of this proposed centennial will not be limited to a few persons attending a conference. I understand that the commission will develop and distribute educational materials on the parks system throughout the Nation in schools, libraries, and other appropriate places.

There is just one more point I should like to make, Mr. Speaker. This bill deals with the preservation of our natural resources, and I support it strongly. The

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one committee amendment of substance, which I also support strongly, deals with the preservation of a commodity very dear to the Members of this House: the taxpayers' dollar.

The estimated cost of creating and operating the commission is $850,000, of which not more than $250,000 will be Federal funds. The remaining $600,000 is to be raised from non-Federal sources. In order to insure that the bill for this $600,000 is not ultimately laid at Uncle Sam's doorstep, committee amendment No. 4 provides that none of the $250,000 in Federal funds shall be available to the commission until half of the $600,000 in non-Federal moneys has been actually collected.

Mr. Speaker, I urge the adoption of House Joint Resolution 546, as amended in committee.

The SPEAKER. The question is on the motion offered by the gentleman from Colorado that the House suspend the rules and pass the joint resolution, House Joint Resolution 546, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

INCREASING TO $15,000 MAXIMUM COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16661) to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 16661

A bill to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under Servicemen's Group Life Insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 765 of title 38, United States Code, is amended to read as follows:

"§ 765. Definitions

"For the purpose of this subchapter—

"(1) The term 'active duty' means—

"(A) full-time duty in the Armed Forces, other than active duty for training;

"(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service; and

"(C) full-time duty as a commissioned officer of the Environmental Science Services Administration.

"(2) The term 'active duty for training' means—

"(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

"(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

"(C) full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises; and

"(D) in the case of members of the National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

"(3) The term 'inactive duty training' means—

"(A) duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

"(B) in the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

"(4) The terms 'active duty for training' and 'inactive duty training' do not include duty performed as a temporary member of the Coast Guard Reserve, and the term 'inactive duty training' does not include (i) work or study performed in connection with correspondence courses, or (ii) attendance at an educational institution in an inactive status.

"(5) The term 'member' means—

"(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade; and

"(B) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises.

"(6) The term 'uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the Environmental Science Services Administration.

"(7) The terms 'widow' or 'widower' means a person who is the lawful spouse of the insured member at the time of his death.

"(8) The term 'child' means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, only if (a) he acknowledged the child in writing signed by him; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been, before his death, judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

"(9) The term 'parent' means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (a) he acknowledged paternity of the child in writing signed by him before the child's death; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during his minority, or consented to his adoption may be recognized as a parent for the purposes of this subchapter. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt in the administrative office established under subsection 766(b) of this title of sufficient evidence as a parent solely by reason of such sentence."

SEC. 2. Section 767 of title 38, United States Code, is amended to read as follows:

"§ 767. Persons insured; amount

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure any member of the uniformed service on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority, against death in the amount of $15,000 unless such member elects in writing (1) not to be insured under this subchapter, or (2) to be insured in the amount of $10,000 or $5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or from the date certified by the Administrator to the Secretary concerned as the date servicemen's group life insurance under this chapter for the class or group concerned takes effect, whichever is the later date.

"(b) Any member (other than one who has elected not to be insured under this subchapter for the period or periods of duty involved)—

"(1) who, when authorized or required by competent authority, assumes an obligation to perform (for less than thirty-one days) active duty, or active duty for training, or inactive duty training scheduled in advance by competent authority; and

"(2) who is rendered uninsurable at standard premium rates according to the good health standards approved by the Administrator, or dies within ninety days thereafter, from a disability, or aggravation of a preexisting disability, incurred by him while proceeding directly to or returning directly from such active duty, active duty for training, or inactive duty training as the case may be;

shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be, and to have been insured under this subchapter at the time such disability was incurred or aggravated, and if death occurs within ninety days thereafter as a result of such disability to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not he was rendered uninsurable or died within ninety days thereafter from a disability so incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which he was scheduled to arrive for, or on which he ceased to perform such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

"(c) If any member elects not to be insured under this subchapter or to be insured in the amount of $10,000 or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $15,000 or $10,000 under this subchapter, as the case may be, under written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator."

SEC. 3. Section 768 of title 38, United States Code, is amended to read as follows:

"§ 768. Duration and termination of coverage; conversion

"(a) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, to the effect that any insurance thereunder on any member of the uniformed services, unless discontinued or reduced upon the written request of the insured, shall continue in effect while the member is on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority during the period thereof, and such insurance shall cease—

"(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days—

"(A) one hundred and twenty days after the separation or release from active duty or active duty for training, unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such active duty or active duty for training, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after such separation or release; or

"(B) at the end of the thirty-first day of a continuous period of (i) absence without leave, (ii) confinement by civil authorities under a sentence adjudged by a civilian court, or (iii) confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances. Any insurance so terminated as the result of such an absence or confinement, together with any beneficiary designation in effect for such insurance at such termination thereof, shall be automatically revived as of the date the member is restored to active duty with pay or to active duty for training with pay.

"(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days insurance under this subchapter shall cease at midnight, local time, on the last day of such duty, unless on such date the insured is suffering from a disability incurred or aggravated during such period which, within ninety days after such date, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator, in which event the insurance shall continue in force to death, or for ninety days after such date, whichever is the earlier date.

"(3) with respect to a member on inactive duty training scheduled in advance by competent authority insurance under this subchapter shall cease at the end of such scheduled training period, unless at such time the insured is suffering from a disability incurred, or aggravated during such period which, within ninety days after the date of such training, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator in which event the insurance shall continue in force to death, or for ninety days after the date such training terminated, whichever is the earlier date.

"(b) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, for the conversion of Servicemen's Group Life Insurance to an individual policy of life insurance—

"(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days, effective the one hundred and twenty-first day after separation or release from such duty, or at any time thereafter such insurance is in effect;

"(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days, and a member insured during inactive duty training scheduled in advance by competent authority there shall be no right of conversion unless the insurance is continued in force for ninety days after such duty terminates, as the result of a disability incurred or aggravated during such active duty, active duty for training, or inactive duty training, in which event the insurance may be converted effective the day after the end of such ninety-day period.

"(c) An insured eligible to convert insurance under this subchapter upon request to the Office of Servicemen's Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. Upon written application for conversion of Servicemen's Group Life Insurance made by an eligible insured under this subchapter to the participating company he selects and payment of the required premiums the insured shall be granted life insurance on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums if the insured engages in the military service of the United States. Such converted insurance shall be issued without a medical examination if application is made within one hundred and twenty days after separation or release from active duty or active duty for training under a call or order to duty that did not specify a period of less than thirty-one days. Medical examinations and evidence of qualifying health conditions may be required in any case where the former member alleges that his insurance is continued in force beyond the normal termination date by reason of a qualifying disability incurred or aggravated during active duty, active duty for training, or inactive duty training. In addition to the life insurance companies participating in the program established under this subchapter, the list furnished to an insured under this section shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms and conditions established by the Administrator and agree to sell insurance to former members in accordance with the provisions of this section."

SEC. 4. Section 769 of title 38, United States Code, is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a)(1) During any period in which a member, on active duty or active duty for training under a call or order to such duty that does not specify a period of less than thirty-one days, is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be deducted each month from his basic or other pay until separation of release from such duty an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

"(2) During any fiscal year, or portion thereof, that a member is on active duty or active duty for training under a call or order to such duty that specifies a period of less than thirty-one days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority, and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, the Secretary concerned shall collect from him (by deduction from pay or otherwise) an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

"(3) Any amount not deducted from the basic or other pay of a member insured under this subchapter, or collected from him by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount under subsection (1) hereof, or fiscal year amount under subsection (2) hereof, determined by the Administrator to be charged under this section for insurance under this subchapter may be continued from year to year, except that the Administrator may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from his basic or other pay, or collected from him by the Secretary concerned, to cover the insurance granted under this subchapter.

"(b) For each month for which any member is so insured, there shall be contributed from the appropriation made for active duty pay of the uniform service concerned an amount determined by the Administrator and certified to the Secretary concerned to the cost of such insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Administrator on the basis of the excess mortality incurred by members and former members of the uniformed services insured under this subchapter above what their mortality would have been under peace-time conditions as such mortality is determined by the Administrator using such methods and data as he shall determine to be reasonable and practicable. The Administrator is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience."

(2) by inserting after "pay of members" in the first sentence of subsection (d)(1) the following: ", or collected from them by the Secretary concerned,".

SEC. 5. Section 770 of title 38, United States Code, is amended by adding the following new subsections thereto:

"(e) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his uniformed service under prior provisions of law will be effective with respect to the increased insurance authorized under this amendatory Act and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect.

"(f) Notwithstanding the provisions of any other law, payment of matured Servicemen's Group Life Insurance benefits may be made directly to a minor window or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer.

"(g) Payments of benefits due or to become due under Servicemen's Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amounts not deducted from the member's pay, or collected from him by the Secretary concerned under section 769(a) of this title, (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part or wholly out of such payments."

SEC. 6. Section 774 of title 38, United States Code, is amended by inserting after "the Secretary of Health, Education, and Welfare," the following: "the Secretary of Transportation,".

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SEC. 7. The analysis of subchapter III of chapter 19 of title 38, United States Code, is amended by striking therefrom

"768. Termination of coverage; conversion."

and inserting in lieu thereof the following:

"768. Duration and termination of coverage; conversion".

SEC. 8. The third sentence of section 705 of title 38, United States Code, is amended by striking out "lapse occurred not earlier than two months before the expiration of the term period" and inserting in lieu thereof "insured makes application for reinstatement and renewal of his term policy within five years after the date of lapse".

SEC. 9. Section 707 of title 38, United States Code, is amended by inserting "(a)" before the word "Until" and adding a new subsection (b) as follows:

"(b) No claim by an insured for payment in cash of a special dividend declared prior to January 1, 1952, shall be processed by the Veterans' Administration unless such claim was received within six years after such dividend was declared. Whenever any claim for payment of a special dividend, the processing of which is barred by this subsection, is received in the Veterans' Administration, it shall be returned to the claimant, with a copy of this subsection, and such action shall be a complete response without further communication."

SEC. 10. Section 717 of title 38, United States Code, is amended (a) by substituting a period for the comma after the word "beneficiary" in the last sentence of subsection (c) and striking the remainder of the sentence, and (b) by adding at the end thereof the following new subsection:

"(e) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured under option (2) or (4) of this section. All settlements under option (4), however, shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than $10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10."

SEC. 11. Section 745 of title 388, United States Code, is amended to read as follows:

"§ 745. Renewal

"At the expiration of any term period any insurance policy issued on the five-year level premium term plan which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, renewal shall be effected in cases where the policy is lapsed only if the insured makes application for reinstatement and renewal of his term policy within five years after the date of lapse, and reinstatement in such cases shall be under the terms and conditions prescribed by the Administrator."

SEC. 12. Section 752 of title 38, United States Code, is amended (1) by adding "(a)" before the words "The Administrator", and (2) by adding at the end thereof the following new subsection:

"(b) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured (1) in equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve; or (2) as a refund life income in monthly installments payable for such periods certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the cash value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the insured. However, all settlements under option (2) above shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than $10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10."

SEC. 13. (a) Sections 321, 341, and the first sentence of section 417(a) of title 38, United States Code, are amended by deleting therefrom "April 30, 1957", and inserting in lieu thereof "April 30, 1957, and before July 1, 1970".

(b) Section 417(a) of title 38, United States Code, is further amended by adding at the end thereof the following: "On and after July 1, 1970, the provisions of the first sentence of this section shall not be construed to deny the payment of dependency and indemnity compensation in any case where the amount of dependency and indemnity compensation that would be payable except for such sentence equals or exceeds the amount of death compensation payable under section 322 or 342 of this title.".

(c) Section 724(a) of title 38, United States Code, is amended by adding at the end of the first sentence thereof the following: "In any case in which insurance continued in force under this section matures on or after July 1, 1970, the premiums waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the insurance in any settlement thereunder.".

SEC. 14. (a) The amendments made by this Act shall take effect as of the date of enactment, except that sections 10 and 12 shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

(b) The provisions of section 765 (7), (8), and (9) of title 38, United States Code, as added by the first section of this Act shall apply only to servicemen's group life insurance in effect on the life of an insured member who dies on and after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. AYRES. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the servicemen's group life insurance program began in September 1965 as Public Law 89-214. It was necessary because private carriers could no longer provide insurance for servicemen entering the service due to the increased hazards because of the war in Vietnam; therefore, this group program was developed which assured all servicemen after September 29, 1965, of $10,000 of coverage automatically upon entering the Armed Forces to be paid for by a deduction of $2 a month from their pay, with the right to convert within 120 days of discharge to a commercial policy of their choice regardless of their physical condition and at normal commercial rates. The program has worked extremely well.

This bill, aside from several liberalizing features which I will discuss later, has two main objectives. First, to raise the amount of the coverage from $10,000 to $15,000 and to provide, as recommended by the General Accounting Office, that effective January 1, 1970, the Government shall pay the entire cost of the group policy which is traceable to the extra hazards of active duty.

The measure, as reported by the committee, will have a first year cost of $24 million for raising the basic coverage from $10,000 to $15,000 and $21 million for assumption by the Government of the full extra hazard cost. In addition, the liberalization with regard to death compensation for widows who are receiving such compensation today, will cost $3,580,000.

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In regard to the servicemen's group life insurance program, the bill increases the amount of insurance under the servicemen's group life insurance—SGLI—program from the present $10,000 to $15,000 with the cost to servicemen increasing from $2 to $3 a month;

As recommended by General Accounting Office, effective January 1, 1970, makes certain that the Government pays the entire cost of servicemen's group life insurance traceable to extra hazard of active duty;

Covers, for the first time: First, ROTC cadets and midshipmen attending field training or practice cruises of 31 days or more, and second, Reserves and National Guard on active duty or active duty for training for less than 31 days and certain inactive duty training and while traveling to and from such duty;

Provides a uniform definition of widow, widower, child, and parent, and authorizes direct payments to minor widows and widowers;

Extends coverage to those who within 90 days of assuming an obligation to perform certain duty for less than 31 days, die or are rendered uninsurable;

Extends postservice coverage for a totally disabled veteran for 1 year rather than 120 days;

Terminates insurance at the end of the 31st day in the case of AWOL servicemen and certain others;

Permits payment of premiums on other than a monthly basis for members on certain types of duty for less than 31 days;

Continues, until changed, the existing beneficiary designations for the entire amount with shares based on a proportionate amount;

Exempts the insurance from taxation and claims of creditors as is true with national service life insurance;

Adds the Secretary of Transportation to the advisory council of SGLI since that official now has responsibility for the Coast Guard.

For World War I and World War II veterans who have U.S. Government life or national service life, the bill—

Authorizes the reinstatement and renewal of national service life insurance and U.S. Government life term policies within 5 years from the date of lapse upon payment of premiums and showing of good health, rather than before the expiration of the term period as is now generally required;

Bars the filing of stale claims for national service life insurance dividends declared prior to January 1, 1952;

Authorizes the payment of annuities on the cash values of policies and on policies which have matured such as 20-year endowment, 30-year endowment, endowment at age 65, and so forth. Under existing law, the Veterans' Administration would pay the cash value to the insured, or, in the case of a matured endowment policy, the face value of the policy. Under the amendment, the insured may elect, if he wishes to do so, to receive an annuity based on the annuity table for 1949;

Permits, effective July 1, 1970, a widow to receive the higher dependency and indemnity compensation rather than death compensation where the veteran had national service life insurance under an inservice waiver at the time of his death. After July 1, 1970, any serviceman who elects to continue his national service life insurance policy under an inservice waiver of premiums will, upon death, have the amount of such premiums deducted from the face value of his policy.

Mr. Speaker, the legislation which we are considering today was formulated in a series of hearings conducted before the Subcommittee on Insurance headed by the gentleman from New Jersey (Mr. HELSTOSKI). These hearings were held on September 17, 1969. To the subcommittee chairman and his colleagues, the gentleman from California (Mr. BROWN), the gentleman from Mississippi (Mr. MONTGOMERY), the gentlewoman from New York (Mrs. CHISHOLM), the gentleman from Pennsylvania (Mr. SAYLOR), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), and the gentleman from Nebraska (Mr. DENNEY), a word of thanks for a job well done for devising this important measure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Does this impose any additional obligations upon the national service life insurance?

Mr. TEAGUE of Texas. I would assure the gentleman that this SGLI provision does not affect the NSLI program. The bill does liberalize some features of NSLI. There is no objection from the administration to the NSLI liberalization.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I have a question of information, also. I have read the report and the bill. I approve of it.

I wonder if, in a hypothetical case, a World War II veteran who had the insurance and had kept it in force, and in fact had converted it to 20-year payment, and kept it up to date, and was receiving regular dividends, et cetera, as so many are, would be authorized under any interpretation of this bill to increase to the $15,000 maximum amount, and pay back or make up the difference?

Mr. TEAGUE of Texas. No, sir. This bill applies only to active duty service people.

Mr. HALL. I thank the gentleman.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 16661. As a cosponsor of this bill and a member of the Veterans' Affairs Committee, I have been made aware of some of the outmoded concepts of our present servicemen's group life insurance. The most important provision is raising the face amount of the policy for a serviceman from $10,000 to $15,000. Other necessary changes include the extension of coverage to members of the National Guard and Reserves. I am particularly interested in seeing that our guardsmen and reservists are fully covered during their time of active duty and active duty training. In the past few years, we have had to call on these men more and more in times of natural disaster and civil disorder. They deserve the same life insurance coverage afforded members of the regular Armed Forces.

Another important point of this bill is that it will make certain that the Government pays 100 percent of the serviceman's premium resulting from the extra hazards of active duty.

H.R. 16661 is a worthwhile bill and it is overdue. I urge its adoption by my colleagues.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Ohio.

Mr. AYRES. Mr. Speaker, I rise in support of H.R. 16661. This bill will increase the amount of life insurance coverage available to servicemen from its present $10,000 maximum to $15,000. It will revise the formula for computing the extra hazard costs of this insurance borne by the United States. It will extend the insurance to certain servicemen not presently covered and will liberalize certain provisions of existing law relating to the payment of insurance and other survivor benefits.

The principal section of this bill, Mr. Speaker, would increase the maximum amount of servicemen's group life insurance that could be purchased by a serviceman from $10,000 to $15,000. The $10,000 life insurance coverage has been the maximum coverage available to servicemen since World War II. Spiraling costs in the intervening years have made this insurance coverage woefully inadequate. I believe the increase to $15,000 is long overdue.

When the legislation that created the present insurance program for servicemen was adopted, it provided that the Federal Government would assume the costs of the insurance that were attributable to the extra hazards of military service—that is, combat deaths. Thus, servicemen could purchase the insurance at a nominal premium of $1 per month for $5,000 coverage. The extra hazard costs were computed on the basis of the costs of military deaths in excess of the mortality rate of the entire United States male population of the same average age as the servicemen covered by the program. Unfortunately, the death rate of the male population at the average age of servicemen has increased tremendously, thus making it necessary to either increase the premiums paid by servicemen or revise the formula for determining the extra hazard costs. The administration has selected the latter alternative, since it would be unfair and inequitable to make servicemen bear the costs of an unpredicted increase in the death rate of their civilian counterpart. The bill, therefore, proposes that the Government pay the cost in excess of the death rate of members of the military under peacetime conditions.

The bill also corrects a deficiency in the insurance laws by authorizing insurance coverage for reservists and National Guardsmen during periods of inactive duty training or active duty for training. Since most of these men are subject to certain hazards of military service during their training missions, it is reasonable that coverage be extended to them.

Additionally, the bill will permit certain widows, now receiving death compensation because their husband's national service life insurance has been waived during their military service, to receive the more generous dependency and indemnity compensation payments.

These are the principal provisions of this bill, Mr. Speaker. It is a good bill and I urge that it be passed.

Mr. DENNEY. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Nebraska.

Mr. DENNEY. Mr. Speaker, as a cosponsor of H.R. 16661 I rise in support of this legislation.

Mr. Speaker, many of us have been worrying about how to provide adequate life insurance for servicemen and their families during an undeclared war.

I am proud that our concern took the form of legislative improvements with the passage of H.R. 16661.

The legislation authorizes the much-needed jump to $15,000 in life insurance coverage for servicemen, enlarges the classes eligible for the insurance, and improves the administration of the insurance programs available to servicemen and veterans.

Under normal peacetime conditions we are not faced with any problems—the life insurance program is self-supporting. However, the Vietnam conflict cost the Government $147 million in subsidies in 1968 and brought up the question—should the servicemen bear the costs of an unpredicated increase in the death rate? This is not what Congress nor the country wanted.

The bill makes certain that the Government pays the entire costs of servicemen's insurance when mortality rates increase due to the hazards of active duty.

As a cosponsor of the bill, a member of the Veterans' Affairs Committee and the Representative of over 65,000 veterans of the First District, I thank each of you for the unanimous vote cast Monday.

Mr. HELSTOSKI. Mr. Speaker, I support H.R. 16661. As the sponsor of this legislation, and a member of the Veterans' Affairs Committee, and chairman of the Subcommittee on Insurance, I became aware of some of the antiquated provisions of the present servicemen's group life insurance program.

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The two main objectives of this legislation are to raise the amount of coverage from $10,000 to $15,000 and to provide Government payment of 100 percent of the serviceman's premium on the group policy which is traceable to extra hazards of active duty.

This legislation also corrects a deficiency in the present insurance laws by authorizing insurance protection to National Guardsmen and reservists during periods of active training or active duty for training for less than 31 days. The bill also covers ROTC cadets and midshipmen attending field training or practice cruises of 31 days or more.

The bill provides a uniform definition of a widow, widower, child, and parent, and authorizes direct payments to minor widows and widowers. Another provision for the bill extends post-service coverage for a totally disabled veteran for 1 year rather than 120 days.

Mr. Speaker, I wish to make one fact clear. This legislation will not in any way affect the insurance of our veterans who have coverage under other forms of insurance. This legislation is applicable only to active duty service people.

I urge the adoption of H.R. 16661 for it is a worthwhile bill and is long overdue. Through the passage of this bill we will be fair and equitable to our servicemen.

Mr. ZWACH. Mr. Speaker, today, May 4, the House concurred with the Senate in passage of legislation H.R. 16661 to increase the maximum coverage of insurance for servicemen. The maximum coverage was increased from $10,000 to $15,000 with the option to have less coverage if desired.

Until 1965, persons in active military service were not insured under Federal legislation unless they still retained Government life insurance obtained prior to April 25, 1951. In 1965, life insurance was made available to servicemen with maximum coverage of $10,000.

In the bill that we are considering, we have raised this insurance to a more realistic figure, and have also extended this coverage to reservists on active duty.

I am glad to join my colleagues on the Veterans' Affairs Committee in recommending this legislation.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 16661, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1479

An Act to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of Servicemen's Group Life Insurance for members of the uniformed services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Servicemen's Group Life Insurance Amendments Act of 1969".

SEC. 2. Section 767 of title 38, United States Code, is amended to read as follows:

"§ 767. Persons insured; amount

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure any member of the uniformed service on active duty against death in the amount of $15,000 from the first day of such duty, or from the date of enactment of the Servicemen's Group Life Insurance Amendments Act of 1969, whichever is the later date, unless such member elects in writing (1) not to be insured under this subchapter, or (2) to be insured in the amount of $10,000, or $5,000.

"(b) If any member elects not to be insured under this subchapter or to be insured in the amount of $10,000 or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $15,000 or $10,000, under this subchapter, respectively, upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator."

SEC. 3. Until and unless otherwise changed on or after the date of enactment of this Act, a beneficiary designation and settlement option filed by a member with his uniformed service under subchapter III of chapter 19 of title 38, United States Code, prior to such date shall be effective with respect to the increased servicemen's group life insurance coverage provided pursuant to the amendment made by section 2 of this Act, and such increased amount of insurance shall be settled in the same proportion as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect under subchapter III of chapter 19 of title 38, United States Code.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: Strike out all after the enacting clause of S. 1479 and insert in lieu thereof the provisions of H.R. 16661 as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend title 38, United States Code, to authorize a maximum of $15,000 coverage under Servicemen's Group Life Insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 16661) was laid on the table.

REGIONAL OFFICE IN THE PHILIPPINES

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16739) to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines.

The Clerk read as follows:

H.R. 16739

A bill to extend for a period of ten years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 230(b) of title 38, United States Code, is amended by striking out "1970" and inserting in lieu thereof "1980".

The SPEAKER pro tempore. Is a second demanded?

Mr. AYRES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, this bill extends for 10 years, until June 30, 1980, the authority of the Veterans' Administration to operate and maintain a regional office in the Republic of the Philippines.

At the present time, there are 22 American citizens serving in this office and 278 Filipinos. The administrative cost of operating this regional office is approximately $2 million a year.

The extension for 10 years was formally requested by the Administrator of Veterans' Affairs and concurred in by the Department of State. The Veterans' Administration states:

> It is believed that its enactment will involve no additional expense to the Government.

The magnitude of the operation of the Veterans' Administration in the Philippines is indicated by the statistics which I include as a part of my remarks in regard to this legislation:

Estimated veteran population in the Philippines

Total veteran potential	314,000
U.S. veterans including "Old" Scouts	6,000
Commonwealth Army Veterans (USAFFE and recognized guerrillas)	278,000
"New" Scouts	30,000

Regional office activity, Manila, Philippines—Reported number of payees as of June 30, 1969, in the "Compensation and pensions" appropriation

Disability compensation	13,379
Death compensation; dependency and indemnity compensation	35,506
Pensions:	
Living (old law)	24
Living (Public Law 86-211)	3,369
Deceased (old law)	12
Deceased (Public Law 86-211)	5,499
Other payees	0
Total	8,909

NOTE.—Data herein are payees and not cases.

REPUBLIC OF THE PHILIPPINES CASELOAD FISCAL YEAR 1970 (AS OF MAR. 31, 1970)

Period of service	Disability		Death		Total		Grand total
	Compensation	Pension	Compensation	Pension	Compensation	Pension	
Korean conflict	138	8	24	160	162	18	330
World War II	11,441	1,016	28,924	3,978	40,365	4,994	45,359
World War I	53	2,344	16	2,629	69	4,973	5,042
Regular Establishment	913	534	39	835	952	1,369	2,321
Vietnam	84	1	2	144	86	145	231
Total	12,629	3,903	29,005	7,746	41,634	11,649	53,283

A BREAKDOWN OF COMPENSATION AND PENSION PAYMENTS TO BENEFICIARIES BY PERIOD OF SERVICE, REPUBLIC OF THE PHILIPPINES, FISCAL YEAR 1970 (ESTIMATE)

	Disability compensation	Disability pension	Death compensation	Death pension	Total compensation	Total pension	Grand total
Vietnam	372,600	3,304	221,863	3,607	594,463	6,911	601,374
Korean conflict	428,260	20,093	298,244	24,943	727,504	45,036	772,540
World War II	11,151,088	1,604,711	22,093,484	1,215,732	33,244,572	2,820,443	36,065,015
World War I	197,920	3,862,968	358,424	2,428,580	556,344	6,291,548	6,847,892
Regular Establishment	152,924		1,632,284		3,154,208		3,154,308
Spanish-American War							
Total	13,672,792	5,491,076	24,604,299	3,672,862	38,277,091	9,163,938	47,441,029

COMPENSATION AND PENSIONS APPROPRIATION—TOTAL EXPENDITURES TO THE PHILIPPINES, FISCAL YEAR 1969

	Total payments in Philippines (from Manila, Hines, and VBO), fiscal year 1969		
	June 20 cases	June 30 payees	Dollars
Disability compensation	12,792	13,379	12,908
Dollars	1,712	1,832	4,129
Dollars paid in pesos	11,080	11,542	8,779
Disability pensions	3,401	3,520	5,715
Death compensation	30,194	35,506	23,470
Dollars	4,507	5,286	9,063
Pesos	25,687	30,220	16,407
Total			
Death pensions	2,986	3,596	4,825
Total compensation	42,986	48,880	36,378

	Total payments in Philippines (from Manila, Hines, and VBO), fiscal year 1969		
	June 20 cases	June 30 payees	Dollars
Total pensions	6,387	7,116	10,540
Total compensation and pensions	49,373	55,996	46,918
Burial:			
Dollars	128	128	32
Pesos	728	728	182
Total	856	856	214
Other	120	120	24
Total, burial and other	976	976	238
Compensation and pensions appropriation	50,349	56,972	47,156

TOTAL FOREIGN PAYMENTS AND PAYMENTS TO PHILIPPINES ONLY

TOTAL FOREIGN PAYMENTS

Fiscal year	Grand total	Compensation and pension					
		Total		Living veterans		Deceased veterans	
		Cases	Cost	Cases	Cost	Cases	Cos
1958	$86,960,203	77,337	$69,249,769	28,417	$26,502,784	48,920	$42,746,985
1959	86,762,088	77,686	67,952,589	29,127	26,672,204	48,559	41,280,385
1960	89,912,154	78,855	67,595,611	30,551	27,373,335	48,304	40,222,276
1961	85,725,143	79,430	62,884,659	31,425	26,824,088	48,005	36,060,571
1962	73,876,290	79,430	57,824,375	31,712	26,465,783	47,718	31,358,393
1963	69,302,443	79,867	55,744,531	32,064	27,408,755	47,803	28,355,776
1964	70,486,327	80,331	57,177,119	31,994	27,854,918	48,337	29,232,201
1965	70,909,201	78,387	59,156,482	31,597	29,172,393	46,790	29,98[illegible],089
1966	70,471,577	78,095	60,917,110	31,905	30,951,473	46,190	29,965,637
1967	82,315,432	77,105	69,948,160	31,633	34,279,065	45,472	35,669,095
1968	92,796,975	76,522	76,429,479	31,129	36,115,225	45,393	40,314,254
1969	97,840,507	76,976	79,478,617	30,854	37,868,892	45,122	41,609,725
1970 (estimate)	102,529,000						

PAYMENTS TO PHILIPPINES

Fiscal year	Grand total	Total cases	Total cost	Living veterans cases	Living veterans cost	Deceased veterans cases	Deceased veterans cost
1958	$62,929,557	57,940	$49,418,381	15,726	$12,850,332	42,214	$36,568,049
1959	63,601,735	57,658	48,383,558	16,012	14,039,186	41,646	34,344,372
1960	65,609,980	57,280	46,996,471	16,308	13,878,183	40,972	33,118,288
1961	60,055,607	56,730	40,742,698	16,486	13,945,181	40,244	26,797,517
1962	49,607,804	56,233	35,676,842	16,688	11,986,573	39,545	23,690,269
1963	42,948,704	55,407	31,769,545	16,607	11,691,607	38,800	20,077,938
1964	43,087,724	55,499	31,925,212	16,792	11,825,500	38,707	20,099,712
1965	41,807,257	52,850	32,266,796	16,654	12,107,177	36,196	20,119,619
1966	40,772,386	52,213	32,810,874	16,590	12,976,143	35,623	19,834,730
1967	59,171,178	50,973	40,344,845	16,550	15,976,559	34,423	24,368,286
1968	57,817,853	50,319	45,779,236	16,503	18,214,417	33,816	27,564,819
1969	58,631,743	49,373	46,917,773	16,193	18,848,396	33,180	28,069,377
1970 (estimate)	63,436,000	48,800	48,500,000	16,120	19,276,810	32,680	29,223,190

TOTAL DISABILITY AND DEATH COMPENSATION CASES PAID IN PESOS

June 30—	Cases	U.S. dollars	Pesos
1958	42,732	30,837,165	61,674,330
1959	42,130	30,150,208	60,300,416
1960	41,950	28,412,060	56,712,310
1961	(1)	[illegible]	[illegible]
1962	40,096	[illegible]	[illegible]
1963	[illegible]	[illegible]	[illegible]
1964	[1] [illegible]	[illegible]	[illegible]

June 30—	Cases	U.S. dollars	Pesos
1965	[2] 38,400	12,943,044	50,477,872
1966	[2] 38,350	12,802,517	[illegible]
1967	[2] 37,[illegible]	[illegible]	[illegible]
1968	[2] [illegible]	[illegible]	[illegible]
1969	[2] [illegible]	[illegible]	[illegible]
1970	[2] [illegible]	[illegible]	[illegible]

[1] Not available.

[2] Estimated.

Oregon, Pennsylvania, South Carolina, Utah, Vermont, Washington, Wisconsin.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

(Mr. POFF (at the request of Mr. WIGGINS) was granted permission to extend his remarks at this point in the RECORD.)

Mr. POFF. Mr. Speaker, I rise in support of H.R. 6951, a bill which would make the United States and the District of Columbia parties to the Interstate Agreement on Detainers.

This agreement allows a prisoner serving a sentence in a State which is a party to the agreement to secure a trial within 180 days on a charge pending against him in another party State. A prosecutor in a party State similarly may obtain custody of an accused who is serving a sentence in another party State subject to a 30-day period in which the Governor of the sending State may order that the prisoner not be transferred and provided that the trial take place within 120 days after delivery of the accused.

To date, 25 States have become parties to this agreement. H.R. 6951 would make the District of Columbia a party "State" with respect to violations of the District's municipal regulations and ordinances and of Federal statutes limited in their application to the District. The United States would become a party to the agreement with respect to Federal criminal laws of general application.

The agreement on detainers does not affect the applicable law in any criminal case. All it does is insure that both prosecution and defendant may, if they desire, obtain their day in court on a prompt and timely basis. The advantages to both sides are considerable.

From the prosecutor's point of view, a long delay in trial pending release of a prisoner by another State might make conviction impossible. Witnesses might die or disappear or become unavailable.

To the defendant, such a delay would effectively deny him a speedy trial. The Supreme Court held in *Smith* v. *Hooey*, 393 U.S. 374 (1969), that the speedy trial clause of the sixth amendment requires that a State which has a charge pending against a defendant serving a sentence elsewhere make a good faith effort to bring such defendant to trial within a reasonable time.

On a more practical level, an outstanding detainer may make a defendant ineligible for probation or parole or for some of the more desirable work assignments in prison. Also, if a defendant is uncertain as to whether he will have to serve another jail term he is less likely to have the motivation to become successfully rehabilitated. This latter consideration is especially important in view of the fact that the basic purpose of the entire penal system is to prepare its inmates to reenter society as law-abiding citizens.

Mr. Speaker, in view of these considerations, I feel that the Interstate Agreement on Detainers benefits both defendant and prosecutor, as well as society generally. I urge the passage of H.R. 6951 in order that the Federal Government and the District of Columbia may become parties to this agreement.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the bill, H.R. 6951.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL PARKS CENTENNIAL COMMISSION

Mr. ROGERS of Colorado. Mr. Speaker, I move to suspend the rules and pass the Joint Resolution (H.J. Res. 546) authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 546

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is directed to request the President to issue a proclamation designating the year 1972 as "National Parks Centennial Year", in recognition of the establishment on March 1, 1872, of the world's first national park, Yellowstone, which advanced a new concept of land use in setting aside an outstanding natural area in perpetuity for the benefit and enjoyment of the people.

SEC. 2. (a) There is hereby established a National Parks Centennial Commission (hereinafter referred to as "the Commission") to be composed of the following members:

(1) four Members of the Senate to be appointed by the President of the Senate;

(2) four Members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(3) the Secretary of the Interior or his representative; and

(4) six persons to be appointed by the President from among persons not officers or employees of the Federal Government and who, in the judgment of the President, have outstanding knowledge and experience in the fields of natural and historical resource preservation and public recreation.

(b) The President shall designate one of the members appointed by him as Chairman of the Commission.

(c) The members of the Commission shall receive no compensation for their services as such, but members from the legislative branch shall be allowed necessary travel expenses as authorized by law for official travel, members of the executive branch shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code, and members appointed by the President shall be allowed necessary travel expenses as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703). Staff of the Commission shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code.

(d) Any vacancy in the Commission shall not effect its powers or functions, but shall be filled in the same manner as the original appointment.

SEC. 3. The functions of the Commission shall be (1) to prepare, and execute, in cooperation with Federal, State, local, nongovernmental agencies and organizations, and appropriate international organizations, a suitable plan for commemoration of the one hundredth anniversary of the beginning of the worldwide national park movement by the establishment of Yellowstone National Park in 1872; (2) to coordinate the activities of such agencies and organizations undertaken pursuant to such plan; and (3) to provide, in cooperation with such agencies and organizations, host services for a world conference on National Parks in 1972, and to assist in representing the United States in the activities of such conference.

SEC. 4. The Commission may employ such personnel as may be necessary to carry out its functions, with or without regard to the provisions of the civil service laws or the Classification Act of 1949, as amended, in its discretion.

SEC. 5. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with public and private associations, and educational institutions; and to request advice and assistance from appropriate Federal departments or agencies in carrying out its functions. Such Federal departments and agencies are authorized to furnish the Commission such advice and assistance with or without reimbursement. To the extent it finds necessary, the Commission may, without regard to the laws and procedures applicable to Federal departments and agencies, make contracts, procure supplies, property, and services (including printing and publishing), and may exercise the powers needed to carry out its functions efficiently and in the public interest.

(b) The Director of the National Park Service or his designee shall be the Executive Director of the Commission. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Department of the Interior, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Secretary of the Interior: *Provided*, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to the appropriations of the Commission.

(c) Beginning with the end of the calendar year in which the Commission is first established, the Commission shall submit annual reports of its activities and plans to the Congress. The Commission shall submit a final report of its activities, including an accounting of funds received and expended, to the Congress, not later than December 31, 1973, and shall cease to exist upon submission of said report.

(d) Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the National Parks Centennial in Federal, State, or local libraries or museums or make other disposition of such materials. Other property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as excess or surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities shall be deposited in the Treasury of the United States.

SEC. 6. There are authorized to be appropriated such sums, but not more than $250,000, as may be necessary to carry out the provisions of this Act: *Provided*, That no part of such appropriatons shall be available for obligation by the Commission until and unless at least $300,000 in donations have been actually collected by the Commission from non-Federal sources.

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

(Mr. ROGERS of Colorado asked and was given permission to extend his remarks at this point in the Record.)

Mr. ROGERS of Colorado. Mr. Speaker, I urge my colleague in the House of Representatives to give favorable consideration to the bill, House Joint Resolution 546, which provides for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park.

This measure is an administration proposal which was referred to the House Committee on the Judiciary in the form of an Executive communication from the Secretary of the Interior. It is a proposal which had the warm endorsement of the previous administration under President Johnson, and which now enjoys the warm endorsement of the present administration.

Our Nation has now become strongly conscious of the need to conserve natural resources—the need for clean air, clean water, and for space in which to enjoy the bounties of nature. We have come to realize that unless we solve our ecological problems, not only will we be physically stifled, but even more important we shall be morally and spiritually stifled as well. At a time when it has become so important for us to dedicate ourselves to the conservation of our natural resources, it is appropriate that our Government commemorate the 100th anniversary of the beginning of our national parks movement. The bill before us today provides for such commemoration.

Under House Joint Resolution 546, the year 1972 would be designated as "National Parks Centennial Year." To plan the centennial activities, the bill establishes a 15-member special commission composed of four Members from the House of Representatives, four Members from the Senate, the Secretary of the Interior, and six nongovernmental members appointed by the President. As part of the commemoration contemplated by the proposal, a world conference on national parks will be held at Yellowstone and Grand Teton National Parks in 1972.

Under the proposal as formulated by the Department of the Interior, the funding for the commission would occur in two ways. First, the proposal contemplates the raising of $600,000 in the form of donations from private sources. Second, the proposal would authorize $250,000 in appropriated funds.

In approving this proposal, the Judiciary Committee has agreed on an amendment which we believe would help to assure that the Federal funds appropriated for the commission would be more than matched by the donations. Under the amendment which we have adopted, the $250,000 of Federal funds would not be made available to the commission until the commission first collects $300,000 from non-Federal sources. We believe that this amendment will in no way hamper the commission's activities but will, instead, operate to assure that the present plan to raise most of the money from private sources is carried out.

Mr. Speaker, in my view the objectives of this proposal are extremely worthy. I know of no area of our Federal Government's activities which historically has exemplified the conservation of natural resources more than that of the national parks system. Since this bill will provide a vehicle for reaffirming those conservation principles, it is a measure which should have the warm endorsement of this body.

Mr. WOLD. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Wyoming.

Mr. WOLD. Mr. Speaker, I rise in support of House Joint Resolution 546, a joint resolution which would authorize the commemoration of the 100th anniversary of the establishment of Yellowstone National Park.

Yellowstone is the world's first national park, established by the congressional act of March 1, 1872. Since the founding of Yellowstone the United States has developed a national park system which comprises 258 separate areas and which constitutes a vast repository of our natural and historical heritage.

The national park concept, first put into reality at Yellowstone, is a distinctly American contribution to world culture. Following our lead, some 80 nations have developed their own national park systems.

Therefore it seems eminently appropriate that the 100th anniversary of the founding of Yellowstone be celebrated with all due ceremony.

The Committee on the Judiciary examined the resolution very closely and on the recommendation of the Department of Interior and the National Park Service made several changes with which I am in full accord.

The joint resolution would ask the President to issue a proclamation designating 1972 as "National Parks Centennial Year." A 15-member special Commission, composed of four Members of the Senate, four Members from the House, the Secretary of the Interior, and six nongovernmental members appointed by the President would be established to coordinate and plan centennial activities.

In connection with the centennial the joint resolution gives the official sanction of the United States to the world conference on national parks which is scheduled to be held at Grand Teton and Yellowstone Parks in 1972. It is felt such a conference would provide the means for bringing together the knowledge and experience of all the nations of the world in this field.

Estimates from the Department of Interior indicate some $850,000 will be needed for the various activities of the Commission. The joint resolution would authorize $250,000 from congressional appropriation with the remainder coming from private and non-Federal sources. The committee amended the joint resolution so that the $250,000 would not be made available until the Commission first collects $300,000 from private sources.

I concur with the committee's view that this amendment will not hamper the Commission's activities. Rather it should insure that the plan to raise most of the funds from private sources is executed.

Mr. Speaker, increasingly, we are becoming conscious that man's fulfillment requires more than just material satisfaction. He needs to be able to escape from the day-to-day pressures and crowding of the 20th century. He needs the links with his past that will allow him the opportunity for reflection so he can contemplate his future direction.

Yellowstone put into reality the concept of setting aside in perpetuity an outstanding natural area for the enjoyment of every citizen. It is the foundation-block of an entire network of similar parks throughout the world.

Yellowstone lies mainly within my district, the great State of Wyoming and I am especially proud that this noble concept was first embodied there.

Mr. Speaker, I strongly urge the enactment of this joint resolution.

Mr. WIGGINS. Mr. Speaker, I rise in support of House Joint Resolution 546.

For perhaps the first time in the history of man, there is a serious danger that the very technological accomplishments which have allowed our civilization to achieve such great heights of material progress may destroy the environment in which that civilization now flourishes. We in the United States are now coming to realize that our natural resources are not unlimited and that we must act to preserve them.

One of the greatest of all our natural resources is the sheer beauty of our land. The United States has within its borders some of the most beautiful, and most unique, scenery in the world. The redwoods in my own State of California, the Grand Canyon on the Colorado River in Arizona, and the valley of the Yellowstone in Wyoming are some examples which come to mind.

It was to preserve for posterity certain tracts of land which are of special value and beauty that the national parks system was created.

House Joint Resolution 546 would set up a commission to celebrate the centennial anniversary of the beginning of the national parks movement in 1872, when Yellowstone National Park was established. It is most appropriate in this era of concern for the preservation of the earth's natural ecology that this anniversary be celebrated.

House Joint Resolution 546 would establish a 15-member special commission to oversee a world conference of experts in this field at Yellowstone and Grand Teton National Parks in 1972.

However, the benefits of this proposed centennial will not be limited to a few persons attending a conference. I understand that the commission will develop and distribute educational materials on the parks system throughout the Nation in schools, libraries, and other appropriate places.

There is just one more point I should like to make, Mr. Speaker. This bill deals with the preservation of our natural resources, and I support it strongly. The

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one committee amendment of substance, which I also support strongly, deals with the preservation of a commodity very dear to the Members of this House: the taxpayers' dollar.

The estimated cost of creating and operating the commission is $850,000, of which not more than $250,000 will be Federal funds. The remaining $600,000 is to be raised from non-Federal sources. In order to insure that the bill for this $600,000 is not ultimately laid at Uncle Sam's doorstep, committee amendment No. 4 provides that none of the $250,000 in Federal funds shall be available to the commission until half of the $600,000 in non-Federal moneys has been actually collected.

Mr. Speaker, I urge the adoption of House Joint Resolution 546, as amended in committee.

The SPEAKER. The question is on the motion offered by the gentleman from Colorado that the House suspend the rules and pass the joint resolution, House Joint Resolution 546, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

INCREASING TO $15,000 MAXIMUM COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16661) to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 16661

A bill to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under Servicemen's Group Life Insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 765 of title 38, United States Code, is amended to read as follows:

"§ 765. Definitions

"For the purpose of this subchapter—

"(1) The term 'active duty' means—

"(A) full-time duty in the Armed Forces, other than active duty for training;

"(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service; and

"(C) full-time duty as a commissioned officer of the Environmental Science Services Administration.

"(2) The term 'active duty for training' means—

"(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

"(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

"(C) full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises; and

"(D) in the case of members of the National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

"(3) The term 'inactive duty training' means—

"(A) duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

"(B) in the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

"(4) The terms 'active duty for training' and 'inactive duty training' do not include duty performed as a temporary member of the Coast Guard Reserve, and the term 'inactive duty training' does not include (i) work or study performed in connection with correspondence courses, or (ii) attendance at an educational institution in an inactive status.

"(5) The term 'member' means—

"(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade, and

"(B) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises.

"(6) The term 'uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the Environmental Science Services Administration.

"(7) The terms 'widow' or 'widower' means a person who is the lawful spouse of the insured member at the time of his death.

"(8) The term 'child' means a legitimate child, a legally adopted child, an illegitmate child as to the mother, or an illegitimate child as to the alleged father, only if (a) he acknowledged the child in writing signed by him; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been, before his death, judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

"(9) The term 'parent' means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (a) he acknowledged paternity of the child in writing signed by him before the child's death; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during his minority, or consented to his adoption may be recognized as a parent for the purposes of this subchapter. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt in the administrative office established under subsection 766(b) of this title of sufficient evidence as a parent solely by reason of such sentence."

SEC. 2. Section 767 of title 38, United States Code, is amended to read as follows:

"§ 767. Persons insured; amount

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure any member of the uniformed service on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority, against death in the amount of $15,000 unless such member elects in writing (1) not to be insured under this subchapter, or (2) to be insured in the amount of $10,000 or $5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or from the date certified by the Administrator to the Secretary concerned as the date servicemen's group life insurance under this chapter for the class or group concerned takes effect, whichever is the later date.

"(b) Any member (other than one who has elected not to be insured under this subchapter for the period or periods of duty involved)—

"(1) who, when authorized or required by competent authority, assumes an obligation to perform (for less than thirty-one days) active duty, or active duty for training, or inactive duty training scheduled in advance by competent authority; and

"(2) who is rendered uninsurable at standard premium rates according to the good health standards approved by the Administrator, or dies within ninety days thereafter, from a disability, or aggravation of a preexisting disability, incurred by him while proceeding directly to or returning directly from such active duty, active duty for training, or inactive duty training as the case may be;

shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be, and to have been insured under this subchapter at the time such disability was incurred or aggravated, and if death occurs within ninety days thereafter as a result of such disability to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not he was rendered uninsurable or died within ninety days thereafter from a disability so incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which he was scheduled to arrive for, or on which he ceased to perform such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

"(c) If any member elects not to be insured under this subchapter or to be insured in the amount of $10,000 or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $15,000 or $10,000 under this subchapter, as the case may be, under written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator."

SEC. 3. Section 768 of title 38, United States Code, is amended to read as follows:

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"§ 768. Duration and termination of coverage; conversion

"(a) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, to the effect that any insurance thereunder on any member of the uniformed services, unless discontinued or reduced upon the written request of the insured, shall continue in effect while the member is on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority during the period thereof, and such insurance shall cease—

"(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days—

"(A) one hundred and twenty days after the separation or release from active duty or active duty for training, unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such active duty or active duty for training, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after such separation or release; or

"(B) at the end of the thirty-first day of a continuous period of (i) absence without leave, (ii) confinement by civil authorities under a sentence adjudged by a civilian court, or (iii) confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances. Any insurance so terminated as the result of such an absence or confinement, together with any beneficiary designation in effect for such insurance at such termination thereof, shall be automatically revived as of the date the member is restored to active duty with pay or to active duty for training with pay.

"(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days insurance under this subchapter shall cease at midnight, local time, on the last day of such duty, unless on such date the insured is suffering from a disability incurred or aggravated during such period which, within ninety days after such date, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator, in which event the insurance shall continue in force to death, or for ninety days after such date, whichever is the earlier date.

"(3) with respect to a member on inactive duty training scheduled in advance by competent authority insurance under this subchapter shall cease at the end of such scheduled training period, unless at such time the insured is suffering from a disability incurred, or aggravated during such period which, within ninety days after the date of such training, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator in which event the insurance shall continue in force to death, or for ninety days after the date such training terminated, whichever is the earlier date.

"(b) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, for the conversion of Servicemen's Group Life Insurance to an individual policy of life insurance—

"(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days, effective the one hundred and twenty-first day after separation or release from such duty, or at any time thereafter such insurance is in effect;

"(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days, and a member insured during inactive duty training scheduled in advance by competent authority there shall be no right of conversion unless the insurance is continued in force for ninety days after such duty terminates, as the result of a disability incurred or aggravated during such active duty, active duty for training, or inactive duty training, in which event the insurance may be converted effective the day after the end of such ninety-day period.

"(c) An insured eligible to convert insurance under this subchapter upon request to the Office of Servicemen's Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. Upon written application for conversion of Servicemen's Group Life Insurance made by an eligible insured under this subchapter to the participating company he selects and payment of the required premiums the insured shall be granted life insurance on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums if the insured engages in the military service of the United States. Such converted insurance shall be issued without a medical examination if application is made within one hundred and twenty days after separation or release from active duty or active duty for training under a call or order to duty that did not specify a period of less than thirty-one days. Medical examinations and evidence of qualifying health conditions may be required in any case where the former member alleges that his insurance is continued in force beyond the normal termination date by reason of a qualifying disability incurred or aggravated during active duty, active duty for training, or inactive duty training. In addition to the life insurance companies participating in the program established under this subchapter, the list furnished to an insured under this section shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms and conditions established by the Administrator and agree to sell insurance to former members in accordance with the provisions of this section."

Sec. 4. Section 769 of title 38, United States Code, is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a)(1) During any period in which a member, on active duty or active duty for training under a call or order to such duty that does not specify a period of less than thirty-one days, is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be deducted each month from his basic or other pay until separation of release from such duty an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

"(2) During any fiscal year, or portion thereof, that a member is on active duty or active duty for training under a call or order to such duty that specifies a period of less than thirty-one days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority, and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, the Secretary concerned shall collect from him (by deduction from pay or otherwise) an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

"(3) Any amount not deducted from the basic or other pay of a member insured under this subchapter, or collected from him by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount under subsection (1) hereof, or fiscal year amount under subsection (2) hereof, determined by the Administrator to be charged under this section for insurance under this subchapter may be continued from year to year, except that the Administrator may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from his basic or other pay, or collected from him by the Secretary concerned, to cover the insurance granted under this subchapter.

"(b) For each month for which any member is so insured, there shall be contributed from the appropriation made for active duty pay of the uniform service concerned an amount determined by the Administrator and certified to the Secretary concerned to the cost of such insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Administrator on the basis of the excess mortality incurred by members and former members of the uniformed services insured under this subchapter above what their mortality would have been under peace-time conditions as such mortality is determined by the Administrator using such methods and data as he shall determine to be reasonable and practicable. The Administrator is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience."

(2) by inserting after "pay of members" in the first sentence of subsection (d)(1) the following: ", or collected from them by the Secretary concerned,".

Sec. 5. Section 770 of title 38, United States Code, is amended by adding the following new subsections thereto:

"(e) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his uniformed service under prior provisions of law will be effective with respect to the increased insurance authorized under this amendatory Act and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect.

"(f) Notwithstanding the provisions of any other law, payment of matured Servicemen's Group Life Insurance benefits may be made directly to a minor window or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer.

"(g) Payments of benefits due or to become due under Servicemen's Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amounts not deducted from the member's pay, or collected from him by the Secretary concerned under section 769(a) of this title, (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part or wholly out of such payments."

Sec. 6. Section 774 of title 38, United States Code, is amended by inserting after "the Secretary of Health, Education, and Welfare," the following: "the Secretary of Transportation,".

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Sec. 7. The analysis of subchapter III of chapter 19 of title 38, United States Code, is amended by striking therefrom

"768. Termination of coverage; conversion."

and inserting in lieu thereof the following:

"768. Duration and termination of coverage; conversion".

Sec. 8. The third sentence of section 705 of title 38, United States Code, is amended by striking out "lapse occurred not earlier than two months before the expiration of the term period" and inserting in lieu thereof "insured makes application for reinstatement and renewal of his term policy within five years after the date of lapse".

Sec. 9. Section 707 of title 38, United States Code, is amended by inserting "(a)" before the word "Until" and adding a new subsection (b) as follows:

"(b) No claim by an insured for payment in cash of a special dividend declared prior to January 1, 1952, shall be processed by the Veterans' Administration unless such claim was received within six years after such dividend was declared. Whenever any claim for payment of a special dividend, the processing of which is barred by this subsection, is received in the Veterans' Administration, it shall be returned to the claimant, with a copy of this subsection, and such action shall be a complete response without further communication."

Sec. 10. Section 717 of title 38, United States Code, is amended (a) by substituting a period for the comma after the word "beneficiary" in the last sentence of subsection (c) and striking the remainder of the sentence, and (b) by adding at the end thereof the following new subsection:

"(e) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured under option (2) or (4) of this section. All settlements under option (4), however, shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than $10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10."

Sec. 11. Section 745 of title 388, United States Code, is amended to read as follows:

"§ 745. Renewal

"At the expiration of any term period any insurance policy issued on the five-year level premium term plan which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, renewal shall be effected in cases where the policy is lapsed only if the insured makes application for reinstatement and renewal of his term policy within five years after the date of lapse, and reinstatement in such cases shall be under the terms and conditions prescribed by the Administrator."

Sec. 12. Section 752 of title 38, United States Code, is amended (1) by adding "(a)" before the words "The Administrator", and (2) by adding at the end thereof the following new subsection:

"(b) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured (1) in equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve; or (2) as a refund life income in monthly installments payable for such periods certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the cash value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the insured. However, all settlements under option (2) above shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than $10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10."

Sec. 13. (a) Sections 321, 341, and the first sentence of section 417(a) of title 38, United States Code, are amended by deleting therefrom "April 30, 1957", and inserting in lieu thereof "April 30, 1957, and before July 1, 1970".

(b) Section 417(a) of title 38, United States Code, is further amended by adding at the end thereof the following: "On and after July 1, 1970, the provisions of the first sentence of this section shall not be construed to deny the payment of dependency and indemnity compensation in any case where the amount of dependency and indemnity compensation that would be payable except for such sentence equals or exceeds the amount of death compensation payable under section 322 or 342 of this title.".

(c) Section 724(a) of title 38, United States Code, is amended by adding at the end of the first sentence thereof the following: "In any case in which insurance continued in force under this section matures on or after July 1, 1970, the premiums waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the insurance in any settlement thereunder.".

Sec. 14. (a) The amendments made by this Act shall take effect as of the date of enactment, except that sections 10 and 12 shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

(b) The provisions of section 765 (7), (8), and (9) of title 38, United States Code, as added by the first section of this Act shall apply only to servicemen's group life insurance in effect on the life of an insured member who dies on and after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. AYRES. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the servicemen's group life insurance program began in September 1965 as Public Law 89-214. It was necessary because private carriers could no longer provide insurance for servicemen entering the service due to the increased hazards because of the war in Vietnam; therefore, this group program was developed which assured all servicemen after September 29, 1965, of $10,000 of coverage automatically upon entering the Armed Forces to be paid for by a deduction of $2 a month from their pay, with the right to convert within 120 days of discharge to a commercial policy of their choice regardless of their physical condition and at normal commercial rates. The program has worked extremely well.

This bill, aside from several liberalizing features which I will discuss later, has two main objectives. First, to raise the amount of the coverage from $10,000 to $15,000 and to provide, as recommended by the General Accounting Office, that effective January 1, 1970, the Government shall pay the entire cost of the group policy which is traceable to the extra hazards of active duty.

The measure, as reported by the committee, will have a first year cost of $24 million for raising the basic coverage from $10,000 to $15,000 and $21 million for assumption by the Government of the full extra hazard cost. In addition, the liberalization with regard to death compensation for widows who are receiving such compensation today, will cost $3,580,000.

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In regard to the servicemen's group life insurance program, the bill increases the amount of insurance under the servicemen's group life insurance—SGLI—program from the present $10,000 to $15,000 with the cost to servicemen increasing from $2 to $3 a month;

As recommended by General Accounting Office, effective January 1, 1970, makes certain that the Government pays the entire cost of servicemen's group life insurance traceable to extra hazard of active duty;

Covers, for the first time: First, ROTC cadets and midshipmen attending field training or practice cruises of 31 days or more, and second, Reserves and National Guard on active duty or active duty for training for less than 31 days and certain inactive duty training and while traveling to and from such duty;

Provides a uniform definition of widow, widower, child, and parent, and authorizes direct payments to minor widows and widowers;

Extends coverage to those who within 90 days of assuming an obligation to perform certain duty for less than 31 days, die or are rendered uninsurable;

Extends postservice coverage for a totally disabled veteran for 1 year rather than 120 days;

Terminates insurance at the end of the 31st day in the case of AWOL servicemen and certain others;

Permits payment of premiums on other than a monthly basis for members on certain types of duty for less than 31 days;

Continues, until changed, the existing beneficiary designations for the entire amount with shares based on a proportionate amount;

Exempts the insurance from taxation and claims of creditors as is true with national service life insurance;

Adds the Secretary of Transportation to the advisory council of SGLI since that official now has responsibility for the Coast Guard.

For World War I and World War II veterans who have U.S. Government life or national service life, the bill—

Authorizes the reinstatement and renewal of national service life insurance and U.S. Government life term policies within 5 years from the date of lapse upon payment of premiums and showing of good health, rather than before the expiration of the term period as is now generally required;

Bars the filing of stale claims for national service life insurance dividends declared prior to January 1, 1952;

Authorizes the payment of annuities on the cash values of policies and on policies which have matured such as 20-year endowment, 30-year endowment, endowment at age 65, and so forth. Under existing law, the Veterans' Administration would pay the cash value to the insured, or, in the case of a matured endowment policy, the face value of the policy. Under the amendment, the insured may elect, if he wishes to do so, to receive an annuity based on the annuity table for 1949;

Permits, effective July 1, 1970, a widow to receive the higher dependency and indemnity compensation rather than death compensation where the veteran had national service life insurance under an inservice waiver at the time of his death. After July 1, 1970, any serviceman who elects to continue his national service life insurance policy under an inservice waiver of premiums will, upon death, have the amount of such premiums deducted from the face value of his policy.

Mr. Speaker, the legislation which we are considering today was formulated in a series of hearings conducted before the Subcommittee on Insurance headed by the gentleman from New Jersey (Mr. HELSTOSKI). These hearings were held on September 17, 1969. To the subcommittee chairman and his colleagues, the gentleman from California (Mr. BROWN), the gentleman from Mississippi (Mr. MONTGOMERY), the gentlewoman from New York (Mrs. CHISHOLM), the gentleman from Pennsylvania (Mr. SAYLOR), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), and the gentleman from Nebraska (Mr. DENNEY), a word of thanks for a job well done for devising this important measure.

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Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Does this impose any additional obligations upon the national service life insurance?

Mr. TEAGUE of Texas. I would assure the gentleman that this SGLI provision does not affect the NSLI program. The bill does liberalize some features of NSLI. There is no objection from the administration to the NSLI liberalization.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I have a question of information, also. I have read the report and the bill. I approve of it.

I wonder if, in a hypothetical case, a World War II veteran who had the insurance and had kept it in force, and in fact had converted it to 20-year payment, and kept it up to date, and was receiving regular dividends, et cetera, as so many are, would be authorized under any interpretation of this bill to increase to the $15,000 maximum amount, and pay back or make up the difference?

Mr. TEAGUE of Texas. No, sir. This bill applies only to active duty service people.

Mr. HALL. I thank the gentleman.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 16661. As a cosponsor of this bill and a member of the Veterans' Affairs Committee, I have been made aware of some of the outmoded concepts of our present servicemen's group life insurance. The most important provision is raising the face amount of the policy for a serviceman from $10,000 to $15,000. Other necessary changes include the extension of coverage to members of the National Guard and Reserves. I am particularly interested in seeing that our guardsmen and reservists are fully covered during their time of active duty and active duty training. In the past few years, we have had to call on these men more and more in times of natural disaster and civil disorder. They deserve the same life insurance coverage afforded members of the regular Armed Forces.

Another important point of this bill is that it will make certain that the Government pays 100 percent of the serviceman's premium resulting from the extra hazards of active duty.

H.R. 16661 is a worthwhile bill and it is overdue. I urge its adoption by my colleagues.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Ohio.

Mr. AYRES. Mr. Speaker, I rise in support of H.R. 16661. This bill will increase the amount of life insurance coverage available to servicemen from its present $10,000 maximum to $15,000. It will revise the formula for computing the extra hazard costs of this insurance borne by the United States. It will extend the insurance to certain servicemen not presently covered and will liberalize certain provisions of existing law relating to the payment of insurance and other survivor benefits.

The principal section of this bill, Mr. Speaker, would increase the maximum amount of servicemen's group life insurance that could be purchased by a serviceman from $10,000 to $15,000. The $10,000 life insurance coverage has been the maximum coverage available to servicemen since World War II. Spiraling costs in the intervening years have made this insurance coverage woefully inadequate. I believe the increase to $15,000 is long overdue.

When the legislation that created the present insurance program for servicemen was adopted, it provided that the Federal Government would assume the costs of the insurance that were attributable to the extra hazards of military service—that is, combat deaths. Thus, servicemen could purchase the insurance at a nominal premium of $1 per month for $5,000 coverage. The extra hazard costs were computed on the basis of the costs of military deaths in excess of the mortality rate of the entire United States male population of the same average age as the servicemen covered by the program. Unfortunately, the death rate of the male population at the average age of servicemen has increased tremendously, thus making it necessary to either increase the premiums paid by servicemen or revise the formula for determining the extra hazard costs. The administration has selected the latter alternative, since it would be unfair and inequitable to make servicemen bear the costs of an unpredicted increase in the death rate of their civilian counterpart. The bill, therefore, proposes that the Government pay the cost in excess of the death rate of members of the military under peacetime conditions.

The bill also corrects a deficiency in the insurance laws by authorizing insurance coverage for reservists and National Guardsmen during periods of inactive duty training or active duty for training. Since most of these men are subject to certain hazards of military service during their training missions, it is reasonable that coverage be extended to them.

Additionally, the bill will permit certain widows, now receiving death compensation because their husband's national service life insurance has been waived during their military service, to receive the more generous dependency and indemnity compensation payments.

These are the principal provisions of this bill, Mr. Speaker. It is a good bill and I urge that it be passed.

Mr. DENNEY. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Nebraska.

Mr. DENNEY. Mr. Speaker, as a cosponsor of H.R. 16661 I rise in support of this legislation.

Mr. Speaker, many of us have been worrying about how to provide adequate life insurance for servicemen and their families during an undeclared war.

I am proud that our concern took the form of legislative improvements with the passage of H.R. 16661.

The legislation authorizes the much-needed jump to $15,000 in life insurance coverage for servicemen, enlarges the classes eligible for the insurance, and improves the administration of the insurance programs available to servicemen and veterans.

Under normal peacetime conditions we are not faced with any problems—the life insurance program is self-supporting. However, the Vietnam conflict cost the Government $147 million in subsidies in 1968 and brought up the question—should the servicemen bear the costs of an unpredicated increase in the death rate? This is not what Congress nor the country wanted.

The bill makes certain that the Government pays the entire costs of servicemen's insurance when mortality rates increase due to the hazards of active duty.

As a cosponsor of the bill, a member of the Veterans' Affairs Committee and the Representative of over 65,000 veterans of the First District, I thank each of you for the unanimous vote cast Monday.

Mr. HELSTOSKI. Mr. Speaker, I support H.R. 16661. As the sponsor of this legislation, and a member of the Veterans' Affairs Committee, and chairman of the Subcommittee on Insurance, I became aware of some of the antiquated provisions of the present servicemen's group life insurance program.

The two main objectives of this legislation are to raise the amount of coverage from $10,000 to $15,000 and to provide Government payment of 100 percent of the serviceman's premium on the group policy which is traceable to extra hazards of active duty.

This legislation also corrects a deficiency in the present insurance laws by authorizing insurance protection to National Guardsmen and reservists during periods of active training or active duty for training for less than 31 days. The bill also covers ROTC cadets and midshipmen attending field training or practice cruises of 31 days or more.

The bill provides a uniform definition of a widow, widower, child, and parent, and authorizes direct payments to minor widows and widowers. Another provision for the bill extends post-service coverage for a totally disabled veteran for 1 year rather than 120 days.

Mr. Speaker, I wish to make one fact clear. This legislation will not in any way affect the insurance of our veterans who have coverage under other forms of insurance. This legislation is applicable only to active duty service people.

I urge the adoption of H.R. 16661 for it is a worthwhile bill and is long overdue. Through the passage of this bill we will be fair and equitable to our servicemen.

Mr. ZWACH. Mr. Speaker, today, May 4, the House concurred with the Senate in passage of legislation H.R. 16661 to increase the maximum coverage of insurance for servicemen. The maximum coverage was increased from $10,000 to $15,000 with the option to have less coverage if desired.

Until 1965, persons in active military service were not insured under Federal legislation unless they still retained Government life insurance obtained prior to April 25, 1951. In 1965, life insurance was made available to servicemen with maximum coverage of $10,000.

In the bill that we are considering, we have raised this insurance to a more realistic figure, and have also extended this coverage to reservists on active duty.

I am glad to join my colleagues on the Veterans' Affairs Committee in recommending this legislation.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 16661, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1479

An Act to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of Servicemen's Group Life Insurance for members of the uniformed services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Servicemen's Group Life Insurance Amendments Act of 1969".

SEC. 2. Section 767 of title 38, United States Code, is amended to read as follows:

"§ 767. Persons insured; amount

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure any member of the uniformed service on active duty against death in the amount of $15,000 from the first day of such duty, or from the date of enactment of the Servicemen's Group Life Insurance Amendments Act of 1969, whichever is the later date, unless such member elects in writing (1) not to be insured under this subchapter, or (2) to be insured in the amount of $10,000, or $5,000.

"(b) If any member elects not to be insured under this subchapter or to be insured in the amount of $10,000 or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $15,000 or $10,000, under this subchapter, respectively, upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator."

SEC. 3. Until and unless otherwise changed on or after the date of enactment of this Act, a beneficiary designation and settlement option filed by a member with his uniformed service under subchapter III of chapter 19 of title 38, United States Code, prior to such date shall be effective with respect to the increased servicemen's group life insurance coverage provided pursuant to the amendment made by section 2 of this Act, and such increased amount of insurance shall be settled in the same proportion as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect under subchapter III of chapter 19 of title 38, United States Code.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: Strike out all after the enacting clause of S. 1479 and insert in lieu thereof the provisions of H.R. 16661 as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend title 38, United States Code, to authorize a maximum of $15,000 coverage under Servicemen's Group Life Insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 16661) was laid on the table.

REGIONAL OFFICE IN THE PHILIPPINES

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16739) to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines.

The Clerk read as follows:

H.R. 16739

A bill to extend for a period of ten years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 230(b) of title 38, United States Code, is amended by striking out "1970" and inserting in lieu thereof "1980".

The SPEAKER pro tempore. Is a second demanded?

Mr. AYRES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, this bill extends for 10 years, until June 30, 1980, the authority of the Veterans' Administration to operate and maintain a regional office in the Republic of the Philippines.

At the present time, there are 22 American citizens serving in this office and 278 Filipinos. The administrative cost of operating this regional office is approximately $2 million a year.

The extension for 10 years was formally requested by the Administrator of Veterans' Affairs and concurred in by the Department of State. The Veterans' Administration states:

> It is believed that its enactment will involve no additional expense to the Government.

The magnitude of the operation of the Veterans' Administration in the Philippines is indicated by the statistics which I include as a part of my remarks in regard to this legislation:

Estimated veteran population in the Philippines

Total veteran potential	314,000
U.S. veterans including "Old" Scouts	6,000
Commonwealth Army Veterans (USAFFE and recognized guerrillas)	278,000
"New" Scouts	30,000

Regional office activity, Manila, Philippines—Reported number of payees as of June 30, 1969, in the "Compensation and pensions" appropriation

Disability compensation	13,379
Death compensation; dependency and indemnity compensation	35,506
Pensions:	
Living (old law)	24
Living (Public Law 86-211)	3,369
Deceased (old law)	12
Deceased (Public Law 86-211)	3,498
Other payees	0
Total	6,903

NOTE.—Data hereon are payees and not cases.

REPUBLIC OF THE PHILIPPINES CASELOAD FISCAL YEAR 1970 (AS OF MAR. 31, 1970)

Period of service	Disability		Death		Total		Grand total
	Compensation	Pension	Compensation	Pension	Compensation	Pension	
Korean conflict	138	8	24	160	162	18	330
World War II	11,441	1,016	28,924	3,978	40,365	4,994	45,359
World War I	53	2,344	16	2,629	69	4,973	5,042
Regular Establishment	913	534	39	835	952	1,369	2,321
Vietnam	84	1	2	144	86	145	231
Total	12,629	3,903	29,005	7,746	41,634	11,649	53,283

A BREAKDOWN OF COMPENSATION AND PENSION PAYMENTS TO BENEFICIARIES BY PERIOD OF SERVICE, REPUBLIC OF THE PHILIPPINES, FISCAL YEAR 1970 (ESTIMATE)

Period of service	Disability		Death		Total		Grand total
	Compensation	Pension	Compensation	Pension	Compensation	Pension	
Vietnam	372,600	3,304	221,863	3,607	594,463	6,911	601,374
Korean conflict	428,260	20,093	298,244	24,943	727,504	45,036	772,540
World War II	11,151,088	1,604,711	22,093,484	1,215,732	33,244,572	2,820,443	36,065,015
World War I	197,920	3,862,968	358,424	2,428,580	556,344	6,291,548	6,847,892
Regular Establishment	152,924		1,632,284		3,154,208		3,154,308
Spanish-American War							
Total	13,672,792	5,491,076	24,604,299	3,672,862	38,277,091	9,163,938	47,441,029

COMPENSATION AND PENSIONS APPROPRIATION—TOTAL EXPENDITURES TO THE PHILIPPINES, FISCAL YEAR 1969

	Total payments in Philippines (from Manila, Hines, and VBO), fiscal year 1969		
	June 20 cases	June 30 payees	Dollars
Disability compensation	12,792	13,379	12,908
Dollars	1,712	1,832	4,129
Dollars paid in pesos	11,080	11,542	8,779
Disability pensions	3,401	3,520	5,715
Death compensation	30,194	35,506	23,470
Dollars	4,507	5,286	9,063
Pesos	25,687	30,220	16,407
Total			
Death pensions	2,986	3,596	4,825
Total compensation	42,986	48,880	36,378

	Total payments in Philippines (from Manila, Hines, and VBO), fiscal year 1969		
	June 20 cases	June 30 payees	Dollars
Total pensions	6,387	7,116	10,540
Total compensation and pensions	49,373	55,996	46,918
Burial:			
Dollars	128	128	32
Pesos	728	728	182
Total	856	856	214
Other	120	120	24
Total, burial and other	976	976	238
Compensation and pensions appropriation	50,349	56,972	47,156

TOTAL FOREIGN PAYMENTS AND PAYMENTS TO PHILIPPINES ONLY

TOTAL FOREIGN PAYMENTS

Fiscal year	Grand total	Compensation and pension					
		Total		Living veterans		Deceased veterans	
		Cases	Cost	Cases	Cost	Cases	Cos
1958	$86,960,203	77,337	$69,249,769	28,417	$26,502,784	48,920	$42,746,985
1959	86,762,088	77,686	67,952,589	29,127	26,672,204	48,559	41,280,385
1960	89,912,154	78,855	67,595,611	30,551	27,373,335	48,304	40,222,276
1961	85,725,143	79,430	62,884,659	31,425	26,824,088	48,005	36,060,571
1962	73,876,290	79,430	57,824,375	31,712	26,465,783	47,718	31,358,393
1963	69,302,443	79,867	55,744,531	32,064	27,408,755	47,803	28,355,776
1964	70,486,327	80,331	57,177,119	31,994	27,854,918	48,337	29,232,201
1965	70,909,201	78,387	59,156,482	31,597	29,172,393	46,790	29,98[illegible],089
1966	70,471,577	78,095	60,917,110	31,905	30,951,473	46,190	29,965,637
1967	82,315,432	77,105	69,948,160	31,633	34,279,065	45,472	35,669,095
1968	92,796,975	76,522	76,429,479	31,129	36,115,225	45,393	40,314,254
1969	97,840,507	76,976	79,478,617	30,854	37,868,892	45,122	41,609,725
1970 (estimate)	102,529,000						

PAYMENTS TO PHILIPPINES

Fiscal year	Grand total	Total cases	Total cost	Living veterans cases	Living veterans cost	Deceased veterans cases	Deceased veterans cost
1958	$62,929,557	57,940	$49,418,381	15,726	$12,850,332	42,214	$36,568,049
1959	63,601,735	57,658	48,383,558	16,012	14,039,186	41,646	34,344,372
1960	65,609,980	57,280	46,996,471	16,308	13,878,183	40,972	33,118,288
1961	60,055,607	56,730	40,742,698	16,486	13,945,181	40,244	26,797,517
1962	49,607,804	56,233	35,676,842	16,688	11,986,573	39,545	23,690,269
1963	42,948,704	55,407	31,769,545	16,607	11,691,607	38,800	20,077,938
1964	43,087,724	55,499	31,925,212	16,792	11,825,500	38,707	20,099,712
1965	41,807,257	52,850	32,266,796	16,654	12,107,177	36,196	20,119,619
1966	40,772,396	52,213	32,810,874	16,590	12,976,143	35,623	19,834,730
1967	49,171,178	50,973	40,344,845	16,550	15,976,559	34,423	24,368,286
1968	57,817,853	50,319	45,779,236	16,503	18,214,417	33,816	27,564,819
1969	59,631,743	49,373	46,917,773	16,193	18,848,396	33,180	28,269,377
1970 (estimate)	63,436,000	48,800	48,500,000	16,120	19,276,810	32,680	29,223,190

TOTAL DISABILITY AND DEATH COMPENSATION CASES PAID IN PESOS

June 30—	Cases	U.S. dollars	Pesos
1958	42,232	30,837,165	61,674,330
1959	42,130	30,150,208	60,300,416
1960	41,993	28,412,060	58,712,310
1961	[1]	22,889,348	59,594,300
1962	40,696	17,508,595	53,638,216
1963	39,850	13,500,360	52,516,400
1964	[2] 39,000	13,255,684	51,683,914

June 30—	Cases	U.S. dollars	Pesos
1965	[2] 38,400	12,943,044	50,477,872
1966	[2] 38,350	12,802,517	49,805,632
1967	[2] 37,600	20,037,128	77,950,439
1968	[2] 36,900	24,933,000	96,996,850
1969	[2] 36,767	25,185,953	97,980,913
1970	[2] 33,900	25,440,000	98,969,232

[1] Not available.

[2] Estimated.

CONVERSION RATE OF PESO TO DOLLARS

	Amount		Amount
Fiscal year 1958	2.00	November 1961	2.75
Fiscal year 1959	2.00	January 1962	2.83
July 1960	2.30	November 1963	3.90
September 1960	2.50	January 1964	3.87
December 1960	2.75	January 1965	3.90
September 1961	2.70	June 1965	3.90
October 1961	2.73	June 1966-January 1970	3.8903

VETERANS' ADMINISTRATION EXPENDITURES TO FOREIGN COUNTRIES, FISCAL YEARS 1965-70

Total expenditures	Actual					Estimated 1970
	1965	1966	1967	1968	1969	
Philippines	$41,807,257	$40,772,396	$49,171,173	$57,817,853	$59,631,743	$63,436,000
All other	29,101,944	29,699,181	33,144,254	34,979,122	38,208,765	39,093,000
Total foreign	70,909,201	70,471,577	82,315,432	92,796,975	97,840,507	102,529,000
All other by country:						
France	856,033	780,077	966,454	1,020,219	1,117,255	1,142,000
Germany	1,025,721	1,075,288	1,477,996	1,790,580	2,079,632	2,127,000
Greece	2,451,221	2,510,963	2,596,181	2,705,727	2,869,390	2,936,000
Ireland	1,389,622	1,428,774	1,495,923	1,572,710	1,666,285	1,704,000
Italy	8,845,485	9,186,985	9,445,068	9,616,701	10,284,434	10,524,000
Norway	647,310	661,762	687,123	717,057	703,749	719,000
Sweden	617,017	616,666	688,180	660,367	671,956	688,000
United Kingdom	1,603,637	1,410,122	1,956,080	2,056,006	1,920,296	1,966,000
Canada	3,542,083	3,501,960	3,917,915	3,999,102	4,212,902	4,312,000
Mexico	1,507,154	1,507,510	1,840,289	2,051,705	2,154,688	2,205,000
Australia	418,512	427,850	535,544	591,460	659,027	672,000
Japan	517,574	512,263	709,226	845,991	873,503	895,000
Other	5,680,605	6,078,961	6,828,275	7,351,497	9,995,647	9,203,000

U.S. VETERANS' ADMINISTRATION—DISBURSEMENTS BY FISCAL YEAR IN THE PHILIPPINES[1]

Year	Total	Year	To'al
1946	$1,299,513.90	1959	63,601,735.00
1947	14,912,883.41	1960	65,609,980.00
1948	37,856,760.23	1961	60,055,607.00
1949	58,641,896.14	1962	49,854,871.00
1950	57,942,940.46	1963	42,948,704.00
1951	65,644,384.74	1964	43,087,724.00
1952	86,082,904.48	1965	41,807,257.00
1953	88,132,546.78	1966	40,772,396.00
1954	73,059,469.34	1967	49,171,178.00
1955	69,104,082.55	1968	57,817,853.00
1956	65,499,164.26	1969	59,631,743.00
1957	62,076,953.09	1970 (estimate)	63,436,000.00
1958	62,929,557.00		

[1] Includes benefit payments, salaries and other administrative expenses, and grants in aid disbursements.

VETERANS' ADMINISTRATION TOTAL EXPENDITURES, REPUBLIC OF THE PHILIPPINES, FISCAL YEARS 1961-70

Fiscal year	Total	Compensation and pensions	Readjustment benefits, including subsistence allowances	Grants to the Republic of Philippines	General operating expenditures	Insurance	D.M. & S. expenditures	Other
1961	$60,055,607	$40,742,698	$3,381,071	$498,890	$1,118,943	$12,831,143	$1,264,412	$218,450
1962	49,854,871	35,676,842	3,332,146	359,307	1,102,194	8,145,056	1,025,610	213,716
1963	42,948,704	31,769,545	2,777,072	307,354	899,653	6,134,914	871,795	188,371
1964	43,087,724	31,925,212	1,173,090	274,210	857,149	7,455,275	985,733	417,055
1965	41,807,257	32,226,796	775,031	296,301	902,688	6,065,663	1,093,162	447,616
1966	40,772,396	32,810,873	574,292	296,914	915,072	4,677,314	1,115,345	382,586
1967	49,171,178	40,344,845	1,220,298	454,000	836,000	4,794,284	1,172,751	349,000
1968	57,538,377	45,779,236	3,294,647	1,432,071	1,006,949	4,556,816	1,080,129	388,529
1969	59,631,743	46,917,773	4,809,634	1,365,670	955,855	4,200,764	1,144,327	237,720
1970[1]	63,786,000	48,500,000	7,200,000	1,511,000	1,018,000	4,000,000	1,217,000	340,000

[1] Estimate

Note.—The Veterans Memorial Hospital was constructed (1953-55) for the Republic of the Philippines at a cost of $9,399,961 and was opened in November 1955.

Veterans Memorial Hospital, Manila, Philippines

Construction completion date	1955
Construction and equipment cost	$9,400,000
Constructed bed capacity	750
Operation beds—1970 (Additional 150 beds not funded by United States	900

Bed occupants consist of:

1. U.S. veterans and "Old" Philippine Scouts for service-connected and nonservice-connected disabilities. Costs paid from D.M. & S. appropriations.

2. Commonwealth Army Veterans for service-connected disabilities only. Costs are paid from grants-in-aid appropriations.

3. Philippine Government beneficiaries—veteran and nonveteran. Costs are paid by Philippine Government.

Average daily patient load—1970:

U.S. veterans and Old Scouts (paid from D.M. & S. funds)	161
Commonwealth Army Veterans (paid from grants funds)	438
Estimated Philippine Government beneficiaries (paid by Philippine Government)	NA

NEGOTIATED CONTRACT PER DIEM RATE

	Pesos	Dollars
1963	19.22	4.93
1964	20.95	5.33
1965	26.01	6.67
1966	27.39	7.07
1967	28.92	7.22
1968	29.00	7.37
1969	30.11	7.47
1970	32.99	8.46

U.S. VETERANS' ADMINISTRATION BENEFITS IN THE PHILIPPINES (FOR WARTIME SERVICE ONLY)

[Revised April 1970]

	U.S. veterans residing in United States	U.S. Army, Navy Air Force, Marines, Coast Guard, WACS, WAVES, SPARS, WMC residing in Philippines USV	Philippine Scouts (enlisted prior to Oct. 6, 1945) USV	Philippine Army (service July 26, 1941, to June 30, 1946) CAV	Recognized guerillas (service Apr. 20, 1942, to June 30, 1946) CAV	Spanish-American War veterans (service, Apr. 21, 1898, to July 15, 1903) residing in Philippines USV	Philippine Scouts (enlisted after Oct. 6, 1945, Public Law 190, 79th Cong.)
Disability compensation	Yes; $	Yes; $	Yes; $	Yes; ₱	Yes; ₱	Yes; $	Yes; ₱.
Disability pension	Yes; $	Yes; $	Yes; $	No	No	Yes; $	No.
Death compensation	Yes; $	Yes; $	Yes; $	Yes; ₱	Yes; ₱	Yes; $	Yes; ₱.
Dependency and indemnity compensation	Yes; $	Yes; $	Yes; $	Yes; ₱	Yes; ₱	Yes; $	Yes; ₱.
Death pension	Yes; $	Yes; $	Yes; $	No	No	Yes; $	No.
Contract insurance	Yes; $	Yes; $	Yes; $	(1)	No	No	(2).
Gratuitous insurance	Yes; $	Yes; $	Yes; $	(3)	No	No	No.
War Orphans Educational Act	Yes; $	Yes; $	Yes; $	No	No	Yes; $	No.
Hospital care for non-service-connected disability	Yes	(4)	(4)	No	No	(4)	No.
Hospital care or outpatient treatment for service-connected disability	Yes	Yes	Yes	Yes	Yes	Yes	No.
Veterans rehabilitation and education:							
Public Law 16, 78th Cong	Yes; $	Yes; $	Yes; $	No	No	No	No.
Public Law 346, 78th Cong							
Public Law 894, 81st Cong							
Public Law 550, 82d Cong							
Public Law 89–138							
Burial allowance	Yes; $	Yes; $	Yes; $	Yes; ₱	Yes; ₱	Yes; $	No.
Burial flag	Yes	Yes	Yes	Yes	Yes	Yes	No.
Automobile for amputees	Yes; $	Yes; $	Yes; $	No	No	No	No.
Domiciliary care	Yes	No	No	No	No	No	No.
Loans:							
Business	Yes	No	No	No	No	No	No.
Housing							
Specially adapted housing	Yes	(5)	(5)	No	No	(5)	No.

[1] Contracts entered prior to Feb. 18, 1946.

[2] Contracts entered (1) prior to May 27, 1946; (2) under secs. 620 or 621 of the National Service Life Insurance Act of 1940; or (3) under 38 U.S.C. 722.

[3] Captured, besieged, or otherwise isolated prior to Apr. 20, 1942.

[4] Only hospitalized at Veteran Memorial Hospital and unable to defray cost of hospitalization, such determination to be made by MRO.

[5] Not prohibited by statute, but not feasible to administer outside United States.

Mr. AYRES. Mr. Speaker, I rise in support of H.R. 16739. This bill will extend the authority of the Veterans' Administration to maintain an office in the Republic of the Philippines for an additional 10 years, or until June 30, 1980. The present authority to maintain this office expires June 30 of this year.

The administration has requested this legislation and both the Veterans' Administration and the Department of State have expressed the view that the Manila Regional Office should be continued. I have visited this office, Mr. Speaker, and as the result of personal observation and many years of study, I heartily concur in the administration's request, believing that the continued operation of a Veterans' Administration regional office in Manila is essential to the best interests of the United States.

Actually, Mr. Speaker, a Veterans' Administration office has been in operation in the Philippines continuously since 1922, except of course during the Japanese occupation. Prior to World War II, the staff consisted of 13 employees administering a program for approximately 7,500 veterans scattered throughout the Philippines. Today, this office, under the capable leadership and direction of Mr. Thomas Howard Price, Jr., has a staff of 24 Americans and more than 300 local employees and a veteran population of 472,000, who, with their dependents are potentially eligible for Veterans' Administration benefits.

Incidentally, Mr. Speaker, the interests of the Veterans' Administration and the United States are well served under the guidance of Howard Price. Mr. Price is an extremely dedicated and efficient career public servant with an intimate knowledge of the Republic of the Philippines and its citizens. More than 20 years of experience as an employee of the Veterans' Administration have qualified him to soundly administer the U.S. program for veterans in the Philippines.

This office, Mr. Speaker, was responsible for the disbursement of more than $58 million in veterans' benefits during fiscal year 1969. Additionally, the Veterans' Administration, through an interagency agreement with the Social Security Administration, handles that agency's benefit program in the Philippines. The Manila VA office assists in filing applications, in securing and validating supporting claims evidence and in supervising fiduciary accounts. This activity disburses approximately $12.5 million per year to 20,000 social security beneficiaries.

The State Department, Mr. Speaker, through its Foreign Service, ordinarily administers the veterans' benefit program in foreign nations. There is a valid reason, however, for the establishment and continuing operation of a Veterans' Administration office in Manila. More than 60 percent of the direct Veterans' Administration benefit payments to eligible veterans residing in foreign countries are made to veterans in the Republic of the Philippines. The Department of State has indicated that it would be undesirable and infeasible for that agency to assume this burden.

The continuing operation of the Veterans' Administration regional office in Manila is both desirable and necessary. I urge the passage of this bill.

Mr. GROSS. Mr. Speaker, will the gentleman from Texas yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. GROSS. Has the gentleman heard of any attacks on the Veterans' Administration office in the Philippines thus far?

Mr. TEAGUE of Texas. Well, considering the fact that the VA office is tied in with the Embassy, I suppose there have been attacks on it.

Mr. GROSS. Are they located in the same compound?

Mr. TEAGUE of Texas. They are together.

Mr. GROSS. They are together?

Mr. TEAGUE of Texas. Yes. The VA office is an extension of the Embassy, to my best knowledge, as I remember it.

Mr. GROSS. In that case, it comes under the general heading of biting the hand that feeds some of the people in the Philippines; does it not?

Mr. TEAGUE of Texas. I certainly agree with the gentleman.

Mr. GROSS. I regret to hear that. The gentleman from Texas thinks it is necessary to extend this office for 10 years?

Mr. TEAGUE of Texas. This was requested by the administration. We do have a very extensive VA operation there because of the Philippines formerly being a part of our country. I think it is necessary.

The papers did not mention the VA regional office as being bothered in any way, but it is tied in with the Embassy Building.

Mr. GROSS. I thank the gentleman.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 16739.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. KLEPPE. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

Mr. BENNETT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 99]

Adair
Anderson, Ill.
Andrews, Ala.
Baring
Bell, Calif.
Berry
Bevill
Blanton
Boggs
Brademas
Brock
Brown, Calif.
Cabell
Caffery
Casey
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clay
Conyers
Corbett
Coughlin
Culver
Daddario
Dawson
Dennis
Dent
Dickinson
Diggs
Dingell
Donohue
Dowdy
Dulski
Dwyer
Eckhardt
Edwards, Ala.
Erlenborn
Farbstein
Fascell
Feighan
Findley
Foley
Foreman
Gettys
Giaimo
Goldwater
Gray
Halpern
Hanna
Hansen, Idaho
Harsha
Hastings
Hawkins
Hays
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Kee
Kirwan
Koch
Kuykendall
Langen
Lennon
Lloyd
Lowenstein
Lukens
McCarthy
McCloskey
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias
Mikva
Mollohan
Moorhead
Ottinger
Passman
Philbin
Poage
Podell
Pollock
Powell
Pucinski
Railsback
Rees
Reuss
Rivers
Rosenthal
Roudebush
Ryan
St Germain
Saylor
Scheuer
Schneebeli
Sisk
Smith, Iowa
Stafford
Stephens
Stratton
Stuckey
Symington
Taft
Teague, Calif.
Tunney
Ullman
Van Deerlin
Waldie
Watkins
Wilson, Bob
Wilson, Charles H.
Wydler
Yates
Young

The **SPEAKER** pro tempore. On this rollcall 311 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

VACATING SPECIAL ORDER

Mr. GUDE. Mr. Speaker, out of respect for our late beloved colleague from Connecticut, I ask unanimous consent that my special order for today be vacated.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection?

U.S. PARTICIPATION IN INTERNATIONAL EXPOSITIONS HELD IN THE UNITED STATES

Mr. GALLAGHER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, as amended.

The Clerk read as follows:

S. 856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(a) international expositions, when properly organized, financed, and executed, have a significant impact on the economic growth of the region surrounding the exposition, and, under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) in view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

FEDERAL RECOGNITION

SEC. 2. (a) Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider—

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leadership of the region and others, in amounts sufficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Upon a finding by the President that an international exposition is eligible for Federal recognition, the President may take such measures recognizing the exposition as he deems proper, including, but not limited to—

(1) presenting an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

(3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.

(c) The President shall report his actions under this section promptly to the Congress.

FEDERAL PARTICIPATION

SEC. 3. The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include—

(a) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2 of this Act, it has been so recognized;

(b) a statement that the international exposition has been registered by the BIE; and

(c) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. In developing such a plan the Secretary shall give due consideration to whether or not the plan should include the construction of a Federal pavilion and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition. In the event such need is established, the Secretary may include in his plan a recommendation that as a condition of participation, the Government should be deeded a satisfactory site for the Federal pavilion, in fee simple and free of liens or other encumbrances. The Secretary shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the provisions of this subsection.

ESTABLISHMENT AND PUBLICATION OF STANDARDS AND CRITERIA

SEC. 4. (a) The Secretary of Commerce is hereby authorized and directed to establish and maintain standards, definitions, and criteria which are adequate to carry out the purposes of section 2(a) (1) and section 3(a) of this Act; and

(b) Standards, definitions, and criteria established by the Secretary and such revisions in them as he may make from time to time shall be published in the Federal Register.

SEC. 5. The President may withdraw Federal recognition or participation whenever he finds that continuing recognition or participation would be inconsistent with the national interest and with the purposes of this Act.

SEC. 6. Nothing in this Act shall affect or limit the authority of Federal departments and agencies to participate in international expositions or events otherwise authorized by law.

SEC. 7. Section 8 of Public Law 89–685 is hereby repealed.

SEC. 8. There are authorized to be appropriated such sums, not to exceed $200,000 in any fiscal year, as may be necessary to carry out the purposes of this Act.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GALLAGHER. Mr. Speaker, the Committee on Foreign Affairs considered two identical bills providing for U.S. Government participation in international expositions held in the United States. They were, respectively, S. 856, a bill approved by the other body, and H.R. 13171, which I introduced. After full deliberation, the committee unanimously adopted an amendment which removed an open ended authorization included in Section 8 of the bill and substituted therefor language which limits the amount of money that can be appropriated to the Department of

Commerce to carry out its responsibility under this legislation to not exceed $200,000 a year.

Mr. Speaker, the bill before the House is designed to provide an orderly framework for Federal recognition of and participation in international expositions held in the United States.

The bill would supplement actions taken by the U.S. Government in 1968 in adhering to the Paris Convention and becoming a member of the Bureau of International Expositions.

This legislation would do away with the old and very inefficient system under which different groups and localities arranging international exhibitions in the United States would come to the Congress to seek Federal recognition—and the Congress would have to pass on their requests without adequate information. In essence, this legislation proposes a 3-step sequence as follows:

First. Regarding application, the Secretary of Commerce, or his designee, would prepare and publish a set of standards for exhibitions held in the United States whose sponsors desire BIE approval and recognition by the Federal Government. He would receive applications from the prospective sponsors of such expositions and determine, first, a given exposition's purpose and, second, the level of support, financial and other, which the project will receive from the private sector and from local and State governments. His findings would then be submitted to the President of the United States.

XUM

Second. Regarding Federal recognition, the President would review the findings and, after consulting with the Secretary of State, determine whether it would be in the national interest of the United States for the Federal Government to recognize such an exposition. If his decision should be in the affirmative, the President could then recognize the exposition, request that it be recommended to the BIE for approval, and invite the several States and foreign governments to participate in it.

Third. Regarding Federal participation, if the President should decide to go a step further and propose that the Federal Government participate in a given exposition, he would submit a recommendation to that effect, together with his plan for U.S. participation, to the Congress. Under this bill, the Congress would retain the authority to make the final decision, on a case-by-case basis, regarding whether, and how the U.S. Government would participate in a given exposition.

I again want to stress that by enacting this legislation, the Congress does not abdicate any of its powers or responsibilities with respect to Federal participation in international expositions held in our country.

The Congress would retain the same powers that it has now to make the final decision on such participation but it would be able to do so on the basis of detailed information and plans prepared in advance and reviewed in the executive branch.

In the respect, the procedure proposed in this bill would benefit all parties concerned with international expositions in the United States: the sponsors of the exposition, the executive branch, and the legislative branch.

The prospective sponsors would be provided with specific guidlines regarding the terms and conditions under which the Federal Government would recognize a given exposition and be an official participant in it.

The executive branch would have adequate criteria to determine whether or not recognition of a proposed exposition would be in the national interest. The bill would also help to insure that the United States, as a member of the BIE, would present for the Bureau's sanction only those projects which are reasonably likely to succeed.

Mr. GROSS. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. ASPINALL). The question is on the motion of the gentleman from New Jersey that the House suspend the rules and pass the bill S. 856, as amended.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HALL. Is there not a committee amendment?

Mr. GALLAGHER. There is a committee amendment.

The SPEAKER pro tempore. The Chair will say to the gentleman from Missouri that there is a committee amendment to the Senate bill which is at the desk. The bill is being considered under a suspension-of-the-rules procedure.

The question is on the motion of the gentleman from New Jersey that the House suspend the rules and pass the bill, S. 856, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 13171) was laid on the table.

TRANSFERRING FROM ARCHITECT OF THE CAPITOL TO LIBRARIAN OF CONGRESS AUTHORITY TO PURCHASE OFFICE EQUIPMENT AND FURNITURE FOR LIBRARY OF CONGRESS

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11628) to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress, as amended.

The Clerk read as follows:

H.R. 11628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress," approved June 29, 1922 (42 Stat. 715; 2 U.S.C 141), is amended—

(1) by striking out, in the second sentence thereof, "and the purchasing and supplying of all furniture and equipment for the building" and inserting in lieu thereof the following: "and the purchasing of all equipment other than office equipment"; and

(2) by inserting after the fourth sentence thereof a new sentence as follows: "The Librarian of Congress shall provide for the purchase and supply of office equipment and furniture for library purposes."

The SPEAKER pro tempore (Mr. ASPINALL). Is a second demanded?

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, H.R. 11628 would transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress.

The statute under which the furniture and equipment of the Library of Congress was made part of the responsibilities of the Architect of the Capitol was passed in 1922. There were several apparent reasons for the adoption of such a statute and the placement of the responsibility in the Office of the Architect of the Capitol. Mainly, it was because an independent position of Superintendent of Buildings and Grounds of the Library was abolished. As a result there were no staff members within the Library who had any particular training or experience in furniture or equipment at that time and it was probably logical therefore to make this a responsibility of the Architect of the Capitol's office.

In reviewing the legislative history with respect to the authority in the Architect of the Capitol for the purchase of furniture and equipment for the Library of Congress, no concrete reasons appears therein that require this authority to remain as such. Nor does there appear to be anything in the journals of the Congress which would preclude this authority from being transferred to the Librarian. To effect the transfer, however, amending legislation is first necessary.

Unlike annual structural and mechanical care programs, furniture and furnishings are part of the day-to-day operational planning of the Library. Items must be coordinated with personnel transfers, new positions, and so forth, and programing, planning, and timing become day-to-day and week-to-week procedures.

For practical purposes, furniture and equipment are now budgeted directly by the Library. All annual budget estimates and justifications are prepared by the Library staff. Testimony at the hearings regarding Library furniture and furnishings, although now part of the Architect's budget, is referred by the Architect's staff to the Librarian for reply and elaboration.

The staff of the Library now includes persons whose primary responsibilities are the procurement of equipment and supplies for the Library, and who assist the staff of the Architect of the Capitol in procuring this equipment and furniture for the Library. The Library staff now has the training and experience in the procurement of furniture and equipment suitable to the Library and that responsibility need no longer be one of the responsibilities of the Architect of the Capitol. The transfer of this authority to the Librarian of Congress has been discussed with the Architect of the Capitol and has his support and endorsement. All requisitions, specifications for purchases, and purchase estimates are now prepared within the Library—not by the staff of the Architect of the Capitol which simply places the order or duplicates the paperwork if required for certain purchases.

Placing direct responsibility for furniture and furnishings with the Library is not without precedent on Capitol Hill. In fact, the current situation is the exception since the furniture and fixtures for the Supreme Court are handled by the Marshall of the Court, for the House by the Clerk of the House, and for the Senate by the Sergeant at Arms.

Special project and executive agency transfer funds are now used for direct Library purchase for those operations of the Library financed by transferred funds and thus the Library is now making furniture purchase through two separate channels.

Mr. SCHWENGEL. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, authority to purchase office equipment and furniture for the Library of Congress now resides in the Architect of the Capitol. The bill before the House, H.R. 11628, would transfer this responsibility to the Library itself.

This authority was first placed in the hands of the Architect of the Capitol in 1922 when the position of Superintendent of Buildings and Grounds of the Library was abolished and the Library did not have personnel with the training and experience necessary for this work.

There is no need to continue having the authority and responsibility for this work under the Architect of the Capitol. As a practical matter, the Library now performs most of the essential work required in this connection. It does the planning for furniture and equipment for the Library, prepares the budget estimates and justifications, prepares the budget testimony and handles inquires about the matter.

The Architect of the Capitol concurs in this proposal to place this responsibility directly in the hands of the Library.

I would urge that the House give its approval to H.R. 11628.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey that the House suspend the rules and pass the bill H.R. 11628, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RELATING TO POLICING OF BUILDINGS AND GROUNDS OF LIBRARY OF CONGRESS

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12619) to amend section 11 of an act approved August 4, 1950, entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress".

The Clerk read as follows:

H.R. 12619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Act of August 4, 1950 (64 Stat. 412; 2 U.S.C. 167j) is amended by—

(1) inserting therein, immediately after "Sec. 11.", the subsection designation "(a)"; and

(2) inserting at the end thereof the following new subsection:

"(b) For the purposes of this Act, the term 'Library of Congress buildings and grounds' shall include (1) the whole or any part of any building or structure which is occupied under lease or otherwise by the Library of Congress and is subject to supervision and control by the Librarian of Congress, (2) the land upon which there is situated any building or structure which is occupied wholly by the Library of Congress, and (3) any subway or enclosed passageway connecting two or more buildings or structures occupied in whole or in part by the Library of Congress."

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, the genesis of this bill is that the Library of Congress, having expanded into other locations in the District over a period of time, finds their right to police and to protect those buildings inhibited by existing law.

This legislation would simply allow the Library to disperse its police protective force to those other locations. It is very badly needed and is considered by the committee to be meritorious.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I shall be happy to yield to my distinguished friend from Iowa.

Mr. GROSS. Where does the Library recruit and how does it recruit and train, or does it recruit and train its police force?

Mr. THOMPSON of New Jersey. The Library I might say to the gentleman from Iowa has its own personnel section—in other words, its own protective or police force and trains them. They are not a part of the——

Mr. GROSS. Capitol Police?

Mr. THOMPSON of New Jersey. Capitol Police or on patronage or such as that.

Mr. GROSS. It is not proposed to create still another police training school somewhere in this area, is it?

Mr. THOMPSON of New Jersey. No, it is not. It does not ask for an enlargement of the present force.

I might say to my friend from Iowa, it simply gives them the authority to move their existing police officers from the immediate area of the Library to the other locations where they have library facilities. The General Services Administration has overall purview of this. There is no new personnel involved.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I shall be glad to yield to my distinguished friend from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

Is it presumptive, based upon the committee report, that inasmuch as this is the second time we have heard of the fragmentation and dispersal of the Library of Congress activities in the past month or so, that once we complete the Madison Building addition over in "McCormack Park," all of this will be retrieved and this authority will then be negated and all the rental space will be allowed to lapse and the acquisitions brought back into the Library of Congress itself, and there will be no further need for this type of legislation.

Mr. THOMPSON of New Jersey. That is indeed my understanding. When the new facility is completed, the rental spaces will be phased out. The need to protect them at their existing location will no longer exist. But, even, I might say to the gentleman, upon the completion of the new building this would be necessary in order to let them go over and police the new building which is to be just across the street from the existing one. It involves no additional Federal expenditure. It is simply a question of the deployment of the protective force.

Mr. HALL. I appreciate the gentleman's statement. As I understand this it means no additional personnel either. I hope we can make the legislative record to the effect that we can recoup all these groups and all of these farmed out into rented spaces memorabilia of the Library of Congress on Capitol Hill where it belongs; since as by definition this is the Library of Congress and, of course, historically they have always maintained fee-simple title to that which we own ourselves.

Mr. THOMPSON of New Jersey. I agree thoroughly with the gentleman. I share his hope that this will be done and I share his expectation that this will be done.

Mr. SCHWENGEL. Mr. Speaker, I yield myself such time as I may consume.

XUM

Mr. Speaker, I want to express the minority position on this legislation. We had testimony on the question which has just been raised by the gentleman from Missouri (Mr. HALL) in the committee. We had ample assurance that there would not be any additional employment.

Mr. Speaker, this is sound legislation and I urge the House to approve it.

Mr. Speaker, this legislation is required by the Library of Congress to allow it to provide adequate guard service for the protection of staff personnel and Library possessions and property in buildings located away from the main Library building.

The Library of Congress at present has authority for policing the Library buildings but this authority does not extend beyond the street surrounding the permanent buildings. The Library has rental space at several locations throughout the city and it is necessary to have guards at these locations. The GSA was requested to supply such guards but is unable to do so and the Library has, therefore, had to recruit its own special policemen for the protection of the staff and contents of such areas.

This legislation is needed and it is meritorious. I would recommend its approval by the House.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from New Jersey that the House suspend the rules and pass the bill H.R. 12619.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

XUM

APPOINTMENT OF JAMES EDWIN WEBB AS CITIZEN REGENT, BOARD OF REGENTS, THE SMITHSONIAN INSTITUTION

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the Senate Joint Resolution (S.J. Res. 193) to provide for the appointment of James Edwin Webb as citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

S.J. RES. 193

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which occurred by the death of Robert Vedder Fleming, of Washington, District of Columbia, be filled by the appointment of James Edwin Webb for the statutory term of six years.

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, is the Senate joint resolution under consideration under suspension of the rules the same as and identically the same as House Joint Resolution 1098?

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield, the answer is "Yes."

Mr. HALL. Mr. Speaker, I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Is this by any chance the same James E. Webb who was the Director or Administrator of the National Aeronautics and Space Administration, and who when he was Director or Administrator, lost three astronauts in a fire aboard a space vehicle, apparently the result of carelessness or negligence?

Mr. THOMPSON of New Jersey. The gentleman from New Jersey will respond by saying that this is indeed the same person who was head of NASA at the time of that tragedy, but I would not attribute, of course, any part of that on any action of his, or any lack of his action, but it was during his incumbency that the tragedy occurred, and resulted in the loss of three astronauts in the vehicle wherein the fire did take place.

Mr. GROSS. If the gentleman will yield further, I would like to ask the gentleman to explain how these regents are selected? I have always been curious about that.

Mr. THOMPSON of New Jersey. The regents are nominated in effect by the existing regents, three of whom are colleagues of the House of Representatives, Chairman MAHON of Texas, the gentleman from Ohio (Mr. BOW), and the gentleman from Ohio (Mr. KIRWAN). In effect today we are exercising our advice and consent responsibility with respect to the nomination of the regent.

Mr. GROSS. How many in total are there of these regents? Does the gentleman recall?

Mr. THOMPSON of New Jersey. There are at the moment 14 regents. Earlier in this session on suspension a bill was passed and sent to the other body enlarging the number on the Board of Regents by two. The other body has yet to act on that bill.

Mr. GROSS. I thank the gentleman.

Mr. SCHWENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New Jersey (Mr. THOMPSON) has adequately explained the bill.

Mr. Speaker, the purpose of this legislation is to provide for the appointment of James Edwin Webb as citizen regent of the Board of Regents of the Smithsonian Institution.

Senate Joint Resolution 193 is identical with House Joint Resolution 1098, a resolution which was reported favorably by the Committee on House Administration April 13, 1970. The House measure was introduced by the distinguished chairman of the House Appropriations Committee, Mr. MAHON, and cosponsored by the distinguished ranking minority member of the Appropriations Committee, Mr. BOW, both of whom are members of the Board of Regents of the Smithsonian Institution.

The Board of Regents is the body that conducts the business of the Smithsonian. It is composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, and three Members of the House of Representatives, and six additional persons, two of whom must be from the District of Columbia and four from the States. The Congress, by joint resolution, such as the one that is before the House today, appoints the six citizen regents, who serve for a 6-year term.

Mr. Webb would fill the vacancy caused by the death of Robert Vedder Fleming, who was one of the two citizen regents from the District of Columbia. Mr. Webb was Administrator of National Aeronautics and Space Administration from 1961 to 1969. He has a very distinguished background and I am sure would be a credit to the Smithsonian Institution. I urge the House to approve Senate Joint Resolution 193.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to support Senate Journal Resolution 193 for Congress to authorize James E. Webb as Citizen Regent of the Smithsonian Institution. Jim Webb has devoted almost all of his life, in government and private industry, to the welfare and strength of our country and to the advancement and progress of science, research, and development.

As a member of the House Science and Astronautics Committee, I have personal knowledge and have worked with Jim Webb as the Administrator of the National Aeronautics and Space Administration from 1961 to 1969. NASA, through his leadership, has become vital to the scientific and technical progress of the United States.

When Jim Webb became the Administrator of NASA he brought with him a background of outstanding success and achievement. He is a former Director of the U.S. Bureau of the Budget. He has served as Under Secretary of the U.S. Department of State. Most people do not realize that Jim Webb is a 30-year veteran of U.S. Marine Corps aviation, attaining the rank of lieutenant colonel. He has worked hard to develop the NASA team which is responsible for the wide acceptance throughout America of the vital need for a national space program in the development of growth and strength of the Nation. As NASA Administrator, Jim Webb made possible the creation and assembly of great national resources of human talent and advanced technology that have produced the stunning success of Project Apollo, the unmanned exploration of deep space and the wide variety of weather and communications satellites orbiting the earth.

I congratulate the Regents of the Smithsonian Institution in recognizing Jim Webb, not only as an eminent public servant, but also in recognizing that he has many more contributions to make to the people of the United States through the Smithsonian Institution.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey that the House suspend the rules and pass the Senate Joint Resolution 193.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 309, nays 16, not voting 104, as follows:

[Roll No. 100]

YEAS—309

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bennett
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Camp
Carey
Casey
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Cowger
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Derwinski
Devine
Dingell
Dorn
Downing
Duncan
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Fish
Fisher
Flood
Flowers
Flynt
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
King
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Long, La.
Long, Md.
Lujan
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
Mahon
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schwengel
Scott
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wylie
Wyman
Yatron
Zablocki
Zwach

NAYS—16

Ashbrook
Broomfield
Carter
Gross
Haley
Hall
Kleppe
Landgrebe
MacGregor
Nelsen
Quillen
Ruppe
Sebelius
Steiger, Ariz.
Williams
Zion

NOT VOTING—104

Adair
Anderson, Ill.
Andrews, Ala.
Baring
Barrett
Bell, Calif.
Berry
Bevill
Blanton
Boggs
Brademas
Brock
Brown, Calif.
Cabell
Caffery
Celler
Chappell
Chisholm
Clancy
Clay
Conyers
Coughlin
Daddario
Dawson
Dennis
Dent
Dickinson
Diggs
Donohue
Dowdy
Dulski
Dwyer
Eckhardt
Edwards, Ala.
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Foley
Ford, Gerald R.
Gettys
Giaimo
Goldwater
Halpern
Hanna
Hansen, Idaho
Hastings
Hays
Hébert
Jacobs
Johnson, Calif.
Jones, Ala.
Kee
Kirwan
Koch
Langen
Lennon
Lloyd
Lowenstein
Lukens
McCarthy
McCloskey
Madden
Mailliard
Mann
Mathias
Mikva
Mollohan
Moorhead
Morse
Nix
Ottinger
Passman
Philbin
Poage
Podell
Powell
Railsback
Rees
Rivers
Rosenthal
Roudebush
Ryan
St Germain
Saylor
Scheuer
Schneebeli
Sisk
Smith, Iowa
Stephens
Stratton
Symington
Taft
Teague, Calif.
Tunney
Van Deerlin
Waldie
Watkins
Weicker
Wilson, Bob
Wydler
Yates
Young

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The Clerk announced the following pairs:

Mr. Madden with Mr. Adair.
Mr. Hébert with Mrs. Dwyer.
Mr. Giaimo with Mr. Anderson of Illinois.
Mr. Johnson of California with Mr. Bell of California.
Mr. Feighan with Mr. Clancy.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Andrews of Alabama with Mr. Berry.
Mr. Donohue with Mr. Mailliard.
Mr. Dent with Mr. Coughlin.
Mr. Lennon with Mr. Brock.
Mr. Hays with Mr. Findley.
Mr. Rivers with Mr. Goldwater.
Mr. Cabell with Mr. Dennis.
Mr. Ottinger with Mr. Halpern.
Mr. Evins of Tennessee with Mr. Langen.
Mr. Caffery with Mr. Hastings.
Mr. Passman with Mr. Dickinson.
Mr. Rosenthal with Mr. Lloyd.
Mr. Daddario with Mr. McCloskey.
Mr. Gettys with Mr. Edwards of Alabama.
Mr. Young with Mr. Hansen of Idaho.
Mr. Dulski with Mr. Mathias.
Mr. Philbin with Mr. Morse.
Mr. Dowdy with Mr. Lukens.
Mr. Fascell with Mr. Railsback.
Mr. St Germain with Mr. Roudebush.
Mr. Moorhead with Mr. Saylor.
Mr. Podell with Mr. Taft.
Mr. Sisk with Mr. Schneebeli.
Mr. Jones of Alabama with Mr. Teague of California.
Mr. Barrett with Mr. Watkins.
Mr. Smith of Iowa with Mr. Weicker.
Mr. Celler with Mr. Bob Wilson.
Mr. Farbstein with Mr. Wydler.
Mr. Foley with Mr. Nix.
Mr. Mikva with Mrs. Chisholm.
Mr. Brademas with Mr. Kirwan.
Mr. Waldie with Mr. Kee.
Mr. Brown of California with Mr. Clay.
Mr. Lowenstein with Mr. Conyers.
Mr. Van Deerlin with Mr. Mann.
Mr. Bevill with Mr. McCarthy.
Mr. Rees with Mr. Diggs.
Mr. Hanna with Mr. Stratton.
Mr. Stephens with Mr. Yates.
Mr. Koch with Mr. Mollohan.
Mr. Jacobs with Mr. Powell.
Mr. Chappell with Mr. Baring.
Mr. Blanton with Mr. Tunney.
Mr. Eckhardt with Mr. Symington.
Mr. Scheuer with Mr. Ryan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1098) was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on Senate Joint Resolution 193 just passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DEFERRAL OF ROLLCALLS FROM TUESDAY, MAY 5, TO WEDNESDAY, MAY 6

Mr. ALBERT. Mr. Speaker, without making it a precedent, and only because of the funeral of our late colleague tomorrow, the Honorable WILLIAM L. ST. ONGE, I ask unanimous consent that any rollcalls on final passage of bills or the adoption of conference reports may be put over until Wednesday next, May 6.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object—and I shall not object—does the distinguished majority leader not feel that in the programing of today's work it would have been better had we followed the honorable, ancient tradition, and custom of the House, and adjourned out of respect for our sitting colleague, the late Honorable WILLIAM L. ST. ONGE, who was called to his heavenly reward, rather than violate clause 4 of rule XIII and call up conference reports before the mandatory call of the Consent Calendar, and before all else that we have done here today, before completing the resolution to adjourn out of respect for our departed colleague?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, we have followed this procedure rather consistently over the last few years.

Mr. HALL. If there is anything we have lacked, it has been consistency, I will say to the distinguished majority leader, in the way we have handled things. Some of us came here today expecting that we would follow the traditions and customs of the House, and adjourn out of respect to a deceased sitting member, and we have not.

Mr. ALBERT. We are going to adjourn out of respect.

Mr. HALL. Mr. Speaker, in that I will join wholeheartedly and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MERCURY CONTAMINATION OF FISH AND LIVESTOCK

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, just about 3 weeks ago I addressed letters—which appear in the CONGRESSIONAL RECORD of April 14, 1970—to the Secretary of Agriculture, Clifford Hardin, and the Commissioner of the Food and Drug Administration, Dr. Charles Edwards, asking a number of questions in an attempt to find out what is being done by Government agencies to protect the public from mercury poisoning.

Unfortunately, while neither gentleman has yet answered any of those questions, it is becoming increasingly clear that there has been an unbelievable casualness in agency attitudes concerning mercury contamination.

We know that mercury enters our waterways when industrial plants dump huge amounts of mercury laden wastes into our rivers and lakes. We know too, that it can poison fish and eventually find its way to our dinner tables.

As recent articles have pointed out, the Dow Chemical Co. has acknowledged that one of its plants located in Ontario, Canada, was pouring up to 200 pounds of mercury a day into the St. Clair River. Fishing in this river, as well as Lake St. Clair and the Detroit River has now been banned by the Canadian Government because the fish caught there contained excessively high amounts of mercury.

Mercury is also used extensively as a seed dressing on grains, and residues of mercury have been found on harvested crops, including apples, tomatoes, and wheat. It has been found in the meat of animals which were fed mercury-treated seed. It was that kind of meat which caused the tragic poisoning of three New Mexico children several months ago.

Mercury in humans affects the liver, the kidneys, and the brain. When we are dealing with mercury poisoning, we are obviously dealing with a serious matter.

As Dr. Alan R. Hinman, an expert on diseases of the brain and the nervous system at the National Communicable Disease Center recently said in a Wall Street Journal article on mercury poisoning:

> Mercury in virtually any quantity will cause some damage to people, but the effects of small amounts won't show up until you get older.

I am particularly disturbed, Mr. Speaker, over the haphazard way in which our Federal agencies seem to be dealing with this matter. Although I understand that the USDA monitors wheat for mercury residues, it appears there is no monitoring of mercury residues in other foods, nor any monitoring of mercury spillage by industrial firms. Nor has any limit or tolerance level been established by the FDA for safe levels of mercury on food.

With injuries and congenital birth defects from mercury poisoning reported in the hundreds, it is hard to believe that no one in our well-populated bureaucracy has decided what their functions are supposed to be with regard to this problem. Yet, this seems to be exactly what the situation is. In one recent newspaper report, in fact, a Government official was quoted as saying that discussions about this matter were going on between the Interior Department and the Department of Health, Education, and Welfare, but that it had not yet been "decided who is in charge."

I anxiously await an answer to some of the questions which I have posed to both the USDA and the FDA. Perhaps my inquiries will cause them to more quickly respond to this problem. At a time when we have choices to make about priorities and putting first things first, I would certainly hope that the protection of the public health and welfare would appear high on the list. We had all better hope that officials at the Departments of Agriculture, Interior, and Health, Education, and Welfare think so too. In any event, it is necessary that these agencies decide what actions will be taken by whom, and it is necessary that they take action now.

Mr. Speaker, the Wall Street Journal article and several other recent articles on this matter appear below:

[From the Wall Street Journal, Apr. 28, 1970]

MERCURY CONTAMINATION OF FISH AND LIVESTOCK ALARMS HEALTH EXPERTS

(By Richard R. Leger)

Headache, fatigue and irritability. Those are the initial symptoms of mercury poisoning, though the cause isn't likely to be known when they appear. Trembling hands, slurred speech, numbness of the limbs, kidney damage and even death may follow in severe cases.

Therein lies a potentially explosive public health problem. Alarmed health officials are increasingly finding mercury in the nation's food supply. Within the past few months dangerous quantities of the chemical have been detected in hogs in New Mexico, cattle in Oregon, pheasants in Montana and California and fish in the Great Lakes.

Experts in the field assert that mercury isn't just another pollution problem. Whereas the specific effects of auto pollutants, insecticides and pesticides on the human system aren't certain, for instance, mercury in sufficient quantity is a lethal poison for which there is no known antidote or cure. Even mercury vapor is harmful.

Moreover, human beings and animals tend to retain mercury in their systems. Minute amounts may accumulate, becoming apparent only when irreversible damage has been done. "Mercury in virtually any quantity will cause some damage to people, but the effects of small amounts won't show up until you get older," says Dr. Alan R. Hinman, an expert on diseases of the brain and the nervous system at the National Communicable Disease Center (NCDC) in Atlanta.

EFFECT ON THE BRAIN

It's known that about 10% of any mercury ingested goes to the brain. "We have lots of brain cells," says Dr. Hinman. "We may lose only a few with each tiny amount of mercury, and the impact might not be noticeable until we're older. Possibly some persons considered senile are suffering from long-term mercury poisoning."

There are two sources of mercury contamination. One is agricultural. Fungicides containing mercury are applied to the seeds for most grain crops, such as wheat, barley, oats and rice, and also to seeds for tomatoes and cotton, before the seeds are planted.

The purpose is to prevent diseases that could afflict these crops at early stages. The treated seed is dyed red as a warning. But say officials, many farmers ignore the warning and feed leftover or waste seed grain to their animals. The animals pass the mercury to human beings who eat the animal meat. Game birds such as pheasants accumulate the poison by eating seed grain before the seeds sprout.

The second source of pollution is industrial. Waste containing mercury results from processes for making plastics, chlorine and sodium. This waste, discharged into lakes or rivers, accumulates in fish later taken for food.

TROUBLE ABROAD

Alarming information on mercury poisoning has reached U.S. investigators from abroad. Between 1953 and 1960, more than 60 persons were poisoned fatally by mercury wastes discharged into a river in Minamata, Japan, by a plastics manufacturer. Poisoning came from fish and shellfish caught in the river and bay and eaten.

Dr. William H. Likosky, a physician at the Atlanta NCDC, says, "We have received reports that people in Guatemala, Pakistan and Iraq have developed illnesses through misuse of seed grain as food. They apparently have ground the grain into flour and made bread. There are hundreds of cases we know about, and there probably are many more that go unrecognized."

Federal officials don't know how widespread mercury poisoning is in the U.S. "These abuses have been around for years," says Dr. Likosky, "but no one added them together into a big picture. If someone had a mild case of mercury poisoning, it probably would have been diagnosed as encephalitis (a brain infection) of unknown etiology (cause). We have no idea whatsoever how many cases of mild mercury poisoning are occurring."

Concern mounted in the U.S. last December, however, after three children in the family of Ernest Huckleby, a school janitor in Alamagordo, N.M., became ill. U.S. Public Health officials learned that the family had fed their hogs waste seed grain that had been treated with mercury compounds. Then the family slaughtered and ate one of the hogs.

CONTAMINATED HOGS

The three children remain seriously ill. Investigators learned that the Alamagordo problem didn't end with the Huckleby family. Four other farm families in the region had obtained contaminated waste seed grain and possibly fed it to their animals. The U.S. Department of Agriculture clamped an embargo on hog shipments from the region last Jauary—but not before 108 possibly poisoned hogs had been slaughtered and shipped out. Federal officials say they think most of the pork went to New Mexico and Texas.

A serious problem is detecting contaminated meat. Farm animals fed mercury-treated seed aren't likely to be intercepted by inspectors from the USDA, concedes Dr. John Spaulding, head of the toxicology group in the USDA consumer protection program. Federal inspectors check animals before they are slaughtered, and "only go on how the animals look," he says. Seven contaminated cattle that had been passed by a Federal inspector in Oregon were intercepted earlier this year only because a tipster angry at the rancher notified the USDA.

Another problem is how to prevent farmers from using the contaminated grain. Many seed grain companies take their waste mercury-treated grain and leave it at dumps. But officials report at least one recent case of such grain being picked up and resold as feed grain. Other seed companies burn their grain. But this spreads dangerous mercury vapor about the countryside.

Earlier this year the USDA took a strong but little-noticed move by suspending Federal registration for an estimated 60% of the mercury compounds used to treat seed grain. "Directions for proper use and caution statements on labels of the product have failed to prevent its misuse as a livestock feed," says a spokesman from the USDA's agricultural research service.

In order not to hamper this spring's planting, the department is allowing seed processors to sell seed already treated with mercury. However, the USDA indicates that it may eventually extend the partial ban and withdraw registrations for all mercury seed dressings.

The agricultural industry, however, complains that the Government is moving too swiftly and forcefully against mercury fungicides. Denis Hayley, secretary-treasurer of the National Agricultural Chemicals Association (NACA), a Washington trade group, estimates that about 80% of all commercial seed, including cotton, is treated with mercury compounds.

"There's nothing I know of with the broad spectrum of use against disease that could replace mercurial compounds," Mr. Hayley says. "The other available treatments are generally specific for a certain type of disease of a seed or for a certain crop."

Cutting off the mercury compounds, Mr. Hayley says, "will raise the cost of agricultural production substantially." Parke Brinkley, president of the NACA, asserts that "some 20% of the grain crop or yield would be lost without seed treatment, and that would be disastrous in this country." At least one fungicide maker already has challenged the partial Government ban in court.

The contamination of fish and other marine sources of food is an equally critical problem. "We are finding fish from the Great Lakes with mercury residues," says R. E. Duggan, a deputy associate commissioner of the Food and Drug Administration. "Just how widespread this is we don't know."

The FDA now has dozens of investigators checking fish in the Great Lakes and in several major rivers, including the Mississippi and the Niagra. Shrimp and oysters harvested from the Gulf of Mexico also are being checked. The FDA has set a figure of 0.5 parts per million as indicating contamination, and Mr. Duggan says "a substantial number" of contaminated fish have been found. But the average contamination among fish in lots checked has been below that level.

The Government doesn't have the power to halt fishing. But it could ban interstate shipments of contaminated fish or shellfish, and Mr Duggan says, "We will take legal action against any fish shipped in interstate commerce above that level (0.5 parts per million)."

Canada and the states of Ohio and Michigan, armed with more direct powers, already have begun to use them. Paul W. Brown, attorney general of Ohio, announced earlier this month that he was preparing legal action against Dow Chemical Co. and Wyandotte Chemical Co. to recover damages for alleged pollution by the companies' chlorine-caustic plants.

Dow acknowledges that its plant, located in Sarnia, Ontario, was pouring up to 200 pounds of mercury a day into the St. Clair River, which runs into Lake St. Clair, the Detroit River and Lake Erie. But it says pollution from the plant has been reduced to "essentially zero." Canada, however, has banned all fishing from its side of the St. Clair River and the Detroit River and in Lake St. Clair. Ohio has banned commercial fishing for some kinds of fish in its portion of Lake Erie.

Wyandotte is a subsidiary of Badische Anilin & Soda-Fabrik AG, a German company. Its plant, located on the Detroit River south of Detroit and two miles north of Lake Erie, had been emitting 10 to 20 pounds of mercury waste a day into the river. Michigan Attorney General Frank J. Kelley recently got an injunction that closed the plant for a few days until the company eliminated the pollution.

Another area of concern is catfish growth commercially on Southern rice farms, a growing industry. "They've been using mercury fungicides in the rice belt for 20 to 30 years," says William Barthel, chief of the FDA's toxicology laboratory in Atlanta. "I'm not concerned so much about the rice. The question is, has it (the mercury) built up to dangerous levels in the water?"

The FDA is buying a new tool to help in the Government's mercury-hunting effort—an atomic absorption spectrophotometer that will enable scientists to detect mercury in amounts as minute as 1–100th part per million in blood or urine specimens.

There is other work on the research front. Some Swedish studies have suggested the existence of a process called translocation, in which mercury in seed dressings apparently passes from the seed to the resulting plant. U.S. experts are checking the Swedish conclusion. Sweden has banned the use of most mercury fungicides.

An unusual program is planned by the National Communicable Disease Center in Atlanta. Mercury poisoning falls outside its usual purview, but it plans to use its resources to check human beings and livestock around the country to determine how widespread mercury poisoning is.

[From the Washington Star, Apr. 24, 1970]

One Hundred Seventy-Five Million Demanded From Dow to Clean Lake

DETROIT.—A new conservation group, angered over mercury dumped by Dow Chemical Co., that led to a total fishing ban in Lake St. Clair, wants the company to contribute $175 million—about a year and a half's profits—toward cleaning up the lake.

In a letter to the company's chief executive officers, the Lake St. Clair Anti-Pollution League charged Dow "has committed the unpardonable sin of poisoning the waters, fish and all aquatic life in Lake St. Clair with Mercury, a metallic substance which may linger for many years."

To back up its demands for "indemnification to the citizens of Michigan and Canada," the group announced yesterday it was initiating a consumer boycott of all Dow products until its demands are met.

Hal Southard, president of the group and a St. Clair Shores real estate and land developer, said the money would be spent with the proper governmental agencies for cleaning up and testing of the lake waters.

"It's unfair and unrealistic to expect the taxpayers to pick up the cost of cleaning up Lake St. Clair and a lawsuit against Dow Chemical Co. would take many years," he said. "This boycott could get us action a lot faster."

Dow admits its Sarnia, Ont., subsidiary had been leaking up to 200 pounds of mercury daily into the St. Clair River, which empties into Lake St. Clair. The disclosure led to a ban on fishing in the lake by both the Ontario and Michigan governments.

[From Time magazine, May 4, 1970]

Endangered Great Lakes

For 20 years, U.S., and Canadian industries have dumped millions of pounds of toxic mercury into the Great Lakes watershed. Now the result has caused alarm in both countries. On the heavily fished Lake Saint Clair, recent tests of pike and pickerel showed mercury levels as high as seven parts per million—14 times the maximum level deemed safe in fish for human consumption.

Last month local officials in the U.S. and Canada totally banned fishing on Lake Saint Clair and partly banned it on Lake Erie. Last week Interior Secretary Walter J. Hickel ordered a federal investigation of all lethal substances discharged into the Great Lakes' U.S. waters. In Ludington, Mich., for instance, five electroplating companies were recently found dumping cyanide into Lake Michigan, source of drinking water for millions of people. As for mercury, Hickel will stop all lakeside discharges if Governors of the affected states ask him to do so.

Clear threat. The sudden interest in mercury is based on a flurry of mercury-poisoning cases—including more than 100 deaths—in Japan, Iraq, Guatemala, Pakistan and New Mexico. The toxicity of mercury is well documented; Lewis Carroll's portrait of the Mad Hatter in *Alice's Adventures in Wonderland* was inspired by the fact that 19th century hat makers used mercury (to shrink fibers for felt) that damaged hatters' brains and literally drove them mad.

U.S. industry alone consumes 5,300,000 lbs. of mercury a year. Most of this is used by paper companies to prevent the formation of slime, and by chemical plants as an electrode in the production of chlorine. Much of the mercury lost in these processes is believed to be picked up by microorganisms in lakes and rivers and passed up the food chain to larger fish. By the time it reaches predators like the pickerel and perch, its potency has been multiplied as much as 4,000 times. Since these fish are prized by fishermen, the suspected ultimate poison (methyl mercury) is a clear threat to human health.

Everybody wrong. Ontario officials have given eleven paper and chemical plants on Lakes Erie and Saint Clair until May 1 to clean up. Michigan officials have been less charitable. They closed Wyandotte Chemicals Corporation's mercury-dumping operation on the Detroit River last week, and will allow it to open only after the company has installed a temporary recycling system. A group of angry Ohio commercial fishermen last week filed a $100 million damage suit against both Wyandotte and a Dow Chemical plant at Sarnia, Ont. The Canadian government has

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agreed to pay fishermen $500,000 compensation for the new antifishing rules.

These steps are only a beginning. Neither the U.S. nor Canada has a system for monitoring mercury spillage; neither has set up standards for the same amount of mercury in foodstuffs. Worse, many pollution experts are still quite unclear about the subtleties of water-borne mercury. As one Canadian official recently remarked: "Everybody thought that since mercury was 13½ times heavier than water, it would sink right to the bottom." Everybody was wrong.

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, last Friday the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, held one of the most moving and memorable hearings which it has ever been my privilege to chair.

Our witnesses were five wives of American servicemen who are missing in action or known captured in Southeast Asia. Also testifying was Mr. H. Ross Perot, the Texas businessman who has been very active on behalf of American POW's in Vietnam and their families in the United States.

In his testimony, Mr. Perot outlined a number of concrete suggestions for congressional action which would focus national and international attention to the plight of our captured servicemen in Vietnam. This action will bring pressure to bear on Hanoi to stop their inhumane treatment of POW's, and will enhance their early release of the prisoners.

Mr. Speaker, I believe that Mr. Perot's proposals are worthy of consideration by the Members of this body and want to take this opportunity to share them with my colleagues.

He suggested that:

First, Congress hold a joint session to hear from wives of American servicemen held prisoner in Southeast Asia;

Second, the chaplains of both the House and Senate, as our beloved chaplain, Rev. Edward G. Latch, has today, and in the past, included into their opening prayer each day a special mention of the plight of American POW's;

Third, replicas of North Vietnamese stockades, dungeons, chains attached to trees, and other devices used to confine American prisoners be displayed in the rotunda or in some other place of the Capitol to arouse public sentiment;

Fourth, each Member of Congress make humane treatment of American prisoners of war an issue in his campaign for reelection; and

Fifth, each Member of Congress who conducts a poll of his constituents include a question about the POW issue.

Implementation of these proposals, Mr. Perot assured, would help convince the enemy in Vietnam of the unity and determination of the American people, regardless of their view on the war, to achieve humane and just treatment for American prisoners, as demanded by the Geneva Convention on prisoners of war.

Another result of putting Mr. Perot's suggestions into effect would be to help encourage and sustain the wives and families of our missing and captured servicemen. At present, many are unhappy and frustrated at what they believe is apathy on the part of the American people and their government about the plight of their loved ones.

I, therefore, urge that Mr. Perot's proposals be given careful consideration by those who are in a position to make a decision on their implementation.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I am pleased the gentleman from Wisconsin is making the statement.

I would like to inform him that in the city of New Orleans for Armed Services Day, which is the 14th of May, instead of presenting military figures or men in uniform, the city of New Orleans will pay honor and tribute to the four wives of prisoners of war who appeared before the Armed Services Committee. We have invited all the wives of prisoners of war living in Louisiana to be the honored guests of our armed services celebration this year.

Mr. ZABLOCKI. Mr. Speaker, I thank the distinguished gentleman from Louisiana (Mr. HÉBERT) for advising the House of his city's planned tribute to the wives of prisoners of war. It is my sincere hope every community will arrange ceremonies paying tribute to our brave servicemen and their loved ones, who are courageously and patiently awaiting their return.

PROPOSAL FOR SELECT COMMITTEE OF HOUSE TO GO TO VIETNAM AND CAMBODIA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, on Wednesday I hope a large number of Members will join with me in sponsoring a resolution concerning the current situation in Southeast Asia. The House resolution will call for the appointment by the Speaker of a select committee of 11 Members from this body to go to South Vietnam and Cambodia to observe and study first hand the situation in Southeast Asia, and upon their return to make a full and detailed report to Members of the House on their findings. The major emphasis of the factfinding mission should be the search and destroy missions in and around the Communist sanctuaries of Cambodia and increased air activity above the DMZ. I feel they should also look into other important programs such as Vietnamization, troop withdrawal, pacification, and other matters pertaining to our involvement in Southeast Asia.

It will be most important that this select committee have the complete and full cooperation of the Department of Defense and be allowed to talk to those people they want to and travel to those areas they so desire.

Of the 11 Members selected, two should be from the Armed Services Committee and two from the Foreign Affairs Committee. The committee would be instructed to report back its findings within 30 days of adoption of this resolution.

I feel very strongly that those Members of the select committee should be ones with open minds on the situation in Southeast Asia and ones who could and would conduct a thoroughly objective factfinding mission in order to give a factual report to the Members of this body and consequently to the people of America.

The new developments in Vietnam and Cambodia are the most important issues being discussed by the people of America today. For this reason, this resolution needs to be adopted with dispatch and the select committee needs to be given the green light to begin its study as soon as possible.

We are sending each Member of the House a copy of the proposed resolution. I would urge each of you to study the measure carefully and call my office if you desire to have your name added as a cosponsor when the resolution is introduced on Wednesday.

CAMBODIA: NIXON'S NEW POLICY FOR VIETNAM

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, by ordering U.S. combat troops into Cambodia for the first time, President Nixon has departed sharply from previous conduct of the war. He has chosen to widen the conflict—temporarily, he says—in an effort to bring it to an end more quickly.

The decision reflects the President's judgment after weighing the risks and opportunities presented by alternative courses of action in Cambodia. For several reasons I seriously question President Nixon's judgment and decision.

First, the allied drive into Parrot's Beak will almost certainly provoke reaction from Hanoi, and perhaps Peking, with consequences throughout Southeast Asia that cannot be predicted but which could be fateful.

Second, if the attack was launched without consultation with the Cambodian Government, as appears to be the case, it is a clear breach of Cambodian neutrality, the Geneva Accords, and the principles of international law which the administration has repeatedly cited in connection with the long-standing and equally illegal Communist Vietnamese presence on Cambodian soil.

Third, expansion of the war into Cambodia is a refutation of the policy of deescalation and raises serious questions as to the credibility of announced troop withdrawals and efforts to seek a negotiated settlement.

Fourth, there is strong evidence that the South Vietnamese and allied drives into Cambodia are the result of a tradeoff between President Nixon, anxious to

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announce additional troop withdrawals, and the Joint Chiefs of Staff and U.S. commanders in Vietnam who strongly recommended that all withdrawals of U.S. combat forces should be postponed until the actual relationship of the Laos-Cambodia situation to the security of South Vietnam could be more accurately assessed.

On April 20, 10 days before the Cambodian thrust was launched, Mr. Nixon told a national TV audience that 150,000 additional U.S. troops would be withdrawn by the spring of 1971. Little attention was paid to the caveat that "the timing and pace of these new withdrawals within the overall schedule will be determined by our best judgment of the current diplomatic and military situation"—a marked departure from the previous system of withdrawal quotas every 90 days, with identification of the units to be pulled out.

In a dispatch from Saigon following the President's troop withdrawal announcement, a senior American commander is quoted as saying:

> This is a schedule we can live by . . . it gives us the flexibility we need to cope with new battlefield situations as they occur. This way, if the enemy launches a series of attacks, we can deal with them first and carry out the withdrawals later.

What seems to be clear is that a compromise gave both the President and our military what each wanted: For the President, the political advantage of presenting to the public a big, bold, reassuring figure of 150,000 more American troops to be brought home; for the military, greater freedom of action in the field which they have sought from the start of the conflict.

Aside from the risks already described, it now appears evident that Mr. Nixon's ability to deliver on his withdrawal commitment may well be contingent upon success in the exercise of this new long-sought tactical flexibility by the military. In my view, it is imprudent and dangerous in the extreme to mortgage our political aims and objectives—which go far beyond troop withdrawals—to the risks and uncertainties which of necessity attend future military operations. It is the worst of poor judgment to do so when the entire chapter in Vietnam has been punctuated by reliance on military estimates and actions which have proved disastrously inaccurate, costly, and unproductive.

My fear, then, is that President Nixon has relinquished control over the conduct of the war in Vietnam, that he has opted in favor of its direction by the generals on the gamble that some sort of traditional military victory can be achieved—as distinct from humiliation or defeat—that will lead to the traditional kind of peace which he promised during his presidential campaign.

Under the circumstances, I would expect the Congress to seek full disclosure of the circumstances which led to the offensive in Cambodia and to make it clear that it rejects a new Nixon policy for Vietnam which widens the conflict so precipitously.

"AN AMERICAN SPEAKS OUT"—SPEECH BY WILLIAM DAVID YATES

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, I take great pride in submitting this speech entitled "An American Speaks Out," by William David Yates, the Florida State American Legion Oratorical Contest Winner.

David has pointed out that although America's fiber is stronger from our citizens having the right to disagree, it is stronger when that right is exercised within a lawful framework.

David is obviously a very earnest and proud American, who does not feel that love of country is old fashioned as some of our people seem to indicate. It is reassuring to see this young person express his impression of today's America so realistically and eloquently.

I am very impressed with this young man's love of his Nation, his pride in being an American, his understanding of things as they are in our country today, and his willingness to stand up, be counted, and do something to better these United States. I would like to share his speech with you:

AN AMERICAN SPEAKS OUT

Four score and seven years ago, our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

These were the words of a sad Abraham Lincoln at the battle of Gettysburg in 1863. As he said them, Lincoln looked out over his divided nation and tears filled his eyes because the America he saw was not a country where free men lived together in brotherhood; instead he saw a nation torn apart by civil war and blood stained; a nation whose very existence was threatened because American fought against American.

It is a hundred years since Lincoln spoke these words and again America is threatened—not by a foreign power but by Americans themselves.

We are truly the most privileged group of citizens in all the world; a people with more rights and freedoms than man has ever known before. We have the greatest heritage on earth and we are holders of the most precious citizenship known to man.

Yes, as Americans we have a great deal to be proud of. And yet, many times we take what we have for granted.

Do we strive to keep America free by defending her? No, we say a war is immoral. Do we carry out one of our greatest responsibilities as citizens and go to the polls? No, we say our vote is insignificant. Do we love America for what she is or for what we can get out of her?

We are supposedly the most advanced people in the world but I question our real intelligence. In a country with a government of the people, by the people, and for the people, it is obvious that every citizen plays a very important role. And yet, time and time again we fail this nation by not carrying out our responsibilities as citizens—by not living up to the goals every American should have.

As the people of this nation we are the blood of America. We can give her life and strength or make her sick and give her death. But the blood of America is composed of over 200 million cells, each with a definite function or purpose. And if *one* cell fails to carry out its function or becomes malignant, the entire body can be hurt.

Yes, it is very important that every American carries out his responsibilities as a citizen because this will assure America of becoming stronger.

What are the responsibilities of being an American? One is to deal honestly and fairly with our fellow countrymen—the principle of Justice. Our forefathers realized the importance of Justice, when they founded this nation some 200 years ago. They had firsthand knowledge at real unjust treatment under England's rule and for this reason they installed within the tenets of our Constitution a surety that the generations of Americans to come would not suffer the same injustices.

And yet . . . in America today there are those who say they have been wronged and demand justice. They are known as race-rioters, yippies, draft-card burners, and what not. They claim to be dissenters but their efforts are a far cry from true dissent. They are America's malignant cells. They say that they want justice but do they do America justice by burning her cities? By defying her laws? By refusing to defend her?

We are the so-called good, upstanding Americans, but do we do America justice with our apathetic attitudes and disrespect for the same laws?

One of the greatest responsibilities an America has is to respect the laws of his community and of his nation. We are fortunate enough to live in a nation which allows for change in a peaceful, orderly manner. And yet so many times we revert to violence. Respect for the law is that intangible force that will instill in the citizens of a nation a true respect for the rights of their fellow countrymen. It is that vital cog of the wheel of peace in America.

There is a national guard in every state to maintain this peace. But the real peace in America does not lie in the national guard of federal government.

Instead it lies within the hearts and minds of every American.

We are citizens of a nation once torn apart by civil war. But do we learn from our past mistakes? No, we say! "I'm going to get that black man down the street" or "I'm going to slit that whitie's throat" or "I'm going to burn that Jew's house down!"

A nation of free men living together in brotherhood? No, a nation of selfish people filled with hate instead of love and who never stop to think of what is best for America before they act. But alas, Americans, we are going to have to change because every time an American fights against another American, a nation is hurt and into its wounds pour its enemies aided and abetted by that nation's people.

There is a time in every young man's life when he is called on to serve his country. Many think of it as a responsibility but there is no greater honor that can be bestowed on an American than the right—yes the right—to fight and die for America. For when you are defending America, you are fighting for more than just a country. It's an ideal; a dream—the American dream that every man has the right to be free because we are endowed by our Creator with certain unalienable rights among which are life, liberty, and the pursuit of happiness.

But there are those men in the world who do not want man to be free and try to take these unalienable rights away from him. In fact, there are right now half a million American young men fighting and dying on the battlefield of a foreign soil so that you and I may be free. Free to scorn and knock America; to tear her down instead of building her up. Free to scar America with the flames of hatred and violence—free to destroy America by failing her in every action.

It is time to wake up Americans from our

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slumber of greed and selfishness, and lack of national pride. Let us rise up out of the bog of complacency and become 200 million united as 1, not necessarily in our ideas but in our goal: a better, a stronger, a more beautiful America. What is a more beautiful America? It is a nation where everyone doesn't have to agree with their fellow countrymen but where every American citizen has enough love for his country to at least respect the right of a fellow citizen to disagree.

It is obvious that as Americans we have many important responsibilities, but in the end the rewards we can reap are truly unlimited.

And there is one responsibility that I have which stands out above the rest for I am a young person and it is the duty; the honor of my generation to see that the next generation of Americans is also free. We are the youth of America—the torch bearers of freedom's flame. We are 30 million strong and growing; growing with the vibrancy of a young America. As a member of this special corps of young people, America means a great deal to me. She means the right to say what I want to say; to believe what I want to believe; to be whatever I want to be—the right to be FREE. And above all she means the right to stand up and say "I am an American."

Yes, I'm an American and I'm not afraid to stand up for my country, because, I love America. And I offer a challenge to you, the silent majority to do the same; to simply stand up for America. Will you accept this challenge?

PRESIDENT NIXON'S STAND ON CAMBODIA

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, President Nixon proved to the entire world that he is a man of courage, leading a strong and powerful Nation which will not accept humiliation and defeat like a pitiful helpless giant, in his decision on Cambodia last week.

This action was not one of unwarranted aggression, Mr. Speaker, but a necessary move to protect our troops in South Vietnam who are seriously threatened by the illegal invasion of Cambodian territory by North Vietnamese troops.

An editorial in the Washington Daily News defends the President's action, explaining how this territory has been made a staging ground for attack by Hanoi, and how the danger posed by enemy presence there has increased in recent weeks. I insert this editorial in the Record at this point.

NIXON WARNS THE COMMUNIST WORLD

President Nixon has made an impressive defense of his decision to send U.S. troops into Cambodia to destroy Communist bases and headquarters for their attack on South Vietnam.

Altho the decision seems to be militarily sound, it is also clearly loaded with danger. It runs the risk of unexpected and unpleasant reactions by North Vietnam, China and Russia.

Nevertheless, the President—and this may be the most important part of his address last night—served notice on the Communist world that America is not "a pitiful helpless giant" that will tolerate "humiliation and defeat" or will fail to "meet a direct challenge".

In this way Mr. Nixon was looking past Vietnam to other areas of danger, like the tinderbox Middle East and Berlin, and warning the Kremlin not to test us. He has concluded that a policy of firmness is better than appeasement in warding off collision between the two superpowers.

Historically, such a policy is often the best one, and we hope the Soviet Union gets the President's message, avoids miscalculation, and does not press on toward confrontation.

In Vietnam itself, the situation during the past weeks has grown even more perilous than the President said. White House officials disclosed that the North Vietnamese have been pushing out from their separate border sanctuaries in Cambodia, trying to link them up into an area of free movement, and attempting to connect this zone with the South China Sea.

If this strategic move had succeeded, the enemy could move unlimited supplies by sea from North Vietnam and China and, as Mr. Nixon said, "launch massive attacks on our forces and those of South Vietnam."

Mr. Nixon declared, and most people in this country will agree: "We will not allow American men by the thousands to be killed by an enemy from privileged sanctuaries."

The President's plans are that our soldiers will withdraw from Cambodia in six weeks to two months after destroying so much of the enemy's supplies that he will be set back for several months. During that time, Mr. Nixon hopes Hanoi will realize it cannot win militarily and that it will start serious peace negotiations.

The North Vietnamese, however, are a tenacious foe and withstood fearsome bombing. We fear that Hanoi will find some way out of its military predicament. One way would be to ignore the sanctuaries, march on Cambodia's capital of Pnom Penh, rout the weak government of Lon Nol, reinstall the leftist Prince Norodom Sihanouk in "power" and have him demand that we cease our "invasion" of "his" country.

We cite this bleak scenario only to point out that our military action in Cambodia may not, as the President said, shorten the war and get U.S. troops home quicker. We hope it does, but there are so many complications in sight that the public should not expect an easy or decisive victory.

Mr. Nixon is already coming under attack for "invading" Cambodia and "widening the war." These are specious charges. He sent troops into areas in Cambodia invaded by the North Vietnamese five years ago and occupied by them since then.

By using those areas as a staging ground for attack, it was Hanoi—not us—who made Cambodia part of the Vietnam War. And Cambodia is being attacked by the North Vietnamese today only because its government had the outrageous nerve to ask them to go home.

We don't know whether Mr. Nixon will succeed in eliminating Hanoi's invasion bases and saving the Cambodian government. But he is not wrong to try.

CONGRESSMAN ANNUNZIO INTRODUCES LEGISLATION TO INCREASE AVAILABILITY OF MORTGAGE FINANCING

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, at the end of the last calendar year, the principal lenders on conventional home mortgages, the country's savings and loan associations, had a total of 55 percent more mortgage loans outstanding than they had held 6 years earlier. In the same period, the principal lenders on FHA and VA home mortgages, the mutual savings banks, increased their holdings of residential mortgages over 50 percent. But these increases in outstanding loans were less than the 58-percent increase in the gross national product.

The growth in outstanding home mortgage debt in fact has been inadequate. The lending institutions have not provided the financing needed to bring the stature of home ownership to all employed and responsible people who, by the lenders' tests of pre-1966 years, would have become ready for ownership in the last 5 years.

Two of the many facts which indicate the source of this failure are especially pertinent to the corrective legislation which I shall propose today: First, the annual total amount of savings and loan association loans for home purchase in 1969 was only about 10 percent larger than it had been in 1963—and the annual volume had fallen by as much as 30 percent in 1 year, 1966. And in 1969 the annual volume of loans for new home construction extended by savings and loan associations was one-third below the volume achieved in 1963. The total of the two groups of loans—for construction and for purchase—fell from $25.2 billion per year in 1963 to $21.8 billion per year in 1969. The second fact to note is that, while the annual volume of lending was below its 1963 level in the years when the tax reduction act and other forces were generally stimulating extraordinary growth of business investment, the price index for new homes increased by 18 percent between 1963 and 1969; actual prices increased even more because of the trend toward larger homes. For comparison with the 18-percent increase of price of a comparable house in 1963 and 1969, the wholesale commodity price index increased 16 percent.

An inadequate number of new houses are being built, an inadequate number of old houses are being rehabilitated, builders and skilled crews have been leaving the home construction industry, savings and loan associations and mutual savings banks are lending less in total dollar amounts despite higher prices on each home against which a mortgage is written, than they did half a dozen years ago.

When an industry raises prices in the face of smaller volume, year after year, it either is becoming monopolized or it is up against a cost situation from which a return for investment and management can be obtained only by higher unit prices.

The financial institutions are unable to finance a steady, much less a rising, volume of output and sale of such higher priced housing. The home financing industry cannot provide as rapid an increase in loan capital as has gone into other business, because savers can get as much as 60 to 100 percent higher yields from investment in other safe securities.

A legislative program for increasing the annual building and rehabilitation of houses should begin with frank recognition that the developing shortage of housing is accounted for in substantial

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part by the difficulty of making a profit from building and by the characteristics of the capital market, including regulatory limits on interest rates paid by mutual savings banks and savings and loan associations while other businesses and governments are not so limited in what they can pay to savings.

There have accumulated too many years of evidence that freely and rapidly rising prices of housing are not the way to attract the capital needed for supplying the Nation's needs for the structures needed to house the cities' population. There is abundant evidence that discrimination against the saver of modest means, in the many forms taken by that discrimination, is not the way to get him to accumulate in his savings associations the amount of money which is needed if mortgage loans are to be available in the volume required by a growing number of families, and if mortgage loans are to be available at costs which will leave something over for the family to spend at the department store, the automobile dealer, and so forth.

I introduce today a bill which recognizes that continuing price escalation is not the way to mobilize the builder and the saver.

At this time, I want to pay tribute to the gentleman from California (Mr. Hanna), with whom I have had the privilege of serving on the House Banking and Currency Committee and who introduced an identical bill 3 months ago. Mr. Hanna recognized in his bill that it is necessary to do more than promise less discriminatory treatment for the man who saves at his building association or savings bank, if capital is to be forthcoming for residential building and financing. His bill, and mine, would offer to the financial institution, and to the builder, a reduction of his taxable income on such part of the income as was obtained from building or rehabilitating housing, and from financing such building and rehabilitation.

Mr. Hanna and I go farther than that, to reach the quarter of a trillion dollars in tax exempt organizations, and require them to shift, within the next 25 years, the contents of their portfolios so that they will hold home financing paper for at least one-quarter of their assets.

Then our bill enables the small saver to obtain a return from his savings and loan association or mutual savings bank comparable to that which he could obtain if he bought high-grade corporate bonds or municipal securities. We propose that the interest on accounts up to approximately $15,000 shall be exempt from Federal income taxes.

The substantial increase in the net yield of saving at a thrift institution will encourage saving, by savers who already have accumulated substantial assets and by persons who have not yet established habits of thrift. The higher net yield will attract more money into thrift institutions. It will keep more money there, since the taxpayer will not have to turn over to the Federal Government the amount of income taxes, which frequently would be as much as $300 per year, and for a large number of savers could be even more, on the part of his interest income which gains tax exemption.

Our bill combines methods of reducing pressure to raise home prices, with incentives to supply the loan capital which housing needs. The combination of steady prices per unit of housing with a greater volume of loan capital, should reverse the trend toward a shortage of housing that has been evident for several years.

THE RIGHT ROAD TOWARD VOTING AT 18

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, one of the most important issues facing us in this body is the proposal to lower the voting age to 18. There has been a great deal of debate in recent weeks over the best way to achieve this purpose, whether by constitutional amendment or by legislative action.

Today's Washington Post had an editorial entitled, "The Right Road Toward Voting at 18," which raises some valid questions and some logical answers on this subject.

I am in support of the principle of lowering the voting age, but I want this action to be taken in the secure belief that it is constitutional and that it has the support of the people of this country. It is my feeling that a good majority of the voters favor lowering the voting age. According to reports, there is a majority in the Congress that favors this action.

Would it not be the wiser part of valor to deal with this situation through the recognized and accepted procedure of a constitutional amendment, Mr. Speaker? Such a constitutional amendment could be handled quickly by the legislatures of the various States. There would be no constitutional questions and there would be no doubt as to its validity.

Because the editorial in today's Washington Post expresses this thought so eloquently, I would like to bring it to the attention of each of my colleagues, as follows:

The Right Road Toward Voting at 18

It is most unfortunate that the voting rights bill and the proposal to lower the voting age to 18 years have become entangled in a political controversy. In our view, both are important. Both should be enacted on their own merits. But there is no logic in tying them together, and the President has made a formidable argument in his letter to Speaker McCormack that a uniform voting age can be fixed only by constitutional amendment.

Chairman Celler of the House Judiciary Committee fears that extension of the Voting Rights Act of 1965 may fail unless the House accepts the Senate bill with the voting-age rider attached. The answer to that is that Congress must not permit it to fail. But Congress should accept the bill for what it is. Logic becomes very twisted when the House leadership argues that a Senate rider of doubtful constitutionality should be accepted for the sake of presenting a more popular package.

The difficulty with the assumption that Congress has authority to fix the minimum age for voting is that it flies into the face of some rather specific provisions of the Constitution. Article I, Section 2, says that voters who elect members of the House shall have those qualifications fixed by the states for choice of their own legislators. The Seventeenth Amendment says the same in regard to electing senators. Whatever right Congress may have to change this is derived from the Fourteenth Amendment which forbids the denial of "equal protection of the laws."

But is a voting age of 21 years a denial of equal protection? Can it really be said to involve "invidious discrimination" against the young, to use the phrase the Supreme Court applied in its so-called one-man-one-vote decisions? Apparently the authors and ratifiers of the Fourteenth Amendment did not think so, for they specifically recognized the voting age limit of 21 years to be the correct one. In Section 2 of that amendment they provided that a state's representatives in Congress should be reduced if it should deny or abridge voting rights of male citizens over 21.

The only ground on which the sponsors of a voting-age change by statute have to stand is the Supreme Court's decision in the Morgan case. The court upheld a provision in the 1965 Voting Rights Act enfranchising Puerto Rican children in New York who were literate in Spanish but not in English. The state had made ability to read and write English the test, thus discriminating against an ethnic minority. It is, as the President noted, a giant leap to go from this well founded conclusion to the flimsy assumption that denial of the vote to youths of 18, 19 and 20 is discriminatory in a constitutional sense, when the Fourteenth Amendment itself clearly indicates that it is not.

In the face of this strong evidence that a statute intended to give 18-year-olds the vote would not accomplish its purpose, the risk should not be taken. Congress should not put the Supreme Court in the position of having to go along with an unconstitutional statute or risk disappointing millions of young people for reasons many would not understand. Nor should it subject the country to the potential chaos that might result from many local, state and national elections in which eligibility to vote would be open to wide question. The Senate bill makes provision for an early test of constitutionality in the courts, but there could be no assurance that the issue would be finally resolved even for the 1972 presidential election.

The President is open to criticism for not having pushed his proposed voting-age amendment months ago, although his views have been well known since the 1968 campaign and an amendment for the purpose is already before the Senate, with the endorsement of two-thirds of its members. If this were promptly passed by both houses, it could be ratified in time for the 1972 election. The women's suffrage amendment required only 15 months for ratification.

It is highly probable that, if Congress acts promptly, a new amendment would be in effect in less time than would be required for a definitive constitutional test under the statutory procedure proposed by the Senate. And that procedure is likely to prove futile in the end. We urge Congress to take the right road toward a worthy objective without further bickering.

PROTECTING AMERICA'S FISHING RIGHTS

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DON H. CLAUSEN. Mr. Speaker, today I am introducing legislation to establish a 200-mile marine resources con-

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servation zone off the coast of the United States.

In March 1966, I introduced legislation, subsequently passed by the 89th Congress, which extended the U.S. fishery zone 9 miles beyond the outer limits of the territorial sea. In January 1969, I introduced legislation to extend the fishery zone 47 miles beyond the outer limits of the territorial sea.

In each case, my action was prompted by the conviction that foreign fishing fleets are systematically plundering the fishing grounds off the coast of the continental United States. I refer specifically to the fleets of the Soviet Union, the most persistent and threatening offender, and, to a somewhat lesser degree, the fleets of Japan. More recently, South Korea's fishing fleet, in direct violation of agreements with this country, has been plundering our salmon fishery.

I am proposing this extension of the fishery zone, not as an offensive measure against foreign fleets, nor as a defensive measure for the security of the United States, but with the conviction that there is an urgent need for applying stringent conservation measures in light of the existing threat.

Fishery scientists are increasingly concerned over apparent changes in the ecology, especially along the west coast, and these changes are almost certainly the result of the massive fishing efforts of foreign fleets—particularly those of the Soviet Union. These huge trawler fleets have almost completely eliminated some bottomfish stocks and have made serious inroads into pelagic stocks.

In light of these continuing and, indeed, increasing depredations, I consider it imperative that we in the Congress establish a basic resources conservation zone for the effective protection and management of fish and other marine resources, and to secure the rights and the livelihood of American fishermen.

PRESIDENT NIXON'S WIDENING AND REESCALATION OF THE WAR IN INDOCHINA

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, we meet here today at a grave moment in the country's history. The danger comes not from any external threat to our security but from the widespread feeling of betrayal here at home produced by President Nixon's widening and reescalation of the war in Indochina.

Many of us who have shared the hatred of the Vietnam war felt by the young and alienated in our society have nevertheless been trying to persuade them that our processes of government are responsive to the feelings of the people, and that disruption and violence will serve no constructive purpose. Today those words of ours have a hollow sound.

The President had attempted to persuade us that he was trying to disengage America from the Vietnam war. He had promised Congress, as the minority leader reminded us last Thursday, that he would not send American forces into Cambodia without first consulting the Congress. He failed to keep that promise.

In his speech of Thursday night, President Nixon sought to justify his action on the ground that it was necessary to protect the lives of American troops. This to me is nothing less than a preposterous argument, in view of the fact that the Cambodian sanctuaries have existed for years and that the President and his predecessor have until now consistently resisted the pleas of the generals that the sanctuaries should be invaded. Now that the policy of restraint has been abandoned, we can only wonder where the line will be drawn. How far will we go in Cambodia in pursuit of an elusive foe? Will we also invade Laos? What about North Vietnam itself? Whatever the answers to these questions, it seems clear that the President, by taking this step, has plunged us deeper into the morass.

If the President's major purpose was to protect American lives, there were many simpler and better ways open to him to accomplish that objective. If he was genuinely concerned about aggression against Cambodia, why has he not taken the case to the U.N. for decision on possible collective action?

To me the President's moves are a sign of desperation, a sign of belated recognition that his policy of Vietnamization of the war, without attempting to negotiate a compromise peace, was bound to fail.

I hope this House will take action on Wednesday to make clear that it disapproves the President's actions and to require that American forces be withdrawn from Cambodia immediately and that the resumed bombing of North Vietnam should be stopped. Thereafter, if the Saigon government insists on continuing its intransigence, it should clearly understand that it will have to do its own fighting.

I believe that a negotiated peace is still possible, but it can only be achieved on the basis that the realities of the situation will be reflected in any settlement that is achieved. The nonsense of supposing that our side can totally achieve its objectives at the peace table, when it could not and cannot do so on the battlefield, must come to an end.

UNITED STATES REACTS TO ESCALATED COMMUNIST ACTION

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, like many Americans I laud the President for his announcement that he would take whatever action is necessary to protect the lives of American fighting men and his orders to destroy the enemy sanctuaries that we have too long tolerated on the Cambodian side of the Vietnam border. Those Americans who truly desire an end to the war have long awaited such a showing of leadership.

It is truly unfortunate that the desired objective—capture and destruction of the enemy command post—has not been accomplished. The success of a military operation depends upon secrecy and surprise. Last evening's CBS show announced that captured VC troops were aware of the impending American action 3 days in advance of the public decision by the President.

If true, this means that the enemy in Hanoi is better informed than the U.S. Congress or the American people, or perhaps even our troops, of our actions. Obviously, there are serious security leaks in the United States. A fifth column sanctuary exists right here in our Nation's Capital.

I do not feel that it is again necessary to impugn the loyalty of some in our State Department, some members of our diplomatic corps—nor anyone on the President's staff, but I would again remind the members of the Southeast Asia collective defense treaty itself. Did our leadership comply with article 4, paragraph 1, of the SEATO Treaty which provides that military measures taken to repel aggression must be immediately reported to the Security Council of the United Nations Organization? If so, we again must remember that the post of Under Secretary General for Political and Security Council Affairs in the U.N. Organization is presently held by one Leonid N. Kutakov of the Soviet Union. See CONGRESSIONAL RECORD, volume 115, part 26, page 35882, for full text of SEATO Treaty.

We must remember that Soviet planes, military hardware, and supplies are sustaining the Vietnamese Communists. Likewise, Russian helicopters—the world's largest—with the capability of vacating many personnel and much material from any objective area in a 72-hour period, have been supplied the enemy.

Had it not been for Soviet support, there could have been no Cambodia sanctuary and correspondingly, without increased Soviet involvement in Southeast Asia there would have been no need for U.S. troops to attack Cambodian sanctuaries.

The President's announced action is a reaction to Communist escalation of oppression in Indochina.

WITHOUT NATIONAL SECURITY ALL OTHER GOALS ARE ACADEMIC

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, on Saturday evening, May 2, it was my privilege to be a guest at the 44th annual convention of the department of Missouri Reserve Officers Association of the United States.

The department banquet was held in the Officers Club of the Richards-Gebaur Air Force Base, Mo. There was a large attendance of Reserve officers from all components, Army, Navy, Air Force, and Marines, accompanied by their ladies.

As usual the banquet was a colorful affair, the entertainment was excellent, and one of the highlights of the evening was the presentation of an award to Hallmark Cards, Inc., which was received by a Mr. W. P. Harsh, a senior officer in the

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Hallmark organization. An award goes each year to one of the leading business firms in the Middle West who has shown during the year their complete support and cooperation with the Reserve officers training program by accrediting their employees during the training period with their regular company compensation or in some instances the difference between the regular civilian compensation and that paid during the Reserve training period. Hallmark received and deserved the generous applause of the large crowd assembled at the department banquet.

The highlight of the evening and the reason I take the floor this afternoon is to focus attention upon the remarks contained in the address by Brig. Gen. Earl O. Anderson, deputy chief of Air Force Reserve.

The remarks were most timely particularly in the light of the debate which is just beginning over the decision to attack the Cambodian sanctuaries.

General Anderson's remarks were hard hitting. He pulled no punches. As an opener he pointed out that "without national securities all other goals would be academic, at best." He reviewed the Soviet strength and listed their inventory of intercontinental ballistic missiles.

An interesting refutation to the charge that we in this country are called "imperialists" and "aggressors" was presented when we suggested that if we were truly an aggressor with imperalistic designs, there was a time when we were the only country in the world with a nuclear capacity to force others to bend to our will. Because we made no such attempt and conducted ourselves with restraint at that time should be the best refutation of these false charges.

In answer to many of our present critics who insist that the objective to modernize our Armed Forces is a waste of money which would be better spent on other goals, General Anderson conceded that systems like Atlas and Titan missiles had all been retired without having been fired in anger, but that such should not be cited as an example of military waste. The general was most eloquent and his logic was foolproof when he said:

> We must subscribe to the school of thought which says that it is better to have a weapon and not need it, than to need one and not have it.

It is a privilege for me to share with my colleagues the very clear thinking and the excellent presentation of the arguments for a strong deterrent as delivered to the Missouri State convention of the Reserve Officers Association. I am submitting the full content of General Anderson's address as delivered.

Address by Brig. Gen. Earl O. Anderson—Without National Security All Other Goals Are Academic

I'm very pleased to be able to join our Richards-Gebaur and Missouri friends here tonight. I understand that several weeks ago in Washington Ben Mangina complained to my boss that the people in Ben's outfit felt like Air Force Reserve orphans because it's so seldom that General Marchbanks gets out this way. General Marchbanks told him that with all the activity at the Pentagon he only gets out to visit our trouble spots.

Consequently, since I'm standing here tonight, Ben can rest easy . . . for now anyway.

Seriously, General Marchbanks did want to be with you this evening but a fast-breaking commitment with the Chief of Staff, General Ryan, forced him to change his plans. He did ask me to extend his best wishes to you for a successful convention.

Before I say anything else, I want you to know that my appreciation of the Reserve Officers Association and the many people who participate in this great organization is exceeded only by my appreciation for the over 400,000 individuals who are a part of the Air Force Reserve. Of course, I realize, many of you fall in that category also.

Our friends of ROA have always been available to assist whenever we have had a need of assistance. This has not been infrequent in the past, and I'm sure the pattern will continue in the future.

Today, perhaps more than ever before, it is so important for those who believe in assuring the security of our nation to stand up and be counted. I know the Reserve Officers Association plays an important part in espousing the threat that exists and the necessity to be prepared to meet that threat.

You are aware, of course, that the military establishment has come under increasing fire recently from a variety of sources, most of them not on the battlefield. Much criticism has been levelled at what is termed misdirection of national priorities. Many sincere and conscientious groups believe that the nation's support of programs to deal with problems like housing, education and pollution is much too low in proportion to the outlays for national security. Some do not stop there, but, lay the entire blame for the situation on the military.

On this score, let me call your attention to a comment made in a recent talk by the Chairman of our Joint Chiefs of Staff, General Earle Wheeler. He pointed out that, while members of the JCS keep themselves "fully informed on the wide spectrum of external and internal problems confronting our country, our role and our duty, *under the law*, is to focus upon those concerns which are wholly, or largely, military in nature."

The seemingly obvious point that General Wheeler was making is that we in the military believe that the solutions to the domestic problems of this country should and will be provided by its non-military agencies and resources. Certainly, this does not mean we in the military should not assist to some extent; however, our primary attention must focus on military matters.

There is one important point which some of our critics tend to overlook, without national security, all other national goals would be academic, at best. Reasonable and honest men may differ on exactly what is necessary for that security, but history records no case in which security was enhanced by military weakness. In other words, our efforts to move ahead in economic and social areas can succeed only if we can at the same time preserve our national security.

There are several factors that are bound to have an important bearing on our ability to maintain our security. One of the primary ones is the growing tendency to ignore or downgrade the military threat to this nation. That tendency is more widespread now than at any time since World War II. We hear it said repeatedly, for instance, that it is inconceivable that the Soviets could consider a massive strike against this country.

In a recent speech, General Ryan had this to say on the subject:

"Those who express this view, in my opinion, either ignore the buildup of strategic capabilities by the Soviets or assume that their purpose of deterrence is identical to our own. A massive first strike by the Soviets can never be ruled out as a possibility by those of us who hold the responsibility for the defense of our country. And the consequences of such a strike are so grave that we must continue to give first priority to the task of deterring it."

Let's review, briefly the publicly acknowledged status of the Soviet armed strength. The Soviets today have more than five times as many intercontinental ballistic missiles as they did just five years ago. Not only do they now have more ICBMs than the United States, but their SS–9 missile will deliver several times more payload weight than our Minuteman. According to General Bruce Holloway, Commander in Chief of the Strategic Air Command, the SS–9 has a yield of 12 to 25 megatons, and more than 230 of them are now under construction or operational. In addition, the Soviets have a fast growing fleet of submarines with ballistic missiles similar to our Polaris Force. They have tested a fractional orbit bombardment system. They have improved and expanded their Air Defense tremendously, including anti-ballistic missile systems. They have about twice as many tactical aircraft as we in the U.S. Air Force, and they are still bringing new fighters into their inventory. They have increased the size and quality of their ground forces, and they have expanded their sealift.

At the same time, the United States has no major new offensive strategic systems moving into production. Thus, it seems obvious that our strength in relation to that of the Soviet Union is declining.

Meanwhile, our national military leaders cannot guess at the intentions of the Soviets. However, they can and must continually evaluate the Soviet capability. And let me stress the vast difference between intent and ability. For instance, if you know that an adversary does not have the capability of inflicting serious damage, you really don't have to worry about his intentions. You will recall that in the late 1940s and early 50s, we were not concerned about a Soviet strike on our country for the simple reason that they had no capability for such a strike.

And this affords an opportunity to refuse those, both in and out of this country, who have repeatedly and insistently called the United States "Imperialists" and "Aggressors." During the period after World War II, when the Soviet Union was fashioning the iron curtain and fomenting turbulence in Iran, Greece, and Turkey, the United States alone, among all nations, possessed a nuclear weapon capability. If we were truly an aggressor with "Imperialist" designs, it would have been a simple matter for us to have engaged in nuclear blackmail of the Soviet Union or anyone else to bend them to our will. But, did we attempt any such thing? Of course not. In fact, what this "Imperialist" nation did do was to grant independence to the Philippines and implement the Marshall Plan designed to restore the economies not only to our European allies but to our former enemies.

Let us return to the threat which presently faces our national security. Our Under Secretary of State, Mr. Elliot L. Richardson, spoke recently of what he termed the two interpretations of Soviet attitudes.

One attitude, he summarized, is the belief that "as practical needs have become more insistent, communist ideological fervor has waned. The Soviet leadership is viewed, like Candide, as increasingly content to cultivate its own garden."

Mr. Richardson then summarized the other view as a belief that "Soviet attitudes are little changed and that the threat to our security is not significantly diminished."

He explained: "Those who propound the first viewpoint do so despite the continuing and accelerating buildup of Soviet military strength, to the spread of Soviet power and influence in the Mediterranean and Middle East, to the invasion of Czechoslovakia and subversion of its government, to the Soviet support of Hanoi in its evident desire to take over South Vietnam."

Despite all of these indicators, many of our critics insist that to modernize our force is a waste of money which would be better spent on non-military goals. They point to weapon systems like the B–36, the B–47, the Atlas and Titan missiles, all retired without having been fired in anger, and cite those now outmoded weapons as horrible examples of military waste.

Again, such critics completely miss the point that those weapons were designed to deter nuclear attack, and that such an attack has thus far been deterred. We must subscribe to the school of thought which says it is better to have a weapon and not need it than to need one and not have it. They also serve as prototypes for more sophisticated equipment. Because the Model "T" Ford is outmoded today does not mean that for its purposes it wasn't a great automobile leading the way to the vehicles we enjoy today.

People who chide the Air Force, for instance, because it states a need for the F–15 Air Superiority Fighter evidently have the naive belief that anything American is inherently superior to anything foreign. This apparently leads them to believe that no matter how old it may be, the latest American fighter will be able to overcome the newer Soviet counterpart which is faster and which embodies more up-to-date technology than ours. That's wishful thinking, and wishful thinking never provided security to any person or nation.

Does all this mean that the military is for unlimited arms funds and against improvement in the civilian communities? Of course not, and you and I know it. In fact, we are already seeing a large shift in national priorities taking place. According to a Department of Defense spokesman, the defense budget estimates for Fiscal Year 1971 represent the lowest percentage of the total federal budget since 1950.

Of course, a lot of us here tonight recall what happened in 1950. The Defense budget was heavily slashed, our Armed Forces drastically weakened, and then the North Koreans invaded South Korea! I am sure that some of you men here tonight returned to active duty as a result of that. With the regular forces at such a low level, the Reserve components had to be mobilized to stave off defeat. The Reservists answered the call and served well, as they always have, before and since.

The memory of 1950 should impart a message to us today. And, I would state it simply as this: Don't weaken the active force to an unacceptable level, but, as you do reduce the active force, strengthen the Reserve forces! Unfortunately, there are those who believe that as you reduce the active force, the Reserve forces should be reduced proportionately. Realistically, just the opposite is necessary. Experience has shown repeatedly that to maintain a given level of military strength with a smaller amount of money requires an increase in Reserve capability. In the Air Force, for example, we know that it costs a little under half as much to maintain a Reserve flying unit at a combat-ready level as it does to maintain a regular unit of the same type.

As I mentioned a moment ago, the total Defense budget is shrinking. Not only is a smaller proportion of the national budget being made available for military requirements, but the dollars going to the armed services are being shrunk further by inflation. And every indication is that the military faces further reductions.

It must be recognized that such reductions will reduce our capability to meet unanticipated military requirements and will limit the number of U.S. military options which will be available to meet new crises anywhere in the world.

There seems to be little doubt that the Reserve components will be somewhat adversely affected by these cuts. Hopefully, however, the fund reductions applied to the Reserve forces will not be so drastic as to result in a significant weakening of Reserve strength. Whatever happens, I assure you that those of us in the Reserve management structure will do everything possible to keep our Reserve force viable and responsive to the security needs of our country.

I would be remiss if I failed to acknowledge a most important source of Reserve strength. In fact, I should say two sources. One is those employers of Reservists who provide great assistance to the Reserve programs by adhering to a liberal policy regarding Reserve participation by their employees. Many firms continue full-time pay for workers performing their two week active duty tours, in addition to regular vacation pay. Other employers make up the difference between civilian and military pay during those tours.

The other equally important source of Reserve support is received from the wives and families of our Reservists. They are really the unsung heroines and heroes of the Reserve program. The understanding demonstrated for the need of their men to be absent from home to participate in Reserve training, the positive attitudes they show in taking on those extra responsibilities the absences entail, the warmth with which they welcome their men home, all these and other things constitute a positive and substantial contribution to the Reserve program, and consequently, to the nation's security.

To maintain our ready-now Reserve we need all this support. But more than that, we need the understanding that our national security cannot be sacrificed for wishful thinking. We all want a world of peace. However, we must be realistic and face the obvious. Preparedness is not something to be shunned, nor is patriotism. Our citizen Reserve has always been an essential resource to our national Defense posture. In the future, more than ever before, this may be even more important. We look to people like you to make sure our nation isn't short-changed by well-meaning but misdirected individuals who would have us lower our defense while those around us raise theirs to frightening levels.

POLISH CONSTITUTION DAY

The **SPEAKER**. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, yesterday all over America, in communities where there are Americans of Polish descent, special memorial services were held to commemorate the significance of Poland's May 3 Constitution.

Perhaps one of the largest of such observances was held in Chicago where more than 100,000 Americans of Polish descent watched a thrilling parade, depicting the highlights of Polish history, wind its way from the Polish National Alliance Headquarters at Division and Milwaukee, to Humboldt Park on Chicago's west side.

At the park itself, a most thrilling and inspiring memorial service was conducted by the president of the Polish National Alliance and Polish American Congress, Attorney Aloysius A. Mazewski. President Mazewski set the tone for this solemn commemorative service when he called upon Americans of all religions, races and ethnic origins to join in paying tribute to the gallantry and valor of those heroic Poles who brought to the continent of Europe, 179 years ago, the spirit of human dignity and the doctrine of self-determination which served as the basis of our own Constitution.

I shall include Mr. Mazewski's remarks, as well as the remarks of all the other speakers on the program, at the conclusion of my own observations.

It was a source of great pride to me to see such a huge throng of people assemble in Humboldt Park yesterday for this patriotic observance. It is a reflection on the patriotism of Americans of Polish descent, and at the same time, a tribute to the leadership of not only the President Mazewski, but his very able women's vice president, Mrs. Irene Wallace, who was general chairman of yesterday's Chicago observance.

Mrs. Wallace deserves the eternal gratitude of all Americans for taking on the difficult task of organizing yesterday's colorful and inspiring parade and the program at Humboldt Park. Mrs. Wallace is a young woman, but her zeal and her dedication to the cause of human dignity, is a source of inspiration for Americans of all ages.

I shall include at the conclusion of my remarks, a formal program for yesterday's memorial service and the names of all the members of the committee which, under the careful direction of Mrs. Wallace and through outstanding cooperation, helped put together this imposing tribute to human dignity yesterday. President Mazewski has again proven himself an outstanding leader for having such dedicated people assisting him.

I shall include in my remarks the proclamation issued by Mayor Daley and the one passed by the Illinois General Assembly under the leadership of State Representative Lechowicz. I regret that I do not have a copy of an address delivered by the Governor of Illinois, Richard B. Ogilvie, which placed into proper perspective the challenge that lies ahead, but I shall include in my remarks the address delivered by Under Secretary Elliot L. Richardson who was the main speaker at Chicago's Polish Constitution observance.

All of those who played such a key role deserve our highest commendation.

Mr. Speaker, at the conclusion of my own remarks, a number of my colleagues have asked to join in this special order marking the 179th anniversary of Poland's Constitution. Their remarks will follow in this special order:

REMARKS BY ALOYSIUS A. MAZEWSKI, PRESIDENT, POLISH NATIONAL ALLIANCE, CHICAGO, ILL., MAY 3, 1970

Today, we are paying tribute to the great sons of Poland.

They taught us that true patriotism is a way of life committed to national goals and purposes.

In their search for true patriotism, they reached the summit of civic wisdom and probed the depths of the awareness of national responsibilities. They incorporated their findings in the May 3rd, 1791 Constitution.

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This document is unique in certain universal appeals to mankind.

Although it is a revolutionary act, it did not come into being through revolutionary torment and bloodshed. In consonance with the Polish tradition of tolerance and respect for the dignity of man, it is the product of civic and socialogical evolution in Polish political concepts.

Unlike most of the constitutions that were born of revolutions, the May 3rd Act, does not widen the horizons of individual freedom, but safeguards the national freedom with the sense of responsibilities and purposes of the state.

The 18th Century Poland has a thought provoking lesson for us in America today.

As a state and a commonwealth of nations, it was encumbered by too much individual freedom, too much social and civic permissiveness, too much tolerance of the evils inherent in unresponsiveness to the vital interests of the country, superceded by grossly exaggerated rights of the individual.

The May 3rd Constitution came too late to save Poland from immediate dangers of external aggression. It gave, however, the Polish people, a new sense of national life and purposes. And therein lies the enduring and forever persuasive power of this noble document. It was the wellspring of national aspirations for whole generations of Poles even as it is today a promise of deliverance for Poland now suffering foreign ideology and dominance.

In its universal appeal, the May 3rd Constitution contains a highly relevant lesson for us in American today.

Like Poland in the 18th Century, we in the United States today witness excessive individual freedom encroaching upon the stability, peace, order and tranquility of the society.

We see the gravity of social cleavages, succored by intellectual, or indifferent tolerance, that may rip our land apart.

On the far out fringes of our society we see the devaluation of the American spirit and ideal which, if unchecked, may destroy our national viability and freedom.

We, of the vast silent majority cannot afford to remain silent much longer;

We must reassert the ascendancy of national goals and purposes over the individual's pursuits stemming from hedonism and irreverence for established order;

We must curb the real danger of excessive permissiveness;

We must put limits on the tolerance of the abuses through which our basic freedoms suffer;

We must recommit ourselves to the principles of patriotic living.

These, my friends, are not rhetorics, but imperatives for our American nation—imperatives incorporated in the May 3rd Constitution.

Admittedly, we have certain grievances as an integral, ten million strong segment of America's pluralist society. And we ask our distinguished guest and main speaker, the Honorable Elliot Lee Richardson, to convey to President Nixon our feelings and opinions.

We feel that lines of communications between the White House and American Polonia are somewhere, perhaps, unwittingly, shortcircuited by overly protective or political misinformed sides;

that as an ethnic group whose history in the New World antedates the Pilgrims, we have taken prominent and honorable part in every phase of American history—yet we have not received proper recognition in politics—especially in federal appointments;

that the United States foreign policy is unduly cautious and unimaginative regarding "de jure" recognition of the Odra Nysa boundary, which act would be a stepping stone toward European settlement, peace and security.

Deeply disturbed by recently revealed NATO plan to lay a nuclear barrage across Poland and Czechoslovakia in case of the Soviet aggression against Western Europe, we submit to the United States authorities, that such plan is inhuman, genocidal and even in military terms untenable, and ask for its rejection.

These grievances, however, are being subordinated in our thinking and feeling by the overriding national interests and commitments which are being challenged by the communist conspiracy in South East Asia.

Last Thursday, a historic decision was made by President Nixon, as the Commander-in-Chief of American Armed Forces, responsible before the electorate and history for the safety and security of our nation and for its viability in terms of leadership, determination and honor as the leading power of the free world.

We may have differences of opinion as to the justification of our initial involvement in Vietnam.

In the course of national debates we may have expressed hawkish or dovish appraisal of the situation. However, the time for debates had ended with the entry of our gallant fighting men into Cambodia, to deny the enemy privileged sanctuaries.

We do not subscribe to the cries for bug-out raised by far-out dissenters. But we strongly subscribe to Stephen Decatur's injunction: —"our country, right or wrong!"

A man, whom we placed in the highest position of leadership, responsibility and trust, has made a decision which is binding. That decision undoubtedly was made on the basis of facts and information not accessible to us for reasons of national security.

History will pass a judgment on it.

Our duty is not the question that decision at this critical moment of its implementation, but abide by it and support it.

For that decision was made by the man whom we entrusted with the leadership, safety and good name of our country.

Invocation, Rev. Casimir Czaplicki, C.S.C. Associate Pastor, Holy Trinity Church, Humboldt Park, May 3, 1970

Heavenly Father, it is with grateful hearts, that We, Americans of Polish heritage, gather here for these inspiring and colorful Polish Constitution Day ceremonies. We are ever mindful of our thousand year old Faith and Culture. We are aware that our forefathers came to America because it has always been the land of the free and the home of the brave.

Our Father, we are grateful for the many blessings You have bestowed upon all the peoples of this wonderful country of opportunity. We, Americans of Polish ancestry, along with other Americans, have worked together, prayed together, laughed together and cried together. Above all, whenever it was necessary to defend freedom anywhere in the world, we fought, bled and died to preserve our precious liberty.

In these troubled times, Heavenly Father, we turn to You for help. Teach us to understand one another; to trust one another; to help one another; to love one another. May America, under God, remain the land of the free and the home of the brave. Amen.

Proclamation

Whereas, Poland's May 3rd Constitution of 1791 has been and remains an inspiring and vital force for generations of Poles during their heroic struggles for freedom and independence; and

Whereas, in our times it grows in significance as a symbol of psychological and political resistance of the Polish nation against communist oppression; and

Whereas, the Constitution of May 3rd observances have become, since the turn of the century, an integral part of Chicago's civic and patroitic activities and have always been dignified by participation of leading public officials of the United States; and

Whereas, to thousands of Americans of Polish origin in the Chicago metropolitan area who cherish their ethnic heritage the May 3rd Constitution commemorations are the wellspring of patriotism and dedication to the cause of freedom and America's greatness; and

Whereas, this year's observance coincides with the 90th anniversary of the Polish National Alliance chief sponsor of May 3rd Observances and the great Polish American fraternal organization whose members contribute much to the civic, cultural and economic betterment of our city:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby designate May 3, 1970, to be the Polish Constitution Day in Chicago, and urge all the people of our city to join the descendants of the men of great civic virtue and wisdom who framed this historical document, by participating in the parade and commemorative program which will be held at the site of the Kosciuszko monument in Humboldt Park.

Dated this twenty-fourth day of April, A.D., 1970.

Richard J. Daley,
Mayor.

House Resolution No. 414, State of Illinois, Seventy-Sixth General Assembly, House of Representatives

Whereas, On Sunday, May 3, 1970, the Polish National Alliance and all of Polonia will commemorate and celebrate the 179th anniversary of Poland's adoption of the Constitution of May 3, 1791, the most progressive and liberal legislation of 18th century Europe; and

Whereas, Although this great rebirth and assertion of democracy came to the Polish people too late to forestall the 3rd partition of Poland in 1795 by Russia, Prussia and Austria, the May 3rd Constitution nevertheless became for the succeeding generations of Polish people a source of inspiration, national strength and faith in a better future; and

Whereas, in the United States, wherever Americans of Polish descent live, this holiday is observed through the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe; and

Whereas, The celebration commemorating the adoption of the Constitution will be held in Chicago's Humboldt Park near the General Thaddeus Kosciuszko Monument under the auspices of Educational Department and Circuits 12-13 of the Polish National Alliance; therefore, be it

Resolved, By the House of Representatives of the Seventy-Sixth General Assembly of the State of Illinois, that we commend the Polish National Alliance of the United States upon its celebration of the 179th anniversary of the adoption of the Polish Constitution on May 3rd; and that a copy of this preamble and resolution be forwarded to the President of the Polish National Alliance of the U.S. of N.A., Mr. Aloysius Mazewski, at its national headquarters, 1520 West Division Street, Chicago, Illinois 60622.

Adopted by the House of Representatives, April 23, 1970.

Fredric B. Selcke,
Clerk, House of Representatives.
Jack E. Walker,
Speaker, House of Representatives.

Resolution Adopted at May 3d, Constitution Observance May 3, 1970, Chicago, Under the Auspices of the Polish National Alliance

Deeply cognizant and appreciative of our ethnic heritage as Americans of Polish origin, we solemnly commemorate one of the great moments in the political history not only of Poland but of all free nations of the world. That moment arrived on May 3rd, 1791 in Warsaw when the great constitution of national renascence, of civic wisdom and responsibility, and of social justice safeguarding the precept of liberty, had been proclaimed by the Great Diet of Poland.

Gratefully acknowledging that moment of our forefathers' recommitment to individual freedom and democratic processes under the principle of the law and order of the land, we unanimously adopted the following resolution—

1. Deeply disturbed by recently publicized and debated NATO plan which would wantonly and needlessly kill millions of people and devastate Poland and Czechoslovakia in the event of the Soviet aggression against West Europe, we urge that the United States as the principal and leading power in the North Atlantic Treaty Organization reject this plan in its entirety. It is our considered opinion that a nuclear barrage across Poland and Czechoslovakia, without a pre-emptive strike against ballistic bases in Russia will not deter the Russian armed forces from an offensive against West Europe; on the contrary, by practically guaranteeing immunity to Soviet nuclear arsenal, the plan might give the Russian command an opportunity for a pre-emptive strike against Europe. Military considerations, however, are of secondary importance in this NATO Plan. The moral issue involved in it is of overriding and paramount importance. From the standpoint of international morality and human decency this plan should and must be rejected.

2. Taking note of recent developments in the area of international relations, with a special emphasis on the deepening crises in South East Asia, we unequivocally support the United States Government in its search for honorable, permanent and just solution to the armed conflict in the Far East, to the controlled and safeguarded nuclear arms limitations, and to general disarmament under meaningful and effective international control.

3. In view of the slowly and hesitatingly developing dialog between West and East Europe, we submit that the initiative of the United States in an early and irrevocable recognition of the Polish-German frontier along the Odra-Nysa Rivers would immeasurably strengthen those elements in both parts of divided Europe, who strive toward initial accommodation and eventual peace settlement in Europe.

De facto possession of the lands along the Odra-Nysa Rivers by Poland is an irreversible fact of history. De jure acceptance of this fact would be an important step toward restoring to Europe its demographic, historical and cultural wholeness now split by the Yalta principle which never have had any validity.

4. We further submit that by reasons of geography and demography, Poland constitute the keystone to Central and East European peace and stability and as such should be singled out by the United States foreign policy for particular attention. Within this frame of reference, we strongly recommend that Poland be accorded:

(a) Most privileged status in trade relations;

(b) Economic and technical assistance to the Polish people mostly through utilization of the American counterpart funds in Poland for such projects as the regulation and electrification of the Vistula basin, building of another hospital similar to the one in Krakow which stands as a symbol of American generosity and concern with the well-being of the Polish people;

(c) Restoration of the cultural exchanges between the United States and Poland which would envision supplying Polish college and university libraries with latest scientific publications of the West, exchange of students and professors, reciprocity in performing arts and eventual restoration of the Royal Castle in Warsaw.

4. As Americans already deeply rooted in American soil, we pledge continuous enrichment of the United States with the best values of our millennial ethnic heritage, and our total dedication to the defense and perpetuation of the American way of life.

ADDRESS BY THE HONORABLE ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE

"All power in civil society should be derived from the will of the people, its end and its object being the preservation and integrity of the state, civil liberty, and the good order of society, on an equal scale, and on a lasting foundation."

I need not remind you that those words of so much universal meaning came from the Polish Constitution of 1791. They embody ideas of particular meaning to Americans. Those same ideas had been enshrined in our own Declaration of Independence fifteen years earlier.

As a nation, Poland has known its share of triumphs and much more than its share of tragedy. The Constitution of 1791 was such a triumph. Its importance stretched beyond Poland's borders. It, for example, inspired the brave men, who, early in the 19th Century, made the first of a series of attempts to throw off the despotism which bound Poles and Russians and so many other peoples.

It is more than fitting, therefore, that May 3 should be celebrated not just by the Polish-Americans, but by all Americans.

The Proclamation of our own Constitution, in 1789, was basically the beginning of our life as a nation. At the time of the proclamation of the Constitution of 1791, Poland had more than 800 years of recorded history behind her. Now Poland looks back on more than 1,000 years of national life. It is not for me today to try to outline for you all of the achievements of the Polish people during that thousand years. One cannot help but recall, however, that it was Polish valor which on two memorable occasions prevented the submersion of our western civilization as it has evolved since Greco-Roman times. I refer to the battle of Legnica in 1241 when the Tartar hordes were turned back from their invasion of Europe and to the raising of the ottoman siege of Vienna by Jan Sobieski in 1683.

We all know what Poland's position on the border lands of Western civilization has cost her. Only a little more than 25 years ago, the news of the Massacre in Katyn Forest shocked the world.

The gallant uprising in Warsaw thrilled, and then grieved, all those who love freedom. Untold numbers of Polish men and women gave their lives to prove the words of their national anthem, "Poland has not yet Perished."

No nation has ever been more a prisoner of her geography. We know of the partitions and subjugations which have wracked Poland. Following the Napoleonic wars, there was a saying in Poland: "Paris is too far away; the Tsar is too near at hand, and God is too high."

But, while the Polish State was repeatedly destroyed, the Polish Nation remained through that thousand years to confound and confuse its oppressors. It remains today, a living symbol of the futility of tyrants.

In America, we think of the many contributions Poland has made to the development of our Country and its arts and sciences. All Americans know of those brave and selfless soldiers, Thaddeus Kosciuszko and Casimir Pulaski, who joined the newly formed army of the Continental Congress as volunteers to employ their considerable military and technical skills, and eventually to shed their blood for the cause of freedom.

We think of the countless families from a divided Poland under foreign occupation during the 19th and early 20th centuries, who left their homeland, their loved ones, and their means of livelihood to share both the difficulties and the rewards this Country had in store for them. They contributed to the cultural and material enrichment of America just as such pre-eminent figures as Copernicus and Chopin had contributed to the cultural heritage and enrichment of all mankind.

Like earlier attempts to submerge them, the current separation of Poland and other Eastern European peoples from their Western heritage and relationships is doomed to failure. Even the suffocating darkness of the Stalinish night was not sufficient to sever the Polish peoples from their traditional ties or to terrorize them into submission. Thirteen years ago, the unvanquished spirit of the Polish people forced the foreign occupiers to allow to Poland a measure of national autonomy.

The United States is doing what it can to foster greater educational, cultural and scientific interchange with the countries of Eastern Europe. Eleven students from Alliance College, which, as you know, is supported by the Polish National Alliance, will be studying in this coming school year in Krakow, Poland. Such encouragement of American students of Polish descent to avail themselves of government grants for overseas study in the land of their forefathers is a forward looking step. I congratulate the Alliance for promoting it.

Neither we nor the peoples of Eastern Europe have been willing to accept the present restraints and restrictions in national life as a permanent state of affairs. And we refuse to recognize any doctrine under which a great power can claim the right to intervene militarily, not only to impose unpopular governments, but to determine what the internal policies of those governments will be.

As long as there are such restraints and such arbitrary abuses of powers, however, we are left with no choice but to look to our own strength. It has long been a traditional saying that the warrior with the longest sword was the most menacing. The rest of that saying is that if you cannot lengthen your sword, you must thicken your shield. We wish to menace nobody. The United States hopes that through negotiations we can blunt some of the dangers and eliminate some of the problems of a divided Europe. We must pursue policies aimed at a genuine relaxation of tensions between East and West. But we must also fashion common policies, together with our allies, for the pursuit of security both through military strength and through arms control.

None of us wants to see the proliferation of new and more awful means of mass destruction. We are taking every possible action, consistent with our security, to see that it is avoided. This is the meaning of the strategic arms limitation talks now going on in Vienna. We must, however, face the fact that common security will never be obtained if we are unwilling to make the necessary sacrifices for our own defense.

Any potential enemy must be forced in advance to face up to the costs of risking an all-out assault on American retaliatory power . . . If we were not in a position to establish such a modern defense, the validity of our promises to our allies would quickly come into question. For Eastern Europe, this would mean that the changes and evolution of the past fifteen years could be undone at a moment's notice. The slow growth of a greater autonomy, the goal of eventual freedom, would be put in mortal jeopardy.

There have indeed been meaningful changes. Where once we saw what appeared to be a monolithic system directed from one center by one man, we now see increased

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evidence of national assertiveness. People who fought for, and got, minimum physical needs now seek the kind of human freedoms they know all to well exist elsewhere.

Governments are rediscovering the histories of their own peoples, histories which have been distorted and even banned. Although there are those in Eastern Europe who would like to turn the clock back and who have tried to erode even the limited freedoms obtained at such costs in 1965, we know that in the end they cannot be successful. They will have to accommodate to the demands of their peoples.

How can we be sure? Even now, we see a rising concern over the growing technological gap between European countries and the West. Those economies may not be in danger of collapse, but they are falling behind with every day that passes. Those failures must and will have their political impact. The parties which thought they had all of the answers simply cannot answer the most basic economic problems at all.

In this situation we can and do hope for meaningful negotiations which can lead back in the direction of normalizing the life of Europe. We seek to deal with concrete issues and try in concrete ways to resolve them, avoiding meetings for their own sake which can raise unfounded hopes. Although we must continue to probe all openings for better East-West relations, we must remember that coexistence requires more than just a spirit of good will. It requires patient and precise efforts to reconcile specific issues. It requires the definition of positive goals which can be achieved within the context of fully observed agreements. It requires real progress on the settlement of the real problems which face us.

As President Nixon has said, "It is not enough to talk of relaxing tension, unless we keep in mind the fact that 20 years of tension were not caused by superficial misunderstandings. A change of mood is useful only if it reflects some change of mind about political purpose. It is not enough to talk of European security in the abstract. We must know the elements of insecurity and how to remove them."

Certainly, the continued restrictions on the national life of Poland and the other Eastern European countries are such elements of insecurity. They cannot be glossed over or obliterated by an attempt to rush into an ill-prepared for conference which would contribute nothing significant to changing the present unnatural situation in Europe.

The military intervention in Czechoslovakia stands to the shame of all of the governments involved, though not to that of their peoples, who had no share in the decision. We are not willing and we do not believe the peoples of Eastern Europe want us to gloss over in advance such disgraceful adventures by an unqualified acceptance of the status quo. *Their* freedom does not lie in that direction. Maintenance of *our* freedom precludes such an action by us.

This is something of which President Nixon is deeply aware. His historic visit to Warsaw as Vice President and the magnificent reception he received are well remembered by both Poles and Americans.

In espousing a genuine reconciliation between Eastern and Western Europe, we cannot ignore the fact that it will be won and firmly established only when nations are free to deal with one another on a basis of equality and mutual respect. During the first and second World Wars, many Poles fully recognized the indivisibility of their freedom and security from those of their brothers to the East and fought for them under the banner: "For our Freedom and Yours."

That is the spirit in which all of us must seek to solve the problems of today's world. If we are true to it, we will ensure a true security and a true freedom for all. We know that freedom and security are concepts which cannot be divided without diminishing them.

"The preservation and integrity of the State, civil liberty, and the good order of Society, on an equal scale, and on a lasting foundation"—All these the Polish Constitution of 1791 held to be the "End and . . . object" of government, which must be "derived from the will of the people." Recalling those words of 1791 we remember those who are deprived of their effect. "While yet we live," we will not forget them.

Program, May 3d Constitution Day Observance, Humboldt Park, May 3, 1970

1. Opening remarks: Chester Mikolajczyk, Commissioner District 13, PNA; Helen Orawiec, Commissioner District 12, PNA.
2. National anthems: American and Polish; Holy Trinity High School Band.
3. Invocation: Rev. Casimir Czaplicki, C.S.C., Associate Pastor, Holy Trinity Church.
4. Introduction of master of ceremonies: Hon. Aloysius A. Mazewski, President of PNA and PAC.
5. Honor gun salute: Polish Legion of American Veterans, Dept. of Illinois Service Officer in Charge.
6. Wreath laying ceremony.
7. Remarks: Hon. Richard J. Daley, Mayor of Chicago.
8. Remarks: Hon. Richard B. Ogilvie, Governor of State of Illinois.
9. Address: Hon. Elliott Richardson, Undersecretary of State.
10. Reading of resolution: Mrs. Irene Wallace, PNA Vice-President and General Chairman of the Observance.
11. Remarks: Major Gen. Antoni Grudzinski, O.B.E. Repr. 1st Armoured Div. in London.
12. Introduction of guests:
13. Benediction: Rt. Rev Francis Rowinski, Bishop of the Western Diocese, Polish National Catholic Church.

14: Conclusion:

PROGRAM COMMITTEE:

Irene Wallace, Vice-President PNA, General Chairman.
Comm. Chester Mikolajczyk, Program Chairman.
Comm. Helen Orawiec, Program Secretary.
Comm. Thomas Paczynski:
Comm. Sophie Buczkowski.
Frank M. Prochot, Vice-President PNA.
Edward Moskal, Treasurer PNA.
Thaddeus Radosz, Director PNA.
Catherine Dienes, Director PNA.
Dr. Edward Rozanski, Director PNA.
John Ziemba, Director PNA.

Mr. ROSTENKOWSKI. Mr. Speaker, on May 3 we celebrated the 179th anniversary of the Polish Constitution of 1791. This celebration marks a great day in the history of our planet because although the people of Poland have not yet been liberated, their forefather's concept of liberty, which this document so eloquently depicts, continues to live in the world corridors of international thought.

Just 2 short years after America drafted her Constitution, the high principled and proud people of Poland, amidst a backdrop of absolutism and militarism, drafted an instrument which to this day is considered a landmark for liberalism and democracy in Europe. These ideas are summarized in the Polish Constitution thusly:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

This philosophy of government discernible throughout the Third of May Polish Constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source.

Unfortunately, the adoption of this great document did not provide the sustained impetus for insuring the freedom which it promised. As a result, 4 years after the constitution was adopted, Poland was partitioned by Russia, Prussia, and Austria and thereby became embroidered in the throws of a political vortex which to date they have been unable to escape. Nevertheless, generations of Poles both home and abroad continue to dream of the day when Poland's struggle for liberty will be achieved.

Mr. Speaker, I am proud to say that our participation in this observance today underscores America's support and interest in the Polish nation as well as all people around the globe who are dedicated in their efforts to escape the personal bondage of communism.

Mr. RODINO. Mr. Speaker, the struggle to be free of both internal and external repression of human dignity and spirit and thought belongs to men of all ages.

Shortly after their adoption of a written constitution, not dissimilar in language and philosophy to our own, the Polish people in 1795 suffered the third partition of their country which deprived them of their sovereignty.

I join the commemoration of this just, but shortlived freedom of the Polish people.

Those of us who are custodians of free democratic institutions have the most sombre responsibility to preserve our precious right through the expansion of free thought and the continued search for social and human justice for all men.

Mr. GERALD R. FORD. Mr. Speaker, I wish to join with my colleagues and with all Polish Americans in honoring the 179th anniversary of the creation of the Polish Constitution of 1791. This Constitution, like our own, espoused the concept that all power in civil society should be derived from the will of the people.

Unfortunately, history has not been kind to our Polish brothers. Only during a very few of the past 179 years have the Polish people enjoyed the freedom and independence to which they aspire. Since 1791, Poland has suffered a history of repeated invasion and occupation by its neighbors. Even today the people of Poland must celebrate this occasion silently behind an iron curtain and under the iron hand of Moscow.

Throughout this history of occupation and oppression the Polish people kept alive their desire for human dignity and human freedom. While the flame has flickered dimly in the Polish torch of liberty, the fire that burns brightly in the spirit of the Polish people has served a higher illumination. The oppression and sacrifices of the Polish people serve as constant reminders that freedom once lost is not easily regained. Few lessons of history are so lucidly portrayed.

Other fellow citizens of Polish descent have contributed their strength, skills and vitality to forge a nation founded in traditions of freedom and dignity. I am proud to stand with them today in honor of these traditions. I share their concern for the future of their homeland. I support their efforts to encourage the eternal struggle that must be waged for man's freedom. Finally, I join in their hope that some day Poland will once again realize the ideals of their May 3 Constitution.

Mr. BYRNE of Pennsylvania. Mr. Speaker, yesterday some 10 million Americans of Polish descent and Poles throughout the free world commemorated a noble experiment in democracy—an experiment doomed to failure by world powers.

Joining in this worldwide observance, coordinated in this country by the Polish American Congress, were many thousands of my Polish friends and neighbors whom I have the honor of representing in my congressional district.

It is to them specifically and the brave Polish people generally to whom I dedicate my brief remarks of admiration.

Perhaps it is with a bit of chauvinism that we Americans look upon ourselves as the pioneers of democratic and constitutional government. How many of us realize that a brief 2 years after the United States was formed by our own Constitution, the people of Poland, on May 3, 1791, promulgated their own Constitution guaranteeing rights and privileges unknown on the European Continent at that time.

The tenets of the Polish Constitution can be summed up from the following quotation:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

To those of us who take our civil liberties for granted, the above may be of little impact; but to those familiar with the time and the mores of the European society of that period this noble experiment must be viewed as outstanding.

Little Poland was surrounded by militaristic, autocratic, imperialistic governments—each eyeing the fertile lands of Poland with envious desires.

Unfortunately, as it has happened from the 18th century through to our own 20th century, the small nations have been victimized by the large ones.

In a short 4 years, this attempt at liberalism and democracy was ended, as the troops of Russia, Prussia, and Austria invaded and partitioned Poland among themselves.

I wish I was in the position to state that this is only history and these "errors" have been corrected in our own "enlightened age." Of course, I cannot. Poland today is not free, either internally or externally. Its government is not constituted for the benefit of its people and is controlled and managed by a major power determined to carry its philosophy and stringent lack of personal freedom throughout the world.

May the day come when the tenets of the May 3, 1791, Polish Constitution once more govern this noble nation.

Mr. HELSTOSKI. Mr. Speaker, we are celebrating, this year, the 179th anniversary of the adoption of the memorable May 3 Constitution of Poland.

This historic Polish national holiday is observed solemnly throughout the world, and above all, by the 10 million Americans of Polish descent in the United States.

We can stress with pride that this great national holiday is not observed only by those of Polish origin. For many years, by traditional custom, the U.S. Congress observes this anniversary and many Members of Congress express their respects for the 3rd of May Constitution. Many State governors and mayors of large cities, by proclamation, recognize the importance of this day.

What caused the fact that this Polish Constitution has found such a strong echo and response in so many countries of the free world and particularly here on the free soil of the United States of America?

The Constitution of May 3, 1791, was a great accomplishment of deep minds of the most brilliant contemporary law experts, politicians, and philosophers, who based this important act on the highest contemporary ideals of freedom and democracy that have enlightened the minds of the authors of the present American Constitution and the French Declaration of the Rights of Man and Citizen.

Unfortunately, Poland at that time was nearing its fall and was soon to succumb to the force of the greater potentials of the enemies who surrounded her on all sides.

Within 4 years after the adoption of the May Constitution, the third partition of Poland and a long period of slavery ensued. In the years that followed Poland had the benefit of full independence for barely 20 years, from 1918 to 1939. Twice; namely in the times of the so-called Congressional Kingdom, from 1815 to 1830 and lately, from 1945 to 1956, Poland was governed by envoys or ambassadors of Moscow. All the remaining years of that period, beginning with the third partition 120 years ago, were days of absolute slavery.

But what are these years in the context of the thousand years which have elapsed since the founding of the Polish State, since the adoption by Poland of Christianity and which thousand-year anniversary we have celebrated only 4 years ago?

Truly those 120 years are only a small fraction of the glorious and brilliant 1,000 years of the history of Poland. These 1,000 years of the Polish State are brightened by such historical facts as the victory of Boleslaw Chrobry over the Germans; as the founding of one of the first universities in Europe, the Jagiellon University in Krakow; the victory of Jagiello over the Crusaders at Grunwald; the epical discovery by Nicholas Kopernik—Copernicus—that the earth revolves around its axis and around the sun; the victory of Jan Sobieski in Vienna.

A nation with such traditions and such historic and scientific accomplishment is truly a great nation. The greatness of a nation and a country is not measured by the vastness of its lands or the size of its population. A nation's contribution to the world culture and civilization on one hand, and its participation and its position in international politics, the weight of the voice of its representatives in negotiations deciding on the fate of nations on the world scale on the other hand, are the determining factors of a nation's greatness.

Poland, today, does not play a great role in the international arena, but in the past 1,000 years there were long periods when not only was the Polish position and the Polish voice considered and when it was a deciding factor in the formation of the fate of the world.

Even in the period of those sad days when Poland was practically erased from the map of the free countries of the world, the Poles were not forgotten as a nation and they played an important role in the history of the culture and diplomacy of the world.

Above all, the Polish people never acquiesced in their lot as an unfree people. In their own country, as in all parts of the world, the Pole fought insistently on the fields of battle and did his share for his own freedom and the freedom of others. Kosciuszko and Pulaski in America; the Dabrowski Legions in the Napoleonic Wars; Prince Joseph Poniatowski who paid with death in the waters of the Elster for his title as French Marshal; the glorious but bloody Polish insurrections of 1830, 1848, and 1863; the participation of Poles in the last two World Wars on all fronts of the world; the victory over the Soviet armies of Lenin and Trotsky in 1920; and that memorable battle of the Vistula, which had been rated as one of the 17 decisive wars determining the fate of the world; the defeat of the Hitler forces at Monte Cassino in 1944. All of these are but a few of the bright milestones on the road of Poland to independence and freedom.

And in the same period, the contribution of the Polish nation in the field of progress and general world culture is also great. The names of the Polish poets of Poland—Mickiewicz, Slowacki, Krasinski, Norwald, Wyspianski—are among the names of the greatest poets of Europe. The two Nobel awards to Sienkiewicz and to Reymont are proof of the world renown of Polish literature. The music of Chopin is accepted today as a treasured property of the entire world. Ignace Jan Paderewski, a great composer and Polish pianist of international fame is particularly remembered in America. In the field of science, Marie Curie-Sklodowska, a Nobel Prize laureate, by her famous discovery of radium was the initiator of the development of the studies which led to all the present accomplishments of the atomic era. These few names should suffice to state in all earnestness that a nation that gave to the world such people, is undoubtedly a great nation.

The Polish nation does not demand for itself any special rights or privileges. It asks simply only for that article of first need, as necessary for life as bread is for every individual and for every nation regardless of its size. It demands freedom and independence, and the right to decide in its own matters without foreign interference.

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This same freedom and independence is today demanded by many nations and countries in the great areas of the world, not only in Europe, but also in Asia and Africa. Without doubt the chief oppressor of these nations is Soviet Russia. The Soviets, today, are the visual symbols of bloody tyranny on earth. On the other hand, the leader of the free countries of the world today is the United States of America, and this American leadership is generally acknowledged. The eyes of millions of people remaining in Soviet and Chinese enslavement are directed toward the symbol of freedom, the Statue of Liberty at the entrance to the Port of New York.

The solution of the great many of our international problems facing the world depends on the results of the struggle for peace and on the conditions of the coexistence led by the United States on one side of the free world and on the other side by Soviet Russia, a country that intends to force upon others its communistic system. The policies of America inaugurated immediately after World War II by President Truman, and consistently followed thereafter, are policies of peace. In direct contrast, the policies of the Soviet Union are directed toward control of the world. They consist of constant efforts to "bless" other nations with a forced communization even though these nations avoid such blessing, refuse them, and beg to be freed from them. Such a nation upon whom a Communist system was forced upon by the Soviet Union, contrary to its desires, is Poland. Ironically, the Communists have called this "liberation" and the Polish nation, much against its public will, finds itself now in the Soviet-oriented orbit.

Only time will tell what this peaceful struggle of the ideology of freedom with the doctrine of forcible communism will bring to the world.

A desire for general peace based on the principles of freedom and justice to all nations is a main and basic policy accepted by the entire American Nation. This goal is an indivisible part of the history of the United States and of our great traditions, and it stands high among the ideals which we have inherited from the past leaders of our Nation. Every American acknowledges with pride the principle that every nation has a natural and undeniable right to decide for itself regarding its internal matters wthout terror from the minority within and without force and threat of force from without. This means simply that the internal matters of Poland, as of any other country of Central and Eastern Europe, and for that matter, the entire world, neither America nor Soviet Russia nor any other country should be allowed to interfere. Only the Poles should have the right to make free decisions regarding their internal problems, just as in the internal problems of America, only Americans should freely decide for themselves and in the internal matters of Soviet Russia, the Russians should decide these for themselves. In equal measures this concerns all the other nations of Europe, Asia, and Africa. Let this principle become not only a beautiful slogan but let it be a basis of actual deeds. Let us systematically adopt a policy to make declarations and insistly demand their enforcement by all the others who also proclaim these principles.

Abraham Lincoln once said that the American Nation was born of freedom. May the future historians be able to say without hesitation and with justification about our generation that the American Nation, born in freedom, was always faithful to the cause of freedom, not only in its own country but also in relation to other countries and nations of the world.

If our Government adopts a definite policy on freedom for all nations and stands by it uncompromisingly, we can be assured that the dreams for a free Poland and the desire of all people of good will for a permanent peace and justice in the world, will soon become, not only a fond dream, but a real actuality.

Mr. Speaker, in connection with this May 3 celebration, the Bergen Ampols, an organization of Americans of Polish extraction, residing in Bergen County, N.J., have forwarded me the resolution which they adopted at their recent meeting. Through this resolution they reaffirm their intention to restore freedom to Poland.

These Americans of Polish descent are hard-working individuals in the Bergen County Polish communities. They are loyal to America, the land that has given them the freedom that their forefathers were denied—yes, even denied to their brothers and sisters who remain within the boundaries of the Polish nation even now.

Although having adopted the American way of life, these people carry on to instill the spirit of Poland into the hearts of their youngsters to carry on the traditions of their forefathers.

Mr. Speaker, I wish to bring this resolution to the attention of my colleagues in this honorable body and wish it to be included in the RECORD as part of my remarks.

The resolution follows:

Whereas we, the Bergen Ampols, an organization of Americans of Polish descent, shall on May 3rd mark the 179th anniversary of the constitution which at that time indicated Poland as an independent state, and

Whereas since that time the country of Poland has been subjugated by an aggressive and overpowering neighbor, and

Whereas we wish to let it be known that red Russia has been defeated in battle only one time, and that in the battle of Warsaw in 1920 when the Polish forces drove the Russian invaders out of the countryside, and also recaptured lands correctly parts of their territory, the only defeat communist Russia has suffered, and

Whereas some world dictators, in World War 2 positively decided to apportion Poland and satisfy the greed of one of its neighbors, thus opening the door for the subjugation of eastern Europe in general, now therefore

Be it resolved that we of the Bergen Ampols together with upwards of ten million Ampols in this country shall continue to fully pray for and fight for the freedom of a betrayed Poland, now under the red heel of Russia,

Be it further resolved that May 3, 1970, be marked in this country not only as Polish Constitution Day, but also that it be designated as the fiftieth anniversary of the defeat of the Communist forces by the gallant Poles in the battle of Warsaw, 1920, and

Be it further resolved that copies of this resolution be sent to President Nixon, Governor Cahill, and our representatives on the State and National level.

Approved March 15, 1970.

PAUL BORUTA,
President, Bergen Ampols.
WANDA MAKOWSKI,
Corresponding Secretary.

Mr. KLUCZYNSKI. Mr. Speaker, 179 years ago a group of patriotic and farseeing Polish leaders wanted to inaugurate a new era in Poland. They felt that some basic changes in the machinery of the Government were needed; and to meet this imperative need they drafted a constitution. It was adopted, promulgated and went into force on May 3, 1791.

Since that year May 3 has been celebrated as Polish Constitution Day, and the event has been regarded as a great landmark in Poland's fight for liberalism and efficient government. The Constitution was a liberal, democratic document, and as such it aimed to reduce the powers of the Monarch without impairing the authority of the central government. By this Constitution the Government became a limited constitutional monarchy. It did away with the old class distinction and class privileges, and guaranteed religious freedom. It placed the peasantry under the law, and protected their interests against the landlords. It set up a responsible cabinet type of central government, and the powers of the elected house were enhanced.

The Constitution embodied some of the ideas of the American Revolution, and also of the French Revolution. In embracing the twin aims of liberalizing and strengthening the Polish Government, the Constitution of 1791 was a major democratic instrument, and as such it serves to this day as an ideal to the Polish people. I heartily join all Americans of Polish ancestry in the celebration of Polish Constitution Day.

Mr. ST GERMAIN. Mr. Speaker, it always gives me great pleasure to take part in the commemoration of the Polish Third of May Constitution Day. I wish to salute the millions of Americans of Polish descent, and freedom-loving Poles everywhere, on this important Polish national holiday.

When we read among the immortal words of the Constitution which was adopted in 1791, 179 years ago, that "all power should be derived from the will of the people" we can recognize how close in spirit the Polish people of that time were to our American ancestors who had adopted our Constitution only 2 years before. Like this Nation, the Polish people cherished liberty, independence, and respect for the rights of the individual. They, too, were opposed to tyrannical domination in every form.

But while the hopes and desires of the Polish people for the future of their nation were similar to ours, their history has been tragically different.

Only a few years after the celebrations that accompanied the Third of May Constitution, Poland was partitioned by Russia, Austria, and Prussia. During this century they have felt the heavy oppression of nazism and communism, suffering immeasurably at the hands of these totalitarian movements. The Katyn massacre is a dreadful example of the horrors to which they have been subject from foreign oppressors. This year marks the 30th anniversary of that mass murder of Polish prisoners of war by the Russians. Over 4,400 Polish military officers and intellectuals were found in mass graves in the Katyn Forest. No trace has ever been found of another 10,000 Polish officers last held as prisoners of war in the Soviet camps of Starobielsk and Ostashkov.

The Polish people in spite of their deep love for freedom and democracy are even now under the domination of Communist rule. Their true aspirations remain frustrated and their potential greatness as a nation remains obscured by a totalitarian power that stifles the true character of the Polish people. But that indomitable spirit has endured and eventually it will break through. I am fully confident that the day will come when self-determination once again guides the destiny of the Polish Nation, and when the energies, genuis, and traditional ideals of the Polish people will once again express themselves openly. The leaders of Russian communism will find that the true character of a people cannot be repressed indefinitely.

Reflecting on the spirit of the Third of May Constitution we can see why our fellow citizens of Polish descent have been such fine Americans and contributed so much to our country. Their national heritage had already educated them to the ideals for which this country stands. Here they were able to put those ideals into action.

Mr. FLOOD. Mr. Speaker, on this anniversary of Poland's pioneering Constitution of 1791, I want to join with many of my colleagues in remembrance of Poland's great contributions in the struggle to advance human freedom and the level of attainment by civilized man. And I am honored to renew my pledge to do all I can to help bring about the achievement once again of true Polish freedom and independence.

No nation on the face of this earth has been more dedicated than Poland, throughout its long and frequently tragic history, in the cause of human freedom and national independence. And no nation has been a greater beneficiary of that dedication than these United States, where we owe so much in our own Revolutionary War to the gallant Polish heroes who adopted our cause as their own.

No nation, Mr. Speaker, has done more to advance the cultural level of our civilization. And no nation has contributed a hardier and more loyal stream of immigrants to our shores. It is significant that the Constitution of 1791, which we honor today was, like our own Constitution of 1787, a source of inspiration to those who cherish freedom throughout the world.

Mr. Speaker, I believe it is appropriate to call attention once again to a very practical, concrete way in which the House of Representatives can advance the cause of individual and national freedom in Poland as well as other captive nations.

A special committee of this Chamber could conduct an inquiry and study of all the captive nations, including those in Eastern Europe, in the Soviet Union, in Asia, and elsewhere. Particular reference should be made to the moral and legal status of Communist totalitarian control over these nations, and to the conditions existing there. Emphasis should also be placed on the means by which our own country can best assist them by peaceful processes in their present plight and in their aspirations to regain their freedoms.

In this 91st Congress and in several preceding ones, I have sponsored, along with other Members, a resolution to achieve these purposes. House Resolution 102, to establish a Special Committee on the Captive Nations, which I introduced in the present Congress, is now before the House Rules Committee, along with resolutions for the same purpose sponsored by a number of our colleagues from both sides of the aisle.

I feel confident that the facts brought to light through studies and hearings would themselves focus a powerful searchlight on an empire shrouded in darkness. They would lend strength and encouragement to those who may feel they are struggling alone to advance the cause of man's dignity and freedom, in Poland and elsewhere among the captive nations.

And so, Mr. Speaker, as we mark this anniversary of Polish freedom under law, I hope each of us will resolve to do all we can to speed the day when Poland will once again be a wholly independent member of the international community of nations. And I believe we can speed the day when the friends of liberty in Poland can feel that their individual freedom and dignity have at last become secure.

Mr. ADDABBO. Mr. Speaker, on May 3, people of Polish origin throughout the world celebrate a national holiday—Polish Third of May Constitution Day. This celebration focuses on the assertion of democracy in Poland on May 3, 1791, a historic event which occurred 4 years before the third partition of Poland by Russia, Prussia, and Austria.

It is customary for Members of Congress to join in this celebration with a number of statements about the spirit of the Polish people and the similarities in the Polish May Third Constitution and our own Constitution. The real significance of these statements and the tribute from Members of Congress is our determination to help the oppressed people of Poland through our expression of support for their hopes for freedom. In this way we in the United States can hold out a hand of friendship to those people throughout the Communist world who have not lost hope.

Mr. Speaker, I am pleased to join in this tribute to the true spirit of the Polish people on this occasion.

Mr. DADDARIO. Mr. Speaker, on May 3, 1791, the people of Poland adopted the first democratic constitution to be recognized by a European nation. That landmark accomplishment signified Poland's commitment to democratic popular government.

Those constitutional principles have lived in the hearts of the Polish people throughout their history despite oppression and foreign domination.

Today, we pay tribute to the courage and bravery of these people. On their holiday we reaffirm our commitment to help them acquire the legtimate independence they have been denied so long. How tragic that Poland should be subject to the evils from which it sought to defend itself.

We in the free world echo their genuine patriotic sentiments in observing this anniversary. Their commitment to the principles of human freedom, human dignity, and individual rights remains.

In their hopes and in the fulfillment of their national spirit, all Americans join.

Mr. DULSKI. Mr. Speaker, yesterday, May 3, marked the 179th anniversary of the signing of the Polish Constitution.

The occasion was marked in my home city of Buffalo, N.Y., as the result of a proclamation signed last Friday by Mayor Frank A. Sedita.

The text of the proclamation was read to the assembled audience in front of city hall by Deputy Mayor Stanley M. Makowski; simultaneously, the Polish flag was raised in front of the building. The proclamation read in part:

> Buffalo owes a debt of gratitude to its citizens of Polish descent whose sense of community pride and fierce loyalty to the cause of freedom have helped to create a better community for us.

Zbigniew Stypulkowski, a representative of the Executive Committee for a Free Poland in London, England, was guest of honor at a weekend of festivities planned jointly by various Polish-American organizations to commemorate the 179th anniversary of the signing of the Polish constitution.

PROCESSION AND MASS

Sunday's events began with a color guard procession of civic, veterans, youth, and club groups from Dom Polski Hall, 1081 Broadway to St. Stanislaus Church where Rt. Rev. Msgr. Peter J. Adamski, an honorary chairman of the observance, celebrated mass.

A rally, featuring an address by Mr. Stypulkowski, was held at Dom Polski Hall. Mr. Stypulkowski was one of 16 Polish underground leaders who was sent to the Lubianka prison in Moscow after World War II. Released after 6 months, he has worked for 25 years to return freedom to Poland.

Deputy Mayor Makowski is also an honorary chairman of the celebration, which was coordinated by Karol Tomaszewski. Other members of the committee are: secretary Joseph Siwiak; treasurer, Thaddeus Gorczynski; recording secretary, Leon Piskinowicz; public relations assistant, Thomas L. Franczyk; and chaplain, Rev. Walter Klos.

REAFFIRM OUR FELLOWSHIP

Mr. Speaker, it was an honor for me to once again have the opportunity to take part in this always delightful and impressive observance in my home city.

It is our opportunity to once again affirm the universal fellowship of free men and the need of all peoples and all nations to overthrow atheistic communism, or any other form of tyranny that a few would impose upon the many.

Time and time again, Poland has been overrun by its neighbors and has been taken over by alien rule. Unprotected by natural boundaries, it has for many centuries served as a battleground for warring powers and become a prize for the victor.

We know well that the people of Poland are encouraged by our friendship and by our efforts. We know well that the spirit of liberty still lives in the hopes of the people of Poland. The cause of the Polish people, as is ours, is the cause of free men everywhere who live for the love of liberty.

Mr. Speaker, as part of my remarks I include the text of an editorial from the Am-Pol Eagle:

Polish Constitution Landmark of Democracy

On May 3, 1791, the country of Poland unveiled a document which has been regarded as one of the most fundamental doctrines of freedom ever written. This document, the Polish Constitution, has been hailed for being one of the first written democratic documents proclaiming the principles of human liberty and equality.

This year, on the occasion of the 179th anniversary of the Polish Constitution, ceremonies will once again be held in commemoration of the writing of this great document.

The observance of Polish Constitution Day in Buffalo will begin on Sunday, May 3, with a Solemn High Mass at 12 noon in St. Stanislaus Church, Rt. Rev. Msgr. Peter J. Adamski, PA, will be the celebrant. The Mass will be preceded by a color guard procession from Dom Polski Hall to St. Stanislaus Church.

Later that afternoon, Zbigniew Stypulkowski, a member of the Executive Committee for a Free Poland, will address a gathering at Dom Polski Hall.

Polish Constitution Day should be a day of proud reflection for all people of Polish origin. We must surely take pride in the fact that our Polish ancestors drafted a document which eloquently expresses the rights and freedom that belong to every man regardless of race, color or religion.

Constitution Day ceremonies give us an opportunity to display this pride. It is hoped that all of Polonia will take this opportunity and participate in these ceremonies.

We must show to all in a public manner the esteem and honor vested in so democratic an event.

GENERAL LEAVE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and pay tribute to Polish Constitution Day.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ORGANIZED CRIME AND THE GHETTO

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, Mr. Oliver Lofton, the associate director of the Community Relations Service delivered a significant address on March 5, 1970, before the Third Organized Crime Training Conference held at the University of Oklahoma Center for Continuing Education. In substance, the address highlights to what great extent many of the present urban ills of our society are directly attributable to the criminal exploitation of the poor, particularly the poor citizen of minority race or ethnic background, by the forces of organized crime—meaning, of course, the Mafia and its hundreds of hirelings, pushers, pimps, small-time numbers racketeers and thugs.

Mr. Lofton pointed out that terror and exploitation are not the only and perhaps not even the most lasting of the influences of organized crime on so-called ghetto residents. He notes that the Mafia underlings are always the well-dressed drivers of new cars who brag of their friends in high places. The obvious "success" of these third-rate hoodlums leads many of our deprived young people to emulate the activities of these agents of the Mafia. The result is that the syndicate has a willing supply of volunteers to fill its ranks and all because of the American drive for success, or at least the vestiges of success.

The apparent success of these mere legmen is but an indication of the fantastic success and great power of the Mafia organization as a whole. Mr. Lofton notes that members of this ominously powerful conspiracy are purported to have boasted that they will put their man in the White House by 1980. So, the threat to our country is not merely a social one, great though that threat certainly is, but also a political one—menacing not only the physical and economic but also the political security of our citizens.

Legislation, in the form of S. 30, which portends to cripple this insidious assault on our institutions is currently before the House Judiciary Committee. Hearings on this most important legislation will begin on May 20. It is imperative that this legislation, which has been designed to vitiate the threat of the Mafia to us and our fellow citizens, receive attention comparable to the magnitude of the threat. I urge my fellow Members of the House to give this bill their considered attention and that S. 30 be approved by the Judiciary Committee for action by the House soon. The passage of this legislation will provide needed new weapons for the forces of law and justice in the life and death struggle with the forces of crime.

Mr. Speaker, in order that more persons might become aware of the great extent of Mafia influence in our society, I include Mr. Lofton's speech before the Third Organized Crime Training Conference in the RECORD at this point:

Organized Crime in the Ghetto

Ladies and gentlemen, colleagues, looking out at this distinguished audience of representatives of the law enforcement community, I cannot help but feel concerned. Much like the old gentleman who lay on his deathbed, and after painfully scanning the room he turned to his grieving widow to-be and whispered, so if the whole family is here, who is watching the store? And we may well ask who is watching the store—for our store is crime and I hasten to add that business has never been better. The reasons how and why business is so good have been advanced by the many experts in attendance at this conference: Therefore, rather than pursue the subject from a perspective with which you are familiar, let me share with you instead, the views of *one black man* as he sees crime in the ghetto—crime as a *black child sees it*—crime as a *black man lives with it*—crime as a *black man emulates it.*

Psychologists tell us that as children we are drawn to hero worship. Like some of you, I was a child of the forties—the war years—my idols were the movie giants: John Wayne and Errol Flynn, Cavaliers who could decimate all opposition by swinging from a yard-arm, maiden tucked under one arm, sword in the other—or the wiping out of a whole enemy battalion on the beach with one leftover hand grenade. Television was still in its infancy. Living in a small New Jersey town, the Saturday or Sunday movie was the citadel. I found some of my heroes on the screen, some on radio, some in comic books. Comic books, if you recall, were big in the forties and *they* were blamed for everything. There was superman, batman, spiderman, plasticman. Oddly enough every kind of man but blackman. And if my memory serves me, in those days there wasn't the awareness or concern for a racial problem by most white folks. And while I was doing my thing in that small New Jersey community I can well imagine what my brothers in Harlem were doing.

The ghettos of New York, New Jersey, Detroit, Chicago, Los Angeles, were still in the cocoons. What kinds of idols did those black ghetto children have? The movies were not quite as accessible, T.V. was out of reach for most. The black ghetto children had to find their idols in the comic books or on the street where they lived—who then were their heroes—the successes, the men who had it made? There was crazy Willy, a pusher, who had a car two blocks long and real alligator shoes and big friends downtown, or there was shifty Sam, a pimp with his $100 suits and two bit tips and more good looking chicks around all the time. He also had *the man downtown* looking out for him. And there was fast Freddy. He was tough. He had a cellar club and they had cool packets and nobody messed with his street. It was a scene duplicated in whatever ghetto you care to examine. Stereotypes, yes, but stereotypes of whom? They had a view of heroes—a bit jaundiced, I'll admit, but it was their view.

Sterling Tucker, field services director of the National Urban League, in his article entitled "Ghetto, the Ghettoized and Crime" stated:

> "Conditions in the inner city, which today hurry blacks along the path to easy money and a special brand of self-respect, yesterday hurried European immigrants residing in America's cities down similar roads."

Then, as now, there are those in the inner city who see crime as an easy road to the good life and the only way to acquire status. In writing about delinquency back in 1942, Clifford Shaw and Henry McKay wrote, "In low income areas, where there is the greatest deprivation and frustration, where in the history of the city, immigrant and migrant groups have brought together the widest variety of divergent cultural traditions and institutions, and where there exists the greatest disparity between social values to which people aspire, and the availability of facilities for acquiring these values in a conventional way, the development of crime as an organized way of life is most marked. Crime in this situation may be regarded as one of the ways or means by which people

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attempt to acquire the economic and social values generally idealized by our culture, which other persons in different circumstances acquire by conventional means." What Messrs. Shaw and McKay stated then, we have indeed seen borne out in fact.

Let me put it into eyeball language for you. First, what is a ghetto? The best definition I have heard about is that "A ghetto is a neighborhood where people infect one another with the virus of failure, and where children are infected long before the virus is detected." What then can a black child think of a governmental structure, seriously infected by the social disease of organized crime. I don't think I have to tell you how many times we have read about "Bought and paid for" governmental servants supported by organized crime. What can a black child think of a merchant, a landlord, both of whom are trapped willingly or otherwise, by organized crime and who retaliate by cheating or denying services to the black ghetto resident? If my observations hold any surprises, it is the surprise of how few ghetto products have embraced crime as a way of life—not how many.

There can be no question about the fact that the life of a white immigrant in the ghetto was bad. But for the black child and the black family exposed to the daily contamination of organized crime in the ghetto, it is interminably rotten. What kind of hope and promise does today's society hold for the black inner city resident? Who are the heroes black children can revere? The time is different, but now, as then, we still find the men in blue and the downtown "fixers" doing business at the same old stand. Organized crime *is not getting older—it's getting better!*

Let me now dwell briefly with another overview. How does the black man live with crime in the ghetto? Incidentally, along these lines, I commend to you a telling article in the June 1969 issue of "Federal Probation" by Ralph Salerno. It is most revealing commentary on organized crime and criminal justice. The point I wish to make, and one Ralph Salerno illustrates so well, is that in the arena of crime, there is no victor; No winner! Only losers! I submit to you, as a case in point, what I call the narcotic psychosis of losers. There is the addict. He is a loser. He is lost to himself and to society. Then there is the victim from whom the addict steals to support his habit. The victim is a loser. And since most of the addicts inhabit the ghetto, always taking from it. Well, the ghetto loses, and you can complete the cycle because the addict loses again as he or she is enslaved by organized crime which provides the drugs to keep the addicts in perpetual servitude. Let us not overlook another loser in this cycle to hell. There's you and me—and the rest of the middle class and upper class public who may think they have escaped being touched by this awesome plague. Take another look, friend, at your spiraling taxes. Taxes that are being used to combat organized crime's favorite blue chip stock—narcotics. And there are still the children of the ghetto who see these criminal violations going unpunished. How demoralizing it must be to those who would aspire to break the cycle. How then does the black man live with organized crime in the ghetto. Spend a night or two in any black or brown ghetto across this country and then tell me if you can call that living.

Gentlemen, we have at our doorsteps a most serious problem—organized crime. And we need help to solve this problem—the public's help, if only the public could be more aroused—more concerned. I am sure we are in agreement that it is difficult to sustain public interest in the problems of organized crime.

There is no question about the fact that a sensational gangland killing like that of Anastasia in a downtown New York hotel barber chair arouses public interest or that congressional hearings and investigations such as were conducted by Senator McClellan and the late Senator Kefauver awaken public concern—particularly when they involve testimony as vivid as that provided by Joseph Valacchi. However, there are a number of factors involved in the difficulty of *sustaining* public and political concern about organized crime. As I see it—foremost is its incredibility—it seems just too big to be believed—and yet, as incredible as it may sound, it was Mr. Salerno who has predicted that "organized crime, going at its present rate, boasts it will put its own man in the White House by 1980" Fantastic? Incredible? In the ghetto they have an expression, "You better believe it, man." And you had better! An even more ominous reason for the difficulty in sustaining public concern about organized crime, particularly in the ghetto, is that much of the public, black and brown as well as white, do not want it interfered with. In fact, it seems that the great white majority doesn't even care about organized crime in the ghetto.

Recently, the crime commission task force issued a general statement that "politicians will not act unless the public so demands. But much of the urban and suburban public wants the services provided by organized crime and it does not wish to disrupt the system that provides these services." I'm talking about drugs, loansharking, prostitution, and other vices almost too numerous to mention. And then, much of the public does not see or understand the effects of organized crime generally, much less in the ghetto. It is apparent that those who have no direct contact with organized crime in its many manifestations tend to forget about it as soon as it disappears from the headlines. To those living in the ghettos, however, there is no such respite. Organized crime is an integral part of their every day lives.

The general public fears crimes of violence but they don't fear gamblers, corruptors of unions, or bankrollers of vice and prostitution. To white suburbia, the violence associated in the popular mythology with organized crime is an "in-house" kind of thing. After all, "gangsters only kill other gangsters." The truth, in fact, is that organized crime is a most pervasive and corrosive force in our society, and particularly in our cities where it plays a major role in the street crime the general public fears so much.

Gentlemen, I share your concern with all organized crime, particularly after reading in a recent publication what I believe is not an overstatement of fact: it reported that, "official concern with organized crime has been obscured by other national crises which have surfaced in the past 20 years. What is overlooked, however, is organized crime's involvement in creating and sustaining these crises. Once this deep relationship is recognized, it is almost possible to believe that key elements of the urban crisis may not be resolved without major successes in eliminating organized crime in every community (particularly in the ghettos.)"

I am concerned in my remarks to you today primarily with the impact of organized crime on the inhabitants of the ghettos across this Nation. In our search for solutions to the cities' problems, we are apt to overlook the stranglehold organized crime has in this area. I am convinced, and hope you will be too, that the urban crisis will not be resolved without major successes in reducing organized crime.

In ever increasing numbers, the affluent, the middle class, white and black, along with large businesses are abandoning the inner city to the poor. However, quite the opposite is true of organized crime and organized crime in big business. The commodities purveyed are illegal goods and services, and in general, the consumers market of this big business is the inner city ghetto and barrio, with the ghetto dwellers the prime victims.

Professor Donald Cressey, in his "Theft of a Nation" wrote: "The direct victims of Cosa Nostra and all organized criminals are the urban poor, especially members of the minority groups. Number lotteries and bookmaking thrive on the dollars of unskilled wagers, not on the bets placed by the rich or educated, the well housed, well employed. Similarly, the American drug addict is more likely to be poorly educated, unskilled and a member of a disadvantaged ethnic group. And it is the urban poor, the factory worker and the marginal Negro businessman, not the affluent suburbanite, who frequently is so desperate for a loan that he seeks a usurer."

Gentlemen, I submit that there is a psychological non-acceptance of the idea of law and order by ghetto residents, young and old, when they see organized crime flourishing in their midst. Numbers runners, pushers, loan sharks, white slavers, all operating virtually unhampered by the law enforcement establishment, who obviously, to their way of reasoning, must be on the "take" if they permit such flagrant violations to continue unchallenged. And so it must follow, if the law is on the take, then so is somebody downtown . . . and that somebody is also aware, and unconcerned. How then can black or brown people, especially those in the ghetto, accept the eloquent terms law and order. *Whose law? Whose order?*

As members of the law enforcement community you cannot help but be awed by the billions turned over annually by organized crime operating in our inner cities. . . . *Billions!* Let me illustrate. A recent New York State study indicated that in 1968, central Harlem had an estimated numbers play of *64* million, South Bronx 25 million, Bedford Stuyvesant 19 million. And that is only in 3 selected New York ghettos. You can project without fear of contradiction that Chicago, Detroit, Los Angeles, Newark, Philadelphia, and even our nation's capital, have equally devastating figures.

This problem, as well as other organized crime-related problems, is by no means limited to one section or geographical area of our nation. I am advised that there exists more than 24 known mafia or cosa nostra families or other loosely affiliated organized crime groups operating all across the country. Those same three New York ghetto area studies show a total of *$108 million* being spent for "pot" and another minimum of *$115 million* for heroin. The difference between the numbers' player and the hard drug user of course is obvious. A habitual gambler can miss a bet one day . . . but an addict must have a fix every day. A numbers bet can average a dollar a day—a heroin user shoots $50 to $100 a day.

Drug abuse specialists in the city of New York recently placed the number of city heroin addicts at 100,000. Most are young, most are ghetto residents. 50 percent are black, 25 percent Puerto Rican. Continuing with the astronomical arithmetic of drug addiction it is concluded that stolen merchandise brings in one-fourth its true value after passing through the fence. Estimates on how much an addict must steal to support his habit range from $200 to $400 a day, seven days a week. Conclusion: Heroin motivated thefts in *New York City* alone cost over *$2 billion* a year.

Gambling and narcotics traffic are controlled by organized crime for profit. Other lucrative illegal activities you hear and deal with are loan sharking and prostitution in the ghetto. The organized crime task force of the President's 1967 Crime Commission did say, I'm happy to report, that "prostitution is on the decline. Not that it isn't popu-

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lar—it's just too difficult to organize and discipline and is too hard to maintain." I would venture to guess that the free enterprise system had a lot to do with that decline. Loan sharking on the other hand is thought to be only second to gambling in terms of profit. Loan sharking, skylarking or usury appears to be as old as civilization itself. It is a multi-billion dollar business for organized crime, and again the poor, the uneducated, the Ghetto resident, are the most popular victims. It is not unusual for a borrower to put up his body as collateral, but it is to the lender's interest to terminate neither the loan itself or the life of the borrower. Here again, the Presidential task force reports: "The lender is more interested in perpetuating interest payments than collecting principal: and force, or threats of force of the most brutal kind, are used to effect interest collections, eliminate protests when interest rates are raised, and prevent beleagured borrowers from reporting the activity to enforcement officials." and according to Professor Cressey, "the ultimate fate of a defecting borrower is increasingly less apt to be death or even maiming. He is more apt to be swallowed up by the organization and used as an inside man. Borrowers are encouraged to meet their debts through service in crime for the syndicate." In brief, evidence points to an intermeshing net spread by organized crime over the ghettos.

The most common crime figures in today's ghetto continue to be the runner, the bookie, the pusher, the pimp and the shark. Who then does the black man emulate? Who are the everyday heroes and idols of the ghetto youth—black and brown? They are the *big* men on the street. They are well fed, well dressed, big cars, cool pads, members of the ghetto who have it *"made"*—have *"status"*—and have cover and concurrence of the law. After all, don't all Americans admire success? Is there any reason to believe that ghetto children are any less American than the rest of us? For all intents and purposes, the resident organized crime operators are living examples—the real live models of the kind of success the ghettos provide. A recent study of youthful offenders from three Chicago neighborhoods reflects that, when asked, "What is the occupation of the adult in your neighborhood whom you most want to be like in ten years?—eight out of ten named some aspect of organized crime.

Another pathetic effect of organized crime in the ghetto is the deep lasting cynicism it breeds in ghetto dwellers regarding law enforcement. Gentlemen, I give you a quote: "The most grievous charge against municipal police is not brutality, although it exists . . . permissive crime in the ghetto is the nightmare of the slum family. Permissive crime is the name for organized crime that flourishes in the ghetto . . . designed, directed and cultivated by the white national crime syndicates operating numbers, narcotics and prostitution rackets freely in the protected sanctuaries of the ghetto . . . because no one, including the police, cares particularly about ghetto crime. It pervades every area of life." The author of those words was the late Dr. Martin Luther King.

In '68, the Kerner commission echoed Dr. King's words by reporting that "the strength of ghetto feelings about hostile police conduct may even be exceeded by the conviction that ghetto neighborhoods are not given adequate police protection. . . . Ghetto residents witness the willingness of the police to wink at widespread corruption in the form of gambling, loan sharking and drug traffic." The New Jersey select commission on civil disorders, on which I had the honor to serve, appointed to investigate the 1967 riots in New Jersey, reported that the element of corruption, in the criminal justice system itself, was a major factor in poor relations between the police and those who rioted. In this area, it has also been reported by Professor Cressey that in one year alone, 90 Harlem spots, or fixed numbers locations, paid police about *two* million five hundred thousand dollars for protection.

When Floyd McKissick went on TV following the 1967 Newark riots, he was quoted as saying all the riots that happened were because of the Mafia. He blamed the Mafia because they control all the drugs, gambling, and loan sharking in the Newark ghetto. This may be an oversimplification . . . and then again, maybe not. Be that as it may, can we ignore the element of truth suggested—remote perhaps, but in my opinion, of utmost importance.

Gentlemen, I sincerely wish there was a way, a panacea for eliminating the spectre of organized crime from our Nation. There is a way, but I am not so sure it could be called a panacea. It might start in the courtroom with judges who would have become so sensitive to the dispensing of justice, that when the known generals or lieutenants of organized crime are convicted for tax evasion, instead of receiving the minimum sentence, they receive a sentence that would more realistically reflect society's abhorrance with the enormity of their participation in the pollution of our American way of life. For mark me well—unless we begin to show some measurable successes in relieving the stranglehold of organized crime in our ghettos, 10 years from now we may well find that the prediction of organized crime, that it will one day put a man in the White House, has indeed come true.

OPPOSITION TO THE SPREAD OF THE VIETNAM WAR

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 10 minutes.

Mr. WHALEN. Mr. Speaker, on August 8, 1968, Richard M. Nixon told delegates of the Republican National Convention that "the first priority foreign policy objective of our next administration will be to bring an honorable end to the Vietnam war."

Largely due to this promise and his unspecified plan to accomplish it, Richard M. Nixon was elected 37th President of the United States by a war-weary Nation.

The tragic dimensions of this plan have become apparent in recent months.

It is a plan which repeats the mistakes of the previous administration and incorporates new errors of its own.

It is a plan which has replaced the goal of an "honorable peace" with a new objective—"we will not be defeated."

It is a plan which hopes to achieve peace at the Paris conference table by recalling and refusing to replace our principal negotiator.

It is a plan which seeks to narrow the war by extending it to another country.

It is a plan which seeks disengagement by expanding engagement.

It is a plan which, by rejecting one of its basic tenets—securing prior consent of the Congress before the commitment of American ground combat troops in Cambodia—has impaired the credibility of those Members of Congress who, in good faith, conveyed this pledge to our constituents.

It is a plan which disregards the constitutional responsibilities of the Congress.

It is a plan which, since January 20, 1969, has produced 13,590 American deaths, 80,853 American wounded, and has cost the American taxpayer approximately $24 billion.

In short, it is a plan which has made peace in Vietnam more remote than at the time of its implementation 16 months ago.

In yesterday's Washington Post former Senator Ernest Gruening of Alaska, commenting on the 1964 Gulf of Tonkin resolution, observed:

> The greatest failure of Congress is not then but now. It's hard to explain why intelligent people continue to blindly support any policy that keeps us in the war a moment longer.

On Wednesday, May 6, the House of Representatives has an opportunity to reverse that judgment. Pending before the House is an amendment which would prohibit funds to be used, without the consent of Congress, "to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia."

I plan to support this amendment for two reasons.

First, if adopted, the amendment will end, or at least limit, our ill-conceived adventure in Cambodia.

Second, its adoption will represent the assumption by the House of Representatives of the constitutional powers which the Congress has derogated since 1964.

If the House of Representatives fails to act on this amendment, like the proverbial Arab we might just as well "fold up our tents and silently steal away in the night."

THE FAMILY ASSISTANCE PLAN

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I supported the Family Assistance Plan—FAP—bill in the House because its defeat would have meant, intentionally or not, the continuation of a welfare system that has just not worked.

I have some reservations about the President's FAP. I cannot guarantee that it will solve our welfare problems. I can guarantee that the present system will not solve them, and I am willing to try a new approach.

THE PRESENT WELFARE SYSTEM IS A FAILURE

The present system, and especially that part of it known as Aid to Families with Dependent Children—AFDC—has gotten out of hand, and the Federal Government is helpless to restrain or control it under present law. Since 1960, operating costs of AFDC have tripled—to a current $4.3 billion annually—and could rise to $12 billion by 1975.

In addition, the present program has many weaknesses, among them these:

It is perverse in its incentives, since it encourages the breakup of homes and does not encourage recipients to train for jobs;

It is difficult to administer and often degrades the recipient;

It provides no benefits to many in need and, to others, benefits too meager to meet basic needs, and

It fosters the very conditions that it is supposed to relieve, since it adds to social unrest by drawing millions of persons into the urban slums.

THE FAP

The FAP provides for minimum standard payments, with federally assisted State supplements, for poor families with children in place of the AFDC program. It also provides for uniform, nationwide eligibility requirements and payment procedures, thus cutting out much of the administrative redtape associated with the present system.

Under the FAP, all adult family assistance recipients, except for those few specifically exempted, are required to register for training or employment and to accept suitable opportunities when offered. If an eligible person fails to register for work, he will not receive the benefits; if he refuses a suitable job or training his benefits will be canceled.

The strongest work incentives, of course, are the monetary benefits which accrue to the wage earner. But there are other incentives built into the plan:

It offers the hope of getting off welfare;

There is no reduction in benefits for the first $720 in earnings;

The amount of the extra training bonus has been raised;

The manpower agency would reimburse trainees for the cost of attending training programs, and

Child day care facilities are to be provided, which will make training and employment possible for a large number of mothers.

For the aged, blind, and disabled, the FAP consolidates existing Federal-State programs and sets Federal eligibility standards and income exclusion provisions. The bill provides a minimum payment of $110 per month for all aged, blind, and disabled eligibles who have no other income. This is an average increase per month of $42.

RESPONSE TO ARGUMENTS AGAINST THE FAP

First. It rewards nonwork. The present welfare system does, but the FAP does not. By providing help for the first time to the working poor—those who work full time but for poverty wages—the present policy of penalizing work and rewarding nonwork is reversed. No longer will a man have to quit his job or have to leave his family in order for his family to receive assistance.

Second. It helps the shiftless unemployed. The present welfare system does, but not the FAP. Of the 1.4 million male family heads classified as employable who would be eligible under the FAP, only an estimated 30,000 have done no work during a 12 month period. No one can continue to receive benefits under the FAP unless he registers for or trains for work.

Third. It is a guaranteed annual income. The present AFDC program is a guaranteed annual income, because payments are made with no regard for the efforts of the adult family members to achieve self-sufficiency through work or training. The FAP bill would have established a guaranteed annual income if it were not for the training and work incentive programs. The classic definition of a guaranteed annual income is an income which assures money regardless of work or need or earnings. The FAP is exactly the opposite. I did not vote for a guaranteed annual income. I voted to increase pressure on the poor to take jobs. I voted for a supplement to the income of the individual who is working and not making enough to supply his family with the ordinary needs of life, but who is not now on welfare. I will pay this supplement and get this man to the employment office, because if something is not done he will become one of the additional millions added to our present AFDC program.

Fourth. It costs too much. There is no doubt but that the FAP is expensive. But the cost of the FAP must be weighed against the projected costs of the present welfare system. We have no chance of curbing the costs of the present system. We have a good chance under the FAP of getting people off welfare and to work. It is a risk we ought to take.

CONCLUSION

In the end, then, I supported the FAP bill because there was no other alternative except a continuation of the present discredited system. Those who objected to the FAP did not offer a single constructive alternative.

POLAND'S CONSTITUTION DAY

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, it is a pleasure for me to join with my colleagues once again in commemorating the 179th anniversary of the Polish Constitution of May 3, 1791. In marking this commemoration, however, we pay tribute to more—much more—than a document. What we honor in reality is the dedicated commitment down through the years of Poles to freedom and the right to establish their own form of government.

Poland's Constitution was adopted on May 3, 1791. In many respects it was similar in philosophy and intent to the American Constitution which had been written only 4 years earlier. As in the case of the American Constitution, it was based on the principle that all power in civil society is derived from the will of the people, that sovereignty resides in the people, not in the state.

Tragically, however, and unlike our own Constitution, the Polish Constitution was never tested by time. Shortly after its adoption, Poland was overwhelmed and partitioned by three neighboring empires—Russia, Austria, and Prussia. Despite Poland's more advanced and enlightened status, the combined military power of these three states proved too strong.

Yet Poles everywhere have never ceased to honor that golden moment in Polish history—to recall with longing the thought of what could have been, what should have been, indeed, what one day will be.

It is therefore fitting that we set aside this day to pay homage to the May 3 Constitution of 1791 and to honor the nation and people who created it.

As we pay that homage, however, we must remember the important lesson to be learned. It is, in short, a lesson of geo-politics. For despite the fact that two nations adopted constitutions recognizing the dignity and freedom of man, one nation grew and prospered while the other was carved up among its neighbors.

Why was that so? Was it because of some superior morality which infused the founding fathers of this nation? Or, was there some basic flaw in the Polish character which spelled its doom? I think not.

The answer—and the lesson—it seems to me involves geography. On the one hand, the United States occupies a large portion of a continent with friendly nations. Poland, on the other hand, is a small part of its continent; but more importantly, it has historically been surrounded by great and sometimes hungry powers.

We must therefore try to understand how Poland's place in Europe has shaped the thinking of her leaders and her people. As Poland reached out to embrace the principle of popular sovereignty she was trampled by neighboring nations founded on the principle of state. In fact, many attribute the rape and partition of Poland by the forces of Russia and Prussia to the fact that these two absolutist powers felt threatened by the rising tide of liberalism within Poland.

Are we to be surprised, then, that there is a similarity between the 1795 partition of Poland and the Soviet invasion of Czechoslovakia. In both instances, the forces of a totalitarian state invaded and suppressed another nation because they feared the philosophy of individual freedom.

It is truly tragic to realize that a people as enlightened as the Poles, as soundly schooled in the philosophy of individual liberty to conceive the May 3 Constitution should now be under the yoke of Soviet Communist rule.

Thus do the chapters of oppression unfold—one black page after another. Undoubtedly one of the most tragic of chapters is that of the Katyn Forest Massacre. Ironically, perhaps, it is appropriate that this year's May 3 observance coincides with the anniversary of the Katyn Massacre.

It was, as you know, 25 years ago in a forest near Smolensk in the Soviet Union that one of the most brutal acts of genocide in World War II took place. Eventually found in three mass graves in the Katyn Forest were the bodies of 4,423 Polish officers, scientists, professors, chaplains, lawyers, and students—all lovers of freedom.

Bitter as these memories are, we must not forget—we cannot forget:

We cannot forget that embodied in the May 3 Constitution of 1791 was the concept of the value and dignity of the individual man. This philosophy has been passed from generation to generation of

Poles. It is an idea which will not be erased by tyranny, repression—not even by death. The Polish people have suffered for many years, but they have not given up hope. We join them today in that hope. We join them in the prayer that one day soon Poland and its people will be free—that the promise of 1791 will one day soon come true.

VIETNAM WAR

(Mr. GILBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GILBERT. Mr. Speaker, the lingering war in Vietnam and the more recent events in Cambodia, as well as the resumption of the bombing of North Vietnam, all point out just how desperate our situation is in Southeast Asia.

We cannot negotiate our way out, it seems; we cannot win a military victory; we cannot trust the Government of South Vietnam to protect itself; the new Cambodian Government cannot stand alone. We are simply trapped in quicksand in Indochina. The more we struggle, the deeper in we go.

There would be no value to repeating here again all the reasons we should—and must—leave Indochina. All of us here in this Chamber understand where we are and why we are in such an indefensible position.

But, I would urge all of my colleagues to consider this Nation's future as well as the recent and present developments, here in the United States as well as abroad, before the vote Wednesday on the Military Authorizations Act.

If this Congress is truly representative of the American people, I would say we have no other choice but to make our intentions in Congress crystal clear to the administration.

We learned in previous years the folly Congress commits when it submits blindly to the demands of an administration which follows the dictates of the military.

Unless we stop this new escalation of fighting in Indochina immediately, we face the very real possibility of being part of a government which has lost complete touch with the people it is supposed to lead.

Mr. Speaker, our first duty is to save our Nation. To do that, I believe that we must stop not only this new escalation, but the fighting in Vietnam as well. We must bring our troops home as quickly as possible and we must devote ourselves to resolving the many domestic issues that plague our Nation today. This Nation has endured many crises, but never before has an American administration become so out of touch with the people it represents.

I urge the Congress to do everything in its power to end this new madness as soon as possible.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States consumes more steel than any other nation. In 1967, the United States consumed 139,096,000 short tons of steel. The Soviet Union was second, consuming 107,737,000 short tons.

DOMESTIC PROBLEMS RESULTING FROM VIETNAM WAR

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, we as Members of Congress are all too familiar with the magnitude of the problems and frustrations that have accrued as a result of the war in Vietnam—the ever-increasing casualty lists, the tight budgets, the campus unrest.

We have experienced severe hardship both as a country and as individuals as we have dealt with this war.

No one, however, has been asked to endure the anxiety and frustration of our Nation's involvement as have the families and loved ones of our fighting men in Vietnam. These courageous and loyal Americans have borne the burden, with patience and dedication. At great personal sacrifice they have suffered through misery and hardship.

For many, the ordeal has become constant. The families of those fighting men who have been listed as missing in action have been subjected to the most trying and fatiguing form of frustration. They live in a limbo-like state—their thoughts and plans imprisoned by the state of not knowing—not knowing whether their loved one is alive and being held captive or whether he has given his life for his country. Time is the torture. Days run into months, months into years.

We as Americans sympathize with these families and pray that their load will be lightened. But this is not enough. We are dealing with a callous enemy, one devoid of understanding and respect for the codes of international ethics.

He does not listen to our pleas, he does not honor our offers of armistics; he plots and pursues this unconscionable war, indifferent to the wants and desires of his people.

To change his ways we are going to have to change our tactics, we are going to have to bring new diplomatic and international pressures to bear. We have to enlist the efforts of friend and foe alike, in convincing the North Vietnamese Government that their truculence will not be rewarded, that only through constructive exchange and communication can the peace talks in Paris progress to a successful conclusion. We must convince the North Vietnamese that an acknowledgement on their part as to who they hold captive must be forthcoming before any meaningful settlement can be reached.

CONSUMER CLASS ACTIONS

(Mr. HARVEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, today I am introducing a bill on the subject of consumer class actions. Many Members are undoubtedly aware that the Committee on Interstate and Foreign Commerce, through its Subcommittee on Commerce and Finance have been holding extensive hearings on the subject, prompted by a Presidential message and the transmittal of legislation. Some of the Members have introduced similar bills containing different approaches to the problem.

During the course of our hearings we heard testimony from the American Bar Association and that organization had suggestions which were different in some respects from any to be found in the other bills before the committee. It is my opinion that upon a subject as important to the courts, the bar, and the public the suggestions of this prestigious organization deserve to be put in the form of a bill and before the committee and the Congress. It is for this reason that I am introducing a bill which has been drafted from the presentation made by the association before the subcommittee.

Hearings have been completed and the committee will begin to consider the various bills for mark-up. I am confident that the subcommittee, the full committee and the House itself will give careful and thoughtful consideration to the bill being introduced today. It provides, much as the President's bill does, for a triggering device in the form of positive action by the Justice Department or the Federal Trade Commission to establish the basis for class action by obtaining a judgment or injunction against an offending company. In order to avoid a frustrating jam in the courts thereafter it sets up a new authority in the Federal Trade Commission to also set damages for individual claimants.

It is not my purpose here to accept this new bill as the final authority on the subject of class actions. The suggestions and testimony from which it was prepared did not pretend to iron out every last detail and this was done by making a few assumptions as to the best way to handle some of the finer points. I am not at all sure that I would, in the end, recommend every procedure in this bill as the best. It must be considered along with the other bills already before us and given the attention it deserves. It is my hope only that by introducing this bill today I am making it possible to bring the very best bill on consumer class action from my committee and before this House for ultimate decision.

PUBLIC SERVICE EMPLOYMENT: PRO AND CON

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, one of the major unfinished items of business before the Select Subcommittee on Labor, of which I have the honor to be chairman, is action on the various pending manpower bills.

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We have before us three bills, H.R. 10908, introduced by the gentleman from Wisconsin (Mr. Steiger), H.R. 11620 and its several companion bills, sponsored by the gentleman from Michigan (Mr. O'Hara) and over 10 other Members of this House, and finally, H.R. 13472, the administration's proposal, sponsored by the gentleman from Ohio (Mr. (Ayres).

These bills differ in a number of particulars, but perhaps the major difference lies in the area of job creation, or public service employment. The Steiger bill and the administration bill do not provide for job creation, emphasizing instead the provision of training and other supporting services. The O'Hara bill, while making provisions for improved training and supportive services functions, also provides explicitly for a massive program of public service employment—Federal support for new jobs in areas of public need.

In a recent edition of the American Legion magazine, the gentleman from Michigan and the gentleman from Wisconsin each presented a brief but cogent argument on the question of public service employment; the gentleman from Michigan in support of the concept, and the gentleman from Wisconsin in opposition. In order that the Members of the House may have the benefit of the thinking of both of these distinguished Members—both of whom have been involved in the development of existing manpower legislation—I ask unanimous consent that the two articles from the Legion magazine be printed at this point in the Record.

[From the American Legion magazine, May 1970]

Should the United States Finance Local Public Jobs for the Unemployed?

YES

(By Hon. James G. O'Hara, Michigan)

Some years ago, it was commonplace to point scornfully at the spectacle of food surpluses being destroyed in one place while people were starving in another. The irrationality of that kind of performance is matched, and more, by the spectacle of significant numbers of Americans going without work while, at the same time, vitally important public services go unperformed because of a "lack of people to perform them."

Legislation sponsored by over 100 members of the House of Representatives and known as "The Manpower Act" would make an important beginning toward putting an end to this kind of contradiction.

One part of that bill would authorize the United States Department of Labor to enter into contracts with other federal, state or local government agencies, or with private non-profit organizations, to provide useful public service jobs for unemployed persons. The contracts would require the so-called "fringe" benefits—workman's compensation, unemployment insurance, retirement and health coverage—which other workers in similar occupations in the area receive.

This proposal is based upon the assumption that most jobs, under whatever economic conditions prevail, will be found in the private sector of the economy; but there are jobs in the public sector *which need to be done*, and for which unemployed persons can be prepared with relatively simple training.

The jobs involved are not, as some allege, "leaf-raking" or "make-work" jobs.

Rather, we propose to fund labor-intensive programs in areas of public service which can be justified in terms of public need, whatever the labor market situation. I am thinking of existing openings in water and air pollution control, as hospital and school aides, in public safety, public transportation tight-money policies, it seems parall areas where the work itself is its own justification

The Administration has now taken the same position that many of us have been taking for years—that work ought to be substituted, wherever possible, for welfare and other forms of public assistance. But the Administration's program in this directions seems to be concentrating not on actual productive work, but on "training." After many years of close involvement with the legislation on which federal training programs are based, I remain convinced of their value; but I still believe that at the end of the "training" there has to be a real job, or the "training" will be no more relevant than welfare has been as way out of the poverty cycle.

In a period when private sector jobs are shrinking, as a direct result of Administration, beautification programs and the like—ticularly urgent that we take public action to provide real jobs for those who are able and willing to work.

NO

(By Hon. William A. Steiger, Wisconsin)

My answer is no.

As citizens require and demand additional services from government, there will be a need for increased employment in the public sector. We will have to provide manpower for quality services, and undoubtedly some federally subsidized training will be necessary.

But what is suggested by some in Congress is a massive public service employment program, guaranteeing jobs to all who need them, to be used as a tool of economic and social policy.

The latter is a very different proposal—one I do not believe is either desirable or achievable.

What kinds of jobs are we talking about? Does WPA come to your mind? Is the strategy of the 30's appropriate in the 70's?

To conduct a massive public service employment program we would be forced to resort to relatively low-skill jobs.

The work may need doing, but it leads the individual nowhere. He either pursues one low-skill job after another, or the job ends and he is no better off than when he started.

We have new technology and are finding better ways to do things every day. If used properly, this technology can meet expanded public needs on a substantial and efficient basis.

Should we chain the poor to the jobs of the past—the jobs nobody else wants? Or should we strive to open up new opportunities for the future?

The federal government now provides job opportunities through its expenditures for goods and services. By contracting with private industry to perform needed public services, government helps provide work opportunities. By more heavily involving the private sector and providing job training and placement, we can enable the poor to participate more effectively in our economy. Government could then concentrate on insuring that quality service is being provided rather than on administering new programs.

This approach is far preferable to one which has government attempting to artificially open dead-end jobs.

It is estimated that a guaranteed public service employment program would cost $5,000 per enrollee per year. This means yearly expenditures of billions of dollars. This allocation of resources is highly questionable and I do not believe the federal government should embark on such a course.

There are many additional questions which should be asked about massive public service employment. To date I have found no satisfactory answers.

DIALECTIC OF DEATH—THE NIXON WAR

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, we are a Nation beset with crises and seemingly powerless to solve our most urgent quest for peace without engaging in more war.

President Nixon's decision to invade Cambodia without prior approval by Congress and the resumption of the bombing of North Vietnam question against the constitutional powers of the Congress.

Mr. Nicholas von Hoffman has written in today's Washington Post an article which expresses our deep frustration and sense of impotence and I commend his article to my colleagues' attention:

"Dialectic of Death"

(By Nicholas von Hoffman)

Senator Fulbright rested in the high-backed, comfy chair which is a little bigger than the other leather chairs and which he gets to sit in by being chairman of the Foreign Relations Committee. The rest of the seats at the oval table in Room S116 of the Capitol were occupied by news people.

The committee had just finished having a closed meeting, though why they should have met in private was not clear. They had no secrets to protect. The administration had met with them previously and told them a lot of guff, to use a presidential expression, and never mentioned the government was readying an army to invade Cambodia.

Ostensibly, the news people were asking the senator what had gone on in the meeting, but they looked like frightened young people coming to a kindly father for reassurance. Their questions lacked the insinuations of incredulity that are supposed to be the mark of their profession. Rather, the tendency of what they asked was, "tell us it isn't so bad," "tell us you're going to fix it up and make it right."

Old J. William was kindly and patriarchal, but the slow tones of his words were weighty with a guarded pessimism: "He could say he was authorized to bomb Moscow . . . the rule of reason . . . this committee doesn't have the capacity . . . we've made efforts to cut appropriations."

He wasn't able to reassure. The feeling of fright didn't dissipate, not even in this room of late 19th century decor, so suggestive of the old Washington of long summers, buzzing flies and knowing the dawn always comes. The night before, all of them heard the President talk the dialect of death: peace through war, defense by invasion and the new concept of life-saving aggression.

The meeting broke up into small clots of newsmen, committee staff people and an occasional senator going slowly out of the room and down the halls. Some were still mulling over the speech; others were arguing about what to do.

The ones that focused on the speech weren't bothered by its mendacious aspects, its assertion that the United States has made a good faith effort to negotiate the end of the war, the omission of any mention of the desposition of Prince Sihanouk; only great and artful politicians know how to conduct their business without lying. No, what the discussants seized upon were those passages

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that exposed the presidential fear of appearing to be weak: "If, when the chips are down, the U.S. acts like a pitiful, helpless giant . . . our will and our power . . . is being tested tonight . . ."

These are not political but psychological statements. We have palsied the world with our power; we have affrighted ourselves with it. The only head of state on this globe who would use the words pitiful and helpless in regard to the murderous potential of the United States is Mr. Nixon, the president who moves from mansion to mansion, cogitating about whether he is man enough, whether he is the equal of Woodrow Wilson, Franklin Roosevelt, Dwight Eisenhower and John Kennedy. He who seeks relief from such doubt can never find it and never stops looking. But the question being hashed out by the people dispersing from S116 last Friday was if this private, personal trial would, in the hands of the most powerful man who has ever lived, become a death ordeal for the nation he was elected to preserve.

That afternoon, senators made speeches in the great chamber carpeted in an ugly purplish rug whose design looks like a woven Montgomery Ward linoleum mat. Gore of Tennessee talked a long time to the tourists flushing slowly in and out of the balconies. One of his colleagues meandered in carrying a pillow, which he placed on his chair to protect his senatorial hemorrhoids.

While Gore spoke, the news of what Mr. Nixon had said at the Pentagon circulated about: "You know, you see these bums, you know, blowing up the campuses. Listen, 8, the boys on the college campus today are the luckiest people in the world." In the restaurants fringing the Capitol area, people like Sam Brown, one of the leaders of the Moratorium, another Vietnam KIA, asked what in the world was he to tell the youthful antiwar constituency?

Some kind of an answer came Saturday. The gangs of tourists were not around because Congress wasn't in session, and the grounds of the empty Capitol were a lovely contradiction of the idea of death; whites, pinky grays and virulent greens in puffs and billows of spring explosion, the mortar and howitzer fire of the earth.

Four senators, Goodell, Hatfield, Hughes and McGovern, had called a press conference and revealed themselves to be strict constitutional constructionists, which ought to please the attorney general, who has probably regarded them as liberal permissives. They had discovered Article I, Section 8, of the Constitution, which says, "The Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

They said they were going to try to block off appropriations for the war. All who agree are urged to write their congressmen. It seemed insipid considering the condition of the country.

Their measured language was inadequate with the National Guard out in Kansas, Maryland, Connecticut and Ohio. Soldiers are Mr. Nixon's response to every situation, Cambodian sanctuaries, students, mailmen. He will be using them on Wall Street as brokers next, for the Dow Jones is dropping in the same jagged configuration on the graph as the line in the Gallup Poll. Farm income is off, but the price of food and everything else is up; the jobs and the overtime are evaporating; nobody has money.

After his fashion, he is keeping one campaign promise; he is getting us together to boot him out, but that is in the long run. On Saturday in Washington, the senators were limiting themselves to implementing strict constructionism. As they finished, there was more news from the Pentagon—Secretary Laird warning the enemy that any attempt on their part to defend themselves would be regarded as a hostile act and bombing of the North would be recommended.

The news from further away in Saigon was that our perifidious, little yellow and red opponents had struck their tents and their infrastructure and snuck off into the jungles. It is eight years now the peewees have run off in the woods, but, at home, beyond the trees and the flowering bushes of the Capitol grounds, there was evidence that people would stand out in the open and fight.

GIVE 'EM HELL, HARRY

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RANDALL. Mr. Speaker, on Thursday evening, May 7, in the music hall of the Municipal Auditorium in Kansas City, the junior chamber of commerce will sponsor the presentation of a two-act documentary called "Give 'Em Hell, Harry!"

The playwright is Carl E. Bolte, Jr., and as the invitation suggests, the play will not only honor former President Truman, but it will also dramatize the event-filled Truman years when he was the tenant and Master at 1600 Pennsylvania Avenue.

Mr. Speaker, the Jaycees of Kansas City have chosen a most appropriate date to present their play because the evening of May 7 is the eve of Mr. Truman's 86th birthday which this year falls on Friday, May 8.

As the Member of the U.S. House of Representatives who is privileged to represent our former President in the Congress, I recommend all of my colleagues and any of those who may read the CONGRESSIONAL RECORD that if they happen to be in the vicinity of Kansas City on the evening of May 7, they should most certainly make their way to the music hall. I am certain that this play will be top notch entertainment and more than that will bring back pleasant memories of the Truman years.

While I have not had the opportunity to see a copy of the script, it is my understanding that it will portray a very accurate account of the days of the "Fair Deal." We all know that Mr. Truman as Vice President was thrust without notice into the most trying job in the world during some of the most critical days in the history of the United States.

I am reliably informed that the play covers the time when Mr. Truman became angry over an unfavorable review of his daughter's singing ability. A portion of the play is devoted to the discussions with General Marshall, General Arnold, and Admiral Leahy which led to the decision to detonate the first atomic bombs on Hiroshima and Nagasaki. It was about that time that Mr. Truman realized that after listening to all of his advisers, the decision is ultimately that of the President of the United States and it was this realization that led to the oft quoted expression "The buck stops here."

Another portion of the play portrays the month of May 1946 when Mr. Truman was confronted with a crippling railroad strike. Within the past week I have heard the decision of Mr. Nixon to deploy troops into Cambodia called a courageous step with a disregard for the political consequences. Mr. Truman faced up to an equally courageous decision when he drafted all of the railroad workers into the armed services in order to keep them on the job.

It is hard to believe how so many different events could be packed into a two-act play, but there are scenes which portray the beginning of the Marshall plan; the Puerto Rican attack upon the President and the House of Representatives; the Berlin blockade; and the most famous presidential campaign of all time in the fall of 1948 when the famous "whistle-stop" campaign moved back and forth across the United States.

There are some scenes devoted to "the police action in Korea" and the recall of General MacArthur. This play is an accurate portrayal of the Truman years in the White House by a good cast with interesting settings and a script that at the same time is entertaining as well as historically correct.

I was just about to forget to mention that the entire event is a Jaycee production for the benefit of the Kansas City Philharmonic Orchestra. William P. Midgley is the committee chairman, and William L. Hays is in charge of invitations. The Kansas City Music Hall will seat more than 2,500 persons and all the proceeds from this documentary drama will go to the support of the financially beleaguered Kansas City Philharmonic Orchestra.

It is my privilege to extend an invitation to my fellow Members of Congress to attend this production. Even on this short notice my office will help with tickets and reservations for any of my colleagues who may find it possible to be in Kansas City on the evening of May 7.

Many Members have differed politically and ideologically with our 33d President. Yet I suspect down deep in the hearts of those who differed with him, there is a genuine admiration and respect. I am confident that this great American, Harry S. Truman, is today one of the best loved of all our Presidents.

It should be a great night in Kansas City for those who are fortunate enough to attend to see portrayed the origin of such phrases as "It's time I spoke to him in the same restrained manner that a sergeant speaks to a mule," and then listen to the context that led to the most famous quote of all: "If you can't stand the heat, get out of the kitchen." It is my prediction that everyone who attends will be well entertained and come away delighted that they participated in this birthday salute by the benefit showing of "Give 'Em Hell, Harry."

ERRORS OF ESCALATION ARE BEING REPEATED

(Mr. TIERNAN asked and was given given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

XUM

Mr. TIERNAN. Mr. Speaker, as the New York Times stated this morning:

> With terrifying speed all the tragic errors of escalation are being repeated in Southeast Asia.

And once again the Congress has been reduced to virtual impotence in the making of this foreign policy.

Alexis de Tocqueville wrote long ago that:

> No protected war can fail to endanger the freedom of a democratic country. War does not always give over democratic communities to military government, but it must invariably and immeasurably increase the powers of civil government; it must also compulsorily concentrate the direction of all men and the management of all things in the hands of the administration. If it leads not to despotism by sudden violence, it prepares men for it more gently by their habits.

When it was first announced that this country was supplying automatic rifles to Cambodia over a week ago, I introduced a resolution stating the sense of the Congress that the President consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia. Today I am reintroducing this resolution with 17 cosponsors.

Before our panicky pace in Cambodia gets completely out of hand, I urge that the Congress consider this resolution:

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia.

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CAMBODIA: A TRAP NIXON EVADED IN 1967

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, as our involvement in Southeast Asia gets deeper and deeper, hundreds of articles are appearing in newspapers and magazines on both sides of the issue.

One such article appeared in yesterday's Washington Post. "Cambodia: A Trap Nixon Evaded in 1967" was written by Josiah Lee Auspitz, president of the Republican Ripon Society. At this point in the RECORD I would like to submit Mr. Auspitz' article, and I urge all of my colleagues to take a moment to read it:

CAMBODIA: A TRAP NIXON EVADED IN 1967

(By Josiah Lee Auspitz)

The contingency plan which President Nixon has now dusted off for a massive search-and-destroy mission into Cambodia is similar to those which he opposed courageously and publicly in November, 1967.

At that time, Gens. Dwight D. Eisenhower and Omar Bradley, on nationwide television, advised hot pursuit and an "end run" on Communist forces beyond the borders of South Vietnam. Within 24 hours, Mr. Nixon responded in careful but unmistakable language, dissociating himself from this suggestion.

An expansion of the war, he said, was not advisable at that time.

He was right in the fall of 1967, and the Ripon Society praised him for helping to prevent a possible escalation of the war, even at the price of differing with Ike. He is wrong to embrace this plan now, and the manner in which he has made his decision suggests that he is in danger of falling into the same kind of bureaucratic trap that caught President Kennedy in the Bay of Pigs and enmeshed Lyndon Johnson in Vietnam.

UNDERESTIMATED FACTORS

The decision to go into Cambodia was doubtless presented to the President as a low-risk venture, as a quick surgical operation. American troops would clean out North Vietnamese base camps and then use this victory to gain a quick and favorable negotiated settlement.

But such a view of the Cambodian operation gives scant attention to the nature of the terrain, the problems of information flow into the White House, the implications for the Vietnamization program, the likely responses of other factors in Indochina, the global implications for American foreign policy and the consequences for American political institutions.

Mr. Nixon appears not to have considered these factors adequately. As a result, he has for the first time put himself in a position—which he can still reverse—in which he is the victim rather than the commander of his foreign policy bureaucracy.

1. The nature of the terrain: On the simple maps Mr. Nixon used in his talk, the operation looks very easy, but in fact the terrain is heavily overgrown. The area north of the Parrot's Beak is forest on both sides of the border.

The Communist headquarters (COSVN) that U.S. troops are seeking to destroy has in the past been moved around on both sides of the border between Cambodia and South Vietnam. When COSVN was thought to be located on the Vietnamese side, it was subjected to B–52 raids and major ground sweeps, but it was not destroyed. If U.S. operations were not decisive on the South Vietnamese side of the border, there is no reason to assume they will be more successful in finding the camps on the equally overgrown Cambodian side.

Even if the sweeps do succeed in producing high "body counts," they probably will not achieve their basic goal of improving permanently the American negotiating position. Suppose, for example, that U.S. forces succeed in killing half the top 100 officers of the North Vietnamese army. Communist activities would no doubt be disrupted for a time, but a disruption of a few months will not change decisively the aims or capabilities of a 25-year-old Communist organization bent on unifying Indochina.

2. Information flow: It is doubtful whether the President can get an independent estimate even of the success of the military operation. There will be scant press reports. The military reports will inevitably be biased by the high political risk to the President in undertaking this operation.

If the operation "fails," those who planned it can expect demotion, dismissal or retirement. Their response, if it follows human nature, will be to report success wherever possible and to find pretexts to get more time and resources if the results are inconclusive.

Press reports suggest that the Cambodian operation will be given six to eight weeks to succeed. By eight weeks at the latest, therefore, the President should abandon this operation—either as a success or a failure. An inconclusive result should be judged a failure, and he should take steps to assure himself of the accuracy of the information on which to base such a judgment.

3. Vietnamization: The areas adjacent to Cambodia (the Mekong Delta and Saigon) which the President now wants to protect have already been turned over to the South Vietnamese for defense. Indeed, the defense of the delta and Saigon by ARVN (the South Vietnamese army) has been publicly hailed by the administration as a sign of success of the Vietnamization program.

It is a contradiction of these past claims to suggest, as the President has, that the lives of American troops are potentially in danger in these "Vietnamized" areas. If ARVN is strong enough to mount an attack across the border, it should be strong enough to defend the Mekong Delta and Saigon.

The U.S. public can only conclude either that it has been misled about the success of the Vietnamization program or that it is being misled now about the reasons for the Cambodian operation.

4. Possibilities of wider involvement: The risk of an all-Indochinese war is reduced by Mr. Nixon's unfortunate willingness to assume the far greater risk of nuclear confrontation. But should a wider land war develop, the roles played by Thailand, Red China and North Vietnam will be crucial.

The Thais: On April 21, the Thai premier announced that troops had been moved into position along the Thai-Cambodian border for "security" reasons. This suggests possible Thai occupation of the parts of Cambodia on which Thailand has as a traditional claim, as well as Thai involvement in the lowlands of Laos, whose inhabitants are ethnically Thais.

The Chinese: They are building a road from Yunnan Province through northwestern Laos into Burma to give them an outlet to the sea for the export of raw materials. Should Thai or North Vietnamese armies move into this area, the Chinese might well occupy the territory needed to secure their road.

The North Vietnamese: Within the Nixon administration, two contradictory arguments seem to have been used to justify the Cambodian venture. On the one hand, it was argued that the North Vietnamese would be too weak to counterattack; on the other hand, it was asserted that Hanoi's forces were so strong that failure to move into Cambodia would lead to a rout of U.S. forces as they withdrew.

Both of these contradictory assumptions can be found in the President's address, and they give one an uneasy feeling of unclear purpose.

In fact, the North Vietnamese have a number of possible responses to the U.S. operation. They can take Phnom Penh; they can simply try to elude the Americans in the overgrown Cambodian terrain with which they are more familiar, or they can counterattack in areas of South Vietnam from which U.S. mobile units have been removed to free troops for the Cambodian operation.

The President's dark hints at the end of his speech about past crises in American military history suggest that he is planning to respond to North Vietnamese counterattacks by threatening a nuclear confrontation or a full-scale bombing of North Vietnamese cities, harbors and dikes. Should the Cambodian operation turn into a Bay of Pigs, Mr. Nixon may be drawn into a nuclear confrontation like that of the Cuban missile crisis ("Kennedy's . . . finest hour," the President called it).

5. Consequences for American democracy: Secretary of State Rogers had publicly assured the Senate Foreign Relations Committee that he would consult with it before any new commitment of American forces. He did, indeed, appear before that committee last Monday, but he gave it no clear notice of the ARVN invasion of Cambodia on Wednesday or the American search-and-destroy operation Thursday. He thus showed a serious disregard for the prerogatives of elected officials and for constitutional procedures.

Even if the Cambodian operation is "successful," it may subject Mr. Nixon to such bitterness that the Republican leadership will have to be extraordinarily resourceful to avert a permanent breach between the Executive and Legislative Branches.

6. The global perspective: The overriding defect in the President's three speeches on Vietnam was that they failed to put the war into clear perspective in the global context of U.S. foreign policy. The President has perpetuated the notion that the United States and Hanoi are engaged in a contest of will and bluff—in a poker game—and that if Washington appears to lose, its commitments everywhere in the world will be in jeopardy.

In fact, the United States is engaged not in a poker game, but a chess game. Its major adversary is not Hanoi, but Moscow; North Vietnam is but a corner of the board. And while American resources and attention are occupied there, Moscow is able to pick up pieces in the Middle East, Africa, Europe and Japan.

UNDERSTATED LIMITS

The only way President Nixon can regain control over this situation is to impose strict limits on the incursion into Cambodia. White House briefings have defended the operation as focused on a target within 20 miles of the border—one which can be captured or destroyed within six to eight weeks.

But these specific limitations were not in the President's speech, nor, to all appearances, have they been made operational in orders to the military. Nor have they been made credible to foreign powers capable of widening the war.

This gamble has got to be sharply defined and limited, and its results coldly evaluated over the next eight weeks. If the President doesn't do this, the Congress should.

SENATE COMMITTEE DOES HOUSE'S HOMEWORK

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, last month, both in remarks I placed in the CONGRESSIONAL RECORD and in one of my weekly Washington reports to residents of Ohio's 17th District, I posed the following question about the House of Representatives: "Are we a deliberative body?" I pointed out that I had received a telegram urging me to support the welfare reform bill and quoted a portion of the telegram:

> We are not completely satisfied with the bill in all respects. However, we believe that this bill should be passed by the House at this time in order that it may be debated fully in the United States Senate, where an opportunity to amend its objectionable portions might be forthcoming.

This was yet another example of an increasingly prevalent attitude that the House of Representatives is not the deliberative body it should be. Apparently the sender of that telegram did not believe the bill could be debated fully in the House.

Now comes dramatic proof of the extent to which this body has abdicated its deliberative function, so vital to the enactment of carefully drafted legislation that will actually accomplish its stated objectives. The House Ways and Means Committee held hearings on the administration's welfare proposals from October 15 through November 13, filling seven volumes with the testimony taken during that period. Yet the Senate Finance Committee, after only 3 days of public hearings postponed further hearings on the bill because its defects were so patent. Both liberal and conservative members of the committee expressed grave reservations about the plan.

Today I received a newsletter from the Friends Committee on National Legislation. In its lead article, "For a Genuine Family Assistance Program," the newsletter states:

> The first half of the battle for meaningful public assistance is over. The House, under the crafty management of Ways and Means Committee Chairman Wilbur Mills, Ark., passed without amendment April 16 the Administration's Family Assistance Act almost identical in language to the original proposal.
>
> Unfortunately the bill did not get the necessary detailed scrutiny before the House that could have given us an excellent program

Why should such a proposal which even many liberals have labeled "radical" and which admittedly will cost at the very least more than twice as much as existing welfare programs not get the necessary detailed scrutiny before the House?

The article goes on to say:

> The Senate is expected to hold extensive hearings and seriously look at the detailed structure of the program.
>
> Again the question arises: Why was it left to the Senate to "seriously look at the detailed structure of the program"?

In explaining the postponement of the Senate Finance Committee hearings on welfare reform, the committee press release states:

> It was also the view of the Committee that monetary incentives for able individuals to reduce or quit gainful employment in order to qualify for larger welfare benefits should be ended. Unfortunately, the Family Assistance Plan continued these disincentives to self-help.

I illustrated through the use of comparison charts in testimony before the Rules Committee and in remarks on the floor of the House that under the family assistance plan, as presented to us in the House, it would not in many cases pay to work. This anomalous result in a program purportedly having a strong incentive not only to encourage but to require welfare recipients to work obviously undermines the whole structure. Yet as obvious as it seemed to me and 154 of my colleagues, this fatal flaw in the bill apparently was either not seen or deliberately overlooked by the 243 Members of this body who chose to support the Family Assistance Act.

I have often criticized the apathetic syndrome characterized by the attitude "Let George do it." I sincerely hope we have not reached the point where most of us in this body will just shrug our shoulders and say, "Let the Senate do it."

THE USE OF SACB TO ALERT THE PUBLIC

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, this afternoon the wire services have been reporting on an outbreak of violence which has taken place at Kent State University at Kent, Ohio, in which several students have reportedly been killed. It is too early to report on the circumstances and details of the disruption or what persons or organizations might possibly have been involved. However, Kent State was the scene during the 1968–69 academic year of four distrubances—two of them violent—involving a leading militant organization, Students for a Democratic Society—SDS—which recently was the subject of extensive hearings by the House Internal Security Committee. As previously stated, it is too early to ascertain what persons or groups were involved, and there is no intention to implicate one group or another before the facts are in concerning the present disruption.

The case of Kent State points up a glaring deficiency in campus security machinery which should be corrected in part at the Federal level. The 1969 annual report of the House Committee on Internal Security summarizes the SDS disturbances at Kent State based on the testimony of Kent officials. The report stated:

> Testimony showed that SDS emerged as an organizational force on campus in the spring of 1968 when individuals who had been operating for several years under the aegis of the Kent Committee To End the War in Vietnam decided they would become "more well known" under the name of SDS.

The report went on to say that:

> In response to the group's petition for approval of an "innocuous" constitution that spring, the student government employed the customary procedure in acting on such petitions by granting the Kent State chapter of SDS "provisional" status as a campus organization. This was enough to give SDS access to university facilities.

The Kent officials estimated that there were no more than 15 to 25 "hard core" members of SDS out of an enrollment of 21,000, with the Ohio regional SDS in Cleveland—some 30 miles away—supporting the Kent operation with films, pamphlets, newsletters, and directives to further the SDS program on campus. The SDS effort culminated, as stated before, in four disturbances, two of which resulted in violence.

One can appreciate the difficulties faced by college and university officials in coping with disruptive organizations which seeks to foment trouble on campus. Their first difficulty is the identification of such groups based on authoritative information from appropriate State and Federal sources. In his annual appropriations testimony, J. Edgar Hoover of the FBI lists a number of such organizations under various classifications as Communist and Communist splinter groups, white hate groups, Klan-type organizations, militant black nationalist groups, and so forth. However, because of time and space limitations a full listing of such groups is not possible. Also, as the FBI is a factfinding agency which reports to the Justice Department, it is not the responsibility of the FBI to provide the public with a complete listing of sub-

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versive, revolutionary, and violence-prone organizations. Nevertheless, the facilities of the FBI, the most knowledgeable Federal body dealing with subversive activities, is available to the Subversive Activities Control Board which bears cases of subversive elements referred to it by the Department of Justice. As a quasi-judicial agency the SACB provides those referred by the Justice Department for hearing the right of cross-examination and inspection of evidence. If the Board decides that a party is under Communist direction or influence, its judgment is a matter of public record and the public is forewarned.

Unfortunately, the Board is at present limited to hearing cases which are Moscow controlled or oriented, leaving other Communist splinter groups and anarchistic, revolutionary, or violent groups to go their merry way. In addition, several court decisions have effectively hamstrung the operation of the SACB, and at present there is no authoritative Federal source which the public can consult for a comprehensive listing of all subversive organizations. Some years ago the Attorney General's list, which was also crippled by court decisions, characterized the various Fascist, Communist, and other groups which were deemed to be subversive. At that time, the public was forewarned and if a certain organization was listed by the Attorney General, the group's effectiveness was usually reduced.

With the increasing outbreaks of violence, on campus and off, it is high time that the SACB be utilized to alert the public as to the nature of those organizations which are behind the present rash of violence. In conjunction with the FBI and the Justice Department, the SACB could take a giant step in identifying for the American people the troublemakers in our midst. Congressional investigative committees with their limited facilities are ill equipped to adequately do the job in contrast to the vast resources of the FBI.

Measures are now underway to use to the fullest extent the services of the SACB. There are, however, those who would eliminate the Board entirely, although failing to offer alternatives as to how the American public can be alerted regarding this vital information. Perhaps the critics of the SACB, to help forestall future violent situations, would like to provide the necessary information on such groups as the CPUSA, PLP, SWP, YSA, NOI, RAM, SNCC, ANP, NMC, SMC, DCA, and a host of others for the use of their readers and constituents.

I include at this point the excerpts "SDS Activities at Kent State University, Kent, Ohio," extracted from the 1969 annual report of the House Committee on Internal Security:

SDS ACTIVITIES AT KENT STATE UNIVERSITY, KENT, OHIO

Students for a Democratic Society was involved in four disturbances—two of them marked by violence—on the campus of Kent State University in Kent, Ohio, during the academic year 1968–1969.

The Committee on Internal Security held public hearings June 24 and 25, 1969, to receive testimony regarding the activities and demands of SDS which culminated in attempted and actual disruptions of university functions. The committee also heard testimony on the procedures followed by the university in response to those activities and demands.

Appearing as witnesses were: Dr. Robert I. White, president of the university, accompanied by his assistant, Richard A. Edwards, and Dr. Robert Matson, vice president for student affairs; Margaret A. Murvay, student who attended SDS functions as a reporter for the campus radio station; Lt. Jack R. Crawford of the university police department; Chester A. Williams, university director of safety and public services, accompanied by Security Officer Donald Schwartzmiller and Investigator Thomas Kelley; and Committee Investigator Neil E. Wetterman.

ORGANIZATION OF AN SDS CHAPTER ON KENT CAMPUS

Testimony showed that SDS emerged as an organizational force on campus in the spring of 1968 when individuals who had been operating for several years under the aegis of the Kent Committee To End the War in Vietnam decided they would become "more well known" under the name of SDS.

In response to the group's petition for approval of an "innocuous" constitution that spring, the student government employed the customary procedure in acting on such petitions by granting the Kent State chapter of SDS "provisional" status as a campus organization. This was enough to give SDS access to university facilities. (This status of temporary recognition continued until the university suspended the SDS charter on April 8, 1969.)

Although its constitution provided for a roster of officers and a membership based on payment of dues, there were no known officers and no dues payments. Local SDS'ers could pay $5 to the national office for a "national" membership and subscription to the official newspaper, *New Left Notes*. They might also receive a membership card from the national organization, as one Kent Stater did. The Kent State chapter had no membership applications or membership cards.

The SDS membership locally, therefore, was described as consisting of (1) its leaders and recognized spokesmen and (2) a larger number of individuals who were sympathetic to the movement, supported SDS demands, and participated in SDS activities advocated by the leaders.

University officials estimated that the "hard core" of the Kent State SDS comprised no more than 15 to 25 members in a student enrollment of 21,000. However, this relatively minuscule group of hard-core activists could count on support from 150–200 students for meetings and for most of the incidents on campus. The number of supporters would fluctuate with the issues and the nature of the action. A seasonal fluctuation was also observed, wtih about 200 students likely to participate in an SDS-sponsored activity in the fall quarter and only about half the number in the spring quarter as "freshmen see that there are other activities on the campus besides SDS."

Members of the staff of the Ohio regional SDS, located in Cleveland, some 30 miles from Kent, also made frequent appearances on the Kent State campus. The staff was identified during the hearings as consisting of Corky Benedict, Lisa Meisel, Terry Robbins, Bobbi Smith, and Charlie Tabasko. This staff engaged in supplying "educational" pamphlets and films to chapters such as Kent's, as well as sending out mimeographed newsletters and directives aimed at getting local SDS members to carry out programs developed by SDS national officers and the national council.

DORMITORY "RAPS," RALLIES, AND FILMS

During the 1968–1969 academic year, initial SDS activity revolved around "rap" (discussion) sessions in Kent State dormitories, together with rallies and film showings.

Key attraction at a public affair for which the SDS reserved the Kent State auditorium on October 24, 1968, was Mark Rudd. Rudd as chairman of the SDS chapter at Columbia University won notoriety as a leader in the seizure of campus buildings in the spring of 1968. Rudd also returned for a Kent State SDS rally and march protesting the national elections on November 5, 1968.

At least seven films, made available from the SDS regional office in Cleveland, were offered to Kent State students by the local SDS chapter. The films were among those listed in the catalogue of "Newsreel," a film company with main offices in New York City. Newsreel is engaged through several outlets coast to coast in the acquisition, production, and distribution of films propagandizing the causes of the radical minority and New Left movements. A witness who viewed two of the films—one dealing with the Black Panther Party and another simply titled "Weapons"—testified both reflected unfavorably on law enforcement officers.

SIT-IN ON NOVEMBER 13, 1968

The Black Panther film was effectively utilized prior to a sit-in on November 13, 1968, by the combined forces of the SDS and another campus organization, Black United Students.

In the course of several days of propagandizing, SDS had achieved an alliance with the BUS for the purpose of preventing recruiters from the Oakland, Calif., Police Department from conducing interviews on campus on November 13. On the eve of the scheduled appearance of the recruiters, SDS sponsored a meeting in the campus education building attended by members of BUS. A film on the Oakland-based Black Panther Party was shown. The presentation was highly emotional and "geared to make the police look bad," according to an eyewitness.

Oakland police officers portrayed in the film were berated as "racists" by a speaker at the SDS meeting. The speaker further exhorted the audience to action on the following day to insure that no campus recruiting would be conducted by that law enforcement agency.

On the afternoon of November 13, approximately 150 SDS supporters joined with some 200 members of BUS in occupying the student activities center. While nonviolent, the 5-hour sit-in nevertheless forced postponement of some interviews of potential recruits by the Oakland Police Department. The three demands of SDS on this occasion were: a ban on campus recruitment by the Oakland Police Department; the disarming of campus police; and administration agreement not to "infiltrate" organizations in order to keep an eye on them.

UNIVERSITY RESPONSE TO SDS "DEMANDS"

The university administration had made an unsuccessful attempt, prior to the sit-in, to establish an on-going communication with the local SDS chapter. Dr. Matson testified that the SDS leadership refused an invitation to meet in his office and demanded instead that he journey to the SDS meeting place. When the official agreed, he found that the SDS leaders had no specific concerns to discuss with him, although their sit-in occurred only 4 days later. One SDS member at the meeting, in fact, derided the official for expecting the organization to keep the administration informed of its plans.

The sit-in failed to accomplish a single SDS demand. It did, however, impel the administration to plunge "into the task of adjusting our student personnel and administrative staff assignments, procedures, and policies in dealing with major student disruptions and disorders," according to Dr. White.

Throughout the winter quarter, the president recalled, meetings were held involving the president's cabinet, the student affairs staff, and the safety and public service division, as well as outside law enforcement

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agencies on city, county, and State levels. The combined efforts led to the formation of "confidential emergency procedural guides" which set forth "who does what" in the event of further attempts to start campus disruptions.

Concurrently, the administration consulted with the faculty and sought to improve communication with the rest of the student body. University policy, as described by its president, was to protect dissent while rejecting coercive or violent actions and to institute change to meet legitimate student grievances. Cited by the administration in this connection was the fact that the Black United Student ended their alliance with SDS after the November 13 incident and thereafter worked with administration representatives through the normal process of consultation. The BUS has obtained administrative support for developing educational programs with particular relevance for black students.

SDS "SPRING OFFENSIVE" AT KENT STATE

Kent State officials were alerted during the winter quarter to expect planned disruptions during the spring quarter, which would begin officially on March 30. "The signals coming from the SDS," the president explained, "were so clear that tensions and concerns were evident throughout the entire campus, even to the most casual observer." One of the clearest signals was a 10–page, mimeographed *Organizers' Manual for the Spring Offensive*, copies of which were piled on a table at a campus lecture sponsored by the local SDS chapter.

The manual, which was introduced as an exhibit during the committee's hearings, was an avowed attempt by the SDS regional office in Cleveland to help local chapters implement a spring program to "Smash the Military in the schools." The Ohio region of SDS claimed that its inspiration was a two-part program of the same name adopted early in February at a regional SDS conference at Princeton, N.J., with SDS National Secretary Michael Klonsky serving as one of the authors.

The manual, written by Ohio regional staffer Terry Robbins with assistance from activists in the Kent State SDS chapter, proposed issues and called for a series of escalating actions in their behalf on the campus and in the community. Proposed demands included (1) immediate withdrawal of American military forces from Vietnam and support for the Vietnamese Communist forces; (2) an end to ROTC; (3) an end to counterinsurgency and police training on campus; (4) an end to draft assemblies and tracking in high schools; and (5) open admissions for so-called Third World, black and white "working-class" people.

Demands were to be pursued through a series of "escalating actions" described in the manual as follows:

"During the course of the struggle it will probably be necessary and helpful to carry out a series of escalating "mini" actions to help build consciousness and dramatize the issue. Begininng with guerrilla theater actions in dorms we can escalate to disrupting classes, street marches, quick assaults on buildings, etc., before moving to the major confrontation of the struggle."

The objective of such actions was also spelled out in the manual. SDS did not seek reforms but creation of a so-called revolutionary class consciousness among students which would enable them to identify with struggles in Vietnam and Cuba while struggling against "capitalism" and "imperialism" at home, SDS members were expected to hold themselves ready "to move to desanctify, to confront, to escalate, and ultimately to defeat the system we live under."

University officals sought to counteract the proposed SDS "spring offensive" in a number of ways. In addition to the previously described confidential guidelines for procedures in the event of campus disruptions, the university administration on March 7, 1969, issued a statement of policy which warned students, among other things, that (1) the university would not respond to proposals for change advanced by force or threats of violence; and (2) the university would not tolerate disruptions of university activity.

During a recess at the end of the winter quarter (March 22–26) the administration conferred with State and local legal authorities and set in motion the machinery for issuance of temporary restraining orders when needed.

When students returned to class for the spring quarter on March 30, they were also informed that a new system of immediate suspensions might be applied to those who attempted to disrupt university processes. Before the spring quarter was ended, the university would have an opportunity to test the efficacy of its newly adopted procedures.

DISTURBANCE OF APRIL 8, 1969

Witnesses supplied a detailed account of three disruptions of Kent State University operations planned by SDS and executed with varying effect during the spring quarter.

The first attempted disruption occurred on April 8, 1969, in behalf of demands raised only a day or two prior to the actual demonstration. The demands reflected all of the campus issues proposed in the aforementioned *Organizers' Manual for the Spring Offensive*, with the exception of the manual recommendation on "Open Admissions."

Recommendations in the manual on the subject of the Vietnam war, ROTC, and counterinsurgency and police training on campus were reworded, and the following local SDS demands were then mimeographed in leaflet form and circulated on campus:

(1) abolish ROTC because it supplies leaders for an alleged "imperialist" American action in Vietnam.

(2) abolish the Liquid Crystals Institute. (Engaged in cancer research, the university institute also held a research grant from the U.S. Defense Department, which led SDS to charge it with involvement in a Government counterinsurgency program.)

(3) abolish the Northeast Ohio Crime Lab (an agency of the State of Ohio assigned space on campus).

(4) abolish the Law Enforcement School (a university curriculum which produces professionally trained law enforcement officers).

Events of April 8 began with a rally called by the SDS chapter to advertise the four demands. A spokesman for the university administration offered to meet with three SDS representatives to discuss their complaints, but the offer was rejected. SDS reportedly viewed its demands as nonnegotiable. Its announced intention on April 8 was to organize support for a mass march on the Administration Building for a symbolic nailing of the demands on the door to the meeting room of the board of trustees.

Following the speechmaking in front of the Student Union, 35 to 40 SDS supporters marched through various campus buildings to the chant of "Ho, Ho, Ho, Ho Chi Minh." They disrupted some class sessions as they handed to other students literature spelling out SDS demands. The demonstrators (numbering about 50) continued on to the Administration Building in an attempt to tack their demands to a door. Efforts by the demonstrators to force their way into the building were thwarted by the university police. Police officers, however, were struck by demonstrators. The 15-minute confrontation ended only after SDS leader Howard Emmer ordered the students to "quit for now." The coordinated action of the law enforcement agencies in the area thus foiled SDS's first attempted disruption in its "spring offensive."

The university reacted quickly and firmly. First, it suspended the SDS chapter, pressed assault and battery charges against six demonstrators for attacking police officers,[1] and imposed immediate suspension upon a number of students involved. It also obtained temporary restraining orders barring from the campus five demonstrators whom the administration viewed as leaders of SDS activity. They were students, Howard Emmer, Colin Neiburger, and Edward Erickson, and nonstudents, Jeffrey Powell and George Gibeaut.

One of the nonstudents identified as being present on campus April 8 was Terry Robbins of the Ohio regional SDS in Cleveland. This marked the first of several appearances by Robbins during the "spring offensive" at Kent State. He was later joined by other regional staffers. The liaison maintained between the local and regional SDS was also illustrated by the record of telephone toll calls between the Cleveland office and the Kent residence of Edward Erickson. Erickson was identified as a Kent State student, eventually suspended for participation in the campus disorders, whose Kent home had been the base for most of the SDS activity off campus. Toll charges showed a total of 36 phone calls had been made from his residence to the Cleveland regional SDS between February 21 and April 24, 1969.

DISTURBANCE OF APRIL 16, 1969

A university disciplinary proceeding on April 16, involving two students suspended after their participation in the attempted disruption of April 8, provided the issue for another, more violent SDS demonstration.

SDS had sponsored a series of rallies after the April 8 incident and engaged in dormitory "raps" in an acknowledged effort to violate "as much as possible" the administration's ban on SDS's use of university facilities. When the university set the date for its closed disciplinary hearings stemming from the April 8 affair, the SDS chapter added a fifth demand to its original four—"open and collective hearings for all those suspended"—and promised to "open up" the hearing on April 16.

Mimeographed leaflets, headed "Open It Up, or Shut It Down!" were distributed by the Kent State SDS to explain the organization's expanded demands and to solicit supporters for an SDS rally and march on campus April 16. "Open the Hearings!" and "Free All Political Prisoners!" were the slogans for the rally and march.

By the time the SDS rally had concluded, the organization had garnered some 100 supporters for its march on the music and speech building where the disciplinary hearing was underway before the student judicial council. The demonstrators stormed through two sets of locked and chained doors with the aid of such improvised instruments as a 7-foot iron bar from a dismantled coatrack. When SDS supporters reached a third-floor corridor, they were confronted by university police and sheriff's deputies who forestalled any entry into the actual hearing room. The accompanying din nevertheless served the purpose of disrupting the disciplinary proceeding.

In accordance with prearranged procedural guides, Ohio State police were summoned to the campus, at which time 58 demonstrators were arrested. Charges filed against them on the same day, which were still pending at the time of the committee's hearings, included trespass, inciting to riot, participating in riot, and malicious destruction of property. Temporary restraining orders had been lifted to permit the five SDS activists barred from campus to appear as witnesses at the disciplinary hearings. As a result of their behavior during the demonstration, they were subsequently found guilty of contempt of court and sentenced to fines and jail sentences, which were being appealed at the time of the committee hearings.

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[1] All of the charges were still pending at the time of the committee's hearings, with exceptions of those against Alan DiMarco, who entered a plea of *nolo contendere* and received a fine and jail sentence.

The confrontation between demonstrators and police and the ensuing mass arrests involved no injury to SDS activists, their supporters, or the police. A representative of the Kent State police testified that, in addition to breaking through the barricaded doors, there were oral threats to "kill" directed at the police by SDS members during the confrontation in the third-floor corridor.

The Ohio regional SDS was represented in the April 16 events by Lisa Meisel, who joined in the march on the music and speech building. During scuffles between the demonstrators and some of the approximately 200 students who opposed the SDS march at the door to the building, Lisa Meisel was observed to grab a student by the back of the shirt. Another outsider on campus that day was Jim Mellen, a guest speaker at the rally preceding the march on the disciplinary hearing. Mellen was introduced as a representative of the Radical Education Project at Ann Arbor, Mich., a New Left research and propaganda organization. University officials also discovered that 10 of the 58 demonstrators arrested on April 16 were not actually enrolled at the school.

SDS EFFORTS TO PROVOKE ADDITIONAL "ACTIONS"

Subsequently, regional and national SDS officials and other outsiders put in appearances on the Kent State campus during a series of rallies and other public events avowedly aimed at drumming up support for additional militant SDS actions on the campus.

The organization's strategy was outlined in a pamphlet, "The War Is on at Kent State," which was circulated during campus speechmaking by SDS officials, defining the organization's strategy.

The pamphlet, coauthored by Terry Robbins and Lisa Meisel of Ohio regional SDS, explained that SDS at Kent State had shown tactical flexibility by using rallies, dorm "raps," etc., geared to "increasing the possibility" of struggle. It announced that SDS was working on more elaborate explanations of its demands because the struggle would continue despite the mass arrests of April 16.

Robbins and Mellen were on hand for an SDS rally held in a campus park the day after the mass arrests. The theme of their speeches on April 17 was the immediate need for some kind of militant action to show the university that the SDS was "strong" and was not going to be stopped by "racism," "imperialism," or "political repression." Of the 200 persons attracted to this rally, at least one half were classified as merely curious onlookers.

Another outdoor rally and march on April 20 involved use of the services of Ohio regional staffer Corky Benedict. Benedict returned to join three national and local SDS representatives in a speechfest in Williams Hall on campus on April 28. Handbills gave top billing to Bernardine Dohrn, the organization's national interorganizational secretary, who was to discuss "repression" and SDS demands. Speakers for the banned organization obtained use of a university facility by appearing under the sponsorship of a local Yippie group.

According to testimony from a committee investigator who attended the session Miss Dohrn told the 125 individuals attracted to the meeting that SDS recognized a necessity for an organized revolution to destroy a power structure by which a wealthy few repressed the majority in America. Miss Dohrn justified violence directed at police officers and forecast that both blacks and whites fighting "oppression" would have to carry weapons for the purpose of self-defense.

Speeches by Corky Benedict and SDS member Rick Skirvin, a former student at Kent State, emphasized that they expected power to be wrested from the "ruling class" in America only through the application of force and that an element of revenge would enter into revolutionary violence.

Although the April 28 meeting marked the only known appearance of a current national SDS official on the Kent State campus, local activists maintained telephone contact with the national office in Chicago, according to an examination of toll charges from the Kent residence of the previously mentioned SDS activist, Edward Erickson. Eleven phone calls were made from the Erickson residence to the SDS national office in the period February 21 to April 24, 1969.

Also at the meeting April 28 was Joyce Cecora, local SDS activist and former Kent State student, who spoke on Kent State SDS demands. Her militant observations at another rally May 6 were publicized in the campus newspaper. This rally was sponsored by a campus committee that had been organized to protest the earlier arrests of SDS demonstrators. An eyewitness testified that the following account in the *Kent Stater* was an accurate rendition of Miss Cecora's position:

"Earlier, a Students for a Democratic Society (SDS) spokeswoman called for armed rebellion on the Kent State campus * * *.

"Joyce Cecora, SDS member, speaking to approximately the 200 persons sitting under the searing post-noon sun called for the use of arms to end what she called the 'repressive actions of the administration.' 'Sitting on the grass in front of the Administration Building is not fighting! she emphasized. As she spoke, several of her male counterparts stood beside here [sic] holding two red SDS banners aloft.

" 'They used guns at Cornell, and they got what they wanted,' she said, 'It will come to that here! ' "

A similarly aggressive position was taken by Joyce Cecora in a talk at a Kent State dormitory the previous February 27, witnesses informed the committee. Aroused over the arrest of an SDS activist for distributing literature on campus in violation of State obscenity statutes, Miss Cecora reportedly declared that the SDS would burn and level the campus if the university did not discontinue "politically repressing" the organization.

DISTURBANCE OF MAY 22, 1969

The strident tone of SDS speakers continued up to May 22, when another SDS rally set the stage for what was to be the final "action" in the spring offensive at Kent State.

A witness testified that speechmaking in front of the Student Union included a declaration by SDS member Rick Skirvin that: "We'll start blowing up buildings, we'll start buying guns, we'll do anything to bring this—[obscenity for school]—down."

SDS was able to muster only about 15 persons, however, for the ensuing march aimed at disrupting an ROTC Review Day ceremony on the campus. The demonstrators invaded a chalked-off area on a field where the ROTC cadets awaiting review were standing at attention. Chanting slogans, they pushed their way through the cadet ranks. A university official warned the demonstrators over a public address system that they had entered the equivalent of a classroom area and were subject to university discipline as well as civil arrest. SDS supporters continued demonstrating for another 10 minutes without arousing retaliatory action on the part of the cadets and finally marched off the field.

Warrants were subsequently issued for the arrest of 15 individuals on a charge of disturbing a lawful assemblage.

The demonstration was cited as an example of the special problem which the university administration faced as a result of an influx of organizers and other outsiders. Of the group of 15 individuals who unsuccessfully sought to disrupt the ROTC review on May 22, the university president testified, five had been identified as students, five had definitely been established to be nonstudents, and the others had yet to be identified.

EFFECTS OF UNIVERSITY POLICY ON CAMPUS DISORDERS

The university administration came to view Students for a Democratic Society—in the words of President White—as "an enemy of democratic procedure, of academic freedom, and of the essential university characteristics of study, discussion, and resolution." At the same time, SDS was classed as only one part of the problem of student unrest.

The dual approach of (1) being prepared to resist proposals for change advanced by force while (2) remaining responsive to change pursued through legitimate procedures had the following positive results, according to witnesses representing the university administration:

(*a*) Incidents provoked by SDS actually "de-escalated" and campus support waned in spite of an SDS program for a series of "escalating actions."

(*b*) Faculty, students, and citizens of the Kent community expressed spontaneous support for university policy, and all major parts of the campus commended the performance of the university's police force.

(*c*) Personal injury and major destruction of university property were avoided.

(*d*) The university completed the academic year "free and unfettered with no shameful compromise and with increased mutual respect among the parts of the campus."

Testifying on the basis of her personal observations at SDS meetings and demonstrations, Student Margaret Murvay stated that the arrests and immediate suspensions of SDS supporters on April 8 and April 16 weakened and, in fact, crippled the Kent State SDS chapter. Many supporters dropped out of SDS activity thereafter in fear of future arrest or the possibility that their parents would learn of their activity. Many other SDS members were deflected from other action by the necessity to raise bail, Miss Murvay reported.

SDS confirmed the findings of Miss Murvay. The previously cited pamphlet, circulated on campus after the mass arrests of April 16, and bearing the title "The War Is on at Kent State," acknowledged that—"the repression has clearly hurt us: over sixty of our people have been banned from the campus, at least 11 face heavy charges, with total bail exceeding $120,000, and the Administration has succeeded to some extent in scaring a lot of people and obfuscating our original demands * * *."

TO AUTHORIZE THE DISTRICT OF COLUMBIA TO ENTER INTO INTERSTATE AGREEMENT ON QUALIFICATIONS OF EDUCATIONAL PERSONNEL

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the Record.)

Mr. BROYHILL of Virginia. Mr. Speaker, I have introduced today a bill "To authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel." As noted in the bill, it is legislation designed to provide an efficient means of bridging differences in substantive and procedural arrangements for qualifications of teachers and other educators, without affecting the autonomy of the individual State—and in this case, the District of Columbia—educational systems.

The District of Columbia government is on record as favoring this legislation and I believe that if enacted it may result in some, if not substantial, savings in the recruitment of personnel by the District of Columbia School Board.

I introduced this bill on behalf of myself and Congressmen Nelsen, Gude, and Hogan. Certainly we hope that this legislation can be enacted during this session of Congress.

A general explanation of the bill and what it proposes to do is as follows:

Each State and the District of Columbia now has its own system of law and administrative practice governing the process of licensing or certifying teachers. In varying degrees, the systems are based on detailed descriptions of course requirements attached to teacher-training programs and a miscellaneous list of other statutory and administrative requirements. While many of these requirements vary there is a large body of generally agreed upon principles utilized in determining satisfactory teacher certification. In brief, with only very rare and limited exceptions, a person who is well prepared as a teacher or other school professional in one State can also function well in other States.

The enactment of this legislation will allow the District to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. This should result in faster processing of teacher applications, improve teacher morale, permit rapid identification of qualified teachers, and increase the supply of qualified educational personnel. As many of the District's educational personnel come from without the District, the bill will facilitate the certification process and thereby improve recruitment procedures.

This legislation is in the nature of an enabling act. It provides the necessary legal authority whereby the board of education of the District may institute procedures to permit the recognition of decisions on teacher qualifications already made in party States. At the same time safeguards are provided to assure each participating State that such procedures will not produce interstate acceptance of substandard educational personnel. This legislation requires no new administrative body and requires no appropriations to become effective.

The heart of the interstate agreement is in its provisions authorizing the making of contracts by designated State educational officials. These contracts would have the force of law and would prescribe the methods under which teacher qualifications of a signatory State could be accepted by party States without the necessity for reexamination of such qualifications. The agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on qualifications will remain at a high professional level.

The interstate agreement has received national recognition as a means of overcoming the problem of reciprocity in the certification of educational personnel. At present the legislatures of 27 States have adopted the Interstate Agreement on Qualification of Educational Personnel, and this legislation would authorize the District to do likewise. Maryland is among the States who have already adopted these agreements and the Commonwealth of Virginia becomes a party on July 1 of this year.

The government of the District of Columbia believes that the enactment of this legislation will contribute to the advancement of education in the District, and also bring the District further in line with the prevailing policy of interstate coordination and cooperation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Yatron (at the request of Mr. Albert) from May 4 to May 8, on account of illness.

Mr. Saylor (at the request of Mr. Gerald R. Ford), for May 4 and 5, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gude, for 60 minutes, on May 5, 1970, and to revise and extend his remarks and include extraneous matter.

Mr. Monagan, for 60 minutes, Tuesday, May 12.

Mr. Randall, for 60 minutes, Thursday, May 7.

Mr. Randall, for 15 minutes, today.

Mr. Pucinski, for 60 minutes, today.

(The following Members (at the request of Mr. Steiger of Wisconsin) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Poff, for 10 minutes, today.

Mr. Whalen, for 10 minutes, today.

Mr. Fish, for 20 minutes, on Tuesday, May 5.

(The following Members (at the request of Mr. Jones of Tennessee) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Hamilton, for 10 minutes, today.

Mr. Ryan, for 60 minutes, on May 5.

Mr. Waggonner, for 15 minutes, on May 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Ayres, on the veterans' legislation bills brought up by Mr. Teague of Texas today.

Mr. Fulton of Pennsylvania (at the request of Mr. Thompson of New Jersey), immediately following the remarks of Mr. Thompson of New Jersey on Senate Joint Resolution 193 today.

Mr. Price of Illinois, and to include extraneous material.

Mr. Edmondson, in three instances, and to include extraneous material.

(The following Members (at the request of Mr. Steiger of Wisconsin) and to include extraneous matter:)

Mr. Gross.
Mr. Steiger of Wisconsin.
Mr. Bush.
Mr. Ashbrook in two instances.
Mr. Kleppe.
Mr. Whalen.
Mr. Bray in three instances.
Mr. Wyatt.
Mr. Gubser in three instances.
Mr. Scherle in two instances.
Mr. Del Clawson.
Mr. Wyman in two instances.
Mr. Myers.
Mr. Whitehurst.
Mr. Widnall.
Mr. Conte.
Mr. Quillen in five instances.
Mr. Arends.
Mr. Nelsen.
Mr. Goldwater.

(The following Members (at the request of Mr. Jones of Tennessee) and to include extraneous matter:)

Mr. Gallagher.
Mr. Cohelan in six instances.
Mrs. Griffiths in two instances.
Mr. Corman in five instances.
Mr. de la Garza in six instances.
Mr. Bolling.
Mr. Mahon in two instances.
Mr. Addabbo.
Mr. Rees in two instances.
Mr. Friedel in two instances.
Mr. Rarick in three instances.
Mr. Anderson of Tennessee in two instances.
Mr. Powell in two instances.
Mr. Anderson of California.
Mr. Eilberg.
Mr. Daddario in five instances.
Mr. Ichord in two instances.
Mr. Gonzalez in two instances.
Mr. Fountain in two instances.
Mr. Kluczynski.
Mr. Rodino in two instances.
Mr. Mollohan in three instances.
Mr. Brasco.
Mr. Nichols.
Mr. William D. Ford in two instances.
Mr. Sikes in five instances.
Mr. Minish.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1461. An act to amend section 3006A of title 18, United States Code, relating to rep-

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resentation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States; to the Committee on the Judiciary.

S. 1751. An act to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians; to the Committee on Interior and Insular Affairs.

S. 2362. An act to amend certain Federal laws relating to the State of Oklahoma; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 515. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service;

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes;

H.R. 1187. An act to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore;

H.R. 1706. An act to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.; and

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended.

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THE LATE HONORABLE WILLIAM L. ST. ONGE

Mr. MONAGAN. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 966

Resolved, That the House has heard with profound sorrow of the death of the Honorable William L. St. Onge, a Representative from the State of Connecticut.

Resolved, That a committee of fifteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Mr. MONAGAN, Mr. DADDARIO, Mr. GIAIMO, Mr. MESKILL, Mr. WEICKER, Mr. DONOHUE, Mr. GARMATZ, Mr. CLARK, Mr. ROSTENKOWSKI, Mr. CAREY, Mr. ST GERMAIN, Mr. EDWARDS of California, Mr. HUNGATE, Mr. TIERNAN, and Mr. BIAGGI.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 2 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 5, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2003. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 30, 1969, submitting a report, together with accompanying papers and an illustration, on Blue River, vicinity of Kansas City, Mo. and Kans., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted September 20, 1961 and May 10, 1962 (H. Doc. No. 91–332); to the Committee on Public Works and ordered to be printed, with an illustration.

2004. A letter from the Adjutant General, United Spanish War Veterans, transmitting a report of the proceedings of the convention of the national encampment held in San Diego, Calif., September 7–11, 1969, pursuant to Public Law 249, 77th Congress (H. Doc. No. 91–331); to the Committee on Veterans' Affairs and ordered to be printed, with illustrations.

2005. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on March 31, 1970, pursuant to section 3031(c) of title 10, United States Code; to the Committee on Armed Services.

2006. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 179, relating to the Joseph Band of the Nez Perce Tribe, pursuant to 60 Stat. 1055, 25 U.S.C. 70t, section 21; to the Committee on Interior and Insular Affairs.

2007. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737; to the Committee on the Judiciary.

2008. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2009. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmiting copies of orders entered in the case of certain aliens found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2010. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2011. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2012. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2013. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of an order entered under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

2014. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting certified copies of the opinion and findings of fact, Re: *Sherman Webb, et al.* v. *The United States*—Cong. Ref. No. 1–68, pursuant to sections 1492 and 2509 of title 28 United States Code; to the Committee on the Judiciary.

2015. A letter from the Commandant, U.S. Coast Guard, Department of Transportation, transmitting a report on boating statistics for 1969, pursuant to section 10, Public Law 85–911; to the Committee on Merchant Marine and Fisheries.

2016. A letter from the Director, Office of Emergency Preparedness Executive Office of the President, transmitting a draft of proposed legislation to amend existing Federal disaster assistance legislation, and for other purposes; to the Committee on Public Works.

2017. A letter from the Administrator, General Services Administration, transmitting a prospectus revising the post office, courthouse, and Federal office building project authorized at Williamsport, Pa., pursuant to section 7(a) of the Public Buildings Act of 1959; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 380. A bill to repeal section 7 of the act of August 9, 1946 (60 Stat. 968) (Rept. No. 91–1034). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15961. A bill to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section (Rept. No. 91–1035). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. H.R. 17405. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91–1036). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOLIFIELD (for himself, Mr. Price of Illinois, and Mr. Hosmer):

H.R. 17405. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ANNUNZIO:

H.R. 17406. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of, and investment in, housing; to the Committee on Ways and Means.

By Mr. ASPINALL:

H.R. 17407. A bill to increase certain acreage limitations in the Mineral Leasing Act; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia (for himself, Mr. Nelsen, Mr. Gude, and Mr. Hogan):

H.R. 17408. A bill to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; to the Committee on District of Columbia.

By Mr. DON H. CLAUSEN:

H.R. 17409. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971; to the Committee on Public Works.

By Mr. WILLIAM D. FORD:

H.R. 17410. A bill; Welfare and Pension Plans Act; to the Committee on Education and Labor.

H.R. 17411. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 17412. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 17413. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HARVEY:

H.R. 17414. A bill to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 17415. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HICKS:

H.R. 17416. A bill to amend title 5, United States Code, to include as preference eligibles the wives of disabled veterans having total and permanent disabilities which are not service connected; to the Committee on Post Office and Civil Service.

By Mr. HUNGATE (for himself, Mrs. Sullivan, Mr. Symington, Mr. Clay, and Mr. Ichord):

H.R. 17417. A bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems; to the Committee on Science and Astronautics.

By Mr. MINSHALL:

H.R. 17418. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. MORGAN:

H.R. 17419. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 17420. A bill to allow States to apply more stringent marking, labeling, packaging or ingredient requirements than those set under the Federal Meat Inspection Act; to the Committee on Agriculture.

By Mr. RUPPE:

H.R. 17421. A bill to authorize the acquisition of certain lands for addition to Isle Royale National Park and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 17422. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 17423. A bill to amend the Tariff Schedules of the United States to increase the rate of duty on mink fur skins; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 17424. A bill to amend the Internal Revenue Code of 1954 to provide for the amortization of facilities used for the recycling, processing, or reclamation of ferrous metal; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 17425. A bill to amend section 13 of title 17, United States Code; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 17426. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WILLIAM D. FORD:

H.R. 17427. A bill to amend the Department of Defense Overseas Teachers Pay and Personnel Practices Act with respect to the giving of credit to new teachers for prior experience; to the Committee on Post Office and Civil Service.

By Mr. TIERNAN:

H.R. 17428. A bill to designate a national rail passenger system, to establish rail passenger corporations, to provide financial assistance therefor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H.J. Res. 1206. Joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. Brown of Michigan, and Mr. McKneally):

H.J. Res. 1207. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

By Mr. HALL:

H.J. Res. 1208. Joint resolution designating the week of May 3 through 9, 1970, as Harry S. Truman Week, and for other purposes; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.J. Res. 1209. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H. Con. Res. 592. Concurrent resolution expressing the sense of the Congress with respect to the participation of United Nations agencies and functionaries in the celebration of the 100th anniversary of the birth of Vladimir Ulyanov (also known as Vladimir Lenin); to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself and Mr. Eilberg):

H. Res. 967. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BUSH:

H. Res. 968. Resolution; financial disclosure; to the Committee on Standards of Official Conduct.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DULSKI:

H.R. 17429. A bill for the relief of Han Choon Hee; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 17430. A bill for the relief of Anna E. Barrett; to the Committee on the Judiciary.

By Mr. STANTON:

H.R. 17431. A bill for the relief of Jacqueline and Barbara Andrews; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

375. By the SPEAKER: A memorial of the Legislature of the State of Hawaii, relative to obtaining Federal assistance in developing a deep water harbor at Barber's Point, Oahu; to the Committee on Appropriations.

376. Also, a memorial of the Legislature of the State of Hawaii, relative to limiting the use of the draft law to legally declared wars; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

467. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to Federal control of banks; to the Committee on Banking and Currency.

468. Also, petition of the Board of Commissioners, Sarasota County, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

469. Also, petition of the Commission of the City of Miami, Fla., relative to designating Cape Kennedy as the operational base of the space shuttle system; to the Committee on Science and Astronautics.

470. Also petition of the mayor, city of Palm Beach Gardens, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

471. Also, petition of the Board of Commissioners, Oakland County, Pontiac, Mich., relative to revenue sharing; to the Committee on Ways and Means.

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EXTENSIONS OF REMARKS

FEDERAL CIVILIAN EMPLOYMENT, MARCH 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the March 1970, civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, MARCH 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of March was 3,011,293 as compared with 2,928,473 in the preceding month of February. This was a net increase of 82,820, due to temporary Census employment.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of March totaled 2,975,192. This was a net increase of 82,723 as compared with employment reported in the preceding month of February. Employment by months in fiscal 1970, which began July 1, 1969, follows:

Month	Employment	Increase	Decrease
July 1969	3,049,502	+9,140	
August	3,015,864		−33,638
September	2,945,752		−70,112
October	2,927,741		−18,011
November	2,913,598		−14,143
December	2,912,661		−937
January 1970	2,893,593		−19,068
February	2,892,469		−1,124
March	2,975,192	+82,723	

Total employment in civilian agencies of the Executive Branch for the month of March was 1,747,072, an increase of 94,621 as compared with the February total of 1,652,451. Total civilian employment in the military agencies in March was 1,228,120, a decrease of 11,898 as compared with 1,240,018 in February.

The civilian agency of the Executive Branch reporting the largest net increase was Commerce Department with 90,550, reflecting an increase of 90,719 in temporary employees involved in taking the Nineteenth Decennial Census.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 5,558, Navy with 3,965 and Air Force with 1,867.

Total Executive Branch employment inside the United States in March was 2,739,314, an increase of 80,751 as compared with February. Total employment outside the United States in March was 235,878, an increase of 1,972 as compared with February.

The total of 2,975,192 civilian employees of the Executive Branch reported for the month of March 1970 includes 2,572,367 full time employees in permanent positions. This represents a decrease of 8,870 in such employment from the preceding month of February. (Table 2 of accompanying report.)

The Executive Branch employment total of 2,975,192 includes some foreign nationals employed abroad, but in addition there were 108,022 foreign nationals working for U.S. agencies overseas during March who were not counted in the usual personnel reports. The number in February was 108,253.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of March totaled 29,272, an increase of 90 as compared with the preceding month of February. Employment in the Judicial Branch in the month of March totaled 6,829, an increase of 7 as compared with February.

DISADVANTAGED PERSONS

The total of 3,011,293 reported by the Committee for March includes 18,404 disadvantaged persons employed under federal opportunity programs. This employment is shown as a separate category for the first time in this report. See Table 4 of the accompanying report for explanation and detail.

In addition, Mr. Speaker, I include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by exective branch agencies during March 1970, showing comparisons with June 1969 and the budget estimates for June 1970:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	March 1970	Estimated June 30, 1970[1]
Agriculture	83,425	81,917	83,000
Commerce	25,364	25,289	25,600
Defense:			
Civil functions	31,214	30,104	30,700
Military functions	1,225,877	1,161,032	1,165,900
Health, Education, and Welfare	102,941	100,852	102,500
Housing and Urban Development	14,307	14,327	14,900
Interior	58,156	59,462	59,300
Justice	35,106	36,792	37,600
Labor	9,723	9,806	10,300
Post Office	562,381	564,358	567,000
State	24,658	23,969	23,900
Agency for International Development	15,753	14,754	15,000
Transportation	60,386	61,623	63,600
Treasury	79,982	85,354	86,700
Atomic Energy Commission	7,047	6,990	7,000
Civil Service Commission	4,970	5,041	5,300
General Services Administration	36,176	36,315	36,400
National Aeronautics and Space Administration	31,733	31,427	31,400
Office of Economic Opportunity	2,856	2,125	2,400
Panama Canal	14,731	14,625	14,700
Selective Service System	6,584	6,744	6,600
Small Business Administration	4,099	4,032	4,100
Tennessee Valley Authority	11,987	12,383	12,300
U.S. Information Agency	10,500	10,145	10,200
Veterans' Administration	147,606	146,550	148,500
All other agencies	26,200	26,351	27,800
Contingencies			10,000
Total	2,633,762	2,572,367	2,602,800

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[1] Source: 1971 Budget Document; figures rounded to nearest hundred.

TRIBUTE TO THE TEACHER CORPS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ANDERSON of California. Mr. Speaker, on the 25th of April I was privileged to attend a Teacher Corps seminar being conducted at the University of Southern California. At this conference, I was able to meet and talk with the dedicated teachers and administrators who are responsible for the progress being made by this agency. I was most favorably impressed by the enthusiasm of the participants. I feel that their individual efforts are meaningful and that they are making a valuable contribution to society and to their fellow man.

With this in mind, Mr. Chairman, I include in the RECORD the following editorial from the April 28 edition of the Washington Post:

A DOMESTIC PEACE CORPS IN EDUCATION

President Nixon signed into law earlier this month a major new program approved by Congress to expand and strengthen the work of the Teachers Corps. It would enable that useful and imaginative agency to tap the resources of generosity and good will lying so largely unused among the nation's youth; it would give college graduates, high school and college students and others a chance to help disadvantaged inner city children overcome the handicaps which so often thwart their hopes for education. But the program, now authorized, has still to be funded. Appropriation hearings are currently in progress before a Senate appropriations subcommittee. Unless it deals with the Teacher Corps a great deal more generously than the House has done, the whole promising program will amount to little more than another promise broken.

The Teacher Corps as originally conceived operated to improve educational opportunities for poor children by helping colleges to train teachers and helping schools to improve the way teachers are used. It was a boon at once to young college graduates who wanted to make teaching a career and to the overburdened staffs of inner city schools. A bipartisan group led by Senator Gaylord Nelson and Rep. William Steiger introduced a Student Teacher Corps bill last year which, now that it has been enacted, enables the agency to attract volunteers to serve during the school year, under the direction of trained teachers, as tutors and instructional aides both in schools and in the communi-

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ties, many of them without any compensation, some with living allowances in much the manner of the Peace Corps and VISTA. This seems in close accord with a hope expressed by President Nixon during his election campaign for "a national Teacher Corps which would bring carefully selected college and high school students into action as tutors in core-city schools."

The Teacher Corps authorization signed by the President approved the expenditure of $100 million for fiscal year 1971. But before the new authorization had been approved, the administration fixed a budget amount of only $30.8 million for the agency. This is precisely the amount which the House granted. It will suffice at best to finance only the old program—and that on a meager basis. There is a superb opportunity at hand to enlarge the Teacher Corps' contribution to urban life. It would be a shame to let this hope die aborning.

AID CAMBODIA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BRAY. Mr. Speaker, a perceptive editorial was carried last week in the Indianapolis News, before President Nixon's announcement on the U.S. position regarding Cambodia. This editorial is significant, because it sets forth clearly the situation in Cambodia as it effects the U.S. security in South Vietnam: The threat posed by a North Vietnamese "sanctuary" in Cambodia to safety of American forces and the chance for success of any Vietnamization plans.

Second, the editorial emphasizes that limited assistance is essential under the Nixon doctrine, and can be provided without the danger of a long term involvement in Cambodia. In light of the President's announcement last week, I commend this editorial to the attention of my colleagues:

[From the Indianapolis News, Apr. 27, 1970]

AID CAMBODIA

On President Nixon's forthcoming decision on whether to honor Cambodia's request for limited military assistance may hinge not only the fate of that nation but also his own stated objectives in South Vietnam.

The new Cambodian government, unlike the regime of Redleaning Prince Norodom Sihanouk, recognizes alien Communist forces operating from its soil against South Vietnam as a threat to Cambodia's own independence. It has engaged this enemy in a series of battles—so far with mixed results.

The existence of such a government in Cambodia is a new and hopeful factor for the United States in the Vietnam war. Cambodia shares several hundred miles of open border with South Vietnam, across which Viet Cong forces using Cambodia as a sanctuary have struck time and time again. One of the reasons that war has persisted so long is that the United States throughout most of the conflict has respected this border while the Communists have not.

So long as this sanctuary remains, the security of American forces in South Vietnam is threatened and the outcome of President Nixon's "Vietnamization" program—in which he places so much hope—is in doubt. If Cambodia, supplied with the necessary military assistance, could drive the Viet Cong from its territory, the chances of South Vietnam being able to defend itself successfully would be greatly improved.

Beyond the strategic considerations which favor granting assistance is the matter of America's credibility. In the Nixon Doctrine on Asia, the President told Asian nations threatened by Communist aggression that they could count on American support—not ground troops as in Vietnam, but arms and equipment that would enable Asians to defend themselves.

Cambodia's request obviously conforms to the Nixon Doctrine. The new government is not asking for American ground forces; it has already shown itself more than willing to fight its own battles. Its appeal is limited to arms and other military materiel that would permit it to face the Soviet-supplied Viet Cong. To honor this request would give substance to the Nixon Doctrine. To reject it would reveal the doctrine as a windy pronouncement without much impact on the course of events in Southeast Asia.

President Nixon, in short, faces a decision that is not so hard as some would make it appear. By granting aid to Cambodia he would advance his own objectives in South Vietnam and give meaning to his previous words of assurance to America's Asian allies.

CAMBODIA: THE PERIL AND THE OPPORTUNITY

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. DEL CLAWSON. Mr. Speaker, the Washington Sunday Star yesterday contained the most objective discussion of the President's decision with reference to Cambodia which I have personally noted. Under leave to extend my remarks, I would like to include the editorial which follows:

CAMBODIA: THE PERIL AND THE OPPORTUNITY

As President Nixon said Thursday night, the decisions are not comparable. Between his decision to attack the North Vietnamese sanctuaries in Cambodia and those made by Franklin Roosevelt in World War II, Dwight Eisenhower on Korea or John F. Kennedy on Cuba there is a world of difference.

But they all have one thing very much in common: Once made, the earlier decisions had to work. This one has to work too.

This is, after all, the litmus by which all presidential decisions are ultimately tested. If the President turns out to have been right, it will make precious little difference who was consulted or who was not, who reacted to the news with horror or with glee. If the operation in progress produces approximately the results predicted in approximately the projected time-frame, President Nixon's first major initiative in the war in Indochina will be rated as a master stroke. If not, it will go down in history as a major, perhaps fatal, blunder.

This said, we add hastily that the President has our heartfelt prayers for the success of his venture. We are concerned even less than he with the outcome in terms of the political future of Richard M. Nixon, or of the Republican Party this fall. We are concerned exclusively with the success of this venture in terms of the eventual outcome of the war in Vietnam and the future position of the United States as a world power.

For the operation that hangs in the balance in Cambodia—despite Nixon's modesty in comparing himself to his predecessors—is no penny-ante game. As his critics have been at pains to point out, the stakes are enormous. And though this particular operation against selected Communist bases in Cambodia may be wound up in a matter of a few weeks, it could spell the difference between success and failure of an effort which over five years has cost more than 40,000 American lives.

Even more at stake, perhaps, is the credibility of American leadership. In the country and in the world, faith in that leadership has become dangerously eroded in recent years. The result of the present operation is sure to have fateful consequences far beyond the context of the war in Vietnam.

The President's critics, quite inevitably, are expecting failure and prophesying doom. In this country, we have reached the point where many people are incapable of making any rational judgment about the war. Their reactions to any development are predetermined by conditioned reflexes. It would be as unthinkable for Senators William Fulbright or Frank Church to approve the attack on the enemy's sanctuaries as it would be far Pavlov's dog to refuse to drool.

For the unconditioned—which may include more Americans than the present publicity suggests—there may be a more reasoned reaction. For the President's decision was based not on intuitive impulse or a capitulation to military pressure but on a reasoned response to the facts that confronted him.

Much of what the President had to say on Thursday has never been in dispute. No one—not even the strongest anti-war critics—denies that the North Vietnamese and the Viet Cong have made use of Cambodian territory for many years. Their major military units have maintained elaborate supply depots in the country, emerging periodically to fight in Vietnam and then retiring again to rest and refit.

The existence of these sanctuaries in Cambodia has constituted an insoluble problem for the allied military command. Infiltrating enemy units could only be attacked after they actually crossed the border into Vietnam. And since about two-thirds of Vietnam's western frontier borders on Cambodia, the efforts to seal off enemy infiltration has been well-nigh hopeless.

It is largely for this reason that the prospect of an indefinitely protracted war has existed. The South Vietnamese army can be strengthened to the point that it can replace American troops. The enemy can be held back from the major population centers. Security in the villages can be raised to a tolerable level.

But as long as the supply lines and sanctuaries were intact, the North Vietnamese and the Viet Cong had the option of keeping up the military pressure at whatever level of intensity they chose within the limits of their capabilities. At no point could genuine security be guaranteed, regardless of how strong the South Vietnamese might become.

This situation was radically changed with the overthrow six weeks ago of Cambodia's Prince Norodom Sihanouk by a militantly anti-Communist regime headed by General Lon Nol.

The Prince, under the guise of preserving his country's neutrality, for years had blinked at the presence of Communist forces on his territory. Yet even Sihanouk, in recent months, had become outspoken in denouncing the occupation of the eastern part of his country. His successors, somewhat brashly, pledged themselves to throw out the invader once and for all.

The Communists, quite predictably, reacted quickly to the new threat to their sanctuaries. Within a few weeks their forces—estimated at some 40,000 men—had greatly expanded the area under their control, had cut most of the major roads connecting Phnom Penh to the south and had seemed to be threatening the capital.

Nixon, therefore, cannot be fairly accused

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of having "extended the war" into Cambodia. Cambodia has always been an essential part of the war in Vietnam—essential, that is, to the Communists. Neither the United States nor South Vietnam had any control over the course of events which, in the past month, turned Cambodia into an active fighting front.

The President, quite simply, was confronted with a new situation that combined a major threat with a major opportunity. It was quite obvious that the Cambodians on their own would never be able to dislodge the Communist forces on their soil, regardless of what weapons might be furnished them. The far more probable outcome has been that the Communists would eventually overthrow the Lon Nol regime and return Sihanouk to power once again—this time with the whole country solidly united behind the Communist war effort in Vietnam.

Nixon, quite rightly, looked on this possibility as a threat to the relative military stability that has been achieved in South Vietnam and to the safety of South Vietnamese and allied forces there. In his judgment, a Communist victory in Cambodia would inevitably jeopardize the program of Vietnamization and the widthdrawal of American troops to which he is committed.

The opportunity, on the other hand, is equally clear. If, with a strong drive into eastern Cambodia, the major Communist bases can be destroyed and their forces routed, the military pressure on South Vietnam will be substantially relieved. Equally important, the chances of survival of a non-Communist Cambodia will be vastly improved.

No doubt, as in all operations of this kind, there are risks involved. In our view, however, by far the greatest risk lay in doing nothing while the North Vietnamese went about the conquest of all of Cambodia. Confronted by this probability, the President decided to act. We are convinced his decision was right and applaud his courage in making it.

ILLINOIS BOARD OF HIGHER EDUCATION UNANIMOUSLY APPROVES RESOLUTION

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ARENDS. Mr. Speaker, a few months ago I informed my colleagues of the concern expressed by the Honorable Richard Ogilvie, Governor of Illinois, for the safety and welfare of the schoolchildren of my State in the event of nuclear attack.

You will recall, Mr. Speaker, that upon that occasion I read a resolution sponsored by Governor Ogilvie in which he urged each school system and educational institute to develop disaster-preparedness planning and training and to adopt means of protecting student lives.

Today, Mr. Speaker, I am making as part of my remarks the pertinent part of an official resolution which was approved unanimously by the Illinois Board of Higher Education—an action that reflects great credit upon every member of that board.

The resolution, which urges support and cooperation for civil defense activities and education in State colleges and universities, states in part:

The Board of Higher Education encourages each governing board of colleges and universities within the State of Illinois to assist the institutions over which they preside in adopting procedures which will preserve student lives resident on their campuses during times of disaster, and . . . that the Board of Higher Education supports the concern expressed by the Governor of the State of Illinois and the Civil Defense Agency for the State of Illinois and stands ready to assist them in their efforts to develop disaster-preparedness planning and training and in furtherance of this vital effort hereby appoints the Executive Director of the Board of Higher Education as its liaison officer to work with the Illinois Civil Defense Agency.

REQUEST MADE TO AMERICAN BAR ASSOCIATION FOR INVESTIGATION OF DEFENSE OF CHICAGO 7

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ICHORD. Mr. Speaker, on February 26, 1970, I addressed the House and expressed my concern over the serious challenge posed to the good repute and effective functioning of our legal system by the misconduct of the defense in the trial of the "Chicago 7." I then said that the important issue is whether the bench and bar are capable of adjusting to the diversion of self-styled revolutionaries and their counsel who would advance the concept of "class struggle" in the courtroom, and thus make a shambles of our legal system in their effort, fanciful as it may appear, to accomplish the ultimate overthrow of "the system."

My concern prompted me to call upon the American Bar Association for a thorough review of this subject. I addressed a request to Bernard G. Segal, president of the American Bar Association, asking the association to direct its attention to these issues. I have since received a reply from Mr. Segal. I want to commend the gentleman and the American Bar Association for undertaking an inquiry on this subject. My letter to Mr. Segal and his reply follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNAL SECURITY,
Washington, D.C. February 25, 1970.

BERNARD G. SEGAL, Esquire,
President, American Bar Association,
1155 East 60th Street,
Chicago, Ill.

DEAR MR. SEGAL: Many members of Congress have become increasingly concerned that repeated assaults upon our judicial system by self-styled revolutionaries may work irreparable harm unless appropriate action is taken to curb them. The trial of the so-called Chicago 7 is the case in point. According to these self-styled revolutionaries on trial, as it is with others in "the Movement", the law is a "class" tool which must be "exposed". A trial is to them a confrontation with "the system" which they ultimately seek to destroy or transform.

It is clear that the Chicago defendants, with the connivance of their counsel, attempted deliberately to make a mockery of our judicial system. I am also particularly disturbed that the communications media in many instances permitted itself to be fully exploited to this end by obscuring the reprehensible nature of their conduct and demeaning the court and the prosecution without pointing out that judicial procedures provide the means of correcting errors by the court, if any.

The important question at issue is whether our legal system is capable of meeting the challenge thus posed. This challenge, inherent in the deepening conflict between what President Nixon has recently described as two irreconcilable philosophies, that of the "world revolutionary movement" and the system of freedom, is the major problem of our generation, now finding expression in steadily mounting attacks upon our legal system as in other areas of our society. If we do not meet this challenge promptly, at the threshold, we shall be fated to witness the steady deterioration and degradation of our legal system, and with it the institutions of our free society.

Hence, it seems to me that our procedures and the circumstances must be thoroughly reviewed to determine what protective measures are necessary and what is the proper course for the disciplining of such defendants and their counsel consistently with the ends of justice and the dignified functioning of our trial system. These issues demand the attention of our best minds and our most informed experts. It is my thought that this subject should be thoroughly examined by the American Bar Association with a view toward remedial action on the part of the bar and bench, or by legislation, State and Federal, as may appear necessary.

I would very much appreciate your advice.

Sincerely yours,
RICHARD H. ICHORD,
Chairman.

AMERICAN BAR ASSOCIATION,
April 22, 1970.

HON. RICHARD H. ICHORD,
House of Representatives, Committee on Internal Security, Washington, D.C.

DEAR CONGRESSMAN ICHORD: I appreciate your having written to me concerning the so-called Chicago 7 Conspiracy Trial, and I regret that since I have been traveling in connection with speaking engagements and other American Bar Association commitments, this is the first opportunity I have had to dictate this reply.

Your view as the seriousness of the problem of deliberate disruptions of criminal trials, to serve the tactical purposes of the disrupters, is one which I share. Last November I requested the Advisory Committee on the Judge's Function, of the ABA Criminal Justice Standards Project, to undertake a comprehensive in-depth study of the Records of disruptive trials going back at least to the trial in the U.S. District Court of New York of alleged communist conspirators in the early 1950s, and including the recent Sirhan Sirhan trial in California, and, of course, the trial to which your letter refers. Because of your interest I am enclosing a copy of the announcement which was released to the press concerning this study.

At the present time I can not tell you specifically when the recommendations of that Committee will be forthcoming, and whether it will conclude that further legislation is needed. When its report is available, I will see that you receive a copy. Also, I am forwarding a copy of your letter to the Chairman of the ABA Committee, U.S. District Judge Frank J. Murray of Boston, in the belief that your observations will be of interest to him.

Another evidence of the Bar's concern about this subject is the fact that the National Conference of State Trial Judges is sponsoring a special panel program on trial disruptions at the annual meeting of this Association in St. Louis in August.

Your letter referred also to disciplining of defendants and attorneys. During the trial and now with the appeals pending in higher

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courts, I have steadfastly refused to comment publicly on the conduct of the defendants, their counsel, the prosecution, or other parties or aspects of the trial. For your own information, the two principal defense attorneys are not members of this Association. Consequently, the ABA exercises no disciplinary control over them, this being an authority which rests with the highest courts in the States in which they are licensed to practice. My information is that appropriate disciplinary agencies in those states have the matter under consideration.

Your courtesy in giving me the benefit of your observations is deeply appreciated.

Sincerely yours,

BERNARD G. SEGAL.

AMERICAN BAR LAUNCHES STUDY OF DISRUPTIVE TACTICS IN CRIMINAL TRIALS

CHICAGO.—The American Bar Association is launching a national study looking toward the formulation of guidelines for dealing with tactical efforts to disrupt criminal trials by means of disturbances or incidents of violence in the courtroom.

President Bernard G. Segal announced today the study has been made a part of the ABA program to establish broad new standards of criminal justice administration. This major project, already under way, is designed to embrace the full spectrum of criminal processes from arrest through trial and appelate review.

Mr. Segal reported that the study was set in motion at a meeting Oct. 24–25 by the ABA Advisory Committee on the Judge's Function, a 13-member panel of judges and lawyers under the chairmanship of U.S. District Judge Frank Murray of Boston. This is one of six Advisory Committees created to carry out the overall ABA Project on Standards of Criminal Justice, the purpose of which is to improve and modernize criminal procedures in both federal and state court systems.

While the "Chicago 8" federal court conspiracy trial is one of the most recent examples of the problem of courtroom disruptions to which the ABA study will be directed, Mr. Segal pointed out earlier incidents occurred in the recent Los Angeles trial of Sirhan Sirhan for the assassination of Robert F. Kennedy, and that disruptive tactics have become a relatively recent phenomenon in other trials during the last decade. An earlier example was the New York City trial of eleven accused communist conspirators in the early 1950's before U.S. Judge Harold R. Medina.

One of the defendants in the current Chicago trial, Bobby Seale, was sentenced to a total of four years in prison on sixteen counts of contempt of court growing out of a series of disturbances in the courtroom and at one point Seale was ordered gagged and manacled. Judge William Hoffman declared a mistrial as to Seale and ordered a severance of his prosecution from those of the other defendants.

"The trial of a criminal case is a search for the truth which demands an atmosphere of calm and decorum in the courtroom," Mr. Segal said. 'Disruptions of trial procedures pose a serious problem of court administrations and for the whole process of criminal justice.

"The objective of the American Bar Association study will be to assess the remedies available to trial judges under their constitutional and statutory powers, and to develop guidelines for the future guidance of judicial and other court officers. This task is being assigned to the Advisory Committee headed by Judge Murray since its specific assignment is to promulgate standards for the guidance of the trial judge."

Mr. Segal made clear that the project would involve a study of the entire records in all relevant cases, and would take into account the constitutional rights of defendants as well as the authority and conduct of judges and others participating in the cases examined.

In addition to his post as chairman of the Advisory Committee to define the functions of the judge, Judge Murray is chairman of the Section of Judicial Administration of ABA. Other members of the panel are: Chester Bedell, Jacksonville, Fla., attorney; U.S. Court of Appeals Judge Harry A. Blackmun, Rochester, Minn.; Judge Thomas Coakley, Superior Court of Mariposa, Calif.; District Attorney Frank S. Hogan, New York; William T. Kirby, Chicago attorney; Burton R. Laub, dean of Dickinson law school; Carlisle, Pa.; Judge Miron A. Love, Houston, Tex.; Judge Sam Phillips McKenzie, Atlanta, Ga.; Judge John A. H. Murphree; Gainesville, Fla.; Judge Robert A. V. Rensch, St. Paul, Minn.; Judge Samuel J. Roberts, Erie, Pa., and U.S. Court of Appeals Judge Edward Allen Tamm, Washington, D.C.

President Segal today notified Frank Greenberg, president of the Chicago Bar Association, of the ABA action in undertaking the study, informing Mr. Greenberg the ABA advisory group began the injury at a meeting Oct. 24–25. The Chicago Bar official had urged that the American Bar Association undertake such a study.

ONE POINT OF VIEW

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. FRIEDEL. Mr. Speaker, a system of coordinated transportation under equal regulatory treatment has been and still is the objective of all of us concerned in this vital area. As chairman of the Subcommittee on Transportation and Aeronautics I introduced April 21, 1969, H.R. 10293, which in the judgment of many acknowledged transportation experts would go a long way in equalizing operations of an important segment of the transportation system—namely our freight forwarders.

As the laws now stand freight forwarders may not act as carriers on behalf of their customers to negotiate rates with the various modes, such as the railroad, motor carriers, or water carriers. This right under the Interstate Commerce Act is currently reserved only to those modes. Our freight forwarders throughout the country are indeed significant carriers of small shipments. By permitting more efficient coordination among the various transportation modes, my bill would improve and extend freight forwarders services and go a long way in solving a major problem, that of providing adequate transportation service for small shipments.

Recently an excellent article by Mr. Stephen A. Foldy, eastern division traffic manager of Benjamin Moore & Co., appeared in the trade magazine, Distribution Worldwide, which commented favorably on H.R. 10293. I commend this article to all Members and include it at this point in the RECORD:

[From Distribution Worldwide magazine, March 1970]

ONE POINT OF VIEW

(By Stephen A. Foldy)

The most important small-shipment relief bill in years is getting the old rugby football treatment by big trucking interests and some powerful but short-sighted shipper and shipper associations.

The bill at issue, H.R. 10293 (Friedel-D. Md.), would allow railroads to publish special rates for common carriers and put freight forwarders on an equal footing with other types of carriers.

The bill will do these things for shippers and the broad public interest in improved transport economies.

(1) It will provide some measure of relief to the small shipment crisis, restrain rate increases, and it may provide some rate reductions.

(2) It will afford an opportunity for extension and improvement of freight-forwarder services.

(3) It will preserve competition of the freight forwarder as a vital intermodal force in the ailing arena of small shipments.

(4) It will encourage efficiency and it will promote more economical intermodal systems.

(5) It should produce new rail traffic and much needed revenues for the railroads and, correspondingly, increase their efficiency.

(6) It should encourage motor carrier use of "rail highways" with their unique economic advantage.

(7) It should generate new intermodal rail/water traffic.

Trucking opposition to this bill is strictly institutional. Truckers have a virtual monopoly in the small-shipment field and woe to REA Express or anyone else wishing means of re-establishing competition.

It is a fact that the trucking industry has failed to provide any solution to the small-shipment problem. All it has ever offered is what is best summarized as the "pay more plan."

The truckers already have what they oppose in this bill for others. Under piggyback plans I and V they can deal with railroads as between carriers at special rates not applicable to shippers.

The truckers handle freight-forwarder traffic up to 400 miles at special rates, as between carriers; but insist that it would be favoritism if railroads similarly offered to forwarders what they offer to truckers and other carriers.

Finally, the truckers told Congress that costs are substantially higher for handling LTL traffic at uncongested small points, where carload forwarder consolidations are not feasible. Also, if forwarders got more of the good gravy traffic between the big cities, this would adversely affect service in the uncongested areas.

But when points such as Chicago and New York, where consolidations are feasible, are at issue, they tell shippers that costs in cities are higher than in uncongested areas and that this traffic is losing money for them.

Their statements create a severe strain on credibility.

The National Industrial Traffic League, too, is opposing this bill. To understand its opposition, note that it chose as its spokesman the guiding hand of the Washington-Oregon Shippers Association. Observe, too, that it is large-volume, carload shippers who dominate the League; and that it has an almost complete interlocking membership with ITOFCA.

What the big NIT League-type shippers fear is that lowered freight forwarder rates will have to be made up by shippers generally. But this could only happen if freight forwarder traffic decreases further, which it is expected to do if this bill is not passed.

Put another way, it is a law of rail transport economics that if traffic will not move at a higher rate, but a lower rate above full cost will move it, then preferential rates relieve rather than increase the burden on all traffic.

The proposed bill is expected to do more than merely save diminishing forwarder

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traffic, it is expected to increase it, and at rates profitable to the railroads.

In summary, Acting Chairman George M. Stafford of the ICC said, "The question to which an answer must be found is whether the time has come to alter the relationship between freight forwarders and the carriers which they employ for performing the underlying transportation; whether as to these, the freight forwarders perhaps should no longer be treated as shippers but rather as carriers, able to join with connecting railroads, motor carriers and water lines in the establishment of through routes and joint rates."

Our question to the ICC is not "Has the time come?" but, "Is the time not long past," to admit that a forwarder is a carrier and should be treated the same as other carriers?

THE POLITICS OF VIOLENCE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GROSS. Mr. Speaker, the gentleman from Iowa (Mr. SCHERLE) recently addressed a gathering of 500 Iowa women civic leaders in Des Moines. His remarks, on the subject of "The Politics of Violence," are most pertinent today as still another wave of campus unrest sweeps our Nation.

I commend the text of his excellent speech to the attention of my colleagues:

THE POLITICS OF VIOLENCE

Violence may not be "as American as cherry pie," as the black militant leader Rap Brown puts it, but it is rapidly becoming a familiar experience to all of us, at least through the news media, if not directly as a victim. A hard-core minority of our students is becoming as well known internationally for their "alienation" and aggressive activism as their counterparts in France, Germany or Japan, who have much longer traditions of political involvement in their universities upon which to draw.

Some people rationalize this as the "generation gap." While we may be horrified at some of the things young people are doing, say these optimists, and while they may be impatient with the way their elders are running the world, this is nothing new. They will outgrow it eventually, and in turn find much to deplore in the radical behavior of their own offspring. But whatever our differences with our parents' generation—and we had them—we did not throw firebombs to express our displeasure. No, this old chestnut, while it has the advantage of being familiar and easily understandable, does not really explain the situation.

It is difficult to ignore such startling facts as these: in Los Angeles a riot raged for ten days in August, 1965, causing one hundred seventy-five million dollars in fire damage alone, not to mention the many additional millions lost through looting and vandalism. Thirty-six people died as a result of that riot, eight hundred ninty-five were injured, and more than four thousand were arrested.

Spectacular as this example may be, it cannot be dismissed as an isolated instance. The conflagration in Watts was succeeded by numerous, though smaller riots in cities and towns all over the country. In three weeks during the following summer, eight U.S. cities, including Des Moines, were hit by riots or near-riots. Nor was Watts the first. The preceding summer, outbreaks had rocked seven major metropolitan areas.

The same trend may be seen on the campus. Violent protests have become a college tradition, like football rallies. Attorney General John Mitchell reported that the 1968–69 academic year yielded a crop of two thousand three hundred arrests and 2.2 million dollars in damages due to campus disorders alone. Student disturbances still continue to erupt at the rate of about one a day in 1970, despite widespread predictions that things would "cool off" this year. These disorders have become so commonplace that they are no longer given major press coverage unless they make a particularly big splash. People seem to have become inured to such stories, and they no longer are sensational enough to sell newspapers.

As a member of the House Internal Security Committee and the Education and Labor Committee, I have become better acquainted with the problems of social and student unrest. Our nation's capital, as the hub of government, has been a favorite target for civil disorders, and I have personally witnessed a number of mass demonstrations. Under the guise of freedom to dissent, all of them have been attended by some degree of violence.

On October of 1967, during my first term in Congress, fifty thousand demonstrators converged on Washington to storm the Pentagon, our country's vital military nerve center. As a representative of the people, I felt I should see the protest activities first hand. It was a cold Sunday night and bonfires were burning on the steps and grounds of the Pentagon. Gathered around the fires and scattered over the steps, unwashed and unshaven groups of protestors lounged and sprawled. Some were burning draft cards and dollar bills. Over all floated the scent of marijuana. A large portable loudspeaker was passed from person to person. Each speaker in turn tried to outdo the one before him in the vulgarity of his taunts directed at the watchful, encircling troops. Others meanwhile expressed their "dissent" by displaying filthy signs and scrawling obscene remarks and pictures on the walls of the building. The Federal marshals and soldiers showed remarkable restraint in the face of these provocations. Cost? Over one million dollars.

Following the assassination of Martin Luther King in 1968, the capital was again besieged, this time from within. Washington was a city at war that week. Many of the scars of that struggle still remain. Machine guns were mounted on the Capitol steps and other Federal buildings, and snarls of barbed wire blocked the city streets. Thirteen thousands armed troops stood guard and residents were subject to a curfew. For the first time since the War of 1812, the smoke of a burning city hung in the air, and for the first time in memory, the great gold dome of the Capitol was darkened. Block after block of blackened shells stood where buildings had been. These grotesque skeletal remains made whole sections of the city look like the bombed out ruins of a world war.

Police reported ten deaths, more than a thousand injuries, nine hundred fires and over six thousand arrests. Damage was estimated at thirty million dollars. Stokely Carmichael roamed the streets urging Negroes to declare war upon the white community. Stores were looted only two blocks from the White House. Looters laden with booty taunted the White House guards as they passed. Police permitted looters to carry goods from the shops unhampered, in what the mayor called an act of "restraint." Uncontrolled looting was shown on television news reports, signaling the go-ahead to others.

It is worth noting that the average looter in this riot was not poor. Statistics showed that the typical rioter had eleven years of education, made about ninety dollars a week and had never been in trouble with the law before. Most of those arrested were employees of the Federal government. Several were students, one was a real estate agent, one a librarian, and one was a deacon of his church. These people were not downtrodden. They did not riot because they were hungry. They rioted because they saw that there was profit in it, and because they knew that no one would stop them.

There is substantial evidence that this riot was well-planned. A *Washington Post* reporter, himself a Negro, managed to obtain an interview with some of the arsonists. He quoted them as saying, "It was not a riot but a rebellion!" and it was definitely "organized."

About a month later, the city of Washington was subjected to yet another ordeal of disorder—the "Poor People's Campaign." The squatters set up a hodge-podge camp of huts and tents which they called "Resurrection City." After seeing it, I preferred to call it "Insurrection City." The site they chose for their camp is sacred ground to all Americans: near the Capitol in a grassy meadow between the Washington Monument and the Lincoln Memorial. This lovely public park, which so many citizens have enjoyed on visits to their capital, became a meeting ground not only for malcontents of every political persuasion, but for a strong criminal element as well. A resident of the city told a member of my staff: "We shall overcome—and we will do it with violence." Fear was rampant. Official estimates of the cost of this campaign ran to two million dollars.

Again last fall, the nation's capital was swept by a wave of massive anti-war protests, misnamed "moratoriums." The marches were widely described as "peaceful," but peaceful these peace-lovers most certainly were not. Hundreds of hippies and Yippies bent on violence attempted to storm the South Vietnamese embassy. Police were forced to use clubs and tear gas to disperse them. Around the Washington Monument, the ring of American flags representing the fifty states was replaced by Vietcong banners. Pictures of Communist leaders were everywhere and "Hate America" speeches rang out over the crowd. Well-known political figures participated and applauded these activities. To me, it was sickening.

When the permit for the meeting expired, thousands of militants crashed through police lines and headed for the Justice Department. A riot ensued. Windows were broken and red paint was splashed on the walls of the building. The American flag was again hauled down and burned and the Vietcong flag flew in its place. The bill for damages and costs resulting from this "peaceful" demonstration: 1.8 million dollars—and you, the taxpayers, underwrote their pleasure.

Those who express the view that such violent acts are in some measure protected by the First Amendment to the Constitution forget that there is a clear distinction between the *freedom to speak* and the *freedom to act*. Supreme Court Justice Hugo Black noted (and I quote) "The First Amendment protects speech. And it protects writing. And it protects assembly. But it doesn't say anything that protects a man's right to walk around and around my house . . . to frighten . . . my family into that house, make them afraid to go out of doors, afraid that something will happen. It just doesn't do that." (end of quote)

The First Amendment was added to the Constitution to insure that citizens would have a *lawful* and *peaceful* means of expressing their dissent. This purpose is now being perverted by those who wish to make it an excuse for criminal behavior. Violence is *not* necessary and peaceful dissent *is* possible through lawful channels. But those who wish to express their differences have a corresponding obligation to allow other views to be heard, and not to cut off free debate. The protestor of today refuses to permit any other opinion to be voiced and shouts down all who disagree with him.

As Vice President Agnew remarked, they have renounced the commandments of old and embraced a new dispensation. The new

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fanatics have formulated ten precepts of their own, which they obey religiously:

Thou shalt not allow Thy opponent to speak.

Thou shalt not set forth a program of thine own.

Thou shalt not trust anybody over thirty.

Thou shalt not honor thy father nor thy mother.

Thou shalt not heed the lessons of history.

Thou shalt not write anything longer than a slogan.

Thou shalt not present a negotiable demand.

Thou shalt not accept any establishment idea.

Thou shalt not revere any but totalitarian heroes.

Thou shalt not ask forgiveness for thy transgressions; rather, thou shalt demand amnesty for them.

What makes our young people act this way today? Some observers of the contemporary scene adopt a "sophisticated" historical perspective. They point to the "radical" nature of this country's origins, remarking that the Founding Fathers were, after all, "revolutionaries," and citing the violence which accompanied numerous events in our subsequent history. Look at the Boston Tea Party, they say, or at the anti-Irish riots of the eighteen-forties and fifties. There were draft riots long before Vietnam, in the 1860's in fact, and labor riots which spanned two generations at the turn of the century. Politically-oriented violence, they will tell you, is not a new phenomenon in America.

While it may be true that we have undergone sporadic spasms of violence in particularly trying times in the past, such analogies fall far short of accuracy. They do not adequately convey, first of all, the violent temper of our times, nor do they explain satisfactorily the contemporary trend toward violence as a *typical* form of political expression. Secondly, those earlier disorders were quite different in nature. The Boston Tea Party represented a single act of rebellion against a specific unjust law. The draft riots were popular reactions against a concrete public policy. The violence attending the labor disputes, though considerable—nearly thirty people were killed in 1934 alone—was always directed toward a specific goal: union recognition by management. Even the anti-Irish race riots of the mid-nineteenth century were aimed at a particular "enemy" and resulted in the destruction of "enemy" property.

The recent rash of riots seem in contrast far less "rational," if riots may be said to partake of degrees of rationality. They are not aimed at a specific enemy, they are not caused by a particular issue, though they are frequently triggered by a single incident, and they do not carry the war to the enemy's territory. Statistics show that Negroes are the first to suffer in a Negro riot. Most of the property destroyed and the injuries suffered are borne by Negroes.

Equally puzzling, though in a different way, are the aims and motivations of student unrest. The causes which student activities espouse seem to run a fashionable course and then disappear from prominence. The war in Vietnam and the draft appeared to be the cause of many early campus protests. Today they account for only twelve percent. Black studies, black student unions and more liberal admissions policies for black applicants were paramount for awhile. Now they seem to have given way to demands for a strong student voice in the school's decision-making process at all levels, and to protests against the pollution of the environment. One wonders what next.

Various explanations have been offered to account for violence both in race riots and in student disturbances. It has been noted that some of the grievances used as battle cries by the insurgents contain a kernel of truth. But people have always had legitimate grievances in the past—some of the same grievances, in fact—and they were not the cause of widespread violence. Everyone has to put up with frustrations in life. Few resort to aggression to escape from them.

Those who take the rebels' motives at face value as stated overlook three key factors in the developmentof the politics of violent confrontation: the role of revolutionary ideas, the role of *organization*, and the role of *authority*.

The power of an idea should never be underestimated. Especially in an era in which instant mass communication facilitates the rapid spread of ideas, it is not too much to say that a single fiery slogan can incite a riot. Communism was an idea in the mind of Marx before it took over half the world. "Black Power" was a rallying cry before it became a reality, and it was uttered by one man, Stokely Carmichael, before it was taken up as a slogan by the black militants. Mario Savio had to ignite the Free Speech Movement at Berkeley before it occurred to students at other colleges to assert "student power" and demand a voice in running their universities.

If you look at what young people are reading these days, it is not hard to see where the ideas come from. One popular writer is Herbert Marcuse, who attacks big, rich organizations as "de-humanizing" and "totalitarian" because, he believes, they control people's lives without their consent, or even their knowledge. Under this heading, he lumps big business and big government, especially the military. Obviously, this doctrine has a lot of appeal to a young man fearful of exchanging the freedom and individualism he has known as a student for the regimented life of the army or a large corporation in a nine-to-five job. It is easier to condemn the establishment than to accept the hard realities of adult responsibilities.

Another popular book is Supreme Court Justice William O. Douglas' recent notorious publication, *Points of Rebellion*. In it, the misguided Justice compares the American "Establishment" today to the regime of George III and suggests that revolution may be the only way to change it. Can you imagine? No wonder our courts are in trouble.

Only a fear of being thought repressive of free thought and free speech makes government leaders and educators refuse to acknowledge the immense causal power of such ideas.

However, none of these ideas would be able to gather the force and retain the momentum they have without organization. Without Lenin, Marxism would never have succeeded as a viable political program. Without the Students for a Democratic Society and the black militant groups, black power and student power would probably have remained intriguing topics of campus bull sessions. The fact that they have become potent forces in the real world, disruptive, destructive forces, must be attributed to the organizations which have made them the basis for action. Reading down a list of campus disorders that have taken place over the past two academic years, the name of one group recurs continually: the Students for a Democratic Society.

In one month, the fateful April of 1968 that brought Columbia University to a standstill, the S.D.S. was active in anti-war protests at institutions as far flung as the University of North Carolina and Portland State College in Oregon, as well as directing the debacle in New York. The chaos they succeeded in engineering at Columbia was truly frightening. They occupied five buildings for a week, largely demolishing the interior furnishings, and held two administration officials hostage. One hundred students were injured and seven hundred twenty were arrested as a result of clashes with the police. This performance was repeated, with variations, around the country.

A considerable degree of organization is evident in specifically racial disturbances as well. Cornell University, which was wracked by armed violence last year at this time, has again been swept by a wave of disorder. The Black Studies Center burned down several weeks ago. Arson was suspected but not proved. Black students nevertheless reacted by banding together in a body with concentrated rage. They looted the university bookstore and raced through the campus hurling rocks and bricks through windows. They have presented a new and more martial set of demands to the administration. Among them are: amnesty for those who participated in the destruction, black guards to protect black students, and money for a new center to be disbursed only by blacks.

The trial of the Chicago Seven revealed long-range planning and an organizational structure behind the riots at the Democratic Convention in Chicago. Hippie leaders Abbie Hoffman and Jerry Rubin planned the disorder, recruited participants in speeches all over the country months before, and directed the battles with the police at the actual scene of the riot.

Examples could be multiplied, but the point is not one which requires much further demonstration.

But no matter how the verbal and physical attacks of these groups, they could not have been so successful in dislocating the machinery of government and disrupting the fabric of civil order without—one hesitates to use this word—the *cooperation* of those in authority. The role played by authority is the third key factor in the development of the politics of violence. For if a seductive and subversive idea, even one backed by a fanatical organization, met immediate and firm resistance from those with the power to say a loud, clear "No!", it could be stopped cold. The abdication of authority is what ensures its success.

Embarrassing as it may be to admit, we are dealing in every case—let's face it—with a hard-core minority of radicals. They are not lightly to be reckoned with, it's true, but they are few in number. Their followers are the most naive. And they do not have, at least to begin with, anything like the resources in men or money which those in authority do. Yet they have manipulated the passive, complacent or fearful majority, and managed time after time to throw the more powerful opposition into confusion, to reduce whole sections of cities to rubble, and to extract extraordinary concessions from university administrations. History provides many similar example of hard-core militant minorities which swayed the unthinking, indifferent majority—with disastrous results.

It is noteworthy that the great majority of violent political demonstrations whether on the streets or on the campuses, have taken place in centers of *liberal* thought—the big northern cities or liberal southern cities like Atlanta or Washington, and the universities noted for their liberal traditions. Police power in these centers is almost a dirty word, and is invoked only in desperate cases. Post-riot analyses of the student-induced chaos at Columbia University, as well as of the racial disturbances in New York, all produced a similar conclusion: the disorders could have been curbed had the police been called earlier and allowed to exert firm force immediately. Both types of riots got out of control because the authorities stood by, wringing their hands and frantically trying to find a "peaceable solution." They refused to face the fact that force must be met with force if it is to be quelled. In their misguided efforts not to escalate the conflict, they actually encouraged the rebels to rampage. Here, too, history has a lesson to teach to those who

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are willing to learn. Appeasement and capitulation to violent demands do not bring peace; they only foster further demands.

A comprehensive study of student disorders nationwide, conducted by a well-known liberal Washington journalist who spent a month visiting campuses from Columbia to U.C.L.A., corroborated this view. It is "an unpopular truth," he said, but true nevertheless, that "the crucial element in a student uprising is faculty support. Without help from the faculty, the uprising fails. With some substantial degree of support among the faculty, the uprising becomes immune to retaliation by the university's administrators. The administrators' weapon is suspension and expulsion. Students cannot protect themselves against it. But the administration cannot use it in the face of serious faculty opposition."

In an effort to supply college administrators with the backbone that many seem to lack, Congress passed legislation in 1968 to deprive any student engaged in violent protest of Federal grants for his education. The purpose of the law was to ensure the three most essential academic freedoms: the freedom of the student to learn, the freedom of the teacher to teach, and the freedom of the university to provide an education. By furnishing a uniform national criterion for extreme student behavior, Congress hoped to encourage timid administrators to apply the standard in their own institutions.

Unfortunately, this measure did not prove so successful as we had hoped. I therefore proposed that colleges be required to show that they were in compliance with the law before receiving any money, and this amendment was added to four appropriation bills for fiscal 1970, including that for higher education.

It would be too simple, however, to attribute all the responsibility to that beleaguered and much criticized class of people, the faculty and administration of the universities. They are supposed to act *in loco parentis* (in lieu of the parent), it is true, but they are only the last in a long line of educators and authority figures in the life of an adolescent. When a student comes under their jurisdiction, he is already on the threshold of adulthood. His habits of thought and character are already to a large extent ingrained. He learned them, not from the university, but from his earlier schooling and, most importantly, from his training at home. The college teacher or administrator frequently learns to his dismay that the parents in whose place he is supposed to act have not themselves acted very responsibly in the past. Thus, college professors who were trained and hired to teach mature students, must discipline children.

The student of today arrives at college not with a sense of his own inadequacies and inexperience, but with a conviction that he already knows a great deal more than his elders. He is impatient of their "mistakes," as he calls them, and certain of his own ability to improve on them. He is full of the arrogance of untried potential and untested idealism. He wants everything accomplished yesterday, if not last week.

Youth, of course, has always been characterized by impatient idealism. If it were not, there would be no change. But in the past, this was tempered by a mitigating respect for authority, a healthy sense of fear of the consequences of rash action. It would not have occurred to the young idealists of our generation, however enthusiastic for change and impatient of delay, to resort to bricks and bombs to hurry things along. And it would not have occurred to them because they were taught at home to listen and to learn before trying to preach and to act, to have some respect not only for authority, but also for the rights of others.

A prominent Chicago psychologist, Dr. Bruno Bettelheim, who specializes in the problems of disturbed children, recently wrote: "For self-control to develop, children must have learned to fear something before they enter society." That something, he adds, is parental authority. In the absence of strong parental authority, children have no standard against which to measure their independence, no behavioral norms with which they can identify.

Other problems are traceable to permissive school policies, such as the recently popular "open admissions." Many more people go to college now, but few are well prepared for the demands it makes upon the individual's self-discipline. Those who cannot compete successfully are frustrated. As their numbers grow, they band together and make common cause of their frustration—misery loves company! They cannot cope with failure and cannot admit their deficiencies, collectively they seek a scapegoat. They direct their anger against the institution they believed would hand them knowledge on a silver platter, and against society at large.

There is nothing more important than a good education; nothing even ranks a close second to it. But the student must have the necessary aptitude and qualifications to benefit by it. He should therefore choose the course which will make the best use of his abilities, be it liberal arts, professional or vocational training. Only thus can he avoid the frustration of failure and make a meaningful contribution to society.

The chaos these young people rage against, says Bettelheim, is within themselves, not in the structure of society. Thus no change in the external world will satisfy the truly militant. "While consciously they demand freedom and participation," he wrote, "unconsciously their commitment to Mao and leaders like him suggests their desperate need for controls from the outside, since without them they cannot bring order into their own inner chaos."

In testimony before the House Special Subcommittee on Education which was investigating student disorders last spring, Dr. Bettelheim declared that even the bright militant students are emotionally "fixated at the age of the temper tantrum." Of students like those who were photographed lounging in President Grayson Kirk's chair in his Columbia University office, he wrote: "Big in size and age, those who sit in feel like little boys with a need to 'play big' by sitting in papa's big chair . . ."

One proof of this is the radicals' own attitude toward actually gaining their ends. Any reconciliation with authority is looked upon as a betrayal of revolutionary goals and a compromise of idealistic purity. Many seem to revel in violent confrontation for its own sake. The alleged causes and ostensible objectives of the movement take second place to the rebellion itself. Some seem to derive a thrilling sense of community from their mob actions. Others are skeptical of ultimate success because "the Establishment" is "rotten to the core." For them, confrontation is, in one student's words, merely the "politics of despair." These pesimists seem to be unaware that the Establishment has already begun to re-order its priorities. We spend over sixty-one billion dollars a year on social programs. Federal spending for social welfare has more than doubled since 1960. This Administration is now spending more on human resource programs than on defense.

To the ultra-fanatical few, like Mark Rudd, the head of S.D.S. at Columbia, who provide the major impetus to the vanguard of these movements, any cause will do. However worthy it is, it is not important in itself. Its real value to the revolutionary is as a wedge to drive into society's vulnerable cracks and eventually to engineer its downfall. Asked to provide an alternative, however, the revolutionary has no constructive answer to give. He plans to wait until the dust settles to decide that.

Bettelheim believes that many of the hippies, Yippies, militants and assorted fringe groups of the New Left are emotionally sick. For their own good and the health of society, we must deglamorize the illusory role they have invented for themselves. Unfortunately, many adults tend to glorify what should properly be considered a pathology. Thus, we have the "youth culture" which pays reverence to every concern of youth its pop music, and its pop political philosohy promising instant panaceas through world revolution. Dr. Bettelheim puts it bluntly:

"The idea that adolescence is God-given, that it has any special virtues doesn't appeal to me. Adolescence is not a physiological period in one's life, like puberty, but a culturally imposed age. As a particular style of life it can only be possible if people are not part of the working force. Until 1900 almost nobody became adolescent because after the age of fourteen or fifteen, he went to work."

Perhaps if some of the adolescents of this generation had to renounce a part of their economic dependency—one is tempted to call it parasitism— and *work* to contribute to the family finances, they would gain a little respect for the affluence they profess to despise. Their parents *earned* that affluence for the most part. Maybe if their children learned by experience some of the sweat that goes to produce "the good life," they would be more inclined to value it.

It is time that we as parents, as teachers, as the beneficiaries of life's experience, as—yes, let's be honestly proud of it—the older generation, reassert what we know to be true: sensitivity and idealism, intelligence and wisdom are not the sole prerogatives of the young. They are not even the principal repositories of these virtues. Every generation makes mistakes, and we have made our share. But we have also accomplished a few things in our lifetime, whereas young people have accomplished nothing as yet. By what right, therefore, do these children, still wet behind the ears, presume to tell us how to run the country?

If we have made one truly serious mistake, it is not in Vietnam, or pollution or in race relations: it is the cowardly resignation of our rightful role as leaders and guides and our capitulation to the tyranny of spoiled brats. We have the power, but some of us have lacked the will. We should reappraise our position and reassess the one weapon that is in *no* sense the prerogative of the young: our hard-won authority as parents, teachers, workers, businessmen, and politicians.

Respect for authority and the rights of others, like charity and all the other cherished values of our civilization, must begin at home. But for the generation which has graduated from the home to the university, more immediate measures are needed. Instead of retreating from violent student radicals and agreeing to unlawfully extracted concessions, college administrators should exercise the power of expulsion. This strangely unused power has, as one professor of history observed, been the prerogative of universities since 1209, but few administrators today have recourse to it. Removal of student agitators from university life is the most effective way to nullify their "non-negotiable demands" and the bullying tactics which accompany them. This measure would restore to the university the essential atmosphere of peace and tranquillity without which it cannot conduct its proper business of education.

Expulsion is not a sanction to be lightly imposed. But the university does have an obligation to lay down clear rules of conduct and to set forth firm penalties for their violation. The most basic of these rules should outlaw violence. The use of arms, the forceful occupation of a building, the intimidation of any student or member of the faculty or administration, the disruption of any class, should all be immediate and in-variable cause for expulsion. Similarly, in street demonstrations, the authorities should be prepared for disturbances, issue clear guidelines for lawful action and warnings against violations, and then act swiftly to quell any disturbance with as much force as is necessary.

The pressing requirements of remedial tactics should not, however, obscure the basic need for a long-range preventive strategy. We must return to the wellspring of all education, the family, for the key to success in this strategy. The political, social, and moral attitudes learned early in life are the ones which remain with us, guiding our actions and shaping our beliefs all through our adult existence. The future citizen must learn from his parents, if he is to learn at all, that true freedom recognizes rational restraints, that only tyranny demands total license.

We must enlist the aid of other institutions in our efforts as well. The churches, which have for too long receded into the background of education in the life of the individual, must resume their rightful role as spiritual leaders and moral guides, supporting the school and the family. The courts must strongly reassert the principle of law with order and mete out justice, not permissiveness. Finally, we must as individuals in every walk of life be willing to speak out in defense of the values we have cherished and lived by, to show our children that our heritage is one we are proud to bequeath and determined to preserve.

A BILL TO CREATE A SINGLE INDEPENDENT AGENCY TO LEAD THE ATTACK ON POLLUTION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WHITEHURST. Mr. Speaker, five cosponsors have joined with me in the introduction of a bill, H.R. 16414, that would create a single independent agency in the Government to lead the attack on pollution. The Pollution Abatement Act of 1970 establishes the National Environment Control Commission, which would have the authority to generate and enforce pollution standards, have full power to promulgate all actions involved in the attack, incorporate all future and present pollution programs, and have jurisdiction over more than $10 billion in pollution funds.

In this time of inflation, high taxes, and tight spending, every dollar must accomplish the absolute maximum. This calls for leadership, planning, and coordination. But more than an eye on expenditures is needed. The need is for a central agency to oversee the development of the war on pollution and to maintain efficiency in field operations. We all know the end result we want; clean air, clean water, clean landscape, control of our wastes, and a substantial reduction of all pollutants. But where is the machinery to direct the attack? The agencies responsible for pollution control are presently scattered across the Government departments.

Under these conditions it is too easy for the left hand to not know what the right hand is doing. Inefficient dual programs of study by several agencies, or worse yet no action at all, is the result of such scattered leadership.

I have proposed combining all the existing pollution control bureaus, agencies, and departments under one independent Government agency. After giving much consideration to the idea, I formally made it public back in January. Such a National Environment Control Commission is contained in the Pollution Abatement Act of 1970.

The Commission is to have full powers to establish pollution standards, approve and inspect pollution abatement equipment, and fund research in the form of grants, loans, and pilot projects. It will also have full enforcement powers to coordinate and promulgate all actions involved in the attack on pollution, and incorporate all future programs dealing with pollution. As one reporter termed it, "the agency would be an Atomic Energy Commission of Sludge."

Many articles have been written about the needed attack on pollution. Congress and the public are primed for action. I have noticed with pleasure that some Members of the Senate are beginning to see the advantages such an organization possesses. The broadcast media have given time to the subject, pointing out the need and calling for action. Among those broadcasters is Eric Sevareid, the distinguished commentator on the CBS network. On his broadcast of Tuesday, April 7, 1970, with the CBS Evening News with Walter Cronkite, Mr. Sevareid commented on the need for a central agency to lead the battle against pollution. I want to share Mr. Sevareid's comments with my colleagues at this point in the RECORD.

Excerpt of CBS Evening News

SEVAREID. Behind the hubbub of Carswell, strikes, and the rest of the headline agitation, quiet pulling and hauling continues here on the really deep-seated, long-range problems in American life, none of which is more critical than the pollution of the physical sources of life.

Part of the beginning of the campaign to save these sources must be organization of the governmental headquarters for the campaign. This, too, is still in a beginning stage. Senator Muskie of Maine had made himself the leading champion of environmental quality early on, while the President has been moving to take the issue away from Muskie and the Democratic Congress. Mr. Muskie now proposes a new bill to set up an indedependent administration on environment and the White House is soon to propose its own reorganization of the various agencies dealing with air, earth and water, and which are scattered through the government.

Strong governmental powers are required, a vast amount of money is required, but that is by no means the end of the story. The deeper that authorities here look into the problem the more appalled they are, not by just the potential cost, but the infinitude of roadblocks. Public apathy, the usual defendant, is not the problem half so much as the built-in conflicts of economic interest at every turn in the road. For every little gain in stopping pollution, somebody is going to have to give up something.

Nobody sees how to stop a competitive industry from turning out more and more products that begin as luxuries and soon become necessities, air conditioning for one example. The demand for it is one reason for more and more power plants that pollute more and more rivers. Housewives could do without detergents which pollute rivers, except that any millions of existing washing machines are built expressly for detergents. Pollution-free auto engines presumably can be built, but Detroit is not about to shut down until that happy day, and car owners are not about to junk their present car and go wheelless until that day.

Even the idea of electrified mass transit to reduce auto traffic is beginning to lose its glow. Evidence accumulates that most people see mass transit simply as a way to get the other guy's car out of the traffic stream so they can continue to drive and with greater ease.

In the meantime there seems no way on earth to prevent a population increase by a hundred million in the next 30 years. What reason and the facts demand is something like a 10-year period of true austerity, enforced by something like wartime emergency powers of utmost severity. No political leader has the stomach even to propose that. It would, of course, foul up the economy, but the real issue may well be that or the fatal fouling up of our means of existence.

ONE OF THE THINGS THAT MAKES THIS NATION SO WONDERFUL IS HELPING ONE'S NEIGHBOR

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. CUNNINGHAM. Mr. Speaker, I have many reasons to be proud of the Second District of Nebraska which it is my privilege to represent. But one of the most significant is the willingness of all to help one another—neighborliness.

An outstanding example of this quality, which could well be used as an example for others, was the recent assistance offered by farmers in Burt County, Nebr., to one of their neighbors who had suffered an apparent heart attack.

The Art Oltjenbruns farm is located about 10 miles southeast of the town of Lyons. Mr. Oltjenbruns was hospitalized just when the spring work was heaviest and it was more than a son-in-law could accomplish.

Mr. Speaker, the story is best told in the following article from the April 30 issue of the Lyons Mirror-Sun. I commend it to each of my colleagues:

Area Farmers Gather To Assist Oltjenbruns

One disk, then two and finally three disks were on the scene to keep ahead of the fellows with the plows as they moved to the Art Oltjenbruns farm land Monday morning. A son-in-law had worked over the week end in his attempt to get the ground ready, so a goodly portion had been disked prior to the invasion.

However at approximately eight o'clock that morning, 35 farmers took time out from their own very busy schedules to converge on neighbor Oltjenbrun's farm and to give him a big assist in his spring work.

Mr. Oltjenbruns has been hospitalized for the past three weeks suffering from an apparent heart attack. He returned home from the hospital Monday night.

There were 32 tractors, the disks, four harrows and plows totaling 104 bottoms. One

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of the participants speculated there was approximately $150,000 worth of equipment used to accomplish this mammoth feat. The good neighbors plowed 180 acres by 11:30 that morning.

Listed as among those who contributed their time and equipment in extending the hand of friendship to Mr. Oltjenbruns were: Robert Warren, Orrin Kohlmeier, Alby Helms, Morris Swedberg, Elwood Miller, Howard Anderson, Jack Webster, Bud Webster, John Larson, Merle Deupree, Duane Whisinnand, Don Climer, Harry Hansen, Axel Nelson, Clarence Drummond, Leo Bowland, Maurice Hayes, Mike McKenzie, Ed Timm, Jr., Vinton Johnson, Glen Robley, Gilbert Thayer, Floyd Miller, John Tranmer, Carl T. Anderson, Dan Smith, Jeff Anderson, Jack Robertson, Lester Kohlmeier, Ray Simpson, Neal Rogers, Leonard Heise, Don Haeffner, Dale Penke and Gilbert Weitzenkamp.

Fuel for the undertaking was furnished by Holmquist Grain and Lumber.

Morning lunch and a noon meal consisting of a ham dinner and all the trimmings including homemade pie were served by Mrs. Merle Deupree, Mrs. Orrin Kohlmeier, Mrs. Clarence Drummond, Mrs. Gladys Pipal and Mrs. Robert Warren. Other ladies in the community helped furnish the food.

By afternoon the men were back in their fields doing their own farming and the ladies back to their kitchens and gardens. It was as if the morning spent in "helping a friend in need" was indeed a routine matter.

PITT FACULTY DISCLAIMS ARAB TERRORISM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MOORHEAD. Mr. Speaker, the war in the Middle East still rages. Arab forces, with the backing of the Soviet Union, are becoming more bold in their forays against an Israeli Nation badly outnumbered and outgunned.

Several weeks ago, Arab terrorists pressed their aggression on a new front, when they publicly took credit for the explosion that caused a Swissair jet plane to crash, taking 47 innocent lives.

Faculty members of the University of Pittsburgh recently sent a protesting letter to Dr. Henry Kissinger, President Nixon's foreign affairs adviser, asking that he lend his efforts to finding peace in that troubled part of the earth.

These men and women who sent the letter were shaken by the loss of one of their colleagues, Dr. E. Richard Weinerman, who was aboard that fated plane.

I insert this letter into the CONGRESSIONAL RECORD, with the names of those who signed it:

UNIVERSITY OF PITTSBURGH,
Pittsburgh, Pa., March 6, 1970.

DR. HENRY KISSINGER,
The White House,
Washington, D.C.

DEAR DR. KISSINGER: Faculty members of the Graduate School of Public Health, many of us who knew Dr. E. Richard Weinerman and his wife personally, were shocked and dismayed to learn of their deaths in the Swissair jet crash on February 21 which took 45 other lives as well.

Dr. Weinerman's contributions to public health and medical care are well known to those of us who are members of the health professions. He would have had many more fruitful years had not terrorists snuffed out this fine life.

In the light of this poignant incident, may we urge that you do all in your power to bring a peaceful settlement in the Middle East that will also guarantee the secure existence of the nation of Israel and its people.

Sincerely,

Isidore Altman, Ailon Shiloh, Jerome M. Sacks, Nathan Hershey, Sidney B. Cutler, Thomas B. Fitzpatrick, Hilda Kroeger, Maurice A. Shapiro, Kenneth L. Garver, William E. Poel, Gerald Spector, C. C. Li, Edward R. Schlesinger, Patricia B. Breslin.

NEW YORK TIMES REVEALS POLICY GRAFT

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. POWELL. Mr. Speaker, a team of reporters from the New York Times recently compiled the following series of articles clearly indicating that gambling in New York City is being fully protected by the police department:

[From the New York Times, Apr. 26, 1970]

GAMBLERS' LINKS TO POLICE LEAD TO VIRTUAL "LICENSING"—SURVEY LISTS BOOKMAKING AND POLICY PLAY AS MAJOR SOURCES OF GRAFT HERE—CITY'S NEW PANEL MEETS TOMORROW

(By David Burnham)

New York gamblers maintain an intimate and financially rewarding relationship with many policemen that at times perverts law enforcement into a system of "licensing" the city's vast gambling industry, according to some police sources.

This association between gamblers and many of the policemen assigned to the department's specialized anti-gambling units was described by police officials, policemen and former policemen in a six-month survey undertaken by The New York Times on the problems of police corruption.

A special committee set up by Mayor Lindsay to investigate corruption after he learned that The Times was planning to publish its survey said yesterday that it would hold its first meeting tomorrow morning. Citizens were urged to report any specific information they had on wrongdoing.

The names of the policemen who discussed corruption with The Times during the survey are being withheld to protect them from possible reprisals.

While many policemen are not corrupt, interviews with a number of policemen, during which they referred to notes and other records, suggested that large numbers of plainclothes men—the policemen assigned to controlling gambling—became tainted and in effect regulate the industry.

"Each plainclothes unit has a regular monthly meeting to decide which gamblers to take on and which gamblers to drop—because they've become too hot," one plainclothesman explained.

"At this monthly meeting, they also talk about how much each gambler should be charged," he continued. "The decision is based on how much he takes in."

The plainclothes man said that numbers operators sometimes tried to shortchange the police by lying about the number of "collectors" employed to pick up bets. "When they do this, a plainclothes man said, "they fine the gambler the amount he held back on them.

"At the same time," he continued, "if a plainclothes man arrests a gambler who is "on the pad" by mistake, he also will be fined—maybe a hundred bucks or so."

The plainclothes man also said that arrests sometimes were made by appointment. "Me and this other guy spotted this collector and we grabbed him and he said he was a cousin—paying the cops.

"The guy I was working with said he was sorry, but they had a complaint and had to make a collar. The gambler told him he understood, but 'please don't hold me up now, its my busiest time.' "

"So the collector and the cop made an appointment—he agreed to be in front of the precinct house at the end of the business day, the policeman said. "And sure enough, three hours later, he was standing there with a smile on his face and his made-up evidence—a few phony policy slips—in his hand."

On another occasion, several plainclothes men arrested a collector who was operating in a hallway.

"He said he was a cousin," the policeman said," and asked us to let him go. I said no soap, we had to have a collar. He said he understood and would be glad to provide a flunkie to take the arrest."

Because the policeman telling the story wanted to make the arrest—and not be considered an enemy by his colleagues—he said he developed a little story.

"I told him I was sorry," the policeman recalled, "but that I thought internal security might be watching and I didn't want to get in trouble by bringing in a substitute."

A number of New York policemen agree that the basic payment to corrupt plainclothes men from gamblers was $800 to $1,000 a month—tax free—with lieutenants sometimes getting double.

But they agree that some plain-clothes men make a great deal more.

"You really are limited only by your own initiative," one plain-clothes man said. "Like you can go out and make your own scores. I heard one guy openly boasting that he made $60,000 in the past two years."

Although the Times survey showed there were many sources of police graft, virtually all knowledgeable experts agreed that the highly organized and superbly efficient gambling industry contributed the most.

There are two major kinds of illegal gambling in New York. One is the "policy game," or "numbers racket"—a six-day-a-week lottery. The other is bookmaking, where individual citizens can place bets on events such as football games and horse races.

Estimates of the annual take of the gamblers vary. But two New York Treasury Department agents a few years ago set the yearly gross of the five major policy games in New York City alone at $1.5 billion.

Some law enforcement experts say in general only that those gamblers who pay bribes are allowed to operate.

As a result, the primary function of corrupt policemen in big cities "is not the enforcement of law, but the regulation of illegal activities." William F. Whyte wrote in his book about law enforcement, "Street Corner Society."

[From the New York Times, Apr. 27, 1970]

POLICE CORRUPTION FOSTERS DISTRUST IN THE RANKS HERE—GRAFTERS' FEAR OF INFORMANTS LEADS TO THREATS AND SPYING—80 RESPOND TO LINDSAY'S APPEAL FOR INFORMATION

(By David Burnham)

Corruption in the New York Police Department, which reportedly involves millions of dollars a year in graft, has created an atmosphere of suspicion, distrust and fear for

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many New York policemen, police sources report.

Threats of death are not unknown, police investigators make secret visits to the offices of even the highest commanders and secret tape recorders are almost commonplace, according to policemen and former policemen interviewed by The New York Times in a six-month survey of corruption.

Some effects of the publication of reports on the survey and the formation of a five-man city panel to investigate police corruption were already being felt.

The City Department of Investigation said some 80 persons had responded thus far to an appeal by Mayor Lindsay for confidential information on police corruption, and a spokesman said that many of the callers had provided "specific" and "useful" material.

In addition to instances of outright graft, the Police Department is troubled by a corrosive atmosphere and official inaction that, according to sources within the department, is affecting the lives of policemen who accept payoffs, the many who do not and the police officials charged with eliminating corruption.

On at least two occasions in the last two years, for example, one policeman with a reputation for being strongly opposed to corruption says that he has been threatened by other policemen who thought he was giving information to his superiors.

"I was in the Criminal Courts Building," the policeman recalled about one of the incidents. "One of the plainclothesmen pulled his gun out and put it in my belly—and he said, 'You're a rotten kind of a guy, and if you ever involve me, you know what's going to happen.' "

The names of policemen who discussed corruption with The Times are being withheld to protect them from reprisals.

The suspicion and fear reportedly extend to the highest ranks of the department. This was evidenced, police sources say, by a physical tussle between Chief of Detectives Frederick M. Lussen and Assistant Chief Inspector Joseph McGovern, the top uniformed corruption investigator in the Police Department. This broke out last summer, the sources say, when Chief Lussen returned from lunch and unexpectedly found Mr. McGovern in his office.

The relations between some officers and their men is also reported difficult. One police commander said that when he was assigned to a new office, the men in the unit began to follow him secretly to see if he was trying to get evidence of corruption.

"One day I am driving around," he recalled in an interview, "and I suspect they're tailing me, and I had this guy along with me I know I couldn't trust and he kept looking behind.

"I'm driving, you know, and he's sitting alongside me, and I just said, 'Is my tail with me?' " And he gave me a look. They were tailing me to find out where I was going and what I was interested in.

The policeman who said he had been threatened with a gun also told this story:

"I wasn't with this unit very long when I was approached by a plainclothes man I had worked with before. He approached me and said, 'Look, we got a phone call before you came up here and they said not to trust you.'

" 'But I don't care, I don't give a damn,' " the policeman quoted the plainclothes man as saying. " 'I know you from before, and I'm willing to take a chance.' He then took me right over to a bar and introduced me to a 'KG,' known gambler."

CODE NAMES USED

The warning phone call, the policeman said he subsequently learned, came from a police official specifically entrusted with reducing corruption.

Policemen often use code names to avoid security breaches with gossiping policemen assigned to various offices.

One policeman, when calling Chief McGovern, said that he arranged to be known as Mr. Mitchell. "But then McGovern told me not to use Mr. Mitchell, because he knew a real Mr. Mitchell, and that any time I called I should say it was Mr. James," the policeman related

One police official with 30 men on his staff was asked how many of them he trusted to enforce the law properly. "I trust definitely four, possibly a fifth man," he replied. "The rest I don't know whether to trust or not. I couldn't definitely say how many are on the take. I would say, I'm pretty sure, that five aren't."

The official said he did most of his own investigating because of his worries about the honesty of some of his men. He explained that since the changes made in the nineteen-fifties following the discovery that Harry Gross, a Brooklyn bookmaker was paying the police millions of dollars a year, men in his position were assigned men rather than being permitted to pick them.

"These changes were pretty good in theory," the official explained, "but they didn't work. I think the gambling inspectors ought to be allowed to pick at least some of their own men, so they'll be loyal to them. In my personal opinion these changes were an administrative paper thing.

"They didn't want to stop it—it was too lucrative—and the money was going so high that they really didn't want to end it. But, however, they had to set up a new system to appease the public and appease the press."

Another policeman, reflecting on the fearful and suspicious ways of the department, said, "You know, it's just like something out of the movie 'Z'."

And oddly enough, Mayor Lindsay arranged a private showing of the film about political repression in Greece for about 10 top police commanders and their wives last Jan. 21 in a small auditorium of the Time & Life Building.

Graft Paid to Police Here Said To Run Into Millions—Survey Links Payoffs to Gambling and Narcotics—Some on Force Accuse Officials of Failure To Act

(By David Burnham)

Narcotics dealers, gamblers and businessmen make illicit payments of millions of dollars a year to the policemen of New York, according to policemen, law-enforcement experts and New Yorkers who make such payments themselves.

Despite such widespread corruption, officials in both the Lindsay administration and the Police Department have failed to investigate a number of cases of corruption brought to their attention, sources within the department say.

This picture has emerged from a six-month survey of police corruption by The New York Times. The survey included an examination of police and court records and interviews with scores of police commanders, policemen, former policemen, law-enforcement experts and private citizens.

The picture also is drawing from interviews with a group of policemen—including several commanding officers—who decided to talk to The Times about the problem of corruption because, they charged, city officials had been remiss in investigating corruption.

The names of the policeman who discussed corruption with The Times are being withheld to protect them from possible reprisals.

On Thursday, Mayor Lindsay announced the formation of a special five-man committee to review the city procedures for investigating police corruption. Corporation Counsel J. Lee Rankin was named chairman and Police Commissioner Howard R. Leary is a member of the panel.

The announcement followed a series of meetings held at City Hall and Police Headquarters during the last few weeks after the Lindsay administration learned The Times was conducting a survey of police corruption.

The policemen and private citizens who talked to The Times describe a situation in which payoffs by gamblers to policemen are almost commonplace, in which some policemen accept bribes from narcotics dealers, in which businessmen throughout the city are subjected to extortion to cover up infractions of law and in which internal payoffs among policemen seem to have become institutionalized.

"Police officials always talk about the occasional rotten apple in the barrel when corruption comes up," said Ralph Salerno, a recently retired New York police sergeant and nationally respected expert on organized crime. "They'd be a lot more honest if they talked about the rotten barrel."

Only a relatively few cases of corruption are successfully investigated by the Police Department. In a recent letter to State Senator John Hughes, chairman of the Joint Legislative Committee on Crime, Commissioner Leary said that in the 137 cases of police misconduct referred to the department in the last three years, seven policemen were dismissed.

During a recently tape-recorded conversation with a policemen that was made available to The Times, the top uniformed police official responsible for stamping out corruption in his department—Supervising Assistant Chief Inspector Joseph McGovern—was asked what he had accomplished.

"What have we accomplished?" he replied. 'I think I have done a damn good job protecting the Commissioner against the onslaughts of outside agencies."

MAYOR'S ORDER CITED

An example of the department's reluctance to openly acknowledge corruption as a problem is its response to an order issued by Mayor Lindsay to all city agencies last May 12.

The order required that "all allegations or indications of possible corruption or wrongdoing" be reported immediately to the Investigation Department before any action was taken by the agency involved.

According to a source in the Investigation Department, the Police Department has refused to comply with Mayor Lindsay's order.

One of the policemen who came to The Times discussed the effect of the department attitude toward corruption on the individual policeman.

"I believe that 90 per cent of the cops would prefer to be honest," he said. "But they see so much corruption around them that many feel it is pointless not to go along."

PUBLIC'S FAITH AFFECTED

In addition to tarnishing the policeman's attitude toward himself and his job, students of law enforcement say, corruption also imposes a massive secret tax on the citizens of New York, dilutes the enforcement of many laws and undermines the public faith in justice.

Some of the assertions made by policemen in The Times survey follow:

Arnold G. Fraiman, now a State Supreme Court justice and until January, 1969, head of the city's Investigation Department, refused to look into charges that Bronx gamblers were paying policemen between $800 and $1,000 a month.

Mr. Fraiman learned about the case during a three-hour conversation with two policemen in his Park Avenue apartment on May 30, 1968.

Just about a year later, with no known assistance from the Investigation Department, eight of the plainclothes men whom Mr. Fraiman had been told about were indicted as a result of an independent investigation by a Bronx grand jury.

Justice Fraiman said yesterday that there was a meeting with a plainclothes man who provided him with information, but he denied that he had ever discontinued an investigation of police corruption. He added that the information provided was extremely general and that "no specifics were ever given."

KRIEGEL OUSTED

Jay Kriegel, Mayor Lindsay's staff assistant for law enforcement, told a policeman early in 1968 that the administration could not act on charges of police corruption because it did not want to upset the police during the possibly turbulent summer ahead.

About a year before making this statement, Mr. Kriegel arranged for Mayor Lindsay to meet a group of policemen so he could get a realistic understanding of the problem of corruption. The meeting was called off at the last moment with urgent instructions from Mr. Kriegel to the policeman assisting him to forget that it had ever been scheduled.

Mr. Kriegel had no comment yesterday.

A detective with many years of experience in the narcotics division said one of his colleagues had arranged payoffs to the police from major heroin dealers of up to $50,000, in return for such favors as the destruction of evidence gathered on secret wiretaps.

Because the detective arranging the payoffs was shot under mysterious circumstances a few months ago, he now is under investigation.

Some aspects of police corruption in New York and the related costs were discussed recently in a report by the Joint Legislative Committee on Crime. The committee charged that gambling in the slums of New York "could not function without official tolerance induced by corruption."

"Testimony before this committee clearly reveals," it said, "that the ghetto residents are perfectly aware of the corrupt relationship between police racketeers and certain elements in the Police Department, and, for this reason, have a deep cynicism concerning the integrity of the police in maintaining law and order in the community."

Another aspect emerged in the anger of a Brooklyn bookmaker who complained that the plainclothes men he regularly bribed continued to demand payments even after they had been transferred out of gambling enforcement to the narcotics division. He said his payment was $1,200 a month, divided by four levels of the department including one unit at headquarters.

The bookmaker said in an interview that some of his busier colleagues paid the police as much as $2,400 a month and that the police impose an extra payment if a bookmaker took bets on both the flat races and the trotters.

FOOD PAYOFFS

Putting an exact price tag on corruption is impossible. The Joint Legislative Committee on Crime recently reported, however, that the city's 10,000 small Puerto Rican grocery stores were estimated to give the police $6.2-million a year in small weekly payments and free food to avoid summonses on minor charges.

Numbers operators, according to Federal and state agencies and private researchers' estimates, make payoffs between $7-million and $15-million a year. Builders in Manhattan report they sometimes pay local patrolmen between $40 and $400 a month for each building site or renovated building.

One West Side liquor dealer said he paid the police about $2,000 a year in cash tips and free and cut-rate liquor.

Beyond the financial cost of corruption is its corroding effect on the self-esteem of the policeman.

"One plainclothes man got a bit philosophical about taking it," a policeman recalled recently. "He stated he was a poor boy and one of the minority groups and he never had any money and now was his big chance. He said, 'I don't care what they offer me, a thousand, a hundred, two dollars, I'll take it.'

"And I said, 'Oh, my God, think about it.' And he said, 'If I did, I'd blow my brains out.' "

This sort of corruption, according to many on the force, is woven into the very fabric of the policemen's professional life. The men assigned to enforcing the gambling laws, for example, are expected to give the precinct desk officer a $5 tip for each gambler that the plainclothesman arrests and the desk officer must process.

"Of course a gambling arrest is a lot of extra work for the desk officer," a senior police official explained. "But the real reason for the tip is that the desk officer knows the plainclothes man is making a lot of money—that the arrest usually is in some way phony—and he wants his share of the pie."

SOME DON'T GO ALONG

Some desk officers do not accept the tips to expedite the paperwork. "When I had a precinct," one unit commander said, "I had a desk officer that was not going along with this practice. I'd be in my office and I would hear him shouting: 'You put that back in your pocket! I get paid for this.' "

A plainclothes man agreed, in recalling an encounter with a desk officer, that the $5 tip was not mandatory. "I don't have a pad," he told the officer. "I'm not on the payoff. I'm not taking anything and there's nothing going out."

"And I was really surprised that this time I hit someone who was really impressed," the policeman added. "And he said, 'fine, that's O.K. with me.' "

In some precincts, policemen say, even to get a "good seat" in a radio car they must pay.

"I was recently a patrolman," a sergeant said. "In my precinct you were supposed to pay for getting a good sector on Sunday, for getting a good post. It's so systematized that the roll-call man actually would know in a dollar figure how many pickups were on your post, and you were supposed to kick in accordingly."

By "pickups," he said, he meant small weekly payments made by many businesses so they could operate on Sunday in violation of the state's sabbath law.

POLICY THE MAIN SOURCE

According to the Joint Legislative Committee on Crime and most law-enforcement experts, the numbers racket, or policy game, is the single most regular source of police corruption in New York. The numbers racket—a six-day-a-week lottery in which players can put down small amounts of money—is an enormous business.

One estimate by United States Treasury agents several years ago figured that the five major number operations, or banks, in New York were receiving $1.5-billion a year in bets. If this estimate is correct, the numbers operation's annual gross is bigger than that reported by one of New York's major industries—dressmaking.

Some experts estimate that 1 per cent of the gross of the numbers operation, of $15-million a year, is spent on payoffs at all levels of government.

Assigned to stamping out this popular, carefully organized and well-financed industry are 600 plainclothes men—patrolmen assigned to the uniformed force but who wear civilian clothes. The result, according to many knowledgeable sources, is corruption and the transformation of many of these units from law-enforcement agencies trying to suppress gambling to regulatory agencies licensing it.

Some policemen recalled that when they went to plainclothes school some of their classmates complained that going to the school was delaying them from getting out into the street and collecting graft.

Others asserted that the relationship between gamblers and policemen was so well organized that a special mark was put on the envelopes containing the number slips. The mark, they said, indicated to knowledgeable policemen that the "work" had been paid for and should be returned if possible.

"CONTROLLER'S" MARK

"These markings are put on by the controller (a top man in the numbers racket)," one policeman said. "If there's an arrest made in the meantime, and the plainclothes men are on this work is supposed to go back because these people are paying for protection."

During the recent trial of a numbers operator who conducted his business in a hallway in the garment district, a policeman testified that he had stood in line and let 18 gamblers do business with the operator before he arrested him.

After the arrest, the special headquarters-level policeman testified, he told the gambler, "You act as if you have a license."

"I do," the gambler was quoted by the policeman as saying, "You don't think I'd operate in the open like this without a license." The policeman testified that the gambler then showed him two old lottery tickets that apparently had been given the gambler by a lower-level policeman as a sign that would guarantee freedom from arrest.

HARASSMENT CHARGED

A plainclothes man working in Brooklyn said his Manhattan colleagues harassed him because he arrested every gambler he could, rather than the ones who failed to pay off.

"There were some who paid and seldom got arrested," he said. "It seemed like our real purpose was to beat down the competition of the gamblers who paid, to help them maintain their monopoly."

Shortly after this policeman was assigned to a plainclothes squad, another policeman handed him an envelope with $300 in it. "This is from Jewish Max," the policeman was told.

The policeman, disturbed by the corruption, took his complaint to Capt. Philip J. Foran, then commander of the police unit assigned to Commissioner Fraiman's Investigation Department.

"Well, we do one of two things," the policeman and a colleague quoted Captain Foran as saying. "I'll take you into the Commissioner and he'll drag you in front of a grand jury and by the time this thing is through you'll be found floating in the East River, face down. Or you can just forget the whole thing."

After a discussion about what he should do with the money, the plainclothes man said, he "gave the envelope to my supervisor, who was a sergeant of plainclothes, and he was very grateful for it—he snapped it out of my hand like he was an elephant and I had a peanut."

CONVERSATION IN A BAR

In another instance, this time in the Bronx, a young plainclothes man was taken to a bar by another policeman and introduced to a gambler.

"This guy reached into his pocket and took out some bills and he peeled them off and he gave some to the other officer and peeled off some more and offered it to me," the policeman recalled.

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"And I said to him, 'What's that for?' He says, 'Get yourself a hat.' And I said, "Well, I have enough hats.' So he said, 'Go on, take it.' I said 'If you have anything for me, give it to him,' and turned around and walked out."

The policeman explained that to have taken any action against the gambler would have violated all the "rules" of plainclothes men and possibly put his life in danger. He went on:

"I know the payoff was around—it would fluctuate from $800 to $1,000 a month per man. I would go around with them and at times I've even helped them count it. They would put it into neat little bundles for everybody.

"They would have meeting places and some of the guys would maintain private apartments. And they would allot double or a share and a half for lieutenants."

"I'LL KEEP IT FOR YOU"

The plainclothes man refused to keep any money for himself. "Well, it seemed that my partner told them that I was O.K. but he probably was keeping a double share for himself," he said.

He recalled one policeman who was "nice enough to say: "I'll just keep it for you. Whenever you want it, I got it. And if you ever change your mind, I'll have it for you."

A lieutenant who did not know that the plainclothes man was not "on the pad" offered "to store my money—my share of the money—in his attic—he said he had a quite adequate amount of room in his attic."

The plainclothes man, appalled by what he saw, said he took the information about corruption in the Bronx to Cornelius J. Behan, now an inspector in charge of the Police Department's prestigious planning division, and to Mr. Kriegel, the mayoral assistant.

Both meetings took place in the fall of 1967 he said—one in a parked car and the other in Mr. Kriegel's basement office in City Hall.

Inspector Behan, according to the plainclothes man, said he would inform First Deputy Commissioner John F. Walsh. Mr. Kriegel said he would look into the matter, the plainclothes man said.

The plainclothes man said he went to Inspector Behan because he was a man of widely recognized integrity.

SIX MONTHS LATER . . .

Six months later, with no sign of activity from Police headquarters or City Hall, the plainclothes man and a policeman friend who knew Mr. Fraiman said they met in the then Commissioner's apartment.

"That night, his reaction you know, really he was sitting on the edge of his chair," the friend recalled. "Then we started discussing technical things of how we were really going to handle it. And the decision was made that I was going to get a bug and we were going to meet and I was going to bug the surveillance truck."

The surveilliance truck was used by Bronx policemen to secretly observe gambling operations.

According to the policeman's account, two days after the meeting in the Fraiman apartment, Captain Foran, the commander of the unit assigned to the Investigation Department, called the policeman informant's friend. He said he was told to "bring the bug back to the office forthwith."

A few days later, according to the account, Commissioner Fraiman was asked by the plainclothes man's friend why the investigation was called off.

"He literally would not discuss it," the friend asserted. "He wouldn't discuss it for months. Ultimately, after months, the only answer Fraiman would make was that he [the plainclothes informant] was a psycho and that they couldn't get involved and that he wasn't willing to cooperate. And that just absolutely was not the case."

After many months of no visible action from Headquarters police investigators, the Police Department learned that the Investigation Department had also been informed about the regular payoffs to policemen in the Bronx. Information about the case was then sent to police officials in the Bronx and to District Attorney Burton B. Roberts.

In February, 1969, a Bronx grand jury indicted eight policemen on perjury charges and numerous gamblers for contempt charges, including one who was revealed to be an agent of Joseph (Bayonne Joe) Zicarelli. The case against one of the policemen now is being tried and the jury is expected to hand up its decision Monday. The cases against the seven other policemen are pending.

Police corruption in narcotics enforcement, according to all policemen interviewed, is nowhere near as carefully organized as corruption in gambling enforcement.

But because the potential profits are much larger, individual narcotics detectives are constantly tempted. In recent years, for example, three New York narcotics detectives, two Nassau County investigators and a Federal agent were arrested on charges of selling drugs.

Last year two detectives were arrested and accused of trying to bribe an assistant district attorney in the Bronx to go easy on a heroin wholesaler.

THREE CHARGED WITH EXTORTION

Only last month three detectives were charged with extorting $1,200 in cash, 105 "decks" of heroin and a variety of personal possession from five New Yorkers.

But there is some evidence that a more regular kind of corruption is not entirely unknown. One policeman, with six years of experience in the narcotics division and its elite special investigating unit, said one of his fellow detectives arranged payoffs to policemen from the largest heroin dealer.

These payoffs, he said, ranged from $5,000 for changing testimony just enough so a drug-seller would not be convicted, to $50,000 for the sale of a "wire"—the recorded conversation made by a police wiretap or bug.

The detective who allegedly arranged the payoffs recently was shot and seriously wounded in a gun battle near a Bronx hangout of major heroin importers. The case now is under investigation.

The detective who described the alleged incident to The Times said that, in at least one case he knew, several of his colleagus collected a great deal of damaging evidence about a major heroin dealer, let the alleged payoff arranger know they had the evidence and then waited for a bid from the criminals. The bid came and the money was collected, he said.

Several high-ranking police officials said in interviews that many narcotics detectives—because they are encouraged to meet a quota of four felony arrests a month and because so little money is available to pay informers—resort to stealing drugs from one addict and giving it to another to buy information.

In addition to the graft potential in the narcotics traffic itself, corrupt policemen are in a position to exert considerable pressure on the owners of bars and restaurants. This is because a narcotics arrest in such an establishment means the owner can lose his liquor license.

A detective with several years of experience in narcotics enforcement said he heard a top commander in the narcotics division chastising another official for not demanding and receiving regular payoffs from the bars in his jurisdiction.

But the payments to policemen by an unknown number of New York's 4,434 licensed taverns is only one of a variety of payments made by legitimate businesses and institutions in New York.

Some of the 2,232 licensed liquor stores, for example, also make various kinds of payments to the police. One busy West Side liquor dealer said:

"At Christmas time, the eight men working in the patrol car get $5 apiece, the five sergeants get $10 each and the two lieutenants get $50 each. Then there are the Christmas bottles they usually want the most expensive brand of Scotch—for the traffic policemen, the mounted policemen and eight or nine precinct patrolmen who come in with their hands out.

"Then over a year, the guys will come in and say, "Well, I'm going on vacation, how about a bottle?" or give some other excuse why they should get something for nothing. Finally, I'm expected to sell at cost—no profit at all—to all the cops in the area. I estimate that all of this costs me between $2,000 and $3,000 a year."

VALUE RECEIVED

The businessman knew he was acting in violation of state law, but said he got something for his money.

"First, I want my customers and suppliers to be able to double-park for a few minutes without getting a summons," he explained. "Second, I know that when I call for help the precinct will come pretty fast."

Construction companies are another vineyard for the police, although the amount paid seems to vary from borough to borough and even from precinct to precinct. A Manhattan architect said that it was his experience that the standard fee for the police was $400 a month and that the money usually was picked up by the sergeant.

A Greenwich Village contractor said in an interview that he recently paid the police $500 while he was renovating a brownstone.

"This guy came around and said, 'I've come to see you for the boys,'" the contractor declared. "I was amazed because he was so open. There were five laborers standing around watching. The job was pretty messy so I decided I better pay. I reached in my pocket and gave him $20. He said, "That's not enough; it's $40 a month for the sergeant and $5 a month—$40 altogether—for the eight guys in the patrol car." What annoyed me was that this payment didn't even stop the parking tickets."

Another contractor new to the city and on his first job—a Lower East Side renovation—said a policeman came around and told him he wanted to make "some financial arrangements."

"The sergeant told me the fee for his services would be $40 a month," the contractor said. "I asked him what the $40 would give me and he said something about there being 13 sergeants in the precinct and they would leave me alone.

"After I gave him the money he was very congenial and kept asking me whether all the financial conditions were satisfactory. He was very pleasant. Prior to that he was sort of demanding."

According to another contractor, the extortion of money from construction companies is so regular that members of the force in one precinct did not even hesitate when the contractor started building a new precinct house for them. "I was amazed, they

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came around and put the arm on me for $40 a week," he said.

Another source of illegal money is said to be the "reward" some insurance companies and other concerns pay detectives for the return of stolen goods.

A few months ago a lieutenant and detective on the Lower West Side were indicted on charges of extorting $5,000 from Montgomery Ward with the promise that with the money they would be able to find two trucks filled with radio equipment that had been hijacked.

Because such arrangements usually remain secret, it is not easy to estimate how frequently they take place. But one knowledgeable agent of the Federal Bureau of Investigation said he felt the payments of rewards was not unusual.

"It's a lot cheaper to pay a $5,000 bribe," he said, "than to lose $100,000 worth of mink coats."

The $25 finder's fee normaly given by car-rental agencies for the recovery of one of their stolen cars was described as another source of illegal income for policemen, "I don't see anything wrong with it—even though taking the dough is against regulations," a detective said.

Many policemen become lonely, despairing and frustrated because they feel there is nothing they can do about the continuing corruption they witness every working day.

"I remember one time we went on a call," a Brooklyn policeman said. "A girl had tried to commit suicide by taking an overdose of pills. Three patrol cars responded and there were six of us standing around this little one-room apartment, the girl lying there, just breathing.

"One of the guys walked over to her dresser and scooped up a large handful of subway tokens and dropped them in his pocket. No one said a word. It killed me, but there was nothing to do. There was no sense telling the sergeant because he was part of the club."

POLICE USE OWN WORDS TO SPEAK OF CORRUPTION

Slang, one theory holds, is sometimes created so that those who understand it can discuss subjects they want to keep secret. Whether this is true for the police is not known, but there are many police slang words that deal with corruption. For example:

Cousin—A gambler who is paying off. "Don't arrest him, he's a cousin."

Hook—High police offical with power to help lowerranked friends in the department get special assignments or rapid promotion in the detective division. Also known as rabbi.

Nut—the cash bribe. "How big is the nut?

On the Arm—Obtaining merchandise without charge. "I got the TV on the arm."

Pad—A list of establishments—either legal or illegal—that provide policemen with regular payments, usually on a monthy basis. There also is a "Christmas pad."

HON. GLENARD P. LIPSCOMB

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. DORN. Mr. Speaker, the death of Glenard P. Lipscomb, our friend and colleague, is a deep loss to the House of Representatives. He will be greatly missed by all of us who were privileged to know and serve with him in the Congress.

Glen Lipscomb served his country in the Army during World War II and served his State as a member of the California State Assembly before his election to the Congress. He was a member of numerous civic organizations and was especially active in the American Legion, our great patriotic organization standing for God and country.

Glen Lipscomb rendered outstanding service to our Nation during his years in the House of Representatives. He was the ranking Republican on the House Administration Committee. As a member of the Appropriations Committee, he was the ranking member on the Subcommittee for Defense appropriations. He also served on the Joint Committee on Printing and the Joint Committee on the Library. He always exhibited judgment and integrity in executing the duties and obligations of his office.

This is a better Congress, and we are a better Nation, because of Glenard Lipscomb's service in the House of Representatives and his dedicated service to his fellowmen. Mrs. Dorn joins me in the deepest and most heartfelt sympathy to Mrs. Lipscomb and the family.

GIVING THANKS FOR THE SOIL

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. KLEPPE. Mr. Speaker, as a member of the House Committee on Agriculture, I should like to draw to the attention of this body the fact that this week—the first full week in May—is being observed throughout America as Soil Stewardship Week. This annual observance is sponsored by the 3,000 local conservation districts and cooperating church groups. All of North Dakota's 66 Soil and Water Conservation Districts are participating.

This week ministers of all faiths are carrying vital messages to their followers to further God's purpose in the conservation, development, and proper use of soil, water, and related resources.

I salute the thousands of clergy of all faiths who use this observance to remind us that soil stewardship is everyone's responsibility. It is a responsibility of people who live in the towns and cities as well as those who work the land.

America's eyes have been on the "glamour sciences" in recent years. The wonders of medicine, of electronics, and astronauts in outer space. And they are wonders. But, down on earth, on thousands of fields of different kinds of soils, conservationists have also been at work. What they have done to keep the soils from wearing out equals any moon landing man will ever make.

Soil on earth lies as far as the eye can see. It covers millions upon millions of acres around the globe. Yet, it is a rare thing and cannot be replaced.

This soil is a living thing, yet it can be destroyed. This soil is God's gift to mankind, given unto our stewardship, yet it can be despoiled and wasted.

This soil is fruitful, yet it can become sterile. This soil produces crops and grasses and trees. It cannot be duplicated by chemistry or physics. This soil is an intricate house of myriad elements. Yet it is so commonplace as to be known as dirt.

Soil fills the flowerpots in Baltimore, serves as a garden in Minnesota, produces an orchard in California, and bears wheat in North Dakota. It is the source of our nourishment, it provides the means of our protection. God has willed we can live with it. We cannot live without it.

This is the kind of message being preached this week by ministers of all faiths throughout the Nation. I think it appropriate that the House of Representatives pay tribute to the sponsors of Soil Stewardship Week—the local Soil and Water Conservation Districts of America. The men and women who serve without pay on the governing bodies of these local units of State government deserve our praise for the leadership they are providing in our home communities.

They are performing an important patriotic service. I take this opportunity to congratulate them on focusing attention on the challenge of the future in developing soil, water, and related resources.

NO LONGER MY FRIEND

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WYATT. Mr. Speaker, the Daily Astorian, Astoria, Oreg., in a recent editorial has performed an important public service in calling attention to the tragic case of a young college student who burned himself to death after using the drug mescaline.

I commend this article to my colleagues:

NO LONGER MY FRIEND

One of the most poignant statements that has been made against the use of LSD and the other mind-expanding drugs came in a wire service story the other day out of Gainesville, Fla.

A 20-year-old college student who had experienced the drug mescaline doused his body and car with gasoline and burned himself to death.

"My mind is no longer my friend," wrote student Andy Anderson in a poem before he died. "It won't leave me alone."

In a note made public later, he wrote:

"The drug experience has filled me with fear and doubts of myself. I cannot go on.

Please try to remember my good points and excuse this final act of desperation. . . .

"Since (taking mescaline) I have not been in control of my mind. I have killed myself because I can no longer run my own affairs, and I can only be trouble and worry to those who love and care for me.

"I have tried to straighten myself out, but things are only getting worse. . . .

"There is nothing but misery for all of us (addressed to his family) should I allow myself to deteriorate further.

"To those of my friends who might also think about learning about themselves with mind—expanding drugs—don't.

"Learn about yourself as you live your life—don't try to know everything at once by swallowing a pill. It could be too much for your mind to handle at one time. It could blow out all the circuits as it did with me. . . ."

PROPHETIC

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, Sp. Frank M. Dunsmore, Jr. was killed in action in Vietnam on January 2, 1970. Prior to his death he wrote and sent to his mother, Mrs. Juanita Elsner, of Maryland, a phophetic poem with a message of profound significance to all who wish to see an early cessation to the loss of American lives in Southeast Asia. I share the grief of Frank's parents and family, and of his aunt, Mrs. Lucy Gossett of Tennessee. Mrs. Gossett raised Frank during his early years and is an outstanding career employee of the House of Representatives on the staff of the Committee on Interstate and Foreign Commerce.

Mr. Speaker, I include in the RECORD the poem written by a brave American boy who evidenced full and mature understanding of the tragedy of Vietnam:

PROPHETIC?

(By Sp. Frank M. Dunsmore, Jr.)

I'll be there at the end of the year
With my soldier weapons, a soldier's fear.
I'll be wading thru the swamps and the mud.
Yes, and I'll probably give my blood.
You may hear I've gone, you may not
Just another dead G.I. to fill the slot.
Left my friends, my music, my loves
To fight for a people you know nothing of.
Yet, at your home, your work, your play
When the War is brought up I can hear you say,
Stop the war in Vietnam,
But down inside you just don't give a damn.

When on leave, on pass off in town
Some people smile, some they just frown.
Others seem so unconcerned
But worry like hell if their car is burned.
In my uniform so many say:
Look! Look! A Green Beret.
They'll win the war and all come home
But we too are flesh, blood and bone.
I remember when I lived at home
I played my music, I lived alone.
My friends were numerous, I had nothing but fun
Now all I have is a beret and a gun.
I've got beautiful parents with six little girls
What will my dying do to their world?
So remember when speaking of the war and its blood,
Maybe someone you know is face down in the mud.

GAS STATION OPERATORS—PRESSED TO THE WALL

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BRASCO. Mr. Speaker, today inflation has passed beyond the national scandal stage, and is well on its way to becoming a continental disaster. As it worsens, the average wage earner mutters in frustration over prices he pays and the shrinking buying power of his dollars. One of the targets of his anger is the merchant he buys from and comes in contact with most commonly. Such small businessmen are almost always victims of conglomerations of power at the top of any given industry.

In no case is this more true than in our gasoline retailing market. Yet the average filling station operator, so often singled out as a villain by the buying public, is himself the helpless pawn in a game of "sucker" being played by major oil companies and their distributors. It is time for the consuming and auto driving public to fully realize just what is happening to them when they pull up to a gasoline pump. It all begins far away from the service station and the empty fuel tank that must be filled.

Major oil companies in our country dominate most of the entire oil supply of the non-Communist world. They control the flood of cheap oil being produced or easily available in the Middle East, South America, and other areas. These companies also own tankers which carry oil to refineries, here and abroad, where it is converted into fuel oil and gasoline products.

Through oil import quotas, which are really artificially erected and maintained walls, cheap world oil doubles in price as it enters our country. Even though the President's own Cabinet-level committee on oil imports recommended a sliding scale of lower level tariffs to reduce the cost of oil and gas products to American conusmers, the President sided with our all-powerful oil industry. Political contributions obviously speak louder than consumer demands.

Yet the oil industry is still not satisfied. It enjoys the largest accumulated series of tax privileges ever known in this Nation. From the 22 percent depletion allowance to writeoffs of all types, this industry is swollen with profit, privilege and preference. Yet, even this is not enough. For in the end, the consumer is victimized at the end of the chain because of oil companies' stranglehold on retailers. This is done in turn through their lock on wholesaling and distributing. Here is an entirely new vicious cycle—one which reaches into every consumer pocket and extracts an exorbitant chunk of his buying power.

Wholesalers and distributors are wholly dependent upon major oil companies for supplies of home heating oils and gasoline. With a phone call or a letter, any major oil company, and they all work in tandem, can shut off such a supply. This can be done either by simple denial of supplies or discriminatory pricing. Therefore, the wholesaler and distributor is a helpless captive of the major oil company, and must and will do their bidding. Now we can see how helpless the gas station operator really is at the end of the chain.

Every major oil company wears two hats. They are both supplier to the retailer and his landlord. Each filling station, with precious few exceptions, is built and owned by a major oil company. The retailer simply leases their property in order to do business with the consuming and driving public. It is a pet trick and operating rule of thumb of these companies to allow only very short-term leases, usually on a year-to-year basis. As we can therefore see, the leash is very short on the collar oil companies have fastened around the throats of retailers. Either do as they say or the oil and gas supply is shut off, made higher in price, or the yearly lease is simply not renewed. In other words, the major oil companies have complete life or death business power over helpless independent small businessmen. An economic whip is always ready for us.

In this manner, major oil companies can make retailers jump through almost any hoop. Here is our answer to why retailers are forced to carry trading stamps and other forms of phony promotional games, the cost of which is passed on immediately and directly to our driving public. The retailer must pay directly for them, even though he may prefer not to carry them, and would ordinarily pass on any savings to the public. Any deal made by major oil companies with a promotion company can be shoved down the throats of retailers on penalty of higher prices, no lease renewal or outright denial of supplies.

In every respect then, here is a modern form of economic slavery. Modern peonage on a retail level—penalizing consumers is the name of the game. Yet the public, paying ever higher prices to swell already bulging profits of oil companies, sees only the poor retail operator of his corner service station. Hence, he tends to lay blame directly on his only visible target. No reaction can be more understandable. No reaction could be more in error.

In 1965, the Federal Trade Commission held a series of hearings into this state of affairs, highlighting conclusions stated here. Certainly these facts were spotlighted in the record of these hearings. As of this date, no action has been taken to correct this worsening situation. Nothing has been done to alleviate these evils. Oil companies still ride high. Retailers are still trapped and being blamed. The public is still being victimized. They are still economic serfs—subject to such whipsawing on a regular basis.

Instances of this situation are common knowledge and easily rooted out, so blantantly are such actions taken and so confident are major oil companies that they are immune to Justice Department crimination is outrageously evident. One prosecution or FTC action.

Shell Oil Co., Brooklyn, is a comparatively recent example. I have seen shipping tickets for the Borough of Brooklyn made out on the same day. Price disset of tickets shows one price on a product to a dealer in one part of Brooklyn.

Another set of tickets shows yet another price on the very same product to another dealer in another portion of the borough.

Finally, another charge can be leveled at major oil companies on behalf of small businessmen being squeezed to death by corporate greed. It is standard policy of major oil companies to deliberately overbuild their service station outlets. In an area which would usefully and effectively be served by about two dozen stations, they will construct as many as twice that number. They then proceed to rent out all outlets in the usual manner, driving these men up the economic wall—increasing their death grip on their economic life.

In the end, only the consumer pays. The reason is simple. All down the supply chain, major oil companies control oil and oil products from the moment they are extracted from the ground to the instant they are pumped into gasoline tanks of America's autos. In this manner, they can dictate everything about the product, including the last cent of its price. Consumers are literally being robbed on a gigantic, national scale, and the public is blaming the wrong people. Fault lies in the board rooms of the dozen major oil companies of America, not on the backs of hundreds of thousands of retail gasoline station operators. The public should know of this. The Government should take action. Yet that would be asking too much of this administration, which sees a silent majority in board rooms and their major political contributions, rather than in filling station operators and our consuming and driving public.

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HON. E. L. "TIC" FORRESTER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. DORN. Mr. Speaker, it was my privilege to serve in the Congress with E. L. "Tic" Forrester throughout his 14 years of service here. I was greatly shocked and saddened to learn of his passing in Albany, Ga., on March 19.

Tic Forrester was a distinguished lawyer and an excellent prosecuting attorney in his home State of Georgia before coming to the House of Representatives. He rendered outstanding public service in community, municipal, and State affairs.

During his years in the Congress, Tic Forrester was known as an able advocate of States' rights. He was an exceptionally effective speaker and always commanded his colleagues' attention when he rose to address the House. He was a great Georgian who was dedicated to the ideals of his Southern heritage. He was devoted to the people he served and to our Nation.

Tic Forrester has been greatly missed in the Congress since his retirement in 1964. Mrs. Dorn joins me in deepest and heartfelt sympathy to Mrs. Forrester and the family.

STUDENT UNREST

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. SCHERLE. Mr. Speaker, Dr. Ross Toole, a professor of history at the University of Montana, recently wrote an article which has elicited widespread and favorable response. Dr. Toole's essay on student unrest touched a responsive chord in many middle-aged, middle-class, middle American hearts and—one hopes—in some sensible young ones as well. His analysis is timely, his recommendations forceful and to the point. Those in authority must reassert their rightful position and curb the forces of lawlessness and anarchy if America is to survive as a republic. No democracy can function in the midst of chaos. Internal order is essential if we are to conduct our lives productively and peacefully. Professor Toole understands this very well and makes a powerful case for it. I insert his remarks in their entirety. I believe we can all benefit by reading them.

The remarks follow:

[From the Harlan (Iowa) Tribune, Apr. 23, 1970]

AN ANGRY "OLD" MAN IN THE LAND OF THE YOUNG

(By Dr. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal," square and I am a professor. I am sick of the "younger generation," hippies, yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still I am father of seven children. They range in age from 7 to 23—and I am fed up with nonsense.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

I am terriby disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt: time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection, to a point and respect when they deserve it.

We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share, but my generation has made America the most affluent country on earth; it has tackled head on a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, the psyche, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what right by what acomplishment should thousands of teen-agers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash.

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years; he is the product of 3000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that that minority threatens to tyrannize the majority and take over.

I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middleaged and angry member of the so-called "establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like four-year-olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has drastically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises?

It is not the police we need (our generation and theirs), it is an expression of our disgust and disdain. Yet, we do more than permit it, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs?

And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into the world?

Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

Society, "The Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked a number of wonders. We have changed it.

We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively.

But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur We win, if we win at all, slowly and painfully. That is the kind of war society has always fought, because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification. That is not idealism; it is childish tyranny. The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Che Guevarra becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse Tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern makers for the SDS and the student militants.

I have yet to talk to an "activist" who has read Crane Brinton's "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. And I have yet to talk to a student militant who has read about racism elsewhere and who understands, even primitively, the long and wondrous struggle of the NAACP and the genius of Martin Luther King—whose name they invariably take in vain.

An old and scarred member of the wars of organized labor is the U.S. in the 1930's recently remarked to me "these 'radicals' couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag." But they can, because we let them destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antideluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right, we have not exercised it.

To the extent that we now rely on the police, mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not mace, we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication or responsibility, enough of the denial of our own maturity and good sense. The best place to start is at home. But, the most practical and most effective place right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expell (strangely unused) has been the legitimate recourse of universities since 1209.

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forth-rightly.

A university is the microcosm of society itself. It cannot function without rules for conduct. It cannot, as society cannot, legislate morals. It is dealing with young men and women, 18 to 22.

But it can, and must, promulgate rules. It cannot function without order—and, therefore, who disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violation of its premises, in violation of its premises, in violation both of the law and its regulations, by "militants."

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it—in advance—is the salient failure of university administrators in this age.

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequences of violation of the rules. Among the rules, even though it seems gratuitous, should be these:

1. Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expansion.

2. The disruption of any class, directly or indirectly, by voice of presence or the destruction of any university property, shall be cause of expulsion.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts. This does not constitute provocatism. It is one of the oldest rights and necessities of the university community. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the awful power to declare them in contempt. If violence ensues, it is violation of the court's order. Courts are not subject to fears, not part of the action.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgiastic self condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed-up with nonsense. We need (those of us over 30)—tax ridden, harried, confused, weary and beat-up—to reassert our hard won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it, and we live it. It is time to reclaim it.

DISTRICT OF COLUMBIA ENVIRONMENT—ANOTHER DAY ON THE WELFARE PLANTATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. RARICK. Mr. Speaker, the Washington, D.C., environment continues to be a comedian's plantation.

Sunday, a local minister, apparently in reaction to legislation passed by Congress to protect the District citizens—preached to his congregation that they shoot police officers who attempt to execute the laws enacted by Congress.

The Metropolitan Police Department, seeking to overcome the police recruitment problem, has hired a Black United Front founder as its recruiting coordinator. The new police recruiter admits that he has been a severe critic of the Police Department but feels that he can recruit a "different breed of cat." So, the Washington, D.C., Police Department will be full strength—at least on the payroll.

At a time when many are concerned about malnutrition and poverty, a California grape plucker named Chavez drops in on our Nation's Capital preaching malnutrition to the poor "limousine liberals" unless he gets a percentage of the working grape pickers' earnings.

And in the meantime, the baby doctor is again getting arrested; this time for leading "religious services" across from the White House.

Dr. Spock has apparently given up on

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telling people how to raise children. He now wants to become a militant religious exhibitionist.

I include several related newsclippings which follow:

[From the Washington Post, May 4, 1970]

Pastor Says Shoot Police Who Break In—"No-Knock" D.C. Crime Bill Scored

(By Betty Medsger)

In an attack on the District of Columbia crime bill, the senior minister at all Souls Unitarian Church, 16th and Harvard Streets NW, told his congregation yesterday to shoot anyone who breaks into their homes without a warrant.

In a sermon the Rev. David Eaton said required much "agonizing" on his part, he challenged "liberals to become radicals" in order to defeat the D.C. crime bill.

His advice springs from his anger with the "no-knock" provision in the bill. It would permit police immediate entry into private homes where there is "reasonable belief" evidence is likely to be destroyed.

The omnibus D.C. crime bill, now in House-Senate conference, gives permission, in some cases, for policemen to enter homes without a warrant and without knocking.

FORCEFUL SERMON

Midway in his forceful sermon, Mr. Eaton, who also is chairman of the D.C. Human Relations Commission, said:

"I suggest to you and I instruct myself that, because of the oppression that is growing in this country, any time a person breaks into your home without a warrant, shoot him."

There was a loud gasp from at least one person in the congregation as the words "shoot him" were uttered by the minister.

He also advised the congregation that if the D.C. crime bill is approved by Congress, those responsible for its passage and those policemen responsible for administering it "should be socially ostracized by the community."

In an interview after the service, Mr. Eaton said he previously never had advised anyone to shoot another person.

"IT'S SO OPPRESSIVE"

He added:

"But since reading this bill, I've come to think it's so oppressive that people in what society calls responsible positions have to do everything we can so it does not pass."

Mr. Eaton told the congregation of the area's leading Unitarian-Universalist congregation he thought the crime bill was "symptomatic of the same kind of repression that existed in Hitler's Germany."

In addition to the "no-knock" provision, the House version of the bill also would expand legal wiretaps, reorganize the city's courts, require juveniles between 16 and 18 accused of certain felonies to be tried as adults, and authorize "preventive detention" of some suspects.

"Regardless of your political persuasion," said Mr. Eaton, "you should be able to see that this country is in the embryonic stage of the same kind of oppression that Hitler practiced."

"Sure, I'm concerned about Cambodia," he told the approximately 450 persons at the service. "But what we're doing in Cambodia, in Vietnam, is only symptomatic of the kind of oppression I've been experiencing here all my life."

The wiretap provision of the bill, he said, would allow officials to "do legally what they've already been doing to my phone for the past three years."

Replying to those whom Mr. Eaton said would ask, "How can you as a clergyman suggest that we shoot anyone?" he said. "I call it righteous indignation . . . If you are not willing to die for something, then life is not worth living. I am willing to die. . .

". . . More so-called reasonable men and women—biologists, engineers, journalists, teachers—must understand that they must become radical in terms of making their opinions felt . . .

"If you want a historical example of radical action, I refer you to Jesus of Nazareth, who became righteously indignant and had to overthrow the money-changers in the temple.

"Liberals have become so mealy-mouthed and fearful today they can't express their opinions except at a cocktail party or among friends."

If such forceful stands as this polarize the country, "Then so be it," said the minister. "Evil and good always have been polarized."

After the service, in an interview, Mr. Eaton, who has been senior minister at All Soul's since September, said he was not worried about the reactions of the members of the church. "What other people think of me is not my primary concern," he said.

"I'm not endorsing violence," he told a reporter. "I'm endorsing a reaction to violent oppression, the only kind of reaction that Hitler's storm troopers can understand."

The sermon was begun and concluded with the singing of "Edelweiss," a song from "The Sound of Music." The song is about a little white flower that grows in the Alps. The flower, to the Austrian people fleeing the Nazis, symbolized their determination to survive.

Mr. Eaton, 37, was dean of student resources and an assistant professor of philosophy at Federal City College prior to becoming senior minister at All Souls Church, which is in Upper Cardoza area.

[From the Washington Star, Apr. 26, 1970]

Black Activist To Aid Police in Recruiting

(By Woody West)

As part of an intensive drive to attract local residents to become policemen here, the Metropolitan Police Department has hired Calvin Rolark, one of the founders of the Black United Front, as its recruiting coordinator.

Rolark, who publishes the Washington Informer, will hold the post for six weeks as the department gears its recruiting effort to reach an authorized strength of 5,100 by June 30, the end of the fiscal year.

Rolark will be on leave of absence from his post as the United Planning Organization's liaison to the 3rd District Model Police Project during the period.

James Murray, the department's personnel director, said the drive "will be an all-out effort" to attract and process local men to the force, now at a strength of 4,174.

Murray said that a "preponderance" of the new recruits probably would be black. He said that the recruiting drive in the last several months has drawn about an equal proportion of blacks and whites.

Rolark, 43, who also heads the United Black Fund set up to compete directly with the traditional United Givers Fund, said that blacks must now use the police department "as they have used the Army" to move into key positions of responsibility and achievement.

Murray said police cadets, from 18 to 20 years, also will be sought during the drive, which will include visits to city and suburban high schools, area colleges, and personal contacts. Plans also are being considered for a telethon and other community activities, Rolark said.

Because of the recently approved reduction to 20 of the minimum age requirement for policemen, nearly 350 of the present cadets will be eligible for graduation between now and June 30, opening these billets for new cadets.

Indicative of the concentration on local residents, Murray said, was that six of the 10 recruiting teams that have been touring the nation will be pulled back to Washington to aid the drive here.

Recruiters will visit Opportunities Industrialization Centers and anti-poverty centers to try to reach qualified men or men who can be qualified, and to convince them of the opportunities a police career offers.

Murray said that "we felt there were many local persons who needed to be approached in a different manner than in the past," and that the local drive was being directed to this end.

Rolark said, "I have been a critic, a severe critic, of the police department. But I think this is the direction we have got to go—this is a different breed of cat, younger, smarter, and capable of being thoroughly professional policemen."

[From the Washington Post, May 4, 1970]

Supporters of Grape Strike Hold D.C. Rally After March

(By Martin Weiz)

About 1,000 supporters of the grape boycott and strike held a rally outside the Agriculture Department yesterday after many of them had completed the last leg of a three-day, 30-mile march from Columbia, Md.

Cesar Chavez, leader of the 4½-year-old strike and head of the strikers' union, the United Farm Workers Organizing Committee, AFL-CIO, was one of several labor, political and church leaders who addressed the 3:45 p.m. rally.

Chavez charged, "The government almost directly subsidizes the (grape) growers," who, in turn, use the money "to keep the union out."

Supporters of the farm union's strike to win recognition from California table-grape growers assert that the Defense Department has increased grape purchases over the last two years. The union is based in Delano, Calif.

Noting his union recently signed its first contract with a grower of fresh table grapes, Chavez said his message to the Defense and Agriculture Departments is that it's "Okay now to buy grapes, provided they're union grapes."

Organizers said one purpose of the march and rally was to proclaim that the union-pressed, nationwide boycott of nonunion grapes will continue.

In addition, Andrew Imutan, vice president of the union, said the demonstration challenged the lack of collective bargaining and acceptable health and safety protection for farm workers.

Other speakers included Sen. ——, Rep. ——, Cynthia Wedel, head of the National Council of Churches, and former Labor Secretary Willard Wirtz.

The speakers' backdrop was the union's banner—a black eagle in a white circle on a red field. The audience's cry of approval was "Huelga," Spanish for "strike."

The same banners were displayed and cries heard during the march, which began with 175 persons Friday and ended with almost 1,000 yesterday.

Marchers included many Baltimore college and seminary students as well as boycott supporters and members of several unions from various Eastern cities.

[From the Washington Post, May 4, 1970]

Protest Group Is Arrested—Spock Among 74 in Area of White House

(By Neil Maurer)

Dr. Benjamin Spock and 73 others were arrested yesterday when they conducted a religious service on the sidewalk across from the White House to protest the sending of American troops into Cambodia.

The short religious service, which drew slightly more than 100 persons, was nearing its end when Park Police Lt. A. P. Qualls

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told the participants the demonstration was not legal and they would have to move on.

When he attempted to pull the Rev. David Hunter, secretary general of the National Council of Churches, to one side and told him the service would have to end, Mr. Hunter knelt down and the others followed.

REFUSED A PERMIT

A police spokesman said last night that leaders of the gathering asked for a permit to demonstrate, but were turned down. Such permits require 15 days' advance notice, the spokesman said.

Among the 51 men and 23 women arrested and charged with "failure to move on" were the Rev. John Bennett, president of Union Theological Seminary; his wife; the Rev. Malcolm Boyd, Episcopal priest and author of "Are You Running With Me, Jesus?"; Dr. Rosemary Reuther, from the School of Religion at Howard University; Herbert S. Miller, Georgetown University law professor; Sam Brown, one of the coordinators of the recently disbanded Vietnam Moratorium Committee; Spock, and Mr. Hunter.

All of those listed above, and most of the others, posted $25 collateral. They will either forfeit the collateral or appear in the Court of General Sessions today. One woman and five men elected to spend the night in jail.

The arrests were made without force after Park Police explained the violation to each person. Two had to be carried. The others walked to the patrol wagons.

SAYS U.S. USES VIOLENCE

Dr. Spock, famed pediatrician and longtime war critic, said, "the American people must wake up in time." Asked if protesters should use violence, he said, "No," but added, "the government is the one using violence, in Vietnam and Cambodia."

Brown called the President's expansion of the war into Cambodia "blatantly unconstitutional."

The service, which began at 4 p.m., was sponsored by the New Mobilization Committee, the Clergy and Laymen Concerned About Vietnam and the Fellowship of Reconciliation.

Mr. Hunter traced the history of U.S. involvement in Southeast Asia. "Our interest from the beginning has been our own national interest," he said.

"We put in our own puppet president in Saigon. Shame."

"Shame," the crowd replied.

"When he was no longer useful to us, we let him be murdered," said Mr. Hunter. "Shame."

"Shame," the crowd replied.

[From the Washington Star, May 1, 1970]

PUBLIC HOUSING RENTS CUT FOR 3,000 FAMILIES

(By Harvey Kabaker)

Rent reductions for some 3,000 families and elderly persons living in District public housing were put into effect today, and 3,000 to 3,500 more will get decreases later, the city's public housing agency announced.

Reductions may be as little as $1 a month, or as much as $23 or more. Although paperwork may take until May 15, the adjustments will be retroactive to March 24, the deadline set by the Brooke Amendment in the housing law enacted last year by Congress.

Referred to by the name of its sponsor, ———, the legislation forbids public housing rents to exceed 25 percent of a tenant's income.

The Department of Housing and Urban Development—and the National Capital Housing Authority in the District—have been under heavy pressure from tenant groups to expedite the Brooke Amendment. On Monday the U.S. Court of Appeals, in a suit brought by Neighborhood Legal Service on behalf of the National Tenants Organization and other tenants, ordered HUD to show national progress in reducing rents to the 25 percent limit.

MAY IMPOSE FORMULA

By May 5, depending on HUD's response, the appeals court may impose its own formula for determining the rent to be charged the nation's 200,000 public housing tenants who pay more than a fourth of their income for rent. NCHA was given a May 15 deadline in a previous action in U.S. District Court.

Edward Aronov, NCHA executive director, said he could not estimate how much the reductions would cost the housing authority. The Brooke Amendment, however, not only authorizes reimbursement of that amount by HUD, but also provides a new subsidy of the difference between the tenant's reduced rent and the operating cost of the unit.

Unofficial estimates place the total subsidy here at around $2 million a year.

HUD has budgeted $20 million for Brooke Amendment grants—which include bailing out several local authorities with the worst deficits. Critics say that amount is not enough and indicate that Secretary George W. Romney and Asst. Secretary Lawrence M. Cox are attempting to minimize benefits of the legislation. HUD pleads general budgetary restraints.

EFFECTS OF CUTS

Estimated impact of the rent reductions here:

About 2,000, mostly elderly persons with very low incomes, now pay $50 a month for efficiency apartments or $55 for one bedroom. Some of this group pay a "flat" rent up to $85 for six bedrooms. Roughly three-fourths of them, about 1,500, will have their rents reduced an average of $15 a month.

Rent is pegged to income for 5,500 to 6,000 families who now pay between $27 a month (minimum rent for an efficiency) to $136 a month (maximum rent for up to six bedrooms or $7,400 net annual income). About half, perhaps 3,000 families, will get estimated reductions averaging $6 a month.

Some 2,400 to 3,000 families receiving public assistance (welfare) payments now pay from $57 to $82, depending on apartment size. Aronov said he believes "most" are now paying more than 25 percent of their net income for rent, but had no detailed figures. One example: A mother of three, who gets $238 a month and now pays $61 for two bedrooms will pay only $47 and may pocket the difference.

CONGRESSMAN WHALEN REPORTS RESULTS OF SURVEY OF OHIO THIRD DISTRICT SURVEY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WHALEN. Mr. Speaker, I have completed the annual survey of the constituents of the Third Ohio District. I am happy to report once again that more than 20,000 of the approximately 160,000 survey cards sent to residents were returned.

The extensive participation in this poll by constituents is certainly most gratifying and provides me with an excellent means of determining what the public's attitudes on the major issues are.

This year, I surveyed views on six questions. For the information of my colleagues, I include the questions and the percentages for each of the replies, in the RECORD:

1. Should Congress by law provide that all U.S. military personnel be withdrawn from Vietnam within one year?

Yes	44.4
No	47.0
Undecided	8.6

2. The Safeguard ABM (Anti-Ballistic Missile) System—Which one of the following do you favor?

(a) Expand system to 12 sites at a cost of about $12 billion	23.6
(b) Limit deployment to 2 sites at a cost of about $3 billion	14.4
(c) Authorize research and development only, at an estimated $400 million this fiscal year	25.0
(d) No funding for the system	20.5
(e) Undecided	16.5

3. In the present fiscal year (1970), the U.S. will spend approximately $76.5 billion on defense. What should the level of defense spending be for fiscal 1971? (Select one).

(a) More than $80 billion	6.5
(b) $75–80 billion	17.5
(c) $70–75 billion	16.4
(d) $65–70 billion	10.4
(e) $60–65 billion	12.9
(f) Less than $60 billion	36.2

4. Should a percentage of federal income tax money be shared with state and local governments for use as they see fit?

Yes	62.3
No	29.4
Undecided	8.3

5. Should the present welfare system be replaced by a federally-financed income plan?

Yes	44.5
No	43.6
Undecided	11.8

6. Upon conclusion of the Vietnam War, federal expenditure priority should be given to which three of the following areas?

(a) Crime control	53.3
(b) Environmental quality	48.3
(c) Education	43.8
(d) Conservation	36.3
(e) Health Services	31.7
(f) Welfare Reform	20.3
(g) Housing	20.3
(h) Defense	18.2
(i) Transportation Improvement	16.0
(j) Space Exploration	8.0
(k) Foreign Assistance	1.3

HOOSIERS SUPPORT PRESIDENT'S ACTION

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MYERS. Mr. Speaker, if the results of a preliminary poll taken in the Seventh Congressional District of Indiana this morning are any indication, the people of Indiana overwhelmingly support President Nixon's action in sending U.S. troops into Cambodia.

Personal interviews and mail from 548 persons show 78 percent approving the decision, 20 percent opposing it, and 2 percent undecided. A total of 430 expressed support for the President, only 108 were opposed with 10 persons undecided.

The predominant view at this point is that the President is pursuing the only course open to him if he is to continue the Vietnamization program and the orderly withdrawal of 265,000 U.S. troops by the end of this year.

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Of course, public opinion in the coming weeks will depend largely on the results of the President's action. But from all indications in these first few days after the President's decision, the "silent majority" is clearly behind the reasonable and realistic approach developed by President Nixon.

H.R. 16923

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MOLLOHAN. Mr. Speaker, the housing crisis in this country is one which has ramifications which touch every facet of American life. The inability to find decent housing in our cities has been a singular factor in the explosions of our ghettos. The inability to obtain housing in the rural areas has served to undermine the morale and comfort and self-respect of many of America's families.

I think we must act and act soon to alleviate this crisis, and I must confess that the position of the administration does not appear to be one which will contribute to this relief

After the Second World War, it was apparent that we needed much more housing to meet the needs of the servicemen returning from the battlefields of Europe and Asia. To meet that need, the Government undertook to guarantee financing of homes, given certain prerequisites such as employment, and down payments. This mechanism served Americans in the middle incomes very well. With a $5,000 down payment, and a steady job, most of our countrymen could get financing with the financing guarantee of the Government or the market it created.

The only problem involved with this approach was that it tied the availability of money for housing to the interest rates rather than to actual need, and consequently as the interest rates rose, the cost of housing money became a great deal higher, and little by little, the housing market moved away from the middle-class citizens of America.

Concurrently, center cities of the Nation were being filled with Americans who could not qualify for housing, and consequently, they had no choice but to live in housing that has deteriorated so badly as to be unlivable.

Last year, the crisis became unbearable when the interest rates went over 8 percent. At this time, the Department of Housing and Urban Development estimates that the purchase of the typical new median priced home requires a buyer who makes $14,000 a year. The Department points out that few new homes are available at less than $25,000, and that the median priced home financed with a 30-year 8½ percent mortgage will require monthly payment of more than $290 including taxes, insurance, utilities, and maintenance and repair.

Since fewer than one family in five has this kind of income, our national housing policy is irrelevant to 80 percent of the country. By contrast, 5 years ago the median priced home was available to more than 40 percent of the Nation.

In this context, the administration is not offering a policy which would lower the cost of financing housing; indeed the Secretary of HUD, Mr. Romney, in testimony before the House Banking and Currency Committee cited as an obstacle to a fuller housing program, States whose usury rates were too low to make money available at the present cost.

The administration's policy is geared toward making more money available but at the same high cost that now exists. To me this is an exercise in futility, for what is obvious to all, is that we must make housing available to the family with an income of $7,500 or $5,000. We must have a national housing policy that means something to the average American, and this cannot be done when the interest rates are so high as to exclude most Americans from homeownership.

And there can be no doubt that the interest rates are the major problem in our housing policy. For instance, the increase in the cost of a 20-year $20,000 loan from 5¾ percent to 8 percent is $6,500 over the life of the loan. This is enough to finance a college education at many of our State universities. It is enough, in tandem with the increase in the costs of construction and real estate, to put home ownership beyond the reach of most Americans.

Illustrative of that point, is the state of the housing market. In 1968, we adopted a 10-year goal of 26 million new units of housing for the country. The goal was adopted largely as the result of the Douglas Commission's report and the report made by the Commission on National Disorders. This year's goal is two million units, but the administration has reduced that to what they consider a realistic goal of 1.4 million units. Using this goal they estimate that it will require $20½ billion in new finances to underwrite this goal. Yet, the net new residential mortgage lending from all private sources has dropped from an annual rate of $17½ billion in the last half of 1968 to a rate of only $5.8 billion in the final quarter of 1969. It would take nearly $30 billion in new financing to realize our 1970 goal of two million new housing units.

Mr. Romney sets out some new proposals for financing. FNMA has commitments of nearly $8 billion, and GNMA has the authority to make another billion and a quarter dollars of commitments. The Secretary has also asked for a special subsidy of the home loan bank system so that they could cover the high cost of raising funds in the open market. Given this assistance, the Secretary says the savings and loan associations could probably generate $9 billion, but without it there is little hope of new capital in more than a nominal amount. The Secretary also has hoped for about $3.3 billion for banks, insurance companies, and private pension funds even though in the fourth quarter of last year these sources generated only $1.3 billion.

Consequently, the amount of money we might realistically expect to put into the housing market from all sources is probably less than $16 billion, and this will be loaned at rates that make homeownership a moot question for families with less than $12,000 to $14,000 income.

For the dilemma of the administration is that they wish to finance the housing America needs through the present institutions; the high interest rates resulting from the tight money policy make it impossible for these institutions to operate in the housing markets. They are committed to their high interest rate policy as an anti-inflation measure, so they are unwilling to ease the rates enough to allow the present system of housing finance to operate, yet they are also unwilling to institute any program which might open new avenues of finance housing.

In view of this, it is obvious to me, that if we are to have any hope of meeting our present housing goals at the level of income where they are needed and in the quantity that they are needed, the Government itself must commit its finances to this project.

It is for this reason, Mr. Speaker, that I have introduced H.R. 16923 to establish a development bank to aid in financing low- and moderate-income housing. This bill would establish a bank which would draw its resources from the Government trust funds primarily and with these establish a very sizeable pool of resources at rates which would allow the families who need housing to purchase it.

We have exhausted the resources of our present financial channels and it is apparent that without establishing additional means of financing housing, we simply will not provide housing for a very sizeable number of Americans who need it.

Mr. Speaker, I cannot believe that the Congress or the Executive can feel that a housing program which will provide for only 50 percent of our actual needs can be a proper solution for us to accept. And I cannot believe that any responsible citizen can take any comfort from the obvious effects of half hearted efforts to fulfill our housing needs.

For poor housing just as surely as poor education or poor job opportunity breeds crime and violence. Poor housing, which allows no privacy nor dignity to individual Americans, cannot have any other effect than create social and psychological problems for large areas of the Nation as well as separate individuals.

Mr. Speaker, the housing policy of this Nation has become entangled into a contemporary Gordian knot, and the time has come for real action to cut through that knot.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy? A mother asks: "How is my son?" A wife asks: "Is my husband dead or alive?"

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Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

MILITARY-INDUSTRIAL COMPLEX

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. SIKES. Mr. Speaker, criticism of the so-called military-industrial complex is given high priority in many quarters. Those who are most vocal in criticizing the military-industrial complex are generally critical of defense expenditures. I have often wondered whether these critics feel that if we were to do away with the military, somehow all of our potential enemies in the world would suddenly become our friends and we would not have need for defense.

Mr. V. J. Adduci, senior vice president of the Aerospace Industries Association, appeared before the University of Illinois Third Annual World Affairs Conference on Saturday, April 25, 1970, and made some very thought-provoking and timely remarks on the subject. I believe that his insight into the "military-industrial complex" provides us with a better understanding and perspective of the situation and I highly recommend it to my colleagues for their reading. I include his remarks in the RECORD:

REMARKS BY V. J. ADDUCI, SENIOR VICE PRESIDENT, AEROSPACE INDUSTRIES OF AMERICA, ON THE MILITARY-INDUSTRIAL COMPLEX BEFORE THE UNIVERSITY OF ILLINOIS, THIRD ANNUAL WORLD AFFAIRS CONFERENCE OF NORTH WESTERN ILLINOIS, ROCKFORD, ILL., APRIL 25, 1970.

Putting first things first, I would like to express my gratitude to Terry Iversen for inviting me to participate in this discussion. As I understand it, the panel will reflect several different views on its topic, the so-called Military-Industrial Complex. This kind of perspective can be most useful. The issue is laced with implications profoundly important to this nation and the world, and merits the kind of continuing, sober discussion that will lead to understanding.

I do not particularly warm up to the phrase "Military-Industrial Complex." Not because of the original context in which it was used, but because of the almost sinister connotations which some would like to impose on it.

There is, clearly, a deep relevance of interest between industry on the one hand and those charged with national security on the other. And it is this relationship that we can profitably discuss this afternoon.

I would urge all of you who may regard this so-called complex as a diabolical, cabal intent on circumventing the democratic process to open your minds and consider the possibility that a constructive and dynamic relationship exists between two vastly important segments of society—the defense establishment and the private sector. For it is precisely that: a symbiotic relationship vital not only to the participants but to the society to which they are responsible.

For my own part, I am—by training, experience and choice—a part of this relationship. I recognize both its achievements and latent dangers; and am in a position to understand its frailities. And I am deeply distressed that so intricate and vital a relationship has, especially among the youth of today, become a victim of easy slogans.

Sloganeering is an understandable if dangerous trait of involved people, in a bustling country, in a frenetic world. But slogans, epigrams and flip expressions tend to substitute for thoughtful analysis. They build comfortable bridges over troubled waters—for those who don't, or won't, take time to think earnestly and dispassionately.

My assignment this afternoon, as I see it, is to dig deeper than the sloganeers and try to sort out some of the elements of the Military-Industrial relationship that have been the cause of greatest misunderstanding and, occasionally, genuine concern. However, with only fifteen minutes available, my own review will necessarily be limited to just a few points. I hope we can expand on them, and others, in the question and answer period that follows.

Far and away the greatest source of misunderstanding about the Military-Industrial relationship is the persistent failure to understand who determines national defense policy. The decisions here—the big ones—are *not* made by the military. Nor are they made by industry. Whether the nation should be prepared to cope with two and a half wars, one and a half wars, or whether it should disarm entirely are decisions reached at the highest level of government. These decisions are made after prolonged study, analysis and evaluation of all the elements that contribute to our modern society—the international situation, the economic strength of the nation, domestic problems and issues, the strength of technological capability, the potential threat to our security—to name just a few. These decisions are made by the Cabinet, by the President and by the Congress; and in the final analysis, it is the annual budget, prepared by the President and approved by the Congress, which determines our national policies and our national priorities. Only then does the nation, through the Defense Department, turn to industry to erect the weapon systems required to implement national policy.

Put it another way. Take a hypothetical suburbanite. And consider the options *he* has for spending his money. Some of his costs are fixed but he retains certain options over the disposal of his income. For example, should the bulk of it go for better schools for the children? Should he invest in a larger home? Should he increase his contribution to his church? Should he buy new furniture, overhaul his lawn, or undertake a massive do-it-yourself project? Conventionally, he will seek a balance and do what he can on all fronts.

Now, does *that* mean that his church or school system should attack the hardware dealer who profited from the do-it-yourself project?

Hardly. Their quarrel is with the decision maker; not the supplier.

In much the same way, it has become popular on some fronts to vilify private corporations for responding to government requests for military hardware. This, of course, is wildly irrational. Those desirous of reordering our national priorities have every right to seek to bring about change within the system. But it is pointless and counterproductive to malign and disrupt organizations that are simply carrying out the mandate of our nation's executive and legislative branches.

Now, while there is no logic in attacking this or that company for responding to the requests of our government, there is *every* logical reason to insist that these suppliers perform their roles properly. That's quite another issue. Let's touch briefly on some of the more controversial areas concerning supplier performance.

First, it has been popular to charge the defense industry with profiteering. Let's dispose of that one right away. The facts are that the defense business is not attractive to organizations who are primarily profit oriented. It simply is not as profitable to work for Uncle Sam as it is for commercial customers. A recent issue of *The New Republic*, scarcely a big business fan, called defense profiteering a "myth." And just three weeks ago the prestigious Logistics Management Institute, after a close study of defense industry profits, found that before tax profits from defense work average 3.9 percent against profits in commercial companies of 9.3 percent.

This is further emphasized by the April report of the National City Bank, which shows that profits of fifty-one leading corporations in the aircraft and space business declined by 12 percent between 1968 and 1969, showing only a 2.5 percent profit on sales after taxes in 1969.

The real danger, then, is not profiteering. The real risk in terms of national security is that competent companies will increasingly decline opportunities for defense contracts. I don't know of a major defense contractor that isn't trying to expand its nondefense activities.

The M–I–C critics charge also that there is inadequate competition among contractors.

When we consider the role of competition in defense work, we are not simply talking about a handful of prime contractors. In fact, there are more than 33,000 prime contractors who sell more than $10,000 worth of goods and services to DoD. In addition, we are talking about the 20,000 subcontractors or more who may be involved in each large scale program. Perhaps 50 percent of a prime contractor's work will be farmed out around the country to these other contractors. Each of these "subs," in the process of contract development, will be bidding competitively against still other companies. So, competition in the defense area is not the result of decisions by two or three corporations, but more the result of their highly competitive individual responses which are, in turn, based on competition among thousands of other large and small companies across the nation.

And quite apart from competition at the subsidiary level are the intensive in-house efforts prime contractors undertake to win important contracts.

Take, for example, a new fighter aircraft. You are the head of one of some six or seven companies qualified to design and produce such an airplane; and, believe it or not, there are only about this many companies in American industry that are so qualified. One of the reasons for this small number is that modern weapon systems have become incredibly complex and costly, and only a very limited number of types are ever ordered. In fact, not a single new fighter was ordered in the 1960's. During the past year, both the Air Force and the Navy had design competitions for new fighters, which could very well be the only aircraft of this type ordered by the military during the decade of the 1970's. As a contractor, you know that you either win the competition or, for all practical purposes, you're out of business for at least ten years or so, and the other six or seven competitive companies are in the same boat. You and your top scientists, engineers, production managers, and cost experts huddle for several months to come up with the best possible proposal you can conceive. Your competitors are doing the same thing. Finally your proposal, running as many as 30,000 pages, is submitted to the Department of Defense for evaluation against those of your competitors. After preliminary evaluation, the services select the two best proposals for further definition and refinement in another competitive run-off. During this phase, you are operating under a contract which the government expects to cover the costs of your

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effort; but it never quite works this way, because you're out to win, since winning may very well be equated with survival. So you add substantial resources and funding of your own to those provided by the government to insure that you do, indeed, have the best possible aircraft.

If this isn't competition, then I don't know what is. As a contractor, you're competing on performance, on delivery schedule, and on costs. To achieve the performance necessary to create an airplane better than any other in the world, one with a lifespan of up to fifteen years, you have to push technology to the maximum limits. You virtually have to say, yes, we can do things that never have been done before. You also have to estimate how much it's going to cost to do something that's never been done before, and here's where the possibility of "cost growth" or "cost overruns" comes in.

Let's put it in simple terms. Have you ever had a contractor remodel your kitchen, build a playroom, add a wing to your house, or the like? If so, you know the experience is tricky. Were you able to tell your contractor, ahead of time, precisely what you wanted in the kitchen? Did you deviate at any time after you received your bid? Did you later ask for a double sink instead of a single; did you ask for a disposal, as an afterthought; or a Dutch door you hadn't thought of earlier?

Who's to blame if the cost comes in higher than you thought?

This is an absurdly over-simplified analogy because many defense contracts involve working at the forefront of new knowledge. Nevertheless, the analogy is helpful in understanding the kind of problems that the aerospace and other defense industries come up against in their contractor roles.

Bear in mind, also, that some of the weapons system contracts that the largest companies are signing may involve several billion dollars over an eight to ten year period. During that interval, the Department of Defense will have the same objectives as a home owner. Namely, it will want the best final product possible. As a consequence, when better, more cost effective ways of doing the job are discovered, they will be cranked into the dynamic, on-going project. Naturally and properly, the customer will ask for the best and expect it. But each change in this or that specification or this or that performance requirement may require a total new look at cost estimates. Relocating a subassembly two inches to the left in an exotic fighter craft may seem superficially simple, but it may also have a domino effect on a hundred other design and construction aspects. A few changes of this kind can be tolerated, given the dimensions of the total costs of some programs, but it is not remarkable for hundreds of major or minor changes or more to be introduced in the development of a major weapons system.

I should point out here that both DoD and industry are trying desperately to work out realistic ways to minimize the kinds and numbers of changes that can torpedo production schedules and cost estimates.

This leads us to consider what we in the defense business have come to call the "unk-unks." Whether you're building a lunar module or a playroom, you will inevitably run into problems for which you have no immediate solutions. These unknowns—or "unks"—can be thought about and planned for and you can even build them into your estimates on conventional projects. But when you're involved, as the aerospace industry is, on the leading edge of technology you frequently encounter problems whose very existence you never anticipated. Here it's not just a matter of not knowing the answer; for here you aren't even aware of the question. These are the unknown unknowns, or the "unk-unks."

By this time, from my frequent allusions to the close working relationships between business and government, you may be curious as to my own views about the theme of this conference; that is, the so-called "invisible government." And I simply must confess that I do not see any connection between an invisible government and the Military-Industrial Complex.

Ask any large defense contractor how invisible it regards government. Without parading a tedious list of visibles, let me start off by pointing out that at any given time a major contractor may have fifty or more DoD officials, both military and civilian, living on-site and monitoring every step of procurement and production.

And nowhere is the government more visible than on the auditing front. Any given program is first audited by the Armed Service involved. It is also subject to review by the Defense Contract Audit Agency and by the General Accounting Office. And, finally, the company's costs and profits are subject to review by the Renegotiation Board.

And this ignores other highly visible government involvements. For example, some 300 members of the Armed Service concerned will be engaged in reviewing any major weapon system proposal. They are experts in aerodynamics, propulsion, electronics, cost control auditing, and similar disciplines. They will subject the proposal to a series of exhaustive reviews and make their final recommendations to a source selection board comprised of the top research and development, production, and using organizations in the Service concerned.

Then, the entire project will be studied by the Defense Systems Acquisition Review Council. And, eventually, contracts are awarded at the Secretary's level.

In short, at least so far as defense industries are concerned, government has a determined policy of maximum visibility.

So much, then, for this quick look at some of the procurement problems. They are honest problems for both supplier and customer. And they are being earnestly reviewed by both sides in the hope of coming up with workable solutions. But making shoes for the Army involves totally different procurement patterns from making a Poseidon Minuteman missile system. Because, as desirable as it might be, no one yet has mastered the art of scheduled invention.

That said, let's consider a different kind of burr under the saddle of certain defense industry critics. This has to do with the number of retired military personnel hired by defense companies.

Implicit in this concern is that the ABC Company hires Colonel Smith, a senior Army officer, and the good colonel—thanks to all his old cronies and "contacts" in the Department of the Army—will forevermore assure that his company is awarded all the desirable contracts. It deeply bothers these people that some 2,100 retired senior military officers are working for the 100 top defense companies. What they overlook is that: A retired military officer is forbidden by law, and I quote, to "sell anything to the Department in whose service he holds a retired status and he may not, within three years after retirement, sell supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey or the Public Health Service."

Particularly in view of that last safeguard, what is more reasonable than that a shipbuilding company hires people with first-hand experience in ship building or ship handling; or that aircraft manufacturers hire seasoned military pilots or engineers. If you were in these lines of business, where would you recruit *your* talent—from the Chicago Bears?

Let me reaffirm my conviction that it is necessary and healthy for the public to hold the performance of the defense industry under close and constant scrutiny. But this is not to say that I have any patience at all with those who deliberately leave the inference that there is something not quite nice about contributing to our nation's defense.

H. L. Mencken put his finger on my concern when he said that what really makes news is "the virulence of the national appetite for bogus revelation." And, after 31 years on both sides of the Military-Industrial Complex, I have firsthand knowledge of the unfairness of many of the published attacks. I say many instead of all because, wherever humans are involved, mistakes can be expected. My urgent wish however is that fewer slogans and a little more thought and perspective be given the issue of the M–I–C.

In a word, the *Complex* is *complex*. The job of defending the country involves one job in nine. Some 33,000 prime contractors and 200,000 suppliers and subcontractors are regularly involved in this work. Seven hundren fifty million dollars in defense-related grants are made by the Pentagon to American colleges. Any national effort of this scope will never have zero defects. But my gorge rises when some would question not simply the performance but the *motives* of those on both sides of the Military-Industrial relationship.

When General Eisenhower coined the phrase, Military-Industrial Complex, he urged the nation to guard against "the acquisition of unwarranted influence by this Complex." However, he prefaced his remarks with the declaration, "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction . . . we can no longer risk emergency improvisation of national defense we have been compelled to create a permanent armaments industry of vast proportions."

The precise charges against the M–I–C are so vague as to be indefensible, and those who quote President Eisenhower out of context on the assumption that he believed a conspiracy was at work are basing their beliefs on an unfounded conclusion. As General Wheeler of the Joint Chiefs of Staff has observed, "If I'm in a conspiracy, I have yet to meet my fellow conspirators."

Those who seek to discredit the existence of a Military-Industrial Complex should examine in depth what the Complex is and what it does. It is the protective shield under which our nation thrives and prospers. It is a product of American initiative, incentive and genius in the face of a huge global challenge to our way of existence and indeed to our existence itself. Within this definition of the work "Complex," then I say to you, if such a Complex exists, thank God it's ours.

And then he went on to say that "Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

Trying to assure an alert and knowledgeable citizenry is precisely what we are about today, thanks to the offices of this university. I am deeply grateful for the opportunity to participate in this vital dialogue.

THE KAISER CORP. TAKES THE LEAD IN CURBING POLLUTION

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GUBSER. Mr. Speaker, it has been my practice for the last 18 years to write a weekly news and feature column for newspapers in my district. This week's column will cite the outstanding leadership of Kaiser Aluminum and Chemical Corp. in curbing pollution from industrial sources.

In the belief that all readers of the CONGRESSIONAL RECORD should know of the Kaiser Co.'s progressive attitude toward this serious national problem, I include the full text of my column which will be released on Thursday, May 7, 1970:

ON CAPITOL HILL WITH CHARLIE GUBSER

Some weeks ago I wrote about the outstanding progress of Great Britain in controlling the pollution of the English environment. One of the features of Britain's highly successful program is a requirement that industry invest more heavily in anti-pollution equipment.

Though pollution from process industries contributes but 15% of the total pollutants across the United States, Congress will undoubtedly require an improvement of this record. Whether tax incentives will be used to encourage capital investment in anti-pollution equipment, or strict regulations imposed, or both, remains to be seen.

Some American industries have tried consistently to minimize the pollutants emanating from their factories. One of these is the Kaiser Aluminum and Chemical Corporation.

On April 2 Kaiser President T. J. Ready, Jr., said that his company will spend approximately $25 million during the next five to eight years for new and improved environmental control systems on *existing* facilities. In addition, the corporation will spend 13% of the cost of its *new* or expanded facilities on environmental control. These investments are in addition to the $68 million the company has already spent on anti-pollution equipment and the $2.3 million annually required to operate control facilities already in existence.

The Kaiser Corporation has also announced a vigorous attack on the problem of solid waste disposal including a program of reclaiming and recycling aluminum cans. It will pay civic, youth, church and other organizations 10c per pound or ½c for each all-aluminum can which is returned to a collection point for recycling.

Kaiser's first plant at Permanente was equipped with electrostatic precipitators when first built in 1939 when most cement plants used no pollution abatement equipment whatsoever. The control equipment has been improved and added to and now represents more than 10% of the total capital investment at Permanente.

At its mineral processing plant at Moss Landing, Kaiser has imposed new regulations requiring a collection return of pollutants to 99.9% plus efficiency. It will install new facilities costing over $2 million to meet this regulation. In 1967 Kaiser commissioned the Marine Laboratories of the California State Colleges to conduct a $45,000 study and make recommendations regarding pollution of Monterey Bay by its magnesium plant. A new outfall line was recommended and Kaiser is preparing to build it.

Shortly Kaiser will install a complete innovation in the control of emission at its steel plant at Fontana, California. A huge "baghouse" developed after twelve years of research will be constructed at a cost of $2.6 million.

Such a public spirited attitude deserves the acclaim of every concerned American. It is hoped that all industry will assume the attitude expressed by a Kaiser official when he said, "The corporation welcomes the shifting goals in our society today which makes concern for the quality of our environment first priority. . . . We can make improvements, and we will!"

PROTECTION FOR EMPLOYEES UNDER PRIVATE PENSION PLANS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, there has been a tremendous growth in the number and size of pension plans in the United States. Today, more than 20 million American workers are covered by private pension plans with assets totaling more than $100 billion, assets which will probably double in the decade ahead. Private pension plan assets alone represent an accumulation of capital nearly as large as that of the entire savings and loan industry. As of 1968, it was almost twice as large as the mutual fund industry.

Not only has there been dramatic growth in the number of plans—there are over 17,450 plans but a new attitude toward pensions that has evolved in the public mind. Now that participation in pension and other welfare plans is becoming more the rule than the exception—over 50 percent of all working Americans are in one—and with the universal acceptance of the principles of social security, pensions are considered as a right of employment similar to the right to a decent wage as expressed in the policy behind our minimum wage law or the right to a safe place to work. Pensions should never again be thought of as just a useful personnel tool of management.

Considering the growth of pension plans and the funds invested by them as well as the reliance which a large part of the American working public places upon them as a principal source of retirement security, the need for new legislation protecting pension plans and their participants is clear.

The most obvious need for legislation is in the area of fiduciary standards. To date, the only standards which private pension plan administrators and trustees have been required to meet have been drafted from a tax standpoint and have hardly touched the problems created by the tremendous growth of the private system. These problems cannot be adequately met on the State level. Much uncertainty exists as to whether the trust laws of most States are applicable to pension plans at all and among those States which do regulate them there is great variance in their methods. Uniformity of regulation is needed and that can only be provided on the Federal level.

Neither criminal nor civil sanctions are available against those who abuse their trust by making imprudent investments—for one person or another—nor is there a remedy available against those who have no business being in a fiduciary position in the first place.

The Securities and Exchange Commission has some regulatory powers in this area, but it is neither equipped nor apparently willing to exert the weight of its authority. One cannot expect the average plan participant to serve as a check to fiduciaries for the average plan member does not have the specialized accounting and legal knowledge to detect abuse nor the money needed to pursue legal action. The Internal Revenue Service cannot even recover a fund's money from a fiduciary who has diverted it for his own use.

New and stringent standards of fiduciary conduct are essential. Of course, standards are worthless without a means of detecting where and when they have been violated. Meaningful financial disclosure requirements, communicated to participants and the Department of Labor, are therefore a necessary part of any legislation.

Probably the most important needs for reform are in the areas of vesting, funding, and reinsurance.

All too many people have worked for companies for many years and had contributions regularly made in their name, yet found, when they finally applied for their pension, that they were not eligible because, for one reason or another, they had not met the plan's peculiar vesting requirements. Indeed, some plans seem to have vesting requirements which are designed more to prevent claims against them than for anything else. My colleague, Congressman JOHN H. DENT informs me that his General Subcommittee on Labor has found that only one of nine will ever receive any retirement benefits. This shocking situation must be changed.

The reason for the special tax status private pension funds enjoy is to encourage their growth as a supplement to social security and other sources of income for our older citizens in their retirement years. This purpose is not served by extremely long or unduly stringent vesting requirements. The Internal Revenue Service has only had a minimal concern about vesting and does not really afford any means of protection to the average plan participant.

Since any standard of early vesting is meaningless without a requirement that pension plans be adequately funded, minimum funding requirements are also essential.

The tragic case of the Studebaker Corp.'s pension plan brought home the need for insurance of pension benefits against unforeseen plan termination. Without such insurance, members of a pension plan which has not fully funded all its liabilities may wind up with either no pension or with a drastically reduced one.

The Nixon administration's proposal for reform of private pension plans does not deal with this vital issue of vesting at all. This constitutes the gravest of omissions. Hearings before the General Labor Committee disclosed that only one person in 10 who has ever been in a pension plan will receive benefits from it. The Nixon administration must be wearing blinders if they believe that imposing new fiduciary duties will solve the problem without also improving vesting standards.

I heartily support the two bills introduced by my colleague from Pennsylvania (Mr. DENT), H.R. 1045 and H.R. 1046, which provide the protection that workers need in both the areas of fiduciary duties and vesting standards.

I am today introducing identical bills to Mr. DENT's bills, to show my strong support for these measures.

In doing so I would also like to commend my colleague from Pennsylvania for his long and dedicated efforts to give the working men and women of this Nation the financial protection and security that they deserve. For many years he has actively sought to protect the rights of workers who invest in private pension plans. I hope that this will be the year we see his efforts meet with success.

OPEN SEASON DECLARED ON ORGANIZED MEDICINE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. CUNNINGHAM. Mr. Speaker, it's that time of the year again.

A two-segment television special on CBS was the most recent effort in the recurring open season on organized medicine.

Mr. Speaker, I would like to call to the attention of my colleagues the following editorial from the April 27 issue of the American Medical News. I think it speaks for itself:

OPEN SEASON

To anyone who's been watching television, reading newspapers and magazines, or listening to the speeches of some of the self-appointed experts on medical care, it's becoming increasingly apparent that open season has been declared on organized medicine.

Last week's television specials on CBS are the most recent example of the unvarying technique: whatever the problem, pin the blame on medicine.

The medical profession is well aware that there are problems in the delivery of care to the American people. The American Medical Association has bluntly stated that there is a health care crisis, that there aren't enough physicians and other health workers to meet the demand, that the increasing cost of care is necessitating development of a universal health insurance program, that something has to be done to improve delivery of care to people in ghettos and in rural areas. And the AMA, through the work of thousands of physicians all over the country, is earnestly trying to solve these problems.

For their efforts, physicians reap a reward of scorn and criticism.

The AMA's assistant executive vice president, Richard S. Wilbur, MD, in a recent speech to the American Society of Internal Medicine, said it well:

"The people who are looking for headlines and the people who are writing them . . . find people who live in unspeakable slums owned by absentee landlords who are under no legally enforced obligation to provide heat, running water, sanitation, paint, or pest-control. And then, they blame the medical profession and the system, or as they call it 'non-system,' of medical and health care for the fact that these unhappy, unfortunate, neglected people are not healthy.

"They quote the statistics of infant mortality in these areas and imply that it is the fault of the medical care system that the mortality rates are high."

There's another thing about ghetto care. If a physician moves from the inner city out to the suburbs, he's immediately damned as a profiteer interested only in his income and accused of ignoring patients in the city who need care—regardless of how many patients he may be treating.

However, if instead of moving out to the suburbs, the physician decides to stay in the inner city and devote most or all of his time to treating the poor, guess what happens. He's damned as a profiteer, and accused of attempting to get rich off the miseries of the poor and abusing the Medicaid program. This is his reward for practicing under a government program that he didn't ask for in the first place.

In its first report, last week, CBS made much of the fact that there aren't enough doctors to go around; that a small town had trouble finding a physician, in another town an 81-year-old MD was still practicing, that a woman in a ghetto couldn't get a doctor to make a house call.

These are problems of which medicine is well aware, and concerted efforts are being made to remedy the situation: expanded medical school enrollments, more schools, use of physician's assistants, new roles for nurses, and other methods of improving delivery are receiving intensive study from the profession.

The solutions proposed by CBS—national health insurance and closed-panel group practice—won't solve the problem of manpower. They won't find doctors for all the small towns, and they won't provide doctors to make house calls in the ghetto. CBS performed a public service in illustrating the need for more health personnel; what's needed now is cooperative, constructive action by the profession and consumers to meet that problem.

CAMBODIA

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GOLDWATER. Mr. Speaker, President Nixon's recent action ordering the military to clean out Communist sanctuaries in Cambodia, is truly a profile in courage. I back him 100 percent and believe if there is any criticism to be made at all, it is that this measure to eliminate Communist sanctuaries was not taken sooner.

The point should be made clear that the President has done everything in his power to seek a peaceful solution to the conflict.

Some Congressmen and Senators declare that the President should have negotiated more before taking this action. We have negotiated. We have tried to reason with the Communists but, to date, they have only agreed on the shape of the conference table in Paris.

The United States has taken the road of peace by stopping the bombing of North Vietnam, reducing air operations, withdrawing thousands of troops, and declaring total troop withdrawal from South Vietnam, if the Communists will do likewise.

The President's action is not aimed at enlarging the war, rather, it is dedicated to bringing the conflict to a speedy conclusion, and to keep American casualties at an absolute minimum.

In this, an election year, the President is to be lauded for rejecting all political considerations in making his decision to clean out Communist sanctuaries, in order to protect our fighting men in Southeast Asia and to end the war.

Fortunately, it is very evident that the American people support his courageous decision. CBS News has just announced a poll indicating public support of 2 to 1 for the President.

Those who accuse the President of "invading" Cambodia and "widening" the war are indulging in the most blatant form of political demagogy. President Nixon made his objectives very clear in his speech when he said:

> This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and their military supplies destroyed, we will withdraw.

On the subject of Communist sanctuaries and their privileged status, it is well to recall that this is one of the main reasons cited by military authorities as to why the United States suffered an ignominious stalemate in the Korean war.

In an address to a joint session of Congress shortly after being relieved of his command in Korea, Gen. Douglas MacArthur addressed himself to the subject of appeasement in general and privileged sanctuaries in particular:

> History teaches us with unmistakable emphasis that appeasement but begets new and bloodier war. It points to no single instance where the end has justified that means—where appeasement has led to more than a sham peace. Like blackmail, it lays the basis for new and successively greater demands, until, as in blackmail, violence becomes the only alternative. Why, my soldiers asked of me, surrender military advantages to an enemy in the field? I could not answer . . . the tragedy of Korea is further heightened by the fact that as military action is confined to its territorial limits, it condemns that nation, which it is our purpose to save, to suffer the devastating impact of full naval and air bombardment, while the enemies sanctuaries are fully protected from such attack and devastation.

In his autobiography, "Reminiscences," MacArthur stated:

> The order not to bomb the Yalu bridges was the most indefensible and ill-conceived decision ever forced on a field commander in our nation's history. . . . It was my belief that, if allowed to use my full military might, without artificial restrictions, I could not only save Korea, but also inflict such a destructive blow upon Red China's capacity to wage aggressive war that it would remove her as further threat to peace in Asia for generations to come.

In testimony before the Senate Internal Security Subcommittee in 1954, Gen. Mark Clark, U.N. Commander in Korea, answered as follows when asked about the wisdom of attacking Communist sanctuaries north of the Yalu River:

> Sir, if I had had the authority to bomb the airbases north of the Yalu, and the dumps and depots from which they derived their power, I would have done so. I feel that had we taken that courageous action together with offensive actions, amphibiously and otherwise, we would not have had the unhappy ending I feel we had in Korea . . . had we taken courageous action and a decision to win a military victory over there, I believe we would not have been

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confronted with the dilemma that has beset us in Indochina.

While campaigning for the Presidency in 1968, Richard Nixon criticized the conduct of the war in Vietnam saying that the United States had used its military power "ineffectively by applying it gradually rather than effectively." With the President's recent actions in Cambodia and his ordering the bombing of Communist antiaircraft batteries north of the demilitarized zone, it would appear that the bankrupt policies of gradualism have been abandoned.

And I, for one, back him to the hilt.

THE THREAT TO LIBERTY—AN EXTRAORDINARY SERIES OF NEW YORK TIMES EDITORIALS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GALLAGHER. Mr. Speaker, on April 27, 1970, a New York Times editorial said:

> The nation's greatness springs from its dream of greater freedoms for all, not from a nightmare of restricted liberties for some. Today, no less than in earlier times of trouble, the Bill of Rights offers the best, perhaps the last, hope to carry the torch against the forces of dark suspicion and fear.

As the Times points out in compelling fashion in an extraordinary series of four editorials under the heading "The Threat to Liberty," this is exactly the wrong time in our history to erode constitutional guarantees. A nation shows its greatness in times of adversity and our Nation cannot remain great by denying, demeaning, and inhibiting those traditions which have made our Republic the uniquely successful human experiment it is.

Mr. Speaker, Al Smith once said:

> The only cure for the ills of democracy is more democracy.

I do not regard that statement as an anachronism, for democracy means equality before the law. And the law must flow from a respect for diversity and an understanding of certain inalienable rights of all citizens. The Times correctly identified the similarity of the threat to liberty from totally different sources when it said, on April 29:

> Civil liberties are held in contempt by extremists of right and left alike. Convinced of their own righteousness, the dogmatists at both ends of the political spectrum characteristically believe in freedom for themselves but rarely for those who reject their ideological discipline.

Mr. Speaker, those who are between those two extremes, the moderates and progressives who have given our Nation its cohesiveness, must not surrender their faith. There must be no acquiescence in repressive executive branch actions or in repressive legislative proposals. I am convinced that the only way to rescue this Nation from sinking into a morass of fear, divisiveness, and doubt, is to reassert our heritage of expending individual freedom while, at the same time, punishing those who clearly break the law. Those who knowingly commit illegal acts of violence and then cry for instant amnesty must be condemned equally as vigorously as those who point to those violent acts and cry for immediate repression.

It is difficult at this time in our history to remain tolerant of the rights of those who practice and preach violent intolerance and it is becoming an increasing challenge to our faith in democracy to reject proposals which seem to offer an easy and inexpensive way to solve the Nation's ills. But to ignore the burdens of free government is to endorse what could be called post-constitutional America; an America in which manipulating human values would be more important than expanding them, an America in which survival would depend on surveillance and the rights of some segments of our population could only be preserved by repressing the rights of others.

Mr. Speaker, the New York Times has performed an extremely valuable public service by these four passionate and profound editorials. I am pleased to enter them into the RECORD at this point; along with the text of the keynote speech I made at a seminar of the Federal Executives Board of New York and New Jersey on April [illegible], 1970:

THE THREAT TO LIBERTY—I

Each morning in schools throughout this land, millions of children pledge their allegiance to a nation indivisible with liberty and justice for all. This daily ritual is beginning to lose all meaning as America's fundamental principles of freedom are being undermined. Civil liberties, though indispensable to the goal of the open American society, have suffered periodic setbacks in the past, both under Democratic and Republican Administrations. But there is cause for the gravest concern over the currently evolving pattern of overt and subtle policies which tear at the fabric of a free, pluralistic society.

Group appeals, sectional politics, harsh and divisive statements and, most important of all, repressive administrative actions and retrogressive proposals and laws are directed from the very highest sources of Government against dissenters and nonconformists. The principal target is that very large number of peaceful and determined Americans—many of them in the younger generation—who do, openly and democratically, want to challenge the Establishment and effect peaceful social change.

The Administration tactics are rendered all the more sinister because they are often contradictory and elusive. Amid high-sounding reaffirmations of the right to dissent, the Government prosecutes those among dissenters whom it sees guilty of conspiracies. Amid talk of the maintenance of law and order, an epidemic of electronic eavesdropping creates conditions approaching governmental lawlessness and moral disorder.

In the difficult period through which this country and this world are moving, doubts about war, poverty, discrimination and the economy inevitably create severe tensions. Some few Americans who despair of rational answers have in fact lost all hope in the law, have finally rejected peaceful methods of change and have succumbed to the delusion that violence offers some kind of answer. When these elements act illegally as they now frequently do, they can and must be dealt with through strict, but fair, enforcement of the law.

But the vital point in repression of violence in a democracy is that fear of what a few dissenters may do. The voicing of threats or the mere expression of dissent cannot excuse suspension of the Bill of Rights or of those civil liberties which alone justify faith in representative democracy.

When Congress passed the antiriot laws of 1968, it gave the Government the dangerous option of prosecuting men, not for what they have done, but for what thoughts they are suspected of harboring in their minds. Armed with that hunting license, the Nixon Administration has proceeded to undertake what can only be described as political trials, viz, in Chicago last fall.

The Senate Judiciary Committee has approved a bill that would make it possible to punish provocative speech, thus ignoring the advice of Oliver Wendell Holmes that, in any instance of offensive or false oratory, "the remedy to be applied is more speech, not enforced silence."

Under the guise of security, the Justice Department, resorting to inquisition by questionnaire, is trying to bar protest demonstrations in the vicinity of the White House.

Attorney General Mitchell, pleading the need to protect the flow of traffic, has called for an "updating" of the laws governing protests and demonstrations. He conveniently differentiates between "prospectively peaceful demonstrations such as American Legion parades" and what he suspects to be "demonstrators who are trained to force confrontations with police."

Is freedom of speech and assembly to be suspended because the words that might be uttered may prove provocative? Charles Evans Hughes was applying the Constitution, not espousing revolution, when he warned: "Guilt is personal and cannot be attributed to the holding of opinion or to mere intent in the absence of overt acts."

Those who condone the Government's increasing resort to repressive cautions cite the dangers of violent or illegal acts. But to suggest that the Bill of Rights can be temporarily ignored in times of discord and anger would be to turn the Constitution into an impotent, bloodless document.

It is not in harmonious times that liberties require protection. It is in days of doubt that the rights of the unpopular few must be upheld, if the liberties of the many are to remain safe.

THE THREAT TO LIBERTY—II

Less than a generation ago, the tapped wire, the bugged room, the secret informer evoked contempt and ridicule in the minds of most Americans. These were the marks of police states in a jaded Old World. It could not happen here.

It is happening here now.

The argument over the wire tap is no longer whether, but how much, by whom, and how it can be made admissible evidence in court.

Leslie Fiedler, a literary critic and teacher, was recently convicted of allowing the use of marijuana in his home on the basis of information supplied by a teen-age girl, a "friend of the family." She had acted as a police spy and recorded private conversations with the aid of a microphone concealed in her dress while she was a guest in Mr. Fiedler's house.

In 1920, Attorney General A. Mitchell Palmer, following some anarchist bombs and bomb threats, wrote in his annual report: ". . . There must be established a systematic and thorough supervision over the unlawful activities of certain persons and organizations . . . whose sole purpose were to commit acts of terrorism or to advocate, by word of mouth and by the circulation of literature" the subversion of the government.

Mr. Palmer boasted of a file containing 200,000 biographies and records of speeches of persons "with radical connections." Such dossiers seem puny compared to the store of computerized intelligence data banks

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maintained today by a host of agencies, from the Justice Department to the military.

No serious student of history now believes that the Palmer forays against civil liberties contributed to the nation's survival. Yet, his obsession with surveillance and his scrambling of action and advocacy are once again being elevated to public policy, with infinitely greater efficiency.

Under the guise of essential attacks on crime, police and investigatory powers are being sharpened for potential use against political offenders. Preventive detention is being advocated, when too many suspects are already imprisoned too long before being brought to trial. No-knock entry into private premises and the rifling of confidential records are being justified as weapons against narcotics.

Political snooping has seriously jeopardized the confidentiality of income tax returns and diminished the privilege of reporters' files. Personal mail is increasingly subject to scrutiny.

As if to underscore the hegemony of the police mentality, even at the Cabinet level, the Attorney General has overruled the Secretary of State in denying a European Marxist scholar's request for admission to attend a scholarly meeting here.

There are those who say that the growing reliance on surveillance, with lines blurred between the legitimate attack on crime and the illegitimate repression of dissent, is the price of America's role as a great power, but that is to misread the country's destiny. The nation's greatness springs from its dream of greater freedoms for all, not from a nightmare of restricted liberties for some. Today, no less than in earlier times of trouble, the Bill of Rights offers the best, perhaps the last, hope to carry the torch against the forces of dark suspicion and fear.

THE THREAT TO LIBERTY—III

The erosion of the nation's civil liberties cannot be charged against any one Administration or party. The virus of electronic surveillance and the incursions into personal rights, through the abuse both of laws and of technology, are the toll of wars, hot and cold, and of declining confidence between government and governed.

Terrifyingly new, however, is the Administration's open exploitation of fear and discord. Verbal excesses and insinuations, apparently condoned by the President himself, have rendered suspect the Government's reaction to dissent and even to high-level disagreement on the part of the loyal opposition. Vice President Agnew not only rails against "the whole damn zoo" "of deserters, malcontents, radicals, incendiaries, the civil and uncivil disobedients," but also hints darkly that Senator Muskie, in challenging the Administration's arms policies, "is playing Russian roulette with U.S. security."

Other Administrations have been vexed by the intemperate language of their detractors; but there is a disturbing appeal to the nation's lowest instincts in the present Administration's descent to gutter fighting. It undermines the dignity of government so vital to that atmosphere of calm and reason in which civil liberties can flourish.

By attacking the alleged influence of outside agitators—in the inciting of riots as well as in the Senate's vote against Judge Carswell—the Administration revives earlier anxieties over Mr. Agnew's dark hint that "rotten apples" of dissent should be "separated" from society.

When dissenters are thus treated, are they being prepared for inferior citizenship? The prospect is as troubling when the dissidents are young Republicans, labeled "juvenile delinquents" for their audacity in breaking ranks, as when they are the "liberal media" reporting the news or taking a stand for freedom of speech and the right to privacy.

By his extraordinary suggestion during the ugly fight over the Carswell nomination that the South be credited with a separate "legal philosophy," President Nixon directly exacerbated regional as well as racial disunity.

Attorney General Mitchell, in holding that the Justice Department is ruled by pragmatism rather than any philosophy, stimulates the raw appetites of those who stand ready to ride roughshod over rights which are protected by philosophic principles rather than pragmatic power.

It is chilling to learn from a recent poll that a majority of Americans have responded to the politics of fear by declaring themselves ready to restrict the freedoms guaranteed by the Bill of Rights.

Fear saps a nation's strength. It sets one neighbor against the other. It is an illusion for any government to believe that it can turn fear to its advantage. Those who try to divide in order to govern are running the risk of making a divided nation ungovernable.

Abraham Lincoln, in an earlier crisis, prayed for "a new birth of freedom." Today, the answer is not in electronic surveillance or a consensus of silence; rather it is in reliance on law and justice, on the Constitution and on an appeal to the decency of free men to let freedom triumph over fear, and civil liberties over political strategies.

THE THREAT TO LIBERTY—IV

Civil liberties are held in contempt by extremists of right and left alike. Convinced of their own righteousness, the dogmatists at both ends of the political spectrum characteristically believe in freedom for themselves but rarely for those who reject their ideological discipline. This narrowly restrictive view of freedom is normally accompanied by a self-indulgent approach to violence as an appropriate terror-weapon against the ideological enemy.

Thus it is not surprising that the new breed of campus revolutionaries, intent on destroying all freedom except their own, are now turning to what they call "trashing"—the setting of fires, hurling of rocks, smashing of windows—ominously reminiscent of the shattered storefronts with which the Nazis sought to intimidate their political opponents a generation ago.

Ritualized violence indiscriminately destroys the rights of its victims. It also escalates of its own accord. A group of distinguished citizens who arrive at Harvard to carry out their duties as trustees of an international studies center are held prisoners in their cars by a radical mob—and their meeting has to be disbanded. A cafeteria is vandalized at Hunter. Books are burned at the Yale Law School. The President of Pennsylvania State is forced to flee, with his family, as student rioters stone his home at night. A bank is burned down in Santa Barbara. At the Center for Behavioral Studies in Stanford, arsonists destroy research papers including the lifetime work of a visiting foreign scholar. An anti-war rally turns into an orgy of violence and vandalism in Cambridge, leaving small shopkeepers the principal victims. On a quiet block in Manhattan, radicals blow themselves up as they manufacture bombs for their demented warfare.

In part, this is guerrilla theater of the absurd, fashioned by alienated children of affluence who are striking out blindly against the Establishment. But in part it stems from the aim of more sophisticated and more sinister theorists to entice governmental authority into acts of political repression and thereby to stimulate such a broad-scale counter-reaction as to invite genuine social chaos.

A justice of the United States Supreme Court wrote in a recent opinion:

"Radicals of the left historically have used those tactics to incite the extreme right with the calculated design of fostering a regime of repression from which the radicals of the left hope to emerge as the ultimate victor. The left in the role is the provocateur . . . The social compact has room for tolerance, patience and restraint, but not for sabotage and violence." The author of these words is William O. Douglas.

Whether from left or right, the most extreme thoughts and the most offensive rhetoric are entitled to protection of the Bill of Rights. But, as Justice Douglas suggests, when thought is translated into unlawful or violent action, it is equally imperative that the full force of the law be invoked to protect the community, not only from the coercion itself but from its consequent aftereffects. And this applies with particular force to the academic community, where protection of freedom is most precious and its security most fragile.

If the campuses are to be permitted to function as staging areas for violence, the academic community jeopardizes its fundamental role as freedom's protector; to impair academic freedom, whether through internal coercion or external repression, is to shut off civil liberties at the source.

The defenses of freedom require vigilance against all forms of violence, coercion or repression. The safeguard of the people's legitimate powers is the rule of law under the Bill of Rights. No government, nor any dissident group, can defy that rule or abridge those rights without being guilty of the ultimate and intolerable subversion of the American ideal and the democratic reality.

RECONCILING THE CONFLICT BETWEEN HUMAN VALUES AND THE COMPUTER

This is a most welcome assignment to speak about privacy and human values and is a much appreciated opportunity. Before turning my attention specifically to the impact of the computer on our basic American freedoms and before I describe new steps to reconcile the conflict between automation and human values, let me give you a weather report of the current climate in our Nation today.

As Bob Dylan has said, "You don't need a weatherman to know which way the wind is blowing." Since that phrase has been used as a motto for one of the most violence prone groups in our society, let me hasten to add that you don't have to join the Weatherman Faction of the Students for a Democratic Society to work toward a better life for all our citizens.

It is my contention that you don't have to take a torch to the Bill of Rights and make ashes of human dignity to control the current crop of radicals. There is no need to legislate out of fear in order to reduce the atmosphere of calculated violence.

Every time I hear the cliche about "What can one Man do?" I think of the late Senator from Wisconsin, Joseph McCarthy. He was only one man, but by cynically manipulating a climate of distrust and suspicion, he single-handedly created a time of terror for good men in our government. He channeled self-doubt and yearning after simpler time into a wave of anti-constitutional hysteria which almost swept away the special attributes of America which make our Nation uniquely successful as a human experiment.

But I would regard the new McCarthyism as much more dangerous, for we are cloaking repressive measures in legislative garments and we are arming hostility and intolerance in ironclad law.

I will not chant the entire litany of lament for liberty this afternoon. Provisions of bills recently passed by either the House or the Senate permit a man's house to be broken into without knocking, permit his telephone to be tapped with virtually no restrictions, permit his blood and urine to be sampled and analyzed before he is formally accused of a crime, and so on. Administrative actions in practice or receiving influential support

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permit first class letters from overseas to be opened, permit reporters notebooks to be subpoenaed, permit a full dossier on anyone who might embarrass a public official, permit extensive surveillance over the constitutionally protected political activities, and so on.

And on, and on, and on.

And lest you think these actions are being taken only against militant, disenchanted minorities, the Washington Post of March 29, 1970 reported part of a drug control bill before a House Subcommittee which would "give Federal narcotics agents with special search warrants the right to break into a doctor's office without knocking and go through his patient files."

Further, in the effort to stop abuses in the Medicare program, a very powerful congressional campaign is being waged to publish the tax returns of all doctors who received over a certain amount in Federal payments.

It may be slightly unusual for a lawyer to come quite so strongly to the defense of doctors, but the point is that even the medical profession, that bastion of orthodoxy, can be treated as common criminals in the blind pursuit of someone's version of law and order.

We should be very clear at this point that there is a crisis in our Nation in drug abuse and in crime generally. I have proposed a package of narcotics control legislation which, among other provisions, would fully fund the erection of addict rehabilitation centers and make the nonaddicted pusher subject to a capital offense. In addition, I have supported much legislation in my years in the Congress which would deal with the root causes of crime by alleviating the poverty and hopelessness which still stalks our affluent land.

I would not be so foolish as to contend that crime can be controlled by compassionate words, permissive actions, or overly tolerant laws.

There are those in our society who must be dealt with as harshly as the law allows.

But there is an overriding law of the land and that is the Constitution. Everyone from Black Panthers to doctors has an equal right to the protections of that law and you cannot suspend the Bill of Rights for one group today without threatening all of America and every single American.

I am reminded of the statement of an Army major who, in justification of the complete annihilation of a Vietnamese hamlet said: "We had to destroy the village in order to save it."

Many legislative and administrative actions today suggest a domestic Gulf of Tonkin Resolution which, under the guise of legitimate response to hostile action, will lead to an open ended escalation and destroy America in order to save it.

I am sure I am not revealing any secret of bureaucracies when I tell this knowledgeable group of Federal, State, and local governmental executives that policy is frequently initiated by memo. This is especially true at the upper echelons in Washington where trial balloons are launched by the purposely leaked memorandum. The impetus given to an idea becomes overwhelming if the hot air is not promptly let out of those trial balloons.

The original plans for a National Data Bank were the subject of many such wistful memos in the early 60s and it was only when a tiny report, buried deeply in the back pages of the New York Times, caught my eye that my Privacy Subcommittee was able to take its effective actions to scuttle the scheme.

I give this introduction prior to commenting on a leaked memo, reported in the Washington Post of last Sunday, in order to emphasize how seriously I view its content. The Post reports that Dr. Arnold Hutschnecker submitted a memo to President Nixon and that a White House staff member forwarded the memo to HEW Secretary Finch.

My own staff has checked with the public information officer at HEW and I can tell you that no matter how incredible it may seem, the following plan is seriously under consideration at the top levels of the administration.

All children from 6 to 8 years old will be administered psychological tests to determine the possibility of future criminal behavior. Those who deviate from the norm will be subjected to massive psychological and psychiatric treatment and, if the individual is found to be a serious potential threat, he will be sent to a rehabilitation camp.

Dr. Hutschnecker further calls for "a kind of mental health certificate" for young people as a prerequisite for holding positions of power. Translated into practice this would mean that any Federal employee would have to be certified mentally pure and, by extension, it might mean that all candidates for public office would need a stamp of Federal approval. Indeed it is doubtful whether one could ever get such a stamp of approval, for one has to be slightly unbalanced even to seek public office.

So these are the clouds that loom on our horizon and, to continue the weatherman metaphor, this is the hot front of senseless passion which is running up against a cold front of reason.

When two fronts collide, of course, there is always great turbulence and I hope that the storm of violent rhetoric will soon be replaced by calm and sane actions.

And I have become convinced that the computer may offer us the way to reestablish the reasonable rule of rationality. My feelings have been well expressed by Dr. Alan Westin, Director of the Computer Science and Engineering Board's Project on Computer Data Banks.

On January 8, 1970, Dr. Westin gave a most informative lecture in Washington entitled "Civil Liberties and Computerized Data Systems." In that address, he described the very real threats to privacy and freedom which exist separate from the computer and he then added the following perceptive paragraph:

"Thus, the public debate depended in no sense on the arrival of the computer. What the computer did contribute, however, was a profound sense of urgency. The privacy campaign had to take a powerful stand on record surveillance before the situation moved from an atomic bomb to a hydrogen bomb-ICBM level of threat. The computer also gave the campaign a handle with which to grasp an otherwise slippery issue; the magic and menace of the 'Big Brother' machine provided ready drama for legislators and the popular press."

I would only make one slight quibble and that is Westin's use of the words "ready drama."

When I began talking about the threats of computerization in 1966, I well remember the stunned stares of incomprehension which greeted my contentions that a great sea of data, representing every single one of an individual's past actions, could drown a man's quest for self-realization. I often heard then and, regrettably, I still hear wide eyed innocents say, "If you have nothing to hide, why be concerned about computer privacy?"

In 1966, I did not have a prepared script for that "ready drama" but now there are a lot more actors on the stage: among them my fellow members of the National Advisory Panel of Dr. Westin's project.

Some of those who will join me are consumer champion Ralph Nader, U.S. District Judge Constance Baker Motley, Representative Ogden Reid of New York, New Jersey Supreme Court Justice Nathan Jacobs, Assistant Secretary of the Department of Health, Education, and Welfare James Farmer, and former Attorney-General, Under Secretary of State, and now Vice President and General Counsel of IBM, Nicholas Katzenbach.

There were times in my privacy studies when I felt rather like the man who had jumped out of a 50 story building and lived to tell about it. I was telling the people on the 49th floor, the 48th floor, and the 47th floor, the 46th floor.

But as the pull of gravity increased my speed, there was less and less response from the passing windows. Now, however, there are a number of responsible students of the problem and it may well be that in the area of the computer, at least, we will find a soft landing in a solid basis of effective legislation, and institutionalized concern.

Because I gave you such a gloomy forecast earlier, let me now disclose a few specific rays of sunlight which, while not nearly bright enough to illuminate all the landscape, do shine as beacons of hope. Dr. Westin's study, of course, promises great things, but it will take 2½ years to complete. And 2½ years brings us that much closer to the worst features of 1984.

First, on February 9, 1970, the President transmitted a Reorganization Plan to the Congress which would establish an Office of Telecommunications Policy in the Executive Office. Shortly thereafter I took the rather technical step of filing a Disapproval Resolution on the Plan, not because I did not think that a formal mechanism to guide telecommunications policy was essential, but because I felt that here would be an ideal place to gain positive assurances that the Executive Branch would *immediately* focus on computer privacy. Dwight Ink, Assistant Director of the Bureau of the Budget, testified on behalf of the Administration and he gave the following flat statement:

"I can assure you, Mr. Chairman, that we are acutely aware of the importance of this issue, and we can reassure you that the Office of Telecommunications Policy will focus on the issue in dealing with any executive branch proposals related to computers and communications to assure that privacy is not violated."

The Committee on Government Operations reinforced that statement, as well as emphasizing the jurisdictional outlines of my Privacy Subcommittee, by stating in its Report:

"We expect that the expressed commitment of concern for privacy will be adhered to and we will exercise our responsibility to follow closely such moves as may be made."

As I had begun my studies of the computer with hearings into the proposed National Data Bank in 1966, I was also pleased to hear Mr. Ink give this testimony:

"Mr. Gallagher's concern may be related in part to a proposal for a National Data Bank which was considered during the previous administration. This proposal is not under consideration at this time and I know of no plans to reactivate it."

A very thorough book by Dr. Jerry Rosenberg, was published last year about my National Data Bank hearings and was entitled *The Death of Privacy*. These recent formal, institutionalized statements seem to breathe a little life back into the corpse.

And the second beacon of hope will accelerate the task of resurrecting the corpse of privacy. On March 17th of this year, I was the lead-off witness in hearings of the House Banking and Currency Committee's hearings on a bill to control the practices of credit bureaus. In March and May of 1968 my Privacy Subcommittee had held four days of investigative hearings into the credit reporting industry and a bill had passed the Senate in November 1969 dealing with some of the unsavory practices we had uncovered. But the bill which Mrs. Leonor Sullivan's Consumer Affairs Subcommittee is considering at this moment is far stronger than that legislation.

Since credit bureaus are clearly posed on an almost total computerization and threaten to have a National Data Bank of credit information completely outside of Federal control, a bill coming down hard on the side of privacy is essential. And I believe that such legislation will be presented to the President for his signature before this Congress adjourns.

In this case, I believe that the computer has stimulated the desire for privacy legislation. Almost before I had completed the National Data Bank hearings in 1966, an informed tide of opinion was saying that we had overlooked an area which was even more important than the compilation and centralization of Federal files.

These observers pointed to the dangers of a virtually unknown industry which had, as its sole reason for existence, the collection and dissemination of detailed dossiers of the financial, social, and moral life of Americans.

Accordingly, my Subcommittee initiated Congressional consideration of the credit industry and, while we had some success in triggering internal reforms, the conclusion of this two-year investigation will be prompt passage of a rigorous piece of privacy protection legislation.

Other possible bright spots which have come from my subcommittee's focus on the computer and the credit industry include bills I have introduced to bring responsible human beings out from behind the computers of large credit card companies and a new approach to the problems of junk mail. I have received encouraging reports from the House committees with jurisdiction over these bills and, hopefully, the proposals I have suggested will be subject to the clarification and inevitable improvement which is the result of formal hearings.

But I believe a comprehensive study and an effective attack on the entire range of threats posed by the new technology is long overdue. It is particularly vital to construct a coordinated and credible counterweight to the incredible sophistication of the new technology because of the vindictive thrust of many of the measures I have described earlier this afternoon.

Accordingly, I would like to conclude by reviewing the proposal I made to the House on November 19, 1969, to establish a select committee on technology, human values, and democratic institutions, and why I believe we need a new rule-making and enforcing commission for data processing systems.

A select committee of the Congress is vitally needed because the problems of the new technology cut across the jurisdictional boundaries of established committees. Privacy protection procedures have not had powerful advocates in the Congress and even those voices which are raised are often ignored, largely because congressional committees have a somewhat symbiotic relationship to the Federal agencies under their jurisdiction. If an efficient and economical proposal is made and if the short range results appear promising, the longer range and dimly perceived threats to basic American traditions can easily be overlooked.

I believe that a fully-staffed and fully-funded committee should be established which has no vested interest in the immediate success or failure of Federal agency plans. Its purpose would be to go beneath the seductively smooth executive approach and to determine what the ultimate impact will be on the rights of citizens. I have often described this role as isolating the toxic effects in the tonic of technology.

I am sure you will agree with me that many of the proposals I have pointed to this afternoon will seriously endanger the continuation of a society based upon respect for human values. But of equal importance, I believe a select committee could play a crucial role in emphasizing the dangers to those democratic institutions which have provided the framework for the amelioration of policy conflicts since our Nation began.

The growth of an unresponsive elite—an unelected elect—whose expertise is necessary to public policy is one particular source of concern to me.

The expert advice these men bring to debate is both undeniable and essential, but my point is that they may adversely affect the fragile cohesive nature of American life. Frequently, the proposals they advance bypass the checks and balances of democratic government and force public men—politicians, if you wish—into a vulnerable, exposed position. We in the legislative branch are becoming increasingly unable to influence meaningfully those Federal actions which affect each of our constituents.

The complicated nature of the new technology is creating a technocratic elite who feel that they alone possess the knowledge and wisdom necessary to direct the Nation. A select committee could assemble a technically sound body of fact to aid the people's Representatives and could be a strong advocate for human values in the frequently cloistered corridors of power.

A logical counterpart to the select committee on technology, human values, and democratic institutions would be the establishment of a Federal data-processing commission in the executive branch.

I would envision such a commission as writing similar rules and regulations for data processing and data communication that the Federal Communications Commission writes for speech-based systems.

Time does not permit me to describe all the computerized data banks and communications networks which are in existence or being created. Let me only mention the data bank which the Department of the Army had been conducting and which collected extensive data on the domestic political activities of civilians.

The lack of a specific body whose operating authority mandated the oversight of computer privacy allowed, to some extent, the army's activities to go unnoticed for approximately five years.

If those responsible for constructing this internal espionage network had known that they had to justify their actions to a Federal Data Processing Commission, which had the legal authority to inspect their system and write enforceable rules and regulations, then I believe this very threatening and chilling expansion of the Army's legitimate domestic mission would not have taken place.

While my privacy subcommittee has been able to turn the Army away from the computerized aspects of this program, and thus, hopefully, make impossible collection, retention, and dissemination of detailed dossiers, we simply do not have the resources or the jurisdiction to perform the same oversight on other, and possibly more dangerous, systems in the executive branch.

I am convinced that only an independent regulatory agency with a statutorily mandated mission could conduct the kind of day-to-day oversight which is demanded.

Within the rather limited scope of my Privacy Subcommittee of the Government Operations Committee, we have been able to put out some extremely dangerous fires. What a Federal Data Processing Commission would do is to operate as a fire department, ready and able to respond to the alarm 365 days a year.

Further, in conjunction with a select Committee on Technology, Human Values, and Democratic Institutions, it would teach fire prevention to a Nation facing thousands of conflagrations.

If we do not find sound and sophisticated ways to use the tools of the new technology, we run the grave risk of creating a sterile, stereotyped America in which the always resourceful and occasionally rebellious human spirit will be an anachronism.

And if we do not make sure that the techniques of modern science are used to expand human values rather than inhibit them, we run the grave risk of creating the kind of cybernetic state in which totalitarianism is merely a program, instead of a pogrom.

For the threats which face America today are as serious and as divisive as those which spawned the Civil War. Just as our Nation could not have endured half-slave and half-free, so we cannot meet the problems of the 70's by blindly acquiescing in programs which will enslave half of our population. It may well be that our salvation does lie in the innovative use of the computer, not only in utilizing its legitimate role to assemble factual data, but also in discovering new procedures to exclude from ubiquitous information systems those data which can strangle creativity and spontaneity.

But we must act imaginatively and promptly and I would close this afternoon by appealing for your help in making the American dream a richly realized reality. Just as I cannot abdicate my responsibility as a lawmaker and I cannot turn away from my duty to protect the Constitution, so executives in Federal, State, and local agencies have the solemn obligation to make respect for the individual the prime purpose of the programs administered.

To do any less would be to condemn us both to the harsh judgment of history and, even more important, to the contempt of our own children.

For we found a free America and it has allowed us to use whatever talents and abilities we have to their fullest. We owe it to our children to pass similar, and hopefully, expanded opportunities on to them.

The choice is clear. Those of us who have benefited from freedom cannot acquiesce in its destruction.

In order to remain the land of the free, America must continue to be the home of the brave. Our duty is to move this Nation into a dawn of hope and confidence in our system, we must not lose our nerve by agreeing to repression and mistrust.

PHILADELPHIA'S BOOMING PORT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. EILBERG. Mr. Speaker, my home city, Philadelphia, has pursued a vigorous policy over recent years of attracting ever increasing volumes of business through our port on the Delaware River.

Much of the success can be credited to the vigorous and imaginative efforts of Philadelphia's city representative and director of commerce, S. Harry Galfand, who has served ably and well in the administration of Mayor James H. J. Tate.

Mr. Galfand, this year again, has been able to report that import tonnage arriving at the port of Philadelphia continues to increase. With the unanimous consent of my colleagues, I now place in the RECORD a press release from the office of the city representative of Philadelpia describing this achievement:

> The year 1969 was one of the best years on record for the Ports of Philadelphia in terms of tonnage, City Representative and Director of Commerce S. Harry Galfand reported at the annual dinner of the Philadelphia Maritime Society, at the Bellevue Stratford Hotel.
>
> Galfand said that according to U.S. Bureau of Census figures, a record 57.5 million tons of international cargo flowed through the

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Port during 1969. This tops the previous high set in 1966, of 55.7 million tons, he pointed out.

"In addition the record activity also saw Philadelphia regain its position as the number one port in handling imports," Galfand continued. "Shipments from overseas totaled 54.5 million tons, an increase of 7.4 per cent over 1968."

He attributed the record established in 1969 to new Port facilities now available or being built, which are flexible to handle containers and all types of cargo; and a stepped-up trade promotion program overseas by the Delaware River Port Authority.

Some 1,000 members of the maritime community from this area attended the Maritime Society's dinner, at which Andrew Gibson, Maritime Administrator, U.S. Department of Commerce, was the principal speaker. Fred H. Anderson, president of the Philadelphia Maritime Society, presented the Society's Annual Award for outstanding service to the maritime community to Charles Cunningham, now retired after 40 years with the marine insurance firm of Johson & Higgins.

INCREASE IN LARGE PAYMENTS IN 1969 OVER 1968 ON A PER PROGRAM BASIS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. CONTE. Mr. Speaker, on April 16, 1970, I reported a sharp increase in the number of corporations and individuals receiving farm program subsidy checks of $25,000 or more in recent years—CONGRESSIONAL RECORD, page 12118. At that time I noted that the number of corporations and individuals receiving checks of $25,000 or more under the farm programs had increased 60 percent since 1966.

The Department of Agriculture has now released more information on 1969 farm program payments. It shows that the number receiving large subsidy checks has increased sharply under each of the major payment programs, cotton, feed grains, wheat, and sugar. Only in the case of wool payments did the number receiving large subsidy checks in 1969 decrease.

The following tabular data show the number receiving checks of more than $10,000, $20,000, and $30,000 under each program in 1968 and 1969 and the percentage change in 1969 from 1968:

	1968	1969	Percentage change
Number producers receiving checks of $10,000 or more:			
Cotton	15, 097	17, 008	+13
Feed grains	5, 428	8, 378	+54
Wheat	4, 861	6, 797	+40
Wool	963	897	−7
Sugar	883	1, 039	+18
Number producers receiving checks of $20,000 or more:			
Cotton	5, 249	6, 194	+18
Feed grains	877	1, 482	+69
Wheat	741	1, 123	+52
Wool	282	243	−14
Sugar	263	290	+10
Number producers receiving checks of $30,000 or more:			
Cotton	2, 517	3, 075	+22
Feed grains	241	478	+98
Wheat	226	309	+37
Wool	120	90	−25
Sugar	132	140	+6

CONGRATULATIONS TO FRANKIE LAINE AND "I BELIEVE" DAYS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. REES. Mr. Speaker, it is with a great deal of pleasure that I report to you that an entertainer with whose accomplishments we are all familiar, Mr. Frankie Laine, is this year marking his 25th year as a recording star.

I believe I can safely say that all of us have, over the years, experienced a great deal of pleasure from Mr. Laine's performances, whether we have attended them in person, seem them on television, or heard them on our radios. Ever since his recording of "That's My Desire," in 1946, he has consistently managed to please our ears with his distinctive interpretations of songs which, as a result of his recordings, have become worldwide favorites. Even Mr. Laine has lost track of how many recordings he has sold during the past 25 years, and it would be impossible to estimate how many millions, nay billions, of people throughout the civilized world have heard and enjoyed his recorded and live performances.

Just to mention a few of his hits, there were "That's My Desire," "That Lucky Old Sun," "Wild Goose," "Mule Train," "Jezebel," "Moonlight Gambler," "Jalousie," "Shine," Lord, You Gave Me A Mountain," "I'll Take Care of Your Cares," "High Noon," "Granada," and of course, "I Believe." All in all, Frankie Laine has had 14 recordings which have each sold more than 1 million copies, and at least that many which have sold almost 1 million copies.

Actually this could not have happened to a nicer or more deserving person, because the Frankie Laine story is really the story of the American dream.

As some of you may know, he was born Frank Lo Vecchio 57 years ago in Chicago. As a boy he sang in his church choir, and in his teens—which was during the height of the great depression—he began to seek a show-business career. In order to earn money and survive in those days, Frankie entered marathon dance contests; it is a matter of history that he and his partner, Ruth Smith, set the alltime world's record for marathon dancing—an incredible 3,501 hours, or more than 145 days—in Atlantic City, N.J. in 1932.

The years since then have been good to Frankie Laine, and likewise, good to those of us who have so thoroughly enjoyed the songs he has given us.

Speaking of his songs, part of the measure of this man can be seen in connection with one of the songs he has selected to include in his newest album for the Amos Records Co., "Frankie Laine's Greatest Hits." The song is "I Believe." It happens to be a song whose message of hope, optimism, and faith is deeply felt by Frankie Laine. So strongly does he feel about it that he recently sat down and wrote to the Governors of the 50 States, as well as to many mayors of our cities. He petitioned them not as a member of an organized group, but as an individual, to proclaim Saturday, May 23, and Sunday, May 24, as "I Believe" days. When I asked him why he wanted the proclamation of 2 days instead of 1, he responded:

> Because among the millions upon millions of people, young and old, who do believe in a Creator and in prayer, and who do believe there is strength and inspiration to be readily found every day in our lives, there are some who formally observe their beliefs on Saturdays, and there are some who formally observe their beliefs on Sundays.

I am very pleased to report that many of our Governors and mayors have proclaimed both May 23, and May 24, as "I Believe" days.

We Californians are very proud to count Frankie Laine as a citizen of our State. We are grateful to Chicago for having engendered him and sent him our way; but we are even more proud to have been able to share his great talent and his warm heart with the citizens of the entire world. I know I speak for all of us in congratulating him on having reached his 25th year as a recording star, and in wishing him at least another 25 years of success and happiness.

CAMBODIA

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. RHODES. Mr. Speaker, for the past 5 years the North Vietnamese have been using privileged sanctuaries in Cambodia as a headquarters and staging center for attacks upon American and allied forces in South Vietnam.

While the United States and South Vietnam respected the neutrality of Cambodia under former Chief of State Prince Sihanouk, the North Vietnamese transported troops and supplies through the neutral nations of Laos and Cambodia into these sanctuaries for later use against us and our allies. The Communist troops operating from these supply bases were fighting in South Vietnam just the same as though they had been based there.

President Nixon, witnessing the continuing buildup of these sanctuaries, concluded that they represented a serious threat to our Vietnamization efforts and to American fighting men in South Vietnam. Accordingly, the President decided in favor of a swift military operation designed to deny these sanctuaries to the enemy, to protect American combat troops, and to hasten the day when American fighting men can be withdrawn from South Vietnam. I support that decision.

In my opinion, the engagement of the Cambodian supply bases is a very logical part of the entire United States-South Vietnamese action and does not represent any departure from the Nixon doctrine. The President has assured the country that this is a temporary border operation and that he has no intention of sending American troops into Cambodia on a permanent basis.

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We all want to see this war ended as soon as possible. I am confident that the action which the President has taken is a step closer toward a just peace in Vietnam.

CITIES CAN WORK

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BOLLING. Mr. Speaker, cities can work, says Edward N. Costikyan in an enlightening and encouraging article in the April 4, 1970, issue of the Saturday Review. The author enumerates the causes of the crisis and, as a first step toward a cure, he recommends a government device to perform the functions once provided by the political machine to give the citizen direct access to his government.

Costikyan points out that the political machine was once the institutional backbone of city government during the period in which our cities were built. He emphasizes that he is not for the return of political machines but rather in finding alternative methods of performing the essential governmental and political functions that the machines once performed. This, and his other recommendations to make the cities enjoyable, livable places are worthy of serious consideration. The article follows:

CITIES CAN WORK

(By Edward N. Costikyan)

(NOTE.—Edward N. Costikyan, a New York attorney and former leader of the Democratic Committee of New York County is author of Behind Closed Doors: Politics in the Public Interest.)

"Why are the mayors all quitting?
Why are the cities all broke?
Why are the people all angry?
Why are we dying of smoke?
Why are the streets unprotected?
Why are the schools in distress?
Why is the trash uncollected?
How did we make such a mess?"
—Anon.

This bit of verse sums up with commendable clarity and directness the problems of the cities as we enter a new decade. The answers are less clear, and the solutions still more obscure. But a misunderstanding of the causes of the trouble has led most urbanologists to a wholly ineffective and unlikely cure. For the nearly universal prescription would have the federal government provide massive financial assistance and take over as many city governmental functions as can possibly be palmed off upwards.

I doubt that the federal government will provide money in sufficient amounts to reconstruct our cities within the near future. Although some of a city's money problems, such as the costs of welfare, properly are financed in whole, instead of only in part, by the federal government, massive increases in federal aid would not solve a city's problems, but rather would be quickly ingested by the money-consuming monster that city government can become. Therefore, the causes of the crises within our cities demand a different type of federal help for two reasons: The predominant cause of city crises is the collapse and destruction of the political machine. The second cause is the shortage of a supply of cheap labor essential to the growth and life of any city.

The political machine was the institutional backbone of city government during the period in which our cities were built. It played a multitude of governmental roles. And it gave the average citizen the direct access to government services, which he cannot find today.

The base of the machine was the captain of the election district or precinct. He was in charge of a one- to two-block area for the party. And he was in charge year round. If a resident had a problem—a leaking ceiling, no water or heat, a son in trouble with the law, a shortage of cash or food—he turned to his neighbor, the captain. The captain, if he himself could not deal with the problem, took the constituent to "the leader" at the local clubhouse. There the problem was explained, and the leader undertook to solve it. If it was a leaky roof, the leader called someone he knew in the appropriate city department—often someone the leader had placed there—explained the problem, and got action.

This power of lateral invasion into the bureaucracy made efficient administration of a large city possible. It kept the bureaucracy hopping. But it also encouraged corruption. The average citizen, however, was willing to tolerate a degree of corruption as the price of his having ready access to government services. But the more affluent members of society (the backbone of every reform movement), seeing in this lateral access to government services (and not needing those services) potential and actual corruption, set out to destroy that access and the system that produced it.

By and large, these efforts have succeeded in their intent. But we will never know whether their success represents, on balance, progress or retrogression, for all the histories of the political machines and their workings have been written from a reform orientation. It should be observed, however, in the absence of fairer contemporaneous data, that the political machines built the cities, paved their streets, dug their sewers, and piped their water supply systems. Furthermore, under the administration of the machines, mass transit systems, school systems and massive developments of new housing were constructed.

It would be laughable to suggest that any of our present city administrations could accomplish one-tenth of what the political machines accomplished during the period from the Civil War to World War I.

The machine was also the source of manpower to staff the city government. Of course, the city jobs available to the machine were part of its lifeblood. But the reservoir of people with some training in city government was also a resource for the city—a resource whose absence today has contributed to the "mess" referred to in the verse. People untrained in government try to learn what it is all about while on the job, wandering in and out of office at a pace that staggers the minds of the citizenry. By and large, these untrained people find themselves unable to effectively control or direct the bureaucracy, and frequently they quit in frustration.

The reform answer to the machine as the personnel pool for government was the creation of a competing source of manpower: civil service. As long as civil service and the machine remained in competition for the staffing of the government, the administrative result was good. But with the collapse of the machine, civil service has monopolized the field, and the administrative results have been disastrous, for the bureaucracies have a double layer of protection that deprives any elected official of the power to get the bureaucrats to do their jobs. One layer is the impossibility of firing a civil servant. The other is the civil service unions, which have such power over the city—in the absence of alternative sources of manpower—that in the final analysis the bureaucracies are in a position to dictate to elected officials and their appointees. The bureaucrats can specify what they will and will not do (such as inspect boilers during a cold wave), what they will wear, and where they will work. The elected official (or his appointee) is at their mercy.

And these bureaucracies of unionized civil servants are strangling the cities. In New York City, for example, the police force has been doubled in the past fifteen years, although the population figures have remained almost constant. Fewer, not more policemen are on the line. There are supposedly six policemen for every one- to two-block election district in Manhattan. Tell that to a New Yorker and he'll laugh at you. He hasn't seen one of those policemen on the beat for years—unless it's to protect Khrushchev or Castro or the President of the United States. And then the question is, "Where did they all come from?"

There are fewer than 3,000 policemen assigned to duty on New York City streets (in cars or on foot) at any one time. (Put aside whether those assigned are where they are supposed to be.) One night last year, according to former Mayor Robert Wagner, there was not a single policeman on duty on the streets of Brooklyn. And the cost of all this "protection" has been estimated to be about $39 per citizen in New York City, as compared with about $13 per capita in a city of 100,000 people. When Mayor John Lindsay tried to change an archaic state statute that stipulated police be assigned to only three equal shifts, the police union first fought him in the state legislature, and lost. Ultimately, however, the union won by simply refusing to go along, and the fourth shift, which increases the number of police on duty during high crime periods, is now "voluntary" and is paid overtime.

The same phenomena of high costs, large numbers of employees with few on the line, rigidity, and immunity from discipline by elected officials or their appointees are found in every city department.

The cost of all this leaps and leaps. In New York City, the cost of providing essential services goes up every year by about 15 per cent, while revenues rise by less than 5 per cent. The result is the annual budget gap, with which city dwellers are familiar, and which causes the cry for more federal money. New York City's budget, at $3-billion in 1965, is more than double that five years later. This $3-billion increase has not been absorbed by the cost of new services, but by the cost of existing programs. More federal aid will not solve the problem created by the capacity of the present bureaucracies to absorb more and more money for the same, or perhaps less, service.

The destruction of the political machine has left the unionized civil service bureaucracies with the same control over the life of the city that the machine once enjoyed and abused sufficiently to lead to the growth of civil service.

Finally, the destruction of the machine has left some governmental function without anyone to perform them. The city's election machinery, for example, was once operated by the political parties. The parties, rather than the city, not only trained the election inspectors but paid them (the city paid a pittance, and still does, but the parties no longer can transform this pittance into reasonable compensation). The parties saw that the polls were open when they should be, and that the voting machines worked. True, the parties sometimes abused their power. There were conflicts of interest in primary elections where one faction or another selected the inspectors. (In the first primary in which I was elected a district leader, my opponent selected the thirty-two Democratic inspectors who, with thirty-two Republican ones, operated our sixteen polling places. I won, nonetheless.)

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But if the parties no longer are capable of performing this governmental function. And although some critics attribute breakdowns in the electoral machinery to the venality of the political machine, in fact, it is the result of incompetence.

The political consequences of the destruction of the machine are far more obvious than the governmental ones. The wave of upset victories in recent city primaries and elections all over the country is the obvious product of the death of the political party machines and party loyalty and party discipline.

The solution to all this is *not* the recreation of the political machines, an impossible task given the level of competence of their present leaders and personnel. Rather it is to stimulate alternative methods of performing the necessary governmental and political functions that the machines once performed.

The second major cause of the crisis of the cities has been the loss of a supply of cheap labor. This loss has not ony escalated municipal government costs, but has posed the most serious threat to the capacity of the cities to survive.

Eliel Saarinen in his book *The City: Its Growth, Its Decay, Its Future* pointed out that the basic function of a city is to provide places for people to live and work. Indeed, without places to live, there can be no city.

The loss of a supply of cheap labor has eliminated the capacity of the city (here I mean not the city government, but the totality of its institutions) to provide the places for people to live. In New York City, residential construction has come to a halt—literally, not figuratively, for construction capital and labor can far more profitably be devoted to commercial construction, where rents of $16 per year per square foot can be earned.

Unless some solution is found to this problem, the city is doomed to a slow death as its existing supply of residential housing decays and becomes uninhabitable, and the city's people are pushed out.

The second major problem created by the loss of a supply of cheap labor has already been noted—the 15 per cent increase in the costs of city government each year. Once city employment was attractive to ambitious young men as well as to security-seeking citizens. There was a surplus of cheap labor. Jobs were impermanent in an nonunionized volatile economy, and many offered little in the way of a future. Lower paying government jobs were attractive. They provided security and a step up the ladder. That is no longer true. To get people to work for it, the city must now compete with and attempt to match the private sector. As a result, the costs of city government have skyrocketed, and will continue to skyrocket sufficiently to absorb all that giant transfusion of federal aid to the cities that everyone calls for, and that is supposed to be on the way.

Again, the solution is not to re-create a supply of cheap labor by having a nice little recession (a solution the Nixon administration more and more appears to be pursuing). Rather the creation of alternative work forces, not drawn from the existing high cost labor supply, seems essential.

So much for the causes of the crisis. What are the cures?

On the governmental level, the first task is to create a device to perform the function once provided by the machine of giving the citizen direct lateral access to his government. The most popular proposal to accomplish this has been called decentralization. I prefer to call it reallocation of government functions. The proposal is that each government function will be assigned to the lowest and smallest governmental entity qualified to perform it. Under this approach, basic government services, such as police patrolling, street cleaning, and parking and housing enforcement, will be overseen by a local administrator in charge of a district of about 100,000 people. Other services, such as those dealing with air and water pollution, would be administered on a regional basis. In between, city or county governments would perform those functions they are best capable of.

The details of such a reorganization of city government are far too complex to deal with here. But essential to the proposal is the notion that the local administrator be elected by and be responsible to the voters whose streets he is supposed to keep clean and safe, that the existing civil service bureaucracies be eliminated, that their functions and personnel be reassigned to the appropriate level of government—local, city, county, or regional—and that the elected administrator of each level of government be given substantially greater power over those he supervises than city officials now have over unionized civil servants, who also possess a fair amount of political power.

Finally, the proposal envisages the creation of local district councils consisting of approximately eighty committeemen. These committeemen would each represent an election district (or precinct)—one to two city blocks (about 1,500 people). The committeemen would be part-time city employees elected by their neighbors. They would act much as the old captain did; if there were a problem about a leaky roof or a dirty street, the committeeman would be the person to see. He would have direct access to the local administrator, as his predecessor the captain had to the leader. Similar proposals have been made elsewhere. In Los Angeles, a similar recent proposal gives the committeeman the unwieldy but descriptive title of "neighborhoodman."

Since the committeeman would be an elected official, he would be far more sensitive to constituents' problems than any remote unionized civil servant downtown. And if the committeeman was *not* more sensitive, he could hardly survive the next election.

It is hoped that this reallocation of government functions will achieve a number of salutary effects:

Humanizing the presently impersonal government furnished by most cities to their citizenry;

Eliminating the bureaucratic rigidity and waste of manpower that have characterized increasingly centralized city government;

Placing responsibility for city government on identifiable individuals subject to popular control and, when appropriate, to removal from office by those they are supposed to be serving; and

Reducing the cost of government by eliminating the layers of administrators, which result, for example, in less than 10 per cent of the New York City Police Department's personnel (and analogous percentages in other departments) performing line duty.

Without such a reorganization of city government, I do not believe massive federal aid—if it ever comes—will solve the problems of the cities. And, although the cities need the money, I'd rather not wait for it. Instead, I would suggest that two other steps be taken by the federal government to help cities solve the basic problem of staying alive.

First: On the city governmental level, there is a tremendous need for short-term, vigorous, young manpower to deal with the emergencies that every city constantly faces from time to time. The city's existing manpower cannot meet or effectively deal with these emergencies.

Consider: If teachers make demands that a city cannot or should not accept, and they go on strike, what happens? The city capitulates, and up go the costs of government. If there is a cold wave and a rash of complaints about lack of heat, and building inspectors cannot keep up with the volume or refuse to try, what happens? People stay cold. If sanitationmen go on strike and there is a health crisis, what happens? Unless the mayor can find a way to blame it on the governor, the city capitulates.

And what of the many areas in every city similar to those in New York City, such as Bedford-Stuyvesant in Brooklyn, Harlem in Manhattan, and Hunts Point in the Bronx, where local government has broken down and the city's total existing manpower, even if it were working at full strength, could not deal with a particular areas' problems unless it worked sixteen hours a day and disregarded the remainder of the city?

The answer to all these situations is a special emergency force, consisting of young men and women who would devote two to three years of their lives to serving their city just as they are now asked to serve their country. They could quickly be given sufficient knowledge of city government to spot housing violations and to file complaints. They could move into a problem area, take it over house by house, and clean it up. They could provide extra police protection in high crime areas; collect garbage, if that were necessary; patrol the streets, if that were necessary; arrest narcotics pushes (which would be necessary); and bring help and guidance to the oppressed city dwellers who live in degradation. They could collect the rents, and make the repairs the absent landlords refused to make. Some could first complete their educations and then bring medical and legal services to the people and places that need it. No picnic, it would be hard and sometimes dangerous work. What mayor would not rejoice at such an emergency force?

The possibilities are limitless. It is clear that a force such as this is necessary if the cities are ever going to undo the damage that time, bureaucracy, and lack of money and manpower have already done.

Federal sponsorship of such a program, including financial help and especially exemption from the draft, would do more to revitalize our cities than any big gobs of money we are likely to see from Washington.

The most rewarding dividend, however, would be a generation of graduates of the emergency force. Undoubtedly, some would stay in government. And all would have a working knowledge of the problems of government that would act as a bulwark against the electoral appeal of the demagogues we can confidently expect to proliferate as television increasingly becomes politics' principal medium of communications. Furthermore, it might supply some of the meaning to life that so many of our young people seem to be seeking.

Second: the housing problem. If city governments were to operate to perfection but their present failure to build and maintain residential housing were to continue, the cities would soon die, for private enterprise, using the money and manpower available at present, simply cannot meet the cities' housing needs.

When a similar condition existed during the 1930s in the electric industry in the South, the federal government found a solution. Through the Tennessee Valley Authority and the Rural Electrification Administration, the federal government did what private industry could not do. And, while TVA was a yardstick, it was more than that; it was a stimulus to industrial growth and expansion throughout the entire South.

The cities need a federal yardstick program to build housing at rational costs. If industry and labor cannot do the job—and they simply cannot, given today's costs—let the federal government do what it did in the South in the 1930s; unabashedly go into the business of doing what the private sector cannot do.

This move would raise many problems. Vested interests in some labor unions would protest, as would construction firms and

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bankers. But basically all construction labor, building companies, and real estate bankers are at present devoting their efforts to commercial projects. They cannot build or finance housing at commercial construction costs, and they have not set up for themselves two scales of costs that would permit the production of expensive commercial buildings and less expensive housing. Accordingly, the cost of building housing is the same as the cost of building commercial structures, but the returns on commercial construction are many times higher. Small wonder that housing construction has stopped and private financing for housing has dried up, while new office buildings spring up one after another.

We need a federal yardstick operation with self-renewing federal money, and, if necessary, the creation of a new housing construction work force to build the millions of dwellings the cities will need in the coming years. The creation of such a housing work force might well go a long way toward solving the impasse between the black man and the existing construction unions. There is no stimulus like competition, or even the threat of it, to produce action where action is needed.

This kind of federal assistance would be far more effective than the pie-in-the-sky massive assistance most urbanologists call for. For as cities get larger and larger, their actions more and more seem to resemble those of the dinosaur—or what we imagine the dinosaur to have been in its declining years: large, clumsy, slow-moving, unable to deal with small enemies, too big to be viable, afflicted with hardening of the arteries. The extinction of the dinosaur ultimately resulted from its inability to function and to regenerate itself.

Cities are already in that condition. They are not performing their basic purpose of providing places for people to live, and because of this failure they are dying. Hungry dinosaurs would probably have been kept alive a little longer if there had been a beneficient federal government to provide food. But extinction would have remained the dinosaur's fate.

Our cities will survive and be governable only if those we elect have effective power over those who are supposed to do the work, only if those we elect are responsible and accountable to the people who elect them, and only if the federal government gives the kind of help that will make manpower available to do the work that survival requires.

CAMBODIA

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. UDALL. Mr. Speaker, the President of the United States made a decision last week to send American troops into Cambodia. While I do not lightly take issue with my President on a matter of national security, I cannot refrain from commenting on this grave development.

In my view, there are just two things wrong with the President's decision—what he did and the way he did it.

Much of the bitterness and divisiveness of President Johnson's last 2 years in office were the direct result of the creeping, almost stealthy way in which 16,000 advisers playing a minor role in Vietnam became a 540,000-man expeditionary force supported by B-52 raids from Guam and Thailand and air strikes from a huge fleet offshore—all without any meaningful congressional debate and decision.

On assuming our Nation's highest office, President Nixon led us to believe he thought the Constitution and national unity required something more than this. After all, the Constitution states that Congress—not the President—shall have the power to declare war, to raise and support armies, and so forth. Until this past week President Nixon had promised repeatedly and clearly that there would be advance and full consultation with Congress before major military decisions were made. Yet Cambodia, a sovereign and neutral nation, has been invaded by the U.S. Armed Forces without the slightest attempt to obtain the kind of congressional action the Constitution requires.

Surely, if this serious escalation of the war were justified, then that case could have been made to the House and Senate and a proper resolution passed. On the other hand, if it cannot be justified—and I believe that is certainly the case—then defeat of the proposal would have saved us from a tragic blunder.

Had I been given the opportunity, I most certainly would have voted against this widening of an already senseless and unjustified war. I believe the President is chasing through the jungles in pursuit of the same old ghosts of military victory and improved bargaining position which eluded and frustrated Lyndon Johnson so many times.

As I listened to President Nixon's speech Thursday night, it seemed as though he was unaware that the last 5 years had ever happened, that our country had learned nothing from all this bloodshed, nothing about the nature of this treadmill war and our elusive adversaries. It seemed as though President Nixon did not know that all past escalations have been justified on grounds of "saving lives," shortening the war, bringing the enemy to the conference table, and achieving a "just peace."

All this pious talk about "winning the peace" cannot hide the ugly fact that we have widened, and I believe prolonged, the war. President Nixon may believe that we can go into Cambodia, clean out those "sanctuaries," and pull out 60 days later, but that assumes the other side provides no response. When in the history of warfare did that ever happen?

I wonder if the President really believes that destruction of these bases, plus bombing of North Vietnam, will bring serious negotiations at Paris when 3 years of the most devastating bombing of the North, 3 years of search-and-destroy missions, defoliation, and all the rest of our tactics have failed. In every past instance the enemy's bargaining position has only hardened. Yet, like a compulsive gambler whose strategy has lost repeatedly, President Nixon has now gone back to the gaming table to raise the stakes and throw in more lives and money and prestige on yet another toss of the dice.

I suppose the President has been convinced by the military—the same men who convinced President Johnson before him—that this time the strategy will work, that this time we will get quick and decisive results. Unfortunately, invading another country is more than a matter of simple military strategy; it is matter of the gravest import to our constitutional processes, to the unity of this country without which no war can succeed, and to our Nation's moral position in the community of nations.

Mr. Speaker, I have delayed until today making a statement on this action of our Government to make certain that I did not speak in haste, without reflection about the consequences of my words. Having reflected, I am all the more convinced that it was wrong for the President to take this step, and I am determined to do all I can to see that it goes no further.

Five years ago I acquiesced in the escalation of the Vietnam war. I assumed the President knew what he was doing. I shall not make that mistake again. I oppose the invasion of Cambodia and the resumption of bombing of North Vietnam. And I urge that the President go no further with these moves before getting constitutional authority from the Congress.

Mr. Speaker, this action of our Government is likely to do more to destroy the fabric of our society than any other act of recent years. My mail today reflects the anger and frustration being felt by millions of Americans over this move. Two of the letters I received today carry such a powerful message that I want to share them with my colleagues.

If our country is to have a future, that future lies in the loyalty, the dreams and the aspirations of our young people. I have here a letter from a young enlisted man in the U.S. Army and another from a former officer, an Academy graduate, of the Air Force. They are moving statements of the dismay and shock felt by the young people of this country over the events of the past week. One of these men is still in the service of his country; the other has completed 4 years in the Air Force and is now a graduate student at the University of Arizona. To save them from any personal harassment for these expressions of opinion critical of official U.S. policy I am withholding their names. Without objection I will insert these letters in the RECORD at this point:

APRIL 30, 1970.

DEAR CONGRESSMAN UDALL: I am not writing for any personal attention. I am merely relaying my feelings as a constituent as I hope many more Arizonans are doing tonight so that you might get a fair measure of the public mood.

This evening our president announced that he was spreading the war. That he was ordering an offensive. I don't believe he has the right to do that. I believe that the army of the United States of which I am a member is the people's army and not the army of one man. How can he wage war without your consent? He can't appoint judges without consent but he can attack at will, he can send draftees who have been coerced into the service into a war of aggression that their own Congressmen are powerless to prevent?

This is Nixon's war. It is not my war, I don't think it's yours. Has the Congress gone soft? Johnson was a very strong figure and he commanded Viet Nam before our startled Congress could even decide whether it would be wise to try to stop him. But meek Nixon,

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two-time loser in many respects, how can he too get away with it?

Hasn't the time come for more people than Senator Fulbright to impress the media, the world and the government with their courage? If you were to take any measure you saw fit to draw the President's attention to your feelings about this immoral, unconstitutional aggression I just want you to know that I support you.

I am embarrassed to be an American tonight. This is not a democracy tonight. I am not wearing a United States uniform I am wearing a pentagon uniform. Is leaving the country the only answer? Are you fellows powerless? I have hope and faith in you. I picture you right now up to all hours working out the best possible form of opposition to this madness. If you are taking an attitude of intellectual resignation then I am saddened and completely disillusioned.

Please be brave and I will back you. Please do the most you can to stop the pentagon and the government which is rapidly becoming my enemy. I will not wear the uniform of my own enemy.

Respectfully yours,
(Name withheld.)

FORT BRAGG, N.C.

TUCSON, ARIZ.,
May 1, 1970.

Hon. MORRIS K. UDALL,
House Office Building,
Washington, D.C.

DEAR MR. UDALL: We all heard Mr. Nixon last night. We all have seen what he is bringing about in Cambodia. When is the Congress going to stand up for its Constitutional prerogatives?

We thought that Mr. Johnson was on an ego-trip in Vietnam, and he was. He indulged himself and half a million men in the disgusting display of arrogance. Mr. Nixon has got it in his head—to an even greater extent than Johnson had—that he is not going to be defeated in Indo-China. The question on everyone's lips is, "When will the president be brought up short—made responsible for his disgraceful abuse of his powers and the American people?"

Also, in this morning's paper, we read of the Congress's acquiescence to the president's call for another round of strategic arms escalation. In addition, the atmosphere surrounding the Strategic Arms Limitation talks is one of "benign neglect"—if I may borrow an apt phrase. Mr. Nixon is in no hurry to discuss disarmament with the Russians. He is probably making plans for "surgical removal" of China's nuclear capability. But he won't bother to ask Congress about it, because it is part of his plan to withdraw from Vietnam with the least number of American casualties.

Well, I can't figure him out. I think he is terribly deluded about the length of the anti-war fuse in this country. I, for one, am ready to join the Resistance. The only way a madman can be stopped is if no one will cooperate with him. I am sad to say that other avenues, constitutional and legal, seem to have little effect. I will never condone or participate in violence, but active non-cooperation with the war effort seems to be a reasonable alternative to mindless acquiescence to unbridled arrogance and ruthless imperialism.

Are these words too strong for a graduate of one of the nation's service academies? Does the fact that I made myself endure four years of degradation and "Yes sir, no sir, no excuse sir" mean that I should remain silent when the commander-in-chief decides on a course of action? I separated myself from the Air Force last year after I had fulfilled my contract of four years. Now I have a larger responsibility: to defend the rights and liberties which seem to be expendable to some leaders of the nation.

What I have been trying to say is that American imperialism makes me ashamed of my country. If I were facing the draft now, I would have to say "Hell no, I won't go." That is the only way an individual can have an effect on the war machine. My decisions were made for me for eight years—four years at the U.S. Air Force Academy and four years in the Air Force as a procurement officer in California. Now I must begin to make my own decisions. I regret that I cannot "get behind the president." He asked, last night, that I should support those brave men in South East Asia who were fighting to preserve *our way of live*. I leave it up to you . . . is our way of life worth preserving if it is bought at the expense of the rest of the world?

I know that the men in VietNam are brave. But they have also let themselves be put in a situation where they must kill other human beings. One of my best friends, Albin E. Lucki, was flying F-4's out of Thailand until last week when he was shot down. He didn't get out of his plane. He left a wife, Tish, and a young son, Albin Jr., who will never know his father. But he is only the fifth or sixth of my classmates from 17th Squadron at the Academy (Class of 1965) who has died in the war. There were eighteen of us from 17th on graduation day. This story is being repeated throughout the country. Maybe Jerry Rubin is right. Maybe this country is committing genocide. Not only against the Vietnamese, but against America's young men.

I've rambled too much. What I want to suggest is that it is time that the Congressional opposition to the war took its case to the American public on nation-wide television. You, Mr. Udall, along with other Democrats and Republicans who are tired of being intimidated by a rapacious administration, must demand equal time from the networks to take the opposition to the American people. The nation must know that its elected representatives have the guts to speak out against a president who has lost his sense of humanity and is about to lose a country.

(Name withheld).

NEW YORK CONSTITUTIONAL AMENDMENT TO GUARANTEE A HEALTHFUL ENVIRONMENT

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. FARBSTEIN. Mr. Speaker, an amendment to the constitution of the State of New York to establish the constitutional right to a healthful environment and prohibit the contamination, depletion, or destruction of that environment has been introduced in the State assembly. On May 2, I submitted testimony in favor of this amendment to a public hearing. I insert the text of that testimony at this point in the RECORD.

The text of the testimony follows:

REMARKS OF HON. LEONARD FARBSTEIN

Mr. Chairman, it gives me great pleasure to raise my voice in support of the proposed amendment to the Constitution of the State of New York, which would establish the constitutional right to a healthful environment and prohibit the contamination, depletion or destruction of that environment. At long last, there is a public awareness of the problems of pollution. But this is only the first step. We need a genuine commitment to do something about the environment. This proposed constitutional amendment is a meaningful step forward on the path to fulfilling the substantive action needed to combat the portending environmental dangers that confront us.

New York State has always taken the lead with regard to the enactment of forward-looking legislation. Although other States may be considering constitutional amendments dealing with the environment, e.g., in Massachusetts (see 116 Cong. Rec., March 20, 1970, p. 8420), they are not as far-reaching as this proposal. In addition, it seems to me that the need for legislation comes as a result of the recent pronouncement by the New York Court of Appeals in *Boomer* v. *The Atlantic Cement Company, Inc.*, that "the judicial establishment is neither equipped in the limited nature of any judgment it can pronounce nor prepared to lay down and implement an effective policy for the elimination of air pollution." It declares that every person has the inalienable right to an environment which provides for a healthful life, which none may pollute. There is certainly contained therein sufficient policy and ammunition for the courts to enforce and uphold. The current constitutional provision which went into effect on January 1 (Article XIV), although cognizant of the need to preserve and protect the State's natural resources for the use and enjoyment of the people, to me just does not go far enough. Here we have an explicit right of the people, enforceable in the courts. Here also is what I shall call an "anti-right", namely that there is no right to pollute, which right so many have assumed.

Of course, the burden should not fall entirely on our States for preserving our environment. Much of what must be done in the areas of air and water pollution control and natural resource protection must come from Washington; and I for one have been attempting to accelerate action in this direction.

Preservation of the environment and the rights of the people in this matter which touches all of our lives so closely, has always been one of my major concerns. Some of my activity in the respective areas bears witness to this. In regard to air pollution, earlier bills I introduced require health warnings on all advertising of leaded gasoline (H.R. 13281), which would eliminate the depletion allowance for all oil companies that continue to sell or manufacture leaded gasoline (H.R. 13321), and which would ban the sale of the internal combustion engine unless new stringent emissions standards could be met (H.R. 13225). On December 8, 1969, twenty other Members of Congress joined me in sponsoring ad hoc hearings in New York at which Ralph Nader, the vice presidents of General Motors and Ford, and experts on health and pollution-free engines testified on automotive air pollution. Based on these hearings, a report was released on February 17, 1970 that concluded that automotive air pollution can be eliminated by the mid-1970's and that a radical reduction in automotive air pollution can be achieved almost immediately. These recommendations were introduced in legislative form by me and co-sponsored by 27 of my colleagues during Earth Week. Likewise, I co-sponsored a bill (H.R. 14867) which would, among other things, amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a Federal duty not to pollute the atmosphere, and to provide additional public and private remedies for the abatement of air pollution.

As to water pollution, I am the House sponsor of a bill (H.R. 15025), which would fine water polluters for the cost of cleaning up their pollution and have participated in the coalition which has been seeking full funding for water treatment plants. With specific reference to the water pollution problem in New York, I have co-sponsored a bill (H.R. 15828) that would amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to revoke

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any license or permit which has been issued authorizing the discharge of any sewage, sludge, spoil, or other waste into the waters of the New York Right, or into any waters within a twenty-five mile radius of the Ambrose Lighthouse.

Some other short examples will suffice to point out my activity as to our need to preserve our environment and protect individual rights therein. Thus, I co-sponsored a bill (H.R. 15289) which would authorize the U.S. Commission on Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance. I offered an amendment to a bill dealing with highways on any Federal-aid system which would require the planner to choose the highway design which most completely minimizes air and noise pollution. If none could be found, the highway could not be built.

One of my most ardent endeavors it to see that the public has complete access to evidence that the Government obtains in antitrust suits. I felt that the public was shortchanged when the antitrust action brought against the Automobile Manufacturers Association for a conspiracy in violation of the antitrust laws by automobile manufacturers to prevent research development and installation of anti-pollution devices was settled by consent decree. In that suit I led a group of 26 Members of the House of Representatives in intervening against a consent decree. Thus, there was no public trial at which this evidence could be presented for all of us to see and hear. I have introduced a bill (H.R. 16551) which would put a new weapon into the hands of consumers fighting corporate abuses such as this through court action and which would permit both local governments and private citizens access to evidence obtained by the Federal Government in antitrust suits that end in consent decrees.

It is obvious by my activity and concern that I feel every effort made in the direction of making our environment healthier and more aesthetically appealing is necessary and vitally important. With this in mind, I lend full endorsement to this proposed constitutional amendment. It deserves support by all of us.

CONGRATULATIONS TO THE BRONX HOME NEWS ON ITS THIRD ANNIVERSARY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BIAGGI. Mr. Speaker, I would like to take this opportunity to commend and congratulate the publisher, managers, editors, and staff of a courageous and dedicated weekly newspaper serving the people of the borough of the Bronx in New York City.

The Bronx Home News, a fast-growing tabloid, celebrates a very special and significant occasion this coming Friday, May 8. Special because it marks the third year of responsible news reporting and significant because it indicates a will and an ability to surmount the problems of a growing newspaper. The Bronx Home News, no doubt, is well on its way to a long period of effective service to its public.

Mr. Speaker, the third anniversary of the Bronx Home News should be commemorated for still another reason. In this era of overriding national issues and international crises, local news reporting has come to be a highly specialized art, particularly in our large cities where the emphasis tends to be on world affairs. Yet, in our metropolitan areas, local communities are, in many respects, microcosms of the larger world in which they exist. The local social, economic, and political issues are as forceful in their impact on the community as are the wider issues of the Nation and the world.

Thus, a well-managed and responsible newspaper that dedicates itself to the affairs of its immediate community takes on an important role in the business of everyday living.

The Bronx Home News has exemplified the nature of this role. It has, by its dedication to sound journalistic and management principles, survived 3 years of "growing pains" and now stands firmly implanted in the borough of the Bronx as a full-fledged member of the communications industry and respected servant of its readers.

I therefore pay a special tribute on the occasion of the third anniversary of the Bronx Home News to the men and women who have enabled it to achieve this milestone by practicing the essence of their motto, "Somewhere a Stand Must Be Made."

NO ROOM AT TOP SEEN FOR ATHEISTS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. NICHOLS. Mr. Speaker, President Nixon recently appointed Adm. Thomas Moorer to be Chief of Staff. Certainly, the President could not have made a better appointment.

My high opinion of Admiral Moorer was further enhanced by an article which appeared in the Washington Post last week. This article concerned Admiral Moorer's testimony in a U.S. district court case here in Washington. In this case, a number of midshipmen and cadets of our military academies are testing the constitutionality of compulsory chapel attendance at the academies.

In his testimony, Admiral Moorer said that he does not believe an atheist could be as great a military leader as one who is not an atheist. Those of us who have served in the military and particularly in combat in wartime, know how important a belief in God is. I would certainly hate to think that we are training a group of young men to be this country's future military leaders who do not have religious beliefs.

I would like to insert this article about Admiral Moorer's testimony at this point:

NO ROOM AT TOP SEEN FOR ATHEISTS

(By Peter Osnos)

Adm. Thomas H. Moorer, a 41-year Navy veteran and chairman-designate of the Joint Chiefs of Staff, said yesterday that "an atheist could not be as great a military leader as one who is not an atheist."

Moorer's remarks came during his day-long testimony at U.S. District Court here in support of the policy of compulsory chapel attendance at West Point, Annapolis and the Air Force Academy.

Lacing his testimony with paeans to the military-instilled virtues of loyalty, integrity and leadership, Moorer also declared: "I don't think you will find an atheist who has reached the peak in the Armed Forces."

In the name of nine midshipmen and cadets, the American Civil Liberties Union is pressing a suit challenging the compulsory chapel requirement as a violation of the Constitution's ban on state establishment of religion.

Moorer, a 1933 graduate of the U.S. Naval Academy, testified that the purpose of Sunday services for Catholic, Protestant and Jewish academy students is to "enhance their leadership and their command ability."

The chapel, said the admiral, "puts the men in a position where they can get the feel of the effect of religion on other individuals." He said a course in comparative religion would only be "artificial."

Moorer said academy graduates are expected to devote their lives to the military, unlike men who become officers through the Reserve Officers Training Corps, and who are not compelled to attend chapel while at college.

"ROTC officers would be much better officers," Moorer commented, "if they had been required to go to chapel."

The admiral then added, hastily, that most ROTC men are "religiously motivated" and some have been great leaders.

The admiral was the government's only witness during the second day of testimony before Judge Howard F. Corcoran.

On Monday, Roger T. Kelley, assistant secretary of defense, expressed sentiments paralleling Moorer's.

Both witnesses said repeatedly that they spoke as policy officials of the Department of Defense—an assertion Moorer restated after stating his views on atheists as military men.

On Monday, Assistant U.S. Attorney Joseph Hannon won ready agreement from Kelley that "there are no atheists in foxholes."

"The combat environment," Kelley commented, "shows a man his dependence on a spiritual being."

The ACLU presented only one witness yesterday, the Rev. D. Ray Appelquist, executive secretary of the General Commission on Chaplains, the agency that oversees most armed forces chaplains.

Mr. Appelquist said that as long ago as 1964, his commission had adopted a position against required chapel.

Warren Kaplan, the ACLU lawyer, said the Council of Churches would express the same view in testimony today.

Moorer, 58, a heavily decorated pilot, was named to be chairman of the Joint Chiefs, the nation's highest military post, on April 14. He is the first Navy man to serve in the post since 1957.

FEDERAL MEAT INSPECTION

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. O'HARA. Mr. Speaker, I have today introduced legislation to permit the several States to apply to meat sold within their boundaries, standards more stringent than those presently applied under the Federal Meat Inspection Act. This legislation is of immediate interest to the State of Michigan, which has legislation setting more detailed standards

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than those set under the Federal act, but it would apply to any other State which wished to utilize its powers to provide consumers with greater protection than they are afforded under present Federal regulation.

Mr. Speaker, it is fair to say that I have not often found myself on the "States rights" side of arguments over regulation. Usually, the "States rights" argument is most fervently advanced by those who are quite certain that the States will not act, and, secure in that knowledge, seek to prevent the Federal Government from acting either. I do not support the "States rights" argument in such a context because I do not believe that the concept of federalism was ever designed primarily as a cloak for inaction. In most parts of our country, the consumer has not found in his State legislature a pillar of strength on his side in his struggle against those who would sell him shoddy goods, on high-cost credit, and with low-value guarantees.

But occasionally the consumer can find a State legislature that is on his side, and where that happens, Mr. Speaker, I think such a legislature should be given free rein to protect our fellow citizens.

The State of Michigan some years ago enacted and is enforcing legislation known as the Comminuted Meat Law which sets stringent and precise standards on the sale of various prepared meats within the State precise and more stringent than those set by the U.S. Department of Agriculture. Such, at least, is the contention of Armour & Co., Wilson & Co., and George A. Hormel & Co., meat packing firms which do a thriving national business, and which are seeking to bring comminuted meats into Michigan which do not come up to the standards set under the Michigan law.

The Michigan standards are significantly tougher than those hitherto promulgated by the U.S. Department of Agriculture.

Under Federal regulations, Mr. Speaker, sausage can contain meat from the tongue, the diaphragm, the heart, the esophagus, lips, snouts, ears, stomachs, melts, eyes, spleens, glands, lungs, bladders, paunches, udders, and other rather unappetizing parts of the animal. Under the Michigan law none of the above are permitted.

The out-of-State packing firms contend that by enactment of the most recent Federal law, the United States has preempted the field from the States, and that compliance with the allegedly less stringent Federal requirements is sufficient to allow them to sell their products in Michigan, the Michigan comminuted meat law to the contrary notwithstanding. Armour, Wilson, and Hormel have brought suit in the U.S. District Court for the Western District of Michigan, seeking relief from the provisions of the Michigan law.

It is not my intention, Mr. Speaker, to seek to render some kind of gratuitous judgment in this case or on this point of law. The State of Michigan's able attorney general has presented the court with very compelling arguments against the proposition of Federal preemption.

Nonetheless, and regardless of the outcome of the pending suit, I believe it would give meat consumers and State authorities a reassurance they badly need, and would clear up any remaining confusion as to the intent of the Congress if the Congress were to settle the problem in the future by enactment of the legislation I have today submitted.

My bill of today would make a very simple amendment to one sentence of the Federal Meat Inspection Act which now prohibits States from making regulations conflicting with that act, by specifically authorizing the promulgation of such State regulations where they are more stringent than the Federal regulations.

The intent of the Federal legislation seems plain enough to me, Mr. Speaker. It seems obvious that we were seeking in section 408 of the Federal law to prevent States from undercutting the Federal program, either by setting weaker standards or by setting standards which could not in any way be reconciled with the Federal standards. But Michigan's Comminuted Meat Act does nothing of the sort. It merely sets standards tougher than the Federal standards. Meat which complies with the Michigan law will certainly comply with USDA's standards. If the people of Michigan want their meat to be more free of meat byproducts and other extraneous matter than the U.S. Department of Agriculture feels is necessary on a national basis, then that, it seems to me, is the business of the people of Michigan, and they should be protected in their efforts to safeguard their dinner table.

As I said at the outset, Mr. Speaker, this may be a "States rights" issue. But if it is so, it is raised in the name of a State that is willing to act to protect its own citizens against exploitation by interests. I would not be standing here arguing for Michigan's right to prevent its people from being protected. But I am proud to defend Michigan's power to serve the public interest.

Mr. Speaker, I include the text of the Michigan law, the text of section 408 of the Federal act, the text of my bill, and the texts of the briefs filed in the district court by the packers and by the State of Michigan at this point in the RECORD:

COMMINUTED MEAT LAW

[P.A. 1952, No. 228, Eff. Sept. 18]

An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, sale, the offering for sale or exposing for sale or having in possession with intent to sell, sausage, meat loaf, hamburger, chili con carne, liver sausage, head cheese, sulze, blood sausage, New York (New England) (pressed luncheon), and tongue sausage, that is adulterated or deleterious or not in compliance with this act; defining the mentioned products and other terms used; providing for licensing; regulating labeling advertising; prescribing penalties for violations of this act; and repealing certain acts and parts of acts.

The People of the State of Michigan enact:

289.581. Comminuted meat laws; definitions

Sec. 1. For the purpose of this act, the following definition of terms used therein shall apply:

(a) Cattle means bovine bulls, cows, steers and calves only.

(b) Beef is meat derived from cattle 1 year of age or older.

(c) Veal is meat derived from a calf not more than 1 year of age slaughtered in compliance with Michigan laws.

(d) Mutton is meat derived from sheep 1 year of age or older.

(e) Lamb is meat derived from sheep less than 1 year of age.

(f) Pork is meat derived from swine, excluding boars and from stags slaughtered in compliance with Michigan laws.

(g) Carcass is the commercially prepared or dressed body of any cattle, sheep or swine.

(h) Meat is the properly dressed, clean, sound flesh derived from cattle, swine or sheep sufficiently mature and in good health at the time of slaughter.

(i) Skeletal meat is any clean edible part of striated muscle including head meat and cheek meat.

(j) Fresh meat is meat which has undergone no substantial change in character since the time of slaughter.

(k) Comminuted meat is meat that has been subjected to a process whereby it has been reduced to minute particles.

(l) Tripe is the properly cleaned, scaled and cooked, stomach obtained from the slaughter of healthy cattle, swine or sheep.

(m) Pork sausage is sausage composed of fresh meat and fresh fat derived solely from swine.

(n) Breakfast sausage shall be composed of fresh meat and fresh fat derived from cattle, swine or sheep or a mixture of such meats.

(o) The word "person" shall include 1 or more natural persons, copartnerships, associations or corporations. P.A.1952, No. 228, § 1, Eff. Sept. 18.

HISTORICAL NOTE

Prior Laws:
P.A.1933, No. 259, §§ 1–12.
P.A.1935, No. 124.
P.A.1937, No. 266.
P.A.1939, No. 338.
P.A.1945, No. 195.
C.L.1948, §§ 289.231–289.242.
P.A.1949, No. 135.

CONSTITUTIONAL PROVISIONS

Art. 4, § 51 provides: "The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health."

CROSS REFERENCES

Adulteration of food, see § 750.17.

Food products, legal standards of purity, see § 289.111.

Fraud and deception, see §§ 289.81–289.100.

Fraudulent adulterating of food and drink, see § 750.20.

LAW REVIEW COMMENTARIES

Due process and state regulation of food production and distribution. 35 Mich. L. Rev. 982 (1937).

LIBRARY REFERENCES

Food—5.
C.J.S. Food § 15.
M.L.P. Food §§ 3, 7.

289.582 Same; definitions

Sec. 2. For the purpose of this act the products within its purview are defined as follows:

(a) Grade 1 sausage, moisture, protein, bacterial starters. Grade 1 sausage shall consist only of skeletal fresh meat prepared from the animal carcass of cattle, swine or sheep or a mixture of such meats, or the striated muscle of chicken or turkey, either fresh, cured, salted, pickled or smoked, with or without added salt or spice, sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, or the salts thereof, and with or without the addition of water or ice, with or without the addition of edible animal fat from the animals specified, nonfat dry milk solids or dry whole milk, eggs or egg products, chives, tomatoes, parsley, peppers, onions, garlic, celery, seasoning, flavoring, honey, sirup, sugar, pure refined dextrose or subsequent cooking or smoking.

(1) It may contain not to exceed 4 pounds non-fat dry milk solids or dry whole milk per 100 pounds of sausage.

The total percentage of moisture in the finished product shall not exceed 65%. The total percentage of protein shall not be less than 12%. The protein content requirement shall not apply to pork sausage, breakfast sausage, or roasted sausage but the finished product shall contain not more than 50% of fat by chemical analysis, the equivalent of 45% of trimmable fat, and shall not contain added water or ice, that is water or moisture of greater content than found normally in the meat itself.

(2) It shall not contain any cereal, vegetable, flour, vegetable product, except those vegetable products specifically provided for, soya products, coal tar color, artificial color, vegetable coloring, stabilizer, gum, thickeners, excess added water or ice, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid or any other harmful preservative. It shall not contain slaughter house by-products, heart, tongue, liver cracklings or crackling meal, tripe, lungs, melts, eyes, stomachs, weasand meats, udder, lips, ears or snouts. No other parts of the animal or any other substance excepting as above specified shall be permitted in sausage.

(3) Harmless bacterial starters of the acido philus type may be used in the preparation of such kinds of sausage as thuringer, lebanon bologna, cervelat, salami and pork roll in an amount not to exceed ½ of 1%. When used, the harmless bacterial starter shall be included in the list of ingredients in the order of its predominance.

(b) Sausages. The following products are considered to be sausage, whether processed or inserted in either natural or artificial casings or other containers: Weiners, bologna, ring bologna, knackwurst, roasted sausage, breakfast sausage, pork sausage, chicken sausage, turkey sausage, leona, beer salami, cooked salami, polish sausage, minced luncheon, all varieties of dry or semi-dry sausage, and other products prepared in sausage form and excluding loaves, liver products, head cheeese, sulze, blood sausage, potato sausage, bockwurst, kiszka, tongue sausage and New York (New England) (pressed luncheon).

(c) Hamburger, ground beef, fresh beef. Fresh beef that has been comminuted, chopped, diced or ground shall be identified as either hamburger or ground beef and shall meet the following standards. Hamburger shall consist of comminuted, chopped, diced, or ground fresh beef with or without the addition of beef fat as such, and shall not contain more than 30% of fat. Ground beef shall meet the same requirements as hamburger except that it shall not contain more than 20% fat. Monosodium glutamate may be added if declared. It shall not contain heart, liver, tongue, tripe, stomach, cracklings or crackling meal, lungs, melts, eyes, weasand meats, head meat, cheek meat, udder, lips, ears, snouts, packing house by-products or added water or ice, that is, water or moisture of greater content than found normally in the meat itself. It shall not contain any cereal, vegetable flour, vegetable product, bread or bread crumbs, dry milk, soya products, coal tar color, artificial color, vegetable coloring, stabilizer, gum, thickeners, cracker, roll, cereal by-product, starch, chemical preservative, boric acid or borates, sulphites, sulphur dioxide or sulphurous acid. No other parts of the animal or any other substance excepting as above specified shall be permitted in hamburger or ground beef.

(d) Chili con carne. Chili con carne is a product that shall contain not less than 40% of meat computed on the weight of the fresh meat from cattle, swine or sheep. Head meat, cheek meat and heart meat, exclusive of the heart cap, may also be used. The mixture may contain cereal or non-fat dry milk solids and reasoning. It shall not contain liver, tongue, cracklings or crackling meal, lungs, melts, spinal cords, eyes, stomach, udders, lips, ears or snouts. It shall not contain gum, thickeners, stabilizer, coal tar color, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide or sulphurous acid. No other parts of the animal shall be permitted in chili con carne.

(e) Meat loaf. Meat loaf is a product, processed in the form of a loaf, consisting of a mixture of meat from cattle, swine or sheep or mixture of such meats that are not necessarily skeletal but shall be wholesome and edible. It may also contain salt, seasoning, sodium or potassium nitrite, ascorbic acid, or the salts thereof, sodium or potassium nitrate, cereal, vegetable, non-fat dry milk solids, soya flour, eggs or egg products, macaroni, cheese, condiments, nuts, fruits or gelatin. It shall not contain gum, thickener, stabilizer, coal tar color, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphur dioxide, sulphites or sulphurous acid. It shall not contain cracklings or crackling meal, lungs, melts, eyes, lips, udders, ears or spinal cords. No other parts of the animal or any other substance excepting as above specified shall be permitted in meat loaf.

(f) Liver sausage. Liver sausage is the product, either cooked or smoked prepared from sound, edible liver with or without the addition of edible fat, meat, tripe, brains, pork skins, pork and beef tongues, cereal, soya flour, non-fat dry milk solids, nuts, egg, or egg products, pimentos, salt, sugar, dextrose, ascorbic acid, or the salts thereof, honey, spice, flavorings, seasonings and with or without sodium or potassium nitrate or sodium or potassium nitrite. It shall not contain liver or meat from animals other than cattle, swine or sheep. It shall not contain gum, thickener, stabilizer, coal tar color, arificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid, crackling meal, lungs, melts, eyes, lips, udders, ears or spinal cords. No other parts of the animal or any other substance excepting as above specified shall be permitted in liver sausage.

(g) Head cheese and sulze. Head cheese and sulze are the products of which the main constituents are meat or snouts, ears or tongues obtained from swine or cattle or sheep and with addition of gelatin or salt, vinegar, sugar, spice and sodium or potassium nitrate, ascorbic acid, or the salts thereof, and sodium or potassium nitrite. They shall not contain more than 40% of gelatin by weight of the finished product. They shall not contain liver, cracklings or crackling meal, melts, spinal cords, eyes, stomach, udders or lungs. They shall not contain gum thickener, stabilizer, coal tar color, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphite, sulphur dioxide or sulphurous acid. No other parts of the animal or any other substance excepting as above specified shall be permitted in head cheese or sulze.

(h) Blood sausage, tongue sausage. Blood sausage and tongue sausage are products in sausage form consisting of meat or blood and other edible parts obtained from the slaughter of cattle, swine or sheep cooked with seasoning and flavoring material, with or without the addition of non-fat dry milk solids or cereal. They shall not contain gum, thickener, stabilizer, coal tar, artificial color, vegetable coloring, chemical preservative, boric acid or borates, sulphites, sulphur dioxide or sulphurous acid. They shall not contain cracklings or crackling meal, lungs, melts, spinal cords, eyes, udders, lips or any other substance not above specified. As amended P.A.1952, No. 228, § 2, Eff. Sept. 18; P.A.1954, No. 104, § 1, Eff. Aug. 13; P.A. 1955, No. 183, § 1, Eff. Oct. 14; P.A.1957, No. 315, § 1, Eff. Sept. 27; P.A.1958, No. 119, § 1, Eff. Sept. 13; P.A.1959, No. 159, § 1, Eff. March 19, 1960; P.A.1960, No. 152, § 1, Eff. Aug. 17; P.A. 1962, No. 184, § 1, Eff. March 28, 1963.

LIBRARY REFERENCES

M.L.P. Food § 3.

NOTES OF DECISIONS

1. In general: In determining whether sausage prepared by the mixture of spices, cereals, and water with pork meat was properly described as sausage, within P.A.1895, No. 193, as amended, the term "sausage" should be construed in its ordinary sense to mean an article of food composed of meat, salt, spices, without the addition of cereals, in accordance with the generally accepted use of the term, and not in accordance with the custom of manufacturers and dealers. Armour & Co. v. Bird (1909) 123 N.W. 580, 159 Mich. 1, 25 L.R.A., N.S., 616.

289.583 Sausage; grading

Sec. 3. No product shall be sold as sausage, except liver sausage, potato sausage, tongue sausage, blood sausage, bockwurst, kishka and New York (New England) (pressed luncheon), which is not graded as above and which does not meet the specifications for grade I sausage. P.A.1952, No. 228, § 3, Eff. Sept. 18.

289.584 Markings on packages and pieces; all meat or all beef labels

Sec. 4. The name of any product manufactured or sold under the provisions of this act, together with the name and address of the manufacturer, and also in the case of sausage, the term "Grade 1", shall be plainly marked or tagged on each package and true container as delivered to the retailer. Sausage in casings of the ordinary "ring" variety or larger shall be marked or tagged at least once to every piece, and sausage of the smaller varieties shall bear 1 or more marks or 1 or more tags to each pound, as hereinabove provided. Sausage labeled or advertised as all meat or all beef shall not contain any non-fat dry milk solids or dry whole milk.

Address of manufacturer; Michigan registration number; U.S. department of agriculture number. It shall be sufficient to give the address of the manufacturer's main or executive office if the package or true container of the product as delivered to the retailer is plainly marked or tagged with a Michigan registration number assigned by the department of agriculture or the United States department of agriculture establishment number of the plant at which the product was manufactured. P.A.1952, No. 228, § 4, Eff. Sept. 18, as amended P.A.1962, No. 184, § 1, Eff. March 28, 1963; P.A.1963, No. 123, § 1, Imd. Eff. May 10.

CROSS REFERENCES

Adulterating and misbranding, see § 750.16 et seq.

Department of agriculture, see § 285.1.

Food and drug commissioner, see §§ 289.2–289.61.

Fraud and deception, see §§ 289.81–289.100.

"289.585 Colored artificial casings or containers

Sec. 5. All products manufactured under terms of this act may be sold in colored artificial casings or container: Provided, That no such products shall be sold in colored natural casings. P.A. 1952, No. 228, § 5, Eff. Sept. 18.

CROSS REFERENCES

Container, notice of adulteration, see § 750.15.

Fraud and deception, see §§ 289.81–289.100.

289.586 Adulteration

Sec. 6. Any product within the purview of this act shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health or if it contains any diseased, contaminated, filthy or decomposed substance, or is manufactured in whole or

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in part, from a diseased, contaminated, filthy or decomposed substance, or if it is the product of an animal which has died otherwise than by slaughter, and any person who manufactures, sells, offers for sale, exposes for sale, or has in his possession with intent to sell such adulterated product, shall be guilty of a misdemeanor and punished therefor. P.A. 1952, No. 228, § 6, Eff. Sept. 18.

HISTORICAL NOTE

Prior Laws:
P.A. 1913, No. 151, §§ 1–4.
C.L. 1915, §§ 6509–6512.
P.A. 1927, No. 91.
C.L. 1929, §§ 5464–5467.
P.A. 1931, No. 328, § 26.

CROSS REFERENCES

Adulteration of food, see § 750.17.

Container, notice of adulteration placed on, see § 750.15.

Food products, legal standard of purity, see § 289.111.

Fraud and deception, see §§289.81–289.100.

Fraudulent adulterating of food, see § 750.20.

Misdemeanor, see §§ 750.8, 750.9.

LIBRARY REFERENCES

Food—5.
C.J.S. Food § 15.

289.587 Manufacture or sale in violation of standards

Sec. 7. Sausage shall be deemed in violation of the standards of this act if it contains excessive non-fat dry milk solids or dry whole milk, moisture and/or fat. Sausage, loaf, hamburger and chili con carne, liver-sausage, head cheese, sulze, blood sausage and tongue sausage shall be deemed in violation of the standards of this act if it contains any substance or product either specifically prohibited or not specifically provided for in its class according to the definitions set forth in section 2 of this act,[1] and any person who manufactures, sells, offers for sale, exposes for sale or has in his possession with intent to sell any such product in violation of the standards herein set forth or any such product that is not properly branded or labeled within the meaning of this act, shall be guilty of a misdemeanor and punished therefor. P.A. 1952, No. 228, § 7, Eff. Sept. 18.

CROSS REFERENCES

Food products, legal standards of purity, see § 289.111.

Misdemeanor, see §§ 750.8, 750.9.

LIBRARY REFERENCES

Food—13, 14.
C.J.S. Food §§ 21 et seq., 25.

NOTES OF DECISIONS

1. In general: A local manager of a nonresident company was not criminally liable for the sale of adulterated sausage by such company, he having had no connection with the transaction. Op. Atty. Gen. 1914, p. 752.

289.588 License, application, form contents, fees, issuance, renewal; exceptions, sale incident to regularly established business

Sec. 8. Before any person or persons, firm or corporation, packer or manufacturer shall manufacture any product within the meaning of this act, he or they shall first obtain a license from the Michigan agricultural commission. A license shall be obtained for each plant or place of business where sausage, loaves, hamburger, chili con carne, liver sausage, head cheese, sulze, blood sausage, New York (New England) (pressed luncheon), or tongue sausage is manufactured. Applications for such licenses shall be made to the Michigan agricultural commission, upon such forms as furnished by it, and shall show such information as may be demanded by the department of agriculture and shall be accompanied by a statutory fee as follows:

(a) Twenty-five dollars in the case of a manufacturer who manufactures and sells at retail at but 1 place in the state, which place shall be designated in the license.

(b) Fifty dollars in the case of a manufacturer making distribution through more than 1 and not exceeding 5 of his own establishments, for sale to the ultimate consumer, which place or places shall be designated in the license.

(c) One hundred dollars in the case of manufacturers or packing houses, making distribution through the usual trade channels for resale, and, in the case of a manufacturer making distribution through more than 5 of his own establishments for sale to the ultimate consumer, which place or places shall be designated in the license.

Upon receipt of such application the Michigan agricultural commission shall, after satisfactory investigation, issue to the person, firm or corporation making such application a license to manufacture sausage, meat loaf, hamburger, chili con carne, liver sausage, head cheese, sulze, blood sausage, New York (New England) (pressed luncheon), or tongue sausage as defined in this act: Provided, That it shall be within the discretion of the commission to refuse any license upon application of a former licensee whose license was revoked by the commission upon 3 or more convictions of violations of the law. All licenses issued under the provisions hereof shall be due and payable on or before August 1 and shall expire July 31 following the date of issuance; said licenses shall be renewed annually. The moneys received by the Michigan agricultural commission in payment of licenses issued under this section shall be paid into the state treasury general fund. The provisions of this section shall not apply to any farmer manufacturing and/or selling not to exceed 300 pounds of sausage in any 1 calendar year from pork and/or other meat produced or grown on his own farm. A farmer as used in this section shall be construed to include the owner, tenant or lessee of the farm. The provisions of this section shall not apply to any retailer who grinds fresh pork sausage and/or other meat products for sale at retail to the ultimate consumer upon his premises or in isolated cases sells such product to other retailers, or a sale incident to his regularly established business. P.A. 1952, No. 228, § 8, Eff. Sept. 18, as amended P.A. 1954, No. 104, § 1, Aug. 13; P.A. 1958, No. 43, § 1, Imd. Eff. April 7.

LIBRARY REFERENCES

Licenses 16, 22, 28.
C.J.S. Licenses §§ 30, 34, 38, 39, 46, 47.

NOTES OF DECISIONS

Exemption 1.
License fee 3.
Manufacturer 2.
Sale incident to regularly established business 4.

1. Exemption: Exemption contained in this section does not free from requirement for license groceryman who grinds hamburger and supplies it to restaurants. Op.Atty.Gen. 1957–58, No. 2868, p. 230.

2. Manufacturer: Words "upon his premises" used in this section requiring manufacturers of comminuted meat to be licensed and exempting therefrom retailers who grind fresh pork sausage and/or other meat products for sale at retail to the ultimate consumer upon his premises, refer only to the premises on which the retailer conducts his retail business. Op.Atty.Gen.1952–54, No. 1584, p. 56.

One who manufactures comminuted meats at one place and sells the product at retail at another place must be licensed as a manufacturer pursuant to this section. Id.

3. License fee: Manufacturers of comminuted meats licensed under section 289.235 (repealed) prohibiting the manufacture and sale of adulterated or deleterious sausage, were required to be licensed under Michigan Comminuted Meat Law (sections 289.581–289.592) and license fee paid under former section 289.235 could not be applied to fee required under the Comminuted Meat Law. Op.Atty.Gen.1952–54, No. 1584, p. 56.

4. Sale incident to regularly established business: Under this section exempting retailer who grinds meat products for sale at retail to ultimate consumer from necessity of obtaining license, retailer grinding meat for restaurants as well as other retail customers would be exempt from licensing provisions, but wholesale business of furnishing such meat to restauranteur customers would not be a sale incident to a regularly established retail business. Op.Atty.Gen. 1957–58, No. 3335, p. 228.

289.589 False advertising

Sec. 9. Any person or persons, firm or corporation, who shall publicly advertise in or by newspapers, window banners, hand bills, bulletins, bulletin boards, radio, television or otherwise, falsely with reference to the composition of products within the scope of this act manufactured, sold or offered for sale by him shall be deemed guilty of a misdemeanor. P.A.1952, No. 228, § 9, Eff, Sept. 18.

CROSS REFERENCES

False advertising, see § 750.33.
Fraud and deception, See §§ 289.81–289.100.
Misdemeanor, see §§ 750.8, 750.9.

LIBRARY REFERENCES

Fraud 68.
C.J.S. Fraud § 154.

289.589a Foods for infants

Sec. 9a. Foods especially prepared for infants are exempt from the provisions of this act when manufactured, sold, advertised or offered for sale for such purposes. P.A. 1952, No. 228, § 9a, added by P.A. 1962, No. 184, § 1, Eff. March 28, 1963.

CROSS REFERENCES

Fraud and deception, see §§ 289.81–289.100.

LIBRARY REFERENCES

Food No. 5.
C.J.S. Food § 15.

289.589b Prior notice to potential violator

Sec. 9b. The department of agriculture shall give prior notice to any potential violator of this act that a complaint may be filed against him. P.A. 1952, No. 228, § 9b, added by P.A. 1962, No. 184, § 1, Eff. March 28, 1963.

CROSS REFERENCES

Department of agriculture, see § 285.1.

289.590 Violation, penalty

Sec. 10. Whoever shall do any of the acts or things prohibited by this act or in any way violate any of its provisions shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than $100.00 and the costs of prosecution, or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment in the discretion of the court.

Revocation or suspension of license, hearing, appeal. It shall be mandatory for the director of agriculture to summon to appear before him any licensee who shall have been convicted 2 times for violation of any provision of this act in any 12-month period. The director shall give written notice to the licensee stating that he contemplates the suspension or revocation of the license herein provided and naming his reasons therefor. Said notice shall designate a time of hearing

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[1] Section 289.582.

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before said director and shall be mailed by registered mail to the licensee not less than 10 days prior to the date set for said hearing. On the day of the hearing the licensee may present such evidence as he deems fit. After hearing the testimony the director shall revoke or may temporarily suspend such license. Any person, firm, corporation, packer, or manufacturer whose license has been so revoked or temporarily suspended shall discontinue the manufacture, sale, or offer for sale within this state of any of the comminuted meat products within the purview of this act. Any licensee who feels aggrieved at the decision of the director may appeal within 10 days through writ of certiorari to the circuit court of the county where licensee resides. P.A. 1952, No. 228, § 10, Eff. Sept. 18, as amended P.A. 1957, No. 315, § 1, Eff. Sept. 27, P.A. 1962, No. 184, § 1, Eff. March 28, 1963.

HISTORICAL NOTE

The 1957 amendment added the penultimate sentence.

The 1962 amendment in the first sentence of the second paragraph, reduced the number of convictions from "3" to "2" and referred to any "12-month period," instead of any "1 license year."

CROSS REFERENCES

Certiorari, see § 678.22 et seq.
License, see § 289.588.
Misdemeanor, see §§ 750.8, 750.9.

LIBRARY REFERENCES

Food key 12 et seq.
C.J.S. Food § 21 et seq.

289.591 Act repealed

Sec. 11. Act No. 259 of the Public Acts of 1933, as amended, being sections 289.231 to 289.231, inclusive, of the Compiled Laws of 1948, is hereby repealed. P.A. 1952, No. 228, § 11, Eff. Sept. 18.

289.592 Short title

Sec. 12. This act shall be known and may be cited as the Michigan comminuted meat law. P.A. 1952, No. 228, § 12, Eff. Sept. 18.

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FEDERAL MEAT INSPECTION ACT

SEC. 408. Requirements within the scope of this Act with respect to premises, facilities and operations of any establishment at which inspection is provided under title I of this Act, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 202 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with the requirements under title I of this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under said title, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act. (21 U.S.C. 678).

H.R. 17420

A bill to allow states to apply more stringent marking, labeling, packaging or ingredient requirements than those set under the Federal Meat Inspection Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 408 of the Federal Meat Inspection Act (21 U.S.C. 678) is amended by striking the word "Marking" and inserting in lieu thereof the words, "Except where such requirements are more stringent than those imposed under this Act, marking".

UNITED STATES OF AMERICA, U.S. DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

[Civil Action No. 6250]

Armour and Company, a Delaware Corporation, Wilson & Co., Inc., a Delaware Corporation, and Geo. A. Hormel & Company, also a Delaware Corporation, Plaintiffs, vs. B. Dale Ball, Director of the Department of Agriculture of the State of Michigan and Ronald M. Leach, Acting Chief of the Food Inspection Division of the Michigan Department of Agriculture, Defendants.

Motion to dismiss and return to order to show cause and memorandum brief in support of Frank J. Kelley, Attorney General of the State of Michigan, and Maurice M. Moule, Assistant Attorney General. Business address: Seven Story Office Bldg., 525 West Ottawa, Lansing, Michigan 48913. Telephone: 373-1146. Attorneys for Defendants.

NOTICE OF HEARING

To: Foster, Lindemer, Swift & Collins, 900 American Bank and Trust Bldg., Lansing, Michigan 48933.

Please take notice that the attached Motion to Dismiss and Return to Order to Show Cause will be brought on for hearing before the Honorable Noel P. Fox, United States District Judge, at a time and place to be set by the Court.

FRANK J. KELLEY,
Attorney General of the State of Michigan.
MAURICE M. MOULE,
Assistant Attorney General.

Dated: February 11, 1970.

MOTION TO DISMISS AND RETURN TO ORDER TO SHOW CAUSE

Now comes the above-named defendants, B. Dale Ball, Director of the Department of Agriculture of the State of Michigan and Ronald M. Leach, Acting Chief of the Food Inspection Division of the Michigan Department of Agriculture, by their attorney, Frank J. Kelly, Attorney General of the State of Michigan, appearing specially, and respectfully move this Court to dismiss the Complaint filed in the above-entitled cause, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, for the following reasons:

1. The Court lacks jurisdiction over the person because the State of Michigan is immune from this action under the 11th Amendment of the United States Constitution.

2. The plaintiffs fail to state a claim upon which relief can be granted because:

(a) Plaintiffs do not allege any conflict between the Federal Wholesome Meat Act and Michigan law;

(b) Plaintiffs allege that a Federal regulation on one subject preempts the State statute on another subject.

3. Plaintiffs are not entitled to preliminary injunctive relief.

This motion is based upon the records and files of this Court and the Michigan Department of Agriculture.

Wherefore, defendants pray that the above-entitled cause be dismissed with prejudice.

FRANK J. KELLEY,
Attorney General.
MAURICE M. MOULE,
Attorneys for Defendants.

Dated: February 11, 1970

Address: Seven Story Office Building, 525 West Ottawa, Lansing, MI 48913, Telephone: 373-1146.

I

MEMORANDUM BRIEF IN SUPPORT OF MOTION TO DISMISS AND RETURN TO ORDER TO SHOW CAUSE

The court lacks jurisdiction over the person because the State of Michigan is immune from this action under the 11th Amendment of the United States Constitution.

Under the 11th Amendment of the Federal Constitution, a suit against the State of Michigan or its officers cannot be maintained:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subject of any Foreign State."

In *Copper Steamship Company v Michigan* (1952) 194 F 2d 465, USCCA, this court held that a state cannot be sued in Federal court without its consent and that suit against officers of a state, even though the state itself is not made a party defendant, may nevertheless be in effect a suit against the state and subject to the defense of sovereign immunity.

In *Ottinger v Blackwell* (DC Ark 1959) 173 F Supp 817, the court said that even though an action is brought against individuals, it may be in substance a suit against the state where it seeks to restrain or otherwise affect actions of defendants as state officers.

An action in federal court against the Oklahoma Insurance Commissioner was held to be a suit against the state where brought in his official capacity. *Great Northern Life Insurance Co v Read* (1944) 88 L ed 1121.

This court in *Brown Bros. Equipment Co. v State of Michigan and Michigan State Highway Commission* (1967) 266 F Supp 506, held that the 11th Amendment to the Federal Constitution prohibits suit against a sovereign state in federal courts by foreign citizens, citizens of other states, or citizens resident in the state being sued in absence of state's consent.

In *Environmental Defense Fund, Inc. v Michigan Department of Agriculture, et al* (DC West Dist SD 5760, 1967), when a declaratory judgment and injunctive relief was sought, this court said:

"Under that amendment [11th] to the Constitution a suit in equity cannot be maintained against the State without its consent; and generally suits to restrain actions of State officials cannot be maintained if the suit directly or indirectly is designed to coerce or to prevent action by the State. This is a fundamental constitutional concept.

"And in this Sixth Circuit, in the Copper Steamship versus the State of Michigan, the late Judge Miller, Circuit Judge, has held that a suit cannot be maintained against the State of Michigan without its consent. And in that suit, there was an attempt on the part of the plaintiff to assert a waiver, in effect a consent by the State of Michigan, when it created the Court of Claims. And Judge Miller in the Sixth Circuit found in effect that that did not constitute a waiver insofar as suits in federal court were concerned; that the doctrine of governmental immunity prevailed; that the consent of the

State was only to be sued in the Court of Claims, that it did not go beyond that statutory statement.

"On Page 466 of 194 F. 2d, Judge Miller said:

" 'It is settled law that a State cannot be sued in federal court without its consent. Eleventh Amendment, United States Constitution.'—and he cites a series of cases.

"It is equally settled law, 'that a suit against the officers of the State, even though the State itself is not made a party defendant, may nevertheless be in effect a suit against the State and subject to the defense of sover[e]ign immunity.'

"Now, the case of Copper S.S. Company versus State of Michigan, 194 Fed 2d 465, decided in 1952, is the controlling law in the Sixth Circuit. And I am bound by that decision, any other circuit court decision in the United States to the contrary notwithstanding. I therefore find that this court has no jurisdiction to entertain an action against the State of Michigan or the Michigan Department of Agriculture.

"* * *

"I said before, if I were to even issue a restraining order, I would be presuming jurisdiction which just does not exist. And it would be a nullity, and I would be guilty of the same thing which the plaintiff accuses the officers of the Michigan Department of Agriculture of doing; namely, acting ultravires.

"For the reasons stated, defendant State of Michigan Department of Agriculture's motion to dismiss is hereby granted."

The plaintiffs contend that sovereign immunity does not apply to state officers where "there are threats of official actions and evidence of such action and where the named officers would individually or personally, commit or threaten to commit any injury to the plaintiff."

We point out, however, that Sec. 10 of the Comminuted Meat Act provides in pertinent part that "it shall be mandatory for the Director of Agriculture to summon to appear before him any licensee who shall have been convicted two times for violation of any provision of this act in any 12-month period." This mandate refutes any argument that an action against the officer was not in effect a suit against the State.

II

PLAINTIFFS FAIL TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED

(a) Plaintiffs do not allege any conflict between the Federal Wholesome Meat Act and Michigan law.

Plaintiffs' claim that a regulation adopted pursuant to the Wholesome Meat Act preempts a Michigan statute requiring that all sausage contain at least 12% protein. MCLA § 289.582(a)(1) states that the total percentage of protein in sausage shall not be less than 12%. Plaintiffs do not allege that the Federal Wholesome Meat Act contains a different protein requirement. Plaintiffs do not allege that Michigan's protein requirement is less stringent than any Federal protein requirement. Indeed, the plaintiffs do not allege that any Federal protein requirement even exists. To the defendants' knowledge, there is no Federal protein requirement.

Nevertheless, plaintiffs cite 21 USCA 678 (a section in the Wholesome Meat Act) and argue that a Federal regulation concerning the percentage of fat in sausage requires Michigan's 12% protein requirement to be ruled invalid.

21 USCA 678 states, in part:

"* * * Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this chapter may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with the **requirements under subchapter I of this** chapter, * * *"

Although the defendants reject the plaintiffs' claim that Section 678 was intended to preempt the field of meat standards, even if the above allegation were true, plaintiffs do not show where Michigan's protein requirement is "in addition to or different than" a Federal protein requirement. The plaintiffs do not allege the existence of a Federal protein requirement.

Plaintiffs refer us to 9 CFR, 8(c)(40) which is included as Plaintiffs' Exhibit A. That regulation sets forth a 30% limit to the amount of fat a producer can put in cooked sausage. The regulation does not require any fat in sausage, however. 9 CFR 317.8(c)(40) requires nothing and in no way conflicts with Michigan's 12% protein requirement contained in MCLA § 289.582 (a)(1). Even if a producer were to go as far as to put 30% fat in sausage, there would still be plenty of leeway to insert 12% protein in the same sausage.

Plaintiffs also argue that Section 4 of the Michigan Comminuted Meat Law, being MCLA § 289.584, is invalid because it is preempted by the Federal Wholesome Meat Act. Section 4 requires comminuted meat products to be marked with the name and address of the manufacturer on each package. Plaintiffs argue that Section 4 is "in addition to or different than" Federal requirements. Plaintiffs do not cite any Federal statute or regulation to support their position.

21 USCA § 607(b) states:

"All carcasses, parts of carcasses, meat and meat food products inspected *at any establishment under the authority of this subchapter* and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Secretary may require, the information required under paragraph (n) of section 601 of this title." (Emphasis supplied)

21 USCA § 601(n) referred to above is an elaborate definition of the word, "misbranded." Among other things, Sec 601(n) states that meat or meat food products are "misbranded":

"* * * (5) if in a package or other container unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; * * *"

It should be mentioned, however, that the above section only applies to meat inspected at any establishment under the authority of subchapter I. Subchapter I provides that the following establishments are to be inspected: "Slaughtering, packing, meat-canning, rendering, or similar establishments."

The apparent purpose of the labeling provisions contained in §§ 607(b) and 601(n), cited above, is to ensure that those who process meats identify themselves on the face of the meat package. Therefore, in the case of the plaintiffs who are primarily manufacturers and processors of meat, the Federal act would require their name and place of business. The Michigan Act requires the plaintiffs to indicate their name and address. Unless we are to decide that the word "address" means something different than "place of business," the Michigan requirement does not appear to be in addition to or different than the Federal requirement as it pertains to the plaintiffs.

(b) Plaintiffs allege that a Federal regulation on one subject preempts a State statute on another subject.

Even assuming, arguendo, that plaintiffs' claim of Federal preemption is meritorious and that Michigan's 12% protein requirement is in addition to or different than a Federal ingredient requirement, plaintiffs state no basis for relief. This is because plaintiffs do not allege that any Federal statute sets forth ingredient requirements. Plaintiffs merely cite a Federal regulation.

Plaintiffs cite the Supremacy Clause of the U.S. Constitution as supportive of their position that a Federal regulation reigns supreme over a state statute. The Supremacy Clause, or Article VI, clause 2 of the U.S. Constitution states:

"This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

A Federal regulation cannot be construed as a law of the United States made pursuant to the Constitution. To give the Supremacy Clause such an interpretation would be to replace government by democracy with government by bureaucracy. This is especially true if we are to accept plaintiffs' argument that a regulation relating to one subject would preempt a statute on another subject.

In the instant situation, plaintiffs' claim that a stricter state statute dealing with protein requirements is preempted by a Federal regulation relating to the percentage of fat in sausage. The necessity of national uniformity is not present in this situation. The only valid claim for uniformity in the quality of meat is the need to set minimum levels of nutrition and wholesomeness. Nevertheless, plaintiffs would argue that a Federal regulation, adopted under a statute, that statute being pursuant to the Commerce Clause, which is unrelated to the need for national uniformity, must preempt a state statute enacted under and directly related to the police power of a state.

It is axiomatic that the police power under the American constitutional system has been left to the states. *Keeler* v *United States*, 213 U.S. 138, 53 L ed 737, 29 S Ct 470 (1909). We should not easily overturn a statute properly enacted under that police power.

Plaintiffs claim that in the instant situation a Federal regulation is a law of the United States made pursuant to the Constitution under the Supremacy Clause. The above argument is not a general legal principle. Defendants, however, do not maintain that a proper administrative regulation or rule is never to be considered "law." In some instances rules and regulations are said to have the force of law. This does not mean that the instant regulation is "law" or is a law made pursuant to the Constitution. Whether a Federal regulation is "law" depends on the particular circumstances of each case (see for example *Singer* v *United* States, 323 U.S. 338, 89 L ed 285 (1944)).

Defendants submit that a Federal regulation, purportedly adopted pursuant to the commerce clause, in a situation where national uniformity is not necessary, is not to be considered the supreme law of the land for purposes of invalidating a statute which is properly enacted under the police power of the State of Michigan.

SUMMARY

Plaintiffs' claim for relief is based upon the grounds that certain ingredient and labeling requirements of the Michigan Comminuted Meat Law are "in addition to or different than" certain Federal requirements. Plaintiffs have failed to state what Federal requirements the Michigan law is "in addition to or different than." Even assuming that certain Federal regulations cover the

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same subject as Michigan requirements, and that the Michigan requirements are in addition to those Federal requirements, plaintiffs are not entitled to relief because Federal regulations adopted pursuant to a statute which is pursuant to the Commerce Clause are not the supreme law of the land for purposes of invalidating a reasonable state statute adopted under the police power of that state.

III

PLAINTIFFS ARE NOT ENTITLED TO PRELIMINARY INJUNCTIVE RELIEF PENDENTE LITE

It is well settled that a preliminary injunction may be granted only when an applicant can establish a substantial likelihood of success on the merits, that without such relief he will suffer irreparable harm, and that the preliminary injunction, if issued, will be consistent with the public interest. *Virginia Petroleum Jobbers Association* v. *Federal Power Commission*, 259 F 2d 921, D.C. Cir (1958); *Hamlin Testing Labs, Inc.* v. *Atomic Energy Commission*, 337 F 2d 221, 6th Cir (1964); *Associated Securities Corp.* v. *Securities & Exchange Commission*, 283 F 2d 773, 10th Cir (1960). To establish their entitlement to preliminary injunctive relief, plaintiffs have the burden of establishing a threatened immediate and irreparable injury if that relief is withheld (*Hudson Pulp and Paper Corp.* v. *Swanee Paper Corp.*, 223 F Supp 617 (N.Y. Dist Ct. S.D. 1963); *Girl Scouts of America* v. *Personality Posters Mfg. Co.*, 38 Law Week 2230 U.S. Dist Ct (N.Y.) Oct. 9, 1969), and an unequivocal showing that they will probably succeed upon a trial on the merits (*Imperial Chemical Industries Ltd* v. *National Distillers and Chemical Corp.*, 354 F 2d 459, 2nd Cir (1965).

Plaintiffs are not entitled to the injunctive relief requested, particularly where the injunctive order of this Court may adversely affect the public interests of the state defendants. Where, as here, injunctive relief will interfere with state governmental operations, a greater burden is placed upon plaintiffs to establish irreparable injury than when only private interests are involved. *Yakus* v. *United States*, 321 U.S. 414, 440, 441 (1944); *Virginia Railway Company* v. *United States*, 272 U.S. 658, 672, 673 (1926); *Petroleum Exploration Company* v. *Public Service Commission*, 304 U.S. 209, 222, 223 (1938); *Virginia Railway Company* v. *Systems Federation*, 300 U.S. 515, 552 (1937).

Indeed, "courts of equity may, and frequently do, go much further both to give and withhold relief in furtherance of the public interest than they are accustomed to go when only private interests are involved." (*Virginia Railway* v *Systems Federation*, 300 U.S. 515, at 552; *Pennsylvania* v. *Williams, et al*, 294 U.S. 176, 185 (1935)).

The State Defendants point out that standards in the State Comminuted Meat Act are higher than those in the Federal Wholesome Meat Act and that if the State is enjoined from enforcing the Comminuted Meat Act against the plaintiffs, it would be inequitable not only from the public interest point of view, but also from the point of view of other processors both foreign and in Michigan who would be subject to the requirements of the Michigan Comminuted Meat Act.

This Court, sitting as a court of equity in a proceeding involving state officials, must have a deep concern for the public interest. As recently as 1969, the United States District Court (E.D. Kentucky) in *American Book* v. *Blount*, et al, 295 F Supp 1189, has stated at p. 1191:

"This is especially true when the court is asked to give temporary or preliminary relief without the benefit of a full hearing and the opportunity to be fully advised on all issues. In Yakus v United States, 321 U.S. 414, 64 S. Ct. 660, 88 L ed 834, the Supreme Court said:

" 'The award of an interloctuory injunction by courts of equity have never been regarded as strictly a matter of right, even though irreparable injury may otherwise result to the plaintiff (citing cases). . . . But where an injunction is asked which will adversely affect a public interest for whose impairment, even temporarily, an injunction bond cannot compensate the Court may in the public interest withhold relief until a final determination of the rights of the parties, though the postponement may be burdensome to the plaintiff.' "

See also *Huard-Steinheiser, Inc.* v *Henry*, 280 F 2d, 79 at 84, 6th Cir. (1960).

The doctrine is thus firmly settled that preliminary injunctions are meant to preserve the status quo as it exists at the time the lawsuit is filed. *Tanner Motor Livery Ltd.* v *Avis Inc.*, 316 F 2d 804, at 808, 809, 9th Cir. (1963), cert denied 375 U.S. 821; *Miami Beach Federal Savings and Loan Association* v *Callander*, 256 F 2d 410, 5th Cir. (1958). By their motion for preliminary injunction plaintiffs seek to alter that status.

The status quo in this proceeding is that meat processors are complying with the Michigan Comminuted Meat Act which the Department of Agriculture is enforcing. The challenge of the plaintiffs to the constitutionality of said Michigan act requires them to carry the burden of proof as there is a presumption that the said act is constitutional. A preliminary injunction should not be granted when it will give the plaintiffs all the relief asked for in advance of hearing.

In the instant case, the prayer of the plaintiffs ask for preliminary and permanent injunction. Preliminary injunction, at this time, would destroy the status quo and give plaintiffs all the relief asked for in advance of hearing.

In *Niedzialek* v *Barbers Union, supra*, the Michigan Supreme Court cited with approval, at page 301 the following language from *Goldfield Co.* v *Goldfield Union*, 159 F 500, 511:

"An injunction *pendente lite* should not usurp the place of a final decree. Neither should it reach out any further than is absolutely necessary to protect the rights and property of the petitioner from injuries which are not only irreparable, but which must be expected before the suit can be heard on its merits."

See also *Dunn v Retail Clerks International Association*, 299 F 2d 873, 6th Cir (1962).

Nor have the plaintiffs met additional requisites for securing the injunctive relief requested of this Court. Rule 65 of the Federal Rules of Civil Procedure (28 U.S.C.A.) requires the furnishing of bond as a condition precedent to the issuance of any injunctive order by this Court. The state's rules of practice, adopted from their Federal counterpart, impose an identical requirement (Michigan GCR 1963, Rule 718), and decisions of the Michigan Supreme Court plainly contemplate that preliminary injunctive relief may not issue without the furnishing of such bond. *Barkovits v Veres*, 254 Mich 543 (1931); *Wayne Colorplate Co. v Wayne Circuit Judge*, 253 Mich 666 (1931); *Haire v Charlevoix Circuit Judge*, 201 Mich 224 (1918). That principle is equally settled by Federal precedents in which ruling has been made that failure to make provision for the issuance of bond preliminary to entry for an injunctive order renders the order void. *Chatz v Freeman*, 204 F 2d 764, 7th Cir. (1953) *Pioche Mines v Dolman*, 333 F 2d 257, 9th Cir. (1964). See, also *Friedman v Eight Judicial Dist. Ct.*, 399 Pac 2d 632 (Nev. 1965).

Respectfully submitted.

FRANK J. KELLEY,
Attorney General.
MAURICE M. MOULE,
Assistant Attorney General, Attorneys for Defendants.

Dated: February 11, 1970.

UNITED STATES OF AMERICA, U.S. DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

[Civil Action No. 6250]

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Armour and Company, a Delaware Corporation, Wilson & Co., Inc., a Delaware Corporation, and Geo. A. Hormel & Company, Plaintiffs, vs. B. Dale Ball, Director of the Department of Agriculture of the State of Michigan and Ronald M. Leach, Acting Chief of the Food Inspection Division of the Michigan Department of Agriculture, Defendants.

Now come plaintiffs, Armour and Company, Wilson & Co., Inc., and Geo. A. Hormel & Company, and seeking a declaratory judgment together with temporary and permanent injunctive relief, respectfully allege and show unto this Court as follows:

I

Plaintiffs, Armour and Company, Wilson & Co., Inc., and Geo. A. Hormel & Company, are corporations duly organized and existing under the laws of the State of Delaware and are qualified to do business in the State of Michigan.

II

Defendant, B. Dale Ball, is the Director of the Department of Agriculture of the State of Michigan; while defendant, Ronald M. Leach, is the Acting Chief of the Food Inspection Division of said Department of Agriculture for the State of Michigan; and the duties of both defendants include enforcement of PA 1952, No. 228, [Stat Ann Section 12.964(1) et seq.] as amended, hereinafter referred to as the Michigan Comminuted Meat Law, together with any and all regulations promulgated thereunder.

III

This is an action for declaratory judgment brought pursuant to Title 28 United States Code, Sections 2201 and 2202 to protect rights bestowed on plaintiffs under Article VI, Clause 2 of the Constitution of the United States of America; the Wholesome Meat Act, Title 21 United States Code Sections 601–691; and regulations promulgated thereunder, which were adopted pursuant to authority granted by the Federal Meat Inspection Act, formerly Title 21 United States Code Sections 71–91, and which were continued in effect when that Act was amended by Sections 601–624 of the Wholesome Meat Act. The matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand and No/100 Dollars ($10,000.00).

IV

Plaintiffs are engaged in the business of, *inter alia*, manufacturing and processing, at federally inspected establishments outside of the State of Michigan, sausage, including what are commonly known as frankfurters or weiners, bologna, and vienna sausage, which is transported into the State of Michigan for sale at wholesale and retail.

V

In accordance with presently effective regulations (portions of which are attached hereto and incorporated herein by reference as

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Exhibit A) contained at 9 CFR 317.8(c) and promulgated by the Secretary of the United States Department of Agriculture pursuant to authority granted him by the Federal Meat Inspection Act and the Wholesome Meat Act, plaintiffs manufacture and process sausage, as defined in such regulations, and otherwise conform to and comply with such regulations and all the statutes of the United States of America relating to marking, labeling, packaging, and ingredient requirements imposed on sausage transported and sold in every state of the United States, except Michigan.

VI

Pursuant to Article I, Section 8 of the Constitution of the United States, the Congress of the United States entered and preempted the entire field when, in Section 408 of the Wholesome Meat Act (being also Title 21 United States Code, Section 678), it declared, in material part, that:

"Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this chapter may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with the requirements of subchapter I of this chapter, . . ."

A copy of said Section 408 is attached hereto and incorporated herein by reference as Exhibit B.

VII

Since December 15, 1967, the effective date (for all purposes relevant here) of Subchapter I of the Wholesome Meat Act, plaintiffs have prepared all of their sausage, transported and offered for sale in Michigan, at federally inspected establishments in accordance with the requirements of said Act, and of the regulations adopted pursuant thereto and to the Federal Meat Inspection Act; the Secretary of Agriculture has made or caused the inspections required by law to be made from time to time by experts of the U.S. Department of Agriculture, both as to raw materials from which sausage is manufactured and the finished product, as well as to the factories or plants where such sausage is manufactured, packed or prepared for market.

VIII

Notwithstanding the exclusive occupancy of this field by the United States of America, through its Secretary of Agriculture and other duly authorized agents, the aforesaid Acts of Congress, and the regulations promulgated pursuant thereto, the defendant, B. Dale Ball, as Director of the Department of Agriculture of the State of Michigan and the defendant, Ronald M. Leach, as Acting Chief of the Food Inspection Division of the Department of Agriculture of said State of Michigan have continued to enforce, as against sausage manufactured and processed by plaintiffs which has passed federal inspection and which would otherwise be saleable in every state of the United States except Michigan, certain marking, labeling, packaging and ingredient provisions pertaining to what is denominated as "Grade 1" sausage in the Michigan Comminuted Meat Law, which are in addition to or are different than those imposed under applicable federal statutes and regulations, including but not limited to, the following:

(a) A marking or labeling requirement that all sausage have applied to its package and container the designation "Grade 1".

(b) A marking or labeling requirement that all sausage have affixed to its package and container the name and address of the manufacturer even though the registered trademark, name and address of the distributor is revealed thereon.

(c) An ingredient requirement that all sausage contain not less than twelve percent protein.

IX

On or about January 26, 1968, one J. L. Littlefield, defendant Ronald Leach's predecessor as Chief of the Food Inspection Division of the Michigan Department of Agriculture, indicated, by letter addressed to each Plaintiff as well as other licensed comminuted meat dealers (a copy of which is attached hereto and incorporated herein by reference as Exhibit C) that the Food Inspection Division of the Michigan Department of Agriculture would continue to enforce the Michigan Comminuted Meat Law despite the provisions of Section 408 of the Wholesome Meat Act; that thereafter in June of 1968, a shipment into Michigan of Armour and Company's sausage, which had passed federal inspection, was cited by the Food Inspection Division of that state as not complying with the Michigan Comminuted Meat Law because of a protein content of less than twelve percent and, as a result, the criminal penalties of Section 10 of that Act were invoked against said plaintiff; and that defendants, B. Dale Ball and Ronald M. Leach, have indicated that they intended to continue the policy enunciated by the said J. L. Littlefield as evidenced by the attached statement of the said B. Dale Ball in a recent publication, incorporated herein by reference as Exhibit D, as well as the affidavit of Richard B. Foster, which is also incorporated herein by reference as Exhibit E. Said J. L. Littlefield did announce on or about February 10, 1969, as evidenced by a letter (copy of which is attached hereto and incorporated herein by reference as Exhibit F), that the "Grade 1" legend required by the provisions of the Michigan Comminuted Meat Law would not be enforced, but there is no assurance that such administrative determination will continue.

X

Because Section 10 of the Michigan Comminuted Meat Law, a copy of which is attached hereto and incorporated herein by reference as Exhibit G; can also be invoked to suspend or revoke each plaintiff's license to sell sausage in Michigan if two or more violations of said Act are found to have occurred in any twelve-month period, plaintiffs intending to sell sausage in Michigan are forced to comply with the provisions of said Act which impose marking, labeling, packaging and ingredient requirements of the sort enumerated in Paragraph VIII in addition to or different than those imposed by federal statutes or regulations upon sausage prepared and processed at federally inspected plants; and all plaintiffs have thereby suffered irreparable injury either because of increased costs in complying with such additional or different state requirements or because of lost profits in deciding not to enter the Michigan market with respect to certain kinds of sausage.

XI

Plaintiffs fear that defendants will, unless enjoined by appropriate Order of this Court, continue taking whatever action is necessary to determine whether sausage, manufactured and processed by plaintiffs and passing federal inspection, meets the additional or different requirements of the Michigan Comminuted Meat Law with respect to marking, labeling, packaging and ingredients; all of which will suject plaintiffs to great expense, annoyance, and inconvenience in and about their efforts to comply with such additional or different state requirements.

XII

The aforesaid inspections, seizures, and actions of the defendants and all of the interferences with plaintiffs' businesses by defendants and their predecessors herein complained of have been made by the defendants as officers, employees or agents of the State of Michigan under the alleged color or pretended authority claimed by them to be in the laws of the State of Michigan.

XIII

This is an actual controversy existing between plaintiffs and defendants and no adequate remedy is available at law to plaintiffs.

Wherefore, plaintiffs respectfully request:

1. That this Court declare that the marking, labeling, packaging and ingredient provisions, including but not limited to those hertofore specifically referred to in Paragraph VIII, of the Michigan Comminuted Meat Law are in addition to or different than those imposed under applicable federal statue or regulation and are therefore violative of Article VI, Clause 2 of the Constitution of the United States of America, as applied to plaintiffs' sausage passing federal inspection;

2. That this Court enjoin defendants, as well as their agents and servants, during the pendency of this action and permanently, from enforcing the marking, labeling, packaging and ingredient provisions, including but not limited to those specifically referred to herein at Paragraph VIII, of the Michigan Comminuted Meat Law, against sausage manufactured or processed by plaintiffs which has passed federal inspection in accordance with federal statutes and regulations;

3. That this Court declare that plaintiffs have the right to sell their sausage in the State of Michigan for sale at wholesale or at retail so long as the same bears the mark of federal inspection unless it is found to have become unwholesome, or otherwise violative of law, since passing federal inspection; and

4. That this Court enjoin defendants, as well as their agents and servants, during the pendency of this action and permanently, from seizing, detaining or otherwise interfering with the transportation and sale of sausage manufactured or processed by plaintiffs and bearing the mark of federal inspection unless it is found to have become unwholesome or otherwise violative of law, since passing such federal inspection.

ARMOUR AND COMPANY,
Plaintiff.
HUGH COKE,
Its Vice President.

State of Illinois, County of Cook, ss.

On the 3d day of December, 1969, before me, a Notary Public in and for said County and State, personally appeared Hugh Coke, to me known to be the person whose name is subscribed on the aforegoing Complaint, who made oath that he is a Vice President of Armour and Company, one of the plaintiffs herein, and is duly authorized to sign this Complaint in its behalf, that he knows the contents thereof, and that the factual allegations of the same, as they relate to Armour and Company, are true to the best of his knowledge and belief.

ARLENE C. WENNBERG,
Notary Public, County of Cook,
State of Illinois.

WILSON & CO., INC.,
Plaintiff.
HENRY S. AMALONG,
Its Vice President.

STATE OF ILLINOIS,
County of Cook, ss:

On the 4th day of December, 1969, before me, a Notary Public in and for said County and State, personally appeared Henry S. Amalong, to me known to be the person whose name is subscribed on the foregoing Complaint, who made oath that he is a Vice-President of Wilson & Co., Inc., one of the plaintiffs herein, and is duly authorized to sign this Complaint in its behalf, that he knows the contents thereof, and that the factual allegations of the same, as they relate to Wilson & Co., Inc., are true to the best of his knowledge and belief.

——— ———,
Notary Public, County of Cook, State of Illinois.

GEO. A. HORMEL & COMPANY,
Plaintiff.
LEE D. HOUSEWRIGHT,
Its Vice President.

STATE OF MINNESOTA,
County of Mower, ss:

On the 15th day of December, 1969, before me, Notary Public in and for said County and State, personally appeared Lee D. Housewright, to me known to be the person whose name is subscribed on the foregoing Complaint, who made oath that he is a Vice President of Geo. A. Hormel & Company, one of the plaintiffs herein, and is duly authorized to sign this Complaint in its behalf, that he knows the contents thereof, and that the factual allegations of the same, as they relate to Geo. A. Hormel & Company, are true to the best of his knowledge and belief.

GERTRUDE ANDERSON,
Notary Public, County of Mower, State of Minnesota.

Attorneys for Plaintiffs: Foster, Campbell, Lindemer & McGurrin.

RICHARD B. FOSTER.

Business Address: 900 American Bank and Trust Building, Lansing, Michigan 48933.

E. G. Robbins, of Counsel for Armour and Company.

Business Address: Box 9222, Chicago, Illinois 50690.

Louis R. Simpson, of Counsel for Wilson & Co., Inc.

Business Address: Prudential Plaza, Chicago, Illinois 60601.

Byron M. Crippin, Jr., of Counsel for Geo. A. Hormel & Company.

Business Address: Austin, Minnesota 55912.

PROMISES—PROMISES—PROMISES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the other day I received a letter from RMC (SS) Louis H. Kropp, U.S. Navy, retired, who resides in my district, asking that I publicize his experiences as a retiree of the armed services. He believes, and I share his belief, that every Member of Congress should be aware of the plight of our retired service personnel and he reminded me of the promises we have made to them. Here are his comments:

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(By Louis H. Kropp)

I am 62 years of age now. I guess I might be classified as a senior citizen. I enlisted in the Navy in 1927, and retired in 1957. I spent 30 of the best years of my life in the service, practically all of it in submarines. I retired as a Chief Radioman, an E7. (E8 and E9 had not yet been authorized when I left the service.) After retirement in 1957, I didn't feel that I was through, actually. I felt that I had a critical skill, with a lot of training and experience, and was more or less on inactive duty. I was ready to return to duty during the Cuban missile crisis. Had their been a National Emergency in Viet Nam, I was ready to return to duty. Fortunately, I was not called. There were no National Emergencies. But, I did stand on the sidelines trained and ready to go. I'm proud of this country and ready to defend it's policies at anytime. That is the life I lived, and that is the way I feel.

Now, what has 13 years of retirement done for me? I won't say it has made me bitter, but disappointed, yes. Seven times I re-enlisted, and seven times I was reminded of *all* the benefits that awaited me should I remain in the service, make it a career, and retire. Call them promises if you will. I believed this reenlistment talk and looked forward to a life of security after retirement. Now, I have been retired 13 years, and just what do I receive? Let's look at it.

My retirement check I receive regularly. I look forward to it and I don't feel guilty about accepting that, as I earned it for 30 rough years. The actual amount at present is 270 dollars a month after withholding and insurance deductions. Not enough to live on. So I went to work after retirement and have been working ever since. In the meantime, E7's in the service have received numerous pay raises that do not in any way reflect in my retirement check. I do get cost of living increases. An E7 retiring today, gets a better retirement check than I do although it costs me just as much to live.

Now, let's look at medical care for me and wife. Fortunately, I live in the Washington area and the Bethesda Naval Hospital takes care of us, and believe me, they have been wonderful. However, soon I will retire completely and go to Florida to live. Just as soon as I can get social security at age 62. I plan to live in the St. Petersburg area. There, I will have no Bethesda to take care of us, and I do worry a little. But, I am told that I can make use of Champus. A program where I pay a proportionate amount of the bills. This I can understand but, first I must find participating hospitals and doctors. It's not going to be easy with all the associated forms, but I will look for guidance from the Commandant of the district. I understand now too, that at age 65 for me and my wife, the Navy will no longer claim us, or aid us as far as medical care is concerned. We then must subscribe to Medicare. Understand, this is the service that guaranteed me medical security for me and my wife should I remain in the service for retirement. Then, to be real nice about it all, I understand that I must subscribe and *pay* for my medicare program.

Now, let's take a look at Commissary and Post Exchange privileges. First, let me give you a famous quote I heard for seven times on re-enlisting. "If you serve 20 years or more (I served 30) and retire you *rate* all the benefits and privileges an active man rates." Yet, when you begin to use these facilities, you'll soon find that everything for retirees is "as facilities permit," or "at the commanding Officers discretion." I have the feeling I *don't* rate these things as an active man does. True, as yet I have not been turned down but I have the feeling that I *can* be refused services any time the Commanding Officer wishes it to be that way.

One other quote as a retiree you will often run into is, "Active personnel first." This more or less rubs me the wrong way. One good 20 or 30 year man on retirement is worth 10 of the present enlistees who entered the service to avoid the draft. Retired people have proved their loyalty and did their service. In any national emergency they will be recalled. I fail to see why there is a distinction.

Retirees are a big body of trained personnel in reserve. Congress shouldn't undersell us. I don't think, we are second-rate. If, on retiring we rate all the privileges I was led to believe, then it should be so—and if facilities are not available then they should be changed. If not, then the man in the service today contemplating a career, should be given a good picture of exactly what he can expect on retiring. There is no substitute for honesty. From my experience I received a lot of PROMISES which are falling short of what I was led to believe.

In closing I would like to bring attention to the talk I hear on abolishing the draft and having a "Volunteer" service. I even heard the word "Professional." I ask WHY??? Just what do the thousands of retired personnel represent. They were career men. They *were* your volunteers. The service today has a Volunteer force. The service as a career can be made very attractive. Groping for a new name won't do a thing. Making the service more attractive as a career will do just as much in cutting down the draft. But whatever answer is arrived at, keep your promises.

I have written this letter in the first person. Telling it like it is. Like I found it. I'm sure thousands of retired personnel will agree with my findings. Those of you who do drop a line to the Fleet Reserve Association. I think it is about time we were heard.

ETHICS AND DISCLOSURE BILL

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. BUSH. Mr. Speaker, today I am introducing a bill that will amend the Rules of the House to require more complete disclosure by Members, their spouses, and staff members whose annual salary exceeds $15,000.

Since coming to Congress, Mr. Speaker, I have annually made all my assets and liabilities a matter of public record. I have made total disclosure.

The behavior of public officials is of such importance to me that the second bill I introduced as a freshman Member of this body was one calling for the establishment of an Ethics Committee and disclosure by Members of Congress of their principal assets and liabilities, sources of income, and relationships with businesses which are beholden to the Federal Government. On February 27, 1967, the day I introduced that bill I was given a special order to discuss the importance of ethical behavior. Forty-three freshman Members of this body took part in that special order. Ethics is an important issue to those of us who were freshmen during the 90th Congress. The events of the past 4 years have proven that it is an equally important issue to the young people of this country.

When the ethics bill establishing a Committee on Standards of Official Conduct and requiring disclosure of certain assets passed the House I felt this was an important first step. This bill required disclosure of:

First. Interest in businesses doing business with the U.S. Government if the interest of the Member had a fair market value of $5,000 or more or if $1,000 income was derived from that interest that calendar year;

Second. Any connection with any organization from which $1,000 income was derived that calendar year;

Third. Any income for services rendered exceeding $5,000;

Fourth. Any capital gain exceeding $5,000 from a single source other than the sale of a residence occupied by the person reporting;

Fifth. Reimbursement for expenditures exceeding $1,000.

On August 24, 1967, I introduced a bill providing for further disclosure of assets and liabilities. Ideally, Mr. Speaker, I believe comprehensive disclosure requirements should be applied to Members of the House and Senate, judges and justices of the Supreme Court, and policymaking officials of the executive branch. On May 27, 1969, I cosponsored a bill that would require this. That bill is now pending before the House Judiciary Committee. In the hope that a bill pertaining only to Members of this body has a better chance for passage, I am today introducing a full disclosure bill for Members of the House of Representatives. A summary of the bill is as follows:

SUMMARY OF CONTENT OF ETHICS AND DISCLOSURE BILL

A. *Disclosure of Assets, Liabilities, etc.*—All Members of the House of Representatives, their spouses, and staff whose salary is in excess of $15,000 per year, should annually file not later than January 31 of the next following calendar year with the Clerk of the House a report providing full disclosure of.

1. All assets having a fair market value of $5,000 or more
2. All liabilities in excess of $5,000
3. All capital gains exceeding $5,000 realized from any source.
4. All other income in excess of $100 from any source—such as gifts, honorariums, etc.
5. Any interest in a professional firm engaging in practice with the United States government
6. Any interest in any business operating under license, certificate, etc. of the United States government.

B. *Lobby Disclosure.*—All the above mentioned shall in the same report disclose any compensation paid by a business, etc., attempting to influence passage of legislation; in the practice of rendering advisory or public relations services to the United States government; or engaged, or seeking to become engaged, in any kind of work with the United States government.

C. *Nepotism*—All Members of Congress and their spouses shall report any family member employed by the United States government or paid to attempt to influence legislation.

I believe the voters of this country are entitled to an accounting by each and every Member of Congress of all his financial interests. This should be a part of the decisionmaking process when they cast their ballot. The voter needs to know what a Member's assets are before he can accurately judge how much that Member's decisionmaking ability might be influenced. Disclosure would provide this kind of information.

Further, the public disclosure of assets and liabilities would encourage all of us to conduct our affairs with utmost scrutiny.

The basic strength of this Government, Mr. Speaker, is the faith that the people of this country place in their public officials. I offer this bill today in the hope that the House of Representatives will decide to set an example for the other branches.

No one likes to feel that everyone knows everything about their financial affairs, but in this moment in time, it is essential.

REAPPRAISAL OF INTERNATIONAL TRADE POLICIES

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. QUILLEN. Mr. Speaker, for more than 35 years, this country has had an open-door policy where international trade is concerned. We have encouraged the free exchange of goods with foreign countries because this has been in our best interest and in the interest of seeking peace and stability throughout the world.

This policy has served us well, but like all things of this nature, it must be evaluated from time to time. It must be reappraised in light of the circumstances of today.

Because widespread unemployment and underemployment exist in areas of our country, despite a long period of prosperity, we must take a particularly close look at what our international trade policies are doing with regard to our labor intensive industries—those which use the highest amount of labor per dollar of sales.

Three of our largest employers of workers at all skill levels are the textile, apparel, and footwear industries. Together they employ more than 2½ million people. In my own State of Tennessee, they provide employment for 117,000 people or one in every four manufacturing jobs.

In addition to the more than 117,000 Tennesseans directly employed by these industries, tens of thousands more earn all or part of their living from providing trucking services, cotton, manmade fibers, dyes, and other finishes used in our mills which produce everything from yarn to finished textile products for home and industrial use.

As large as this payroll is, it is even more important because it provides work for tens of thousands of people with limited skills.

The textile industry offers employment to hundreds of thousands of women. Nearly 80 percent of the employees of apparel industry and 43 percent of the textile industry are women. Many young people find their first manufacturing jobs in the textile industry and have an opportunity to learn skills which will help them advance.

This is the type of job-creating potential our labor-intensive industries offer, but by permitting unlimited growth of low-wage imports we are undercutting the very type of industry we need to be encouraging.

Last year, textile and apparel imports reached a record level of 3.6 billion square yards. This was better than double the amount we imported just 5 years ago, and already this year, textile imports are running at an annual rate of 4 billion square yards. It has been estimated that this level is equivalent to some 225,000 jobs.

This dangerous trend must be reversed. It must be reversed as quickly as possible and in a way that will enable our labor-intensive industries to grow as our economy expands.

Mr. Speaker, the textile import control bill, H.R. 17029, I have introduced will do just that. In addition, it is fair to all the countries engaged in international textile trade. It need not result in any major rollbacks in imports, but it will provide an orderly for sharing the future growth of our textile market.

This legislation authorizes the President to enter into voluntary agreements limiting imports of textiles, apparel and footwear. If any nation is unwilling to enter into any such agreement, the bill would establish a ceiling on imports in 1970 at the very high level of the 1967–68 average. In subsequent years, the ceiling would be adjusted up or down depending upon whether there were increases in domestic consumption.

Mr. Speaker, this is reasonable legislation, legislation which will further our broad goal of encouraging international trade, but at the same time it focuses on a basic domestic need, the need to provide employment in our basic labor-intensive industries.

POLISH THIRD OF MAY CONSTITUTION DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ROONEY of New York. Mr. Speaker, last Sunday, May 3, was a very important holiday to the many millions of Polish Americans and, like many things about that unhappy Communist dominated country, the holiday is a paradox of joy and sadness. May 3, 1791, marked the day of the adoption of the Polish Constitution—one of the brightest days in Poland's long history. It also sadly marks one of the most brutal acts of treachery and genocide of World War II—the murder of thousands of Polish leaders in the Katyn Forest near Smolensk 25 years ago.

America has always had strong ties with Poland and there is no more visual proof than the constitution of the two countries drawn less than 2 years apart. Just a little under 2 years after our Founding Fathers had ratified the American Constitution in 1789 Poland adopted one, without a revolution, that among other great precepts proclaimed "All power in civil society should be derived from the will of the people, its end and object being the preservation and integ-

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rity of the state, the civil liberty and good order of society, on an equal scale and on a lasting foundation." Poland had acted to correct internal weaknesses of her legislative and social systems.

But the idea of freedom and equality was repulsive to much of Europe then, even as it is now, and less than 4 years later Poland was overrun by Prussian and Russian soldiers. The country was once again partitioned and her people put to the sword. The true liberalism as expressed through the Polish Constitution could only be a threat to the repressive governments of Prussia and Russia, and therefore had to be eliminated. It is not strange then to find that given the opportunity to do the same thing in 1940, the Russians acted in the expected manner. Without hesitation they slaughtered the prime of Poland's manhood—officers, scientists, professors, religious, lawyers, and students. Some 4,423 graves were later unearthed in the Katyn Forest while 14,283 Polish prisoners of war undoubtedly came to the same tragic end their comrades did. There was only one reason for this slaughter, to eliminate the future leaders of Poland. The war for Poland at least, was over. The German juggernaut and Russian treachery had combined very efficiently to put out of action the comparatively small Polish armed forces. The deaths in Katyn were not combat deaths—they were not even reprisals. They were just plain murder. Is it any wonder then, Mr. Speaker, that the 10 million Americans of Polish ancestry constantly long for freedom for their former homeland? During the Polish Millenium 2 years ago, marking 1,000 years of Polish Christianity, I had the good fortune to meet with many of my Polish friends both here and in Poland and I can only say that the desire to be free burns as brightly in Poland today as it must have in 1791.

Mr. Speaker, we must encourage and help our friends in every possible way until such time, God willing, they are once again truly the masters of their own destiny.

POLISH CONSTITUTION DAY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mrs. GRIFFITHS. Mr. Speaker, we are proud to count among the peoples of America over 10 million citizens of Polish origin who contribute to our country the strength, vitality and joy of life and individual freedom for which they are so well known. On Sunday, Poles and citizens of Polish origin and their numerous friends around the world joined in celebrating the 179th anniversary of the adoption of the Polish Third of May Constitution Day.

It was on May 3, 1791, barely 2 years after the adoption of the U.S. Constitution in 1789, that Poland succeeded in reforming her public life and in eradicating her internal decline without a bloody revolution or even without disorder. Fundamentally, the Constitution of 1791 was an attempt to do away with the medieval and outmoded system of government in Poland and replace it with a modern constitutional monarchy and parliamentary type of government akin to the system existing in England. The Constitution discarded those aspects of the old system which contributed to the constitutional weakness of Poland. Like our own American document, the Polish Constitution pledged liberty and representation and a greater share in the nation's destiny to the people of beleaguered Poland. The Polish Third of May Constitution encompassed many of the principles of a free society that we in the West hold true today: the sovereign power and will of the people, the rule of law, and the protection of the individual from the smothering influence of an all-powerful state.

Regrettably, the May 3d Constitution was never given a chance to become rooted in the Polish political system. This failure was not due to any shortcoming on the part of the Polish leadership or of the Polish people, or indeed on the part of the document itself. But rather the failure of fruition was due to the Russian military intervention, their conquest of Poland, and the destruction of the Constitution. Fearing that the ideas embodied in the new Constitution would infect their subjects, the autocrats of Austria, Prussia, and Russia at once attacked Poland, overran it, and partitioned most of that country among themselves. This they did before the Constitution was effectively tested in Poland. A few years later Poland was overrun once more, and this time the rest of the country was parcelled out in the third partition of Poland in 1796.

But the spirit of that democratic constitution has lived in the hearts of the Polish people throughout their history of oppression and foreign domination and they are alive today. Although the Polish people have been suffering under Soviet-imposed rule for 25 years now, they are still vigorous in their personal opposition to the Communist system and have shown the courage which will enable them to overcome their Communist oppressors someday. Our participation in the observance of the Polish Third of May Constitution Day again this year dramatizes the support and interest of the peoples of the United States in the Polish nation and other peoples around the globe who are oppressed captives of communism.

Certainly, I am honored to join in this celebration and I fervently hope that the Polish dream of freedom will once again be realized.

30TH ANNIVERSARY OF KATYN MASSACRE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. PUCINSKI. Mr. Speaker, the Illinois division of the Polish American Congress, Inc., adopted the following resolution at a 30th anniversary observance of the Katyn massacre held in Chicago on April 12, 1970.

The resolution was presented by the organization's president, Dr. Edward C. Rozanski, and adopted unanimously by the 2,000 people who attended the solemn observance.

The resolution follows:

RESOLUTION ADOPTED AT THE 30TH ANNIVERSARY OBSERVANCE OF THE KATYN MASSACRE

Assembled at the commemoration of a tragic event, which has become known throughout the civilized world as the Katyn Massacre, we submit the following:

1. In accordance with the Soviet-German treaty of August 25, 1939, the Russian Army invaded Poland on September 17, 1939, when the Polish Army was bleeding in its valiant struggle against the armored might of Germany.

After the complete occupation of Poland by the German and Soviet forces, approximately 250,000 Polish soldiers were made prisoners of war in the Soviet zone of occupation. 15,000 Polish officers were placed in the prisoner of war camps in Ostashkov, Starobielsk and Kozielsk in Russia.

These officers were wantonly murdered on the orders of the Soviet government—4,500 at the Katyn Forest, the remainder in heretofore unknown locality.

The International Tribunal of Nurenberg punished Germans guilty of crimes of genocide, but failed to hold hearings and pass judgment on the crimes of genocide perpetrated by the Soviet Union, which to this date enslaves smaller nations.

Indeed, the Soviet leaders guilty of genocide were instead accorded wide ranging concessions at Yalta, where these Soviet war criminals were given the right of conquest in East Central Europe, which in turn enabled them to organize a vast empire, which today threatens the security of the free world.

2. According to press reports, confirmed by the State Department, NATO has worked out a strategic plan which provides for a nuclear attack on Poland and Czechoslovakia in case of Soviet aggresion against Western Europe. Its purpose is to warn Soviet Russia of consequences of a nuclear attack and so induce them to discontinue their invasion of Western Europe. The plan precludes nuclear attack against Russia itself.

Thus a nation guilty of genocide and conquest of many peoples, a nation which wages war against this country in Viet Nam and which openly declared its intention to destroy America, is to be saved from nuclear attack at the cost of the people of Poland and Czechoslokavia, who have always demonstrated their friendship towards the United States of America.

The nuclear barrage across Poland and Czechoslovakia would be tantamount to complete destruction of both nations, innocent as they are.

Within this context, the nuclear strategy of NATO constitutes planned genocide, this time conceived by the nations which proudly proclaim the superiority of ethical values of our Christian heritage and Western culture.

3. We, Americans of Polish descent, assembled at the solemn commemoration of the 30th Anniversary of the Katyn Forest Massacre, request the President, the Senate and the House of Representatives of the United States of America, and the entire American nation:

To implement the Congressional Resolution of 1952, which established Russia's responsibility for the Katyn Massacre;

To disavow the NATO nuclear plan against Poland and Czechoslovakia; and

To initiate United States policy, which

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would lead to the liberation of the people of Poland, Czechoslovakia and all other nations of East-Central Europe from Soviet enslavement.

UPWARD BOUND

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MOLLOHAN. Mr. Speaker, I want to bring to the attention of every Member of the House the activities of the Upward Bound program. This pre-college program for low-income students has been responsible for allowing many students in central West Virginia to get college educations that are vitally needed. Central West Virginia is where the poor are a majority rather than a minority in many counties. There are counties that are served by the Upward Bound program that have less than $2,000 per capita income where the national per capita is $3,600.

This program takes students who have completed the 10th and 11th grades of high school and places them on a campus in a two-part program. The first segment is usually a summer session of 6 to 8 weeks where the student enrolls in specially designed courses, and participates in a variety of cultural and social activities. The second segment of the program takes place during the academic year and the student takes remedial, enrichment, or accelerated classes.

Usually, the program employs both high school and college teachers for faculty and college graduate students and undergraduates as tutor counselors. The purpose of this Upward Bound program is to help students who would not otherwise be able to attend college, to get started and make up whatever deficiencies they may have because of their previous high school training. It is important to remember that the quality of secondary and primary schools depends primarily on the ability of the local community to support them and in central West Virginia many of our schools cannot sufficiently prepare a majority of their students for further education because of the limits on their resources.

Since this program began on a pilot basis in 1965, nearly 70 percent of the students eligible to enroll in a 2- or 4-year college have done so. The retention rate of the Upward Bound graduates has been similar to that of other college students.

Mr. Speaker, this is a program, unlike many, that serves a very real purpose, for it encourages many students and helps them through the critical stages of catching up on those skills and the confidence that is necessary for advanced education.

And if this region is to progress, its people must have the skills that today's economy demands. Consequently, Upward Bound fulfills a vital role when it takes a young man or young woman who has the ability to learn, but who has a deficiency in finances or previous education or both, and gives them the opportunity to upgrade their skills so that this deficiency no longer exists. The 70-percent success mark of this program shows its usefulness, and I think it is time that we allocated more funds to the area of endeavor.

For, if we wish to eliminate poverty in the coming generation, we have to invest in the education of the coming generation, and this form of education is one of the highest return investments that we can make.

QUO WARRANTO: UNIVERSITIES IN THE 1970'S

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. COHELAN. Mr. Speaker, I am concerned that the increased publicity being given to student activism will further obfuscate attempts to more clearly define the role of the university on our changing social system. Fortunately, sociologist Daniel Bell has attempted to analyse the present university system within a larger social context. His theoretical and speculative essay, "Quo Warranto: Universities in the 70's," represents, in my opinion, a thoughtful and provocative attempt to redefine the authority patterns within the university system.

During these times when charges and countercharges concerning student activism are rampant, it is well worth the effort to attempt to place the problem of the university system in a clear and less emotional context. Professor Bell's essay fulfills this need.

At this point, Mr. Speaker, I would like to insert Professor Bell's essay in the RECORD and I recommend the reading of this work to my colleagues and the readers of the RECORD.

[From the Public Interest, spring 1970]

QUO WARRATNO?—NOTES ON THE GOVERNANCE OF UNIVERSITIES IN THE 1970'S

(By Daniel Bell)

Quo warranto?—"By whose right?—is an ancient legal challenge to authority. The controlling problem of the governance of universities in the 1970's will be the resolution of a crisis in legitimacy, in the definition of authority which justifies any use of power or command. Clearly, in the last two years, there has been an enormous erosion of authority. The cry of the angry student has been, "By what right—who gave you the right—to say so?"

To govern is to exercise authority. In *The Social Contract* Rousseau wrote, "The strongest man is never strong enough to be always master unless he transforms his power into right and obedience into duty. . . ." No institution can live free of the daily shadow of coercion without the freely given consent of its members. A university cannot rule by power. In fact, it has no power other than the reluctant threat of expulsion; and if besieged it has to resort to civil authority, an action that serves merely to confirm a rupture rather than resolve a conflict. The lack of power makes the problem of winning assent much more a question of agreement than of vote, for if a minority finds a situation immoral, or intolerable, a majority vote does not of itself provide legitimacy for action. The problem then is twofold: accepting the challenge to deal with the morality of specific actions; and recreating a generalized trust in the institution. Morality involves the redefinition of accepted, and often unquestioned, judgments. Trust derives from a belief in the worthwhileness—in short, the character—of an institution.

The older authority of the university (and therefore a definition of its character) was in Max Weber's sense, of a "traditional" kind. It was rooted in the past and sanctified by its attachment to the central value system of the society. Its role was to exemplify and express those values. Those values were not, however, the ideology of any particular social body, but the maintenance of a tradition of free inquiry and of a consensus about what constituted civility. Recently, particularly the past twenty-five years, the university has sought, again in Weber's sense, a "rational-legal" authority—namely the assertion of a particular expertise (as the source of rational authority) and a willingness to serve society in its pursuit of socially defined goals (the basis of its claim to legal support). These rational-legal claims as well as the traditional authority are being challenged today—first by the students and now in a growing voice by the faculty.

To say that the university must regain its authority is simply to say that the university must live. But live as what? True, there has been an erosion of authority in the society and, to the extent that the university is part of the society, it is subject to forces beyond its control; but there has been a loss of trust in the institution itself because something has happened to its character. I would suggest that the crisis of legitimacy in the university (to the extent that it is specific and not just societal) derives from its assumption of many new and contradictory functions and from its evident inability to fashion a structure appropriate to its purposes. For twenty-five years the American university has been a vast "dumping ground" for tasks that society could not fill elsewhere. The university did not resist—in fact, it often welcomed—the intrusions; but it failed to adapt its structure to the new tasks. Now the major question is whether the university can fulfill these functions; and if it can not, what tasks should it legitimately assume.

Thus, we have a double problem: to redefine the character of "the university," and to create a system of governance appropriate to that character. Universities have become part of a new system of higher education—yet that system itself has had no central authority to raise questions about the direction of the university, its division of labor, and its acceptance or rejection of specific functions (the irony is that the universities, which have been accused of being an Establishment, lack the first requisite of an Establishment—the readiness and the ability to provide authoritative leadership.)

Any forecasts of problems facing the universities in the 1970's inevitably derive from a set of judgments about the relevant issues, and sources of tension, in the society. Some of these are obvious, some less so; but five factors seem to me to be central.

The Vietnam War

The war is morally dubious to a large section of the society, particularly the youth in the elite universities. But beyond the question of an immediate settlement of the war or the withdrawal of American troops is a deeper question of credibility. Was the decision to extend the American presence in Vietnam, and to undertake a leading role in the fighting, a mistake in judgment, an aberration of foreign policy, hubris about American power and omnipotence, or an integral extension of the character of the society? A significant portion of American youth questions American power and asks whether similiar kinds of intervention, overt or covert, will be made in the 1970's. The nature of American foreign policy, the definition of national interest, the role of the United States as a world power, are all problematic today; and these ambiguities affect the judgments and commitments of young people.

A significant number are wary or skeptical about the nature of America's intentions as a world power; a smaller number are already actively hostile (because of their vague allegiance to the idea of a *tiers monde*, to anti-Yankee and anticolonial sentiment among the Latin American intelligentsia, or to pro-Maoist or pro-Castro sentiment), and translate this into campus action. (The question whether the Vietnam War was "integral" to the American system, whether this country is or not imperialist, will be one of the great ideological debates in the universities—and among historians and political scientists—in the seventies, particularly as the New Left generation moves up into the professoriate. This question surely will affect the debates on the nature of the university's service to the society (e.g. the appropriateness of government-related and military-related research).)

The blacks

In the last two years, the blacks have become the most explosive issue on American campuses. Although the tensions will continue and even, intermittently, increase in the next year or two, I think that insofar as the universities are concerned, the situation will ease off by the early 1970's. This prediction is based on the observation that, even now, in spite of some heavy rhetoric, the blacks want to be included, not excluded from, society. Particlarly in the universities, there is every disposition on the part of the authorities to accommodate those claims. What we are now witnessing is the familiar sociological trajectory of every dispossessed group that has suddenly been enabled to move into a society from which it had been excluded: the ability to express hostility that has previously been suppressed; the reach of subjective expectations far exceeding objective gains; and the psychological need to assert a new group identity. Black studies and black control of segments of the curricula, it seems to me, are not, in the long run, fractious issues.

The last point needs some elaboration, particularly about the college blacks. It is a familar sociological phenomenon that a second generation that has not experienced the travails and humiliations of its elders often will become more militant and assertive in its expression of its claim and right to leadership. This is an "expressive" phase that is often necessary for consolidating group pride and group progress (witness the sabras in Israel). The crucial variable is the objective change in circumstances: so long as gains are real, visible, and steady (it is the abrupt halt or reversal in social advance that tends to precipitate revolution), then subjective expectations and psychological manifestations eventually become congruent with reality.

In all this, there is a useful analogy with the labor movement of the 1930's, which also had its sit-ins, its militant left-wing leaders, its wild rampages, and the like. But once the mechanisms of advance were institutionalized (in the labor contract), a process of accommodation developed. For the society as a whole, particularly in urban affairs, there is a need to create mechanisms of political bargaining (community control of schools is one such example) analogous to those of economic bargaining in the 1940's and 1950's.[1]

The multiplication of social problems

The most fractious and frustrating dilemmas of the 1970's will be the multiplication of domestic social problems: the environment, urban policy, housing, health, education, etc. These have come to a head for several reasons:

The growth in numbers. Since 1945, ninety million babies have been born in the United States; the net addition to population has been about 60 billion (or more than the total added from the founding of the republic to the Civil War). These individuals have demanded a level of services and amenities higher than that of any previous generation, owing to our rising expectation of a minimum standard of life, at a time when the costs of services have risen more rapidly (particularly in labor intensive areas like health and education) than any other economic sector.

The creation of a national society. In the last thirty years, the United States has become, for the first time, a national society. We have always been a nation, yet not, until now, a national society—one in which change in any one part of the society has an immediate and obvious repercussion in every other part. Social issues are thus more visible, and their impact more coordinated.

The growth of "externalities." Externalities, as economists define the term, is the unintended and often unplanned impact, in short the "fallout," on Third Party C (and D, E, and F, as well), of a private transaction between private parties A and B. The result is a social cost (though sometimes a social benefit, too). The most obvious example of a social cost is air pollution which is the result, in part, of the larger number of private automobiles. Externalities often call for public action and lead to the expansion of public, as opposed to private, goods. As the national society becomes more interconnected we can expect the growth of more externalities.

Yet all this comes at a time of triple failure. One is the failure, or the lack, of social knowledge. We just do not know how to cut into the system, how to decide which expenditures have a greater social-multiplier effect than others. We do not know how to organize an effective medical care delivery system. We do not know how to design an effective low-cost housing project (witness the extraordinary disarray of such projects as Pruitt-Igoe in St. Louis). Nor do we know (cf. the Coleman Report) how to organize a meaningful educational system.

The second failure is that of government. In the decade of the New Frontier and the Great Society, we have had many ideas and many programs (several hundred in the Great Society alone), but several of these (e.g. the housing program, and the welfare program) have been failures. In part they have failed because there is a shortage of capable administrators; because there are political pressures which distort the programs; and because there is a simple lack of social knowledge.

The third failure is the unwillingness to support a tax program adequate to social needs. The Vietnam War has only masked (or exacerbated) this failure. But in truth, as the present political agitation reveals, there is a great public cloudiness about the meaning of taxes, and the successive administrations have been unwilling to educate the public about the benefits of taxation. Most people view taxes as money taken from "me" by "them," as a subtraction from income, although actually taxes are the use of money for the necessary purchase of public services that individuals cannot buy for themselves.

In one sense, these are the failures of liberalism, of the easy pieties of liberal platitudes about "government planning" and "social change." These failures have contributed to young peoples disillusionment about the ability of the society to provide social amenities and a livable environment.

All of this will come to a head in the 1970's in a major respect. A society that has become a national society must necessarily become self-conscious about its goals, and the means of reaching them. We know that while we can clean up the environment (at a cost), provide more houses (at least in quantity), spend more for schools, and underwrite ballooning costs of medicine, we cannot do all of these at the same time (cf. the National Planning Studies of Leonard Lecht in "costing out" the Eisenhower Commission projections on national goals). We must choose. The great political debates of the 1970's clearly will turn on the subject of national priorities. And the big problem, if we are not to yield simply to organized political pressures, or to the exigencies of the moment, is to try to specify why one or another set of needs must take priority, and for what social reasons. Otherwise we simply multiply the frustrations and the loss of faith in the ability of the system to function.

The post-industrial society

Whether one calls our future state of affairs a "knowledge society," or a post-industrial society, it is becoming increasingly clear that the future urgently requires a highly educated population. I have argued previously in these pages[2] that the post-industrial society will increasingly depend upon the university for the codification of theoretical knowledge. But largely, that is the role of the elite universities. It is also true that there will be a greater occupational need for college-education, the university has become a gatekeeper, issuing credentials that regulate entry into the places of privilege in the society; indeed, it has almost assumed a quasi-monopoly position in this respect. And like any other human institution that assumes a monopoly position, the university inevitably has become a target for attack.

To a considerable extent, this attack comes from the students themselves. They fear, as the German poet Hans Magnus Enzenberger has put it, "the industrialization of the mind." The metaphor is not too farfetched, so long as one remembers it is a metaphor. The industrial revolution brought with it a new discipline and a new rhythm of work, imposed on the recalcitrant bodies of a rural artisan and farm-labor class. Between 1814 and 1840, the reaction to this imposition took the forms of machine-breaking, wildcat strikes, pastoral romances about the superior and idyllic virtues of times past and an elaborately conspirational image of "The Thing"—William Cobbett's word for the Establishment.

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[1] For an exploration of these problems, see Daniel Bell and Virginia Held, "The Community Revolution," *The Public Interest*, no. 16, Summer 1969, especially pp. 173–177.

[2] "Notes on the Post-Industrial Society," *The Public Interest*, nos. 6 (Winter 1967) and 7 (Spring 1967).

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Recent student outbursts are, to some extent, the early class struggles of the post-industrial society, against the imposition of an "organizational harness" and the discipline of a particular kind of intellectual training and professional expertise. Over the last several years, this organizational harness has been dropped on young people at an earlier and earlier age. The anxiety about admission to college begins early in high school; pressure to choose a major starts in the freshman year; the following year, anxieties about graduate school appear. And the pressure to remain in school from the draft foreclosed any possibility of a moratorium, a breather between college graduation and graduate school. (Perhaps the recent influx of college graduates into secondary school teaching as a result of the draft will be productive.)

The recent agitation to depreciate the importance of college degrees, to eliminate grades to have freedom in curriculum, to seek interdisciplinary work and the like, reflects all this pressure. I argued in *The Reforming of General Education* that much of this is logically and educationally unsound and that we need a greater degree of coherence and training in disciplines already in the curriculum. But one has to recognize the latent reasons and anxieties underlying the agitation.

Most assuredly as the student cohort of the late 1960's moves into teaching positions in the 1970's the attack on the established curriculum will gain force. This can be a source of enormously fruitful debate, if it is conducted in positive terms; but, if linked, as it may be, to the larger political issues of the day it will certainly be one of the major problems facing university administration.

The new sensibility

The most diffuse, but in the long run the most potentially disintegrating force in the society is "the new sensibility" in American culture. The relationship between social structure and culture is perhaps the most complicated problem of all social analysis. A change in the economy or technology, constrained as these are by resources and costs, has a determinable time sequence in a society. But changes in expressive symbols and values, in statements about the meaning of experience and in the codes for the guidance of behavior—the dimensions of art and imagination—are unconstrained. At times, as Ortega has said, they foreshadow the social reality of tomorrow because they are played out in the mind; but at times they remain only in the realm of imagination. Thus it is difficult to specify the exact consequences of experiments in sensibility.

For the last hundred years the culture of the Western intelligentsia has been largely anti-institutional and even antinomian. In the celebration of the self and the individual it presented a polarity of the individual versus society. It exalted the idea of the genius, or the artist, above social convention. But these impuses, as expressed from the romantic poets to the surrealists, have been contained by the shaping discipline of form in art. Today one encounters a double movement: an attack on form itself and on any effort to find meaning in art—the breakdown of boundaries and the end of genres; and what Karl Mannheim called "the democratization of genius," the idea that self-expression and self-fulfillment, are open to all without regard for boundaries and limits. In the "cult of experience" all realms of experience must be open and explored. Everything is under attack: authority, because no man is better than any other; the past, because learning tells us nothing; discipline and specialization, because they constrict experience.

Primarily, what has been added to the anti-institutionalism and antinomianism of the past is anti-intellectualism. What is celebrated is expression rather than idea, improvisation rather than text, sincerity rather than judgment. The psychedelic experience and the drug culture, the search for the "high" and for extended awareness, are the mass manifestations of this phenomenon. In this fierce anti-intellectualism, feeling and sentiment, not cognition, are considered more important. Education becomes not the transmission of learning but a search for "meaningful identity" to be gained by "dialogue," "encounter," and "confrontation."

As the political issues recede, it is likely that this cultural radicalism, which preceded the political, and has deeper roots in the past, will be extended. The cultist aspects of these movements (the Living Theatre, Susan Sontag) may fade from fashion, but it would be a mistake to assume that the deeper impulses will pass. For the time being, all this is restricted to a relatively small number, yet they are the culturebearers of an age. Just as Rimbaud, less than a hundred years ago, prefigured the beat and hippie cults of the past two decades, so do the Beatles make waves for the decade ahead.

Any cultural movement is multifaceted, and some interesting new areas of creativity will probably emerge from the new sensibility. But the *social* question is not the character of the next kind of high culture, but the fact that, for the first time, a sensibility of this kind has permeated a larger mass which by itself is not creative, yet which presumes that its experience, its search for "the true self" is as relevant as all art.

For the universities, the problem will swell in the 1970's, particularly as the large next high school generation, in which many of these attitudes have taken a strong if inchoate hold, enters the colleges. The situation will be particularly explosive in the humanities where these new impulses find their widest expression.

What does all this add up to for the next generations of college youth, and for the New Left now coming of age? In any immediate sense, the ability of young people to act in an organized, disruptive way will depend, in large measure, on pressing political questions such as the settlement in Vietnam. The SDS itself is in disarray. But if one wants to assess the possible consequences for the 1970's of these attitudes, then one can identify three responses, though not perhaps, the actual extent and influence of each of them.

1. *Urban guerrillas*. Some small portion of the New Left, completely hostile to the society, has psychologically taken the steps toward becoming "urban guerrillas," ready to act as a revolutionary force.[2] Tom Hayden and those who acknowledge his leadership typify this position. In Uruguay and some other countries, these urban guerrillas have already organized "hit-and-run" raids in their effort to disrupt the society. These cadres will be mobilized to exacerbate problems, maintain conflicts, and incite disruptive actions.

2. *The Crazies*. As mass frenzies recede, some small groups of *enrages*, becoming ever more frustrated at their inability to shape reality, will break out in nihilistic, sometimes senseless behavior. This has been the history of ebbing movements, from the Anabaptists to the Anarchists. One sees now, in such movements as the Weathermen and the Crazies, similar types of action. In any large sense, these are not serious. In a few specific places (Berkeley, Boston, New York), they may be responsible for serious incidents.

3. *The Alienated*. A large group of young people, puzzled, angry, alienated, constitute the "mass" for the radicals. While unwilling to act in a disciplined fashion (like the urban guerrillas), or in wild fashion (like the Crazies), they will find particular issues (the Columbia gym, the People's Park) which will be both symbolic and inflammatory.

How many young people are we talking about? We have little way of knowing though the *Fortune* polls give us some clues—in all, the three groups may reach as high as 30 per cent in the elite schools. A more important consideration, however, and a crucial one for all our problems, is less the percentage than the *change of scale*. In an arena of a thousand students, the five per cent who are active radicals adds up to only 50 activists, and they may have little impact. In an arena of ten thousand students, five per cent comes to 500, and these can form a powerful striking force when the situation is favorable. Our problem for the 1970's is that we are living through a new change of scale.

THE UNIVERSITY SYSTEM IN THE 1970'S

The problem of governance is tied up with the question—increasingly an ambiguous one—of what a university is and, more broadly, what *a university system* is in the society. One can, for the purposes of analysis, identify four functions which have been and are being performed today by the university:

(1) Custodial of the traditions of Western culture and the evaluation of claims to membership in this "great chain of learning." This is the oldest function, and it centered in the humanities. But this function is in process of dissolution. Ten years ago, a serious debate could take place about whether Nietzsche belonged in the canon of great works to the studied in a Humanities course—it actually took place at Columbia. Today, almost anything goes. During one of the sit-ins at Duke University, a student complained (on camera, during a TV news program) that his modern literature course only went up to the 1950's and did not include the 1960's.

(2) The search for truth through inquiry and scholarship: the effort to assert the philosophical foundations of certified knowledge, the discovery of the laws of nature, the explication of the norms and rules that govern human behavior. These inquiries still go on, though they have become, necessarily, more technical and specialized.

(3) The training of a large number of people as professionals in specific fields. A hundred years ago, one learned on the job. Now, with knowledge increasingly dependent on theory, one learns in a school and then takes a job. This function has been combined in recent years, with mass higher education and technical training on the junior college level.

(4) The application of knowledge to social use. This includes, in earlier years, aid to agriculture; more recently it has been the service to military technology and to economic planning.

Since World War II, the third and fourth functions have expanded enormously, for many reasons: the fact that theoretical

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[2] Witness, for example, the following argument for "resistance" by an SDS leader: "The institutions our resistance has desanctified and delegitimatized, as a result of our action against their oppression of others, have lost all authority and, hence, all respect. As such, they have only raw, coercive power. Since they are without legitimacy in our eyes, they are without rights." From a paper given at an SDS meeting in November 1967, "Toward Institutional Resistance," by Carl Davidson, Interorganizational Secretary.

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knowledge has become more intimately entwined with applied research and development; the needs of government and industry, etc. Whatever the reason, one sees the fruits of this in the multiplication of research institutes, centers, and programs in universities, the expansion of research and the service functions.

But all this brings us back to the root question: what is a university? It is startling to realize that we have not really had any adequate definition of a university. The university is ordinarily likened to an extended family, a secular church, to a corporation, to a community, or it is simply described as a microcosm of the society. And the multiplication of functions in recent years leads to increasing ambiguity and amorphousness about the nature of the beast—and this is one of the central reasons for the failure to define adequate governance. If it is like a family, then one kind of standard applies; if like a political community, another set of standards; if like a corporation, a third, and so on. But the very fact that all these metaphors and analogies are possible only multiplies the confusion and makes more difficult the question of asserting some justification—and therefore legitimacy—for authority in the university.

There are, it seems to me, two distinct justifications possible, each (as ideal types) representing markedly different roles for the university.

The first might be called the classical model. This is to say that the university is that institution in the society endowed with the special function (and the extraordinary immunity) of searching for truth and evaluating the culture of its times. In this sense, it is free to question everything—in theory. If it is to be true to its purpose, nothing is exempt from its scrutiny. But if it is to have the immunity from reprisal that goes with this power, it must obey the self-denying ordinance of remaining at the level of theory, of speculative discourse. The question whether anything is to be put into practice is a question, not for the university, but for the society. In this model, the university stands outside the society, and contains within itself all varieties of creeds and beliefs, and all kinds of persons, subject to the one qualification of competence in the world of learning and scholarship. These qualified individuals, scholars, are free to explore any question, and test all areas of human experience—in theory.

The second might be called the pragmatic model. Here the function of the university is primarily one of service to the society: service in training large numbers of persons, service in the application of knowledge, service of the members of the university in government and elsewhere, etc.

The legitimacy of each type is clear: the first, knowledge for the sake of knowledge; the second, social benefits. But the limitations of each view are also apparent. If one chooses the first, then one is barred, in the role as scholar and researcher (though not as citizen) from political advocacy and active partisanship. If the second, the question becomes: "Who shall decide?" Should the universities serve the military? Or the urban poor? Or the radicals? Should the criterion be national interest, social need, the command of money, the influence of power groups, or what?

While my formulation of the types is extreme, and somewhat abstract, the division is nonetheless real, and some choices will have to be made.

One answer can be to continue what we have at present—in effect, a form of laissez-faire. Those individuals who want to work in an ivory tower can do so; those who want to serve one or another group in the society are free to do what *they* want. This is possible, perhaps, from the point of view of the individual professor in the university. But what of the administrator, the foundation, the alumni, the government, and the various public claimants, those who give the money or make the demands. What choice can they make?

One way out of this difficulty is to realize that there need *not* be an either/or choice. If we are to fashion, as we must necessarily do, a national *university system*, then we can allow the different choices to exist within a differentiated system.

The difficulty, hitherto, has been that every institution of higher learning has sought to be, with few exceptions, like every other. What we need is greater variety, serving different aims in a differentiated division of labor. There is no reason why some institutions cannot be primarily in the service of scholarship and learning, with little need to take on added responsibilities. Some institutions can be oriented primarily to research, and others to training.

But in addition to differentiation we also need divestiture. The university has become a multipurpose institution taking on all the chores that a society cannot take care of elsewhere. When the military could not find disinterested sources of advice in industry, it created the Lincoln Lab and MITRE Corporation at MIT. When the Ford Foundation wanted to extend a system of public broadcast laboratories, it asked Columbia University to accept the responsibility, which at first it did, and then declined. When the AEC needed a manager for its Argonne Lab, it turned to the University of Chicago. But why should the universities take on all these functions? The problem for the 1970's I would predict, will be the effort of the universities to divest themselves of many of these tasks; and this is as it should be.

If there is to be a national university system, then we need to initiate more sustained thought about its desirable shape. Should graduate schools and their research preoccupations be linked with large undergraduate colleges? Should one not have two kinds of graduate schools, one for detailed research training and one for broader education? What is the optimal size of a single campus? What kind of division of labor can be created among universities as regards concentrations in different fields? Should some kinds of research be detached from universities and lodged either in government, in nonprofit institutions, or in some kind of academy structure (as in the Soviet Union)?

These are questions about structure and function. But if one goes further and links them to the question of legitimacy, one should, perhaps, grasp the nettle and make some further, broad distinctions. Can one give all universities—private and state, small and large, elite and mass, liberal arts and junior colleges—the same cloak of immunity and privilege that is worn in the classical model? What is "academic freedom" in a junior college and how does this differ from the citizenship of a corporation employee to speak his mind politically? Does membership in a "faculty" with all its privileges, extend to teaching assistants and librarians? In the present "Idea" of a university, we have a hollow ideology that is contradicted by a complex reality.

For the sake of argument, what would a national university system look like, if divided along the lines of legitimacy that I have proposed? In effect, we would have three different systems:

(a) An autonomous system of elite universities and liberal arts colleges whose justifications would reside in their allegiance to the classic pursuits of truth and scholarship and also would be recipients of the traditional immunities of a university so conceived.

(b) A large-scale system of state universities and junior colleges whose functions would be professional and technical training.

(c) A large-scale research and service system which would be client-oriented—to the government, to industry, to the various minorities—and whose function would be primarily that of applying knowledge to technological and social problems.

The system I have outlined so schematically is open, of course, to the charge of elitism. It is subject, more serious, to the accusation that in the character of knowledge and its application such distinctions are false and unreal. Perhaps. Each of these arguments is debatable. But the simple point is that these issues have never really been debated. If one is to think seriously of a national system of higher education, serving various purposes in a meaningful division of labor, surely we must initiate this kind of debate.

THE IMMEDIATE ISSUES

This discussion has dealt largely with deep-rooted structural problems of the university system. Yet there are some immediate problems of governance ahead.

The containment of disruption

While it is unlikely that we shall see more student uprisings of the scope of those in the past two years—I believe the crest has been reached—obviously there will be many new and recurrent episodes. The problem to be considered is not the scope of these protests—this is hard to predict—but the altered character of the chief organizing force, the SDS, and what this portends for the universities.

The character of the SDS has changed. Early studies of student activists, such as those by Keniston, Flacks, and M. Brewster Smith, portrayed them as passionate, idealistic youngsters who, looking at the evident imperfections of the society, sought to redress these evils at a great personal sacrifice of time and even of careers. Whatever the truth of these characterizations—and I believe they were on the whole accurate at the time—the picture is vastly different today. What these earlier studies have failed to take into account is a situational logic. For one thing, the kinds of action employed—militant, boisterous, disruptive, personally aggressive—have attracted to the movement many unstable personality types for whom the attack on authority is a sanction for their own obsessive rages and the acting out of hostile impulses. The "paranoid style" has become a feature of the SDS. More importantly—and we see here the repetition of what Frank S. Meyer has described, in a Fund for the Republic study, as *"The Molding of a Bolshevik,"* a "hardening" process which has also been graphically portrayed by Bertolt Brecht in his play *The Measure Taken*. The SDS organizational form has been transformed from its early open, spontaneous emphasis on participatory democracy to a closed, manipulative cadre form of organization, ready to use deceit and violence in order to gain its ends.

This trajectory of change is a product, in part, of being a harassed and hunted minority; more to the point, it is inherent in the political logic of a group that has become more determinedly revolutionary and finds that its older, anarchist mode is inadequate to its new aims.

The SDS picture is further complicated by a split in the organization that has now

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produced three groups claiming the use of the name: one, the faction whose headquarters are in Boston, controlled by Progressive Labor, the Maoist wing of radicalism; the other two, wings of the Revolutionary Youth Movement. The PL faction emphasizes the need for a "working-class alliance," and tends to be anti-drug and anti-pornographic. The Weatherman faction of R.Y.M. which controls the Chicago national office, thinks of students as the adventurist spearhead of a revolutionary movement. R.Y.M. II has become an old-fashioned radical youth movement, with overtones of Castroism.

Both aspects—the splits and the change in organizational character—will reduce the size and effectiveness of SDS. Sectarian wrangling drives away many individuals, and is a diversion of energies. The kind of commitment now demanded by SDS is too extreme for most students. Yet the rivalry between the various factions, plus the desire of both to "prove" themselves, may in the short run provoke more disruptions, as the SDS groups seek to inflame existing issues and find new ones.

How can such disruptions be contained? We must realize that the issue of disruption and of the character of the university are one. The authority of a university is not a civil authority but a moral one. It can deal with disruptions—or the threat of disruption—not by invoking civil force but by rallying an entire community to establish common rules of common procedure. Disruptive students can only be contained by a faculty and other students, not by police.

This is not to say that police should never be used. But calling in the police is not a last resort or a first resort, but one that may be used only after an administration and faculty and students have been mobilized on the issues. The failure of the Columbia administration in April 1968 was its aloofness, not from the SDS, but from its own faculty and students. It was the SDS which initiated the violence at Columbia by insisting that the university was the microcosm of the society and challenging its authority. After some confusion, the administration in its actions, accepted this definition and sought to impose its authority on the campus by resorting to force. But in a community one cannot regain authority simply by asserting it, or by using force to suppress dissidents.

Authority, in this case, is like respect. One can only earn the authority, the loyalty of one's students, by going in and arguing with them, by engaging in full debate, and, when the merits of proposed changes are recognized, taking the necessary steps quickly enough to be convincing. During April 1968, the Columbia administration never explained its case on the issues, and it had a good one (as Roger Starr has shown in his article "The Case of the Columbia Gym," The Public Interest, Fall, 1968). The following year, when the SDS made a wild allegations about the role of the university in community evictions, they were quickly answered in a White Paper, and the agitation collapsed. At Harvard, it seems to me, President Pusey drew the wrong conclusions from the Columbia example by moving to call in the police soon rather than late, instead of first mobilizing the Harvard community to condemn the seizure of University Hall.

In short, the point at issue is not SDS, for SDS is not concerned any longer with redress of specific evils or with genuine reform, but the confused allegiances of the moderate students. Without the support of the moderates, the SDS actions begin to crumble, as they did at Columbia and Chicago in the spring of 1968.

On the question of containing disruption, a crucial variable is the *style of leadership*. In situations of conflict or stress, the university, like any institution, needs a rallying symbol, and this is, necessarily, the president of the institution. Clark Kerr's conjecture (in *The Uses of the University*) that the president of a university would have to be a mediator is not so. The president needs to be active and cool, and aware of the ideological currents that are running so swiftly in the schools.

Structure and representation

One of the immediate reforms that must take place in many of our institutions of higher learning is the creation of juridical and representational bodies to deal with policy issues of the university. The university, today, faces a special problem. The idea of a small community of scholars (with senior common rooms and junior common rooms to mark the differences in rank) on the Oxbridge model is clearly inapplicable in the United States. Given its size and varied functions, the university today mingles a political model (as regards faculty self-governance and self-selection) with a bureaucratic model (in the relation of an administration to the students, often in the organization of research, relation to the community, etc). The clarification of these differences—how far the university must go in being a political community, and how much bureaucratization is necessary—is one of the most pressing problems in the explication of university goverance.

Clearly the university must become, more formally, a political community. The making of policy decisions must be open, subject to debate, and to some form of confirmation by the relevant constituencies in the university. There are, it seems to me, three major areas which require exploration:

(1) *The structure of representation*. The problem will vary from school to school. In some unitary colleges there might be some kind of proportional representation between faculty as a whole, administration, and students; in other, federated institutions, there would be representation by federated unit, etc. So far as I know, there are no studies of the range of representational structures and the rationales for each.

(2) *The relevant constituencies*. Who is to have a vote, and of what kind (with vote or without), in university deliberations? The librarians are pressing for faculty status. The teaching assistant wants to be considered as having a faculty role, though usually he is also a graduate student. Do nontenured and tenured personnel have equal voice on all issues? Again, there is here a major area in need of research and clarification of principle.

(3) *The division of powers*. What decisions, if any, are reserved for the trustees, who are often the legal custodians of the corporation? What kinds of administrative action are subject to review, and by whom? To state these questions is to indicate again how little discussion there has been of these most crucial issues of university life.

Beyond all these problems, one crucial consideration—which most people accept as metaphor, yet rarely explore in practice—has to be observed: that all these problems take place within a change of scale unprecedented in the history of the university. A change of scale is not simply a linear extension of size. As Galileo once defined it in his square cube law, a change of *size* is a change in *form*, and consequently in institution. Most of our older discussions of rights and responsibilities, the allocation of powers and the devaluation of responsibilities, are modeled on an organizational form whose size is of a vastly smaller magnitude than our own. It is this change of scale, in all its dimensions, and for all its consequences, that still has to be explored.

WHO IS GOING TO DO SOMETHING ABOUT WELFARE WASTE?

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. GUBSER. Mr. Speaker, I recently received a letter from one of my constituents which clearly expresses the attitude of a great many hard-working Americans who do their best to pay their own way and yet resent seeing abuses of the food stamp and other programs.

Since I have not requested permission of the constituent to include her name, it is being omitted. Nevertheless, I strongly urge every Member of Congress to read this letter and contemplate on the emphatic point it makes. The letter follows:

April 21, 1970.

Hon. Charles Gubser,
Congressman,
San Jose, Calif.

Dear Sir: Enclosed is a clipping from this morning's *Mercury News*. Is it any wonder the middle-class taxpayer is getting mad, mad, mad? I personally know of the following cases:

1. A high school principal with a $40,000 home getting food stamps.

2. A man and wife with joint incomes over $20,000 getting food stamps.

3. Last week while grocery shopping, the lady in line ahead of me had a large box of cat food, she started a conversation with the clerk. The customer ended up saying, "I just bought my kids a pony." She then paid her bill with food stamps. She did pay cash for 2 cartons of cigarettes.

My husband has a full-time job and works weekends as a mechanic on cars and trucks. I work part time as a R.N. Our combined salary was around $15,000 last year. We pay cash for everything—including cars—which we save for before we get the car. We do have a Standard Oil card, but our only other routine bills are utilities and house payments. We have two boys, one who starts college in the fall. We live from payday to payday and can save nothing. I put a certain amount in the bank each month to save for house taxes and extra income tax we have to pay. We don't have the boys deducted on our checks, but we always end up having to pay extra because we are *honest*. I save $5 a month—half dollars and pennies which I bank for each boy for a college fund. The older one has about $1,250 and the youngest $700. I have to pay income tax on the interest on these accounts. This year we paid $270 income tax to the state and $92 federal. I know a family who make more on one income than we do on three. They have a mine claim, they take as business expense—even deduct for an office—which is supposed to be their bedroom as they have a desk there which was there before they had the mine. Actually it is his hobby. He is allowed depreciation on a big truck he bought—also a jeep which the kids use to ride around in when they go to the mine. He does more work remodeling a shack which was on the property than he does on the mine. They paid $52 state tax and got a $900 federal refund. Do you wonder that I'm *bitter*?

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Another family I know. He drives his car on a county job. He gets mileage, but also uses it as an expense for deduction on income tax.

Another man drives his car on the job. He also gets mileage, but he takes $1,000 a year depreciation on his family car.

We are in our middle 50's. Is it any wonder we worry about the future?

The following are wastes I know of personally in welfare:

1. Patients get $15 a month for personal needs. This is retroactive. One patient told me she got over $100 she didn't even know she was entitled to. This she gave to a daughter whose husband was working. I also could use $100 extra. All personal needs are taken care of in the hospital. If they can't afford to smoke, they shouldn't. Many times the men go out on a pass and buy liquor which they hide in the bushes, etc. around the building. This is my taxes.

2. Cars for welfare patient. A man who works with my husband told him his mother was on welfare. She is a widow and needs it, but the social worker told her to go pick out a car. She picked out a '61, reported to the worker and was told, "You want a better car than that." She ended up with a '68. Who buys the gas for these cars? Our taxes.

3. A 14-year-old girl—broke her neck from diving in a swimming pool in *her* back yard. Part of the time her folks are on welfare. They had two cars. An attendant heard the social worker tell her mother to put in for an allowance for gas for coming to see her daughter.

The county of Santa Clara is millions of dollars in the red on welfare. Is it any wonder? They have taken from other funds to help make up this deficit. Personally I'm against striking, especially by public employees, but if they do not get a raise this year, I feel they are doing it justly if they do. They are paying twice—once with lower wages, and again with already high taxes.

Last year the County nurses got a 2.5% cost of living raise and according to the paper the cost of living went up 7.2%.

Who is going to do something about all these wastes?

Respectfully yours,

——— ———.

SUBSIDY HIT

EDITOR: In yesterday's Mercury (April 14) you carried an article about the food stamp program. In yesterday's mail I received a form from the food stamp office asking how much we contributed to our daughter's support; she was requesting stamps and is a state college student. We like many other parents, are more than able to pay our college student's expenses, but have refused to do so until said student conforms to her upbringing and our social values (not using drugs, living coed out of wedlock, etc.). This is, after all, the last weapon we as parents have to use to try to get these wayward students to do what, in the long run, is for their (the students') own good.

I wish to go on record that I object to the government subsidizing my child with my tax money when I have refused to do so because said child would not obey her parents. Furthermore, if these students would half try, they could put themselves through school, if they weren't so lazy and "up-tight," as they say, about our materialistic, capitalistic way of life. It's alright for me to work and pay taxes so they don't have to dirty their hands with the filthy money.

I have earned two degrees from the University of California and I did it without one cent from my parents who had five other children and could not afford to help me. Any young person who really sees the value of a college education could get it if they really wanted it without resorting to welfare.

I would like to see the government stop subsidizing these young radicals and let them find out what it means to work for a living. Let's stop the give-away program and instead encourage our young people to be responsible, hard-working citizens of this great country of ours. As long as we continue the way we are going we are raising a generation of leeches. I have written my congressmen to this effect and hope others will join me.

J. GATES.

Sunnyvale.

FOOD STAMPS

EDITOR: Mr. Logan is not alone in feeling disgust at the misuse of food stamps. (Public Forum, April 14, 1970). I recently followed a 200-pound, 25-year-old girl through the check stand at the grocery store who paid for a basket full of cookies, her only purchase, with food stamps!

Welfare money is limited regardless of what the administrators may think. It should be used to benefit those in need, and few taxpayers would object to its use for humanitarian needs. To this end I suggest that a list of basic staple foods be prepared from which purchases can be made using coupons. Items such as caviar, cookies, candy, soft drinks etc. should not appear on this list!

F. KELLY.

BILL TO ATTRACT QUALIFIED TEACHERS FOR OVERSEAS SCHOOLS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, as a member of the Education and Labor Investigating Committee, I have become increasingly concerned over our failure to attract more experienced teachers to Department of Defense schools overseas. In our visits to overseas schools the Investigating Committee has found that present policy on salaries creates a major deterrent to more experienced teachers making application to these schools.

The current salary schedule allows a maximum of 2 years' credit for previous teaching experience and as a result the majority of applications are from teachers with minimum requirements. The majority of teachers selected each year have less than 4 years of teaching experience. A part of this problem appears to be the fact that the current salary sechedule only allows credit for up to 2 years' teaching experience and, as a result, the master teachers would suffer a considerable reduction in compensation if they accepted a position in the overseas dependents' schools. Consequently, the current salary schedule is attractive mostly to the teacher who can meet the minimum requirements, which are a bachelor's degree and 2 years of experience. This applicant suffers no penalty, while teachers with more experience do not receive credit for their additional experience.

Additional credit for previous experience should be provided so that more experienced professional staffs will be attracted to teach in the overseas schools. Even though many teachers with the minimum of 2 years of experience do a fine job, it is only sound education policy that more master teachers who are recognized as such by school administrators in schools in the United States should be selected for teaching in the overseas schools. These master teachers will bring a knowledge of teaching techniques and educational expertise that comes only as a result of educational training and experience. Such master teachers are deserving of appropriate salary and should be given credit for at least 7 years of previous experience.

Therefore, I am today introducing a bill to require that in fixing a teacher's compensation, appropriate credit be given for prior teaching experience and not limited to only 2 years of experience.

EARTH DAY—LENIN BIRTHDAY COINCIDENCE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. ICHORD. Mr. Speaker, on April 22 which was designated as Earth Day, teach-ins on the environmental crisis were held at some 2,000 colleges and universities and some 4,000 public schools across the Nation. Seminars, symposiums, lectures, and exhibits illuminated problems of pollution, population, land use, resources, and the perils of not repairing the damage done to our planet. The improvement of our physical environment is one of the most challenging problems of our times and we need to develop new means of attacking the problems. However, there are those radicals who endeavor to advance the argument that our Nation's ecological problems are the result of inherent evils in our system of free enterprise and that a Communist revolution must be the goal of the ecology in this country. This argument was recently analyzed by the nationally known and distinguished journalist, Jenkins Lloyd Jones, in his column which was published in the Washington Evening Star. His article points out that April 22 also happens to be the anniversary of Vladinic I. Lenin's birthday, and Mr. Jones also perceptively observed that:

> The juxtaposition of Earth Day—Birthday was a happy accident for it gave Pravda a chance to report truthfully that on Lenin's anniversary many thousands of American students deserted their classrooms. If Earth Day catches on as an annual April 22 event, holidays on Lenin's birthday are assured.

This presentation reviews some reasons why pollution is a lesser problem in the Soviet Union. As part of my remarks, I insert Mr. Jones' article in the RECORD which follows:

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[From the Evening Star, Apr. 25, 1970]

THE EARTH DAY-BIRTHDAY COINCIDENCE

(By Jenkin Lloyd Jones)

By a funny coincidence Wednesday's "Earth Day," on which college students all over America held pleasant teachins on the spring greenswards in honor of the ecology, was also the 100th birthday of Nikolai Lenin.

This funny coincidence was unnecessary in parts of the world where large numbers of students are frankly Marxist-oriented. In Uruguay and Peru, for example, the 100th-birthday posters had been pasted on the walls for weeks and a good turnout was guaranteed for Lenin's memory alone.

But in the United States the juxtaposition of Earth Day-Birthday was a very happy accident for it gave Pravda a chance to report truthfully that on Lenin's anniversary many thousands of American students deserted their classrooms. If Earth Day catches on as an annual April 22 event, holidays on Lenin's birthday are assured.

This coincidence is happy for another reason. If Lenin's philosophies had prevailed in the United States we'd probably have a lot less pollution.

There is no exhaust-fume smog to amount to anything in any Russian city. There are no jammed freeways or mountains of junked cars. There are no parking problems on the Russian campuses. People go from town to town on trains, and in the cities they are served by trucks, buses and trains—all owned by the state. It's sort of restful if you can get a seat.

Nor is the Russian countryside desecrated by ranch-style suburbia, crawling over the once-beautiful woodlands. People in the cities are more likely to be neatly boxed in tall apartment houses, which the New Left would describe as tenements if they had been built over here. These apartments, with two or three families sharing a bathroom, save valuable space for nature.

There is less of a trash and garbage problem, too, under Lenin's system. There are not so many throw-away bottles or indestructible plastic containers. In many Russian towns if you want milk you bring your pitcher around to the government dispensing station, compared to Americans, Russians have become experts at learning how to use trash. This greatly simplifies the disposal problem.

Another good thing about the Leninist environment is the general absence of unwashed, naked-to-the-belly, hopped-up bomb-builders, their bodies sometimes painted with cabalistic signs. These people, gently tolerated as revolutionaries on this side of the Atlantic, are considered counter-revolutionary over in Lenin country and are handled firmly.

While in the United States any effort by the Establishment to make life uncomfortable for these social activists is likely to be denounced as overreaction, police brutality and even genocide. The Lenin system has no such hang-up.

On June 26, 1918, Lenin wrote as follows to G. Zinoviev:

"We have just learnt in the Central Committee that the workers in Petrograd wished to react to the assassination of Volodarsky by mass terror and that you stopped them. I decisively protest. This is im-pos-sible! One ought to encourage the vigor and the wholesale character of the terror against the counterrevolutionists!"

That sort of kept the dissidents in line. Indeed, to this day even dissenting poetry which doesn't affect the environment much one way or the other often means a quick trip to a "re-education" camp or an insane asylum.

One thing that messes up the environment in many non-Leninist countries, particularly since the invention of spray cans, is the practice of festooning walls with crudely painted signs like "Vive le communisme!" or "Abajo capitalismo!"

These signs are unnecessary under governments that revere Lenin. Any deviant signs containing reactionary error like those "Svoboda!" (Freedom) scrawls that were to be seen on the walls of Prague before the tanks moved in, have not only been painted out but a great effort has been made to school their authors in correct attitudes.

The great thing about a totalitarian regime is its neatness. Unhappily, the neatness of the Hitler regime in Germany—the perfectly aligned phalanxes of youth with upraised arms, the symmetrically laid out concentration camps, the efficiently arranged ovens—has passed away, and in West Germany today people go and come in unorganized confusion and there is a big trash problem.

But in Lenin country the magnificent masses march with precision through Red Square, junk cars perform usefully on the highways and a lot of garbage is eaten.

Happy neat-and-orderly Earth Day.

Happy Lenin's 100th Birthday!

AMBASSADOR OEHLERT ON WEAPONS FOR PAKISTAN

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. SIKES. Mr. Speaker, Ben Oehlert will be remembered as one of America's more capable Ambassadors. A successful businessman, he served effectively as Ambassador to Pakistan during the Johnson administration. He has a deep grasp of the problems of that area and in a recent letter published in the New York Times on April 19, he helped to clarify a question on weapons which exist in that area. I submit it for publication in the CONGRESSIONAL RECORD:

FOR AID TO PAKISTAN

To the EDITOR:

In a recent editorial page Topics column Chester Bowles, former Ambassador to India, opposed the sale of arms to Pakistan.

His views are entitled to consideration because he has long served our country in many capacities at great personal sacrifice. But there is another side to the story.

Pakistan has been called "the most allied of our allies" because of its membership in SEATO, CENTO and U.N. Commission for the Unification and Rehabilitation of Korea, our bilateral mutual-defense agreement, the U-2 base from which Gary Powers flew, and our communications base there.

At the time of the 1965 war between India and Pakistan, we cut off all military supplies to both countries. That had little effect on India, because only a small portion of its equipment was American. But the effect on Pakistan was devastating because nearly all of its equipment was American.

In April 1967 our Government notified Pakistan that it would resume the sale of ammunition and spare parts, and would look with favor on the sale by third countries of second-hand end items under U.S. control. But no end items have yet materialized.

Pakistan's requirements are modest in terms of quantity and degree of sophistication. It expects to pay for what it gets.

India is heavily armed with modern, sophisticated equipment, mostly Russian. With that equipment came a degree of influence, if not control.

Russia stands ready to furnish Pakistan with everything it needs. It is not in our interest that it do so.

Pakistan's geopolitical position is extremely strategic, with its proximity to both Russia and China, with East Pakistan bordering on the Southeast Asian countries and with West Pakistan being at the end of an arc that runs from the Western European countries through Turkey and Iran.

With Russia's growing power in the Mediterranean Sea and in the Arab countries, we cannot afford to see Turkey and Iran outflanked by Russia in Pakistan.

Israel and the Arab countries fought each other much more recently and are still shooting, but we supply both because it is in our national interest.

It has been established over and over again, including by India and Pakistan, that every country, rich or poor, will get what arms it feels it needs for self-defense.

It is better for us to sell arms to friendly countries rather than for someone else, and particularly our enemies, to do so.

It is far better for us to sell arms to friendly countries for their own self-defense that for us to defend them.

BENJAMIN H. OEHLERT, Jr.,
Former U.S. Ambassador to Pakistan.
PALM BEACH, FLA., *April 13, 1970.*

POSTAL REFORM FOR WHOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. RARICK. Mr. Speaker, the proposed postal reform act continues to generate more controversy than solution or public confidence.

People question why a reportedly defunct and destitute postal system announces plans to deposit its fund with minority-owned banks in various parts of the United States. The plan, according to the present Postmaster, is devised not to serve or benefit postal patrons but to provide cash loans to minority-owned enterprises. Many question the propriety of their post office funds being converted into a Freedman's bank subsidy where it can at best help create additional inflationary money through credit—see my remarks on page 13381, CONGRESSIONAL RECORD, April 28, 1970. This is the independent establishment that seeks $10 billion bond authority?

Similarly, columnist William Willoughby announces objections are being raised by several religious bodies to compulsory unionization of postal employees. How will these postal reforms benefit the mail patrons? Postal reform for whom?

I insert the Post Office Department news release and the Religious News clipping as follows:

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Post Office General Release No. 47

The Post Office Department in cooperation with the Office of Minority Enterprises today announced that action has been initiated to establish postal bank accounts with approximately 25 minority-owned banks in various parts of the United States.

"By increasing the banks' available cash," Postmaster General Winton M. Blount said, "we hope to significantly increase their ability to provide more loans to enterprises owned by blacks, Mexican Americans, Puerto Ricans, and other minority groups."

The program will help implement what President Nixon called "one of the priority aims of this Administration—encouraging increased minority-group activity."

Edward E. Tillmon, President of the National Banking Association, a group of banks which are predominantly black-owned, called the Post Office Department's program "an important step toward enlarging our banks' lending base and increasing their ability to help minority group businessmen provide more jobs."

Mr. Blount said that post office in nearly every city in the United States deposit funds on a daily basis. The minority banks will serve specific postal areas. In many cities the deposits will come from stations and branches located near minority-owned financial institutions.

The Post Office Department, along with other agencies, has actively participated in President Nixon's program of supporting minority-owned enterprises.

Some of the current manufacturing contracts which are from the Post Office include:

A $1 million order for canvas mail sacks and canvas inserts with the Watts Manufacturing Company, Compton, California.

A $283,000 contract with the Iron Nations Corporation of Sioux Falls, South Dakota, for canvas inserts.

A $16,300 contract with the B. & L. Metal Fabricating Company, Brooklyn, New York, for mail-handling equipment.

[From the Washington Evening Star, May 2, 1970]

Churches Oppose Postal Unionism

(By William Willoughby)

A section in the postal reform bill which would require compulsory membership in a labor union by all postal workers is being opposed by the Seventh-day Adventist Church and a number of smaller evangelical bodies. They contend that such a provision violates one of their basic religious convictions.

W. Melvin Adams appeared before a special House committee and said that the Adventist church "has taught its members to stand apart from industrial strife even though it recognizes that labor unions have made valuable contributions to society."

Adams, whose statement was authorized by denominational officials in Takoma Park, said several members of his church purposely have sought employment in the Post Office Department because work there has been shielded against compulsory unionism by executive orders from Presidents Kennedy and Nixon.

He said thousands of Adventists under the bill, "would be forced to make a cruel choice between their jobs and religious convictions."

OTHERS AFFECTED

The compulsory unionism is a matter of conscience also with Mennonites and Plymouth Brethren IV, along with certain other fundamentalist groups which have been represented by the National Association of Evangelicals.

Each group takes the same line of reasoning it followed in 1965 when the fight over the 14-B Amendment of the Taft-Hartley Act came to the fore. Members of these churches want guarantees that they may stay exempt from union membership, but most are not averse to paying amounts in lieu of membership to charities of their choice.

The Adventist spokesman said his churchmen feel barred by conscience from membership in any management or labor organization which requires men of varying convictions to adhere to policies, comply with decisions or abide by restrictions which may be contrary to individual religious convictions.

The Christian and Missionary Alliance, one of the larger denominations affected by such a bill, holds that "believers should not be unevenly yoked together with unbelievers," drawing on an Old Testament dictum. Several other small groups hold to the same tenet.

Adams suggested that a plan similar to one followed in Australia and New Zealand be written into the bill. Under such an arrangement, the religious objector would pay the equivalent of dues and initiation fees to the government.

ALTERNATIVE OFFERED

In this way, the objector would not belong to nor would he help to support the labor union. By the same token, he would not receive any of the ancillary benefits which a union contract might win for its members such as sickness and death benefits.

The spokesman said that when the 14-B talks were going on in 1965, George Meany of the AFL-CIO assured the House Labor Subcommittee that he and the unions he represented would honor the religious objections of such persons, and that it need not be written into law.

"This was five years ago next Sept. 20," Adams said. "To this date, not one international in the United States that I am aware of has been willing either to put into operation the formula suggested or to work out voluntary agreements acceptable to the religious convictions of Seventh-day Adventists."

He said the denomination is not opposed to the reform bill as a whole, but "from sad experience, we urge that this protection be written into the law."

Several thousand Adventists, plus persons from other sects, are employed by the Post Office Department.

The Church of Jesus Christ, Latter-day Saints (Mormons) also take a stance contrary to compulsory unionism, but from a different theological perspective. They feel it violates free will and therefore can be a hindrance to the individual bent on accomplishing what God's will is for him.

FAIRMONT FOODS CO. OF OMAHA EMBARKS ON FLAG CAMPAIGN TO PROMOTE AMERICANISM

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. CUNNINGHAM. Mr. Speaker, in this day and time when we have demonstrations against this and demonstrations against that, let me tell you what one of the leading firms in my hometown of Omaha is doing.

Fairmont Foods Co. is embarking upon a most admirable promotion campaign in the coming weeks to induce the spirit of Americanism throughout this Nation of ours. The campaign will continue through mid July. As you well know, this includes Memorial Day, Flag Day, and Independence Day observances.

During this period, the company will be giving away 2.5 million free flag decals and large 3 by 5 American flags to grocery stores. In addition, there will be patriotic bunting and other similar materials to decorate all customers' outlets.

This firm, I feel, should be praised for diverting its normal advertising dollar to tell the public about the history of the American flag and our proud heritage.

Mr. Gordon Ellis, president of Fairmont Foods, has received several letters from veteran and youth organizations praising his firm's undertaking.

Mr. Speaker, in these critical times, Mr. Ellis and his company certainly stand tall for their program to promote Americanism. I wish them the utmost success and I express my personal appreciation to the organizations who have taken the time to say "thanks" in the letters that follow:

Girl Scouts of the United
States of America,
April 20, 1970.

Mr. Gordon Ellis,
President, Fairmont Foods Co.,
Omaha, Nebr.

Dear Mr. Ellis: We have recently learned of Fairmont Foods Company's plan to reinforce positive feelings of national patriotism through a two-month campaign focusing on the American flag.

We commend such action by a business concern at a time when there is increasing need for all facets of our society to tangibly support the national beliefs and values on which this nation was founded, and of which the American flag is a symbol.

As a youth movement dedicated to the development of aware and responsible citizens, we share in this effort to foster greater understanding of both the meaning and respectful display of this symbol.

Our best wishes for the success of Fairmont Foods Company's effort.

Most sincerely,
Margery Lawrence,
Director, Program Development Division.

Veterans of Foreign Wars of the
United States,
Kansas City, Mo., April 2, 1970.

Mr. Gordon Ellis,
President, Fairmont Foods,
Omaha, Nebr.

Dear Mr. Ellis: I have just learned that Fairmont Foods Company is kicking off an outstanding patriotic program beginning mid-May and running through mid-July, during which time you will be giving away free decals and large American flags. I can think of nothing that has pleased me more during my term as Commander-in-Chief of the Veterans of Foreign Wars of the United States than your project.

I have long believed that one of the serious problems we face as a nation is the fact that too few business concerns bother themselves with actively supporting the very way of life that has made our nation great. There really is no need here to enumerate the recent bombings, destruction of private prop-

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erty, etc. because I do think that all of our fellow citizens are now very much aware of what a small, handful of people can do to upset any community.

The time is long gone when any of us can afford to sit idly by and ignore the great traditions and the great patriotic aspects of our nation. It was for that reason that the Veterans of Foreign Wars last November instituted "Operation Speak Out" which encouraged all of our fellow citizens to actively participate in their communities and challenge those who would destroy all that we hold dear. The average citizen did make himself heard but little or nothing was heard from the business community and this disturbed me greatly. Again let me congratulate you on your flag program and it is my sincere hope that others in the business world will follow your lead.

Sincerely,

RAY GALLAGHER,
Commander-in-Chief.

VETERANS OF FOREIGN WARS OF THE
UNITED STATES,
Kansas City, Mo., April 2, 1970.

Mr. W. G. McNAMARA,
Fairmont Foods Co.,
Omaha, Nebr.

DEAR MR. McNAMARA: May I take this opportunity to congratulate you and the Fairmont Foods Company on your forthcoming flag promotion. Our nation needs more of this type of active participation by the great companies in our country. I am confident that your flag program will bring great rewards to your organization, while at the same time helping to strengthen the institutions of the United States. For too long now there are those who have been willing to ignore the need for patriotic fervor. There are those who say patriotism is corny and out of date. Nothing could be further from the truth. Never in our history has there been a greater need to display our patriotism. Patriotism is what holds our nation together and makes us one.

Again let me congratulate you on this very worthwhile project. You are indeed making a contribution to our nation.

Sincerely,

JULIAN DICKENSON,
Adjutant General.

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